

## **Attachment B**

**22 June 2020 Transport, Heritage and  
Planning Committee Report – Post  
Exhibition – Planning Proposal – Modern  
Movement Heritage Items – Sydney Local  
Environmental Plan 2012 Amendment**

## Item 6.

### Post Exhibition - Planning Proposal - Modern Movement Heritage Items - Sydney Local Environmental Plan 2012 Amendment

File No: X017182

#### Summary

The City's Modern Movement buildings and public artwork provide a unique opportunity to enhance the character of central Sydney for current and future generations. Central Sydney contains one of the greatest concentrations of post-war Modern Movement buildings in New South Wales. The Modern Movement represents one of the most significant and far-reaching twentieth century design aesthetics. For Sydney, 1945 to 1975 was an exciting and challenging architectural period that determined much of the present physical form of the city centre. The dominance of modern office buildings from this period records the changing role of Australia in an international context and Sydney's new-found role as a major world financial centre during the 'Long Boom'. Despite the importance of this movement and period in Sydney's history, only 10 stand-alone Modern Movement buildings designed between 1945 and 1975 are currently listed in the city centre as heritage items.

Following approval by Council and the Central Sydney Planning Committee in 2018, the City has exhibited a planning proposal to heritage list eight buildings and one sculpture from the Modern Movement on Sydney Local Environmental Plan 2012 (SLEP 2012). The listings are based on a comprehensive heritage study of post-war architecture in central Sydney, completed in early 2018. The proposed heritage items include:

- Sydney Masonic Centre, 279-283 Castlereagh Street, Sydney
- Former Sydney County Council building, 552A-570 George Street, Sydney
- St Peter Julian's Catholic Church and Monastery, 637-645 George Street, Haymarket
- Town Hall House, 456 Kent Street, Sydney
- William Bland Centre, 229-231 Macquarie Street, Sydney
- MLC Centre, 19-35 Martin Place, Sydney
- Former Liverpool and London and Globe building, 62 Pitt Street, Sydney
- Former Horwitz House, 398-402 Sussex Street, Haymarket
- 'Earth Mother' play sculpture, Yurong Parkway, Cook and Phillip Park, Sydney

These represent the diversity of the Modern Movement in central Sydney from concrete artworks and expressionist or Modernist buildings to glass curtain wall International style offices and post-war churches. Designed by respected or less recognised architects, engineers and artists for important private and public functions, all have distinct historical, aesthetic or technical features, highlighting a generation of human endeavour in the city centre.

The planning proposal, and supporting documents, were exhibited from 19 August to 14 October 2019. Affected owners, occupants and neighbours were notified by letter and the proposal advertised in the Sydney Morning Herald. Fifty-eight submissions were received in response to the exhibition.

The submissions express a wide range of views about the heritage significance of proposed buildings, the process for listing and their development. The submissions include objections to listings, expressions of support and requests to reduce the listing extent. Organisations including the Property Council of Australia, Docomomo Australia, The National Trust of Australia and Heritage Council of NSW support the proposal or provide advice. City staff also met with objectors or inspected sites as requested. The submissions are summarised and considered in this report and the submissions table at Attachment B.

In response to submissions, the proposed listings have been reviewed and amended. Each of the proposed items have been found to satisfy the Heritage Council criteria of local heritage significance for local listing, as assessed in the heritage inventories at Attachment C. The significance of these buildings and the artwork can still be reasonably appreciated as they have sufficient integrity and comparative value within the local area.

Nine key changes are included in the revised planning proposal as a result of the public exhibition. These relate to the extent of the listing for the eight proposed buildings and the addition of a complying development clause to streamline internal fit-outs of unlisted building components. The changes seek to appropriately recognise and manage the local heritage significance of these Modern Movement buildings through listing significant building components and streamlining commercial development with no heritage impacts. These changes represent new customised approaches to local heritage listing and development of heritage items, which take into account the complexity and importance of these major inner city buildings.

The extent of listing for the eight identified buildings has been reduced or specified in the item name so that only significant components are listed, in line with state directions for naming items and assessing significance. Reducing the extent of the listings to specified significant components provides greater guidance and certainty for future development by ensuring heritage impacts are only considered where necessary.

To streamline development and support the ongoing use and upgrade of these important buildings, a further key change to the planning proposal as a result of exhibition is to enable complying development for internal fit-outs to non-significant unlisted building components. This is achieved through the proposed addition of a new type of complying development in Schedule 3 of SLEP 2012 that will apply to the seven commercial buildings proposed for partial listing. The City is also expanding the use of 'heritage works without consent' notifications to minimise the need for development applications for minor works to heritage items with no adverse heritage impacts, requiring no change to SLEP 2012. All inventories for the items have also been updated to reflect the City's post-exhibition review to assist landowners with managing the significance of the buildings and the artwork.

The recommended local heritage listings will protect the heritage significance of an under-recognised period of Sydney's twentieth-century architecture. Listing the recommended items as a result of a strategic heritage study, public consultation and considered City review provides greater certainty and transparency for owners, the development industry and community. It will ensure the local heritage significance of these buildings and art is appropriately considered and maintained as part of future plans or redevelopment. Through a combination of the proposed reduced listings and a new type of complying development, this heritage consideration will be limited to significant building components, and otherwise the development process remains unchanged for most commercial fit-outs.

Listing also provides the building owners with access to heritage floor space incentives to assist with conserving the buildings, which in turn supports further development in the city through transferred heritage floor space. As the city centre rapidly redevelops, these listings will promote retention and re-use of its significant post-war buildings and artwork. This will support the growth of central Sydney by retaining some of its post-war modern character, diversity of built form and place-makers, and their continued contribution to the vibrant commercial and cultural life of the city centre.

The eight buildings and one sculpture, as amended, are recommended for listing to recognise their local heritage significance. The report seeks approval for the revised planning proposal at Attachment A.

