



# **Alterations and additions to Campbell's Stores**

State Significant  
Development  
Modification Assessment  
(SSD 7056 MOD 2)

September 2018

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## Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
DPI	Department of Primary industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure



## Executive Summary

Tallawoladah Pty Ltd (the Applicant) seeks approval to modify the consent (SSD 7056) for alterations and additions at Campbell's Stores, The Rocks.

The section 4.55(2) modification request seeks to make design amendments to Bays 6, 8 and 9 and revise plant machinery in Bay 11.

### **Engagement**

The Department publicly exhibited the modification request and received advice from seven Government agencies, and five submissions from the neighbouring residents objecting to the modification.

City of Sydney Council (Council) supports the proposal and none of the other Government agencies objected.

During the assessment process, the Applicant provided additional visual impact documentation and mechanical ventilation statements to illustrate how heritage, visual, noise and odour impacts will be managed to protect the amenity of neighbouring residents.

### **Assessment**

The key assessment issues for this project are visual and heritage impacts. Other assessment issues include noise and odour impacts. Overall, the Department considers the proposal would result in a superior visual outcome, generate less ventilation noise and maintain the heritage integrity of the building when compared to the original SSD 7056 design.

### **Summary**

The Department considers the modification application to be appropriate as it would ensure the operation of the site for restaurant purposes and would result in an improved visual and noise outcome and would not result in adverse heritage impacts.

The Department considers the proposal would result in benefits to the State of NSW and the local community, and is therefore in the public interest.



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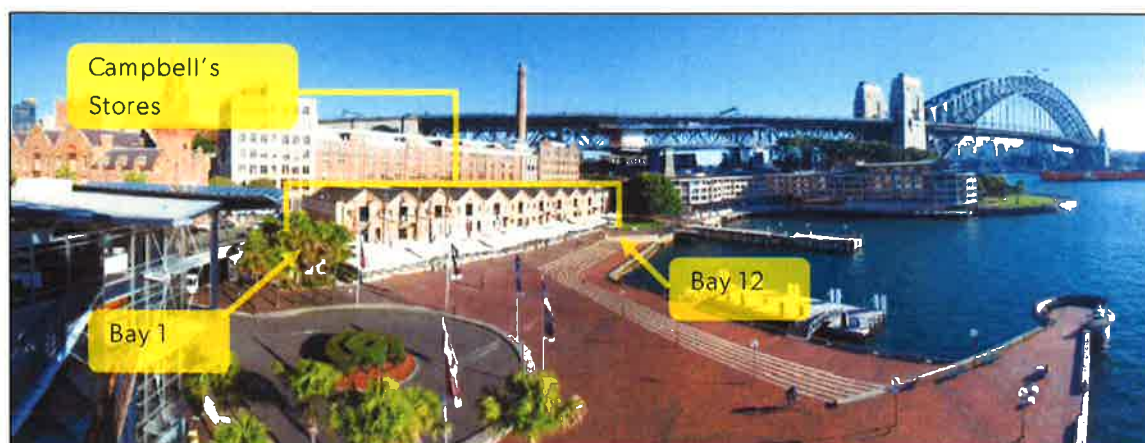
# 1. Introduction

This report is an assessment of an application to modify the State significant development (SSD) approval (SSD 7056) for alterations and additions to Campbell's Stores, The Rocks.

The modification application has been lodged by Tallawoladah Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for design amendments to Bays 6, 8 and 9 while also revising the mechanical ventilation design of Bay 11.

## 1.1 Background

Campbell's Stores is located within the City of Sydney local government area (LGA) between Hickson Road and the Sydney Harbour foreshore at The Rocks. The site contains a three-storey sandstone and brick warehouse building that is identified as a State heritage item. The building is divided into 11 distinct bays, with an open area to the north end of the site, termed 'Bay 12'. The site is shown in **Figure 1**.



**Figure 1** | The existing site viewed from the Overseas Passenger Terminal, looking north (Source: SSD 7056 EIS).

The site forms part of the Sydney Harbour foreshore as it is located within The Rocks heritage precinct opposite Campbell's Cove. The site is separated from the water by a foreshore promenade, which forms part of a broader continuous pedestrian link between The Rocks, Circular Quay, Sydney Opera House, Royal Botanic Gardens, Walsh Bay and Barangaroo. The site and its surrounds are shown in **Figure 2**.

The surrounding area is characterised by a mix of buildings and uses, including:

- the Overseas Passenger Terminal to the south-east, which services cruise passenger vessels and comprises a range of bars and restaurants
- the Park Hyatt Hotel immediately north of the site
- the Metcalfe Bond Stores to the west, which accommodates a range of retail, commercial and residential uses
- the ASN Co Building to the south, which accommodates a range of commercial and educational uses.



**Figure 2** | Aerial view showing the site outlined in red (Source: Nearmaps)

## 1.2 Approval History

On 19 April 2017, the Planning Assessment Commission approved SSD 7056 for alterations and additions to Campbell's Stores, The Rocks, including:

- conservation and remediation works to the Campbell's Stores, upgrades to the existing stormwater infrastructure and re-grading of the outdoor dining area
- external and internal building works to facilitate the adaptive re-use of the Campbell's Stores
- reconfiguration of the existing outdoor covered dining area to the east of Campbell's Stores and construction of a new outdoor dining area to the west of Campbell's Stores
- construction of a new outdoor dining area to the north of Campbell's Stores with basement storage, public amenities and plant (in the area known as Bay 12)
- public domain, landscaping and footpath works along Hickson Road.

The approved development is shown in **Figure 3**.



**Figure 3 |** Campbell's Stores as approved under SSD 7056 (Source: Applicant)

The approved development has previously been modified on one occasion (MOD 1). MOD 1 was approved on 18 July 2018 for alterations and additions to Bay 12, including a public viewing window to showcase archaeological resources in-situ.

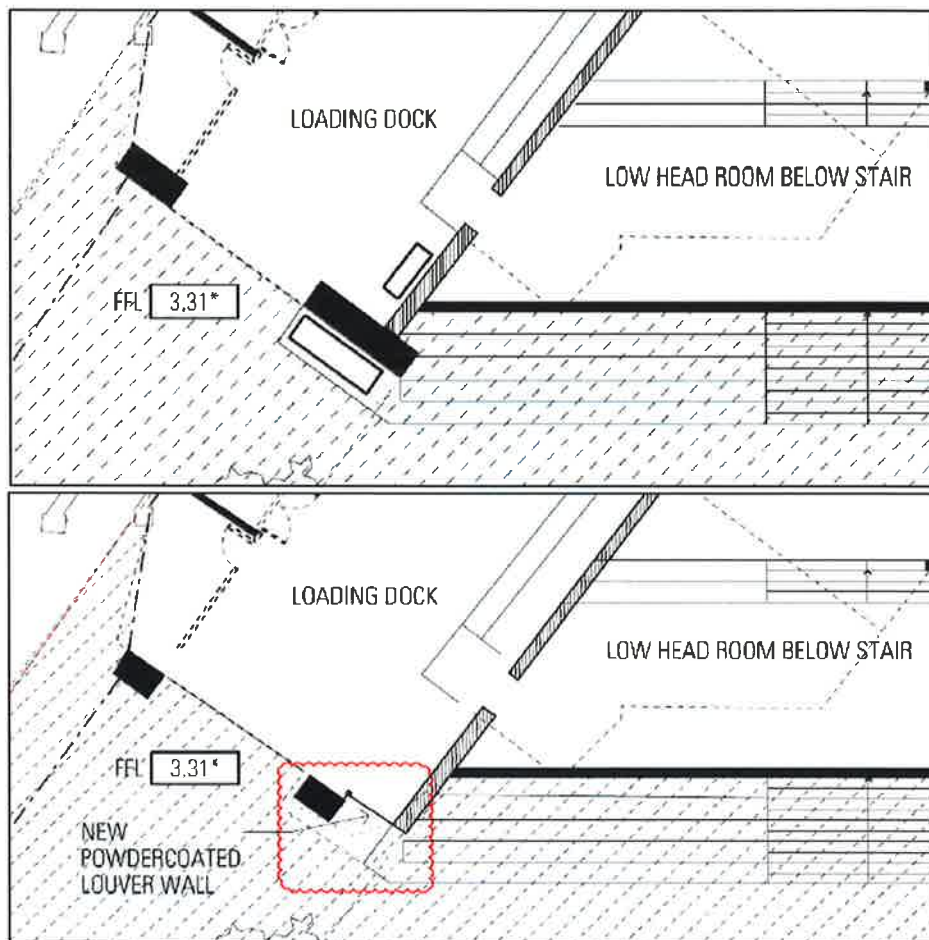


## 2. Proposed Modification

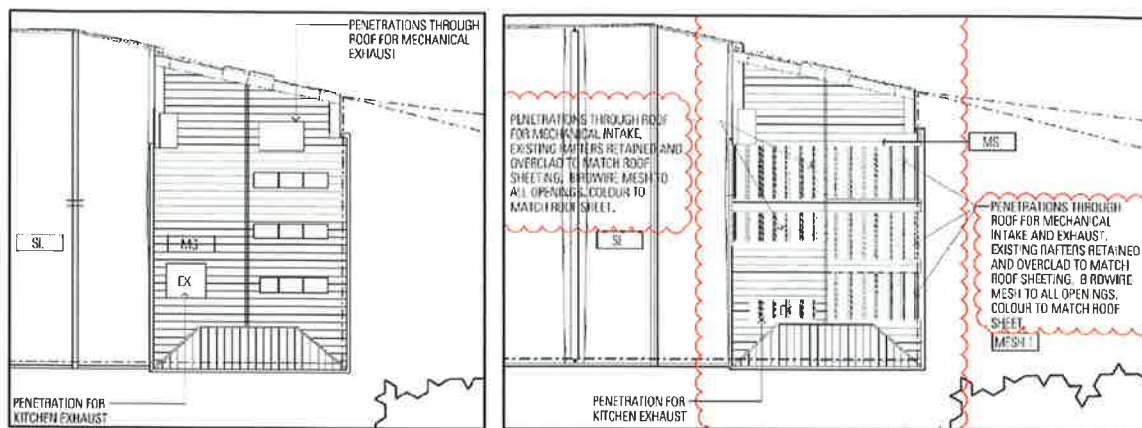
On 3 May 2018, the Applicant lodged a modification application (SSD 7056 MOD 2) seeking approval, under section 4.55(2) of the EP&A Act, to amend plan references to reflect a series of design amendments including:

- construction of a powder-coated louvre wall within the loading dock
- revising the layout of plant machinery in Bay 11 roof area and the inclusion of one new roof penetration. The existing roof penetrations are also proposed to be enlarged and covered in a metal mesh material due to the new gas-powered air conditioning system.
- amending the layout of the Bay 6 Ground Level toilet
- installing two new air vents in the eastern eave of Bay 6
- reinstating an internal doorway at Level 2 of Bay 8-9
- replacing dilapidated louvre on eastern elevation of Bay 11.

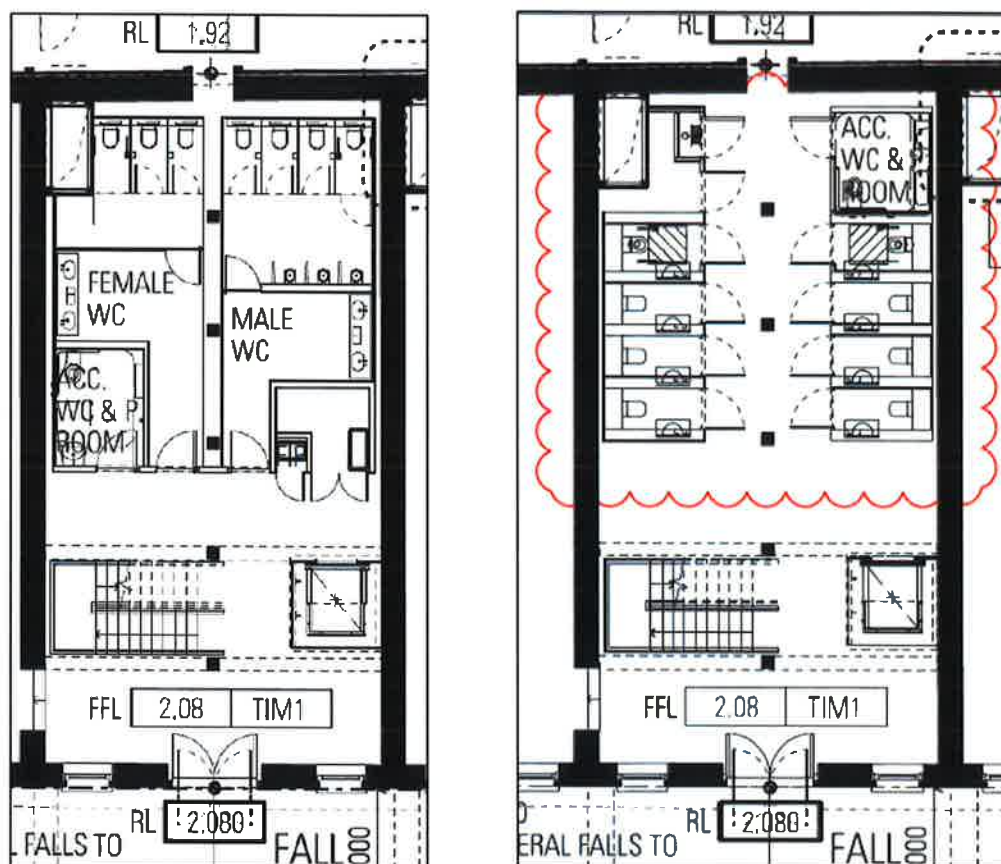
The approved and proposed plans are compared below in **Figures 4 to 9**.



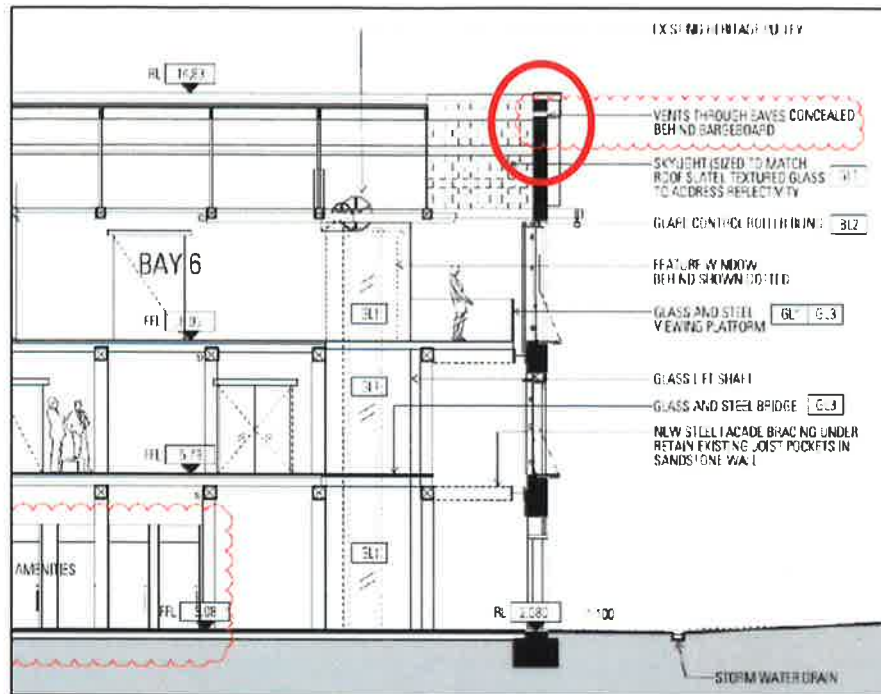
**Figure 4** | The approved (above) and proposed (below) powder-coated louvre wall in the loading dock  
(Source: JPW Architects).



**Figure 5** | The approved (left) and proposed (right) Bay 11 roof layout (Source: JPW Architects).



**Figure 6** | The approved (left) and proposed (right) Ground Level, Bay 6 toilet block layout (Source: JPW Architects).



**Figure 7** | The proposed air vents in the eastern eave of Bay 6 (Source: JPW Architects).



**Figure 8** | Location of the proposed internal, Level 2 horizontal penetration to connect Bay 8 and 9. (Source: EIS).



**Figure 9** | The current (left) and proposed (right) Bay 11 Louvre gable (Source: JPW Architects and RtS).

The Department notes a warning letter was issued to the Applicant on 21 September 2018 for the carrying out of works to the roof, installation of waterproofing membrane in the bathroom and removal of the Bay 11 louvre without approval. This modification therefore seeks approval to regularise the ongoing use of the roof area for plant ventilation.

The Applicant's justification for the modification is outlined below:

### **Bay 11 plant layout and enlargement of roof penetrations**

The Applicant seeks to modify the plant room layout in the roof space of Bay 11 to reflect design revisions made by the mechanical engineer in response to site constraints. Although SSD 7056 permits the installation of an electric air conditioning system, the lack of electricity available to the site has warranted a new gas-powered system in-lieu of constructing an electrical substation on site. This change relates solely to the air conditioning system and does not seek to change the type or location of the kitchen exhaust system, also located within the Bay 11 plant room.

SSD 7056 approved four penetrations, comprising approximately 17 m<sup>2</sup> of the roof sheeting, to allow for natural ventilation to the Bay 11 plant room. To satisfy the specific open-air requirements of the proposed gas system, the penetrations are required to total 60 m<sup>2</sup> and be covered in a recessive coloured metal mesh.

### **Louvre wall in the loading dock and two new air vents in Bay 6**

The new powder-coated louvre wall in the loading dock has been included to improve the natural ventilation through the building. Similarly, the proposed air vents located under the eaves of Bay 6 are included to prevent the build-up of hot air beneath the Bay 6 skylight.

### **Bay 6 toilet layout**

During the design development phase of the project, the male and female toilet layout in Bay 6 has been simplified. The new layout does not demarcate separate male and female bathrooms but maintains the same number of toilets by locating both a toilet and hand-washing sink within individual cubicles. There are no proposed changes to the number of accessible bathrooms.

### **Reinstated opening at Bay 8-9**

Since construction works began, the project team discovered an existing opening between Bay 8 and 9 that had been bricked over by a previous tenant. By removing the brick and render the opening will be returned to its original state. This will enable access from the tenancy in Bay 8 to the Bay 9 toilets, lift and access stairs.

### **Replace louvres on eastern elevation of Bay 11**

The modification proposed to replace the existing dilapidated louvres and façade cladding within the gable area of the Bay 11 façade. The louvre is required to facilitate natural ventilation to the Bay 11 roof and to protect the building from rain. The louvres will be replaced with new alluvium louvres in a powder coated charcoal colour.



## 3. Strategic Context

### Greater Sydney Regional Plan

Greater Sydney Regional Plan – A Metropolis of Three Cities sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The Sydney City LGA is located within the East Harbour City. The proposed development supports the directions and objectives of the Plan, in particular by:

- ensuring Greater Sydney's harbour central business district is stronger and more competitive
- ensuring Greater Sydney attracts investment and business activity in centres
- ensuring Greater Sydney is a great place that brings people together

### Eastern City District Plan

The Greater Sydney's Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Eastern City District Plan replaces the Draft Central District Plan released in November 2016. The Department has therefore considered the Eastern City District in its assessment which covers the Bayside, Burwood, City of Sydney, Canada Bay, Inner West, Randwick, Strathfield, Waverley and Woollahra local government areas.

The proposal is consistent with the Eastern City District Plan by helping to grow a stronger and more competitive harbour central business district (Planning Priority E7) and reducing carbon emissions and managing energy, water and waste efficiently (Planning Priority E19).



## 4. Statutory Context

### 4.1 Scope of Modifications

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is in **Table 1**.

**Table 1** | Consideration of section 4.55(2) of the EP&A Act

Section 4.55(2)	Assessment
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The proposed modification relates only to the loading bay and Bays 6, 8, 9 and 11. No changes are proposed to the remaining bays or their associated outdoor dining areas. The proposed modifications will not change the approved use or patron capacity. Therefore, the Department is satisfied the development is substantially the same development for which consent was originally granted.
That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.	The development does not require consultation with any other Minister, public authority or approval body. Notwithstanding, the Department has consulted the relevant State government authorities and City of Sydney Council in relation to the modification application (refer to <b>Section 5</b> of this report).
The application has been notified in accordance with the regulations.	The application has been notified in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (refer to <b>Section 5</b> of this report).
Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	The Department has considered the submissions received during the exhibition period (refer to <b>Sections 5</b> and <b>6</b> of this report).
Consideration of section 4.15(1) of the EP&A Act as are of relevance to the development application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The Department has assessed the relevant matters for consideration under section 4.15(1) of the EP&A Act. Refer to <b>Section 6</b> of this report.

### 4.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)

- Draft Environment State Environmental Planning Policy.

The Department's detailed consideration of the modified proposal against the applicable EPIs are provided in **Appendix C** of this report. The Department is satisfied the modification application has adequately addressed the relevant provisions and is consistent with the EPIs.

#### **4.3 Consent Authority**

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

#### **Minister's delegate as consent authority**

However, under the Minister's delegation dated 11 October 2017, the Executive Director, Key Sites and Industry Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 submissions in the nature of an objection.

#### **4.4 Objects under the Act**

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

## 5. Engagement

### 5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 of the EP&A Act and clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department exhibited the application from 17 May 2018 to 30 May 2018:

- on the Department's website
- at the offices of the Department
- at City of Sydney Council's offices.

The modification application was advertised in the Central Courier on 16 May 2018. Previous submitters were notified of the modification application and invited to make a submission. The modification application was also referred to:

- Council
- Heritage Council of NSW
- Office of Environment and Heritage
- Transport for NSW
- Environment Protection Authority
- Roads and Maritime Services
- Department of Industry
- Port Authority of NSW.

### 5.2 Summary of Submissions

During the exhibition period, the Department received 12 submissions on the proposal. Seven were received from Government agencies and five from the public. Council support the proposal and no other Government agencies objected. All five public submissions objected to the proposal. A summary of the submissions is provided in **Table 2**.

### 5.3 Key Issues – Government Agencies

The comments provided by each agency are provided in **Table 2** below.

**Table 2** | Consideration of agency submissions

Government Agency	Comments
<b>Heritage Council of NSW (Heritage Council)</b>	<p>The Heritage Council did not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"><li>• the modification would not result in any further impact upon the heritage values of the site</li><li>• the proposed covering of the roof penetrations with mesh represents a better outcome than currently approved</li><li>• Heritage Council required more information justifying and assessing the louvre replacement on the eastern facade.</li></ul>

<b>Office of Environment and Heritage (OEH)</b>	OEH did not object to the modified proposal and had no comments in relation to the development.
<b>Transport for NSW (TfNSW)</b>	TfNSW did not object to the modified proposal and had no comments in relation to the development.
<b>Environmental Protection Authority (EPA)</b>	The EPA did not object to the modified proposal and had no comments in relation to the development.
<b>Roads and Maritime Services (RMS)</b>	RMS did not object to the modified proposal and had no comments in relation to the development.
<b>Department of Industry (DPI)</b>	DPI did not object to the modified proposal and had no comments in relation to the development.
<b>Port Authority of New South Wales (PANSW)</b>	PANSW did not object to the modified proposal and had no comments in relation to the development.

None of the Government agencies have objected to the project, and the key issues raised by agencies have been addressed through the provision of additional information, or through the recommended conditions of consent/approval.

## 5.4 Key Issues – Council/Community

Council support the proposal and provided the following comments:

- the new mechanical exhaust system will result in larger roof openings but this will be mitigated by the installation of the mesh covering
- the changes will have a minor and acceptable visual impact
- the proposed mesh covering results in the roof openings being less visually evident
- the other changes are considered minor and would have negligible heritage impact.

Five public submissions were received objecting to the proposal raising:

- noise and waste emission impacts arising from the revised exhaust system
- visual impact of the Bay 11 roof openings to residents of Hickson Road
- concerns that the Bay 11 roof openings will catch leaves and rubbish.

## 5.5 Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the comments raised in the submissions.

On 10 July 2018, the Applicant provided a Response to Submissions (RtS) on the comments raised during the exhibition of the proposal. In conjunction with the RtS report, the Applicant also provided a Visual Impact Assessment, detailed design drawings and design response, a heritage response and a mechanical engineering statement.

The RtS was made publicly available on the Department's website and no further public submissions were received. The Heritage Council sought further justification for the proposed replacement of the Bay 11 louvres and change of colour from a neutral cream to a charcoal colour. Upon receipt of the additional information, the Heritage Council acknowledged the need to replace the louvres and confirmed it was satisfied with louvres to the full width of the gable front and to the change in colour to 'Driftwood'.

Council did not provide any additional comments in response to the RtS.



## 6. Assessment

### 6.1 Section 4.15(1) Matters for consideration

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 3** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided for in relevant appendices or other sections of this report, referenced in the table.

**Table 3** | Consideration of section 4.15(1) of the EP&A Act.

Section 4.15(1) Matters for consideration	Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in <b>Section 4.2</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to <b>Section 5</b> of this report).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the development are acceptable and/or have been appropriately mitigated or addressed by recommended conditions (refer to <b>Section 6</b> and <b>Appendix E</b> of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Sections 6</b> of this report.
(d) any submissions	The Department has considered the submissions received during the exhibition period (refer to <b>Sections 5</b> and <b>6</b> of this report).
(e) the public interest	The Department considers the modified proposal to be in the public interest.

The Department has considered the Applicant's modification application, the issues raised in submissions and the RfS in its assessment of the modified proposal. The Department considers the key issues associated with the proposal to be visual and heritage impacts. Other potential impacts are considered in **Section 6.4**.

## 6.2 Visual Impact

The proposed amendments to the Bay 11 plant area will result in changes that will be visible from the residential properties located in the Metcalfe Bond Store at 64-84 George Street, The Rocks. The approved application included four penetrations through the roof sheeting to provide the required amount of open air for the electric powered mechanical ventilation system. A gas-powered mechanical ventilation system is now proposed which necessitates larger roof openings.

The Applicant contends that the roof material is not original fabric and that plant material resulting in roof penetrations was approved in SSD 7056. The proposal also seeks to conceal the approved roof openings with a recessively coloured stainless-steel mesh.

The application has been accompanied by a Visual Impact Assessment (VIA) that provides a series of photomontages that illustrate the expected visual impact of the proposed modification. **Figures 10 to 12** compare the approved development and the proposed modification as viewed from Levels 1-3 of 8 Hickson Road, The Rocks.

The Department notes the proposed modification would have no impact upon existing views, and that Units 4 to 6 sit well above the Bay 11 roofline and that the changes, contained within the building roof line, are only visible if the resident is standing at window looking down. The Department also notes the proposal has a positive visual impact as the roof openings will be less visible and the machinery more obscured than as approved.



**Figure 10** | Approved (left) and proposed (right) roof of Bay 11 as viewed from Level 1 at 8 Hickson Road  
(Source: Applicant's Visual Impact Assessment).



**Figure 11** | Approved (left) and proposed (right) roof of Bay 11 as viewed from Level 2 at 8 Hickson Road (Source: Applicant's Visual Impact Assessment)



**Figure 12** | Approved (left) and proposed (right) roof of Bay 11 as viewed from Level 3 at 8 Hickson Road  
(Source: Applicant's Visual Impact Assessment)

Council is supportive of the amended plant and roof design as the mesh coverings will reduce the visibility of the roof penetrations when viewed from 8 Hickson Road. The Heritage Council also consider the proposal would result in a superior visual outcome to what was approved.

The Department considers the proposed mesh covering reduces the visibility of the roof penetrations and that the potential for plant room machinery to be visible through the mesh would be significantly lessened to what is currently approved.

The Department is satisfied that the proposed changes to the Bay 11 roof are acceptable.

### 6.3 Heritage Impact

The proposed modification seeks to include a new louvre wall in the loading dock, install two new air vents in Bay 6, reinstate the opening between Bay 8-9, amend the layout of the Bay 6 toilet and include a louvred gable at Bay 11.

The Heritage Council submission identified these changes would not substantially alter the approved design and would not result in any further impact on the heritage values of the site. Council considered these changes minor and likely to have little heritage impact. No public submissions raised concern with the potential for heritage impacts associated with these works. The proposed modifications are considered below.

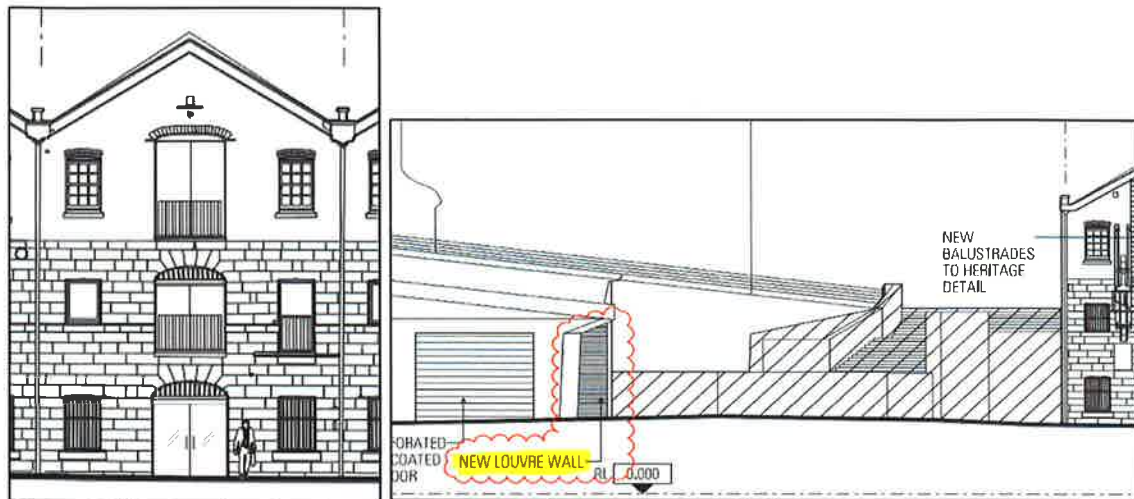
#### Bay 11 Plant Area

The site is located within the Sydney Opera House buffer zone arising from the building's UNESCO World Heritage listing. The Department considers the changes will not be visible from Sydney Opera House and that views to the Sydney Opera House from 8 Hickson Road would not be adversely impacted and its heritage value maintained.

#### Louvre wall in the loading dock and two new air vents in Bay 6

The Applicant proposes to install a louvre wall and two new air vents (**Figure 13**) to improve the natural ventilation through the building. The Department considers these amendments to be suitable as the Bay 6 air vents are concealed behind the bargeboard and are therefore not visible from the public domain and the louvre wall would improve ventilation to the loading bay without diminishing the heritage value of the building. Both changes would also not be visible from the Sydney Opera House UNESCO World Heritage site. Due to the minor nature and

concealed locations of the proposed changes, the Department is satisfied they will not result in any adverse visual or heritage impacts.



**Figure 13** | Eastern elevation demonstrating the Bay 6 vents are hidden (left) and the proposed louvre wall in the loading dock (right) (Source: JPW Architects).

### Reinstated opening at Bay 8-9

The Applicant seeks to reinstate the opening on Level 2 that joins Bay 8 and Bay 9 (**Figure 8**). The Heritage Council considers this element of the proposal to be minor and would not result in any further heritage impact to the site. The Department considers the proposed reinstatement would not result in any unacceptable heritage impacts, noting the proposed works would improve the heritage value of the building by restoring the original doorway and improve access.

The Department therefore considers the proposed works to be acceptable.

### Bay 6 toilet layout

The proposed modification includes changes to the bathroom layout in Bay 6 (**Figure 6**). None of the Government agency submissions raised concern with the changes.

The Department understands the total number of toilets and accessible toilets is unchanged by this proposal and agrees the change is minor, does not impact upon the heritage value of the building and is unlikely to result in any adverse environmental impacts.

The Department therefore considers the revised toilet layout to be acceptable.

### Replacement of Bay 11 Louvres

The Applicant provided an additional heritage statement from GBA heritage that concluded the replacement louvre was necessary to satisfy cross-ventilation requirements. GBA heritage considered the louvre a necessary new element on the heritage façade that should be visually recessive. The revised colour of the louvre to 'driftwood' is a less contrasting colour already approved under the Campbell's Stores palette of colours and the Applicant notes the proposed change does not alter the overall form of the gable but replaces the front face panel with a louvre.

The Heritage Council are satisfied with the amended louvre design and colour and consider the change to have a minimal heritage impact. The Department also considers the amendment to be minor, is consistent with the

Conservation Management Plan and of minor heritage impact. The Department therefore considers the louvre replacement and colour to be acceptable.

## 6.4 Other Issues

Other issues associated with the proposed modification and which were raised in public submissions include noise, odour and rubbish impacts. These are considered in **Table 4** below.

**Table 4 | Summary of other issues raised**

Issue	Findings	Recommended Condition
Noise	<ul style="list-style-type: none"> <li>The Bay 11 roof area of Campbell's Stores would accommodate kitchen exhaust fans, six condenser units and a dry cooler</li> <li>The Applicant notes the proposed gas-powered system is significantly quieter than the electrical system approved</li> <li>The Applicant provided an Acoustic Review of the modification to demonstrate compliance with the NSW Industrial Noise Policy (INP).</li> <li>The study concluded that the proposed mechanical ventilation system complies with the Amenity Noise Criteria and would not be intrusive to residents at 8 Hickson Road.</li> <li>To ensure the mechanical plant and the enlarged roof openings do not result in adverse noise impacts to residents, the Applicant identifies that acoustic treatments are proposed for the kitchen exhaust fans, the exhaust system is not operated beyond midnight and the layout of the Bay 11 roof area has been designed to minimise noise while allowing for an engineering solution that will enable operational longevity of Campbell's Stores</li> <li>The Department has reviewed the documentation and is satisfied the proposed mechanical ventilation system would result in a superior noise outcome to that approved under SSD 7056 and existing conditions can manage noise effectively.</li> </ul>	<ul style="list-style-type: none"> <li>Update plans to include new roof and plant details.</li> </ul>
Odour	<ul style="list-style-type: none"> <li>There is no proposed change to the location or type of kitchen exhaust provided in the Bay 11 plant room and therefore no potential for adverse odour impacts arising from the modification proposal.</li> <li>The Department notes the layout approved in SSD 7056 requires an ozone odour treatment system, exhaust hoods compliant with Australian standard AS 1668.2-2012, electrostatic filtration and an ozone generation system at the point of discharge.</li> <li>The Department is therefore satisfied that no odour impacts, beyond those assessed in SSD 7056, are likely to result from the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>Existing conditions continue to apply to the development and would manage odour impacts appropriately.</li> </ul>

#### Rubbish

- A public submission raised concern that the proposed mesh could trap rubbish and reduce the amenity of neighboring properties.
- The Department considers the proposed mesh unlikely to accumulate loose rubbish due to the expulsion of air from the fan motors associated with the plant machinery and would not reduce the amenity of neighbouring properties.
- No changes to the conditions are recommended.

## 7. *Evaluation*

The Department has reviewed the proposed modification and assessed the merits of the application, taking into consideration advice from Council and Government agencies, including the Heritage Council of NSW. Comments raised in community submissions have been considered and all environmental issues associated with the modified proposal have been suitably addressed.

The Department is satisfied the modified proposal will facilitate the adaptive re-use of Campbell's Stores and would improve the noise and visual amenity for adjacent residents on Hickson Road. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



## 8. Recommendation

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **determines** that the application SSD 7056 MOD 2 falls within the scope of section 4.55(2) of the EPA Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD 7056;
- **signs** the attached approval of the modification (Attachment E).

Timothy Green  
Planning Officer  
Key Sites Assessments

Recommended by:

Cameron Sargent  
**Acting Director**  
**Key Sites Assessments**



## 9. Determination

The recommendation is **adopted** by:

*Sargeant*

Anthea Sargeant

**Executive Director**

**Key Sites and Industry Assessments**

21/9/18



# Appendices

## Appendix A – Documentation

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Environmental Impact Statement  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9308](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9308)
2. Submissions  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9308](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9308)
3. Applicant's Response to Submissions  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9308](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9308)

## Appendix B– Community Views for Draft Notice of Decision

Issue	Consideration
<p>Visual Impacts</p> <ul style="list-style-type: none"> <li>The proposed changes to the roof will adversely affect the visual amenity of residents at 8 Hickson Road.</li> </ul>	<ul style="list-style-type: none"> <li>SSD 7056 MOD 1 approved four penetrations through the roof sheeting to provide natural ventilation to the electric air conditioning system.</li> <li>As a result of the new system being a gas-powered air conditioning system, an additional roof opening is required.</li> <li>The Visual Impact Assessment demonstrates the proposed mesh covering of the penetrations will effectively conceal the gas-powered system and all plant machinery at Bay 11 of Campbell's Stores.</li> <li>Council and the Department consider the proposed mesh will result in a superior visual outcome to the rooftop of the building.</li> </ul> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>Update approved plans to include new roof and plant details.</li> </ul>
<p>Noise and Odour</p> <ul style="list-style-type: none"> <li>The ventilation system operating at the commercial tenancies of Campbell's stores will result in noise and odour impacts to residents at 8 Hickson Road.</li> </ul>	<ul style="list-style-type: none"> <li>While the application seeks to change the air conditioning system from electric to gas, the proposal does not seek to change the type or location of the kitchen exhaust approved under SSD 7056.</li> <li>The gas-powered air conditioning is also significantly quieter than the electric-powered system currently approved.</li> <li>Existing conditions will ensure noise and odour impacts are effectively managed.</li> </ul>
<p>Rubbish</p> <ul style="list-style-type: none"> <li>A public submission raised concern that the proposed mesh could trap rubbish and reduce the amenity of neighboring properties.</li> <li>The Department considers the proposed mesh unlikely to accumulate loose rubbish due to the expulsion of air from the fan motors associated with the plant machinery and would not affect the amenity of surrounding residents.</li> </ul>	<ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>

## Appendix C– Environmental Planning Instruments

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

EPIs considered as part of the assessment of the modification application are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy.

### COMPLIANCE WITH CONTROLS

#### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP aims to identify development that is of State significance due to its size, economic value or potential impact. The original development was deemed State significant in accordance with clause 6 of Schedule 2 of the SRD SEPP, as the development is at The Rocks and has a CIV in excess of \$10 million (**Table 1**).

**Table 1** | Consideration of the relevant provisions of the SRD SEPP.

Assessment criteria	Department's assessment	Compliance
<b>3 Aims of Policy</b> The aims of this Policy are as follows: (a) to identify development that is State significant development	The original development was identified as SSD.	Yes
<b>8 Declaration of State significant development: section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The original development was permissible with development consent. The site is specified in Schedule 2.	Yes
<b>Schedule 2 State significant development —identified sites</b> (Clause 8 (1)) <b>6 Development in The Rocks</b> Development on land identified as being within The Rocks Site if: (a) it has a capital investment value of more than \$10 million, or (b) it does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act.	The original development was within The Rocks and had a capital investment value of more than \$10 million.	Yes

### **Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)**

Campbell's Stores are located within Site XXVII under the provisions of the SCRA Scheme and includes 'Commercial' and 'Special' land uses as permissible for the site. The modification application does not involve a change of use or increase the height of the building. Therefore, the Department is satisfied the modified proposal is consistent with the aims and objectives of the SCRA Scheme.

### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The application was referred to Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) and The Department received correspondence from both agencies confirming they had no objections or comments in relation to the proposed modification.

The Department considers the modified proposal to be consistent with the ISEPP.

### **State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)**

SEPP 55 aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

The Department has considered the potential contamination issues under the assessment of the original application. As the site does not have a history of contamination and the proposal does not involve a change of use, the Department is satisfied the modified proposal will not raise any additional issues with regards to contamination.

### **Draft Remediation of Land State Environmental Planning Policy**

The Department notes the Explanation of Intended Effect for a new Remediation of Land SEPP was exhibited until 13 April 2018. The Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposed works are not expected to result in any contamination issues, the Department considers the modification application would be consistent with the intended effect of the Remediation of Land SEPP.

### **State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)**

The Coastal SEPP commenced on 3 April 2018. The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The Coastal Management SEPP gives effect to the objectives of the Coastal Management Act 2016 (NSW) from a land use planning perspective. It defines four coastal management areas and provides an assessment criteria tailored for each coastal management area. The consent authority must apply those criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site as being located within the Coastal environment area and Coastal use area. Land within these areas are subject to clause 13 and 14, however as the site is located on land within the Foreshores and Waterways Area of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, clauses 13 and 14 of the Coastal SEPP do not apply.

## Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)

The SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. The modified proposal is consistent with the relevant Planning Principles of the SHC SREP and will not have any significant adverse impact on the Sydney Harbour Catchment as considered in **Table 2** below:

**Table 2** | Consideration of SREP (Sydney Harbour Catchment) 2005

Criteria		Department's assessment	Compliance
<b>Part 1 Preliminary</b>			
<b>Clause 2</b> <b>Aims of the Plan</b>	This clause sets out the aims with respect to the Sydney Harbour Catchment and establishes the principles for the purpose of enabling these aims to be achieved.	<p>The modified proposal is considered to be consistent with the aims of the Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>The catchment, foreshores and waterways will not be adversely affected by the modified proposal.</li> <li>The modified proposal has minimal additional impact that can be sufficiently managed subject to conditions of consent.</li> <li>The modified proposal will improve the existing commercial use and contribute to the culture and vibrancy of the area.</li> </ul>	Y
<b>Clause 3</b> <b>Land to which plan applies</b>	Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Foreshores and Waterways Area.	The site is located within the Foreshores and Waterways Area as identified in the zoning map.	Y
<b>Part 2 Planning principles</b>			
<b>Clause 13</b> <b>Sydney Harbour Catchment</b>	Provides a set of planning principles for land within the Sydney Harbour Catchment.	<p>The modified proposal is consistent with the planning principles for the Sydney Harbour Catchment as follows:</p> <ul style="list-style-type: none"> <li>The modified proposal involves no excavation works and therefore would not have any perceivable impact on the natural environment and assets including, hydrological, ecological and geomorphological processes and water quality.</li> <li>The proposed modification will have minimal additional impact on the environment that can be suitably managed subject to</li> </ul>	Y

		recommended conditions of consent.	
<b>Clause 14 Foreshores and Waterways Area</b>	Provides a set of planning principles for land within the Foreshores and Waterways Area.	<p>The site is located within the Foreshores and Waterways Area and is consistent with the planning principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• The modified proposal will not impact the natural assets and visual qualities of Sydney Harbour.</li> <li>• The modified proposal will maintain pedestrian connectivity and public access along the foreshore.</li> </ul>	Y
<b>Clause 15 Heritage conservation</b>	Provides a set of planning principles for heritage conservation.	<p>The site is a State Heritage listed item and is consistent with the planning principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• The modified proposal will facilitate the preservation and interpretation of archaeological items.</li> <li>• The modified proposal will enhance the cultural qualities of the Foreshores and Waterways Area.</li> <li>• The archaeological items will be protected subject to recommended conditions of consent.</li> </ul>	Y
<b>Part 3 Foreshores and Waterways Area</b>			
<b>Division 1 Development control</b>			
<b>Clause 16 Zones indicated on Zoning Map</b>	Land is zoned in accordance with the zoning map.	The site is adjacent to the waterway zoned W1 – Maritime Waters.	Y
<b>Clause 17 Zoning objectives</b>	<p>The objectives of the W1 – Maritime Waters Zone are as follows:</p> <p>to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally,</p> <p>to allow development only where it is demonstrated that it is compatible with, and will not</p>	<p>The site is located adjacent to the W1 Maritime Waters Zone.</p> <p>However, the site located wholly on land and has no associated uses that directly rely on the waterway. The modified proposal will not affect the movement of commercial shipping, public water transport and maritime industry operations.</p>	Y

	adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations,  to promote equitable use of the waterway, including use by passive recreation craft.		
<b>Division 2 Matters for consideration</b>			
<b>Clause 20</b> <b>General</b>	The matters referred to in Division 3 must be considered by the consent authority.	The Department has considered the relevant matters below.	Y
<b>Clause 21</b> <b>Biodiversity, ecology &amp; environmental protection</b>	The consent authority must consider the matters listed in the clause in relation to biodiversity, ecology and environmental protection.	The modified proposal will not have any adverse impacts on the biodiversity or ecology of the area.	Y
<b>Clause 22</b> <b>Public access to, and use of, foreshores and waterways</b>	The consent authority must consider the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways.	The modified proposal will maintain public access along the foreshore without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation.	Y
<b>Clause 23</b> <b>Maintenance of a working harbour</b>	The consent authority must consider the matters listed in relation to the maintenance of a working harbour.	The modified proposal will not reduce the capacity of Sydney Harbour to function as a working harbour.	Y
<b>Clause 24</b> <b>Interrelationship of waterway and foreshore uses</b>	The consent authority must consider the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses.	The modified proposal will not have any adverse impacts on the use of the waterway.	Y
<b>Clause 25</b> <b>Foreshore and waterways scenic quality</b>	The consent authority must consider the matters listed in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways.	The modified proposal involves covering the approved Bay 11 roof penetrations in a recessively coloured mesh. This will improve the scenic quality of the foreshore and waterway as viewed from adjoining residential properties.	Y
<b>Clause 26</b> <b>Maintenance, protection and</b>	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views.	The modified proposal will improve the views to and from Sydney Harbour.	Y

<b>enhancement of views</b>			
<b>Division 3 Foreshores and Waterways Planning and Development Advisory Committee</b>			
<b>Clause 29 Consultation required for certain development applications</b>	A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee.	The modified proposal was not required to be referred to the Advisory Committee.	N/A
<b>Part 5 Heritage provisions</b>			
<b>Division 1 General</b>			
<b>Clause 53 Objectives</b>	<p>The relevant objectives in relation to heritage are:</p> <ul style="list-style-type: none"> <li>To conserve the environmental heritage of the land.</li> <li>To conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items.</li> <li>To ensure that archaeological sites and place of Aboriginal heritage significance are conserved.</li> </ul>	Campbell's Stores is a State Heritage listed item and the application is consistent with the planning principles as the modified proposal will not diminish the site's heritage value.	Y
<b>Division 2 Protection of heritage items</b>			
<b>Clause 54 Land to which Part applies</b>	This Part applies to an in respect of the land shown on the Heritage Map and to the heritage items identified on that map.	Campbell's Stores is not identified on the Heritage Map	N/A
<b>Clause 55 Protection of heritage items</b>	Development consent is required for the altering of a heritage item by making structural or non-structural changes to its exterior, including changes to its detail, fabric, finish or appearance.	The modified proposal seeks development consent to alter the heritage item.	Y
<b>Division 4 Miscellaneous</b>			

<p><b>Clause 59</b></p> <p><b>Development in vicinity of heritage items</b></p>	<p>The consent authority must assess the impact of the proposed development on the heritage significance of heritage items within the vicinity of the development.</p>	<p>The modified proposal will have no adverse impact on the views to and from the site and reduce the overall impact on heritage items within the vicinity of the development.</p>	<p>Y</p>
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#### **Draft State Environmental Planning Policy (Environment SEPP)**

The Department notes the Explanation of Intended Effect for the Environment SEPP was exhibited until the 15 January 2018. The Environment SEPP proposes to simplify the planning rules for the protection and management of the natural environment by consolidating seven existing SEPPs, including the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The relevant matters for consideration and the general provisions relating to Sydney Harbour are proposed to remain in accordance with those in the current SEPP and therefore the proposed development would be consistent with the intended effect of the Environment SEPP.

## **Appendix D – Consolidated Consent**

The Consolidated Consent can be found on the Department of Planning and Environment's website as follows.

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9308](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9308)

## **Appendix E – Notice of Modification**

The Notice of Modification can be found on the Department of Planning and Environment's website as follows.

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9308](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9308)