

Richard Davies  
46A Gloucester Street,  
The Rocks, NSW

Department of Planning and Environment

Attention: Anna Nowland  
Acting Team Leader  
Key Sites Assessment

Your Reference: 35-75 Harrington Street, The Rocks (SSD-32766230)

My Reference: 2023-12-10 DPE Response

Correspondence Date: 10 December 2023

Subject: Response to Notice of Exhibition SSD-32766230

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Dear Acting Team Leader,

1. Thank you for your correspondence of 14 November 2023 regarding the Notice of Exhibition for 35-75 Harrington Street, The Rocks, and the amended application and variation to the Sydney Cove Redevelopment Authority Scheme (SSD-32766230).
2. I am the owner of 46A Gloucester Street, The Rocks
3. The correspondence identified above is the first notification I have received regarding this matter. Previous correspondence, which may have been associated with the Exhibition and ReExhibition Assessment of 15 March 2023, has not been received by me. Nor has any previous correspondence. This may be due to the method of delivery. The 14 November 2023 correspondence was received in the letterbox of 46A Gloucester Street, The Rocks only recently. It was in an unmarked, unstamped envelope. It had been lodged in the mailbox with a plethora of other nebulous documents, despite the clearly labelled 'City of Sydney – No Junk Mail' placard. It would appear the method of distribution of the correspondence is archaic and ineffectual.
4. Given the closing date for Submissions, the limited time frame available for response, the volume of documents exhibited, and the quality thereof, I will provide comment on a limited range of aspects.
5. I have no expertise through formal qualification on some of the specialist fields that reports have been provided for. Therefore, I will base my comments on pragmatism and logic, and reflect on the contradictory nature of some of the reports. I will also identify key areas where reports lack substance, possibly due to their reticence to address a particular aspect. I will also identify possible illegal or unethical actions taken by report authors.
6. Given the volume of information, I will address a limited range of documents. It is acknowledged there may be supplementary information regarding an aspect in other provided documents. Your assistance in identifying these, based on my comments, would be appreciated.
7. I submit comments on the following aspects of the documents exhibited:
  - a. Size, bulk, and scale of the proposal,
  - b. Overshadowing,

- c. Visual impact, and
- d. Vibration and acoustic impact

## Size, Bulk, and Scale

8. I principally refer the Amendment Appendix B – Revised Architectural Drawings
9. Sheet No. DA-1200 Rev 2 identifies the existing floor level for Level 6 as having an RL of 32.07, and the parapet wall opposite, across Cambridge Street, and correlating with 46A Gloucester Street, The Rocks as having an RL of 35.7. The parapet wall on the building adjacent to 46A Gloucester Street, The Rocks, across the pedestrian laneway, has an RL of 33.0
10. The sheet also identifies the roofline gutter over the balcony at 46A Gloucester Street, The Rocks as being at RL 35.5. It fails to identify the RL of the balcony floor. In the absence of architectural accuracy in the drawings, and the use of basic measuring devices, I estimate the RL of the balcony floor to be approximately 33.0. This corresponds with basic onsite observation, whereby the balcony floor level correlates to the parapet wall on the adjacent building.
11. I draw your attention to the fact that all three existing buildings referred to have similar RL's and relate to each other in height and are not burdensome on each other regarding height and scale.
12. Sheet No. DA-3002 Rev 2 identifies the proposed Level 6 RL as 36.48, and roof height RL as 41.9. The proposed level 6 RL represents an increase of 4.41 metres. Assuming a ground level RL on Cambridge Street of 17.3 (which corresponds to the drawings RL for Upper Ground) the apparent height in Cambridge Street increases from 14.77 m to 19.18 m: an **increase of 30 percent**.
13. In Cambridge Street the apparent roof height of the proposed building would be 24.6 m (41.9 – 17.3), an increase of 6.2 m above the existing parapet wall (35.7 – 17.3). An **increase of 34 percent**.
14. Similar basic computations could be done for apparent heights in other street aspects, and I expect they would result in increases of similar, excessive magnitude.
15. Appendix H – Architectural Design Report Part 1 contains information that exacerbates the misrepresentation. In the Historical Analysis – Surrounding Heritage Sites it misrepresents the number of stories in the existing building as being 2, yet architectural drawing acknowledges the building as being 6.
16. Appendix H – Architectural Design Report Part 1 Built Form - Form Genesis Sequence Setbacks and Minimising Visual Bulk conveniently only addresses setbacks from a North Easterly direction. It ignores the south-western quadrant, and the diagram Setback Roof Form clearly shows no alleviation of bulk in that sector.
17. Appendix H – Architectural Design Report Part 1 Built Form Cambridge Street diagrams conveniently focus on views in the horizontal plane at ground level and contain no perspective diagrams with vertical representations.
18. Appendix H – Architectural Design Report Part 2 acknowledges the increase in bulk and scale in the Designed to Align with Future Connections diagram. Although purporting to create alignment with the adjacent building. The stated 2.85 m floor to floor in the new building do not create alignment with the floors on the adjacent building and consequently increases bulk and scale despite the claim, and misrepresentation, in the associated text that it would “minimise additional bulk and scale”.
19. The clarity of the applicants ignoring of the southwestern quadrant is clearly exemplified in the diagram contain in Appendix H – Architectural Design Report Part 2 Materials and Façade Roof Form – FT12, which clearly ignores the presence of the Gloucester Terraces in that quadrant, as they are not even present in the diagram.



20. Further, there are many contradictions in the stated RL's between the Appendix C - Supplementary Design Report and the Appendix B - Revised Architectural Drawings

21. Appendix DD – Statement of Heritage Impact states:

“The overall bulk and scale of the proposed development modifies the existing bulk and scale on the site by moving these volumes from away from the street frontages and toward the centre of the site reinstating a more appropriate street wall proportion. The fine grain subdivision of the area is referenced in the division of the vertical volumes and the low scale historic development of The Rocks is reflected in the height and scale of the podiums which directly reference the surrounding historic development including terraces, ...”.

However, as it acknowledges shortly thereafter :

“The curved forms of the podium at the corner of Harrington and Argyle Streets provide a welcoming entrance to the new retail levels of the development referencing the curvilinear forms of some of the surrounding heritage items, including the Orient Hotel and the Harbour View Hotel.”

The setbacks, and there consequential heritage implications, are only applied in north, east, and southern aspects. They conveniently ignore the western quadrant, despite that being the closest heritage building.

22. Another misrepresentation of the scale of the proposal is found in the Appendix DD – Statement of Heritage Impact. Note that the RL for Level 6 is 36.2 and the RL for the roof is 41.3.



23. As acknowledged in Appendix DD – Statement of Heritage Impact there should be provision “The fine grain and human scale of The Rocks should be retained”  
However, the subsequent response only addresses aspects from Harrington and Argyle Streets. It appears a matter of convenience that Cambridge Street, and the properties that adjoin it are ignored by the report author, and consequently the applicant.
24. Appendix DD – Statement of Heritage Impact also identifies Provision Policy 31. This states “Retain views and streetscape at the northern end of Harrington Street and do not allow further large-scale development in the vicinity.”  
The Response states:  
“the volume has been redesigned to disperse the bulk of the development to different portions of the site, overall resulting in a better outcome than the existing, as discussed further in this assessment.”  
It vexes me that the report subsequently states:  
“The overall bulk and scale of the proposed development modifies the existing bulk and scale on the site by moving these volumes from away from the street frontages and toward the rear of the site.”  
Therefore, it must be assumed that Cambridge Street is considered by the author to be the rear of the site. From the perspective of the Gloucester Terraces, it is the front of the site.
25. Appendix DD – Statement of Heritage Impact states:  
“at Cambridge Street, the height datums of the podium level are again drawn from the surrounding horizontal datums on Argyle Street and the Argyle stairs, ensuring that visually the development relates to its surrounding historic streetscape.”  
At Cambridge Street, shouldn’t the height datums be related to Cambridge Street? Is this an inconvenient truth? Or is it being conveniently ignored?
26. As it states in Appendix DD – Statement of Heritage Impact  
“The subject site is surrounded by heritage items”  
It just chooses to ignore the ones that are inconveniently not on the prominent façade.  
“any negative effects of the proposed development have been minimised or removed throughout the design excellence process which has resulted in a design that is sympathetic and respectful of The Rocks and the surrounding heritage items.”, except the Gloucester Terraces next door.
27. The preceding two paragraph readily identify a significant issue with the proposal. The applicant is focussed on a particular orientation of the building and has made proposals that are to the detriment of people and places not aligned with that aspect.
28. Appendix DD – Statement of Heritage Impact also contains the most demonstrative example of the impact of size, bulk, and scale on the site. The site in 1985:



Figure 76 View toward the subject site prior to the start of the clocktower development construction works, c. 1985.

## Overshadowing

29. The Appendix C - Supplementary Design Report addresses clarification of overshadowing to the Gloucester Terraces, and in particular to number 48, and states:  
“Consistent with existing condition, private open space (POS) impacted, but retains 2 hours plus and receives over 6 hours of sun access mid-winter”  
However, the proposal modifies the impacts on 46A Gloucester Street, and negates it from receiving 6 hours of Sun access mid-winter as the increased building size impacts the existing solar access into the balcony private open space at 9am.
30. The diagrams contained in Appendix II – Overshadowing Comparisons are of poor quality and fidelity. They also contradict Appendix H – Architectural Design Report Part 2 Environment and Compliance Overshadowing and Control Envelope Compliance Suns Eye Views, and further do not correlate with observations made directly on-site. Mathematical modelling has many benefits, but if incorrect data or model accuracy is compromised, output is inaccurate and worthless.
31. The Appendix H – Architectural Design Report Part 2 Environment and Compliance Overshadowing and Control Envelope Compliance Suns Eye Views for June 21<sup>st</sup> 9am-3pm does not even contain the Gloucester Terraces in the diagram. The Proposed Control Envelope Neighbour Overshadowing shows the proposed built form, but without the presence of solar panels. These are conveniently excluded in all assessments and reports. The most obvious location for these panels is in the vicinity of the plant room, and therefore will effectively increase the height of the proposed build form, resulting in the morning diagrams misrepresenting the proposed shadowing situation.

## Visual Impact

32. Firstly, there is no clarity between the precedence of Appendix I – Visual Impact Assessment and Appendix N – Visual Impact and View Sharing Assessment. There are indications Appendix I is the latter document. Irrespective. The reports contain materials that pre-date various amended submissions; including but not limited to building form and associated RL's; and therefore, are not valid for the assessment process.
33. I will limit my commentary in the following to the visual impacts on 46A Gloucester Street. This attempts to be addressed in Section 8.6 of Appendix I – Visual Impact Assessment, although the author of the report has clearly got the detail wrong as the content appears to relate to 46A Gloucester Street, rather than 46 Gloucester Street.
34. However, if reliance is made on the diagrams, it is readily apparent that there is a significant visual impact. Views to the harbour are blocked, and significant sections of sky are additionally blocked. Based on an analysis of the supplied montages, it is apparent more than 15 percent visual field is additionally obscured. Additionally, Tenacity Step 1 claim that no iconic landscape features are visible is incorrect, as the harbour view between the current buildings (as demonstrated in the Figure 89 Existing View) is blocked. Therefore, the objective assessment is faulty, and should be re-assessed (To be addressed later in this document)
35. I am concerned. In Appendix I – Visual Impact Assessment, the author states  
“These images represent the views obtained from the upper-level balcony of the northern Gloucester Street terrace at 46 Gloucester Street.”  
Is the product a mathematical model, or did the author obtain unapproved, unauthorised, and illegal access to my property?

36. Additionally, although the Harbour Bridge is not visible from the balcony the reporter is completely ignorant that a clear view of the bridge, including the pinnacle flags, is readily visible from the kitchen / dining area. I regularly admire this view with great satisfaction.
37. In Tenacity Step 3, the reporter states the existing foreground building  
“will be of a higher building mass and building height than the existing building. This will result in the main impact being a replacement of views of the top of the taller building elements in the background and a reduction of sky.”  
Once again an indication of the excessive size, bulk, and scale of the proposed works.
38. To return to Tenacity Step 1, and the preceding paragraphs. As an iconic landscape feature; the harbour; is visible.
39. To proceed with the methodology described in Section 2.0 of Appendix I – Visual Impact Assessment, the following ‘ratings’ can be justifiably applied.
- a. Type of person (Refer Table 2.4.3) = High (People, whether residents or visitors, who are engaged in active or passive outdoor recreation whose attention or interest is likely to be focused on the landscape and on particular views)
  - b. Number of people (Refer Table 2.4.2) = Low (Low number of people)
  - c. Social and cultural value (Refer Table 2.4.4) = High (State, national or world heritage item or heritage conservation area, iconic built or natural landscape feature)
  - d. Visual characteristic (Refer Table 2.4.5) = Medium for the balcony (Presence of other valuable features such as a land / water interface or CBD skyline, or a rare, representative, intact and attractive built or natural landscape feature (eg, streetscape)) and High for the kitchen/dining area views (A dominance and unrestricted visibility of features identified as having high sensitivity, often in the form of a panorama or focal view)
  - e. Therefore, the resultant Sensitivity Ranking equates to HIGH.
  - f. Given the duration and reversibility is ‘ongoing and irreversible’ and the Scale would be a major change over a restricted area, the Magnitude would be assessed as, at least, CONSIDERABLE.
  - g. Subsequent application within Table 8 results in an outcome of **HIGH**, with the footnote to the Table clearly stating:  
“For private views, consideration is made against Tenacity.”
  - h. This is significantly different from the report which states:  
“On the qualitative Tenacity scale, this view loss is assessed as minor.”
  - i. I find it ironic that, despite the supposed expertise of the report author, the term ‘Minor’ does not exist in the Tenacity result scale.
40. Given that this review of single, simple aspect of VIA is demonstrably so incorrect, the veracity and accuracy of the remainder of the report must be questioned. Extrapolating errors of similar magnitude to assessments to/from other viewpoints makes the report ignominious.
41. All reports fail to identify location and aspect of rooftop solar panels. These are simply reported as being additions over and above any restrictions on size, bulk, and scale, and have not been included effectively in any analysis on the impact on views.
42. Appendix DD – Statement of Heritage Impact states:  
“the views to and from surrounding heritage items within close proximity to the site are neutral in comparison to the existing Clocktower Square.”  
From the preceding analysis of size, bulk, and scale, and that of the impacts on views, this is another example of the applicants’ reports being inaccurate, deceiving, and self-serving.
43. Additionally, regarding current views available from 46A Gloucester Street, the Opera House is regularly visible through an alignment of windows in the existing building from the east lower floor bedroom. This view also will be expunged by the proposed building.

44. Appendix I – Visual Impact Assessment states:

“while photomontages provide an indication of the likely future visual environment, they can only provide an approximation of the rich visual experience enabled by the human eye.”

This is certainly evident in the lack of clarity and fidelity in the images and assessments of this report versus the reality of the vistas viewed on-site.

45. An associated aspect to visual impact is light spillage. Appendix L – Lighting Impact Assessment Report states that a project requirement to be addressed is ‘Spill light’ “entering neighbouring ... residential and adjacent properties”. The report clearly identifies the Gloucester Terraces as being impacted in the Site Analysis – Spatial Mapping. The report then, ironically, does not in detail address how the requirement would be achieved. From my interpretation of the report, it appears that because of the height of the building adjacent 46A Gloucester Street lighting will flood down on the residence, and particularly the eastern lower floor bedroom, from above.

### **Vibration and Acoustic Impact**

46. Appendix W – Noise Impact Assessment contains an extensive amount of data that I have not been given adequate time to review or have reviewed.

47. Prior to construction commencement it is imperative that a Dilapidation Report be obtained for the Gloucester Terraces from an independent and agreed consultant, and that any detrimental effects on the building by construction or ongoing operation be always rectified by the applicant.

