30 March 2010

Ms Diana Talty
Executive Director - Strategic Developments
Sydney Harbour Foreshore Authority
PO Box N408
Grosvenor Place
Sydney NSW 1220

Dear Ms Talty

Planning ‘The Bays Precinct’ – A Proposal by the Australian Institute of Architects NSW Chapter (AIA), the Australian Institute of Landscape Architects NSW Group (AILA) and the Planning Institute of Australia NSW Division (PIA)

INTRODUCTION

The three Institutes support the redevelopment of the Bays Precinct (the Precinct) as an integral and necessary part of Sydney’s future. As a group we welcome the opportunity to contribute to the discussion concerning the future redevelopment of the Precinct, comprising land and waterways between the Pyrmont peninsula and the suburbs of Balmain, Rozelle and Lilyfield and including Blackwattle Bay, White Bay and Rozelle Bay.

This letter responds to an invitation from Sydney Harbour Foreshore Authority (SHFA) to contribute the views and concerns of the Institutes representing members of the design and planning professions to the Precinct planning process.

We acknowledge that the NSW Government has commenced a process of public discussion and consultation in a variety of formats and media and to date has not declared a fixed view on preferred new uses for the Precinct, with the exception of the cruise ship terminals in White Bay. The development application for the terminals is currently being prepared.

The Precinct is significant in both location and size and provides a unique opportunity for a coherent, well-considered planning approach as all the land is in public ownership. The Institutes believe that the key to the successful delivery of the redeveloped Precinct is a sound planning and design process and administrative structure.

EXECUTIVE SUMMARY

Redevelopment of the Bays Precinct is inevitable and the NSW Government’s consultation initiative is generally welcomed by the three Institutes. The invitation to contribute towards the best possible outcomes for the Precinct has generated an opportunity for the Institutes to
discuss this matter in terms of our collective expertise and our observations of development precedents both in Sydney and globally.

The primary issue for the Institutes is how well the redevelopment is done, both in terms of the planning process, the ultimate design of the whole and the parts, and the development outcomes derived from this. Generally, the concerns of the Institutes centre on finding the most appropriate and effective process for developing the framework within which development will occur.

This focus on process and the administrative structures to support it forms the bulk of this response document.

Essentially, we recommend the establishment of:

- An independent, expert and apolitical ‘Taskforce’ to deliver robust background studies, a set of Key Planning Principles, a precinct-wide Strategic Plan and a subsequent Brief for the preparation of a more detailed Precinct Masterplan based on the above. This Taskforce would be funded by government but be separate from it, and its role would change over time as the redevelopment process progressed. The Taskforce will be active in producing the initial planning documentation, reviewing the later design documentation and monitoring the on-going consultation program.

- A ‘Delivery Authority’ to deliver the project in accordance with the Precinct Masterplan to be developed by that authority in line with the Brief and other documents prepared earlier by the Taskforce. The Delivery Authority would be responsible for the key public infrastructure, including the public domain. The detailed design and delivery of the individual buildings on the development sites would be undertaken by public and/or private developers in accordance with the adopted Precinct Masterplan.

**BACKGROUND**

In response to a discussion with the project consultant, Chris Johnson, held at Tusculum on 22 October 2009, and a further meeting with Chris Johnson and Di Talty (SHFA) on 20 January 2010, the Institutes have specifically focused on contributing ideas on:

- the process by which the planning for and redevelopment of the Precinct will take place;
- future uses of the precinct; and
- relationship of the precinct to the City of Sydney.

As a separate, but related response to the Bays Precinct planning discussions, each Institute has previously submitted an initial proposal.

Subsequent discussion between the three institutes revealed a commonality of concerns and responses that has led to the development of this proposal as a joint response.

**THE PLANNING PROCESS FOR THE BAYS PRECINCT**

The Institutes consider that it is equally as important to develop a clear, deliberate and transparent process by which the future development of the Precinct is determined, as it is to formulate and determine actual redevelopment proposals. It is also essential that options for the Precinct are soundly based on reliable factual information and expert analysis of all relevant matters, as well as community input.
As such, the Institutes see the development process as having three distinct and separate phases.

- **Phase 1** - Site Investigation, Planning Principles, Strategic Plan and Brief for preparation of the Precinct Masterplan.
- **Phase 2** - Development of Precinct Masterplan, Design Guidelines and Funding Plan
- **Phase 3** - Project Implementation – detailed design, statutory approvals and construction.

**Phase 1 – Precinct Investigations, Planning Principles, Strategic Plan and Brief for Masterplan**

This phase is seen as critically important in the process leading up to the preparation of a Masterplan for the Precinct.

This process should be independent, apolitical, transparent and expert. It would be undertaken by the ‘Taskforce’ to deliver:

1.1 **Background Studies** well researched and prepared by independent consultants engaged by the Taskforce (not engaged directly by stakeholders).

1.2 **Community Consultation program** (ongoing throughout the entire process).

