

WALSH BAY ARTS AND CULTURAL PRECINCT

RESPONSE TO SUBMISSIONS

SSDA 8671

APPENDIX 12:

ASSESSMENT AGAINST PROVISIONS IN SYDNEY

HARBOUR CATCHMENT REP

Assessment against relevant provisions in Sydney Harbour Catchment REP and Sydney Harbour Foreshores and Waterways Area DCP

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<p>CI 13 Sydney Harbour Catchment</p> <p>Planning principles for land within Sydney Harbour Catchment:</p> <ul style="list-style-type: none"> (a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends (b) the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity (c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment (d) action is to be taken to achieve the targets set out in 'Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment' (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in 'Australian Water Quality Guidelines for Fresh and Marine Waters' (published in November 2000 by the Australian and New Zealand Environment and Conservation Council), (e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department), (f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour, (g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased, (h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water, (i) action is to be taken to achieve the objectives and targets set out in the 'Sydney Harbour Catchment Blueprint', as published in February 2003 by the then Department of Land and Water Conservation, (j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment, (k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity, 	<ul style="list-style-type: none"> (a) The development will not adversely impact on any processes which affect the health of the catchment. The project does not involve any works in the harbour. Appropriate construction management measures will be put in place to protect water quality (refer ECSMP at Appendix 26 of project EIS and additional measures in Appendix 10 of the Response to Submissions) (b) The development will not impact on the natural assets of the catchment (c) Cumulative environmental impact has been assessed in the EIS and in the Response to Submissions and will not result in adverse impacts on the catchment (d) An Integrated Water Management Plan was prepared for the project EIS (refer Appendix 13 of EIS) which addresses drainage and flooding and identifies appropriate measures to protect water quality and flows (e) As above (f) A simple and modest design approach has been adopted for all external additions to ensure that they respect the industrial character of the wharves and to minimise their visual prominence. The Visual Impact Assessment undertaken for the project (refer Appendix 18 of Project EIS) indicates that the visual impact of the project will be minimal and will not diminish the visual qualities of the harbour. (g) The project will not impact on existing vantage points. (h) Refer response to (d) above. (i) Refer response to (d) above (j) The project does not impact on existing watercourses, wetlands, riparian corridors, remnant native vegetation or other ecological features. (k) N/A (l) There is potential for the site area behind the sea wall abutting Hickson Road to have historically been filled and therefore been underlain by marine/alluvial sediments with the potential to be characterised as acid sulfate soil. The project does not involve significant disturbance of the area behind the sea wall that has been filled. As such, no further consideration is required of the potential occurrence of acid sulfate soils within the site portion underlain by soil or associated requirements for management of such conditions.

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(l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the 'Acid Sulfate Soil Manual', as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.	
Cl. 14 Foreshores and Waterways Area Planning principles for land within the Foreshores and Waterways Area: <ul style="list-style-type: none"> (a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores, (b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation, (c) access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation, (d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores, (e) adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses, (f) public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes, (g) the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes, (h) water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront, (i) the provision and use of public boating facilities along the waterfront should be encouraged. 	<ul style="list-style-type: none"> (a) A sympathetic and modest design approach has been adopted for all external additions to ensure that they respect the industrial character of the wharves and to minimise their visual prominence. A similar architectural language is proposed for all new elements to unify the composition and ensure visual consistency across the precinct. The unique qualities of the surrounding harbour will not be adversely impacted by the development. (b) No change is proposed to public access along the foreshore. Improved wayfinding and signage will encourage more visitors to access the foreshore in this location. (c) As above. (d) Refer to (a) above. (e) The site's working harbour history will be protected and interpreted as part of the development. (f) N/A (g) N/A (h) It is proposed to trial a ferry service in association with the function space in Pier 2/3. (i) There is no change proposed with respect to use of this part of the harbour by boats.
Cl. 15 Heritage conservation Planning principles for heritage conservation: <ul style="list-style-type: none"> (a) Sydney Harbour and its islands and foreshores should be recognised and protected as places of exceptional heritage significance, (b) the heritage significance of particular heritage items in and around Sydney Harbour should be recognised and conserved, (c) an appreciation of the role of Sydney Harbour in the history of Aboriginal and European 	<ul style="list-style-type: none"> (a) The WBACP project recognises and protects the heritage values of this unique site (b) As above. A detailed Statement of Heritage Impact has been undertaken which provides a thorough assessment of the project. The recommendations of this report have been integral to the development of the architectural design. (c) As above (d) The works retain and respect the scenic and cultural values of the Wharves as a strong visual

