

Karl Fetterplace
Senior Planning Officer
Industry Key Sites
The Department of Planning, Industry and Environment

By email: karl.fetterplace@planning.nsw.gov.au

Dear Mr Fetterplace

Notice of Exhibition of application for 50-52 Phillip Street New Hotel Stage 1 Concept DA (SSD – 10464)

Thank you for your referral dated 13 April 2021 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

The SSD is seeking consent for the following:

- In-principle demolition of the existing commercial building at 52 Phillip Street.
- In-principal retention of the existing heritage listed building at 50 Phillip Street and refurbishment as part of a hotel.
- Concept approval for a new 48 storey mixed use hotel and branded residential building, with three basement levels.
- Establishment of a planning envelope with a maximum height of RL 207.22m and a maximum gross floor area (GFA) of 25,374.5m² comprising approximately 82% hotel floor space and 18% residential floorspace.
- In-principle use of Phillip Lane as a pick-up and drop-off zone, as well as access into the proposed basement levels.

It is noted development consent is not sought for any detailed component of development. A future separate Stage 2 SSD DA will be lodged for the detailed design and construction of the development, following the completion of a competitive design process.

The proposed SSD affects the State Heritage Register (SHR) item *Chief Secretary's Building* (SHR no. 00766) located at 121 Macquarie Street, Sydney. *The Chief Secretary's building is of national significance by reason of its historic, social, architectural, aesthetic and scientific values. 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.*

The site is located within the boundaries of the Governors' Domain and Civic Precinct, which was included in the National Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 10 February 2021.

The site is also located in the vicinity of the following SHR listed items:

- Young Street Terraces, 36-42 Young Street (SHR no 00974)
- First Government House site, 41 Bridge Street (SHR no 01309)
- Phillip Street Terraces, 39-47 Phillip Street (SHR no 00621)

- Intercontinental Hotel former Treasury Building, 117-119 Macquarie Street (SHR no 00355)
- History House, 133 Macquarie Street (SHR no 00692)
- BMA House, 135-137 Macquarie Street (SHR no 00252)
- The Royal Botanic Gardens and Domain, Farm Cove (SHR no 01070)

The following reports were considered in our assessment:

- Environmental Impact Statement prepared by Ethos Urban, dated 25 March 2021.
- Design Report prepared by fjmt Studio, dated 16 December 2020.
- Consultation Outcomes Report prepared by Ethos Urban dated 25 March 2021.
- Statement of Heritage Impact prepared by GBA Architects dated March 2021
- Visual Impact Assessment prepared by Ethos Urban, dated 26 March 2021.
- Updated Conservation Management Plan prepared by GBA Architects, dated March 2021.
- Historical Archaeological Assessment prepared by Curio Projects, dated November 2020.
- Heritage Structural Construction Methodology Report prepared by TTW, dated 22 December 2020.
- Structural Certificate prepared by TTW, dated 11 November 2020.

As delegate of the Heritage Council of NSW, I provide the following comments:

Built Heritage

- On 3 November 2020, the Heritage Council Approvals Committee considered the applicant's presentation for the proposal at the *Chief Secretary's Building* site (50-52 Phillip Street, Sydney) and resolved *to support a tower in principle, subject to further examination of cantilevering and alternative locations and configurations for the support column located within the former Public Works building*. Detailed comments were provided on an overall concept design proposal. (Refer **Attachment 1**).
- In order to facilitate a better heritage outcome, a subcommittee of the Heritage Council Approvals Committee participated in a design workshop with the applicant on 4 December 2020 and provided further comments (Refer **Attachment 2**). The Consultation Outcomes Report Section 6.2.4 prepared by Ethos Urban provides responses to these comments. Although some have been addressed, the key issue relating to the support column intruding into the light well (of 'considerable'/'high' significance) remains outstanding.
- Alternate locations for the column and lift core should be considered as recommended by the subcommittee previously. The redesign of these elements should carefully take into consideration the overhang of the proposal above the former Department of Public Works Building as sunlight access to the lightwell is an essential attribute to maintaining its spatial quality and should be ensured by increasing the setback for the proposed development over the heritage building and by reconsidering its form.
- Additionally, the proposed cantilevered portion of the tower would encroach into the air space above the former Department of Public Works Building and would permanently damage the building's relationship with the *Governors' Domain and Civic Precinct* which is listed on the National Heritage List. The development must address the potential impact on the views, setting and significance of the *Governors' Domain and Civic Precinct*.

- The increase in the setback of the proposed overhang is essential to mitigate impacts on significant views and setting of the SHR listed item within this precinct. This aspect of the proposal along with the structural column within the light well is not supported as the additions will set a detrimental precedent and materially impact the heritage values of the *Chief Secretary's Building* and other SHR items in the vicinity
- The proposed tower would have an adverse visual impact on the *Royal Botanic Gardens and Domain* and disrupt view lines from the Macquarie Street East Precinct (from Conservatorium Road). The Approvals Committee resolution dated 3 November 2020 recommended that details of the proposed tower volume and the resulting visual impacts to the subject place when viewed from the surrounding streetscape and precinct should be submitted. The SSD is accompanied by a Visual Impact Assessment (VIA) prepared by Ethos Urban, which provides photomontages and a view analysis from key points.

The VIA concludes that due to its heritage and character, the sensitivity of views to the change proposed is medium to high. It assesses the magnitude of the visual impact as ranging from noticeable to considerable and the significance of the visual impact as ranging from moderate to high. It further concludes the proposal will likely be visible from locations in the long range to the east and will have a scale and form that will integrate with the existing prominent eastern tower edge of Central Sydney. On 4 December 2020 the Approvals Committee Subcommittee considered a presentation from the applicant and noted there are several towers of similar scale in the vicinity of the proposed development. The subcommittee recommended that the treatment of the tower façade should generally align with and extend to the surrounding aesthetic, and requested further view analysis be undertaken, particularly from Bridge and Phillip Streets.

The Approvals Committee considers that the design of the tower in terms of its form, materiality and external treatment/articulation should aim to reduce the perceived scale and height of the building to mitigate the visual impacts identified above. Façades should be detailed to provide texture and elements to break up form and scale. Façade treatment should minimise the reflection of sunlight from the building to surrounding areas and buildings.

- Additionally, the proposed shear, north east facing façade of the proposed tower will have a major stormwater impact on the roof of the Chief Secretary's Building. The final design of the tower including its form and facades must avoid these impacts.
- The SOHI states the proposed massing option is under the Domain Sun Access Plane and the lower portion of the tower is above the Royal Botanic Gardens Sun Access Plane. However, as this option is covered by the existing overshadowing of Quay Quarter Tower, there would be no additional overshadowing on any public domains.

The Approvals Committee recommends that the final tower design option should not have any additional overshadowing on the surrounding public domain including the *Royal Botanic Gardens and Domain*.

- It is unclear how the design proposal has been amended to address the subcommittee's comments. For example, the proposed envelope illustrated in the presentation titled *Heritage Response 50 and 52 Phillip Street* dated December 2020 Page 4 appears identical to that in the current SSD Design Report dated 16 December 2020. The responses to the subcommittee comments provided in the Consultation Outcomes Report

Section 6.2.4 also do not identify any design amendments or illustrate any options explored to address the concerns raised. The SOHI notes an alternate option of locating the structural column within the footprint of the heritage building, however it does not illustrate or explore any design options at this stage. Consequently, the comments provided by the subcommittee on 4 December 2020 remain unaddressed.

- Further comments will be provided once an amended proposal is submitted which clearly addresses the outstanding issues raised above.

Archaeology

- The historical archaeological assessment indicates a variable level of archaeological potential and significance across the site with the areas of highest potential at 52 Phillip Street and Phillip Lane. The assessment identifies that the site may retain relics associated with the early gubernatorial (FGH) and domestic occupation (1861 – 1918 terraces) of the study area and be of potential State and local heritage significance. The assessment recommends archaeological excavation. The provision of an archaeological research design for the project is supported. Considering the potential significance of the archaeological finds, interpretation options should be included in that document. The archaeological research design should be completed by a suitably qualified archaeologist and provided for review by the Heritage Council or its Delegate.

As the site contains a local heritage item, and other local items are in the vicinity, advice should also be sought from City of Sydney.

