

16 February 2022

Manager
Planning Assessment
City of Sydney
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by email to dasubmissions@cityofsydney.nsw.gov.au

SUBMISSION

Renotification D/2021/711
357 Glebe Point Road, Glebe NSW 2037
BIDURA HOUSE GROUP

Attention Jessica Symons

Dear Jessica

The Glebe Society Inc (TGSi) makes this submission in response to the renotification of, and the amendments to, the proposals in respect of this Development Application (DA).

This submission should be read in conjunction with the Society's detailed submission dated 6 August 2021.

The author of the Heritage Interpretation Strategy, Mr Paul Davies of Paul Davies Pty Ltd has singled out the very high level of public interest in the future of the Bidura House Group (BHG) along with the high level of sensitivity to the uses of the entire site particularly by those who had a personal association with it. In this context, Mr Davies acknowledges the role of TGSi (and others) in maintaining the heritage values of the site.

With over 400 members and established in 1969, TGSi is well recognised as a credible resource that has made, and continues to make a significant contribution to the built and social fabric that defines Glebe today.

TGSi represents the local community as it seeks justifiable recognition of the unique contribution that the site has made to the proud legacy of Glebe.

Whilst the Metropolitan Remand Centre (MRC) is not listed, the BHG is listed on the State Heritage Register (SRH 01994) and is therefore protected by the provisions of the NSW Heritage Act 1977.

The property is located within the Glebe Point Road Heritage Conservation Area (HCA) C29.

The BHG is also a locally heritage listed heritage item within the City of Sydney Local Environment Plan (LEP) 2012, item 1763.

Notwithstanding two (2) previous Development Applications and three (3) appeals to the Land and Environment Court (LEC), the LEC has determined that the development may proceed subject to the adherence to certain conditions.

It is noted that this DA is considered an Integrated Development Application and is therefore required to be assessed against the provisions of the NSW Heritage Act 1977 by the NSW Heritage Council.

A copy of this submission is being forwarded to the Chair of the NSW Heritage Council.

ISSUES OF CONCERN

1 VARIATIONS TO THE DESIGN ENVELOPE

The amended documentation includes increases in building heights from the maximum heights approved in the Concept DA.

Fig 1 below represents the Concept DA buildings height envelope approved by the LEC.

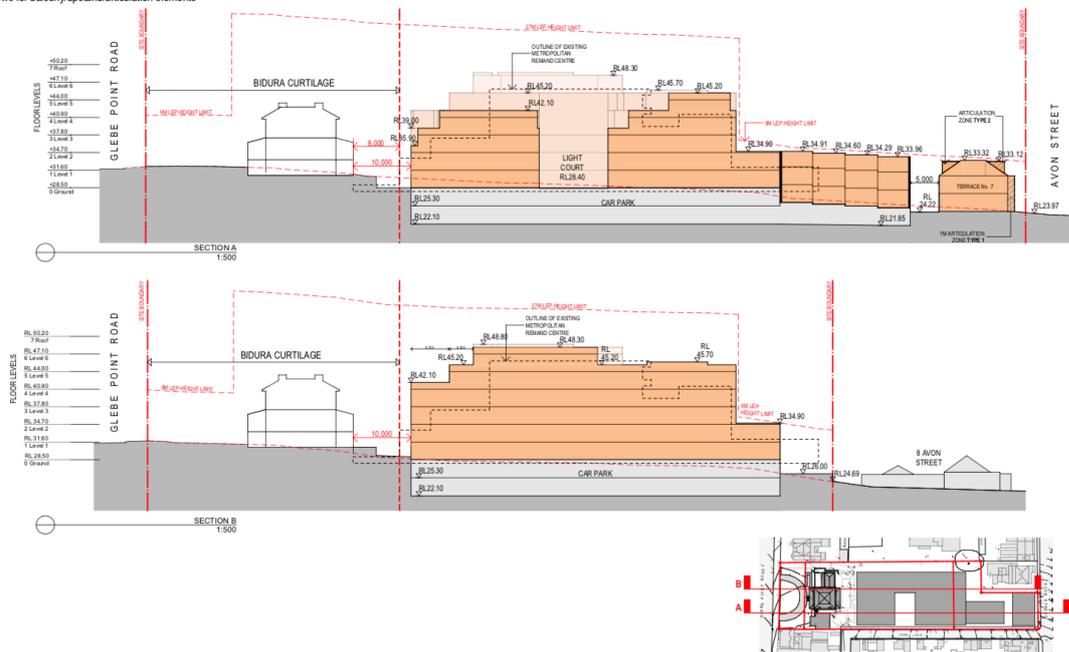
Fig 2 below provides detail of the proposed raised heights as detailed on the corresponding drawing within the renotification documentation.

