CITY OF SYDNEY

9 December 2024

At the conclusion of the Innovation, Business and Economy Committee

Transport, Heritage and Planning Committee

Agenda

1. **Confirmation of Minutes**

2. **Statement of Ethical Obligations and Disclosures of Interest**

3. **Public Exhibition - Planning Proposal - Modern Residential Flat Buildings, Powerhouse Museum and Oxford Street LGBTIQA+ Heritage Items - Sydney Local Environmental Plan 2012 Amendments**

4. **Public Exhibition - Draft Local Approvals Policy for Hoisting and Construction Activities On and Above Roads**

5. **Public Exhibition - Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads**

6. **Post Exhibition - Outdoor Dining Guidelines Amendment**

7. **Post Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

8. **Adoption - Council-Related Development Applications Policy**

9. **Fire Safety Reports**

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To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.

2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.

3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.

4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.

5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.
Confirmation of Minutes

Minutes of the following meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 11 November 2024

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Public Exhibition - Planning Proposal - Modern Residential Flat Buildings, Powerhouse Museum and Oxford Street LGBTIQA+ Heritage Items - Sydney Local Environmental Plan 2012 Amendments

File No: X109515, X098649, X091578

Summary

Sydney has many layers of history and culturally significant places, landscapes and buildings. These places, landscapes and buildings, from our distant and recent past, tell the story of Sydney and contribute to its liveability, environment and economy.

As the City of Sydney (the City) grows and develops, we face several challenges in protecting and maintaining our historical and cultural heritage, while also accommodating change. Our planning controls assist us in balancing these challenges. For over 75 years, the City has been at the forefront of heritage conservation and management. Our planning controls are already informed by a deep but growing understanding of cultural and heritage significance.

This report proposes the public exhibition of 3 planning proposals to amend the City's Sydney Local Environmental Plan 2012 (SLEP 2012).

The first is Planning Proposal - Modern Residential Flat Buildings Heritage Items, which proposes to amend the SLEP 2012 by including nine new buildings as local heritage items under Schedule 5, Part 1.

The second is Planning Proposal - Oxford Street LGBTIQA+ Heritage Items, which proposes to amend the SLEP 2012 by including 3 new buildings as local heritage items under Schedule 5, Part 1.

The third is Planning Proposal - Powerhouse Museum Heritage Item Amendment, which proposes to amend the Powerhouse Museum's existing SLEP 2012 heritage listing to ensure its significance is adequately recognised and managed into the future.

This report recommends that Council approve the public exhibition of the proposed amendments to the City's planning framework and seek a gateway determination for the 3 planning proposals from the Department of Planning, Housing and Infrastructure which will enable the City to place the amendments on public exhibition.

Recommendation

It is resolved that:

(A) Council approve the Planning Proposal - Modern Residential Flat Buildings Heritage Items, shown at Attachment A to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;

(B) Council approve the Planning Proposal - Modern Residential Flat Buildings Heritage Items as shown at Attachment A for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;

(C) Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the Planning Proposal - Modern Residential Flat Buildings Heritage Items;

(D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Modern Residential Flat Buildings Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination;

(E) Council approve the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items, shown at Attachment B**,** to the subject report, for submission to the of Planning, Housing and Infrastructure with a request for a gateway determination;

(F) Council approve the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items as shown at Attachment B for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;

(G) Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items;

(H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination;

(I) Council approve the Planning Proposal - Powerhouse Museum Heritage Item Amendment, shown at Attachment C to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;

(J) Council approve the Planning Proposal - Powerhouse Museum Heritage Item Amendment as shown at Attachment C for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;

(K) Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the Planning Proposal - Powerhouse Museum Heritage Item Amendment; and

(L) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Powerhouse Museum Heritage Item Amendment to correct any drafting errors or to ensure consistency with the gateway determination.

Attachments

Attachment A. Planning Proposal - Modern Residential Flat Buildings Heritage Items

Attachment A1. Modern Residential Flat Buildings - Targeted Heritage Study (GML Heritage)

Attachment A2. Draft Inventory Sheet - 3 Wylde Street, Potts Point - Gateway

Attachment A3. Draft Inventory Sheet - 40–44 Victoria Street, Potts Point - Gemini

Attachment A4. Draft Inventory Sheet - 5 Onslow Avenue, Elizabeth Bay - St Ursula

Attachment A5. Draft Inventory Sheet - 108 Elizabeth Bay Road, Elizabeth Bay - Oceana

Attachment A6. Draft Inventory Sheet - 12 Ithaca Road, Elizabeth Bay - Ithaca Gardens

Attachment A7. Draft Inventory Sheet - 41–49 Roslyn Gardens, Elizabeth Bay - Bayview

Attachment A8. Draft Inventory Sheet - 50–58 Roslyn Gardens, Rushcutters Bay - Aquarius

Attachment A9. Draft Inventory Sheet - 74–76 Roslyn Gardens, Rushcutters Bay - Roslyn Gardens

Attachment A10. Draft Inventory Sheet - 1-5 Clement Street, Rushcutters Bay

Attachment A11. Heritage Assessment - 15 Wylde Street, Potts Point - Denison

Attachment A12. Heritage Assessment - 100 Elizabeth Bay Road, Elizabeth Bay - International Lodge

Attachment A13. Heritage Assessment - 80 Elizabeth Bay Road, Elizabeth Bay - Bay Apartments

Attachment A14. Heritage Assessment - 19 Ithaca Road, Elizabeth Bay - The Reef

Attachment A15. Heritage Assessment - 85-91 Elizabeth Bay Road, Elizabeth Bay - Ercildoune

Attachment A16. Heritage Assessment - 51-59 Roslyn Gardens, Rushcutters Bay - The Tor

Attachment B.	Planning Proposal - Oxford Street LGBTIQA+ Heritage Items
Attachment B1.	Oxford Street LGBTIQA+ Heritage Assessment Report (TKD Architects)
Attachment B2.	Draft Inventory Sheet - 134 Oxford Street, Darlinghurst - Oxford Hotel
Attachment B3.	Draft Inventory Sheet - 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst - Palms Hotel
Attachment B4.	Draft Inventory Sheet - 85-91 Oxford Street, Darlinghurst – Universal
Attachment C.	Planning Proposal - Powerhouse Museum Heritage Item Amendment
Attachment C1.	Powerhouse Museum Heritage Assessment Report (Lovell Chen)
Attachment C2.	Draft Inventory Sheet - Powerhouse Museum and interiors

Background

Planning Proposal - Modern Residential Flat Buildings Heritage Items

1. Since 2019, there has been considerable interest from current and former City of Sydney Councillors, community members and community groups to have the heritage significance of Modern (1945-1975) Residential Flat Buildings recognised through a local heritage listing or changes to their contribution status on the Sydney Development Control Plan 2012.

2. In response, the City of Sydney engaged independent experts Godden Mackay Logan (GML) to assess the heritage significance of a targeted selection of 18 Modern Residential Flat Buildings in Potts Point, Elizabeth Bay and Rushcutters Bay to determine their potential for heritage listing. This occurred in 2 stages (Stage 1 and Stage 2).

3. For Stage 1 of the project, GML prepared a preliminary heritage assessment for each of the 18 buildings. Through this process, it was decided that only 15 buildings warranted further heritage investigation.

4. For Stage 2 of the project, work involved detailed heritage assessments for the 15 potentially locally significant buildings.

5. Throughout Stage 2, the City of Sydney notified property owners of the heritage investigation by letter and email. Notifications were sent to each building's respective Strata Managers or Strata Committee Secretary. Notifications included requests to engage with property owners to discuss the heritage study, heritage listing process and carry out site visits.

6. City of Sydney staff and members of the GML team met with Strata Committee and Owners Corporation representatives from nine of the fifteen buildings. These meetings took place at the buildings or online.

7. Through the Stage 2 heritage assessments, GML identified nine buildings that met the threshold for local significance under the NSW heritage assessment criteria (2023) and warranted inclusion as individual items on the SLEP 2012. Summaries of these assessments are presented below and at Attachments A2-A10.

3 Wylde Street, Potts Point – 'Gateway'

8. The heritage assessment concluded that Gateway meets the threshold for local significance in terms of:

    (a) Criterion (b) Historical association: The Gateway has strong associations with Douglas Forsyth Evans, an accomplished architect who designed several noteworthy apartment projects in the postwar period. The Gateway is a good example of Forsyth Evans' work and provides evidence of his design principles, response to context and willingness to experiment with new technological advances of the period. The Gateway also has some significance for its association with Sydney Fischer, a prominent property developer of the period.

(b) Criterion (c) Aesthetic / creative / technical achievement: The Gateway is aesthetically distinct and of high design quality. The design of the building—its siting on a narrow site, its irregular form and planning of corridors and units, the configuration of the internal layouts and its fenestration—demonstrates Forsyth Evans' inventiveness in planning and ability to engage with challenging sites. The external elevations have a unique presentation with projecting slabs painted white, red textured face brickwork, and a regular fenestration pattern with blue spandrel panels. Combined with its distinctive entrance hood, mural and foyer the building contributes positively to the streetscape of the Potts Point peninsula.

The entryway sequence with angled concrete hood, cast concrete lettering, stone crazy paving, and distinctive Kurt Norden mural etched into sandstone, is considered to have particular aesthetic significance. The Gateway also has some technical significance as an early example of the use of lift-slab construction techniques in Australia..

(c) Criterion (g) Representative: The Gateway is a good and intact representative example of the work of Douglas Forsyth Evans and of 1960s apartment buildings in the Potts Point area more generally. It is one of a group of significant apartments designed by Forsyth Evans during the 1950s and 1960s. The Gateway is important in demonstrating principal characteristics of Forsyth Evans' designs, including an individual response to the site, innovation in construction technologies, linear planning with a single-sided gallery circulation and façade treatments utilising projecting slabs, large areas of glazing and red textured brick walling.

Developed on a difficult site with expansive harbour views, The Gateway also represents the increase in harbourside apartment developments in the Potts Point and Elizabeth Bay areas during the 1950s and 1960s. Largely intact, The Gateway, particularly its entrance features, mural and foyer, is able to demonstrate this significant period in the evolution of the local area.

9. The targeted heritage study concluded that Gateway meets the threshold for local heritage significance for its historical, aesthetic and representative values and warrants potential listing as a heritage item on the SLEP 2012.

40-44 Victoria Street, Potts Point – 'Gemini'

10. The heritage assessment concluded that Gemini meets the threshold for local significance in terms of:

(a) Criterion (a) Historical significance: Gemini has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as compact studios, and later use as a motel, is able to demonstrate an important phase in the historical and social development of the area.

(b) Criterion (b) Historical association: Gemini is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As a noteworthy apartment project of the 1960s Gemini has strong associations with the architect. Gemini has some significance for its association with developers Horwitz Corporation as an example of their apartment developments within the local area and as an example of their collaborations with Harry Seidler.

Criterion (c) Aesthetic / creative / technical achievement: Gemini shows innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Gemini displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic characteristics with some of Seidler's most notable projects including Blues Point Tower and Village Towers (Arlington), which demonstrate distinctive aesthetic attributes in form and composition.

Gemini also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In its construction, planning and detailing it demonstrates Harry Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, regular façade arrangement, use of raw materials and spare planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Gemini has been widely published and is a noteworthy example of the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.

(d) Criterion (d) Social, cultural and spiritual: Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

(e) Criterion (e) Research potential: Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. expanded over an 8-year period it is able to demonstrate important elements in architectural innovation. Gemini is an important example of Seidler's early apartment design and can contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

(f) Criterion (g) Representative: Gemini is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates in the local area and more widely, which as a group are highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Ercildoune and International Lodge. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. Each was built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns.

Gemini is noteworthy amongst this group as a pair of towers linked by a sky bridge, constructed eight years apart. Gemini displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term engagement with construction and planning efficiency and innovation. Gemini is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact well-located housing.

11. The targeted heritage study concluded that Gemini meets the threshold for local heritage significance for its historic, associative, aesthetic, research potential and representative values and warrants potential listing as a heritage item on the SLEP 2012.

5 Onslow Avenue, Elizabeth Bay – 'St Ursula'

12. The heritage assessment concluded that St Ursula meets the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: St Ursula has historic significance as a building designed by a Europe-trained architect in the years immediately following World War II, a time when a significant group of émigré architects were applying their European modernist training to Sydney conditions. This group made a significant contribution to the built environment. As one of the first apartment buildings designed by an architect trained in Europe, St Ursula is considered to be historically important. It is also has historical significance as one of the earliest examples of a modern residential flat building to be built in the area after World War II, a time when building materials were scarce.

    (b) Criterion (b) Historical association: St Ursula has historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II who made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. It is particularly notable as his first apartment building completed in Sydney following World War II and his emigration from Europe.

    (c) Criterion (c) Aesthetic / creative / technical achievement: St Ursula is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. Its form and composition demonstrate technical achievement and distinctive aesthetic attributes through its curved plan, which is oriented to views to the harbour and maximises light and ventilation to each unit. It demonstrates the evolution of apartment design in the years following World War II and the use of new construction methodologies and materials such as curtain walling. The building is substantially intact with its original modernist design qualities able to be appreciated.

    (d) Criterion (d) Social, cultural and spiritual: St Ursula is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

    (e) Criterion (e) Research potential: Hugo Stossel is one of a group of architects who, having trained and worked in Europe, emigrated to Australia in the 1930s. The early work of this group is considered significant for its ability to demonstrate the application of European modernist architectural training in the context of Australia. As one of Hugo Stossel's first projects completed following World War II and his first apartment design, St Ursula is considered to be significant for its ability to contribute to an understanding of the development of postwar modernism and, in particular, its application by architects trained in Europe.

(f) Criterion (f) Rarity: Hugo Stossel (later as Hugo Stossel & Associates) was a prolific apartment designer in the postwar period, particularly in the Elizabeth Bay and Potts Point area, and St Ursula dating from 1953 is considered an early and rare example of his work. It demonstrates unusual characteristics of interwar architectural styles and Stossel's European architectural training and experience. It is considered a highly resolved example of his work that contributes to an understanding of the development of postwar architecture. St Ursula's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area as few curved-plan residential flat buildings were constructed in this period.

(g) Criterion (g) Representative: St Ursula is a good intact and representative example of the work of Hugo Stossel, a significant architect of this period. St Ursula can be seen as a significant representative example of Hugo Stossel's architectural practice and is particularly significant as work completed early in his career in Australia.

13. The targeted heritage study report concluded that St Ursula meets the local threshold for all 7 heritage significance criteria and warrants potential listing as a heritage item on the SLEP 2012.

108 Elizabeth Bay Road, Elizabeth Bay – 'Oceana'

14. The heritage assessment concluded that Oceana meets the threshold for local significance in terms of:

(a) Criterion (a) Historic significance: Oceana is a good example of a large scale post-World War II high-rise apartment building in the Elizabeth Bay Potts Point area. It is representative of the process of redevelopment and subdivision of the suburb, beginning in the interwar period, from grand, freestanding dwellings to apartment buildings. The site's redevelopment by Moses Eisner with architect Theodore Fry demonstrates the growing influence of European migrants on the built environment, an important historic phase in the development of the area. The building's location on the harbour foreshore is also able to demonstrate a period before restrictions on the development of foreshore land were implemented. At its time of construction Oceana was one of the largest apartment buildings in Sydney and represented a marked shift in the development of Elizabeth Bay towards higher densities.

(b) Criterion (b) Historical association: Oceana has strong associations with Theodore Fry, a noteworthy architect of this period as his largest and most intact project. Oceana is a good example of Fry's work and provides evidence of his designs, including an application of modernist design principles. Oceana also has some significance for its association with Moses Eisner, a noteworthy businessman, engineer and property developer of the period.

(c) Criterion (c) Aesthetic / creative / technical achievement: Oceana is considered to be aesthetically distinct and of high design quality. The design of the building—its siting on its harbour front site, the elongated form, the planning of the corridors and units, the configuration of the internal layouts and its fenestration pattern demonstrates Fry's application of modernist architectural principles. The external elevations have a unique presentation with large areas of glazing, projecting balconies and external circulation galleries. The building contributes positively to the streetscapes/skyscapes of the Elizabeth Bay peninsula. The integrity of common areas remains to be confirmed.

(d) Criterion (f) Rarity: Oceana is considered rare as an example of the architectural work of Theodore Fry. Other examples of his design work have been substantially altered and are less able to be appreciated. Oceana is also rare for its scale and location, with later apartment buildings in this area lower in scale and set back from the harbour's edge. Buildings of the late 1960s tended to use compact plans stepping down their sites in response to the topography. The uncompromising horizontal massing of Oceana is rare in the context of the Elizabeth Bay Potts Point area.

(e) Criterion (g) Representative: Oceana is representative of a wider post-World War II trend, seen in many areas of Sydney close to the city and the harbour, of large houses being replaced by Modernist residential flat buildings. As one of the largest apartment buildings in Sydney at the time of its construction, and one of the largest apartment buildings to be developed in the Elizabeth Bay and Potts Point area, Oceana is significant for its ability to represent this trend. Oceana is also a good and intact representative example of the work of a European émigré architect and property developer. It is one of a group of significant apartments that European migrants completed during the 1950s and 1960s in the local area. It is important in demonstrating the principal characteristics of these projects, which tended towards higher densities, displayed modernist design principles and promoted apartment living.

15. The targeted heritage study report concluded that Oceana it meets the threshold for local heritage significance for its historic, associative, aesthetic, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

12 Ithaca Road, Elizabeth Bay – 'Ithaca Gardens'

16. The heritage assessment concluded that Ithaca Gardens meets the threshold for local significance in terms of:

(a) Criterion (a) Historic significance: Ithaca Gardens has historic significance as a prominent example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Architect Harry Seidler had significant influence on the growing popularity of compact inner-city apartment living and Ithaca Gardens can be seen to have played an important role in this. Seidler was an effective promoter of modernism and Ithaca Gardens received considerable media attention. That the architect lived in the apartment, and had the interior photographed by Max Dupain, added to the reputation of the building. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Bauhaus-influenced modernism into the Australian context. Ithaca Gardens is able to demonstrate wider historical trends of importance to the local area and to NSW more generally.

(b) Criterion (b) Historical association: Ithaca Gardens is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As his first completed apartment project, and as his place of residence, Ithaca Gardens has strong associations with the architect and is of particular historical interest in interpreting the context of his work. Ithaca Gardens has some significance for its association with Civil & Civic Constructions (later expanded as Lendlease) as the first project by the long-running and significant partnership formed between the firm and Harry Seidler, which continued through the next decades.

(c) Criterion (c) Aesthetic / creative / technical achievement: Ithaca Gardens shows many innovations in planning and construction that make it a noteworthy example of a late 1950s– 1960s modernist apartment building. Ithaca Gardens is an early application of what can be seen as typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Blues Point Tower, Village Towers (Arlington), Ercildoune and Aquarius, which demonstrate distinctive aesthetic attributes in form and composition.

In its construction, planning and detailing it demonstrates Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of materials and spare planning, with a concern for natural light, sun shading, and ventilation, are all typical of Seidler's highly acclaimed architecture. Ithaca Gardens was widely published and is a noteworthy example of the architect's work. It is a substantial achievement and the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.

(d) Criterion (d) Social, cultural and spiritual: Ithaca Gardens is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

(e) Criterion (e) Research potential: As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Ithaca Gardens has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

(f) Criterion (f) Rarity: Ithaca Gardens is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. It is also rare as an apartment designed in the 1950s by a European architect, with modernist training in Canada and the United States, and constructed in Sydney in the 1960s. Possibly more than any other apartment project completed by Seidler, Ithaca Gardens represents the first application of his modernist training in the Australian context. As the first apartment project designed by Harry Seidler to be constructed in Australia it is rare.

(g) Criterion (g) Representative: Ithaca Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler and Associates, which are collectively highly significant. Other examples include Blues Point Tower, Stephen Towers, Village Towers (Arlington), Ercildoune and Aquarius. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns. Many of these elements were first applied in Ithaca Gardens and then further developed in later projects throughout the 1960s.

Ithaca Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term innovation and engagement with construction and planning efficiency. Ithaca Gardens is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact, well-located housing.

17. The targeted heritage study report concluded that Ithaca Gardens meets the local threshold for all 7 heritage significance criteria and warrants potential listing as a heritage item on the SLEP 2012.

41-49 Roslyn Gardens, Elizabeth Bay – 'Bayview'

18. The heritage assessment concluded that Bayview meets the threshold for local significance in terms of:

(a) Criterion (b) Historical association: Bayview has a historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. Bayview is also one of several projects that demonstrates the sustained collaboration between Hugo Stossel & Associates and Parkes Developments, which, by 1970, was one of Australia's largest private development companies, with the largest Sydney land holdings.

(b) Criterion (c) Aesthetic / creative / technical achievement: Bayview is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. It demonstrates technical achievement and distinctive aesthetic attributes in form and composition through its unique triaxial form oriented to views of the harbour, maximising light and ventilation for each unit. It is able to demonstrate the evolution of apartment design towards more organic forms and variations in plans and façade materials. The building is substantially intact externally, and its original modernist design qualities are able to be appreciated.

(c) Criterion (f) Rarity: Although the architects of Hugo Stossel & Associates were prolific apartment designers in the postwar period, particularly in the Elizabeth Bay and Potts Point area, Bayview shows unusual characteristics and can be seen as a highly finished and particularly well-resolved example of their work. Bayview's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area where few Y-plan tower developments were constructed.

(d) Criterion (g) Representative: Bayview is a good intact and representative example of the work of the prolific architectural firm Hugo Stossel & Associates and is able to represent the work of Hugo Stossel, a significant architect of this period. Bayview can be seen as a significant representative example of Hugo Stossel's architectural practice. Along with Yarranabbe Gardens and Eastbourne Tower in Darling Point, it can be seen as one of the most prominent and distinctive of Stossel's apartment projects and is particularly significant as work completed late in his career.

19. The targeted heritage study report concluded that Bayview meets the threshold for local heritage significance for its historical, aesthetic, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

50–58 Roslyn Gardens, Rushcutters Bay – 'Aquarius'

20. The heritage assessment concluded that Aquarius meets the threshold for local significance in terms of:

(a) Criterion (a) Historic significance: Aquarius has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as a motel, later sold individually as compact studio or one bedroom apartments, is able to demonstrate an important change in the historical and social development of the area. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Harry Seidler's international influenced modernism into the Australian context. Aquarius is able to demonstrate wider historical trends of importance to the local area and to NSW more generally.

(b) Criterion (b) Historical association: Aquarius is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As one of his most noteworthy apartment projects of the 1960s, Aquarius has strong associations with the architect.

(c) Criterion (c) Aesthetic / creative / technical achievement: Aquarius shows many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Aquarius displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), and Ercildoune, which demonstrate distinctive aesthetic attributes in form and composition.

Aquarius also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In construction, planning and detailing Aquarius demonstrates Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of raw materials and efficient planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Aquarius was widely published and is a noteworthy example of the architect's work. Aquarius is a substantial achievement and the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.

(d) Criterion (d) Social, cultural and spiritual: Aquarius is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

(e) Criterion (e) Research potential: As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Aquarius has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

(f) Criterion (f) Rare: Aquarius is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. As one of Seidler's most noteworthy early experiments in apartment design Aquarius has exceptional aesthetic significance as an example of creative and technical achievement. Aquarius is considered rare as the first, and one of few examples, of Seidler's experiments with split-level planning, and as a particularly innovative example of his work in the 1960s.

(g) Criterion (g) Representative: Aquarius is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates, which as a group are highly significant. Other examples include Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), Ercildoune and Gemini. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns.

Aquarius is noteworthy among this group as the best-realised version of Seidler's split-plan form with projecting rooms and separated vertical circulation unit. Aquarius displays key characteristics of this significant group of apartment projects and is an important representative example of Seidler's long-term innovation and engagement with construction and planning efficiency. Aquarius is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact, well-located housing.

21. The targeted heritage study report concluded that Aquarius meets the local threshold for all 7 heritage significance criteria and warrants potential listing as a heritage item on the SLEP 2012.

74-76 Roslyn Gardens, Rushcutters Bay – 'Roslyn Gardens'

22. The heritage assessment concluded that Roslyn Gardens meets the threshold for local significance in terms of:

    (a) Criterion (b) Historical association: 74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important.

    (b) Criterion (c) Aesthetic / creative / technical achievement: 74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important.

    (c) Criterion (f) Rarity: 74-76 Roslyn Gardens is considered rare as one of only two apartment projects designed by notable and highly acclaimed architect Douglas Snelling. The other example, Bibaringa, was an existing design that Snelling adapted. As a result 74-76 Roslyn Gardens can be seen as Snelling's only complete apartment project and is hence considered rare.

    (d) Criterion (g) Representative: Roslyn Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by architects in the local area, which are collectively highly significant. Other prominent architects working in this period in the area include Harry Seidler, Douglas Forsyth Evans, Hugo Stossel, Hans Peter Oser and Aaron Bolot. 74-76 Roslyn Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of a modernist residential flat building in the local area.

23. The targeted heritage study report for 74-76 Roslyn Gardens, Rushcutters Bay concluded that it meets the threshold for local heritage significance for associative, aesthetic, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

1-5 Clement Street, Rushcutters Bay

24. The heritage assessment concluded that 1-5 Clement Street meets the threshold for local significance in terms of:

    (a) Criterion (c) Aesthetic / creative / technical achievement: 1–5 Clement Street is considered a good representative example of a late-modern residential apartment building demonstrating creative and technical achievement. The concrete frame and central lift and stair core of the building reduces the number of load-bearing internal walls and the need for corridors, maximising unit space. Use of concrete frame and precast building elements are simply treated. Apartments are well planned with distinctive curved bathroom walls. The entry sequence and lobby of board-formed concrete and circular window element are well resolved and remain intact. The underground carpark makes full use of the lot area and frees up the ground floor for landscaping, which makes a positive contribution to streetscape.

    Criterion (g) Representative: 1–5 Clement Street has representative significance as a late modernist residential apartment building in the Rushcutters Bay, Elizabeth Bay and Potts Point area. It displays the principal characteristics of this class of cultural places, including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and planning that provides high amenity units. In this way 1–5 Clement Street is able to demonstrate the evolution of residential apartment buildings in the area, which are an important feature of the local built environment. 1–5 Clement Street is able to demonstrate a way of life that has been important in the social and historical development of the Rushcutters Bay, Elizabeth Bay and Potts Point area.1–5 Clement Street can be seen as a good representative example of the work of architects Ancher Mortlock Murray & Wooley in this period when they were prolific and highly regarded.

25. The targeted heritage study report for 1-5 Clement Street, Rushcutters Bay found that it meets the threshold for local heritage significance for its aesthetic and representative values and warrants potential listing as a heritage item on the SLEP 2012.

26. Based on these conclusions, progressing local heritage listing for each proposed heritage item will ensure the local heritage significance of each building is appropriately considered and maintained in the context of any future plans or redevelopment at each site.

Planning Proposal - Oxford Street LGBTIQA+ Heritage Items

27. In 2022, a review of the planning controls applying to Oxford Street was implemented to facilitate the growth of the cultural and creative sectors, protect heritage and character and support the day and night-time economies for the local community and visitors.

28. Community consultation indicated that people value the strong connection between Oxford Street and LGBTIQA+ communities and wanted to see its social and cultural heritage recognised and maintained.

29. This led to the development of the Oxford Street LGBTIQA+ Social and Cultural Place Strategy with five priority areas. The first priority (Priority 1) focused on recognising historic LGBTIQA+ places and spaces.

30. In response, the City of Sydney engaged TKD Architects in 2022 to complete a heritage study investigating sites within the Oxford Street precinct. Their study focussed on places with historic and contemporary connections to the LGBTIQA+ community.

31. Recommendations made by TKD Architects included the revision of heritage inventory sheets for 14 existing heritage items and the Oxford Street Heritage Conservation Area to include relevant information about this community; this has been completed. The study also recommended the inclusion of five additional sites within Schedule 5, Part 1 of the SLEP 2012.

32. Two of these items were outside the study area. However, the remaining 3, which constitute the subject of this planning proposal, are recommended for listing.

    The amendments proposed in this planning proposal were recommended in the TKD Architects heritage assessment, which was prepared in accordance with the NSW Heritage Assessment Criteria (2023). A summary of this assessment and supporting heritage inventory sheets is presented below and at **Attachment B1-B4**.

134 Oxford Street, Darlinghurst – Oxford Hotel

34. The heritage assessment concluded that the Oxford Hotel meets the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: The site and its surroundings have been continuously occupied by a hotel, linked by continuity of licensing, since the late 1850s. Additionally, the Oxford Hotel has had some historic associations with the development of Sydney's rock music scene and historic associations with Sydney's gay community.

    (b) Criterion (b) Historical association: The building has strong associations with architect Ernest Lindsay Thompson, a prominent and prolific designer of hotels in metropolitan Sydney during the first third of the twentieth century

    (c) Criterion (c): Aesthetic / creative / technical achievement: Although modified, the exterior of the building demonstrates characteristics of the Federation Free Style and is distinctive in character. The Oxford Hotel is a prominent element in the streetscape that makes an important contribution to the Taylor Square townscape, notwithstanding modifications to its exterior.

    (d) Criterion (d) Social, cultural and spiritual: The Oxford Hotel is significant because of its associations with Sydney's gay community for over forty years. It has been a popular venue for the community and has provided a range of facilities. It may also have social significance because of its associations with Sydney's rock music scene during the second half of the 1970s

    (e) Criterion (g) Representative: The Oxford Hotel, although it has been modified externally and internally, is a representative Federation era hotel. Its exterior is representative of the Federation Free Style.

35. The heritage study concluded that the building at 134 Oxford Street, Darlinghurst meets the threshold for local heritage significance for its historic, associative, aesthetic, social and representative values and warrants potential listing as a heritage item on the SLEP 2012.

124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst – Palms

36. The heritage assessment concluded that the Palms meets the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: The building is evidence of the demolition, widening and reconstruction of the built form along the north side of Oxford Street from 1909 to 1914 by the Municipal Council of Sydney. The building became a gay nightclub in the late 1970s which it remains to the present day and is important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s.

    (b) Criterion (d) Historical association: 124 Oxford Street has been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Palms Nightclub circa 1977.

    (c) Criterion (f) Rare: The site is a rare example of a LGBT nightclub that has operated almost continuously since the late 1970s.

37. The heritage study concluded that the building at 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst meets the threshold for local heritage significance for its historic, associative and rare values and warrants potential listing as a heritage item on the SLEP 2012.

85-91 Oxford Street, Darlinghurst - Universal

38. The heritage assessment concluded that Universal meets the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: 85-91 Oxford Street, particularly the first floor sections of their facades, provide evidence of the consolidation and development of the street in the years before and after World War I. As Club 85, then Midnight Shift and now Universal, the buildings are important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s onwards.

    (b) Criterion (b) Historical association: The site is associated with prominent architectural firm of Morrow & De Putron, prominent jeweller and shoe maker, William Berkman and architect A W Warden.

    (c) Criterion (c) Aesthetic / creative / technical achievement: The first floor section of 89-91 Oxford Street's facade has aesthetic significance as an example of Federation Free Style commercial architecture while the first floor section of 85-87 Oxford Street's façade is a distinctive example of Inter War Free Classical commercial architecture.

    (d) Criterion (d) Social, cultural, and spiritual: The buildings at 85-91 Oxford Street have been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Tropicana in 1978.

    (e) Criterion (f) Rare: The buildings are a rare example of a LGBT nightclub that has operated almost continuously since 1980.

(f) Criterion (g) Representative: The upper sections of the facades of 85-91 Oxford Street are representative of suburban commercial architecture constructed during the second and third decades of the twentieth century in Sydney.

39. The heritage study concluded that the building at 85-91 Oxford Street, Darlinghurst meets the threshold for local heritage significance for its historic, associative, aesthetic, social and rare values and warrants potential listing as a heritage item on the SLEP 2012.

40. Based on these conclusions, progressing local heritage listing for each proposed heritage item will ensure the significance of each building is appropriately recognised, considered and managed in the context of any future plans or redevelopment at each site.

Planning Proposal - Powerhouse Museum Heritage Item Amendment

41. Since 2014, there has been significant community interest in the management and future of the Powerhouse Museum, triggered by a proposal to close the Powerhouse Museum at Ultimo and construct a new Powerhouse facility in Sydney's western suburbs in 2014

42. On 15 May 2023, a Resolution of Council (Item 11.9) was carried, that:

(a) (B) 'the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site [in Ultimo] for heritage significance'

43. In response to this Resolution, the City of Sydney engaged Lovell Chen to prepare a independent heritage assessment for the full extent of the Powerhouse Museum site in early 2024.

44. The Powerhouse Museum, Ultimo is already an individually listed heritage item under Schedule 5, Part 1 of the SLEP 2012: 'Powerhouse Museum former warehouse buildings, including interior' (I2031)

45. However, the current SLEP 2012 listing does not recognise several elements and buildings associated with the entire Powerhouse Museum site, including the Wran and Harwood Buildings.

46. As a result of the heritage assessment findings, this planning proposal is to amend the Powerhouse Museum's existing SLEP 2012 listing (I2031) to better reflect its heritage significance and recognise the importance of the buildings and elements associated with it.

47. To achieve this, it proposes to expand the site's current SLEP 2012 mapped heritage boundary (see proposed boundary in Attachment **C**to include the Wran Building, Harwood Building and landscape elements, update its property description to include additional Lot and DP boundaries, and amend the item name. These proposed amendments align with recent gazetted revisions made to the State Heritage Register listing for the item.

48. The amendments were recommended in the Lovell Chen heritage assessment, which was prepared in accordance with the NSW Heritage Assessment Criteria (2023). A summary of this assessment and supporting heritage inventory sheet is presented below and at Attachment C1 and C2.

49. The heritage assessment concluded that the Powerhouse Museum, including the Wran Building, Harwood Building, and landscapes associated with the complex, meet the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: The Powerhouse Museum complex is important in the course of the history of NSW, Sydney and the Pyrmont Peninsula. The original Power House was established in 1898/99 for the generation of coal fired electricity to power Sydney's tramway network. The Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. Both buildings were closed by the 1960s and in the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power House and Tram Depot as premises for the Museum of Applied Arts and Sciences (MAAS). The vision was for the conversion and adaptive reuse of the derelict industrial buildings with the MAAS and NSW Government Architect committed to delivering a new type of visitor attraction, a place of engagement, activation and broad popular appeal. The decision to retain and adapt the historic buildings perpetuated their physical presence in the urban landscape, as well as their relationship and Ultimo's historic associations with industry and transport. The nature of the MAAS collection, including some of its signature items (i.e., the Boulton and Watt 'Whitbread Engine' and 'Locomotive No. 1') aligned with these thematic associations, as well as the huge scale of the buildings.

    (b) Criterion (b) Historic association: The Powerhouse Museum is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations (including the NSW Labor Party, the office of the NSW Government Architect and MAAS) and individuals within them (including Neville Wran, Dr Lindsay Sharp, Norman Harwood, Lionel Glendenning), as well as others (including Richard Johnson). These individuals and institutions reflect diverse fields of endeavour, including politics, architecture, engineering, exhibition design and collections management. Some individuals are remembered in building names (the Wran and Harwood buildings). The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking.

    (c) Criterion (c) Aesthetic / creative / technical achievement: Conception of the Powerhouse Museum was contemporary with the Heritage Act, 1977 (NSW), as well as the first edition of the Burra Charter (1979). The adaptation of the former Tram Depot (1979-81) was a very early example in NSW (and Australia) of adaptive renewal of a transport/industrial building and set the tone for the adaption of the Power House buildings. The works to the Tram Depot were significant with some side walls retained or retained in part. Interventions were, however, respectful of the scale, massing, materiality and roof profile of the original structure. The outcome is a building that retains legibility as an historic industrial structure, as well as its relationship with the Power House buildings to the north.

    (d) Criterion (d) Social, cultural and spiritual: Since its opening in 1988 the museum has been valued by people across Sydney, NSW and beyond who have shared experiences and memories of the place. The strength of public attachment to the place is demonstrated by the extent of public support and donations for its establishment, and subsequently, its consistently high visitor numbers and the strong community reaction to the NSW Government's proposal for significant change at the place.

50. The heritage assessment concluded that the Powerhouse Museum, including the Wran and Harwood Buildings at 500 Harris Street, Ultimo meet the threshold for local heritage significance for its historic, associative, aesthetic and social warrants potential listing as a heritage item on the SLEP 2012.

51. Based on these conclusions, progressing the proposed amendments to the existing SLEP 2012 heritage item listing '*Powerhouse Museum former warehouse buildings, including interior*' (I2031) will ensure the local heritage significance of the entire Powerhouse Museum site is appropriately recognised and considered in the context of any future plans or redevelopments at the site.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

52. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:

    (a) Direction 8 - A thriving cultural and creative life - the acknowledgement of the importance of the 9 Modern Residential Flat Buildings, 3 Oxford Street LBQTIQA+ buildings in Darlinghurst and amendment to the existing Powerhouse Museum's SLEP 2012 heritage item listing will contributes to the City's culture and creative life, with the protection of the heritage fabric and promoting the history of each site and their value to the community.

Relevant Legislation

53. Environmental Planning and Assessment Act 1979.

Public Consultation

54. Should the planning proposals at Attachment A, B and C be approved, they will be forwarded to the Department of Planning, Housing and Infrastructure with requests for a gateway determinations to allow public exhibition.

55. The public consultation processes for the planning proposals will be subject to the conditions of the gateway determination issued by the Department of Planning, Housing and Infrastructure. Exhibition documents will be made available for viewing and comment on the City's Have Your Say website

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Adele Zubrzycka, Senior Specialist Planner Heritage

Matt Devine, Senior Specialist Planner Heritage

Attachment A

Planning Proposal - Modern Residential Flat Buildings Heritage Items

CITY OF SYDNEY

Planning Proposal – Modern Residential Flat Buildings Heritage Items

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1. Background

1.1. History

The Sydney Local Environmental Plan 2012 (SLEP 2012) came into effect on 14 December 2012, consolidating the Sydney, Leichhardt and South Sydney plans into one comprehensive plan in the new NSW Government's Standard Instrument format.

Continuous review is necessary to ensure the SLEP 2012 continues to deliver positive outcomes for the local economy, residents and visitors and remains consistent with the vision set out in the *City of Sydney's City Plan Local Strategic Planning Statement and Sustainable Sydney 2030-2050 Continuing the Vision.* Since the SLEP 2012 has been in force, the City of Sydney has made heritage-related amendments and additions to improve its operation, accuracy and ensure its diverse history is adequately acknowledged.

Since 2019, there has been considerable interest from current and former City of Sydney Councillors, community members and community groups to have the heritage significance of Modern (1945-1975) Residential Flat Buildings recognised through a local heritage listing.

In response, the City of Sydney engaged Godden Mackay Logan (GML) to independently assess the heritage significance of a targeted selection of eighteen Modern Residential Flat Buildings in Potts Point, Elizabeth Bay and Rushcutters Bay to determine their potential for heritage listing. This occurred in two stages (Stage 1 and Stage 2).

For Stage 1 of the project, GML prepared a preliminary heritage assessment for each of the eighteen buildings. Through this process, it was decided that only fifteen buildings warranted further heritage investigation.

Stage 2 of the project involved detailed heritage assessments for fifteen buildings. Throughout Stage 2, the City of Sydney notified property owners of the heritage investigation by letter and email. Notifications were sent to each building's respective Strata Managers or Strata Committee Secretary. Notifications included requests to engage with property owners to discuss the heritage study, heritage listing process and carry out site visits.

City of Sydney staff and members of the GML team met with Strata Committee and Owners Corporation representatives from nine of the fifteen buildings. These meetings took place at the buildings or online.

Through their Stage 2 heritage assessments, GML identified nine buildings that reached the threshold for local significance under the NSW heritage assessment criteria (2023) and warranted inclusion as individual items on the SLEP 2012.

The proposed addition of these buildings under Schedule 5 (Environmental heritage), Part 1 (Heritage items), of the SLEP 2012 will ensure the City's planning control framework is up to date and reflects current planning strategies and policies.

1.2. Introduction

This Planning Proposal – Sydney Local Environment Plan – Modern Residential Flat Buildings Heritage Items (planning proposal) explains the intent of, and justification for, proposed amendments to SLEP 2012. The proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and relevant Department of Planning guidelines. It identifies and proposes the following nine buildings for inclusion as individual heritage items under Schedule 5 (Environmental heritage), Part 1 (Heritage items), of the LEP:

- 3 Wylde Street, Potts Point − Gateway
- 40-44 Victoria Street, Potts Point − Gemini
- 5 Onslow Avenue, Elizabeth Bay – St Ursula
- 108 Elizabeth Bay Road, Elizabeth Bay − Oceana
- 12 Ithaca Road, Elizabeth Bay – Ithaca Gardens
- 41-49 Roslyn Gardens, Elizabeth Bay − Bayview
- 50–58 Roslyn Gardens, Rushcutters Bay − Aquarius
- 74-76 Roslyn Gardens, Rushcutters Bay – Roslyn Gardens
- 1-5 Clement Street, Rushcutters Bay

1.3. Background

Site identification

This planning proposal relates to the following land and structures:

Locality	Address	Property Description	Item Name
Potts Point	3 Wylde Street	Lot 1 DP 78034	Gateway
Potts Point	40–44 Victoria Street	Lot 1 DP 205052, Lot 1 DP 916138, Portion 45 DP 2436, Portion 40 DP 2436, Lots 1-58 SP 11452	Gemini
Elizabeth Bay	5 Onslow Avenue	Lot 9 Sec 0 DP 15713	St Ursula
Elizabeth Bay	108 Elizabeth Bay Road	Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461	Oceana
Elizabeth Bay	12 Ithaca Road	Lot A DP 155142, Lots 1-40 SP 5704	Ithaca Gardens
Elizabeth Bay	41–49 Roslyn Gardens	Lot 1 DP 71348, Lots 1-72 SP 3402, Lots 74-143 SP 3402, Lots 144-151 SP9225, Lot 1 DP 233118, Lot 1 DP 213376, Lot 100 DP 1275051	Bayview

Locality	Address	Property Description	Item Name
Rushcutters Bay	50–58 Roslyn Gardens	Lot B DP 416095, Lot 2 DP 81859, Lots 1-117 SP 10872	Aquarius
Rushcutters Bay	74-76 Roslyn Gardens	Lot 3 DP 407610, Lots 1–90 SP 1719	Roslyn Gardens
Rushcutters Bay	1-5 Clement Street	Lot A DP 71162, Lot B DP 71162, Lot C DP 71162, Lots 1–25 SP 10641	1-5 Clement Street

The relevant structures subject to this planning proposal are outlined in red in **Figures 1-3**.

Figure 1. Location of 3 Wylde Street, Potts Point (**1**), 40-44 Victoria Street, Potts Point (**2**) and 5 Onslow Avenue, Elizabeth Bay (**3**).

Figure 2. Location of 108 Elizabeth Bay Road, Elizabeth Bay (**4**), 12 Ithaca Road, Elizabeth Bay (**5**) and 41-49 Roslyn Gardens, Elizabeth Bay (**6**).

Figure 3. Location of 50-58 Roslyn Gardens, Rushcutters Bay (**7**), 74-76 Roslyn Gardens, Rushcutters Bay (**8**) and 1-5 Clement Street, Rushcutters Bay (**9**).

3 Wylde Street, Potts Point – Gateway

The Gateway flat building was designed by Douglas Forsyth Evans & Associates and constructed by Sydney Fischer (c.1959 – 1960). It is comprised of eight storeys: one parking level and seven residential floors with 35 units and 16 garages. Built with a steel frame using the lift-slab technique, it features projecting concrete slabs and a rhythmic pattern on the eastern elevation. The main entrance showcases a mural by sculptor Kurt Norden on a sandstone facade. Apartments are arranged to maximize light and views, with five units per floor, including two-bedroom and one-bedroom layouts.

Figure 4. Gateway, 3 Wylde Street. Source. GML Heritage, 2024.

40-44 Victoria Street, Potts Point – Gemini

Gemini consists of two eight storied flat buildings: 40 Victoria Street (originally named Victoria Towers), containing 28 studios (the northern block), and then seven years later, 42-44 Victoria Street, with 28 one-bedroom units (the southern block). Designed by Harry Seidler & Associates, and completed in 1962 and 1969 respectively for "people of average means", the flat buildings have a cuboidal form and exposed concrete structure with blonde brick and aluminium windows.

40 Victoria Street: Features symmetrical façades with full-height windows, a polished stone lobby, and studios arranged around a central core. While 42–44 Victoria Street is a larger block with four vertical rows of windows, a ground floor lobby, and amenities like a roof garden and pool. The two buildings are connected at roof level by a concrete pedestrian bridge.

Figure 5. Gemini. Source. Realestate.com.au, 2024.

5 Onslow Avenue, Elizabeth Bay – St Ursula

St Ursula is a seven to eight-storey building designed by Hugo Stossel and constructed by RH Andrews and Co (1951-1953) at Onslow Avenue and Onslow Place, opposite Elizabeth Bay House. It features a curved front, reinforced concrete and brick construction, and large southeast windows. Each floor has two two-bedroom apartments, totalling 13 units plus a penthouse with a terrace. Ground and basement levels include garages and storage. The layout ensures good amenity with spacious living areas and main bedrooms.

Figure 6. St Ursula. Source. GML 2024.

108 Elizabeth Bay Road, Elizabeth Bay – Oceana

Oceana is a ten to thirteen-storey residential building designed by Theodore Fry and constructed by Arcos Pty Ltd (1961) with 55 two and three-bedroom units. It features a concrete frame, predominantly glazed eastern elevation, and cantilevered balconies. The building includes two elevators, a pool, and parking areas. Internally, units have a quadrant layout. The top floor has two penthouses, and common spaces include a BBQ area by the pool.

Figure 7. Oceana. Source. GML 2024.

12 Ithaca Road, Elizabeth Bay – Ithaca Gardens

Ithaca Gardens is a 10-storey building with 40 two-bedroom units built to the design by Harry Seidler and Associates by builders Civil and Civic Contractors (1960). It was designed to maximize views to the northeast. It features minimal landscaping, projecting open galleries linking the fire stairs and lifts on every second floor, and an undercroft park with a prominent glass entrance lobby. A cantilevered roof over the carpark allows for a column-free space. The northern elevation includes recessed balconies and ribbon windows with projecting sun awnings. Each unit has generous external windows for natural light and ventilation.

Figure 8. Ithaca Gardens. Max Dupain, 1959. Source. Penelope Seidler (Cross-Section archive).

41-49 Roslyn Gardens, Elizabeth Bay – Bayview

The Bayview is a 12-storey building with 80 units arranged in a Y formation. It was designed by Hugo Stossel and Associates and constructed by Parkes Development (1966-68) and features a reinforced concrete frame, full-height glazing, and recessed balconies. The ground floor includes the original lobby and car park, while upper floors originally housed seven single-bedroom and one two-bedroom unit per level. The design promotes natural light and ventilation, with some original interiors still present, including vermiculite ceilings.

Figure 9. Bayview. Source. GML 2024.

50-58 Roslyn Gardens, Rushcutters Bay – Aquarius

Aquarius is a 10-storey apartment building designed by Harry Seidler and Associates and constructed by James Wallace (1965). It features 60 studio and 20 one-bedroom units. The apartments offer views of Rushcutters Bay and Sydney Harbour. The design includes a slender tower-like core and a distinctive southern façade with cantilevered bedrooms. Built with a reinforced concrete frame and blonde-face brick, the layout is efficient.

Figure 10. Aquarius. Source. GML 2024.

74-76 Roslyn Gardens Rushcutters Bay – Roslyn Gardens

Roslyn Gardens is a nine-storey cream brick and reinforced concrete residential flat building containing 64 studio apartments designed by Douglas B Snelling and built in 1964. The building is orientated northwest and southeast, in response to the alignment of Roslyn Gardens. Concrete ramps for vehicles are located on both sides of the lot that lead from Roslyn Gardens, at the western side to the ground floor and pedestrian entry, and to the northeast down to the underground basement carparking. The site connects to Clement Street at the rear with an entry gate and ramp down to the basement carparking. A large reinforced concrete retaining wall forms the rear boundary to the property to the southeast. The wall contains paired zigzag forms with open vents to the parking level below

Figure 11. Roslyn Gardens. Source, Google Maps.

1-5 Clement Street, Rushcutters Bay

Nos. 1–5 Clement Street is a nine-storey late-modern style building comprising an open undercroft ground floor, six floors of units, a penthouse, rooftop plant room and underground carpark accessed via a rear ramp. A U-shaped concrete driveway in front of the building provides vehicle and pedestrian access. Clement Lane, to the east, forms a ramp to the underground carparking.

The building has a symmetrical rectangular form, constructed of reinforced concrete columns, edge beams and floor slabs expressed externally. Walls and spandrels are symmetrical precast concrete panels with a textured finish. The building is set above ground level on thin pilotis set back from the exterior of the building, accentuating the impression that the structure is floating. The entry is via steps and a pedestrian bridge. Unlike many other buildings of this period the undercroft is fully landscaped with low growing greenery.

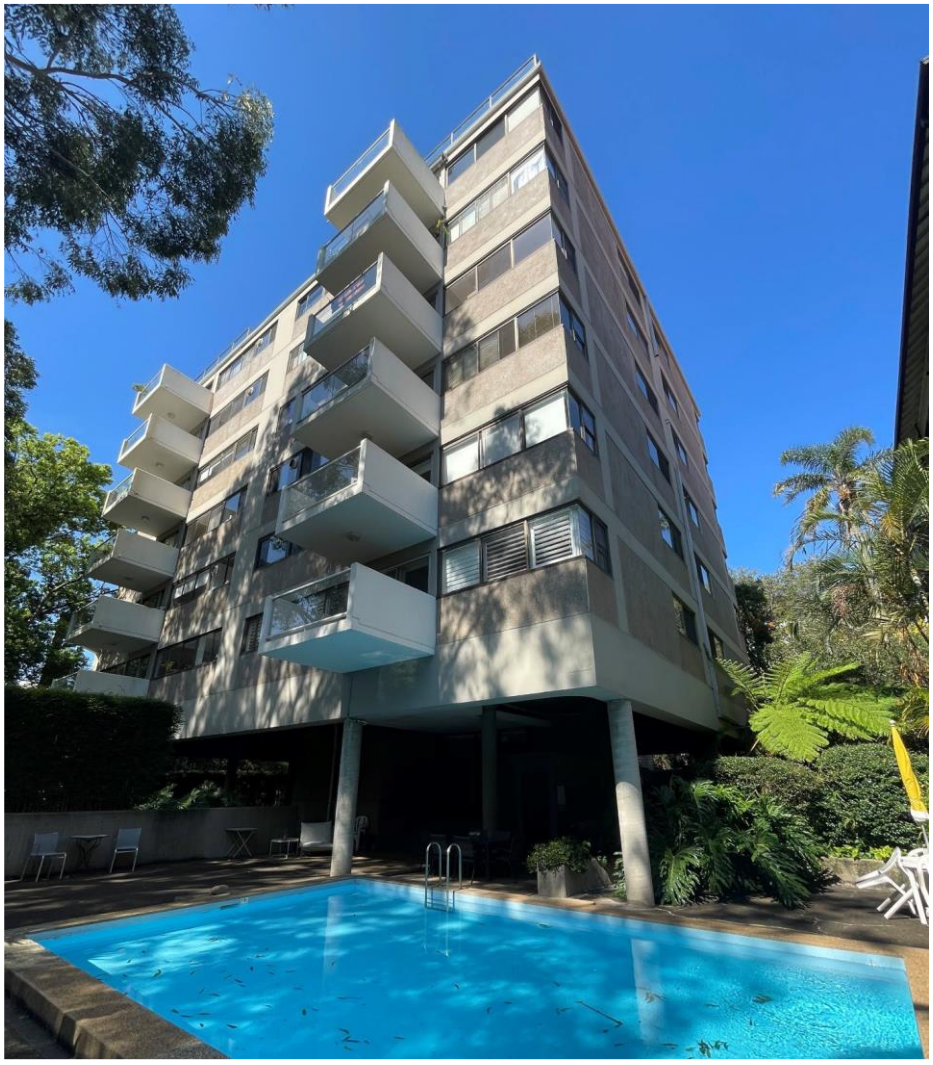

Figure 12. Rear view of 1–5 Clement Street showing pool, deep projecting balcony units and wrap around window elements to corners. Source. GML, 2024.

Planning context

Land Zoning

The nine proposed heritage items occupy land zoned R1 – General Residential. Three of the buildings – no. 108 Elizabeth Bay Road, no. 50-58 Roslyn Gardens, Rushcutters Bay and no. 41-49 Roslyn Gardens, Elizabeth Bay – are abutted by land zoned RE1, Public Recreation. No. 41-49 Roslyn Gardens, Elizabeth Bay is also abutted by land zoned MU1 – Mixed Use.

Figure 13. Extract from Zoning map in the SLEP 2012 showing zoning controls for 3 Wylde Street, Potts Point (1), 40-44 Victoria Street, Potts Point (2) and 5 Onslow Avenue, Elizabeth Bay (3).

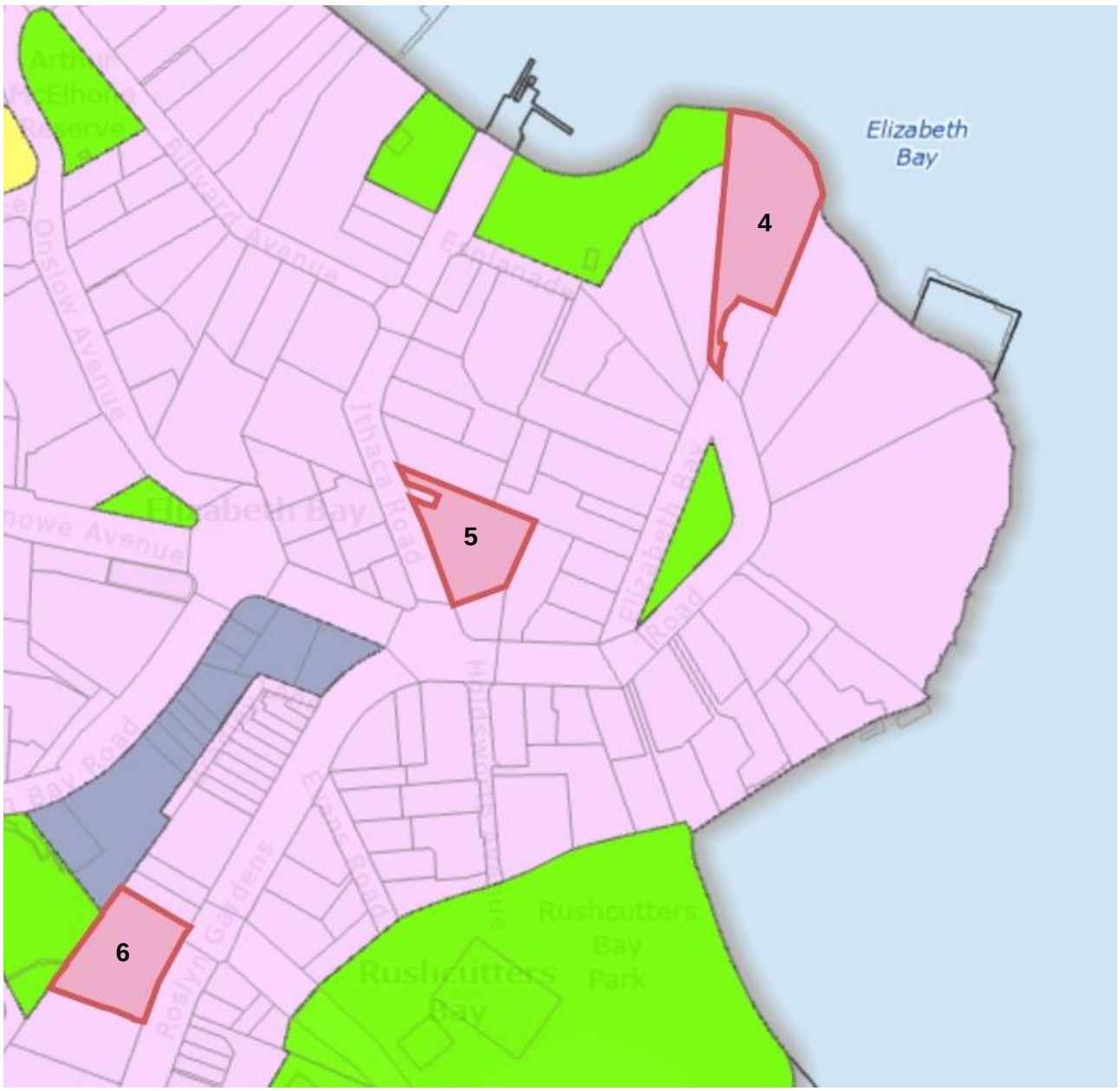

Figure 14. Extract from Zoning map in the SLEP 2012 showing zoning controls for 108 Elizabeth Bay Road, Elizabeth Bay (4), 12 Ithaca Road, Elizabeth Bay (5) and 41-49 Roslyn Gardens, Elizabeth Bay (6).

Figure 15. Extract from SLEP 2012 Zoning map showing controls for 50-58 Roslyn Gardens, Rushcutters Bay (7), 74-76 Roslyn Gardens, Rushcutters Bay (8) and 1-5 Clement Street, Rushcutters Bay (9).

Heritage context

The nine proposed heritage items are located in the vicinity of several individually items listed on the SLEP 2012 and State Heritage Register as described below and presented in **Figures 16-18**:

3 Wylde Street, Potts Point – Gateway

Gateway is located within the Potts Point heritage conservation area (C51). The nearest existing heritage items within the vicinity are the *House group "Bomera" and "The Stables" including interiors and gardens* (I1195) which abuts Gateway to the south and *House "Tarana" including interior and gardens* (I1196) on both Wylde Street. The *Sydney Harbour Naval Precinct* listed on the State Heritage Register (SHR) is located nearby at 82 Cowper Wharf Roadway (SHR # 01705).

40-44 Victoria Street, Potts Point – Gemini

Gemini is located within the Potts Point heritage conservation area (C51). The nearest existing heritage items within the vicinity are the *Cottage "Overcliff" including interior* (I1163), *Terrace group including interiors and front fencing* (I1164) at 38 and 46–52 Victoria Street, the *Flat building "Camelot Hall" including interior* (I1124) and the *Terrace group "Korein" and "Maroura" including interiors, front fencing and paths* at 2A, 2 and 4 Challis Avenue (I1123). The *Sydney Harbour Naval Precinct* listed on the State Heritage Register (SHR) is located nearby at 82 Cowper Wharf Roadway (SHR # 01705).

5 Onslow Avenue, Elizabeth Bay – St Ursula

St Ursula is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing heritage items within the vicinity are *House and grounds "Elizabeth Bay House" including interior and grounds* at 7–9 Onslow Avenue (I594) and *Cliff face behind Elizabeth Bay House* at Onslow Place, Elizabeth Bay (I597).

108 Elizabeth Bay Road, Elizabeth Bay - Oceana

Oceana is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing heritage items within the vicinity are the *House "Tresco" including interior, outbuilding, summer house, boat house, boat harbour, trees, retaining walls and grounds* (I583) and *House "Ashton" including interior and grounds* (I584) at 97 and 102 Elizabeth Bay Road, Elizabeth Bay.

12 Ithaca Road, Elizabeth Bay – Ithaca Gardens

Ithaca Gardens is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing heritage items within the vicinity are the *Flat building "Blair" including interior* at 74 Elizabeth Bay Road (I579), *House "Keadue" including interior and front* fencing at 84 Elizabeth Bay Road (I580) and *Semi-detached house group "Laureville" and "Oakburn" including interiors* at 86–88 Elizabeth Bay Rd (I581). The *Electrical substation* at 10 Ithaca Road, Elizabeth Bay (I590) partly adjoins the western boundary of the Ithaca Gardens building.

41-49 Roslyn Gardens, Elizabeth Bay - Bayview

Bayview is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing local heritage items within the vicinity are the *Terrace group "Hargrave Terrace" including interiors and front fence* at 40–44 Roslyn Gardens (I1395), the *Cottage "Aringa" including interior* at 61 Elizabeth Bay Road, Rushcutters Bay (I1394)

50–58 Roslyn Gardens, Rushcutters Bay – Aquarius

Aquarius is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing local heritage items within the vicinity are *Terrace group "Hargrave Terrace" including interiors and front fence* at 40–44 Roslyn Gardens (I1395), *Cottage "Aringa" including interior* at 61 Elizabeth Bay Road, Rushcutters Bay (I1394), *St Luke's Hospital group including buildings and their interiors, sandstone gate, pillars and grounds* at 16–20 Roslyn Street, Elizabeth Bay (I599) and *Rushcutters Bay Park and pumping station including grandstand, Rey Bartley Oval and picket fence, seawall and landscaping* at Waratah Street, Rushcutters Bay (I1403).

74-76 Roslyn Gardens Rushcutters Bay - Roslyn Gardens

Roslyn Gardens is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing heritage item within its vicinity is *St Canice's Roman Catholic Church including interior and grounds* (I1396) which sits immediately to its southwest at 24–28 Roslyn Street. *'St Luke's Hospital group including buildings and their interiors, sandstone gate, pillars and grounds'* (I599) is located to its northwest at 16–20 Roslyn Street.

1-5 Clement Street, Rushcutters Bay

No. 1-5 Clement Street are located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). The nearest existing heritage items within its vicinity are *St Canice's Roman Catholic Church including interior and grounds* (I1396) which sits immediately to its southwest at 24–28 Roslyn Street and *Rushcutters Bay Park and pumping station including grandstand, Rey Bartley Oval and picket fence, seawall and landscaping* at Waratah Street, Rushcutters Bay (I1403).

Figure 16. Extract from the SLEP 2012 Heritage Map (HER_021) showing heritage items adjacent to 3 Wylde Street, Potts Point (1), 40-44 Victoria Street, Potts Point (2) and 5 Onslow Avenue, Elizabeth Bay (3).

Figure 17. Extract from the SLEP 2012 Heritage Map (HER_022) showing heritage items adjacent to 108 Elizabeth Bay Road, Elizabeth Bay (4), 12 Ithaca Road, Elizabeth Bay (5) and 41-49 Roslyn Gardens, Elizabeth Bay (6).

Figure 18. Extract from the SLEP 2012 Heritage Map (HER_022) showing heritage items 50-58 Roslyn Gardens, Rushcutters Bay (7), 74-76 Roslyn Gardens, Rushcutters Bay (8) and 1-5 Clement Street, Rushcutters Bay (9).

1.4. Heritage assessment

In August 2024, the City of Sydney engaged GML to independently assess the heritage significance of a targeted selection eighteen of Modern Residential Flat Buildings in the Potts Point and Elizabeth and Rushcutters Bays Heritage Conservation Area boundaries and determine their potential for heritage listing. GML prepared a preliminary heritage assessment for each of the eighteen buildings and identified fifteen that warranted further heritage investigation.

Following a detailed heritage assessment of the fifteen buildings, nine were concluded to reach the threshold for local significance under the NSW heritage assessment criteria (2023). They recommended that these buildings be included as individual heritage items under Schedule 5, Part 1, of the SLEP 2012.

The heritage study prepared by GML is included in **Appendix A1.** Draft inventory sheets and heritage assessments for each of the fifteen buildings, also prepared by GML, are included in **Appendix A2-A16**. Findings from these assessments are presented below.

Heritage study findings

3 Wylde Street, Potts Point – The Gateway

The heritage assessment concluded that The Gateway building meets the threshold for local significance in terms of:

- Criterion (b) Historical association: The Gateway has strong associations with Douglas Forsyth Evans, an accomplished architect who designed several noteworthy apartment projects in the postwar period. The Gateway is a good example of Forsyth Evans' work and provides evidence of his design principles, response to context and willingness to experiment with new technological advances of the period. The Gateway also has some significance for its association with Sydney Fischer, a prominent property developer of the period.

- Criterion (c) Aesthetic / creative / technical achievement: The Gateway is aesthetically distinct and of high design quality. The design of the building—its siting on a narrow site, its irregular form and planning of corridors and units, the configuration of the internal layouts and its fenestration—demonstrates Forsyth Evans' inventiveness in planning and ability to engage with challenging sites. The external elevations have a unique presentation with projecting slabs painted white, red textured face brickwork, and a regular fenestration pattern with blue spandrel panels. Combined with its distinctive entrance hood, mural and foyer the building contributes positively to the streetscape of the Potts Point peninsula. The entryway sequence with angled concrete hood, cast concrete lettering, stone crazy paving, and distinctive Kurt Norden mural etched into sandstone, is considered to have particular aesthetic significance. The Gateway also has some technical significance as an early example of the use of lift-slab construction techniques in Australia.

- Criterion (g) Representative: The Gateway is a good and intact representative example of the work of Douglas Forsyth Evans and of 1960s apartment buildings in the Potts Point area more generally. It is one of a group of significant apartments designed by Forsyth Evans during the 1950s and 1960s. The Gateway is important in demonstrating principal characteristics of Forsyth Evans' designs, including an individual response to the site, innovation in construction technologies, linear planning with a single-sided gallery circulation and façade treatments utilising projecting slabs, large areas of glazing and red textured brick walling. Developed on a difficult site with expansive harbour views, The Gateway also represents the increase in harbourside apartment developments in the Potts Point and Elizabeth Bay areas during the 1950s and 1960s. Largely intact, The Gateway, particularly its entrance features, mural and foyer, is able to demonstrate this significant period in the evolution of the local area.

The targeted heritage study concluded that the building at 3 Wylde Street, Potts Point meets the threshold for local heritage significance for its historical, aesthetic and representative values and warrants potential listing as a heritage item on the SLEP 2012.

40-44 Victoria Street, Potts Point - Gemini

The heritage assessment concluded that the Gemini building meets the threshold for local significance in terms of:

- Criterion (a) Historical significance: Gemini has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as compact studios, and later use as a motel, is able to demonstrate an important phase in the historical and social development of the area.

- Criterion (b) Historical association: Gemini is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As a noteworthy apartment project of the 1960s Gemini has strong associations with the architect. Gemini has some significance for its association with developers Horwitz Corporation as an example of their apartment developments within the local area and as an example of their collaborations with Harry Seidler.

- Criterion (c) Aesthetic / creative / technical achievement: Gemini shows innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Gemini displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic characteristics with some of Seidler's most notable projects including Blues Point Tower and Village Towers (Arlington), which demonstrate distinctive aesthetic attributes in form and composition. Gemini also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In its construction, planning and detailing it demonstrates Harry Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, regular façade arrangement, use of raw materials and spare planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Gemini has been widely published and is a noteworthy example of the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.

- Criterion (d) Social, cultural and spiritual: Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

- Criterion (e) Research potential: Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. expanded over an eight-year period it is able to demonstrate important elements in architectural innovation. Gemini is an important example of Seidler's early apartment design and can contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

- Criterion (g) Representative: Gemini is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates in the local area and more widely, which as a group are highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Ercildoune and International Lodge. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. Each was built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns.

  Gemini is noteworthy amongst this group as a pair of towers linked by a sky bridge, constructed eight years apart. Gemini displays key characteristics of this significant group

of apartment projects and is an important representative example of Harry Seidler's long-term engagement with construction and planning efficiency and innovation. Gemini is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact well-located housing.

The targeted heritage study for 40-44 Victoria Street, Potts Point concluded that Gemini meets the threshold for local heritage significance for its historic, historical associations, aesthetic, research potential and representative values and warrants potential listing as a heritage item on the SLEP 2012.

5 Onslow Avenue, Elizabeth Bay – St Ursula

The heritage assessment concluded that the building meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: St Ursula has historic significance as a building designed by a Europe-trained architect in the years immediately following World War II, a time when a significant group of émigré architects were applying their European modernist training to Sydney conditions. This group made a significant contribution to the built environment. As one of the first apartment buildings designed by an architect trained in Europe, St Ursula is considered to be historically important. It is also has historical significance as one of the earliest examples of a modern residential flat building to be built in the area after World War II, a time when building materials were scarce.

- Criterion (b) Historical association: St Ursula has historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II who made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. It is particularly notable as his first apartment building completed in Sydney following World War II and his emigration from Europe.

- Criterion (c) Aesthetic / creative / technical achievement: St Ursula is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. Its form and composition demonstrate technical achievement and distinctive aesthetic attributes through its curved plan, which is oriented to views to the harbour and maximises light and ventilation to each unit. It demonstrates the evolution of apartment design in the years following World War II and the use of new construction methodologies and materials such as curtain walling. The building is substantially intact with its original modernist design qualities able to be appreciated.

- Criterion (d) Social, cultural and spiritual: St Ursula is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

- Criterion (e) Research potential: Hugo Stossel is one of a group of architects who, having trained and worked in Europe, emigrated to Australia in the 1930s. The early work of this group is considered significant for its ability to demonstrate the application of European modernist architectural training in the context of Australia. As one of Hugo Stossel's first projects completed following World War II and his first apartment design, St Ursula is considered to be significant for its ability to contribute to an understanding of the development of postwar modernism and, in particular, its application by architects trained in Europe.

- Criterion (f) Rarity: Hugo Stossel (later as Hugo Stossel & Associates) was a prolific apartment designer in the postwar period, particularly in the Elizabeth Bay and Potts Point area, and St Ursula dating from 1953 is considered an early and rare example of his work. It demonstrates unusual characteristics of interwar architectural styles and Stossel's European architectural training and experience. It is considered a highly resolved example of his work that contributes to an understanding of the development of postwar architecture. St Ursula's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area as few curved-plan residential flat buildings were constructed in this period.

- Criterion (g) Representative: St Ursula is a good intact and representative example of the work of Hugo Stossel, a significant architect of this period. St Ursula can be seen as a significant representative example of Hugo Stossel's architectural practice and is particularly significant as work completed early in his career in Australia.

The targeted heritage study report for 5 Onslow Avenue, Elizabeth Bay found that St Ursula meets the local threshold for all seven heritage significance criteria and warrants potential listing as a heritage item on the SLEP 2012.

<u>108 Elizabeth Bay Road, Elizabeth Bay - Oceana</u>

The heritage assessment concluded that the building meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: Oceana is a good example of a large scale post-World War II high-rise apartment building in the Elizabeth Bay Potts Point area. It is representative of the process of redevelopment and subdivision of the suburb, beginning in the interwar period, from grand, freestanding dwellings to apartment buildings. The site's redevelopment by Moses Eisner with architect Theodore Fry demonstrates the growing influence of European migrants on the built environment, an important historic phase in the development of the area. The building's location on the harbour foreshore is also able to demonstrate a period before restrictions on the development of foreshore land were implemented. At its time of construction Oceana was one of the largest apartment buildings in Sydney and represented a marked shift in the development of Elizabeth Bay towards higher densities.

- Criterion (b) Historical association: Oceana has strong associations with Theodore Fry, a noteworthy architect of this period as his largest and most intact project. Oceana is a good example of Fry's work and provides evidence of his designs, including an application of modernist design principles. Oceana also has some significance for its association with Moses Eisner, a noteworthy businessman, engineer and property developer of the period.

- Criterion (c) Aesthetic / creative / technical achievement: Oceana is considered to be aesthetically distinct and of high design quality. The design of the building—its siting on its harbour front site, the elongated form, the planning of the corridors and units, the configuration of the internal layouts and its fenestration pattern demonstrates Fry's application of modernist architectural principles. The external elevations have a unique presentation with large areas of glazing, projecting balconies and external circulation galleries. The building contributes positively to the streetscapes/skyscapes of the Elizabeth Bay peninsula. The integrity of common areas remains to be confirmed.

- Criterion (f) Rarity: Oceana is considered rare as an example of the architectural work of Theodore Fry. Other examples of his design work have been substantially altered and are less able to be appreciated. Oceana is also rare for its scale and location, with later apartment buildings in this area lower in scale and set back from the harbour's edge.

Buildings of the late 1960s tended to use compact plans stepping down their sites in response to the topography. The uncompromising horizontal massing of Oceana is rare in the context of the Elizabeth Bay Potts Point area.

- Criterion (g) Representative: Oceana is representative of a wider post-World War II trend, seen in many areas of Sydney close to the city and the harbour, of large houses being replaced by Modernist residential flat buildings. As one of the largest apartment buildings in Sydney at the time of its construction, and one of the largest apartment buildings to be developed in the Elizabeth Bay and Potts Point area, Oceana is significant for its ability to represent this trend. Oceana is also a good and intact representative example of the work of a European émigré architect and property developer. It is one of a group of significant apartments that European migrants completed during the 1950s and 1960s in the local area. It is important in demonstrating the principal characteristics of these projects, which tended towards higher densities, displayed modernist design principles and promoted apartment living.

The targeted heritage study report for 108 Elizabeth Bay Road, Elizabeth Bay found that Oceana meets the threshold for local heritage significance for its historic, historical associations, aesthetic, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

12 Ithaca Road, Elizabeth Bay – Ithaca Gardens

The heritage assessment concluded that the Ithaca Gardens meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: Ithaca Gardens has historic significance as a prominent example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Architect Harry Seidler had significant influence on the growing popularity of compact inner-city apartment living and Ithaca Gardens can be seen to have played an important role in this. Seidler was an effective promoter of modernism and Ithaca Gardens received considerable media attention. That the architect lived in the apartment, and had the interior photographed by Max Dupain, added to the reputation of the building. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Bauhaus-influenced modernism into the Australian context. Ithaca Gardens is able to demonstrate wider historical trends of importance to the local area and to NSW more generally.

- Criterion (b) Historical association: Ithaca Gardens is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As his first completed apartment project, and as his place of residence, Ithaca Gardens has strong associations with the architect and is of particular historical interest in interpreting the context of his work. Ithaca Gardens has some significance for its association with Civil & Civic Constructions (later expanded as Lendlease) as the first project by the long-running and significant partnership formed between the firm and Harry Seidler, which continued through the next decades. Ithaca Gardens has some significance for its association with Civil & Civic as the first project by the long-running and significant partnership formed between the firm and Harry Seidler, which continued through the next decades.

- Criterion (c) Aesthetic / creative / technical achievement: Ithaca Gardens shows many innovations in planning and construction that make it a noteworthy example of a late 1950s– 1960s modernist apartment building. Ithaca Gardens is an early application of what can be seen as typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Blues

Point Tower, Village Towers (Arlington), Ercildoune and Aquarius, which demonstrate distinctive aesthetic attributes in form and composition.

In its construction, planning and detailing it demonstrates Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of materials and spare planning, with a concern for natural light, sun shading, and ventilation, are all typical of Seidler's highly acclaimed architecture. Ithaca Gardens was widely published and is a noteworthy example of the architect's work. It is a substantial achievement and the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.

- Criterion (d) Social, cultural and spiritual: Ithaca Gardens is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

- Criterion (e) Research potential: As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Ithaca Gardens has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

- Criterion (f) Rarity: Ithaca Gardens is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. It is also rare as an apartment designed in the 1950s by a European architect, with modernist training in Canada and the United States, and constructed in Sydney in the 1960s. Possibly more than any other apartment project completed by Seidler, Ithaca Gardens represents the first application of his modernist training in the Australian context. As the first apartment project designed by Harry Seidler to be constructed in Australia it is rare.

- Criterion (g) Representative: Ithaca Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler and Associates, which are collectively highly significant. Other examples include Blues Point Tower, Stephen Towers, Village Towers (Arlington), Ercildoune and Aquarius. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns. Many of these elements were first applied in Ithaca Gardens and then further developed in later projects throughout the 1960s.

  Ithaca Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term innovation and engagement with construction and planning efficiency. Ithaca Gardens is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact, well-located housing.

The targeted heritage study report for 12 Ithaca Road, Elizabeth Bay found that Ithaca Gardens meets the local threshold for all seven heritage significance criteria and warrants potential listing as a heritage item on the SLEP 2012.

41-49 Roslyn Gardens, Elizabeth Bay - Bayview

The heritage assessment concluded that the building meets the threshold for local significance in terms of:

- Criterion (b) Historical association: Bayview has a historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. Bayview is also one of several projects that demonstrates the sustained collaboration between Hugo Stossel & Associates and Parkes Developments, which, by 1970, was one of Australia's largest private development companies, with the largest Sydney land holdings.

- Criterion (c) Aesthetic / creative / technical achievement: Bayview is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. It demonstrates technical achievement and distinctive aesthetic attributes in form and composition through its unique triaxial form oriented to views of the harbour, maximising light and ventilation for each unit. It is able to demonstrate the evolution of apartment design towards more organic forms and variations in plans and façade materials. The building is substantially intact externally, and its original modernist design qualities are able to be appreciated.

- Criterion (f) Rarity: Although the architects of Hugo Stossel & Associates were prolific apartment designers in the postwar period, particularly in the Elizabeth Bay and Potts Point area, Bayview shows unusual characteristics and can be seen as a highly finished and particularly well-resolved example of their work. Bayview's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area where few Y-plan tower developments were constructed.

- Criterion (g) Representative: Bayview is a good intact and representative example of the work of the prolific architectural firm Hugo Stossel & Associates and is able to represent the work of Hugo Stossel, a significant architect of this period. Bayview can be seen as a significant representative example of Hugo Stossel's architectural practice. Along with Yarranabbe Gardens and Eastbourne Tower in Darling Point, it can be seen as one of the most prominent and distinctive of Stossel's apartment projects and is particularly significant as work completed late in his career.

The targeted heritage study report for 41-49 Roslyn Gardens, Elizabeth Bay found that the Bayview meets the threshold for local heritage significance for its historical, aesthetic, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

50–58 Roslyn Gardens, Rushcutters Bay - Aquarius

The heritage assessment concluded that the Aquarius meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: Aquarius has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as a motel, later sold individually as compact studio or one bedroom apartments, is able to demonstrate an important change in the historical and social development of the area. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Harry Seidler's international influenced modernism into the Australian

context. Aquarius is able to demonstrate wider historical trends of importance to the local area and to NSW more generally.

- Criterion (b) Historical association: Aquarius is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As one of his most noteworthy apartment projects of the 1960s, Aquarius has strong associations with the architect.

- Criterion (c) Aesthetic / creative / technical achievement: Aquarius shows many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Aquarius displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), and Ercildoune, which demonstrate distinctive aesthetic attributes in form and composition.

Aquarius also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In construction, planning and detailing Aquarius demonstrates Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of raw materials and efficient planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Aquarius was widely published and is a noteworthy example of the architect's work. Aquarius is a substantial achievement and the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.

- Criterion (d) Social, cultural and spiritual: Aquarius is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.

- Criterion (e) Research potential: As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Aquarius has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

- Criterion (f) Rare: Aquarius is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. As one of Seidler's most noteworthy early experiments in apartment design Aquarius has exceptional aesthetic significance as an example of creative and technical achievement. Aquarius is considered rare as the first, and one of few examples, of Seidler's experiments with split-level planning, and as a particularly innovative example of his work in the 1960s.

- Criterion (g) Representative: Aquarius is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates, which as a group are highly significant. Other examples include Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), Ercildoune and Gemini. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns.

Aquarius is noteworthy among this group as the best-realised version of Seidler's split-plan form with projecting rooms and separated vertical circulation unit. Aquarius displays key characteristics of this significant group of apartment projects and is an important representative example of Seidler's long-term innovation and engagement with construction and planning efficiency. Aquarius is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact, well-located housing.

The targeted heritage study report for 50-58 Roslyn Gardens, Rushcutters Bay that the Aquarius meets the local threshold for all seven heritage significance criteria and warrants potential listing as a heritage item on the SLEP 2012.

74-76 Roslyn Gardens Rushcutters Bay - Roslyn Gardens

The heritage assessment concluded that Roslyn Gardens meets the threshold for local significance in terms of:

- Criterion (b) Historical association: 74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important.

- Criterion (c) Aesthetic / creative / technical achievement: 74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important.

- Criterion (f) Rarity: 74-76 Roslyn Gardens is considered rare as one of only two apartment projects designed by notable and highly acclaimed architect Douglas Snelling. The other example, Bibaringa, was an existing design that Snelling adapted. As a result 74-76 Roslyn Gardens can be seen as Snelling's only complete apartment project and is hence considered rare.

- Criterion (g) Representative: Roslyn Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by architects in the local area, which are collectively highly significant. Other prominent architects working in this period in the area include Harry Seidler, Douglas Forsyth Evans, Hugo Stossel, Hans Peter Oser and Aaron Bolot. 74-76 Roslyn Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of a modernist residential flat building in the local area.

The targeted heritage study report for 74-76 Roslyn Gardens, Rushcutters Bay found that Roslyn Gardens meets the threshold for local heritage significance for its historical associations, aesthetic, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

1-5 Clement Street, Rushcutters Bay

- Criterion (c) Aesthetic / creative / technical achievement: 1–5 Clement Street is considered a good representative example of a late-modern residential apartment building demonstrating creative and technical achievement. The concrete frame and central lift and stair core of the building reduces the number of load-bearing internal walls and the need for corridors, maximising unit space. Use of concrete frame and precast building elements are simply treated. Apartments are well planned with distinctive curved bathroom walls. The entry sequence and lobby of board-formed concrete and circular window element are well resolved and remain intact. The underground carpark makes full use of the lot area and frees up the ground floor for landscaping, which makes a positive contribution to streetscape.

- Criterion (g) Representative: 1–5 Clement Street has representative significance as a late modernist residential apartment building in the Rushcutters Bay, Elizabeth Bay and Potts Point area. It displays the principal characteristics of this class of cultural places, including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and planning that provides high amenity units. In this way 1–5 Clement Street is able to demonstrate the evolution of residential apartment buildings in the area, which are an important feature of the local built environment. 1–5 Clement Street is able to demonstrate a way of life that has been important in the social and historical development of the Rushcutters Bay, Elizabeth Bay and Potts Point area.1–5 Clement Street can be seen as a good representative example of the work of architects Ancher Mortlock Murray & Wooley in this period when they were prolific and highly regarded.

The targeted heritage study report for 1-5 Clement Street, Rushcutters Bay found that it meets the threshold for local heritage significance for its aesthetic and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Based on these conclusions, progressing local heritage listing for each proposed heritage item will ensure the local heritage significance of each building is appropriately considered and maintained in the context of any future plans or redevelopment at each site.

2. Objectives and intended outcomes

The objectives of this planning proposal are to recognise the significance of the nine Modern Residential Flat Buildings in Potts Point, Rushcutters Bay and Elizabeth Bay by listing them as individual heritage items under Schedule 5, Part 1 of SLEP 2012.

3. Explanation of provisions

To achieve the proposed outcomes, this planning proposal includes a number of amendments to SLEP 2012.

3.1. Amendment 1 SLEP 2012 Heritage Schedule Amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 Environmental Heritage by inserting the following item as shown below in **Table 1.** Text to insert is shown as **bold underline**.

Table 1: Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items.

Locality	Item Name	Address	Property Description	Significance	Item no.
Potts Point	**Gateway**	**3 Wylde Street**	**Lot 1 DP 78034**	**Local**	**I2319**
Potts Point	**Gemini**	**40–44 Victoria Street**	**Lot 1 DP 205052, Lot 1 DP 916138, Portion 45 DP 2436, Portion 40 DP 2436, Lots 1-58 SP 11452**	**Local**	**I2320**
Elizabeth Bay	**St Ursula**	**5 Onslow Avenue**	**Lot 9 Sec 0 DP 15713**	**Local**	**I2321**
Elizabeth Bay	**Oceana**	**108 Elizabeth Bay Road**	**Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461**	**Local**	**I2322**

Locality	Item Name	Address	Property Description	Significance	Item no.
Elizabeth Bay	Ithaca Gardens	12 Ithaca Road	Lot A DP 155142, Lots 1-40 SP 5704	Local	I2323
Elizabeth Bay	Bayview	41–49 Roslyn Gardens	Lot 1 DP 71348, Lots 1-72 SP 3402, Lots 74-143 SP 3402, Lots 144-151 SP9225, Lot 1 DP 233118, Lot 1 DP 213376, Lot 100 DP 1275051	Local	I2324
Rushcutters Bay	Aquarius	50–58 Roslyn Gardens	Lot B DP 416095, Lot 2 DP 81859, Lots 1-117 SP 10872	Local	I2325
Rushcutters Bay	Roslyn Gardens	74-76 Roslyn Gardens	Lot A DP 71162, Lot B DP 71162, Lot C DP 71162, Lots 1–25 SP 10641	Local	I2326
Rushcutters Bay	1-5 Clement Street	1-5 Clement Street	Lot A DP 71162, Lot B DP 71162, Lot C DP 71162, Lots 1–25 SP 10641	Local	I2327

The name of each heritage item has been developed in accordance with the directions contained in the *Standard Instrument (Local Environmental Plans) Order 2006*, which require that an item name briefly describe those things that are part of its heritage significance.

The proposed items are described further in the supporting information contained in the Targeted Heritage Study included at **Appendix A1.** Draft inventory sheets for each building are included at **Appendix A2-A10**. The non-statutory heritage inventory sheets can continue to be updated as new information becomes available.

4. Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of any strategic study or report?

This planning proposal is the result of a Targeted Heritage Study prepared by Godden Mackay Logan (GML) in 2024. The targeted heritage study was driven by requests from current and former City of Sydney Councillors, community members and community groups to have the heritage significance of Modern (1945-1975) Residential Flat Buildings recognised through a local heritage listing.

In response, the City of Sydney engaged GML to independently assess the heritage significance and determine the potential for heritage listing of a targeted selection of Modern Residential Flat Buildings in the *Potts Point Heritage Conservation Area* (C51) and *Elizabeth and Rushcutters Bays Heritage Conservation Area* (C20) boundaries. The heritage study commenced in August 2024 and was finalised in November 2024. Detailed heritage assessments demonstrating the significance of each building are available in **Appendix A1** and draft inventory sheets for each building at **Appendix A2-A10**. Additional assessments for buildings not considered to meet the threshold for an individual listing are provided in **Appendix A11-A16.**

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection is best achieved through the identification of each building proposed for listing as local heritage items in an environmental planning instrument. The buildings proposed for heritage listing in each amendment currently have no statutory protection as individually listed heritage items on the SLEP 2012 or under the *NSW Heritage Act 1977*.

Progressing local heritage listings for each proposed heritage item will ensure that their local heritage significance is appropriately considered, respected and managed into the future. It will also ensure formal consultation with the landowners and broader community prior to any future change or development to the items. These outcomes are only achieved in the longer term through protection under Schedule 5, Part 1 of the SLEP 2012.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the Eastern Harbour City.

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure,

liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By listing each building on the SLEP 2012, this planning proposal will fulfill this objective.

Eastern City District Plan

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

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage Action 26 - Identify, conserve and enhance environmental heritage by:

> *(a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
>
> *(b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
>
> *(c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage of local centres and neighbourhoods. It notes that built heritage contributes to an area's sense of place, its distinctive character and diversity of built form and uses and brings people together.

By consulting with the community to consider amending and listing these items as having local heritage significance, this planning proposal will address the district plan by respecting the City of Sydney's diverse heritage and fostering great places to bring people together.

The proposed heritage listings have potential to enhance the character and distinct sense of place in Potts Point, Elizabeth Bay and Rushcutters Bay.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes.

Sustainable Sydney 2030 – 2050 Community Strategic Plan

The City of Sydney's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'

Local strategic planning statement

The City Plan 2036 Local Strategic Planning Statement was completed in March 2020. This statement is the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.

The planning proposal identifies nine new buildings as potential heritage items. It thereby facilitates their conservation and allows the current community and future generations to understand Potts Point, Elizabeth Bay and Rushcutters Bay's historical development.

The proposed heritage listings will ensure future development considers and respects the heritage significance of each building. It acknowledges the community's strong focus on heritage and aims to facilitate its ongoing protection and management.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 4 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict of hinder the application of the relevant state environmental planning policy.

Table 4: Consistency with State Environmental Planning Policies.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent - amendments in this planning proposal will continue to support the biodiversity and conservation in the local government area
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Central River City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Eastern Harbour City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Regional) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Western Parkland City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Primary Production) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.

State Environmental Planning Policy	Comment
SEPP (Resilience and Hazards) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP No 65 - Design Quality of Residential Flat Development	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) Amendment (Transport Oriented Development) 2024	Consistent - no amendments in this proposal will hinder the application of this SEPP.

Q6. Is the planning proposal consistent with applicable ministerial directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 5.

Table 5: Consistency of the planning proposal with ministerial directions**.**

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. No amendments in this proposal will hinder the implementation of Regional Plans
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. No amendment includes concurrence, consultation or referral provisions or identify any designated development.
1.4 Site Specific Provisions	Consistent – see discussion below.
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude a development standard from variation under clause 4.6
Focus area 1: Planning Systems – Place-based	
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable

Ministerial Direction	Comment
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
Focus area 2: Design and Place	No directions in place
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. Amendments in this planning proposal will continue to support the protection and conservation of environmentally sensitive areas in the local government area
3.2 Heritage Conservation	Consistent. Amendments in this planning proposal will support the conservation of items, areas, objects and places of environmental heritage significance in the local government area
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.2 Coastal Management	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.3 Planning for Bushfire Protection	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.4 Remediation of Contaminated Land	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction

Ministerial Direction	Comment
4.5 Acid Sulfate Soils	Consistent. Amendments in this planning proposal are proposed for land classified as Class 5 and will not hinder the implementation of this local planning direction
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.2 Reserving Land for Public Purposes	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.3 Development Near Regulated Airports and Defence Airfields	This planning proposal is consistent.
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Consistent. This planning proposal supports and aligns with this local planning direction, particularly objectives (a) and (b).
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to Schedule 5, Part 1 of SLEP 2012 will result in development creating any environmental effects that cannot be readily controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification and recognition of each heritage item and their significance will facilitate retention of physical, social, cultural and historic values that may have significance to the community. No changes to current zoning controls are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed listings will not generate an additional demand on infrastructure in the area.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

If required by the Gateway Determination, the Heritage Council of NSW will be consulted during the public exhibition period. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council of NSW standards.

5. Mapping

The Heritage Map tile HER_021 and HER_022 will be updated to shade in brown the location of the nine new heritage items. The heritage map extract in **Figure 19 and Figure 20** shows the boundaries of the proposed new heritage items.

Figure 19. Proposed heritage boundary for 3 Wylde Street, Potts Point (1), 40-44 Victoria Street, Potts Point (2), 5 Onslow Avenue, Elizabeth Bay (3) and 108 Elizabeth Bay Road, Elizabeth Bay (4), shaded in red on the SLEP 2012 Heritage Map tile HER_021.

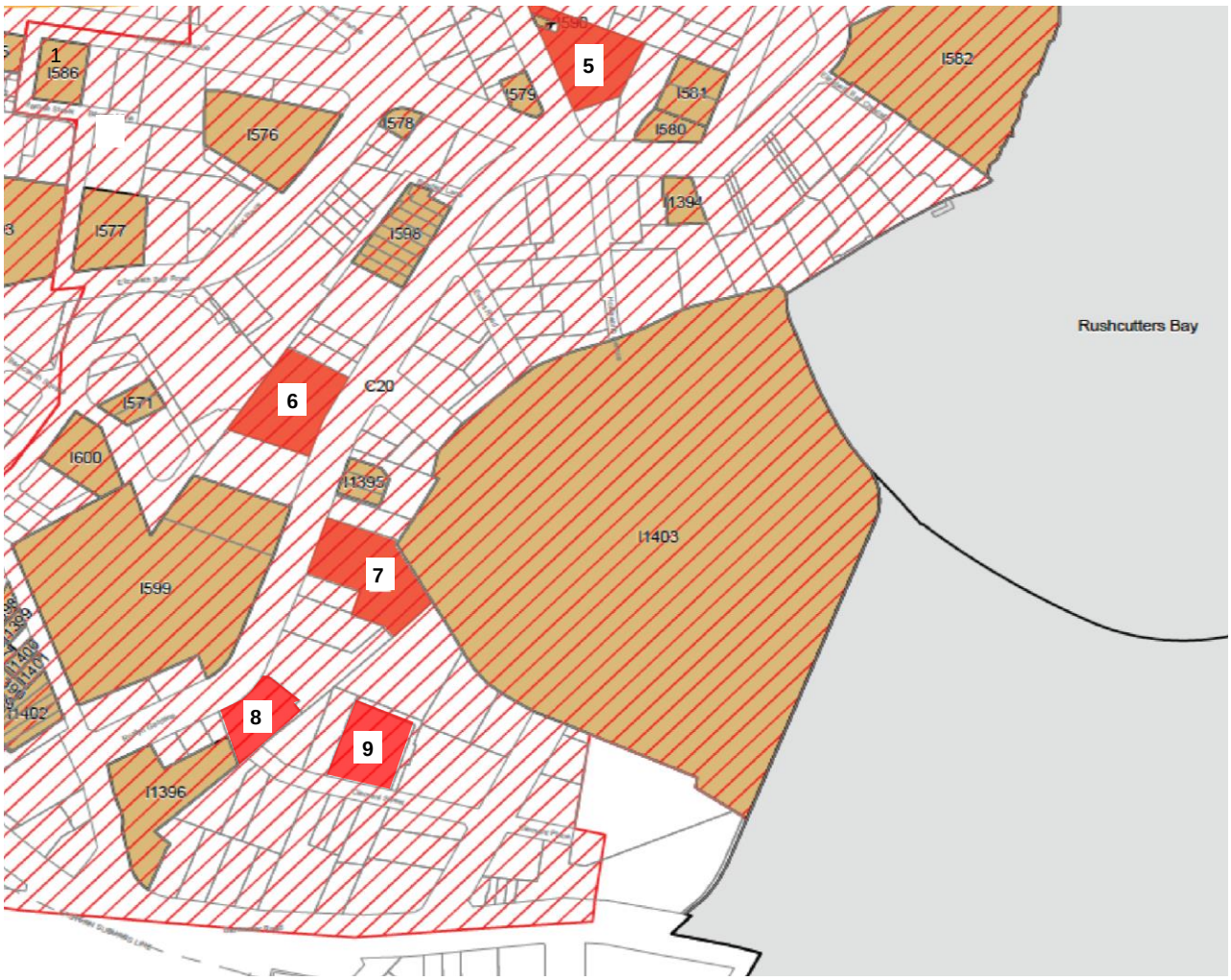

Figure 20. Proposed heritage boundary for 12 Ithaca Road, Elizabeth Bay (5) and 41-49 Roslyn Gardens, Elizabeth Bay (6), 50-58 Roslyn Gardens, Rushcutters Bay (7), 74-76 Roslyn Gardens, Rushcutters Bay (8) and 1-5 Clement Street, Rushcutters Bay (9) shaded in red in the SLEP 2012 Heritage Map tile HER_022.

6. Community consultation

5.1 Public Exhibition

This planning proposal shall be exhibited in accordance with the requirements of gateway determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated that public exhibition will be for a period of at least 20 working days, which is consistent with the *Environmental Planning and Assessment Act 1979* and the *Local Environmental Plan Making Guideline* prepared by the Department dated August 2023.

The public exhibition of the documents will be on the City of Sydney website and carried out in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the gateway determination.

7. Project timeline

The anticipated timeline for the completion of the planning proposal is as follows:

Stage	Timeframe
Gateway request	December 2024
Public exhibition & government agency consultation	April 2025
Consideration of submissions	June 2025
Post exhibition consideration of proposal	August 2025
Draft and finalise LEP	October 2025

Appendices

Appendix A1 Modern Residential Flat Buildings: Targeted Heritage Study (GML)

Appendix A2 Draft Inventory Sheet - 3 Wylde Street, Potts Point - Gateway

Appendix A3 Draft Inventory Sheet - 40–44 Victoria Street, Potts Point - Gemini

Appendix A4 Draft Inventory Sheet - 5 Onslow Avenue, Elizabeth Bay - St Ursula

Appendix A5 Draft Inventory Sheet - 108 Elizabeth Bay Road, Elizabeth Bay - Oceana

Appendix A6 Draft Inventory Sheet - 12 Ithaca Road, Elizabeth Bay - Ithaca Gardens

Appendix A7 Draft Inventory Sheet - 41–49 Roslyn Gardens, Elizabeth Bay - Bayview

Appendix t A8 Draft Inventory Sheet - 50–58 Roslyn Gardens, Rushcutters Bay – Aquarius

Appendix A9 Draft Inventory Sheet - 74-76 Roslyn Gardens, Rushcutters Bay - Roslyn Gardens

Appendix A10 Draft Inventory Sheet - 1-5 Clement Street, Rushcutters Bay

Appendix A11 Heritage Assessment - 15 Wylde Street, Potts Point - Denison

Appendix A12 Heritage Assessment - 100 Elizabeth Bay Road, Elizabeth Bay - International Lodge

Appendix A13 Heritage Assessment - 80 Elizabeth Bay Road, Elizabeth Bay - Bay Apartments

Appendix A14 Heritage Assessment - 19 Ithaca Road, Elizabeth Bay - The Reef

Appendix A15 Heritage Assessment - 85-91 Elizabeth Bay Road, Elizabeth Bay - Ercildoune

Appendix A16 Heritage Assessment - 51-59 Roslyn Gardens, Rushcutters Bay - The Tor

Attachment A1

Modern Residential Flat Buildings: Targeted Heritage Study (GML Heritage)

City of Sydney Modern Residential Flat Buildings

Targeted Heritage Study

Stage 2 Report

Prepared for City of Sydney Council

November 2024

GML HERITAGE

Acknowledgement of Country

We respect and acknowledge the First Nations of the lands and waterways on which we live and work, their rich cultural heritage and their deep connection to Country, and we acknowledge their Elders past and present. We are committed to truth-telling and to engaging with First Nations to support the protection of their culture and heritage. We strongly advocate social, cultural and political justice and support the Uluru Statement from the Heart.

Cultural warning

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.

Report register

The following report register documents the development of this report, in accordance with GML's Quality Management System.

Project	Issue No.	Notes/Description	Issue Date
24-0178	1	City of Sydney Modern Residential Flat Building Targeted Heritage Study Draft Report	October 2024
24-0178	2	City of Sydney Modern Residential Flat Building Targeted Heritage Study Final Report	November 2024

Quality management

The report has been reviewed and approved for issue in accordance with the GML quality management policy and procedures.

It aligns with best-practice heritage conservation and management, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013* and heritage and environmental legislation and guidelines relevant to the subject place.

Indigenous cultural and intellectual property

We acknowledge and respect the inherent rights and interests of the First Nations in Indigenous Cultural and Intellectual Property. We recognise that Aboriginal and Torres Strait Islander people have the right to be acknowledged and attributed for their contribution to knowledge but also respect their rights to confidentiality. We recognise our ongoing obligations to respect, protect and uphold the continuation of First Nations rights in the materials contributed as part of this project.

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Cover image

Southern elevation of Aquarius, 50–58 Roslyn Gardens, Rushcutters Bay. (Source: GML Heritage)

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Appendix A

Heritage Assessment Sheets for Individual Properties

1 Introduction

1.1 Background

City of Sydney Council (Council) engaged GML Heritage Pty Ltd (GML) to undertake a targeted heritage study of 18 modern residential flat buildings that are located within the Sydney Local Environmental Plan 2012 C20 Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA) and C51 Potts Point HCA.

The heritage study has comprised three stages:

- Stage 1: Preliminary research and assessment.
- Stage 2: Heritage significance assessment.
- Stage 3: Stakeholder consultation.

Of the 18 properties, three were excluded from further research in Stage 1. The location of all the properties and the extent of the study area is indicated below in Figure 1.1.

Figure 1.1 Map of Potts Point Heritage Conservation Area (HCA) and Elizabeth and Rushcutters Bays HCA showing 18 properties identified for this study. (Source: Nearmap 2024 with GML overlay)

The following table outlines the 18 properties that were identified by City of Sydney Council for this study with their architect and completion year.

Table 1.1 Properties identified by City of Sydney Council for this study.

No.	Name	Address	Architect	Year
1	Gateway	3 Wylde Street, Potts Point	Douglas Forsyth-Evans	1960
2	Denison	15 Wylde Street, Potts Point	Hugo Stossel & Associates	1965
3	Gemini	40–44 Victoria Street, Potts Point	Hugo Stossel & Associates	1961–1969
4	St Ursula	5 Onslow Avenue, Elizabeth Bay	Hugo Stossel	1954
5	Oceana	108 Elizabeth Bay Road, Elizabeth Bay	Theodore Fry	1961
6	International Lodge	100 Elizabeth Bay Road, Elizabeth Bay	Harry Seidler and Associates	1970
7	The Reef	19 Ithaca Road, Elizabeth Bay	Henry Divola and Associates	1967
8	Ithaca Gardens	12 Ithaca Road, Elizabeth Bay	Harry Seidler and Associates	1960
9	Bay Apartments	80 Elizabeth Bay Road, Elizabeth Bay	HP Oser, Fombertaux & Associates	1965
10	Ercildoune	85–91 Elizabeth Bay Road, Elizabeth Bay	Harry Seidler and Associates	1966
11	Bayview	41–49 Roslyn Gardens, Elizabeth Bay	Hugo Stossel & Associates	1961
12	The Tor	51–59 Roslyn Gardens, Rushcutters Bay	Hugo Stossel & Associates	1966
13	Aquarius	50–58 Roslyn Gardens, Rushcutters Bay	Harry Seidler and Associates	1965
14	Roslyn Gardens	74–76 Roslyn Gardens, Rushcutters Bay	Douglas Snelling	1964
15	1–5 Clement St	1–5 Clement Street, Rushcutters Bay	Ancher, Mortlock, Murray and Woolley	1975
16	Habitat formerly Mowbray	1 McDonald Street, Potts Point	Rudder Littlemore & Rudder	1964
17	Deepdene	110–110B Elizabeth Bay Road, Elizabeth Bay	Stuart Murray with Ancher, Mortlock Murray and Woolley	1970
18	Serendipity	3–5 St Neot Avenue, Potts Point	Ian McKay and Partners	1975

1.2 Scope of works

Key tasks for each stage of the heritage study included the following.

Stage 1: Preliminary research and assessment

Stage 1 includes preliminary assessments of 18 properties including:

- research the study area's postwar development, including an overview of its social and historical context;
- provide an overview of all buildings, including a brief preliminary condition assessment, outline of modifications and significance assessment;
- initial site visits (external) where required; and
- preparation of a shortlist of properties for progression to Stage 2.

Stage 2: Heritage significance assessment

Stage 2 includes detailed assessments of 15 properties including:

- historical research and an analysis of the extent of change (eg subdivision, alterations and additions to the building's form or context);
- site visits to the exteriors and interiors of buildings (where possible);
- physical analysis of each property;
- comparative analysis to determine whether the property is rare or representative;
- significance assessment based on the NSW Heritage Office's guidelines *Assessing Heritage Significance: Guidelines for Assessing Places and Objects against the Heritage Council of NSW Criteria* (2023);
- recommendations for the future management of the item; and
- preparation of inventory sheets for each property.

Stage 3: Community consultation

Stage 3 includes consultation with stakeholders and presentation of key findings during and after the public exhibition period.

1.3 Methodology

The approach, methodology, assessment procedures, criteria and recommendations of the report have been prepared in accordance with key statutory and best-practice guidelines and legislation, including (but not limited to) the Heritage Council of NSW's *Assessing Heritage Significance* (2023) and *The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance, 2013* (the Burra Charter).

1.4 Limitations

This heritage assessment was subject to the following limitations:

- Where internal inspections were not possible, properties were only inspected from the public domain or equivalent. In some instances, views from the public domain were limited.
- No assessment of social values was undertaken as part of this report process.
- The project did not include an assessment of archaeological or Aboriginal cultural values.

1.5 Authorship

This report was prepared by Linda Phung (Heritage Consultant), Shikha Swaroop (Senior Heritage Consultant), Leonie Masson (Associate and historian) and Rebecca Hawcroft (Head of Heritage Places) from GML, and Charles Pickett (independent historian).

1.6 Acknowledgements

We would like to acknowledge City of Sydney Council for providing background information, documentation and historical resources to assist in this project, in particular:

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- Tim Wise, Manager State Planning Projects.
- Matt Devine, Senior Specialist Planner Heritage.

2 Residential flat buildings in Potts Point and Elizabeth Bay 1945–1975

2.1 The City of Sydney

Potts Point and Elizabeth Bay were the areas in Sydney most associated with apartment living during the 1920s and 1930s. The City of Sydney hosted by some distance the most flats during those decades, yet it was not the most densely built with flats, because these were concentrated in the study area rather than throughout the local government area (LGA).

Between the completion of the Astor in 1923 and the Park Regis in 1968, few apartment buildings were constructed in Sydney's central business district (CBD) or in most of the inner suburbs within the City of Sydney. Flats were concentrated in 'the most thickly populated, and certainly the most noisily infested, square mile of the metropolis', Potts Point, Elizabeth Bay and Darlinghurst, popularly known collectively as Kings Cross, or simply 'the Cross'.[1]

Most of the statistical analysis which follows is based on Australian Census records of LGAs, especially the City of Sydney. For most of the twentieth century the City of Sydney LGA consisted of the CBD and the Rocks plus East Sydney, Potts Point, Elizabeth Bay, Darlinghurst, Pyrmont, Camperdown, Haymarket and the northern parts of Surry Hills and Paddington. The exceptional period was from 1949 to 1968, when much of South Sydney was added, including Glebe, Alexandria, Newtown, Redfern, Waterloo and the southern part of Paddington.

Of the suburbs added in 1949 only Glebe and Paddington hosted significant numbers of flats: 3,095 flats compared to the City of Sydney's 10,328. In addition, the Housing Commission of New South Wales built numerous flats at Surry Hills, Glebe and Waterloo during the 1950s and 1960s. These additions inflated the 1961 Census records.

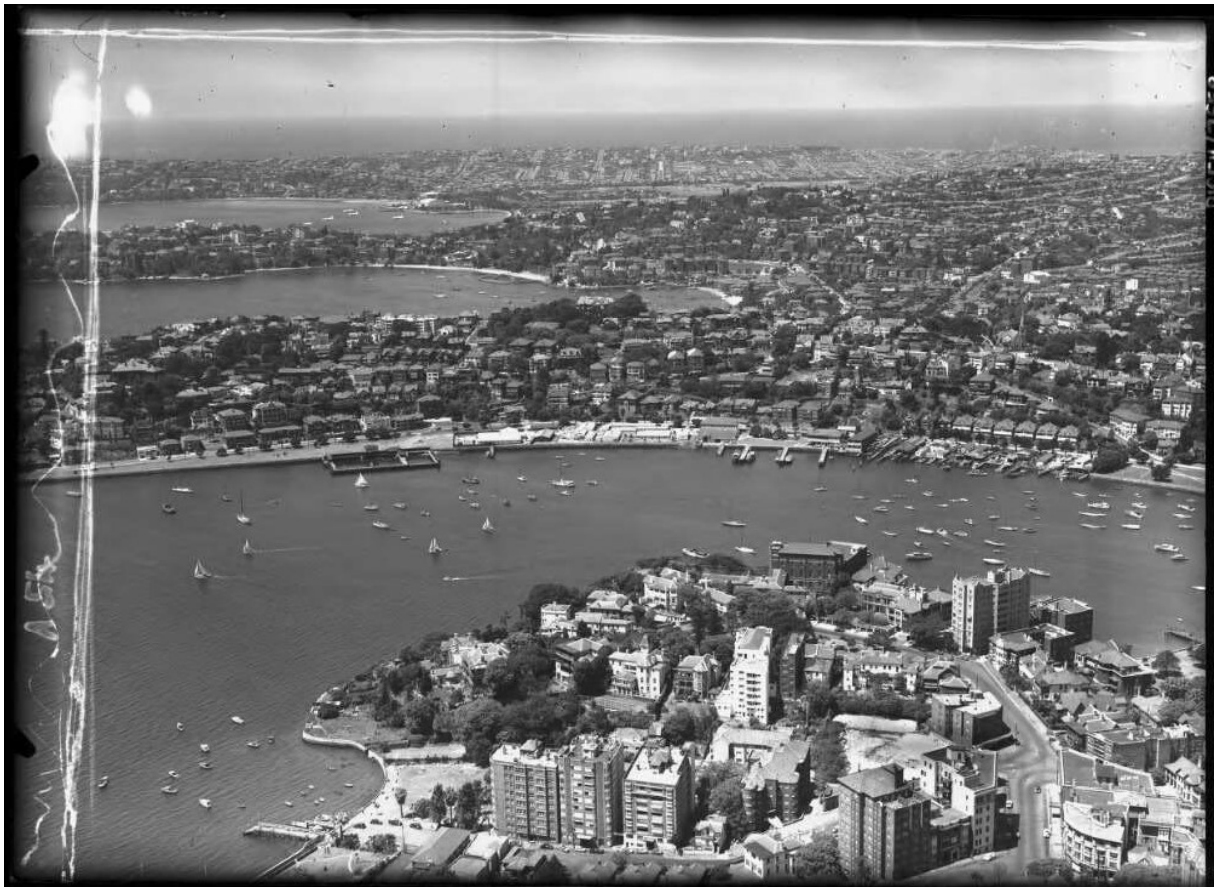

Figure 2.1 Looking east with Elizabeth Point and Elizabeth Bay in the foreground, Sydney. Photograph by Frank Hurley, pre-1962. (Source: NLA, http://nla.gov.au/nla.obj-160105877)

2.2 The postwar boom

In 1947 the City of Sydney was home to 7,937 self-contained flats; there were also 2,391 tenements, defined as dwellings with kitchens but shared bathing facilities. Combined these totalled 53.8 per cent of the LGA's 19,194 private dwellings, which also included 2,321 boarding house rooms.

Thanks to the expanded City council area, the City LGA's flat percentage fell markedly at the 1961 Census. The added areas brought many more private houses—25,665 in total—to the LGA; this total fell back to 7,493 in 1971, by which time the City of Sydney boasted many more flats than houses.

In 1961 the established flat areas of North Sydney, Woollahra and Waverley municipalities hosted similar numbers of flats but higher percentages, as their populations and total number of dwellings were less.

Percentage of flats to all private dwellings per LGA	1961	1971	1981
North Sydney	51.7	70.5	73.7
Sydney	27.1	67.2	64.8
Waverley	45.6	58.7	61.2
Woollahra	56.6	56.8	53.6
Manly	40.4	50.3	51.2
Randwick	32.1	50.0	51.2
Mosman	33.7	53.6	49.6
Ashfield	25.6	48.5	49.0

Succeeding decades saw the City of Sydney have the greatest increase of flats as a percentage of all dwellings: 37.7 per cent during the two decades from 1961. By 1971, with the City of Sydney returned to its smaller boundaries, flats formed two thirds of its dwellings; the number of private houses in the area declined considerably during these decades.

The other established flat areas had much smaller increases; Sydney was followed in this ranking by suburban flat booms at Randwick, Mosman, Ashfield, Canterbury, Lane Cove, Ryde and elsewhere.

2.3 Boom decade

Postwar flat building in the City of Sydney occurred in three phases:

1954 to 1961: 882 new flats in 50 new buildings were completed in the City of Sydney, eight per cent of the total.

Thanks to shortages of materials and labour, private building activity did not rebound from the wartime shutdown until the mid-1950s. The credit squeeze of the early 1960s slowed this mini boom.

1964 to 1974: During these 11 years 250 apartment buildings were completed in the LGA, a total of 5,450 new dwellings. This was the height of the boom.

1975 to 1984: Following the property crash of 1974 only 82 flat blocks were built during 1975 to 1984.

2.4 Titles

Strata title was legislated in 1961 in New South Wales (NSW). Seven of the apartment buildings in this study had strata plans registered before 1974, a higher proportion than in the City of Sydney overall, where only 78 strata plans were registered in this time.

An increase in strata plans took place from 1975, with 154 strata plans registered in the City of Sydney between 1975 and 1980. Five of the study buildings were converted from Torrens to strata title between 1976 and 1979, presumably the result of a new, 1973 version of the *Strata Titles Act* which addressed a failing of the 1961 Act, that home units were rated on the same basis as free-standing houses. The remainder continued as company-owned Torrens titles.

Nonetheless, individual ownership of flats increased substantially. Across Sydney individually owned flats increased from seven per cent of the total in 1947 to 20 per cent in 1961. This was despite the activities of the Housing Commission, Sydney's major builder of rental flats during the 1950s.

In the City of Sydney, flats with owners or purchasers increased from less than one per cent in 1947 to 18 per cent in 1971, 1,570 flats with owners or purchasers compared to 6,965 rented flats, although this was substantially less than NSW's 29 per cent of individually owned flats.

2.5 Owners and renters

The 1950s' increase in individually owned flats in the study area and across Sydney was partly due to wartime changes to rent control laws which effectively tied rents at their 1939 levels. As a result, many landlords retitled their buildings with companies as owners rather than individuals and sold flats as company shares to their tenants. Several apartment buildings in the study area were retitled including the Macleay Regis, the 10-floor 'King of Macleay Street'.[2]

Australia's largest apartment building when completed in 1939 the Macleay Regis was company titled in 1955:

> 'Eighty-nine flats in Macleay Regis, Macleay Street. Potts Point have been sold as home units for an undisclosed price. This is believed to be the largest home unit conversion of a block of flats so far in Australia. Most of the flats were bought by tenants and the rest by outside purchasers for their own use when present tenants leave'.[3]

Similar sales took place in prominent apartment buildings including Birtley Towers, the Wintergarden and Wychbury.

Although many of the company-titled flats were in older buildings, most of the new flats built during the 1950s and 1960s also accommodated renters. The NSW rent control laws were relaxed in 1954, and rental properties regained popularity with investors and landlords. The study area remained predominantly a rental area. Eight of the buildings of interest in the current study were built for rental rather than individual ownership.

Ercildoune

Ercildoune was constructed a site formally occupied by and named for an 1880s mansion converted to flats when purchased in 1958 by Ercildoune Gardens Pty Ltd. The property was sold the following year to Chevron Sydney Ltd, then constructing the Chevron Hotel at Macleay Street. The company's director stated that Chevron's 'plans were not final, but Ercildoune probably would be demolished and a building with more accommodation erected in its place'.[4]

Construction does not seem to have commenced until 1964, when the property was purchased by Horwitz Corporation. As completion approached, Ercildoune was offered as rental apartments:

> HARBOUR VIEW APARTMENTS FOR RENT. ERCILDOUNE
>
> 65 Elizabeth Bay Road. New building near completion. Transport at door and within easy reach of the city proper. Fully furnished and carpeted bed/sitting-room, separate kitchen, bathroom, automatic garbage disposal, press-button defrost refrigerator, elevator.
>
> SWIMMING POOL.
>
> 12 months' lease is available. References required. Rents from £1/1/10 to £15.[5]

In 1977 Ercildoune was strata titled and its apartments were offered for sale rather than rent. However as in other strata-titled buildings, individual owners and investors let many of these flats.

Figure 2.2 Ercildoune, owned by the Horwitz Corporation was constructed in 1964 as rental accommodation. (Source: GML 2024)

2.6 The tenants

The baby boom years of the 1950s and 1960s famously saw an increase in affluence, marriages, births and home ownership. By 1971 more than half of Australian households owned or were purchasing a home, but in the cities this statistic applied to houses rather than flats.

By 1971 only 13.5 per cent of metropolitan Sydney's 81,983 private houses were rented. In contrast, 64.3 per cent of the 114,332 privately owned flats were rented. A major reason for this discrepancy was the speedy formation of new households, which increased even faster than the population. In a rapidly growing economy most young people could afford to leave their parents' home well before they could afford a mortgage. The average age of flat-dwelling households plummeted.[6]

By 1971 almost 80 per cent (79.8%) of Sydney apartment tenants were younger than 35 years; the baby boomers had reached their 20s and 30s and were living the flat life. More than half of the under-35 household heads in Sydney lived in flats, but only 4 per cent of this group owned or were purchasing a flat. The new generation of flat dwellers was not only younger but more likely to be single and childless. Before 1945 the demographic profile of apartment and cottage dwellers was broadly similar; married

couples predominated in both residential formats. After 1945 a demographic split—a generation gap—emerged between cottage and flat.[7]

The most obvious architectural consequence in the study area was the profusion of bachelor flats in the postwar period. In 1947 2,125 of City of Sydney flats had only one or two rooms, 26 per cent of the total. By 1971 this number had increased to 4,376, 47 per cent of all flats.[8]

Bachelor flats emerged during the prewar decades, when they were widely regarded as an affordable escape from boarding houses and tenements. In the postwar world they were presented as glamourous and ambitious, as advertised for Victoria Towers (later named Gemini):

> **POTTS POINT: BACHELOR APARTMENTS FOR YOUNG EXECUTIVES…**Tastefully furnished Bed-sitting room with wall-to-wall carpet, concealed lighting, fully equipped bathroom, kitchen with electric stove, refrigerator, stainless steel sink, ample cupboard space. Also, elevator, automatic garbage disposal each floor and car park. Telephone. Rents: Remaining Apartments £11/11/ to £13 per week, fully furnished.[9]

'Business bachelors' and 'young marrieds' were also popular tenant descriptions.

The other significant flat tenant demographic was the overseas born, especially those from Europe, newly accepted in large numbers. In 1971 overseas born people formed 37 per cent of the City of Sydney's 62,470 population; Greece was by some way the most common birthplace of European arrivals, followed by Italy. Sydney's Greek community had been concentrated in the City of Sydney since the 1800s; Australia's first Greek Orthodox church was consecrated in Surry Hills in 1899, while the Greek Consul-General was located at Bayswater Road by 1930; the Jewish War Memorial Hall was nearby. In 1952 the All Nations Club opened to welcome new arrivals.

However, the 1971 figure represented a high point in the City of Sydney's postwar migrant population. The City's Greek Australian population was already in decline as this community began to disperse to suburbs in Sydney's inner south and west; a similar trend occurred among Italian Australians.[10] This movement suggests that the flat boom displaced at least as many new migrants as it attracted; the generally low economic and employment status of these communities was presumably a factor in this movement away from the study area.

Since the 1920s flats had rented for more than houses. New constructions with modern facilities and generally well located, flats were able to demand higher rents than many inner-city crumbling terrace houses. By 1971 the previously considerable gap had narrowed but City of Sydney weekly flat rentals averaged $24.48 compared to $21.03 for houses. Part of the appeal of flat living had long been newer and superior kitchen and bathroom facilities, an advantage still evident in 1971 when many Sydney houses remained unsewered.

Figure 2.3 David Moore's photograph of Deidre Gunner in her apartment in Gemini, commissioned for the publication *Living and Partly Living* (1971 p. 182).

2.7 The mecca

The Potts Point and Elizabeth Bay area have long been simultaneously magnets for nonconformists and creatives, conveniently located suburbs for workers, the wealthy and professionals as well as Sydney's main entertainment district. The area's residential density and apartment lifestyle, itself a signifier of difference and individuality for much of the twentieth century, has been crucial to these diverse roles.

The entertainment function overlapped with illegality and corruption; the 20s and 30s saw nightclubs, cafes and restaurants spring up but the onerous restrictions of the *Liquor Act* limited their appeal and forced them to deal with the sly-grog industry and corrupt police. At this time the district was primarily residential, featuring numerous boarding houses and flats offering cheap rents for writers and other 'bohemians', as recorded in Robin Dalton's memoir *Aunts Up the Cross.*[11]

The postwar period saw new forms of entertainment and social life appear. The 1940s advent of the modern espresso machine set off an 'espresso craze' in the Cross, aided by the influx of European born migrants. The same demographic also vastly increased the variety of dining experiences on offer.

The end of early hotel closing in 1955 allowed nightlife to boom as never before. In 1959 Abraham Saffron's Staccato Club became the first of many strip clubs lining Darlinghurst Road, although some nightclubs continued to offer entertainers and cabaret, notably Les Girls, founded in 1963.

The Cross became a drawcard for both Sydney suburbanites and for both domestic and International tourists, a development which peaked with the Vietnam R&R (rest and recreation) era from 1967 to 1971 when the Texas Tavern and the Bourbon & Beefsteak joined the restaurants and strip clubs. The sale of illegal drugs and sex formed the ugly background to this era while unlawful casinos also flourished, their addresses known to all except, apparently, the police.

Sydney's CBD fell behind the Cross as a tourist destination, its hotels out of date, its cinemas, theatres and department stores closing, replaced by a profusion of new office towers or vacant building sites. Simultaneously, a modern tourist infrastructure developed at the Cross with a succession of new hotels featuring a higher standard of design and amenity than their city rivals; the Chevron-Hilton, the Sebel Townhouse, the Top of the Cross, the Crest and the Gazebo opened during the 1960s.

The Top of the Cross and the Gazebo opened as motels, two of a dozen operating in the area by 1970 including two of the study buildings, Habitat and Aquarius, which for a time offered 'Motel Units and Serviced Apartments'.[12] With self-contained units, parking space, courtyards and pools, these city motels were aimed at visitors rather than travellers, offering weekly and longer rentals; several were later transformed into apartments or hotels.[13] The new hotels and motels brought cocktail bars and lounges to the Cross, more welcoming and stylish than the old-school pubs. At the same time locals resented that they replaced 'the little coffee shops, the corner deli, and the interesting little shops and specialty restaurants …. We've got enough sex shops to be going on and we are pretty well fixed for strip clubs and blue movies' one noted in 1973.[14]

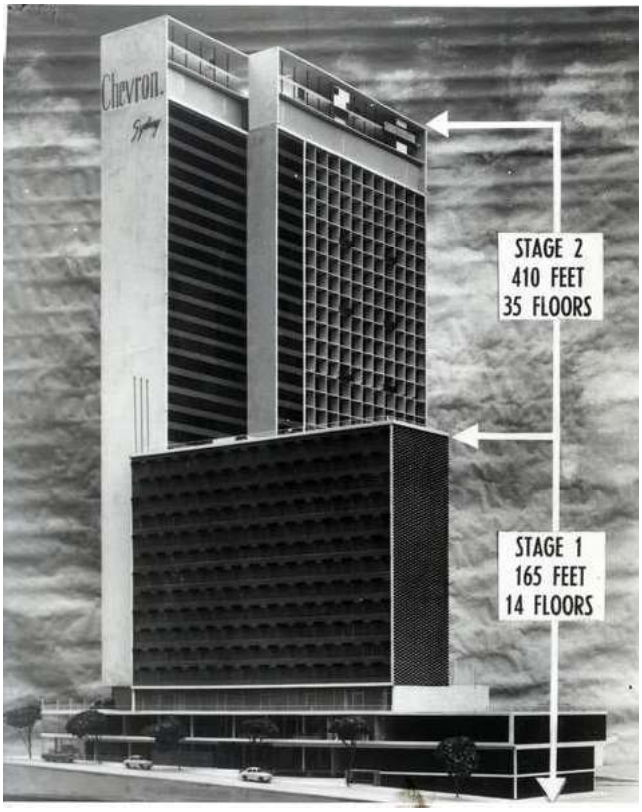

Figure 2.4 Prospective design for Chevron Hilton Hotel, Macleay St, Potts Point, NSW. Architect: Donald Crone & Assoc. published in Cross-Section, no. 98, Dec 1960. (Source: University of Melbourne)

Figure 2.5 Rennie Ellis's photograph "Generation Gap, Kings Cross 1970–1971." (Source: Rennieellis.com.au)

The tourist and nightlife precinct was mainly confined to a few streets near the William Street intersection and did not seriously threaten the residential appeal of the area or postwar investment in new and improved residential infrastructure. Potts Point and Elizabeth Bay in many ways formed a different world to 'the Cross' but the two worlds collided during the redevelopment of Victoria Street, a project driven by investors with interests in both residential and entertainment property.

Resident resistance to both forms of investment, especially where they threatened established low-cost housing, was answered with violence and thuggery; the postwar boom ended in acrimony and despair, signalling a pause in the district's headlong development and renewed focus on its life as a community rather than a destination. The 1960s had seen progress in this direction including the Village Centre café and shopping centre, the Reverend Ted Noffs' Wayside Chapel and the expansion and improvement of Fitzroy Gardens; the 1970s' completion of the Kings Cross Road tunnel and the Eastern Suburbs Railway were also significant.

The hotel boom peaked with the opening of Kingsgate in 1973; built on the former site of the Pink Pussycat strip club, the Kingsgate and the Kings Cross Centre coincided with a downturn in both the nightlife and property economies.

The postwar influx of young residents of diverse origins continued, adding a more varied nightlife and entertainment culture to the tawdry mainstream:

> The old people move tentatively in the great stream of youth that has discovered Kings Cross. Thousands and thousands of them, the bearded and the hippies, the mini-skirted and the studious, the runaways and the out-of-step, they have marched on the Cross with a determination to make it their headquarters, to find in it their Mecca…[15]

The commercial celebration of youth was evidenced in the musical Hair, running at the Metro Theatre for two years from 1969. More significant was the 1963 opening of Surf City in the venerable Kings Cross Theatre pioneering a succession of new music venues culminating in the Manzil Room; meanwhile, Club Castello became one of the first bars to openly welcome the area's gay community. In 1959 the Terry Clune Gallery opened on Macleay Street providing a focus and frequently a home for young artists; in 1970 it became the Yellow House. Next door was Patric and Christine Juillet's Le Café, best known of a new generation of fashionable and casual eateries, signifiers of a new sophistication.

2.8 Investors and developers

Sydney's postwar flat boom resembled that of the 1920s and 1930s in many respects, but there were also some novel factors at work, evident particularly in the financing and management of flat construction. As well as changes in the demographics of those renting or buying flats, demographic change was evident in the people designing, building and financing new flats.

Between the wars, building societies and credit unions loaned small amounts for building houses, but insufficient for apartment construction. Ownership of apartment buildings was largely restricted to wealthy individuals able to qualify for mortgages from trading banks and insurance companies. These people held the titles of many flat buildings, often living in one flat of their building and renting out the others. Many builders and investors formed themselves into limited companies so that they could attract capital via the sale of shares.

With the entry of the retail banks into home lending during the 1960s home buyers could access larger mortgages than those offered by credit unions and most building societies. This effect was increased by strata title; retail banks were willing to lend on a property with its own title, but reluctant to lend on a share in a company. Whereas rented flat buildings could take years to repay their capital costs, a strata-titled block offered quick returns when its flats were sold, allowing investors to move on to other projects.

This change encouraged the creation of companies managing the design, construction and marketing of apartment buildings. Many 'mum and dad' investors and small-scale builders entered the apartment industry during the postwar decades, but the large-scale end of the industry was dominated by a generation of new property companies.

Lend Lease

In most histories of Australian domestic architecture, the companies Civil & Civic and Lend Lease are identified as pioneers of corporate design and construction. This is true regarding the Lend Lease campaign for strata title in NSW; the 1961 legislation was drafted by a lawyer engaged by the company.

The high historical profile of Lend Lease is partly due to its association with Harry Seidler. As is well known, Seidler came to Sydney from the USA solely to design a house for his parents intending to return to his work with Marcel Breuer and other modernist notables. The public acclaim for Rose Seidler House and the resulting commissions persuaded him to stay, but despite his success Seidler was frustrated by an inability to secure backing for larger projects.

In 1951 Seidler's brother Marcell purchased land at Elizabeth Bay; Harry designed an apartment block for the site but was unable to finance the project until 1957 when Marcell proposed it to Lend Lease's founder and CEO Gerardus Jozef 'Dick' Dusseldorp, an engineer who had come to Australia from the Netherlands in 1951 to work on the Snowy Mountains project. Both Dusseldorp and 'well-known architect Mr Harry Seidler' were high-profile advocates for their projects, demonstrated by the *Australian Women's Weekly*'s competition for a unit in the new building.[16] As a result, Ithaca Gardens, like Blues Point Tower completed at McMahons Point in 1962, became one of the most-publicised apartment buildings ever built in Sydney.

Lend Lease's ambitions in the apartment industry were thwarted by the early 1960s credit squeeze: flats sold slowly at Blues Point Tower, one of the first strata-titled buildings in Sydney, and the company closed its Home Unit Display Centre at Circular Quay and avoided the flat market until 1968, then focusing on flats in the suburbs rather than the inner city. Harry Seidler quickly found other patrons for his flat designs which were prolific during the 1960s.

Figure 2.6 Dick Dusseldorp (right) with Dutch comedian Max Tailleir in a display centre in Sydney for various large home unit blocks being built by Lend Lease. 1959. (Source: NAA< A12111, 1/1959/23/10)

Arcos Industries

Australia was one of several nations to welcome refugees from fascism and antisemitism before and after the European war of 1939 to 1945. These included numerous artists, writers, designers and others who contributed greatly to Australian life and culture; among these were many architects and their patrons. Not every member of this vast diaspora was Jewish; among gentile refugees were Mies van der Rohe and Walter Gropius as well as Frederick Romberg, who migrated to Melbourne in 1938.

However, this forced influx of European talent and ambition was predominantly Jewish in faith and heritage. They included architects Hugo Stossel, Theodore Fry, Hans Peter Oser and Harry Seidler. The majority of the buildings in this study were designed by these four architects.

The patrons of these architects were similarly notable for their diaspora origins and connections.

Social and practical connections flourished among the new arrivals and Sydney's existing Jewish community; a new network of architects, designers, investors and clients formed with speed, collectively transforming Sydney's built environment.

Moses Eisner came to Australia from Poland in 1939; during the war most of his family were killed by the Nazis. An engineer, Eisner by 1945 had founded a steel welding company in Sydney called Arcos. Promoting the use of steel to solve the post war housing shortage, in 1946 Arcos constructed a series of demonstration prefabricated steel houses for the Housing Commission of NSW, designed by Hugo Stossel. During 1948 Stossel designed one of Australia's first modernist European influenced houses at Warrawee for Eisner and his wife Gisela. In 1955 Stossel and Eisner cooperated in the design and construction of a factory at Artarmon; the same year Eisner's company financed and constructed a block of 18 flats at Wolseley Road, Point Piper, designed by Theodore Fry, with the Eisner's themselves living in the penthouse.[17]

By this time Arcos had become a major construction company, gaining NSW government contracts including the construction of the Vales Point Power Station. In 1958 Eisner purchased a harbourside site at Elizabeth Bay, the following year retitling his property as Oceana Apartments Limited and raising capital by selling shares in the building and managing it on completion. Oceana was advertised as:

> 'Home units…. ARCHITECT DESIGNED, constructed by ARCOS INDUSTRIES. 208ft WATER FRONTAGE. SWIMMING POOL. All Units have NE aspects which cannot be built out. Oceana Apartments Limited remains Oceana's owner'.[18]

Arcos built more apartments during the 1960s but as concrete construction came to dominate, its focus moved primarily to civil engineering.

Parkes Developments

Paul Strasser studied law in Budapest and practised as a commercial lawyer. Hungary allied with Germany during the European War and was invaded by the Soviet Union in 1943; Strasser was deported as a forced labourer by the Soviets; despite many hardships he avoided the subsequent Nazi occupation of Hungary and transport to the death camps.

Strasser attempted to resume his legal career in Budapest after 1945 but migrated to Australia in 1948 with his wife and son. In Sydney Strasser abandoned the law, starting various businesses notably Parkes Developments Pty Ltd. Parkes built many apartments, aimed at different levels of the market. At the lower end was the suburb of Eastlakes, new streets of low-rise walk-ups built from 1961 onwards on a disused racecourse site.

However, Parkes also left a legacy of quality apartments, mostly designed by Hugo Stossel.

By 1970 Parkes was one of Australia's largest private companies, with the largest Sydney land holdings. Strasser's 1973 knighthood provoked controversy regarding his association with the NSW government of Robert Askin; Strasser was described as one of the 'Askin knights' or the 'Hungarian mafia'.[19] Worse was to come in 1977 when Parkes Developments collapsed into liquidation, the largest corporate victim of the 1970s property crash.

Horwitz Corporation

In 1921 Israel and Ruth Horwitz, who had migrated to Sydney from England, founded Horwitz Publications. Initially publishing trade and sporting journals, Horwitz became the most prolific Australian publisher, its output including comics and fiction as well as paperback novels—thrillers, romance, war, science, detective; Horwitz was a pioneer of pulp fiction, its Carter Brown paperbacks becoming international best sellers.

Stanley Horwitz worked for his parents' business from 1945, becoming director in 1956; he introduced major US publishers to the local market and worked successfully to gain independence for Australian publishers from their foreign competitors, who had held first rights to Australian authors. Stanley Horwitz also published illustrated books featuring Australian artists, designers and the local 'cultural vernacular'.

In 1954 Horwitz published the first study of Seidler's work, *Houses, interiors and projects: Harry Seidler*. At the same time Seidler was commissioned to design a new company headquarters, his first commercial project. Horwitz House on Sussex Street is notable for its three-floor façade of aluminium louvres designed to provide protection and control of light and heat. In 1973 Horwitz published the lavishly illustrated *Architecture for the new world: the work of Harry Seidler;* co-published in New York and Stuttgart this was the first international monograph featuring an Australian architect; the book features several of Seidler's projects in the current study.

By this time Stanley Horwitz was furthering Seidler's career in more immediate ways, forming Horwitz Corporation Pty Ltd to purchase property and commission Seidler to design apartments and other residential buildings. The success of this partnership is evident in the study area with Ercildoune and Gemini developed by the company.

Mainline Corporation

Mainline was founded in 1960 as an apartment builder by project manager and estimator Richard Baker and builder Laurie O'Neil. The new company was ambitious, employing high-profile architects on its suburban projects, and by 1965 was also constructing major CBD buildings including Gold Fields House and the Bridge Street AMP Centre. Mainline was one of Australia's major property and construction companies by 1971, building Denison, The Reef, Mowbray and others in the study area.

In 1974 a combination of soaring interest rates and declining property prices saw its major creditor ANZ Bank call for the appointment of a receiver. Mainline was liquidated with debts of $60 million, though its property holdings sold for more than $86 million when auctioned in 1975.

Sydney Fischer

The older guard of wealthy investors was still a force in the postwar world. Syd Fischer was one of these. Mostly remembered as Australia's most successful racing yachtsman, Fischer emerged from a tough Depression childhood in Marrickville, starting his building career enclosing verandahs to make an extra room for struggling families and their lodgers. With a sharp eye for undervalued property Fischer quickly moved through speculative houses into apartment investment and construction. Fischer purchased the Gateway site in 1956, about the same time that he discovered sailing and bought his first yacht. His Australian Development Corporation would later build the striking Gazebo Hotel.

2.9 The architects

In 1945 the architectural profession in Australia was peopled mainly by men whose family had been sufficiently wealthy to pay for their indenture—apprenticeship—to an established architect. Due to this narrow pathway most Australian architects were drawn from a privileged social sphere, attending the same few private schools and gaining qualifications from Sydney's only public architecture schools at Sydney Technical College and Sydney University.

Several Sydney architects travelled and worked in Europe and the United States (US) during the Depression years, yet architecture remained an insular profession in Sydney. The influx of a generation of European born and educated architects quickly diversified and upskilled the Australian profession, as occurred across the Western world, despite the refusal of architect registration to many qualified and practised applicants.

During the 1950s many first wave postwar migrant architects were joined by architects fleeing socialist regimes of central and eastern Europe. Many of these were Hungarian. Hungarian architects Gergely and Pinter and Frank Hoffer contributed significant buildings to the study area and firms like Hugo Stossel & Associates employed these younger graduates of Australian and European universities. Notable examples in the study area include Nado Milat working for Douglas Forsyth Evans on Gateway and Croatian architect Nino Sydney (Somogy) employed by Theo Fry.

Recent experience in Europe and elsewhere dramatically shortened the distance between architectural cultures and sped acceptance of new ideas and techniques.

Theodore Fry

Theodore Fry (1908–1968), architect of Oceana, was born Teodor Freiwillig in Poland. Fry studied design at the Lviv Polytechnic, escaping Poland in 1939 and travelling through several countries before arriving in Australia in 1948. Fry designed flats for Moses Eisner and others including the NSW Housing Commission. Fry's first project with Eisner was a block of 18 flats at 25 Wolseley Road Point Piper, designed in 1952. Apart from Oceana, his prominent apartment projects include Rushcutters Court (now Bayside), a 12-floor block at 85 New South Head Road, Edgecliff, and Orana, an eight-floor block at Rose Bay completed in 1963, owned and built by Arcos Industries.[20]

Fry employed Croatian architect Nino Sydney (Somogy) shortly after his arrival during the 1950s; Sydney worked with Fry on the Knoll Laboratories at Arncliffe, completed in 1968 shortly after Fry's death, with Sydney taking over the practice.

Hugo Stossel

Hugo Stossel (1905–2002) was born in Hungary but studied design in Rome and Vienna between 1926 and 1932 before working in Bucharest, Romania, designing theatres, apartments and commercial buildings. Stossel left Europe in 1939, spending most of the war in Sydney working for a construction company on government projects.

From 1946 Stossel designed a series of houses for fellow European emigres, as well as St Ursula (completed 1953), an apartment building on a vacant site adjacent to Elizabeth Bay House owned by Suzanne Sedgewick, a Jewish medical practitioner; in 1957 the property was titled to St Ursula Pty Ltd and remains so. From 1957 Stossel designed Broadwaters, for the new development company Civil & Civic. This was followed by numerous other apartment and commercial developments completed over the next decade, more than seven in the Elizabeth Bay area alone.

Stossel completed numerous other projects for Parkes, including Boomerang Apartments at 10 Barncleuth Square, Elizabeth Bay, and Parkes House, the company's Kent Street head office. Other projects in the study area include The Chimes apartments at Macleay Street and Denison at 15 Wylde Street. The 20-storey Eastbourne Tower (1968), Darling Point, cemented Hugo Stossel and Associates position as one of the major contributors to Sydney's burgeoning apartment scene.

Stossel formed H Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda's and the other partner's leadership.

Harry Seidler

The odyssey of Harry Seidler (1923–2006), child refugee from Austria to England, deportee to detainee and student in Canada to achievement in the USA and Australia is both remarkable and typical of the modern world of prejudice, displacement and migration. Seidler brought the uncompromisingly functional modernism of central Europe to Sydney, filtered via the US and Brazil: 'Flats of the future. Maximum of light; minimum of housework. Healthful in-and-outdoor living'.[21] No architect has had a greater impact on Sydney both in output and polemic, embodying the ambition and energy of his diaspora generation.

Sydney's natural gifts and surging population combined with its struggling, small-scale building industry presented Seidler and his contemporaries with vast opportunities; Sydney gained a new ambition and worldliness, resisted in many quarters but ultimately triumphant. The Sydney of 1975 was barely recognisable from that of 1945.

Oser Fombertaux

Hans Peter Oser (1913–1967), like Hugo Stossel, arrived in Sydney as an accomplished designer and architect. Born into a Viennese family of furniture and interior designers, he studied architecture at the Vienna Technical University; before and after his 1936 graduation Oser worked for the offices of Peter Behrens and Josef Hoffmann, supervising projects in Budapest and Paris.

Following the Nazi takeover of Austria, Oser migrated to Sydney with his wife Herta; he immediately found architectural employment, but this was terminated in 1941 when private building ceased. However, in 1944 Oser became chief architect of the newly formed Housing Commission of NSW. Moving into private practice in 1946 Oser established a glowing reputation for his modernist houses designed for prominent clients including fellow refugees restaurateur Walter Magnus and clothing manufacturer Frank Theeman.

Oser's architectural and social networks continued to provide opportunities following his 1960 partnership with Jean Fombertaux.

Born in Nice, Fombertaux spent much of his childhood in France's Asian colonies due to his father's role in the French Foreign Service before arriving in Australia in 1937. After working briefly for Samuel Lipson, Fombertaux studied architecture at Sydney Technical College; after graduating he travelled and worked abroad for almost a decade before partnering with Hans Peter Oser. As well as the Bay apartments, Oser Fombertaux designed at least three other small scale apartment blocks in the study area including 68-72 Roslyn Gardens, Elizabeth Bay, 51–57 Bayswater Road, Rushcutters Bay and the widely publicised bachelor flat block at 40 Bayswater Road, Potts Point.[22]

Fombertaux continued the practice following Oser's death in 1967. Fombertaux himself died in 1975 and the firm evolved into Fombertaux Rice Hanley.

Harry Divola

Harry Divola (1913–1970), born Henry Laurence Thomas Divola, studied architecture at Sydney Technical College, founding his own practice in 1938. During the Pacific War Divola enlisted in the Engineering Corps but had already established a sufficient reputation for his modernist small houses to be employed by the Australian Legion of Ex-Servicemen's Credit Union as 'a soldier-architect, Corporal H. Divola, to design model types of homes for ex-servicemen and their families'.[23] During the following decade Divola became one of Australia's best-known architects, his designs featuring regularly in *Truth* newspaper as well as the popular home-making magazines.[24]

From 1955 Divola concentrated on his own practice, designing hotels, clubs as well as less budget-conscious houses in Canberra as well as Sydney. Divola designed flats early in his career, but The Reef (19 Ithaca Road, Elizabeth Bay of 1966-1967) was a rare excursion into this field among his later work.

Rudder Littlemore & Rudder

In contrast to the postwar wave of younger modernists, the partnership founded by Roy Dyson Rudder (1897–1975) in 1925 was one of the longest-standing practices to design an apartment building in the study area. With founding partner Reginald Grout, Rudder & Grout became well-known during the 1930s for their hotel designs as well as the first modern public swimming pools built in Sydney, at Enfield, Bankstown, Granville and North Sydney.

In 1957 the practice gained international recognition for Qantas House, one of the first curtain wall office buildings completed in Australia, project architect Felix Tavener. By this time Reg Grout had been succeeded by David Littlemore, who went on to be part of the architectural triumvirate to complete the design of Sydney Opera House.

Rudder Littlemore & Rudder designed few apartment buildings but had recently designed the Astor Hotel-Motel at Woolloomooloo, the first of several up-market city motels the practice designed for the Astor chain. The Mowbray (1 McDonald Street, Potts Point of 1975) was a similar project, initially proposed as a private hotel, built as apartments but quickly renamed the Florida Motel Apartments, offering 'a variety of accommodation to suit the comfort of The Holidaymaker, The Honeymooners and The Businessman'. Flats were let nightly, weekly or longer.[25]

Douglas Forsyth Evans

An architect decidedly not of the establishment, Eric Douglas Forsyth Evans (1899–1968) first attracted attention in 1938 for his design of Marton Hall, a tower of 143 bachelor flats at Margaret Street, Wynyard.

During the following decade Evans became better known for his flamboyant lifestyle than his architecture, carousing with the writer Ion Idriess and other leading lights of Sydney 'bohemia'; a portrait of Evans by George Finey was awarded the 1945 Archibald Prize.

With an established pre-WW2 practice Evans recreated himself as a modernist in the post war years. The 1950s and 1960s were the most productive of Evans' career as perhaps Sydney's most prolific Sydney architect of apartment buildings. His designs include The Chilterns, Rose Bay, Glenhurst Gardens, Darling Point, Seven Seas, Kirribilli and Flight Deck, Collaroy,. His design for Gateway (1960) was commissioned by Syd Fischer, typical of the high-profile Sydneysiders who financed many of Evans' designs; similar projects included the Charles Hotel, Chatswood, for bookmaker Bill Waterhouse and the Caprice restaurant, Rose Bay for the nightclub promoter Jim Bendrodt.

Douglas Snelling

Born to a poor family in England, Douglas Snelling (1916–1985) migrated to New Zealand with his family in 1926. Handsome and personable, Snelling travelled to Los Angeles in 1937, where talents for illustration and self-promotion saw him employed by movie studios.

Snelling moved to Sydney in 1940 and worked as a publicist. His postwar career was financed by successive marriages to wealthy heiresses, initially in interior and furniture design, including a series of modern timber and webbing chairs and sofas. Imitative of contemporary Scandinavian design, the 'Snelling Line' was an immediate success in Australia and remains a collector favourite. On a second trip to Los Angeles, Snelling admired the West Coast architecture of John Lautner, Richard Neutra and others, influencing his work in Sydney when he began designing houses and shops from 1948, although he was not registered as an architect until 1952.

Snelling gained a similar prominence to Harry Seidler in 1950s Sydney, but in contrast his house designs were large and opulent, commissioned by his wealthy social set; a 1967 Vaucluse design (Tahiti) included Australia's first 'infinity pool'. Focused on houses, retail and office buildings, Snelling was involved in the design of only two apartment buildings; the 'King size bachelor flats' designed for rental at 74–76 Roslyn Gardens, Rushcutters Bay (1964) being his only fully designed apartment project.[26]

Snelling's professional and social standing declined during the 1970s. Despite his early success, never having participated in professional awards or publications, Douglas Snelling's architectural work was largely forgotten until recently.[27]

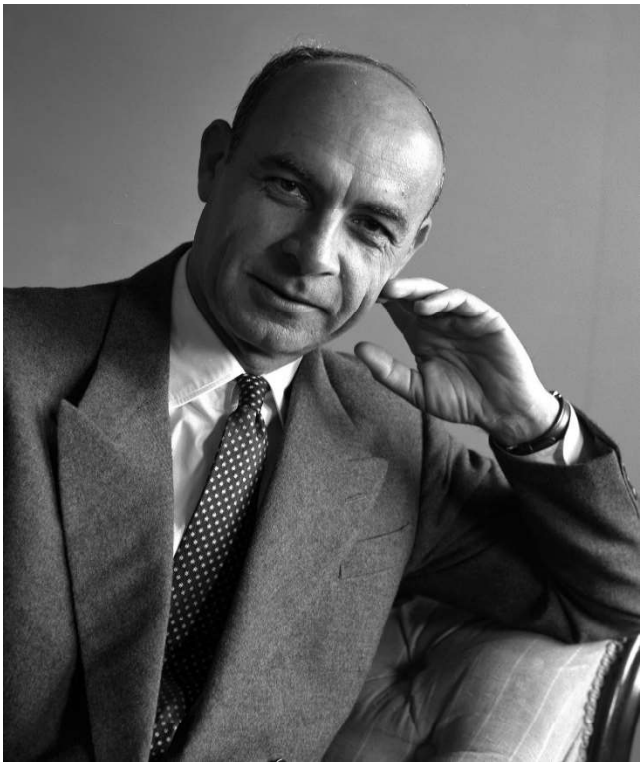

Figure 2.7 Hugo Stossel portrait by Max Dupain, c.1960. (Source: SLNSW)

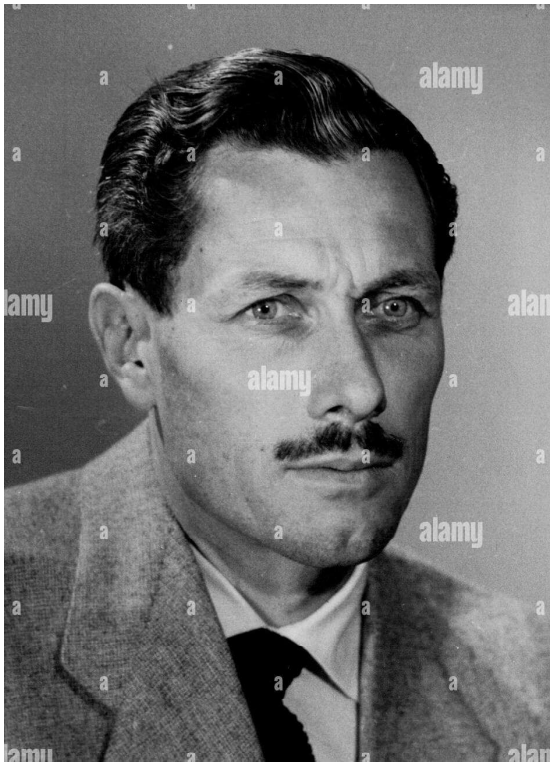

Figure 2.8 Mr. Douglas B. Snelling - Architect. August 26, 1954. (Photo by Bryan Douglas Cameron/Fairfax Media)

Figure 2.9 Chair and stool by Douglas Snelling, manufactured by Functional Products, Sydney, New South Wales, Australia, c. 1952, Powerhouse collection.

2.10 Apartment design

The first flat-specific building regulations in New South Wales were outlined in Ordinance 71, added to the *Local Government Act* in 1921.[28] Under Ordinance 71 a 'residential flat building' could not occupy more than half of its site unless it was of more than three storeys or had a flat roof, in which case it could occupy two thirds of the site.

However, residential flat buildings could be built to site boundaries in many areas, or only three feet (91.4 centimetres) from boundaries in a proclaimed residential district. This meant that many interwar examples were designed with complex building footprints and floor plans to maximise wall and window space while including light wells to provide some natural illumination and air. As most large blocks were built for affluent clients or tenants the flats often resembled houses with a formal division of interior space, often including a clear demarcation between the residents' spaces and those of the servants.

A new set of rules was legislated in 1940 as the *Local Government (Regulation of Flats) Act* (NSW), Schedule 7 of which legislated building setbacks from site boundaries as well as floor space ratios by which a building's maximum permissible footprint was calculated as a percentage of its total floor space.[29] The increasing potential size of apartment buildings was a factor in rules designed to prevent domination of their sites.

