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Job no. A1164689
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Your ref. 4972-2011

Ms Nicola Chisholm
Environmental Planning Officer
Major Development Assessment
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Chisholm

Exhibition of Environmental Impact Statement for Four Points by Sheraton Hotel Expansion, 161 Sussex Street, Sydney

Reference is made to your email dated 18 October 2012 to the Heritage Branch inviting a submission on the above mentioned proposal that involves the construction of a 25 storey tower consisting of 231 new hotel rooms, 7 levels of office space and 2 plant levels, extension of the podium over the Western Distributor to provide new convention areas, an upgrade to the existing Porte Cochere, building entries and lobby areas, public domain works on Slip Street and relocation of the Sussex Street and Darling Harbour pedestrian link.

The Heritage Branch notes that the development site contains four heritage items listed on the State Heritage Register (SHR):

- Corn Exchange (173-185 Sussex Street – SHR no. 01619)
- Dundee Arms Hotel (171 Sussex Street – SHR no. 00416)
- Warehouses (former) (139-153 Sussex Street – SHR no. 00413)
- Building (shops/warehouses) (121-127 Sussex Street – SHR no. 00412)

As outlined in our initial comments to the Department dated 18 October 2012, the Heritage Branch is of the view that the tower's height and massing will have an adverse impact on the setting of the Corn Exchange and will obscure the significant historic views of the Corn Exchange from Darling Harbour.

The adverse impact of the proposal can be mitigated by reducing the massing of the tower and increasing the building setback from the Market Street boundary. This will provide a greater opportunity for views of the historical Corn Exchange building from the Darling Harbour approach.

Notwithstanding the above, the Branch acknowledges and supports the proposed measures relating to heritage interpretation and activation of the rear of the Corn Exchange. It is imperative that such measures are successfully carried out to achieve a greater appreciation of the history of the site in compensation for the loss of significant views caused by the proposed development.

Accordingly, the Branch provides the following comments on the proposal and requests that, should the application be approved, the recommended conditions be imposed to ensure that all heritage issues are satisfactorily addressed:

Relationship between the Corn Exchange and the new tower

The Heritage Branch considers the building articulation and change in materiality of the lower and upper levels of the tower to be appropriate in referencing the parapet height of the Corn Exchange.

In addition, the extension of the glazed facade in front of the suspended concrete slab to the ground floor of the tower is an appropriate response in reducing the visual impact of the concrete structure when viewed by occupants of the Corn Exchange.

The Proponent should ensure that these design elements are realised and carried through to the built scheme.

Proposed awnings to Sussex Street

The Heritage Branch supports the removal of the faux heritage structures (colonnades and arches) which will improve the setting of the heritage items along Sussex Street. No objections are raised to the new glazed awnings, however, any new awnings should be appropriately fixed to minimise damage to the significant fabric of the heritage items.

Recommended condition:

- *The new awnings shall be free-standing or appropriately fixed to minimise impact on historic building fabric.*

Heritage Interpretation

The Heritage Branch is supportive of the heritage interpretation measures including:

- identifying and interpreting allotments and former buildings in ground-plane and glazed awning treatment to hotel entry points along Sussex Street (with awning rafters to align with original allotments);
- reworking of Slip Street as a shareway to include interpretation to improve pedestrian amenity and provide an appropriate setting for the Corn Exchange;
- reinterpretation of 'Wharf Lane' as a significant pedestrian path to form the commercial tenancy entry address at Sussex Street and Slip Street, including interpretation of its bridge-like built-form;
- identifying 'Wharf Lane' also on Slip Street in the ground plane interpretation;
- interpreting the former 'street-wall' of Sussex Street; and
- utilising blank riser walls at the entry points as a visual backdrops depicting stories and imagery associated with the original 1890s owners of the allotments and uses of the site.

Recommended conditions:

- *Prior to the issue of a Construction Certificate, a heritage interpretation strategy shall be submitted to and approved by the Heritage Council or its delegate. Prior to submission, the applicant shall consult with the Sydney Harbour Foreshore Authority and the City of Sydney in relation to the detailed strategy.*

- *Prior to the issue of an Occupation Certificate, the approved interpretation strategy must be implemented to the satisfaction of the Heritage Council or its delegate.*

Conservation works

The Heritage Branch agrees with the recommendation of the Heritage Impact Statement in relation to auditing the heritage items as part of this development to identify any required conservation works to enhance and preserve identified significant fabric, and to halt any deterioration. The Conservation Plans for each heritage item shall be consulted to establish necessary conservation works. A condition is recommended below.

In addition, the removal of the decking to the Corn Exchange terrace and provision of new paving is supported. Consideration should also be given to replacing the late 70s/early 80s pipe railing with a more sympathetic balustrade.

Recommended conditions:

- *An audit of all four heritage items on the site shall be undertaken as part of this development for identification of any required conservation works in order to enhance and preserve identified significant fabric, and to halt any deterioration. The Conservation Management Plans for each item shall be consulted to establish necessary conservation works.*
- *All new works (including conservation works) within the curtilage of the heritage items that are not identified on the proposed drawings will require the approval of the Heritage Council (except where a standard exemption applies under the Heritage Act 1977).*

Standard heritage conditions

The following standard heritage conditions relating to archival recording, nominating a heritage consultant, and site protection, shall be included on any approval:

Recommended conditions:

- *Prior to the issue of a Construction Certificate, an archival photographic recording of the exterior of the four heritage items on the development site shall be undertaken in accordance with the Heritage Council document "Photographic Recording of Heritage Items using Film or Digital Capture." Copies of the archival recording shall be lodged with the Heritage Branch and the City of Sydney Council.*
- *The applicant shall nominate an appropriately qualified and experienced heritage consultant to advise on design resolution and conformity to the conditions of the approval. Prior to occupation, the nominated heritage consultant shall provide certification that the works have been carried out in accordance with the approved development.*
- *All work shall be carried out by suitably qualified tradesmen with practical experience in the conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradesmen.*
- *Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.*

Archaeology

Aboriginal Archaeology

The Heritage Branch has not reviewed the Aboriginal Archaeology sections of the report as comment on such sections should be provided by the Conservation and Regulation Division of the Office of Environment and Heritage (OEH). It is understood that the Department has notified this section of OEH.

European archaeology

The Heritage Branch has reviewed the 'European Archaeology' assessment provided within the *Heritage Impact Statement & Archaeological Assessment* prepared by City Plan Heritage dated May 2012. Despite the extensive and long history of occupation of the area, the report has assumed that the degree of impact from more recent development will have removed all significant archaeology. No detailed assessment has been provided to support these assumptions and there are no future management policies. It is therefore considered that the submitted report has not met the requirements of the issued DGRs in relation to Heritage.

Prior to the determination of the application, a revised archaeological assessment should be undertaken in accordance with Heritage Council guidelines and submitted to the Heritage Branch for review.

A more detailed consideration would be required to accurately assess the historic impacts on the archaeological resource. Increased consideration needs to be given to the information cited on page 62 of the report regarding the Cockle Bay Archaeological Precinct and reference should also be made to the findings of previous archaeological investigations in similar foreshore areas of Darling Harbour (Cockle Bay). Rather than the extant heritage buildings, the assessment should particularly concentrate on streets/laneways and vacant land/open space where archaeology is more likely to have survived subsequent development and also upon any areas which relate to early foreshore which have potentially been filled to reclaim land, as this may well have inadvertently preserved intact archaeological deposits.

Recommended conditions:

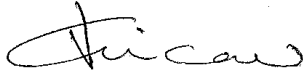
Following the preparation of a revised and adequate archaeological assessment, the following conditions are recommended:

- *Prior to the commencement of the proposed works, all contractors and relevant personnel involved must be made aware of the existence of potential and historical archaeological remains at the site by way of an induction process to be undertaken by a nominated archaeologist. The induction must also make the personnel aware of the possibility that as yet unidentified archaeological remains may still exist and of the requirements of S146 of the Heritage Act 1977 in relation to archaeological relics in the event that they are uncovered.*
- *Where substantial intact archaeological relics of State or local significance are discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of excavation in the affected area.*
- *If intact archaeological relics or deposits are uncovered then an archaeological Excavation Director must be engaged to undertake archaeological monitoring of the excavation works associated with the project and an archaeological salvage program*

as necessary. A methodology and archaeological Research Design should be prepared to guide such investigations and should be provided for the approval of the NSW Heritage Council or its Delegate ahead of commencement of any archaeological monitoring program. The nominated Excavation Director must meet the NSW Heritage Council Criteria for Excavation Directors.

Thank you for the opportunity to comment. Please contact Lily Chu at the Heritage Branch on (02) 9873 8595 for any enquiries regarding this matter.

Yours faithfully



12/11/2012

Vincent Sicari

Manager

Conservation Team

Heritage Branch

Office of Environment & Heritage

AS DELEGATE OF THE NSW HERITAGE COUNCIL