## Recommendation

It is resolved that:

- (A) Council note the submissions received to the public exhibition of the planning proposal, shown at Attachment B to the subject report;
- (B) Council approve the revised planning proposal, shown at Attachment A to the subject report, for finalisation and making as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the planning proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

## Attachments

- Attachment A.** Planning Proposal – Central Sydney Modern Movement Heritage Items
- Attachment B.** Summary of Submissions
- Attachment C.** Heritage Inventories

## Background

### Site identification

1. This proposal relates to the following places within central Sydney, as described and mapped in the planning proposal at Attachment A:
  - (a) Sydney Masonic Centre, 279-283 Castlereagh, Sydney;
  - (b) Former Sydney County Council building, 552A-570 George Street, Sydney
  - (c) St Peter Julian's Catholic Church and Monastery, 637-645 George Street, Haymarket;
  - (d) Town Hall House, 456 Kent Street, Sydney;
  - (e) William Bland Centre, 229-231 Macquarie Street, Sydney;
  - (f) MLC Centre, 19-35 Martin Place, Sydney;
  - (g) Former Liverpool and London and Globe building, 62 Pitt Street, Sydney;
  - (h) Former Horwitz House, 398-402 Sussex Street, Haymarket; and
  - (i) 'Earth Mother' play sculpture, Yurong Parkway, Cook and Phillip Park, Sydney.

### Planning background

2. Few modern buildings are legally listed as part of our recognised heritage. Today, a total of 10 stand-alone buildings from 1945-1975 are heritage listed, of 300 heritage items in central Sydney. Five are listed as state or world heritage on the State Heritage Register or World Heritage List. These include Sydney Opera House, Liner House, Qantas House and Circular Quay and Martin Place railway stations. The five other buildings listed on Sydney's local plan include the AMP Building, Australia Square, Wentworth Hotel, Market Street Commonwealth Bank and Reserve Bank, including two nominated as state significant.
3. On 14 May 2012, Council resolved to commence a heritage study of central Sydney modern buildings built after World War Two. This responded to increasing development pressure on central Sydney's post-war architecture of potential heritage significance, and sought to provide certainty in the development process. The primary purpose of this heritage study is to identify a representation of central Sydney's significant post-war architecture that is worthy of listing.
4. In early 2018, TKD Architects completed the study of "Modern Movement Architecture in Central Sydney." This study found central Sydney contains one of the greatest concentrations of post-war Modern Movement buildings in New South Wales, designed to a high standard between 1945 and 1975. The Modern Movement represents one of the most significant and far-reaching twentieth century design aesthetics. For Sydney, 1945-1975 was an exciting and challenging architectural period that determined much of the present physical form of the city centre. The dominance of modern office buildings from this period records the changing role of Australia in an international context and Sydney's new-found role as a major world financial centre during the 'Long Boom'. A large number of buildings from this period in central Sydney, including many innovative buildings of exceptional architectural quality, have been demolished.

5. The study overviews the diverse Modern Movement in central Sydney. This reveals that while Modern Movement architecture differs in style and construction from aluminium and glass curtain walls to expressive concrete buildings and art, of different forms and scales, they have underlying philosophies in common. These philosophies were influenced by innovative European and American architects of the early twentieth century, such as Le Corbusier and Frank Lloyd Wright. Modern Movement designers endeavoured to rethink how architecture should respond to, and reflect, rapidly changing social conditions and advancing industrialisation. These reject traditional historical styles and assert that architecture must be contemporary in character. They also represent reformist ideals that industrial technology, applied rationally to architecture and urbanism, would produce a better world. Modern Movement buildings celebrate and exploit the potential of new building materials of the time, such as reinforced concrete, glass and steel. They value the honest expression of construction and materials. Modern Movement styles capture brutalism, Modernism, Sydney School and different periods of the International style, amongst others.
6. From a survey of more than 110 Modern Movement buildings in central Sydney and further research, the study recommends listing the identified eight buildings and one sculpture. This listing recommendation was supported by further City staff investigation for inclusion in the planning proposal. It is now more than 60 years since the earliest buildings noted in this study were conceived.
7. The study and planning proposal was reported to Council and Central Sydney Planning Committee in August and October 2018.

**Key implications**

**Planning proposal**

8. The planning proposal seeks to heritage list eight buildings and one sculpture to recognise their local heritage significance. These are summarised in the table below and described in the planning proposal in Attachment A.

	<b>Name/address</b>	<b>Overview</b>	
1	<b>Sydney Masonic Centre</b> 279-283 Castlereagh Street, Sydney	Brutalist-style Masonic hall podium & Mona Hessing artwork, built 1978, designed by Joseland & Gilling architects. The Civic Tower office building was constructed in 2005.	

	Name/address	Overview	
2	<p><b>Former Sydney County Council building</b></p> <p>552A-570 George Street, Sydney</p>	<p>Late Twentieth Century International style office building, built 1968, designed by Fowell, Mansfield &amp; Maclurcan architects.</p>	
3	<p><b>St Peter Julian's Catholic Church and Monastery</b></p> <p>637-645 George Street, Haymarket</p>	<p>Post-world war II ecclesiastical architecture, built 1964, designed by architect, Terence Daly (c1921-c1999).</p>	
4	<p><b>Town Hall House</b></p> <p>456 Kent Street, Sydney</p>	<p>Brutalist-style civic office building, built 1977, designed by architect, Ken Woolley (1933-2015).</p>	
5	<p><b>William Bland Centre</b></p> <p>229-231 Macquarie Street, Sydney</p>	<p>Post-war International-style office building, built 1960, designed by Hans Peter Oser &amp; Associates architects.</p>	

	Name/address	Overview	
6	<p><b>MLC Centre</b> 19-35 Martin Place, Sydney</p>	<p>Modernist-style multi-use complex with office tower, theatre, other buildings, plazas and artworks, built 1977, designed by architect Harry Seidler (1923-2006), and engineer Pier Luigi Nervi (1891-1979).</p>	
7	<p><b>Former Liverpool &amp; London &amp; Globe building</b> 62 Pitt Street, Sydney</p>	<p>Late twentieth-century International style office building, built 1962, designed by Spain, Cosh &amp; Stewart architects.</p>	
8	<p><b>Former Horwitz House</b> 398-402 Sussex Street, Haymarket</p>	<p>Modern Movement office building built 1956, designed by architect, Harry Seidler (1923-2006).</p>	
9	<p><b>'Earth Mother' play sculpture</b> Yurong Parkway, Cook &amp; Phillip Park, Sydney</p>	<p>Organic concrete playground sculpture, completed 1952, by artist, Anita Aarons (1912-2000).</p>	

- On 18 and 29 October 2018, the Central Sydney Planning Committee and Council, respectively, resolved to approve and exhibit a planning proposal to amend Sydney Local Environmental Plan 2012 to heritage list the eight buildings and one sculpture.

