

HERITAGE IMPACT STATEMENT
72-84 FOVEAUX STREET
SURRY HILLS



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1.0 INTRODUCTION

This Heritage Impact Statement accompanies a Planning Proposal for alterations and additions to facilitate the commercial use of the building at Nos. 72-84 Foveaux Street Surry Hills.

1.1 Authorship

This report has been prepared by Ruth Daniell.

Ruth Daniell has extensive experience in cultural heritage management, including the preparation of heritage assessments. Ruth has worked for the NSW Heritage Office and Local Government in heritage positions. Ruth was the project co-ordinator and author of the private domain section of the Paddington DCP for Woollahra Council, and headed the consultant team, which prepared the Imperial Avenue DCP for Waverley Council. Ruth has written academic papers and a book chapter on architectural styles. Ruth has a Bachelor of Laws degree.

2.0 REQUIREMENT FOR THE REPORT

The building at Nos. 72-84 Foveaux Street Surry Hills is not listed as a heritage item on the Sydney Local Environmental Plan 2012. However, the building is located in the Little Riley Street Conservation Area C65 as defined on the Sydney LEP 2012 Heritage Map 16.

The heritage item in the vicinity is the Excelsior Hotel including interior at 64 Foveaux Street, which is a Local item No. 1549.

City of Sydney requires a Heritage Impact Statement for development in the vicinity of heritage items and for Planning Proposals in conservation areas.

3.0 LOCATION

Nos. 72-84 Foveaux Street is located on the northern side of Foveaux Street between Waterloo Street and Corben Street. The real property description is Lot 1 in DP625093.



Figure 1. Location Plan showing the site. Source: Six Maps.



Figure 2. Aerial photograph showing the site. Source: Six Maps.

4.0 HISTORY

4.1 Background History

The "Eora people" was the name given to the coastal Aborigines around Sydney. Central Sydney is therefore often referred to as "Eora Country". Within the City of Sydney local government area, the traditional owners are the Cadigal and Wangal bands of the Eora. There is no written record of the name of the language spoken and currently there are debates as whether the coastal peoples spoke a separate language "Eora" or whether this was actually a dialect of the Dharug language. Remnant bushland in places like Blackwattle Bay retain elements of traditional plant, bird and animal life, including fish and rock oysters.

With the invasion of the Sydney region, the Cadigal and Wangal people were decimated but there are descendants still living in Sydney today. All cities include many immigrants in their population. Aboriginal people from across the state have been attracted to suburbs such as Pyrmont, Balmain, Rozelle, Glebe and Redfern since the 1930s. Changes in government legislation in the 1960s provided freedom of movement enabling more Aboriginal people to choose to live in Sydney.¹

The building is within the area that was part of the original grant to the first Surry Hills landowner - Captain Joseph Foveaux, who was assigned 105 acres in 1793 and subsequently increased his holdings to encompass most of Surry Hills. By 1800, John Palmer - farmer and grazier, had acquired more than 200 acres of Surry Hills and become Commissary General. However by 1814, Palmer had fallen into financial trouble and lost his position in the colony, resulting in his estate being divided and sold at public auction. Edwards Riley attempted to reassemble the Palmer Estate during the 1820s, although after his suicide in 1825 the holdings were once again subdivided according to Meehan's original plan and sold to the public. The economic boom of the 1830s acted as the necessary catalyst for residential development in Surry Hills with the original allotments being initially subdivided into villa estates. With much of the Riley Estate still locked up in a legal battle, the early development in Surry Hills focused on the lands around Albion and Bourke Streets. It wasn't until the gold rush boom of the 1850s that the Riley Estate finally become available, and provided substantial land for the development of workers housing locally

¹ Information sourced from Anita Heiss, "Aboriginal People and Place", Barani: Indigenous History of Sydney City

<http://www.cityofsydney.nsw.gov.au/barani>

employed by the breweries and other industries.

