

I strongly object to the approval of SSD 7056. Please see my three original submissions regarding the issues it poses. The applicants' recent responses (May 2016) show that they have done little to address these and worse still, that at least some of their consultants, have not considered them worthy of a response. The submission which follows is my specific response to this amended SSD application.

A. The process

From the beginning, affected residents and the public as a whole have been denied natural justice with regards to this DA. The current sixteen day time period for responding to the applicants' amended proposals falls far short of the time people need to adequately read, process and reply to the applicants' fifty page 'response to submissions' and the fifteen related appendices containing consultants' 'assessments' and other pertinent information – especially when the applicants have taken five months to prepare any amendments.

The applicants have no doubt spent considerable time and money formulating this SSD application and presumably did not expect to have to respond to unfavourable submissions from affected local residents and the public. The applicants seem to expect their efforts to be rewarded and this DA rubber stamped. I, and other members of the public, expect *our* voices to be heard as well. The application needs to be assessed on its merits not on the time and money the applicants have to throw at it, or indeed, on any premature or misguided assurances some officials may have made to the applicants along the way.

The applicants have formulated their submission in consultation with the now discredited and supposedly defunct SHFA and other Government authorities. Had that process been accompanied by community consultation from an early stage, a shared dialogue might have provided outcomes we could all support. We now find ourselves in a situation where the applicants expect approval, where interested members of the public have to participate in an inequitable fight to prevent our views being sidelined and where the political impetus seems to be to move the process on as quickly as possible within the context of a veneer of democracy.

Architects JPW's Executive Summary table of the Design Response (see p.4) showing to whom and what points they are responding, clearly indicates that JPW is only addressing comments from The Department of Planning, the Heritage Council (chaired by someone who works for Urbis, the company acting on behalf of the applicants) and the City of Sydney. Apparently, the remaining submissions from other stakeholders and expert consultants are not considered worthy of a response. JPW fails to even acknowledge the existence of them. This is unprofessional and potentially negligent, especially given the negative impacts of so many elements of its designs.

We expect more. Neither the tenant applicants (Tallawoladah Pty Ltd), nor their consultants, should be determining the framework for the use of this site. It is a prime site, on publicly-owned land and the public should have the opportunity and time to provide input into the nature of its adaptive re-use. The public's views deserve serious consideration.

B. The inaccurate title of the application

The amended application retains the same misleading title, 'Remediation, Restoration and Adaptive Re-Use of Campbell's Stores'. It thus continues to hide the fact that a significant part of the proposal relates to a proposed new four-storey-high building in a space that earlier decision makers determined should be left vacant or, at the most, allow a sun protection

structure. This means that people who might otherwise have lodged submissions have not done so.

The title inaccurately perpetuates the impression that the applicant's prime focus is on heritage when, in fact, its 'remediation, restoration and adaptive re-use' involves a good deal of destruction of Campbell's Stores unique heritage structure and value and seeks to further intrude on, rather than restore, the Stores' heritage curtilage' as identified in the Campbell's Stores Conservation Management Plan (CMP).

The 'remediation' and 'restoration' proposed largely addresses maintenance issues that have emerged during the applicants' existing tenancies - rising damp, stormwater infrastructure problems, sandstone deterioration and the need to replace roof tiles.

The proposed 'adaptive re-use' of Campbell's Stores, includes the intrusion of a new, unsympathetic building into the heritage streetscape, hiding the northern end of Campbell's Stores and impinging significantly on the Stores' western facade, the only original facade still visible. While it is appealing to have the tenant applicants provide essential maintenance work, the new building should not be seen as a 'reward' the consent authority has to provide. With rent returns and recent sales of public-owned housing in The Rocks, there are alternative sources of maintenance revenue.

C. Heritage issues

That the applicants feel they need to destroy so much of Campbell's Stores' heritage value so as to expand their restaurant businesses begs the question, 'Given Campbell's Stores' 'exceptional' heritage value, is a restaurant complex the most appropriate adaptive re-use for it?' In the 1970s, politicians determined that it was. We're now in 2016, a time when people have a greater appreciation for their past and a heightened awareness of what little remains of Sydney's 19th century built heritage and streetscapes. Perhaps it's time for a re-think.