2.10.1 Tower and line

The linear form that characterised most Modern apartment design was formulated in the public housing commissioned by social democratic governments during the 1920s in Germany, the Netherlands and other European nations. The central innovation was the German Zeilenbau—row house—in which apartments of identical size and amenity were sited in lengthy rows ideally orientated north-south providing equal access to sunlight and air; as well as social democracy these designs were a response to the lung disease tuberculosis, then a major health scourge.

This era also transformed the interior design of apartments towards efficient and sociable use of space; the modern labour-saving kitchen was another innovation of this time.

In the postwar era these principles were magnified in a new generation of social housing, embodied by Le Corbusier's Unité d'habitation completed at Marseille, France, in 1952. First published in 1923, Le Corbusier's Toward a New Architecture advocated for a cities of towers, towns raised on piles and concrete houses. When fully expressed in his completed projects such as the Unité d'habitation he provided apartment forms with interlocking spaces running the width of the building and opening to both sides; balconies, windows and sunshades are patterned to form the façades while interior 'streets' provide access and sociability. Taller than most prewar apartments, the Unité was constructed and finished with site-cast concrete, its raw 'béton brut' announced a new architectural aesthetic.

Innovations in public housing found their way into the private market in Australia and elsewhere. Hugo Stossel's St Ursula (1952) and Aaron Bolot's Wylde Street apartments (1951) are adaptations of the Zeilenbau principle, composed of identical, sun-facing apartments.

This was true also of Harry Seidler's Ithaca Gardens (1960), where north-facing flats are accessed from the rear by galleries which each serve two floors of flats, creating visual and atmospheric access on both sides. This linear, interlocking format proved to be the most popular of the postwar boom in the study area and beyond.

Construction innovations sped completions and reduced budgets; notable were pre-cast concrete elements including whole floors lifted into place. Most of the study buildings feature concrete framing and floors, their façades composed of brick infill and aluminum framed windows and doors.

These innovations saw increasing numbers of apartment towers being built in the 1960s. Office and apartment towers had emerged in Chicago and New York early in the twentieth century but were slow to find acceptance elsewhere, constrained by height limits in most western cities. From 1950 the format found new popularity in public housing and influential private examples, notably Mies van der Rohe's Chicago Lake Shore Drive apartments. In Australia towers were less common in the private apartment market than linear blocks, despite their smaller footprint. Victoria Towers (1961–1969, later renamed Gemini) are the only study examples. Regulation of building heights in foreshore areas was a factor in this outcome, with more apartment towers constructed on Darling Point during this period.

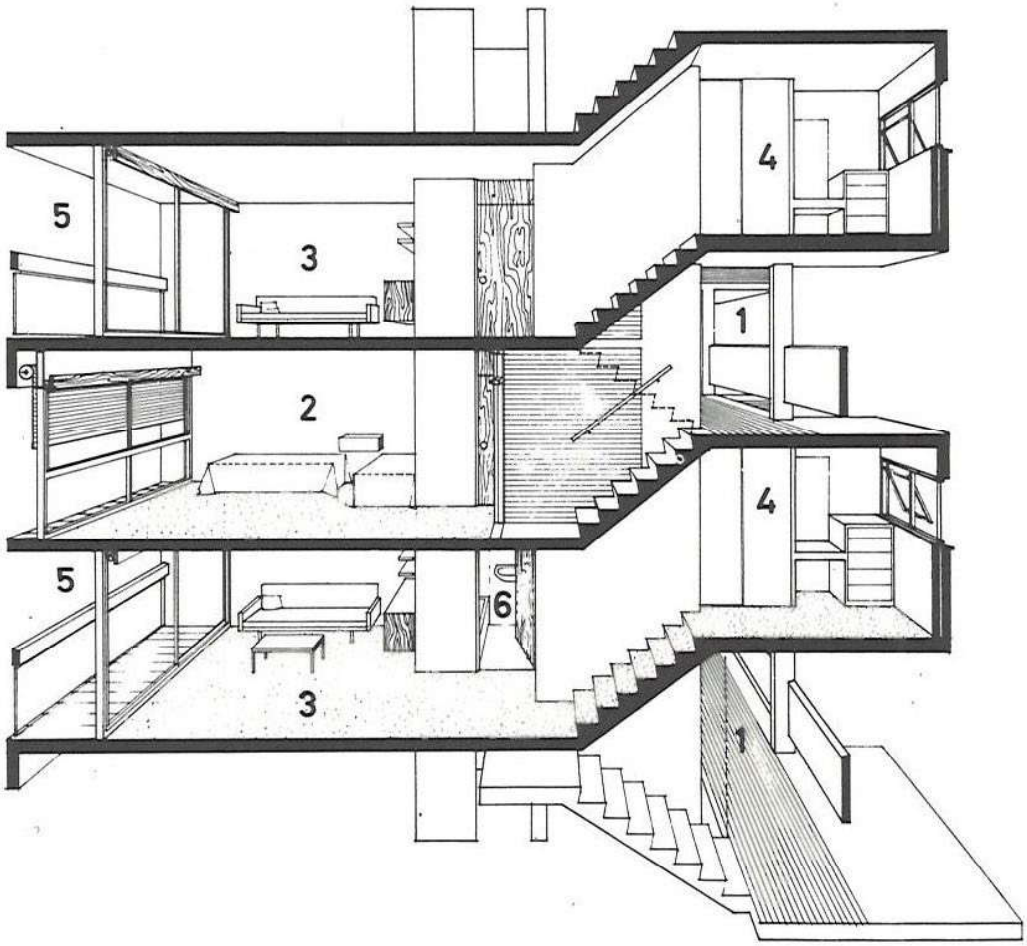

Figure 2.10 Harry Seidler's design for Aquarius seen in section where external circulation galleries serve two floors of flats and one-bedroom units alternate with studios. (Source: Living and Partly Living, 1971, p.186, copyright Harry Seidler & Associates)

2.11 Harbour views

Across the world the modernist ideal placed linear and tower forms in street-less landscaped settings. Despite Harry Seidler's attempt to create such a neighbourhood at McMahons Point, in Sydney this only occurred in public housing precincts with large scale clearing of the older neighbourhoods. In Potts Point and Elizabeth Bay the new buildings had to be located on existing allotments, conform to existing street layouts and townscapes, and most jostled for highly prized harbour views.

The tall flats built in the study area were not typical of those across Sydney; in 1981 only 4.3 per cent (45,389) of private dwellings were in flat buildings of four storeys or more. Walkups ruled across the suburbs and in 1976 the City of Sydney had the highest percentage of flats in buildings of four or more floors high—64 per cent, 10,960 flats.30

High-rise flats were concentrated in the harbourside LGAs of Sydney, Woollahra, Waverley, North Sydney and Manly partly because the price of land in these areas made the construction of low-rise flats or houses unprofitable. During the 1950s, Woollahra residents campaigned against the approval of new flat buildings potentially blocking views and access to the harbour at Darling Point.

In 1960 Cumberland County Council, then Sydney's peak planning authority, introduced an advisory code that waterside residential buildings should be the same measurement as their height from the high-water mark. However, councils found that they lacked the regulatory powers to enforce this, hence foreshore development continued largely unregulated during the 1960s.

However, councils did gain power from the County Council to declare Foreshore Scenic Protection Areas in which proposed buildings should not cause 'injury due to the obstruction of views to and from the harbour'.31 The City of Sydney declared one of these areas at Elizabeth Bay, limiting buildings in the area to 100 feet (30.5 metres) in height. Several building applications were rejected or modified as a result, including applications for 50 Roslyn Gardens (Aquarius) and 80 Elizabeth Bay Road (Bay Apartments), Elizabeth Bay. However, Oceana was approved and constructed before the new regulations took effect, remaining the sole direct waterside apartment building at Elizabeth Bay.

Figure 2.11 Oceana shortly after construction. (Source: File 11: [Architecture, miscellaneous, 1930–1964]/photographed by Max Dupain at SLNSW)

2.12 Harry Seidler and 'average expenditure buildings'

In a 1972 interview, Harry Seidler observed:

> I had to design average consumer-type buildings but I always tried to elevate them to the level of architecture … Economy is always used as an excuse for the dismal results, if we look around ourselves, for a square mile we see just dreariness and poor blocks of flats …

> I think that aim, to produce consumer-type buildings, average expenditure buildings and elevate them to the level of architecture, is really the greatest challenge.[32]

Evidence of this aim included the five buildings Seidler designed in the study area between 1960 and 1970, mostly consisting of bedsits and one-bedroom apartments.

Most harbourside apartments were designed for wealthy clients; by 1939 the neighbouring Municipality of Woollahra boasted the work of a who's who of Sydney architects, designing Sydney's largest flats for Sydney's wealthiest municipality. This monopoly of harbour views disappeared in the postwar years.

The 1950s' suburban growth attracted many critics, including the University of Sydney's Professor of Town Planning Denis Winston: 'the home has become a type of talisman, making it difficult socially, politically and even financially … to build any other than a three-bedroom textured brick bungalow, one and a half hours from the office with a picture window to frame the view of the "septic"'.[33]

The promoters of the postwar apartment boom repeated these arguments; Dick Dusseldorp of Lend Lease wanted 'a better means of accommodation for the "average guy" who wanted to live close to the city, or on a transport line, but who couldn't afford a house on the proverbial quarter-acre block'.[34] By 1961, 'new home unit projects were sprouting at all points around the Harbour – like asparagus beginning to emerge from its bed'.[35]

The group of five apartment buildings designed by Seidler in the current study represent a crucial moment in Seidler's career, as he moved from his first decade of small house designs towards apartments and city towers. As Morton Herman wrote in 1964: 'Harry Seidler has advanced from mere houses into the field of very big buildings. His blocks of flats and his city buildings have all the sureness of touch and architectural skill of his domestic work'.[36] Seidler was the most prominent architect in Sydney pursuing a late modernism that remained committed to high density tower forms. As seen in publications from the late 1960s such as *Living and Partly Living* (1971), younger Australian architects were focused on housing, townhouse forms and idealistic low scale town plans.

Significantly, Seidler argued for flat living as a weapon against suburban sprawl and a form of social democracy, seeing his buildings as demonstrations of these benefits. In 1991, responding to criticism of Blues Point Tower, Seidler summarised his case for inner city apartments:

> There was never any intention to make Blues Point Tower a luxury block … It's got eight-foot ceilings. They are humble small apartments. It didn't have marble floors or a concierge or waterfalls or any of that stuff. It was meant to be accessible to people of average means. It just has the best views in Australia.[37]

Seidler's apartments in the study area embody these principles.

Seidler's first apartment block, Ithaca Gardens, set the mould for its successors, with its balcony, window and sunshade-patterned façade plus interlocking split-level flats maximising exterior wall and window space. The projecting bedrooms at Aquarius (and Ercildoune) were designed in service of this aim, 'to achieve the best possible amenity for the flats, which is to face all main rooms of the eighty units towards the harbour coinciding with the desirable orientation of north-east. To achieve this, exterior wall space is at a premium and … has to be allocated for habitable rooms.'[38]

This was part of a long-running conflict between Seidler and a long-standing regulation that bathrooms should have direct ventilation from the exterior. Placing a bedroom on the side of the building facing away from the view meant that all living rooms could face the view while maintaining easy access to the split-level flats.

International Lodge and Victoria Towers (later renamed Gemini) are more orthodox, using tower formats and single-level apartments, although International Lodge is effectively two buildings—an eight-floor tower and a set of terraced apartments cascading towards the harbour. Victoria Towers make the most of a small site with four small bedsits per floor, orientating towards the eastern and western views.

Peter Blake wrote in 1973 that much of Seidler's work was in apartment housing, 'an area in which building costs have imposed severe limitations on space and thus on flexibility'.[39] Seidler's primary solution was to create variations in spatial arrangement which 'make them more liveable and much more interesting than the standard housing found in most modern cities'.[40] Within a few years Harry Seidler's career moved beyond these 'average expenditure' flats, expanding across every genre of public and private building including embassies, office towers, museums, shopping centres and hotels as well as more expansive private houses. A notable exception was the major Vienna social housing project Wohnpark Neue Donau (1993–1998), a spectacular return to his personal and architectural beginnings.

As with the contemporary era of architect-designed project homes, this brief flowering of innovative budget apartment modernism was largely left behind, with the buildings of this period in the study area surviving as an exemplar of progressive architecture.

Figure 2.12 Party in Victoria Towers (Gemini) by David Moore, commissioned for the publication Living and Partly Living: Housing in Australia (1971 p. 182).

2.13 Endnotes

1 Kenneth Slessor, 'A portrait of Sydney', *Bread and Wine,* Sydney, 1970, p 4.

2 'Macleay Regis: Sydney's great new block of flats', *Building: the magazine for the architect, builder, property owner and merchant*, 24 April 1939, p 17, Trove, National Library of Australia, viewed 1 October 2024, http://nla.gov.au/nla.obj-355989324.

3 *Sydney Morning Herald*, 9 July 1955, p 11.

4 *Sydney Morning Herald,* 23 December 1959, p 4.

5 *Sydney Morning Herald*, 25 September 1965, p 63.

6 Richard Cardew, *Flats: a study of occupants and locations,* University of Sydney, 1970.

7 Richard Cardew, 'Flats in Sydney: The thirty percent solution?', Jill Roe and others, *Twentieth Century Sydney, Sydney*, 1980.

8 The Census count includes bedrooms, living rooms and kitchens, but not bathrooms and other service spaces.

9 *Sydney Morning Herald*, 3 November 1962, p 62.

10 MT Daly, *Sydney boom Sydney bust: The city and its property market 1850-1981*, Sydney 1982, pp 179–185.

11 Robin Dalton, *Aunts Up the Cross*, Text Publishing, Melbourne, 2015 (first published 1965).

12 *Sydney Morning Herald*, 13 August 1965, p 24.

[13] Judith O'Callaghan and others, *Leisure Space: the transformation of Sydney 1945-1970*, Sydney, 2014.

[14] *Now*, 6 November 1973, p 8.

[15] April Hersey, 'The magnet of Kings Cross', *Walkabout*, July 1968, p 20.

[16] 'Win a £7500 home unit', *Australian Women's Weekly*, 12 August 1959, p 13.

[17] *Sydney Morning Herald*, 18 January 1955, p 11; 29 May 1956, p 11.

[18] *Sydney Morning Herald*, 28 November 1959, p 55.

[19] *NSW Parliamentary Debates*, 24 March 1977, p 5702.

[20] *Sydney Morning Herald*, 23 April 1963, p 19.

[21] *Building*, June 1951, p 55.

[22] 'New flats at Pott's Point. Standardisation to cut costs', *Building*, April 1959, p 84.

[23] 'Deferred-pay homes for returned men', *The Daily Telegraph*, 19 August 1945, p 9.

[24] *Daily Telegraph*, 19 August 1945, p 9.

[25] *Sydney Morning Herald*, 4 June 1970, p 35.

[26] *Sydney Morning Herald*, 14 December 1963.

[27] Davina Jackson's biography of Snelling Douglas Snelling: Pan-Pacific Modern Design and Architecture has greatly assisted in this return to prominence.

[28] 'Residential Flat Buildings', *NSW Government Gazette* 167, 11 November 1921, pp 6414–6418.

[29] *Sydney Morning Herald*, 17 May 1939, p 15.

[30] Thompson, *Sydney's flats*, pp 179, 182.

[31] Town Clerk, Sydney City Council to Bay Apartments Pty Ltd, 29 April 1963.

[32] Hazel de Berg, 'Interview with Harry Seidler', 13 January 1972, National Library of Australia.

[33] Denis Winston. 'The problem', *Architecture in Australia*, June 1962, p 56.

[34] Quoted in Lindie Clark, *Finding a common interest: Dick Dusseldorp and Lend Lease*, Melbourne, 2002, p 176.

[35] *Building, Lighting, Engineering*, January 1961, p 27.

[36] Morton Herman, 'Straight Lines', *The Bulletin*, 23 May 1964, p 47.

[37] *Sydney Morning Herald*, 18 May 1991, p 46.

[38] Seidler Associates to City Council, 16 July 1963.

[39] Peter Blake, *Architecture for the new world: The work of Harry Seidler*, Sydney 1973, p 18.

[40] Peter Blake, *Architecture for the new world: The work of Harry Seidler*, Sydney 1973, p 18.

3 Stage 1: Preliminary assessment

3.1 Findings

The preliminary assessment undertaken as part of Stage 1 of the project reviewed the 18 selected buildings, undertook a site analysis from the public domain and reviewed available plans and previous development applications in order to provide a preliminary condition assessment.

Research was also conducted to identify if the projects had been published in popular or architectural publications, or if they had received awards or were included in architectural summaries of the period or monographs of the relevant architect's work.

From this analysis, it was concluded that three projects, while potentially of significance, were stylistically different in design, period of construction or purpose as to be unsuitable for inclusion in the current study. These projects are listed in Table 3.1.

Table 3.1 Stage 1 properties not carried into the Stage 2 assessment phase.

Building	Address	Architect	Year
Habitat formerly Mowbray	1 McDonald Street, Potts Point	Rudder Littlemore & Rudder	1964
Serendipity	3–5 St Neot Avenue, Potts Point	Ian McKay and Partners	1974
Deepdene	110–110B Elizabeth Bay Road, Elizabeth Bay	Stuart Murray with Ancher, Mortlock Murray and Woolley	1970

This is not to say that these projects do not have heritage significance. For example, they could be considered as contributory items in the future.

Stage 2 has focused on the remaining 15 projects that have been taken through to a full assessment against the NSW Heritage criteria for assessing heritage significance.

4 Stage 2: Heritage assessment

The following tables outline the conclusions and recommendations from the Stage 2 heritage assessment process. The tables identify properties not considered to have met the threshold of local significance; properties which met the threshold of significance and are recommended for heritage listing under Schedule 5 of the City of Sydney LEP (2012).

An assessment sheet providing a detailed assessment of each property is enclosed in Appendix A.

Does not meet threshold for individual listing

The following six properties were assessed and based on the available information it was concluded that they did not satisfy the threshold of local significance under any of the criteria set out in the *Assessing Heritage Significance* guidelines.

These properties were generally found to have some historic and aesthetic significance and are considered to make a good contribution to their context. As identified in the recommendations, their contributory status should reviewed in the future, however they are not recommended to be listed under Schedule 5 of the City of Sydney LEP (2012).

Table 4.1 Stage 2 properties not recommended for heritage listing on the City of Sydney LEP.

Name	Address	Architect	Year
Denison	15 Wylde Street, Potts Point	Hugo Stossel & Associates	1965
International Lodge	100 Elizabeth Bay Road, Elizabeth Bay	Harry Seidler and Associates	1970
The Reef	19 Ithaca Road, Elizabeth Bay	Henry Divola and Associates	1967
Bay Apartments	80 Elizabeth Bay Road, Elizabeth Bay	HP Oser, Fombertaux & Associates	1965
Ercildoune	85–91 Elizabeth Bay Road, Elizabeth Bay	Harry Seidler and Associates	1966
The Tor	51–59 Roslyn Gardens, Rushcutters Bay	Hugo Stossel & Associates	1966

Meets threshold for listing

The following nine properties met the threshold of local significance, satisfying at least one of the criteria set out in the *Assessing Heritage Significance* (2023) guidelines and are recommended to be listed under Schedule 5 of the City of Sydney LEP 2012.

Table 4.2 Stage 2 properties recommended for heritage listing on the City of Sydney LEP.

Name	Address	Architect	Year
Gateway	3 Wylde Street, Potts Point	Douglas Forsyth-Evans	1960
Gemini	40–44 Victoria Street, Potts Point	Harry Seidler and Associates	1961–1969
St Ursula	5 Onslow Avenue, Elizabeth Bay	Hugo Stossel	1954
Oceana	108 Elizabeth Bay Road, Elizabeth Bay	Theodore Fry	1961
Ithaca Gardens	12 Ithaca Road, Elizabeth Bay	Harry Seidler and Associates	1960
Bayview	41–49 Roslyn Gardens, Elizabeth Bay	Hugo Stossel & Associates	1961
Aquarius	50–58 Roslyn Gardens, Rushcutters Bay	Harry Seidler and Associates	1965
Roslyn Gardens	74–76 Roslyn Gardens, Rushcutters Bay	Douglas Snelling	1964
1–5 Clement St	1–5 Clement Street, Rushcutters Bay	Ancher, Mortlock, Murray and Woolley	1975

5 Appendices

Appendix A

Heritage Assessment Sheets for Individual Properties

Attachment A2

Draft Inventory Sheet - 3 Wylde Street, Potts Point - Gateway

Name	The Gateway		
Address	3 Wylde Street, Potts Point	Lot number	Lot 1 DP 78034
Architect	Douglas Forsyth Evans & Associates	Construction date	c1959–1960
Builder	Sydney Fischer		
Listings	Sydney Local Environmental Plan 2012: Within the Potts Point Heritage Conservation Area (C51), identified as detracting on the Sydney Development Control Plan building contributions map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The rocky ridge that extended inland from Potts Point was called Eastern or Woolloomooloo Hill from the early days of white settlement. The earliest grant of land on Woolloomooloo Hill was made to Judge-Advocate John Wylde in 1822. In 1828 Governor Darling ordered the subdivision of Woolloomooloo Hill into suitable 'town allotments' for large residences and extensive gardens. He then issued 'deeds of grant' to select members of colonial society (in particular, his senior civil servants). The first seven grants were issued in 1828, and the other allotments were formally granted in 1831 including land granted to Judge-Advocate John Wylde (after whom Wylde Street is named).

Joseph Hyde Potts purchased land from John Wylde in 1830 and named the area Potts Point.

The subject site was at one time part of the grounds of Bomera, a large house constructed in 1856 by William McQuade that is currently owned by the Royal Australian Navy on Commonwealth land. The land had various owners until 1956 when it was purchased by the developer and builder Sydney Fischer.

In February 1948 Council granted interim development permission to Mandalay Pty Ltd to erect a block of residential flats on the subject site. However, construction did not go ahead and Fischer filed a new application in September 1955. One month later development permission was granted in October 1955 under the County of Cumberland Planning Scheme Ordinance to erect a block of flats (home units) on the site.

Sydney Fischer commissioned architect Douglas Forsyth Evans to develop a new design for a residential building of studio apartments on the steep and challenging site. On 5 June 1957 Douglas Forsyth Evans wrote to Council requesting preliminary approval for a proposed design, noting as follows: 'The flats have been carefully designed and considered so that the finished layout will be of a high standard of living units'.[2] (These plans are held in the City of Sydney archives but not the final plans.)

Sydney Fischer later lodged an amended application providing for the proposed building to have basement and sub-basement floors to be used for the parking only of motor cars belonging to the occupants of the residential flats. Various small additional land parcels were also purchased

1 City of Sydney 2013, 'Aboriginal People and Place'.

2 Letter to City of Sydney, DA 908/57 file.

by Fischer to make the development viable. Following the change of ownership of the vacant site to Sydney Fischer, development permission under the County of Cumberland Planning Scheme

Ordinance was granted in November 1957 to erect a building of approximately 100ft by 170ft; a block of studio or one-bedroom flats (home units) with provision for carparking facilities in the basement and lower basement for building residents.

The Gateway was built by Sydney Fischer's construction company Australian Development Corporation, which was responsible for the construction of several residential apartment

buildings at the time including Bridgewater at 22 Waruda Street, Kirribilli. The journal *Building Lighting and Engineering* on 24 April 1958 noted lift-slab construction had been introduced into Australia the year before and was being applied in several buildings to speed up construction times with The Gateway one example cited.[3]

The building was completed by the end of 1958. The ambitious structure with concrete slabs on steel piers was engineered by Peter Owen Miller (1922–2013) of Miller Milston & Ferris. This included steel wind bracing exposed at the basement level. Miller was instrumental in pioneering lift-slab construction in Australia, and in the design of many notable buildings in Sydney and Canberra.

Eric Douglas Forsyth Evans

The following is extracted and edited from the entry on Forsyth Evans in the *Encyclopedia of Australian Architecture*:

> Eric Douglas Forsyth Evans (1899–1968) was born in Rooty Hill, Sydney NSW. He trained under architect Varney Parkes and registered as an architect in 1923. His early works include house additions and walk-up apartment blocks which were largely undistinguished. This first notable work was the Rialto Cinema, Ryde (1932, now demolished). Marton Hall (1938, now demolished), a flat building in Wynyard designed by Evans in the 'Moderne' style, received attention from the architectural and social press for its stylish design and height.
>
> Forsyth Evans was prolific in the postwar period and designed several prominent flat buildings in Sydney. These include The Chilterns, Rose Bay (1953), which was inspired by Corbusier's incorporation of piloti and glazed walls; Seven Seas, Kirribilli (1958), one of the first 'slab' format flat blocks in Australia; and the luxurious Glenhurst Gardens (1959), one of the first in Sydney constructed using lift-slab concrete floors.
>
> While Forsyth Evans fell out of favour with the Royal Australian Institute of Architects over fees, he continued to attract various prominent Sydneysiders as investors due to his flamboyant lifestyle and social connections. He designed the Caprice restaurant, Rose Bay (1959), for restaurateur Jim Bendrodt; and Hotel Charles, Chatswood (1958), for the Waterhouse bookmaking family. He designed an Adventist church in Epping, NSW in 1961.
>
> The Chilterns, Rose Bay (1953), is the only building by Forsyth Evans that is heritage listed (Woollahra Local Environmental Plan 1995) and on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.[4]

It is noted that The Gateway was designed in 1956–1958 when Douglas Forsyth Evans & Associates were completing multiple large projects and hence the office would have employed numerous architects. The preliminary drawings for The Gateway of 1957 are signed by Nado Milat (Nadomir Ivan Milat), an architect of note in his own right who graduated from Sydney University in 1955 and registered in NSW in the same year, his application for registration signed by Forsyth Evans. Another notable architect working in the company and linked to the

design of The Gateway is Polish-born Tony Schmaehling (later of Schmaehling Boys and Vickery).

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3 *Building Lighting and Engineering*, 24 April 1958, p 77.

4 Edited by Phillip Goad and Julie Willis, *The Encyclopedia of Australian Architecture*, Cambridge University Press, Victoria, p 238.

Historical overview

Sydney Fischer

Sydney Fischer (1927–2023) was a businessman, property developer and Australia's most decorated yachtsman. Fischer starting his building career enclosing verandahs to make an extra room for struggling families and their lodgers in the 1930s. With a sharp eye for acquiring undervalued property, he rode the home unit boom of the 1960s and 1970s amassing the capital reserves that would help make his Australian Development Corporation (ADC) into a highly profitable private company. Fischer purchased the Gateway site about the same time that he discovered sailing and bought his first yacht. Fischer self-funded five America's Cup

campaigns and competed in 47 Sydney to Hobart yacht races, many in his famous yacht *Ragamuffin*. ADC would later build the striking Gazebo Hotel in Kings Cross. Built and operated

by ADC in the late 1960s as a 200-room hotel it was later converted by Fischer's company to apartments. His initial design concept of a circular concrete and steel exoskeleton survives as evidence of his faith in his own ability as a builder and willingness to take risks.[5]

Description

A site inspection, including the interior of one unit (No. 17) and communal areas, was undertaken on 3 October 2024. The physical assessment is based on this and other available documentation.

Setting and context

The Gateway is located on the western side of Wylde Street at its northernmost tip before it falls steeply to Cowper Wharf Roadway. The topography of the area is undulating and the land slopes steeply from the site down to the harbour to the north and east of the site. The Gateway is situated at an elevated position on this promontory with wide views to the north, east and west.

The building is within the Potts Point Heritage Conservation Area. The immediate vicinity of the site is characterised by two-storey detached dwellings from the Victorian period of a small scale located to the north along the lower parts of the slope, interwar flat buildings and multistorey postwar and contemporary apartments that are comparable in scale to the east and south. The Gateway has a distinct and prominent streetscape presence due to its position at the end of the peninsula on Wylde Street.

Physical description

The Gateway flat building consists of eight storeys—one floor of carparking and seven storeys of residences originally containing 35 units and 16 garages. The building is on an irregular shaped lot and the land is undulating, resulting in a unique, elongated and faceted building form.

The Gateway is constructed of a steel frame of supporting piers with reinforced concrete floor slabs and red textured face brickwork external walls. Its construction used the lift-slab technique (floor plates cast on existing slabs then raised into position on steel columns) and it was one of the earliest buildings in Australia to utilise this construction method. The concrete slabs are exposed and project horizontally along the elevations, beyond the floor plate, at each level.

The eastern elevation facing Wylde Street has a consistent rhythmic pattern of projecting slabs, and balconies with timber-framed openings. The windows are grouped together with vertical rows of fixed and transom windows with light blue panels to the bottom. The doors leading to the balconies are surrounded with fixed fanlight windows to the top and a large, fixed window to its side. The balconies have a metal balustrade with curved corners and this is consistent throughout the building, a recent sympathetic replacement of the original. The eastern elevation also has a vertically proportioned projecting bay, which houses the stairwell. The bay contains a vertical row of timber-framed windows with fixed yellow tinted frosted glass panes and yellow solid panels at floor slabs.

The rear elevation has a similar pattern of fenestration. The balconies to the rear elevation are trapezoidal in shape. There is an ambulatory along the rear that provides access to the

[5] Syd Fischer obituary, *Sydney Morning Herald*, February 2023 (https://www.smh.com.au/national/i-don-t-want-to-be-poor-sydney-to-hobart-veteran-and-developer-played-tough-20230227-p5cnuh.html)

Description

apartments. Garages are located at ground level with aluminium roller shutters, some of which were added later. The Y-shaped steel frame of the wind bracing is exposed at the basement level, now encased in a fire rated coating.

The entryway is marked by an angled concrete hood, with cast concrete 'THE GATEWAY' lettering, supported on slender steel columns. The drive entry is paved in stone crazy paving. The main façade at the entry is faced in sawn sandstone with a distinctive mural etched into the stone. Designed by German-born sculptor Kurt Norden, it depicts Aboriginal people, animals and landscape elements including city buildings and The Gateway itself. The mural extends into the lobby area, which has dark polished exposed aggregate concrete floor and timber panelling. The lift is original and the stairwell retains its original simple metal balustrade.

In plan, the apartments are distributed off the lift stair lobby or along a semi-open ambulatory located along the rear elevation of the building. The units have an irregular plan due to the shape of the building. There are generally five units per floor with two-bedroom units located at either end of the ambulatory and a one-bedroom unit located along it. The westernmost apartment is a one-bedroom unit. Units on level 3 at the western end have been amalgamated into a single unit and unit 15 on the ground floor, adjacent to the lobby, is a studio. The units are planned such that the bedrooms and living rooms have floor-to-ceiling fenestration, maximising views, light and ventilation. The bathrooms and kitchens are located along either the corridors or the lesser façades.

Unit 17, which was inspected during the site visit, has a contemporary bathroom and kitchen fitout. Photographs on real estate websites show that some internal units have original pastel shade bathrooms and parquetry flooring.

Landscaping

The site is highly constrained and all areas are hard landscaped with very little planting.

Modifications/integrity

Council records after 2001 indicate the following:

D/2008/1532 was approved in 2008 for internal modifications and layout changes to Unit 74.

DA/2004/846, lodged in 2004, proposed the replacement of the existing balustrade with BCA compliant balustrades and associated waterproofing to balconies.

D/2001/528/A was lodged in 2001 for internal alterations to a unit.

Condition

Overall, the building is in good condition but there are water ingress issues in several areas related to the projecting slabs and failing Alcor flashing and mastic seals.

Galvanised steel downpipes require replacement and re-lining.

Wiring is generally not located within the brick cavity and requires replacement.

Some timber windows require replacement.

Comparative analysis

The Gateway can be compared with other major apartment designs by Douglas Forsyth Evans including The Chilterns, Rose Bay (1953—item I320 under Woollahra Local Environmental Plan 2014); Seven Seas, Kirribilli (1958); and Glenhurst Gardens, Darling Point (1959).

The Chilterns was designed in partnership with engineer Peter Miller (who also worked on several Harry Seidler buildings and The Gateway) to incorporate new construction techniques employing reinforced concrete with lightweight infill walls supported on pilotis, and is now considered a benchmark site in the introduction of this new construction form. The Gateway, being an early and large-scale use of lift-slab building technology, can be seen to have been innovative.

The Gateway also shares characteristics with two other large apartment projects designed by Forsyth Evans in this period: Seven Seas and Glenhurst Gardens. Both are located on elevated sites with views to the harbour. In both projects Forsyth Evans utilised linear planning with open gallery circulation located away from the main elevation. The units in both apartment complexes

have long rows of aluminium-framed windows—transom and fixed pane—and balconies that allow light, ventilation and direct views to the harbour.

Glenhurst Gardens, constructed a year later than The Gateway, was also a lift-slab construction. Externally, both buildings feature face brickwork, projecting concrete floor slabs, and large areas of glazing with fixed and transom windows and balconies along the elevations facing the harbour, and a vertically expressed projecting bay that houses the stairwell. At the time of its construction Glenhurst Gardens was one of the largest apartment buildings completed in Australia. Marketed as offering luxury apartments and located within established gardens it can be seen as a more prominent project, without the structural and site issues faced by The Gateway.

The entryway sequence of Gateway is considered particularly noteworthy with angled concrete hood, cast concrete lettering, stone crazy paving, and distinctive Kurt Norden mural etched into sandstone blocks. There are very few similar lobby entry designs remaining intact in the City of Sydney and it is considered rare.

When compared to other buildings by architect Douglas Forsyth Evans, The Gateway is notable for its period of construction, a time when the architect was designing the major projects of his career; it was at the forefront of experimental construction techniques. It is not as good an example of early innovation as The Chilterns and is not of the finish and scale of Glenhurst Gardens; however, it is considered a good representative example of the work of Douglas Forsyth Evans in this period with aesthetic and technical significance.

Figure 1 The Seven Seas, Kirribilli, completed 1958. (Source: Vintage, Arts, Architecture (1900–1980 https://danismm.tumblr.com/post/177038226846/the-seven-seas-kirribilli-nsw-austalia-1959)

Figure 2 Glenhurst Gardens, Darling Point, completed just one year after The Gateway, was also a notable early project that utilised the lift-slab construction methodology. (Source: GML 2024)

Assessment of significance	
Criterion A (Historic significance)	The Gateway is an example of a modern mid-rise residential flat building and reflects the changing development, built environment and demographics of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. The Gateway does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	The Gateway has strong associations with Douglas Forsyth Evans, an accomplished architect who designed several noteworthy apartment projects in the postwar period. The Gateway is a good example of Forsyth Evans' work and provides evidence of his design principles, response to context and willingness to experiment with new technological advances of the period. The Gateway also has some significance for its association with Sydney Fischer, a prominent property developer of the period. The Gateway **has** cultural significance at a local level under this criterion. The Gateway does not have cultural significance at a state level under this criterion.
Criterion C (Aesthetic/creative/ technical achievement)	The Gateway is aesthetically distinct and of high design quality. The design of the building—its siting on a narrow site, its irregular form and planning of corridors and units, the configuration of the internal layouts and its fenestration—demonstrates Forsyth Evans' inventiveness in planning and ability to engage with challenging sites. The external elevations have a unique presentation with projecting slabs painted white, red textured face brickwork, and a regular fenestration pattern with blue spandrel panels. Combined with its distinctive entrance hood, mural and foyer the building contributes positively to the streetscape of the Potts Point peninsula. The entryway sequence with angled concrete hood, cast concrete lettering, stone crazy paving, and distinctive Kurt Norden mural etched into sandstone, is considered to have particular aesthetic significance. The Gateway also has some technical significance as an early example of the use of lift-slab construction techniques in Australia. The Gateway **has** cultural significance at a local level under this criterion. The Gateway does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	The Gateway is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. The Gateway does not have cultural significance at a local or state level under this criterion.
Criterion E (Research potential)	The Gateway is not considered to have the potential to yield significant further or new information not available elsewhere. The Gateway does not have cultural significance at a local or state level under this criterion.

Assessment of significance	
Criterion F (Rare)	The Gateway is not considered a rare example of a mid-twentieth century modernist apartment building in Sydney or a rare example of the work of Forsyth Evans. The Gateway does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	The Gateway is a good and intact representative example of the work of Douglas Forsyth Evans and of 1960s apartment buildings in the Potts Point area more generally. It is one of a group of significant apartments designed by Forsyth Evans during the 1950s and 1960s. The Gateway is important in demonstrating principal characteristics of Forsyth Evans' designs, including an individual response to the site, innovation in construction technologies, linear planning with a single-sided gallery circulation and façade treatments utilising projecting slabs, large areas of glazing and red textured brick walling. Developed on a difficult site with expansive harbour views, The Gateway also represents the increase in harbourside apartment developments in the Potts Point and Elizabeth Bay areas during the 1950s and 1960s. Largely intact, The Gateway, particularly its entrance features, mural and foyer, is able to demonstrate this significant period in the evolution of the local area. The Gateway **has** cultural significance at a local level under this criterion. The Gateway does not have cultural significance at a state level under this criterion.

Statement of significance
The Gateway is a good example of the work of Douglas Forsyth Evans, a significant and highly regarded architect of the mid-twentieth century working in Sydney and has historical significance for its association with him. The Gateway is aesthetically distinct due to its prominent setting on a narrow site on Wylde Street, its irregular elongated form, distinctive façade and intact entry elements, and as a consequence contributes positively to the streetscape of the Potts Point peninsula. The Gateway is a good representative example of the work of Douglas Forsyth Evans and of 1960s apartment buildings in the Potts Point area more generally. The building was among the first in Australia to implement the lift-slab construction technique to increase efficiency. This demonstrates Forsyth Evans' willingness to experiment and incorporate new technological advancements of the postwar period. Substantially intact, the fabric of The Gateway is able to demonstrate the principal characteristics of mid-twentieth century modernist apartment buildings in the Potts Point and Elizabeth Bay areas more generally.

Recommendations
The Gateway meets the threshold for local listing for its historical association, aesthetic and representative values. It is recommended for heritage listing on the Sydney Local Environmental Plan. Individual apartment interiors should be excluded from the listing. The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

Recommendations
A comprehensive conservation management plan for the site could be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources				
Type	**Author**	**Title**	**Year**	**Repository**
Site inspection (external)	GML		2024	GML
Written				City of Sydney Archives
Publication	*Sydney Morning Herald*	'Harbour home units completed'	18 November 1958	Sydney Morning Herald Archives 1955–1995 (State Library of NSW)
Publication	*Cross-Section*		Issue No. 76, 1 February 1959	University of Melbourne
Publication	*Building Lighting and Engineering*		24 April 1958, p 77	National Library of Australia

Image caption	Perspective view of The Gateway (design altered since), BA 908/1957.				
Image year	1957	Image by	D Forsyth Evans and Associates	Image copyright holder	City of Sydney

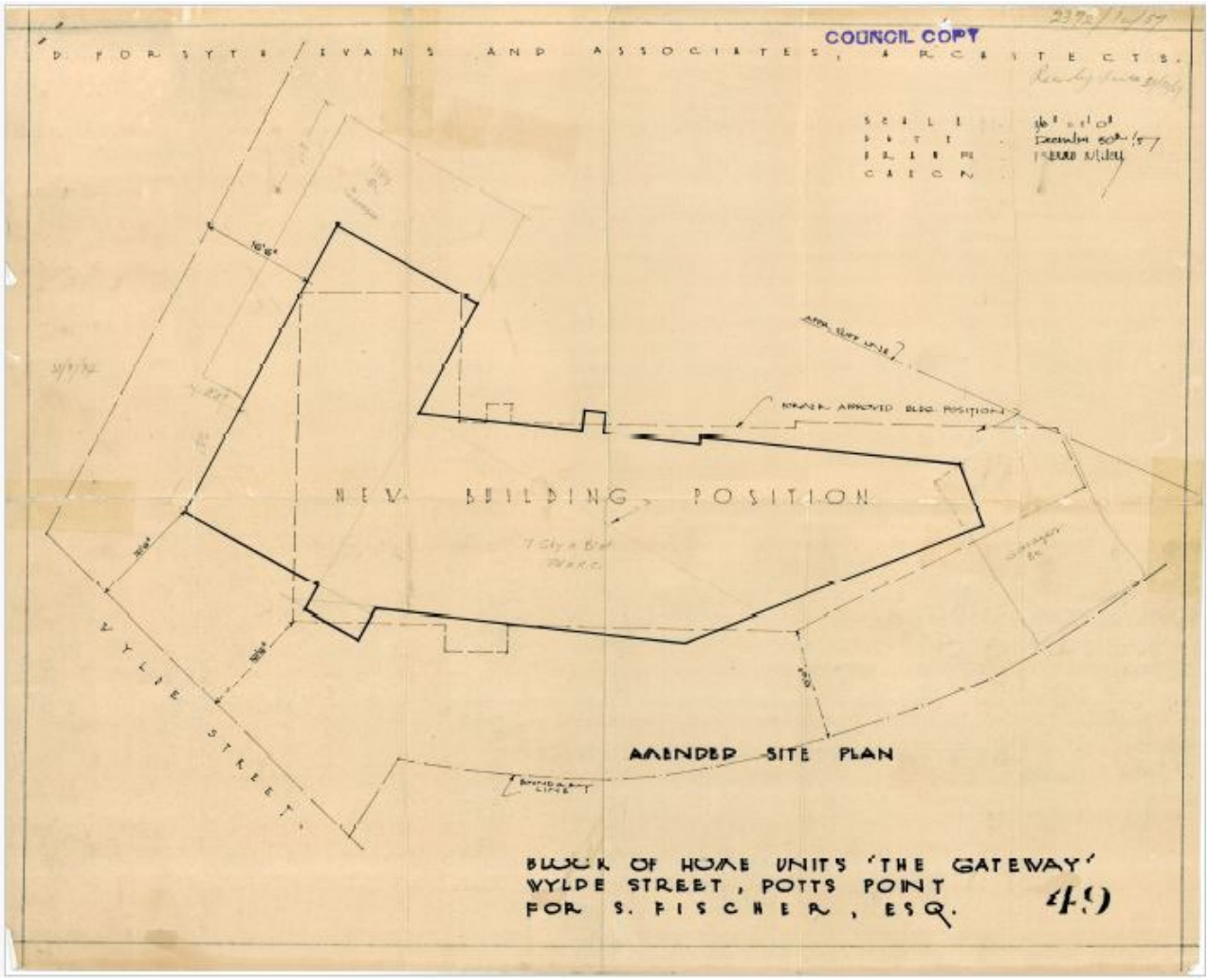


Image caption	Typical section of The Gateway (design altered since), BA 908/1957.				
Image year	1957	Image by	D Forsyth Evans and Associates	Image copyright holder	City of Sydney

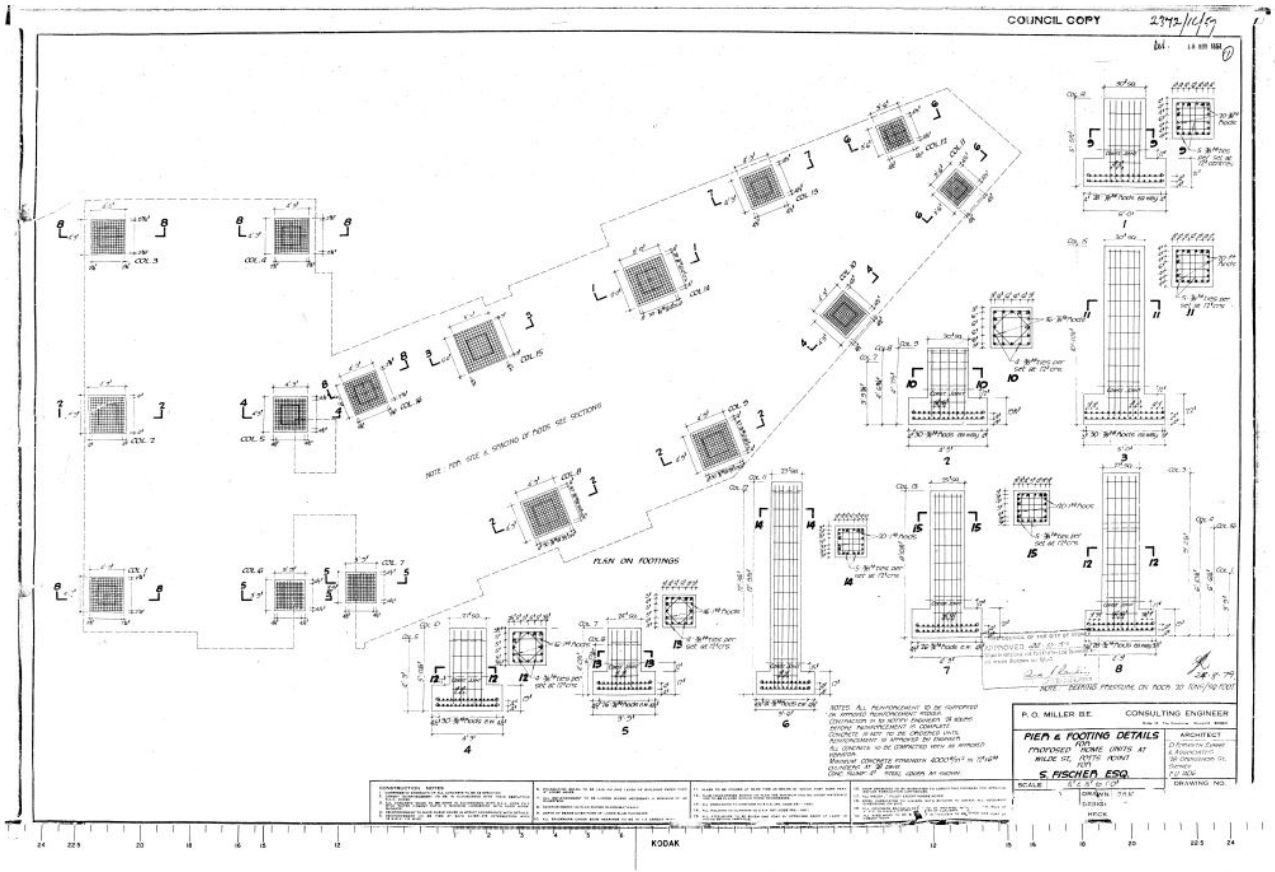


Image caption	Prospective design for a development of studio apartments on site (not built), BA 908/1957.				
Image year	1957	Image by	D Forsyth Evans and Associates (signed Nado Milat)	Image copyright holder	City of Sydney

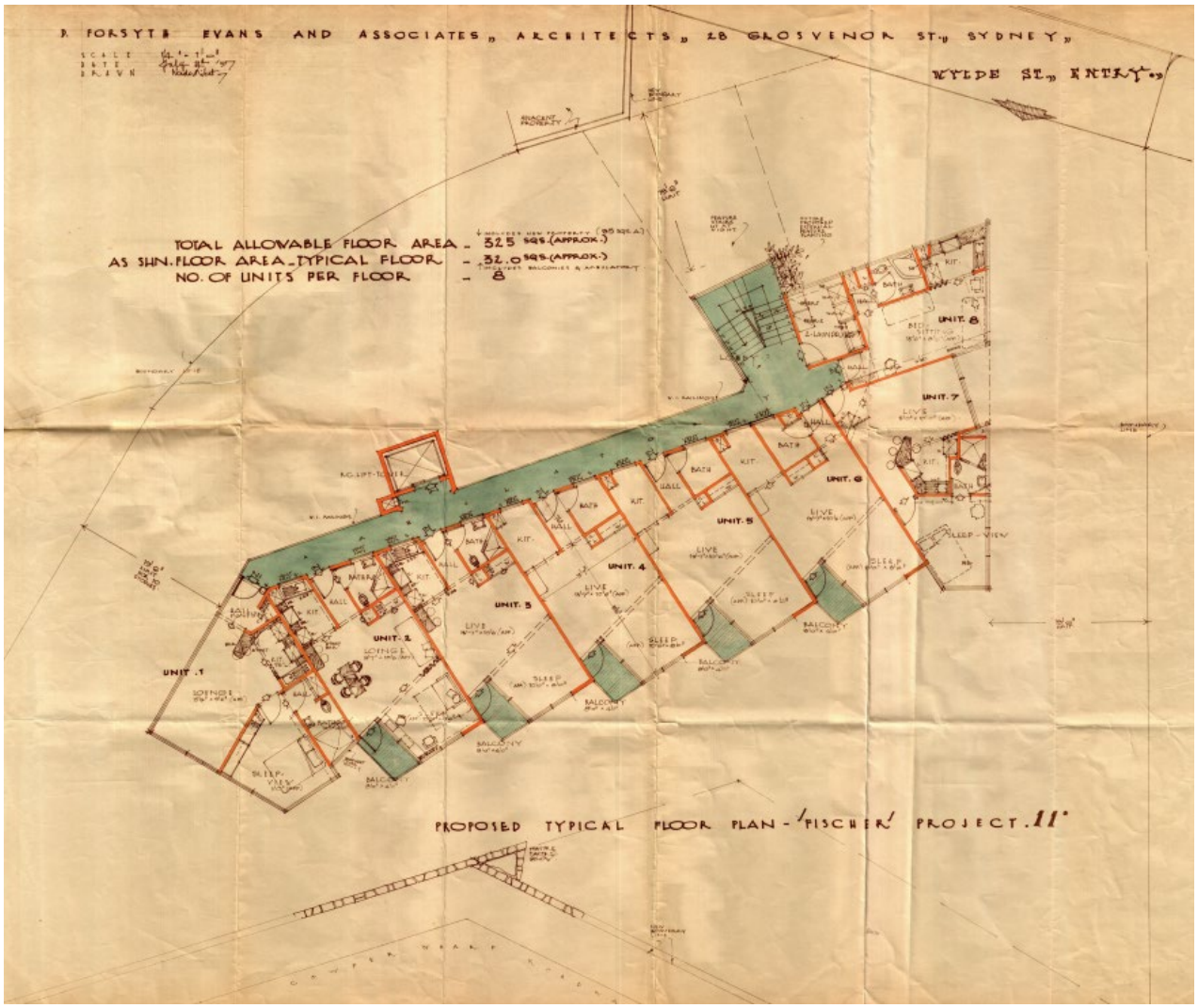


Image caption	Gateway Apartments, Potts Point, c1960, under construction.				
Image year	c1960	Image by	Max Dupain & Associates	Image copyright holder	State Library of NSW

Image caption	Exterior view taken from Wylde Street showing the vertical circular core set off the main façade.				
Image year	2024	**Image by**	Realestate.com.au	**Copyright**	Realestate.com.au

Image caption	Eastern elevation of The Gateway from Wylde Street.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Entryway along the eastern elevation of The Gateway.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The projecting bay with stairwell along the eastern elevation of The Gateway.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of the rear elevation.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Typical Y-profile structural steel frame along the rear elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Entry mural designed by Kurt Norden in the lobby.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Northernmost (two-bedroom) unit on the floor.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

Image caption	Bathroom in apartment 25.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

Attachment A3

Draft Inventory Sheet – 40-44 Victoria Street, Potts Point - Gemini

Name	Gemini		
Address	40–44 Victoria Street, Potts Point	Lot number	Lot 1 DP 205052, Lot 1 DP 916138, Portion 45 DP 2436, Portion 40 DP 2436, Lots 1–58 SP 11452
Architect	Harry Seidler & Associates	Construction date	1961 (north tower) 1969 (south tower)
Builder	P Cussel (1961)		
Listings	Sydney Local Environmental Plan 2012: Within the Potts Point Heritage Conservation Area (HCA) (C51), identified as detracting on the Sydney Development Control Plan (DCP) building contributions map. Australian Institute of Architects (NSW Chapter) Register of Significant Architecture (AIA Register).		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

In 1828 Darling ordered the subdivision of Woolloomooloo Hill into suitable 'town allotments' for large residences and extensive gardens. He then issued 'deeds of grant' to select members of colonial society (in particular, his senior civil servants). The first seven grants were issued in 1828, with the other allotments formally granted in 1831.

The private residences built on the grants were required to meet Darling's so-called 'villa conditions', which were possibly determined and overseen by his wife, who had architectural skills. The conditions ensured that only one residence was built on each grant to an approved standard and design, that each residence was set within a generous amount of landscaped land that, in most cases, faced the town. By the mid-1830s the parade of 'white' villas down the spine of Woolloomooloo Hill presented a picturesque sight and was visible from the harbour and town of Sydney.[2] The name of the suburb Potts Point honours a self-made man, Joseph Hyde Potts, who was employed with the Bank of New South Wales when it initially opened for business in 1817.

The subject site was formerly occupied by two houses, Leura and Euroa at 42 and 44 Victoria Street; 40 was an unnamed two-storey house. The houses were erected on part of the 1831 land grant to Henry Grattan Douglass, later partly subdivided as Challis Estate.

In May 1961 Harry Seidler submitted a development application (DA) on behalf of his clients Sidney Gale and Horwitz Corporation Pty Ltd to erect an eight-storey building at 40 Victoria Street for bachelor home units to rent (28 bedsitting room flats) with off-street parking for 14 cars. The building, comprising concrete floors, tilt up concrete walls and precast panels, was estimated to cost £50,000.

Horwitz Corporation, a subsidiary of publishing house Horwitz Company, owned and developed several properties in the area. In 1954 Harry Seidler designed their headquarters 'Horwitz

[1] City of Sydney 2013, 'Aboriginal People and Place'.

[2] State Library 2002.

House' on Sussex Street in Sydney. Horwitz Corporation was also responsible for developing Ercildoune in Elizabeth Bay, also designed by Seidler and completed in 1966.

Horwitz was the publisher of *Houses, Interiors, Projects*, the first book about Harry Seidler's work, published in 1954, as well as *Architecture for the new world; the work of Harry Seidler*, published in 1973. Seidler had designed the interiors and deck layout for the Horwitz family yacht.

In July 1954 Council approved the DA for 40 Victoria Street. Entry was from Victoria Street and egress to Grantham Lane with the proposed building to be set back no less than 24 feet from Victoria Street. The construction of 40 Victoria Street was completed in accordance with the approval and conditions in December 1962.

Shortly after Horwitz Corporation purchased the adjacent site, 42/44 Victoria Street. Harry Seidler & Associates submitted a DA to erect a similar 8 story residential building that was to connect to the existing building by means of a bridge at roof level. The Council approved the DA in February 1964; however, no work commenced and the DA approval lapsed in April 1965.

Harry Seidler & Associates, on behalf of Horwitz Corporation Pty Ltd, lodged a new DA in January 1969, this time for a larger building with 28 one-bedroom units. The Council approved the DA in April 1969. The new building was completed in 1970.

Although similar in height and design, and linked by a roof bridge, the southern building was larger in footprint. Each maintained their own separate lobby space and laundry area at ground level. The two buildings were initially named Victoria Towers in Council documentation, but at a later unknown date changed to Gemini.

Horwitz Corporation notified the Council in October 1970 that Florida Skyline Motel Holiday Apartments had acquired Victoria Towers (Gemini) as holiday apartments. In February the following year the Council reported on complaints it had received that the 'use of the premises has been altered without the consent of Council to that of a motel type occupation and that inspection reveals that the premises are still being used as individual residential flat units with cooking facilities within each unit but short-term lettings are accepted, service in the form of cleaning and bedmaking is provided but no meals are provided to occupants' (City Building Surveyor's Report, TC 1001/69, DA 56/59, 25 February 1971).

Gemini features in the 1971 publication *Living and Partly Living: Housing in Australia*, by Ian McKay, as an example of compact inner city living. McKay commissioned David Moore to photograph an apartment with its young female owner using the spaces, in contrast to conventional architectural photography devoid of people.

Architects Anthony Gill and Sarah McSpadden renovated a 38 square metre (sqm) apartment in Gemini (southern block) that in 2012 won numerous design awards including Residential Design (National), Winner – Australian Interior Design Awards.

Harry Seidler & Associates

Harry Seidler (1923–2006) was born in Vienna to Jewish parents. Following the Nazi occupation of Austria in 1938, Seidler relocated to England where he attended Cambridge Polytechnic, before being deported to Canada in 1940. He was awarded a Bachelor of Architecture in Canada in 1944. He won a scholarship to study at the Graduate School of Design, Harvard University, where Walter Gropius and Marcel Breuer were teachers. He then studied at Black Mountain College, under Josef Albers, before working with Breuer in New York City (1946–1948) and briefly with Oscar Niemeyer in Rio de Janeiro, on his way to Sydney in 1948.

Arriving in Sydney, his first commission was to design a house for his parents (Rose Seidler House, 1948–1950). Seidler gained Australian citizenship and in 1958 married Penelope Evatt, who was to be a significant partner in his career. By the 1960s Seidler's practice began to receive significant commissions including Blues Point Tower (completed 1962) and Australia Square (1960–1967). The latter, designed with engineer Pier Luigi Nervi, became a 'type-model' for Seidler's urban tower designs throughout his career. From the 1970s Harry Seidler & Associates was commissioned for significant large-scale commissions across Australia and overseas. These included the Australian Embassy, Paris (1973); MLC Building, Sydney (1978); Riverside Centre, Brisbane (1984); Shell Headquarters, Melbourne (1988); and QV1, Perth (1992).

Throughout his career, Seidler wrote about architecture and taught at various universities around the world, as well as advocating planning reform in Australia. He was awarded numerous

Historical overview

honours throughout his career including being made an Honorary Fellow of both the American Institute of Architects and the Royal Institute of British Architects (RIBA awarded him the Royal Gold Medal in 1996); and a Life Fellow (1970) of the Royal Australian Institute of Architects (receiving 50 awards including five Sulman Medals, four Wilkinson Awards and the Gold Medal [1976]). He was also awarded an Order of the British Empire (1972). His impact and the work of his firm were a major cultural influence, applying uncompromising Bauhaus-inspired modernist architecture and principles in Australia.

Description

An external-only site visit from the public domain was undertaken by GML in September 2024. The physical assessment is based on publicly available documentation of the site.

Setting and context

Gemini is a pair of buildings linked by a pedestrian bridge at roof level. It is located to the eastern side of Victoria Street, near its intersection with McDonald Lane. The portion of Victoria Street to the west of Gemini is partly pedestrianised. The land drops sharply to the west of Victoria Street and Woolloomooloo Bay giving Gemini wide views to the west and north.

The building is located within the Potts Point HCA. The HCA within the immediate vicinity of the site is characterised by small scale nineteenth-century housing, terrace houses and multi-storey postwar and contemporary apartments.

Physical description

Gemini consists of two blocks of eight-storey flat buildings containing 28 studios (northern block), 40 Victoria Street, and 28 one-bedroom units (southern block), 42–44 Victoria Street. The 28sqm and 38sqm apartments are intended, as Harry Seidler said, to be for 'people of average means'. The lot shape is irregular and the buildings follow the historical arrangement of housing on the block, which is at an angle to Victoria Street. The buildings have a simple cuboidal form and their elevations are symmetrical. The structure of reinforced concrete is exposed and the simple palette of materials consists of reinforced concrete frame, accentuated with down-turned slabs, and blond face brickwork infill walls, anodised aluminium window units and blue roller blinds fitted into deep window reveals. The blond brick carries up to form a parapet and balustrade for the roof deck.

40 Victoria Street

The building has identical façade arrangements along the shorter north and south elevations and the longer east and west elevations. The north and south elevations are divided into three vertical rows with full height aluminium framed windows to the end rows set deeply into blade walls, and high aluminium framed awning windows with fixed glass panels along the central row to the bathrooms. The full height windows consist of two large sliding panels to the top, a wide transom and fixed panels below. The windows to the side elevations are aluminium framed awning windows with fixed glass panels.

The ground floor is semi-open with an exposed grid of columns. The lobby is located on the southern side of the building and is accessed through glass doors and finished in polished stone to the floor and walls. A laundry and storage room is located behind. There is a plant room to the roof constructed of a concrete frame and blond face brickwork infill walls.

In plan the building has a simple rectangular shape. The studio apartments are mirrored around a central axis and on both sides containing the lift and stairwell core. The units are rectangular in plan and oriented to the full height glazing at the east or west. The kitchen is semi open to the living zone and the bathroom is located on the eastern or western external wall. All rooms are naturally lit and ventilated.

42–44 Victoria Street

The southern part of the pair is a larger building with a wider footprint. It has a similar regular repeated façade arrangement but to the east and west is divided into four vertical rows with two rows of full height aluminium framed windows to the centre and high aluminium framed sliding windows to the end rows. The full height windows are set back with the same detail as 40

Description

Victoria Street and fitted with blue aluminium roller shutters for shading. The north and south elevation have two vertical rows of high aluminium framed ribbon windows with both awning

and sliding windows. The ground floor is semi-open with an exposed grid of columns. There is a metal canopy along the entrance lobby to the eastern elevation.

The roof was planned with a roof garden, toilet, and steps to a raised swimming pool and reinforced concrete bridge link to the northern building. It also contains a plant room with a concrete frame and blond face brickwork infill walls. The roof area has a balustrade/pool fence with glass panels as a later addition.

In plan the building has a simple rectangular shape. Unlike the northern building the circulation core runs through the short side of the plan. Kitchens are at the external corners of the plan beside the living zone with a bathroom dividing the space into an informal bed-alcove. The ground floor has an entrance lobby, the laundry and a drying area.

Landscaping

The site has low lying planting and young trees at its entrance along Victoria Street and along McDonald Lane. There is a rooftop garden with artificial turf and a swimming pool.

Modifications/integrity

- No major DAs on file from 2004 onwards.

Condition

The condition is unknown due to limited access.

Comparative analysis

Gemini can be seen as a representative example of the 1960s works of Harry Seidler & Associates when the firm was prolific in the design and development of residential flat buildings. Comparable examples include the Avalon Apartments, Avalon (1959), Stephen Towers, Paddington (1963), Village Towers, Ocean Avenue, Double Bay (1964) and Blues Point Tower, McMahons Point (1962), which all have corner apartment arrangements to each floor, providing excellent light and ventilation as well as views.

This contrasts with contemporary projects such as Ithaca Gardens (1960), Diamond Bay (1965), Aquarius (1965) and Ercildoune (1966) with linear planning. From 1964 onwards, Harry Seidler & Associates' housing schemes tended to rely on linear arrangements with complex split-level planning, and later still with curved, radial planning with baroque influences.

The first stage of the Gemini complex, completed in 1961, is closely related to Blues Point Tower completed just a year later. At 24 storeys high, Blues Point Tower was at the time of completion Australia's tallest residential building.[3] It shares elements with Gemini including ribbon windows for secondary rooms and larger windows to living rooms and demonstrates the same highly ordered elevational composition. However, the alternating recessed balcony elements and the window arrangements of Blues Point Tower create a more varied and expressive façade than found at Gemini.

Gemini can be seen as representative of Harry Seidler & Associates' early 1960s multi-residential projects. While each responded to its site and context, as a group they can be seen as evolving structural and planning prototypes. Seidler noted in relation to this group of apartments 'the aim of their design is the development of prototypes incorporating a system, both of planning and construction'. (*Living and Partly Living*, 1971).

Gemini, with 28sqm or 38sqm studio and one bedroom apartments, is an important example of this group of projects completed in the 1960s, a time when economically planned flats on smaller sites were a particular focus.

Gemini shares the following characteristics with these projects: each is built of poured-in-place concrete and brick infill walls. They all explore systematised construction with repeated layouts and segregated vertical access cores. They all express their structure, and their façades express

[3] Blues Point Tower, At Home in North Sydney, https://www.athomeinnorthsydney.com.au/blues-point-tower.html.

Comparative analysis

their internal uses and the importance of rooms through window size. Typically, full height glass walls alternate with ribbon windows created by down-turned concrete slabs.

Fixed awnings and sun shading are all carefully arranged to create a characteristic 'tensional' façade pattern. Living units are reduced to their minimum to allow flexibility of use.

Gemini has representative significance as an important example of Seidler's 1960s multi-unit apartment projects, which as a group have an exceptional level of significance for their ability to demonstrate the architect's evolving planning and construction protypes. Seidler's architecture of this period was extremely influential, widely published and highly awarded, and can be seen to have made a major contribution to the development of modern architecture in Australia and is highly regarded internationally.

Gemini has particular significance as an example of two tower designs completed eight years apart. It is able to demonstrate an evolution in Seidler's designs and the adaptability of his building units, working as modules on the one site, linked by a sky bridge.

Gemini was widely published by Seidler himself and in the architectural media.

Figure 1 Blues Point Tower (likely to be of state heritage significance), of 24 levels and 144 apartments, is of a much larger scale than Gemini; however, its varied façade arrangement shows similar design characteristics. (Source: Wikimedia)

Figure 2 International Lodge (formerly Ling Apartments), Elizabeth Bay. A similar tower block with four one-bedroom apartments per floor completed in 1970 demonstrates Seidler's evolving planning prototypes. (Source: GML)

Assessment of significance

Criterion A (Historic significance)	Gemini has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as compact studios, and later use as a motel, is able to demonstrate an important phase in the historical and social development of the area.

Assessment of significance	
	Gemini **has** cultural significance at a local level under this criterion. Gemini does not have cultural significance at a state level under this criterion.
Criterion B (Historical association)	Gemini is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As a noteworthy apartment project of the 1960s Gemini has strong associations with the architect. Gemini has some significance for its association with developers Horwitz Corporation as an example of their apartment developments within the local area and as an example of their collaborations with Harry Seidler. Gemini **has** cultural significance at a local level under this criterion. Gemini does not have cultural significance at a state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	Gemini shows innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Gemini displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic characteristics with some of Seidler's most notable projects including Blues Point Tower and Village Towers (Arlington), which demonstrate distinctive aesthetic attributes in form and composition. Gemini also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In its construction, planning and detailing it demonstrates Harry Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, regular façade arrangement, use of raw materials and spare planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Gemini has been widely published and is a noteworthy example of the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings. Gemini **has** cultural significance at a local level under this criterion. Gemini does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. Gemini **has** cultural significance at a local level under this criterion. Gemini does not have cultural significance at a state level under this criterion.
Criterion E (Research potential)	Gemini is an early example and significant example of compact, innovative apartment design and construction in the Elizabeth Bay and Potts Point area. As a project that developed and

Assessment of significance	
	expanded over an eight-year period it is able to demonstrate important elements in architectural innovation. Gemini is an important example of Seidler's early apartment design and can contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler. Gemini **has** cultural significance at a local level under this criterion. Gemini does not have cultural significance at a state level under this criterion.
Criterion F (Rare)	Although one of a small number of early and innovative modernist apartment projects completed in the Elizabeth Bay and Potts Point area by Harry Seidler & Associates, Gemini is not considered a rare example of their work. Gemini does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	Gemini is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates in the local area and more widely, which as a group are highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Ercildoune and International Lodge. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. Each was built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns. Gemini is noteworthy amongst this group as a pair of towers linked by a sky bridge, constructed eight years apart. Gemini displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term engagement with construction and planning efficiency and innovation. Gemini is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact well-located housing. Gemini **has** cultural significance at a local level under this criterion. Gemini does not have cultural significance at a state level under this criterion.

Statement of significance
Gemini has historic significance as an innovative example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s and is able to demonstrate wider historical trends of importance to the local area. Constructed over an eight-year period the two-building complex has strong historic associations with architect Harry Seidler, one of the most significant modernist architects in Australia. Gemini has aesthetic significance, demonstrating a high degree of creative and technical achievement. It contains many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. It shares aesthetic elements with some of Seidler's most notable projects including Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), Ercildoune and Aquarius, which are distinctive in form and

Statement of significance

composition. Widely published Gemini is a noteworthy example of the work of an important designer.

Gemini is likely to have importance to architects and the design community more generally, as an early example of innovative apartment design and construction in Australia.

Gemini has the ability to contribute to knowledge about the evolution of the work of Harry Seidler and the development of modernist apartment design in Australia more generally.

Gemini has representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates, which as a group are highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Ercildoune and International Lodge. Gemini displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term engagement with construction and planning efficiency and innovation.

Recommendations

Gemini meets the threshold for local heritage significance under historic, historical association, aesthetic, social, research potential and representative criteria and is recommended for heritage listing on the Sydney Local Environmental Plan.

The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

A comprehensive conservation management plan for the site could be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources

Type	Author	Title	Year	Repository
Site inspection	GML		2024	GML
Written	City Building Surveyor's Department	Building Application File No. 203 Year 1964	1964	City of Sydney Archives
Written	City Planning and Building Department	Development Application Year 1961 No. 381	1961	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application File No. 1112 Year 1963	1963	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application File No. 56 Year 1969	1969	City of Sydney Archives
Written	City of Sydney Council	Town Clerk's Department 1969 No. 1001	1969	City of Sydney Archives
Published	Ian McKay	*Living and Partly Living: Housing in Australia*	1971	

Information sources				
Published	Peter Blake	*Architecture for the new world. The work of Harry Seidler*	1973	
Published	Frampton and Drew	*Harry Seidler: Four Decades of Architecture*	1992	
Published	Intro Chris Able	*Harry Seidler: Houses and Interiors 1*	2003	

Image caption	Site plan, typical floor plan and east elevation for 40 Victoria Road, Potts Point (northern block).				
Image year	1961	**Image by**	Harry Seidler & Associates	**Image copyright holder**	In copyright

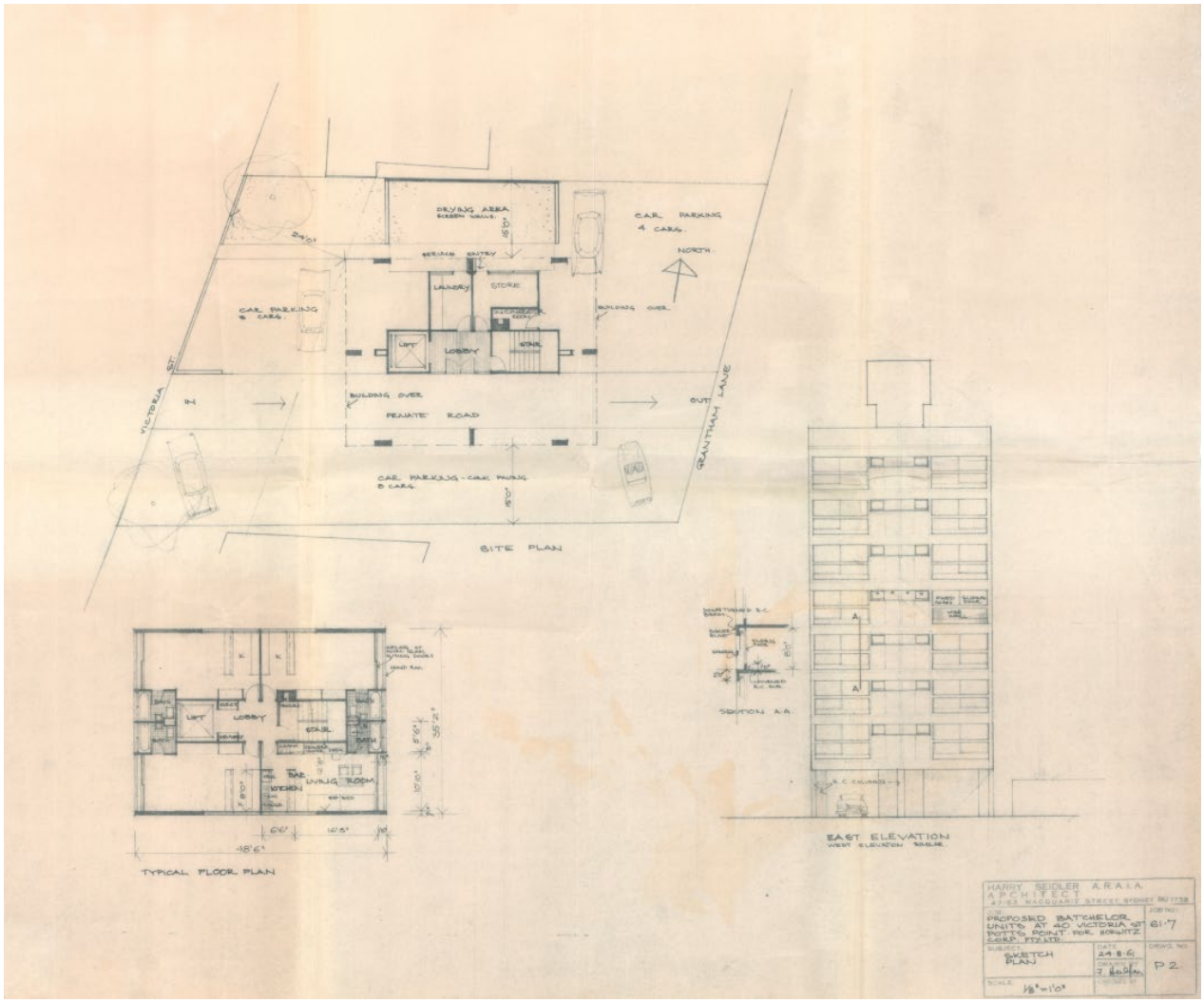


Image caption	Typical floor plan and north elevation for 40 Victoria Road, Potts Point (northern block).				
Image year	1961	**Image by**	Harry Seidler & Associates	**Image copyright holder**	In copyright

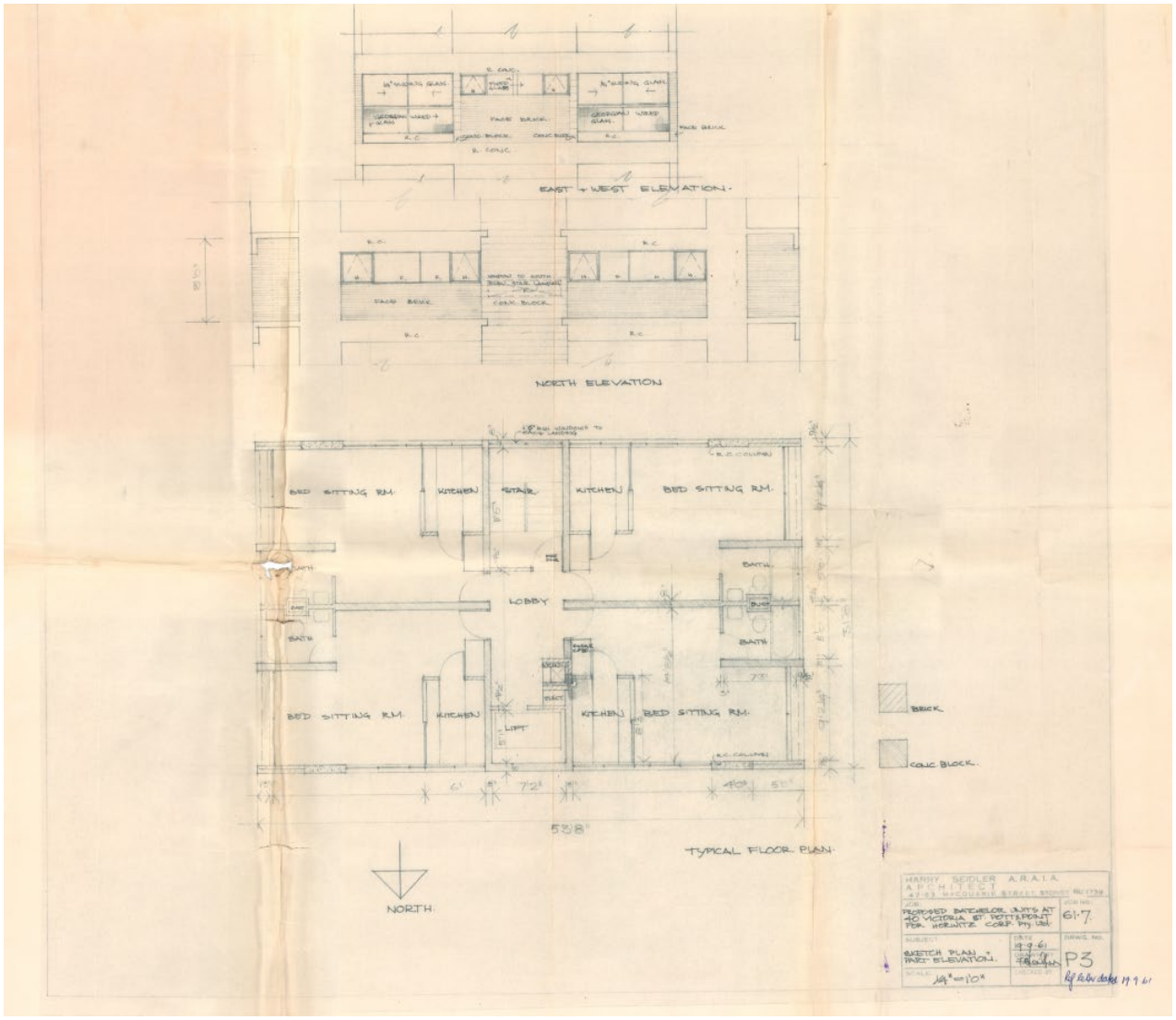


Image caption	Plans for 40 Victoria Road, Potts Point (northern block).				
Image year	1961	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

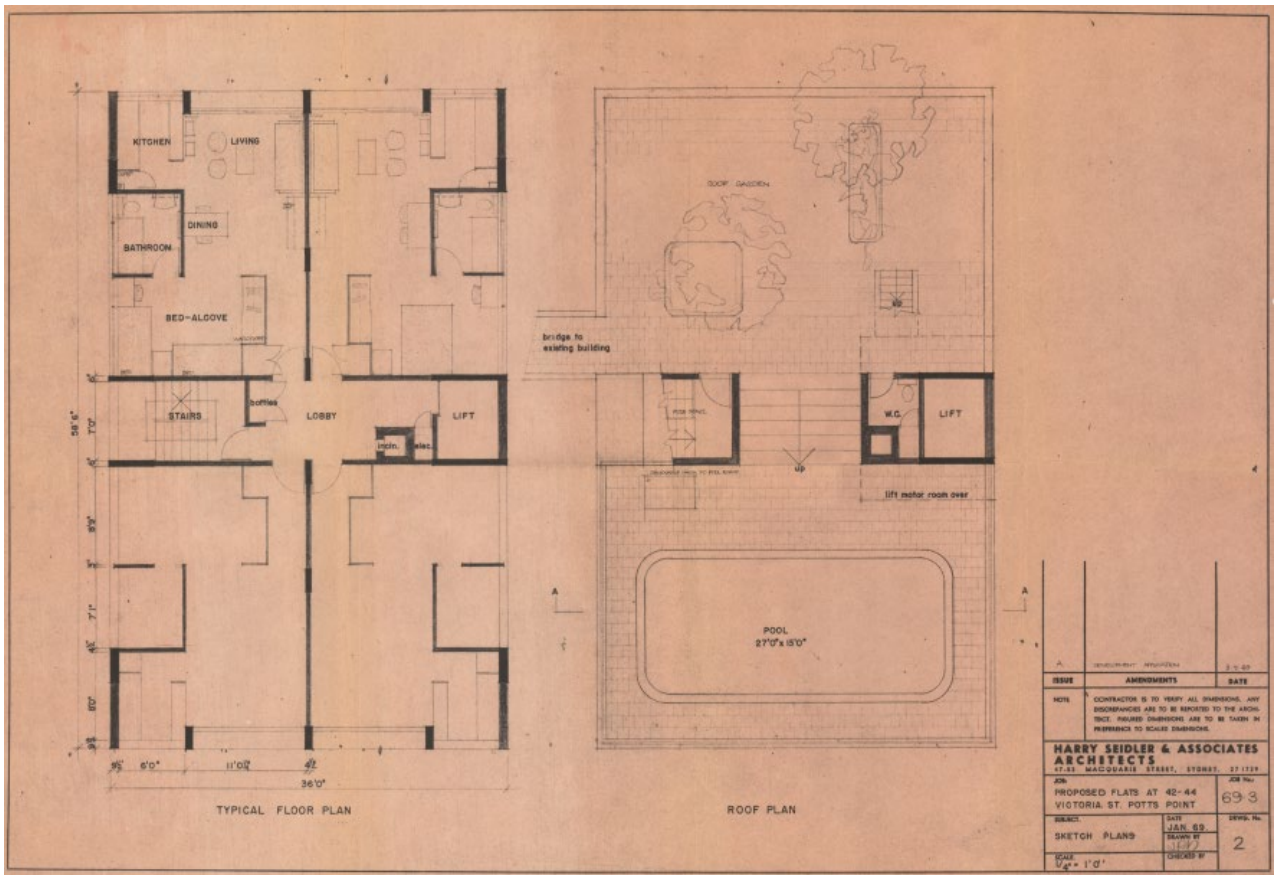


Image caption	Plans for 40 Victoria Road, Potts Point (northern block) from publication *Living and Partly Living: Housing in Australia*, Ian McKay, 1971.				
Image year	1971	**Image by**	Harry Seidler & Associates	**Image copyright holder**	In copyright

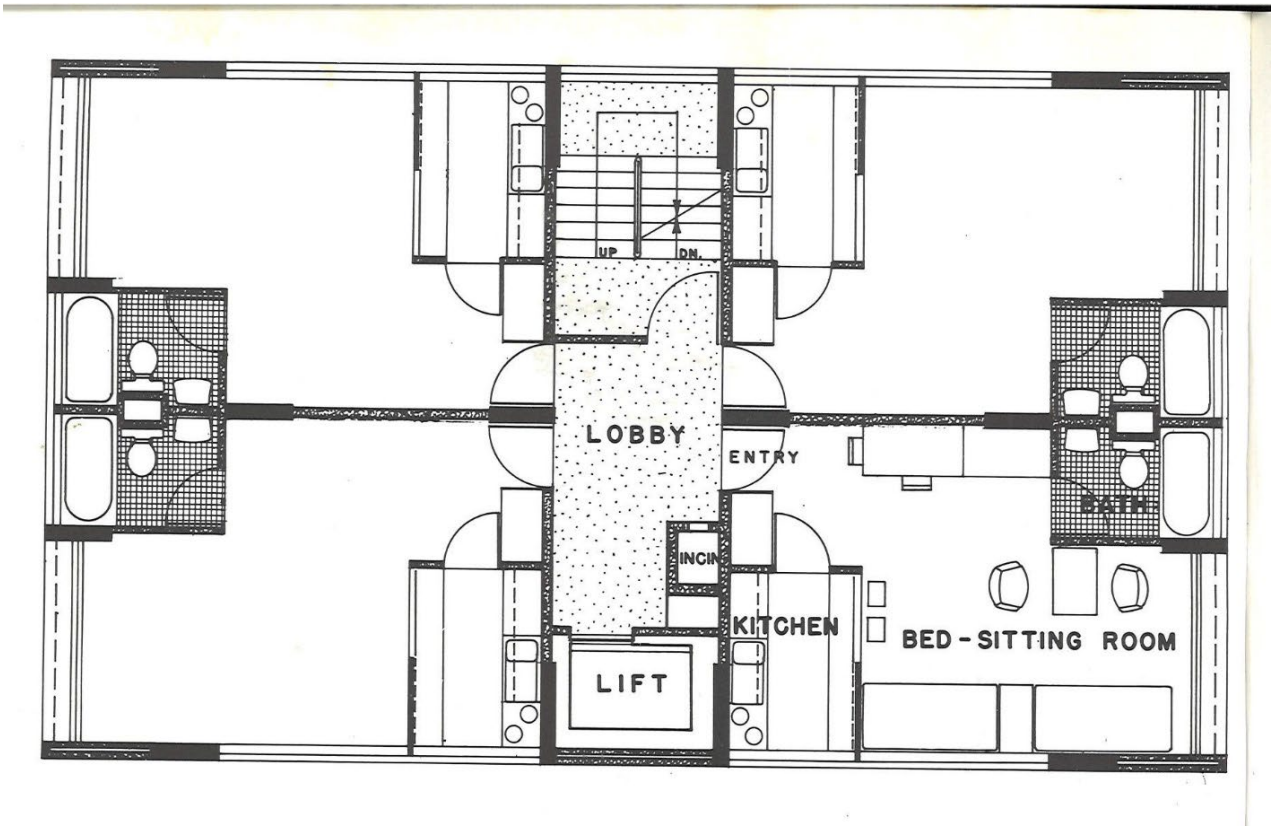


Image caption	Plans for 42–44 Victoria Road, Potts Point (southern block).				
Image year	1969	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

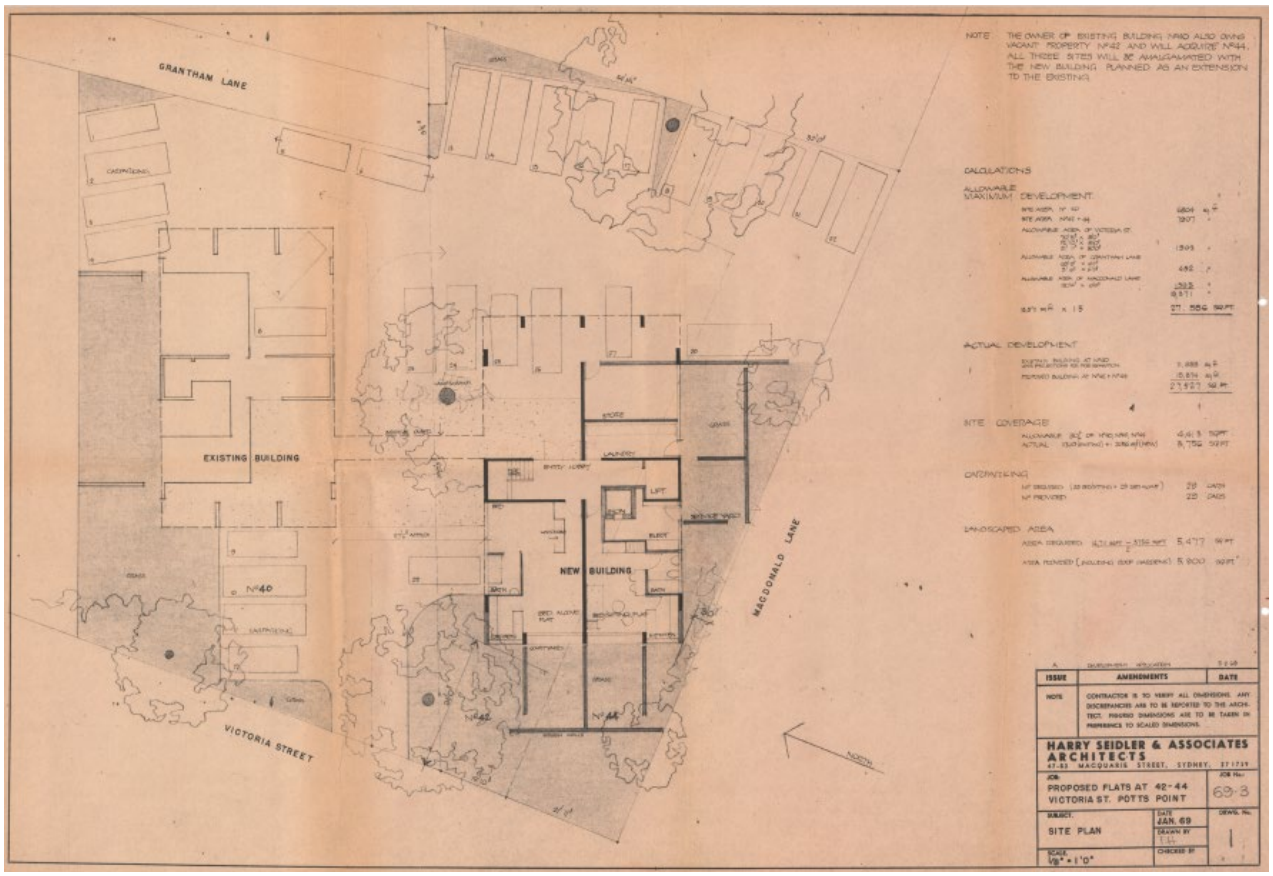


Image caption	Elevations of 42–44 Victoria Road, Potts Point (southern block).				
Image year	1969	**Image by**	Harry Seidler & Associates	**Image copyright holder**	In copyright

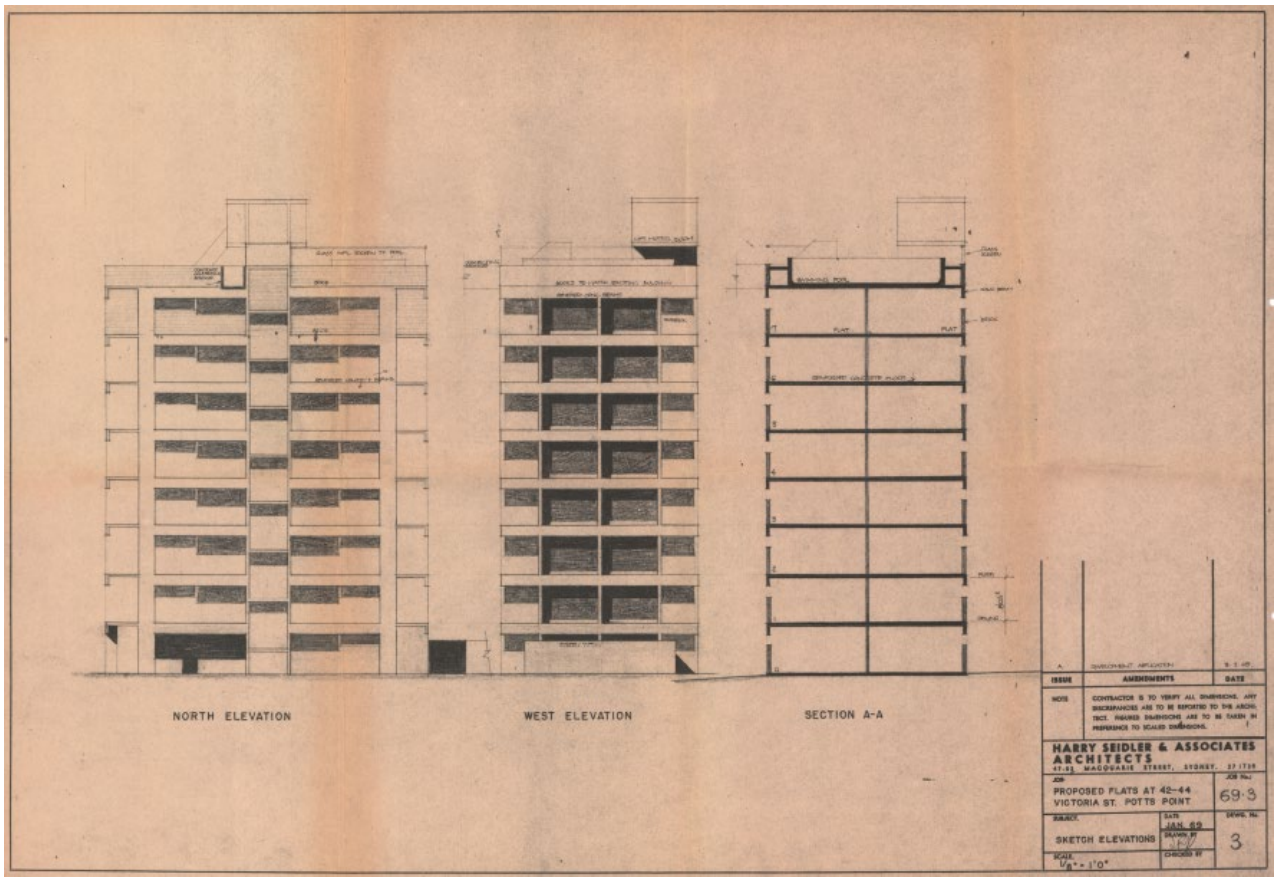


Image caption	Sketch of proposed addition of second building at 42–44 Victoria Street (now Gemini).				
Image year	1969	**Image by**	Harry Seidler & Associates	**Image copyright holder**	In copyright

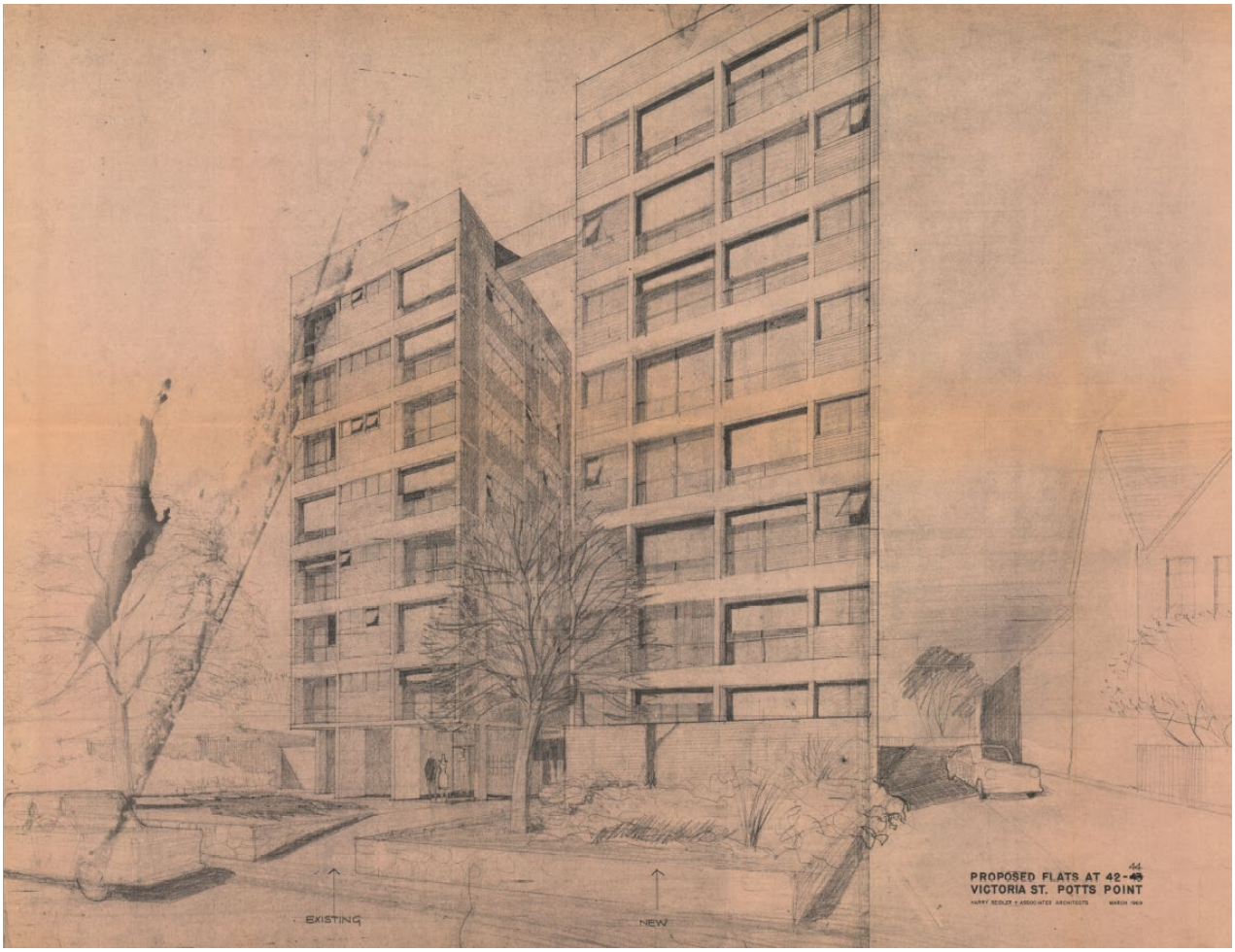


Image caption	Victoria Towers featured in a German language architecture publication. 'Apartmenthaus in Potts Point/Sydney Architekten Harry Seidler & Ass., Sydney'				
Image year	c1969	**Image by**	Reproduced in City of Sydney Town Clerk's Department No. 1001/1969	**Image copyright holder**	In copyright

Architekten Harry Seidler & Ass., Sydney

Apartmenthaus in Potts Point/Sydney

104 B DBZ 9/67 2.1

Das achtgeschossige Apartmenthaus, das in sieben Obergeschossen 28 Einraumwohnungen für Ledige aufweist, steht beherrschend auf einer felsigen Kuppe hoch über dem Hafen von Sydney.
Jedes Obergeschoß enthält vier Wohnungen, deren große Fenster paarweise nach Westen auf den Hafen und nach Osten auf einen Park gerichtet sind. Dazwischen und auf den Seiten sind hochliegende Fensterbänder angeordnet.
Das Stahlbetonskelett in Sichtbeton ist mit hellem Ziegelmauerwerk ausgefacht. Auf Grund der feuerpolizeilichen Vorschriften sind die waagerechten Betonbänder bis zur Oberkante der Fenster heruntergezogen. Sie wurden mit Aussparungen zur Aufnahme von Rolljalousien aus Aluminium versehen.
Alle Wohnungen sind gleichgroß und gleichartig ausgestattet und unterscheiden sich nur durch die Farbgebung. Das Erdgeschoß enthält die Eingangshalle, eine Wäscherei und mehrere Läden. *Ngl.*

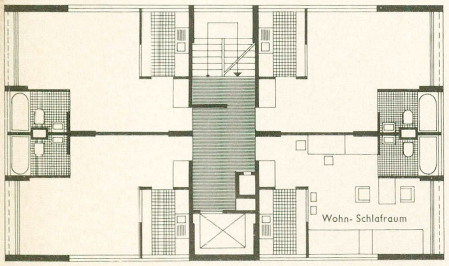
Ansicht der Nordseite des achtgeschossigen Apartmenthauses
Northern side of the eight-storey apartment building
Le côté nord de l'immeuble d'appartements à huit niveaux

1441

Apartmenthaus in Potts Point/Sydney

104 B DBZ 9/67 2.2

Blick in ein Apartment mit Wohn-Schlafraum, Küche und Bad
Interior of an apartment with sitting-bedroom, kitchen and bathroom
L'intérieur d'un appartement avec séjour-chambre à coucher, cuisine et salle de bains



Grundriß, Maßstab 1:200

1442

Image caption	Street view of Gemini.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

Image caption	Gemini from Victoria Street.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Gemini showing link bridge at rooftop.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Northern façade of Gemini from Victoria Street.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Gemini from Grantham Lane.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Entrance foyer of Gemini (southern building).				
Image year	2024	Image by	GML	Image copyright holder	GML

Attachment A4

Draft Inventory Sheet – 5 Onslow Avenue, Elizabeth Bay - St Ursula

Name	St Ursula		
Address	5 Onslow Avenue, Elizabeth Bay	Lot number	Lot 9 Sec 0 DP 15713
Architect	Hugo Stossel	Construction date	1951–1953
Builder	RH Andrews and Co		
Listings	Sydney Local Environmental Plan 2012: located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20). Noted as 'detracting' within the Sydney Development Control Plan 2012 building contribution map. Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden featuring interesting plants, specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

5 Onslow Avenue is located on Lot 9 of the Elizabeth Bay House Estate, which comprised 'the residence and 15 allotments of Sydney's greatest residential subdivision' as advertised for auction sale on 17 September 1927. Elizabeth Bay Estates Pty Ltd conveyed Lot 9 in December 1935 to George Ely and Maria Jane Ely (as tenants in common). The allotment eventually changed hands to Dr Suzanne (elsewhere spelt Susane) Sedgwick in December 1950.

Urban Multi Home Units lodged an interim development application in January 1950 for a residential building containing nine flats and garages on Lot 9, on the corner of Onslow Place and Onslow Avenue Elizabeth Bay, as the applicant intended to purchase the land from RCB Ely and Hazel Tait. The following month Council granted permission to use the land for the erection of a flat building.

In December the same year, Hugo Stossel lodged a new interim development application for a six-storey block of flats. In January 1951 Stossel submitted a building application for a six-storey block of 13 flats for Dr S Sedgwick estimated to cost £33,000. The application was promptly approved the following month. Amended plans submitted in March were approved in April and work had commenced on the site by June.

As early September 1951 LJ Hooker advertised home units in 5 Onslow Avenue 'for sale on individual ownership basis' in 'a modern block of twelve home units each commanding a magnificent Harbour view and having every modern convenience'. St Ursula was completed and signed off by Council in January 1953.

[1] City of Sydney 2013, 'Aboriginal People and Place'.

Historical overview

The property was conveyed to St Ursula Pty Ltd in mid-1957. An article in the *Sydney Morning Herald* noted the flats were being built on a co-operative basis and would be sold individually once completed.[2]

St Ursula was one of the earliest postwar apartment projects completed at a time when restrictions on materials remained an issue for development. *Building and Engineering* magazine noted 'Between the difficulties of the site, and irksome building restrictions, the way of an architect in regard to construction projects of any kind is hard today, and this applies with greatest force to blocks of flats, of which there are many in the planning and design stages, waiting for the day when building difficulties will cease'. [3]

Hugo Stossel & Associates

Hugo Stossel (1905–2002) was born in Hungary, moving when young with his family to the Hungarian capital, Budapest. From 1928 to 1932 he studied architecture at the Technische Hochschule in Vienna, graduating with a diploma of Engineering in Architecture. From 1933 to 1938 Stossel worked as an architect in Bucharest, designing theatre interiors, apartment blocks and commercial buildings. Stossel left Europe on the eve of World War II, arriving in Sydney in 1939.

During the war Stossel continued to design, completing a number of buildings in Sydney during the 1940s. Once he was naturalised as an Australian citizen in 1948, he registered as an architect, aged 43.

His early projects included a house in Warrawee for Polish steel manufacturer and developer Moses Eisner (1947) and a house for renowned Viennese furniture-maker Paul Kafka in Lindfield (1948) both of which were published in *Australian House and Garden*. Stossel's focus later moved to apartment design, beginning with the innovative, steel-framed St Ursula building in Elizabeth Bay, an 'ultra-modern' home-unit block with a curved wall of floor to ceiling steel-framed windows.

He later undertook significant commissions for the new development company Civil & Civic, including Broadwaters (1958) in Darling Point. These were followed by numerous other apartment and commercial developments completed over the next decade, with seven in the Elizabeth Bay area alone. The 20-storey Eastbourne Tower (1968), Darling Point, cemented the position of his firm as one of the major contributors to Sydney's burgeoning apartment scene.

In 1953 Eugene Goossens, conductor of the Sydney Symphony Orchestra, commissioned Stossel to design a speculative opera house on a site at Wynyard. The design was published on the front page of *The Sydney Morning Herald* on 31 March 1954. When the NSW Government endorsed a future opera house and designated Bennelong Point as its location, Stossel was one of many local and international architects to make a submission to the 1957 architectural competition.

Stossel formed Hugo Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high-rise buildings for the inner city of Sydney including the 22-storey Wynyard Travelodge (1969), the Sydney Police Headquarters, College Street and the BMA Tower in Chatswood (1970–1972), which featured an external lift shaft. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda's and the other partner's leadership. In his later years Stossel lived in Vienna, as well as Italy and England. He died at Cheltenham, Gloucestershire, in February 2002, aged 96.

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2 'Elizabeth Bay Block of Flats', *Sydney Morning Herald*, 23 March 1954, p 11.

3 '"St Ursula", Elizabeth Bay, home unit project under way', *Building and Engineering*, May 24, 1951, p 91.

Description

An external-only inspection from the public domain was undertaken by GML in September 2024. This physical assessment is based on available documentation of the site.

Physical description

St Ursula is located on the corner of Onslow Avenue and Onslow Place, directly opposite the historic Elizabeth Bay House (to the south) on a triangular site with expansive harbour views to the southeast.

The seven/eight-storey building is located close to the street front with a curved front and circulation spaces and services located to the rear. Built on a sandstone foundation, the building is raised above street height with a flight of steps to the central entrance foyer.

The building consists of reinformed concrete on a steel-frame structure with curtain walls of cavity brickwork. Streel-frame windows are used throughout with the glazing to the full height on the southeast elevation. The main window panels have a distinctive arrangement of three fixed lights to the lower section and a main fixed panel with an operable casement window to the side.

The central portion of the building projects forward; it is finished with cement render and painted white. The side sections of the building and the basement level are face brick. The street-level retaining wall is finished in rusticated sandstone blocks. There are two garage doors to the western end of the street front elevation.

The entrance is reached via a set of stairs with a metal balustrade. This element and the flanking wall-mounted side lights appear from the plans to be original. The porch is angled in response to the building's narrowing plan and contains a pair of timber-frame glass doors with a fan light above. This recessed porch space is delineated by thin rectangular bricks laid horizontally in stack bond. Inside the doors is a small lobby before stairs that lead to the main lift and stair lobby. The original notice board remains in this small entry space.

Each floor was planned with two two-bedroom apartments off a central stair and lift core, resulting in 13 two-bedroom units and one penthouse. Garages, laundry and storage rooms are provided at ground and basement levels. The flat concrete roof has no parapet and is cantilevered over the penthouse, forming a projecting cornice.

Within each apartment, the living rooms and main bedrooms are located on the main elevation with full-height glazing. Bathrooms, with a separate toilet, are located on the side elevations. A second bedroom and kitchen are to the side and rear. The plans provide a high level of amenity to each apartment on the compact site. The penthouse is also two bedrooms but occupies the front section of the building with a terrace to the northeast. The lift motor room projects above the penthouse.

Modifications/integrity

Previous applications show works to garages and other repairs.

A 2023 application was submitted for comprehensive works described as 'Repair, replace or reinstate original windows, doors or security screens including retrofitting of existing windows'.

Condition

The building appears largely intact. An internal inspection has not been undertaken as part of this assessment.

Comparative analysis

This section compares the subject building with other works designed by Hugo Stossel, and apartment buildings in the Elizabeth Bay area of the same period, in order to determine whether the subject site has rarity and/or representative value.

Although having designed a number of apartments in Europe before World War II, the first apartment building Stossel designed in Sydney was the 1951-1953 St Ursula in Elizabeth Bay. Utilising a reinforced concrete and steel frame, the curved building is thoughtfully planned in response to its corner site and northeastern aspect. It can be seen as an early and innovative

Comparative analysis
postwar apartment design and is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.[4] Stossel's other most distinctive apartment projects came some years later in Darling Point, specifically Yarranabbe Gardens (1958) and Broadwaters (1958–1959). These projects demonstrate Stossel's continued engagement with building technologies to enable increased height and innovative approaches to difficult sites. They also utilise steel structures with reinforced concrete floor slabs and curtain walling, but at a larger scale and with more sophistication as was typical of the late period. Completed in 1953, St Ursula is an early example of a post-World War II apartment block in the Elizabeth Bay area. Its design and detailing show some elements of interwar style (its face brick finish and steel-framed windows) combined with Stossel's European influenced architecture (rendered cement with painted white finish and the novel arrangement of large, glazed façade elements). As an early and well-planned and detailed postwar apartment building, St Ursula is rare. St Ursula can also be compared with the LEP-listed Wylde Street Apartments in Potts Point, by architect Aaron Bolot (completed 1951). Highly regarded as one of Sydney's exemplary postwar architectural designs, it has a similar curved plan to maximise access to views from its triangular lot. Its façade is characterised by steel-frame ribbon windows and strong horizontal bands of spandrels punctuated by regular vertical projections and recessed balconies. Although at a larger scale and a more complete and refined design than St Ursula, the buildings together demonstrate a wider application of modernism in apartment design that was to be further developed in the postwar years. St Ursula is rare as a low-scale curved apartment complex using large areas of façade glazing, and is representative of the wider application of modernist design in Sydney's inner city apartments after World War II.

Assessment of significance	
Criterion A (Historic significance)	St Ursula has historic significance as a building designed by a Europe-trained architect in the years immediately following World War II, a time when a significant group of émigré architects were applying their European modernist training to Sydney conditions. This group made a significant contribution to the built environment. As one of the first apartment buildings designed by an architect trained in Europe, St Ursula is considered to be historically important. It is also has historical significance as one of the earliest examples of a modern residential flat building to be built in the area after World War II, a time when building materials were scarce. St Ursula **has** cultural significance at a local level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.
Criterion B (Historical association)	St Ursula has historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II who made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. It is particularly

[4] *Building and Engineering*, 24 May 1951 p 91.

Assessment of significance	
	notable as his first apartment building completed in Sydney following World War II and his emigration from Europe. St Ursula **has** cultural significance at a local level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	St Ursula is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. Its form and composition demonstrate technical achievement and distinctive aesthetic attributes through its curved plan, which is oriented to views to the harbour and maximises light and ventilation to each unit. It demonstrates the evolution of apartment design in the years following World War II and the use of new construction methodologies and materials such as curtain walling. The building is substantially intact with its original modernist design qualities able to be appreciated. St Ursula **has** cultural significance at a local level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	St Ursula is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. St Ursula **has** cultural significance at a local level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.
Criterion E (Research potential)	Hugo Stossel is one of a group of architects who, having trained and worked in Europe, emigrated to Australia in the 1930s. The early work of this group is considered significant for its ability to demonstrate the application of European modernist architectural training in the context of Australia. As one of Hugo Stossel's first projects completed following World War II and his first apartment design, St Ursula is considered to be significant for its ability to contribute to an understanding of the development of postwar modernism and, in particular, its application by architects trained in Europe. St Ursula **has** cultural significance at a local level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.
Criterion F (Rare)	Hugo Stossel (later as Hugo Stossel & Associates) was a prolific apartment designer in the postwar period, particularly in the Elizabeth Bay and Potts Point area, and St Ursula dating from 1953 is considered an early and rare example of his work. It demonstrates unusual characteristics of interwar architectural styles and Stossel's European architectural training and experience. It is considered a highly resolved example of his work that contributes to an understanding of the development of postwar architecture.

Assessment of significance	
	St Ursula's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area as few curved-plan residential flat buildings were constructed in this period. St Ursula **has** cultural significance at a local or state level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.
Criterion G (Representative)	St Ursula is a good intact and representative example of the work of Hugo Stossel, a significant architect of this period. St Ursula can be seen as a significant representative example of Hugo Stossel's architectural practice and is particularly significant as work completed early in his career in Australia. St Ursula **has** cultural significance at a local or state level under this criterion. St Ursula does not have cultural significance at a state level under this criterion.

Statement of significance

St Ursula has historic significance as a building designed by a Europe-trained architect in the years immediately following World War II, a time when a significant group of émigré architects were applying their European modernist training to Sydney conditions. This group has made a significant contribution to the built environment and, as one of the first apartment buildings designed by a Europe-trained architect, St Ursula is considered to be historically important.

St Ursula also has significance for its associations with its architect Hugo Stossel, a Vienna-trained modernist architect active in Sydney in the years following World War II who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs.

St Ursula has aesthetic significance as a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. It has distinctive aesthetic attributes in its form and composition. It demonstrates the evolution of apartment design in the years following World War II and the use of new construction methodologies and materials such as curtain walling. Listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, St Ursula is likely to have social significance to architects the design community more generally.

As an early work of an émigré Europe-trained architect, St Ursula has research potential for its ability to contribute to an understanding of the development of postwar modernism and, in particular, its application by Europe-trained architects and their influence.

St Ursula is rare as an early example of the work of Hugo Stossel and as a curved-plan form residential apartment building in 1950s Elizabeth Bay, when few curved-plan residential flat buildings were constructed. St Ursula also has significance as a good, intact and representative example of the work of the architect Hugo Stossel.

Recommendations

St Ursula meets the threshold for local listing for its historic, historical association, aesthetic, social, research potential, rarity and representative values.

It is recommended for heritage listing on the Sydney Local Environmental Plan. Individual apartment interiors should be excluded from the listing.

The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

Information sources				
Type	**Author**	**Title**	**Year**	**Repository**
Site inspection (external)	GML		2024	GML
Written	City Building Surveyor's Department	Year 1950 No 80 Lot 9, cnr Onslow Place & Onslow Ave, Elizabeth Bay, Sydney	1950–1953	City of Sydney Archives
Written	City Building Surveyor's Department	Year 1950 No 1078 Lot 9 Onslow Ave, Elizabeth Bay, Sydney	1950–1953	City of Sydney Archives
Written	City Building Surveyor's Department	No 66 Year 1951	1951–1952	City of Sydney Archives
Publication	*Building and Engineering*		24 May 1951, p 91	Trove, National Library of Australia
Publication	*Construction*		23 May 1951, p 3	Trove, National Library of Australia
Publication	*Sydney Morning Herald*		21 Sept 1951, p 14	Trove, National Library of Australia
Publication	*Sydney Morning Herald*		23 March 1954, p11	Trove, National Library of Australia

Image caption	Plan of Elizabeth Bay House Estate City of Sydney, the subject site is Lot 9.				
Image year	1927	Image by	Cowdery & Cowdery	Image copyright holder	No copyright

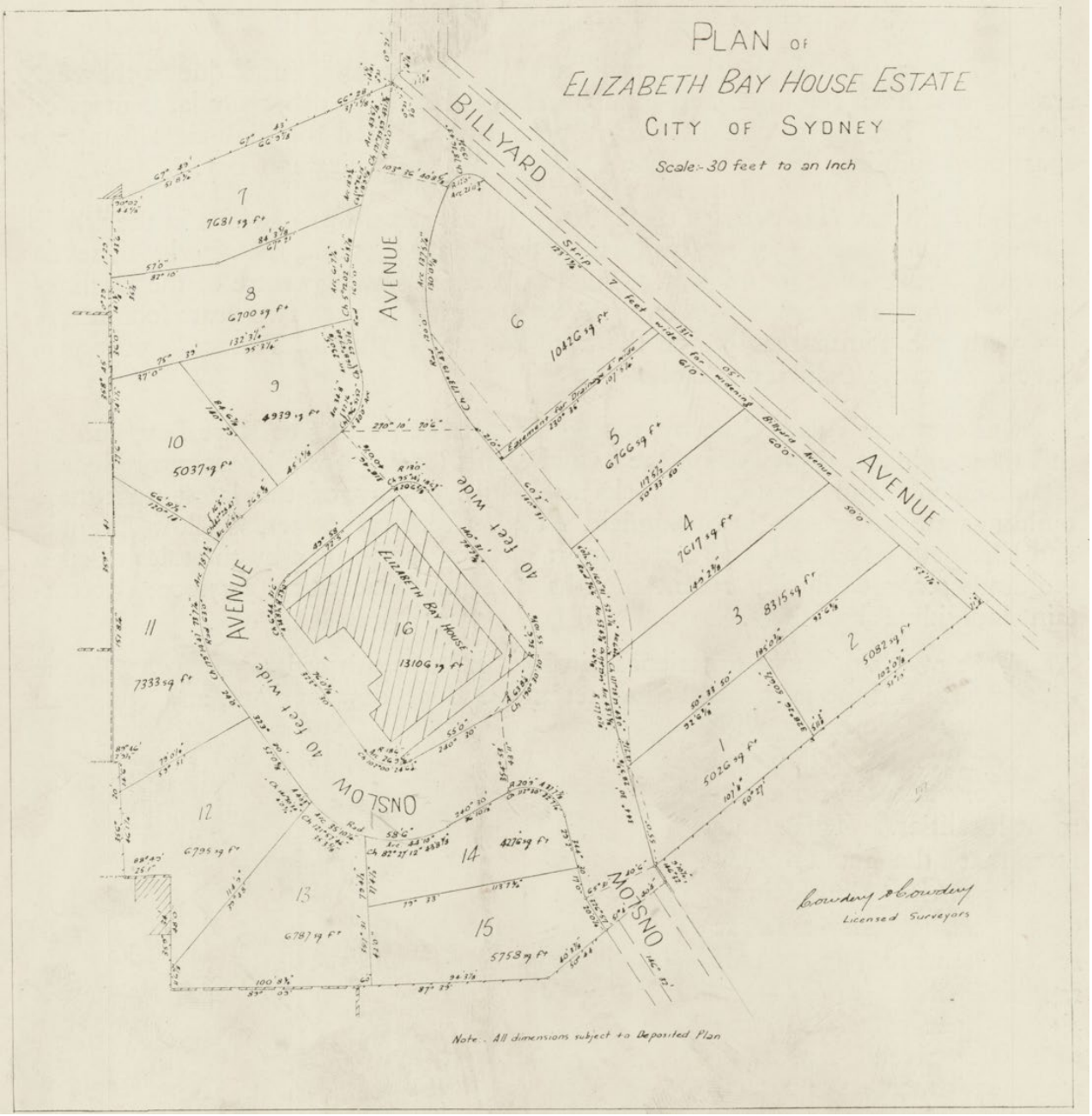


Image caption	'St Ursula' Elizabeth Bay, Building and Engineering, 24 May 1951, p 91.				
Image year	1951	Image by	NLA	Image copyright holder	No copyright

"St. Ursula" Elizabeth Bay

HOME UNIT PROJECT UNDER WAY.

Work has started on a large block of home units in Onslow Avenue, Elizabeth Bay, and these flats will represent the latest practice both in planning and construction.

The building will be of reinforced concrete on a steel-framed structure, with curtain walls of 11½in. cavity brickwork.

All-steel window frames will be used throughout, and the windows in the living-rooms on the east-north aspect will be all glass from ceiling to floor.

The building will stand on a solid rock foundation, and will be elevated above Onslow Avenue, which in turn commands a splendid vista of harbor and the north shore. It will join company with a number of other fine blocks in the neighbourhood.

The owners are to be congratulated upon their choice of location and design, and the architect, Mr. H. Stossel, A.R.A.I.A., has shown great appreciation of the opportunities offering in planning these home units.

The flats have been skilfully fitted into place. Each room has a good shape and there is a commendable absence of awkward corners and unusable spaces.

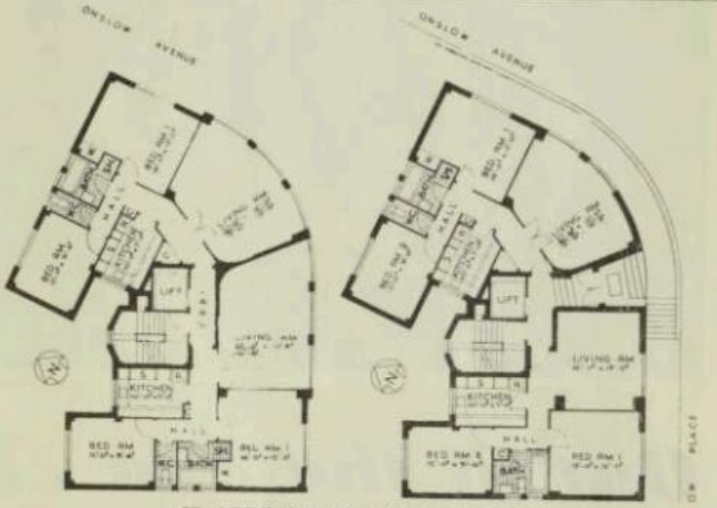
Between the difficulties of site, and irksome building restrictions, the way of an architect in regard to construction projects of any kind is hard today, and this applies with greatest force to blocks of flats, of which there are many in the planning and designing stages, waiting for the day when building difficulties will cease.

The construction work on these home units is being carried out by the North Sydney building firm of R. H. Andrews and Co.

"ST. URSULA," ELIZABETH BAY.

This ultra-modern home-unit block was designed by Mr. H. Stossel, A.R.A.I.A., and is now in the course of erection in Onslow Avenue, Elizabeth Bay.

Its architecture is graceful and its appearance pleasing, both inside and out.



ST. URSULA" HOME UNIT PROJECT.

Showing how skilfully the flats have been fitted into place. All rooms are outside rooms with ample light and air from either of two street frontages. Left: Floors one to six. Right: Ground Floor.

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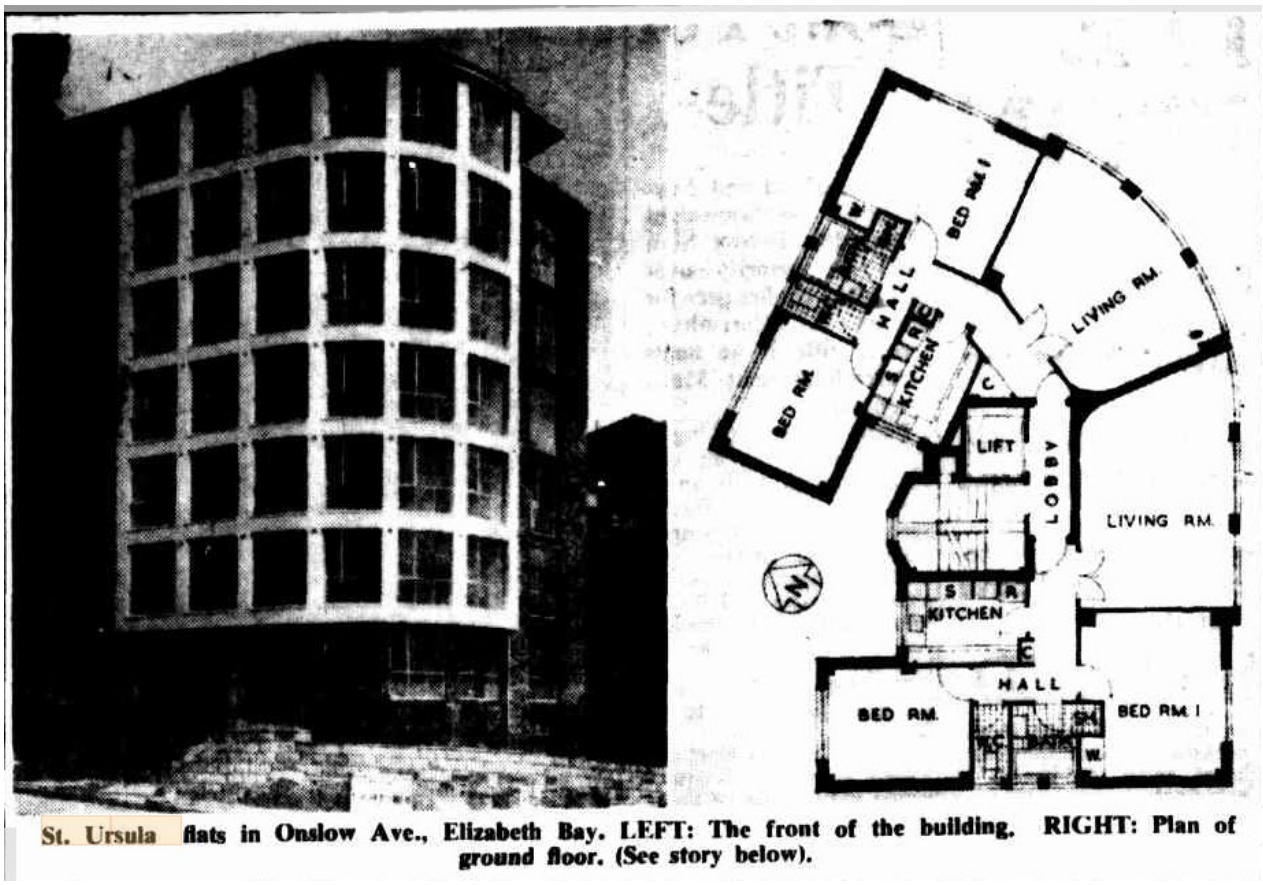
Image caption	St Ursula flats in Onslow Ave, Elizabeth Bay, in *Sydney Morning Herald*, 23 March 1954, p11.				
Image year	1954	**Image by**	NLA	**Image copyright holder**	No copyright



St. Ursula flats in Onslow Ave., Elizabeth Bay. LEFT: The front of the building. RIGHT: Plan of ground floor. (See story below).

Image caption	Proposed block of six-storey flats at Lot 9 Onslow Ave Elizabeth Bay for Dr Susane Sedgwick.				
Image year	1951	**Image by**	H Stossel	**Image copyright holder**	City of Sydney Archives

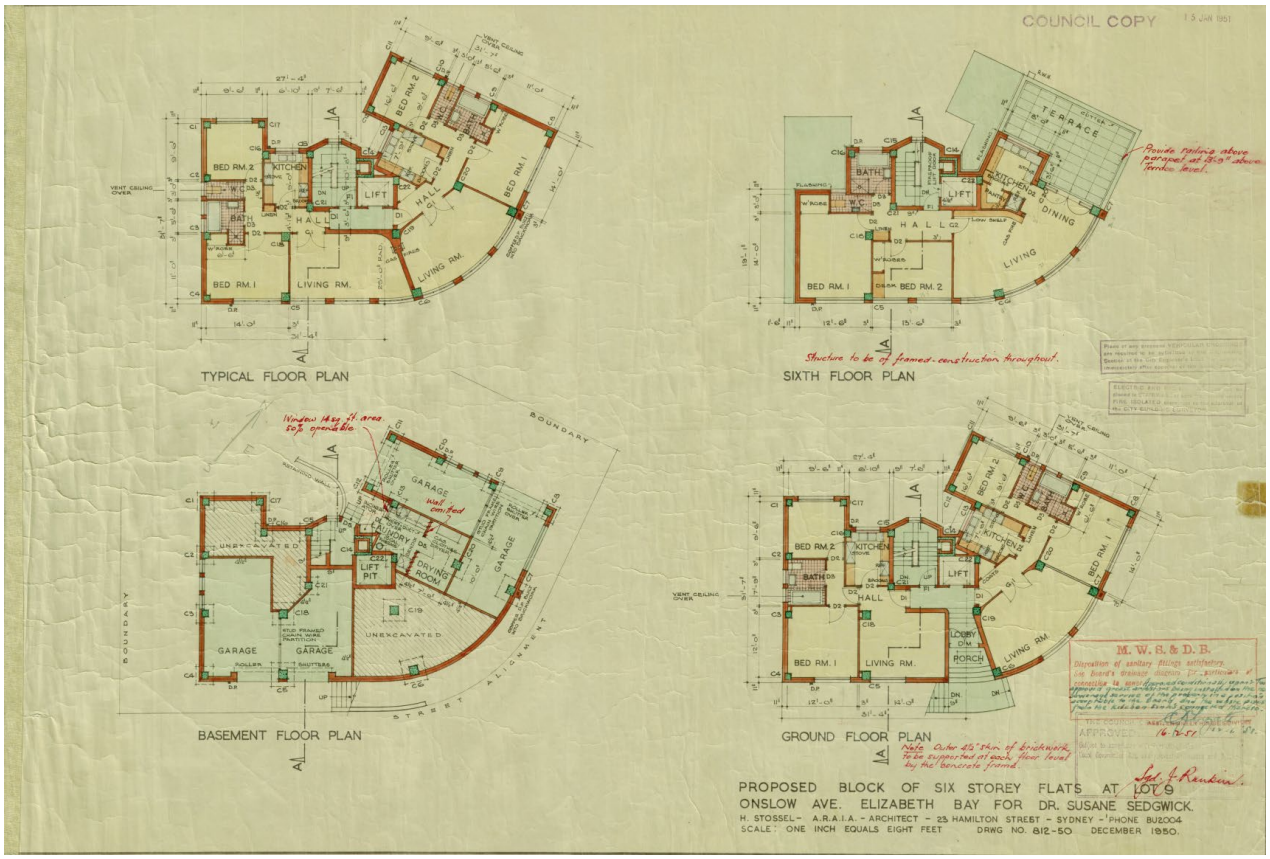


Image caption	Proposed block of six-storey flats at Lot 9 Onslow Ave Elizabeth Bay for Dr Susane Sedgwick.				
Image year	1951	**Image by**	H Stossel	**Image copyright holder**	City of Sydney Archives

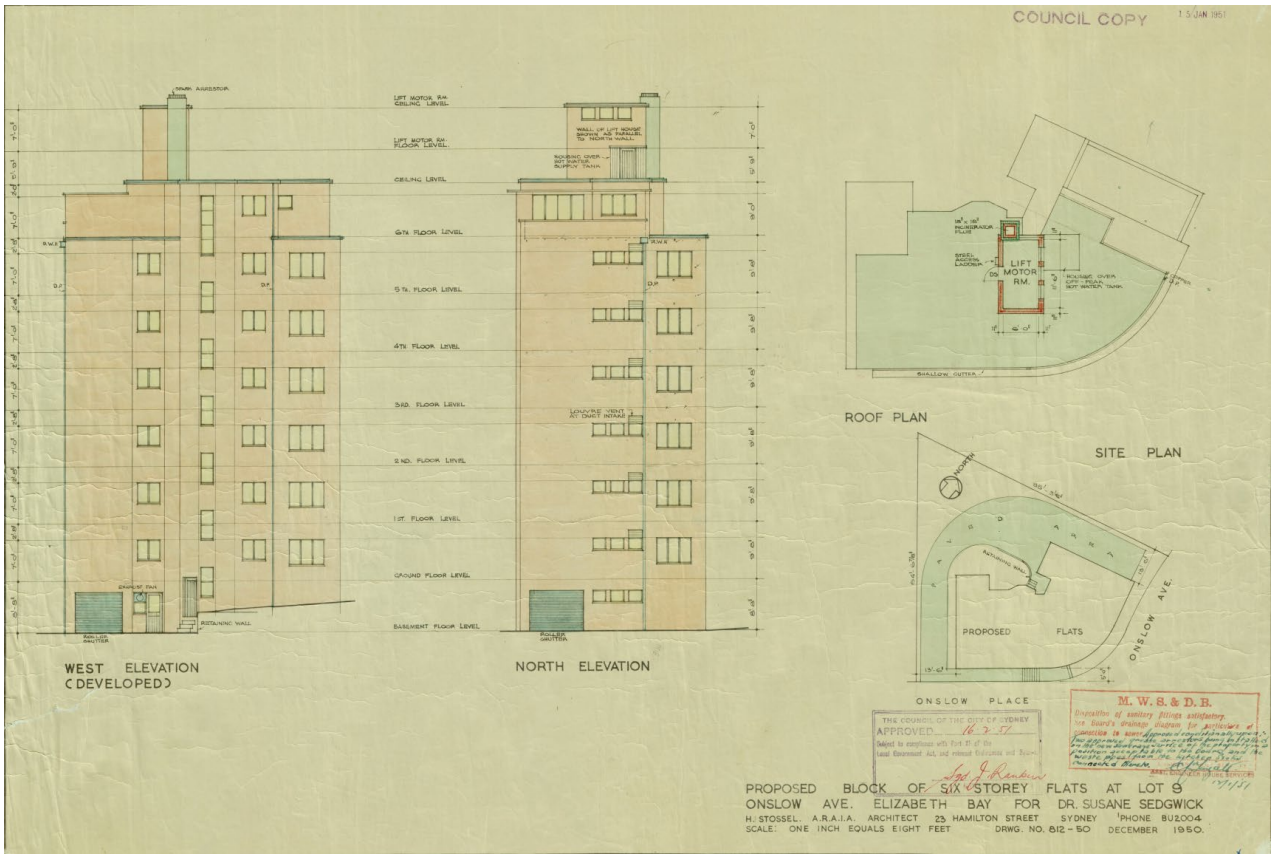


Image caption	St Ursula from Onslow Place.				
Image year	2024	Image by	GML	Image copyright holder	City of Sydney

Image caption	St Ursula showing narrow bricks to entrance way and original external wall lights.				
Image year	2018	Image by	GML	Image copyright holder	GML

Image caption	St Ursula showing curved entrance and timber-framed double glazed entry doors to foyer.				
Image year	2018	Image by	GML	Image copyright holder	GML

Image caption	Internal view showing floor to ceiling steel-frame window units.				
Image year	2018	Image by	GML	Image copyright holder	GML

Image caption	Detail of early elements remaining in an apartment bathroom.				
Image year	2018	Image by	GML	Image copyright holder	GML

Attachment A5

Draft Inventory Sheet – 108 Elizabeth Bay Road, Elizabeth Bay - Oceana

Name	Oceana		
Address	108 Elizabeth Bay Road, Elizabeth Bay	Lot number	Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461
Architect	Theodore Fry	Construction date	1961
Builder	Arcos Pty Ltd		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 MacLeay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants, specimen trees, an orchard and orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

Lot 53 was conveyed to James Bartlett in 1866. By the late 1870s there were two residences on the allotment named Fairlight and Toftmonks, with a curved right of way shared by the two properties. The two houses changed owners a number of times until the 1950s.

Structural engineer and owner of steel manufacturing company Arcos Industries, Moses Eisner, acquired the title to Lot A (and H) of a subdivision of 108 Elizabeth Bay Road in 1959. In July 1958, prior to registration of the conveyance to Eisner, architect Theodore Fry lodged an application to erect a part 12-storey and part nine-storey building to contain 57 flats, to be built in steel, concrete and curtain walling (using 'Besser Vibrapac' concrete masonry blocks) with provision for off-street parking for 60–70 cars on Lot A. At this time the property consisted of a vacant lot (Lot A) and a two-storey brick residence on 108 Elizabeth Bay Road that was in the course of demolition. 108 Elizabeth Bay Road was owned by FD Hixson and Lot A by HI MacCarthy. The estimated cost was £90,000. Oceana Apartments Limited became the registered proprietor of Lots A and D in 1959.

One month later, Council granted development approval providing the total floor area did not exceed 54,000 square feet. The builder was Arcos Pty Ltd and the structural engineer was Docker and Smith. Construction commenced and additional structural plans were approved in 1959. Council also approved the addition of two penthouses on the roof of the building under construction in September of the same year. The Oceana Apartments were advertised for sale from the beginning of 1959 during the early construction stage.

[1] City of Sydney 2013, 'Aboriginal People and Place'.

Historical overview

Revised architectural plans and specifications for minor additions were approved in 1960. Oceana was completed in 1961.

In May 1960, *Cross-Section* noted that 'Oceana is the name of this 13 storey (59 H units) bldg. nearing completion at Elizabeth Bay Syd. Over 25% reduction in cost and time was achieved through such techniques as all-steel form work for column & beam casing, pre-cast pre-stressed conc floors, hollow beams with cinder concrete walls & all copper one-pipe drainage system.'

Theodore Fry

Theodore Fry (1908–1968), architect of Oceana, was born Teodor Freiwillig in Poland. Fry studied design at the Lvov Polytechnic, escaping Poland in 1939 and travelling through several countries before arriving in Australia in 1948. Registering as an architect in 1949, Fry's first project with Eisner was a block of 18 flats at 25 Wolseley Road Point Piper, designed in 1952. The project was published in *Cross-Section* in 1954 and was noted as one of the few apartment buildings to begin construction after World War II. Fry's other prominent apartment projects include Rushcutters Court (now Bayside), a 12 storey block at 85 New South Head Road, Edgecliff; and Orana, an eight storey block at Rose Bay completed in 1963, also owned and built by Arcos Industries.

Fry's own house in Castlecrag was published in *Australian House and Garden* in January 1961, noting his innovative use of sculptural concrete blockwork as a screen.

Fry employed Croatian architect Nino Sydney (Somogy) shortly after his arrival during the 1950s. Sydney worked with Fry on the Knoll Laboratories at Arncliffe, completed in 1968 shortly after Fry's death, when Sydney took over the practice.

Acros Industries

Moses Eisner came to Australia from Poland in 1939; one of few members of his family to survive the Holocaust. By 1945, Eisner, an engineer, had founded a steel company in Sydney called Arcos. In 1946 Arcos constructed a series of prefabricated steel houses for the Housing Commission of NSW, designed by Hugo Stossel. During 1948 Stossel designed one of Australia's first European influenced modernist houses at Warrawee for Eisner and his wife Gisele. In 1955 Stossel and Eisner cooperated in the design and construction of a factory at Artarmon, the same year Eisner's company financed and constructed the block of 18 flats at 25 Wolseley Road, Point Piper, which were designed by Fry.

By this time Arcos had become a major construction company, gaining NSW Government contracts including the construction of the Vales Point power station. Eisner purchased the site of Oceana in 1959 in what appears to have been a speculative development, retitling the property as Oceana Apartments Limited and raising capital by selling shares in the building. Oceana was advertised as 'Home units…. ARCHITECT DESIGNED, constructed by ARCOS INDUSTRIES. 208ft WATER FRONTAGE. SWIMMING POOL. All Units have NE aspects which cannot be built out'. Oceana Apartments Limited remains Oceana's owner'.

Arcos built more apartments during the 1960s; however, its focus had moved primarily to civil engineering.

Description

A site visit was undertaken by GML in October 2024. The physical assessment is based on this and available documentation of the site.

Setting and context

Oceana is located between the northern end of Elizabeth Bay Road and the harbour. It is one of several apartment buildings in a radial arrangement around the northern tip of the road loop. The topography of the area is undulating with the land sloping steeply down towards the water.

Oceana is located within the Elizabeth Bay and Rushcutters Bays Heritage Conservation Area (HCA). The HCA within the immediate vicinity of the site is characterised by large Victorian and

Federation residences, and multi-storey postwar and contemporary apartments that are comparable in design to Oceana but generally smaller in scale.

Description

Oceana occupies four lots that together form an irregular 'battleaxe' shape. The frontage to Elizabeth Bay Road is approximately 8m; the western boundary is approximately 117m and northern harbourside boundary is approximately 65m.

Due to its setback and orientation, the view of Oceana from Elizabeth Bay Road is limited and partially obscured by the neighbouring apartment building. The scale and visual prominence of the building is clearer in views from the water, Beare Park and Elizabeth Bay Marina, where its full length and scale can be seen.

Physical description

Oceana is a 10 to 13-storey International style residential flat building with a long, thin plan originally containing 55 two and three-bedroom units that span the width of the building. The flat building is aligned with the west boundary and covered carparking spaces occupy the eastern half of the site. A pool is located along the northeastern edge towards the harbour. Oceana is accessed from Elizabeth Bay Road via a concrete driveway.

The building is of a simple, narrow rectangular form constructed of a reinforced concrete column-and-beam frame and floor slabs with textured concrete block infill walls and spandrels. The concrete slab and beams are exposed externally. External façades are defined by a consistent fenestration pattern that maximises the lighting and views inside the units and provides cross ventilation.

Following the topography of the site, the building is 10 storeys to the south, increasing to 13 storeys in the north section. Oceana is serviced by two elevator and fire stair cores placed at the rear and front quarters of the building and rising an additional two to three storeys above the flat roof.

The eastern elevation is almost entirely glazed with expansive windows and solid panel spandrels alternating with cantilevered projecting balconies of the same width, dividing the façade into a distinct grid. The narrow, northern elevation consists of full-width cantilevered balconies while the southern (street facing) elevation is face blockwork without fenestration. The western elevation comprises full-length cantilevered access galleries on each floor with metal rail balustrades. Aqua-coloured panels are fixed to the balustrades in an alternating pattern. At each level the lift lobby is set back and finished in orange glazed tiles. The lift lobby areas at each floor were originally screened with frosted glass panels providing shelter, since removed.

The plan as shown in 1960 includes three-bedroom apartments at the southern end, with four identical two-bedroom units in between. The northern unit is a larger two-bedroom configuration with a full-width living room, making six units per floor. It appears that apartment layouts have since been altered with some amalgamations. Each unit has a similar façade composed of face brickwork walls, timber-framed multi-pane windows and an entry door.

Internally, each unit has a simple quadrant plan with a living room and main bedroom facing east, and a kitchen, bathroom and secondary bedrooms on the western side with windows to the gallery. Two expansive penthouses are located on the top floor.

Common spaces on the site include a covered concrete parking area with distinctive zigzag sheet-metal roof, and a pool with change rooms and BBQ in the lower harbourside area.

Landscaping

The landscaping of the site includes mature plantings and a landscaped garden in the northern portion of the site surrounding the pool.

Modifications and integrity

Council records after 1995 indicate the following modifications.

Building related and development applications for various interior works, including the consolidation of units, internal reconfiguration, the demolition of walls and refurbishment, were approved between 1995 and 2011.

A development application submitted in 2007 (D/2007/1335) was approved for alterations and addition to an existing cabana, restoration of the roof, demolition of an amenities structure, changes to the existing south and west façades and balconies, and new frameless glazing has been fitted to all external balconies.

The twin entry lobbies at ground floor have been refurbished.

Description

Condition

A HIS prepared by Weir Philips in 2010 indicated Oceana is relatively intact and its integrity is relatively high. The current condition of the building has not been assessed.

Comparative analysis

Oceana can be compared with other major apartment designs of Theodore Fry, including the block of 18 flats at 25 Wolseley Road Point Piper (1952) and Rushcutters Court (now Bayside) at 85 New South Head Road, Edgecliff (date unknown), both of which remain but have been substantially altered.

The building at Wolseley Road is of significance as an early postwar apartment building designed with a strong modernist expression by an architect trained in Poland, and is rare. However, it appears that the building has been subject to a series of alterations and hence its original design is less able to be appreciated than Oceana's. Similarly, Bayside has been altered a number of times and is not considered to be able to represent Fry's original design. Oceana, completed in 1961 and intact, is able to demonstrate Fry's contribution as an architect. As the only intact example of Fry's work and as the work of a noteworthy émigré architect working in Sydney in the postwar years, Oceana is considered rare.

In its scale and prominence, Oceana is unique as an 1960s apartment building. It can be compared with other large apartment projects of the period such as Glenhurst Gardens, Darling Point (1959) or Blues Point Tower, McMahons Point (1962), but there are few examples of the same scale and prominence.

With around 60 apartments over 15 floors, at its time of construction Glenhurst Gardens was the largest apartment building in Sydney and represented a marked shift in the development of Darling Point. The building also included many firsts, from its construction technology to its high level of customisation. The design, planning and engineering of Glenhurst Gardens can be seen as a historical benchmark in the evolution of apartment design in NSW. Glenhurst Gardens is considered to be of historic, aesthetic and technical significance.

Similarly Blues Point Tower, at 24 levels with 144 apartments when completed in 1962 was one of the largest apartment buildings in Sydney. It's prominent harbourside site was also significant. Although part of architect Harry Seidler's wider concept of freeing up foreshore space through high rise development, the project was widely unpopular.

Oceana, designed and constructed in a similar period, shares many characterises with Glenhurst Gardens and Blues Point Tower and is important for demonstrating this period of large-scale development on harbour sites. When completed, with originally 55 apartments over 10/13 floors, Oceana was the largest residential flat building to be completed in the Elizabeth Bay/ Potts Point area and was at the time among the largest in Sydney.

As restrictions on the development of harbour sites came into force shortly after it was completed, the location and scale of Oceana is rare. Later projects were required to be set back from the foreshore and tended to be lower in scale, stepping down steep sites. Due to its location and the period of its design and construction, Oceana is seen as having historic significance for its ability to represent a particular period of Sydney's harbourside development. While Oceana's use of linear planning, with its apartments oriented to the light and views, and its rear circulation spine, can be seen as typical of many apartments of the period, the scale and execution of this design is noteworthy. When compared to Glenhurst Gardens and Blues Point Tower, Ocean is able to represent variations of a similar form and an individual expression in design. Oceana has aesthetic significance for its distinctive design which is still able to be appreciated.

Oceana is the most ambitious and intact project undertaken by Theodore Fry and Moses Eiser, two noteworthy figures in the postwar development of Sydney making it rare.

Comparative analysis

Figure 1 25 Wolseley Road, Point Piper, project undertaken by Theodore Fry and Moses Eiser and completed in 1952. The original form is visible but the building appears to have been modified.

Figure 2 Glenhurst Gardens, Darling Point, by Douglas Forsyth Evans. Completed in 1959, it is a notable early large-scale linear apartment building in Sydney. (Source: GML 2024)

Assessment of significance

Criterion A (Historic significance)	Oceana is a good example of a large scale post-World War II high-rise apartment building in the Elizabeth Bay Potts Point area. It is representative of the process of redevelopment and subdivision of the suburb, beginning in the interwar period, from grand, freestanding dwellings to apartment buildings. The site's redevelopment by Moses Eisner with architect Theodore Fry demonstrates the growing influence of European migrants on the built environment, an important historic phase in the development of the area. The building's location on the harbour foreshore is also able to demonstrate a period before restrictions on the development of foreshore land were implemented. At its time of construction Oceana was one of the largest apartment buildings in Sydney and represented a marked shift in the development of Elizabeth Bay towards higher densities. Oceana **has** cultural significance at a local level under this criterion. Oceana does not have cultural significance at a state level under this criterion.
Criterion B (Historical association)	Oceana has strong associations with Theodore Fry, a noteworthy architect of this period as his largest and most intact project. Oceana is a good example of Fry's work and provides evidence of his designs, including an application of modernist design principles.

Assessment of significance	
	Oceana also has some significance for its association with Moses Eisner, a noteworthy businessman, engineer and property developer of the period. Oceana **has** cultural significance at a local level under this criterion. Oceana does not have cultural significance at a state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	Oceana is considered to be aesthetically distinct and of high design quality. The design of the building—its siting on its harbour front site, the elongated form, the planning of the corridors and units, the configuration of the internal layouts and its fenestration pattern demonstrates Fry's application of modernist architectural principles. The external elevations have a unique presentation with large areas of glazing, projecting balconies and external circulation galleries. The building contributes positively to the streetscapes/skyscapes of the Elizabeth Bay peninsula. The integrity of common areas remains to be confirmed. Oceana **has** cultural significance at a local level under this criterion. Oceana does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Oceana is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. Oceana does not have cultural significance at local or state level under this criterion.
Criterion E (Research potential)	Oceana is not considered to have the potential to yield significant further or new information not available elsewhere. Oceana does not have cultural significance at local or state level under this criterion.
Criterion F (Rare)	Oceana is considered rare as an example of the architectural work of Theodore Fry. Other examples of his design work have been substantially altered and are less able to be appreciated. Oceana is also rare for its scale and location, with later apartment buildings in this area lower in scale and set back from the harbour's edge. Buildings of the late 1960s tended to use compact plans stepping down their sites in response to the topography. The uncompromising horizontal massing of Oceana is rare in the context of the Elizabeth Bay Potts Point area. Oceana **has** cultural significance at a local level under this criterion. Oceana does not have cultural significance at a state level under this criterion.
Criterion G (Representative)	Oceana is representative of a wider post-World War II trend, seen in many areas of Sydney close to the city and the harbour, of large houses being replaced by Modernist residential flat buildings. As one of the largest apartment buildings in Sydney at the time of its construction, and one of the largest apartment buildings to be developed in the Elizabeth Bay and Potts Point area, Oceana is significant for its ability to represent this trend.

Assessment of significance	
	Oceana is also a good and intact representative example of the work of a European émigré architect and property developer. It is one of a group of significant apartments that European migrants completed during the 1950s and 1960s in the local area. It is important in demonstrating the principal characteristics of these projects, which tended towards higher densities, displayed modernist design principles and promoted apartment living. Oceana **has** cultural significance at a local level under this criterion. Oceana does not have cultural significance at a state level under this criterion.

Statement of significance

Oceana has historic significance for its ability to demonstrate the wider historical trend of the development of harbourside sites for apartment buildings. Its development by Polish émigré businessman and engineer Moses Eisner and Poland-trained architect Theodore Fry also demonstrates the growing influence of European migrants on the built environment, an important historical phase in the development of the area. Oceana also has historic significance for its association with Fry, a noteworthy architect working in Sydney in the post-World War II period, particularly as his most prominent and intact project.

Oceana has aesthetic significance for its design qualities, its elongated form, large areas of glazing and simplified forms repeated over large façades; it demonstrates Fry's application of modernist architectural principles. Highly intact externally, the building contributes positively to the streetscapes and views within the Elizabeth Bay peninsula.

The building has significant rarity values as an intact example of the architectural work of Theodore Fry and for its scale and location, as later apartment buildings in the area are lower in scale and set back from the harbour's edge.

Oceana is significant for its ability to represent wider trends of the development of harbourside sites as one of the largest apartment buildings to be developed in the Elizabeth Bay and Potts Point area. Oceana is also significant as one of a group of significant apartment buildings that European migrants completed during the 1950s and 1960s in the local area. It is important in demonstrating the principal characteristics of these projects, which tended towards higher densities, displayed modernist design principles and promoted apartment living.

Substantially intact, Oceana is able to demonstrate the principal characteristics of mid-twentieth century modernist apartment buildings in the City of Sydney local government area and Sydney more generally.

Recommendations

Oceana meets the threshold for local listing for its historical, associative, aesthetic, rarity and representative values.

It is recommended for heritage listing on the Sydney Local Environmental Plan. Individual apartment interiors should be excluded from the listing.

