

# HERITAGE IMPACT STATEMENT



## *Planning Proposal*

Nos 187-189 Thomas Street, Haymarket

April 2020 | J3951

**Weir  
Phillips**  
**Heritage  
and Planning**

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## 0 Executive Summary

This Heritage Impact Statement (HIS) accompanies a justification report to inform the preparation of a Planning Proposal for the site at Nos 185-187 Thomas Street, Haymarket. The Planning Proposal will amend the *Sydney Local Environmental Plan 2012* (SLEP 2012) by changing the building height and floor space ratio development standards of Lot 100 in DP 804958 which apply to the site at Nos 187-189 Thomas Street, Haymarket (the Site). This HIS focuses on the scope and impacts of the Planning Proposal, which relates to proposed changes to planning controls only (no physical works are proposed).

The proposal seeks to amend planning controls applying to the Site to allow a future development that will comprise an overall maximum height of 49 storeys (RL 209.80) and approximate commercial GFA of 51,700m<sup>2</sup>. The accompanying VIA prepared by Virtual Ideas provides accurate renderings of the proposed building envelope within the existing context.

The site is located within a sensitive historic context directly adjacent to the *former Commercial Building "Sutton Forest Meat" Including Interior* (referred to hereafter as the *former Sutton Forest meat building*) which is an item of local heritage significance in Schedule 5 Part 1 of the *Sydney LEP 2012*. The site is also located in the vicinity of *Christ Church St Laurence group (church, former school and rectory including interiors)* and *Central Station Railway Group* which are both items of State Heritage items on the NSW State Heritage Register listed under the auspices of the *NSW Heritage Act 1977*.

Prior to the construction of the present building, the site was occupied by the Producers Distributing Society warehouse which was a grocery and liquor wholesaling company. The Producers Distributing Society warehouse was demolished and present building was constructed in 1986-1987 to the design of Brewster Murray Pty Ltd (architects). Brewster Murray continue to be a Sydney based architectural firm. It was originally cofounded by Colin Campbell Brewster and Alan James Murray in 1945. The building on site is not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement.

The proposed amendment to the *LEP 2012* is such that in order to realise the height potential, the applicant must run a design competition, which would ensure the achievement of design excellence. Prior to this being held, the applicant would engage closely with key stakeholders to ensure that the design competition brief is very clear about the heritage management principles relating to the impact on heritage items in the vicinity so as to minimise the heritage impact caused by the insertion of a new tower on site. Particularly the impact on the *former Sutton Forest Meat building*, *Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group*.

The existing high rise context surrounding the heritage items in the vicinity including the *former Sutton Forest Meat building*, *Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group* negates the majority of the heritage impact caused by a new taller built form inserted into the site. The existing height limit of 50m and FSR of 9:1 already constitutes a high rise setting to the items, the proposal to increase the height and FSR will have no additional impact on heritage items in the vicinity.

The present building on the subject site adjoins the *former Sutton Forest Meat building* to the west, where it forms an unsympathetic blank backdrop. The *former Sutton Forest Meat building* presents as having a high degree of exterior intactness along George and Valentines Street. The reference scheme produced by FJMT, offers a design that can better relate to the heritage item. The four storey podium with the setback above as depicted in the reference design will form a clear base to the tower. The height of the podium forms a clear relationship with the parapet of the *former Sutton Forest Meat building* allowing the lower scale

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streetscape rhythm to be retained. There is no physical impact which arises from the change to the controls proposed, and at DA stage, there will be a number of ways in which this issue can be addressed through the design of a future development. These include façade articulation, the adoption of comparable solid to void ratios and introduction of sympathetic colours or finishes to assist in fitting the new tower within the historic context.

The proposed amendment to the controls has an acceptable impact on the significance of heritage items in the vicinity for the following reasons:

- The potential impact of a larger building within the limits sought by the proposal (and described by its reference design) will have a very limited impact to the heritage significance of nearby heritage items.
- The VIA indicates that although the building envelope is significantly larger than the existing building on site, key view corridors identified in Section 4.5, are not interrupted or obscured by the potential building envelope. Views *from* the site are not considered to have heritage significance.
- Historic views from, *Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group*. will not be further blocked, impeded or unreasonably disrupted; the proposed building envelope will read as a in keeping with current and future development of the Sydney CBD.
- The proposal offers an opportunity to mitigate the intrusive backdrop to the former *Sutton Forest Meat building* and *Christ Church St Laurence group*.
- Changes to the controls will provide the opportunity to increase the performance of the building to the public domain (in terms of streetscape presentation, light, views and connectivity) which will be improved when compared to existing controls and subject to a rigorous design excellence competition.
- Change to the controls will still facilitate a tower which will require the demolition of the building on site. The buildings on site are not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement.

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Report Preparation	
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**Cover Image:** Nos 187-189 Thomas Street, Haymarket looking south.  
Weir Phillips Heritage and Planning.

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## 1 INTRODUCTION

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The proposal seeks to amend planning controls applying to the Site to allow a future development with an overall maximum height of 49 storeys (RL 209.80) and approximate commercial GFA of 51,700m<sup>2</sup>.

The site is located within a sensitive historic context directly adjacent to the former *Sutton Forest Meat building* which is an item of local heritage significance by Schedule 5 Part 1 of the *Sydney LEP 2012*. The site is also located within the vicinity of *Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group* which are both items of State Heritage items on the NSW State Heritage Register listed under the auspices of the *NSW Heritage Act 1977*.

Accordingly, under Part 5.10 of the *LEP 2010*:

*(4) Effect of proposed development on heritage significance*

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

*(5) Heritage assessment*

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
  - (b) on land that is within a heritage conservation area, or*
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

In order to assess the potential impacts of the proposed changes to the planning controls on heritage items, a heritage management document must be submitted with the Planning Proposal. The appropriate heritage management document, in this instance, is a Heritage Impact Statement; and this document is submitted in satisfaction of this requirement.

This report has been prepared at the request of Greaton Development Pty Ltd and accompanies a reference scheme prepared by FJMT.

## 1.1 Site Location

The site at Nos 187-189 Thomas Street, Haymarket is located on the eastern side of Thomas Street with the south eastern corner fronting the intersection of Quay Street/Thomas Street and the southern elevation along Valentine Street. The site is legally known as Lot 100 of D.P. 804958.



**Figure 1: The location of the subject site within the wider precinct.**  
SIX Maps 2020



**Figure 2: Site location and boundary outline.**  
SIX Maps 2020

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## 1.2 Methodology

A site inspection was undertaken in October 2019 for the preparation of this HIS by Weir Phillips Heritage and Planning. All photographs of the site were taken at this time unless otherwise noted.

This HIS has been prepared with reference to the NSW Heritage Office's (now Division) publications *Assessing Heritage Significance* (2001 update) and *Statements of Heritage Impact* (2002 update) and with reference to the planning documents listed under Section 1.8.

## 1.3 Limitations

A detailed history of the site and a full assessment of significance to NSW Heritage Division standards were not provided with regards to the site. Section 2 of this HIS provides the established history and significance of the site. This was compiled from readily available sources.

An assessment of archaeological potential and archaeological significance, Aboriginal or historical, is outside the scope of this HIS.

Community consultation has not been undertaken as part of this Planning Proposal.

## 1.4 Author Identification

This report has been prepared by Anna McLaurin B.Envs. (Arch.), M.Herit.Cons., and James Phillips B.Sc. (Arch.), B.Arch., M.Herit.Cons.(Hons) of Weir Phillips Heritage and Planning.

The historical information and assessments of significance contained in this HIS partly rely on existing studies (refer to Section 1.8 below). Acknowledgment of the authors of these studies is duly given.

