

Relevant Information for Council

FILE: X017182 **DATE:** 26 June 2020

TO: Lord Mayor and Councillors

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 9.6 – Post Exhibition – Planning Proposal – Modern Movement Heritage Items – Sydney Local Environmental Plan 2012 Amendment

For Information

Purpose

To advise Council on matters raised by speakers at Council's Transport, Heritage and Planning Committee meeting of 22 June 2020 and through further correspondence from representatives of the owners of the buildings. The matters relate to the William Bland Centre, Sydney Masonic Centre, the MLC Complex and the inventory information for Horwitz House.

Background

William Bland Centre

Landowner heritage assessment and significance

The landowners' heritage assessment was included in the public exhibition, reviewed and addressed in detail in the summary of submission at Attachment B to the subject report. The City's recommendation is based on a survey of more than 110 Modern Movement buildings in central Sydney. The City's study concludes the William Bland Centre fulfils six Heritage Council criteria for local listing for its historic, associations, aesthetic/technical, research, rarity and representative significance. The William Bland Centre is significant as a central Sydney example of the Post War International style of glass curtain wall offices, distinguished by its unusual curtain wall pattern. It demonstrates the work of respected emigre architect Hans Peter Oser and the oldest known surviving example of lift slab construction in central Sydney. It also has significant associations with the medical profession. Docomomo Australia, the UNESCO adviser for modern architectural heritage, supported the City's findings over those of the landowners' heritage assessment.

Changes prior to exhibition

The study's recommended listings were reviewed before inclusion in the planning proposal for exhibition. The review considered integrity, comparative value within the local area and whether approved or advanced plans would diminish the significance. The William Bland Centre met the stated criteria for inclusion, together with the eight other items and were then included in the planning proposal. Five buildings were excluded and not proposed to be listed. This review has been described in the pre-exhibition and post-exhibition reports to Council and the CSPC.

Listing of Interiors

The exhibited listing included all significant interiors. Following exhibition the listing has been reduced with only the façade wall and fixtures, foyers, lightwells and internal structure specified. Non-structural tenancy interiors are excluded from the listing.

The revised listing is based on landowner and other submissions from the public exhibition, the landowners' heritage assessment, a site inspection by City staff and further consultation with landowners as set out in the subject report.

The revised listing recognises building alterations that have occurred and the opportunity to streamline approval processes for building fabric that is not significant.

The elements included in the revised listing are original features important for understanding the significance of the building. The elements may have been altered but those alterations have not compromised the heritage significance and are capable of conservation. These elements meet the Heritage Office standard for listing, which includes altered original elements. Heritage items and their listed elements can be repaired, upgraded, adapted and developed. Changes proposed to listed elements will be assessed on their merit through a development application.

For elements excluded from the listing, such as the non-structural tenancy interiors, changes can be undertaken without consideration of heritage impacts. This includes commercial office fit-outs through the proposed complying development process.

Fire Order and Building Condition

An inspection of the building with the landowner and City heritage and fire order specialists was carried out in April 2019. The City's review finds no conflict between the fire safety order and listing for the building. These fire upgrade works can continue uninterrupted, before and after listing to improve the building's fire safety.

The City's Heritage Floor Space scheme would be available to owners following listing and would provide assistance with costs. However, without listing, the façade will still require repair and upgrade for the building's continued use.

Consultation process

Public consultation for the listing exceeded the required 28 days, with an extended two month exhibition for owners to comment. In addition Council deferred consideration of the exhibition decision in 2018 for two months to advise owners of the process. During the process City staff have met with landowner representatives on four occasions in September 2018, March 2019 and April 2019 to discuss the proposed listing, owner issues and inspect interiors, as requested.

Email notifications for this post-exhibition meeting and the report setting out the revisions were sent at earliest opportunity, six days before the meeting, to all submitters who provided an email address, including 24 submitters for the William Bland Centre.

In a letter from 17 August 2018 the City provided advice to landowners about the listing and the process. The letter advised that the significant elements will be reviewed and may be revised following exhibition taking into account the submissions received, and the final form of listing is only recommended after exhibition when the City reports back to Council and Central Sydney Planning Committee.

Sydney Masonic Centre

Listing of interiors

At the Committee meeting the speaker raised concerns about the inclusion of altered spaces such as ancillary meeting rooms and kitchens in the listing.

Following exhibition and consideration of submissions and the landowner's heritage assessment, the listing has been significantly reduced to exclude the tower as it is a later construction, although to the original design.