If you have any questions regarding the above advice, please contact Shikha Jhaldiyal, Senior Heritage Assessment Officer at Heritage NSW on 9873 8545 or Shikha.Jhaldiyal@environment.nsw.gov.au.

Yours sincerely



Dillon Kombumerri
Chair, Heritage Council Approvals Committee
As Delegate of the Heritage Council of NSW
20 May 2021

ATTACHMENT 1

Aston Weber
City of Sydney Council
Level 7/343 George St,
Sydney, NSW 2000

Email: AstonWeber@built.com.au

Dear Ms Weber,

PRE-LODGE MENT ADVICE - 50 - 52 Phillip St - Chief Secretary's Building (SSD 10464)

Thank you for your correspondence dated 14 October 2020. The Heritage Council of NSW Approvals Committee discussed the proposed State Significant Development (SSD10464) – Chief Secretary's Building (50-52 Phillip St, Sydney) at its meeting held on 3 November 2020.

As part of the Pre-lodgement advice, the Heritage Council Approvals Committee resolved the following:

1. **Notes:**
 - a. *The supporting documentation and the applicant's presentation.*
 - b. *The information in the report, in particular:*
 - i. *The proposed works to 50 Phillip Street – former Department of Public Works Building.*
 - ii. *The proposed podium and tower located on 52 Phillip Street, specifically the tower's projection over the Former Department of Public Works Building.*
2. **Provides** the following comments to the applicant:
 - a. *The Committee supports a tower in principle, subject to further examination of cantilevering and alternative locations and configurations for the support column located within the former Public Works building.*
 - b. *The proposal illustrates a substantial level of impact to the subject heritage item and its context:*
 - *The proposed additions to the lightwell are unsupportable in their current configuration and would require further justification based on the functional reuse of the heritage rooms.*
 - *Impacts to the historic buildings in terms of vehicle manoeuvring should be minimised.*
 - *Impacts of water shedding on to the roof of the former Public Works building needs to be considered.*
 - *While the removal of the existing infill is considered acceptable, the replacement extension located within the lightwell should be considered further including its impacts upon the former Public Works Building.*
 - c. *While it is understood that only a concept volume is considered at Stage 1 of the SSD, some thought should be directed to possible materials and finishes including a skin for the tower and podium as they would provide essential characteristics that would directly impact the streetscape and the historic character of the draft national heritage item - Governors' Domain and Civic Precinct.*
 - d. *Significant impacts to the subject SHR listed item and the draft National Heritage Item should be clearly addressed as part of the Statement of Heritage Impacts through a design statement, annotated detailed drawings, site protection strategy, construction methodology and mitigation measures undertaken to protect significant fabric during construction.*
 - e. *Amendments to the existing openings or any new elements introduced to facilitate the interface of the historic building and the new development should be avoided as much as possible.*
 - f. *Further documentation be provided on the central structural column proposed to the courtyard of the 50 Phillip Street, including its use, construction methodology, site protection strategy and impact to the visual and physical fabric of the subject building.*

- g. An archaeological assessment be provided to measure impacts of the extensive excavation proposed.*
- h. Details should be submitted on the tower volume proposed to be extended above the heritage roofscape of 50 Phillip Street and the resulting visual impact to the subject place when viewed from the surrounding streetscape and precinct.*
- i. A sufficient vertical gap should be retained between the proposed tower and heritage building.*

In order to facilitate a better heritage outcome, the Heritage Council Approvals Committee has resolved to participate in a design workshop with the applicant. The workshop will be facilitated through Mariyam Nizam (contact details provided below).

The above comments are provided to assist you in finalising your application. Please note that these comments should not be taken as a guarantee for a particular outcome of a subsequent application and do not bind the Heritage Council of NSW or its delegate. Determination of any formal application will be based on an assessment of the information submitted at the time. Should an application be lodged, additional issues or requirements may be raised as part of the detailed assessment process.

The Resolutions from the November Meeting of Heritage Council Approvals Committee are available at the following link: <https://www.heritage.nsw.gov.au/what-we-do/heritage-council-of-nsw/minutes-of-heritage-council-meetings/>

If you have any further queries on the above matter, please contact Mariyam Nizam, Senior Heritage Assessments Officer, Heritage NSW, Department of Premier and Cabinet, at 8837 6375 or Mariyam.Nizam@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a horizontal line underneath.

Rajeev Maini
Senior Team Leader
Regional Heritage Assessments South
Heritage NSW, Community Engagement
Department of Premier and Cabinet
10 November 2020

ATTACHMENT 2



HERITAGE COUNCIL OF NSW

Approvals Committee Sub Committee Design Discussion – Chief Secretary’s Building (50 – 52 Phillip Street, Sydney)

04/12/2020 | 09:00 AM - 10:15 AM

Teleconference

ATTENDANCE	
MEMBERS	
Mr Ian Clarke	Deputy Chair
Mr Bruce Pettman	Member
Mr David Burdon	Member
HERITAGE NSW STAFF	
Mr Rajeev Maini	Senior Team Leader, South Regional Heritage Assessments
Ms Mariyam Nizam	Senior Heritage Assessments Officer
APPLICANT & DESIGN TEAM	
Aston Webber	Built
Jono Cottee	Built
Johnathan Redman	FJMT
Takeru Sato	FJMT
Brendan Hoskins	ETHOS Urban
Graham Brooks	GBA Heritage
Shabnam Mehr	GBA Heritage

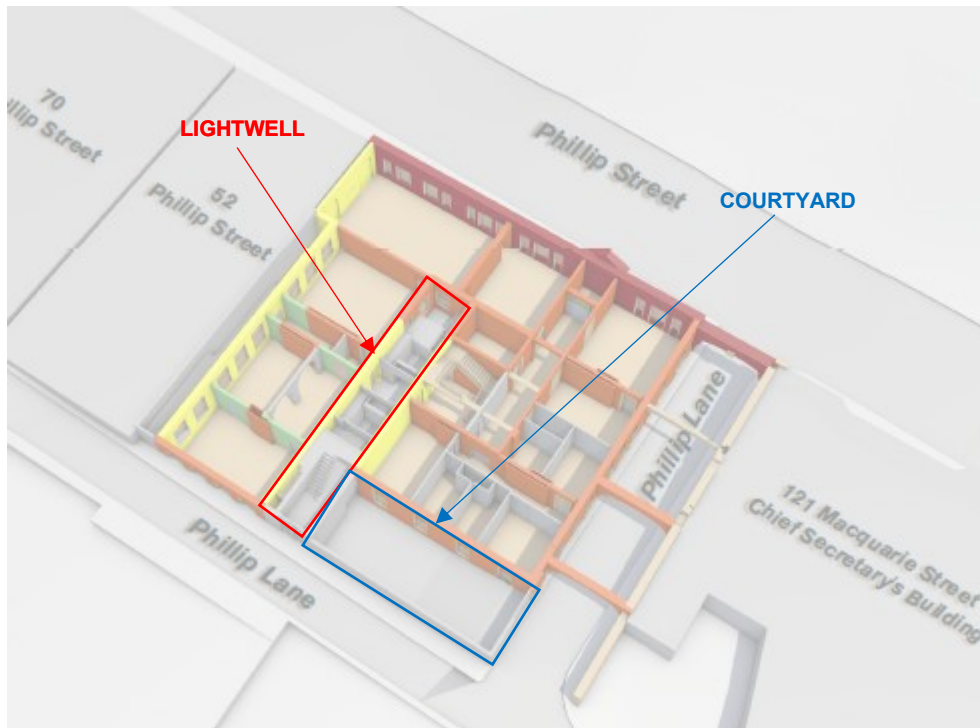
1.0 Welcome and Introduction

- Short debrief undertaken between AC subcommittee and HNSW.
- Graham Brooks introduced applicant and design team. Ian Clarke introduced AC subcommittee members and HNSW staff.

2.0 Discussion

The discussions and comments are summarised as follows:

1. **Clarification of terms** “lightwell” and “courtyard” from the previous letter issued by HNSW to the applicant - “lightwell” refers to the central space contained between the built elements of the Former Public Works Building and “courtyard” refers to exterior western segment aligned along Philip Street (Figure 1).



2. **Current Status of the SSD Application** is Stage 1 Concept Approval. SEARs have been submitted and DPIE has provided a response. EIS lodgement is imminent (before the 16 December 2020). The end of public notification period for EIS will be till early February, giving opportunity for Heritage Council of NSW to provide additional comment. The applicant has indicated that the proposal would be put to a competition at Stage 2 of the proposal planning for detailed design of the approved concept envelope.
3. The applicant has informed that the **structural column** located within the lightwell is considered a necessity for the commercial viability of the development, however it is currently a volumetric concept and requires further consideration during detailed design phase. The column in its current location raises concerns on maintenance (600mm minimum requirement for WorkCover for maintenance not provided), views and usage of heritage spaces along the central lightwell. AC subcommittee recommends the reconfiguration of the structural column to include the services core, allowing a tandem use of the column, thus reducing the need for two separate intrusions into the building.
4. **Alternate locations for the column** and lift core should be considered. The location may result in an impact to a flat section of the mansard roof of the public works building, provided that it reduces the perceived bulk of the addition, while retaining the required floor area. In relocating the column and lift core, applicant is encouraged to reconsider the overhang of the proposal above the Public Works Building – sunlight access to the lightwell is an essential attribute to

maintaining its spatial quality and should be ensured by increasing the setback for the proposed development over the heritage building and reconsider its form.

5. **Relocating the lift core** may result in a more efficient structural solution, reduce the overhang over the building, provide opportunity to extend the reinstated light well, improve sunlight access into the lightwell, as well as provide a vertical core for services (plumbing, electrics, mechanicals etc).
6. The design also requires further detailing to address the **impact of water shedding** from the overhung section of the tower over the heritage fabric of the former Public Works Building.
7. The proposed **tower's bulk and scale** has been indicated from various locations; however further details need to be provided on the impact of the development when viewed from Circular Quay and upon the national listing Governor's Domain and Civic Precinct.
8. The **proposed extension within the lightwell** (stair and lift core) should be further setback to allow the southern sandstone corner to be seen from Phillip Lane. This extension should also be reduced in height to align with the parapet of the southern segment of the building and the proposed podium level of the adjacent tower.
9. The Approvals Committee notes that the **reduced height of the extension proposed to the courtyard** results in a positive heritage outcome.
10. A discussion of **materials and finishes** was undertaken with the possibility of a sandstone façade proposed to the podium of the tower development, however, further detail of the aesthetic treatment of the façade would be required in order to provide further comment. It is recommended that the Chief Secretary's building heritage facades on Phillip and Bridge streets be a bookend on that corner and the podium façade of the proposed tower be treated separately rather than an extension and allow for a setback to allow the sandstone corner of the former Public Works Building to be maintained, revealed or reinstated. When revealed the southern façade of the Public Works Building may provide an ideal northern foyer wall for the new tower building's high lobby space. The long southern lightwell of 52 Phillip St may also contribute to this presentation.
11. It is recommended that the **treatment of the transitional section** of the tower building (above podium to the height of the neighbouring Astor Building) also be given further consideration as part of the design narrative, allowing a transition between a more traditional opaque podium level and a contemporary modern tower above.
12. It is noted that there are several **towers of similar scale in the vicinity** of the proposed development. The treatment of the façade of the tower should generally align with and extend the surrounding aesthetic. The reconsideration of the tower form, overhang above the former Public Works Building and setbacks from surrounding elements would further inform the aesthetic of the development.

13. The proposed development allows opportunity for **improved public access and interpretation** with function rooms on level 2 and 3 and hotel rooms on levels 4, 5 and 6. The applicant is encouraged to liaise with Sydney Living Museums and the neighbouring Museum of Sydney to develop an interpretation strategy that may further improve and guide the interpretation of the Chief Secretary's Building, the former Public Works Building, as well as the Governor's Domain and Civic Precinct. The applicant is encouraged to pursue avenues for additional funding for public elements such as pedestrian access, cobblestones, appreciation of the rear façade along Phillip Lane, provision of direct access from Museum of Sydney etc.
14. **Further comments** would be provided after further information and an amended proposal has been supplied. The AC sub committee also notes that further detailed design would also be available for comment at Stage 2 of the SSD.