

6 April 2023

Our Ref: R/2023/9
File No: 2023/154349
Your Ref: SSD-32766230

Anna Nowland
Department of Planning and Environment
via Major Projects Planning Portal

Dear Anna

**Advice on Environmental Impact Statement – 35-75 Harrington Street, The Rocks
– SSD-32766230**

Thank you for your correspondence dated 10 March 2023 inviting the City of Sydney (the City) to comment on the Environmental Impact Statement (EIS) and supporting documents submitted for the development proposed at 35-75 Harrington Street, The Rocks.

The development seeks approval for redevelopment of the site, including:

- Demolition of the existing mixed-use building
- construction of a new eight storey hotel, comprising two levels of retail/ commercial uses, five levels of hotel accommodation with 206 hotel rooms and a roof top space above
- new publicly accessible through-site links
- changes to the basement car park
- associated landscaping on various levels; and
- Public Domain improvements and ancillary works.

It is understood that the new hotel will ultimately connect to the existing Rendezvous Hotel adjoining the site to the south, at 75 Harrington Street. Proposed works to the Rendezvous Hotel will be undertaken under separate planning approvals.

It is noted that the site and the roads and streets surrounding it are owned and managed by Place Management NSW.

The City has reviewed the submitted documents and provides following comments for your consideration. Please note that where relevant, the City recommends conditions of consent which can be provided to DPE when required.

Please note that the City's Urban Design advice on the proposal will be provided separately once it is finalised.

1. Heritage

The site is not an individually listed heritage item, although it is located within The Rocks Conservation Area on the Place Management NSW Section 170 Heritage and Conservation Register. The subject site is also located adjacent to and nearby several heritage items within Harrington, Gloucester and Argyle Streets.

Overall, the proposed building takes cues from the nearby heritage items and The Rocks as a whole and integrates with the surrounding area better than the existing building. In particular, the height and scale of the podium draws direct reference from surrounding historic buildings.

The recommendations outlined in the Statement of Heritage Impact prepared by Urbis, dated 18 November 2022, should be implemented as conditions of consent for any approval granted. This includes:

- *A Heritage Interpretation Strategy should be prepared for the site by a suitably qualified heritage consultant as a condition of the approval. The Heritage Interpretation Strategy should identify significant themes and narratives for interpretation, as well as identifying locations, media, and indicative content for interpretation. Interpretation should be developed throughout detailed design and construction phases in conjunction with the project architect and other specialists as required.*
- *Prior to the issue of a Construction Certificate a Photographic Archival Recording should be undertaken of the place and must be prepared in accordance with the NSW OEH Heritage Division's Guidelines for 'Photographic Recording of Heritage Items Using Film or Digital Capture'.*

Similarly, the recommendations relating to archaeology, contained in Section 8.1 of the Historical Archaeological Assessment, prepared by Urbis, dated 24 April 2022, should also provide conditions. The City have also recommended conditions of consent that can be provided to DPE when required.

2. Landscaping

2.1 SEARs compliance

All proposed landscaping is located on slab. The Landscape Plans provided with the EIS include planting design, plant schedule and some typical details only.

The plans do not clearly demonstrate compliance with Point 8 of the SEARs relating to Trees and Landscaping. Further information is required to demonstrate a coordinated and complete design. Specific comments are provided below.

2.2 Through site links

Three pedestrian through site links are proposed to improve connectivity and activation at ground level. These include:

- 'East-West Link' from Harrington Street
- 'North-South Link' from Argyle Street
- 'Diagonal Link' from corner of Argyle Street and Harrington Street

Due to existing topography of the surrounding streets, the through site links include flights of stairs at Argyle and Cambridge streets and within the lower and ground floor levels. On Cambridge Street there is a 1:30 ramp to a concealed lift and from Harrington Street an equitable entrance via 1:14 ramps.

The EIS is unclear if there through site links will allow public 24 hour access with an easement or privately owned and publicly accessible.

Further comments on the through site links will be provided with the City's Urban Design advice under separate letterhead.

