

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

4 August 2022

To whom it may concern,

HERITAGE IMPACT STATEMENT (PROPOSED MODIFICATION TO JULIETTE BALCONIES) | SIRIUS BUILDING, 2-60 CUMBERLAND ST, THE ROCKS (SSD 10384)

1. BACKGROUND

Urbis has been engaged to prepare this Heritage Impact Statement (HIS) regarding the proposed modifications to the approved State-Significant Development at the Sirius Building, located at 2-60 Cumberland Street, The Rocks (SSD 10384).

This HIS will outline the proposed modifications and determine the potential impacts of these modifications on the heritage significance of the subject building.

This HIS has been prepared in accordance with the guidelines for impact assessment as outlined by Heritage NSW and is based on the principles contained in the Australia ICOMOS Burra Charter 2013.

2. SITE CONTEXT

2.1. EXISTING 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. 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. The original building is, at its maximum, 11 storeys high and steps down to the north and south.

2.2. APPROVED DEVELOPMENT

On 18 June 2021 approval was granted for the alterations and additions to the subject building under SSD 10384. The works entail restoration and refurbishment of the existing building 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

Details of the approved development can be found in the architectural drawings prepared as part of the SSD application, prepared by BVN.



Figure 1 – Sirius building, as viewed along Cumberland Street
Source: Urbis, 2021



Figure 2 – Sirius building, as viewed along Gloucester Street
Source: Urbis, 2021

3. HERITAGE CONTEXT

3.1. HERITAGE LISTINGS

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 Sydney Local Environmental Plan 2012 (LEP) 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 Sydney LEP 2012.

Additionally, the subject site is not listed as an individual heritage item on the non-statutory 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.

3.2. STATEMENTS OF SIGNIFICANCE

3.2.1. Sirius building

Although the site is not subject to statutory listing, the Sirius building has been previously 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 2015.¹

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

3.2.2. The Rocks Conservation Area

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

¹ Accessed from the Save Millers Point Blog online at <http://savemillerspoint.blogspot.com/2015/07/sirius-apartment-building.html>

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.²

4. THE PROPOSAL

The proposed modifications relate to the proposed deletion of the Juliette balconies and associated metal balustrades which are included as part of the original approved scheme.

It is noted that the approved scheme allowed for the removal of the existing original balustrades, which do not comply with current code requirements, from the building's balconies and for the introduction of new metal balustrades in a sympathetic detail to original. The current modification seeks to delete the reintroduced balconies and associated balustrades from the scheme due to hydraulic drainage and

² The Rocks Management Plan: https://www.dpie.nsw.gov.au/_data/assets/pdf_file/0009/324747/The-Rocks-Heritage-Management-Plan.pdf, pg 27

climbability considerations, and to replace the approved doors to these balconies with operable casement windows to match the window system found elsewhere throughout the building.

5. HERITAGE IMPACT ASSESSMENT

5.1. BACKGROUND TO PROPOSED MODIFICATION

Urbis has reviewed advice from Richard Crookes Constructions and Phillip Chun Building Compliance related to hydraulic drainage and climbability issues, respectively, with the installation of the new balconies and associated balustrades. In summary, the advice notes:

5.1.1. Hydraulic drainage

The current drainage from the balconies consists of a spitter from either side of the balcony, “discharging freely to atmosphere with no stormwater drainage system to manage this stormwater and discharge it to an approved outfall location.” This is not compliant with current standards for rainwater discharge (NCC 2019 Amendment 1, Part F1).

A new stormwater collection system is therefore required to be installed to the balconies, which would entail the deepening of the Juliet balcony to achieve compliant waterproofing detailing. This would impact on the internal apartment areas. It would also require introduction of surface-mounted downpipes to the building for each of these balcony locations which in Urbis’ opinion, should be minimised.

