

**DEVELOPMENT APPLICATION: WALSH BAY ARTS PRECINCT STAGE 2 AND SYDNEY THEATRE COMPANY INTERNAL FIT-OUT AND REFURBISHMENT WORKS
FILE NO: R/2016/21/A AND R/2016/13/A**

DEVELOPMENT APPLICATION NO: SSD 7689 AND SSD 7561

SUMMARY

Applicant:	Infrastructure NSW on behalf of ArtsNSW
Architect:	Tonkin Zulaikha Greer
Developer:	Infrastructure NSW
Proposal Summary:	<p>The proposed developments are deemed to be State Significant Development (SSD). The consent authority for the Development Applications is the Minister for Planning and Environment under <i>State Environmental Planning Policy (State and Regional Development) 2011</i> because the proposed developments are defined as a cultural facility with a capital investment value greater than \$30 million.</p> <p>On 21 May 2015, the Department of Planning and Environment (DP&E) granted consent under the delegation of the Minister of Planning for the Walsh Bay Arts Precinct (WBAP) Stage 1 Concept SSD (6069). The Stage 1 provided for the “in principle” approval of the overall WBAP concept, comprising an integrated performing arts and cultural precinct together with an enhanced public domain at Walsh Bay. The concept proposal was presented to the Central Sydney Planning Committee on 4 December 2014. The subject SSD applications follow the approval of the Stage 1 Concept SSD for the WBAP.</p> <p>The Stage 2 application (7689) proposes a comprehensive range of internal and external alterations to Pier 2/3, Wharf 4/5 (excluding internal space the subject of SSD 7561), and Shore Sheds 4/5; upgrades to the public domain including a waterfront public square between Pier 2/3; and Wharf 4/5 and active land uses.</p> <p>The Sydney Theatre Company (STC) Internal Fit-out and Refurbishment Works application (7561) proposes extensive fitout and refurbishment works to the interior levels of the Wharf 4/5 building/s to accommodate increased capacities; and a new multipurpose public/event space.</p>

**Proposal Summary:
(continued)**

In accordance with Clause 16(a) of the *Sydney Regional Environmental Plan No. 16 – Walsh Bay*, the consent authority, when determining a development application, must take into consideration the views of the Central Sydney Planning Committee (CSPC).

On 16 February 2016, the proponent briefed the CSPC on their project objectives and design approach.

Summary Recommendation:

The CSPC endorse the key issues as detailed in the subject report as representative of the views of the CSPC on the Walsh Bay Arts Precinct SSD applications 7689 and 7561.

The CSPC objects to the proposed development for the reasons outlined under heading 'CSPC Views – Submission' until such time as the issues raised within this report are adequately addressed by the proponent.

Development Controls:

- (i) Sydney Regional Environmental Plan No 16 – Walsh Bay

Attachments:

- A – Selected Drawings
- B – Initial Council submission to DP&E
- C – Stage 1 Concept Proposal (SSD 6069) CSPC Report

RECOMMENDATION

It is resolved that the Central Sydney Planning Committee (CSPC) endorse, for submission to the Minister for Planning and Environment as consent authority for the applications, commentary on the key issues as detailed in the subject report as representative of the views of the CSPC on the Walsh Bay Arts Precinct State Significant Development Applications 7689 and 7561.

The CSPC objects to the proposed development for the reasons outlined under heading 'CSPC Views – Submission' until such time as the issues raised within this report are adequately addressed by the proponent.

BACKGROUND

The Site and Surrounding Development

1. The site comprises Pier 2/3, Wharf 4/5, selected Shore Sheds adjacent to Pier 2/3 and Wharf 4/5 and an area between Pier 2/3 and Wharf 4/5 earmarked for a new public square that currently contains concrete pedestrian aprons and a part of Sydney Harbour.
2. Walsh Bay is an historic and cultural precinct located at the north end of Millers Point. The Precinct comprises five wharves preserved from their former use as a working dock. The wider Walsh Bay Precinct was redeveloped by the NSW Government and a development consortium between 1997 and 2004. However, this excluded Wharf 4/5 and Pier 2/3, the subject of this report.
3. Surrounding development includes Pier 1 which accommodates the Pier One Hotel, Pier 6/7 which houses contemporary apartments in a modern adaptive re-use, Pier 8/9 which accommodates contemporary offices and the Shore Sheds along Hickson Road incorporating a range of residential, retail and commercial uses. The Shore Sheds subject of the applications are generally original with the exception of modern internal fitout works.
4. Photos of the site and surrounds are provided below:

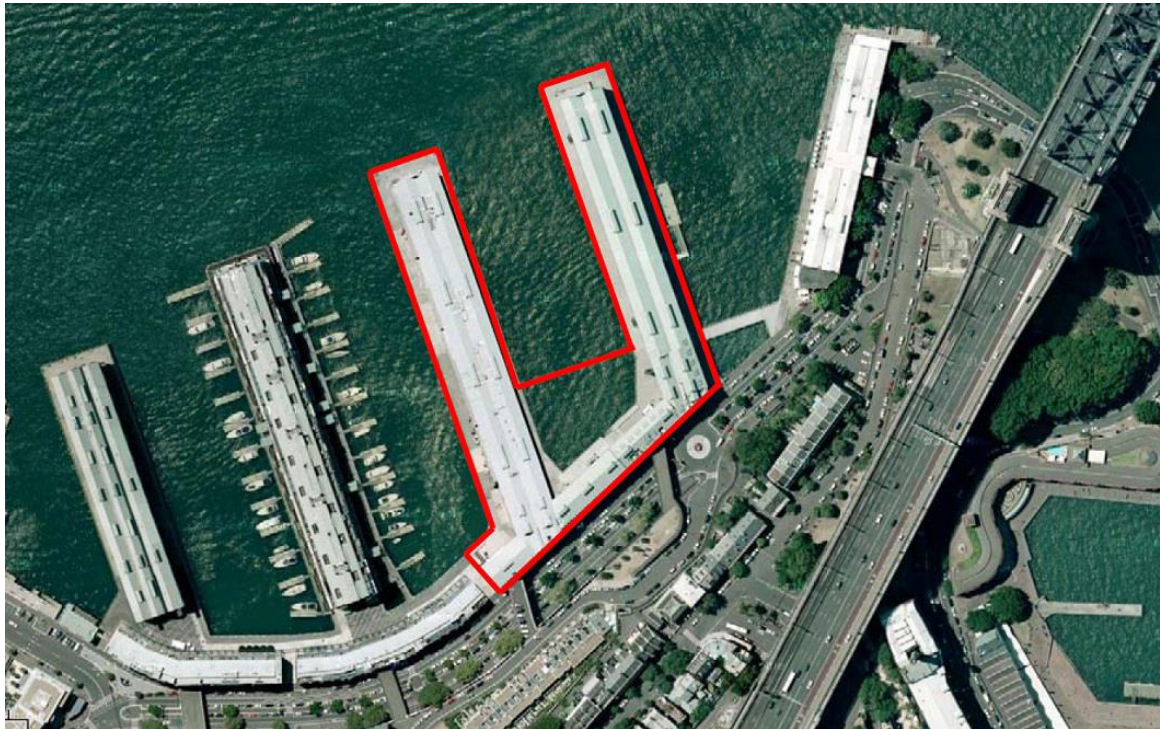


Figure 1: Aerial image of subject site and surrounding area (outlined in red)

