

Item 3.**Development Application: 23 Hickson Road, Millers Point****File Number:** D/2026/626**Summary**

Date of submission:	2 July 2026
Applicant:	Markham Real Estate Partners Pty Ltd
Architect/Designer:	Sissons
Developer:	Markham Real Estate Partners Pty Ltd
Owner:	Owners Corporation SP 64174
Planning consultant:	Beam Planning Pty Ltd
Heritage consultant:	Curio Projects Pty Ltd
Cost of works:	\$4,905,440.00
Zoning:	'Zone 1 Walsh Bay Conservation zone'. The proposal is permissible as a business premises under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021.
Proposal summary:	Alterations and additions to Tenancy B, located at the northern end of the Piers 8/9 across Levels 2 to 4, for a business events and function centre premises. The proposal requires approval under the Heritage Act, 1977. Referred to LPP as contentious development with more than 25 submissions by way of objection.
Summary recommendation:	The development application is recommended for approval, subject to conditions.
Development controls:	(i) Sydney Development Control Plan 2012 (ii) SEPP (Resilience and Hazards) 2021 (iii) SEPP (Industry and Employment) 2021

- (iv) SEPP (Biodiversity and Conservation) 2021
- (v) SEPP (Precincts – Eastern Harbour City) 2021

Attachments:

- A. Recommended conditions of consent
- B. Acoustic report (plus addendum)
- C. Architectural plans
- D. Plan of management
- E. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2026/626 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development is permissible within the Zone 1 Walsh Bay Conservation zone.
- (B) Appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of the site.
- (C) The development will not unreasonably compromise the amenity of nearby properties.
- (D) The development accords with objectives of relevant planning controls.

Background

Reason the application is reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 6 March 2024 as being within the following category:
 - contentious development
2. The development application falls within the category of contentious development as it has attracted 56 submissions by way of objection (53 were received during the exhibition period).
3. The application has also attracted 3 submissions in support.

Site and surrounding development

4. The wider subject site is legally described as Lot 8 DP 1018716 and Lots 1-3 SP 64174, commonly known as 23 Hickson Road, Millers Point and referred to as Piers 8/9 within the Walsh Bay precinct. The part of the site primarily the subject of this application is Tenancy B located at the northern end of the pier located at first floor level.
5. It is irregular in shape with an area of 6,632sqm and comprises the westernmost finger wharf within the Walsh Bay precinct. Vehicular access is provided via Towns Place while pedestrian access is available from Hickson Road through no. 21 Hickson Road and via the Walsh Bay Promenade.
6. The site is part of the wider Walsh Bay Wharves Precinct, which is listed on the NSW State Heritage Register as item no. 00559 and is recognised as one of the most intact surviving examples of early twentieth century port infrastructure in Australia. The site is also located within the broader Walsh Bay Arts Precinct and in proximity to the Millers Point and Dawes Point Heritage Conservation Area.
7. Piers 8/9 comprise a substantial three-storey timber wharf building constructed between 1910 and 1914 by the Sydney Harbour Trust as part of the Walsh Bay Wharfage Scheme. The building is supported on timber piles and retains its distinctive Federation-era maritime industrial character, including a modular timber post-and-beam structure, triple-gabled roof form, weatherboard cladding, corrugated metal sheeting, roof lanterns and significant industrial heritage elements associated with its former use as a wool-handling wharf.
8. The building has been adaptively reused for commercial purposes and contains a range of office tenancies and hospitality uses. While the interior has undergone significant adaptation it retains a substantial amount of original and early fabric, including exposed structural elements, industrial archaeological features and large internal volumes which contribute to its heritage significance.
9. The surrounding area comprises a mix of residential, commercial, hospitality, maritime and cultural land uses. Pier 6/7, immediately east of the site, contains residential apartments. To the west, Towns Place Wharf and associated facilities are operated by the Port Authority of New South Wales, with Barangaroo Reserve located further west. To the north is Sydney Harbour, with Goat Island (Me-mel) to the north west, forming part of Sydney Harbour National Park, and the residential areas of McMahon's Point and Lavender Bay on the north side of the harbour.

10. The southern portion of Piers 8/9 contain commercial and hospitality tenancies, including a restaurant and office accommodation, while 21 Hickson Road to the south contains ground floor commercial premises with residential accommodation above. Further east within the Walsh Bay Arts Precinct are several cultural institutions including the Sydney Theatre Company, Sydney Dance Company, Bangarra Dance Theatre, Bell Shakespeare and the Australian Chamber Orchestra.
11. The site is accessible by public transport and active transport modes. Barangaroo Metro Station is located approximately 450 metres walking distance from the site and Wynyard Station is approximately 1.2 kilometres to the south-east. Regular bus services operate along Hickson Road connecting the site to the Sydney CBD and eastern suburbs. The Walsh Bay Promenade also provides pedestrian connectivity throughout the precinct and to surrounding destinations. Three public parking garages, including the Barangaroo Reserve car park, are within a 300m radius of the site.
12. A site inspection was carried out on 14 July 2026. Photos of the site and surrounds are provided below.

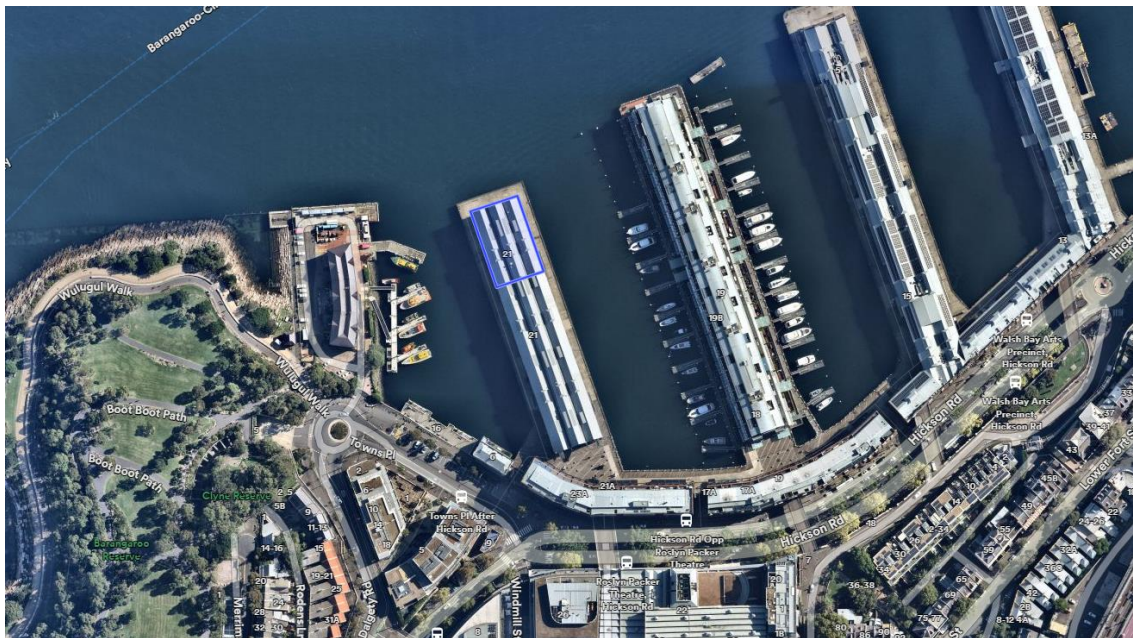


Figure 1: Aerial view of site and surrounds, with the site (Tenancy B) highlighted in blue



Figure 2: Western elevation of Pier 9 when viewed from the south. The building's external weatherboard cladding as well as pier and beam structure are visible.



Figure 3: Western elevation of Pier 9 at the location of the proposed waste room



Figure 4: View south along the west elevation of Pier 9



Figure 5: Northern elevation of Pier 8/9



Figure 6: View of Pier 7 from east elevation of Pier 8



Figure 7: East elevation of Pier 8 showing post and beam outline



Figure 8: East elevation of Pier 8

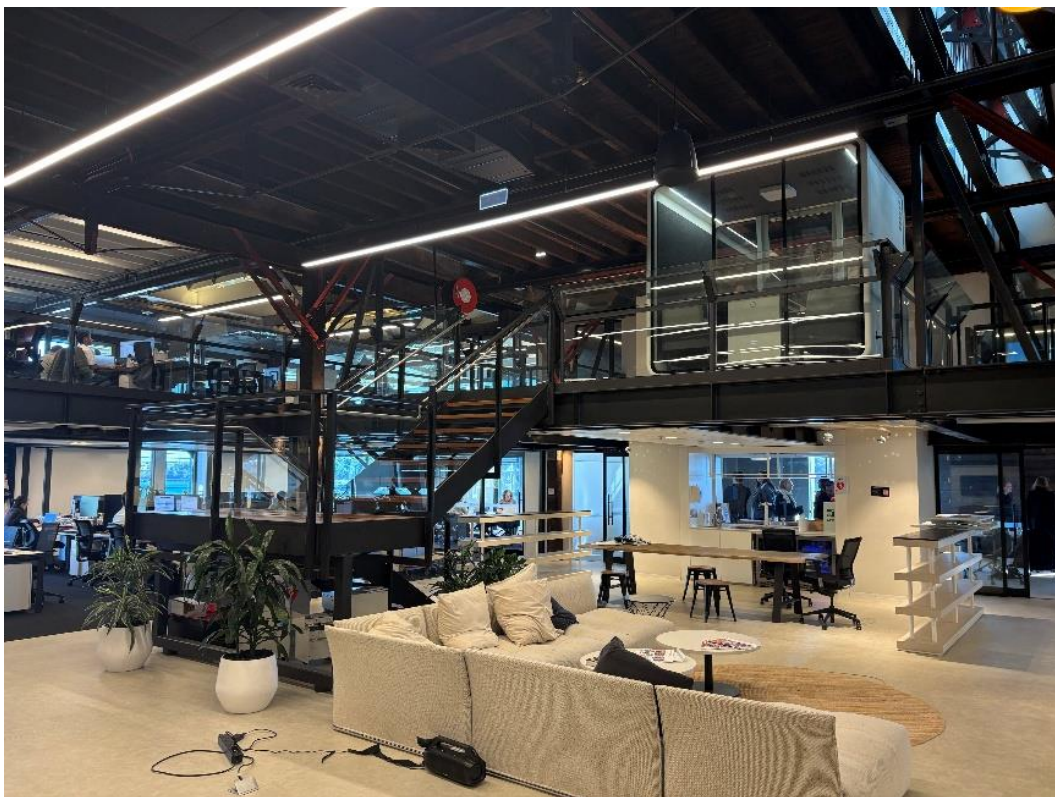


Figure 9: Interior of Piers 8/9 currently used for commercial office space. Visible is a mezzanine level proposed to be removed through this application.

History relevant to the development application

Development applications

13. The following application is relevant to the current proposal:

- **D/2021/398 - Development consent granted on 28 September 2021 for additional use of existing café on the ground floor of Pier 8/9 as a function centre operating 7.00am to 11.00pm with up to 150 patrons.**
- **PDA/2026/67** – Lodged with Council seeking guidance on the proposed change of use of Tenancy B (northern end of the pier) from an office to a business events and function centre. The proposal also included associated building works such as internal alterations to facilitate the new use and external additions to allow for new lift and stair access to the upper levels.

