

Submission seeking a variation to the Sydney Cove Redevelopment Authority Scheme

**Accompanying a development application for
alterations and additions to:**

The Glenmore Hotel at 96-98 Cumberland Street, The Rocks, NSW 2000



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Attachments

- A. **Plans and elevations** prepared by HUMPHREY & EDWARDS Architects and Interior designers
- B. **Plan XXVIII** attached to the Sydney Cove Redevelopment Authority Scheme
- C. **Heritage Impact Statement**, prepared by John Oultram Heritage & Design
- D. **Draft plan XXVIII-A**, showing the proposed amendment to the Scheme, prepared by Sydney Harbour Foreshore Authority

1. INTRODUCTION

1.1 This document is a submission requesting a variation to the Sydney Cove Redevelopment Authority Scheme in support of a Development Application for alterations and additions to the Glenmore Hotel, located at 96-98 Cumberland Street, The Rocks. The site of the hotel is otherwise known as Lot 106, DP 264104.

1.2 Variation to the Scheme is sought under Clause 4 of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999. That clause states as follows:

Application for variation to approved scheme

- (1) *If a person proposes to carry out development on land within the Sydney Cove Redevelopment Area and the proposed development does not comply in all respects with the approved scheme, the person may apply to the Minister for a variation to the approved scheme that the person considers necessary to be made to enable development consent to be granted to the proposed development*
- (2) *The application must:*
 - (a) *describe the respects in which the proposed development does not comply with the approved scheme, and*
 - (b) *set out the reasons for the variation to the approved scheme for which the person is applying, and*
 - (c) *address the matters referred to in clause 9 (2) in relation to which the Minister must form an opinion before making a variation to the approved scheme.*

1.3 The matters referred to in clause 9 (2) relate to determining that the draft variation:

- a) *will not permit development that will adversely affect:*
 - I. *development on adjoining land, or*
 - II. *the heritage significance of buildings, structures or sites in the locality, or*
 - III. *the quality of the public domain in the locality, and*
- b) *will not permit development that will have an adverse impact on the natural or built environment or an adverse social or economic impact in the locality, and*
- c) *will conform with the general planning and design principles for the Sydney Cove Redevelopment Area.*

1.4 Part 2 of this submission describes the subject site and the locality. Part 3 describes the proposed development in detail. Part 4 details the manner in which the proposed development does not comply with the Scheme. Part 5 sets out the reasons for the proposed variation. Part 6 addresses the matters set out in Clause 9(2) of the Regulation. Part 7 sets out the conclusion to this submission.

2. THE SITE AND SURROUNDING AREA

- 2.1 The Glenmore Hotel is located at 96-98 Cumberland Street, The Rocks, and is otherwise known as Lot 106, DP 264104 (see Figures 1 & 2 below). The site area is measured to be 262.5 square metres. The Hotel occupies the entirety of the site.



Source: Google Maps

Figure 1: Site Location Map, subject site indicated by the red star



Source: Google Maps

Figure 2: Aerial photo, subject site indicated by the red star

2.2 The make up of the existing Hotel is a brick building of Georgian architectural style, comprising two/three storeys with a courtyard at the northern boundary. There is an existing awning on the Cumberland street frontage, extending over the public footway and existing outdoor seating associated with the hotel within the footway area.

2.3 The existing facilities on the subject site consist of the following:

	96-98 Cumberland St
Basement:	Storerooms, bathroom, cool rooms, offices
Ground level:	Bathrooms, main bar area, gaming room, cool room, kitchen, store rooms
First floor level:	Store rooms, hotel accommodation, offices, bathrooms
Rooftop level:	Bar and dining area

2.4 The heritage impact statement prepared by John Oultram Heritage and Design that forms annexure C to this statement indicates that construction of the Glenmore Hotel on the subject site was completed in 1921.

2.5 The locality is characterised by a mix of commercial, residential, tourist-related and recreational uses. The locality of The Rocks is a popular tourist precinct and is known for its heritage values.

2.6 Adjoining the subject site to the north is immigration house, a six storey predominantly commercial building, containing five residential units. Below and to the east of the site is the Argyle Hotel, and to the south are commercial premises preceded by the Argyle cut. To the west of the site is a wide nature strip that abuts the walls of the City side approach to the Harbour Bridge.

3. THE PROPOSAL

3.1 The proposal is described in plans and elevations prepared by Humphrey & Edwards Architects (attachment A).

3.2 The proposal, in general terms, involves the following works:

- The construction of a new infill building within the void at the northern end of the site to contain back of house services and a new passenger lift to provide access for people with a disability
- The reconstruction of external historic elements of the Hotel, principally the Juliette balconies and parapet pelmets previously removed, primarily due to maintenance issues.
- The reconstruction of the existing rooftop terrace area in order to eliminate waterproofing and maintenance issues whilst providing a structure that complies with current structural standards.

- The closing of the existing accommodation areas within the hotel, with those areas becoming dining or lounge/bar areas with associated internal alterations.
- Various modifications to improve the structural integrity of the building; to improve compliance with the Building Code of Australia and fire safety; to improve waste storage arrangements; and upgrade plumbing and other services.

4. HOW THE PROPOSED DEVELOPMENT DEPARTS FROM THE SCHEME

- 4.1 The Sydney Cove Redevelopment Authority Scheme 1970 sets out building envelope controls that would be exceeded by the proposed development. Those controls are set out on plan XXVIII attached to the Scheme (attachment B). That drawing shows an allowable building envelope, which on the eastern side runs down the existing building edge to Gloucester Walk, and on the western side, runs down the existing building edge to Cumberland Street.
- 4.2 This submission supports a variation to the Scheme by modifying drawing XXVIII to allow for projections such as the existing awning, and reinstated balconies and parapets beyond the allowable building envelope.
- 4.3 The proposed amended form of the Scheme (attachment D) is numbered XXVIII-A dated December 2009, with that variation having been prepared by the Sydney Harbour Foreshore Authority in its capacity as property owner.

5. REASONS FOR THE PROPOSED VARIATION

- 5.1 Variation is sought on the following grounds:
- The allowable building envelope does not incorporate the existing awning on the Hotel; nor does it allow for the reconstruction of external historic elements such as the Juliette style balconies or pelmet parapets. The reconstruction of missing external elements of the Hotel is encouraged under the 'Recommended Management' section of the State Heritage listing for the Hotel.
 - The proposed development would be fully compliant with the Scheme if the drawing were amended to include these elements;
 - There would be no unacceptable impacts associated with the proposed variation.
- 5.2 Consideration is warranted of whether the visual impacts of the proposal are acceptable in relation to its architectural design. Such consideration is substantially addressed in the context of heritage impacts as set out further below and in the attached Heritage Impact Statement prepared by John Oultram Heritage & Design (attachment C)
- 5.3 Having regard to the foregoing, it is considered that the visual impacts of the proposed development, and of the proposed variation, are acceptable.
- 5.4 There is no potential for overshadowing impacts or any other significant amenity impacts associated with the proposed variation to the side of the allowable Building envelope.

- 5.5 Given that the proposed development, subject to the proposed variation, is considered to be acceptable in relation to visual impacts, and in the absence of any other significant potential impact associated with the proposed variation to the Scheme, it is considered that the impacts of the proposed variation are acceptable.

6. CLAUSE 9(2) OF THE REGULATION – MATTERS TO BE ADDRESSED

- 6.1 Clause 9(2)(a) of the Regulation requires consideration of whether the proposed amendment to the SCRA will permit development that will adversely affect:

- I. development on adjoining land, or*
- II. the heritage significance of buildings, structures or sites in the locality, or*
- III. the quality of the public domain in the locality.*

- 6.2 Consideration of the impacts of the proposed development are set out in the Statement of Environmental Effects to which this submission accompanies.

In relation to the residential dwellings in Immigration House

- 6.3 The proposal would have no visual impacts to those dwellings. The proposed Juliette style balconies and pelmet parapets are on the Cumberland Street frontage, opposite and below the main orientation of those dwelling units.

- 6.4 The potential acoustic impacts of the proposed development are set out and assessed in the Statement of Environmental Effects. The acoustic report finds that the proposal complies with applicable noise assessment criteria and that the proposal is acceptable in relation to acoustic impacts.

In relation to works on the first floor, the report states:

- The enlargement of dining areas on the first floor and the use of those areas with windows open would result in a much lower noise emission source than for the roof area, and would be subject to additional directivity effects from the eastern façade of the hotel to the receiver locations, such that there would be no acoustic impact from the first floor.

- 6.6 Having regard to the foregoing, and to the assessment set out in the Statement of Environmental Effects, it is considered that the visual and acoustic impacts of the proposal are acceptable. There are no adverse impacts associated with the proposed development to those dwellings. It is therefore considered that the proposed variation to the SCRA building envelope controls would not cause any significant adverse impact to any surrounding development.

Public domain and heritage impacts

- 6.5 Consideration of the heritage impacts of the proposed development is set out in the Statement of Environmental Effects and in the heritage and archaeological reports attached to that Statement. Having regard to those reports, the heritage impacts of the proposed development are considered to be acceptable.

- 6.6 The impacts of the proposed development on the public domain are in relation to visual impacts from public areas. Those impacts are detailed above, where it is concluded that those impacts would be acceptable.
- 6.7 Having regard to the foregoing, it is considered that the proposed variation is acceptable having regard to the matters set out in clause 9(2)(a) of the Regulation.
- 6.8 Clause 9(2)(b) of the Regulation requires consideration of whether the proposed variation to the SCRA Scheme:

will not permit development that will have an adverse impact on the natural or built environment or an adverse social or economic impact in the locality.

- 6.9 The proposed development would not cause any discernible impact on the natural environment, subject to suitable sediment and erosion controls being implemented during the construction phase, which may be readily addressed through suitable standard conditions of consent.
- 6.10 The impacts of the proposed development on the built environment are thoroughly considered elsewhere in this submission.
- 6.11 The principal social impacts of the proposed development relate to the manner in which the hotel and the potential for noise and neighbourhood disturbance would be managed. As set out elsewhere in this report, the Statement of Environmental Effects is accompanied by a hotel management plan that sets out how those potential impacts would be acceptably managed. The Statement also sets out the positive social impacts of the proposed development in relation to the provision of a suitable facility, particularly in relation to improved access for people with a disability and in relation to providing a facility for people that would stay at the approved youth hostel development to the south. The Statement also sets out the positive economic impacts of the proposed development, particularly in relation to its contribution to The Rocks as a tourism precinct.
- 6.12 Having regard to the foregoing, it is considered that the proposal would be acceptable in relation to consideration under clause 9(2)(b).
- 6.13 Clause 9(2)(c) of the Regulation requires consideration of whether the proposed variation to the SCRA scheme:

...will conform with the general planning and design principles for the Sydney Cove Redevelopment Area.

- 6.14 The SCRA scheme does not includes general planning and design principles. However, relevant general planning and design principles may be derived from clause 12 of the Sydney Harbour Foreshore Authority Act 1998 which sets out the functions of the Authority, including:
- a) to protect and enhance the natural and cultural heritage of the foreshore area
 - b) to promote, co ordinate, manage, undertake and secure the orderly economic development and use of the foreshore area, including the provision of infrastructure

- c) to promote, co ordinate, organise, manage, undertake, secure, provide and conduct cultural, educational, commercial, tourist, recreational, entertainment and transport activities and facilities.
- 6.15 This submission and the statement accompanying the application demonstrate that the proposed development would protect the cultural heritage of the foreshore area. To the extent that the proposal would contribute to the economic viability of The Glenmore Hotel, the proposal would also enhance the cultural heritage of the locality. The proposed development would not discernibly affect the natural environment.
- 6.16 The proposed development would represent an orderly development within The Rocks precinct, given that it would not cause unacceptable impacts and given that it would make a positive economic contribution to the rocks precinct. The proposal would improve access to the Glenmore Hotel for people with a disability and would therefore improve the extent to which people with a disability can enjoy The Rocks precinct.
- 6.17 Approval of the proposed development would be consistent with the role of the Sydney Harbour Foreshore Authority in co ordinating and managing an important commercial and tourism facility.
- 6.18 Having regard to the foregoing, the proposed variation to the SCRA scheme is considered to be acceptable having regard to the provisions of clause 9(2) of the Regulation.

7. CONCLUSION

- 7.1 This submission seeks variation to the Sydney Cove Redevelopment Authority Scheme under Clause 4 of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999.
- 7.2 In accordance with clause 4(2) of the Regulation, this submission describes the manner in which the proposed development does not comply with the Scheme, sets out the reasons for the proposed variation, and addresses the matters set out in clause 9(2) of the Regulation.
- 7.3 The proposed alterations and additions to the Glenmore involve a variation to the building envelope controls contained within the Sydney Cove Redevelopment Authority Scheme. The variation involves allowing for projections such as the existing awning, and reinstated balconies and parapets beyond the allowable building envelope.
- 7.4 The proposed development would not cause any unacceptable impacts to the amenity of surrounding developments.
- 7.5 The proposed development would not cause any unacceptable visual impacts, for reasons set out in this submission and in the Statement of Environmental Effects. The proposed additions are reinstatement of historical features returning the building to its original form. The proposed development would not be visually obtrusive when viewed from surrounding areas and would not block significant views.

- 7.6 The heritage impacts of the proposed development are considered to be acceptable for the reasons set out in the Statement of Environmental Effects and in the heritage and archaeological reports attached to that statement.
- 7.7 It is considered that approval of the proposed development would be consistent with the functions of the Sydney Harbour Foreshore Authority as set out in clause 12 of the Sydney Harbour Foreshore Authority Act 1998. In particular, the proposed development would make a positive economic contribution to The Rocks tourism precinct, would improve access for people with a disability, and would protect and enhance the cultural heritage of The Rocks.
- 7.8 It is therefore considered that the proposed variation should be approved.