



Reinstate doorway openings between Bay 2 and 3 of Campbell's Stores

*State Significant
Development
Modification Assessment
(SSD 7056 MOD 3)*

April 2019

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Glossary

Abbreviation	Definition
CMP	Conservation Management Plan 2014
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
SEPP	State Environmental Planning Policy
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for alterations and additions to Campbell's Stores, The Rocks.

The modification application seeks approval to reinstate two former doorway openings between Bay 2 and Bay 3 at the ground level of the Campbell's Stores.

The application has been lodged by Urbis Pty Ltd on behalf of The Trustee for Tallawoladah Property Trust (the Applicant) pursuant to section 4.55(1A) of the EP&A Act.

1.1 Background

Campbell's Stores is located within the City of Sydney local government area between Hickson Road and the Sydney Harbour foreshore at The Rocks. The site contains a three-storey sandstone and brick warehouse building that is identified as a State heritage item. The building is divided into 11 distinct bays, with an open area to the north end of the site, termed 'Bay 12'. The site is shown in **Figure 1**.

The site forms part of the Sydney Harbour foreshore as it is located within The Rocks heritage precinct opposite Campbell's Cove. The site is separated from the water by a foreshore promenade, which forms part of a broader continuous pedestrian link between The Rocks, Circular Quay, Sydney Opera House, Royal Botanic Gardens, Walsh Bay and Barangaroo (**Figure 1**).

The surrounding area is characterised by a mix of buildings and uses, including:

- the Overseas Passenger Terminal to the south-east, which services cruise passenger vessels and comprises a range of bars and restaurants
- the Park Hyatt Hotel immediately north of the site
- the Metcalfe Bond Stores to the west, which accommodates a range of retail, commercial and residential uses
- the ASN Co Building to the south, which accommodates a range of commercial and educational uses.



Figure 1 | Site Location (Base source: nearmap)

1.2 Approval History

On 19 April 2017, the Planning Assessment Commission approved SSD 7056 for alterations and additions to Campbell's Stores, The Rocks (the SSD Approval), including:

- conservation and remediation works to the Campbell's Stores, upgrades to the existing stormwater infrastructure and regrading of the outdoor dining area
- external and internal building works to facilitate the adaptive re-use of the Campbell's Stores
- reconfiguration of the existing outdoor covered dining area to the east of Campbell's Stores and construction of a new outdoor dining area to the west of Campbell's Stores
- construction of a new outdoor dining area to the north of Campbell's Stores with basement storage, public amenities and plant (in the area known as Bay 12)
- public domain, landscaping and footpath works along Hickson Road.

The SSD Approval is shown at **Figure 3**.