Council provided advice highlighting the following key issues which needed to be addressed in any future development application:

- Late Night Trading as a Category A premises within a Local Centre needed consideration of noise management.
- Privacy of nearby residents.
- Requirement for a detailed Plan of Management (POM) which includes the complaints process and patron ingress and egress.
- A green travel plan is to be submitted.
- Consistency with existing plans and policies around signage, waste and operations of Walsh Bay.
- It was recommended advice from Heritage NSW be sought prior to lodgement of a development application.
- A note was provided that if the future development application received 25 or more unique submissions, the application would need to be determined by the Sydney Local Planning Panel.

Amendments

14. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 27 July 2026. The request centred around improvements to the waste storage area as well as additional or clarified information related to noise generation, the POM and food-handling areas.
15. The applicant responded to the request on 11 August 2026, and submitted the following information.
- (a) Revised POM
 - (b) Additional Architectural Information
 - (c) Revised Design Report

- (d) Revised Architectural Drawing
- (e) Addendum to the submitted Acoustic Report

Proposed development

16. The application seeks consent for the use of tenancy B as a business events and function premises with a capacity of 750 patrons in addition to 55 staff and the following hours of operations:
 - 7.00am – 11.00pm Sunday, Monday Tuesday, and Wednesday and 7.00am – 12.00am (Midnight) Thursday, Friday and Saturday
17. Works are proposed to the structure to accommodate the business events and function centre. These works include:
 - demolition of existing external fire stairs and internal commercial office fit-out on levels 2 to 4, including the complete removal of level 3
 - construction of new fire egress stairs on the eastern and western elevations of the pier
 - installation of two (2) new lifts on the western elevation of the pier
 - construction of a new balcony on the north elevation of the pier
 - installation of a new soft wall which permits either a single function space or two separate spaces upon requirement
 - kitchen, bar area and back-of-house fit-outs
 - fit-out of a private function room on Level 4
 - office and administrative rooms
 - installation of bathroom facilities
 - installation of new waste facilities along the west elevation of Pier 9
 - associated building and service works required to support the use
 - signage including wayfinding and business identification
18. Plans and elevations of the proposed development are provided below.

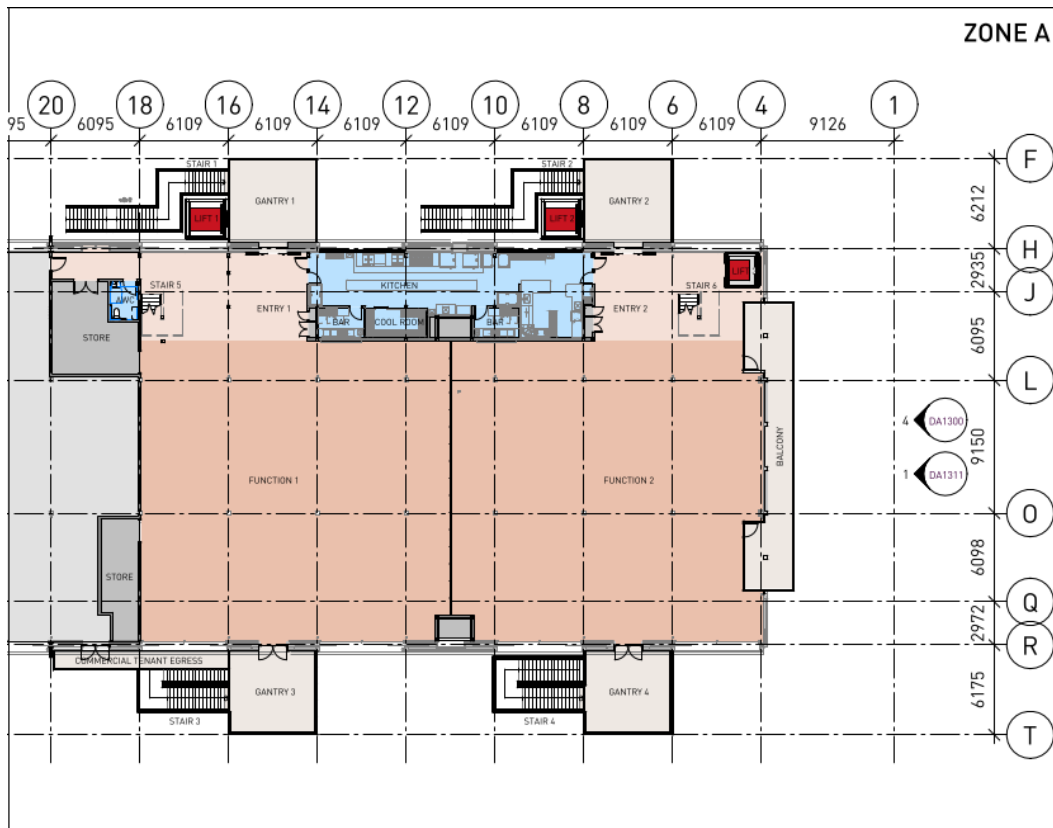


Figure 10: Level 002 (first floor)

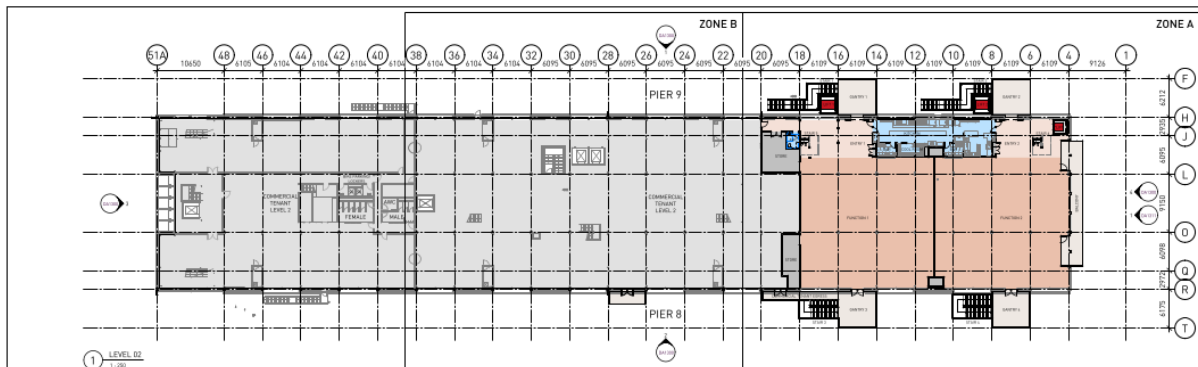


Figure 11: Location of tenancy on site plan

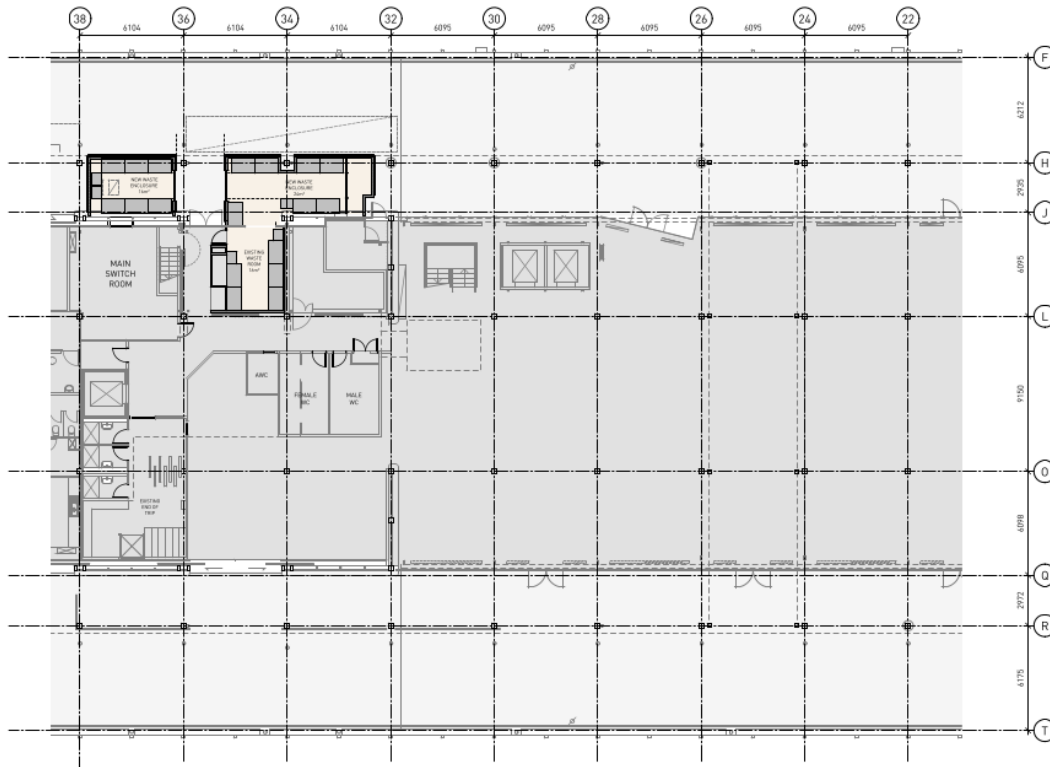


Figure 12: Waste storage area (ground floor)

