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31 January 2017

Rebecka Groth  
Senior Planning Officer  
NSW Department of Planning and Environment  
Level 22, 320 Pitt St, Sydney 2000

Dear Rebecka,

## **SSD 16\_7683: NEW RESTAURANT AND MICRO-BREWERY, OVERSEAS PASSENGER TERMINAL (TENANCY 5)**

We write on behalf of *Tallawoladah Pty Limited* to provide an objection to SSD 16\_7683, which seeks consent for the use of Tenancy 5 of the Overseas Passenger Terminal (OPT) building as a new indoor and outdoor restaurant, bar and micro-brewery. The works proposed include external amendments to the OPT building, additional outdoor seating areas, new awning/sun shading structures to outdoor seating areas, new balconies and decks on Level 2, new awning above the Level 2 balcony, signage, new outdoor walk up bar, and a new micro-brewery within an external pod structure.

Tallawoladah Pty Ltd are the proponent for State Significant Development Application 7056 (SSD 7056). The application was lodged with the NSW Department of Planning and Environment (DPE) in October 2015 and seeks approval for the remediation, renewal, adaptive re-use and revitalisation of Campbell's Stores, The Rocks. The application is currently under assessment by the Key Sites Assessment team of DPE.

Tallawoladah Pty Ltd were made aware of the application to redevelop Tenancy 5 on 25 January 2017, despite the public exhibition commencing on 30 November 2016. Consequently, the project team have not had sufficient time to review the application in detail. This letter therefore provides a summary of our points of objection and is to be followed by a more comprehensive and detailed analysis of the issues raised and the implications on the existing and future operations of Campbell's Stores, The Rocks.

This letter should be read in conjunction with the Heritage Objection dated 31 January 2017, prepared by GBA Heritage, and included at **Attachment A**.

In summary, our key points of objection to SSD 16\_7683 are as follows:

### **Consultation**

The Secretary's Environmental Assessment Requirements issued in June 2016 states: "*During the preparation of the EIS, you must consult with... Occupiers of adjoining sites, including major tenants of the Campbell's Stores*". No such consultation was undertaken by the applicant. Nor has the applicant appropriately considered the potential impacts on the existing and future planned operations of Campbell's Stores.

Objection SSD 16\_7683\_OPT Tenancy 5

## Use of the Site

The Environmental Impact Statement suggests that the principal purpose of the proposed development is the sale and consumption of food and beverages and the sale of alcohol is ancillary to the principal use of the site as a 'restaurant'. We question the validity of this statement given the proposal involves the construction of an external "landmark" micro-brewery pod which will service a proposed outdoor walk-up bar and is stated as being fundamental to the core vision for Tenancy 5.

It is our opinion that the proposed development represents a significant shift in the historic use of the site as a 'restaurant'. The more appropriate definition of the proposed use is a 'pub' which is described under the *Standard Instrument – Principal Local Environmental Plan* as follows:

***pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.*

It is our opinion that the principal purpose of the proposed development is the sale and consumption of alcohol and the sale of food is ancillary to this primary purpose. As such, the assessment of this application should have careful consideration for the potential impacts of a 'pub' on the surrounding locality. In particular, concerns are raised regarding the proposed hours of operation, potential antisocial behaviour, public safety and security, and noise impacts of the proposed use.

## Sydney Cove Redevelopment Authority Scheme

The proposed external micro-brewery pod and the first-floor deck is located outside of the existing OPT building envelope and site boundary identified in the Sydney Cove Redevelopment Authority Scheme (SCRA). The proposal therefore requires a significant variation to the SCRA Scheme. The justification provided for such a significant variation to the SCRA Scheme is inadequate.

There are no compelling grounds to alter the existing building envelope and site boundary so dramatically. The future operations of Tenancy 5 as a 'restaurant' can occur within the existing OPT building envelope and site boundary, and within the existing Tenancy 5 lease boundary.

The addition of an external "landmark" micro-brewery pod and walk-up bar is not consistent with the general planning and design principles of the Sydney Cove Redevelopment Area. The proposed variation to the SCRA Scheme will permit a development that will adversely affect the heritage significance of adjacent buildings and items, including the Opera House World Heritage Buffer Zone, Campbell's Stores, and the Rocks Conservation Area. Further, the proposed variation will permit a development that will adversely affect the quality of the public domain in the locality through the increase in visual clutter and prevention of views from Campbell's Cove to Sydney Harbour and the Opera House.

For these reasons, it is our opinion that the request to vary the SCRA Scheme in order to facilitate the future development of an external micro-brewery pod and walk-up bar should be rejected by the Minister.

## Heritage

As detailed in the Heritage Objection at **Attachment A**, the proposed development will have a significant impact on:

- **The Opera House World Heritage Buffer Zone** – views to and from the Opera House from a significant area of the public Campbell's Cove promenade are negatively impacted by not only the external micro-brewery pod but also the associated walk-up bar, shade structures, outdoor dining area, landscaping and glass balustrades. The accumulated visual clutter associated with these elements is unacceptable.
- **Campbells Stores** – views to and from Campbell's Stores from Sydney Harbour, the Opera House, and the Campbell's Cove promenade are negatively impacted by not only the external micro-brewery pod but also the associated walk-up bar, shade structures, outdoor dining area, landscaping and glass balustrades. The accumulated visual clutter associated with these elements is unacceptable.
- **The Rocks Conservation Area** – the proposed works will form a visual and physical barrier between The Rocks and Sydney Harbour. The privatisation of such a large outdoor area will diminish the equity of access objectives of The Rocks Conservation Area and in particular the Campbell's Cove pedestrian promenade.
- **The Overseas Passenger Terminal** – the proposed use of Tenancy 5 as a 'pub' is not consistent with the ongoing historical use of the OPT building as a commercial passenger terminal and dining facility. Further, the proposal when considered as whole, creates a cumulative level of visual clutter at the northern end of the OPT which will adversely impact on the heritage significance of the item and the wider area.

Furthermore, the subject site is included in *Sydney Harbour's Cultural Ribbon Strategy*, December 2016, adopted by the City of Sydney Council. This important initiative seeks to "boost Sydney's image as a cultural city", "reinforcing equity, connectedness and social well-being". One of the key objectives of the initiative is to de-clutter important views, vistas and public spaces, improving the nature of the ground plane as a key mechanism to upgrade the quality of public spaces. While the subject proposal may be largely but not entirely confined within an existing lease area, the visual clutter that results from the proposal will negatively impact on the ability for this major public meeting place to reach its full potential.

The applicant's argument that the external micro-brewery pod should be visually prominent and stand out from its existing nearby urban context, to the extent of being a "new landmark for the area" is fundamentally flawed. The proposed location and design of the external pod is unsympathetic to its surrounds and will detract from the established character of the area.

The proposed number, size and location of signage proposed is considered excessive and is not consistent with the surrounding character of The Rocks precinct. The proposed signage will dominate the northern end of the OPT building and Campbell's Cove and will have an adverse impact on the heritage significance of the adjacent heritage items and the Opera House Buffer Zone.

The submitted Statement of Heritage Impact does not adequately take account of the cumulative impacts of the overall proposal, concentrating instead on considering individual components in relative isolation. The Department should therefore request that a thorough assessment of the cumulative impacts of the proposal in its entirety be undertaken so that the full extent of the impact on surrounding heritage items can be considered.

## Visual Impact

The visual impact analysis undertaken by the applicant is grossly inadequate. The five photomontages produced do not accurately show the proposed development in its entirety. The applicant has made the conscious decision to exclude elements such as the external tables, chairs, balustrades, landscaping and shade structures to reduce the amount of visual clutter.

Further, the five photomontages do not provide an accurate representation of the current and proposed views to and from the Sydney Opera House, Sydney Harbour, Campbell's Cove, and Campbell's Stores. The Department should request that a visual impact assessment be undertaken in accordance with the Land and Environment Court requirements so that the full extent of view loss can be considered.

The Environmental Impact Statement acknowledges that *"views of the Sydney Opera House from the eastern end of Campbell's Stores will be partially impacted by the proposed pod structure"*. We question the validity of this statement given the inadequacy of the visual impact assessment prepared. It is our opinion that views of the Sydney Opera House and Sydney Harbour from the eastern end of Campbell's Stores, including the Bay X public stairs, Bay 1 and Bay 2, and the outdoor dining areas will be significantly impacted by the proposed development. Furthermore, views will also be significantly impacted from the Campbell's Cove public promenade.

