



**Mark Speakman**  
Minister for Heritage

14 June 2016

Mr Ashley Cheong  
NSW Planning and Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Mr Cheong,

**Campbell's Stores, The Rocks – Application SSD 7056**

I write to raise my concerns in relation to the proposed new structure at Campbell's Stores, The Rocks, known as Bay 12.

The Department of Planning and Environment correctly requested that the proponent further consider the design of Bay 12, notably "with regards to providing a more sympathetic relationship with the existing Campbell's Stores structures and the site's context".

The proponent's further consideration is inadequate and contrary to the guiding document *Design in Context: Guidelines for Infill Development in the Historic Environment* ('*Design in Context*') referred to in *Response to Submissions – Appendix B1 Design Response Report*.

While *Design in Context* does offer a diversity of responses, they all emerge *from* their prevailing context. In clear contradistinction, the design for Bay 12 is *imposed upon* its context.

*Design in Context* outlines principles for contextual design. These align broadly with those contained in *The Rocks Heritage Management Plan* by the Sydney Harbour Foreshore Authority, which states that "[n]ew development should be required to comply with 'infill' principles to respect the form, scale, character and texture of The Rocks".<sup>1</sup>

These largely address article 8 of the *Burra Charter*, which provides:

"Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate".<sup>2</sup>

If there is to be *any* addition of bays of a building in the location of Bay 12 (and whether there should be is not something about which, as Minister for Heritage, I am making a submission), the addition should either be vernacular and or reinterpret a vernacular form.

I turn to deal with six areas individually covered in *Design in Context*.

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<sup>1</sup> Sydney Harbour Foreshore Authority, *The Rocks Heritage Management Plan: Volume 1*, 2010, p 43.

<sup>2</sup> *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013, Article 8.

## Character

*Design in Context* provides for a way by which character is understood and analysed, and provides a practical way to examine and protect character. It states:

"All built environments have their own special character, but not all are valued as representing our history and culture. Changes to the built environment over time break the links between the past and the present and this frequently results in an environment without harmony or unity.

In contrast, places that are valued for their historic character convey a sense of continuity with the past..."<sup>3</sup>

*Design in Context* then proceeds to outline how historic character comes about, and notes the Rocks, stating that, "[t]hey may be places that have responded to, or reinforced, locally distinct patterns of development over time such as The Rocks". It further outlines how "[t]he character of an individual building or group of buildings is also shaped by the solid to void relationships, the play of light and shadow on the façades, and the proportions of openings".<sup>4</sup>

This is supported in the Heritage Impact Statement, where it notes that "[t]here is a mixture of individually important buildings by significant architects and more humble shops, cottages and terraces from different eras. Within this diversity the area has a coherence and consistent character of streetscapes and urban scapes in a very strong topographical setting".<sup>5</sup>

It is clear from this text that the proposal does meet the expectations of *Design in Context* in relation to character. This proposal is one of those that would "break the links between the past and the present" and result in "an environment without harmony or unity".<sup>6</sup> In particular, its decision not to reinforce locally distinct patterns of development in the Rocks is contrary to the guidance provided by *Design in Context*. Its façade composition does not analyse or relate to the fine grain of its character, not its solidity and patterns of openings.

*Design in Context* emphatically states the need to address this point:

"These places are our heritage, places that we want to keep. But their historic character can be compromised by unsympathetic new development. That is why it is vital that new buildings harmonise with their surroundings".<sup>7</sup>

## Scale

*Design in Context* notes:

"The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height, bulk, density, grain) of the setting and then respond sympathetically".<sup>8</sup>

The proponent has sought to reduce the height of the proposal in order to better address the scale of its context. However, in its assessment of alternatives, it has not considered fully the importance of the predominant scale and rhythm of building frontages. These also relate to the grain, and appearance of bulk. If there is to be any addition of bays of a building in the location of Bay 12 the additional should either be vernacular and or reinterpret a vernacular form.

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<sup>3</sup> NSW Heritage Office, *Design in Context: Guidelines for Infill Development in the Historic Environment*, 2006, p 6.

<sup>4</sup> Ibid.

<sup>5</sup> *Environmental Impact Statement – Appendix F1 Heritage Impact Statement*, p 43.

<sup>6</sup> NSW Heritage Office, *Design in Context: Guidelines for Infill Development in the Historic Environment*, 2006, p 6.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid, p 8.