Note the levels detailed on Section plan B for the purposes of comparison.

The variations are circled in red on Section B of Fig 2.

Envelope: Sections 1/2

The envelope heights/specified levels are 1.2m above indicative floor and roof slab levels (Does not apply to Terraces 1-9)
This allows for balcony/upsland/articulation elements



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Rev.	Date	By	Chd	Description
0	10/02/2018	D.K.	PP	General Revisions: Planning
1	07/03/2018	PP	NS	General Revisions: Planning
2	20/10/2018	PP	NS	General Revisions: Planning
3	07/10/18	PP	NS	General Revisions: Planning

Project Name 337 Glebe Point Road
Project Number 11560
Date 04/12/2018
Scale 1:500@A3

Drawing Name Envelope: Sections 1/2
Drawing Number A1.6
Revision G

Fig 1. Concept DA Drawing A1.6 Revision

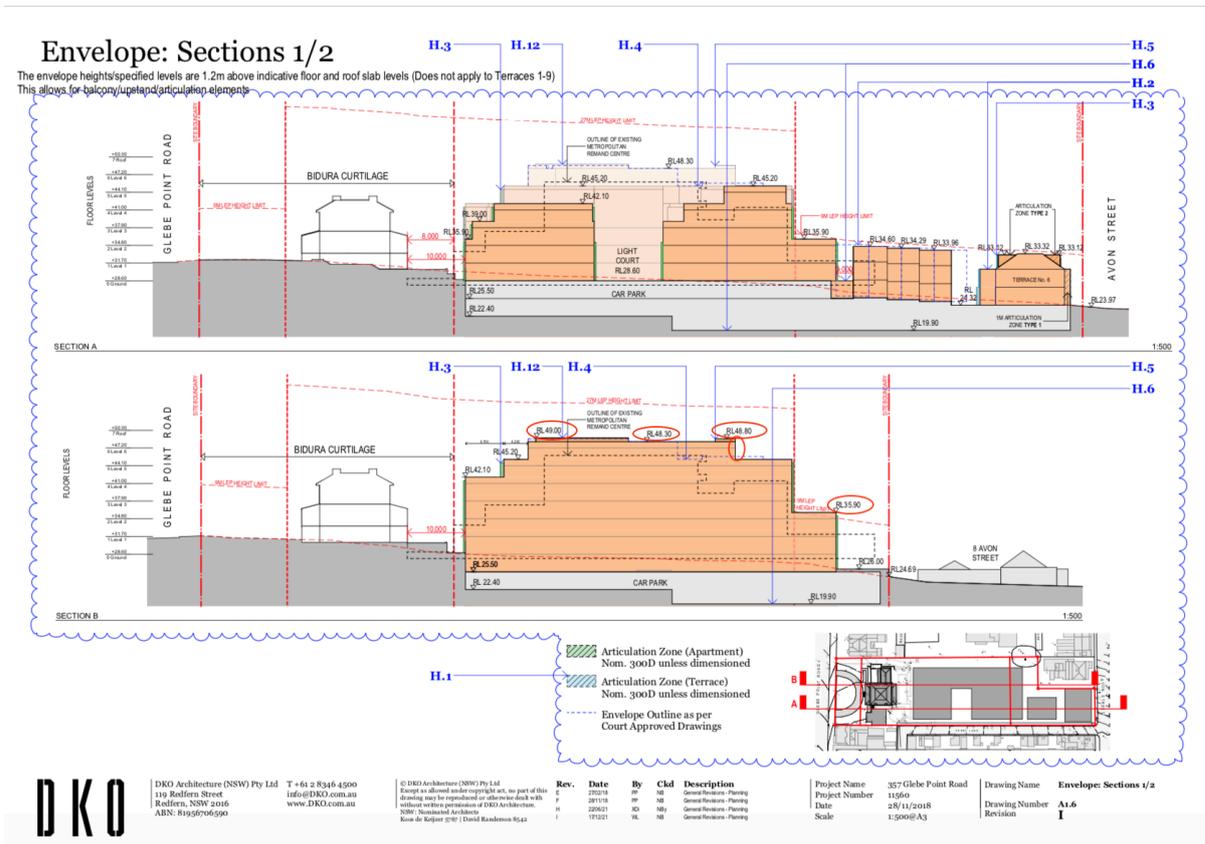


Fig 2. Renotification Proposals Drawing A1.Revision 1

The Concept DA provides for a maximum height of RL 48.80, whereas the amended documentation indicates a higher RL of 49.00.

The Concept DA provides for a maximum area and height of the Level 6 Penthouse of RL 48.30 whereas the amended documentation indicates a substantial extension of the Penthouse in an easterly direction and over to an area that was approved in the Concept DA at a maximum height of RL 45.70.

The building height of the Residential Flat Building (RFB) at the most easterly section over level 2 indicates an RL of 35.90 whereas the Concept DA indicates an RL of 34.90. It would appear that the northern end of this additional structural height will exceed the 9m height controls pursuant to the City of Sydney LEP 2012.

In its submission dated 6 August 2021, TGSi stated that the RFB represents a very discordant form in the Glebe Point Road Heritage Conservation Area, in which it is located and the Glebe Point Heritage Conservation Area, which it adjoins. The masonry bridge for the Penthouse level is particularly alien to the character of Glebe. It has no precedent in Glebe. The development would be improved by the deletion of the bridge.

Recommendation

That the Concept DA heights be strictly adhered to and the Penthouse level be deleted entirely if additional heights to the building are required for building services and infrastructure or other reasons that are not apparent within the documentation.

2. BIDURA HOUSE GROUP CONSERVATION WORKS

In its submission of 6 August 2021 TGSi noted that the Directions of LEC Commissioner Dixon on 7 December 2018 included a Direction for the retention of the BHG and that the Applicant has committed to adhere to that Direction for its future use as a single dwelling.

The Schedule of Conservation Works prepared by Paul Davies Pty Ltd dated February 2020, Revision B dated June 2021 is included within the renotification documentation.

TGSI therefore restates the recommendations contained within its submission dated 6 August 2021 to ensure the maximum heritage protection of the BHG.

Recommendation

- (a) That a condition of the DA be that the BHG be re-established as a single dwelling prior to the completion of the redevelopment of the MRC, and subsequent transfer to any new owner for that express use. Any changes in market conditions, no matter the circumstances should not be a reason for any variation or amendment to this DA condition.
- (b) That a condition of the DA be that the Applicant complies with the full Conservation Management Plan (CMP) prepared by Graham Brooks and Associates (GBA), as directed by the LEC.
- (c) That the Heritage Council inspect the BHG as part of the Integrated Development Application process and ensure the works that are detailed in the submitted Schedule of Works are appropriate to the condition of the BHG at the date of inspection.
- (d) Given that this is an Integrated Development, that no Occupation Certificate (OC) in respect of any apartment or terrace cottage within the proposed development be issued without the confirmation of both the City of Sydney and the NSW Heritage Council that the CMP for the BHG has been complied with to the extent that the then timeline permits.
- (e) That a dilapidation survey be completed before the works commence and that any damage caused to the BHG during the demolition of the MRC or construction of the RFB be undertaken as part of the Schedule of Works.

3. HERITAGE INTERGRATION PLAN

The Directions of LEC Commissioner Dixon on 7 December 2018 annexure A further included the requirement for a Heritage Integration Plan (HIP) to be provided with any future DA for this site.

It is noted that a Heritage Interpretation Strategy (HIS) is now included within the renotification documentation. Comprehensive in its detail, the HIS is a "Statement of Intent" as the implementation of the HIS (Section 5.0) is reliant on the engagement of a suitably qualified consultant to undertake a detailed design that includes the directions contained within the HIS and community consultations with groups such as TGSI.

The HIS recognises the significant public interest in the future of the site and the sensitivity that should be observed in the consultations and processes required to preserve the heritage values of the site.

The recommendations of the TGSI submission dated 6 August 2021 follow below, with the addition of recommendations (e) and (f).

Recommendations

The approval conditions of this DA are to include the preparation of a Heritage Interpretation Plan (HIP) that complies with the conditions of the LEC Directions dated 7 December 2018 and specifically:

- (a) A physical display of the history and significance of the site for the benefit of the future occupants of the site and general public, with daylight hours access for the general public, together with signage and lighting.
- (b) The physical display must specifically address the history and significance of the BHG, the Depot for State Children and the Metropolitan Girls' Shelter (1920 – 1977) and the Metropolitan Remand Centre (1980 – 2017).
- (c) Identify the locations, type, materials, and content of the physical interpretations within the Northern Walk (Heritage Link) and Ferry Lane courtyard.
- (d) These recommendations are to be read in conjunction with those recommendations below for the Public Art.
- (e) TGSi and other community groups are included in the detailed design consultation process
- (f) The Heritage Interpretation Strategy/Plan is to be placed on public display for comment and contribution prior to final approval of the City of Sydney and the Heritage Council of NSW

4. PUBLIC ART

The Directions of LEC Commissioner Dixon on 7 December 2018 Annexure A included the requirement for a detailed Public Art Plan (PAP).

It is noted that the first strategy of "Wild Child" within the Heritage Link (or Northern Walk) being a sculptural reference to Edmund Blacket's daughter and artist, Edith has been removed from the PAP.

The PAP makes significant reference to community and stakeholder engagement that would include local artists, young creatives from local secondary schools, and community organisations (such as TGSi), coming together as a Public Art Reference Group.

The inference drawn is one of developing the public art expression for the benefit of the public with the engagement of the public.

It is further noted that the Preliminary PAP recommends the two community locations of the Heritage Link/Northern Walk and the Ferry Lane Forecourt be very accessible to the general public.

The recommendations made within the TGSi submission dated 6 August 2021 remain and follow below.

Recommendations

The approval conditions of the DA are to include:

- (a) That the approval of the PAP by the City of Sydney's Director City Planning Development & Transport is obtained.
- (b) That the TGSi recommendations for the implementation of the HIP/HIS are read in conjunction with these recommendations for PAP
- (c) That the Heritage Link and the Ferry Lane Forecourt are both made accessible to the public during daylight hours, and not just the residents of the proposed development regardless whether the PAP implementation includes any section of the Northern Walk/Heritage Link.
- (d) That the formation of the Public Art Reference Group that is essential to community engagement and the successful development of the Public Art Strategy and implementation be formed.

5. LANDSCAPE PLAN

As stated in the TGSi submission of 6 August 2021, the Directions of LEC Commissioner Dixon on 7 December 2018 Annexure A, required amongst other things:

- A heritage assessment of the grounds of the BHG is to be prepared by a landscape architect with heritage knowledge and expertise to inform the landscape plan within the curtilage of the heritage item...
- In relation to the grounds of the BHG, the basis of landscape design for any future detailed development application for the site is to be informed by a heritage landscape analysis of the historic form of the site and how the setting of Bidura House can be interpreted to a significant form
- Any access through the grounds of the Bidura House Group to the proposed redevelopment of the MRC part of the site is not to dominate the visual setting of the BHG

The updated landscape plans prepared by Landscape Architects Oculus and included in the renotification documentation are in relation to the proposed development and the Heritage Link/Northern walkway only.

The landscape plans prepared by Taylor Brammer and included in the renotification documentation include Sheets LA1 and LA 4. Omitted are Sheets LA 2, LA 3 and any Sheets beyond LA 4.

Sheet LA 1 is effectively a Concept Plan only and Sheet LA 4 a Planting Plan only.

There is no reference to any heritage assessment or heritage landscape analysis of the historic form of the site from which the proposed landscape plan takes its cue, for its future use (not the current usage).

