

21 September 2016

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Andy Nixey, Planner
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Dear Andy,

RE: SSD 7037 – Mixed Use Development, 75-85 Harrington Street, The Rocks

I refer to your invitation to comment on SSD 7037 for the redevelopment of 75-85 Harrington Street, The Rocks. The proposed development is the demolition of existing structures, retention and re-use of the "Bakers Terraces" fronting Gloucester Street and construction of a part-6 and part-9 storey mixed use development containing residential, retail and commercial uses.

The City has had an opportunity to review the proposal and wishes to convey its **objection** to the proposal.

The proposal is not acceptable and should be rejected or refused by NSW Planning & Environment, or the Planning Assessment Commission should the proposal proceed to a recommendation for approval.

Suitability of the Site

The site is not suitable for the proposed development. The following contentions in relation to apartment amenity and the contextual fit of the proposed scale of development support the City's views that the proposal is not suitable.

The issues below were raised in a pre-lodgement consultation meeting with Council Officers on 4 December 2015. Marginal improvements have been made since this time.

State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) and the Apartment Design Guide

The extent of non-compliance with key amenity standards of the recently implemented Apartment Design Guide (ADG) is not acceptable and is not supported by the City.

The proposed compliance is quoted as 48% of apartments having natural cross ventilation (where 60% is the objective) and 53% of apartments having at least 2 hours access to sunlight to open space and windows (where 70% is the objective). The extent of apartments with no direct access to sunlight is 31% where 15% is the maximum in the ADG.

There are residential uses below the level of Gloucester Street where poor amenity will be achieved.

It is an inappropriate planning pathway to increase the height of the proposal through a Sydney Cove Redevelopment Authority (SCRA) amendment to accommodate a residential proposal that performs poorly against the criteria of the ADG (the State's own control). This clearly indicates that the site is not a suitable location for the extent of residential development proposed.

The DA documents refer to the site being challenging for SEPP 65 compliance. The proponent is not bound to residential use. The orientation of the site and the commercial office component at the southern end are said to be the major challenges. Also stated is that the design has prioritised views to Sydney Harbour and Circular Quay which results in orientation with poor solar access.

The Architectural Design Report has an error in the form of an incomplete extract advising the client how the proposed level of ADG compliance with natural cross ventilation can be improved. This reads:-

“There are options for improving this percentage through the relocation of commercial space or a hybrid stack assisted ventilation proposal, however the amenity of the apartment (sic) is high due to their size, dimension, open space allocation and”

It should be noted that whilst hybrid stack assisted ventilation is not natural cross ventilation, notwithstanding the recommendations of the architects' to improve the performance of the building in relation to the ADG should be adopted if it is inappropriately approved.

Any perceived positives of the proposal are outweighed by inappropriate land use selection where poor residential amenity outcomes are the result. A redesign of the project is necessary. A different use or alternative uses at lower levels, such as commercial premises or non-permanent residential uses, are necessary. For instance, changing the use of Levels 2 and 3 in Block 1 is estimated to raise solar access compliance to about 65%, which when supplemented by minor amendments to apartment areas/mix could achieve compliance. Cross ventilation would also increase, but not by the same degree to achieve compliance. Cross ventilation compliance could be achieved by the removal of one apartment on either side of Block 1 to create two additional generously sized and genuine corner apartments per floor.

The positive aspects of the development including the through-site links, retail activation, office land uses providing a shielding effect towards the Cahill Expressway, heritage conservation works and the like can still be achieved within a scheme that is SEPP 65 compliant.

Excessive building height

The proposed non-compliance with the SCRA Scheme is not supported in relation to Block 1. The maximum height for Block 1 in the Building Site Control Drawing is RL 41.0. The proposal extends to RL 50, with the proposed top 2 floors being non-compliant and displaying insufficient transition from the northern and western lower-scale heritage precincts.

The finer grain form of the Bakers and Susannah Place Terraces to the north, and Gloucester Street terraces to the west demand a greater transition in the height of the proposal. All of these items are listed on the State Heritage Register.

The attainment of additional private gains through non-compliant height, principally through seeking greater exposure to views of the Harbour is not supported and not in the public interest where there are adverse heritage impacts. As it stands, the proposal is not in keeping with the context of its surroundings.

An increased setback is required at Levels 7 and 8 from the northern edge of the building responding appropriately to the heritage context. It is recommended that B1 706, B1 701, B1 801 and B1 806 are deleted.

Transport and Access

Excessive car parking

The proposed car parking provision is well above the rates of the Sydney Local Environmental Plan (LEP) 2012a and is not supported. This is also exacerbated by insufficient bicycle facilities as discussed below.

