



**HERITAGE IMPACTS OF THE
PROPOSED DEVELOPMENT AT
50-52 PHILLIP STREET, SYDNEY**

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**For the
Astor Board**

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EXECUTIVE SUMMARY

BACKGROUND

The construction and development company Built is proposing to construct a multi-story building at 50-52 Phillip Street, Sydney. The proposal involves, is within or in the vicinity of a number of heritage places. An adjacent heritage place is the Astor, a 1920s apartment building included on the City of Sydney Local Environment Plan.

The Astor Board has commissioned this report to assist it understand the heritage impacts of the proposed development, in particular the impacts on the Astor itself. This report provides:

- a heritage impact assessment of the proposed development, focused on the Astor but also considering the impacts on other heritage places in the vicinity, especially the new National Heritage listing for the Governor's Domain and Civic Precinct;
- a review of the heritage impact statement prepared for the development by GBA Heritage;
- a review of the visual impact assessment prepared for the development by Ethos Urban; and
- preparation of a summary of the findings of these tasks.

A summary of the findings is presented below.

HERITAGE IMPACT ASSESSMENT

Having considered the proposed development at 50-52 Phillip Street, it is concluded that the works will:

- have **high impacts** on a range of heritage values related to the Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street (State Heritage Register), Chief Secretary's Building, 50 Phillip Street (City of Sydney Local Environment Plan), and the Governors' Domain and Civic Precinct (National Heritage List); and
- have **medium impacts** on the Flat Building "The Astor" Including Interiors and Phillip Lane (both on the City of Sydney Local Environment Plan).

Key impacts relate to:

- the proposed building will be a massive intrusion into the historic site containing 50 Phillip Street;
- it will dramatically change the historical and contemporary appreciation of 50 Phillip Street – the proposed building will extend over more than half the length of the historic Phillip Street elevation;
- the proposed building will intrude into the appreciation of the broader complex which includes 121 Macquarie Street;
- while much of the massing of the proposed building is either located on 52 Phillip Street or above 50 Phillip Street, the proposal also involves a massive structural column inserted into a light well at the rear of 50 Phillip Street;
- the proposed building will dramatically erode the contribution of 50 Phillip Street as part of the dominant element in the Victorian streetscape;
- it erodes the appreciation of 50 Phillip Street as a free-standing building, and its role as a backdrop to the First Government House site;

- the proposed infill structures at the back of 50 Phillip Street will erode the integrity of the heritage building stock;
- the proposed building will impact the character and appreciation of the urban context which reflect the prestige address and design of the Astor. This impact arises in a number of ways, as the proposed building will: dominate the skyline and immediate urban setting of the Astor; erode the appreciation of the Astor as an early high-rise design; diminish views from the western apartments and the roof terrace; diminish the privacy and utility of western apartments; and change and intensify the use of Phillip Lane;
- the proposed building will dominate the skyline and immediate urban setting of the Astor, eroding the appreciation of the Astor as an early high-rise design and its landmark qualities; and
- the proposed building and its massive intrusion into the historic site containing 50 Phillip Street impacts an important part of the National Heritage listed colonial townscape. It will dramatically change the historical and contemporary appreciation of 50 Phillip Street, and will also intrude into the appreciation of the broader complex which includes 121 Macquarie Street.

With regard to National Heritage, based on the apparent threshold being applied by the Commonwealth Department of Agriculture, Water and the Environment, these impacts are considered to be a significant impact within the meaning of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Therefore an EPBC Act referral under Part 7 of the Act is warranted.

REVIEW OF GBA HERITAGE STATEMENT OF HERITAGE IMPACT

Many of the findings of the heritage impact statement are expert judgements, and there is no basis to test these other than through a fresh assessment, such as that provided in this report.

One issue with the method of arriving at its conclusions is that the heritage impact statement does not provide a fine-grained analysis of impacts against the actual heritage values of 50 Phillip Street or other heritage places. The assessment is presented against the overall heritage values of each place. A fine-grained analysis should be provided.

However, there is one issue that deserves close scrutiny. The heritage impact statement appears to rely on a specific local standard for the assessment of impacts in the Sydney central business district. That is, a new tower building above a heritage building is acceptable because there are already many such examples in the city. This approach is flawed for several reasons. It ignores the actual heritage impacts by assuming that a tower building will have no impacts on a smaller heritage building below it. Across the world, the impacts of tall buildings on adjacent heritage places is a major and continuing issue. It is unjustified to claim that Sydney is a special case where such concerns are not relevant.

The concept of an appropriate setting for a heritage place, consistent with the Australia ICOMOS *Burra Charter*, would also be completely lost. But the setting is not the same as development which encroaches onto the heritage place itself, as in the case of this development. Such encroachment is a greater challenge to fundamental principles regarding heritage conservation.

REVIEW OF ETHOS URBAN *VISUAL IMPACT ASSESSMENT*

As with the heritage impact assessment, the findings are expert judgements, and there is no basis to test these other than through a fresh assessment.