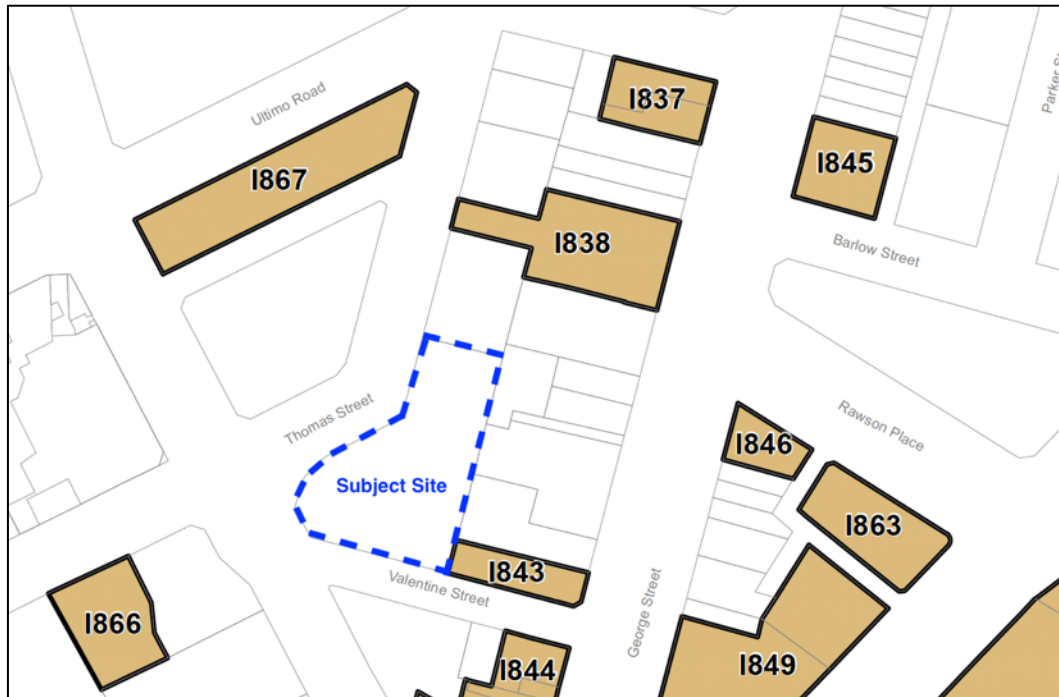
## 1.5 Heritage Listings

The site is **not** subject to any statutory heritage listings: it is **not** listed as a heritage item on the National or Commonwealth Heritage List, the State Heritage Register, or Schedule 5 of the *Sydney LEP 2012*.

The site is **not** located in a heritage conservation area as defined by Schedule 5 Part 2 of the *Sydney LEP 2012*.

It is noted the site is also located adjacent to one heritage item of local significance and within the immediate vicinity of a number of heritage items of both State and local significance. These items are discussed in more detail in Section 4.4 below.

See Figure 3 below.



**Figure 3 Subject site and adjacent heritage items, the subject site is shown with a blue border.**

Sydney LEP 2012, Heritage Map 015 (detail) with overlay by Weir Phillips Heritage and Planning.

## 1.6 The Surrounding Area

The site is located in the centre of Sydney, with numerous heritage items nearby, including items of local heritage significance, listed on Schedule 5 of the *Sydney LEP 2012*; items of State heritage significance, listed on the NSW State Heritage Register under the *Heritage Act 1977* (NSW); These are discussed in further detail in Section 4.2.

## 1.7 Relevant Heritage Legislation

In Australia and NSW, heritage listings give rise to statutory requirements to consider the heritage impact of any proposed works to a heritage item, and in some cases, in the vicinity of a heritage item.

While this proposal does not consider specific works, it does provide for an expanded envelope for potential works, and as such the potential for such works must be considered. In light of this, the following legislation should be considered.

### 1.7.1 Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) provides statutory obligations for the conservation of items of State heritage significance in NSW.

Places, buildings, works, relics, movable objects or precincts considered to be of significance for the whole of NSW are listed on the State Heritage Register (SHR). The SHR is administered by the Heritage Division of the Office of Environment and Heritage, and includes a diverse range of over 1,500 items.

Under cl.57(1) of the Act, alterations of any kind to an item listed on the SHR cannot be carried out without prior approval from the Heritage Council of NSW.

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The proposal to modify planning controls on the subject site does **not** require assessment under the *Heritage Act 1977* (NSW) as no part of the site is listed on the SHR, nor is any part of the site within the heritage curtilage of a site listed on the SHR.

Consideration of the impact of the proposal on nearby items listed on the SHR is discussed in detail included in Section 4.2, below.

### **1.7.2 Local Environmental Plan**

In NSW, the *Environmental Planning and Assessment Act, 1979* (NSW) (the 'EP&A Act') sets out statutory obligations for local governments to take into consideration the impacts to the environment and the community of any proposed development or land-use change.

Under this act, local government must prepare and implement a Local Environmental Plan (LEP) to regulate development within their respective Local Government Area (LGA).

Under Cl.5.10(2) of the *Sydney LEP 2012*, development consent is required for any action that will demolish, move or affect a heritage item or item within a conservation area. While the subject site is not a listed item of local heritage significance, nor in a conservation area, it is in the vicinity of heritage items.

Cl.5.10(5)(c) enables Council to 'require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned,' where the development is on land 'within the vicinity' of a heritage item or heritage conservation area. This report is submitted as the required heritage management document.

An assessment of the potential impacts of the proposal on vicinity items is presented in Section 7 Effect of the proposed amendments on heritage items

### **1.7.3 Development Control Plans**

Development Control Plans (DCPs) provide detailed planning and design guidelines to support the planning controls in the Local Environmental Plan (LEP). The *Sydney Development Control Plan 2012* identifies Council's requirements for new works on land to which the *Sydney LEP 2012* applies.

The Section 3.9 of the *Sydney DCP 2012* identifies the following objectives for the preservation of the heritage values of Sydney:

*(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.*

*(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.*

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## 1.8 Documentary Evidence

### 1.8.1 General References

#### Published Material:

- Attenbrow, V., 2002, *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*, The University of New South Wales Press, Sydney.
- Benson, D.H. & Howell, J., 1990, *Taken for Granted: The Bushland of Sydney and its Suburbs*, Kangaroo Press, Sydney.
- Bertie, C.H., 1920, 'The Story of Old George Street' in *Old Sydney*, Tyrells, Sydney.
- *City of Sydney Local Environmental Plan 2012*, City of Sydney 1997, The Central Sydney Archaeological Zoning Plan, City of Sydney.
- Department of Planning & Heritage Council of New South Wales 1993, *Historical Archaeological Sites: Investigation and Conservation Guidelines*, NSW. Department of Planning, Heritage Council of NSW.
- Gammage, B., 2011, *The Biggest Estate on Earth; How Aborigines Made Australia*, Allen & Unwin, Crow's Nest.
- Heritage Office and Department of Urban Affairs & Planning 1996, *Archaeological Assessment Guidelines*, Heritage Office and Department of Urban Affairs & Planning.
- NSW Heritage Branch, 2009, *Assessing Significance for Historical Archaeological Sites and 'Relics'*, Department of Planning, Sydney.
- Macle hose, J., 1977, *Picture of Sydney and strangers' guide in NSW for 1839*, John Ferguson in association with the Royal Australian Historical Society, Sydney.
- Southwell, D., 1893, *Journal and Letters of Daniel Southwell*, Charles Potter, Sydney.

#### Unpublished Material:

- Austral Archaeology Pty Ltd, 2013, *Proposed Services on Dalgety & Hickson Roads, Barangaroo Northern Headland, Historical Archaeological Assessment, Statement of Heritage Impact & Research Design*. Report for Barangaroo Delivery Authority.
- Austral Archaeology Pty Ltd, 2014, *757 – 763 George Street, Sydney, NSW, Historical Archaeological Assessment*. Report for Ceerose Pty Ltd.
- Casey & Lowe Pty Ltd 2011, *Archaeological Investigation 710 – 722 George Street, Haymarket, Volume 1: Main Report*. Unpublished Report to Inmark.
- Comber J., 2012, *Darling Quarter (formerly Darling Walk), Darling Harbour, Aboriginal Archaeological Excavation Report*. Unpublished Report to Casey and Lowe.
- Cultural Resource Management (CRM) 1999, *Archaeological Assessment, the Former Mountbatten Hotel, 701 George Street, Sydney*. Unpublished Report for JBA + Berkhout Urban Planning Consultants.
- Godden Mackey & Logan Pty Ltd (GML) 2002, *767 – 769 George Street and 21 Valentine Street, Haymarket – Archaeological Assessment and Research Design*. Unpublished Report for Donmastry Pty Ltd.