4.1.1 The History of No. 72 and Nos. 74-84 Foveaux Street

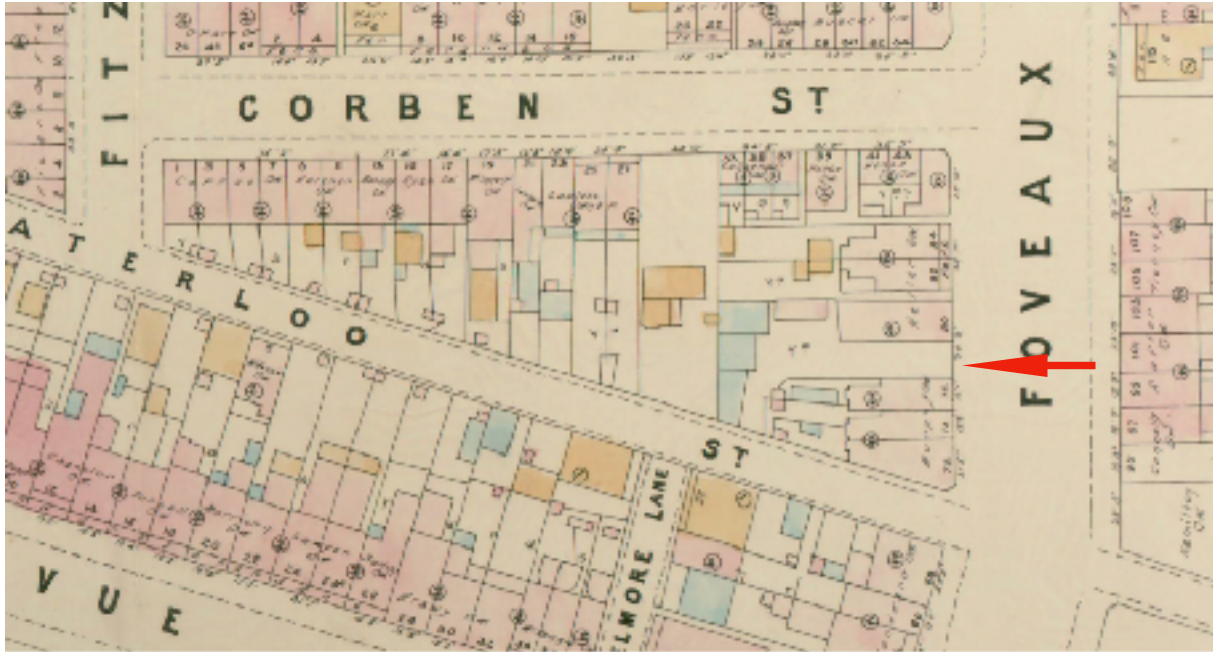


Figure 3. Plans of Sydney (Rygate & West), 1888, Sheet 28. Source: City of Sydney Archives.

The map above from 1888 shows the site occupied by two storey terrace houses and a two storey commercial building and yard.

Street Planning Cards

There are no records on the city of Sydney Planning Cards 1908-1928

South Sydney Planning Cards 1929 -1984

The street planning cards (City of Sydney Archives) show the following alterations and additions to the properties.

72 Foveaux Street

Application No.	Date	Works	Applicant	Cost
586 /54	12.7.54	Requisition of land for rest area		
263/1/63	14.3.62	Enquiry re proposed sale of Part of block 15 to ? Berger		
668/1/73		Proposed sale of councils rest area		
44/83	7.4.83	Use ground floor as refreshment room	P. Kissnor	
337/90	16.5.90	Enclose ground floor and erect canopy	Goodfolk Pty Ltd	\$9,500

74 Foveaux Street

Application No.	Date	Works	Applicant	Notes
907/60	26.10.60	Use for costume jewellery		
922/62	1.10.62	D.A. for installation of machinery for clothes manufacturing		
691/72	3.10.72	D.A. for alts and adds to existing factory	Schmaehling Boys and Vickery Pty Ltd	74-84 7 35-39 Corben Street
171/85	2/4/75	Extension to the existing building and the erection of signs – Gem Craft House	Foveaux Inv. Pty Ltd	

Application No.	Date	Works	Applicant	Notes
662/76	1976	Partition 5 th floor	Sneldon Bros	\$2000
	1979	Illegible entry		

Application No.	Date	Works	Applicant	Notes
45/86 1354	1986	Wall at 2 nd level		\$1600



City Building Surveyor's Detail Sheets, c. 1956 - Sheet 21 This map shows rest area on the corner of Foveaux and Waterloo Street that was purchased from the Council. The development on the site in 1956 does not correspond with the development today.

