

# **Attachment A**

**Independent Assessment Report prepared  
by the External Heritage Consultant**

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## Haymarket Library - Heritage Floor Space Assessment

File No: X022160

### Summary

The City of Sydney's heritage floor space scheme acts as an incentive for the conservation of heritage buildings within Central Sydney. Heritage floor space is awarded on the basis of completed conservation work that is in accordance with a Conservation Management Plan, and the placement of covenants on title, which prevent development on the site that increases the gross floor area of any buildings on the site or increases the height of the heritage building. Once awarded, this floor space may be transferred to other approved developments within Central Sydney. These awards may be made only once every 25 years per heritage building.

The City of Sydney has applied as the owner for an award of heritage floor space for works undertaken on the Haymarket Library. These works were undertaken by the Council from 1990-1992. They were extensive and included complete reconstruction of the north and west ground floor facades, which had been largely demolished to accommodate shopfronts in 1925. No notable conservation works have been carried out since then, and the application by the City is therefore principally a retrospective one that seeks to take these historic works into account. The retrospective award of heritage floor space is not prohibited by the provisions of the *Sydney Local Environmental Plan 2012*, nor by the *Sydney Development Control Plan 2012*. The 2017 award of heritage floor space for earlier conservation works carried out on the Hyde Park Barracks is an example of this kind of award.

This independent consultant assessment of the application has identified the need for urgent conservation works to stonework and some other works, and concluded that these works form part of the required works for the registration of heritage floor space. The independent assessment has relied on the report, Attachment D, prepared by Slate Roofing Australia in order to ascertain the condition of the roof. The works required to be completed before the registration of heritage floor space are listed in paragraphs 30 and 31.

This report recommends that Council approve the award of 1,125.38 square metres of heritage floor space, subject to the recommendations outlined below.

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## **Recommendation**

It is resolved that:

- (A) Council approve the Haymarket Library Conservation Management Plan, prepared by Urbis Pty Ltd, dated 7 December 2018, as required by the Sydney Local Environmental Plan 2012 and provided at Attachment C to the subject report;
- (B) Council approve the award of 1,125.38 square metres of heritage floor space, subject to:
  - (i) placing covenants on title, as required by the Sydney Local Environmental Plan 2012, to ensure that no development can occur on the site that either:
    - (a) increases the gross floor area of the heritage building; or
    - (b) increases the height of the heritage building;
  - (ii) placing covenants on title that ensure the continued maintenance and conservation of the building in line with the Haymarket Library Conservation Management Plan, prepared by Urbis Pty Ltd, dated 7 December 2018. This covenant must include a requirement for ongoing provision of adequate insurance and a maintenance fund, as required by the Sydney Development Control Plan 2012; and
  - (iii) completion of works required to address the active decay of the stonework on the building, as outlined in paragraphs 30 and 31 of the independent consultant's report prepared by Hector Abrahams Architects. These works are to be completed and verified by a suitably qualified person prior to the registration of the heritage floor space in the Heritage Floor Space Register;
- (C) authority be delegated to the Chief Executive Officer to confirm the calculation of the final award and finalise the deed and required covenants in accordance with (B) above.

## **Attachments**

**Attachment B.** Photographs of Required Works

**Attachment C.** Conservation Management Plan Haymarket Library - Urbis Pty Ltd - 7 December 2018

**Attachment D.** Roof Report - 744 George Street Haymarket - Slate Roofing Australia - 29 October 2019

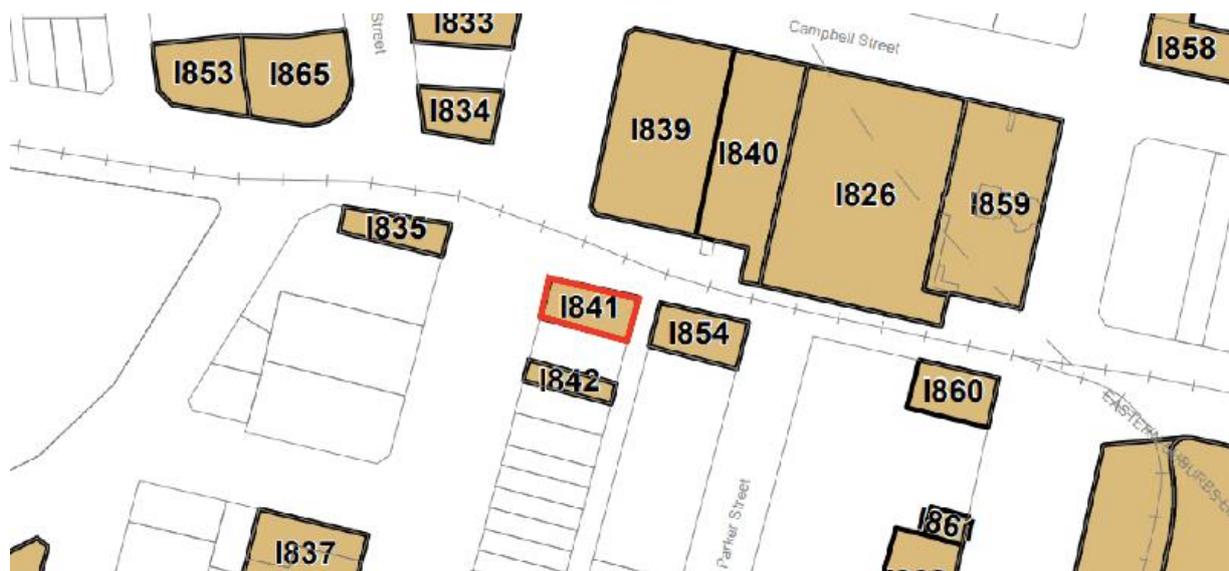
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## Background