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- Godden Mackey & Logan Pty Ltd (GML), *200 George Street: Archaeological Investigation Update 1*. Report in preparation.
  - Karskens, G & Godden Mackay Pty Ltd, 1999, *The Cumberland/Gloucester Streets site, The Rocks : archaeological investigation report*. Unpublished Report for Sydney Cove Authority.
  - Royal Botanic Gardens & Domain Trust (RBG & DT), 2001, *The Domain Masterplan; Volume 2*.
  - Thorp W., 1999, *Archaeological Assessment: The KENS Site, Sydney*. Report for Sunlord Pty Ltd.
  - Vinnicombe, P., 1980, *Predilection and Prediction: A Study of the Aboriginal Sites in the Gosford- Wyong Region*. Unpublished report to the NSW NPWS.

### 1.8.2 Heritage Inventory Sheets

State Heritage Inventory including:

- 'Central Railway Station Group (including buildings, station yard, viaducts and building interiors', Haymarket, Sydney. State Heritage Inventory Database No. 2424249.
- 'Central Railway Station and Sydney Terminal Group', Eddy Avenue, Sydney. State Heritage Inventory Database No. 4801296.
- 'Christ Church St Laurence group (church, former school and rectory including interiors)', No. 814A George Street and No. 505 Pitt Street, Haymarket. State Heritage Inventory Database No. 2424276.
- 'Commercial building group including interiors', Nos. 767-791 George Street, Haymarket. State Heritage Inventory Database No. 2424257.
- 'Commercial building, Station House, including interior', Nos. 790-798 George Street, Haymarket. State Heritage Inventory Database No. 2424274.
- 'Former commercial building "Orchard's Chambers", including interior', Nos. 793-795 George Street, Haymarket. State Heritage Inventory Database No. 2424259.
- 'Former commercial building "Sutton Forest Meat", including interior', Nos. 761-763 George Street, Haymarket. State Heritage Inventory Database No. 2424218.
- 'Former "Daking House", including interior', Nos. 11-23 Rawson Place, Haymarket. State Heritage Inventory Database No. 2424275.
- 'Former Lottery Office including interior', No. 814 George Street, Haymarket. State Heritage Inventory Database No. 2424220.
- 'Former "Metro Goldwyn Mayer", including interior', Nos. 20-28 Chalmers Street, Surry Hills. State Heritage Inventory Database No. 2431125.
- 'Former Parcels Post Office, including retaining wall, early lamp post and building', Railway Square, Haymarket. State Heritage Inventory Database No. 2424235..
- 'Former warehouse, Canada House, including interior', No. 822 George Street, Chippendale. State Heritage Inventory Database No. 2424260.
- 'Hibernian House, including interior', Nos. 328-344 Elizabeth Street, Surry Hills. State Heritage Inventory Database No. 2424344.

- 
- 'Marcus Clarke Building, Sydney Technical College (Building W), including interior', Nos. 827-837 George Street, Sydney. State Heritage Inventory Database No. 2424219.
  - 'Railway Square Road Overbridge', George Street, Chippendale. State Heritage Inventory Database No. 5012153.
  - 'Sydney Terminal Central Railway Station Group', Great Southern and Western Railway, Sydney. State Heritage Inventory Database No. 5012230.

### **1.8.3 Planning Documents**

- *NSW Heritage Act 1977.*
- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- Standard Exemptions for Works Requiring Heritage Council Approval, 2009.
- State Environmental Planning Policy (Infrastructure) December 2007.
- *Sydney Local Environmental Plan (LEP) 2012.*

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## 2 HISTORICAL ANALYSIS

### 2.1 Aboriginal Background and Post-Contact History

The study area lies within the boundary of the region identified by Tindale in 1974 as belonging to the Gadigal, also referred to in academic literature as the Cadi, who spoke a dialect of the Darug Language. The Cadi language boundary extends roughly from the northern shore of the Georges River to Port Jackson in the north, and from South Head in the east to Darling Harbour in the west. Prior to arrival of Europeans, the land would have consisted of timbered slopes lined with Blackbutt (*Eucalyptus pilularis*) Red Bloodwood (*E. gummifera*), Sydney Peppermint (*E. piperita*) and smooth-barked apple (*Angophora costata*).

The abundant estuarine and terrestrial resources of the area combined with a mild annual climate to provide an ideal environment for the Aboriginal people who lived and hunted on the land prior to European settlement. Fish and molluscs would have been easily harvested from the various creeks and swamps feeding into the Parramatta River, while the forests would have provided larger game to hunt and various plants, seeds and tubers to harvest.

When the First Fleet arrived in 1788 carrying 1,200 people to feed and accommodate, the marine and land resources throughout the Sydney Basin became considerably stretched. The British arrival coincided with the beginning of an El Niño weather cycle, which would have further contributed to the scarcity of natural resources and fresh water in the area.

The effect this had on the Indigenous population was great. Attenbrow (2002) writes that in the early months of 1788, Indigenous populations would often help European fishing ships unload in return for part of the catch. By late 1788 these interactions became hostile as each party became more desperate to survive and food resources dwindled.

In the early days of European settlement, there are accounts of the British offering shark and sting-ray to the Aboriginal population, but being refused. As food became increasingly scarce, instances of local Aboriginals accepting shark and sting-ray increased as did attacks by Aboriginal people on European settlers, if they refused to share resources. This led to retaliation from the European settlers. The combination of an outbreak of smallpox in 1789 and the removal of a large number of Aboriginal men following arrests and murders for various crimes led to a great upheaval within the Aboriginal communities of the Sydney Basin and the loss of cultural knowledge.

## 2.2 The Early Colony and the Ultimo Estate – 1788 to 1830

During the early years of the Sydney colony, settlement remained concentrated around the main cove, also incorporating the eastern part of Millers Point, while land to the south of the cove and along the shore of Cockle Bay were considered either too swampy or steeply inclined to be developed or farmed. In order to control future growth of the settlement, in December 1792, Governor Phillips drew a line connecting the Tank Stream and the headwater of Darling Harbour which he instructed would demarcate the southernmost boundary of Sydney Town (Figure 4). Governor's Phillips written instructions were that "no ground within the Boundary [was] ever [to be] granted or let on lease and all houses built within the Boundary line are to remain the property of the Crown".