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<p>settlement should be encouraged,</p> <p>(d) the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area should be protected,</p> <p>(e) significant fabric, settings, relics and views associated with the heritage significance of heritage items should be conserved,</p> <p>(f) archaeological sites and places of Aboriginal heritage significance should be conserved.</p>	<p>element within Walsh Bay on the foreshores of Sydney Harbour.</p> <p>(e) Refer (b) above</p> <p>(f) An Aboriginal archaeological assessment has been undertaken and determined that the site is not significant. However, appropriate protection measures will be put in place in the unlikely event that suspected Aboriginal objects are discovered during construction</p>
<p>Cl.21 Biodiversity, ecology and environment protection</p> <p>Development should:</p> <ul style="list-style-type: none"> ▪ have a neutral or beneficial effect on water quality, ▪ protect and enhance terrestrial and aquatic species, populations and ecological communities, ▪ promote ecological connectivity between neighbouring areas of aquatic vegetation, ▪ avoid indirect impacts on aquatic vegetation ▪ development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation, ▪ retain, rehabilitate and restore riparian land, ▪ maintain and enhance the ecological integrity of wetlands ▪ consider the cumulative environmental impact of development, ▪ consider whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance. 	<p>The proposed works are confined to the adaptive reuse of the existing buildings and will not impact on the marine ecology. Appropriate measures will be put in place during construction to protect water quality in the harbour. No disturbance of marine sediments is proposed as a result of the development.</p>
<p>Cl 25 Foreshore and waterways scenic quality</p> <ul style="list-style-type: none"> ▪ the scale, form, design and siting of any building should be based on an analysis of: <ul style="list-style-type: none"> – the land on which it is to be erected, and – the adjoining land, and – the likely future character of the locality, ▪ development should maintain, protect and enhance the unique visual qualities of Sydney Harbour ▪ the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores. 	<p>The WBACP project involves minimal interventions to the building fabric. The scale, form, design and siting of the proposed external façade changes have been carefully designed to maintain and celebrate the heritage structure. There will be negligible impact on the foreshore and waterways scenic quality as a result. No significant changes are proposed to the public domain. Refer discussion on visual impact in Section 7.5 and Visual Impact Assessment at Appendix 18 of the Project EIS.</p>
<p>Cl 26 Maintenance, protection and enhancement of views. Development should:</p> <ul style="list-style-type: none"> ▪ maintain, protect and enhance views (including night views) to and from Sydney Harbour, ▪ minimise any adverse impacts on views and vistas to and from public places, 	<p>A Visual Impact Assessment has been prepared for the project and is provided at Appendix 18. The assessment indicates that no significant change would occur to the extent of the visual catchment of the project, or to the visual character, scenic quality, or private domain sensitivity of the site. Further discussion is provided in Section 7.5 and Visual Impact Assessment at Appendix 18 of the Project</p>