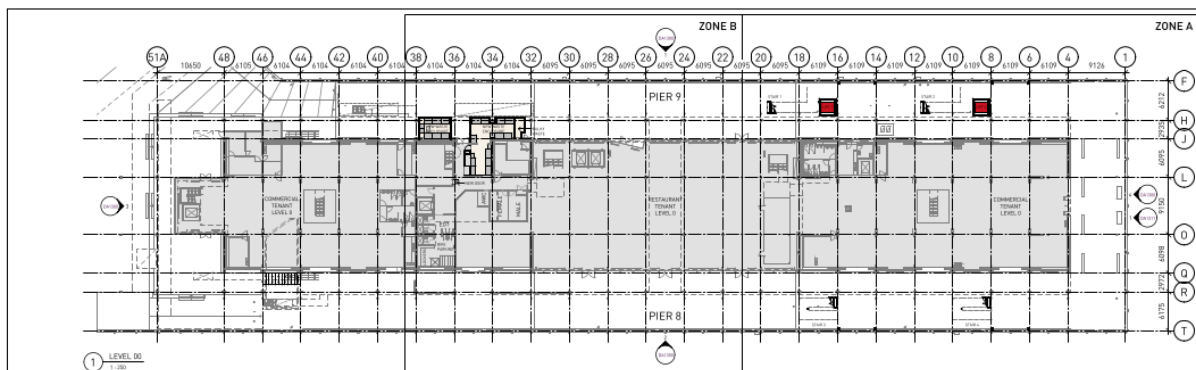
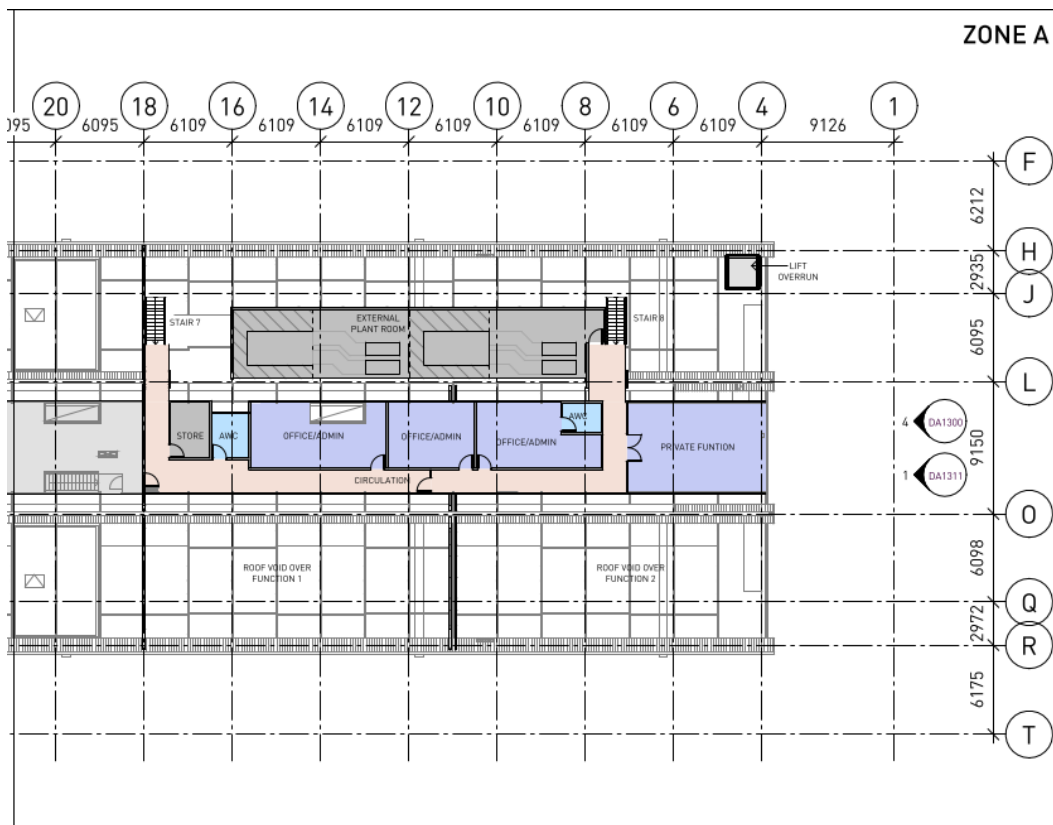
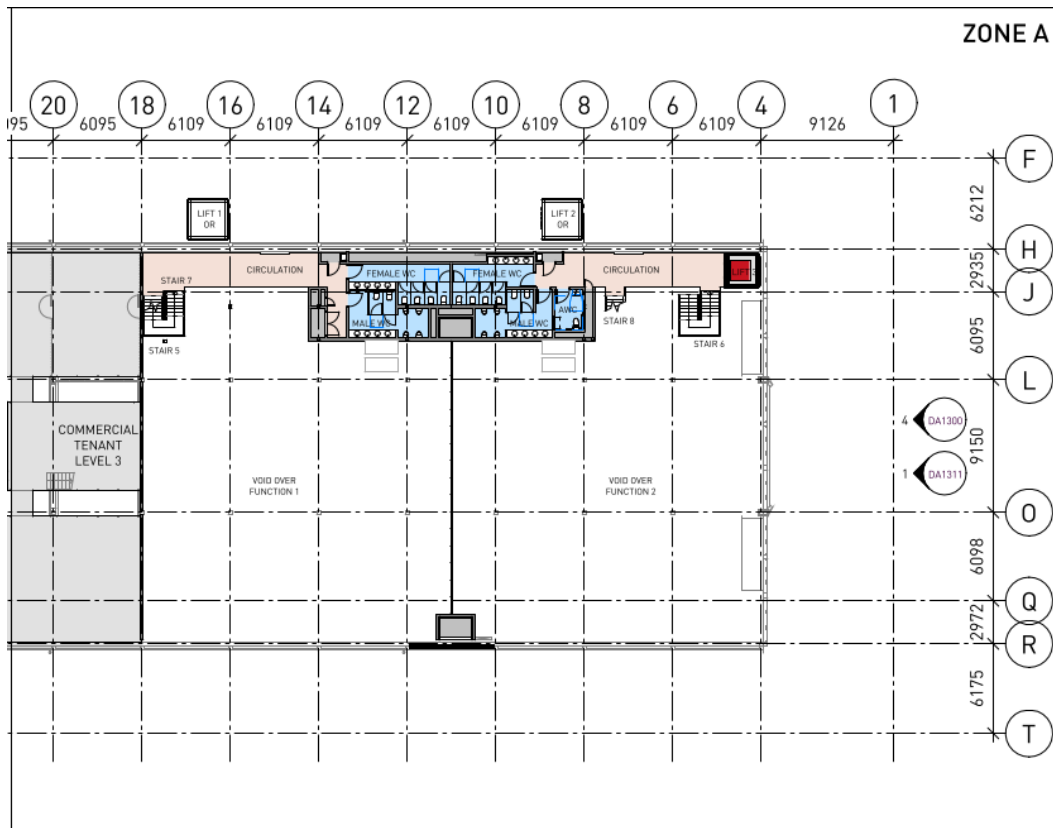