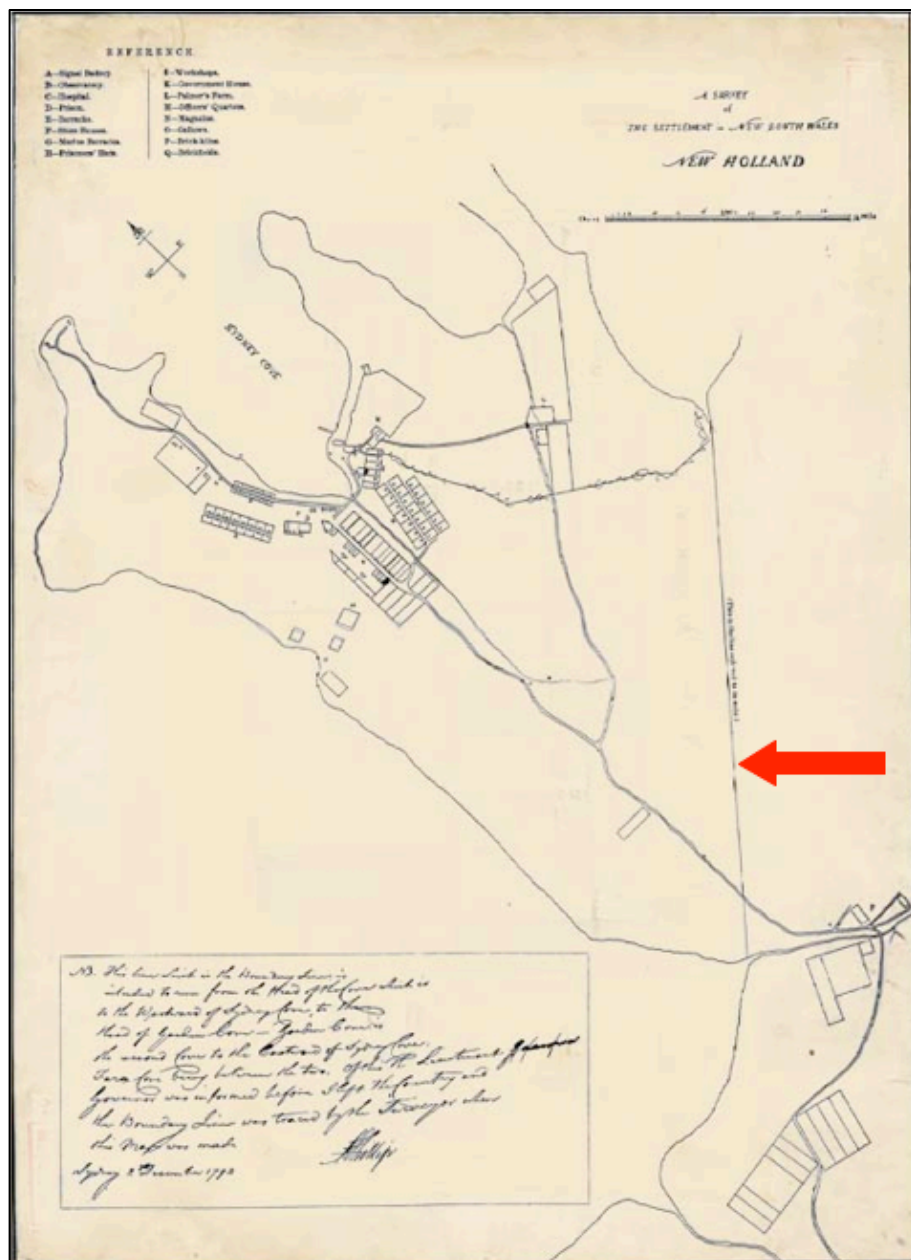


Figure 4: Plan of Sydney from 1792 showing the Boundary Line (marked with a red arrow). The study area is located off this map to the south (SRNSW: CGS13859, [SZ430]).

Outside of the town boundary, the land at the head of Cockle Bay was already informally being occupied by the start of the 19th century by settlers making use of clay for brick-making. Daniel Southwell, writing in July 1788 describes the makeshift village:

*At somewhat less than a league from the camp there is plenty of good clay, and capital brick-kilns are here established, and this, tho' a scanty village, is, I assure you, a much frequented and pleasant walk. Add to this gardening, farming, and a thousand other things are carrying on with all possible expedition (Southwell 1893)*

The main brickfields were centred in an area bound by modern-day George, Campbell, Elizabeth and Goulburn streets, to the north-west of the study area. While there are no records that the study area was formally granted or occupied at this time, an 1802 map by the French explorer Charles Alexandre Lesueur shows various small allotments in the vicinity of the study area (Figure 5). However, although Meehan's plan of 1807 shows several houses in the Brickfields area which are "irregularly [b]uilt – very few of them good", no houses are shown in the vicinity of the study area (Figure 2.3).



**Figure 5: Extract from Lesueur's 1802 Plan de la ville de Sydney showing the allotments in the approximate location of the study area outlined in red. Note that north is to the right of the map (SL: Z/M1 811.17/1802/3-4).**

In 1803, Governor King gave a grant of 34 acres (13.8 hectares) to the surgeon John Harris for land fronting Parramatta Road "between the church lands and the grounds used as a brickfield without the town of Sydney" This grant formed the foundation of Harris's Ultimo Estate. Subsequently, Harris's holdings were further increased by two

grants from Governor King on 1 January 1806; one of 9 acres (3.6 hectares) to the south-west of the estate which fronted Parramatta Road, and a larger grant of 135 acres (54.6 hectares) which extended the estate northwards.

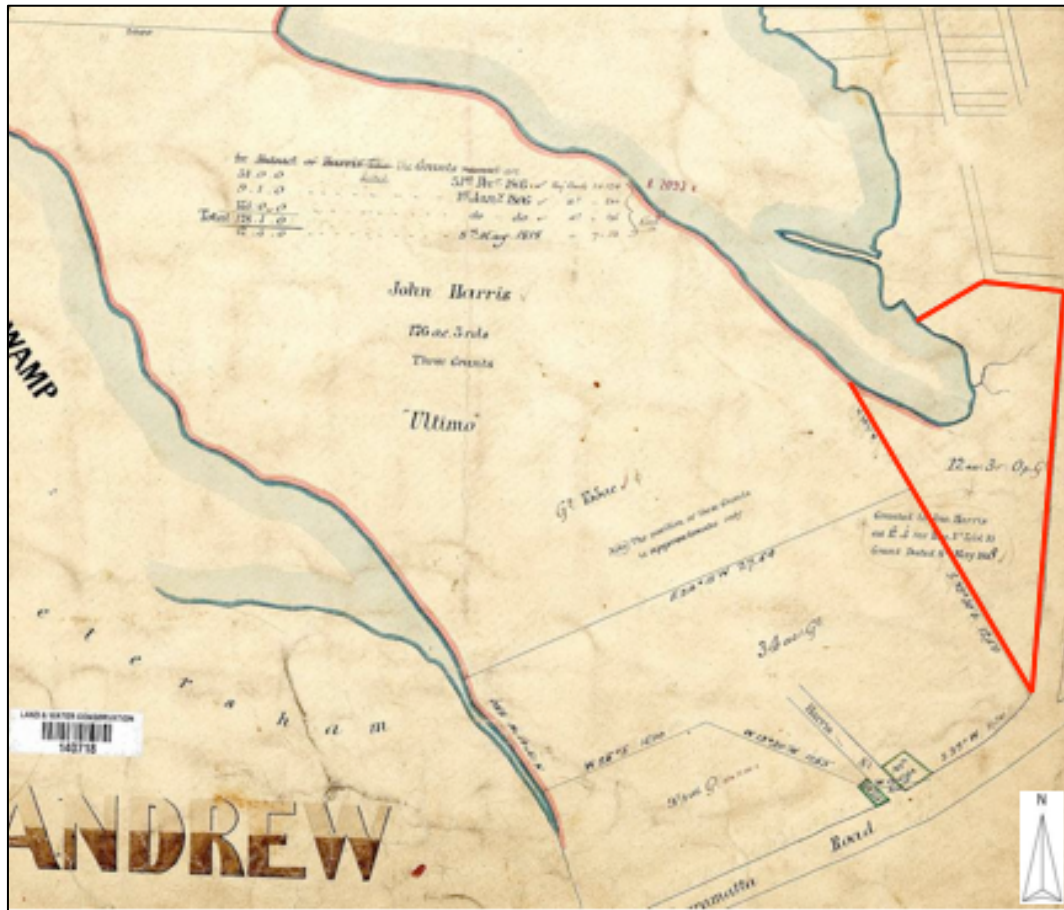


**Figure 6: Extract from Meehan's 1807 plan showing the approximate location of the study area marked in red. Phillip's town boundary is marked in blue and the northern boundary of Harris' initial Ultimo grant is marked in green (nla.map-f105b-e).**

By the time of Meehan's plan of 1807 (Figure 7), the study area was contained in an unalienated triangle of land bordered by the waters of Cockle Bay on the north, Parramatta Road on the east and the Ultimo Estate on the south-west.

The study area came to form part of a fourth and final grant given to Harris by Governor Macquarie in May 1818, which gave Harris ownership of the entire northern frontage of George Street up to of Darling Harbour. While it formed part of the grant, the study area still remained undeveloped through the 1830s (Figure 7).



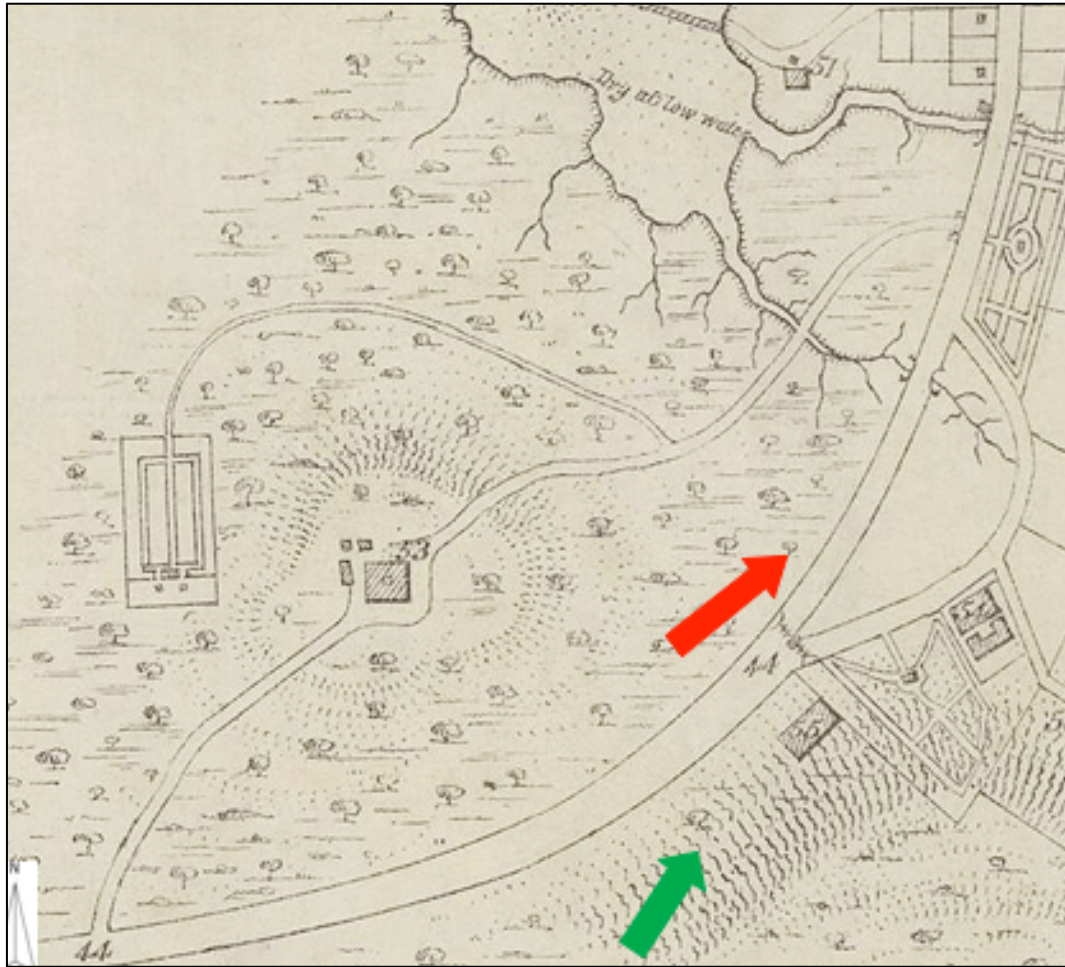


**Figure 7: Excerpt from Parish Map of St Andrew showing the various grants given to John Harris. The study area is located within the fourth grant, outlined in red (Department of Lands, Parish of St Andrew, Sheet 2).**

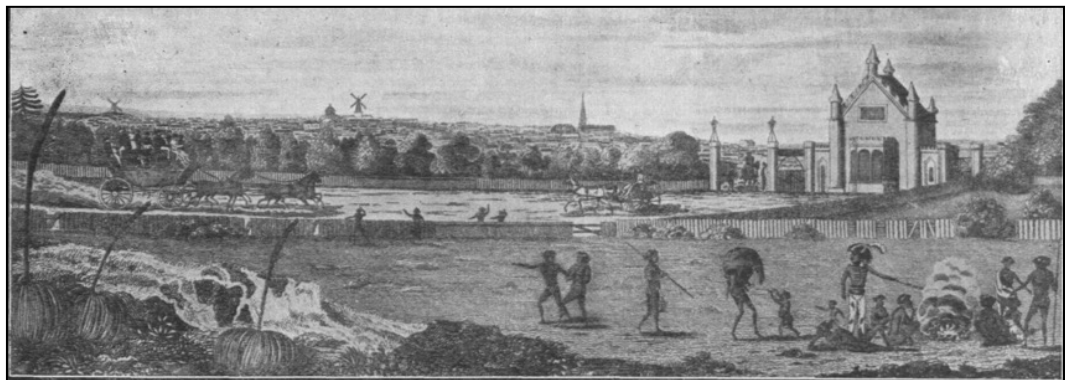
Maclehose, writing in 1839, provides a detailed discussion of the southern end of George Street:

*Between the bottom of the Brickfield Hill and the old Sydney Turnpike, George Street is occupied only on the south side by houses, some of which are highly finished, both as regards their external appearance, and their internal accommodations: the whole ground along the eastern side of this part of the street being still retained by the Government (Maclehose 1977:70).*

Although he does not explicitly mention the Ultimo Estate, which was along the western side of Parramatta Road, it is assumed from his lack of any description that the estate remained undeveloped at the time of writing. This matches the view shown in Figure 8, which shows the Ultimo Estate in the vicinity of the study area.



**Figure 8: Excerpt from 1822 plan of Sydney showing the Ultimo Estate. The approximate location of the study area is marked with a red arrow. The green arrow denotes the probable location of the viewer in Figure 2.6 (SL: Z/M2 811.17/1822/1).**



**Figure 9: The George Street Toll Bar in 1829, looking northwards. Note the undeveloped land of the Ultimo Estate behind the Parramatta Road (Bertie 1920:31).**

### 2.2.1 Subdivision and Occupation – 1830 to 1900



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Aiming to cash in on the value of the land fronting Parramatta Road and George Street, Harris undertook several subdivisions of his land in the 1830s and the 1840s, leading to a rapid period of development with property being bought and sold in quick succession. Following the various divisions and sales, Valentine Lane eventually became a laneway running westwards off George Street, present on maps from 1854 onwards.

One factor which hinders research into the early development of the study area is the frequency with which house numbers changed during the 19th century, coupled with changes in the city wards. Between 1845 and 1856, the study area was covered by City of Sydney Assessment Books for Phillip ward. However, with a change in ward boundaries in 1858, the study area was subsequently transferred to the Dennison ward.

By 1854, the study area contained combined residential and commercial premises fronting George Street, with housing lining the northern side of Valentine Lane and a small block of five houses at the back of the study area, accessed through a right of way between 556 and 558 George Street (Figure 10). These five properties are referred to in the early rates books for Phillip ward as being in Sells Lane. This is most likely a reference to John Sells, who is listed as the owner of two wooden buildings located off the main George Street frontage in Phillip ward rate assessment book of 1845.



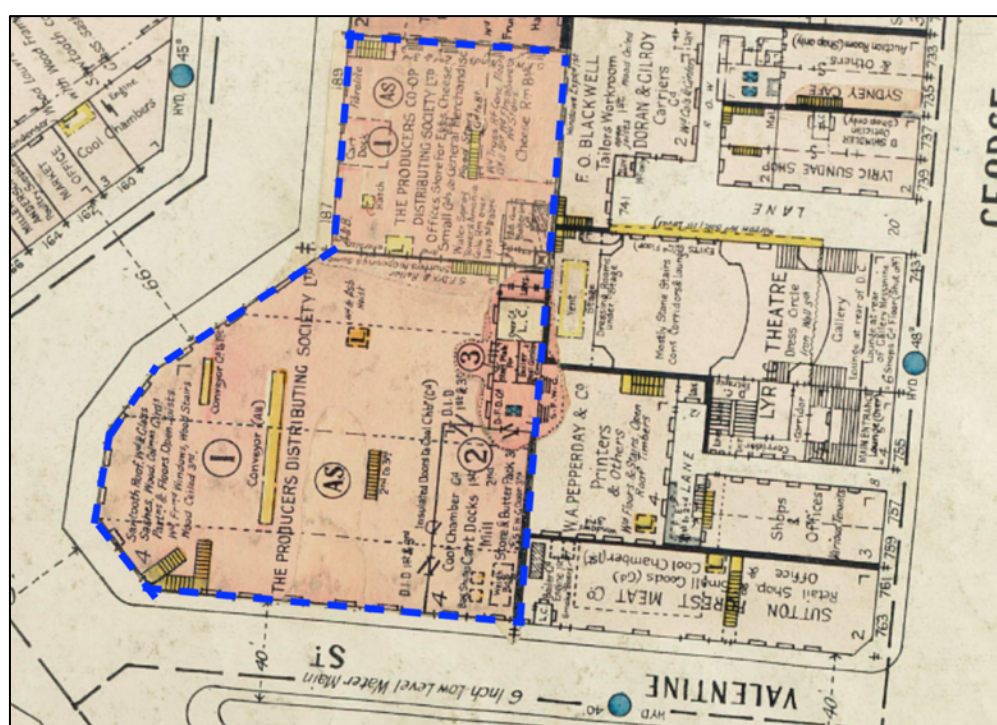
**Figure 10: Excerpt from Woolcott and Smith's 1854 plan of Sydney showing the study area outlined in red (University of Melbourne 11343/23939).**

### **2.2.2 The Valentine Street Resumption and Sutton Forest Meats (1900 to Present)**

Although Valentines Lane was already informally referred to as Valentine Street during the 19th century (c.f. *Evening News*, 24 January 1883), in 1897 a request was approved by the City of Sydney Council to formally change the name to Valentine Street (*The Sydney*

*Morning Herald*, 12 February 1897). This may have been undertaken in an attempt to improve the reputation of the street, which had previously been described in 1881 as containing "[s]everal unsightly shanties...condemned as unfit for human habitation"<sup>1</sup> () and again in 1883 as containing buildings in a "shockingly dilapidated condition, being filthy shanties in filthy slums".<sup>2</sup>

In 1910, the City of Sydney Council chose to widen Valentine Street through the resumption of all the property on the northern side of the road, which also included 761 and 763 George Street (*The Sydney Morning Herald*, 1 April 1910). Following the road widening, the land on the north was sold back to private owners, with the properties split between three new buildings. The Sutton Forest Meat Co., which had occupied 763 George Street prior to the resumption, took ownership of a new, purpose built shop which covered the double property of 761 and 763 George Street. The remaining frontage of 757 and 759 George Street was converted into shops and offices while the land at the rear of the subject site became a factory occupied by W. Pepperday & Co. Printers, which was accessed through the original scrangleway<sup>3</sup> between 755 and 757 George Street. The subject site was occupied by The Producers Distributing Society which was a grocery and liquor wholesaling company.



**Figure 11: Excerpt from the Fire Underwriters' Plans of 1917-1939 showing the study area, outlined in red (City of Sydney Archive).**

<sup>1</sup> *The Sydney Morning Herald*, 15 February 1881, pg6

<sup>2</sup> *Evening News*, 24 January 1883, pg2

<sup>3</sup> Scrangleway; derivative of the archaic term 'scrangle' meaning to sidle or scuttle. Scrangleways were narrow paths or footpads of common, if not necessarily salubrious, passage in overpopulated, poorly planned, districts - typically applied to inner urban and industrial contexts.



### 2.2.3 Historic Images of the Site

Figure 12 shows 765 George Street, which was originally to the east of the site and was subsumed as part of the road corridor for Valentine Street. The red arrow indicates the Valentine Lane which leads to the subject site.



**Figure 12: North-west view showing Valentine Lane and 761 to 765 George Street in 1910 (NSCA CRS 51/2652).**

The properties fronting Valentine Street on the left-hand side of the photograph are associated with the subject site. These dwellings were demolished when the site was subsumed.



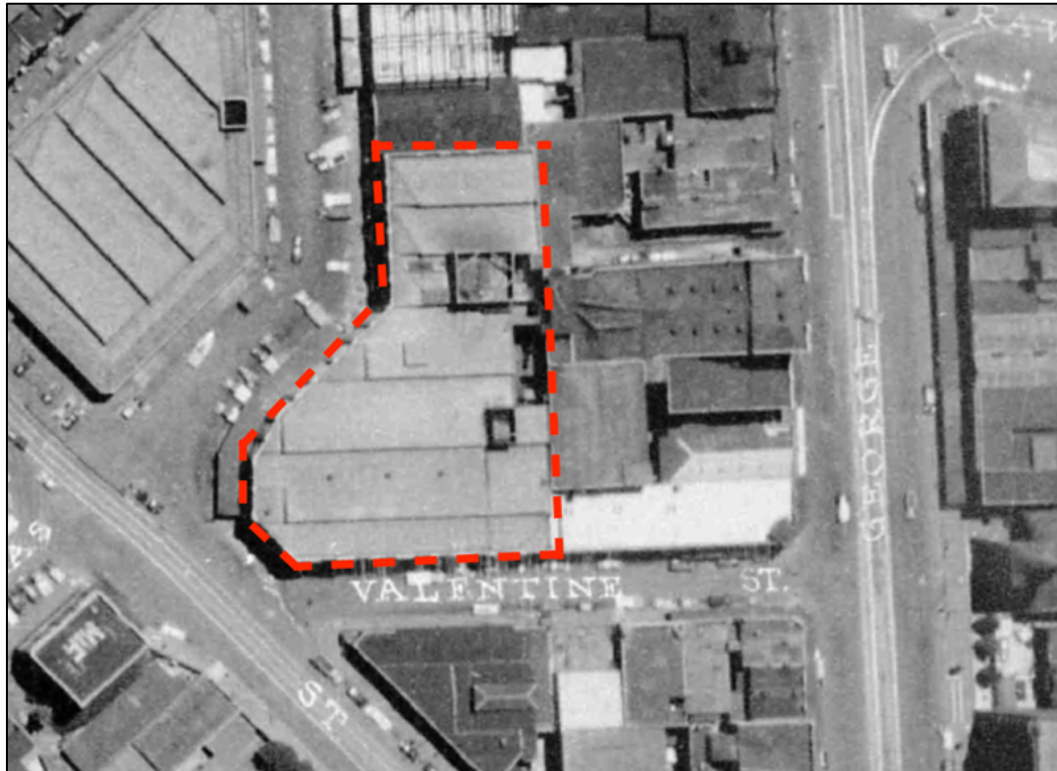
**Figure 13: East facing view along Valentine Street prior to resumption and street widening in 1910 (NSCA CRS 51/2653).**



**Figure 14: Quay and Valentine Streets; The Producers' Cooperative Distribution Society.**  
SLNSW Home and Away - 35022



**Figure 15: Fairfax Corporation. 1929, Men covering boxes of eggs for export in front of the Producers' Co-operative Distributing Society building, Sydney, 26 August 1929 , viewed 30 October 2019 <http://nla.gov.au/nla.obj-161676431>**



**Figure 16: Excerpt from 1949 aerial photograph showing the study area marked in red (City of Sydney)**

### **2.3 The Present Day (1950s to 2020)**

A building application was lodged by Brewster Murray Pty Ltd (architects) to erect a new building, car park and shop on 26<sup>th</sup> January 1986.

Brewster Murray are a Sydney based architectural firm established c.1945, cofounded by Colin Campbell Brewster and Alan James Murray. From 1990-2000 they were responsible for a number of high rise residential and commercial buildings in the Sydney CBD including, Century Tower, Landmark Tower, CBD Finance Centre and the NSW Police Headquarters in Darling Harbour.<sup>4</sup>

## **3 SITE DESCRIPTION**

### **3.1 General Setting**

The site is located within a high density mixed use area.

To the north is the Chinatown locality which is characterised by small restaurant and retail outlets at street level. The buildings are typically between 3-10 stories and have a mixture of residential apartment building and C-Grade offices.

To the east George Street and Central Station. The junction between Pitt, George and Lee Streets, which forms the southern gateway to the Sydney CBD. This junction is a major

<sup>4</sup> Brewster Murray. (2019). HISTORY — Brewster Murray. [online] Available at: <https://www.brewstermurray.com.au/history> [Accessed 30 Oct. 2019].

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transport interchange, with the Railway Square bus interchange to the west, Central Station to the east, Light Rail to the north and heavy vehicular and pedestrian movement surrounding. Christ Church of St Lawrence, an item of State Heritage significance is located close to this intersection in the vicinity of the site.

To the east of the site is the Novotel and high rise student accommodation. A number of newly built high The ABC offices and UTS are located further to the east.

To the south is the a series of medium density mixed use area of hotels, commercial buildings, tertiary and education institutions.

The area also contains a number of heritage items, most of which have been adaptively reused for other purposes. These include, but are not limited to, to:

- Former Sutton Forest Meat Building, 761-763 George Street, Haymarket
- Former Lottery Office at 761-791 George Street, Haymarket;
- Marcus Clark Building (TAFE Building);
- 827-837 George Street, Haymarket;
- Former Commercial Building, 'Orchards Chambers'; and
- Christ Church, St Laurence Anglican Church and Pipe Organ.
- Commercial Building Group, 783-787 George Street.
- Former Benevolent Society of NSW Hospital, 175 -179 Thomas Street.

Figure 17 to Figure 21 illustrate the setting of the site.