Any 'adaptive re-use' of this building should focus on revealing more of its heritage features and facilitating people's understanding of the Stores' historic role and significance in relation to the Hickson Road streetscape on the Stores' western side, and the foreshore on the Stores' eastern side. Tallawoladah's proposals cut up the western facade and hide its eastern side behind 1.8 m high wind screens, stand-alone canopies with perforated precast concrete roofs, and an expanded outdoor dining area. The proposal to insert a four storey high building at the northern end of the Stores will hide and partially 'bury' this elevation and destroy the chance to restore the Stores' intended place as the centrepiece of the space between the Park Hyatt Hotel to the north and the ASN Co building to the south.

C (i) The unsuitability of the 'Glass Box'

The 'glass box' is the worst of the applicants' proposals and the amended SSD application does little to address criticisms of it. Effectively a bulky glass box on stilts, the proposed new building, even with its reduced height, would still dominate the Hickson Rd streetscape and the Campbell's Cove foreshore. It would have no visual or aesthetic relationship with Campbell's Stores on one side of it or the sympathetic, modern lines of the Park Hyatt Hotel on the other. It would look like it had been parachuted in and create a sense of crowding and over-development in what was intended as open space. The applicants' images misleadingly depict the building as transparent; in reality you wouldn't be able to see through it at all.

The glass box would contribute nothing to people's appreciation of the heritage features of Campbell's Stores. Instead it would encroach on a significant part of Stores' heritage curtilage as designated in the CMP – in particular the area between Bay 11 and the Park Hyatt. There is already a one-storey illegally constructed structure here that has been tacked on at the end of Bay 11. The CMP labels it 'intrusive' and recommends its removal. It did not envisage its replacement with a glass building four times as high that would hide, rather than open up, the Stores' northern facade. The proposal to raise the ground level here by two metres would 'bury' the northern elevation of the Stores' ground floor (see Figure 43, p. 60 of the Appendix D1 Visual Impact Assessment).

The glass box would be a dominant, unattractive addition to the heritage foreshore. Figure 13, p.35 of Submissions Response SSD 7056 and Figures 6.13, 6.15 and 6.16 of pp. 25-27 of the Appendix B1 Design Response Report, Part 3 clearly show this. The box would create an impression of density and scale out of keeping with The Rocks' character and a sense of overdevelopment by restricting the rhythm of space to built form along both the foreshore and the Hickson Rd streetscape. To accommodate this rhythm, it should be no higher than the gutter level of Bay 11 and two metres narrower, but even then it would be out of place here.

The applicant's consultants describe the building as having a 'high to moderate magnitude of [visual] impact when viewed from the northern end (see Figure 42, Viewpoint 18, p. 60 of the Appendix D1, Visual Impact Assessment). As they state in relation to 'Magnitude of Impact, Viewpoint 17, p. 57 of the same Visual Impact Assessment, they are fully aware of the issues of bulk and dominance it creates:

'While the visual bulk and scale of the building at Bay 12 appears slightly greater than that of Campbell's Stores, it is as a result of lifting the building to provide a higher degree of physical and visual connectivity from Hickson Road to the Harbour ... The use of semi-translucent building material helps to mitigate the perceived bulk and scale.'

C (ii) Assessment on the basis of a fig tree

The applicants' consultants rely on the existence of a fig tree as camouflage to negate the impact of the proposed building. The consultants use the fig tree in this way in more than half of nineteen locations used to assess the visual impact of the proposed building. For example:

'... the proposed new building is almost completely obscured by the existing Fig tree. As a result, it is anticipated that the magnitude of impact from this viewpoint [the terrace of the Opera House Concert Hall] will be negligible.' (see Appendix D1, Visual Impact Statement 1, 'Magnitude of Impact to the Visual Setting' p.32).

The building should be assessed on its merits not on the existence of a fig tree, which could be struck by lightning, harmed during the construction phase or removed because of the damage its root system has already caused to the Park Hyatt Hotel. Despite numerous requests to do so, the applicants have not provided any assessment of the proposed building's visual impact should the tree no longer be there to hide behind.

C (iii) The need to assess a 'no new building option'

The applicant would like to reduce the visual gap between Campbell's Stores and the Park Hyatt hotel from by more than 50% - from approximately 27 metres to 12 metres. Since 1915, the land at the northern end of the Stores was vacant. When the Park Hyatt was

approved in the late 1980s, its approval was partly based on there being both a physical and a visual gap between it and Campbell's Stores.

