

13 April 2023

Anna Nowland – Project planner
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Parramatta NSW 2124

By email: anna.nowland@dpie.nsw.gov.au

Dear Ms Nowland,

Re: National Trust submission on SSDA32766230 for 35-75 Harrington Street, The Rocks

The National Trust of Australia (NSW) is the State's leading voice for heritage protection, and aims to be the foremost community advocate for both environmental and built heritage. As a close neighbour to The Rocks, the National Trust has long advocated to ensure development in the area respects and remains sympathetic to the immense heritage values of this precinct.

We note that in his capacity as a member of the NSW Heritage Council's Approvals Committee, our Conservation Director David Burdon has made comment on this proposal. To avoid any actual or perceived conflicts of interest, David Burdon has not been consulted on this submission, nor has he provided input or review.

Proposed Development

We understand that a State Significant Development Application (SSDA) has been submitted to the Minister for Planning under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for 35-55 Harrington Street, The Rocks.

Although the site is legally described as Lot 1 in Deposited Plan 775889, this lot comprises two specific buildings, the 'Clocktower Square' building at 35-55 Harrington Street (to which this SSDA relates) and the adjacent Rendezvous Hotel at 75 Harrington Street, which does not form part of the SSDA.

Specifically, the proposal seeks approval for the following:

- Demolition of the existing mixed-use building (referred as the 'Clocktower' building) including the existing 5-storey mixed-use commercial and retail building located on the corner of Argyle and Harrington Streets which was constructed c.1986-89;
- Construction of a new eight (8) storey hotel accommodation building comprising:
 - Two (2) levels of retail and commercial land uses at the ground level and first floor level
 - Five (5) levels of hotel accommodation, providing a total of 206 hotel rooms
 - One (1) level of roof-top space
- Establishment of new publicly accessible through-site links;
- Alterations to the existing basement car park to upgrade to contemporary code compliance;
- Public domain improvements, including three (3) new public spaces, landscaping, and paving; and
- Ancillary works, including site services and stormwater infrastructure



The subject site's lot boundary is indicated in the above plan – note that the current SSDA relates to the area within the turquoise line (image from EIS)

Heritage Context - Significance of The Rocks

The Rocks is an extraordinarily significant precinct, containing more than 150 individual statutory heritage listings. Whilst the subject site was redeveloped in the 1980s and is not listed as an individual heritage item on any statutory heritage registers, it is located within within The Rocks, one of Sydney and Australia's most significant early colonial landscapes.

The National Trust recognised the significance of the precinct in 1978 when it listed The Rocks Urban Conservation Area on its heritage register, noting:

“The Rocks Urban Conservation Area is important both architecturally and historically as one of the earliest areas of European settlement in Australia.

The urban qualities of The Rocks are a combination of streets, buildings and open spaces tied together by a very strong topographical setting.

The ground falls steeply to either side [of The Rocks ridgeline] giving important harbor views and demanding many dramatic cuts into the ridge.

Much of [The Rocks] character is a result of The Rocks topographical nature. This nature allows for many extra views of the harbor ... and is an important contribution to Sydney Harbour itself.”

The subject site is located within the following National Trust conservation areas:

- The Rocks Urban Conservation Area (this is the only National Trust listing noted in the SSDA's Environmental Impact Statement and Heritage Impact Statement).
- Sydney Harbour Landscape Conservation Area.



- Harrington and Argyle Street Precinct, The Rocks.

The subject site is also located within 'The Rocks Conservation Area' on the statutory heritage list, the s.170 Register. It is also located adjacent to, or within the immediate vicinity, of the following heritage sites listed on the state heritage register:

- Terraces, SHR no.01610, located at 55-59 Harrington Street
- Terrace, SHR no.01602, located at 61-65 Harrington Street
- Terrace, SHR no. 01603, located at 67 Harrington Street
- Terraces, SHR no. 01609, located at 46-56 Gloucester Street
- Terrace, SHR no. 01604, located at 32-36 Gloucester Street
- Terrace, SHR no. 01605, located at 38-40 Gloucester Street
- View Terrace N & W Façades, SHR no. 01614, located at 38-40 Gloucester Street
- Argyle Cut, SHR no. 01523, located at Argyle Street

These numerous individual, precinct and conservation areas that the site is adjacent to and/or in within, emphasise the heritage value of The Rocks that was first recognised by the Trust more than 40 years ago. It is imperative that all proposals for change within The Rocks recognise this immense value and respond sympathetically to its heritage significance.

Impact of the proposed new building design

The existing onsite 1980s 'clocktower' building does not have any heritage significance and its scale, bulk and design do not contribute positively to the surrounding conservation area. It is an intrusive item in the urban landscape, and its demolition and removal is supported by the National Trust.

The National Trust consider the proposed materials, colours, incorporation of public walkways and orientation of the new design to be a reasonable response to the existing heritage character and style of the surrounding area. They are an improvement on the existing 'clocktower' building and are more sympathetic to The Rocks context and heritage streetscapes.



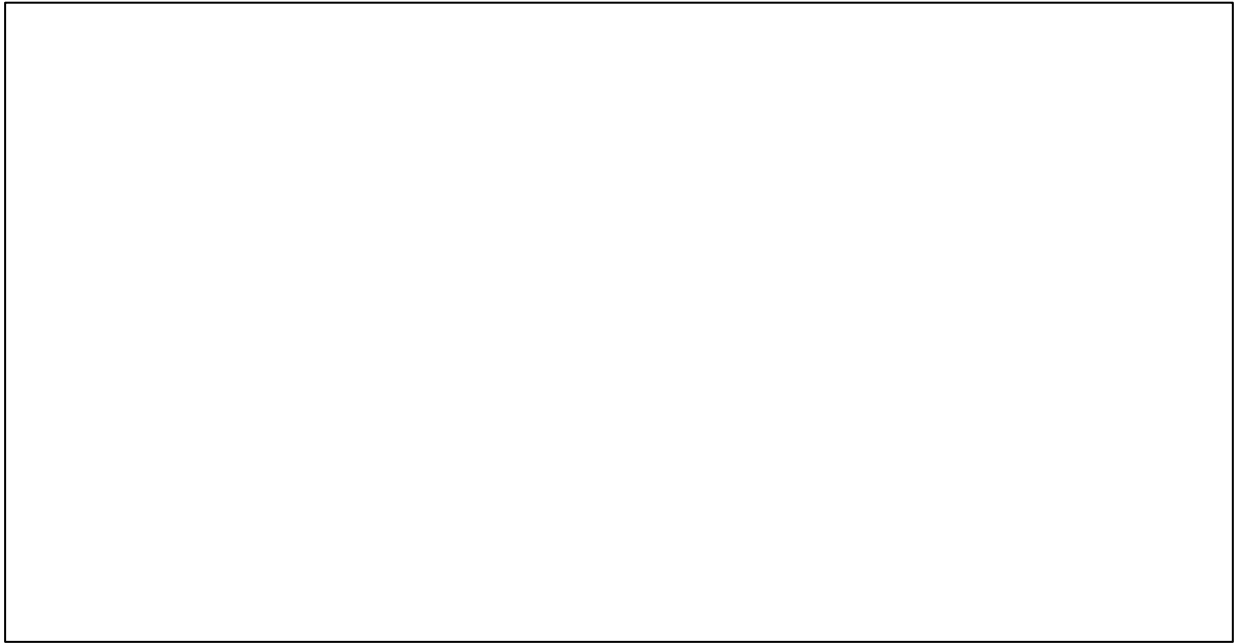
View toward existing 'clocktower' building vs view of proposed new development

Impact of increased building heights

The SSDA proposes to increase the heights of the subject block beyond what is currently allowable for the site. These increased heights represent a significant, large scale change to the approved heights for this predominantly low scale area.

The current allowable building heights:

- The maximum permitted building height across the bulk of the site is RL 35.5 metres
- A lower building height at RL 27 metres is permitted at frontages to Harrington Street and Argyle Street.



The Harrington Street frontage of the proposed building

The SSDA proposes to raise heights as follows:

- Top of Quincy Hotel Rooftop – RL40.9m
- Quincy Hotel Parapet – RL 37.9m
- Harrington Street Podium – RL 23.15m and RL 24.7m
- Argyle Street Podium – RL 26m

Effectively, this results in the addition of two-three stories across the site. The National Trust are extremely concerned that the true impact, particularly that affecting the significance of The Rocks Conservation Area, has not been accurately represented in this proposal (refer comments on visual impact).

The height of the proposed building at this site represents a major change for this part of The Rocks, and crucially, it seeks to raise the building heights beyond what currently exists and what is currently allowed. Proposing and designing such changes should be undertaken carefully, sympathetically and transparently, so that the community can fully understand the scale and impact of the change before approval is considered. In our view, the justification of the increased height does not balance the negative impact to the surrounding streetscape, the heritage character and important viewlines.

We note that the Heritage Council NSW (March 2022 minutes) noted similar concerns, stating “noncompliance [with existing height requirements] without clear justification would be a detrimental precedent for The Rocks”. The Trust agree with the above statement, and feel that this increased height and bulk would have an unacceptable and long term negative effect on the most precious Rocks precinct.



The height and scale of the proposal in relation to the surrounding context, illustrating its inconsistency with the predominantly lower scale buildings and character of the area.

Visual Impact Assessment

The Trust feel that the Statement of Heritage Impact fails to adequately identify and assess any significant historic viewlines that may be impacted by the proposal. The Visual Impact Assessment exacerbates this omission by not including the expertise or input of a heritage specialist in its team, and by applying an arbitrary matrix to how the VIA assigned levels of social and cultural value to its consideration of views. The matrix is not based on any heritage guidelines, best practice or otherwise. The following table is extracted from the VIA and illustrates this matrix:

2.4.4 Social and cultural value

Table 4 provides a general overview of how the ranking for social and cultural value is determined.

Table 5 – Social and cultural value

Sensitivity ranking	Description	Detail
Negligible and low	Low social or cultural value	<ul style="list-style-type: none">No heritage or iconic feature
Medium	Medium social or cultural value	<ul style="list-style-type: none">Local heritage item or heritage conservation area
High	High social or cultural value	<ul style="list-style-type: none">State, national or world heritage item or heritage conservation area, iconic built or natural landscape feature

We note that the VIA considers 16 public domain views across The Rocks, and classifies their social and cultural value as follows:

- 1 view of exceptional significance
- 3 views of moderate significance; and
- 12 views of no significance.

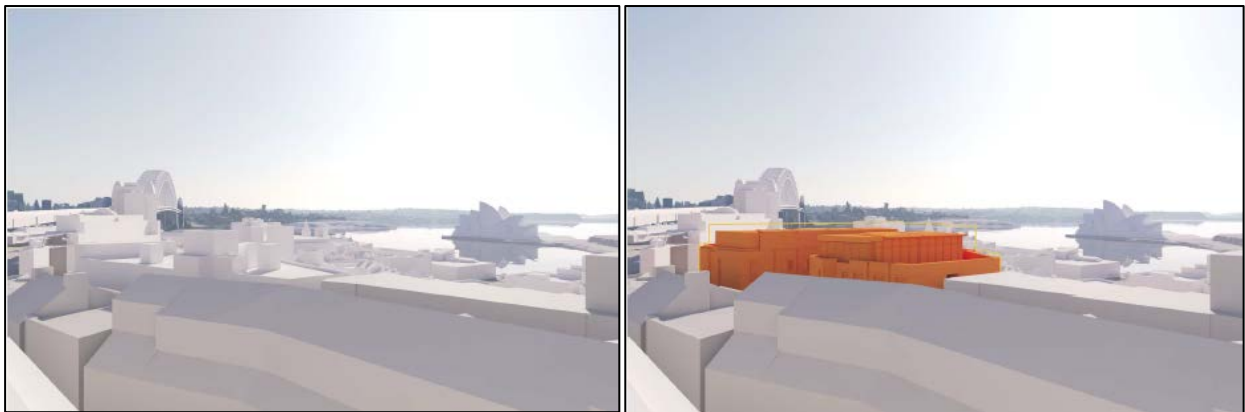
We fail to understand how any view in The Rocks, a statutory heritage conservation area of state heritage significance, can be considered to have “no significance”. The Trust strongly assert that the views within, into



and out of the conservation area are extremely significant and the VIA fails to acknowledge and assess this. It additionally fails to consider the views from all key heritage viewpoints that may be affected by the proposal.

