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Ms Carolyn McNally
Secretary
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Carolyn,

REQUEST FOR SEARS TO VARY THE SCRA SCHEME - 34-52 HARRINGTON STREET, THE ROCKS (HARBOUR ROCKS HOTEL)

This document is a request for Secretary's Environmental Assessment Requirements (SEARs) on behalf of TMG Developments Pty Ltd (the proponent) to guide the proposed internal and external upgrades to the Harbour Rocks Hotel (the site) at 34-52 Harrington Street, The Rocks.

The site is within The Rocks, an identified State Significant Site per Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD). Clause 6 of Schedule 2 of the SEPP SRD identifies that development within The Rocks is State Significant Development (SSD) if:

"(6)(b) it does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act."

As the proposed building envelope breaches the 'approved scheme' also known as the Sydney Cove Redevelopment Authority Scheme – Drawing XXXVIII endorsed by the Minister on 6 August 1984, it will be SSD for the purposes of the Environmental Planning & Assessment Act 1979. The purpose of this letter is therefore twofold:

- A request for SEARs for the preparation of an EIS for the proposal; and
- To provide notice that a concurrent application to seek variation to the SCRA scheme envelope for the site will be forthcoming.

In this letter, we outline the site, the proposal. The planning context and the key environmental impacts.

1. THE SITE

The site, known as the Harbour Rocks Hotel is located at 34-52 Harrington Street, The Rocks. The site is rectangular, approximately 910m² in size and is legally described as Lot 11 and 14 in DP 773812. It is bound by a frontage to Harrington Street to the west, Suez Canal Walk to the north, Nurses Walk to the east and an existing commercial building (66 Harrington Street) to the south (refer to Figure 1 and Figure 2).

The substantive building (34-40 Harrington Street) and the adjoining terraces occupied by the Hotel (42-52 Harrington Street) are items of State Heritage significance. The Harbour Rocks Hotel is a three-storey brick (former warehouse) building, with the adjoining (six) terrace houses being two storeys in height.

We note the scope of works is limited to the following parts of the overall site:

- Internal refurbishments of the lower ground floor level.
- Upgrades to the existing deck fronting Nurses Walk, including the erection of an awning structure.

Figure 1 – Site Aerial



Figure 2 – Site Locality Map



2. THE PROPOSAL

The proposal serves to refurbish a popular dining location within The Rocks by:

- Improving the internal circulation and layout of the lower ground floor, enabling a superior visitor experience by separating bar, lounge, dining and private dining areas while also providing openings for ease of movement between each.
- Creating a genuine alfresco area by upgrading the existing deck structure, and providing an awning for visitor amenity.

Overall, the proposal has carefully considered the heritage fabric of the building (in consultation with PNSW – the landowners), and will reinforce the desired character of The Rocks as a popular tourism destination and dining precinct. This SSD application will seek consent for the following building alterations:

2.1 Internal

- De-fit of existing restaurant, cafe and office spaces.

- Remove existing non-heritage walls at rear of central bays.
- Partial demolition of existing kitchen in preparation for reconfiguration.
- Construction of new openings in existing sandstone walls between bays 1 and 2 and bays 3 and 4 to match the existing opening between bays 2 and 3.
- Reconfiguration of existing AC and ventilation.
- Reconfiguration of existing electrical, fire and hydraulic services to suit new layouts.
- Construction of new bar counter in bay 1.
- Reconfiguration of existing Kitchen including new charcoal grill and pass.
- Construction of new steps in between upper and lower levels in bays 2 and 3.
- Construction of new banquette seating in bays 1 and 2.
- Fit out of new retail/takeaway space in bay 4.
- Construction of new feature joinery to conceal existing fire hose reel and hydrant.
- New "loose fit" furnishings throughout.
- New stone, tile and timber floor finishes.

2.2 External

- Make good of existing external doors.
- Demolition of existing timber deck and steps on Nurses Walk.
- Construction of new deck structure with integrated bar tables and overhead canopy awning.

The proposed changes to the building are illustrated in the architectural plans prepared by Welsh + Major at **Appendix A**.