The landscape plans provided by Oculus and Taylor Brammer do not provide enough detail of the proposed landscaping to the Heritage Link/Northern Walk.

As indicated in the submission of 6 August 2021, TGSi is alarmed at the fencing variations to the eastern and northern perimeters to the BHG. Those variations totally distract from the setting of the BHG. Refer Drawing DA05 Issue B, titled Bidura Heritage Drawings within the documentation for the renotification.

This patchwork of fencing styles is a mixture of wooden picket fencing, screen mesh, concrete rendered retaining walls and steel picket fencing. Other than the proposed new wooden picket fencing along the western (front) elevation and part of the northern (side) elevation, all other proposals are inappropriate to a State Heritage Listed item.

Recommendations

That this DA not be approved until the following has occurred:

- (a) The City of Sydney is in receipt of a landscape heritage analysis and assessment in relation to the grounds of the BHG.
- (b) The City of Sydney is in receipt of a detailed landscape plan for the grounds of the BHG appropriate to its setting, including the proposed rear gardens between the existing buildings and the Heritage Link/Northern Walk, the proposed Garage, and the new rear fences.
- (c) The City of Sydney receives amended proposals to the northern and eastern elevations that provide for publicly visible side fencing of a form and scale which is sympathetic to the character of the SHR listed BHG.

- (g) That a suitably qualified landscape historian prepare the detailed heritage analysis, the landscape plan and the fencing scheme, informed by historical evidence, for the grounds of the BHG.

6.CONSTRUCTION TRAFFIC MANAGEMENT

The Traffic Impact Assessment prepared by The Transport Planning Partnership (TPPP) notes that the construction access via Ferry Lane will be limited given the narrow width of the roadway. TPPP therefore propose construction traffic is to be directed to the access from Glebe Point Road adjacent to the BHG. TGSi supports this access during construction such that the creation of the Northern Walk/Heritage Link be delayed until the end of the construction program.

It is unclear as to the impact this will have on the duration of the construction program.

Recommendation

The approval conditions of the DA are to include:

The requirement for a safe, efficient and quiet Construction Management Plan that does not unduly restrict the traffic requirements of the area and restricts construction traffic to regulatory construction traffic hours.

7. SOLAR ACCESS

The DCP requires that between 9am and 3pm on 21 June each year neighbouring dwellings are to achieve a minimum of 2hours direct sunlight onto at least 50% of their private open space as well as onto at least 1 square metre of living room windows.

The Statement of Environmental Effects and related documents does not provide sufficient clarity to ascertain if the requirement regarding 2 hours of direct sunlight on at least 1 metre square of living room windows on the houses whose rear boundaries face Ferry Lane. TGSi requests Council to ascertain if the development meets this requirement and to recommend modification of the design if it does not.

Section 3.6.3 of the General Provision of the DCP require proposals for new buildings to maintain solar access to existing photovoltaic solar panels having regard to the performance, efficiency, economic viability and reasonableness of their location. The application does not appear to have assessed this. TGSi requests Council to ascertain if the development does diminish the efficiency, economic viability and reasonableness of the location of existing solar panels and if it does to recommend the recommend the modifications to the design of the RFB.

CONCLUSION

It is understood this renotification of the DA results from communications between the City of Sydney and the Applicant and that the Schedules of Amendments is in response to those communications.

TGSi is concerned that the Schedules of Amendments do not satisfactorily address the issues raised above.

The BHG is a listed item on the State Heritage Register (SHR 01994) and on the City of Sydney LEP 2012 (Item 1763). As the home of Edmund Blacket, the architect who created it, and because of it subsequent uses, it has unique significance to the character of Glebe.

In its form, detail and setting, the BHG it is remarkably intact.

TGSI calls upon the City of Sydney to ensure that the future proposals for the site comply with the full Directions of the LEC, simultaneously adopting proposals which are not alien or detrimental to the Glebe Point Road Heritage Conservation Area, in which it is located or the Glebe Point Heritage Conservation Area, which it adjoins.

It is essential that the development offers and maintains the appropriate relationship to the character of Glebe.

Yours sincerely

p.p. 

Ian Stephenson
PRESIDENT