The provision of 95 car parking spaces is highly excessive. This is more than double the 41 spaces permitted under Sydney LEP 2012. The proposed parking will have an adverse impact on traffic in the surrounding local streets, in an area which is highly pedestrian-oriented and highly accessible to employment and a wide range of sustainable and active transport options.

It is recommended that the parking be reduced to comply with the Sydney LEP.

The proposal does not address encourage sustainable or active transport and modal shift away from private vehicles.

A Green Travel Plan is required to demonstrate that the site will encourage modal shift away from car use and to the use of Sustainable Transport options (for staff, customers and residents) such as walking cycling and public transport. A Green Travel Plan will include (but is not limited to the following):

- providing mode share targets which promote sustainable travel behaviour,
- means of minimising travel demand by private car
- means of maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

Insufficient bicycle parking and end-of-trip-facilities

The bicycle parking provisions for the site are insufficient.

The only proposed bicycle facilities for the development is for 26 bicycle spaces to be provided in the public domain in Harrington Street. The provision of bicycle facilities for a private development within the public domain is not supported.

Even if the proposed 26 bicycle parking spaces were provided on site, this would account for just 25% of the requirements under Sydney DCP 2012. The proponent states that consideration of more bicycle facilities might be carried out at construction certificate stage. This is not acceptable. The provision of such poor bicycle parking is in contrast to other comparative residential developments in the

CBD where buildings are competing to install cutting edge bicycle facilities where buyers are attracted to the bicycle facilities of the building.

It is recommended that the site provide bicycle parking at Sydney DCP 2012 rates as itemised below.

Bicycle Parking Type	Number	Requirements
Residential	64	Spaces must be Class 2 bicycle facilities
Residential visitor	7	Spaces must be Class 3 bicycle rails
Non-residential	14	Spaces must be Class 2 bicycle facilities
Non-residential visitor	16	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	14	

Notes: Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B", and class 3 as class 'C'.

Resident bicycle parking is preferred as class 2 facilities (known as Class 'B' in the latest Australian Standards) and provided as per AS2890.3:2015. Resident bicycle parking spaces are to be consolidated in one area within the ground or basement level 1 car park area, for easy access and identification.

The provision of Class 1 storage cages as part of the bicycle parking amenity might be acceptable for a very limited number of spaces. However Class 2 bicycle parking spaces are strongly preferred. The City notes the following:

- The provision of class 1 storage cage does not provide comparable facilities to class 2 since class 1 facilities compete with the storage of larger furniture items at the expense of bicycle parking. Class 2 parking spaces located in one centralised location (consolidated in one area within a building car park) is much easier for access and identification and is preferred by Council.
- It is noted that the layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.
- As per the Sydney DCP 2012, access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each other.
- Bicycle parking is to be provided on the uppermost level of the basement: As per the DCP, all bicycle parking must be located on lower ground or basement level 1 (first floor below ground). It is not acceptable from a practical or safety point of view to have cyclists riding down to basement level 3 in this instance. The provision of any class 1 bicycle parking does not diminish this requirement.

Staff bicycle parking spaces and end-of-trip facilities must be provided in accordance with Sydney DCP 2012. Staff parking must be class 2 parking and should be located in an easy-to-access location on ground floor or basement level 1 in a separate location to the residential parking area.

Visitor parking should be class 3 facilities (known as Class 'C' in the latest Australian Standards) and provided as per AS2890.3:2015 and be provided at an accessible at-grade location. As per the Sydney DCP 2012, bicycle parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.

Wayfinding Signage is to be provided to direct cyclists to bicycle parking. Refer to Australian Standard AS 2890.3:2015 for details.

The provision of upgraded bicycle and pedestrian facilities to connect to the site must be considered. Little to no information has been provided on pedestrian and cycle connection upgrades to the site to meet the likely future demand within the precinct and connections to the external network.

Provision of cycle connections and pedestrian facilities to Gloucester Street must be prioritised and is identified in the City of Sydney Cycleway Strategy. Infrastructure improvements should include:

- identifying cycleway and pedestrian improvements on Gloucester Street and connections into and through the site; and
- identifying cycleway and pedestrian connections linking Harrington Street and Gloucester Street to the Cahill Expressway shared path. It is noted that Council, Sydney Harbour Foreshore Authority, RMS and Sydney Rail support this in principal.

Inadequate servicing of the site

The design of the loading dock facility is insufficient to accommodate the service needs of the site. The dock has been designed for a 6.4m small rigid vehicle (SRV). It does not accommodate access for a residential waste collection vehicle or residential removalist trucks. It is questionable that one SRV space is sufficient for the needs of the commercial and retail tenancies proposed. The City will not support the use of public on-street spaces for the servicing needs of the site.

In addition to the redesign of the loading dock to handle waste collection vehicles and medium rigid vehicles, a loading dock management plan is required.

Waste collection needs to be accommodated within the site as per the requirements of the Sydney DCP 2012. The City does not support the storage of bins on footpaths whilst they wait for collection. A residential storage area must be provided that allows bins to be collected from the loading dock.

A residential waste storage area for bulky items must be demonstrated. It appears that waste areas nominated for "Block 1" and "Block 2" do not accommodate bulky items.

Car parking layout

The design of the basement car park should comply with AS/NZS 2890 and Council's DCP. It is noted that there are a number of non-compliances in this regard including:

- Accessible parking spaces do not comply with AS/NZ 2890.6.

- Parking spaces that require “reverse in only” do not provide the 1m end of aisle clearance required by AS/NZS 2890.1
- Swept path movements adjacent to ramps and aisle turns show that manoeuvring does not work.

Car share

A minimum of 1 car share space must be provided as per Sydney DCP 2012. These spaces must be provided on-site. The car share space should meet the following conditions:

- The space must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- The space must be made available to car share operators without a fee or charge.
- The space must be sign posted for use only by car share vehicles and well lit.
- The space must be accessible to members of the car share scheme at all times. This should be incorporated into the building design. It is noted that the provision of car share on street would not be supported in this situation.
- The car share space are to be available at the same time that the car park commences operation

Access driveways

Consolidation of existing driveways from two to one is supported. Consolidated service vehicle entry and residential car park entry is also supported on traffic, urban design and public domain grounds.

A swept path analysis needs to be undertaken and the driveway must be designed to accommodate a 9.25m Council waste vehicle for the loading dock.

The driveway width should be as narrow as necessary to accommodate the largest vehicle entering the site.

Vehicle access to the site is to be designed to give priority to pedestrians and cyclists by continuing the footpath materials and grade across the crossing.

The proposed kerb extension is not supported. Rather than have a kerb extension occur across the proposed driveway, the City would support a kerb extension being extended to the west beyond the driveway.

Environmental Health matters

Land contamination

A Phase 1 Preliminary Contamination Assessment has been prepared.

The preliminary site investigation has concluded that further investigation is needed under a Detailed Environmental Site Investigation to address the potential sources of contamination identified. A soil and ground water investigation is required on the site due to previous extensive land use (fill) and engineering which has occurred. The Detailed Environmental Site Investigation is required for the Department's full

and proper assessment under SEPP 55. Depending on the findings of the investigation, a Remediation Action Plan and advice from an accredited NSW Site Audit may also be necessary for the Department to satisfy itself that the site is suitable for the development under SEPP 55.

Prior to any soils being removed a waste classification assessment must be undertaken to ascertain proper disposal.

Noise

The acoustic assessment provided covers the standards of compliance that the building will need to achieve. However, a proposal of how this is to be achieved has not been provided. The City would expect to see, amongst other things, specifications for glazing thickness and window seal performance. Mechanical ventilation may be required where natural ventilation is not possible due background noise level impact on habitable areas. In regards to mechanical ventilation, acoustic performance needs to be carried out after installation and a commitment to this has not been provided.

Construction Management

The acoustic assessment has provided a concept of the areas to be considered in a Noise Vibration construction management plan. The Noise Construction Vibration Management Plan has not been submitted therefore full demolition, excavation and construction noise impact has not been adequately assessed.

Public Domain

There are two affected public domain frontages in Gloucester and Harrington Streets which are owned by NSW Government Property (previously SHFA). The frontages consist of existing clay brick paving in good condition and existing vehicular crossovers. The frontages are not currently well activated at street level with walls generally being the pedestrian experience. The existing street trees will be retained except where affected by a proposed vehicle crossover.

The residential lobby for Block 1 is an alcove at the footpath interface and should be redesigned to remove the obvious crime prevention through environmental design (CPTED) issues this generates. A limited indent is desired. The glass line of the lobby should be brought forward.

The applicant has suggested changing the finishes of the Harrington Street and Gloucester Street frontages to the SHFA palette. This change is not supported as it would leave the street frontage with conflicting treatments. Given the area has consistent clay brick paving it is recommended that the clay brick paving is reinstated to provide consistency in the public domain until a larger area can be upgraded.

Public Art

The proposal does not provide details with respect to incorporating public art into the buildings or the public domain.

Conclusion

The proposed development in its current form seeks to derogate from State Government planning regulation in NSW and would set a highly undesirable precedent. The proposed development is an overdevelopment of the site with an inappropriate use proposed.

Notwithstanding, the City is happy to meet with the Department and the Applicant to further discuss any proposal moving forward.

Thank you for providing an opportunity to comment on the proposed development. Should you wish to speak with a Council officer about the above, please contact Russell Hand, Senior Planner, on 9265 9333 or at rhand@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', with a large loop at the bottom left and a horizontal flourish at the end.

Graham Jahn AM
Director
City Planning | Development | Transport