10. In November 2019, the planning proposal was submitted to the Department of Planning Industry and Environment with a request for a gateway determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
11. Before issuing the gateway determination, Departmental staff sought minor updates to the study report and inventories for clarity. These were completed by the study author, TKD Architects in March 2019. The minor updates do not alter the proposed listings or add substantive new information. The updates specify the Heritage Council criteria satisfied based on the previous TKD assessment of significance contained in the inventories first reported to Council on 6 August 2018 and approved by Council and Central Sydney Planning Committee in October 2018.
12. The gateway determination was issued on 10 July 2019, enabling the City to proceed with the public exhibition of the planning proposal, including the updated study report and inventories. Conditions of the determination required inclusion of the landowners' heritage assessments in the public exhibition, Council's consideration of these assessments and completion of the local plan amendment within 12 months. Consultation was also required with the Heritage Council of NSW and NSW Office of Environment and Heritage, now known as Heritage NSW, before and with the public exhibition.
13. No changes to the development standards are proposed for the sites recommended for listing. Council can approve alterations and additions to heritage items through the normal development application process. This development assessment process reviews the heritage impacts and other planning outcomes when specific building changes are proposed.
14. A minor heritage map update is also included in the planning proposal because it relates to a building adjoining the proposed heritage item of Town Hall House. This update removes the brown shading for the footprint of St Andrews House. The building of St Andrews House is not currently listed or proposed for listing in Schedule 5 of SLEP 2012 as a heritage item. The land of St Andrews House is shaded brown in the heritage map because it is part of the land of the listed Sydney Square. This map update does not alter the listing status of St Andrew's House or Sydney Square.
15. The planning proposal at Attachment A is revised to include the recommended changes in response to submissions, outlined below.

#### **Public exhibition and agency consultation**

16. Council consulted the agencies of the Heritage Council of NSW and Heritage NSW before and during the public exhibition, as required by the gateway determination.
17. Council consulted affected owners, members of the public and government agencies through the exhibition of this planning proposal from 19 August to 14 October 2019. Affected owners, occupants and neighbours were notified by letter and the proposal advertised in the Sydney Morning Herald. The exhibition was extended beyond the required 28 days to two months to ensure owners had the opportunity to review and comment on the proposal. Submissions were accepted after the exhibition. This exhibition satisfies and exceeds the consultation requirements outlined in the Department's gateway determination.

18. All information for the proposal, including the planning proposal, updated study report and inventories for the proposed items, were made available on the City's consultation website, Sydney Your Say, and at the customer service at Town Hall House.
19. Four heritage assessments prepared for the landowners were also included in the exhibition, as required by the gateway determination. These assessments were for the William Bland Centre, former County Council building, Sydney Masonic Centre and St Peter Julian's Church and Monastery. Other landowners did not provide a heritage assessment for inclusion in the public exhibition.

### **Submissions overview**

20. A total of 58 submissions were received. This includes the four landowner heritage assessments included in the public exhibition and considered by Council as submissions. All submissions are summarised and responded to in the table at Attachment B. Of the 58 submissions:
  - (a) 27 support or do not object to the proposed listings; and
  - (b) 31 oppose primarily one of the proposed listings.
21. More than half the submissions are from landowners or their consultants and relate to their specific property of interest. The remainder are from government, community and industry organisations and individuals.
22. Landowners' responses to the proposed heritage items include:
  - (a) Four items supported, seeking reductions to listing: MLC Centre, Town Hall House, St Peter Julian's Catholic Church and Monastery, Former Liverpool and London and Globe building;
  - (b) Two items opposed: Sydney Masonic Centre, Former Sydney County Council building;
  - (c) One item both opposed and supported: William Bland Centre.
23. No submissions were received in relation to Former Horwitz House and the Earth Mother play sculpture.
24. William Bland Centre has the largest number of owners, as a commercial strata, and attracted the most submissions. Of more than 70 strata lot owners: 19 lot owners oppose listing, three consultants on behalf of the strata committee oppose listing or building retention, and two lot owners support listing.
25. Some landowners responded to Council's notifications with enquiries, but made no submission. Other landowners have not responded to Council's notifications about the planning proposal since mid-2018, including one owner for the MLC Centre and multiple lot owners for the William Bland Centre. It should be noted that ownership changed for the two buildings of Liverpool and London and Globe and the MLC Centre since the planning proposal commenced in mid-2018. The current owners were notified and consulted for the public exhibition.

26. The responses from government, community and industry organisations all support or provide advice on all items in the proposal. This includes the Property Council of Australia, Docomomo Australia (an advising organisation to UNESCO regarding modern architectural heritage), The National Trust of Australia and the Heritage Council of NSW.
27. Key issues raised in the 58 submissions include the heritage significance of proposed buildings, the process for listing, and development or upgrades. The overall response to these submissions and key issues is outlined below. Submissions are responded to individually in the table at Attachment B.

#### **Planning proposal review: listing merit**

28. City staff considered all submissions, met with objectors or inspected sites as requested, in order to review the listings. These submissions and the City response are included in the table at Attachment B. The four heritage assessments for landowners were included in the public exhibition and considered in detail.
29. The Heritage Council of NSW outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing. The post-exhibition City review found the nine Modern Movement examples of buildings and art satisfy at least one of the Heritage Council criteria of local heritage significance for local listing, as assessed in the heritage inventories at Attachment C. The significance of these buildings and artwork, as identified through the heritage study process, can still be reasonably appreciated. Accordingly, the eight exhibited buildings and one artwork are recommended for listing as local heritage items to recognise their local heritage significance. The significance of the buildings and artwork is summarised below.
30. *Sydney Masonic Centre (1978)* is assessed as state significant as a powerful and outstanding example of brutalist architecture, expressive concrete construction and a local landmark, with monumental interiors that rank amongst the finest in Sydney from this period. It is also assessed as significant as an innovative work of Joseland & Gilling and for its strong association with the United Grand Lodge. This satisfies five Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, rarity and representative value.
31. *Former Sydney County Council building (1968)* is assessed as locally significant as a fine example of the Late Twentieth Century International Style office, distinguished by its building form and dark toned exterior that are unusual for central Sydney. It is significant for its positive streetscape contribution and demonstrating the work of prominent architects Fowell Mansfield & Maclurcan. It represents potentially the only commercial post-war building in central Sydney resulting from an architectural competition, and the purpose-built headquarters of Sydney's electricity supplier. This satisfies five Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, rarity and representative value.

32. *St Peter Julian's Catholic Church and Monastery* (1964) is assessed as locally significant as an accomplished example of post-World War II ecclesiastical architecture, the finest work of architect Terence Daly. It is also significant for its contribution to Haymarket's character, quality of materials and spaces, and works from notable migrant artists. It represents a rare post-war church and monastery in central Sydney, the largest church built of its period and only one including a monastery. It demonstrates twentieth-century religious practice in central Sydney, with strong associations to the Blessed Sacrament Congregation. This satisfies five Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, rarity and representative value, with potential for social significance.
33. *Town Hall House* (1977) is assessed as state significant as a fine example of the commercial work of the influential architect Ken Woolley (1933-2015), demonstrating the influence of the brutalist style. It also represents a sophisticated and early example of load-bearing precast concrete wall system and a local landmark. The building is significant for its conscious relationship with surrounding nineteenth century buildings and the public domain, the double-height entrance foyer that is rare for surviving government office buildings of the period and other original interiors. This satisfies all seven Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, social, research, rarity and representative value.
34. *William Bland Centre* (1960) is assessed as locally 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. This satisfies six Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, research, rarity and representative value.
35. *MLC Centre* (1977) is assessed as state significant as an outstanding award-winning example of Modernist architecture and urban design by prominent Australian architect Harry Seidler. It represents the first private development in central Sydney to provide a range of public amenity and cultural assets and includes Australia's tallest building and the tallest reinforced concrete building in the world of its time. The complex is also significant as a successful direct expression of structural systems, for its open spaces and inclusion of works by prominent artists Albers, Perry and Owen. It has significant associations with the former Hotel Australia and Theatre Royal buildings once located on this site, and the prominent engineer Pier Luigi Nervi and property developer Gerardus Dusseldorp. This satisfies five Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, rarity and representative value.
36. *Former Liverpool and London and Globe building* (1962) is assessed as locally significant as a distinctive example of the Late Twentieth Century International style, the work of prominent architects Spain Cosh & Stewart, and one of few surviving post-war curtain wall buildings that once proliferated at the northern end of central Sydney. A prominent townscape element, the building demonstrates a skilful response to its acute corner site, as well as a distinctive curtain wall design of rare pigmented structural glass spandrels and design for thermal expansion. The building provides evidence of the prevalence of insurance companies in this precinct and the boom of international finance and insurance in post-war Sydney, with significant associations with Liverpool & London & Globe Insurance. This satisfies five Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, rarity and representative value.

37. *Former Horwitz House* (1956) is assessed as state significant as the first larger project and office design of prominent architect Harry Seidler, an early work of prominent structural engineer Peter Owen Miller and an early Modern Movement office for central Sydney. It is significant as the first office building in Sydney to convincingly integrate passive sun control devices into its design, the integration of its structural system and sun control louvres, and for its association with prominent publishing house Horwitz Company. This satisfies six Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, research, rarity and representative value.
38. *'Earth Mother' play sculpture* (1952) is assessed as state significant as the first sculpture intended for educating and extending the aesthetic sensibilities of children in the City of Sydney, the first public artwork initiated by City of Sydney and possibly the first of its kind in Australia. It represents an abstract figurative work from highly regarded artist Anita Aarons, demonstrating mid-twentieth century theories of environmental determinism or influencing personality and behaviour through the arts and architecture. This satisfies five Heritage Council criteria of local significance for its historic, associations, aesthetic/ technical, rarity and representative value.
39. This planning proposal relates to the local heritage significance of the buildings and art to meet the criteria for listing on the local plan. State significance is determined by the Heritage Council of NSW for listing on the State Heritage Register under the Heritage Act 1977. The Heritage Council submission advises the MLC Centre is the only item with a current nomination for the State Heritage Register. For these four buildings and one artwork assessed as state significant, Council nominations for the State Heritage Register are not proposed at this stage. The landowners may wish to consider this option to access heritage grants for repair or adaptive reuse of the buildings and art in the future.

#### **Planning proposal changes: listing extent**

40. Nine key changes are recommended to the planning proposal as a result of the consideration of submissions and the post-exhibition review, as set out in the planning proposal at Attachment A. These changes relate to the extent of the eight buildings proposed for listing as heritage items plus the addition of a new complying development clause to streamline fit-outs to non-listed building components. The changes seek to appropriately recognise and manage the local heritage significance of these Modern Movement buildings through listing significant building components and streamlining commercial development with no heritage impacts. These represent new customised approaches to local heritage listing and development of heritage items to take into account the complexity and importance of these major inner city buildings.
41. The first eight changes are to reduce or specify the extent of listing to significant components for each of the eight buildings. The listing extent is described in the item names in the heritage schedule 5 of SLEP 2012. The item name for the Earth Mother play sculpture is unchanged. The exhibited listing for seven buildings was for the items as a whole including "significant interiors", except for Horwitz House which only included structural interiors. The revised proposal replaces "significant interiors" or a general building description in the item name with a more precise description of significant building components, omitting non-significant components, as follows:
- (a) Sydney Masonic Centre building:
- includes podium exteriors and interiors and Mona Hessing artwork
  - excludes the 24-storey Civic Tower above the podium, by omission

- (b) Former Sydney County Council building:
- includes façade walls and fixtures, internal structure, ground floor loggia, theatrette and foyer marble cladding
  - excludes non-structural office floors and basement carpark, by omission
- (c) St Peter Julian's Catholic Church and Monastery:
- includes façade walls and fixtures, interiors of the church, ground floor, first floor, and artworks
  - excludes monastery interiors of levels 2-5, by omission
- (d) Town Hall House:
- includes facade walls and fixtures, structural interiors, level 1 paving and foundation stone, curved stair to level 2, interiors of level 2 southern foyer, levels 4 and 6 links to Sydney Town Hall, level 4 function rooms, foyers, bathrooms and terraces, levels 5-23 bulkheads, levels 5, 9 and 11 lobby drinking fountains, and Marconi sculpture
  - excludes non-structural office floors, parts of other floors and basement carpark, by omission
- (e) William Bland Centre:
- includes façade wall and fixtures, foyers, lightwells and internal structure.
  - excludes the non-structural tenancy interiors, by omission
- (f) MLC Centre complex:
- includes tower exterior, internal structure and level 8 vestibule, Theatre Royal exterior and interiors, CTA building exterior and interior, King Street cylindrical structure, lower and upper plazas (levels 7-8), plaza building exteriors, plaza oculus to level 6, levels 6 and 7 Rowe Street through link, and artworks by Albers, Perry and Owen
  - excludes the non-structural office interiors above the vestibule, carpark levels 1-5 and level 5-10 retail and hospitality tenancy interiors outside of original cylindrical 'mushroom' buildings, by omission
- (g) Former Liverpool and London and Globe:
- includes façade walls and fixtures and internal structure
  - excludes non-structural interiors, by omission
- (h) Former Horwitz House:
- includes façade and internal structure
  - excludes non-structural interiors, by omission

42. The exhibition period has been beneficial. The listings, which have been reduced and become more specific, provide greater clarity about listed significant components and interiors. These also provide greater certainty for future development by ensuring heritage impacts are only considered where necessary. Exteriors are listed by default through reference to the building or complex as with existing heritage items. Listing significant interiors or other specific components does not prevent approval of internal and other alterations, change of use or new works, but ensures impacts on significance are considered when major works are proposed.
43. The listings have been reduced where supported by substantive new information gained through the public exhibition process and confirmed by City review. The revised item names are drafted in line with the directions in the Standard Instrument (Local Environmental Plans) Order 2006. This requires item names to briefly describe significant features including interiors. Components are included in the item name where they meet the Heritage Office guide for listing as elements of moderate, high or exceptional significance. According to the Heritage Office definitions, these include altered original elements that demonstrate a key element of the item's significance, or alternatively have little individual value but contribute to the overall significance of the item. Components are included where their significance can still be appreciated or are capable of conservation through reversal of additions, repair, reconstruction or interpretation. Attachment B includes the submissions about contested buildings and features and the City conclusions regarding the revised listings.
44. As the Standard Instrument Order requires item names to specify inclusions, rather than exclusions or exemptions, non-significant components are instead excluded by omission from the revised item names. Major components are omitted where confirmed by City review as not significant or incapable of retaining significance, with no effect on other significant components. Components are incapable of retaining significance for reasons including approved demolition or because their significance is incapable of conservation through reversal of additions, repair, reconstruction or interpretation. Other than features incapable of retaining significance, omitted components could be demolished or replaced without affecting the item's significance, either negatively or positively. These omitted components therefore do not warrant heritage impact consideration. These are most commonly non-original contemporary office fit-outs. Excluded features are noted in the updated inventories at Attachment C.
45. Fine grain details are not generally identified in the item name, but rather the floor or major building component where some significant fabric, spaces or functions are located. This is for brevity for the item name length, and for clarity in interpreting the listing extent. It is also to ensure impacts on significant features are assessed and the significance of the item is maintained as a cohesive whole, not fragmented. Listed features are described further in the updated inventories at Attachment C. For listed components, the intactness or significance of these building features is assessed in more detail at the development assessment stage, when a statement of heritage impact or conservation management plan is prepared.

#### **Planning proposal changes: development**

46. To streamline development and support the ongoing use and upgrade of these important buildings, a further key change to the planning proposal as a result of exhibition is to enable complying development to be carried out for commercial fit-outs to non-significant unlisted building components. This is achieved through the proposed addition of a new type of complying development in schedule 3 of SLEP 2012 included in the revised planning proposal at Attachment A. This applies to the seven commercial buildings proposed for partial listing.

47. City staff consulted the Department of Planning Industry and Environment about including this proposed change for complying development at the post-exhibition stage. The Department supports the intent to conserve heritage significance, whilst allowing landowners of the commercial buildings to undertake routine fit-outs to non-significant interiors in a streamlined manner. The complying development change is proposed to address issues raised by some landowners in submissions about streamlining or impacts on commercial development and operations. Other submission makers that support listing and the significance of these buildings are not adversely impacted because the changes do not affect significant building features capable of conservation. The Department notes the precise mechanism will be considered further in consultation with the City through the drafting stage.
48. To streamline minor works to all proposed and existing heritage items, including listed building components, the City is also reviewing the 'heritage works without consent' notification form. The revision is to ensure this quick low-cost notification process is available for all minor works with no adverse heritage impacts, to remove the need for unnecessary development applications as a result of listing. The intent is to expand the types of minor works for which this notification process can be used, where consistent with the existing heritage provisions of SLEP 2012. No change to the planning proposal is required to implement this change.
49. All inventories for the items have also been updated to reflect the City's post-exhibition review and to assist landowners with managing the significance of the buildings and the artwork. The inventories are at Attachment C for noting only, as they do not form part of the planning proposal. Inventories provide a summary of information about places, including guidance on their history and significance. The non-statutory heritage inventories can continue to be updated, before or after listing, as new information becomes available, such as through completion of a conservation management plan.

#### **Issues raised in submissions: significance**

50. A number of submissions from landowners and their consultants disagree with the heritage significance of identified buildings or components primarily because the buildings, in whole or in part, are not good enough examples of the Modern Movement. The reasons given in these submissions, including the landowners' heritage assessments, are outlined and responded to below and in the table at Attachment B. The listing of the Sydney Masonic Centre, the William Bland Centre and former Sydney County Council building is contested on these grounds. The Modern Movement merit or significance is also contested for components of the MLC Centre, Town Hall House, St Peter Julian's Catholic Church and Monastery and Former Liverpool and London and Globe building. Some landowners, as well as individual architects, heritage professionals and organisations also support the significance and listing of these buildings as Modern Movement examples.

51. Some submissions seek further justification or review to establish the significance of these buildings as Modern Movement examples. The justification for this listing proposal is the independent heritage study and supporting inventories. This heritage study of the Modern Movement in central Sydney, commissioned by Council from the heritage architects, TKD Architects, identifies the eight buildings and one public artwork as worthy of listing as local Modern Movement examples. This local study was informed by the earlier state-wide thematic history of the Modern Movement for the NSW Heritage Council. The central Sydney study was completed by a co-author of the Heritage Council thematic history. The study and individual heritage assessments for identified buildings and art have been prepared in accordance with the industry standards of the Heritage Council listing criteria and Heritage Office guide for assessing local heritage significance. The study assessment has been reviewed by City staff, before and after exhibition of the planning proposal, consistent with these state standards.
52. Submissions also dispute listing because the buildings or components are not exceptional, outstanding or exemplars of the Modern Movement. Some submissions form this conclusion through reference to general Modern Movement characteristics, building types or features, drawn from parts of the study report or other references. In some submissions, these characteristics are interpreted as essential listing criteria. This is not the criteria or threshold for local heritage listing.
53. The study recognises the diversity of the Modern Movement in central Sydney, as represented by the surviving examples recommended for listing. The study and planning proposal do not identify set building features or characteristics as essential criteria or more important than others for listing. Instead, the study and planning proposal use the listing threshold of local heritage significance, as defined by the NSW Heritage Council criteria and supporting Heritage Office guide for all listings in NSW. The study investigates the local significance of identified buildings, individually and in the context of the Modern Movement in central Sydney, through a survey of buildings in the locality, a thematic history and overview of the movement, as well as individual research and assessment of identified buildings. The significant characteristics of these buildings are individually assessed in the inventories. The only limitations for identified buildings set by the study scope include the design period from 1945 to 1975 and location of central Sydney.
54. The Heritage Office guideline for assessing significance establishes that a building does not need to conform to all characteristics of a style, be an exemplar, exceptional or the only example to satisfy the Heritage Council criteria for local significance. A building can also be listed as a fine example of a style, for aesthetic distinctiveness, variations to a style or as part of group that collectively illustrates a type, in the local context. Buildings can also be listed for more than just Modern Movement features or aesthetic value under other Heritage Council criteria, such as for their historic association with important people or groups, technical accomplishment or as evidence of a significant historic activity for the locality. These are some of the inclusion guidelines in the Heritage Office guideline for listing under the seven Heritage Council criteria. The identified buildings and art demonstrate these qualities.

55. Some submissions refer to the exclusion guidelines of the Heritage Office guide as reasons to dismiss listing. These submissions do not also consider the inclusion guidelines for listing noted above. The Heritage Office guide states that the exclusion guidelines do not cancel out inclusion guidelines and should not be applied in isolation. The study and City review take into account both inclusion and exclusion guidelines for each of the Heritage Council criteria. The study and supporting inventories demonstrate the identified buildings and art satisfy at least one Heritage Council criterion of local significance for local listing, for their aesthetic or technical value, as well as other heritage values, for the City of Sydney.
56. Comparisons are also referred to in submissions as reasons to dispute the significance of these Modern Movement buildings. Outstanding or exceptional City of Sydney examples of the Modern Movement, in comparison to others in a wider NSW, Australian or international context, would meet the criteria for higher levels of listing than proposed as state, national or world significant heritage. The Sydney Opera House, for instance, is outstanding compared to global examples, recognised as world heritage. Qantas House and Liner House are outstanding compared to other examples in NSW, recognised as state significant through state listing. As local heritage, the relevant or like comparisons for the subject buildings are surviving Modern Movement buildings in central Sydney of equivalent significance. Modern Movement buildings located outside of the City of Sydney in other Australian cities or internationally, noted in submissions, do not lessen the local significance of these Sydney examples or contribute to the significance and history of Sydney.
57. To establish their comparative value, the study surveyed more than 110 comparable Modern Movement buildings in central Sydney to identify the eight proposed for listing. The eight identified buildings of assessed local or state significance are comparable to existing Modern Movement items in central Sydney of an equivalent level of significance. Some buildings have comparative value as surviving examples of their kind, beyond their architectural style, such as for examples of design competitions and construction types in post-war central Sydney. While the study and City review acknowledge other examples, the Heritage Office guide states that an item is not to be excluded on the grounds that others with similar characteristics have already been listed.
58. Building alterations are another reason given in submissions for contesting the significance of buildings as Modern Movement examples, such as the partial glazing of Sydney Masonic Centre and over-cladding of the former Sydney County Council building. The study assessment acknowledges the building alterations noted in submissions. Further City review and consideration of these submissions found the alterations do not diminish the assessed significance of these buildings. The assessed significance of the buildings, as part of Sydney's local heritage, can still be appreciated. The significance of the buildings and their significant features are capable of conservation through reversal of additions, repair, restoration or interpretation. City staff considered these alterations when revising the extent of listing. Where major contemporary alterations are not significant and are separate to significant features, these are omitted from the revised listing, as outlined above.

59. The relative significance of building components is disputed for the above reasons in submissions for the MLC Centre, Town Hall House, St Peter Julian's Catholic Church and Monastery and Former Liverpool and London and Globe building. Based on the state directions described further above, an item name does not specify a hierarchy of significance or exclusions; only what is listed as significant. Components are included in the item name where they meet the Heritage Office guide for listing as elements of moderate, high or exceptional significance. By the Heritage Office definitions, these include altered original elements that demonstrate a key element of the item's significance, or alternatively have little individual value but contribute to the overall significance of the item. Components are included where their significance can still be appreciated or are capable of conservation through reversal of additions, repair, reconstruction or interpretation.
60. The importance of the architects or organisations associated with these buildings is disputed in submissions for the William Bland Centre, Sydney Masonic Centre, former Sydney County Council building and St Peter Julian's. These include the importance of building architects of Hans Peter Oser, Joseland & Gilling, Fowell Mansfield & Maclurcan and Terence Daly. The importance of associated organisations of Sydney's early electricity supplier, Sydney County Council, and the freemasons for the Sydney Masonic Centre are also disputed. It is acknowledged that the importance of Terence Daly, the architect for St Peter Julian's, is yet to be determined. The other disputed organisations and architects are considered significant, supported by submissions from heritage organisations, other architects and community members. As purpose-built headquarters for these organisations, with continued occupation for their significant functions, or recognisable designs from the original architects, the buildings continue to provide evidence of these important associations. This satisfies the Heritage Council listing criteria for at least one historic association for each disputed building. The Heritage Office guide indicates a building can be significant for historic associations regardless of intactness. The design merit or rarity of these examples is assessed under the separate criteria of aesthetic significance and rarity.
61. Some submissions also express an aversion to the building aesthetics or construction materials, their amenity or state of repair, such as the aluminium-framed curtain wall façade of the William Bland Centre. The study assessment acknowledges the building materials and design. The original construction and design contribute to the assessed significance of these buildings. Operational issues, such as necessary repairs or environmental performance, can be addressed through the separate development process, outlined below. The views about the identified buildings expressed in submissions are acknowledged as a current community view. While community views about heritage and aesthetics can be varied, it is important that local history is recognised, including City of Sydney's more recent heritage of modern post-war architecture.

### **Process issues**

62. A number of submissions question the process for listing, including the preparation and review of the heritage study and planning proposal, information access, consultation with landowners and consideration of landowners' heritage assessments. These relate to justification and transparency, primarily for landowners. The listing of the William Bland Centre, Sydney Masonic Centre and former Sydney County Council are contested for some or all of these procedural reasons. Some landowners, other community members, heritage and development organisations also support the listing process and disagree with the landowner heritage assessments for these contested items.

63. Some submissions indicate the listings are unjust. Planning controls, including heritage listings, are updated over time to respond to emerging information, community expectations to conserve heritage and for orderly development. This considers both public and private interests for current and future generations. The proposed listings have been assessed, exhibited and rigorously reviewed over a number of years. The buildings are identified for listing based on an independent heritage study and individual heritage assessments, in accordance with the Heritage Council criteria and Heritage Office guide. The study was undertaken as a result of a Council resolution by heritage architects commissioned by Council. City staff reviewed this study assessment for all items before their inclusion in the planning proposal in 2018, as well as after the public exhibition of 2019. Council's consultation with landowners and contested aspects of this process are described below. All submissions have been considered, outlined in this report and the attachments.
64. Submissions question the exclusion of buildings from the planning proposal. This selection process was described in the pre-exhibition reports. For inclusion in the planning proposal for exhibition, the City reviewed all 14 study recommended items against three additional criteria to establish that their assessed significance could still be reasonably appreciated. The additional criteria included buildings having sufficient integrity, comparative value within the local area, and a significance that is maintained in approved or advanced plans. The City pre-exhibition review found the nine recommended items met these additional criteria, while five other excluded buildings did not. The excluded buildings have not been reviewed further at this stage, as they are not part of the subject planning proposal. These or other Modern Movement buildings can be considered for future listing, if or when included in a planning proposal for public exhibition. The included buildings have been reviewed further following the public exhibition, as outlined in this report.
65. The heritage study report update and owner notifications about this update are also questioned. In March 2019, updates to the study report and inventories were requested by the Department before issuing its gateway determination. The minor updates are for greater clarity and do not alter the proposed listings or add substantive new information, as described further above. The Department then issued its gateway determination in July 2019 approving the final final study report and supporting inventories for exhibition. These final versions were then exhibited in August to October 2019 in accordance with the gateway determination. City staff notified interested landowners about the updates four weeks before exhibition and responded to requests and enquiries about these updates. The landowners provided submissions during the exhibition in response to the updated study and inventories. These submissions have been considered in this report.
66. Access to records about the preparation of this proposal is also questioned. These submissions suggest the study draft versions, excluded building inventories and Department's gateway determination report should have been exhibited. The heritage study and planning proposal was reported to Council and made public in August 2018 as soon as possible after the study was completed in early 2018. All information relating to Council's planning proposal was exhibited for public review and comment in 2019, as approved by Council, Central Sydney Planning Committee and the Department of Planning Industry and Environment's gateway determination. This did not include draft or superseded versions, the Department's report or inventories for excluded buildings, as these did not form part of Council's proposal. City staff provided landowners with these Council records and links to the Department's report separate to the public exhibition, on request.

67. Landowner consultation and consideration of the landowner's heritage assessments is also questioned. Council's consultation for this planning proposal complies with and in some cases exceeds the statutory and Departmental requirements. In addition to the required notifications for public exhibition and submission consideration from August 2019, City staff have notified and updated landowners throughout the planning proposal stages since late July 2018 and responded to landowner enquiries and requests since this time. Landowners were also invited to attend and speak at Committee meetings of August and October 2018 before Council and Central Sydney Planning Committee resolved to proceed with exhibition. Landowner representatives with procedural concerns addressed these meetings.
68. Council delayed the exhibition decision in August 2018 for two months for City staff to explain the process and effects to landowners. Letters were sent to all landowners at this time, inviting enquires. Since mid-2018, City staff met with landowner representatives for all items with objections or queries to hear their views, respond and assist where possible.
69. Council's formal consultation with landowners and the public and consideration of submissions is through the public exhibition which began in August 2019. The planning proposal was exhibited for an extended period of two months to October 2019 to ensure owners had the opportunity to comment. The landowners' heritage assessments were included in the public exhibition and considered. City staff considered all landowner and other submissions, met with landowners and inspected the building as requested. Council also received submissions in support of the proposed listings. The detailed consideration of these heritage assessments and other submissions is included in Attachment B. As a result of this consultation and consideration of submissions, the listings have been revised and inventories updated.

#### **Development and upgrade issues**

70. Development or property management issues are raised in a number of submissions. Listing the William Bland Centre, Sydney Masonic Centre and former Sydney County Council are contested on these grounds. Landowners support partial listing for the MLC Centre, Town Hall House, St Peter Julian's Catholic Church and Monastery and Former Liverpool and London and Globe building, while seeking to streamline future commercial development. Some landowners, other community members, heritage and development organisations also support conservation or restoration of these buildings.
71. Listings are contested because of restrictions or costs for commercial operations, development, necessary upgrades and repairs, or aspirations for major new development. In relation to development aspirations for these sites, this planning proposal makes no changes to the permissible uses, development standards or controls contained in the local environmental plan and development control plan.
72. Listed buildings can still be developed, repaired and upgraded to meet fire, safety and other current building standards. Listing as a heritage item recognises the heritage significance of a building and ensures this is considered in future development. Listing does not prescribe the form of future development or conservation.
73. It is most appropriate to identify and resolve development issues when a detailed development proposal is prepared through the development application or other approval process. The development assessment process for heritage items enables the form of development or conservation to be determined in response to the individual building features and circumstances, while also retaining significance. The views and issues of owners, their consultants and public submissions are considered through this process.

74. For repairs or upgrades affecting original building fabric, Council's development assessment seeks to retain significant fabric where capable of repair and compliance, or otherwise replaced with sympathetic alternatives. For instance, Council approved additional internal sashes to improve thermal and acoustic performance for the listed Transport House, whilst retaining the original façade.
75. The planning proposal has been revised to minimise impacts on commercial operations, while conserving the assessed significance of the buildings. Through a combination of the proposed reduced listings, excluding most office or tenancy interiors, and a new type of complying development, the required heritage consideration for the identified buildings will be limited to significant building components. As a result, the development process will be unchanged for most commercial fit-outs. Common tenancy fit-outs or minor repairs affecting listed building features can be achieved through the quick low-cost notification process for 'heritage works without consent', without the need for a development application. These measures will streamline development for these buildings, support their ongoing use and protect significant components.
76. Landowner submissions for the William Bland Centre also raise concerns the listing will affect the current fire safety upgrade, underway in response to Council's fire safety order from 2016. City staff reviewed this matter and inspected the building. This review finds no conflict between the current fire safety order and listing. The fire safety upgrade works will have minimal or no effect on significant building features and can continue uninterrupted, before and after listing, to improve the building's fire safety. Alternatives to demolition or major heritage impacts can be found through the fire order and development application process.
77. Costs of development, repairs and upgrades are also raised in submissions, primarily for the William Bland Centre. The development process and associated costs are unchanged for most unlisted interiors, and a streamlined notification option is available for minor works to listed building features, as noted above. For costs associated with development applications, the required documents are unchanged for the William Bland Centre and other buildings older than 50 years as a heritage impact statement is already required because of the building age. By providing advance notice of heritage issues before an application is lodged, listing can reduce the cost and assessment time for an application.
78. All buildings need ongoing maintenance and repair for their continued occupation and use. It is recognised that the William Bland Centre currently requires maintenance and repair to the original glass and aluminium curtain wall façade. The strata committee has submitted their consultant's advice to improve the facade performance, indicating this can be achieved through repairs and improved sealing, or other options including complete replacement. The safety issue of glass fall is noted as a low risk in the consultant's report and capable of mitigation. The development assessment process described above can consider and address these issues, as for existing heritage items with glass facades of this period. Other proposed items of the MLC Centre tower, Horwitz House and the former Sydney County Council building have also recently proposed or completed façade works.
79. Listing assists building owners with maintenance, repair and upgrades by providing the option to recoup costs or generate revenue for future works through a heritage floor space award. Other potential savings from listing include reduced land taxes through a heritage valuation from the NSW Valuer General and waving the usual development contributions levy for adaptive re-use.

80. Some submissions indicate a replacement development will make a better contribution to the city or Council's strategic plans. This is particularly raised for the former Sydney County Council building. As assessed local heritage, the existing buildings contribute to the identity, streetscapes, history and culture of Sydney. Listing the identified buildings is consistent with the vision of the Central Sydney Planning Strategy to facilitate growth in a way that maintains central Sydney's identity, including its heritage items and sunlight access to public open spaces, as outlined further below.
81. City staff will continue to encourage owners to have pre-development application meetings with the planning assessments team to gain greater certainty about future development and the most streamlined development assessment process.
82. Progressing local heritage listing for the nine proposed heritage items will ensure the local heritage significance of this Modern Movement buildings and art is appropriately considered and maintained as part of future plans or redevelopment. The inventories included in Attachment C provide guidance to assist landowners with future development and management of these sites and structures.

## Strategic Alignment

### Eastern City District Plan

83. The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20 year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

*Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage*

*Action 26 - Identify, conserve and enhance environmental heritage by:*

- (a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
  - (b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
  - (c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*
84. This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. The district plan notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into centres.
  85. By listing the eight buildings and one artwork for their local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of central Sydney.

**Sustainable Sydney 2030**

86. 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. The planning proposal is aligned with the following SS2030 strategic directions and objectives:
- (a) Direction 7 – A Cultural and Creative City. The planning proposal identifies nine buildings and artworks as a local heritage item, allowing the buildings or art to be retained and allowing present and future generations to understand the breadth of Australia's architectural heritage into the late twentieth century. The identification will ensure any future development of the buildings or art considers the heritage value and significance of the site and encourages its sympathetic adaptive re-use.

**Local Strategic Planning Statement**

87. Listing and retention of the eight Modern Movement buildings and one artwork is consistent with the City's Local Strategic Planning Statement, in particular the liveability priority to "create great places" (priority L2). The proposal to list buildings and an artwork of assessed heritage significance delivers on the great place objectives to conserve and maintain heritage and to celebrate the character of unique neighbourhoods; in this case central Sydney. Identifying places of local heritage significance on the Local Environmental Plan is an action of the planning statement (L2.9.b).
88. The City's Modern Movement buildings and art provide a unique opportunity to enhance the character of central Sydney for current and future generations. As the city centre rapidly redevelops, these listings will promote retention and re-use of its significant post-war buildings and art. This will support the growth of central Sydney by retaining some of its post-war modern character, diversity of built form and place-makers, and their continued contribution to the vibrant commercial and cultural life of the city centre.

**Draft Central Sydney Planning Strategy**

89. Listing and retention of the eight buildings is compatible with the objects of Council's draft Central Sydney Planning Strategy which seeks to facilitate growth in a way that maintains central Sydney's identity, including its heritage items and sunlight access to public places.
90. The retention of the eight buildings will not impede delivery of the 2.9 million square metres of additional employment floor space unlocked under the draft Central Sydney Planning Strategy.
91. Opportunities under the Central Sydney Planning Proposal and other planning documents, for the identified sites will be considered against the criteria and guidelines established in the Central Sydney planning documents. Amalgamated site developments, as encouraged through the strategy for smaller sites, could redistribute the potential additional floor space of heritage items and identify suitable uses for the listed buildings.

**Budget Implications**

92. Town Hall House and the 'Earth Mother' sculpture are owned and managed by the City of Sydney. These are actively maintained assets with existing budgets. The City already takes into account the assessed heritage value of Town Hall House in its management, including previous consultation with the architect, the late Ken Woolley, about building conservation and alterations, and completion of a conservation management plan. The sculpture is located on land that is already listed as part of the Cook and Phillip Park heritage item.
93. Listing these features will have minor budget implications for preparation of development applications when Council's consent is required for building alterations. The development application process ensures building alterations continue to be reviewed and guided by appropriate specialists. Balanced with these costs are the potential benefits due to the applicable conservation incentives, including potential to access heritage floor space awards.

**Relevant legislation**

94. Environmental Planning and Assessment Act 1979.
95. Environmental Planning and Assessment Regulation 2000.
96. Heritage Act 1977.

**Critical dates/ timeframes**

97. The Gateway notice issued by the Department of Planning Industry and Environment set a 12 month timeframe from 10 July 2019 for the completion of the Local Environmental Plan amendment process.

**Public consultation**

98. The public authority consultation and exhibition process for the planning proposal was undertaken in accordance with the gateway determination issued by the Department of Planning Industry and Environment, section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.
99. Council consulted the public agencies of the Heritage Council of NSW and Heritage NSW before and with the public exhibition, as required by the gateway determination. These agencies support the proposal.
100. The public exhibition period commenced on 19 August and, following extensions, concluded on 14 October 2019. Council consulted affected owners, members of the public and government agencies. Affected owners, occupants and neighbours were notified by letter and the proposal advertised in the Sydney Morning Herald. The exhibition was extended beyond the required 28 days to two months to ensure owners had the opportunity to review and comment on the proposal. Submissions were accepted after the exhibition.

101. All information for the proposal, including the planning proposal, updated study report and inventories, were made available on the City's consultation website, Sydney Your Say, and at the customer service at Town Hall House. Four heritage assessments prepared for the landowners were also included in the exhibition, for William Bland Centre, the former County Council building, Sydney Masonic Centre and St Peter Julian's Church and Monastery, as required by the Department's gateway determination.
102. The submissions from landowners, other members of the public, organisations and public authorities are considered in Attachment B.

**GRAHAM JAHN AM**

Director City Planning, Development and Transport

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