

26 March 2014

PROJECT APPLICATION FOR THE SYDNEY HERITAGE FLEET BASE, BANK STREET PYRMONT (MP11_0001), SYDNEY LOCAL GOVERNMENT AREA

Project Application

Hampton Property Services on behalf of Sydney Maritime Museum Ltd, trading as Sydney Heritage Fleet (SHF), seeks project approval for a new maritime facility at Bank Street, Pyrmont. The new maritime facility comprises a land based and water based component, to be used as the operational base for the SHF's collection of historic vessels, a museum and exhibition space. The land-based component comprises a part two/part three storey building and a separate detached exhibition pavilion incorporating an ancillary kiosk. The water based component comprises an 85 metre long fixed wharf with attached floating pontoons to accommodate the range of vessels. The proposal also incorporates public access to the foreshore.

Changes were made to the project as detailed in the applicant's Preferred Project Report (PPR):

- The building façade has been modified along Bank Street and the future open space to the south-east;
- Part of the building has been reduced in length by four metres, on its southern side, to address the pinch point at the south-eastern corner of the building, thereby increasing the width of the foreshore accessway by four metres;
- A publicly accessible lift has been included on the western side of the site to provide adequate disabled access to Bank Street;
- Aids to navigation and to improve marine safety have been incorporated as required;
- Bicycle parking has been provided; and
- The Statement of Commitments has been amended to reflect changes and matters raised by agencies and the City of Sydney Council.

Delegation to the Commission

On 10 February 2014, the Project Application was referred to the Planning Assessment Commission ('the Commission') for determination under Ministerial delegation dated 14 September 2011, as more than 25 objections were received.

Ms Gabrielle Kibble AO nominated Ms Abigail Goldberg (chair) and Mr Richard Thorp to constitute the Commission to determine the project.

Assessment Report

The Director-General's Assessment Report prepared by NSW Planning and Infrastructure (P&I) considered the following issues:

- Legislative requirements
- Strategic planning policies
- Access, traffic and parking
- Built form and urban design
- Visual impacts and view loss
- Noise and air quality
- Contamination
- Marine construction and safe navigation

- Flooding and climate change
- Section 94 contributions

The assessment by P&I found that the project's key issues related to parking, public access to the foreshore, built form and frontage to Bank Street, visual impacts, and noise and air quality. Having assessed the issues, P&I considered the project to be in the public interest, noting that the project provides public benefit through the establishment of a new publicly accessible educational facility, as well as the provision of 24 hour public access to the foreshore.

Site Visits and Meetings

On 25 February 2014 the Commission visited the site and surrounds.

Meeting with City of Sydney

Following the site inspection the Commission met with the City of Sydney to discuss issues raised in its submission to the Environmental Assessment. The key concerns raised by the City in its submission related to:

- The overall suitability of the site for the proposal
- The lack of activation along the Bank Street elevation
- The impact on views to the water and the Anzac Bridge Pylon
- Concerns regarding security, legibility and accessibility of proposed foreshore walk
- The potential for Aboriginal and non-Indigenous archaeology on the site and the need for an interpretation strategy to be prepared
- Using Glebe Island Bridge for parking
- The need for "end of trip facilities" for bicycles and a Green Travel Plan to be prepared
- The applicability of the City of Sydney's Ultimo Pyrmont Section 94 Contributions Plan 1994 to the development.

While the City indicated it would prefer to see the Sydney Heritage Fleet located at either wharf B3 at the head of Blackwattle Bay or at Goat Island, it advised that it was generally satisfied that most of its concerns have been addressed in P&I's assessment report. However, in addition to the conditions put forward in the instrument of approval, the City has recommended that three additional conditions be included requiring:

- Modification of the building's Bank Street elevation to exhibit a greater degree of visual interest and activation;
- The preparation of a Heritage Interpretation Strategy; and
- The preparation of a detailed landscape plan for the site.

At the meeting the City reiterated its view that the foreshore promenade needs to be highly legible and useable. The City also expressed regret that the buildings would restrict views to the water and the view of the base of the Anzac Bridge pylon, limiting the opportunity to view the structure in its entirety.

Meeting with the proponent

The Commission met with the proponent on 4 March 2014 for a briefing on the project.

The proponent briefly outlined the history of the project, including investigations regarding alternative sites and negotiations with stakeholders and the community. The rationale for the building design and internal allocation of uses was discussed. The proponent explained the key changes made to the project in the PPR, including changes to improve accessibility along the foreshore and activate the north-east (Bank St) and south-east (future open space) elevations.

A further meeting with the proponent was held on 11 March 2014 to discuss issues arising from the public meeting (see below), including the future use of the facility by dragon boats, noise and air quality impacts, and maritime safety issues particularly for passive boats. The Commission also raised additional concerns regarding the view to the base of the Anzac Bridge pylon, active frontages, and foreshore accessibility.

Public meeting

On Monday, 10 March 2014, the Commission held a public meeting to hear the community's views on the assessment report and recommended conditions. 11 speakers registered to speak at the meeting (refer Appendix 1). Approximately 40 people (including those registered to speak) attended the meeting.

Key issues raised by speakers included:

- The inconsistency of the project with the Bank Street Master Plan
- The inadequacy of P&I's assessment report
- Parking and traffic impacts
- Noise and air quality impacts
- Safety of boat users
- Future of passive boat activities
- Loss of future open space
- Lack of serious consideration of alternative sites

Meeting with Sydney Harbour Foreshore Authority

The Commission met with the Sydney Harbour Foreshore Authority (SHFA) on 18 March 2014 to discuss issues raised in its submissions on the project. SHFA briefed the Commission on the Bank Street Master Plan and more recent work undertaken by the Bays Precinct Taskforce. SHFA explained that its primary concern was ensuring the foreshore walk maximised public access and provides a quality pedestrian experience. SHFA also noted that the master planning work for the Bank Street precinct anticipated an alternative pedestrian route diagonally across the future park which would connect with Bank Street.

Commission's Consideration

The Commission has reviewed the Director-General's Assessment Report and associated documents, submissions from the City of Sydney, government agencies and the community, views expressed at various meetings including the public meeting and written submissions received before, during and after the public meeting.

Strategic Planning

Members of the public raised concern that the project is inconsistent with the Bank Street Master Plan and the RE1 Public Recreation zoning for the site and that the site should be redeveloped as a park and for passive boating purposes only. It was also argued that there are alternative sites, including Goat Island, which have not been properly considered.

While the Commission acknowledges that the project introduces a use not anticipated by the Bank Street Master Plan, it considers the inconsistency with the Master Plan is reasonable for the following reasons:

- The proposal is a community use which incorporates educational facilities and provides for the long term conservation of historic vessels;
- The proposal is permissible with consent in the RE1 Public Recreation Zone under Sydney Local Environmental Plan 2012;

- The project provides for public access along the foreshore, consistent with the objectives of the Bank Street Master Plan (subject to recommended changes discussed below);
- Roads and Maritime Services (RMS) has advised that it proposes to gift its remaining land adjacent to the proposed Sydney Heritage Fleet site to the City of Sydney for use as a public park, consistent with the intent of the Bank Street Master Plan.

With respect to consideration of alternative sites, including Goat Island, the Commission is satisfied that an appropriate level of investigation has occurred.

Notwithstanding the above, the Commission considers that a number of modifications to the project are required to ensure the broader public interests associated with this important strategic site are adequately protected. These modifications are discussed below.

Foreshore Public Access

The Commission considers that ensuring generous, legible and continuous public access to the foreshore is vital. The Commission notes the recommendation in the Assessment Report that the foreshore walkway be a minimum of 10 metres wide and supports this view. However, the Commission considers that the 10 metre wide walkway should be entirely land based and not include any boardwalks which could be construed as part of the Sydney Heritage Fleet's boating facility. Moreover, under Clause 22(d) of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 the Commission as consent authority is required to consider *the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided*. Clause 7.11 of the Sydney LEP 2012 also requires a consent authority to consider whether and to what extent the development would encourage public access to be located above the mean high water mark.

It is noted that while boardwalks are used elsewhere to facilitate public access along the foreshore, these are in areas where a land-based path is not feasible, which is not the case on the subject site.

The Commission considers in addition that the foreshore walk should be free of any obstructions and open to the sky insofar as possible. To this end, it does not support the cantilevering of buildings over the walkway as this could have the effect of making the space seem private rather than public.

The Commission recognises that the requirement for the foreshore walkway to be a minimum of 10 metres and located entirely on land will necessitate a change to the building footprint. However, it is satisfied that this can be achieved without significant impact on the functionality of the facility.

A condition is included in the Instrument of Approval to give effect to the recommended changes above.

In addition to the foreshore promenade, the Commission considers Bank Street part of an important pedestrian route which will become more significant as regional pedestrian and cycle routes are developed. SHFA have also asserted the need for a pedestrian desire line diagonally across the future adjoining park to be able to be accommodated.

To address these concerns, the Commission considers that that the SHF building along Bank Street should be set back 2.5 metres from the boundary. A condition to this effect is included in the Instrument of Approval.

Anzac Bridge Pylon

The Anzac Bridge is one of Sydney's most iconic bridges and of notable architectural significance. As such, the Commission considers that as far as possible members of the public should be able to view

the structure from important vantage points and in its entirety, that is, from the base to the top of the pylons. While the Commission accepts that it is not possible to design the facility so that all sides of the pylon are visible, it considers the view to the pylon from the west and north-west across the water an important vantage point and accordingly requires that no building structures should be located in front of the pylon along its western and north-western elevation. Therefore the Commission is of the view that the kiosk and exhibition pavilion proposed in this location should be deleted from the plans. This would also enable a much more generous public walkway and open space area to be provided around the base of the pylon.

The Commission does not oppose the kiosk and exhibition uses being incorporated into the main building if considered appropriate by the SHF.

Should there be a security issue regarding the base of the pylon, then it is important that any fencing or similar security device be visually transparent and kept open throughout daylight hours to enable unobstructed views of the pylon.

New conditions are proposed to give effect to the above.

Building Height and Bulk

The Commission has considered the building height and bulk in terms of its visual impact and potential impact on views. The need to store boats and allow for exhibition space means that the building is large for a community facility. However, the Commission is satisfied that with the additional setbacks required to provide public access to the foreshore, the overall height and bulk of the building will be reasonable for its location in the undercroft of the bridge. The Commission also considers that the development will not have a significant impact on important views to the water.

Frontages to Bank Street and Future Open Space

The Assessment Report raises concern that the proposed north-eastern elevation to Bank Street does not address the street well and does not provide sufficient surveillance or activation of the street frontage. The City of Sydney raised similar concerns. The Assessment Report recommends the imposition of a condition requiring the proponent to submit amended drawings of the Bank Street elevation to demonstrate a greater degree of visual interest and passive surveillance of Bank Street. The Commission considers that this could be achieved through the introduction of glazing along this elevation as well as internal redesign.

The Commission also considers there are opportunities to improve activation and surveillance along the interface with the future open space (south east elevation). While the Commission supports the proposed amendments to this façade outlined in the PPR, it is considered that further glazing could be introduced on both the ground level and level 1 without adversely affecting the exhibition material.

Additional conditions have been included in the Instrument of Approval to address the above.

Traffic and Parking

Section 5.1 of the Assessment Report provides a detailed assessment of the traffic and parking issues associated with the project. P&I also engaged an independent traffic consultant, ARUP, to provide advice on the application. ARUP undertook independent assessments of both the Environmental Assessment and the Preferred Project Report.

The Commission notes that the transport strategy for the project relies on volunteers and visitors accessing the site via public transport, cycling and walking or by minibuss and ferry shuttle services

provided by Sydney Heritage Fleet. No on-site parking is provided for as the 65 space car park proposed on the Glebe Island Bridge abutment is not available for use by the SHF.

The lack of on site parking was considered by ARUP in its independent assessment of the PPR (Memorandum dated 25 November 2013) which noted that:

Given the measures that are now planned to be implemented by SHF to manage demand, that the proposal no longer includes a restoration and maintenance facility, and the small peak visitor parking demand assessed of up to seven cars, we accept that the provision of on-site parking should not be mandated for this proposal.

ARUP also advised that the impact of the development on local intersections in peak periods will not be significant.

The Commission notes that the City of Sydney has not objected to the lack of on-site parking or the transport strategy proposed by the proponent.

P&I's Assessment Report recommends a number of conditions to address transport and access issues which require:

- The preparation of a Green Travel Plan incorporating initiatives to encourage sustainable transport practices
- The provision of mini bus and ferry shuttle transfer services
- On-site parking for a minimum of eight bicycles and associated end of trip bicycle facilities

The Commission is satisfied that, subject to the recommended conditions, the traffic and transport impacts of the project have been adequately addressed.

Marine Safety

During the public meeting concerns were raised regarding the safety impacts of the proposed marina, particularly the potential for conflicts with the use of the waterway by passive boats.

In response to concerns regarding marine safety, the proponent's PPR provides for additional aids to navigation and marine safety including lights on the protective dolphins on the western side of the proposed marine and the southern ends of the eastern fixed wharf.

The Commission notes that Sydney Ports Corporation and the Deputy Harbour Master have been consulted on the project and the Deputy Harbour Master has recommended a number of conditions which have been incorporated into the draft Instrument of Approval. These conditions include a requirement for SHF to prepare a Marine Traffic Management Plan which will need to address operational safety issues, including potential conflicts with passive boat users.

The Commission is satisfied that this issue has been appropriately considered and addressed through the recommended terms of approval.

Future of Dragon Boats

The future of the dragon boats and potential associated parking requirements on the site was discussed extensively in the public meeting.

There appears to be general agreement that the dragon boat users should be able to continue their activities from the Bank Street site. However, the existing informal parking arrangements for dragon boat users are unlikely to be able to continue once the SHF maritime facility and the adjoining future park are developed.

The Commission notes that although provision is made within the maritime facility for their future storage, a separate development application will be required for the use of the site by the dragon boats. The development application will need to address transport management issues.

Section 94 Contributions

In its submission to the exhibition of the Environmental Assessment, the City of Sydney argued that development contributions should be levied on the project in accordance with its Ultimo Pyrmont Section 94 Contributions Plan 1994. It also argued that the contributions should include volunteers and not just employees.

This issue was considered in the Assessment Report. P&I does not support the City's view, stating that the SHF is a community-based organisation which delivers a net public benefit and that levying a section 94 contribution based on the number of volunteers is unreasonable. It also noted that volunteers are unlikely to impose significant demands on local infrastructure. P&I concludes that contributions should be imposed on the basis of two full time workers.

The Commission supports P&I's views on this issue. It also notes that the provision of the foreshore walkway and public boardwalk are significant material benefits which should be taken into account when considering whether it is reasonable to impose section 94 contributions.

No change to the condition relating to section 94 contributions is proposed.

Contamination

The SHF site is potentially contaminated and the P&I Assessment Report has recommended that a Phase 2 report be prepared to identify what contaminants are present and whether remediation is required. The Assessment Report recommends the imposition of a condition (Condition A1 in the draft Instrument of Approval) requiring that this Phase 2 work be undertaken prior to the commencement of works.

Under the provisions of State Environmental Planning Policy No 55 – Remediation of Land, in deciding whether to grant approval, the consent authority must be satisfied that the site can be made suitable for the proposed use having regard to any existing or potential contamination on the site.

Condition A1 has therefore been amended to require the preparation of a Phase 2 report prior to the commencement of the approval. The development consent will only become operative once the Phase 2 work demonstrates that the site can be made suitable for the proposed use

Noise and Air Quality Impacts

Noise and air quality impacts from the proposal were raised as issues of concern in the public meeting.

These issues have been considered in the Assessment Report and by the EPA in its submission to the Environmental Assessment. The EPA's general terms of approval have been incorporated in the proposed conditions of consent.

The Commission is satisfied that noise and air quality impacts have been appropriately addressed in the Assessment Report.

Landscaping

The City of Sydney has recommended a condition requiring the submission of a detailed landscape plan for the development. The Commission supports this recommendation, particularly in light of

the proposed amendments to the design involving removal of the kiosk/ exhibition pavilion, the 10m foreshore walkway and the 2.5m building setback from Bank Street. These changes provide opportunities to introduce landscaping across the site which will enhance the overall appearance of the facility and provide opportunities to integrate the site with adjoining community land on both sides and Bank Street.

Heritage

The City of Sydney has recommended a condition requiring the preparation of a Heritage Interpretation Strategy. However, it is noted that the proponent's Statement of Commitments includes a commitment to prepare a Heritage Interpretation Strategy in consultation with the City and RMS, along with a range of other heritage initiatives. Accordingly, an additional condition to this effect is not required.

Staging

At the public meeting concerns were raised regarding staging of the development and implications if only part of the development were to proceed.

The Commission wishes to clarify that the project application is not staged but rather approval is sought for the development in its entirety.

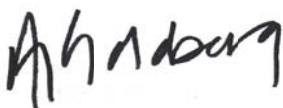
Conclusion

The Commission has considered all relevant information in relation to the proposed project application and has concluded that whilst it agrees generally with P&I's recommendation for approval subject to conditions, additional modifications and conditions are required.

Accordingly the project application as shown in the PPR is to be modified to:

- Remove the kiosk/exhibition pavilion building to ensure the base of the Anzac Bridge pylon can be viewed from the west and north-west;
- Ensure the fencing around the pylon is visually transparent and open during daylight hours;
- Provide for a minimum 10 metre wide foreshore walkway which is located entirely on land and extends the full length of the foreshore. Cantilevered buildings over the walkway will not be permitted;
- Amend the building design along the north-east (Bank Street) and south-east (future open space) elevations by introducing glazing to allow people to look into the facility and provide for greater activation and surveillance;
- Provide a setback of 2.5m between the building and the site boundary along Bank Street; and
- Provide a detailed landscape plan for the site.

Subject to the above requirements and conditions as amended by the Commission the project application is approved.



Ms Abigail Goldberg
Commission Chair



Mr Richard Thorp
Commission Member

Appendix 1

List of Speakers

Planning Assessment Commission Meeting

Sydney Heritage Fleet Base, Bank Street, Pyrmont

Date & Time: Monday 10 March 2014, 4 pm

Place: Harris Community Centre (Activity Room), 97 Quarry Street, Ultimo

1. Amanda Cook
2. Pyrmont Action Group
Elizabeth Elenius
Jean Stuart
3. Margaret Bergemann
4. Joy Fairfull
5. Dominique Antarakis
6. Chris Durman
7. Adrian Wolf
8. Council of Ultimo Pyrmont Association
Mary Mortimer
9. Marie Sheehan
10. Strata Body Corporate 80937
Lindsay Fletcher
11. Dr Marilyn Cross