The impact of the proposed new building needs to be assessed in comparison to the building envelope for the Park Hyatt determined in 1987. This provided for maintenance of a space at this northern end of Campbell's Stores that would match the approximately 27 metre gap between the Stores and the ASN Co building at the southern end. The intention was that the Stores could be viewed as a whole and within a context that would emphasise and protect its heritage value. Nothing has changed to make this gap no longer necessary.

In other words, a 'no new building' option is an essential component of any valid assessment of the impact of what is proposed. While the applicants have refused to incorporate such an assessment into their reports, the images shown in Figure 13, p.35 of the 'Response to Submissions SSD_7056', and Figure 6.21, p.28 and Figure 6.4, p. 1 of Appendix B1 Design Response Report, Part 3 help provide a sense of how this might look.

Lack of enforcement has partly compromised the space at the Stores' northern end. There is now a single storey building there. This was erected and modified illegally during various tenancies, including the current tenancy, and over a number of years since c.1990. Heritage consultants see this structure as 'intrusive' and advocate its removal. The applicants seek to remove the building and a tree of inappropriate species that is falling across it. I agree.

The applicants provide a visual analysis from Hickson Road and seek to make the comparison between the proposed views after the erection of the four storey building and the 'existing views'. It is totally inappropriate to use an 'existing' situation brought about by illegal work, as the base case for any comparison with a proposed new use of the same space. Any proposed new development option can only fairly be assessed in comparison with the space minus its illegally constructed one storey 'pavilion' and minus the tree of inappropriate species (not the fig tree) that is falling across it.

This is the baseline that would provide a valid comparison in assessing the impact of the proposed new building.

C (iv) Issues regarding connectivity between Hickson Road and the foreshore

The applicants claim their glass box improves connectivity between Hickson Road and the foreshore. However, it's the removal of the unapproved 'pavilion' and tree that does this - see Figure 43, p. 60 of the D1 Visual Impact Assessment D1. This 'shows' us the connection to the foreshore that a 'no building' option would provide *plus* views of the entire Opera House, so respecting the Opera House's 2005 Management Plan, which requires any development within the buffer zone to maintain, protect and enhance views to The Opera House. This option would also allow Campbell's Stores building the recognition and space it deserves.

Then, compare this imagined view to the one the applicants visualise in Figure 43, p. 60 of Appendix D1 Visual Impact Assessment. Here, all people could see of the World Heritage listed Opera House would be its base. I know which of the two most people would prefer and which of the two would have the greater impact on tourists' and Sydneysiders' appreciation of Sydney's heritage.

The proposed new building would obstruct views of the foreshore (and the Opera House) and access to it. The planned demolition of the illegal structure will provide a unique opportunity

to further open up the space between Bay 11 and the Park Hyatt – an important means of public access to the foreshore. The intrusion of the glass box would create a visual and physical barrier between Hickson Road and the foreshore. Its undercroft would feel oppressive and tunnel-like; its design would serve as physical barrier to foreshore access; the two metre higher ground level beneath it would necessitate a staircase where currently the land slopes down to the water.

D. Amenity issues

Consent authorities, especially the Department of Planning, and the yet to be formulated Planning Assessment Commission (PAC) have insufficient information to assess the amenity impacts of SSD 7056. The applicants have failed to provide this information and in some areas what consultants have put forward as ‘assessment’ is little more than ‘advocacy’. It seems that they are refusing to supply detail that would undermine the case for approval.

D (i) The Loss of Views and Visual Amenity

The applicants have now employed drones to ascertain the visual impact of their proposals on the residents at 8 Hickson Road – see Response to Submissions SSD_7056, 5.5, pp. 34-38.

The drone images shown in Figure 13-16 are misleading as representations of views from specific individual apartments within 8 Hickson Road. The actual view is not as panoramic and some apartment views do not include either the Opera House or the Harbour Bridge.

The real view from our apartment (apartment 3) is more ‘front on’ with regards to Campbell’s Stores and not from the very odd angle depicted in Figure 15. The direct streetscape view from our living area would approximate a view panning from the Park Hyatt to Bay 9 and incorporating the space between The Park Hyatt and Campbell’s Stores. We allowed the applicants’ architect to take photos from our front windows so it’s hard to understand why the inaccurate depictions provided by the drone images were used instead.

The captions for these drone images emphasise, largely correctly, that the proposed new building will not obstruct Hickson Road residents’ current views of Kirribilli, the Sydney Opera House and the Harbour Bridge. Tellingly, there is no consideration of the proposed new building’s impact on our views of Campbell’s Stores.

What the drone images do demonstrate is the extent to which the proposed new building is at odds with Hickson Road’s heritage streetscape and colour palate. The glass box would not be transparent as shown. It would be bulky and dominate the Stores’ building. This is in marked contrast to the view of Campbell’s Stores I now enjoy, where what predominates is its gabled bays, saw-toothed roofline, repetition of door and window openings and its simple, warehouse functional, 19th century architecture.

If you look at Figure 46 on p.63 of Appendix D1 of Visual Impact Assessment, you can imagine the views that could be opened up - to anyone looking out onto Hickson Road or walking along it - without a new building to intrude on this space. This would be a magic and highly appreciated view that all visitors to The Rocks could enjoy.

The proponents seem to employ a limited concept of what constitutes a ‘view’, assuming that all views are at eye level. Some apartments at 8 Hickson Road have windows which direct people’s views upwards. For these, the new building might effectively block out both existing views and light. Apartments on the upper levels of 8 Hickson Road might find their views

towards the street marred by lift overruns on the proposed new building and its general roof treatment and by the mechanical exhaust system yet to be designed for Bay 11.

The applicants have still not provided either details of the mechanical exhaust system proposed for Bay 11 or any assessment of its visual impact. Equally, they fail to depict it as a 'virtual idea' superimposed on their drone photos. Their consultants must know the kinds of systems required for the planned restaurant operations in Campbell's Stores. The applicants provide no information about the nature of these or their appearance. One can only assume that the reason for this is that it would reflect negatively on the applicants' DA.

D (ii) Mechanical ventilation issues

Air quality impact assessment

There appears to have been no revision of SLR Consulting's 2015 Air Quality Impact Statement. SLR remains ignorant of the existence of residents immediately across the road from Campbell's Stores and significantly, directly opposite the Bay (11) designated to accommodate the kitchen exhaust system for the building's proposed thirteen restaurants.

Kitchen exhaust is likely to have a significant negative impact on these residents yet the only report the SLR provides dealing with these impacts identifies '*the nearest residential area ... [as] Miller's Point, located beyond the Bradfield Highway and Cahill Expressway*'.

The assessment describes systems that could be applied to disperse odours, but provides no assessment of their noise or visual impacts (see Air Quality Impact Statement, Section 9.21)

D (iii) Hours of operation and noise issues

The proposed hours of operation are excessive. The consultants say that applicants currently have licences to trade until 2 am. That does not mean that planning/consent authorities have to accept these hours. They can and should vary them. These are NOT the current trading hours for the site. Consent authorities have a responsibility to protect residents' rights in this regard.

Campbell's Stores restaurants currently don't open before around 10 am and close by midnight. This seems reasonable as long as the noise they generate is contained within the building. Chris Drivas, one of the applicants, assured us that this would not change.

The applicants now want to increase their hours **by a minimum of 6 hours/day Monday to Saturday and a minimum of 4 hours/day on Sundays. Restaurants opening at 6 am** seven days/week and not closing until 2 am six days/week, would have an unreasonable negative impact on the residents living immediately across the road and guests staying at the 5 star Park Hyatt Hotel next door.

Their peace and quiet would be threatened by noise disturbance with noise, including amplified music, speeches and announcements, emitted from the premises, and the noise of boisterous patrons departing in the early hours of the morning. They would also have to suffer noise from rubbish removal, leaf blowing, bottle sorting and collection and the pumping out of grease traps at all hours of the day and night. Any approvals issued should incorporate enforceable conditions to protect residents and hotel guests from such disturbances at least between the hours of 12 am and 7 am.

There has been no assessment of the noise impact of outdoor dining. Given the vastly increased outdoor dining area (double the existing), this may well generate unacceptable levels of noise, especially at night time. We need to be able to open our windows without being confronted by excessive restaurant noise of any kind. We can do that now and should not be denied that right in the future. Any approval of outdoor dining at night should either limit its extent to the south-eastern section of Campbell's Stores or limit its hours of operation to before 6 pm.

For the same reason there should be no outdoor trading or functions permitted at the northern section of the Stores or along their western façade after 6 p.m.

The applicants requested 'flexibility to **periodically** provide for cocktail party capacity and dinner gala space for **2,000 guests**' (original Architectural Design Statement, Section 3.1.2, p.31). 'Periodically' was not defined, nor was it clear whether the 2000 guests would be indoors or outdoors. Both need to be clarified before this application can be determined and their impacts need to be assessed.

Neither the Noise and Vibration Impact Statement nor the Environmental Impact Statement (EIS) appear to have assessed the impact on residents at 8 Hickson and guests at the Park Hyatt Hotel of noise emanating from restaurants and bars, as a consequence of the proposed 'open window' ventilation design.

The applicant provides no response to the problems posed by the ventilation design for Campbell's Stores, in particular the proposal that this largely be treated by leaving restaurant windows open. This design would necessitate restaurants windows facing Hickson Road being left open for much of the year and so generate a significant and negative noise impact on nearby residents and on locals and others who just want to enjoy a stroll along the harbour foreshore. We currently experience such noise levels only occasionally when restaurant patrons at Campbell's Stores leave open doors that front Hickson Road.

This form of restaurant ventilation is unacceptable to residents and would equally prevent visitors to The Rocks enjoying the tranquillity it currently provides.

D (iv) Mechanical ventilation issues

There has been no amendment to proposals to direct all kitchen exhaust through the roof of Bay 11. This is the location likely to have the greatest noise and fumes impact on occupants of both 8 Hickson Road and the Park Hyatt Hotel.

The existing kitchen exhaust system, which serves a smaller number of kitchens, already emits unpleasant fumes at all hours of the day and night. These affect people working in local businesses, people walking in the street and residents at 8 Hickson Road. This is especially a problem when the wind is blowing from the north-east. All kitchen exhaust should be directed to the southern end of the building where noise and fumes will have the least possible impact on residents and hotel guests.

Applicants need to clarify the proposed stack height and provide images showing what it would look like. This, along with sound barriers erected to mitigate noise and fumes of the kitchen exhaust are likely to substantially impact on our Opera House views and the enjoyment of our home.

We currently look out directly at the Opera House from both our living area and main bedroom. We are very lucky. This is a stunning, unique and highly prized view. The proposed noise and fume mitigation mechanisms will impact on the wonderful views currently enjoyed from our living area and main bedroom and would create a major, negative visual impact on our enjoyment of our home.

Conclusion

SSD 7056 should be rejected given the absence of reasonable opportunities for public input and the applicants' ongoing failure to address valid concerns about their proposals. The amended application has done little to mitigate negative impacts on the amenity of residents at 8 Hickson Rd and a number of consultants have not even assessed them.

The proposed new glass box the applicants seek to drop into our midst is especially inappropriate. Any comparison of a design solution for a 'no building' option and the applicants' proposals would clearly demonstrate that a 'no building' option is a far superior outcome for the people of Sydney. Once a building is erected within this space, the opportunity will be lost for generations to come.

The illegal pavilion at the end of Bay 11 should be removed and the area between Bay 11 and the Park Hyatt Hotel ('Bay 12') should be public open space. This would facilitate a passive recreation space and expand the existing public gathering space for events like Sydney's famed New Year's Eve and Vivid festivities. This is one of the few areas in The Rocks where people in wheelchairs and with strollers can easily access the foreshore and it is important that such access be increased.

I am lucky enough to live in The Rocks and have done so for 14 years. I first got to know The Rocks in the 1970s as part of a group of young student teachers doing onsite research on the impact of the green bans on preserving The Rocks' heritage. Years later, I used to take groups of Year 9 students on optional Sunday afternoon walks through the area. The students loved investigating the history of the area through seeing its streetscapes and the physical remains of past eras, communities and working environments.

In more recent years, as a textbook writer, I've written about heritage preservation. While I can provide plenty of examples in relation to world heritage, it's difficult to find them within The Rocks area.

Approval of a four storey glass box would have a very real risk of negatively impacting the 'Exceptional Significant' heritage classification of Campbell's Stores. This cannot be justified for the trivial result of less than 300m² of high end retail space selling Gucci handbags and the like.

We need to see a greater focus on making our heritage meaningful and accessible. Restoring and landscaping the space to the northern side of Campbell's Stores would be a great start.

Maureen Sidoti