2.3 Wind report

- The wind reports that wind tunnel tests were conducted without any landscape at ground level despite existing street trees in Harrington and Argyle streets.
- Private terraces to hotel rooms on Level 1 and 2 are only suitable for walking.
- The communal terraces on upper ground level and Level 6 will be suitable for standing criteria. This is despite the design intent and proposed uses being hotel amenities and swimming pool, outdoor bar, and lounge seating areas to encourage patrons to sit and dwell.
- The wind report recommends mitigating wind impacts on Level 6 communal terrace at point locations 40, 42, 43, 44 the perimeter planters are to include 1.5m high shrubbery and seating with back rest 1m high.
- Wind mitigation measure recommendations are not coordinated and reflected in the landscape design.

2.4 Greening and future canopy cover

Point 8 of the SEARs requires the EIS to demonstrate how the proposed development would:

- mitigate the urban heat island effect and ensure appropriate comfort levels onsite.
- contribute to the objective of increased urban tree canopy cover.

In terms of urban tree canopy cover, there is discrepancy between the EIS, Architectural Plans and Landscape Plans around street trees being retained and any new trees proposed.

The EIS report indicates two trees are proposed within the site, one *Elaeocarpus reticulatus* (Blueberry Ash) as a feature tree on ground level and one *Cupaniopsis anacardioides* (Tuckeroo) on the roof top level. However, the Tuckeroo is not depicted on the Landscape Plan or Landscape Report/ Plant Schedule.

In addition, there are inconsistencies in the extent of proposed landscaping on various levels including inaccessible green roofs (refer to the subheading below).

The site is owned by Place Management NSW. One of the Premier's Priorities in the former NSW Government was for 'Greener Neighbourhoods', which included a

commitment by the NSW Government to achieve 40% urban tree canopy cover for Greater Sydney by 2036.

The City is significantly concerned about the lack of tree canopy cover provided with the proposed development. Having regard to the site; the tree canopy should be increased to provide at least 15% canopy coverage to satisfy the Point 8 of the SEARs.

In summary, we note the following:

- Tree canopy has not been adequately considered and is insufficient. The new development should be capable of meeting the greening targets within the site boundary and add to the amenity, appeal as a sustainable hotel offering in a changing warming climate.
- There are inconsistencies and insufficient information to demonstrate the proposed trees and greening.
- The proposal in its current form is unlikely to meet the greening targets required to cool the building and reduce UHI in the surrounding area.
- To increase greening on the site, the proposal should also be amended to increase greening on the site by providing inaccessible and extensive green roofs with diverse plant species to increase biodiversity, improve stormwater infiltration on the site and to help cool the building and surrounding area. Consideration of maintenance access working at heights must be made and demonstrated in the design.
- Adequate soil volumes should also be indicated as per Sydney City Landscape Code Volume 2 recommendations for on structure planting as well deep soil provisions.

2.5 *Drawing coordination and extent of landscaping*

The Architectural and Landscape Plans are not coordinated and the extent of proposed landscaping is unclear. Architectural Plans indicate landscaping at lower ground, ground and levels 1, 2, and 6. However the landscape drawings only include works at lower ground and level 6 (part).

There are a number of inconsistencies between the Architectural and Landscape Plans, for example:

- Level 1 Architectural Plans include perimeter planters to 11 eastern hotel terraces that are not included in the landscape drawings. The Roof Plan (DA-2007[01]) indicates an inaccessible green roof in the central void that is not shown on the Architectural level 1 or Landscape plans (refer to Figure 1 below).



Figure 1: Architectural Level 1 plan (DA-2000 [01]) with landscape areas shown in magenta

The Level 2 plan includes perimeter planters to the northern edge of 11 hotel rooms that is not included in the landscape plans (refer to Figure 2 below).

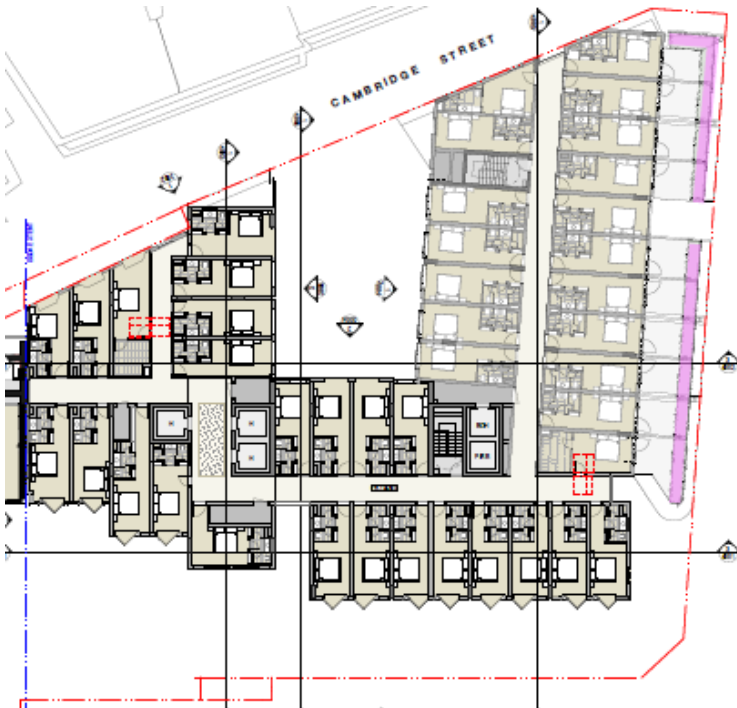


Figure 2: Level 2 plan (DA-2001[01]) with landscape areas shown in magenta

The Level 6 Architectural plans indicates areas of planting to the south of plant areas (Figure 3 below) that are not included in the landscape plans.

While the landscape plan include planting on the western edge of Level 6 that are not shown on the architect plan.

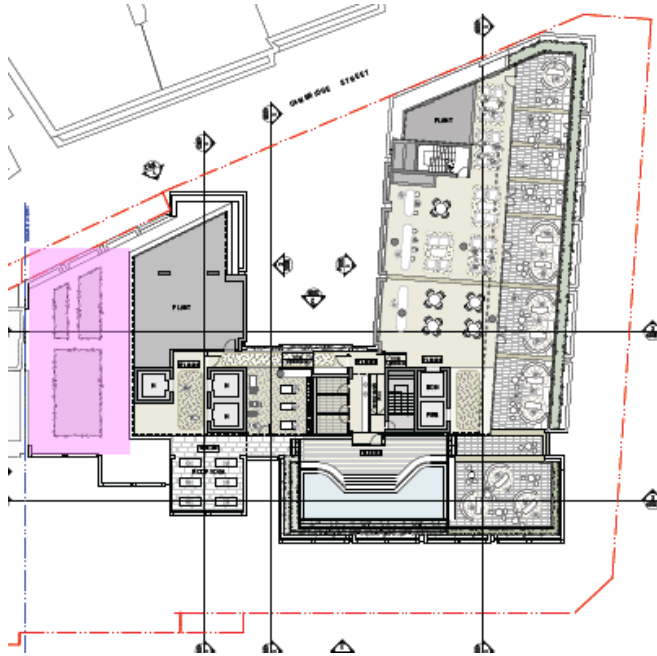


Figure 3: Level 6 plan (DA-2002[01]) with landscape areas shown in magenta

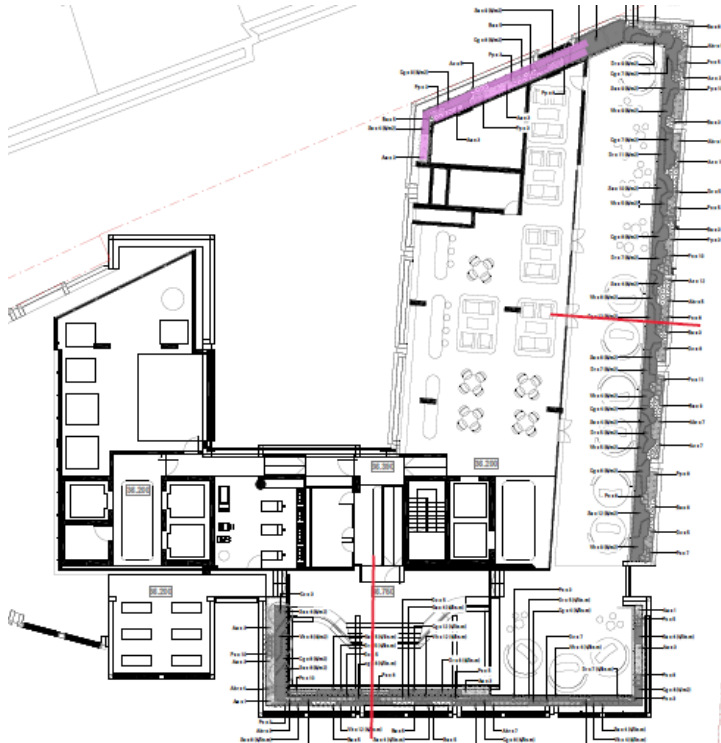


Figure 4: Landscape Level 6 plan (L404 [A]) with landscape areas shown in magenta that are not included on architect plans