2.3 Consultation to Date

The project team has had ongoing engagement with Property NSW (the landowners), to seek guidance on the proposed scheme. Owners consent will be provided prior to determination. The following program of consultation has already occurred:

Initial deck and awning design prepared by Bennett + Trimble:

- 15.08.16 - Presentation to SHFA.
- 23.08.16 - Feedback received from SHFA (awning concept not supported).
- 04.11.16 - Presentation of final sketch design iteration.
- 29.11.16 - Feedback received from SHFA (awning concept not supported).

New deck and awning design prepared by Welsh + Major:

- 06.03.17 - Presentation interior concept and requested input into deck and awning design prior to new concept being prepared - SHFA Heritage + Urban Design Director + Managers, TMG and Welsh + Major design team.
- 04.05.17 - Presentation of deck and awning concept and interiors including internal openings - SHFA Heritage + Urban Design Director + Managers, TMG and Welsh + Major design team.
- SHFA team formal feedback provided 09.05.17.
- Design has been updated and additional presentation/consultation will be undertaken as part of the EIS preparation process.

3. PLANNING CONTEXT

3.1 Environmental Planning and Assessment Act 1979

Section 89D(1) of the EP&A Act specifies that the consent authority for SSD is the Minister for Planning. Section 78A(8A) requires that an SSD DA be accompanied by an EIS prepared by or on behalf of the applicant in the form prescribed by the regulations.

3.2 Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999

The Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999 (the Sydney Cove Regulation) sets out the process to be followed where it is proposed to carry out development on land which does not comply with the SCRA Scheme. The request for variation is to be lodged with and exhibited at the same time as the SSD DA. The relevant considerations under Clause 9 (Variation of approved scheme) of the Sydney Cove Regulation are as follows:

“(1) The Minister is to consider all submissions concerning a draft variation to the approved scheme made during the period of public exhibition of the draft variation.

(2) If, after considering those submissions, the Minister is of the opinion that the draft variation, if made:

(a) will not permit development that will adversely affect:

(i) development on adjoining land, or

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

(iii) the quality of the public domain in the locality, and

(b) will not permit development that will have an adverse impact on the natural or built environment or an adverse social or economic impact in the locality, and

(c) will conform with the general planning and design principles for the Sydney Cove Redevelopment Area,

the Minister may make the variation to the approved scheme in accordance with the draft variation or make the draft variation with such alterations as the Minister thinks fit.”

These matters have been considered in the design proposal and will be addressed in the EIS / SSD application.



3.5 Other Planning Policies

In addition to the above, the following legislation also applies to the site and the application:

- *Heritage Act 1977.*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

4. OVERVIEW OF LIKELY ENVIRONMENTAL AND PLANNING ISSUES

Based on our preliminary environmental assessment, the key environmental assessment issues that will need to be considered as part of the EIS are:

- Compliance with statutory plans and justification for variation to the SCRA Scheme.
- Heritage impacts upon the site (State listed item).
- Visual impact of the awning structure upon Nurses Walk and the locality generally.
- BCA, structural design and mechanical services.

5. CONSULTATION

Given the minor nature of the proposal, and the level of engagement with Property NSW to date, a detailed program of consultation with agencies and stakeholders is not required. Appropriate consultation with relevant agencies and the community can occur during public exhibition of the EIS, such as: Property NSW, the City of Sydney Council and NSW Office of Environment and Heritage.

6. CONCLUSION

The deck awning is outside the SCRA envelope, triggering SSD. The Secretary should have no hesitation in issuing SEARs. The proposal will provide a contemporary refurbishment solution which enables a more efficient use of the existing dining and retail space at the lower ground floor of the Harbour Rocks Hotel, allowing for greater user amenity and general functionality of the space. If you have any questions please don't hesitate to contact me at (02) 8233 7607 or egreen@urbis.com.au or my colleague Alaine Roff at (02) 8233 9927 or aroff@urbis.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "E Green".

Edward Green
Consultant

Appendix A: Welsh + Major Architectural Plans