

SSD 7056: RESPONSE TO SUBMISSIONS

CAMPBELL'S STORES, THE ROCKS

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This Response to Submissions Report has been prepared on behalf of *Tallawoladah Pty Ltd*, the proponent for **State Significant Development Application 7056** (SSD 7056). The application was lodged with the NSW Department of Planning and Environment (DPE) in October 2015 and seeks approval for the remediation, renewal, adaptive re-use and revitalisation of Campbell's Stores, The Rocks.

This is the second Response to Submissions Report prepared for the project.

The application was placed on public exhibition from 19 November to 18 December 2015. A total of seven submissions were received from various government agencies, roads and utility providers, and other stakeholders. Approximately 120 public submissions were also received. An overwhelming majority of the public submissions related to the perceived visual and heritage impacts associated with the 'Bay 12' building.

Each of the matters raised within the agency and public submissions were considered in detail by the Proponent and project team and a Response to Submissions was submitted to DPE in May 2016. The Response to Submissions provided a comprehensive response to each of the issues raised during the public exhibition period, and included provision of additional justification and technical information. The proposal was amended in order to respond to key issues raised and amended mitigation measures were also documented.

Specifically, refinements were made to the design of the free standing 'Bay 12' building, including a reduction in the overall height of the roof, parapet and lift overrun, detailed design and materiality, and removal of the slot windows. Amendments were also made to Bays 1-11, the public domain, and the outdoor dining areas on Hickson Road and the Campbell's Cove promenade, including:

- The new doorways in Bays 3, 6 and 9 were refined and reduced in size;
- The existing trachyte kerbs are retained and displayed in situ;
- The materiality of the proposed pedestrian crossing on Hickson Road was further developed;
- The proposed umbrellas were removed from the outdoor dining area on the Hickson Road (western) side of Campbell's Stores; and
- The proposed LED sign toward the south-western corner of the site was removed.

A *Preliminary Tenancy Fit-out and Furniture Guideline* and *Preliminary Signage and Lighting Strategy* was also developed and submitted with the Response to Submissions.

The Responses to Submissions and amended proposal was publically notified from 30 May to 14 June 2016. A total of six submissions were received from various government agencies, roads and utility providers, and other stakeholders, including the Minister for Heritage, Mark Speakman. Approximately 30 public submissions were also received.

On 21 June 2016, DPE issued correspondence requesting that the applicant respond to the issues raised in the submissions received during the public notification period.

On 1 July 2016, DPE notified the Proponent that Professor Peter Webber had been engaged to provide independent expert heritage and design advice to assist in the assessment of the application. The Proponent and project team met with Professor Webber on 19 July 2016.

On 15 August 2016, DPE issued correspondence requesting that the applicant review Professor Webber's advice and provide a written response.

In response to Professor Webber's advice, as well as the agency and public submissions received during the public notification period, the proposal has been amended and revised mitigation measures documented. Specifically, the free standing 'Bay 12' building has been removed from the application and is replaced with an alfresco dining area with public through-site links and seating opportunities.

This Report provides a comprehensive response to each of the issues raised in the agency and public submissions, as well as Professor Webber's independent expert heritage and design advice. The proposed amendments to the proposal are detailed in the following chapters of this Report as well as the Design Report prepared by JPW and included at **Appendix A**. Further technical information and amended mitigation measures are also documented.

1.2. STRUCTURE OF THIS REPORT

This Response to Submissions Report is structured as follows:

- **Chapter 2 - The Proposal:** Provides a description of the proposal and outlines the modifications made to the design in response to matters raised in the submissions.
- **Chapter 3 - Submissions:** Provides a summary of the issues raised in the agency and public submissions received and a response to each of these, including provision of additional or amended technical information as appropriate.
- **Chapter 4 - Independent Heritage and Design Advice:** Provides a summary of the advice prepared by Professor Webber and a description of how the proposal has responded to the key issues raised.
- **Chapter 5 – Environmental Assessment:** Provides an in-depth assessment of the existing environment and the potential impacts relevant to the amended proposal.
- **Chapter 6 - Revised Mitigation Measures and Recommendations:** Provides a consolidated list of recommended mitigation measures and conditions of consent based on the technical studies undertaken as part of this application.
- **Chapter 7 - Conclusion.**

1.3. REFERENCE DRAWINGS AND SUPPORTING DOCUMENTATION

This Response to Submissions Report is accompanied by a series of technical studies, as detailed in Table 1. This information is intended to supersede and/or supplement those lodged in October 2015 with the original Environmental Impact Statement and May 2016 with the Response to Submissions.

Table 1 – Technical Documentation

Document	Prepared By	Reference
Design Report & Architectural Drawings	<i>JPW</i>	Appendix A
Heritage Impact Statement	<i>Graham Brooks & Associates</i>	Appendix B
Archaeology Assessment	<i>Austral Archaeology</i>	Appendix C
Visual Impact Assessment	<i>Urbis / Virtual Ideas</i>	Appendix D
Noise and Vibration Assessment	<i>Acoustic Logic</i>	Appendix E
Wind Assessment	<i>Windtech</i>	Appendix F
Reflectivity Assessment	<i>Windtech</i>	Appendix G
CPTED Assessment	<i>TPG</i>	Appendix H
ESD Report	<i>Northrop</i>	Appendix I
Access Report	<i>Morris Goding Accessibility Consulting</i>	Appendix J

Document	Prepared By	Reference
BCA Report	<i>BCA Logic</i>	Appendix K
Traffic and Transport Impact Assessment	<i>Transport and Traffic Planning Associates</i>	Appendix L
Arboricultural Assessment	<i>Sydney Arbor Trees</i>	Appendix M
Geotechnical Report	<i>JK Geotechnics</i>	Appendix N
Integrated Water Management Plan	<i>Taylor Thomson Whitting</i>	Appendix O
Environmental and Construction Management Plan	<i>Altus Page Kirkland</i>	Appendix P
Utilities and Services Strategy	<i>Northrop</i>	Appendix Q
Cost Estimate	<i>Altus Page Kirkland</i>	Appendix R

2. THE PROPOSAL

2.1. PROJECT OVERVIEW

Tallawoladah proposes to transform Campbell's Stores into a world class waterfront dining precinct, which is considered an iconic food destination for international and domestic tourists, as well as Sydney residents. The works within the development application include three key components which will achieve the following objectives:

Removal of intrusive exterior elements and internal fit-outs of little significance:

The overall significance of the Campbell's Stores is to be recaptured with the removal the 1980s shade canopies and sail ship masts from the eastern elevation that fronts the promenade to Campbell's Cove, removal of the 1980s south brick wall duct to Bay 1, and removal of the glazed pavilion at the north end of the Campbell's Stores, referred to as Bay 12. The interior of Campbell's Stores is to be cleared of numerous kitchen and amenity areas, goods lifts, stairways and all services, including redundant air-conditioning.

These works will improve the presentation of the Campbell's Stores with enhanced visibility, particularly from the promenade and the harbour, as well as the exposure of internal fabric and the facilitation of required conservation.

Conservation and reconstruction works:

The existing sandstone building will be sensitively conserved to highlight and celebrate the historic contribution of the Campbell's Stores to the settlement of Sydney. A range of remediation works will address the current deterioration of the Campbell's Stores building, including upgrading the existing subfloor stormwater infrastructure, the forecourt pavement levels and the provision of subfloor ventilation. The works also include the conservation of deteriorated fabric, replacement of the slates to the roof, and reconstruction of redundant internal wall and floor openings.

These form part of the conservation works established by SHFA (and their consultants) to reverse the existing deterioration of the original building fabric, including the sandstone walls, which will make a significant contribution to the delivery of the key recommendations contained within the Conservation Management Plan prepared by Godden Mackay Logan in 2014 (for SHFA) and endorsed by the Heritage Council.

Adaptive re-use and revitalisation:

The adaptive re-use of Campbell's Stores includes improved through site public access, new amenities and new services' infrastructure for future kitchen fit-outs. The proposed adaptive re-use of the existing building for restaurants, cafes and bars will complete the planned conservation of the Campbell's Stores to an ongoing viable use for future generations. The continued use of the building for restaurants is in accordance with the recommendations of the Conservation Management Plan, which seeks to maximise public access to the Campbell's Stores to enable an appreciation of its heritage significance by a broad range of visitors.

