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7 September 2021

Mr John Green
Development Director
JDH Capital
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Dear John,

RE: SIRIUS BUILDING, THE ROCKS – MODIFICATION TO SSD 10384 (HERITAGE IMPACT STATEMENT)

The following is provided in conjunction with a modification to State Significant Development Approval (SSD 10384). On 18 June 2021 approval was granted for the alterations and additions to the Sirius Building at 48 Cumberland Street, The Rocks, including restoration and refurbishment for a mixed-use development including:

- A gross floor area of 8,419.20sqm
- 76 residential apartments, commercial (SOHO apartments) and retail premises
- Cumberland Street building with retail, pool and basement vehicle access
- Pedestrian through site link between Cumberland Street and Gloucester Walk
- Landscaping, public art and off-site public domain works.

Urbis has provided heritage advice to the SSDA including ongoing design development for the redevelopment of the Sirius site and preparation of a Heritage Impact Statement in support of a SSDA.

Since the approval of the SSD application and further design development, advice has been provided by the structural engineer to confirm that the stability of the two trees adjacent to the site cannot be ensured as a result of the approved construction works. These trees are referred to as Tree 50 and 51 and are located adjacent to the southern end of the site at the Gloucester Walk frontage. Both trees are single trunked *Platanus x hybrida* (Plane Trees) of approximately 18 metres in height with a canopy spread of 16m.

It is understood that the client is now seeking to submit a modification to the Development consent in conjunction with amendments to proposed landscaping, specifically for the removal of the two Plane Trees on the Gloucester Walk frontage, and replacement with four (4) *Nyssa sylvatica* (*Nyssa*, *Tupelo*) plantings.

Noting that as the works are in the Public Domain and the site is within The Rocks Conservation Area on the Place Management NSW Section 170 Heritage and Conservation Register, DPIE have requested a Heritage Consultant prepare a report. The following Heritage Impact Statement is

therefore provided to assess the potential impact of the proposed landscaping works on the precinct etc.

THE SITE

The site is located on Lot 100 and 101 DP264104, 2-60 Cumberland Street, The Rocks and within the City of Sydney Local Government Area (LGA). The subject site comprises the Sirius building, constructed in 1980. Sirius is the tallest building in the area and sits atop the sandstone embankment, dominating the landscape. The Sirius building is a brutalist social housing building built in a modular stacked form, finished in off-form concrete and render. Sirius is, at its maximum, 11 storeys high and steps down to the north and south. The majority of the Sirius building is five storeys or below. The building is surrounded by gardens and in particular the roof-top gardens were an integral part of the visual presentation of the complex.

Gloucester Walk – a pedestrian walkway runs to the east of Sirius which will be upgraded as part of the proposal.

For the purposes of this modification and the Heritage Impact Statement, ‘The Site’ is limited to private open space located adjacent to the southern end of the site at the Gloucester Walk frontage, and specifically two trees, being trees 50 and 51 (pictured below).

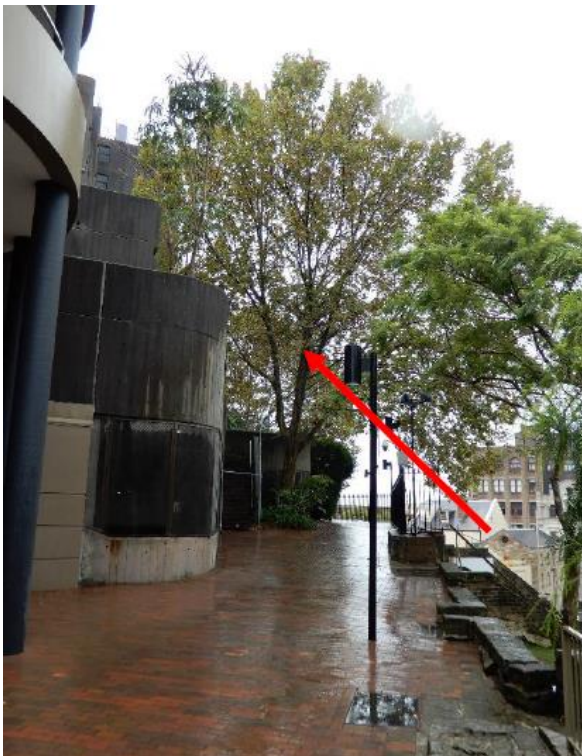


Figure 1 View of tree 50 and context and context in Gloucester Walk.

Source: [Landscape Matrix 2021 (Photograph 7)]



Figure 2 View of tree 51 and context in Gloucester Walk

Source: [Landscape Matrix 2021 (Photograph 8)]

Both trees (pictured above) are single trunked *Platanus x hybrida* (Plane Trees) of approximately 18 metres in height with a canopy spread of 16m. Urbis is advised that the arborist has estimated the trees at 20-25 years of age and the species is noted as fast growing. Trees are acknowledged in the Arborist report as being in good health and of high landscape significance.¹ These trees were initially identified as having priority for protection, due to their maturity, overall tree health, landscape significance and anticipated medium to long life expectancy.² The Sirius is elevated and the subject trees are apparent in views from Playfair and Atherden Streets below the site to the east.



Figure 3 Survey Plan annotated to show tree locations, trees 50 and 51 are indicated

Source: [Google Maps 2021]

The subject trees were assessed in the Arborist report along with 50 other trees located on the site, nature strip frontage and adjoining properties. The majority of plantings included Weeping Bottle brush (27) and three (3) Plane Trees were recorded (including the two subject plantings). Other species included various palm trees, kaffir plum, umbrella trees, and Hills weeping fig trees.

Locations of the subject plantings are shown on the survey plan below.

¹ Landscape Matrix, *Sirius Building Tree numbers 50 and 51 – Basement Rectification Works*, dated 19 August 2021, pg 1

² Landscape Matrix, *Arboricultural Impact Report and Tree Retention Plan*, Sirius Site 2-60 Cumberland Street, The Rocks, Sydney NSW, 16 August 2021

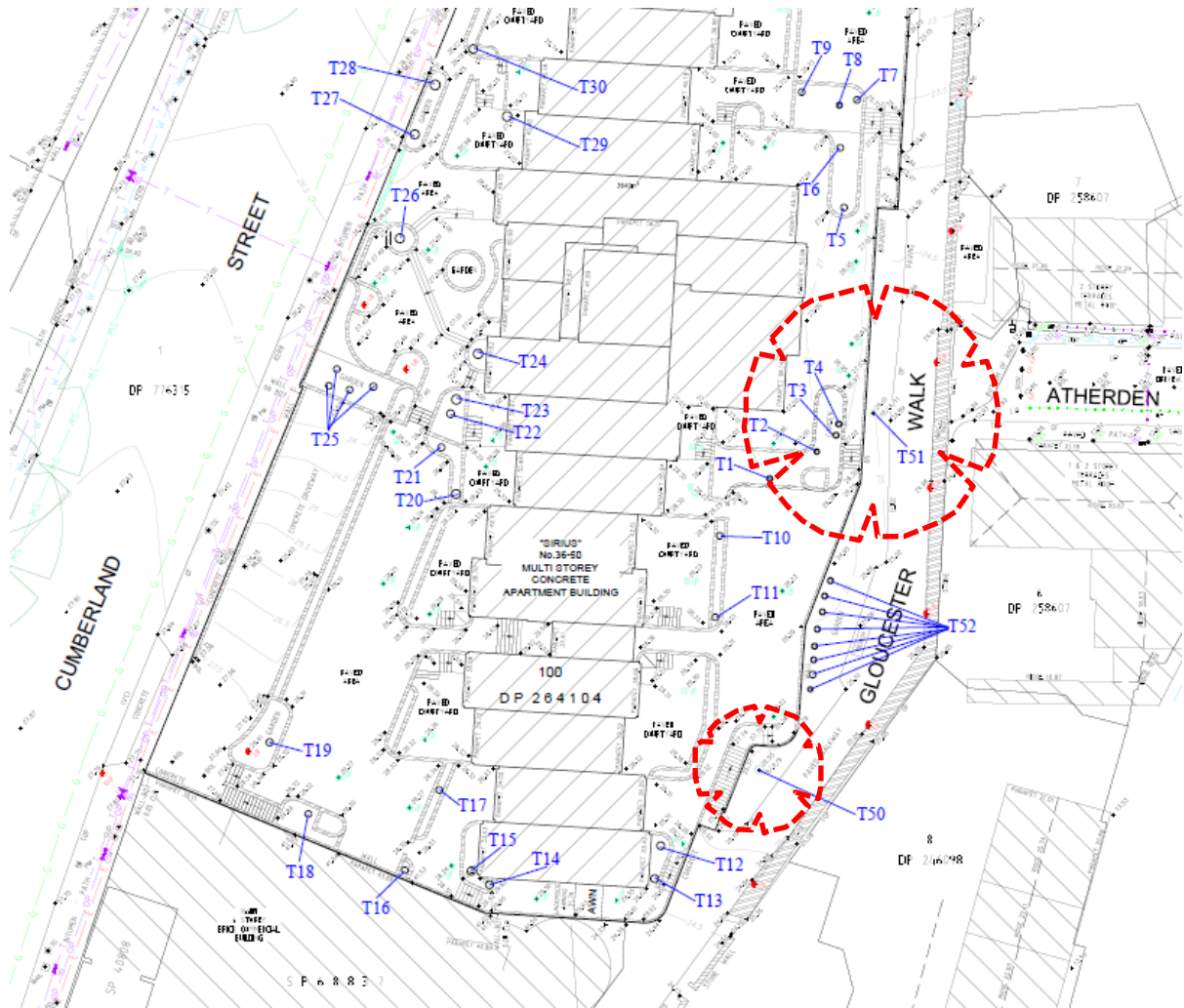


Figure 4 Survey Plan annotated to show tree locations, trees 50 and 51 are indicated

Source: [LTS Lockley Survey Plan, Revision E dated 19/05/2020, Annotations by Landscape Matrix to show tree locations, Landscape Matrix, Arboricultural Impact Report and Tree Retention Plan, Sirius Site 2-60 Cumberland Street, The Rocks, Sydney NSW, 16 August 2021]

STATUTORY LISTINGS AND STATEMENT OF HERITAGE SIGNIFICANCE

The subject site is not an individually listed item of environmental heritage under the NSW State Heritage Register (SHR), the State Environmental Planning Policy (State Significant Precincts) 2005, the State Environmental Planning Policy (State and Regional Development) 2011 or the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The SLEP2012 does not apply to The Rocks area and the subject site is not identified as an item of environmental heritage under Schedule 5 of the SLEP2012.

The subject site is not listed as an individual heritage item on the Place Management NSW (formerly State Harbour Foreshore Authority – SHFA) Section 170 Heritage and Conservation Register, but it is located within The Rocks Conservation Area on the Place Management NSW Section 170 Heritage and Conservation Register.

Although the site is not subject to statutory listing, the Sirius building has been assessed to have heritage significance. This statement of significance has been sourced from the draft State Heritage Inventory (SHI) record for the Sirius building which was prepared for the State Heritage Register nomination for the place in 2015.³

The Sirius Apartments building at 36-50 Cumberland Street, The Rocks, designed by Tao (Theodore) Gofers is likely to be of State Heritage Significance as a rare, representative and fine example of the Brutalist architectural style, especially in its use of off-the-form concrete and the stacking of cubic components to create a harmonious whole. It is also significant as an early example of rooftop landscape gardening in NSW and Australia.

The building is likely to have further State landmark aesthetic significance as an unusual and aesthetically distinctive treatment of high-rise accommodation, bookmarking the view of Circular Quay from Sydney Harbour together with the Opera House.

The Sirius apartment building is likely to have state heritage significance for its historical values as a major outcome of the Green Bans, a protest movement against the redevelopment of the Rocks and Millers Point area in the 1970s. The Sirius building built to provide affordable public housing in its 79 apartments, for approximately 200 people potentially displaced by other developments in the area.

The historical significance of the building is further demonstrated as the socially responsible design of the Sirius Apartment was part of a worldwide movement in architecture concerned with social justice and better outcomes for those less advantaged in society.

The building is likely to have state level significance for historic associations with the Green Bans of the 1970s, the Green Ban's leader Jack Mundey as well as for its association with its designer, Tao Gofers, a noted architect who pioneered a new modular building style in concrete with specific application to social housing in Australia.

The Sirius Apartment Building is likely to have state level heritage significance for its long and strong association with past and present residents of the Millers Point and The Rocks community. Many of The Rocks and Millers Point residents were the descendants of maritime workers who lived and worked in the area for generations. Sirius may also be of social significance to others in NSW who consider it an important achievement that the unique

³ Accessed from the Save Millers Point Blog online at <http://savemillerspoint.blogspot.com/2015/07/sirius-apartment-building.html>

makeup of the Miller's Point and The Rocks community has been preserved for so many generations.

The Statement of Significance references landscaping with regard to the rooftop gardens only and the subject plantings (being known as Tree 50 and 51) have been estimated at 20-25 years of age and therefore do not form part of the original site landscaping. The trees are not considered to make a significant contribution to the heritage significance of the place, although they may be considered to contribute to the streetscape and overall setting as a mature tree planting.

The following Statement of Significance for The Rocks has been sourced from the Rocks Management Plan:

The Rocks is a major element of Sydney Harbour and Circular Quay, with a dramatic setting at the narrowest point in the Harbour. Visible layers of change appear on the sandstone topography which gives the precinct its name. Less tangible aspects, such as harbour sounds and breezes and water views, are crucial to The Rocks' sense of place on the foreshore.

The Rocks is important as a foreshore port settlement and historic focus of social and economic activity, commencing in Australia's colonial period. The Rocks is a place where authentic early convict evidence is accessible to the public.

The Rocks is part of the place of first sustained contact between Aboriginal people and European settlers on the continent. Physical evidence of pre-European Aboriginal culture in The Rocks has been largely destroyed. The lack of such evidence is a poignant reminder of loss. Aboriginal cultural sites which may have survived such impacts are of great significance to the Aboriginal community of Sydney who consider their continued experience and association with The Rocks as symbols of endurance.

The Rocks contains a rich accumulation of features that demonstrate layers of Australian history from 1788 until the present. The precinct displays diversity in townscape and building style, form and texture. Distinctive low-rise scale and fine grain textures in The Rocks contrast with, yet complement, the imposing built forms and modern architecture of the city centre beyond.

The Rocks landscape, urban form, built structures and subsurface archaeological features, together with extensive documentary records, provide a chronicle of outstanding research potential.

The Rocks and adjacent areas of Millers Point and Dawes Point are symbols of community survival, with the associated present-day communities representing and connected to the processes of struggle, perseverance and change that have shaped these places.

Owned and managed in the public interest for a century, The Rocks has been the stage for Government innovation in public works, town planning and social engineering. It is known for historic events such as the 1901 plague, slum clearances and Green Bans. It has become a showcase for conservation practice and is an example of public land ownership and sustainable urban management under one Government agency.

The Rocks is an important Australian tourist destination – presented as the birthplace of colonial Australia and representing significant storylines.⁴

⁴ The Rocks Management Plan: https://www.dpie.nsw.gov.au/data/assets/pdf_file/0009/324747/The-Rocks-Heritage-Management-Plan.pdf, pg 27

THE PROPOSAL

It is understood that the client is now seeking to submit a modification to the Development consent in conjunction with amendments to proposed landscaping.

As outlined above, it is proposed to remove two *Platanus x hybrida* (Plane Trees) known as Tree 50 and 51, which are located adjacent to the southern end of the site at the Gloucester Walk frontage. Tree removal is proposed in response to structural engineers' advice which has confirmed that the stability of the trees adjacent to the site cannot be ensured as a result of the approved construction works. The loss will be mitigated by the replacement with four (4) *Nyssa sylvatica* (*Nyssa, Tupelo*) plantings. A tree grate and structural soil below paving slab (indicative extent shown on drawings) will also be provided.

The following assessment is provided with reference to the following drawings prepared by 360 degrees:

- L-DA-01 – Cover Page
- L-DA-08 – Landscape Plan – Basement B4-B3, Issue M- 19/08/21
- L-DA-09 – Landscape Plan – Basement B2-B1 Issue L- 19/08/21
- L-DA-10 – Landscape Plan – Level 1- 3, Issue L- 19/08/21
- L-DA-11 – Landscape Plan – Level 3-5, Issue L- 19/08/21
- L-DA-12 – Landscape Plan – Consolidated Groundfloor / Public Domain Plan, Issue L- 19/08/21
- L-DA-033 – Landscape Plan – Proposed site canopy coverage plan, Issue F – 19/08/21
- L-DA-034 – Landscape Plan – Proposed Street Tree plan, Issue F – 19/08/21

The following assessment is also prepared with reference to the following documentation:

- Correspondence from Landscape Matrix, dated 19 August 2021: *Re: Sirius Building Tree numbers 50 and 51 – Basement Rectification Works*
- Correspondence from SCP Engineers and Development Consultants, dated 18 August 2021: *Re: Sirius – Tree Removal on Gloucester Walk*

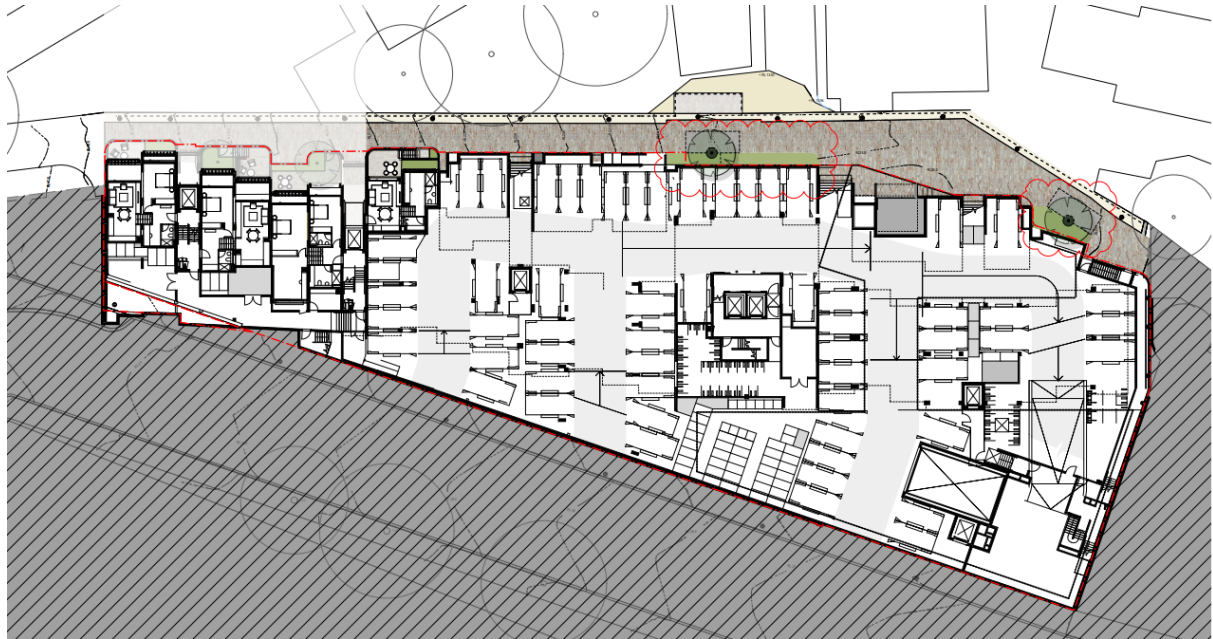


Figure 5 Basement plan showing the trees to be removed (clouded)

Source: [L-DA-09 – Landscape Plan – Basement B2-B1 Issue L- 19/08/21]

HERITAGE IMPACT ASSESSMENT

The advice prepared by SCP Engineers and Development Consultants dated 18/8/2021 identifies the existing basement walls are not compliant to current codes and cannot be certified and further that the walls will need to be demolished and re-constructed and the retained material behind the walls needs to be removed. The new SOHO structure requires columns to be built at the existing retaining wall locations and involves the construction of new pad footings.

The subject trees are approximately 0.5m to 1.0m behind the existing retaining walls. As a result, the trees are within the zone of influence of the retained material behind the wall. Arboricultural advice from Landscape Matrix confirms that these works “*will have a significant impact on the trees and will almost certainly render the trees unstable and at risk of failure in the short term*”.⁵

Although the trees are presently noted as in good health and further that they make a general contribution to the landscape character of the site, the removal is necessitated by the approved works, and specifically reconstruction of the basement wall which in turn is required for compliance in conjunction with the proposed basement structural upgrade. The Landscape Matrix report further concludes that the replacement of tree 50 is an improved long-term solution noting the current damage to the associated paved area.⁶

In terms of the potential heritage impacts to the Sirius site and The Rocks Conservation Area it is assessed that the proposed removal will not have a significant heritage impact.

⁵ Landscape Matrix, *Sirius Building Tree numbers 50 and 51 – Basement Rectification Works*, dated 19 August 2021, pg 2

⁶ *Ibid.*

The Statement of Significance for the Sirius building as detailed above references landscaping with regard to the rooftop gardens only and the subject plantings have been estimated at 20-25 years of age and therefore do not form part of the original site landscaping and do not contribute to the historic values of the Sirius building. It is acknowledged that the trees may be considered to contribute to the aesthetic character of the streetscape and overall setting as a mature tree planting and having regard for their prominence in views to Sirius from Atherden and Playfair Streets. However, the trees did not form part of the original setting and or the landscape plan and the loss of landscaped character is mitigated by the proposed replacement with four (4) tree plantings. Replacement trees are *Nyssa sylvatica* (*Nyssa, Tupelo*) which have the potential to grow to 20m and thus will provide a substantial tree which will enhance the setting of the Sirius Building and maintain the landscaped character of the site in views. *Nyssa sylvatica* plantings were also approved on the Cumberland Street frontage in the SSDA.

In order to best mitigate impacts and maintain landscape character, replacement trees should be in a 52-litre pot or to a minimum height of 2m (approx.) and subject to availability.

The Rocks Heritage Management Plan is not a statutory planning document; however, it has been adopted by Sydney Harbour Foreshore Authority Board for the purpose of providing a firm understanding of the heritage value of The Rocks and to guide the Authority in the conservation and management of the place. The proposed works are considered to be consistent with the principles and policy of The Rocks Heritage Management Plan.

CONCLUSION

As assessed above, the proposed tree removal is necessitated by the approved building works and is not considered to impact on the heritage significance of the Rocks Conservation Area or the Sirius building. Tree removal is mitigated by new tree plantings comprising 4 new *Nyssa, Tupelo* plantings.

The proposed works are therefore recommended for approval, subject to the following recommendation:

- Proposed *Nyssa sylvatica* (*Nyssa, Tupelo*) plantings should have a minimum volume of 52 litres or be a minimum height of 2m to ensure the landscape character is retained.

We trust the above will assist in the assessment of the subject modification, however, please do not hesitate to contact the undersigned should you wish to discuss the matter further.

Kind regards,

A handwritten signature in black ink, appearing to read "Fiona Binns".

Fiona Binns
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