48. The principal concern for the residence at 46A Gloucester Street is the very close proximity of the proposed plant room. The Appendix W Report does not seem to contain specific requirements for this aspect and relies on general statements in Section 4.3 of Appendix W – Noise Impact Assessment. Constant monitoring of noise levels will be required, particularly as plant and equipment noise levels increase over time due to their mechanical degradation. This must include the ability to demand plant shutdown if noise or vibration levels are exceeded. A more logical approach would be to relocate the plant and equipment location away from immediately adjacent to residential dwellings and closer to, or within, the commercial space in the building. Alternatively, plant and equipment, which undoubtedly would operate 24 hours a day, could be consolidated into a more northern positioned plant room; increasing the distance from heritage listed residential dwellings and be closer to non time critical commercial premises. This would be more appropriate given the applicants previous statements about setbacks to reduce the proposed buildings size, bulk, and scale.

### **Conclusion**

49. Overall, the quality of the submissions, and their contradictory content, makes meaningful review and assessment of the proposal nugatory.

50. The proposed building has many and varied detrimental effects on the amenity and ambience of 46A Gloucester Street, The Rocks in particular, and in general to the heritage listed Gloucester Terraces of 46-58 Gloucester Street, The Rocks, and the milieu of Cambridge Street, The Rocks.

51. As detailed in Appendix Q – SIA, CPTED and Engagement Report,

“The primary communities of interest that comprise the social locality ... includes the site and immediate neighbours. It is expected that residents and other key stakeholders (e.g., local business owners, neighbours, tourist/visitors to the area, Police etc), will be most impacted due to their proximity to the Proposal site.”

The level of community engagement was woefully inadequate. A supposed distribution of

approximately 500 newsletters occurred within The Rocks area. How were they distributed? What proportion went to nearby residences? I did not receive this newsletter, and I have a publicly accessible mailbox. How can a report that relies on only five interviews for stakeholder engagement be taken seriously? The credibility of subsequent analysis within the report regarding impacts and risk assessment are doubtful given the level of sampling. Yet there were 23 meetings with governance and approval bodies in the same period.

52. Appendix Q – SIA, CPTED and Engagement Report states:

“Respondents expressed notable levels of concerns for all potential impacts identified in the survey. The potential impacts which received the most concern included:

- Visual impact of new building on local character (85.0 per cent expressed some degree of concern).
- Privacy/lines of sight (70.0 per cent expressed some degree of concern).
- Overshadowing (65.0 per cent expressed some degree of concern)”

These are basically the same aspects identified in this response, and as has been demonstrated above, have been inadequately addressed in the original and revised proposal.

53. It appears that some reports contained in the proposal misrepresent information or are uncommunicative in certain aspects that may have detrimental aspects in the proposal and are possibly complicit with the applicants’ desire not to identify certain issues.

54. At a minimum, changes need to be made to the:

- a. Size, bulk, and scale,
- b. Overshadowing,
- c. Visual impacts, and
- d. Vibration and acoustic impacts

of the proposed building.

55. Therefore, I object to the amended application. The reasons are addressed precedingly in this submission.

56. Also, the notification of exhibition needs to be more effectively distributed.

57. Given the proportionality of the scale and volume of the building to The Rocks precinct, the Minister for Planning and Public Spaces should direct a public hearing be held.

58. I have made no reportable political donations in the last two years.

59. I acknowledge and accept the Departments disclaimer and declaration.

60. I apologise for any typographical or minor content errors. This response was produced in a very limited time frame due to the inadequate notification process. Additionally, I would expect the courtesy of having additional time to review the contents of the multitude of expansive and contradictory reports, that surely goes beyond the capacity of an individual to synthesise and respond within the extremely limited time frame. The reports and proposal have had many years to be produced, yet respondents are only given 28 days (if adequately notified) to respond. Obviously an incongruous situation.

61. Given the quality of the timeliness of the notifications of the proposal, please send all future correspondence via registered mail.

62. I thank you for this opportunity to comment and make a submission. I eagerly await your response on this matter before further action is instigated.

Yours sincerely,

Richard Davies, JP  
Owner, 46A Gloucester Street, The Rocks  
Burgess of the City of Sydney