If there is to be any addition in Bay 12, a new vernacular structure could provide for the sort of harbour views common to the Rocks and Millers Point, appearing between streets, structures and lanes due to the primary orientation of buildings to the street, not the harbour. The undercroft in the proposal is not required for the retention of views in light of this, and views through the site could be managed in addition by careful design of voids within a solid façade. Such options would provide for a deeply contextual design response, which responds to the desire for views to the Harbour in a way that utilises contextual urban patterns.

The examples provided in this section clearly warn against introducing “an alienating new character” such as is proposed. Hence the project should reconsider options which reinforce the townscape pattern, and provide for the “missing tooth” in this location. This could be considered akin to “re-subdivision” as outlined in the guidance:

“The grain, or pattern of arrangement and size of buildings in a precinct or conservation area, can be an important part of its character. The subdivision patterns and layouts of the streets provide the predominant scale and rhythm of building frontages. Any re-subdivision of lots within conservation areas should reinforce the townscape pattern”.<sup>9</sup>

## Form

The discordant appearance of the proposal does not meet the guidance within *Design in Context* on built form. *Design in Context* states:

“Infill design should be sympathetic with the predominant form of its neighbours. Where a building form is highly repetitive within an area, variations to this form appear discordant”.<sup>10</sup>

The Rocks is valued for its locally distinct patterns of development, as noted above. Hence an appropriate built form is one that engages with those patterns of development. This could occur either through repetition (which is permitted but not demanded, depending on context) or adaptation of such patterns. *Design in Context* notes that, “[t]he form need not copy that of the neighbours but should relate to it positively”.<sup>11</sup> In the Rocks, however, being significant for its distinct local patterns of development, the argument to adopt and elaborate upon existing forms is stronger.

The argument is strengthened when considering the streetscape. The form proposed does not respond to the prevailing ground floor and roof line, which are critical to the street presence defined by load-bearing masonry walls with few, regular openings. *Design in Context* supports such an approach:

“Infill buildings should respond to, or reinforce, existing ridge or parapet lines, roof slopes and other features such as party walls and chimneys. The treatment of the façade in terms of the proportion, material and number of openings affects how a new building relates to its neighbours”.<sup>12</sup>

## Siting

*Design in Context* states:

“New buildings in a valued historic context should add sympathetically to the local streetscape and the grain of the area. The qualities of the streetscape can be reinforced by conforming to existing front and side setbacks and the general location of new buildings on site and the complementary treatment of street edges”.<sup>13</sup>

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<sup>9</sup> NSW Heritage Office, *Design in Context: Guidelines for Infill Development in the Historic Environment*, 2006, p 8.

<sup>10</sup> Ibid, p 10.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

The building aligns with the street which is appropriate; however this is undermined by the treatment of the street edge, where the lack of a solid ground façade due to the raised structure undermines the streetscape.

An exemplar in *Design in Context* is the following:

“The new housing provided by Cox, Richardson and Taylor in 1983 in The Rocks, Sydney took its lead from the typical terrace housing of the area. The fine grain of the area, provided by the narrow terrace blocks, scale of openings and verandahs was used to modulate the new houses... The infill buildings sit comfortably within this highly sensitive historic environment”.<sup>14</sup>

In this regard, there is no reason why, if there were an addition at Bay 12, it could not take its lead from the typical store or warehouse on Hickson Road.

In addition, the proposal focuses on the retention of significant views and vistas to the harbour, however it does not analyse sufficiently why a building adjacent to Bay 11 would be inappropriate, or could not accommodate a view line through it. Given that façade was not always visible due to previous structures, this option has not been sufficiently considered.

Whilst *Design in Context* states that “[n]ew buildings should allow for the retention of significant views and vistas to and from the building, a townscape or a landscape”,<sup>15</sup> these views can be framed and revealed contextually. The character of the Rocks means that the view lines can be framed as ‘reveals’ between buildings and along streets and pedestrian laneways.

## **Materials and colour**

*Design in Context* states:

“Within a locality of consistent character there are usually predominant building materials, textures and ranges of colour, particularly in detail and decoration. Good infill buildings should recognise characteristic materials, textures and colours used locally and in adjacent buildings. These should be re-interpreted and incorporated as part of the new building”.<sup>16</sup>

Most of the exemplars provided in *Design in Context* utilise prevailing materials. In the case of the Sydney Theatre at Walsh Bay, brick allows it to relate to its surrounding buildings; stone and brick could do similarly at Bay 12.

