

**85 HARRINGTON STREET,
THE ROCKS**

**RESPONSE TO
SUBMISSIONS**

9 AUGUST 2017
FINAL REPORT
PREPARED FOR GOLDEN AGE & HANNA THE ROCKS

URBIS

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| Project Code | SA5563 |
| Report Number | Response to Submissions August 2017 |

TABLE OF CONTENTS

| | | |
|--------|---|----|
| 1. | Introduction | 4 |
| 1.1. | Overview | 4 |
| 1.2. | Structure of this Report | 4 |
| 1.3. | Reference Drawings and Supporting Documentation | 4 |
| 2. | summary of submissions | 6 |
| 2.1. | Overview | 6 |
| 2.1.1. | Council and Government Agencies | 6 |
| 2.1.2. | Public | 6 |
| 2.2. | Government agency submissions..... | 6 |
| 2.2.1. | City of Sydney | 6 |
| 2.2.2. | NSW Heritage Branch..... | 7 |
| 2.2.3. | Professor Peter Webber (Independent Design Review)..... | 8 |
| 2.2.4. | Transport for NSW | 10 |
| 2.2.5. | Roads and Maritime Services..... | 10 |
| 2.2.6. | Ausgrid | 10 |
| 2.3. | public and other submissions | 10 |
| 2.4. | POst-exhibition and ongoing liaison with government agencies | 11 |
| 3. | Response to 'Key issues' identified by DP&E | 14 |
| 3.1. | height and built form | 14 |
| 3.2. | Residential Amenity | 16 |
| 3.3. | car Parking | 17 |
| 3.4. | Bicycle Storage/End of Trip Facilities | 18 |
| 3.5. | Servicing | 18 |
| 3.6. | Contamination | 19 |
| 4. | Summary of Proposed amendments to the application as originally submitted | 20 |
| 5. | Summary and Conclusions | 21 |
| | Disclaimer | 31 |

No table of contents entries found.

FIGURES:

| | |
|---|----|
| Figure 1 – Amended DA Design photomontage looking south along Gloucester Street | 8 |
| Figure 2 – Amended scheme photomontage indicating looking south..... | 9 |
| Figure 3 – Operable shutters and upper level recess on the northern elevation adjacent to The Rendezvous Hotel to minimise overlooking..... | 10 |
| Figure 4 – Reduced parapet height along Gloucester Street (Original DA left, amended DA right) | 15 |

TABLES:

| | |
|--|----|
| Table 1 – Supporting Documentation | 5 |
| Table 2 – ADG Consistency | 17 |

1. INTRODUCTION

1.1. OVERVIEW

This Response to Submissions Report has been prepared on behalf of *Golden Age & Hannas The Rocks* the proponent for State Significant Development Application referred to as SSD 7037.

The application was lodged in August 2016 and seeks approval for the demolition of the existing structures on the site, retention and adaptive re-use of the “Bakers Terraces” fronting Gloucester Street and construction of a part-6 and part-9 storey mixed use development containing residential, retail and commercial land uses.

The application was placed on public exhibition on 18 August 2016 and following its conclusion on 16 September 2016, the NSW Department of Planning and Environment (DPE) issued correspondence dated 28 September 2016 requesting that the applicant respond to the issues raised in the submissions received during the public exhibition period, and provide additional information prior to the final assessment and determination of the application.

The key issues identified during the public exhibition, and articulated in the DPE’s ‘Issues Letter’ related to the height and built form of Block 1, residential amenity, car and bicycle parking, servicing and contamination.

Following the submissions, the applicant has liaised with City of Sydney Council, OEH, DPE and Professor Peter Webber to agree on the best way to respond. These meetings have assisted with arriving at the proposed amendments to the scheme, and we feel these address the key issues raised.

This report provides a response to each of the issues raised both by DPE and Professor Peter Webber and in the submissions received during the public exhibition, with the provision of additional justification and technical information where relevant. Amendments to the proposal to respond to key issues and amended mitigation measures have also been provided and are documented in this report.

1.2. STRUCTURE OF THIS REPORT

This Response to Submissions Report is structured as follows:

- **Section 1 - Introduction**
- **Section 2– Overview of Key Agency and Public Submissions:** Provides a summary of the issues raised in the agency submissions and a response to each of these, including provision of additional or amended technical information as appropriate. We also provide an overview of recent meetings and liaison with key agencies in response to the submissions.
- **Section 3 - Key Issues identified by the NSW Department of Planning & Environment:** Provides a detailed response to the key issues raised in the agency and public submissions received during the exhibition period.
- **Section 4 – Proposed Amendments to the project:** Provides a consolidated list of recommended mitigation measures and conditions of consent based on the technical studies undertaken as part of this application.
- **Section 5 - Conclusion.**

1.3. REFERENCE DRAWINGS AND SUPPORTING DOCUMENTATION

This Response to Submissions is supported by the following technical studies provided in the appendices of this report. This information is intended to supersede and/or supplement those originally lodged. All other consultant reports remain unchanged from the original Environmental Impact Statement lodgement and can be found on the DPE website.

Table 1 – Supporting Documentation

| Requirement | Prepared By | Reference |
|---|--------------------|------------------|
| Architectural Drawings | FJMT | Appendix A |
| SCRA Amendment Drawing | FJMT | Appendix B |
| Design Report and ADG Compliance | FJMT | Appendix C |
| BASIX | Cundall | Appendix D |
| Traffic & Green Travel Plan | Traffix | Appendix E |
| Landscape Plan | FJMT | Appendix F |
| Visual Impact Assessment | GMU Design | Appendix G |
| Heritage Impact Statement | Urbis | Appendix H |

2. SUMMARY OF SUBMISSIONS

2.1. OVERVIEW

The application was placed on public exhibition on 18 August 2016 and following its conclusion on 16 September 2016, the NSW Department of Planning and Environment (DPE) issued correspondence dated 28 September 2016 requesting that the applicant respond to the issues raised in the submissions received during the public exhibition period, and provide additional information prior to the final assessment and determination of the application.

An overview of the post-DA exhibition is provided below:



2.1.1. Council and Government Agencies

The following agencies provided comments on the application during the public exhibition period:

- City of Sydney Council
- NSW Heritage Branch
- Transport for NSW
- Roads and Maritime Services
- Ausgrid
- Office of Environment and Heritage
- Professor Peter Webber (Independent Design Review)

2.1.2. Public

A total of 14 public submissions were also received during the public exhibition period. Of these 14 submissions:

- 3 were in support of the proposal
- 1 was from the National Trust
- 1 was from Millers Point Resident Action Group
- 7 submissions were from surrounding property owners (objecting to the proposal).

A summary of the agency and public submissions is provided below.

2.2. GOVERNMENT AGENCY SUBMISSIONS

2.2.1. City of Sydney

The City of Sydney objected to the DA as lodged for the following key reasons:

- **Suitability of the site** - The comment in relation to suitability of the site for the proposed development was predominantly in relation to the level of residential amenity of the DA scheme as lodged. As discussed in Section 3, the proposed DA amendments have sought to create a more simplified

residential floor plate which now complies with the ADG. Based on further liaison with Council Officers and the proposed amendments to improve residential amenity, we believe the suitability of the site for the proposed development will no longer be in contention by the Council because of this change.

- **Excessive building height of Block 1** – This was a common theme with the exhibited DA by a range of agencies. As discussed in Section 3, Block 1 has reduced in building height by up to 3.9m significantly improves the transition to the heritage terraces on Gloucester Street, and minimised visual impact in both the immediate context, and from surrounding important views identified in the SEARs issued by DPE. The amended Visual Impact Assessment (VIA) by GMU Design fully endorses the proposed scheme (as amended) from a visual impact perspective (as opposed to the lodged scheme where GMU had identified two views that required mitigation).
- **Setbacks of Block 1** – In addition to the amended building height, the proposed amendments provide increased setbacks on Block 1 to create a better transition to the heritage terraces on Gloucester Street. See Section 3 of this report for further detail.
- **Excessive car parking & insufficient bicycle parking and associated facilities** – The amended scheme has removed a basement car park level and decreases the overall level of car parking from 95 to 63 (i.e. a 35% decrease). The proposed rate is now marginally higher than the parking rates in SLEP 2012, and is now significantly lower than the RMS Guide to Traffic Generating Development which permits a car parking rate of approximately 124 spaces. In addition, bicycle parking has increased from 26 to 93 spaces, with further storage facilities provided and end-of-trip facilities.
- **Insufficient servicing of the site** – The proposed amendments have changed the loading arrangements by providing a loading dock area that has been designed to cater for Council garbage collection, but is also provides a turntable for the forward access and egress of Council's 9.25m truck. As demonstrated in the Traffic Report, the loading area can also be used by up to two SRVs simultaneously, with sufficient space for the vehicles to enter and exit the site in a forward direction without the use of the turntable. Additionally, there is one loading bay in Basement 1 for a B99 van.
- **Car park layout, access driveways and car share** – The amended traffic report provides additional information in relation to the car park layout, which now satisfies the relevant Australian Standards. The site is within 400m of 35 car share spaces.
- **Land contamination** – The Council have requested a Detailed Site Investigation to be provided in addition to the Preliminary Site Investigation. As discussed with DPE, it has been agreed that this will be a condition of consent as the existing built form on the site precludes the ability to undertake any further investigation work at this stage.
- **Noise** – The Council has expressed an interest to see specifications of glazing thickness and window seal performance to achieve noise compliance with the recommendations of the noise report. DPE have not identified that this needs to be addressed at this stage, but could include appropriate conditions to ensure that this is provided prior to the issue of a Construction Certificate.
- **Construction management** – A detailed construction management plan will be provided prior to a construction certificate as the precise details of the proposed construction and staging will be most certain when a building contractor is appointed for the project.
- **Public domain** – In response to the Council's concerns, clay-brick paving is provided (rather than the SHFA pallette) to be consistent with the surrounding public domain.
- **Public art** – The landscape plan (as amended) has identified a unique opportunity for public art and public domain improvements. The plan provides opportunities for public art in the new Cumberland Stair connection, incorporation of artworks and sculpture/archaeological historical boxes to green walls lining the new stair, interpretative retainants embedded in the stone paving and raised planter walls.

A sensitive, lightweight / light touch artistic opportunity is present along the Baker's Terrace heritage wall. The art would require careful selection / treatment to the wall so as to maintain the integrity of the heritage element - options include freestanding / suspended artwork, lightworks and transient, temporary art pieces. Such options have been identified in the public artwork strategy proposed by FJMT and included in Appendix F of this report.

2.2.2. NSW Heritage Branch

The NSW Heritage Branch provided the following key comments on the application:

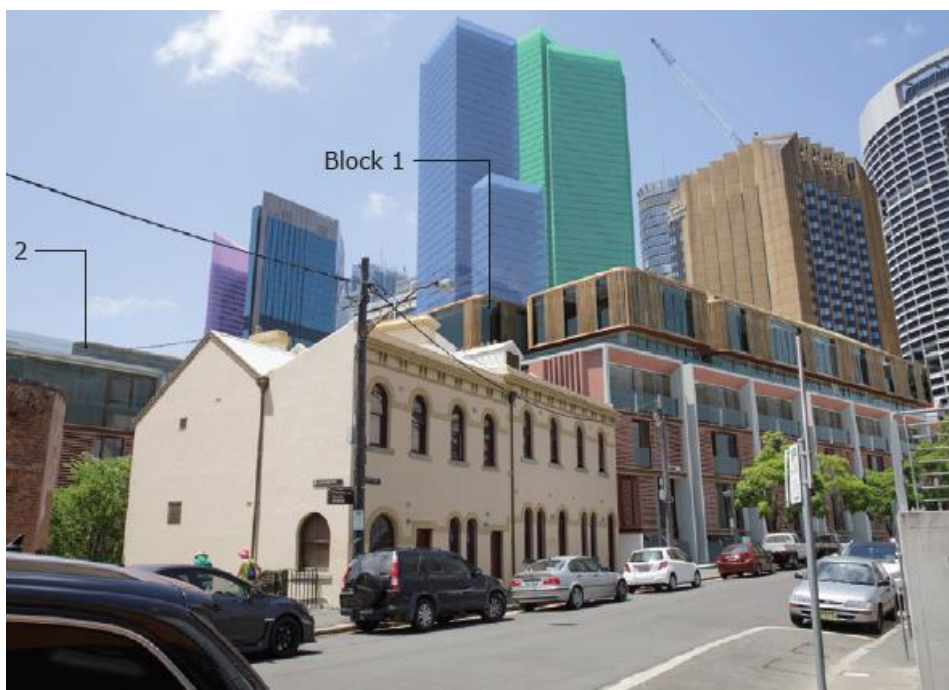
- **Deletion of the entire Level 5 of building Block 1 to reduce the height to reduce the visual impact, but retain the stepped form of the upper two floors**— As discussed in Section 3 of this report, the overall height of Block 1 has reduced by 2.75m (RL50 to RL47.2) and the setbacks of the upper 3 levels have increased from 1.2m to 3.17m to reduce the visual impact of the proposal, and create a better relationship to Gloucester Street and the Bakers Terraces. The relocation and rationalisation of the commercial uses on the southern portion of Block 1, has allowed for the built form to reduce and creates a much better relationship to the roof-line of the Bakers Terraces, with clearer delineation and stepping from Block 2 to Block 1. This view has been reinforced by GMUs independent VIA which confirms all views are now acceptable.
- **Provide a Heritage Interpretation Plan** – This has now been provided.
- **Provide revised drawings which include retention of fabric (basement walls) identified as ‘high’ and ‘exceptional’ in the basement of the Bakers Terraces** - This has now been provided and is discussed in further detail in the updated Heritage Impact Statement prepared by Urbis in Appendix H of this report.
- **Remove the concrete awning and side panels of Block 2 to reduce the height and scale to balconies facing the Bakers Terraces** – this has now been deleted.
- **Wet areas within the Bakers Terraces must be designed in a manner that is reversible and does not impact original or significant fabric** – Noted and to be conditioned as part of the final approval.
- **If archaeological deposits are discovered during works, work must cease immediately and an experienced archaeologist must be contacted to assess the finds** – We presume that this work would have largely been undertaken during the previous redevelopment of the site, but this could be conditioned by DPE if necessary.

2.2.3. Professor Peter Webber (Independent Design Review)

Professor Peter Webber was engaged by DPE to undertake an independent design review of the DA as submitted. His key comments on the application are provided below:

- **Height of Block 1 is inconsistent with the opposite building in the streetscape (on Harrington Street), Gloucester Street and the Bakers Terraces and creates an inequitable outcome and precedent to other properties** – As described in further detail in Section 3 of this report, the proposed amendments to the application will reduce the overall height of Block 1 by 3.9m and create a more consistent scale to the built form on the eastern side of Harrington Street. This is shown in Figure 1 below.

Figure 1 – Amended DA Design photomontage looking south along Gloucester Street



In addition, the amended design provides a parapet height and setbacks that align with the parapets of the built form on the eastern side of Harrington Street.

With regard to Gloucester Street, as discussed in Section 3 of this report, the proposed height reduction, setbacks and attention to the facades now provides a much more contextual form to The Bakers Terraces and streetscape. The photomontage below provides a contextual overview of how the proposal aligns with the horizontal and vertical elements of the Bakers Terraces in a positive manner.

Figure 2 – Amended scheme photomontage indicating looking south



- **Potential adverse view impacts from Block 1 height not examined** – As discussed in Section 3 of this report, FJMT have examined the potential view impacts on properties located to the south of Cahill Expressway that may be affected by the proposal. The proposal will have very limited impacts on these properties (which are all commercial use in nature – i.e. hotels or serviced apartments) and these views would not be unreasonable in accordance with view sharing principles established by the NSW Land and Environment Court.
- **Alignment of the façade of Block 1 which disrupts the continuity of the street-wall and unduly exposing the blank southern wall of Bakers Terraces** – The southern wall of Bakers Terraces is an existing condition, and the proposed building alignment of Block 1 is generally in accordance with the existing built form on the site, which has a slightly different angle to the Bakers Terraces. In our view, the exposure of blank walls with Gloucester Street, and other parts of The Rocks is a common theme, with a number of examples where street-walls have breaks, and a degree of randomness, which creates variation within the building types in the area and adds character to the streetscape. The conservation and enhancement works to the Bakers Terraces will further enhance the existing condition, and provide a positive response to the heritage qualities of Gloucester Street.
- **Height of Block 2 is reasonable** – Noted.
- **Residential amenity – concerns raised in relation to compliance with the ADG** – As discussed above, the amended design provides compliance with the ADG in relation to solar access, cross ventilation and overall ADG compliance. Refer to Section 3 of this report for further detail.

- **Security concerns with lobbies and public space along the southern boundary** – The proposed lobbies have been re-planned. The space at the southern end of the site, while open to the public, is land partly owned by RMS. A ramp to Cahill Expressway with restricted landscaping is a proposed option which provides the opportunity for improved amenity and security. The particulars of how this space is secured would ultimately require RMS approval separate application, but we acknowledge the comments on not creating additional security issues with this land, and potentially keeping this secure as much as possible.

2.2.4. Transport for NSW

Transport for NSW's submission identified the following items to be addressed, most of which following development consent:

- **Consideration to be given to existing rail corridors in the vicinity of the site** – Given the sites proximity to the existing rail tunnel, a range of standard conditions are provided by Sydney Trains. We note that these will form part of the final development approval.
- **Waste servicing to be conducted on-site** – As also raised in the City of Sydney's submission, the proposed amended plans ensure that all waste management and servicing will be conducted on site.
- **Construction Pedestrian and Traffic Management Plan to be provided prior to commencement of any works** – Noted and will be a standard condition of consent.

2.2.5. Roads and Maritime Services

The RMS submission raises no objection to the proposal given the minimal impact to the State Road network, as confirmed in correspondence dated 20 September 2016.

2.2.6. Ausgrid

The Ausgrid submission notes that the development is in close proximity to overhead and/or underground cables on public land, and has recommended that standard conditions be imposed.

2.3. PUBLIC AND OTHER SUBMISSIONS

We note that a number of public submissions identified concerns in relation to the proposed building height, heritage, views and residential amenity. A number of these items have similarly been identified by government agencies, and have been addressed by the proposed amendments. We trust that these apartments provide a positive response to these matters.

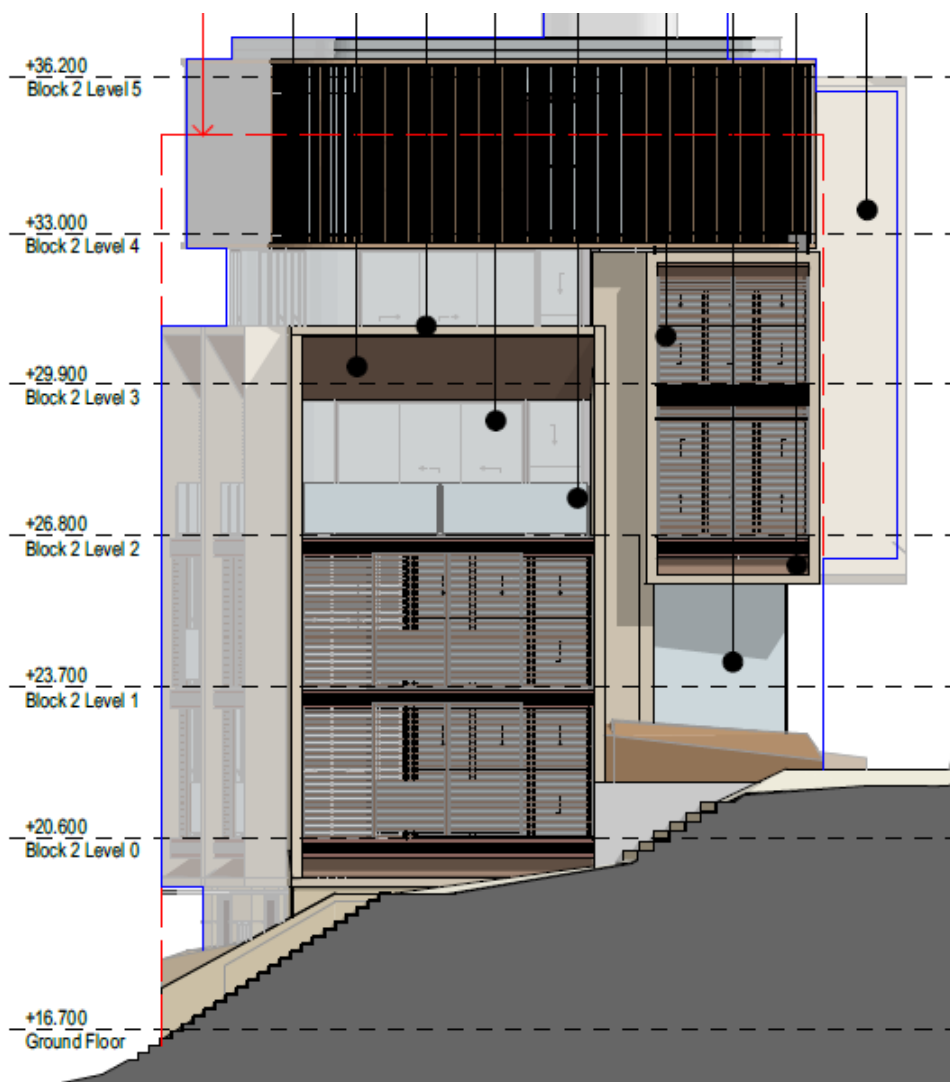
In terms of the site's immediate neighbour to the north (The Rendezvous Hotel on Harrington Street), we note that the leaseholders of this site (Far East Land Australia) have queried the building separation adjacent to their property. Both The Rendezvous Hotel and 85 Harrington Street (existing) are both built to the boundary of Cumberland Stairs.

The through site link stairs between the two sites vary in width from 3650 (western entry) to 6260mm (eastern entry). The walls fronting this through site link are carefully articulated to ensure privacy and screening. Primarily, apartments in this zone are oriented away from the stairs other than those which face into the new courtyard. The average dimension between Block 2 and The Rendezvous Hotel is over 6m and has 4-5 storeys of residential use over stepped terrain.

In accordance with the ADG, development up to 4 storeys requires a minimum separation of 6m (non-habitable to non-habitable rooms), 9m (non-habitable to habitable rooms) or 12m (habitable to habitable rooms). 5-8 stories requires a minimum separation of 9m (non-habitable to non-habitable rooms), 12m (non-habitable to habitable rooms) or 18m (habitable to habitable rooms). Therefore, as the proposal is providing 5 stories adjacent to the northern boundary, the ADG suggests that the first 4 floors need to be 6-12m, and the fifth floor needs to be setback 9-18m from the adjacent property.

The Rendezvous Hotel has some side windows adjacent to the Cumberland Stairs, however these appear as secondary windows, and rooms with balconies face Harrington Street. The proposed apartments will provide privacy screening which will reduce the opportunity for overlooking. The northern elevation is shown in the figure on the following page.

Figure 3 – Operable shutters and upper level recess on the northern elevation adjacent to The Rendezvous Hotel to minimise overlooking



Therefore, the proposed separation is considered reasonable for the following key reasons:

- Both existing buildings are currently built to their property boundaries and bisected by the Cumberland Stairs, with large street setbacks not a common theme within The Rocks.
- The primary living rooms of the proposed residential apartments are oriented to the east where there are views, amenity and key sightlines.
- While part of the balconies and bedrooms have some aspect to the north (adjacent to The Rendezvous Hotel) to achieve solar access and heat gain, fixed/operable louvres have been utilised to mitigate any privacy impacts.
- Some surveillance and activation along the Cumberland Stairs from residential apartments will be beneficial to provide passive surveillance during the evenings as this space is currently in no way active with the current uses either side of the stairs.

2.4. POST-EXHIBITION AND ONGOING LIAISON WITH GOVERNMENT AGENCIES

Following lodgement of the development application, and feedback received from the public exhibition of the DA, the applicant and project team have coordinated several meetings with Property NSW (the landowner), City of Sydney Council, DP&E and Professor Peter Webber to respond positively to their feedback on the scheme.

The dates of these meetings are outlined below:

- **Regular meetings (ongoing) – Property NSW:** Following the public exhibition of the DA and 'Key Issues' letter from DPE, a range of meetings were held with Property NSW (the landowner) to agree some direction and flexibility with the location and form of the commercial floor space, particularly on the southern end of 'Block 1' which was creating inadvertent challenges with satisfying the solar access and cross ventilation guidance in the Apartment Design Guidelines (ADG). Agreement was sought from PNSW on an alternative design option which sought to relocate the commercial floor space from this portion of the building to the lower levels – an option that the City of Sydney also saw merit on in their submission. This agreement was important in being able to provide a more traditional residential apartment floorplate, above the lower levels of retail and commercial, which achieves compliance with the ADG.
- **27 October 2016 – DPE:** This was an initial meeting with the DPE to review the key submissions and clarify matters identified in the 'Key Issues' letter and to seek views on the best way to respond. This meeting also sought to clarify the relevant re-submission requirements in the 'Response to Submissions'. In summary, the Department clarified that both the City of Sydney and Heritage Office submissions raised concerns regarding the Height of 'Block 1' as well as setbacks to the Bakers Terraces on Gloucester Street. In addition, a range of items identified by the City of Sydney with regard to residential amenity, parking, servicing and the like required closer engagement with the City on these items prior to lodgement of an amended scheme,
- **19 December 2016 – City of Sydney:** Given that the City of Sydney objected to the application and identified a range of concerns, the applicant met with senior officers from the City to present some alternative design options that sought to respond to each of these items. The design options were presented in a preliminary form, providing a reduced Block 1 height, increased setbacks on Block 1, revised residential floor plate to achieve ADG compliance, and changes to parking, servicing and access. Council Officers were generally receptive to the direction of the design changes, and notably acknowledged the improvement in the amenity of the residential component of the DA which was a key concern with the DA scheme as submitted. It was agreed to proceed to do further work to refine the design and come back and meet again with the City prior to lodgement of the amended scheme.
- **17 February 2016 – City of Sydney:** Following the initial meeting with The City of Sydney, further detailed design work took place in response to the matters addressed in their submission on the application. More detailed designs presented the amendments as they are now along with confirmation of ADG compliance. City of Sydney responded positively to the proposed amendments.
- **1 March 2017 – DPE & Peter Webber:** DPE engaged Professor Peter Webber to provide an independent design review of the DA (as submitted). This was in addition to the ongoing design review process that was undertaken by SHFA's Design Review Panel prior to the lodgement of the application. A meeting was held with Professor Webber and officers from DPE to go through the proposed response to his independent review. The meeting was helpful to clarify his views on the application, brief him on the proposed amendments and understand the best way to respond to his concerns.
- **NSW Heritage Branch –** At the time of lodgement the applicant was seeking a meeting with the NSW Heritage Branch to provide them with a briefing on the proposed amendments that have been discussed with City of Sydney, DPE and Professor Peter Webber.
- **30 March 2017 –** A workshop was held with DPE and Peter Webber to explore potential design amendments to the scheme. Following this meeting, correspondence was issued from DPE requesting that the applicant consider further reductions in building height, and a desire for integration of additional communal open space.
- **10 May 2017 –** Following the meeting on 30 March 2017, the applicant explored a reduced building height, and a further meeting was held with DPE and Peter Webber to take them through potential amendments to the application in this regard. It was agreed that the height reductions were a positive response to DPE and Peter Webber's concerns with the bulk and scale of the development, and following the meeting a series of views and sections were issued for further comment. A response was provided by DPE on 20 June 2017 indicating that the proposed amendments could now be formally submitted as part of a Response to Submissions to the DA as submitted.
- **13 July 2017 –** To ensure that the City of Sydney were briefed on the proposed amendments, a meeting was held with senior planning and heritage officers. The feedback was very positive, and indicated a strong level of support for the proposed amended design.

These meetings have sought to clarify how the applicant should respond to the key issues raised, and have allowed for relevant stakeholders to provide further feedback and suggestions on how the project should proceed. The applicant appreciates the time that each of the relevant stakeholders have provided in shaping the proposed amendments to the DA and as a consequence of the extensive consultation process believes the proposed amendments now addresses all the key concerns.

3. RESPONSE TO 'KEY ISSUES' IDENTIFIED BY DP&E

This section addresses the specific matters identified by the DP&E in its letter of 28 September 2016, which ultimately reflect the 'key issues' that the Department have considered

3.1. HEIGHT AND BUILT FORM

Issue

The Department requested that further consideration be given to the height, scale and massing of 'Block 1' to provide a more "sympathetic relationship" to the Bakers Terraces, Susannah place terrace and Gloucester Street terraces. The letter also clarified that the design response should also consider opportunities for increased setbacks to surrounding heritage items.

The height of Block 1 and relationship to the heritage terraces on Gloucester Street was a common theme in the submissions by the City of Sydney, NSW Heritage Branch and Professor Peter Webber, as discussed in Section 2 of this report. A range of design amendments have been proposed in response to this feedback, and is discussed in further detail below.

Response

Prior to the submission of the DA (and the SEARs being issued), the applicant engaged Urbis to manage and facilitate a design competition with three highly reputable architects to explore a preliminary design concept for the site to ensure that 'design excellence' could be at the fore-front of the project.

FJMT were selected on the basis that their scheme could provide a highly contextual form with a range of potential public benefits for The Rocks, and following their engagement the applicant liaised closely with SHFA's design review panel, as well as other relevant government agencies to arrive at an appropriate height and massing solution for the proposed development.

A formal variation to the existing SCRA envelope was proposed on the basis that there was merit in exploring some additional height, subject to this not creating any unreasonable heritage, design or amenity impacts on the surrounding sensitive context. Also, importantly, the additional flexibility with height enabled the ability to deliver a range of public benefits in and around the site.

In terms of arriving at the appropriate height, massing and built form arrangement, this has been an extensive process over the past two years. In response to the SEARs, extensive supporting studies were provided in support of the proposed built form arrangement, and there was confidence that the initial design was sympathetic and responded positively to the surrounding heritage items and context. In particular, a Visual Impact Assessment was prepared by GMU Design, and Heritage Impact Assessment which concluded that the proposal would provide a positive impact on The Rocks.

However, the submission raised a number of concerns and in response the applicant has proposed the following key design amendments, based on recent liaison with the City of Sydney Council and key government agencies:

- **Reduction in the parapet height of Block 1 by 3.9m.** The commercial office element which previously flanked the southern end of the building has been relocated to Level 1 of the built form which has allowed for the creation of a more coherent built form and residential floor plate. This amendment has reduced the scale of the proposal, when viewed from in and around the site. Accordingly, the amendment sought to the SCRA for Block 1 has been updated to reflect this key change. The images on the following page provide an overview of the reduced building height and the positive relationship this has with the immediate and surrounding context of the site.

It is very important to emphasise that there are a range of tangible public benefits that are directly attributable to the proposed additional building height and SCRA amendment. Firstly, a large quantum of gross floor area was removed from the ground floor to create a vertical opening for the new Cumberland Stair and through-site link which would be open to the public. This involves a range of public domain benefits such as restoring Cumberland Place to its original level to create an intimate plaza (with equitable access), retail activation along Harrington Street which is currently very inactive and unattractive.

Figure 4 – Reduced parapet height along Gloucester Street (Original DA left, amended DA right)

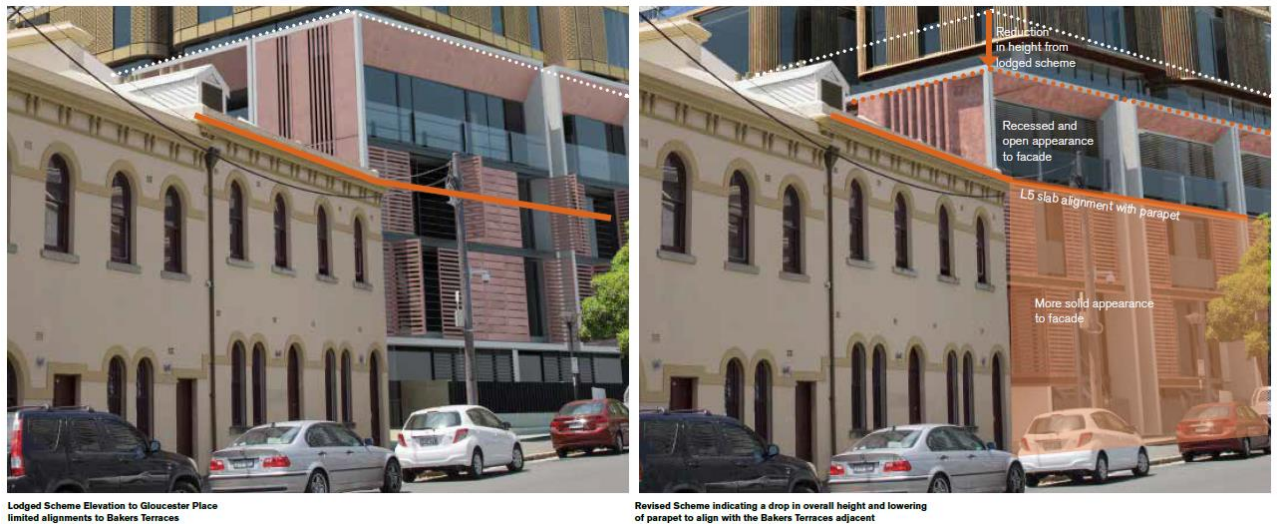
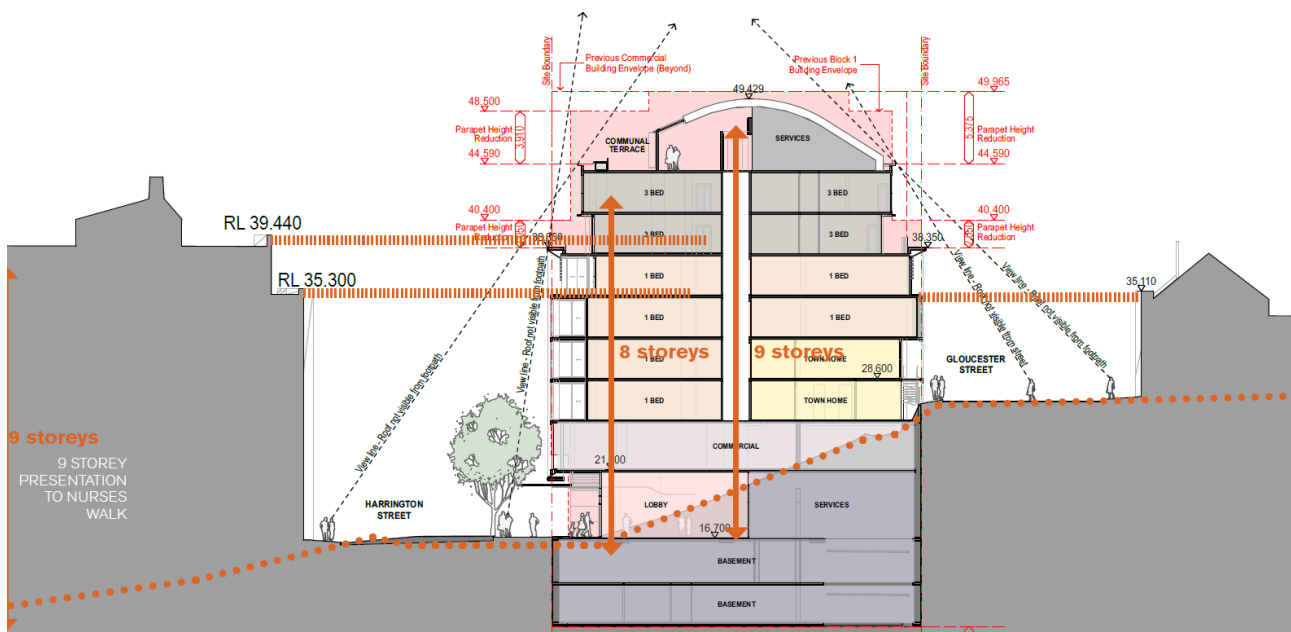
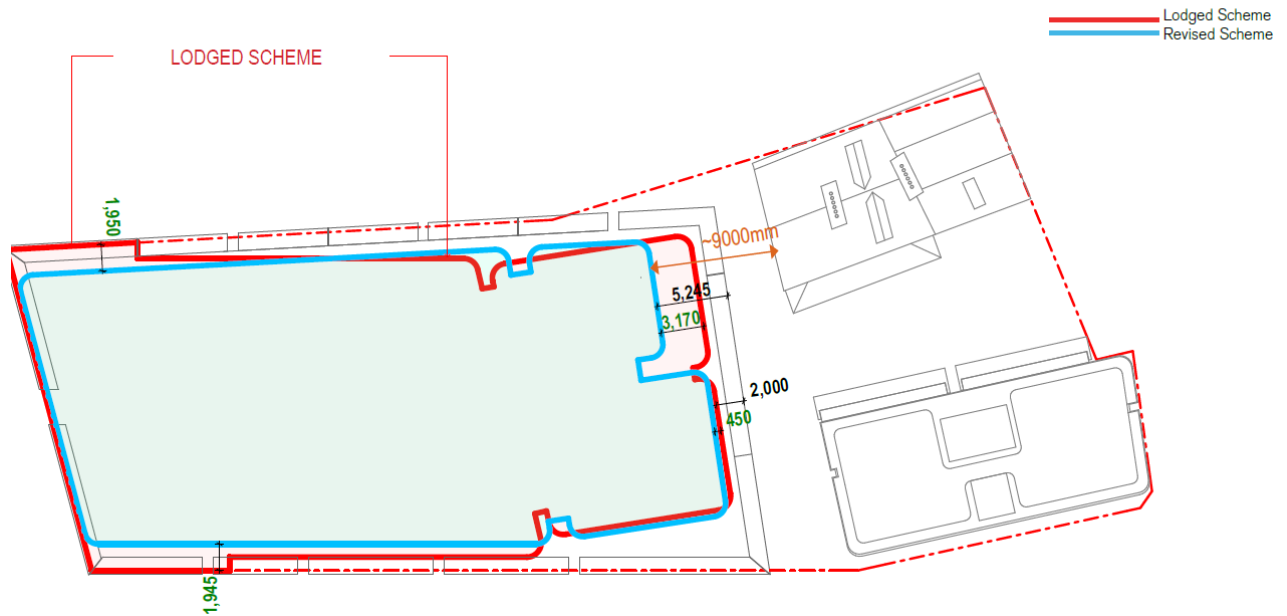


Figure 5 – Reduced height from original scheme to align with scale of Harrington Street and Gloucester Street (red highlighting existing scheme)



- **Increased building setbacks of Levels 6 to 8 of Block 1 to create a better transition to the heritage terraces.**

In addition to the amended building height, the proposed amendments provide increased setbacks on Block 1 to create a better transition to the heritage terraces on Gloucester Street. The red dotted line below provides the previous DA envelope.



- **Amendments to the façade design:**

- Rectangular delineations on the lower levels to Gloucester Street, will be carried through to the southern side of the block, which will better respond to the lower scale of proximate heritage listed terraces and will be more sympathetic to their setting; and
- Further articulation of the Gloucester St facade is expressed at the height of the Baker's Terrace parapet creating a deep recess above this datum to highlight the existing street facade height.

- **View impacts on residential properties to the south of Cahill Expressway** – We note that the Department of Planning have not raised this item, and there have been no public submissions which identify the proposed height as having any unreasonable impacts on views shared through the site. However, FJMT have provided a range of images in the Design Report which indicate that most of the properties immediately to the south of Cahill Expressway are commercial in nature (i.e. the Shangri-La Hotel, Quay West Serviced Apartments, and the Four Seasons). The before and after images provide that there is very limited impacts on views enjoyed from these properties, and the majority of views of important icons such as the Opera House and the Sydney Harbour Bridge are largely maintained.

The view analysis by FJMT provides that there will be potentially 2 lower levels (out of 37 floors) of the Quay West Serviced Apartments which will have a reduced view of the Sydney Harbour Bridge, however, these still maintain iconic views of the Sydney Opera House. On balance, this is a very limited view impact given that the surrounding context and not considered unreasonable under the circumstances.

In our view, these very limited impacts also need to be balanced with the strong public benefits being offered by the proposed development. There is a strong public benefit by providing some additional height on Block 1 to free up important newly created public space at the ground plane which will allow for increased porosity through the site, lift and ramp access for equitable access, enhanced landscaping embellishments to Cumberland Place. The comprehensive worked undertaken in the VIA by GMU considers that all the key important views in and around the site are reasonable and supported in their professional view.

3.2. RESIDENTIAL AMENITY

Issue

The Department requested that further consideration be given to the layout and configuration of apartments to improve compliance with the Apartment Design Guidelines (ADG), particularly with regards to solar

access, cross ventilation and privacy. In addition, consideration of balcony sizes, communal open space and bedroom windows.

Response

The DA scheme (as exhibited) proposed a built form arrangement which included retail and commercial uses at the lower levels of the building, as well as the southern portion of the building to essentially 'flank' the interface adjacent to the Cahill Expressway with non-residential uses. This was an initial preference and view expressed by SHFA, which inadvertently created challenges with the residential apartments satisfying the key amenity guidance in the ADG (i.e. principally because the southern corners of the buildings containing offices restricted ventilation and solar access opportunities on the southern end of the building and overall compliance percentages).

The City of Sydney ultimately questioned the suitability of the site for residential development under the circumstances, and believed it was inappropriate to increase the height of the SCRA envelope when the residential amenity of the built form was compromised. They suggested that a re-design of the project was necessary, and that relocating the commercial from the southern end of the building could be an alternative manner to achieve a higher level of compliance with the ADG.

Following these comments from the City of Sydney, the applicant engaged further with Property NSW (formally SHFA) to articulate the challenges with the commercial uses on the southern end of the built form. PNSW agreed in principle to a revised form and relocation of the commercial uses to the lower levels of the building. Accordingly, this has driven a much more improved residential amenity which can be summarised as follows:

Table 2 – ADG Consistency

| | ADG | DA (as lodged) | Proposed Amendments | Complies? |
|--------------------------|------------|-----------------------|----------------------------|------------------|
| Solar Access | 70% | 53% | 70% | YES |
| Cross Ventilation | 60% | 48% | 64% | YES |

A full summary of the proposal's consistency with the ADG is provided at Appendix C, which demonstrates that the overall development has a very high residential amenity and design quality. Following the revised design, both PNSW and the Council reacted positively to the reconfiguration of the commercial and residential.

3.3. CAR PARKING

Issue

The Department requested that consideration should be given to rationalising and reducing the quantum of car parking to be more consistent with the guidance in Sydney LEP 2012.

Response

The Rocks area does not strictly have any specific car parking rates applicable to the subject site, so the approach taken with the DA (as exhibited) was to provide an appropriate quantum of parking spaces that were responsive to the proposed occupants of the building, but also a parking rate that considered an appropriate rate in between the SLEP 2012 and RMS Guide to Traffic Generating Development.

The City of Sydney Council has expressed concern with the provision of car parking, noting that the DA as submitted was "highly excessive" and was also exacerbated by insufficient bicycle parking facilities.

In response, the applicant has sought to significantly reduce the proposed quantum of car parking by deleting the lower basement level, and reducing the number of spaces from 95 to 63. The proposed amended number of spaces is now only marginally over and a lot more closer to the maximum stipulated in SLEP 2012. The proposed reduction of 33 parking spaces was seen as a positive response in recent discussions with City of Sydney Council.

A summary of the proposed amendments is provided in the table below.

Table 3 – Car Parking Amendments

| | RMS Guide to Traffic Generating Development | SLEP 2012 | DA (as lodged) | Proposed Amendments |
|-----------------|--|------------------|-----------------------|----------------------------|
| Required Spaces | 124 | 53 | | |
| Proposed Spaces | | | 95 | 63 |

Lastly, while there remains a slight exceedance of the SLEP 2012 car parking rates after the proposed reduction, it is likely that a number of car parking spaces will be used for casual use, relating to trips outside peak periods such as shopping, recreational, social and educational trips, during the evenings and weekends. Given the sites close proximity to public transport and the CBD, a large number of local trips will be via public transport or walking.

Traffic in the amended traffic report have also advised that recent major developments in The Rocks have permitted a development at 193 Gloucester Street, The Rock with a parking rate of 1.26 spaces per unit. The proposal is on average a rate of 0.9 spaces per unit which is significantly below this.

In summary, we believe that the proposed reduction in car parking spaces is a large concession from the DA as submitted, and will assist in responding positively to the Council's concerns expressed in their submission, and encourage more patronage of public transport given the sites excellent location. The proposed 63 car parking spaces will actually result in lower peak hour congestion than a traffic generated by the existing office building.

3.4. BICYCLE STORAGE/END OF TRIP FACILITIES

Issue

The Department requested that consideration should be given to amending the layout of the basement car park to provide separate, dedicated, secure bicycle storage facilities for residents, and providing dedicated spaces for the proposed non-residential uses.

Response

In response to the concerns relating to bicycle spaces and end of trip facilities the amended design has sought to increase the provision of these from 26 spaces (which are currently in the public domain) to 58 bicycles within storage cages. Additionally, the development proposes 35 'Class 2' bicycle spaces on Basement Level 1, bringing the total provision to 93 spaces. In addition, there are approximately 30 bicycle spaces in the form of 'Class 3' bicycle racks in the public domain in Harrington Street which will be available to users of the development and the surrounding area. The Traffic Report by Traffic in Appendix E provides a detailed breakdown of the proposed spaces.

In summary, the proposed increase and enhancements to bicycle parking results in a significant increase and is considered a positive response to the Council and Department's preference for additional facilities.

3.5. SERVICING

Issue

The Department requested that consideration should be given to on-site waste collection facilities and on-site servicing of the proposed commercial and retail uses.

Response

The City of Sydney's submission stated that the design of the loading dock facility was insufficient to accommodate the service needs of the site, with the clearance height of the loading dock being 6.4m which would not accommodate a residential waste collection vehicle.

The Council's DCP stipulates that vehicular access for collection and loading should provide for a 9.24m Council garbage truck and a small rigid vehicle, within a minimum 4m head height clearance.

The proposed amendments have changed the loading arrangements by proposing 1 loading dock area that has been designed to cater for Council garbage collection, with the provision of a turntable to enable the forward access and egress of Council's 9.25m truck. As stipulated in the Traffic Report, the loading area can also be used by up to two SRVs simultaneously, with sufficient space for the vehicles to enter and exit the site in a forward direction without the use of the turntable. Additionally, the loading bay for the B99 van is accommodated in Basement 1.

A residential waste storage area for bulky items is also provided in the loading dock, as requested in the City of Sydney's submission. In addition, the applicant would accept a condition of consent requiring the preparation of a Loading Dock Management Plan which is referenced in the Council's submission, and also referred to in the Traffic Report.

In summary, the proposed amendments to the loading dock are now consistent with the City of Sydney DCP, and will allow for the careful management of waste servicing on the site.

3.6. CONTAMINATION

Issue

The Department requested a Detailed Site Investigation to be provided, in addition to the Preliminary investigation.

Response

As confirmed in recent correspondence from the Department of Planning (14 December 2016), it has been agreed that a detailed site investigation would be a condition of consent as the current built form on the site would preclude any further detailed investigations to be conducted on the site. The applicant welcomes a condition of consent in this regard.

4. SUMMARY OF PROPOSED AMENDMENTS TO THE APPLICATION AS ORIGINALLY SUBMITTED

In summary, the following changes are proposed to the DA (as originally submitted) in response to the key issues identified by DPE and relevant government agencies:

- Deletion of commercial tower and relocation of commercial space to L1. Overall reduction in height in this portion by up to 3.9m.
- Deletion of apartments from Level 8 and integration of communal open space and access to private roof terraces in new roof form.
- Deletion of Basement Level 3 carpark and significant reduction in carparks (from 95-63 spaces).
- Introduction of bike storage for residential, commercial and retail spaces plus end of trip facilities in the basement. An increase of bike spaces from 26 to 93 is proposed.
- Relocation of driveway entry on Harrington Street to southern end and widening to allow for 2-way traffic. Provision of internal waste handling / loading facilities.
- Internal redesign of residential apartments to achieve compliance with ADG solar access and natural cross ventilation guidance.
- Improvement of Gloucester Street Terraces to raise lower level to 1/2 storey below grade to facilitate a typical 'stoop' apartment typology
- Increase in level 6-8 northern setback to Bakers Terraces
- Improvement of 'niche' rock area adjacent to the base of the stair to Cumberland Place to avoid CPTED issue and entrapment
- Widening of foyer space to Block 1 to increase surveillance and reduce security concerns
- Introduction of Cahill Expressway pedestrian / cycle ramp as commitment to SHFA (subject of a separate application).

5. SUMMARY AND CONCLUSIONS

The applicant greatly appreciates the feedback, time and effort from the DP&E, other government agencies and the public in preparing submissions that will guide the assessment of the application.

We reaffirm that this project represents a unique strategic opportunity to promote a very high quality mixed use development in this iconic precinct of The Rocks. The proposal accords with the relevant State, Regional and Local planning initiatives and reflects over two years of consultation to arrive at the proposed form. In response to the submissions and key issues raised during the submissions, a concluding statement is provided:

- **Design excellence:** The proposal has been subject to a design competition with highly reputable architects, ongoing design review by SHFA (now PNSW) Design Review Panel, Heritage NSW, City of Sydney, ongoing advice from GMU Design in relation to visual impacts, and more recently an independent design review by Professor Peter Webber. The amended scheme is highly resolved and exhibits a high level of design excellence.
- **Height and Built Form:** In response to feedback, the amended proposal has reduced the overall building height of Block 1, increased the setback of the upper floors of Block 1, rationalised the materials and façade expression, and generally provides a more contextually appropriate development in response to the Bakers Terraces, Gloucester Street and The Rocks precinct. The proposal will not have any unreasonable visual impacts in the immediate or wider context, and conversely will provide a very high quality addition to the surrounding streetscape.
- **Public Benefits:** The proposal seeks to provide a range of tangible public benefits, namely the creation of a new through-site link open to the public, an embellished Cumberland Stair and an active and vibrant Cumberland Place with enhanced accessibility for pedestrians.
- **Residential Amenity:** The amended design provides a much higher level of residential amenity and consistency with the ADG with respect to solar access, natural cross ventilation, balcony sizes and communal open space. A new rooftop communal open space is proposed on the roof of Block 2 which will provide sensational views to Sydney Harbour and the surrounding visual icons in the area.
- **Heritage:** The proposed design amendments provide a positive response to heritage qualities of the Bakers Terraces and The Rocks. The Heritage Impact Statement prepared by Urbis has been updated to critique the proposed amendments, and a Heritage Interpretation Strategy has been provided as requested by Heritage NSW.
- **Car, Bicycle Parking and Green Travel Management:** In response to concerns from the City of Sydney, the quantum of car parking originally provided has reduced significantly. Conversely, bicycle parking has increased significantly, as well as the provision of end-of-trip facilities. In addition, a Green Travel Plan is provided in support of the application to encourage sustainable public transport initiatives.
- **Sustainability:** The proposal has been guided by a sustainability consultant (Cundall) and adopts a range of ecological sustainable initiatives. A revised BASIX Certificate is provided with the proposed amendments, confirming its consistency with the relevant State guidance.
- **Servicing:** Servicing and waste management has been rationalised with the proposed amendments, ensuring that all waste movements can take place on-site. In addition, specific advice from the City of Sydney has been considered with regard to providing consistency with their DCP in relation to waste management and servicing.

APPENDIX A ARCHITECTURAL PLANS

APPENDIX B SCRA AMENDMENT DRAWING

APPENDIX C

ARCHITECTURAL DESIGN REPORT & ADG

APPENDIX D BASIX CERTIFICATE

APPENDIX E TRAFFIC REPORT

APPENDIX F LANDSCAPE PLAN

APPENDIX H HERITAGE IMPACT STATEMENT

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