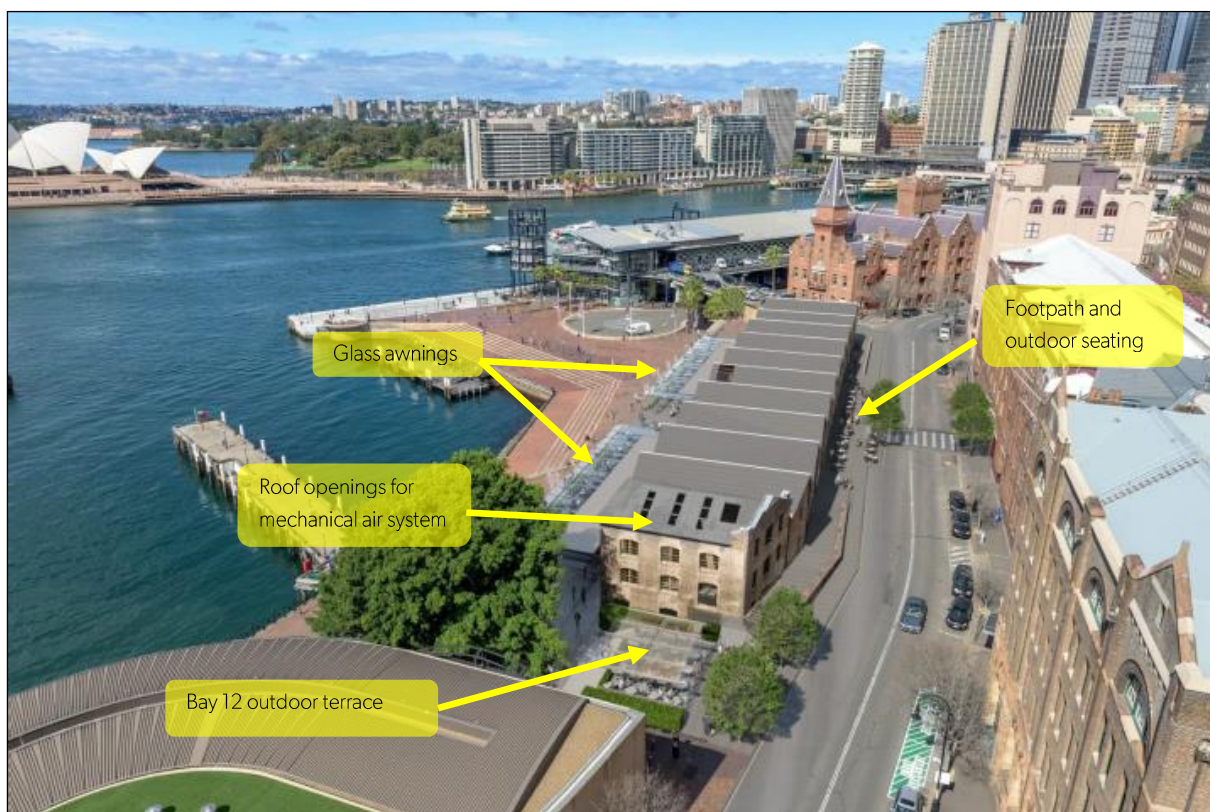


Figure 3 | Aerial view of the SSD Approval (Base source: the SSD Approval)

Works associated with the SSD Approval are nearing completion as shown at **Figure 4**.



Figure 4 Photo of the eastern façade along the harbour foreshore (Source: Photo taken 3 April 2019)

The SSD Approval has been modified on two occasions as outlined in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Reconfiguration and amendments to Bay 11 and Bay 12 including the following:			
	- construction of a viewing 'window' pavement opening, to showcase archaeological items with associated seating			
	- conservation of archaeological features below the Bay 12 area			
	- relocation of the outdoor dining area and associated awning to the ground level			
	- reduction and conversion of the raised terrace into a public viewing platform	Department	4.55(2)	11 October 2017
	- re-location of the toilet block			
	- removal of two grease pump-out pits			
	- retention of Level 1 external window to Bay 11			
	- changes to the site levels and replacement of accessible platform lift with a ramp			
	- associated drainage works.			
MOD 2	Alterations and additions including the following:			
	- amending the Bay 11 plantroom layout and roof design			
	- construction of a powder-coated louvre wall in the loading dock			
	- updating the layout of the Bay 6 Ground Level toilet	Department	4.55(2)	21 September 2018
	- installing a new air vent in the eastern eave of Bay 6			
	- new internal horizontal penetration at Level 1 of Bay 8-9.			



2. Proposed Modification

On 27 March 2019, the Applicant lodged a modification application (SSD 7056 MOD 3) seeking approval under section 4.55(1A) of the EP&A Act, to amend plan references to reinstate two former doorway openings between Bay 2 and Bay 3 at the ground level. The doorway openings were filled in with sandstone blockwork under the approved works associated with SSD 7056.

The doorway openings are required to be reinstated to allow for the functional operation of a proposed restaurant which is to occupy the ground floor of Bays 1, 2 and 3. The fit-out works for the proposed restaurant have been granted development consent by City of Sydney Council and are shown in **Figure 5** below.

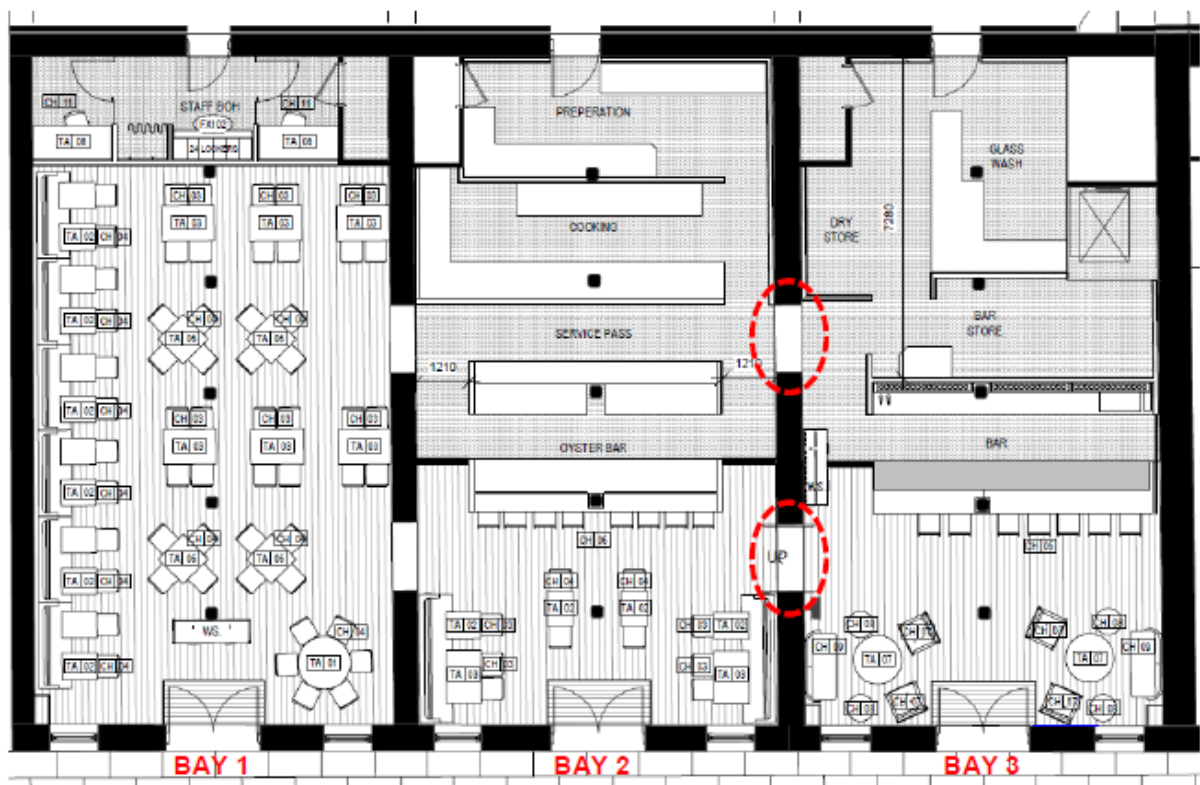


Figure 5 | Proposed fit-out with proposed doorway openings shown in red (Source: EIS)

The approved and proposed plans are shown below in **Figure 6**.