*Design in Context*, however, is open to allowing new materials, particularly noting :

“Materials and colours of surrounding buildings need not be simply copied but used as a point of reference. Modern materials can be used if their proportions and details are harmonious within the surrounding historic context. Colour, texture and tonal contrast can be unifying elements”.<sup>17</sup>

In this case, the modern materials proposed are not proportioned or detailed in a way that is harmonious with the surrounding historic context – rather than unifying through patterns of contrast, it provides mere contrast. Materials and colours are not used in way that protects context, but instead are materials which are preferred by the architect in their other work. The use of glass blocks is without any contextual grounding, and seems more about imitating their use in other high-end retail developments. Despite a gesture to utilising warmer hues, this does not address the core issue of material choice.

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<sup>14</sup> NSW Heritage Office, *Design in Context: Guidelines for Infill Development in the Historic Environment*, 2006, p 11.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid, p12.

<sup>17</sup> Ibid.

## Detailing

The context of the Rocks has a language of ornamentation which is shared and elaborated upon over time. Due to this, the proposal's detailing poses a problem for its claim to sensitivity, particularly in its abandonment of locally distinct patterns of development and ornamentation.

*Design in Context* states:

“Common details within an area establish neighbourly resemblance and contribute to its special character. Verandahs, chimneys and shutters, for example, are often distinctive features of nineteenth-century housing. The lack of details in many contemporary buildings can accentuate their difference within their historic context and disrupt the harmony of the area. Details that contribute to the character of a conservation area or heritage item should be identified. They can inform or inspire the design of the new building”.<sup>18</sup>

*Design in Context* does provide significant freedom to utilise such detailing, and introduce new materials where appropriate in a way which contributes positively to the character of the place. The proposal here, however, does not engage with the key patterns of detailing that are characteristic of the precinct. By lacking a ground floor, the solidity and texture of masonry which give balance and frame the street are absent. The simply framed openings for doors and windows are negated by the absence of windows and doors.

The detailing does not reference its context, and provides nothing to protect or strengthen the character of the place. It does provide novelty, but novelty is not of value in and of itself. In this case, it serves to accentuate their difference within their historic context and disrupts the harmony of the area.

## Rebuttal of proponent's propositions

The proponent states in *Response to Submissions – Appendix B1 Design Response Report*:

- “A direct and/or vernacular addition to Bay 11 (Fig. 6.7) that attempts to mimic the original building will not be a satisfactory approach as it will completely obscure the north elevation of Bay 11 and is not consistent with the CMP, which contemplates a contemporary addition (refer section 6.4.1)”.<sup>19</sup>

That statement is not supported by analysis of *Design in Context*. Further, the use of the term “contemporary”, where it is understood as being starkly differentiated and defined by particular aesthetic or materials, is grounded neither in principle nor in practice. There is no historical imperative for a building designed today to be of a given style or materials, and there is a plurality of design practiced within NSW. The question is which approach is appropriate for this given context.

In other words, there is no reason why a building built now must look like the proposed Bay 12. A contention that a building built now must do so fails to acknowledge the more sympathetic “contemporary” buildings that are highlighted in *Design in Context*, which even utilise vernacular forms.

Clearly from *Design in Context*, a contemporary building can utilise sympathetic materials, form, scale and detailing to protect an area's character. They can even be vernacular. In addition, as the north elevation of Bay 11 has previously been obscured, options which do so may be considered on their merits, and may or may not be the most appropriate.

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<sup>18</sup> NSW Heritage Office, *Design in Context: Guidelines for Infill Development in the Historic Environment*, 2006, p12.

<sup>19</sup> *Response to Submissions – Appendix B1: Design Response Report (Part 3)*, p 22.

The proponent states:

- “A contemporary infill building should be setback from Bay 11 to clearly delineate between the buildings, each reflective of its time (CMP Policy 18)”.<sup>20</sup>

This statement is not supported by CMP Policy 18 (cited in *Appendix B1 Design Response Report*). That policy states:

“...New work should be clearly identifiable as such and should, wherever possible, be capable of being removed without damage to significant fabric or spaces”.<sup>21</sup>

To be “identifiable as such” need not require stark differentiation, and may rely upon close inspection. It can thus be as subtle as the inclusion of the date. To interpret this as requiring differentiation is mistaken, as differentiation should only be adopted where appropriate to preserve significance. This precinct is significant due to its particular character, which warrants continued deep engagement with that harmony that has been established.

In addition the guidelines to Policy 18 (cited in *Appendix B1 Design Response Report*) do not support a so-called “contemporary” infill building. They state:

“The existing, temporary structure at the northern end of Campbell’s Stores should be removed and replaced with a new structure that responds to the qualities of the existing building, including materials, rhythms and scale”.<sup>22</sup>

*Design in Context* gives strong guidance as to how that could be achieved. This further highlights how the proponent is trying to impose a given aesthetic upon the context, not derive a design from its context.

The proponent states:

- “Raising the building up will allow views and pedestrian connections through to the harbour (Fig. 6.8, 6.11) and align the facade to the highest point on Campbell’s Stores (Bay 11 adjacent, RL 16.00)”.<sup>23</sup>

As is clear from the discussion of scale and character, this statement does not address the way by which harbour views in the Rocks can be treated contextually. Rather than a full span view, many harbour views from the Rocks are glimpses between streets, facades and civic places. This is because the Rocks has a clear primacy of the street, and the importance of civic facades in its established its streetscape and character.

There is an opportunity to provide harbour views either with a vernacular structure in the proposed location, or additional bays adjoining Bay 11, as has been outlined already.

The proponent states:

- “The infill building’s quality and materials need to be part of the family of ‘jewel-like’ contemporary insertions to the precinct, with high-quality materials and detailing”.<sup>24</sup>

This suggestion cannot be supported. Its inclusion as a key design criterion is without any foundation. It is directly contradictory to the advice in *Design in Context*, and sets a preferred future character for the Rocks not determined by its unique heritage significance, but rather by the preference of the proponent.

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<sup>20</sup> *Response to Submissions – Appendix B1: Design Response Report (Part 3)*, p 22.

<sup>21</sup> Ibid, p 23.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid, p 22.

<sup>24</sup> Ibid.

There is nothing in the controls for the Rocks, nor in the heritage guidance material referred to by the proponent, that calls for a “family of ‘jewel-like’ contemporary insertions to the precinct”. In fact, there is the very opposite, a clear obligation for the most sensitive of designs to protect this unique place.

These problems are exacerbated in the infill principles outlined by the proponent. The first of these is as follows:

“> **Scale & Proportion:** The scale & proportion should reinforce the street grain by aligning to the height of the gables to reinforce and complete the existing streetwall”.<sup>25</sup>

The grain of the street is more than just the height and street alignment. In fact, the key characteristics of the grain of the street are the solid masonry facades, and the regularity and restraint within which they are broken by windows and doors. Conditions about height and street alignment are not sufficient to address the scale and proportion of the building, particularly as the lack of a ground floor fundamentally disallows the sort of civic streetscapes that typify the Rocks.

The proponent gives as a second infill principle:

“> **Materials:** Contemporary materials should be used as counterpoint to existing. All of the materials should be within the same family of contemporary interventions across the site. These materials should be ‘warm’ in tone in order to relate sympathetically to the Campbell’s Stores building”.<sup>26</sup>

Whilst this identifies that the materials previously proposed were not sympathetic to the Campbell’s Stores building, it does provide any grounding for the need of a “counterpoint”. The proposed changes do not address the overriding “cold” tones of the materials of the building, which speaks to their inappropriateness for this context. There is no rationale for excluding materials and hues which would better protect the significance of this place.

The proponent gives as a third infill principle:

“> **Views, vistas, Public domain:** The building should be raised to improve vistas and pedestrian connections at ground level”.<sup>27</sup>

This principle seems to be without contextual grounding, as it does not analyse how vistas occur within the Rocks and Millers Point, nor the primacy of the street and laneways for pedestrian connections in this precinct.

### **Proponent’s “Response to Submissions”**

The core arguments in the proponent’s “Response to Submissions” to justify this particular design response are considered paragraph by paragraph below.

The proponent states:

“Reference to the heritage character and setting of The Rocks implies that the precinct cannot accommodate modern buildings. Given that it has been established practice that new buildings should **not** be a heritage pastiche, and that there will be sites that require to be ‘infilled’, the design approach requires imagination and sensitivity to the context.”<sup>28</sup>

This statement is problematic on many levels. Firstly, there is no need for a so-called “modern” building to be starkly differentiated from, or unsympathetic to, its context. Secondly, there is a clear difference between contextual design and “pastiche”. “Pastiche” would be an appropriate retort to an

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<sup>25</sup> *Response to Submissions – Appendix B1: Design Response Report (Part 3)*, p 23.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> *Response to Submissions – Appendix C: Heritage Response*, p 6.

amalgam of non-historic elements, but it does not make invalid genuine vernacular design, let alone that design responses promoted in *Design in Context*.

The proponent states:

“The argument against modern buildings for retention of heritage character is contradicted by the c.1990 Park Hyatt that has successfully provided a continuous built form that spatially encloses Campbells Cove as a large outdoor room. The Park Hyatt also provides a street alignment along Hickson Road. The proposed Bay 12 building will provide a partial ‘infill’ that adds enclosure to the Campbells Cove precinct, but without blocking the view of the harbour from Hickson Road at street level”.<sup>29</sup>

The Park Hyatt better respects the form, materiality, and texture of the Rocks, and the monumental character of its openings to Hickson Road echoes those of the warehouses opposite the Stores at Campbells Cove. This does not justify the proposed Bay 12. A modern and sensitive insertion is possible, and *Design in Context* provides powerful exemplars nearby in the 1983 structure by Cox, Richardson and Taylor in Millers Point and the Sydney Theatre Company building.

The proponent states:

“Reference to protecting the setting of the Stores ignores the fact the proposed Bay 12 will not obscure the primary east and west facades, and that it occupies a space that historically had structures located adjacent to the north elevation”.<sup>30</sup>

The proposal would diminish the context of the Stores. The historic location of structures if anything begs a design response which restores the values of that context through more appropriate character, form, siting, materials and detailing.

The proponent states:

“The proposed design approach of Bay 12 is a superior outcome than what has been proposed previously and is based on the following ‘method’:

- A direct addition to Bay 11 will not be a satisfactory approach as it will completely obscure the north elevation and likely produce a heritage pastiche or a design compromise in an attempt to relate to the heritage of Bay 11.
- The next development approach would be to separate the new building from the Stores as a stand-alone structure that clearly allows delineation of the two buildings, each reflective of its time”.<sup>31</sup>

The proponent has not established that obscuring an elevation that was previously obscured is such an unsatisfactory approach, especially considering that those same historic structures are used to justify an infill structure, and would be significantly obscured in any case by this proposal from certain angles. This is a matter that would warrant further consideration, and a structure in the proposed location may well end up being a more appropriate response. That structure, however, need not diminish the context of Campbells Cove to be “reflective of its time”. A careful reading of *Design in Context* shows that the alternative is not “heritage pastiche” or “design compromise”, but an alternative design response which would better protect the significance of the context.

The proponent states:

“The success of the above separation in the context of The Rocks however, is that the new building is of a refined and ‘jewel’ like insertion into the streetscape precinct. In this regard the

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<sup>29</sup> *Response to Submissions – Appendix C: Heritage Response*, p 6.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.



carefully designed glass structure will provide visual delight and a sense of curiosity in the observer, a characteristic of The Rocks”.<sup>32</sup>

This statement seeks to elevate, above the tangible character of the Rocks, the “characteristic” of “visual delight and sense of curiosity”. In doing so, it reveals the core of the issue with this proposal. It seems to have followed a design process that had a preferred aesthetic and placed sensitive design as a secondary consideration.

## Summary

Contrary to the Department of Planning and Environment’s request, the proponent’s further consideration of the design of Bay 12 has not provided “a more sympathetic relationship with the existing Campbell’s Stores structures and the site’s context”.

*If there is to be any addition of bays of a building in the location of Bay 12 (and whether there should be is not something about which, as Minister for Heritage, I am making a submission), the addition should either be vernacular and or reinterpret a vernacular form.*

The proponent’s response does not meet the standard outlined in its main document of reference, does not reflect best practice, imposes a design *on* the context rather than designing *for* its context and prioritises its own aesthetic (a “family of jewel-like insertions”) over the significance of one of the most historic precincts in NSW.

It may be unusual for a Minister for Heritage to provide a submission on a proposal. I have done so in this instance because the proposal put forward, and the way it is being argued, would render meaningless much of the protection offered to heritage values in NSW, in one of our most sensitive and valued places. The proposal should be emphatically rejected.

Yours sincerely



**Mark Speakman**  
**Minister for Heritage**

Cc. The Hon. Robert Stokes MP  
Heritage Council of NSW  
National Trust  
Samantha Wilson, Urbis

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<sup>32</sup> Response to Submissions – Appendix C: Heritage Response, p 6.