1. Since 1996, under the provisions of its *Sydney Local Environmental Plan 2012*, the City of Sydney's heritage floor space scheme has acted as an incentive for the conservation of heritage buildings within Central Sydney. Heritage floor space is awarded on the basis of completed conservation work that is in accordance with a Conservation Management Plan and placing covenants on title, which prevent development that increases the gross floor area any buildings on the site or increases the height of the heritage building. Once awarded, this floor space may be transferred to other approved developments within Central Sydney. These awards may be made once every 25 years for each item.
2. The proposed application is for a retrospective award of heritage floor space. The retrospective award of heritage floor space is not prohibited by the provisions of the *Sydney Local Environmental Plan 2012*, nor by the *Sydney Development Control Plan 2012*. There is a recent example of a retrospective award - in 2017 Council awarded an amount of heritage floor space to Sydney Living Museums based on the completion of earlier restoration works to the Hyde Park Barracks. That award was the first of its kind.

## Subject site

3. The subject site of the building known as the Haymarket Library (formerly 'Haymarket Chambers', 'Commercial Banking Company of Sydney'), is Lot 1 DP 1002966, located at 744-744B George Street, Haymarket NSW 2000.
4. The site is bounded by George Street to the west, Hay Street to the north, and Parker Lane to the east. It is adjacent to the site of 746-748 George Street to the south. It contains one building, the Haymarket Library, which occupies the entire site.
5. The building is listed on the Sydney LEP 2012 as 'Former "Haymarket Chambers" including interior', \*I841. There are no other statutory heritage listings of the site, and the site is not within a heritage conservation area. The boundaries of the site and listing are shown on the extract from the Sydney LEP 2012 Heritage Map, below.



**Figure 1** Sydney LEP 2012 Heritage Map excerpt.

6. The site is owned by the City of Sydney as a result of a compulsory acquisition from the Crown in 1999 in accordance with the provisions of the Land Acquisition (Compensation) Act 1991 (Urbis, *Planning Report*, 5). The provision for heritage floor space in the *Sydney LEP 2012* does not specify that the applicant has to have been the owner of the site at the time conservation works were carried out.

## History

7. The subject site occupies the land of the Gadigal people of the Eora Nation. Little research has been conducted into the Aboriginal history and heritage of the site or its immediate vicinity (Urbis, *CMP*, 18).
8. The prominent corner site was part of a larger grant to the City Council by the Department of Lands in 1873, under the City Leasing and Improving Act 1873. The City had applied for the grant “for market purposes” (Urbis, *CMP*, 25).
9. The site was quickly leased to the Commercial Banking Company of Sydney, whose “choice of this site was undoubtedly influenced by its proximity to the corn, hay and cattle markets.” The bank commissioned the eminent architectural practice Mansfield Brothers, to design their premises (Urbis, *CMP*, 34). Their design was for an elaborate venetian gothic edifice in Sydney Sandstone which was completed in 1875.
10. The Commercial Banking Company occupied the site until 1925, at which point the building was apparently subdivided into three tenancies. It was at this time that the ground floor of the building was considerably altered, to allow for shopfronts that incorporated large glass windows.

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11. In 1990, Sydney City Council lodged a building application to carry out substantial restoration and adaptive reuse works, including the reconstruction of the majority of the ground floor façade, to allow the building to be used as a library (Urbis, *CMP*, 56). This work, overseen by Howard Tanner and Associates, but possibly documented by the City, was completed in 1992, and the Haymarket Library opened in this location in the same year. The Haymarket Library is soon to be moved to the newly built building called 'The Exchange' in Darling Harbour.