2.6 Landscape design on structure

Lower ground and ground level

- Water feature 'opportunities' are proposed internally on Cambridge Street near a seating area and off Argyle Street next to a flight of steps and terraced planter. There are no details or levels to confirm the design of the water features and planters.
- There are insufficient levels to confirm the height of planters and determine if there is adequate soil depth and soil volume to support the proposed new tree and feature tree ferns to meet the requirements of the Landscape Code.
- On new small sized tree is proposed at Harrington Street entry in a narrow raised planter with approx. 4.5m³ soil volume which is significantly underprovided. The planter design should be amended by increasing the size to support a tree and meet the requirements of the Landscape Code.
- Amended plans are required confirming the new tree planter provides 9m³ soil volume to support the healthy growth of a tree to maturity.

Level 6 rooftop terrace

- The Level 6 Rooftop terrace includes hotel amenities and swimming pool, outdoor bar and lounge area. The spaces are edged by narrow perimeter planters ranging in width from 300 to 680mm wide. There is a lack of clarity for the terrace levels and whether the planters are BCA compliant forming the balustrade to prevent people stepping up into planter and falling over the building edge.
- The proposed planting palette comprises a native species that are sun loving. These plants will be shaded by the mature Plane street trees in warmer months. The planting design should be properly reviewed to ensure final species selection meets the site microclimate and available access to sunlight.
- There is a pool on the eastern corner of the roof terrace accessed by stairs. No pool fence and gates are shown and whether this sits on the outside edge of the perimeter planting.
- The landscape plans must be co-ordinated with the architect and updated to show all landscaping proposed, include levels (RL, SSL, TW), location of balustrades, pool fencing and all features. Include two sections through the roof terrace (red lines) to demonstrate the design, levels, balustrades/fencing

2.7 Design of landscaping on slab and Landscape Code generally

The success of landscape on slab requires great design, coordinated services, soil depth and soil volume, drainage, watering systems and ongoing maintenance.

It is requested that the applicant:

- Review the design of all planters and freestanding pots (if applicable), to ensure landscape areas on slab achieve the minimum soil depths and soil volumes in accordance with the Landscape Code

- Provide updated plans with levels (SSL, RL, TW), typical details and confirm the soil volume for all new trees.

2.8 Green roofs

There is insufficient information to determine if green roofs are proposed (shown on the Architectural Plans). Additional information is required to demonstrate a green roof design, species, and access and maintenance requirements

There is opportunity to provide additional green roofs for rainwater harvesting, help cool the buildings, reduce energy consumption, with plant species that contribute to habitat creation and biodiversity.

It is requested that the applicant:

- Provide additional information to confirm whether intensive or extensive green roof system, soil depth, drainage and irrigation profile, species
- Outline how the green roof will be accessed at installation and ongoing maintenance including transport of materials, green waste removal and safe access requirements.

Landscape conclusion

The City supports greening on structure and inaccessible green roofs; however, the landscape design must be coordinated, feasible and demonstrate integration of landscape design excellence and be designed to meet the soil depth and soil volume requirements of the Landscape Code.

The design intent could be supported in principle, following submission of a coordinated amended design that demonstrate the landscape design excellence, that resolves these issues.

3. Tree management

An Arboricultural Impact Assessment report for the site has not been provided with the EIS.

There are 16 trees located in the vicinity of the proposed development, including:

- Nine *Platanus x acerifolia* (London Plane) located along Harrington Street and Argyle St
- Seven *Gleditsia tricanthos* (Honey Locust) located along the walkway of Cambridge Street. Two of these trees are located within the garden beds adjacent to the existing building on the corner of Argyle Street and Cambridge Street.

All trees are of a mature age with heights of approximately 7-18m. All trees were observed to be in good health and structure at time of assessment (24/3/23).

The four *Platanus x acerifolia* (London Plane) located along Argyle Street are dominant to the streetscape area in conjunction with the London Plane trees located on the opposite side, forming a dense canopy archway over the street. These trees appear to be of significant age with trunk diameters at breast height of up to 800mm.

All 16 trees assessed are considered to be of high retention value and should be retained in the proposed development. The Landscape Plan and Architectural Plans indicate that the nine *Platanus x acerifolia* (London Plane) located along Argyle Street and Harrington Street are to be retained.

However, there are inconsistencies with the plans. The Landscape Plan indicates that seven of the *Gleditsia tricanthos* (Honey Locust) are to be retained whereas the Architectural Plans indicate that four of these trees will be retained. The plans should be consistent indicating trees that are for retention.

An Arboricultural Impact Assessment (AIA) report must be prepared to assess the impact of the proposed works on the street trees and outline tree protection measures. The report should be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture, be written in accordance with the Australian Standard AS 4970 2009 Protection of Trees on Development Sites (AS4970) and include the following:

- Identification and assessment of the 16 trees listed above
- An assessment of the impact of the proposed works on the trees, including any above and below ground constraints
- Details of design and construction methods to minimise impacts on the trees
- Details of any required pruning in the form of a Pruning Specification (including marked up photos)
- Details of tree protection measures in accordance with AS 4970 2009 Protection of trees on development sites and preparation of a Tree Protection Plan (drawing) showing the Tree Protection Zones and tree protection measures
- Details of other works that must be prohibited throughout construction and development

In addition to the above, we reiterate the issue of insufficient future canopy cover provided within the site and recommend that at least 15% canopy coverage be provided to satisfy the requirements of the SEARs.

4. Transport and access

4.1 Bike parking

The quantity of bike parking proposed meets the SDCP 2012 requirements, which is supported. It is noted that hotel visitor bike parking is provided in the basement rather than at-grade. This is accepted given hotel guests will need to store bikes for longer than visitors of other land uses and will require higher security.

Clarification is requested as to the path of travel for hotel employees to access the End of Trip facilities.

Further, there is no retail EoT facilities or bike parking shown on the drawings. Clarification is requested as to whether this is intended to be shared with the hotel staff EoT space.

Car parking

No on-site car parking is proposed for hotel or retail staff, which is supported.

However, the City raises concern that the basement car park is being justified on the grounds that it is ancillary to the hotel, when it is actually intended to be operated as a public commercial car park (Wilson's). The use of these spaces as a public commercial car park generates significantly more traffic than the same number of spaces dedicated to hotel-use only. The transport report states that 'the car park would continue to function as a public car park operated by Wilson Parking open for use by hotel guests and the general public'.

We raise the following issues that require further clarification:

- The car parking rates in the SLEP 2012 are only intended for determining ancillary parking, not a standalone car park. The LEP states that 'development for any purpose if car parking spaces are to be provided in relation to that purpose but not if the development is for the purpose of a car park').
- While we acknowledge that the SLEP 2012 does not strictly apply to the site, the LEP car parking rates are being used to justify the number of parking spaces provided on the site and we argue that this is being applied incorrectly (per the above point).

Given the above, we ask that clarification be provided on the drawings as to which parts of the basement will be used as the Wilson's commercial car park and which will be dedicated hotel/ retail use.

4.2 Loading

The proposed quantity is much lower than the DCP rates, with the DCP recommending 8 spaces and only 3 proposed. Further, the proposal seeks to remove an existing bay while intensifying the land use. We raise concern that this provision may be too low and risks impacting on the local streets.

Transport for NSW's Urban Freight Forecaster tool also recommends loading rates similar to the SDCP 2012 (7 spaces total, made up of 4 vans, 2 SRVs and 1 MRV/HRV space), which is also well above both the 4 existing spaces and the 3 proposed.

The swept paths show a 7.7m garbage truck, not the standard Council truck. The proponent should confirm that they are able to engage a contractor with vehicles no larger than these dimensions.

4.3 Vehicle access

The driveway locations remain unchanged and are supported. The driveways must follow the City's specifications and be perpendicular to the footpath.

