

Docomomo Australia Submission regarding the Draft Sirius Site SSP SEPP

Docomomo Australia, the Australian branch of Docomomo International (currently headquartered in Lisbon and charged with identifying, documenting and conserving buildings, sites and neighbourhoods of the Modern Movement) makes the following submission to the New South Wales Government regarding the Draft Sirius Site SSP SEPP on exhibition until 16 February 2018.

Not an SEPP

It is noted that the public exhibition of the Draft Sirius Site SSP SEPP does not, in fact, include the text of the proposed draft SSP SEPP for the Sirius site. Rather, the public exhibition includes an Explanation of Intended Effect (EIE) document, a Planning Report prepared by the NSW Department of Planning & Environment (DOPE) and appendices including an Urban Design Report (Appendix A), Heritage Report (Appendix B) and three planning maps (Appendix C) covering Height of Building, Land Application, and Land Zone.

The failure to include the proposed text and associated maps of the SEPP is of concern because it is not possible to ascertain how the intended outcomes expressed in the EIE for the site will, in fact, be translated into concrete controls. This is of concern given the conflict in building height stated in the EIE and the other exhibited documents.

Errors in documents

It is of concern that there are errors of fact in the documents.

The Land Use Map (Planning Report, p.10, figure 8) has numerous errors. For example, the Harbour View, Mercantile and Glenmore Hotels are not shown as hotels, the terrace houses near the Mercantile Hotel in George Street are shown as commercial premises when, in fact, they are a mix of retail and commercial, the premises on the opposite side of George Street are shown as retail when they are a mix of retail and commercial, etc.

The heritage report has an incomplete list of heritage items in the vicinity of the subject site (Section 6.1, p.21) including all the buildings immediately below the site in Playfair Street, Atherden Street, etc. In addition, the Heritage Report erroneously states that the existing Sirius Building is not listed on the National Trust Register or the AIA's List of Significant Architecture.

Errors can lead to a misrepresentation of the significance of the existing building and also to the significance and fine-grained use of the surrounding area within which a new building is proposed.

Planning Report & Urban Design Report omit important controls

The Planning Report (and the Urban Design Report), whilst stating that retention of the existing building is possible, make no concessions to encourage the retention of the existing building. The Planning Report and the anonymous Urban Design Report (Appendix A of the Planning Report) fail to address urban design, rather they concentrate on some planning controls, but not all the controls that could be expected for an urban design strategy on such a sensitive, nationally (and internationally) important site.

Character of The Rocks & infill buildings

With the exception of Section 8 of the Heritage Report, the "SEPP" fails to address the urban character of the Rocks and how the existing building relates (or doesn't) to that character or how any proposed new building should relate to the surrounding area. Given the importance of The Rocks as a State listed Heritage Conservation Area and as an important part of the buffer zone around the World Heritage listed Sydney Opera House the failure of the Planning

Report and the Urban Design Report is a fatal flaw in the planning process. As a minimum, the Urban Design Report should address the built form of the surrounding Heritage Conservation Area and the relationship between the site and the surrounding built form.

Existing building exhibits urban character of The Rocks

It is Docomomo Australia's submission that the existing Sirius Building is an excellent Modernist interpretation of the surrounding conservation area that pays homage to the area whilst creating a building worthy of the twentieth century. The area is characterized by a mixture of small scale, narrow terrace houses and larger warehouse buildings with later twentieth century buildings inserted into that mix with varying degrees of success. The bulk of the existing Sirius Building is broken down and modulated in both plan and elevation to relate to the small-scale buildings of the area and, by virtue of the mountain-like aggregation of the smaller units into a larger building it relates to the scale of the larger buildings in the Rocks as well as to the large engineering structures in the Sydney Harbour Bridge and Circular Quay area. The skill with which the Sirius Building achieves this fine-grained solution to its context is not reflected in any of the proposed site planning controls.

Page 7 of the Heritage Report inadvertently reinforces how the Sirius building relates to its setting when it states that "new development should respect the form, scale, character and texture of The Rocks". The existing building achieves this through its human scale of building elements, the nature of the small-scale building module, the massing of the building and its varied height. Even suburban local government area Development Control Plans provide detailed guidelines regarding the control of excessive massing, height and wall length but this detail is missing in the "SEPP" other than the generalised statements in Section 8 of the Heritage Report where it states that any new development should take cognizance of the fine grained, multi-faceted texture of The Rocks.

None of the controls outlined in the exhibited documents reflect the Heritage Report's assessment of The Rocks and, in the absence of the final wording of the proposed statutory document, the only assumption is that any new building will be poorly-controlled and there is no guarantee that any new building will achieve the same architectural or townscape quality as the existing Sirius building.