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<p>landmarks and heritage items,</p> <ul style="list-style-type: none"> ▪ ensure the cumulative impact of development on views should be minimised. 	EIS.
<p>Cl. 41 Requirement for master plans</p> <ul style="list-style-type: none"> ▪ Development consent must not be granted for the carrying out of development on a strategic foreshore site unless: <ul style="list-style-type: none"> – there is a master plan for the site, and – the consent authority has taken the master plan into consideration. ▪ The Minister may waive compliance with above: <ul style="list-style-type: none"> – if satisfied that preparation of a master plan is unnecessary because of: <ul style="list-style-type: none"> ○ the nature of the proposed development, or ○ the fact that the proposed development will affect only a small proportion of the site, or ○ the adequacy of other planning controls applying to the proposed development, or – for such other reason as the Minister considers sufficient, so long as the Minister is satisfied that the proposed development will not compromise the application of the planning principles set out in clauses 13, 14 and 15. ▪ If the Minister is not the consent authority, the Minister is to notify the relevant consent authority, in writing, of a waiver of the requirements of subclause (1). ▪ A master plan does not have to be prepared for the City Foreshores Area or for Garden Island, as shown on the Strategic Foreshore Sites Map, unless the Minister so directs. ▪ This clause does not apply to minor development specified in Schedule 3. 	<p>Pier 2/3 is identified as a Strategic Foreshore Site and therefore a master plan is not required. A master plan was prepared for the site in 2013 by the Government Architect's Office. This WBACP concept is largely consistent with the intent of that master plan although the waterfront square and other notable public domain interventions are not included in this SSDA. It is considered that the Minister should waive the requirements for a master plan to be prepared for Wharf 4/5.</p>
<p>Cl. 59 Development in vicinity of heritage items</p> <p>(1) Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.</p> <p>(2) This clause extends to development:</p> <p>(a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or</p> <p>(b) that may undermine or otherwise cause physical damage to a heritage item, or</p> <p>(c) that will otherwise have any adverse impact on the heritage significance of a heritage item.</p>	<p>A detailed Statement of Heritage Impact has been prepared for the WBACP project (included in Appendix 14 to the Project EIS) and there has been close and ongoing liaison between the Heritage Council and the applicant throughout the design development process. It is considered that the proposal will protect and enhance the heritage significance of the site and ensure its ongoing conservation into the future.</p>

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<p>(3) The consent authority may refuse to grant development consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.</p> <p>(4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.</p>	
<p>63 Matters for consideration</p> <p>(1) The matters referred to in this clause (together with any other relevant matters):</p> <ul style="list-style-type: none"> (a) are to be taken into consideration by consent authorities before granting consent to development under Part 4 of the Act, and (b) are to be taken into consideration by public authorities and others before they carry out activities to which Part 5 of the Act applies. <p>(2) The matters to be taken into consideration in relation to any development are as follows:</p> <ul style="list-style-type: none"> (a) the development should have a neutral or beneficial effect on the quality of water entering the waterways, (b) the environmental effects of the development, including effects on: <ul style="list-style-type: none"> (i) the growth of native plant communities, (ii) the survival of native wildlife populations, (iii) the provision and quality of habitats for both indigenous and migratory species, (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependent, (c) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment, (d) whether carrying out the development would be consistent with the principles set out in 'The NSW Wetlands Management Policy' (as published in March 1996 by the then Department of Land and Water Conservation), 	<p>The project does not involve any works within the harbour and only alterations and additions to existing buildings on the land. There are no wetlands or other notable native plant communities or wildlife populations in the vicinity of the site. The potential for significant impacts on waterways or associated ecology is therefore minimal.</p> <p>An Integrated Water Management Plan was prepared for the project EIS (refer Appendix 13 of EIS) which addresses drainage and flooding and identifies appropriate measures to protect water quality and flows.</p> <p>A preliminary Environmental, Construction and Site Management Plan has been prepared (refer Appendix 26 of Project EIS) which details appropriate construction management measures to minimise impacts on the harbour arising from demolition and construction works.</p>

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<p>(e) whether the development adequately preserves and enhances local native vegetation,</p> <p>(f) whether the development application adequately demonstrates:</p> <ul style="list-style-type: none"> (i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and (ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and (iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and (iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and (v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and (vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and (vii) that the development minimises physical damage to aquatic ecological communities, and (viii) that the development does not cause physical damage to aquatic ecological communities, <p>(g) whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.</p>	
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<p>Clause 5.4 Built Form</p> <p>Buildings and other structures should generally be of a sympathetic design to their surroundings; well designed contrasts will be considered where they enhance the scene.</p> <ul style="list-style-type: none"> (a) where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting; (b) where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees; 	<ul style="list-style-type: none"> (a) A sympathetic and modest design approach has been adopted for all external additions to ensure that they respect the industrial character of the wharves and to minimise their visual prominence. A similar architectural language is proposed for the new lifts, stairs and gantries for both Wharf 4/5 and Pier 2/3 to clearly distinguish new elements from original fabric, to unify the composition and ensure visual consistency across the precinct. (b) N/A (c) N/A

