



Australian
Institute of
Architects

Draft Sirius Site SSP SEPP 36-50 Cumberland St, The Rocks

Submission to the NSW Department of Planning & Environment

16 February 2018



Amendments to State Environmental Planning Policy (State Significant Precincts) 2005 to include planning controls for 36-50 Cumberland St, The Rocks (Sirius site)

1. Background and Intent of the Proposal

The Explanation of Intended Effect makes it clear that it is the intention of the NSW Government to divest the site to fund new social housing, and that in doing so it has reviewed the planning controls for the site. We are then presented with a draft SEPP amendment, which proposes new controls over the site.

This raises the question: why is there even an amendment at all?

The agreement of the Minister for Planning to investigate the site as a potential State Significant Precinct (SSP) provided the following justification:

- **Large area of land within a single ownership or control, typically Government owned:** Large area of Government owned land and a strategically important site in its context
- **State or regional importance in achieving government policy objectives, particularly those relating to increasing delivery of housing and jobs:** Sale of the site as important in achieving government policy objectives (the funding of new purpose-build social housing) with the preparation of new planning controls a potential support for the sale of the land
- **State or regional importance for heritage or historical importance:** nominating the importance of the National Heritage Listed Sydney Harbour Bridge and the Sydney Opera House buffer area, as well as The Rocks Conservation Area

In so doing, the analysis did not in our view give sufficient consideration to the significance of Sirius, the building on the subject site, which is recognised by numerous bodies locally and internationally, including the NSW Heritage Council, National Trust, City of Sydney, Historic Houses Association, World Monuments Fund, ICOMOS, Docomomo and the Australian Institute of Architects.

Our chief criticism therefore of this proposed amendment is that the controls seek primarily to support the sale of the land, rather than to acknowledge the value of the building which stands upon it. In our view, there should be no need for an amendment, because the building's tenure should not be under question.

Second, as the EIE states, the existing controls support a building envelope which roughly follows the existing building. The proposed amendments replace this with an envelope which erases all trace of the existing building's form, and with it the memory of a social housing past. This too we view as a culturally shortsighted starting point.

We are therefore in fundamental disagreement with the rationale of the proposed amendment. The Institute does not retreat from our position that the building should be retained and recognised for its architectural, social and cultural significance, and affirm all our representations on this point to date.

2. Proposed Controls

Putting aside the fact that for this site we do not share the same starting point as the NSW Government, we offer the following comments on the proposed controls.

2.1. Land Use Zone

We support the general principle of Mixed Use zoning for the site, but specific provision should be made for the inclusion of social housing.

2.2. Height of buildings

We support the principles of the proposed maximum building heights for any new development, should this occur. The proposed controls do open up view to and from the Opera House from the Sydney Harbour Bridge, but the argument that the existing building substantially obstructs the views to and from the Sydney Harbour Bridge and Sydney Opera House, particularly given that many experience the 'vista' at speed whilst travelling past in a motorcar, verges on disingenuous.

2.3. Maximum Gross Floor Area

We do not support the proposal that if retained the maximum GFA of the existing building (7,010m²) should apply, and that additions will not be permitted. No rationale for this restriction is provided. If as has been determined by the Minister for Heritage the building does not merit heritage listing, then there should be no reason why it should not be able to be amended to achieve at least the same GFA as proposed for a new building on the same site (8,420m²). No clear rationale is given as to why the approach of retaining the existing building is so clearly disadvantaged. This needs to be addressed, given there are numerous examples in NSW of adaptive reuse of buildings that have been widely acclaimed, and the related embodied energy that would be saved by encouraging the retention of the existing structure.

2.4. Maximum Car Parking

If the limit is proposed as 0.5 spaces per residential unit, and the

projected total of dwellings is approximately 85, then this should amount to no more than 43 spaces. This should therefore be considerably less than the space currently provided to the existing building, which accommodates 'around 70 cars'. This is evident in the Planning Report (section 4.5) but not in the EIE. This needs to be clarified.

2.5. Design Excellence

The Institute is strongly supportive of design excellence; indeed, it is one of the reasons why the building is on our register of significant architecture. Any prospective future building on the site should therefore be required to make substantial reference to the existing building, in the same way that the character of the surrounding area is to be considered.

The roofscape of any future building is arguably more important than the streetscape. As the images in the Planning Report demonstrate, it foregrounds the view to the Opera House, and vice versa, yet the Design Excellence provisions are silent on this 'fifth elevation'.

2.6. Heritage

The Heritage Impact Statement only considers the impact of the proposed SEPP amendment on surrounding heritage items and the wider area. It does not consider the heritage significance of the existing Sirius building. This approach presupposes that the existing building is of no heritage value, which is not borne out by the facts.

The Heritage Impact Statement incorrectly claimed that Sirius is not included on the Australian Institute of Architects list of Significant Architecture in NSW. The building is on the register, and furthermore state listing of Sirius is supported by the Institute with Chapter President Andrew Nimmo re-affirming the Institute's recommendation for Heritage Listing following former Chapter President Shaun Carter's support during the nomination process. The Institute issued correspondence to the authors of this report in late 2017.

In addition, the Heritage Impact Statement also incorrectly claimed Sirius is not listed on the National Trust register. Sirius was added to the National Trust register in 2014. In fact, it was the National Trust that prepared the heritage nomination to the NSW Heritage Council.

Finally, the Planning Report (section 4.4) suggests that 'the design articulation of any new building (should) respect the historic pattern of streets, lanes and pathways, removing or minimising the impact of height on the site'. The fact that the Sirius building has been standing on the site for nearly forty years means that it too is now part of the historic pattern, and should equally be respected in the design articulation of any new building.

2.7. Open Space

The proposed GFA of a new building (8,420m²) appears to provide no public open space, whereas the existing building does. The SEPP should require the provision of public open space that is at least the equivalent of the existing building.

It is not clear which 'large scale open space' (Planning Report, section 4.6) is referred to as being proximate to the site. In lieu of this, the assertion that this is the justification for requiring no additional open space is not clear. Additional to what? The existing?

2.8. Active Street Frontages

The draft Active Street Frontage Map (Attachment D) was not made available with the materials gazetted. The draft documentation is therefore incomplete and it is not possible to make an appropriate assessment.

2.9. Consent Authority

We support the ongoing status of the Minster for Planning as the consent authority for development applications on the site over \$10million.

3. Conclusion

Whilst we make the above comments in respect of the proposed amendments to the SEPP in good faith, this proposal cannot in any way be viewed in isolation from the circumstances that have prompted its development and subsequent gazettal.

Notwithstanding our comments in respect of the SEPP as proposed, we are fundamentally opposed to the premise that a plan for new controls for a site on which exists an architecturally, socially and culturally significant building need be developed in the first place.

Because of this we cannot support the proposed amendments to the SEPP.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Nimmo'.

Andrew Nimmo
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