

**STATEMENT OF
ENVIRONMENTAL EFFECTS to
ACCOMPANY A DEVELOPMENT APPLICATION
FOR ALTERATIONS AND ADDITIONS TO:**

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



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Annexures

- A. **Plans and Elevations**, prepared by HUMPHREY & EDWARDS Architects and Interior designers
- B. **Submission for a variation to the Sydney Cove Redevelopment Authority Scheme**, prepared by Smyth Planning
- C. **Acoustic Report**, prepared by The Acoustic Group Pty Ltd
- D. **Heritage Impact Statement**, prepared by John Oultram Heritage & Design
- E. **Assessment of Historical Archaeological Potential**, prepared by Archaeological & Heritage Management Solutions.
 - **Supported by a letter from Department of Planning (Conservation Team Heritage Branch)**
- F. **BCA building and Fire Safety Upgrade Strategy**, prepared by Trevor R Howse & Associates Pty Ltd
- G. **Structural Assessment report**, prepared by Ashby Doble Pty Limited
- H. **Hotel operational management plan**, prepared by Permyon Pty Ltd.
- I. **Survey Drawings**, prepared by Denny Linker

1. INTRODUCTION

- 1.1 This document is a Statement of Environmental Effects in support of a Development Application for alterations and additions to the existing Glenmore Hotel at 96-98 Cumberland Street, The Rocks. The site of the hotel is otherwise known as Lot 106, DP264104.
- 1.2 This statement includes:
- A description of the site and surrounding locality;
 - A detailed description of the proposed development;
 - A review of the statutory requirements relevant to the proposal; and
 - An assessment of the proposed development under Section 79C of the NSW Environmental Planning and Assessment Act, 1979 and having regard to other relevant statutory requirements.
- 1.3 This document is accompanied by the following documents
- Plans and Elevations
 - Variation to the SCRA scheme
 - Acoustic Report
 - Heritage Impact Statement
 - Assessment of Historical Archaeological Potential
 - BCA building and Fire Safety Upgrade Strategy
 - Structural Assessment report
 - Hotel operational management plan
 - Survey Drawings
- 1.4 The development application is accompanied by a submission requesting a variation to the Sydney Cove Redevelopment Authority (SCRA) Scheme, due to the proposed development exceeding the building envelope restriction within that document. The variation is sought under clause 4 of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999.
- 1.5 The proposed development is affected by clause 58 of the Heritage Act 1977 and is therefore integrated development under Part 4, Division 5 of the Environmental Planning and Assessment Act, 1979.
- 1.6 The site is owned by the Sydney Harbour Foreshore Authority and is leased to Permyon Pty Ltd T/A Glenmore Hotel.

2. THE SITE AND SURROUNDING AREA

- 2.1 The Glenmore Hotel is located at 96-98 Cumberland Street, The Rocks otherwise known as Lot 106, DP264104 (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: Wheris.com

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



Figure 3: Western side of the Glenmore Hotel viewed from Cumberland Street

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 D 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 5 residential units. Below and to the east is the Argyle Hotel, and to the south is the Argyle cut. To the west of the Hotel 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 + Interior Designers (annexure 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.

3.3 The proposal, in detail, involves the following works:

Basement Level

- Extend the steel fire escape stairs from ground floor level down to basement floor level, and reconfigure the existing doorway on to Gloucester Walk as an integrated fire-escape.
- Remove section of the existing masonry wall adjacent to 88 Cumberland St where necessary to suit lift configuration.
- Excavate within the current courtyard to establish foundations for the new infill building including a lift pit.
- Remove existing window and cut down brickwork on the northern wall of the hotel to construct a door opening to the accessible WC.
- Construct a new accessible WC in part of the existing storeroom.
- Construct a new internal wall, separating the new accessible WC from the remainder of the existing storeroom.
- Construct a new female WC within the existing office
- Refurbish existing fireplace

- Construct a new cool room and dry store within the new infill building.
- Construct a new lift shaft
- Construct a new cool room within the existing keg room, separated from the existing building fabric (can be removed without damage to existing walls)

Ground Level

- Remove the existing fire escape bridge exiting to Cumberland Street.
- Remove existing window and cut down brickwork on the northern wall of the hotel to construct a new door opening to provide access between the hotel facilities and the new accessible lift and external fire stairs
- Construction of new openings in internal walls within existing kitchen to facilitate the proposed kitchen layout. The original arrangement of the internal walls will remain evident on completion.
- Reconfigure existing kitchen exhaust and associated ductwork.
- Construct a refuse room within the new infill building.
- Construct a new lift shaft
- Demolish walls in existing Female WC and construct a new seating area

Level 1

- Construct new openings in internal walls between existing accommodation rooms fronting Cumberland Street to create new dining room areas. The original arrangement of the internal walls will remain evident on completion.
- Construct new opening in the internal wall between existing storeroom and office at the northern end of the hotel to create a lounge and bar area. The original arrangement of the internal walls will remain evident on completion.
- Construct an opening in the northern wall to provide a new doorway to provide access between the hotel facilities and the new accessible lift and external fire stairs
- Rejuvenate existing male WC overlooking Gloucester Walk
- Construct new female WC within the existing storeroom overlooking Gloucester Walk
- Construct a small kitchen within the new infill building
- Construct a new lift shaft
- Reconstruct balconies on Cumberland Street similar to the original design in accordance with historic photographic evidence included in the Conservation Management Plan.

Rooftop

- Remove existing roof structure and construct a new reinforced concrete roof terrace.
- Reconfigure existing steel fire escape stairs to suit proposed configuration
- Reconfigure existing internal stair access to suit proposed floor levels and available head clearance including a new roof and integrated skylight.
- Construct a new glass balustrade affixed to new structure on the inside of the existing parapet
- Construct a new retractable fabric roof on steel roof frame with integrated drainage
- Reconstruct parapets on Cumberland Street to incorporate masonry pelmets similar to the original design in accordance with historic photographic evidence included in the Conservation Management Plan.
- Construct a new lift shaft
- Construct a new kitchen within the new infill building, and reconstruct the existing rooftop bar adjacent.
- Construct a new screened Plant Deck on the roof of the new infill structure.

3.4 The main change to use areas would be:

- The existing courtyard at the northern boundary of the site would be used for back of house services including a cool room, refuse room and kitchens. This building would also incorporate a new lift and lift shaft;
- The accommodation rooms on level 1 and selected store rooms would become dining or lounge/bar areas
- The storeroom on the basement level would change to an accessible WC
- The office on the basement level would change to a female WC
- The storeroom on level 1 would change to a female WC
- The female WC on ground level would change to a seating area
- The storeroom on level 1 would change to a bar area
- The office on level 1 would change into a lounge area

3.5 Hours of operation are:

Mondays to Saturday (inclusive):	5:00 am to 1:00 am
Sundays:	10:00 am to 12:00 am

4. STATUTORY CONTROLS

- 4.1 The subject site is within the Sydney Harbour Foreshore Authority area. Under clause 28, Schedule 6 of the Environmental Planning and Assessment Act 1979, the consent authority for the proposed development is the Minister for Planning. The City of Sydney exercises those consent authority functions for works valued at less than \$5 million. However, the submission to vary the SCRA scheme is to be determined by the Minister; therefore, the consent authority for the proposed development is the NSW Department of Planning under delegated authority from the Minister.
- 4.2 The subject site is affected by provisions of the Sydney Cove Redevelopment Authority Scheme 1970. Under clause 29 within Schedule 6 of the Act, the Scheme has the same effect as an Environmental Planning Instrument. The scheme sets out site specific building envelope controls, which the current proposal breaches as detailed further below. Therefore, a submission requesting a variation to that scheme to permit the development in its proposed form is required under clause 4 of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation, 1999. The submission seeking such a variation is submitted with the development application and forms annexure B to this statement. There are no other provisions within the scheme that are of relevance to the present application.
- 4.3 In addition to the building envelope control, the Scheme sets out permitted uses for the subject site. Those permitted uses are commercial, residential and special uses. The hotel use is regarded as a commercial use for the purposes of the Scheme.
- 4.4 The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is also applicable to the site. The SREP contains performance criteria, consideration of which is set out in Section 5 of this report.
- 4.5 The Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005 is also applicable as a matter for consideration. That DCP is supplementary to the SREP. Consideration of the DCP provisions is set out in Section 5 of this report.
- 4.6 The proposal is affected by the provisions of the Heritage Act 1977 because:
- There is known potential for there to be relics on the subject site that may potentially be disturbed by the proposed development;
 - The subject site is listed on the State Heritage Register; and
 - The subject site is recorded on the Heritage Schedule of the Sydney Harbour Foreshore Authority.

The attached archaeological study and heritage impact statement address the applicable provisions of the Heritage Act. Due to the proposal being affected by clause 58 of the Heritage Act it is integrated development under Part 4, Division 5 of the Environmental Planning and Assessment Act.

5. SECTION 79C(1) MATTERS FOR CONSIDERATION

- (a) *The provision of any environmental planning instrument, and draft environmental planning instrument, and development control plan, and any matters prescribed by the regulations that apply to the land to which the development application relates.*

Sydney Cove Redevelopment Authority Scheme

- 5.1 As set out elsewhere in this report, the Sydney Cove Redevelopment Authority Scheme sets out building envelope controls that would be exceeded by the proposed development. Those controls are set out on plan XXVIII that can be found in annexure B. That drawing shows little detail of the Cumberland Street side of the allowable building envelope; however, advice from SHFA and the Department of Planning is that the sides of the allowable envelope are aligned with the edge of the main hotel structure. Therefore, the existing awning on Cumberland Street, and the proposed reconstruction of the first floor balconies and pelmet parapets would project through the side of the allowable building envelope.
- 5.2 A submission requesting a variation to the SCRA scheme (annexure B) seeks a modification to SCRA scheme plan XXVIII to allow for projections such as the existing awning and reinstated balconies and parapets.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

- 5.3 Under clause 20 of the SREP, the matters set out in Part 3, Division 2 are to be taken into consideration prior to the granting of consent for development within the Foreshores and Waterways Area. Those matters as are of relevance to the proposed development are considered as follows.

Clause 25: Foreshores and waterways scenic quality

The proposed development would not be overly discernable from Sydney Harbour due to the minor increase in height relative to that of the existing structure, and the height and bulk of the adjacent development.

The proposed framing for the retractable roof would be 430mm higher than that of the existing rooftop of the Hotel; the proposed infill building 800mm higher than that framing. However, with the infill building positioned in the northwestern corner of the site, against the adjoining development to the North, the proposed building would not be visible from Sydney Harbour.

The highest point of the proposed development would be approximately 5.5 metres lower than the existing building on the adjoining site to the North, and in the context of that development, the proposal would not result in a bulky appearance.

In that regard, the cumulative impacts of the proposal would be acceptable. The scenic impacts of the proposed development are therefore considered to be acceptable.

Clause 26: Maintenance, protection and enhancement of views

The proposed development would not block views from any other property or public place of any significant vista. The proposal would be visible from the pedestrian walkway on the city side approach to the Sydney Harbour Bridge, but would not block views from there to any particular feature.

- 5.4 There are no other provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 that are of relevance to this proposal. It is noted that the heritage provisions of the SREP do not apply because the proposed development is integrated development under clause 58 of the Heritage Act, 1977.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

- 5.5 There are no provisions within the DCP that are of specific relevance to the subject site or to the proposed development. Part 5 of the DCP sets out design guidelines for land-based development. Those guidelines are of a general nature and relate to ensuring that development is sympathetic to their surroundings. The proposed development is considered to be consistent with those guidelines. Further consideration of the visual impacts of the proposed development is set out below.

(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Visual impacts

- 5.6 The following comments regarding visual impacts do not relate to impacts on the heritage significance of the Glenmore Hotel, as that is considered separately below.
- 5.7 As stated previously, the proposed development would not be overly discernable from Sydney Harbour due to the minor increase in height relative to that of the existing structure, and the height and bulk of the adjacent development.
- 5.8 The perspective views prepared by Humphrey & Edwards Architects and Interior designers (annexure A) show the proposed works from various pedestrian vantage points in the surrounding area.
- 5.9 The proposed works would be visible from Cumberland Street and the Harbour Bridge pedestrian stairs, with part of the rooftop works visible from Argyle Street. It is considered that the proposed roof structure would be less intrusive than the plethora of umbrella structures currently on the rooftop of the hotel.
- 5.10 Having regard to the foregoing, it is considered that the proposal would not be intrusive in the context of surrounding development when viewed from points within the locality from which the subject site is visible. Furthermore, the proposed development would not cause any significant obstruction to views of significant features.
- 5.11 Consideration is also warranted of whether the visual impacts of the proposal are acceptable in relation to its architectural design. Such consideration as it relates to heritage impacts is addressed in the attached heritage impact statement prepared by John Oultram Heritage & Design (annexure D). In general terms, the proposed works will readily be interpreted as separate from the original fabric of the Hotel, which is robust

enough to accommodate the proposed additions. It is therefore considered that the proposed works are sympathetic to the form and architectural qualities of the existing building.

- 5.12 Having regard to the foregoing, it is considered that the visual impacts of the proposed development are acceptable.

Heritage

- 5.13 As set out elsewhere within this statement, the proposed development is affected by the provisions of the Heritage Act 1977 due to the known potential for the site to contain relics, due to the building being listed on the State Heritage Register, and due to the building being listed on the heritage schedule of the Sydney Harbour Foreshore Authority.
- 5.14 The Heritage Act contains provisions relating to sites with a known potential to contain relics. Those provisions, in summary, require that where there is a known likelihood for a site to contain relics, those relics shall not be disturbed or destroyed without a permit to do so from the Heritage Branch of the NSW Department of Planning.

The Conservation Management Plan for the Hotel indicates:

'the cellars for the new building were cut to the level of Gloucester Street, effectively destroying the bulk of the archaeological evidence of any previous subdivisions and earlier buildings'.

Accordingly, the Heritage Branch have advised the most appropriate strategy for the proposal is to prepare a baseline archaeological assessment of the specific area to be impacted by any excavation followed by an appropriate archaeological mitigation strategy for the works, if deemed necessary (Annexure E).

The Assessment of Historical Archaeological Potential, prepared by Archaeological & Heritage Management Solutions can be found at (annexure E).

- 5.15 The assessment includes a setting out of the history of the site, and an analysis of the site and its archaeological potential, including details of previous archaeological work carried out on the site, and recommends an archaeologist monitor the proposed works.
- 5.16 Subject to the implementation of the recommendations contained in the assessment of historical archaeological potential, and subject to the requirements of the Sydney Harbour Foreshore Authority and the Heritage Branch of the NSW Department of Planning, the proposed development is considered to be acceptable in relation to its impact upon relics.
- 5.17 As set out elsewhere in this statement, in addition to the relics provisions the proposed development is affected by the provisions of the Heritage Act 1977 that relate to items listed on the State Heritage Register and requires approval under section 58 of the Heritage Act as integrated development. A heritage impact statement has been prepared by John Oultram Heritage & Design addressing the heritage significance of the building and the impacts of the proposed works (annexure D).

- 5.18 The heritage impact statement describes in detail the heritage significance of the building and its individual components, and sets out how the heritage significance of the building and its individual components will be protected and maintained as part of the proposed development. The report includes the following summaries:
- The proposals have been sensibly planned to limit the impact on significant fabric and spaces and take advantage of the service court to the north to add a lift and service areas that are currently crammed into the Hotel.
 - The proposed changes are generally sympathetic and will have little impact on the cultural significance of the Hotel. The changes will expand the use of the Hotel to the first floor increasing its long-term viability and amenity.
 - The works will allow the reintroduction of important elements that have been removed from the façade considerably enhancing the significance of the hotel and its presentation to the street.
 - The new addition is simply scaled and detailed and will allow the main Hotel to be the predominant element in the streetscape.
- 5.19 Having regard to the heritage impact statement, it is considered that the proposed development would not cause unacceptable impacts to the heritage significance of the Glenmore Hotel.
- 5.20 Having regard to the foregoing, the proposal is considered to be acceptable in relation to its heritage-related impacts on the following grounds:
- The impacts of the proposed development on important relics found within the courtyard area excavation works would be able to be acceptably managed through compliance with the recommendations of the assessment of historical archaeological potential and subject to the requirements of the Sydney Harbour Foreshore Authority and the Heritage Branch of the NSW Department of Planning;
 - The proposed development would retain the significance of the Glenmore Hotel and its individual components. To the extent that there would be some impact, that impact is considered to be acceptable having regard to the need for the proposed works to be carried out in order to allow the building to continue to properly function as a hotel.

Acoustic impacts

- 5.21 The proposed development has the potential to change the acoustic impacts of the hotel due to the following changes in elements:
- The proposed change in the accommodation areas on the first floor to dining rooms areas;
 - The proposed infill building within the courtyard at the north of the site
 - The proposed new roof plant equipment
 - The rejuvenated rooftop area

- 5.22 An acoustic report has been prepared by The Acoustic Group Pty Ltd in relation to the proposed development and forms Annexure C to this statement.
- 5.23 The acoustic report finds that the proposal complies with applicable noise assessment criteria and that the proposal is acceptable in relation to acoustic impacts.
- 5.24 The main factors leading to the acoustic impacts of the proposal being acceptable are:
- The acoustic environment of the area is dominated by traffic and mechanical plant noise;
 - The rooftop area of the Hotel is acoustically shielded from the accommodation areas of Immigration House to the north;
 - The glass balustrade around the perimeter will result in greater attenuation of noise to the south than currently exists; and
 - The proposed internal alterations will not result in any acoustic impact at residential receivers.
- 5.25 Having regard to the submitted acoustic report, it is considered that the acoustic impacts of the proposed development would be acceptable.

Social and economic impacts

- 5.26 The proposal has the potential to generate positive social and economic impacts in the following respects:
- The new dining areas on the first floor and rejuvenated rooftop area will allow people to further enjoy what is a unique establishment. The renewed rooftop terrace area, in particular, would be an enjoyable place to go for many people given its setting within the historic Rocks precinct and views to Sydney Harbour. In that way, the proposed development would improve the viability of that development and would make a positive contribution to the economic potential of The Rocks as a tourism precinct;
 - The proposal would result in an improved level of access for people with a disability, resulting in a positive social impact in that respect;
 - The proposal would improve levels of building and fire safety within the building; and
 - The proposal would provide for the continued viability of the hotel and therefore for the continued use and maintenance of the building in a manner that upholds its significance within The Rocks.
- 5.27 The proposal has the potential to generate negative social and economic impacts in that the increased patronage may potentially result in increased instances of noise disruption and anti-social behaviour associated with people entering and leaving.
- 5.28 The potential for increased levels of noise and anti-social behaviour arising from the increased capacity of the hotel is reduced by the type of usage that would likely be

associated with the first floor. Those areas would be characterised by people sitting at tables who would be more likely to behave in a respectful manner.

- 5.29 The hotel would be managed in accordance with the requirements of the OLGR, including requirements related to the responsible service of alcohol. As a consequence of those requirements, the potential for disruptive, anti-social behaviour is minimised.

- 5.30 The application is accompanied by a hotel operational management plan prepared by Permyon Pty Ltd, which sets out in detail measures that are already implemented to manage social and amenity impacts, including the provision of security personnel.

The present application provides the opportunity for an improvement upon the existing situation in that the measures set out in the hotel operational management plan may be incorporated into suitable conditions of consent.

- 5.31 On balance, it is considered that the positive social and economic impacts of the proposed development would outweigh the potential for any negative impacts. It is therefore considered that the proposal is acceptable having regard to social and economic impacts.

Traffic and parking-related impacts

- 5.32 Like many other business premises in The Rocks, the existing hotel does not provide any off-street car-parking. The proposal may generate an increase in the demand for car-parking spaces to be provided.
- 5.33 As with The Rocks generally, a large proportion of people using the hotel would walk. There are also excellent public transport connections within a short walking distance of the hotel.
- 5.34 The peak period for use of the hotel is, and would continue to be, outside of normal business hours. There are public parking stations within easy walking distance of the hotel. Those parking stations are able to accommodate people driving to and from The Rocks.
- 5.35 Due to the peak period for use of the hotel being outside of normal business hours, the proposal will not contribute to the generation of unacceptable levels of traffic throughout The Rocks.
- 5.36 Having regard to the foregoing, the traffic and parking-related impacts of the proposed development are considered to be acceptable.

Building health, safety and compliance considerations

- 5.37 This statement is accompanied by the following documents relating to building health, safety and compliance considerations:
- A BCA building and Fire Safety Upgrade Strategy prepared by Trevor R Howse & Associates Pty Ltd (annexure F);
 - A Structural Assessment report, prepared by Ashby Doble Pty Limited (annexure G).