The revised listing is for the podium including interiors. The revised listing has removed the word 'significant' from the description of the interiors. This removes ambiguity from the listing but is more encompassing for this part of the site.

The podium interiors retain original features and spaces, capable of conservation. The City's study identifies the interiors as significant and acknowledges building alterations, which are summarised in the inventory. A summary of recent complying development consents can be added to the inventory. The listing does not prohibit change to the interiors but requires the impacts on the significance to be considered.

Minor alterations to contemporary elements or that have no heritage impacts on the podium interiors can be streamlined through a fast track 'heritage works without consent' notification, which avoids a development application.

Other changes may require a development application which enables the heritage impacts to be assessed on their merit.

Consultation process

Public consultation for the listing exceeded the required 28 days, with an extended two month exhibition for owners to comment. In addition Council deferred consideration of the exhibition decision in 2018 for two months to advise owners of the process. City staff met with landowner representatives in September 2018 to discuss the proposed listing and continued to respond to subsequent owner enquiries about the meeting date for the post-exhibition report. The owners did not invite City staff to inspect the interiors or seek further meetings.

Email notifications for this post-exhibition meeting and the report setting out the revisions were sent at earliest opportunity, six days before the meeting, to all submitters who provided an email address, including two submitters for the Sydney Masonic Centre.

In a letter from 17 August 2018 the City provided advice to landowners about the listing and the process. The letter advised that the significant elements will be reviewed and may be revised following exhibition taking into account the submissions received, and the final form of listing is only recommended after exhibition when the City reports back to Council and Central Sydney Planning Committee.

MLC Centre

In response to objections, the listing been reduced from all the building, including its significant interiors, to specific elements such as the interiors of the tower structure and vestibule, Theatre Royal, CTA building, the Rowe Street through-site links and oculus which extend into levels 6 and 7. The revised listing excludes most office, hospitality and retail interiors and enables complying development for most commercial fit-outs. These elements are excluded because they have no significance as non-original features or are approved for demolition and are therefore incapable of conservation.

Listing of Commercial Travellers Association (CTA) interiors

The listing has been revised following exhibition and the consideration of submissions to specifically describe significant elements and omit elements which are clearly not significant. The CTA building's exterior and interiors are proposed to be retained and specified in the revised listing. No submission or heritage assessment on the CTA building interiors has been received to confirm these interiors have no significance to warrant their exclusion. Minor alterations to contemporary elements or to listed interiors with no heritage impacts can be streamlined through a 'heritage works without consent' notification, which avoids a development application. Other changes may require a development application which enables the heritage impacts to be assessed on their merit and take into account issues such as condition, adaptation and the opportunity for restoration.

Listing of the Oculus

The oculus is proposed to be retained and specified in the revised listing because it is significant as an original feature that forms the centre point to the plaza and is a significant feature of the level 6 food court below. This significance is maintained, despite some alterations. This is the only significant feature of the food court proposed for listing in the revised item name. The oculus needs to be identified in the item name for this feature of level 6 to be included.

Name of King Street cylindrical structure

The landowners has suggested the King Street cylindrical structure should be referred to as the 'King Street 'half-mushroom' Nervi structure' in the listing. The revised listing uses a building description rather than the colloquial name of a "mushroom", consistent with how other similar features are briefly described in the item name. Other Nervi and "mushroom" building forms are listed, without specifying the engineer's name or using the colloquial name.

The name of the structure could be modified, however it is not recommended as it is of little if any consequence. The inventory describes this feature in more detail and can include an alternate colloquial name and the engineer's names for information.

Complying development

One landowner, Dexus, raised concerns about the definition of a public place, window displays and changes to structural elements in relation to the the proposed complying development provision.

A public place is defined in the Local Government Act and for the MLC Centre would include the streets and Martin Place. It does not include publicly accessible private land. Window displays can be carried out in the general course of operating a shop and are not regulated.

Generally, the structure of the proposed items is identified as a significant element of the item. The structure is important to the long term integrity of the building and, for modern movement buildings, is commonly an important part of the significance.

Inventory Updates to Horwitz House and MLC Centre

Polly Seidler provides corrections to the inventory, in particular the consultation with Harry Seidler & Associates. The inventories are not proposed to be adopted by Council and the CSPC and the corrections will be considered and included, where appropriate.

Memo from Graham Jahn AM, Director City Planning, Development and Transport

Prepared by: Claudine Loffi, Senior Specialist Planner (Heritage)

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport