



**ANGEL PLACE
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SYDNEY NSW 2000**

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24 April 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attention: Tim Green (Planning Officer – Key Sites Assessments)

Dear Tim,

SECTION 4.55(2) MODIFICATION 3 TO SSD 7037 | 75-85 HARRINGTON STREET, THE ROCKS | RESPONSE TO SUBMISSIONS

1. INTRODUCTION

This letter has been prepared on behalf of Golden Age and Hannas The Rocks Pty Ltd (the Applicant) in response to the NSW Department of Planning, Industry and Environment (DPIE) requests for information dated 20 December 2019 and 16 March 2020.

During (and after) the public exhibition period of this modification application in December 2019, submissions were received from the following agencies:

- City of Sydney Council.
- TfNSW (formerly RMS).
- NSW Planning, Industry and Environment (formerly OEH).
- Heritage Council of NSW.

While no referral response was received from the following agencies, they have provided landowners' consent to lodge the modification and it can be assumed they do not have an objection to the proposal:

- Place Management NSW.
- Sydney Trains.
- Transport for NSW (TfNSW).

Addressed in this letter are key issues that have been identified by agencies during the exhibition of the proposed development located at 75-85 Harrington Street, The Rocks.

This letter addresses the above in Table 1 below.

2. DETAILED RESPONSE TO SUBMISSIONS

A response to the matters raised in agency submissions is provided within Table 1 below:

Table 1 – Detailed Response to Submissions

Issue	Response	Refer to
NSW DPIE		
<i>The Department requests that you provide a response to the following:</i>		
1. Consideration of the NSW Government's Sydney Access Strategy (2018 update), the City of Sydney's Cycle Strategy and Action Plan 2018-2030 and the need for the ramp to cater for the safe movement of pedestrians and cyclists	It is noted that the proposed ramp will provide a key (currently missing) link identified under the NSW Government's Sydney Access Strategy (2018 update) and the City of Sydney Council's Cycle Strategy and Action Plan 2018-2030. The Sydney City Centre Access Strategy contains three east/west bike routes across the city centre, one of which is alongside the Cahill Expressway. Consistent with the intent of this strategy, the proposal will provide a continuous 'shared' facility for pedestrians and cyclists (refer to further commentary in item #6 below regarding 'shared use'). Further to the above and as outlined on p.7 of the submitted modification application report prepared by Urbis – the ramp enables a local bike network connection identified under the City of Sydney Council's Cycling Strategy and Action Plan. In conclusion, the proposal is consistent with the abovementioned strategies and will deliver a clear public benefit by resolving the considerable DDA issues in the locality, building on the through site link (from Harrington to Gloucester Street) approved as part of SSD 7037.	N/A <i>Refer to further comment on 'shared use' of the ramp in item #6 below</i>

Issue	Response	Refer to
2. A signage strategy to assist in directing ramp users to and from the public lift located within the approved development, in order to gain access between Gloucester Street to Harrington Street.	A signage strategy drawing (ref: SK200401_01) has been prepared by FJMT. It shows zones for directional signage between the ramp and public lift. The requirement to install directional signage in these zones can be a condition of consent.	Appendix A
City of Sydney Council		
3. The proposed landscaping is supported in principle as it will provide a visual buffer to unsightly structures, especially when viewed from Harrington Street. It is unclear, however, if the landscaping plan has been prepared by a qualified landscape architect.	FJMT is a multidisciplinary firm with in-house expertise offering design services in Urban Design, Architecture, Interior Design, Landscape Architecture and Community. The submission was prepared with input from the Architecture and Landscape Architecture teams which includes qualified Landscape Architects.	N/A
4. There does not appear to be any detail shown on the landscape drawing as to soil depth profiles and irrigation. If there is to be irrigation (which is a necessity), will it use any rainwater harvested from the development site?	The proposed garden on grade is labelled in the submitted architectural drawing set as 'MPB1 – Mass Planter Bed on Grade' (refer to Drawing 8809 Rev J). A softscape detail sketch (which forms part of the upcoming Construction Certificate package) is attached to this RtS for information, which illustrates appropriate soil depths – refer to Appendix B. In terms of irrigation, the development has a rainwater tank located beneath the public through-site stair which feeds the site-wide planting. A variety of potable water sources will feed the tank, including the rainwater collected from roof catchments, as outlined in the approved BASIX certificate. The Applicant can also explore the inclusion of a tap for manual irrigation and maintenance in the area beneath the ramp (at Construction Certificate stage), if deemed necessary.	Appendix B

Issue	Response	Refer to
5. Also, with respect to the stainless steel cable mesh for landscaping, how successful will the chosen species be able to climb the wire? <i>Hedera helix</i>, in particular, are normally associated with climbing upon solid surfaces, such as walls. Furthermore, will the mesh wire have sufficient strength to hold its taut sculptural shape over time?	In addition to <i>Hedera helix</i>, the planting palette includes <i>Lonicera</i> and <i>Trachelospermum</i> species. These species were selected for their twining habit specifically, as they are suited to growing up the tensile mesh. The Carl Stahl Xtend mesh is a robust product that is also used in zoo facilities. The mesh was specified to deliver the taut tensile strength suited to this application.	
<i>Cycleway / pedestrian ramp</i>		
6. The long promised ramp is very welcome, and is not only a part of the <i>City of Sydney's Cycle Strategy and Action Plan 2018-2030</i>, as mentioned, but is also a key link in the <i>NSW Government's Sydney City Centre Access Strategy</i> (2013). The <i>Sydney City Centre Access Strategy</i> has three east-west bike routes across the city centre, the northern one being alongside the Cahill Expressway. This project should provide the missing access to the State government's Cahill Expressway bike route – including for people riding who have children with them or on their bikes and those who have a disability and use their bikes as a mobility aid. As such, it is not appropriate to have a discontinuous facility which requires or forces people to dismount. The Department of Planning Industry and Environment should ensure that this new infrastructure is fit for purpose and fulfils	The application (as lodged) included comment that, while the ramp will be wide enough to function as a shared path in accordance with DDA and Council standards, it is not recommended to be designated as one due to the potential for conflict between cyclists and pedestrians, particularly disabled pedestrians. Signage (requiring cyclists to dismount) and bollards (to physically slow down cyclists) were recommended to mitigate the safety hazard. It is noteworthy that this mitigation measure was put forward on the basis of comment from RMS (a landowner) during the pre-lodgement phase of the project. However, having regard to the comments raised by the City of Sydney Council and in consideration of DPIE's RtS letter, the Applicant understands the need for the ramp to be used by both pedestrians and cyclists. Accordingly, the ramp is proposed to be used as a 'shared' facility (no bollards or signage requiring cyclists to dismount), with different mitigation measures to be explored and implemented during the CC phase of the project (i.e. post determination) to reduce the	N/A

Issue	Response	Refer to
NSW Government strategies and plans, and is consistent with its original intent. See attached letter from SHFA CEO dated 31 January 2008 repeatedly stating the ramp should be for people walking <u>and</u> cycling.	risk of collision and conflict. Some options to mitigate risk include: • Direction line marking to create lane division. • Tactiles to reduce speed where appropriate. • Reflective signage and/or lighting to direct bicycle and pedestrian traffic and indicate the correct passage and reduce speeds; and • Directional marking and signage to clearly communicate pathway/cycleway safety and courtesy expectations. The applicant is aware that the City of Sydney has a Shared Pathways Pavement Marking Guideline and intends to use this in the design development of the ramp. The Applicant is willing to consult with RMS during the CC phase on these design solutions.	
Place Management NSW		
7. No comment received.	Noted. PM NSW gave landowners consent to lodge the application and it is assumed they have no objection to the proposal. PM NSW have also subsequently reviewed and granted landowners' consent to the additional works described in Section 3 below.	N/A
Sydney Trains		
8. No comment received.	Noted. Sydney Trains granted landowners consent to lodge the application and it is assumed they have no objection to the proposal.	N/A

Issue	Response	Refer to
Transport for NSW (TfNSW)		
9. No comment received.	Noted. TfNSW gave landowners consent to lodge the application and it is assumed they have no objection to the proposal.	N/A
TfNSW (formerly RMS)		
10. Ultimately, TfNSW has no objections for the proposed shared use of the ramp. However TfNSW does reiterate and support comments and recommendations from the Access Report prepared by Morris Goding Access Consulting. Whilst the minimum shared path width of 2.5m as per Austroads is being met, it may not be wide enough to cope with pedestrian volumes that are likely to use the ramp and as such should include design measures to reduce any potential conflict between cyclists and pedestrians.	See response to item #6 above.	N/A
NSW Planning, Industry and Environment (formerly OEH)		
<i>Aboriginal Cultural Heritage</i>		
11. If the Department determines to grant approval, EES recommends that any conditions recommended by the Aboriginal and Historical Archaeology Assessment prepared by Urbis dated 11 November 2019 be included as conditions of consent.	Noted. These recommendations/conditions can be included in the modification consent.	N/A
Heritage Council of NSW		
12. As delegate of the Heritage Council of NSW, I note the following:	Noted.	N/A

Issue	Response	Refer to
- The proposed works are not located within the SHR curtilage of a state heritage listed individual item or conservation area. - The proposed works would have no adverse impact on views from the nearby SHR items. - The provided Aboriginal and Historical Archaeological Assessment concluded the proposed works would involve no further excavation. Therefore, no further heritage comments are required.		

3. OTHER AMENDMENTS

The Applicant also seeks two further (minor) amendments to SSD 7037 under this modification application. These changes relate to the Bakers Terraces and basement parking levels. The requirement for these changes has arisen due to the ongoing design development of the building(s) as construction and purchaser requirements are progressed.

The scope of each amendment was discussed with NSW DPIE officers prior to the lodgement of this RtS. NSW DPIE did not raise any objection to accepting them as part of this modification application, provided additional landowners' consent from PM NSW was also obtained prior to lodgement (which is provided at Appendix D).

Bakers Terraces

Below is a list of changes required to the Bakers Terrace drawings:

- Raising the Bakers Terrace basement FFLs by approx. 200mm to avoid archaeology impacts. Associated with this, one additional tread has been added to the Cambridge Place steps to align with revised FFLs.
- Reverting raised floor level in the BT68 bedrooms (as per originally submitted and approved DA).
- Removing walls which were previously assigned heritage significance (before it was known they are 1990s infill).
- Kitchen layout in BT68 has been redesigned to cater to heritage limitations for the window-sill heights. No external profile (façade) or GFA amendments.

Because these changes relate to an item retained on the State Heritage Register, Urbis Heritage have reviewed the scope of changes and provided a Heritage Impact Statement (refer to Appendix E). The HIS concludes:

“This addendum to SSD 7037 Modification 3 seeks minor amendments resulting from additional information uncovered as the construction process progresses and detailed design development. It is considered that the proposed works are minor and would have no heritage impact. The works are supported from a heritage perspective.”

Basement Parking Levels

A series of minor changes are also sought to the Basement drawings to reflect internal replanning resulting from design development, authority engagement and purchaser requests. See Table 2 below which summarises these changes:

Table 2 – Basement Level Amendments

Description of Amendment	Rationale	Impact
1. Redistribution of residential storage cages	Rearrangement for better access and efficiency across both basement levels.	Nil impact. Zero change to the overall quantum of storage area. 58 bicycle parking spaces are retained in accordance with the consent, as modified.
2. Redistribution of parking spaces	For better access, safety and visibility, also improving distancing to/from service and maintenance systems.	Nil impact. Rearrangement results in no change to the number of car parking spaces, or the number of accessible spaces.
3. Relocation of fire-fighting water tank	Relocated below Cambridge Place courtyard and above Retail on Harrington Street to achieve a gravity-fed Deemed to Satisfy solution with the Fire Engineer and Fire Brigade (FRNSW). <i>See further explanation below.</i>	Nil impact. The basement area (where the tank was formerly located) will be undercroft/not usable and concealed by a block wall. An access panel will be available for maintenance and security control.

By way of further explanation, the Basement 2 water tank is/was proposed for firefighting purposes. After liaison with the Fire Brigade it was deemed too deep to pump from and could not achieve compliance with the Brigade’s requirements/standards (i.e. water pressure, depth of tank etc).

The builder (Icon) developed a Deemed to Satisfy solution, in conjunction with the Fire Engineer, by relocating the tank in the empty space below the courtyard and above the rear of the Cambridge retail on Harrington Street.

The new location allows the water tank to be gravity fed, which is a preferable solution. The relevant architectural drawing (FJMT Ref: 2004) has already been updated (for CC) to incorporate the new tank location and fire-fighting booster assembly. FRNSW have been informed of these changes (via the Applicant's fire engineer/PCA) and have provided endorsement.

4. CONCLUSION

Having regard to the above, NSW DPIE may modify SSD 7037 pursuant to Section 4.55(2) of the EP&A Act because:

- The proposal represents substantially the same development for which the consent was granted.
- The environmental impacts arising from the modifications are acceptable with regard to Section 4.15(1) of the EP&A Act.

In summary, the proposal can be supported on environmental planning grounds and warrants the support of the Minister. We therefore recommend that approval for modification be granted, subject to the conditions proposed by the Applicant.

If you have any questions, please do not hesitate to contact me at (02) 8233 7607 or egreen@urbis.com.au.

Yours sincerely,

A handwritten signature in cursive script that reads "Edward Green".

Edward Green
Senior Consultant

Enclosed: Appendix A: Signage Strategy Drawing prepared by FJMT
Appendix B: Softscape Detail Sketch (for information) prepared by FJMT
Appendix C: Additional Architectural Drawings (for approval) prepared by FJMT
Appendix D: Landowners' consent from PM NSW for additional changes
Appendix E: Heritage Impact Statement prepared by Urbis