4.4 Construction impacts

We recommend that a CTMP be required to be submitted and approved prior to commencement of works on the site.

5. Acoustic impacts

5.1 Operational noise

Noise levels from the operation of the venue in full operation (all patrons and background music has been predicted to be compliant at all surrounding and residential receivers, provided the following recommendations are implemented:

- 80 patrons in each of the dining areas on Lower Ground and Upper Ground at any one time, staff not included.
- 250 patrons on the rooftop common area, including the pool area, bar and dining spaces, with one third of the people in the external areas of the rooftop at any one time.
- With regards to internal music within the venue, background music being played in the internal restaurant areas must be limited to 75dBALA10 when measured as a sound pressure level within the space.
- No music is to be played in the outdoor seating areas.
- All operable windows and doors to external seating areas are to be closed after 12am (i.e., midnight).
- Removal of glass or waste should be done internally and must not be taken after 10:00pm and before 7:00am.
- A contact number must be displayed for the purposes of receiving any complaints if they arrive.
- Signs must be displayed at all exits reminding patrons to be mindful of noise when leaving the premise.

It is recommended that the Department ensure that the development is required to comply with the mitigation measures outlined above.

5.2 Construction noise

City of Sydney Construction hours and noise in the city Code of practice 1992 specifies that a certificate of Acoustic Performance (For D of Code of Practice) is required for the following appliances: Pile drivers, hydraulic hammers, Machine mounted rock breakers, sand blasters, steam cleaners, mole borers.

Applicant is required to provide a Certificate of Acoustic Performance to Council for each proposed appliance.

6. Public domain

6.1 Fire egress doors

The Architectural Plans show fire egress doors opening out into the pedestrian path of travel on Harrington Street. This poses a risk to footway users if the doors were to be opened outwards in an emergency. The applicant is requested to revise plans to show that all egress doors open wholly within the building line and do not present a risk to adjacent footpath users.

6.2 Levels and gradients documentation

Levels and gradients documentation is requested to provide details on how the proposed new building will interact with the surrounding streetscape. This will be of benefit to determine accessibility and show where the building's internal FFLs may need to be adjusted to accommodate any differences in levels with outside the building.

Land outside the building should not be required to be adjusted to accommodate the new FFLs. Pedestrian paths of travel should be smooth and consistent to comply with DDA requirements and standards.

The Levels and Gradients documentation should be in accordance with the City's Public Domain Manual and Streets Design Codes.

Refer to - <https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications/public-domain-manual>

and <https://www.cityofsydney.nsw.gov.au/design-codes-technical-specifications>

and <https://www.cityofsydney.nsw.gov.au/policies/inclusive-and-accessible-public-domain-policy>

6.3 Public domain plans

It is recommended that the consent include conditions for the submission and approval of a Public Domain Plan for the site.

The plans should include all existing and proposed elements in the footways, roads and paths surrounding the site with consideration being given to accessibility and levels, stormwater overland flow, street and path lighting, amenity/shade trees, planting/landscaping, seating (consider access requirements/standards), wayfinding, service pits/lids, kerb and gutter, street furniture such as bins and bike stands, traffic signage/parking, etc.

It is also recommended that the plans align with the City's Public Domain Manual, the Streets Design Code and Technical Specifications, and lighting and access policies.

6.4 Stormwater drainage and stormwater quality

- Council's records confirm that the existing stormwater assets surrounding the site frontages are owned by Sydney Water and Darling Harbour Authority. Therefore, proposed connection to the kerb inlet pit at Argyle St/Harrington St intersection will require approval from the relevant authority.
- A stormwater drainage design needs to be submitted to the Council for approval - this can be imposed as a condition of consent.
- A preliminary stormwater quality assessment was submitted with a snapshot from MUSIC Model which confirms that the development can achieve stormwater quality targets. A MUSIC Link report has not been submitted, the City of Sydney (City) has adopted MUSIClink for assessing Water Sensitive Urban Design (WSUD) compliance for developments. A stormwater quality assessment for the proposed development must comply with the City's specific modelling parameters as adopted in MUSIClink. A certificate and/or report from MUSIClink and the electronic copy of the MUSIC Model must be submitted for review and approval with the stormwater

quality assessment report. A condition is recommended to comply with this requirement.