The building within its setting should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

A comprehensive conservation management plan for the site could be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources				
Type	**Author**	**Title**	**Year**	**Repository**
Site inspection (external)	GML		2024	GML
Land titles	Land Titles Office	Vol 7891 Fol 113 Vol 7746 Fol137 Vol 4530 Fol 230		NSW Land Registry Services
Publication	*Building, Lighting and Engineering*		November 1958	National Library of Australia
Publication	*Building Ideas Guide to Sydney Architecture*		1962	National Library of Australia
Publication	*Cross-Section*		May 1960	University of Melbourne

Image caption	Oceana Apartments at Elizabeth Bay, NSW. Architect: T Fry; builder: Arcos Industries; and photographer: not known. The photograph was published in *Cross-Section*, No. 91, May 1960. (Source: Cross-Section archive)				
Image year	1960	**Image by**	Unknown	**Image copyright holder**	Unknown

Image caption	Working drawings of the Oceana Apartments—west elevation, May 1952.				
Image year	1952	Image by	Theodore Fry	Image copyright holder	City of Sydney

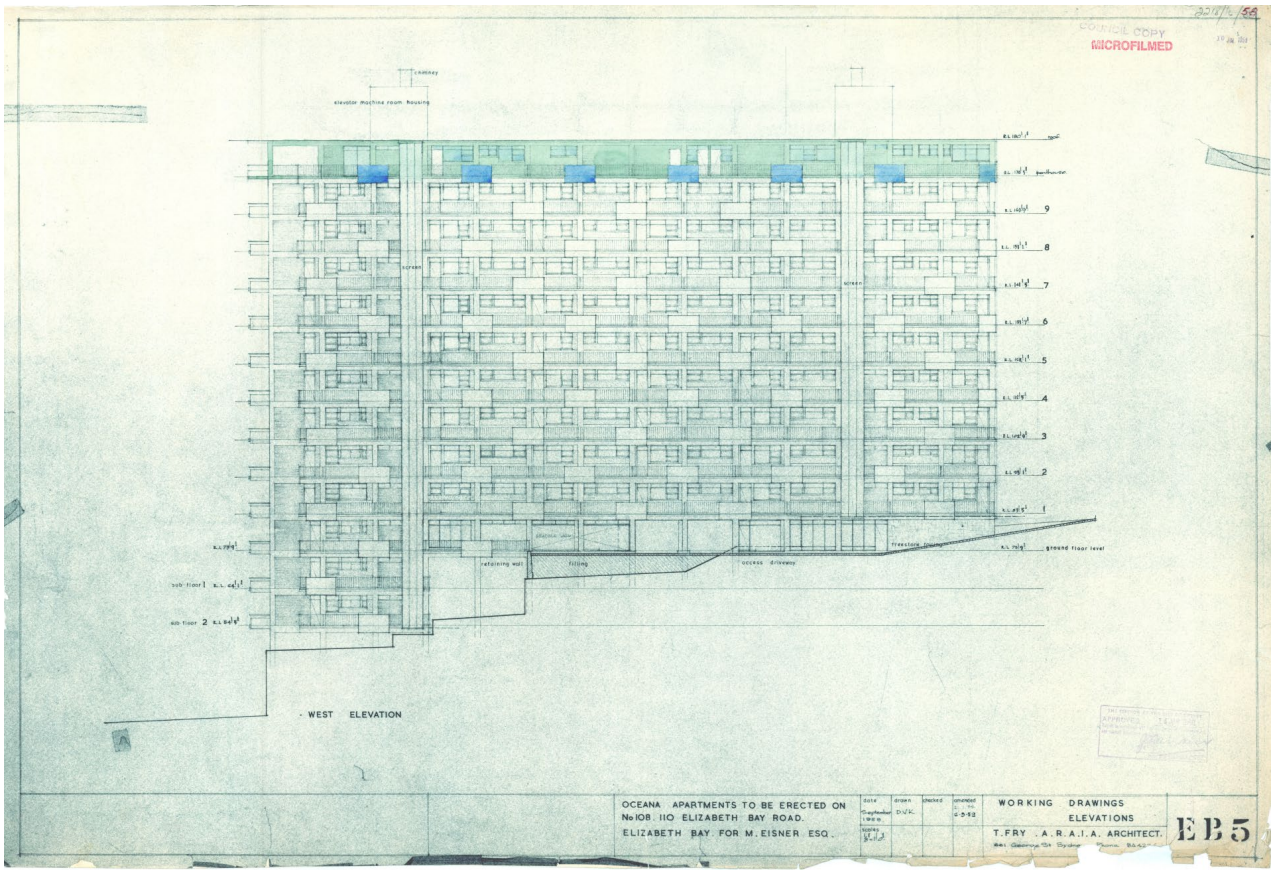


Image caption	Working drawings of the Oceana Apartments—east elevation, May 1952.				
Image year	1952	Image by	Theodore Fry	Image copyright holder	City of Sydney

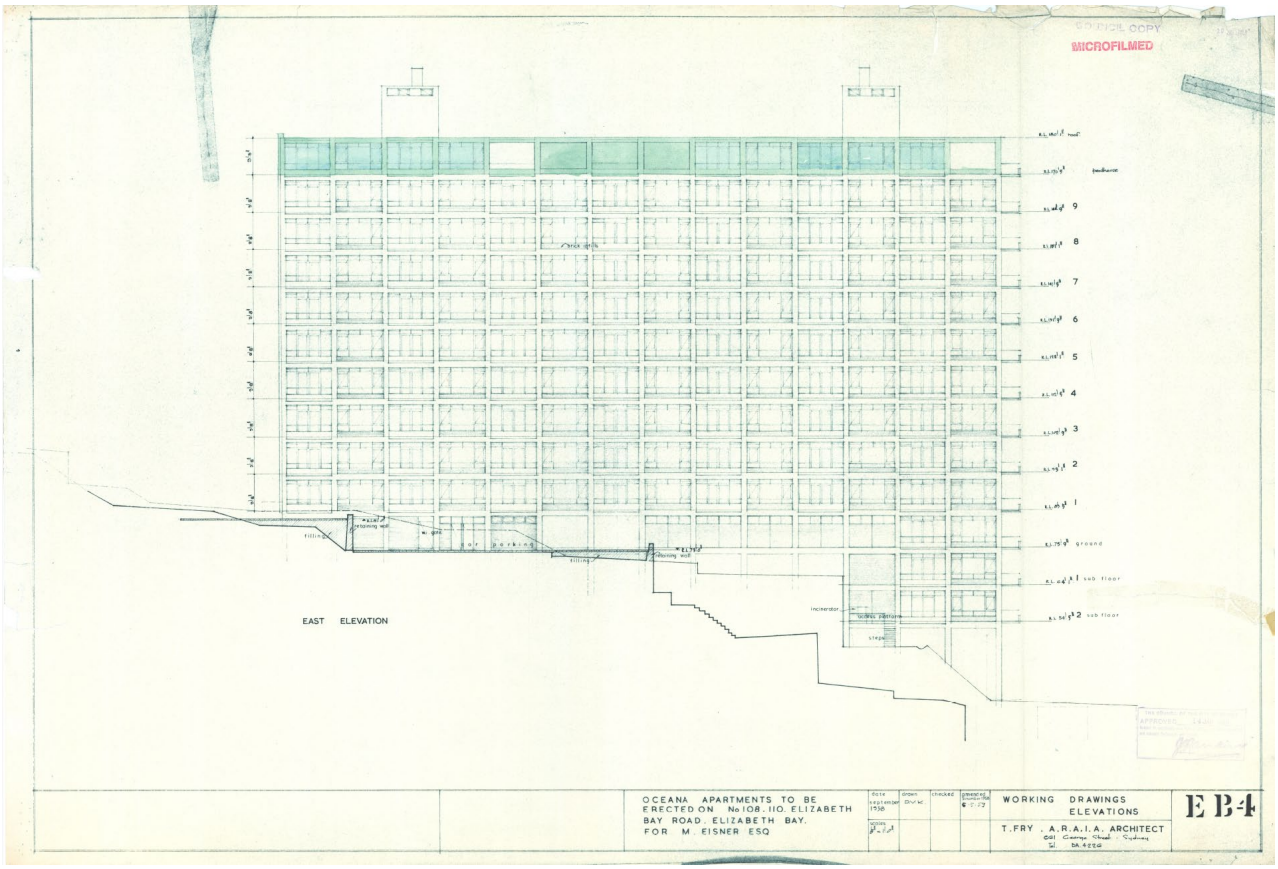


Image caption	Working drawings of the Oceana Apartments—site plan and section A-A, July 1952.				
Image year	1952	Image by	Theodore Fry	Image copyright holder	City of Sydney

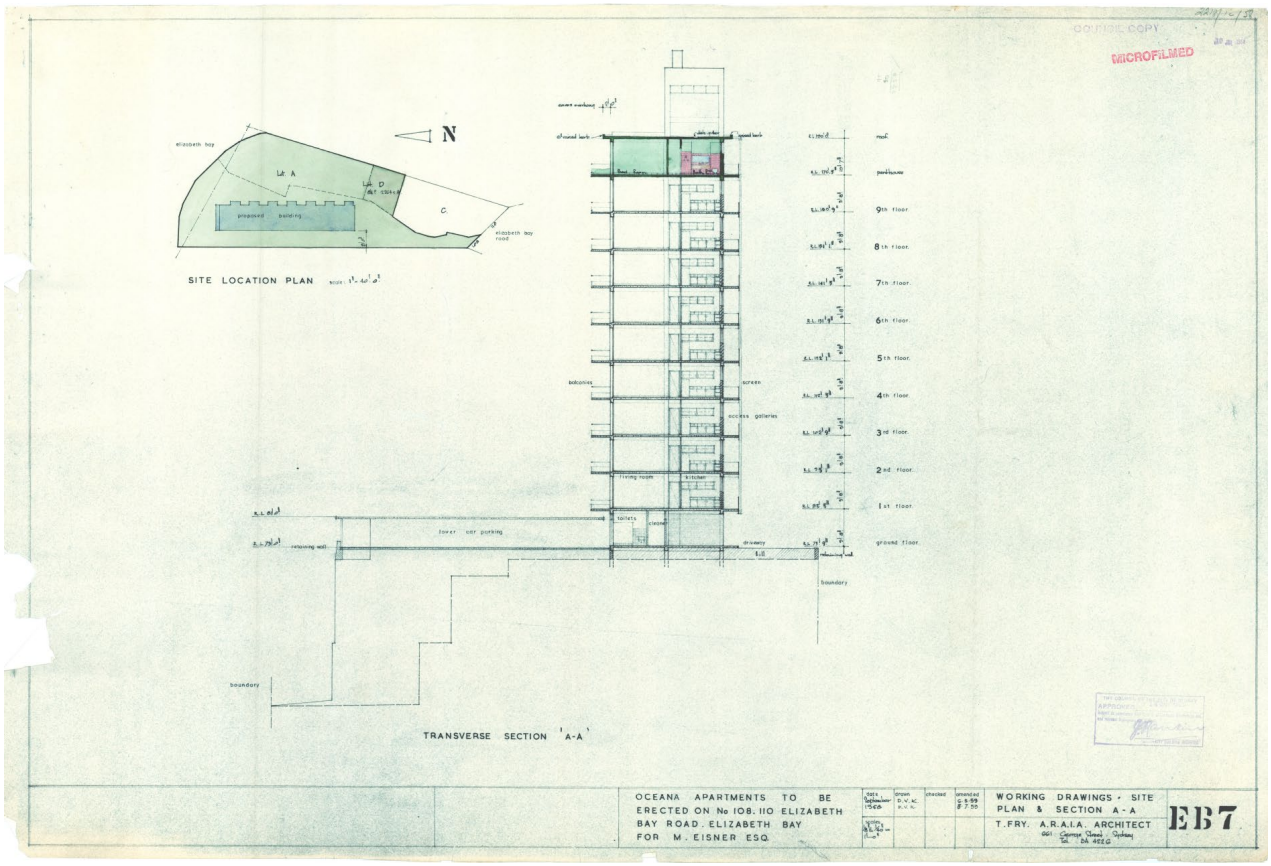


Image caption	Working drawings of the Oceana Apartments—amended plan of the first, second and third floors, May 1960.				
Image year	1960	**Image by**	Theodore Fry	**Image copyright holder**	City of Sydney

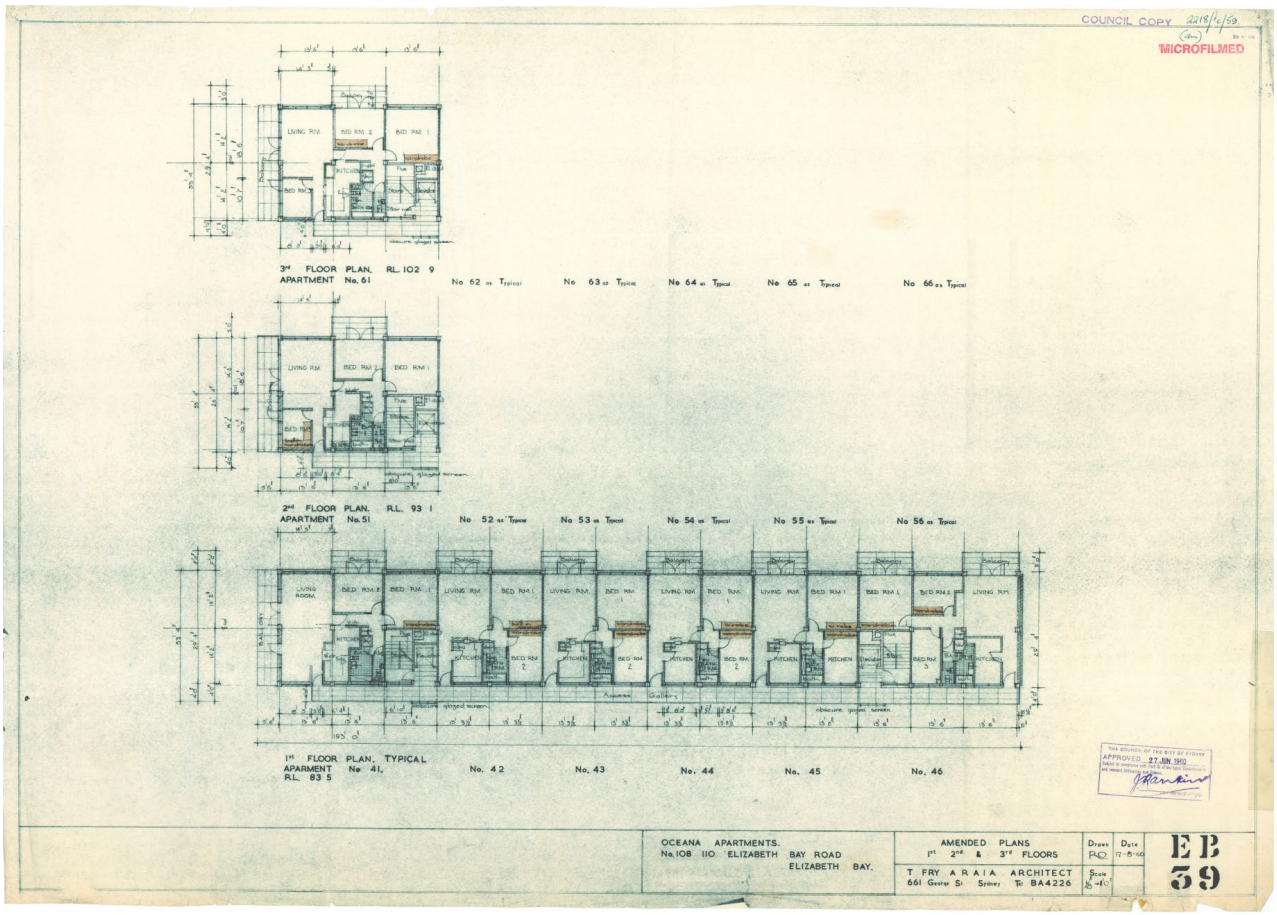


Image caption	Oceana from the east and Sydney Harbour.				
Image year	1972	Image by	Unknown	Image copyright holder	Museums of History NSW

Image caption	Oceana from Beare Park.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Oceana from Beare Park.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View looking west from the carparking area. All balustrades have been replaced with glazing and stainless steel rails.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Typical balcony arrangements, with a variety of tile surfaces. Pool and garage spaces are visible at the ground level below.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The building’s distinctive concrete blockwork and timber-framed glazing on the gallery elevations.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Internal view of original timber-framed windows and doors to balcony.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Internal view of typical kitchen layout and windows to gallery.				
Image year	2024	Image by	GML	Image copyright holder	GML

Attachment A6

Draft Inventory Sheet – 12 Ithaca Road, Elizabeth Bay - Ithaca Gardens

Name	Ithaca Gardens		
Address	12 Ithaca Road, Elizabeth Bay	Lot number	Lot A DP 155142, Lots 1–40 SP 5704
Architect	Harry Seidler and Associates	Construction date	1960
Builder	Civil and Civic Contractors		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map. Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When Willlliam died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

In 1872 parts of the Elizabeth Bay Estate, including blocks 62–64, were leased to Alexander Haywood Richardson and Ann Marie Richardson. Three years later they subdivided the property. At this date Lots 8–12 formed a triangular parcel of land approximating the boundary of the study site. The land had a succession of lessees and underlessees before it was sold as freehold to Arthur Thomas Henry Pittar, Walter Douglas Brewer Pittar and Arthur Paterson in 1917. The subject site remained vacant land until the 1950s. Ithaca Development Pty Ltd, owned by Marcell Seidler, acquired the land in August 1951 and simultaneously transferred it to Ithaca Gardens Pty Ltd.

Marcell Seidler lodged an interim development application for a block of flats on the site in October 1950 and was granted approval one month later. The following year his brother Harry Seidler submitted a revised application to erect an eight-storey block of flats in reinforced concrete (BA 502/51). The application was approved; the site had been cleared by August the same year. However, in May 1952 the City of Sydney Council notified Seidler that the approval had lapsed. In response Seidler indicated the project would proceed pending finance being available.

In this intervening period Seidler sought publicity for his planned building on the site, which was published in a number of newspapers and magazines.

During the 1950s Seidler was successfully completing houses that were gaining a lot of attention, but he had so far failed to enter Sydney's growing apartment scene.

[1] City of Sydney 2013, 'Aboriginal People and Place'.

The Seidlers struggled to find financial support for the project and it was not until Civil & Civic Contractors agreed to finance the development that it was able to proceed. At an unknown date Marcell approached Gerardus Jozef 'Dick' Dusseldorp. Initially Dusseldorp sent word back through a middleman that he didn't think much of the scheme 'because it was sort of monks' cell … but he would be interested to build something on that site if you could adjust your proposal'.[2] Seidler revised his design and re-presented it to Dusseldorp, who agreed to construct the project. Dusseldorf paid Marcell and Harry in real estate, one apartment for Harry, two for Marcell. Harry and Penelope Seidler moved into one of the top-floor apartments in 1960 and lived there for seven years. The family still retains ownership of the apartment, which is intact as Seidler designed it.

When Ithaca Gardens was completed in 1960, due to its long gestation period, it was Seidler's first completed apartment project. Although in 1957 Seidler had developed an extensive scheme for the redevelopment of McMahons Point, Blues Point Tower (completed 1962) was the only building then realised. As the 1960s progressed Harry Seidler and Associates completed many apartment projects that reflected and further developed the structural and planning innovations explored in Ithaca Gardens.

Ithaca Gardens Apartments received the 1960 *Journal of Architecture and Arts* Award. The building was a widely published and celebrated example of modernist architecture in Australia.

Harry Seidler and Associates

Harry Seidler (1923–2006) was born in Vienna to Jewish parents. Following the Nazi occupation of Austria in 1938, Seidler relocated to England where he attended Cambridge Polytechnic, before being deported to Canada in 1940. He was awarded a Bachelor of Architecture in Canada in 1944. He won a scholarship to study at the Graduate School of Design, Harvard University, where Walter Gropius and Marcel Breuer were teachers. He then studied at Black Mountain College, under Josef Albers, before working with Breuer in New York City (1946–1948) and briefly with Oscar Niemeyer in Rio de Janeiro, on his way to Sydney in 1948.

Arriving in Sydney, his first commission was to design a house for his parents (Rose Seidler House, 1948–1950). Seidler gained Australian citizenship and in 1958 married Penelope Evatt, who was to be a significant partner in his career. By the 1960s Seidler's practice began to receive significant commissions including Blues Point Tower (completed 1962) and Australia Square (1960–1967). The latter, designed with engineer Pier Luigi Nervi, became a 'type-model' for Seidler's urban tower designs throughout his career. From the 1970s Harry Seidler and Associates was commissioned for significant large-scale commissions across Australia and overseas. These included the Australian Embassy, Paris (1973); MLC Building, Sydney (1978); Riverside Centre, Brisbane (1984); Shell Headquarters, Melbourne (1988); and QV1, Perth (1992).

Throughout his career, Seidler wrote about architecture and taught at various universities around the world, as well as advocating planning reform in Australia. He was awarded numerous honours throughout his career including being made an Honorary Fellow of both the American Institute of Architects and the Royal Institute of British Architects (RIBA awarded him the Royal Gold Medal in 1996); and a Life Fellow (1970) of the Royal Australian Institute of Architects (receiving 50 awards including five Sulman Medals, four Wilkinson Awards and the Gold Medal [1976]). He was also awarded an Order of the British Empire (1972). His impact and the work of his firm were a major cultural influence, applying uncompromising Bauhaus-inspired modernist architecture and principles in Australia.

Civil & Civic and Lend Lease

The company Civil & Civic (later expanded as Lend Lease) was a pioneer of corporate design and construction in Australia. It was instrumental in the campaign for the introduction of strata title in NSW; the 1961 legislation was drafted by a lawyer engaged by the company, significantly changing the speculative development landscape. Civil & Civic was founded by Gerardus Jozef

'Dick' Dusseldorp, an engineer who had come to Australia from the Netherlands in 1951 to work on the Snowy Mountains project.

Their first apartment project was the 1958 Broadwaters in Darling Point designed by Hugo Stossel, which caused a scandal when Council took Civil & Civic to court for breaching planning

[2] Helen O'Neill 2013, *A Singular Vision: Harry Seidler*, p 172.

Historical overview

regulations. High-profile, prolific and powerful Dusseldorf won the case and construction continued.

The high historical profile of Lend Lease is partly due to its association with Harry Seidler. Both Dusseldorp and Seidler were high-profile advocates for their projects. Blues Point Tower, completed at McMahons Point in 1962, became one of the most-publicised apartment buildings ever built in Sydney.

Having completed several large apartment buildings in Sydney in the late 1950s Lend Lease's ambitions in the apartment industry were thwarted by the early 1960s credit squeeze: flats sold slowly at Blues Point Tower, one of the first strata-titled buildings in Sydney, and the company

closed its Home Unit Display Centre at Circular Quay and avoided the flat market until 1968, then focusing on flats in the suburbs rather than the inner city. Lendlease remains one of Australia's major construction companies.

Description

An inspection from the public domain was undertaken by GML in September 2024. The physical assessment is based on that and publicly available documentation of the site.

Setting and context

Ithaca Gardens is located on the eastern side of the highest point of Ithaca Road. The topography of the area slopes steeply down to the north. The building is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA). The immediate vicinity of the site is characterised by Inter-War flat buildings and multistorey apartment buildings that are comparable in scale to Ithaca Gardens. Due to its scale and setback from the street, and its design and materiality, Ithaca Gardens has a prominent streetscape presence within the HCA.

Physical description

Ithaca Gardens is a 10-storey flat building containing 40 two-bedroom units. The lot shape is roughly triangular. The building is located centrally on the lot with a sloping open space between it and Ithaca Road. It is oriented to maximise views to the northeast. There is minimal landscaping, mostly around the building entry, with other areas left open.

The building has a simple elongated rectilinear form and is constructed of a reinforced concrete frame with blonde face brickwork infill walls. The concrete slabs are exposed externally. The slabs have a downturn along the side (eastern and western) elevations.

The building elevations are symmetrical. The main southern elevation features external projecting open galleries along alternate floors, accessed by door on either side of the gallery. The feature has no apparent function other than to give access to both lifts (for when one lift is non-functional).

The ground level is open with an undercroft supported on a grid of columns. At its centre is the entrance lobby, which is marked by a thin, folded concrete cantilevered awning. The whole front elevation of the lobby is a wide expanse of open glass. The floor and rear wall are clad in stone.

The building features a covered carpark to the north. Its roof is constructed of a very thin continuous folded concrete slab, which is cantilevered from a high concrete retaining wall. The cantilever of approximately 6m allows for a covered yet column-free carpark. The carpark roof/retaining wall ensemble and the entrance canopy represent a high level of structural innovation and concrete construction for this time and have precedents in the work of Seidler's former employers and teachers Marcel Breuer and Oscar Niemeyer.

The northern elevation addresses the views and the sun and features alternate vertical rows of recessed balconies and ribbon windows. The balconies feature aluminium-framed balustrades with wire glass panels.

The ribbon windows comprise aluminium-framed double-hung windows and fixed panes. The ribbon windows are shaded by fixed sun awnings constructed of structural aluminium with interlocking sheets angled at 45 degrees.

On the rooftop a blonde face brickwork structure houses the communal laundry room and the lift room.

Description

In plan the building has a simple rectangular shape with a two-bedroom units on either side of each stair and lift core, resulting in four apartments per floor. The units are roughly square in plan and all rooms have external windows providing natural light, ventilation and views.

The integrity of the internal configuration and finishes in unknown, with the exception of Harry and Penelope Seidler's apartment which is recorded as intact from its period of construction.

Landscaping

The landscaping on the site is minimal. Some mature trees along Ithaca Road provide visual screening to the building.

Modifications/integrity

Council records from 2004 onwards indicate the following:

DA/2006/1041 was approved for internal refurbishment, demolition of non-structural walls and bedroom window replacement in Unit 604.

DA/2022/53 was approved for alterations and additions to Unit 801.

DA/2024/427 was approved for demolition of an existing window and half-wall and installation of a new full-height glazed sliding door in Unit 904.

Condition

The condition of Ithaca Gardens is unknown due to limited site access.

Comparative analysis

Ithaca Gardens can be seen as representative of Seidler's early 1960s multi-residential projects with a focus on utility, repetition, density and high levels of amenity, especially solar access, natural ventilation and views.

Ithaca Gardens is a representative example of the linearly planned late 1950s and early 1960s works of Harry Seidler and Associates including the City Council Housing Apartments in Camperdown (unbuilt), Ithaca Gardens Apartments 1 (unbuilt) and Diamond Bay Apartments (1962). Another typical apartment planning arrangement by Harry Seidler in the 1960s was that of four corner apartment arrangements on each floor as in Avalon Apartments (1959); Blues Point Tower, McMahons Point (1962); Earlwood Apartments (1963); and Ocean Avenue Apartments, Double Bay (1964).

From 1964 onwards Seidler's housing schemes tended to rely on linear arrangements with complex split-level planning, and later still with curved, radial planning showing Baroque influences.

Blues Point Tower shares similarities with Ithaca Gardens, namely its bands of ribbon windows for bedrooms and larger windows to living rooms. However, the tower's alternating recessed balconies and window arrangements of several apartment types create a more varied and expressive façade than found at Ithaca Gardens.

Also demonstrated in the project is Seidler's consistent and responsible engagement with climate control and sun shading. The 45-degree external aluminium awning sun shading used in Ithaca Gardens is similar to that of Bland House, Coogee (1958); the Silvers Building, Ultimo (1960) (sun shading now removed); and Garran Group Housing, Canberra (1964). This approach was then discontinued for more integral solutions such as inset balconies, slab edges or formed concrete sun shades.

Ithaca Gardens is of particular significance as the first realised apartment project designed by Harry Seidler, from a time when Seidler's Bauhaus-influenced training was first being applied to multi-residential projects.

It can be seen as an important example of a group of projects Seidler completed in the 1960s, when economically planned flats on smaller sites were a particular focus. Although each of these flat buildings responded to its site and context, as a group they can be seen as evolving structural and planning prototypes. Seidler noted in relation to this group of apartments 'the aim of their design is the development of prototypes incorporating a system, both of planning and

construction' (Statement from Harry Seidler included in Ian Mackay, *Living and Partly Living: Housing in Australia*, 1971).

Each of these projects is built of the same materials; poured-in-place concrete and brick infill walls. They all explore systematised construction with repeated layouts and segregated vertical access cores simplifying the main structure. They all express their structure, and their façades express their internal uses and the importance of rooms through window size. Typically, full-height glass walls alternate with ribbon windows created by down-turned concrete slabs. Fixed awnings and sun shading are all carefully arranged to create a characteristic 'tensional' façade pattern. Living units are reduced to their minimum to allow flexibility of use. Lesser rooms (kitchens and bathrooms) are given horizontal ribbon windows, generally on the secondary elevations. During this period Seidler fought regulations requiring direct ventilation for kitchens and bathrooms, so his plans could maximise the amenity of living zones.

Of particular note is the split-level planning of Aquarius, Ercildoune and Village Towers (Arlington), that Seidler realised during the mid-1960s. This can be seen as having been first

explored in the external alternate level gallery circulation of Ithaca Gardens, and further developed in later projects. The innovations in concrete construction Seidler developed during this period are also seen in the thin cantilevered concrete of Ithaca Gardens, which are technically significant and rare for this period.

Ithaca Gardens is noteworthy as Seidler's first apartment project. Its progressive development during the 1950s represents his early exploration of planning and construction methodology applied in later projects. It is able to demonstrate Seidler's early concerns with utility, density and high levels of amenity, especially solar access and natural ventilation.

Seidler was a tireless and effective promoter of modernist architecture and Ithaca Gardens received considerable media attention. That the architect and his brother developed the project and then he lived in the building, and had the interior photographed by Max Dupain, has added to its reputation. Seidler had significant influence on the growing popularity of compact inner-city apartment living and Ithaca Gardens can be seen to have played an important role in this.

Ithaca Gardens is considered rare as an early and innovative modernist apartment project in Elizabeth Bay, and as the first apartment building by Harry Seidler.

The building also has representative significance as the first of Seidler's 1960s apartment projects, which collectively have an exceptional level of significance for their ability to demonstrate the architect's evolving planning and construction protypes. Seidler's architecture of this period was extremely influential, widely published and highly awarded. It can be seen to have made a major contribution to the development of modern architecture in Australia and is highly regarded internationally.

Comparative analysis

Figure 1 Blues Point Tower (likely to be of state heritage significance), McMahons Point, of 24 levels and 144 apartments, is of a much larger scale than Ithaca Gardens; however, its regular façade arrangement shows similar design characteristics. (Source: Wikimedia)

Figure 2 Village Towers (Arlington), Edgecliff (1965–1966), is a significant example of Seidler's evolving use of planning and construction prototypes first applied in Ithaca Gardens. (Source: Philip Thalis)

Assessment of significance

Criterion A (Historic significance)	Ithaca Gardens has historic significance as a prominent example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Architect Harry Seidler had significant influence on the growing popularity of compact inner-city apartment living and Ithaca Gardens can be seen to have played an important role in this. Seidler was an effective promoter of modernism and Ithaca Gardens received considerable media attention. That the architect lived in the apartment, and had the interior photographed by Max Dupain, added to the reputation of the building. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms, and is a key example of the introduction of Bauhaus-influenced modernism into the Australian context. Ithaca Gardens is able to demonstrate wider historical trends of importance to the local area and to NSW more generally. Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens potential significance at a state level under this criterion.

Assessment of significance	
Criterion B (Historical association)	Ithaca Gardens is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As his first completed apartment project, and as his place of residence, Ithaca Gardens has strong associations with the architect and is of particular historical interest in interpreting the context of his work. Ithaca Gardens has some significance for its association with Civil & Civic Constructions (later expanded as Lendlease) as the first project by the long-running and significant partnership formed between the firm and Harry Seidler, which continued through the next decades. Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens has potential significance at a state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	Ithaca Gardens shows many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Ithaca Gardens is an early application of what can be seen as typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Blues Point Tower, Village Towers (Arlington), Ercildoune and Aquarius, which demonstrate distinctive aesthetic attributes in form and composition. In its construction, planning and detailing it demonstrates Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of materials and spare planning, with a concern for natural light, sun shading, and ventilation, are all typical of Seidler's highly acclaimed architecture. Ithaca Gardens was widely published and is a noteworthy example of the architect's work. It is a substantial achievement and the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings. Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens has potential significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Ithaca Gardens is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens has potential significance at a state level under this criterion.
Criterion E (Research potential)	As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Ithaca Gardens has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.

Assessment of significance	
	Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens has potential significance at a state level under this criterion.
Criterion F (Rare)	Ithaca Gardens is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. It is also rare as an apartment designed in the 1950s by a European architect, with modernist training in Canada and the United States, and constructed in Sydney in the 1960s. Possibly more than any other apartment project completed by Seidler, Ithaca Gardens represents the first application of his modernist training in the Australian context. As the first apartment project designed by Harry Seidler to be constructed in Australia it is rare. Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens has potential significance at a state level under this criterion.
Criterion G (Representative)	Ithaca Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler and Associates, which are collectively highly significant. Other examples include Blues Point Tower, Stephen Towers, Village Towers (Arlington), Ercildoune and Aquarius. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns. Many of these elements were first applied in Ithaca Gardens and then further developed in later projects throughout the 1960s. Ithaca Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term innovation and engagement with construction and planning efficiency. Ithaca Gardens is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact, well-located housing. Ithaca Gardens **has** cultural significance at a local level under this criterion. Ithaca Gardens has potential significance at a state level under this criterion.

Statement of significance
Ithaca Gardens has historic significance as a prominent example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Bauhaus-influenced modernism into the Australian context. Ithaca Gardens is able to demonstrate wider historical trends of importance to the local area and to NSW more generally. It has significant historical associations with architect Harry Seidler, one of the most significant modernist architects in Australia, and with Civil & Civic

Statement of significance

Constructions (later expanded as Lendlease) as the first project undertaken by the firm and Harry Seidler.

Ithaca Gardens shows many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Ithaca Gardens is an early application of what can be seen as typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including

Blues Point Tower, Village Towers (Arlington), Ercildoune and Aquarius, which demonstrate distinctive aesthetic attributes in form and composition. Widely published, it is a noteworthy example of the architect's work. Ithaca Gardens is a substantial achievement and the work of an important designer.

As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Ithaca Gardens has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler. It is also rare in the Australian context as an apartment designed in the 1950s by a European architect, with modernist training in Canada and the United States, and as the first apartment project designed by Harry Seidler to be constructed in Australia.

Ithaca Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler and Associates, which as a group are highly significant.

Ithaca Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's innovation and long-term engagement construction and planning efficiency.

Recommendations

Ithaca Gardens meets the threshold for local heritage significance under all seven criteria and is recommended for heritage listing on the Sydney Local Environmental Plan.

The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

A comprehensive conservation management plan for the site should be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Written	City of Sydney Council	Building application file No 502 Year 1951: Ithaca Road (between Substation & "The tavern"), new flat building	1951–1956	City of Sydney Archives
Written	City of Sydney Council	Building Inspectors Card: Lot A, Ithaca Rd, Elizabeth Bay, new building-flats	1958–1960	City of Sydney Archives

Information sources				
Written	Helen O'Neill	*A singular vision: Harry Seidler*	2013	GML
Written	Peter Blake	*Architecture for the new world: the work of Harry Seidler*	1973	GML

Image caption	Ithaca Gardens apartments, Elizabeth Bay, NSW. Architect: Harry Seidler. *Cross-Section* No. 76, February 1959. Cross-Section archive.				
Image year	1959	**Image by**	Max Dupain	**Image copyright holder**	Harry Seidler and Associates

Image caption	Working drawing ground, site and foundation plans for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

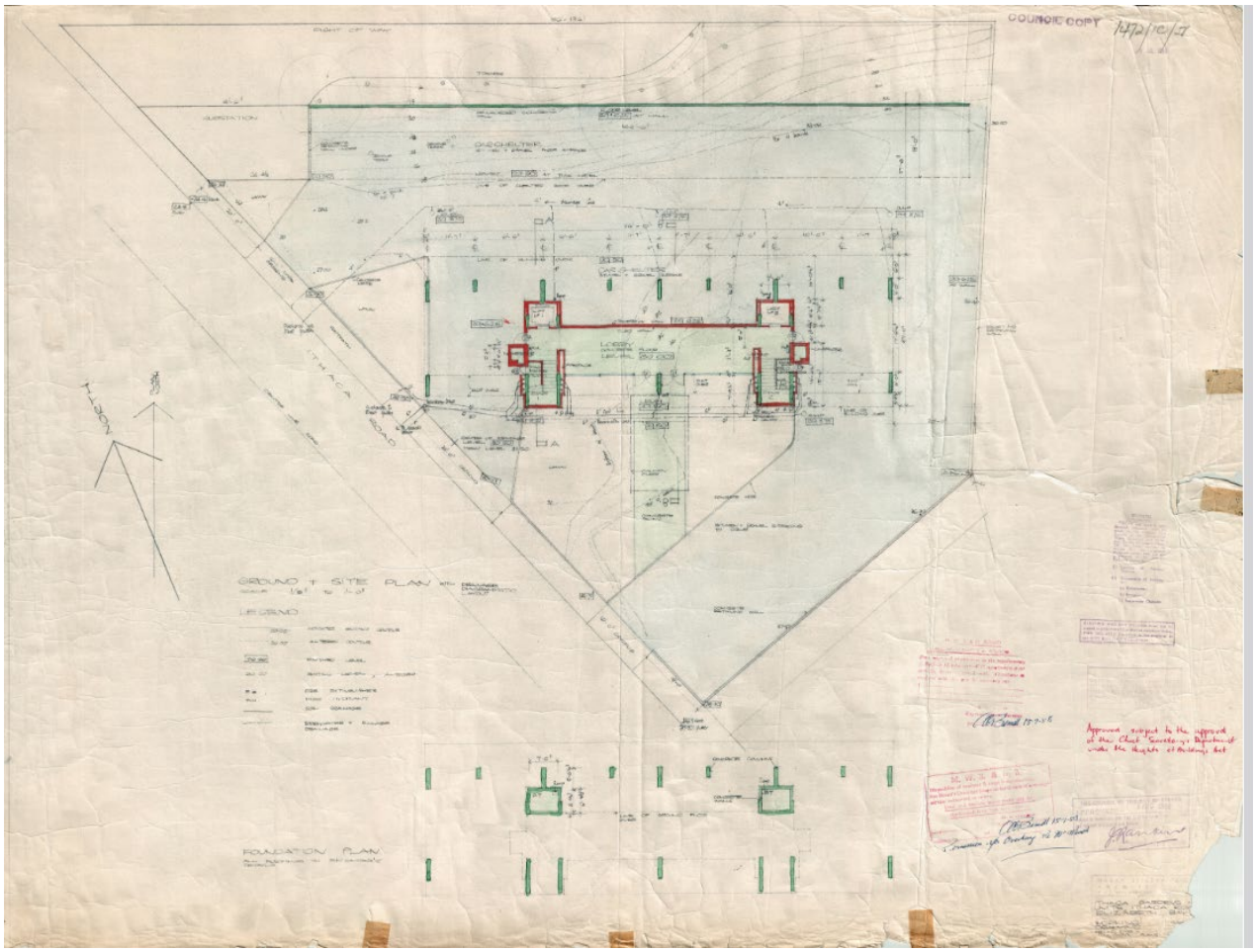


Image caption	Working drawing plan and interiors, elevations for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	**Image by**	Harry Seidler	**Image copyright holder**	Harry Seidler and Associates

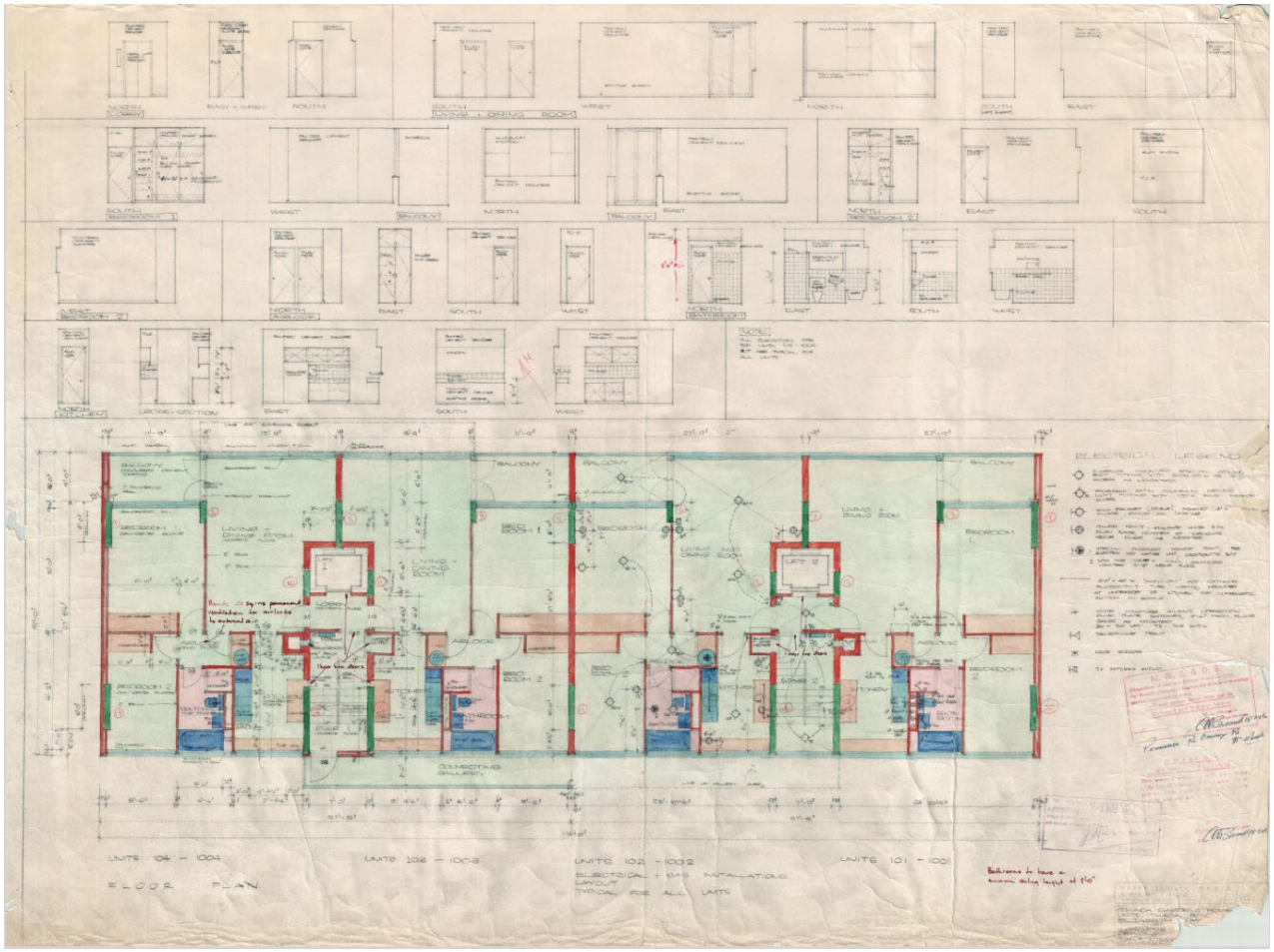


Image caption	Working drawing sections for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

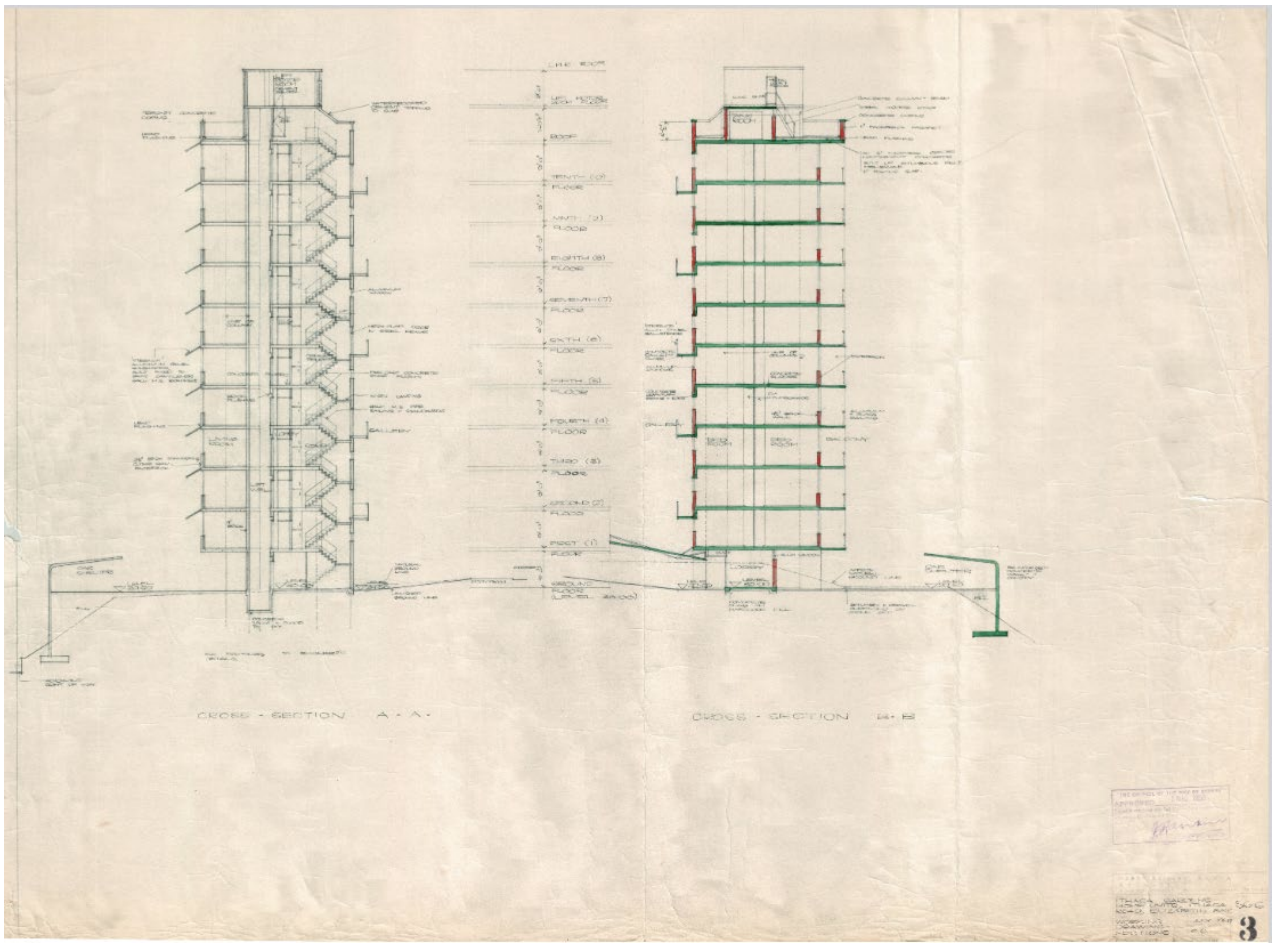


Image caption	Working drawing plans and sections for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

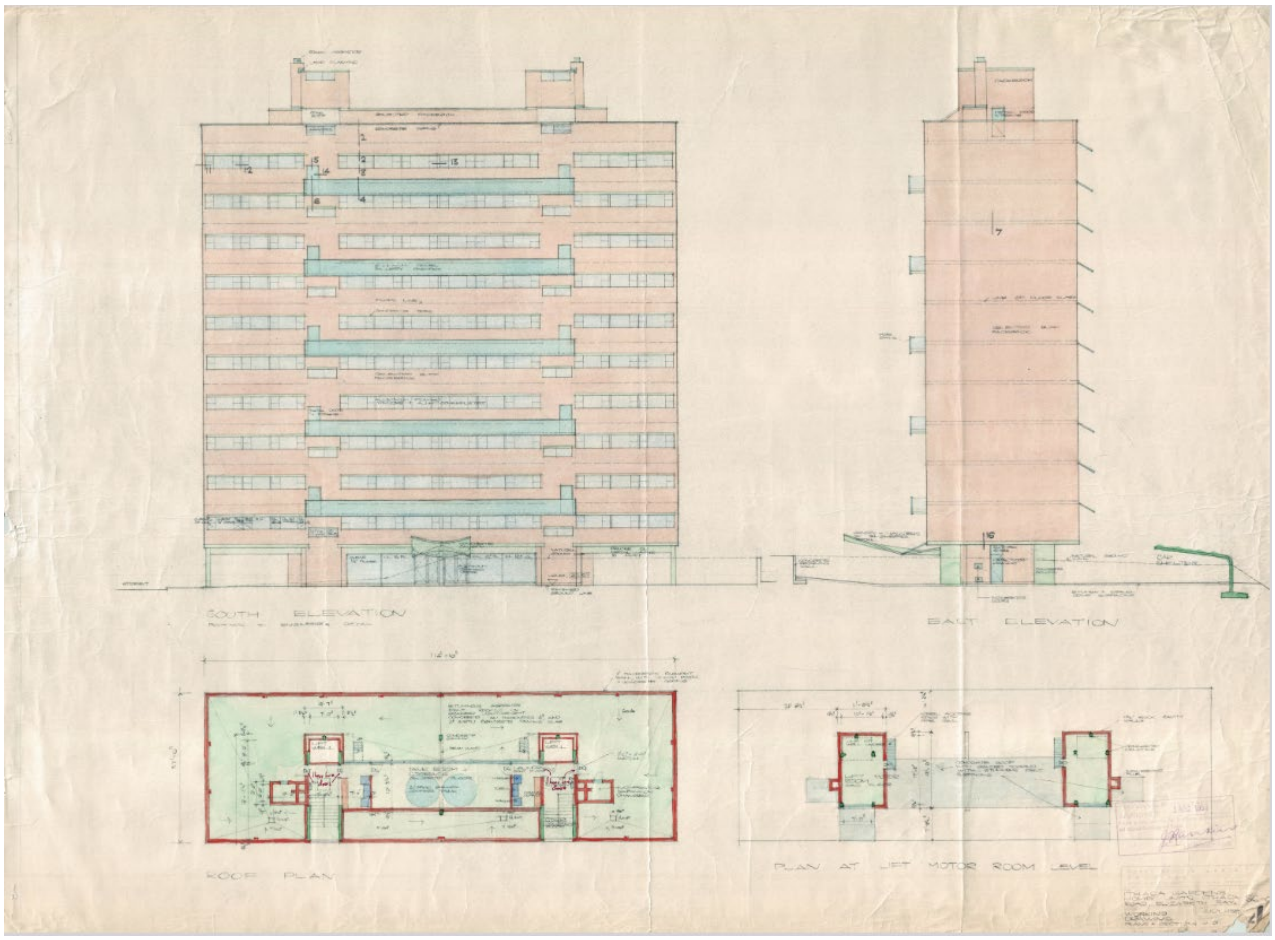


Image caption	Working drawing elevations for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

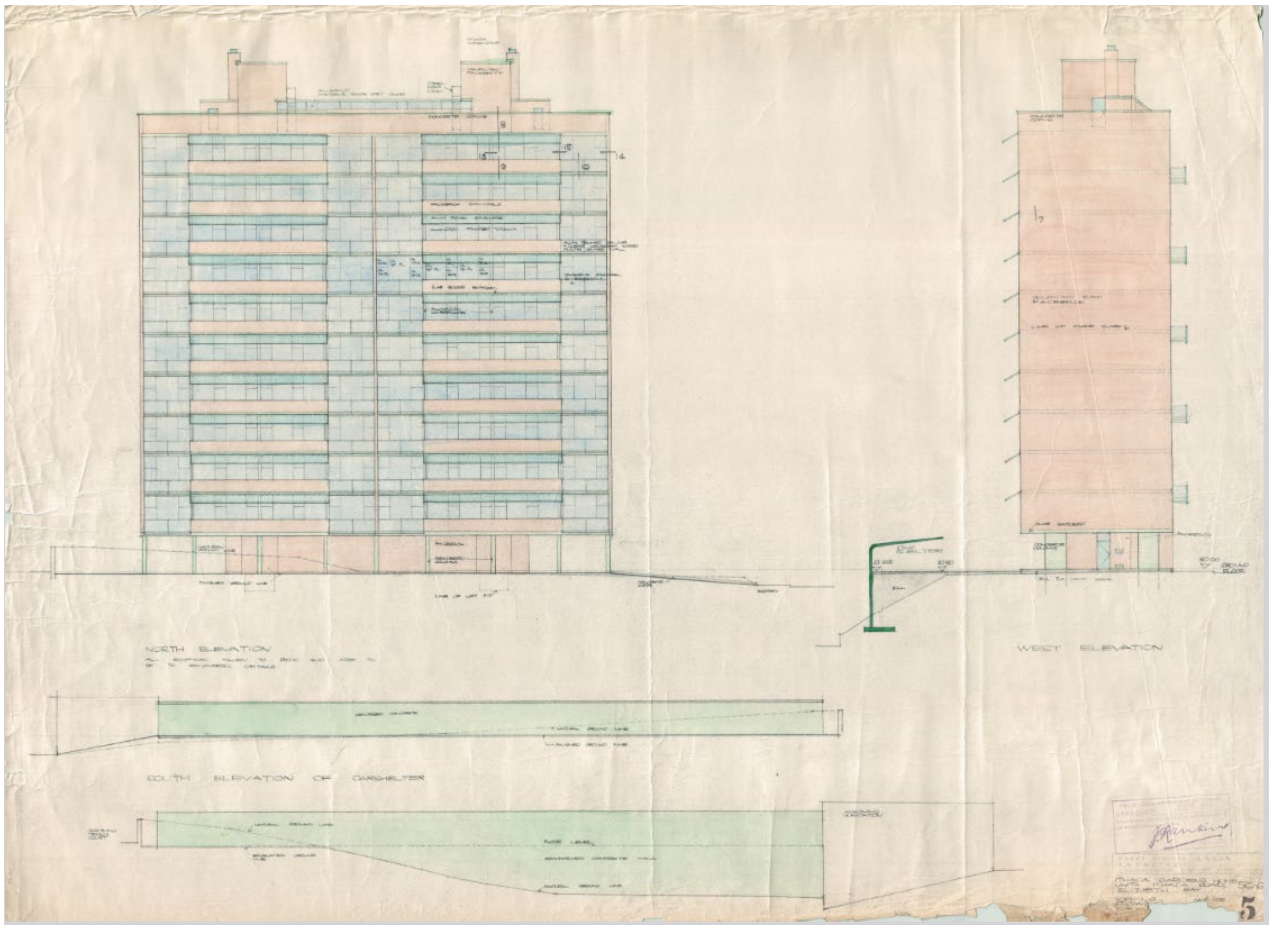
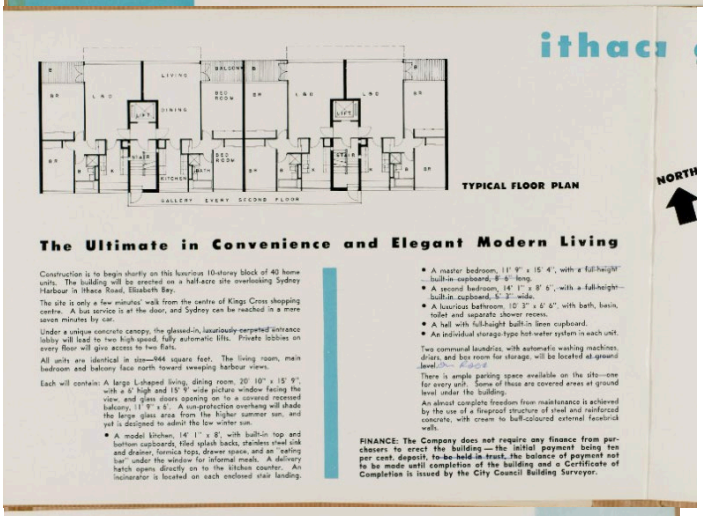


Image caption	Promotional material for Ithaca Gardens.				
Image year	1960	Image by	Ithaca Gardens Pty Ltd	Image copyright holder	Ithaca Gardens Pty Ltd



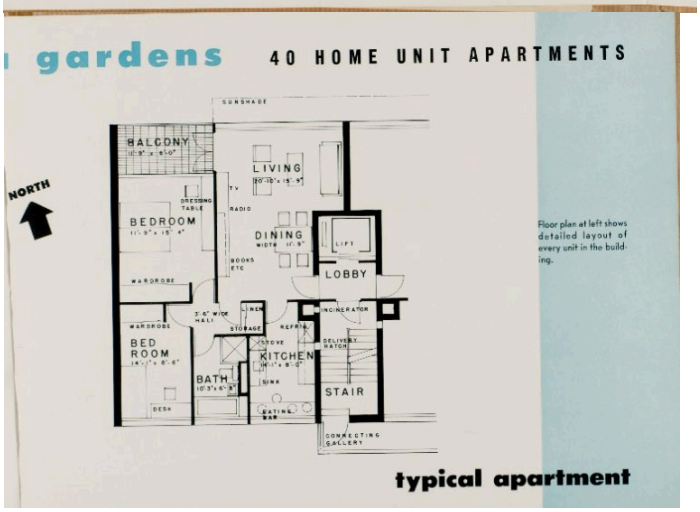


Image caption	'Ithaca Gardens Apartments in Elizabeth Bay NSW (1960)' from *Harry Seidler 1955/63: houses, buildings and projects*.				
Image year	1963	**Image by**		**Image copyright holder**	Horwitz Publications (Harry Seidler)

Ithaca Gardens Apartments in Elizabeth Bay NSW (1960)

a/ View from the harbour / Vue depuis la Baie / Ansicht vom Hafen.
b/ Typical floor plan / Plan de l'étage type / Normalgeschossgrundriss.
c/ Looking up from below the folded retaining wall on the north / Vue vers le haut depuis le mur de soutènement au nord / Ansicht von Norden unterhalb der gefalteten Stützmauer.

E This block of 40 individual ownership ("home unit") apartments stands on a sloping site facing its long dimension toward the north-east coinciding with a panoramic view of the harbour.

All apartments face the view and are provided with access in pairs by means of a lift and fire-stair for each half of the building. To comply with regulations requiring alternate means of fire escape, the stairs are connected by an external gallery at every second landing, between floors, thus not interfering with privacy or windows.

All units are identical in size (950 sq. ft.) and arrangement. The "L" shaped living-dining space, the recessed terrace and main bedroom face the harbour view, the kitchen, bath and second bedroom on the approach side face a park in the distance. The structure is of re-inforced concrete. Columns of varying length are largely contained within wall thicknesses. Floors are 9½" thick flat-plate design except for the downturns to support the cantilevered connecting galleries.

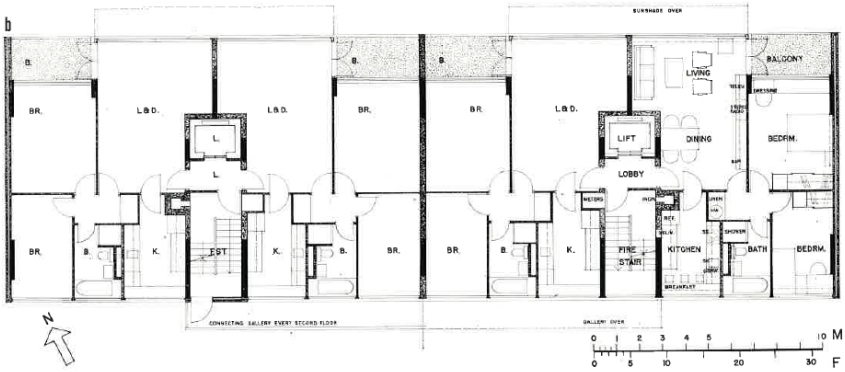
F Ce bloc d'appartements de 40 unités est situé sur un terrain en pente avec façade longue au nord-est, face à une vue panoramique du port. Tous les appartements donnent bien entendu au nord-est et sont pourvus de deux moyens d'accès avec ascenseur et escalier de secours pour chaque moitié du bâtiment. Le Réglement en cas d'incendie prévoit un moyen de sortie supplémentaire, aussi les deux escaliers de secours sont-ils reliés à un balcon extérieur à chaque second palier entre étages, ne troublant pas ainsi l'intimité des appartements.

Toutes les unités sont de même dimensions (87 m2) et de même agencement. La pièce de séjour et de repas en forme de "L," la terrasse en retrait et la chambre à coucher font face à la vue; cuisine, salle de bains et seconde chambre à coucher sur l'arrière donnent sur un parc au loin. Ossature en béton armé. Poteaux de longueur variée contenus dans l'épaisseur des murs de remplissage. Dalles de planchers de 24 cm. en béton armé.

D Dieser 40 Eigentumswohnungen umfassende Bau steht auf einer abfallenden Parzelle, deren Längsseite gegen Nordosten gerichtet ist, und bietet einen Rundblick über den Hafen. Sämtliche Wohnungen sind der Aussicht zugekehrt und mit einem Lift und einer Feuertreppe paarweise bedient. Die Verbindungsgalerien zu den Treppenhäusern in jedem zweiten Geschoss, die so angelegt sind, dass das Privatleben der Mieter nicht gestört wird, resultieren aus einer örtlichen Bauvorschrift. Alle Einheiten stimmen in Grundriss und Flächeninhalt überein (87 m²). Der L-förmige Wohn-Essraum, die Terrasse und das Hauptschlafzimmer sind der Aussicht zugewandt. Die Küche, das Bad und der zweite Schlafraum überblicken einen Park. Die Tragkonstruktion besteht aus armiertem Beton. Stützen von verschiedener Länge sind den Wandstärken entsprechend dimensioniert. Eine 24 cm starke Betonplattendecke, die nur dort mit Unterzügen verstärkt ist, wo sie als Verbindungsgalerie auskragt, überspannt die Geschosse.

a

b



c

Image caption	The dining room of Harry and Penelope Seidler's apartment in Ithaca Gardens, Elizabeth Bay, May 1960, showing Josef Albers' *Study for visa versa* (1943). Sourced from National Gallery of Australia.				
Image year	c1960	**Image by**	Max Dupain	**Image copyright holder**	Harry Seidler and Associates

Image caption	Entrance canopy along the southern elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Southern elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Retaining wall along the northern elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of the northern façade above the folded concrete retaining wall.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Northern elevation, showing the sun shading and recessed balconies.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Cantilevered folded concrete roof over the parking area on the northern side of the site.				
Image year	2024	Image by	GML	Image copyright holder	GML

Attachment A7

Draft Inventory Sheet – 41-49 Roslyn Gardens, Elizabeth Bay - Bayview

Name	Bayview		
Address	41–49 Roslyn Gardens, Elizabeth Bay	Lot number	Lot 1 DP 71348, Lots 1–72 SP 3402, Lots 74–143 SP 3402, Lots 144–151 SP 9225, Lot 1 DP 233118, Lot 1 DP 213376, Lot 100 DP 1275051
Architect	Hugo Stossel & Associates	Construction date	1966–1968
Builder	Parkes Developments		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

The subject site comprises parts of Lots 25 and 26 of the first subdivision of the Elizabeth Bay Estate. The 99-year lease of the two lots was conveyed to Andrew Hardie McCulloch. By 1886 there were at least five pairs of semi-detached houses on the land. McCulloch became insolvent and the leasehold was conveyed in 1887 to his official assignee, WH Palmer. Sydney Gilchrist became the owner of the leasehold and freehold of the property before World War I. The respective pairs of semi-detached houses were later separately owned and 41/43, 45/47 and 49/51 acquired and consolidated to form the subject site.

In 1966 the architectural firm Hugo Stossel & Associates was commissioned to submit a development application (DA) to City of Sydney Council for the construction of a residential flat building. The DA was lodged in August on behalf of Yalgar Pty Ltd, a subsidiary of Parkes Developments Pty Ltd. The application was for a 10-storey residential flat building with 10 two-bedroom flats and 70 one-bedroom flats with parking for 80 cars, at an estimated cost of $600,000. Jaguar Constructions Pty Ltd notified the Council in November the same year that the company had purchased 41, 43, 47 and 49 Roslyn Gardens as vacant possession, and 45 subject to the tenant agreeing to vacate.

In November 1966 the City Building Surveyor recommended the Council approve the DA subject to the proposed open floor at the first-floor level being omitted. The Council granted approval in

[1] City of Sydney 2013, 'Aboriginal People and Place'.

December. Amended drawings were submitted one month later, which were approved by Council in February 1967.

On the adjacent site, at 51–59 Roslyn Gardens, Hugo Stossel & Associates and Parkes Developments were completing another project The Tor; an imposing 10-storey building comprising one bedroom and bachelor flats.[2] Strata title home units in The Tor were advertised for sale in August 1965 with the building completed in February 1966, just as Bayview was granted approval.

In contrast to The Tor, Bayview was designed to provide larger and more spacious apartments. Its design was oriented to views and much of the façade was glazed. Parkes Developments had a good idea of the potential market in the area and were covering a range of buyers in their adjacent developments.

In late 1967 home units in Bayview were advertised in the *Sydney Morning Herald* as 'a magnificent new ULTRA MODERN multistorey building, now in course of construction in one of Sydney's most sought-after areas'[3], with units priced from $13,200. Bayview was completed in 1968.

Hugo Stossel & Associates

Hugo Stossel (1905–2002) was born in Hungary, moving when young with his family to the Hungarian capital, Budapest. From 1928 to 1932 he studied architecture at the Technische Hochschule in Vienna, graduating with a diploma of engineering in architecture. From 1933 to 1938 Stossel worked as an architect in Bucharest, designing theatre interiors, apartment blocks and commercial buildings. Stossel left Europe on the eve of World War II, arriving in Sydney in 1939.

During the war Stossel continued to design, completing a number of buildings in Sydney in the 1940s. Once he was naturalised as an Australian citizen in 1948, he registered as an architect, aged 43.

His early projects included a house in Warrawee for Polish steel manufacturer and developer Moses Eisner (1947) and a house for renowned Viennese furniture-maker Paul Kafka in Lindfield (1948), both of which were published in Australian House and Garden. Stossel's focus later moved to apartment design, beginning with the innovative, steel-framed St Ursula building in Elizabeth Bay, an 'ultra-modern' home-unit block with a curved wall of floor to ceiling steel-framed windows.

He later undertook significant commissions for the new development company Civil & Civic (later expanded as Lend Lease), including Broadwaters (1958) in Darling Point. These were followed by numerous other apartment and commercial developments completed over the next decade, with seven in the Elizabeth Bay area alone. The 20-storey Eastbourne Tower (1968), Darling Point, cemented the position of Hugo Stossel & Associates as one of the major contributors to Sydney's burgeoning apartment scene.

In 1953 Eugene Goossens, conductor of the Sydney Symphony Orchestra, commissioned Stossel to design a speculative opera house on a site at Wynyard. The design was published on the front page of the *Sydney Morning Herald* on 31 March 1954. When the NSW Government endorsed a future opera house and designated Bennelong Point as its location, Stossel was one of many local and international architects to make a submission to the 1957 architectural competition.

Stossel formed Hugo Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high-rise buildings in the inner city of Sydney including the 22-storey Wynyard Travelodge (1969) and the Sydney Police Headquarters in College Street. It also designed the BMA Tower in Chatswood (1970–1972), which featured an external lift shaft. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda's and the other partner's leadership. In his later years Stossel lived in Vienna, as well as Italy and England. He died at Cheltenham, Gloucestershire, in February 2002, aged 96.

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2 *Sydney Morning Herald*, 16 December 1965, p 12.

3 *Sydney Morning Herald*, 4 October 1967, p 30.

Historical overview

Parkes Developments Pty Ltd

Parkes Developments Pty Ltd was established by in the late 1950s. Strasser was born in Budapest, Hungary, where he studied law and practised as a commercial lawyer. Hungary allied

with Germany during World War II and was invaded by the Soviet Union in 1943; Strasser was deported as a forced labourer by the Soviets.

After the war Strasser attempted to resume his legal career in Budapest but migrated to Australia in 1948 with his wife and son. In Sydney Strasser abandoned the law, starting various businesses including, notably, Parkes Developments Pty Ltd. Parkes built many apartments, aimed at different levels of the market. At the lower end was the suburb of Eastlakes, where new streets of low-rise walk-ups were built on a disused racecourse site from 1961 onwards.

However, Parkes also left a legacy of quality apartments, a significant number designed by Hugo Stossel.

By 1970 Parkes was one of Australia's largest private companies, with the largest Sydney land holdings. Strasser's 1973 knighthood provoked controversy regarding his association with the NSW government of Robert Askin; Strasser was described as one of the 'Askin knights' or the 'Hungarian mafia'. Parkes Developments collapsed into liquidation in 1977, the largest corporate victim of the 1970s property crash.

Description

A site inspection was undertaken in September 2024 including external and the interior of one apartment. The physical assessment is based on available documentation of the site.

Setting and context

Bayview is located on the eastern side of Roslyn Gardens, near its intersection with Waratah Street. The street arrangements provide an open setting with glimpses to Rushcutters Bay Park to the northeast. The topography of the area is undulating with the land sloping upwards gently to the north along Roslyn Gardens and downwards to Rushcutters Bay Park along Waratah Street. The western side of the site backs into a cliff face.

The building is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA). The HCA within the immediate vicinity of the site is characterised by Victorian terraces of a small scale, interwar flat buildings and multistorey postwar and contemporary apartments that are comparable in design and scale to Bayview. Somewhat unusual for apartment buildings in its vicinity, Bayview is located in the centre of a large block with open areas on all sides and because it can be viewed in the round it has a prominent streetscape presence.

Physical description

Bayview is a 12-storey flat building comprising 80 units. The property is trapezoidal in form. The building is centrally located within the lot. The open land to the south is used as an open carpark and a ramp located on the northern side of the site provides access to an additional carparking level.

The building plan comprises three wings in a Y-formation extending out from a central lift core and incinerator. The building is constructed of a reinforced concrete frame with exposed floor slabs and columns and blond face brickwork infill walls. The exposed concrete floor slabs extend beyond the floor plate and are turned down at the edges to form horizontal bands along each floor, with the exception of the eastern elevation. The concrete bands feature regular vertical slot openings that function as air vents.

The main façade on the eastern end of the central wing is made up of three bays of full-height glazing with a horizontal fixed transom panel. The other main elevations of the rear wings, to the north and south, have a similar arrangement of full-height glazing of sliding panels. At the western end of the building each apartment's living room is set back with a small, recessed balcony with simple metal balustrades, some of which have been replaced with clear glass. The lesser façades consist of exposed concrete frame and blond face brickwork with no glazing or high, narrow windows.

Description

The ground level carpark is enclosed by decorative lattice and blond face brickwork walls. The roof form is flat and there is a plant room on the roof that originally featured face brickwork but has been rendered. To the rear western side, below the high sandstone cliff, is a swimming pool.

The external form and façades are largely intact. Some air conditioning units are installed along the northern façade.

The ground floor is located at street level and consists of a lobby, a covered carpark, service areas such as switch boards and an electrical meter room at the rear. The lobby connects directly to street level at Roslyn Gardens via a small landscaped area set behind the external

brick wall. The original lettering with the building name remains on an angled portion of the boundary wall.

The lobby is largely intact and features original timber cladding and residents' letter boxes. The stair to the first floor with original metal balustrade, timber cladding and timber handrail is also extant. The first floor originally consisted of common facilities for the building including the amenities rooms, dressing rooms for the swimming pool and storerooms.

The upper storeys are residential and originally consisted of seven 1-bedroom apartments and one 2-bedroom apartment along each floor. There were 80 such units divided among the 10 residential floors. The two-bedroom unit was located in the short eastern wing whereas the one-bedroom units were distributed along the longer northern and southern wings. It is likely that some units were combined with adjacent units and their interior layouts altered.

Although the corridors in the residential floors are double-sided with units on either side, the design distributes the units across three wings, breaking up long spans of double-sided corridors. The units are planned such that the bedrooms and living rooms are along the façades with floor-to-ceiling windows, which allows for ample views, natural light and ventilation. The bathrooms are located along the corridors or the lesser façades or facing the cliff face with minimal views. The plan achieves efficiencies by mirroring the kitchen and bathrooms of adjacent units so that they share a services core.

It is unknown how many original unit interiors remain, though it seems many have been updated internally to some extent. The original vermiculite ceiling within some units and along the corridors remains intact.

Landscaping

The landscaping within Bayview is minimal with no significant plantings. The small triangular pool on the first floor is surrounded by paving. The eastern boundary along Roslyn Gardens has a face brickwork boundary wall and metal gates with low plantings. The western side of the lot backs into a cliff face with no major trees.

Modifications/integrity

Council records after 2004 indicate the following:

D/2020/59 was lodged by Alexander Symes Architect Pty Ltd for alterations and additions to the existing Bayview building, including associated landscaping and changes to the strata plan, estimated to cost $5,805,997. The application was approved by Council and comprised:

- new three-bedroom apartment;
- new air conditioning units;
- new Juliet balconies;
- new balustrade on existing sun-hoods;
- upgrade of the existing balcony;
- interior lobby upgrades;
- upgrade of the existing glazing;
- new landscaping works;
- alterations of carparking areas;
- new solar panels for the solar hot water heating system;
- re-pointing of brickwork (where necessary); and
- repainting of rendered façades (where necessary).

Description

Other DAs and building applications include B/2017/157 (to remove a brick partition wall), B/2021/228 (to convert an existing caretaker's unit to a lot etc), D/1999/973 (to demolish an existing wall and refurbish apartments etc), and arrangement of private certifications for internal alterations to some units.

The 'hit and miss' brick wall between The Tor and Bayview has been infilled.

Condition

The building is generally in good condition.

Comparative analysis

This section compares the subject building with other works designed by Hugo Stossel, and apartment buildings in the Elizabeth Bay area of the same period, in order to determine whether the subject site has rarity and/or representative value.

Although he had designed a number of apartments in Europe pre-World War II, the first apartment building Stossel designed in Sydney was the 1951–1953 St Ursula in Elizabeth Bay. Utilising a reinforced concrete and steel frame the curved building was thoughtfully planned in response to its corner site and northeastern aspect. It can be seen as an early and innovative postwar apartment design and is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.[4]

Stossel's other most distinctive apartment projects are Yarranabbe Gardens (1958) and Broadwaters (1958–1959), both in Darling Point. These projects demonstrate Stossel's continued engagement with building technologies to enable increased height and innovative approaches to difficult sites. They also utilise the same construction methodology as St Ursula, of a steel structure with reinforced concrete floor slabs and curtain walling, but at a larger scale and with more sophistication.

Dating from 1966, Bayview comes late in Stossel's career and is more comparable with his Eastbourne Tower in Darling Point (1968–1970) and Macleay Gardens in Potts Point (1966).

Eastbourne Tower is a large high-rise with a T-shape plan set on a podium of covered carparking. Unlike Stossel's earlier apartments the external structure is of a much heavier weight and no balconies are provided. Eastbourne Tower shares some characteristics with Bayview; its T-shape plan is similar to Bayview's Y-shape plan, maximising exterior walls, and demonstrates an expressed concrete external frame, with a tower form on a raised podium. While Eastbourne Tower is an uncompromising tower on the ridge line of Darling Point, Bayview is of a lower scale, set below the rock wall and oriented to Rushcutters Bay Park.

Of Hugo Stossel & Associates' projects Bayview is most similar to Macleay Gardens (1966), which has a T-shape plan; like Bayview, its floor slabs extend to provide variation on the façade, in this case balconies. However, Bayview is more sculptural in its planning and refined with its use of expressed concrete floor plates and brick infill panels. It presents as a much lighter-weight building with a façade characterised by large areas of glazing.

Stossel's other projects in the vicinity of Bayview include The Tor (1966), The Chimes (1963) and Denison (1965). These apartment buildings are rectangular in plan, with studio apartments arranged around a central circulation spine, and hence they share few characteristics with Bayview.

Bayview appears to be rare when compared to other Hugo Stossel & Associates projects and 1960s apartment buildings in Elizabeth Bay. Its Y-shape form makes good use of its large site, providing generous access to views and an open setting that is unusual for the area.

Bayview can be seen as a Hugo Stossel project that demonstrates a late modernist interest in sculptural forms and the plastic possibilities of concrete expressed in its otherwise lightweight façade. In this way Bayview has rarity value for apartments of this period designed by Hugo Stossel & Associates and within the Elizabeth Bay area more generally.

[4] *Building and Engineering*, 24 May 1951, p 91.

Comparative analysis

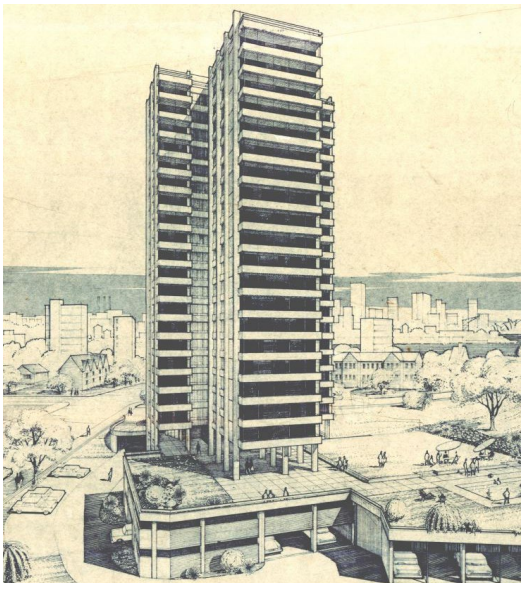


Figure 1 Hugo Stossel & Associates perspective drawing of Eastbourne Tower, 2–12 Eastbourne Road, Darling Point (1968–1970). With its heavy frame and T-shape plan set on a raised podium, it can be seen as similar to Bayview, if less modulated in form and of a heavier construction style. (Source: Woollahra Municipal Council)

Figure 2 Macleay Gardens, 6–8 Macleay Street, Potts Point (1966), designed by Hugo Stossel & Associates. It was built at a similar time as Bayview and to a similar plan, but lacks the same engagement with its site and level of detailing. (Source: GML 2024)

Assessment of significance

Criterion A (Historic significance)	Bayview is an example of a modern mid-rise residential flat building and reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. Bayview does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	Bayview has a historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. Bayview is also one of several projects that demonstrates the sustained collaboration between Hugo Stossel & Associates and Parkes Developments, which, by 1970, was one of Australia's largest private development companies, with the largest Sydney land holdings. Bayview **has** cultural significance at a local level under this criterion. Bayview does not have cultural significance at a state level under this criterion.

Assessment of significance	
Criterion C (Aesthetic/creative/technical achievement)	Bayview is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. It demonstrates technical achievement and distinctive aesthetic attributes in form and composition through its unique triaxial form oriented to views of the harbour, maximising light and ventilation for each unit. It is able to demonstrate the evolution of apartment design towards more organic forms and variations in plans and façade materials. The building is substantially intact externally, and its original modernist design qualities are able to be appreciated. Bayview **has** cultural significance at a local level under this criterion. Bayview does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Bayview is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. Bayview does not have cultural significance at a local or state level under this criterion.
Criterion E (Research potential)	Bayview is not considered significant for its ability to yield significant further or new information not available elsewhere. Bayview does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	Although the architects of Hugo Stossel & Associates were prolific apartment designers in the postwar period, particularly in the Elizabeth Bay and Potts Point area, Bayview shows unusual characteristics and can be seen as a highly finished and particularly well-resolved example of their work. Bayview's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area where few Y-plan tower developments were constructed. Bayview **has** cultural significance at a local level under this criterion. Bayview does not have cultural significance at a state level under this criterion.
Criterion G (Representative)	Bayview is a good intact and representative example of the work of the prolific architectural firm Hugo Stossel & Associates and is able to represent the work of Hugo Stossel, a significant architect of this period. Bayview can be seen as a significant representative example of Hugo Stossel's architectural practice. Along with Yarranabbe Gardens and Eastbourne Tower in Darling Point, it can be seen as one of the most prominent and distinctive of Stossel's apartment projects and is particularly significant as work completed late in his career. Bayview **has** cultural significance at a local level under this criterion. Bayview does not have cultural significance at a state level under this criterion.

Statement of significance

Bayview has historical significance for its associations with architect Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs.

Bayview has aesthetic significance as a well-designed and considered Modernist residential apartment building demonstrating a high degree of creative and technical achievement. It has distinctive aesthetic attributes in form and composition demonstrated through its unique triaxial form oriented to views to the harbour and maximising light and ventilation for each unit. It is able to demonstrate the evolution of apartment design in the 1960s towards more organic forms and variations in plans and façade materials. The building is substantially intact with its original Modernist design qualities able to be appreciated.

Bayview's form and detailing are considered rare in the context of both the work of Hugo Stossel & Associates and post war apartments in the Elizabeth Bay area where few y-plan tower developments were constructed.

Bayview also has representative significance as a good intact and representative example of the work of the prolific architectural firm Hugo Stossel & Associates and for its ability to represent the work of Hugo Stossel, a significant architect of this period.

Recommendations

Bayview meets the threshold for local listing for its historical association, aesthetic, rarity and representative values.

It is recommended for heritage listing on the Sydney Local Environmental Plan. Individual apartment interiors should be excluded from the listing.

The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

A comprehensive conservation management plan for the site could be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Written	Town Clerk's Department	1966 No. 6483 41/49 Roslyn Gardens. Yalgar Pty Ltd (Subsidiary of Parkes Developments Pty Ltd) DA	1966	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application Year 1966 No. 585	1966	City of Sydney Archives
Plans	Hugo Stossel & Associates	BA Plans 2459/66	1966	City of Sydney Archives

Information sources				
Publication	*Sydney Morning Herald*	Home Units Elizbeth Bay	4 October 1967	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Photography	Max Dupain and Associates		1966	SLNSW

Image caption	'Plan showing the boundaries and the proposed position of a building to be erected on land comprised in C's of T Vol 9201 Fol 71 and Fol 8286 Fol 228 and land in Conveyance registered No 954 Book 2258, being land at Elizabeth Bay in the City of Sydney'.				
Image year	1967	**Image by**	Frank M Mason & Co	**Image copyright holder**	Unknown

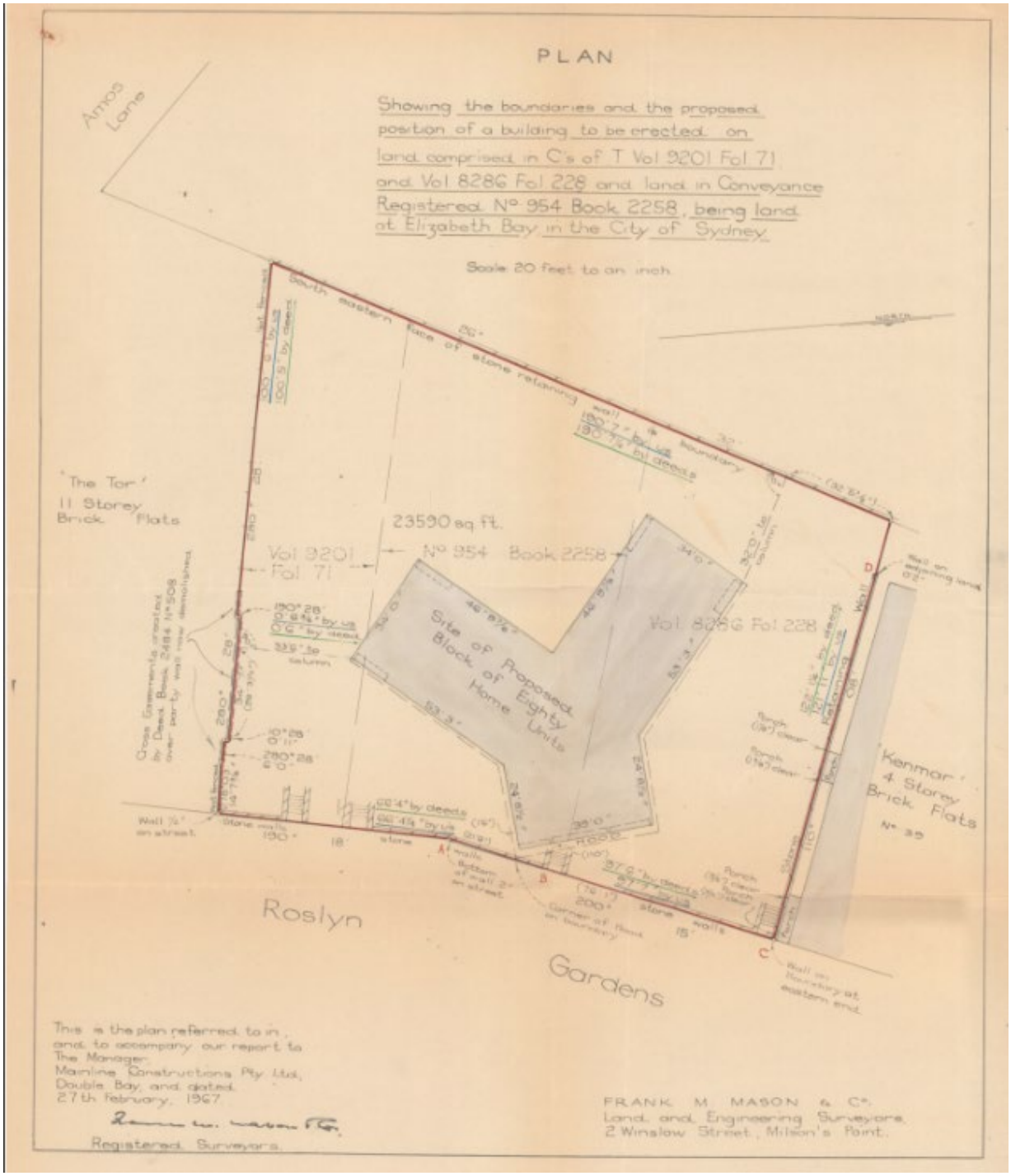


Image caption	Typical sketch floor plan.				
Image year	1966	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

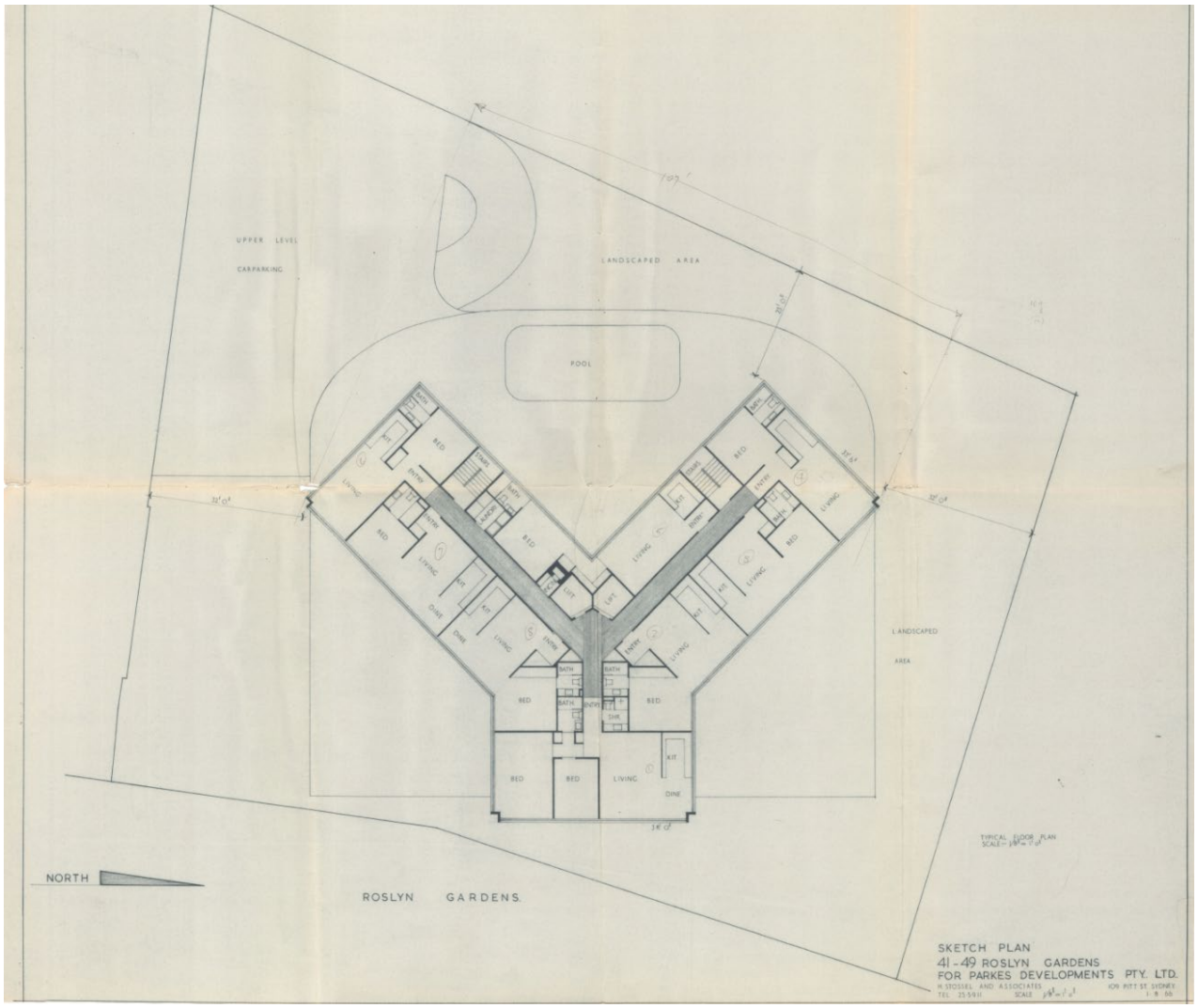


Image caption	First floor open landscaped deck sketch plan.				
Image year	1966	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

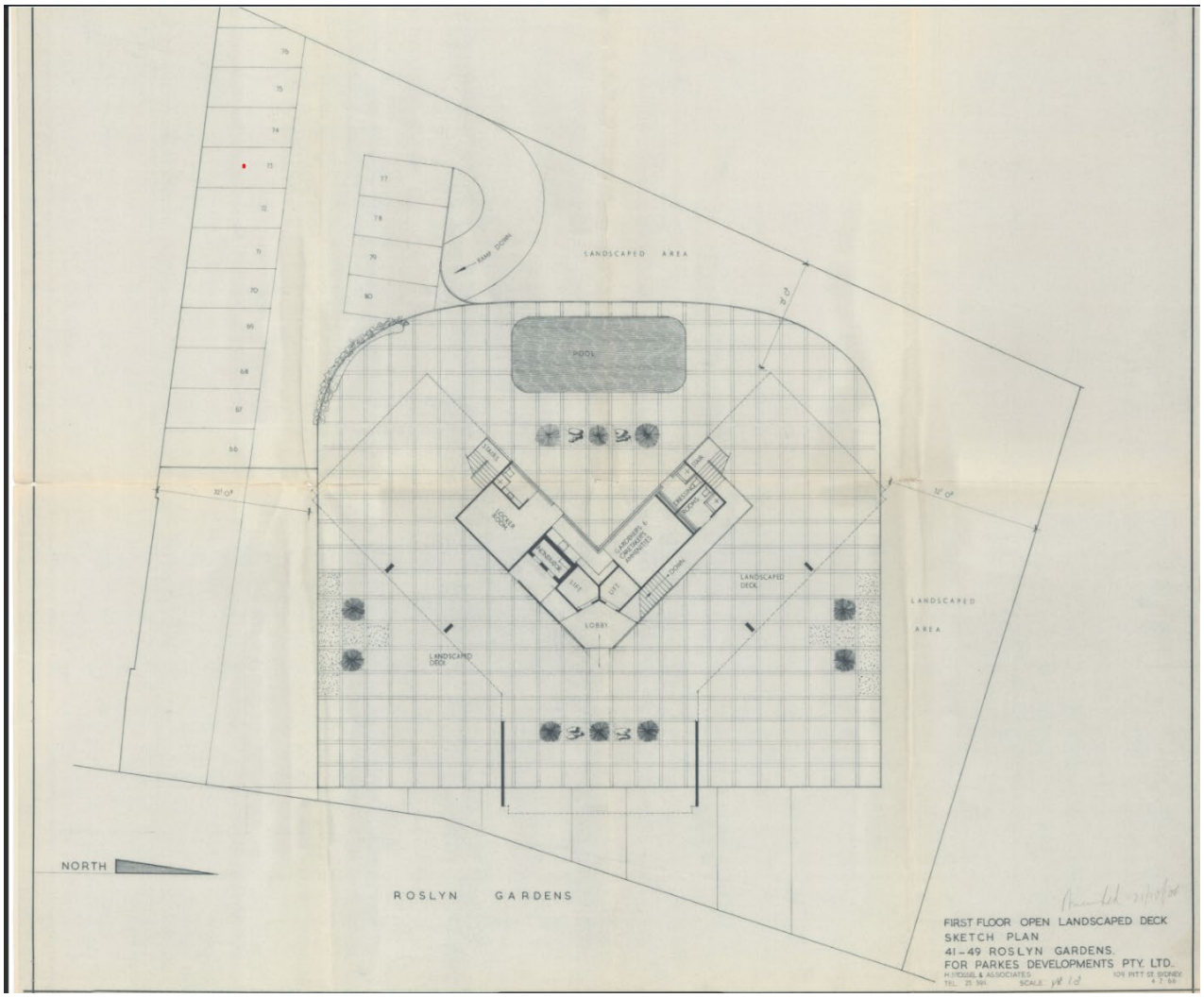


Image caption	Sectional elevation.				
Image year	1967	**Image by**	Hugo Stossel & Associates	**Image copyright holder**	Unknown

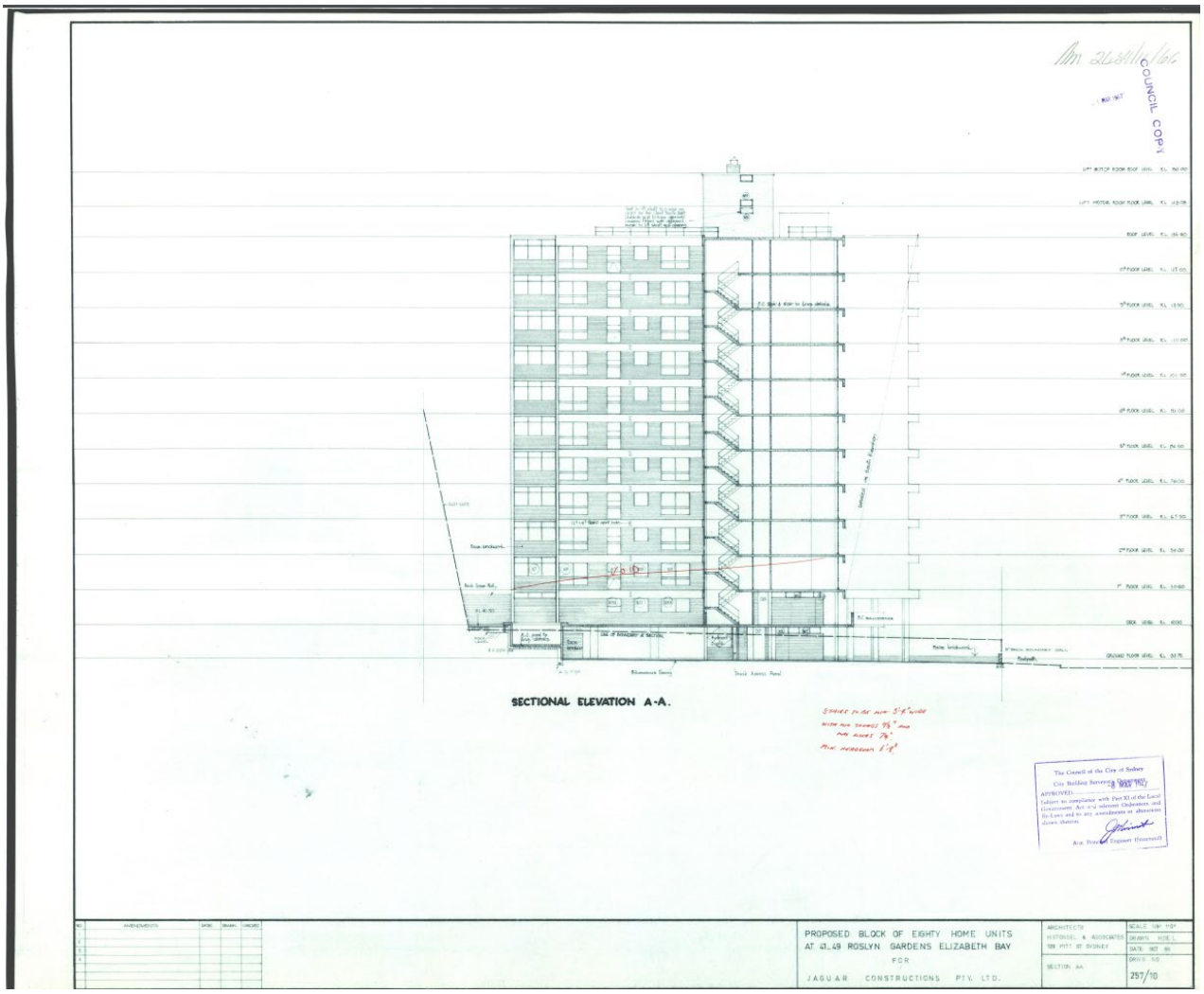


Image caption	North elevation.				
Image year	1967	**Image by**	Hugo Stossel & Associates	**Image copyright holder**	Unknown

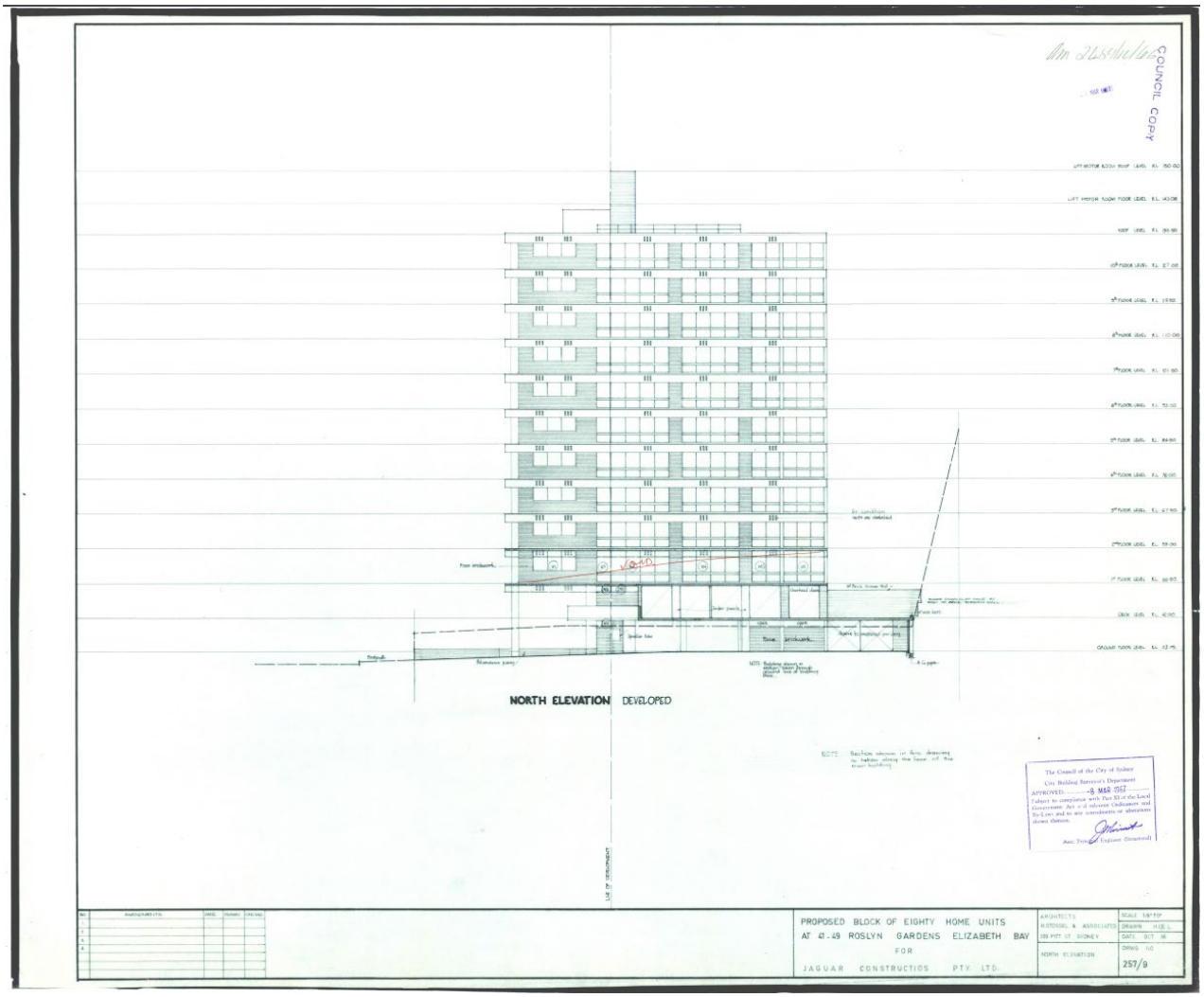


Image caption	Northwest elevation.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

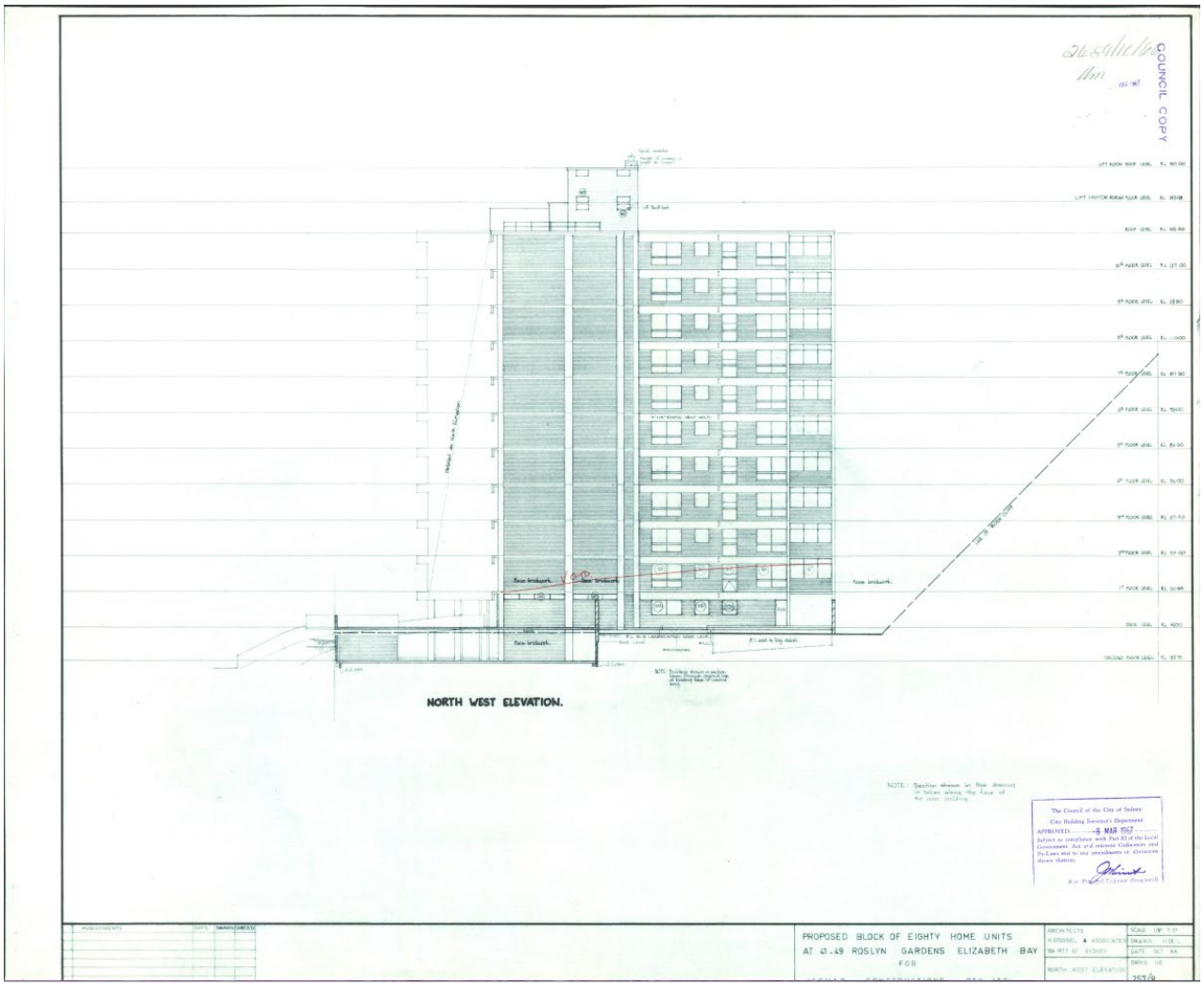


Image caption	East elevation.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

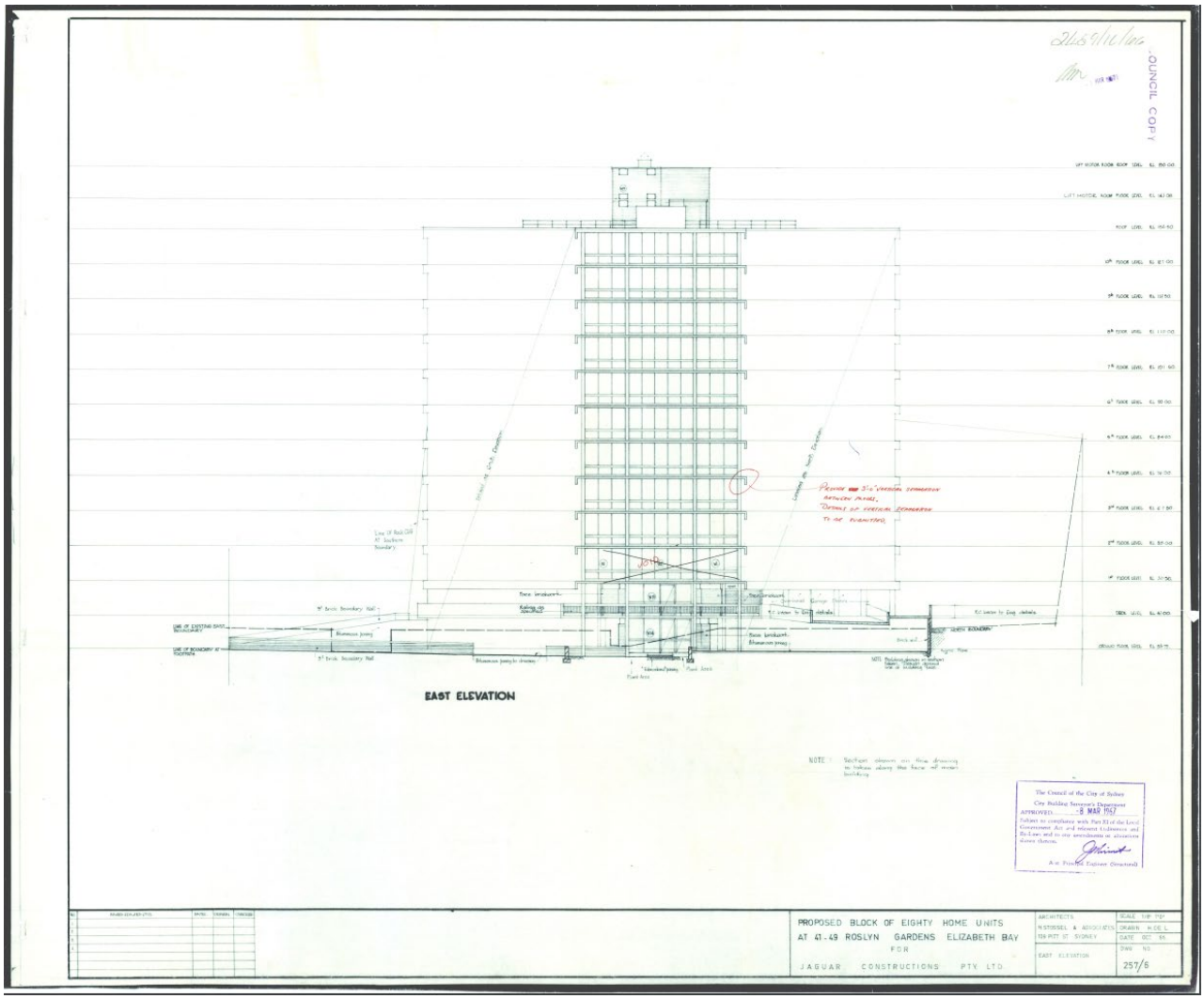


Image caption	Plan of the tenth floor.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

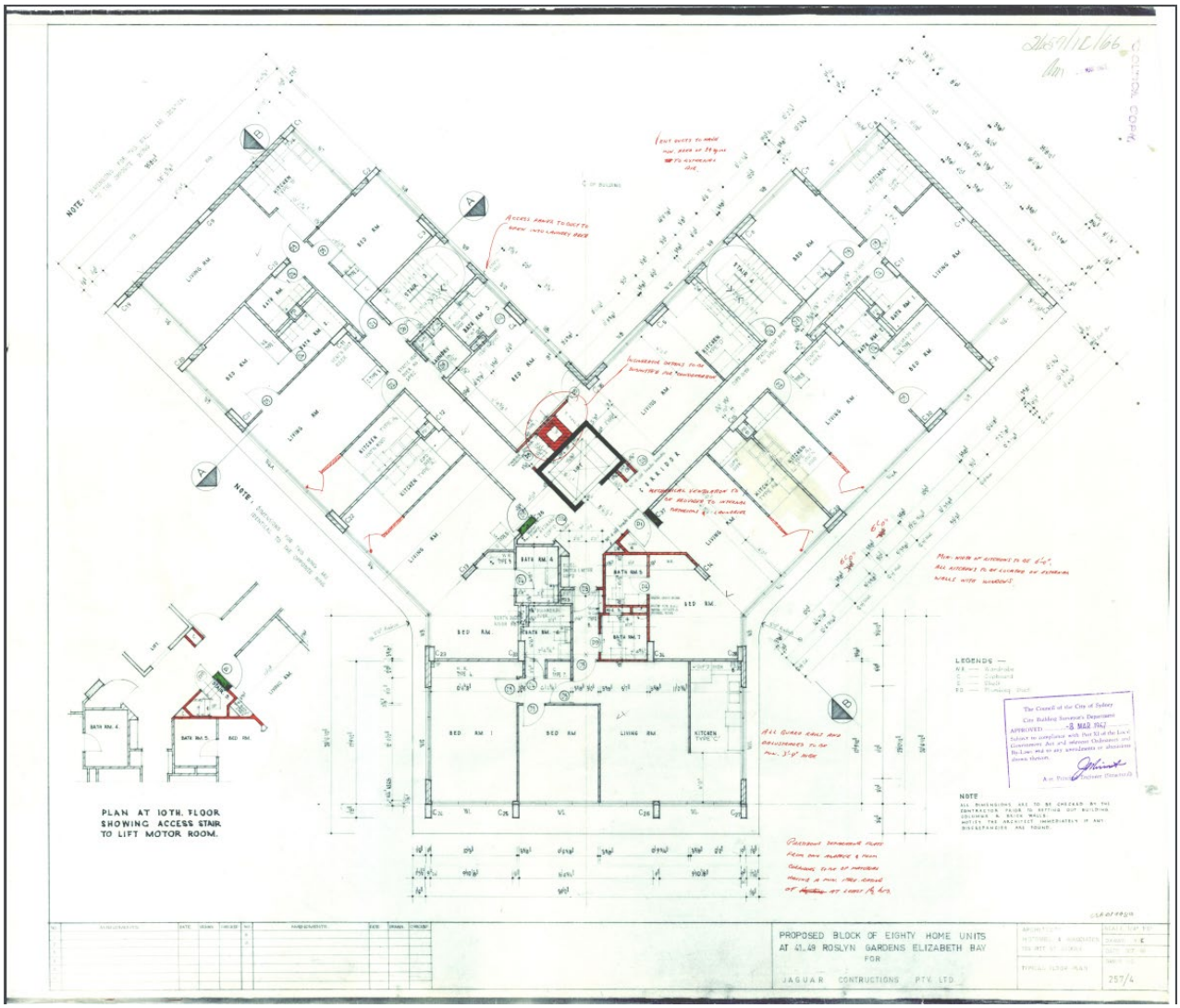


Image caption	Section.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

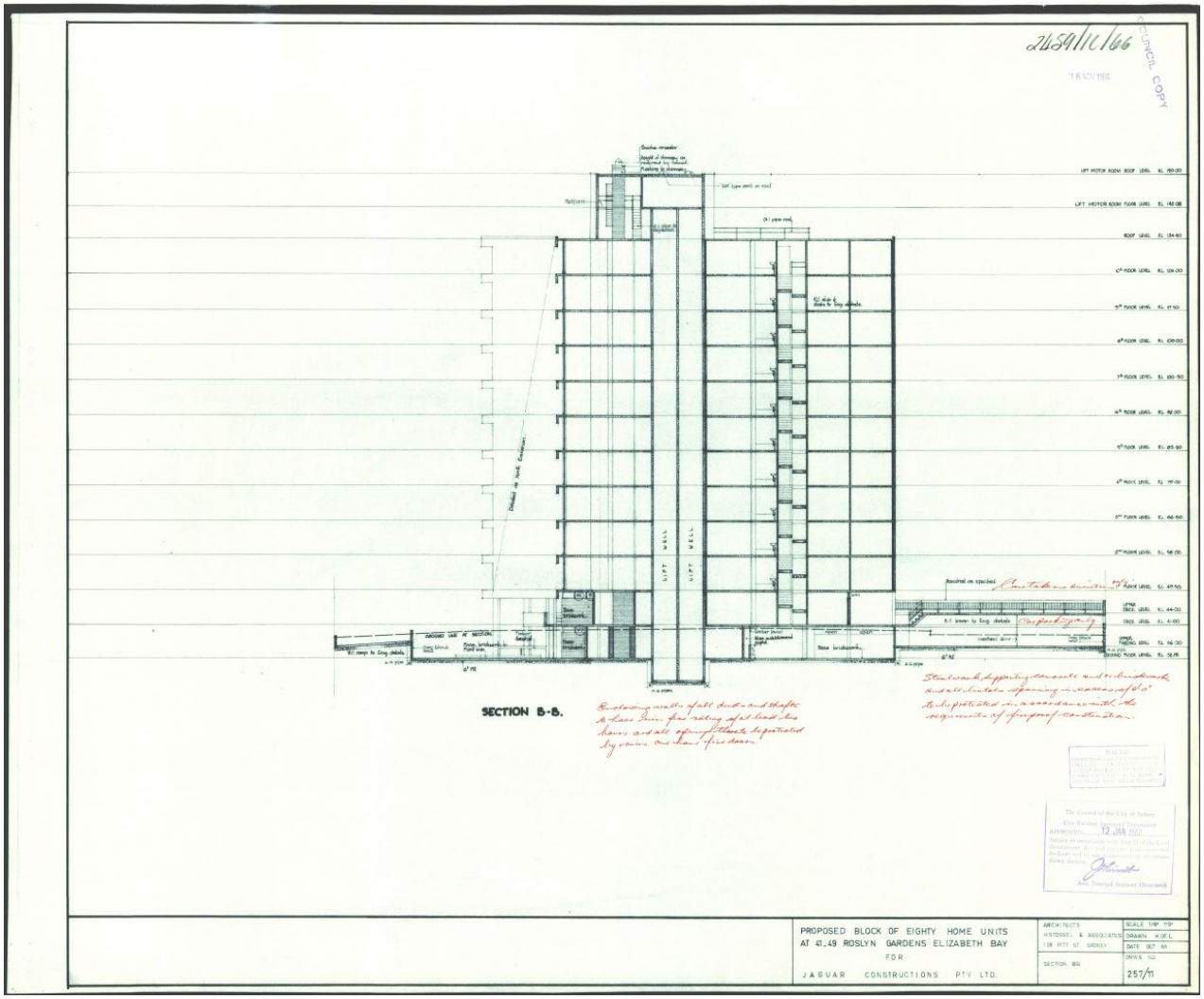


Image caption	Primary (eastern) elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View to eastern and southeastern elevations.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View to eastern and northeastern elevations.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Original stack bond brick boundary wall and pedestrian entry to Bayview, with original relief metal lettering.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Lobby of Bayview off Roslyn Gardens at street level. Ceiling and upper sections of wall panelling is a recent addition.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

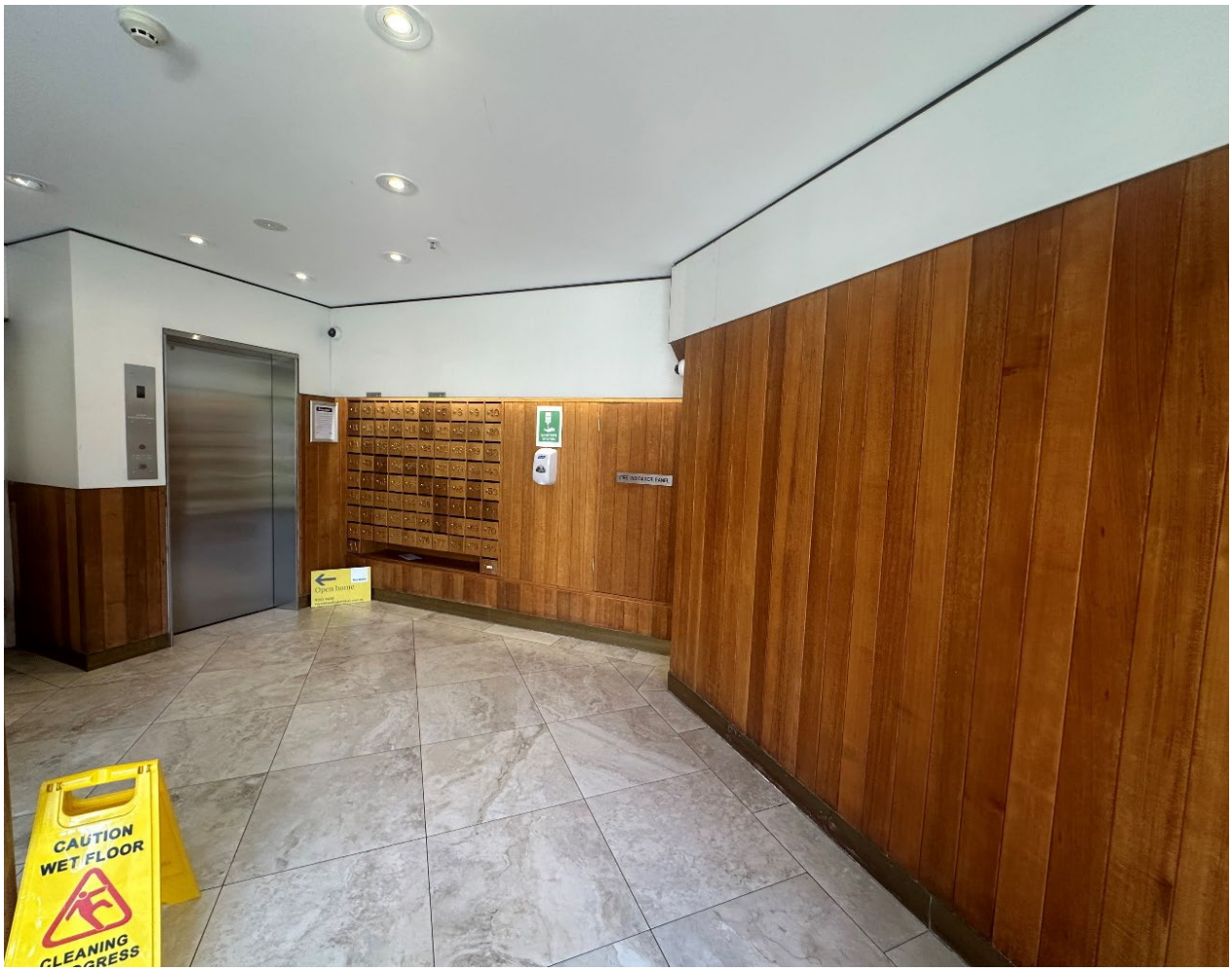


Image caption	Stair to first floor lobby area with original timber panelling and handrail.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Living room of Unit 79 showing the original kitchen and living configuration, glazing, and vermiculite ceiling.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Bedroom of Unit 79.				
Image year	2024	Image by	GML	Image copyright holder	GML

Attachment A8

Draft Inventory Sheet – 50-58 Roslyn Gardens, Rushcutters Bay - Aquarius

Name	Aquarius, formerly Florida Towers and Roslyn Towers		
Address	50–58 Roslyn Gardens, Rushcutters Bay	**Lot number**	Part Lot 1 DP 83374, Lots 1–74 SP 12106
Architect	Harry Seidler & Associates	**Construction date**	1965
Builder	James Wallace		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map. Australian Institute of Architects (NSW Chapter) Register of Significant Architecture (AIA Register).		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. The Cadigal people called Rushcutters Bay 'Kogerah'. It was a place where Aboriginal people and Europeans gathered rushes, used respectively for crafting light-weight fishing spears and for thatching settler huts. According to Dr Paul Irish, settlers were cutting rushes in this bay within weeks of the arrival of Europeans in Australia in 1788.[1] Irish further records several different Aboriginal settlements, at different times, occupying land on either side of the Rushcutters Creek (through the present Rushcutters Bay Park) and on higher grounds on either side of the bay.

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander MacLeay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds between 1865 and 1882. The subject site is located on part of the Elizabeth Bay Estate, Darlinghurst, advertised for sale by Richardson and Wrench in this period.

In the 1930s the site was occupied by Jensen's Tennis Courts, Rushcutters Bay, a tennis college advertised in March 1932 as being 'the finest in Sydney, equipped with all modern conveniences [with] latest American lighting system, next best to daylight'. The college was run by Edward Patrick Jensen.

In 1959 City of Sydney Council refused a development application by American Motor Courts Ltd to erect a 13-storey motel in Roslyn Gardens, Rushcutters Bay. Eight residents lodged objections to the proposed motel on the site, then occupied by tennis courts and a small single-storey building. From 1960 to 1962 the Council considered acquisition of the land that is adjacent to the Council-owned kindergarten.

Harry Seidler lodged a development application to Council in February 1963 to erect a 10-storey, 100-unit block of bachelor and one-bedroom flats estimated to cost £200,000. The client was Latec Investments Ltd, which intended to purchase the site. Elsewhere the owner and Seidler's client was noted as Theonel Pty Ltd on behalf of Latec Investments.

In April 1963 the Council sought amended plans from Harry Seidler & Associates to reduce the number of flats to 80 and reduce the height of the building.

At the end of April the City Building Surveyor recommended the application be granted. The owners promised to build a children's swimming pool, which would have public access at certain times and for certain groups.

[1] Paul Irish, *Hidden in Plain View*, NewSouth Publishing, Sydney, 2017.

Historical overview

Seidler wrote in July 1963: 'The aim of the design was to achieve the best possible amenities for the flats, which is to face all main rooms of the eighty units towards the harbour view coinciding with the desirable orientation of north-east' (Harry Seidler + Associates Architects to Town Clerk, 16 July 1963, DA file 1963/167).

The earlier offer to make the swimming pool available for use by the local community was later rescinded by the owner. The amended plans were provisionally approved subject to provision of off-street parking for 50 cars on the site. The architects lodged the building application in August 1963 for the 10-storey block (the full height limit) of 80 bachelor and one-bedroom flats, estimated to cost £150,000. The working drawings and specifications were approved the following month.

Work had commenced on the site by March 1964 and the building was completed in the second half of 1965. It was advertised from August as the Florida Towers Motel Apartments, offering serviced apartments with a TV, phone, radio and all-electric kitchen as well as carparking. All units enjoyed views of the swimming pool and the harbour beyond.

The building was renamed The Towers Motel by 1972. Artcraft Neon Signs Ltd lodged an application in 1975 on behalf of Page Investments Pty Ltd to change the text of existing illuminated signs on pylons erected within the grounds of 50 Roslyn Gardens from 'Florida Towers Motel Apartments' and 'Sorry no vacancies' to 'Florida Towers, Motel, Swimming Pool Own Kitchen Harbour Views' and 'Guests Parking 1st Drive Left'.

In 1976 Hooker Home Units Pty Ltd advertised 50 Roslyn Gardens as Aquarius, selling studio and one-bedroom apartments with superb waterfront views ranging in price from $19,250 to $23,500 for studios and $24,750 to $30,000 for one-bedroom apartments.

Harry Seidler & Associates

Harry Seidler (1923–2006) was born in Vienna to Jewish parents. Following the Nazi occupation of Austria in 1938, Seidler relocated to England where he attended Cambridge Polytechnic, before being deported to Canada in 1940. He was awarded a Bachelor of Architecture in Canada in 1944. He won a scholarship to study at the Graduate School of Design, Harvard University, where Walter Gropius and Marcel Breuer were teachers. He then studied at Black Mountain College, under Josef Albers, before working with Breuer in New York City (1946–1948) and briefly with Oscar Niemeyer in Rio de Janeiro, on his way to Sydney in 1948.

Arriving in Sydney, his first commission was to design a house for his parents (Rose Seidler House, 1948–1950). Seidler gained Australian citizenship and in 1958 married Penelope Evatt, who was to be a significant partner in his career. By the 1960s Seidler's practice began to receive significant commissions including Blues Point Tower (completed 1962) and Australia Square (1960–1967). The latter, designed with engineer Pier Luigi Nervi, became a 'type-model' for Seidler's urban tower designs throughout his career. From the 1970s Harry Seidler & Associates was commissioned for significant large-scale commissions across Australia and overseas. These included the Australian Embassy, Paris (1973); MLC Building, Sydney (1978); Riverside Centre, Brisbane (1984); Shell Headquarters, Melbourne (1988); and QV1, Perth (1992).

Throughout his career, Seidler wrote about architecture and taught at various universities around the world, as well as advocating planning reform in Australia. He was awarded numerous honours throughout his career including being made an Honorary Fellow of both the American Institute of Architects and the Royal Institute of British Architects (RIBA awarded him the Royal Gold Medal in 1996); and a Life Fellow (1970) of the Royal Australian Institute of Architects (receiving 50 awards including five Sulman Medals, four Wilkinson Awards and the Gold Medal [1976]). He was also awarded an Order of the British Empire (1972). His impact and the work of his firm were a major cultural influence, applying uncompromising Bauhaus-inspired modernist architecture and principles in Australia.

Description

An external-only site visit from the public domain was undertaken by GML in September 2024. The physical assessment is based on publicly available documentation of the site.

Description

Setting and context

Aquarius is located on the eastern side of Roslyn Gardens on an irregular shaped lot. The majority of the lot is set 7m below Roslyn Gardens on the flatter land that characterises Rushcutters Bay Park to the east. Access to the building from Roslyn Gardens is via a raised

pedestrian bridge. Vehicle access to the ground-level parking is from Queens Avenue to the east of the lot.

The apartment building is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA). The immediate vicinity of the site is characterised by interwar flat buildings and multistorey postwar and contemporary apartments, which are comparable in design and scale to Aquarius. The building is somewhat obscured due to its setback and mature street trees and dense planting to the building's east. However, the scale, design, form and materiality of Aquarius is similar to other modernist flat buildings in its vicinity, all of which collectively make a positive visual contribution to the HCA.

Physical description

Aquarius is a 10-storey apartment building containing 60 studios and 20 one-bedroom units. They are 35sqm studio apartments and 47sqm one-bedroom apartments intended for, as Harry Seidler said, 'people of average means'. The building is set asymmetrically on the lot, oriented to the northeast, and offers expansive views of Rushcutters Bay, Rushcutters Bay Park and Sydney Harbour beyond. The massing is that of tower, bridge and slab; a slender slab with a separated core that appears as a tower (much like the Balfron Tower, London, designed by Erno Goldfinger, 1963). The apartments are set back much farther from the streets than their neighbours, necessitating a long bridge that passes dramatically through a tall, blank façade. The 'tower' core contains two elevators, a lift lobby, a garbage chute and a balcony overlooking the street. At alternate levels a communal laundry is located in the lift lobby space, which is accessed by another small bridge from the access stairs.

The northeastern façade is relatively flush with a subtle rhythmic contrast between the full-height glass to the balconies of one-bedroom apartments and the lower, flusher sliding windows and fixed glass of the studio (bedsit) apartments. The windows have blue coloured aluminium roller blinds that, set within the concrete window frames, give the eastern façade a distinctive dynamic balance of elements characteristic of many of Seidler's projects. The balconies appear to have retained their original steel and 'weldmesh' wire mesh balustrades.

The southern façade is extraordinary. It is both highly modelled and highly ordered, a matrix of boxes cantilevering from the slab form with horizontal concrete accessways threaded between. The cantilevered boxes are the bedrooms of the one-bedroom apartments (four per floor). A secondary semi-open stairway is located to the east of the residential block.

The building is constructed of a reinforced concrete frame with blond face brickwork infill walls. The brickwork is cantilevered 20mm from the supporting slab edges, creating a band of shadow. Board-formed concrete slabs and beams are exposed externally. The projecting bays have horizontally proportioned aluminium-framed ribbon windows with fixed and awning windows.

The units are oriented so that the living areas face the light and views. Bathrooms are internal with a service core and the kitchens on the south have high narrow ribbon windows for ventilation. From the open gallery access corridor, a half-stair leads up or down to two apartments. Units with an additional bedroom have an internal stair leading to the projecting cuboidal bedrooms along the southern side. The arrangement is extremely efficient with the access corridor set below each apartment, so southern windows remain private, and mirrored units share a service riser.

The interiors have not been inspected and the description is based on documentary evidence including original plans and publications. The integrity of the internal configuration and finishes is unknown.

Landscaping

The landscaping of the site is limited. Some mature trees along Roslyn Gardens provide visual screening to the building. There is a landscaped area and swimming pool on the eastern side of

the site at ground level. The trees within Waratah Street Reserve to the eastern side also provide landscape buffering between the site and the public domain.

Description

Modifications/integrity

The original exposed board-formed concrete surfaces have been painted beige.

Council records from 2004 indicate the following:

D/2010/147 was approved for internal alterations to a unit including removal of internal walls and installation of a new bathroom and kitchen.

Various DAs were lodged into 2001, 2002 and 2020 for minor works including alterations and additions to the existing kerbside bin enclosure, front fencing, stairs and alterations to units.

Condition

The overall condition of Aquarius is unknown.

Comparative analysis

Aquarius can be seen as representative of Seidler's early 1960s multi-residential projects with a focus on utility, repetition, density and high levels of amenity, especially solar access, natural ventilation and views. It is also rare as the first and arguably most highly resolved of Seidler's split-level apartment designs of this period.

Aquarius is a representative example of the linearly planned late 1950s and early 1960s works of Harry Seidler & Associates including the City Council Housing Apartments in Camperdown (unbuilt), Ithaca Gardens Apartments 1 (unbuilt) and Diamond Bay Apartments (1962). From 1964 onwards Seidler's housing schemes tended to rely on linear arrangements with complex split-level planning, and later still with curved, radial planning showing Baroque influences.

Aquarius is an important example of a group of projects Seidler completed in the 1960s, when economically planned flats on smaller sites were a particular focus. Although each responded to its site and context, as a group they can be seen as evolving structural and planning prototypes. Seidler noted in relation to this group of apartments 'the aim of their design is the development of prototypes incorporating a system, both of planning and construction' (*Living and Partly Living*, 1971).

Aquarius shares the following characteristics with these projects: each is built of poured-in-place rough-sawn board-formed concrete and brick infill walls. They all explore systematised construction with repeated layouts and segregated vertical access cores, simplifying the main structure. They all express their structure, and their façades express their internal uses and the importance of rooms through window size. Typically, full-height glass walls alternate with ribbon windows created by down-turned concrete slabs. Fixed awnings and sun shading are all carefully arranged to create a characteristic 'tensional' façade pattern.[2] Lesser rooms (kitchens and bathrooms) are given horizontal ribbon windows, generally on the secondary elevations. During this period Seidler fought regulations requiring direct ventilation for kitchens and bathrooms, so his plans could maximise the amenity of living zones.

Aquarius has particular significance as the first in Seidler's split-level apartment projects. Ithaca Gardens, Elizabeth Bay, and Glenview Apartments, Tamarama, were both originally made up of two-level apartments but were re-designed to contain more conservative single-level apartments. The only other completed examples are Ercildoune, completed just afterward in 1966, and Village Towers (Arlington), Edgecliff (1965–1966), of the same period. Only Ercildoune and Aquarius feature projecting bedroom units on the rear façade, creating one of Seidler's most distinctive façade treatments, possibly his most successful demonstration of his characteristic 'tensional' façade patterns.

The design is based on Housing Type F1 developed by the Standardisation Department at Stroykom RSFR, an office for the development of standardised housing established in the USSR in 1928 and led by the architect Moisei Ginzburg. It contained two-level apartments that are

served by an open access corridor on every second floor. Seidler developed this housing type further with the addition of the expressed bedroom volumes to the south.

[2] Harry Seidler, architects' statement in Ian Mackay, *Living and Partly Living: Housing in Australia*, 1971, p 186.

Comparative analysis

Although this was an approach Seidler adopted in several structures it is perhaps best realised here. These innovations in construction and planning are technically significant and rare for this period in Australian architecture.

Aquarius was widely published in architectural media and by Seidler himself including in the final publication *Harry Seidler: Four Decades of Architecture,* by Kenneth Frampton and Philip Drew. Its plan, section and distinctive façade are all recognisable and have been celebrated as architectural innovations.

Aquarius has representative significance as an important example of Seidler's 1960s multi-unit apartment projects, which collectively have an exceptional level of significance for their ability to demonstrate the architect's evolving planning and construction protypes. Seidler's architecture of this period was extremely influential, widely published and highly awarded. It can be seen to have made a major contribution to the development of modern architecture in Australia and is highly regarded internationally.

As one of Seidler's most noteworthy early experiments in apartment design Aquarius has exceptional aesthetic significance as an example of creative and technical achievement. Aquarius is considered rare as one of few examples of Seidler's experiments with split-level planning and as a particularly innovative example of his work in the 1960s.

Chris Abel notes in the introduction to *Harry Seidler: Houses & Interiors*, volume 1: 'There have been few architects who have been able to squeeze so much useable space, or so much delight, out of a tight budget'.[3] This is demonstrated in Aquarius.

Figure 1 Balfron Tower, Poplar, a Grade II* listed tower block designed by Erno Goldfinger in 1963 for the London County Council, built 1965–1967, which adopts the same separated circulation tower as Aquarius. (Source: Wikimedia)

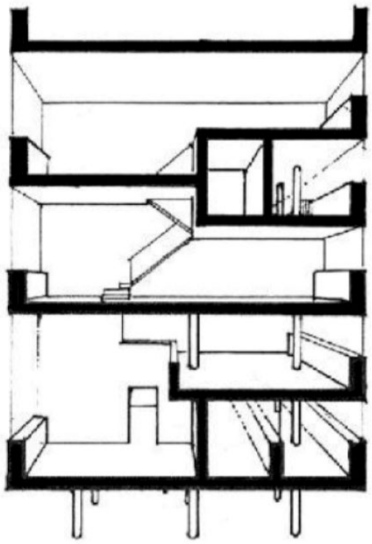


Figure 2 Housing Type F1 developed by the Standardisation Department at Stroykom RSFR, an office for the development of standardised housing established in the USSR in 1928 and led by Moisei Ginzburg. (Source: Wikimedia)

[3] Abel, C 2003, *Harry Seidler: Houses & Interiors*, Volume 1, Images Publishing Group, p 9.

Assessment of significance	
Criterion A (Historic significance)	Aquarius has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as a motel, later sold individually as compact studio or one bedroom apartments, is able to demonstrate an important change in the historical and social development of the area. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Harry Seidler's international influenced modernism into the Australian context. Aquarius is able to demonstrate wider historical trends of importance to the local area and to NSW more generally. Aquarius **has** cultural significance at a local level under this criterion. Aquarius does not have cultural significance at a state level under this criterion.
Criterion B (Historical association)	Aquarius is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As one of his most noteworthy apartment projects of the 1960s, Aquarius has strong associations with the architect. Aquarius **has** cultural significance at a local level under this criterion. Aquarius does not have cultural significance at a state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	Aquarius shows many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Aquarius displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), and Ercildoune, which demonstrate distinctive aesthetic attributes in form and composition. Aquarius also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In construction, planning and detailing Aquarius demonstrates Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of raw materials and efficient planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Aquarius was widely published and is a noteworthy example of the architect's work. Aquarius is a substantial achievement and the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings. Aquarius **has** cultural significance at a local level under this criterion. Aquarius has potential significance at a state level under this criterion.

Assessment of significance	
Criterion D (Social, cultural and spiritual significance)	Aquarius is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. Aquarius **has** cultural significance at a local level under this criterion. Aquarius does not have cultural significance at a state level under this criterion.
Criterion E (Research potential)	As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Aquarius has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler. Aquarius **has** cultural significance at a local level under this criterion. Aquarius has potential significance at a state level under this criterion.
Criterion F (Rare)	Aquarius is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. As one of Seidler's most noteworthy early experiments in apartment design Aquarius has exceptional aesthetic significance as an example of creative and technical achievement. Aquarius is considered rare as the first, and one of few examples, of Seidler's experiments with split-level planning, and as a particularly innovative example of his work in the 1960s. Aquarius **has** cultural significance at a local level under this criterion. Aquarius does not have cultural significance at a state level under this criterion.
Criterion G (Representative)	Aquarius is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates, which as a group are highly significant. Other examples include Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), Ercildoune and Gemini. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns. Aquarius is noteworthy among this group as the best-realised version of Seidler's split-plan form with projecting rooms and separated vertical circulation unit. Aquarius displays key characteristics of this significant group of apartment projects and is an important representative example of Seidler's long-term innovation and engagement with construction and planning efficiency. Aquarius is representative of wider trends in housing, the redevelopment of inner-city suburbs with higher density apartments, and the growing demand for compact, well-located housing.

Assessment of significance

Aquarius **has** cultural significance at a local level under this criterion.

Aquarius has potential significance at a state level under this criterion.

Statement of significance

Aquarius has historic significance as an innovative example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Harry Seidler's international influenced modernism into the Australian context. Aquarius is able to demonstrate wider historical trends of importance to the local area and to NSW more generally. It has strong historic associations with architect Harry Seidler, one of the most significant modernist architects in Australia.

Aquarius has exceptional levels of aesthetic significance, demonstrating a high degree of creative and technical achievement. It contains many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. It shares aesthetic elements with some of Seidler's most notable projects including Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), Ercildoune and Victoria Towers (Gemini), which are distinctive in form and composition. Widely published, Aquarius is a noteworthy example of the architect's work. Aquarius is a substantial achievement and the work of an important designer.

Aquarius is likely to have importance to architects and the design community more generally as an early example of innovative apartment design and construction in Australia. As an example of Seidler's early apartment designs, Aquarius has the ability to contribute to knowledge about the work of Harry Seidler and the evolution of housing in Australia.

Aquarius is considered rare as an early and innovative modernist apartment project in the Elizabeth Bay and Potts Point area. Aquarius is considered rare as one of few examples of Seidler's experiments with split-level planning and as a particularly innovative example of his work in the 1960s.

Aquarius has representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates, which are collectively highly significant. Aquarius displays key characteristics of this significant group of apartment projects and is an important representative example of Seidler's long-term innovation and engagement with construction and planning efficiency.

Recommendations

Aquarius meets the threshold for local heritage significance under all seven criteria and is recommended for heritage listing on the Sydney Local Environmental Plan.

The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

A comprehensive conservation management plan for the site should be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML

Information sources				
Written	City Building Surveyor's Department	Development Application No. 167 Year 1963	1963	City of Sydney Archives
Written	City Building Surveyor's Department	Building Application File No. 1570 Year 1963	1963	City of Sydney Archives
Written	City Building Surveyor's Department	Building Application File No. 1909 Year 1965	1965	City of Sydney Archives
Written	*Sydney Morning Herald*	'Aquarius'	7 August 1976	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Written	Architecture in Australia	'Roslyn Towers'	July 1966, pp 81 –85	Stanton Library (AAPI 1910-1983)
Written	*Sydney Morning Herald*	'Each apartment in block has a harbour view'	8 Mar 1966, p 16	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Written	*Sydney Morning Herald*	'Flats with views'	18 Oct 1966, p 26	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Publication	Richard Apperly and Peter Lind	*444 Sydney Buildings* (No. 325, p 47)	1971	
Published	Ian McKay et al	*Living and Partly Living: Housing in Australia*	1971	
Published	Peter Blake	*Architecture for the new world: The work of Harry Seidler*	1973	
Published	Kenneth Frampton and Philip Drew	*Harry Seidler: Four Decades of Architecture*	1992	
Published	Chris Abel	'Introduction' in *Harry Seidler: Houses & Interiors*, Volume 1	2003	

Image caption	Site plan of Aquarius.				
Image year	1963	Image by	Harry Seidler & Associates	Image copyright holder	In copyright; Harry Seidler & Associates

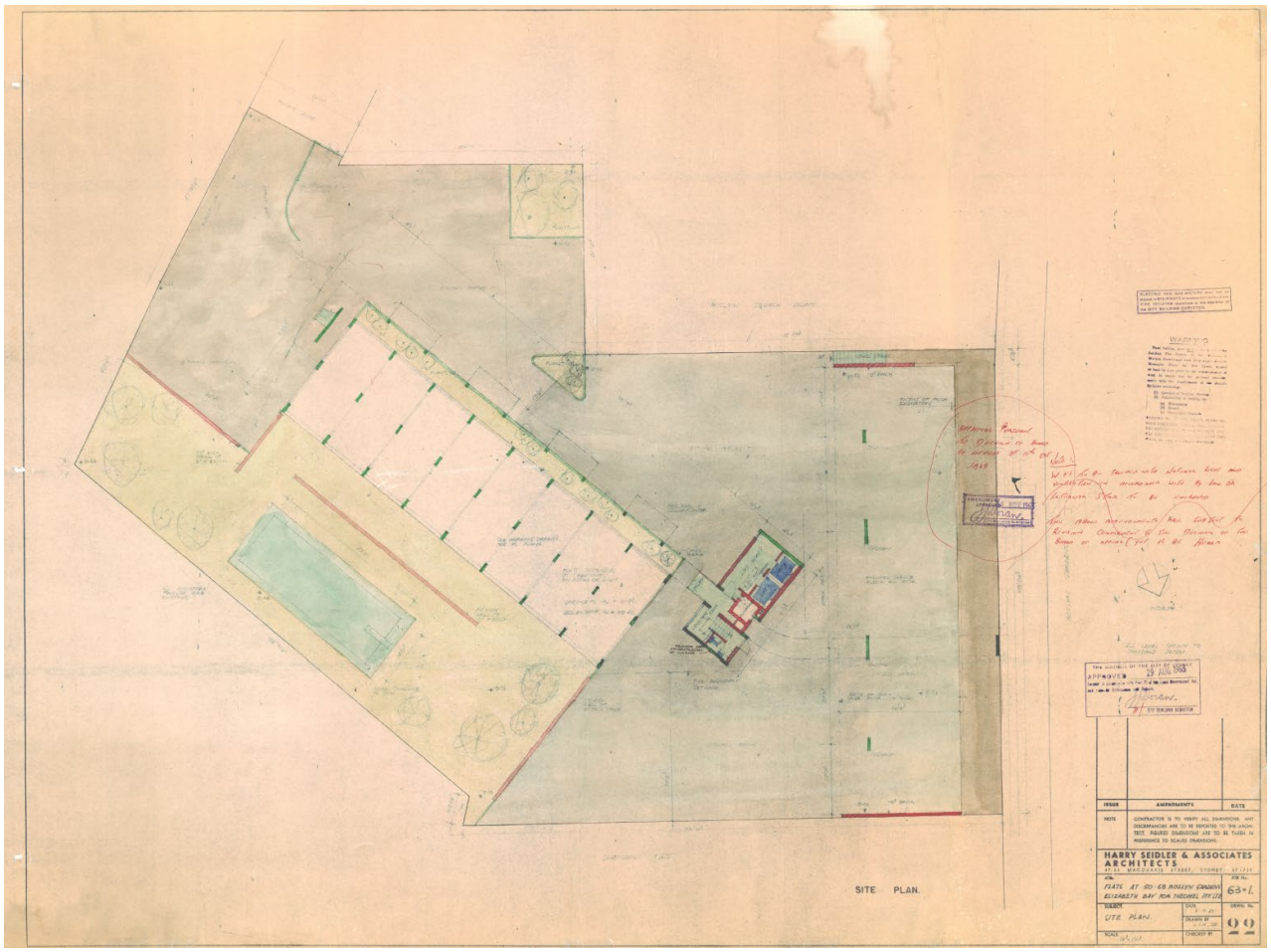


Image caption	Floor plans of Aquarius.				
Image year	1963	Image by	Harry Seidler & Associates	Image copyright holder	In copyright; Harry Seidler & Associates

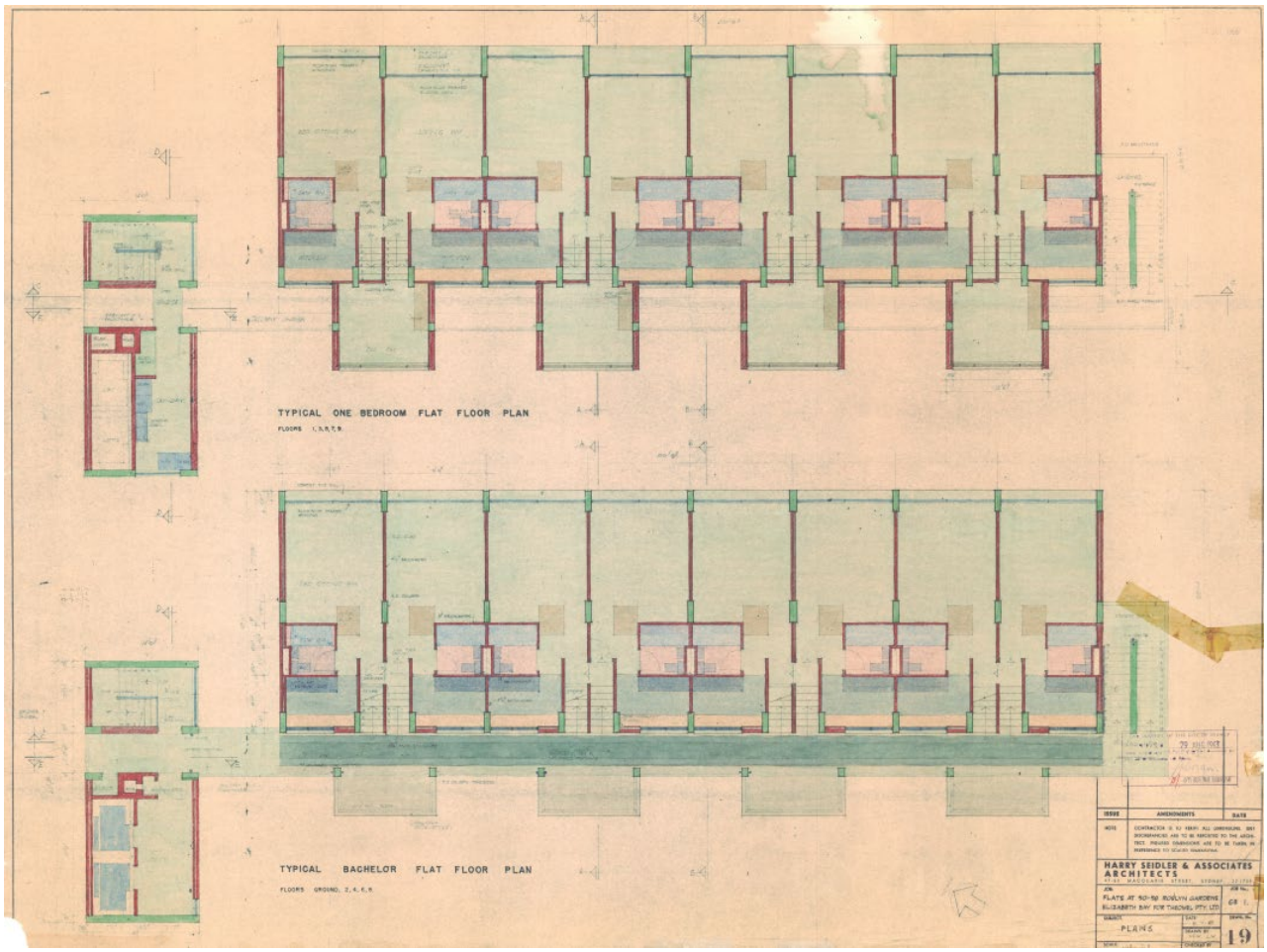


Image caption	Elevation of Aquarius.				
Image year	1963	Image by	Harry Seidler & Associates	Image copyright holder	In copyright; Harry Seidler & Associates

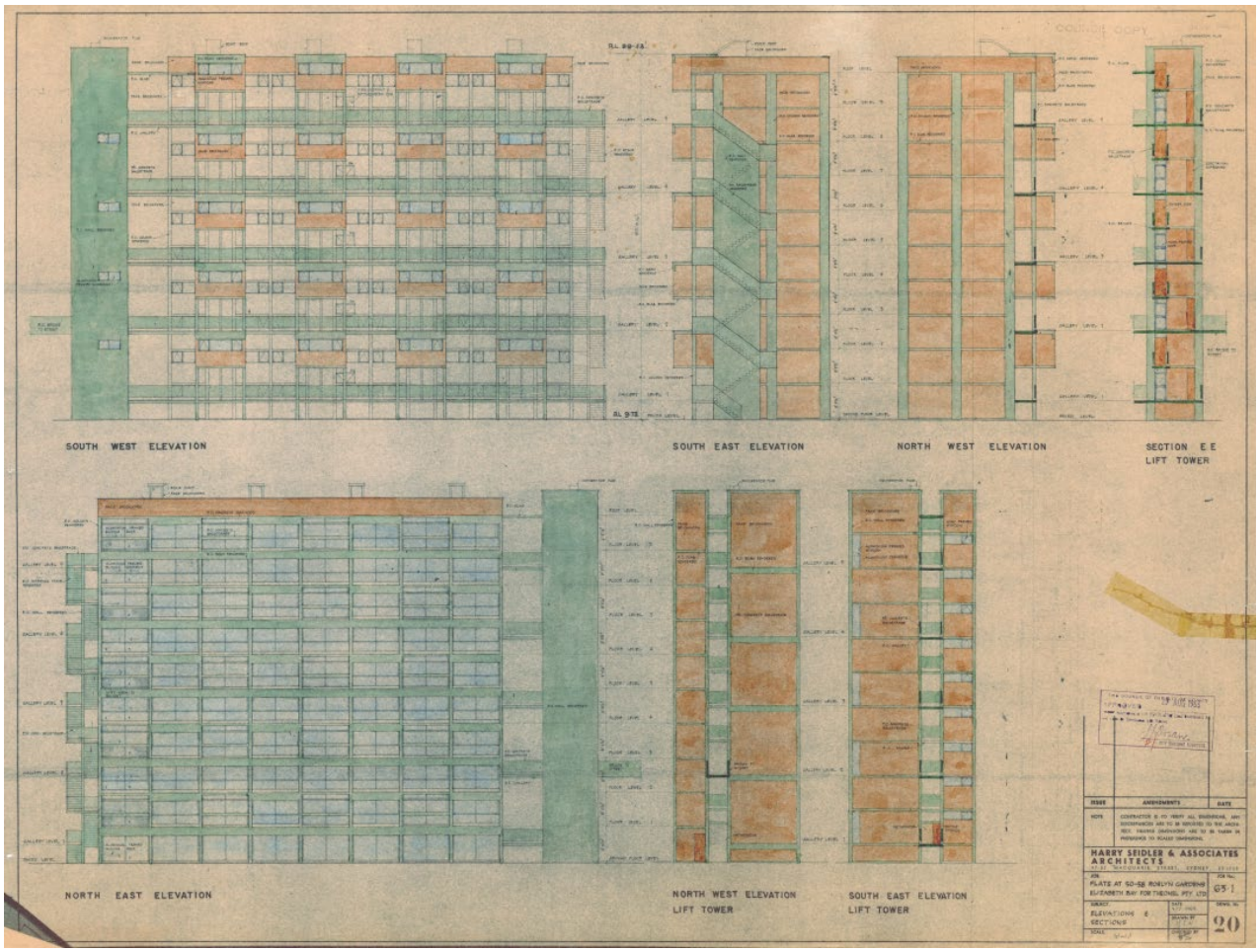


Image caption	Sectional isometric view of Aquarius. Showing external circulation galleries that serve two floors of flats and one-bedroom units alternating with studios.				
Image year	1971	**Image by**	In *Living and Partly Living: Housing in Australia*, 1971, p 186	**Image copyright holder**	Harry Seidler & Associates

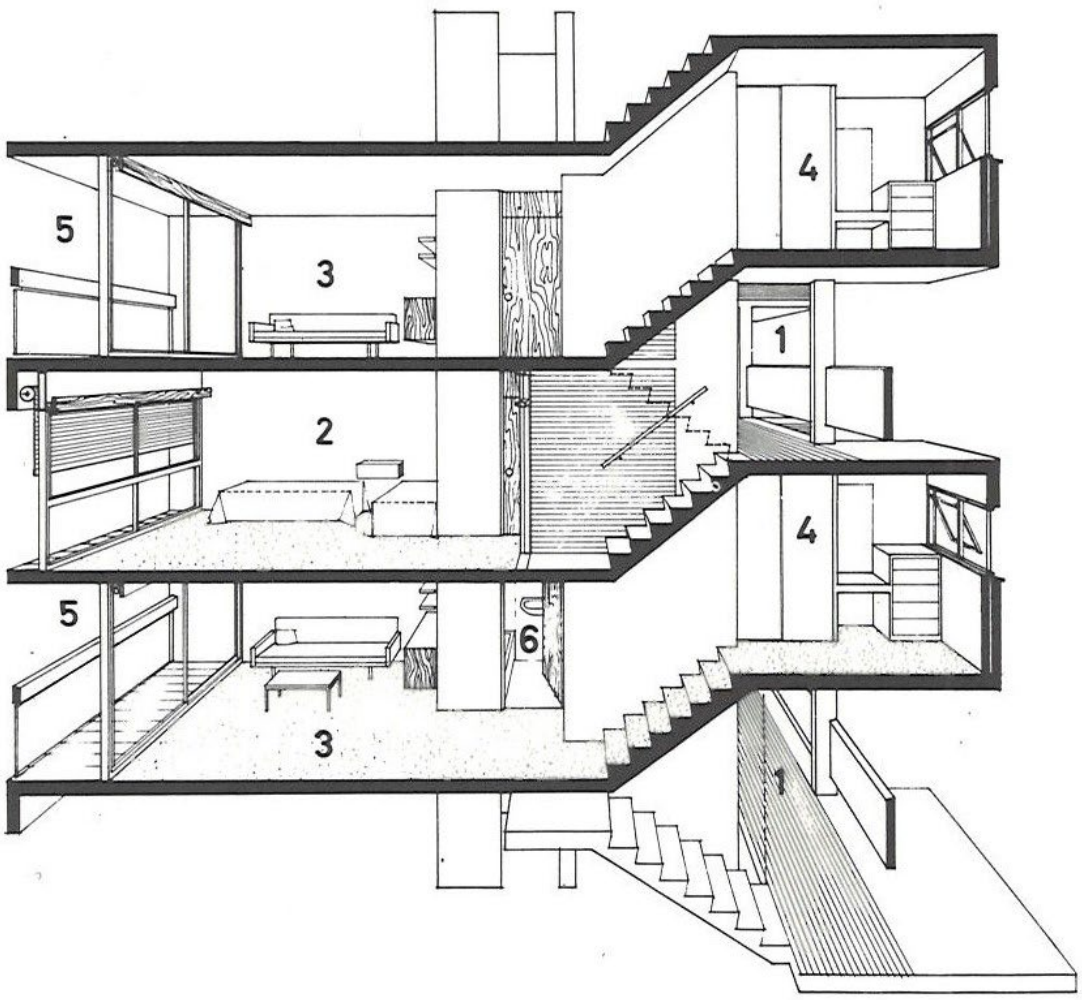


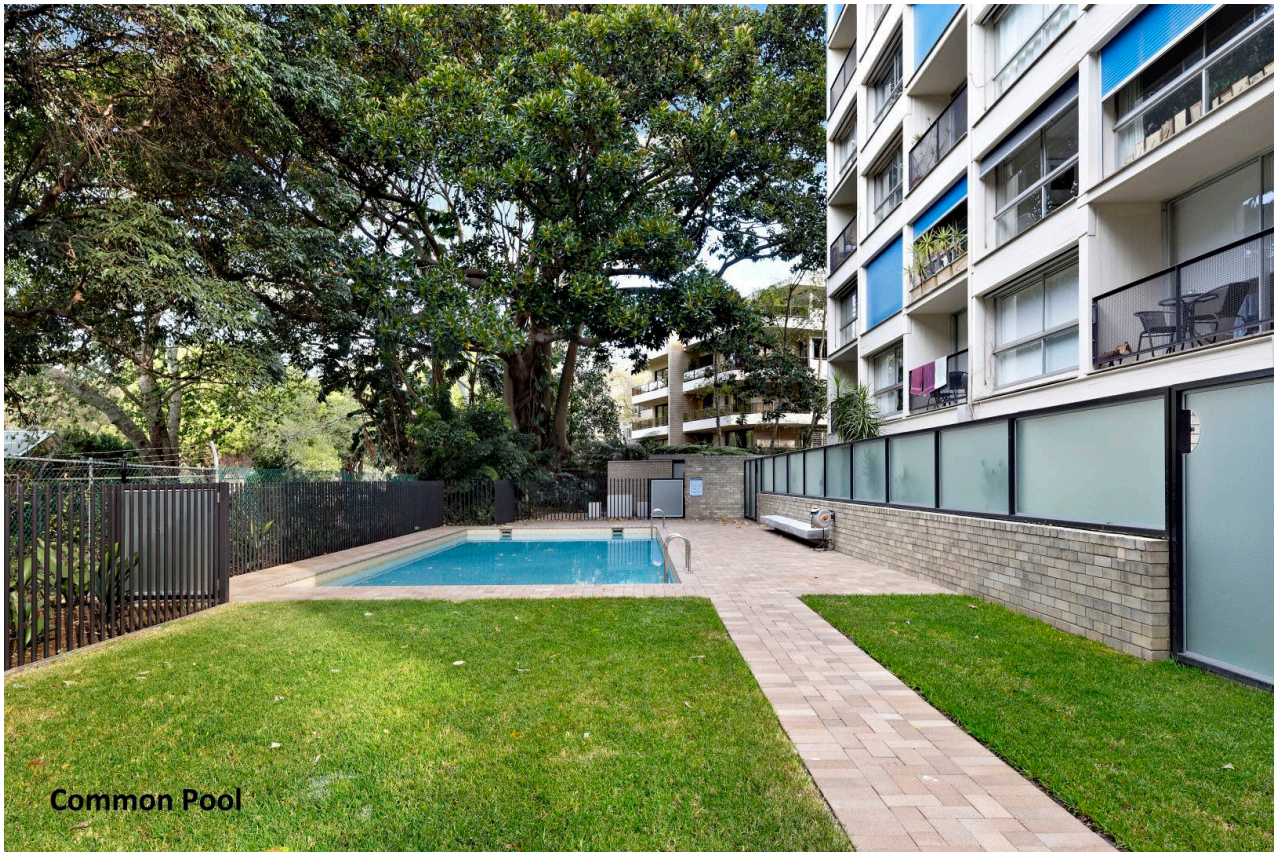
Image caption	Southern elevation of Aquarius.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Western elevation of Aquarius with pedestrian bridge from Roslyn Gardens.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Northern elevation of Aquarius from Waratah Street.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Balcony with original metal mesh balustrade. Original raw concrete wall finish has been painted.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

Image caption	Common area swimming pool on the northern side of the site.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au



Attachment A9

Draft Inventory Sheet – 74-76 Roslyn Gardens, Rushcutters Bay - Roslyn Gardens

Name	Roslyn Gardens		
Address	74–76 Roslyn Gardens, Rushcutters Bay	**Lot number**	Lot 3 DP 407610, Lots 1–90 SP 1719
Architect	Douglas Snelling	**Construction date**	1962–1963
Builder	AF Little	**Developer**	Mutual Acceptance Co
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map. Australian Institute of Architects (NSW Chapter) Register of Significant Buildings No. 4703080		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. The Cadigal people called Rushcutters Bay 'Kogerah'. It was a place where Aboriginal people and Europeans gathered rushes, used respectively for crafting light-weight fishing spears and for thatching settler huts. According to Dr Paul Irish, settlers were cutting rushes in this bay within weeks of the arrival of Europeans in Australia in 1788.[1] Irish further records several different Aboriginal settlements, at different times, occupying land on either side of the Rushcutters Creek (through the present Rushcutters Bay Park) and on higher grounds on either side of the bay.

The subject site is located on part of Lot 32 of the Elizabeth Bay House Estate. The property (Lots 32 and 33) was conveyed in 1909 to Alfred Herbert Streatfield, a slate, marble and tile merchant. By the 1880s the land was occupied by Lorne Villa. Streatfield leased the villa to boarding house proprietors in 1915. Lots 32 and 33 were subdivided and part of Lot 32 was variously occupied as a boarding house, private hotel, youth centre, hostel, chapel and residential quarters for a minister of religion of the Methodist Church (East Sydney Methodist Mission). Although the subject site was sold in 1961 it was not formally conveyed until early 1962 to Mutual Acceptance Co Ltd.

In December 1961 architect Douglas B Snelling lodged a development application (DA) to the City of Sydney on behalf of Mutual Acceptance Co to erect a building of basement, ground and up to eight floors of rental 'bachelor flats' estimated to cost £150,000 at 74-76 Roslyn Gardens.

Snelling was already designing another larger apartment building, called Bibaringa, on New South Head Road in Double Bay. Mr RG Gale, Snelling's father-in-law, was a part investor and owner of Mutual Acceptance Co. Unlike 74-76 Roslyn Gardens, Bibaringa was designed with two and three bedroom apartments on a larger landscaped site.

Davina Jackson in *Douglas Snelling Pan-Pacific Modern Design and Architecture* notes regarding 74-76 Rosyln Gardens:

'*To design this nine storey block of "bachelor flats" on a Roslyn Gardens site, Snelling researched the likely daily needs of potential tenants (young single occupants or couples). He decided that this building, intended to be a prestigious and prescient example of a newly emerging type later known as studio apartments, should have significantly larger unit floor areas, 35 sqm, than the 23 sqm sometimes allocated by low budget developers. Snelling's client Mutual Acceptance company (owned by his wife's family, the Gales), expected long-term tenants. He planned the sixty-four units to allow occupants to install their own storage cabinetry and to screen off one corner alcove of the living-dining area as a bedroom. The dining table, included in the kitchen zone, also could be screened behind sliding doors. Bathrooms were between the kitchen-dining area and front door of each unit.*'[1]

[1] Davina Jackson, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York, p 196.

Historical overview

The City Building Surveyor's report on the DA recommended that the application be submitted for consideration of Council. The principal issue with the application was that the proposal exceeded the height levels in the Foreshore Scenic Protection Area. However, the opinion of the surveyor was that 'the building complied substantially with Schedule Seven of the Local Government Act … [and] will not seriously interfere with the views to and from the harbour'.[2]

The Cumberland County Council had been established in 1945 to coordinate planning and growth between metropolitan Sydney's many councils, and preserve the 'green belt' that would prevent urban sprawl and had recently identified Foreshore Scenic Protection zones where building heights were limited.

The Cumberland County Council objected to the proposed development as it did not comply with the Foreshore Scenic Protection Area Code 'because of its proximity to the road alignment and side boundaries views to and from the harbour would be adversely affected and the amenity of the neighbourhood would be injured'.[3] In response to these objections, in September 1962 Snelling lodged amended plans complying with Council's requirement for a building of eight floors with more than 23 foot boundaries on three sides and contained within an area less than 56 feet x 67 feet, which would lessen the adverse effect on views to and from the harbour.

At this date Council approved the amended application and demolition of the existing buildings on the site was underway. The building was built by AF Little, builder of Bibaringa.

The building was completed by November 1963 when Snelling applied for an occupancy certificate, which would allow tenants to move into the building early the next month. The new 'bachelor apartments' at 74-76 Roslyn Gardens were advertised to rent from November.

Max Dupain photographed the site twice in 1963 including a display apartment showing Snelling's scheme for furnishings and flexible room divisions using folding doors. An article on the buildings was published in the *Sydney Morning Herald* in 1964, noting the internal arrangement of apartments with storage units as room dividers and a plastic sliding screen dividing sleeping and living areas.[4]

The building operated as rental apartments managed by Mutual Acceptance Co. In 1965, 74-76 Roslyn Gardens was strata subdivided into 90 lots as SP 1719. It is thought the individual apartments were sold shortly after this date.

Douglas B Snelling

Douglas Burrage Snelling (1916–1985) was an English-born designer and architect who worked in Sydney between 1942 and 1975. He spent his childhood after the age of eight in New Zealand and in 1938 travelled to Los Angeles (and again in 1947). Later in the 1960s he travelled extensively in the Pacific Islands and Southeast Asia, all of which influenced his design and architectural practice.[5]

Snelling rose to prominence in Sydney in the late 1940s with the nationally renowned range of furniture called The Snelling Line (said to be the first Australian-designed chairs of the modernist style) sold widely through major department stores to the mid-1950s. During the late 1940s his interiors were featured in prominent magazines including *Decoration and Glass* and two of his houses featured in 1949 and 1950 editions of California's seminal *Arts & Architecture* magazine.[6]

Travelling to Beverly Hills, California, in 1947 Snelling worked for architects Douglas Honnold and John Lautner. During this time Snelling also became acquainted with the works of other prominent Californian architects such as Richard Neutra and Harwell Harris, which influenced

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2 City Building Surveyor's Dept, 19 February 1962, 'Premises, No 76 Roslyn Gardens and Clement Street, Elizabeth Bay – erection of building – development application', DA 6365/58, 1961 No 7258 City of Sydney Archives.

3 Corres. Cumberland Country Council to the Town Clerk, 9 February 1962, DA 6365/58, 1961 No 7258 City of Sydney Archives.

4 *Sydney Morning Herald*, 'Interesting features in flats', 12 May 1964, p 23.

5 Jackson, Davina, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York.

6 Jackson, Davina, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York, p 31.

Historical overview

Snelling's works on his return to Sydney including the Kelly House I (1953–1955) and Mueller House.[7]

By the early 1960s, his works also included elements of Scandinavian Functionalist design and in the third stage of his career Snelling's works often drew from Tiki-style architecture of the Pacific region. Prominent works from this era include Kelly House II, Vaucluse (1965–1966); Yoorami, Clareville (1964–1965); and several resorts and villas in Fiji and New Caledonia. Snelling only designed two apartment buildings during his career: Bibaringa in Double Bay (1961–1962) and 74-76 Roslyn Gardens (1962–1963), both for Mutual Acceptance Co, which was owned by his wife's family, the Gales.

After completing an architecture degree mid-career, Snelling was registered as an architect in NSW in 1953 but largely saw himself as an outsider. While shying away from entering his works at Royal Australian Institute of Architects awards due to his personal differences with the Institute, Snelling courted many leading architectural editors for publicity and recognition.[8] Although better known for his furniture, for some years Snelling's architecture has been highly regarded with 10 of his buildings listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Buildings and several of his designs recognised by local heritage listings.

Description

A site visit was undertaken by GML in September 2024 viewing external areas and the interior of one apartment. The physical assessment is based on that inspection and other available documentation of the site.

Setting and context

The subject building is located on a lot that falls steeply to the southeast, from Roslyn Gardens towards Clement Street. The character of the street is mixed, with Edwardian houses directly to the west and a residential flat building of similar scale and period adjacent to the northeast. Due to the setback of both residential flat buildings, from the street and between allotments, there are a number of mature trees that give this part of Roslyn Gardens a landscape canopy. Due to its height and location on a curve in the street, 74-76 Roslyn Gardens is prominent in the context of the immediate area.

Physical description

74-76 Roslyn Gardens is a nine-storey cream brick and reinforced concrete residential flat building containing 64 studio apartments.

The building is orientated northwest and southeast, in response to the alignment of Roslyn Gardens. Concrete ramps for vehicles are located on both sides of the lot that lead from Roslyn Gardens, at the western side to the ground floor and pedestrian entry, and to the northeast down to the underground basement carparking. The site connects to Clement Street at the rear with an entry gate and ramp down to the basement carparking. A large reinforced concrete retaining wall forms the rear boundary to the property to the southeast. The wall contains paired zigzag forms with open vents to the parking level below.

The building form is rectangular with a stepped façade on the east and west elevations, in plan forming two slipped rectangles. This provides an efficient way of distributing the eight apartments per floor around a central lift and stair core. Three apartments are aligned along each of the main elevations with a single apartment located on the lesser elevations, giving each a full width recessed balcony. The structure is minimal and pushed to the building edges, with blade walls to balconies and thin internal columns providing the structural frame with external face brick infill panels.

Windows are aluminium, with large double sliding doors to balconies and double hung opening sash to kitchen and on the side elevations. The concrete frame is rendered and painted including a spandrel panel below the windows. Reinforced concrete retaining walls to the basement

[7] Clive Lucas, Stapleton & Partners, 2005, Woollahra Contemporary Buildings Heritage Study, pp 19–20.

[8] Jackson, Davina, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York, pp 42–43.

Description

carpark are also rendered and painted. Typically the brickwork is finished with raked joints. Balconies are set between concrete blade walls providing shade and privacy, with open metal balustrades. The lift tower at roof level is constructed of face brick.

Each flat was designed to have a floor area of 35 square metres, which was unusually large for 'bachelor flats' of the period. The apartments are wide, with a full width balcony increasing a sense of spaciousness. Originally planned to have flexible internal room divisions, it is unclear how many of these layouts remain. Kitchens are aligned to the external windows with bathrooms located behind the kitchens and mechanically ventilated.

Douglas Snelling was known for a high level of decorative finish in his designs and for his interest in interior and landscape design. This is evident in the lobby spaces, which included a lily pond and bridge element from the western entry. Remnants of these elements appear to remain but are not intact. The rear entry lobby, on the eastern side of the building, includes the original terrazzo paving, rockery garden and lighting elements, and glass entry doors (as photographed by Max Dupain in 1963). Internally, a glass wall to the northwest of the lobby, with dense planting behind, remains a feature.

The internal circulation corridors retain original vinyl flooring and recessed low set lighting. Some apartments retain parquetry flooring and timber veneer built-in units.

Landscaping

A thin area of landscaping is located between the building and Roslyn Gardens providing mature trees that screen the building from the street. Mature trees are also located between the building and the property directly to the west along Roslyn Gardens.

Modifications/integrity

The interior of the main entry lobby has been refitted. The original lily pond and bridge feature have been removed or modified. Other elements of the original lobby design appear to remain.

Council records since 2004 do not indicate any significant works to 74-76 Roslyn Gardens aside from a new recycling and waste storage structure added in 2007.

Condition

The windows appear to be in poor condition and may require replacement.

The building exterior appears to be in good condition.

Condition of apartment interiors is unknown.

Comparative analysis

Roslyn Gardens is significant as an example of the work of Douglas Snelling, a highly regarded modernist architect working in Sydney in the mid twentieth century. Snelling has 10 buildings listed on the Australian Institute of Architects Register of Significant Buildings and several of his designs have local heritage protection. Snelling's work was widely published, and he was the subject of a monograph in 2017. Although prolific in designing houses, commercial interiors and other buildings, Snelling designed only two apartment buildings: Bibaringa and 74-76 Roslyn Gardens, both designed around 1961.

Bibaringa was a large-scale and celebrated design published in the journals *Building Ideas*, *Constructional Review* and *Architecture and Arts*. Designed for the homeowner market with two or three bedroom apartments, Bibaringa was more highly finished than 74-76 Roslyn Gardens. However, both designs show similarities in materials: cream brick and a concrete structure of a thin grid of columns. In both projects Snelling used similar window dimensions, balcony arrangements and landscaped entrances, providing back and front access to ground floor lobbies, with floor to ceiling glazing and Japanese-style ponds. At Bibaringa visitors crossed a pond via slabs that appeared to hover over the water.[9] Plans for 74-76 Roslyn Gardens also show an entry with a terrazzo bridge element beside a lily pond.

[9] Jackson, Davina, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York, p 192.

Comparative analysis

Both projects can be seen to reflect Snelling's particular application of modernism and his focus on internal planning and landscape design. Snelling came later to the Bibaringa development and appears to have adapted an existing design. Both projects are seen as good representative examples of his work but as 74-76 Roslyn Gardens is Snelling's only complete apartment design it is considered rare, has particular significance as a rare example of Snelling's economical design for 'bachelor flats'.

Previous studies of Douglas Snelling's work have noted that many of his houses and interiors have been demolished or significantly modified. Bibaringa remains, with some modifications. As a largely intact example of Snelling's work, 74-76 Roslyn Gardens is also seen as rare.

When compared to other apartment designs in the area from the 1960s, 74-76 Roslyn Gardens demonstrates innovation in planning, with larger size studios, full width balconies, large areas of glazing and flexible internal room layouts including folding door elements.

74-76 Roslyn Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by architects in the local area, which are collectively highly significant. Other prominent architects working in this period in the area include Harry Seidler, Douglas Forsyth Evans, Hugo Stossel, Hans Peter Oser and Aaron Bolot. 74-76 Roslyn Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of a modernist residential flat building in the local area.

Figure 1 Home units, Bibaringa, at Double Bay, NSW. Architect: Douglas Snelling; builder: AF Little Pty Ltd; photographer of the architectural drawings: not known. (Source: *Cross-Section*, no. 113, March 1962)

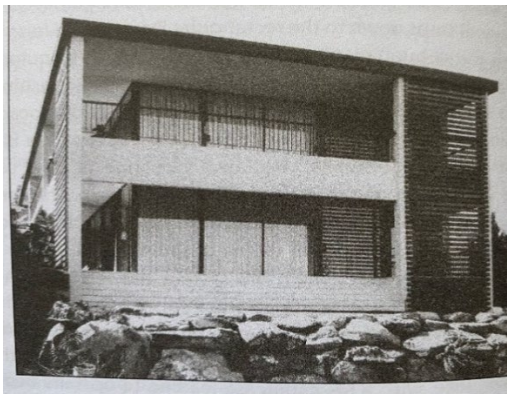

Figure 2 Assef House, Bellevue Hill, 1964, is typical of Snelling's more Functionalist style of architecture. (Source: Max Dupain, in Jackson, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture,* Routledge, New York)

Assessment of significance

Criterion A (Historic significance)	74-76 Roslyn Gardens is an example of a modern mid-rise residential flat building and reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. The property does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the

Assessment of significance	
	years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important. The property **has** cultural significance at a local level under this criterion. The property does not have cultural significance at a state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	74-76 Roslyn Gardens shows innovations in planning and construction that make it a noteworthy example of a 1960s modernist apartment building. The building displays typical elements of the work of architect Douglas Snelling applied to a compact residential flat building. It shares aesthetic characteristics with some of Snelling's notable projects, including Bibaringa, and displays unique aspects in its design and construction that demonstrate Snelling's creative and technical innovation and achievement. In its construction, planning and detailing it demonstrates Snelling's application of modernism, innovation in structural design, concern with interior planning and landscape design. The building is substantially intact externally, and its original modernist design qualities are able to be appreciated. The building also makes a positive contribution to the streetscape. 74-76 Roslyn Gardens is a noteworthy example of the work of an important designer. The property **has** cultural significance at a local level under this criterion. The property does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Rosyln Gardens is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. Roslyn Gardens does not have cultural significance at a local or state level under this criterion.
Criterion E (Research potential)	Roslyn Gardens is not considered to have the potential to yield significant further or new information not available elsewhere. Roslyn Gardens does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	74-76 Roslyn Gardens is considered rare as one of only two apartment projects designed by notable and highly acclaimed architect Douglas Snelling. The other example, Bibaringa, was an existing design that Snelling adapted. As a result 74-76 Roslyn Gardens can be seen as Snelling's only complete apartment project and is hence considered rare. The property **has** cultural significance at a local level under this criterion. The property does not have cultural significance at a state level under this criterion.
Criterion G (Representative)	74-76 Roslyn Gardens is considered to have representative significance as one of a group of 1960s apartment projects

Assessment of significance

designed by architects in the local area, which are collectively highly significant. Other prominent architects working in this period in the area include Harry Seidler, Douglas Forsyth Evans, Hugo Stossel, Hans Peter Oser and Aaron Bolot. 74-76 Roslyn Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of a modernist residential flat building in the local area.

The property **has** cultural significance at a local level under this criterion.

The property does not have cultural significance at a state level under this criterion.

Statement of significance

74-76 Roslyn Gardens has historical significance for its associations with architect Douglas Snelling. Snelling was a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular through modernist furniture design, interiors and houses in the eastern suburbs. As one of only two apartment projects designed by Snelling, this association is considered important.

74-76 Roslyn Gardens has aesthetic significance as a well-designed and considered modernist residential apartment building. In its construction, planning and detailing it demonstrates Snelling's application of modernism, innovation in structural design, concern with interior planning and landscape design. The building is substantially intact externally, and its original modernist design qualities are able to be appreciated.

74-76 Roslyn Gardens is considered rare as one of few Snelling-designed buildings to remain intact and as one of only two apartment buildings that he designed.

The property is also considered to have representative significance as one of a group of 1960s apartment projects designed by architects in the local area, which are collectively highly significant. Other prominent architects working in this period in the area include Harry Seidler, Douglas Forsyth Evans, Hugo Stossel, Hans Peter Oser and Aaron Bolot. Douglas Snelling's contribution to this group of buildings is significant and adds to the collective importance of the group.

Recommendations

74-76 Roslyn Gardens meets the threshold for local listing for its historical association, aesthetic, rarity and representative values.

It is recommended for heritage listing on the City of Sydney Local Environmental Plan. Individual apartment interiors should be excluded from the listing.

The building should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

The building should be retained and conserved. A Heritage Impact Statement should outline any original features and their proposed management prior to any major works being undertaken.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML

Information sources				
Correspondence	Cumberland County Council	No. 74-76 Roslyn Gardens, Elizabeth Bay	1962	City of Sydney Archives
Development Application	City Planning and Building Department	Development Application Year 1961 No. 959 – 74-76 Roslyn Gardens, Elizabeth Bay	1961–196?	City of Sydney Archives
Building Application File	City Building Surveyor's Department	Building Application Files Year 1962 No. 2200 – 74-76 Roslyn Gardens, Elizabeth Bay	1962–1967	City of Sydney Archives
Building Application	City of Sydney	1961 No. 7528 74-76 Roslyn Gardens	1961–1962	City of Sydney Archives
Newspaper advertisement	*Sydney Morning Herald*	Elizabeth Bay, new bachelor apartments 74-76 Roslyn Gardens	16 Nov 1963	*Sydney Morning Herald* Archives 1955–1995
Publication	*Sydney Morning Herald*	'Interesting features in flats', p 23	12 May 1964	*Sydney Morning Herald* Archives 1955–1995
Publication	*Sunday Telegraph*	'You and your Home' - Bachelor Flats, 74-76 Roslyn Gardens, Elizabeth Bay - Vol. 4 No. 1, pp 29–32	18 September 1966	*Sydney Morning Herald* Archives 1955–1995
Publication	Davina Jackson	*Douglas Snelling: Pan-Pacific Modern Design and Architecture*	2017	Routledge

Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, December 1961.				
Image year	1961	**Image by**	City of Sydney Archives 1962-A-00124593	**Image copyright holder**	Unknown

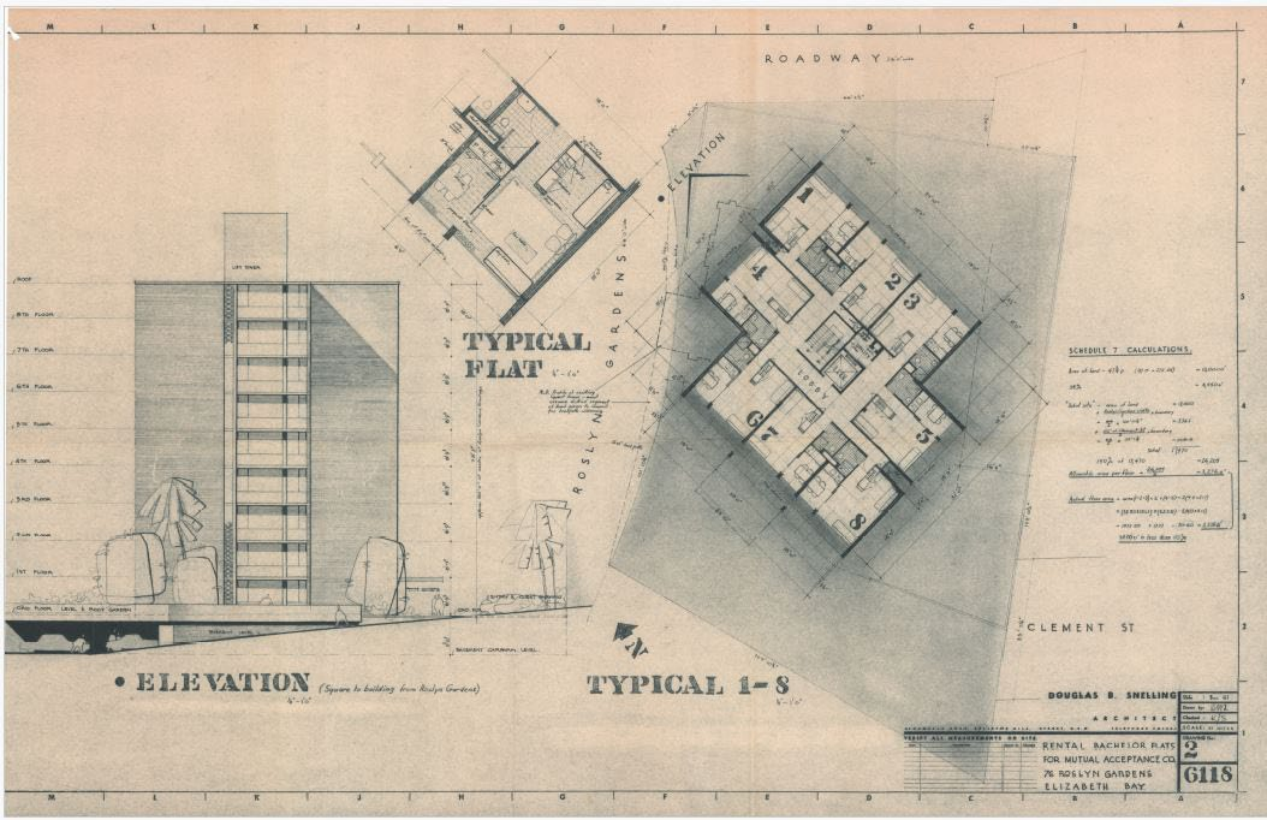

Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	May 1962	**Image by**	City of Sydney Archives 1962-A-00124593	**Image copyright holder**	Unknown

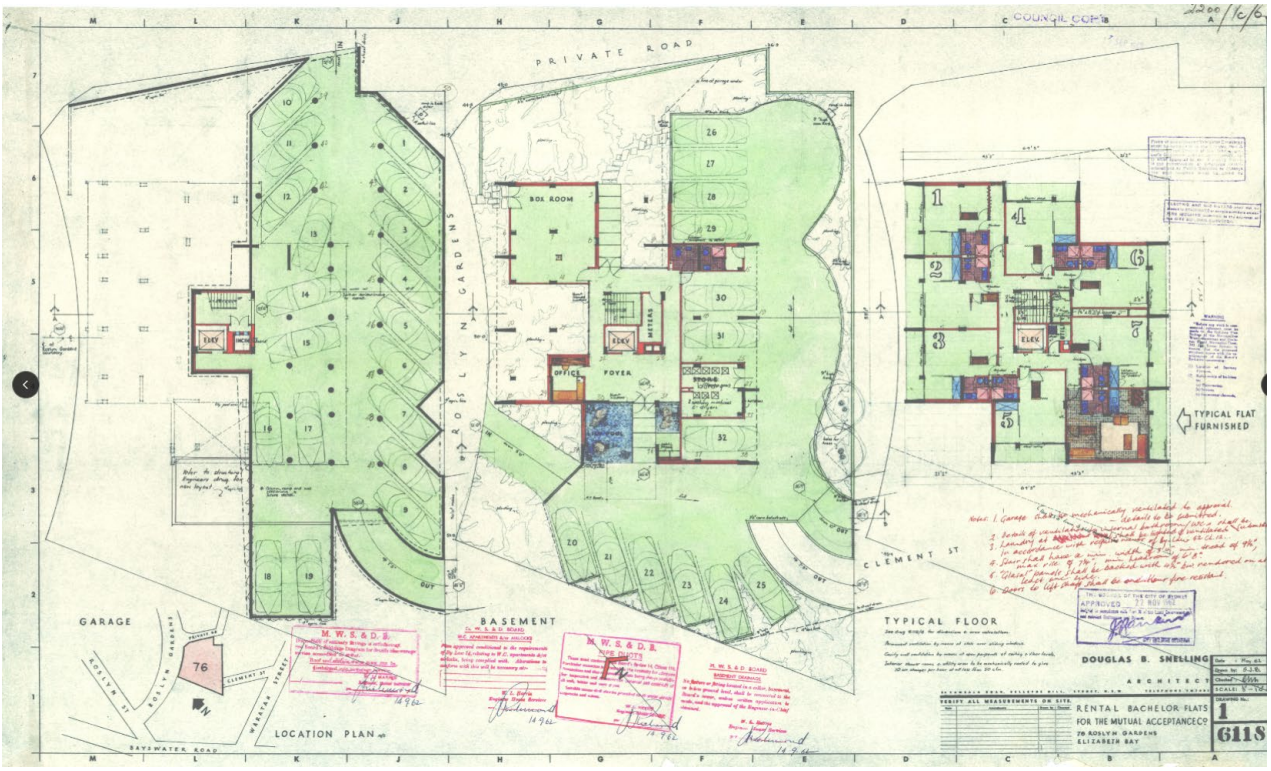

Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

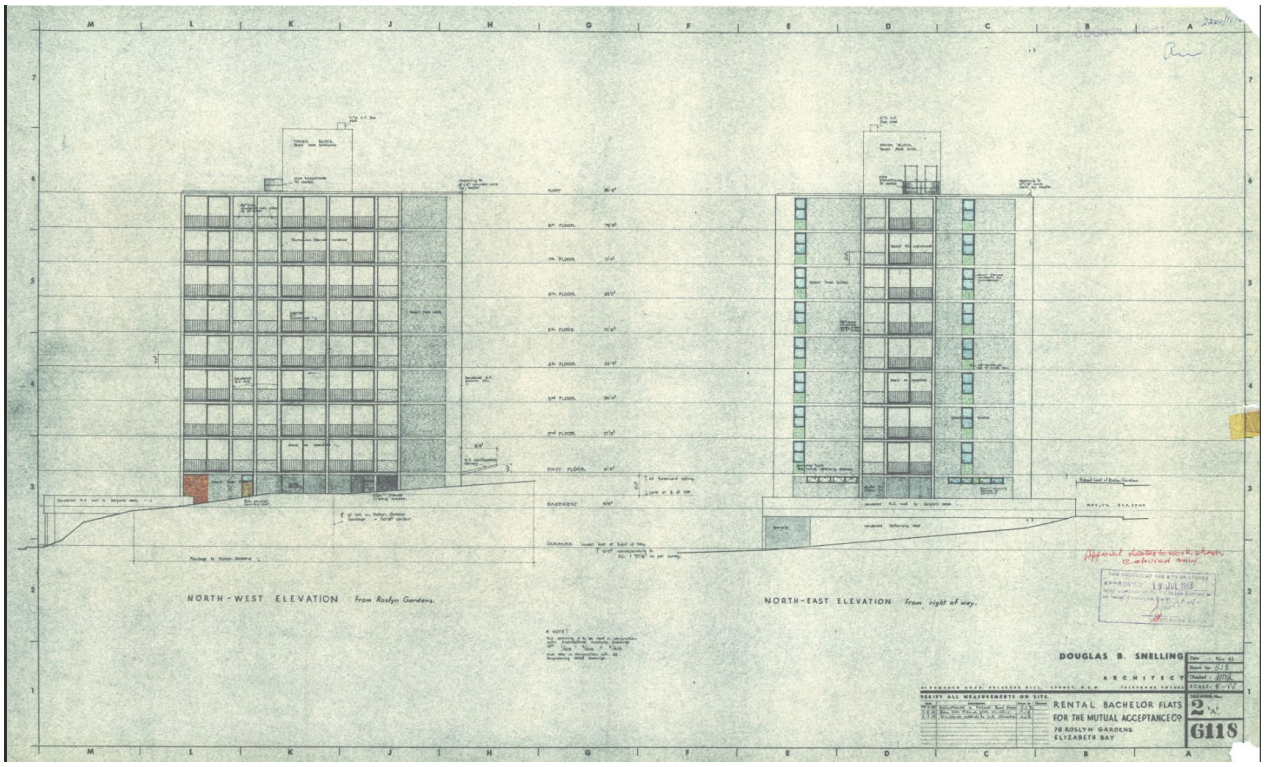

Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

Image caption	Detail, typical floor plan, rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

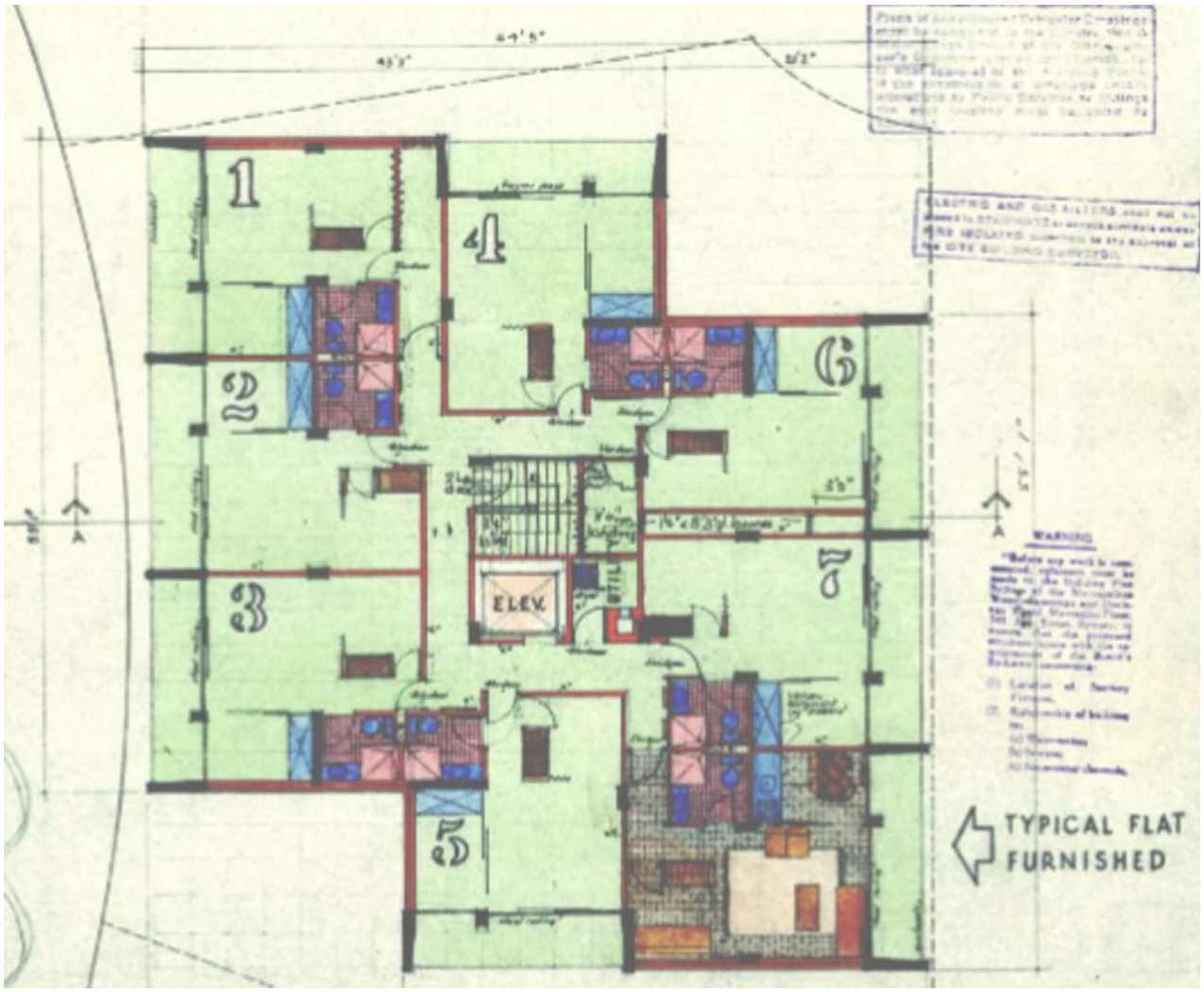

Image caption	'Interesting features in flats', *Sydney Morning Herald*, 12 May 1964, p 23.				
Image year	1964	**Image by**	SMH Archive	**Image copyright holder**	SMH

INTERESTING FEATURES IN FLATS

A block of 64 bachelor flats recently completed in Roslyn Gardens, Elizabeth Bay, has some interesting features.

DESIGNED by architect Douglas Snelling, the flats are bigger than most of this type, each being 380 sq. ft. (Some bachelor flats in Sydney are only 250 sq. ft.).

They look even bigger because the floor, ceiling and side walls of each flat extend 4½ft beyond the living room glass wall.

This extension beyond the glass line gives more privacy to the flats and protects them from sun and sky glare.

The plan allows for separation of sleeping and living areas by using a storage unit as a room divider. This permits private access to the bathroom without having to pass through either of the two areas.

Mr D. Snelling said: "This arrangement is desirable where two single people occupy a flat. Where a flat is to be occupied by a single person or a married couple, the storage unit may be built against a wall, leaving one large area for living and sleeping."

An interesting feature is a plastic sliding screen which forms part of the storage unit dividing sleeping and living areas.

New to Australia, the screen folds and traverses, and is assembled using modular 3in colourfast polystyrene plastic squares. The screen is translucent and easy to clean.

Mr Snelling said: "Architecturally, it is an excellent way of dividing space, yet allows full passage of light and air."

There are eight floors of flats, with eight flats on each floor.

Bathrooms are mechanically ventilated, and this made it possible to design each flat with a floor-to-ceiling glass wall in each living room and a full width window to each kitchen.

Laundry facilities are on the ground floor, and below this is an underground parking area for 19 cars.

The entrance foyer is approached underneath a cantilevered porte cochere. A large lily pool, spanned by a terrazzo slab bridge, leads from the porte cochere to the elevator foyer.

The building is constructed with a reinforced concrete frame using the principle of columns and "flat plate" construction.

This eliminated the need for concrete beams between columns in the floor slabs and resulted in clean soffits.

External walls, where masonry, are of 11in cavity brickwork. White face bricks have been used externally, and these have been repeated in the foyer and lift lobby.

The remainder of the external wall surfaces are glass in aluminium frames anodised to a gunmetal colour.

The architect for the building is Douglas B. Snelling; consulting engineers, H. C. Everingham and Platt; and the builder, A. F. Little Pty. Ltd.

An exterior view of the new bachelor flats at Roslyn Gardens, Elizabeth Bay.

Image caption	Landscaped entrance to the 74-76 Roslyn Gardens bachelor flats (rear entry). Reproduced from Davina Jackson, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York.				
Image year	1963	Image by	Max Dupain	Image copyright holder	Snelling Estate and SLNSW MLMSS 8801

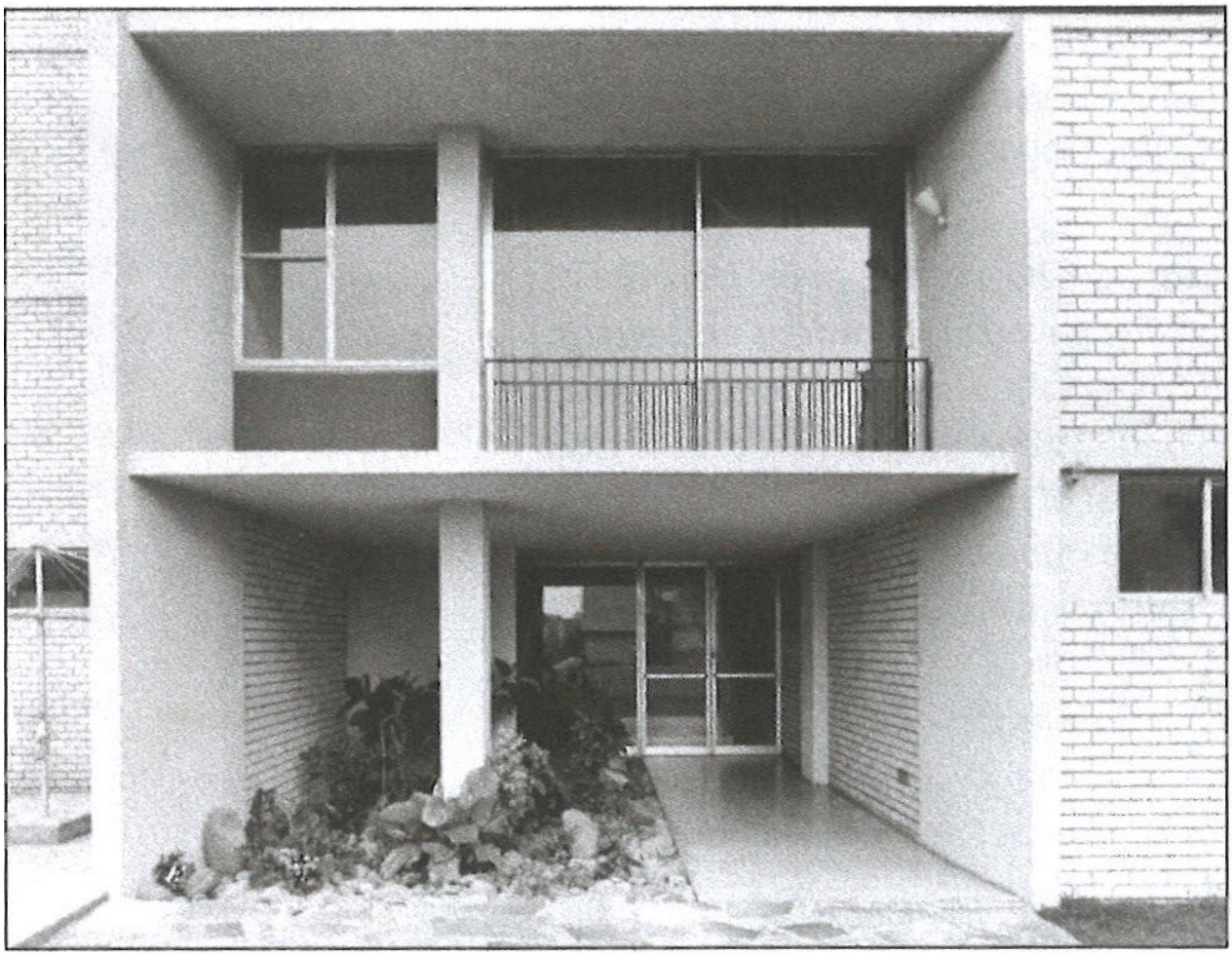

Image caption	Interior of a unit at 74-76 Roslyn Gardens bachelor flats. Reproduced from Davina Jackson, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York.				
Image year	1963	Image by	Max Dupain	Image copyright holder	Snelling Estate and SLNSW MLMSS 8801

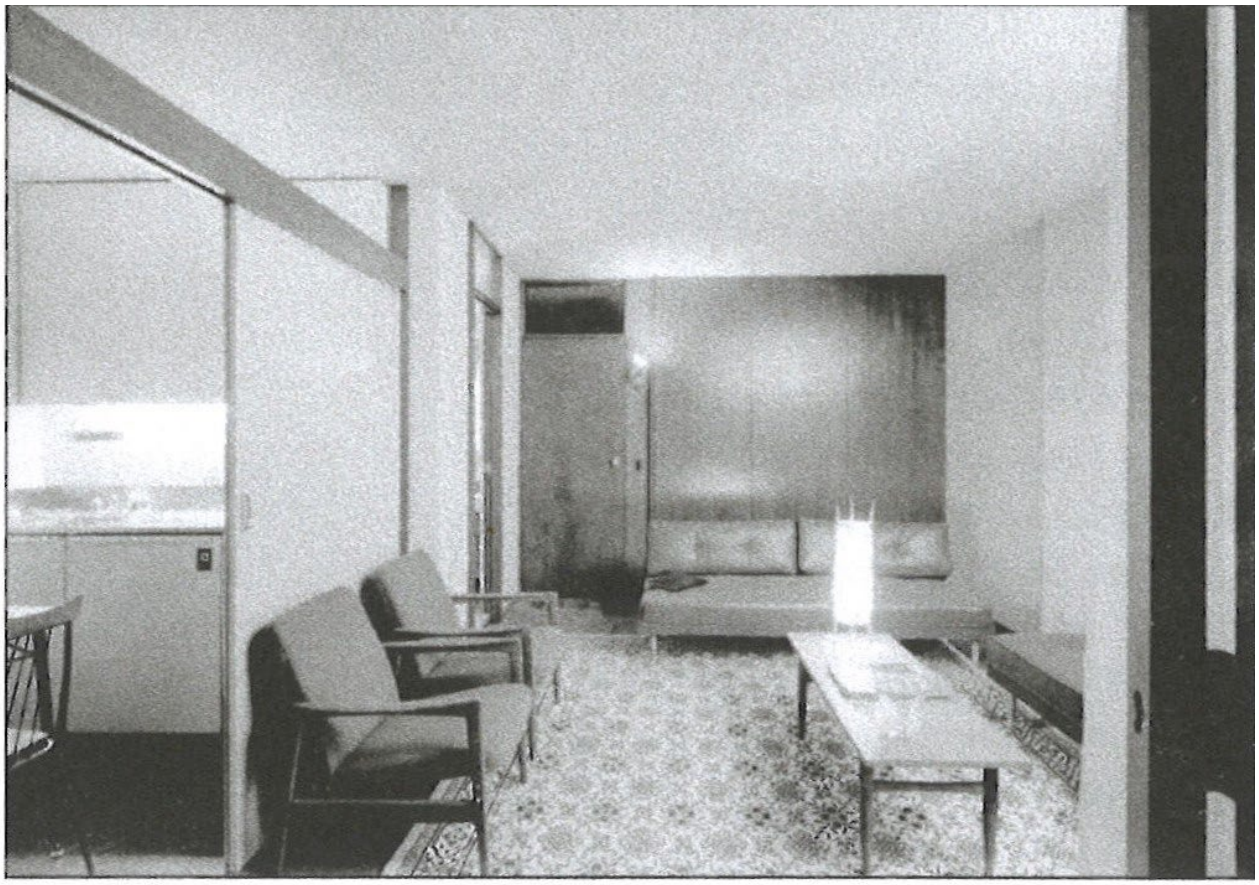

Image caption	Display suite for a 74-76 Roslyn Gardens bachelor unit. Reproduced from Davina Jackson, 2017, *Douglas Snelling: Pan-Pacific Modern Design and Architecture*, Routledge, New York.				
Image year	1963	Image by	Max Dupain	Image copyright holder	Snelling Estate and SLNSW MLMSS 8801

Image caption	74-76 Roslyn Gardens viewed from Roslyn Gardens, looking east. The building is set back from the street front as was required by Council at the time of construction to retain view corridors to the harbour.				
Image year	2024	**Image by**	Google Maps	**Image copyright holder**	Google Maps

Image caption	Rear elevation of 74-76 Roslyn Gardens, looking west from Clement Lane. The basement carparking level is visible.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The main entry is constrained by a short steep ramp from Roslyn Gardens. The lobby is marked by a cantilevered awning.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Rear elevation looking west. The ground floor contains a mix of open carparking spaces and garage units with utility rooms.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Front elevation facing Roslyn Gardens. Due to the steep slope of the lot to the southeast the first floor apartments are close to the ground level on this elevation. The originally open undercroft has been enclosed with timber.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The main entry lobby located on the southwestern elevation. The element to the left is shown on the drawings as a lily pond with a bridge (since removed). The original horizontal board-finished concrete finish to ceiling and walls remains.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The lobby entry from the northeast appears to remain largely intact with terrazzo flooring, rock gardens, light brick with raked joints and glass entry doors.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	An apartment interior, looking northwest to Roslyn Gardens. A typical arrangement of double sliding doors to balcony and double sash windows to kitchen. Original parquetry flooring remains.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	A typical balcony. The metal balustrade appears to have been replaced, but its design is similar to that shown on the plans.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The internal corridors feature recessed low set floor lights and appear to contain original vinyl floor tiles and timber veneer finished apartment doors.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

[1] Paul Irish, *Hidden in Plain View*, 2017.

Attachment A10

Draft Inventory Sheet – 1-5 Clement Street, Rushcutters Bay

Name	1–5 Clement Street		
Address	1–5 Clement Street, Rushcutters Bay	Lot number	Lot A DP 71162, Lot B DP 71162, Lot C DP 71162, Lots 1–25 SP 10641
Architect	Ancher Mortlock Murray & Woolley	Construction date	1975
Builder	Penrith Estate Pty Ltd		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA) (C20), identified as detracting on the Sydney Development Control Plan 2012 building contributions map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. The Cadigal people called Rushcutters Bay 'Kogerah'. It was a place where Aboriginal people and Europeans gathered rushes, used respectively for crafting light-weight fishing spears and for thatching settler huts. According to Dr Paul Irish, settlers were cutting rushes in this bay within weeks of the arrival of Europeans in Australia in 1788.[1] Irish further records several different Aboriginal settlements, at different times, occupying land on either side of the Rushcutters Creek (through the present Rushcutters Bay Park) and on higher grounds on either side of the bay.

The subject site is located on part of Obed West's Barcom Glen Estate where he erected a watermill in the then-named Lacrozia Valley. Obed died in 1891 at Barcom Glen, Paddington, survived by a large family. Clement Street was formed between 1901 and 1907 and three brick detached houses were built on the site in this period. The houses on the site were demolished by mid-1973.

In 1971 Arthur Brooks Gange of SB Gange & Son Pty lodged a development application (DA) to Council to erect a building containing 36 two-bedroom flats on nine floors with parking on the lower ground floor, estimated to cost $400,000. The architect for this development proposal was Graeme Bastock of Pymble. For unknown reasons this application did not proceed as in 1973 SB Gange & Son Pty Ltd notified Council that it had sold the properties at 1–5 Clement Street to Penrith Estate Pty Ltd.

In October 1973 Ancher Mortlock Murray & Woolley Pty Ltd (AMMW) submitted a DA for permission to erect a multistorey residential flat building (eight floors comprising 25 flats) at 1–5 Clement Street for the new owners (DA 595/73). The estimated cost of the proposed building was $560,000.

A petition was lodged in reference to the proposed development. The main objections concerned residential amenity, substantial change to the character of the street, impact on park views and the supply of air and sunshine, impediments to vehicular and pedestrian access, and it being an inappropriate form of development for a cul-de-sac. It was also highlighted that the site was located in the new Foreshore Protection Area. The State Planning Authority also criticised the design, seeking more details of proposed landscaping and other amendments to the design in terms of taking general landform into consideration and reducing the height of boundary walls.

The architects responded to these criticisms with a revised design, with the response signed by AMMW partner Stuart Murray. In December 1973 the Council approved the DA subject to several conditions, including landscaping controls and provision for the widening of Clement Lane. The detailed landscape plan was submitted to Council in April 1974 and included specifications for the transplanting of three palm trees to the boundary of the site. At the same time the architects lodged the building application (BA) for the apartment building consisting of reinforced concrete with precast concrete infill panels, estimated to cost $400,000. The BA was approved in July 1974.

Historical overview

Each apartment (aside from the penthouse) was identical at approximately 100sqm with two bedrooms and the building was well fitted with two lifts, representing a shift in the area away from short stay accommodation and compact studio apartments.

The building was completed by May 1976 and sold as strata titled units. At this time 1–5 Clement Street was advertised to 'discerning purchasers [who] will respect and prize these impeccably built, intriguingly designed, infinitely beautiful, brand new 2-bedroom strata units'. Another advertisement described the property as 'extraordinary units [with] devastating combination of latest design and construction techniques'.[1]

Ancher Mortlock Murray & Woolley

"The firm of Anchor Mortlock Murray and Woolley (as it was named from 1964 to 1976) is widely recognised as one of the leading practices in Sydney. For instance in the R.A.I.A booklet (Apperley & Lind) *444 Sydney Buildings* it claims the largest number of entries, and there are several more entries for individual partners."[2]

The firm began in 1952 when Sydney Ancher (1904–1979) invited Bryce Mortlock (1921–2004) and Stuart Murray (1926–2015) to join him as Ancher Mortlock & Murray. The firm grew throughout the 1950s and early 1960s, receiving commissions from domestic designs to large commercial, civic and educational building designs such as five engineering buildings at the University of Sydney. In 1964 Ken Woolley joined the firm, becoming a director in 1969, changing the firm's name to Ancher Mortlock Murray & Woolley (AMMW). The firm continued to be commissioned for significant buildings including the Student Union for Newcastle University (Murray 1968), townhouses in Wollstonecraft, Mosman and Darling Point (Woolley 1968), and Town Hall House, Sydney (Woolley 1970).

The firm's projects and awards were numerous, including the Australian Institute of Architect's Sulman and Wilkinson Awards (Woolley alone received 36 AIA awards during his career). The firm continued to undertake prestigious projects throughout the 1980s and 1990s with Woolley stepping away in 2005. The firm merged with Conrad Gargett Riddel in 2013.

The plans of 1–5 Clement Street are not signed but AMMW partner Stuart Murray is the signatory on a number of letters regarding the project that are located in the council files. Murray spent his early years at the firm realising Ancher's designs, including for 150 houses off Northbourne Avenue in Canberra. One of his major designs was the Great Hall, University of Newcastle (1970) and the Aeronatuics & Mechanical Engineering Buildings at Sydney University. Like Ancher, Murray was influenced by International style modernism and time working in London and travel through Europe, rather than the Sydney School of architecture practiced by Woolley and Mortlock. Murray left the practice in 1976.

Description

GML undertook a limited external-only site visit from the public domain on 4 September 2024. The physical assessment is based on this site inspection and all available documentation of the site.

Setting and context

1–5 Clement Street is located on the northern side of Clement Street, a short dead-end street off Waratah Street. The street is steep, sloping downwards to the east along Clement Street. The adjacent Clement Lane, a private road, runs along the east of the site.

The apartment building is located within the Elizabeth and Rushcutters Bays HCA. The HCA within the immediate vicinity of the site is characterised by mixed development. A number of Victorian dwellings and interwar flat buildings are located directly across Clement Street, while multistorey postwar and contemporary apartments of comparable form and scale to 1–5 Clement Street are located to the north, east and west.

[1] 'Discerning purchasers', Sydney Morning Herald, 19 June 1976, Sydney Morning Herald Archive 1955-1995, State Library of NSW.

[2] Saunders & Burke, *Ancher Mortlock Murray Woolley; Sydney Architects 1946-1976*, 1976, P.4

Description

Views to and from the flat building from the street are generally obscured by mature plantings with only partial oblique views available. The building is in proximity to Waratah Street Reserve, Reg Bartley Oval and Rushcutters Bay Park; however, there are very limited views to and from these areas due to the density of trees and other multistorey apartment buildings.

Physical description

1–5 Clement Street is a nine-storey late-modern style building comprising an open undercroft ground floor, six floors of units, a penthouse, rooftop plant room and underground carpark

accessed via a rear ramp. A U-shaped concrete driveway in front of the building provides vehicle and pedestrian access. Clement Lane, to the east, forms a ramp to the underground carparking.

The building has a symmetrical rectangular form, constructed of reinforced concrete columns, edge beams and floor slabs expressed externally. Walls and spandrels are symmetrical precast concrete panels with a textured finish. The building is set above ground level on thin pilotis set back from the exterior of the building, accentuating the impression that the structure is floating. The entry is via steps and a pedestrian bridge. Unlike many other buildings of this period the undercroft is fully landscaped with low growing greenery.

The entry walling, lobby, central lift and stair core is of board-formed concrete. The lift and stair core, containing two lifts, is of slipform reinforced concrete and rises two–three storeys above the roof. A large circular cut-out is a feature of the lift overrun at the roof and is repeated in a circular window in the eastern wall of the lift lobby. The rear of the site steps down and contains a pool area and lawn surrounded by mature plantings.

The front and rear (south and north) elevations are identical. They are defined by two vertical rows of narrow deep, cantilevered concrete balconies of a concrete slab floor and concrete side balustrades. The front balustrade is frameless glass with a metal balustrade. All elevations have narrow bronze-coloured aluminium window bands with concrete spandrel panels. The corners feature wrap around window elements. The side (east and west) elevations are symmetrical and feature four columns of windows (two along the edges and two in the centre).

Units are arranged around a central lift, stairs and services core eliminating the need for exterior access galleries or corridors. There are four identical units on each of the six floors arranged axially with division walls in a cross pattern.

Internally, each unit contains two bedrooms and a living/dining room, kitchen, bathroom, and separate toilet. The living/dining room and bathroom are divided by curved partition walls. Internal partition walls are plasterboard clad steel stud walls. Windows and sliding doors to the balconies are aluminium framed.

The underground carpark occupies the entire lot area and has space for 42 cars. It is constructed of concrete walls cast in situ with sawn board finish.

Landscaping

The whole of site at ground level is landscaped and features mature trees at the front. The rear of the site contains a recreation space, swimming pool, paving and grassed area with mature trees.

Modifications/integrity

Council records do not indicate any majors works to 1–5 Clement St except for the interior renovation of a flat in 1993.

Condition

Externally, 1–5 Clement Street appears to be in good condition with a high level of integrity. The lobby area appears to be intact. Interiors were not inspected and their condition is unknown.

Comparative analysis

1–5 Clement Street adopts a conventional approach to its site, with a tower form of four apartments per floor, set to the height limits at the time of construction. Notably its underground carparking and generous setback from the street front has allowed for a landscaped setting that is rare in apartment buildings of this period in the local area. For example, all comparable Harry Seidler & Associates projects in the vicinity, with an absence of

Comparative analysis
underground carparking, have dedicated their setting to carparking at the expense of landscaping. When compared with other highly regarded housing projects by AMMW—for example The Penthouses (1967) in Darling Point Road, Darling Point, with a design attributed to Ken Woolley; Townhouses (1968–1971) at 20 Almora Stret, Mosman, attributed to Bryce Mortlock, and Deepdene (1970), Elizabeth Bay Road, Elizabeth Bay, attributed to Stuart Murray—1–5 Clement Street shows less innovation. The Penthouses ranges from two-storey terrace forms at the northern end (61 New Beach Road) to larger five-storey apartment buildings with the complex stepped down the slope between Yarranabbe Road and New Beach Road. The complex is also finished in glazed terracotta tiles and with timber detailing, evoking a housing typology. The Mosman Townhouses also demonstrate exploration of lower-scale housing typologies and provide varied units within the one complex. 1–5 Clement Street seems to have been designed or directed by Stuart Murray and hence may be compared with the 1970 Deepdene Apartments, Elizabeth Bay Road, Elizabeth Bay, a notable and highly regarded apartment building of the period, included in the Australian Institute of Architects (NSW Chapter) Register of Significant Buildings. However, Deepdene, a vertical townhouse with highly sculptural form, shares few characteristics with 1–5 Clement Street. During the 1970s AMMW was mostly awarded for their Pettit & Sevitt Houses in the low and medium cost categories and large-scale projects completed at the University of Newcastle and the University of Sydney. Town Hall House, 1970–1977, designed for the historic precinct of the Sydney Town Hall and the Cathedral of St Andrew was another high-profile project of the period. Overall during this period the firm was not known for residential flat buildings, making 1–5 Clement Street a rare example of their work. Among Murray's celebrated projects from his time at AMMW are Northbourne Avenue housing, Canberra, Great Hall, University of Newcastle (1970) and the Aeronatuics & Mechanical Engineering Buildings at Sydney University. No other similar apartment project by Murray has been identified. 1–5 Clement Street shows innovation in its construction and planning, utilising a simplified concrete frame and precast panels and balcony elements. Its planning also shows innovation with corner apartments, sensitively handled fenestration, curved bathroom forms and generous projecting balcony elements. The communal entry sequence is well resolved and remains intact. Overall, the building demonstrates a high degree of creative and technical achievement as an example of a residential flat building from the 1970s. While 1–5 Clement Street was not published in the architectural press and is not included in *Ancher Mortlock Murray Woolley: Sydney Architects 1946–1976 by* David Saunders and Catherine Burke, Power Institute of Fine Arts, University of Sydney (1976), it is considered a good representative example of the firm's work, and particularly of Murray's work, which is rare.

Assessment of significance	
Criterion A (Historic significance)	1–5 Clement Street is an example of a modern mid-rise residential flat building and reflects the changing development, built environment and demographic of the Rushcutters Bay, Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. The property does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	1–5 Clement Street is associated with architecture firm AMMW, known for their work on numerous significant buildings throughout NSW including University of Sydney engineering buildings, townhouses in Wollstonecraft, Mosman and Darling Point, and Town Hall House.

Assessment of significance	
	The project architect of 1–5 Clement Street is unknown, but it is thought to be Stuart Murray. The project was not published or otherwise promoted by the firm and hence is not considered to have a particularly strong or enduring association with the firm or Murray. The property does not have cultural significance at a local or state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	1–5 Clement Street is considered a good representative example of a late-modern residential apartment building demonstrating creative and technical achievement. The concrete frame and central lift and stair core of the building reduces the number of load-bearing internal walls and the need for corridors, maximising unit space. Use of concrete frame and precast building elements are simply treated. Apartments are well planned with distinctive curved bathroom walls. The entry sequence and lobby of board-formed concrete and circular window element are well resolved and remain intact. The underground carpark makes full use of the lot area and frees up the ground floor for landscaping, which makes a positive contribution to streetscape. The property **has** cultural significance at a local level under this criterion. The property does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	1–5 Clement Street is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. The property does not have cultural significance at local or state level under this criterion.
Criterion E (Research potential)	1–5 Clement Street is not considered to have the potential to yield significant further or new information related to the work of AMMW not available elsewhere. The property does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	1–5 Clement Street is not considered a rare example of a mid-twentieth century modernist apartment in Sydney or a rare example of the work of AMMW who were prolific in this period. The property does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	1–5 Clement Street has representative significance as a late modernist residential apartment building in the Rushcutters Bay, Elizabeth Bay and Potts Point area. It displays the principal characteristics of this class of cultural places, including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and planning that provides high amenity units. In this way 1–5 Clement Street is able to demonstrate the evolution of residential apartment buildings in the area, which are an important feature of the local built environment. 1–5 Clement Street is able to demonstrate a way of life that has been important in the social and historical development of the Rushcutters Bay, Elizabeth Bay and Potts Point area.

Assessment of significance	
	1–5 Clement Street can be seen as a good representative example of the work of AMMW in this period when they were prolific and highly regarded. The property **has** cultural significance at a local level under this criterion. The property does not have cultural significance at a state level under this criterion.

Statement of significance

1–5 Clement Street is a good representative example of the 1970s work of AMMW, a time when the firm was prolific and highly regarded. Thought to have been designed by Stuart Murray, it is a good representative example of the work of a notable designer from this period.

1–5 Clement Street has aesthetic significance for its technical and creative innovations in design and planning including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and efficient planning to maximise amenity to individual units. It is a highly resolved design with entry sequence and entry lobby that are intact and able to be appreciated. It is particularly well resolved at ground level with generous landscaped areas that make a positive contribution to the streetscape.

1–5 Clement Street is considered to have representative significance as a late modernist residential apartment building in the Rushcutters Bay, Elizabeth Bay and Potts Point area. It displays the principal characteristics of this class of cultural places and is able to demonstrate the evolution of residential apartment buildings in the area, which are an important feature of the local built environment.

Recommendations

1–5 Clement Street meets the threshold for local heritage significance under aesthetic and representative criteria.

It is recommended for heritage listing on the Sydney Local Environmental Plan.

The building within its setting should be retained and conserved. A heritage impact statement should outline any original features and their proposed management prior to any major works being undertaken.

A comprehensive conservation management plan for the site could be prepared to guide future uses and development and ensure its heritage values are conserved.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Advertisement	*Sydney Morning Herald*	Discerning Purchasers	19 June 1976	Sydney Morning Herald Archive 1955–1995, State Library of NSW
Written	City of Sydney Administration Department	1/5 Clement St, Colwell, Larcombe & Rein Surveyors – proposed subdivision	1975	City of Sydney Archives

Information sources				
		under the *Strata Titles Act*, 1973		
Architectural plans	Ancher Mortlock Murray & Woolley	Home Units at 1–5 Clement St Rushcutters Bay for Penrith Estate Pty Ltd	1973	City of Sydney Archives
Written	City of Sydney Administration Department	1/5 Clement St Penrith Estate Pty Ltd DA	1973	City of Sydney Archives
Written	City Planning and Building Department	Building Application File No. 457 year 1974	1974–1975	City of Sydney Archives
Publication	David Saunders Catherine Burke	Ancher Mortlock Murray Woolley; Sydney Architects 1946-1976	1976	

Image caption	Proposed Development Plan—1, 3, 5 Clement Street, Rushcutters Bay, September 1973, ground floor.				
Image year	1973	**Image by**	Ancher Mortlock Murray & Woolley	**Image copyright holder**	In copyright

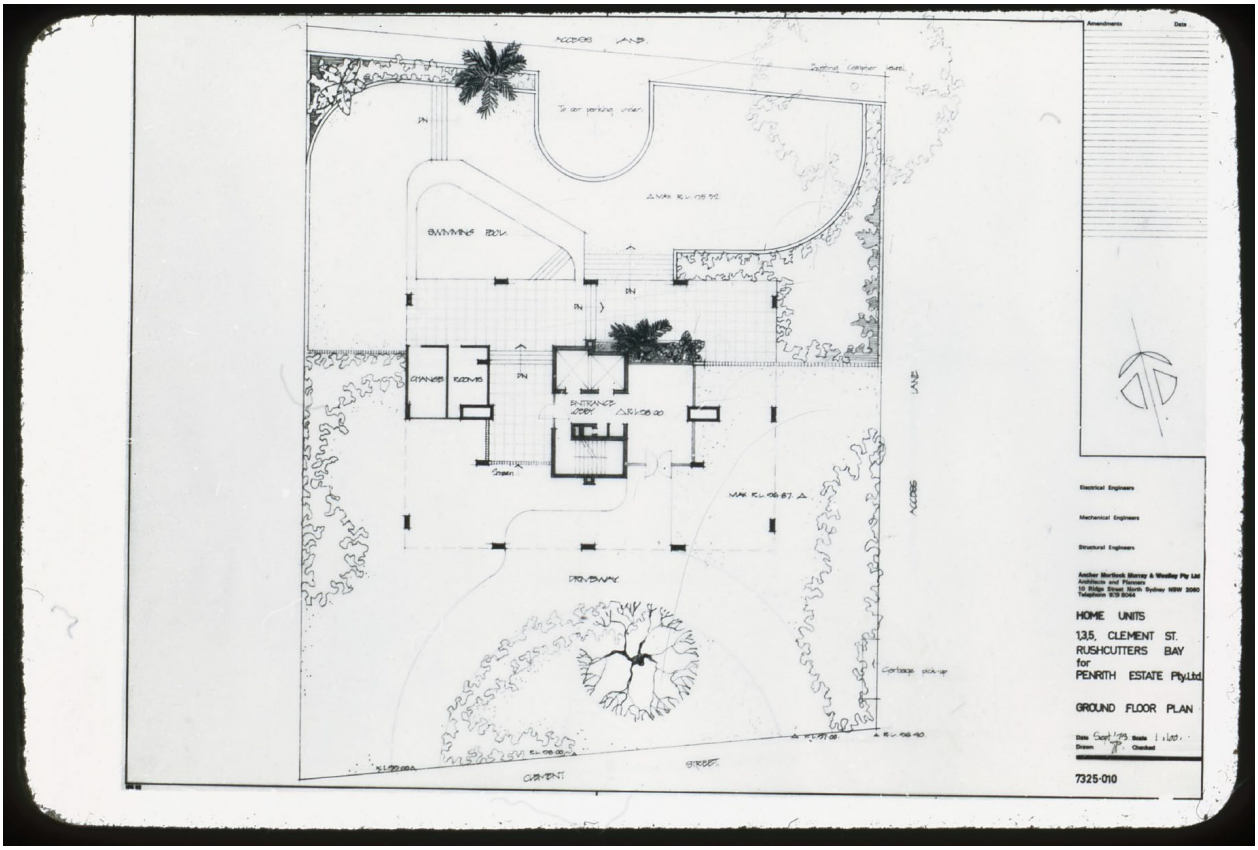

Image caption	Plan—proposed typical floor, Levels 3–8, 1, 3, 5 Clement Street, Rushcutters Bay, September 1973 Note: The proposed floor plan is different to the existing plan, which includes balconies to the southern elevation.				
Image year	1973	**Image by**	Ancher Mortlock Murray & Woolley	**Image copyright holder**	In copyright

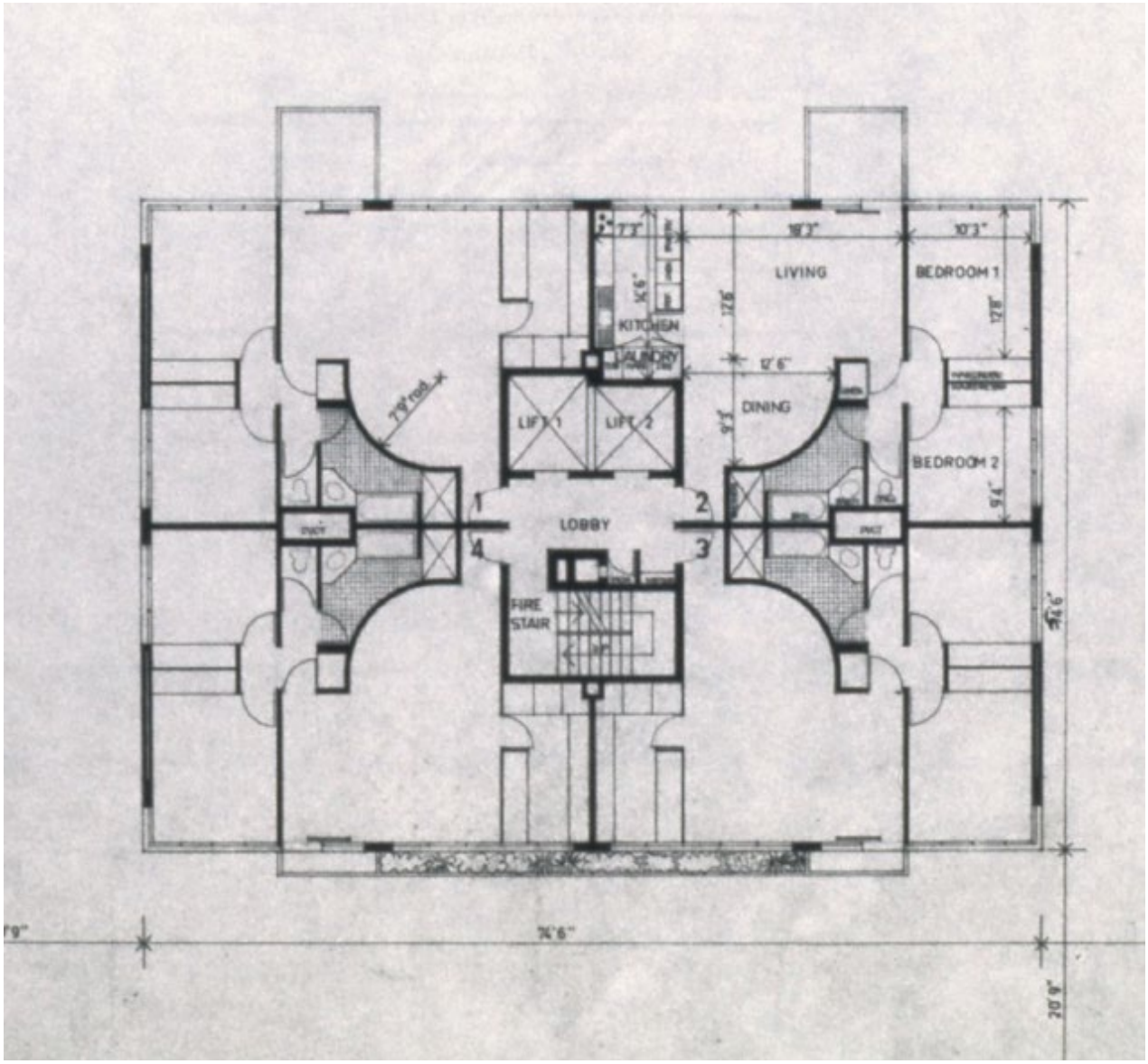

Image caption	Plan—proposed penthouse floor, 1, 3, 5 Clement Street, Rushcutters Bay, September 1973. Note: The proposed floor plan shows the balconies on the lower floor. The existing building has identical cantilevered balconies on the northern and southern facades.				
Image year	1973	Image by	Ancher Mortlock Murray & Woolley	Image copyright holder	In copyright

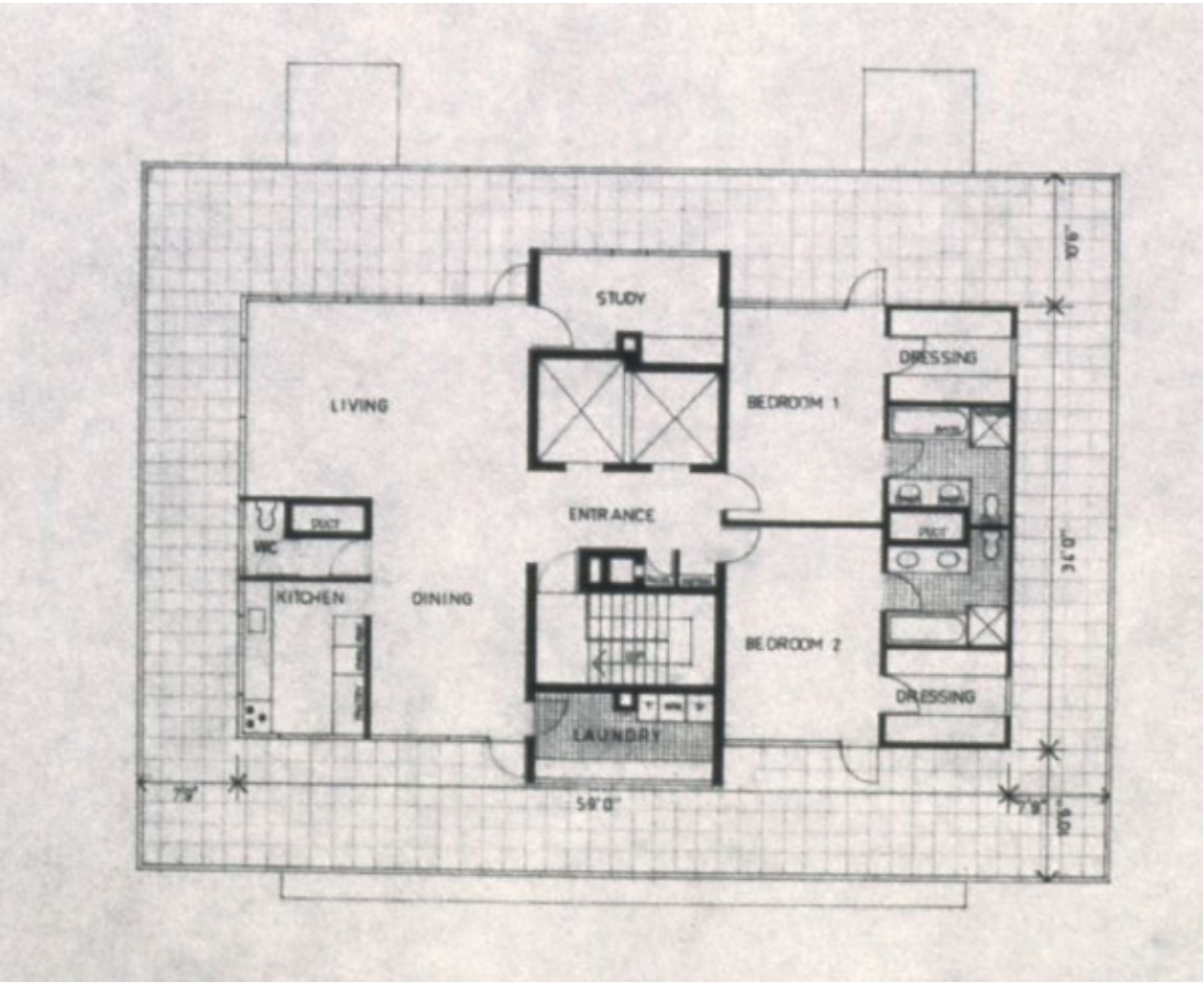

Image caption	Proposed building—section—1, 3, 5 Clement Street, Rushcutters Bay, August 1973.				
Image year	1973	Image by	Ancher Mortlock Murray and Woolley	Image copyright holder	In copyright

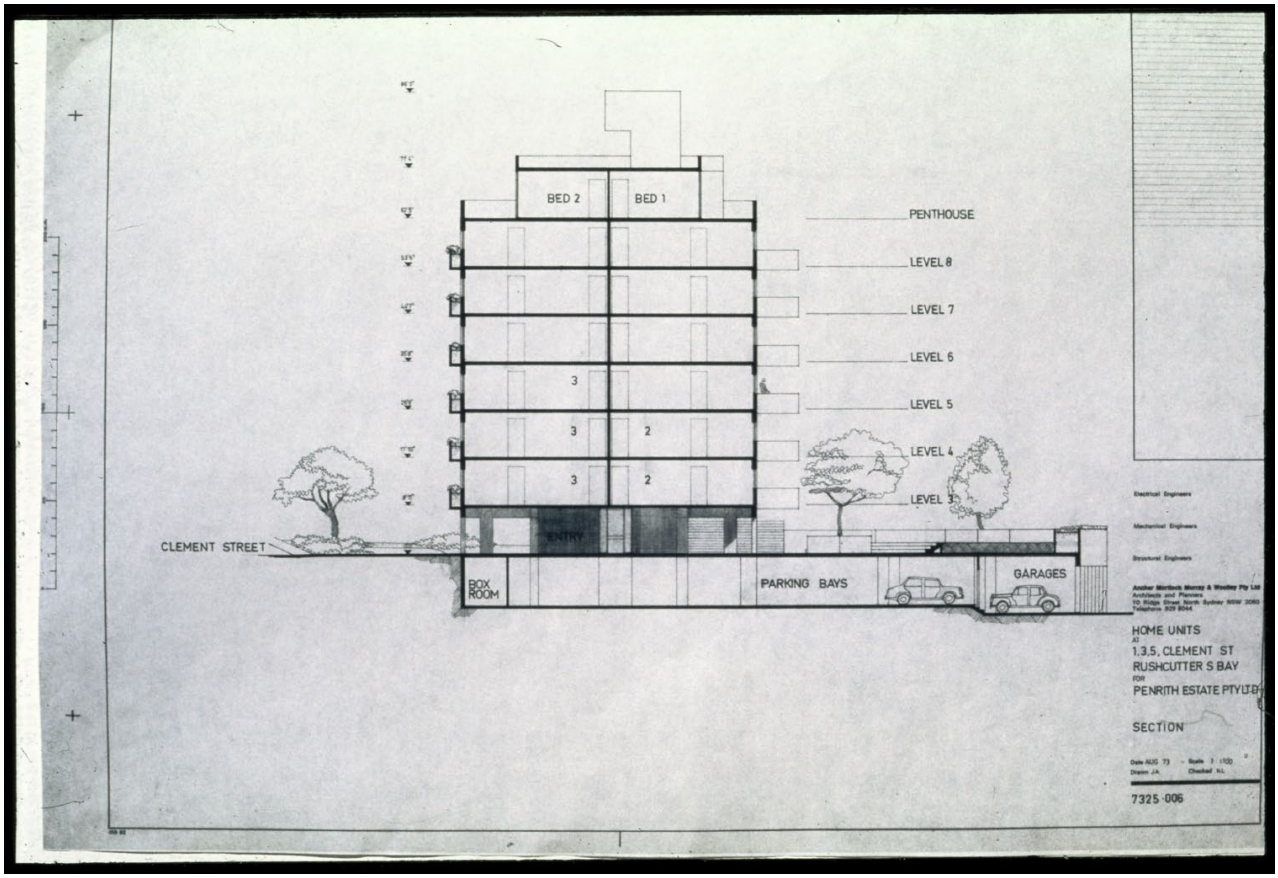

Image caption	Proposed building—south elevation—1, 3, 5 Clement Street, Rushcutters Bay, August 1973 (not as built).				
Image year	1973	**Image by**	Ancher Mortlock Murray & Woolley	**Image copyright holder**	In copyright

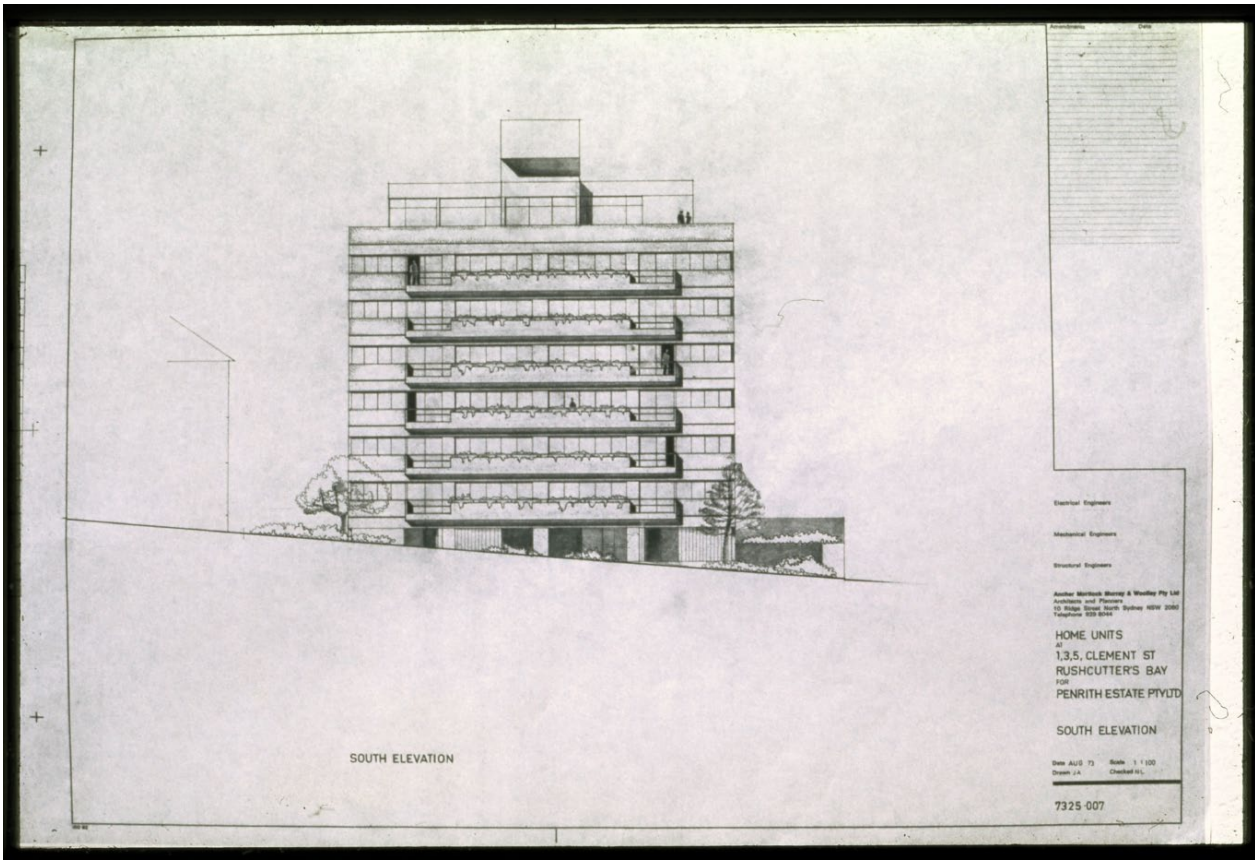

Image caption	Proposed building—east elevation—1, 3, 5 Clement Street, Rushcutters Bay, August 1973.				
Image year	1973	Image by	Ancher Mortlock Murray & Woolley	Image copyright holder	In copyright

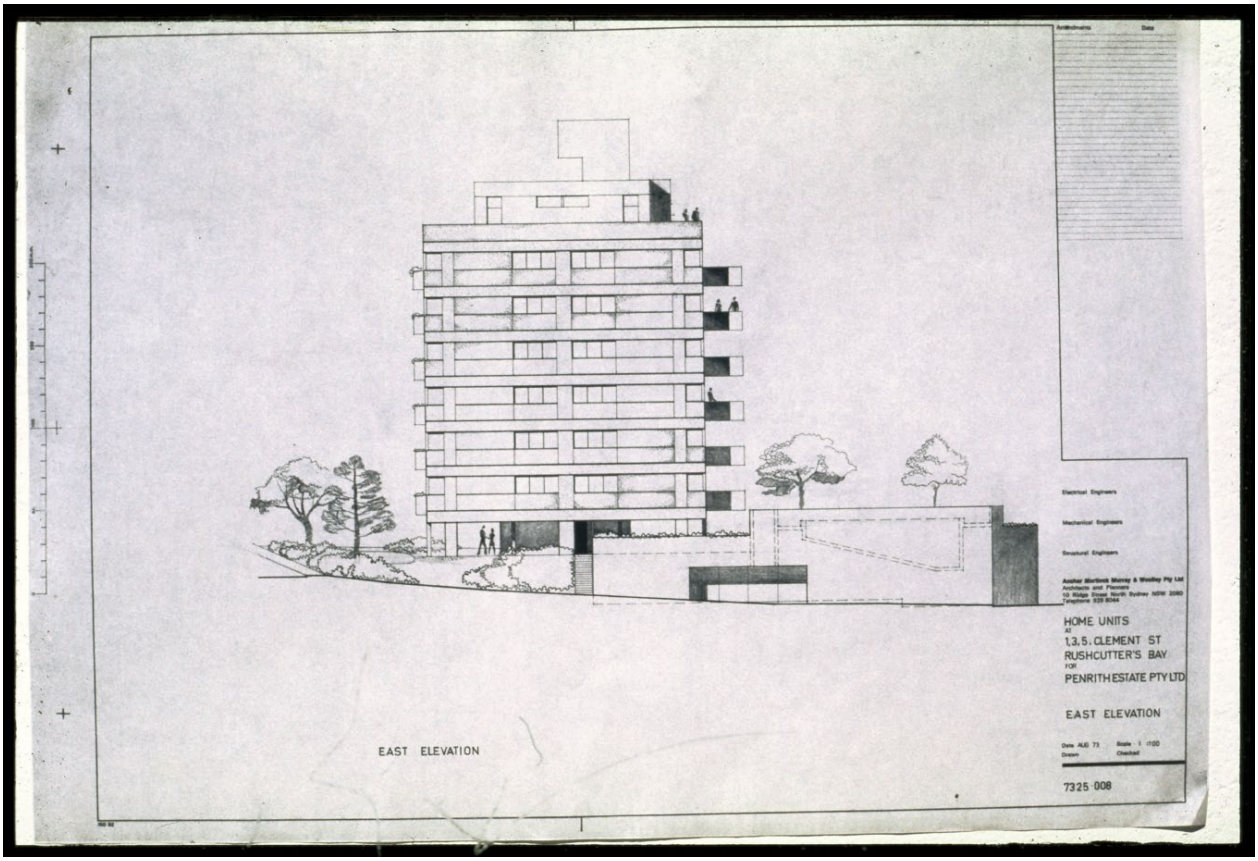

Image caption	Perspective sketch of 1–5 Clement Street, front (south) elevation. Note: the proposed façade is different to the existing building façade, which is identical to the rear (north) elevation.				
Image year	c1973	**Image by**	Ancher Mortlock Murray & Woolley	**Image copyright holder**	In copyright

Image caption	View of 1–5 Clement Street from driveway entry showing south (front) elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Rear view of 1–5 Clement Street showing pool, deep projecting balcony units and wrap around window elements to corners.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of 1–5 Clement Street ground floor open undercroft area and buildings to the west.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of 1–5 Clement Street from the buildings to the west, showing painted concrete structure with textured precast concrete panels making up the walling and spandrels.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Pedestrian entry to 1–5 Clement Street showing board-formed concrete finish and entry bridge to glazed lobby.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	1–5 Clement Street entry lobby with what appears to be original mailboxes.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	1–5 Clement Street lift lobby with large circular window element to the east.				
Image year	2024	Image by	GML	Image copyright holder	GML

[1] Paul Irish, *Hidden in Plain View*, 2017.

Attachment A11

Heritage Assessment - 15 Wylde Street, Potts Point - Denison

Name	Denison		
Address	15 Wylde Street, Potts Point	Lot number	Lot 1 DP 511667, Lots 1–76 SP 1964
Architect	Hugo Stossel & Associates	Construction date	1965
Builder	Mainline Corporation		
Listings	Sydney Local Environmental Plan 2012: located within the Potts Point Heritage Conservation Area (C51). Noted as 'detracting' within the Sydney Development Control Plan 2012 building contribution map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The rocky ridge that extended inland from Potts Point was called Eastern or Woolloomooloo Hill from the early days of white settlement. The earliest grant of land on Woolloomooloo Hill was made to Judge-Advocate John Wylde in 1822. In 1828 Governor Darling ordered the subdivision of Woolloomooloo Hill into suitable 'town allotments' for large residences and extensive gardens. He then issued 'deeds of grant' to select members of colonial society (in particular, his senior civil servants). The first seven grants were issued in 1828, and the other allotments were formally granted in 1831 including land granted to Judge-Advocate John Wylde (after whom Wylde Street is named).

The private residences that were built on the grants were required to meet Darling's so-called 'villa conditions', which were possibly determined and overseen by his wife, who had architectural skills. These ensured that only one residence was built on each grant to an approved standard and design, that it was set within a generous amount of landscaped land and that, in most cases, it faced the town. By the mid-1830s the parade of 'white' villas down the spine of Woolloomooloo Hill presented a picturesque sight and was visible from the harbour and town of Sydney.[2] The name of the suburb Potts Point honours a self-made man, Joseph Hyde Potts, who was employed with the Bank of New South Wales when it initially opened for business in 1817.

The subject site is located on Lots 1–5 of a subdivision of 'eight allotments at Potts Point' advertised for auction sale in November 1905. It forms one part of a small block between Wylde Street and Grantham Street, with Oak Lane forming its western and northern boundaries.

The City of Sydney Council granted development permission on 21 December 1955 to erect a nine-storey building, including basement, over approximately half of the site of 15 Wylde Street, Potts Point (formerly No. 9), for use as residential hotel with a dining room and a coffee lounge on the ground floor and a private basement carpark for use by hotel guests only.

Development permission to construct an eight-storey private hotel was granted on 21 December 1956, subject to the proposed building being set back to conform with the fixed building line on Grantham Street. This did not go ahead.

A new development application was approved on 29 June 1964 to erect an eight-storey and basement building containing 40 bed-sitting room type residential flats and 8 one-bedroom flats

1 City of Sydney 2013, 'Aboriginal People and Place'.

2 State Library of NSW, 2002.

with provision for off-street parking in the basement and in the open yard. At this date the land was vacant but was previously the site of a residential building called Mulwa, which was built

sometime after 1905. This building was demolished in 1956. The estimated cost of the new development was £85,000.

When completed in 1965 the building was marketed as 'Denison' and home units were advertised for sale under strata title. One such advertisement noted units 'featuring fully enclosed kitchen, tiled bathroom, spacious living area … in a building of striking appearance, with magnificent harbour views'.[3] Units were priced from £3950.

Hugo Stossel & Associates

Hugo Stossel (1905–2002) was born in Hungary, moving when young with his family to the Hungarian capital, Budapest. From 1928 to 1932 he studied architecture at the Technische Hochschule in Vienna, graduating with a diploma of engineering in architecture. From 1933 to 1938 Stossel worked as an architect in Bucharest, designing theatre interiors, apartment blocks and commercial buildings. Stossel left Europe on the eve of World War II, arriving in Sydney in 1939.

During the war Stossel continued to design, completing a number of buildings in Sydney in the 1940s. Once he was naturalised as an Australian citizen in 1948, he registered as an architect, aged 43.

His early projects included a house in Warrawee for Polish steel manufacturer and developer Moses Eisner (1947) and a house for renowned Viennese furniture-maker Paul Kafka in Lindfield (1948) both of which were published in *Australian House and Garden*. Stossel's focus later moved to apartment design, beginning with the innovative, steel-framed St Ursula building in Elizabeth Bay, an 'ultra-modern' home-unit block with a curved wall of floor to ceiling steel-framed windows.

He later undertook significant commissions for the new development company Civil & Civic (later Lendlease), including Broadwaters (1958) in Darling Point. These were followed by numerous other apartment and commercial developments completed over the next decade, with seven in the Elizabeth Bay area alone. The 20-storey Eastbourne Tower (1968), Darling Point, cemented the position of Hugo Stossel & Associates as one of the major contributors to Sydney's burgeoning apartment scene.

In 1953 Eugene Goossens, conductor of the Sydney Symphony Orchestra, commissioned Stossel to design a speculative opera house on a site at Wynyard. The design was published on the front page of *The Sydney Morning Herald* on 31 March 1954. When the NSW Government endorsed a future opera house and designated Bennelong Point as its location, Stossel was one of many local and international architects to make a submission to the 1957 architectural competition.

Stossel formed Hugo Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high-rise buildings in the inner city of Sydney including the 22-storey Wynyard Travelodge (1969) and the Sydney Police Headquarters in College Street. It also designed the BMA Tower in Chatswood (1970–1972), which featured an external lift shaft. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda's and the other partner's leadership. In his later years Stossel lived in Vienna, as well as Italy and England. He died at Cheltenham, Gloucestershire, in February 2002, aged 96.

Mainline Corporation

Mainline Corporation was founded in 1960 as an apartment builder by project manager and estimator Richard Baker and builder Laurie O'Neil. The new company was ambitious, employing high-profile architects on its suburban projects, and by 1965 was also constructing major CBD buildings including Goldfields House, and the AMP Centre on Bridge Street. By 1971 Mainline Corporation was one of Australia's major property and construction companies, building

Denison, The Reef, Mowbray and others residential flat buildings in the Potts Point and Elizabeth Bay area.

[3] 'Home Units Potts pt "Denison"', *Sydney Morning Herald*, 9 October 1965, p 37, Sydney Morning Herald Archives 1955–1995, State Library of NSW.

Historical overview

In 1974 a combination of soaring interest rates and declining property prices saw its major creditor ANZ Bank call for the appointment of a receiver. Mainline Corporation was liquidated with debts of $60 million, though its property holdings sold for more than $86 million when auctioned in 1975.

Description

A site inspection of Denison was undertaken on 3 October 2024. This included the exterior, and an internal inspection of communal areas and one apartment. Physical analysis of other areas is based on available documentation of the site.

Setting and context

Denison is located at the intersection of Wylde Street and Grantham Street. The land slopes downwards to the north along Wylde Street. The apartment building is located within the Potts Point Heritage Conservation Area (HCA). The HCA within the immediate vicinity of the site is characterised by mixed development of interwar flat buildings and multistorey postwar and contemporary apartments, which are comparable in form and scale to Denison.

There are clear views of Denison from the north on Wylde Street and partial views from Grantham Street, obscured by vegetation. Although the building is only eight storeys, being located on the Potts Point ridgeline, it offers expansive views, particularly from the rooftop areas.

Physical description

Denison is an eight-storey flat building with two levels of basement carparking (built as 48 units in total, some studios and some one-bedroom units). The building is located in the centre of its allotment with a landscaped setback from Wylde Street to the east and Grantham Street to the south. Responding to the shape of the lot, the building follows the curve of Wylde Street, with a trapezoidal form with a bevel edge to the southeast. To the north of the building is a ramped driveway access to an underground level of parking. The carpark forms a podium that extends beyond the floor plate of the residential units.

The main entry is off Grantham Street at the southwestern corner of the building. The unassuming entry is formed by an external stair leading to an elevated walkway that is glazed on both sides. A terrazzo stair with a decorative handrail leads to the first floor. Evidence of terrazzo flooring in the entry lobby remains, now covered with ceramic tiles. A curved blue awning has been added above the double glazed entry doors. To the south, below the entry walkway, a ramp leads to a partly below-ground level of carparking.

The building is constructed of an exposed reinforced concrete frame with cream face brickwork infill walls laid in a stack bond. The concrete slab and columns are exposed externally, dividing the façades into a distinct grid. On the four main elevations, there is a consistent fenestration pattern of multi-pane silver aluminium-framed windows at full or half height. The narrow 'bevel edge' of the building on the southeastern corner is finished in painted concrete and features the building name 'Denison' on the second floor with raised lettering.

The flat concrete roof is paved on the western half and lined with artificial turf on the eastern half. The paved portion accommodates a small, flat slab-roofed block containing a lift motor room, common laundry and fire stair. A contemporary, steel-framed, sheet metal canopy has been installed over a seating area adjacent. The high glazed perimeter fence of the roof is also a later addition.

The stair is located on the western side of the building. It is set back from the main façade, creating a vertical recess along the western elevation. Oriented east–west it provides access to the short internal corridor at each level. The lift core is located to its east at the centre of the building plan. The original metal balustrade with tri-angular panels remains extant within the stairwell.

The units are arranged around the double-sided corridor. Each level has six units per floor. This includes five studio units of varying configurations and a one-bedroom unit in the southeastern corner. The living rooms have larger windows, and as was required by the planning controls of

Description

the day, kitchens and bathrooms are naturally ventilated, typically with half-height strip windows. Some units retain the original internal timber partition between the kitchen and the

living space with bench seating, original built in wardrobes and bathroom finishes and configurations with bath.

Landscaping

There is a low retaining wall along the lot boundary with a garden with hedged elements. Mature plantings on the southern side of the lot create a green screen between the apartments and the public domain.

Modifications/integrity

Council records from 1996 indicate the following:

A Building Related Application was submitted in 1996 (S/XSK/1996/818) for a high safety fence around the perimeter of the roof.

DA/2003/457 was submitted for the replacement of windows to all units and common stairs (all materials to be powder coated aluminium).

D/2014/401 was approved for alterations and additions to the existing residential flat building including works.

Condition

There appear to be issues arising from water ingress into the building and ongoing repairs to windows are being undertaken.

Comparative analysis

This section compares the subject building with other works designed by Hugo Stossel, and apartment buildings in the Potts Point area of the same period, in order to determine whether the subject site has rarity and/or representative value.

The construction methods and materials used in Denison, including reinforced concrete frame and slab construction, face brickwork, and consistent presentation of the façades and fenestration pattern, can be seen as typical of apartment buildings of its period. The building has been designed to provide compact studios and one-bedroom units with a maximum of amenity within a small building footprint. This reflects the period of development in Potts Point when many residential blocks were constructed as motels or short-stay accommodation or small affordable housing for singles, and were later converted by strata title to individual ownership. In this regard Denison can be seen as representative of smaller residential flat building development in the period in the local area.

Denison, designed in the mid-1960s, came late in Hugo Stossel's career and at a time when the firm Hugo Stossel & Associates had designed multiple apartment buildings in the Elizabeth Bay and Potts Point area. Being rectangular in plan, Denison is comparable to the firm's other designs from this period including The Tor, Elizabeth Bay (1966), and The Chimes, Potts Point (1963). Other designs of this period, such as Macleay Gardens in Potts Point (1966), Bayview in Elizabeth Bay (1966–1968), and Eastbourne Tower in Darling Point (1968–1970), have T-shaped or Y-shaped plans and more modulated façades with projecting slabs providing shade to large window openings.

Like The Tor, Denison demonstrates very little façade modulation or sun shading and hence provides less amenity to its units. At a modest eight storeys, and with landscaped setback, Denison sits comfortably within its context on Macleay Street and makes a positive contribution to the streetscape. Unlike many similar projects of this period, Denison's underground carparking has allowed for landscaping around the main façades of the building, which add to its streetscape presence and amenity for residents.

Denison's entry sequence and lobby area are modest and its apartments, though well planned, do not demonstrate any noteworthy innovations in materials, planning or construction methods.

Comparative analysis

Denison can be seen as a representative example of the work of Hugo Stossel & Associates in this period but is not considered to be of high aesthetic, creative or technical achievement in its own right.

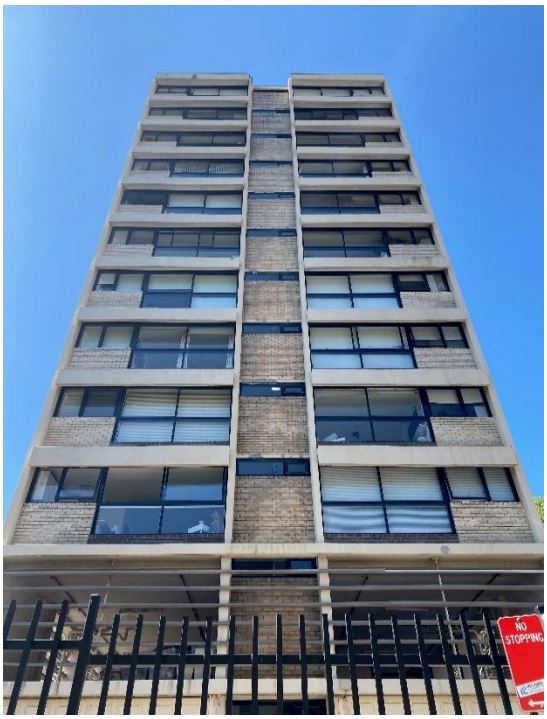

Figure 1 The Chimes on Macleay Street, Potts Point (1963), by Hugo Stossel & Associates, with its expressed structure and sun shading, is a more refined design than Denison. (Source: GML)

Figure 2 Bayview on Roslyn Gardens, Rushcutters Bay (1966–1968), by Hugo Stossel & Associates. It was built at a similar time to Denison, yet demonstrates a greater level of design innovation. (Source: GML)

Assessment of significance

Criterion A (Historic significance)	Denison is an example of a modern mid-rise residential flat building that reflects the changing development, built environment and demographics of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type. However, independently, the building is not a key example of these changes. Denison does not meet the threshold for listing under this criterion at a local or state level.
Criterion B (Historical association)	Denison is a representative example of the work of architect Hugo Stossel, whose firm Hugo Stossel & Associates designed many residential apartment buildings in the Elizabeth Bay and Potts Point area. Hugo Stossel can be seen to have made a notable contribution to the development of Sydney's built environment. However, Stossel was prolific in this period and Denison is not considered to have strong, unusual or extraordinary associations with the architect for this reason. Denison has not have cultural significance at a local or state level under this criterion.

Assessment of significance	
Criterion C (Aesthetic/creative/ technical achievement)	Denison features common design elements including reinforced concrete frame and slab construction, face brickwork, and consistent presentation of the façades and fenestration pattern. The planning has been designed to provide compact, functional apartments with light and ventilation. These are typical characteristics of modern residential flat buildings of this period, and Denison does not display innovation or creative/technical achievement. Denison does not have cultural significance at a local or state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Denison is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. Denison does not have cultural significance at a local or state level under this criterion.
Criterion E (Research potential)	Denison is not considered to have the potential to yield significant further or new information related to the work of Hugo Stossel & Associates not available elsewhere. Denison does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	Denison is not considered a rare example of its type in Sydney or a rare example of the work of Hugo Stossel & Associates, which was prolific in this period. Denison does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	Denison has representative significance as a modernist residential apartment building in Potts Point. It displays the principal characteristics of this class of cultural places, including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and planning that provides compact studio and one-bedroom units. In this way Denison is able to demonstrate the evolution of residential apartment buildings in the Potts Point area, which are an important feature of the local built environment. Denison is able to demonstrate a way of life that has been important in the social and historical development of Potts Point. Denison is considered to have representative significance as one of a group of 1960s apartment projects designed by Hugo Stossel & Associates in the local area and more widely, which as a group are significant. Denison **has** cultural significance at a local level under this criterion. Denison does not have cultural significance at a state level under this criterion.

Statement of significance
Denison is seen as typical of the 1960s development of the Potts Point area, where small residential flat buildings were built to the established height limits, providing small and efficiently planned studio and one-bedroom units. These developments continued historical and social trends that had begun before World War II and remain an important feature of the area.

Statement of significance

Denison displays the principal characteristics of modernist residential apartment buildings, including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and efficient planning to maximise units. Denison is able to demonstrate the evolution of residential apartment buildings in Potts Point and a way of life that has been important in the social and historical development of the area.

Denison is considered to have representative significance as one of a group of 1960s apartment projects designed by Hugo Stossel & Associates in the local area and more widely, which are collectively significant.

Recommendations

Denison meets the threshold for local heritage significance under the representative criterion.

Due to the representative value of the place it is recommend that its status within the HCA be revised to contributory.

The building is able to be adapted and upgraded to ensure it remains viable for ongoing use. A Heritage Impact Statement should outline any original features and their proposed management prior to any major works being undertaken.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Written	City of Sydney Council	City Building Surveyor's Department, Development Application Year 1964 No. 256	1964	City of Sydney Archives
Written	Macens Associates Pty Ltd	Proposal alterations and additions to common roof level recreation area and installation of rainwater tanks at Denison…	2014	City of Sydney Archives
Plans	Hugo Stossel & Associates			City of Sydney Archives
Archive	Hugo Stossel archive	https://mhnsw.au/whats-on/exhibitions/hugo-stossel-emigre-architect/		Museums of History NSW

Image caption	Elevations and sections.				
Image year	1964	Image by	Hugo Stossel & Associates	Image copyright holder	In copyright

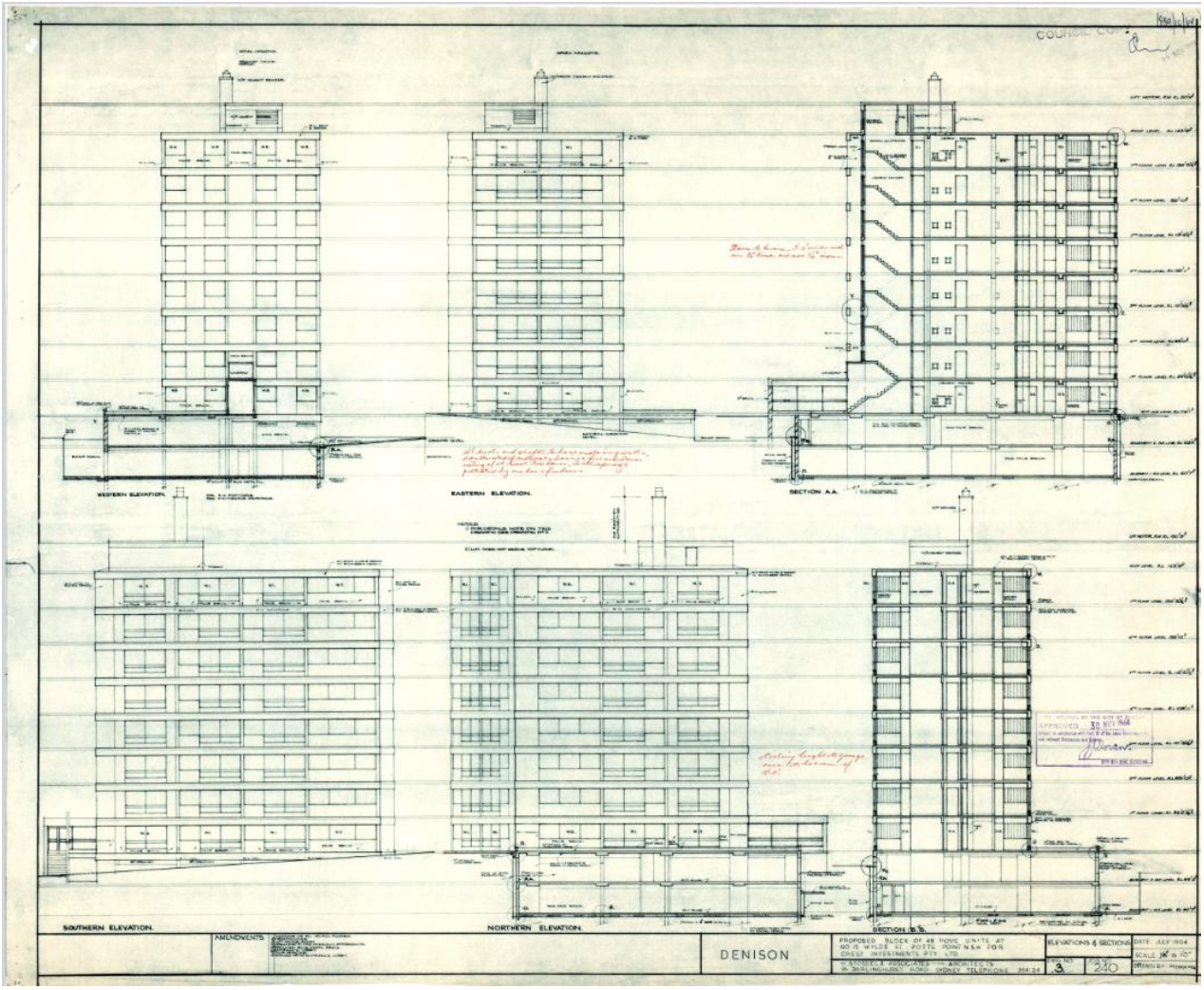

Image caption	Basement and ground floor plan and site plan.				
Image year	1964	Image by	Hugo Stossel & Associates	Image copyright holder	In copyright

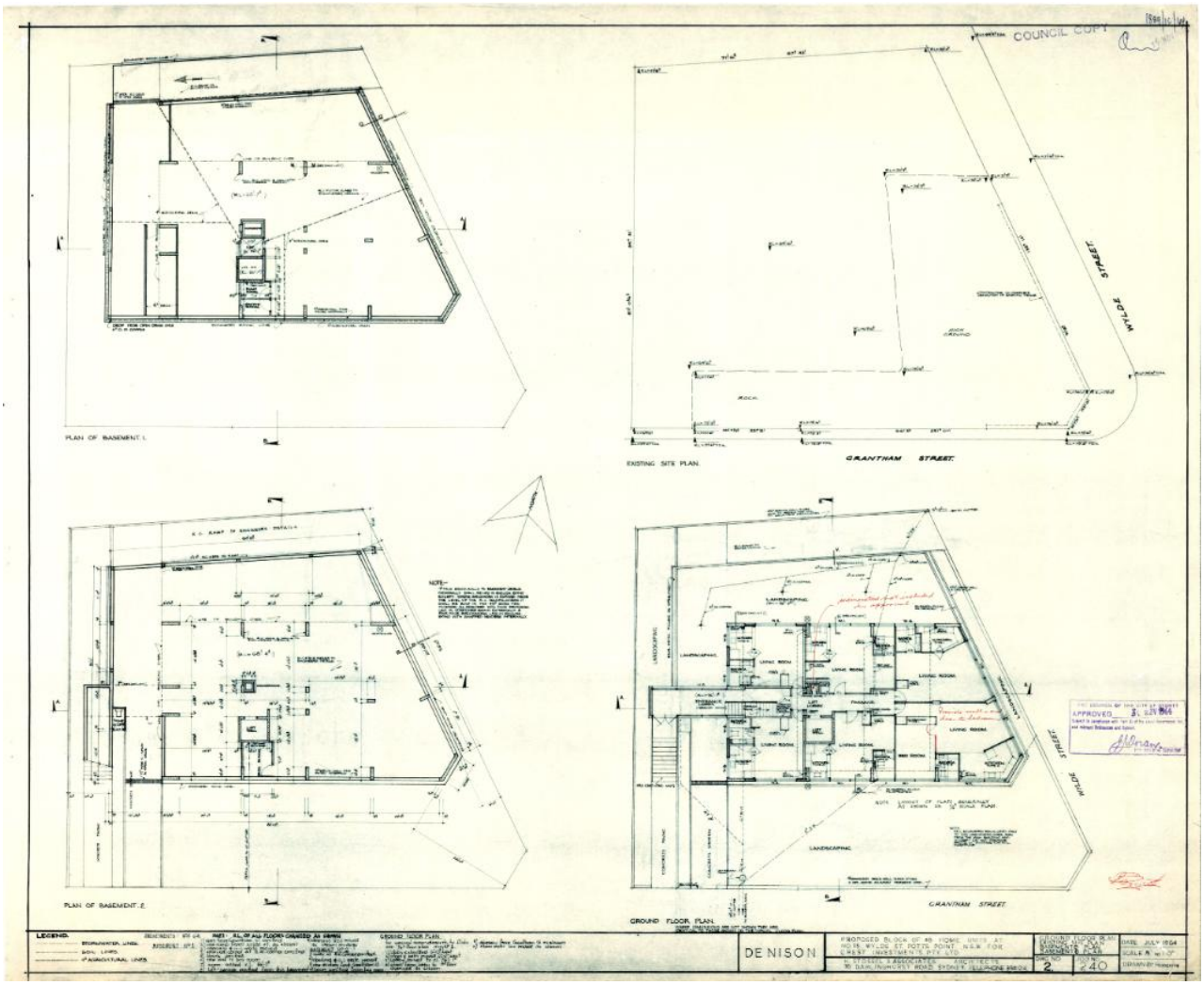

Image caption	Typical floor plan.				
Image year	1964	Image by	Hugo Stossel & Associates	Image copyright holder	In copyright

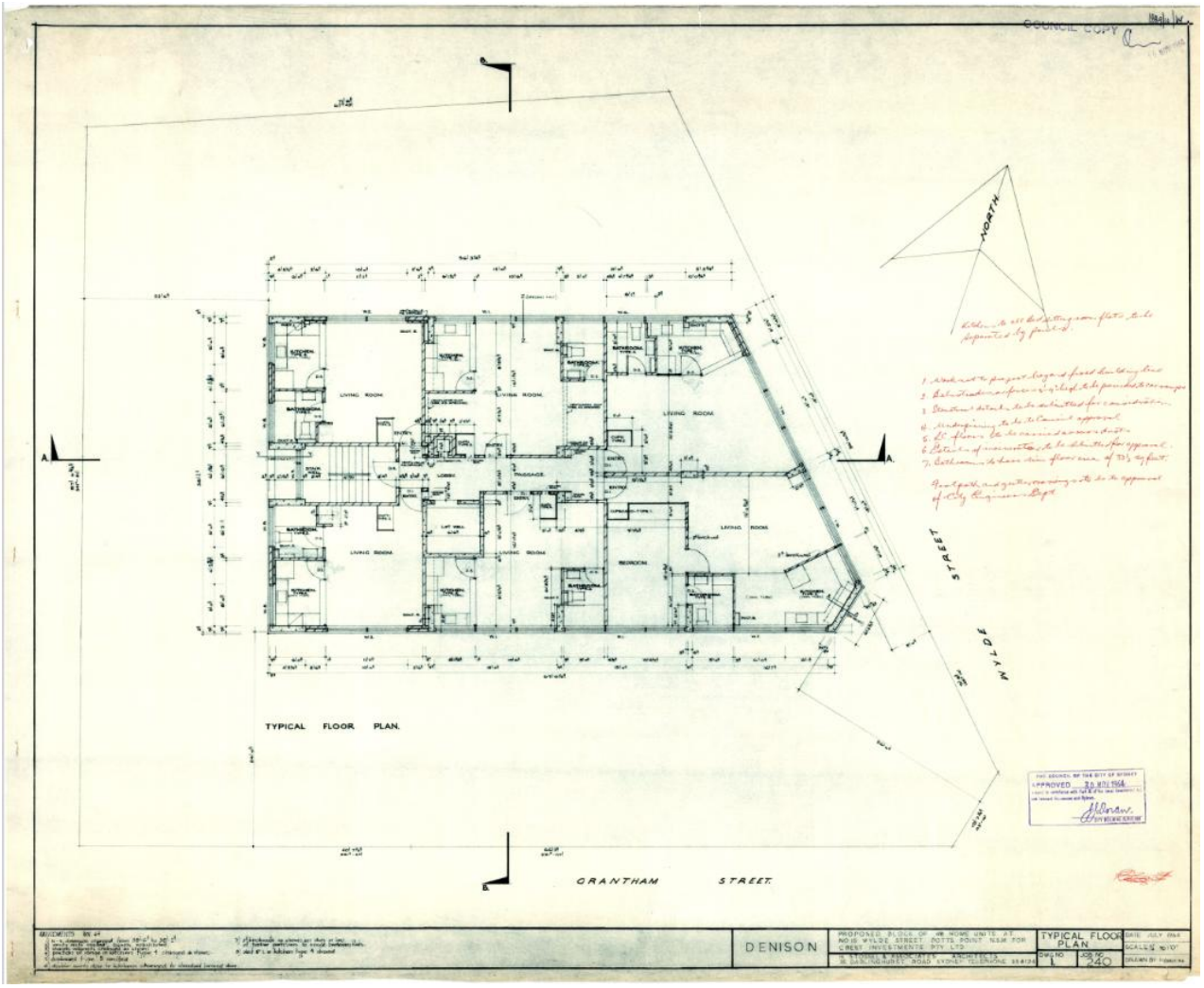

Image caption	Elevations and sections.				
Image year	1964	Image by	Hugo Stossel & Associates	Image copyright holder	In copyright

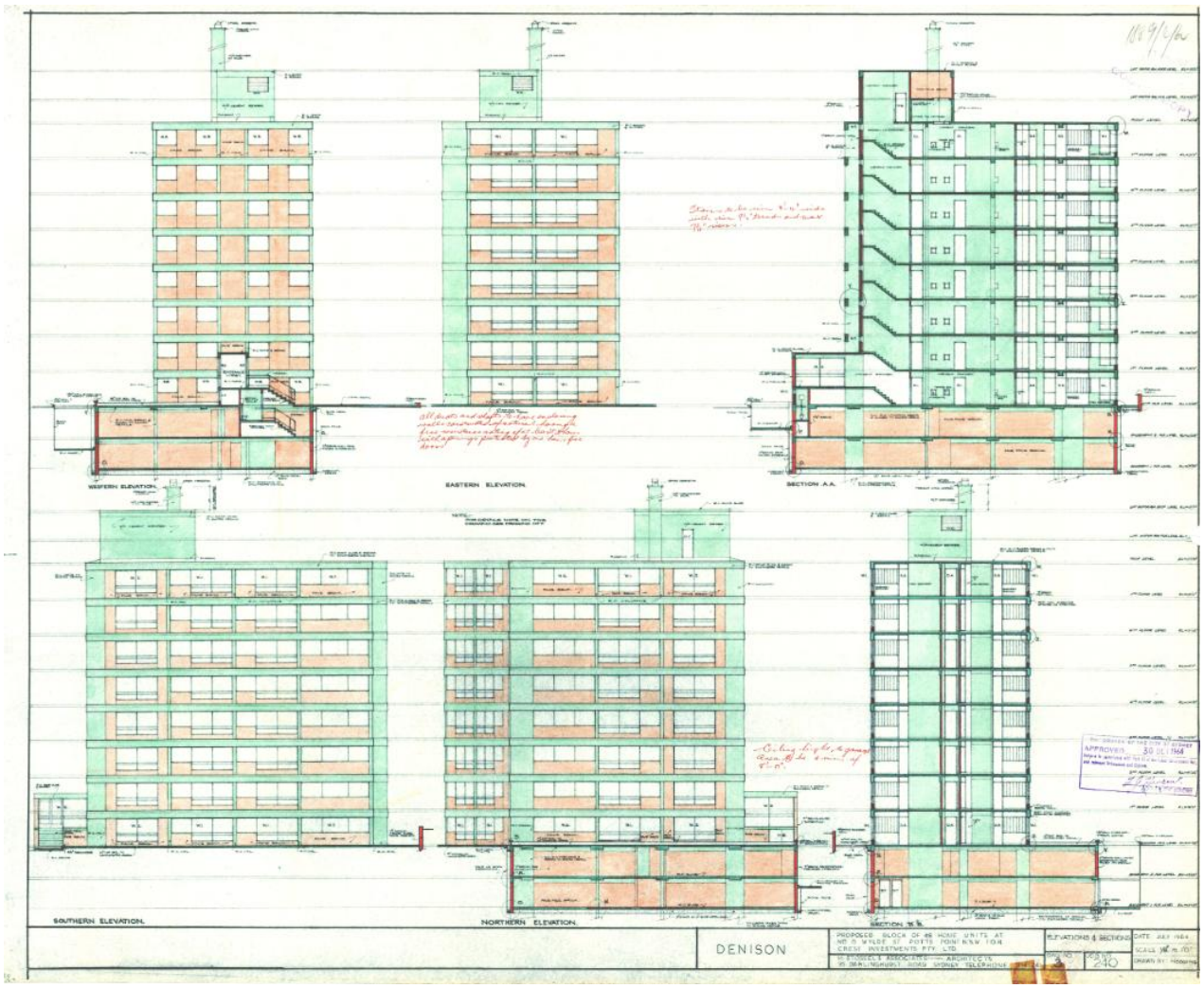

Image caption	Floor plan and site plan.				
Image year	1964	Image by	Hugo Stossel & Associates	Image copyright holder	In copyright

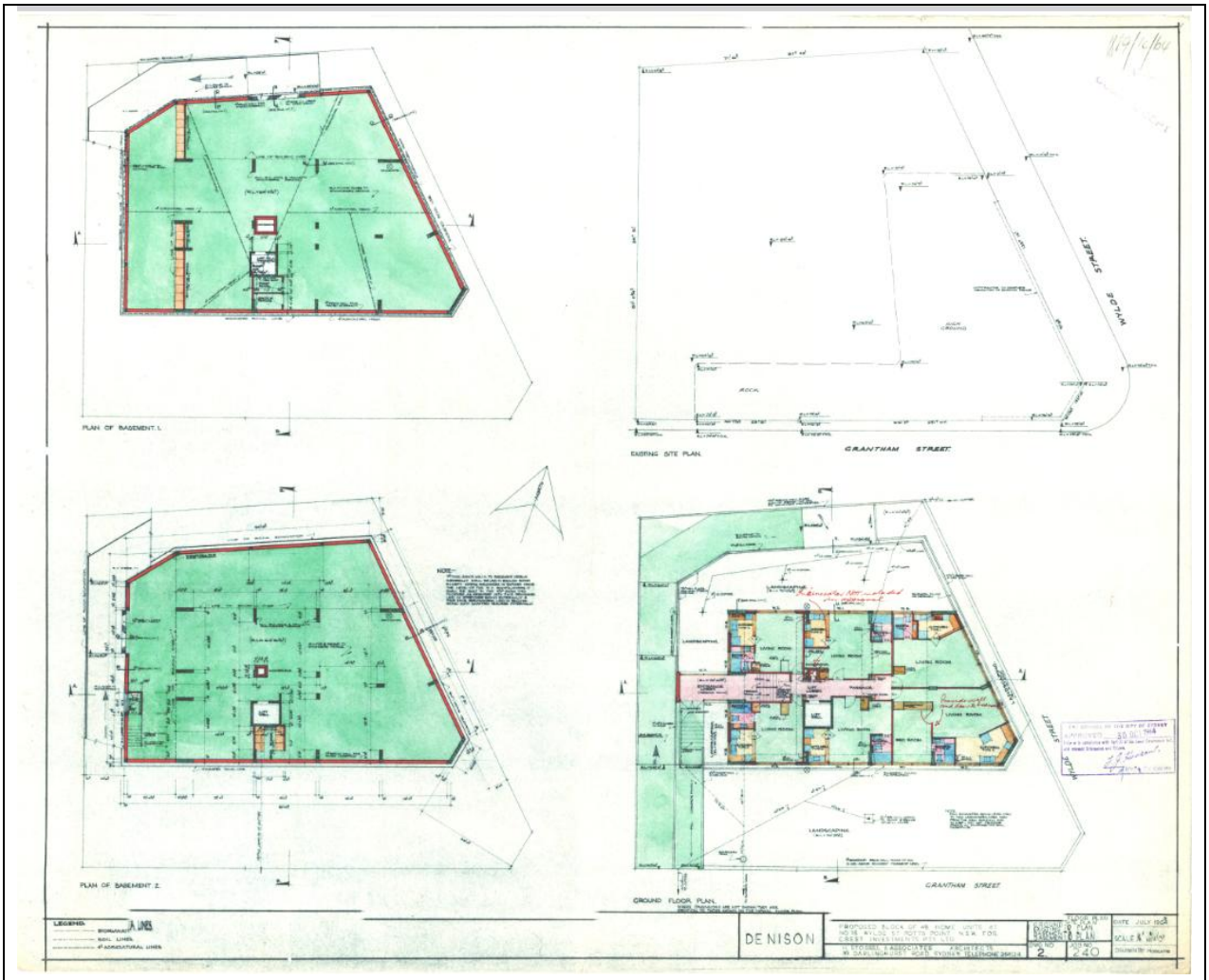

Image caption	View of Denison from Wylde Street, looking west.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of Denison’s south-facing elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

mage caption	Northern side of Denison, showing the ramp from Wylde Street to a lower level of carparking.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	View of southern and west-facing elevation of Denison.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Entry from Grantham Street.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Metal balustrade along the stairwell.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Metal balustrade along the stairwell.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Attachment A12

Heritage Assessment - 100 Elizabeth Bay Road, Elizabeth Bay - International Lodge

Name	International Lodge (formerly the Ling Apartments)		
Address	100 Elizabeth Bay Road, Elizabeth Bay	Lot number	Lot 1 DP 69068, Lots 1–68 SP 14897
Architect	Harry Seidler & Associates	Construction date	1970
Builder	Unknown		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map. Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. The Cadigal people called Rushcutters Bay 'Kogerah'. It was a place where Aboriginal people and Europeans gathered rushes, used respectively for crafting light-weight fishing spears and for thatching settler huts. According to Dr Paul Irish, settlers were cutting rushes in this bay within weeks of the arrival of Europeans in Australia in 1788.[1] Irish further records several different Aboriginal settlements, at different times, occupying land on either side of the Rushcutters Creek (through the present Rushcutters Bay Park) and on higher grounds on either side of the bay.

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander MacLeay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds between 1865 and 1882. The subject site is located on part of the Elizabeth Bay Estate, Darlinghurst, advertised for sale by Richardson and Wrench in this period.

A villa named Bramley was erected on the site by the 1870s and was in the occupation of G Lee Lord in the 1880s. The house was demolished on the site in the 1960s.

Harry Seidler & Associates lodged a development application to the City of Sydney (council) in August 1968 to erect two buildings, one two storeys and the other eight storeys, as residential flats for rental at an estimated cost of $350,000. Parking for 36 cars was allowed for in the design. The owner was two companies listed as Ling Brothers Pty Ltd and Dover Heights Freehold Pty Ltd c/-. At the time of this application the site was vacant land.

The Acting City Building Surveyor wrote on 2 September, 'the plans have been perused and cannot be favourably recommended to council for several important reasons'. (City Building Surveyor's Department, Development Application No 787 Year 1968). The architects responded soon explaining that 'the particular design has been arrived at after consideration of the necessity of preserving views to and from the harbour from adjoining blocks of flats and that, in doing so, the present development sacrifices both height and also certain total floor plan area which would be permissible under Council's Code and under the provisions of schedule seven.' (City Building Surveyor's Department, Development Application No 787 Year 1968).

One of the contentious areas was council's requirements for carparking that exceeded the area available on the site. Following legal advice, the council granted approval to the development application subject to a set of conditions. The final drawings include a detailed contribution from the engineers of Miller Milston & Ferris, long-term collaborators with Seidler and the engineers behind many modernist structures in Sydney of the period.

The 1968 plans for the building refer to the project as 'apartments for Mr Ling'. The original design was for 62 small apartments and two larger penthouse 'owners' residences' on a single title. The small apartments were let as rental accommodation through a management office located on the ground floor, included in the design. The approval was amended in 1968 to two

Historical overview

3-bedroom apartments, six 1-bedroom apartments and 28 studio apartments (in total 36 apartments) in the eastern tower (Block A), and 20 studio apartments in the western terraced apartments (Block B), being 56 apartments in total. As early as March 1970, Mrs Good of 100 Elizabeth Bay Road advertised for housemaids for new serviced apartments.

Final documents from Harry Seidler & Associates in 1968 include plans for a 'entry name wall', presumably the existing cast concrete wall naming the development International Lodge. In May 1970 International Lodge was advertised as 'new project service apartments in quiet select area at Elizabeth Bay, 67 suites, all self-contained kitchens, fully equipped, also TV, radio, background music, swimming pool' (Sydney Morning Herald, 9 May 1970, p 79).

International Lodge operated as rental accommodation until it was sold by the Ling family around 2013. The site was then strata titled and sold as individual apartment lots. During this period several modifications were undertaken, including refitting of apartment interiors, removing the original external operable sunshades on Block A and reconfiguration of communal areas.

Harry Seidler and Associates

Harry Seidler (1923–2006) was born in Vienna to Jewish parents. Following the Nazi occupation of Austria in 1938, Seidler relocated to England where he attended Cambridge Polytechnic, before being deported to Canada in 1940. He was awarded a Bachelor of Architecture in Canada in 1944. He won a scholarship to study at the Graduate School of Design, Harvard University, where Walter Gropius and Marcel Breuer were teachers. He then studied at Black Mountain College, under Josef Albers, before working with Breuer in New York City (1946–1948) and briefly with Oscar Niemeyer in Rio de Janeiro, on his way to Sydney in 1948.

Arriving in Sydney, his first commission was to design a house for his parents (Rose Seidler House, 1948–1950). Seidler gained Australian citizenship and in 1958 married Penelope Evatt, who was to be a significant partner in his career. By the 1960s Seidler's practice began to receive significant commissions including Blues Point Tower (completed 1962) and Australia Square (1960–1967). The latter, designed with engineer Pier Luigi Nervi, became a 'type-model' for Seidler's urban tower designs throughout his career. From the 1970s Harry Seidler and Associates was commissioned for significant large-scale commissions across Australia and overseas. These included the Australian Embassy, Paris (1973); MLC Building, Sydney (1978); Riverside Centre, Brisbane (1984); Shell Headquarters, Melbourne (1988); and QV1, Perth (1992).

Throughout his career, Seidler wrote about architecture and taught at various universities around the world, as well as advocating planning reform in Australia. He was awarded numerous honours throughout his career including being made an Honorary Fellow of both the American Institute of Architects and the Royal Institute of British Architects (RIBA awarded him the Royal Gold Medal in 1996); and a Life Fellow (1970) of the Royal Australian Institute of Architects (receiving 50 awards including five Sulman Medals, four Wilkinson Awards and the Gold Medal [1976]). He was also awarded an Order of the British Empire (1972). His impact and the work of his firm were a major cultural influence, applying uncompromising Bauhaus-inspired modernist architecture and principles in Australia.

Description

A site inspection of external and internal communal areas and the interior of one apartment was undertaken by GML in October 2024. The physical assessment is based on that and other publicly available documentation of the site.

Setting and context

International Lodge is located on the western side of Elizabeth Bay Road opposite Macleay Reserve. The site falls from Elizabeth Bay Road to the west, with a steep drop on the western part of the site, to Esplanade. International Lodge has been designed as two separate blocks to accommodate the steep topography of the site.

The site is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA). The HCA within the immediate vicinity of the site is characterised by Victorian dwellings, interwar flat buildings and multistorey postwar and contemporary apartments that are

Description

comparable in design and scale to International Lodge. The eight-storey flat building (Block A) has a prominent visual presence along Elizabeth Bay Road whereas the terraced flat block (Block B) to the rear of the site, remains unobtrusive in the context. There is a secondary prominent view line from Ithaca Road, between apartments, where the terrace form at the rear is visible.

Physical description

International Lodge comprises two distinct buildings: one eight-storey tower block (A) facing Elizabeth Bay Road and one six-storey block (B) at the rear that has a terraced form. The rear block backs onto a narrow laneway with lock-up garages that join Esplanade. The front, to Elizabeth Bay Road, is defined by a brick wall, which has the building name cast into an unpainted board-formed concrete panel. On either side are two metal palisade gates for vehicle entry.

Eastern tower (Block A)

The eight-storey tower block along Elizabeth Bay Road is of a simple rectangular form and is constructed of an off-form reinforced concrete column and beam frame and floor slabs with face brickwork infill walls and spandrels. The unpainted concrete slab and beams are exposed externally. The beams have a downturn along the eastern and western elevation above all full-height windows. The slab features a similar projecting downturn along the northern elevation expressed as concrete hoods over the central windows along the northern elevation.

The brick used is a large-format white cement brick (390 x 90 x 90mm). Matching white cement reinforced concrete blocks (390 x 90 x 140mm) are used on balconies, garden walls and balcony walls, and a single skin of these bricks forms the slender side panels seen on the eastern and western elevations.

The external façades are defined by a rhythmic fenestration pattern responding to the lighting and view requirements of the internal space. Windows have dark bronze-coloured aluminium frames and are heavily tinted, reducing the need for sun shading. The eastern and western elevations are almost identical, both featuring large-format sliding windows supported by an aluminium transom (shown in the drawings as precast concrete rails—either removed since or not constructed as per drawings) and fixed windows below. Notably both panes slide (unlike a typical arrangement of one sliding, one fixed panel), allowing for more options for ventilation and views. A similar window treatment is used along the centre of the northern elevation where it serves the living areas of the 1-bedroom apartments and is flanked by ribbon windows composed of both awning windows and fixed glazing.

Fenestration along the southern elevation is distinctly different to the other three elevations with ribbon windows composed of both awning windows and fixed glazing but at different heights; low for the stairs, medium for the bedrooms and high for privacy in bathrooms. The windows are flush with no awnings or sun shading.

There is undercroft carparking along the western side of the block.

The entrance to Block A is located along the southern elevation and has a concrete awning. The lobby features the original blue, orange and white glass mosaic tiles along the internal walls. Some original joinery and hardware such as the handles are extant in the circulation spaces. The stairway has its original metal balustrade with two metal rails with curved profiles along the corners. The vermiculite ceilings along the stairway are also intact.

Apartments are distributed along a double loaded corridor. The typical plan (floors 1–7) has four studio apartments on the northern side as mirrored pairs where bathrooms and kitchens share a service core. Two 1-bedroom units are located on the southern side, flanking the stair and lift well. The 1968 development application plans show that the eighth floor comprises two 3-bedroom apartments that have been adapted to the same general glazing layout as on the other floors.

Western terraced building (Block B)

The six-storey terraced building to the rear follows the topography of the site, stepping down to the west. This block is constructed of a reinforced concrete frame with face brickwork. The external stairway that runs along the southern side and the terraces of the block are of unpainted board-formed concrete. The roof of this block has a swimming pool, accessed by a sculptural cantilevered unpainted board-formed concrete stair.

At each level a corridor on the eastern side of the plan provides access to the studio units (4 per level) located on the western side (with an electrical room to the east). The corridor on the top

Description

level was originally open to the eastern end but has since been enclosed with aluminium-framed windows. The corridors feature the original terrazzo flooring and vermiculite ceiling with painted brickwork.

The internal layout of the studios consists of the kitchen, bathroom and service ducts on the eastern side. The living zone is located on the western side with a generously sized outdoor terrace, separated by floor-to-ceiling sliding doors that match the width of the studio, providing a good connection between the indoor and outdoor space. The terraces have a recessed planter bed on the eastern end with a metal balustrade fitted to the concrete upturn. Metal dividing screens separate units. The development application plans show that the kitchens in the two middle studios, without an external wall, are naturally lit by a 'periscope' window above.

The northern and southern elevations, being close to the boundary, are difficult to perceive as a whole and are flush and functional with no indents or modelling. Projecting rainwater heads from each terrace on the northern elevation have been fitted with modern PVC pipes to divert rainwater.

The western elevation is characterised by the broad horizontal bands of the rough-sawn board-formed concrete balustrade that run across the site. Above these are slender smooth-faced pre-cast beams that also run the width of the site. These horizontal elements have a counterpoint in the slender white brick party walls. Metal balustrades fitted above appear to be a recent addition.

The 'fifth elevation', the roof plan (when viewed from the eastern tower), is carefully resolved to be almost identical to the block's western elevation.

Landscaping

Block A is surrounded on three sides by an open area that consists of concrete driveways and carparks. To the street are private courtyards for the two ground floor flats with a 1.8m-high brick wall on the boundary. The rooftop of Block B comprises a swimming pool with an outdoor space. There is a communal rooftop garden on Block A.

Modifications/integrity

Council records from 2004 indicate the following:

A development application submitted in 2005 was approved for the conversion of a ground floor storeroom into a unit.

According to residents, apartment interiors were stripped during building refurbishment in 2014, removing all original internal fabric. It is reported the external sunshades were removed at this time also. There are no City of Sydney DA records available detailing these works.

Alterations and additions, including installation of new operable shutters on apartments on the western and eastern façades and installation of new operable awnings to apartment terraces, were approved in 2017. Metal balustrades to terraced apartments appear to a later addition.

Condition

The building generally appears to be in good condition.

Comparative analysis

This section compares the subject building with other works designed by Harry Seidler & Associates in the Elizabeth Bay and Potts Point area of the same period in order to determine whether the subject site has rarity and/or representative value.

Completed in 1970, International Lodge can be seen as a more developed form of Seidler's 1960s small multi-residential apartment projects with a focus on utility, repetition, density and high levels of amenity, especially solar access and natural ventilation as well as views. International Lodge shares the following characteristics with these projects; each is built of poured-in-place rough sawn board-formed concrete and brick infill walls. They all explore systematised construction with repeated layouts and simplified structures. They all express their internal uses in their structure and the importance of rooms through window size. Typically, full-height glass walls alternate with ribbon windows created by down turned concrete slabs. Lesser

rooms (kitchens and bathrooms) are given horizontal ribbon windows, generally on the secondary elevations.

International Lodge is also visibly different from these examples in its larger areas of board-formed concrete (that remains unpainted), use of large-format white cement bricks and blocks and dark, heavily tinted aluminium window elements. Its main elevations, to the east and south, have larger areas of tinted glazing and Seidler's already slim structures appear even further reduced. Stylistically International Lodge appears to be more closely related to Seidler's projects from the late 1960s to 1970s where unpainted concrete was more prominent; this includes the Seidler House, Killara (1966–1967).

The eastern tower can be seen as a well-detailed slender sculptural tower that contrasts with the terraced western building, which sits close to the ground. The eastern tower is only half as wide as the site and is eight storeys high, whereas the western terraced building is the width of the site and level with the street. This is similar to the firm's other tower forms with corner apartment arrangements on each floor as in Avalon Apartments (1959); Blues Point Tower, McMahons Point (1962); Victoria Towers (Gemini), Potts Point (1961–1969); and Ocean Avenue Apartments, Double Bay (1964). With six apartments per floor, the eastern tower building of International Lodge can be seen as a bigger and more developed form of the tower form used in Victoria Towers (Gemini), Potts Point (1961–1969).

International Lodge has particular significance as the only example by Seidler of terraced apartments, which had become a favoured way of building on the many hilly harbour or river side sites in Sydney. Notable designs of terraced apartments of the period include The Penthouses, Darling Point, by Ancher, Mortlock, Murray and Woolley (1967) and Townhouses, Wollstonecraft, Clark Gazzard & Partners (1969).

International Lodge has representative significance as an example of Seidler's 1960s multi-unit apartment projects, which as a group have an exceptional level of significance for their ability to demonstrate the architect's evolving planning and construction protypes. Seidler's architecture of this period was extremely influential, widely published and highly awarded. It can be seen to have made a major contribution to the development of modern architecture in Australia and is highly regarded internationally.

Figure 1 Seidler House, Killara (1966–1967), designed by Harry and Penelope Seidler in the mid-1960s. With large areas of unpainted board-formed concrete and dark framed windows, it resembles International Lodge. Photo by Brett Boardman (Source: Architecture.com.au)

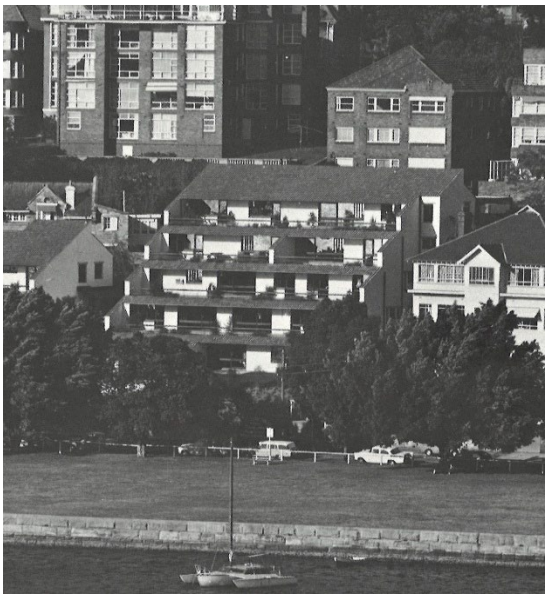

Figure 2 The Penthouses, Darling Point, by Ancher, Mortlock, Murray and Woolley, were an influential example of terrace form housing that became popular in the late 1960s. (Source: *Living and Partly Living: Housing in Australia*, Ian McKay, 1971)

Assessment of significance	
Criterion A (Historic significance)	International Lodge is an example of a modern mid-rise residential flat building and reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. International Lodge does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	International Lodge is a good and representative example of the work of Harry Seidler, one of the most significant modernist architects in Australia, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the Elizabeth Bay and Potts Point area. However, Seidler was prolific in this period and International Lodge is not considered to have strong, unusual or extraordinary associations with the architect for this reason. International Lodge does not have cultural significance at a local or state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	International Lodge is a good example of a modernist residential apartment building demonstrating creative and technical achievement. International Lodge displays typical elements of the work of architect Harry Seidler during the late 1960s. It shares aesthetic characteristics with some of Seidler's most notable projects including Gemini (1961–1969) and Seidler House, Killara (1969), which demonstrate distinctive attributes in form and composition. International Lodge also has unique aspects in its design and construction that demonstrate Seidler's creative and technical innovation and achievement. In its construction, planning and detailing it demonstrates Seidler's application of design prototypes across multiple projects. Its expression of structure, its regular façade arrangement, its use of raw materials and rational planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. International Lodge is a noteworthy example of the work of an important designer. International Lodge **has** cultural significance at a local level under this criterion. International Lodge does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	International Lodge is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. International Lodge **has** cultural significance at a local level under this criterion. International Lodge does not have cultural significance at a state level under this criterion.
Criterion E (Research potential)	International Lodge is not considered to have the potential to yield significant further or new information not available elsewhere.

Assessment of significance	
	International Lodge does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	International Lodge is a good representative example of the work of Harry Seidler in this period, particularly in the context of the many projects completed in the Elizabeth Bay and Potts Point area during the 1960s. It is not considered a rare example of its type in the local area. International Lodge does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	International Lodge is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates in the local area and more widely, which are collectively highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Gemini and Ercildoune. These projects were widely published and featured in the multiple surveys of Seidler's career. International Lodge displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term innovation and engagement with construction and planning efficiency. International Lodge **has** cultural significance at a local level under this criterion. International Lodge does not have cultural significance at a state level under this criterion.

Statement of significance

International Lodge is a good representative example of the late 1960s and early 1970s work of Harry Seidler & Associates, when the firm was prolific in the design and development of residential flat buildings. It shares aesthetic characteristics with some of Seidler's most notable projects including Gemini (1961–1969) and Seidler House, Killara (1969), which demonstrate distinctive attributes in materials, form and composition.

International Lodge also has unique aspects in its design and construction that demonstrate Harry Seidler's creative and technical innovation and achievement. It has aesthetic significance for its technical and creative innovations in design and planning, particularly as Seidler's only terraced apartment complex designed in this period. International Lodge is therefore a noteworthy example of the work of an important designer.

International Lodge has local heritage significance as an important representative example of Seidler's ongoing development of design and construction typologies and for his contribution to the evolution of apartment design in the local area.

Recommendations

International Lodge meets the threshold for local heritage significance under the aesthetic and representative criteria.

Due to previous modifications to the original design, in particular to apartment interiors, it is recommended the site can be adequately managed as a contributory item within the existing HCA, rather than through an individual heritage listing on the Sydney Local Environmental Plan.

The building should be retained and conserved. A Heritage Impact Statement should outline any original features and their proposed management prior to any major works being undertaken.

Information sources				
Type	**Author**	**Title**	**Year**	**Repository**
Site inspection (external)	GML		2024	GML
Written	City Building Surveyor's Department	Development Application Year 1968 No. 787	1968	City of Sydney Archives
Written	*Sydney Morning Herald*	'Situations Vacant'	25 March 1970	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Written	*Sydney Morning Herald*	'Motels, International Lodge'	13 May 1970	Sydney Morning Herald Archives 1955–1995, State Library of NSW

Image caption	Plans of the eastern block (Block A), proposed ground floor, typical floor and level 8, September 1968.				
Image year	1968	Image by	Harry Seidler & Associates Architects	Image copyright holder	Harry Seidler & Associates Architects

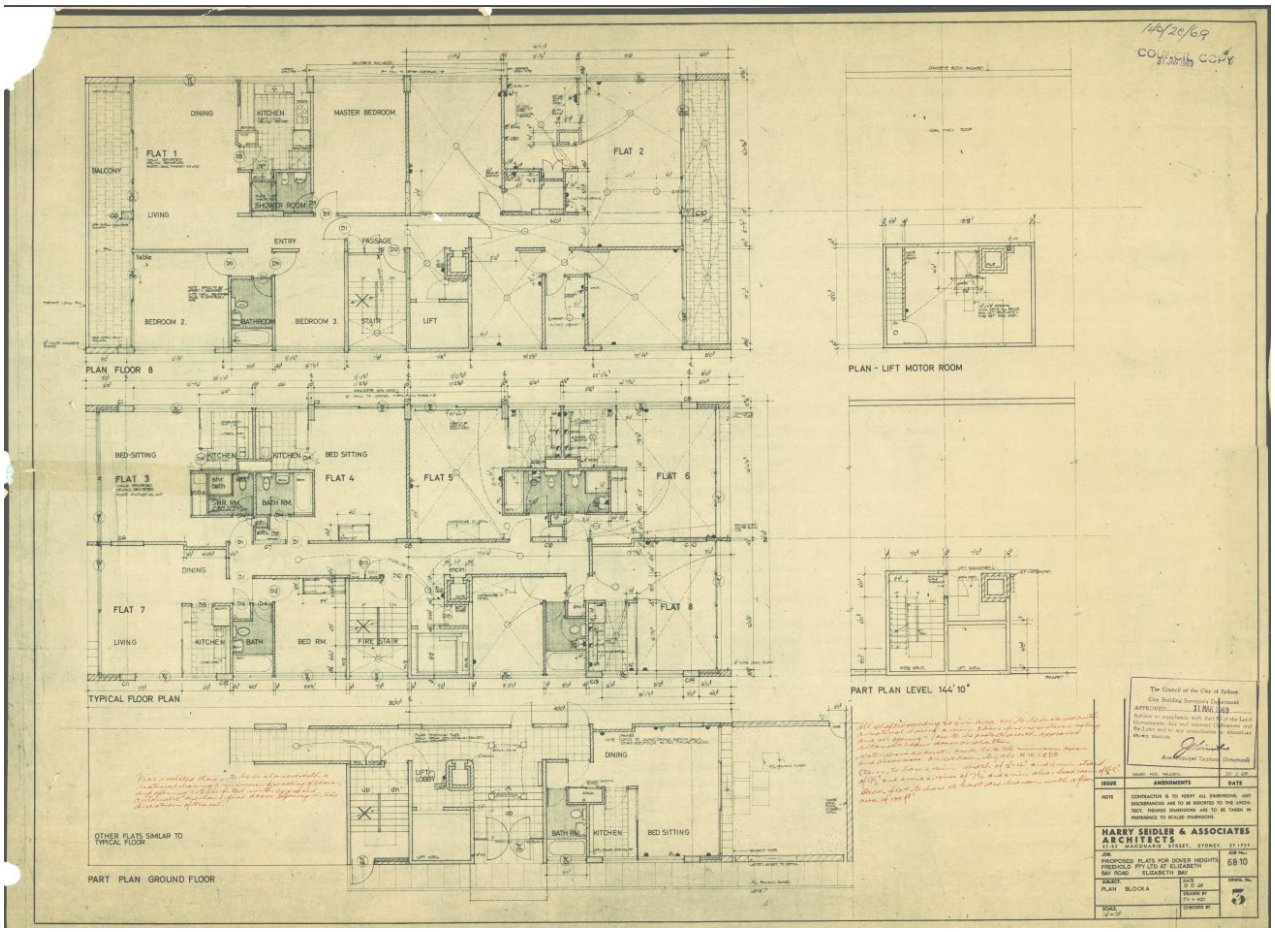

Image caption	Plans of the western block (Block B), December 1968.				
Image year	1968	**Image by**	Harry Seidler & Associates Architects	**Image copyright holder**	Harry Seidler & Associates Architects

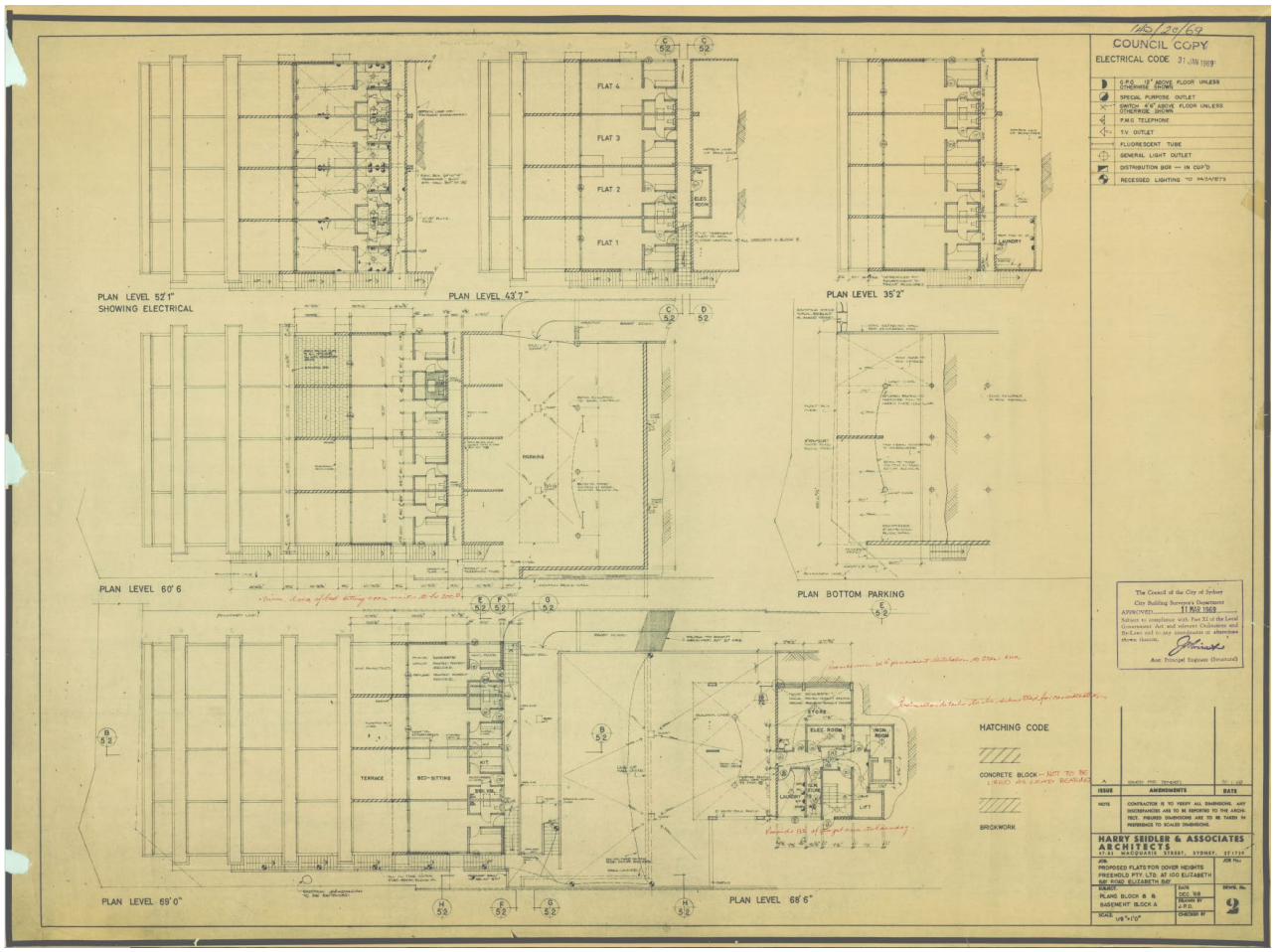

Image caption	Plan of 'Flats, 100 Elizabeth Bay Road Elizabeth Bay, 1969 (01/01/1969 - 31/12/1969), [A-00558514]'. City of Sydney Archives, accessed 09 October 2024 https://archives.cityofsydney.nsw.gov.au/nodes/view/1416626				
Image year	1969	Image by	Harry Seidler & Associates Architects	Image copyright holder	Harry Seidler & Associates Architects

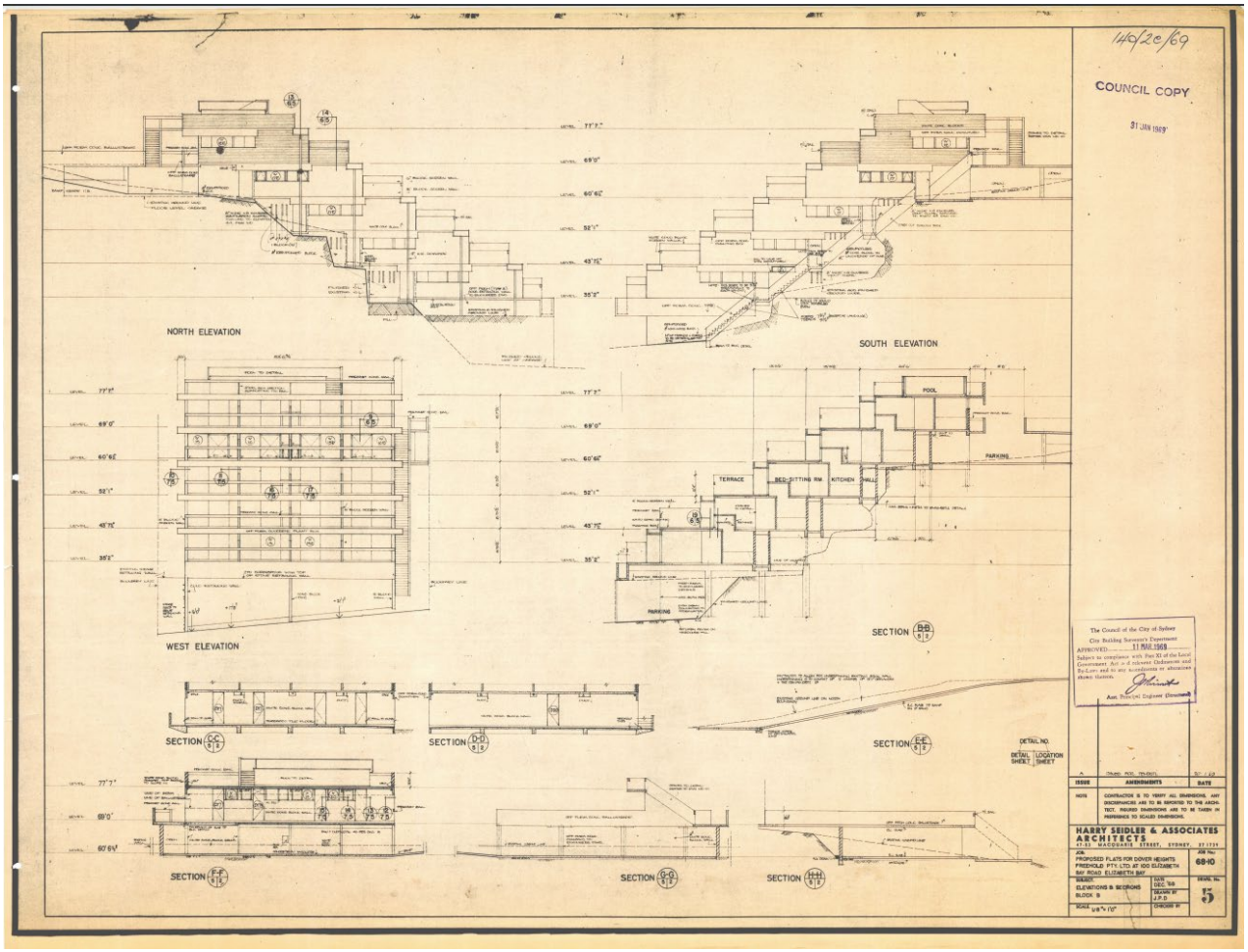

Image caption	Plans and sections from December 1968.				
Image year	1968	**Image by**	Harry Seidler & Associates Architects	**Image copyright holder**	Harry Seidler & Associates Architects

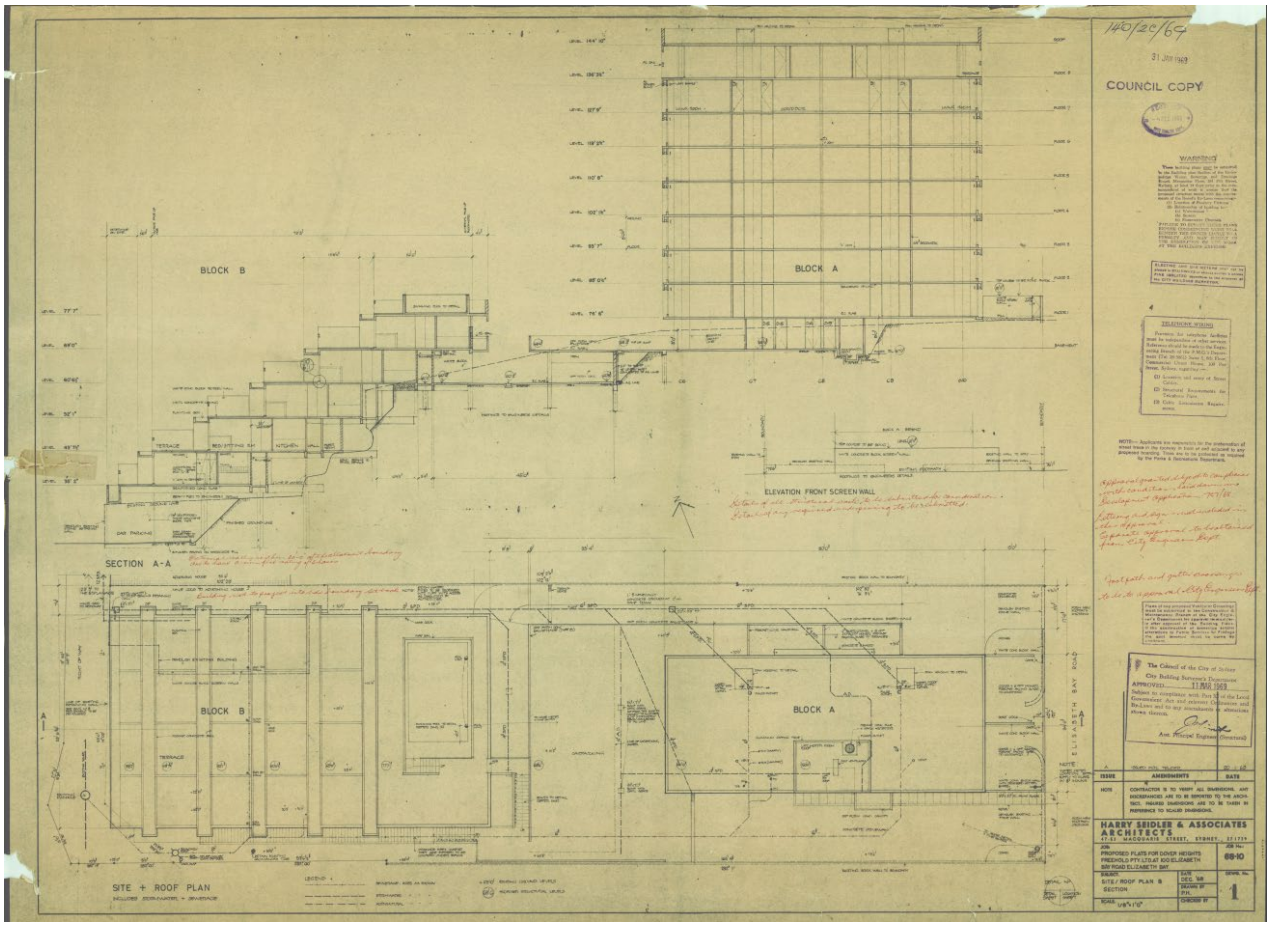

Image caption	Elevations of the eastern block (Block A).				
Image year	December 1968	**Image by**	Harry Seidler & Associates Architects	**Image copyright holder**	Harry Seidler & Associates Architects

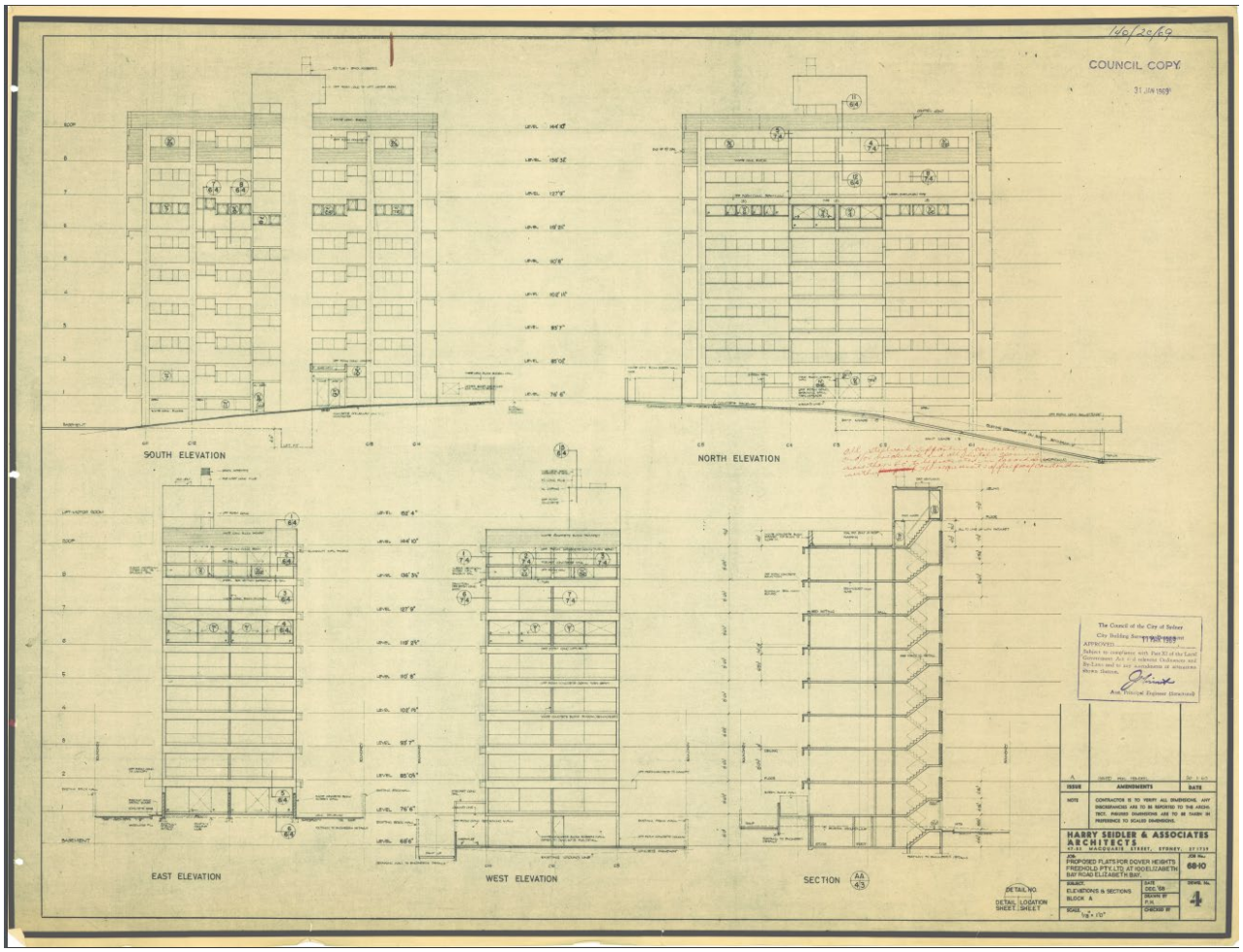

Image caption	Main (eastern and northern) elevation of Block A viewed from Elizabeth Bay Road.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Eastern elevation of Block A as viewed from the carpark.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View to International Lodge from Elizabeth Bay Road, facing south.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View to International Lodge from Ithaca Road, facing east.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Block A lobby with original glazed mosaic wall tiles.				
Image year	2024	Image by	GML	Image copyright holder	GML

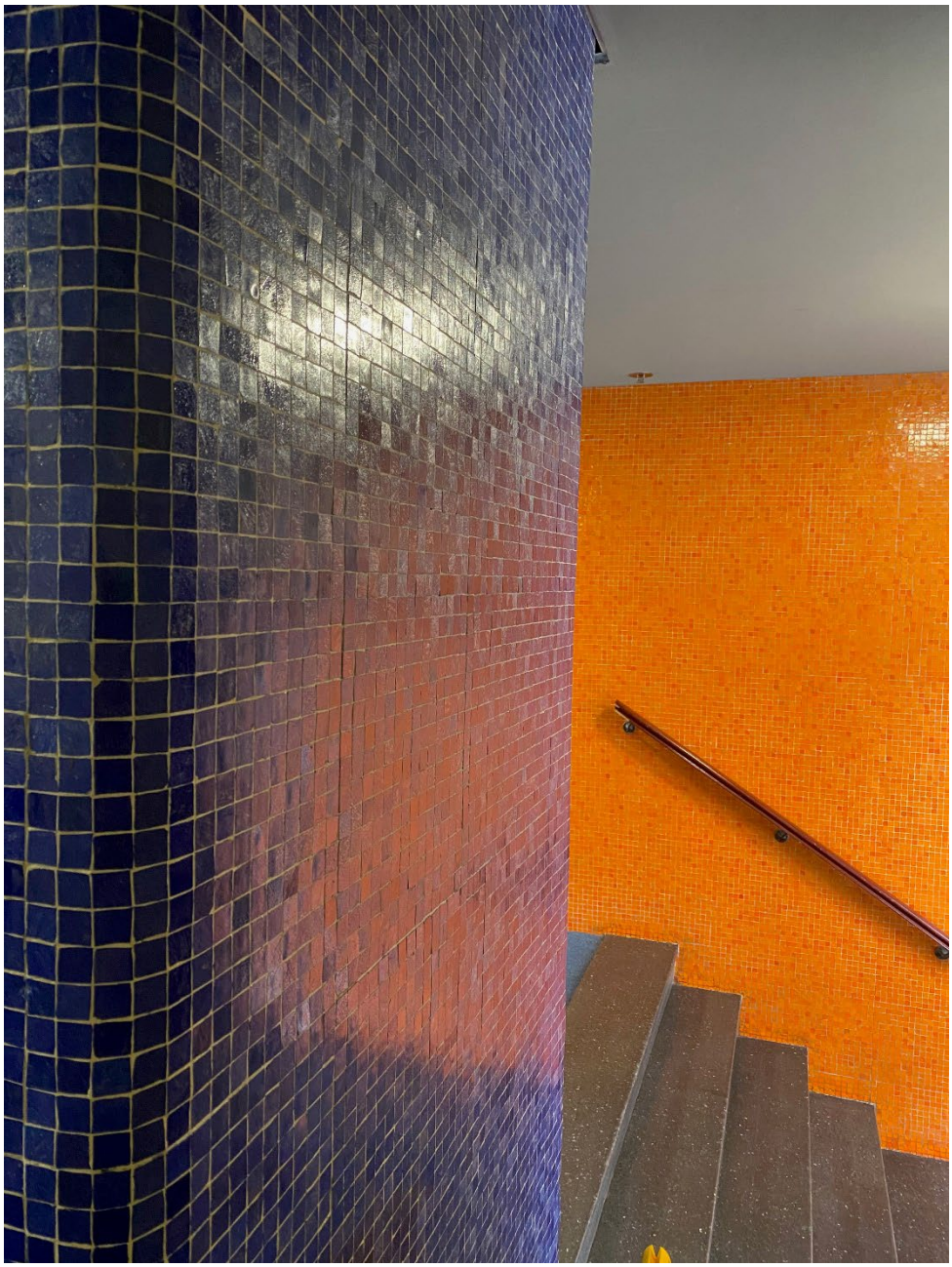

Image caption	View of the rooftop pool in Block B.				
Image year	2024	Image by	GML	Image copyright holder	GML

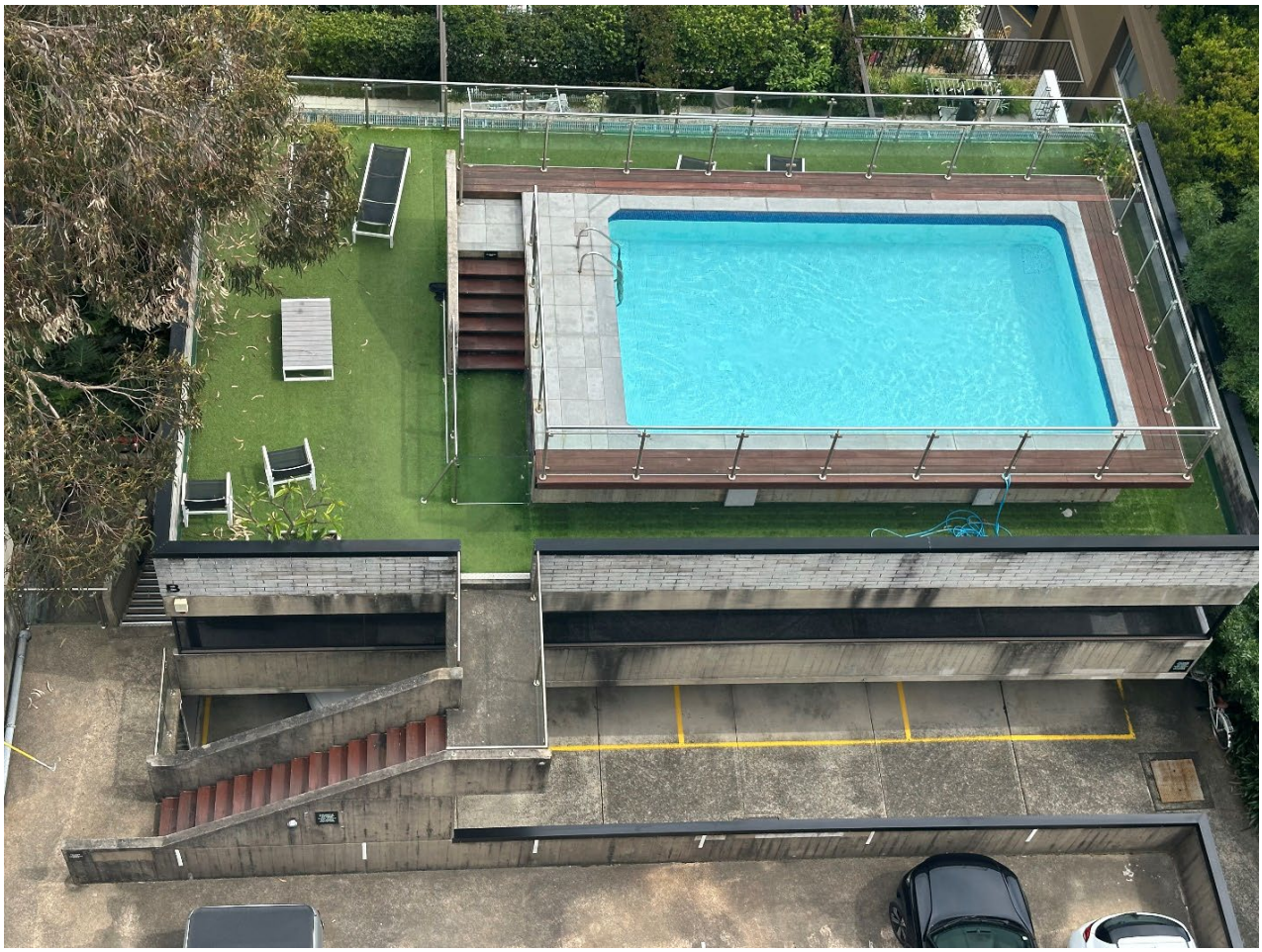

Image caption	View of stairs from the carpark to the pool and recreation area of Block B.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of a typical corridor in Block B.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Access stairs on the southern side of terrace apartments in Block B.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Kitchen of a studio in Block B, on the northern elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Side elevation of Block B showing projecting drainage elements with PVC piping fitted.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Internal view of Block B showing a planter bed and metal railings.				
Image year	2024	Image by	GML	Image copyright holder	GML

[1] Paul Irish, *Hidden in Plain View*, 2017.

Attachment A13

Heritage Assessment - 80 Elizabeth Bay Road, Elizabeth Bay - Bay Apartments

Name	Bay Apartments		
Address	80 Elizabeth Bay Road, Elizabeth Bay	Lot number	Lot 1 DP 501576, Lots 1–25 SP 9399
Architect	HP Oser, Fombertaux & Associates	Construction date	1965
Builder	Unknown		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree (City of Sydney 2013, 'Aboriginal People and Place').

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

One of these early leases was Lot 60, which was advertised for sale in around 1865. This allotment was later the site of Keadue, in the ownership and occupancy of the Hon. John Hughes MLC in the 1890s. Keadue, at 84 Elizabeth Bay Road, was subdivided in 1962 to form the site of 80 Elizabeth Bay Road.

In January 1962 architect FA Cavalier lodged a development application (DA) for a three-storey block of flats. The site of the proposed flats was on the newly formed parcel of land, which contained two brick garages. The DA was approved, as were later amendments; however, the application was withdrawn in December the same year for 'economical reasons'. A separate DA was lodged in December 1962, this time by Samuel and Clara Allen (on behalf of Keadue Pty Ltd) for a new block of bachelor flats designed by WM Frazer. This application was refused.

The following year architects HP Oser, Fombertaux & Associates lodged a DA to erect a block of 35 bachelor apartments complete with carparking on the site. The estimated cost of the building was £70,000. In April, Bay Apartments Pty Ltd purchased the site from the Allens and notified the City of Sydney (Council) it had retained HP Oser, Fombertaux & Associates to submit the DA in accordance with the application submitted for the previous owners. The council approved the DA in May. Part of the redesign appears to have involved provision of undercroft parking to achieve Council's required on-site parking numbers. The amended application was approved in September.

Construction of the apartment building was completed in 1965.

HP Oser, Fombertaux & Associates

Hans Peter Oser (1913–1967) arrived in Sydney as an accomplished designer and architect. Born into a Viennese family of furniture and interior designers, he studied architecture at the

Vienna Technical University; before and after his 1936 graduation Oser worked for the offices of Peter Behrens and Josef Hoffmann, supervising projects in Budapest and Paris.

Following the Nazi takeover of Austria, Oser migrated to Sydney with his wife Herta; he immediately found architectural employment, first in private practice and then in 1944 as chief architect of the newly formed Housing Commission of NSW. Returning to private practice in 1946 Oser established a reputation for his modernist houses designed for prominent clients including fellow refugee Walter Magnus, a restauranteur, and clothing manufacturer Frank Theeman. Oser's designs were regularly published in *House & Garden* and *Home Beautiful*, and in 1956 he provided house plans in *Australian Homemaker and Handyman* under a heading with his name and portrait.[1]

Oser's architectural and social networks continued to provide opportunities following his 1960 partnership with Jean Fombertaux. Born in Nice, Fombertaux spent much of his childhood in France's Asian colonies due to his father's role in the French Foreign Service before arriving in Australia in 1937. After working briefly for Samuel Lipson, Fombertaux studied architecture at Sydney Technical College. After graduating he travelled and worked abroad for almost a decade before partnering with Hans Peter Oser.

Oser died in 1967 and Fombertaux continued the practice as HP Oser, Fombertaux & Associates. Fombertaux himself died in 1975 and the firm evolved into Fombertaux Rice Hanley.

The firm was made up of highly regarded postwar modernist architects who were regularly published in the popular design media. The firm's apartment building at Glenmore Road, Paddington, was included in the Royal Institute of Architects guide *444 Sydney Buildings* (1971) and Graham Jahn featured the Fombertaux House, East Lindfield, in his guide *Sydney Architecture* (1997).

Some of the most prominent commercial projects by the firm are the William Bland Centre on Macquarie Street, Sydney, and the Toohey's Administration Building in Surry Hills (both listed on the Sydney Local Environmental Plan 2012 as heritage items). Other projects designed by the firm included several city office buildings, Housing Commission Apartments in Rosebery, and Brookvale Hotel in Brookvale. Five buildings designed by the firm are listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture including three 1950s houses designed by Oser in Blackheath, the William Bland Centre and the Toohey's building.

The other known residential flat buildings designed by HP Oser, Fombertaux & Associates in the Potts Point and Elizabeth Bay area are 68–72 Roslyn Gardens, Elizabeth Bay; 51–57 Bayswater Road, Rushcutters Bay; and 40 Bayswater Road, Potts Point.

Description

A site visit was undertaken by GML in October 2024. The final plans of the building could not be located in Council's files. This physical assessment is based on publicly available documentation of the site.

Setting and context

Bay Apartments is located on the northern side of Elizabeth Bay Road. The site slopes steeply down from Elizabeth Bay Road to the north, with the building located several metres below street level.

The building is located within the Elizabeth and Rushcutters Bays HCA. The immediate vicinity of the site is characterised by Federation dwellings, interwar flat buildings and multistorey postwar and contemporary apartments that are comparable in design and scale to Bay Apartments. The block of flats is set back significantly from Elizabeth Bay Road. The site entry is flanked by the side elevation of a large early twentieth-century residence and a mid-century corner shop complex with three levels of apartments above.

Physical description

Bay Apartments is a five-storey residential flat building with undercroft carparking. The building contains four 1-bedroom units and one studio per floor. The lot is narrow with an irregular elongated shape running north–south. The building is placed centrally on the lot, with its short elevation facing Elizabeth Bay Road and its main elevation facing west. The building is surrounded by wide areas of hard paving generally used for carparking. The building is accessed

1 *The Other Moderns*, ed Rebecca Hawcroft, NewSouth Press, 2017, p 20.

from a concrete driveway sloping down from Elizabeth Bay Road, with a pedestrian path on the eastern side. The entrance lobby is accessed through a concrete pedestrian bridge leading to the first floor. The building is set below street level with raised buildings to the east and high-rise buildings and mature plantings to the west and northeast. The building is shaded with views to the northwest from the higher levels.

The building is constructed of a reinforced concrete frame, faced with dark brick and large panels of aluminium-framed windows. It is rectangular in form with a flat roof and large lift motor room, extending several levels above roof height. The entrance foyer along the eastern elevation is also constructed of a reinforced concrete frame and has aluminium-framed doors and fixed windows.

The southern elevation, facing Elizabeth Bay Road, consists of the vertically proportioned lift core and stairwell. This element is of board-formed finished concrete that has since been painted, reducing the ability to appreciate the original design. The floor slabs along the elevation are defined by scoring to the finish. The elevation is broken by small horizontally proportioned aluminium-framed windows to the stairwell. The apartments project from the western side of the elevation with wide strip windows wrapping the corner and brick spandrel panels below.

The main western elevation is a largely glazed curtain wall with wide windows running the full width of each unit and dark brick spandrel panels below, forming strong horizontals. This façade treatment is continued partially along the northern elevation, with dark brickwork to the east of the elevation. The eastern elevation contains a single sided open corridor with metal-framed balustrade fitted with wire mesh. The northernmost apartments extend to this elevation with a strip of high windows.

The apartments are arranged evenly on all levels off the eastern corridor. The northernmost apartment is longer, extending the full width of the building. The southernmost apartments are smaller and irregularly shaped, with a return around the stairwell. The three central apartments are identical in plan, with a bedroom to the east and living to the west. The continuous elongated horizontal windows along the western and northern façade provide ample natural light and ventilation. The bedrooms are lit and ventilated through high windows along the corridor. The kitchen and bathrooms are located in the centre of the plan.

The ground-level undercroft parking is open with a grid of columns expressing the building structure. A communal laundry is located on the southern elevation.

Landscaping

The building surrounds are largely paved. The southern boundary to Elizabeth Bay Road has a low concrete fence and metal gate. The western side has some mature trees and is bounded by a brick fence.

Modifications/integrity

Council records indicate that a pre-DA notification was made in 2020 for a two-storey vertical addition (2023/664046-04). This was accompanied by a Heritage Impact Statement prepared by John Oultram Heritage & Design.

Condition

The building appears to be in good condition.

Comparative analysis

This section compares the subject building with other works designed by HP Oser, Fombertaux & Associates, and similar apartment buildings in the Elizabeth Bay area of the same period, in order to determine whether the subject site has rarity and/or representative value.

Bay Apartments can be compared with other tower-form apartment buildings that adopted linear planning with an open gallery circulation. This was a common approach for multi-level housing in the period and several other examples of the form are found in the local area.

Constructed of a reinforced concrete frame and curtain walling, Bay Apartments differs from most apartment projects of the mid-1960s, which adopted an expressed concrete frame, many with floor plates extending beyond the walls as balconies or horizontal design elements. In contrast, the reinforced concrete structure of Bay Apartments is enclosed on all elevations aside from the lift and stair core. This design approach was more commonly applied to commercial

and office buildings of the 1950s and 1960s. In this sense Bay Apartments is somewhat unusual as an apartment building, allowing for large areas of glazing along the main elevation.

Bay Apartments can be seen as similar to HP Oser, Fombertaux & Associates' Glenmore Apartments project (1966) in Paddington. It has a similar slab block with linear arrangement and open gallery circulation. Its main façade, facing east, displays a very similar arrangement—of strip windows and brick spandrel panels below—to Bay Apartments. Glenmore Apartments, being a much larger building with seven levels of apartments and set prominently on a ridge within landscaped grounds, has a stronger streetscape presence and can be seen as a more comprehensive and better resolved design than Bay Apartments.

An earlier project by the firm located at 40 Bayswater Road, from 1961, appears to be a similar tower form with linear planning of apartments. The main elevation faces Bayswater Road with circulation to the rear. As with Bay Apartments the main elevation is made up of strip windows with spandrel panels below; however, the curve of the street is reflected in a stepped structure expressed vertically between each apartment. Its location on the street edge and its more responsive design, reflecting adjacent buildings, can also be seen as a more successful response than the tower form of Bay Apartments set back from the street front.

In the context of other works by HP Oser, Fombertaux & Associates, who were prolific in this period, Bay Apartments is not considered to demonstrate a high degree of design innovation or creative achievement.

Bay Apartments shows some innovation in expression in the use of face brick work, and wrap around window elements, demonstrating the curtain walling. It is highly intact externally, including balustrades. Bay Apartments can be seen as a representative example of the work of HP Oser, Fombertaux & Associates in this period but is not considered an exceptional example in its own right.

Figure 1 Home Units, 40 Bayswater Road, 1961, designed by HP Oser Fombertaux & Assoc Architects,. Photo by Max Dupain & Associates. (Source: State Library of NSW)

Figure 2 Glenmore Apartments, 176 Glenmore Road, Paddington, 1966, a slab block with extensive views to the harbour. Designed by HP Oser Fombertaux & Assoc Architects. (Source: realestate.com.au)

Assessment of significance

Criterion A (Historic significance)	Bay Apartments is an example of a modern mid-rise residential flat building that reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes.

	Bay Apartments does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	Bay Apartments is a representative example of the work of architectural firm HP Oser, Fombertaux & Associates, which designed several residential apartment buildings in the Elizabeth Bay, Rushcutters Bay and Potts Point area. HP Oser, Fombertaux & Associates can be seen to have made a notable contribution to the development of Sydney's built environment. However, the firm was prolific in this period and Bay Apartments is not considered to have strong, unusual or extraordinary associations with the architects for this reason. Bay Apartments does not have cultural significance at a local or state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	Bay Apartments features common design elements including a reinforced concrete frame, strip windows of anodised aluminium frames and open gallery circulation. The planning has been designed to provide compact, functional apartments with light and ventilation. These can be seen as common characteristics of modern residential flat buildings of this period, and Bay Apartments does not display a high level of innovation or creative/technical achievement. Bay Apartments does not have cultural significance at a local or state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Bay Apartments is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. Bay Apartments does not have cultural significance at local or state level under this criterion.
Criterion E (Research potential)	Bay Apartments is not considered to have the potential to yield significant further or new information related to the work of HP Oser, Fombertaux & Associates not available elsewhere. Bay Apartments does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	Bay Apartments is not rare as an example of a modernist residential flat building in Sydney or as an example of the work of architects HP Oser, Fombertaux & Associates, who designed numerous residential flat buildings in this period. Bay Apartments does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	Bay Apartments is not considered to have representative significance as an example of the work of architectural firm HP Oser, Fombertaux & Associates. Other buildings within the local area are considered better able to demonstrate key characteristics of the firm's work. Bay Apartments displays typical elements of residential flat buildings and is not considered to be important in demonstrating this building type in this period. Bay Apartments does not have cultural significance at a local or state level under this criterion.

Statement of significance

Bay Apartments is not considered to have heritage significance. It is seen as a representative example of the work of HP Oser, Fombertaux & Associates in this period, of which a number of

other examples exist in the local area. Bay Apartments is not considered to demonstrate aesthetic significance through technical or creative achievement.

Recommendations

Bay Apartments **does not meet** the threshold for local heritage significance and is **not recommended** for heritage listing on the Sydney Local Environmental Plan.

Information sources

Type	Author	Title	Year	Repository
Site inspection	GML		2024	GML
Written	John Oultram Heritage & Design	Proposed Alterations to 80 Elizabeth Bay Road, Elizabeth Bay Preliminary Heritage Impact Statement (Draft)	2020	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application Year 1962 No. 16	1962	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application Year 1963 No. 174	1963	City of Sydney Archives
Written	City of Sydney Council	1963 No. 1722 Lot 1, 84 Elizabeth Bay Rd, S and Mrs C Allen, to erect a building comprising a ground floor for use for off-street parking & seven upper floors for use as residential flats	1963	City of Sydney Archives

Image caption	Ground floor and site plan, location plan and typical floor plan of the proposed apartments (not as built), held by the City of Sydney Archives.				
Image year	1963	**Image by**	HP Oser, Fombertaux & Associates	**Image copyright holder**	Unknown

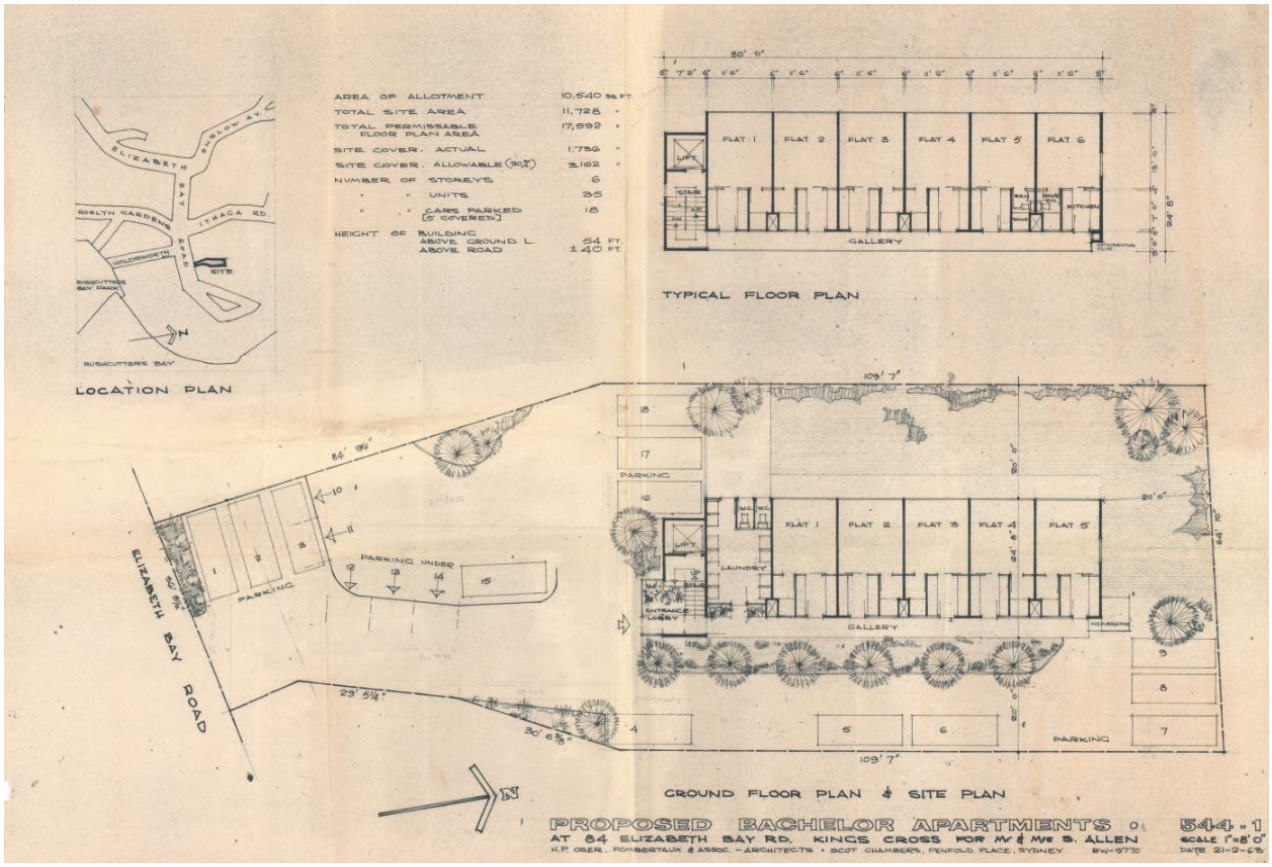

Image caption	Typical floor plan for 80 Elizabeth Bay Road, Elizabeth Bay. Reproduced from John Oultram Heritage & Design, Heritage Impact Statement, December 2020.				
Image year	1963	**Image by**	HP Oser, Fombertaux & Associates	**Image copyright holder**	Unknown

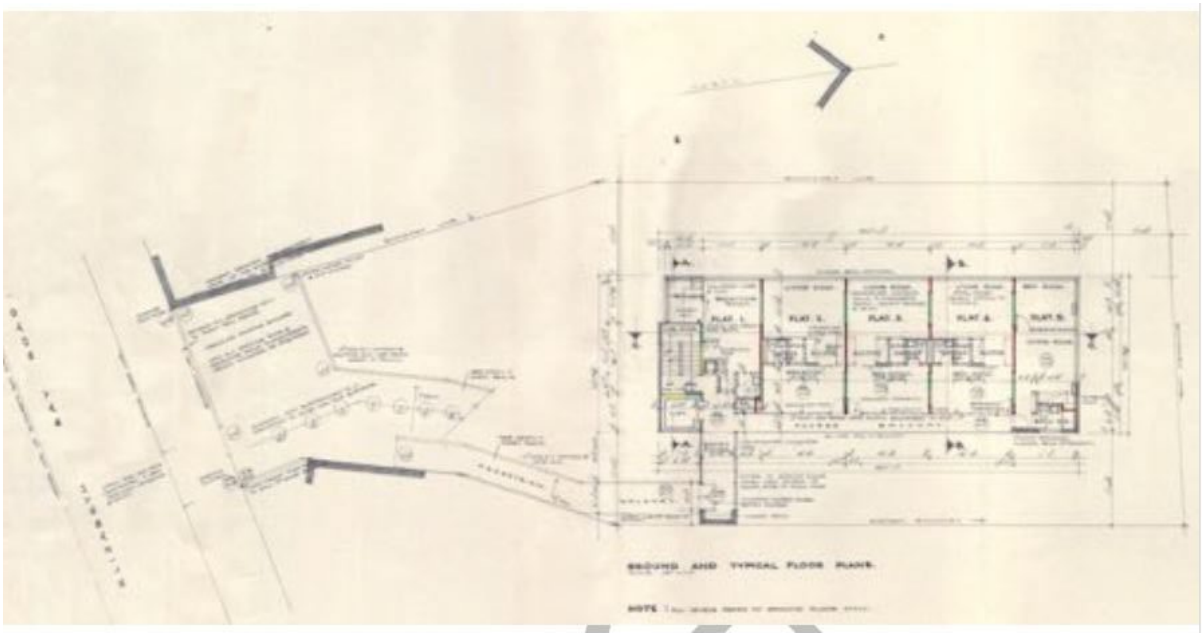

Image caption	Elevations for 80 Elizabeth Bay Road, Elizabeth Bay. Reproduced from John Oultram Heritage & Design, Heritage Impact Statement, December 2020.				
Image year	1963	**Image by**	HP Oser, Fombertaux & Associates	**Image copyright holder**	Unknown

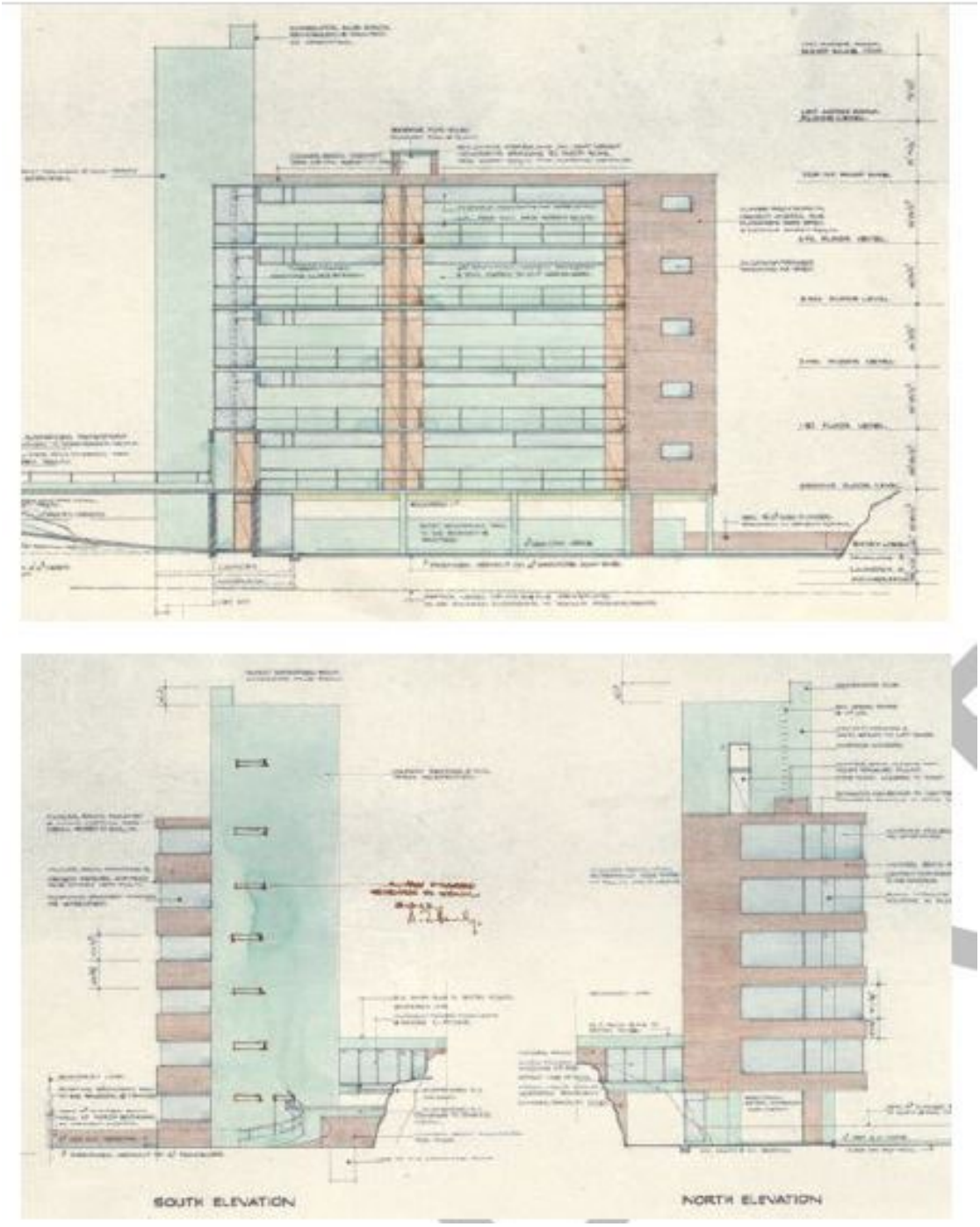

Image caption	Elevation for 80 Elizabeth Bay Road, Elizabeth Bay. Reproduced from John Oultram Heritage & Design, Heritage Impact Statement, December 2020.				
Image year	1963	**Image by**	HP Oser, Fombertaux & Associates	**Image copyright holder**	Unknown

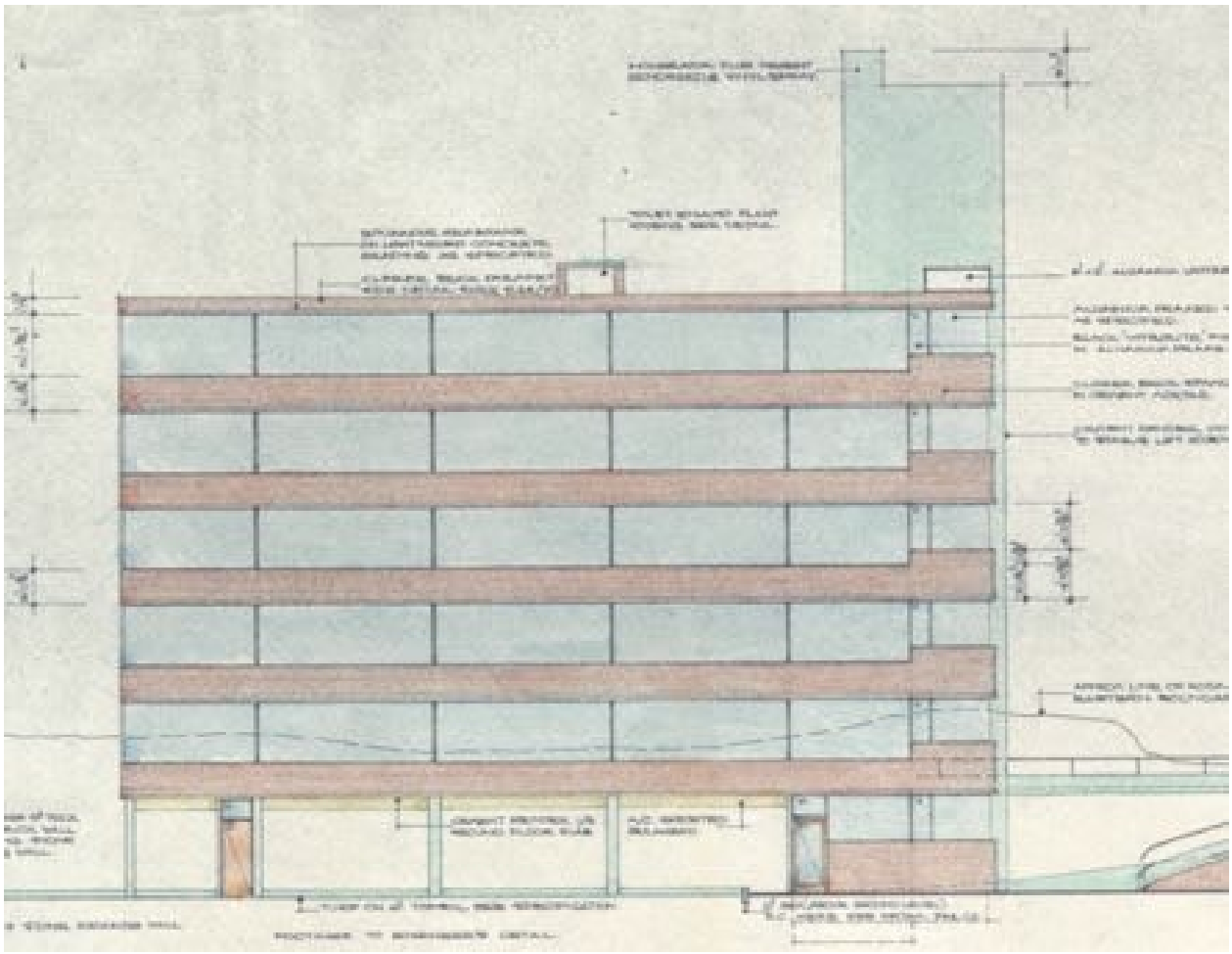

Image caption	Floor plan of unit 24 with central bathroom and kitchen, which appears to be the typical apartment plan of the building (noting apartments 1 and 5 on each level have a different plan).				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

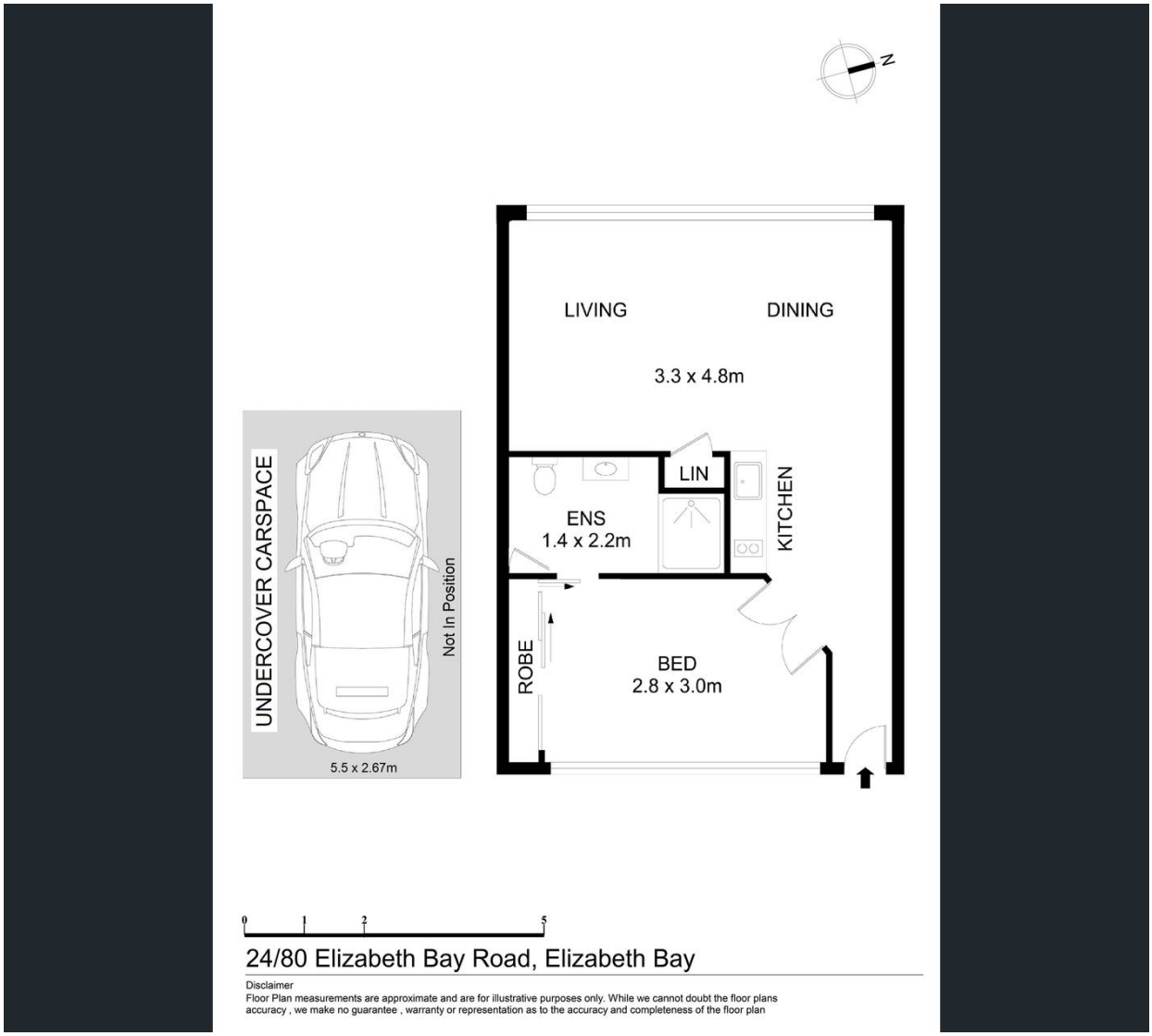

Image caption	Floor plan of unit 5, the typical plan of units located at the northern end of the building.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

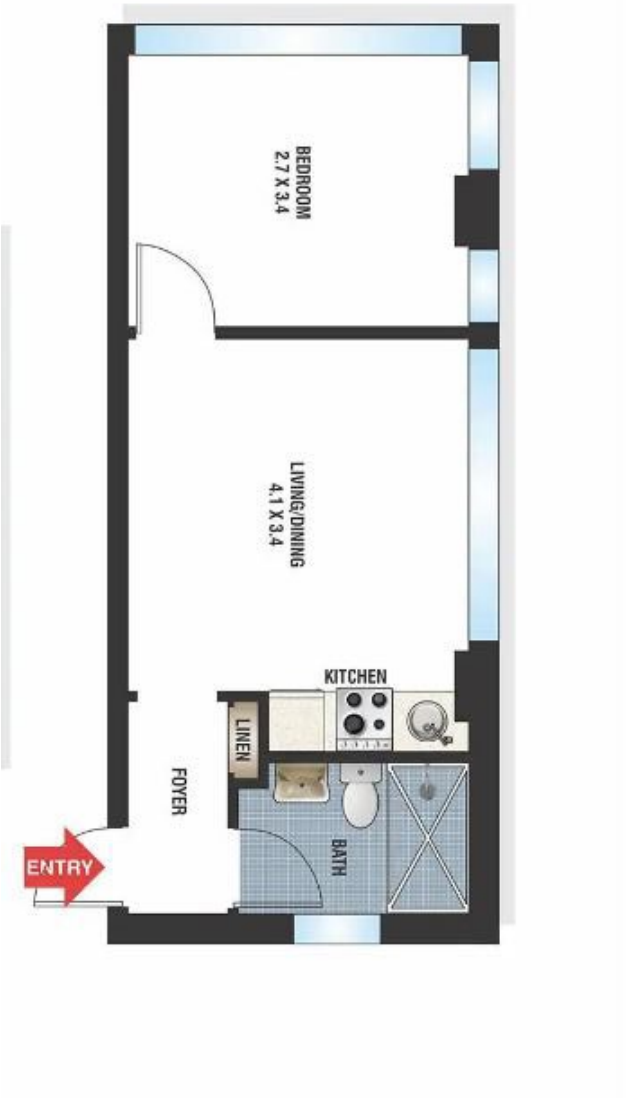

Image caption	Southern elevation showing the entry from Elizabeth Bay Road.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

Image caption	Northern elevation.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Western elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Entrance lobby along eastern façade.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Open corridor to the eastern side with original wire mesh balustrade.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Living room of unit 33.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Bedroom of unit 33.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Southernmost unit, showing the L-shape plan and windows to the south.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au

Attachment A14

Heritage Assessment - 19 Ithaca Road, Elizabeth Bay - The Reef

Name	The Reef		
Address	19 Ithaca Road, Elizabeth Bay	Lot number	Lot 3 DP 226573, Lots 1–35 SP 3224
Architect	Henry L Divola & Associates	Construction date	1966–1967
Builder	Mainline Corporation		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20). Identified as detracting on the Sydney Development Control Plan (DCP) building contributions map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants, featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

No. 19 Ithaca Road was previously occupied by a large villa residence, Lydford, built by 1878 on leasehold land from the Macleay Estate. There were various owners and tenants and the house was variously occupied as a single residence, guest house and divided into two flats. By May 1965 the building was owned by the estate of the late Marcia Evelyn Williams and occupied by a Mr Dawson.

From 1965 several speculative developers submitted plans for a residential flat building on the site. The first scheme, for a block of 84 home units, was submitted by architect Emery Nemes for Landmark Limited. The application was refused on the grounds of inadequate setbacks and site densities.

By November of the same year a new development application was submitted by George Summers for a crescent-shaped, eight-storey home unit building, comprising 3 three-bedroom flats, 9 two-bedroom flats, 13 one-bedroom flats and 35 bedsitting flats with off-street parking for 38 cars. Development permission was granted on 22 November 1965. The architect of this new design is unknown but Felix Tavener of Rudder Littlemore & Rudder, architect of the renowned Qantas House building in Chifley Square (1955–1957), is the signatory for a detailed application for a crescent-shaped building on the site one month later.

In December 1965 Bargo Pty submitted a new application for a home unit development on the subject site with plans by architects Rudder Littlemore & Rudder. In early May 1966, the City Building Surveyor's Department recommended refusal of consent on the grounds that 'the proposal is not to the same high standard of the development previously approved by Council in that it is located closer to the street alignment and would thereby have greater effect on views to and from the Harbour' (City Building Surveyor's Department, 1541/66). Development permission was, however, approved on 30 May.

[1] City of Sydney 2013, 'Aboriginal People and Place'

In July 1966 architectural firm Henry L Divola & Associates submitted the building application for a new block of 35 units to cost $390,000. Their application kept the crescent-shaped design but altered the total number and the size of the units, namely 14 three-bedroom flats and 21 two-bedroom flats, and reduced the carparking spaces down from 38 to 35. The application was approved on 17 August 1966 and the building plans were also approved (BA 1486/66).

Development on site commenced in October 1966 by Mainline Corporation. Council approved amended plans regarding the height of the lift tower and an incinerator in February 1967. Council's Building Surveyor's Department noted the work was completed to approved plans in November 1967.

In October 1967 the *Sydney Morning Herald* described in detail The Reef, which departed from the 'conventional rectangular shape of unit buildings' with its 'curved facade'.[2] According to the architect Harry Divola, it was originally 'designed as a quadrant curve to give the 35 flats the best north-easterly views over the harbour' but he then modified the design to a series of straight segments. Mr Divola said: 'the many-sided elevation has many advantages, to flat owners in terms of privacy and view. It also expresses the structure in a more logical and functional manner' (*Sydney Morning Herald*, 31 October 1967, p 20).

In November 1967 estate agent John Dudley promoted one-, two- and three-bedroom units on strata title in The Reef, as a 'quality building', ready for occupation and superbly finished with every modern convenience and magnificent harbour views ranging in price from $10,500 to $30,500 (*Sydney Morning Herald*, 8 November 1967, p 40).

Henry L Divola & Associates

Henry (Harry) Divola, born in 1913, studied architecture at Sydney Technical College, founding his own practice in 1938. During World War II, Divola enlisted in the Engineer Corps but had already established a sufficient reputation for his small modernist houses to be employed by the Australian Legion of Ex-Servicemen's Credit Union as 'a soldier-architect, Corporal H. Divola, to design model types of homes for ex-servicemen and their families'; during the following decade Divola became one of Australia's best-known architects, his designs featured regularly in *Truth* newspaper as well as the popular home-making magazines.

From 1955 Divola concentrated on his own practice, designing hotels, clubs and less budget-conscious houses in Canberra as well as Sydney. Divola designed flats early in his career, but The Reef was a rare excursion into this field among his later work. He died in 1969, so this may also be one of his last projects.

Mainline Corporation

Mainline Corporation was founded in 1960 as an apartment builder by project manager and estimator Richard Baker and builder Laurie O'Neil. The new company was ambitious, employing high-profile architects on its suburban projects, and by 1965 was also constructing major CBD buildings including Goldfields House and the Bridge Street AMP Centre. Mainline Corporation was one of Australia's major property and construction companies by 1971, building Denison, The Reef, Mowbray and others in the Potts Point and Elizabeth Bay area.

In 1974 a combination of soaring interest rates and declining property prices saw its major creditor ANZ Bank call for the appointment of a receiver. Mainline Corporation was liquidated with debts of $60 million, though its property holdings sold for more than $86 million when auctioned in 1975.

Description

A site visit including the interiors of a one bedroom unit was undertaken by GML in October 2024.

Setting and context

The Reef is located on the western side of Ithaca Road, on an elevated lot. The topography slopes steeply down to the north towards Beare Park.

The site is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area. The immediate vicinity of the site is characterised by a mix of interwar flat buildings and modern multistorey apartment buildings that are comparable in scale to The Reef. Due to its curved façade and site setback, The Reef has a prominent streetscape presence.

[2] 'Units curved to give water views', *Sydney Morning Herald*, 31 October 1967.

Physical description

The Reef is a nine-storey semicircular shaped residential flat building built with 35 one-, two- and three-bedroom units. It is located centrally on an irregular shaped lot and is surrounded by concrete driveways and carparking. The Reef is constructed of an exposed reinforced concrete frame with face brickwork infill wall. The face brickwork and exposed concrete frame have been painted on all but the rear southern elevation.

The main north-facing elevation has aluminium-framed sliding windows with transoms. The main northern façade is broken by vertical bays of recessed balconies, reflecting the location of apartment living rooms. Balconies have partial brick balustrades topped with metal work. The doors to the balcony are also full-height sliding doors with transoms. Some have been replaced with full-height sliding windows.

The entrance has a concrete cantilevered M-shaped awning. The ground floor consists of a semi-open carpark with exposed columns. Garages flanking the entrance are enclosed with modern roller doors.

The eastern and western elevations have smaller sliding windows with horizontal fixed windows to the bottom and hopper windows. A separated lift and stair core is located on the southern elevation, at the western corner of the building. The units are accessed via curved semi-open galleries along the southern elevation. The balustrade of the gallery is constructed of face brickwork panels set into metal frames. This reinforces the form of the building as faceted rather than a smooth curve.

There are original patterned metal screens to apartments at the ends of the gallery and in several other locations, indicating these were once widespread. The units have horizontally proportioned aluminium-framed windows along the gallery, some of which have metal security screens. The entrance lobby has been modified with contemporary finishes.

The building contains a mix of unit sizes. In the original plans a three-bedroom unit was located at the eastern end of each floor and a one-bedroom unit at the western end with two-bedroom units between. The units are planned such that the kitchen and bathrooms are located along the gallery, providing natural ventilation, while the living rooms and bedrooms are located to the north with views to the harbour. Secondary bedrooms are located on the southern elevation with highlight windows.

The integrity of apartment interiors is unknown.

A metal building name 'The Reefs' is located on the eastern elevation facing Ithaca Road.

Landscaping

There is a stone retaining wall to the eastern side along Ithaca Road. There are some trees and low-lying plants near the northern and eastern boundaries of the site. A significant retaining wall with some areas of planting lines the southern side of the site.

Modifications/integrity

What appears to have originally been unpainted face brickwork on the northern elevation has been painted, as has the exposed concrete frame. Garage doors appear to have been added to the northern elevation.

Council records indicate the following took place:

- 2012 replacement of existing balustrades to façade, increase in height of concrete plinths and installation of additional horizontal railings.
- 2018 replacement of windows to rear and side elevations.

Condition

The building appears to be in good condition.

Comparative analysis

This section compares the subject building with other similar apartment buildings of the same period in the Elizabeth Bay and Potts Point area, in order to determine whether the subject site has rarity and/or representative value.

The most distinctive feature of the building is its response to the site by adopting a curved form. It appears the original crescent design for the building was provided by Felix Tavener of Rudder Littlemore & Rudder. The curved form may be in reference to Tavener's highly regarded design

of Qantas House in Chifley Square, completed in 1957. However, the final design of The Reef was significantly changed, so comparison with other projects by the firm is not considered relevant.

The Reef is considered noteworthy as a design by Harry Divola; however, Divola is known for housing, primarily in the 1940s. There are no known similar apartments by Harry Divola, and as an architect he is not known for apartment designs of this period.

Several other apartment projects in the area have also adopted curved forms as a way to engage with difficult sites and maximise views—most notably 17 Wylde Street, Potts Point (1947–1950), by architect Aaron Bolot. A pioneering residential flat building in Sydney in terms of its architectural design, scale and detailing, it has a curved plan with all apartments addressing views to the northeast and circulation spaces placed at the rear of the plan. It is now considered an exemplar Post-War International style flat building and is listed on the Sydney Local Environmental Plan (LEP) as a heritage item.

Council development application files indicate The Reef was designed to limit the blocking of views from neighbouring buildings. As a result, it is arranged almost as a curved L-shape, facing the north at one end and curving to address the east at the other end, and set back from its southern and western boundaries. Unlike at 17 Wylde Street, the units are narrowest at the front and widen to the rear. This approach enabled each unit to have a major window and balcony facing the view and more space at the rear for kitchens and bathrooms. No other examples of this building form in the local area have been identified and hence it can be seen as an unusual and innovative site response.

The construction techniques and building materials of The Reef can be seen as typical of apartment buildings of the 1960s and hence the building is generally, aside from its site-responsive plan, not seen as rare.

Figure 1 Bolot's Wylde Street Cooperative flats (1947–1950). (Source: Max Dupain, courtesy of the Australian Institute of Architects)

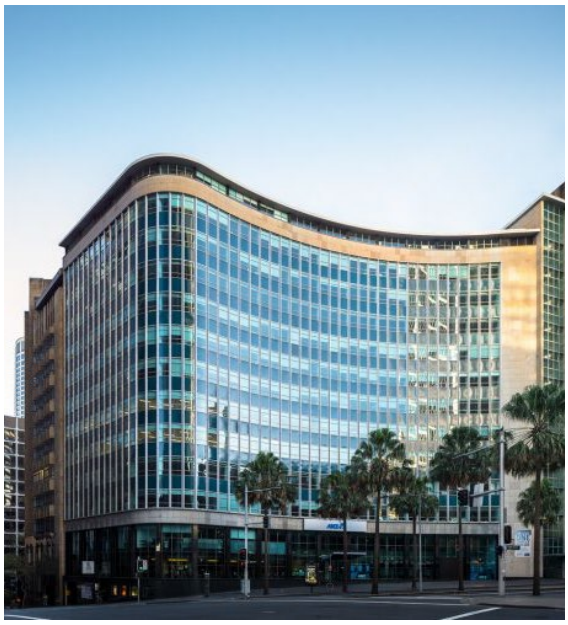

Figure 2 Qantas House, designed by Felix Tavener of Rudder Littlemore & Rudder, completed 1975. Photo by Darren Bradley. (Source: Docomomo Australia)

Assessment of significance	
Criterion A (Historic significance)	The Reef is an example of a modern mid-rise residential flat building that reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes.

	The Reef does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	The Reef has some associations with architect Harry Divola; however, it is not considered an important work of his or representative of his design principles or innovation. The Reef does not have cultural significance at a local or state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	The Reef displays typical characteristics of modernist residential flat buildings of the 1960s including its use of a reinforced concrete frame, large aluminium-framed windows and full-width units allowing for cross-ventilation and light. Its curved plan, responding to a difficult site and maximising views and access to the northeast, can be seen as noteworthy and an unusual design response of this period of which few examples can be found in the local area. The Reef **has** cultural significance at a local level under this criterion. The Reef does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	The Reef is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. The Reef does not have cultural significance at local or state level under this criterion.
Criterion E (Research potential)	The Reef is not considered to have the potential to yield significant further or new information related to Harry Divola's work not available elsewhere. The Reef does not have cultural significance at local or state level under this criterion.
Criterion F (Rare)	The Reef is not considered a rare example of its type in Sydney or a rare example of the work of Harry Divola. The Reef does not have cultural significance at local or state level under this criterion.
Criterion G (Representative)	The Reef is not considered to have representative significance as an example of the work of Harry Divola. Other buildings are considered better able to demonstrate the key characteristics of the architect's work. The Reef displays typical elements of residential flat buildings and is not considered to be important in demonstrating this building type in this period. The Reef does not have cultural significance at local or state level under this criterion.

Statement of significance

The Reef has heritage significance as an example of the 1960s modernist flat building in the Elizabeth Bay and Potts Point area. It displays typical characteristics of modernist residential flat buildings including its use of a reinforced concrete frame, large aluminium-framed windows and full-width units allowing for cross-ventilation and light.

Its curved plan, responding to a difficult site and maximising views and access to the northeast, can be seen as a noteworthy variation in the form of residential flat buildings of this period.

Recommendations

The Reef meets the threshold for local heritage significance under the aesthetic criterion.

Due to the aesthetic value of the place, and noting the building does meet the threshold in any other criterion, it is recommended to be managed as a contributory item within the existing Heritage Conservation Area rather than through individual heritage listing on the Sydney Local Environmental Plan.

The building is able to be adapted and upgraded to ensure it remains viable for ongoing use. A Heritage Impact Statement should outline any original features and their proposed management prior to any major works being undertaken.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Written	City of Sydney	Aboriginal People and Place	2013	
Written	City Building Surveyor's Department	Year 1966 No. 1486 19 Ithaca Rd Elizabeth Bay Home Units	1966–1968	City of Sydney Archives
Written	City Building Surveyor's Department	Year 1966 No. 97 19 Ithaca Rd Elizabeth Bay Bagro P/L- use premises for home units	1966	City of Sydney Archives
Written	City Building Surveyor's Department	Year 1965 No. 389 19 Ithaca Rd Elizabeth Bay Landmark Ltd -use premises for residential development (home units)	1965	City of Sydney Archives
Written	*Sydney Morning Herald*	'Units curved to give water views'	31 October 1967	Sydney Morning Herald Archive 1955–1995
Written	*Sydney Morning Herald*	'Elizabeth Bay, The Reef, 19 Ithaca Road'	4 November 1967	Sydney Morning Herald Archive 1955–1995

Image caption	Site plan and details for block of 35 home units at 19 Ithaca Road, Elizabeth Bay, for ASL Finance No 1 Pty Ltd.				
Image year	1966	Image by	Henry L Divola & Associates	Image copyright holder	Henry L Divola & Associates

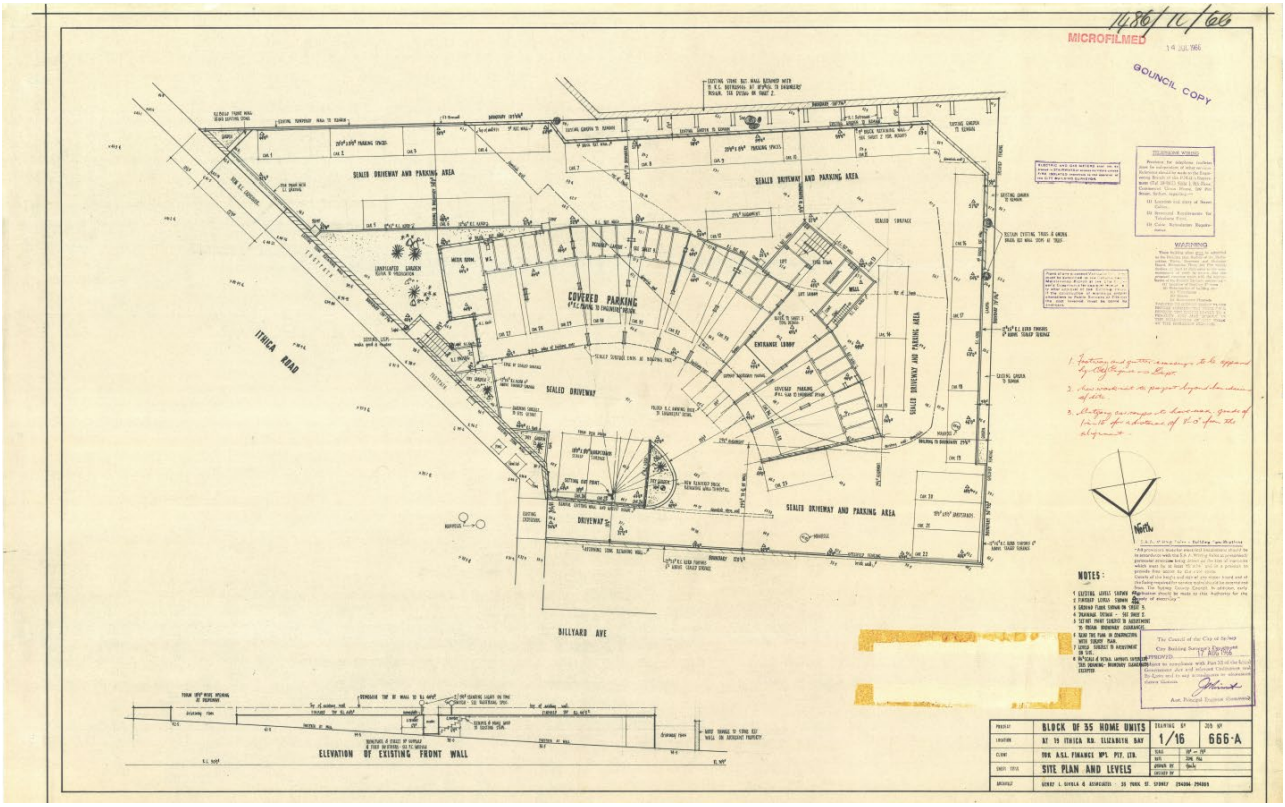

Image caption	Floor plan of the ground floor for the block of 35 home units at 19 Ithaca Road, Elizabeth Bay, for ASL Finance No 1 Pty Ltd.				
Image year	1966	**Image by**	Henry L Divola & Associates	**Image copyright holder**	Henry L Divola & Associates

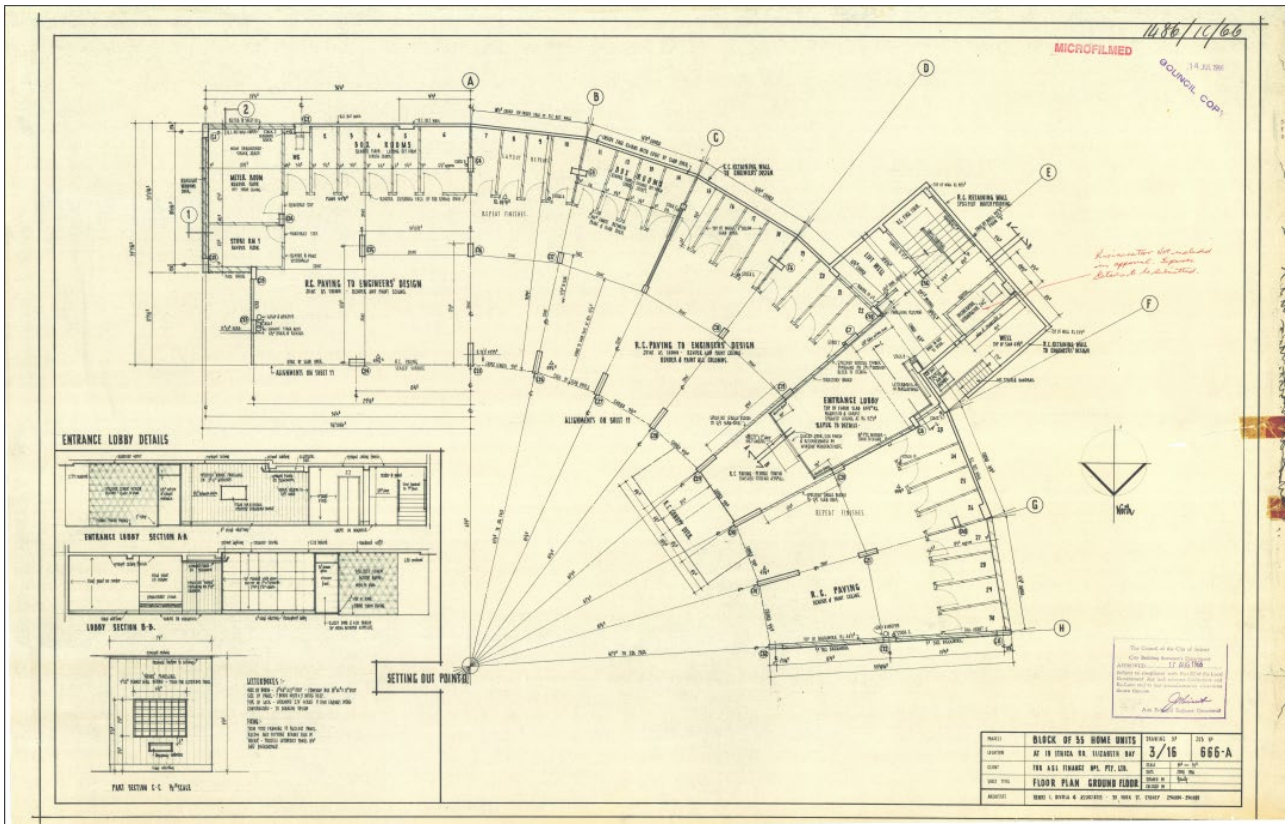

Image caption	Electrical plan showing typical floor plans and the service tower for the block of 35 home units at 19 Ithaca Road, Elizabeth Bay, for ASL Finance No 1 Pty Ltd.				
Image year	1966	**Image by**	Henry L Divola & Associates	**Image copyright holder**	Henry L Divola & Associates

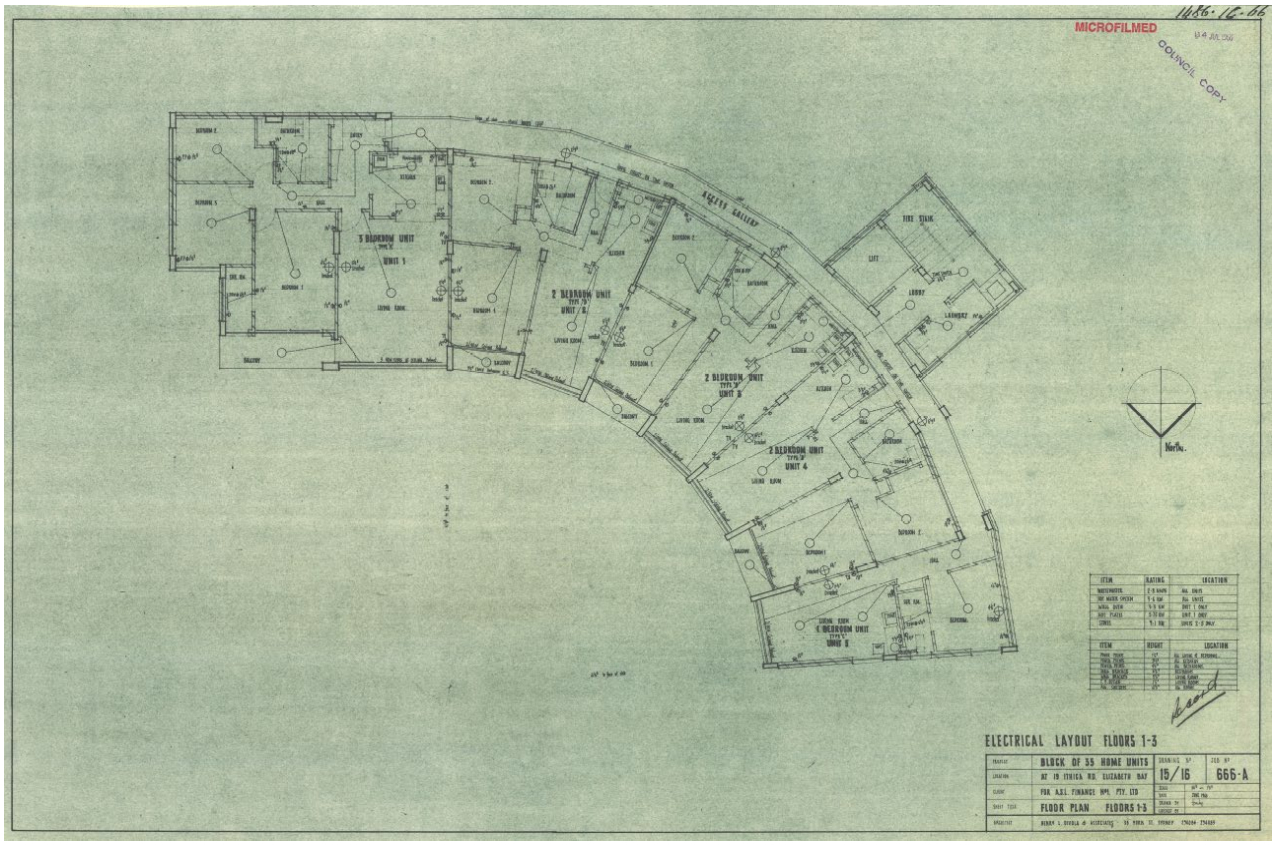

Image caption	Elevations and sections for the block of 35 home units at 19 Ithaca Road, Elizabeth Bay, for ASL Finance No 1 Pty Ltd.				
Image year	1966	**Image by**	Henry L Divola & Associates	**Image copyright holder**	Henry L Divola & Associates

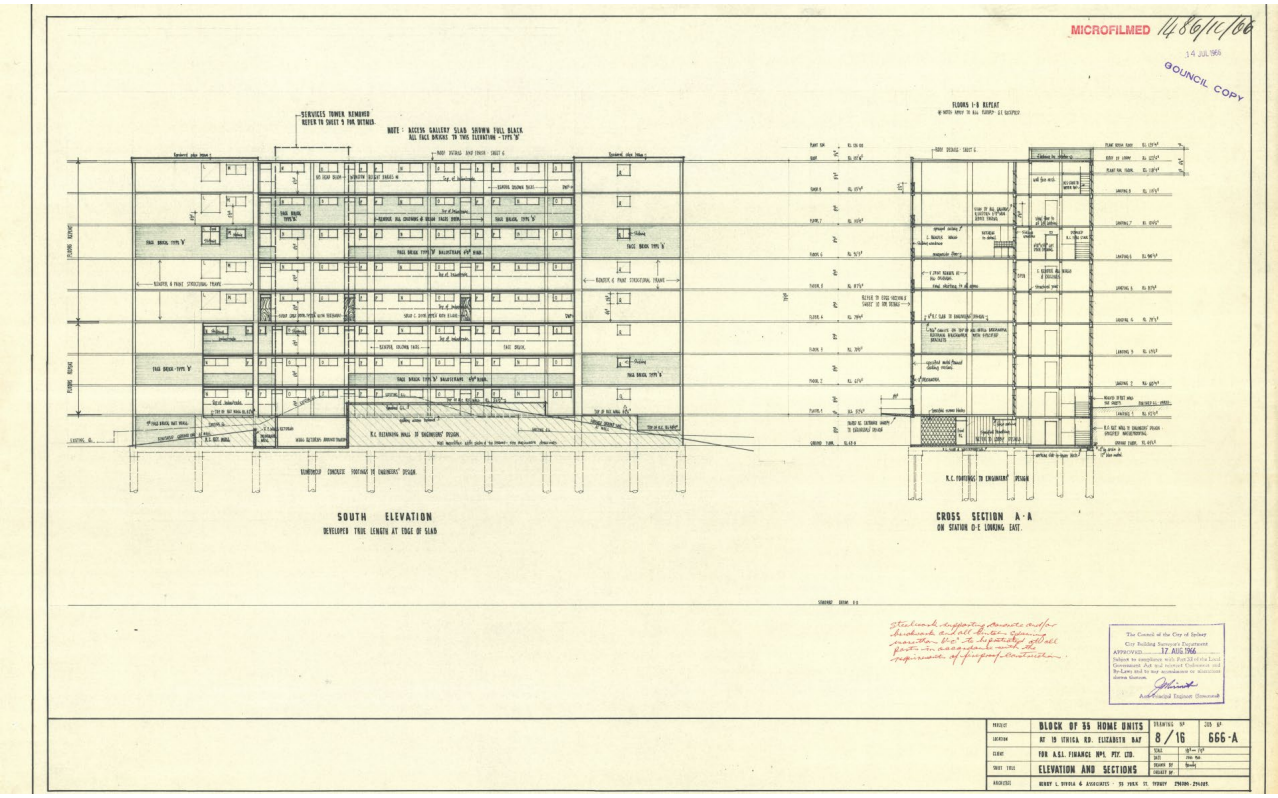

Image caption	Eastern, northeastern and northern elevations for the block of 35 home units at 19 Ithaca Road, Elizabeth Bay, for ASL Finance No 1 Pty Ltd.				
Image year	1966	**Image by**	Henry L Divola & Associates	**Image copyright holder**	Henry L Divola & Associates

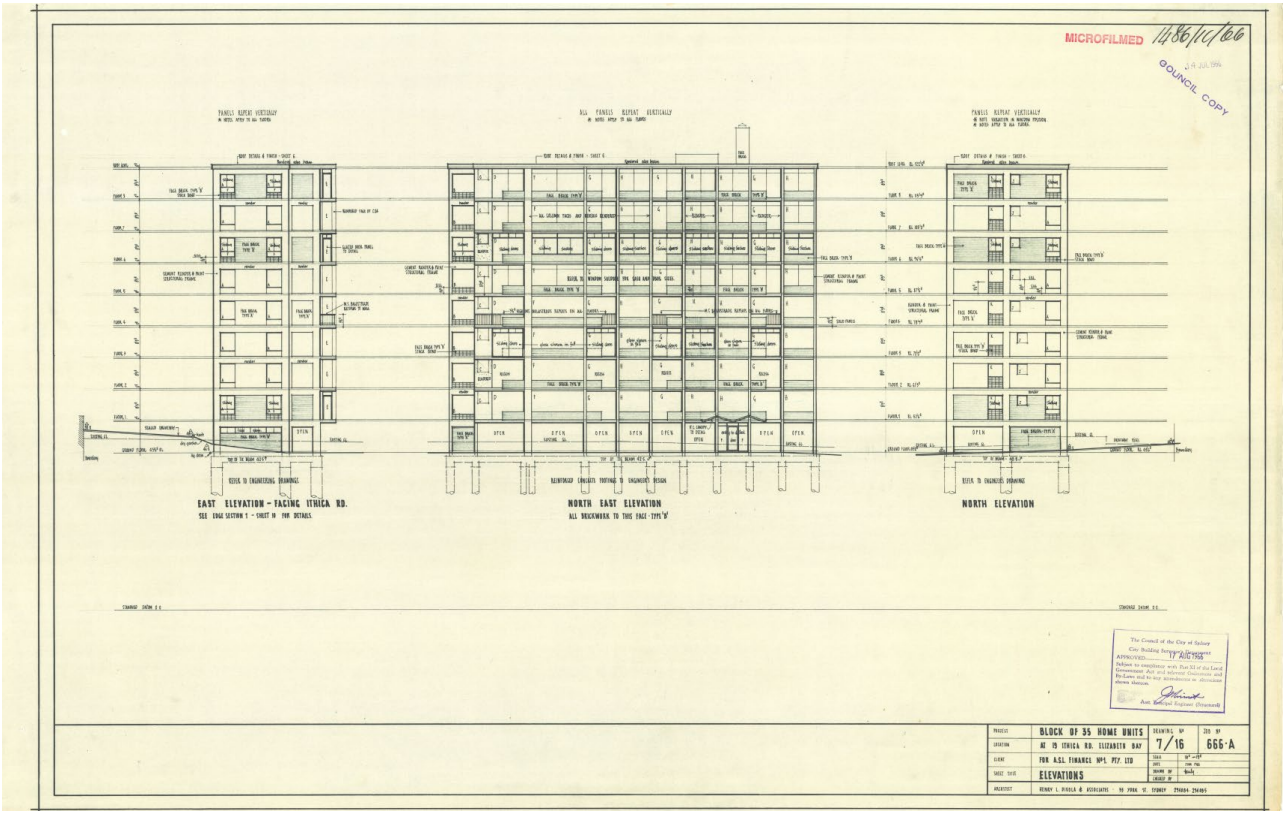

Image caption	Northwestern, southwestern and southeastern elevations for the service tower and block of 35 home units at 19 Ithaca Road, Elizabeth Bay, for ASL Finance No 1 Pty Ltd.				
Image year	1966	**Image by**	Henry L Divola & Associates	**Image copyright holder**	Henry L Divola & Associates

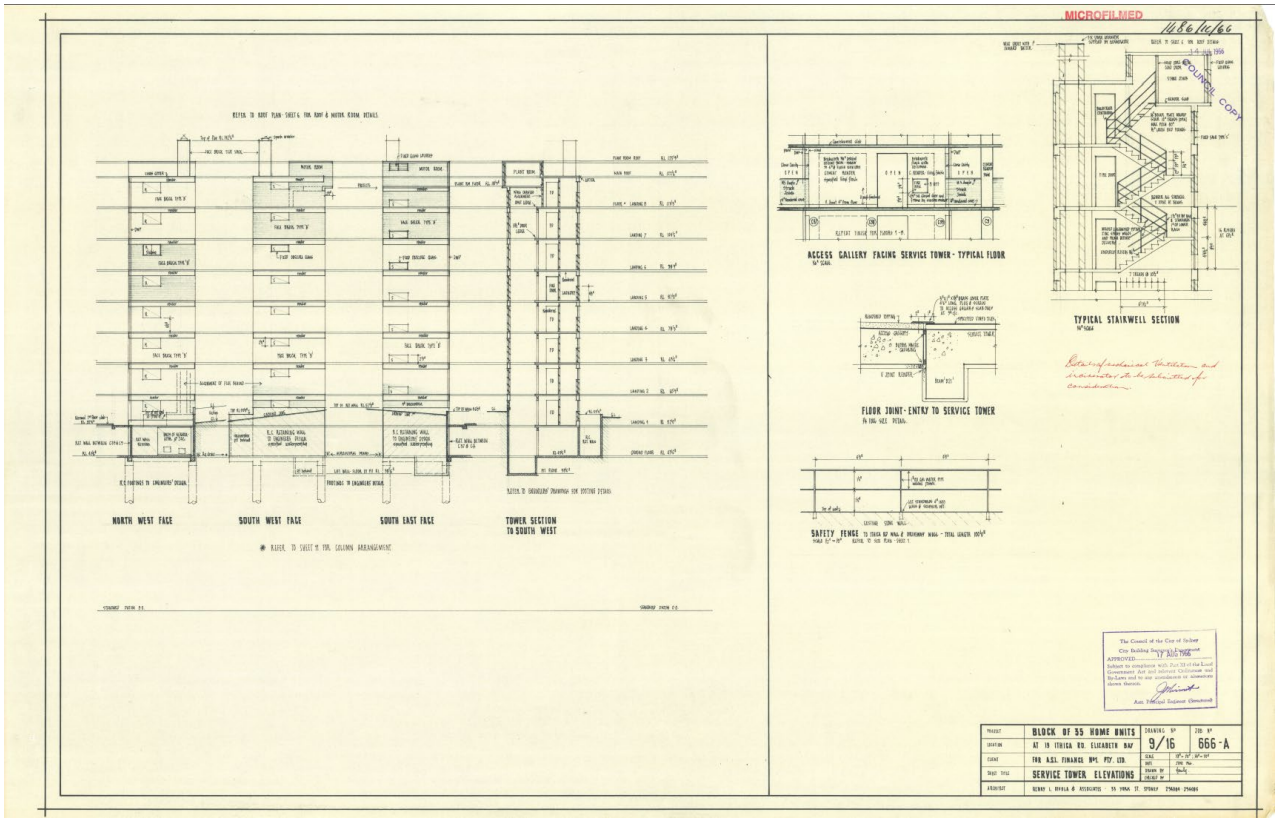

Image caption	Northern elevation of The Reef as viewed from Beare Park along Ithaca Road.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	The Reef as viewed from Ithaca Road.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	The rear of The Reef as viewed Ithaca Road.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Image caption	Main entry with cantilevered awning flanked by enclosed parking spaces.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Northern elevation of The Reef.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Southern elevation of The Reef showing the lift and stair core.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Gallery along the southern elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Typical entry to the easternmost apartments with what appears to be an original metal screen design.				
Image year	2024	**Image by**	GML	**Image copyright holder**	GML

Attachment A15

Heritage Assessment - 85-91 Elizabeth Bay Road, Elizabeth Bay - Ercildoune

Name	Ercildoune		
Address	85–91 Elizabeth Bay Road, Elizabeth Bay	Lot number	Part Lot 1 DP 83374, Lots 1–74 SP 12106
Architect	Harry Seidler & Associates	Construction date	1965
Builder	Horwitz Corporation (owner) Peter Cussel (builder)		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map. Australian Institute of Architects (NSW Chapter) Register of Significant Architecture.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree (City of Sydney 2013, 'Aboriginal People and Place').

The subject site formed part of the original 54-acre property granted to the Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden featuring interesting plants, specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

The subject site was formerly the site of the house Ercildoune that was built for John Gilchrist in the 1880s but was later converted to flats. The site was later subdivided.

In November 1956 Duncan & Hendel submitted a development application (DA) to the City of Sydney council for Ercildoune Gardens Pty Ltd to erect two new flat buildings, of four and six storeys respectively. This application was approved in October the same year. This approved development was amended to comprise a single building of six floors. However the owner was having difficulty obtaining the vacant premises for demolition purposes, so in the meantime the architect proposed to erect a seven-storey building of flats at the front of the site for which council approval was granted.

In 1958 the property was sold to Ercildoune Gardens Pty Limited though the proposed 10-storey apartment building did not progress at this time. The following year the site was sold to Chevron Sydney Ltd, then constructing the Chevron Hotel at Macleay Street. The director of the company indicated the house would likely be demolished and a building with more accommodation erected in its place, for which development approval existed.[1] An extension of time was granted in June 1959 but no work commenced and in 1960 the DA and building application lapsed.

1 *Sydney Morning Herald,* 23 December 1959, p 4.

Historical overview

In May 1963 Harry Seidler submitted a development application on behalf of Horwitz Corporation Pty Ltd for a building containing 77 bachelor and one-bedroom units in two blocks (five-storey and eight-storey respectively) estimated to cost £163,000. The DA was granted in May 1963. At this date Seidler requested Council put a hold on the DA pending an amended application. In June, in response to height restrictions and requirements for on-site carparking, Seidler submitted the amended DA reducing the number of flats from 77 to 74 and reducing the height of the lift tower. The application was approved.

Horwitz Corporation, a subsidiary of publishing house Horwitz Company, owned and developed several properties in the area. Harry Seidler designed its headquarters 'Horwitz House' in 1954 on Sussex Street. Horwitz Corporation was also responsible for developing Victoria Towers (later Gemini, 1961–1969), also designed by Seidler, in Potts Point. Horwitz was the publisher of *Houses, Interiors, Projects*, the first book about Harry Seidler's work, in 1954 as well as *Architecture for the new world; the work of Harry Seidler* in 1973. Seidler had designed the interiors and deck layout for the Horwitz family yacht.

In May 1964 Harry Seidler & Associates lodged a revised building application to erect two blocks of six and eight storeys respectively, with carparking, comprising six one-bedroom flats and 68 bedsitting room flats (studios) for the cost of £150,000.[2] The application was approved pending an appeal by the architects regarding ventilation in flats. Seidler was strongly advocating for permission to build bathrooms and kitchens that were mechanically ventilated, without external windows. During these court proceedings, work on the property commenced with site excavation and early construction works. City of Sydney Council approved amended plans of proposed mechanical ventilation systems to bathrooms in March 1965.

As completion approached in late 1965, Horwitz Corporation Pty Ltd advertised luxury apartments to rent for 12-month lease in the new Ercildoune building. The new building was described as having transport at the door and being within easy reach of the city proper, fully furnished and carpeted, with a bed sitting-room, separate kitchen, bathroom, automatic garbage disposal, press-button defrost refrigerator, elevator and swimming pool.[3]

In 1977 Ercildoune was strata titled and its apartments were offered for sale rather than rent.

Harry Seidler & Associates

Harry Seidler (1923–2006) was born in Vienna to Jewish parents. Following the Nazi occupation of Austria in 1938, Seidler relocated to England where he attended Cambridge Polytechnic, before being deported to Canada in 1940. He was awarded a Bachelor of Architecture in Canada in 1944. He won a scholarship to study at the Graduate School of Design, Harvard University, where Walter Gropius and Marcel Breuer were teachers. He then studied at Black Mountain College, under Josef Albers, before working with Breuer in New York City (1946–1948) and briefly with Oscar Niemeyer in Rio de Janeiro, on his way to Sydney in 1948.

Arriving in Sydney, his first commission was to design a house for his parents (Rose Seidler House, 1948–1950). Seidler gained Australian citizenship and in 1958 married Penelope Evatt, who was to be a significant partner in his career. By the 1960s Seidler's practice began to receive significant commissions including Blues Point Tower (completed 1962) and Australia Square (1960–1967). The latter, designed with engineer Pier Luigi Nervi, became a 'type-model' for Seidler's urban tower designs throughout his career. From the 1970s Harry Seidler and Associates was commissioned for significant large-scale commissions across Australia and overseas. These included the Australian Embassy, Paris (1973); MLC Building, Sydney (1978); Riverside Centre, Brisbane (1984); Shell Headquarters, Melbourne (1988); and QV1, Perth (1992).

Throughout his career, Seidler wrote about architecture and taught at various universities around the world, as well as advocating planning reform in Australia. He was awarded numerous honours throughout his career including being made an Honorary Fellow of both the American Institute of Architects and the Royal Institute of British Architects (RIBA awarded him the Royal Gold Medal in 1996); and a Life Fellow (1970) of the Royal Australian Institute of Architects (receiving 50 awards including five Sulman Medals, four Wilkinson Awards and the Gold Medal

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2 City Building Surveyor's Department, Building Application Files, 91 Elizabeth Bay Rd, Elizabeth Bay, Block of flats, No 832 Year 1964, City of Sydney Archives.

3 *Sydney Morning Herald*, 25 September 1965, p 63.

Historical overview

[1976]). He was also awarded an Order of the British Empire (1972). His impact and the work of his firm were a major cultural influence, applying uncompromising Bauhaus-inspired modernist architecture and principles in Australia.

Description

An external-only site visit from the public domain was undertaken by GML in September 2024 and a site visit of the interiors on 8 October 2024.

Setting and context

Ercildoune is located on the eastern side of Elizabeth Bay Road at the intersection with Elizabeth Bay Crescent, opposite Macleay Reserve. The land slopes downwards to the east along Elizabeth Bay Crescent.

The building lot is roughly square with a change in ground level on the site of almost 7 metres. Ercildoune is made up of two linear blocks perpendicular to each other linked by circulation bridges, with a stair, lift and incinerator chimney core where the two blocks join. Each block aligns to the higher and lower portions of Elizabeth Bay Crescent. An open area of carparking makes up the site's southern area adjacent to Elizabeth Bay Road.

The site is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area. The immediate vicinity is characterised by interwar flat buildings and multistorey postwar and contemporary apartments that are generally comparable in design and scale to Ercildoune. The carparking and entry from Elizabeth Bay Road detracts from the character of the area, but remnant sandstone walls and the planted setback to Elizabeth Bay Crescent to the north provide a green landscaped softening to the uncompromising form of Ercildoune.

Physical description

Ercildoune consists of two blocks—one six-storey (north) and one eight-storey (east)—containing 68 studios and six one-bedroom units. The building is constructed of a reinforced concrete frame with blonde face brick infill walls. The brickwork is cantilevered 20mm from the supporting slab edges, creating a band of shadow. Board-formed concrete slabs and beams are exposed externally. The building is repetitious in construction and rigorously economical in materials with concrete slabs being as thin as possible and single skin brickwork used in stairways.

Northern building

The northern building is a six-storey block, aligned north–south on the lot and containing five units per floor, including two one-bedroom split-level apartments per floor.

Apartments are served by an open access corridor every second floor. From the open gallery access corridor, a half-stair leads up or down to two apartments. Units with an additional bedroom have an internal stair leading to the projecting cuboidal bedrooms along the southern side. The access corridor level is halfway between floor level so that one southern kitchen window cannot be overlooked due to its height while the alternate one is located just above access corridor level. The lower kitchen windows are sliding in operation with translucent glass for privacy. Ground floor units have direct access to a private courtyard.

The design is based on Housing Type F1 developed by the Standardisation Department at Stroykom RSFR, an office for the development of standardised housing established in the USSR in 1928 and led by the architect Moisei Ginzburg and adopted by Bauhaus architects and others in the modern movement. Seidler developed this housing type further with the addition of the expressed bedroom volumes to the south.

The north-facing façade is relatively flush with a subtle rhythmic contrast between the full-height glass sliding doors to the balconies of one-bedroom apartments and the lower, flusher sliding windows and fixed glass of the studio apartments. Seidler had developed a window type for studio apartments: full-height glazing consisting of two large sliding panels to the top, a wide transom and fixed panels of Georgian wired glass below. Studio windows have blue coloured fabric roller blinds set within a recess behind the concrete downturned beam. Some balconies have retained their original pre-cast concrete handrail and woven wire mesh balustrades. Balconies are tiled and windows have tiled sills (which have been painted).

Description

The southern façade is highly modelled and highly ordered, a matrix of boxes cantilevering from the slab form, with horizontal concrete accessways threaded between making up the bedrooms of the one-bedroom apartments (two per floor).

The units are oriented so that the living areas face the light and views. Bathrooms are internal with a service core and the kitchens on the south have high narrow ribbon windows for ventilation.

Eastern building

The eastern building is eight storeys, with a simplified plan of stacked studios, six per floor, and an external circulation gallery on the western elevation every second level. A half-stair leads up or down to two apartments from the open gallery.

The eastern elevation is a uniform arrangement of the window type preferred by Seidler for studio apartments (as described above) together with the characteristic blue sun shades (of which only a few remain operable).

The block is raised on columns with the ground level open for carparking, accessed from Elizabeth Bay Crescent. A communal laundry is also located in this area. A low zigzag concrete retaining wall forms the eastern boundary.

Communal areas

The small foyer is located between the two blocks, above ground level, accessed by stairs. The lift surrounds are clad in vertical boarding painted black. The original door handles, PVC and steel handrails, and polished aggregate wall finish remain in the common stair.

Balustrades to the open access galleries are pre-cast concrete elements with a brown river stone as a washed aggregate top layer. The projecting bedrooms of the one-bedroom apartments have membrane roofs with a ballast of brown river stones. Corridors and communal areas retain their black rubber floor finish.

The rooftops of each block are linked by a bridge and are common outdoor spaces. The eastern building has a small, raised swimming pool accessed by stairs.

Landscaping

The landscaping of the site is limited. Some mature trees along Elizabeth Bay Cresent provide visual screening to the building.

Modifications/integrity

The original exposed board-formed concrete surfaces have been painted beige.

A Council record indicates that internal alterations to a unit, including removal of internal walls and installation of new bathroom and kitchen, were approved in 2010.

An incinerator flue was being removed at the time of inspection and balustrades were undergoing repair. DA no. P/2024/181 and D/2021/1116

Condition

A series of modifications have led to cracking of pre-cast concrete balustrades that requires stabilisation.

Areas of exposed and corroded reinforcement are visible.

Comparative analysis

Ercildoune is a good representative example of the 1960s works of Harry Seidler & Associates when the firm was prolific in the design and development of residential flat buildings. Comparable examples include Ithaca Gardens, Elizabeth Bay (1960); Diamond Bay, Dover Heights (1965); Aquarius, Rushcutters Bay (1965); and NSW Housing Commission Apartments, Rosebery (1964–1967). Each of these had linear planned apartments, some with the complex split-level planning found in Ercildoune.

Although each of these projects responded to its site and context, as a group they can be seen as evolving structural and planning prototypes. Seidler noted in relation to this group of

Comparative analysis

apartments 'the aim of their design is the development of prototypes incorporating a system, both of planning and construction'.[4]

Ercildoune, with compact studio and one-bedroom apartments, is a representative example of this group of projects completed in the 1960s, a time when economically planned flats on smaller sites were a particular focus. Ercildoune displays the same materials and expressed structure as these projects, as well as systematised construction methods, with repeated layouts and segregated vertical access cores.

Ercildoune has representative significance as an example of Seidler's 1960s apartment projects, which as a group have an exceptional level of significance for their ability to demonstrate the architect's evolving planning and construction protypes. Seidler's architecture of this period was extremely influential, widely published and highly awarded. It can be seen to have made a major contribution to the development of modern architecture in Australia and is highly regarded internationally.

Ercildoune has particular technical and creative significance as one of only three projects where Seidler explored split-level planning and as the only design where two blocks are placed perpendicularly, rather than parallel as in Village Towers (Arlington), Edgecliff (1965–1966); and NSW Housing Commission Apartments, Rosebery (1964–1967).

The site layout of Ercildoune is less effective than comparable examples. Although Ercildoune does not follow the street alignment and appears as a freestanding object in space, the building forms appear squat compared with the linear arrangement of Aquarius. They also lack the sculptural qualities, and contrast between site and built form, evident in Gemini, for example. When compared to other Seidler-designed apartments of this period Ercildoune is not considered to be as successful in scale, setting and realisation. The building's current condition issues contribute to this overall impression. Furthermore, the result of this site planning is that a number of apartments suffer from a lack of light or privacy to their rear elevations.

Ercildoune was not as widely published in the architectural media or in Seidler's own publications as other projects of this period.

Overall Ercildoune can be seen as a good representative example of Seidler's architecture in this period, which is well represented in the local area, but is not considered to be an exceptional example in its own right.

[4] Harry Seidler, architects' statement in Living and Partly Living: Housing in Australia, Ian McKay, 1971, p 186.

Comparative analysis

Figure 1 Aquarius (1965), Rushcutters Bay, was the first and most comprehensive project where Seidler explored split-level planning, as found in the northern building of Ercildoune. (Source: GML)

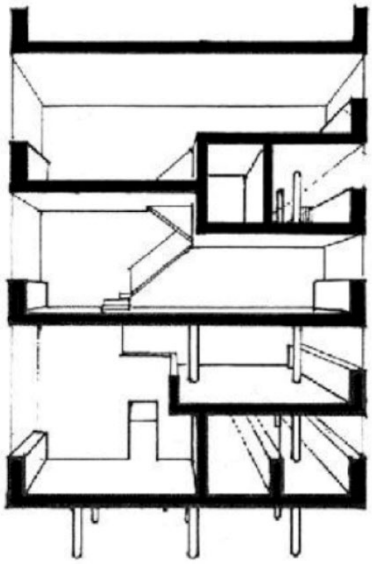


Figure 2 Housing Type F1 developed by the Standardisation Department at Stroykom RSFR, an office for the development of standardised housing established in the USSR in 1928 and led by Moisei Ginzburg. (Source: Wikimedia)

Assessment of significance

Criterion A (Historic significance)	Ercildoune is an example of a modern mid-rise residential flat building and reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. Ercildoune does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	Ercildoune is a good and representative example of the work of Harry Seidler, one of the most significant modernist architects in Australia, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the Elizabeth Bay and Potts Point area. However, Seidler was prolific in this period and Ercildoune is not considered to have strong, unusual or extraordinary associations with the architect for this reason. Ercildoune does not have cultural significance at a local or state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	Ercildoune shows innovations in planning and construction that make it a noteworthy example of a 1960s modernist apartment building.

Assessment of significance	
	Ercildoune displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic characteristics with some of Seidler's most notable projects including Ithaca Gardens (1960) and Aquarius (1965), which demonstrate distinctive attributes in form and composition. Ercildoune also has unique aspects in its design and construction that demonstrate Seidler's creative and technical innovation and achievement. In its construction, planning and detailing it demonstrates Seidler's application of design prototypes, applied across multiple projects. Its expression of structure, its regular façade arrangement, its use of raw materials and spare planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Ercildoune is a noteworthy example of the work of an important designer. Ercildoune **has** cultural significance at a local level under this criterion. Ercildoune does not have cultural significance at a state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	Ercildoune is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. Ercildoune **has** cultural significance at a local level under this criterion. Ercildoune does not have cultural significance at a state level under this criterion.
Criterion E (Research potential)	Ercildoune is not considered to have the potential to yield significant further or new information not available elsewhere. Ercildoune does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	Ercildoune is a good representative example of the work of Harry Seidler in this period, particularly in the context of the many projects completed in the Elizabeth Bay and Potts Point area during the 1960s. It is not considered a rare example of its type in the local area. Ercildoune does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	Ercildoune is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates in the local area and more widely, which are collectively highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Gemini and International Lodge. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. Ercildoune displays key characteristics of this significant group of apartment projects and is an important representative example of Harry Seidler's long-term innovation and engagement with construction innovation and planning efficiency. Ercildoune **has** cultural significance at a local level under this criterion.

Assessment of significance	
	Ercildoune does not have cultural significance at a state level under this criterion.

Statement of significance

Ercildoune is a good representative example of the 1960s work of Harry Seidler & Associates when the firm was prolific in the design and development of residential flat buildings. It shares aesthetic characteristics with some of Seidler's most notable projects including Ithaca Gardens (1960) and Aquarius (1965), which demonstrate distinctive aesthetic attributes in form and composition.

It has aesthetic significance for its technical and creative innovations in design and planning, particularly as one of only three projects where Seidler explored split-level planning and as the only design where two blocks are placed perpendicularly, rather than parallel as in Village Towers (Arlington), Edgecliff (1965–1966), and NSW Housing Commission Apartments, Rosebery (1964–1967). Ercildoune is therefore a noteworthy example of the work of an important designer.

Ercildoune has local heritage significance as an important representative example of Harry Seidler's long-term engagement with construction innovation and planning efficiency.

Recommendations

Ercildoune meets the threshold for local heritage significance under the aesthetic, social and representative criteria.

Due to the representative value of the place and its condition issues, it is recommended to be managed as a contributory item within the existing Heritage Conservation Area rather than through individual heritage listing on the Sydney Local Environmental Plan.

The building should be retained and conserved. A Heritage Impact Statement should outline any original features and their proposed management prior to any major works being undertaken.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Written	*Sydney Morning Herald*	'Elizabeth Bay property sold'	23 Dec 1959	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Written	City Building Surveyor's Department	Development Application Year 1956 No. 728	1956	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application Year 1963 No 313	1963	City of Sydney Archives
Written	City Building Surveyor's Department	Building Application No 832 Year 1964	1964	City of Sydney Archives

Information sources				
Written	*Sydney Morning Herald*	'Elizabeth Bay luxury apartments for rent Ercildoune'	1 Dec 1965	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Publication	Peter Blake	*Architecture for the new world: The work of Harry Seidler*, pp 204–205	1973	

Image caption	Site plan submitted to Council in DA 313/63.				
Image year	1963	Image by	Unknown	Image copyright holder	Unknown

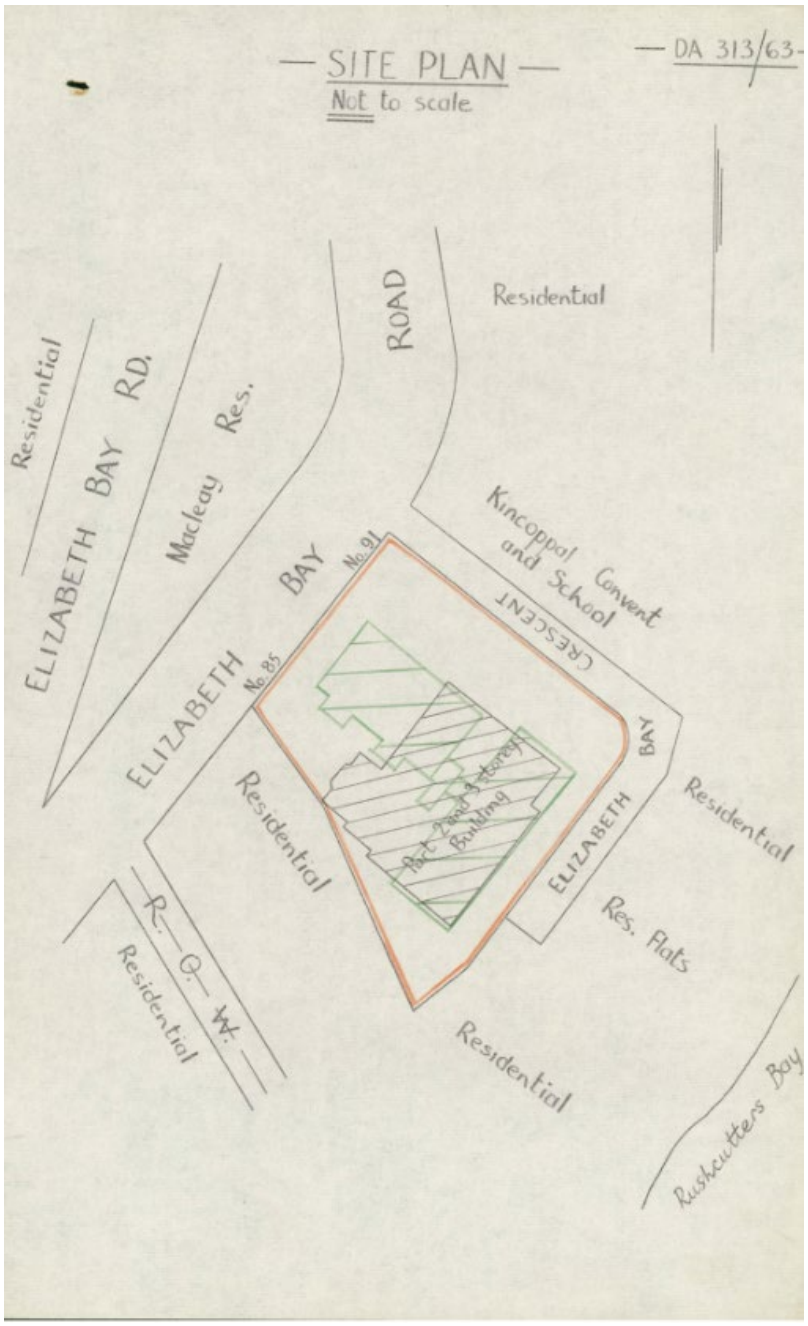


Image caption	Site and typical floor plan for Ercildoune, 1963.				
Image year	1963	Image by	Harry Seidler Architect	Image copyright holder	Harry Seidler & Associates Architects

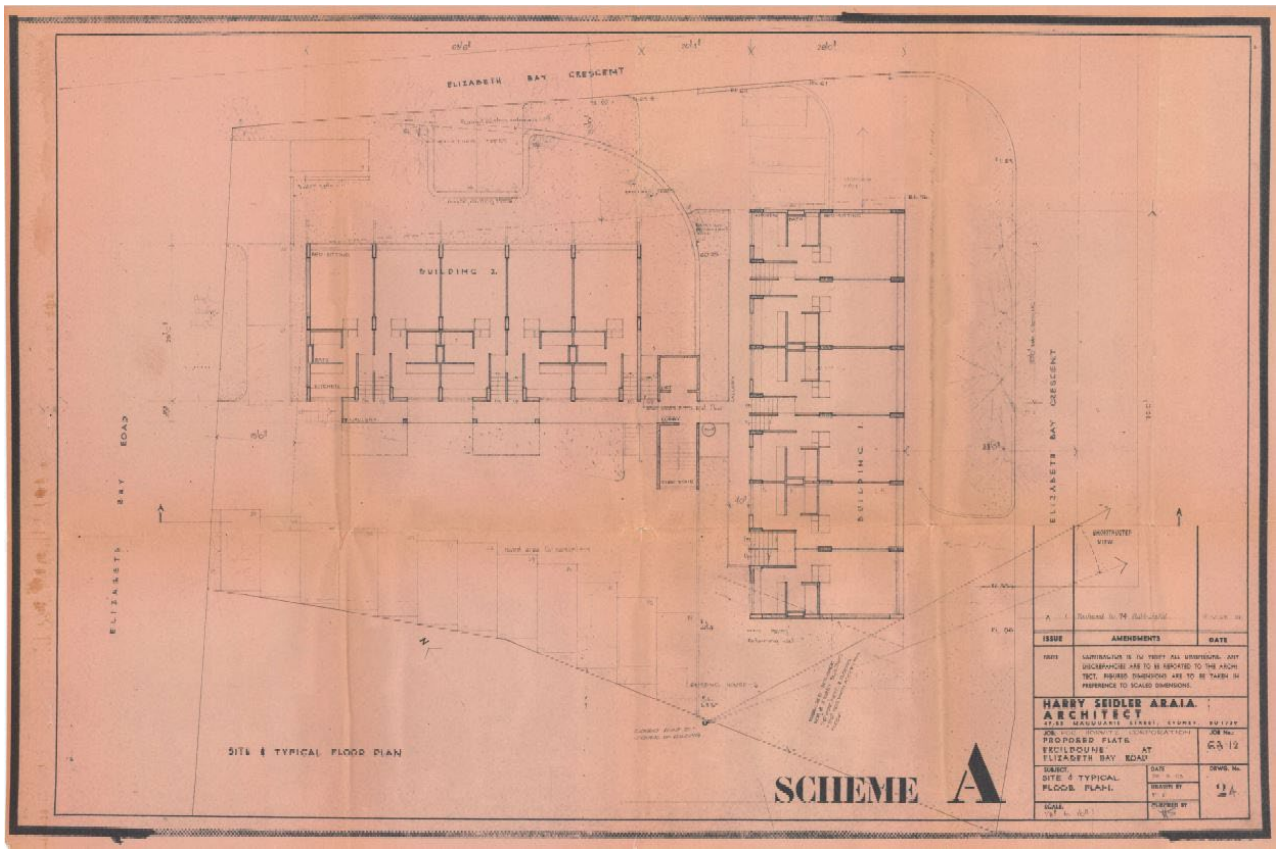


Image caption	Northeastern elevation, showing arrangement of balconies for one-bedroom units and full-height glazing for studios. Also shown is the separate linking circulation structure.				
Image year	1963	**Image by**	Harry Seidler Architect	**Image copyright holder**	Harry Seidler & Associates Architects

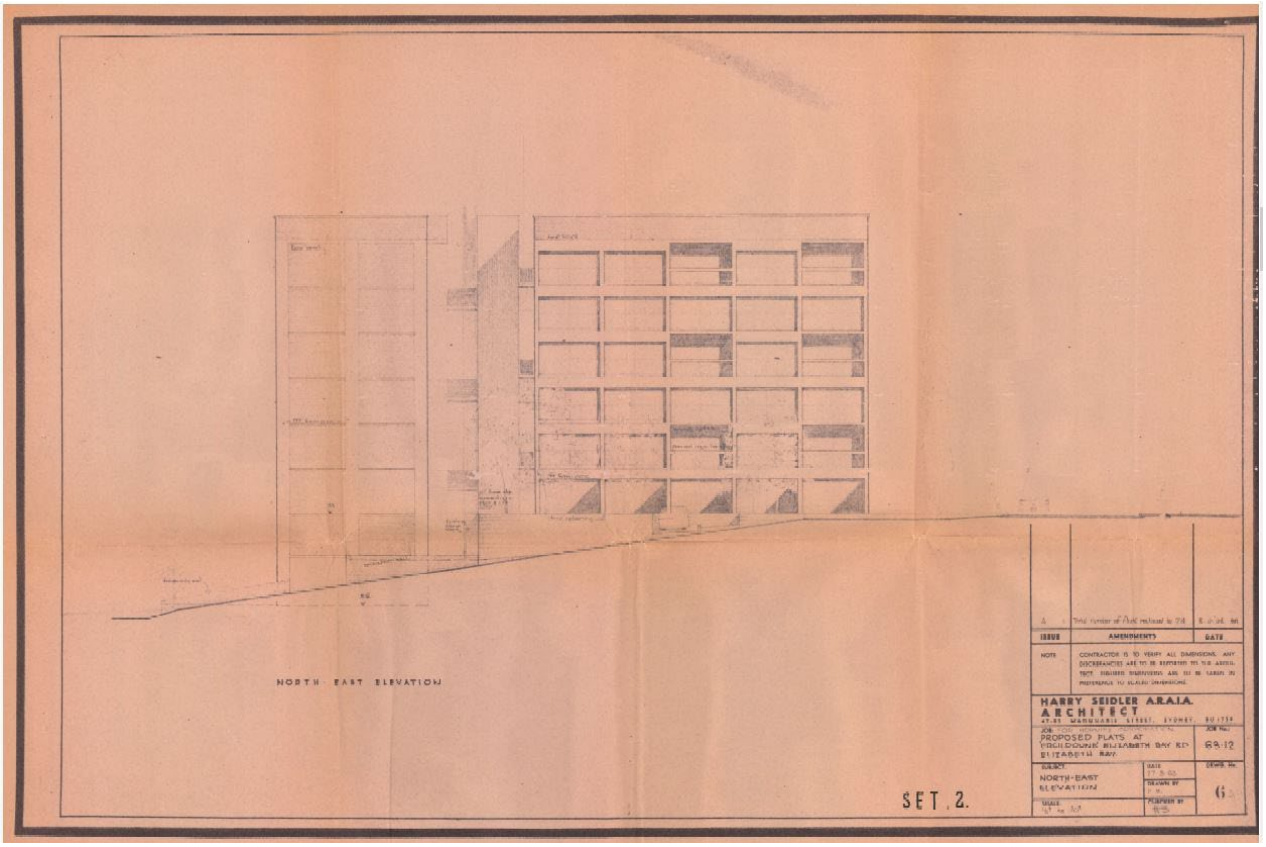


Image caption	Southeastern elevation showing full-height glazing for studios.				
Image year	1963	**Image by**	Harry Seidler Architect	**Image copyright holder**	Harry Seidler & Associates Architects

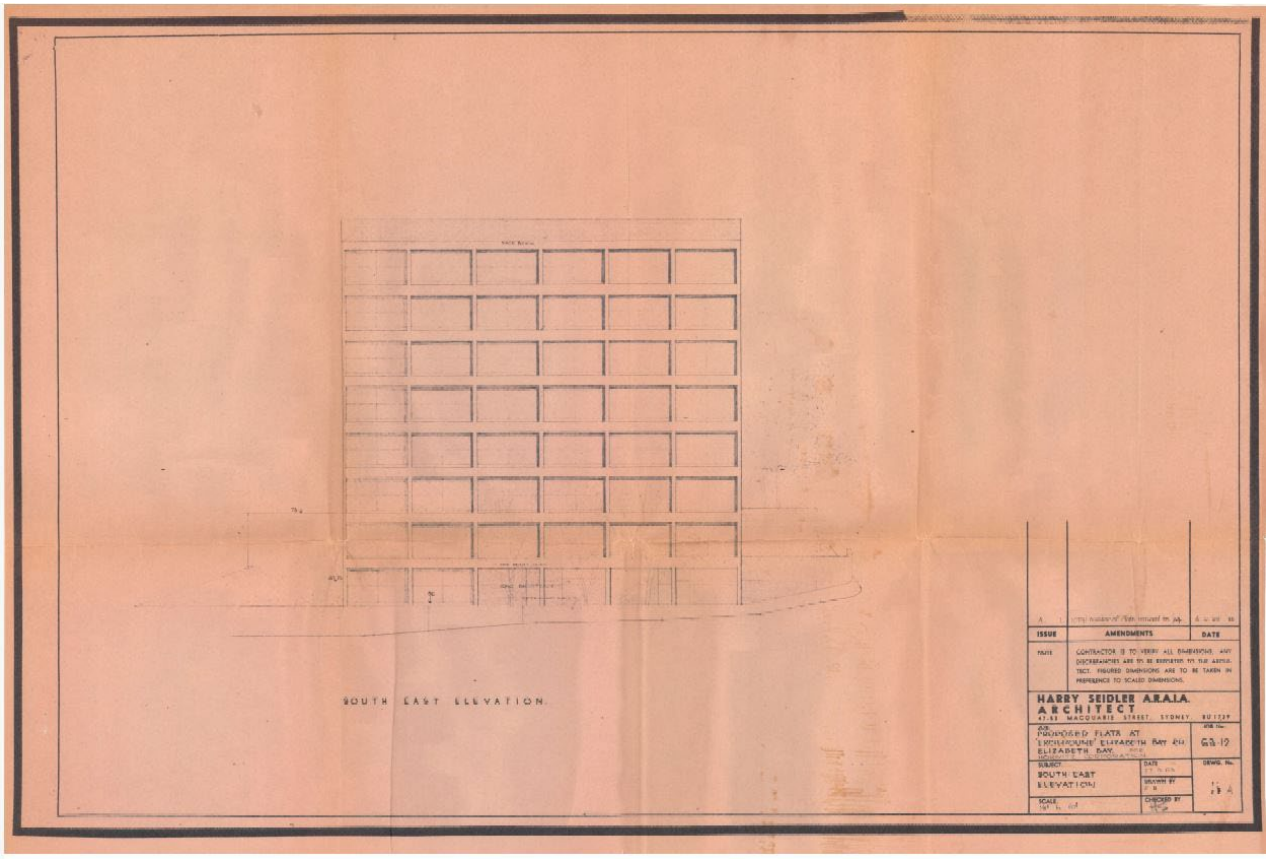


Image caption	Section and elevation showing cantilevered rooms.				
Image year	1963	**Image by**	Harry Seidler Architect	**Image copyright holder**	Harry Seidler & Associates Architects

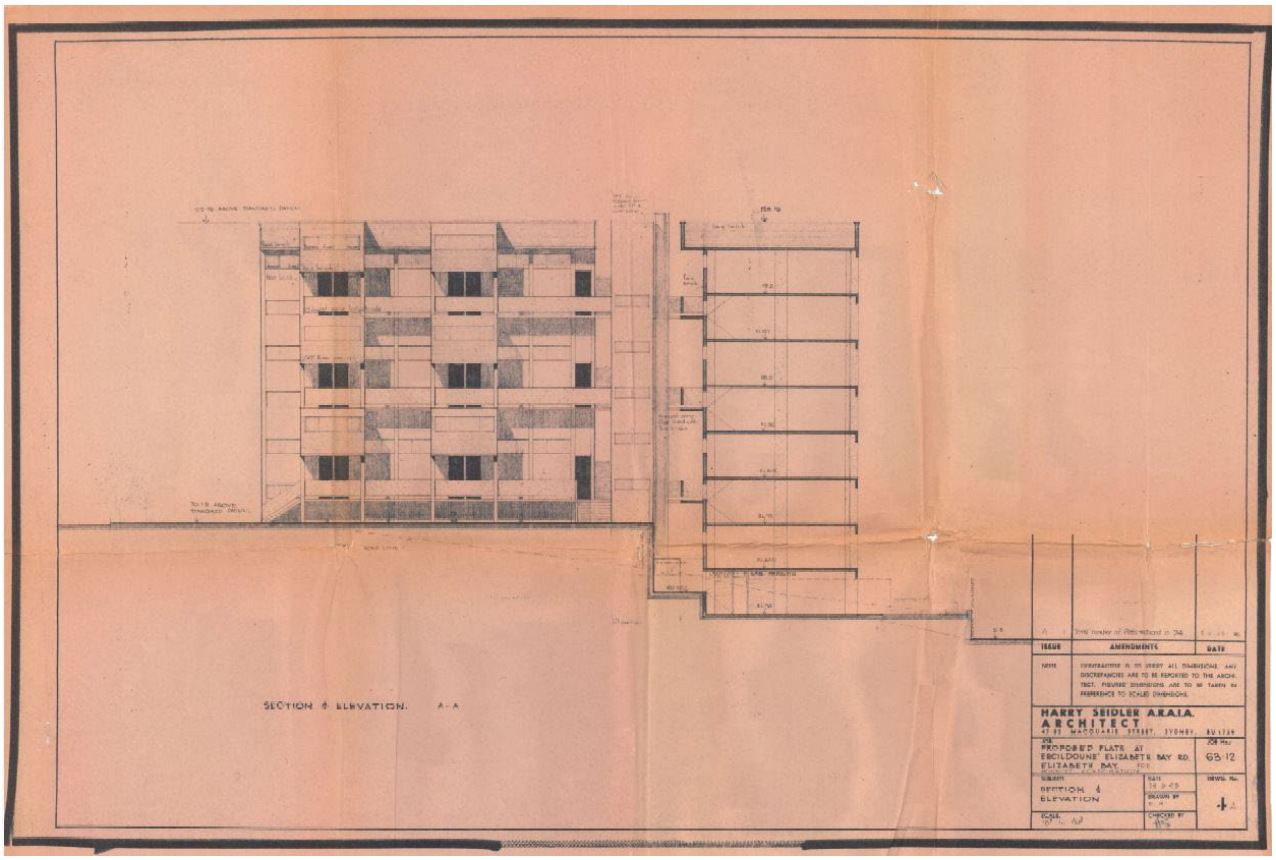


Image caption	Detailed floor plan of Building 2.				
Image year	1963	Image by	Harry Seidler Architect	Image copyright holder	Harry Seidler & Associates Architects

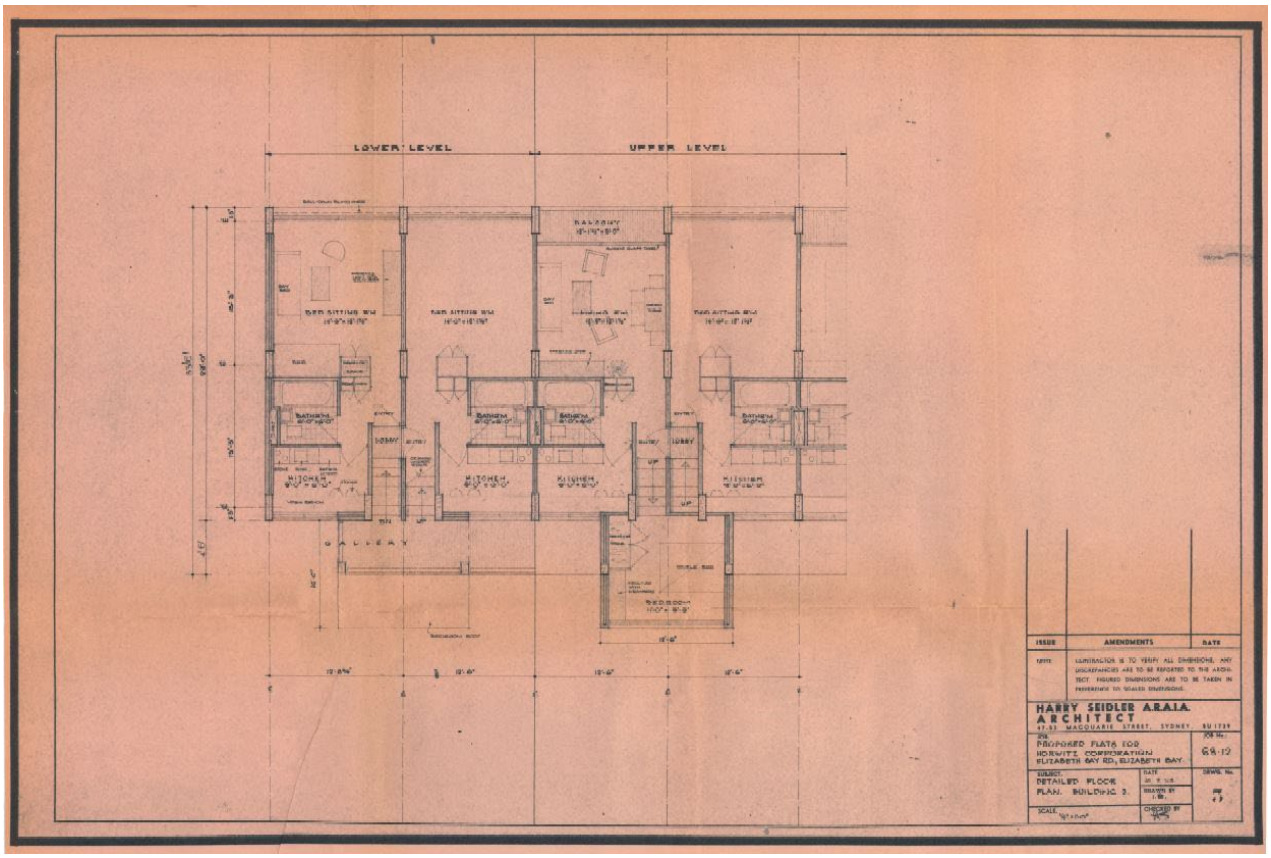


Image caption	View of Ercildoune from Elizabeth Bay Road showing the main entrance to the buildings.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	Oblique view of northern elevation from Elizabeth Bay Road.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of Ercildoune from Elizabeth Bay Crescent (north) showing concrete frame and cream brick infill walls.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of Ercildoune from Elizabeth Bay Crescent (east).				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of the entrance lift lobby.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of Ercildoune from the southern access corridor with rubber floor finish and cast concrete balustrades.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of split-level access to apartments off the circulation gallery.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of the stairwell and lobby entrance located in the circulation core between the two apartment blocks.				
Image year	2024	Image by	GML	Image copyright holder	GML

Image caption	View of area between the circulation core and the eastern apartment block, showing the shared corridor and cast concrete balustrades with exposed aggregate.				
Image year	2024	Image by	GML	Image copyright holder	GML

Attachment A16

Heritage Assessment - 51-59 Roslyn Gardens, Rushcutters Bay - The Tor

Name	The Tor		
Address	51–59 Roslyn Gardens, Elizabeth Bay	Lot number	Lot 2 DP 224773, Lots 1–120 SP 2130
Architect	Hugo Stossel & Associates	Construction date	1966
Builder	Parkes Developments		
Listings	Sydney Local Environmental Plan 2012: located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA) (C20). Noted as 'detracting' within the Sydney Development Control Plan 2012 building contribution map.		

Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people, and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree.[1]

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

51–59 Roslyn Gardens was formerly the site of three of a set of nine 2-storey terrace houses erected in the Federation era.

In November 1964 architects Hugo Stossel & Associates, on behalf of Parkes Developments Pty Ltd, lodged a successful building application to the City of Sydney to erect an 11-storey building comprising 70 flats with ground floor parking, with an estimated cost of £160,000. The Council approved the plans in February the following year.

In August 1965, Parkes Developments Pty Ltd advertised the sale at pre-development prices of strata title home units in 'The Tor', an 'imposing 10-storey building now under construction' comprising one bedroom and bachelor flats.[2] The Tor was completed by February 1966.

Hugo Stossel & Associates

Hugo Stossel (1905–2002) was born in Hungary, moving when young with his family to the Hungarian capital, Budapest. From 1928 to 1932 he studied architecture at the Technische Hochschule in Vienna, graduating with a diploma of Engineering in Architecture. From 1933 to 1938 Stossel worked as an architect in Bucharest, designing theatre interiors, apartment blocks and commercial buildings. Stossel left Europe on the eve of World War II, arriving in Sydney in 1939.

During the war Stossel continued to design, completing a number of buildings in Sydney in the 1940s. Once he was naturalised as an Australian citizen in 1948, he registered as an architect, aged 43.

1 City of Sydney 2013, 'Aboriginal People and Place'.
2 *Sydney Morning Herald*, 16 December 1965, p 12.

Historical overview

His early projects included a house in Warrawee for Polish steel manufacturer and developer Moses Eisner (1947) and a house for renowned Viennese furniture-maker Paul Kafka in Lindfield (1948), both of which were published in *Australian House and Garden*. Stossel's focus later moved to apartment design, beginning with the innovative, steel-framed St Ursula building in Elizabeth Bay, an 'ultra-modern' home-unit block with a curved wall of floor to ceiling steel-framed windows.

He later undertook significant commissions for the new development company Civil & Civic (later Lendlease), including Broadwaters (1958) in Darling Point. These were followed by numerous other apartment and commercial developments completed over the next decade, with seven in the Elizabeth Bay area alone. The 20-storey Eastbourne Tower (1968), Darling Point, cemented the position of Hugo Stossel & Associates as one of the major contributors to Sydney's burgeoning apartment scene.

In 1953 Eugene Goossens, conductor of the Sydney Symphony Orchestra, commissioned Stossel to design a speculative opera house on a site at Wynyard. The design was published on the front page of *The Sydney Morning Herald* on 31 March 1954. When the NSW Government endorsed a future opera house and designated Bennelong Point as its location, Stossel was one of many local and international architects to make a submission to the 1957 architectural competition.

Stossel formed Hugo Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high-rise buildings in the inner city of Sydney including the 22-storey Wynyard Travelodge (1969) and the Sydney Police Headquarters in College Street and the BMA Tower in Chatswood (1970–1972), which featured an external lift shaft. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda's and the other partner's leadership. In his later years Stossel lived in Vienna, as well as Italy and England. He died at Cheltenham, Gloucestershire, in February 2002, aged 96.

Parkes Developments Pty Ltd

Parkes Developments was established by Paul Strasser in the late 1950s. Strasser was born in Budapest, Hungary, where he studied law and practised as a commercial lawyer. Hungary allied with Germany during World War II and was invaded by the Soviet Union in 1943; Strasser was deported as a forced labourer by the Soviets.

After the war, Strasser attempted to resume his legal career in Budapest but migrated to Australia in 1948 with his wife and son. In Sydney Strasser abandoned the law, starting various businesses including, notably, Parkes Developments Pty Ltd. Parkes built many apartments, aimed at different levels of the market. At the lower end was the suburb of Eastlakes, where new streets of low-rise walk-ups were built from 1961 onwards on a disused racecourse site.

However, Parkes also left a legacy of quality apartments, a significant number designed by Hugo Stossel.

By 1970 Parkes was one of Australia's largest private companies, with the largest Sydney land holdings. Strasser's 1973 knighthood provoked controversy regarding his association with the NSW government of Robert Askin; Strasser was described as one of the 'Askin knights' or the 'Hungarian mafia'. Parkes Developments collapsed into liquidation in 1977, the largest corporate victim of the 1970s property crash.

Description

GML undertook a site inspection of The Tor in September 2024 that was limited to common areas internally and externally. No individual apartments were inspected. The physical assessment is based on that and other publicly available documentation of the site.

Setting and context

The Tor is located on the western side of Roslyn Gardens. The land slopes upwards gently to the north along Roslyn Gardens and downwards to Rushcutters Bay Park at the northeast.

The western side of the site backs into a vertical sandstone cliff face with mature fig trees along the rock face.

Description

The building is located within the Elizabeth and Rushcutters Bays HCA. The HCA within the immediate vicinity of the site is characterised by Victorian terraces of a small scale, interwar flat buildings and multistorey postwar and contemporary apartments that are comparable in design and scale to The Tor. The Tor is set back from the street and fronted by garages with a prominent streetscape presence within the HCA due to its scale.