Alternatively, the balconies and associated balustrades could be deleted in order to negate the collection or concentration of water (and, as such, negate the requirement for drainage). On balance, this is considered a preferable outcome from a heritage perspective, as it would not, in our opinion, unreasonably impact the building’s presentation as an important and significant Brutalist building.

5.1.2. Climbability

Phillip Chun Building Compliance has reviewed the approved Juliette balcony detail and advised that the location of the balconies off bedrooms does not comply with current NCC requirements relating to climbable elements in these locations (due to a combination of opening dimensions, sill heights, and balustrade heights).

Compliance would therefore necessitate the installation of a new, secondary balustrade behind the new metal balustrade (which would result in the new metal balustrade serving no functional purpose). It would also require the sliding doors to the balcony to be restricted to a 125mm opening, hence restricting access, and negating the use of the Juliette balcony.

From a general building maintenance perspective, this would be a poor outcome as there would be ongoing cleaning issues associated with two balustrades and restricted door opening. From an aesthetic perspective, this would, in our opinion, generate an adverse visual impact on the building’s presentation as an important Brutalist structure. The proposed solution removes the drainage, fall compliance, maintenance accessibility and cleaning issues.

5.2. HERITAGE DISCUSSION

While the reinstatement of sympathetic new balustrades in keeping with the design of the original balustrades is the ideal heritage outcome, it is nonetheless recognised that there are issues with hydraulic drainage and safety compliance that will arise from their installation.

Installing the approved balustrades while introducing new elements to the building in order to meet these requirements – namely, external downpipes and a new, taller glass balustrade behind the reintroduced metal – would, in our opinion, generate detrimental impacts on the visual presentation and coherency of the Sirius building as a highly significant Brutalist structure.

It is also noted that the existing balconies – which are approved for removal under the SSD – do not, in themselves, make a defining contribution to the character or significance of the Sirius building, being utilitarian elements that do not meaningfully enhance the building's prominent presentation to The Rocks and beyond.

Overall, Urbis therefore considers that the deletion of the balconies would not unreasonably impact the building 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, in keeping with its statement of significance.

6. RECOMMENDATION

It is recommended that, prior to the removal of the balustrades, a heritage architect is engaged to prepare a measured archival drawing of one of the metal balustrades and prepare a photographic archival recording of a selection of representative examples, in order to retain evidence of this original building element.

7. CONCLUSION

As discussed, the installation of the new metal balustrades would also necessitate the introduction of new elements required to achieve hydraulic drainage and safety requirements associated with the trafficable balconies, namely external downpipes (which would be highly visible at the building's exterior) and new, taller glass balustrades behind the reintroduced metal (which would render the metal balustrades non-functional, and will also cause maintenance issues). It is considered that the visual impacts of these new elements would generate adverse impacts on the character and presentation of the building.

It is also noted that the balustrades, in themselves, are functional elements which do not meaningfully contribute to the established character and significance as a fine and rare example of the Brutalist architectural style.

Accordingly, and on balance, Urbis supports the proposed deletion of the approved new balustrades, from a heritage perspective, having regard to the recommendation for a detailed archival recording.

Yours faithfully,



Anthony Kiliyas
Senior Consultant
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akilias@urbis.com.au

Project: Sirius Redevelopment
2-60 Cumberland Street, The Rocks, NSW 2000

To: Urbis
Angel Place, Level 8, 123 Pitt Street, Sydney, NSW 2000

Attention: Anthony Kiliass

Subject: Juliet balcony hydraulic drainage compliance

The original design of these Juliet balconies consisted of a spitter from either side of the balcony discharging freely to atmosphere with no stormwater drainage system to manage this stormwater and discharge it to an approved outfall location.

Due to this, the current design does not meet the requirements of National Construction Code of Australia 2019 (Including Amendment 1) FP1.1 as the stormwater discharge from these balconies are very likely to cause nuisance to other properties, with a less likely chance to cause damage in addition to nuisance. Extract below:

Part F1 Damp and weatherproofing

Performance Requirements

FP1.1 Managing rainwater impact on adjoining properties

Guide

Surface water, resulting from a storm having an *average recurrence interval* of 20 years and which is collected or concentrated by a building or *sitework*, must be disposed of in a way that avoids the likelihood of damage or nuisance to any *other property*.