1.3 **Strategic Plan** will identify short term, medium term and long term goals and set out the Precinct’s relationship to broader established planning strategies, such as the Metropolitan Strategy, Metropolitan Transport Plan, and sub-regional strategies. It would include some key **Planning Principles** such as how the redeveloped Precinct would relate to the broader physical context, including the harbour, Victoria Road, existing and proposed infrastructure, heritage items and its integrated relationship to adjoining areas (Rozelle, Balmain, Annandale, etc). It could also include key **Assessment Criteria**, against which to assess the Masterplan redevelopment options, and ultimately the preferred Precinct Masterplan.

1.4 The **Precinct Masterplan Brief** – a distillation of the studies’ findings, Planning Principles, Strategic Plan, assessment criteria and other recommendations from the above. This will be used to prepare the Precinct Masterplan (to be managed by the Delivery Authority) in Phase 2.

**Phase 2 – Precinct Masterplan, Public Domain Masterplan, Design Guidelines, Funding Plan**

The main tasks outlined in this Phase will be undertaken by a new Delivery Authority. The Taskforce will have an ongoing review function during this phase.

The **Precinct Masterplan** will be formally adopted and used to guide site by site development projects, in conjunction with the **Design Guidelines** described below.

It will be developed independent of the various stakeholders based on the research conducted as part of the background studies and on the community consultation. It will be publicly exhibited for comment and reviewed by the Taskforce prior to adoption by the Delivery Authority.

2.1 **Precinct Masterplan** - this overarching urban design and planning document will respond to and be generally consistent with the Strategic Plan produced by the Taskforce and will identify different options for uses and built forms and how they
relate to each other in 3-dimensional spatial terms. It will also identify the lower tier Development Sites within the Precinct and the opportunities and scale of development for each.

The Institutes do not see the necessity or validity of developing an overly rigid Masterplan, particularly as it will need to cover a relatively long time frame and evolving needs. It is anticipated, therefore that the process will deliver a document with a degree of flexibility for projects at the individual development site level. Nor do the Institutes support a design competition process for preparation of the Precinct Masterplan. Architectural design competitions, however, may be appropriate for key individual development sites at the later stage of implementation (Phase 3).

2.2 Public Domain Masterplan – this will set the framework and spatial arrangement of the public domain for the site. It is anticipated that this plan will be developed in conjunction with the transport and other strategies, and open space needs identified as part of the Background Studies and incorporated into the Brief.

2.3 Design Guidelines – this will outline the essential and desired design principles for the individual development sites identified in the Precinct Masterplan, and for the Public Domain Masterplan. The purpose of this document is to assist all development proponents, public or private, in the detailed design and delivery of their component of the Precinct Masterplan.

2.4 Funding Plan – this will identify mechanisms for financing the delivery of the various aspects of the Precinct Masterplan, and in particular the Public Domain Plan.

Phase 3 – Project Implementation

This phase will deliver, in stages, the detailed design and construction for the built elements of the redeveloped Precinct, whether this is undertaken by the public or private sectors. It will also be managed by the Bays Precinct Delivery Authority, with the Taskforce continuing to have a ‘review’ function during this Phase.

It is anticipated that the Project Implementation phase will be fairly efficient and straightforward, at least for those development projects clearly consistent with the Precinct Masterplan and Design Guidelines.

The Delivery Authority would manage the expressions of interest process and awarding of development contracts. Interested parties could, for example produce indicative designs that demonstrate consistency with the adopted Masterplan and Guidelines, with these design concepts forming part of the development contract. Alternatively the Delivery Authority might hold its own design competitions and attach the preferred design to the site contract for a builder or developer to construct.

Processing applications for approval of these projects would proceed under the usual statutory framework, depending on the scale and nature of the project - that is either Part 4 Development Applications or Part 3A major projects applications.
IMPLEMENTING THE PROCESS

1. Commission a ‘Taskforce’

The Institutes propose that the most effective way of delivering Phase 1 is through the appointment of a Taskforce or Steering Committee of independent people with expertise in development economics, probity, transport and land use planning, community engagement, urban design and other relevant disciplines.

We understand a similar group was engaged as an expert committee to advise the government on the future of Darling Harbour some years ago and that the work of this committee was regarded as apolitical and effective. The Rudd Government has also appointed a number of task forces with a specific short-term brief.

We note that a Bays Precinct Task Force chaired by David Richmond has recently been disbanded, but was regarded as being effective in bringing together the various government agencies. It recommended developing a broad communication and consultation process to ensure industry and community views on land uses are heard\(^1\). The government subsequently adopted this strategy.

In essence our proposal is to constitute a similar body, with a number of key differences:

- It would be comprised of independent experts, not representatives of government departments;
- It would be appointed for the duration of the redevelopment process;
- Its role would change throughout the life of the project;
- the role would not be limited to that of reviewing the process, but would include helping to formulate the policies and strategies underpinning redevelopment of the site.

The NSW Government would be responsible for the appointment and adequate resourcing of such an independent body. Initially this could be through SHFA and later the proposed Bays Precinct Authority. In the Institutes’ view, however, the appointees should largely be from outside government and selected by virtue of their skills and expertise in a proper and transparent manner. This will provide the necessary distance from the government in its overlapping roles as landowner, manager and consent authority. It will also help future-proof the planning and development process, which may take a number of years, from the effects of political changes during that period.

If this proposal is adopted, with the ongoing involvement of the independent Taskforce we consider that there is less danger of the Precinct Masterplan being unduly compromised once it has been prepared and endorsed. This does not mean that the Masterplan is inflexible, but rather that any variations are comprehensively and independently overseen by those with the necessary expertise and background.

\(^1\) Legislative Assembly, Questions & Answers, Tuesday 16 June 2009
**Role and Duties of the Task Force**

The Institutes envisage three major roles and responsibilities of the Taskforce:

- the background studies;
- the public and stakeholder consultation program; and
- delivery of the Precinct Masterplan Brief.

**Background Studies**

The Taskforce will be most active during the Phase 1 planning stage. It will play the lead role in preparing the groundwork for the planning of the precinct’s re-development.

The task force will commission **background studies** on all aspects of the precinct to identify constraints and opportunities including:

- The Metropolitan Strategic planning context
- Aboriginal, natural and cultural heritage
- Previous and potential maritime activities
- Landscape and public domain analysis
- Transport options
- Land use options (including relocation or replacement of facilities in other parts of Sydney)
- Environmental sustainability
- Contamination
- Economic considerations
- Social and demographic profile, & community aspirations
- Potential environmental Impacts

In effect, this initial task is a large scale identification and analysis of the urban potential of the Precinct. The studies will be prepared by consultants with suitable skills and experience in the relevant disciplines. They will draw on previous research, consultation and other documentation about the Precinct, but be largely future based and longer term focused.

**Planning principles** will be developed in this phase to guide future decisions on the use of the Precinct. They will be firmly grounded in the data produced by the studies, as they need to be robust enough to withstand interrogation from any of the perspectives explored in the studies. To be meaningful they also need to be specific to the precinct. Generic, simplistic motherhood statements will not work. They must emphasise the primacy of the urban structure, its infrastructure and public domain, over uses, which are secondary and often transitory.

**Assessment criteria**, against which to assess the future strategic options, Precinct Masterplan and development proposals, would then be devised. Weightings may need to be ascribed to individual criterion, based on the studies’ recommendations. Should economic considerations have a higher weighting than social or environmental, and in which parts of
the precinct? How important is the continuation of or impacts on current activities versus long term strategic alternatives?

With the benefit of these background studies, the task force can then commission the preparation of a Strategic Plan to provide an overview of the whole re-development area and how it relates to the broader context of the city as a whole. The plan should be commissioned from consultants working under the direction of the Taskforce, and set the framework, both spatial and policy, for the preparation of the more detailed Precinct. Following extensive consultation with all the stakeholders, local residents and the broader community, the recommended Strategic Plan can then be submitted to the government for endorsement.

Consultation
The Institutes support and are impressed by the intensive and innovative consultation process that has already been established. This should continue under the Taskforce’s direction. We have noted earlier the importance of including a person with community engagement and facilitation skills as a member of the Taskforce.

In our view it is essential that consultation continues throughout the process. It will help to generate good ideas, as well as building partnerships that will be critical if the re-development is to proceed with broad public support. Good relationships with Sydney City Council, Leichhardt Council and local community, industry and professional organisations will depend on the prompt availability of information and products produced by the task force, electronic feedback through social media and regular mailouts, information sessions and opportunities for discussion and debate.

Preparation of the Brief
The Taskforce will deliver the Strategic Plan and a Brief for the preparation of a Precinct-wide Masterplan, and then hand over the task of preparing that Masterplan to the new Bays Precinct Delivery Authority.

2. The Bays Precinct Delivery Authority
The Institutes recommend that a new government delivery agency, the Bays Precinct Authority be established to undertake the preparation of the Precinct Masterplan and the management of the subsequent re-development process. The Taskforce would remain to comment on the drafts of the Masterplan, but otherwise stay outside the process of its preparation.

The Authority will also manage the process of seeking development industry and other stakeholder responses to the development parcels identified in the Masterplan. All submissions would also be reviewed by the Taskforce from a planning and design perspective, and the Taskforce should also continue to monitor the consultation process until the end of the redevelopment.

CONCLUSION
The Institutes collectively support the re-development of the Bays Precinct within a transparent, apolitical, expert framework based on sound independent research and economic feasibility for
the provision of world class essential services, sustainable development and meaningful public domain.

The Institutes agree that it is essential to create a transparent process for managing the redevelopment of the Precinct, and an independent expert body to oversee that process. This is essential to protect the public interest, protect and enhance the significant elements of the Precinct that define its character, optimise public and private investment opportunities and create a sustainable and superior quality urban environment.

The Masterplan documents prepared in Phase 2 will be the central documents to guide future development for the Precinct and as such, and the end of this public process they need to be given statutory weight.

The Institutes recognise that all stages of the planning process are equally important and interdependent to achieve the very best outcomes that this Precinct deserves.

Redevelopment of this extensive, publicly owned land represents an extremely rare and critically important opportunity to create a world class maritime precinct, which enhances Sydney’s identity as a ‘Global City’ dedicated to its citizens and outstanding environment.

Yours Sincerely

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President PIA NSW

Brian Zulaikha
President AIA NSW

Sacha Coles
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