### **Significance**

12. According to its listing in the State Heritage Inventory, the Haymarket Library is significant at a local level because of its historical, associative, aesthetic, representative and rarity values.
13. As written in the *Conservation Management Plan* prepared by Urbis Pty Ltd, the building '*exhibits a distinctive blend of Victorian Italianate/Palazzo and Free Gothic styles, displayed in well-crafted sandstone, corniced parapet, pilasters to the front façade.*' It therefore has '*aesthetic significance at the local level which is vested in the overall form and the presentation of its primary facades.*'
14. It is '*representative of the development of Sydney's Haymarket area in the late nineteenth century from a Government Paddock to a bustling commercial precinct.*'
15. It has associative significance for its '*associations with the Commercial Banking Corporation of Sydney ... [and] with the prolific architectural practice Mansfield Brothers. Which designed public and commercial buildings in Sydney and throughout NSW*' (Urbis, *CMP*, 88).

### **Relevant development applications**

16. In 1990, Sydney City Council lodged a building application, B/0004/90, to carry out substantial restoration and adaptive reuse works, including the reconstruction of the majority of the ground floor façade, to allow the building to be used as a library. That application was approved and the subsequent works are the basis for this application for heritage floor space.
17. In 2012, an application D/2012/1428 was approved for an upgrade of the building which included demolition of the existing vestibule, entrance and loans desk, and their replacement with a new entrance, ramp and loans desk that are wheelchair accessible (Urbis, *Planning Report*, 6). This application appears to be referred to as B/2012/543 in the *CMP*, and also involved "a new meeting room, upgraded computer area, and display space" (Urbis, *CMP*, 62). It is not apparent that any further conservation works were carried out as part of this upgrade.
18. No further applications have since been made, and earlier applications are not directly relevant to the application for heritage floor space.

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## Conservation works and management plan

19. The conservation works completed in 1992 faithfully restored and conserved almost all aspects of the building. They were carried out to a generally high standard of crafts and were accurate to the available documentary evidence. Accordingly they can be said to have been in line with the principles of the *Burra Charter* that guide the conservation of heritage places in Australia. An independent assessment of the 1992 conservation works as part of this application has identified some further conservation works are required to address decay and other issues in the building and these are outlined in paragraphs 30 and 31.
20. **The reconstruction of the ground floor facades, (north and west)** – This reconstruction is faithful to photographic and artistic renderings of the building's appearance before it was altered in the 1920s. It is, however, incomplete as important architectural detail around the front door is yet to be reconstructed.
21. **Stone repairs including refacing, removing surface coating and patching to smooth profile** – Most of the stones have been repaired and are in generally good condition, except for some stone on the west of the north façade that appears to be in active decay. An acid wash has been used to remove the surface coating, changing the colour of the stone.
22. **Underpin and remove all existing construction to first floor veranda and replace with new columns pedestals and windows** – This appears to have been completed.
23. **Slate roofing to existing first floor veranda and replace glazed wall** – This work has been completed.
24. **New rendered coping to roof of ground floor eastern form to match existing adjacent** – This work has been completed.
25. **New windows to match existing** – This work has been completed.
26. **New gutters and downpipes** – These have been installed.
27. A Conservation Management Plan (CMP) was prepared by Urbis Pty Ltd in 2018. All conservation work was therefore completed before the CMP was written. The CMP is of a suitable standard and the conservation works are in accordance with the policies set out in it.

## Key Implications

### Eligibility for a heritage floor space award

28. Clause 6.10(2) of Sydney LEP 2012 provides that Council may record an amount of heritage floor space in the Heritage Floor Space Register, subject to the eligibility criteria shown in Table 1.

Sydney LEP 2012, clause 6.10(2)	Independent Assessment
(a) the person is the owner or the nominee of the owner of a building that is a heritage item shown marked “*” in Schedule 5 (a heritage building)	<b>Complies</b> – The City is the owner. The item is a heritage building.
(b) the heritage building is on land in Zone B8 Metropolitan Centre	<b>Complies</b>
(c) conservation works have been carried out on the heritage building and have been completed in accordance with a heritage conservation management plan approved for the building by the consent authority	<p><b>Complies in principle</b> – Conservation works have been carried out. The Conservation Management Plan was prepared after the works have been completed, but the plan is of a suitable standard and the works are in accordance with its recommendations and with the principles of the <i>Burra Charter</i>. It is recommended that Council approve the Conservation Management Plan to satisfy this condition.</p> <p>This independent assessment has found the works are incomplete and recommends they be completed for the site to qualify for the award of heritage floor space.</p>
(d) a covenant is registered that prevents development that increases the total gross floor area of all buildings on the site on which the heritage building is located or that increases the height of the heritage building	<b>Capable of compliance</b> – Council officers are responsible for finalising the covenants on title. These covenants are required to be registered prior to the registration of heritage floor space.
(e) an amount of heritage floor space has not been recorded in the previous 25 years (under this clause or under a similar scheme in force before the commencement of this Plan) in respect of the heritage building	<b>Complies</b>

Sydney LEP 2012, clause 6.10(2)	Independent Assessment
(f) no other building has utilised floor space that was available to it only because, at the time the floor space was utilised, the building was on a site that included the heritage building or that included part of the site occupied by the heritage building	<b>Complies</b> – No other development has used the floor space contained on this site.

Table 1 – Compliance with Sydney LEP 2012

29. Provisions 5.1.9.1 and 5.1.9.2 of Sydney DCP 2012 provide additional eligibility criteria and prerequisites for the award of heritage floor space as shown in Table 2 below.

5.1.9.1 (1)(a) building is located in the Central Sydney area	<b>Complies</b> – The building is within the bounds of the area of Central Sydney, as identified by the Sydney DCP 2012.
(b) subject to conservation works in accordance with an approved Conservation Management Plan	<p><b>Complies in principle</b> – Conservation works have been carried out. The Conservation Management Plan was prepared after the works have been completed, but the plan is of a suitable standard and the works are in accordance with its recommendations and with the principles of the <i>Burra Charter</i>. It is recommended that Council approve the Conservation Management Plan to satisfy this condition.</p> <p>This independent assessment has found the works are incomplete and recommends they be completed for the site to qualify for the award of heritage floor space.</p>
(c) not subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate the adaptive reuse of the heritage building	<b>Complies</b>
5.1.9.2 (1) Prior to registration of the HFS the applicant must complete the conservation works in accordance with the CMP and enter into legal agreements and grant covenants on the land which (a) limit any future redevelopment of the site to the total gross floor area and height of the conserved heritage building	<b>Capable of compliance</b> – The works outlined in paragraphs 30 ad 31 of this report should be completed prior to the registration of the Heritage floor space award. Council officers are responsible for finalising the covenants on title. These covenants are to be registered prior to the registration of heritage floor space.

(b) ensure the ongoing conservation of the building by regular maintenance including the provision of adequate insurance and a maintenance fund.	<b>Capable of compliance</b> – Council officers are responsible for finalising the covenants on title. These covenants will be registered prior to the registration of heritage floor space.
(2) A Conservation Management Plan for the heritage item is to be approved by the consultant authority and is to generally include:	<b>Complies in principle</b> - The Conservation Management Plan is of a suitable standard and accords with the principles of the <i>Burra Charter</i> . It is recommended that Council approve the Conservation Management Plan to satisfy this condition.
(a) works to conserve the existing fabric of the building	<b>Complies in principle</b> - The Conservation Management Plan addresses the cyclical maintenance of the building. It does not address all the immediate works required to conserve the existing fabric, which are detailed in paragraphs 30 and 31 of this report.
(b) removal of elements that detract from the significance of the building	<b>Complies in principle</b> - The Conservation Management Plan is of a suitable standard and accords with the principles of the <i>Burra Charter</i> . It addresses the ongoing maintenance and conservation of the building.
(c) the schedule of maintenance works	
(d) reinstatement of original fabric based on documentary evidence where appropriate	
(e) other works compatible with significance of the building.	

Table 2 – Compliance with Sydney DCP 2012

30. The objective of the heritage floor space scheme is “to provide an incentive for the conservation and on-going maintenance of heritage buildings within Central Sydney” (Sydney LEP 2012, s.6.10(1)). As such, all conservation works must be carried out in advance of a registration of heritage floor space. The outstanding conservation works on the Haymarket Library are listed below in Table 3, with images provided in Attachment B. These works must be completed and verified by a suitably qualified person prior to the registration of the heritage floor space.