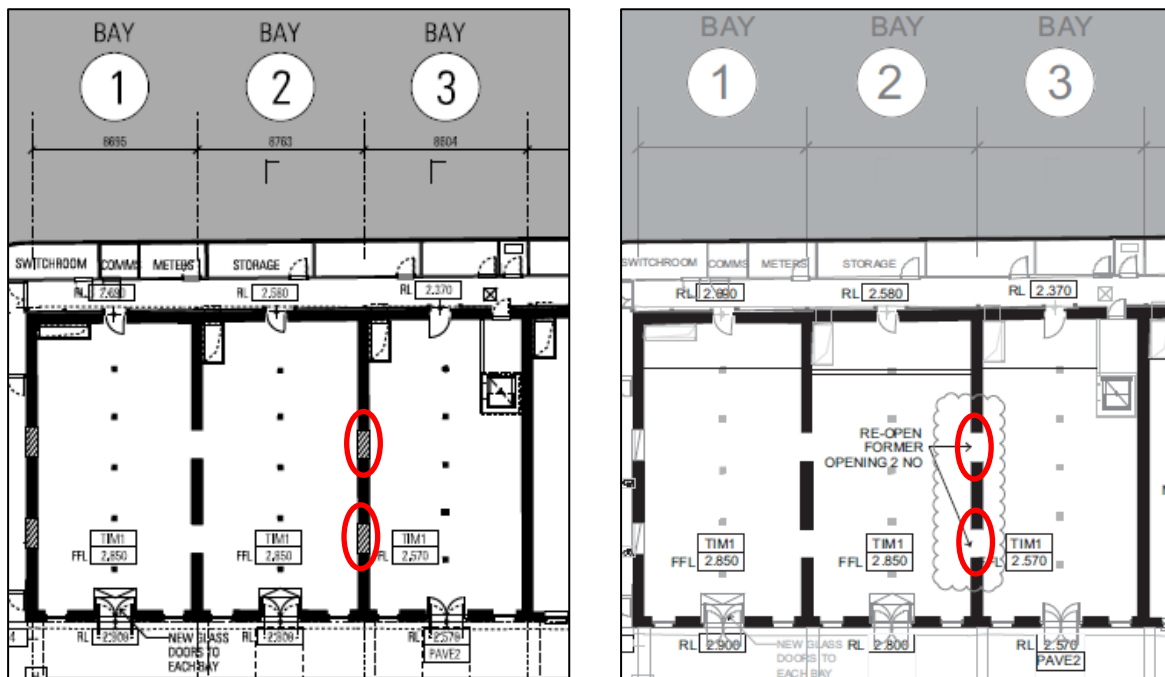


Figure 6 | The approved (left) and proposed (right) reinstatement of two former doorway openings between Bay 2 and Bay 3 at the ground level (the doorways are circled in red)



3. Strategic Context

3.1 Greater Sydney Regional Plan

The Greater Sydney Regional Plan – A Metropolis of Three Cities sets out the NSW Government’s 40-year vision and establishes a 20-year plan to manage growth for Greater Sydney and includes 10 directions. The Plan’s key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The proposal supports the directions and objectives of the Plan by:

- ensuring Greater Sydney’s harbor central business district is stronger and more competitive
- ensuring Greater Sydney attracts investment and business activity
- ensuring Greater Sydney is a great place that brings people together.

3.2 Eastern City District Plan

The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District. The proposal is consistent with the Eastern City District Plan as it will help to facilitate the future use of Bays 1, 2 and 3, thereby contributing to growing a stronger and more competitive central business district (Planning Priority E7).



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed application against the requirements of section 4.55(1A) of the EP&A Act is in **Table 2**.

Table 2 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	The proposed modification relates only to the reinstatement of two former doorway openings. The doorways will be reinstated to the same dimensions before the current works were undertaken to block them up. The Conservation Management Plan (GML, 2014) identified the former openings as being of little significance, and each were noted as having a neutral impact on the overall significance of the heritage item. Additionally, the Heritage Impact Statement accompanying the modification application, considered that the proposal would have an acceptable heritage impact. The Department, therefore considers the proposed modifications to be of minimal environmental impact.
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified	The proposed modification will not alter the nature of the approved development. Specifically, it does not alter the form and function of the approved development, nor impact on its streetscape appearance or result in any additional impacts on the natural environmental or surrounding properties. Therefore, the Department is satisfied the development is substantially the same development for which consent was originally granted.
The application has been notified in accordance with the regulations.	Given the minor nature of the proposed request, the application was not notified or advertised. However, the modification request was made publicly available on the Department's website and referred to Council and the Heritage Council of NSW for comment (refer to Section 5 of this report).
Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	The Department has considered submissions received (refer to Sections 5 of this report).
Consideration of section 4.15(1) of the EP&A Act as are of relevance to the development application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The Department has assessed the relevant matters for consideration under section 4.15 of the EP&A Act (refer to Section 6 of this report).

4.2 Environmental Planning Instruments

The following EPIs apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011
- Sydney Cove Redevelopment Authority Scheme
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers that the modification can be carried out in a manner that is consistent with their aims, objectives and provisions.

4.3 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 submissions in the nature of an objection.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Given the minor nature of the proposal, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Council and the Heritage Council of NSW for comment.

5.2 Agency Submissions

Heritage Council of NSW did not object to the proposal and provided the following comments:

- The modification would not result in any further impact upon the heritage values of the site
- To ensure significant fabric is not impacted, it is recommended that the following conditions are included:
 - no original sandstone will be removed or cut as part of the proposed works
 - all work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods
 - the removed sandstone should be salvaged and stored on site
 - there should no frame surrounding the new door openings.

5.3 Community Submissions – Council

Council support the proposal and provided the following comments:

- No objection is raised to the proposal, subject to the following conditions:
 - the two former openings are reinstated to the same dimensions before the works that blocked them up, and no larger
 - the sandstone blockwork removed to re-open the former doorways is carefully salvaged and stored on site for future use.
- The openings were identified in the CMP for Campbell's Stores as being of little significance.

The conditions as recommended by Heritage Council of NSW and City of Sydney Council, will be incorporated as conditions of consent to ensure the fabric of the heritage item is not impacted by the proposed works.



6. Assessment

6.1 Section 4.15(1) Matters for Consideration

Under section 4.55(3) of the EP&A Act, the consent authority, must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 3** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 3 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Assessment
(a)(i) any environmental planning instrument	The modified proposal remains compliant with the relevant legislation as addressed in Section 4 of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause of the SRD SEPP, Development Control Plans do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 5 of this report).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the development are acceptable as the proposed modification is minor in nature and the proposed works can be appropriately mitigated through conditions.
(c) the suitability of the site for the development	The proposed modification is required in order to facilitate the continued use of the site for restaurant purposes. Further, the site can accommodate the proposed modification with no undue impacts to adjacent properties, the surrounding natural and built environments, or the heritage significance of Campbell's Stores.
(d) any submissions	The Department has considered the submissions received (refer to Sections 5 of this report).
(e) the public interest	The Department considers the modified proposal to be in the public interest as it will allow for the functional operation of a restaurant across Bay 1, Bay 2 and Bay 3 for patrons and staff.

6.2 Heritage Impacts

Under the SSD Approval, there would be no direct access between the kitchen in Bay 2 and the bar, storage and wash areas of Bay 3, nor any direct circulation space between the dining areas of Bay 2 and 3. This presents a significant constraint on the future operation of the proposed restaurant as staff would be required to travel

externally to access dining and back of house areas in each Bay. Therefore, it is proposed to resinate the former openings to allow access between the bays and enable the effective functioning of the restaurant. A photo showing the former doorway openings to be reinstated is provided in **Figure 7** below.



Figure 7 | Approximate location of former doorway openings (shown in yellow dashed line) to be reinstated to allow access between Bay 2 and Bay 3

Campbell's Stores is listed as a State heritage item and is located within a prominent site on Campbell's Cove. The CMP provides the overarching framework for consideration of impacts to the heritage significance to the Campbell's Stores. The CMP has identified the two former openings as being of little significance, and which has been noted as having a neutral impact on the heritage significance of the Campbell's Stores. Therefore, their reinstatement as openings will revert back to the original configuration.

The Heritage Council of NSW submission identified these changes would not result in any further impact on the heritage values of the site. Council also considered these changes minor and likely to have little heritage impact. The Department also accepts the proposed works are minor and would not have a detrimental impact on the heritage fabric of the building.

To ensure the fabric of the heritage item is not impacted by the proposed works, the Department recommends the following conditions consistent with those recommended by Council and the Heritage Council of NSW:

- no original sandstone shall be removed or cut
- all work to, or affecting significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods
- the removed sandstone shall be salvaged and stored on site
- there shall be no frame surrounding the new door openings.

The Department therefore concludes the proposed reinstatement of the former doorways is acceptable as it would not have any detrimental heritage impacts and will allow for the necessary functioning of the restaurant within Bays 1, 2 and 3.



7. *Evaluation*

The Department has reviewed the proposed modification and assessed the merits of the application, taking into consideration comments from Council and the Heritage Council of NSW. The proposed modification would not have detrimental heritage impacts and will enable the functional operation of Campbell's Stores by providing direct internal access for patrons and staff between Bay 2 and Bay 3, and thus is considered to result in an improved outcome for the use of the building and its heritage significance. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD 7056 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD 7056; and
- **signs** the attached approval of the modification (Attachment B)

Recommended by:

Rodger Roppolo

Planning Officer

Key Sites Assessments



9. *Determination*

The recommendation is **not adopted/adopted by:**

David McNamara

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

The following supporting documents to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Section 4.55(1A) Modification Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10741>

2. Agency and Community Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10741>

Appendix B – Notice of Modification

The Notice of Modification can be found on the Department of Planning and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/10741>

Appendix C – Consolidated Consent

The Consolidated Consent can be found on the Department of Planning and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/10741>