5.0 DESCRIPTION OF NOS. 72-84 FOVEAUX STREET SURRY HILLS

Building and the Site

The site is an irregularly shaped site with frontages to Waterloo Street, Foveaux Street and Corben Street.

The building has an offset cruciform shape with varied setbacks to the surrounding streets. The building varies between 6 and 7 stories depending on the topography. The external materials include brown brick and rendered painted masonry. The windows are aluminium framed and vary in design. The windows are generally banded and the window groups have horizontal proportions. The south west corner is set back from the street as a stepped podium level and is atypical to the predominant setbacks in the Foveaux streetscape



Figure 6. The site plan showing the off-set cruciform shape of the building.



Figure 7. Existing south elevation

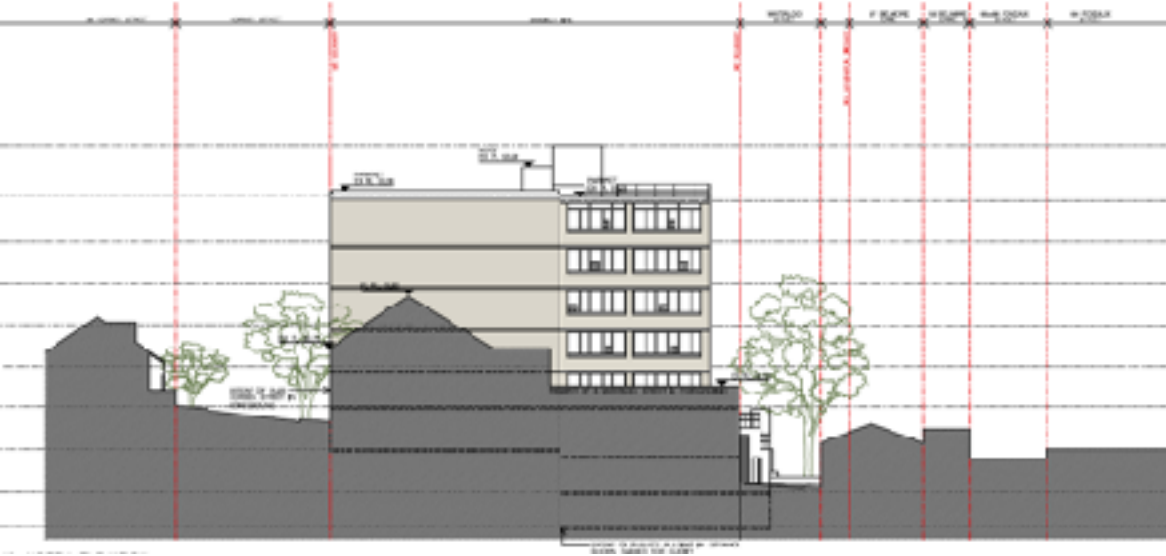


Figure 8. Existing north elevation.

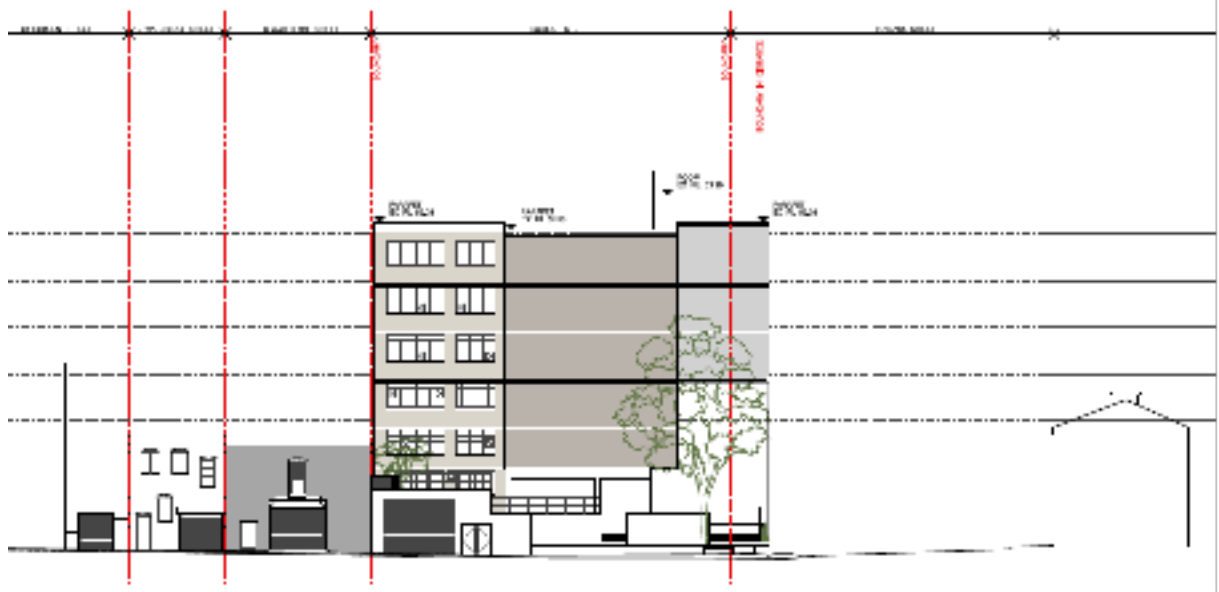


Figure 9. Existing west elevation.

Context

The site is located in a mixed context western end of Foveaux which contains a mixture of two storey Victorian terrace houses, and 20th century buildings associated with manufacturing and clothing whole sale businesses

There are 1970s buildings amid two storey Victorian development in the streetscape context.



Looking northeast to the corner of Foveaux Street and Corben Street. The corner building No. 88-90 Foveaux Street is a nine storey building.



Looking at the subject site from the opposite side of Foveaux Street.



Buildings on the northern side of Foveaux Street, which are located west of Bellevue Street.



The subject building as viewed in relation to the two storey Victorian buildings at the corner of Corben Street.



Photograph showing the Excelsior Hotel at No. 64 Foveaux Street, the heritage item. This building is located on the corner of Bellevue Street and Foveaux Street one block away from the subject site.



View of the building in Corben Street.



Buildings on the southern side of Foveaux Street vary in width and height.

6.0 STATEMENT OF SIGNIFICANCE

No. 72-84 Foveaux Street is noted on the Building Contributions Map as an intrusive building. It fails to satisfy any of the NSW Heritage Office Criteria in the Assessment of Heritage Significance.

7.0 THE PROPOSED WORKS

The Planning Proposal by Ethos Urban seeks an increase in floor space ratio and height. It is reflected in the concept drawings prepared by Candelepapas Associates.

In the Planning Proposal and the concept drawings prepared by Candelepapas Associates, the existing building is retained, an addition is made to the western side over three levels, and the facades are modified.