None the less, viewing images such as Figures 28-30 and 32, it is possible to reach a different conclusion on the basis of heritage expertise. It is also interesting to consider whether the use of a light transparent blue to portray the proposed building unreasonably softens the impression of impacts.



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1. INTRODUCTION

The construction and development company Built is proposing to construct a multi-story building at 50-52 Phillip Street, Sydney. The proposal involves, is within or in the vicinity of a number of heritage places. An adjacent heritage place is the Astor, a 1920s apartment building included on the City of Sydney Local Environment Plan.

The Astor Board has commissioned this report to assist it understand the heritage impacts of the proposed development, in particular the impacts on the Astor itself. This report provides:

- a heritage impact assessment of the proposed development, focused on the Astor but also considering the impacts on other heritage places in the vicinity, especially the new National Heritage listing for the Governor's Domain and Civic Precinct;
- a review of the heritage impact statement prepared for the development by GBA Heritage;
- a review of the visual impact assessment prepared for the development by Ethos Urban; and
- preparation of a summary of the findings of these tasks.

This report has been prepared by heritage consultant Duncan Marshall AM B.Arch(Hons) BA MICOMOS.

The consultant is grateful to Elizabeth Gavey, Chair of the Astor Board, for assistance with the preparation of this report.

2. HERITAGE IMPACT STATEMENT

INTRODUCTION

The construction and development company Built is proposing to construct a multi-story building at 50-52 Phillip Street, Sydney. The proposal involves, is within or in the vicinity of a number of heritage places. An adjacent heritage place is the Astor, a 1920s apartment building included on the City of Sydney Local Environment Plan.

The heritage places in the immediate vicinity of the proposal include:

- Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street (Heritage NSW, State Heritage Inventory, listing on the State Heritage Register, reference no. 00766);
- Chief Secretary's Building, 50 Phillip Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no. I1872);
- Phillip Lane (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no. I1905);
- First Government House Site, 41 Bridge Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no I1685);
- Phillip Street Terraces, 39-47 Phillip Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference nos. I1907, I1908, I1909 and I1910);
- Flat Building "The Astor" Including Interiors, 123-125 Macquarie Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no. I1873);
- History House, 133 Macquarie Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no. I1874);
- BMA House, 135-137 Macquarie Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no. I1875)
- Former Treasury Building, 115-119 Macquarie Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan, reference no. I1871); and
- Governors' Domain and Civic Precinct (National Heritage List, Place ID 106103).

Some of the places on the City of Sydney Local Environment Plan are also on the State Heritage Register.

This assessment has been prepared to assist the Astor Board understand any potential heritage impacts arising from the proposed building, especially on the Astor itself.

Given the short period to prepare this assessment, not all heritage places and values have been considered. Rather, a targeted approach has been taken to address certain key places and values.

This assessment is based on:

- the Stage 1 design report for the proposal (fjmt studio 2020);
- the identified heritage values of key heritage places directly impacted by the development or in the vicinity, including values found in the State Heritage Register, Local Environment Plan, National Heritage List and conservation management plans

- (Heritage NSW, DAWE 2021, NBRSPartners 2015 and Public Works 2016); and a site inspection of the general vicinity of the proposal as well as specific consideration of the Astor.

Built has commissioned its own heritage impact statement for this proposal, by GBA Heritage (2021). However, the heritage impact statement in this chapter has been prepared as a new assessment without reference to the GBA Heritage report, in order to provide a fresh assessment of impacts. The GBA Heritage report was subsequently reviewed, and the findings of the review are presented separately in Chapter 3 below.

SUMMARY OF PROPOSAL

The proposal is described in the Stage 1 design report. Key extracts are as follows (emphasis added).

The proposal is to **locate the hotel facilities and suites in 50 Phillip Street**, the Former Department of Public Building and **a new mixed use hotel tower on 52 Phillip Street which will partially sit above 50 Phillip Street with appropriate setbacks**. (fjmt studio 2020, p. 2)

The **Phillip Lane under the bridge connection** between 50 Phillip Street, the Former Department of Public Building and 121 Macquarie Street, the Chief Secretary's Building **provides main access to the proposed hotel entry**.

The new slender tower will provide a clear separation from the existing heritage building so that the facades, roofscape and building form remain clearly legible. (fjmt studio 2020, p. 2)

[The project will involve the] **adaptive reuse of 50 Phillip Street...**

The **form of the new addition has been carefully considered to reinforce the scale and character of the streetscape** in this sensitive context whilst **the tower is designed to be clearly visually separated from the heritage buildings** and form a visual grouping with the existing Aurora Place tower, Governor Philip Tower and Governor Macquarie tower...

the new hotel will restore the original spatial character and organisation of the building interiors into a high quality and appropriate use series of spaces including the hotel foyer, public restaurants, bars and function spaces. **The original building organisation and circulation will be clarified and reinforced, the surviving interior joinery restored and new work will interpret the features and detailing of original finishes...**

The **portion of Phillip Lane under the existing bridge structures will become the entrance portico**, naturally lit from above through the space between the bridges, this will be the centre of activity for the hotel. From this entrance a **pedestrian friendly treatment of Phillip Lane from Phillip Street through to Macquarie Street** will encourage visitors and the public along these lanes, providing increased exposure to existing and new retail spaces within this laneway network. (fjmt studio 2020, p. 4)