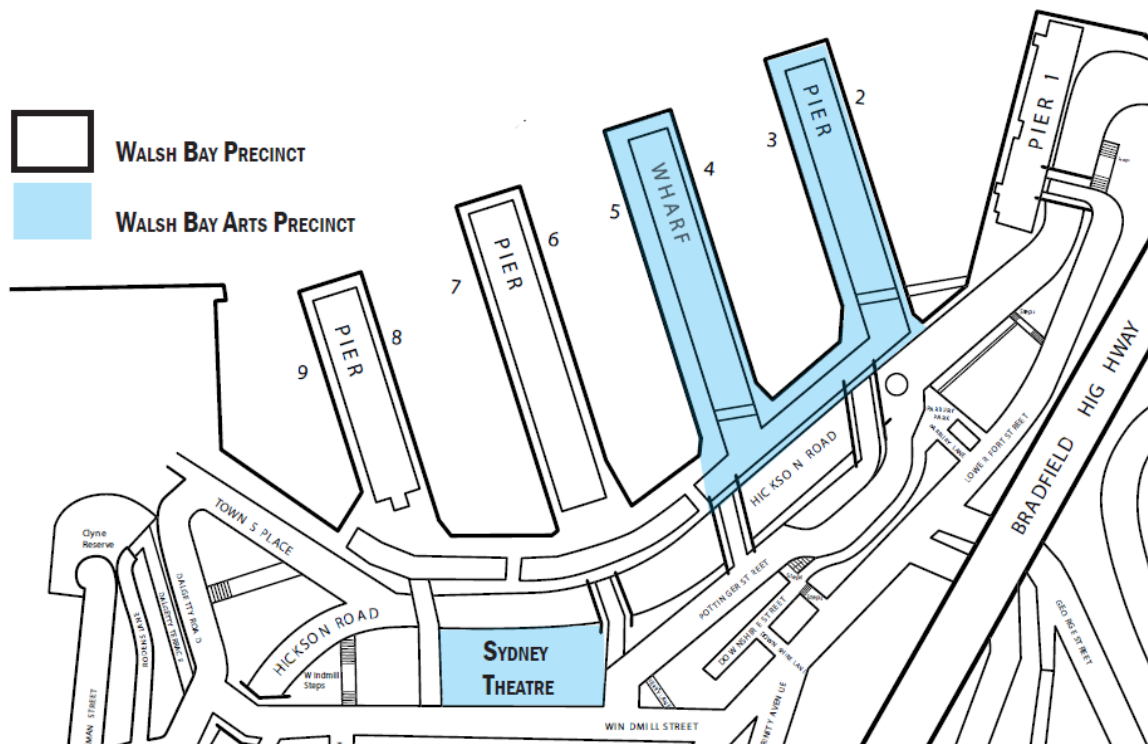


Figure 2: Walsh Bay Precinct Map (Source: ARUP)



Figure 3: Panoramic view from south - Pier 2/3 to the left, Shore Sheds in centre and Wharf 4/5 to the right



Figure 4: Pier 2/3 looking north



Figure 5: Wharf 4/5 looking west. Note: the proposed public square would fill the Harbour gap between Pier 2/3 and Wharf 4/5 shown here.



Figure 6: Site viewed from Hickson Road with Shore Sheds to left of photo

PROPOSAL

5. The Walsh Bay Stage 2 SSD 7689 and Sydney Theatre Company Internal Fit-out and Refurbishment Works SSD 7561 seek consent for:

(a) Demolition and construction works

- (i) construction works comprising infrastructure upgrades, demolition, hazmat and sub structure works;

(b) Pier 2/3

- (i) internal alterations and reconfiguration to provide:

- a. performance venues;
- b. rehearsal rooms, production workshops, back of house facilities and offices;
- c. function spaces, bars, cafes and foyer spaces extending onto external gantry platforms (balconies) providing breakout space for internal foyers and allowing views of outdoor performances;
- d. mezzanine spaces for offices and back of house facilities;
- e. upgrades to meet compliance with current BCA, DDA and fire codes;
- f. new lifts and stairs;
- g. creation of new commercial tenancies and public toilets;
- h. removal of some storey posts and beams to facilitate internal reconfiguration and new uses; and
- i. retention of a large proportion of the ground floor in its existing 'raw' heritage state for events and festivals including Sydney Writers' Festival and Biennale including venue and commercial hire;

- (ii) external alterations and additions comprising:

- a. new balconies and external stairs for fire egress;
- b. new external lift for access;
- c. installation of glazing in existing cargo sliding door openings and other solid panels on the eastern, western and northern elevations to allow for views into and out of the building;
- d. roof penetrations within the central valley at the southern and northern end to accommodate new performance spaces and associated structural modification including truss strengthening;
- e. installation of ESD elements, such as photovoltaic panels and seawater heat exchange systems; and

- f. raising of the external floor level on the eastern side by introducing a new raised deck and continuous set of stairs beyond the existing column line;

