

To: Attention: Anna Nowland, Department of Planning and Environment

From: Simon Smith, Associate Director, SJB Planning

Date: 13 December 2023

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**Subject: Amended proposal re: SSD-32766230 – 35-75 Harrington Street, The Rocks (SJB9736A)**

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## Overview

We are writing on behalf of the leaseholders of No. 34-52 Harrington Street, The Rocks located to the south of the development site.

No. 34-52 Harrington Street contains the “Evans Stores and Harbour Rocks Hotel” which are both listed as State Heritage Items (see Item Nos. 01545 & 01611).

Whilst we appreciate that some additional ‘Sun Eye View – Solar Access Diagrams’ form part of the amended application, we maintain our concerns regarding the proposed alteration to the approved building envelope under the Sydney Cove Redevelopment Authority Scheme (SCRA) and associated impacts to No. 34-75 Harrington Street as documented in our previous correspondence dated 26 April 2023 and outlined overleaf.

## 1. Variation to SCRA

The amended proposal seeks to amend the approved building envelope to No. 35-75 Harrington Street as noted in Table 1 below:

Site / Location	Approved Building Envelope	Original Proposal	Amended Proposal
Harrington Street frontage	RL27.00	RL23.15 to RL 23.70	RL22.50 to RL 24.50
Corner of Harrington Street & Argyle Street	RL 54.00	RL40.90	RL41.45
Central / rear portion of the site	RL 35.50	RL35.90, RL37.70, RL37.90, RL41.90, RL40.70, RL42.10	RL37.20, RL39.70, RL 39.90, RL41.45, RL41.90
Argyle Street	RL 27.00, RL30.00, RL24.00	RL 26.00	RL 25.80

Table 1. Comparison of approved building envelope relative to original and amended proposal

Concerns are still raised that the proposal amendments to the approved scheme (including a maximum 6.4m height increase through the central / rear portion of the site) will result in adverse environmental impacts to the State Heritage Item located at No. 34-52 Harrington Street (known as 'Evans Store and Harbour Rocks Hotel').

It is noted that the original application was supported by a draft SCRA variation request document dated October 2022. This document failed to adequately address impacts to adjoining land (including Nos. 34-52 Harrington Street or the heritage significance of buildings or sites in the locality).

A review of the amended plans and supporting documents identifies that an updated SCRA variation request was not submitted.

As such the proposed is not considered to satisfy the provisions of Section 9 (2) 'Variations of approved scheme under the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulations 1999 regarding development that will adversely affect –

- i) Development on adjoining land, or
- ii) The heritage significance of buildings, structures or sites in the locality.

## 2. Impacts

Whilst it is noted that 3D 'Sun Eye View - Solar Access' diagrams depicting proposed overshadowing to No. 34-52 Harrington Street at mid-winter form part of the amended documentation, no detailed shadow diagrams (i.e. drawn to scale in plan and elevational relative to survey details) form part of the proposal.

Accordingly, concerns are still raised that the proposed increase in building height (+6.4m) will adversely impact the heritage setting of 'Evans Stores, Harbour Rocks Hotel' at No. 34-52 Harrington Street.

It is noted that the northern and western facades (including fenestration) of No. 34-52 Harrington Street currently benefit from direct solar access from midday to 3pm (see Figure 1).

The proposed increase in building height (i.e. +6.4m in the central and rear portions of the development site) will result in additional overshadowing impacts to the northern and western facades of No. 34-52 Harrington Street, between 2pm and 3pm (See Figure 2 overleaf. NB: Only mid-winter 'Sun Eye View' diagrams were provided).

The increase in overshadowing to the northern and western façade (including fenestration) is considered to adversely impact the setting of the heritage item noting its visual and heritage significance to the terraces sited opposite at No. 55-71 Harrington Street, No. 39-47 Argyle Street and The Rocks Conservation Area.

In addition, the overshadowing will also affect direct solar access to the existing outdoor dining areas associated with the site's Harrington Street (western) frontage.



Figure 1. Northern and western elevations of Evans Stores, Harbour Rocks Hotel' at No. 34-52 Harrington Street - NB: Photo taken at 2.18pm on 19 April 2023



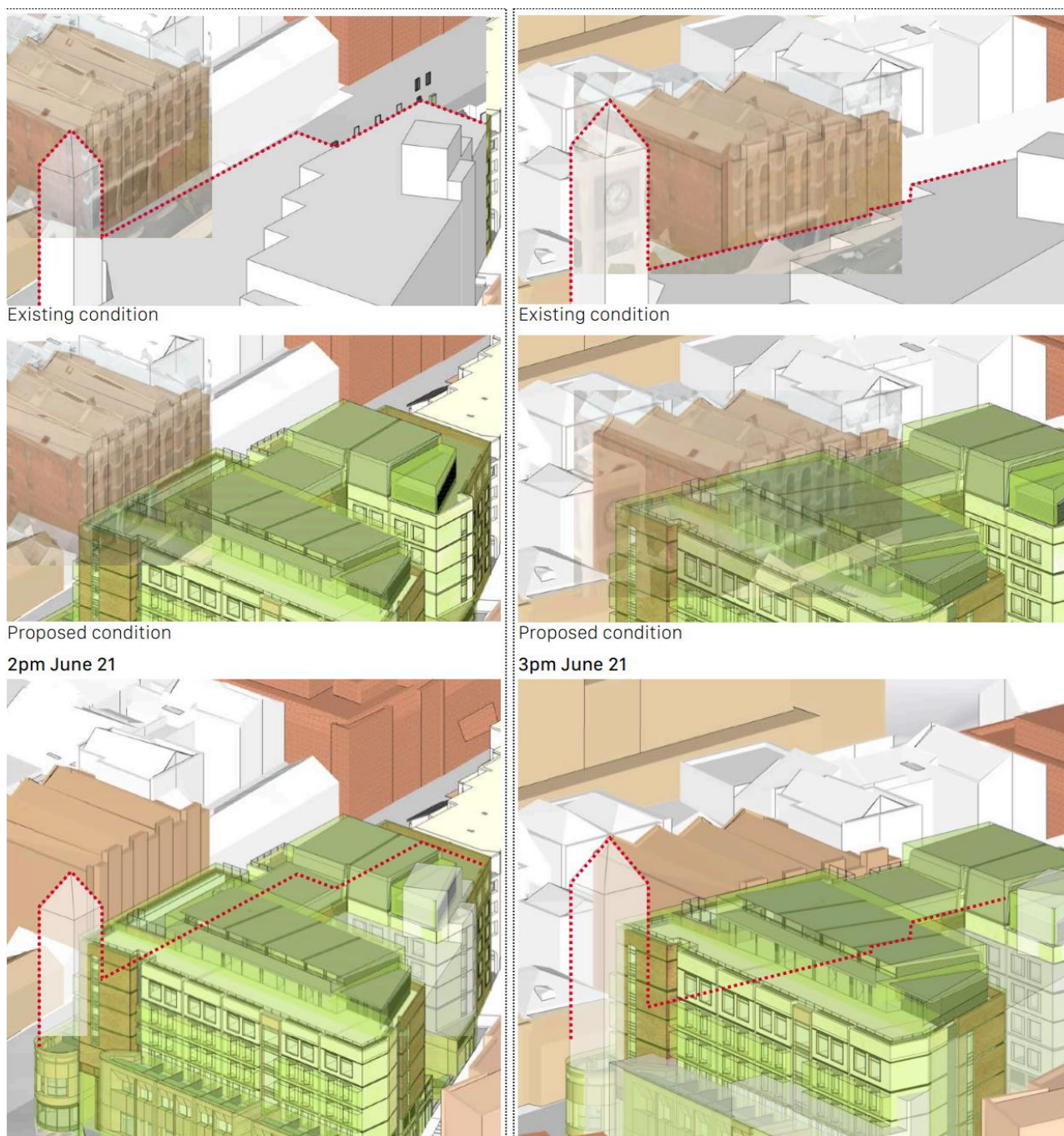


Figure 2. Extract of proposed 3D 'Sun Eye View - Solar Access Diagrams' (Source: Appendix C - Supplementary Design Report prepared by FJC Studio)

The amended application is supported by a statement entitled 'Appendix A - Mitigation Measures Table' prepared by Urbis.

Regarding overshadowing impacts, the statement states the following:

Page 4 - Built form and building design - Overshadowing

*"Overshadowing impacts - The built form and scale has been reduced to mitigate adverse overshadowing impacts to surrounding areas."*

*“The proposal will result in a neutral to minimal impact on the amenity of the surrounding residential properties and streets.”*

Page 5 - European Heritage - Potential impact to the heritage values of the surrounding heritage items and the heritage area

*“A heritage Interpretation Strategy should be prepared for the site by a suitably qualified heritage consultant as a condition of the approval. Prior to the issue of a Construction Certificate a Photographic Archival Recording should be undertaken of the place and must be prepared in accordance with the NSW OEG Heritage Division’s Guidelines for ‘Photographic Recording of Heritage Items Using Film or Digital Capture.’”*

*“The proposed demolition of the square detractive, contemporary building will not result in any negative heritage impacts and the proposed built form and mitigation measures will ensure the development will be delivered with a positive heritage outcome.”*

It is considered that nominal changes in height and associated overshadowing have not addressed impacts to the heritage setting of No. 34-52 Harrington Street.

It appears that heritage impacts focused on the demolition of the existing building rather than assessing the impact associated with the proposed increase in bulk and scale and associated overshadowing impacts to surrounding Heritage Items and the wider Conservation Area.

### **3. Conclusion**

The proposed increase to the maximum building height (+6.4m) at No. 35-75 Harrington Steet results in adverse environmental impacts including overshadowing to the heritage setting of ‘Evans Stores, Harbour Rocks Hotel’ at No. 34-52 Harrington Street.

Importantly, a review of the amended plans and supporting documents identifies that an updated SCRA variation request was not submitted.

Accordingly, the proposed is not considered to satisfy the provisions of Section 9 (2) ‘Variations of approved scheme under the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulations 1999.