Smaller modifications and additions along Phillip Lane to the rear of 52 [sic] Phillip Street will remove the existing intrusive fabric and replace it with lightweight transparent modern materials which contrast with the rendered masonry character of the Phillip Lane facades. (fjmt studio 2020, p. 5)

Accordingly, in summary the proposed works involve:

- the adaptive re-use of 50 Phillip Street with the inclusion of hotel facilities and suites, including restoration work;
- modifications and additions to the rear of 50 Phillip Street;
- a new tower building 181.68 metres tall (48 storeys plus roof plant space) on 52 Phillip Street and partly over 50 Phillip Street, including a massive structural column

- inserted into an existing lightwell of 50 Phillip Street;
- the portion of Phillip Lane under the bridge connection to be adapted as the main hotel entry; and
- changes to Phillip Lane from Phillip Street to Macquarie Street to improve pedestrian amenity.

CONSIDERATION OF ALTERNATIVES AND MITIGATION MEASURES

It is not known what was considered regarding the full extent of alternatives and mitigation measures for the project. However, it is apparent from the Stage 1 design report that the design process did include consideration of a number of options, in particular regarding the massing options for the new tower.

HERITAGE VALUES

As noted above, there are many heritage places either directly involved or in the vicinity of the project. It seems most appropriate to consider those heritage places directly involved as well as one place in close proximity. These heritage places are:

- Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street (directly involved);
- Chief Secretary's Building, 50 Phillip Street (directly involved);
- Phillip Lane (directly involved);
- Flat Building "The Astor" Including Interiors (adjacent to the development); and
- Governors' Domain and Civic Precinct (directly involved).

Based on authoritative sources (ie. statutory heritage listings or conservation management plans), summary key heritage values for each of these places, relevant to the development proposal, are noted below. Given time constraints in preparing this report, the heritage values relevant to the interior of 50 Phillip Street have not been considered, and accordingly an assessment of impacts related to the interiors is not attempted.

Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street:

- The locations, size and lavish treatment graphically demonstrate the importance of the departments that were housed there, the social hierarchy of its occupants as well as the practical workings of the fully developed late nineteenth century bureaucracy.
- The building is one of the most significant late nineteenth century architectural works in Sydney. It embodies two of the most significant projects of Barnett and Vernon and was ranked, by contemporary accounts, with pre-eminent public works of the time such as the GPO. It remains a dominant element in the Victorian streetscapes of this part of Sydney.

Chief Secretary's Building, 50 Phillip Street:

- The building known as 50 Phillip Street is of State historical significance because of its use from 1893/4 until 1967 as purpose built offices for the Department of Public Works and the Government Architect's Office, augmenting the public administration provided in the adjacent Chief Secretary's Building (completed 1880). Both buildings reflect the status and hierarchical organisation of the public service in the later 19th century.
- The close proximity of 50 Phillip Street to the CSB, Government House, NSW Parliament and other departments illustrates the significance of the building within the political and administrative history of NSW.

- The construction of 50 Phillip Street, within ten years of completion of the Colonial Secretary's Building was a visible demonstration of the importance and growing work load of the Department of Public Works in the later 19th century and of the expansion and the prominence of the public service. The Department of Public Works, which occupied 50 Phillip Street from its construction in 1893/4 until 1967, had a remarkable influence on every level of NSW society during this period.
- The exterior detailing of 50 Phillip Street was designed and constructed to a high standard. Its conception as a free standing building linked to the Chief Secretary's building is rare amongst the grander public buildings of Victorian Sydney.
- 50 Phillip Street contributes substantially to the Victorian era character and townscape values of Phillip Street, Bridge Street and Macquarie Place. It also provides an important backdrop to First Government House Place.
- Phillip Lane is likely to be a valued intimate historic townscape and 50 Phillip Street makes a significant contribution to the character of the laneway.

Phillip Lane:

- High level of integrity of the building stock and high archaeological potential.

Flat Building "The Astor" Including Interiors:

- It was the first apartment building developed and owned under a company title in Australia and this company title, prestige address, design and facilities assisted in making flat-living acceptable and even desirable to Sydney's middle class.
- It is an early example of the use of reinforced concrete and large areas of glass framed in steel in a high rise building which was made more possible and widespread in the post-War period.
- It is a landmark when viewed from along Macquarie Street, from the east in the Domain and from the north-east rising above and behind the Chief Secretary's Building despite this value being lessened over time due to tall development nearby.

Governors' Domain and Civic Precinct:

- 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.
- 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.

Full extracts of heritage values relevant to these places are provided in Appendix A.

ASSESSMENT OF IMPACT

The central task of this assessment is to address the question: do the proposed works have, will they have or are they likely to have a significant or an adverse impact on heritage values? This question can be addressed by considering the impact on the identified heritage values.