5.38 Conclusions and matters arising from the submitted BCA building and Fire Safety Upgrade Strategy are:

- The existing building is of multiple classifications, these being:
 - Class 3 – Residential
 - Class 5 – Office
 - Class 6 – Retail
- As a consequence of the proposed works, the building will be classified as the following:
 - Class 5 – Office
 - Class 6 – Retail
- The building is subject to the Type A Construction requirements of the BCA;
- The existing building does not comply with BCA requirements in certain respects and alternative building solutions are required in that regard
- Remaining matters may be addressed at Construction Certificate Stage

5.39 The BCA building and Fire Safety Upgrade Strategy (annexure F) indicates that prescriptive compliance with the BCA would result in substantial and not readily reversible damage to the fabric of the existing building. Having consideration to the heritage status of the hotel and limitations associated with the footprint and internal layout, achieving prescriptive compliance is not practical. The Strategy recommends a number of alternative design solutions where prescriptive compliance is not practically achievable in order to achieve an acceptable standard of disabled access and occupant life safety.

5.40 In relation to the requirements of the Disability Discrimination Act, the following comments are made:

- The proposal provides for a substantial improvement in the level of access for people with a disability to the hotel, as the building presently has no provisions for disabled access. The present proposal would provide access for people with a disability to the bar on Ground Floor, the bar and dining/lounge areas on level 1; to an accessible WC on the basement level; and to the rooftop terrace area and bar.
- To the extent that the proposed level of access may not comply with all of the provisions of the Building Code of Australia, or all of the normally applicable provisions of the *Commonwealth Disability Discrimination Act 1992*, such non-compliance is a consequence of the significant design constraints associated with retention of the significance of the Glenmore Hotel as a Heritage Item.
- The establishment of new facilities within the existing hotel is important its financial viability.
- A requirement that the proposal not be undertaken without full compliance with the Building Code of Australia requirements relating to access for people with a disability; and/or with the provisions of the *Commonwealth Disability Discrimination Act 1992* that would normally be applicable, would impose an unjustifiable hardship upon the operator of the Glenmore Hotel given the design constraints that are associated with the building. Furthermore, such a

requirement would render the proposed development non-viable, resulting in a worse outcome for people with a disability. It is considered that the proposed development represents the optimal outcome when heritage considerations are balanced with the needs of people with a disability.

- It is therefore considered that the proposed development should be approved notwithstanding that the building may not, in all respects, comply with the provisions of the Building Code of Australia relating to access for people with a disability or with the provisions of the *Commonwealth Disability Discrimination Act 1992* that would normally be applicable.

- 5.41 The submitted structural report, prepared by Ashby Doble Pty Limited (annexure H) assesses the structural engineering impacts of the proposed development and does not raise any concerns in that regard. The report concludes that the proposed works will 'provide for a building that, while having a high level of structural integrity, will also be a low maintenance structure, ensuring longevity and cost-effective maintenance for many years to come'.
- 5.42 Having regard to the foregoing, the proposed development is considered acceptable having regard to building health, safety and compliance considerations subject to suitable detailed design at the Construction Certificate stage.

(c) *The suitability of the site for the development*

- 5.43 The subject site contains an established hotel. The site is of constrained dimensions and the hotel building presents significant constraints related to the need to protect its heritage significance and that of the site. Balanced against those constraints is the opportunity presented by the site's location within the historic Rocks precinct and by the iconic status of the existing building. The challenge presented by the site is to provide improved facilities, including an improved level access for people with a disability, and to cater for the demand for dining and bar facilities generated by recent developments in the area.
- 5.44 The present proposal has succeeded in designing improved facilities that would not involve unacceptable impacts upon the heritage significance of the site or building. The proposal would enhance the significance of the site and of the building by ensuring its continued viability and significance as a venue. In that way the proposal would contribute to the economic vitality of The Rocks as a tourism precinct.
- 5.45 With the exception of the accommodation areas in the adjoining building to the north, the hotel is surrounded by non-residential uses. As set out elsewhere in this statement, the proposal would not cause any adverse impact on those dwellings.
- 5.46 Having regard to the foregoing, it is considered that the site is suitable for the proposed development.

(d) *Any submissions made in accordance with the Act or regulations*

- 5.47 The Applicant would be pleased to consider and respond to any issues that may arise from notification of the proposed development.

(e) The public interest

5.48 The principal matters related to the public interest that arise in relation to assessment of the proposed development are:

- The protection of archaeological relics that may exist on the site;
- The protection of the heritage significance of the hotel;
- The protection of existing views and of the visual quality of the Rocks precinct;
- The protection of residential amenity;
- The enhancement of the economic viability of The Rocks as a tourism precinct;
- The provision of access for people with a disability; and
- The protection of public safety through the incorporation of suitable fire safety measures and through the protection and enhancement of the structural integrity of the building.

5.49 As mentioned previously in this statement, the Conservation Management Plan for the hotel indicates that the bulk of the archaeological evidence of any previous subdivisions and earlier buildings on the subject site was destroyed when the cellars for the hotel were cut to the level of Gloucester Street.

The submitted Assessment of Historical Archaeological Potential, prepared by Archaeological & Heritage Management Solutions (annexure E) recommends how the courtyard area excavation works can be acceptably managed from an archaeological perspective. The proposed development is acceptable in that regard subject to the adoption of the recommendations set out in that document, and subject to the requirements of the Sydney Harbour Foreshore Authority and the Heritage Branch of the NSW Department of Planning;

5.50 The submitted heritage impact statement prepared by John Oultram Heritage & Design (annexure D) sets out how the proposed works will protect the significance of the heritage item, including both internal and externally visible fabric. The proposed development is therefore considered acceptable in that regard.

5.51 The proposed development will be visible from the nearby Cahill Walkway (an elevated structure associated with the approaches/exits to and from the Sydney Harbour Bridge). However, the proposed retractable fabric roof on steel roof frame will be replacing the existing shade structures on the rooftop of the existing Hotel, would be set in from the edges of the building, and furthermore would be sympathetic to its form whilst having a modern appearance, appropriately distinguishing new fabric from old. The proposed development would not block significant views and would be of a lesser bulk and scale than the existing building to the north. The proposed development is therefore considered acceptable in relation to its visual impacts.

5.52 The application is accompanied by an acoustic report prepared by The Acoustic Group Pty Ltd (annexure C) and by a hotel operational management plan prepared

by Permyon Pty Ltd (annexure I) that demonstrate that the impact of the proposed development upon the amenity of nearby residents would be acceptable.

- 5.53 The proposed development would result in improved facilities that would assist in meeting the demand for such facilities in the locality, particularly the demand associated with the recently completed youth hostel development to the south. In that way the proposed development would enhance the economic viability of The Rocks as a tourism precinct.
- 5.54 The proposed development is able to be carried out in accordance with Building Code of Australia requirements, as set out in the attached BCA building and Fire Safety Upgrade Strategy prepared by Trevor R Howse & Associates Pty Ltd (annexure F).
- 5.55 The application is accompanied by a structural engineering report prepared by Ashby Doble Pty Limited (annexure H) that sets out how the proposed development will improve the structural integrity of the building.
- 5.56 Having regard to the foregoing, it is considered that the approval of the proposed development subject to suitable conditions of consent is in the public interest.

6. CONCLUSION

- 6.1 The subject site, containing the Glenmore Hotel, is within the historic Rocks precinct and is an iconic building presenting significant opportunities for the provision of an excellent hotel facility. However, the site presents challenges because of its constrained dimensions and heritage significance.
- 6.2 The proposed development would improve the standard and capacity of services associated with the hotel, including the provision of improved accessibility for people with a disability, without causing unacceptable impacts to the heritage significance of the hotel or of the site.
- 6.3 With the exception of the accommodation areas in the adjoining building to the north, the hotel is surrounded by non residential uses. The new infill building at the northern boundary of the subject site and the use of a glass balustrade around the perimeter of the rejuvenated rooftop area would provide a further attenuation of noise than currently exists. Furthermore, the application is accompanied by an acoustic and hotel operational management plan that sets out measures to protect surrounding amenity. The proposal is therefore acceptable in relation to impacts upon amenity.
- 6.4 This report sets out a detailed assessment of the proposed development having regard to applicable environmental planning instruments. The application is accompanied by a submission prepared by Smyth Planning requesting to vary drawing XXVIII within the Sydney Cove Redevelopment Authority Scheme applicable to the site. As set out in that submission, the variation sought is minor and arises from the retention of the existing awning, and reconstruction of the balconies and pelmet parapets on the Cumberland Street frontage of the Hotel. On the basis of that submission, it is considered that the variation should be supported. There are no other significant issues in relation to the applicable Environmental Planning Instruments.
- 6.5 This report also sets out a detailed assessment under the other relevant matters for consideration under Section 79C of the *NSW Environmental Planning and Assessment Act, 1979*. Having regard to that assessment, the proposed development is considered to be not only acceptable but to be positive.
- 6.6 Having regard to all of the matters set out in this report, it is considered that the application should be approved subject to suitable conditions of consent.
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