

# Notice of decision SSD 7037 (MOD 2)

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	Alterations to a mixed-use development, 85 Harrington Street and 66-72 Gloucester Street, The Rocks, SSD 7037 MOD 2
<b>Applicant</b>	Golden Age and Hannas The Rocks Pty Ltd C/- Urbis
<b>Consent Authority</b>	Minister for Planning

### Decision

The Director, Key Sites Assessments, under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)* modified the consent subject to the recommended conditions outlined in the instrument of consent.

A copy of the Department of Planning and Environment's assessment report, instrument of modification and conditions is available [here](#).

### Date of decision

2019

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 and section 4.55 (3) of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the modification application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.

The key reasons for granting the modification are as follows:

- Benefits - the modification would provide a range of benefits for the region and the State as a whole, including the adaptive re-use of a State-listed heritage item and public domain improvements.
- Consistent with NSW Government Policy - the modification is permissible with consent and is consistent with NSW Government policies including the Greater Sydney Region Plan, Eastern City District Plan and State Environmental Planning Policies.
- Impacts can be managed - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- Community views considered - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through recommended conditions of consent.
- Public interest – weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 24 January 2019 until 8 February 2019 (16 days) and received a submission from Council and one public objection.

Council did not object to the modification.

The Department also undertook the following consultation activities:

- exhibited the proposal on the Department’s website, at Service NSW centres and at Council’s offices
- advertised the proposal in the Central Courier on 23 January 2019.

The key issues raised by the community (including in submissions) and considered in the Department’s Assessment Report and by the decision maker include view loss, urban design, residential amenity and bicycle parking. Other issues are addressed in detail in the Department’s Assessment Report.

Issue	Consideration
<p><i>Urban design</i></p> <ul style="list-style-type: none"> <li>• The inclusion of additional louvres to the roof would be a further detracting element of the roof design.</li> </ul>	<p><i>Assessment</i></p> <p>In its assessment of the approved development the IPC considered the roof element was acceptable with regard to form and materials.</p> <p>The roof form would not be altered by the proposed amendments. The materials and design of the additional louvres would be consistent with the existing louvres in the approved roof.</p> <p><i>Conditions/Response</i></p> <p>No amendments to conditions are proposed, noting there is an existing condition requiring the submission of the final schedule of materials to the Secretary prior to the issue of the relevant Construction Certificate.</p>
<p><i>Residential amenity</i></p> <ul style="list-style-type: none"> <li>• Confirmation should be provided that the proposed amended units can be naturally cross ventilated.</li> </ul>	<p><i>Assessment</i></p> <p>The Department considers the units can be naturally cross-ventilated.</p> <p><i>Conditions/Response</i></p> <p>No amendments to conditions are proposed.</p>
<p><i>Bicycle parking</i></p> <ul style="list-style-type: none"> <li>• The provision of increased car parking should not be at the expense of providing the required bicycle parking provision.</li> </ul>	<p><i>Assessment</i></p> <p>The Applicant has confirmed 58 bicycle parking spaces will be provided in the individual storage areas for each unit. This represents one space per unit and is consistent with SDCP 2012 requirements.</p> <p><i>Conditions/Response</i></p> <p>The Department proposes to amend Condition B30 to increase the required number of bicycle parking spaces from 56 to 58.</p>