Values/Attributes	Impact/Comment
Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street	
<p>The locations, size and lavish treatment graphically demonstrate the importance of the departments that were housed there, the social hierarchy of its occupants as well as the practical workings of the fully developed late nineteenth century bureaucracy.</p>	<p>High impact – the proposed building will be a massive intrusion into the historic site containing 50 Phillip Street, and will dramatically change the historical and contemporary appreciation of 50 Phillip Street. The proposal involves the construction of a 48 storey building that will be constructed above the heritage building at 50 Phillip Street. The proposed building will extend over more than half the length of the historic Phillip Street elevation. The proposed building will also intrude into the appreciation of the broader complex which includes 121 Macquarie Street. While much of the massing of the proposed building is either located on 52 Phillip Street or above 50 Phillip Street, the proposal also involves a massive structural column inserted into a light well at the rear of 50 Phillip Street.</p>
<p>The building is one of the most significant late nineteenth century architectural works in Sydney. It embodies two of the most significant projects of Barnet and Vernon and was ranked, by contemporary accounts, with pre-eminent public works of the time such as the GPO. It remains a dominant element in the Victorian streetscapes of this part of Sydney.</p>	<p>High impact – see the comments above. In addition, the proposed building will dramatically erode the contribution of 50 Phillip Street as part of the dominant element in the Victorian streetscape.</p>
Chief Secretary's Building, 50 Phillip Street	
<p>The building known as 50 Phillip Street is of State historical significance because of its use from 1893/4 until 1967 as purpose built offices for the Department of Public Works and the Government Architect's Office, augmenting the public administration provided in the adjacent Chief Secretary's Building (completed 1880). Both buildings reflect the status and hierarchical organisation of the public service in the later 19th century.</p>	<p>High impact – the proposed building will be a massive intrusion into the historic site containing 50 Phillip Street, and will dramatically change the historical and contemporary appreciation of 50 Phillip Street. The proposed building will substantially detract from the historical status of 50 Phillip Street. The proposal involves the construction of a 48 storey building that will be constructed above the heritage building at 50 Phillip Street. The proposed building will extend over more than half the length of the historic Phillip Street elevation. While much of the massing of the proposed building is either located on 52 Phillip Street or above 50 Phillip Street, the proposal also involves a massive structural column inserted into a light well at the rear of 50 Phillip Street.</p>
<p>The close proximity of 50 Phillip Street to the CSB, Government House, NSW Parliament and other departments illustrates the significance of the building within the political and administrative history of NSW.</p>	<p>High impact – given the proposed building substantially detracts from the historical status of 50 Phillip Street, affecting its relationship with other important colonial buildings.</p>
<p>The construction of 50 Phillip Street, within ten years of completion of the Colonial Secretary's Building was a visible demonstration of the importance and growing work load of the Department of Public Works in the later 19th century and of the expansion and the prominence of the public service. The Department of Public Works, which occupied 50 Phillip Street from its construction in 1893/4 until</p>	<p>High impact – given the proposed building substantially detracts from the historical status of 50 Phillip Street and its importance in colonial and post-colonial NSW.</p>

Values/Attributes	Impact/Comment
1967, had a remarkable influence on every level of NSW society during this period.	
The exterior detailing of 50 Phillip Street was designed and constructed to a high standard. Its conception as a free standing building linked to the Chief Secretary's building is rare amongst the grander public buildings of Victorian Sydney.	High impact – given the proposed building involves a massive intrusion into the historic site containing 50 Phillip Street, substantially eroding the appreciation of it as a free-standing building.
50 Phillip Street contributes substantially to the Victorian era character and townscape values of Phillip Street, Bridge Street and Macquarie Place. It also provides an important backdrop to First Government House Place.	High impact – given the proposed building involves a massive intrusion into the historic site containing 50 Phillip Street, substantially eroding its contribution to the Victorian era character and townscape values. The proposed building will also erode the role of 50 Phillip Street as a backdrop to the First Government House site.
Phillip Lane is likely to be a valued intimate historic townscape and 50 Phillip Street makes a significant contribution to the character of the laneway.	High impact – the scale of the proposed tower building and the proposed infill structures at the back of 50 Phillip Street will erode the historic townscape character of the lane.
Phillip Lane	
High level of integrity of the building stock and high archaeological potential.	Medium impact – the proposed infill structures at the back of 50 Phillip Street will erode the integrity of the heritage building stock. The impact on the archaeological potential is not clear because of the lack of details in the proposal about works affecting the lane.
Flat Building "The Astor" Including Interiors	
It was the first apartment building developed and owned under a company title in Australia and this company title, prestige address, design and facilities assisted in making flat-living acceptable and even desirable to Sydney's middle class.	Medium impact – the proposed building will impact the character and appreciation of the urban context which reflect the prestige address and design of the Astor. This impact arises in a number of ways, as the proposed building will: dominate the skyline and immediate urban setting of the Astor; erode the appreciation of the Astor as an early high-rise design; diminish views from the western apartments and the roof terrace; diminish the privacy and utility of western apartments; and change and intensify the use of Phillip Lane.
It is an early example of the use of reinforced concrete and large areas of glass framed in steel in a high rise building which was made more possible and widespread in the post-War period.	Medium impact – the proposed building will dominate the skyline and immediate urban setting of the Astor, eroding the appreciation of the Astor as an early high-rise design.
It is a landmark when viewed from along Macquarie Street, from the east in the Domain and from the north-east rising above and behind the Chief Secretary's Building despite this value being lessened over time due to tall development nearby.	Medium impact – the landmark qualities will be impacted by the proposed building given it will dominate the skyline and immediate urban setting of the Astor.
Governors' Domain and Civic Precinct	
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.	High impact – the proposed building will be a massive intrusion into the historic site containing 50 Phillip Street which is an important part of the colonial townscape. It will dramatically change the historical and contemporary appreciation of 50 Phillip Street, and will also intrude into the appreciation of the broader complex which

Values/Attributes	Impact/Comment
	includes 121 Macquarie Street – another major attribute of the National Heritage place.
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.	High impact – as above.

CONCLUSIONS

Having considered the proposed development at 50-52 Phillip Street, it is concluded that the works will:

- have **high impacts** on a range of heritage values related to the Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street (State Heritage Register), Chief Secretary's Building, 50 Phillip Street (City of Sydney Local Environment Plan), and the Governors' Domain and Civic Precinct (National Heritage List); and
- have **medium impacts** on the Flat Building "The Astor" Including Interiors and Phillip Lane (both on the City of Sydney Local Environment Plan).

Key impacts relate to:

- the proposed building will be a massive intrusion into the historic site containing 50 Phillip Street;
- it will dramatically change the historical and contemporary appreciation of 50 Phillip Street – the proposed building will extend over more than half the length of the historic Phillip Street elevation;
- the proposed building will intrude into the appreciation of the broader complex which includes 121 Macquarie Street;
- while much of the massing of the proposed building is either located on 52 Phillip Street or above 50 Phillip Street, the proposal also involves a massive structural column inserted into a light well at the rear of 50 Phillip Street;
- the proposed building will dramatically erode the contribution of 50 Phillip Street as part of the dominant element in the Victorian streetscape;
- it erodes the appreciation of 50 Phillip Street as a free-standing building, and its role as a backdrop to the First Government House site;
- the proposed infill structures at the back of 50 Phillip Street will erode the integrity of the heritage building stock;
- the proposed building will impact the character and appreciation of the urban context which reflect the prestige address and design of the Astor. This impact arises in a number of ways, as the proposed building will: dominate the skyline and immediate urban setting of the Astor; erode the appreciation of the Astor as an early high-rise design; diminish views from the western apartments and the roof terrace; diminish the privacy and utility of western apartments; and change and intensify the use of Phillip Lane;
- the proposed building will dominate the skyline and immediate urban setting of the

Astor, eroding the appreciation of the Astor as an early high-rise design and its landmark qualities; and

- the proposed building and its massive intrusion into the historic site containing 50 Phillip Street impacts an important part of the National Heritage listed colonial townscape. It will dramatically change the historical and contemporary appreciation of 50 Phillip Street, and will also intrude into the appreciation of the broader complex which includes 121 Macquarie Street.

With regard to National Heritage, based on the apparent threshold being applied by the Commonwealth Department of Agriculture, Water and the Environment, these impacts are considered to be a significant impact within the meaning of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Therefore an EPBC Act referral under Part 7 of the Act is warranted.

The EPBC Act normally operates through a process of self-assessment, and it would be the responsibility of a proponent to make a referral in such cases. However, it is also possible for anyone to report a potential breach of the Act to the Department, such as if a proponent were to take or propose an action where there are reasonable grounds to believe that the action would require approval, and no referral was made.

3. REVIEW OF GBA HERITAGE STATEMENT OF HERITAGE IMPACT

As part of the development proposal, a heritage impact statement (HIS) was prepared by GBA Heritage (2021). This report was reviewed in a targeted way with regard to its implications for the heritage values of the development site and its vicinity. However, because of the limited time for preparing this review, it has focused on the impact assessment component of the GBA Heritage HIS, rather than the background chapters. In addition, as noted above, the internal heritage values of 50 Phillip Street have not been considered, and no attempt has been made to review related aspects of the GBA Heritage HIS. Similarly, the sections dealing with conservation management plan policies have not been reviewed.

The key heritage findings of the GBA Heritage heritage impact statement are as follows.

The adaptive reuse of the former Department of Public Works building retains and respects the imposing landmark character of the Chief Secretary's Building in the precinct, enabling its appreciation and interpretation by the general public. Accordingly, the proposed development respects the heritage significance of the Governors Domain and Heritage Precinct...

The proposed development and the siting of the proposed tower above the heritage building is consistent with many other examples of such combination of old and new in Sydney's Central Business District, which is a recognised aspect of the city's built character...

The visual setting around the heritage building, and significant views to and from the heritage building will be respected and retained. The proposed podium and tower maintain the visual prominence of the heritage building along Phillip and Bridge Streets. Accordingly, the proposal respects the heritage building's visual significance and architectural integrity, and responds accordingly.

Although the proposed tower envelope will be visible from the identified key viewpoints, its stepped built form, proposed cladding, and its setback from the heritage building, give it an independent nature and contemporary character, so will not challenge the scale, materiality or original architectural integrity of the heritage buildings in the vicinity...

Overall, the proposed development will have an acceptable heritage impact. (GBA Heritage 2021, pp. 92-3)

One issue with the method of arriving at these conclusions is that the heritage impact statement does not provide a fine-grained analysis of impacts against the actual heritage values of 50 Phillip Street or other heritage places. The assessment is presented against the overall heritage values of each place. A fine-grained analysis should be provided.

Many of the findings of the heritage impact statement are expert judgements, and there is no basis to test these other than through a fresh assessment, such as that provided in Chapter 2 above.

However, there is one issue that deserves close scrutiny. The heritage impact statement appears to rely on a specific local standard for the assessment of impacts in the Sydney central business district where it notes,

The proposed development and the siting of the proposed tower above the heritage building is consistent with many other examples of such combination of old and new in Sydney's Central Business District, which is a recognised aspect of the city's built character...

That is, a new tower building above a heritage building is acceptable because there are already many such examples in the city. This approach is flawed for several reasons. It ignores the actual heritage impacts by assuming that a tower building will have no impacts on a smaller heritage building below it. Across the world, the impacts of tall buildings on adjacent heritage places is a major and continuing issue. It is unjustified to claim that Sydney is a special case where such concerns are not relevant.

It is also worth noting that the adoption of such a standard for Sydney would see every heritage building potentially threatened by tower buildings over or adjacent to them over time. The concept of an appropriate setting for a heritage place, consistent with the Australia ICOMOS *Burra Charter*, would be completely lost. But the setting is not the same as development which encroaches onto the heritage place itself, as in the case of this development. Such encroachment is a greater challenge to fundamental principles regarding heritage conservation.

Finally, poor heritage outcomes from the past should not set the standard for the future.

4. REVIEW OF ETHOS URBAN *VISUAL IMPACT ASSESSMENT*

As part of the development proposal, a visual impact assessment was prepared by Ethos Urban (2021). This report was reviewed with regard to its implications for the heritage values of the development site and its vicinity.

Again, because of time pressures, this review has been very limited.

Key findings of the assessment are noted, such as,

The proposal will be visible as a large new element from locations in the closer range to the east, including parts of Macquarie Street. However, its siting will mean that it will not have a significant impact on the visual values of the heritage listed building on the site or the heritage listed buildings in the surrounding locality. Furthermore, its siting together with its form will result in it integrating with the existing Macquarie Street cityscape. It will certainly not be an uncharacteristic nor discordant element...

The cantilever is of particular visual interest. The incorporation of a number of design measures is considered to result in it achieving an acceptable visual relationship with the heritage listed building on the site. (Ethos Urban 2021, p. 8)

As with the heritage impact assessment, the findings are expert judgements, and there is no basis to test these other than through a fresh assessment.

None the less, viewing images such as Figures 28-30 and 32, it is possible to reach a different conclusion on the basis of heritage expertise. It is also interesting to consider whether the use of a light transparent blue to portray the proposed building unreasonably softens the impression of impacts.

5. SUMMARY OF FINDINGS

HERITAGE IMPACT ASSESSMENT

Having considered the proposed development at 50-52 Phillip Street, it is concluded that the works will:

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- the proposed building will intrude into the appreciation of the broader complex which includes 121 Macquarie Street;
- while much of the massing of the proposed building is either located on 52 Phillip Street or above 50 Phillip Street, the proposal also involves a massive structural column inserted into a light well at the rear of 50 Phillip Street;
- the proposed building will dramatically erode the contribution of 50 Phillip Street as part of the dominant element in the Victorian streetscape;
- it erodes the appreciation of 50 Phillip Street as a free-standing building, and its role as a backdrop to the First Government House site;
- the proposed infill structures at the back of 50 Phillip Street will erode the integrity of the heritage building stock;
- the proposed building will impact the character and appreciation of the urban context which reflect the prestige address and design of the Astor. This impact arises in a number of ways, as the proposed building will: dominate the skyline and immediate urban setting of the Astor; erode the appreciation of the Astor as an early high-rise design; diminish views from the western apartments and the roof terrace; diminish the privacy and utility of western apartments; and change and intensify the use of Phillip Lane;
- the proposed building will dominate the skyline and immediate urban setting of the Astor, eroding the appreciation of the Astor as an early high-rise design and its landmark qualities; and
- the proposed building and its massive intrusion into the historic site containing 50 Phillip Street impacts an important part of the National Heritage listed colonial townscape. It will dramatically change the historical and contemporary appreciation of 50 Phillip Street, and will also intrude into the appreciation of the broader complex which includes 121 Macquarie Street.

With regard to National Heritage, based on the apparent threshold being applied by the Commonwealth Department of Agriculture, Water and the Environment, these impacts are considered to be a significant impact within the meaning of the Commonwealth

Environment Protection and Biodiversity Conservation Act 1999. Therefore an EPBC Act referral under Part 7 of the Act is warranted.

REVIEW OF GBA HERITAGE STATEMENT OF HERITAGE IMPACT

Many of the findings of the heritage impact statement are expert judgements, and there is no basis to test these other than through a fresh assessment, such as that provided in this report.

One issue with the method of arriving at its conclusions is that the heritage impact statement does not provide a fine-grained analysis of impacts against the actual heritage values of 50 Phillip Street or other heritage places. The assessment is presented against the overall heritage values of each place. A fine-grained analysis should be provided.

However, there is one issue that deserves close scrutiny. The heritage impact statement appears to rely on a specific local standard for the assessment of impacts in the Sydney central business district. That is, a new tower building above a heritage building is acceptable because there are already many such examples in the city. This approach is flawed for several reasons. It ignores the actual heritage impacts by assuming that a tower building will have no impacts on a smaller heritage building below it. Across the world, the impacts of tall buildings on adjacent heritage places is a major and continuing issue. It is unjustified to claim that Sydney is a special case where such concerns are not relevant.

The concept of an appropriate setting for a heritage place, consistent with the Australia ICOMOS *Burra Charter*, would also be completely lost. But the setting is not the same as development which encroaches onto the heritage place itself, as in the case of this development. Such encroachment is a greater challenge to fundamental principles regarding heritage conservation.

REVIEW OF ETHOS URBAN VISUAL IMPACT ASSESSMENT

As with the heritage impact assessment, the findings are expert judgements, and there is no basis to test these other than through a fresh assessment.

None the less, viewing images such as Figures 28-30 and 32, it is possible to reach a different conclusion on the basis of heritage expertise. It is also interesting to consider whether the use of a light transparent blue to portray the proposed building unreasonably softens the impression of impacts.

6. REFERENCES

Department of Agriculture, Water and the Environment [DAWE] 2021, Governors' Domain and Civic Precinct, National Heritage List place record ID 106103.

Ethos Urban 2021, Visual impact assessment, 50-52 Phillip Street, Sydney, State Significant Development Application for a Hotel.

fjmt studio 2020, 50 and 52 Phillip Street – SSD DA Stage1 Design Report.

GBA Heritage 2021, Statement of heritage impact, 50-52 Phillip Street (Former Department of Public Works), Sydney.

Heritage NSW, State Heritage Inventory place records for:

- Chief Secretary's Building, 121 Macquarie Street and 50 Phillip Street, listing under the State Heritage Register;
- Chief Secretary's Building, 50 Phillip Street, listing on City of Sydney Local Environment Plan;
- Flat Building "The Astor" Including Interiors, listing on City of Sydney Local Environment Plan; and
- Phillip Lane, listing on City of Sydney Local Environment Plan.

NBRS+Partners 2015, Conservation management plan, The Astor, 123-125 Macquarie Street, Sydney.

Public Works 2016, 50 Phillip Street Conservation Management Plan, prepared for Government Property NSW.

APPENDIX A: HERITAGE VALUES

There are a variety of sources of information regarding the heritage values of the many places in the vicinity of the proposed development, either individual heritage places or a larger conservation area. The following text regarding the heritage values of key places considered in this report is drawn from a range of sources, as indicated.



Astor (NBRSPartners 2015)

The Astor is of state heritage significance because:

Primary Significance

- It was the first apartment building developed and owned under a company title in Australia and this company title, prestige address, design and facilities assisted in making flat-living acceptable and even desirable to Sydney's middle class;
- It is an early example of the use of reinforced concrete and large areas of glass framed in steel in a high rise building which was made more possible and widespread in the post-War period;

Secondary Significance

- It is a fine example of the Inter-War Commercial Palazzo style of architecture translated into a residential flat building;
- It is a landmark when viewed from along Macquarie Street, from the east in the Domain and from the north-east rising above and behind the Chief Secretary's Building despite this value being lessened over time due to tall development nearby;
- It is the seminal work of the partnership of architects Esplin and Mould;
- Its innovative structural engineering and reinforced concrete construction demonstrate an association with engineers Hart & MacDonald and Concrete Constructions Ltd;
- It has close associations with John and Cicely O'Brien who as entrepreneurs proposed the Company and developed the building, lived in it and were involved in its early management;
- It has associations as a home to its residents over the last eight decades among whom have been men and women prominent in the arts, professions, commerce and public life and all of whom have contributed to what the building has become including a classic apartment building of cachet; and
- It remains, externally and in much of its public and common areas, considerably intact and original.

Chief Secretary's Building – 121 Macquarie Street and 50 Phillip Street (Heritage NSW, State Heritage Inventory, listing under the State Heritage Register)

The Chief Secretary's building is of national significance by reason of its historic, social, architectural, aesthetic and scientific values. It embodies, by its construction for and association with, pre-eminently important office and department of the Colonial, later Chief Secretary. This most enduring of political and administrative institutions achieved, through its expansion and growing politicisation, the most far reaching powers of any of the administrative departments of the Colonial bureaucracy. The decisions made in this department affected every level of society in the colony.

After the institution of responsible government in 1856 the office of the Chief Secretary was almost continuously held until the twentieth century by the Premier of NSW further underlining its important role. Several outstanding figures in NSW political life held this office and through it, and the role of the Premier, were able to campaign for the most important political agendas of the time, including, but not exclusively, economic and land reform and Federation.

The locations, size and lavish treatment graphically demonstrate the importance of the departments that were housed there, the social hierarchy of its occupants as well as the practical workings of the fully developed late nineteenth century bureaucracy. The interior finish demonstrates refinement of public taste. Its continual occupation as government offices through to the twentieth century make it possible to demonstrate, through

changes made to the fabric, changing community practices such as greater opportunities for women in the workforce.

The building is one of the most significant late nineteenth century architectural works in Sydney. It embodies two of the most significant projects of Barnet and Vernon and was ranked, by contemporary accounts, with pre-eminent public works of the time such as the GPO. It remains a dominant element in the Victorian streetscapes of this part of Sydney.

Its placement in relation to Government House, Parliament House, the Treasury Building and other major departmental offices symbolises the relationship to the office to both political and public offices. (Jackson Teece Chesterman Willis 1994:65)

Chief Secretary's Building – 50 Phillip Street (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan)

The Chief Secretary's building is of national significance by reason of its historic, social, architectural, aesthetic and scientific values. It embodies, by its construction for and association with, pre-eminently important office and department of the Colonial, later Chief Secretary. This most enduring of political and administrative institutions achieved, through its expansion and growing politicisation, the most far reaching powers of any of the administrative departments of the Colonial bureaucracy. The decisions made in this department affected every level of society in the colony.

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Its placement in relation to Government House, Parliament House, the Treasury Building and other major departmental offices symbolises the relationship to the office to both political and public offices (OEH, 1997).

Flat Building "The Astor" Including Interiors (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan)

The Astor Flats, a thirteen storey reinforced concrete residential apartment building constructed in the Interwar Free Classical Style has a prestige Macquarie Street address with commanding views of the Harbour and Botanic Gardens. The building has high historic significance as an example of the initial development of residential apartments in Sydney as a prestige housing form. It is an important building in professional work of Esplin and Mould. The building facade and interior public spaces have high aesthetic significance as a fine and largely intact example of the style and includes many of the identifying elements such as the cornice, the large spandrel fenestration and three storey classical base and the timber and terrazzo foyer. The building has medium scientific significance for its early use of reversible steel windows and reinforced concrete frame.

Governors' Domain and Civic Precinct (National Heritage List)

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.

Phillip Lane (Heritage NSW, State Heritage Inventory, listing on City of Sydney Local Environment Plan)

Phillip Lane has Historic Significance for its ability to evidence the development of Victorian Sydney lane networks and for its high level of integrity of the building stock and high archaeological potential. The lanes formed the service access to properties developed in the 1840's and the Chief Secretary Buildings developed in the 1870's.

50 Phillip Street (Public Works 2016)

The building known as 50 Phillip Street is of State historical significance because of its use from 1893/4 until 1967 as purpose built offices for the Department of Public Works and the Government Architect's Office, augmenting the public administration provided in the adjacent Chief Secretary's Building (completed 1880). Both buildings reflect the status and hierarchical organisation of the public service in the later 19th century.

The close proximity of 50 Phillip Street to the CSB, Government House, NSW Parliament and other departments illustrates the significance of the building within the political and administrative history of NSW. The occupation of 50 Phillip Street in 1977 by the NSW Industrial Courts (possibly the oldest continuing industrial court or tribunal in Australia and also in the world) is also of historical interest.

The construction of 50 Phillip Street, within ten years of completion of the Colonial Secretary's Building was a visible demonstration of the importance and growing work load of the Department of Public Works in the later 19th century and of the expansion and the prominence of the public service. The Department of Public Works, which occupied 50 Phillip Street from its construction in 1893/4 until 1967, had a remarkable influence on every level of NSW society during this period. Important branch heads of the Department of Public Works, notably Dr J J C Bradfield, who was responsible for the construction of the Sydney Harbour Bridge and the City Railway, worked from the building.

The process of the building's design and construction reflected tensions in the management and organisation of the Department of Public Works in the period leading up to and following the enforced retirement of the Colonial Architect James Barnet in 1890 and the reorganisation of the Architect's Branch under the new Government Architect Walter Liberty Vernon. Vernon added to and extended Barnet's design in the Victorian Second Empire style, characterised by the iron crested mansard roofs and the pavilion dome.

The exterior detailing of 50 Phillip Street was designed and constructed to a high standard. Its conception as a free standing building linked to the Chief Secretary's building is rare amongst the grander public buildings of Victorian Sydney.

50 Phillip Street contributes substantially to the Victorian era character and townscape values of Phillip Street, Bridge Street and Macquarie Place. It also provides an important backdrop to First Government House Place.

Phillip Lane is likely to be a valued intimate historic townscape and 50 Phillip Street makes a significant contribution to the character of the laneway.

Should significant archaeological remains exist of the mid-19th century houses below ground, these may be uncommon or rare in the State context.

A collection of movable items (mainly furniture) remains within the building; much of which has a direct connection with the place.