**Figure 17: Looking east down Thomas Lane in the Chinatown District.**





**Figure 18: Looking towards the Pitt, George and Lee Streets intersection from the roof of the Former Inwards Parcels Shed at Central Station. The site is indicated by the white arrow.**



**Figure 19: The Former Commercial Building, 'Orchards Chambers at the intersection of Pitt Street and Eddy Avenue.**

### 3.2 The Site

The subject building is located across three frontages with the southern elevation fronting Valentine Street, the western elevation fronting Quay Street and the northern elevation at Thomas Street. The site slopes to the south east from Valentine Street to Thomas Street resulting in a podium along the Thomas Street elevation.

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The building is a c.1986 commercial office building designed in the Post-modern architectural style. It provides 9 levels of office above ground floor retail across two tenancies and also includes basement parking for 92 cars and an auditorium annexe building.



**Figure 20: The site from the west along Quay Street.**



**Figure 21: The site as viewed from Thomas Street.**



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## 4 ASSESSMENT OF SIGNIFICANCE

### 4.1 Summary of Existing Citations and Listings for the Site

With reference to commentary provided below in Section 4.3.1 on vicinity and curtilage, No. 187-189 Thomas Street, Sydney:

- **is not** listed as a heritage item on the State Heritage Register under the *Heritage Act 1977* (NSW).
- **is not** listed as an item of local heritage significance by Schedule 5 of the *Sydney LEP 2012*
- **is** located within the vicinity of local heritage items by Schedule 5 of *Sydney LEP 2012*;
- **is** located within the vicinity of items listed on the State Heritage Register under the *Heritage Act 1977* (NSW),

In heritage studies to date, including the Central Sydney Modern Movement report (2018), have not identified the subject site as having heritage significance

### 4.2 Adjacent heritage item

The former *Sutton Forest Meat Building* is an heritage item of local significance listed on Schedule 5 Part 1 of the *Sydney LEP 2012* (Item No. I843) adjacent to the site on the south eastern boundary.

The Statement of Significance for this item has been sourced from the NSW State Heritage Inventory:<sup>5</sup>

*The former Sutton Forest Meat Building is significant for its long association with the wholesale meat trade and is a rare example of this practice in the city. It is part of the major development of primary produce markets at Haymarket at the turn of the century. It also reflects the period of major redevelopment in the city during the later decades of the nineteenth century. It is considered to be of local significance.*

*The former Sutton Forest Meat building's aesthetic significance is derived from the qualities of the simple lines of the building form, and the more complex and repetitive rhythm of its Arts and Crafts inspired brick structure, and the primitive application of ceramic tile patterns and decorative panels. Such extensive external detailing is rare in the Sydney area.*

### 4.3 Heritage Items in the Vicinity of the Site

#### 4.3.1 Defining 'Vicinity'

There is no statutory definition of 'vicinity' in the context of heritage items. The concept of curtilage, however, is a related and useful concept that assists in understanding and assessing the impacts of development on nearby heritage items.

The majority of built heritage items in Sydney are listed with their curtilage contained within the lot boundary containing the item. In some cases there is a reduced curtilage where the significance of the item and its interpretation is not dependent on having a large curtilage

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<sup>5</sup> Environment.nsw.gov.au. (2020). Former Commercial Building "Sutton Forest Meat" Including Interior | NSW Environment, Energy and Science . [online] Available at: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2424218> [Accessed 18 Mar. 2020].

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extending to the lot boundary. In such cases it is necessary to identify a curtilage that enables the heritage significance of the item to be retained. It is also possible that there will be an expanded curtilage for some items where the curtilage is greater than the property boundary. An expanded curtilage may be required to protect the landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and the harbour or topographical feature.

Considering the items around the subject site, listing sheets indicate that all have a heritage curtilage that is limited to their property boundary.

For the items near to the subject site, 'in the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works.

#### **4.4 Heritage Items in the Vicinity**

For the following, 'in the vicinity' has been determined by physical proximity to the site, existing and potential view corridors and the massing and scale of the proposed works.

Section 5.10 (5) of the *Sydney Local Environment Plan 2012* states:

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

Figure 22 below is an extract from the Heritage Map 0015 and 0016 from the *Sydney LEP 2012* showing the location of heritage items in the vicinity.



**Figure 22: Detail, heritage maps 015 & 016 Sydney LEP 2012.**

The site is shown at centre right, hatched with red

BROWN - Local heritage items

BLUE - State heritage items

Sydney LEP 2012. Overlays by Weir Phillips Heritage and Planning.

All heritage items within 200 metres of the site are shown in the table below.

Place ID		Name and Description	Address	Listing
National or Commonwealth heritage items, within 200m of the subject site				
LEP no.	SHR no.			
Local and State Heritage items within 100m of subject site				
1824	01255	Central Station Railway Group	Eddy Avenue, Haymarket	State

Place ID		Name and Description	Address	Listing
National or Commonwealth heritage items, within 200m of the subject site				
LEP no.	SHR no.			
Local and State Heritage items within 100m of subject site				
1849	00123	Christ Church St Laurence group (church, former school and rectory including interiors)	No. 814A George Street (and 505 Pitt Street), Haymarket	State
1843		Former commercial building “Sutton Forest Meat” including interior	761–763 George Street	Local
1838		Great Southern Hotel including interior	715–723 George Street	Local
1844		Commercial building group including interiors	767–791 George Street	Local
1855		Former Parcels Office, including retaining wall, early lamp post and building	Railway Square, Haymarket.	Local
1850		Marcus Clarke Building, Sydney Technical College (Building W), including interior	Nos. 827-837 George Street	Local
1180		Railway Square Road Overbridge	George Street, Chippendale	Local
1866		Former Benevolent Society of NSW Hospital (175–179 Thomas Street) two storey building including interior	169–179 Thomas Street	Local
1838		Former Markets Stores including interior	35-39 Ultimo Road, Ultimo	Local
1837		Mountbatten Hotel including interior	701–705 George Street	Local
1845		“GIO Building” including interior	770–772 George Street	Local
1846		Commercial building “Station House” including interior	790–798 George Street	Local

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#### 4.5 View Corridors

The principal view corridors towards the site are obtained from directly outside of it at the intersection of Quay and Thomas Street. As the existing building is surrounded by lower scale buildings to the east, it is highly visible from both George Street and Pitt Street as well as Central Station.

When exiting the Grand Concourse of *Sydney Terminal and Central Railway Stations Group* into the Western Forecourt the site is visible directly behind the *Christ Church St Laurence group*.

From the *former Sutton Meat Forest Building* the subject site forms the backdrop of the building when viewed from George Street.

From other heritage items in the vicinity the site forms the a backdrop to the high density mixed use area surrounding the site.



**Figure 23: Aerial photograph indicating the view corridors towards the site.**  
SIX Maps 2020





**Figure 24:** The site indicated by the red arrow exiting the Grand Concourse of *Sydney Terminal and Central Railway Stations Group* into the Western Forecourt the site is visible directly behind the *Christ Church St Laurence group*.



**Figure 25:** The site as visible behind the behind the *Christ Church St Laurence group*.





**Figure 26: View from Ambulance Avenue towards the site.**



**Figure 27: The site as partially visible behind heritage listed commercial buildings lining George Street.**





**Figure 28: The site as viewed from George Street behind the former Sutton Forest Meat building.**



**Figure 29: The site as viewed from Thomas Street from the north.**



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## 5 SCOPE OF PLANNING PROPOSAL

The Planning Proposal will amend the *Sydney Local Environmental Plan 2012* (SLEP 2012) by changing the building height and floor space ratio development standards of Lot 100 in DP 804958 which apply to the site at Nos 187-189 Thomas Street, Haymarket (the Site).

The proposal seeks to amend planning controls applying to the Site to allow a future development with an overall maximum height of 49 storeys (RL 209.80) and approximate commercial GFA of 51,700m<sup>2</sup>.

It should be noted that while the reference scheme by FJMT represents one design for the proposed hybrid tower, the project will be subject to a full competitive design process in accordance with the requirements of *Sydney LEP 2012*.

A Visual Impact Assessment (VIA) showing photomontage renderings of the proposed building envelope within the context has been prepared by Virtual Ideas.

## 6 METHOD OF ASSESSMENT

The following is a merit-based assessment. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the planning documents that accompany this application.

