

18 March 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Ben Lusher

Dear Ben,

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
SYDNEY THEATRE COMPANY WHARF 4/5 UPGRADE**

I write on behalf of the Sydney Theatre Company (STC) which is proposing a major upgrade of its facilities at Wharf 4/5 at Walsh Bay. The upgrade is intended to create better theatre and rehearsal facilities as well as improved workspaces. The improvements are also focussed on creating enhanced visitor experiences as well as improving STC's revenue earning capacity.

The Wharf 4/5 upgrade project is considered to be State Significant Development (SSD) under Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 as it is a cultural facility with a capital investment value of over \$30 million.

The purpose of this letter is to request the Secretary's environmental assessment requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed development. This letter provides an overview of the proposed development, outlines the statutory context and identifies the likely environmental and planning issues associated with the project. Concept plans prepared by HASSELL are also enclosed (see Attachment A).

1. BACKGROUND

The STC is Australia's leading theatre company with audiences of over 290,000 per annum and an annual turnover of \$36 million. It is one of the largest theatre companies in the English speaking world and is internationally artistically recognised.

In 1984 the NSW Government renovated the upper two levels of Wharf 4/5 and adjoining Shoresheds. This adaptive re-use of Wharf 4/5 has become an important piece of cultural infrastructure for use by the STC as well as a number of other arts organisations including the Bangarra Dance Company, Sydney Dance Company and the Australian Theatre for Young People.

In 2013 the STC secured a further 45 year lease for its facilities at Wharf 4/5 and also for the Roslyn Packer Theatre on the southern side of Hickson Road.

The STC's use of Wharf 4/5 acted as a catalyst for the regeneration of Walsh Bay. Wharf 4/5 is recognised as a highly successful adaptive reuse of a landmark finger wharf and important heritage item. Its redevelopment 30 years ago was the subject of numerous architectural and design awards including the Sulman Medal. However, many of its spaces are no longer fit for purpose and the present use of the space is not optimised.

2. NEED FOR PROJECT

After 30 years of intensive cultural use, the STC's facilities at Wharf 4/5 are no longer deemed fit for purpose if the STC is able to confidently plan for the next 20 to 30 years of operation and remain successful. The issues that need to be addressed in the current design and layout are shown on the Existing Conditions Plan at Figure 1 below and at Attachment A. These include:

- Facilities at end of life after 30 years of constant use
- Outdated technology, poor acoustic separation
- Constraint on theatrical innovation and revenue potential
- Inefficient use of space, overcrowded
- Poor accessibility and wayfinding
- Sub-standard working conditions & public amenity
- Sub-standard theatre and back of house facilities
- Does not live up to vision for a world class arts precinct.

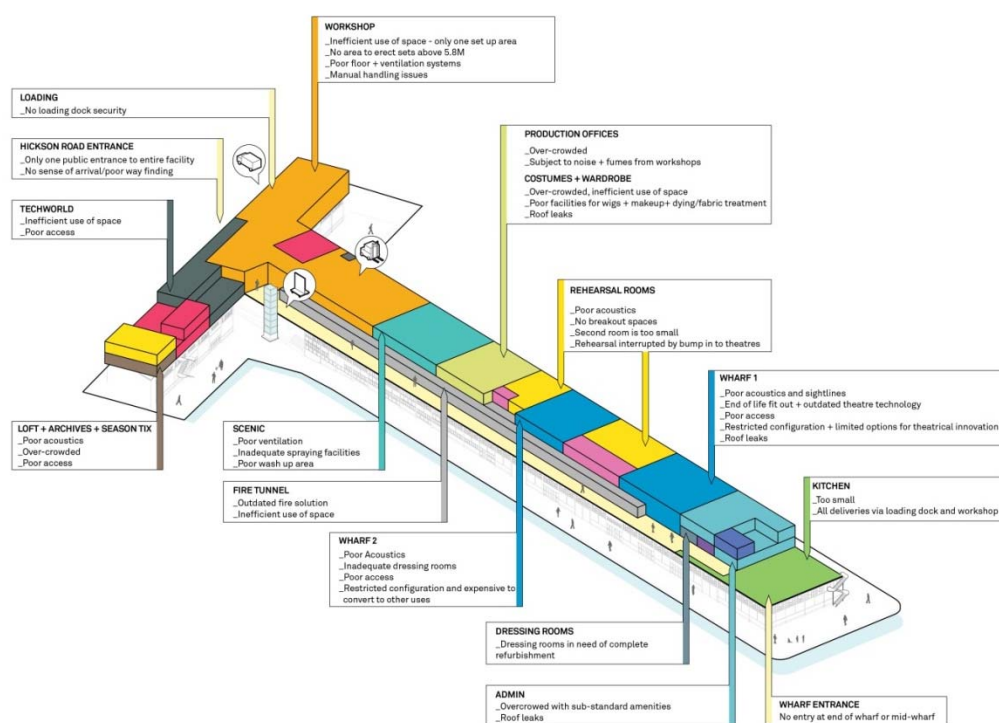


Figure 1: Existing Conditions (refer Attachment A for larger plan)

Along with STC's intention to improve its facilities at Wharf 4/5, the NSW Government has committed to the creation of the Walsh Bay Arts Precinct (WBAP). The concept provides for an integrated performing arts and cultural precinct within an enhanced public domain at Walsh Bay. In May 2015 the Minister for Planning under delegation granted 'in principle' (Stage 1) approval to the State Significant Development Application (SSDA) for the WBAP. As a provider of world class content and a highly respected and internationally celebrated brand, STC is well placed to be a key and essential player in the realisation of the WBAP.

3. THE SITE

The site comprises the upper two levels of Wharf 4/5 and the upper two levels of the immediately adjoining Shoresheds on Hickson Road, Walsh Bay. The site has an area of approximately 8,200sqm.

Wharf 4/5 is legally described as Lot 65 in Deposited Plan 1048377. The land owner is Roads and Maritime Services and Arts NSW is the Head Lessee. The STC premises are identified as parts "C", "D", "E", and "F" on Head Lease E133561.

The site is part of the Walsh Bay area which is located adjacent to Sydney Harbour within the suburb of Dawes Point. Walsh Bay is strategically located to the north of Sydney's CBD in the vicinity of major tourist destinations including the Sydney Harbour Bridge, the historic areas of Millers Point and The Rocks, Circular Quay and the Sydney Opera House. The Barangaroo redevelopment precinct is located immediately to the south-west. The site is located within the City of Sydney Local Government Area.

The site is shown in Figures 2 and 3 below.



Figure 2: The site (Source: www.nearmap.com)

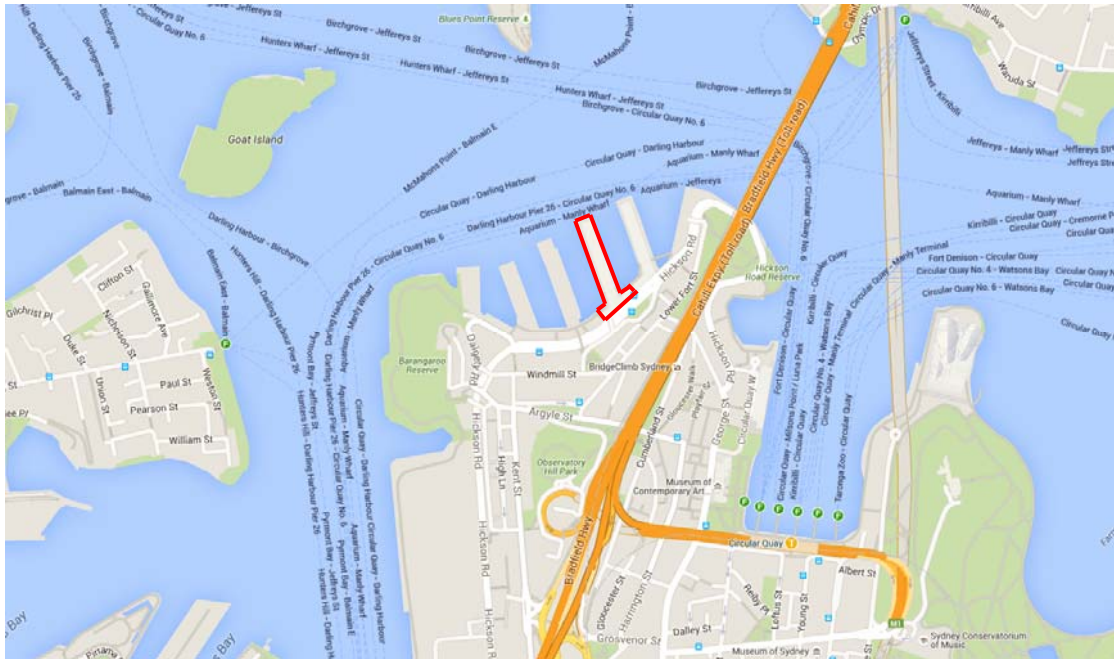


Figure 3: Location plan (Source: www.nearmap.com)

The Walsh Bay Wharves Precinct is listed as an item on the State Heritage Register.

Wharf 4/5 is a four storey timber building which was built around 1917 and used as a steamship berthing and cargo storage facility until the mid 1970s. Wharf 4/5 has been progressively upgraded and adaptively reused since the early 1980s. Together with the STC, a number of arts and cultural organisations use the facility which comprises a range of performance venues, rehearsal and workshop spaces, a recording studio, café/restaurants and office accommodation.

The existing STC facilities at Wharf 4/5 are shown in Figure 4 below. The arrangement of facilities provides for a logical progression and sequence from making to performing theatre. This linear occupation and production of theatre 'all under one roof' is a unique and important feature of STC's headquarters at Wharf 4/5.

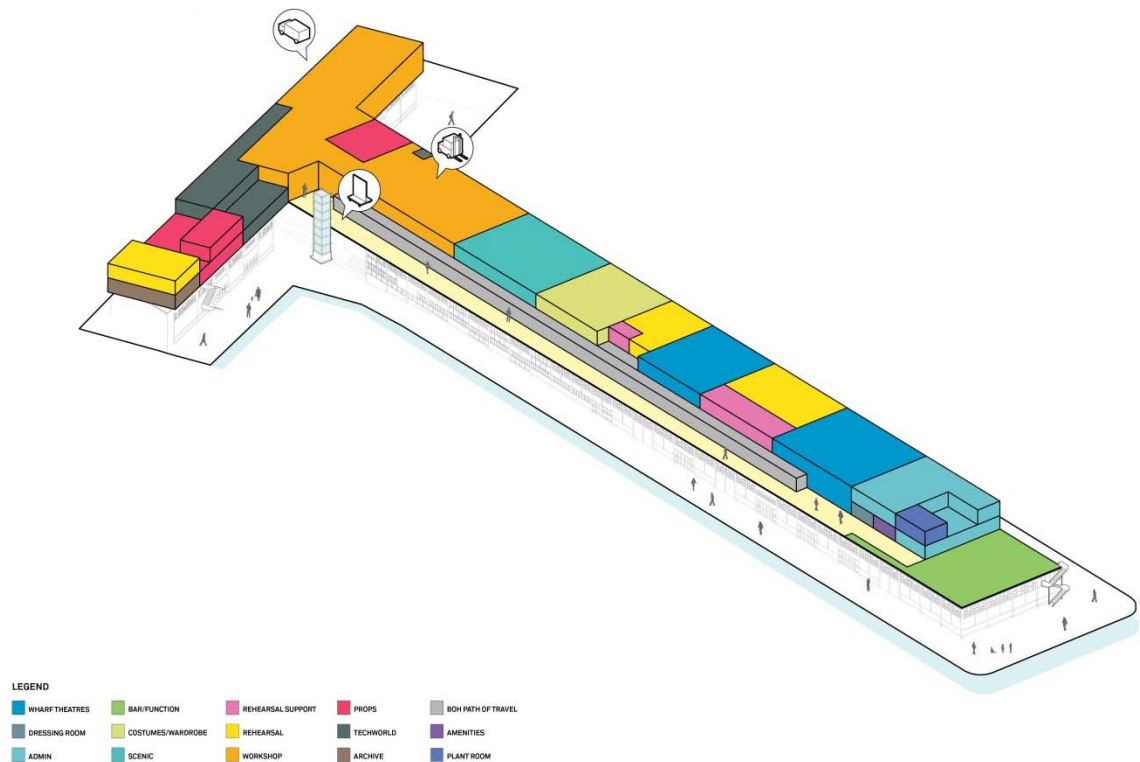


Figure 4: Existing STC facilities (refer Attachment A for larger plan)

Along with Wharf 4/5, the Walsh Bay Wharves comprise the following:

- Pier One which contains the Sebel Pier One Sydney Hotel
- Pier 2/3 is the last remaining undeveloped pier. It has approval for cultural uses, temporary arts events and some commercial events and is part of the Walsh Bay Arts Precinct.
- Pier 6/7 which has been redeveloped for residential apartments and associated boat marina
- Pier 8/9 which has been redeveloped for office uses, and
- Shoresheds which contain a range of commercial activities, including restaurants, bars, shops and offices. As noted above, the STC site extends into the Shoresheds.

Given the significant difference in grade between Walsh Bay and Millers Point, there are a number of bridges over Hickson Road which provide pedestrian access between the site and Millers Point. Services access for STC is via the bridge linking Pottinger Street and Wharf 4/5.

To the south-west of the wharves is Hickson Road, which provides the major vehicular access to the site. Hickson Road links the site to Barangaroo to the south-west and Circular Quay and The Rocks to the north-east. Other roads providing access to the site include Pottinger Street which provides access to Millers Point, and Towns Place which also provides access to Millers Point via Dalgety Road and Argyle Street.

4. DESCRIPTION OF PROPOSED DEVELOPMENT

The SSD application will seek consent for the following key changes at Wharf 4/5:

- Reconfiguration of uses within Wharf 4/5, as shown in Figure 5, to provide for more logical and useable spaces as well as an improved visitor experience and clear paths of travel
- A new improved street entry involving relocation of the stairs to allow for a greater landing and point of arrival to the STC entrance on Hickson Road
- Improvements to theatre, rehearsal and dressing room spaces including minor expansion of theatre capacities and introduction of more flexible spaces
- The introduction of new 'gantry' balconies, stairs and lifts mid-wharf and at the end of the wharf to provide for improved accessibility. The provision of the external stairs will enable the removal of the existing fire tunnel within the building which currently takes up considerable space. The new stairs and gantry balconies will offer two new entry points into Wharf 4/5 and also provide for a 'modern' fire engineering solution
- Minor amendments to the existing façade to accommodate new entries and exits along the Wharf
- Lifting the roof valley above the workshop roof to allow for flexibility in set design and above Wharf 1 theatre to improve the audience viewing experience and allow for a modern technical grid above the entire space which provides the opportunity for flexible use of the theatre space
- Provision of new public space mid wharf with an atrium and at the end of the wharf with a new multi-purpose room for workshops, creative learning, meetings and hospitality overlooking the restaurant and the harbour
- Improvements to acoustics, amenities and back of house and plant areas / facilities, and
- Relocation and improvements to administration areas.

It should be noted that the works proposed to lift the existing roof in two discrete locations (above the workshop and Wharf 1 Theatre) will be within the existing roof valley so that there would be no perceptible change to the building form except when viewed from above.

The proposed changes to Wharf 4/5 are illustrated in Figures 5 and 6 below:

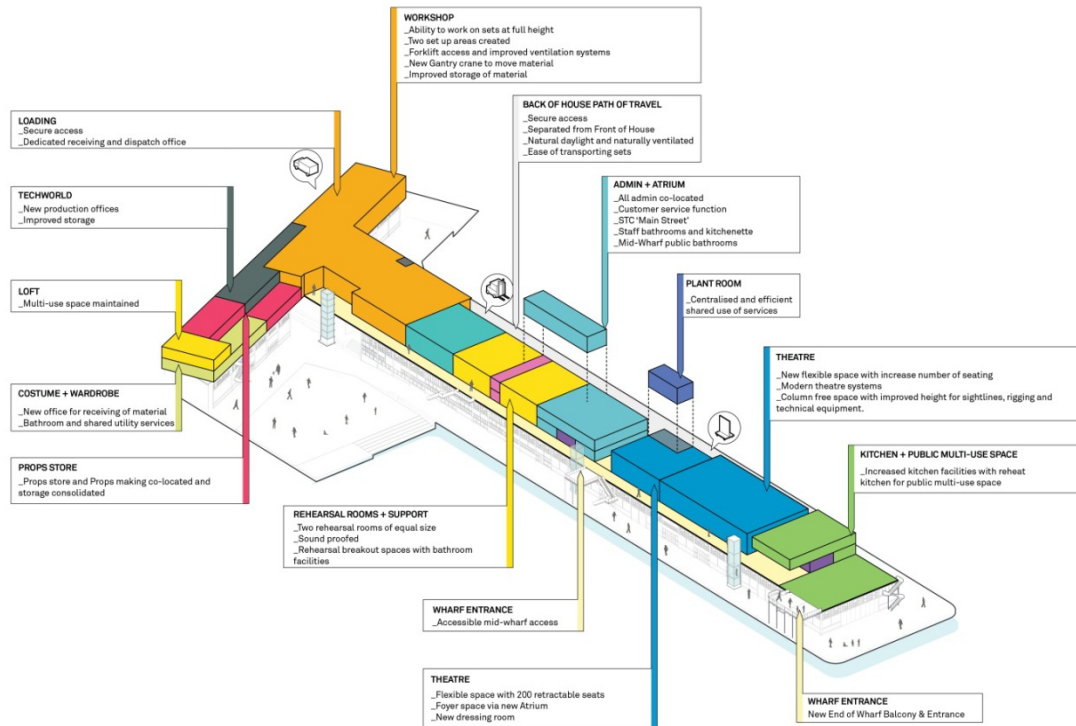


Figure 5: Proposed layout (refer Attachment A for larger plan)

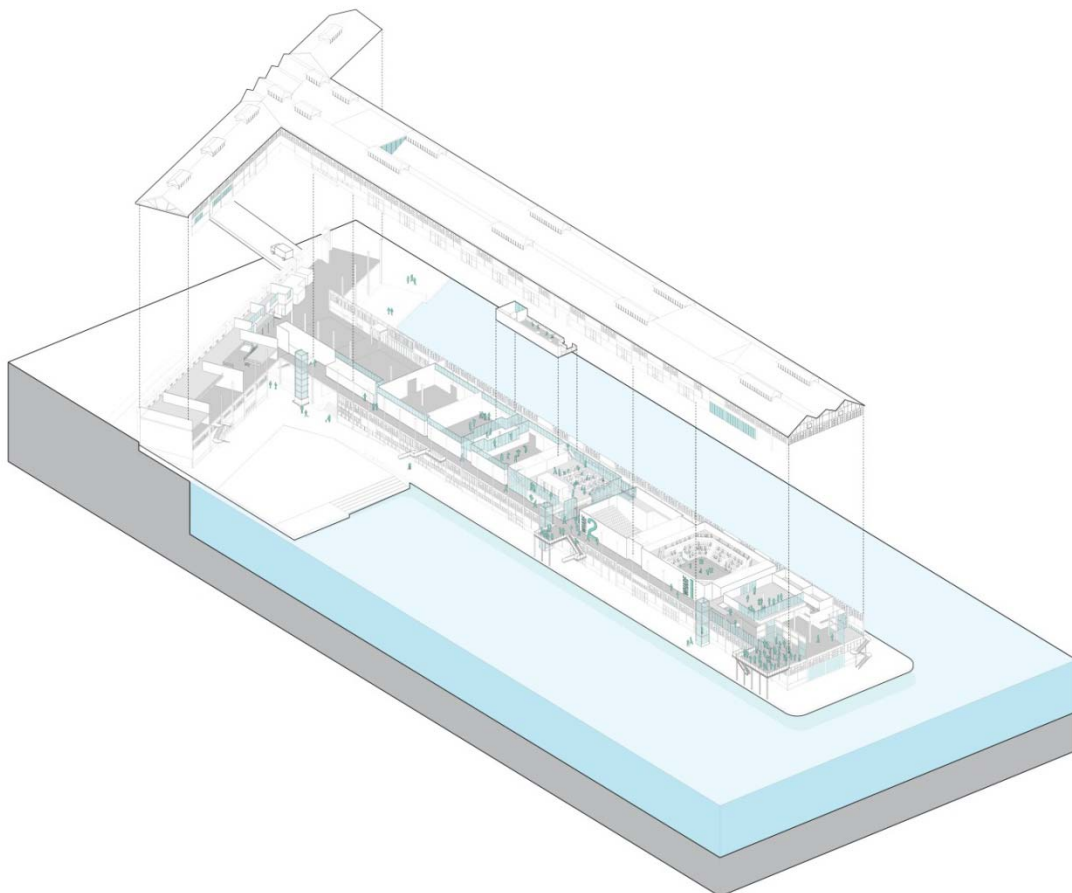


Figure 6: Proposed concept (refer Attachment A for larger plan)

Further details of the proposed changes are illustrated in the Concept plans prepared by HASSELL at Attachment A.

5. PLANNING CONTEXT

The following legislation and environmental planning instruments will apply to the proposed development:

- *Environmental Planning and Assessment Act 1979 ("EP&A Act")*
- *Heritage Act 1977*
- *State Environmental Planning Policy (State and Regional Development) 2011 ("State and Regional Development SEPP")*
- *State Regional Environmental Plan No 16 – Walsh Bay ("Walsh Bay REP")*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ("Sydney Harbour Catchment REP")*
- *State Environmental Planning Policy No 55 – Remediation of Land ("SEPP 55")*
- *Walsh Bay Master Plan*

5.1 Environmental Planning and Assessment Act 1979

The *EP&A Act* establishes the assessment framework for State significant development and under section 89D provides that the Minister for Planning is the consent authority for SSD. Section 78(8A) requires that a development application for SSD is to be accompanied by an environmental impact statement (EIS).

5.2 Heritage Act 1977

The *Heritage Act 1977* provides the framework for the protection of the State's heritage. Wharf 4/5 is listed as an item on the State Heritage Register under the *Heritage Act 1977*. However, as the proposal is classified as SSD, the approval of the Heritage Council to the development under Part 4 of the Heritage Act is not required.

While separate approval to the project from the Heritage Council is not required, STC is very aware of the heritage significance of the site. The sensitive adaptive re-use approach to the existing heritage is a social and cultural responsibility that the Sydney Theatre Company and the consultant team has cemented as a core design principle. The STC will liaise with the Heritage Council during the design development phase and the heritage impact of the proposed development will be addressed in detail in the EIS.

5.3 State Environmental Planning Policy (State and Regional Development) 2011

Schedule 1 of State and Regional Development SEPP identifies development which is declared to be SSD. Clause 13 of Schedule 1 provides that development for cultural, recreation and tourist facilities that has a capital investment value of over \$30 million is declared to be SSD. The proposal has an estimated capital investment value in excess of \$30 million and is therefore considered to be SSD. A Quantity Surveyor's Report will be lodged with the SSD Application.

SSD applications are to be accompanied by an EIS that has been prepared in accordance with requirements issued by the Secretary of the Department of Planning and Environment. This report therefore seeks the SEARs to enable preparation of an EIS for the project.

5.4 Walsh Bay Regional Environmental Plan

The Walsh Bay REP is a “deemed SEPP” and is the principal environmental planning instrument applying to the site. In general, the REP is a flexible instrument allowing for a wide range of uses within the precinct, including commercial, retail, residential and entertainment/recreation uses.

There are two zones under the REP:

- Zone 1 - Walsh Bay Conservation Zone
- Zone 2 - Walsh Bay Waterway Zone.

As shown in Figure 7, Zone 1 applies to the wharves and surrounding precinct on land. Zone 2 applies to the harbour area between the wharves.

A wide range of uses are permissible with consent within Zone 1, subject to consistency with the zone objectives which provide as follows:

- (a) *to allow an appropriate range of uses to encourage the adaptive re-use of existing structures while not required for commercial port uses,*
- (b) *to ensure that development is consistent with the heritage significance, the scale, the built form and the materials of existing structures in the zone and adjoining areas,*
- (c) *to ensure that development is compatible with and does not detract from the financial, commercial and retail functions of the existing city central business district and the Sydney Cove Redevelopment Area, and*
- (d) *to ensure that development is compatible with and does not adversely impact on the residential amenity and function of the adjoining areas.*

The proposed works are consistent with the zone objectives.

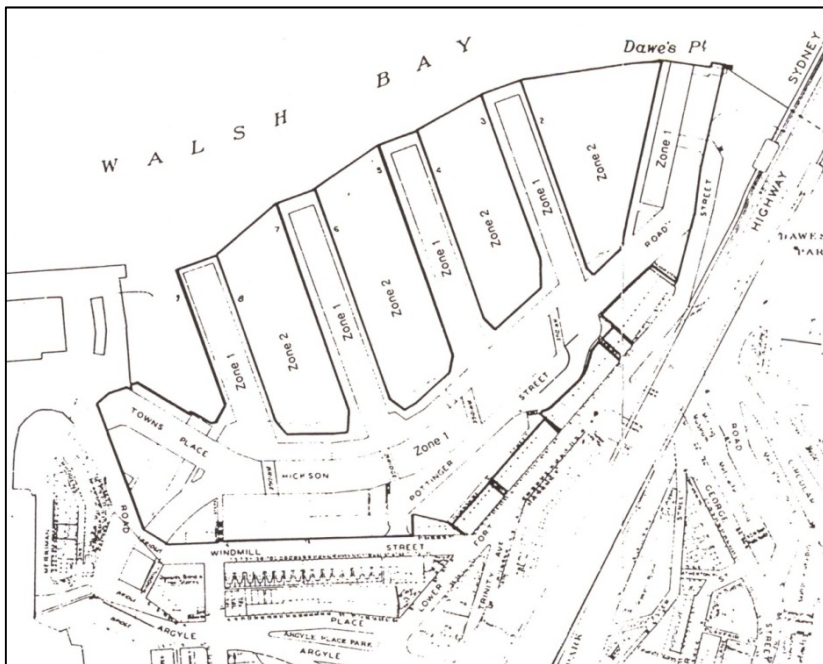


Figure 7: Zoning under Walsh Bay REP

5.5 Sydney Harbour Catchment REP (deemed SEPP)

The site is within the Sydney Harbour Catchment as identified under the Sydney Harbour Catchment REP.

Clause 20 of the Sydney Harbour Catchment REP requires that the consent authority take into account a range of matters before granting consent to development under Part 4 of the EP&A Act. These relate to:

- Biodiversity, ecology and environmental protection;
- Public access to, and use of, foreshores and waterways;
- Maintenance of a working harbour;
- Interrelationship of waterway and foreshore uses;
- Foreshore and waterway scenic quality;
- Maintenance protection and enhancement of views; and
- Boat storage facilities.

Division 3 also requires that development as listed in Schedule 2 is to be referred to the Foreshores and Waterways Development Advisory Committee. The proposed development will need to be referred as it appears to fall within the definition of a 'water-based restaurant and entertainment facility'.

Further Part 4 requires the preparation of a master plan for Strategic Foreshore Sites. However, under clause 41(4) a master plan does not have to be prepared for the "City Foreshores Area" which includes the subject site.

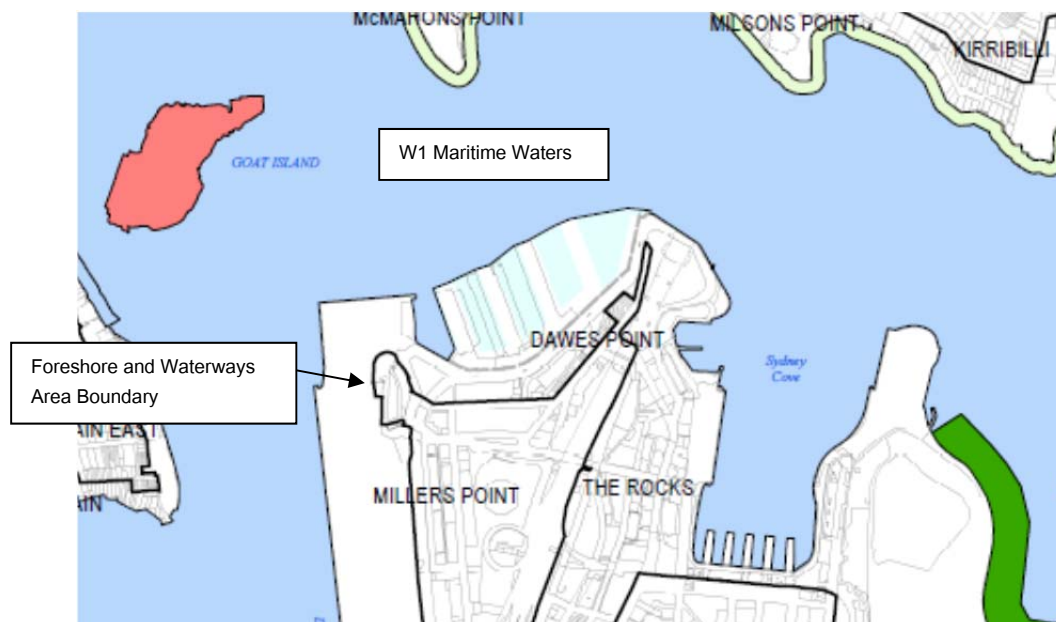


Figure 8: Zoning under Sydney Harbour Catchment REP

5.6 SEPP 55

SEPP 55 provides controls and guidance for the remediation of contaminated land. It requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If a site is contaminated, the consent authority must be satisfied that the site is suitable (or will be suitable, after remediation) for the proposed use.

At this stage it is not envisaged that the proposal will involve any disturbance of the seabed or affect any other item subject to contamination. However if works are proposed that will impact on soils (whether on land or on the seabed) or disturb any hazardous materials, a contamination assessment will be undertaken in accordance with the requirements of SEPP 55 and the Managing Land Contamination Planning Guidelines (Department of Urban Affairs and Planning, 1998).

5.6 Walsh Bay Master Plan

A master plan DA (DA No 60/97) for Walsh Bay was granted consent on 28 August 1998 by the then Director-General of the Department of Planning. The master plan DA is a staged DA which outlined the parameters for future development across the Walsh Bay precinct and for which detailed proposals for separate parts were to be the subject of separate DAs. The master plan DA is still in force although approval of the subject SSD application for Wharf 4/5 would supersede that consent.

6. OVERVIEW OF LIKELY ENVIRONMENTAL AND PLANNING ISSUES

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the EIS:

- Compliance with statutory plans and planning approvals
- Built form and urban design
- Heritage impact
- Archaeology
- Transport, traffic and access
- Noise and residential amenity
- ESD
- Operational management
- BCA and Fire
- Utilities and services
- Structural integrity
- Contamination and hazardous materials
- Accessibility
- Construction management

7. SUPPORTING DOCUMENTATION

To assist in preparing the SEARs we have identified the following supporting specialist documentation that will be submitted as part of the EIS:

- SSDA Fees
- QS Certificate

- Site Survey Plan
- Architectural Package (including design statement and drawings)
- Photomontages / perspectives
- Heritage Impact Statement and Interpretation Strategy
- Archaeological Assessment
- Structural Design Report
- Transport and Access Report
- Noise Impact Assessment
- Operational Plan of Management
- Ecological Sustainable Development (ESD) Report / Strategy
- Utilities Assessment / Plans
- Waste Management Plan
- Fire Engineering Report
- Hazardous Materials Assessment
- Building Code of Australia (BCA) Statement
- Accessibility Statement
- Construction Environmental Management Plan.

8. CONSULTATION

As part of the preparation of the EIS, consultation will be undertaken with the following stakeholders:

- Heritage Council
- City of Sydney
- Transport for NSW
- RMS
- Barangaroo Delivery Authority
- Sydney Harbour Foreshore Authority
- Walsh Bay Precinct Association
- NSW Police
- Office of Environment and Heritage
- Utility providers
- Surrounding residents and businesses.

All consultation will be undertaken in accordance with the Department of Planning and Environment's consultation guidelines.

STC has also been working, and will continue to work, closely with Arts NSW to ensure integration between the project and the WBAP.

9. CONCLUSION

The Sydney Theatre Company is proposing to undertake a major upgrade of its facilities at Wharf 4/5, Walsh Bay. The upgrade is intended to create better theatre and rehearsal facilities as well as improved workspaces. The improvements are also focussed on creating enhanced visitor experiences as well as improving STC's revenue earning capacity.

NSW 2021 and the NSW Government State Infrastructure Strategy both identify the completion of the Walsh Bay Arts Precinct, of which Wharf 4/5 forms a significant part, as the priority arts project for the Government.

STC's preference is to deliver the proposed works at the same time as the proposed development works for the Walsh Bay Arts Precinct. This is subject to confirmation of funding. In any event STC is sharing information and working closely with Arts NSW and Infrastructure NSW with a view to minimising precinct disruption and also to look for opportunities to achieve procurement savings and efficiencies.

The proposed upgrade works include:

- Reconfiguration of uses within Wharf 4/5, to provide for more logical and useable spaces as well as an improved visitor experience and clear paths of travel
- A new improved street entry involving relocation of the stairs to allow for a greater landing and point of arrival to the Box Office on Hickson Road
- Improvements to theatre, rehearsal and dressing room spaces including minor expansion of theatre capacities and introduction of more flexible spaces
- The introduction of 'gantry' balconies, stairs and lifts mid-wharf and at the end of the wharf to provide for improved accessibility. The provision of the external stairs will enable the removal of the existing fire tunnel within the building which currently takes up considerable space. The new stairs and gantry balconies will offer two new entry points into Wharf 4/5
- Lifting the roof valley above the workshop roof to allow for flexibility in set design and above Wharf 1 theatre to improve the audience viewing experience and allow for a modern technical grid above the entire space which provides the opportunity for flexible use of the theatre space
- Provision of new public space mid wharf with a new atrium and at the end of the wharf with a new multi-purpose room for workshops, creative learning, meetings and hospitality overlooking the restaurant and the harbour
- Improvements to acoustics, amenities and back of house and plant areas / facilities
- Relocation and improvements to administration areas.

The proposed works will require the submission of a SSD application and accompanying EIS. This request for SEARs has been prepared as set out in Schedule 2 to the Environmental Planning and Assessment Regulation 2000 ("EP&A Regulation").

The information contained in this letter is provided to assist the Secretary in determining the level and scope of an EIS to accompany the SSD application in accordance with the provisions set out under the EP&A Act and Regulation.

We trust that the information contained herein is sufficient to enable the SEAR's to be issued. Should you have any queries about this matter or require any further information, please do not hesitate to contact me on 0405 180 116 or at ngibson@mgplanning.com.au.

Yours faithfully,

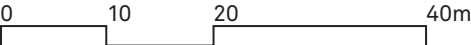
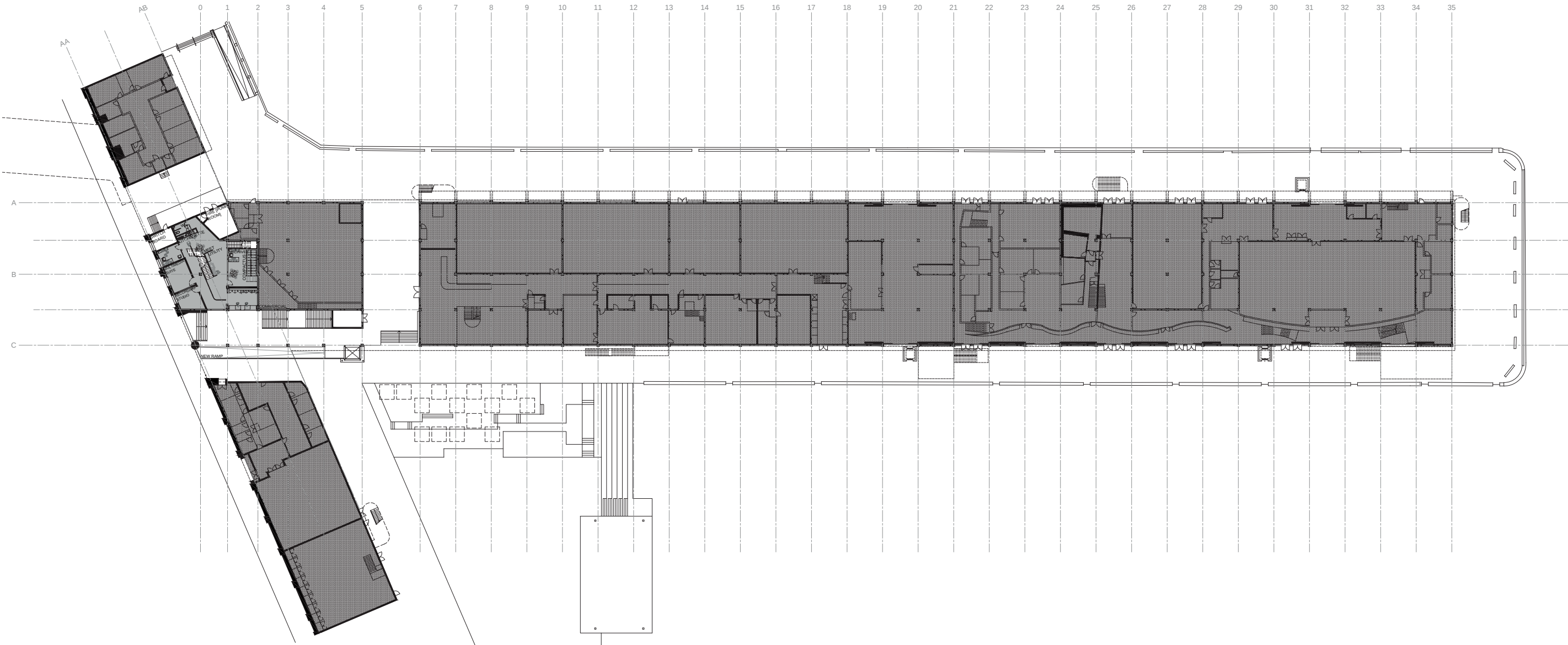
A handwritten signature in black ink, appearing to read 'Nicola Gibson', written in a cursive style.

Nicola Gibson
Director

ATTACHMENT A

Drawing package

Ground Floor



Revision
REV 01

Date
15-DECEMBER 2015

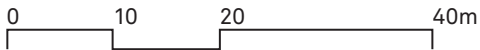
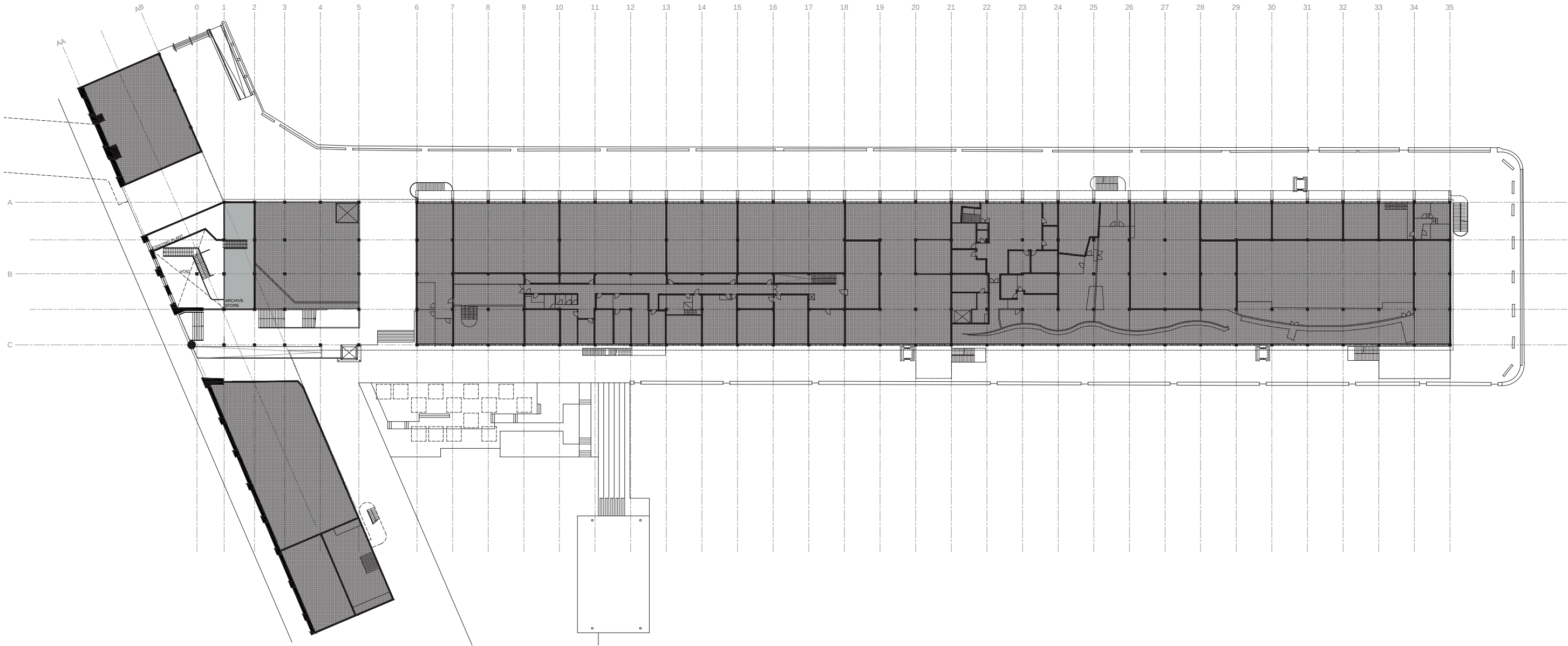
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Client
SYDNEY THEATRE COMPANY

Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

Drawing
A01.00
FLOOR PLAN - GROUND

First Floor



Revision
REV 01

Date
15-DECEMBER 2015

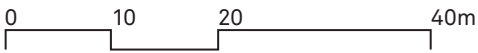
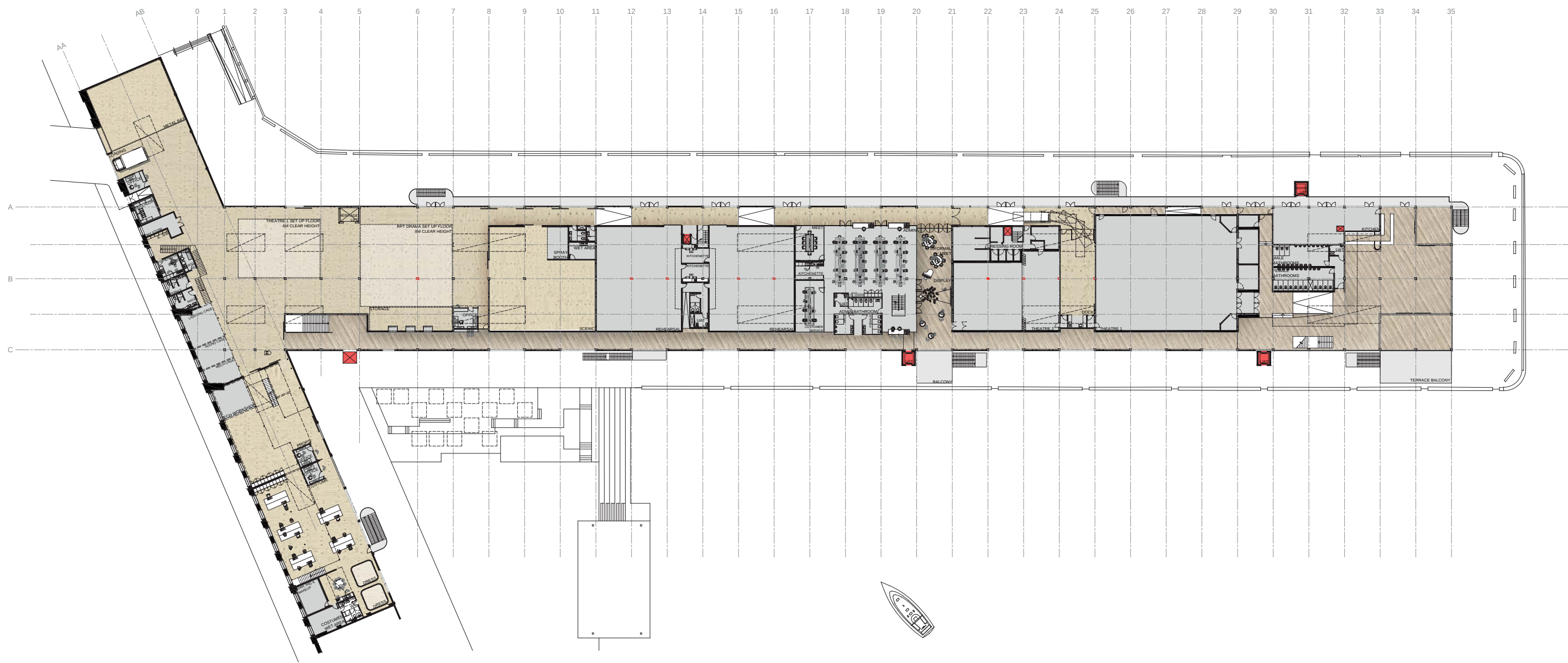
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Client
SYDNEY THEATRE COMPANY

Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

Drawing
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FLOOR PLAN - FIRST

Second Floor



Revision
REV 01

Date
15-DECEMBER 2015

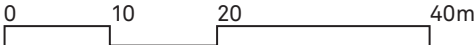
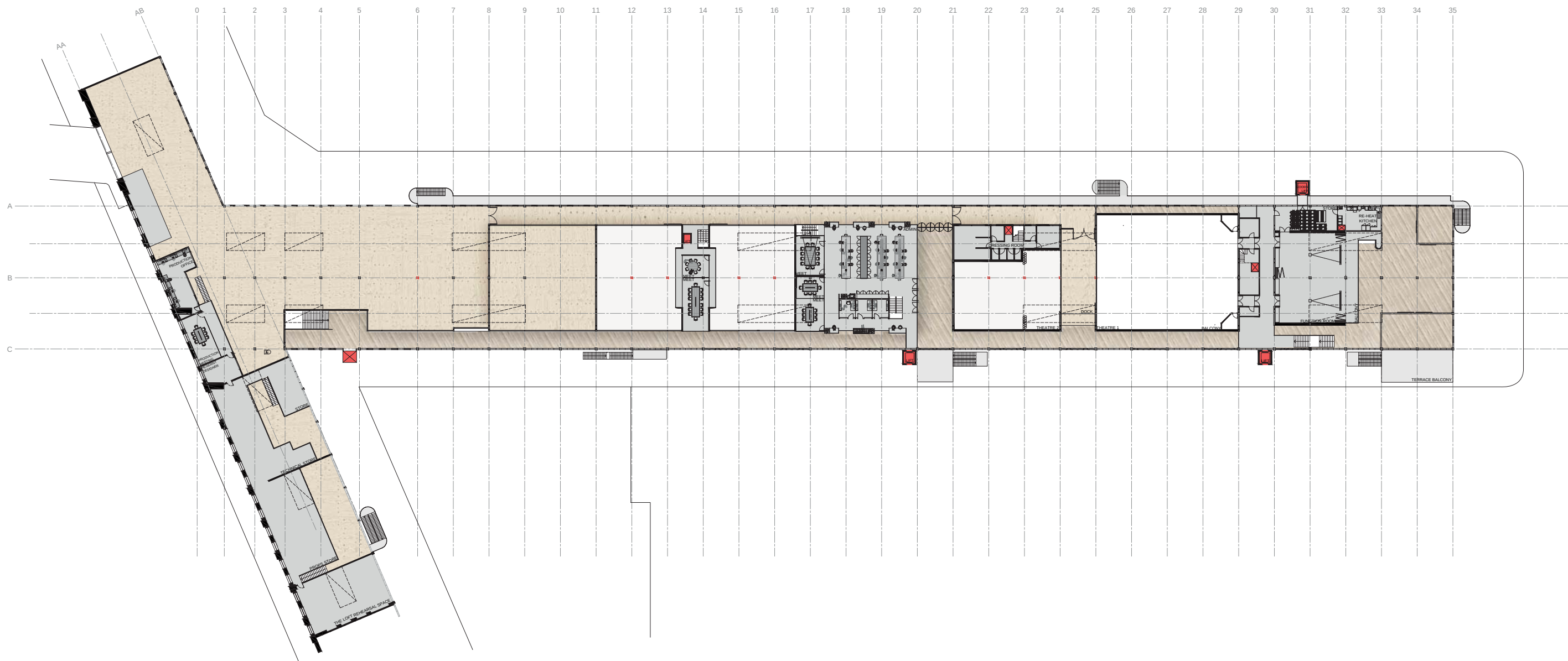
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Client
SYDNEY THEATRE COMPANY

Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

Drawing
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FLOOR PLAN - SECOND

Third Floor



Revision
REV 01

Date
15-DECEMBER 2015

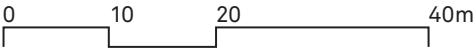
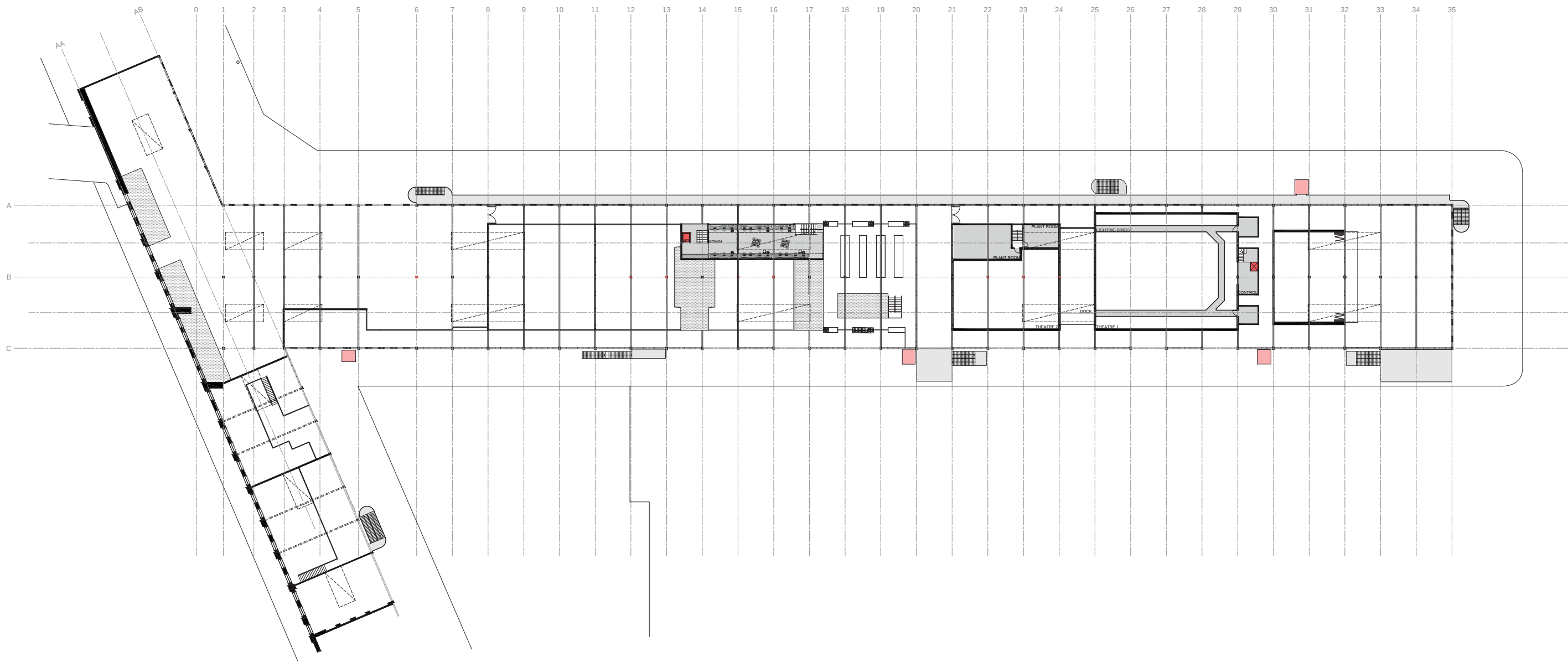
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Client
SYDNEY THEATRE COMPANY

Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

Drawing
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FLOOR PLAN - THIRD

Fourth Floor



Revision
REV 01

Date
15-DECEMBER 2015

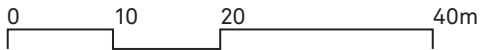
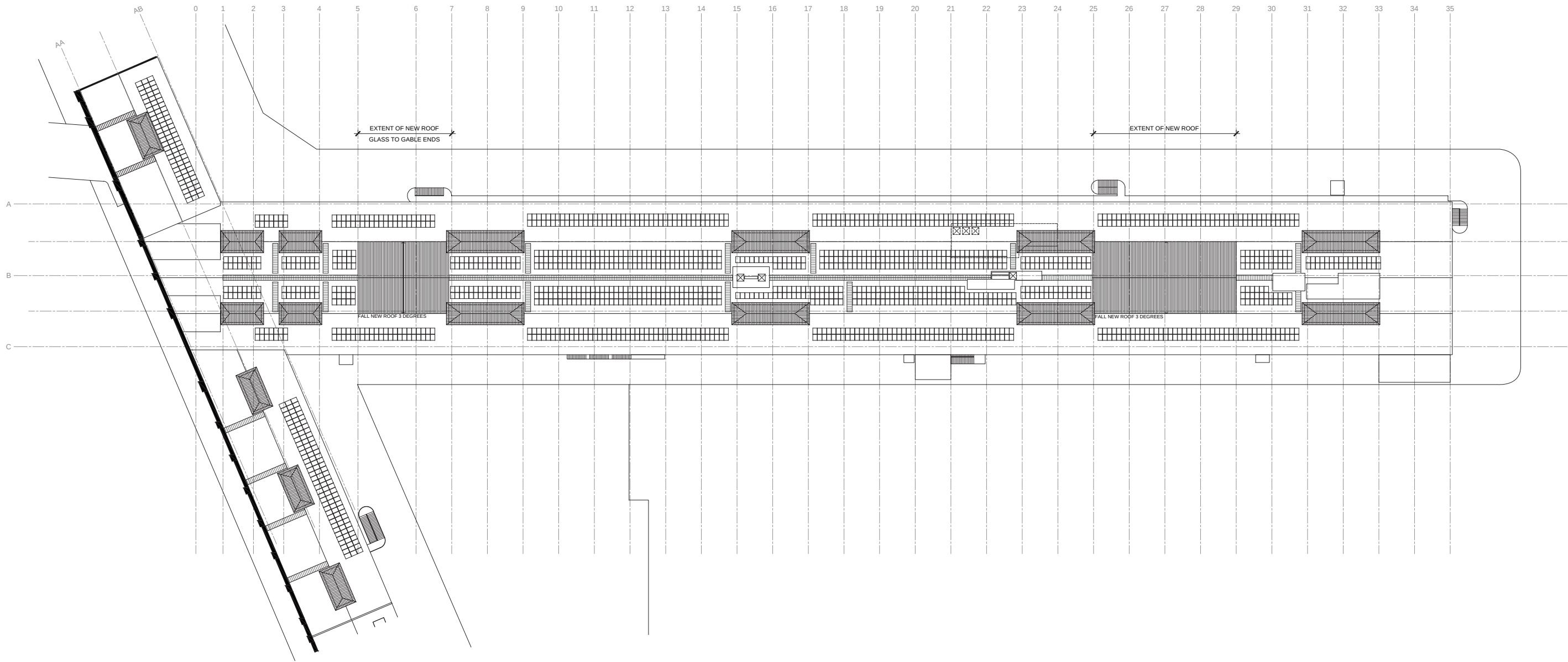
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Client
SYDNEY THEATRE COMPANY

Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

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FLOOR PLAN - FOURTH

Roof Plan



Revision
REV 01

Date
15-DECEMBER 2015

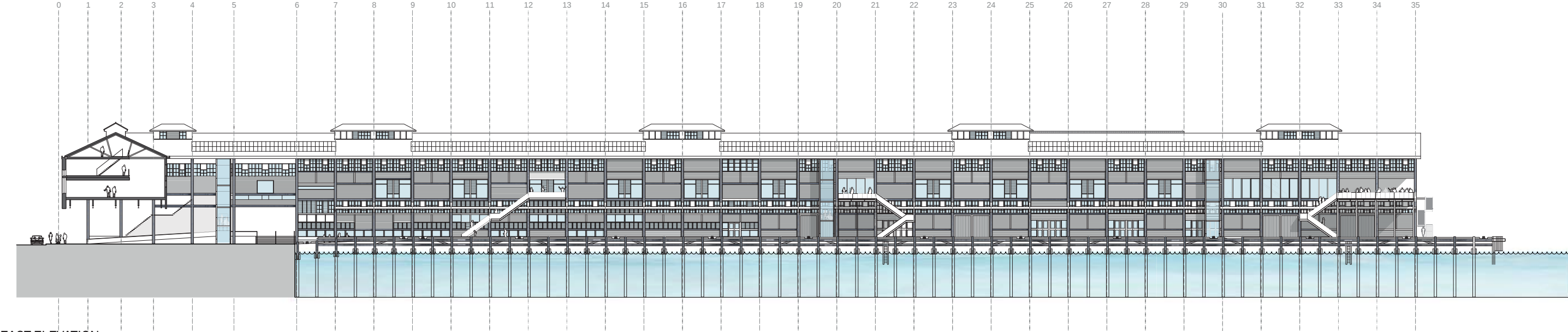
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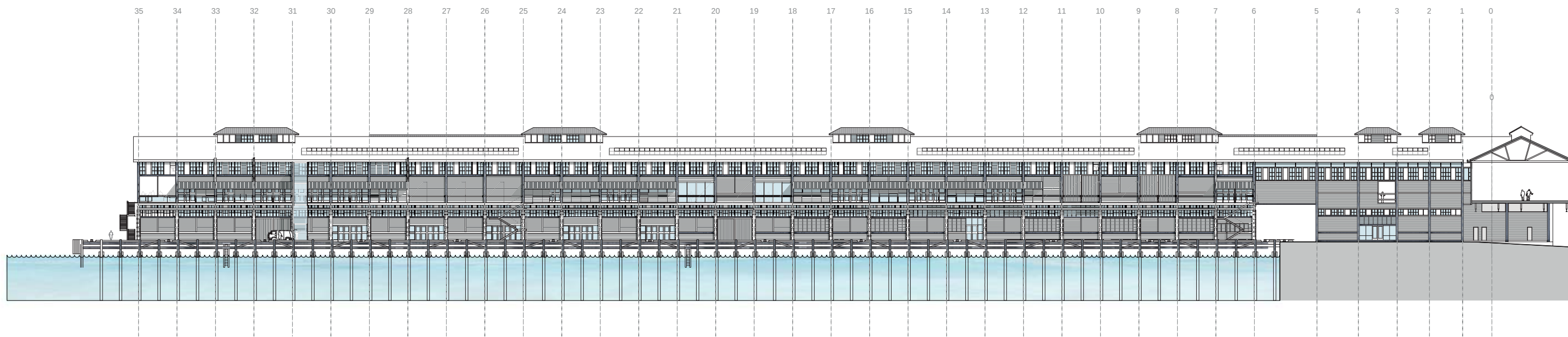
Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

Drawing
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FLOOR PLAN - ROOF

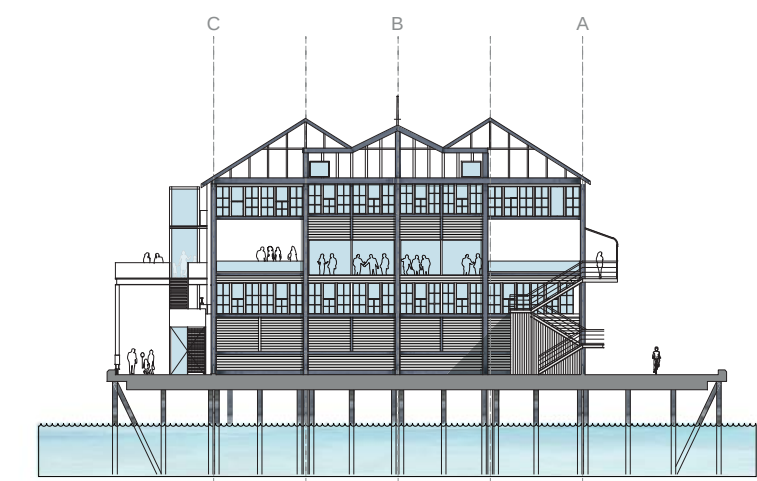
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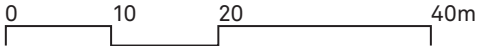
EAST ELEVATION



WEST ELEVATION

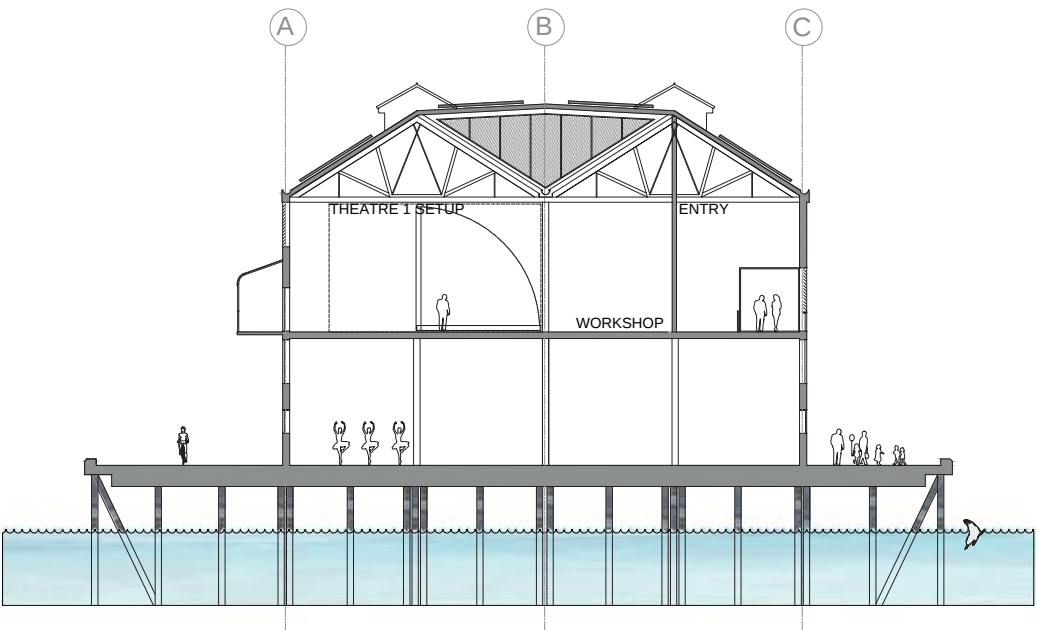


NORTH ELEVATION

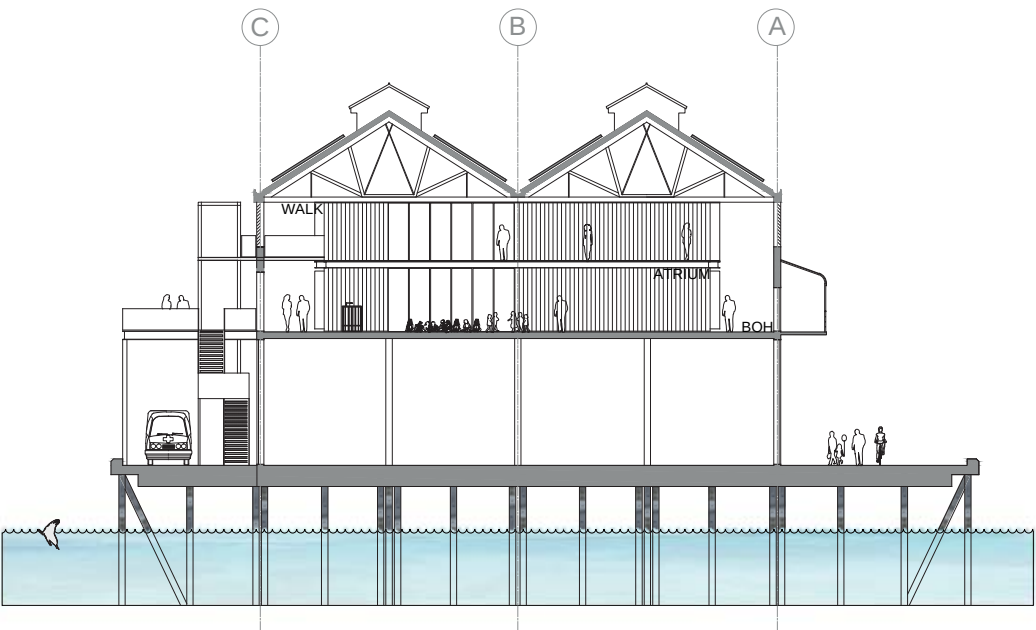


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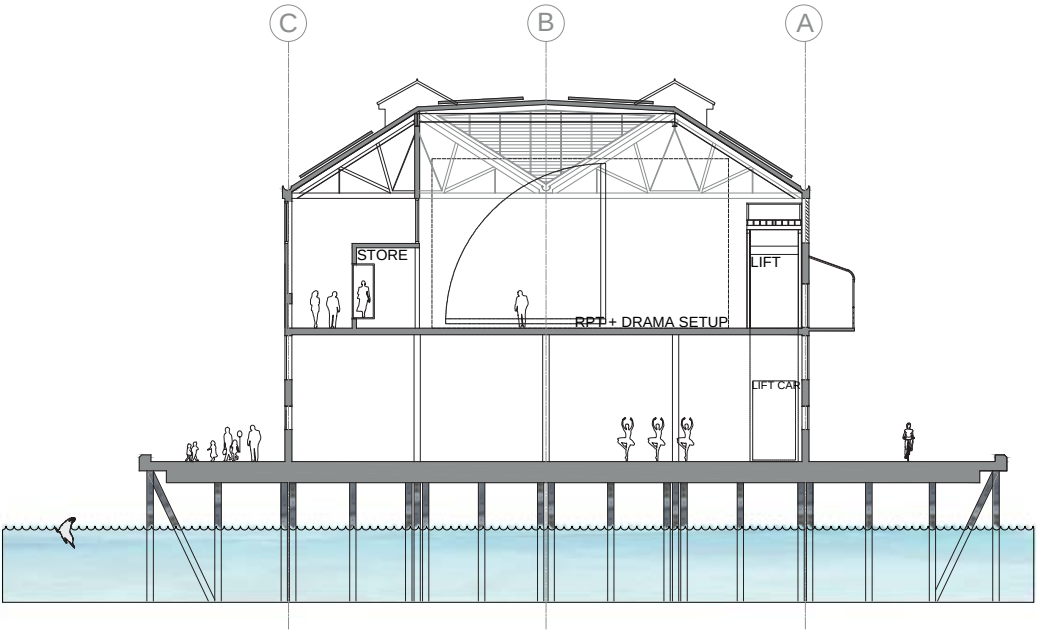
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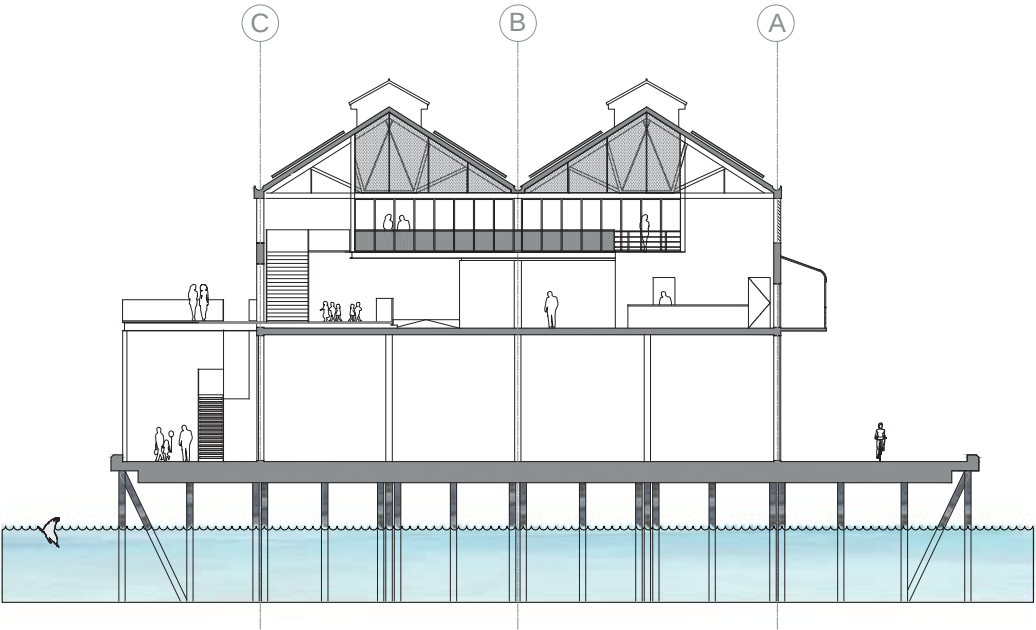
WORKSHOP SOUTH [GRID 05]



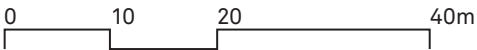
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WORKSHOP NORTH [GRID 06]



FUNCTION [GRID 32]

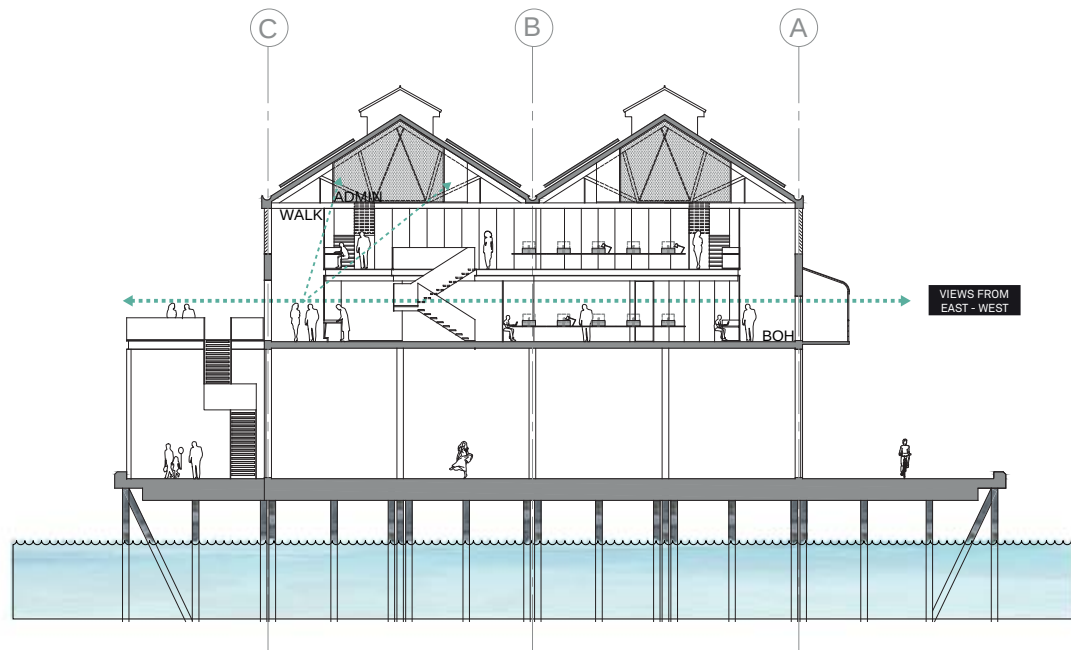


Revision	Date	Scale	Client	Project Name	Drawing
REV 01	15-DECEMBER 2015	[1:250@A2]	SYDNEY THEATRE COMPANY	STC50 MASTER PLAN THE WHARF PIER 4, WALSH BAY	A03.00 SECTIONS

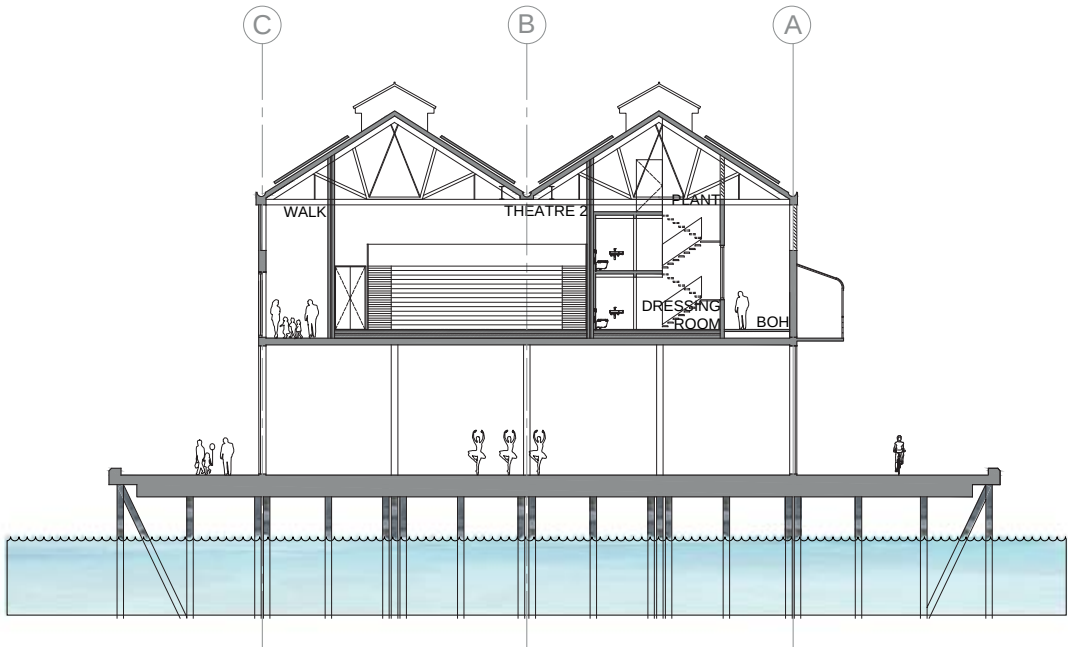
Sections



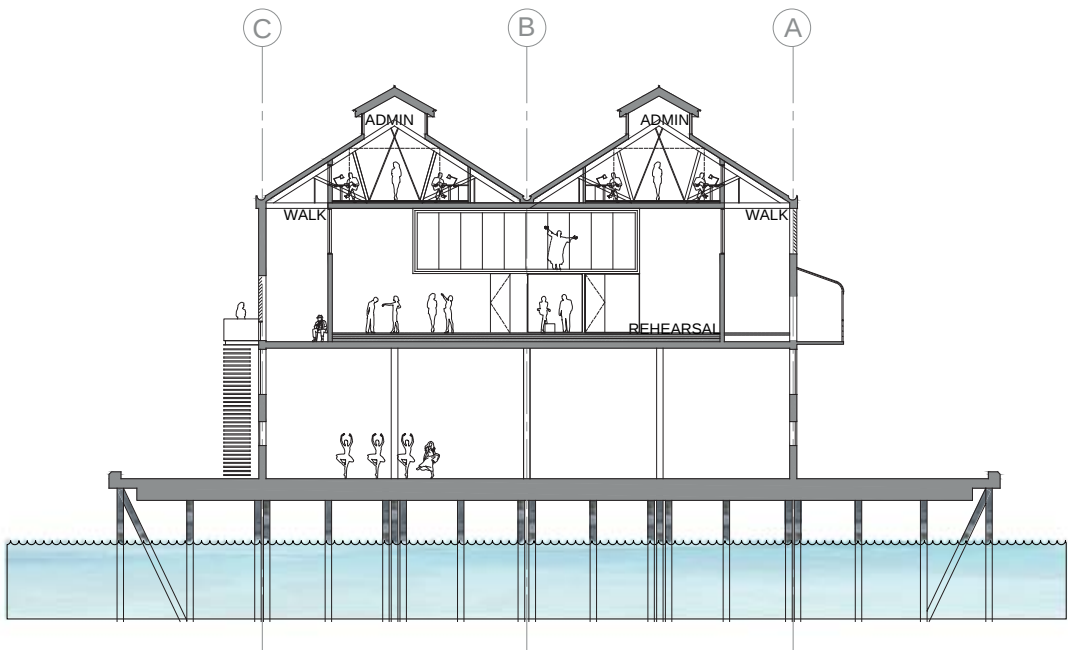
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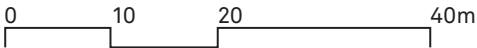
ADMIN [GRID 19]



THEATRE 2 + DRESSING [GRID 22]



REHEARSAL [GRID 16]



Revision
REV 01

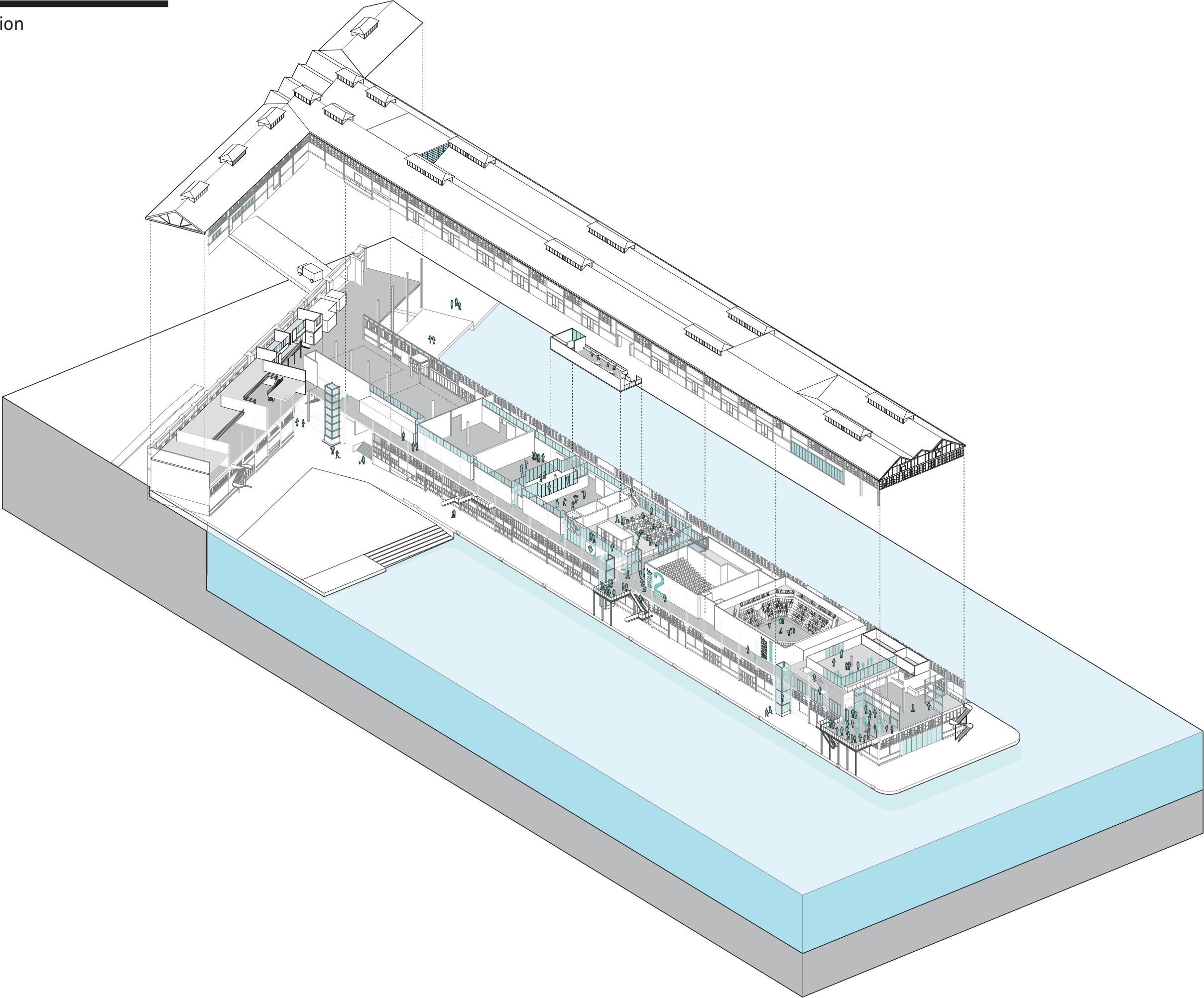
Date
15-DECEMBER 2015

Scale
[1:500@A2]

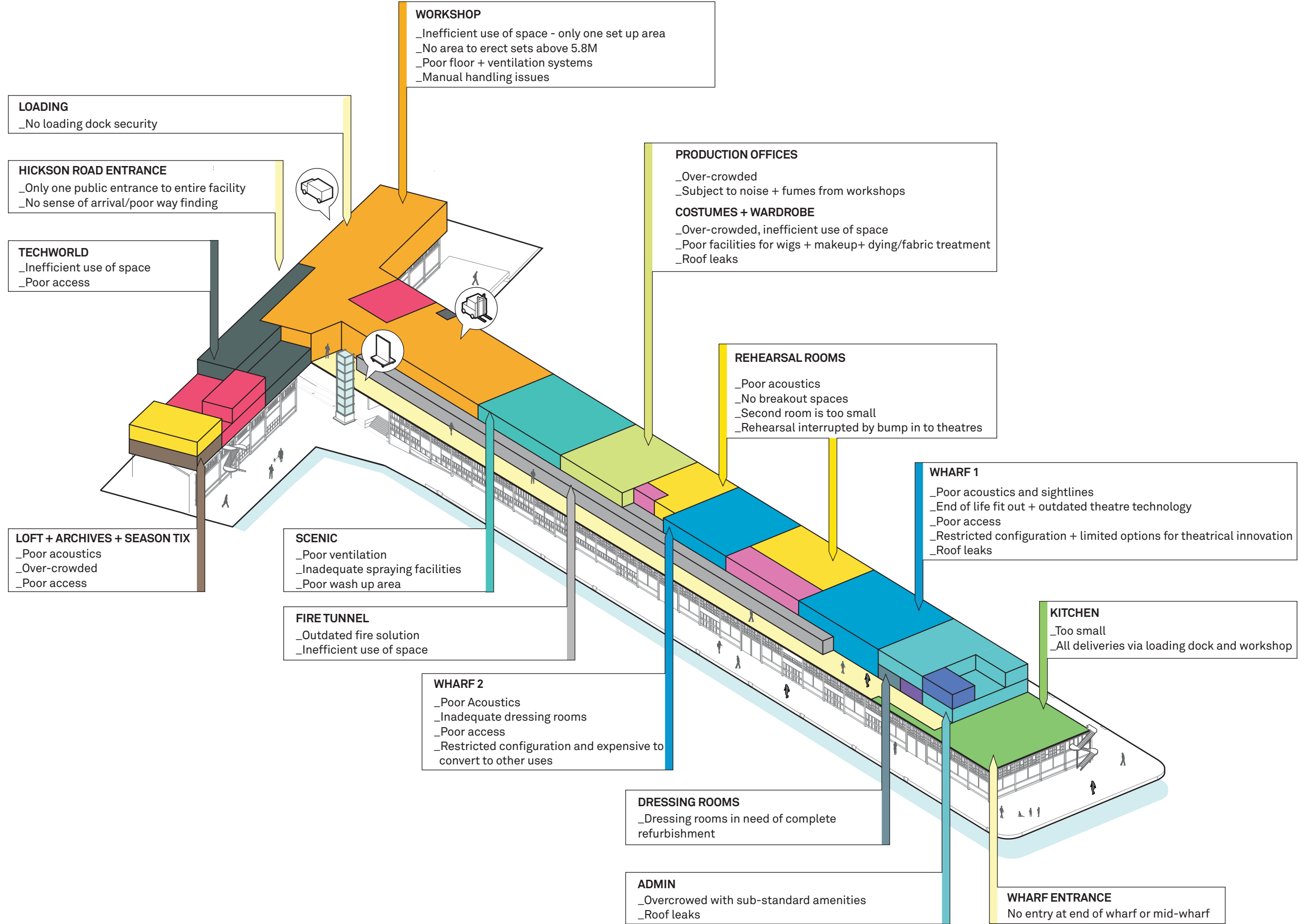
Client
SYDNEY THEATRE COMPANY

Project Name
STC50 MASTER PLAN
THE WHARF PIER 4, WALSH BAY

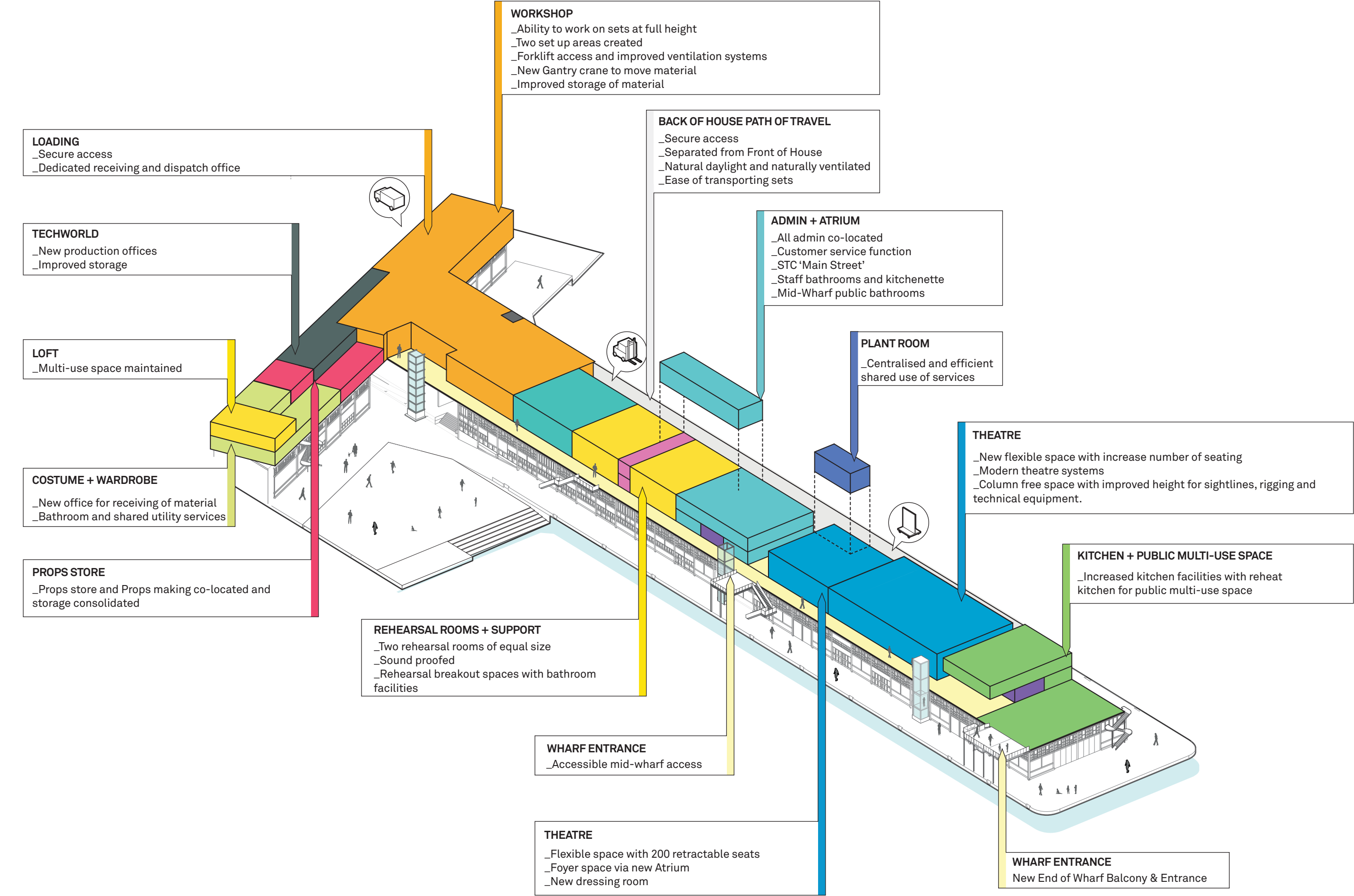
Drawing
A03.01
FLOOR PLAN - FOURTH

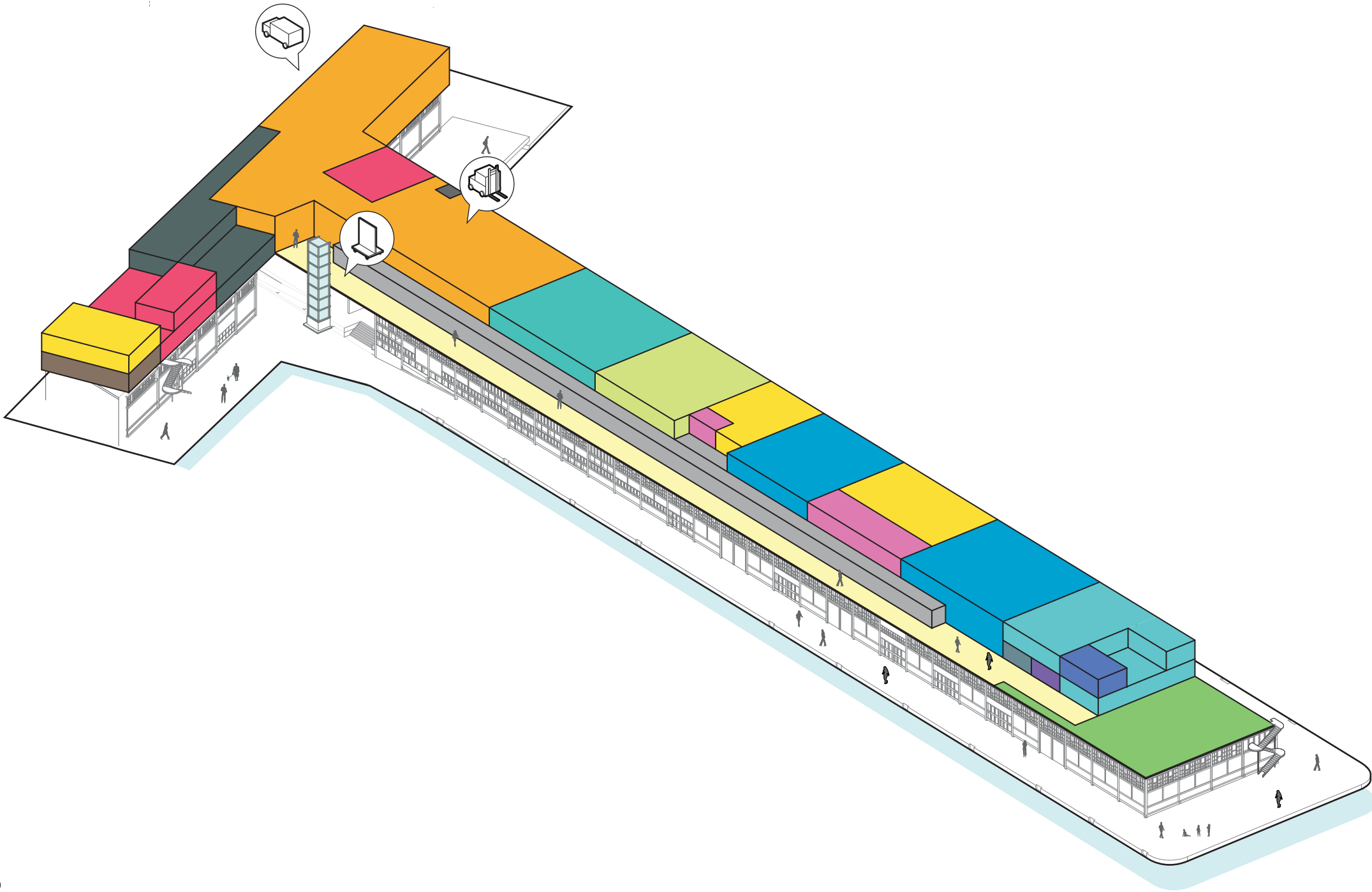


Existing Conditions



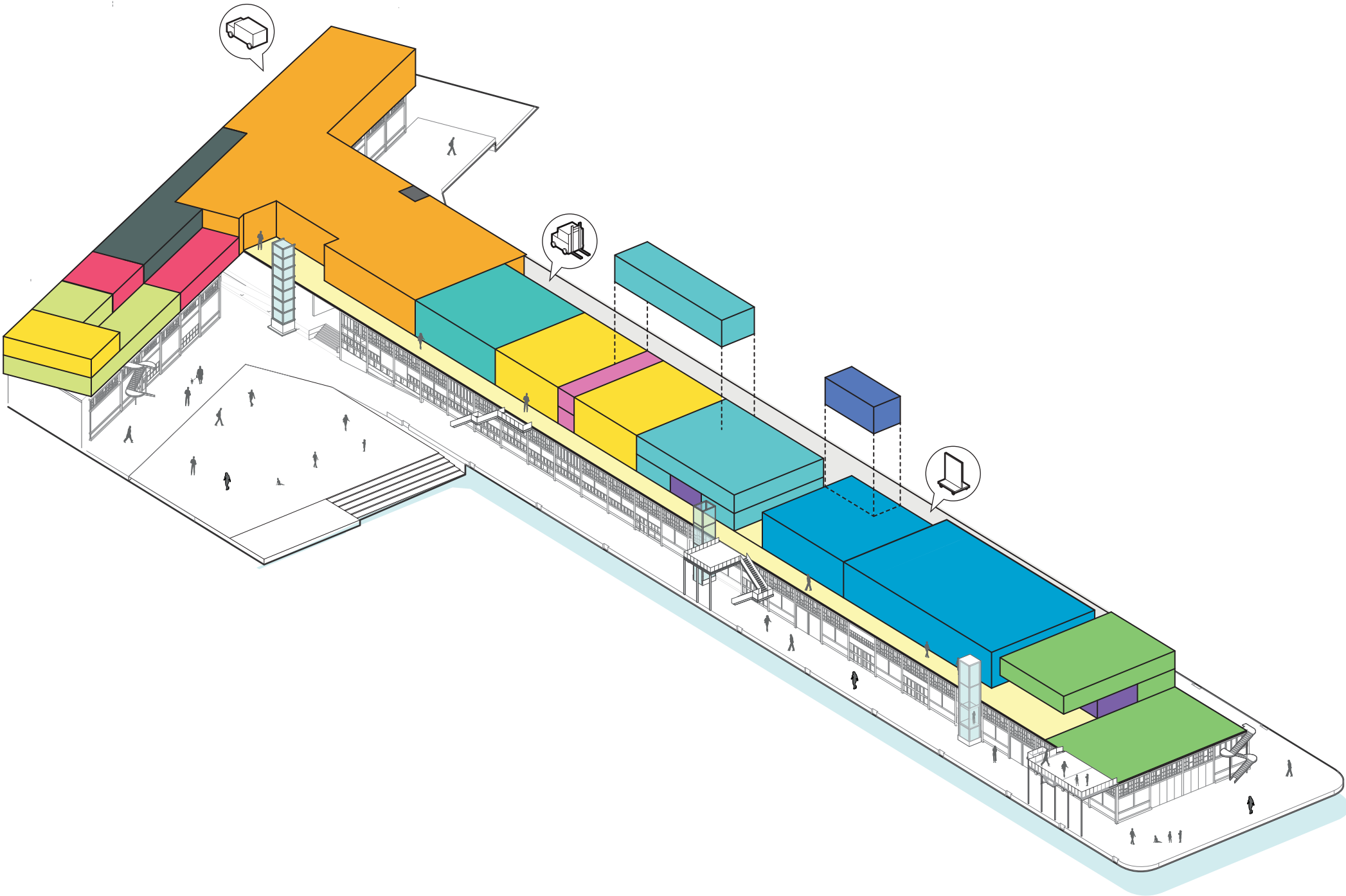
Proposed Option





LEGEND

WHARF THEATRES	BAR/FUNCTION	REHEARSAL SUPPORT	PROPS	BOH PATH OF TRAVEL
DRESSING ROOM	COSTUMES/WARDROBE	REHEARSAL	TECHWORLD	AMENITIES
ADMIN	SCENIC	WORKSHOP	ARCHIVE	PLANT ROOM



LEGEND

WHARF THEATRES	BAR/FUNCTION	REHEARSAL SUPPORT	PROPS	BOH PATH OF TRAVEL
DRESSING ROOM	COSTUMES/WARDROBE	REHEARSAL	TECHWORLD	AMENITIES
ADMIN	SCENIC	WORKSHOP	ARCHIVE	PLANT ROOM