Figure 13: Location of waste storage on site plan



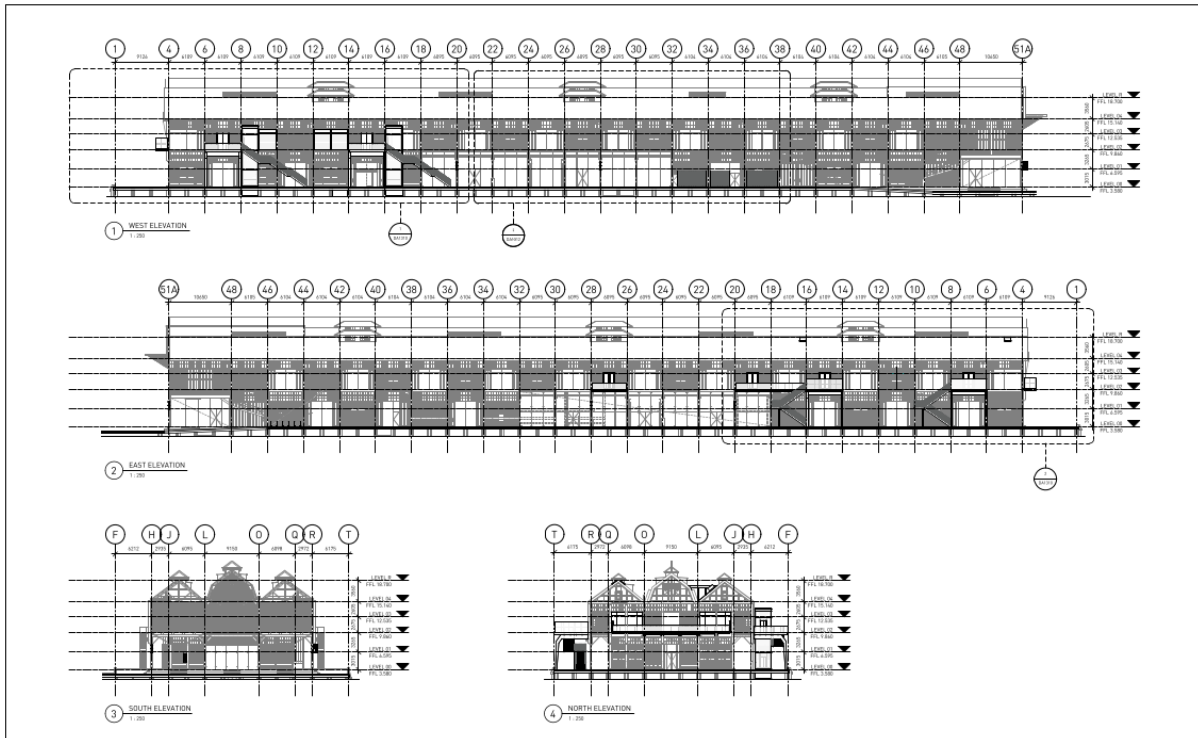


Figure 16: Elevations

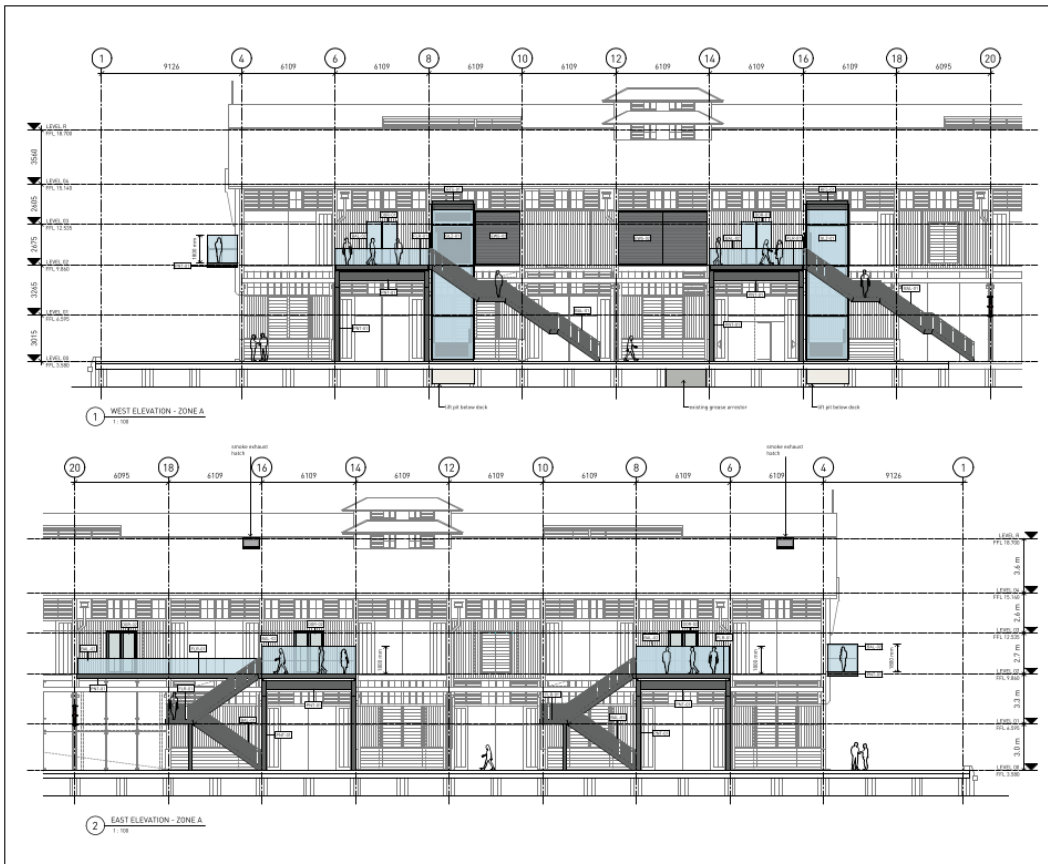


Figure 17: Lift and gantry close-up

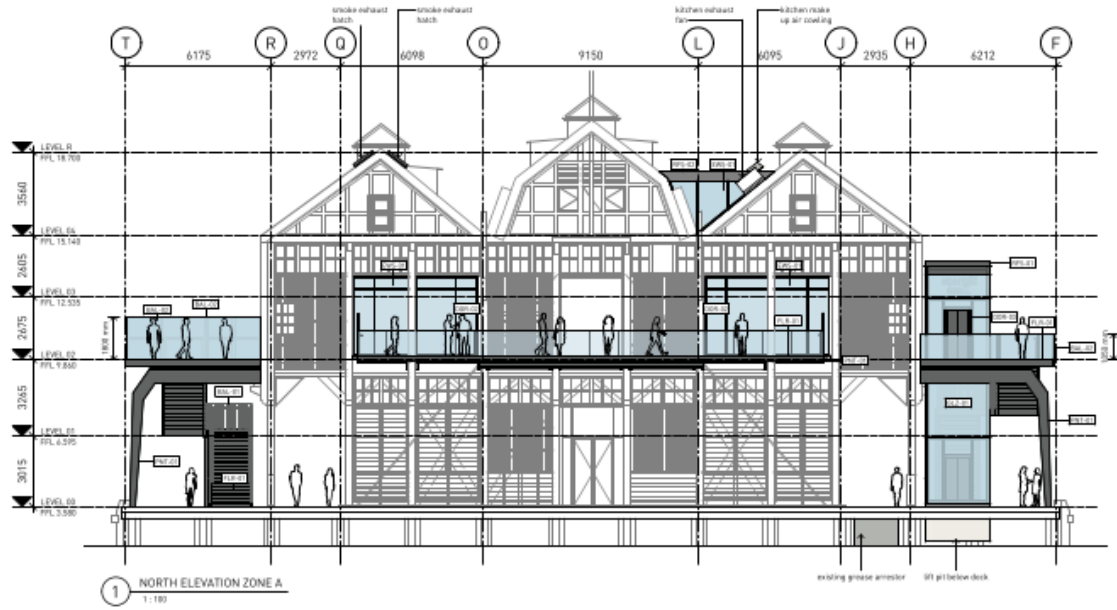


Figure 18: Northern Elevation close-up with proposed balcony

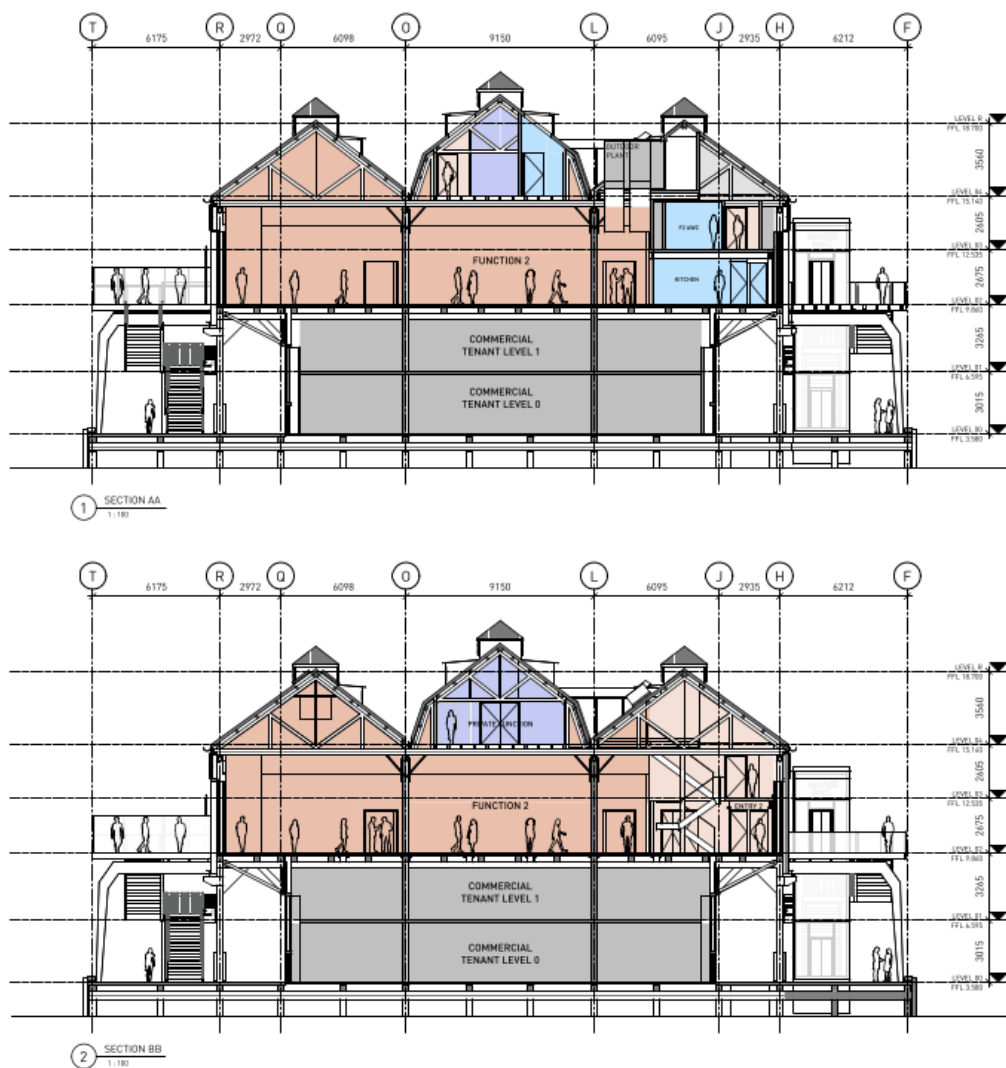


Figure 19: Sections

Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

20. The subject site forms part of the Walsh Bay Wharves Precinct (SHR Item No. 00559), which is listed on the State Heritage Register under the Heritage Act 1977. The site comprises Piers 8/9, being the westernmost finger wharf within the Walsh Bay precinct.

21. The Walsh Bay Wharves Precinct is recognised as a heritage item of State significance, representing one of the most intact examples of an early twentieth-century maritime structure in Australia and internationally. Piers 8/9 are identified within the heritage documentation as the earliest, largest and most intact of the Walsh Bay finger wharves and retain substantial original fabric, including the timber structural system, industrial archaeological features and significant internal volumes associated with the operation of the wool export trade.
22. A Conservation Management Plan (CMP) for Piers 8/9 was prepared by Tropman and Tropman Architects in 1999 as part of the adaptive reuse of the building for commercial purposes. While the document predates subsequent approvals and alterations to the building, it remains the primary conservation management document for the site and establishes the recognised framework for understanding significance, assessing impacts and managing future change. The CMP identifies levels of significance throughout the building and contains conservation policies directed towards the retention, interpretation and ongoing adaptive reuse of the wharf structure.
23. The CMP identifies the principal heritage values of Piers 8/9 as including the overall form and roofscape, the timber post-and-beam structural system, large internal spaces and volumes, original external fabric and significant industrial archaeological features, including the travelling gantry rails, wool bale chutes, overhead crane and remains of the derrick crane. Relevant CMP policies seek to conserve the industrial character of the place, retain significant fabric and industrial artefacts in situ, maintain significant views and landmark qualities, conserve the building's spatial characteristics and facilitate compatible adaptive reuse through sympathetic and, where possible, reversible interventions.
24. A Heritage Impact Statement (HIS) prepared by Curio Projects accompanies the application and assesses the proposal against the heritage significance of the Walsh Bay Wharves Precinct, the CMP and the principles of the Burra Charter. The HIS concludes that the proposed business events and function centre represents a compatible adaptive reuse outcome, that the proposal would have an acceptable and generally minor impact on the heritage significance of the item, and that it would facilitate the ongoing conservation, activation and public appreciation of the heritage place.
25. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the City's heritage specialist (as the delegate of the Heritage Council of NSW) in accordance with Section 42 of the Environmental Planning and Assessment Regulation 2021. Following the completion of the notification period, the City's Heritage Specialist was advised of the 53 submissions that were received.
26. On 17 August 2026 the City's Heritage Specialist issued the General Terms of Approval subject to recommended conditions which are included in the recommended conditions of consent. See further details under the sub-heading Heritage in the 'Discussion' section below.

State Environmental Planning Policies

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 – Chapter 5 Walsh Bay

27. Chapter 5 of SEPP (Eastern Harbour City) 2021 seeks to facilitate the adaptive re-use of heritage wharf structures in Walsh Bay while conserving the area's heritage significance, maritime character and harbour setting. The chapter also ensures development supports public access, transport integration, traffic management, view preservation, and compatibility with surrounding residential and port-related activities.
28. Chapter 5 sets out development assessment criteria for two zones, being Zone 1—Walsh Bay Conservation Zone and Zone 2—Walsh Bay Waterway Zone. The subject site sits entirely within Zone 1.

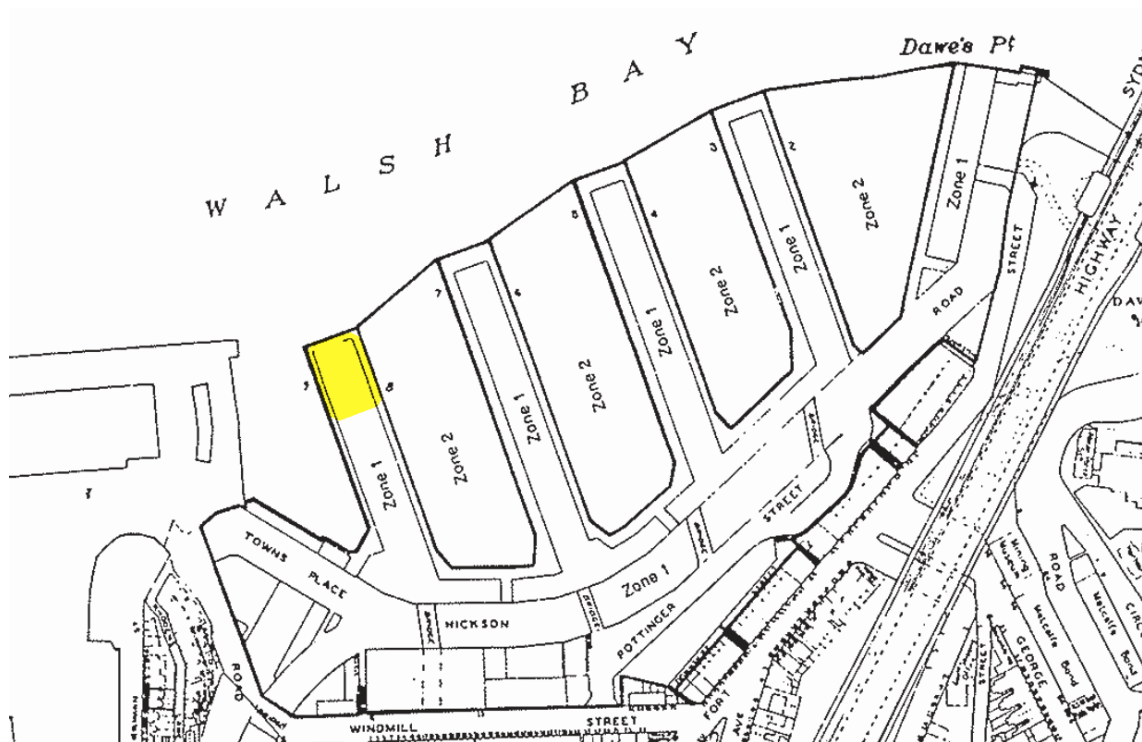


Figure 20: Zones 1 and 2 Walsh Bay with the site highlighted in yellow (SREP 16 Walsh Bay)

29. The objectives of Zone 1 are to support the adaptive re-use of existing wharf structures while ensuring development respects the area's heritage significance, scale, built form and material character. Development must also complement the economic role of the Sydney CBD and Sydney Cove precincts and protect the amenity and function of adjoining residential areas.
30. Development permitted with consent is any item which is not classified as one of the following:
 - bus depots, bus stations, car repair stations, gas holders, generating works, helipads, heliports, industries (other than home industries and light industries), institutions, junk yards, liquid fuel depots, marinas, mines, roadside stalls, road transport terminals, sawmills.