The proposal is assessed by consideration of:

- The relevant controls of the *Sydney LEP 2012*;
- The objectives and controls for new works in the vicinity of heritage items as per Part 3 of the Sydney DCP 2012;
- with an understanding of the requirements for Heritage Impact Statements provided by the NSW Heritage Branch publication Statements of Heritage Impact (2002 update); and

## 7 EFFECT OF WORK

### 7.1 Potential impacts of the Planning Proposal on the site

As noted elsewhere, the subject site is not a heritage item, nor part of a heritage conservation area. The buildings on site are not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement. The proposed change to the planning controls will facilitate the demolition of the existing building on the subject site, this will have no impact on the significance of the locality.

### 7.2 Effect of the proposed amendments on heritage items in the vicinity.

Redevelopment of the site and surrounding area for commercial purposes is permitted under current zoning (B8 Metropolitan Centre). The proposed controls on the subject site are generally consistent with these objectives.

The existing high rise context surrounding the heritage items in the vicinity including the *former Sutton Forest Meat Building, Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group* negates the majority of the heritage impact caused by a new taller built form inserted into the site. The existing height limit of 50m and FSR of 9:1 already constitutes a high rise setting to the items, the proposal to increase the height and FSR will have no additional impact on heritage items in the vicinity.

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The proposed amendment to the *LEP 2012* is such that in order to realise the height potential, the applicant must run a design competition, which would ensure the achievement of design excellence. Prior to this being held, the applicant would engage closely with key stakeholders to ensure that the design competition brief is very clear about the heritage management principles relating to the impact on heritage items in the vicinity so as to minimise the heritage impact caused by the insertion of a new tower on site. Particularly the impact on the *former Sutton Forest Meat building, Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group*.

The accompanying VIA provides accurate renderings of the proposed building envelope within the existing context. The VIA indicates that although the building envelope is significantly larger than the existing building on site, key view corridors identified in Section 4.5 above, are not interrupted or obscured by the potential building envelope.

The subject site is in the vicinity of a number of heritage items. It is also close to a number of other items, of both local, and State and heritage significance. The potential impacts of the Planning Proposal are discussed in relation to each key item below.

### **7.2.1 Impact on the former Sutton Forest Meat Building**

The present building on the subject site adjoins the *former Sutton Forest Meat Building* to the south west, where it forms an unsympathetic blank backdrop.

The proposed change in controls will permit a tower which is taller in comparison to the existing building on site in reference to the two storey *former Sutton Forest Meat Building*. While the built form will be larger scale building, the impact will be minimal. The existing height limit of 50m and FSR of 9:1 already constitutes a high rise setting to the item, the proposal to increase the height and FSR will have no additional impact on the item.

As outlined in the statement of significance, the *former Sutton Forest Meat Building* presents as having a high degree of exterior intactness. Its prominence in the streetscape is enhanced by its street corner location, resulting in a building strongly contributing to the George Street character. The subject site is separated from the highly detailed two storey corner section by the less intricately detailed rear section of the building along Valentine Street. This setback ensures the corner prominence of the building is retained, particularly when traveling in a north/south direction along George Street. The change in controls to permit a taller tower on site will not impact on the streetscape prominence of the item from George Street. This is reinforced by viewpoints 13, 14 and 16 in the VIA.

The reference scheme produced by FJMT, offers a design that has the opportunity to better relate to the *former Sutton Forest Meat Building*. The four storey podium with the setback above as depicted in the reference design will form a clear base to the tower. The height of the podium forms a clear relationship with the parapet of the *former Sutton Forest Meat Building* allowing the lower scale streetscape rhythm to be retained. There is no physical impact which arises from the change to the controls proposed, and at DA stage, there will be a number of ways in which this issue can be addressed through the design of a future development. These include façade articulation, the adoption of comparable solid to void ratios and introduction of sympathetic colours or finishes to assist in fitting the new tower within the historic context. This is an appropriate response to new works adjacent to a heritage item and is supported by the Sydney DCP 2012. and Article 22 of the Burra Charter 2013. The explanatory notes for which state:

*New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.*

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The proposed controls will result in overshadowing of the building during the morning hours to the same degree as made under the current controls. Presently, the site is already overshadowed by the other high density development the vicinity, located further to the north east of the site. Therefore, there will be no additional overshadowing of the site.

### **7.2.2 Impact on Sydney Terminal and Central Railway Stations Group**

The building envelope proposed by the reference design will not block or reduce significant views of the of the *Sydney Terminal and Central Railway Stations Group* which is located to the west of the site.

Views of the clock tower from the west, north and north-east will be retained. These include the views down Broadway from the west and views from the north at Pitt Street. Views of the clock tower from the south and south-east will be blocked or reduced. The subject building will form part of the CBD foreground to the site when viewed from the Western Forecourt. This is reinforced by viewpoints 10, 15 and 18 within the VIA.

No overshadowing of the Central Station Group will occur as a result of a building constructed to the proposed new controls.

### **7.2.3 Impact on Christ Church St Laurence group**

The site is located behind the *Christ Church St Lawrence group* when viewed from *Sydney Terminal and Central Railway Stations Group*. The current building forms an unsympathetic and imposing backdrop to the item, detracting from the profile of the Victorian Gothic Revival style steeple.

As outlined above, the applicant will undertake a design competition to ensure a very high level of design excellence, which will consider the impact on the *Christ Church St Laurence group* as part of the brief. The proposed change in controls offers an opportunity to develop a more sympathetic backdrop to the church, which may act to enhance its significance and prominence within the wider setting. Viewpoint 19 of the VIA illustrates this perspective of the proposed building envelope with Christ Church St Laurence in the foreground.

The more significant view corridor towards the site exists looking east along Valentine Street towards the primary elevation and from either direction along George Street. These views will not be interrupted by a built form as a result of the change in controls. See viewpoint 18 of the VIA looking east along Valentine Street which illustrates how the view corridor will not be interrupted by future building envelope.

## **7.3 Other Heritage Items in the Vicinity**

Beyond the items discussed above, the Planning Proposal will have no impact on other heritage items in the vicinity for the following reasons:

- Other taller buildings envisioned for the precinct will mean the proposed building envelope will not read as a stand-alone tower.
- The existing curtilage around heritage items is unaffected, allowing ongoing appreciation of heritage significance and interpretations of the places and individual items. The proposed development will impact to a limited extent on the setting of several items but will not affect their integrity and heritage significance. The architectural quality and scale of the reference design is considered to have the potential to enhance the setting of nearby items.

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- The proposed changes to height controls will not impact on the ability to understand the historic significance of these items.
  - The proposed changes to height controls will not result in a proposal which further blocks identified significant views to or from the items.
  - The proposed changes to height controls will result in a proposal which is consistent with the ongoing development in the surrounding area.

## 8 CONCLUSION

The Planning Proposal seeks approval to modify current development controls and guidelines to of greater height presently permitted at No. 187-189 Thomas Street, Haymarket. The proposed change to controls will facilitate the construction an integrated community and destination for the innovation and technology sectors in the form of a vertical innovation village. The proposal presents the opportunity to enhance the setting of nearby items by providing both a better backdrop and streetscape frontage to the heritage items in the immediate vicinity.

With regard to nearby heritage items and the assessment of heritage impacts set out above, the Planning Proposal is considered acceptable for the following reasons:

- The potential impact of a larger building within the limits sought by the proposal (and described by its reference design) will not cause any significant impact to the heritage significance of nearby heritage items.
- Historic views from, *Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group*. will not be further blocked, impeded or unreasonably disrupted; the proposed building envelope will read as a in keeping with current and future development of the Sydney CBD. This is reinforced by the accompanying VIA showing photomontages of the proposed building envelope on site.
- No significant view corridors to or from the items identified in Section 4.3 will be blocked, impeded or unreasonably disrupted. Views from the site are not considered to have heritage significance.
- The proposal offers an opportunity to mitigate the intrusive backdrop to the former *Sutton Forest Meat building* and *Christ Church St Laurence group*.
- The proposed amendment to the *LEP 2012* is such that in order to realise the height potential, the applicant must run a design competition, which would ensure the achievement of design excellence. Prior to this being held, the applicant would engage closely with key stakeholders to ensure that the design competition brief is very clear about the heritage management principles relating to the impact on heritage items in the vicinity, particularly the impact on the *former Sutton Forest Meat building*, *Christ Church St Laurence group* and *Sydney Terminal and Central Railway Stations Group*.
- Change to the controls will still facilitate a tower which will require the demolition of the building on site. The buildings on site are not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement.