Application for Variation to the Sydney Cove Redevelopment Authority Scheme

75-85 Harrington Street, The Rocks

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urbis

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1 Introduction

1.1 BACKGROUND

This Report has been prepared by Urbis on behalf of Golden Age and Hanna The Rocks Pty Ltd to accompany an Environmental Impact Statement that seeks approval for the redevelopment of 75-85 Harrington Street, The Rocks.

On the 22nd May 2015, the Secretary's Environmental Assessment Requirements were issued for this project under Schedule 2 of the Environmental Planning and Assessment Regulation 2000 and Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*.

The Site is located within Site XXV under the provisions of the *Sydney Cove Redevelopment Authority Scheme* (SCRAS). Under the SCRA Scheme, the relevant Building Site Control Drawing for the site is Drawing XXXV. The current and applicable version is Drawing XXXV-A endorsed by the Minister on 23 September 2007. The principal implications of this Building Site Control Drawing include the location, height and size of buildings envisaged for the site.

This report seeks to formally vary the Sydney Cove Redevelopment Authority (SCRA) Scheme to facilitate the proposed works.

1.2 PROPOSED DEVELOPMENT

The proposed works involve:

- Demolition of the existing built form at 85 Harrington Street, The Rocks (known as Harrington Court)
- Excavation of the site to provide for 2 levels of basement car parking to accommodate 63 car parking spaces.
- Construction of a new mixed use building comprising of residential, commercial and retail land uses.
- Retention of the existing c1875-1880s Bakers Terraces (four merged terraces) and their conversion into basement/ lower ground level dining / café and upper level residential units
- Vehicular ingress and egress off Harrington Street (this is consolidated from two existing vehicular crossovers to one)
- Landscaping and public domain improvements.

1.3 PROPOSED VARIATIONS TO SCRA SCHEME

The proposal involves works that extend beyond the approved building envelope for the site. As the proposed works do not comply with the SCRA Scheme Building Site Control Drawing, the Regulations require a formal variation to the plan prior to the approval of an application.

The current provisions of the SCRAS limit the maximum height of buildings on the site to RL 41.0 with a lower building height of RL 35.0 (corresponding to the northern portion of the site adjacent to the Baker's Terraces). The proposed building has been designed to have the following top RLs:

- Top height of the roof to Block 1: RL49.43
- Top height of the roof to services on Block 2: RL38.9

1.4 STATUTORY CONTEXT

This application is made under Clause 4 of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999. It is submitted concurrently with the Environmental Assessment which seeks consent from the Minister for Planning under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Clause 9(2) of the Sydney Cove Savings and Transitional Regulations sets out the matters for consideration for any draft variation to the SCRA Scheme. An assessment of the proposed variation against Clause 9(2) has been undertaken as part of this report.

1.5 SUBJECT SITE

The subject site is located at 75-85 Harrington Street, The Rocks, as illustrated in the aerial photo and locality plan at **Figure 1.** The subject site is legally described as Lot 1 DP 777033, and is under ownership of Sydney Harbour Foreshore Authority.

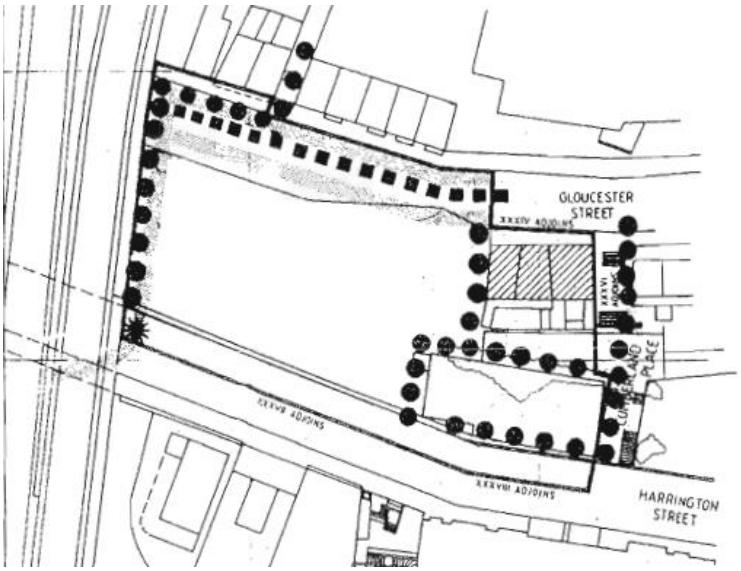
FIGURE 1 – AERIAL PHOTO AND LOCALITY PLAN

2 Applicable Building Site Control Drawings

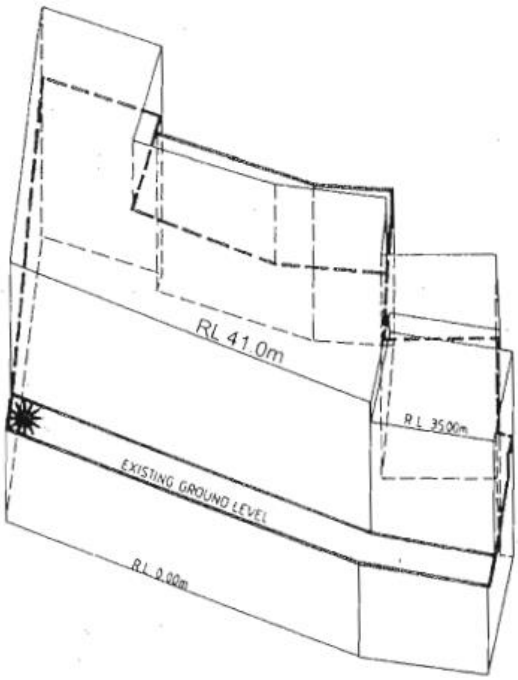
The Site is located within Site XXXV under the provisions of the *Sydney Cove Redevelopment Authority Scheme* (SCRAS). The relevant Building Site Control Drawing for the site is Drawing XXXV. The current and applicable version is Drawing XXXV-A endorsed by the Minister on 23 September 2007. This drawing is provided below at **Figure 2**.

The maximum height allowable under this scheme is RL 41.0 with a lower building height of RL 35.0 (corresponding to the northern portion of the site adjacent to the Baker's Terraces). Under the SCRA Scheme Historic Buildings, including the Bakers Terraces, are not allocated building envelopes.

FIGURE 2 – SYDNEY COVE REDEVELOPMENT AUTHORITY – BUILDING SITE CONTROL DRAWING XXXV-A



PICTURE 1 – BUILDING SITE PLAN



PICTURE 2 – BUILDING ENVELOPE

3 Variation to Sydney Cove Redevelopment Authority Scheme

This application is made under Part 2 of Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999. A variation is sought to the approved scheme to enable the Minister to grant development consent to the SSD application. This section of the report includes:

- A description of the way in which the proposed development does not comply with the relevant provisions contained within SCRA Scheme.
- Reasons for the variation to the current provisions of the SCRA Scheme.
- Assessment of the matters listed in Clause 9(2) of the Regulation.

3.1 DESCRIPTION OF THE PROPOSED SCRA VARIATION

The relevant Building Site Control Drawing for the site is Drawing XXXV. The current and applicable version is Drawing XXXV-A endorsed by the Minister on 23 September 2007. This drawing is provided below.

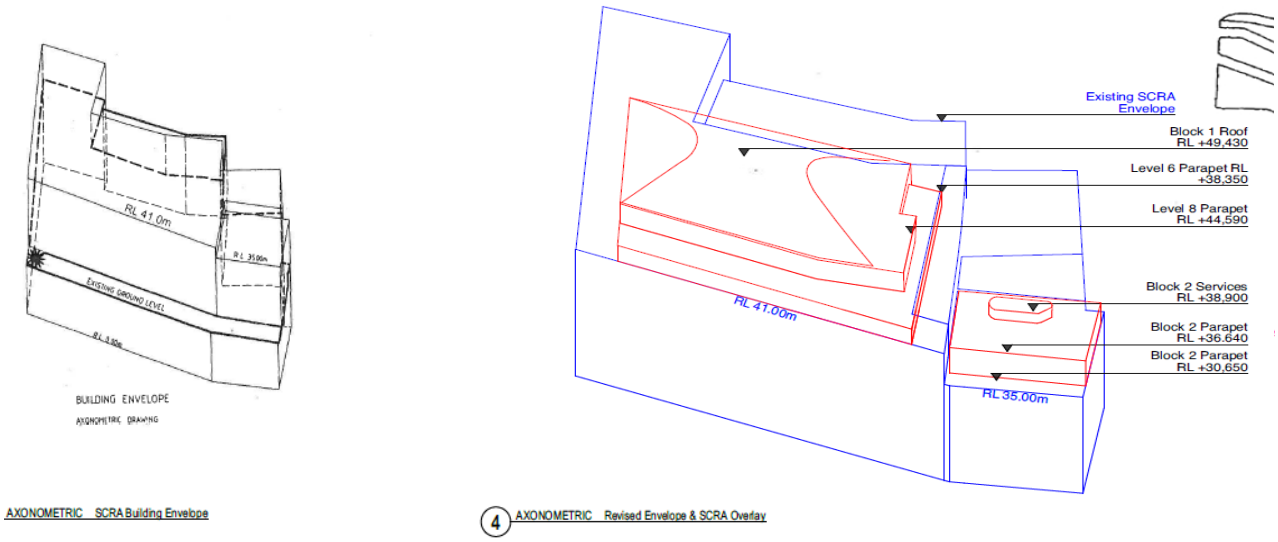
The current provisions of the SCRAS limit the maximum height of buildings on the site to RL 41.0 with a lower building height of RL 35.0 (corresponding to the northern portion of the site adjacent to the Baker's Terraces). The Baker's terraces fronting Gloucester Street are noted as being Historic Buildings. Under the SCRA Scheme Historic Buildings are not provided with building envelopes.

The proposed building has been designed to have the following top RLs:

- Top height of the roof to Block 1: RL49.43
- Top height of the roof to services on Block 2: RL38.9

A draft axonometric drawing has been prepared to replace the existing drawing, including updated RLs that reflect the proposed development outlined in detail within the EIS. A reduced sized copy of the replacement drawing is provided as **Figure 3**. An A4 size copy is provided as **Appendix A**.

FIGURE 3 – EXISTING AND PROPOSED BUILDING ENVELOPE



The variations assist in delivering the following benefits:

- Elevation to enhance the views of the harbour for residents/workers
- Contributes to the public domain by the activation of space through formal and informal public gathering spaces.
- Relates to, and is consistent with the surrounding context.
- Respects the heritage significance of the Bakers Terraces through the appropriate siting and separation, height, scale, design and materials selection of the proposed buildings
- Avoids detrimental visual impacts or view loss

Additional detail regarding the design rationale for the proposed development is provided in the updated Design Statement prepared by FJMT and submitted with the Response to Submissions. Justification for the proposed variation to the SCRA Scheme is provided in the following section of this report.

3.2 REASONS FOR THE VARIATION

The proposed reasons for the variation to the SCRA are as follows:

- The existing built form on the site relates very poorly to the surrounding context, is limited in commercial functionality, has limited pedestrian connectivity and offers limited street activation.
- The applicant is seeking to redevelop the existing commercial building on the site to provide a new mixed use development, together with the adaptive re-use and revitalisation of the Bakers Terraces heritage item on the site.
- Following a competitive design process to 'reimagine' the site's lost opportunities, Francis-Jones Morehen Thorp (FJMT) were unanimously declared the winner of the competition on the basis that their design created the best opportunities for a large through-site link, high pedestrian connectivity to the surrounding Rocks precinct, high retail activation along Harrington Street, a very well resolved and articulated built form and the potential for a range of public benefits.
- To deliver a range of public benefits of the new scheme, an increase in building height has been proposed on the southern portion of the site, which transitions from the taller scale of buildings on the southern side of the Cahill Expressway, down to the more pedestrian scale adjacent to the Bakers Terraces.
- While a building height variation is sought, the design by FJMT has sought to break down the very large east and west elevations by providing a very articulated form which is a substantial improvement to the existing commercial building on the site.
- The proposed massing of the built form has been the subject of over 12 months of ongoing work and discussions with various stakeholders on the project. In assessing the reasonableness of additional building height, the applicant has liaised closely with Sydney Harbour Foreshore Authority (SHFA) and other key government agencies in accordance with the Secretary's Environmental Assessment Requirements (SEARs) that were issued by the NSW Department of Planning and Environment (DPE) on 22 May 2015.
- In particular, FJMT have presented to SHFAs independent Design Review Panel (DRPs) on two occasions, with the recent feedback commending the design, pedestrian linkages, use of materials and "attention to the context" of the proposal.
- The SHFA Design Review Panel have commended the proposal's response to the surrounding context, and the independent Visual Impact Assessment confirms the design "blends seamlessly with the streetscape" and is a "good contextual fit" with the surrounding context.

- Since the original DA was lodged in August 2016 the applicant has engaged closely with City of Sydney Council, SHFA, DPE, NSW Heritage Office and Peter Webber (independent design expert). This has resulted in a reduction in the bulk and scale of the development, especially the street wall heights on Gloucester Street.

Overall, it is considered that the variation to the SCRA Scheme will facilitate the delivery of an appropriate infill building in a manner which respects its context and minimises its potential impacts on the amenity of the locality.

3.3 CLAUSE 9(2) ASSESSMENT

Clause 9 of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999 provides an overview of the key statutory considerations the Minister must consider in determining to grant a variation to SCRA.

The proposed variation to the approved scheme has been assessed in accordance with the provisions of Clause 9(2) as outlined below:

(a)(i) Will not permit development that will adversely affect development on adjoining land

As required by the SEARs, the proposed development (and the variation of the SCRA) has had to examine a range of potential impacts on the surrounding properties. The proposed building will not result in any adverse impacts on the adjoining development as outlined in detail within the EIS and as summarised below:

- **Streetscape and visual impacts**: The proposal has been designed to provide a high design quality and response to the surrounding properties.

- **Views and vistas**: The proposal been designed to enhance the existing sightlines to the harbour and avoid any unreasonable view impacts. The City of Sydney have commended the Revised Scheme's response to the surrounding context, and the independent Visual Impact Assessment confirms the design "blends seamlessly with the streetscape" and is a "good contextual fit" with the surrounding context. The DPE and Peter Webber are now satisfied with the amendments proposed to the lodged scheme.

- **Solar access**: The proposal has been sited and designed to minimise its potential impacts, including with regard to solar access and overshadowing. The proposal does not give rise to any unreasonable shadow impacts on the surrounding properties.

- **Visual and acoustic privacy**: The proposal will avoid potential detrimental impacts on privacy and overlooking by the careful apartment design, and the selection of materials and finishes. The Design Statement lodged with the RTS provides a detailed description of this.

Overall, the proposed variation to the SCRA Scheme will facilitate the construction of a building that is appropriate for the site and its context. The elevation of the building above the ground plane will improve the physical and visual connectivity to the harbour and enhance the public domain.

(a)(ii) heritage significance of buildings, structures or sites in the locality

In response to the heritage items on the site and in the surrounding context a Statement of Heritage Impact Statement has been prepared by Urbis to accompany the proposed development. In addition, amendments to the Bakers Terraces Conservation Management Plan are proposed and will need to be endorsed by the NSW Heritage Council prior to determination of the development application.

Overall, it is considered that the proposed variation from the SCRA Scheme will not result in any significant adverse effects on the heritage significance of the area or the individual items of heritage significance.

(a)(iii) quality of the public domain in the locality

The proposed variation to the building height control in the SCRA Scheme will result in a number of public benefits, including a significant improvement in the quality of the public domain in the immediate locality.

(b) impact on the natural or built environment and social or economic impact in the locality

The detailed assessment has been provided within the RTS to demonstrated that the potential impacts of the proposed development on the natural or built environment are all acceptable.

It is considered that the proposal will have a positive social impact arising from the public benefits associated with the improvements to the public domain, including improved sightlines and pedestrian connectivity to the harbour foreshore. Overall, it is considered that the proposed variation to the approved scheme will result in a superior outcome compared to an alternative scheme that could be achieved in accordance with the existing controls or the existing building.

(c) general planning and design principles for the Sydney Cove Redevelopment Area

The planning and design principles for the Sydney Cove Redevelopment Area have been addressed through a comprehensive assessment of the matters for consideration listed within the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (REP). Each of the relevant controls has been assessed in detail within the EIS and as summarised below:

- **Biodiversity, ecology and environment protection**: The proposed development is of a very high quality with a range of notable sustainability initiatives as demonstrated in the ESD report. The redevelopment of the site provides a unique opportunity for a much more sustainable built form with enhanced landscaping, green space, water sensitive urban design and 'greener' technology compared to the current built form on the site.

- **Public access to, and use of, foreshores and waterways**: The proposal will maintain and increase public access to and from the foreshore, including improvements to the existing connections from Gloucester Street.

- **Foreshore and waterways scenic quality**: The scale, form, design and siting of the proposed development has been based on a comprehensive analysis of the site and its context. The proposal will make a much more positive contribution to the streetscape and setting of The Rocks compared the existing built form on the site.

- **Maintenance, protection and enhancement of views**: As demonstrated in the Visual Impact Assessment, the proposal does not disrupt or minimise any iconic views within The Rocks precinct, and more broadly the visual impacts of the proposal are reasonable.

Overall, it is considered that the proposal satisfactorily address each of the relevant provisions contained within the deemed SEPP and accordingly, the proposed development is consistent with the general planning and design principles for the Sydney Cove Redevelopment.

4 Summary and Conclusion

This report has been prepared in support of a proposed amendment to the SCRA Scheme and in conjunction with a SSD application for the development of 75-85 Harrington Street, The Rocks.

The proposed variation is considered reasonable and will result in a positive outcome for the site. It will result in a number of public benefits, which are described in the RTS relating to this request.

Accordingly, it is recommended the Secretary prepare a draft variation to the SCRA Scheme in accordance with the information provided within this report (including the amended Building Site Control Drawing) and the relevant provisions of the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A SCRA Amendment Drawing

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