Physical description

The Tor is an 11-storey flat building with garages at the ground floor and studio or one-bedroom flats to the upper 10 storeys, originally comprising a total of 70 units. The building form is largely rectangular with small projecting window bays to the side elevations. It is constructed of a reinforced concrete frame and slab, and blond face brickwork external walls and spandrels. The concrete frame to the corners and the floor slab is exposed. The bay window units run vertically up the side elevations and consist of aluminium-framed windows with a solid spandrel panel below. The ground level is lined with lock-up garages with steel roller or tilt up doors.

The eastern (front), northern and southern elevations are largely consistent in their presentation. The external façades comprise a consistent fenestration pattern.

The main window units are floor-to-ceiling in height with sliding windows to the top and fixed windows to the bottom. These were originally timber framed, and the original configurations remain on the western elevation to the stair well. In all other locations the main window units have been replaced by aluminium frames. Each has been fitted with an external narrow glass balustrade to comply with current standards. The smaller windows, typically to kitchen areas, remain timber and have fixed windows to the top and awning windows below, with blond face brickwork spandrels and brickwork sills.

The western elevation features an external open reinforced concrete stairwell with a simple metal balustrade. The stair connects to a concrete bridge linking to Amos Lane to the west at the seventh floor of the apartment building.

The roof is sealed with bituminous membrane and houses a lift room and incinerator flue of blond face brickwork with aluminium louvred windows.

The entrance lobby is located at the mid-point of the northern elevation and is marked by a cantilevered reinforced concrete hood. The lobby is finished in polished terrazzo with recessed mirror and bronze lighting features that appear original. An internal stair is located adjacent, on the western side of the building.

The building is planned with seven units (five studios and two single-bedroom units) distributed among each of the 10 residential floors. It is unknown whether any of the units have been combined internally. The corridors are double sided with the studios distributed to the north and south and the single-bedroom units at the eastern end, with filtered views to Rushcutters Bay and Sydney Harbour beyond.

Although the interiors of the units were not inspected, original plans show that the living rooms extend from the corridor to the perimeter of the floor plate and have floor-to-ceiling windows to maximise views, lighting and ventilation. The bathroom and kitchens are located along the external elevations.

Landscaping

There is minimal landscaping on the site. The open space around the building consists of hard paved areas used for carparking. The sandstone cliff face at the western boundary has a fig tree growing on it and is surrounded by low-lying plantings.

Modifications/integrity

Council records from 2004 do not indicate any major works or development applications apart from minor additions in 2008 for new boom gates to the carpark.

Bay windows and large window elements have been replaced with new aluminium-framed units.

Condition

The building appears to be in reasonable condition.

Comparative analysis

This section compares the subject building with other works designed by Hugo Stossel, and apartment buildings in the Elizabeth Bay area of the same period, in order to determine whether the subject site has rarity and/or representative value.

The Tor features design elements including reinforced concrete frame and slab construction, face brickwork, and consistent presentation of the façades and fenestration pattern that can be seen as typical of apartment buildings of its period. The planning has been designed to provide compact, functional apartments with light and ventilation, but does not demonstrate any particular innovation.

Dating from 1966, The Tor came late in Hugo Stossel's career and at a time when the firm Hugo Stossel & Associates was designing multiple apartment buildings in the Elizabeth Bay and Potts Point area. In its rectangular tower form The Tor is comparable with the firm's other similar designs from this period including The Chimes, Potts Point (1963), and Denison, Potts Point (1965).

Other designs of this period, such as Macleay Gardens in Potts Point (1966), Bayview in Elizabeth Bay (1966), and Eastbourne Tower in Darling Point (1968–1970), have T-shape or Y-shape plans and more modulated façades with projecting slabs providing shade to large window openings.

The Tor demonstrates very little façade modulation or sun shading and hence provides less amenity to its units. Denison is also similarly unmodulated, but in a smaller built form, while The Chimes utilises projecting downturn slabs and vertical fins to provide a highly modulated façade treatment. Although The Tor utilises bay window elements not seen in other Hugo Stossel & Associates projects, it can be seen as an unexceptional example of the firm's work in this period.

The Tor is not well integrated with its site. The requirement for provision of carparking has meant all landscaping is given over to parking. This detracts from its context. In comparison, the recessed entrance areas of Macleay Gardens and Bayview create a more dramatic streetscape presence than seen at The Tor. While many of the comparable buildings of this period are also set above a podium of carparking (for example, Eastbourne Tower) the entry sequence of The Tor is less resolved. The external stair on the rear elevation is a sculptural element that makes a dramatic statement but is not seen as exceptional.

The Tor can be seen as a representative example of the work of Hugo Stossel & Associates in this period but is not considered to be of high aesthetic, creative or technical achievement in its own right.

Comparative analysis

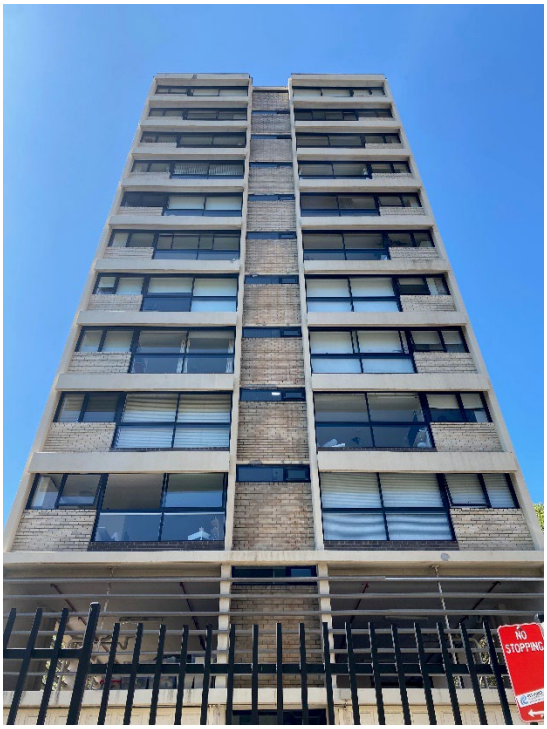


Figure 1 The Chimes on Macleay Street, Potts Point (1963), by Hugo Stossel & Associates, with its expressed structure and sun shading, is a more refined design than The Tor. (Source: GML)

Figure 2 Denison on Wylde Street, Potts Point (1965), by Hugo Stossel & Associates, is a similar rectangular tower-form building with studio apartments off a central corridor. (Source: GML)

Assessment of significance

Criterion A (Historic significance)	The Tor is an example of a modern mid-rise residential flat building that reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes. The Tor does not have cultural significance at a local or state level under this criterion.
Criterion B (Historical association)	The Tor is a representative example of the work of architect Hugo Stossel, whose firm Hugo Stossel & Associates designed many residential apartment buildings in the Elizabeth Bay and Potts Point area. Hugo Stossel can be seen to have made a notable contribution to the development of Sydney's built environment. However, Stossel was prolific in this period and The Tor is not considered to have strong, unusual or extraordinary associations with the architect for this reason. The Tor does not have cultural significance at a local or state level under this criterion.
Criterion C (Aesthetic/creative/technical achievement)	The Tor features common design elements including reinforced concrete frame and slab construction, face brickwork, and consistent presentation of the façades and fenestration pattern. The planning has been designed to provide compact, functional

Assessment of significance	
	apartments with light and ventilation. These are typical characteristics of modern residential flat buildings of this period, and The Tor does not display innovation or creative/technical achievement. The Tor has does not have cultural significance at a local or state level under this criterion.
Criterion D (Social, cultural and spiritual significance)	The Tor is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity. The Tor does not have cultural significance at a local or state level under this criterion.
Criterion E (Research potential)	The Tor is not considered to have the potential to yield significant further or new information related to the work of Hugo Stossel & Associates not available elsewhere. The Tor does not have cultural significance at a local or state level under this criterion.
Criterion F (Rare)	The Tor is not considered a rare example of its type in Sydney or a rare example of the work of Hugo Stossel & Associates, who were prolific in this period. The Tor does not have cultural significance at a local or state level under this criterion.
Criterion G (Representative)	The Tor is not considered to have representative significance as an example of the work of architectural firm Hugo Stossel & Associates. Other buildings within the local area are considered better able to demonstrate the key characteristics of the firm's work. The Tor displays typical elements of residential flat buildings and is not considered to be important in demonstrating this building type in this period. The Tor does not have cultural significance at a local or state level under this criterion.

Statement of significance

The Tor is not considered to have heritage significance. It is seen as a representative example of the work of Hugo Stossel & Associates in this period, of which a number of other examples exist in the local area. The Tor is not considered to demonstrate aesthetic significance through technical or creative achievement.

Recommendations

The Tor **does not meet** the threshold for local heritage significance and is **not recommended** for heritage listing on the Sydney Local Environmental Plan.

Information sources

Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML

Information sources				
Written	City Building Surveyor's Department	Building Application File Year 1964 No. 2859 51/59 Roslyn Garden, Elizabeth Bay	1964	City of Sydney Archives
Written	*Sydney Morning Herald*	Home Units Elizabeth Bay	21 Aug 1965	Sydney Morning Herald Archives 1955–1995
Archive	Hugo Stossel archive	https://mhnsw.au/whats-on/exhibitions/hugo-stossel-emigre-architect/		MHNSW

Image caption	Sale advertisement for The Tor.				
Image year	1965	Image by	*Sydney Morning Herald*	Image copyright holder	Fairfax Corporation (*Sydney Morning Herald*)

12 The S.M.H. Women's Sect., Thursday, Dec. 16, 1965

THE

TOR

- 70 smart units at Elizabeth Bay.
- Your own seventh floor bridge leads direct to Macleay St.
- From £4200.

This up-to-the-minute 10-storey block is right on the doorstep of Australia's most cosmopolitan area. An automatic lift speeds you to the seventh floor bridge leading to Macleay Street. Excellent *panoramic views . . . a few units* with harbour views still available. Each unit self-contained, with lounge-bedroom, or separate bedroom and lounge, big kitchen and polished wood servery. Luxury bathroom with full-size bath. Own lock-up garage.

STRATA TITLE

Meet Representative at 51 Roslyn Gardens, Elizabeth Bay.

OPEN FOR INSPECTION 7 DAYS A WEEK.

"THE TOR" SALES OFFICE. PHONE 35-4858 or 28-0931

AFTER HOURS, 92-5514, 35-1035

PARKES DEVELOPMENTS PTY. LTD. 147a KING ST., SYDNEY

Image caption	Ground floor and first floor plan.				
Image year	1964	Image by	Hugh Stossel	Image copyright holder	In copyright

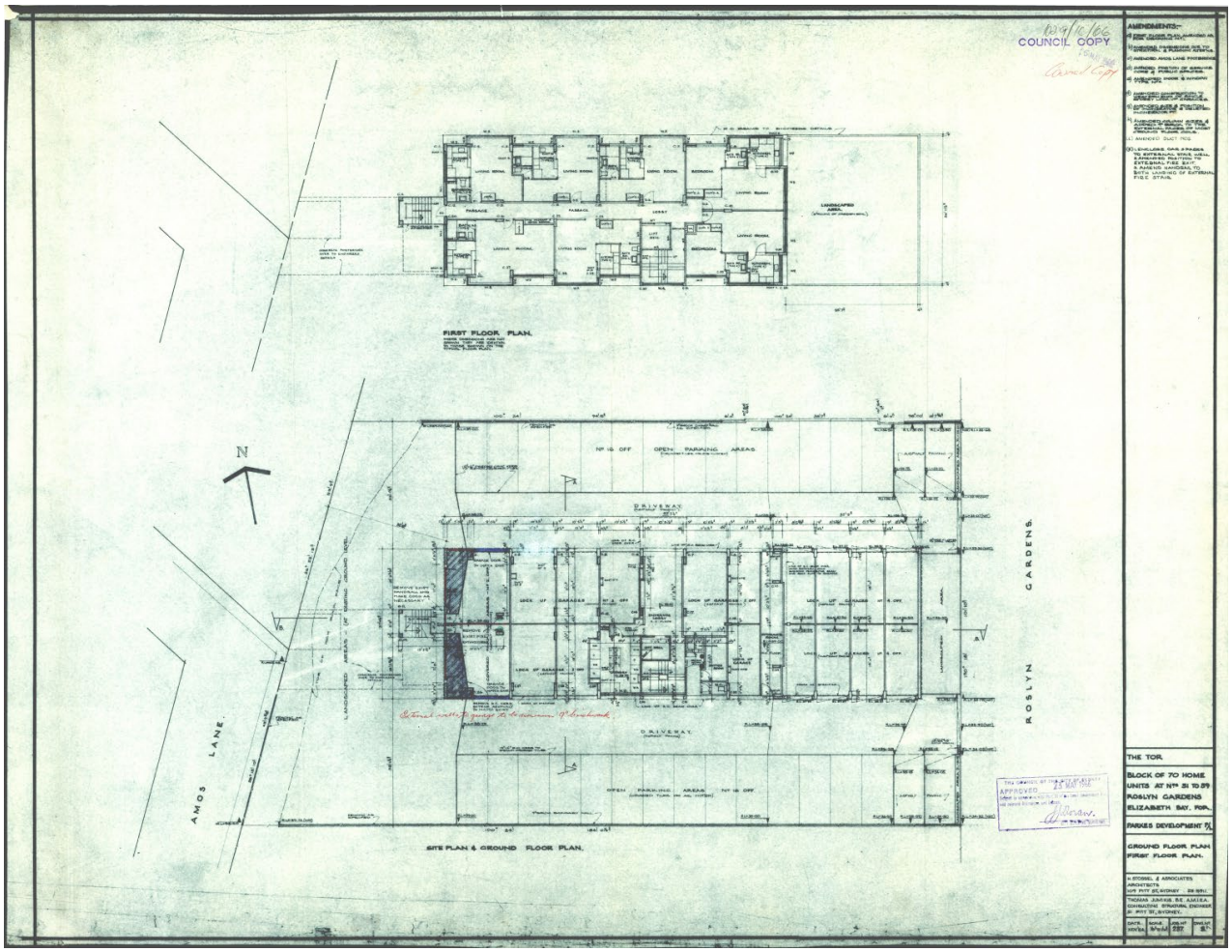


Image caption	Detail of typical floor plan.				
Image year	1964	Image by	Hugh Stossel	Image copyright holder	In copyright

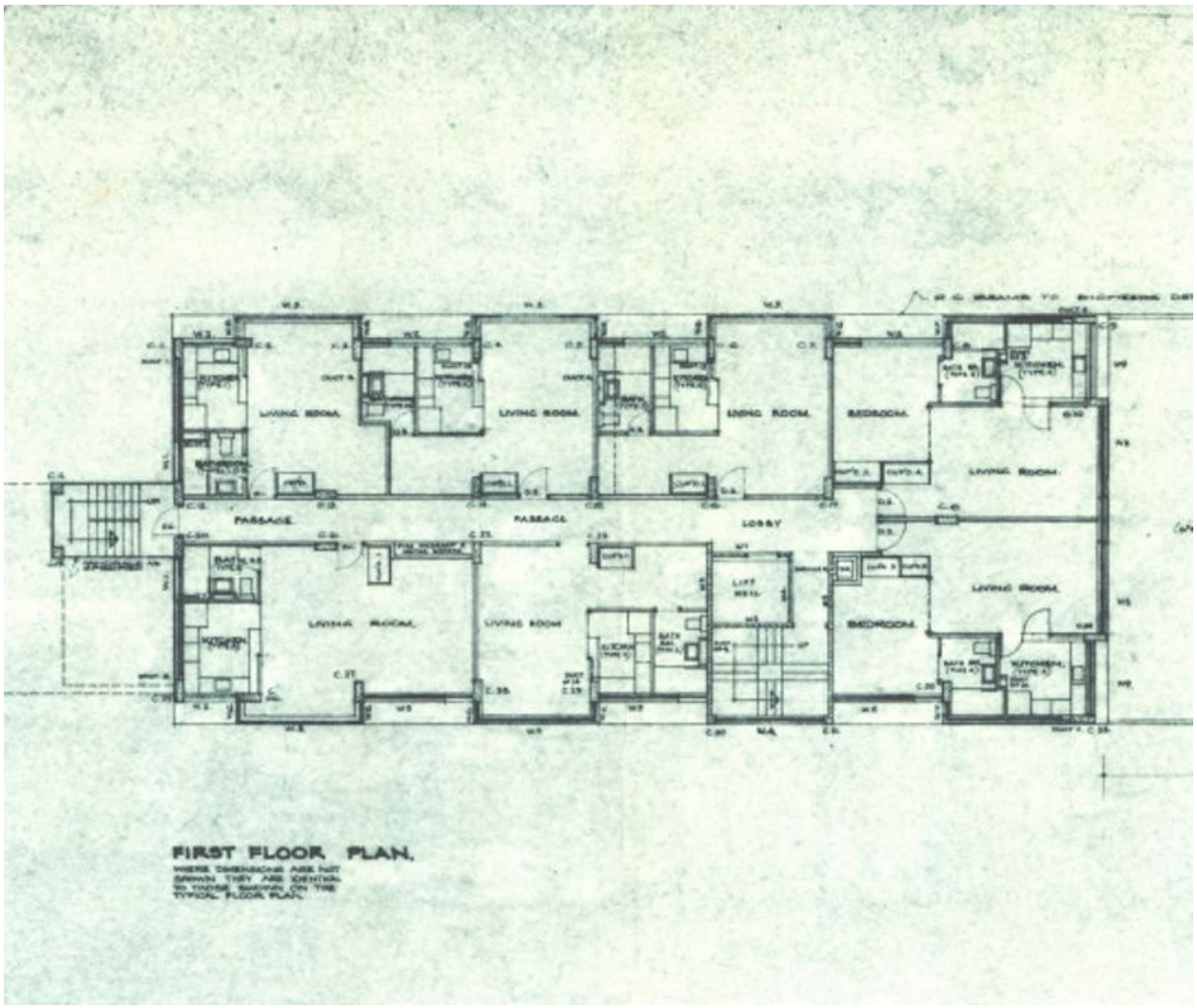


Image caption	Elevations.				
Image year	1964	Image by	Hugh Stossel	Image copyright holder	In copyright

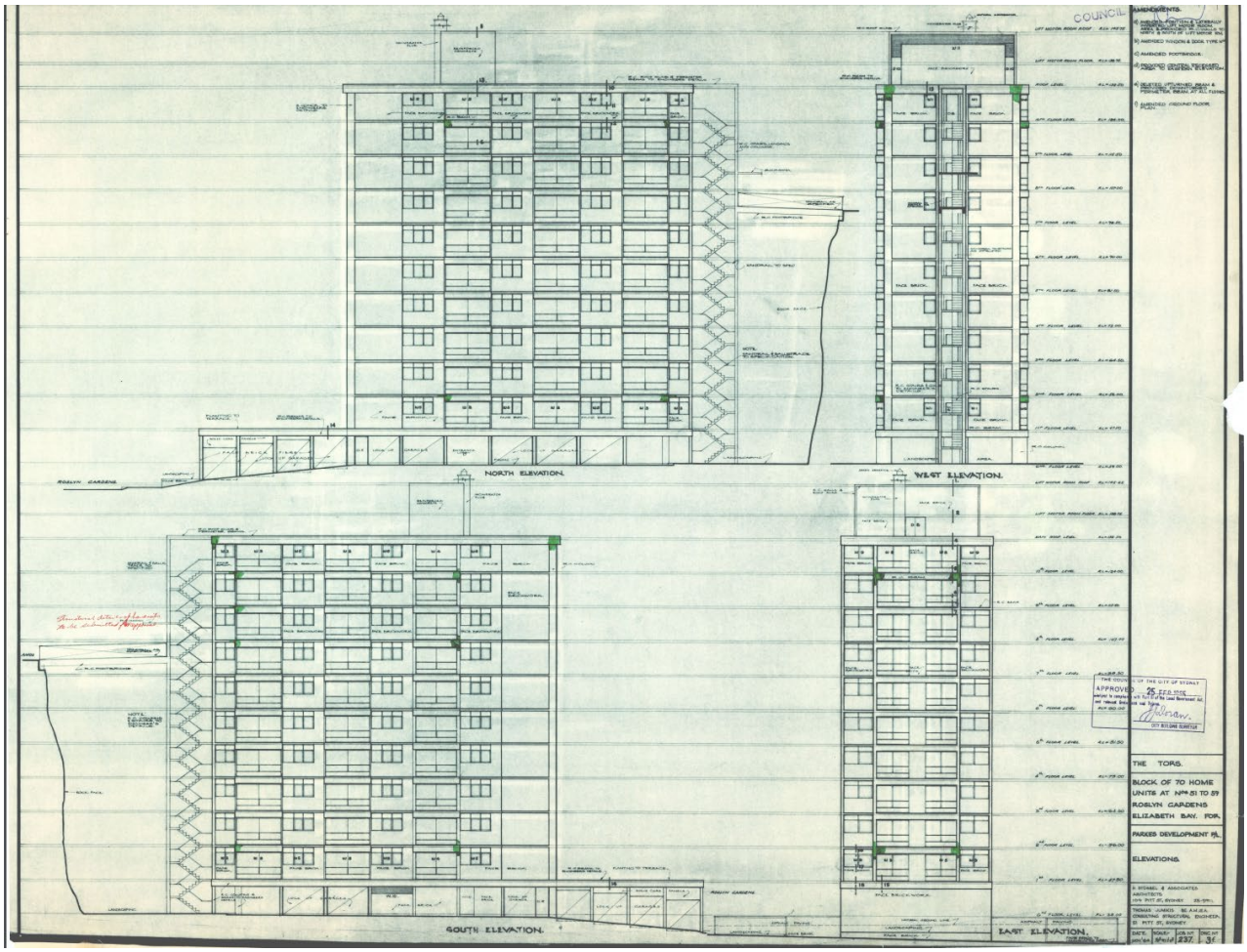


Image caption	The Tor shortly after completion, viewed from Roslyn Gardens.				
Image year	c1965	Image by	Max Dupain and Associates	Image copyright holder	Stossel estate

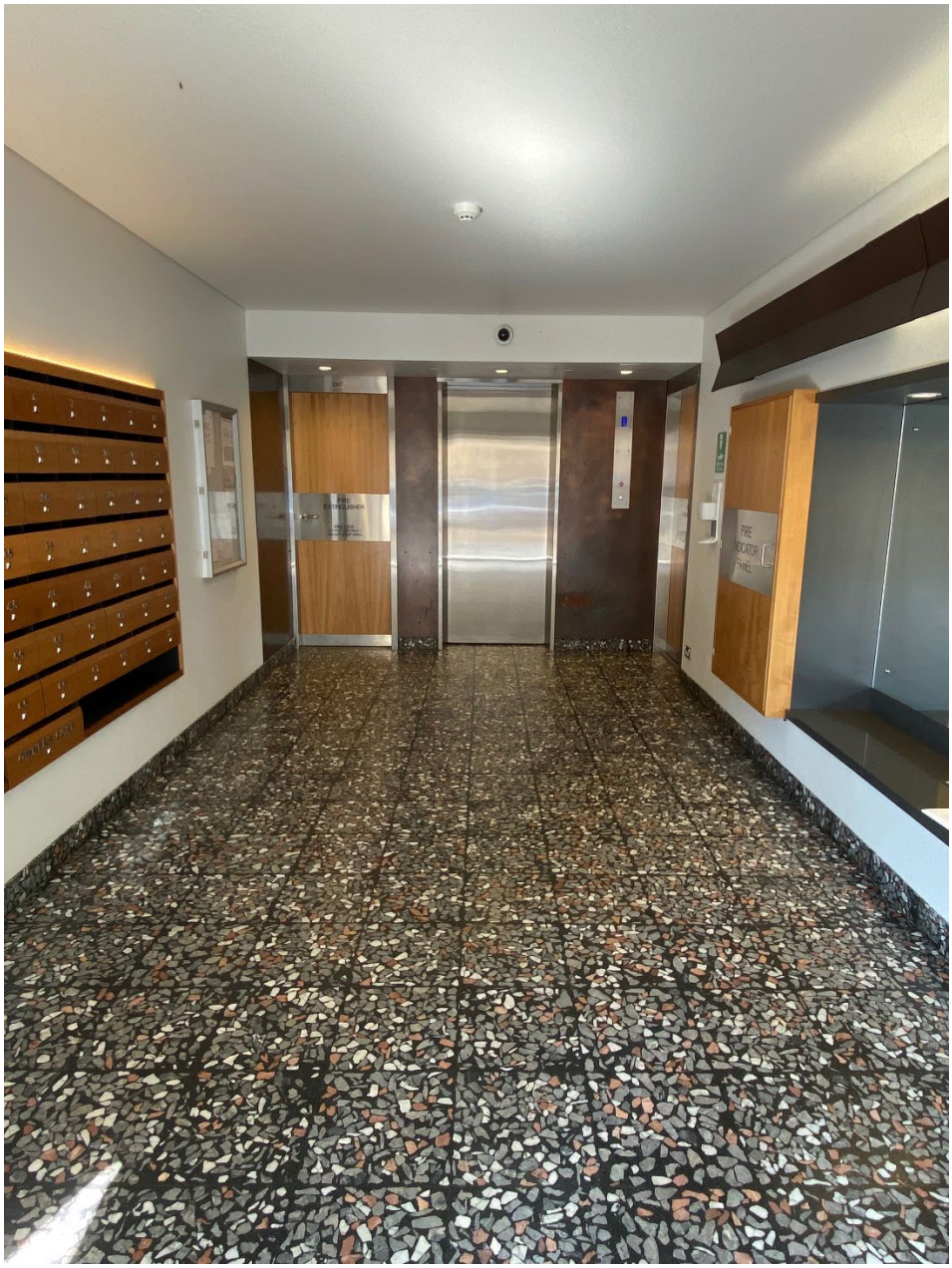
Image caption	The Tor shortly after completion, viewed from the side elevation.				
Image year	c1965	Image by	Max Dupain and Associates	Image copyright holder	Stossel estate

Image caption	Main (eastern) and northern elevation.				
Image year	2024	Image by	GML Heritage	Image copyright holder	GML Heritage

Image caption	Southern and western elevation.				
Image year	2024	Image by	GML Heritage	Image copyright holder	GML Heritage

Image caption	View of the footbridge along the western elevation.				
Image year	2024	Image by	GML Heritage	Image copyright holder	GML Heritage

Image caption	View of the lobby.				
Image year	2024	Image by	GML Heritage	Image copyright holder	GML Heritage



Attachment B

Planning Proposal – Oxford Street LGBTIQA+ Heritage Items

CITY OF SYDNEY

Planning Proposal – Oxford Street LGBTIQA+ Heritage Items

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1. Background

1.1. History

The Sydney Local Environmental Plan 2012 (SLEP 2012) came into effect on 14 December 2012, consolidating the Sydney, Leichhardt and South Sydney plans into one comprehensive plan in the new NSW Government's Standard Instrument format.

Continuous review is necessary to ensure the SLEP 2012 continues to deliver positive outcomes for the local economy, residents and visitors and remains consistent with the vision set out in the *City of Sydney's City Plan Local Strategic Planning Statement and Sustainable Sydney 2030-2050 Continuing the Vision.*

Since the SLEP 2012 has been in force, the City of Sydney has made heritage-related amendments and additions to improve its operation, accuracy and ensure its diverse history is adequately acknowledged.

In 2022, a review of the planning controls applying to Oxford Street was implemented to facilitate the growth of the cultural and creative sectors, protect heritage and character and support the day and night-time economies for the local community and visitors.

Community consultation indicated that people value the strong connection between Oxford Street and LGBTIQA+ communities and wanted to see its social and cultural heritage recognised and maintained. This led to the development of the Oxford Street LGBTIQA+ Social and Cultural Place Strategy with five priority areas. The first priority (Priority 1) focused on recognising historic LGBTIQA+ places and spaces.

In response, the City of Sydney engaged TKD Architects in 2022 to complete a heritage study investigating sites within the Oxford Street precinct. Their study focussed on places with historic and contemporary connections to the LGBTIQA+ community.

Recommendations made by TKD Architects included the revision of heritage inventory sheets for 14 existing heritage items and the Oxford Street Heritage Conservation Area to include relevant information about this community; this has been completed.

The study also recommended the inclusion of five additional sites within Schedule 5, Part 1 of the SLEP 2012. Two of these items were outside the study area. However, the remaining three, which constitute the subject of this planning proposal, are being recommended for listing.

The additions in this Planning Proposal will ensure the City's planning control framework is up to date and reflects current planning strategies.

1.2. Introduction

This Planning Proposal – Sydney Local Environment Plan – Oxford Street LGBTIQA+ Heritage Items (planning proposal) explains the intent of, and justification for, proposed amendments to the SLEP 2012. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and relevant Department of Planning guidelines.

The planning proposal identifies the following three buildings for inclusion as individual heritage items under Schedule 5 (Environmental heritage), Part 1 (Heritage items), of the LEP:

- 134 Oxford Street, Darlinghurst – Oxford Hotel
- 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst – Palms
- 85-91 Oxford Street, Darlinghurst - Universal

1.3. Background

Site identification

This planning proposal relates to the following land and structures:

- 134 Oxford Street, Darlinghurst, Lot 1 DP 107573
- 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst, Lot 1 DP 900900
- 85-91 Oxford Street, Darlinghurst, Lot 1 DP 816233

The relevant structures, Lot and DP boundaries subject to this planning proposal are outlined in red in Figure 1.

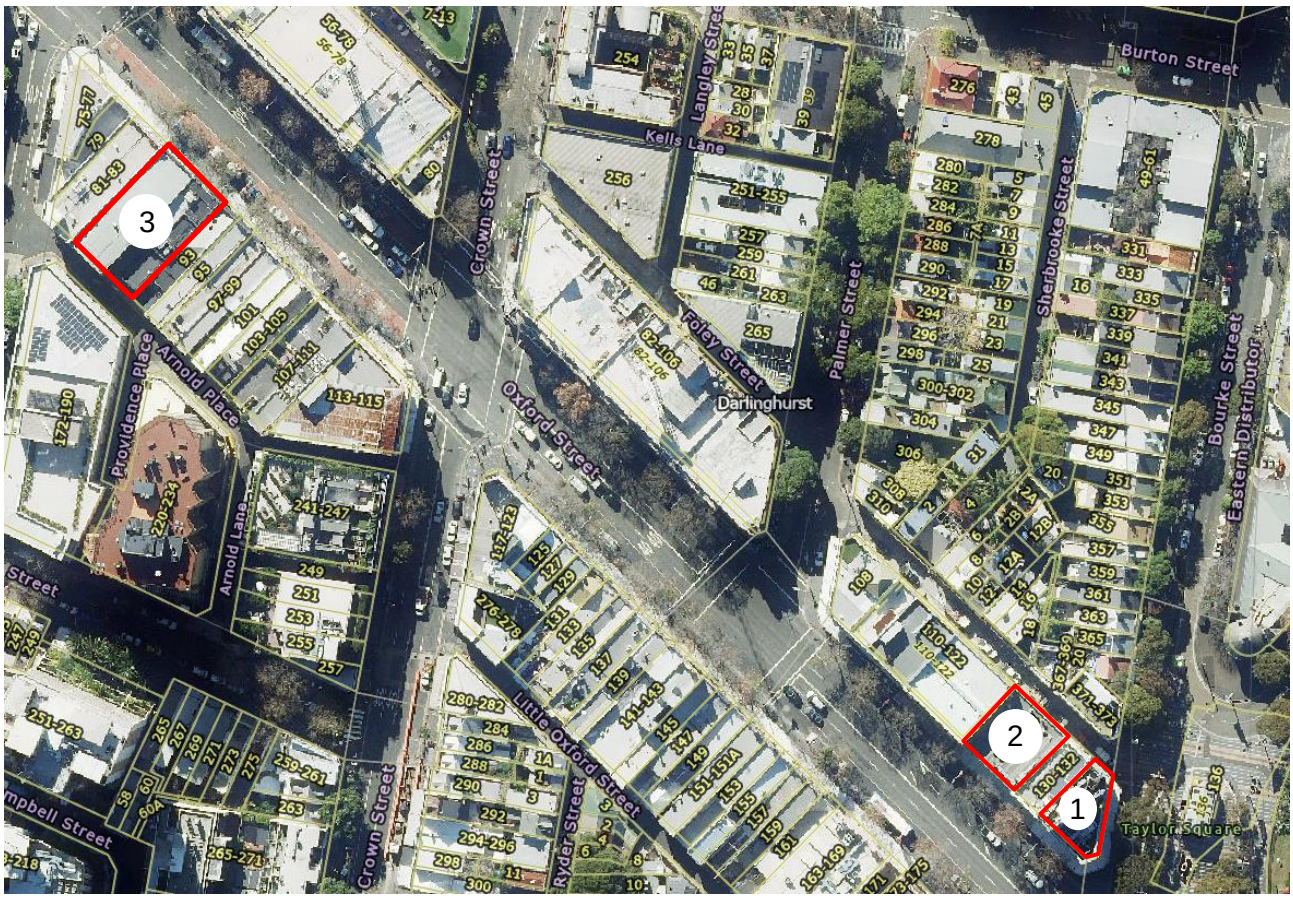

Figure 1. Structures relevant to this planning proposal: (1) 134 Oxford Street, Darlinghurst, (2) 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst and (3) 85-91 Oxford Street, Darlinghurst.

134 Oxford Street, Darlinghurst – Oxford Hotel

The building at 134 Oxford Street, Darlinghurst is a substantial three storey building with a basement level occupying a prominent corner site. Its exterior demonstrates the influence of the Federation Free Style with Classical details. Its site and the sites in its immediate vicinity have been continually licensed for hotel purposes since the late 1850s. It is amongst the earliest sites on Oxford Street to have a continuous association with the liquor trade. The Oxford Hotel has some historic associations with the development of Sydney's rock music scene during the second half of the 1970s and historic associations with Sydney's gay community, having traded to the gay male community continuously since 1982. It is amongst Sydney's longest operating LGBTIQA+ venues.

Figure 2. Oxford Hotel at 134 Oxford Street, Darlinghurst

124 Oxford Street, Darlinghurst – Palms

The building at 124 (part of 124-128 Oxford Street) Oxford Street is a simply detailed, flat-roofed brick commercial building, originally built in 1913 but substantially modified in 1975. It is comprised of two storeys with basement level. The face brickwork on the front façade is now painted in a rainbow colour scheme (and has been since around 2013), with brickwork unpainted to the rear. The building has historic significance as a component of the streetscape shaped by the Municipal Council of Sydney's resumption and widening of Oxford Street in the early twentieth century. The basement of the building became a gay nightclub in the late 1970s, which it remains to the present day. The significance of the place lies chiefly in its consistent usage as a commercial building, and as an important social and entertainment space for the LGBTIQA+ community.

Figure 3. Palms at 124 Oxford Street, Darlinghurst.

85-91 Oxford Street, Darlinghurst – Universal

The building at 85-87 Oxford Street is a two-storey commercial building that has been extensively modified internally and externally. It was designed in the Inter War Free Classical style, which was prevalent during the 1920s. The building at 89-91 Oxford Street was designed as a building containing two shops with flats above and was designed in the Federation Free Style. For both buildings, the first-floor sections its Oxford Street façades are substantially intact.

The buildings at 85-91 Oxford Street provide evidence for Oxford Street's consolidation and development in the years before and after World War I, marking the shift to a more commercial and business-orientation. The buildings are also evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s onwards.

Universal (85-91 Oxford Street) is a rare example of a LGBT nightclub that has operated almost continuously since 1978.

Figure 4. Universal at 85-91 Oxford Street, Darlinghurst.

1.4. Planning context

Land Zoning

The three proposed heritage items occupy land zoned E1, Local Centre.

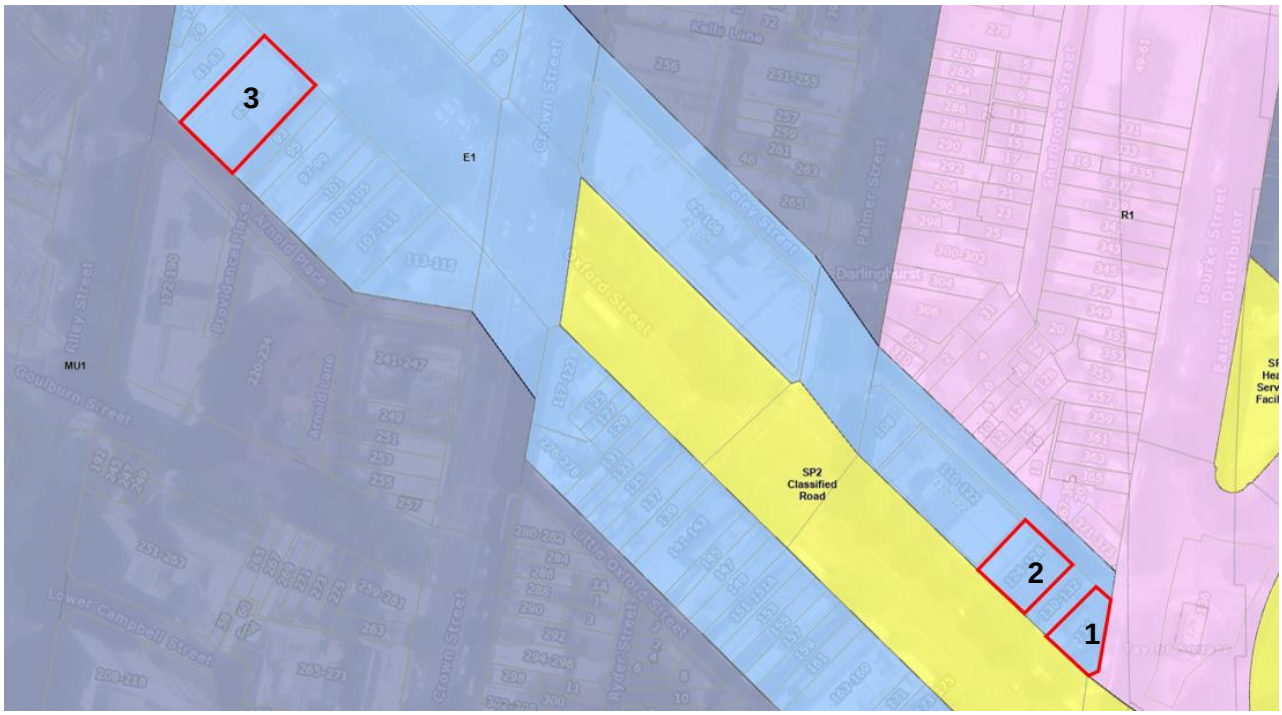

Figure 5. Extract from Zoning map in the SLEP 2012 showing zoning controls: (1) 134 Oxford Street, Darlinghurst, (2) 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst and (3) 85-91 Oxford Street, Darlinghurst.

Heritage context

The three proposed heritage items are located in the Ryder Street Heritage Conservation Area. They are also in the vicinity of several individually items listed on the SLEP 2012:

134 Oxford Street, Darlinghurst – Oxford Hotel

The site is in close proximity to the following heritage items:

- *Former Electrical substation (No.6) including interior* on Oxford Street (I400)
- *Underground lavatory including interior* on Oxford Street (I401)
- *Court House Hotel including interior* on Oxford Street (I415)
- *Commercial building including interior* on Oxford Street (I414)

124 Oxford Steet, Darlinghurst – Palms

The site is adjacent to the *Commercial building group (112-122 Oxford Street) including interior* on Oxford Street (I397). It is also in close proximity to the following heritage items:

- *Commercial building (110 Oxford Street) including interior* on Oxford Street (I396)
- *Former CBC Bank including interior* on Oxford Street (I413)
- *Commercial building "Fraser & Hughes" including interior* on Oxford Street (I412)
- *Commercial building including interior* on Oxford Street (I411)
- *Commercial building facade including interior* on Oxford Street (I410)

85-91 Oxford Street, Darlinghurst – Universal

The site is in close proximity to the following heritage items:

- *Brighton Hotel including interior* on Oxford Street (I390)
- *Commercial building "Oxford House" including interior* on Oxford Street (I393)
- *Commercial building (58–60 Oxford Street) including interior* on Oxford Street (I385)
- *Commercial building (62–66 Oxford Street) including interior* on Oxford Street (I386)
- *Commercial building "Daniel's" (68–70 Oxford Street) including interior* on Oxford Street (I387)

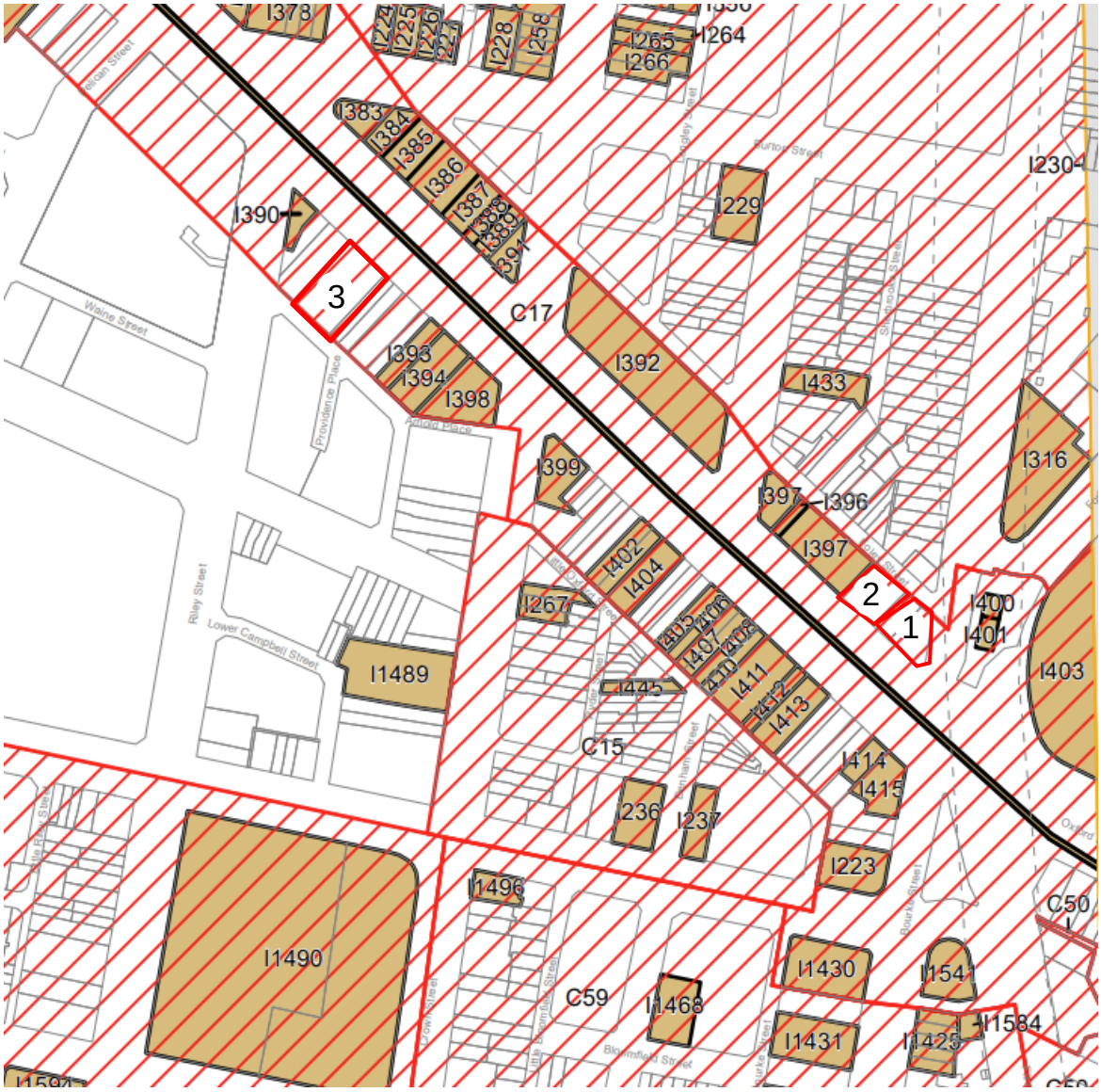

Figure 6. Extract from the SLEP 2012 Heritage Map (HER_15) showing heritage items adjacent to: (1) 134 Oxford Street, Darlinghurst, (2) 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst and (3) 85-91 Oxford Street, Darlinghurst.

1.5. Heritage assessment

In 2022, as part of a coordinated response to the Oxford Street LGBTIQA+ social and cultural place strategy, the City of Sydney engaged TKD Architects to complete a heritage study investigating sites within the Oxford Street precinct with historic and contemporary connections to the LGBTIQA+ community. Their study recommended that the inventory sheets for 14 existing heritage items and the Oxford Street Heritage Conservation Area be revised to include relevant information about this community; this has been completed.

The study also recommended the inclusion of five additional sites within Schedule 5, Part 1 of the SLEP 2012. Two of these items were outside the study area. However, the remaining three, which constitute the subject of this planning proposal, are being recommended for listing. The findings of each heritage assessment are presented below.

The heritage study prepared by TKD Architects is included in **Appendix B1**. Draft inventory sheets for each building, also prepared by TKD Architects, are included in **Appendix B2, Appendix B3** and **Appendix B4**.

Heritage assessment findings

<u>134 Oxford Street, Darlinghurst – Oxford Hotel</u>
The heritage assessment concluded that the Oxford Hotel meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: The site and its surroundings have been continuously occupied by a hotel, linked by continuity of licensing, since the late 1850s. Additionally, the Oxford Hotel has had some historic associations with the development of Sydney's rock music scene and historic associations with Sydney's gay community.
- Criterion (b) Historical association: The building has strong associations with architect Ernest Lindsay Thompson, a prominent and prolific designer of hotels in metropolitan Sydney during the first third of the twentieth century
- Criterion (c): Aesthetic / creative / technical achievement: Although modified, the exterior of the building demonstrates characteristics of the Federation Free Style and is distinctive in character. The Oxford Hotel is a prominent element in the streetscape that makes an important contribution to the Taylor Square townscape, notwithstanding modifications to its exterior.
- Criterion (d) Social, cultural and spiritual: The Oxford Hotel is significant because of its associations with Sydney's gay community for over forty years. It has been a popular venue for the community and has provided a range of facilities. It may also have social significance because of its associations with Sydney's rock music scene during the second half of the 1970s
- Criterion (g) Representative: The Oxford Hotel, although it has been modified externally and internally, is a representative Federation era hotel. Its exterior is representative of the Federation Free Style.

The heritage study concluded that the building at 134 Oxford Street, Darlinghurst meets the threshold for local heritage significance for its historic, associative, aesthetic, social and representative values and warrants potential listing as a heritage item on the SLEP 2012.

124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst – Palms

The heritage assessment concluded that the Palms meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: The building is evidence of the demolition, widening and reconstruction of the built form along the north side of Oxford Street from 1909 to 1914 by the Municipal Council of Sydney. The building became a gay nightclub in the late 1970s which it remains to the present day and is important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s.
- Criterion (d) Historical association: The building has been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Palms Nightclub circa 1977.
- Criterion (f) Rare: The site is a rare example of a LGBT nightclub that has operated almost continuously since the late 1970s.

The heritage study concluded that the building at 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst meets the threshold for local heritage significance for its historic, associative and rare values and warrants potential listing as a heritage item on the SLEP 2012.

85-91 Oxford Street, Darlinghurst – Universal

The heritage assessment concluded that Universal meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: 85-91 Oxford Street, particularly the first floor sections of their facades, provide evidence of the consolidation and development of the street in the years before and after World War I. As Tropicana, Club 85, then Midnight Shift and now Universal, the buildings are important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s onwards.
- Criterion (b) Historical association: The site is associated with prominent architectural firm of Morrow & De Putron, prominent jeweller and shoe maker, William Berkman and architect A W Warden.
- Criterion (c) Aesthetic / creative / technical achievement: The first floor section of 89-91 Oxford Street's facade has aesthetic significance as an example of Federation Free Style commercial architecture while the first floor section of 85-87 Oxford Street's façade is a distinctive example of Inter War Free Classical commercial architecture.
- Criterion (d) Social, cultural, and spiritual: The buildings at 85-91 Oxford Street have been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Tropicana in 1978.
- Criterion (f) Rare: The buildings are a rare example of a LGBT nightclub that has operated almost continuously since 1980.
- Criterion (g) Representative: The upper sections of the facades of 85-91 Oxford Street are representative of suburban commercial architecture constructed during the second and third decades of the twentieth century in Sydney.

The heritage study concluded that the building at 85-91 Oxford Street, Darlinghurst meets the threshold for local heritage significance for its historic, associative, aesthetic, social and rare values and warrants potential listing as a heritage item on the SLEP 2012.

Based on these conclusions, progressing local heritage listing for each proposed heritage item will ensure the significance of each building is appropriately recognised, considered and managed in the context of any future plans or redevelopment at each site.

2. Objectives and intended outcomes

The objectives of this planning proposal are to recognise the significance of the three buildings in Darlinghurst by listing them as individual heritage items under Schedule 5, Part 1 of SLEP 2012.

3. Explanation of provisions

To achieve the proposed outcomes, this planning proposal includes amendments to the SLEP 2012.

3.1. SLEP 2012 Heritage Schedule Amendments

The planning proposal seeks to amend the SLEP 2012, Schedule 5, Part 1 by inserting the following items as shown below in **Table 2.** Text to insert is shown as **bold underline**.

Table 2: Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items.

Locality	Item Name	Address	Property Description	Significance	Item no.
Darlinghurst	**Oxford Hotel**	**134 Oxford Street**	**Lot 1 DP 107573**	**Local**	**I2328**
Darlinghurst	**Palms**	**124 (part of 124-128 Oxford Street)**	**Lot 1 DP 900900**	**Local**	**I2329**
Darlinghurst	**Universal**	**85-91 Oxford Street**	**Lot 1 DP 816233**	**Local**	**I2330**

The name of each heritage item has been developed in accordance with the directions contained in the *Standard Instrument (Local Environmental Plans) Order 2006*, which require that an item name briefly describe those things that are part of its heritage significance.

The items are described further in the supporting information contained in the heritage assessment included at **Appendix B1**. Draft inventory sheets for each building are included at **Appendix B2, Appendix B3** and **Appendix B4**. The non-statutory heritage inventory sheets can continue to be updated as new information becomes available.

4. Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a heritage assessment of each building completed as part of a broader heritage study for the Oxford Street precinct focussed on its historic and contemporary connections to the LGBTIQA+ community. The heritage study was prepared by TKD Architects in 2022.

Preparation of the report was an action driven by the Oxford Street LGBTIQA+ Social and Cultural Place Strategy. The Strategy was implemented to facilitate growth of the cultural and creative sectors, protect heritage and character, and support the day and night-time economies for the local community and visitors. Community consultation carried out to inform the Strategy indicated that people value the strong connection between Oxford Street and LGBTIQA+ communities and wanted to see its social and cultural heritage recognised and maintained.

Priority 1 of the Strategy focused on recognising historic LGBTIQA+ places and spaces.

The proposed items identified in this planning proposal were recommended for listing in the TKD Architects heritage assessments as they met one or more of the NSW Heritage Council's (2023) criteria for local significance. A summary of each building's significance as assessed by TKD Architects are presented below:

134 Oxford Street, Darlinghurst – Oxford Hotel

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by TKD Architects notes:

> *The site and its immediate environs have been continuously occupied by a hotel, linked by continuity of licensing, since the late 1850s. Although other sites on Oxford Street, such as that of the Burdekin Hotel, have a longer history of continuous licensing, the site of the Oxford Hotel is still amongst the earliest to have a continuous association with the liquor trade.*
>
> *The Oxford Hotel is associated with the resumption and widening of Oxford Street by the City of Sydney during the second decade of the twentieth century.*
>
> *The Oxford Hotel has some historic associations with the development of Sydney's rock music scene during the second half of the 1970s, when Radio Birdman and other bands performed there.*
>
> *The Oxford Hotel has historic associations with Sydney's gay community, having been a gay male hotel continuously since 1982. It is amongst Sydney's longest operating gay venues.*

The site meets this threshold at a local level.

Criterion (b) – An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by TKD Architects notes that:

The Oxford Hotel has a brief association with Trautwein family, which was prominent as hotel licensees and owners during the late nineteenth and first half of the twentieth centuries.

The building has strong associations with architect Ernest Lindsay Thompson, a prominent and prolific designer of hotels in metropolitan Sydney during the first third of the twentieth century. He was commissioned by members of the Trautwein family, designing the building for its licensee William Trautwein.

The site meets this threshold at a local level.

Criterion (c) – An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The heritage assessment prepared by TKD Architects notes:

Although modified, the exterior of the building demonstrates characteristics of the Federation Free Style and is distinctive in character.

The Oxford Hotel is a prominent element in the streetscape that makes an important contribution to the Taylor Square townscape, notwithstanding modifications to its exterior.

The site meets this threshold at a local level.

Criterion (d) – An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The heritage assessment prepared by TKD Architects notes:

The Oxford Hotel may have social significance because of its associations with Sydney's rock music scene during the second half of the 1970s.

The Oxford Hotel is significance because of its associations with Sydney's gay community for over forty years. In this time it has been a popular venue for the community and has provided a range of facilities.

The site meets this threshold at a local level.

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The heritage assessment prepared by TKD Architects notes:

The Oxford Hotel, although it has been modified externally and internally, is a representative Federation era hotel. Its exterior is representative of the Federation Free Style.

The site meets this threshold at a local level.

124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst – Palms Hotel

Criterion (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by TKD Architects notes:

124 Oxford Street is of historical significance as evidence of the demolition, widening and reconstruction of the built form along the north side of Oxford Street from 1909 to 1914 by the Municipal Council of Sydney. It forms part of a streetscape on the northern side of the street with consistent setbacks and a similar scale of built form, illustrating the substantial city planning reorganisation and unification that took place within the period.

The site also demonstrates the long-established commercial nature of the street, beginning with retail and commerce in the nineteenth century, evolving into retail and entertainment offerings to the present day. The site has been occupied by two prominent grocery stores, Kidman's and McIlraths, before becoming a gay nightclub in the late 1970s which it remains to the present day. For its role as Palms and Scooters, the building is important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s.

The site meets this threshold at a local level.

Criterion (d) – An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The heritage assessment prepared by TKD Architects notes:

124 Oxford Street has been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Palms Nightclub circa 1977. The place is most well-known for its initial operation as Palms (c1977-c1988) which was revived in 2000 and continues to the present day, though it remained a gay venue in the intervening period as Scooters Bar and Restaurant in the 1980s-1990s.

The site meets this threshold at a local level.

Criterion (f) – An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

The heritage assessment prepared by TKD Architects notes:

The building at 124 Oxford Street does not have particular rarity value as it is one of many extensively modified, layered buildings in the Sydney Metropolitan area.

However, the site of 124 Oxford Street is a rare example of a LGBT nightclub that has operated almost continuously since the late 1970s.

The site meets this threshold at a local level.

85-91 Oxford Street, Darlinghurst – Universal

Criterion (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by TKD Architects notes:

85-91 Oxford Street, particularly the first floor sections of their facades, provide evidence of the consolidation and development of the street in the years before and after World War I. The use of the sites for retailing and commercial activity reflects the shift in activity in Oxford Street following resumption and widening during the 1910s from a street of small businesses with residences above to a more commercial and business-oriented street.

As Tropicana, Club 85, then Midnight Shift and now Universal, the buildings are important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s onwards.

The site meets this threshold at a local level.

Criterion (b) – An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by TKD Architects notes:

85-87 Oxford Street is associated with the prominent architectural firm of Morrow & De Putron Morrow & De Putron (later Morrow & Gordon) were responsible for most of the building works on Grace Brothers Broadway, As Morrow and Gordon the firm is known for the Grace Building in York Street (1930).

85-87 Oxford Street is associated with William Berkman , a jeweller and shoe maker who was prominent within the Jewish community at Newtown and who commissioned Morrow & De Putron to design the building.

89-91 Oxford Street is associated with architect A W Warden, a little-known Sydney architect in practice between 1895 and 1948.

The site meets this threshold at a local level.

Criterion (c) – An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The heritage assessment prepared by TKD Architects notes:

The buildings at 85-91 Oxford Street have been extensively modified internally and externally. However, the first floor section of 89-91 Oxford Street's facade has aesthetic significance as an example of Federation Free Style commercial architecture while the first floor section of 85-87 Oxford Street's façade is a distinctive example of Inter War Free Classical commercial architecture. These parts of the buildings make a positive contribution to the visual character of Oxford Street.

The site meets this threshold at a local level.

Criterion (d) – An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The heritage assessment prepared by TKD Architects notes:

The buildings at 85-91 Oxford Street have been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Tropicana in 1978. The place achieved greater prominence when it re-opened as the Midnight Shift, which traded from circa 1980 to 2017. After a short hiatus it reopened as Universal in 2018 and continues to trade under that name.

The site meets this threshold at a local level.

Criterion (f) – An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

The heritage assessment prepared by TKD Architects notes:

85-91 Oxford Street are not rare examples commercial buildings erected during the second and third decades of the twentieth century.

The pair of buildings at 85-91 Oxford Street is a rare example of a LGBT nightclub that has operated almost continuously since 1980.

The site meets this threshold at a local level.

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The heritage assessment prepared by TKD Architects notes:

> *The upper sections of the facades of 85-91 Oxford Street are representative of suburban commercial architecture constructed during the second and third decades of the twentieth century in Sydney.*

The site meets this threshold at a local level.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection is best achieved through the identification of each building proposed for listing as local heritage items in an environmental planning instrument. The buildings proposed for heritage listing in each amendment currently have no statutory protection as individually listed heritage items on the SLEP 2012 or under the *NSW Heritage Act 1977*.

Progressing local heritage listings for each proposed heritage item will ensure that their local heritage significance is appropriately recognised and managed into the future. It will also ensure formal consultation with landowners and broader community prior to any future change or development to the items. These outcomes are only achieved in the longer term through protection under Schedule 5, Part 1 of the SLEP 2012.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the Eastern Harbour City.

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By listing each building on the SLEP 2012, this planning proposal will fulfill this objective.

Eastern City District Plan

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

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage Action 26 - Identify, conserve and enhance environmental heritage by:

> *(a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*

(b) applying adaptive re-use and interpreting heritage to foster distinctive local places

(c) managing and monitoring the cumulative impact of development on the heritage values and character of places.

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage of local centres and neighbourhoods. It notes that built heritage contributes to an area's sense of place, its distinctive character and diversity of built form and uses and brings people together.

By consulting with the community to consider amending and listing these items as having local heritage significance, this planning proposal will address the district plan by respecting the City of Sydney's diverse heritage and fostering great places to bring people together.

The retention, conservation and revised acknowledgement of each building will enhance the character and distinct sense of place on Oxford Street, Darlinghurst.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes.

Sustainable Sydney 2030 – 2050 Community Strategic Plan

The City of Sydney's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'

Local strategic planning statement

The City Plan 2036 Local Strategic Planning Statement was completed in March 2020. This statement is the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.

The planning proposal identifies the following buildings as heritage items, thereby facilitating their conservation and allowing future generations to understand Darlinghurst's historical development. The heritage listing will ensure future development considers and maintains the heritage significance of each building.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 4 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict of hinder the application of the relevant state environmental planning policy.

Table 4: Consistency with State Environmental Planning Policies.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent - amendments in this planning proposal will continue to support the biodiversity and conservation in the local government area
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Central River City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Eastern Harbour City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Regional) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Western Parkland City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Primary Production) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resilience and Hazards) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP No 65 - Design Quality of Residential Flat Development	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) Amendment (Transport Oriented Development) 2024	Consistent - no amendments in this proposal will hinder the application of this SEPP.

Q6. Is the planning proposal consistent with applicable ministerial directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 5.

Table 5: Consistency of the planning proposal with ministerial directions**.**

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. No amendments in this proposal will hinder the implementation of Regional Plans
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. No amendment includes concurrence, consultation or referral provisions or identify any designated development.
1.4 Site Specific Provisions	Consistent – see discussion below.
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude a development standard from variation under clause 4.6
Focus area 1: Planning Systems – Place-based	
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
Focus area 2: Design and Place	No directions in place
Focus area 3: Biodiversity and Conservation	

Ministerial Direction	Comment
3.1 Conservation Zones	Consistent. Amendments in this planning proposal will continue to support the protection and conservation of environmentally sensitive areas in the local government area
3.2 Heritage Conservation	Consistent. Amendments in this planning proposal will support the conservation of items, areas, objects and places of environmental heritage significance in the local government area
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.2 Coastal Management	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.3 Planning for Bushfire Protection	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.4 Remediation of Contaminated Land	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.5 Acid Sulfate Soils	Consistent. Amendments in this planning proposal are proposed for land classified as Class 5 and will not hinder the implementation of this local planning direction
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.2 Reserving Land for Public Purposes	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable

Ministerial Direction	Comment
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Consistent. This planning proposal supports and aligns with this local planning direction, particularly objectives (a) and (b).
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendments to Schedule 5, Part 1 of SLEP 2012 will result in development creating any environmental effects that cannot be readily controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification and recognition of each heritage item and its significance will facilitate retention of physical, social, cultural and historic values that may have significance to the community. No changes to current zoning controls are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The SLEP 2012 amendment will not generate demand for infrastructure.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

If required by the Gateway Determination, the Heritage Council of NSW will be consulted during the public exhibition period. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council of NSW standards.

5. Mapping

The Heritage Map tile HER_15 will be updated to shade in brown the location of the three new heritage items. The heritage map extract at **Figure 7** shows the boundary for each proposed heritage item.

Figure 7. Proposed heritage boundary for each item (outlined in red and shaded brown), Heritage Map tile HER_15.

6. Community consultation

5.1 Public Exhibition

This planning proposal shall be exhibited in accordance with the requirements of gateway determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated that public exhibition will be for a period of at least 20 working days, which is consistent with the *Environmental Planning and Assessment Act 1979* and the *Local Environmental Plan Making Guideline* prepared by the Department dated August 2023.

The public exhibition of the documents will be on the City of Sydney website and carried out in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the gateway determination.

7. Project timeline

The anticipated timeline for the completion of the planning proposal is as follows:

Stage	Timeframe
Gateway request	December 2024
Public exhibition & government agency consultation	April 2025
Consideration of submissions	June 2025
Post exhibition consideration of proposal	August 2025
Draft and finalise LEP	October 2025

Appendices

Appendix B1 – Oxford Street LGBTIQA+ Heritage Assessment Report

Appendix B2 – Draft Inventory Sheet - 134 Oxford Street - Darlinghurst, Oxford Hotel

Appendix B3 – Draft Inventory Sheet - 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst - Palms

Appendix B4 – Draft Inventory Sheet - 85-91 Oxford Street, Darlinghurst – Universal

Attachment B1

Oxford Street LGBTIQA+ Heritage Assessment Report (TKD Architects)

Oxford Street LGBTIQA+ Heritage Study

City of Sydney Local Government Area, NSW

TKDArchitects
Tanner Kibble Denton

Cover
The 1998 Mardi Gras on Oxford Street.
Source: City of Sydney Archives, Unique ID A-00070131

Image credits
All photographs were taken by Tanner Kibble Denton Architects in 2022 unless otherwise noted.

Authorship
Dr Roy Lumby, Senior Heritage Specialist
George Phillips, Practice Director
Olivia Turner, Heritage Specialist

Acknowledgements
Matthew Devine and David Fitzpatrick, City of Sydney.

Document issue

Issue	Date	Purpose	Written	Reviewed
P1	15 December 2022	Preliminary draft issue	OT/RL	GP
P2	9 January 2023	Revised draft issue for review	OT/RL	GP
A	26 April 2023	Final issue	OT/RL	
B	2 December 2024	Revised final issue	OT/RL	

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2 Historical background 5

3 Significant sites 34

4 Summary of recommendations 70

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Executive summary

This report surveys the social history of the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual (LGBTIQA+) community on Oxford Street, within the City of Sydney Local Government Area. It summarises this history to contextualise the identification of sites of significance to the LGBTIQA+ community in the area.

This report identifies 32 sites of significance to the LGBTIQA+ community within the study area (or in close proximity to it). Most sites are located in a heritage conservation area (Oxford Street C17 or Paddington Urban C50).

18 of these sites are already listed as heritage items on Schedule 5 of the Sydney Local Environmental Plan 2012, with some items also included on the State Heritage Register. Revisions are recommended to the existing heritage inventories of 14 of these sites, provided within the tabulated analysis of sites.

5 new sites are recommended for listing on Schedule 5 of the Sydney Local Environmental Plan 2012 based on their associations with the LGBTIQA+ community. These sites are:

- Club 85/Midnight Shift/Universal, 85-91 Oxford Street, Darlinghurst
- Palms, 124 Oxford Street, Darlinghurst
- Oxford Hotel, 134 Oxford Street, Darlinghurst
- Ruby Reds, 273 Crown Street, Surry Hills (outside study area)
- Taxi Club, 40-42 Flinders Street, Darlinghurst (outside study area)

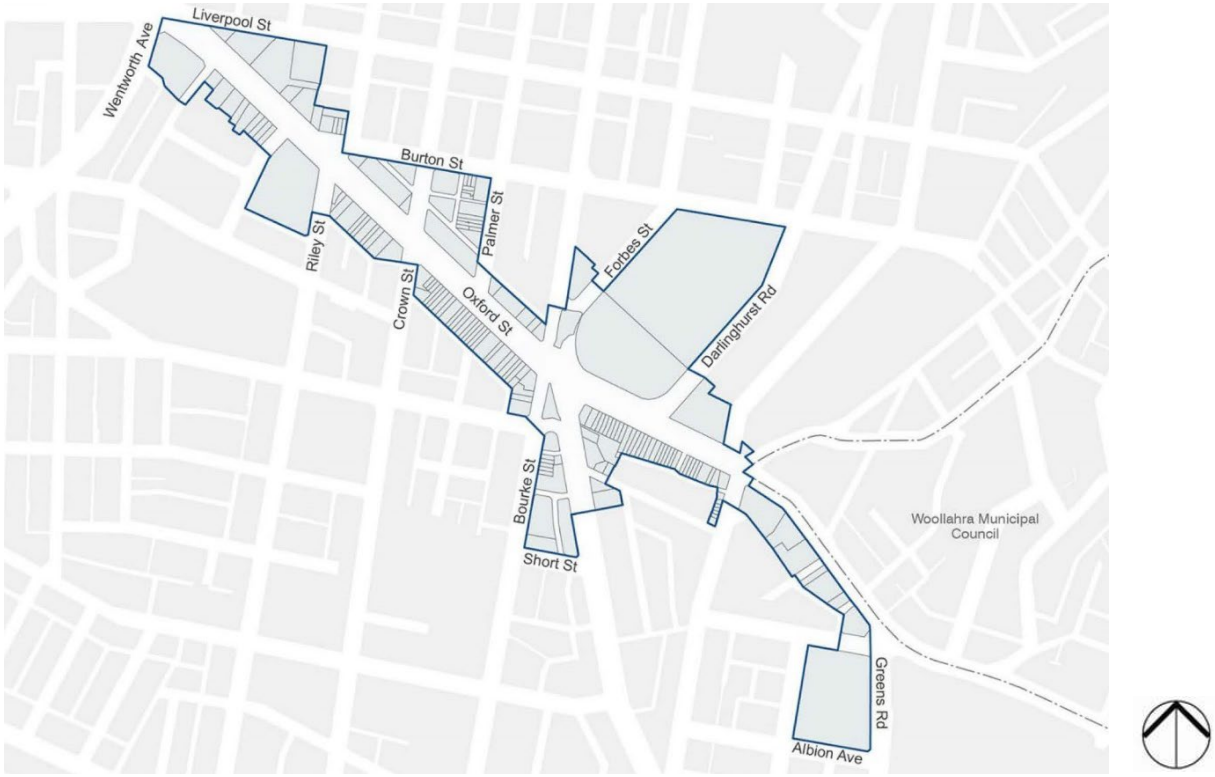
1 Introduction

1.1 Background and purpose of the report

This Heritage Assessment has been prepared for the City of Sydney, which is preparing a Strategy to support LGBTIQA+ places and communities on Oxford Street. Priority 1 of the Draft Oxford Street LGBTIQA+ Social and Cultural Place Strategy focuses on the recognition of the historic and contemporary connections of the LGBTIQA+ community to Oxford Street.

1.2 Study area

The study area is described in the following diagram. Nearby sites which are outside of the study area but were identified as being of significance to the LGBTIQA+ community, have also been included in the assessment. This study only examines sites within the City of Sydney Local Government Area. Significant sites within the Woollahra Local Government area that should be investigated due to their associations with the LGBTIQA+ community include the Albury Hotel (6-8 Oxford St Paddington) and Unicorn Hotel (106 Oxford Street Paddington).



1 Study area, not to scale.
Source: City of Sydney.

1.3 Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
ANU	Australian National University
CAMP	Campaign Against Moral Persecution
HIV	Human immunodeficiency virus
LGBTIQA+	Lesbian, Gay, Bisexual, Trans, Intersex, Queer, Asexual. The '+' represents minority gender identities and sexualities not explicitly included in the term.[1]
LEP	Local Environmental Plan
NLA	National Library of Australia
R&R	Rest and recreation
SLNSW	State Library of NSW.

1 https://www.uts.edu.au/partners-and-community/initiatives/social-justice-uts/equity-and-diversity-uts/gender-sexuality-5, accessed 22 November 2022.

2 Historical background

The thoroughfare now known as Oxford Street follows an Aboriginal track ('muru') which led to the southern headland of Sydney Harbour. The Gadigal people have lived in the area around Sydney Cove and used this route for many thousands of years prior to European settlement and the formalisation of the track as a road.[2] From the Gadigal people's track used by Europeans to the signal station at South Head, then a road constructed under the direction of Governor Macquarie during the 1810s, what was to become Oxford Street has occupied an extraordinary place in the history of Sydney.

Driving along the South Head Road, as the track was named and developed by Europeans, quickly "became firmly established as one of the rituals of colonial public life".[3] It furnished a marvellous recreational opportunity to savour wonderful vistas and for those undertaking the journey to see others and be seen by them. Driving along the road also provided healthful relief from the rigours of life in the town itself: "… the pleasure experienced, during an evening drive, enjoying the cool air from the Pacific after the heat and dust of Sydney, may be conceived but cannot be described."[4] At a more prosaic level, the first public house on the South Head Road had been established by the mid-1830s, if not earlier.

2
The Old South Head Road looking towards Paddington, circa 1842. Source: SLNSW V/22, attributed to Frederick Garling.

During the 1840s sections of the South Head Road started to become integrated into the fabric of urban Sydney. This was precipitated by the opening of Darlinghurst Gaol in 1841, the completion of Darlinghurst Courthouse the following year and the completion of Victoria Barracks in 1848. The population of the village of Paddington grew rapidly during the 1840s, while churches began to appear during the 1850s – the first of these was the Roman Catholic Church of the Sacred Heart at the intersection of the South Head Road and Darlinghurst Road, consecrated in June 1852.[5] Inevitably the South Head Road became the major commercial venue for the communities that consolidated around it during the 1850s and 1860s. This was a period of rapid growth in Sydney, in the wake of the gold rushes of the early 1850s. Many of those who settled in Surry Hills and Woolloomooloo were working and middle class people, served by retailers and small businesses occupying premises on the South Head Road.

The lower section of the road, between Liverpool and Dowling Streets, was renamed Oxford Street in October 1873, referring to the prestigious Oxford Street in London. The name change was formally gazetted in November 1875.[6] Eventually the name was applied to easterly sections of the Old South Head Road as far as Bondi Junction.

2 City of Sydney, 'Oxford Street: a history from track to high street,'(2022). Accessible online at: https://news.cityofsydney.nsw.gov.au/photos/oxford-street-darlinghurst-a-history-from-track-to-high-street
3 Clive Faro and Garry Wotherspoon, *Street Seen: a history of Oxford Street*, p.42.
4 "South Head Road", *The Colonist*, 18 February 1836, p.4.
5 Faro and Wotherspoon, pp.80-83.
6 Petitions from 112 residents along South Head Road appealing for the change of name to Oxford Street were presented to the Sydney Municipal Council in September 1873 ("City Council, This Day", Evening News, 23 September 1873, p.2); "Sydney Municipal Council", *Sydney Morning Herald*, 13 October 1873, p.3.

From the early 1870s to the late 1880s Oxford Street became ”one of the most vigorous commercial precincts in Sydney.”[7] This was accompanied by rapid population growth in the neighbourhoods flanking the street and by the development of public transport, initially horse buses then steam trams from 1879. Growth was reflected by an increase in the density of businesses along the street - for instance, there were 20 hotels between Hyde Park and the eastern city boundary at the end of the 1870s and by the end of the 1880s there were five banks and two mortgage companies in the lower section of the street. In addition to this, department stores were opened at the Hyde Park end of the street during the 1880s.[8] Oxford Street also became a place where different ethnic groups rubbed shoulders. By the beginning of the twentieth century many small business owners were migrants from Ireland, Southern Europe, Scandinavia and China. The Jewish community was also represented.[9]

As time passed Oxford Street became more and more congested. During the first decade of the twentieth century proposals were put forward for its widening and a 1904 proposal by architect John Barlow proved influential. Lord Mayor Allen Taylor strongly supported widening and lobbied for increased Council powers of resumption, which was granted by the NSW government in 1905. The first stage of widening occurred in 1907 with the demolition of the Bourke Hotel at the intersection of Bourke, Flinders and Oxford Street and the formation of a civic space. This was named Taylor Square in honour of the Lord Mayor. Following a Council delegation to the government in February 1908, a Royal Commission for the Improvement of Sydney and its Suburbs was appointed the following May. The widening of Oxford Street from Liverpool Street to Paddington Town Hall was included in its recommendations.[10]

The process of resuming the northern side of Oxford Street between Hyde Park and Taylor Square, which had been completed in 1908, began in January 1909. Demolition and construction of buildings, several of which were designed by the Council’s architectural staff, began in 1910 and was largely complete by 1914. Footpath widening and removal of verandahs on the southern side of the street followed shortly after.

7 Faro and Wotherspoon, p.91; “Alteration in Names of the Streets in the City of Sydney”, *New South Wales Government Gazette*, 19 November 1875, p.3790.
8 Faro and Wotherspoon, pp.92-93.
9 Faro and Wotherspoon pp.97-98.
10 Faro and Wotherspoon, pp.116-123; National Library of Australia MAP G8974.S9G45 1909 - Plan No. 48

3
Looking east along Oxford Street in 1911, prior to resumption and widening on the northern side of the street (above) and in 1922 after rebuilding on the northern side of the street had taken place (below).
Source: City of Sydney Archives Unique ID A-00028669 and Unique ID A-00058107.

One result of the widening was a change in the social make-up of Oxford Street. The nineteenth century pattern of largely small family-operated stores with residential accommodation on the first floor, where storekeepers and their families lived, made way to ground floor retailing spaces with commercial chambers over. This obviously changed the character of the street, as small holdings gave way to larger commercial and institutional owners and leaseholders.[11]

Oxford Street was a major commercial precinct and thoroughfare during the interwar period, particularly the 1920s. The growth of Sydney's population was matched by growth in commercial activity, marked on Oxford Street by the presence of department stores at the Hyde Park end of the street, clothing manufacturers and associated trades, medical professionals, specialist retailers, cafes, restaurants and delicatessens.

11 Faro and Wotherspoon, pp.133-134.

The street continued to serve the local population. One manifestation of this was the pubs on either side of the street.

Entries in *Sands directory* indicate that the section of Oxford Street within the study area was well provided with pubs over the years, with numbers peaking during the 1880s. In the study area, in 1857 there were three on the north side of the street and six on its south side. In 1887 there were four on the north side and seven on the south side while in 1909, just prior to resumption and demolition there were five on the north side and four on the south side. In 1932 there were five pubs on the north side and three on the south side.[12] The Depression affected businesses along Oxford Street, although "for many of the business interests on the street, the Depression was a short-lived experience."[13] However, inner city suburbs along Oxford Street were undergoing decline. The majority of houses were not owner-occupied and the economic status of their occupants had diminished. The "steady downward spiral in the material well-being and status of the inner-city localities was only heightened by the Depression and then World War II."[14] This was accompanied by the rise of a criminal presence in the areas around Oxford Street. Its apex became the Darlinghurst Police Station, which became notorious as the centre of police corruption, a role it served well into the 1970s.[15]

During the 1950s the southern end of the street and its environs were notably in decline, a victim of the growth of suburban Sydney and suburbanisation of retailing, the prominence of Central Sydney as a shopping venue from the 1930s onwards, and burgeoning car ownership. Tram services, so long a feature of public transport on the street, ceased on 28 February 1960.

4
Oxford Street at Taylor Square, January 1950 – the street was a major transport thoroughfare from Central Sydney to the Eastern Suburbs. The presence of trams and buses at this time is notable. Source: SLNSW ON 388/Box 044/Item 230.

12 *Sands Sydney and suburban directory* 1858, 1888, 1910 and 1932/33 editions.
13 Faro and Wotherspoon, p.182.
14 Faro and Wotherspoon, p.186.
15 Faro and Wotherspoon, p.188. See also Michael Duffy and Nick Hordern, *Sydney Noir: the golden years* (Newsouth Publishing, 2017.

However, as members of the working class were moving to suburbia, migrants were moving into the area to take their place. Here they found affordable housing and an urban fabric resembling the places they had left. Services along the street changed to meet the requirements of various nationalities. On their heels came waves of young and affluent people who were rediscovering the charms of inner city living. Both groups were amply assisted by the low property values in the area during the 1950s and 1960s. The gentrification of Oxford Street, particularly in Paddington, proceeded apace. In the section between Hyde Park and South Dowling Street "gentrification" took a different turn. In the early 1970s it became an important incubator for Oz-rock bands in venues such as the former wine bar known as French's Tavern at 86 Oxford Street and later the Oxford Hotel at 134 Oxford Street (dubbed the Funhouse by the band Radio Birdman[16]), amongst others. It was around this time that Sydney's gay and lesbian community began to congregate in this part of Oxford Street.

2.1 Emergence of venues in Sydney

Inevitably European homosexual behaviour in Sydney has a long history extending back to the original settlement at the end of the eighteenth century.[17] Equally, over much of this period homo-sex between men has been heavily proscribed by the religious, the law (which for several decades allowed for the death penalty as punishment) and the prejudice of a large part of the heterosexual community. Proscriptions against lesbians did not extend to criminalisation and there was a veil of "silence" on female same-sex desire for many years.[18] However, a definition of homosexuality did not emerge for several decades.

The first legislative attempt to outlaw sexual activity between men in NSW took place in 1862, some years before what is claimed to be the earliest recorded use of the terms homosexual and heterosexual. They apparently appeared in correspondence dated 6 May 1868 by itinerant Austrian-born writer Karl Maria Kertbeny.[19] The proposed Criminal Law Consolidation Bill of 1862, which included the death penalty for certain acts, did not get past the draft state. "Unnatural acts" and "crimes" were correlated with male homosexuality as a specific sexual genus by the end of the 1860s. Legislation outlawing male homosexual activity was finally enacted in 1883. It did not include the death penalty.[20]

It has been suggested that "an important corollary of the existence of the homosexual as a separate social group was the development by the 1880s of a homosexual subculture to meet the needs, social and sexual, of male homosexuals." Boarding houses may well have been a part of this subculture. So too were beats, one of which was Sydney's Hyde Park.[21]

16 Faro and Wotherspoon, p.222.
17 Paul Knobel, *A Gay History of Australia, third edition corrected and amended* (Burke and Wills, 2019), no pagination. Separately published chapter rom Paul Knobel, A Gay History of the World/Human Male Homosexuality: a world history (Burke and Wills, 2015-2020).
18 Rebecca Jennings, *Unnamed Desires: a Sydney lesbian history*, pp.xvi-xviii, p.4.
19 "150 years ago, the word 'homosexual' was coined in a secret correspondence" at https://medium.com/@gvgktang/150-years-ago-the-word-homosexual-was-coined-in-a-secret-correspondence-1803ff9a79bc, accessed 12 December 2022.
20 Walter J Fogarty, "'Certain Habits': The Development of a Concept of the Male Homosexual in New South Wales Law, 1788-1900" in *Gay Perspectives: essays in Australian gay culture*, pp.65-66
21 Fogarty, pp.71-73.

Apart from pubs, Turkish baths may have been early venues for gay men to meet. The first in Sydney was established in Spring Street, by Dr Le Gay Brereton. The establishment proved so popular that he replaced it with a purpose-designed building in Bligh Street, opened in March 1861.[22] Towards the end of the nineteenth century there is the possibility that tangible gay associations with Oxford Street emerged after a Turkish Bath appeared on the street. Hairdresser and wigmaker Charles Edward Wigzell, who is credited with being the driving force behind the name change from South Head Road to Oxford Street, established a Turkish bath in the 1880s. Wigzell's hairdressing and wig-making business occupied premises at 143 Oxford Street (then South Head Road) from 1867. In 1880 he added ladies and gentlemen's bathrooms to his premises and then augmented them in 1883 by the construction of Turkish baths at 139 Oxford Street.[23] Wigzell was bankrupted in 1900[24] and the Turkish baths closed not long afterwards. The buildings occupied by Wigzell on Oxford Street are still standing.

5
The facilities at Wigzell's hairdressers, baths and Turkish Baths at 139-143 Oxford Street.
Source: http://www.victorianturkishbath.org/ reproduced from a hand-coloured print originally published as a black and white engraving in the *Illustrated Sydney News*, 29 September 1883, p.16.

During the mid-1890s at least one local journal reflected the prevailing English attitude that male homosexuality was an aristocratic vice that corrupted lower-class youths, at the same time suggesting where venues frequented by gay men were situated in Sydney:

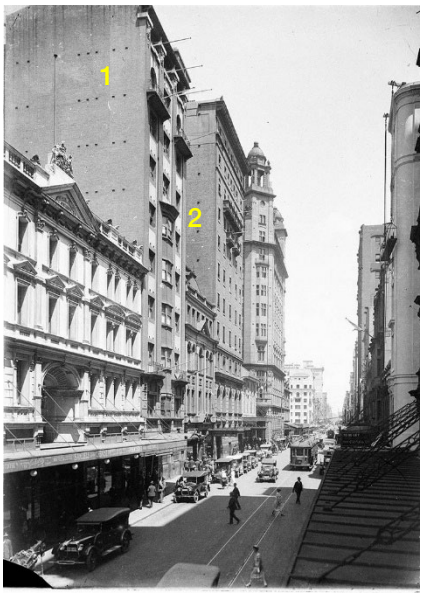
> … The state of things in London as regards this horrible vice is also the condition of affairs in Sydney … many of the leading hotels and billiard saloons are haunted by these characters, whose presence is advertised by an effeminate style of speech, and the adoption of the names of celebrated actresses. America has sent over many of this class, in the person of so-called variety artists. A haunt is said to exist in Bourke-street, Surry Hills, and that part of College-street from Boomerang-street to park-street is a parade for them. …[25]

22 "Social", Empire, 12 November 1859, p.4; "The New Turkish Bath", *Sydney Morning Herald*, 21 March 1861, p.6.
23 "Charles E Wigzell's Hairdressing Saloons and Turkish Baths, Oxford-street, Sydney", *Australian Town and Country Journal*, 17 January 1891, p.32.
24 "A Bankrupt Hairdresser", *Evening News*, 1 August 1900, p.3.
25 "The Oscar Wilde's of Sydney", *The Scorpion*, 24 April1895, p.2.

Because of the stigma attached to homosexuality during the first decades of the twentieth century there is little evidence concerning the social activity of lesbians and gay men in Sydney until the interwar period. According to historian Garry Wotherspoon,

> … homosexual subcultures were well established in all of Australia's major cities by the late 1930s. In inner Sydney itself there was a flourishing subculture, focussed on a range of venues where male homosexuals could meet discretely. Friendship networks provided both a vital social milieu and a support system, this latter so necessary for their members in the face of society's hostility. In certain suburbs, such as Darlinghurst and Kings Cross, homosexual behaviour was far more widely tolerated. Institutions such as theatres and several churches in the city were known to have a homosexual ambience. Also several major public events – like the Artists' Ball or the more notorious 'drag and drain' balls – were opportunities for the more daring homosexuals to flaunt their difference in public.[26]

During the interwar period inner city hotels provided relatively safe havens for gay men to congregate. Women would have been unlikely to have frequented these venues because of negative social attitudes towards women drinking in hotels at this time and because they were highly likely to have been refused service by the licensee unless confined to a ladies' lounge.[27] One notable inner-city establishment was the Australia Hotel, fronting Martin Place and Castlereagh Street. It also fronted Rowe Street, where one could discretely enter its Sportsmans Bar at the rear of the building, also known as the Long Bar. The Long Bar was part of additions undertaken to the Australia Hotel in the early 1920s and "had a wide reputation in the homosexual world for being a congenial pick-up place", although "it had a snobbish atmosphere and suits and ties were required to be worn."[28] Other inner-city meeting places included the Carlton Hotel and Usher's Metropolitan Hotel, both on Castlereagh Street between Martin Place and King Street, and Pfahlert's Hotel in Margaret Street.[29] All have disappeared, although the building that housed Usher's still stands.



5
The Carlton Hotel (1) and Usher's Metropolitan Hotel (2) on Castlereagh Street, photographed circa 1927. Source: SLNSW Home and Away – 35032, Hall & Co photograph.

26 Garry Wotherspoon, "The flight of the 'exiles of the spirit'" in Shirley Fitzgerald and Garry Wotherspoon (editors), *Minorities: cultural diversity in Sydney*, p.127. In the 1940s (if not earlier), "drain" was a slang term for wine or more generally any drink (https://queerarchives.org.au/posts/history-bites/1961-at-the-cross/, accessed 7 December 2022).

27 "Woman Complains to ULVA. Was refused drink in public bar", *The ULVA Review*, 15 January 1937, p.7. Not all pubs were equipped with a ladies' lounge.

28 "The flight of the 'exiles of the spirit'", p.129; Gary Wotherspoon, *Gay Sydney: a history*, p.42; Knobel, no pagination.

29 "The flight of the 'exiles of the spirit'", p.129; *Gay Sydney: a history*, p.42;

6
The Long Bar at the Hotel Australia
Source: *Sunday Herald*, 13 March 1949 – Magazine Section, p.1, Roy Dalgarno drawing.

Gay people are also known to have congregated in less salubrious pubs, such as the Belfields Hotel at 396-400 George Street, which according to historian Garry Wotherspoon was "a workers' pub, often frequented by navy personnel."[30] The building still stands though the hotel ceased trading in July 1957. Hotels were not the only meeting places. Other venues in Central Sydney known to have been frequented by gay people during the interwar period included the Latin Café in the now-demolished Royal Arcade, and cafes and coffee shops such as Repin's, Cahill's and Mockbell's.[31] Historian Garry Wotherspoon also mentions clubs like Black Ada's (more respectfully known as the Academy School of Dancing) in Wentworth Avenue, an illegal underground gay club. It was closed down by the Vice Squad in the early part of World War II because it was considered "too dangerous and corrupting to the young military personnel who flocked there."[32]

Other, less safe locations were the long-standing beats in Hyde Park, particularly the Archibald Fountain (completed in 1932). According to one source, "there were sometimes as many as two or three-hundred [sic] gay men standing or sitting around the fountain, or parading around the walks through the parks."[33] As time passed Hyde Park was superseded by nearby Boomerang Street because of increased police presence and physical assaults. Along with the onset of the Cold War in the late 1940s, attitudes towards homosexuality in NSW hardened. "Witchhunts …developed in Australia, and homosexuals, like communists, were soon targeted by the authorities, since they were seen as a threat to the stability of the type of Australian society that was

30 *Gay Sydney: a history*, pp.42 and 83.
31 *Gay Sydney: a history*, pp.43-44. Kabel Mockbell opened a coffee salon in Sydney during the 1890s. By 1930 there were eight Mockbell's scattered across Central Sydney. The first Repin Coffee Shop opened in 1931 and by 1949 there was a chain of seven coffee shops. Teresa and Reg Cahill opened the Italian Coffee Shop, Castlereagh Street in 1933. The Cahill siblings visited the US regularly, introducing American style and service to their expanding café chain. By 1960 the Cahills empire included 25 themed cafes and restaurants.
32 *Gay Sydney: a history*, pp.83-84.
33 Robert Connell, "The Way it Was", *Oxford Weekender News*, Issue 75, 13-26 October, 1983, p.18.

being planned in the postwar reconstruction." This is reflected in changes to legislation, which in 1951 "tightened up existing laws" and in 1955 enforced new categories of homosexual crime.[34]

In the 1950s there were few venues where lesbians and gay men could be wholly comfortable. 6 o'clock closing meant that men would have an evening meal in restaurants following the cessation of hotel trading to get to know each other and socialise.[35] It has been suggested that the advent of 10 o'clock closing in February 1955 was an important event that led to the decline of beats and "provided the groundwork for more gay people to get together."[36] It certainly provided greater opportunity for meeting other people in pubs. The Australia Hotel, Carlton and Usher's continued to enjoy gay custom; the Carlton became the Carlton Rex and boasted the basement Dugout Bar which became a popular gay male meeting place.[37] Hotels outside of Central Sydney also attracted gay male custom, while the Sussex Hotel at 68 Liverpool Street (since demolished) was popular with lesbians, who began frequenting the establishment around 1960 – "Friday night was the girls' night."[38]

2.2 Kings Cross

In the 1930s Kings Cross and its environs "had a wary openness to homosexuality where the rest of the nation thought it disgusting and depraved."[39] A large number of creative individuals lived in the locality at various times, among them homosexuals such as artists Adrian Feint, who lived at Elizabeth Bay, and William Dobell, a resident from 1939 to 1944 who occupied an apartment at 34-36 Darlinghurst Road.[40]

During the 1950s Kings Cross, parts of Elizabeth Bay and Potts Point became an increasingly important location for commercial venues frequented by gay people, aided and abetted by later hotel trading hours:

> Before the time of ten o'clock closing in the pubs, there were at least four coffee shops where gay people used to gather. While there was, at that time, no really distinct beat in Kings Cross, it was possible anywhere around the Cross to meet other people and this could lead to casual sexual encounters or something much more.[41]

The Rex Hotel at 50-58 Macleay Street, Elizabeth Bay, which opened in 1953, was a significant commercial venue and for a time was the major hotel frequented by gay people in Sydney:

34 "The flight of the 'exiles of the spirit'", pp.132-134.
35 Robert Connell, "The Way It Was", *Oxford Weekender News*, 13-26 October 1983, p.18
36 "The Way it Was", p.19.
37 "The Way It Was", p.18.
38 Garry Wotherspoon, *Gay Sydney: a history*, p.159; "Les Girls" at https://dictionaryofsydney.org/organisation/les_girls, accessed 23 November 2022; 32 Darlinghurst Road was designed by prominent Modernist architect Neville Gruzman in 1961 as a three storey commercial development containing shops, a restaurant on the first floor and office space on the second floor (City of Sydney Archives Building Application 1694/61). It has since been modified and is now the Empire Hotel. Rebecca Jennings and Sandra Mackay, Out and About: Sydney's lesbian social scene 1960s-1980s, p.7.
39 Louis Nowra, *Kings Cross: a biography* (NewSouth Publishing, 2013), p.202.
40 Jill Dimond and Peter Kirkpatrick, *Literary Sydney: a walking guide*, p.111-112. Here he painted his famous Archibald prize-winning portrait of Joshua Smith and moved out of Kings Cross in the wake of the controversy surrounding it,
41 Robert Connell, "Up the Cross", *Oxford Weekender News*, 27 October – 9 November 1983, p.10.

> There was a very 'high camp' feeling about the Rex in those days and strong feelings of camaraderie began to arise and, although there was some bitchiness, there was also a great deal of friendliness. Parties started from the Rex each Friday and Saturday and at the beginning the invitations were open to everyone. Around half an hour before closing time, an address would pass around the bar, then afterwards people would pile into cars and taxis and depart to distant suburbs and parties which would often rage until dawn.[42]

The back bar at the Rex Hotel known as the Bottoms Up Bar was an enduring institution, only closing in August 1994 after 37 years of trading. Fitzroy Gardens assumed a new significance after the Rex opened - "When ten o'clock closing became law, it assumed a special significance, because it was just along the road from the Rex Hotel, which had become the major gay hotel in Sydney."[43]

The presence of the Rex Hotel, combined with later drinking hours, may possibly have been a catalyst for an emerging gay (male) community awareness:

> … those who frequented the bars in the city were somewhat surprised at the people who seemed to appear from nowhere Some had had the impression that gay people only came from one class of society – those who worked in the office or display departments of various stores, or in the radio industry. Night trading showed otherwise, with gay people emerging from the Western suburbs and a working class background. In a sense, it was an exciting period and may really have been the first coming-together of the various classes of gay society. Although we realised we were still a minority, we did come to the realisation that gay (or homosexual) people permeated every class and stratum of society

The Rex remained a popular venue for many years. Another significant establishment not far from the Rex was the public bar known as the Quarter Deck Bar in the Chevron Hotel at 81-83 Macleay Street, Potts Point – "the best draft beer in the most congenial atmosphere in Sydney"[44] – which opened in September 1960. For a time it stole clientele from the Rex, "which rapidly went downmarket."[45]

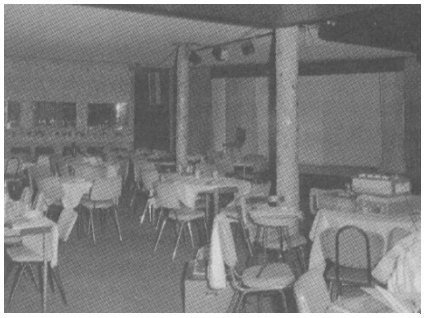
42 "Up The Cross", p.11. The Rex also had connections to prostitution and Sydney's underworld, in the 1960s if not before. Refer to Michael Duffy and Nick Hordern, *Sydney Noir: the golden years*, pp.22-23.
43 "Up the Cross", p.11.
44 Chevron Hotel advertisement, *Royal Australian Navy News*, 29 April 1966, p.5.
45 "Up The Cross", p.12; Nowra, p.315

7
Gathering of patrons outside the Rex Hotel in Macleay Street, Potts Point, 1964 (above); interior of the Quarter Deck Bar in the Chevron Hilton at the time the hotel opened from business in 1960 (below).
Sources: National Library of Australia PIC Online access #PIC/14971/10, Robin Smith photograph; *Australian Women's Weekly*, 12 October 1960 p.9, Keith Barlow photograph.

Kings Cross was also home to drag show clubs:

> Most of America's middle-sized cities had gay bars by the '50s and Sydney's first discreet camp spaces opened in the early '60s. They had tiny dance floors; basic stets, lights and sound systems; and drag shows.[46]

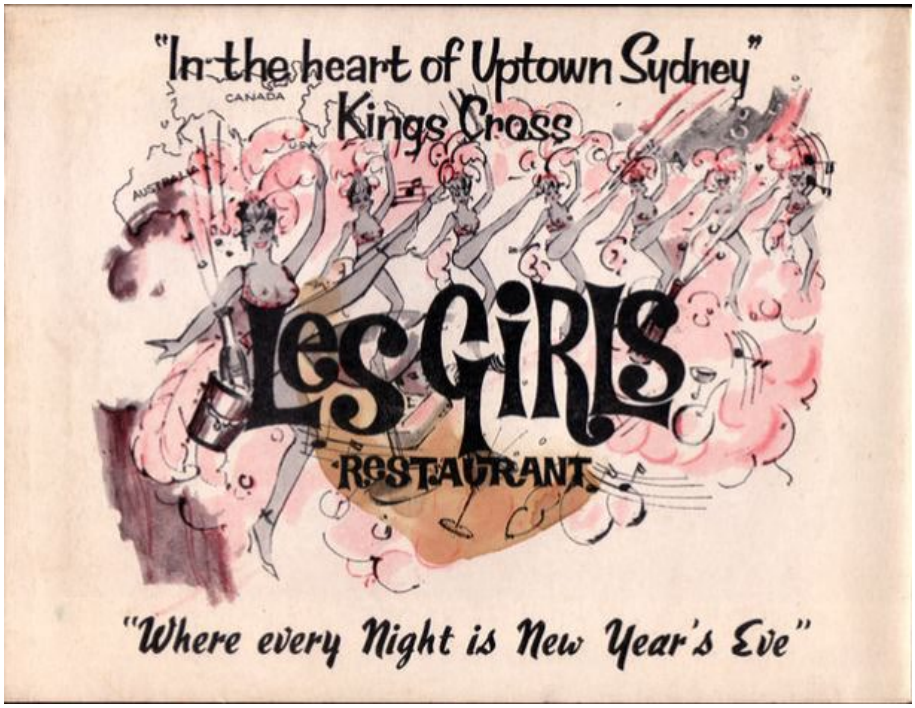
The first, the Jewel Box at 41 Darlinghurst Road, opened late in 1961 and closed two years later. The iconic drag queen Carlotta remembered it as "a sleazy place, with a long narrow stage and a Hessian backdrop covered in sequins and a small dance floor. The columns were covered in a mosaic of coloured pieces of glass."[47] The premises is now occupied by Show Girls strip club. The Jewel Box was followed by Les Girls at 32 Darlinghurst Road, which opened in 1963. The celebrated drag queen Carlotta quickly became its star and show compere. Les Girls remained a venue for drag performances until 1994. It was also known as the Carousel Club, located in a purpose-designed building by significant Modernist architect Neville Gruzman built by underworld figure Abe Saffron to house the show.[48] Drag clubs opened in other suburban locations during



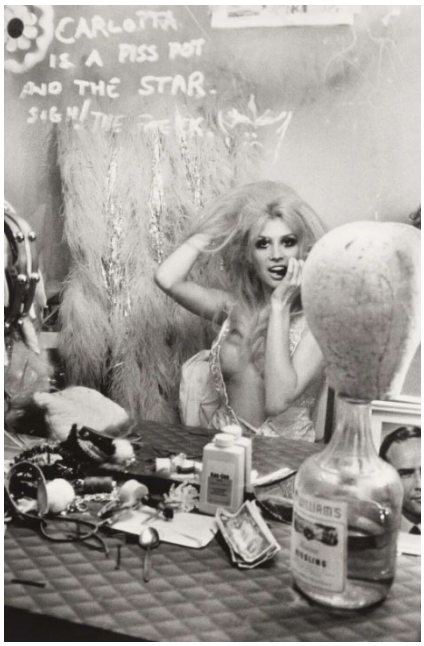
8
The Jewel Box.
Source: City of Sydney Archives, reproduced in *Camp Nites.*

46 Gavin Harris and John Witte, *Camp Nites: Sydney's emerging drag scene in the '60s*, p.5.
47 *Camp Nites*, p.9.
48 Garry Wotherspoon, *Gay Sydney: a history*, p.159; "Les Girls" at https://dictionaryofsydney.org/organisation/les_girls, accessed 23 November 2022. 32

the first half of the 1960s. Perhaps the most noteworthy was the Purple Onion at 83 Anzac Parade, Kensington, which opened in mid-1962[49] and remained a performance venue for a decade.



9
Poster promoting Les Girls. Date not known.
Source: Bloomfield and George via Flickr, downloaded 2009.



10
Carlotta, photographed by Rennie Ellis, 1970-1971.
Source: NLA PIC/11403/22 LOC Drawer PIC/11403.

Drag queens were a well-established part of the gay male subculture prior to the appearance of these clubs. Male and female cross dressing in Sydney was recorded in colonial times. At the end of the nineteenth century, "homosexuality, at that time equated with effeminacy, was seen as undermining the manhood of the nation, and effeminate men, especially those who cross-dressed, were deemed worthy of public rebuke."[50] Cross dressing continued to be the subject of disdain and scorn during the first four decades of the twentieth century; the term "drag queen" has been traced to homosexual subcultures in the 1930s, denoting a gay male dressing as a woman primarily to entertain others.[51] The situation regarding men in drag appears to have softened to some extent during World War II:

> Although there were laws against men appearing in women's clothing, it was usually condoned if confined to the theatre. As in Britain, the 'Dame' role in pantomime was often played by men, and in the more mainstream theatre young males had, certainly since Shakespeare's time, played female roles. This was an avenue for cross-dressers to explore, and in the early years of World War II nightclubs sometimes

Darlinghurst Road was designed in 1961 as a three storey commercial development containing shops, a restaurant on the first floor and office space on the second floor (City of Sydney Archives Building Application 1694/61). It has since been modified and is now the Empire Hotel.

49 Following the closure of the Purple Onion, 83 Anzac Parade was renovated and became Kens Karate Klub, which opened in 1972 and closed in 2012. Ken's first owner was Ken "Kandy" Johnson, a drag queen from the Purple Onion who also owned the Park Inn Hotel. Johnson opened Ken's Baths in a gym at 97 Belmore Rd, Randwick in 1971, before relocating to the old Purple Onion building (Andrew M Potts, "Kens at Kensington to Close", *Star Observer*, 30 April 2012 at https://www.starobserver.com.au/news/national-news/new-south-wales-news/kens-at-kensington-to-close/76482, accessed 12 December 2022).

50 Garry Wotherspoon, "Drag and cross dressing" at https://dictionaryofsydney.org/entry/drag_and_cross_dressing, accessed 21 December 2022.

51 Kerryn Drysdale, *Intimate Investments in Drag King Cultures: the rise and fall of a lesbian social scene*, p.25.

featured local 'stars' such as 'Lea Sonia'. S/he appeared regularly in drag at the Diamond Horseshoe Club in Oxford Street, Woollahra.[52]

11
Benjamin O'Reilly, stage name Lea Sonia, and friend, photographed in July 1941. O'Reilly died after being struck by a tram in January 1942
Source: SLNSW ON 388/Box 035/Item 245, Ray Olson photograph.

One event on Sydney's social calendar that provided an opportunity for male drag was the Artist's Ball, the first one of which was held in 1881. The Balls became an annual event up to World War I then resumed during the 1920s. The most notorious was the 1924 Ball, held at Sydney Town Hall. It descended into chaos and rapidly became infamous because of "disgraceful scenes of drunken riot and licentiousness." In the 1950s and early 1960s, they were held at the Trocadero ballroom at 513-515 George Street in Sydney. The balls there attracted artists and their models and much of Sydney's bohemia, including many cross-dressers. One famous incident involved drag queens arriving in giant removalist vans because their frocks and hairstyles were too large to be transported any other way.[53]

12
Cover of the *Souvenir* of the 1924 Artists' Ball.
Source: State Library of NSW Q793.3809944/1.

In the postwar era the situation became somewhat more relaxed:

> The war had made many men aware that they were not alone in their dissident sexualities, and after the war what was termed 'camp life' boomed, albeit discreetly. … Newspapers were not shy in reporting … the Sydney parties where men dressed as women, with names borrowed from the movie stars of the era. And they had the photos to prove it. Sydney was titillated, rather than shocked. … Gradually, a series of clubs which featured drag shows as their drawcard began to appear.[54]

Drag shows have remained a consistent and integral part of gay male recreation ever since, staged in pubs and in night clubs. By contrast, it is understood that a lesbian equivalent to the clubs featuring drag shows apparently did not emerge until the 1990s, although women would participate in a "mixed drag scene" during the early 1970s, if

52 "Drag and cross dressing". The Diamond Horseshoe was located at 80 Oxford Street, Woollahra. It was also known as the Maxine Hall and is understood to date to the early 1920s. The building still stands, in a semi derelict state.
53 Deborah Beck, "Scandalous nights - Sydney's artists' balls" at https://dictionaryofsydney.org/entry/scandalous_nights_sydneys_artists_balls, accessed 21 December 2022; "The Artists' Ball", Sydney Morning Herald, 19 September 1924, p.11.
54 "Drag and cross dressing".

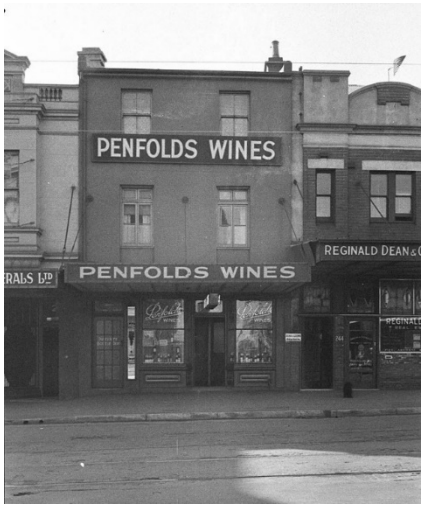
not later.[55] The drag king scene proliferated during the 1990s and early 2000s with performance nights in various venues. One of the first drag king events took place at the Lava Lounge at The Burdekin Hotel at 2 Oxford Street. A distinctive drag king culture consolidated with a series of competition nights held at ARQ in Flinders Street during 1999 and 2000. It became associated with Newtown rather than Darlinghurst. The Sly Fox Hotel (Enmore Hotel, 199 Enmore Road, Enmore) became the place to go for performances.[56]

2.3 The emergence of Oxford Street

While Oxford Street is well known as a pivotal location in Sydney, it took several years for it to achieve its per-eminence. Kings Cross retained its importance well into the 1970s. During the 1960s gay commercial venues started opening in various parts of Oxford Street and its environs. Initially located in Paddington and Bondi Junction, by the end of the 1960s they began to consolidate within the study area, which was already the locale for several nightclubs catering to various migrant groups. Most of these new venues were associated with the gay male community.

The Grosvenor (Taxi) Club has been claimed as Sydney's oldest LGBTQ venue.[57] It relocated from premises just off Oxford Street at 35 Flinders Street, which it had occupied since 1949, to 40-42 Flinders Street during 1956, where it operated until closing in May 2012. It is understood that during the 1960s performers from Les Girls came to the Club after their shows had finished, attracting a gay clientelle. It appears to have been regarded as a safe and accepting place for members of the transgender community. [58]

In the second half of the 1960s two wine bars catering specifically to gay men opened on Oxford Street, although not in Darlinghurst. One was Enzo's at 242 Oxford Street, Paddington, opposite the Paddington Town Hall. In the 1930s the building housed a Penfolds Wine Bar. By 1963 it was occupied by The Elatos, home of Finocchios restaurant revue, which featured drag performers,[59] and subsequently became known as Enzo's. In the first quarter of 1977 it became the Traffic Light and its gay clientele subsequently diminished.[60] The other was Chez Ivy's, understood to have been at 101-105 Oxford Street Bondi Junction (since demolished).[61] Ivy Richter (1927-2013) was a prominent venue owner who turned a wine bar that she ran in Bondi Junction into Chez Ivy's in 1962, assisted by her husband and gay friends. Here camp men and women were served drinks by drag queens in bunny girl outfits and were entertained with live music.[62] She sold Chez Ivy's in 1967 and opened Ivy's Birdcage at 191-195 Oxford



13
242 Oxford Street, Paddington photographed in 1939 while a Penfolds Wine Bar and well before it became The Elatos/Finocchio's and then Enzo's. Source: SLNSW Home and Away – 9731, Sam Hood photograph.

55 Jennings and Mackay, p.25.
56 Drysdale, pp.33-36.
57 "Taxi Club Forced to Vacate", Star Observer, 7 May 2012 at https://www.starobserver.com.au/news/national-news/new-south-wales-news/taxi-club-forced-to-close-doors/77002, accessed 6 December 2012.
58 At https://www.smh.com.au/entertainment/now-thats-a-drag--lights-dim-for-the-taxi-club-20111104-1mzyn.html, accessed 20 December 2022.
59 The term finocchio is Italian for fennel but is or was used as a negative term for homosexual men. Finocchio's was a long-established San Francisco nightclub (1936-1999) that attracted a gay crowd and staged drag shows
60 "New Gay Spots", *Campaign*, March 1977, p.27. Another new gay spot was the Royal George Hotel on the north-western corner of King and Sussex Streets, Sydney. The circa 1903 building continues in use as a hotel.
61 Advertisement for Ivy's Wine Bar in *Campaign*, Issue 8, April 1976, p.39.
62 Jennings and Mackay, p.5. According to Jennings and Mackay, Ivy decided on the change after meeting a drag queen known as Claudia at a party. Claudia took charge of the refit of the establishment.

Street, Darlinghurst.[63] The Birdcage, originally over two levels, staged drag shows on the top level. Both Chez Ivy's and Ivy's Birdcage were well patronised by lesbians and gay men:

> *… lesbians were … beginning to join a much longer-standing gay male bar culture in significant numbers, reflecting a broader social acceptance of women and public drinking in the wake of reforms to the licensing laws in the late 1950s. Male narrators recall seeing lesbian on the commercial scene for the first time in the early 1960s, and lesbian narrators began to discuss their participation in the bar scene from the 1960s onwards. Lesbians socialised alongside homosexual men and drag queens in venues such as Chez Ivy wine bar in Bondi Junction and the Purple Onion coffee shop on Anzac Parade …*[64]

14 Ivy Richter (left); show at Ivy's Birdcage (right).
Source: https://www.pridehistory.org.au/100-voices-by-author/richter-ivy; https://www.sbs.com.au/topics/pride/agenda/article/2018/05/03/big-city-gaybourhoods-where-they-come-and-why-they-still-matter - Sydney Pride History Group.

According to historian Rebecca Jennings, lesbians in Sydney only started appearing in significant numbers on the commercial scene during the early 1960s, when they frequented venues alongside gay men. Evidence suggests that prior to this a unique scene existed in Sydney that was

> *… centred on private networks meeting at house parties and later in social groups. The predominance of private rather than public patterns of socialising in the immediate postwar decades had a lasting impact on the development of lesbian social practices and subcultural identities throughout the period [from the 1940s to the 1970s] …*[65]

Other venues that were popular with lesbians in the 1960s and early 1970s were the Sussex Hotel at 68 Liverpool Street, Sydney (demolished), and the Park Inn (now Centennial Hotel) at 88-90 Oxford Street, Woollahra, which opened as a camp venue in 1970. So too was the Trolley Car Bar in Chippendale. The Trolley Car opened in 1966.

63 Development application DA 263/1/68 for the use of 193-195 Oxford Street for a licensed restaurant and nightclub was lodged on 20 November 1968.
64 Rebecca Jennings, *Unnamed Desires: a Sydney lesbian history* (Monash University Publishing, 2015), p.58
65 Jennings, p.51. Social groups included the Chameleons (founded in 1962), Boomerangs, Kuringals the Pollynesian Social Club (also known as Polly's, founded 1967) and the lesbian only Clover (founded in 1972). Refer to Jennings and Mackay, pp.15-24.

It was a mixed bar owned by Dawn O'Donnell,[66] a prominent lesbian businesswoman who was destined to play a major role in the development of a commercial scene in gay Sydney. One of her earliest ventures was Karen's Castle, which opened in 1965 in a converted shop in Cleveland Street, Redfern. Drag shows were staged there on weekends. Dawn sold it in 1967.[67]

In 1967, a group of friends that included Dawn O'Donnell established Sydney's first gay bathhouse, the Bondi Junction Steam Baths.[68] It was located on Oxford Street at Bondi Junction, and close to Chez Ivy's.[69] Gay bathhouses would appear to be significant institutions for gay men; the first to appear in the study area was the 253 Sauna at 253 Oxford Street, which closed in 1988. According to Jason Prior, Professor of Planning, Health and Environment at the Institute for Sustainable Futures at UTS,

> *The gay bathhouse played a central role in the battle for gay liberation in Sydney during the latter part of the twentieth century. The evolving public domain of Sydney's gay bathhouses fostered the experiences of gay men and contributed to the development of a vibrant, validated homosexual culture within the city. The dynamic nature of these spaces allowed gay men an unprecedented opportunity to develop, experience and express, individual and collective sexual identities and practices*[70]

15
Dawn O'Donnell, photographed by Greg Barrett in 1993.
Source: National Library of Australia http://nla.gov.au/nla.obj-142843715.

While the Bondi Junction Steam Baths endured into the 1970s, The Birdcage was short-lived. It closed later in 1969 after a second fire and the performers and the shows moved to Dawn O'Donnell's Capriccios at 163-169 Oxford Street, Darlinghurst, which opened shortly after.[71] O'Donnell, is often credited with turning Oxford Street into the gay capital of the southern hemisphere and Sydney into one of the most open gay cities in the world. With the opening of Capriccio's Oxford Street and its environs increasingly drew LGBTQ people away from Kings Cross, although this did not happen overnight.

There have been several reasons suggested as to why the focus of the LGBTQ scene shifted from Kings Cross to Darlinghurst. From October 1967 to December 1971 Sydney was a rest and recreation (R&R) destination for American military servicemen active in Vietnam. Inevitably, Kings Cross was an important location for them. R&R has been blamed for negative impacts on Kings Cross and Australian society, although it has been suggested that its impacts, particularly in regard to drugs, have been overstated.[72] The obvious presence of drugs and heterosexual prostitution in Kings

66 Jennings, p.60
67 Jennings and Mackay, p.8.
68 Jason Prior, "Experiences beyond the threshold: Sydney's gay bathhouses" in *Australian Cultural History*
Vol. 27, No. 1, April 2009, p.64, accessed at https://www.academia.edu/2243232/Experiences_beyond_the_threshold_Sydneys_gay_bathhouses.
69 Gay Sydney: a history, p.163.
70 Prior, p.61. From 1972 to 1977 the following gay steam baths opened: Ken's Karate Klub at Kensington (1972); No. 253 at 253 Oxford Street, Darlinghurst (1973); King Steam in King Street, Sydney, later relocated to Oxford Street; Silhouette American Health Centre; Colt 107 Recreation Centre; Barefoot Boy; and Roman Bath, which opened during 1977 in the basement of the National Building at 250 Pitt Street, Sydney and later relocated to Oxford Street.
71 "Richter, Ivy" at https://www.pridehistory.org.au/100-voices-by-author/richter-ivy, accessed 13 December 2022.
72 Duffy and Hordern, pp.245-247. The authors suggest there were only about 1,500 American servicemen on leave in Sydney at any one time, their presence "crammed into a few blocks around Kings Cross in a score or so of nightclubs and bars" (Duffy and Hordern quoting Richard Hall, *Disorganised Crime*, University of Queensland Press, 1986, p.44.

Cross has also been suggested.[73] Perhaps an equally valid reason was that rents were cheaper as Kings Cross real estate became more expensive and affordable large empty spaces were readily available around Oxford Street.

In this period of transition Darlinghurst Road fulfilled an important role:

> *It was Capriccio's which was to become the landmark of the new gay era which began to unfold in Oxford Street in the late sixties. To some it might have seemed too long a distance from the major meeting places of the established scene in the Cross to this new venue in Oxford Street. However, this was not really so, as the old beat at Green Park (affectionately referred to as the Wailing Wall) was on the route between the Cross and Oxford Street. In fact, many promenaders preferred to cruise along this route after the pubs had closed.*
>
> *If you think of Green Park as having been then like it is today [1983], you'll have to think again. There were very few commercial boys out on the beat at that time and it was often something of a social occasion where many would go just for the company. There were sometimes hundreds out at any one time.*
>
> *The walk along Darlinghurst Road from the Cross allowed time to sober up just a little and take in some of the views on the streets in the evening. Along this route one eventually came to the Maccabean Hall on the corner of Burton Street and Darlinghurst Road. This was often the site of gay dances. The most consistent were those put on by a group called the Aquarius Club, which really wasn't a club at all, but a personal charity for one enterprising individual who realised what the gay world needed.*[74]

2.4 Political action

At the same time as commercial venues were starting to appear on Oxford Street, political action for gay rights was starting to emerge. Campaign Against Moral Persecution (CAMP) was founded by public servant Christabel Poll (c.1939-2023) and psychology student John Ware (1939-2011) and their partners, who became its convenors and spokespeople, in 1970:

> *In February 1971, Sydney's first lesbian and gay political organisation, the Campaign Against Moral Persecution (CAMP Inc), was founded in St John's Church Hall, Balmain. The organisation was established by John Ware, Christabel Poll and their partners in July 1970 with the aim of educating the general public about homosexuality and alleviating the isolation and low self-esteem experienced by many LGBTIQ people during this time. The new group found clubrooms at 393 Darling Street, Balmain, where they held meetings and parties. They also produced a lesbian and gay rights magazine called CAMP Ink as a means of communicating with supporters across the country and to build momentum behind their political organising activities.*[75]

16
Photograph of John Ware and Christabel Poll that accompanied an article published in *The Bulletin*, 13 March 1971.

73 Faro and Wotherspoon, p.223.
74 Robert Connell, "The Birth of Gay Oxford Street", *Oxford Weekender News*, 10 – 23 November 1983, p.13.
75 "Camp Ink" at https://www.pridehistory.org.au/camp-ink, accessed 12 December 2022; the CAMP Inc meeting took place on 6 February 1971 and was the first public gathering of

By the end of the year branches of CAMP had been established in all capital cities and on most university campuses. On 8 October 1971, some 70 people demonstrated outside the Sydney headquarters of the Liberal Party supporting the pre-selection of Tom Hughes, then Federal Attorney-General. It marked an important milestone in the history of gay liberation and according to *CAMP Ink* "October was the month when we came of age, politically."

During 1971 the more radical politics and ideas of the Gay Liberation Front in the United States were percolating into Australia. A group calling itself Sydney Gay Liberation (SGL) broke away from CAMP Inc in January 1972. The first major demonstration organised by SGL, in July 1972, was outside the ABC offices in Sydney and was notable also for the first arrest at a gay political demonstration in Australia. Seventeen people were arrested at a march in Martin Place. It was a foretaste of similar confrontations to come, the most spectacular of which was to occur at the first Gay Mardi Gras in 1978 (refer to Section 2.7). The SGL staged fund raising dances at Paddington Town Hall, which was the scene of numerous dances for the gay and lesbian community during the 1970s and 1980s. Gay Pride Week celebrations were held in Sydney in September 1973. However, by 1974 practical achievements were limited. At least one public group, which acted as a focus for activity, had been established in the larger cities as had counselling services. But these groups were small and they failed to attract the larger membership from the broader gay community centred on the bar culture.

17
Poster for a SGL fund raising dance at Paddington Town Hall, 1973.
Source: SLNSW POSTERS/HOMOSEXUALITY/1

Women had been equal and enthusiastic partners in the early workings of both CAMP and Gay Liberation but by early 1973, many women were having increasing difficulty coping with the sexist attitudes of many gay men. At the same time, lesbians were attempting to work out their place in a feminist movement that was sometimes hostile to them. Many turned their energies and involvement to feminist or lesbian separatist organisations or drifted away from a gay movement which they felt held little for them. This trend was only reversed in the late 1980s.[76]

2.5 Oxford Street consolidates

It took some time for the commercial gay scene on Oxford Street to achieve its pre-eminence:

> *When Gore Vidal trawled along Oxford Street in 1973, he quipped that they could have been in New York twenty years earlier. Five years later, The Australian had discovered the pink dollar. But there were still only three gay watering holes between Taylor Square and Hyde Park although Ruby Reds, Sydney's only lesbian bar, was just around the corner. There were some gay-friendly restaurants and coffee shops as well as back-rooms and a sauna, but there were no gay pubs. The Cricketer's Arms was in Surry Hill, The Unicorn was in Paddington and the Bottom's Up Bar was in Kings Cross. In fact Kings Cross was still the centre of Sydney's night life and had some camp-gay spaces including The Barrel Inn; the Bunk House, Castellos, the Chevron Hotel, the Rex Hotel, Ida's Disco and Les Girls.*

homosexual men and women in Sydney (Robert French, "Australia's queer history" at https://www.ogmagazine.org.au/20/4-20/australias-queer-history/, accessed 12 December 2022.

76 "Fifty Years of Visibility" at https://www.pridehistory.org.au/newsletter/50-years-of-visibility, accessed 14 December 2022.

> *The big money didn't roll into Oxford Street until 1979. However, CAMP felt that a lot of men were already drifting away from its outreach services and heading for the bars and discos.*[77]

In 1978 academic, author and gay rights activist Dennis Altman shared his less-than-enthusiastic observations on the nature of the emerging Oxford Street in an article on gay life in Australia:

> *Meanwhile the commercial scene continued to proliferate, especially in Sydney – Oxford St [sic] has become a tawdry antipodean Amsterdam, at least in the eyes of those outside Sydney. This proliferation has been almost exclusively aimed at men; it is perhaps significant, and it is certainly sad, that the one lesbian bar in Sydney is manned by men who look like strip-club bouncers. The women, therefore, have had more reason to search for alternatives to the commercial scene, probably a major reason for their greater militancy.*[78]

Kings Cross and its environs did not just fade away as venues on Oxford Street proliferated. Established venues such as the Barrell Inn at in Challis Avenue, Potts Point traded throughout the 1970s. New gay venues kept opening in Kings Cross during the 1970s. They included:

- The Barrell Inn, Challis Avenue, Potts Point, which was established circa 1971.
- The upstairs bar in the Australian Heritage Hotel, 79 Bayswater Road.
- The Palace Disco in Darlinghurst Road, Kings Cross.
- The Venus Room, 6 Orwell Street, Kings Cross.
- Club Castello, 2A Kellett Street, Kings Cross.
- Colt 107 Sauna, 107 Darlinghurst Road, Kings Cross.
- The Bunkhouse, 2 Kellett Street, Kings Cross.[79]

Between 1973 and the early 1980s several gay men's' venues opened on Oxford Street and nearby localities. Not all of them lasted for very long. Perhaps the first was the Cricketers Arms Hotel at 106-108 Fitzroy Street, Surry Hills - some distance to the south of Oxford Street (1973; Sydney LEP item I1540). It was mainly frequented by lesbians but also served male patrons.[80] The Cricketers Arms was followed by the Apollo Bar at the Imperial Hotel, 25 Oxford Street, Paddington (opened circa April 1976) and Patch's at 33 Oxford Street, Darlinghurst (April 1976). Venues that followed included:

18
Advertisement for Patch's published in the Sydney Star during 1979. Source: https://kxacf.org.au/1-what-was-gay-and-lesbian-sydney-like-in-1978/.

- Palms at 124 Oxford Street (c.1977)
- Tropicana at 85 Oxford Street and Flo's Palace at 97 Oxford Street (both 1978)
- the Unicorn Hotel at 106 Oxford Street, Paddington (1978)
- the Beresford Hotel at 354 Bourke Street, Surry Hills (1979)
- the Albury Hotel at 2A Oxford Street, Paddington (1980)
- Exchange Hotel, 34-36 Oxford Street (1980)
- Club 85 at 85 Oxford Street (1980), which became Midnight Shift in 1982
- Flinders Hotel, 63-65 Flinders Street (1980)

77 Gavin Harris and John Witte, "Kings Cross Arts & Cultural Festival Inc: 1. What was gay and lesbian Sydney like in 1978?" at https://kxacf.org.au/1-what-was-gay-and-lesbian-sydney-like-in-1978/, accessed 1 December 2022.
78 Dennis Altman, "Oz Movement 1971-1978", *Campaign*, No 36, September 1978, p.17).
79 List based on articles and advertisements in *Campaign*, September 1975 to September 1978.
80 Jennings and Mackay, p.27.

- The Green Park Diner, 219-221 Oxford Street (1981)
- the Oxford Hotel at 134 Oxford Street (1982)
- Butts Bar, 45 Oxford Street.

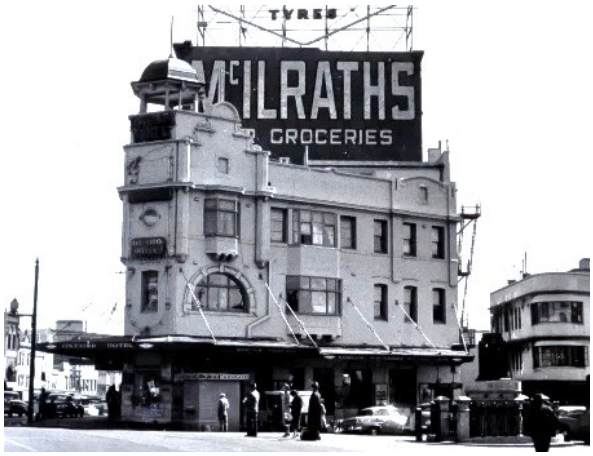
A leather bar/club called The Ox opened in 80 Oxford Street in the last years of the 1970s. The Ox fell victim to fire during 1981,[81] a fate shared by many gay venues in the late 1970s and early 1980s. Another leather bar opening at this time was The Barracks at 7-9 Flinders Street, which subsequently relocated to 1-5 Flinders Street. By way of contrast The Bookshop opened its doors at 207 Oxford Street in 1985 and remains a valuable LGBTIQA+ cultural institution within the street.

The 253 sauna was joined by the Roman Bath at 38-42 Oxford Street in 1986. Three years later the premises became King Stream (now Sydney Sauna). In 1991 Bodyline Sauna opened at 10 Taylor Street.

19 The Cricketers Arms Hotel in Surry Hills shortly after completion in 1922, some fifty years before it became a popular gay venue (left); the Unicorn Hotel at 106 Oxford Street, Paddington, completed around 1942 (right).
Source Museum of Applied Arts and Sciences, Object no 86/3384-13/1. Photographer not known; *Building*, 24 June 1942, p.31.

20 The Albury Hotel in Paddington shortly after completion, 1940 (left); the Beresford Hotel in Surry Hills, which was subjected to extensive alterations and additions circa 1925 (right).
Source: ANU Noel Butlin Archives at https://openresearch-repository.anu.edu.au/handle/1885/95259 and https://openresearch-repository.anu.edu.au/handle/1885/96432

81 Faro and Wotherspoon, p.248.



21 Portion of a c.1934 photograph showing the Oxford Hotel in Darlinghurst (left); Exchange Hotel in Darlinghurst, photographed in 1930.
Sources: ANU Noel Butlin Archives at https://openresearch-repository.anu.edu.au/handle/1885/ 102274 and https://openresearch-repository.anu.edu.au/handle/1885/ 733712883

The commercial scene for lesbians during the 1970s and the following decades was not situated on Oxford Street. Rather, it consisted of venues in several locations, as was the case in the 1960s with hotels like the Trolley Bar in Chippendale and the Sussex Hotel in Central Sydney. In 1973 Dawn O'Donnell and her business partner, gay millionaire restauranteur Roger-Claude Tesseydre, took over the restaurant known as Jools at 121 Crown Street, East Sydney (since demolished). The name was retained but the restaurant became a cabaret venue and supper club, opening around the beginning of December 1973.[82] It was "… far more glamorous than a lot of the other lesbian venues with chandeliers, a bar on the mezzanine level and opulent red plush velvet wallpaper and many artists performed here, including the lesbian icon Lana Cantrell."[83] It was destroyed by fire in January 1977.[84]

22
Dawn O'Donnell and Roger-Claude Tesseydre at Jools not long after it opened.
Source: *Now*, 4 December 1973, p.2.

Pubs utilised by heterosexual or gay male patrons would have women's nights. For instance, in 1978 the Back Bar of the Oriental Hotel, at the intersection of Crown and Campbell Streets, Surry Hills, was advertised as a women's only venue from Thursday to Saturday between the hours of 7 and 10 pm.[85] Ruby Reds at 273 Crown Street to the south of Oxford Street, on the other hand, was an exclusively women's venue. Opening during 1979, it was a nightclub and women's bar and was owned by Dawn O'Donnell. It sported all the paraphernalia of the early disco era including strobe lighting, mirror balls and dance floors that changed colours. The bar catered to women only; men were only admitted as guests of female patrons (or worked behind the bar).[86] The venue was advertised as a restaurant in later years.[87] It is credited as Australia's first lesbian bar and club.[88]

23
The bar at Ruby Reds, 273 Crown Street, photographed in April 1984.
Source: Australian Lesbian and Gay Archives, Cayte Latta papers and photograph.

The circa 1903 Royal George Hotel on the north-western corner of King and Sussex Streets, Sydney, opened as a "new gay spot" in the first quarter of 1977.[89] For some

82 "Juanita's World", *Now*, 4 December 1973, p.2.
83 Jennings and Mackay, p.27. Other joint ventures between O'Donnell and Tesseydre, as was Ruby Reds included Le Cabanon, Patches, the Exchange Hotel and King Steam.
84 *Campaign*, No. 17 February 1977, p.6.
85 Advertisement, *Campaign*, April 1978, p.20.
86 Jennings, p.72.
87 *Oxford Weekender News*, 11-17 August 1983
88 https://www.sushi-rider.com/friends-of-dorothy/first-lesbian-bar-clubs-worldwide.html, accessed 21 December 2022.
89 "New Gay Spots", *Campaign*, March 1977, p.27.

years a favourite pub of the Sydney Push, it attracted a part-time lesbian clientele into the early 1990s. At this time venues favoured by lesbians were located away from Oxford Street, with the building formerly occupied by Ruby Reds, now containing a venue known as Pastels, the closest venue to it.

The 1907 Belmore Park Hotel at 47 Reservoir Streets, Surry Hills, opened as a lesbian venue in August 1983.[90] According to the *Oxford Weekender News* it was the first full-time pub in Sydney for women. Halfway between two major women's venues, it was a pub that women would patronise before moving on to other venues[91] It is understood to have closed for business in 1985.

24
The brick and sandstone Belmore Park Hotel at 47 Reservoir Street, Surry Hills, photographed in 1930. It has since been painted externally and the verandah replaced by a suspended awning (left); stylish advertisement for the Royal George Hotel published in *Lesbians on the Loose*, September 1990, p.3 (right).
Sources: Australian National University Noel Butlin Archives at https://openresearch-repository.anu.edu.au/handle/1885/96392.

2.6 1980s and after

1980 Lex Watson and Craig Johnston[92] assisted in setting up the Gay Rights Lobby to lobby for decriminalisation of male homosexual acts. Concerted campaigning began during 1981 and eventually led to the introduction of the Crimes (Amendment) Act decriminalising homosexual acts in NSW by Labor Premier Neville Wran on 10 May 1984. It was seconded by the leader of the Liberal Party, Nick Greiner, passed about 12 days later and assented to the following month.

In the meantime, the first case of HIV/AIDS in Sydney was diagnosed in November 1982. The disease was first identified in America during 1981. The general reaction to the disease was paranoid and marked by extensive homophobic scare mongering in the media. Sydney's gay community responded with the provision of vital support services. The AIDS Council of NSW (ACON), established in mid-1983, was followed in 1985 by Ankali, an organisation that trained volunteers to provide emotional and social support for victims, the Community Support Network, to care for affected people in their homes and the Bobby Goldsmith Foundation, to provide financial, housing and employment support. According to Garry Wotherspoon, "if ever there had been a debate as to whether or not the Oxford Street gay scene could be said to constitute a community, the response to the AIDS epidemic certainly saw a clear resolve to the issue."[93] Many were treated and died in Ward 17 South at St Vincent's Hospital but the

90 *Oxford Weekender News*, 11-17 August 1983, p.9.
91 "Femmes In-formation", *Oxford Weekend News*, Issue 70, 18 August 1983 p.14
92 Craig Johnston was a Labor then Independent Alderman on the then Sydney City Council from April 1984 to March 1987.
93 Faro and Wotherspoon, p.257.

numbers requiring hospitalisation became too great and in 1986 a new ward was opened at Prince Henry Hospital at Little Bay.[94]

The International AIDS Candlelight Memorial was established in 1983. Oxford Street became an important part of Sydney's AIDS Candlelight Vigils, the first of which took place in October 1985. The vigils started at Green Park then moved down Oxford Street to Hyde Park.

In the first half of the 1980s an alternative centre of gay commercial activity in metropolitan Sydney emerged. Venues opened in suburban Sydney during the 1970s, such as Yolanta's Bar at 9 Pittwater Road, Manly claimed to be the north shore's first gay bar, which started trading as a gay venue in the Manly Wine Tavern at the end of 1976, and what was claimed to be the first gay bar and bistro in Sydney's inner west, Charlie's Place in Homer Street, Earlwood, which opened in the middle of 1978.[95] Neither traded for many years although Yolantas survived into the early 1980s. Venues opening in Newtown and Erskineville proved rather more enduring, mirroring the consolidation of an active and vibrant inner west gay community and perhaps reflecting a broader acceptance of the LGBTIQA+ community by the general public. Pub licensee Barry Cecchini acquired the Milton and Newtown Hotels on King Street, Newtown, in 1982. While the Milton, renamed Cecchini's, only traded as a gay venue for a few years, the Newtown lasted until 2008, although in its present guise it is patronised by members of the LGBTIQA+ community. In 1983 Dawn O'Donnell acquired the Imperial Hotel in Erskineville. It has become a highly significant venue, patronised by gay men, lesbians and other members of the LGBTIQA+ community. She also acquired the Newtown Hotel's licence during the same period

Gilligan's Island on the southern side of Taylor Square was the setting for a political demonstration on 14 February 1995 when Taylor Square Perverts Against Sexual Hypocrisy: Out Now (PASHON) staged a "kiss in" there. The demonstration was intended to "draw attention to positive sexuality, the need for legal recognition for gay and lesbian relationships and an equal age of consent for everyone."[96] The following June South Sydney Council's Local Environment Plan, which aimed amongst other things to reinforce Oxford Street's gay and lesbian identity, was presented to the Council's gay and lesbian community consultation committee. Several days later The PRIDE Sydney Lesbian and Gay Community Centre at 26 Hutchinson Street, Surry Hills was opened by Federal MP Peter Baldwin and the State MP Clover Moore.[97]

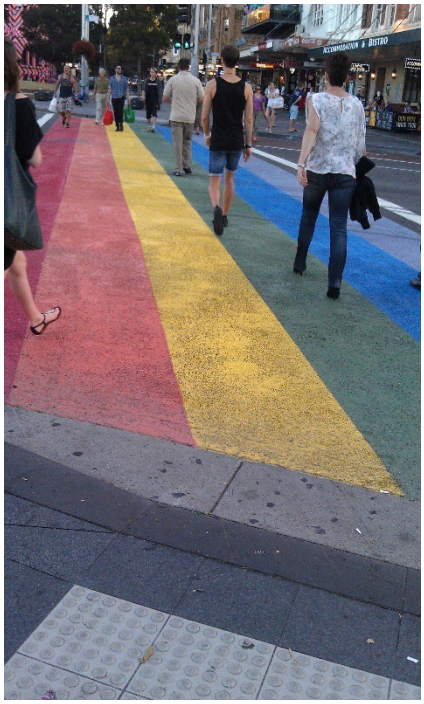
25
1995 Candlelight Vigil at the intersection of Oxford and College Streets
Source: City of Sydney Archives
Unique ID A- 00068659

94 Gay Sydney: a history, pp.226-227.
95 Yolanta's Bar in the Manly Wine Tavern was advertised in the *Manly Daily*, 7 February 1974 and appeared in the gay journal *Campaign* Issue 15, December 1976, p.3; *Campaign* No 33, June 1978, p.46.
96 ` Pride History Group, *Decades of Pride: 1995* at https://www.pridehistory.org.au/decades-of-pride, accessed 23 January 2023.
97 *Decades of Pride: 1995*, accessed 23 January 2023.

26
The PASH ON kiss-in in Taylor Square (1995).
Source: City of Sydney Archives, A- 00068652

What proved to be a temporary rainbow crossing was installed at Taylor Square in 2013:

> *West Hollywood saw a rainbow crossing installed on Santa Monica Boulevard as part of the 2012 Gay Pride Month in the US. The crossing was such a success it was allowed to remain a permanent feature.*
>
> *Cities including San Francisco, Atlanta and Vancouver soon followed with their own colourful crossings.*
>
> *A … rainbow crossing at Taylor Square installed in 2013 proved to be a hit. Its installation was timed with the Mardi Gras Festival and appeared in countless photos across social media. The crossing was removed by the former NSW Roads Minister.*
>
> *Following the crossing's removal, the City raised a rainbow flag at Taylor Square in 2014.*[98]



27
The temporary rainbow crossing at Taylor Square, 2013.
Source: https://dictionaryofsydney.org/blog/sydneys_rainbow_crossing - Megan Hicks photograph

The flag was joined in 2019 by a permanent rainbow crossing at the junction of Bourke and Campbell Streets. It was installed at the beginning of 2019. A rainbow path was installed in Prince Alfred Park, Surry Hills, about three years later, along with a rainbow path at Coogee Beach in 2021.

From 2014, lockout laws introduced by the NSW government that year impacted on many venues, causing them to close. Among them were the Flinders and Exchange Hotels and the Midnight Shift. The laws were repealed about seven years later, leading to the re-opening of several venues.

[98] "Crossing the rainbow at Taylor Square" at https://news.cityofsydney.nsw.gov.au/articles/crossing-the-rainbow-on-taylor-square, accessed 23 January 2023.

2.7 Mardi Gras

According to the State Heritage Register nomination for the Sydney Mardi Gras Parade Route,

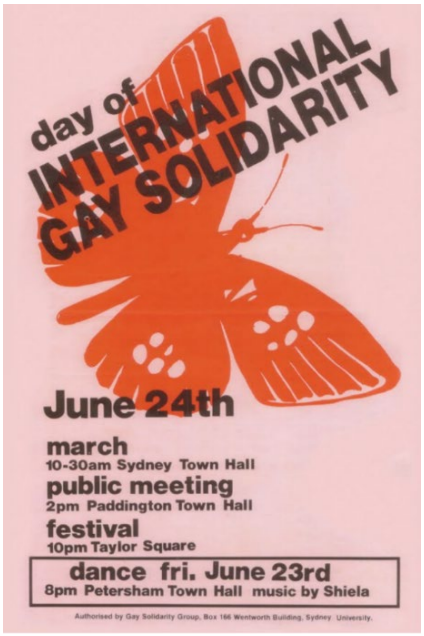
> *The Sydney Mardi Gras Parade Route along lower Oxford Street, Flinders Street and Anzac Parade within Moore Park has potential state heritage significance for its historic, associative, research, representative and rarity values, as the focus and the evolving site of Sydney's Mardi Gras parades from their beginning in 1978.These streets represent a window into alternative Sydney subcultures, a landscape where political protests, cultural festivals, shops, services and celebration of diversity have been made the most public, over decades. The Mardi Gras Parades build on a longer history of major public parades along Oxford Street, formerly South Head and Old South Head Road.*
>
> *The corridor of space along these streets leading from Hyde Park South to Moore Park and the Hordern Pavilion and Hall of Industries where post-Mardi Gras-parade dance parties have been held since 1982 is known beyond Australia as the face of Queer Sydney and Australia, a beacon of tolerance, resilience, political activist and gradual community acceptance and celebration. As a public platform for reclaiming public space by formerly oppressed minorities, this trio of roads takes on a different meaning and purpose at least once a year, as the site of the Mardi Gras Parades.*
>
> *Sydney Gay and Lesbian Mardi Gras is one of Australia's most famous and well-loved events, bringing tens of thousands of visitors to Sydney to join in celebrations.*

The Parade Route, with all of its LGBTIQA+ associations, is an outcome of events that took place in August 1978. The following summary history is based on information held at https://www.mardigras.org.au/history-of-sydney-mardi-gras/.

The pivotal event in the battle to achieve equal rights and recognition for gay people took place on the evening of Saturday, 24 June 1978. The original plan was for a procession along Oxford Street, commencing at Taylor Square, towards Hyde Park. It had been organised in response to a request from the San Francisco Freedom Day Committee for an international commemoration of the 1969 Stonewall riots in New York, by a small group of activities who had formed the Gay Solidarity Group. The parade followed a day of political protest and a forum staged at Paddington Town Hall. Transgender and Aboriginal people and people from migrant backgrounds all took part. The parade was shut down when it reached College Street but the participants them progressed up William Street. A riot took place on Darlinghurst Road when police tried to break up the parade and 53 people were arrested. They were incarcerated in Darlinghurst Police Station and subjected to brutal treatment.[99] The aftermath of the parade echoed events associated with the Stonewall riot in New York in 1969.

99 *Street Seen*, p.p.233-234; https://theconversation.com/friday-essay-on-the-sydney-mardi-gras-march-of-1978-54337, accessed 6 December 2022; https://kxacf.org.au/1-what-was-gay-and-lesbian-sydney-like-in-1978/

Darlinghurst Police Station was subsequently closed in March 1987. The closure was celebrated by a ceremony led by the Sisters of Perpetual Indulgence, where the The demon of homophobia was exorcised from the building.



28 The riot in Darlinghurst Road at the end of the Mardi Gras parade on the night of 24 June 1978 (left) and Poster promoting the day of International Gay Solidarity on 24 June 1978.
Sources:
https://www.sbs.com.au/topics/pride/mardigras/article/2018/03/02/we-found-every-sydney-gay-and-lesbian-mardi-gras-poster-1978;https://www.crossart.com.au/exhibition-archive/113-2018-exhibitions-projects/339-riot-candles-in-the-cross-the-first-mardi-gras-40-years-on, Branco Gaica photographer.

On 26 June 1978, 300 protested outside the closed court in Liverpool St and seven people were arrested. At a gay rights march staged on 15 July 1978, 2,000 people took part, making it the largest ever gay rights march. More people were arrested. Further arrests took place during the march down Oxford Street for the 4th National Homosexual Conference on 27 August 1978. Most though not all of the charges against those arrested were eventually dropped.

Up to 3,000 people marched in an incident-free event in 1979. That year the Mardi Gras expanded to encompass a week of festival opening with a fund-raising dance party. In 1980 a new element was introduced in the form of a post-parade party. In the early 1980s there was disagreement as to whether Mardi Gras was a political demonstration or a celebration of coming out.

In 1981 a crowd of 5,000 attended the parade. Changes at this time that were to determine the future direction of Mardi Gras included the shifting the parade from winter to summer, establishing an independent and elected organising body and enlisting non-activist groups. The following year First Nations people were represented, with an Aboriginal flag appearing in the Parade. By 1987 it had become Australia's biggest night time parade, attended by100,000 people. The highly popular Dykes on Bikes (members of the Vixens motorcycle club) appeared for the first time in the 1988 Parade.

By now Lesbians represented 25 per cent of the Mardi Gras membership and the name of the Mardi Gras was changed accordingly to include “Lesbian”. The 1988 Parade also saw the inaugural First Nations float, with dancer and activist Malcolm Cole dressed as Captain Cook accompanied by a First Nations Joseph Banks and two sailors standing in a long boat pulled by a European man. In 2005 the Parade was led by a First Nations float.

29
Malcolm Cole as Captain Cook, accompanied by a First Nations Joseph Banks in the 1988 Mardi Gras Parade. Source: National Library of Australia PIC88063 LOC Cold store Pic Yan – William Yang photograph.

The event began to enjoy extensive media coverage from the mid-1980s onwards and the crowds continued to swell, from 200,000 in 1989 to over 500,000 in 1993. Large numbers of interstate and international travellers had started flying in for the event as well, generating an estimated $38 million for the NSW economy. NSW MPs marched in the parade for the first time in 1992 followed by members of the NSW Police Force in 1998. A record crowd of 500,000 attended the Parade in 1993.[100]

Oxford Street also played a pivotal role in the Gay Games V, held in Sydney between 2 and 9 November 2002. The Games attracted about 13,000 athletes over 32 different sports and were accompanied by an arts and cultural festival.

> *The hub of the Games energy was rainbow mostly in the Hyde Park-Oxford Street area, which sported colorful street banners, food stalls, free musical performances and a huge painted rainbow on the street in Taylor Square in front of the most popular bar The Oxford Hotel. Cafes and bars along Oxford Street were energized and swollen with drinkers and diners day and night.*
>
> *It all melded into a resplendent downtown ambience of cheerful volunteers, good food, buoyant athletes, dedicated artists and ebullient visitors from 75 countries around the world.*

The sports venues, however, were spread out across the suburbs so many native Sydneysiders didn’t see much of the Games live. Nor did they see much in the newspapers as the coverage was minimal.[101]

100 https://www.mardigras.org.au/history-of-sydney-mardi-gras/, accessed 22 December 2022.
101 Richard Ammon, “Australia – Gay Games VI 2002” at https://www.globalgayz.com/australia-gay-games-vi-2002/744/, accessed 19 December 2022.

2.8 Chronological summary of venues

The following table summarises the chronological appearance of gay and lesbian venues on and near Oxford Street. The pink shading indicates when a LGBTIQA+ venue first opened at that address.

Address	Venue	Opened	Closed (if known)	Status
40-42 Flinders Street, Darlinghurst	Grosvenor Club/Taxi Club	1960s	2012	Not a gay venue
191-195 Oxford Street, Darlinghurst	Ivy's Birdcage	1969	1969	Closed
163-169 Oxford Street, Darlinghurst	Capriccios	1969	1982	
	Klub Kakadu	1987		
	Mars Club	1990s		
	Nevermind Nightclub			
	Heaven	2007?		
	Noir			
33 Oxford Street, Darlinghurst	Soul 33	c.1974		
	Patch's	1976		
	Fantasyland			
	DCM		c.2010	No longer a gay venue
85-91 Oxford Street, Darlinghurst	Tropicana	1978	1980	
	Club 85	1980	1980	
	Midnight Shift	1980	2017	
	Universal	c.2018		Gay venue
80 Oxford Street, Darlinghurst	The Ox	c.1978	1981	
	Footballers Club sauna	1981		
	Pete's Beat	1982	1985	
	Handlebar	1985	c.1987	Not a gay venue
253 Oxford Street, Darlinghurst	253 Sauna	1973	1988	Not a gay venue
124 Oxford Street, Darlinghurst	Palms	c.1977		
	Scooters	c.1988	1994	
	Palms	2000		Gay venue
1-5/7-9 Flinders Street, Darlinghurst	The Barracks	1978	2008	Not a gay venue
85 Oxford Street, Darlinghurst	Tropicana	1978		Not a gay venue
97 Oxford Street, Darlinghurst	Flo's Palace	1978	1983	
	The Den	1990s		Gay venue
273 Crown Street, Surry Hills	Ruby Reds	1979	1986	
	Querelle	1986		
	Boogie Room	1988		
	B's	1990		
	Pastels			
	Ruby's	1991		
	Headquarters			
	Trade	2021		Operating
63-65 Flinders Street, Darlinghurst	Flinders Hotel	1980	2015	Not a gay venue
34-36 Oxford Street, Darlinghurst	Exchange Hotel	1980		
	Saddletramp	1981		
219-221 Oxford Street, Darlinghurst	Green Park Diner	1981		Not a gay venue
134 Oxford Street, Darlinghurst	Oxford Hotel	1982		Gay venue
45 Oxford Street, Darlinghurst	Butts Bar	1983		Not a gay venue
383 Bourke St, Darlinghurst	Kinselas	c 1983		Gay venue
207 Oxford Street, Darlinghurst	The Bookshop	1985		Gay venue
38-42 Oxford Street, Darlinghurst	Roman Bath	1986	c.1989	
	King Steam/Sydney Sauna	1989		Gay venue
10 Taylor Street, Darlinghurst	Bodyline Sauna	1991	2021	
		2022		Gay venue
Burdekin Hotel, 2 Oxford Street Darlinghurst	Lava Lounge	c.1995		

Address	Venue	Opened	Closed (if known)	Status
	Baby Bear Bar	2017		
10-24 Flinders Street, Darlinghurst	ARQ	1999	2020	Gay venue
		2022		Gay venue
117-125 Oxford Street, Darlinghurst	Colombian	c.2001		Gay venue
41 Oxford Street, Darlinghurst	Slide Cabaret and Bar	2004	2022	Closed

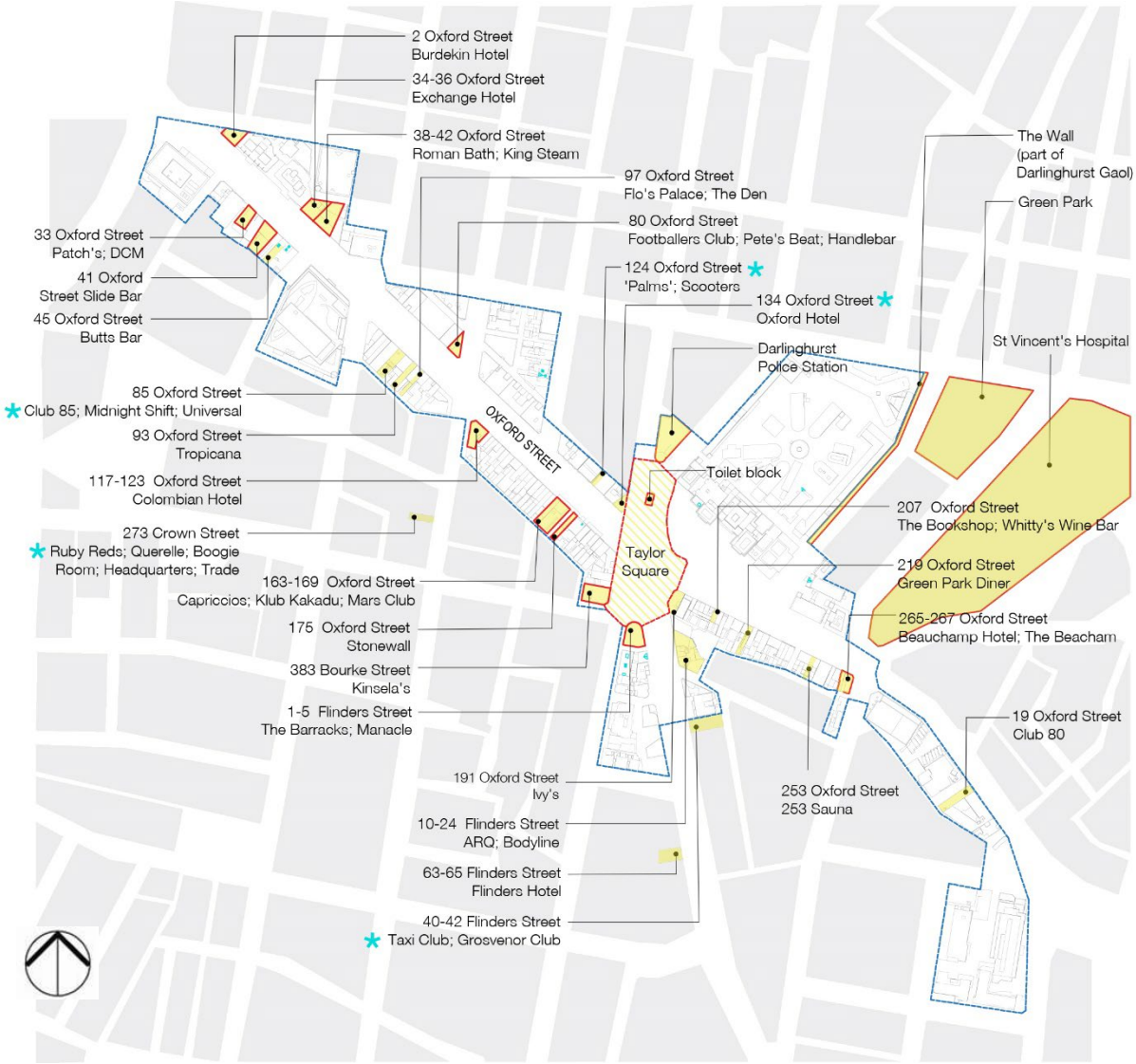
3 Significant sites

3.1 Introduction

The following tabulated analysis reviews several significant sites within the study area and in its vicinity. The analysis details the history of the sites, especially as it relates to the LGBTIQA+ history, notes current heritage listings, and provides recommendations for future management. In relation to existing heritage items, suggested revisions are provided to address the history and significance of the places to the LGBTIQA+ community if they are not already noted.

Of the 32 sites of significance identified:

- Most sites covered by a conservation area (Oxford Street C17 or Paddington Urban C50)
- 18 sites are already listed as heritage items
- 5 sites are recommended for listing
- Revisions are recommended to the inventories of 14 of the existing heritage items



30 Diagram showing the identified sites of significance (yellow shading) within the Oxford Street study area (blue outline) (not to scale). The red outlines denote existing heritage items.
Source: City of Sydney with TKD Architects overlay.

Site name/s	Underground Men's Conveniences
Address	Taylor Square, Darlinghurst

The Underground Men's Conveniences in 1934 and 2022.
Sources: City of Sydney Archives, A-00007468 and TKD Architects, 2022

Typology	Meeting place.
Current listings	SHR Item No. 01700, 'Taylor Square Substation No.6 & Underground Public Conveniences'; Sydney Local Environmental Plan 2012, Item No. 401 'Underground Lavatory Including Interior'
Outline history	• Public urinals constructed in Taylor Square in 1883 • Steel structure erected over the urinals in 1885 to support elevated saltwater tanks for street cleaning • In the context of the outbreak of the Bubonic Plague and changing views on public health, Sydney Municipal Council removed the existing urinals and rebuilt new underground men's conveniences under Taylor Square in 1907.[102] It was the sixth of its type to be constructed • After debate and petitioning from the Women's progressive Association, in 1938 female conveniences were built nearby • The place served as a popular but dangerous meeting place for gay men from the 1960s/1970s onwards. Police attempted to entrap gay men at this location.[103] The conveniences were closed in 1998.
Recommendations	—
Inventory revisions	Not required – Existing history and significance (shared between LEP and SHR listings) in the combined listings that cover the site acknowledge the significance of the underground toilets as a meeting place for the gay community.
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

102 Heritage NSW, State Heritage Inventory entry: 'Taylor Square Substation No. 6 and underground public conveniences,' Item ID 5053631.
103 Chloe Sargeant and historian Robert French, 'Secret sex bars and beats: joining the Sisters on a queer history tour,' SBS News, 2 March 2018.

Site name/s	Darlinghurst Police Station
Address	301 Forbes Street, Darlinghurst

Protestors outside Darlinghurst Police Station in 1978, and the building in 2022.
Sources: Branco Gaica via Culture Scouts (L) and TKD Architects (R)

Typology	Place of protest / site on first Mardi Gras route
Current listings	Sydney Local Environmental Plan, No. 316, 'Former Darlinghurst Police Station including interior'.

Outline history

- The main section of the Police Station was constructed in 1899 to the design of the NSW Government Architect headed by Walter Liberty Vernon
- Additions were undertaken in the 1930s, including the addition of two new cells in 1930, and the addition of an upper floor to the former single storey side wings in 1935
- Major remodelling of the building occurred in 1955-1956
- The Station was an important site on the route of the first Sydney Mardi gras in June 1978, when parade participants were detained there and subjected to violent treatment
- The police station was decommissioned in 1987 with the police transferred to the new police centre in Surry Hills.[104] The building was then occupied by the Department of Health

Recommendations

Revise history and significance in inventory.

Inventory revisions

The existing inventory does not acknowledge the history or significance of the place post-1950s.

The following should be added to the history:

The Darlinghurst Police Station played an important role in the parade route of Sydney's First Mardi Gras in June 1978. When the parade had reached King's Cross, the Darlinghurst Police Force attempted to stop the parade, resulting in a riot. 53 people were violently detained and taken to cells at Darlinghurst Police Station, some seriously beaten by police. An early morning vigil was held outside the station the following morning, with attendees assisting in organising bail for those arrested.

The decommissioning of the Police Station was celebrated by an exorcism performed by the Sisters of Perpetual Indulgence in March 1987, which marked the end of the violence the force had cause to the gay community in this particular location.

The following should be added to the statement of significance:

The Darlinghurst Police Station has social significance to the contemporary LGBTiQA+ community for its associations with the Sydney's First Mardi Gras in June 1978. Participants in the parade were violently detained at the Station following police attempts to stop the parade, and the community held a vigil outside the place the following morning and assisted in securing bail for participants.

Management recommendations

It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

104 Heritage NSW, State Heritage Inventory entry: Darlinghurst Police Station, Item ID 2420332.; Pride History Group, Decades of Pride Entry: 1978, published 2019, accessible online at: https://www.pridehistory.org.au/

Site name/s	The Wall
Address	892b Darlinghurst Road, Darlinghurst

View of the north-eastern corner of Darlinghurst Gaol, 1870 (L); the Wall, 2022 (R)
Sources: SLNSW SPF/166, attributed to Charles Pickering (L); TKD Architects (R)

Typology	Meeting place.
Current listings	SHR Item No. 2048, 'National Art School, Former Darlinghurst Gaol, Former East Sydney Technical' ; Sydney Local Environmental Plan 2012, Item No. 299 'Former East Sydney Technical College & Darlinghurst Gaol'
Outline history	• The perimeter walls of the Darlinghurst Gaol were constructed in 1821-1824 enclosing the original square site. New sections of wall were built along Burton Street and the northern part of Darlinghurst Road when the gaol expanded between 1864 and 1866.[105] • The Gaol became a military and internment camp in 1914 for German nationals, after prison inmates had been transferred to Parramatta and Long Bay Gaols. • After WWI, the gaol was purchased by the Sydney Technical College in 1921 for use as an annex to the main campus. The Art School, Sanitation and Hygiene School, Domestic Science, Sheep and Wool School and other departments were moved here. The buildings on the site were altered and adapted for this use. The Sydney Technical College, now the National Art School, continues to occupy the site. • During the second half of the twentieth century 'The Wall' (the tall section of wall to Darlinghurst Road between Burton and Oxford Streets) became a popular meeting spot, a place for socialising and a well-known beat for the gay male community[106].
Recommendations	—
Inventory revisions	Not required – Existing history and significance (shared between LEP and SHR listings) acknowledge the significance of the wall as a conclave and popular meeting spot for the gay and lesbian community. However, it, should be clarified to note that the segment of wall associated with the community is specifically that section on Darlinghurst Road.
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

105 Heritage NSW, State Heritage Inventory entry: 'National Art School,' SHI 5055522
106 Chloe Sargeant and historian Robert French, 'Secret sex bars and beats: joining the Sisters on a queer history tour,' SBS News, 2 March 2018.

Site name/s	Kinsela's / Kinsela House
Address	383 Bourke Street, Darlinghurst

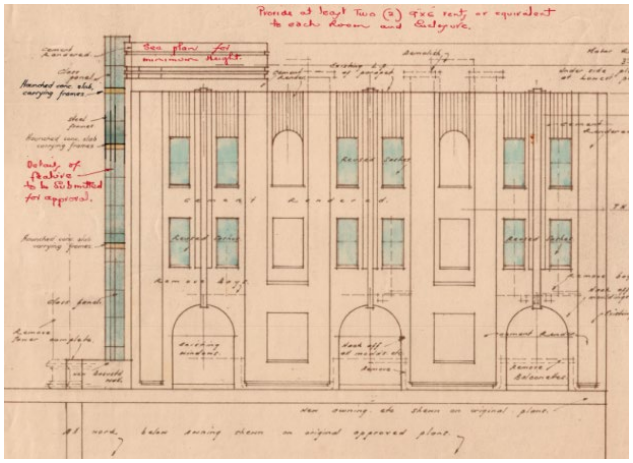
Kinsela's in 1969 and 2022.
Sources: City of Sydney Archives A-00051665 (L) and TKD Architects (2022)

Typology	Restaurant/bar/nightclub (former funeral parlour)
Current listings	Sydney LEP, No. 223, 'Commercial Building "Kinsela House" Including Former Chapel and Interior'
Outline history	• A funeral parlour, chapels, office and residence designed by prominent architect C Bruce Dellit in an existing building were constructed on the site in 1932-1933 for the undertaking firm Charles Kinsela Pty Ltd.107 The family-run firm established in 1830 and operated locally out of premises at 143 Oxford Street prior to the move to Bourke St in 1932-33. By1938 the company had 38 branches in the state.108 • The company was restructured in 1955. The company went into voluntary administration in 1981 after internal disputes. • By 1982 the building was in use as a brasserie and theatre run by Leon Fink and Tony Bilson.109 An application had been lodged to convert the place to a restaurant in November 1981. It operated as a nightclub under Fink and Bilson until March 1988 when it was sold to a new company. The new owners continued the use of the place as a restaurant and bar, lodging an application for extensions in August 1989. It became a high-class cabaret venue during this period.110 • From the 1980s onwards the place had a reputation as a welcoming place for the gay community, as a 'mixed' (gay and straight) venue. • Kinsela's was again sold in 1998, more recently to Universal Hotels in 2017, and then to current owner Moelis Australia in 2020.111 It continues to operate as a bar and restaurant to the present day.
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The existing inventory does not acknowledge the significance of the place to the LGBTIQA+ community or any social significance. The following should be added to the history: *Kinsela's was a welcoming venue to the local gay community from the 1980s onwards. The place became known as a 'mixed' (gay and straight) venue.* The following should be added to the statement of significance: *Kinsela's is of social significance as a long-running bar and restaurant in the Darlinghurst area. It is of particular significance to the LGBTIQA+ community for its function as a safe and welcoming space for the community from the 1980s onwards.*

107 Heritage NSW, State Heritage Inventory entry: 'Commercial building Kinsela House,' SHI 2420331
108 D. B. Waterson, 'Kinsela, Charles Henry William (1886–1944)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University
109 Heritage NSW, State Heritage Inventory entry: 'Commercial building Kinsela House,' SHI 2420331
110 Ruth Pollard, 'Boulevard bears scars of history's flow,' *Sydney Morning Herald*,19 January 2008.
111 'Kinsela's sold to private equity firm for $45 million,' *Star Observer*, 11 December 2020.

Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Burdekin Hotel
Address	2 Oxford Street, Darlinghurst

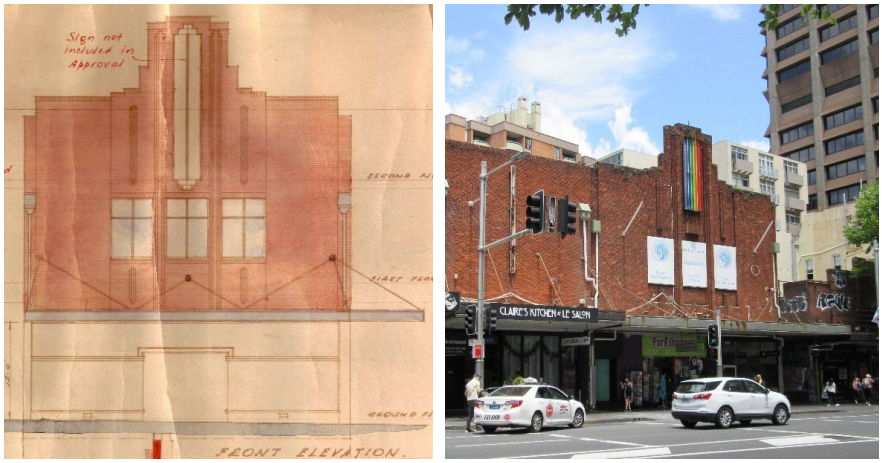


Elevation extracted from plans for the remodelling of the building, 1938, and the Burdekin Hotel in 2022.
Sources: City of Sydney Archives, Unique ID A-00556874 and TKD Architects.

Typology	Hotel
Current listings	Sydney Local Environmental Plan, No. 379 'Burdekin Hotel'
Outline history	• The hotel at the western end of Oxford Street was constructed 1911-1912 to the design of the Architect and City Building Surveyor's Department after the Municipal Council of Sydney resumed the land on this corner. The existing Burdekin Hotel was demolished and replaced by a new building • Major alterations to the hotel were undertaken by the firm of Rudder and Grout in 1938, changing the external appearance and planning of the building[112] • In line with the growing gay and lesbian community in the local area from the 1970s onwards, the Burdekin Hotel appears to have become a favoured and frequented place by the community. During the 1990s, the hotel housed events for the gay and lesbian communities, including the launch of Lesbian magazine LIP[113] • BumpHer Bar, a Friday night lesbian venue, opened in August 2001 and closed circa 2008. • Part of the building became the Dugout Bar (Baby Bear Bar) in 2017,[114] The place continues to be a welcoming place to the LGBTIQA+ community and hosts a variety of social events and celebrations
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The existing inventory does not acknowledge the significance of the place to the LGBTIQA+ community. The following should be added to the history: *The Burdekin Hotel has been a welcoming venue to the local gay and lesbian community from the c1980s onwards. It continues to be an important venue to the community to the present day, hosting social events and celebrations for the LGBTIQA+ community.* The following should be added to the statement of significance: *The Burdekin Hotel is of social significance as a long-running pub in the Darlinghurst area. It is of particular significance to the LGBTIQA+ community for its function as a safe and welcoming space for the community from the c1980s onwards.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

[112] Heritage NSW, State Heritage Inventory entry: 'Burdekin Hotel including interior,' SHI 2421032
[113] City of Sydney Archives, A-00069495
[114] "Baby Bear Bar, Sydney" at https://gaymenonholiday.com/2017/12/baby-bear-bar-sydney/, accessed 15 December 2022.

Site name/s	Patch's/DCM
Address	33 Oxford Street, Surry Hills



The building as designed in 1939, and in 2022. Source: City of Sydney Archives Building Application 1034/34, and TKD Architects.

Typology	Club, discotheque
Current listings	Sydney Local Environmental Plan, No. 1582, 'Former Lowes including interior'

Outline history

- 33 Oxford Street was designed by retail architecture specialists Crawford Mackellar and Bruce Partridge for menswear retailers Lowes Ltd and constructed in 1939. The site had previously been home to a commercial building occupied by the company from around 1909.
- Lowes occupied the building until 1962, when it was sold to Adelstein investments Pty Ltd. Minor alterations were carried out by the company. In 1963, R.O Myers applied to use part of the building for a social club. Other parts of the building appear to have operated as refreshment rooms and a butcher. Further alterations to the first and ground floors and the internal stair were undertaken in the following years.[115]
- During the 1970s, the Soul 33 disco moved into the first floor of the building. This appears to have occurred around 1974 when the "33 Social Club' applied to alter a fire door.[116] By 1975, development applications record alterations to the ground floor in connection with the use of the premises as a licensed restaurant and cabaret. In April 1976, Patch's disco opened with further alterations to the building taking place in connection with this use. Both were venues catering to the gay community. Patch's was sold to prominent lesbian business woman Dawn O'Donnell and her business partner Roger Tesseydre in 1979. Patch's disco had a relatively long tenure on the street, with extensive alterations carried out in January 1990 to give the club a facelift. Patch's was a popular and 'legendary' gay nightclub.[117]
- The club Fantasyland appears to have had a short-lived tenure in the building before being replaced by DCM in the early 1990s.[118] DCM occupied the building until around 2010.

Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *Around 1974, the building became the Soul 33 discotheque. Two years later Patch's disco replaced it, becoming an extremely popular gay nightclub. Patch's disco occupied the building until the early 1990s. Another long-running nightclub venue, DCM, moved into the building at this time and occupied the place until around 2008, reopening at 196 Oxford Street.* The following should be added to the statement of significance: *The building is of social significance as the home of Patch's disco, a legendary and popular gay nightclub running from 1976 to the early 1990s and maintaining a nightclub presence as DCM until 2008. Whilst the building no longer houses a club, it is still remembered for serving this role by the local community*

115 Heritage NSW, State Heritage Inventory entry: 'Former Lowes including interior,' SHI 2431126

116 City of Sydney Archives, A-00140107

117 Stephen Allkins, '40 years of gay clubbing in Sydney,' 2018. Accessible online at: https://www.redbull.com/au-en/stephen-allkins-on-40-years-of-gay-clubbing-in-sydney

118 City of Sydney Archives, A-00657528

Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Exchange Hotel
Address	34-36 Oxford Street, Darlinghurst

The Exchange Hotel in the 1930s, and 2022.
Source: ANU Noel Butlin Archive Identifier N60-YC-250 and TKD Architects

Typology	Bar/hotel
Current listings	Sydney Local Environmental Plan, No. 380, 'Exchange Hotel'.

Outline history

- The Exchange Hotel was designed by City of Sydney architect James Henry Merriman in 1911. It was constructed on land resumed by the City of Sydney as part of street widening.
- Tooth and Co acquired the hotel in 1935 and retained it for several decades until the 1980s. Tooth and Co carried out several alterations including retiling of the façade. The hotel changed hands a number of times during the 1980s and 1990s, remaining a hotel up until 2015.
- The Exchange Hotel opened as a gay venue in early 1980. Advertised in the 'Gay what's on' in the Klick Guide Sydney in the 1980s, the hotel was comprised of the Saddletramp bar (opened February 1981), 'Ragtimes' and 'Spanner.'
- During 1993, a new club called The Katana Club was opened in the Exchange Hotel, advertised as catering for Sydney's gay Asian men and their friends. The hotel later housed the Lizard Lounge, Q Bar and Phoenix. Q-Bar was one of the longest running bars (22 years).
- Lizard Lounge Artspace, a queer art space initiated by a consortium of Lesbians, opened in 1994. It closed in 2000.[119]
- In 2015 the hotel was sold and closed. It reopened as a restaurant in 2016. It is now vacant/disused.

Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *From 1980 onward, the Exchange Hotel was a popular gay venue and nightclub, housing an array of different bars catering to different sections of the LGBT community. Up until its closure in 2015 the hotel was a place which catered for the LGBTIQA+ community and hosted a variety of social events and feature nights.* The following should be added to the statement of significance: *The building is of social significance as a popular gay nightclub running from 1980 to 2015, which progressively expanded its offerings to cater to different sections of the LGBT community. Whilst the building no longer houses a nightclub, it is still remembered for serving this role by the local community.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

[119] Bunny Star, "The Last Lounge Act", *Lesbians on the Loose*, August 2000, p.19,

Site name/s	Roman Bath/King Steam
Address	38-42 Oxford Street, Darlinghurst

38-42 Oxford Street. Source: TKD Architects, 2022.

Typology	Sauna, meeting place
Current listings	Sydney Local Environmental Plan, No. 381, 'Commercial Building'

Outline history

- The commercial building at 38-42 Oxford Street was constructed between 1911-1912 as a factory and shops. It was constructed on land resumed by the Municipal Council of Sydney, who continued to own the property until 1974 when it was transferred to Stocks & Realty Exchange limited. Schemes for the redevelopment of the site were prepared at this time but ultimately not proceeded with.[120]
- The property was acquired by a new company, Oscty Pty Ltd in 1986. Under their tenure, the Roman Bath was relocated from Pitt Street, Sydney to the basement of the building.[121] The Roman Bath was a gay sauna/bathhouse. Council gave consent for associated alterations in December 1986
- Another gay sauna, King Steam (established circa 1975) relocated from King Street to the building in February 1989, replacing the Roman Bath.
- The building was sold again in 1995 and converted to eight strata title lots. The ground floor of the building currently houses Daly Male, a fashion retailer which caters to the gay community, and Oxford Art Factory (established in 2007), a LGBT friendly venue which hosts a variety of shows and performances
- Sydney Sauna (formerly King Steam) remains in occupation on the first floor

Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *During the 1980s, the building housed popular gay saunas/bathhouses - the Roman Bath (from 1986) and King Steam (replacing it in 1989; now Sydney Sauna). The use of the basement as a bathhouse appears to have ceased by the mid-1990s. The LGBT friendly Oxford Art Factory was established on the ground floor around 2006, with the Daly Male retail store moving in around a similar time.* The following should be added to the statement of significance: *The building is of social significance for the popular gay bathhouses/saunas it housed from 1986 to the present day. The building also houses retailers and venues which welcome the LGBTIQA+ community.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

120 Heritage NSW, State Heritage Inventory entry: 'Commercial building including interior,' SHI 2421034

121 Pride History Group, Decades of Pride Entry: 1977, published 2019, accessible online at: https://www.pridehistory.org.au/

Site name/s	Handlebar/Pete's Beat
Address	80 Oxford Street, Darlinghurst

Former Kelso's Hotel. Source: TKD Architects 2022.

Typology	Sauna, Club/bar, meeting place
Current listings	Sydney Local Environmental Plan, No. 391, 'Former Kelso's Hotel including interior'
Outline history	• Kelso's Hotel was constructed in 1911, following the resumption of the land in 1909 by the City of Sydney. It was built on the site of a previous public house. The new building to the design of architects Sheerin & Hennessy. Council retained the property until the mid-twentieth century.[122] • In 1950 the hotel was transferred to Wintersloe Investments Pty Ltd. The hotel continued trading until 1960 when alterations were carried out to convert it for retail and commercial uses. • In 1971 the building was acquired by Mifra Investments. By 1977, a basement night club had been established in the building. Its name and audience are not known, although it may have been the leather bar known as The Ox. In 1979 an application was lodged for a basement coffee shop, use of the second floor as a social club, and a restaurant on part of the first and second floors. In 1980, an application was lodged to alter and use the basement as a restaurant. • The Ox was destroyed by fire 9 October 1981. • The Footballers Club sauna opened in the building 24 August 1980, catering to the gay community. • The investment company transferred the building to Peter and Eva Traurig in 1982. Pete's Beat Bistro bar opened in the building in the same year, run by Peter Langford.[123] Around this time, the first and second floors of the building were converted to use as bachelor apartments. A residential flat was erected on the roof in 1983. In 1984, the first floor bachelor flats were converted to one bedroom flats. • 'Handlebar,' a denim and leather bar opened in the building on 30 May 1985, replacing Pete's Beat.[124] • In 1987, an application was lodged for the use of the basement as a medical clinic, and part of the building as a coffee lounge. The property was transferred to Liu Investments in 1988. Subsequent applications were for the use of the basement as a restaurant, and the use of the premises for the sale of 'dance wear.'
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *During the 1980e, the building housed a number of venues catering to the gay community. These included the Footballers Club Sauna, which opened in the building in August 1980, the Peter's Beat Bistro Bar which opened in 1982, and the Handlebar which opened in 1985.* The following should be added to the statement of significance: *The former Kelso's Hotel is of social significance for the gay venues it housed in the 1980s, including bars, restaurants and a sauna. Whilst the building no longer houses such venues, it is still remembered for serving this role by the local gay community*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

122 Heritage NSW, State Heritage Inventory entry: 'Former Kelso's hotel including interior,' SHI 2421040
123 Pride History Group, Decades of Pride Entry: 1982, published 2019, accessible online at: https://www.pridehistory.org.au/
124 Pride History Group, Decades of Pride Entry: 1985, published 2019, accessible online at: https://www.pridehistory.org.au/

Site name/s	Colombian Hotel
Address	117-125 Oxford Street, Darlinghurst

Colombian Hotel.
Source: TKD Architects 2022.

Typology	Club/bar
Current listings	Sydney Local Environmental Plan, No. 399, 'Westpac Bank'

Outline history

- A branch for the Bank of New South Wales was constructed at 117-125 Oxford Street in 1936, designed by prominent architect C Bruce Dellit.
- The Bank occupied the building up until 1982, when the building became a branch of Westpac after the merger of the Bank of New South Wales and the Commercial Bank of Australia. In 2001, Westpac vacated the premises and it ceased to be used as a bank building.
- In May 2001, the new owner of the building, David McHugh, announced his plans to convert the bank to a hotel. It opened as the Colombian Hotel. From its establishment it was and continues to be a welcoming place for the gay community.

Recommendations

Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.

Inventory revisions

The following should be added to the history:
In May 2001, the new owner of the building David McHugh announced his plans to convert the bank to a hotel. It opened as the Colombian Hotel. From its establishment it was, and continues to be, a welcoming place for the gay community.

The following should be added to the statement of significance:
The Colombian Hotel is of social significance as a club in the Darlinghurst area catering for the gay community. It is of particular significance to the community for its function as a welcoming space from the 2000s onwards.

Management recommendations

It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Capriccio's
Address	163-169 Oxford Street, Darlinghurst

163-169 Oxford Street.
Source: TKD Architects 2022

Typology	Nightclub
Current listings	Sydney Local Environmental Plan, No. 411, 'Commercial building including interior'.
Outline history	• The commercial building at 163-169 Oxford Street was built in two stages as the Riley Bros drapers and clothing emporium, in 1884 and 1891. The architect of the first stage was Backhouse & Lough, with the 1891 stage designed by Robert Mackey. The building continued to operate as the premises of drapers after the Riley Bros moved out of the place. • Capriccios opened in the building at the3 end of 1969, after an application to use the place as a theatre restaurant. Consent was granted on 12 November 1969 as part of DA 537/69. It became a popular venue with Sydney's gay community, housing a discotheque and theatrical drag shows. • The club caught fire on 5 October 1973. It was subsequently restored and reopened the following year. It was burnt out around the beginning of April 1982 • In 1983, the club moved to Randwick. • Another club, Klub Kakadu, opened in the premises as a mixed nightclub on 27 August 1987. During the 1990s, the place was the home of the 'Mars Club.'
Recommendations	–
Inventory revisions	Not required – the existing history and significance in the inventory acknowledge the significance of Capriccio's nightclub as an important focus for Sydney's gay community from 1969 to the early 1980s.
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Stonewall Hotel
Address	173-175 Oxford Street, Darlinghurst

Stonewall
Source: TKD Architects 2022

Typology	Club/bar
Current listings	Sydney Local Environmental Plan, No. 413, 'Former CBC Bank including interior'.
Outline history	• A Commercial Banking Company branch building was constructed at 173-175 Oxford Street circa1882. The stone building was designed by architect George Allen Mansfield, during a period of immense growth for the bank. • Alterations to the bank building were carried out to the building in 1959, 1962 and 1978 by Laurie & Heath architects. The building operated as a bank until around March 1993. • The Stonewall Hotel opened in the building in 1999. It was named after the historic Stonewall Inn in New York, a significant site in the history of LGBT rights in the United States. The Stonewall Inn was raided by the police on June 28, 1969, precipitating a series of violent events marks the beginning of the Stonewall Uprising, a series of events between police and LGBTQ+ protesters stretching over six days. These events fundamentally change the discourse surrounding LGBTQ+ activism in the United States. • The long-running hotel was established to cater to the LGBT community and is cited as one of the premier gay and lesbian venues in Sydney, containing to operate to the present day
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The existing inventory does not acknowledge the significance of the place to the LGBTIQA+ community, and only notes 'limited social significance as a communal gathering place since its use has changed from that of a bank to a public house.' The following should be added to the history: *The Stonewall opened in the former bank building in 1999, named after the historic Stonewall Inn in New York, a significant site in the history of LGBT rights in the United States. The long-running club was established to cater to the LGBT community and is cited as one of the premier gay and lesbian venues in Sydney, containing to operate to the present day.* The following should be added to the statement of significance: *The Stonewall Hotel is of social significance as a long-running club in the Darlinghurst area established to cater for the LGBTIQA+ community. It is of particular significance to the community for its function as a safe and welcoming space for from the 1980s onwards.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Beauchamp Hotel
Address	265-267 Oxford Street, Darlinghurst

The Beauchamp Hotel in the 1950s and in 2022.
Source: Australian National University Noel Butlin Archives (L) and TKD Architects (R)

Typology	Hotel/bar
Current listings	Sydney Local Environmental Plan, No. 416, 'Beauchamp Hotel including Interior'
Outline history	• The Beauchamp Hotel was constructed between 1899 and 1900 to the design of Finlay Munro, replacing an earlier hotel on site (No. 267 Oxford Street). At the time of the re-building the property was owned by Maria Meehan, who entered into a 30-year lease with Tooth and Co. In 1910, Tooth and Co acquired the neighbouring property, a shop (No. 265), into which the premises expanded.[125] • The hotel was (and still is) named after the progressive Governor of NSW at the time, Lord Beauchamp. After his tenure as Governor General, Beauchamp returned to England and was later outed as a gay man by his brother-in-law in 1930. He was forced to resign from public office and exiled.[126] • Modifications to the hotel were undertaken by Tooth and Co in 1928 and 1935 in line with their continued operation of the hotel. In 1951 Tooth and Co acquired the property, retaining it and the neighbouring building until 1982. It changed hands a number of times in the subsequent decades, opening as a gay establishment on 30 September 1993. Around 2004 the pub was closed and stood vacant but was revived in 2008 by new owners with a new restaurant. It continues to welcome the LGBTIQA+ community.
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The inventory does not acknowledge the significance of the place to the LGBTIQA+ community, and only notes social significance insofar as it being a pub since the 1860s. The following should be added to the history: *The Beauchamp Hotel was named after the progressive Governor of NSW from 1899-1900, Lord Beauchamp. After his tenure as Governor General, Beauchamp returned to England and was later outed as a gay man by his brother-in-law in 1930.[127] He was forced to resign from public office and exiled.* *The Beauchamp Hotel was a welcoming venue to the local gay community from 1993 onwards. Whilst the pub has changed hands a number of times in recent decades and was closed for a period between 2004 and 2008, it continues to be a gay-friendly venue.* The following should be added to the statement of significance: *The Beauchamp Hotel is of social significance as a long-running pub in the Darlinghurst area. It is of particular significance to the LGBTIQA+ community for its function as a safe and welcoming space for the community from 1993 onwards.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

125 Heritage NSW, State Heritage Inventory entry: 'Beauchamp hotel including interior,' SHI 2421061
126 Mick Roberts for Time Gents, 'Darlinghurst's Beauchamp Hotel was named after 'outed' gay Governor, who was exiled,' 17 January 2018, blog post: https://timegents.com/2018/01/17/beauchamp-hotel-darlinghurst/
127 Mick Roberts for Time Gents, 'Darlinghurst's Beauchamp Hotel was named after 'outed' gay Governor, who was exiled,' 17 January 2018, blog post: https://timegents.com/2018/01/17/beauchamp-hotel-darlinghurst/

Site name/s	Slide Bar/Nightclub
Address	41 Oxford Street, Darlinghurst

41 Oxford Street
Source: TKD Architects 2022

Typology	Bar/Nightclub
Current listings	Sydney Local Environmental Plan, No. 583, Former Commonwealth Bank

Outline history

- The Commonwealth Bank acquired the site at 41 Oxford Street in 1935 and built a new branch on the site. It replaced Victorian shops and residences.
- In 2004 the Banking Chamber was adaptively reused as a night club known as the Slide Cabaret, Bar and Nightclub.[128] Alterations were carried out in connection with this use including the insertion of a mezzanine floor, egress tunnel along the south wall, and installation of acoustic screens to upper level windows.
- Slide Bar hosted a number of regular LGBT social and networking events, including Fruits in Suits and Lemons with a Twist, from the mid-2000s onwards.[129]
- The venue recently closed.

Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *In 2004, the Slide Cabaret, Bar and Nightclub was established in the adaptively reused Banking Chamber. Slide Bar was a queer friendly venue with specific gay nights, also hosting a variety of related social events including the Fruits in Suits and Lemons with a Twist networking events.* The following should be added to the significance: *The building is of social significance for its role in housing the popular LGBTIQA+ friendly nightclub "Slide Bar" for over 17 years until 2022. Whilst the building does not currently operate as a nightclub, it is remembered for serving this role by the local gay community and houses new retailers and venues which welcome the LGBTiQA+ community.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues. .

128 City of Sydney Archives D/2004/470
129 Sydney Gay and Lesbian Business Association, 'Fruits in Suits' (2017), Accessible online at: https://www.sglba.org.au/about-the-sglba/our-history/#1994; The Guardian, 'Gay Sydney: a guide to clubs, bars, cabaret and culture,' (2015), Accessible online at: https://www.theguardian.com/travel/2015/oct/21/gay-sydney-australia-clubs-bars-cabaret-culture

Site name/s	Green Park
Address	Victoria Street, Darlinghurst.

Green Park
Source: TKD Architects

Typology	Park/meeting place
Current listings	Sydney Local Environmental Plan, No. 490, Green Park including bandstand and interiors, memorials and landscaping
Outline history	• The land which now comprises Green Park was granted to the local council for use as a public recreation ground in 1875. It was named after Alderman James Green, who served on the City of Sydney Council from 1869 to 1883.[130] • A "men's convenience", sited on Darlinghurst Road, was constructed to the design of the City Architect in the second half of 1922.[131] It was demolished in 1984. • A bandstand was built to the design of the City Architect in the park in 1925 to house public concerts.[132] It was converted to a café in the 1990s. • The Park houses the Gay and Lesbian Holocaust memorial, the work of architect and urban designer Russell Rodrigo. It was installed in 2001 and commemorates LGBT people killed by the Nazis during World War II. It is located on a triangular platform in an area known as Stonewall Gardens, facing Darlinghurst Road.[133] • The Park has played an important role in the social history of the area, having played host to Gay Fair Days, the Aids Memorial Candlelight Rally, political demonstrations and other meetings related to the local gay community. The Park and its (now demolished) toilet block also served as a meeting place for gay men, in conjunction with the nearby site of 'The Wall' on Darlinghurst Road.[134]
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.

130 Heritage NSW, SHI Database Entry: 2421365 'Green Park including bandstand and interiors, memorials and landscaping.' Accessible online at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2421365
131 City of Sydney Archives Unique ID A-00543748.
132 City of Sydney Archives Unique ID A-00543749.
133 https://www.cityartsydney.com.au/artwork/gay-lesbian-holocaust-memorial/, accessed 15 December 2022
134 Garry Wotherspoon, 'Green Park' entry in the Dictionary of Sydney (2010), accessible online at: https://dictionaryofsydney.org/entry/green_park

Inventory revisions	The existing inventory does acknowledge that the place is held in high esteem by the local community and mentions the Gay and Lesbian Holocaust Memorial. However, this should be expanded to reflect the significance of the place to the LGBTIQA+ community. The following should be added to the history: *The Park served as a popular meeting place for gay men, in conjunction with 'The Wall' nearby. In subsequent decades the Park played host to a variety of important social and political events for the local LGBTIQA+ community, including fair days, the Aids Memorial Candlelight rally, and other political rallies and organisational meetings.* The following should be added to the statement of significance: *The Park is of social significance for its important role as a meeting place for gay men, a place of commemoration and the site of significant rallies and events in the LGBTIQA+ history of the area. The Park has continuing associations with the local community who remember and value it for its role in these events.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTQIA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	St Vincent's Hospital
Address	394-404 Victoria Street, Darlinghurst

Ward 17 South (Cahill Building) in 2021
Source: Richard Glover for St Vincent's Art Committee

Typology	Hospital, HIV/AIDS Treatment and research centre
Current listings	Sydney LEP, No. 493, St Vincent's Hospital Group Including Buildings and their Interiors and Fencing.
Outline history	• St Vincent's Hospital was established on the site in Victoria Street in 1870, relocated from Potts Point. The Hospital at Potts Point was the first Catholic Hospital in Australia, founded by the Sisters of Charity. • An additional storey was added to the two-storey 1870 building (now known as the DeLacy building) c1920, in line with alterations to the original component, giving the building a free classical style external appearance.[135] Several new buildings were added to the site over early to mid-twentieth century. In 1970 the new 'Ward Block' was opened, later renamed the Cahill Building.[136] • During the HIV/AIDS epidemic in the 1980s, the St Vincent's Hospital served an extremely important role to the local gay community. The first case of AIDS was treated at the hospital in 1983. The Hospital came the epicentre of treatment for patients suffering from the disease, offering compassion and care for more than half of the country's AIDS patients within Ward 17 South of the Ward Block (the Cahill Building). Ward 17 South was the first dedicated HIV/AIDS unit in Australia and became the healthcare epicentre for patients suffering from this disease. The leadership of the Hospital showed great courage in promoting the hospital as a place where people with HIV/AIDS would feel welcome, safe and valued, in a time where homosexuality was still greatly stigmatized (and technically illegal until 1984). The Hospital continues to serve an important role in this area of healthcare for its HIV/AIDS clinical care and research.[137]
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *During the HIV/AIDS epidemic in the 1980s, St Vincent's Hospital served an extremely important role to the local gay community. The first case of AIDS was treated at the hospital in 1983. The Hospital became the epicentre of treatment for patients suffering from the disease, offering compassion and care for more than half of the country's AIDS patients within Ward 17 South of the Ward Block (the Cahill Building). The leadership of the Hospital showed great courage in promoting the hospital as a place where people with HIV would feel welcomed, safe and valued, in a time where homosexuality was still greatly stigmatised (and technically illegal until 1984). The Hospital continues to serve an important role in this area of healthcare for its HIV/AIDS clinical care and research.* The following should be added to the statement of significance: *St Vincent's Hospital, in particular Ward 17 South of the Cahill Building, is of social significance to the local LGBTIQA+ community for its role in offering compassion, care and treatment to people with HIV/AIDS from the 1980s epidemic to the present day.*
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

135 Heritage NSW, SHI Database Entry: 2421364 'St Vincent's Hospital Group Including Buildings and Their Interiors And Fencing.' Accessible online at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId= 2421364
136 Urbis, 'Heritage Impact Statement: St Vincent's Hospital' (January 2015), p35.
137 St Vincent's Currant Foundation, 'Mardi Gras and Ward 17 South' (2020). Accessible online at: https://www.supportstvincents.com.au/about-us/our-stories/35-years-since-hiv-aids-ward-opening-17-south/; https://www.svhs.org.au/newsroom/news/the-cahill-building-takes-its-place-in-st-vincents-history, accessed 15 December 2022.

Site name/s	Taylor Square
Address	Intersection of Oxford, Forbes and Bourke Streets

Taylor Square and the Rainbow crossing, 2022.
Source: Nearmap

Typology	Meeting place, place of protest, site on parade route
Current listings	All of Taylor Square is included in SHR Item No. 01700, 'Taylor Square Substation No.6 & Underground Public Conveniences'; and also Oxford Street Conservation Area.
Outline history	• Taylor Square in its approximate form was created around 1906-1907 following the widening of Oxford Street. The Square is named after Allen Taylor, the Lord Mayor of the City of Sydney Council from 1905-1906 and 1909-1912. Taylor was a timber merchant and ship-owner who had a long career in local government, later serving as a member of the Legislative Council.[138] • The Square went on to serve an important role in civic and social history as the setting for the first ever Gay Pride march in Australia in 1978. It remains associated with LGBTIQA+ activism and an important component of the annual Mardi Gras Parade route. [139]
Recommendations	–
Inventory revisions	Not required – the existing history and significance in the SHR listing that covers the site acknowledges the significance of Taylor Square to the LGBTIQA+ community
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

138 City of Sydney, 'Sydney's Alderman: Allen Arthur Taylor' (2022). Available online at: https://www.sydneyaldermen.com.au/alderman/allen-taylor/
139 Heritage NSW, SHI Database Entry: 5053631 'Taylor Square Substation No.6 & Underground Public Conveniences.' Accessible online at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5053631

Site name/s	The Barracks; Manacle
Address	1-5 Flinders Street, Surry Hills

1-5 Flinders Street in 2022.
Source: TKD Architects

Typology	Bar
Current listings	Sydney Local Environmental Plan, No. 1541, Former Commonwealth Bank.
Outline history	• The building at 1-5 Flinders Street was constructed for the Government Savings Bank in 1911 to a design by H E Ross & Rowe. It replaced older structures which had been demolished for road widening. • The Commonwealth Bank of Australia took over the premises in 1931 when it absorbed the Government Savings Bank of NSW. It undertook modifications in the following years, including alterations for a new basement lunchroom in 1957. The Bank continued to use the premises as a bank branch until the sale of the building in 1982.[140] • The Barracks opened around the end of 1978 or early 1979 as a leather bar for gay men. It appears to have originally been located in 7-9 Flinders Street but was shut down as a "disorderly house" in February 1983 (rescinded the following December).[141] Club 80, which operated from 19 Oxford Street, Paddington, was also closed down in early 1983. • During 1988, the Taylor Square Hotel was established in the neighbouring building at 1-5 Flinders Street. Some years later the Barracks Bar reopened in the basement of the building, as a leather bar, one of several rotating bars the hotel hosted.[142] It was certainly a feature of the hotel by 1998 but may have been re-established there sooner (potentially by 1995). By 2005, the bar had been renamed 'Manacle,' continuing to cater for the leather and fetish crowds.[143] The Taylor Square Hotel closed in 2008, and with it the associated bars including Manacle.[144]
Recommendations	Revise history and significance in inventory to reflect the significance of the place to the LGBTIQA+ community.
Inventory revisions	The following should be added to the history: *The building was adaptively reused as a hotel in the late 1980s. From the mid to late 1990s until 2008, the hotel housed The Barracks Bar, a leather bar for gay men. It was later renamed 'Manacle,' and continued to cater to the leather and fetish communities.* The following should be added to the significance: *The building is of social significance for its role in housing the popular gay venues of the The Barracks Bar and Manacle from the mid to late 1990s until 2008. Whilst the building does not currently operate as a bar or club, it is remembered for serving this role by the local gay community.*

140 Paul Rappoport, 'Conservation Management Plan – 1-5 Flinders Street Darlinghurst,' 2013, p44.
141 Government Gazette of the State of New South Wales, 'Notice Pursuant to Section 5 of the Disorderly Houses Act, 1943,' 4 Feb 1983, Page 578.
142 Paul Rappoport, 'Conservation Management Plan – 1-5 Flinders Street Darlinghurst,' 2013, p44; Timeline - Pauline Pantsdown (Blog), Accessible online at: https://reconciliation.tripod.com/pantsdown10.htm; Les Wright, The Bear Book II, (Routledge, Sydney: 2006) p271.; City of Sydney Archives, BA/1995/656 and XCC/1998/5038
143 Mark Alsop, 'Revisiting Manacle - "Unity" + "Faith, Hope & Charity"' Blog Entry, December 2011, Accessible online at: https://www.markalsop.com/news/revisiting-manacle-unity-faith-hope-charity; Woof Club, 'History,' Accessible online at: http://woofclub.com/history; Alex Tibbitts and Paris Pompor, 'Kicking on,' Sydney Morning Herald, 14 October 2005. Accessible online at: https://www.smh.com.au/lifestyle/kicking-on-20051014-gdm8sz.html
144 https://www.starobserver.com.au/news/national-news/new-south-wales-news/barracks-down/6798, accessed 30 November 2022

Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Taxi Club; Grosvenor Club
Address	40-42 Flinders Street, Darlinghurst

The Taxi Club in April 2012, and in 2022.
Source: City of Sydney Archives (L) and TKD Architects (R)

Typology	Club/nightclub
Current listings	Not heritage listed. Within Paddington Urban Conservation Area C50.

Outline history

- The Grosvenor Club, a social club for taxi drivers, was first established at 35 Flinders Street in 1949.145 The Grosvenor Club Ltd applied to council to use the first and second floors of 40 Flinders Street as the premises of the club in August 1956. In subsequent years it became known as a gay venue and is cited as potentially one of the earliest in the locality.
- The club applied to carry out various alterations in 1957.
- The club had later expanded into the neighbouring No. 42 by the mid-1980s, with the property held on a consolidated title by the Grosvenor Club Ltd.
- The Taxi Club, as it came to be known, was a long-running institution operating until May 2012. The club went into voluntary administration in April 2012. Following this the then-owners of the venue, Oxford Commercial Real Estate, would not enter into a long-term lease arrangement with the club.146

Recommendations	Recommended for inclusion in Schedule 5. A heritage inventory should be prepared according to the SHI format.
Inventory revisions	–

Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

145 Sydney Telephone Directories, 1950-1954.
146 Star Observer, 'Taxi club advised to liquidate,' 11 May 2012; Star Observer, 'Taxi Club forced to vacate,' 7 May 2012.

Site name/s	Butts Bar
Address	45 Oxford Street, Surry Hills

45 Oxford Street in 2022.
Source: TKD Architects.

Typology	Bar
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.
Outline history	• The building at 45 Oxford Street appears to have been constructed during the late nineteenth century. By 1904, Joe Gardiner, a bootmaker, occupied the premises at 45-47 Oxford Street.[147] • From around 1972 the building at 45 Oxford Street was occupied by a licensed restaurant.[148] • Butts Bar and associated restaurant opened in April 1983. An application had been lodged in January 1982 to use the first floor of the building for dancing, in conjunction with the existing refreshment rooms on the ground floor.[149] The venue was popular with the local gay community. • In 2006 the building was modified for use as an Oporto food outlet.[150]
Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values and should be assessed in a future heritage study/review.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

147 City of Sydney Archives, A-00190871
148 City of Sydney Archives, DA 582/72
149 City of Sydney Archives, A-00230154
150 City of Sydney Archives, D/2006/1754

Site name/s	Tropicana, Club 80, Midnight Shift, Universal
Address	85-91 Oxford Street, Darlinghurst

85-91 Oxford Street in 2022; advertisement for Tropicana Nightclub.
Source: TKD Architects. Sydney Playguy, 1980 via https://historywalk.tripod.com/tropicana.html

Typology	Nightclub, disco
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.
Outline history	• The building at 85-87 Oxford Street was designed by architects Morrow & De Putron and constructed in 1920. It was commissioned by jeweller and shoemaker W. Berkman, who occupied the premises until the late 1970s. • The neighbouring building at 89-91 Oxford Street was designed in 1913 by prominent soldier, military engineer and architect Alfred William Warden. • Tropicana opened in 85 Oxford Street in August 1978.[151] Tropicana was a licensed restaurant and men's disco. Club 85, a "man's disco" opened in the premises during August 1980. It is understood to have occupied the first floors of 85-91 Oxford Street. The club was damaged by fire on 21 October 1980, though it reopened shortly after on 7 November 1980 as the Midnight Shift, also advertised as a "Disco for guys." It operated seven days from 10pm till late. The premises were granted a pub licence on 18 December 1986. • Midnight Shift operated for many years before closing on 1 October 2017, in response to declining trade associated with lockout laws. • In July 2018 the establishment was purchased by Universal Hotels. After refurbishment the premises reopened as Universal.
Recommendations	Recommended for inclusion in Schedule 5. A heritage inventory should be prepared according to the SHI format.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

151 Pride History Group, 'Decades of Pride: 1978' (2019). Available online at: https://www.pridehistory.org.au/decades-of-pride

Site name/s	Flo's Palace
Address	97 Oxford Street, Darlinghurst

97 Oxford Street in 2022.
Source: TKD Architects.

Typology	Nightclub/disco
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.

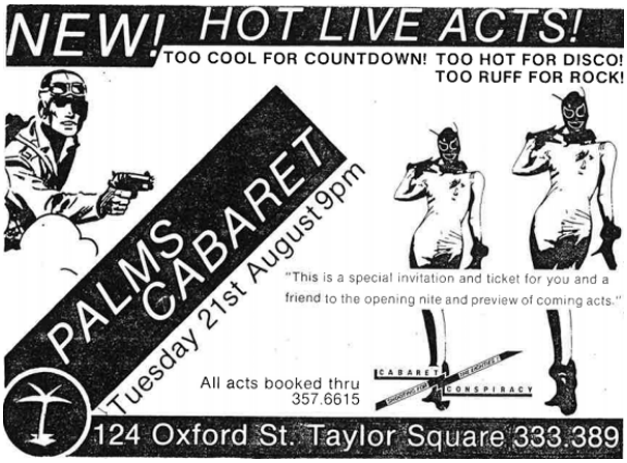
Outline history

- It is unclear when the building at 97 Oxford Street was constructed given the modification of its façade. The building footprint conforms to that recorded in 1919, when the building was in use as a wine shop.[152]
- By 1969, the building housed a restaurant. Alterations were undertaken to the existing premises at this time.[153]
- Flo's Palace was opened on August 30, 1978. The club was owned by Dawn O'Donnell and Roger Claude Tesseydre and managed by Dennis (Flo) Fuller. It was known for its illuminated disco dance floor. The club was notable as a venue which catered to and had a large east Asian clientele. Flo's Palace closed in August 1983 after alleged licensing law breaches.[154]
- In 1986, an application was lodged to use the first floor of the building for the sale of adult books, novelties and clothing.[155]
- 'The Den,' a cruise lounge, opened in the building in the 1990s. it continues to occupy the premises today, alongside an adult shop.

Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values and should be assessed in a future heritage study/review.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

152 City of Sydney Archives, A-00555452
153 City of Sydney Archives, A-00391659
154 Pride History Group, 'Decades of Pride: 1983 (2019). Available online at: https://www.pridehistory.org.au/decades-of-pride
155 City of Sydney Archives, A-00235493

Site name/s	Palms
Address	124 Oxford Street Darlinghurst

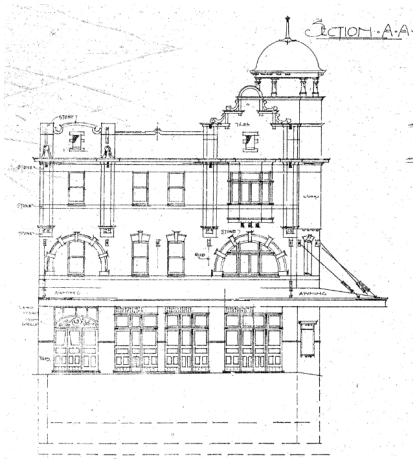


124 Oxford Street in 2022, and c1979 ad for Palms. Source: TKD Architects and Dominique Pezzutto, 'The sexual politics of clubbing: a feminist corporeal analysis of Palms, Oxford Street, Sydney Australia', (2019)

Typology	Nightclub
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.
Outline history	• An 1888 building at 124-128 Oxford Street occupied by McIlraths Grocers, was partially demolished in 1910 in connection with the widening of the street.[156] McIlraths rebuilt on the site and occupied the building into the 1940s.[157] • In 1963, an application was lodged to use 124 Oxford Street for the manufacturing of ladies' handbags for L Bonny & Co Pty Ltd.[158] • A fire occurred in 1974, and shortly thereafter an application was lodged to rectify the building after fire damage.[159] • The gay venue of Palms opened circa 1977. In this year, an application was lodged for the erection of a portable stage at basement level, supporting this opening date.[160] Palms was an underground cabaret venue which hosted a popular 'Cabaret Conspiracy' a radical political drag show, which celebrated sexual and gender diversity[161] • In 1985, an application was lodged for alterations to the basement and additional toilets.[162] Noted photographer William Yang occupied space in 126 Oxford Street. • By 1988, the bar occupying the basement level of No. 124 was trading as Scooters bar and Diner.[163] The change in name resulted from a changed in ownership, but the place remained a nightclub with a restaurant.[164] • Scooters closed in 1994. The club was reopened as 'Palms' with new owners in 2000. The place operated as a basement nightclub but did not have a restaurant.[165] As a gay-owned bar, it aimed to be inclusive and welcoming to women as well as gay men, unlike other clubs on the street at the time.
Recommendations	Recommended for inclusion in Schedule 5. A heritage inventory should be prepared.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

156 City of Sydney Archives, Demolition Books: Corner of Oxford and Bourke Streets, Taylor Square, Darlinghurst, 1910, A-00039118
157 City of Sydney Archives, A-00340577
158 City of Sydney Archives, DA439/63
159 City of Sydney Archives, DA499/74
160 City of Sydney Archives, DA713/77
161 Dominique Pezzutto, The sexual politics of clubbing: a feminist corporeal analysis of Palms, Oxford Street, Sydney Australia Oxford Street, Sydney Australia (2019), p11.
162 City of Sydney Archives, A-00219624
163 City of Sydney Archives, A-00573866
164 Dominique Pezzutto, The sexual politics of clubbing: a feminist corporeal analysis of Palms, Oxford Street, Sydney Australia Oxford Street, Sydney Australia (2019), p16.
165 Ibid, p19.

Site name/s	Oxford Hotel
Address	134 Oxford Street, Darlinghurst



The Oxford Hotel as designed in 1913, and in 2022.
Source: City of Sydney Archives, A-00583553 and TKD Architects.

Typology	Hotel
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.

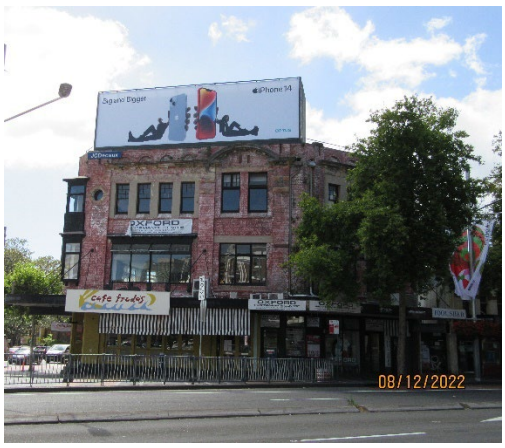
Outline history

- The current Oxford Hotel was constructed to a design by E Lindsay Thompson in 1913 for WH Trautwein Esq.[166] Trautwein had previously run the *Trautwein's Oxford Hotel* on the same site, prior to its demolition for road widening in 1910.[167]
- Oxford Hotel opened as a gay venue in July 1982. It was advertised in publications from this era as "the latest gay pub on the Strip, restaurant, the Oxford Café upstairs."[168]
- The hotel continues to operate as an LGTBQIA+ friendly pub to the present day.

Recommendations	Recommended for inclusion in Schedule 5. A heritage inventory should be prepared according to the SHI format.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

166 City of Sydney Archives, A-00583553
167 City of Sydney Archives, A-00039118
168 Klick guide Sydney, Gay What's on (circa early 1980s), accessible online at: https://timalderman.com/tag/1980s-oxford-st-darlinghurst/

Site name/s	Ivy's Birdcage
Address	191 Oxford Street, Darlinghurst

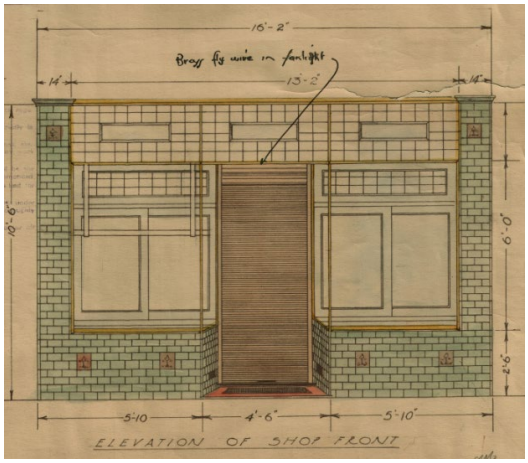


191 Oxford Street in 2022, and Ivy's Birdcage in the late 1960s.
Source: TKD Architects and Sydney Pride History group via SBS News

Typology	Club, disco
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.
Outline history	• The building at 191 Oxford Street was likely constructed in the late nineteenth century. Little information is available on the property. • 191 Oxford Street housed Ivy's Birdcage, a short lived but popular and successful club run by entrepreneur Ivy Richter. Richter's first venture was Chez Ivy's at Bondi Junction, opened 1962, which she moved to the site on Oxford Street in 1967. The venue hosted popular drag shows and other performances. It closed in 1969 after two fires.[169]
Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values and should be assessed in a future heritage study/review.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

169 Dictionary of Sydney, 'Ivy's Bircage,' (2021). Accessed online at: Ivy's Birdcage | The Dictionary of Sydney

Site name/s	Whitty's Wine bar, The Bookshop
Address	207 Oxford Street, Darlinghurst



207 Oxford Street in 2022, and 1929 shopfront detail.
Source: TKD Architects and City of Sydney Archives, A-00577515

Typology	Bar, bookshop
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17

Outline history

- The building at 207 Oxford Street appears to have been constructed in the Federation period (possibly as part of the group at 203-209 Oxford Street). It was certainly extant by 1929, when then owner Tjannes & Co applied for alterations to the shop at 207 Oxford Street, in conjunction with its use as the "London Fish Saloon." Alterations were carried out under the supervision of Henry S Standen, Architect.[170]
- In the sixties and seventies no 207 was (Mrs) Whitty's wine bar. It is claimed to have been the "real heart" of the musical scene in the local area featuring bands such as the Starving Wild Dogs and the Original Batterseas Heroes.[171]
- Applications were lodged to use (at least part) of the building as a gift shop and pawn broker in 1964, as a bookshop in 1976, and as refreshment rooms in 1983.[172]
- The Bookshop opened at 207 Oxford Street on 11 February 1985, relocated from the Link Bookshop (a Newtown branch opened in March 1986).[173] The Bookshop continues to operate in this location, and sells books, DVDs, erotica, magazines and other goods catering to the LGBTIQA+ communities.

Recommendations	Recommended for inclusion in Schedule 5. A heritage inventory should be prepared according to the SHI format.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

170 City of Sydney Archives. A-00577515
171 Hugh Liney and Frank Cotterell, Rock'n'Roll Walk of Fame and Shame at file:///C:/Users/rlumby/Downloads/Rock-n-RollWalkOfFame-n-Shame%20(2).pdf, accessed 8 December 2022
172 City of Sydney Archives, DA540/64, DA0210/76, A-00231481
173 City of Sydney Archives, DA44/85

Site name/s	Green Park Diner
Address	219-221 Oxford Street, Darlinghurst

219-221 Oxford Street in 2022.
Source: TKD Architects

Typology	Diner
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.

Outline history

- The building at 219-221 Oxford Street was constructed in the last quarter of the nineteenth century
- In 1973, the building was in use as a restaurant, when alterations were undertaken and a new shopfront was installed.[174]
- By 1978, the building was in use as a restaurant and take away food shop.[175]
- Green Park Diner opened in the building on May 1981.[176] A new shopfront appears to have been installed in connection with this use.[177]
- The Diner developed a reputation as one of Sydney's most-loved gay restaurants, and is said to have been intentionally named after Green Park, the popular gay meeting place to attract the gay community.[178]
- In 1987, the Executive Director of the Sydney gay and Mardi Gras proposed to move the administrative centre for Mardi Gras to the first floor of the building.
- It has not been ascertained when the Diner stopped trading.

Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values, and should be assessed in a future heritage study/review.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

174 City of Sydney Archives, A-00567276
175 City of Sydney Archives, A-00165149
176 Pride History Group, 'Decades of Pride: 1981 (2019). Available online at: https://www.pridehistory.org.au/decades-of-pride
177 City of Sydney Archives, A-00197065
178 Garry Wotherspoon, 'Green Park' entry in the Dictionary of Sydney (2010), accessible online at: https://dictionaryofsydney.org/entry/green_park

Site name/s	253 Sauna
Address	253 Oxford Street, Darlinghurst

253 Oxford Street in 2022.
Source: TKD Architects.

Typology	Sauna
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.

Outline history

- The building is one of a series of shops that was constructed in the Victoria era.
- From 1949 to 1957, the building housed a barber shop.[179]
- In 1959, alterations to the parapet of the building were approved.[180] By 1962, the building was being used for electrical and refrigeration sales.[181] In 1970, the building was in use as a shop for reconditioned furniture and accessories.[182]
- The building housed 253 Sauna between 1973 and 1988, which catered to the gay male community. The associated application for use of the premises as a health clinic was lodged in July 1973.[183] Alterations including partition walls were later installed.[184] The Sauna ceased operating around 1988.

Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values and should be assessed in a future heritage study/review.
Inventory revisions	–

Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

179 City of Sydney Archives, A-00501867
180 City of Sydney Archives, 1959/1080
181 City of Sydney Archives, DA279/62
182 City of Sydney Archives DA 1037/67
183 City of Sydney Archives, DA611/73
184 City of Sydney Archives, DA 1973/1407

Site name/s	Flinders Hotel
Address	63-65 Flinders Street, Surry Hills

Flinders Hotel in 1930 and 2022.
Source: Noel Butlin Archive, ANU Open Research Library and TKD Architects

Typology	Hotel
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.

Outline history

- The Flinders Hotel was designed in 1917 by architects Spain Cosh & Dods for Tooth & Co.[185] Tooth & Co operated the venue for many decades, undertaking various alterations including cutting back the awning in 1953 and retiling the street façade in 1955, [186]
- The Flinders Hotel opened as a gay venue in July 1980, becoming an iconic LGBT bar until the early 2000s.[187] A beer garden, new roof and doorway were constructed in 1980 in association, along with alterations to the toilets in 1981 and to the ground floor bar in 1982.[188]
- The Flinders Hotel ceased trading in 2015 due to lock out laws. It reopened again in 2016/2017, but unlike the previous hotel, it did not target the gay community as its primary audience.[189]

Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values and should be assessed in a future heritage study/review.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development, and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

185 City of Sydney Archives, BA0148/17
186 City of Sydney Archives, DA1953/1870 , DA1955/0813
187 Benedict Brook, "Sydney's historic Flinders Hotel closes down", Star Observer, 9 January 2015 at https://www.starobserver.com.au/news/national-news/new-south-wales-news/sydneys-historic-flinders-hotel-closes-down/131386, accessed 6 December 2022.
188 City of Sydney Archives, DA1953/1870, A-00566290, A-00576990
189 "New Flinders Hotel opens to revised Sydney market" at https://pubtic.com.au/new-flinders-hotel-opens-revised-sydney-market/, accessed 6 December 2022.

Site name/s	ARQ, Bodyline
Address	Albion House, 10-24 Flinders Street/10 Taylor Street, Darlinghurst

10-24 Flinders Street/10 Taylor Street, Darlinghurst.
Source: TKD Architects

Typology	Sauna, Nightclub, sex-on-premises venue
Current listings	Not heritage listed. Within Oxford Street Conservation Area C17.
Outline history	• The building at 18-24 Flinders Street was designed by architect Burcham Clamp. Similar building applications were lodged for its construction 1910 and again in 1913, it appearing to have been constructed shortly thereafter. • The building at 10-16 Flinders Street is understood to have been constructed in 1925 or 1926 and was known as Albion House. • The building at 10 Taylor Street is understood to have been built around 1922 as a hat factory for Trinder & Dawson. • Bodyline Sauna opened in 1991 at 10 Taylor Street. It was the first legally operating gay sex-on-premises venue in NSW. It closed during 2021 due to the pandemic, but reopened during December 2022. • ARQ opened in 1999 at 16 Flinders Street. It is a long-running gay nightclub in the area. The club shut down in 2020 because of Covid-19. It reopened during December 2022.
Recommendations	Not recommended for inclusion in Schedule 5 based on its associations with the LGBTIQA+ community. The site may be worthy of listing for other values and should be assessed in a future heritage study/review.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

Site name/s	Ruby Red's, Pastels, Rubies, Headquarters, Trade
Address	273 Crown Street, Surry Hills

273 Crown Street, Darlinghurst.
Source: TKD Architects.

Typology	Bar
Current listings	Not heritage listed. Adjoins Ryder Street Conservation Area C15.
Outline history	• The commercial building at 273-275 Crown Street was designed by architect Percy J Gordon circa 1922 (BA 796/22). • Ruby Reds opened at 273 Crown Street in 1979. It was owned by Dawn O'Connell, a prominent businesswoman in the gay and lesbian community and a former speed skater. Ruby Red's was a lesbian bar and dance venue. • Ruby Reds closed in 1982. The building then housed a succession of bars and clubs catering to the community. These included the mixed venue Querelle, which opened 23 May 1986, followed by the Boogie Room, opening in November 1988, 'B's in early 1990, and then Pastels a few months after. Ruby Red's reopened in the venue in 1991 as "Rubies." [190] Following this, the building became Headquarters, a gay male bath house and bar. • Trade cruise club currently occupies the premises.
Recommendations	Recommended for inclusion in Schedule 5. A heritage inventory should be prepared according to the SHI format.
Inventory revisions	–
Management recommendations	It is recommended that the significant uses and associations of the building with the LGBTIQA+ community are interpreted in future development and included in future physical and digital interpretation devices for the place and street. Where new uses are proposed, preference should be given to those which support the LGBTIQA+ community and provide new cultural and social spaces or allied businesses and venues.

190 "Rubies Re-opens, Lesbians on the Loose, December 1991, p.2

4 Summary of recommendations

Site	Current listings	Recommendation
Burdekin Hotel, 2 Oxford Street Darlinghurst	Sydney Local Environmental Plan, No. 379 'Burdekin Hotel'	Revise history and significance in existing inventory. Suggested revisions provided.
Patch's/DCM, 33 Oxford Street, Surry Hills	Sydney Local Environmental Plan, No. 1582, 'Former Lowes including interior'	Revise history and significance in existing inventory. Suggested revisions provided.
Exchange Hotel, 34-36 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 380, 'Exchange Hotel'	Revise history and significance in existing inventory. Suggested revisions provided.
Roman Baths/King Steam, 40-42 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 381, 'Commercial Building'	Revise history and significance in existing inventory. Suggested revisions provided.
Slide Bar, 41 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 583, Former Commonwealth Bank	Revise history and significance in existing inventory. Suggested revisions provided.
Butts Bar, 45 Oxford Street, Surry Hills	Not listed. Within Oxford Street Conservation Area C17.	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
Handlebar/Pete's Beat, 80 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 391, 'Former Kelso's Hotel including interior'	Revise history and significance in existing inventory. Suggested revisions provided.
Tropicana/ Club 85/Midnight Shift, 85-91 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17.	Recommended for inclusion in Schedule 5 of the LEP. A heritage inventory should be prepared.
Flo's Palace, 97 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
Colombian, 117-125 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 399, 'Westpac Bank'	Revise history and significance in existing inventory. Suggested revisions provided.
Palms, 124 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Recommended for inclusion in Schedule 5 of the LEP. A heritage inventory should be prepared.
Oxford Hotel, 134 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Recommended for inclusion in Schedule 5 of the LEP. A heritage inventory should be prepared.
Capriccios, 163-169 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 411, 'Commercial building including interior'	No inventory revisions required – listing acknowledges the history and significance of the site to the LGBTIQA+ community.
Stonewall, 173-175 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 413, 'Former CBC Bank including interior'	Revise history and significance in existing inventory. Suggested revisions provided.
Wigzell's Turkish Bath/Ivy's, 191-195 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
The Bookshop, 207 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
Green Park Diner, 219-221 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
253 Sauna, 253 Oxford Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
Beauchamp Hotel, 265-267 Oxford Street, Darlinghurst	Sydney Local Environmental Plan, No. 416, 'Beauchamp Hotel including Interior'	Revise history and significance in existing inventory. Suggested revisions provided.

Site	Current listings	Recommendation
Ruby Reds, 273 Crown Street, Surry Hills	Not listed. Adjoins Ryder Street Conservation Area C15.	Recommended for inclusion in Schedule 5 of the LEP. A heritage inventory should be prepared.
Kinselas, 383 Bourke St, Darlinghurst	Sydney Local Environmental Plan, No. 223, 'Commercial Building "Kinsela House" Including Former Chapel and Interior'	Revise history and significance in existing inventory. Suggested revisions provided.
The Barracks, 1-5/7-9 Flinders Street, Surry Hills	Sydney Local Environmental Plan, No. 1541, Former Commonwealth Bank	Revise history and significance in existing inventory. Suggested revisions provided.
Arq, Bodyline, 10-24 Flinders Street, Darlinghurst	Not listed. Within Oxford Street Conservation Area C17	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
Grosvenor Club (also known as Taxi Club), 40-42 Flinders Street, Darlinghurst	Not listed. Within Paddington Urban Conservation Area C50.	Recommended for inclusion in Schedule 5 of the LEP. A heritage inventory should be prepared.
Flinders Hotel, 63-65 Flinders St, Surry Hills	Not listed. Within Paddington Urban Conservation Area C50.	Not recommended for inclusion in Schedule 5 of the LEP on the basis of this study.
Darlinghurst Police Station	Sydney Local Environmental Plan, No. 316, 'Former Darlinghurst Police Station including interior.'	Revise history and significance in existing inventory. Suggested revisions provided.
The wall / National Art School wall	SHR Item No. 2048, 'National Art School, Former Darlinghurst Gaol, Former East Sydney Technical' ; Sydney Local Environmental Plan 2012, Item No. 299 'Former East Sydney Technical College & Darlinghurst Gaol'	Minor inventory revisions required – listings acknowledge history and significance of the site to the LGBTIQA+ community, but needs to specify which section of wall.
Underground toilets	SHR Item No. 01700, 'Taylor Square Substation No.6 & Underground Public Conveniences'; Sydney Local Environmental Plan 2012, Item No. 401 'Underground Lavatory Including Interior'	No inventory revisions required – listings acknowledge history and significance of the site to the LGBTIQA+ community.
Green Park	Sydney Local Environmental Plan, No. 490, 'Green Park including bandstand and interiors, memorials and landscaping.'	Revise history and significance in existing inventory. Suggested revisions provided.
Taylor Square	All of Taylor Square Covered by SHR Item No. 01700, 'Taylor Square Substation No.6 & Underground Public Conveniences'; and also Oxford Street Conservation Area.	No inventory revisions required – listings acknowledge history and significance of the site to the LGBTIQA+ community.
St Vincent's Hospital	Sydney Local Environmental Plan, No 493, 'St Vincent's Hospital Group Including Buildings and Their Interiors And Fencing.'	Revise history and significance in existing inventory. Suggested revisions provided.

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Attachment B2

Draft Inventory Sheet - 134 Oxford Street, Darlinghurst - Oxford Hotel

DRAFT HERITAGE DATA FORM
For City of Sydney Council

ITEM DETAILS						
Name of Item	Oxford Hotel					
Other Name/s Former Name/s	Oxford Tavern, The Funhouse					
Item type (if known)	Built					
Item group (if known)	Commercial					
Item category (if known)	Hotel					
Area, Group, or Collection Name						
Street number	134					
Street name	Oxford Street					
Suburb/town	Darlinghurst			**Postcode**	2010	
Local Government Area/s	City of Sydney					
Property description	Lot 1 DP 107573					
Location description	Located on the northern side of Oxford Street at its intersection with Bourke Street. The northern side of the building is on Foley Street.					
Location - Lat/long	**Latitude**		**Longitude**			
Location – MGA94 (if no street address) [or AMG66 if old system]	**Zone**		**Easting**		**Northing**	
Owner	Private					
Current use	Hotel					
Former Use	Hotel					
Statement of significance	The Oxford Hotel at 134 Oxford Street, Darlinghurst, has historical, associational, aesthetic and social significance. Its site and sites in its immediate vicinity have been continually licensed for hotel purposes since the late 1850s and it is amongst the earliest sites on Oxford Street to have a continuous association with the liquor trade. The existing building is directly associated with the resumption and widening of Oxford Street by the City of Sydney during the second decade of the twentieth century. The Oxford Hotel has some historic associations with the development of Sydney's rock music scene during the second half of the 1970s and historic associations with Sydney's gay community, having traded to the gay male community continuously since 1982. It is amongst Sydney's longest operating gay venues. The Oxford Hotel associational significance with the Trautwein family, prominent hotel licensees and owners during the late nineteenth and first half of the twentieth centuries and with prominent architect Ernest Lindsay Thompson, a prolific designer of hotels in metropolitan Sydney during the first third of the twentieth century. He was commissioned by members of the Trautwein family to design the Oxford Hotel. Although modified, the exterior of the building is a representative and distinctive example of the Federation Free Style and makes an important contribution to the Taylor Square townscape, The Oxford Hotel may have social significance because of its associations with Sydney's rock music scene during the second half of the 1970s and because of its associations with Sydney's					

	gay male community for over forty years.	
Level of Significance	State ☐	Local ☒

DESCRIPTION	
Designer	Ernest Lindsay Thompson
Builder/ maker	W A Dettman
Physical Description	The Oxford Hotel is a substantial three storey building with a basement level occupying a prominent corner site. Its exterior demonstrates the influence of the Federation Free Style, most notably informal massing and fenestration, the use of brick and sandstone (providing contrasts of colour and texture), use of a number of differently sized and shaped windows (in this case Diocletian, oriels and simple double hung). Classical details have been used expressively and include cornice s, brackets beneath second floor oriels and keystones in the arches of Diocletian windows. The second floor of the facades is modulated by brick piers dividing it into bays. A balcony is located above the large first floor oriel on the eastern (Bourke Street) façade, its wide opening supported off Tuscan order columns. Window sashes are timber framed and may be original. Cantilevered awnings supported off wrought steel trusses and suspension rods protect the openings along the ground floor of the building. The original brick and stone surfaces have been obscured by paint. The uppermost sections of parapets and the corner turret have been removed, along with the clock on the building corner. The ground floor level has been extensively modified – openings have been reconfigured and a timber deck has been constructed against the Bourke Street elevation. The hotel's interior has been extensively modified. Only the ground floor was inspected, but its original configuration as a series of bar spaces organised around a central island bar has been reconfigured into a large open space with a bar against one wall.

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Physical condition and Archaeological potential	The buildings are in good condition. Archaeological potential has not been assessed.					
Construction years	Start year	1913	Finish year	1914	Circa	☐
Modifications and dates	Modifications include the following works and changes of use: • Installation of show window (Building Application 595/26) • Enclosure of balcony (Building Application 404/46) • Installation of bottle department on ground floor and servery on first floor (Building Application 620/48) • Roof sign support structure (Building Application 296/49) • Repairs and renovations (Building Application 383/49) • Works required to comply with notice under the Liquor Act (Development Application 292/53) • Alterations and additions (Building Application 913/53) • Structural support for vertical sign (Building Application 2277/56) • Toilets and bathroom works (Building Application 2106/57) • Support for vertical sign (Building Application 2935/57) • Works required to comply with notice under the Liquor Act (Development Application 393/59) • Internal alterations (Building Application 1960) • Awning (Building Application 1960) • Roof sign structure (Building Application 2498/61) • Internal alterations to ground floor and first floor (Building Application 1971 • New public bar ground floor (Building Application 1292/82) • New front doors and platform (Building Application 863/89) • Alterations to male toilet and dj's platform, removal of bottle shop (Building Application 830/92) • Refurbishment of premises (Building Application 113/97) • Toilets and bar installation on second floor (Development Application 1199/2000) • Deck on Bourke Street (Development Application 321/2002) • Refurbishment of 130-134 Oxford Street (Development Application 93/2006) • Turret removed between 1960 and 1970 • Clock removed • External brickwork and stone surfaces painted in early 1950s					
Further comments						

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For City of Sydney Council

HISTORY	
Historical notes	The first hotel on or near the north-western corner of Oxford Street and Bourke Street was the Cottage of Content, which appears to have been trading by the end of 1859 and for which a licence was granted to Edward Johnston in May 1860. It was located within the third building to the west of Bourke Street. The hotel was rebuilt on the corner of Oxford and Bourke Streets around 1871 and became known as Johnston's Family Hotel. The hotel was taken over by James Ryan in 1886. He changed its name to Ryan's Hotel. After his death in 1891 his widow was granted the licence and managed the hotel until 1898, when it was transferred to Charles Parker. In 1903 it became the Midland Hotel under Arthur Millar then in 1905 the Oxford Hotel under John McCluskey. Early in September 1907 the licence was transferred from McCluskey to Theodore Trautwein. Theodore Charles Trautwein (1869-1955) was managing director of the Carrington Hotel at Katoomba. He bought and sold many hotels in metropolitan Sydney and was able to buy his first hotel with earnings from racehorses. He was a Member of the Legislative Council in the NSW Parliament between 1934 and 1940. By the end of 1910 the Oxford Hotel was being managed by his brother William. In the interim the hotel site was resumed as part of the process of widening Oxford Street. Theodore Trautwein negotiated a 30-year lease with the City Council commencing on 1 June 1913. The lease included the construction of a new hotel by the lessee. The present Oxford Hotel was constructed to a design by E Lindsay Thompson on behalf of William Trautwein that was approved by the City Council in June 1913. The tender of contractor W A Dettman was accepted for its construction during July 1913. Ernest Lindsay Thompson (1870-1935) served his articles in the City Architect's Office. For five years from 1885. In 1894 he was appointed a second lieutenant in the 2nd Garrison Division of the Artillery. By 1897 Thompson had become an Inspector of Public Works in the Colonial Architect's Department but the following year he had opened his own architectural practice. Thompson became a prominent Sydney architect, designing residences, numerous hotels, business premises and cinemas. He served as an alderman for Macquarie Ward in the City of Sydney from December 1900 to December 1927 and in that time was a member of several committees. William Trautwein transferred the hotel's licence to Walter Derbyshire at the beginning of July 1915. On the expiration of William Trautwein's lease in 1943 the hotel was leased to a succession of licensees before it was sold by the City of Sydney to Hopetoun Pty Limited, a company understood to be associated with Miller's Brewery. The transfer of title took place on 20 July 1960. Hopetoun Pty Ltd sold the hotel to Hafe Pty Ltd in August 1976. At this time, it was known as the Oxford Tavern. Later that year members of one of Australia's most extreme bands, the punk band Radio Birdman, approached the owners of the Oxford Tavern to see if it could take over the venue on weekends on the basis that the hotel keep the bar takings and the bands keep the proceeds of the door entry. The band named the Oxford Tavern venue the Funhouse. Other bands performed there during 1977 but these associations appear to have ended by 1979. Around 1980 Hafe Pty Ltd sold the building. The title was transferred to Alexander Kalamis, barrister Barry Toomey and chartered accountant Ronald Pantlin. About four years later the title was transferred to Toomey, Pantlin and Wysd Pty Limited. The Oxford Hotel opened as a gay venue on 16 July 1982 with Peter Whittle as licensee. It was advertised in publications from this era as "the latest gay pub on the Strip, restaurant, the Oxford Café upstairs." The hotel became the location for significant events within the gay community. They included the inaugural Bobby Goldsmith Foundation's annual fundraising "Boys Own Bake-off, which was staged there in July 1985 and was held in the hotel for several years, and the launch of the AIDS Council of NSW booklet *Contacts* held in 1995. After some 20 years Toomey and Pantlin put the hotel on the market in the first half of 2000.

	It is understood that during the first half of the 2000s the Oxford Hotel expanded into the basement and ground floor of the adjoining building at 130-132 Oxford Street. An application for the refurbishment of the premises undertaken by owner Indigo Mist Pty Limited was lodged in 2006. The Oxford Hotel was acquired by Pelathon Management around 2010. It subsequently sold the venue to Universal Hotels at the end of 2017.

THEMES		
National historical theme	**State historical theme**	**Local theme**
3. Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services
4. Building settlements, towns and cities	Towns, suburbs and villages	Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages
8. Developing Australia's cultural life	Leisure	Activities associated with recreation and relaxation

DRAFT HERITAGE DATA FORM
For City of Sydney Council

APPLICATION OF CRITERIA	
Historic significance SHR criteria (a)	The site and its immediate environs have been continuously occupied by a hotel, linked by continuity of licensing, since the late 1850s. Although other sites on Oxford Street, such as that of the Burdekin Hotel, have a longer history of continuous licensing, the site of the Oxford Hotel is still amongst the earliest to have a continuous association with the liquor trade. The Oxford Hotel is associated with the resumption and widening of Oxford Street by the City of Sydney during the second decade of the twentieth century. The Oxford Hotel has some historic associations with the development of Sydney's rock music scene during the second half of the 1970s, when Radio Birdman and other bands performed there. The Oxford Hotel has historic associations with Sydney's gay community, having been a gay male hotel continuously since 1982. It is amongst Sydney's longest operating gay venues. The Oxford Hotel meets Criterion A at a **local** level.
Historical association SHR criteria (b)	The Oxford Hotel has a brief association with Trautwein family, which was prominent as hotel licensees and owners during the late nineteenth and first half of the twentieth centuries. The building has strong associations with architect Ernest Lindsay Thompson, a prominent and prolific designer of hotels in metropolitan Sydney during the first third of the twentieth century. He was commissioned by members of the Trautwein family, designing the building for its licensee William Trautwein. The Oxford Hotel meets Criterion B at a **local** level.
Aesthetic / creative / technical achievement SHR criteria (c)	Although modified, the exterior of the building demonstrates characteristics of the Federation Free Style and is distinctive in character. The Oxford Hotel is a prominent element in the streetscape that makes an important contribution to the Taylor Square townscape, notwithstanding modifications to its exterior. The Oxford Hotel meets Criterion C at a **local** level.
Social, cultural, and spritual SHR criteria (d)	The Oxford Hotel may have social significance because of its associations with Sydney's rock music scene during the second half of the 1970s. The Oxford Hotel is significance because of its associations with Sydney's gay community for over forty years. In this time it has been a popular venue for the community and has provided a range of facilities. 85-91 Oxford Street meets Criterion D at a local level.
Research potential SHR criteria (e)	The Oxford Hotel is unlikely to have technical or research significance because of the amount of change it has undergone over the years. The Oxford Hotel does not fulfil Criterion E.
Rare SHR criteria (f)	The Oxford Hotel is not rare. There are a relatively large number of extant Federation era hotels in the City of Sydney, several of which display a higher level of integrity both externally and internally. The Oxford Hotel does not fulfil Criterion F.

Representative SHR criteria (g)	The Oxford Hotel, although it has been modified externally and internally, is a representative Federation era hotel. Its exterior is representative of the Federation Free Style. The Oxford Hotel meets Criterion G at a **local** level.
Integrity	The interior of the building has been extensively modified. The exterior of the building, although modified, has retained a substantial amount of original fabric at first and second floor levels.

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For City of Sydney Council

HERITAGE LISTINGS	
Heritage listing/s	Oxford Street Heritage Conservation Area, Item C17, Sydney Local Environmental Plan 2012

INFORMATION SOURCES

Type	Author/Client	Title	Year	Repository
Written		"Publican's Licenses Granted", *Empire*, 17 May 1860 p.3	1860	https://trove.nla.gov.au/ newspaper/page /5982942
Written		"Mr H W Trautwein", *The Sunday Sun*, 11 December 1910, p.14	1910	https://trove.nla.gov.au/newspaper/article /226875103
Written		"Latest Tenders Accepted", *Construction*, 21 July 1913, p.1	1913	https://trove.nla.gov.au/newspaper/article /234766642
Written		"Hotel Transfers", Sydney Morning Herald, 2 July 1915, p.4	1915	https://trove.nla.gov.au/newspaper/page/1346 603
Written		Old Systems Title Book 944 Number 648 dated 31 August 1911	1911	NSW Land Registry Services Historical Land Records Viewer at https://hlrv.nswlrs.com.au/
Written		Certificate of Title Volume 2548 Folio 124	1915	NSW Land Registry Services Historical Land Records Viewer at https://hlrv.nswlrs.com.au/
Written		Certificate of Title Volume 8137 Folio 240	1961	NSW Land Registry Services Historical Land Records Viewer at https://hlrv.nswlrs.com.au/
Written		*Sands directory*	1858-1906	City of Sydney Archives at https://archives.cityofsydney.nsw.gov.au/
Written	John W Ross	Taylor Square: Sydney's first hub	2020	chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/ https://shazbeige.com/pdf/Taylor_Square_ History.pdf
Written	marigenh	My Family History: Theodore Charles Trautwein 1869 - 1955	2013	http://cowiepatt.blogspot.com/2013/06/ theodore-charles-trautwein-1869-1955.html
Written	Hugh Liney and Frank Cotterell	*Rock'n'roll Walk of Shame and Fame: Oxford Street*	2020	file:///C:/Users/rlumby/Downloads/Rock-n-RollWalkOfFame-n-Shame.pdf

Written	Pride History Group	"Decades of Pride: 1982"	2019/ 2023	https://www.pridehistory.org.au/decades-of-pride
Written	Peter Kermode	"Landmark Oxford Hotel to go under the hammer" in *Australian Financial Review*, 24 March 2000.	2000	https://www.afr.com/property/landmark-oxford-hotel-to-go-under-the-hammer-20000324-k9aqj

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For City of Sydney Council

RECOMMENDATIONS	
Recommendations	The Oxford Hotel at 134 Oxford Street, Darlinghurst should be listed as a local heritage item in Schedule 5 of Sydney Local Environment Plan 2012. The following actions are recommended: • The first and second floor sections of the buildings' Oxford Street façades should be retained and conserved. Owners should be encouraged to regain the original appearance of these sections of the facades, including the removal of paint from brick and stone surfaces and reconstruction of the turret and parapets. This will improve the buildings' contribution to the Oxford Street Heritage Conservation Area. • All conservation works should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter). • Surviving original and early elements, structure, walls and finishes should be retained and conserved in any future development. • The buildings have potential for adaptive reuse because of the amount of change that has taken place internally. Maintaining existing uses are considered appropriate. • New walls should not obstruct windows. • Suspended ceilings should not obstruct window heads. • If upper storey additions are considered, they should be set back from the façades so that their integrity, independent identity, and significant role as a legible and discrete element in the streetscape are maintained. • Remove vegetation growing on the northern side of the building. Keep brickwork clear of any regrowth.

SOURCE OF THIS INFORMATION			
Name of study or report	Oxford Street LGBTIQA+ Heritage Study. City of Sydney Local Government Area, NSW.	**Year of study or report**	2023
Item number in study or report	N/A		
Author of study or report	Tanner Kibble Denton Architects Pty Ltd.		
Inspected by	External inspection by TKD Architects.		
NSW Heritage Manual guidelines used?	Yes ☒	No ☐	
This form completed by	Roy Lumby	**Date**	April 2023

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	Johnston's Family Hotel viewed from the south-east (City of Sydney Archives Unique ID A-00039118				
Image year	1910	**Image by**	City of Sydney	**Image copyright holder**	City of Sydney

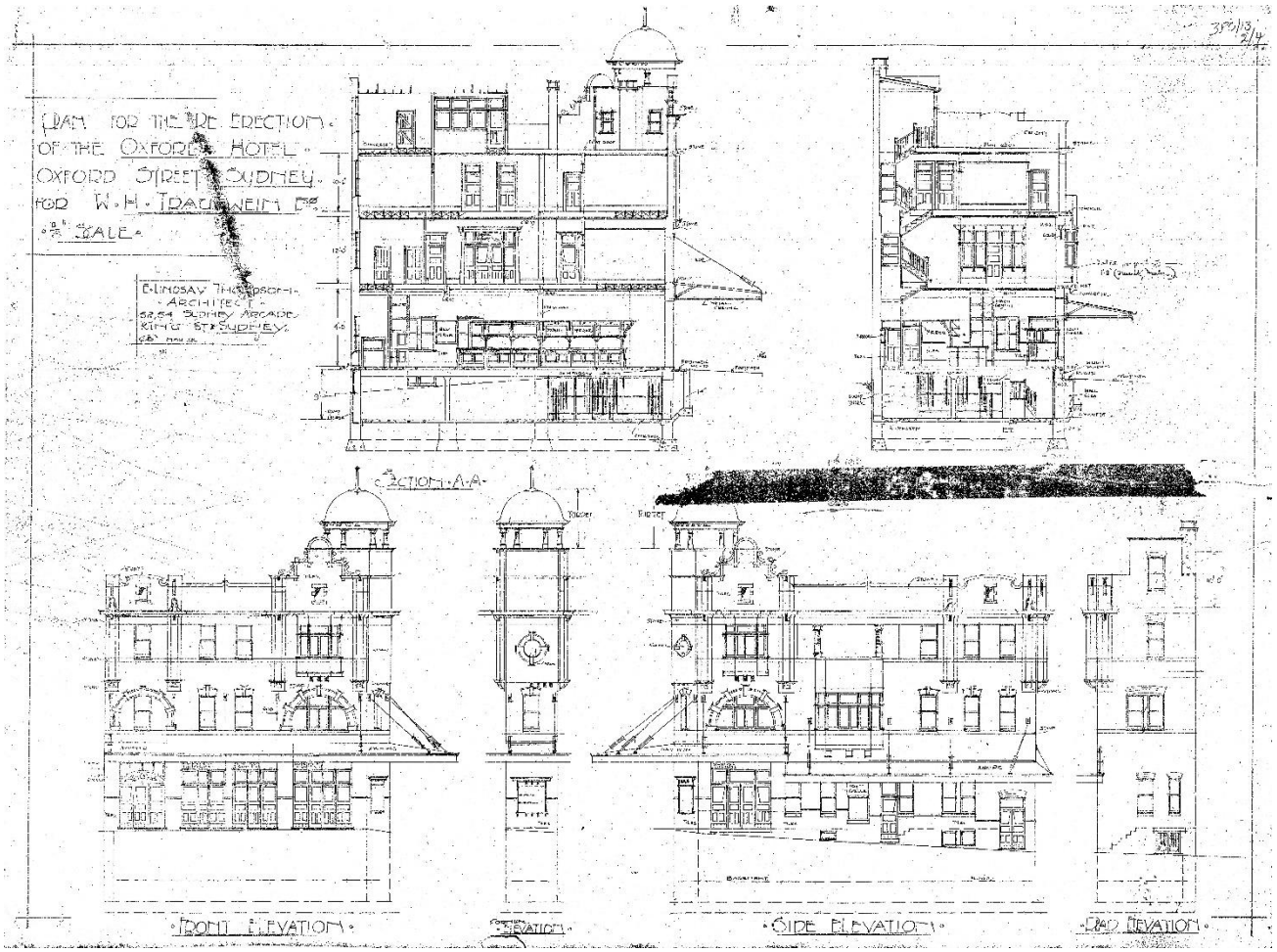
DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Bourke Street elevation of Johnston's Family Hotel (City of Sydney Archives Unique ID A-00036690)				
Image year	1913	**Image by**	City of Sydney	**Image copyright holder**	City of Sydney

IMAGES – 1 per page					
Image caption	Ernest Lindsay Thompson (City of Sydney Archives Unique ID A-00041242).				
Image year	1913	**Image by**		**Image copyright holder**	City of Sydney

DRAFT HERITAGE DATA FORM
For City of Sydney Council

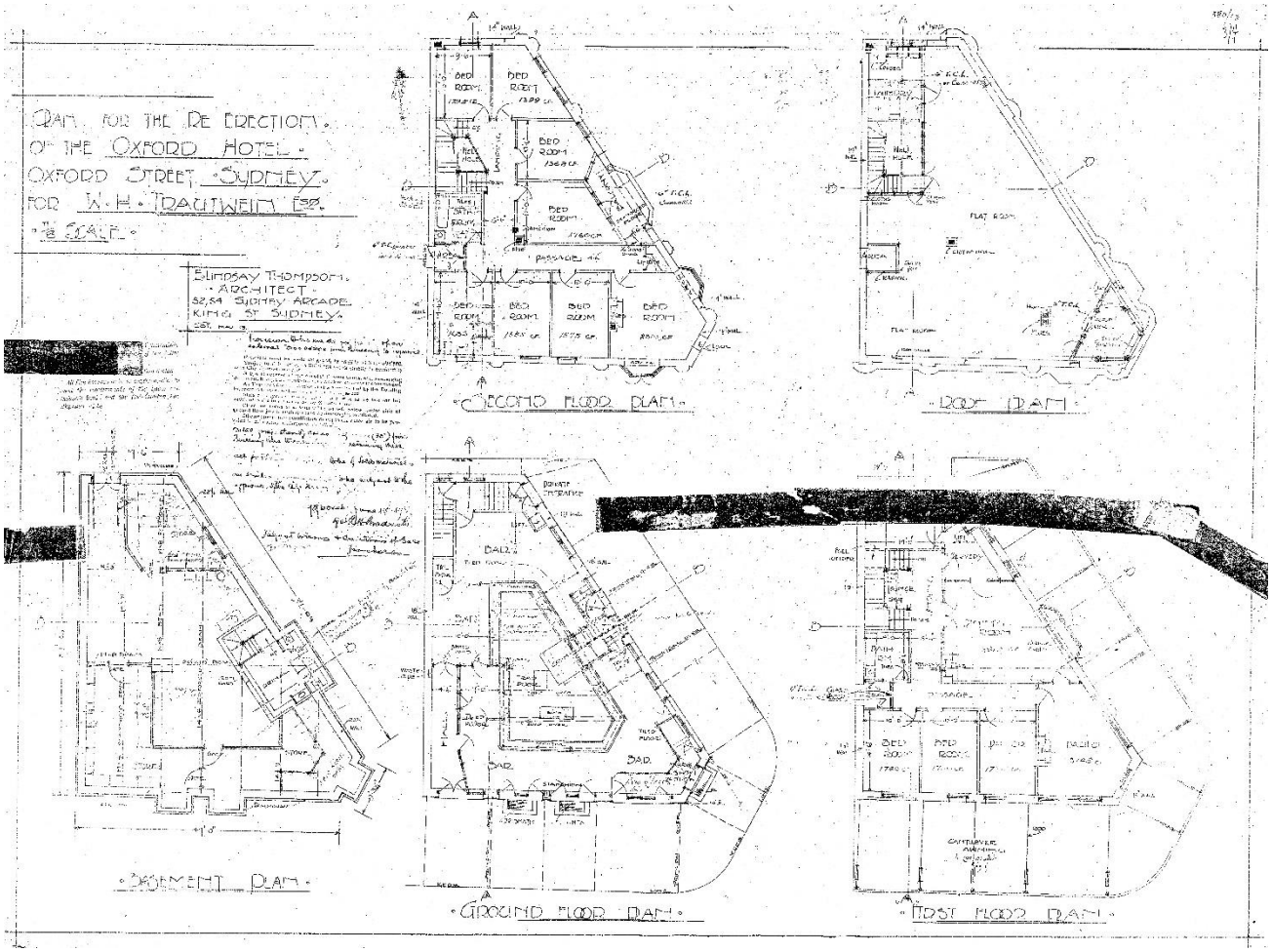
IMAGES – 1 per page					
Image caption	Drawing produced in the office of Ernest Lindsay Thompson describing elevations and sections of the Oxford Hotel. The drawing is dated May 1913 (City of Sydney Archives Building Application 0380/13).				
Image year	1913	**Image by**	Office of E Lindsay Thompson	**Image copyright holder**	City of Sydney



IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Image caption	Drawing produced in the office of Ernest Lindsay Thompson describing floor plans of the Oxford Hotel. The drawing is dated May 1913 (City of Sydney Archives Building Application 0380/13).				
Image year	1913	**Image by**	Office of E Lindsay Thompson	**Image copyright holder**	City of Sydney



IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
For City of Sydney Council

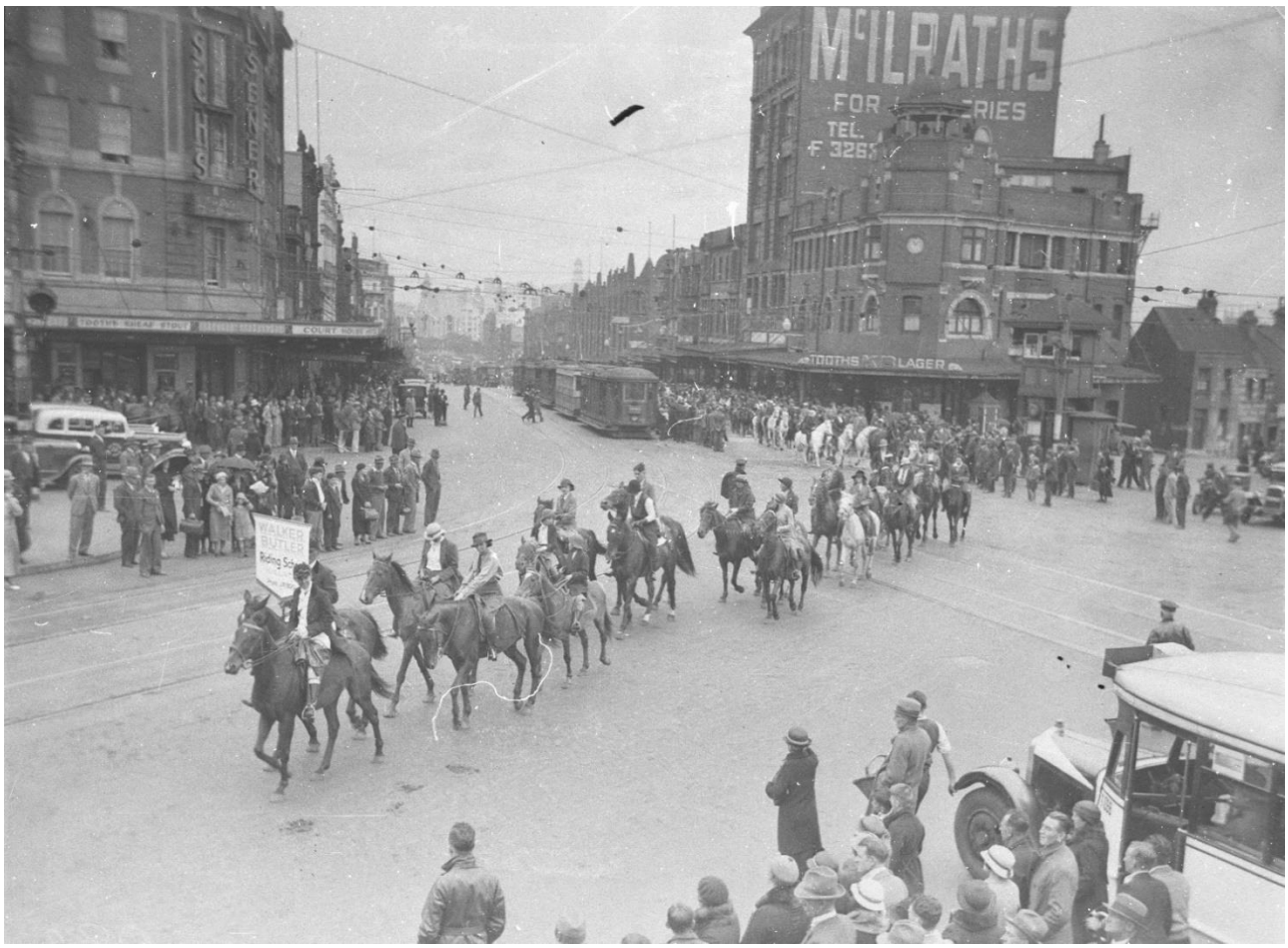
Image caption	Looking north from Taylor Square to the Oxford Hotel, which is nearing completion.				
Image year	1914	**Image by**		**Image copyright holder**	State Library of NSW

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Oxford Hotel viewed from the south-east (Australian National University: Institutional Repository identifier N60-YC-499 at https://openresearch-repository.anu.edu.au/handle/1885/102280).				
Image year	1930	**Image by**	Tooth & Co	**Image copyright holder**	Australian National University

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Procession crossing Taylor Square in front of the Oxford Hotel (State Library of NSW Home and Away – 4731).				
Image year	Circa 1934	**Image by**	Sam Hood	**Image copyright holder**	State Library of NSW



DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Looking west along Oxford Street from Taylor Square – Oxford Hotel at top right (City of Sydney Archives Unique ID A-00058118 - Len Stone Photograph Collection)				
Image year	1939	**Image by**		**Image copyright holder**	City of Sydney

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	The Oxford Hotel, 1949. Australian National University: Institutional Repository identifier N60-YC-499 at https://openresearch-repository.anu.edu.au/handle/1885/102276)				
Image year	1949	**Image by**	Tooth & Co	**Image copyright holder**	Australian National University

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	The Oxford Hotel – external surfaces and first and second floor levels were painted in the early 1950s (Australian National University: Institutional Repository identifier N60-YC-499 at https://openresearch-repository.anu.edu.au/handle/1885/102274)				
Image year	1960	**Image by**	Tooth & Co	**Image copyright holder**	Australian National University

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	The Oxford Hoel, 1970 (Australian National University: Institutional Repository identifier N60-YC-499 at https://openresearch-repository.anu.edu.au/handle/1885/102272)				
Image year	1970	**Image by**	Tooth & Co	**Image copyright holder**	Australian National University

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IMAGES – 1 per page					
Image caption	Oxford Hotel viewed from the south (City of Sydney Archives Unique ID A-00034692)				
Image year	1982	**Image by**	Niels Ellmoos	**Image copyright holder**	City of Sydney

IMAGES – 1 per page

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For City of Sydney Council

Image caption	Leo Schofield, Maggie Kirkpatrick and another judge checking out the cakes at the Bobby Goldsmith Foundation competition bake-off staged at the Oxford Hotel (City of Sydney Archives UID A-00068830).				
Image year	1995	**Image by**	C Moore Hardy	**Image copyright holder**	C Moore Hardy

IMAGES – 1 per page

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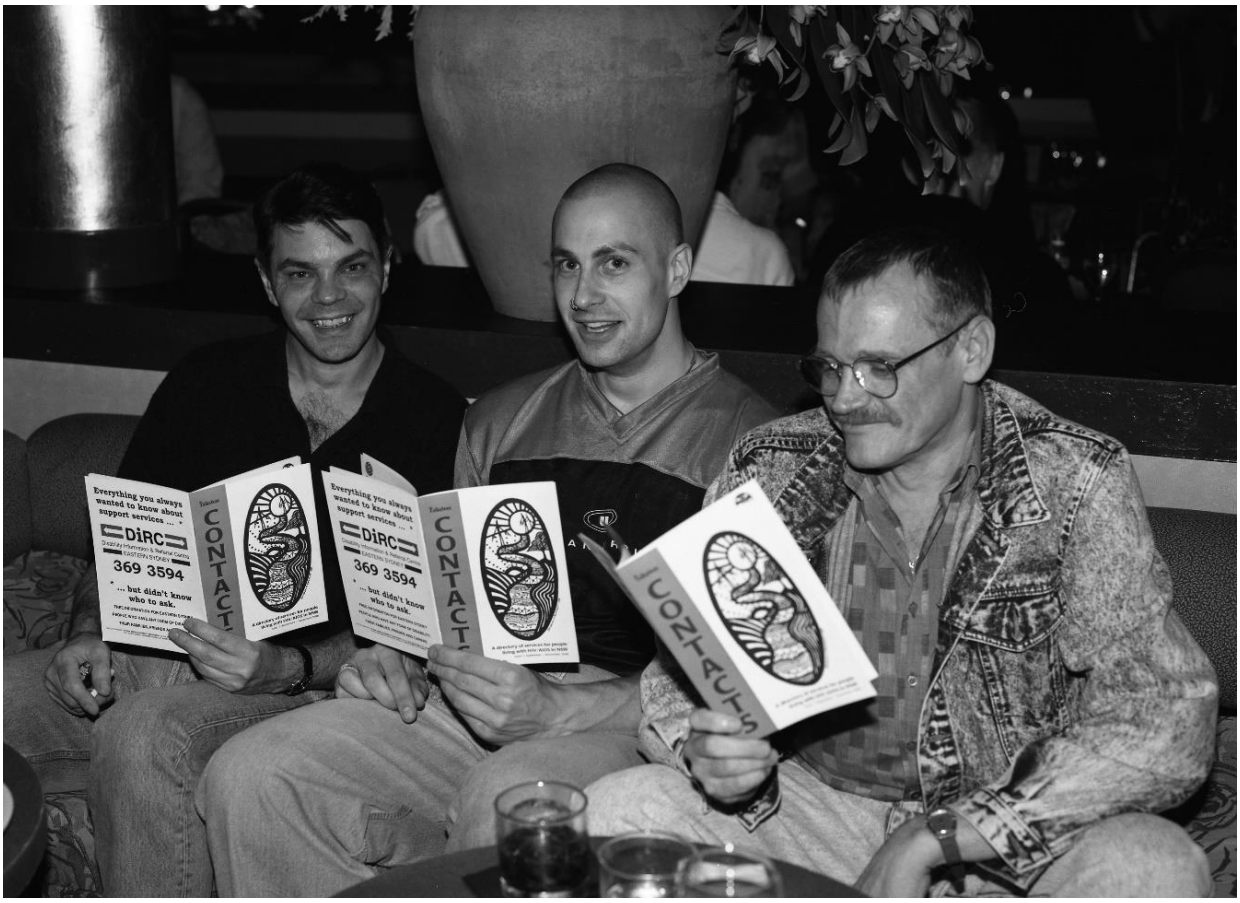
Image caption	Community supporters of ACON reading the Contacts book at its launch party held at the Oxford Hotel (City of Sydney Archives Unique ID A-00068863).				
Image year	1995	**Image by**	C Moore Hardy	**Image copyright holder**	C Moore Hardy



IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Image caption	Oxford Street façade of 134 Oxford Street (City of Sydney Archives Unique ID A-01129161).				
Image year	2000	**Image by**	Mark Stevens	**Image copyright holder**	City of Sydney

IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Image caption	View facing north-west across Bourke Street to south-east frontage of the building (City of Sydney Archives Unique ID A-01129162)				
Image year	2000	**Image by**	Mark Stevens	**Image copyright holder**	City of Sydney

IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
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Image caption	Oxford Hotel viewed from the intersection of Oxford and Bourke Streets				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Image caption	Oxford Hotel viewed from the intersection of Bourke and Foley Streets.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

IMAGES – 1 per page

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Image caption	Awning suspension rods with decorative wrought elements.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	TKD Architects

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Image caption	Wrought steel cantilever awning truss.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

DRAFT HERITAGE DATA FORM
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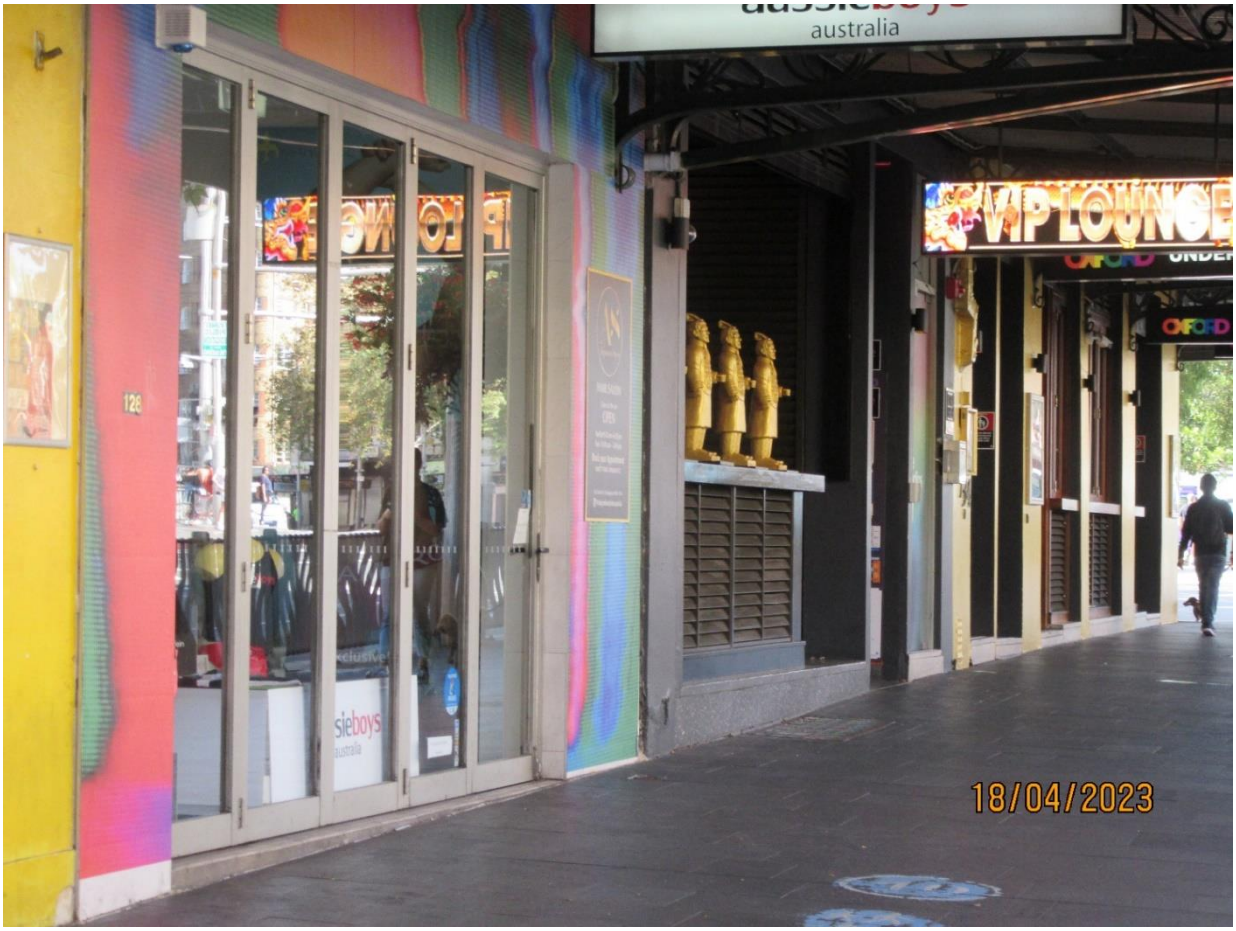
Image caption	Cast concrete column and pressed metal ceiling lining above the second floor balcony on the Bourke Street façade. The ceiling lining is unlikely to be original.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
For City of Sydney Council

Image caption	Looking east along Oxford Street – fenestration to the ground floor levels of 130-134 Oxford Street.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects



IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
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Image caption	Ground floor fenestration along Oxford Street.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

IMAGES – 1 per page

DRAFT HERITAGE DATA FORM
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Image caption	Entry to the ground floor bar.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

IMAGES – 1 per page

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Image caption	Deck adjacent to the Bourke Street façade.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

Attachment B3

Draft Inventory Sheet – 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst - Palms Hotel

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For City of Sydney Council

ITEM DETAILS			
Name of Item	Palms		
Other Name/s Former Name/s	Kidman's, McIlrath Chambers, Beatle Village, Scooters.		
Item type	Built		
Item group (if known)	Commercial		
Item category (if known)	Nightclub		
Area, Group, or Collection Name			
Street number	124 (part of 124-128 Oxford Street).		
Street name	Oxford Street		
Suburb/town	Darlinghurst	**Postcode**	2010
Local Government Area/s	City of Sydney		
Property description	Lot 1 DP 900900.		
Location description	Northern side of Oxford Street between		
Owner	Private		
Current use	Nightclub		
Former Use	Commercial building (grocer, various)		
Statement of significance	124 Oxford Street derives its heritage significance from its historic and social values. The building has historic significance as a component of the streetscape shaped by the Municipal Council of Sydney's resumption and widening of Oxford Street in the early twentieth century. The site demonstrates the long-established commercial nature of the street, having been occupied by commercial premises from at least the 1880s to the present, including two prominent grocery companies, Kidman's and McIlraths. The basement of the building became a gay nightclub in the late 1970s, which it remains to the present day. The significance of the place lays chiefly in its consistent usage as a commercial building, and as an important social and entertainment space for the LGBTIQA+ community. For its role as Palms and Scooters nightclubs, the building is important evidence of the development of Oxford Street, and is socially significant as an important focus of LGBTIQA+ social activity from the late 1970s to the present day.		
Level of Significance	State ☐	Local ☒	

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For City of Sydney Council

DESCRIPTION	
Designer	John Reid (1913 building); Paynter & Dixon (1975 building)
Builder/ maker	W Williamson; Paynter & Dixon
Physical Description	The building at 124-128 Oxford Street is a simply detailed, flat-roofed brick commercial building, originally built in 1913 but substantially modified during 1975. It is comprised of two storeys with basement level. The face brickwork on the front façade is now painted in a rainbow colour scheme (and has been since around 2013), with brickwork unpainted to the rear. A bracketed and suspended awning covers the span of the building. The 5-storey 1913 building on the site was damaged by fire in 1974. Paynter & Dixon were engaged to carry out the 'reinstatement of the building,' with plans indicating the upper levels were entirely removed (assumed to have been due to the extent of damage), with remnant brickwork to the lower levels of the building retained (basement and ground). The original brick piers of the building are visible when viewed from rear, and internal supports survive in the basement. Other elements of the 1913 building are still visible in the planning of the building, today including the general arrangement of the front façade with two ground floor shopfronts, and access to the upper floor and basement via stair at the northern end of the building. The five sets of aluminium framed windows on the first floor were installed as part of the 1975 works, alongside new aluminium framed shopfronts, double doors and shop windows. The front façade at ground level has been further modified over time consistent with its ongoing commercial use. At rear, original brick piers with recessed bays for ground floor windows are visible from basement to ground floor. Some original brickwork remains, in multi-coloured darker tones, distinguishable from the 1975 additions in blond brick. A number of variously sized square and rectangular windows characterise the top floor and appear to match the new windows show on the 1975 plans. A new fire door has been added to the northern end beside the 1975 entry/exit. The interiors of the shops appear to have been progressively modified and altered since the initial construction of the building. Internal inspection of the building was not undertaken as part of this study.

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Physical condition and Archaeological potential	Good Archaeological potential not assessed.					
Construction years	Start year	1913	Finish year	c1976	Circa	☐
Modifications and dates	Modifications include the following works: - Alterations to ground floor shopfronts in 1945. - New toilets were installed on the first floor in 1963. - Unspecified alterations and a new entrance to the basement were carried out in 1964. - Alterations to basement in 1964. - Upgrades to mechanical ventilation in 1965. - Alterations to awning in 1966. - Rectification of the building after fire damage in 1975. - Installation of an illuminated vertical sign in 1976. - Alterations to restaurant kitchen in 1980. - Reinstatement of fire damaged premises in 1984. - Alterations to shopfronts of both ground floor tenancies for use a restaurant and dining room in 1985. - Alterations to the basement and additional toilets in 1985 - Alterations and additions to the ground floor for a sushi restaurant and adult product shop in 1998. - Alterations for a second-hand bookshop in 2002.					
Further comments	Heritage inventory sheets should be regarded as a general guide only. Inventory sheets are based on information available, and often do not include the social history of sites and buildings. Inventory sheets are constantly updated by the City as further information becomes available. Further research is always recommended as part of preparation of development proposals for heritage items and is necessary in preparation of Heritage Impact Assessments and Conservation Management Plans, so that the significance of heritage items can be fully assessed prior to submitting development applications.					

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For City of Sydney Council

HISTORY	
Historical notes	Sydney is the traditional land of the Gadigal People. The area around Sydney was inhabited by the Gadigal People for thousands of years prior to European settlement, with their social, economic and spiritual structures supported by the plentiful natural resources of the area. Hunting, fishing and camping grounds were established and utilised around the harbour, with archaeological and other physical evidence of these uses surviving to the present day. The thoroughfare now known as Oxford Street follows an Aboriginal track ('muru') which led to the southern headland of Sydney Harbour. Despite the destructive impacts of European settlement, Gadigal culture and connection to the land has survived to the present day. Prior to the construction of the current building and its immediate predecessor, the site had been occupied by commercial buildings from at least 1855 according to available maps. It is likely the site was first built upon around this time, following the crown grant of the surrounding acre of land to William Baker in 1853. In 1883 the immediate predecessor of the current building was constructed for Mr James Kidman, one of the state's most well-known grocers and a household name in the period. This was the four-storey building, designed by a "Mr Lewis," later shown in pre-1910 photographs as McIlrath's Chambers. Upon its opening the building was remarked as a "very lofty and handsome one, with the front in the Italian style." Its address was recorded as 152 Oxford Street, prior to the renumbering of the street in the early twentieth century. It would appear Kidman also owned the adjoining premises at No. 150 described as his "old place of business." Following the death of James Kidman and the sale of his estate in 1899, the former 152 Oxford Street remained vacant for around two years before its acquisition by another prominent grocer, Hugh McIlrath. McIlrath had established his premises occupying Kidman's four-storey building by c1901, and purchased the property by March 1902. The first Sands directory entry for McIlrath Grocers is in 1902, confirming they occupied the premises by late 1901. The neighbouring site No. 150 was occupied by a provision merchant, John W Smith from 1900, replaced by Douglass Bros provision merchants in 1902. McIlraths expanded into the neighbouring site by 1908. They had several stores across Sydney and its suburbs, including another nearby on Oxford Street in Paddington. As a result of the substantial congestion of Oxford Street by the early twentieth century, proposals for its widening came to the fore. Architect John Barlow and Lord Mayor Allen Taylor were among those lobbying for the change. Coordination with the State Government allowed the City Council to gain increase powers of resumption, and following a Council delegation to the government in February 1908, a Royal Commission for the Improvement of Sydney and its Suburbs was appointed. It recommended the widening of Oxford Street from Liverpool Street to Paddington Town Hall. The process of resuming the northern side of Oxford Street between Hyde Park and Taylor Square began in January 1909 and included the subject site. Buildings were demolished and replaced with new structures further setback, several of which were designed by the Council's architectural staff, beginning in in 1910 and was largely complete by 1914. Footpath widening and removal of verandahs on the southern side of the street followed shortly after. McIlraths Ltd acquired the land comprising 150-152 Oxford Street back from the Council following the demolition and widening works in the area in late 1911. Plans for a new six-storey commercial premises for McIlrath's were designed by Architect John Reid and approved in June 1913, constructed shortly thereafter. Plans and photographs suggest the building was partially rather than fully demolished; drawings show existing walls depicted differently to new walls, and photographs show the truncated McIlrath's painted sign on the south (south-east) elevation of the building indicating this wall was partially retained. John Reid was a prominent Sydney architect, who was born in Scotland and emigrated to Australia in 1883. Reid completed his architectural training under George Allen Mansfield, initially employed as a clerk of works but later commencing practice as an architect in 1901. Reid completed a variety of significant buildings in Sydney and surrounds including residences, commercial premises, and churches. In 1914 Reid's son Frederick joined him as a partner in the practice until John's death in 1936.

Renumbering of the street occurred shortly after, with the 1915 edition of the Sands Directory noting the building's address as 124-128 Oxford Street. Plans suggest that at least the ground and first floor were occupied by McIlraths as their primary business premises (with offices on the first floor). The basement was also likely used by the business as it contained a strong room. The remaining levels, however, were partitioned into a number of 'rooms' or offices, and let out to a variety of tenants.

From 1914 until around 1916 the Catholic Women's Association occupied rooms within the building and conducted a variety of classes out of the premises including physical culture, choral guild, embroidery, dressmaking, millinery, drama and first aid. A range of meetings and other events hosted by the organisation took place in the building. During World War 1, the building was concurrently occupied by the 3rd Battalion Comforts Committee who compiled winter donations, knitted socks and other goods to send to the troops overseas.

In addition to being the business headquarters of McIlraths Department store, the building housed a number of other businesses on its upper levels, as illustrated by 1920s business directories:

- J Pearce, tailor, in 1920
- Abbot, AH & Co, manufacturer of ladies' garments, in 1920
- Broadhead's Bargain House, seller of ladies' garments, in 1920 (Second floor)
- Speciality Costume Company (Mademoiselle Mazarine), ladies' costumers and outfitters, in 1921
- AD Grant, piano and player salesman and repairer, in 1922 (Third floor)
- Hannabry & Johnstone, theatrical dancing and acrobatic studio, in 1925
- Alison Manufacturing Co, manufacturer of ladies' garments, in 1925 (Fifth floor)
- Paragon Millinery, millinery, in 1927

In 1923, McIlrath's Limited transferred the building to a new company, Mac's Limited. McIlraths continued to occupy the building, leasing at least part of the ground floor from the company. Around the mid twentieth century the upper level rooms were housing a number of artistic groups including the Jewish Youth Theatre League (1937) and the Society of Recorded Music (1954). The commercial businesses which were housed in the building diversified from the 1960s onwards. During 1960 a milk bar was established in the ground floor shop at 128 Oxford Street. From 1961, the basement level was used as a laundrette and dry cleaning factory for Central Clothes Cleaners Pty Ltd. Part of the ground floor was still being leased by McIlrath's Pty Ltd from Mac's Pty Ltd in 1960. It is unclear when they ceased to occupy the building, but their external signage on the building disappears by 1970. In 1963, part of the building was used for manufacturing of ladies' handbags for L Bonny & Co Pty Ltd. One of the shops on the first floor of the building was operating as a barber in 1964.

In June 1964, the basement level of the premises at 124 Oxford Street Sydney was declared a public hall, identified as "Beatle Village." Earlier in April 1964, the basement of No.124 described as 'a Sydney Stomp hall' was home to the first ever meeting of the Australian Beatle Fan Club, and it appears this is where the premises obtained the name 'Beatle Village'. 120 girls and 80 boys attended the meeting of enthusiasts of The Beatles, at which a local band The D-Men played. Beyond the home of The Beatles fan club, Beatle Village also operated as a live music venue, which featured many local rock bands in the 1960s including The Creatures, The Throb, The Showmen and The Missing Links. It was an alcohol-free venue like many other venues in this era.

A substantial fire in the building occurred sometime prior to 1975. A fire is documented to have affected the rear of the premises in July 1972, but it is unclear if this was the same event. In 1975, Paynter and Dixon on behalf of the owner lodged an (approved) application to rectify the building after the fire damage. Only the basement, ground and first floor levels were retained, suggesting the damage was substantial, though no newspaper articles covering the event can be located. Paynter and Dixon began as a joinery company in 1914 before expanding into a building company with a range of artisans, masons and joiners by the 1920s. The company (now 'Paynter Dixon') continues to offer building services to a wide range of sectors in the

present day.

Upon the reopening of the building, the basement area operated as a restaurant (name of business not known) and the upper floors were used to sell women's clothing, accessories and soft goods by Mr R H Cooper. In 1976 part of the building was in use as a coffee lounge (most likely ground floor), No. 126 was being used as an interior decorator shop, and another part of the building was being used a billiard club.

The gay venue of Palms opened circa 1977. In this year, an application was lodged for the erection of a portable stage at basement level, supporting this opening date. Palms was an underground cabaret venue which hosted the popular 'Cabaret Conspiracy' radical political drag show by c1979, celebrating sexual and gender diversity. The show was established by Johnny Allen, a local Sydney resident who had been inspired by the gay and cabaret scenes in San Francisco alongside the punk and political movements in New York. The show received acclaim from a variety of news outlets including the Daily Mirror, Sun Herald, Melbourne Age and Sydney Shout. The venue became known as a safe and supportive environment for those rejecting the gender and sexual norms of the period.

The street level shops appear to have been occupied by a seller of clothing and jewellery in early 1978, then a milk bar and takeaway shop later in the year. Another fire plagued the building in 1984, leading to a further application for reinstatement of the fire damaged premises to continue as "refreshment rooms." It is unclear which sections of the building were affected. Shortly after reinstatement, TGD Doung established a restaurant and dining room in the ground floor tenancies. Prominent photographer William Yang occupied office space in 126 Oxford Street in 1985.

By 1988, Palms had closed and a new bar was occupying the basement level of No. 124, trading as Scooters Bar and Diner. An application for change of use from this year described the use of the basement as an "amusement centre." The change in name resulted from a changed in ownership, but the place remained a nightclub with a restaurant. The opening of Scooters coincided with the height of the HIV/AIDS epidemic, which led to the devastating loss of life of many members of the community, and solidified Oxford Street as an important place of gathering and belonging for the gay community. Public fear, slander and hysteria surrounding the HIV/AIDS epidemic was, however, often directed at the community on Oxford Street making it unsafe, which manifested in violent gay bashings and other crimes against the community. During the late 1980s and early 1990s party drugs also proliferated in the Oxford Street Scene, but Scooters emerged as a safer and more conservative, 'uncool' but endearing venue for those uninterested in these substances. Scooters closed around 1994.

The club was reopened as 'Palms' with new owners John Innes, Peter Inwood and Kevin Du Val in 2000. The place operated as a basement nightclub but did not have a restaurant. As a gay-owned bar, it aimed to be inclusive and welcoming to women as well as gay men, unlike other clubs on the street at the time which did not allow women in. The ethos of the club was to honour the gay legacy on Oxford Street as the area became increasingly gentrified and commercialised. In 2018, it was noted that Palms was the only gay owned and operated venue on Oxford Street.

THEMES		
National historical theme	**State historical theme**	**Local theme**
3. Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services
4. Building settlements, towns and cities	Towns, suburbs and villages	Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages
8. Developing Australia's cultural life	Leisure	Activities associated with recreation and relaxation

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For City of Sydney Council

APPLICATION OF CRITERIA	
Historic significance SHR criteria (a)	124 Oxford Street is of historical significance as evidence of the demolition, widening and reconstruction of the built form along the north side of Oxford Street from 1909 to 1914 by the Municipal Council of Sydney. It forms part of a streetscape on the northern side of the street with consistent setbacks and a similar scale of built form, illustrating the substantial city planning reorganisation and unification that took place within the period. The site also demonstrates the long-established commercial nature of the street, beginning with retail and commerce in the nineteenth century, evolving into retail and entertainment offerings to the present day. The site has been occupied by two prominent grocery stores, Kidman's and McIlraths, before becoming a gay nightclub in the late 1970s which it remains to the present day. For its role as Palms and Scooters, the building is important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s. 124 Oxford Street meets Criterion A at a **local** level.
Historical association SHR criteria (b)	The building at 124 Oxford Street was associated with John Reid who designed the building constructed in 1913 (incorporating elements of the 1883 structure), a prominent architect who completed a range of residential and commercial commissions in Sydney and surrounds. However, the earlier building has been substantially modified by the removal of four of its floors and the remodelling of its front façade by Paynter and Dixon in 1975 following fire damage to the building. As a result, the building does not have strong associations with either John Reid or Paynter and Dixon. 124 Oxford Street does not meet Criterion B.
Aesthetic / creative / technical achievement SHR criteria (c)	As a 1913 building (incorporating elements of the 1883 structure) extensively modified in 1975 due to fire damage, the exteriors and interiors of the building exhibit little aesthetic significance. Whilst some elements of the earlier building remain legible, including most of the rear elevation, these are simply designed and utilitarian consistent with their function. 124 Oxford Street does not meet Criterion C.
Social, cultural, and spiritual SHR criteria (d)	124 Oxford Street has been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Palms Nightclub circa 1977. The place is most well-known for its initial operation as Palms (c1977-c1988) which was revived in 2000 and continues to the present day, though it remained a gay venue in the intervening period as Scooters Bar and Restaurant in the 1980s-1990s. 124 Oxford Street meets Criterion D at a **local** level.
Research potential SHR criteria (e)	124 Oxford Street does not have substantial technical or research significance as an extensively modified building with layers dating to 1883, 1913 and 1975. None of the layers are known to have particular technical or research significance, though they could yield some limited information about the evolution of the building over time. 124 Oxford Street does not meet Criterion E.
Rare SHR criteria (f)	The building at 124 Oxford Street does not have particular rarity value as it is one of many extensively modified, layered buildings in the Sydney Metropolitan area. However, the site of 124 Oxford Street is a rare example of a LGBT nightclub that has operated almost continuously since the late 1970s. 124 Oxford Street meets Criterion F at a **local** level.
Representative SHR criteria (g)	124 Oxford Street does not have representative value as a 1913 building, incorporating elements of the earlier 1883 structure, which was substantially modified in 1975. 124 Oxford Street does not meet Criterion G.
Integrity	The building has been subjected to various modifications and has not retained a high level of integrity.

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For City of Sydney Council

HERITAGE LISTINGS	
Heritage listing/s	Oxford Street Heritage Conservation Area, Item C17, Sydney Local Environmental Plan 2012

INFORMATION SOURCES				
Type	**Author/Client**	**Title**	**Year**	**Repository**
Drawn	Paynter & Dixon	Building Application 312/75	1975	City of Sydney Archives
Drawn	John Reid	Building Application 0408/13	1913	City of Sydney Archives
Written	Dominique Pezzutto	'The sexual politics of clubbing: a feminist corporeal analysis of Palms, Oxford Street, Sydney Australia'	2019	University of Wollongong Honours Theses
Written		City of Sydney Building Applications	Various	City of Sydney Archives
Written		Certificates of title 2382-220 and 1514-165	Various	Land Registry NSW Historical Land Records Viewer at https://hlrv.nswlrs.com.au/
Written		'James Kidman,' *Evening News,* 20 December 1895, Page 2.	1895	https://trove.nla.gov.au/newspaper/article/108885478
Written		'Mr Kidman's New Store,' *Evenings News,* 8 May 1883, Page 3.	1883	https://trove.nla.gov.au/newspaper/article/111026694
Written		'Mr Jas Kidman's New Establishment, Oxford Street,' *The Sydney Daily Telegraph,* 5	1883	https://trove.nla.gov.au/newspaper/article/238490632

		May 1883, Page 7.		
Written		'James Kidman's Estate,' *Evening News,* 16 May 1899, Page 7.	1899	https://trove.nla.gov.au/newspaper/article/113278996
Written		'Advertising,' *The Australian Worker,* 7 March 1918, Page 12.	1918	https://trove.nla.gov.au/newspaper/article/14578786
Written	Anne Higham and Dr Noni Boyd for Australian Institute of Architects	'NSW Architects Bibliographical Information: John Reid F.R.A.I.A.'	2014	Australian Institute of Architects
Written	Hugh Liney and Frank Cotterell	*Rock'n'roll Walk of Shame and Fame: Oxford Street*	2020	https://www.cityofsydney.nsw.gov.au/history/rock-and-roll-walks-fame-shame
Written		'Catholic Women's Association,' *The Catholic Press,* 23 July 1914, Page 20.	1914	https://trove.nla.gov.au/newspaper/article/104383288
Written		'Catholic Women's Association,' *The Catholic Press,* 3 August 1916, Page 18.	1916	https://trove.nla.gov.au/newspaper/article/105185132
Written		'Comforts Funds,' *The Sydney Morning Herald,* 26 Feb 1916, Page 20.	1916	https://trove.nla.gov.au/newspaper/article/28782619
Written		'The Jewish Youth Theatre League,' *Sydney Morning Herald,* 20 March 1937, Page 10	1937	https://trove.nla.gov.au/newspaper/article/27986265
Written		'Advertising,' *The Sydney Jewish News,* 13 August 1954, Page 4.	1954	https://trove.nla.gov.au/newspaper/article/262674392

Written		Government Gazette of the State of New South Wales, 'Theatres and Public Halls Act, 1908, as amended – proclamation,' 26 June 1964, Page 2007.	1964	https://trove.nla.gov.au/newspaper/article/220381800
Written		'Kerry Yates joins Fan Club for the Beatles,' *The Australian Women's Weekly,* 1 April 1964, Page 7-11.	1964	https://trove.nla.gov.au/newspaper/article/55472130/5839937
	Paynter Dixon	Paynter Dixon – History	2022	https://www.paynterdixon.com.au/company/history/

RECOMMENDATIONS	
Recommendations	The property at 124-128 Oxford Street, Darlinghurst should be listed as a local heritage item in Schedule 5 of Sydney Local Environment Plan 2012. The following actions are recommended: • Surviving historic fabric, such as the rear elevation with expressed piers, surviving external walls, structural supports in the basement, and other interior or exterior features dating to the 1883 or 1913 phases, should be retained and conserved in any future development. • The surviving c1913 plan of the building, with two ground floor shopfronts and entries to basement and first floor at northern end, should be retained and conserved in any future development. • All conservation, adaptive reuse and new works should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter). • The building has potential for adaptive reuse and sympathetic change because of the amount of change that has taken place internally and externally (to the front façade in particular). • The primary significance of the place lays in its continued use as a commercial premises for 140 years and for its strong links to the LGBTIQA+ community for the last five decades. The continued use of the place for commercial business alongside a nightclub catering to the gay community is the most appropriate option, and should be supported and encouraged. • Upper storey additions could be supportable given that this site has undergone extensive modification, and that it previously accommodated additional levels above the first floor. Any upper storey additions should, however, be considerate of the established scale of the existing streetscape and the significant heritage buildings which comprise the remainder of the block.

	• Any future alterations or additions could take cues from and reinterpret the materiality and design of the 1883 and 1913 buildings on the site, which are well documented in archival drawings and photographs of the site.

SOURCE OF THIS INFORMATION			
Name of study or report	Oxford Street LGBTIQA+ Heritage Study. City of Sydney Local Government Area, NSW.	**Year of study or report**	2023
Item number in study or report	N/A		
Author of study or report	Tanner Kibble Denton Architects Pty Ltd.		
Inspected by	External inspection by TKD Architects.		
NSW Heritage Manual guidelines used?	Yes ☒	No ☐	
This form completed by	Roy Lumby, Olivia Turner	**Date**	April 2023

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Corner of Oxford and Bourke Streets, Taylor Square Darlinghurst, in 1910, showing the 1883 building as extant. (City of Sydney Demolition Books, Unique ID A-00039118)				
Image year	1910	**Image by**		**Image copyright holder**	City of Sydney

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Corner of Oxford and Bourke Streets in 1914 after the rebuilding works had commenced. The truncated 'McIlraths' sign indicates that at least this south-eastern wall of the building was partially retained during demolition and rebuilding.				
Image year	1914	**Image by**		**Image copyright holder**	State Library of New South Wales

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Traffic patterns, Oxford Street Darlinghurst, showing McIlraths Chambers to right of image (1913 building). (City Engineer's Photographic Negatives, Unique ID A-00045230)				
Image year	1961	**Image by**		**Image copyright holder**	City of Sydney

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Oxford Street, Darlinghurst, showing the McIlrath's building (1913) continuing to advertise the grocer on the south-eastern wall of No. 124-128 Oxford Street. (Australian National University: Institutional Repository identifier N417-655-159 at https://openresearch-repository.anu.edu.au/handle/1885/252672)				
Image year	c1950	**Image by**	Tooth & Co	**Image copyright holder**	Australian National University

DRAFT HERITAGE DATA FORM
For City of Sydney Council

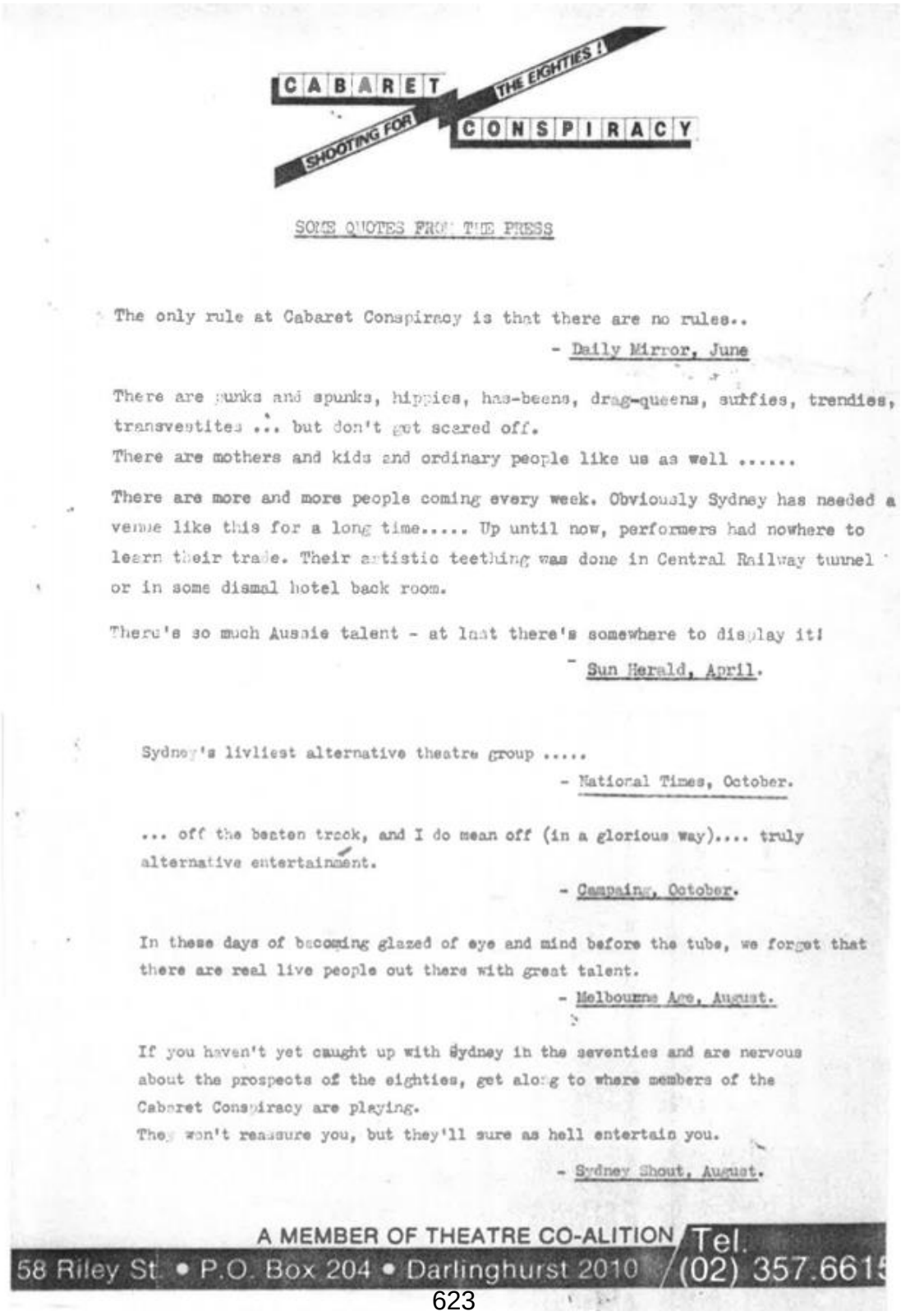
IMAGES – 1 per page					
Image caption	The Basement of 124 Oxford Street, then known as 'Beatle Village,' in February 1964. (Pix Magazine photos taken or published in 1964, SLNSW call no ON 388/Box 095/Item 089)				
Image year	1964	**Image by**	David Cumming	**Image copyright holder**	State Library of New South Wales

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Oxford Street, showing 124-128 Oxford Street to far right of image. (City of Sydney Reference Collection, Unique ID A-00014228)				
Image year	1985	**Image by**		**Image copyright holder**	City of Sydney

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Promotional poster for Cabaret Conspiracy at Palms Cabaret, 124 Oxford Street, Darlinghurst. (*The sexual politics of clubbing: a feminist corporeal analysis of Palms, Oxford Street, Sydney*, University of Wollongong Honours Thesis by Dominique Pezzutto, 2019)				
Image year	c1979	**Image by**	Johnny Allen, via Dominique Pezzutto	**Image copyright holder**	Johnny Allen



DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Advertisement for Doctor White at Palms Cabaret, 124 Oxford Street Darlinghurst. (*The sexual politics of clubbing: a feminist corporeal analysis of Palms, Oxford Street, Sydney*, University of Wollongong Honours Thesis by Dominique Pezzutto, 2019)				
Image year	c1979	**Image by**	Johnny Allen, via Dominique Pezzutto	**Image copyright holder**	Johnny Allen

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	124-128 Oxford Street in 2022.				
Image year	2022	**Image by**	Olivia Turner	**Image copyright holder**	TKD Architects

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	Detail image of the entry to Palms at 124 Oxford Street in 2023.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	TKD Architects

DRAFT HERITAGE DATA FORM
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Rear elevation of 124-128 Oxford Street in 2023. Piers in differing brickwork indicate the survival of the 1913 structure within the 1975 reinstatement works to the building after fire.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	TKD Architects

Attachment B4

Draft Inventory Sheet - 85-91 Oxford Street, Darlinghurst – Universal

DRAFT HERITAGE DATA FORM

For City of Sydney Council

ITEM DETAILS							
Name of Item	Universal						
Other Name/s Former Name/s	Midnight Shift						
Item type (if known)	Built						
Item group (if known)	Commercial						
Item category (if known)	Nightclub						
Area, Group, or Collection Name							
Street number	85-91						
Street name	Oxford Street						
Suburb/town	Darlinghurst				**Postcode**	2010	
Local Government Area/s	City of Sydney						
Property description	Lot 1 DP 816233						
Location description	Southern side of Oxford Street between Riley and Crown Streets, bounded to the south by Arnold Place.						
Location - Lat/long	**Latitude**			**Longitude**			
Location – MGA94 (if no street address) [or AMG66 if old system]	**Zone**		**Easting**		**Northing**		
Owner	Private						
Current use	Nightclub						
Former Use	Predominantly commercial – offices, studios, workshops and retail tenancies						
Statement of significance	The pair of buildings at 85-91 Oxford Street, Darlinghurst are significant for historical, associational, aesthetic and social reasons. They provide evidence of the consolidation and development of Oxford Street in the years before and after World War I, marking the shift following resumption and widening to a more commercial and business-orientation. The buildings are also evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from the end of the 1970s onwards. 85-91 Oxford Street is a rare example of a LGBT nightclub that has operated almost continuously since 1978. 85-87 Oxford Street is associated with jeweller and shoemaker William Berkman, who commissioned prominent twentieth century architects Morrow & De Putron to design the building, while 89-91 Oxford Street is associated with architect A W Warden. Although the buildings have been extensively modified, the first floor section of 89-91 Oxford Street's facade has aesthetic significance as a representative example of Federation Free Style commercial architecture while the first floor section of 85-87 Oxford Street's façade is a distinctive example of Inter War Free Classical commercial architecture. These parts of the buildings make a positive contribution to the visual character of Oxford Street.						

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For City of Sydney Council

Level of Significance	State ☐	Local ☒

DESCRIPTION	
Designer	85-87 Oxford Street: architects Morrow & De Putron 89-91 Oxford Street: Alfred William Warden
Builder/ maker	85-87 Oxford Street: B A Pickersgill
Physical Description	85-87 Oxford Street is a two storey commercial building. The building has been extensively modified internally and externally but the first floor section of its Oxford Street façade is substantially intact. It was designed in the Inter War Free Classical style, which was prevalent during the 1920s and applied to a wide range of institutional, public and commercial buildings. The façade is constructed of brick, with a concrete cornice below the parapet, moulded cement ornament and glazed ceramic tiles in panels above window openings and surrounds to window bays. The sills and spandrel below the windows are lined with cement render. This part of the building is particularly distinguished by its distinctive geometric moulded decorative elements. Brick and cement section of the facade have been painted while the original appearance of tiles has been maintained. Original double hung windows have been replaced. Shopfronts have been complete renewed. The rear of the building 89-91 Oxford Street was designed as a building containing two shops with flats above. The building has been extensively modified internally and externally but the first floor section of its Oxford Street façade is quite intact. It was designed in the Federation Free Style, which was commonly used for public and commercial buildings during the first two decades of the twentieth century. The use of two contrasting materials, in this case glazed ceramic tiles and cement render, is characteristic of the style. The cement render has been inscribed with fine horizontal and vertical lines to resemble stone masonry. The rear of the buildings, aligned with Arnold Place, have little architectural character. The rear of 85-87 Oxford Street is constructed of brick, the surfaces of which are painted. Window openings have been covered over. At street level there are two wide openings with roller shutters, between which is a door opening. The rear of 89-91 Oxford Street consists of a ground floor level constructed of stone with wide horizontal boards above the head level of the centrally placed door opening. The first floor is set back from the street, its elevation also covered with wide horizonal boards. The side of the building that is visible from Arnold Place appears to have been constructed from stone though this may be cement render inscribed with course lines to resemble ashlar construction.

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For City of Sydney Council

Physical condition and Archaeological potential	The buildings are in good condition. Archaeological potential has not been assessed.					
Construction years	Start year	89-91: 1914 85-87: 1920	Finish year		Circa	☐
Modifications and dates	Modifications include the following works and changes of use: 85-87 Oxford Street • alterations to shop (building application 2620/58). • alterations (building application 1780/69). • use premises as shoe store and offices (development application 93/70). • alterations (building application 288/70). • mechanical ventilation (building application 1004/70). • fire stair (building application 619/75). • use ground floor for sale of take-away food (development application 1170/80). • alterations to restaurant (building application 681/82). • new shop fitout and shopfront (building application 1140/83). • new fire stair (building application 196/84). • expansion of nightclub into the rear section of the of ground floor (building application 232/97). 89-91 Oxford Street • alterations to 89 Oxford Street (building application 465/26, Morrow & Gordon architect). • alterations to shopfront (building application 674/31, Morrow & Gordon architect). • new showcase (building application 261/37, Morrow & Gordon architect). • alterations to shopfront (building application 1021/50). • use premises for the sale of clothing (development application 143/72). • alterations to ground floor shop for sale of Manchester goods (development application 393/76). • alterations ground floor for the estate of W Berkman (building application 537/76). • alterations and additions first floor for W Berkman and Sons (building application 135/78, Morrow & Gordon architects). 85-91 Oxford Street • use premises as a cabaret restaurant (development application 119/70). • alterations to first floor restaurant (development application 225/75). • change of hours first floor (development application 700/80). • conversion ground floor and first floor to hotel and discotheque – Midnight Shift (development application 0375/84, building application 261/84).					
Further comments	Heritage inventory sheets should be regarded as a general guide only. Inventory sheets are based on information available, and often do not include the social history of sites and buildings. Inventory sheets are constantly updated by the City as further information becomes available. Further research is always recommended as part of preparation of development proposals for heritage items and is necessary in preparation of Heritage Impact Assessments and Conservation Management Plans, so that the significance of heritage items can be fully assessed prior to submitting development applications.					

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For City of Sydney Council

HISTORY	
Historical notes	The buildings at 85-91 Oxford Street were constructed on land originally granted to Alexander Donaldson on 26 August 1795. Donaldson's land became one of a number that became part of Edward Riley's large estate extending across Surry Hills and Woolloomooloo. When the Riley Estate was subdivided in the first half of the 1840s the site of 85-91 Oxford Street was contained within Lot F2 of the Estate. Development across the Riley Estate consolidated rapidly after the sale of allotments within the subdivision. By the mid-1850s buildings had been constructed on 85-91 Oxford Street, apparently two storey brick buildings with shingled roofs occupied in part by shops. The following property owners are noted in City of Sydney assessment records: • 1877: 85 Oxford Street - P Carroll; 87-91 Oxford Street - J Woods. • 1880: 85-87 Oxford Street - Woods Estate, 89 Oxford Street – Mr Roberts; 91 Oxford Street – Daniel Holborrow. • 1882: 85-87 Oxford Street - Wood; 89-91 Oxford Street – Roberts. • 1891: 85-87 Oxford Street: Alf Wood; 89 Oxford Street: W C Roberts; 91 Oxford Street: Riley Bros (likely to have been a tenant). • 1896: 85 Oxford Street – Alfred Wood; 87 Oxford Street – Jane Williams; 89 Oxford Street – H E Roberts; 91 Oxford Street – Daniel Holborrow. Daniel Holborrow died in January 1896. • 1901: 85 Oxford Street – Alfred Wood; 87 Oxford Street – Jane Williams; 89 Oxford Street – H E Roberts; 91 Oxford Street – Daniel Holborrow (estate). • 1907: 85-87 Oxford Street – William Osborne; 89-91 Oxford Street – David Henry Smart. William Osborne, a draper, is understood to have acquired 85-87 Oxford Street in 1906. After he died the property passed to his widow Sarah in 1909, who transferred the property title to David Henry Smart in June 1910. • 1911: 85-91 Oxford Street - David Henry Smart. • 1914: 85-91 Oxford Street – Estate of David Henry Smart. David Smart died around the end of April 1912. • 1921: 85-91 Oxford Street – jeweller and shoemaker William Berkman. • 1931: 85-91 Oxford Street – William Berkman. • 1948: 85-91 Oxford Street – Estate of late William Berkman. William Berkman died on 1 March 1942. The building at 89-91 Oxford Street was designed by prominent soldier, military engineer and architect Alfred William Warden (1868-1955) for David Smart. He lodged a building application with the City Council on December 8, 1913. The building consisted of a pair of shops on the ground floor with residential accommodation on the first floor. Warden called for tenders at the end of March 1914. The successful contractor has not been ascertained. Warden was articled to the architectural firm of Gustavus Alphonse Morrell & John E Kemp around 1887. For the next five years he studied part-time at Sydney Technical College and attended architecture lectures in the engineering faculty of the University of Sydney. In 1893 he toured the world before commencing practice as an architect in 1895. In 1894, Warden joined the Field Companies NSW Engineers as a second Lieutenant and retired in June 1922 after 28 years' service as a colonel. On the outbreak of war in 1914 he was mobilised as Staff-Officer of Engineers and served until the end of 1919. In 1923, Warden was appointed a member of the Newington College Council and served in that capacity until 1948. During this period of 25 years, he was actively involved in the development of the college's buildings and grounds. The building at 85-87 Oxford Street was designed by architects Morrow & De Putron. A building application was lodged with the City Council on March 11, 1920. The building, which contained a ground floor shop and first floor showroom, was commissioned by jeweller and shoemaker William Berkman, whose business occupied the premises until the late 1970s.