In summary the scheme in the concept drawings is:

Basement

- Bicycle parking
- M and Female locker rooms
- Unisex WC
- Lift
- Stairs
- Services as shown on the architectural drawings

Lower Ground Floor

- An open area/presentation stage
- Coolroom
- Store

Ground Floor

- Void over ground Floor Area
- Kitchen and cool room
- Staff canteen
- Reception area
- Multi function spaces
- Uni sex WC and M & F WC
- New stairs

Level One

- Commercial Area
- New stairs
- Accessible WC
- M and F WCs
- Void to below

Level Two

- Commercial Area
- New stairs
- Accessible WC

- M and F WCs
- Void to below

Level Three

- New stairs
- Accessible WC
- M and F WCs
- Void to below

Level Four

- Commercial area
- Small void to below
- New stairs
- Accessible WC
- M and F WCs
- Terrace to Corben Street

Level Five

- Commercial area
- Small void to below
- New stairs
- Accessible WC
- M and F WCs
- Terrace to Corben Street

Level Six

- 200m² roof terrace
- Canopy over part of the roof terrace
- Landscaping as shown on the drawings
- Plant area as indicated on the drawings

The Southern (Foveaux Street) Facade

Modification of the existing southern facade

Modification of the existing southern facade and the introduction of a steel plate box frame, a series of curved glass facade elements, and the introduction of coloured cylindrical glass sculptures in the curved recesses. The fin/blade walls are a white metal frame. The proposed southern facade reworks the existing non contributory Foveaux Street facade into an articulated facade with facade depth created by the layers of materials.



Figure 10. The concept for the southern facade viewed from Foveaux Street.

The Southern Facade of the New Addition

The concept for the southern facade of the new addition for the atrium will be glazed behind the steel plate box frame. This frame articulates the facade of the new atrium addition into vertical into three horizontal levels and into ten vertically proportioned elements. The materials include:

- a white metal facade frame
- curved glass windows
- cement render (rough finish)
- brass mesh screen
- aluminium framed glazing
- off form concrete

- frameless glass windows
- a glass pitched roof
- a steel framed coloured glass skylight
- coloured glass tubes
- a white metal screen

The Western Facade

A new stepped glazed facade is proposed on the western elevation of the proposed addition.

The existing western elevation will be finished rough cement render, and will have new aluminium framed windows installed. Brass mesh screens will be installed over existing windows. A white metal facade frame will be installed on other windows.

The Northern Facade

The existing western elevation will be finished rough cement render, and will have new aluminium framed windows installed. New additions to the roof top area will be if off form concrete.

The Eastern Facade

The facade materials will be similar to the northern elevation.

The Design Approach

The design approach is to create a sophisticated contemporary building that will enliven the area.

8.0 HERITAGE IMPACT STATEMENTS

The heritage assessment refers to:

- Sydney Local Environmental Plan 2012 and
- The provisions of the Sydney DCP 2012; and
- The Heritage Impact Statement Guidelines from the NSW Heritage Office for the impact on heritage items in the vicinity.

8.1 Sydney Local Environmental Plan 2012 (LEP)

The Sydney LEP 2012 sets out the heritage provisions in Section 5 as follows:

5.10 Heritage Conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

(f) subdividing land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(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.*

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and*
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- Aboriginal places of heritage significance*

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment: The Planning proposal requires consent under the Sydney LEP 2012. The provisions in the Sydney DCP 2012 provide for the assessment of the heritage impact on the conservation area and heritage items in the vicinity. This Heritage Impact Statement, prepared by a qualified professional assists in this assessment.

The heritage item in the vicinity is the Excelsior Hotel including interior at 64 Foveaux Street, which is a Local item No. 1549.

The property information obtained from City of Sydney is that the site is within a conservation area, the Little Riley Heritage Conservation Area as defined under Clause 5.10 (and listed in

Schedule 5) of the Sydney LEP 2012.

8.2 Compliance with the controls of the Sydney DCP 2012 (DCP)

The relevant provisions are set out below:

The DCP includes locality statements in Section 2 of the DCP. The site is located in the Riley Locality in Section 2.11.2 of the DCP. The description and principles are the following:

Description:

This locality is bounded by Campbell Street to the north, Riley Street to the east, Mary Street to the west, and Foveaux Street to the south. The existing mixed use character of the precinct will be maintained. New infill is to respond to the existing character and scale of development. Existing rows of consistency are to be maintained, such as intact terrace house streets and heritage street wall buildings. Development opportunities will be primarily located on larger lots and less consistent streets. Retail uses will be concentrated along Foveaux Street to enhance existing retail and assist in the retention of residential pockets.

Comment: The concept design contributes positively to the 'streetwall' character of Foveaux Street. The proposal is consistent with the locality character statement.

Principles

(a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.

Comment: The alterations and additions in the concept design occur to the existing building at 72-84 Foveaux Street Surry Hills, which has an acknowledged bulk and scale and lack of architectural finesse and quality reflecting its characterisation as a detracting building. The proposal articulates the existing facades by design and materials into elements that are referential in scale and proportion to the surrounding smaller scale buildings. It replaces plain and flat facades with design and articulation, which has merit and makes a greater contribution to the locality.

(b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.

Comment: As noted above the concept proposal reworks an existing detracting building, which has substantial additions dating from 1970s and creates a façade design that is finer grained in relation to the proportions and scale of the smaller two storey buildings, and mid century commercial buildings in the context.

(c) Maintain consistent rows of built form such as taller warehouse buildings on Foveaux Street and small lot terraces with a consistent scale and character north of Foveaux Street.

Comment: The existing building on the subject site is neither a taller warehouse nor small lot terraces. However the concept design creates a building, which responds more positively to these contributory types of development by modulating the façade into smaller elements, which is referential to contributory building widths and proportions of the smaller lot terrace houses. Some vertical elements in the façade composition incorporate horizontally proportioned bands of window grids, which reference to Inter war and Post War warehouse buildings.

(d) Maintain the consistent heritage character of Albion Street. Future development along the street is to reflect the scale of these heritage items and adjacent contributory buildings.

Comment: The site is not located in Albion Street.

(e) Maintain the tradition of 'rag trade' warehouses along Foveaux Street through the conservation of warehouse building types.

Comment: The building retains a commercial use which is part of the character along Foveaux Street.

(f) Encourage active ground level uses along Foveaux and Albion streets.

Comment: The proposal incorporates a reception and entry lobby on the ground floor level and reflects the 'streetwall' character in the locality character statement.

Part 3 of the DCP contains the provisions that are relevant to the development application.

These are 3.9.1 (heritage impact statements), 3.9.6 (conservation areas) and 3.9.9 (detracting buildings)

3.9.1 Heritage Impact Statements

The requirement for a heritage impact statement is the following:

(1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting: (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:

(b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.

Comment: This heritage impact statement accompanies the proposed development and has been prepared by a suitably qualified heritage practitioner and follows the Heritage Office Guidelines.

Building Contribution

The contribution which the building at 72-84 Foveaux Street makes to the heritage significance of the Little Riley Heritage Conservation Area is identified on City of Sydney's building contribution map. The subject building is coloured as a detracting building.

The subject site is located in the Little Riley Street HCA (C65) under Sydney LEP 2012. The DCP provides the following controls and provisions for conservation areas in the following section:

3.9.6 Heritage conservation areas

Buildings and sites within heritage conservation areas are identified on the Building contributions map as being contributory, neutral or detracting to the character and heritage significance of the heritage conservation area.

The contribution of these buildings is based on studies carried out by heritage consultants for the City.

(1) Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement and responding sympathetically to:

(a) topography and landscape;

(b) views to and from the site;

(c) significant subdivision patterns;

(d) the type, siting, form, scale, materials and details of adjoining or nearby contributory buildings; and

(e) the interface between the public domain and building alignments and property boundaries.

(2) New infill buildings and alterations and additions to existing buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (1)(a) to (e) above.

Comment: The building is a detracting building within the Little Riley Heritage Conservation Area. The proposed alterations and additions to the existing building, shown in the concept drawings comply with the requirements for Conservation Areas in Section 3.9.6 of the DCP. The design conforms to 3.9.6 (2) as it does not copy or replicate heritage and contributory buildings in the conservation area. Instead, it responds by the use of good contemporary design to the issues set out in 3.9.6 (1) (a) to (e), by modifying the existing building. The design articulates the façade of the existing building into a series of recesses with vertical and horizontal elements. The glass elements are layered creating depth to the facade. The articulation responds the finer grain within the conservation area, to the form, scale and proportions of contributory buildings in the conservation area. The proposal establishes an active entry to the ground floor level on Foveaux Street and improves the building's contribution to the streetscape and the pattern of development in the Little Riley Conservation Area. Details of design and the articulation of the façades are set out in section 7.0 of this report.

Detracting buildings

The DCP address detracting buildings in Section 3.9.9 Detracting buildings

Detracting buildings are buildings that are intrusive to a heritage conservation area

because of inappropriate scale, bulk, setbacks, setting, design or materials. They do not represent a key period of significance and detract from the character of a heritage conservation area.

(1) Development on sites containing detracting buildings is to improve the contribution of the site within the heritage conservation area.

(2) Alterations and additions to detracting buildings are to:

(a) remove inappropriate elements or features that are intrusive to the heritage significance of the heritage conservation area; and

(b) respect the prevailing character of the area and street in terms of bulk, form, scale and height.

Comment: The existing building is a detracting building. The concept proposal achieves a number of positive outcomes in relation to the conservation area.

1. The concept proposal eliminates the corner plaza area, which has an uncharacteristic building setback in the streetscape.

2. The concept proposal reworks the façade with a design articulates the façade into vertical and horizontal, and creates a depth on the facade by the proposed glazed layers, and by the refraction of light on the glass elements.

3. Within each vertical element there is a finer grain of elements articulated by materials, fenestration and design

4. The concept proposal is a high quality design that improves the contextual response, and has architectural merit.

5. The concept proposal contributes much more positively to the Little Riley Conservation Area than the existing building.

6. The concept proposal is a commercial use which is consistent with the uses in the area and the use of buildings along Foveaux Street.

4.2.4 Fine grain, architectural diversity and articulation

Comment: From a heritage perspective it is considered that the concept proposal achieves the provisions in this section of the DCP, and thus makes a more positive contribution to the conservation area than the existing building. The details of the articulation are set out in section 7.0 of this report.

Evaluation of the Proposed Development on heritage items in the vicinity and the Conservation Area in terms of the NSW Heritage Office Guidelines for Heritage Impact Statements

The Heritage Impact Statement uses the criteria for the Statements of Heritage Impact prepared by the NSW Heritage Office.

The Heritage Item in the Vicinity

The Heritage Item in the vicinity is the Excelsior Hotel No. 64 Foveaux Street. It is located one block down from the site on the corner of Bellevue Street and the northern side of Foveaux Street. The hotel is a two storey Federation Free Style hotel building. The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of Samuel Terry's Albion Estate following the failure of the Albion Brewery and subdivision of its land in the 1870s.

It is a good example of a Federation Free Style Hotel that dates from the key period of Hotel rebuilding by the major breweries in NSW.'

The Curtilage of the Heritage Item

It is important that the heritage items retain their setting and curtilage. It is also important that any new development has a sympathetic and appropriate type of visual relationship with the nearby heritage item and its components.

The documents dealing with setting and curtilage of heritage items are:

- The Australian ICOMOS Burra Charter
- The NSW Heritage Office publication Heritage Curtilages

The NSW Heritage Office Guidelines Heritage Curtilages defines the term 'heritage curtilage' as:

‘the area of land (including land covered by water) surrounding an item or an area of heritage significance which is essential for retaining and interpreting its heritage significance’.

The Australian ICOMOS Burra Charter does not use/or define the notion of curtilage, however it does stress the importance of setting in Article 8:

Conservation requires the maintenance of an appropriate visual setting: e.g. form, scale, colour texture and materials. No new construction, demolition or modification, which would adversely affect the setting, should be allowed. Environmental intrusions, which adversely affect the setting, should not be allowed. Environmental intrusions, which adversely affect the appreciation or enjoyment of a place, should also be excluded.