31. The application proposes a commercial land use, which is defined within the SEPP as a business use. A business use is not prohibited and accordingly the proposed use is permissible with consent.
32. Clause 5.11 of Chapter 5 stipulates that a person must not demolish or alter a building or work within the Conservation Zone without consent of the consent authority. The proposal seeks to demolish parts of the building and alter other parts of the building. Accordingly, the consent authority is required to take into consideration how the development would affect the heritage significance of the Walsh Bay Conservation Zone. A referral has been made to the City of Sydney's Heritage Specialist which is detailed within this report.
33. In accordance with Clause 5.14 Matters for consideration, in determining development applications within Walsh Bay, Council has considered relevant heritage requirements, strategic planning documents, urban design guidance, public access, transport integration, archaeological considerations, and traffic impacts. Assessment has also considered that the development supports the ongoing operation of key cultural and transport-related uses while protecting the amenity and function of surrounding areas.
34. Clause 5.15 applies to commercial development. The two elements of this section are:
 - Commercial development may make up no more than 30% of the total floor area of Zone 1, and
 - The consent authority must consider the likely traffic impacts generated by the development and whether these would have an adverse impact on the local and arterial road network.
35. The premises is currently operating as a commercial land use (office) and is proposed to retain its commercial land use which will not alter the total percent of commercial development in the precinct. Further, the existing site contains a mezzanine level which is proposed to be removed. The proposed development will therefore result in less commercial total floor area within the zone than existing.
36. The application is accompanied by a traffic report which identifies the site's proximity to the Barangaroo Metro station, three (3) commercial car parks as well as bus and cycling facilities as the primary means by which patrons will attend events at the venue. The report concludes that additional journeys to the venue are not expected to exceed the capacity of Hickson Road which currently operates at less than half its maximum capacity.
37. The proposal is consistent with the objectives and complies with the controls contained within Chapter 5 of SEPP (Eastern Harbour City) 2021.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

38. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
39. No change of land use is proposed through this application. The site is considered suitable for the proposed use in its existing state, satisfying the aims of the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3**Advertising and signage**

40. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.
41. The proposed signage consists of wayfinding signage through alterations to existing signage and installation of one (1) new wayfinding sign, as well as two (2) new business identification signs to be installed on the southern elevations of the proposed lift cores.
42. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The signage is compatible with the existing signage within the Walsh Bay precinct, being subservient to the structures and minimal in size and prevalence.
2. Special areas	Yes	The signage does not detract from the visual qualities of the Walsh Bay precinct.
3. Views and vistas	Yes	The signage does not obstruct from or dominate views of the Walsh Bay precinct or Sydney Harbour.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale and composition for the locality.
5. Site and building	Yes	The proposed signage is of an appropriate scale and composition for the Walsh Bay precinct and Piers 8/9.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	Yes	The signage is not proposed to be illuminated.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

43. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas)

44. The proposal does not include the clearing of vegetation in a non-rural area and as such is consistent with the aims of this SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

45. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
46. The site is within the Sydney Harbour Catchment and drains into Sydney Harbour. The site is located in the Foreshores Waterways Area. As such the SEPP requires that matters relating to water quality and quantity, aquatic ecology, flooding and recreation and public access be considered (Clauses 6.6 to 6.9).
47. The development is considered to satisfy the relevant matters for consideration and is therefore consistent with SEPP (Biodiversity and Conservation) 2021.

Development Control Plans

Sydney Development Control Plan 2012

48. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	The application is accompanied by a HIS and is supported by the Piers 8/9 CMP. The submitted documentation assesses the significance of the State Heritage Register listed Walsh Bay Wharves Precinct, considers the impact of the proposed works on significant fabric, spaces and industrial character, and evaluates the proposal against the relevant conservation policies contained within the CMP. The proposal is supported from a heritage perspective as it facilitates the

Provision	Compliance	Comment
		conservation and interpretation of the significant heritage fabric and spatial qualities of the wharf. The removal of the internal fit-out will reinstate the openness, scale and industrial character of the original interiors, while retaining significant timber structural elements and evidence of the building's maritime history. The proposed use will also enhance public access and appreciation of the wharf in a manner not possible since shipping operations ceased. The new external additions, including lifts, gantries and stairs, are acceptable as contemporary, lightweight and visually recessive elements that are sympathetic to the established character of the Walsh Bay Arts Precinct. They complement and do not detract from the heritage significance or distinctive maritime character of the wharf precinct. Further discussion is provided below.
3.11 Transport and Parking	Partial compliance	The application proposes 27 staff bicycle parking spaces and 12 visitor bicycle parking spaces with street-level access. While the visitor bicycle parking provision does not fully satisfy the SDCP requirements for 66 visitor and staff bicycle parking spaces, Council's Transport Planner considers the shortfall acceptable having regard to the heritage constraints of the State-listed wharf structure, the adaptive reuse of an existing building, and the inability to readily provide additional facilities without impacting significant heritage fabric. A condition is recommended requiring bicycle parking demand to be monitored and additional visitor bicycle parking spaces provided if demonstrated to be necessary. The submitted Traffic Report estimates that approximately 30% of patrons will arrive by private vehicle, generating demand for approximately 113 parking spaces. The report identifies three nearby public parking stations within approximately five minutes' walking distance of the site, with a combined

Provision	Compliance	Comment
		capacity of almost 700 spaces. The report further estimates that approximately 35% of patrons will arrive by taxi or rideshare services, with the remaining 40% arriving by public transport, walking or cycling. Council's Transport Planner reviewed the submitted information and considered the proposed mode share assumptions reasonable and the transport impacts acceptable. The proposal is considered satisfactory from a transport and parking perspective
3.12 Accessible Design	Yes	The proposal incorporates accessibility upgrades including lift access to Levels 2, 3 and 4, providing equitable access to all publicly accessible areas of the business events and function centre. The submitted BCA Compliance Capability Statement confirms that the development can achieve compliance with the relevant accessibility requirements of the NCC. The proposal is considered to provide an appropriate level of accessibility for people with mobility impairments within the constraints of the heritage-listed building.
3.13 Social and Environmental Responsibilities	Yes	The proposal incorporates appropriate CPTED measures including controlled access arrangements, CCTV surveillance, security personnel, active management of patron behaviour and a detailed POM for patron dispersal and incident management. The venue will operate as a managed facility rather than an uncontrolled entertainment venue and is considered to provide an acceptable level of safety and security.
3.14 Waste	Yes	The application is accompanied by information that satisfactorily addresses all waste-related matters raised during the assessment, including collection frequency, waste storage infrastructure, bulky waste storage and waste transfer arrangements. The development incorporates adequate waste storage facilities, compliant transfer paths and a

Provision	Compliance	Comment
		dedicated bulky waste storage area, ensuring waste can be managed efficiently and in accordance with Council's requirements and guidelines.
3.15 Late Night Trading Management	Yes	The application is accompanied by a POM which details specific policies and procedures aimed at reducing impacts on surrounding sensitive receptors. The POM has been reviewed by Council's Health and Building Unit who found it acceptable. Further discussion is provided below.
3.16 Signage and Advertising	Yes	The proposal includes premises identification on two directory boards already present on site, directional signage along the east and west elevations of the structure (updates to existing and one new sign on the western elevation), and two venue identification signs affixed to the western gantry lift cores. The design of the signage is in keeping with the character of the area, does not obstruct windows or views and represents a suitable planning outcome.

Discussion

Heritage

49. The proposal involves both the adaptive reuse of the northern portion of Piers 8/9 as a business events and function centre and a series of associated building works required to facilitate contemporary access, egress and building services. Key works include the removal of the existing commercial office fit-out, construction of new external lifts, stairs and gantries, a new northern balcony, internal fit-out works, and associated accessibility, fire safety and servicing upgrades. The works have been assessed having regard to the heritage significance of the Walsh Bay Wharves Precinct and the conservation policies contained within the Piers 8/9 CMP.
50. A significant heritage benefit of the proposal is the removal of the existing c.2018 office fit-out, which has substantially obscured the original scale and spatial qualities of the wharf building. The removal of this alteration will reveal significant timber structural elements, retain industrial archaeological fabric and restore the openness, scale and character of the original wharf interiors. In this regard, the proposal results in a more legible expression of the building's significance and better reflects its historic function and industrial character than the existing office configuration.

51. The proposal introduces several contemporary external elements including lifts, stairs and gantries to meet modern accessibility, circulation and fire safety requirements as well as a balcony on the northern elevation. While these works alter the external presentation of the wharf, the heritage assessment concludes that they have been designed as lightweight and visually recessive additions that can be clearly distinguished from the historic fabric. The additions adopt an approach consistent with more recent interventions elsewhere within the Walsh Bay precinct and are considered sympathetic to the established character of the wharves without diminishing the significance of the original building form, timber structure or maritime character.
52. The proposal represents a compatible adaptive reuse outcome that supports the ongoing conservation and activation of a State heritage item. The business events and function centre use does not necessitate substantial removal of significant heritage fabric and will provide broader public access to, and appreciation of, a part of the wharf that has historically operated as a private commercial tenancy. Council's Heritage Specialist notes that the proposal will allow the wharf to be opened to the public at a scale not possible since maritime operations ceased, thereby contributing to the long-term viability and conservation of the heritage item.
53. The proposal achieves an appropriate balance between heritage conservation and contemporary functional requirements. The works retain and reveal the key heritage values of Piers 8/9, including its significant internal volumes, timber structural system and industrial character, while introducing carefully designed new infrastructure necessary to support continued occupation and viable long-term use of the building.
54. The proposal is considered consistent with the conservation objectives for the Walsh Bay Wharves Precinct and will not result in an unacceptable impact on its State heritage significance.