The Trust also question the use of 3D model analysis for private realm views, rather than the best practice standard of photographic montages. The justification of “Due to access limitations associated with COVID-19, photomontages are replaced by representation in an accurate, surveyed 3D city model where required” does not seem plausible for a proposal in 2023, nearly two years after the last lock down in Sydney. Indeed, that every single private realm view did not include a photo montage (and thus visit to the property) creates a veneer of non-transparency.

The large scale of the development does not respect the generally low scale setting of the surrounding heritage conservation area - the height of the proposal means that this impact will be felt on a much larger scale from many vantage points across The Rocks that are not considered in the heritage impact statement or the visual impact assessment.



3D private realm views in the VIA



Photograph illustrating in greater detail the views that will be impacted



In the opinion of the National Trust - views of the site that have not been appropriately assessed

National Trust Recommendation:

The Trust does not believe that the Visual Impact Assessment appropriately indicates the true impact of this proposal on The Rocks and does not adequately assess significant historic or private realm views. The consideration of this SSDA should not be undertaken until an adequate Visual Impact Assessment is prepared.

Statement of Heritage Impact

The National Trust have reviewed the Statement of Heritage Impact (SOHI) for this proposal and we consider that it does not adequately assess the impact of the project proposal on the heritage value of The Rocks Conservation Area or on important and significance viewlines.

The Impact Assessment largely focuses upon the proposed impact on the existing building, which is not a heritage item. It also fails to provide adequate detail of the effect on adjacent and surrounding heritage items and conservation areas, and omits the identification of impacted heritage viewlines. The description contains no outline of significant or important historic views, nor are they considered in the statement of significance. The only view it does consider is that from the project site to the Sydney Opera House. The Trust questions how the impact of the proposals can be assessed against views that themselves have not been assessed.

The impact assessment and policies contain statements that are further cause for concern, including:

- The SOHI states: ***“Overall, the views to and from surrounding heritage items within close proximity to the site are neutral in comparison to the existing Clock tower Square.”***
The Rocks Heritage Management Plan has an overriding principle of Excellence in Heritage Management, meaning that it should “display excellence in heritage management through compliance with well-accepted conservation guidelines”.
The Trust would argue that the proposal’s assessment of its impact on significant views using the benchmark of the existing (intrusive) 1980s building is not good practice, let alone excellent practice. The Rocks is an extraordinarily significant place and any visual impact should be assessed against that significance, not against prior bad planning and design mistakes.
The Trust notes that The Rocks Heritage Management Plan also requires that “new development should be required to comply with ‘infill’ principles to respect the form, scale, character and texture of The Rocks” and argue that this proposal and SOHI do not comply with these infill principles in terms of height, scale and views.



Images showing the existing building and its visual impact on the surrounding historic terraces and their visual relationship with the harbour. The proposed new building will further impact these views and relationships by increasing its height.