## Inconsistency with the Campbell's Cove Promenade Works

The primary objective of the Campbell's Cove promenade works proposed under SSD 15\_7246 is to create a national and international standard waterfront promenade in the remarkable setting of Campbell's Cove, the Sydney Opera House and the Harbour Bridge.

The works proposed as part of SSD 12\_7246 will improve the visual amenity of Campbell's Cove and will emphasise visual connections to the Sydney Opera House and Sydney Harbour through the demolition of existing visual obstructions and the removal of visual clutter. The proposal simplifies the existing levels and gradients of the precinct to improve pedestrian circulation and to reinforce the identity and quality of the public domain by lessening visual impact of turning circles and road infrastructure.

The new waterfront promenade and public plaza will create the largest public gathering space in the Rocks Precinct with a unique cove setting for everyday leisure, performance arts, festival of Sydney, Vivid, Sydney Biennale, food festivals, music performances, open air cinema and theatre.

The proposed development of Tenancy 5 including the external "landmark" micro-brewery pod, walk-up bar, awning, and physically separated outdoor dining area is in direct conflict with the initiatives proposed by Property NSW to open up views between Campbell's Cove, Sydney Harbour and the Opera House and to improve pedestrian permeability in the area.

The Department should request that the applicant reconsider the proposed external micro-brewery pod and associated structures and barriers having particular regard to the works and initiatives proposed by Property NSW for Campbell's Cove.



Having regard to the points of object outlined above, it is our opinion that the proposed development cannot and should not be supported in its current form.

Please do not hesitate to contact the undersigned on 02 8233 9900 should you have any questions or wish to discuss any aspect of this objection further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Wilson", with a long horizontal flourish extending to the right.

Samantha Wilson

**Senior Consultant – Urban Planning**



31 January 2017

The Secretary  
Department of Planning and Environment  
22 - 33 Bridge Street  
SYDNEY NSW 2000

Dear Sirs

**HERITAGE OBJECTION: SSD 16\_7683  
PROPOSED BREWERY AND OUTDOOR BAR  
TENANCY 5, OVERSEAS PASSENGER  
TERMINAL, CIRCULAR QUAY**

On behalf of our clients, Tallawoladah Pty Ltd, we have pleasure in submitting this Objection on Heritage grounds to the recently submitted proposal for a micro-brewery and external bar in Tenancy 5 of the Overseas Passenger Terminal, Circular Quay. The essence of this Objection comprises:

- The proposal, when considered as whole, creates a cumulative level of visual clutter at the northern end of the Overseas Passenger Terminal that will degrade the waterfront curtilage of the historic Campbells Stores.
- The proposal will have a negative impact on current initiatives, including SSD 7246 for a comprehensive upgrade of the Campbells Cove Promenade and the City Council's *Cultural Ribbon Strategy*.
- The submitted Statement of Heritage Impact does not adequately take account of the cumulative impacts of the overall proposal, concentrating instead on considering individual components in relative isolation.



SSD 7246, Proposed Upgrade of Campbells Cove (JPW Architects)

**GBA**  
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Nominated Architect  
Graham Leslie Brooks  
NSW A.R.B. 3836

GBA Heritage Pty Ltd  
Incorporated in NSW

ACN 073 802 730  
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## KEY FEATURES OF THE PROPOSAL

An inspection of the architectural drawings submitted with the application indicates a significant range of new works at the northern end of the existing OPT.

### At Ground Level:

The primary aspects of the proposal at Ground Floor Level comprise:

1. Ground level bar located directly under the elevated "pod". The bar faces east, serving a large outdoor seating area, equipped with an unspecified series of what are apparently fixed tables. No details of the bar enclosure are provided, other than to indicate that it turns its back on the new public concourse proposed as part of SSD 7246 (recently lodged by Sydney Harbour Foreshore Authority).
2. The outdoor seating area, including the new bar, is to be surrounded by a 1400mm high glass fence. The northern line of this glass fence appears to follow the apparently random alignment of the Tenancy boundary. In addition there will be a glazed wind break 1800mm high fixed to the existing metal fence along the eastern side of the seating area.
3. Two overhead operable shade structures above some of the outdoor seating. The westernmost of these shade structures is linked to the elevated "pod" by means of an overhead "glazed skirt".
4. New operable glazing to the northern and eastern elevation of the internal restaurant spaces. The eastern glazing will enable the adjacent areas of the shipping wharf to be used when there are no cruise liners docked at the wharf. No details are provided of the extent or potential form of enclosure of this particular area of seating when it is in use for outdoor drinking or dining.