(c) Wharf 4/5

- (i) internal alterations and reconfiguration to the Bangarra Dance Theatre (BDT) tenancy to provide for:
 - a. upgrade of the main rehearsal and performance spaces;
 - b. upgraded foyer and exhibition space along the eastern frontage;
 - c. improved office space at mezzanine level including a new lift and stairs;
 - d. provision of a function space at ground level of the northern end of the wharf with associated kitchen facilities; and
 - e. new entrance and new glazing in bays of sliding cargo doors, opening up the foyer and main studio to the Pier 4 apron;
- (ii) minor internal alterations and additions to the Sydney Dance Company (SDC) tenancy comprising:
 - a. reducing the existing workshop space to create a fifth dance studio; and
 - b. upgrading office and reception areas;
- (iii) external alterations and additions to the SDC tenancy comprising:
 - a. raising of the timber wharf deck adjoining the SDC café and opening of the facade with new glazing to activate the waterfront square;
- (iv) creation of new commercial tenancies and public toilets;
- (v) external fabric alterations around the Sydney Theatre Company (STC) tenancy comprising:
 - a. improved street entry at Hickson Road involving relocation of the stairs to allow for an improved landing and point of arrival to the STC;
 - b. new gantry balconies, stairs and lifts mid-wharf and at the end of the wharf to provide for improved accessibility and compliance with fire engineering solutions;
 - c. minor amendments to the existing facade to accommodate new entries and exits along the wharf;
 - d. roof penetrations within the central valley at two locations to accommodate theatre and workshop spaces and associated structural modifications including truss strengthening; and

- e. reinstallation of existing photovoltaic panels where applicable.
- (d) Wharf 4/5 Shore Sheds
 - (i) internal alterations to reconfigure the choir spaces, including provision of a mezzanine for choir administration;
 - (ii) creation of new commercial tenancies at ground and mezzanine levels; and
 - (iii) provision of office space at ground floor;
- (e) Public Domain
 - (i) construction of a new waterfront square comprising a deck on piled structure;
 - (ii) shaded informal performance space on piled structure; and
 - (iii) changes to existing levels and steps down to facilitate access between the existing apron and new waterfront square
- (f) New Uses
 - (i) use of the precinct for arts festivals, events and pop ups as well as a range of uses such as retail, restaurants, cafes and bars.

6. Plans of the proposed development are provided below.



Figure 7: Photomontage of the proposed public square



Figure 8: Photomontage of the proposed public square

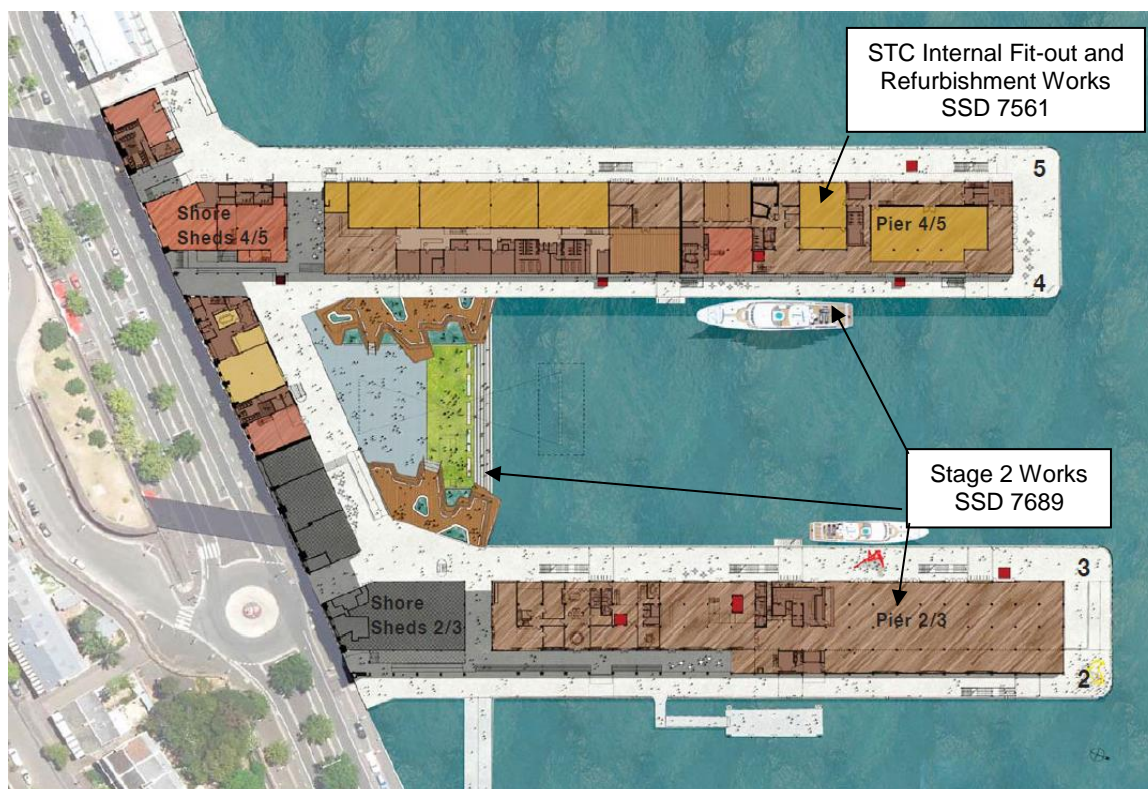


Figure 9: WBAP ground floor functional layout plan

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 16 – WALSH BAY

7. Clause 16(a) of the Sydney Regional Environmental Plan No. 16 – Walsh Bay reads as follows and is the basis for the proponent's briefing to the CSPC on 16 February 2017:

Matters for consideration

In determining a development application, the consent authority shall take into consideration:

- (a) *the views of the Central Sydney Planning Committee constituted under the City of Sydney Act 1988.*

PUBLIC AND AUTHORITY SUBMISSIONS

8. The SSD applications were placed on public exhibition between 17 November 2016 and 16 December 2016. Thirty-three (33) submissions were received from the public, 19 of which were objections and 14 of which were letters of support. Nineteen (19) agency submissions were received.

CSPC VIEWS - SUBMISSION

9. The Central Sydney Planning Committee (CSPC) considered the formal application (subject of illustrations) and a tentative Response to Submissions including amended proposal (handed out in hard copy at the meeting 23 February 2017) and makes the following comments:

(a) Urban Design

- (i) Condition A10 of the Stage 1 consent (SSD 6069) incorporates a series of Urban Design Guidelines to inform the detailed Stage 2 design and redevelopment. The comments below relate to the public domain aspects of the WBAP Stage 2 SSD and consider whether the Stage 1 consent conditions have been adequately satisfied:
- a. any development of a detailed Stage 2 proposal should not extend in the northerly direction (waterside) beyond the southern side of the Pier 2/3 shore shed 'breezeway' and axis of bridge from Pier 1. When a pedestrian is walking on the bridge from Pier 1 to Pier 2/3, their view of the water should not be interrupted by the deck/stage infill. All structures should be contained within a line extending from the face of the Pier 2/3 shore shed (Figure 10);
 - b. full width tidal steps are supported for the transition between the deck and water. The alternative of a pontoon for boats in place of the steps is not supported. Steps are consistent with the Stage 1 indicative plans and provide public amenity;
 - c. the deck/stage works should be completely reversible without damage to the heritage fabric. The language should be robust, simple and in keeping with the unique industrial character distinguishing the original deck edge;

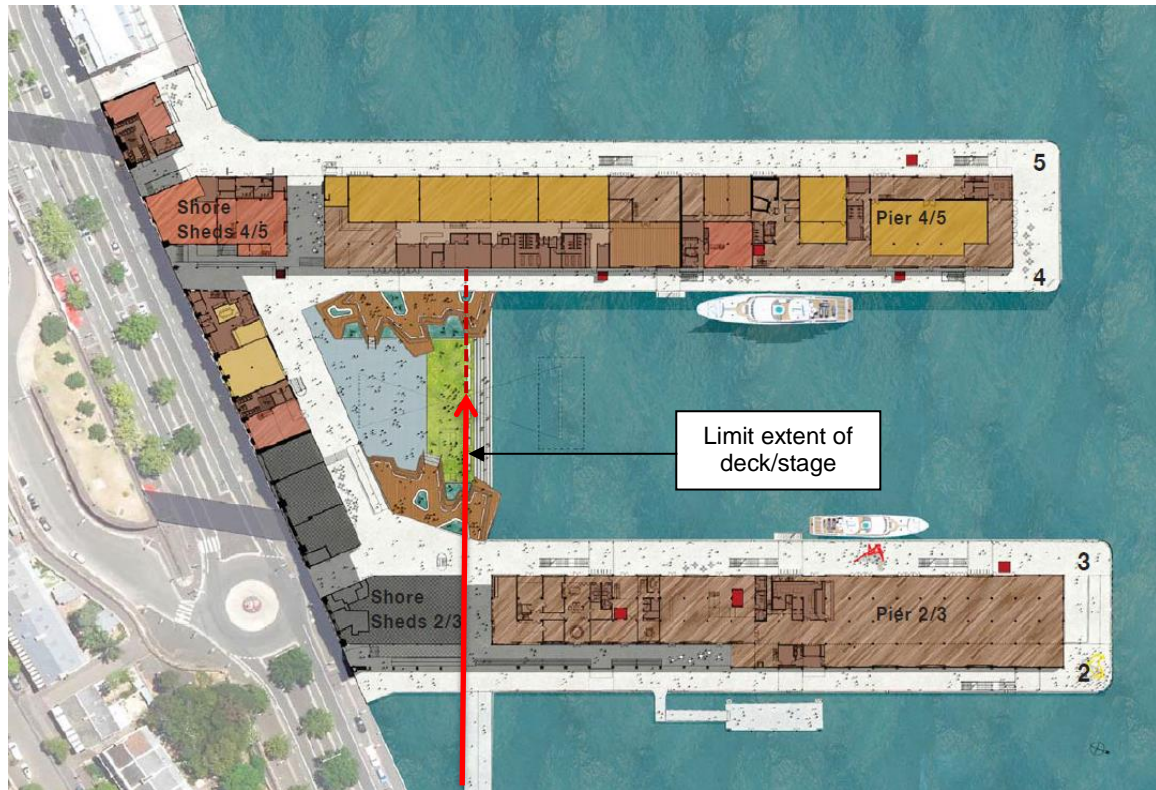


Figure 10: Preserve sight lines

- d. maintain a full width promenade for pedestrians between pier 2/3 and pier 4/5, uncluttered by development;
- e. a moveable stage structure is preferred to a fixed permanent stage structure;
- f. The infill deck is not to be considered a development site in the future. When the infill has reached its functional life, it should be removed and the water space restored;
- g. The raising of the central roof gutters in sections near the original lanterns should be reduced in their extent so there is separation from the original roof lanterns;
- h. the existing windows to buildings along Hickson Road should provide visibility to the interior of tenancies, and be clear from fitout elements, signage, furniture and screens. Future fitouts should be required to meet these conditions following the SSDA approval;
- i. the proposal should be further developed to allow buildings to open out to Hickson Road, activating the public domain and allowing WBAP to have a greater street presence (within the constraints of the heritage structures);
- j. outdoor dining areas within the precinct should be subject of a future approval or management strategy, to provide dimensional limitations ensuring adequate space for pedestrian circulation, egress and access to the water edge;

- k. a coordinated suite of outdoor furniture (including umbrellas) should be selected and used by operators throughout the WBAP;
- l. The Walsh Bay Art Precinct Public Art Policy should be provided to City of Sydney for review and comment; and
- m. a public art proposal should be presented to the City of Sydney's Public Art Panel for review and comment

(b) Signage

- (i) the signage strategy is not supported in its current form;
- (ii) it is recommended that Arts NSW and their signage consultants meet with the City of Sydney to review the signage proposal prior to the lodgement of a development application with the City of Sydney;
- (iii) any proposal for signage should be subject of a signage strategy prepared with the input of the nominated heritage consultant and subject of a separate development application to the City of Sydney; and
- (iv) the need for additional wayfinding and signage in the public domain should be developed further in consultation with the City of Sydney and integrated with the existing City wayfinding system rather than introducing a new system;

(c) ESD

- (i) the Sustainability Framework Report prepared by ARUP is reasonably solid. However, it should be revised to incorporate the following:
 - a. an above "minimum compliance" with Section J of the NCC to prevent future occupants from seeking inefficient heating solutions such as plug-in radiant or convection heaters. Concern is raised that if these design aspects are not well-resolved, it will be difficult to retrofit a passive design solution later;
 - b. visibly demonstrated commitment to solar water heating. As hot water demand for arts spaces is modest, only a modest solar water heat would be required. The City's own Renewable Energy Masterplan identifies solar water heating as a significant energy savings option across the LGA;
 - c. indication of additional photovoltaics and the scale of systems that could be accommodated should be provided;
 - d. with regard to the above two points, there is no need for roof space allocation for solar water heating to be traded against space for photovoltaic panels – both technologies can be accommodated and when placed alongside each other make a clear statement of commitment to diverse renewable energy solutions;
 - e. the application of Battery Storage technology to enable onsite renewable energy generated during daylight hours to be used to meet the higher site energy demand of the evening/night. This is a serious oversight given the rapid development of battery

technology and the NSW Government's stated commitment to energy efficiency innovation;

- f. references to using recycled and sustainably sourced (certified – FSC) timber “where possible” are too vague and uncertain. The applicant must demonstrate a commitment to this aspect of the proposal and ensure that only certified or recycled timber is used;
- g. a stronger commitment to lock in rainwater capture and re-use is required. New storage capacity should be included as part of the current design and construction – not deferred to the future;
- h. greater consideration for working with the Barangaroo site owners/operators to establish whether export of recycled water services is feasible to WBAP; and
- i. little or no reference is made to existing adopted NSW Government energy efficiency, renewable energy or water conservation plans/policies. As the proponent, INSW should accord with the latest policy positions of the NSW government including the recently exhibited NSW Climate Change Fund Draft Strategic Plan and its Draft Plan to Save NSW Energy and Money and

(d) Heritage

- (i) the site is listed as part of the State Heritage Register Walsh Bay Wharves Precinct and, as such, the views of the NSW Heritage Council should be sought;
- (ii) the involvement of a heritage consultant at all stages of the project, including the use of skilled and experienced tradespeople, is crucial to ensuring minimal heritage impacts (STC); and
- (iii) further detail is sought regarding heritage interpretation. Such interpretation should be consistent with the goals and directions of Walsh Bay Precinct Interpretation Plan 1999 and include moveable heritage (STC);

(e) Transport and Access

- (i) the quantity of onsite bicycle parking and quality of end-of-trip facilities is inadequate and unlikely to cater for increasing demand in the future. Both proposals should comply with the Green Travel Plan prepared for the site, which recommends bicycle parking spaces at a rate of 5% of staff and 1% of visitor population;
- (ii) approval by the City's Pedestrian, Cycling and Traffic Calming Committee is required for all changes to street parking restrictions; and
- (iii) due to site constraints and difficulty in accommodating Medium Rigid Vehicles (MRV), all loading and unloading should be undertaken outside of scheduled event times and peak attendance periods, with service vehicles no larger than a MRV;

(f) Contamination, Noise and Food Safety

- (i) the former use of the site as a shipping facility, combined with its location in the central inner city, indicates that the site is subject of potential contaminants. Although the current use of the site is considered to have negligible potential for contamination by the land and sea, Council's Health Unit request the following reports *prior* to determination:
 - a. a Detailed Site Investigation must be completed and a Remedial Action Plan be devised and endorsed by a qualified Site Auditor;
 - b. an Acid Sulfate Soils Management Plan (ASSMP)
- (ii) a site specific Demolition, Excavation & Construction Noise & Vibration Management Plan; and
- (iii) kitchen plans demonstrating compliance with AS4674 and Food Safety Standards 3.2.2 and 3.2.3 should be submitted for assessment including mechanical ventilation details and point of discharge.

NEXT STEPS

- 10. The CSPC report includes the CSPC views and is endorsed.
- 11. The proponent is expected to prepare a Response to Submissions report and lodge it with DP&E. At this point, the proponent may amend the project in response to public and authority submissions including that of The City. It is anticipated that the proponent will collaborate with the City in appropriately resolving each of the issues raised within this report.
- 12. The City is provided a copy of any Response to Submissions and given 14 days to provide further comment. It is at this stage that Council may withdraw its formal objection to the proposals, subject to the satisfactory submission of additional information and/or amended plans. The City will forward the Department draft conditions of consent for imposition within any subsequent approval.
- 13. The views of the CSPC are required to be taken into account in the determination of the SSD applications.
- 14. The SSD applications can be determined by an authorised delegate of the NSW Minister for Planning, subject to the number of public submissions received (<25) and support of the City. It is expected the applications will be determined by officers within the DP&E.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Michaela Briggs, Specialist Planner)