

Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

12 January 2018

Dear Ms McNally

**Determination of State Significant Development - Mixed use development, 85 Harrington Street and 68 to 72 Gloucester Street, The Rocks (SSD 7037)**

Thank you for your Department's letter received on 11 December 2017 referring the above State significant development application to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011. Stephen O'Connor (chair) and Lynelle Briggs AO constituted the Commission to determine the application.

Golden Age & Hannas The Rocks Pty Ltd (the applicant) seeks to:

- demolish the existing 85 Harrington Street ('Harrington Court') commercial building;
- construct two mixed-use buildings (Building 1 and Building 2) over a combined basement, comprising:
  - Building 1: Part seven/part nine-storeys fronting Gloucester Street and Harrington Street (maximum 33 m/RL 49.43); and
  - Building 2: Six storeys fronting Harrington Street (maximum 22 m/RL 36.6 to roof/RL 38.9 to top of plant).
- provide a total Gross Floor Area (GFA) of 9,308 m<sup>2</sup>, comprising:
  - 1,132 m<sup>2</sup> of commercial GFA (within Building 1);
  - 927 m<sup>2</sup> retail GFA (including 136 m<sup>2</sup> in the State Heritage Listed 'Baker's Terrace'); and
  - 7,249 m<sup>2</sup> of residential GFA comprising 58 residential units/townhouses;
- create a new pedestrian through-site link between Harrington Street and Gloucester Street, including new public lift access;
- create a new vehicular access into the site via Harrington Street;
- excavate for a two-level basement car park with 63 car parking spaces and five motorcycle spaces;
- create a new public plaza located between Building 1, Building 2 and the Baker's Terrace; and
- undertake adaptive re-use works to Baker's Terrace, including internal conversions for various uses, and conservation and maintenance works.

The Commission has considered carefully the Department of Planning and Environment's (the Department) environmental assessment report, all of the information provided by the applicant, recommendations from government agencies, submissions from the public and section 79C of the *Environmental Planning and Assessment Act 1979 (EPA Act)*.

The proposal would also require a variation to the Sydney Cove Redevelopment Authority Scheme (SCRA Scheme) to amend the specified building envelope for the site to permit the proposed increase in the maximum heights of buildings and provide for a new pedestrian through-site link. In response to this, the Commission has carefully considered Clause 29(3) of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* and the *Sydney Cove Redevelopment Authority Scheme*. The Commission has determined to support the proposed SCRA variation and has consented to the amendment in accordance with the Department's advice.

As part of the Commission's assessment of the proposal, the Commission met with the Department and the applicant. Notes of these meetings are attached in **Appendix 1**. The Commission offered to meet with City of Sydney Council (Council) as part of the determination process given that Council had objected to this proposed development, but this offer was declined by Council.

The Department considered the key matters for this application to include:

- built form, heritage impacts and streetscape;
- public domain;
- amenity impacts;
- residential amenity of units; and
- traffic, car parking and end of trip facilities.

The Commission identified the following key issues with the proposed development, which were raised in submissions, including those from the City of Sydney:

- Height should not breach current controls/ height of the existing building;
- Building out of scale with neighbouring heritage buildings/ adverse impact on heritage context of The Rocks;
- Fails to achieve a successful transition to finer grain of adjoining heritage items and therefore cannot be supported on heritage grounds;
- Failure to achieve minimum amenity standards as specified in SEPP 65 and the ADG;
- Provision of excessive car parking which will contribute to an adverse impact on surrounding streets in a highly pedestrian environment; and
- Inadequate provision of bicycle storage and end of trip facilities normally required with these types of development.

In relation to the first three of these issues, the Commission examined carefully building height and the interrelationship between the project and the local heritage fabric of The Rocks, as these are sensitive issues in this historic location.

In relation to the proposed increase in building heights, the Commission notes the applicant's adjustment in design to Building 1 throughout the assessment of the project. The design of Building 1 has been significantly revised to reduce the visual interference by reducing the roof height and incorporating a curved roof design which reduces overshadowing impacts and improves the visual dominance of the building from both the surrounding street network and from further afield. The Commission recognises that the siting of the larger Building 1, on the southern end of The Rocks next to the Cahill Expressway and opposite DFS Galleria at 68 Harrington Street, reduces the visual impact of a modern building in The Rocks.

The Commission further notes that the overall architectural design of Buildings 1 and 2, including proposed surface materials and articulation respond well and are sympathetic to the existing heritage characteristics of the immediate area surrounding the site. In addition, the opening up of Cumberland

Place, proposed through site link and improved pedestrian access are important interventions which have satisfactorily resolved the issues which have been raised in submissions.

In response to the final three issues raised by Council in their correspondence dated 15 September 2017, the Commission notes that the “...the Department concludes that the proposed buildings satisfy the intent of the ADG and are acceptable in terms of residential amenity.” Based on the analysis contained in the assessment report the Commission supports this conclusion.

In relation to off-street carparking, Council sought a maximum of 53 spaces be provided which is 10 less spaces than proposed. The Department concurred and cites the proximity to a number of major transport nodes, including Wynyard and Circular Quay as justification to support this request. The Commission supports the imposition of Condition B29 which specifies a maximum of 53 car parking spaces be provided. In addition to off-street parking concerns, improvements to the provision of bicycle storage and end of trip facilities were sought. The Commission notes that there are 35 class B bicycle spaces for workers and a further 30 spaces for visitors, as well as room for bicycle parking in each of the 58 individual storage areas for each dwelling, and these provisions exceed that required in Sydney Development Control Plan 2012. The Commission concludes that there is adequate provision for cyclists in the proposed development.

The Commission finds that through the consultation conducted by both the Department and applicant, the development has been appropriately amended to successfully respond to the concerns raised by the public, Council and Government agencies. The Commission has reviewed the Department’s assessment of the matters raised and is satisfied with its findings and conclusions, particularly the amendments to the project made following the response to submission process.

The Commission considers that the Department’s recommendations are generally appropriate and supports the development as proposed, subject to a number of minor changes to the Department’s recommended conditions.

For the reasons set out above, the Commission has firstly determined to grant approval to the variation sought regarding building envelopes pursuant to the SCRA Scheme. The Commission has secondly determined to grant consent to the development application subject to the conditions set out in the instrument of approval.



Stephen O'Connor  
**Member of the Commission (Chair)**



Lynelle Briggs AO  
**Member of the Commission**

cc. The Hon. Anthony Roberts, MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001