### At First Floor Level

The primary aspects of the proposal at First Floor Level comprise:

1. Elevated oval shaped glazed "pod" containing a series of tanks forming the micro-brewery.
2. External signage
3. A series of external decks on the northern, eastern and western facades, including a glazed awning above the new northern deck.

## HERITAGE AND MARITIME FORESHORE CONTEXT

The key Heritage related issues comprise the following:

1. The subject site is located within the Buffer Zone of the World Heritage Listed Sydney Opera House, and is directly visible across Circular Quay from within the actual listed curtilage of the Opera House.
2. The subject site is located within the visual foreshore curtilage of the State Heritage Listed Campbells Stores building, which is currently being prepared for a major conservation upgrade and revitalisation. This curtilage was identified in the GML Heritage *Campbells Stores Conservation Management Plan* 2014, as subsequently endorsed by the NSW Heritage Council.
3. The subject site is located within The Rocks Conservation Area.
4. The subject site is located in the statutorily controlled vicinity of a number of individually heritage listed items including Campbells Stores, ASN Co Building, The Metcalfe Bond Stores and Sydney Harbour Bridge. Of these, the most affected item is the important harbourside setting of Campbells Stores.
5. The subject site is located within the visual setting of the Campbells Cove public promenade, and is included in the upgrading works proposed by Sydney Harbour Foreshore Authority recent submission of SSD 7246.



6. The subject site, being a visual component of the Campbells Cove foreshore, is included in the *Sydney Harbour's Cultural Ribbon Strategy*, December 2016, adopted by the City of Sydney Council. This important initiative seeks to "boost Sydney's image as a cultural city", "reinforcing equity, connectedness and social well-being". One of the key objectives of the initiative is to de-clutter important views, vistas and public spaces, improving the nature of the ground plane as a key mechanism to upgrade the quality of public spaces. While the subject proposal may be largely but not entirely confined within an existing lease area, the visual clutter that results from the proposal will negatively impact on the ability for this major public meeting place to reach its full potential.

## REVIEW OF THE SUBMITTED HERITAGE IMPACT STATEMENT

### Impact on the Opera House World Heritage Buffer Zone

The Heritage Impact Statement, at Section 6.3.2, concluded that views to the Opera House will be only somewhat degraded from view points that are in close proximity to the "pod". This is a reasonable conclusion when considered in the totality of the setting of the Opera House. However, when the view shown in Figure 6.7 (reproduced below) is considered in the light of the proposed upgrading of the Campbells Cove precinct (SSD 7246), the outcome is that views to the Opera House are negatively impacted for a considerable area of the proposed public promenade at the very location where it emerges from behind the Overseas Passenger Terminal.

This impact on views to the Opera House, generated by both the elevated pod and the visual clutter at ground level, do not meet the expectations of the proposed Cultural Ribbon Strategy for this section of the public domain in Campbells Cove.

### Impact on Campbells Stores

The Heritage Impact Statement, at Section 6.2.1 assessed the potential heritage impact of the "micro-brewery pod" on the significance of Campbells Stores. This assessment is fundamentally flawed due to its limited coverage of issues. It primarily addresses views to and from Campbells Stores and relies on the physical separation between the "pod" and the Stores building and the limited disruption of views, to conclude that there will be no adverse impacts.

This analysis failed to consider the broad public promenade that forms the important harbourside setting of the historic Stores building and the complementary backdrop contribution of the Metcalfe Bond, ASN Co buildings and the Rocks Conservation Area. It drew the improbable conclusion that the brewery equipment contained in the elevated, fully glazed "pod" would somehow reflect and therefore compliment the historical industrial nature of the Stores building.

### Impact on the Rocks Conservation Area

The Heritage Impact Statement, at Section 6.2.5, includes the following conclusions:

- *The micro-brewery pod and fence around the outdoor seating area will form a minor physical barrier between The Rocks and the waterfront.*
- *The raised form of the pod will ensure that the perception of the pod as a barrier is minimised, as light and air will flow below the main building form of the pod. This is considered positive in heritage terms.*
- *The fence, consisting of clear glazed panels, will have a minimal visual impact.*

These conclusions are flawed as they selectively ignored the visual presence of the long bar below the pod, of the shade structures, the tables and chairs. They also ignored the cumulative visual clutter generated by the overall proposal. The privatisation of such a large outdoor area, by means of the glazed fence and other clutter, will diminish the equity of access objectives of the overall pedestrian promenade.

## Impact on the Overseas Passenger Terminal

The Heritage Impact Statement, at Section 6.1 individually examined the potential heritage impact on OPT arising from the various physical additions of the brewery pod, the bar, the additional terraces, upper level awnings, ground level awnings and the glazed fencing around the seating area.

The conclusion that there was no adverse impact is flawed as the assessment did not consider the cumulative impact of the visual clutter generated by total proposal, including the seating and the combination of the elevated pod, the bar, shade awnings and fences.

## General Conclusions

The Heritage Impact Statement, at Section 8.1.1 draws a number of conclusions, including:

- *The proposed use and occupation of Tenancy 5 will have a positive impact on the (OPT) building and its surrounding area, as it will serve to activate the area and increase access to and appreciation of The Rocks Conservation Area, heritage items in the vicinity and the harbourside setting.*
- *The proposed works, in particular the micro-brewery pod, will have a minor effect on the setting and views of The Rocks Conservation Area and heritage items in the vicinity: Campbell's Stores, the ASN Co Building, Metcalfe Bond Stores and the Sydney Harbour Bridge.*
- *The pod's location (set some distance from neighbouring built elements), its comparatively small scale, and its simple contemporary form elevated from ground level will ensure that it will not overwhelm its neighbours.*
- *The proposed visual display of the workings of the micro-brewery will complement the historical industrial character of the area and give rise to a positive heritage impact.*
- *There will be some obstruction to views of the Opera House from areas to the west of Tenancy 5, but these interruptions are limited to a small viewpoint area, and for the most part views of the Sydney Opera House will be unaffected.*
- *The proposed external and internal works and use of the spaces at Tenancy 5 will give rise to a positive impact on the setting of the Sydney Opera House by increasing the level of activity in the Circular Quay precinct.*

These conclusions rely heavily on the activation of the external ground level areas within Tenancy 5 as a key outcome for the precinct and its acceptability in terms of heritage impact. This activation can only take place if facilitated by the visually intrusive physical clutter of the associated infrastructure at ground level.

In addition, the conclusions refer primarily to the elevated and relatively self contained nature of the "pod". They do not give sufficient consideration to the accumulated visual clutter associated with the bar, the shade structures, tables and chairs and the intrusive presence of a glass fence that differentiates an exclusive precinct for clients from the general public areas of the Campbells Cove promenade.

The overall conclusion is fundamentally flawed as it does not take account of the impact on the important and state significant waterfront setting of Campbells Stores or the wider public initiatives generated by both SHFA and Sydney City Council for the upgrading and de-cluttering of the Campbells Cove promenade.

## ADDITIONAL AREAS OF CONCERN

In addition to the above heritage issues, there are a number of other aspects of the proposal that need to be carefully considered. From a heritage perspective, they appear to generate an expansion of, and consequently an impact on, the long-standing physical and spatial management of that section of the Campbells Cove promenade north of the OPT building.

1. The proposal appears to require the "regularising" of the PNSW boundary. There is no discussion in the Statement of Heritage Impact regarding the likely implications of this proposal.

2. The north-eastern corner of the proposed eastern shade structure appears to extend beyond the existing lease line. There is no discussion in the Statement of Heritage Impact of the implications of extending new shade structures beyond the current lease line.
3. A considerable section of the proposal appears to extend well beyond the Building Site Control diagrams for the subject site. We note that the Department of Planning and Environment has formed a view that it is appropriate to prepare a draft variation request in accordance with drawings XLV1A and XLVI-B. Some of the proposed external works including shade structures are not included on those drawings. There is no discussion in the Statement of Heritage Impact of the implications of expanding the permissible volumes of the Overseas Passenger Terminal building beyond this long held and rigorously enforced public policy framework.

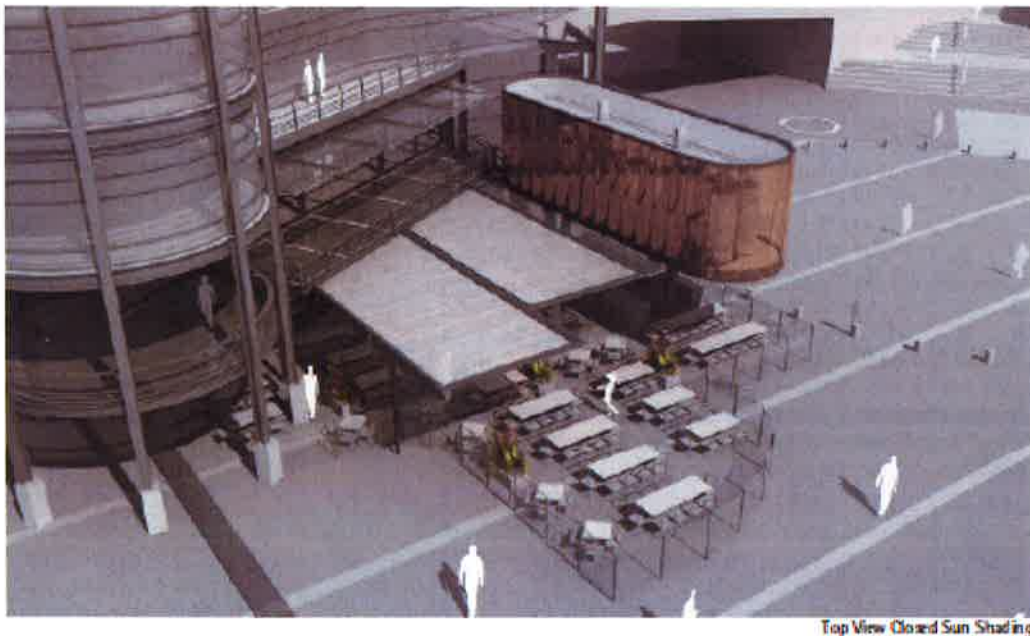
## RECOMMENDATION

Based on the above analysis of the submitted Statement of Heritage Impact and the broader heritage context and relevant public policy initiatives for Campbells Cove, the consent authority should reject this application in its current form.

Yours faithfully  
GBA HERITAGE PTY LTD



Graham Brooks  
Director  
grahambrooks@gbaheritage.com



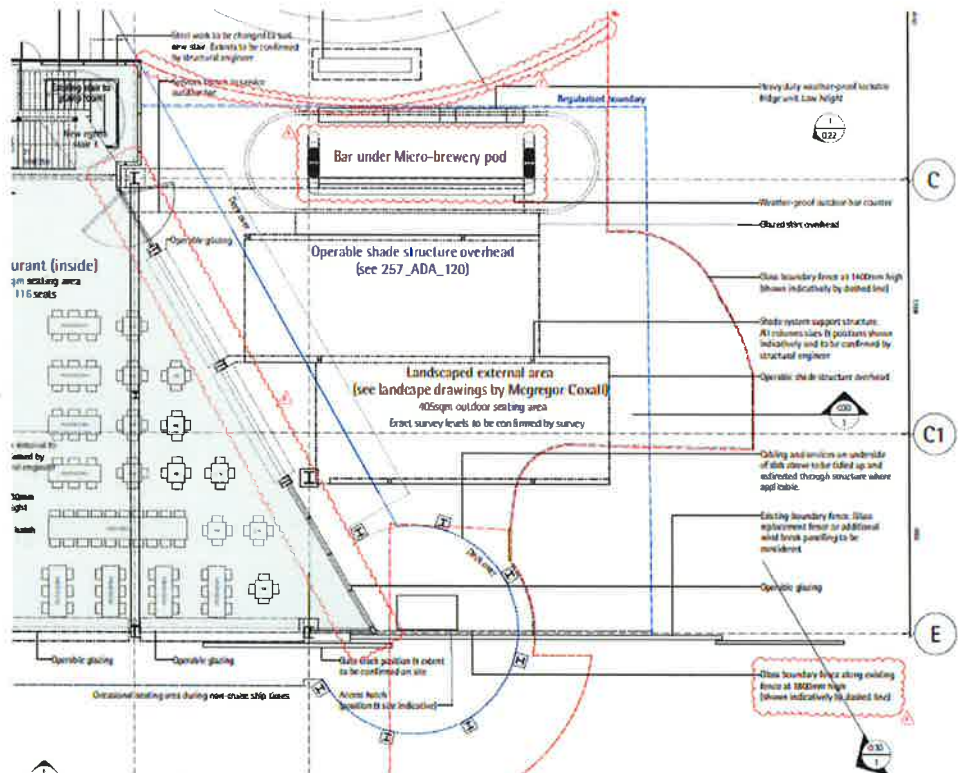
Top View Closed Sun Shading

*The proposed elevated "pod", shade structures, bar, tables, chairs and glazed fence will combine to create considerable visual clutter at the northern end of OPT. (Source: Architectural submission)*

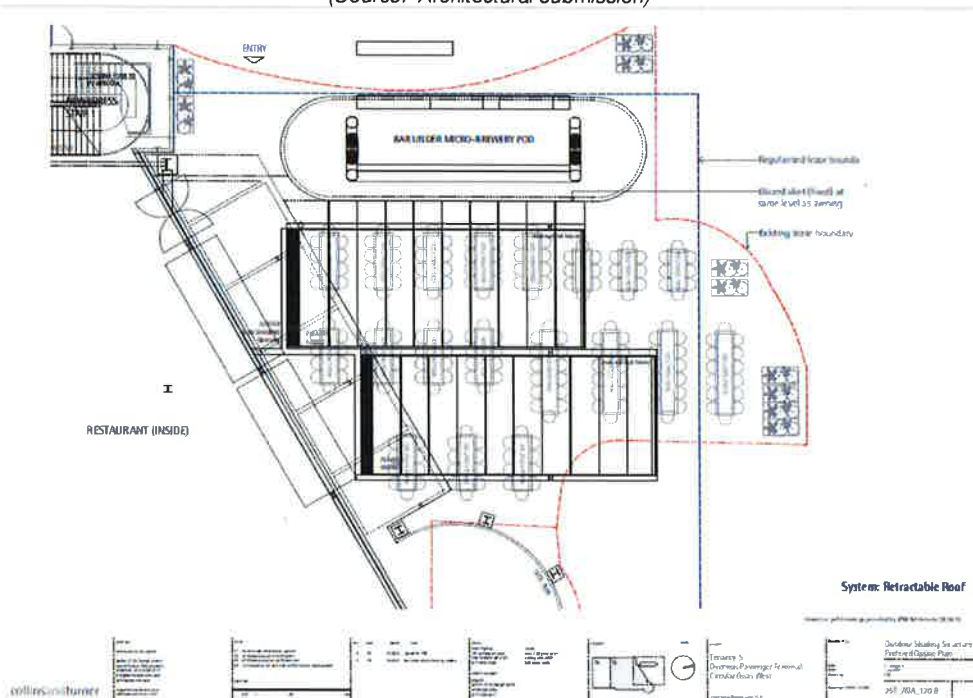


**Figure 6.7** Viewpoint B: Photomontage showing views of the Sydney Opera House from the public walkway near the eastern end of Campbell's Stores will be impacted by the brewery pod. (Source: Collins and Turner, 257\_ADA\_094A)

*The "pod" and ground level clutter of associated infrastructure will degrade views to the Opera House at the very location where pedestrians emerge from behind the OPT as they arrive at the Campbells Cove promenade. (Source Statement of Heritage Impact)*



Note the random alignment of the proposed glazed fence as it follows the tenancy boundary  
(Source: Architectural submission)



Note the shade structures, bar, tables and chairs and fence line. (Source Architectural Submission)