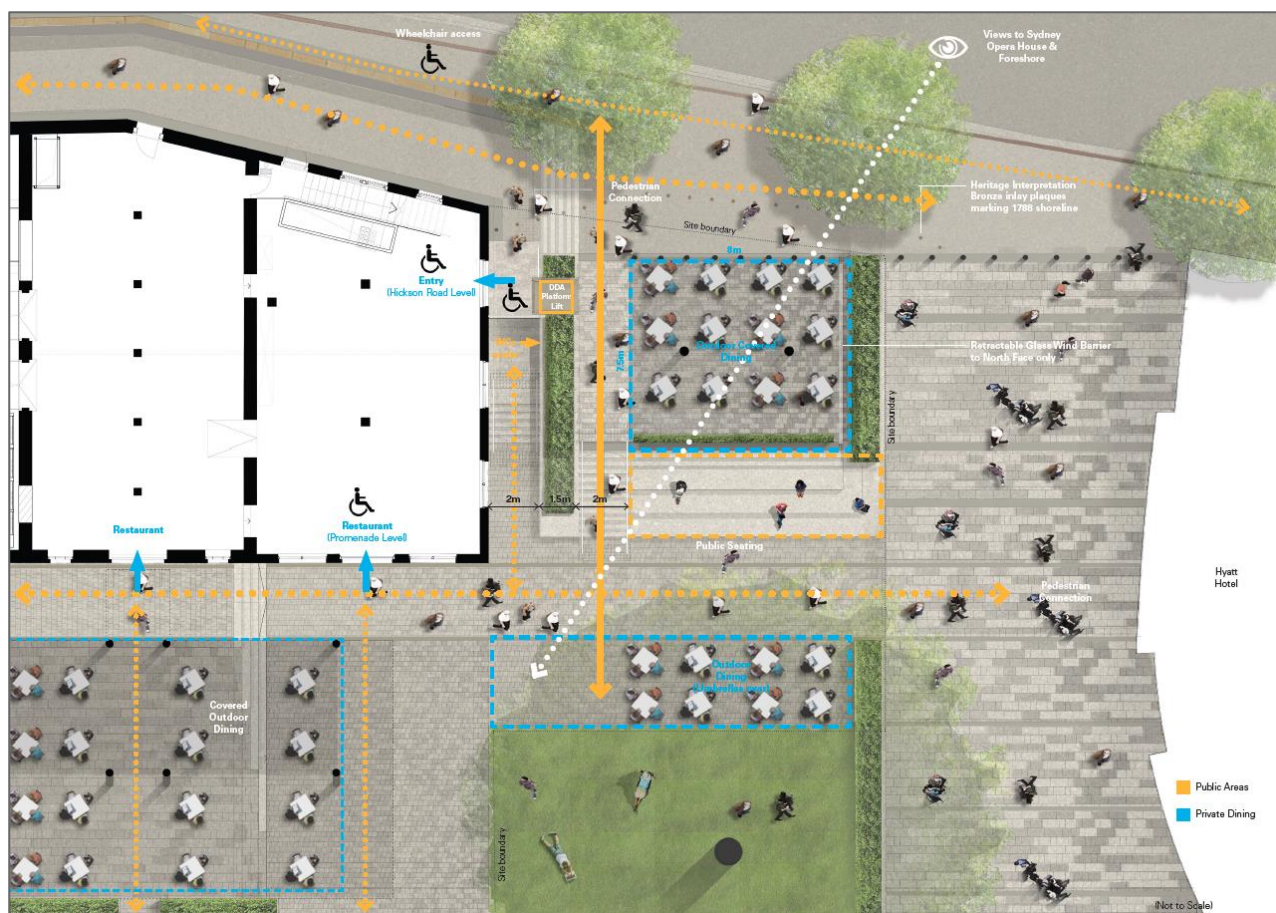
2.2. AMENDMENTS TO THE PROPOSAL

In response to the agency and public submissions received, as well as the independent expert heritage and design advice, the free standing 'Bay 12' building has been removed from the application. The 'Bay 12' area has been redesigned to accommodate a landscaped oriented proposal, set within the existing statutory planning framework, and comprises the following key elements:

- **Public seating and through-site link** to provide casual seating opportunities for the public and improved visual and physical connectivity to the Sydney Harbour Foreshore;
- **Landscaped terrace** for alfresco dining, connected to Bay 11 via a new door, stairs and platform lift;
- **Awning structure** to provide weather protection to the alfresco dining area;
- **Covered cafe seating** area with umbrella coverage under the Fig Tree;
- **Basement** with public amenities, storage and plant.

A summary of the key elements is provided below. Further detail regarding the design rationale for these elements is provided in the Design Report prepared by JPW and included at **Appendix A**.

Figure 1 – Bay 12 Site Plan



Public Domain and Pedestrian Connectivity

The Bay 12 proposal provides a new 2 metre wide through-site link along the northern elevation of Bay 11. The link will provide a new public access route connecting Hickson Road with the Campbell's Cove promenade and Sydney Harbour. The link also provides improved visual connectivity from Hickson Road to Sydney Harbour and the Opera House.

The Bay 12 proposal also provides a large area of informal public seating on the stairs in front of the existing Fig Tree. The area will be freely accessible and open to the public. The elevated nature of the public seating area will allow for significant views of Campbell's Cove, Sydney Harbour, and the Opera House.

Landscaped Terrace and Awning

The proposal incorporates an alfresco dining area which sits at the Hickson Road level of Bay 12. The dining area is approximately 60m² and accommodates approximately 12 standard 2 x 2m table arrangements.

The space is delineated by low-level hedging to the north, east, and south, and safety bollards to the west (Hickson Road). A retractable wind-barrier is also proposed along the northern edge of the dining area. The hedging and retractable wind-barriers are consistent with the proposal for the outdoor dining area on the eastern side of Campbell's Stores and provide a sense of privacy and security, as well as weather protection during moderate-high wind events.

The dining area will be connected to and serviced by the Bay 11 tenancy. A new pedestrian and wheelchair accessible entrance is proposed into Bay 11 via a modified existing opening on the northern façade.

Patrons in wheelchairs will be provided with continuous access along Hickson Road via the widening of the footpath. Level access is proposed through the new Bay 11 door. An external-grade DDA accessible platform lift is provided to assist movement from the terrace into the Bay 11 tenancy at the Hickson Road level.

The new terrace area is setback 2 metres from the Bay 11 building façade to allow for views of the heritage façade, as well as Sydney Harbour and the Opera House.

Weather protection is to be provided by a new light-weight cantilevered glass and steel awning. The awning design is proposed to match the finishes of the waterside dining areas to the east of Campbell's Stores. It is designed as an elegantly engineered steel structure with glass overhead canopy. The canopy is supported by two columns, positioned to maximise views through to Campbell's Stores, Sydney Harbour and the Opera House.

The awning is proposed as a steel structure, painted with an MIO paint and colour to match the nearby Sydney Harbour Bridge. Glazing is provided with a warm-tone to match the existing brickwork / sandstone of Campbell's Stores and limit potential reflectivity.

Under-glass, automatic operable fabric sun-shade blinds are proposed to provide additional shading during the middle of the day. The fabric will be a warm tone and slightly translucent to match the heritage brickwork/sandstone of Campbell's Stores. The materials selected are identical to those proposed on the waterside dining areas to the east of Campbell's Stores.

Fig Tree cafe seating and umbrellas

Café seating is proposed directly underneath the Fig Tree at the promenade level. The area accommodates approximately 8 standard 2 x 2m table arrangements. It is envisaged that the café seating will be serviced by the Bay 11 tenancy.

Weather protection is provided via individual removable umbrellas. The umbrellas have a height of 2.5m and widths of 2.1 x 2.1m. The height of the umbrellas at 2.5m ensures views of Sydney Harbour and the Opera House from Hickson Road and the alfresco dining terrace are maintained. Specifically, as the terrace is 2m above the lower promenade, and assuming an eye-height of 1.5m, the umbrellas will be 1m below the eye-line of a viewer at the terrace and Hickson Road level.

The tree-root zone of the existing Fig Tree will be paved with a permeable paver proposed as a modified granite set (with cut corners) for aeration of roots and water permeability.

Figure 2 – Bay 12 Perspective from Hickson Road



Figure 3 – Bay 12 Perspective from Promenade



Basement

The basement level of Bay 12 will house public amenities, storage and plant. Access to this area is provided via a walk-way adjacent to the northern elevation of Bay 11 on the promenade level. The inclusion of amenities in this location is a requirement of the Building Code of Australia. The amenities will be accessible to the wider public during operating hours.

The space will be well-lit and ventilated, with strong visual surveillance provided from the public promenade areas, alfresco dining terrace and through the restaurants internally at the promenade level.

3. SUBMISSIONS

3.1. AGENCY SUBMISSIONS

A total of six submissions were received from various government agencies, roads and utility providers, and other stakeholders, including:

- *City of Sydney;*
- *Department of Primary Industries;*
- *NSW Heritage Council;*
- *Minister for Heritage, Mark Speakman;*
- *Port Authority of NSW; and*
- *Transport for New South Wales.*

The following section provides a detailed response to the relevant issues raised in each of the submissions. Further discussion and detail is provided in the Design Report prepared by JPW (refer **Appendix A**) and the other technical studies appended to this Report.

3.1.1. City of Sydney

The City of Sydney submission dated 17 June 2016 states: *“The City generally supports the aims of the project and the evolution of the design following the submissions period”*. A table is provided which summarises the City’s review of the Response to Submissions – dated May 2016, and outlines the City’s sustained contentions in relation to the project. A response to these matters is provided in Table 2.

Table 2 – City of Sydney Response

Item	Response
<i>The Department should carry out its own view loss assessment as per planning principles.</i>	The Proponent has prepared a comprehensive view loss assessment in accordance with criteria established by the Land and Environment Court (refer Appendix D). We would be happy to provide any of the baseline information to the Department for their review should there be any doubts regarding the veracity of this assessment.
<i>The Department is requested to address the CBD Entertainment Precinct and determine whether the development would be increasing the existing licensed area or increasing the number of people entering into the Entertainment Precinct to consume alcohol. A forensic review of the existing licensed area versus proposed area is required.</i>	The proposed works will result in a reduction of lettable floor space as a result of the improved circulation spaces. The maximum number of patrons will remain approximately the same as the existing arrangement. The licenses for the existing restaurants and outdoor dining area will be retained but will remain dormant during the construction phase. The requirements of these licenses will then apply to the future operational phase of the proposed tenancies.

Item	Response
<i>Individual tenancies should be given a maximum sound level that may be emitted from each premises before any individual applications are considered. This should also aid in choosing internal designs and materials and if necessary the type of entertainment suitable.</i> <i>To resolve potential inconsistencies and to achieve the best noise outcome for all, the Applicant should have the acoustic consultant provide maximum sound levels that may be produced and emitted from each tenancy so that each tenancy can consider such goals and plan or design accordingly in advance. The acoustic consultant should ensure that maximum noise levels for each premises achieve cumulative noise goals and include recommendations regarding maximum number of patrons for outdoor and indoor areas and maximum amplified sound levels for each tenancy.</i>	The provision of a maximum noise level for all uses may result in unreasonable restrictions as it would assume that all tenancies contribute noise evenly. It is proposed that each tenancy is assessed as part of the required future development application(s) for fit-out and use. This will enable noise emissions to be individually assessed and appropriately controlled so as to not unfairly restrict trade. Further, the noise emissions from the external seating areas comply with the Office of Liquor, Gaming and Racing noise criteria. The outdoor areas would represent the greatest 'risk' for noise impact as acoustic treatments to control noise are limited, while noise from internal areas can be controlled via management measures or acoustic treatments – for example closing windows, acoustic absorption, etc. An individual approach to each development application will enable management measures and acoustic treatments to be determined based on the specific use of each future tenancy.