Late Night Management

55. The site is in a Local Centre Area, and the proposed premises is identified as a Category A premises.
56. The hours recommended by the DCP and the proposed hours are as follow:

		DCP	Proposed
Indoor	Base	9.00am to 10.00pm	9.00am – 10.00pm Monday to Sunday
	Extended	9.00am to 12.00am (midnight)	7.00am – 9.00am Monday to Sunday And 10.00pm to 12.00am (midnight) Thursday to Sunday
Outdoor	Base	9.00am to 10.00pm	9.00am to 10.00pm Monday to Sunday

		DCP	Proposed
	Extended	9.00am to 10.00pm	7.00am to 9.00am Monday to Sunday

57. The proposal exceeds the base and extended hours. There are four elements of operational hours proposed being Indoors, the Eastern Gantry, the Western Gantry and the Northern Balcony. To mitigate noise generated from the use, these elements will be subject to separate operational hours. The hours are as follows:
- (a) Indoors:
 - (i) Monday to Wednesday (7.00am - 11.00pm) (outside extended hours in the morning)
 - (ii) Thursday to Saturday (7.00am - 12.00am midnight) (outside extended hours in the morning)
 - (iii) Sunday (7.00am to 11.00pm) (outside extended hours in the morning)
 - (b) Eastern Gantry:
 - (i) Monday to Sunday (9.00am to 9.00pm) (inside base hours)
 - (c) Western Gantry:
 - (i) Same operational hours as Indoors, as these areas will facilitate entrance and exit of the premises. (outside extended hours in the morning)
 - (d) Northern Balcony:
 - (i) Monday to Sunday (7.00am - 10.00pm) (outside extended hours in the morning)
58. The proposal includes operational hours outside of the DCP extended hours in the morning, being between 7.00am and 9.00am Monday to Sunday. This is considered acceptable subject to the closure of the Eastern Gantry during these early morning hours, as well as a restriction on the type of events which can be held in the morning, being limited to low-noise-generation functions such as conferences and meetings. The accompanying POM requests use of the Eastern Gantries from 7.00am to 9.00am, however this is not considered a reasonable outcome due to the proximity of nearby residential receptors and is proposed to be prohibited within the recommended conditions of consent.
59. The proposal also includes nightly operational hours outside the base hours envisaged in the DCP, being 10.00pm to 11.00pm Monday to Wednesday and 10.00pm to 12.00am midnight Thursday to Saturday. This is considered acceptable noting that the Eastern Gantries will close from 9.00pm and the northern balcony will be closed from 10.00pm, reducing noise exposure to nearby residential receptors when building openings on relevant elevations will be closed.
60. The extended morning and evening hours are recommended to be subject to a 2-year trial period.

61. An acceptable POM has been submitted. The POM includes specific controls requiring the closure of external areas at prescribed times, management of patron dispersal through the western side of the wharf, deployment of security personnel and RSA marshals, patron amenity announcements, restrictions on external congregation and detailed noise management procedures designed to protect nearby residential receivers. It also incorporates procedures for incident management, complaints resolution and ongoing monitoring of venue operations, providing Council with an appropriate mechanism to address any unforeseen operational impacts.
62. The venue, in accordance with the POM will operate as a managed, pre-booked facility rather than an uncontrolled entertainment venue, with operational controls tailored to the mixed-use and heritage-sensitive context of Walsh Bay. Subject to compliance with the POM and the recommended conditions of consent, the proposed venue is considered capable of operating without causing unreasonable adverse impacts on surrounding residents or the wider precinct.

Acoustic Amenity

63. The application is accompanied by an Acoustic and Vibration Assessment prepared by Renzo Tonin & Associates, together with an Addendum Acoustic Assessment and a detailed POM. The assessment identifies nearby residential receivers at 6 Towns Place, 21-21A Hickson Road and adjoining residential development within the Walsh Bay precinct, and evaluates noise associated with venue operations, amplified music, patron activity, patron dispersal, rideshare and taxi pick-up activity, servicing and waste collection.
64. The acoustic assessment concludes that the proposed business events function centre can comply with the relevant City of Sydney entertainment noise criteria, subject to the implementation of acoustic treatments and operational management measures. These measures include:
 - Closure of the eastern gantries at 9.00pm and cessation of use of the northern balcony and remaining external patron areas by 10.00pm;
 - Closure of eastern and northern façade openings during late evening operations;
 - Restrictions on internal music levels, including maximum sound levels for background and DJ music;
 - Patron entry and exit via Pier 9 only (western elevation), with active management of patron behaviour, dispersal and congregation;
 - Deployment of security personnel and RSA marshals during events, particularly for larger functions;
 - Signage and patron announcements requiring guests to minimise noise and respect nearby residents;
 - Restrictions on deliveries, waste handling and external glass disposal during sensitive evening and late-night periods; and
 - Implementation of acoustic upgrades and operational controls identified within the acoustic assessment and POM.

65. The acoustic report provides 2 options for attenuation of the existing building envelop. The first option is based on music limited to 90dB(A) internally which would only require 6.38mm laminated glass with acoustic seals. The second option is based on music limited to 95dB(A) internally. This would require the new access doors to the gantries and northern balcony comprising of double glazed systems consisting of 10.38mm laminated glass, a 12mm air gap, and 6.38mm thick laminated glass within commercial frames, fitted with acoustic seals or equivalent. It is recommended that a condition of consent specify that the acoustic treatment be carried out as per Option 2. This will future proof the use, catering for all types of functions (including weddings etc) and ensure that the highest and best acoustic treatment is carried out so as to preserve the amenity for neighbouring sensitive receivers.
66. The condition requiring compliance with the acoustic report's recommendations is also to include further detailed plans and sectional detail as to how the new acoustic treatment to the existing windows and floors will be executed in a manner that is sensitive from a heritage perspective.
67. In response to concerns regarding patron dispersal and rideshare activity, the applicant submitted a supplementary acoustic assessment which modelled a maximum-capacity event of 750 patrons. The assessment found that noise associated with patron departures, potential patron congregation at the base of the lifts and Towns Place, rideshare and taxi pick-ups, servicing activities and waste collection would comply with the nominated acoustic criteria, provided the POM and staffing measures are implemented. The assessment concludes that the proposal can accommodate maximum-capacity events without resulting in unacceptable acoustic impacts to the nearest residential receivers.
68. With the recommended operational management measures and the proposed two-year trial period, the proposed use is considered capable of operating with an acceptable level of acoustic impact and without causing unreasonable adverse amenity impacts to surrounding residential properties. The trial period will also provide Council with an opportunity to review the actual operation of the venue and address any unforeseen acoustic impacts should they arise.

Privacy

69. The nearest residential apartments within Piers 6/7 are located approximately 64 metres from the proposed venue across Walsh Bay to the east. While the pier buildings are separated by approximately 70 metres, the proposed eastern gantries reduce the minimum separation distance to 63.8 metres. The proposed northern balcony would maintain a separation distance of approximately 73.7 metres from the western elevation of Piers 6/7.
70. While there is no prescribed planning standard for separation between residential and commercial development in this context, the distance substantially exceeds the visual privacy benchmarks contained within the NSW Apartment Design Guide and provides a significant degree of physical and visual separation. Restrictions on access to the Eastern Gantries after 9.00pm all days of the week and the Northern Balcony from 10.00pm all days of the week further reduce the potential impacts from overlooking. The proposal is not considered to result in unreasonable overlooking or privacy impacts.

Consultation

Internal referrals

71. The application was discussed with Council's:
- (a) City Access and Transport Unit
 - (b) Cleansing and Waste Unit
 - (c) Construction and Building
 - (d) Environmental Health (Food and Noise) Unit
 - (e) Heritage Unit
 - (f) Licenced Premises and Late-Night Trading Unit
72. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent, shown at Attachment A to the subject report.

External referrals

NSW Police

73. The application was referred to NSW Police for comment.
74. A response was received raising no objections to the proposed development subject to the imposition of conditions of consent relating to surveillance cameras and a POM

Advertising and notification

75. The application, being an integrated development, was notified for 28 days and 59 submissions were received. The application attracted 56 submissions by way of objection (53 were received during the exhibition period). The application has also attracted 3 submissions in support.
76. The submissions raised the following issues:
- Issue: Noise (Acoustic) Impacts
- Concerns were raised relating to the application's potential to generate unreasonable noise impacts on nearby residents, including amplified music, entertainment activities, patron arrival and dispersal, outdoor congregation, use of gantries and balconies, vehicle movements, rideshare activity, door slamming, loading activities, servicing operations and noise transmission across the harbour environment, particularly during late evening and night-time periods.

Response: The application was accompanied by an Acoustic Assessment which assessed entertainment noise emissions against the City of Sydney's entertainment noise criteria under Sydney DCP 2012. The assessment included background noise monitoring, identification of nearby residential receivers and acoustic modelling of internal venue operations, outdoor patron areas, and the proposed operating hours.

The report concluded that the venue could comply with the relevant acoustic criteria, subject to the implementation of recommended acoustic treatments and operational management measures. These measures include closure of the gantries and northern balcony after 10:00pm, closure of associated access doors after 10:00pm, limits on amplified music levels, acoustic upgrades to windows and doors, sound limiting devices, patron management measures and restrictions on late-night waste and servicing activities.

An addendum acoustic assessment was submitted which specifically considered patron dispersal, patron congregation, rideshare and taxi activity, servicing operations and waste collection. The addendum concluded that noise associated with patron dispersal, congregation, taxi and rideshare movements, servicing activities and waste collection would comply with the nominated acoustic criteria at the nearest residential receivers, including during the late-night departure period, subject to implementation of the Plan of Management and recommended acoustic controls.

Council's Environmental Health Unit reviewed the Acoustic Assessment and raised no objection to the proposal subject to appropriate conditions of consent.

Acoustic impacts can be appropriately managed through the recommended acoustic treatments, operational controls and consent conditions requiring ongoing compliance with the City's noise criteria.

- Issue: Sleep Disturbance

Concerns were raised that late-night operation of the venue, particularly patron dispersal between 11:00pm and midnight and associated vehicle activity, could result in sleep disturbance and adverse impacts on the health and wellbeing of nearby residents, including shift workers and families with children.

Response: The Acoustic Assessment and subsequent addendum assessed venue operations during the late evening period. Subject to compliance with the recommended conditions of consent and implementation of the approved Plan of Management, the acoustic assessments conclude that noise levels associated with the development can be maintained within the applicable acoustic criteria during night-time operations and are therefore considered acceptable.

- Issue: Acoustic Assessment Methodology

Concerns were raised regarding the adequacy of the submitted Acoustic Assessment, including assumptions adopted within modelling, the treatment of patron dispersal noise, reliance on management measures, background noise monitoring methodology, the absence of maximum noise level assessment, and the lack of independent peer review and post-occupation testing.

Response: The submitted Acoustic Assessment was reviewed by Council's Environmental Health Officer, who accepted the methodology and findings of the report and raised no objection to the proposal subject to conditions of consent. Following concerns regarding late-night patron activity, the applicant submitted an addendum acoustic assessment which specifically considered patron dispersal, congregation, rideshare and taxi activity, servicing operations and waste collection during the late evening period. The addendum concluded that these activities would comply with the nominated acoustic criteria subject to implementation of the recommended acoustic controls and Plan of Management.

- Issue: Traffic Impacts

Concerns were raised relating to the application's potential to increase traffic volumes within Hickson Road, Towns Place and the wider Walsh Bay precinct, including the impacts of patron arrivals and departures, rideshare vehicles, taxis, coaches, service vehicles and concurrent precinct events.