- The SOHI states: ***“Other historic views including from the Harbour Bridge approaches and pedestrian”***
This sentence in the SOHI is incomplete and ends as copied above in both the Executive Summary and the Conclusion/Recommendations.
We are unable to establish what the SOHI considers as the impact of these views from these statements and the impact on these views is not set out elsewhere in the SOHI, leaving us to understand that these views have not been adequately considered.
- The SOHI states: ***“Whilst the subject site is situated outside of the UNESCO World Heritage Buffer Zone for the Sydney Opera House, views to and from the subject site have also been considered for diligence and best practice.”***
Once again, these viewlines are not set out or described in the SOHI, nor is their significance assessed, despite the impact of the proposal on them being stated as “positive.”
Additionally, whilst the SOHI notes that the subject site is outside of the Sydney Opera House buffer area, it fails to acknowledge that the Sydney Opera House Conservation Management Plan requires (Policy 2.2) that despite the buffer zone:
*“all agencies involved in assessing, planning or overseeing development proposals on or near Bennelong Point and nearby peninsulas and bays **must give consideration to the creation, retention and recovery of the following views** and vistas to and from the Sydney Opera House ...vistas, progressively or suddenly enlarging to views, **from The Rocks,**” and that “No development should compete with or diminish the prominence and distinctiveness of the form and silhouette of Sydney Opera House to these views and vistas. These objectives should be progressively incorporated into any relevant development strategies.”*
Importantly, the CMP specifically notes that while most of the locations and areas noted in the Policy 2.2 are included in the World Heritage Buffer Zone, some locations **are beyond the Buffer Zone boundaries.**

This impact assessment is not sufficient to assess the heritage impact of this proposal.

Incompatibility with The Rocks Heritage Management Plan

The National Trust finds that the proposal is inconsistent with the values and management principles set out in the The Rocks Heritage Management Plan (HMP).

The Rocks Heritage Management Plan outlines the significance of The Rocks, stating that (page 37):

The place that is ‘The Rocks’, including its setting, associations, associated evidence and the meaning that it holds for residents, workers and visitors, is an irreplaceable resource.

There is, therefore, ***nothing more important about the heritage management of The Rocks than an overarching obligation to conserve it.*** The existing place is the only one that there will ever be.



While it is important to recognise that other factors – including community concerns, commercial objectives, interpretation or simply enjoyment – are all important, caring for the place must be part of the common vision of all those who are involved in management or decision making.

The Rocks exists in public ownership following a twentieth-century process that recognised the precinct's historic and social significance and achieved heritage conservation in the face of competing development proposals.

Ongoing retention of heritage value is therefore a prime long term management objective, duly recognised in the Sydney Harbour Foreshore Authority's statutory role.

In terms of managing this significance, the HMP clearly articulates that:

It is insufficient to expect that recognition of heritage values alone will conserve the place. It is equally naive to contemplate a management regime which would allow the incremental erosion of historic uses, significant fabric and residential communities. Authenticity is the key. The future of The Rocks hinges on its ability to retain a living community in a 'real' historic place – The Rocks is not just for tourists.

The SSDA proposal for a five story hotel of more than 200 rooms, in addition to commercial and retail, would seem however to be designed to attract tourism rather than protect authenticity and significance. Promotion of the proposal notes that "Nestled between Cambridge, Argyle and Harrington Streets, the site at 35-75 Harrington Street has multiple street frontages, ***with strategic views overlooking Sydney Opera House, Sydney Harbour and the Harbour Bridge.***" It is disconcerting that the very proposal that is impacting other important view lines, including those to the Sydney Opera House and harbour, is using those very views to promote its own worth.

Summary

The Trust has long argued for the history of our cities to play a meaningful role in their future. The Rocks is currently imagining, planning, and building projects that will enhance or detract from the character for generations to come. The Trust is advocating for development within The Rocks Urban Conservation Area in a manner and for a purpose that reflects and celebrates that heritage and character.

The proposed design as it stands does not comply with the existing planning controls that have been developed to protect the existing heritage character and setting of The Rocks. The desired outcome for The Rocks heritage is not to make site-specific changes to planning instruments in order to accommodate a proposed development. Rather, serious consideration should be given to re-designing the concept so that it aligns and responds to the current planning instruments and objectives for The Rocks, whilst still delivering the desired outcome and facilities.

As stated in EIS outline of the Project Vision "The proposal represents a significant opportunity for urban renewal and ***to set the benchmark for future development in The Rocks.***" This precedent should not detract from public, private and significant historic viewlines and nor should a precedent be to repeat past mistakes of overdevelopment and excessive heights in such a fundamentally sensitive and significant area. Rather, it should seek to apply excellence in heritage management to the proposal and to all forms of future work.

Please do not hesitate to contact us should you wish to discuss this submission in more detail.

Yours sincerely,

Jane Alexander
Manager, Advocacy