
Appendix Z

Historic Heritage Impact Assessment

Hunter Street East Over Station Development Historic Heritage Impact Assessment

Appendix Z

November 2022

Document Number: SMWSTEDS-SMD-SCB-SN100-HE-RPT-044007

REVISION	DATE	SUITABILITY CODE	TEAMBINDER DOCUMENT NUMBER	TB REVISION
D	26/10/2022	S4	SMWSTEDS-SMD-SCB-SN100-HE-RPT-044007	D

Approval Record

FUNCTION	POSITION	NAME	DATE
Author	Principal Heritage Advisor	Alice Steedman	26/10/2022
Technical Checker	Principal Heritage Advisor	Tony Brassil	26/10/2022
Technical Reviewer	Technical Director - Heritage	Kylie Christian	26/10/2022
Coordinator Check	Senior Environmental Advisor	Jonathon Cook	02/11/2022
Approver	EDATP Metro West Package Lead	Adrian Garnero	03/11/2022

Amendment Record

DATE	REVISION	AMENDMENT DESCRIPTION	AUTHOR
17/06/2022	A	Draft	Alice Steedman
16/08/2022	B	Revised Draft	Alice Steedman
16/09/2022	C	Third Draft	Alice Steedman
26/10/2022	D	Final report	Alice Steedman

Mott MacDonald Australia Pty Ltd

Limitation: This document is issued for the party which commissioned it and for specific purposes connected with the above captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of the document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties.

Contents

Glossary	vi
Executive summary	viii
1 Introduction	1
1.1 Sydney Metro West	1
1.2 Background and planning context	1
1.2.1 Critical state significant infrastructure	1
1.2.2 State significant development application	2
1.2.3 Planning proposal	2
1.3 Purpose of the report	2
2 The site and proposal	4
2.1 Site location and description	4
2.2 Overview of the proposal	5
3 Scope of assessment	7
3.1 Methodology	7
3.2 Limitations	8
4 Statutory context	9
4.1 World, National and Commonwealth heritage	9
4.1.1 Listing thresholds	9
4.1.2 EPBC Act 1999	9
4.1.3 Action or actions	10
4.1.4 Significant impact criteria	10
4.1.5 Significant impacts on a World, National or Commonwealth heritage place	10
4.1.6 Self-assessment process	11
4.1.7 Bilateral agreement	11
4.2 State heritage	11
4.2.1 Registered heritage places	12
4.2.2 Archaeology	12
4.2.3 State agency registers	12
4.3 Local heritage	13
5 Non-statutory heritage context	14
5.1 Conservation management plans & strategies	14
5.2 National Trust Register (NSW)	14
5.3 Register of the National Estate	14
5.4 Register of Significant Buildings in NSW	14
6 Built heritage context	15
6.1 Introduction	15
6.2 Contextual built environment	15
6.3 Identified heritage items	18
6.4 Significance of heritage items	19
7 Summary site history	26
7.1 Historical summary	26
7.1.1 Aboriginal history pre-1788	26
7.1.2 Post-contact history	26
7.1.3 Development of Hunter Street	29
7.2 Historical development of heritage items adjacent to the site	36
7.2.1 Bennelong stormwater channel No.29	36
7.2.2 Richard Johnson Square	38

7.2.3	Former NSW Club Building.....	41
7.2.4	Former Bank of NSW, 16 O'Connell Street.....	44
8	Heritage impact assessment.....	45
8.1	Introduction	45
8.2	Response to design principles.....	45
8.3	Sydney Local Environment Plan 2012.....	50
8.4	Sydney Development Control Plan 2012	52
8.4.1	DCP heritage provisions.....	52
8.4.2	DCP section 5 specific areas – Central Sydney.....	53
8.4.3	Special character area provisions – Chifley Square.....	55
8.5	Potential additional overshadowing	57
8.6	Impacts on World, National and Commonwealth heritage places	58
8.6.1	Introduction	58
8.6.2	Potential impacts by future development on listed places.....	58
8.6.3	EPBC Act assessment	66
8.7	Heritage NSW impact assessment criteria	68
9	Conclusion	70

List of Figures

Figure 1-1 Sydney Metro West	1
Figure 2-1 Location of the site	4
Figure 2-2 Proposed Concept SSDA development and CSSI scope.....	6
Figure 6-1 Street map showing location of the site.....	15
Figure 6-2 View looking east along Hunter Street from George Street.....	17
Figure 6-3 View looking east along Hunter Street from Grand Hotel.....	17
Figure 6-4 View looking south along O'Connell Street toward the site.....	17
Figure 6-5 View looking south on Bligh Street towards the site.....	17
Figure 6-6 Heritage Items assessed for impact by the proposed development	18
Figure 7-1 Aboriginal activities on the shore of Port Jackson in 1824.....	27
Figure 7-2 The Founding of Australia by Captain Arthur Phillip RN; Sydney Cove, January, 1788 by Algernon Talmage, 1937. A fanciful representation of the raising of the flag in Sydney Cove.....	27
Figure 7-3 Plan of the town of Sydney in New South Wales in 1807 by James Meehan, Surveyor. Hunter St exists in its current alignment but is not named on this plan. The indicative location of the site is shown dotted.....	28
Figure 7-4 The Tank Stream in circa 1842 by John Skinner Prout, showing the view northwards from Hunter Street towards Sydney Cove. The Bridge Street bridge is visible in the centre, with the Commissariat Stores in the background.....	29
Figure 7-5 Sydney in 1880 showing the north side of Hunter Street between Pitt and Castlereagh Street's. The indicative location of the site is shown dotted.....	30
Figure 7-6 The north side of Hunter Street, between George and Pitt Streets in circa 1920. Again, the smaller shops have been consolidated into larger shops and offices.....	31
Figure 7-7 The south side of Hunter Street, between Pitt and Castlereagh Streets in circa 1920 now has three large buildings: a bank, an insurance company and legal offices.....	31
Figure 7-8 The north side of Hunter St, between Pitt and Bligh Streets in circa 1920. The Sydney Morning Herald is joined by the South British Building, Esdaile House (optician and instrument-maker), the Sydney Pincombe Ltd building (typewriter importers and distributors) and the Australian Metropolitan Assurance Company. The indicative location of the site is shown dotted.....	32
Figure 7-9 Hunter Street, Sydney (from George Street) ca 1900-1910. Former Skinners Family Hotel to the right of image. The location of the proposed development is indicated by an arrow.....	32
Figure 7-10 Nos 2-56, 1-27 Hunter Street; Sydney Morning Herald, Hardy Bros, etc. 1900-1939. Former Skinners Family Hotel at right of photograph. The location of the proposed development is indicated by an arrow.....	33
Figure 7-11 View looking east along Hunter Street, 1954. The location of the proposed development is indicated by an arrow.....	34
Figure 7-12 View looking east along Hunter Street, 1980s.....	34
Figure 7-13 View from Hunter Street looking north along Bligh Street with Richard Johnson Memorial in foreground, 1940s.....	35
Figure 7-14 Bennelong Sewers - historical plan, with indicative site boundaries shown dotted red.....	37
Figure 7-15 Bennelong Stormwater Channel – plan of underground layout with site highlighted in yellow.....	38
Figure 7-16 File 03: Site first church, 1930s (photograph by Max Dupain).....	40
Figure 7-17 Bligh Street: Metropole Hotel, City Mutual Life Building site, ca 1935. First Church memorial shown in traffic island at intersection. The present area of Richard Johnson Square is indicated in yellow.....	40
Figure 7-18 Church memorial, June 1957 (Photographed by Max Dupain). Note tree plantings on the traffic island.....	41
Figure 7-19 Plans of the NSW Club building in 2004.....	43

Figure 8-1 Plan showing the proposed development envelope at a maximum of RL 269.1m	46
Figure 8-2 East elevation of the proposed development envelope.	46
Figure 8-3 Southeast view of proposed development envelope.	47
Figure 8-4 Northwest view of proposed development envelope.	47
Figure 8-5 Reference design view of Bligh and Hunter Street elevations.	48
Figure 8-6 Reference design aerial view of tower in CBD context (highlighted red).	48
Figure 8-7 Chifley Square Special Character Area.....	57
Figure 8-8 Extract from Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021, Sydney Opera House Buffer Zone Map (Amendment 2016) with site location indicated in red/yellow.....	59
Figure 8-9 National Heritage List boundary map of Governors' Domain and Civic Precinct with subject site outlined in blue.	61
Figure 8-10 Diagrams showing potential additional overshadowing within the National heritage listed boundary of Governors' Domain and Civic Precinct. The subject site and additional overshadowing caused by the proposed development is shown in green.....	63
Figure 8-11 Plan showing Hyde Park Barracks World Heritage Listed curtilage (white) within the buffer zone (hatched).	65

List of Tables

Table 2-1 Site legal description.....	5
Table 2-2 Proposed development overview	5
Table 3-1 Materials threshold policy – impact definitions	7
Table 6-1 Assessed heritage places	19
Table 6-2 Significance of heritage items in the vicinity of the proposed development.....	19
Table 8-1 Assessment of the proposal according to design principles	49
Table 8-2 Sydney Local Environmental Plan 2012.....	50
Table 8-3 Sydney Development Control Plan 2012 – heritage provisions	52
Table 8-4 DCP section 5.1 Central Sydney.....	53
Table 8-5 Analysis of potential additional overshadowing across Governors' Domain and Civic Precinct.....	63
Table 8-6 Assessment of significant impact on World, National and Commonwealth listed places	67
Table 8-7 Heritage NSW impact assessment criteria	69

Glossary

Term	Definition
CBD	Central Business District
Concept and Stage 1 CSSI Application	Application SSI-10038 including all major civil construction works between Westmead and The Bays, including station excavation and tunnelling, associated with the Sydney Metro West line
Concept SSDA	A concept development application as defined in section 4.22 the EP&A Act, as a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.
Council	City of Sydney
CSSI	Critical Stage Significant Infrastructure
DCP	Development Control Plan
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FSR	Floor space ratio
GFA	Gross floor area
LEP	Local Environmental Plan
LGA	Local Government Area
OSD	Over Station Development
Planning Proposal	A request to Council as a planning authority to prepare a Planning Proposal to amend planning controls within the Sydney Local Environmental Plan 2012 as described in section 1.2.3
RL	Reduced level
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSDA	State Significant Development Application
SSI	State Significant Infrastructure
Stage 2 CSSI Application	Application SSI-19238057, including major civil construction works between The Bays and Hunter Street Station
Stage 3 CSSI Application	Application SSI-22765520, including rail infrastructure, stations, precincts and operation of the Sydney Metro West line
Sydney Metro West	Construction and operation of a metro rail line and associated stations between Westmead and the Sydney CBD as described in section 1.1

Term	Definition
TfNSW	Transport for New South Wales

Executive summary

This Historic Heritage Impact Statement supports a Concept State Significant Development Application (Concept SSDA) submitted to the Department of Planning and Environment (DPE) pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Concept SSDA is made under section 4.22 of the EP&A Act.

Sydney Metro is seeking concept approval for a commercial tower above the Hunter Street metro station eastern site (the site), otherwise known as the over station development (OSD).

The Concept SSDA seeks consent for a building envelope and its use for a commercial and retail premises, a maximum building height of 58 storeys (257.7m, reduced level 269.10), a maximum gross floor area (GFA) of 84,223m², pedestrian and vehicular access, circulation arrangements and associated car parking and the strategies and design parameters for the future detailed design of development.

This Historic Heritage Assessment Report responds specifically to the Secretary's Environmental Assessment Requirements (SEARs) and has investigated, documented and assessed the impact of the proposed development on the heritage items in the vicinity of the site. It has assessed the potential impact of the proposed concept design on the heritage items in terms of response to context and legislative controls which serve to retain, protect and enhance heritage places.

The proposed development successfully responds to the site context adjacent to significant heritage items and has mitigated adverse impacts as much as possible in the context of significant density of heritage items within the Sydney CBD. The proposed development will have little to no heritage impact on local and state listed heritage places in the vicinity of the site. The proposed development will not cause a significant impact on World, National and Commonwealth Heritage items in the vicinity.

The proposed development does not impact on any archaeological sites as ground disturbance is addressed as part of the Stage 2 CSSI Application.

Interpretation of the site will be in accordance with the Sydney Metro West Heritage Interpretation Strategy completed as part of the Stage 3 CSSI.

The following recommendation has been provided to guide future development:

- Consider provision for the interpretation of archaeological findings from the surface demolition and excavation proposed in Stage 2 CSSI Application as Public Art in the proposed development, where not incorporated into the station.

1 Introduction

1.1 Sydney Metro West

Sydney Metro West will double rail capacity between Greater Parramatta and the Sydney Central Business District (CBD), transforming Sydney for generations to come. The once in a century infrastructure investment will have a target travel time of about 20 minutes between Parramatta and the Sydney CBD, link new communities to rail services and support employment growth and housing supply.

Stations have been confirmed at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays, Pyrmont and Hunter Street.

Sydney Metro West station locations are shown in Figure 1-1 below.

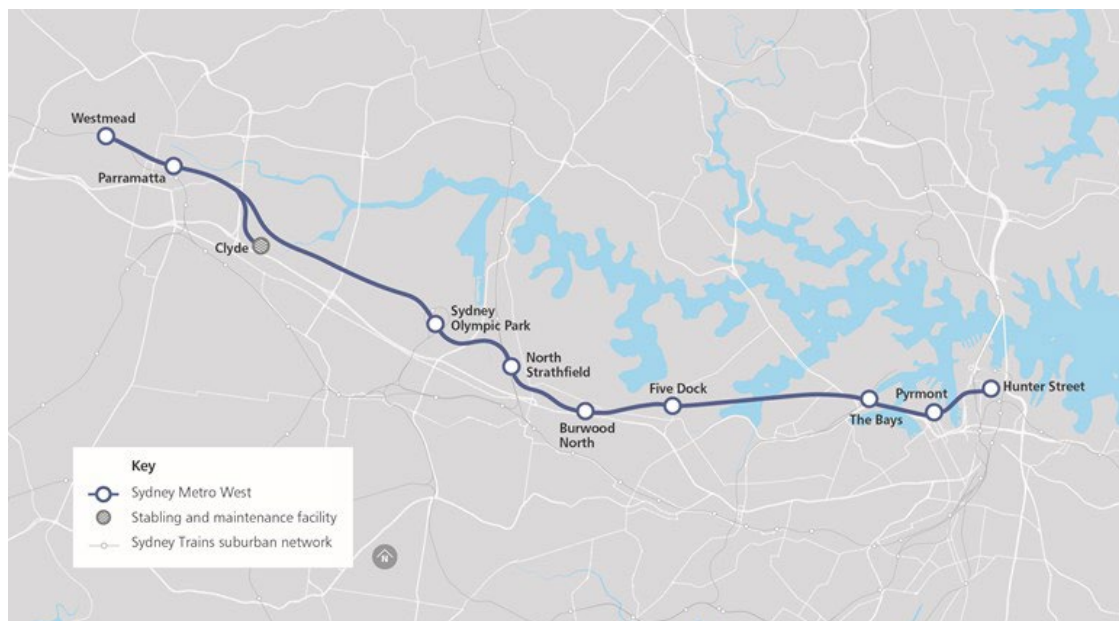


Figure 1-1 Sydney Metro West

1.2 Background and planning context

Sydney Metro is seeking to deliver Hunter Street Station under a two-part planning approval process. The station fit out infrastructure is to be delivered under a Critical State Significant Infrastructure (CSSI) application subject to provisions under Division 5.2 of the EP&A Act, while the over station developments are to be delivered under a State Significant Development (SSD) subject to the provisions of Part 4 of the EP&A Act. It is noted a Planning Proposal request has been submitted to the City of Sydney Council to amend the planning controls on the site (refer to section 1.2.3).

1.2.1 Critical state significant infrastructure

The state significant infrastructure (SSI) planning approval process for the Sydney Metro West metro line, including delivery of station infrastructure, has been broken down into a number of planning application stages, comprising the following:

- Concept and Stage 1 CSSI Approval (SSI-10038) – All major civil construction works between Westmead and The Bays including station excavation, tunnelling and demolition of existing buildings (approved 11 March 2021)

- Stage 2 CSSI Application (SSI-19238057) – All major civil construction works between The Bays and Hunter Street Station (approved 24 August 2022)
- Stage 3 CSSI Application (SSI-22765520) – Tunnel fit-out, construction of stations, ancillary facilities and station precincts between Westmead and Hunter Street Station, and operation and maintenance of the Sydney Metro West line (under assessment).

1.2.2 State significant development application

The SSD will be undertaken as a staged development with the subject concept state significant development application (Concept SSDA) being consistent with the meaning under section 4.22 of the EP&A Act and seeking conceptual approval for a building envelope, land uses, maximum building heights, a maximum gross floor area, pedestrian and vehicle access, vertical circulation arrangements and associated car parking. A subsequent Detailed SSDA is to be prepared by a future development partner which will seek consent for detailed design and construction of the development.

1.2.3 Planning proposal

A Planning Proposal request has been submitted to the City of Sydney Council to amend the planning controls that apply to the Hunter Street Station under the Sydney Local Environmental Plan 2012 (LEP). Hunter Street Station includes both an eastern site (this application) and western site.

The Planning Proposal request seeks to enable the development of a commercial office building on the site that would:

- comprise a maximum building height of between reduced level (RL) 257.7m and RL 269.10m (as it varies to comply with the relevant sun access plane controls)
- deliver a maximum gross floor area (GFA) of 84,287m² (resulting in a maximum floor space ratio (FSR) of 22.82:1), measured above ground level.
- facilitate the adaptive reuse of the existing Former Skinners Family Hotel within the overall development.
- include site specific controls which ensure the provision of employment and other non-residential land uses.
- require the mandatory consideration of a site specific Design Guideline.
- allow for the provision of up to 70 car parking spaces.
- establish an alternative approach to design excellence.

The Planning Proposal request was submitted to the City of Sydney in May 2022 and is currently under assessment.

1.3 Purpose of the report

This Historic Heritage Impact Assessment supports a Concept SSDA submitted to the Department of Planning and Environment (DPE) pursuant to Part 4 of the EP&A Act. The Concept SSDA is made under section 4.22 of the EP&A Act.

This report has been prepared to specifically respond to the Secretary's Environmental Assessment Requirements (SEARs) issued for the Concept SSDA on 08 August 2022 which states that the environmental impact statement is to address the following requirements.

SEARs	Where addressed
<ul style="list-style-type: none"> Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. Provide staging details for the preparation of a Heritage Conservation Management Plan for the former Skinners Family Hotel at 296 George Street to guide any works to the item 	Section 8 – The proposal

This Historic Heritage Impact Assessment assesses the proposed development for potential heritage impacts on identified heritage items within the vicinity of the site. It has assessed the potential impact of the proposed concept design on the heritage items in terms of response to context and legislative controls which serve to retain, protect and enhance heritage places.

2 The site and proposal

2.1 Site location and description

Hunter Street Station is in the northern part of the Sydney CBD, within the commercial core precinct of Central Sydney and within the Sydney Local Government Area (LGA). The Hunter Street metro station includes two sites – the eastern site and the western site. This report relates to the eastern site only.

The Hunter Street East (the site) is on the corner of O'Connell Street, Hunter Street and Bligh Street adjacent to the existing CBD and South East Light Rail that extends from Circular Quay to Moore Park, Kensington and Kingsford. The site is adjacent to the new Martin Place Station which forms part of the Sydney Metro City and Southwest, Australia's biggest public transport project connecting Chatswood to Sydenham and extending to Bankstown. The remainder of the site is currently occupied by commercial office buildings and a range of ground floor business premises including retail, restaurants and cafes.

The site area is 3,694 m² and will be cleared of all buildings and utilities-prior to commencement of station construction activities. The site location is shown in Figure 2-1.



Figure 2-1 Location of the site

Table 2-1 sets out the address and legal description of the parcels of land that comprise the site.

Table 2-1 Site legal description

Address	Lot and DP
28 O'Connell Street, Sydney	Lot 1, DP217112
28 O'Connell Street, Sydney	Lot 1, DP536538
28 O'Connell Street, Sydney	Lot 1, DP1107981
48 Hunter Street, Sydney	Lot 1, DP59871
48 Hunter Street, Sydney	Lot 2, DP217112
33 Bligh Street, Sydney	Lot 1, DP626651
37 Bligh Street, Sydney	CP and Lots 1-14, 21-31, 33-36, and 40, SP58859
37 Bligh Street, Sydney	CP and Lots 41-49, SP61852
37 Bligh Street, Sydney	CP and Lots 50-57, SP61922
37 Bligh Street, Sydney	CP and Lots 58-65, SP61923
37 Bligh Street, Sydney	CP and Lots 66 and 67, SP63146
37 Bligh Street, Sydney	CP and Lots 67-70, SP63147
37 Bligh Street, Sydney	CP and Lot 72, SP74004
37 Bligh Street, Sydney	CP and Lots 75-82, SP87437
37 Bligh Street, Sydney	CP and Lots 73-74, SP87628
Total Area: 3,694m ²	

2.2 Overview of the proposal

The Concept SSDA will seek consent for a building envelope (the proposed development). As detailed in Table 2-2 and Figure 2-2.

Table 2-2 Proposed development overview

Built form component	Proposed development outcome
Site area	3,694m ²
Height	Building height up to 257.7m (RL269.10)
Gross floor area	Up to 84,223m ²
Land use(s)	Commercial office and retail
Carparking	Up to 70 car parking spaces

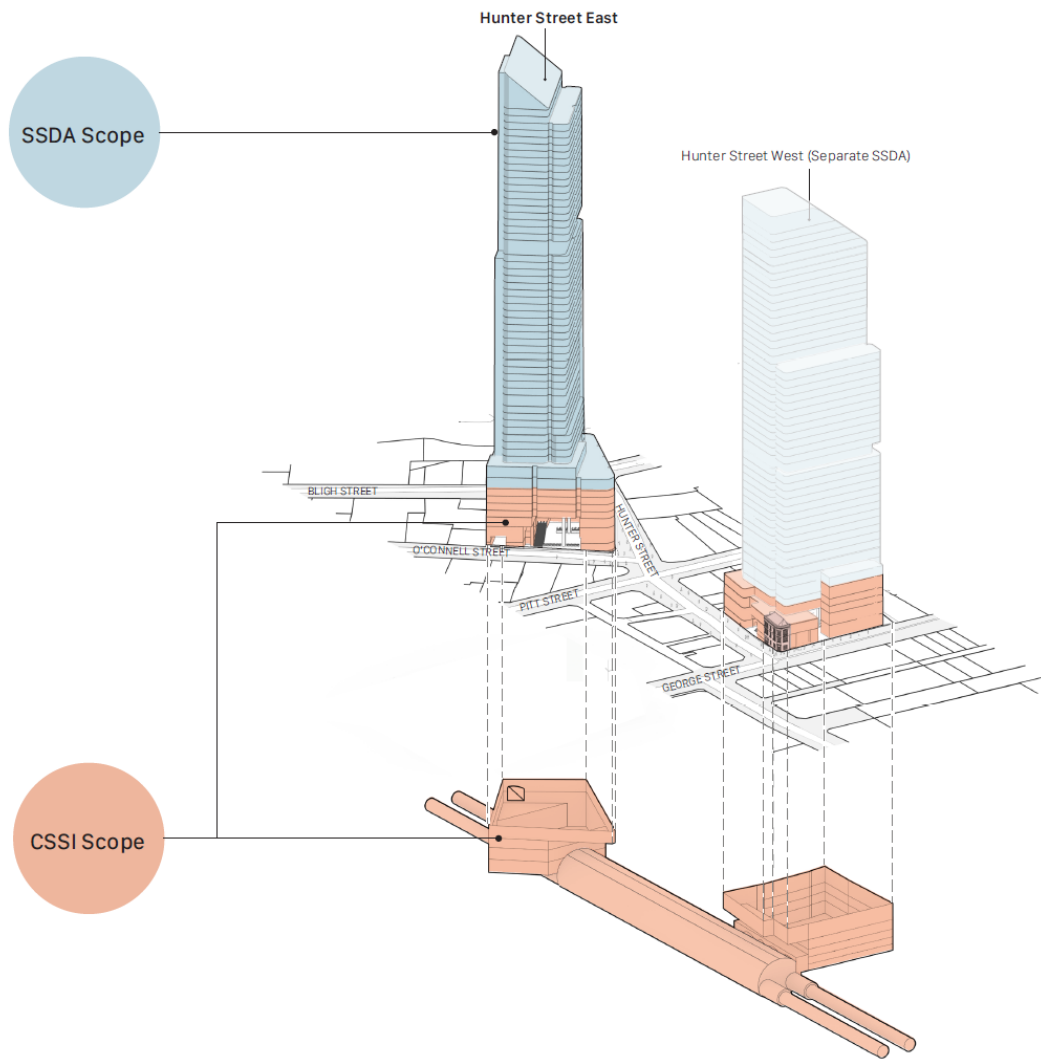


Figure 2-2 Proposed Concept SSDA development and CSSI scope

3 Scope of assessment

3.1 Methodology

The methodology has included assessing the potential heritage impacts of the proposed building envelope at the site and concept designs in response to the SEARs' Environmental Heritage. The assessment has been conducted in accordance with the Heritage NSW guidelines for preparing Statements of Heritage Impact (*Statements of Heritage Impact* published in the New South Wales Heritage Manual by the Heritage Office (now Heritage NSW) and Department of Urban Affairs & Planning 1996, revised 2002) and the approach set out in the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.

The assessment utilises the 'heritage impact' definitions based on the Heritage NSW Materials Threshold Policy. These have been modified to include items of local, Commonwealth, National and World heritage significance relevant to the context of the subject site.

Table 3-1 Materials threshold policy – impact definitions

Impact	Definition
Total loss of significance	Major adverse impacts to the extent where the place would no longer meet the criteria for listing
Adverse Impact	Major (that is, more than minor or moderate) adverse impacts.
	Moderate adverse impacts to the heritage significance of the item.
	Minor adverse impacts to heritage significance of the item.
Little to no impact	An alteration to a significant heritage item that is so minor that it is considered negligible.
Positive impact	Alterations to a significant item that enhance the ability to demonstrate its cultural heritage values

3.2 Limitations

This report has been conducted based on desktop research and non-invasive site investigation. It includes referencing of heritage reports for the purposes of heritage identification, history of the site, general information and assessment as follows:

- SSI-19238057 EIS Technical Paper 3: Non-Aboriginal Heritage Report, October 2021
- SSI-22765520 EIS Technical Paper 5: Non-Aboriginal Heritage Report, March 2022.

Accessed online resources include:

- State Library of NSW, Mitchell Library
- various newspaper archives accessed via Trove
- Sixmaps
- Google Maps.

While this report focusses on the assessment of heritage impacts attributed to the tower building envelope, some impacts related to the scope of development to be delivered under the CSSI approval are interchangeable and not divisible due to the cumulative nature of development. They are therefore addressed, where necessary.

4 Statutory context

Heritage items and places in NSW are protected by a range of legislation relating to World, National, Commonwealth, State and Local places and sites of heritage significance. The following sections briefly outline the scope and application of the legislation applicable to places of World, National, Commonwealth, State and Local significance.

4.1 World, National and Commonwealth heritage

4.1.1 Listing thresholds

World Heritage List

World Heritage Sites are identified by UNESCO under the World Heritage Convention, adopted in November 1972. Australia is a signatory to the Convention. Article 4 of the World Heritage Convention states:

“Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.”

Places on this list demonstrate universal values above and beyond the values they hold for a particular nation.

National Heritage List

The National Heritage List comprises places of outstanding heritage significance to Australia. It includes natural, historic, and Indigenous places that are of outstanding national heritage value to the Australian nation.

Commonwealth Heritage List

The Commonwealth Heritage List is a list of natural, indigenous and or historic places owned or controlled by the Australian Government, its departments, agencies or corporations.

4.1.2 EPBC Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework for the protection and management of places of World, National and Commonwealth heritage value. The objectives of the EPBC Act are to:

- provide for the protection of the environment, especially matters of national environmental significance
- conserve Australian biodiversity
- provide a streamlined national environmental assessment and approvals process
- enhance the protection and management of important natural and cultural places
- control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife

- promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources
- recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity
- promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

4.1.3 Action or actions

Under the EPBC Act a development proposal is defined as an “action”. The EPBC Act affects any group or individual (including companies) whose actions may have a significant impact on a matter of World or National Environmental Significance including actions which may impact places on the Commonwealth Heritage List. If a project has the potential to cause significant impact, the proposal is required to be assessed for environmental impacts under the EPBC Act. The proponent must refer the project to the Department of Agriculture, Water and Environment.

Determination of a “significant impact” is set out below.

4.1.4 Significant impact criteria

An action is likely to have a significant impact on the World, National or Commonwealth Heritage values if there is a real chance or possibility that it will cause:

- one or more of the World, National or Commonwealth Heritage values to be lost
- one or more of the World, National or Commonwealth Heritage values to be degraded or damaged, or
- one or more of the World, National or Commonwealth Heritage values to be notably altered, modified, obscured or diminished.

4.1.5 Significant impacts on a World, National or Commonwealth heritage place

If a World, National or Commonwealth Heritage property has cultural heritage values, the proposed action is likely to have significant impacts if there is a real chance or possibility that the action will:

- permanently remove, destroy, damage or substantially alter the fabric of the place
- extend, renovate, refurbish or substantially alter a place in a manner which is inconsistent with relevant values
- permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a place
- involve activities in a place which will have substantial and/or long-term impacts on its values
- involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a place which are inconsistent with relevant values
- make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a place which are inconsistent with relevant values
- restrict or inhibit the existing use of a place as a cultural or ceremonial site causing its values to notably diminish over time

- permanently diminish the cultural value of a place for a community or group to which its values relate
- alter the setting of a World or National Heritage property in a manner which is inconsistent with relevant values
- remove, damage, or substantially disturb cultural artefacts, or ceremonial objects, in a World or National Heritage property, and
- permanently damage or obscure rock art or other cultural or ceremonial features with World or National Heritage values.

4.1.6 Self-assessment process

It is the responsibility of the entity undertaking an action to consider the extent of impacts on the environment (including heritage values) through a self-assessment process, as outlined in the Significant Impact Guidelines 1.2 (Department of Sustainability, Environment, Water, Population and Communities 2013). If the impacts are likely to be significant, or if the impacts cannot be fully defined, the action should be referred to the Department of the Agriculture, Water and Environment. Only a referral decision from the Department constitutes legal approval under the EPBC Act.

If an action is referred, the Minister for the Environment will decide whether it is likely to have significant impact on the environment and whether approval is therefore required under the EPBC Act. If the Minister decides that the action is likely to have a significant impact, it will be deemed a “controlled action” and be subject to the EPBC Act assessment and approval.

4.1.7 Bilateral agreement

A bilateral agreement between the Commonwealth and The State of NSW allows for NSW to assess certain actions under the *Environmental Assessment and Planning Act 1979* (EP&A Act 1979) to remove duplication of the assessment and approval process. The classes of action to which the clause applies are listed in Schedule 1 of the agreement and decisions by the State of NSW or a State agency. To this effect, a self-assessment carried out in a Heritage Impact Assessment for actions listed in Schedule 1 of the Bilateral Agreement can be accepted if the action will not, or is unlikely to have, a significant impact.

In NSW, all World Heritage sites are included in the NSW State Heritage Register and responsibility for their conservation in accordance with the *Heritage Act 1977* lies with the NSW Heritage Council and the Minister for Heritage.

4.2 State heritage

The *Heritage Act 1977* was established to conserve the environmental heritage of NSW. Section 4 of the Act describes State heritage significance as:

“In relation to a place, building work, relic, movable object or precinct, means significance to the State in relation to the historic, scientific, cultural, social, archaeological, natural, or aesthetic value of the item.”

4.2.1 Registered heritage places

The Act, inter alia, established the NSW State Heritage Register and the Heritage Council of NSW. Under section 57(1) of the Heritage Act, approval from the Heritage Council, or its delegates, is required for any works to an item listed on the State Heritage Register. The Heritage Act specifically prohibits the full demolition of an item listed on the State Heritage Register.

The Heritage Council has published a set of Standard Exemptions from the need to seek approval for certain works. The Standard Exemptions allow the majority of routine maintenance and repair works to be undertaken without consent, although notification to the Heritage Council is generally required.

The Heritage Act provisions do not apply to State Significant Development (SSD) or State Significant Infrastructure (SSI) projects, which are assessed under Division 4.7 of the *Environmental Planning and Assessment Act 1979* and require development consent from the Independent Planning Commission or the Minister for Planning (or delegate). The Department of Planning, Industry and Environment co-ordinates the whole-of-government assessment of these projects and the Heritage Council and Heritage NSW provide comments to DPIE.

4.2.2 Archaeology

Historical archaeological materials are protected under the 'relics' provisions of the Heritage Act 1977. A relic is defined as:

"...any deposit, artefact, object, or material evidence that:

-relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

-is of State or local heritage significance."

Section 139 of the Act states that:

"(1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit."

The relics provision of the Heritage Act does not apply to SSI designated projects.

4.2.3 State agency registers

Section 170 of the Heritage Act requires that Government agencies establish and maintain a register of their heritage assets. A government instrumentality must give the Heritage Council not less than 14 days written notice before the government instrumentality:

"(a) removes any item from its register under section 170, or

(b) transfers ownership of any item entered in its register, or

(c) ceases to occupy or demolishes any place, building or work entered in its register."

Items on the register must be maintained with due diligence in accordance with *State-Owned Heritage Management Principles*.

4.3 Local heritage

Local Council planning regulations are contained in Local Environmental Plans (LEPs). Most LEPs in NSW are based upon the NSW Government's standard model and include the same provisions for the protection of local heritage. The *Sydney Local Environmental Plan 2012* follows this model and Clause 5.10 (2) states:

“Heritage conservation

(2) Requirement for consent

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.”

These provisions generally require that Development Consent is required for works affecting a Heritage Item identified in the Schedules attached to the LEP (or Aboriginal Places of Significance). Subsequent provisions provide for exceptions for minor works, empower the Council to request specific studies or plans to be prepared, provide for liaison with the Heritage Council in relation to archaeological sites and allow relaxation of other planning provisions as conservation incentives.

Local council Development Control Plans provide detailed objectives and controls which, whilst not relevant to this application for reasons as described in section 1 of this report, illustrate the standard of design response expected by the community.

5 Non-statutory heritage context

The Heritage Impact Assessment process is cognisant of community interest in listed heritage places and 'unrecognised' heritage places which are not provided statutory protection, but which may be important to the community. Where development sites contain 'unrecognised' places, a heritage impact assessment may include a heritage assessment to determine the significance of a place in order to assess potential impacts of development. Similarly, conservation management documents are sometimes available for heritage places. Where these are relevant, the detailed heritage assessments and conservation policies contained within these documents can assist with the assessment of potential impacts of development.

5.1 Conservation management plans & strategies

Conservation Management Plans (CMPs) provide guidance into opportunities and constraints of heritage items. Not all heritage items have a CMP and, in general, a CMP should be updated every 10 years or less. CMPs are not statutory documents, although they can be required under legislation.

5.2 National Trust Register (NSW)

The National Trust of Australia (NSW) maintains a Register of landscapes, townscapes, buildings, industrial sites, cemeteries and other items or places which the Trust determines have cultural significance and are worthy of conservation. Listing by the Trust has no statutory effect but is generally regarded as an authoritative statement regarding heritage significance.

5.3 Register of the National Estate

The Register of the National Estate is a list of natural, Indigenous and historic heritage places throughout Australia. From 19 February 2007, the Register has been frozen, meaning that no places can be added or removed. It no longer has status as a statutory list.

The Register of the National Estate was originally established under the *Australian Heritage Commission Act 1975*. Under that Act, the Australian Heritage Commission entered more than 13,000 places in the register. In 2004, responsibility for maintaining the Register shifted to the Australian Heritage Council, under the *Australian Heritage Council Act 2003* (AHC Act).

On 1 January 2004, a new national heritage system was established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). This introduced the National Heritage List, which was designed to recognise and protect places of outstanding heritage to the nation, and the Commonwealth Heritage List, which includes Commonwealth owned or leased places of significant heritage value.

5.4 Register of Significant Buildings in NSW

The Australian Institute of Architects has been an active advocate for heritage conservation since the 1930s. The NSW Chapter maintains a Register of Significant Buildings which focuses on the preservation of buildings of merit, especially in those that have received awards from the AIA(NSW) or the AIA (formerly RAIA). The Register aims to improve the recognition of the State's award-winning architectural heritage, encouraging sustainable adaptive reuse and increased consideration of the original design intent.

A number of key commercial buildings are located in or around the Sydney CBD, including educational facilities, historic buildings and structures, law courts, public gathering spaces and places of worship. Significant areas of open space, such as the Botanical Gardens, the Domain and Hyde Park are also located within or near the Sydney CBD area, as well as the World Heritage Sydney Opera House and iconic Sydney Harbour Bridge.

The site falls steeply from east to west and the area is characterised by a change in the regular street grid, producing truncated corner lots. The site contains four lots, three of which front Hunter Street and a larger lot which runs between O'Connell and Bligh. The area contains buildings of various stages of development of the CBD including a number of heritage items both opposite and adjacent to the site. Clearance of the site and excavation for the below ground station is subject to a separate SSI application currently on exhibition.

The site is in close proximity to several heritage items of both State and local significance, including the Former 'Bank of NSW', at 16 O'Connell Street, Former 'NSW Club Building' at 31 Bligh Street and Richard Johnson Square directly adjoining the site respectively to the north (buildings) and the east (square). Other heritage listed items in the vicinity of the site include Former Wales House at 64-66 Pitt Street and Former 'Perpetual Trustee' Commercial Building at 33-39 Hunter Street. Heritage items are further identified in Table 6-1 below.

Heritage buildings in the vicinity of the site range from eight storeys (Former 'Perpetual Trustee' Commercial Building at 33-39 Hunter Street), the Former 'City Mutual Life Assurance' to eleven storeys, to twelve storeys (Former 'Qantas House', 1 Chifley Square), with varying heights in between. Richard Johnson Square and Chifley Square provide open spaces to Hunter Street, Bligh Street and Chifley Square; Richard Johnson Square provides an open, visibly permeable space on a prominent intersection and provides vistas along Hunter, Castlereagh and Bligh Streets. The immediate precinct combines traditional masonry buildings using face brickwork and sandstone, and modern structures using a variety of façade treatments including lighter stones such as grey granite, trachyte and lighter marble, precast concrete and glazed facades.

In this immediate context, the precinct is defined by nineteenth and twentieth century masonry buildings which share deep-set fenestration and large openings to street level. The building heights vary, and parapet details offer variety to the collective presentation, however, a consistency in the presentation of the facades is achieved in the use of face brickwork and sandstone which evidence a variety of red-brown tones in the precinct.

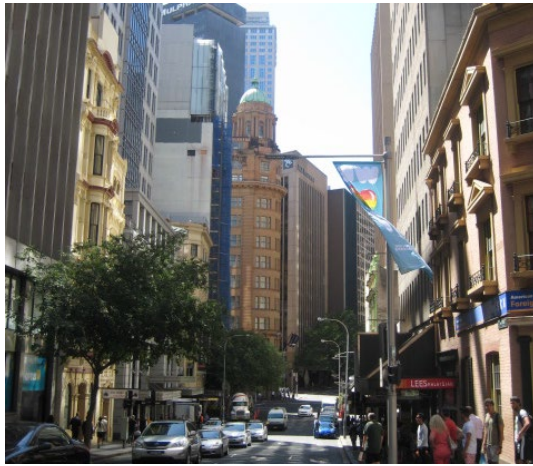


Figure 6-2 View looking east along Hunter Street from George Street.



Figure 6-3 View looking east along Hunter Street from Grand Hotel.



Figure 6-4 View looking south along O'Connell Street toward the site.



Figure 6-5 View looking south on Bligh Street towards the site.

The historical masonry buildings exhibit a high degree of modelling, with deeply recessed glazing. The buildings are further articulated with both horizontal and vertical elements, for example string lines, and detailing that utilises a variety of scales, including double height ground floor openings (64-66 Pitt Street, 12-14 O'Connell Street, 16 O'Connell Street, 33-39 Hunter Street) in addition to a variety of smaller details, including cupola, aedicular windows and decorative spandrels.

In a broader context, the site is also located adjacent to the Chifley Square Special Character Area as identified within Sydney Development Control Plan 2012 (SDCP 2012). This precinct is characterised by large-scale high rise tower buildings interspersed with lower scale development. Despite the fact that the majority of the towers at the edges of the Square are seen as individual elements within the cityscape, the street alignment at lower levels is generally consistent. The Special Character Area itself has a semi-circular geometry defined by both Chifley Square itself and Qantas House, both heritage-listed items that surround a large, prominent and open intersection.


Table 6-1 Assessed heritage places

Register /listing	Item name	Item number
Heritage items in the vicinity		
State Heritage Register	Former Perpetual Trustee Commercial Building, 33-39 Hunter St (SHR 00678)	I1810
	Former Wales House, 64-66 Pitt Street (SHR 00586)	I1915
	Former Rofe Chambers (Public Trust Office), 19-21 O'Connell Street (SHR 01019)	I1904
	Former NSW Club Building, 31 Bligh Street (SHR 00145)	I1676
	Former City Mutual Life Assurance building, 10 Bligh Street (SHR 00585)	I1675
	Former Qantas House, 68-96 Hunter Street (SHR 01512)	I1811
	Grand Hotel, 30–32 Hunter Street (SHR 1169)	I1809
Local Environment Plan	Former Bank of NSW, 16 O'Connell Street	I1903
	Former Manufacturer's House, 12-14 O'Connell Street	I1902
	Richard Johnson Square including monument and plinth, Bligh Street	I1673
	Chiefly Square, Hunter Street	I1708
	Wentworth Hotel including interiors - 2 Bligh Street (and 61–101 Phillip Street)	I1674
S170 Register	Bennelong Stormwater Channel 29A (4570854)	-

6.4 Significance of heritage items

The italicised text in the following table is taken from the State Heritage Inventory. Items potentially impacted by overshadowing are discussed in section 8.5 of this report.

Table 6-2 Significance of heritage items in the vicinity of the proposed development

Significance of heritage items	
Items of State significance	
<p>Item: Former Perpetual Trustee Building</p> <p>Address: 33-39 Hunter Street</p> <p>LEP No.: Item No. I1810</p> <p>SHR No.: SHR 00678</p> <p>Designer: Robertson and Marks Architects</p> <p>Dates: 1914-1916</p>	
Proximity/location	Located on the opposite side of Hunter Street between Castlereagh and Pitt Streets.

Significance of heritage items

Items of State significance

Statement of significance

The Perpetual Trustee Company Building is of state significance by virtue of its historic, social, architectural, aesthetic and scientific values. The building's construction marked the success of a new form of commercial venture. This success was a reflection of the emerging and complex nature of mid-Victorian society. The fact that the building is still used by its original occupier underscores both the significance of the enterprise and its continuing relevance today.

This building is Hunter Street's sole surviving Edwardian building and displays characteristics of its time. It embodies Edwardian architectural and construction techniques with respect to multi-storey office buildings and has the ability to inform research in this area. Internally, the normal cycles of refurbishment has generally negated the ability to demonstrate anything more than current work place practices with the exception of the generally intact Board Room to Level One and the facings to the main access stairway.

Item: Former Wales House

Address: 64-66 Pitt Street

LEP No.: Item No. I1915

SHR No.: SHR 00586

Designer: Manson & Pickering

Dates: 1924-1929



Proximity/Location

Located opposite the site on the corner of O'Connell and Pitt Streets.

Statement of Significance

'Site has a 99-year association with Australia's oldest surviving newspaper, the Sydney Morning Herald; the present building was designed and used as the Herald offices for 28 years;

Fine example of the Inter War Commercial Palazzo style, with many intact external elements and some preserved interiors. It has a strong townscape presence on its acutely angled corner site.'

Item: Former Rofe Chambers (Public Trust Office)

Address: 19-21 O'Connell Street

LEP No.: Item No. I1904

SHR No.: SHR 01919

Designer: H. E. Ross & Rowe

Dates: 1924



Proximity/Location

Located to the north of the site on the opposite the side on O'Connell Street.

Significance of heritage items

Items of State significance

Statement of Significance

'Associated with the historical development of the Public Trustee in NSW; it is the first office building purchased especially to accommodate the Public Trustee and is still being used as Head Office of the organisation.'

Contributes to the streetscape character established by former bank of New South;

Good example of the Inter-War Free Classical style of architecture designed by Ross & Rowe.'

Item: Former NSW Club Building

Address: 31 Bligh Street

LEP No.: Item No. I673

SHR No.: SHR 0145

Designer: William Wardell

Dates: 1884



Proximity/Location

Located immediately to the northeast of the site on Bligh Street.

Statement of Significance

'Remnant building is the sole surviving example of a nineteenth century Sydney gentlemen's club (originally by William Wardell);'

Restrained classical elegance of its original Bligh Street facade is influenced by Italian Renaissance palazzo.'

Item: Former City Mutual Life Assurance Building

Address: 10 Bligh Street

LEP No.: Item No. I675

SHR No.: SHR 0585

Designer: Emil Sodersten

Dates: 1934-1936



Proximity/Location

Located on the opposite side of Bligh Street at the intersection of Hunter

Statement of Significance

'One of the most impressive and innovative of Australia's Interwar Art Deco commercial office buildings; dramatic exploitation of its important corner; serving as a backdrop to Richard Johnson Square and a local landmark in streetscape views.'

Significance of heritage items

Items of State significance

Item: Former Qantas House
 Address: 68-69 Hunter Street
 LEP No.: Item No. I1811
 SHR No.: SHR 01512
 Designer: Rudder Livermore and Rudder
 Dates: 1955-57



Proximity/Location

Located to the east of the site on Hunter Street.

Statement of Significance

'The former Qantas building is historically significant, reflecting the importance of international travel as an expression of increasing middle-class affluence in post-war Australia. The sweeping curve of this twelve storey Post War International style building was dictated by the proposed extension of Elizabeth Street and the formation of Chifley Square, a major town planning initiative of the late 1950s. It is an important building in the professional work of the architectural partnership Rudder, Littlemore and Rudder for which they were awarded the 1959 RIBA Bronze Medal. It is aesthetically significant for its well resolved detailing to its interior and exterior, its unique use of a curved plan form and its early use of curtain wall façade system incorporating aerofoil shaped aluminium framing, double glazing with green tinted glass and teal blue enamelled steel spandrel panels. It is important as one of the last one hundred and fifty feet buildings to be built. The building is socially significant for its powerful embodiment of the self-confident nationalist stance of Australia in international affairs in the 1950s. The building is scientifically significant as an early and unique use of curtain walling.'

Significance of heritage items

Items of local significance

Item: Grand Hotel including interior
 Address: 30-32 Hunter Street
 LEP No.: Item No. I1809*
 Designer: Copeland and Lamont
 Dates: 1928-29



(*the site is included in the State Heritage Register as part of Little Hunter and Hamilton Street Precinct)

Proximity/Location

Located to the west of the site on Hunter Street. Forms part of streetscape.

Significance of heritage items

Items of State significance

Statement of Significance

The Grand Hotel is a six storey building of Inter War Georgian Revival style. It has historic significance for its ability to contribute to an understanding of the impact made on Sydney city streetscapes by the building demolitions which preceded the building of the Sydney Harbour Bridge and the Sydney City Railway. The building has aesthetic significance as an outstanding example of a well intact original pub exterior of high quality design with an intact interior stair also of high quality design. High Significance: All the intact original fabric of the south and west façade above the awning. Medium Significance: The intact original fabric of the foyer, stair and lift. Low Significance: Any remaining interior spaces.

Item: Former Bank of NSW including interiors

Address: 16 O'Connell Street

LEP No.: Item No. I1903

Designer: C. Bruce Dellit

Dates: 1939-1940



Proximity/Location

Located immediately adjacent to the northern corner of the site on O'Connell Street.

Statement of Significance

AFT House is one of Australia's finest examples of the Art Deco office building; the stylistic treatment of the main entry and lifts is unique in Sydney. Its formal qualities, especially at the top, make it significant in the streetscape. It is one of the finest works of Bruce Dellit, a leading practitioner of the period, responsible for notable Sydney landmarks including Hyde Park War Memorial and Kyle House (1931), his only other major office building. The ground floor interiors contain sufficient form and fabric to interpret the excellence of their Art Deco style. The building represents the departure, in the 1930s, from traditional architectural styles and adopted a new form of expression and adaptation of modern building technologies. These technologies are evident in the integration of decoration with the function of the building and its original zoned air conditioning system. AFT House is part of an ongoing tradition of the CBD as a financial and commercial focus and illustrates very well the principal design influence of the time.

Item: Former Manufacturer's Mutual Building including interiors

Address: 12-14 O'Connell Street

LEP No.: Item No. I1902

Designer: S H Buchanan & Cowper

Dates: 1934-1935



Proximity/Location

Located to the north of the site on O'Connell Street.

Significance of heritage items

Items of State significance

Statement of Significance

Manufacturers House is a nine-storey building built for the NSW Chamber of Manufacturers in the early 1930s, in a modest Inter War Art Deco Style. The building comprises predominantly Australian materials and is significant for its reflection of the cautious emergence of business confidence following the period of economic depression and industrial unrest of the late 1920s. The building is a rare and outstanding example of a highly intact original commercial face brick exterior of high-quality design with outstanding potential to continue in its restored state. The building is well resolved in its detailing in both its interior and exterior and is particularly noted for its use of face brick and chevron motifs, and its relationship of materials to the adjacent Delfin House. The building is significant for its contribution to the development of the Hunter and O'Connell Street Art Deco precinct.

Item: Richard Johnson Square including monument and Plinth

Address: Corner Bligh Street & Hunter Street

LEP No.: Item No. I1673

Designer: Unknown

Dates: 1925



Proximity/Location

Located to the southeast boundary of the site.

Statement of Significance

Richard Johnson Square is historically and culturally significant as an important example of 20th century civic planning.

(The square is of historic and cultural significance as the site of the first Christian service in Australia. Church built 1793, burnt down in 1798. Monument erected 1925).

Item: Chifley Square

Address: Hunter and Phillip Street

LEP No.: Item No. I1708

Designer: Sydney City Council

Dates: 1950



Proximity/Location

Located to the east of the site on Hunter Street.

Statement of Significance

Chifley Square is historically and culturally significant as an important example of 20th century civic planning.

Significance of heritage items

Items of State significance

Item: Wentworth Hotel including interiors

Address: 2 Bligh Street (and 61–101 Phillip Street)

LEP No.: Item No. I1674

Designer: Skidmore Owings and Merrill

Dates: 1966



Proximity/Location

Located on the south-eastern side of Bligh Street diagonally opposite the site.

Statement of Significance

The Wentworth Hotel facing Chifley Square is a twenty-storey tower of Post War Minimalist Style. It is of historic importance for its association with QANTAS and QANTAS House. The hotel is important as the only Australian work by Skidmore Owings and Merrill, and as the oldest major Sydney Hotel. The Wentworth Hotel is aesthetically significant for the huge copper canopy over the entrance, which at the time of construction, was one of the largest completely fabricated awnings in the world. The distinctive horseshoe design of the Wentworth Hotel is significant as a familiar architectural landmark in Sydney. It was Australia's biggest international hotel at time of construction. It derives social significance from its long-standing status as Sydney's hotel for the rich and famous, for the continuity of the name Wentworth Hotel, and as the venue for the annual Black & White Ball, the major fundraising event of the Black & White Committee, the most patrician of Sydney's charity groups. The building is scientifically significant for the largest air conditioning system, column free ballroom, and as the largest brick structure in the southern hemisphere. The building contains a rare example of a vertical passenger lift spanning four floors.

7 Summary site history

7.1 Historical summary

Section 7.1 has been extracted from the Sydney Metro West - Major civil construction between The Bays and Sydney CBD, Technical Paper 3, Non-Aboriginal Technical Report, October 2021. Insofar as this report deals with sites in the CBD of Sydney, the historical context for this area is the story of Aboriginal Australia, followed by the arrival of the English colonists in 1788 and the subsequent development of Sydney as the capital of NSW and the largest city in Australia.

7.1.1 Aboriginal history pre-1788

Prior to the appropriation of their land by Europeans, Aboriginal people lived in small clan groups that were associated with particular territories or places. Territorial boundaries were imprecise by modern standards but were typically based upon natural features and traditions. Aboriginal people across Australia were diverse in their language and culture but shared core beliefs regarding their origins and history.

The language group spoken across Sydney was known as Darug (Dharruk – alternate spelling). This term was used for the first time in 1900¹; in the nineteenth century, language groups or dialects were not well understood and were rarely discussed in European literature. The Darug language group is thought to have covered the area south from Port Jackson, north from Botany Bay and west to Parramatta.²

The name Gadigal and its alternative spellings (Cadigal, Cadi) was used in the earliest historical records of the European settlement in Sydney to describe the Aboriginal group that lived on the southern shore of Port Jackson, from South Head west to the Darling Harbour area. The term Eora is also used as a name for the Aboriginal people south of Port Jackson. The term Eora was likely a word used by the Gadigal people to refer to an Aboriginal person, rather than a reference to a clan or band in particular.³

7.1.2 Post-contact history

Captain Arthur Phillip led the eleven ships of the first colonial fleet into Port Jackson in January 1788, settling on Sydney Cove as the initial location for creating a settlement. The colonists raised a flag declaring the establishment of the settlement on 26 January 1788. A small township was quickly established, and the settlers commenced exploring the surrounding land for suitable land to establish crops and to graze their animals.

The existing inhabitants were initially curious and amused but were soon dismayed to realise that the settlement was intended to be permanent. First contacts were amiable, but relations soon turned ugly, as the locals attempted to assert their proprietorship of the land and the soldiers that accompanied the settlers used their

¹ R. H. Mathews and Miss Mary Martha Everitt, 1900. 'The organisation, language and initiation ceremonies of the Aborigines of the south-east coast of NSW'. *Journal & Proceedings of the Royal Society of NSW*. 34:262-281; Valerie Attenbrow, 2010. *Sydney's Aboriginal Past: investigating the archaeological and historical records* (2nd ed). University of NSW Press, Sydney.

² Attenbrow, 2010. p 34.

³ Attenbrow 2010. p 22 and 35-36.

superior weaponry to resist. In any event, the rapid spread of the smallpox virus amongst the local population during 1879, fifteen months after the arrival of the fleet, led to the death of up to 70 per cent of the local Aboriginal population within a matter of months. Survivors largely abandoned the area around the settlement, and, despite some precarious moments, the colonists consolidated their foothold and began to reshape the country to their needs.



Figure 7-1 Aboriginal activities on the shore of Port Jackson in 1824.

Source: Peron and Freycinet, 1824.



Figure 7-2 The Founding of Australia by Captain Arthur Phillip RN; Sydney Cove, January, 1788 by Algernon Talmage, 1937. A fanciful representation of the raising of the flag in Sydney Cove.

Source: Mitchell Library, SLNSW, FL3141725.

Sydney Town, as it was then known, developed on either side of the central creekline that was later called the Tank Stream. Initially, the officers and senior administrators of the colony were located east of the creek and the convicts and soldiers were located on the west side. Although this division did not remain operational for long, it had a lasting impact on the city, with the major offices of government located along Bridge Street east of Pitt St and the working-class houses of the Rocks on the west forming a notable division that lasted until the end of the 20th century. Bridge Street was the alignment of the first bridge across the stream and George St and Pitt St ran on either side. In 1812, Governor Macquarie arrived and within a few years, had regularised the streets and given them the names (of English royalty and aristocrats) that they still carry.



Figure 7-3 Plan of the town of Sydney in New South Wales in 1807 by James Meehan, Surveyor. Hunter St exists in its current alignment but is not named on this plan. The indicative location of the site is shown dotted.

Source: SLNSW, IE3738455.

By the 1850s, the Sydney City Council had been formed, water supply had been piped around the city and the underground sewers were laid in the main streets. Gas lighting, supplied by the AGL works at Darling Harbour, lit the streets and the city was about to face its greatest period of growth, as the potato blight in Europe and gold discoveries in the Bathurst region spurred an immigration rate that saw the population triple over the next three decades.⁴

⁴ ABS: 3105.0.65.001 - Australian Historical Population Statistics, 2006

7.1.3 Development of Hunter Street

Hunter Street developed early in the colony as the second crossing of the Tank Stream after Bridge Street. Originally known as Bell Street, it was renamed by Governor Macquarie in 1812 as Hunter St, in honour of Captain John Hunter, Master of the HMS Sirius in the First Fleet and the second Governor of the colony.



Figure 7-4 The Tank Stream in circa 1842 by John Skinner Prout, showing the view northwards from Hunter Street towards Sydney Cove. The Bridge Street bridge is visible in the centre, with the Commissariat Stores in the background.

Source: Art Gallery of NSW.

By the 1830s, the Tank Stream had been covered over at Hunter Street and both sides of the street were occupied with buildings. Most were large buildings which addressed the cross-streets (i.e. George, Pitt, Bligh, O'Connell Streets).⁵ By the 1850s, several of these had been subdivided and, west of Pitt Street, both sides of Hunter Street were occupied by small retail premises; east of Pitt Street, the buildings tended to be larger, corporate offices and merchant houses, including the Union Bank.

This trend continued into the late nineteenth century, with the western end of Hunter Street supporting small retail premises and the eastern end occupied by larger buildings of a more corporate or mercantile nature. The offices of the Sydney Morning Herald fronting Hunter Street, between Bligh and O'Connell Street's, was a major influence on the later development in its vicinity. Upper Hunter Street was, in the late nineteenth century, the preferred location for Lawyers chambers; at least six buildings on either side of Hunter Street housed lawyers' chambers in 1910. Other notable buildings included the Offices for the Inspector-General of Police, the Prisons Board and Aborigines Protection Board, the British Imperial Oil Company and the Pacific Cable Board.

⁵ City of Sydney Survey Plans, 1833; CCS Archives



Figure 7-5 Sydney in 1880 showing the north side of Hunter Street between Pitt and Castlereagh Street's. The indicative location of the site is shown dotted.

Source: Dove's Plans of Sydney CCS Archives.

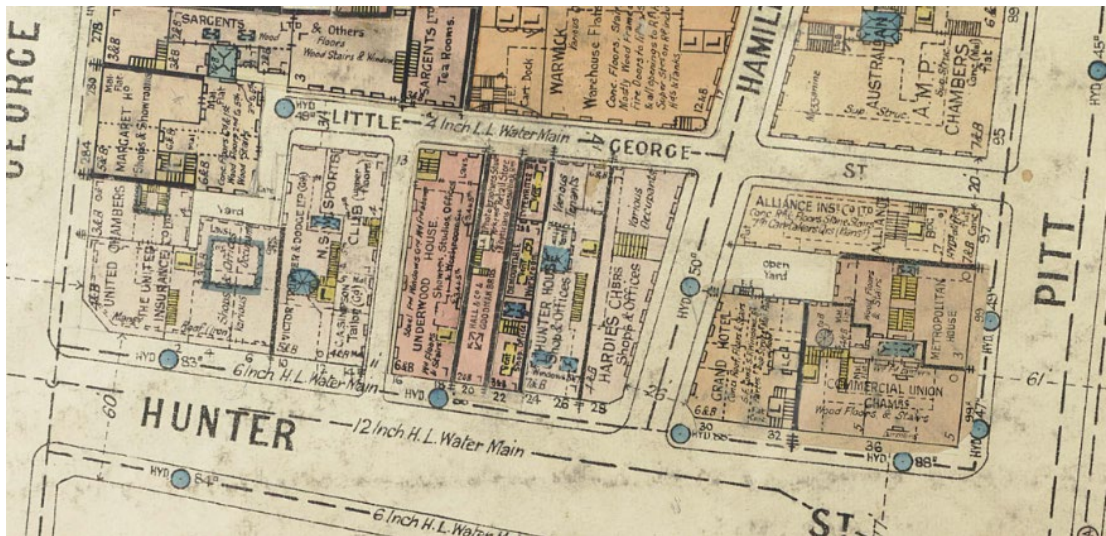


Figure 7-6 The north side of Hunter Street, between George and Pitt Streets in circa 1920. Again, the smaller shops have been consolidated into larger shops and offices.

Source: Fire Underwriters Plans of Sydney - CCS Archives.



Figure 7-7 The south side of Hunter Street, between Pitt and Castlereagh Streets in circa 1920 now has three large buildings: a bank, an insurance company and legal offices.

Source: Fire Underwriters Plans of Sydney - CCS Archives.

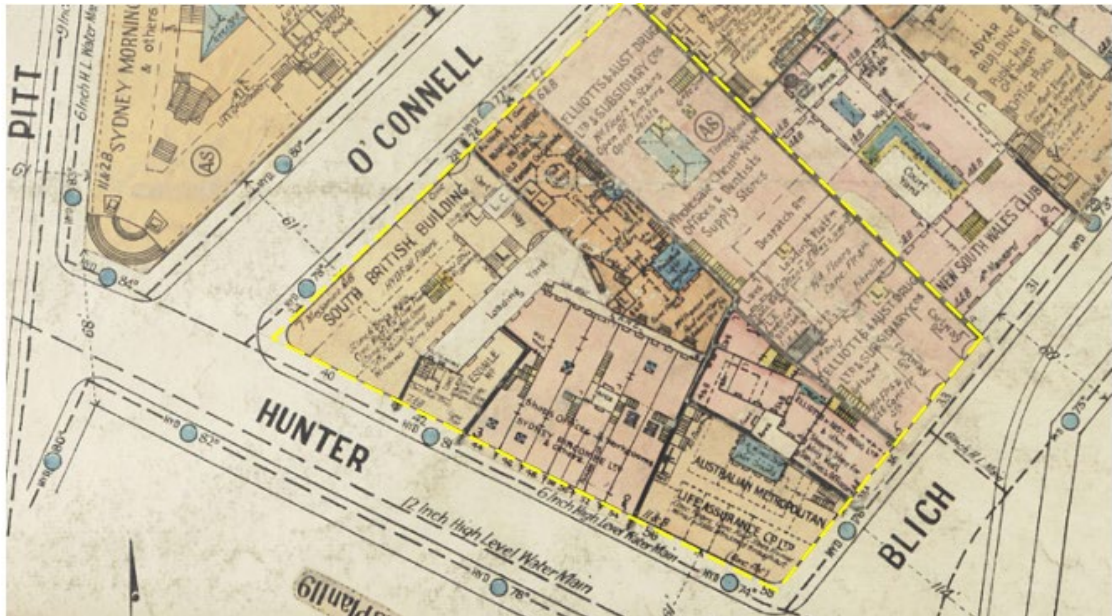


Figure 7-8 The north side of Hunter St, between Pitt and Bligh Streets in circa 1920. The Sydney Morning Herald is joined by the South British Building, Esdaile House (optician and instrument-maker), the Sydney Pincombe Ltd building (typewriter importers and distributors) and the Australian Metropolitan Assurance Company. The indicative location of the site is shown dotted.

Source: Fire Underwriters Plans of Sydney - CCS Archives.



Figure 7-9 Hunter Street, Sydney (from George Street) ca 1900-1910. Former Skidders Family Hotel to the right of image. The location of the proposed development is indicated by an arrow.

Source Mitchell Library, PXE711/387.



Figure 7-10 Nos 2-56, 1-27 Hunter Street; Sydney Morning Herald, Hardy Bros, etc. 1900-1939. Former Skinners Family Hotel at right of photograph. The location of the proposed development is indicated by an arrow.

Source: Mitchell Library, Home and Away – 35084.



Figure 7-11 View looking east along Hunter Street, 1954. The location of the proposed development is indicated by an arrow.

Source: City of Sydney Archives, A-00044344.



Figure 7-12 View looking east along Hunter Street, 1980s.

Source: City of Sydney Archives, A-00028530.



Figure 7-13 View from Hunter Street looking north along Bligh Street with Richard Johnson Memorial in foreground, 1940s.

Source: City of Sydney Archives, A-00008299

7.2 Historical development of heritage items adjacent to the site

7.2.1 Bennelong stormwater channel No.29

The Bennelong Stormwater Channel No.29 is situated in close proximity to the Hunter Street Station location and the turnback tunnels, thus consisting of several interfacing locations.

The Bennelong Stormwater Channel was built around 1857 and is a significant historical combined sewer/stormwater drain in Sydney since it was the main sewer for the CBD area and the first oviform sewer to be constructed in Australia.

The Sydney City Council was formed in 1842 to, among other things, establish a suitable drainage system for Sydney. In the 1850s, construction of five sewers commenced, draining the streets and buildings of the city into the Harbour. The five sewers were the Bennelong Sewer (to Bennelong Point), the Blackwattle Bay Sewer, the Hay Street Sewer (to Darling Harbour), the Tank Stream and the Woolloomooloo Sewer.

Bennelong Stormwater Channel No.29 was the main sewer of these five, as it was built to service the Central Business District. The majority of the sewer was completed in 1856 by the City Council, the exception being the Pitt Street Branch, which was completed in 1857, and it was probably the first of the five sewers to be completed.

By the 1870's, the Harbour was becoming extensively polluted from the discharge of sewage and this led to the formation of the Sewerage and Health Board in 1874. The Board's principal task was to draw up a scheme to intercept the sewerage entering the Harbour and this led to the construction of the Bondi Ocean Outfall Sewer (BOOS), to divert most of the sewage within the city to the ocean. The BOOS was completed in 1889 and intercepted the flow of sewage from all levels above its height limit. The five sewers continued to carry all sewage from below this level. In 1900, following the development of electrical power supply for the tramway system, sewage pumping stations were introduced around the Harbour foreshores to divert sewage from the original five sewers into the BOOS. Subsequently, the Bennelong Sewer was used predominantly for stormwater carriage.

The Bennelong Stormwater Channel No.29 is owned by Sydney Water and is currently in use as a stormwater drain. The underground tunnel comprises of oviform brick sections with dimensions of approximately 1.5m x 1.2m.

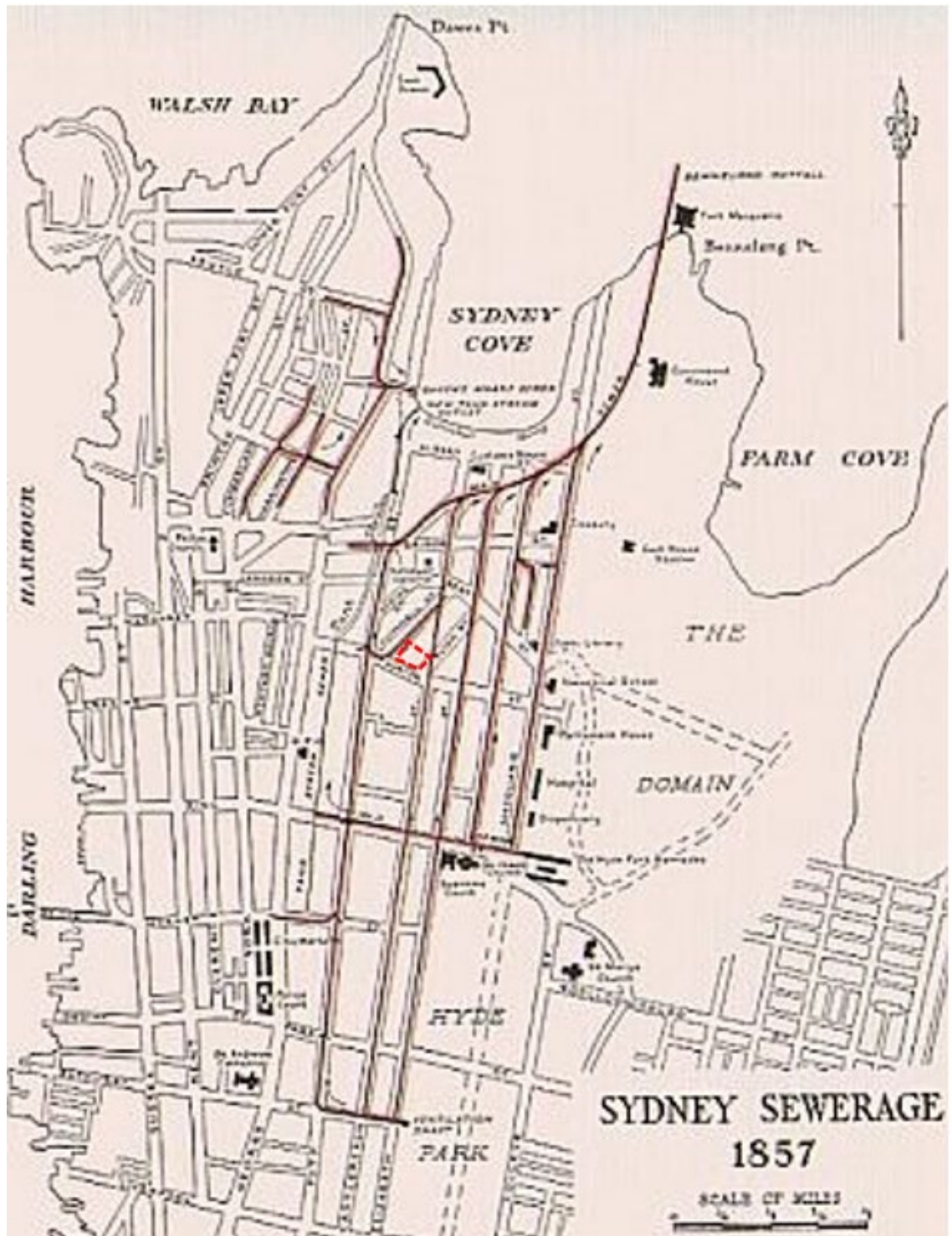


Figure 7-14 Bennelong Sewers - historical plan, with indicative site boundaries shown dotted red.

Source: Aird, WV.

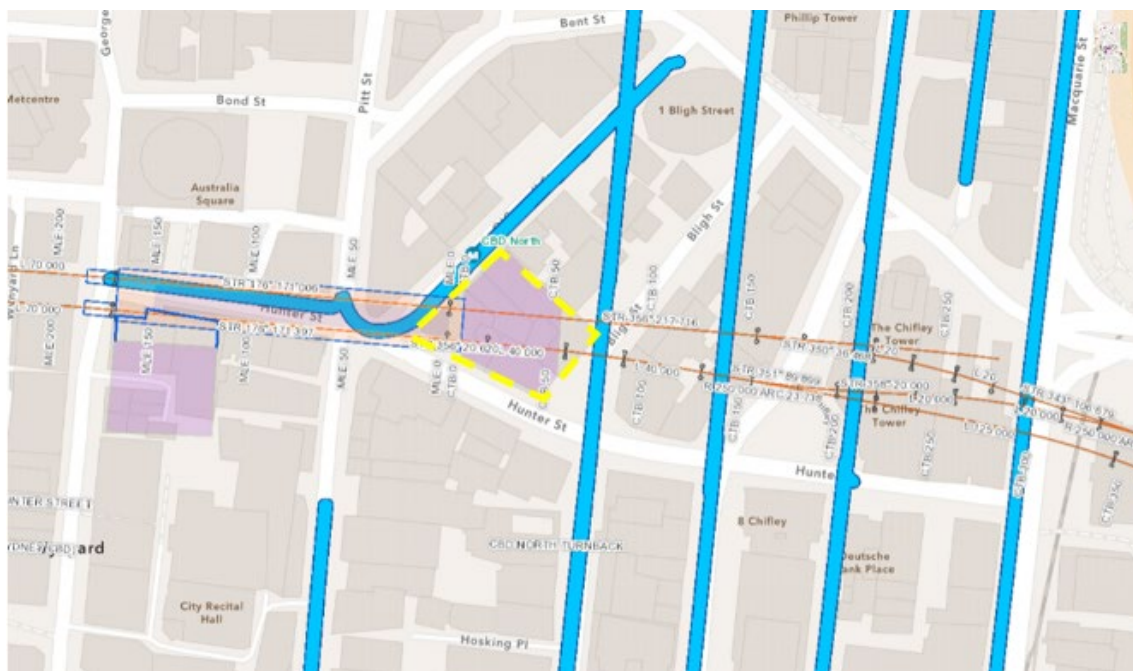


Figure 7-15 Bennelong Stormwater Channel – plan of underground layout with site highlighted in yellow.

7.2.2 Richard Johnson Square

Richard Johnson Square is located immediately adjacent to the east of the site. Reverend Richard Johnson, Church of England clergyman, accompanied the First Fleet as chaplain to the settlement. Reverend Johnson's broad role included leading church services, conducting marriages, christenings and burials, ministering to the settlers and teaching schoolchildren. Johnson's first church in Sydney, opened on 25th August 1793 and big enough to hold 500 people, was destroyed by fire in 1798.

A memorial to commemorate the location of the first Christian service held in Australia on 3 February 1788 was constructed in the centre of the intersection at the junction of Bligh and Hunter Streets. The movement to erect a monument commenced in 1908 with a small committee of enthusiasts from the Church of England who progressively raised sufficient funds. Progress was hindered by World War I, however, approximately 200 pounds was secured for the construction of an elaborate obelisk.⁶ A service was held and foundation stone laid on Thursday 19 March 1925.

"The memorial 20ft in height is being built of reinforced concrete, faced with trachyte at the base, with freestone super structure. The steps are also of trachyte.

The inscription panels, four in number, are to commemorate the first Christian service, the site of the first church (opened October 25, 1793), the burning of the church (October 1, 1798), and the text of the first sermon.

The work being carried out by Messrs. Anslem, Odling and Sons Ltd. From the design and under the superintendence of Messrs Burcham Clamp and Finch, honorary architects".⁷

⁶ 'Sydney 130 years ago. The first Christian service. Memorial established', *The Daily Telegraph*, 20 Mar 1925, p.6

⁷ Ibid.

“The church was a small building, the ground plan being in the shape of a T. It was made of stout posts interwoven with ti-tree, and bound together with clay – what was commonly known as a wattle and daub structure. The cost was 67 pounds, part of which the chaplain had to find himself.”⁸

The stone obelisk stood alone on the island in the intersection for some years. A photograph dated 1957 shows three trees also located on the island.

Sydney’s first comprehensive planning strategy was the 1971 City of Sydney Strategic Plan, which set out guiding principles to integrate objectives, policies and priorities for planning in Central Sydney. The 1971 Strategic Plan proposed sixteen key policies, dividing the city into 33 precincts, each with some unity in their intended form and function, and proposed precinct-based development controls, floor space incentives and incentives to retain heritage buildings. It also contained plans to encourage public transport, car parking and pedestrian connections within the city.

In 1972, a Professional Planning Unit was established and, working with consultants, commenced work on 27 action plans for the city area. The action plans included pedestrianisation schemes, district plans and policies for residential areas and areas targeted for redevelopment. These action plans introduced the concept of ‘character areas’ and represented the first time that development in the city had been approached as needing to conform to an existing established urban character and form⁹.

In 1972, the Sydney City Council employed architects Clarke Gazzard Pty Ltd to design a civic square around the Richard Johnson Memorial, at the site of first church service, to be referred to as ‘Richard Johnson Square’.¹⁰ Richard Johnson Square was one of the early applications of the 1971 City of Sydney Strategic Plan, where a part of the roadway and street was reformed as a pedestrian area and refuge. The memorial was retained, the area landscaped with more trees and, later, an elaborate gas lamppost was added to the square.

⁸ ‘First Service. City Memorial. Foundation Stone Ceremony’ *Sydney Morning Herald*, 20 Mar 1925, p.8.

⁹ Draft Central Sydney Planning Strategy – Context Report; City of Sydney; 2016

¹⁰ ‘Religion’ *The Canberra Times*, 3 Feb 1988, p.15.



Figure 7-16 File 03: Site first church, 1930s (photograph by Max Dupain).

Source: Mitchell Library ON 609/Box 25/nos.279-280.



Figure 7-17 Bligh Street: Metropole Hotel, City Mutual Life Building site, ca 1935. First Church memorial shown in traffic island at intersection. The present area of Richard Johnson Square is indicated in yellow.

Source: Mitchell library, Home and Away – 35055.



Figure 7-18 Church memorial, June 1957 (Photographed by Max Dupain). Note tree plantings on the traffic island.

Source: Mitchell library ON 609/Box 23/nos. 961-967.

7.2.3 Former NSW Club Building

The NSW Club Building is located at 31 Bligh St, abutting the site on the north-eastern side. The following information is based on information contained on Historical Outline and Statement of Heritage Significance for Former New South Wales Club Building, 31 Bligh Street, Sydney, prepared by Jackson Teece, March 2004, revised July 2004.

Founded on 16 March 1883, the New South Wales Club soon purchased the block extending between Bligh and O'Connell Streets for 18,000 pounds. The block had frontages of 67 feet to each street and a depth of 204 feet. The eminent architect William Wilkinson Wardell was commissioned to prepare plans and John Try was commissioned for construction for the sum of 15,800 pounds. To allay some of the costs, the club sold the O'Connell Street frontage, retaining a right-of-way to the north.

The foundation stone was laid on 12 September 1884, with the official opening following on 20 January 1886. The building being described in the Sydney Morning Herald as follows:

"The building will consist of a central block, covering the full extent of the frontage in Bligh Street, with two wings at the rear of the central block, and at its northern and southern ends, extending towards O'Connell Street, leaving an open space between them to be formed into a grass court, on to which the smoking and billiard rooms will open, a fountain being probably introduced into the centre of the court. The principal entrance to the club-house will be from Bligh Street into a spacious hall, from which ready access will be provided to the strangers' room, and from the end of the entrance hall will be the approaches to the principal apartments. On the ground floor,

*at the same level as the entrance-hall, and facing Bligh Street, will be the dining-room, a spacious apartment of 46 feet by 24 feet; two billiard rooms, a smoking-room, lavatories, baths &c; and a verandah to the grass court. The secretary and clerk's office, wine rooms, & C., will also be on this floor. On the first floor, approached by a wide and handsome staircase from the entrance-hall, will be a large reading or morning room, a care-room, and a private dining room, in the main building, with several bedrooms, baths, &c., in the wings; and the second floor of both the main building and the wings will be for bedrooms and baths only. There will be a third floor over one of the wings for bedrooms, workrooms, and other accommodation for women servants. On the basement floor are to be placed the wine cellars, larders, stores, pantries, kitchen, scullery, servant's hall and men servant's dormitory; but owing to the fall of the ground from east to west the principal rooms on this floor will be quite above its level. The back entrance for tradesmen and servants will be in O'Connell Street, and for the convenience of members a private entrance to the club will be arranged from that street. The building will be in the Italian style of architecture, and the exposed frontage in Bligh Street will be carried up in Pyrmont stone. It is intended that the whole of the work shall be of a very sound and substantial character, and it to being executed from the designs and under the direction of Mr. W. W. Wardell, architect."*¹¹

The first alterations to the building are noted in the 1903 Annual Report, where the dining room was moved to the rear and replaced with a smoking room and, in 1908, an open courtyard was paved and roofed over. Further changes were proposed in 1913, however, were delayed due to the outbreak of World War I. These works, which progressed in 1916 under the direction of architects Power and Adams, included: removing servants' quarters and remodelling the basement; relocation of ground floor lavatory, extension of the dining room; provision of servants' accommodation on the upper floors and adding five new guest rooms; construction of an additional storey at the front of the building to provide billiards and cards rooms.

Works in 1935 by architects Spain and Cosh included installation of a lift and new second floor bathrooms. Minor changes were made in the 1950s. Rear additions in the 1960s included a drawing room and powder room and a new private dining room. In 1963, the basement was converted to a Ladies' Annexe with a separate below-ground entrance from Bligh Street, women having been admitted as guests since 1948.

In 1969, the NSW Club amalgamated with the Australia Club and relocated to new premises in Macquarie Street. The building was sold in June 1970 and classified by the National Trust in April 1971. The National Trust entered into a multilateral agreement with the new and adjacent property owners such that they retained a leasehold interest for a period of 80 years, ensuring the building's retention in the years prior to any statutory heritage protection. The rear portions of the building were demolished in 1973 and the remaining portion restored by architects McConnel Smith and Johnson. Works were carried out by AW Edwards in 1975.

Alongside extensive restoration, the works also included the introduction of contemporary services including rewiring, telephone cabling, fire detection and sprinklers, lighting, air conditioning and a new lift. The building was awarded a Merit Award in the Restoration Category of The Royal Australian Institute of Architects Awards in 1978.

¹¹ Extract from Sydney Morning Herald Saturday 13 September 1884 quoted in Jackson Teece, 2004, p.4.

The Jackson Teece report provides gradings of significance for the spaces and elements of the building. Of exceptional significance are the views to and from the original building, the setting of the building in Bligh Street and its overall four storey form, its massing and materials.



7.2.4 Former Bank of NSW, 16 O'Connell Street

The Former Bank of NSW including interior (also called AFT House and Delfin House) is an 11 storey and basement, concrete encased steel frame, Inter-War Art Deco styled building constructed in 1939-40. It is located immediately to the north of the site on O'Connell Street and was constructed on the site of the Batavia Insurance (Prudential, Royal Exchange) building.

The following text is based on information contained in the NSW Heritage Inventory.

"AFT House was constructed to serve as a branch for the Bank of NSW which occupied the ground and mezzanine floors. The basement area was reserved for other bank uses and services. The value of the site influenced the owners to extend the building to the maximum height allowance; floors 1-10 were leased to a variety of tenants. Designed by C B Dellit and constructed by Stuart Bros in 1939-1940, the building was acknowledged at the time to be one of the most striking in the city in terms of design and detailing. The latter included extensive use of red granite, Bondi sandstone, travertine, marble, Queensland maple, bronze, glass and tiles. The exterior was noteworthy for its symbolism alluding to the place of the bank in the community, the wealth of the environment and a celebration of the modern age symbolised by the wireless. While the entire interior was praised for its style the banking chamber was singled out for its vaulted ceiling, lighting units, bronze doors and treatment of the mezzanine. Air conditioning was also innovative; the building was divided into three zones responding to the varying conditions produced by the changing angle of the sun. The interior of the building, particularly the tenants' floors, have since been subject to numerous minor alterations, rearrangement of spaces, and upgrading of services.

The building was sold to the "Development Finance Company" in 1961 when it was re-named "Delfin House" (P McNair 2014, pers. comm. 6 March).

Physical Description

AFT House, originally a banking chamber with offices above, exemplifies the Art Deco style. The facade comprises two zones. The first consists of a decorative archway clad in granite, rising four floors in height, which dominates the streetscape. Above rises an expanse of sandstone. The building features stylised and geometric semi-abstract decoration. On bronzed doors and carved panels beneath the arch, the architect has allegorised the spirit of the machine age and NSW, "The Land of Plenty". The entrance foyer has travertine clad walls and a marble floor, and retains original metal and glass light fittings and decorative lift doors. The former Egyptian Art Deco banking chamber is monumental. Two storeys in height, the chamber retains a vaulted ceiling and rich detailing. Contemporary office space on the upper levels consists of plasterboard and timber veneer stud wall with glazed sections and a suspended acoustic ceiling. The building is visually linked by design and materials to Manufacturers House adjacent, and fits well into the streetscape."

The building is a local heritage item and is noted as one of the finest examples of Art Deco architecture produced by distinguished architect Bruce Dellit.

*"The building stands as symbol of its time. It demonstrates an outstanding use of materials and decoration integrated with the function and structure of the building. It makes a major contribution to the townscape character of one of the city's distinctive streets."*¹²

¹² State Heritage Inventory

8 Heritage impact assessment

8.1 Introduction

The site is located in the vicinity of a number of local and state listed heritage sites and a subterranean structure listed on the Sydney Water Section 170 heritage inventory. There are no heritage items within the site.

The following assessment of the proposed development discusses the heritage impact on heritage items in vicinity of the site. Section 8.5 discusses impacts of additional overshadowing.

The shadows cast by the Concept SSD fall over the CBD from the southwest to the southeast of the site. The extent of shadow fall includes items of local and State significance and extends to Hyde Park Barracks which is included in the National Heritage list and serial listing of Australian Convict Sites on the World Heritage List.

Analysis of heritage impact is consistent with the guidelines provided in the Heritage NSW's publication, Design in Context. The proposal is assessed against the objectives and provision of the Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP).

DCP objectives and provisions include heritage provisions contained in section 3.9 of the DCP and other sections as relevant to the location of the development.

8.2 Response to design principles

The following section provides an assessment of the proposed development against the design principles contained in Design in Context, Guidelines for infill development in the Historic Environment, produced by NSW Heritage Office.

The Concept SSD is a tower located above a podium which is stepped around the site, responding to the varied heights of adjacent heritage buildings. The podium is set to the street edge at O'Connell Street and Hunter Streets but is set back at Bligh Street, forming a straight building alignment along Bligh Street and increasing the potential open space at Richard Johnson Square.

This site is directly adjacent to a State Heritage Register (SHR) listed place, the Former NSW Club Building in Bligh Street. It is also located opposite a number of State Heritage Register (SHR) listed places, including the Former Wales House at the junction of Pitt Street and O'Connell Street, the Former Rofe Chambers on O'Connell Street, the Former City Mutual Life Assurance Building on the corner of Hunter Street and Bligh Street and the Former Public Trustee building on Hunter Street. It is also located adjacent to the locally listed Richard Johnson Square.

The proposed development is located in the vicinity of a number of other heritage listed places, as described in section 6 of this report.

The opposite and adjacent heritage places form and define a strong masonry street edge and parapet height which varies from street to street around the subject site which, by its location, addresses three street frontages. The podium height and its eventual design needs to respond to the intimate character of each street frontage and not dominate nor detract from the significant heritage items. The tower above should be set back from each frontage in response to longer views and has the potential to take on different character and orientation within the building envelope.

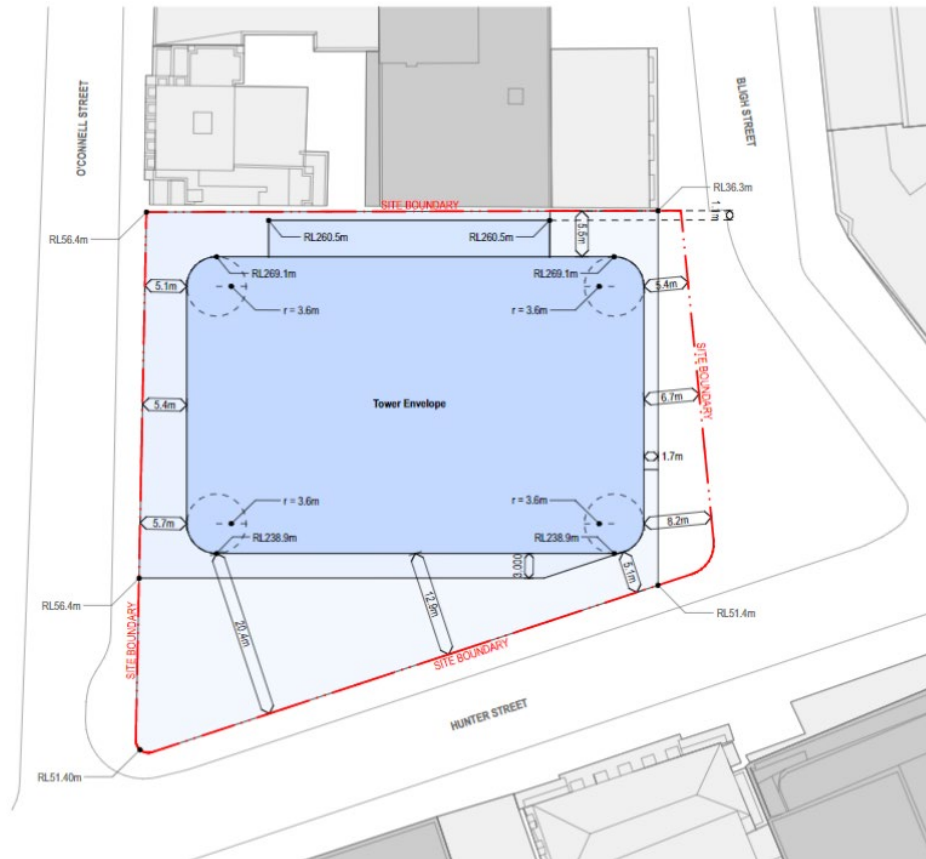


Figure 8-1 Plan showing the proposed development envelope at a maximum of RL 269.1m

Source: FJMT Studio, August 2022.

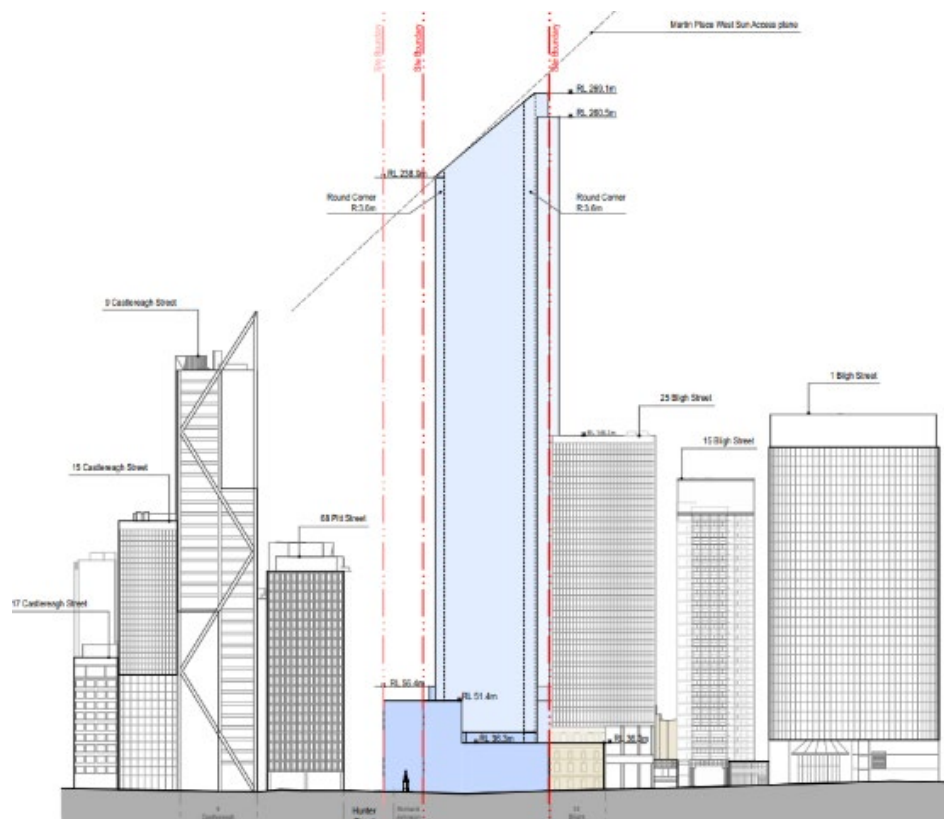


Figure 8-2 East elevation of the proposed development envelope.

Source: FJMT Studio, August 2022

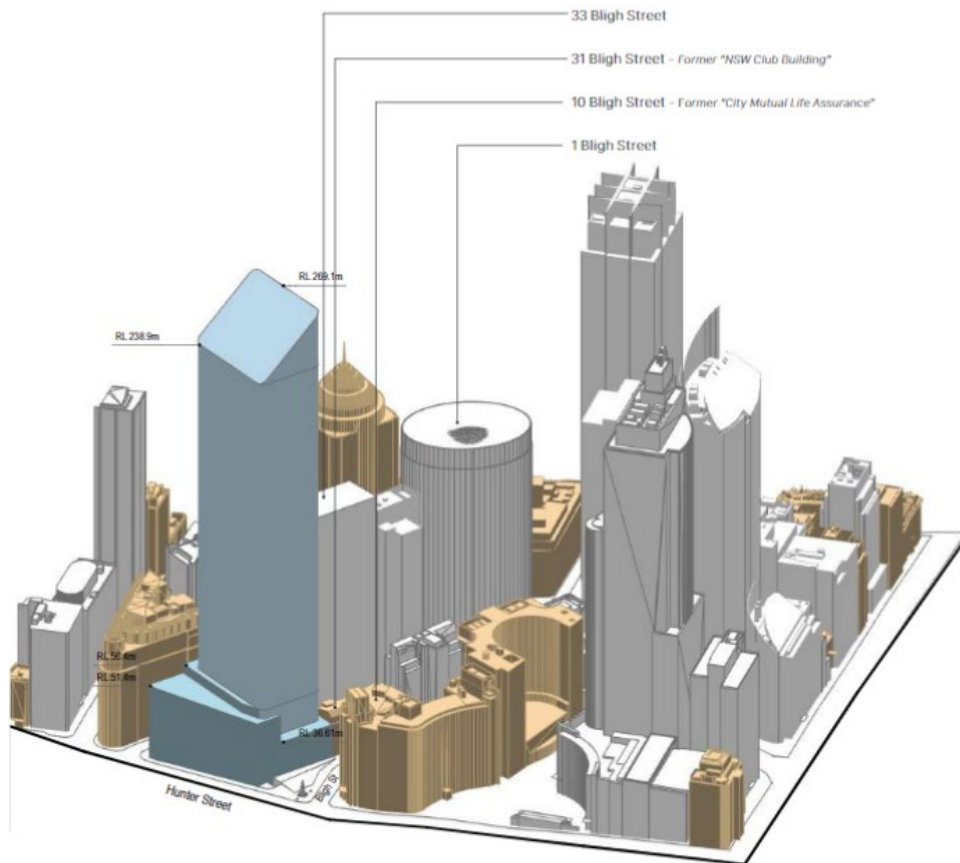


Figure 8-3 Southeast view of proposed development envelope.

Source: FJMT Studio, August 2022

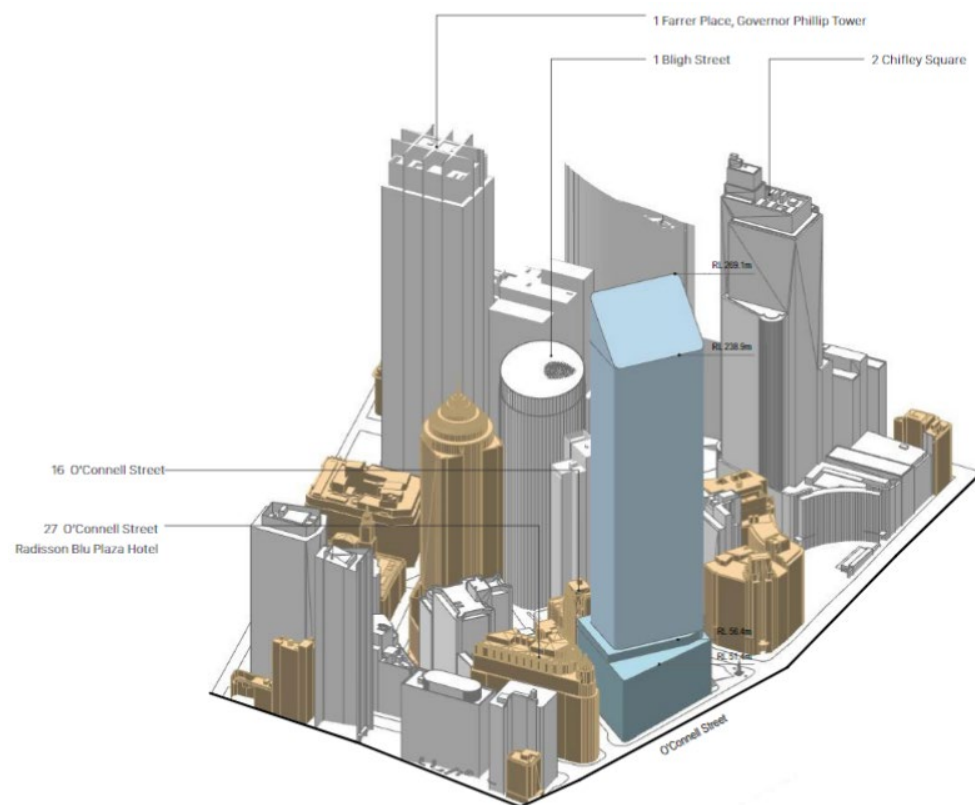


Figure 8-4 Northwest view of proposed development envelope.

Source: FJMT Studio, August 2022



Figure 8-5 Reference design view of Bligh and Hunter Street elevations.

Source: FJMT Studio, August 2022



Figure 8-6 Reference design aerial view of tower in CBD context (highlighted red).

Source: FJMT Studio, August 2022

Table 8-1 Assessment of the proposal according to design principles

Design principles	Assessment
Character	<p>The character of the CBD in the vicinity of the site is varied, containing buildings from various stage of development of the city. The building envelope responds to its contemporary context amongst the towers of the CBD.</p> <p>It is somewhat separated from the historic context by being located above the podium which responds well to its immediate context amongst significant heritage places. The tower is adequately set back from the street edges of the podium, allowing the podium to reinforce building height and volume at the street frontage, responding to view lines and a consistent street edge.</p>
Scale	<p>The setbacks proposed for the tower component allow the top of the podium to drive the legibility of scale at a pedestrian level by reinforcing adjacent parapet heights and view lines to surrounding development.</p>
Form	<p>The form of the tower provides radiused corners which soften the edges of the tower to reduce perceptions of scale and reduce overshadowing.</p> <p>The angled top of the tower responds to the Martin Place sun plane and in doing so reflects adjacent building forms, stepping up from Martin Place and forming a cohesive central city environment.</p> <p>The form of the podium responds to the parapet heights of adjacent development and reinforces dominant sightlines.</p>
Siting	<p>The tower envelope is located close to the northern boundary with larger setbacks to the east, west and south allowing the podium to respond to and reinforce significant view corridors and parapet heights of adjacent heritage places. By centring the tower in the east-west direction it relates to the adjacent development at the rear of Former NSW Club building.</p>
Materials/ Colour	<p>N/A.</p> <p>Colours and materials will be assessed in a future Detailed SSDA development application however the approach should be entirely contemporary architecture and in line with a design excellence approach.</p>
Detailing	<p>N/A.</p> <p>Detailing will be assessed in a future Detailed SSDA development application however the approach should be entirely contemporary architecture and in line with a design excellence approach.</p>

Conclusion:

The proposed development adequately responds to the Design Principles of Design in Context. The podium responds to the parapet heights of adjacent heritage items and reinforces dominant sightlines along Bligh, O'Connell and Hunter Streets. The tower envelope forms part of the contemporary city without adverse impact on the context of the surrounding heritage structures in the Sydney CBD. The envelope is responsive, pulling tower bulk away from the street line at the corners of Hunter Street and O'Connell Street and Hunter Street and Bligh Street.

8.3 Sydney Local Environment Plan 2012

The following section provides an assessment against the heritage objectives contained in the Sydney LEP 2012. Text taken from the LEP is shown in *italics*.

Table 8-2 Sydney Local Environmental Plan 2012

LEP control	Heritage impact assessment
<p>5.10 Heritage Conservation</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Sydney,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The proposed development does not physically impact any heritage items in the vicinity. It responds to its dual corner position by stepping the parapet around the site edge, responding to the parapet heights of adjacent heritage buildings and reinforcing dominant sightlines along the streets. The centred tower sits back from the street edge allowing the podium form to dominate the pedestrian experience. The rounded corner form of the tower reduces overshadowing and perception of bulk.</p> <p>The building envelope does not impact on any archaeological sites. Ground disturbance is addressed as part of the Stage 2 CSSI Application.</p>
<p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>The proposed development demonstrates a sympathetic response to the heritage context of the site.</p> <p>The stepped podium reinforces the pedestrian experience of the historic scale of the area.</p> <p>The tower envelope is set back from the street edges of the podium allowing the strength of sightlines and parapet heights to be retained as the dominant site feature.</p> <p>The tower is relatively slender and aligns with the centre street block appropriately addressing its corner location.</p>
<p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p>	<p>This report provides a heritage impact assessment of the proposed development.</p> <p>The site is located in the vicinity of a number of locally listed and SHR listed heritage items. The overall development is directly adjacent to the following items:</p> <ul style="list-style-type: none">• Richard Johnson Square including monument and plinth (City of Sydney LEP, item No. I1673)

LEP control	Heritage impact assessment
<p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<ul style="list-style-type: none"> • NSW Club House Building (SHR listing, item No. 00145). • Former bank 'Delfin House' (City of Sydney LEP, Item No. I1903). <p>There are no heritage items on the site.</p>

8.4 Sydney Development Control Plan 2012

The following section provides an assessment against the objectives and provisions contained in the Sydney DCP 2012. Whilst the Concept SSDA is not subject to the provisions of the DCP, the DCP sets out detailed guidelines for development of, and within the vicinity of, heritage items that illustrate the standard of design response expected by the community. Only those DCP provisions relevant to the proposed development are included. Text from the DCP is shown in italics.

8.4.1 DCP heritage provisions

Table 8-3 Sydney Development Control Plan 2012 – heritage provisions

DCP control – Heritage 3.9	Heritage impact assessment
Objectives	
(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.	
(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.	
3.9.5 Heritage Items	
Objective	
(a) Ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item	
Provisions	
(3) Alterations and additions to buildings and structures and new development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage item in terms of the:	The tower envelope is set back from the podium edge allowing the podium to be the predominant influence on scale, building and street alignment from a pedestrian level. The tower is relatively slender and aligns with the centre street block appropriately addressing its corner location.
(a) building envelope;	
(b) proportions;	
(c) materials, colours and finishes; and	
(d) building and street alignment.	

DCP control – Heritage 3.9	Heritage impact assessment
<p>(4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:</p> <p>(a) providing an adequate area around the building to allow interpretation of the heritage item;</p> <p>(b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);</p> <p>(c) protecting, where possible and allowing the interpretation of archaeological features; and</p> <p>(d) Retaining and respecting significant views to and from the heritage item.</p>	<p>The podium is aligned to the street edge on O'Connell and Hunter Street and is set back on Bligh Street in line with the adjacent Former NSW Club building providing clear views to Former NSW Club building and additional open space adjacent to Richard Johnson Square. The tower envelope provides an adequate setback from the podium edges to allow the podium line to dominate the pedestrian experience of scale. The podium line steps around the edge of the site in response to the parapet heights of adjacent heritage items and street views.</p> <p>Original/early landscaping in Richard Johnson Square is not impacted by the proposal. Potential archaeological finds and interpretation are addressed in the Stage 2 and Stage 3 CSSI Applications</p>

3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas

Provisions	
<p>(1) Excavation beneath, or adjacent to heritage items and/or buildings in heritage conservation areas will only be permitted if it is supported by both a Geotechnical Engineering report and a Structural Engineering report.</p>	<p>There is no proposed excavation as part of the proposed development. Excavation of the site forms part of the Stage 2 CSSI Application.</p>
<p>(2) Excavation will not be permitted if:</p> <p>(a) it will occur under common walls and footings to common walls, or freestanding boundary walls, or under any other part of adjoining land, and</p> <p>(b) it will occur under or forward of the front facade.</p>	<p>There is no proposed excavation under common walls, footings, freestanding boundary walls, or under adjoining land as a result of the tower envelope.</p>

8.4.2 DCP section 5 specific areas – Central Sydney

The Sydney Development Control Plan 2012 provides objectives and provisions for development within Central Sydney. These provide best practice guidelines for development in central Sydney's heritage context. An assessment of the proposed development against these objectives and provisions demonstrates how it achieves an appropriate response.

Table 8-4 DCP section 5.1 Central Sydney

DCP section 5.1 – central city	Heritage impact assessment
<p>Objectives</p> <p>(c) Encourage flexibility in building design and reinforce the character of Central Sydney and ensure built form is compatible with heritage items and the desired streetscape character.</p>	

DCP section 5.1 – central city	Heritage impact assessment
<p>Provisions</p> <p>(1) The street frontage height of a new building must be between 20m and 45m above the site ground level with the specific height set with regard to:</p> <p>(a) the predominant street frontage height of adjacent buildings and buildings in the vicinity;</p> <p>(b) the location of the site in the street block, for example, corner sites can include special design emphasis, such as increased street frontage height of one or two storeys; and</p> <p>(c) the size of the site, for example small sites, less than 1,000sqm may attain a street frontage height of 45m regardless of the above criteria</p>	<p>The podium varies in height around the building edge in response to the parapet heights of adjacent heritage buildings and historic view lines along O'Connell, Bligh and Hunter Streets. The podium is set back from the site boundary on Bligh Street in line with the Former NSW Club building allowing clear views to the Former NSW Club building and additional open space adjacent to Richard Johnson Square.</p> <p>The tower envelope is setback from the podium edges such that the podium is the predominant influence of the pedestrian experience of scale. It is located centrally in the street block aligning to existing taller development to the rear of Former NSW Club and allowing open views to prominent corner features of heritage items located on the opposite corners of Bligh and O'Connell Streets.</p>

5.1.2.1 Front Setbacks

<p>Provisions</p> <p>(3) New buildings or additions above a heritage item must have a setback of at least 10m from the street frontage as shown in Figure 5.7 Minimum setback above a heritage item. However, a conservation management plan required as part of the development application may require a greater setback.</p> <p>Note: The weighted average setback may be reduced on corner sites and where the secondary or minor street has a minimum width of 6m and the street block has a depth of less than 30m.</p>	<p>The building envelope does not propose an addition above a heritage item. It is located adjacent to three heritage items and does not involve work within the curtilages of these items.</p>
---	---

5.1.6 Building exteriors

<p>Objectives</p> <p>(a) Positively contribute to the streetscape with high quality architecture.</p> <p>(b) Provide richness of detail and architectural interest particularly in prominent parts of buildings.</p> <p>(c) Present appropriate design responses to nearby development to complement the streetscape.</p> <p>(d) Clearly define adjoining streets, street corners and public spaces.</p> <p>(e) Retain pedestrian scale in the articulation and detailing of the lower levels of the building.</p> <p>(f) Contribute to a visually distinct skyline.</p>
--

DCP section 5.1 – central city	Heritage impact assessment
<p>Provisions</p> <p>(1) Adjoining buildings, particularly heritage buildings must be considered in the design of new buildings in terms of:</p> <p>(a) street alignment;</p> <p>(b) street frontage heights;</p> <p>(c) setbacks above street frontage heights; and</p> <p>(d) facade proportions including horizontal or vertical emphasis and enclosed corners at street intersections.</p>	<p>The podium height steps around the building edge to align with parapet heights of adjacent heritage buildings and to reinforce historic view lines to those in the vicinity. The building envelope is aligned to the street edge on O’Connell and Hunter Street and the alignment on Bligh Street is set back in line with the Former NSW Club building providing clear views along Bligh Street and additional open space adjoining Richard Johnson Square.</p> <p>The tower is set back from the podium edge allowing the podium to be the prominent built form that influences the pedestrian experience. The tower form provides rounded corners and a truncation in response to the Martin Place sun-plane, reducing potential overshadowing.</p> <p>The alignment of the tower responds to the building alignment of buildings to its north.</p> <p>The reference design demonstrates that future development of the site can provide a sympathetic contemporary design response to the heritage context.</p>

8.4.3 Special character area provisions – Chifley Square

The site is located adjacent to the Chifley Square Special Character Area. The DCP contains the following Locality Statement and design principles for Chifley Square.

“The original concept of the semi-circular form was first proposed by John Sulman in 1908. The same concept resurfaced in 1937 and was proposed by City Engineer Garnsey, as a means of relieving traffic congestion at the junction of Hunter and Elizabeth Streets. The scheme was implemented in 1947.

The completion of Qantas House, with a curved form, in 1957 made a major contribution to the creation of Chifley Square. The place was officially named “Chifley Square” in 1961 in honour of the late Hon J.B. Chifley, former Prime Minister of Australia, and a year later Elizabeth Street was extended creating a public square with a traffic island in the middle.

The final semi-circular form of the Square was formed with the completion of Chifley Tower in 1993 to the east of the Square, which completed the curved form of Qantas House to the west. The building was designed by an international designer and follows the picturesque romantic skyscraper style of the early 20th century American office towers. The detailed elements of the building, whether at the street or upper levels exhibit a rather lofty and imposing presence, expressing the corporate nature of the building, which is entirely appropriate by virtue of its location in the financial core of the city. Further public domain works were implemented in 1996-1997 to reclaim the Square, improve its quality and create a sophisticated public plaza.

The area is characterised by large-scale high rise tower buildings interspersed with lower scale development. Despite the fact that the majority of the towers at the edges of the Square are seen as individual elements within the cityscape, they follow the street alignment at lower levels, with a curved alignment to the north creating a distinct sense of enclosure for the Square. The curved form of the Square and the recent Aurora Place to the east, visible within this setting, create a unique urban landscape within Central Sydney and provide a visual relief and break in the intensely built up area of the financial centre.

Principles

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Recognise and enhance Chifley Square as one of the important public open spaces in the heart of the financial centre of the city,
- (c) Promote and encourage the use of the space as a destination and meeting place for people.
- (d) Interpret the history of the place and its evolution in the design of both public and private domain and create a distinct sense of place inherent in the character of Chifley Square
- (e) Reinforce the urban character and distinct sense of enclosure of Chifley Square by:
 - i. emphasising and reinforcing the semi-circular geometry of the space
 - ii. requiring new buildings to be integrated with the form of existing buildings; and
 - iii. limiting the height of new buildings.
- (f) Protect and extend sun access to Chifley Square during lunchtime hours from mid-April to the end of August



Figure 8-7 Chifley Square Special Character Area.

Source: Sydney DCP 2012

Comment:

The proposed development is located adjacent to the west boundary of Chifley Square Special Character Area and is therefore not subject to the design principles contained in the DCP. Nonetheless, it does not challenge the distinct character of Chifley Square. The tower is appropriate to contemporary structures in the area, and its siting allows for a podium that can respond to the lower height of development surrounding the square. The tower envelope does not create any additional overshadowing over Chifley Square during lunchtime hours from mid-April to mid-August.

8.5 Potential additional overshadowing

Heritage places are particularly susceptible to increased deterioration of building fabric due to increased moisture caused by extensive overshadowing. Overshadowing is often cumulative due the gradual increase in development density across high-density high-rise areas.

Overshadowing caused by the proposed development was assessed in the Planning Proposal to amend planning controls for both the Hunter Street East and Hunter Street West sites. The assessment concluded that there are no places subject to extensive potential additional overshadowing. The shadow cast by the proposed development moves quickly across the city from the south-west to south-east. The cumulative heritage impact is minimal.

8.6 Impacts on World, National and Commonwealth heritage places

8.6.1 Introduction

Places of National significance in the vicinity of the site include Sydney Opera House, and Governors' Domain and Civic Precinct. Within Governors' Domain and Civic Precinct, Hyde Park Barracks and the first Government House site are also included as individual places on the National Heritage List (NHL). Sydney Opera House and Hyde Park Barracks are also UNESCO World Heritage places. Reserve Bank and Sydney GPO are also listed on the Commonwealth Heritage List (CHL). Development ("action") which is likely to have a significant impact on the World, National or Commonwealth Heritage values on these places is managed through the EPBC Act.

The site is not located within the boundaries of any World, National or Commonwealth listed places but future development on the sites (an "action") has the potential to cause overshadowing and/or impact significant views. The following section contains a summary of potential impacts for each place with a general discussion of potential impact.

8.6.2 Potential impacts by future development on listed places

Sydney Opera House

The proposed site is not located within the Sydney Opera House Buffer Zone as defined under the Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 which:

- establishes a buffer zone around Sydney Opera House so as to give added protection to its world heritage value and
- recognises that views and vistas between the Sydney Opera House and other public places within the zone contribute to its world heritage value.

Comment:

The proposed site is located to the south of Sydney Opera House and its buffer zone. Future development on the site will not cause any potential overshadowing of the item or its buffer zone.

The proposed development will potentially be visible from the Opera House but will form part of the density and height of CBD development and will not have a significant impact on the World or National Heritage values associated with the place.

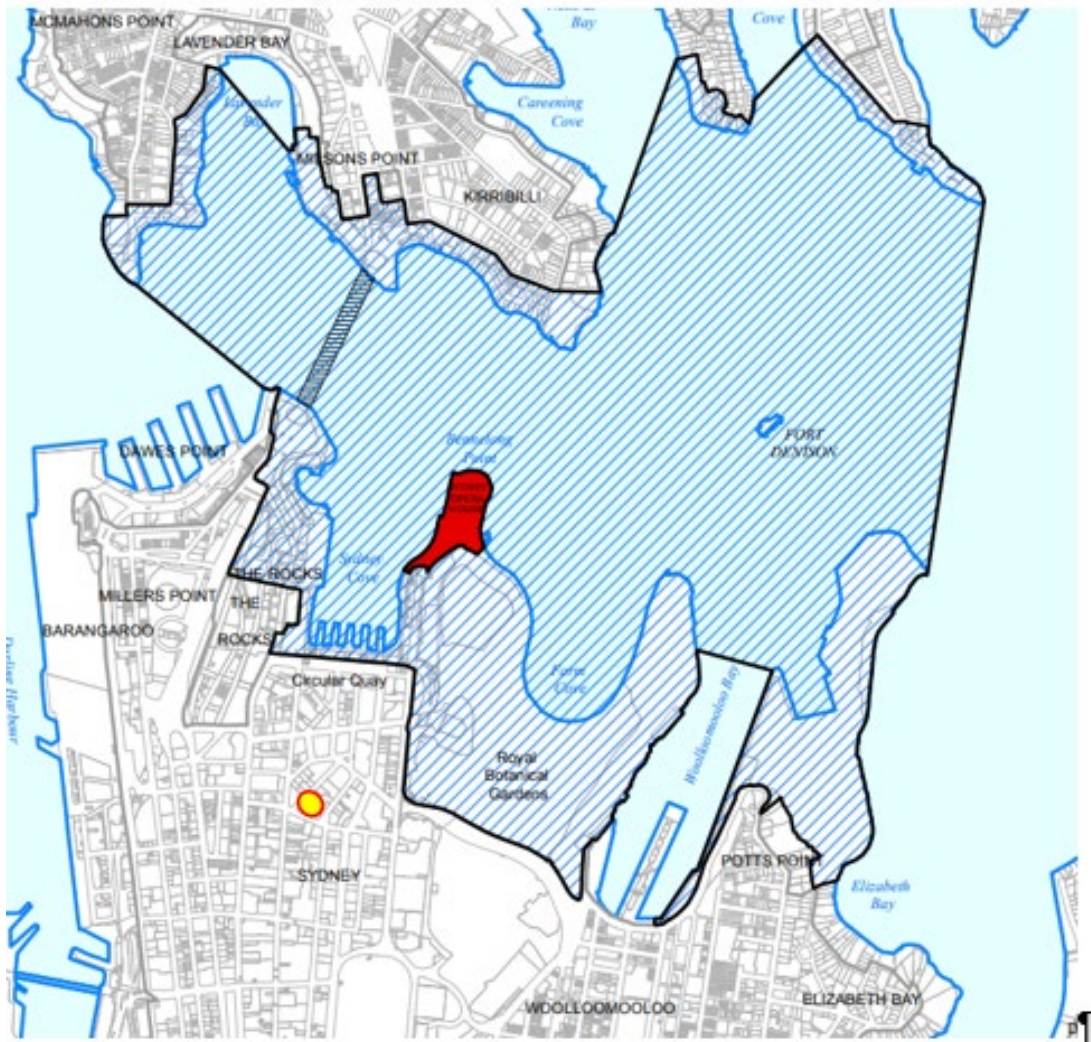


Figure 8-8 Extract from Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021, Sydney Opera House Buffer Zone Map (Amendment 2016) with site location indicated in red/yellow.

Source: Planning NSW

Governors' Domain and Civic Precinct

Governors' Domain and Civic Precinct was included in the National Heritage List on 12 February 2021 for Having National Heritage Value under criteria (a), (b), (c), (f) and (h). It is located to the east of the site.

The Australian Heritage Database, place file no 1/12/036/0682 includes the following Summary Statement of Significance:

"The Governors' Domain and Civic Precinct is located in the City of Sydney, near the place of arrival of the First Fleet in Warrane, the Indigenous name recorded in historic journals for Sydney Cove.

The Precinct is of outstanding heritage value to the nation for its capacity to connect people to the early history of Australia including interactions between Indigenous people and British colonisers. Its ability to demonstrate the historic processes which shaped Australia's civic institutions, democratic progress and the physical character of our cities, which were set in train from the early colonial period in the Sydney colony, is outstanding. In particular, the Precinct's ensemble of buildings, parks and gardens tell us about important events in the establishment of early Parliamentary forms of government, the establishment of the Supreme Court and aspects of the history of suffrage.

The archaeological material found near or associated with many of its historic places is rare and has an exceptional research value capable of informing Australians about aspects of British colonisation and the first interactions British colonists had with Indigenous people living in and around the place we now call Sydney.

The Precinct is also outstanding for its collection of buildings and open spaces, which as an ensemble, demonstrates the transition of the early, isolated penal settlement into a more substantial permanent town. Early British Governors and in particular Governor Macquarie, worked to create improvements in civic amenity and fostered the establishment of civic institutions like Australia's first hospital, public parks, a mint and places of worship. Later civic, legal and government institutions continued to be developed which helped to foster greater independence from Britain.

The Precinct and its buildings are also of outstanding heritage value to the nation for their association with a number of important Australians including Governor Macquarie, Elizabeth Macquarie, Governor Phillip, Governor Bligh, Bennelong and Francis Greenway. Their significant contributions in the course of Australia's history are well demonstrated within the precinct."

Governors' Domain and Civic Precinct is not a blanket listing, instead its National Heritage Significance is expressed only in the places identified in the National Heritage values. Most of the places included within the National listing are already included on the NSW State Heritage Register.

The following places are included in the listing:

Buildings:

- Hyde Park Barracks
- St James Church
- St Mary's Cathedral
- NSW Parliament House
- The Mint Sydney Hospital (including Nightingale Wing)
- The State Library of NSW
- The Australian Museum
- NSW Government House
- First Government House (site of)
- The Conservatorium of Music (former Macquarie Stables)
- Sydney Grammar School
- Registrar General's Office (Land Titles Office)
- Department of Lands Building
- Department of Education Building
- Chief Secretary's Building (including 50 Phillip Street)
- Royal Australian Historical Society (terrace house)
- Treasury Building (now Intercontinental Hotel)
- Royal Australasian College of Physicians Building (terrace house)
- Supreme Court of NSW complex

Areas:

- Royal Botanic Garden
- The Domain outer and inner
- Hyde Park
- Macquarie Place (including obelisk)

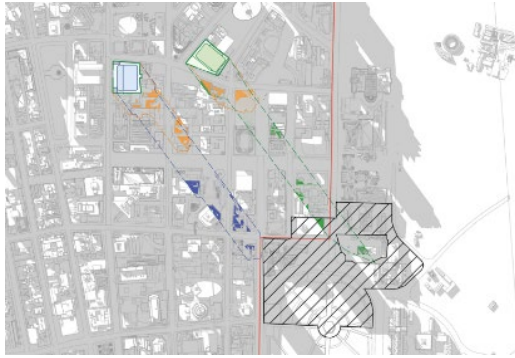
The boundary map is included in Figure 8-9.



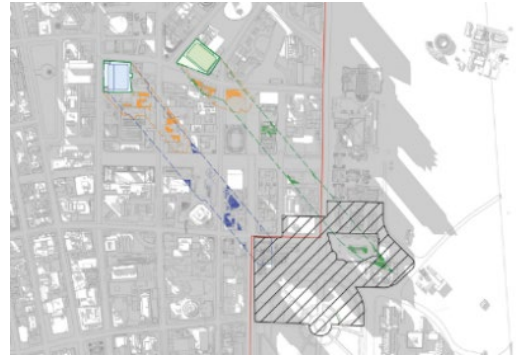
Figure 8-9 National Heritage List boundary map of Governors' Domain and Civic Precinct with subject site outlined in blue.

Source: Department of Agriculture, Water and the Environment.

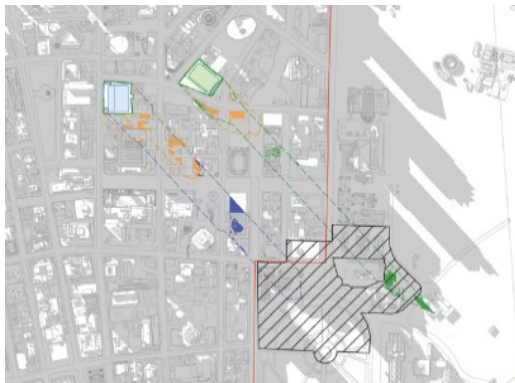
Further detailed shadow diagrams were developed for the purposes of this Heritage Impact Assessment. The shadow diagrams, in 15-minute intervals, indicate future development on the site has the potential to create additional overshadowing between 2.15 and 4.00pm within the National Heritage listed boundary as indicated in Figure 8-10 and documented in Table 8-5.



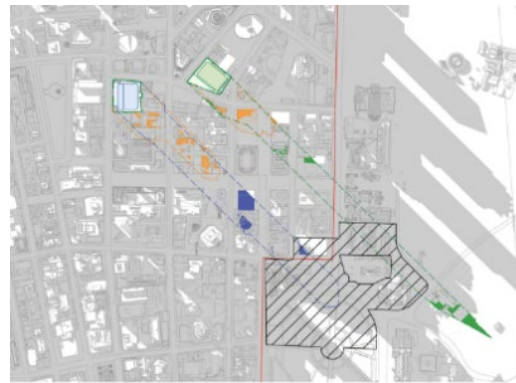
2.15pm



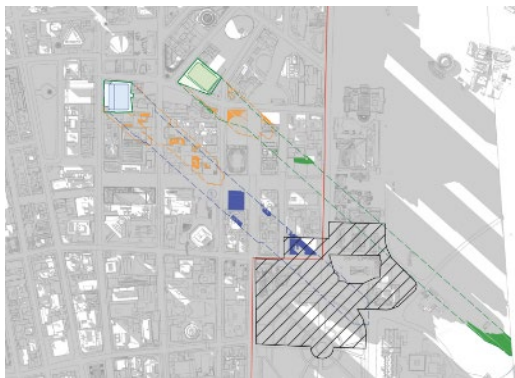
2.30pm



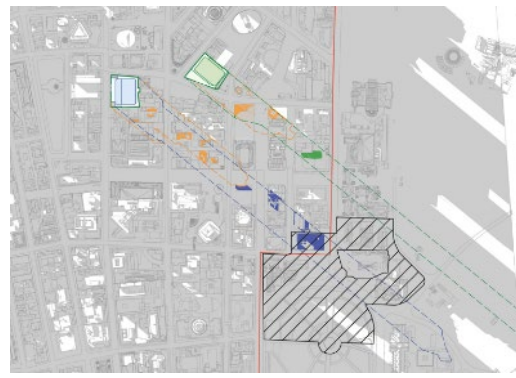
2.45pm



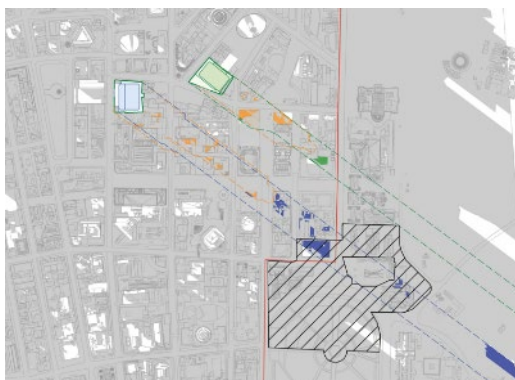
3.00pm



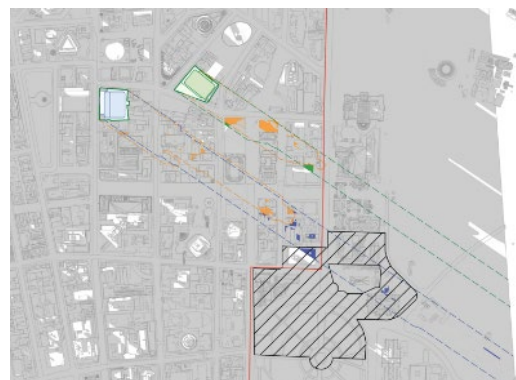
3.15pm



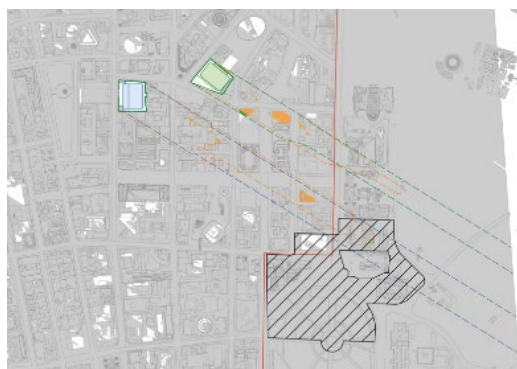
3.30pm



3.45pm



4.00pm



4.15pm

Figure 8-10 Diagrams showing potential additional overshadowing within the National heritage listed boundary of Governors' Domain and Civic Precinct. The subject site and additional overshadowing caused by the proposed development is shown in green.

Source: FJMT Studio with overlay of NHL boundary by EDA Heritage.

Table 8-5 Analysis of potential additional overshadowing across Governors' Domain and Civic Precinct

Time	Place	Extent of shadow
2.15	Hyde Park Barracks	Shadow of the proposed development falls on western roof
2.30	Hyde Park Barracks	Shadow of the proposed development falls on eastern roof and western roof
2.30	Registrar General's Office (Land Titles)	Shadow of the proposed development falls on roof area to north
2.45	Registrar General's Office (Land Titles)	Shadow of the proposed development falls on roof of more recent building to the east of Hyde Park Barracks
2.45	The Domain	Shadow of the proposed development falls over roof of buildings near the corner of Prince Albert and St Marys Road (Phillip Precinct)
3.00	The Domain	Shadow from the proposed development falls over the roof of works depot buildings near the corner of Prince Albert and St Marys Road (Phillip Precinct) and trees and lawn areas in Phillip Precinct
3.15	The Domain	Shadow from the proposed development falls over the Domain Fields to the southeast of the Carpark entry.
3.30	N/A	No additional overshadowing
4.15	N/A	No Additional overshadowing

Comment:

The Governors' Domain and Civic Precinct National Heritage Place Environment Protection and Biodiversity Conservation Act (1999): Referral Guidelines 2021 (Commonwealth of Australia, 2021) provide general principles to be applied when considering whether a proposed action will have a significant impact on the National Heritage Values of Governor's Domain and Civic Precinct. As there is no proposed works within the boundary of Governors' Domain and Civic precinct, the action of potential minor overshadowing caused by future development is not likely to have a significant impact on the National Heritage Values.

The proposed development will potentially be visible from the Governors' Domain and Civic Precinct, but it will form part of the density and height of CBD development and

will not have a significant impact on the National Heritage values associated with the place.

Hyde Park Barracks

Hyde Park Barracks is included on the National Heritage List and is also part of a serial listing of Convict Sites on the UNESCO World Heritage List. It is located to the southeast of the site. The Hyde Park Barracks Conservation Management Plan (2018) expresses a buffer zone around the World and National listed curtilage in which development in, and views to and from, the buffer zone are protected.

As demonstrated in Figure 8-10 and Table 8-5 above, future development within the envelope has the potential to cause minor overshadowing over the roof of Hyde Park Barracks and within the buffer zone for approximately 30 minutes between 2.00pm and 4.00pm on 21 June. The Hyde Park Barracks Conservation Management Plan (2018) does not address potential overshadowing.

Comment:

The proposed development is not located within the National or World Heritage Listed area and does not impact views to and from the World and Nationally listed curtilage. The proposed development has the potential to create minor additional overshadowing over the roof of Hyde Park Barracks (See Figure 8-10 and Table 8-5). The partial overshadowing is limited to approximately 30 minutes between 2.00pm and 3.00pm on 21 June and is not likely to cause a significant impact. There is also potential minor overshadowing within the buffer zone during this period and for a short period around 4.00pm. This overshadowing is not likely to cause a significant impact.

First Government House Site

The First Government House Site is included within the National listing as an individual place and has a component of Governors' Domain and Civic Precinct. It is located to the north of the site and will not be subject to potential additional overshadowing as a result of the proposed development.

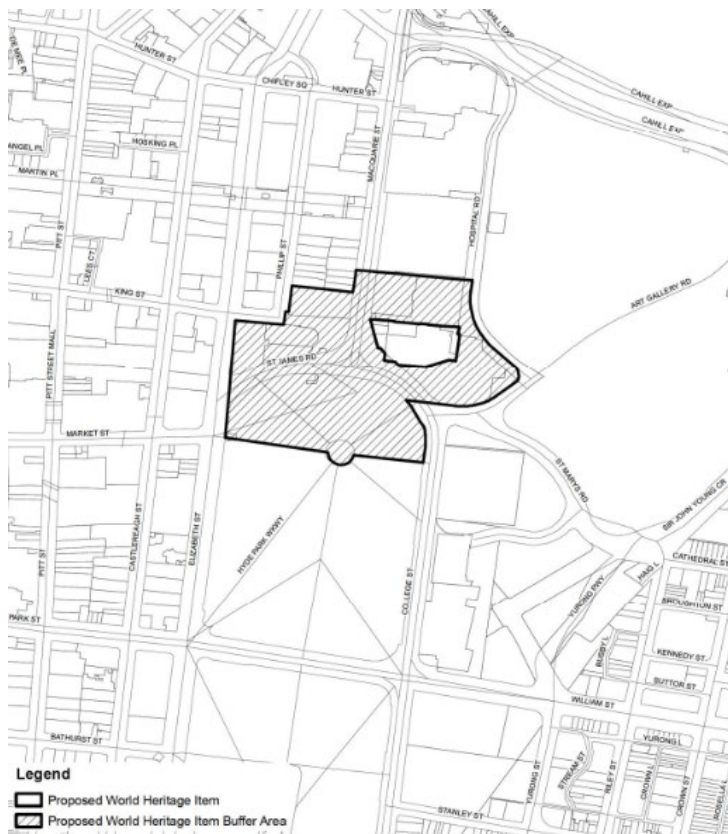


Figure 8-11 Plan showing Hyde Park Barracks World Heritage Listed curtilage (white) within the buffer zone (hatched).

Reserve Bank of Australia

The Reserve Bank of Australia (RBA), 65 Martin Place is included in the Commonwealth Heritage List. It is located to the southeast of the site and the proposed development has the potential to create minor additional overshadowing at 2.00pm and 4.00pm on 21 June. Future development of the site has the potential to be visible from the upper levels of the RBA tower.

The Reserve Bank of Australia, Sydney Heritage Management Plan (Draft) (NBRSArchitecture, 2019) does not provide any policies in regard to overshadowing. It recognises significant views of the RBA as follows:

Views and vistas of exceptional significance are stated as follows:

“The building is an important part of the presentation of Martin Place and Macquarie Street and in views along both streets The RBA Head Office building defines the south edge of the eastern section of Martin Place. The significance relates to:

- The building’s presentation to Martin Place and views looking eastwards from Castlereagh Street, near the northwest corner of Martin Place.
- The quality of the facade designs and use of high- quality materials. – The setback of the tower above the podium.”

Views and vistas of high significance are stated as follows:

“It contributes to the varied character of the western side of Macquarie Street. The significance relates to:

- The quality of the facade designs and use of high- quality materials.
- The setback of the tower above the podium.”

There are no views and vistas of significance.

The following conservation policies relate to views and vistas:

“The Reserve Bank of Australia head office building occupies a prominent site at the corner of Martin Place and Macquarie Street, Sydney, and in close proximity to several buildings identified as having heritage significance at the State and Local levels. It is an important element in the important historic streetscapes of Martin Place and Macquarie Street (Criterion E). It forms a gateway feature at the eastern end of one of the cities principal pedestrian thoroughfares. Changes to the RBA building should take into consideration the impact of the works on significant views from surrounding streets and areas including Queen Square, Phillip Street or the Domain. The RBA Head office building is visible in some views from Hyde Park Barracks, which is included on the National Heritage List (Place ID 105935) and is part of the World Heritage Listing of ‘Australian Convict Sites’. Under the EPBC Act, the Reserve Bank is obliged to protect Commonwealth Heritage values and National Heritage values demonstrated by other places located nearby.

Policy 52 *Additions to the Reserve Bank of Australia Head Office building should be located to minimise adverse visual impacts on views to the building from Martin Place and Macquarie Street.*

Policy 53 *Views from the pedestrian level of Martin Place and Macquarie Street to the ground floor foyer of the RBA Head Office building are to be retained in keeping with the concept of openness and transparency underpinning the design of the building.”*

Comment:

The site is located to the northwest of the RBA building and is not located within the views and vistas assessed as being of exceptional and high significance. The minor overshadowing intersects with less than 10% of the site area at 2.00pm and 4.00pm.

The proposed development is not likely to create a significant impact on the Commonwealth Heritage values associated with the site.

General Post Office, 1 Martin Place

The General Post Office, 1 Martin Place is included in the Commonwealth Heritage List. It is located to the south of the site. The proposed development will be within the visual catchment of the building but will not be within any assessed significant views.

Comment:

The site is located to the north of General Post Office and is not located in any assessed significant views to or from the heritage item.

The proposed development will potentially be visible from the General Post Office, but it will form part of the density and height of CBD development and will not have a significant impact on the Commonwealth Heritage values associated with the place.

8.6.3 EPBC Act assessment

The EPBC Act requires an action to demonstrate no significant impact on the cultural heritage values associated with a listed site. The proposed development (the “action”) is assessed against the significant impact criteria (*italics*) in the table below.

Table 8-6 Assessment of significant impact on World, National and Commonwealth listed places

Significant impact criteria	Assessment
<i>The proposed action must not:</i>	
<ul style="list-style-type: none"> permanently remove, destroy, damage or substantially alter the fabric of the place 	The proposed action will not result in the destruction, damage or alteration of the fabric of the places.
<ul style="list-style-type: none"> extend, renovate, refurbish or substantially alter a place in a manner which is inconsistent with relevant values 	The proposed action does not propose to extend, renovate, refurbish or substantially alter the places in a manner inconsistent with identified values.
<ul style="list-style-type: none"> permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a place 	The proposed action will not result in any significant impact on the archaeological remains or artefacts within the sites.
<ul style="list-style-type: none"> involve activities in a place which will have substantial and/or long-term impacts on its values 	The proposed action will not result in a significant substantial and/or long-term impact.
<ul style="list-style-type: none"> involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a place which are inconsistent with relevant values, and 	The proposed action is not located within, adjacent or in important sightlines to the sites or buffer zone and will not result in a significant impact to the places which are inconsistent with relevant values.
<ul style="list-style-type: none"> make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a place which are inconsistent with relevant values. 	The proposed action does not propose any change to landscape or setting of the places which is inconsistent with relevant values and will not result in a significant impact.
<ul style="list-style-type: none"> or, 	
<ul style="list-style-type: none"> restrict or inhibit the existing use of a place as a cultural or ceremonial site causing its values to notably diminish over time; 	The proposed action will not restrict or inhibit the existing use of the places as cultural or ceremonial sites and will not result in a significant impact.
<ul style="list-style-type: none"> permanently diminish the cultural value of a place for a community or group to which its values relate 	The proposed action will not permanently diminish the cultural values associated with the sites. It will not have a significant impact.
<ul style="list-style-type: none"> alter the setting of a World or National Heritage property in a manner which is inconsistent with relevant values 	The proposed action will not alter the setting of the places. It will not have a significant impact.
<ul style="list-style-type: none"> remove, damage, or substantially disturb cultural artefacts, or ceremonial objects, in a World or National Heritage property, and 	The proposed action will not remove, damage or substantially disturb cultural artefacts or ceremonial objects. It will not have a significant impact.
<ul style="list-style-type: none"> permanently damage or obscure rock art or other cultural or ceremonial features with World or National Heritage values. 	The proposed action will not permanently damage or obscure cultural or ceremonial features. It will not have a significant impact.

Comment:

The proposed development will not have a significant impact on the World, National and Commonwealth heritage values associated with the identified sites. The degree of overshadowing caused by the building envelope is generally minor and ephemeral and is not likely to cause a significant impact.

8.7 Heritage NSW impact assessment criteria

The following assessment of the proposal follows the guidelines for Statements of Heritage Impact prepared by the NSW Heritage Office and included in the NSW Heritage Manual. The guidelines provide for a broad assessment of impacts which may result from development of and within the vicinity of heritage items. Whilst the proposed development concept design does not explore many of these impacts in detail, a consideration of potential impacts allows for the development of guidelines for the detailed design of future development.

Text provided in italics is taken directly from the Heritage Office Guidelines. Only criteria relevant to the proposed development are included.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The proposed development is located upon an articulated podium which responds to parapet and cornice heights of adjacent heritage items and reinforces historic view lines.
- The proposed development is set back from the site boundary at the corner of Hunter and Bligh Streets extending the public domain of Richard Johnson Square and improving views along Bligh Street to Former NSW Club Building.
- The podium envelope aligns to the street edge on O'Connell and Hunter Street reinforcing the historical pattern of development and reinforcing historic view lines.
- The tower envelope is set back from the street edge of Hunter and O'Connell Streets and from adjacent heritage items to the northern boundary allowing the podium form to predominate and aligning with taller existing development at the centre of the street block.
- The services core on the northern boundary is aligned with the setback of adjacent contemporary development at the rear of Former NSW Club Building continuing the pattern of contemporary mid-block development behind heritage places.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

- The proposed development concept design will result in minor additional overshadowing across the CBD from the southwest to southeast of the site. Due to existing high-rise development in the city centre the additional overshadowing is mostly over the top of taller recent development rather than heritage items and open spaces. The relatively slender tower envelope and curved corners also serves to reduce the width of the shadow and it passes quickly across CBD during the day reducing the cumulative impact of additional overshadowing.
- The design guidelines encourage a tapered tower form reducing potential overshadowing from the future development.

Table 8-7 Heritage NSW impact assessment criteria

(Note: Only relevant considerations from the HNSW SOHI guidelines are addressed below)

Proposed change to heritage item	Discussion
<p><i>New development adjacent to a heritage item</i></p> <ul style="list-style-type: none"> <i>How is the impact of the new development on the heritage significance of the item or area to be minimised?</i> <i>Why is the new development required to be adjacent to a heritage item?</i> <i>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</i> <i>How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?</i> <i>Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?</i> <i>Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?</i> <i>Will the additions visually dominate the heritage item? How has this been minimised?</i> <i>Will the public, and users of the item, still be able to view and appreciate its significance?</i> 	<p>The podium is aligned to the street edge on Hunter and O'Connell Streets and its height is stepped around the building edge in response to the parapet heights of adjacent buildings. The tower envelope is set back from the podium edge allowing the podium form to define the pedestrian experience.</p> <p>The set back on Bligh Street opens up views along the street and providing the potential for greater appreciation of Former NSW Club Building within the streetscape and views through to heritage items opposite the site.</p> <p>The northern services core is located with the same setback as adjacent mid-block development at the rear of Former NSW Club Building, providing a continuity of contemporary building form integrated within a heritage context.</p> <p>The proposed development does not increase overshadowing of adjacent heritage items on 21 June as experienced by current development.</p>

9 Conclusion

The context of heritage places in the northern CBD has been subject to substantial and ongoing change however the proposed development responds to its immediate context and heritage buildings in the vicinity with a consistent application of high-density design, as expressed in other parts of the environment. The proposed development includes a tower which reaches a maximum RL of 269.10m and a podium which varies in height around the site in response to parapet heights of adjacent heritage buildings. The podium is appropriately aligned to the street edge on Hunter and O'Connell Streets continuing the historical pattern of development and is set back on Bligh Street in line with the adjacent Former NSW Club building allowing clear views along the street and additional open space adjacent to Richard Johnson Square.

The tower envelope is set back from its podium edges, allowing the podium to form the predominant response to adjacent smaller scale heritage items and provide a consistent street edge. Appropriate setbacks to the tower are provided on Hunter Street, O'Connell Street and Bligh Street maintaining view lines along the streets. The tower envelope is also set back from the northern boundary, allowing adequate space for the retention and interpretation of adjacent heritage items.

The tower envelope responds to sun-plane controls with a slender profile, matching adjacent examples. The radiused corners of the tower envelope provide adequate controls for the perception of bulk, form and shadow impacts.

The building envelope allows for future development which will have the potential to cause additional overshadowing of heritage items located from the southwest to the southeast of the site, however, the impact is minor due to the shadow already cast by existing buildings and the speed of the shadow as it moves across the city. The potential shadows over World, National and Commonwealth listed heritage places are not likely to cause a significant impact.

The building envelope adequately responds to the design principles of Design in Context. It is located on a podium which sympathetically anchors the site's development within the heritage context, allowing the tower envelope to form part of the contemporary city above, without adversely impacting on the heritage streetscape.

The proposed development is likely to be visible from heritage items within the CBD. The future Detailed SSDA will include the advice of experienced heritage consultants. The building envelope is not located within any significant views to or from World, National or Commonwealth heritage listed places and is not likely to cause a significant impact on the heritage values relevant to those places.

Overall, the proposed development has little to no heritage impact on heritage items in the vicinity. The design is responsive to potential impacts caused by its scale and function and incorporates features to balance those impacts by improvement to the streetscape permeability and sightlines.

The proposed development does not propose additional excavation. Ground disturbance and archaeology are addressed as part of the Stage 2 CSSI Application.

Interpretation of the site will be in accordance with the Sydney Metro West Heritage Interpretation Strategy completed as part of the Stage 3 CSSI.

The following recommendation is made:

- Consider provision for the interpretation of archaeological findings from the surface demolition and excavation proposed in Stage 2 CSSI Application as Public Art in the proposed development, where not incorporated into the station.