Performance Requirement FP1.1 of Volume One of the Nation Construction Code of Australia – 2019 Edition (Including amendment 1)

In order to achieve compliant drainage design to these balconies, it is required to:

1. Introduce a system used to collect and convey stormwater, via the use of downpipes or similar, to an approved outfall location, or
2. redesign to remove the balcony and hence eliminate the collection or concentration of water.

Marko Djukanovic



Design Manager

Ref: 21-216409_Juliette Balcony

1 August 2022

Richard Crookes Constructions
Leve 3, 4 Broadcast Way
Artarmon NSW 2064

Attention: Marko Djukanovic

**Re: Juliette Balconies Balustrade
2-60 Cumberland Street, The Rocks**

We refer to Juliette Balconies detail drawings prepared by BVN Architecture numbered AR-40G-LXX-242(2) and AR-40G-LXX-232(3) and offer the following comments:

1. We understand that window sill detail is required to be amended as detailed in drawing 40G-LXX-232(3) for weatherproofing and to comply with BCA 2019 Amendment 1 FP1.4.
2. In accordance with BCA 2019 Amendment 1 D2.24, where the lowest level of the bedroom window opening is less than 1700mm above finished floor level, the window opening needs to be restricted to 125mm.
3. We also note requirements from the Strata Schemes Management Regulation that requires the openings to be restricted to 125mm for all windows below 1.7m sill height in the building (not just bedrooms) where the floor below the window is more than 2m above the surface beneath.
4. Level 9 and 11 balcony design, as detailed in Section 3 of drawing AR-40G-LXX-242(2), would require the sliding door to be restricted to 125mm to comply with the requirements of BCA 2019 Amendment 1 D2.24(a) and (b).

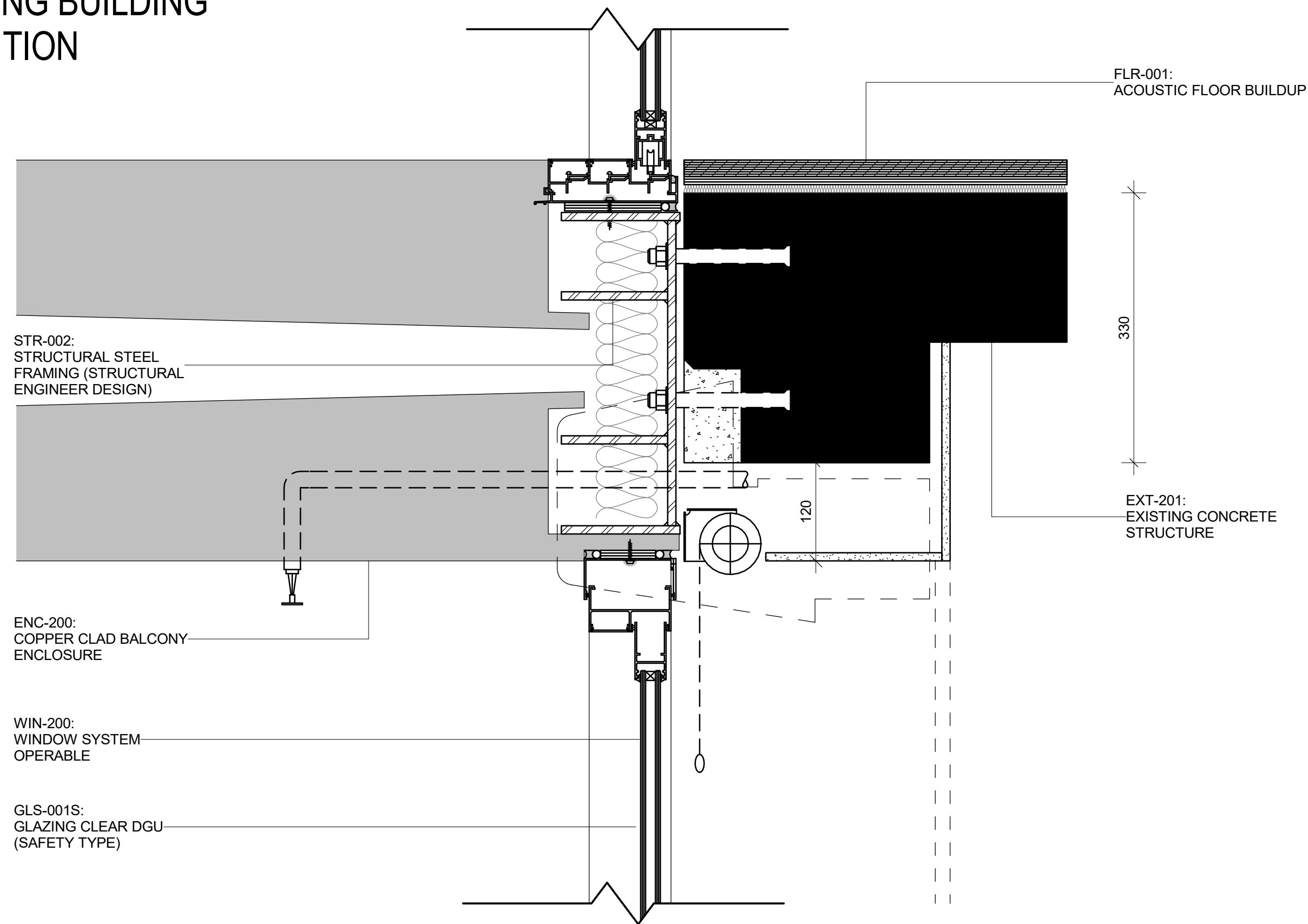
If you have any queries please do not hesitate to call.