Identified defect with references to images in Attachment B	Works required
<b>Exterior</b>	
External door joinery damaged	Repair and repaint
Loose and missing exterior pointing (Figure 1)	Replace missing and loose pointing in the base and lower courses on George and Haymarket Street
Superficial dirt on lower courses of stonework (Figure 2)	Clean using clean water and bristle brush
Paint flaking on timber of enclosed veranda (Figure 3)	Prepare and repaint all previously painted timberwork
Lateral damp affecting stonework at eastern end of north façade, possibly failing (Figure 4)	Investigate source of damp and address, desalinate stonework, remove loose stonework, monitor for a period of 12 months
Evidence of water and active decay in cornice on north façade (Figure 5)	Desalinate stonework, monitor for a period of 12 months
Lead lifting off coping on northern side (Figure 5)	Refit lead.
Polluted water running over brackets on either side of front door (Figure 6)	Investigate, desalinate stonework and monitor for a period of 12 months
Missing ball detail above brackets on either side of the front door (Figure 6)	Reconstruct missing elements in accordance with photographic and artistic evidence.
Apron flashing on southern boundary wall has slipped (Figure 7)	Refit flashing
Slate has slipped on veranda roof (Figure 8)	Refit slipped slate
Lead hip flashing is lifting on veranda roof (Figure 8)	Reset slipped lead hip flashing
<b>Interior</b>	
Loose handrail on staircase	Tighten handrail screws

<b>Identified defect with references to images in Attachment B</b>	<b>Works required</b>
Finish on window joinery is worn away	Apply appropriate mix to window joinery finish. Repaint painted external window joinery elements.
Architraves misaligned where vertical meets rounded section, likely due to movement (Figure 9)	Investigate source of movement and address
Leaking window sills in glazed veranda (Figure 10)	Investigate on all casement sashes and address

Table 3 – Works required before registration of heritage floor space

31. The following recommendations arise from a report conducted in October of 2019 by Slate Roofing Australia. This report is found at Attachment D. With one exception, concerning the roll top lead, the below recommendations accord with those in the report. These works should also be completed and verified by a suitably qualified person prior to the registration of the heritage floor space.

<b>Identified roof defect with reference to Attachment D</b>	<b>Works required</b>
Chipboard steps providing access to the roof are heavily damaged.	Replace with steps of a suitable material.
Approximately 30 pieces of slate are broken	Remove broken slate and replace with like.
On Eastern elevation some lengths of the roll top lead have slipped down the hip because they are not adequately fixed. This is a point of water ingress.	Confirm thickness of lead. If lead is too thin, thicker (and therefore heavier) lead should be substituted. In either case, clips should be recessed into the lead. Do not screw-fix lead.
Gutters and rainwater goods blocked by debris and leaves.	Clean gutters and rainwater goods. This needs to occur every 12 months as per the cyclical maintenance plan prepared by Urbis as part of the CMP.
Southern box gutter blocked by a redundant air con hood.	Cut up hood and remove from roof.
Sump in southern box gutter completely blocked with leaf debris.	Clean out sump, install copper leaf guard box to avoid future blockages from leaves and debris.

Table 4 – Works required to roof before registration of heritage floor space.

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32. This report recommends that Council approve an award of heritage floor space on the basis of the building complying, or being capable of complying, with the above statutory criteria and requirements. The works outlined above must be completed and verified by a suitably qualified person prior to the registration of the awarded floor space.

### **Calculations for heritage floor space award and covenants**

33. Section 5.1.9.3 of the Sydney DCP 2012 provides a formula, Formula 1, for the calculation of heritage floor space for a government-owned building. The formula is:

$$\text{HFSH} = 0.5\text{AS} \times \text{FSRH}$$

Where HFSH is the maximum amount of heritage floor space that may be awarded, AS is the site area in square metres occupied by the heritage building, and FSRH is the maximum FSR of the site of the heritage building.

34. According to the survey plan prepared by Craig & Rhodes for Urbis Pty Ltd, the area of the site is 300.1m<sup>2</sup>. The FSR for the site is 7.5:1, as per the Sydney LEP 2012. This means that the HFSH can be calculated as follows:

$$\text{HFSH} = 0.5(300.1) \times 7.5 = 1,125.38\text{m}^2$$

35. A deed is to be prepared, and required covenants placed on title, in order for the award to be finalised and registered.

### **Strategic Alignment - Sustainable Sydney 2030**

36. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This application is aligned with the following strategic directions and objectives:
- (a) Direction 7 - A Cultural and Creative City – Strategic direction 7 acknowledges that the City's culture extends beyond the arts to lifestyle, heritage and the natural environment. The ongoing conservation of the Haymarket Library, which is enabled in part by the sale of heritage floor space, ensures its continued positive contribution to the cultural fabric of Sydney.

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## **Relevant Legislation**

- 37. Environmental Planning and Assessment Act 1979.
- 38. Environmental Planning and Assessment Regulation 2000.

## **Options**

- 39. There are no alternative options for this proposal.

## **Public Consultation**

- 40.. This application was exhibited for public submission from 26 April 2019 to 23 May 2019. There were no submissions received.

**REPORT PREPARED BY HECTOR ABRAHAMS ARCHITECTS, EXTERNAL CONSULTANT.**