The City of Sydney has also provided Recommended Tree Management Conditions and Recommended Health and Food Premises Conditions. Where relevant, these have been incorporated within the Revised Mitigation Measures and Recommendations at Chapter 6.

The Proponent and project team met with the City of Sydney on 15 June 2016 to discuss the Response to Submissions and in particular the Applicant's response to the matters raised in the City's submission dated 22 December 2015.

A further meeting was held on 15 September 2016. The purpose of the meeting was to brief the City of Sydney on the proposed amendments to the 'Bay 12' area and elicit any preliminary feedback on the scheme. In summary, the City of Sydney appeared to be generally supportive of the proposed amendments to the 'Bay 12' area and identified a number of technical matters to be further developed. These matters have been addressed within Chapter 5 of this Report.

3.1.2. Department of Primary Industries

The NSW Department of Primary Industries submission dated 2 June 2016 states: "*Comment has been sought from relevant divisions of DPI. The Department has no further comments at this time*". Accordingly, no further response from the Proponent is provided.

3.1.3. Heritage Council of New South Wales

The Heritage Council of New South Wales submission dated 9 June 2016 acknowledges the design modifications prepared in response to the Heritage Council's recommendations dated 10 February 2015, including:

- Refine and reduce the size of the three proposed openings along the Hickson Road façade (recommended condition of consent no. 1)
- Retain the trachyte kerbs along the Hickson Road footpath (recommended condition of consent no. 2)
- Delete the umbrellas proposed in the café seating areas along the Hickson Road (recommended condition of consent nos. 3 and 6).
- Refine the materials for the contemporary new building (Bay 12) (recommended condition of consent no. 4).

Specifically, the submission states:

"The Heritage Council supports the proposed modifications to the design..."

Whilst the revised design of openings to the Hickson Road façade still proposes three openings, they have been reduced in width, and the contemporary awnings redesigned to be compatible with the architectural character of Campbell's Stores. The three entrances are supported in that they provide for functionality of the public and private internal configuration of the building, which will have a heritage benefit through reducing the extent of alterations required for future tenancies."

The submission echoes the Heritage Council's original concern regarding the proposed planter boxes and retractable wind barriers within the waterfront outdoor dining area. Specifically, the submission states:

"The Heritage Council would like to reiterate the importance of maintaining a clear visual connection between Campbell's Stores and the waterfront by avoiding any permanent, delineating elements. The proposed moveable planter boxes will not achieve this objective. It is considered that the planter boxes should be deleted altogether to allow the foreground of Campbell's Stores to be read as a continuous open space."

The Heritage Council submission also details a series of revised conditions of consent. These have been incorporated within the Revised Mitigation Measures and Recommendations at Chapter 6, where relevant.

The Proponent and project team presented to the Heritage Council Approvals Committee (HCAC) on 5 October 2016. The purpose of the presentation was to provide the Committee with a briefing on the proposed amendments to the 'Bay 12' area and elicit any preliminary feedback on the scheme. The presentation also provided further justification for and technical detail regarding the proposed planter boxes and retractable wind barriers. Specifically, it is noted:

- The planter boxes and retractable wind barriers improve patron comfort and amenity by providing protection during moderate-high wind and rain events, modesty screening to the public promenade, and a safety / security barrier for potential theft.
- The planter boxes provide clear delineation between the public domain and the outdoor dining area.
- The planter boxes are not a continuous barrier. The planter boxes are designed as eight separate elements that comprise of three 2 metre long modules. Each section is separated by a 2.6 metre passage way, which aligns with each of the heritage doorways and function as restaurant entrances (refer Figure 4).
- The planter boxes are designed at 900mm height, with pedestals up to 150mm to account for gradient falls. This height allows pedestrians to easily view over the top of the planter boxes, and also allows diners to view the desirable promenade, Sydney Harbour, and Opera House views (refer Figure 5).
- The wind barriers extend above the planter boxes to a maximum height of 1,500-1,600mm. The barriers are constructed of clear glass which will ensure views to and from Campbell's Stores are maintained. The wind barriers will only be extended when needed i.e. during moderate-high wind and/or rain events.

Figure 4 – Dimensions of proposed planter boxes

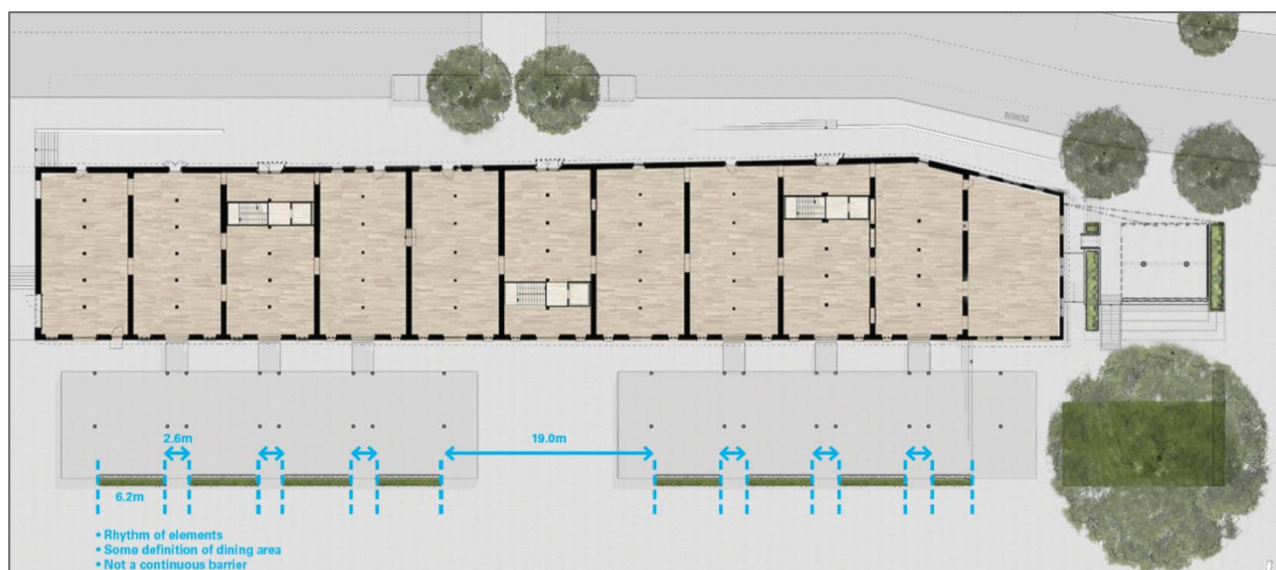
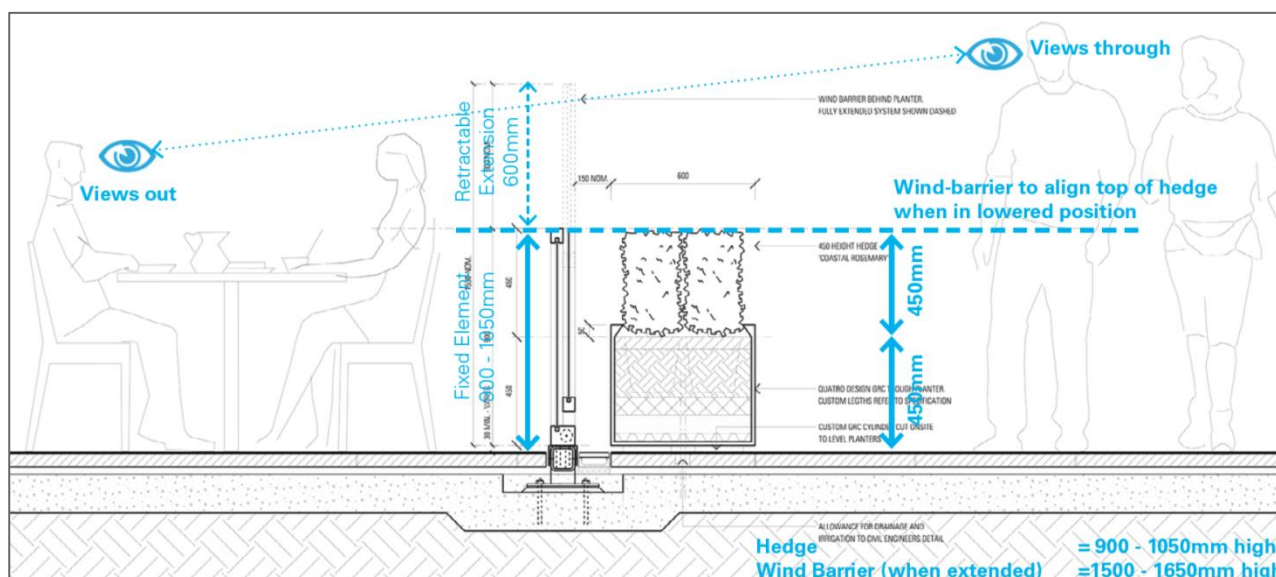


Figure 5 – Detail of proposed planter boxes and retractable wind barriers



Formal correspondence was issued by the Heritage Division on 20 October 2016. The correspondence states:

“Following your presentation, the HCAC discussed the proposal and expressed their broad support, noting that the proposal would improve the future viability and ongoing conservation of the Campbell’s Stores’ State significant values. The HCAC expressed their appreciation that their previous comments had been sufficiently considered and implemented in the revised proposal, noting that the current proposal provides a substantial improvement on its previous iterations.

The HCAC specifically noted that the coordinated management of Campbell’s Stores will have a positive outcome through providing ongoing, coordinated conservation and maintenance of the place, and that the proposed planter boxes and retractable screens are effectively discrete elements that will not adversely impact appreciation of the main facade.

The proposed seating area to the north of the Campbell’s Stores (previous location of Bay 12) was supported and generally considered an improvement on the previous proposal.”

The correspondence also notes the Approvals Committee raised concern with the potential visual impact of shade umbrellas located within the outdoor dining area under the Fig Tree. Specifically, the Approvals Committee recommended further exploration of options for shading in this area and requested that further visual impact assessment and refinement of shading design be undertaken to minimise potential impacts.

As described in Chapter 2.2 of this Report and the Design Report at **Appendix A**, the placement and design of the proposed umbrellas has been carefully considered to ensure views of Sydney Harbour and the Opera House from Hickson Road and the alfresco dining terrace are maintained. The umbrellas are designed as individual movable elements, which maximise visual connection, whilst providing rain protection for the outdoor seating area. The umbrellas will also provide protection from falling leaves, branches and other items which may drop from the existing Fig Tree.

Alternative options for weather protection, including a fixed glass and steel awning in keeping with those proposed elsewhere on the site, were considered. However, the proposed umbrellas were considered to provide adequate weather protection whilst limiting the visual impact on the Heritage buildings and significant views.

As shown in Figure 6, the height of the umbrellas at 2.5m ensures views of Sydney Harbour and the Opera House are maintained. Specifically, as the terrace is 2m above the lower promenade, and assuming an eye-height of 1.5m, the umbrellas will be 1m below the eye-line of a viewer at the terrace and Hickson Road level.

Figure 6 – Bay 12 Perspective from alfresco dining area



3.1.4. Minister for Heritage

A separate submission was also received by the Minister for Heritage, Mark Speakman, dated 14 June 2016. The Minister's submission details personal concerns with the proposed free standing 'Bay 12' building, having specific regard to its consideration of the guiding document *Design in Context: Guidelines for Infill Development in the Historic Environment*.

In response to the concerns raised by the Minister for Heritage, as well as the independent expert heritage and design advice and public submissions, the proposed free standing 'Bay 12' building has been removed from the application.

The Proponent and project team met with the Minister's Policy Director, Dominic Kelly, and the Manager, Conservation at Heritage Division, Office of Environment and Heritage, Rajeev Maini on 29 September 2016. The purpose of the meeting was to provide a briefing on the proposed amendments to the 'Bay 12' area and elicit any preliminary feedback on the scheme.

In summary, Mr Kelly and Mr Maini appeared to be generally supportive of the proposed amendments to the 'Bay 12' area and identified a number of technical matters to be further developed. These matters have been addressed within Chapter 5 of this Report.

3.1.5. Port Authority of New South Wales

The Port Authority of New South Wales submission dated 9 June 2016 acknowledges the Proponent's response to the matters raised in the earlier submission and confirms that a number of these matters have been satisfactorily addressed. The Port Authority has also requested:

- Alternative wording for Mitigation Measure M2, which relates to the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP); and
- The opportunity to review the Construction Noise and Vibration Management Plan prior to the release of a construction certificate for the works.

The Proponent raises no objection to these requests. Accordingly, these have been incorporated within the Revised Mitigation Measures and Recommendations at Chapter 6.

3.1.6. Transport for New South Wales

The Transport for New South Wales submission dated 16 June 2016 suggests alternate wording for two of the mitigation measures proposed within the Response to Submissions Report relating to the Future Rail Corridor and the Construction Traffic Management Plan. The alternate wording has been incorporated within the Revised Mitigation Measures and Recommendations at Chapter 6.

3.2. PUBLIC SUBMISSIONS

Approximately 30 public submissions were received during the notification period. These included:

- A submission prepared by Hawes and Swan Town Planning Consultants on behalf of the owners of the Park Hyatt.
- A collective group of submissions prepared by SAKE Development, GMU Urban Design & Architecture and Clive Lucas Stapleton & Partners on behalf of the owners of 8 Hickson Road.
- Individual submissions prepared by the owners of Units 2, 3, 4 and 5 at 8 Hickson Road.
- Submissions prepared by other interested parties, including a range of residential locations across the Sydney metropolitan area, as well as confidential submissions.

The majority of the issues raised in the above submissions reiterate the comments made in the public submissions received during the exhibition of the Environmental Impact Statement in November/December 2015. Specifically, a majority of the submissions echo the previous objections to the free standing 'Bay 12' building.

In response to the public submissions received, as well as the agency submissions and the independent expert heritage and design advice, the free standing 'Bay 12' building has been removed from the application.

We note a majority of the public submissions are generally supportive of the proposed conservation and remediation works to Campbell's Stores, as well as the removal of intrusive exterior elements. Previous issues raised regarding the works to Campbell's Stores have been addressed in the Response to Submissions dated May 2016. No further changes are proposed to the Campbell's Stores aspect of the proposal.

4. INDEPENDENT HERITAGE AND DESIGN ADVICE

Professor Peter Webber was engaged by DPE in July 2016 to provide independent expert heritage and design advice to assist in the assessment of the application. The Proponent and project team met with Professor Webber on 19 July 2016. The purpose of the meeting was to provide Professor Webber with a summary of the design rationale and underlying intention of the free standing 'Bay 12' building, as well as provide clarification regarding the detailed design and technical aspects of the proposal.

Professor Webber's Report is titled '*Renewal and Adaptive Re-Use of Campbell's Stores, The Rocks (SSD 7056) - Proposed Stand-Alone Structure Known as Bay 12 - Assessment of Urban Design and Heritage Impacts*' and dated August 2016. DPE issued the Report to the Applicant on 15 August 2016 and requested that the project team review Professor Webber's advice and provide a written response.

The Report concludes that the design of the free standing 'Bay 12' building cannot be supported and provides three design options for the future of the area, including:

- A **landscaped courtyard** with an area for public seating and/or outdoor dining, potentially serviced from Bay 11.
- An **attached new 'Bay 12' building**, designed to complement the adjoining Bay 11 in a contemporary manner, employing a similar palette of materials, and linked sympathetically with the existing building.
- A **detached new 'Bay 12' building**, with a different architectural expression to the Stores, but sensitively related to them and other nearby buildings.

Professor Webber states:

"Three options for the future of the site were discussed in this report. The third, a detached building as proposed in the subject application is in principle not favoured, irrespective of the architectural quality of the design. If it is considered essential to permit additional commercial space on the site, the second option for an attached additional bay could with sensitive design potentially result in an acceptable outcome. The first option, demolition of the existing structures on the site and creation of an attractive landscaped courtyard, is however preferred in the social context of the increasing popularity of The Rocks as a tourist venue."

The Proponent and project team met with Professor Webber and members of the Department's Key Sites Assessments team on 24 August 2016 to discuss the recommendations of the Report and next steps. A further two design workshops were held with Professor Webber and DPE on 5 September 2016 and 15 September 2016.

The design workshops were held in order to collaboratively develop an alternative design for the Bay 12 area that addressed Professor Webber's concerns and expectations for the area, while also providing an acceptable outcome for the Proponent.

The proposal outlined in this Response to Submissions Report is generally consistent with Professor Webber's preferred option for the area. The proposal incorporates a landscaped courtyard with alfresco dining area, serviced by Bay 11. Public seating is provided with views below the existing Fig Tree out to Sydney Harbour and the Opera House. The alfresco dining area is designed to complement the larger outdoor dining area on the eastern side of Campbell's Stores, with a similar palette of materials and awning design.

The existing public access between Hickson Road and the Campbell's Cove promenade is retained and an additional public access point provided adjacent to Bay 11. Further, the existing views of Campbell's Stores, Sydney Harbour, and the Opera House from Hickson Road are significantly improved.

5. ENVIRONMENTAL ASSESSMENT

The following Chapter contains an assessment of the relevant issues identified in the Secretary's Environmental Assessment Requirements (SEARs) issued on 28 May 2015, applicable to the amended 'Bay 12' proposal. This assessment supplements the Environmental Assessment provided in the Environmental Impact Statement dated October 2015.

5.1. PLANNING FRAMEWORK

The proposed alterations to the Bay 12 area remain consistent with the relevant environmental planning instruments, policies and guidelines as outlined in the Environmental Impact Statement, including:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *Sydney Cove Redevelopment Authority Scheme*;
- *State Environmental Planning Policy 55 - Remediation of Land*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*;
- *NSW 2021*;
- *A Plan for Growing Sydney*;
- *Sydney's Cycling Future*;
- *Sydney's Walking Future*;
- *Sydney City Centre Access Strategy*; and
- *Sydney Development Control Plan 2012*.

Further discussion regarding compliance with the principal environmental planning instrument, the *Sydney Cove Redevelopment Authority Scheme*, is provided in the following section.

5.1.1. State Environmental Planning Policy (State and Regional Development) 2011

Campbell's Stores are located within 'The Rocks' under Part 6 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. The amended proposal has a capital investment value of \$29,919,082 excluding contingencies and GST. This exceeds the minimum threshold of \$10 million for the proposal to be considered a State Significant Development under Section 8 of the SEPP.

5.1.2. Sydney Cove Redevelopment Authority Scheme

Campbell's Stores are located within Site XXVII under the provisions of the *Sydney Cove Redevelopment Authority Scheme (SCRAS)*.

We note the Environmental Impact Statement submitted to DPE in October 2015 included a 'Proposed Variation to the Sydney Cove Redevelopment Authority Scheme' to allow for the development of the free standing 'Bay 12' building. Specifically, the variation sought to update the axonometric drawing for Site XXVII to allow for an increase in the maximum Relative Levels (RLs) currently permitted under the SCRAS.

The proposed amendments to the Bay 12 area are entirely consistent with the controls contained in the Building Site Control Drawing prepared for Site XXVII, as detailed in Table 3. Accordingly, the proposal is no longer accompanied by or relies upon the proposed variation to the SCRAS.

Table 3 – Compliance Assessment - Sydney Cove Redevelopment Authority Scheme

Control	Comment
Permissibility: The permitted uses on the site are listed as ‘Commercial’ and ‘Special’. The SCRAS includes the following descriptions for ‘Commercial’ uses: <i>“Commercial” uses are deemed to include such activities as offices, and their associated facilities, caretakers accommodation, wholesale and retail outlets, premises licensed under the Liquor Act 1982, restaurants and other food outlets, the parking of vehicles for a fee, club rooms, portrait painting and photographs, printing services and the like</i>	The use of the Bay 12 area for alfresco dining associated with the restaurants, cafes, and licensed premises proposed within Campbell’s Stores is permitted with development consent under the provisions of the SCRAS.
Building envelope control: The RLs shown on the Building Site Control Drawing within the Bay 12 area range from RL 3.5m at the promenade (east) to RL 4.5m and RL 7.5m at Hickson Road (west).	With the exception of the proposed awning, the proposed amendments to the Bay 12 area have been designed to sit entirely within the RLs shown on the axonometric drawing. This includes the basement, alfresco dining terrace, public seating area, and public through-site link.
Special Note: The Building Site Control Drawing contains the following ‘Special Note’: <i>The only elements that may be permitted to project above this development would include kiosks, outdoor eating, sun protection and supporting structures, and the like.</i>	The proposed awning over the alfresco dining area projects above the RLs shown on the Building Site Control Drawing. The Special Note included in the SCRAS deliberately allows for projections above the RLs shown for certain types of uses and structures including outdoor eating, sun protection and supporting structures, and the like. The proposed awning provides sun and weather protection for the outdoor dining area and is therefore considered to be entirely consistent with the SCRAS and the expectations for the future development of the area.
Historic building: The Campbell’s Stores are nominated as a historic building under the provisions of the SCRAS.	The proposed basement, alfresco dining terrace, public seating area and through site links are setback a minimum of 2 metres from the nominated historic building area. Section 5.2 and 5.3 of this Report provide an assessment of the potential impacts of the proposed amendments to the Bay 12 area on the heritage and archaeological significance of the site.
Access: There is a nominated pedestrian route along the promenade on the eastern side of the Bay 12 area.	The proposed amendments to the Bay 12 area retain the nominated pedestrian route along the promenade and provide further pedestrian connections through the site to Hickson Road.

5.2. HERITAGE

A Statement of Heritage Impact has been prepared by *GBA Heritage* and is included at **Appendix B**. The Report provides an assessment of the proposed alterations to the Bay 12 area and supplements the original Statement of Heritage Impact dated October 2015 prepared for the Environmental Impact Statement. The key findings of the assessment are summarised as follows:

- The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:
 - Replacement of an intrusive structure with an alfresco dining terrace, which connects Hickson Road with the Campbell's Cove promenade and Stores forecourt.
 - Enhancement of the Campbell's Stores' north elevation and presentation to the Campbell's Cove promenade and beyond, with the removal of extraneous structures that currently obscure the façade.
 - Enhancement of the pedestrian through link between Hickson Road and the Campbell's Cove promenade, including increased delineation and clarity of the north end of the Stores with the urban landscape.
 - Improved amenity for visitors and greater observer appreciation of the Stores building.
 - Enhancing/opening views to Circular Quay and Opera House from Hickson Road.
- The amended proposal of alfresco dining continues the related and current use, which the CMP has noted as acceptable. The proposal does not impact on its fabric, other than in a minor way to one of the doorways in the north elevation, which was a later alteration from the 1980s.
- The proposed minor demolition is of structures that either are not significant, or in the case of one window replacement, are elements that are of relatively recent construction. The windows of the north elevation are not original and date from the 1980s, as does the Hickson Road dwarf sandstone wall. Furthermore, the alteration of the window to a doorway in the north elevation is essential for the functioning of the alfresco dining.
- The proposed terrace structure is set away from the Bay 11 north wall, and the awning is set back further, thus providing a suitable visual setting for the Stores. The associated hedge planting, glazed screen and DDA lift are minor additions and will have little impact on the significance of the listed item.
- The additions to the Bay 12 site are the terrace and awning, both of which are relatively minor and subservient to the Stores building. This will be of particular benefit to this end of the Stores site in terms of amenity, but also in improving access and views to and from the heritage item.
- An archaeological assessment has been carried out and the recommendations will guide the management of any discovery of potential archaeological resources. The current proposal however minimises excavation with a similar footprint to the existing.
- The subject site is within the Sydney Opera House Buffer Zone of the UNESCO World Heritage listing. The subject site is located on the opposite shoreline of Sydney Cove to that of the Opera House. Given the low scale of the proposed terrace and canopy, there will be no impact on the Opera House and its Buffer Zone.
- The proposed development is generally consistent with the Conservation Policies of the Conservation Management Plan (CMP) that relate to the development of the Campbell's Stores and within the Conservation precinct of The Rocks.
- The proposal will not impact on the heritage values of The Rocks Conservation Area, nor the listed State Heritage Register items in the vicinity, as they do not impact on their visual sensitivity or their curtilage.

The assessment confirms the proposed amendments to the Bay 12 area are relatively minor and will not impose themselves on the heritage significance of the Campbell's Stores or its setting. Furthermore, the proposed amendments will have no adverse impact on the heritage significance of the adjacent properties at 1-5 Hickson Road, and 36-88 George Street, or The Rocks Conservation Area, or the Sydney Opera House World Heritage Buffer Zone.

5.3. ARCHAEOLOGY ASSESSMENT

An Aboriginal and Historical Archaeological Assessment has been prepared by *Austral Archaeology* and is included at **Appendix C**. The assessment updates the previous Archaeological Assessment dated September 2015 submitted with the Environmental Impact Statement. The update has been prepared to assess the proposed alterations to the Bay 12 area, as well as provide the results of subsequent stages of archaeological monitoring of test trenches and bore hole pits undertaken in the areas identified to be of moderate archaeological potential.

The key findings of the assessment are summarised as follows:

- A search of the Aboriginal Heritage Information Management System (AHIMS) Database returned no sites within a 50 metre boundary of the study area. The history of use, reclamation and continuous development of the site since European settlement, appropriately categorises the site as 'disturbed' land according to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010b).
- The assessment has identified that there is potential for archaeological remains of evidence of early European land formation or reclamation processes, such as reclamation, and perhaps indications of early occupation and deposits or artefacts.
- During the archaeological test pit and bore hole investigations, no intact archaeological features or deposits associated with the current Campbell's Stores buildings were identified within Bays 1 through to 11. High impacts have occurred in these areas during redevelopment of the building complex during the 1970s and 1980s, including the removal of the original flagged flooring. The level of sub-floor disturbance identified during the excavations indicates that any archaeological material associated with earlier phases of the Campbell's Stores site that may have been preserved beneath the flagstones would have been destroyed at this time. The interior of the Campbell's Stores building complex (Bays 1-11) demonstrated a high degree of disturbance and is considered to have little or no archaeological potential.
- The courtyard area to the north of the building, designated Bay 12, however demonstrated a lesser degree of disturbance than that evident in the interior of the building. Early building material that was retrieved from bore-hole 2 in this part of the study area, which suggests a demolition fill. This may be associated with other buildings such as Campbell's northern-most store building, present on the north-western edge of the study area by 1835 and throughout the 19th century. This part of the study area is therefore considered to have moderate to high archaeological potential.

Revised recommendations have been provided and are incorporated in the revised mitigation measures and recommendations at Chapter 6. With the incorporation of these recommendations, it is considered that the potential archaeological impacts of the proposal are acceptable.

5.4. GEOTECHNICAL ASSESSMENT

A revised Geotechnical Investigation Report has also been prepared by *JK Geotechnics* and is included at **Appendix N**. The Report updates the previous Geotechnical Investigation dated July 2015 submitted with the Environmental Impact Statement. This revised report presents the results of the previous geotechnical investigations, completed in November 2011, July 2015 and May 2016 for the proposed development.

The Report provides comments and recommendations with regards to the design and construction of new footings for the proposed alterations and additions, with particular regard for the possible presence of buried (former) structures and confirmation that the sandstone inferred is bedrock and not "floaters" or fill. The Report also provides recommended additional work to be carried out once demolition has occurred. The relevant recommendations have been incorporated in the revised mitigation measures and recommendations at Chapter 6.

5.5. VISUAL IMPACT

A Visual Impact Assessment has been prepared by Urbis and Virtual Ideas and is included at **Appendix D**. The Report updates the Visual Impact Assessment submitted with the Environmental Impact Statement and revised by the Response to Submissions. The Report has been prepared to assess the proposed alterations to the Bay 12 area. The key findings of the assessment relative to the amended Bay 12 proposal as summarised as follows:

- The proposed development of Bay 12 will include the opening up of existing built form at the ground level through the creation of a publicly accessible outdoor dining area.
- The existing building, including its temporary canvas awning, currently obscures views from Hickson Road to Circular Quay or the water beyond.
- The design approach to the proposed development, particularly the horizontal design of the proposed permanent awnings will enable views to the ground level heritage sandstone façade of the Campbell's Stores. More significantly, the outdoor dining area and elevated canopy structure will result in significantly improved views to Campbell's Cove and the Opera House.
- The enabling of new views of a high quality landscape zone and the presence of a new, well considered architectural design response will result in positive outcomes for the setting.
- The considered design approach to the proposed outdoor dining area at Bay 12 and the resulting exposure of the heritage sandstone of the Campbell's Stores and Sydney Harbour to viewers within the visual catchment, results in an improvement to existing views.

In summary, it is considered that although the project will be a visible element from numerous viewpoints it does not result in a negative or detracting visual impact to the existing public domain and the landscape character of the setting.

5.6. NOISE AND VIBRATION

A Noise and Vibration Impact Assessment has been prepared by *Acoustic Logic* and is included at **Appendix E**. The Report updates the Noise and Vibration Impact Assessment dated October 2015 submitted with the Environmental Impact Statement. The Report has been prepared to assess the proposed alterations to the Bay 12 area. The key findings of the assessment relative to the amended Bay 12 proposal are summarised as follows:

- Noise emission analysis indicates that the site is capable of operating without exceeding commonly adopted EPA and Independent Liquor and Gaming Authority acoustic guidelines used in the assessment of restaurants/places of entertainment.
- To ensure noise emissions to all nearby development comply with allowable levels, recommended noise control measures are provided and have been incorporated at Chapter 6. These measures include:
 - Individual tenancies are required to lodge a development application for use of any given tenancy.
 - The new outdoor dining area at Bay 12 is not to be used after midnight, with numbers restricted to 50 patrons.
 - Disposal of bottles/waste in internal areas should be done prior to 10pm.
 - Detailed review of mechanical plant (typically refrigeration equipment, kitchen ventilation and air-conditioning) should be undertaken at CC stage, once plant selections and locations are finalised.
 - No queuing in external areas on Hickson Road.

With the incorporation of these measures, the assessment confirms noise emissions to all nearby development will comply with noise emission guidelines.

5.7. WIND

A Pedestrian Wind Environment Statement has been prepared by *Windtech Consultants* and is included at **Appendix F**. The Statement supplements the Pedestrian Wind Environment Statement dated October 2015 submitted with the Environmental Impact Statement. The memo has been prepared to assess the proposed alterations to the Bay 12 area. The key findings of the assessment are summarised as follows:

- It is expected wind conditions within and around the Bay 12 area will remain similar or better than the existing wind conditions with the inclusion of the proposed alterations to Bay 12 area.
- The proposed planter boxes and retractable wind-barriers along the northern edge of the outdoor dining area are expected to be effective in enhancing the localised wind conditions.
- The planter beds and retractable wind-barrier act as an effective wind mitigating element, capturing the up-stream north-easterly to westerly winds and reducing the intensity of the wind effect before it reaches the outdoor dining area.
- The planter beds are recommended to be populated with densely foliating shrubs or hedge planting.
- No further wind barriers are required along the Hickson Road or Promenade interfaces. The wind conditions along these areas are expected to be similar or better than the existing wind conditions with the inclusion of the proposed densely foliating trees along Hickson Road and the retention of the existing densely foliating fig tree and hedge planting along the promenade.
- The proposed outdoor café seating area adjacent to the Fig Tree may experience relatively higher wind effects from the existing north-easterly winds travelling over the open waters of Campbell's Cove. As the north-easterly winds occur most frequently during the warmer months of the year, the wind breezes are usually welcomed within outdoor areas. The patron comfort level is expected to be reasonable without need of additional wind barrier protection.

5.8. REFLECTIVITY

A Solar Light Reflectivity Analysis Report has been prepared by *Windtech Consultants* and is included at **Appendix G**. The Report updates the Solar Light Reflectivity Analysis Report dated October 2015 submitted with the Environmental Impact Statement. The update has been prepared to assess the proposed alterations to the Bay 12 area. The key findings are summarised as follows:

- The alterations to the Bay 12 area are not visible and are not within the zone of sensitive vision of motorists heading south along Hickson Road, north along George Street, or north along Hickson Road. Hence there will be no adverse solar glare observed by motorists or pedestrians from these viewpoints.
- Solar glare could potentially be observed from the proposed glazed balustrades, retractable wind barriers, and northern awning by boat drivers on Circular Quay. However it is noted the existing buildings along the western side of Hickson Road will shadow the northern awning at the times of day when glare could potentially be observed by boat drivers on Circular Quay. Hence it is not expected that adverse solar glare will be observed by boat drivers on Circular Quay.
- Solar glare could potentially be observed from the northern awning. As the angle of incidence of the sunlight reflected to the neighbouring buildings will be shallow, the potential solar glare could be adverse. However, further analysis indicates that the existing Fig Tree at the northern end of the redevelopment, which is to be retained, will shadow the northern awning during the morning. Consequently occupants of the neighbouring buildings to the west will not observe adverse glare from the northern awning.

The Solar Light Reflectivity Analysis Report provides updated recommended mitigation measures which have been incorporated at Chapter 6. With the incorporation of these recommendations, the assessment confirms the proposed development will not cause adverse solar glare to pedestrians and motorists in the surrounding area, boat drivers on Sydney Harbour, or occupants of neighbouring buildings, and will comply with the planning controls regarding reflectivity for the City of Sydney Development Control Plan 2012.

5.9. SAFETY AND SECURITY

A Crime Prevention through Environmental Design (CPTED) Assessment Report has been prepared by *TPG Town Planning and Urban Design* and is included at **Appendix H**. The Report updates the CPTED Assessment Report dated August 2015 submitted with the Environmental Impact Statement. The update has been prepared to assess the proposed alterations to the Bay 12 area.

The Report provides an assessment of the nature and design of the proposal against potential crime risks presented in the local government area of Sydney, and includes detailed recommendations to ensure the safety and security of the proposed redevelopment, its future patrons and the local community. The Report was prepared taking into consideration feedback from Sydney City Local Area Command (LAC), the Crime Prevention and the Assessment of Development Applications: Guidelines (2001), and analysis of local crime statistics from the Bureau of Crime Statistics and Research.

The key findings of the assessment are summarised as follows:

- The applicant has considered the Crime Prevention Strategies received by the Sydney City LAC with regards to surveillance, access, territorial reinforcement, and space management, and has incorporated them into the design of the proposed development.
- Opportunities for surveillance, territorial reinforcement, and space management have been maximised through the design of the proposed development. Access control measures have also been incorporated throughout the proposed development.

Overall, it is considered that the proposed development is appropriate and consistent with the NSW Department of Planning and Environment guidelines on minimising crime risk, subject to the recommended mitigation measures incorporated at Chapter 6.

5.10. ACCESS AND BCA

A Building Code of Australia (BCA) Assessment and Audit Report has been prepared by *BCA Logic* and is included at **Appendix K**. The Report updates the previous BCA Assessment and Audit Report dated October 2015 submitted with the Environmental Impact Statement.

An Access Report has also been prepared by *Morris-Goding Accessibility Consulting* and is included at **Appendix J**. The Report updates the previous Access Review dated October 2015 submitted with the Environmental Impact Statement.

These Reports have been updated in order to assess the proposed alterations to the Bay 12 area. The key findings of the assessment are summarised as follows:

- The paths of travel to Bay 12, Level 01 from Hickson Road are on-grade with reasonable gradients that can achieve compliance with AS1428.1:2009.
- From Bay 11 and the existing elevated footpath on the western façade of Campbell Store's building at Level 01 to Bay 12, there is an approximate 1m height variation. Equitable access between Bay 11 and 12 tenancy levels is proposed by the new external stairs (built to replace the existing relocated stairs at north side of existing sandstone wall), and a new external low-rise platform lift, located adjacent in accordance with DDA Premises Standards.
- The new pedestrian connection stair (adjacent public seating) from the Promenade, ground level up to Hickson Road and Bay 12, Level 01 outdoor dining area (approx. 1.85m height variation) has been designed with respect to AS1428.1. While not accessible to people with mobility impairment, it will include access features to assist people with ambulant disabilities and an alternate existing step free pedestrian path of travel is available from the Promenade to Hickson Road via a wide graded ramp/partial service road.
- This existing step-free linkage (between Bay 12 and the Hyatt Hotel development) has an inconsistent moderate to steep gradient, not compliant with AS1428.1:2009. However is constrained by existing street levels and adjacent development. There may be limited scope to improve the accessibility/safety of this eastern area, which is within the Campbell's Cove public domain and will be addressed by others subject to a separate future development application.

- The proposed Bay 12 outdoor dining area will be covered by a new awning structure. The open plan design and minimal awning/column supports will provide flexibility to achieve paths of travel in the tenancy with appropriate circulation and turning/passing areas, between fixtures/furniture in accordance with DDA Premises Standards and AS1428.1:2009.
- An accessible path of travel compliant with AS1428.1:2009 can be achieved to and within all common-use facilities/areas associated with the Bay 12 tenancy at Level 01 (including internal tenancy Bay 10, 11 and sanitary facilities via Bay 9 main entrance) through the new low-rise platform lift.
- The proposed use of low height architectural features such as glazed balustrades, raised planter boxes and landscaped hedges assists in defining the Bay 12 tenancy space at level 01 and promotes universal design principles. This approach extends to the Bay 12 public seating zone that is accessed from the Promenade, ground level. The use of stepped seating platforms adjacent to, yet separated from the new stairway with handrails will allow for pedestrian connection through site, without compromising safety for people with vision impairment.
- The low-rise platform lift is proposed directly adjacent to the new external stairs for equity and will allow people to start and arrive in a similar location. The location of the lift away from Hickson Road is discrete yet provides a direct line of sight to new Bay 11 alternate entrance which considers both heritage and access/safety concerns. It is understood that the low-rise platform lift design will be developed with respect to heritage considerations and relevant standards.
- The low-rise platform lift has internal car dimensions of approx. 1100mm W x 1400mm L, and will travel no more than 1m height in accordance with the DDA Premises Standards. The lift lobby space available on each level (2m min. width) is sufficient circulation area to allow wheelchair passing and to manoeuvre in/out of the lift car, compliant with AS 1428.1:2009 and the DDA Premises Standards.
- Due to spatial and environmental constraints within the basement, which is approx. 1.2m below the ground level FFL facing the Promenade, level access to the Bay 12 WCs cannot be achieved. As a result stair access only is provided from the outdoor area on ground level, and no accessible WC is proposed at this toilet bank. This will impact on anyone dining inside or outside Bays 11-12 at ground level that requires use of an accessible WC, as they will need to utilise the Bay 6 amenities (including accessible toilet).
- A performance-based solution to satisfy BCA performance requirements will be pursued for the absence of an accessible toilet within the Bay 12 basement amenities. It will be based on alternate accessible path of travel being provided to the accessible amenities provided in Bay 6 with directional signage and the new stairs down to the basement amenities being designed to enhance access for people with ambulant disabilities.
- It is noted that the furthest distance of travel (from the ground floor proposed outdoor seating at Bay 12) to Bay 6 is approximately 90m and that the accessible path of travel from Bay 11/12 at ground level will require partial use of public Promenade area due the stair access between Bay 10/11.
- Ambulant WCs are provided within the Bay 12 male and female bank, in accordance with AS1428.1:2009. There is appropriate circulation space between the entry doors to each male and female toilet bank leading to the ambulant cubicles as required to facilitate appropriate access for people with ambulant disabilities that may be using mobility aides (walking sticks, canes, crutches etc.).
- At Level 1, the low-rise platform lift provides an accessible path of travel from the Bay 12 outdoor dining area to the Bay 9 amenities (including accessible toilet), via the Bay 10/11 tenancy or alternatively via the step-free connecting footpath to the Hickson road entry into Bay 9. This provides equitable access to sanitary facilities for people using wheelchairs that are dining on Bay 12, Level 1 outdoor terrace.

The assessment confirms, in general, and in consideration of the heritage significance and constraints of the building the proposed development has improved access provisions for people with disabilities and can achieve continuous accessible paths of travel to the degree necessary. Furthermore, the assessment confirms that compliance with statutory requirements, pertaining to site access, common area access and accessible sanitary facilities, can be readily achieved.