Regards,

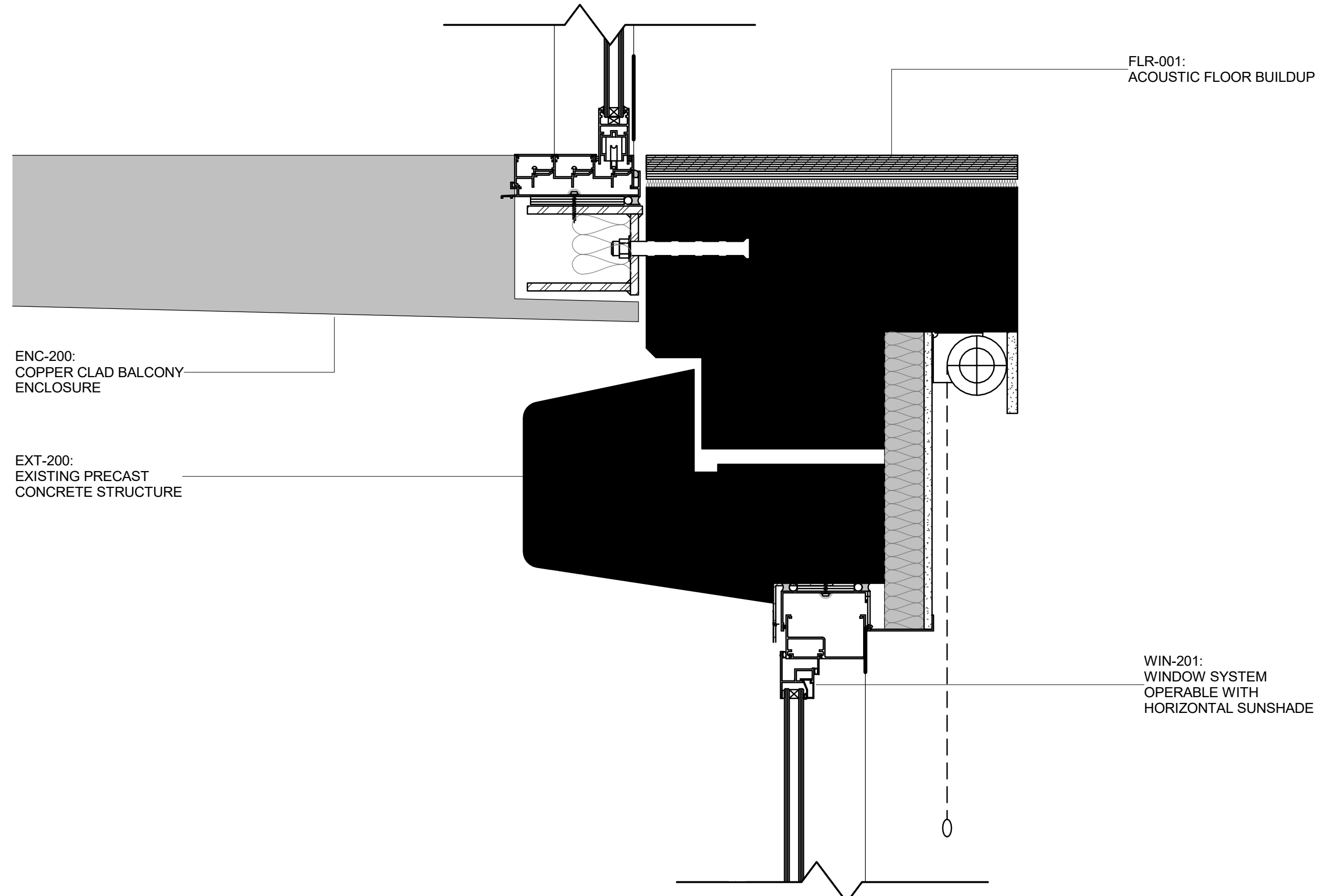


Robert Marinelli
BDC 0250
Registered Certifier
PHILIP CHUN BC NSW PTY LTD

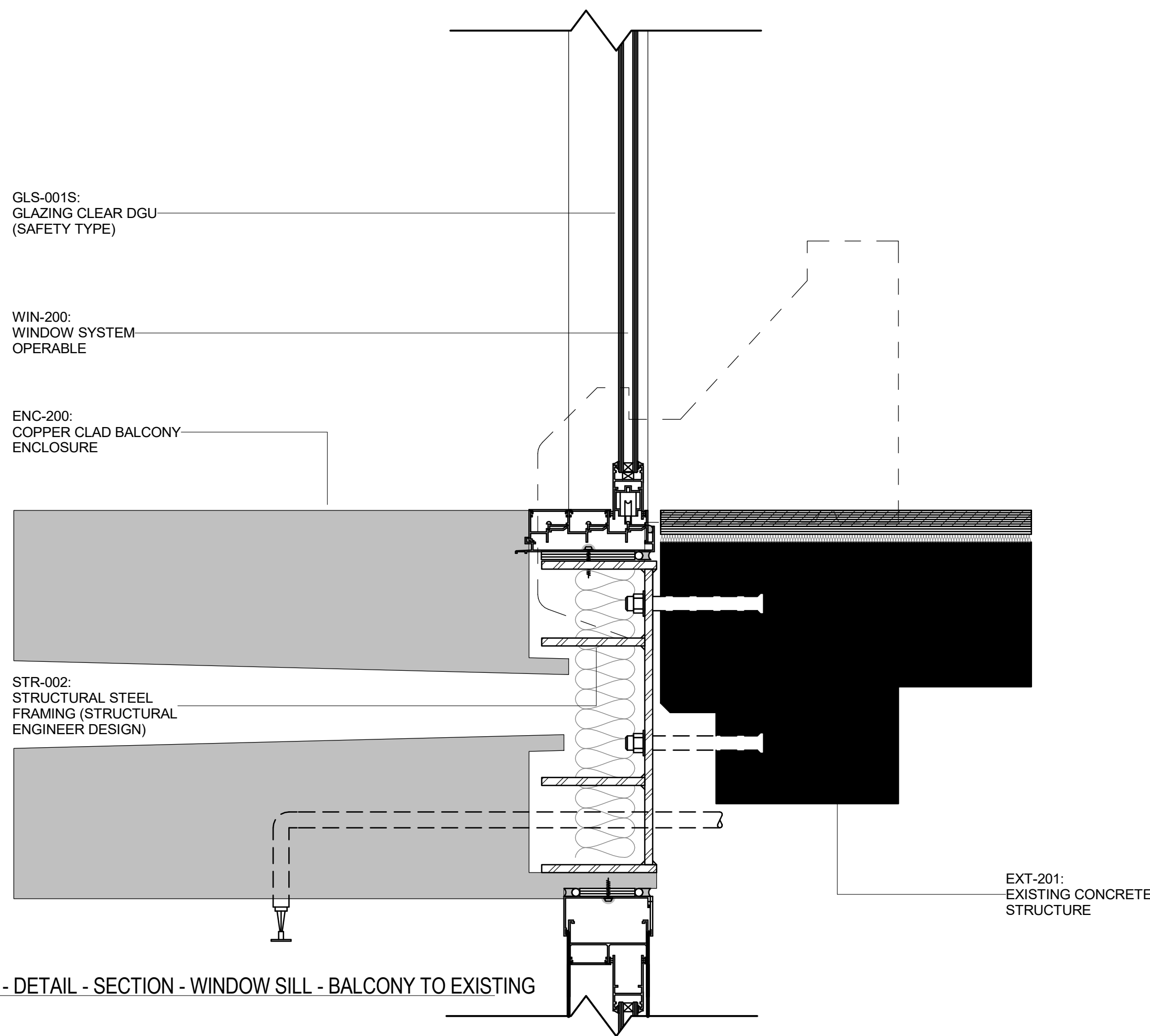
EXISTING BUILDING
CONDITION



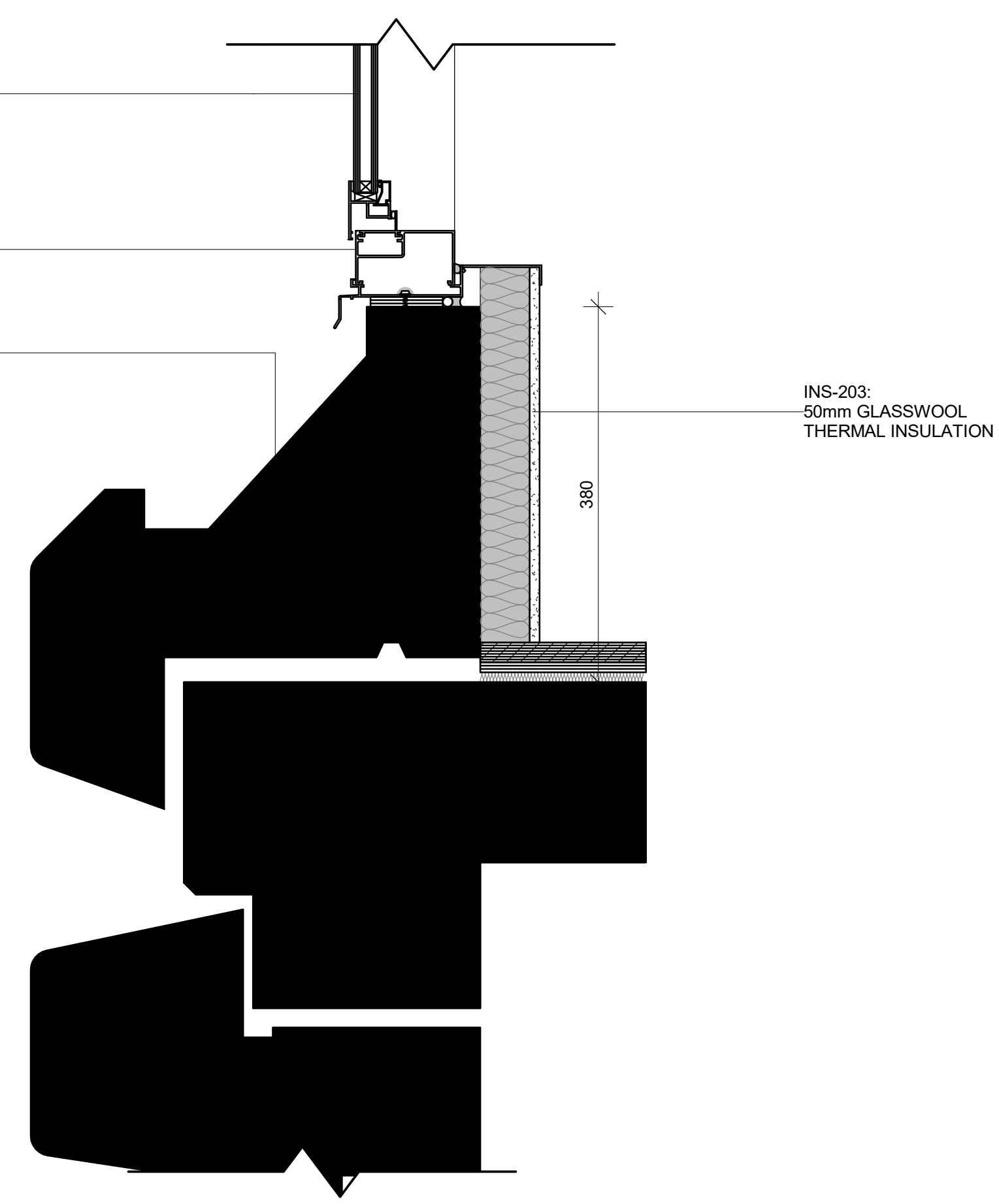
2 40G - DETAIL - SECTION - WINDOW SILL - BALCONY TO EXISTING
1:5