SEPP 65 may conflict with The Rocks' setting

In addition, the Planning Report (p.20) states that, if the existing building is retained and adaptively re-used, the building must comply with SEPP 65 requirements. Whilst this is a given for any large-scale refurbishment, the lack of heritage listing may force adaptations to the building that detract from its current character and relationship to the surrounding conservation area.

Heritage significance of the existing Sirius building

The Heritage Report clearly states (p.9) that the report "does not consider the heritage significance of the existing Sirius building" and yet the report proceeds to assess the significance of the building in various sections of the report. The Heritage Report states that the existing building is not on the National Trust of Australia Register or on the Australian Institute of Architects List of Significant Architecture when, in fact, both organisations have listed the building. Such an error minimises the significance that the community (both lay and professional) has ascribed to the building. However, in the timeline on page 11 of the Heritage Report the National Trust listing of the site in 2014 is clearly stated which is one of a number of anomalies in the documents.

Docomomo is also not sure of the relevance of searching the Art Deco Society of NSW Register for a building opened in 1980. Docomomo Australia has made previous submissions for both the listing of Sirius on the State Heritage Register and for the building's retention. This previous and ongoing support for the Sirius Building (as evidenced by the numerous

notices and entries on the Docomomo Australia website as well as submissions to government) is not mentioned in the Heritage Report.

Section 8 of the Heritage Report does address important issues regarding any proposed new building on the site. However, in the absence of any planning instrument or supporting documentation, it is not possible to ascertain how the report's stated aims of any new building fitting in with the existing fine grain of The Rocks conservation area are to be achieved.

The Heritage Report also does not address the public submissions to the proposed listing of the Sirius Building on the State Heritage Register. The overwhelming majority of submissions (24) were in favour of the listing of the building and the four submissions opposing listing were generated by the developer lobby group (The Urban Task Force) and government departments. This overwhelming professional and public support for the heritage significance of the existing building within the context of The Rocks should have been assessed as the exhibited documents purport to portray both a retention and refurbishment alternative as well as demolish and replacement alternative for the Sirius site.

The Heritage Report does not address the expert independent advice commissioned by the NSW Heritage Council. The advice, prepared by Professor Philip Goad from the University of Melbourne, clearly demonstrated the quality of the existing building and that it did, despite previous advice commissioned by the owner of the building, meet the threshold for listing at a State level under two or more criteria. Despite the unanimous support of the Heritage Council for listing the existing Sirius building on the SHR two successive Ministers have refused to list it; one because such a listing could reduce the price obtained from selling the site and the other because of an aesthetic bias against such buildings. Both decisions misconstrue the intention of the Heritage Act to assess significance based on a number of criteria and not on personal or government prejudice.

Proposed Land Use Zone does not permit existing land use

The proposed zoning of the site, B4 - Mixed Use, does not permit the building currently on the site (ie a residential Flat Building). Only the R2 – High Density residential zone permits such a use.

If the existing building is retained the exhibited documents state that there can be no increase in Gross Floor Area to accommodate a ground level mixed use to support a conforming building to remain on the site. The SCRA Planning Scheme envelope has unused potential within the envelope. Moreover, the SCRA Scheme can be, and has been, altered with the Minister's consent. Again, the Government appears to be trying to thwart any reasonable re-use and refurbishment of the existing building. Not even laissez-faire America acts in such a manner inimical to conservation. For example, in Texas, the Federal and Texas state governments offer combined tax incentives of up to 45% to retain the exterior and significant interior spaces of existing Modernist buildings.

Proposed maximum height of a new building

The Height of Building Map gives RLs for a new building on the site (in three distinct areas running from north to south) but gives no RLs for the surrounding streets and walkways or for the deck of the Sydney Harbour Bridge, the height of which is supposed to be the maximum height of any new building. Note that the Urban Design Report relates the height of the buildings to the top of the bridge handrail (**not the bridge deck** as stated in the EIE) and it states that the proposed RLs of the building would be 1.5 metres above the top of the handrail of the Harbour Bridge! This is a serious discrepancy between the Urban Design Report and the EIE. Which is correct?

There is no Height of Building Map relating to the retention of the existing building (ie what are the RLs of the existing building envelope?). The SCRA envelope diagram is reproduced on

page 6 of the Planning Report at such a small scale that the RLs on the diagram are not legible.

The proposed building volumes have the potential to create horizontal box-like buildings that do not reflect the character of The Rocks.

Conclusion

Docomomo Australia submits that the Draft Sirius Site SSP SEPP is inadequate in that there is insufficient detail to control any future new building on the site in such a manner that the significance of The Rocks as a nationally (and internationally) important conservation area is protected, that the buffer zone around the World Heritage-listed Sydney Opera House is not compromised, that the aesthetic, historic and social significance of the existing building on the site has not been properly assessed and that the community expression of that significance has not been acknowledged or given due weight in any of the government-sponsored documents relating to the site.



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