Curtilage is both:

- The space around the heritage items and the unbuilt upon areas of the site
- The legal lot curtilage on which the heritage item is located

The expanded curtilage includes views and vistas to the heritage item from a wider area. These are known as an ‘expanded curtilage’. Similar considerations can be applied to the conservation area.

How is the impact of the new development on the heritage significance of the heritage item been minimised?

The planning proposal reflected in the concept drawings occurs on separate legal allotments to the heritage item. There are no impacts on the legal lot curtilage of the heritage item. The concept proposal works does not affect any views and vistas to and from the heritage items as the existing building has a certain bulk and scale and the proposed additions do not significantly augment this in relation to the heritage item.

There are no disruptive visual contrasts, or issues of visual dominance as the hotel is sufficiently separated from the subject site by one block and it is situated in the context between Bellevue and Waterloo Street with Victorian and Federation buildings of a similar scale.

The Little Riley Heritage Conservation Area

How is the impact of the new development on the heritage significance of the Little Riley Heritage Conservation Area been minimised?

The concept occurs to a large detracting building with large 1970s additions. The existing building has an existing footprint and street alignment and an architectural language that is inconsistent with the contributory elements in the Little Riley Conservation Area, which are two storey terraces and former warehouse buildings. The existing building is at odds with the 'street wall' alignment, which is part of the typical pattern of development in the conservation area. The Planning Proposal will not affect this greatly. The concept design improves the articulation of the building facade.

The concept design for the existing building makes a positive improvement to its appearance in relation to the conservation area, including eliminating the uncharacteristic corner plaza area building setback in a streetscape where buildings have a nil setback from the street frontage.

9.0 CONCLUSION

The existing building is located in the Little Riley Conservation Area as defined in the Sydney LEP 2012, and is noted as a 'detracting building' on the building contributions map. The building is located in the Riley Street Locality as defined by the Sydney DCP 2012.

The objectives and principles dealing with these aspects of the site are set out in the Sydney DCP 2012. The proposal complies with the Riley Locality Statement in Section 2.11.2 of the DCP.

Firstly, the Planning Proposal and the concept design is for a commercial use..

Secondly, the concept design of the alterations and additions to the existing detracting building, creates a façade that is articulated and has depth and contributes to the locality.

Thirdly the concept proposal extends the building on Waterloo Street frontage and the Foveaux Street eliminating the uncharacteristic plaza area.

The concept proposal achieves and satisfies the outcomes expressed in the character statement and supporting principles as set out in Section 8.2 of this Heritage Impact Statement as required by Section 3.9.1 of the DCP.

The proposed alterations and additions in the concept proposal comply with the requirements for 'Conservation Areas' in Section 3.9.6 of the DCP. The design conforms to 3.9.6 (2) as it does not copy or replicate heritage and contributory buildings in the conservation area. Instead it responds by the use of good contemporary design to the issues set out in 3.9.6 (1) (a) to (e), by modifying the existing intrusive building. The concept design articulates the façade of the existing building into a series of vertical and horizontal elements that create a finer grained facade articulation within the Conservation Area. The facade articulation responds to the form, scale and proportions of contributory buildings in the conservation area. The concept proposal establishes an active commercial ground floor level to the footpath alignment on Foveaux Street and part of Waterloo Street, which improves the building's contribution to the streetscape, and the pattern of development in the Little Riley Conservation Area.

The proposed alterations addresses and satisfies all the criteria in Section 3.9.9 'Detracting Buildings.'

9.0 CONCLUSION

This report has determined that the Planning Proposal and the concept design does not impact on the heritage item in the vicinity, the Excelsior Hotel No. 64 Foveaux Street. The concept proposal has an acceptable impact on the Little Riley Conservation Area.

As well as satisfying all the relevant provisions in the LEP and the DCP, the concept proposal uses high quality contemporary architectural design, incorporating sophisticated materials to provide a varied and well articulated design that will positively enliven the area.

It is the recommendation of this report that the Planning Proposal, expressed in the concept design, be approved.