Recommendations provided have been incorporated in the revised mitigation measures and recommendations at Chapter 6.

5.11. ARBORICULTURAL ASSESSMENT

An Arboricultural Assessment has been undertaken by *Sydney Arbor Trees* and is included at **Appendix M**. The assessment updates the previous Arboricultural Assessment submitted with the Environmental Impact Statement. The update has been prepared to assess the proposed alterations to the Bay 12 area.

The Report provides an assessment of the potential construction impacts upon the mature *Ficus microcarpa* var. *hillii* (Hills Fig) which is located directly in front of the Bay 12 area. The existing *Celtis sinensis* tree, located to the west of the Hills Fig, is to be removed, nothing that this tree is not considered to be of high value.

The Hills Fig has been allocated a high retention value due to its prominence in the landscape and potential for retention in the long-term. The tree provides valuable amenity in the form of shade, aesthetics and environmental benefits. The proposed redevelopment has the potential to impact on the tree through disruption to the root system, the removal of the existing low sandstone wall and the installation of a drainage system within the tree protection zone.

The tree protection zone (TPZ) has been calculated at 12.8 metres measured radially from the centre of the main stem in all directions. The structural root zone (SRZ) has been calculated at 3.2 metres from the centre of the main stem. The existing building line is 11.1 metres from the centre of the tree. This is an encroachment of 2.85% of the tree protection zone which is allowable under AS4970-2009, provided this area is allowed for elsewhere and contiguous with the TPZ.

Overall, it is considered that the proposal has given appropriate consideration to the retention and protection of the significant tree during the demolition, construction and operational phases. Revised recommendations have been provided to ensure the tree is retained and protected in accordance with AS4970-2009 and are incorporated at Chapter 6.

6. REVISED MITIGATION MEASURES AND RECOMMENDATIONS

Section 7 of the Environmental Impact Statement provided a summary of the environmental management measures proposed to mitigate any adverse effects of the development on the environment, as well as the indicative timing of staging for the recommended implementation of the mitigation and management measures.

With consideration of the submissions received and the additional information prepared, amendments and additions to these mitigation measures are now proposed and are detailed in Table 4.

Table 4 – Revised Environmental Management Measures

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
A. STATEMENT OF HERITAGE IMPACT		
A1.	- Detailed Schedules of Conservation Works is to be carried out by a heritage consultant and a stone conservation specialist to ensure best practice conservation of the building. - Existing tenancy fixtures and fittings are to be removed to allow the final Schedule of Conservation Work to be completed. - Ongoing design development, fabric conservation, detailed construction drawings, and construction stage works are to include liaison and review by a heritage consultant. - Further investigative excavation to Pit 9 is to be carried out to establish the nature of the sub-floor wall thickening and depth of bearing. - An investigative inspection is to be carried out to Bay 1 south wall to establish the nature of the render cover and ease of removal. - An inspection of the roof and rainwater goods, including the preparation of a report, with the results incorporated into construction documentation. - An inspection of the roof structure and the areas of the deteriorated sandstone walls are to be carried out by a heritage structural engineer.	To be addressed during detailed design and prior to the <i>commencement of conservation works</i> .
A2.	- An Interpretation Strategy is to be prepared for the building and the site. - An external lighting strategy is to be prepared for the building. - A maintenance plan is to be prepared for the building. - Tenancy fit-out guidelines are to be prepared for the building. - A Tenancy Signage Strategy is to be prepared for the building. - All reports and strategies including coordination with the Public Domain of Hickson Road, Bay X and the Promenade, is to include oversight by a heritage consultant.	To be addressed during detailed design and prior to the release of the <i>final occupation certificate</i> .
B. ARCHAEOLOGICAL ASSESSMENT		

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
B1.	- No further investigative works need to be undertaken in the interior of the Campbell's Stores building (Bays 1 to 11), where the archaeological potential is considered low. - Wherever possible, works to this site should avoid areas of high archaeological potential or significance. - Should it not be possible to avoid impacts to areas of moderate and high archaeological potential, an excavation permit is required under Section 60 of the NSW Heritage Act 1977. The Proponent will need to apply for a Section 60 Excavation Permit for testing and salvage. - Prior to any sub-surface impacts occurring in Bay 12, an area of moderate to high archaeological potential, an archaeological test excavation is to be undertaken. Consideration is to be made for the in situ retention of any archaeological material identified or, if necessary, archaeological salvage excavations of any identified material is to be undertaken. - A suitably qualified archaeologist will need to monitor the construction of the stormwater drain along the eastern courtyard and any other sub-surface disturbance in areas of moderate archaeological potential, and record any archaeological deposits encountered. - If any additional sub-surface works are proposed in the area of high potential located to the south-east of the store building, the area is to be archaeologically tested and, if necessary, a salvage archaeological excavation undertaken. - Should the plans be altered from the design considered in this assessment, then a reassessment of the heritage/archaeological impact may be required. This includes any impacts not explicitly stated in Section 12, and includes the installation of any subsurface services such as stormwater, electrical or communications. - In the event that historical archaeological relics not assessed or anticipated by this report are found during the works, all works in the immediate vicinity are to cease immediately and SHFA be notified in accordance with Section 146 of the NSW Heritage Act 1977. A qualified archaeologist should be contacted to assess the situation and consult with SHFA regarding the most appropriate course of action. - In the event that Aboriginal archaeological material or deposits are encountered during earthworks, all works affecting that material or deposits must cease immediately to allow an archaeologist to make an assessment of the find. The archaeologist may need to consult with the Office of Environment and Heritage (OEH) and the relevant Aboriginal stakeholders, regarding the find. Section 89A of the NPW Act 1974 requires that the OEH must be notified of any Aboriginal objects discovered within a reasonable time. - Consideration should be given to interpreting any archaeological evidence that results from any archaeological investigation of the site. Interpretation should be in accordance with Policy 16 of the CMP (GML 2014:172).	To be addressed during the construction phase and prior to the release of a <i>construction certificate</i> for relevant works.

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
	- Two copies of the Archaeological Assessment are to be forwarded to SHFA with the Section 60 application. - A copy of the Archaeological Assessment should be lodged in a local library and in the library of the Heritage Division.	
C. ARBORICULTURAL ASSESSMENT		
C1.	- The works to remove the Sandstone wall and install the drainage must be done without the use of heavy machinery using non-destructive excavation methods such as air spade or vacuum excavation, under direct supervision of an AQF Level 5 Arborist. - The drainage must be located against the existing building line to reduce encroachment within the tree protection zone. - Piers for lightweight umbrellas shall be installed using non-destructive excavation techniques under strict supervision of an AQF Level 5 Arborist. - All footings must be located a minimum of 150mm from any structural tree roots greater than 30mm in diameter. - Ground protection will be used on all softscaped areas with the addition of rumble boards or track mats if access for machinery is required. Trunk and branch protection must be installed if machinery is to enter the tree protection zone. - The tree protection zone must be delineated with chain mesh temporary fencing 1.8m high. Tree protection zone signage must be clearly visible from all angles stating: Tree protection zone- Do Not Enter. - There are to be no soil level changes within the TPZ of the tree. - A permit to conduct minor pruning works to the Western side of the lower canopy should be sought from the City of Sydney council. - All tree pruning must be conducted in accordance with the guidelines set out by the consent authority. - All tree roots greater than 30mm in diameter must be retained, protected and prevented from desiccation using moist hessian or similar. - Any tree roots which are damaged must be severed cleanly to undamaged tissue. - The tree should be retained and protected in accordance with AS4970-2009.	To be addressed during the construction phase and prior to the release of a <i>construction certificate</i> for relevant works.
D. PEDESTRIAN WIND ENVIRONMENT		
D1.	Foliating shrubs and retractable wind-screens are to be provided along the eastern boundary of the site.	To be addressed during detailed design and prior to the release of the <i>final occupation certificate</i> .

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
E. REFLECTIVITY		
E1.	- The exterior surface finish of the Bay 6 skylight glass panels should be textured. - Glare control blinds should be installed in all windows on Level 2 of the redevelopment which face east. - All other glazing used on the balustrades of the development should have a maximum normal specular reflectance of visible light of 20%.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.
F. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN		
F1.	- All external windows in the proposed development shall be reinforced by either a shatter resistant film adhered internally or by the use of laminated glass to aid in the prevention of breakage (where practical). - Clear glazing where practical, and where able to be included (keeping in mind the confines presented by the need to preserve the heritage values of the existing building) rather than solid walls to provide surveillance to and from adjacent development and the surrounding public domain. - A Closed Circuit Television (CCTV) system is to be installed throughout the development to maximise surveillance opportunities, including inside and outside, in particular throughout the back of house areas and public domain areas. - Installation of mirrors to increase visibility of possible hiding areas and to minimise hiding opportunities such as in the loading dock area and in the back of house areas, such as the common back of house rear corridor connection shared between all tenancies which connects to the loading dock. - Suitably located lighting to illuminate the building, walkways and amenities section which is vandal proof/resistant to limit breakage and maintenance issues. - The loading dock and service areas are to include displays of clear signage, installation of CCTV, restricted access points, differentiated materials and treatments, and lockable shutter door. - Where appropriate, the utilisation of signage, site furnishings and paving detailing to delineate between public and private spaces.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.
F2.	- Access to certain levels of the development (such as back of house areas) will be restricted to staff only. - Back of house operations will be controlled by the general manager and associated staff. All back of house operations and operational areas will have restricted access by swipe lock or a similar mechanism. This system will be utilised for all relevant parts of the development.	To be addressed during detailed design and prior to the release of the <i>final occupation certificate</i> .
G. OPERATIONAL WASTE MANAGEMENT		

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
G1.	- Transferring waste and shifting bins shall require the minimum possible manual handling. The Asset Manager will assess manual handling risks as per regulatory requirements and provide appropriate documentation to staff; - Signage and usage labels for the garbage and recycling bins will be provided by the operator; - Bin stores will be secure and vermin proof and ventilated in accordance with Australian Standard AS 1668.2; - A bin wash area comprising a tap and floor drain with trap and sewer connection has been provided; - The Asset Manager shall keep clean the bin stores, keep bin lids closed and wash bins regularly; - The Asset Manager will ensure prompt return of empty bins once collection has occurred; - The Asset Manager shall prepare operational instructions and an operational health and safety procedure for site staff; and - A traffic management plan and collection-vehicle safe operation procedure shall be prepared by the Asset Manager in consultation with Sydney City Council prior to collections being performed on site.	To be addressed during detailed design and prior to the release of the <i>final occupation certificate</i> .
H. NOISE AND VIBRATION		
H1.	- On completion of a construction program, acoustic review of proposed construction activities and plant/methods should be undertaken to identify the extent and duration of potential exceedances of EPA Noise Effected levels. - Identify feasible acoustic controls or management techniques (for example, selection of plant, use of screens around static plant, scheduling of noisy works, notification of adjoining land users) when exceedance of Noise Effected levels may occur. - Where practicable, excavation in rock should be done using rippers/ rock saws as opposed to pneumatic hammers. - In the event of complaint, an attended measurement of construction vibration should be undertaken, and if excessive vibration levels are measured, reselection of equipment or the introduction of a vibration monitoring system should be introduced. Any vibration monitoring system should allow for rapid feedback to the contractor in the event that excessive levels are reached. - Detailed review of mechanical plant should be undertaken at CC stage, once plant selections and locations are finalised. Compliance with EPA Industrial Noise Policy requirements will be achievable using standard acoustic treatments.	To be addressed during detail design and prior to the release of a <i>construction certificate</i> for relevant works.

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
H2.	- Individual tenancies are required to lodge a development application for use of any given tenancy. At a minimum, the acoustic report would need to address: - Proposed numbers of patrons both in indoor and outdoor areas. - The proposed times of use (of both indoor and outdoor areas). - Whether there is live or amplified music proposed. - New outdoor dining areas are not to be used after midnight, with numbers restricted as follows: 50 patrons using Dining Area 1; 60 Patrons using Dining Area 2. Any deviation from this should be approved following a development application for use by the prospective tenant. - Disposal of bottles/waste in internal areas should be done prior to 10pm. - No queuing in external areas on Hickson Road.	To be addressed by individual tenancies prior to the release of a relevant <i>occupation certificate</i> .
I. AIR QUALITY		
I1.	A detailed review of the recommended mitigation measures presented in the Air Quality Impact Assessment dated 1 September 2015 is to be undertaken, once the details of the construction phase are available, to ensure the most appropriate measures are adopted.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.
J. BUILDING CODE OF AUSTRALIA		
J1.	Compliance with the Building Code of Australia is addressed in the Building Code of Australia Assessment and Audit Report prepared by <i>BCA Logic</i> dated 4 October 2016. The BCA Deficiencies and Upgrade Requirements are to be reviewed and incorporated where necessary prior to issue of a Construction Certificate.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.
K. ACCESSIBILITY		
K1.	Access measures to be included as per the recommendations outlined in the Access Report, prepared by <i>Morris-Goding Accessibility Consulting</i> dated 7 October 2016.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.
L. GROUNDWATER/DEWATERING		

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
L1.	A licence is to be obtained under Part 5 of the Water Act 1912 for any dewatering activity for minor temporary construction works that is estimated to exceed 3ML/yr.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.
M. ENVIRONMENTAL AND CONSTRUCTION MANAGEMENT PLAN		
M1.	A detailed Environmental and Construction Management Plan is to be prepared by the Contractor prior to the commencement of works, and is to include: • Construction Traffic Management Plan; • Construction Waste Management Plan; • Construction Noise and Vibration Management Plan; • Health and Safety Management Plan; • Air Quality/Dust Management Plan; • Water Quality Management Plan; and • Erosion and Sediment Control Management Plan. A copy of the final Construction Noise and Vibration Management Plan is to be submitted to the Port Authority of NSW for review prior to the release of a construction certificate for the works.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.

ITEM	ENVIRONMENTAL MANAGEMENT MEASURE	STAGE
M2.	A Construction Pedestrian and Traffic Management Plan (CPTMP) is to be prepared in consultation with the CBD Coordination Office within TfNSW and Roads and Maritime Services. A copy of the final plan is to be submitted to the Coordinator General, CBD Coordination Office for endorsement, prior to the commencement of any work. Prior to the issue of a construction certificate, the applicant shall prepare Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW and Sydney Light Rail Team. The CPTMP needs to specify, but not limited to, the following: • Location of the proposed work zone; • The proposed crane location; • Haulage routes; • Construction vehicle access arrangements; • Proposed construction hours; • Estimated number of construction vehicle movements; • Construction program; • Consultation strategy for liaison with surrounding stakeholders; • Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; • Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and • Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP. The applicant shall submit a copy of the final plan to the Coordinator General, CBD Coordination Office for approval, prior to the commencement of any work. The applicant shall also submit a copy of the final plan to the Port Authority of NSW for endorsement, prior to the commencement of any work.	To be addressed prior to the <i>commencement of any work</i> .
N. FUTURE RAIL CORRIDOR		
N1.	Prior to the issue of a construction certificate the Proponent are to consult with TfNSW and Sydney Trains and must provide all relevant design documentation including architectural plans and supporting expert consultant reports to TfNSW and Sydney Trains for their review and acceptance. All supporting design documentation, architectural plans and supporting expert consultant reports shall be prepared to the satisfaction of TfNSW and Sydney Trains.	To be addressed during detailed design and prior to the release of a <i>construction certificate</i> for relevant works.

7. CONCLUSION

This Response to Submissions Report has been prepared on behalf of *Tallawoladah Pty Ltd*, the proponent for **State Significant Development Application 7056** (SSD 7056). The application was lodged with the NSW Department of Planning and Environment (DPE) in October 2015 and seeks approval for the remediation, renewal, adaptive re-use and revitalisation of Campbell's Stores, The Rocks.

The proposal has been amended in order to respond to the agency and public submissions received during the notification period, as well as the independent expert heritage and design advice prepared by Professor Peter Webber. Specifically, the free standing 'Bay 12' building has been removed from the application and is replaced with an alfresco dining area with public through-site links and seating opportunities.

The landscape oriented proposal for the 'Bay 12' area comprises the following key elements:

- **Public seating and through-site link** to provide casual seating opportunities for the public and improved visual and physical connectivity to the Sydney Harbour Foreshore;
- **Landscaped terrace** for alfresco dining, connected to Bay 11 via a new door, stairs and platform lift;
- **Awning structure** to provide weather protection to the alfresco dining area;
- **Covered cafe seating** area with umbrella coverage under the Fig Tree;
- **Basement** with public amenities, storage and plant.

It is our opinion that the proposed amendments to the 'Bay 12' area, along with the additional justification and technical information provided, appropriately responds to all relevant issues raised in the submissions received.

We reaffirm that this project represents a unique opportunity to transform Campbell's Stores into a world class waterfront dining precinct, which is considered an iconic food destination for international and domestic tourists, as well as Sydney residents.

There are compelling reasons why a positive assessment and determination of the project should prevail, as outlined below:

- There is an urgent need to facilitate the remediation and conservation of the Campbell's Stores so that it can be maintained and enjoyed by future generations. It will be critical to address the underlying stormwater issues causing the deterioration of the building foundations before the sandstone fabric can be conserved to an appropriate standard. These works will be complemented by the sensitive upgrades to the internal and external building elements to enhance the heritage significance of this important building.
- The proposed adaptive re-use of the Campbell's Stores, the construction of the Bay 12 alfresco dining area and the revitalisation of the Campbell's Cove precinct will make a significant contribution to achieving the strategic policies for the Sydney CBD, including benefits for the tourism and night-time economies. The proposed works will transform Campbell's Stores into a world class waterfront dining precinct, which will provide significant contribution to the vibrancy and vitality of The Rocks.
- The proposal will result in significant public domain improvements, including the activation of Hickson Road through improved pedestrian connectivity, outdoor dining and landscaping. The proposal will result in major improvements to the accessibility of the building through the increased footpath width along its western frontage, as well as modifications to the openings to allow for wheelchair users. There will also be enhanced physical and visual connectivity from Hickson Road to the foreshore promenade along the northern side of the Stores, as well as within Bay 12. The interrelationship between the site and the public domain to the east will be significantly improved by the reconfiguration and upgrade of the outdoor dining area, including the high quality building materials and landscape treatment.
- The public domain improvements and the external building works will be complemented by the internal works to be completed within Campbell's Stores. The internal works will result in a substantial improvement to the vertical and horizontal access arrangements, allowing equitable access to and through the existing building. The proposed works to facilitate the adaptive re-use of the building have been specifically designed to minimise the potential impacts on the original fabric and maximise the opportunities for the public to appreciate the heritage significance of the building.

- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, State and local planning legislation, regulation and policies. The proposed amendments to the Bay 12 area are entirely consistent with the controls contained in the Sydney Cove Redevelopment Authority Scheme (SCRAS). Accordingly, the proposal is no longer accompanied by or relies upon the proposed variation to the SCRAS.
- The proposal is consistent with the principles of ESD as defined by Schedule 2, clause 7(4) of Schedule 2 of the EP&A Regulation. The proposed remediation, conservation and adaptive re-use of the building will enable the continuation of the existing use of the building, with only relatively minor works required to accommodate a world class dining precinct within an existing building in an appropriate location. It is anticipated that there will be substantial savings in energy consumption as a result of the proposed upgrades to the existing mechanical services and building fixtures.
- The proposal has the potential to create 202 full time equivalent jobs during the construction phase and a further 163 direct and 257 indirect full-time, part-time and casual annual equivalent jobs during the operational phase.
- It has been demonstrated that the proposed works will result in minimal environmental impacts, all of which can be managed or mitigated through the recommendations outlined in Chapter 6 of this report.

Given the merits of the proposal, it is requested that the Minister or his delegate approve the proposal subject to the revised mitigation measures outlined in this report.

DISCLAIMER

This report is dated 17 October 2016 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Tallawoladah Pty Ltd (**Instructing Party**) for the purpose of SSD Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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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.



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