6.5 Flooding

A flood assessment is included in the Flooding and Stormwater SSDA Report. The flood assessment have also determined flood planning levels and Finished Floor Levels have been set at or above the City of Sydney's Interim Floodplain Management Policy requirements. These FFL's are shown on relevant 1% AEP & PMF Flood

It is recommended that a condition is included on the consent to verify that the development has been constructed to the determined flood planning levels as shown on the Plans prepared by TTW (Job No. 191156, 1% AEP Flood Plan, Drawing No. C10, Revision P2, dated 23.11.22 and PMF Flood Plan, Drawing No. C11, Revision P2, dated 23.11.22).

7. Waste management

7.1 Waste storage

The Waste Management Plan (WMP) refers to the hotel as having 292 rooms; the EIS refers to 206 hotel rooms. This is to be clarified in the WMP.

The proposed waste collection involves 5 x per week collection for most waste streams (as shown in Table 1 of the WMP). It is recommended that a larger waste storage area be provided to allow for less frequent collection. The waste storage areas are not marked on the architectural plans, however the WMP refers to the waste storage rooms as being on the lower ground floors.

Waste storage space must be provided to store 2 days' generation of all waste streams. As part of the Sustainable Sydney 2030-2050 plan, the City is seeking to limit truck movements to ease road congestion. As such, waste collections should ideally be limited to a maximum 3 x weekly for all waste streams not the proposed 5 x weekly collection.

7.2 Waste collection

The WMP states that the loading dock size, position and head clearance will remain unchanged from existing conditions. It also states that no fundamental change to the site's waste collection scheme is proposed under this WMP. This is not correct, given the increased waste that will be generated from the hotel and the restaurant/ bar.

The proposed low vehicle clearance is not supported by the City as it severely limits the number of waste service providers and other vehicles that will be able to service the site. While it is proposed that a Pulpmaster machine or similar will be used, the applicant should confirm the minimum clearance requirements for a truck that will be able to service the food composting equipment that is proposed.

In light of the two issues raised above, the following information is requested:

- The plans of the proposed development should be marked up to show:
 - The location and space allocated for waste storage and associated equipment.

- Bins drawn to scale, distinguishing between sizes and proposed layout within the waste storage area.
- Clearly label storage areas, ie. 'hotel waste storage area', 'retail waste storage area', 'bulky waste', etc.
- Include a minimum door width of 1500mm for the transfer of 1100L bins.
- Vehicle access for collection and loading is to provide:
 - minimum vertical clearance of 4m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
 - provide allowance for the use of a 9.25m Council garbage truck and a small rigid delivery vehicle, to future proof the building.
 - collection vehicles are to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes.
 - maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
 - a minimum driveway width of 3.6m; and a minimum turning circle radius of 10.5m.
 - where vehicle access is via a ramp, design requirements for the gradient, surface treatment and curved
 - sections are critical and must be analysed at an early stage in the design process.

8. Contamination

A Detailed Site Investigation has been submitted with the EIS. Overall, the site is considered to be suitable for the proposed development, subject to recommendations:

- Unexpected finds protocol for any unexpected finds of contamination to be in place
- Waste classification during offsite disposal by a suitably qualified consultant
- Further testing should groundwater be intercepted during proposed excavation
- Hazardous building materials survey to be conducted prior to demolition (provided, see below comments).

A Hazardous Building Materials Survey has also been provided. It recommends:

- Assumed ACMs be sampled prior to commencement of demolition works to determine asbestos content.
- Hazardous building materials to be removed by licenced contractor prior to commencement of works.
- If suspected hazardous materials are encountered during demolition works, work must cease and a hygienist must be contracted to determine.

We recommend conditions of consent to reflect the above, which can be provided to DPE when required.

9. Public Art

As the cost of development is over \$10 million, a Preliminary Public Art Plan is to be provided.

10. Digital and physical models

It is noted that both digital and physical models of the proposed development are required to be submitted for assessment. The City's Model team issued Initial Data Extraction files for the applicant in 2022 but the models have not yet been received.

Should you wish to speak to a Council officer about this advice, please contact **Samantha Kruize, Senior Planner** on 9265 9333 or at skruize@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Corradi', with a stylized flourish at the end.

CHRISTOPHER CORRADI
Area Planning Manager