3 40G - DETAIL - SECTION - WINDOW HEAD - TO EXISTING PRECAST NOSING
1:5



4 40G - DETAIL - SECTION - WINDOW SILL - TO EXISTING PRECAST NOSING
1:5



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ISSUE	DATE	FOR
1	19/02/21	FOR 40% TENDER
2	09/03/21	FOR INFORMATION
3	06/05/21	70% TENDER ISSUE

PROJECT MANAGER
DEDICO DEVELOPMENT SERVICES

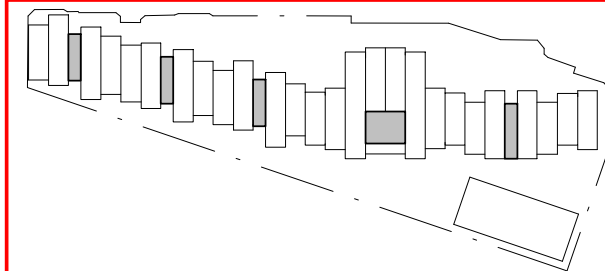
CLIENT

SIRIUS DEVELOPMENTS PTY LTD
CLIENT NUMBER

PROJECT

SIRIUS SITE
2-60 CUMBERLAND ST, THE ROCKS
BVM PROJECT NUMBER

1712011.000
DRAWING KEY



GRAPHIC SCALE
0 100 250
SCALE

1:5@A1
STATUS

FOR INFORMATION
DRAWING

DETAILS - PODS - WINDOW
SECTIONS

ISSUE
AR-40G-LXX- 232 3