

WALSH BAY ARTS AND CULTURAL PRECINCT

STATE SIGNIFICANT DEVELOPMENT APPLICATION

SSDA 8671

Response to Submissions

Submitted to Department of Planning and Environment on behalf of

Infrastructure NSW



January 2018

Walsh Bay Arts and Cultural Precinct

Response to Submissions

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Abbreviations

ACO	Australian Chamber Orchestra
Applicant	Infrastructure NSW on behalf of Arts, Screen and Culture Division NSW
ATYP	Australian Theatre for Young People
BCA	Building Code of Australia
BDT	Bangarra Dance Theatre
CMP	Conservation Management Plan
CPTMP	Construction Pedestrian and Traffic Management Plan
DPE	Department of Planning and Environment
ECSMP	Environmental, Construction and Site Management Plan
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
HIS	Heritage Impact Statement
NVIA	Noise and Visual Impact Assessment
OPM	Operational Plan of Management
Project EIS	Walsh Bay Arts and Cultural Precinct State Significant Development Application EIS (SSDA_8671)
REP	Regional Environmental Plan
RMS	Roads and Maritime Services
SDC	Sydney Dance Company
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSDA	State Significant Development Application
STC	Sydney Theatre Company
TfNSW	Transport for NSW
The Choirs	Includes Gondwana, the Sydney Philharmonia and the Song Company
TIA	Traffic Impact Assessment
VIA	Visual Impact Assessment
WBACP	Walsh Bay Arts and Cultural Precinct
WBPA	Walsh Bay Precinct Association

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1. Introduction

1.1 Overview

An Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA) for the Walsh Bay Arts and Cultural Precinct (WBACP) was publicly exhibited for a period of 30 days from 26 October to 24 November 2017.

68 submissions were received in response to the public exhibition of the EIS. They included 11 submissions from government authorities and agencies, 15 submissions from independent bodies and 42 submissions from individuals.

The main issues raised in submissions can be broadly grouped as follows:

- Noise and vibration
- Traffic, access and parking
- Heritage
- Future land uses, including events
- Operational management
- Building design and fire safety
- Construction management
- Cumulative impacts

The issues raised in submissions have been carefully considered by the applicant and the project team. A considered and detailed response to issues raised has been provided in this Response to Submissions (RTS) report, Summary of Submissions Table at Appendix 1 and other accompanying documentation. This report sets out the responses to the issues raised in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). It also details the final mitigation measures to address impacts.

This RTS Report provides responses to the key issues raised in submissions. A summary of all submissions has been prepared, together with proposed responses, in the Summary of Submissions Table provided at Appendix 1.

1.2 Summary of submissions

A total of 68 submissions were received in response to the exhibition of the EIS as follows:

- **Government authorities and agencies (11)**
 - Department of Planning and Environment
 - City of Sydney on behalf of the Central Sydney Planning Committee
 - Department of Primary Industries
 - Environment Protection Authority
 - Fire and Rescue NSW
 - Foreshores and Waterways Planning and Development Advisory Committee
 - Heritage Council of NSW
 - Office of Environment and Heritage
 - Roads and Maritime Services
 - Sydney Water Corporation
 - Transport for NSW

▪ **Independent bodies, businesses and members of the public (57)**

- 11 businesses and commercial tenancy owners or tenants
- 4 arts organisations
- 42 individuals

Of the submissions received from members of the public, 32 submissions objected to the proposed development, six indicated support while four submissions generally supported or did not object to the project but raised particular concerns. Objections from local businesses were predominantly from those businesses located within Shore Shed 2/3. The nearby Pier One Sydney Harbour Hotel also raised concerns regarding the project.

The Australian Chamber Orchestra, Sydney Philharmonia Choirs, Australian Theatre for Young People and Sydney Theatre Company all wrote in support of the project.

2. Key issues and responses

This section of the report provides a detailed response to the key issues raised in submissions. A response to each of the individual issues raised by submitters is provided in the Summary of Submissions Table at Appendix 1.

2.1 Noise and vibration

2.1.1 Issues

Overview

The majority of objections to the project raised concern regarding noise impacts, both during construction and once the development commences operation.

In relation to construction, concerns centred on the potential disruption of businesses from construction activities, impacts on residential amenity, noise from construction traffic, noise exceedances beyond accepted levels, the need for a more rigorous construction management framework and the need for soundproofing of businesses located within the precinct.

In relation to operational noise, concern was raised regarding the potential impact of outdoor events and use of outdoor areas associated with the function space in Pier 2/3. Many questioned the assumptions made in the Noise and Vibration Impact Assessment (NVIA - Appendix 19 to the EIS) regarding the behaviour of patrons either using outdoor areas or leaving venues late at night. Concern was also raised regarding the scale of proposed functions as well as hours of operation proposed for venues and events. Many submissions indicated that the proposal, particularly the holding of events, would adversely impact on the residential amenity of surrounding areas.

Department of Planning and Environment

The Department of Planning and Environment (DPE) requested further information regarding construction works and staging particularly having regard to cumulative noise impacts. In relation to operation, the DPE sought information on the following:

- clarification of event scenarios, as well as the range, scale and type of events for which consent is sought
- the suitability of proposed hours of operation, including hours of operation for outdoor areas
- appropriate controls for use of outdoor spill areas
- noise associated with vehicle pick-up and drop off
- clarification regarding the use of the pier and wharf aprons for external events associated with internal use of facilities and associated noise impact
- justification for the use of the L_{eq} 90 dB(A) noise level in the peak scenario in Table 25 of the NVIA
- clarification if event noise modelling in the NVIA incorporates playing of amplified music outdoors and internal use of tenancies and if so, identification of appropriate controls.

The DPE also requested that additional modelling of operational noise be undertaken against relevant Liquor & Gaming NSW noise criteria.

Environment Protection Authority

The EPA requested that its previous comments on the project (by letters dated 14 August 2014 and 1 December 2016) form the basis of its submission in relation to the subject SSDA. In relation to noise impacts, a number of the issues raised in its previous submissions are no longer relevant given the changed nature of the project and/or were addressed in the project EIS and NVIA. Relevant issues remaining are as follows:

- potential noise from reversing construction vehicles should be addressed
- respite periods should be implemented at those times when noise with particularly annoying or intrusive characteristics is being generated
- standard construction hours should be adhered to

- construction vehicles should not arrive at project site or in surrounding residential precincts outside approved construction hours
- potential noise impacts associated with outdoor events involving use of amplified sound and also from breakout noise from indoor events should be addressed
- noise compliance monitoring of mechanical plant noise should be undertaken during commissioning
- noise generating mechanical services should be designed, selected and maintained to ensure that noise levels do not exceed background level by more than 5dB and that noise generated do not exhibit tonal or other annoying characteristics
- waste collection areas should be designed to minimise activation of vehicle reversing alarms during use
- waste collection services should be restricted to day-time as defined in INP

2.1.2 Response

A Supplementary Noise and Vibration Report has been prepared and is provided at Appendix 2. Detailed responses to noise issues raised in submissions are also provided in the Summary of Submissions Table at Appendix 1.

Construction

The assumptions and predicted construction noise levels detailed in the NVIA have been reviewed and are considered accurate. All potentially worst affected noise sensitive receivers, including commercial, residential and passive recreation, have been included in the assessment, including those located within the redevelopment area. The predicted construction noise levels detailed in the NVIA are worst case assuming all plant operating externally and concurrently. In practice, this is unlikely to occur. The NML criterion is the level at which there 'may be some community reaction to noise'. In a worst case scenario, predicted levels of 69 dBLA_{eq}, indicate the noise levels are below the 'highly noise affected' threshold of 75 dBLA_{eq}.

Construction equipment and staging are based on the most recent information available from the construction adviser, and align with typical equipment used for similar projects. Modelled construction scenarios therefore represent the most accurate worst case scenarios based on the available information and make conservative assumptions.

In relation to noise impacts associated with construction traffic, existing traffic counts showed on average 5,549 vehicles per day travelled along Hickson Road, with 5 per cent of these (277) classified as heavy vehicles. Relative to the existing traffic noise levels, an increase of 80 heavy vehicles would increase the average daytime noise level by less than 1 dB. The Roads and Maritime Services Road Noise Policy states "an increase of up to 2dB represents a minor impact that is considered barely perceptible to the average person". It is therefore considered that construction traffic noise impacts will not be significant.

The recommendations for construction noise management include specific requirements on the eventual construction contractor to prepare a full and detailed Construction Noise and Vibration Management Plan, which will need to include noise monitoring. The recommendations for noise management given in the NVIA are as detailed as can be made at this time given that the eventual construction contractor will be determining the construction delivery methodology.

The Applicant is committed to working closely with tenants of Shore Sheds 2/3 to mitigate construction impacts on their businesses. Key strategies include:

- ensuring that the contractor provides for a Responsible Person to liaise with surrounding tenants and landowners regarding construction noise management. The contact details of the Responsible Person will be provided to tenants and landowners so that any concerns during construction can be addressed promptly
- holding meetings with tenants and landowners prior to works commencing to outline the program of works and how noise will be dealt with during construction
- encouraging tenants to provide information regarding any events that are taking place within their tenancies so mitigation measures can be undertaken as appropriate. This may include additional respite periods or reprogramming of works to avoid noisy works during sensitive events.

In addition, the Applicant commits to providing upgrades to existing party walls between operating tenancies and areas where there are construction activities taking place. This will be in the form of additional plasterboard linings, sound absorptive finishes and the like within the work area. However, it is important to note that whilst this treatment will improve the sound insulation between the work areas and the tenancies, it is not practicable to make the partitions 'soundproof'.

Operation

The primary function of the WBACP is as an arts and cultural precinct. A modest range of commercial uses is needed to support the precinct and ensure it is an active, vibrant and viable place for people to visit and enjoy. It is not envisaged that these uses will be large scale or involve major events which result in significant adverse noise or other impacts. In this regard, the Applicant clarifies that the only events for which approval is sought are the Sydney Writer's Festival and Biennale. These events have taken place for many years without issue. The Applicant is not seeking approval to hold any other concerts, festivals or large precinct-wide events. Any such events would be subject to a separate development application process. As a result, many of the concerns raised regarding noise impacts associated with major events in the precinct are not applicable.

In response to concerns regarding late night noise impacts, the Applicant has reviewed the hours of operation and now proposes that all tenancies cease operation by midnight. Additionally, it is proposed that the maximum capacity of the Pier 2/3 Function Space be reduced from 1,300 to 1,000 patrons which will reduce the overall noise impact from patrons as well as the number of people leaving the venue at any one time. No amplified music will be played in outdoor areas.

Internally, amplified music needs to be carefully controlled in order to protect the noise-sensitive performance venues within the precinct as well as the surrounding noise-sensitive receivers. The Applicant commits to imposing specific noise limits on operators/tenants of the internal venues.

In terms of noise impacts from patrons leaving the precinct, there is no expectation that thousands of people will be leaving the precinct at any one time as this relies on each performance-based tenancy as well as the function space concluding functions at exactly the same time. Some patrons may choose to stay within the precinct for food and beverage options following a performance and those attending functions in the Pier 2/3 function space may not leave all at once but rather intermittently.

Some submissions raised concern regarding noise associated with unruly patrons. By its very nature, the precinct will not be a place where people come to get drunk or participate in activities which generate unruly or inappropriate behaviour. Rather, functions and activities will be tailored to the scale and character of the space. Notwithstanding, the Operational Plan of Management details specific requirements for future operators to abide by "responsible service of alcohol" obligations. In addition, organisers of functions would be required to have security staff on site for the duration of the event to manage patron behaviour. This includes managing patrons leaving the precinct.

Traffic noise arising from the precinct's operation is not considered significant. The traffic estimates have been reviewed and are considered representative. Traffic noise has been assessed in accordance with the relevant NSW noise policy. Given the relatively small change in overall numbers of vehicles associated with the operation of the precinct, the traffic flow conditions would not be expected to change in a significant way. Further, hailing of taxis is not a significant noise issue given that most taxis are ordered via phone or are already lined up in anticipation of performances and functions finishing.

The Applicant commits to the installation of noise monitors within the precinct. The location of the monitors will be developed as part of the Operational Noise Management Plan and be managed by the Precinct Manager. Noise results from the monitors will be available to enforcement agencies.

Further detail regarding operational noise impacts is provided in the Supplementary Noise and Vibration Report at Appendix 2.

2.2 Traffic, transport, access and parking

2.2.1 Issues

Overview

Many of the submissions on the project raised concerns regarding potential traffic, parking and access impacts associated with the proposed development. These concerns mainly related to:

- amenity impacts associated with an increase in construction traffic, particularly having regard to the cumulative impacts associated with other construction activity in the area
- increased traffic arising from the proposed WBACP once it commences operation, including traffic associated with major events
- lack of parking to accommodate the parking demands of the development as well as loss of on-street parking capacity
- lack of adequate public transport, particularly between now and when the Sydney Metro station at Barangaroo is built.

Many submissions questioned the assessment and conclusions contained in the Traffic Impact Assessment (TIA) prepared by GTA Consultants that accompanied the WBACP Project EIS (refer Appendix 15 of EIS), particularly the validity of traffic and parking surveys. TMG Developments (Pier One Harbour Hotel) commissioned traffic consultants, McLaren Traffic Engineering, to review the TIA. McLaren Traffic provided a detailed report, the conclusion of which was as follows:

The assessment provided within the GTA reports in regards to the parking impact of the proposed development of the WBACP is inadequate due to the scale and nature of the proposal. No weight can be given to the provided analysis due to the lack of sufficient supporting information and lack of significant impact analysis which has all contributed to an inadequate assessment of the parking impacts of the proposal, which undoubtedly will lead to intolerable parking congestions within the Walsh Bay Precinct.

Department of Planning and Environment

The DPE requested that further detailed information be provided to respond to the traffic, transport, access and parking issues raised in submissions. It specifically requested further information on construction traffic, including details on the cumulative impact of construction in the area and its impact on the road network. In terms of operation, it requested further information on the following:

- the peak operating scenario and the key modelling assumptions/ patron inputs for this scenario.
- an assessment of traffic generated by each scenario on the LOS of key intersections to support conclusions regarding operational traffic impact on the capacity of the surrounding road network.
- the current LOS experienced by traffic on Hickson Road during peak times and the traffic volume at which it would reach its operational capacity.
- opportunities to providing coach/bus shuttle pick-up and drop-off services

The DPE requested that consultation be undertaken with Transport for NSW (TfNSW) to determine the appropriate proportion of trips for various modes of transport. It also requested that consideration be given to undertaking additional surveys of users of the existing site (or similar facilities elsewhere) in this regard and provide sufficient justification in the event the surveys are not completed. TfNSW similarly requested that such surveys be undertaken and that the results be used to quantify any impacts associated with point-to-point (ride share) services.

Transport for NSW

In its submission, TfNSW recommended that a number of conditions be imposed to address construction and operational traffic issues. In general, these require that the applicant:

- prepare Event Specific Traffic Management Plans and Operational Traffic Management Plans
- investigate opportunities for coach pick up and drop off facilities
- prepare a service and loading dock management plan to minimise impact on the general traffic and bus operation within the CBD

- prepare a Construction Pedestrian Transport Management Plan (CPTMP)
- prepare a detailed Green Travel Plan by proposing measures to increase the mode share of walking and cycling to the site.

The applicant would be required to consult with (as relevant) the Sydney Coordination Office within TfNSW, City of Sydney, Roads and Maritime Services, and Sydney Metro in undertaking the above matters.

TfNSW raised concern that the proposed work zone is positioned after the Hickson Road/Pottinger Street roundabout and that the route path to follow Hickson Road onto George Street is too narrow for heavy rigid vehicle movements and creates potential conflicts with cyclists and general traffic. TfNSW requested that the applicant consult with the Sydney Coordination Office within TfNSW with regard to the location of the proposed work zone.

Roads and Maritime Services

Roads and Maritime Services asked that the Applicant be required to prepare a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control and that this should be submitted to City of Sydney, TfNSW Sydney Coordination Office and Roads and Maritime prior to the issue of a Construction Certificate.

City of Sydney

The City of Sydney raised the following issues in its submission in relation to transport:

- the approval of the City's Pedestrian Cycling and Traffic Calming Committee is required for any changes to street parking restrictions.
- 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.
- 35 bicycle spaces are to be provided on site with an additional 40 bicycle spaces to be provided within the Wharf 4/5 Shore Sheds. It is noted however that the drawings do not appear to show the additional 40 bicycle spaces in the Shore Sheds. Staff bicycle parking should be provided according to the security level B as specified in Australian Standard AS 2890.3:2015.

2.2.2 Response

A Supplementary Traffic Report has been prepared and is provided at Appendix 3. Detailed responses to traffic issues raised in submissions are also provided in the Summary of Submissions Table at Appendix 1. In addition, the Traffic Impact Assessment as well as the Construction Pedestrian and Traffic Management Plan have been updated and are provided at Appendices 4 and 5.

As noted above, many of the submissions raised concern about the lack of parking, the difficulties in accessing the site via public transport and the overall traffic impact that the project will have on the area. While these concerns are acknowledged, the northern CBD is undergoing a significant transformation. This previously under-developed part of the city is now experiencing change at a rapid rate. Barangaroo has been the catalyst for this shift and will continue to drive the transformation of the northern CBD for some years to come. Along with the significant construction activity that is occurring, more people are working in the area and more people are visiting the area.

Until recently, it could reasonably be expected that visitors could drive to parts of the northern CBD and find an on-street parking space relatively easily. This is now changing, with on-street parking becoming increasingly scarce. As a result, the way in which people are accessing the area is also changing as people come to realise that, like the rest of the CBD, access to the area using public transport is a more viable alternative to driving a private vehicle.

This transformation will become even more significant for the northern CBD as the Barangaroo development front moves northward and the new Sydney Metro station is developed.

Walsh Bay is an integral part of the CBD. Its special heritage character, its proximity to the harbour and its strategic location near other iconic Sydney landmarks provide the ideal conditions for the creation of a unique destination. As Sydney continues to grow and evolve, so too will Walsh Bay.

The growth and change being seen at Barangaroo and other parts of the CBD will inevitably impact on Walsh Bay, regardless of the WBACP project. In other words, over time the ability to drive a private vehicle and park at Walsh Bay will become unviable as is the case in other parts of the CBD.

With this in mind, further studies and surveys on current usage patterns at Walsh Bay are unlikely to provide a valid basis for extrapolation into the future. Instead, it is argued that a sustainable approach to transport provision at Walsh Bay needs to be adopted. The Green Travel Plan provided with the EIS (and included again with this submission – refer Appendix 6) clearly sets out a sustainable strategy for managing the transport demand arising from the WBACP development. The reality is that it is not possible to provide for additional parking as part of the WBACP development. However, this is considered entirely consistent with the approach taken for other developments in the CBD where it is not expected that on-site parking would be provided.

Sydney is a global city and continued reliance on private vehicles to access the city and its services is no longer tenable. This is acknowledged in the NSW Government's Sydney City Centre Access Strategy which focusses on significantly improving public transport as well as pedestrian and cycling facilities:

The Sydney City Centre Access Strategy will deliver a fully integrated transport network in Sydney's city centre that puts the customer first and meets the growing transport task. It will mean more people use public transport to access the city centre and it will change the way people move around within it. (p.2)

It is acknowledged that inevitably there will be some traffic and parking impacts associated with the WBACP project which are assessed in the updated Traffic Impact Assessment and updated Construction Pedestrian and Traffic Management Plan (CPTMP) provided at Appendices 4 and 5 respectively. However, it is considered that the traffic and transport management and mitigation measures identified, along with the Green Travel Plan, will ensure that any impacts are within accepted and reasonable limits.

Further responses on traffic, transport, access and parking issues raised in submissions are provided in the Supplementary Transport Report at Appendix 3 and the Summary of Submissions Table at Appendix 1.

2.3 Built form, urban design and heritage

2.3.1 Issues

The DPE requested that consideration be given to reviewing the size and extent of external balconies and lift shafts as well as the width and location of external stair landings having regard to the heritage character of the wharves and the need to facilitate public access around the wharf aprons. DPE also asked that opportunities to remove the support stands from the external balconies be explored with a view to reducing visual impact.

The Heritage Council provided a submission on the project in which it included a number of recommended conditions of consent. It also requested further design details with respect to a number of external and internal features of the project, including screening of the proposed roof plant, the introduction of new structural members to strengthen new performance spaces and the like, the nature and impact of internal building works and the need to reuse and protect any original fabric that would need to be removed as a result of the works.

The City of Sydney similarly raised concerns about the height of the proposed external lifts and their visual prominence from key vistas. It recommended that lift shafts and balconies be aligned symmetrically on the eastern and western elevations of the wharf buildings. It also recommended that the proposed awnings along Hickson Road should be simply detailed, confined to entries and be sympathetic to the industrial character of the facades.

The City of Sydney suggested that a suitably qualified Heritage consultant should be engaged to work with the project team throughout the detailed design and subsequent building of the project.

The City of Sydney also recommended that a single comprehensive Conservation Management Plan and Heritage Interpretation Plan be prepared for the entire precinct.

2.3.1 Response

The architects for the WBACP project, Tonkin Zulaikha Greer (TZG), have prepared reports responding to the issues raised in the submissions from the Heritage Council and the City of Sydney. These reports are provided at Appendices 7 and 8 respectively.

With respect to the design of the lift shafts, balconies and external stairs, 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.

The lift shafts have been designed to be as small as possible having regard to the need to provide equitable access and efficient goods movement within the Precinct. The height of the overall lift shaft structures has been carefully considered in terms of overrun, relationships to the original buildings and consistency within the Precinct.

The new stairs and gantries are proposed to be steel framed and detailed in a robust industrial manner, sympathetic to their historic wharf setting. The stairs are sized to meet minimum egress requirements.

The external roof plant is proposed to be located on simple steel framed platforms set in the valleys, between the two ridge lines, to ensure that it will not be visible from the public domain. It is not proposed to be screened.

It is considered that significant views and vistas to the site will be conserved. This is demonstrated in the Visual Impact Assessment that was included in Appendix 18 to the project EIS. The existing industrial maritime character will be conserved.

In relation to the awnings along Hickson Road, these will be simply detailed, confined to entries and sympathetic to the industrial character of the original façade. The design of the awnings will be further developed with input from the Applicant's heritage consultant.

Having regard to the need to provide equitable access and meet other requirements of the BCA, a fundamental objective of the design intent is to retain as much of the original fabric of the wharves as possible. The design of the interiors aims to retain the original fabric of the pier with minimal interventions into the external walls and other building features. A strategy of containing new uses within separate free standing 'boxes' has been employed wherever possible to reduce the need to line the original external walls.

The conditions of approval recommended by the Heritage Council and the City of Sydney are generally supported by the Applicant, as detailed in the TZG reports at Appendices 7 and 8 and the Summary of Submissions Table at Appendix 1.

2.4 Land uses

2.4.1 Issues

Many of the concerns raised in submissions related to impacts associated with holding major events are part of the WBACP development. Concern was raised that the Operational Plan of Management (included in Appendix 10 to the Project EIS) did not provide an adequate management framework for use of the area for art festivals, events and pop-ups. Some submissions questioned the appropriateness of the proposed additional commercial venues, particularly having regard to potential noise and other disruption such venues would cause. A few submissions raised opposition to the construction of a waterfront square.

Department of Planning and Environment

The DPE requested that further information be provided regarding the scope of approval sought for events associated parameters/ restrictions (event type, frequency, maximum patron numbers, finishing times and duration, restrictions on indoor activities/ uses, restrictions on use of outdoor amplified music etc) to ensure events would not result in adverse amenity impacts to nearby sensitive receivers. More detailed information around the nature and type of events to be held in the public domain was also requested.

2.4.1 Response

The SSDA seeks approval for the Sydney Writers' Festival and the Biennale events only. It does not seek approval for any other events, festivals or other outdoor activities involving major gatherings in the public domain.

The Biennale and Sydney Writers' Festivals are signature events of Sydney's annual cultural calendar, and have been produced at Wharf 4/5 and Pier 2/3 for over 10 years. Both festivals have international stature that

reinforces Sydney as a global city. As far as understood, both the SWF and the Biennale have been successfully held in the precinct over many years without major concern or disruption to the surrounding areas.

Sydney Writer's Festival occurs annually in the month of May. Each year, Sydney Writers' Festival presents more than 400 events, attracting audiences of 100,000 plus over multiple venues for a week-long conversation of books and ideas. The festival brings together local and international contemporary novelists, screenwriters, musicians, public intellectuals and scientists through a public program of talks and forums. Biennale of Sydney is a non-profit organisation that engages Australian and international audiences with challenging and innovative contemporary art from around the world, promotes cultural exchange and inspires audiences to experience art in new and creative ways. Held every two years, the Biennale exhibition runs for three months (March – June), with an accompanying program of artist talks, performances, forums, guided tours, family days and other special events.

For Biennales produced beyond 2022, it is envisaged that the Precinct could house exhibitions or installations for a period of up to three months. These exhibitions or installations would be free to the public, and be accessible only during the approved operating hours and conditions of consent within the precinct. The exhibitions or installations could include:

- Sculptures and installations
- Video or sound installations
- Performance art
- Public talks, tours and forums
- Sponsor previews and functions

Any further events would be subject to a separate development application process.

Impact on the precinct during the Biennale exhibition will be minimal given the 3 month exhibition period.

The Applicant provides the following clarification regarding the hosting of the Sydney Writers' Festival and Biennale events:

Table 1: Operating conditions for Sydney Writers' Festival and Biennale

ITEM	CONTROL
Event hours of operation (indoors)	9am-11:30pm
Event hours of operation (outdoors)	9am-7:30pm
Logistics hours of operation- bump in/ bump out	8am-10pm
Deliveries	7am-7:30pm
Anticipated maximum population (peak at any one time)	4,250 people in the afternoon (12pm-6pm) period
Outdoor restriction	No speakers or music to be played in public domain or outdoor areas associated with the premises.
Indoor restrictions	Speakers must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

The Applicant confirms the above controls would be implemented for the operation of Sydney Writer's Festival and Biennale under the WBACP proposal.

The Applicant has reviewed the operations of these existing events and confirms that no complaints have been made to regulatory authorities regarding event operations.

As noted in section 2.1.2, it is considered that the NVIA included at Appendix 19 of the project EIS, adequately covers such noise and that it would be within the acceptable limits as determined by the assessment.

With respect to the proposed new commercial spaces, it is considered that a reasonable balance has been struck between the proposed extensive arts and cultural offering in the precinct and commercial activity. The proposed new commercial uses will support the precinct and ensure it is an active, vibrant and viable place for people to

visit and enjoy. Appropriate mitigation measures have been identified to ensure impacts from those uses are minimised.

The SSDA clearly states that approval is not sought for any waterfront square as part of this application. The waterfront square component of the master plan will not be pursued at this time and remains subject to further design consideration.

2.5 Operational management

2.5.1 Issues

Some submissions questioned the adequacy of the Operational Plan of Management (OPM), suggesting that the guidelines contained in the document are vague and do not deal with cumulative impact. Other concerns relating to operational management have been described in Section 2.1 Noise and Vibration.

In relation to operational management the DPE requested that:

- the modelled scenarios contained in the project EIS be clarified, including a more detailed description of the peak operating scenario and key modelling assumptions/ patron inputs for this scenario
- the modelled scenarios and key inputs (indoor/outdoor patron, expected site population/visitor numbers) are clearly explained and appropriately align between the technical studies accompanying the EIS, in particular the NVIA and TIA to ensure an accurate assessment of potential impacts is undertaken. This is not clear at present and needs to be clearly demonstrated in the response to submissions report
- the operational assessment in the NVIA align with the proposed hours of operation in Table 5 of the EIS.
- consideration be given to reducing and rationalising the proposed hours of operation for all tenancies to align with existing facilities and uses within the precinct
- further information be provided justifying the proposed operating hours up until 1am (all days) for performances, productions, internal events and functions as outlined in Table 5 of the EIS. Further consider adopting controls around the use of outdoor spill areas (e.g. closing all doors and louvres and no patrons in outdoor seating and balcony areas after 10pm).

2.5.2 Response

The OPM (provided at Appendix 10 to the project EIS) provides information on the following:

- Precinct governance
- Hours of operation
- Access and egress
- Wayfinding and signage
- Emergency management and incident response
- Security management
- Transport and traffic management
- Noise management
- Alcohol and food management
- Workplace health and safety
- Infrastructure and service management
- Waste management
- Community consultation and complaints management

It is considered that the OPM provides an appropriate framework to guide the management of the precinct. It is acknowledged that the OPM provided with the EIS is preliminary and will need to be revised prior to commencement of operation to ensure it corresponds with proposed changes to hours of operation (discussed in section 2.1.2) as well as any other changes to operating conditions and the management plans outlined and committed to in the EIS. It should also be noted that the once the WBACP development commences, the OPM will be monitored by Create NSW (the agency responsible for the ongoing management of the precinct) to ensure it remains up to date and effective in managing the Precinct.

Further detail regarding the modelled scenarios is provided in Appendix 9.

As noted elsewhere, it is proposed to reduce the hours of operation for all tenancies from 1am to 12am. While the DPE's comments regarding the need to close doors and louvres after 10pm are noted, in order to allow ventilation to non-air conditioned spaces, the Applicant requests windows and doors to remain open after 10pm. Noise modelling demonstrates there is no discernible difference to noise levels with the windows closed.

2.6 BCA and fire safety

2.6.1 Issues

The Department noted that the Building Code of Australia (BCA) report (Appendix 7 of project EIS) makes numerous references to further information being required. The Department requested that a final version of the document be submitted demonstrating that the proposed development complies with the BCA or that there is a satisfactory alternate solution.

In its submission, Fire and Rescue NSW recommended that a number of conditions be imposed with regard to fire safety and emergency evacuation.

2.6.1 Response

A final version of the BCA report cannot be provided until construction stage of the project. The project will be procured through an industry-standard Design and Construct contract, which will necessitate further design development of the design outlined in the SSDA by the contractor. The Applicant notes that the intent of the Crown Certification process pursuant to section 109R of the EP&A Act is to ensure all matters of compliance are addressed at the relevant stage prior to construction of those items. This requires several months of design development and co-ordination which will be undertaken once a contract has been entered into.

Nevertheless the Applicant understands that the Department wishes to ensure that elements of the heritage fabric are not impacted through any alternate solutions that will be developed in the detailed design phase. To ameliorate this, the Applicant proposes that the development be conditioned as follows:

Any alternate solutions developed as a result of the detailed design phase that have an impact on or potential to impact on any heritage elements of the structure will be required to be approved by the NSW Heritage Division. Confirmation of any alternate design solutions and NSW Heritage Division approval must be provided to the Secretary prior to construction.'

The Applicant raises no objection to the proposed conditions recommended by Fire and Rescue NSW.

2.7 Signage

2.7.1 Issues

The City of Sydney raised concern that details of the proposed new signs are unclear and that there is the potential for clutter depending on the nature and location of the signs. It raised further concerns regarding proposed digital signage and proposed bridge signage. The City recommended that a comprehensive signage strategy should be prepared for the WBACP.

2.7.2 Response

A detailed response to the signage issues raised by the City of Sydney is provided in the TZG Report at Appendix 8. The TZG Report includes a revised signage plan as well as further details regarding digital and other signage.

The Applicant will further develop the detailed design of signage and wayfinding in consultation with the Heritage Council and City of Sydney.

2.8 Construction management

2.8.1 Issues

Construction noise and traffic management issues raised in submissions have been discussed in sections 2.1 and 2.2 above. Other issues raised by members of the public in relation to construction management included the following:

- Barges should be used wherever possible for construction purposes
- Construction hours need to have regard to residential nature of the area
- Alternative construction staging should be considered having regard to local business needs, impacts on residents and keeping the precinct open
- There is a need for businesses and residents to be kept informed of the construction management process

In its submission, the Department of Industry recommended that the Environmental Construction and Site Management Plan (ECSMP) include details of the following:

- controls to contain spills and leakages during construction
- inspection regime for erosion and sediment controls, including regular scheduled inspections and inspections pre/post heavy rainfall events
- water quality monitoring regime, including monitoring frequency.

The EPA also recommended that appropriate controls and management measures be put in place to address potential sedimentation, erosion and dust impacts.

2.8.2 Response

Additional measures are proposed to be included in the ECSMP to address issues raised in the Department of Industry and EPA's submissions. These measures are detailed in Appendix 10. The ECSMP will be updated to incorporate these measures.

Barges will be used for delivery of materials where feasible. The Applicant anticipates that there could be up to one barge movement per week for the delivery of materials. This will be subject to the final construction methodology developed by the contractor and detailed in the final ECSMP.

Standard construction hours are proposed. These are 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays.

It is intended that the contractor will maintain close liaison with local residents and businesses throughout the construction of the project. Meetings will be held with tenants and landowners prior to works commencing outlining the program of works and how impacts will be dealt with during construction. Tenants will be encouraged to provide information regarding any events that are taking place within their tenancies so mitigations can be undertaken. This may include additional respite periods or reprogramming of works to avoid noisy works during sensitive events.

Access to existing premises will be maintained throughout construction. The contact details of the Responsible Person from the contractor will be provided to surrounding tenants and landowners in order to address any concerns promptly during construction.

2.9 Other issues

2.9.1 Sydney Harbour Catchment REP

The Foreshores and Waterways Planning and Development Advisory Committee suggested in its response that the consent authority has regard to clauses 13-15, 21, 25, 26, 41, 59 and 63 of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Harbour Catchment REP) and also considers the relevant clauses 5.4, 5.6 and 5.11 in addition to the relevant Landscape Character Type(s).

An assessment of the project in relation to the above clauses is provided in Appendix 12.

2.9.2 Commercial floorspace

The DPE requested that floor space figures be provided for existing uses in Zone 1 and new commercial spaces (as defined in Sydney Regional Environmental No 16 – Walsh Bay) to confirm that *the development would not result in a floor area used for the purposes of commercial uses in Zone 1 greater than 30 per cent of the total floor area used in Zone 1 for any purpose.*

Under clause 17 of the REP the consent authority may only grant consent to development for commercial purposes if the development would result in a floor area used for the purposes of commercial premises in Zone 1 not greater than 30 per cent of the total floor area used for any purpose within that Zone at the time. The project EIS noted that under the REP commercial premises means:

... a building or place used as an office or for other business or commercial purposes, except:
(a) a building or place elsewhere specifically defined ...
(b) a building or place used for the purpose of parking vehicles for fee or reward.

Separate definitions are provided for places of assembly (including theatres), shops, refreshment rooms (i.e. restaurants, cafes and the like) and hotels (premises where an hotelier's licence is granted) therefore these do not fall under the definition of commercial premises. Any offices that are proposed in the WBACP are ancillary and incidental to the cultural and theatre uses rather than being commercial premises in their own right. The project EIS therefore concluded that they are not covered by this provision.

Notwithstanding, the proposed ancillary offices at WBACP comprise a total floor area of 2,435 square metres as follows:

Table 2: Estimated Ancillary Office Floor Area at WBACP

Organisation	Estimated Ancillary Office Floor Area (square metres)
ACO	422.2
ATYP	207.3
Bangara	592.2
Bell Shakespeare	386.8
Choirs	183.8
SDC	642.3
Total	2434.6

The City of Sydney's latest floorspace survey indicates that there is an overall floor area at Walsh Bay of approximately 144,500 square metres of which 35,321 square metres (24 per cent) comprises office space. Adding the proposed ancillary office floor space at WBACP to that existing at Walsh Bay increases the overall office space figure to 26 per cent, compliant with clause 17.

2.9.3 Consultation

A few submissions raised concern that consultation on the project was inadequate and that the EIS exhibition period was insufficient and did not enable comprehensive submissions to be prepared.

The EIS was exhibited for 30 days in accordance with the public participation requirements set out in Section 89F of the EP&A Act and clause 83 of the EP&A Regulations. It is considered that sufficient time is provided within the statutory framework for members of the public and agencies to review project documentation and prepare submissions.

A further report on consultation has been prepared by Ethos Urban and is provided at Appendix 13. It outlines the key issues raised by the local community and stakeholders during the exhibition period of the Project EIS. This is the second consultation summary report, and follows the pre-lodgement Stakeholder Engagement Report which was submitted with the Project EIS in early October 2017.

It is considered that adequate consultation has been carried out on the project to date. In addition, both Infrastructure NSW and Cultural Infrastructure Program Management Office (Arts, Screen and Culture Division) are committed to ongoing engagement with government agencies, key stakeholders (including local businesses) and members of the public during both the construction and operational phases of the project.

3. Final mitigation measures

The proposed measures required to mitigate the impacts associated with the proposed development are detailed in Table 3 below. These measures replace those outlined in the original EIS. New mitigation measures are underlined.

Table 3: Final mitigation measures

ISSUE	MITIGATION MEASURES
Built form and Urban Design	<ul style="list-style-type: none"> Development is to be undertaken in accordance with the submitted plans and supporting documentation included in Appendix 4 of the Project EIS. <u>Any alternate solutions developed as a result of the detailed design phase that have an impact on or potential to impact on any heritage elements of the structure will be required to be approved by the NSW Heritage Division. Confirmation of any alternate design solutions and NSW Heritage Division approval must be provided to the Secretary prior to construction.</u> <u>The awnings along Hickson Road will be simply detailed, confined to entries and sympathetic to the industrial character of the original façade. The design of the awnings will be further developed with input from the Applicant's heritage consultant.</u>
Heritage	<ul style="list-style-type: none"> The proposed works will be undertaken in accordance with the recommendations in Section 8.1 of the Heritage Impact Statement prepared by Tropman and Tropman (September 2017). <u>A single Conservation Management Plan will be prepared for the entire Arts Precinct, including Pier 2/3, Wharf 4/5 and the Shore Sheds 4/5 within 5 years of completion of works.</u> <u>An Interpretation Plan will be prepared for the Precinct prior to occupation</u>
Archaeology	<p><i>Aboriginal Archaeology</i></p> <ul style="list-style-type: none"> No further archaeological investigation in regard to Aboriginal archaeological sites is necessary. It is recommended that the proponent proceed with the proposed works with caution. In the unlikely event that suspected Aboriginal objects are discovered during the course of the proposed works then work will be stopped in this area, the object safeguarded and a suitably qualified archaeologist contacted to record the find prior to work continuing. The Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council will be contacted and informed of any finds as soon as possible and prior to work in that location continuing. <p><i>Historic Period Archaeology</i></p> <ul style="list-style-type: none"> Excavation works for utilities will be monitored by an archaeologist for the purpose of documenting the archaeological profile and any relics or features that are revealed by that work. This work will not require an excavation permit to be issued by the Heritage Division of the Office of Environment and Heritage, however, a statement of methodology and research design will be prepared to define the scope of works and outcomes for monitoring programmes. Evidence recovered from monitoring and maritime archaeological work will be assessed to determine if an interpretation strategy would be appropriate. Moveable heritage will be managed according to the current interpretation strategy
Visual impact	<ul style="list-style-type: none"> Stairs and external lifts will be designed to minimise view blocking. The design of the stair risers will endeavour to maximise transparency to views and lifts will be encased in glass as proposed. No further obstruction of views through the shore shed opening leading to Wharf 4/5 will be permitted No new permanent structures that could obstruct views to the harbour through the openings in the shore sheds and the breezeway through Pier 2/3 will be allowed Internal framing and structure will be minimised as far as practicable to increase

ISSUE	MITIGATION MEASURES
	<p>transparency in views and to reduce the visual presence of the lifts in views</p> <ul style="list-style-type: none"> Non-reflective glass will be used on the lifts to increase the transparency of the lift glazing to views.
Traffic	<p><i>Transport Impact Assessment</i></p> <ul style="list-style-type: none"> 35 secure bicycle parking facilities will be provided on site for staff with visitor bicycle parking racks for 40 bicycles provided in the public domain. Additional bicycle spaces will be provided in the future subject to demand. A Logistics Management Plan will be developed prior to occupation. This plan will detail management of loading dock areas within event times and during peak attendance periods. Where conflicts are anticipated for the use of the on-street and on-site loading bays, the precinct manager will implement a loading dock management system which coordinates loading dock usage between tenants. The maximum vehicle size permitted on-site is an 8.8-metre MRV. An operational traffic management plan will be developed to manage arrivals and departures for the WBACP to ensure pedestrian safety and access is maintained and kerbside allocation (public transport and pick-up/ set-down) effectively accommodates the demand. The operational traffic management plan will be implemented by the appointed Precinct Manager. Opportunities to reallocate the existing kerbside space in Hickson Road to provide an additional three short-stay or pick-up/ set-down spaces near the WBACP will be investigated in liaison with City of Sydney. Operational traffic management plans for major events in the Precinct will be developed and approved in consultation with TfNSW, Roads and Maritime, the Transport Management Centre and the Sydney Coordination Office. The Precinct Manager will act as the Travel Plan Coordinator to implement and monitor the WBACP Green Travel Plan <p><i>Construction Traffic Management Plan</i></p> <ul style="list-style-type: none"> The approved construction contractor will undertake demolition and construction works in accordance with the requirements of the CPTMP and the TGS (Appendix 21). The approved construction contractor will consult with the CBD Coordination Office prior to undertaking the works. Construction workers will be encouraged to take public transport to site, with the bus service timetable provided to each worker during induction and displayed at prominent locations on site. Construction vehicles will be restricted to designated routes to and from the site. The proposed works zone will not impede access to the existing bus stop at the frontage of the site. Traffic controllers will be present at vehicle accesses to manage pedestrian, cyclist and construction vehicle interaction. Pedestrian wayfinding signage will be provided in accordance with the TGS.
Signage	<ul style="list-style-type: none"> <u>The Applicant will further develop the detailed design of signage and wayfinding in consultation with the Heritage Council and City of Sydney.</u>
Noise	<p><i>Construction</i></p> <ul style="list-style-type: none"> Appoint a construction staff member responsible for construction noise and vibration management on site. Ensure construction staff are trained in ways to minimise noise during work, e.g. minimise dropping items, avoiding the use of stereos outdoors, avoiding shouting, slamming doors Turn off construction equipment when not in use. Maintain equipment and use quiet equipment where possible. Ensure construction only occurs between 7am to 6pm on weekdays and 8am to 1pm on Saturdays. No work on Sundays or public holidays. Undertake internal works in the proposed Bell Studio early in the construction schedule to minimise disturbance to adjacent tenants.

ISSUE	MITIGATION MEASURES
	<ul style="list-style-type: none"> Undertake construction noise monitoring to alert the Contractor and Precinct Management of potential exceedances of Noise Management Levels. Maintain open communication channels with nearby receivers, including commercial tenants and residents. Maintain a complaints log including timing, issues, immediate and on-going actions. Endeavour to schedule construction works around noise sensitive events occurring within or near the Precinct. Maintain minimum working distances for vibration intensive plant. Where this is not possible, vibration monitoring with real-time alerts should be considered. <p><i>Detailed design</i></p> <ul style="list-style-type: none"> Mechanical services acoustic treatment will be finalised at the detailed design stage. Standard noise control measures may be required, including quiet plant selection, attenuators, acoustic louvres, vibration isolators, screening and absorptive lining. <p><i>Operation</i></p> <ul style="list-style-type: none"> Internal noise sources within non-acoustically treated venues shall be limited to patrons talking and foreground music, representative of cocktail party functions and performances. Amplified music at ‘concert’ levels (i.e. ~105 dB(A)) is not permitted. Loading dock activities and waste and recycling removal should be scheduled outside of night-time hours, i.e. before 10:00pm or after 7:00am. Management of the precinct shall implement an Operational Noise Management Plan for events at the WBACP. In order to minimise the risk of sleep disturbance to surrounding residences while patrons are leaving the WBACP, patrons will be directed to leave via the aprons on the inside of the precinct, i.e. west of Pier 2/3 and the east of Pier 4/5. Precinct staff will direct patrons to keep noise to a minimum when leaving to reduce shouting or unnecessary loud conversations between leaving the venues and leaving the precinct. <u>Noise monitors will be located within the precinct. The location of the monitors will be developed as part of the Operational Noise Management Plan and be managed by the Precinct Manager. Noise results from the monitors will be made available to enforcement agencies.</u>
Amenity	<ul style="list-style-type: none"> Construction works will be undertaken in accordance with the recommendations of the preliminary ECSMP as amended in more detailed environmental, site and construction management plans following appointment of the construction contractor. Day-to-day operations of the Precinct will be undertaken in accordance with the Operational Plan of Management
Maritime and public safety	<ul style="list-style-type: none"> The detailed design of the project will be undertaken in accordance with Infrastructure NSW’s Health Safety and Environment (HSE) Management Project Delivery Framework Consideration will be given to further assessing the structural redundancy of the existing wharf structures against medium size vessel impact Should any water-based construction be proposed to implement the works, the Harbour Master will be contacted to agree construction stage vessel exclusion zones.
Contamination and acid sulphate soils	<ul style="list-style-type: none"> The proposed works will be undertaken in accordance with the Preliminary ‘Environmental, Construction and Site Management Plan’ prepared by Cadence Australia Pty Ltd dated September 2017 Standard unexpected finds protocols will be implemented during the proposed works Hazardous materials on site will be managed in accordance with the recommendations of the ‘Hazardous Materials Assessment, Wharf 2/3’ (Presna Pty Ltd, October 2011) and ‘Hazardous Materials Re-Assessment, Wharf 4/5’ (Prensa Pty Limited, September 2012).
CPTED and security	<ul style="list-style-type: none"> Adequate lighting will be provided throughout the precinct, particularly at the ends of Wharf 4/5 and Pier 2/3, the precinct and building entry/exit points. Wayfinding signage will be provided throughout the precinct to assist natural access control, and reinforce boundaries

ISSUE	MITIGATION MEASURES
	<ul style="list-style-type: none"> Security signage will be provided throughout the precinct, particularly at precinct and building entry/exit points, to notify people of the security measures in place, and to provide a deterrence The precinct image will be maintained at all times with vandalism repaired and graffiti to be removed as quickly as possible The precinct will be activated as much as possible, to attract legitimate users to the area, and to deter illegitimate users and crime As much glazing as possible, within heritage conservation limits, will be used to assist natural and electronic surveillance particularly at ground level, and in function, and hospitality spaces Areas of possible concealment of people, actions, or packages will be minimised particularly at the ends of Wharf 4/5 and Pier 2/3, staircases, lifts and the northern most and southern most boardwalks, and, CCTV will be provided to the perimeter of buildings and in the precinct to monitor and space and deter opportunistic crime.
Construction	<ul style="list-style-type: none"> The contractor will appoint a Responsible Person to work with neighbours, understand their needs and requirements, and, where possible, adjust construction work methodologies accordingly. <u>Upgrades to existing party walls between operating tenancies in Shore Shed 2/3 and areas will be undertaken where there are construction activities taking place. This will be in the form of additional plasterboard linings, sound absorptive finishes and the like within the work area.</u> Demolition and construction works will be undertaken in accordance with the recommendations of the preliminary ECSMP as amended in more detailed environmental, site and construction management plans following appointment of the construction contractor. <u>The preliminary ECSMP will be updated to incorporate the additional measures detailed in Appendix 10 of the Response to Submissions. The ECSMP will be updated prior to the appointment of the contractor</u>
Waste	<p>The proposed works will be undertaken in accordance with the following waste management mitigation measures:</p> <p><i>Construction</i></p> <ul style="list-style-type: none"> A Construction Waste Management Plan will be prepared prior to the commencement of construction works and will include detailed measures to be implemented to achieve project specific sustainability targets including waste reuse and recycling targets as outlined in the WBACP Waste Management Plan (Arup, September 2017). <p><i>Operational</i></p> <ul style="list-style-type: none"> The Precinct Manager will be required to develop a specific WBACP Waste Management Plan to identify waste sources and propose appropriate waste management measures.
Water	<ul style="list-style-type: none"> Stormwater flows will be managed in accordance with the Integrated Water Management Plan for the site.