Response: The submitted Traffic Report concludes that the anticipated transport demand generated by the venue can be accommodated within the surrounding road network and nearby public parking facilities. Council's Transport Planner reviewed the report and raised no objection to the proposal, subject to conditions of consent, concluding that the proposed mode share assumptions and transport management measures are acceptable and that the proposal will not result in unreasonable traffic or transport impacts on the surrounding locality.

- Issue: Parking Demand

Concerns were raised relating to increased demand for on-street and public parking, the adequacy of available parking supply, reliance on existing parking studies, and potential impacts on residents, visitors and existing businesses.

Response: The submitted Traffic Report estimates a parking demand of approximately 113 spaces and identifies three existing public parking stations within a five-minute walk of the site with a combined capacity of almost 700 spaces. Council's Transport Planner reviewed the report and concluded that sufficient parking capacity exists within the locality to accommodate the proposal, and that the anticipated reliance on public parking, public transport, walking, cycling, taxis and rideshare services is acceptable having regard to the site's CBD fringe location and accessibility. It is noted that the site is within a 5-minute walk from the Barangaroo Metro station.

- Issue: Pick-up and Drop-off Arrangements

Concerns were raised regarding the adequacy of taxi, rideshare, coach and private vehicle pick-up and drop-off arrangements, including queuing, double parking, kerbside capacity, vehicle idling and traffic conflict points.

Response: The submitted Traffic Report and Plan of Management direct patrons to existing public transport services, nearby public parking stations and designated taxi and rideshare pick-up locations within the locality. Following review of the proposal and supporting information, Council's Transport Planner was satisfied that the proposed transport arrangements, including taxi and rideshare activity, can be accommodated within the existing transport network and raised no objection to the proposal subject to conditions of consent.

- Issue: Pedestrian Safety

Concerns were raised regarding pedestrian safety associated with large numbers of patrons arriving and dispersing through Towns Place, Hickson Road and shared wharf access areas, including interactions with vehicles, cyclists, runners, visitors and the fishing community.

Response: The proposal does not alter the existing pedestrian access arrangements to the site. The site is located within an established inner-city precinct that is well serviced by pedestrian infrastructure, including footpaths, pedestrian crossings and connections to surrounding streets, and is within walking distance of Barangaroo Metro Station and other public transport services. Having regard to the submitted transport assessment and the existing urban context of the site, the proposal is not expected to result in unacceptable impacts on pedestrian safety.

- Issue: Road Closures and Special Events

Concerns were raised regarding the absence of contingency arrangements for operation during road closures, major public events, precinct festivals, Vivid Sydney, marathon events and other circumstances that may restrict access to Walsh Bay and Barangaroo.

Response: The potential for temporary road closures and access restrictions associated with major events is an existing characteristic of the Walsh Bay and Barangaroo precincts. The management of bookings, guest arrivals and departures during such events is an operational matter for the venue operator.

- Issue: Residential Amenity

Concerns were raised that the proposal would adversely impact the amenity, liveability, peace and quiet enjoyment of nearby residential properties through a combination of noise, traffic, crowd activity, servicing, lighting and late-night operations.

Response: The application has been assessed having regard to potential amenity impacts associated with venue operations, including noise, traffic, patron activity, servicing and late-night trading. The proposal is supported by acoustic, traffic and waste management assessments and a comprehensive Plan of Management, all of which conclude that the use can operate with an acceptable level of impact on surrounding residential properties subject to the recommended operational controls and conditions of consent. The recommended two-year trial period for the extended operating hours will also provide Council with an opportunity to monitor the actual operation of the venue and review any unforeseen amenity impacts that may arise.

- Issue: Privacy and Overlooking

Concerns were raised regarding potential overlooking from the proposed gantries, external stairs, lifts and northern balcony, including direct sightlines into nearby residential apartments, balconies, living areas and bedrooms.

Response: Having regard to the substantial separation distances between the proposal and the nearest residential buildings, which exceed approximately 63.8 metres across Walsh Bay, together with the intervening harbour waters and the mixed-use context of the precinct, the proposal is not considered to result in unreasonable overlooking or loss of privacy to nearby residential properties. The privacy impacts associated with the proposal are therefore considered acceptable.

- Issue: Views

Concerns were raised regarding potential impacts on existing harbour views and visual outlook resulting from the proposed northern balcony and associated structures.

Response: The proposed northern balcony and associated structures have been assessed having regard to their heritage, visual and amenity impacts. The balcony is a lightweight addition to an existing wharf building and, having regard to its limited scale relative to the overall building, is not considered to result in a material loss of harbour views or an unreasonable impact on the visual outlook currently enjoyed from surrounding properties. The impact on existing views is therefore considered acceptable in the circumstances of the case.

- Issue: Waste Management

Concerns were raised regarding waste generation associated with a venue of the proposed scale, including storage capacity, waste handling arrangements, bottle disposal, collection frequency and operational waste management procedures.

Response: The proposal is supported by an Operational Waste Management Plan and was reviewed by Council's Cleansing and Waste Unit, which raised no objection following the submission of additional information confirming that appropriate waste storage infrastructure, bulky waste storage, collection arrangements and waste transfer paths can be accommodated on site. Subject to the recommended conditions of consent and implementation of the approved waste management measures, the proposal is considered capable of managing waste generated by the venue without unreasonable impacts on the surrounding area.

- Issue: Waste Collection and Servicing Hours

Concerns were raised relating to the potential for waste collection, glass disposal and servicing activities to occur during late-night or early-morning periods, resulting in adverse amenity impacts on nearby residents.

Response: The submitted Plan of Management and acoustic assessment include restrictions on waste handling and glass disposal during sensitive evening periods, and Council's Cleansing and Waste Unit was satisfied that the proposed waste collection and servicing arrangements are acceptable subject to conditions of consent.

- Issue: Deliveries and Commercial Servicing

Concerns were raised regarding the scale and frequency of deliveries, catering operations, loading activities, contractor access, linen services, maintenance operations and other commercial servicing associated with the venue.

Response: The proposal is supported by servicing, waste management and traffic documentation which demonstrates that loading, servicing and waste collection activities can be accommodated within the existing operational arrangements for the site. Council's Transport Planner and Cleansing and Waste Unit reviewed the proposal and raised no objection following the submission of additional information, concluding that the proposed servicing, loading and waste management arrangements are acceptable subject to conditions of consent.

- Issue: Odour Emissions

Concerns were raised regarding the potential for odour impacts associated with waste storage, grease traps, commercial kitchen operations, plant equipment, exhaust systems and sewer infrastructure.

Response: The proposal is supported by waste management, servicing and building services documentation which demonstrates that waste storage, collection, kitchen operations and associated infrastructure can be accommodated within the site. Appropriate waste storage facilities, collection arrangements and servicing areas have been reviewed by Council's Cleansing and Waste Unit, while detailed design of plant, mechanical ventilation and associated services will be subject to further assessment through the construction certification process and separate heritage approvals where required. Subject to conditions of consent, the proposal is not expected to result in unreasonable odour impacts on surrounding properties.

- Issue: Smoking Impacts

Concerns were raised regarding exposure to cigarette smoke from patrons using external areas, smoke drift into nearby apartments, cigarette butt disposal and the effectiveness of smoking controls.

Response: The Plan of Management includes restrictions on smoking and vaping, designates specific smoking areas, prohibits smoking on the eastern gantries, and provides for active monitoring of external areas by venue staff and security personnel. Signage, patron management measures and post-event inspections are also proposed to minimise impacts on surrounding properties and to discourage littering, including cigarette butt disposal. Subject to compliance with the approved Plan of Management and conditions of consent, the potential impacts associated with smoking are considered capable of being appropriately managed.

- Issue: Litter and Harbour Pollution

Concerns were raised regarding litter generation, disposal of cigarette butts, waste entering the harbour, and the management of refuse generated by venue operation.

Response: The proposal is supported by an Operational Waste Management Plan which includes measures for waste storage, collection, servicing and ongoing management of refuse generated by the venue. Conditions of consent will require waste to be appropriately contained and managed on site, and patrons will be subject to venue management measures including supervision, signage and post-event inspections of surrounding public areas. While individual instances of littering cannot be entirely prevented, the proposed waste management and operational controls are considered sufficient to appropriately manage waste generated by the use.

- Issue: Safety and Security

Concerns were raised regarding the potential for antisocial behaviour, intoxication, alcohol-related impacts, patron misconduct, public safety issues and the adequacy of security arrangements associated with a venue of this scale.

Response: The proposed venue will operate in accordance with a Plan of Management which includes detailed controls relating to security, RSA compliance, patron behaviour, incident management, CCTV surveillance, staff supervision and the orderly dispersal of patrons. The Plan requires appropriately trained security personnel and RSA marshals to be present during events, provides procedures for managing intoxicated and disorderly patrons, and includes measures to minimise congregation and anti-social behaviour in surrounding public areas. Subject to compliance with the Plan of Management and the recommended conditions of consent, the proposal is considered capable of operating without resulting in unreasonable public safety, security or anti-social behaviour impacts.

- Issue: Crime and Antisocial Behaviour

Concerns were raised regarding the potential increase in hooning, disorderly conduct, drug use, property damage, public nuisance and other antisocial behaviour in the surrounding area.

Response: The proposal will operate in accordance with a Plan of Management that includes security personnel, RSA marshals, CCTV surveillance, incident reporting procedures, patron management measures and ongoing liaison with Police and relevant authorities. While the development cannot control the actions of all individuals in the broader public domain, the proposed operational controls are considered reasonable and appropriate to minimise the likelihood of venue-related anti-social behaviour and to respond to incidents should they occur.

- Issue: Emergency Services Access

Concerns were raised regarding the ability of emergency services to access the precinct, including implications of traffic congestion, crowd movements and the constrained access environment.

Response: The proposal does not alter the existing vehicular access arrangements within the precinct. Emergency services would continue to access the site and surrounding area via the existing road and access network. As no changes are proposed to the established access arrangements, the application is not considered to adversely affect emergency service access.

- Issue: Fire Safety

Concerns were raised regarding unresolved fire engineering matters, evacuation arrangements, hydrant coverage, occupant capacity calculations, fire resistance of heritage structures and emergency egress arrangements.

Response: A BCA Compliance Capability Statement and preliminary fire safety engineering review were submitted with the application. While several departures from the Deemed-to-Satisfy provisions of the National Construction Code were identified, the reports conclude that these matters are capable of being addressed through performance-based fire engineering solutions during the detailed design and Construction Certificate stages. Council's Building Surveyor reviewed the proposal and raised no objection, noting that the development can comply with the Building Code of Australia and that all relevant fire safety and structural capacity matters will be required to be resolved as part of the Construction Certificate process prior to the issue of an Occupation Certificate.

- Issue: Accessibility

Concerns were raised regarding unresolved accessibility issues, compliance with relevant standards, accessible circulation paths, accessible toilets and compliance with disability access requirements.

Response: The proposal incorporates accessibility upgrades including lift access to all publicly accessible levels, accessible paths of travel and accessible sanitary facilities. The submitted BCA Compliance Capability Statement confirms that the development can achieve compliance with the relevant accessibility requirements of the National Construction Code, subject to detailed design development and construction certification. Accordingly, the proposal is considered capable of providing an appropriate level of accessibility within the constraints of the heritage-listed building.

- Issue: Heritage Impacts

Concerns were raised regarding the potential impact of the proposal on the heritage significance of the Walsh Bay Wharves Precinct, including alterations to the building fabric, setting, character, architectural integrity and contribution to the significance of the precinct.

Response: The proposal has been assessed through a Heritage Impact Statement and against the conservation policies contained within the Piers 8/9 Conservation Management Plan. While the proposal includes new lifts, stairs, gantries and other contemporary interventions, these works have been designed as lightweight and visually recessive additions that minimise impacts on significant fabric and remain subordinate to the heritage building. The proposal also facilitates the removal of later office fit-outs, reinstates the legibility of significant internal volumes and timber structural elements, and supports the ongoing conservation and adaptive reuse of the State Heritage Register listed wharf. Accordingly, the proposal is not considered to result in an unacceptable impact on the heritage significance of the Walsh Bay Wharves Precinct.

- Issue: Northern Balcony

Concerns were raised regarding the appropriateness of the proposed northern balcony, including its visual prominence, lack of precedent within the precinct, heritage impacts, privacy impacts and contribution to noise impacts.

Response: The northern balcony was assessed as part of the submitted Heritage Impact Statement and reviewed by Council's Heritage Specialist, who concluded that the proposal would not result in an unacceptable impact on the heritage significance of the Walsh Bay Wharves Precinct. While the balcony introduces a new external element to the northern elevation, it forms part of a broader suite of contemporary interventions required to facilitate the adaptive reuse of the building and has been designed to remain subordinate to the dominant scale, form and character of the wharf. The proposal has also been subject to detailed assessment in relation to privacy and acoustic impacts, with operational controls incorporated into the Plan of Management, including restrictions on balcony use after 10.00pm. On balance, the balcony is considered an acceptable component of the adaptive reuse proposal and does not warrant refusal of the application.

- Issue: Gantries, Stairs and Lift Structures

Concerns were raised regarding the impact of new external gantries, staircases and lift structures on heritage significance, visual amenity, privacy, noise generation and the character of the precinct.

Response: Council's Heritage Specialist concluded that these elements are acceptable as contemporary, lightweight and visually recessive additions that are sympathetic to the heritage significance of the wharf and consistent with similar interventions elsewhere within the Walsh Bay precinct, while acoustic and operational controls are recommended to manage potential amenity impacts.

- Issue: Heritage Precinct Character

Concerns were raised that the proposal may erode the established residential, cultural, arts and heritage character of Walsh Bay and alter the balance between residential and commercial land uses.

Response: The proposal involves the adaptive reuse of an existing State heritage listed building and will retain the significant heritage fabric, scale and character of Piers 8/9 while facilitating its ongoing activation and conservation. The proposal is considered compatible with the mixed-use nature of the Walsh Bay precinct and is not expected to unreasonably alter the existing balance of residential, cultural, commercial and public uses in the locality.

- Issue: Cumulative Impacts

Concerns were raised that the application does not adequately assess cumulative impacts when considered alongside existing and approved venues, including the Cutaway, Sydney Theatre Company, Roslyn Packer Theatre, Sydney Dance Company, restaurants, bars and other entertainment uses within Walsh Bay and Barangaroo.

Response: While the surrounding precinct contains a range of existing cultural, entertainment and hospitality uses, each development application must be assessed on its own merits having regard to the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979. In this regard, the application has been assessed against the existing characteristics of the site and surrounding area, including acoustic, traffic, servicing, waste management and amenity considerations. The submitted technical assessments demonstrate that the proposal can operate within acceptable parameters having regard to the established context of the Walsh Bay and Barangaroo precincts.

- Issue: Scale, Capacity and Intensity of Use

Concerns were raised that the proposed 750-person capacity represents an excessive intensification of use that is inconsistent with the site's context and may exceed the capacity of local infrastructure and surrounding residential areas.

Response: The proposed patron capacity has been assessed having regard to the nature of the use, the operational characteristics of the venue and the capacity of the surrounding infrastructure. The application is supported by traffic, acoustic, waste management and operational documentation which demonstrate that the proposed use can be accommodated within the existing transport, servicing and utility infrastructure without requiring upgrades or creating unreasonable impacts on surrounding residential development. Council's specialist officers reviewed the proposal and raised no objection subject to conditions of consent, indicating that the scale of the venue is capable of being appropriately managed within its Walsh Bay context.

- Issue: Land Use Compatibility

Concerns were raised regarding whether a large-scale business events and function centre is compatible with the surrounding residential environment and the broader planning objectives of the Walsh Bay precinct.

Response: The proposed use is considered compatible with the mixed-use character of Walsh Bay and is supported by acoustic, traffic and operational management measures which demonstrate that the venue can operate without unreasonable impacts on surrounding residential development, while contributing to the ongoing activation and adaptive reuse of the precinct.

- Issue: Impacts on Existing Businesses and Precinct Operations

Concerns were raised regarding the relationship of the proposal with existing commercial operators, arts and cultural venues, visitor attractions and event venues, including potential competition and operational conflicts.

Response: Matters relating to commercial competition are not planning considerations Council can consider under section 4.15 of the Environmental Planning and Assessment Act 1979 and therefore cannot be afforded weight in the assessment of the application. The assessment has instead considered the land use compatibility, amenity, traffic, heritage and operational impacts of the proposal, and the use is considered compatible with the mixed-use character and existing activities within the Walsh Bay precinct.

- Issue: Structural and Infrastructure Impacts

Concerns were raised regarding increased loading, wear and deterioration of wharf infrastructure, boardwalks, heritage structures and precinct services arising from venue operations, traffic and servicing activities.

Response: The proposal involves the adaptive reuse of an existing tenancy within Pier 8/9 and does not rely on substantial new transport or servicing infrastructure. The submitted Traffic Report and servicing information demonstrate that patron, servicing and waste management demands can be accommodated within the existing precinct infrastructure, while the heritage assessment concludes that the proposal will support the ongoing conservation and viable use of the heritage item.

- Issue: Plant and Mechanical Equipment

Concerns were raised regarding the location, visibility, noise and operational impacts of plant rooms, mechanical equipment, exhaust systems and rooftop infrastructure.

Response: The proposal includes new mechanical services and associated plant required to support the operation of the venue. The location and design of plant equipment, exhaust systems and associated infrastructure have been assessed from heritage, acoustic and operational perspectives, with detailed design and installation to be subject to further assessment during the construction certification process and any required heritage approvals. The submitted acoustic assessment concludes that mechanical plant can operate in compliance with the relevant noise criteria, and subject to the recommended conditions of consent, the proposal is not expected to result in unreasonable visual, acoustic or operational impacts on surrounding properties

- Issue: Construction Impacts

Concerns were raised regarding construction activities associated with the development, including heavy vehicle access, construction noise, disruption to residents, impacts on heritage fabric and impacts on local access arrangements.

Response: Any approved development is subject to standard conditions of consent relating to construction hours, construction traffic management, noise and vibration, heritage protection and site management, together with compliance with relevant State Government requirements. Subject to these requirements, construction-related impacts are considered capable of being appropriately managed and do not warrant refusal of the application.

- Issue: Plan of Management and Enforcement

Concerns were raised regarding the adequacy, transparency and enforceability of the proposed Plan of Management, including noise controls, patron management, complaints handling, monitoring arrangements, reporting requirements and Council's ability to enforce compliance.

Response: The submitted Plan of Management contains detailed and enforceable provisions relating to venue operations, noise management, patron dispersal, security, complaints handling, incident reporting and ongoing operational monitoring. Compliance with the Plan of Management can be enforced through conditions of consent, with a dedicated complaints management process and procedures for reviewing and amending management practices where issues are identified. In addition, Council is recommending a two-year trial period for the extended operating hours, which will provide an opportunity to monitor the actual operation of the venue and assess whether the management measures are effective in maintaining acceptable amenity outcomes. Subject to compliance with the Plan of Management and the recommended conditions of consent, the operational impacts of the proposal are considered capable of being appropriately managed.

- Issue: Monitoring and Review Mechanisms

Concerns were raised regarding the absence of independent review, auditing, compliance monitoring, acoustic verification, complaint escalation procedures and mechanisms for responding to adverse operational impacts.

Response: The proposed development will be subject to ongoing compliance monitoring through the enforcement of conditions of consent and the operational requirements of the approved Plan of Management. Council is recommending a two-year trial period for the extended operating hours to enable the actual operation of the venue to be monitored and reviewed should adverse impacts arise. The Plan of Management also contains procedures for complaint investigation, incident recording and the implementation of corrective action where operational issues are identified.

- Issue: Operating Hours

Concerns were raised regarding the proposed trading hours and the appropriateness of operation until midnight, particularly having regard to nearby residential uses and the potential for late-night disturbance.

Response: The proposal's operating hours have been assessed in conjunction with the acoustic report and Plan of Management, and are considered acceptable subject to the recommended operational controls and a two-year trial period for the extended trading hours, which will enable Council to monitor the venue's performance and any impacts on surrounding residential amenity.

- Issue: Event Frequency and Patron Management

Concerns were raised regarding the number of events that may occur, patron turnover rates, event scheduling, staggered departures and the management of large numbers of patrons within the precinct.

Response: The Plan of Management includes detailed procedures for event scheduling, patron supervision, staggered event completion times, managed patron dispersal and the deployment of security personnel and RSA marshals for larger events. These measures are intended to ensure that large patron numbers can be accommodated in an orderly manner and minimise crowding, congregation and amenity impacts within the Walsh Bay precinct.

Relevant legislation

- 77. Environmental Planning and Assessment Act 1979.
- 78. Heritage Act 1977.

Conclusion

- 79. The assessment of this application has raised several key issues relating to heritage impacts, residential amenity, noise, traffic and parking, patron management, waste management and the suitability of a large-scale business events and function centre within the Walsh Bay precinct. These matters have been considered through the submitted Heritage Impact Statement, Conservation Management Plan, Acoustic Assessment, Traffic Report, Operational Waste Management Plan and Plan of Management, together with detailed reviews undertaken by Council's Heritage Specialist, Transport and Waste officers.
- 80. The proposal involves the adaptive reuse of a State heritage listed building and has been designed to retain and reveal significant heritage fabric while facilitating a viable ongoing use of the wharf. Council's Heritage Specialist concluded that the proposal is acceptable from a heritage perspective subject to conditions of consent.
- 81. The potential impacts associated with noise, patron activity, security, waste management and late-night operation have been addressed through a comprehensive Plan of Management containing detailed and enforceable operational controls. Traffic, parking and servicing impacts have also been assessed and are considered capable of being accommodated within the existing transport and servicing infrastructure.
- 82. While a significant number of submissions were received raising concerns regarding amenity, privacy, traffic, heritage and operational impacts, the application documentation and specialist assessments demonstrate that these matters can be appropriately managed through the proposed design, operational measures and conditions of consent. The recommended two-year trial period for the extended operating hours will provide Council with an opportunity to monitor the actual operation of the venue and review its ongoing suitability should unforeseen impacts arise.
- 83. Having regard to the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to achieve an acceptable planning outcome and is suitable for the site. Subject to the recommended conditions of consent, the application is recommended for approval.

ANDREW THOMAS

Executive Manager Planning and Development

Warren Geyer, Senior Planner