

16 December 2015



The Secretary  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Shop 4, 500 Elizabeth Street  
SURRY HILLS NSW 2010

M 0425 277 039

Attn: Acting Director – Key Sites

Dear Madam,

**State Significant Development Application and Variation of the Sydney Cove Redevelopment Scheme for the “*Remediation, Renewal and Adaptive Re-Use of Campbell’s Stores*”, The Rocks (SSD 7056)**

We write in response to the above development application (DA) and request to vary the Sydney Cove Redevelopment Authority Scheme (SCRAS) submitted to the Minister for Planning by Tallawolodah Pty Ltd for proposed works to the Campbell’s Stores at The Rocks.

This objection has been prepared by SAKE Development with GMU Urban Design and Architecture; and Clive Lucas, Stapleton & Partners Heritage Consultants on behalf of the owners and residents at 8 Hickson Road The Rocks, located directly opposite the Campbell’s Stores. This letter has been prepared for the Owners Corporation (Strata Plan No. 70158). Specific urban design and heritage objections are attached and provided under separate cover.

The proposal, as we understand it, comprises the following elements:

- The removal of the existing single storey northern pavilion and the erection of a new four (4) storey glass box to the north of Bay 11, referred to as the “Bay 12 building”.
- Removal of the existing *Celtis sinensis* tree near Hickson Road to facilitate the new four (4) storey glass building.
- Modifications to the northern elevation of the building to provide connection(s) to the new stand-alone “Bay 12 structure” to the north including level changes.
- The removal of exterior elements and internal fit-outs to the body of the Campbell’s Stores such as the removal of masts and shade structures and the removal of kitchens and service areas.
- Reconfiguration and upgrade of the outdoor dining area, including removal of the awnings and non-heritage elements (eg boat masts) and the erection of new stand-alone canopy/shade structure along the forecourt.
- Conservation and reconstruction works such as upgrading the existing subfloor stormwater infrastructure, the replacement of the slates to the roof, and reconstruction of redundant internal wall and floor openings.
- The proposed *adaptive reuse* of the existing building for restaurants, cafes and bars.
- Operational hours of 6.00 am to 2.00 am (the following day) and Sunday from 6.00 am to midnight.
- Modifications to the existing openings on the western elevation of the building to provide for new pedestrian access to the tenancies from Hickson Road, including additional doorways.

The other separate SSD application (No 7246) is for public domain and foreshore works by the Sydney Harbour Foreshore Authority (SHFA).

This submission provides a brief summary of the neighbouring context including the residents and owners of 8 Hickson Road that are the most directly affected by this development. It presents our objections to the development based on a range of non-compliances and inconsistencies with the adopted Conservation Management Plan (July 2014), the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 SEPP, the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* and key planning matters.

We raise particular concern about the appropriateness and design of the proposed four storey glass building located to the north of the Campbell's Stores that is considered an intrusive and ill-conceived structure of unknown use that will have negative visual impact and result in the loss of public open space along this foreshore area. The introduction of another contemporary designed element into an area that is renowned for its predominantly historic appearance and within the buffer zone of the World Heritage Listed Sydney Opera House is not, in our view, supportable.

Our assessment concludes that the proposal in its current form should be refused, that there should be no development to the north of the Campbell's Stores and this area ("Bay 12") should be dedicated as public open space for the use and enjoyment of all. This is a lost opportunity and the only works that should be approved to the north of Bay 11 is the demolition of the unsympathetic Pavilion and the provision of passive recreation with retention of the Fig tree.

Further, with respect to the Premier the Hon Mike Baird's announcement on 28 September 2015 regarding Circular Quay, it is noted that *the Government is currently examining the most appropriate land use planning, heritage, and management framework for The Rocks precinct in consultation with the Commonwealth Government*. Any development or rezoning request for the Campbell's Stores is therefore premature and works to these significant Stores should be incorporated into this review.

## **1. Site Location, Context and Heritage Significance of the Campbell's Stores**

The Campbell's Stores building is a State Listed Heritage item, prominently located between the Sydney Harbour Bridge to the north, the Sydney Opera House to the east and the Bond Metcalf building to the west. The Park Hyatt is also located to the north. It is a local landmark and one of the most significant buildings within The Rocks' heritage precinct. It is also located within buffer zone of the Sydney Opera House, which was listed by UNESCO on 28 June 2007 as a World Heritage site under the World Heritage Convention.

The Campbell's Stores building is a superb example of a mid-nineteenth century warehouse building, something now rare on Sydney harbour. It exemplifies Sydney's maritime history and its built heritage. The Campbell's Stores comprise eleven gable fronted, three-storey high bays, which face Sydney Harbour. The last bay, Bay 11, was completed in about the 1890s and the other ten bays to the south were built from the 1850s to 1880s.

In c.1991, at the northern end of the Stores, the owners of the Italian Village restaurant constructed a pergola annexe/pavilion to the Campbell's Stores. Works to this pergola occurred over time to create what is now a single storey pavilion.

In 2014 SHFA engaged Godden Mackay Logan to prepare the Campbell's Stores Conservation Management Plan (CMP). The Heritage Council of NSW subsequently endorsed this plan on 15 July 2014. It is currently the principal guiding document for the Campbell's Stores' conservation and development.

The CMP delineates the physical setting - the required heritage curtilage of the Campbell's Stores. It extends from the Overseas Passenger Terminal overpass to the Park Hyatt Hotel and incorporates the pavilion to the north of Bay 11, which the proponent refers to as 'Bay 12' (even though the adopted CMP makes no reference to Bay 12). This heritage curtilage is essential for retaining and interpreting the building's historic significance as it underpins the building's visual setting, views and context. It should contain all elements contributing to the heritage significance, conservation and interpretation of the Stores and should not have other structures impinging on and undermining this.

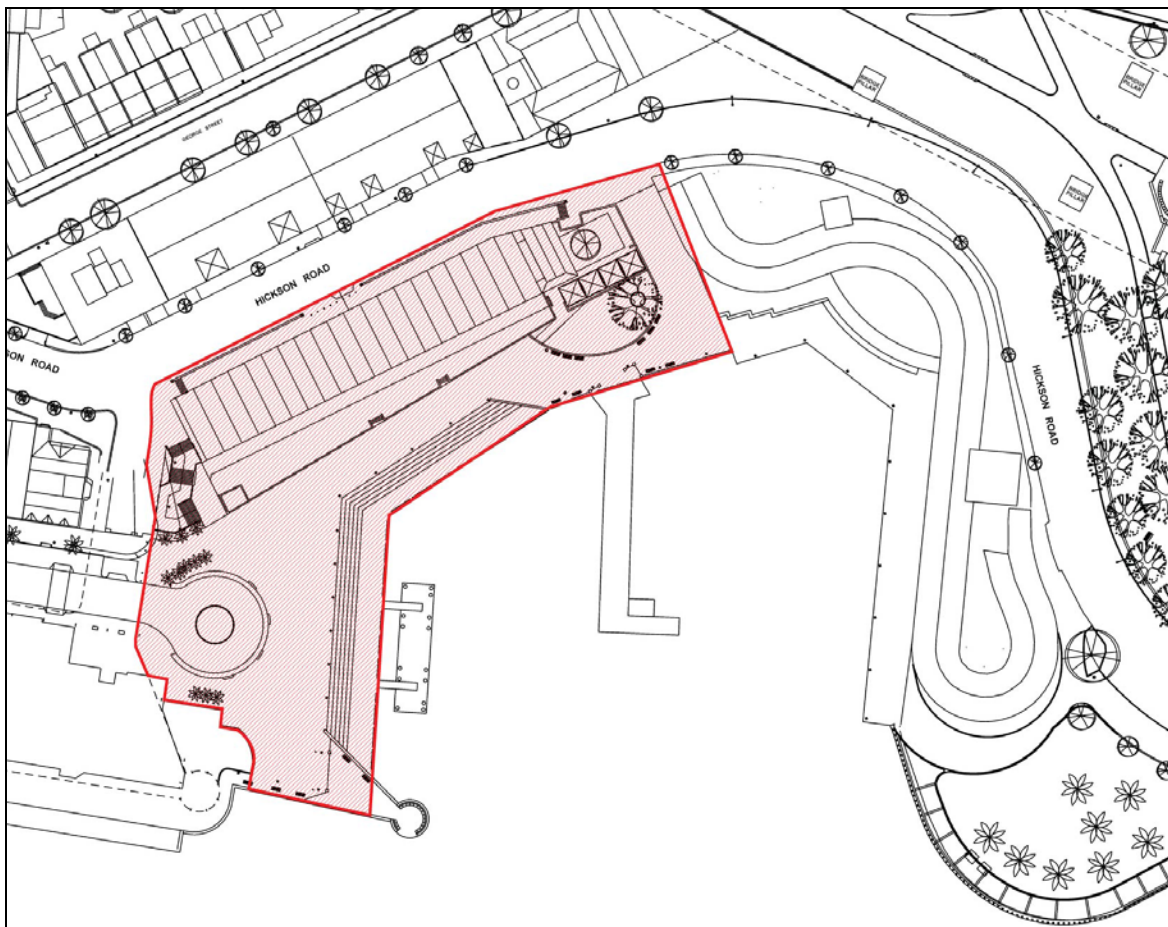
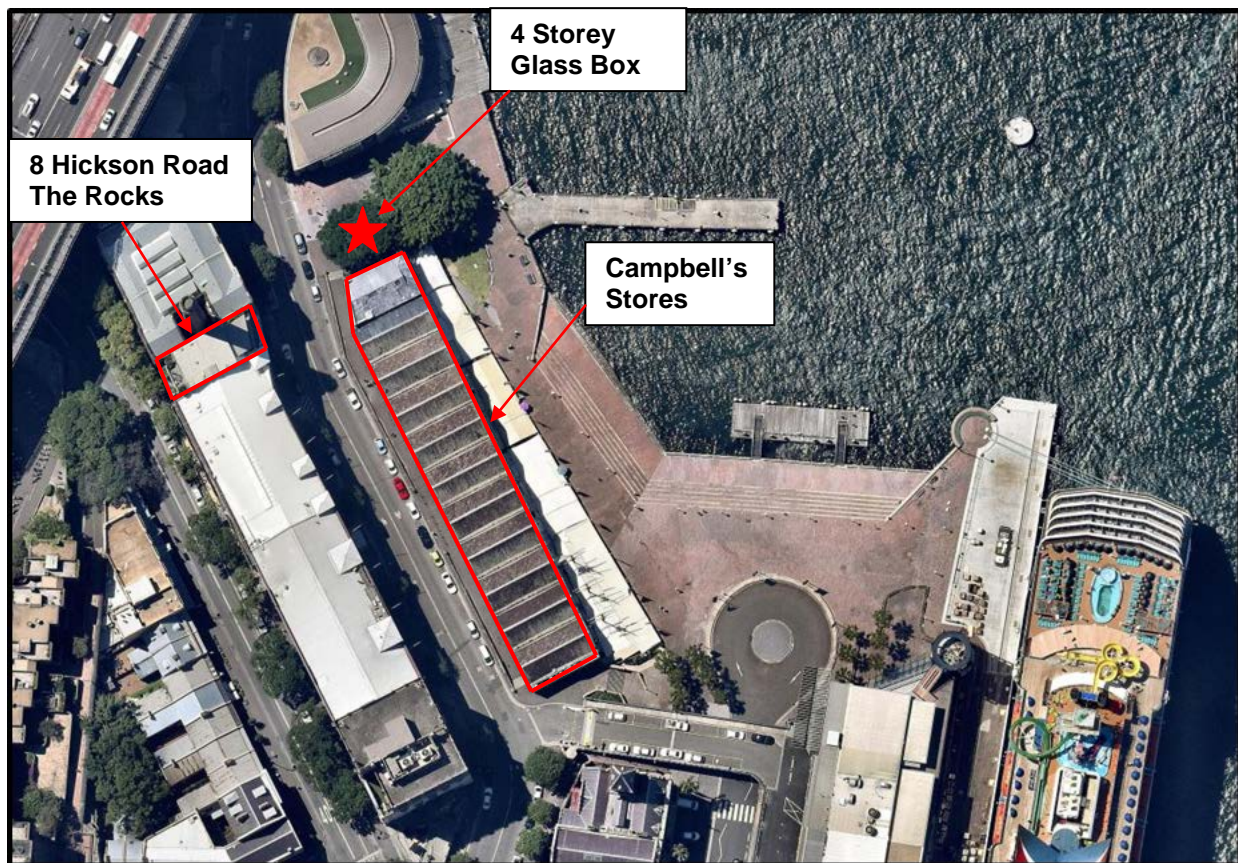


Figure 1: Extract from the CMP showing (in pink) the heritage curtilage for the Campbell's Stores. The area to the far right within the pink area is 'Bay 12', the area between Campbell's Stores and the Park Hyatt hotel.





*Figure 2: Site location and context. 8 Hickson Road is located directly opposite the Campbell's Stores and the proposed new "Bay 12" Glass Box. Note the Cruise ship located at the Overseas Passenger Terminal and the historic Bond Metcalfe in close proximity to the Campbell's Stores.*

8 Hickson Road The Rocks is located next to the historic Bond Metcalfe, in very close proximity to the subject development site, directly to the west, on the opposite side of Hickson Road. At the closest point, the two buildings are located within 20m of each other. The closest building element of the subject development is Bay 11 and the proposed new glass building. These neighbouring buildings are located in an historic and bustling urban environment and within a short distance of one another.

8 Hickson Road is a residential apartment building comprising six (6) units built over eight (8) levels. Ground floor provides a lobby and access to car parking. The six apartments are built over a single level and the penthouse covers two levels. Level 8 contains a large open balcony and operable windows. All other units also provide operable windows that open to Hickson Road. Most apartments have splendid views of the Sydney Opera House, Sydney Harbour and Sydney Harbour Bridge.

The Department should be aware that The Rocks is a very important part of the NSW economy. It attracts more than 14 million people each year and contributes \$400 million to the NSW visitor economy (The Rocks Strategic Directions 2015/16). Maintaining the heritage significance of The Rocks is important to continuing and enhancing its attraction and the educational merits for the vast numbers of school children that visit each year.

The Overseas Passenger Terminal is also located to the south of the Campbell's Stores and within its heritage curtilage. More than 256 cruise ships dock at the Overseas Passenger Terminal each year. This is expected to increase by some 300% by 2030 (The Rocks Strategic Directions 2015/16). There is no doubt the Overseas Passenger Terminal delivers a high number of visitors to The Rocks precinct and a solid contribution to the local economy.



The Rocks also hosts a number of events and celebrations year round including New Year's Eve, Vivid and Australia Day. Combined with the high number of international and local tourists (including the high number of Cruise ships), visitors, workers and residents, there is a need to provide simple open space areas to enable not only the circulation of the high number of people, but also places to sit, relax and reflect.

## **2. Historical Background – Pavilion to North of Bay 11**

There is no evidence to suggest that the existing single storey pavilion to the north of Bay 11 has development consent, and in fact may be an illegal addition that has evolved over time. Some of the landowner's at No 8 Hickson Road understand that in c.1991, the owners of the Italian Village restaurant constructed a pergola annexe to Campbell's Stores. Over time, it would appear that the lease holder has enclosed the pergola to create what is now a single storey pavilion. What started as an ephemeral addition has now become permanent. This appears to have been done without building and development approval and, significantly, it impinges on the space needed to provide the physical setting for Campbell's Stores and the community's appreciation of its historical form and function.

We respectfully request that the Department of Planning and Environment make full inquiry into any planning approval that has been issued for this Pavilion and liaise with the City of Sydney Council in this regard. Notwithstanding, we do not consider that any approval provides precedent to enable continued development and expansion of this Pavilion that is clearly intrusive and should be removed.



**Photo 1** Existing single storey pavilion located to the north of the Campbell's stores which is unsightly and should be removed.

### 3. Key Impacts of the Development

#### Proposed New Four Storey Glass Building – The Glass Box

We do not support in any way the proposed new four (4) storey glass building to the north of Bay 11, with its low 2.5m undercroft, stairwell and lift. The proposed new building is out of context, dwarfs and obscures the heritage building and will be the tallest built element along this promenade. This location should be dedicated as a public piazza, a beautiful grassed public space with retention of the fig tree that would provide a low key recreation space for sitting, reflection and the opportunity to view the Campbell's Stores, the Sydney Opera House and Sydney Harbour.

Retaining Campbell's Stores' historic physical and visual connection to the waterfront is essential. No development should be carried out which has any possibility of compromising this connection. A new public space provides the opportunity for the thousands of people who walk both along Hickson Road and the waterfront, to actually see the Campbell's Stores northern elevation and to deliver the full heritage curtilage. The proposed new 'glass box' will diminish available public views of the Sydney Opera House, particularly from the open space currently located between the northern end of Campbell's Stores and the Park Hyatt Hotel.

In this regard, the CMP states that better integration from Hickson Road via *a pedestrian walkway in front of the Campbell's Stores would also provide for increased and improved public access to Sydney Harbour and Campbell's Stores and an increasing value to the site in both community and economic terms.*

The CMP supports the removal of the existing, intrusive temporary structure at the northern end of Campbell's Stores and does not contemplate a four storey building. It notes that a contemporary, well designed addition could be constructed. The new design should aim to maintain and enhance the distinctive identity of the Campbell's Stores precinct; it should be consistent with the existing rhythm established by Campbell's Stores; it should recognise the scale and form of Campbell's Stores, respond sympathetically and it should use appropriate materials and colours, by using existing materials and colours as a point of reference.

The proposed new building is clearly not consistent with the adopted CMP.

The application fails to give details of the previous buildings on the land to the north of Bay 11, the site of the proposed new four-storey glass building, which in fact was never used as a bay or warehouse. The reference to Bay 12 is therefore misleading. With the exception of the unapproved inappropriate pavilion, this part of the site appears to have been unbuilt upon. The CMP states that the pavilion, which was constructed c1990 and as far as is known, *no other structures have been erected on this part of the site since the cottage shown on early plans was removed (circa 1900?)*. For more than a century, Campbell's Stores has been viewed in relative isolation from other structures and seen as a whole, not as elements in a mixed streetscape.





*Figure 3: View of the proposed glass box looking south down Hickson Road. The proposed new building dwarfs the Campbell's Stores and sits above the Campbell's Stores. (Source: Proposed Variation to Sydney Cove Redevelopment Authority Scheme, Urbis October 2015)*



*Figure 4: Any new building to the north of the Campbell's Stores devastates the opportunity to view and celebrate these historic buildings. (Source: JPW, 2015)*

### Proposed Use, Operation and Hours

It is not clear from the architectural drawings nor the description of the development what form or future uses are considered for Bay 12, particularly as the layout does not provide any certainty. Will this be used for function centres or bars? The applicant informed the owners in a consultation meeting that Bay 12 would be used for high end retail purposes. It is considered that the use of this space for bars and functions is not appropriate, considering the residential use to the west and occupants of the Park Hyatt.

Overall, the proposed hours of operation are noted as 6.00 am to 2.00 am (the following day) and Sunday from 6.00 am to midnight which are well in excess of the existing hours of operation. This will result in noise disturbance to the residents of 8 Hickson Road and guests at the Park Hyatt Hotel. These residents and guests will be subjected to noise emitted from the premises, including amplified music, and the noise from patrons departing the premises in the early hours of the morning. It will potentially cause light spill and anti-social behavior. Without confirmation of proposed land use, the Department cannot appropriately assess and determine the hours of operation.

Notwithstanding, the proposed hours are considered excessive and should be limited to the City Living trading hours for Category A uses as per the City of Sydney Council's requirements. Base hours for indoor trading are 7am to 11pm and outdoor spaces are limited to 10:00am to 8:00pm. The Waste Management Plan notes that the site will have capacity for some 2,400 patrons. The Italian Village on their website notes they can accommodate up to 500 people at events, such as wedding and corporate functions. Overall, the proposal is likely to fall under Category A, particularly where the development contains bars with more than 120 patrons (collectively).

The application also fails to provide any details about the various uses with the increase in tenancies from the current four (4) to thirteen (13), and does not provide an overarching Plan of Management as required by the SEARs, particularly addressing a coordinated approach and response to a potentially large number of people patronising disparate restaurants and bars that considers patron management, noise and security.

### Hickson Road Frontage, Public Domain Works and On Street Car Parking

The development application, particularly the EIS, Design Report and Assessment of Traffic, Transport and Parking Implications is ambiguous about proposed works to the Hickson Road frontage and does not address the specific requirements in the SEARs. It does not clearly describe, in word form or in a detailed drawing, the proposed works to Hickson Road. The EIS notes that along the Hickson Road frontage there will be increased footpath width along its western frontage, as well as modifications to the openings, but does not adequately detail these changes (proposed footpath widths, number and location of outdoor seating).

The overall application lacks adequate detail for the Department to assess these works and make a determination. Hickson Road is a vital consideration for the residents at No 8 Hickson Road as this is their street address that provides pedestrian and vehicle access, which is located opposite Bay 11.

Key Issue No 8 in the SEARs require that, in terms of Public Domain and Public Access, the following matters be addressed. Our response is located in the corresponding column and details how this application is inadequate:



<b>SEAR's Key Issue No 8 Public Domain and Public Access</b>	<b>Hickson Road Frontage &amp; Other Responses</b>
<ul style="list-style-type: none"> <li>Identify proposed open space, public domain and linkages with and between other public domain spaces, including detailing the interface between the proposed uses and the surrounding public domain (including the delineation between the proposed outdoor seating area and the adjacent public domain).</li> </ul>	<ul style="list-style-type: none"> <li>Does not address any public open space matters, particularly the undercroft of the new glass box.</li> <li>We recommend that the Glass Box be removed and replaced with a public open space area/piazza to enable the heritage values of the Campbell's Stores to be clearly visible and therefore celebrated from both Hickson Road and the foreshore.</li> </ul>
<ul style="list-style-type: none"> <li>Demonstrate ease of access/circulation space around Campbell's Stores, the proposed outdoor dining area and the proposed new structure to the north.</li> </ul>	<ul style="list-style-type: none"> <li>No details are provided about any outdoor dining or seating along Hickson Road. There are no details on numbers of seats, tables, locations or other fixtures associated with any outdoor dining in the EIS.</li> <li>Further, Clive Lucas Stapleton Heritage consultants advises that from a heritage perspective, it is not at all appropriate to provide seating along this façade, which is the "back of the building".</li> </ul>
<ul style="list-style-type: none"> <li>Outline <u>specific design features</u> (if applicable):</li> </ul>	
<ul style="list-style-type: none"> <li>footpaths and pavements, roads and/or rights of carriageways;</li> </ul>	<ul style="list-style-type: none"> <li>Not clear on drawings, particularly road narrowing or loss of on street car parking. The traffic report does not discuss the pedestrian crossing at all, nor the loss of street car parking.</li> </ul>
<ul style="list-style-type: none"> <li>outdoor seating;</li> </ul>	<ul style="list-style-type: none"> <li>Not detailed for Hickson Road<sup>1</sup>. The EIS and Design statement notes that approximately 13 tenants (excluding Bay 12) with external dining on both sides of the building, but no detail on numbers of seats, tables, signage and the like.</li> </ul>
<ul style="list-style-type: none"> <li>materials and finishes;</li> </ul>	<ul style="list-style-type: none"> <li>No support for the new glass block clad building.</li> </ul>
<ul style="list-style-type: none"> <li>furniture and fixtures;</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate detail provided.</li> </ul>
<ul style="list-style-type: none"> <li>street lighting, pedestrian lighting and feature lighting;</li> </ul>	<ul style="list-style-type: none"> <li>Street or other lighting is not shown, therefore light spill into residential apartments cannot be assessed.</li> </ul>
<ul style="list-style-type: none"> <li>edges, screens and fences;</li> </ul>	<ul style="list-style-type: none"> <li>The wind assessment makes a number of recommendations that are not incorporated into any plans or photomontages that would be very damaging to the heritage values of the Stores and highly intrusive.</li> </ul>
<ul style="list-style-type: none"> <li>walls, embankments and mounds;</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>
<ul style="list-style-type: none"> <li>steps, ramps, vehicle crossings, decks and pathways;</li> </ul>	<ul style="list-style-type: none"> <li>The level changes associated with the new glass building are not supported in this context.</li> </ul>
<ul style="list-style-type: none"> <li>services where affected, utility poles, and service pits;</li> </ul>	<ul style="list-style-type: none"> <li>This is not addressed and is an important consideration, particularly any further street lighting or other works that impact on services.</li> </ul>
<ul style="list-style-type: none"> <li>civil and stormwater infrastructure;</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>
<ul style="list-style-type: none"> <li>tree planting;</li> </ul>	<ul style="list-style-type: none"> <li>The landscape plan does not detail the type of trees near the proposed pedestrian crossing</li> </ul>
<ul style="list-style-type: none"> <li>mass planting beds, planter boxes and individual plantings; and</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>
<ul style="list-style-type: none"> <li>bicycle parking.</li> </ul>	<ul style="list-style-type: none"> <li>No details of bike parking in the public domain, but noted it could be provided.</li> </ul>

<sup>1</sup> The only reference to outdoor seating numbers is in the Noise Assessment – which notes 80 seats on Hickson Road.

Section 6.9 of the EIS notes that the Design Statement provides a detailed and comprehensive description of the proposed public domain works. The Design Statement does not provide any detailed description such as the width of the pathways, changes to the width of the Hickson Road carriageway (as a result of any footpath widening), loss or retention of off street car parking on Hickson Road (ticketed parking is currently provided on Hickson Road) nor details of the pedestrian crossing. Much of this development is located on land owned by the City of Sydney, identified as an important city street in the Traffic Report.

It would appear that parts of Hickson Road will be widened to accommodate the pedestrian crossing (near Bays 4 – 7) and that outdoor seating may be accommodated along this part of Hickson Road. There are no detailed design elements, nor assessment of this work. The residents at 8 Hickson Road object to any loss of street car parking and require further detailed understanding of works to Hickson Road, which is land owned by the City of Sydney, before being able to provide an appropriate response to these matters.

Further, recommendations in the wind assessment are very concerning from a heritage, public domain and public accessibility perspective and do not promote an accessible, visible and open public domain in this highly prized location, particularly:

- 1.8m high impermeable screens along the eastern edge of the outdoor seating on the stairs at the southern end of the site.
- A 1.8m high impermeable screen between the Bay 12 lift core and stair well at the northern end of the site.
- Densely foliating shrubs and wind-screens along the western aspect of Bay 12 (Hickson Road).
- 1.5m high portable screens around the outdoor seating along the western aspect of the redevelopment (Hickson Road).

The recommendations of the Wind Assessment are not integrated with any plans or design reports, and it simply notes that these matters should be addressed in the detailed design stage, which is not an adequate response. Imposition of any of the above recommendations would have devastating consequences to the heritage significance of the Campbell's Stores and the public domain.

Further, Clive Lucas Stapleton & Partners in their heritage assessment note that the Hickson Road façade is the only elevation at the place that is not cluttered or obscured by later additions and features related to the current uses of the place, such as restaurant signage, canopy structures or the intrusive pavilion. As such, the retention and maintenance of this elevation as a simply detailed, functional elevation with no further alterations or additions is critical to the conservation of the significance of the place as a whole.

#### Noise and Visual / Acoustic Privacy

Noise generated by the development will further impact the residents at 8 Hickson Road, particularly the very late trading hours and multiple tenancies, plus proposed outdoor dining on Hickson Road for 80 people. Key points regarding the proposal in terms of acoustics include:

- Background unattended noise monitoring was conducted between 25 June and 2 July 2015, normally a quiet time of the year (and outside Vivid). Noise monitoring should occur in both winter and summer to obtain a true understanding of background noise levels.
- It would appear that currently, noise levels at night (10pm to 2:00am) on Hickson Road currently exceed the EPA's Amenity Noise Objective.

- The Noise Assessment only considered noise emissions under two scenarios, one being up to 10pm with outdoor dining areas and up to 12:00am, when in fact the applicant is seeking trading hours to 2:00am.
- The primary source of noise generation is typically from use of outdoor areas and from air-conditioners/ventilation units.
- The Noise report does not assess noise generated from mechanical plant areas, which is considered one of the primary sources of noise. The report notes that a review of all external mechanical plant should be undertaken at construction certificate stage and acoustic treatments should be determined in order to control plant noise emissions. This response is not satisfactory; and should be considered for the overall building to ensure a considered and co-ordinated acoustic and design response for a State listed heritage building.
- Further, the noise assessment notes that it *is highly likely that any roof top equipment which operates 24 hours per day (such as refrigeration plant) will require either enclosure in plant rooms or acoustic screens to provide a line of sight break between the equipment and any residences.* Again, this is not an appropriate response or treatment for a State listed heritage item.
- The application, as required by the SEARs, does not address the location of mechanical ventilation in each tenancy, including the exhaust risers and the location of discharge points, or details of a shared mechanical ventilation system, which is considered essential due to the large number of new tenancies.

It is considered that further assessment needs to be undertaken to assess noise impacts and address any acoustic and screening measures as part of this application, so that appropriate heritage and visual impact assessments can be prepared.

#### Air Quality Assessment

The Air Quality Impact Assessment makes a range of assumptions and notes that given detailed information on the proposed operational activities within the building (ventilation rates, potential odour emissions) is not yet available, a wide range of assumptions was required to be used as input to the assessment. This is not adequate.

The Air Quality Impact Assessment also notes that kitchen exhaust will be directed through the roof of Bay 11 and that the exhaust should be raised above roof level. This will be a major impact on 8 Hickson Road. All kitchen exhaust from all restaurants must be located at the southern end of the Stores so as to minimise the potential impact on 8 Hickson and the Park Hyatt, the only residential buildings near the Stores. A considered visual and heritage impact assessment of the kitchen exhaust should also be completed.

#### Other Matters

The application fails to provide an overall signage strategy, particularly considering the number of new tenancies. This is an important consideration given the heritage significance of the building and location. There are no subdivision plans to support the application. The DA includes 'Subdivision - create separate strata and stratum lots'. Despite applying for this, the applicant has not submitted a proposed plan of subdivision and so, the application cannot be assessed.

We raise concern about protection of the Fig tree and note concerns raised about works and encroachments in the Arborist report. The Arborist report notes that the low Sandstone wall encroaches into the tree protection zone by 28%, which is not acceptable and that the sandstone wall should be retained if possible. The proposed drainage trench also encroaches into the TPZ by 13-15%.



#### 4. Strategic Framework and Procedural Concerns

##### Variation to Sydney Cove Redevelopment Authority Scheme

The owners of 8 Hickson Road strongly object to any proposed changes and variation to the SCRAS undertaken in isolation, the equivalent of a spot rezoning in this historic and significant location in the heart of The Rocks, located on the foreshore and within the buffer zone of the Sydney Opera House. We raise particular concern at the extent of the proposed change. Any review of planning or development controls for this historic site should be undertaken comprehensively, in context of any review of planning controls in The Rocks and not in isolation to support an inappropriate development scheme.

The proposed new glass building does not comply with the Building envelope control as shown on the axonometric drawing provided on the SCRA Scheme. The current control would only allow a single storey building. The proposal exceeds the height restriction on the **foreshore frontage by 14.5m, more than 250%** and on the Hickson Road elevation by **10.5m, or 140%**. Along the foreshore, the applicant is seeking to increase the height from RL3.5 to RL18, more than 5 times the current permissible height limit.

There are no compelling grounds to increase the building height so dramatically and this is completely inappropriate for the following reasons:

- The proposed new building is located within the heritage curtilage of Campbell's Stores as adopted in the CMP and within the Sydney Opera House world heritage buffer.
- It is not appropriate to undertake a review of planning controls in isolation, essentially a spot rezoning for land within the heritage curtilage of State listed heritage item.
- The SCRAS' height restrictions were established to create a visual separation between Campbell's Stores and the Park Hyatt and to create an open space and visual connection in this location. This will be destroyed if the non-compliance is approved.
- The proposed new glass building is an overdevelopment and not appropriate for this location. The unsightly pavilion should be removed and this land dedicated as public space.
- The proposed new building will sit higher than the Campbell's Stores, and therefore dwarf the heritage values of this historic building.
- The CMP never entertained a four storey building for this location
- The request is not consistent with Clause 9.2 of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999*, as we consider that the proposed Glass box will adversely affect:
  - (ii) *the heritage significance of buildings, structures or sites in the locality, and*
  - (iii) *the quality of the public domain in the locality,*

Importantly, the Premier, the Hon. Mike Baird in his press release dated 28 September 2015 with respect to works in Circular Quay, noted that the "*The Government is currently examining the most appropriate land use planning, heritage, and management framework for The Rocks precinct in consultation with the Commonwealth Government.*" A full copy of the Premier's press release is found at Attachment 1.

In light of this review and in consideration of the Premier's announcement, we believe that any redevelopment of the Campbell's Stores should be placed on hold until such time as this review has been completed in consultation with the Commonwealth Government. We also understand that the new independent Greater Sydney Commission will have oversight of the entire harbour foreshore and will conduct all decision-making and plan-making on rezoning proposals currently undertaken by the Minister (or his delegate). The Greater Sydney Commission will be responsible for metropolitan planning in a partnership with

State and local government and work closely with local communities. No rezoning should be entertained until such time as this review is completed and endorsed.

### Landowner's Consent

At the time of writing, the City of Sydney Council still had not provided landowner's consent to undertake works on their land along Hickson Road. The Department should satisfy itself that all landowners have provided their consent to this development. A recent article in Architecture and Design magazine (25/11/2015) states that the land is joint-owned by the Sydney Harbour Foreshore Authority and **the Police Association of New South Wales**. We consider it is not good policy to exhibit State Significant DAs without all landowner's consent being provided.

Whilst we note that SHFA has provided land owner's consent, this agency has now been abolished and its functions devolved to other agencies, notably the Department of Finance, Services and Innovation. The adopted CMP (7.4) requires that prior to granting owner's consent to a proposal, SHFA should be satisfied that there are no adverse heritage impacts associated with the proposal. We feel that the proposal is not consistent with the adopted CMP and that SHFA should have referred the application to the NSW Heritage Council prior to granting landowner's consent to a State Listed Heritage item.

### Devolution of Sydney Harbour Foreshore Authority

As noted, the Premier recently announced a review of control and ownership of government-owned lands around Sydney Harbour and that *'the Government is currently examining the most appropriate land use planning, heritage, and management framework for The Rocks precinct in consultation with the Commonwealth Government'*. We consider it was not appropriate and premature to enable this application to be lodged considering a major review of The Rocks is planned in consultation with the Commonwealth government.

### Project Description

We are very concerned about the appropriateness of the project description - *Remediation, Renewal and Adaptive Re-Use of Campbell's Stores* - particularly the reference to 'remediation'. The public exhibition notice as advertised in the Sydney Morning Herald refers to "the construction of a new three-storey stand-alone building".

Remediation is commonly defined as the action of remedying something, in particular of reversing or stopping environmental damage, whilst from a planning perspective, remediation is known as works to contaminated building/land. SEPP 55 - Remediation of Land defines remediation as:

- (a) *removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or*
- (b) *eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals on the land).*

There are no remediation works as proposed by this development, and the Project Description is therefore misleading. The public notification describes Bay 12 as three storey, which is incorrect. The Department should consider the adequacy of the exhibition material and project description. The application should be re-advertised with the correct description.

### Disparate State Significant Development Applications

There are two State Significant DAs for works to the Campbell's Stores (SSD 7056) by Tallawoladah and works to the public domain (SSD 7246) by SHFA. The different applications are confusing and raise concern about the integration of the works, particularly levels, impacts on the large fig tree and the timing of works. For such a significant and visible location, this should be a coordinated approach and not disparate applications. These works need to be integrated and considered in one application, particularly with regard to how any foreshore improvements integrate with the forecourt of the Stores.

## **5. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 SEPP (Sydney Harbour REP)**

The subject site is nominated as a Strategic Foreshore Site in the Foreshores and Waterways Area Map of Sydney Harbour REP and as such, a master plan is required. Whilst Clause 41(4) notes that a master plan does not have to be prepared for the City Foreshores Area, as shown on the Strategic Foreshore Sites Map, unless the Minister so directs, it is considered that a thorough evaluation of this land in context of works to the public domain should occur. In any event, the Minister must waive compliance with the requirement for a master plan for a Strategic Foreshore Site.

It is understood that HASSELL has prepared on behalf of SHFA the *Campbell's Stores Architectural and Public Domain Study* (2012). The Study does not have any statutory weight, but the applicant has relied heavily on this document in preparing the SSD application. The applicant advised that this document outlines the vision and framework that has informed the work subsequently undertaken for the precinct. This document was never formally exhibited or adopted by the Minister for Planning, much like a master plan would, therefore should not inform any planning of the subject development site.

It is considered that if the applicant is relying on an internal document, then this should be prepared as a Master Plan (and address the relevant matters), undergo public consultation and exhibition; and once consultation and assessment is complete, be formally adopted by the relevant authority. The Harbour REP defines what a Master Plan is and sets out the procedures for preparing, exhibiting, adopting and amending a Master Plan, following a process of public consultation and adoption by the relevant consent authority.

## **6. Conclusion**

The proposed development fails to deliver an appropriate and considered response to this historic site on the foreshore of Sydney Harbour. Our assessment concludes that the proposal in its current form should be refused, that there should be no development to the north of the Campbell's Stores and this area dedicated as public open space for the use and enjoyment of all.

We raise particular concern about the appropriateness and design of the proposed four storey glass box located to the north of the Campbell's Stores that is considered an intrusive and ill-conceived structure that will have negative visual impact and result in the loss of public open space. The introduction of another contemporary designed element into an area that is renowned for its predominantly historic appearance and within the buffer zone of the World Heritage Listed Sydney Opera House is not supportable.

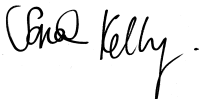


We raise concern about a number of elements of the DA including the project description, detailed elements of particularly the Hickson Road frontage, the integration of various reports (particularly the wind and noise assessments into the design plans) and parking arrangements. We do not support any variation to the SCRAS and consider a four storey height limit with a maximum RL of 18 completely inappropriate.

The proposed development fails to respond to its existing context on various levels. We therefore object to this proposal on behalf of the owners at 8 Hickson Road The Rocks.

If you require any further information please do not hesitate to contact me on 0425 277 039. Please keep myself and my clients informed of the future progress of this application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Kelly' with a stylized flourish at the end.

Sarah Kelly  
**Director**

**ATTACHMENT 1**

**The Premier, the Hon Mike Baird**

**Press Release 28 September 2015**

***Making it happen at Circular Quay***

# New South Wales Government

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## Making it happen at Circular Quay

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28th September 2015

The NSW Government will set aside funds from a new round of asset recycling to upgrade Sydney's iconic Circular Quay wharves, Premier Mike Baird, Minister for Transport Andrew Constance and Minister for Finance, Services and Property Dominic Perrottet announced today.

"Circular Quay should be the jewel of Sydney Harbour and today we are committing at least \$200 million to make it shine," Mr Baird said.

"We're working at a rapid pace to deliver Tomorrow's Sydney and everywhere you look there are cranes in the sky and construction sites in full swing."

The \$200 million in funding for the upgrade will be reserved in the NSW Government's infrastructure fund, Restart NSW.

The funds will be generated by the divestment of some select assets currently held by the Sydney Harbour Foreshore Authority (SHFA) deemed to be not of long term strategic importance.

A review of control and ownership of government-owned lands around Sydney Harbour has revealed duplication and inefficiency, and has led to consolidate SHFA's functions to other agencies, principally Government Property NSW and Destination NSW.

"The Government is currently examining the most appropriate land use planning, heritage, and management framework for The Rocks precinct in consultation with the Commonwealth Government."

All SHFA staff have been transferred to the Department of Finance, Services and Innovation.

SHFA assets targeted for divestment will be the Shangri-La and Four Seasons hotels in the Sydney CBD, the Novotel and Mercure hotels at Darling Darling Quarter.

Mr Perrottet said, "There is absolutely no reason in the 21st century why the NSW Government needs to be the landlord for these luxury hotels."

"The review has identified a number of non-core government assets that may also be suitable for divestment, but this would be subject to a review and potential strengthening of heritage conservation controls.

"What is non-negotiable is that there will be no loss of heritage through this process," Mr Perrottet



said.

Mr Constance said, "Circular Quay should be a window to our beautiful harbour, but after years of neglect, this gateway to the city is simply not up to scratch."

"Circular Quay is nestled between two Australian icons, the Sydney Harbour Bridge and the Opera House, but at the moment it's not realising its full potential."

He said a range of options would be considered for Circular Quay, including upgrades to the ferry wharves to make them modern and accessible, all the way through to a complete revamp that could include double-storey wharves with new retail facilities.

Construction is expected to begin in 2019.

Watch a concept animation of Circular Quay.



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