



**SYDNEY HARBOUR ASSOCIATION**  
PO Box 265 ROSE BAY NSW 2029

**Submission: Concept proposal - Walsh Bay Arts Precinct, Walsh Bay**

**Application number SSD 6069:**

**Lots 11 and 12, DP 1138931 and Lot 65 DP 1048377, Pier 2/3 & Wharf 4/5 and area of water, Hickson Road, Walsh Bay.**

***Background***

*Sydney Harbour Association* was established in 2010, as successor body to Sydney Harbour and Foreshores Committee (est. 1979). The Association is an unincorporated body of individuals interested in Sydney Harbour, having as its primary Object:

*"[T]he promotion of the following principles in relation to development and change affecting Sydney Harbour:*

*(a) protection and preservation of the natural heritage, assets and ecology of Sydney Harbour and its foreshores;*

*(b) primacy of the public good over private benefit in development;*

*(c) facilitation of public access to the waters and foreshores of Sydney Harbour;*

*(d) protection and enhancement of the visual and recreational amenity of the waterways and foreshores of Sydney Harbour".*

***Comments on the proposal***

Our interest in the Concept proposal is directed to the overwater decking intended to provide a kind of *public square*.

Consistently with our opposition to the over-water hotel at Barangaroo, we now *oppose* this new potential encroachment on the Harbour waterway.

While we can readily appreciate the pleasurable attributes that may attach to the deck expanse forming the square - and they are obviously many - we see the overwater structure itself as an *unjustified* and *unnecessary* alienation of the harbour waterbody estate.

The Concept proposal is useful in that it alerts us – and (we hope) others – to the reality of the major changes that are proposed, intended, and available in this important reach of Sydney Harbour. In that framework, we see the enlarged overwater deck proposal as an unfortunate component of what seems otherwise to be a sensible and coherent approach to adaptive re-use of the wharf structures.

**Unjustified:** Proximity to the waters of Sydney Harbour will generally – perhaps always - confer simple visual pleasure for individuals, aesthetic embellishment for various kinds and scales of occasions and events, and superior atmospheric experience whenever and wherever it is available. That does not justify the alienation of the Harbour waterbody on an incremental and/or opportunist basis at Walsh Bay or elsewhere. Rather, it justifies the most vigorous and painstaking care to protect and preserve the Harbour waterbody and its foreshores, recognising that Sydney Harbour is “a public resource, owned by the public, to be protected for the public good, and that the public good has precedence over the private good **whenever and whatever change is proposed** for Sydney Harbour or its foreshores and.. **protection of the natural assets of Sydney Harbour has precedence over all other interests**” [our emphasis].

That prescriptive approach is expressed in the NSW Government’s **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**. Although the Plan does not purport to apply to the whole Harbour, the *Principles* expressed in its *Aims* are applicable at Walsh Bay, are clearly worded, and should be respected. We support their application here (and elsewhere) and we note that they do not appear to be addressed directly in the Concept proposal EIS, or the *2013 Walsh Bay Master Plan*. That is regrettable.

The *Principles* do not comfortably accommodate the overwater decking proposed to form the public square at Walsh Bay, except with the inordinately narrow interpretation of ‘public good’ that is utilised in the documentation accompanying the proposal.

We do not wish to be churlish about the present idea, but the reality is that any sizeable (or even small) overwater deck anywhere along the shores of Sydney Harbour is/can be arguably pleasant and delightful for whoever utilises it... but if that were the operative criterion for acceptability of the (not insignificant) encroachment over the waterbody now proposed, it remains that the specific site under consideration has not itself been shown to have any special or superior merit other than its proximity to the adjoining wharves/properties.

The relative ease and structural convenience of enlarging the existing wharf apron area in the manner proposed are not persuasive or even valid elements in determining whether yet another segment of the Harbour waterbody should be built over unless and until that incremental alienation is shown to be really *necessary*.

**Unnecessary:** The *need* for the overwater deck designated as the public square has not been demonstrated in the exhibition material, nor have we discerned it in our comprehensive assessment of the Walsh Bay Arts Precinct.

The additional overwater area proposed for the public square is obviously not *needed* to enable *public access* to and along the foreshore and the Harbour waterbody in the Walsh Bay locality. The existing wharf aprons provide that. However, we accept that the wharf aprons can benefit from improvements of some of the kinds indicated in the current Concept proposal.

There is no documented scarcity of space for the public to *move about* the general waterfront area of the Walsh Bay Arts Precinct. Again, the wharf aprons provide mobility about the Precinct.

There is already a considerable quantum of *performance space* within the Walsh Bay Arts Precinct and a reasonable radius of the site. However, in the event that a scarcity of such space might be demonstrated – and it has not been so demonstrated in the exhibition documentation - it remains that an open-air overwater location of the kind proposed in the Concept proposal is notably difficult

in that it raises issues of acoustics, lighting, and performer/user facilities that need not and would not arise in a covered and contained purpose-made space. Rather, it leaves performers/performances/ participants/audiences dependent on the vagaries of the weather – wind, rain, heat, cold – and Harbour activity noise, at least initially.

Similarly, for *display/exhibition* purposes, the documentation has not demonstrated a need for the additional open-air overwater space proposed. Considerations of the utility of the wharf aprons (and enclosed spaces) for the purpose, and of the constraints of exposure to the weather, are relevant. They do not provide much support for the Concept proposal.

*Stepping down to the water...* is presented as a public benefit of the proposed overwater decking public square, and it is certainly an attractive concept. However, we do not think it is necessary to create a new and fairly large overwater deck to enable the construction of steps from the existing structures (or the proposed deck) to the Harbour waterbody, especially having regard to the real and important public safety issues that would be generated thereby; if the step concept is really strongly desired, we think steps from the wharf aprons can fairly readily be provided.

A suitable and safe *access point for small watercraft* can also be provided without the creation of the proposed large area of overwater decking; the obvious alternatives making use of the existing wharf aprons have not been documented.

### ***Maritime character***

The area of the proposed public square deck is disproportionately large in comparison with the scale of the wharf aprons, and to that extent it is inconsistent with the *maritime character* of the place and its heritage values. The provision of an open area on land, associative with the cargo-assembly activity of an active wharf, would be more consistent with the maritime character. Opportunities to provide that space do not seem to be explored in this Concept proposal.

When coupled with this *Walsh Bay Arts Precinct* Concept proposal, the recent *Bays Precinct* development announcements and the on-going *Barangaroo* design modifications and development decisions demonstrate very clearly to us the urgent need for a much wider and insightful vision for the future of this very broad and important reach of Sydney Harbour than that which has been evident to date in any of the individual precincts.

The unifying elements of the structures in the Walsh Bay Arts Precinct derive from and reside in their maritime character and heritage. Departure from that perspective by additional alienation of the waterbody of Sydney Harbour would be contrary to the NSW Government's *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Principles* quoted above, which recognise that Sydney Harbour is "*a public resource, owned by the public, to be protected for the public good, and that the public good has precedence over the private good **whenever and whatever** change is proposed for Sydney Harbour or its foreshores, and.. **protection of the natural assets of Sydney Harbour has precedence over all other interests***" [our emphasis].

We have noted above our view that a land-based site for a public square may be consistent with retention of the maritime character and heritage of Walsh Bay, in that it could be seen as an adaptive re-use of cargo-handling space that normally adjoins major wharves. On-land sites are not plentiful, but there is no pressing need to have a public square within this particular precinct of Walsh Bay, especially when other potential land sites about the general area – including The Bays Precinct and Barangaroo – have not been considered in the same context. Rather than continuing with the incremental and piecemeal alienation of the Harbour waterbody contained in the present proposal and some of those for The Bays Precinct and Barangaroo, we submit that the planning and

development of shore-side lands in each of those major precincts should be viewed from an over-arching perspective, with an over-riding objective to sustain and protect the maritime character and heritage of the whole area.

Such a global approach could and should recognise and support reasonable public purposes – including public squares! – in addition to the somewhat niggardly foreshore walking/cycling tracks that seem currently to be the main concession to the rights of the public to access its Harbour asset. Most importantly, compliance with the letter and the spirit of the Government's *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, including its *Aims* as well as its detailed provisions, is a reasonable expectation in all instances. The analyses relating to that *Plan* that appear in the Walsh Bay exhibition documents do not appear to recognise or respect the fundamental maritime character of the precinct in many important respects.

In particular, the Walsh Bay *EIS* approach to *Cl. 22 – Public access to and use of foreshores and waterways* is not compliant in relation to the undesirability of boardwalks.

For *Cl. 24 – Interrelationship of waterway and foreshore uses*, the Concept is not compliant in that the public square proposal is *not* water-dependent.

For *Cl. 26 – Maintenance, protection and enhancement of views*, the Concept is not compliant in that the shade structure proposed is itself an obstruction of views, and the view looking into the precinct from the Harbour waters is not considered at all, even though it would be in fact and would present in function as a major intrusion on the working harbour/maritime character of the wharves.

Perhaps that is not surprising. The *EIS* quotes the *Maritime Facilities Report* to the effect that, since the waterway area around the wharves is little used owing to the '*considerable vessel wash of both long and short period waves*', the '*alienation of the waterfront by construction of new overwater structures will have negligible negative impacts*'. That approach is narrow and static; it seems inconsistent with the heritage value of the wharves, the reality of their past maritime uses, and the somewhat romantic picture of proposed uses of the new deck and its curtilage that is currently proposed, as well as the (necessarily unknown) future.

\*\*\*\*\*

Our Association takes no pleasure in objecting to what could be another fun place beside Sydney Harbour. We recognise well enough that popular acclaim can be influential in these matters, but we think a long-term Harbour-protective view of the proposal is warranted, and the issues should be assessed against clear long-term criteria. That has not occurred in this instance.

The *principles* and *precedents* involved in the proposed alienation of yet another sector of the Harbour waterway, and their cumulative impact on the Harbour as a whole, were not explored comprehensively in the presentation of the *2013 Master Plan* or this present *Concept Proposal*. If they *had* been so explored, and if the established principles had been applied objectively, we do not think the proposal would have included the additional deck area, although it may well have envisaged a public square of some kind in a more appropriate place.

Hylda Rolfe, Secretary  
(Home: 41 Cove St. Watsons Bay NSW 2030; T: 02 9337 5058; E: [hyldarolfe@bigpond.com](mailto:hyldarolfe@bigpond.com))

1 August 2014