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<ul style="list-style-type: none"> (c) while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs; (d) walls and fences should be kept low enough to allow views of private gardens from the waterway; (e) bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the water. Australian Standards AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting should be observed; (f) use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied; (g) colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3 of this DCP; (h) the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements; and (i) the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items. 	<ul style="list-style-type: none"> (d) N/A (e) No new lighting is proposed (f) No reflective materials are proposed (g) Refer discussion on materials and finishes in TZG Report at Appendix 7 of Response to Submissions (h) Use of vegetation or articulating walls is not appropriate (i) There will be minimal visual cumulative impact as a result of the development. The external alterations are sympathetically designed and consistent with the industrial and maritime character of the historic wharves.
<p>Clause 5.6 Planting</p> <p>Vegetation in the form of bushland, remnant native species and cultural planting has important ecological and landscape values that require protection and enhancement. The following criteria should be addressed when providing landscaping for developments:</p> <ul style="list-style-type: none"> (a) appropriate species from those found in the surrounding landscape should be incorporated; (b) endemic native species should be used in areas where native vegetation is present or has the potential to be regenerated; (c) exotic species that have the potential to spread into surrounding bushland should be avoided; (d) existing mature trees should be retained where possible and incorporated into the design of new developments; (e) vegetation along ridgelines and on hillsides should be retained and supplemented with additional planting to provide a backdrop to the waterway; and (f) a landscape plan is to be submitted with any land-based development proposal showing existing and proposed changes in contours, surface and sub-surface drainage, existing 	<p>Planting of vegetation is not considered appropriate. There is limited opportunity for planting along the wharves and any such planting is inconsistent with the industrial character of the wharves.</p>

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<p>trees to be retained and removed, measures to protect vegetation during construction, and proposed planting including species and common names</p>	
<p>5.11 Redevelopment sites</p> <p>Redevelopment of waterfront sites could provide a great opportunity to improve access and enjoyment of the waterfront.</p> <p>Redevelopment proposals should:</p> <ul style="list-style-type: none"> (a) ensure continuous and inviting public access to the foreshore; (b) allow for a mix of uses to further improve the public utility and amenity of the waterfront; (c) provide public jetties and wharves for access to vessels where there is a demonstrated demand; (d) identify suitable areas that can be conserved and made available to the public; (e) provide public road access to the foreshore park where a park is being provided; and (f) be designed considering the site in the broader context of the River and the Harbour. <p>Redevelopment sites have the potential to provide a gateway and become a waterside destination for the hinterland.</p> <p>A masterplan (or DCP) may be required for key sites or sites of strategic significance under SREP (Sydney Harbour Catchment) 2005.</p> <p>Developments proposed near existing maritime or boating industries must recognise these industries as legitimate uses of waterfront land. Accordingly, new developments that may be sensitive to noise, odours, light or other effects associated with these industries should be sited and designed to minimise disturbance to their future occupants.</p>	<ul style="list-style-type: none"> (a) Public access along the foreshore in this location will be maintained. Improved wayfinding and signage will encourage more visitors to access the foreshore in this location. (b) The proposal provides for a mix of arts, cultural and commercial uses which will improve the site's public utility and create a vibrant destination. (c) The proposal does not provide public jetties or wharves given the constrained nature of the waterway between the wharves (d) The WBACP will be a major public precinct with activities and events open to the public (e) N/A (f) N/A <p>Refer discussion in relation to clause 41 above.</p> <p>The proposal will not impact on maritime or boating industries in the area.</p>