	Morrow & De Putron was formed when architects David Morrow (1871-1935) and William de Putron (1873-1946 entered into partnership in October 1909. The two had worked together at the beginning of the 1890s but the partnership was dissolved as a result of the 1890s depression. The practice designed numerous buildings for major Sydney retailing concerns such as Anthony Hordern & Sons, Snows, Fays, Mick Simmons and Grace Bros. Morrow's nephew, Percy Gordon, became a partner in the practice in 1922. De Putron retired in 1925 and it continued to trade as Morrow & Gordon for several decades. Significant buildings by Morrow & Gordon include the Grace Building (1930) and AWA Building (1939, in association with Robertson & Marks. Morrow & De Putron also designed an ark in memory of the Berkman's daughter for the new Synagogue in Georgina Street, Newtown in 1919. They also designed a reading desk for the synagogue. The building was designed by Morrow & De Putron and was dedicated for worship in August 1919. 89-91 Oxford Street housed several small businesses in the years following completion. 89 Oxford Street was occupied by confectioners from the 1910s to the 1930s and 91 Oxford Street was occupied by a branch of William Berkman's business from 1920. It remained there for several decades. From 1923, 85-87 Oxford Street was occupied by Fay's Shoe Store, which occupied the building for several decades. William Berkman died in March 1942. The buildings passed into the jurisdiction of the trustees of his estate. Between 1970 and 1978 the first floor of 85-91 Oxford Street was occupied by a restaurant called Amado's Spanish Fiesta. Tropicana opened in 85 Oxford Street in August 1978. Tropicana was a licensed restaurant and men's disco. Club 85, a "man's disco" opened in the premises during August 1980. It is understood to have occupied the first floors of 85-91 Oxford Street. The club was damaged by fire on 21 October 1980, though it reopened shortly after on 7 November 1980 as the Midnight Shift, also advertised as a "Disco for guys." It operated seven days from 10pm till late. The buildings remained the property of the Estate of W Berkman in the mid-1980s. The Midnight Shift was granted a hotel licence in December 1986, thus allowing the ground floor of the building to open as a bar. 85-91 Oxford Street was sold in 1992 then changed hands again in 1994. For several years the property was owned by Ogen Nominees. The buildings were subsequently sold in November 2008 to Arunta Investments, which two years later took over the Midnight Shift. The adjacent property at 93 Oxford Street was sold in 2008 with a lease to Midnight Shift. The Midnight Shift continued operating until closing on 1 October 2017, in response to declining trade associated with lockout laws. In July 2018 the establishment was purchased by Universal Hotels. After refurbishment the nightclub reopened as Universal on 28 September 2018. The establishment now includes space in 93-95 Oxford Street.

THEMES		
National historical theme	**State historical theme**	**Local theme**
3. Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services
4. Building settlements, towns and cities	Towns, suburbs and villages	Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages
8. Developing Australia's cultural life	Leisure	Activities associated with recreation and relaxation

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APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	85-91 Oxford Street, particularly the first floor sections of their facades, provide evidence of the consolidation and development of the street in the years before and after World War I. The use of the sites for retailing and commercial activity reflects the shift in activity in Oxford Street following resumption and widening during the 1910s from a street of small businesses with residences above to a more commercial and business-oriented street. As Tropicana, then Midnight Shift and now Universal, the buildings are important evidence of the development of Oxford Street as an important focus of LGBTIQA+ commercial and social activity from 1978 onwards. 85-91 Oxford Street meets Criterion A at a **local** level.
Historical association significance SHR criteria (b)	85-87 Oxford Street is associated with the prominent architectural firm of Morrow & De Putron Morrow & De Putron (later Morrow & Gordon) were responsible for most of the building works on Grace Brothers Broadway, As Morrow and Gordon the firm is known for the Grace Building in York Street (1930). 85-87 Oxford Street is associated with William Berkman , a jeweller and shoe maker who was prominent within the Jewish community at Newtown and who commissioned Morrow & De Putron to design the building. 89-91 Oxford Street is associated with architect A W Warden, a little-known Sydney architect in practice between 1895 and 1948. 85-91 Oxford Street meets Criterion B at a **local** level.
Aesthetic significance SHR criteria (c)	The buildings at 85-91 Oxford Street have been extensively modified internally and externally. However, the first floor section of 89-91 Oxford Street's facade has aesthetic significance as an example of Federation Free Style commercial architecture while the first floor section of 85-87 Oxford Street's façade is a distinctive example of Inter War Free Classical commercial architecture. These parts of the buildings make a positive contribution to the visual character of Oxford Street. 85-91 Oxford Street meets Criterion C at a **local** level.
Social significance SHR criteria (d)	The buildings at 85-91 Oxford Street have been associated with Sydney's LGBTIQA+ community, particularly the gay male section, since the opening of Tropicana in 1978. The place achieved greater prominence when it re-opened as the Midnight Shift, which traded from 1980 to 2017. After a short hiatus it reopened as Universal in 2018 and continues to trade under that name. 85-91 Oxford Street meets Criterion D at a local level.
Technical/Research significance SHR criteria (e)	When completed 85-87 and 89-91 Oxford Street were very representative in terms of construction and the buildings have undergone a substantial amount of change. It is very unlikely that the buildings will have technical or research significance. 85-91 Oxford Street does not meet Criterion E.
Rarity SHR criteria (f)	85-91 Oxford Street are not rare examples commercial buildings erected during the second and third decades of the twentieth century. The pair of buildings at 85-91 Oxford Street is a rare example of a LGBT nightclub that has operated almost continuously since 1978. 85-91 Oxford Street meets Criterion F at a **local** level.

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Representativeness SHR criteria (g)	The upper sections of the facades of 85-91 Oxford Street are representative of suburban commercial architecture constructed during the second and third decades of the twentieth century in Sydney. 85-91 Oxford Street meets Criterion G at a **local** level.
Integrity	The buildings have been subjected to various modifications and generally have not retained a high level of integrity, apart from the first floor sections of the Oxford Street facades.

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HERITAGE LISTINGS	
Heritage listing/s	Oxford Street Heritage Conservation Area, Item C17, Sydney Local Environmental Plan 2012

INFORMATION SOURCES				
Type	**Author/Client**	**Title**	**Year**	**Repository**
Electronic		"Alfred Warden"	2022	https://en.wikipedia.org/wiki/Alfred_Warden
Written		City of Sydney Assessment books	1877-1948	City of Sydney Archives
Written		Certificate of Title Volume 1592 Folio 222	1905	NSW Land Registry Services Historical Land Records Viewer at https://hlrv.nswlrs.com.au/
Written		*Sands directory*	1911-1932	City of Sydney Archives at https://archives.cityofsydney.nsw.gov.au/
Written		Wises New South Wales Post Office Directory	1950	National Library of Australia at https://nla.gov.au/nla.obj-652609917/view?partId=nla.obj-652829448
Written	Sue Rosen & Associates	Heritage Impact Statement, 85-95 Oxford Street, Darlinghurst	2021	Private library
Written	Roy Lumby	"Morrow & Gordon" in *Encyclopedia of Australian Architecture*	2012	Private library
Drawn	Alfred Warden	Building application drawing 911/13	1913	City of Sydney Archives
Drawn	Morrow & De Putron	Building application drawing 161/20	1920	City of Sydney Archives
Written				

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RECOMMENDATIONS	
Recommendations	The property at 85-91 Oxford Street, Darlinghurst should be listed as a local heritage item in Schedule 5 of Sydney Local Environment Plan 2012. The following actions are recommended: • The first floor sections of the buildings' Oxford Street façades should be retained and conserved. Owners should be encouraged to regain the original appearance of these sections of the facades. This will improve the buildings' contribution to the Oxford Street Heritage Conservation Area. • All conservation, adaptive reuse and new works should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter). • Surviving original and early elements, structure, walls and finishes should be retained and conserved in any future development. • The buildings have potential for adaptive reuse because of the amount of change that has taken place internally. Maintaining existing uses are considered appropriate. • New walls should not obstruct windows. • Suspended ceilings should not obstruct window heads. • Future applied finishes to the façade should be based on an analysis and understanding of the original schemes, but, or of colour schemes typical of the 1880s. • If upper storey additions are considered, they should be set back from the façade so that its integrity, independent identity, and significant role as a legible and discrete element in the streetscape are maintained. Setbacks consistent with those set out in Section 5.1.2.1 of the Sydney Development Control Plan 2012 would be appropriate • Relocate air conditioning condensers on awning to a different location so that they are not visually intrusive.

SOURCE OF THIS INFORMATION			
Name of study or report	Oxford Street LGBTIQA+ Heritage Study. City of Sydney Local Government Area, NSW.	**Year of study or report**	2023
Item number in study or report	N/A		
Author of study or report	Tanner Kibble Denton Architects Pty Ltd.		
Inspected by	External inspection by TKD Architects.		
NSW Heritage Manual guidelines used?	Yes ☒	No ☐	
This form completed by	Roy Lumby	**Date**	April 2023

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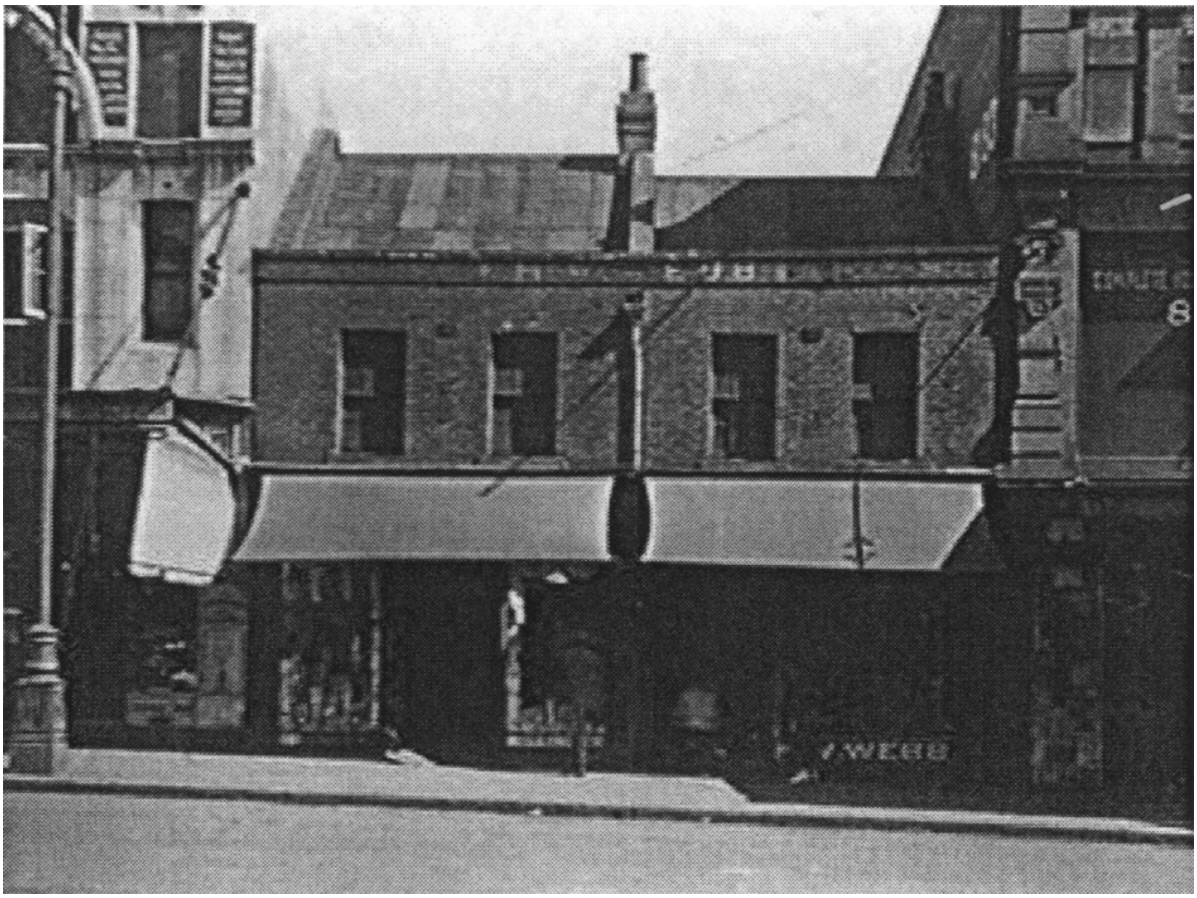
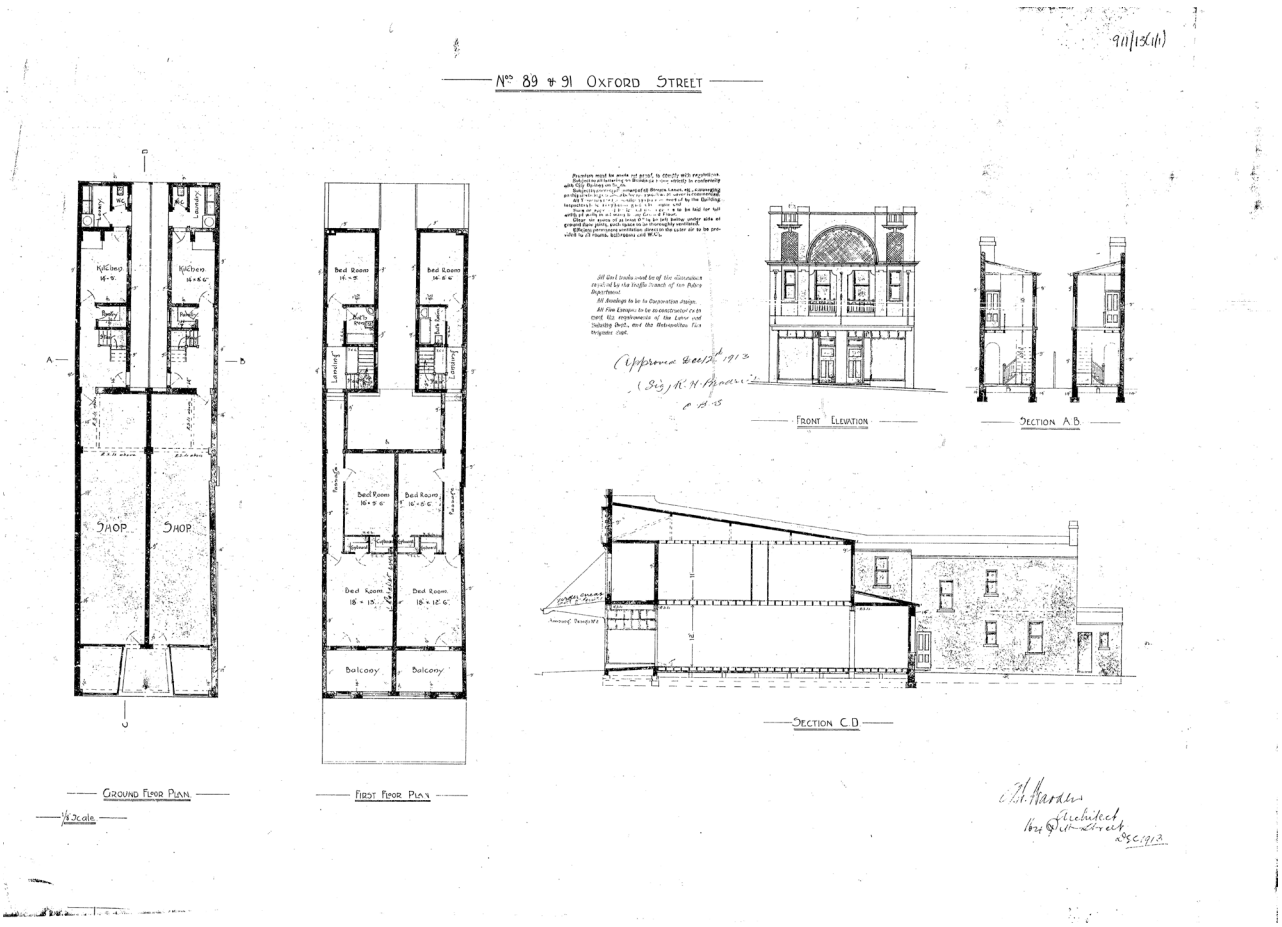
IMAGES – 1 per page					
Image caption	Buildings at 85-87 Oxford Street prior to demolition, photographed on 10 April 1920 (City of Sydney Archives NSCA CRS 51, Demolition Books, 1900-1949)				
Image year	1920	**Image by**	City of Sydney	**Image copyright holder**	City of Sydney



DRAFT HERITAGE DATA FORM

For City of Sydney Council

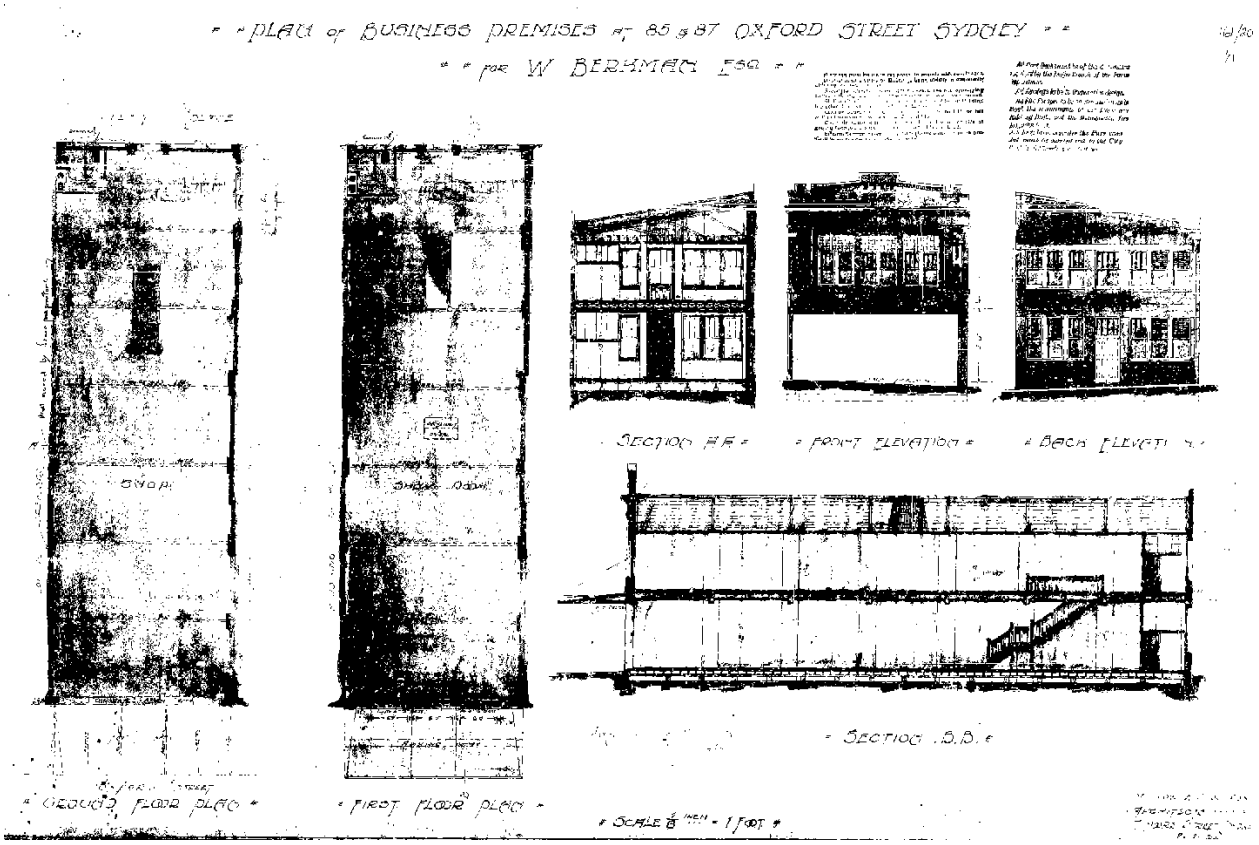
IMAGES – 1 per page					
Image caption	Architectural drawing for the redevelopment of 89-91 Oxford Street lodged with the City Council on 8 December 8, 1913 (City of Sydney Archives Building Application 911/13).				
Image year	1913	**Image by**	Alfred William Warden	**Image copyright holder**	City of Sydney



DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Architectural drawing for the redevelopment of 85-87 Oxford Street lodged with the City Council on 1920 (City of Sydney Archives Building Application 161/20)				
Image year	1920	**Image by**	Morrow & De Putron	**Image copyright holder**	City of Sydney



DRAFT HERITAGE DATA FORM

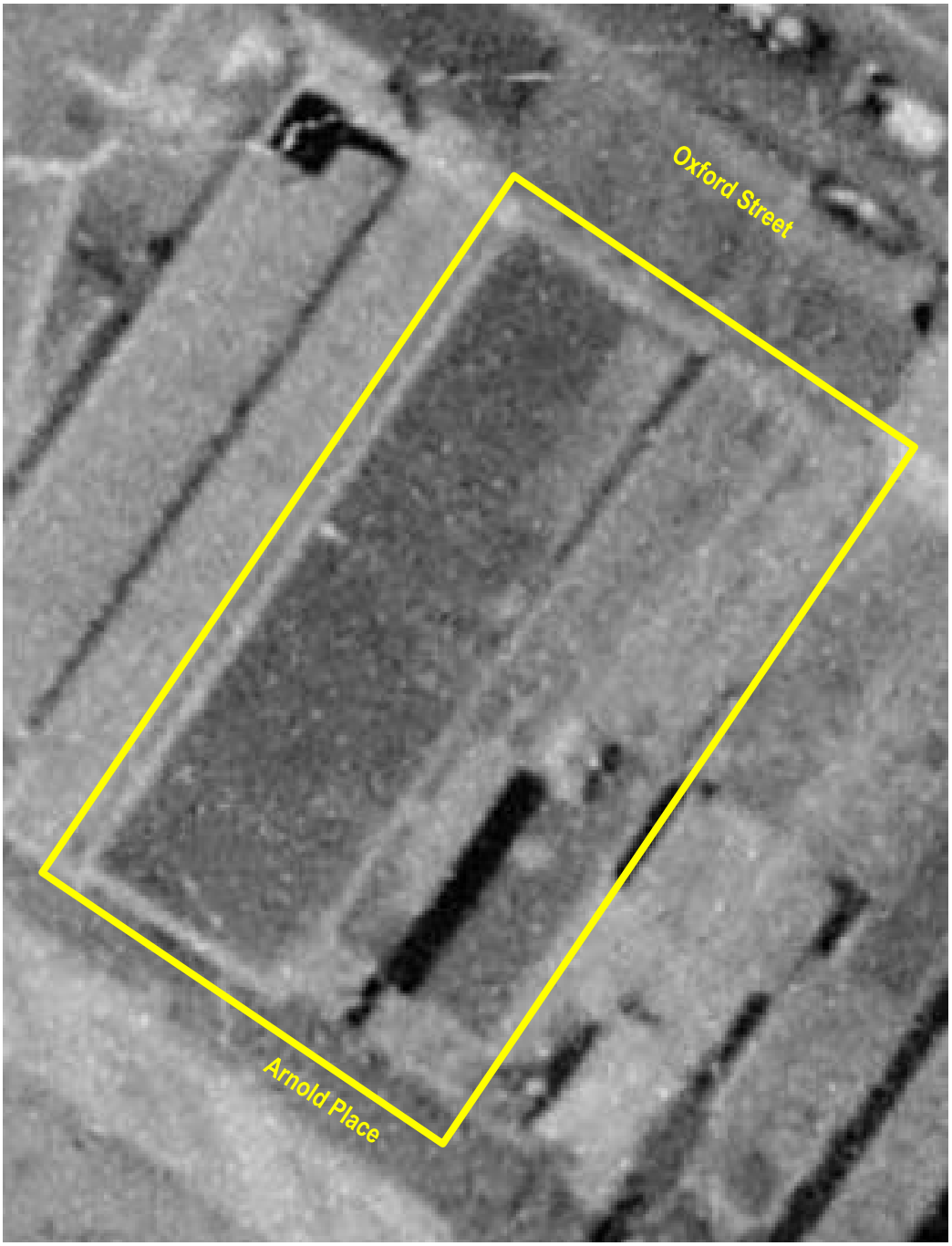
For City of Sydney Council

IMAGES – 1 per page					
Image caption	Portion of a photograph showing the facades of 85-87 and 89-91 Oxford Street. (State Library of NSW ON30/Box 51 No. 611)				
Image year	Circa 1937	**Image by**	Arthur Ernest Foster	**Image copyright holder**	TKD Architects

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Footprint of 85-91 Oxford Street at the end of the 1940s (City of Sydney Archives: City of Sydney - Aerial Photographic Survey, 1949: Image 34)				
Image year	1949	**Image by**	City of Sydney with TKD overlay	**Image copyright holder**	City of Sydney



DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Detail from a 1950s photograph showing the first floor components of the facades at 85-91 Oxford Street (City of Sydney Archives unique ID A-00058111 - Len Stone Photograph Collection)				
Image year	1956	**Image by**		**Image copyright holder**	City of Sydney

DRAFT HERITAGE DATA FORM

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IMAGES – 1 per page					
Image caption	Dining at Amado's Spanish Fiesta				
Image year	1972	**Image by**		**Image copyright holder**	Fairfax Media Archives

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	Representations of John Howard and Paul Keating on the façade of 85-87 Oxford Street during a Lesbian and Gay Mardi Gras in the first half of the 1990s (City of Sydney Archives Unique ID A-00070405 – C Moore Hardy photographic collection).				
Image year	1992-1994	**Image by**	C Moore Hardy	**Image copyright holder**	C Moore Hardy

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Facades of 85-91 Oxford Street (https://concreteplayground.com/sydney/food-drink/oxford-streets-beloved-midnight-shift-will-reopen-with-a-big-party-next-month)				
Image year	2018	**Image by**		**Image copyright holder**	

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	Facades of 85-91 Oxford Street.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	TKD Architects

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Decorative detailing on the first floor façade of 85-87 Oxford Street includes geometric cement elements and glazed ceramic tiles.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Decorative detailing on the first floor section of 989-91 Oxford Street's façade includes classically derived mouldings, coursed lines in the wall surfaces and panels of plain and embellished glazed ceramic tiles.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Shopfronts of 85-91 Oxford Street.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Shopfront of 85-87 Oxford Street				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	TKD Architects

DRAFT HERITAGE DATA FORM

For City of Sydney Council

IMAGES – 1 per page					
Image caption	Rear elevation of 85-91 Oxford Street looking east from the intersection of Riley Street and Arnold Place.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	TKD Architects

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For City of Sydney Council

IMAGES – 1 per page					
Image caption	Looking north-west along Arnold Place to the rear of 85-91 Oxford Street.				
Image year	2023	**Image by**	Roy Lumby	**Image copyright holder**	Tanner Kibble Denton Architects

Attachment C

Planning Proposal - Powerhouse Museum Heritage Item Amendment

CITY OF SYDNEY

Planning Proposal – Powerhouse Museum Heritage Amendment

Contents

1. Background 1
2. Objectives and intended outcomes 9
3. Explanation of provisions 9
4. Justification 10
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1. Background

1.1. History

The Sydney Local Environmental Plan 2012 (SLEP 2012) came into effect on 14 December 2012, consolidating the Sydney, Leichhardt and South Sydney plans into one comprehensive plan in the new NSW Government's Standard Instrument format.

Continuous review is necessary to ensure the SLEP 2012 continues to deliver positive outcomes for the local economy, residents and visitors and remains consistent with the vision set out in the *City of Sydney's City Plan Local Strategic Planning Statement and Sustainable Sydney 2030-2050 Continuing the Vision.*

Since the SLEP 2012 has been in force, the City of Sydney has made heritage-related amendments and additions to improve its operation, accuracy and ensure its diverse history is adequately acknowledged.

The City of Sydney has made changes to these controls to address the changing urban context, to meet strategic objectives and to support growth, primarily through site-specific and discrete planning proposals responding to landowner requests or through strategic work such as the Central Sydney Planning Strategy.

Since 2014, there has been significant community interest in the management and future of the Powerhouse Museum, triggered by a proposal to close the Powerhouse Museum at Ultimo and construct a new Powerhouse facility in Sydney's western suburbs in 2014.

On 15 May 2023, a Resolution of Council (Item 11.9) included that: *(B) 'the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site [in Ultimo] for heritage significance'*

In response to this Resolution of Council, the City of Sydney engaged Lovell Chen to prepare a heritage assessment for the entire Powerhouse Museum site in early 2024.

The Powerhouse Museum, Ultimo is already an individually listed heritage item under Schedule 5, Part 1 of the SLEP 2012: '*Powerhouse Museum former warehouse buildings, including interior' (I2031)*. However, the current SLEP 2012 listing does not recognise several important elements and buildings associated with the entire Powerhouse Museum site, including the Wran and Harwood Buildings.

The purpose of this planning proposal is to amend the Powerhouse Museum's existing SLEP 2012 listing (I2031) to better reflect its heritage significance and recognise the importance of the buildings and elements associated with it. To achieve this, it proposes to expand the site's current SLEP 2012 mapped heritage boundary to include the Wran Building, Harwood Building and landscape elements, update its property description to include additional Lot and DP boundaries, and amend the item name. These proposed amendments align with recent gazetted revisions made to the State Heritage Register listing for the item.

The amendments proposed in this planning proposal were recommended in the Lovell Chen heritage assessment, which was prepared in accordance with the NSW Heritage Assessment Criteria (2023).

The additions in this Planning Proposal will ensure the City's planning control framework is up to date and reflects current planning strategies.

1.2. Introduction

This Planning Proposal – Sydney Local Environment Plan – Powerhouse Museum (planning proposal) explains the intent of, and justification for, proposed amendments to the SLEP 2012. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and relevant Department of Planning guidelines.

The purpose of this planning proposal is to amend the item name, property description and mapped boundary of an existing heritage item listed under Schedule 5 (Environmental heritage), Part 1 (Heritage items) of the SLEP 2012. The proposed amendments are for the following item:

- Powerhouse Museum, 500 Harris Street, Ultimo: '*Powerhouse Museum former warehouse buildings, including interior'* – Item no. I2031

1.3. Background

Site identification

This planning proposal relates to the following land and structures:

- 500 Harris Street, Ultimo - Lot 1, DP 631345

The relevant structures, Lot and DP boundaries are outlined in red in Figure 1.

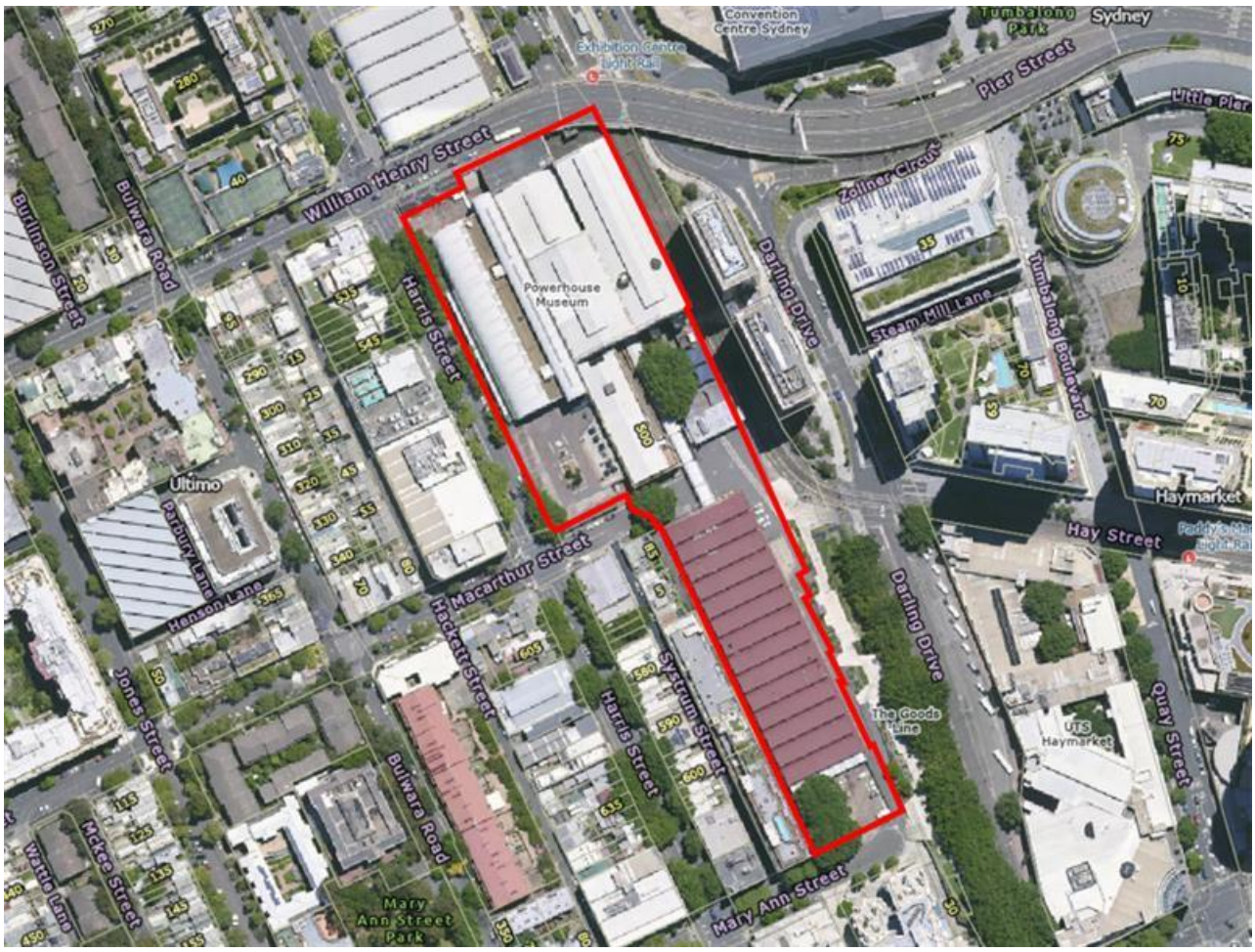

Figure 1. Location of site and Lot and DP boundaries for 500 Harris Street, Ultimo.

500 Harris Street, Ultimo – Powerhouse Museum

The Powerhouse Museum complex is bound by William Henry Street to the north, Harris Street and Omnibus Lane to the west, Mary Ann Street to the south and the Goods Line/tramway corridor to the east. The area, identified in Figure 1 comprises Lot 1, DP 631345 (the Powerhouse Museum, 500 Harris Street) and Lot 1, DP 770031 (Former Ultimo Post Office). Lot 1, DP 631345 is made up of the following:

- Lot 1, DP 781732: Museum and gallery space constructed in the 1980s (generally referred to as the Wran Building), and hard paved courtyard to the north
- Lot 1, DP 631345: Including the remnants of an electricity-generating power station built from 1898 to the 1930s (Engine House, Boiler House, North Annex, Pump House), hard paved areas and public open space generally to the west and east of the study area
- Lot 3, DP 631345: Harris Street forecourt (part)
- Lot 37, DP 822345: Harris Street forecourt (part)
- Lot 1, DP 216854: The 'Harwood Building', a former Tram Depot that was adapted for use as storage, offices and conservation studios in 1980-81

The Power House was established in 1898/99 for the generation of coal fired electricity to power Sydney's tramway network. A Tram Depot was constructed concurrently on site where tram cars were stabled. The Power House and Tram Depot closed in 1963 and 1953, respectively.

The Powerhouse Museum was developed during the 1980s as premises for Museum of Applied Arts and Sciences (MAAS), which maintains a diverse collection estimated at 500,000 items/objects. The Museum is owned by the NSW Government and operated and maintained by the NSW Minister for the Arts and the Trustees of MAAS. It was formally gazetted on the NSW State Heritage Register in 2020. It closed in 2024.

Figure 2. The Powerhouse Museum at 500 Harris Street, Ultimo

1.4. Planning context

Land Zoning

The Powerhouse Museum Lot and DP boundary and proposed SLEP 2012 mapped heritage boundary is located within the MU1, Mixed Use Zone. It is abutted by a Classified Road (SP2) to the west and Public Recreation (RE1) area to the south.

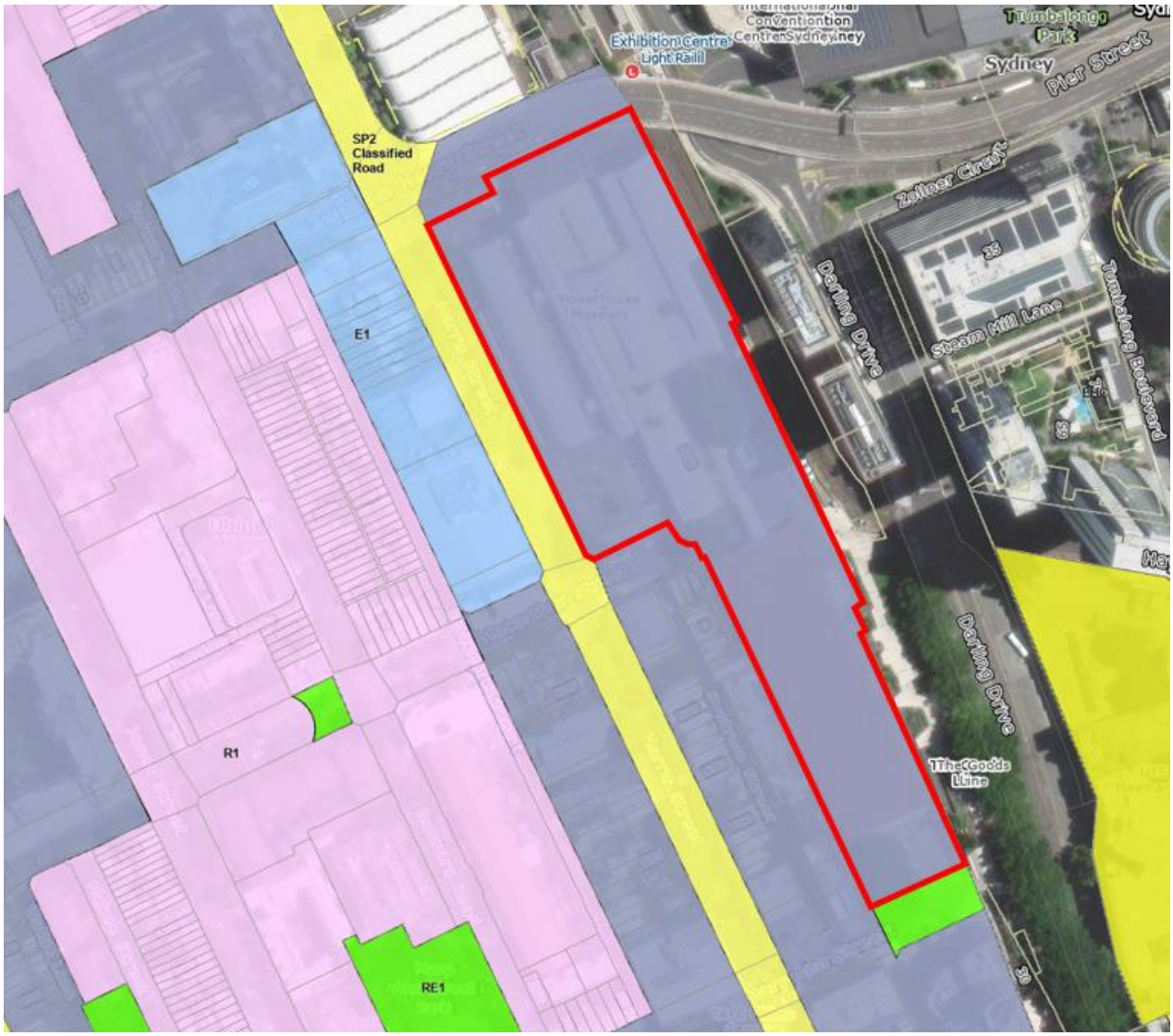

Figure 3. Extract from Zoning map in the SLEP 2012 showing zoning controls.

Heritage Context

The Powerhouse Museum site includes the existing SLEP 2012 heritage item boundary for the '*Powerhouse Museum former warehouse buildings, including interior'* (I2031). The nearest existing heritage item is the '*Former Ultimo Post Office including interior'* at 494 Harris Street (I2030) which abuts the site to its north. In close proximity are the following items:

- *Glasglow Arms Hotel including interior* at 527-529 Harris Street (I2032)
- *Terrace Group including interior* at 578-606 Harris Street (I2033)
- *Former "Millinery House" including interior* at 608-614 Harris Street (I2035)

The site is also in close proximity to the Harris Street Heritage Conservation Area (C57).

Figure 4. Extract from the SLEP 2012 Heritage Map (HER_008) showing heritage items adjacent to, and within, 500 Harris Street, Ultimo (outlined in red).

1.5. Heritage assessment

In 2014, City of Sydney engaged Lovell Chen to prepare a heritage assessment for the Powerhouse Museum, Ultimo. The heritage assessment was commissioned in response to a Resolution (Item 11.9 (b)) of the City of Sydney Council on 15 May 2023, which required that:

- 'the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site [in Ultimo] for heritage significance'

The amendments proposed in this planning proposal were recommended in the Lovell Chen heritage assessment, which was prepared in accordance with the NSW Heritage Assessment Criteria (2023).

The Lovell Chen heritage assessment for the Powerhouse Museum site is included in **Appendix C1.** A draft inventory sheet for the site, also prepared by Lovell Chen, is included in **Appendix C2.**

Heritage assessment findings

The heritage assessment concluded that the Powerhouse Museum, including the Wran Building, Harwood Building, and landscapes associated with the complex, meet the threshold for local significance in terms of:

- Criterion (a) Historic significance: The Powerhouse Museum complex is important in the course of the history of NSW, Sydney and the Pyrmont Peninsula. The Power House was established in 1898/99 for the generation of electricity to power Sydney's tramway network and the Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. Both buildings were closed by the 1960s and in the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power Station and Tram Depot as premises for the Museum of Applied Arts and Sciences (MAAS). The vision was for the conversion and adaptive reuse of the derelict industrial buildings with the MAAS and NSW Government Architect committed to delivering a new type of visitor attraction, a place of engagement, activation and broad popular appeal. The decision to retain and adapt the historic buildings perpetuated their physical presence in the urban landscape, as well as their relationship and Ultimo's historic associations with industry and transport. The nature of the MAAS collection, including some of its signature items (i.e. the Boulton and Watt 'Whitbread Engine' and 'Locomotive No. 1') aligned with these thematic associations, as well as the huge scale of the buildings.

- Criterion (b) Historic association: The Powerhouse Museum is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations (including the NSW Labor Party, the office of the NSW Government Architect and MAAS) and individuals within them (including Neville Wran, Dr Lindsay Sharp, Norman Harwood, Lionel Glendenning), as well as others (including Richard Johnson). These individuals and institutions reflect diverse fields of endeavour, including politics, architecture, engineering, exhibition design and collections management. Some individuals are remembered in building names (the Wran and Harwood buildings). The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking.

- Criterion (c) Aesthetic / creative / technical achievement: Conception of the Powerhouse Museum was contemporary with the *Heritage Act*, 1977 (NSW), as well as the first edition of the *Burra Charter* (1979). The adaptation of the former Tram Depot (1979-81) was a very early example in NSW (and Australia) of adaptive renewal of a transport/industrial building and set the tone for the adaption of the Power House buildings. The new works to the Tram Depot were significant with a few side walls remaining. Interventions were, however, respectful of the scale, massing, materiality and roof profile of the original structure. The outcome is a building that retains legibility as an historic industrial structure, as well as its relationship with the Power House buildings to the north.

- Criterion (d) Social, cultural and spiritual: Since its opening in 1988 the museum has been valued by people across Sydney, NSW and beyond who have shared experiences and memories of the place. The strength of public attachment to the place is demonstrated by the extent of public support and donations for its establishment, and subsequently, its consistently high visitor numbers and the strong community reaction to the NSW Government's proposal for significant change at the place.

The heritage study concluded that the Powerhouse Museum, including the Wran and Harwood Buildings at 500 Harris Street, Ultimo meet the threshold for local heritage significance for its historic, associative, aesthetic and social warrants potential listing as a heritage item on the SLEP 2012.

Based on these conclusions, progressing amendments to the existing heritage item '*Powerhouse Museum former warehouse buildings, including interior'* (I2031) will ensure the local heritage significance of the site is appropriately considered and maintained in the context of any future plans or redevelopment at each site.

2. Objectives and intended outcomes

The objectives of this planning proposal are to recognise the significance of the SLEP 2012 heritage listed '*Powerhouse Museum former warehouse buildings, including interior*' (I2031) by amending its item name, property description, and SLEP 2012 mapped boundary under Schedule 5, Part 1, of SLEP 2012. By making these amendments, the heritage significance of the site can be appropriately considered and maintained in the context of any future plans or redevelopment at each site.

The proposed amendments will also support and align with the Pyrmont Peninsula Place Strategy. The Strategy recommended that the Wran Building be included in the existing Powerhouse Museum's SLEP 2012 listing. Further, this proposed amendment will ensure the current SLEP 2012 listing aligns with the State Heritage Register boundary for the site.

3. Explanation of provisions

3.1. Amendment 3 SLEP 2012 Heritage Schedule Amendment

The planning proposal seeks to amend the SLEP 2012, Schedule 5, Part 1 by amending the item name, property description and mapped boundary of the '*Powerhouse Museum former warehouse buildings, including interior'* as shown below in **Table 3.** Text to insert is shown as **bold underline**. Text to omit is shown as ~~**bold strikethrough**~~.

Table 3: Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items.

Locality	Item Name	Address	Property Description	Significance	Item no.
Ultimo	Powerhouse Museum, ~~**former warehouse buildings,**~~ including interiors	500 Harris Street	**Lot 37 DP 822345, Lot 3 DP 631345, Lot 3 DP 216854, Lot 1 DP 781732, Lot 1 DP 631345** Lot 1, DP 631345	Local	I2031

The name of this heritage item has been amended in accordance with the directions contained in the *Standard Instrument (Local Environmental Plans) Order 2006*, which require that an item name briefly describe those things that are part of its heritage significance.

This heritage item amendment is described further in the supporting information contained in the heritage assessment included at **Appendix C1** and heritage inventory sheet included at **Appendix C2**. The non-statutory heritage inventory sheet can continue to be updated as new information becomes available.

4. Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of any strategic study or report?

This planning proposal is the result of a heritage assessment prepared by Lovell Chen in 2024. The heritage assessment was commissioned by the City of Sydney in response to a Resolution (Item 11.9 (b)) of the City of Sydney Council on 15 May 2023, that:

> *'the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site [in Ultimo] for heritage significance'*

The amendments proposed in this planning proposal were recommended in the Lovell Chen heritage assessment, prepared in accordance with the NSW Heritage Assessment Criteria (2023).

The Powerhouse Museum, Ultimo is already an individually listed heritage item under Schedule 5, Part 1 of the SLEP 2012: '*Powerhouse Museum former warehouse buildings, including interior' (I2031)*. However, the current SLEP 2012 listing does not recognise several important elements and buildings associated with the entire Powerhouse Museum site, including the Wran and Harwood Buildings.

The purpose of this planning proposal is to amend the Powerhouse Museum's existing SLEP 2012 listing (I2031) to better reflect its heritage significance and recognise the importance of the buildings and elements associated with it.

As noted above, the proposed amendments will also support and align with the Pyrmont Peninsula Place Strategy which recommended that the Wran Building be included in the existing Powerhouse Museum's SLEP 2012 listing. Further, they will align with recently gazetted (gazette no. 268) revisions to the Powerhouse Museum's SHR listing.

A summary of Lovell Chen's revised assessment of significance for the Powerhouse Museum is presented below:

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area:

> *The Powerhouse Museum complex, including the Wran Building, former Ultimo Tram Depot (Harwood Building) and the former Ultimo Power House buildings, is important in the course of the history of NSW, Sydney and the Pyrmont Peninsula. (Note: Ultimo Post Office, which is included in the SHR in its own right, is not considered to derive additional significance for its association with the Powerhouse Museum.)*
>
> *The former Power House and the Tram Depot demonstrate and retain associations with historic events of significance. The Power House was established in 1898/99 for the generation of electricity to power Sydney's tramway network. The tram cars were stabled in the Tram Depot, constructed concurrently on a site to the south of the Power House. The two buildings continue to share a symbiotic functional relationship.*
>
> *Ultimo was selected for these major initiatives for a number of reasons, including access to a rail corridor (for delivery of coal), the relatively low cost of land, the potential for expansion (which quickly became a reality), the existing industrial character of the area and because of its proximity to Darling Harbour, which provided a reliable source of water essential for the water cooling system.*

The Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. The Power House evolved considerably between the late-1890s and 1930s, reflecting growing demand and technical advances. The Power House finally closed in 1963. Over the following decade it was stripped of plant and machinery, and its three tall chimney stacks were truncated. By the 1970s the evolved Power House complex was in a state of dereliction.

The Ultimo Tram Depot was the first stabling facility for Sydney's electric tram network. The building, which was also enlarged over time to meet demand, closed in 1953, following which it was adapted for storage, a process that included the removal of almost all tram tracks and service pits. The building, which was contemplated for adaptation as a Museum of Transport in the mid-1960s, was derelict by the 1970s.

In the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power Station and Tram Depot as premises for the Museum of Applied Arts and Science (MAAS), a collection of considerable significance in its own right. The origins of MAAS date to the Sydney International Exhibition of 1879. MAAS also has strong connections with Ultimo, having been headquartered at the Technological Museum on Harris Street from 1893 to the 1980s.

The vision was for the conservation and adaptive re-use of the derelict industrial buildings, and the introduction of new works to the west of the site (Harris Street) creating a new public address. The initiative was developed by the NSW Government Architect and MAAS and drew upon expertise from a broad range of contributors (see Criterion 'b'). In terms of its programme, the ambitious undertaking was inspired by overseas precedents (including the Pompidou Centre, Paris). It was also a major expression of an emerging interest internationally in adaptive renewal (see criterion 'c'). Political impetus for the project was provided by the bicentenary of 1988 (Premier Wran stipulated completion by 1988). The project also a flagship of the regeneration of the Darling Harbour precinct.

MAAS and the NSW Government Architect were committed to delivering a new type of visitor attraction, a place of engagement, activation and broad popular appeal. Aspirations for the architectural character, conservation and internal experience (exhibition design) of the place were correspondingly ambitious. The Powerhouse Museum complex a is place that is embedded within and responsive to its setting. The decision to retain and adapt the historic buildings perpetuated their physical presence in the urban landscape, as well as their relationship and Ultimo's historic associations with industry and transport. The nature of the MAAS collection, including some of its signature items (i.e. the Boulton and Watt 'Whitbread Engine' and 'Locomotive No. 1') aligned with these thematic associations, as well as the huge scale of the buildings.

The new additions were also historically referential – the linear vaulted forms of the Wran Building, for instance, drew upon the Garden Palace, venue for the 1879 International Exhibition, the event that was foundational to MAAS.

The Powerhouse Museum has been a notable popular success and has inspired broad community support and sentiment.

The site meets this threshold at a local level and at a State level.

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area):

The Powerhouse Museum complex derives significance for its associations with individuals and institutions of importance in Sydney and NSW's history.

The Powerhouse Museum is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations (including the NSW Labor Party, the office of the NSW Government Architect and MAAS) and individuals within them (including Neville Wran, Dr Lindsay Sharp, Norman Harwood, Lionel Glendenning), as well as others (including Richard Johnson). These individuals and institutions reflect diverse fields of endeavour, including politics, architecture, engineering, exhibition design and collections management. Some individuals are remembered in building names (the Wran and Harwood buildings). The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking.

A test for criterion 'b' is first to demonstrate that the person or group is of importance in the history of NSW (or at the local level), and second that they have a special association with the place under assessment.

Of the notable individuals and organisations associated with the Powerhouse Museum complex, two stand out for the strength of their association with the place, and for their role in shaping its identify and evolution: MAAS and the office of the NSW Government Architect. MAAS (notably through the work of Lindsay Sharp and Norm Harwood) and the office of the NSW Government Architect (led by Lionel Glendenning). The Powerhouse Museum is perhaps the seminal work of Glendenning's career.

As related to the other individuals of note associated with the Powerhouse, Neville Wran was associated with multiple places and initiatives, including the Powerhouse Museum, during his ten-year tenure as State premier (1976-86). Evidence to indicate that the Powerhouse derives cultural significance for this association, or that the Museum is a preeminent landmark of his legacy, did not come to light during research for this report.

Similarly, evidence to suggest that the place is of cultural heritage significance for its association with Henry Deane or Walter Liberty Vernon did not come to light. Deane was associated with multiple works of major infrastructure – including the Ultimo Power House and Tram Depot – during his career as Engineer in Chief for the NSW Railways from 1891-1906 and Engineer in Chief of the Commonwealth Railways Construction Branch, 1912-14. Walter Liberty Vernon oversaw the design of a significant numbers of public buildings (including over 20 post offices) as the NSW Government Architect from 1890 to 1911.

The site meets this threshold at a local level and at a State level.

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area):

The Powerhouse Museum complex is significant for demonstrating aesthetic characteristics and a high degree of creative achievement.

Aesthetic value is a broad concept. As applied to heritage significance, aesthetic characteristics and qualities may relate to how we respond to sounds, smells and other factors having an impact on human thoughts, feelings and attitudes. These qualities may be associated with good design; they may also relate to concepts of beauty. Aesthetic values can be the result of the conscious design of a place or object. They can also be the outcome of the way in which a place or object has evolved and been used over time. Many places and objects combine both. Aesthetic values tend to be specific to a time and cultural context. As related to the Powerhouse Museum, this criterion relates primarily to its standing as a landmark of adaptive renewal, and its architectural and experiential qualities.

Conception of the Powerhouse Museum was contemporary with the Heritage Act, 1977 (NSW), as well as the first edition of the Burra Charter (1979). The adaptation of the former

Tram Depot (1979-81) was a very early example in NSW (and Australia) of adaptive renewal of a transport/industrial building and set the tone for the adaption of the Power House buildings. The works to the Tram Depot were significant. Interventions were, however, respectful of the scale, massing, materiality and roof profile of the original structure. The outcome is a building that retains legibility as an historic industrial structure, as well as its relationship with the Power House buildings to the north.

This approach, bold, assertive while simultaneously responsive to the valued attributes and characteristics of the place continued in the Power House itself. The buildings were retained as three-dimensional forms; the spatial qualities of the buildings were celebrated; original fabric was revealed where possible; applied details and new interventions embraced colour as well as architectural diversity of the evolved building complex; and thematic synergies between the collection and the place were optimised. Opportunities for innovation presented by the existing building were also seized. A notable example was the use of historic conduits connecting the Turbine Hall to Darling Harbour (for use in the water cooling system) in support of the Museum's air conditioning system.

Works for the adaptation of the Ultimo Power House and Tram Depot were contemporary with early examples of adaptive reuse of industrial/transport buildings as arts facilities at the national as well as international levels.

The use of the adapted buildings as premises for MAAS, while not explicitly a heritage issue, is also relevant. The coalition of the collection and the historic buildings was mutually strengthening in terms of their significance, social resonance and cultural influence. For the first time, the buildings were accessible to the public, and the collection had space to breathe and reach a broader audience.

The architectural and experiential qualities of the Powerhouse Museum were the outcome of an intensely collaborative approach, with Lionel Glendenning and Richard Johnson being lead protagonists. Glendenning, architect of record for the Powerhouse and Principal Architect within the Office of the NSW Government Architect, brought a notably plural sensibility to the project. His interest in drawing upon a diverse set of historical and symbolic references was responsive to the origins and associations of the collections and the existing buildings. It was also contemporary with the expansion of Postmodernist principles in architectural design.

Glendenning explored a series of design themes including: the layering of space through screens and structural rhythm; levels of transparency to evoke spatial depth; the insertion of buildings within buildings to rescale experience; memory and contextual reference to create dialogues between old and new, and between past and present; and grids and their rotation as compositional tactics to encourage diverse movement and experiences within a building or site.

The cumulative significance of these elements was their reference to memory, time and travel, evocative not just of the industrial nature of the collection and its new location in a series of structures originally devoted to transport but also an analogy to a museum visitor's experience of memory, time and travel as they would make their way around the diverse volumes and spaces of the whole museum complex.

The design of the exhibitions and visitor experience, overseen by Johnson, was similarly innovative. Much as Glendenning had conceived the exterior form and the diverse scale of spaces within as an extension of the broader urban context, Johnson was interested in the internal experience of the museum being like that of a city. Major exhibits – including the Boulton and Watt Engine, the Cataline and Loco No. 1 – were used as anchors, to assist visitors in navigating the large spaces.

The Powerhouse Museum has been modified since 1988, notably during the works of 2011-13. However, the core principles that underpinned the design response, and many of the sources and references that informed it, remain evident.

The design qualities of the Powerhouse Museum were highly awarded. It was the first project ever to have been nominated for three categories in the RAIA National Architecture Awards: the President's Award for Recycled Buildings; the Belle Interiors Award for Interior Design; and the Sir Zelman Cowen Award. It won all of them. At the State level, it was the co-recipient of the RAIA NSW Chapter's top award, the Sulman Award for 1988.

The site meets this threshold at a local level and at a State level.

Criterion (d) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area):

The Powerhouse Museum is a place of social value to communities and groups for a range of reasons variously related to conceptions of identity, practice and interest (as discussed at Section 2.6.1). Based on the limited review of evidence undertaken for this assessment, communal attachment as it relates to the Powerhouses Museum resonates at the local (Sydney) level and possibly the State level.

Since its opening in 1988 the museum has been valued by people across Sydney, NSW and beyond who have shared experiences and memories of the place. The strength of public attachment to the place is demonstrated by the extent of public support and donations for its establishment, and subsequently, its consistently high visitor numbers and the strong community reaction to the NSW Government's proposal for significant change at the place.

The Museum is used and appreciated by the Pyrmont, Sydney and NSW communities. It is also valued by communities who identify with and derive a sense of pride from an appreciation that the Powerhouse is a museum with few equivalents in Australia or elsewhere that is recognised worldwide and has contributed positively to perceptions of Sydney and NSW. Communities of identity associated with the Powerhouse also include those that have been supported (or represented) by the Museum, including migrant and LGBTQI communities.

Communities of interest associated with the Powerhouse Museum include groups that formed (or mobilised) following the NSW Government's 2014/5 announcement of plans to replace the Powerhouse Museum in Ultimo with a new facility in Sydney's western suburbs. Communities of interest also include those with an interest in the site's associations with industry, transport and with MAAS.

Communities of practice associated with the Powerhouse Museum may include but are unlikely to be limited to present and former MAAS staff, Powerhouse Museum staff and volunteers.

The site meets this threshold at a local level.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

Appropriate heritage protection under Amendment 3 is best achieved through amendments to the existing item name, property description and mapped SLEP 2012 boundary identification of the Powerhouse Museum in an environmental planning instrument. The current listing does not include or acknowledge several buildings, spaces and elements that contribute to its heritage significance.

It is also inconsistent with the listing description and boundary in the gazetted NSW State Heritage Register listing for the site.

Progressing the proposed amendment to the current Powerhouse Museum SLEP 2012 listing will ensure that its local heritage significance is appropriately recognised, considered and conserved. It will also ensure formal consultation with landowners and the broader community prior to any future change or development to the items. These outcomes are only achieved in the longer term through protection under Schedule 5, Part 1 of the SLEP 2012.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the Eastern Harbour City.

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By listing each building on the SLEP 2012, this planning proposal will fulfill this objective.

Eastern City District Plan

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

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage Action 26 - Identify, conserve and enhance environmental heritage by:

> *(a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
>
> *(b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
>
> *(c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage of local centres and neighbourhoods. It notes that built heritage contributes to an area's sense of place, its distinctive character and diversity of built form and uses and brings people together.

By consulting with the community to consider amending and listing these items as having local heritage significance, this planning proposal will address the district plan by respecting the City of Sydney's diverse heritage and fostering great places to bring people together.

The retention, conservation and revised acknowledgement of the items in Amendments 1-3 has potential to enhance the character and distinct sense of place in Ultimo.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes.

Sustainable Sydney 2030 – 2050 Community Strategic Plan

The City of Sydney's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'

Local strategic planning statement

The City Plan 2036 Local Strategic Planning Statement was completed in March 2020. This statement is the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.

The planning proposal identifies amendments to the Powerhouse Museum's SLEP 2012 listing that will facilitate its conservation and allow future generations to recognise the site's significance. The amended heritage listing will ensure future development considers and maintains the entire Powerhouse Museum site's heritage significance, including the Wran Building and Harwood Building.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 4 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict of hinder the application of the relevant state environmental planning policy.

Table 4: Consistency with State Environmental Planning Policies.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent - amendments in this planning proposal will continue to support the biodiversity and conservation in the local government area
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - no amendments in this proposal will hinder the application of this SEPP.

State Environmental Planning Policy	Comment
SEPP (Housing) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Central River City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Eastern Harbour City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Regional) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Western Parkland City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Primary Production) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resilience and Hazards) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP No 65 - Design Quality of Residential Flat Development	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) Amendment (Transport Oriented Development) 2024	Consistent - no amendments in this proposal will hinder the application of this SEPP.

Q6. Is the planning proposal consistent with applicable ministerial directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 5.

Table 5: Consistency of the planning proposal with ministerial directions**.**

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. No amendments in this proposal will hinder the implementation of Regional Plans

Ministerial Direction	Comment
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. No amendment includes concurrence, consultation or referral provisions or identify any designated development.
1.4 Site Specific Provisions	Consistent – see discussion below.
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude a development standard from variation under clause 4.6
Focus area 1: Planning Systems – Place-based	
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Consistent. This planning proposal supports and aligns with the Pyrmont Peninsula Place Strategy by including the Wran Building in the existing Powerhouse Museum's SLEP 2012 listing and amending the LEP boundary to align with the State Heritage Register boundary for the site
1.17 North West Rail Link Corridor Strategy	Not applicable
Focus area 2: Design and Place	No directions in place
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. Amendments in this planning proposal will continue to support the protection and conservation of environmentally sensitive areas in the local government area

Ministerial Direction	Comment
3.2 Heritage Conservation	Consistent. Amendments in this planning proposal will support the conservation of items, areas, objects and places of environmental heritage significance in the local government area
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.2 Coastal Management	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.3 Planning for Bushfire Protection	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.4 Remediation of Contaminated Land	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.5 Acid Sulfate Soils	Consistent. Amendments in this planning proposal are proposed for land classified as Class 5 and will not hinder the implementation of this local planning direction
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.2 Reserving Land for Public Purposes	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Consistent. This planning proposal supports and aligns with this local planning direction, particularly objectives (a) and (b).
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	

Ministerial Direction	Comment
7.1 Business and Industrial Zones	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to Part 1, Schedule 5 of SLEP 2012 will result in development creating any environmental effects that cannot be readily controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification and recognition of each heritage item and its significance will facilitate retention of physical, social, cultural and historic values that may have significance to the community. No changes to current zoning controls are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The SLEP 2012 amendment will not generate any additional demand for infrastructure.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

If required by the Gateway Determination, the Heritage Council of NSW will be consulted during the public exhibition period. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council of NSW standards.

5. Mapping

The Heritage Map tile HER_008 will be updated to shade in brown the amended item boundary. The heritage map extract at **Figure 5** shows the proposed boundary.

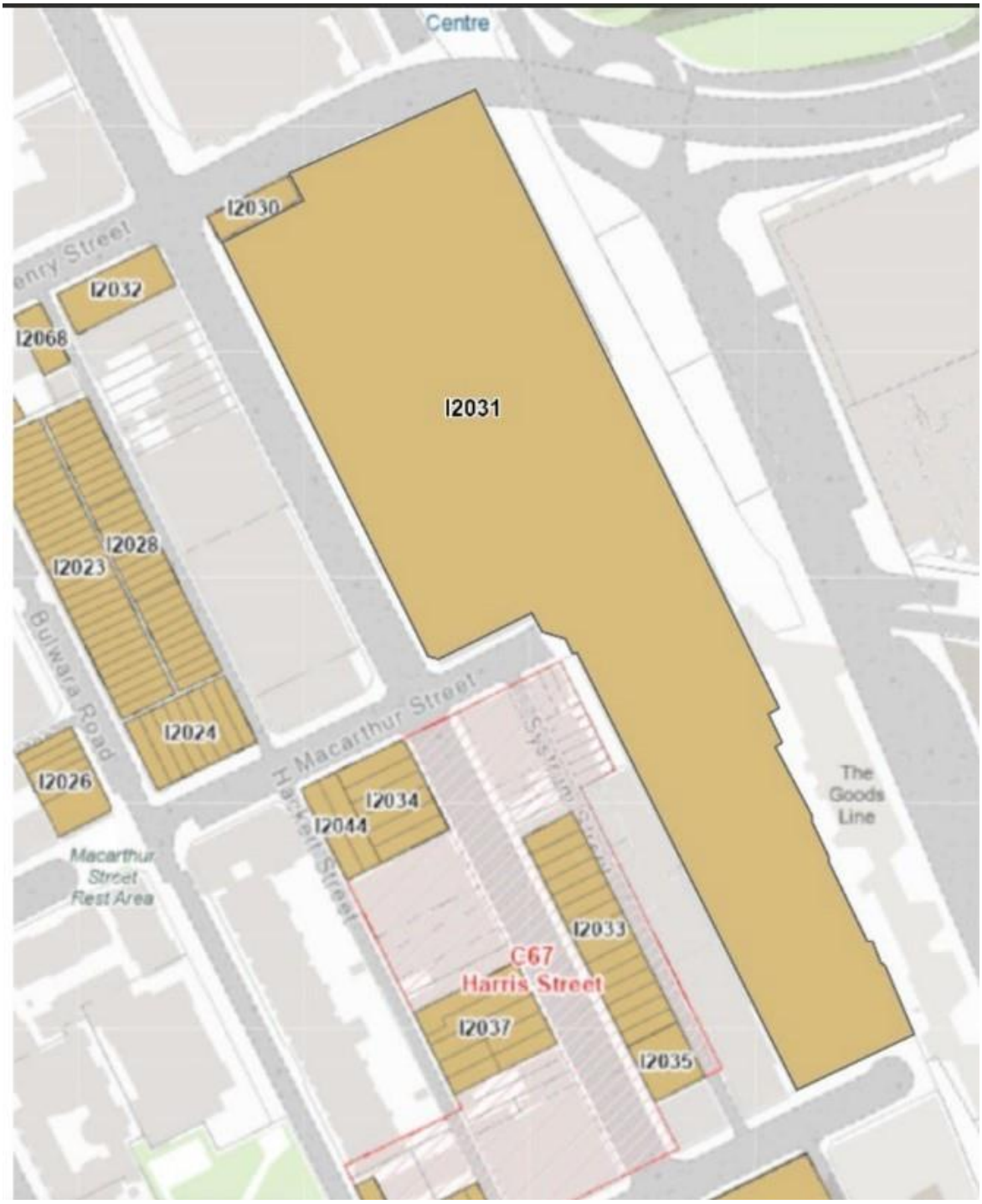

Figure 5. Proposed heritage boundary amendment for the Powerhouse Museum, Heritage Map tile HER_0008.

6. Community consultation

5.1 Public Exhibition

This planning proposal shall be exhibited in accordance with the requirements of gateway determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated that public exhibition will be for a period of at least 20 working days, which is consistent with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline prepared by the Department dated August 2023.

The public exhibition of the documents will be on the City of Sydney website and carried out in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the gateway determination.

7. Project timeline

The anticipated timeline for the completion of the planning proposal is as follows:

Stage	Timeframe
Gateway request	December 2024
Public exhibition & government agency consultation	April 2025
Consideration of submissions	June 2025
Post exhibition consideration of proposal	August 2025
Draft and finalise LEP	October 2025

Appendices

Appendix C1 – Powerhouse Museum Heritage Assessment Report (Lovell Chen)

Appendix C2 – Draft Inventory Sheet - Powerhouse Museum and interiors

Attachment C1

Powerhouse Museum Heritage Assessment Report (Lovell Chen)

POWERHOUSE MUSEUM

HERITAGE ASSESSMENT

No. 500 Harris Street, Ultimo, Sydney, New South Wales 2007

August 2024

Prepared for

CITY OF SYDNEY

Prepared by

LOVELL CHEN

ACKNOWLEDGEMENT OF COUNTRY

This report was prepared on the lands of the Wurundjeri people who have been custodians of this land for thousands of years. We acknowledge their stories, connection to land, water and culture which is embedded in Country. We pay our respects to their Elders past and present and acknowledge that this report includes a post-contact history that forms only a small part of the ongoing story.

The Powerhouse Museum is located on the lands of the Gadigal of the Cadigal (Gadigal), Gammerigal and/or Wangal clans of the Eora Nation, who are, and have always been the custodians of this land. We pay our respects to the Elders past and present, and acknowledge the stories, traditions and cultures of all Aboriginal and Torres Strait Islander people.

Quality Assurance Register

The following quality assurance register documents the development and issue of this report prepared by Lovell Chen Pty Ltd in accordance with our quality management system.

Project no.	Issue no.	Description	Issue date	Approval
20230071	1	Draft for review	3 June 2024	AM
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Referencing

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Cover: View of the Powerhouse Museum looking south-east from the corner of Harris and William Henry streets (September 2023)

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APPENDIX A CHRONOLOGY

APPENDIX B PHYSICAL ANALYSIS

1.0 BACKGROUND AND BRIEF

This Heritage Assessment was commissioned by the City of Sydney. It responds to a Resolution of Sydney City Council that 'the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site [in Ultimo] for heritage significance'.[1] Further commentary on the context for assessment is provided below (see Section 1.4 and Appendix A).

The primary authors were heritage consultant Adam Mornement, a Principal of Melbourne-based practice Lovell Chen and Professor Philip Goad, Redmond Barry Distinguished Professor and Chair of Architecture, Melbourne School of Design, University of Melbourne.

1.1 Nomenclature

Buildings at the subject site have been referred to by various names over time. For ease of understanding, the nomenclature adopted in this document is generally consistent with the most recent documents relating to the place, including the Conservation Management Plan (CMP) prepared by Curio Projects in 2022.[2]

1.2 Acknowledgements

The authors are grateful for support provided by the following: Lisa Havilah, Chief Executive Officer, Museum of Applied Arts and Sciences (MAAS); Jeremy Kelshaw, Director, Office of the Chief Executive, MAAS; and Simon Walkom, Director, Strategy & Operations, MAAS.

1.3 Study area

The study area (the Powerhouse Museum complex) is bound by William Henry Street to the north, Harris Street and Omnibus Lane to the west, Mary Ann Street to the south the and the Goods Line/tramway corridor to the east. This area, illustrated at Figure 1, comprises Lot 1, DP 631345 (the Powerhouse Museum, 500 Harris Street) and Lot 1, DP 770031 (Former Ultimo Post Office). Lot 1, DP 631345 is made up of the following:

- Lot 1, DP 781732: Museum and gallery space constructed in the 1980s (generally referred to as the Wran Building), and hard paved courtyard to the north
- Lot 1, DP 631345: Including the remnants of an electricity-generating power station built from 1898 to the 1930s (Engine House, Boiler House, North Annex, Pump House) as well as hard paved areas and public open space generally to the west and east of the study area
- Lot 3, DP 631345: Harris Street forecourt (part)
- Lot 37, DP 822345: Harris Street forecourt (part)
- Lot 1, DP 216854: The 'Harwood Building', a former Tram Depot that was adapted for use as storage, offices and conservation studios in 1980-81

1 City of Sydney, Resolution of Council (City of Sydney), 15 May 2023, Item 11.9 'Supporting the Powerhouse', Item 'B'.

2 Curio Pty Ltd, *Powerhouse Ultimo Draft Conservation Management Plan,* 2022. At the time of writing it was understood that this CMP was under review.

Figure 1
The study area
Source: Nearmap (base photograph)

The Powerhouse Museum was developed during the 1980s as premises for MAAS, which maintains a diverse collection estimated at 500,000 items/objects. The Museum is owned by the NSW Government and operated and maintained by the NSW Minister for the Arts and the Trustees of MAAS, which is constituted as a body corporate under the *Museum of Applied Arts and Sciences Act* 1945. Under the provisions of the Act, nine Trustees are appointed by the Governor of NSW, on the recommendation of the NSW Minister for the Arts, for a term of up to three years, and may serve for a maximum of three full terms.

1.4 Context for review

This heritage assessment was prepared during a period of public interest in the management and future of the Powerhouse Museum. This interest was triggered by a proposal, announced by the NSW Government in November 2014, to close the Powerhouse Museum at Ultimo and construct a new Powerhouse facility in Sydney's western suburbs (see Appendix A for further information).

The original proposal has evolved over the intervening decade. The proposition, at the time of writing, was for the Powerhouse Museum at Ultimo to be retained and adapted as part of a creative industries precinct. The new museum (at Parramatta) was under construction.

Since 2014/15, plans for the Powerhouse group of museums have been the subject of extensive media coverage and community activism including, but not limited to, the 'Powerhouse Alliance', 'Save the Powerhouse' and the NSW Chapter of the National Trust of Australia. In 2020, a Select Committee was convened to consider the NSW Government's management of the Powerhouse Museum and other museums and cultural institutions in the State[3] (again, see Appendix A for further information).

The statutory heritage controls that apply to the Powerhouse Museum (Ultimo) have also evolved since 2014. At that time the only building at the study area that was included in the NSW State Heritage Register was the Post Office (Item no. 00502). The remnants of the Ultimo Power House built from the late-nineteenth century to the interwar period were included in the City of Sydney Local Environmental Plan (LEP I2031) as 'Powerhouse Museum former warehouse buildings, including interiors'.

In 2020, the Ultimo Power House was included in the NSW State Heritage Register (Item no. 02045), and in 2023 the Heritage Council of NSW resolved to investigate an expansion of the NSW State Heritage Registration to include the Wran and Harwood buildings.[4]

Further commentary on the heritage controls that apply to the study area is at Section 1.6.

1.5 Methodology

The approach to assessment in this document follows best practice methodologies including those set out in the *Australia ICOMOS Charter for Places of Cultural Significance (Burra Charter)* 2013 and its Practice Notes, and *Assessing Heritage Significance, Guidelines for assessing places and objects against the Heritage Council of NSW criteria* issued by the NSW Department of Planning and Environment, 2023.

Best practice in significance assessment demonstrates the importance of an approach which recognises that values ascribed to places are interrelated. Methodologies that assist in thinking broadly about values are also consistent with best practice, as is the recognition that assessments of significance are qualitative and can never be completely objective. As such, it should be acknowledged how, why and when they have been produced.

It is also important to acknowledge that significance assessments will change over time as new evidence emerges, or perceptions of historical and social values about a place evolve – as has occurred at the

3 NSW Legislative Council, *Select Committee on the Government's Management of the Powerhouse Museum and Other Museums and Cultural Projects in New South Wales*, September 2022.

4 Heritage Council of NSW, Meeting Minutes 520, 4 October 2023, p. 5.

Powerhouse Museum in recent years. That is to say, assessments of significance should be sufficiently flexible to accommodate changing community and professional understandings of heritage values.

In cases where the primary author(s) of a heritage place are alive it is considered appropriate to consult with them (or endeavour to do so). Consultation with the author(s) of heritage places is also consistent with the provisions of the *Copyright Act* 1968, and the amendments made to that Act by the *Commonwealth Copyright Amendment (Moral Rights) Act* 2000, notably the provisions of Section 195.

In broad terms, the sequence observed in the assessment of the Powerhouse Museum complex was as follows:

- Understanding the place, including:

  Data gathering and summary history

  Site familiarisation – physical inspection

  Document review, including previous heritage reports and assessments

  Analysis of press coverage and advocacy campaigns

  Consultation with Lionel Glendenning, architect-of-record for the Powerhouse Museum, Jennifer Sanders, Deputy Director of the Powerhouse Museum 2001-09, and Dr Lindsay Sharp, Director of MAAS from 1978-88

- *Assessment of significance*

  Against the NSW Heritage Criteria, consistent with *Assessing heritage significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria*, prepared by Department of Planning and Environment, NSW, 2023

1.6 Heritage controls and listings

Table 1 Heritage controls and listings within the study area

Place	Statutory heritage controls	Heritage listings (non-statutory)	Extent of registration
Ultimo Post Office, 1901, 494 Harris Street, Ultimo	NSW State Heritage Register (00502), gazetted 4 February 1999 LEP (I2030), gazetted 14 December 2012 ('Former Ultimo Post Office including interior')	Register of the National Estate (Place ID 2381) Classified by the National Trust of Australia (NSW), (S9302)	
Ultimo Power House (Powerhouse Museum, Stage Two)	*State:* NSW State Heritage Register (02045), gazetted 4 September 2020 * Note: on 28 February 2024, the NSW State Heritage Register	Register of the National Estate, 'Powerhouse Museum (Stage Two)' (Place ID 100690)	The boundary is within Lot 1 DP 631345 and comprises the four main interconnected heritage buildings being the Engine House and Turbine Hall, Second Boiler House, Office Building and Switch Hall.

Place	Statutory heritage controls	Heritage listings (non-statutory)	Extent of registration
	Committee (HOD No. 5068313) issued a draft recommendation to expand the Powerhouse Museum complex to include the Wran and Harwood buildings. *Local:* LEP (I2031), ('Powerhouse Museum former warehouse buildings, including interiors', see Figure 2)		The proposed extension to the curtilage of the Ultimo Power House SHR listing (February 2024) includes: • Lot 1 DP 631345 • Lot 1 DP 770031 • Lot 1 DP 781732 • Lot 3 DP 216854 • Lot 3 DP 631345 • Lot 37 DP 822345
Harwood Building (Former Ultimo Tramway Depot; Powerhouse Museum, Stage One)	N/A * Note: on 28 February 2024, the NSW State Heritage Register Committee (HOD No. 5068313) issued a draft recommendation to expand the Powerhouse Museum complex to include the Harwood Building	Register of the National Estate (Place ID 100691) Classified by the National Trust of Australia (NSW), (S10611)	
Water Cooling System and Manifold	Section 170 Heritage Register 2020 Ultimo Power House SHR Listing	N/A	

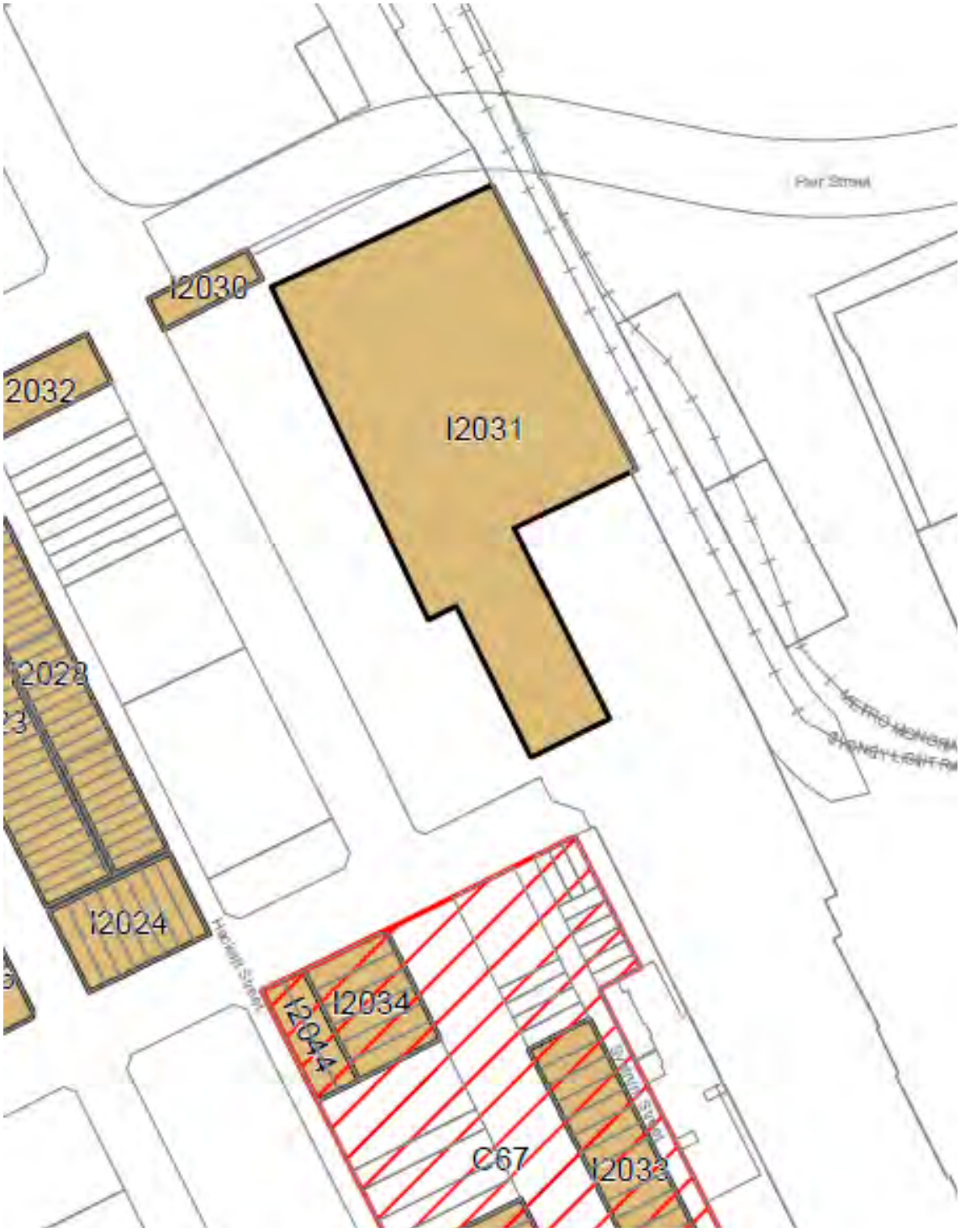

Figure 2 Mapping for the 'Powerhouse Museum former warehouse buildings, including interiors' (designated I2031), Sydney LEP
Source: Sydney Local Environmental Plan 2012, Heritage Sheet 008

1.7 Exclusions and limitations

1.7.1 Direct engagement with interested parties and Traditional Owners

Other than the individuals noted above, direct engagement with interested parties was not part of the agreed scope of this heritage assessment. The same applies to engagement with Traditional Owners.

1.7.2 Research

Primary research was generally not undertaken for this heritage assessment. Existing sources were relied upon including, but not limited to, those listed at Section 1.9.

1.7.3 MAAS collection

Analysis of the MAAS collection does not form part of this heritage assessment. As noted, the collection includes an estimated 500,000 items, many of which are significant in their own right.

This heritage assessment does, however, recognise that the collection (generally) and items within it (specifically) were one of a number of reference points in the development of the programme and design for the Powerhouse Museum concept (discussed further at Section 2.0).

1.8 Definitions

The terminology used in this report is of a specific nature. The following definitions are from the *Burra Charter, 2013* (Article 1), as endorsed by a large number of statutory and national heritage bodies.

Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

- *Cultural significance* is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.
- Places may have a range of values for different individuals or groups.

Fabric means all the physical material of the *place* including elements, fixtures, contents and objects.

Conservation means all the processes of looking after a *place* so as to retain its *cultural significance*.

Maintenance means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.

Preservation means maintaining a *place* in its existing state and retarding deterioration.

Restoration means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

Reconstruction means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.

Adaptation means modifying a *place* to suit the existing *use* or a proposed use.

Use means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Compatible use means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.

Setting means the immediate and extended environment of a *place* that is part of or contributes to its cultural significance and distinctive character.

Related place means a *place* that contributes to the *cultural significance* of another place.

Related object means an object that contributes to the *cultural significance* of a *place* but is not at the place.

Associations mean the special connections that exist between people and a *place*.

Meanings denote what a *place* signifies, indicates, evokes or expresses to people.

Interpretation means all the ways of presenting the *cultural significance* of a *place*.

The following derives from the *Operational Guidelines for the Implementation of the World Heritage Convention (*12 July 2017):

- *Integrity* means the completeness, intactness and condition of the attributes that convey (or embody) the heritage values of the place. Attributes may be tangible and/or intangible.

The following derive from current dictionary definitions:

- *Tangible* means perceptible by touch. In a heritage context, this typically relates to the fabric (elements, fixtures, contents and objects) of a place.
- *Intangible*, means incapable of being perceived by the sense of touch. In a heritage context, the term is often applied to concepts of social and/or historical value. An example of an intangible value at Federation Square may the meanings generated between the place and the community through experience and interaction over time.

1.9 Sources

Documents reviewed during the preparation of this document include but are not limited to the following:

- AMBS Ecology & Heritage, *Historical Archaeological Assessment,* 2018
- Architectural Projects, *Conservation Management Plan: The Powerhouse Museum*, 2003
- Coast History & Heritage, *Draft Aboriginal Overview Powerhouse Ultimo*, 2022
- Cracknell & Lonergan Architects Pty Ltd, *Assessment of Heritage Significance, Independent Review*, 2020
- Curio Pty Ltd, *Powerhouse Ultimo Draft Conservation Management Plan,* 2022
- Legislative Council of the NSW Parliament, Select Committee on the Government's Management of the Powerhouse Museum and other Museums and Cultural Projects in New South Wales, September 2022
- NSW Government response to the Select Committee findings
- National Trust of Australia (NSW) State Heritage Register Nomination: Ultimo Powerhouse, 2015
- National Trust of Australia (NSW), T Brassil, *Ultimo Tram Depot (The Harwood Building), History and Significance*, 2019
- National Trust of Australia (NSW) State Heritage Register Nomination: Harwood Building, 2020
- Winkworth, Kylie, Powerhouse Museum Social Values assessment, unpublished, 2020

2.0 UNDERSTANDING THE PLACE

The objective of the following is to provide insight into the cultural, creative and contextual forces that shaped the creation of the Powerhouse Museum complex, a place that should be understood as an integrated whole.

2.1 A new type of attraction

The Powerhouse Museum was conceived as a broad-based place of education, entertainment, research, and collecting. It is understood that the initial impetus for this new type of public attraction came from Neville Wran, Premier of NSW from 1976-86. Wran, his wife Jill Hickson-Wran and David Hill, head of Wran's Ministerial Advisory Unit, travelled to Paris in 1977, where they visited the Centre Pompidou, a new multi-dimensional centre for the arts and culture designed in striking contrast to its setting, with a highly mechanised aesthetic and technical character (Figure 3).

Figure 3 Elevated view of the Centre Pompidou, Beaubourg, Paris: designed by Italo-British team of Renzo Piano, Richard Rogers, Su Rogers and Gianfranco Franchini
Source: www.spiralarchitectslab.com.au/journal/2018/4/30/iconic-architecture-georges-pompidou-centre

During the 1970s, museums and public visitor attractions across North America as well as Europe were in the throes of a renaissance, with an increasing emphasis on entertainment, accessibility and engagement with exhibits/collections.

As well as Wran, a prominent voice in the promotion of the Powerhouse as an Australian response to these ideas was Dr Lindsay Sharp, who was appointed Deputy Director of MAAS in 1978 and became Director shortly afterwards. Speaking in 1981, Sharp observed that:

> […] the concept that was emerging from the multitude of meetings and architectural refinements […] was for […] a new cultural and educational centre for Sydney that brings together three singular elements: the collections of the Museum of Applied Arts and Science, the Ultimo Power House buildings and the concept of a science discovery centre and space theatre.[5]

These ideas were expanded in a 1982 interview:

> […] Museums have gone way beyond mere serried ranks of objects illustrating one particular esoteric point or other. What they are now is a whole range of cultural activities, they can include films […] theatre, plays, they can include discussion and display of subjects that are of ecological importance, or the impact of science and technology upon society […]. [This] new generation of museums is going to impact [the] new Powerhouse Museum in due course […].[6]

Throughout the generation of concepts for the architectural design of the Powerhouse, as well as the visitor experience, a commitment to popular appeal remained a central preoccupation:

> Certainly, the Powerhouse has been planned from the outset as a museum for all of us. Accessibility is the keynote. Strategies have been developed to meet the varied needs of families, school children and senior citizens, ethnic groups, tourists and the disabled, as well as specialists and the general visitor. A wide variety of visitors programmes, films and performance arts activities will ensure this venue hums with activity.[7]

As discussed below, aligned with ambitions for innovation as a museum experience were correspondingly progressive aspirations for building conservation, architectural design and exhibition design.

2.2 Sources and references

Critical to the Powerhouse Museum concept was a process of tailoring the hybrid visitor attraction model to the existing buildings, their setting, the collections (applied arts and science) and the expertise embodied within MAAS.

The Powerhouse Museum complex is conspicuous as a place embedded within and responsive to its setting. The decision to retain and adapt the Power House buildings and the Tram Depot perpetuated their physical presence in the urban landscape, as well as Ultimo's historic associations with industry and transport (see also Appendix A). As noted by Sharp in 1982:

> The Power House [building complex], which originated in the late 1890s […] are in themselves major artefacts recording the social, industrial, and if you like, transport history of Sydney and NSW […]. We will use the broad social history attached to the architecture of those buildings in our displays. It's the perfect location, and a perfect set of buildings for us.[8]

5 MAAS Annual Report, 1981.

6 '"We couldn't have better buildings to work in", Frank Lowe interviews Lindsay Sharp', *The Architecture Show* (journal), December 1982, p. 10.

7 MAAS Annual Report, 1986-87, p. 15.

8 '"We couldn't have better buildings to work in", Frank Lowe interviews Lindsay Sharp', *The Architecture Show* (journal), December 1982, p. 13.

Opportunities presented by the cavernous volumes of the buildings, as well as aspects of the collection were also optimised:

> I [Lindsay Sharp] would say that the buildings have inevitably laid down certain ideas. For example, the main halls, the Power Halls are roughly 300ft long and about 90ft wide and about 90ft high. [This] makes them a natural space in which to display very large transport items – boats, plains, trains and cars and all of transport objects. Now it seems to me that we have to go beyond that, understanding the relationship between the spaces and the big objects, and to develop themes.[9]

As well as items within the collection, Lionel Glendenning, Principal Architect for the Powerhouse, drew upon the linear vaulted forms of the Garden Palace (Figure 4) – venue for the 1879 International Exhibition, the event that was foundational to MAAS (see Appendix A) – in the design of the West Building (now known as the Wran Building):

> Unique to the Powerhouse Museum is the fact that the Museum's building, its historic fabric and contemporary architecture, and its Ultimo location, together with its diverse collection are metaphors for the overarching narrative that informs the Powerhouse Museum, for the Museum is born of the Industrial Revolution – its essence is designing and making for living.[10]

Glendenning recorded some of the references and sources that informed the design in the 1980s, summarised below (see also Figure 5):

> A number of ideas are developed and explored in this project including:
>
> - The great exhibition and railway buildings of the 19th century including Garden Palaces, Sydney, Melbourne Exhibition Building and Central Railway Station, Sydney.
> - A contextual awareness and historic reference.
> - Creating old and new linkages with the architecture of Ultimo and the Powerhouse.
> - Architecture within Architecture. House within House.
> - Adaption and reuse of existing fragments of the city.
> - Separation, layering, transparency, screen, density, diversity, intervention.[11]

A number of these points, and others, are discussed further below.

9 '"We couldn't have better buildings to work in", Frank Lowe interviews Lindsay Sharp', *The Architecture Show* (journal), December 1982, p. 12.

10 Lionel Glendenning and Jennifer Sanders, Powerhouse Museum Redux, 15 November 2020.

11 Lionel Glendenning, notes and sketches from the early 1980s (private records). See also Design 5, Powerhouse Museum Design Principles, 13 October 2022, p. 26.

Figure 4
Engraving of Garden Palace interior, 1879
Source: State Library of Victoria
(*Illustrated Australian News*)

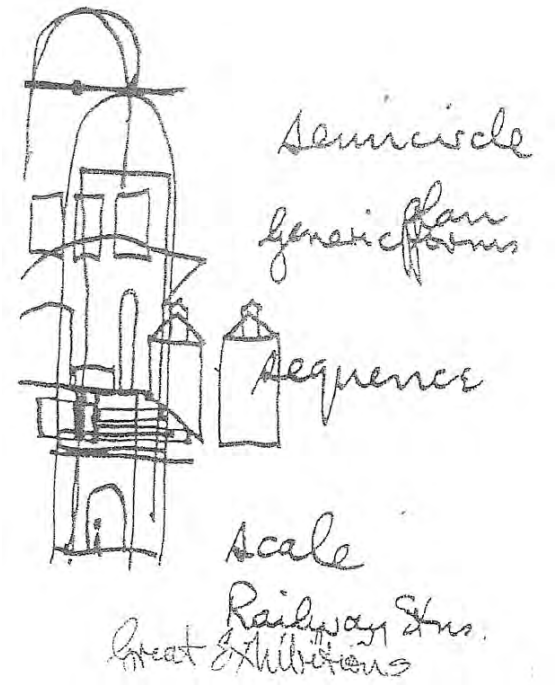

Figure 5 Glendenning sketch referencing sources and relationships embedded in the Powerhouse concept
Source: Courtesy of Jennifer Sanders and Lionel Glendening

2.3 A landmark of adaptive reuse

The emergence of the heritage movement worldwide from the 1960s was, at least in part, a response to urban areas being decimated by speculative development and urban 'rejuvenation' projects. It was led by a groundswell of activist reaction from residential communities and design professionals who saw a practical means to halting demolition. A pivotal moment in Paris came in 1973, when the nineteenth century iron and glass market buildings of Les Halles were demolished and replaced by the Forum des Halles (1979-86), a partially underground glass and steel multi-storey commercial and shopping centre with associated gardens (the site is very close to the Centre Pompidou, referenced above). The outpouring of community concerns over both developments, one speculative and the other institutional, found global response in a new interest and excitement in revitalising old buildings with new uses.

Such an interest was not confined to Europe. The examples of the conversion in 1964 of the Ghirardelli Chocolate Factory in San Francisco into a retail and hospitality venue (now Ghirardelli Square) and in 1967 of the Cannery, also in San Francisco by architect Joseph Esherick into a shopping mall, were trendsetters in the commercial sphere. There also developed an emerging enthusiasm globally for conversions of warehouses in the mid-1960s and early 1970s into residences and small businesses. By contrast, cultural institutions in these decades adopting a similar philosophy came somewhat slowly. The conversion of former office and industrial buildings into museums or art galleries was a later phenomenon, reserved largely for the mid-1970s and 1980s (discussed below)

One of the most significant conversions of an industrial (or transport-related) structure into an art gallery/museum was the transformation of the vast former railway station of the Gare D'Orsay (1898-1900) in Paris into the Musee D'Orsay (Figure 6). It was one of President Valery Giscard D'Estaing's *grand projets*. Announced in 1978, the station's renovation and design transformation was contemporary with the Powerhouse Museum – the works were complete in 1986, with the internal museum planning, decoration, installation, furniture and fittings undertaken by Italian architect Gae Aulenti.

Figure 6 The Gare D'Orsay, Paris was adapted at the Musee D'Orsay in 1978-86
Source: https://www.britannica.com (Musee-d'Orsay)

2.3.1 The Powerhouse Museum as a landmark of adaptive renewal

The Powerhouse Museum was conceived at a moment of momentum in the evolution of heritage controls in NSW and Australia – the *Heritage Act* (NSW) was passed in 1977 and the first edition of the *Burra Charter*, a document that has exerted a considerable influence on heritage policy and practice in Australia, was published in 1979. In between these two events, in 1978, the NSW Government committed to retaining and adapting the Power House buildings and Tram Depot. Prior to this, wholesale demolition had been actively contemplated.

The prominence of the project, as well as the sophistication of the approach to assimilating the existing buildings with the new programme (a process led by Glendenning, Sharp and Richard Johnson, discussed below, see also Appendix A), contribute to an understanding of the Powerhouse Museum as a landmark of adaptive renewal. The Museum was highly visible, regularly reported and the scale of the project was without (or with few) precedents, certainly in Australia.

The adaptation of the former Tram Depot (1979-81) was a very early example in NSW (and Australia) of adaptive renewal of a transport/industrial building. The approach set the tone for the Powerhouse itself. Significant works were required to adapt the derelict tram shed to its new use (Figure 7). The floor was excavated, the roof line raised to create additional space and a new south elevation was introduced (Figure 8). The structure now includes a basement (storage and plant), ground floor (conservation studios and offices) and mezzanine areas. Original fabric is limited to the east and west elevations, and part of the north elevation. The building, however, reads as an historic industrial structure; the saw tooth roof and limited materials palette reference the original building, and the footprint is largely unchanged.

Figure 7 Works for the adaptive re-use of the Tram Depot underway, November 1980
Source: Powerhouse Museum Photo Library ST1D-SMN-16-12A

Figure 8 South elevation of the former Tram Depot (Harwood Building) during works, 1981
Source: Extract from paper given by Jennifer Sanders and Kylie Winkworth, Australia ICOMOS 2019, Sydney Talk Series No. 6, 1 October 2019 (original source not cited)

The design response to the Power House buildings was bold and assertive. The buildings were adapted as three-dimensional volumes – early consideration of retaining only the external fabric was resisted. A notable example of the intent to optimise opportunities presented by the existing buildings was the use of historic conduits connecting the Turbine Hall to Darling Harbour (for use in the water cooling system) in support of the Museum's air conditioning system. Applied details and new interventions embraced texture, patterning and colour (see, for instance, Figure 8) as well as the diversity of the evolved building complex, which included Federation era industrial and commercial forms, Queen Anne Revival, (the Post Office) and Art Nouveau references.

In terms of its status as a landmark of adaptive renewal, the Ultimo Power House also derives significance for its function as new headquarters for MAAS; this was adaptive re-use with a clear purpose. The coalition of the collection and the historic buildings was mutually strengthening in terms of their significance, social resonance and cultural influence. For the first time, the buildings were accessible to the public, and the collection had space to breathe and reach its intended audience. The retention of the Power House buildings and the Tram Depot also retained their historic functional relationship, and was similarly mutually reinforcing.

Figure 9 Striped escape stairs and a lift shaft, pictured c. 1987, reference former coal elevators and pneumatic ash handling plant at the south of the Boiler House
Source: *SD Magazine*, 89/02

2.4 The design response

Broadly contemporary with the global embrace of possibilities presented by adaptive renewal was a questioning of tenets that had been fundamental to Modernism from the 1920s. These included the propositions that historic architecture as represented by ornament, decoration and stylistic reference was irrelevant and out of date, and that the historic city centre was redundant, unhealthy and needed to be cleared. Challenges to Modernist principles found divergent expression in locations worldwide. By the early-1970s these strands of thought had coalesced as Postmodernism.

2.4.1 Postmodernism in Australia

Across the globe, the adoption of Postmodernism in architecture from the late 1960s proceeded in parallel with developments in Europe, Great Britain and the United States, with buildings that would later be labelled as 'postmodern' appearing in countries including Japan, Thailand, and also Australia.

In Australia, the influence of Robert Venturi's ideas came first through Australian architects studying at the University of Pennsylvania, where Venturi and Romaldo Giurgola taught during the 1960s. Douglas Gordon's and later Peter Corrigan, writing from the United States, published an important article on the

Venturis' work in *Architecture Australia* in February 1972. On Corrigan's return to Melbourne in 1974 and joining in partnership with Maggie Edmond, their partnership of Edmond and Corrigan produced some of the most convincing early examples of Postmodernism in Australia as applied to non-residential buildings. Their Resurrection Church and Resurrection School at Keysborough (1974-6), and St Joseph's Church, Box Hill (1976) in suburban Melbourne, with their polychromatic brickwork made direct reference to everyday suburban vernacular forms.

Perhaps the strongest signal of the embrace of a postmodern position at a professional level, was the Royal Australian Institute of Architects' annual convention held in Sydney in May 1980, which had as its theme, 'The Pleasures of Architecture' and featured as keynote speakers, the postmodernists Michael Graves, Dutch architect Rem Koolhaas (who had published *Delirious New York* in 1978) and Canadian architect/educator George Baird, who had co-authored with Charles Jencks, *Meaning in Architecture* in 1969.[12] A key feature of the convention was an exhibition of 20 Australian architect considering the adaptive reuse/reinterpretation of architect John Verge's nineteenth century Regency villa, 'Engehurst' in Woollahra. To complete that official acceptance of Postmodernism at the level of large-scale civic architecture, in Mitchell Giurgola Thorp's competition-winning design for Parliament House, Canberra (1980) was announced. On its completion in 1988, it was Australia's largest purpose-built Postmodern public building.

Postmodernism in NSW

In NSW, the adoption of Postmodernism in architecture was gradual, and adopted across a spectrum of building typologies from the mid-1970s. At the time, and afterward, many of the architects, trained as modernists, disavowed any links to the term 'Postmodern' but many of the buildings produced at the time reveal a strong interest in the forms and materials of the rural vernacular (including shearing sheds and colonial homesteads), the nineteenth century terrace house, as well as nineteenth century structures such as exhibition buildings and railway stations. In short, they refer to a set of historical and symbolic elements not usually associated with the label 'Modernism'. As such, the term 'Postmodernism' is used here often to identify buildings that, from the 1970s, show a new and critical awareness of history. The Marie Short House, Kempsey (Glenn Murcutt, 1974-5) and Andrews Farmhouse, Eugowra (John Andrews, 1978) are two such examples. So too the historically referential inner-urban housing blocks in the Woolloomooloo Housing Precinct (1975-85) designed separately by the firms of Philip Cox & Partners (Forbes Street, 1979) and Allen Jack & Cottier (Forbes Street, 1979-80) for the NSW Housing Commission. Those blocks had roof forms, verandahs and arched windows that made direct reference to the precinct's nineteenth century terrace houses.

More overt in their adoption of Postmodern elements was the conversion of three Edwardian terrace houses in Paddington by Allen Jack & Cottier (project architect Peter Stronach, 1978-9) as well as their later Smith House, Paddington (1980-1) and Nankervis House, Paddington (1981-4). One of the state's largest early Postmodern public buildings, the brick polychrome striped University of Technology Sydney's Haymarket Campus (Philip Cox & Partners, 1980-4), retained fragments of the old Flower Markets building as facades and urban landmarks (Figure 10).

12 'The Pleasures of Architecture', *Architecture Australia*, 69: 2 (April-May 1980), pp. 37-78. See also Paul Hogben, 'The Aftermath of 'Pleasures: Untold Stories of Post-Modern Architecture in Australia, in *PROGRESS: 20th annual conference of SAHANZ* (Sydney: 2-5 October 2003), pp.146-151.

Figure 10 View of the Haymarket Campus of the University of Technology Sydney
Source: UTS

2.4.2 Postmodernism and the NSW Government Architect

The office of the NSW Government Architect was one of the state's leading design trendsetters from the late 1950s to the late 1980s. This was due in part to the office employing the most talented young designers soon after graduation and the fostering of those talents.[13] Some of the state's most progressive designers worked within the office at critical stages of their careers, including Ken Woolley, Peter Webber, Peter Hall, Michael Dysart, and later David Turner, Colin Still and Lionel Glendenning among others. A result was that the NSW Government Architect was often at the forefront of exploring the latest theories and functional innovations associated with the development of post-war architecture in NSW.

In the 1980s, for example, the office of the NSW Government Architect was an early adopter of some of the characteristic forms and stylistic themes of Postmodernism. The barrel vault, for example, a practical roof shape though with long historical associations and references, was one of the most

13 Nicola Pullan and Robert Freestone, 'Enthusiasm, Energy and Originality: The Influence of Harry Rembert's European Architectural Investigations on Australian Post-war University Design' in *Proceedings of the Society of Architectural Historians, Australia and New Zealand* 36; *Distance Looks Back*, edited by Victoria Jackson Wyatt, Andrew Leach and Lee Stickells (Sydney: SAHANZ, 2020), pp. 324-38.

commonly adopted signs of aesthetic change towards a more historically referential architecture. High vaulted steel structures signified, for example, the key circulation route of the Claymore Public School (NSW Government Architect, project architect Lionel Glendenning, completed 1980) and the forms of the Sulman Award-winning (1984) Parklea Prison (1979-83) in Sydney's outer west (NSW Government Architect, project architect Lindsay Kelly, and Noel Bell, Ridley Smith & Partners).

A high point of the NSW Government Architect's Office embrace of Postmodernism came with buildings and urban spaces completed for the 1988 Bicentennial. Notable among these are structures and urban design elements that adorn Bicentennial Park, Homebush Bay (NSW Government Architect, project architect Lionel Glendenning; project landscape architect Lorna Harrison, 1983-88), especially the tholos form of the Federation Pavilion in Centennial Park (Lewin Tzannes Pty Ltd with NSW Government Architect, project architect Andrew Andersons, 1987, Figure 11); Glendenning's arched and pyramid-roofed Treillage Tower (Figure 12); and the contextually referential and Classically-composed Macquarie Street Wing of the State Library of NSW (NSW Government Architect, project architect Andrew Andersons, 1983-88).

Figure 11 Federation Pavilion in Centennial Park, Alex Tzannes, 1988
Source: https://www.monumentaustralia.org.au

Figure 12 Treillage Tower at Bicentennial Park, Homebush Bay, Lionel Glendenning, 1986
Source: https://sydney-city.blogspot.com

2.5 Postmodernism, adaptive reuse and the Powerhouse Museum

The development of the Powerhouse Museum between 1978 and 1988 occupies a significant place in the context of Postmodernism's emergence and the rise of the adaptive reuse of historic buildings, both globally and within Australia. The completion of the Powerhouse Museum involved not just the adaptive reuse of the former Ultimo Power House complex and Tram Depot (Stage I) but also major additions on Harris Street (the Wran Building) and the insertion of service structures in the courtyard behind.

The Wran Building is where Glendenning, as architect of record for the Powerhouse and Principal Architect within the Office of the NSW Government Architect, explored a series of design themes including: the layering of space through screens and structural rhythm; levels of transparency to evoke spatial depth; the insertion of buildings within buildings to rescale experience; memory and contextual reference to create dialogues between old and new, and between past and present; and grids and their rotation as compositional tactics to encourage diverse movement and experiences within a building or site. While Glendenning himself does not favour the term, the design strategies employed in the Wran Building have since come to be seen as typical of Postmodernist architecture.

Combined with Glendenning's approach to the new building's sympathetic placement within the context of the existing Power House buildings and Ultimo's topography (a series of linear buildings placed along the contours of the site), their adaptive reuse was the outcome of collaboration with the architect and noted exhibition designer Richard Johnson of Denton Corker Marshall, and the broad and diverse team of consultants and tradespeople brought in to assist with the project, including lighting specialists, theatre set designers, audio specialists, graphic designers (Emery Vincent) and colour consultants, among many others.

Johnson was brought on to the project in 1986 – he replaced Barry Howard, an American designer who supported an enclosed, or 'black box' design rationale. Johnson promoted a different approach, philosophically aligned to that of Glendenning – in this sense, the Powerhouse Museum was an exemplary work of design collaboration. Johnson was interested in the internal experience of the museum being like that of a city, in much the same way that Glendenning had conceived the exterior form and the diverse scale of spaces within as an extension of the broader urban context of Ultimo, Haymarket and the renewal of the Darling Harbour precinct. In 1988, Johnson observed that:

> […] here was a museum with a great range of diverse spaces, with a great diverse collection, with a whole range of thematic ideas […]. The architecture had responded to that diversity and contextualism […] the exhibition design had to follow that lead. […] I tried to build up a discipline, a way of structuring the exhibition design, based upon the way a visitor moves through the building […].
>
> The building is as it is because it evolved over such a long period of time. Like a city it has a sort of loose fit circulation, there's no classical route through it. […] We have placed what we call landmark objects in public spaces that will guide people through the museum … the Boulton/Watt Engine is a major landmark structure. These are located at key points generally with an axial approach to them so that people can see them from a distance and remember where they are […].[14]

What this meant was that the initial entry sequence to the Powerhouse Museum from Harris Street became one of the most important design aspects of the overall scheme.

A giant 'verandah' screen ran most of the length of the Wran Building along Harris Street, terminating in a

14 Colin Wood Lionel Glendenning and Richard Johnson, Powerhouse', *Design World: The International Journal of Design* 14, 1988, pp. 18-31.

bow-fronted portal (see Figure 13 and Figure 14) that opened onto the entry forecourt – this feature was truncated as part of works undertaken in 2011-13. The paving of the forecourt was an angled grid pattern that 'turned' pedestrians towards the glazed entry doors of the museum. A steel lattice screen re-emphasised this point of entry and also directed visitors to perceive the three main spatial elements of the Wran Building. All three were linear extrusions.

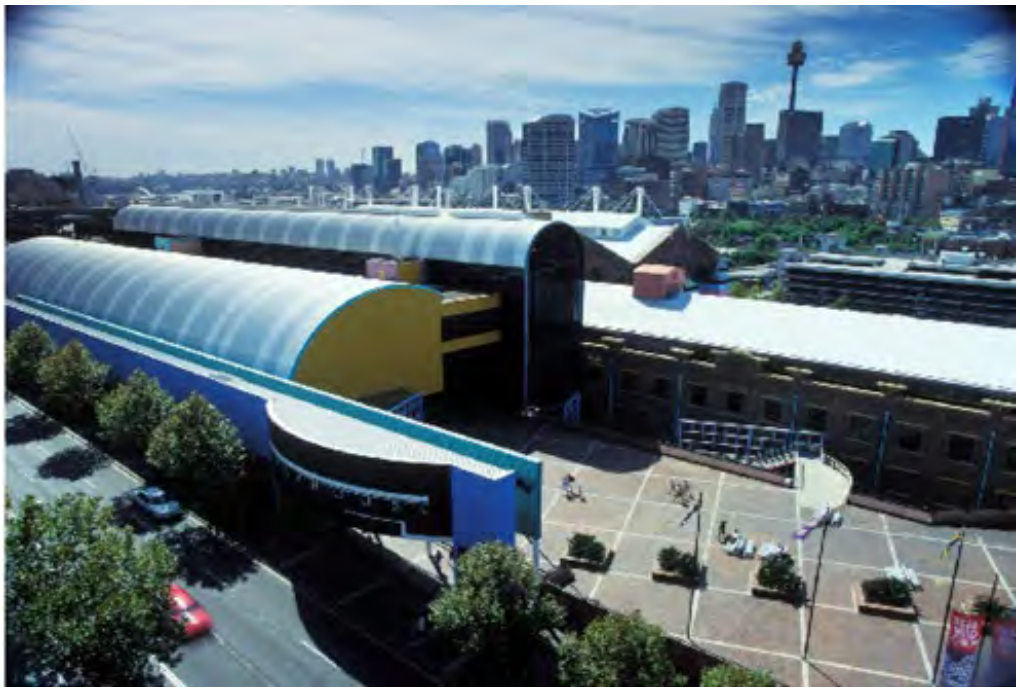

Figure 13
Elevated view of the entry forecourt and the Harris Street 'verandah', c. 1988

Source: Extract from paper given by Jennifer Sanders and Kylie Winkworth, Australia ICOMOS 2019, Sydney Talk Series No. 6, 1 October 2019 (original source not cited)

Figure 14 The bow-fronted portal that opened onto the Harris Street forecourt

Source: *SD Magazine*, 89/02

The first was a long, giant vaulted space – glazed at ground level – with solid upper end walls painted as 'blue sky murals' as if open to the air. Lined internally with 'Ripplefoil' and externally with corrugated steel roofing painted in stripes, its form evoked nineteenth century exhibition structures and railway terminus sheds like the famed carriage shed (1889) at Normanton Railway Station in outback Queensland, a reference acknowledged by Glendenning.[15] At the building's opening, this long tall exhibition space featured a series of designed installations, including a free-standing gateway designed by Richard Johnson which outlined in silhouette, but reduced in scale, the Garden Palace exhibition hall of 1879 (referenced above). This gateway and other exhibits from the time of opening no longer exist or have been relocated (such as the copy of Lawrence Hargrave's box kite and the Strasburg Clock). But the overall volume remains as do both 'sky' murals, which had been executed by scene painters at Glendenning's instigation.

The second was a flat-roofed linear link structure that contained ticketing, pedestrian ramps to the basement and up to a mezzanine gallery overlooking the vaulted volume and the third element, a barrel-vaulted glazed galleria. The supporting columns for the mezzanine and the galleria aligned with the brick piers of the original Switch House building. This meant that the spacing of columns was not always the same but deferred directly to the rhythm and proportions of the existing structures on site. On the third level of the link structure were offices and meeting rooms that overlooked the galleria. Significantly, the ramp enabled views across spaces and differing vantage points for some objects of the collection, for example, tall museum objects and others which were suspended in space.

The third element, the galleria, was a tall, thin, barrel-vaulted linear volume. It too echoed the tall, nave-like volumes of exhibition structures of the nineteenth century such as the Crystal Palace in London (1851) as well as train departure halls of the same period. At ground level, placed deliberately in this long volume as an introductory exhibit, as if one was literally going on a journey, is 'Locomotive No. 1', the first steam locomotive to see service in NSW in the 1850s. Beyond the locomotive is another of the museum's prized exhibits, the Boulton and Watt 'Whitbread Engine' (1785), one of the first rotative steam engines ever built and the oldest surviving, with its 'distressed' wall evocative of London's Whitbread brewery, a self-conscious piece of architectural stagecraft designed by Glendenning to allow visitors to explore the upper level working of this machine that, in effect, gave birth to steam power and steam travel in the late eighteenth and nineteenth century. At the south end of the galleria, a circular lift (now removed) took visitors to the mezzanine gallery level and administrative staff to the uppermost level, where the administration offices were located. Behind the circular lift at this uppermost level of the galleria was one of Glendenning's 'buildings within buildings'. Designed like a miniature of the Switch House, this gable-roofed, timber-veneer faced structure sits independent of the barrel-vaulted roof of the galleria (Figure 15). It contains the boardroom of the Powerhouse Museum. Entry to this temple-like structure was through a 'Tardis'-like, pyramid roofed structure, aligned at the same angle of the forecourt grid pattern, an orientation that matched exactly that of the Garden Palace (1879). The roof of the boardroom has a vaulted ceiling with a Tiepolo-like painted fresco depicting clouds, blue sky and a *putto* (a winged infant) wielding a bow and arrow.

The significance of all of these elements was their reference to memory, time and travel, evocative not just of the industrial nature of the collection and its new location in a series of structures originally devoted to transport but also an analogy to a museum visitor's experience of memory, time and travel as they would make their way around the diverse volumes and spaces of the whole museum complex.

In the Turbine Hall, Richard Johnson designed another 'building within a building': a plaster-clad architectural form containing within it a miniature recreation of an Art Deco cinema from the Kings Cinema chain, using doors, lights and fittings from the Queen Victoria

15

Building's 1930s renovations and seats from the Manly Odeon (1932, demolished 1985). This 'building within a building' remains. Another architectural form – a white, open 3x3 gridded cube structure – also sat within the Turbine Hall but has since been removed. However, the floating 'top' of this 3x3 cube, which sat above the Kings Cinema form remains.

Other key 'Postmodern' design elements within the Powerhouse Museum that remain, include the two striped escape stair towers in the former Grace Bros courtyard with their bold yellow and green interiors, the basement theatrette ('Target') with its Art Deco-inspired black, silver and mirror finishes, and the main lecture theatre ('Coles'), also in the basement, with its c. 1920s colour scheme by George Freedman, and across the complex, various kitchen and bathroom interiors decorated in black and white checkerboard ceramic tiles.

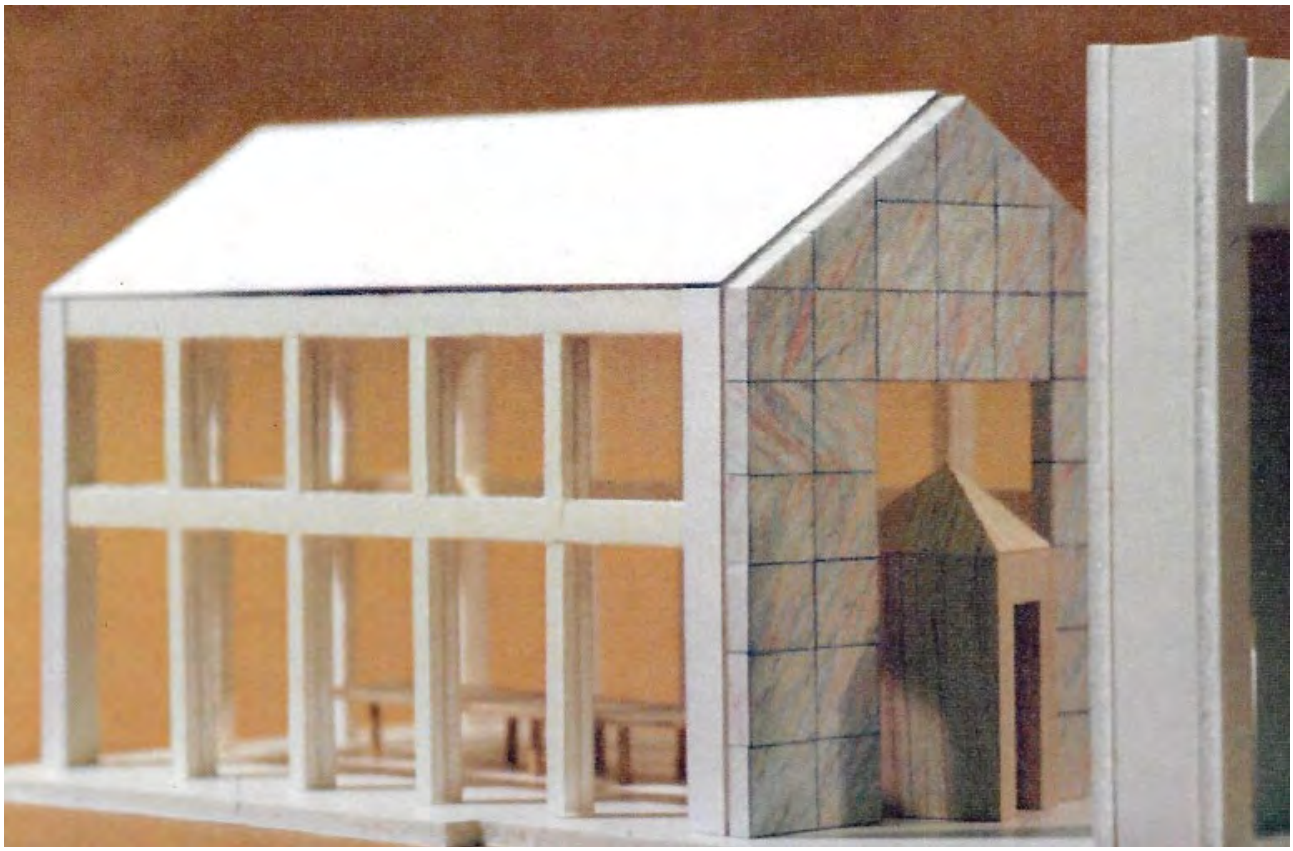

Figure 15 Model of the board room: a building within a building
Source: Courtesy of Jennifer Sanders and Lionel Glendenning

2.6 Response and community sentiment

In 1988, peer recognition at a national level of the design qualities of the Powerhouse Museum was overwhelming. It was the first project ever to have been nominated for three categories in the RAIA National Architecture Awards: the President's Award for Recycled Buildings; the *Belle Interiors* Award for Interior Design; and the Sir Zelman Cowen Award. It won all three.

At the State level, it was the co-recipient of the RAIA NSW Chapter's top award, the Sulman Award for 1988. An excerpt from the national jury's citation is evidence of that contemporary acclaim:

> The interiors at the Powerhouse are dazzling. A *tour-de-force* of form, colour, shape, pattern and texture. Scope remains for change and growth, yet one is never left with a sense of incompleteness.
>
> In an era which demands the separation of architecture, interiors and exhibition design, this project demonstrates that they are very much part and parcel of the same family. The result is stunning. Public acceptance and enthusiasm is overwhelming.
>
> The Sydney Powerhouse is a powerful exhibit, an exhibition and a design centre. It will make a significant contribution to architecture in raising the general design consciousness of all its visitors in an entertaining and memorable way.[16]

The Museum has also been a great popular success. It drew approximately 21 million in-person visitors between its opening in March 1988 and is closure in February 2024.[17]

It is also noted that the success of the Museum is reflected in the popularisation of its name. 'Powerhouse Museum' was a site-specific reference to the place and its new use as premises for MAAS. In recent times, as noted in Appendix A, it has become a brand – i.e. Powerhouse Parramatta.

2.6.1 Social value

Based on a limited review of available information and evidence[18] communities and groups with an attachment to the place include communities of divergent scale, structure, relationships with each other and relationships with the place.

For the purposes of the following, these may variously be characterised as communities of identity, interest and practice.[19]

Members of communities of identity are, in generalised terms, tied to each other through socio-cultural characteristics, including education, values, demographics and social class. Some may have a formal structure (i.e. membership organisations), but the majority are informal. As associated with the Powerhouse Museum, members of communities of identity may derive pride (or a sense of identity) from knowing that the Powerhouse exists.[20] This pride may be associated with an appreciation that the Powerhouse is a museum with few equivalents in Australia or elsewhere that is known worldwide and has contributed positively to perceptions of Sydney and NSW. It may likewise be associated with the Museum's strong connection with MAAS, itself an institution (and collection) of considerable significance. Communities of identity associated with the Powerhouse also include those that have been

16 National Awards Issue, *Architecture Australia* (1988), p. 46.

17 Estimate calculated from visitor data obtained from MAAS annual reports.

18 Sources referenced for this Heritage Assessment include press coverage, advocacy campaigns, MAAS annual reports and the 'What We Heard' Consultation Report prepared by Aureon in March 2022.

19 These typologies draw on Chris Harrington, Allan Curtis and Rosemary Black, 'Locating communities in natural resource management' Journal of Environmental Policy and Planning, Vol 10, 2008, Issue 2.

20 For background on 'existence value' see, for instance, Robin Attfield, 'Existence Value and Intrinsic Value', *Ecological Economics*, Volume 24, Issues 2–3, February-March 1998, pp.163-68.

supported (or represented) by the Museum, including migrant and LGBTQI communities.[21]

Communities of interest include collectives or groups with a 'stake' in a particular issue, space, or practice. They may have formal structures (i.e. be membership based, hold regular meetings or have recognised figureheads) or have informal networks. Communities of interest associated with the Powerhouse Museum include special interest groups, perhaps including retired members of the Rail Tram and Bus Union, the Australian Society for the History of Engineering and Technology, Engineers Australia and the National Trust of Australia, NSW Chapter. Communities of interest also include groups that formed (or mobilised) following the NSW Government's 2014/5 announcement of plans to replace the Powerhouse Museum in Ultimo with a new facility in Sydney's western suburbs. These include, but are not limited to, the Powerhouse Alliance and Save the Powerhouse. Members and supporters of these relatively new communities of interest include museum professionals, curators, architects, heritage specialists, benefactors of the Museum and former MAAS trustees. Core activities of these groups have included challenging the NSW Government's plans and the rationale behind them and drawing attention to the Powerhouse Museum as a place deserving of protection and support.

Communities of practice include groups arranged around an activity or common practice, usually involving interaction, learning and shared interests and/or expertise. Communities of practice associated with the Powerhouse Museum may include but are unlikely to be limited to present and former MAAS staff, Powerhouse Museum staff and volunteers.

21 'Absolutely Queer' was held at the Powerhouse in 2023-24, and the Museum's association migrant history dates to 2003. The impetus behind the Migrant Heritage Centre (established in 1998, but relocated to the Powerhouse in 2003) derived from a recognition that collecting, research and programming in cultural institutions did not reflect the cultural diversity of NSW, and that action was needed to record the memories and experiences of post war migrants.

3.0 ASSESSMENT OF SIGNIFICANCE

The following considers the heritage significance of the Powerhouse Museum complex and its setting. The study area has been the subject of heritage analysis and assessment since the 1980s (see section 1.6), and the application of statutory heritage controls has evolved considerably over that period. The first building at the site to be included in NSW State Heritage Register (SHR) was the Post Office, in 1999; the Power House followed in 2020. Prior to its inclusion in the SHR the Power House was included in LEP ('Powerhouse Museum former warehouse buildings, including interiors'). At the time of writing, the NSW Heritage Department had recommended the expansion of the SHR entry for the Power House to include the Harwood and Wran buildings.

Until recently, heritage assessments of the study area and particular buildings within it have placed emphasis on the significance of the Power House complex for its historical associations with the generation of electricity and Sydney's tramways network, and for reasons of architectural/aesthetic and technical significance.

Consistent themes in the LEP Statement of Significance for the Power House and the present SHR Statement include (in summary) its:

- Historical significance as the original generating station for the supply of electricity to power Sydney's tramway network, and with the reticulation of electrical power generally;
- Historical significance as of the largest and most important generating stations in NSW for many years;
- Technological significance as the first place where turbine driven alternators were used in Australia (in 1905), among other innovations; and
- Local historical significance as a building associated with (and representative of) the Pyrmont Peninsula's late nineteenth century industrial heritage.

Concluding comments in the LEP and SHR entries note, respectively, that:

- Alterations undertaken for the building's conversion to the Powerhouse Museum are significant for its re-use of the buildings and as a 'modern design', awarded the Sulman Medal; and
- The Powerhouse is of museological and architectural significance as a landmark early example of the adaptive reuse of a large-scale industrial heritage site, which was then a radical and exhilarating new approach to museum making for NSW. The transformation of the Power House through conservation and adaptation was recognised with several awards and was influential in the urban design of the later buildings in the precinct.

Other assessments have variously acknowledged the chimneys (demolished) as Sydney landmarks for many years,[22] and the Powerhouse Museum as a place of social value.[23]

3.1 Assessment (2024)

The following assessment is based on *Assessing heritage significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria*, prepared by Department of Planning and Environment, NSW, 2023. This document guides processes of assessment against the criteria developed in 1999 by the Heritage Council of NSW. The criteria were gazetted following amendments to the *Heritage Act* 1977. The guidelines promote a standard of practice for identifying, understanding and assessing places of heritage value. They also assist in determining thresholds for significance (i.e. State or local).

Evidence relied upon in this assessment is included in Appendices A and B and at Section 2.0.

22 See, for instance, National Trust nomination of Ultimo Power House to NSW State Register, 2015.

23 See, for instance, National Trust nomination of Ultimo Power House to NSW State Register, 2015.

Consistent with s. 33(3)(b) of the *Heritage Act* 1977 a place or item should, in typical circumstances, satisfy more than one criterion to warrant inclusion in the SHR.

3.1.1 Criterion 'a': Historic significance

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

As stated in the NSW guidelines framework:

> A place or object is important in the course or pattern of an area's history if it:
>
> - is the product of
> - is an example of
> - was influenced by
> - has influenced
> - is associated with
> - has a symbolic association with
>
> something that has made a strong contribution to the course or pattern of development of our culture, society or environment.
>
> Places or objects that meet criterion (a) might include:
>
> - those that demonstrate strong associations with past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the place or any structure on the place;
> - those that are associated with significant historical events, regardless of the intactness of the place or any structure on the place;
> - cultural landscapes and other evidence demonstrating overlays of the continual pattern of human use and occupation where the physical fabric (above or below ground) demonstrates any of the points described above.

Comment

The Powerhouse Museum complex, including the Wran Building, former Ultimo Tram Depot (Harwood Building) and the former Ultimo Power House buildings, is important in the course of the history of NSW, Sydney and the Pyrmont Peninsula. (*Note*: Ultimo Post Office, which is included in the SHR in its own right, is not considered to derive additional significance for its association with the Powerhouse Museum.)

The former Power House and the Tram Depot demonstrate and retain associations with historic events of significance. The Power House was established in 1898/99 for the generation of electricity to power Sydney's tramway network. The tram cars were stabled in the Tram Depot, constructed concurrently on a site to the south of the Power House. The two buildings continue to share a symbiotic functional relationship.

Ultimo was selected for these major initiatives for a number of reasons, including access to a rail corridor (for delivery of coal), the relatively low cost of land, the potential for expansion (which quickly became a reality), the existing industrial character of the area and because of its proximity to Darling Harbour, which provided a reliable source of water essential for the water cooling system.

The Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. The Power House evolved considerably between the late-1890s and 1930s, reflecting growing demand and technical advances. The Power House finally closed in 1963. Over the following decade it was stripped of plant and machinery, and its three tall chimney stacks were truncated. By the 1970s the evolved Power House complex was in a state of dereliction.

The Ultimo Tram Depot was the first stabling facility for Sydney's electric tram network. The building, which was also enlarged over time to meet demand, closed in 1953, following which it was adapted for storage, a process that included the removal of almost all tram tracks and service pits. The building, which

was contemplated for adaptation as a Museum of Transport in the mid-1960s, was derelict by the 1970s.

In the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power Station and Tram Depot as premises for the Museum of Applied Arts and Science (MAAS), a collection of considerable significance in its own right. The origins of MAAS date to the Sydney International Exhibition of 1879. MAAS also has strong connections with Ultimo, having been headquartered at the Technological Museum on Harris Street from 1893 to the 1980s.

The vision was for the conservation and adaptive re-use of the derelict industrial buildings, and the introduction of new works to the west of the site (Harris Street) creating a new public address. The initiative was developed by the NSW Government Architect and MAAS and drew upon expertise from a broad range of contributors (see Criterion 'b'). In terms of its programme, the ambitious undertaking was inspired by overseas precedents (including the Pompidou Centre, Paris). It was also a major expression of an emerging interest internationally in adaptive renewal (see criterion 'c'). Political impetus for the project was provided by the bicentenary of 1988 (Premier Wran stipulated completion by 1988). The project also a flagship of the regeneration of the Darling Harbour precinct.

MAAS and the NSW Government Architect were committed to delivering a new type of visitor attraction, a place of engagement, activation and broad popular appeal. Aspirations for the architectural character, conservation and internal experience (exhibition design) of the place were correspondingly ambitious. The Powerhouse Museum complex a is place that is embedded within and responsive to its setting. The decision to retain and adapt the historic buildings perpetuated their physical presence in the urban landscape, as well as their relationship and Ultimo's historic associations with industry and transport. The nature of the MAAS collection, including some of its signature items (i.e. the Boulton and Watt 'Whitbread Engine' and 'Locomotive No. 1') aligned with these thematic associations, as well as the huge scale of the buildings.

The new additions were also historically referential – the linear vaulted forms of the Wran Building, for instance, drew upon the Garden Palace, venue for the 1879 International Exhibition, the event that was foundational to MAAS.

The Powerhouse Museum has been a notable popular success and has inspired broad community support and sentiment (see criterion 'd').

The Powerhouse Museum complex satisfies this criterion at the local level (Sydney). It also satisfies the threshold for Criterion 'a' at the State level.

3.1.2 Criterion 'b': Historical association

> An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

As stated in the NSW guidelines framework:

> A place or object has special associational value if it is associated with a person, organisation or group of people who have made an important or notable contribution to the course, pattern and development of our cultural and/or physical environment. In this context, special association may relate not only to the 'great' and well known, but also to the influential, the exemplary, and the innovative.
>
> Places or objects that meet this criterion might include those that:
>
> > demonstrate strong associations with a particular event, historical theme, people, or philosophies and ideologies
> >
> > are associated with significant historical events, regardless of the intactness of the place or any structure on the place.
>
> A place may be considered significant because an important historical figure was said to have lived there and accomplished significant achievements while living there. For example, a house and studio being of state heritage significance as it was

associated with an important artist during the most productive period of their career.

The level of heritage significance at state or local levels can only be determined by comparison with other like places. The attributes described for criteria (f) and (g) can assist in the determination of significance.

The contribution of persons or groups to an area's history must focus primarily on their individual achievement(s) or how well they are known across NSW or the local area. This generally relates to 'who/what did they ultimately influence' or 'who/what did they come to be recognised by'.

Comment

The Powerhouse Museum complex derives significance for its associations with individuals and institutions of importance in Sydney and NSW's history.

The Powerhouse Museum is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations (including the NSW Labor Party, the office of the NSW Government Architect and MAAS) and individuals within them (including Neville Wran, Dr Lindsay Sharp, Norman Harwood, Lionel Glendenning), as well as others (including Richard Johnson). These individuals and institutions reflect diverse fields of endeavour, including politics, architecture, engineering, exhibition design and collections management. Some individuals are remembered in building names (the Wran and Harwood buildings). The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking.

A test for criterion 'b' is first to demonstrate that the person or group is of importance in the history of NSW (or at the local level), and second that they have a special association with the place under assessment.

Of the notable individuals and organisations associated with the Powerhouse Museum complex, two stand out for the strength of their association with the place, and for their role in shaping its identify and evolution: MAAS and the office of the NSW Government Architect. MAAS (notably through the work of Lindsay Sharp and Norm Harwood) and the office of the NSW Government Architect (led by Lionel Glendenning). The Powerhouse Museum is perhaps the seminal work of Glendenning's career.

As related to the other individuals of note associated with the Powerhouse, Neville Wran was associated with multiple places and initiatives, including the Powerhouse Museum, during his ten-year tenure as State premier (1976-86). Evidence to indicate that the Powerhouse derives cultural significance for this association, or that the Museum is a preeminent landmark of his legacy, did not come to light during research for this report.

Similarly, evidence to suggest that the place is of cultural heritage significance for its association with Henry Deane or Walter Liberty Vernon did not come to light. Deane was associated with multiple works of major infrastructure – including the Ultimo Power House and Tram Depot – during his career as Engineer in Chief for the NSW Railways from 1891-1906 and Engineer in Chief of the Commonwealth Railways Construction Branch, 1912-14. Walter Liberty Vernon oversaw the design of a significant numbers of public buildings (including over 20 post offices) as the NSW Government Architect from 1890 to 1911.

The Powerhouse Museum complex satisfies this criterion at the local level (Sydney). It also satisfies the threshold for Criterion 'b' at the State level.

3.1.3 Criterion 'c': Aesthetic/creative/technical achievement

A place or object is important in demonstrating aesthetic characteristics and/ or a high degree of creative or technical achievement in NSW (or the local area).

As stated in the NSW guidelines framework:

> A place or object is important because of its aesthetic significance if that place or object exhibits sensual qualities that can be judged to be of significance against various ideals including beauty, picturesqueness, evocativeness, expressiveness, landmark

presence, streetscape contribution, symbolism or some other quality of nature or human endeavour.

Alternatively, a place is important in demonstrating a high degree of creative or technical achievement at a particular period if that place illustrates artistic or technical excellence, innovation, accomplishment, extension or creative adaptation in a variety of fields of human endeavour including but not exclusive to art, engineering, architecture, industrial or scientific design, landscape design, construction, manufacture, and craftsmanship or some other technical field.

Places or objects that meet this criterion might include those that:

- demonstrate creative or technical excellence, innovation or achievement
- demonstrate aspirations, tastes and fashions
- have been the inspiration for creative or technical achievement
- demonstrate distinctive aesthetic attributes in form or composition
- demonstrate a highly original and influential style, such as an important early (or seminal) work of a major architect
- are an archaeological resource
- demonstrate the culmination of a particular architectural style (known as climactic).

A place may be considered significant under this criterion if it is a major landmark in a town, or it is the first major work in a particular architectural style. The significance may be diminished if its landmark qualities have been impacted by surrounding development, or it is only one of many examples of the architectural style. The level of heritage significance at state or local levels can only be determined by comparison with other like places or objects. The attributes described for criteria (f) and (g) can assist in the determination of significance.

Comment

The Powerhouse Museum complex is significant for demonstrating aesthetic characteristics and a high degree of creative achievement.

Aesthetic value is a broad concept. As applied to heritage significance, aesthetic characteristics and qualities may relate to how we respond to sounds, smells and other factors having an impact on human thoughts, feelings and attitudes. These qualities may be associated with good design; they may also relate to concepts of beauty. Aesthetic values can be the result of the conscious design of a place or object. They can also be the outcome of the way in which a place or object has evolved and been used over time. Many places and objects combine both. Aesthetic values tend to be specific to a time and cultural context. As related to the Powerhouse Museum, this criterion relates primarily to its standing as a landmark of adaptive renewal, and its architectural and experiential qualities.

Conception of the Powerhouse Museum was contemporary with the *Heritage Act*, 1977 (NSW), as well as the first edition of the *Burra Charter* (1979). The adaptation of the former Tram Depot (1979-81) was a very early example in NSW (and Australia) of adaptive renewal of a transport/industrial building and set the tone for the adaption of the Power House buildings. The works to the Tram Depot were significant. Interventions were, however, respectful of the scale, massing, materiality and roof profile of the original structure. The outcome is a building that retains legibility as an historic industrial structure, as well as its relationship with the Power House buildings to the north.

This approach, bold, assertive while simultaneously responsive to the valued attributes and characteristics of the place continued in the Power House itself. The buildings were retained as three-dimensional forms; the spatial qualities of the buildings were celebrated; original fabric was revealed where possible; applied details and new interventions embraced colour as well as architectural diversity of the evolved building complex; and thematic synergies between the

collection and the place were optimised. Opportunities for innovation presented by the existing building were also seized. A notable example was the use of historic conduits connecting the Turbine Hall to Darling Harbour (for use in the water cooling system) in support of the Museum's air conditioning system.

Works for the adaptation of the Ultimo Power House and Tram Depot were contemporary with early examples of adaptive reuse of industrial/transport buildings as arts facilities at the national as well as international levels.

The use of the adapted buildings as premises for MAAS, while not explicitly a heritage issue, is also relevant. The coalition of the collection and the historic buildings was mutually strengthening in terms of their significance, social resonance and cultural influence. For the first time, the buildings were accessible to the public, and the collection had space to breathe and reach a broader audience.

The architectural and experiential qualities of the Powerhouse Museum were the outcome of an intensely collaborative approach, with Lionel Glendenning and Richard Johnson being lead protagonists. Glendenning, architect of record for the Powerhouse and Principal Architect within the Office of the NSW Government Architect, brought a notably plural sensibility to the project. His interest in drawing upon a diverse set of historical and symbolic references was responsive to the origins and associations of the collections and the existing buildings. It was also contemporary with the expansion of Postmodernist principles in architectural design.

Glendenning explored a series of design themes including: the layering of space through screens and structural rhythm; levels of transparency to evoke spatial depth; the insertion of buildings within buildings to rescale experience; memory and contextual reference to create dialogues between old and new, and between past and present; and grids and their rotation as compositional tactics to encourage diverse movement and experiences within a building or site.

The cumulative significance of these elements was their reference to memory, time and travel, evocative not just of the industrial nature of the collection and its new location in a series of structures originally devoted to transport but also an analogy to a museum visitor's experience of memory, time and travel as they would make their way around the diverse volumes and spaces of the whole museum complex.

The design of the exhibitions and visitor experience, overseen by Johnson, was similarly innovative. Much as Glendenning had conceived the exterior form and the diverse scale of spaces within as an extension of the broader urban context, Johnson was interested in the internal experience of the museum being like that of a city. Major exhibits – including the Boulton and Watt Engine, the Cataline and Loco No. 1 – were used as anchors, to assist visitors in navigating the large spaces.

The Powerhouse Museum has been modified since 1988, notably during the works of 2011-13. However, the core principles that underpinned the design response, and many of the sources and references that informed it, remain evident.

The design qualities of the Powerhouse Museum were highly awarded. It was the first project ever to have been nominated for three categories in the RAIA National Architecture Awards: the President's Award for Recycled Buildings; the *Belle Interiors* Award for Interior Design; and the Sir Zelman Cowen Award. It won all of them. At the State level, it was the co-recipient of the RAIA NSW Chapter's top award, the Sulman Award for 1988.

The Powerhouse Museum complex satisfies this criterion at the local level (Sydney). It also satisfies the threshold for Criterion 'c' at the State level.

3.1.4 Criterion 'd': Social, cultural and spiritual

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

As stated in the NSW guidelines framework:

A place or object is important for its strong or special association with a particular community or cultural group. This could be for social, cultural or spiritual reasons that have a perceived meaning or symbolic, spiritual or moral value that is important to them and which generates a strong sense of attachment.

Alternatively, a place is important when the community exhibits strong or special feelings or attaches community identity to it, or the community gathers especially for spiritual reasons, recreation or resort.

The place or object may be Aboriginal or non-Aboriginal or a natural environment. The natural place or object does not have to be a built/ constructed/modified (culturally created) place and could be in an unmodified natural form or format.

Types of places or objects that meet this criterion might include those that:

- are esteemed by the community for their cultural values such as places that support cultural traditions or practices
- are considered sacred and/or if damaged or destroyed would cause the community a sense of loss
- contribute to a community's sense of identity such as places of reverence and worship.

A place or object does not need to be known to or valued by the whole community in an area to be significant. A 'particular' community or cultural group may be defined by such things as a common ethnic background, religious belief or profession.

Care must be taken not to confuse heritage significance with preference. For example, a community may seek to retain an older building in preference to replacing it with a more contemporary development of a site. In such cases, there must be evidence that the place or object is separately valued in accordance with this criterion or one of the other criteria to be considered a significant place.

Comment

The Powerhouse Museum is a place of social value to communities and groups for a range of reasons variously related to conceptions of identity, practice and interest (as discussed at Section 2.6.1). Based on the limited review of evidence undertaken for this assessment, communal attachment as it relates to the Powerhouses Museum resonates at the local (Sydney) level and possibly the State level.

Since its opening in 1988 the museum has been valued by people across Sydney, NSW and beyond who have shared experiences and memories of the place. The strength of public attachment to the place is demonstrated by the extent of public support and donations for its establishment, and subsequently, its consistently high visitor numbers and the strong community reaction to the NSW Government's proposal for significant change at the place.

The Museum is used and appreciated by the Pyrmont, Sydney and NSW communities. It is also valued by communities who identify with and derive a sense of pride from an appreciation that the Powerhouse is a museum with few equivalents in Australia or elsewhere that is recognised worldwide and has contributed positively to perceptions of Sydney and NSW. Communities of identity associated with the Powerhouse also include those that have been supported (or represented) by the Museum, including migrant and LGBTQI communities.

Communities of interest associated with the Powerhouse Museum include groups that formed (or mobilised) following the NSW Government's 2014/5 announcement of plans to replace the Powerhouse Museum in Ultimo with a new facility in Sydney's western suburbs. Communities of interest also include those with an interest in the site's associations with industry, transport and with MAAS.

Communities of practice associated with the Powerhouse Museum may include but are unlikely to be limited to present and former MAAS staff, Powerhouse Museum staff and volunteers.

The Powerhouse Museum complex satisfies this criterion at the local level (Sydney). It is possible that it also satisfies the threshold for Criterion 'd' at the State level.

3.1.5 Criterion 'e': Research potential

> An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

As stated in the NSW guidelines framework:

> A place or object has potential to yield information that will contribute to an understanding of an area's history if it can be demonstrated that with further examination or research, it may reveal information that will contribute to our understanding of our past.
>
> The potential to contribute to our understanding of the past may be found in archaeological deposits, complexes, buildings and structures, gardens and plantings.
>
> Types of places or objects that meet this criterion might include those that:
>
> > have the potential to yield new or further substantial information (such as scientific, archaeological, architectural)
> >
> > are an important benchmark or reference site, place or type
> >
> > contribute evidence to our understanding of past natural and cultural patterns, development or activity that is unavailable elsewhere.
>
> Documents, oral history and other sources of evidence, in addition to a detailed examination of the surviving physical fabric, can often assist in the assessment of whether a site could reveal valuable archaeological, technical or scientific information. For example, it may become apparent that the buried footings of a colonial house have little integrity if there is historical evidence that the site has been so disturbed that there will be no additional archaeological deposits associated with the use of the house.

Comment

It is considered that further investigation of or research into the Powerhouse Museum complex has limited potential to yield evidence of cultural heritage significance that is not currently visible, well understood or available from other sources.

As noted above (Criterion 'a'), the Powerhouse Museum complex derives historical significance for its association with the generation of electrical power, initially for Sydney's tramway network, and for the redevelopment of the place as premises for MAAS in the 1980s.

Following its closure (1963) the Ultimo Power House was stripped of the majority of machinery and plant. Fixtures and items that provided evidence of the Tram Depot's original use, a comparatively simple structure, were also removed. By the late-1970s the buildings existed largely as shells.

The history of the Power House, in terms of its operation and evolution, is well known from the documentary record, as well as from analyses and assessments of the place undertaken since the mid-1980s. The same applies to the former Tram Depot.

The Powerhouse Museum complex, in terms of its design, development, opening, evolution and operations since the 1980s, has likewise been thoroughly documented.

The extent of disturbance at the site over time is such that archaeological potential at the subject site is generally limited.[24]

The Powerhouse Museum complex is not considered to satisfy this criterion at the local level (Sydney). Likewise, it is not considered to satisfy the threshold for Criterion 'e' at the State level.

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24 For further detail on areas considered to retain potential for historical archaeological resources to be present see Curio Pty Ltd, Draft Conservation Management Plan for the 'Powerhouse Ultimo', Section 3, Table 3.3.

3.1.6 Criterion 'f': Rare

An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

As stated in the NSW guidelines framework:

> A place or object demonstrates rare, uncommon or endangered aspects of an area's cultural or natural heritage. The place or object illustrates past human activities or achievements that are at risk of being lost, and/or are of exceptional interest. Past human activities and achievements can include a way of life, custom, process, function, land use, design or some other activity or achievement that is no longer practised.
>
> Types of places or objects that meet this criterion might include those that:
>
> - provide evidence of a defunct custom, way of life or process
> - are the only example of their type
> - demonstrate designs or techniques of exceptional interest
> - show rare evidence of a significant human activity important to a community.
>
> This criterion is exclusive and is concerned with places that are few in number. Determining what constitutes 'few in number' relies on contextual study. It is difficult to make claims without knowing how many other places survive or how many places existed at some time in the past.
>
> It requires overview studies and comparative studies of place types to make judgements, although even with comparative study the historical data may be indicative rather than quantifiable.
>
> For example, a park in a country town is said to be a rare example of Victorian public garden design, but further research reveals that it is a representative example, as there are many such parks in country towns in NSW. However, if research shows that the park is one of the few remaining examples of an important 19th century garden designer, or contains species not found in similar gardens elsewhere, it may qualify as rare in the NSW context.
>
> Assuming it is the only garden of its type in the local area, it is likely it would also be rare in the local context. The level of heritage significance at state or local levels can only be determined by comparison with other like places or objects or by proving that there is no documentation on similar places. This helps in determining the heritage significance of a place.

Comment

The Powerhouse Museum is one of a large number of cultural institutions and museums in NSW.

The Power House complex is also one of a large number historic buildings adapted to new uses in Sydney and NSW, albeit a particularly large and successful example. Likewise, it is one of a large number of places and monuments in Sydney and NSW associated with the bicentenary (see also Section 2.4).

The Powerhouse Museum complex is not considered to satisfy this criterion at the local level (Sydney). Likewise, it is not considered to satisfy the threshold for Criterion 'f' at the State level.

3.1.7 Criterion 'g': Representative

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

As stated in the NSW guidelines framework:

> A place or object is important in demonstrating the principal characteristics of a particular class of cultural or natural places or objects if it displays:
>
> - the defining features, qualities or attributes of a type

variation within a type

evolution of a type

transition of a type

and where the type or class of cultural or natural places illustrates a range of human or environmental activities including:

a way of life

a custom

an ideology or philosophy

a process

a land use

a function

a form

a design

a style

a technique

some other activity or achievement.

Types of places or objects that meet this criterion might include those that:

demonstrate the stages of development of a class of cultural places, including experimentation

are recognised as an example of a type, style, taxonomic group, etc

demonstrate land-use influence on the geographical, financial, etc development of an area

demonstrate in their fabric the impact of an ideology, value or philosophy or association with a custom

include complexes where more than one building or structure survives, demonstrating a way of life, often with associated furniture, fittings and other objects.

A place must demonstrate its significance in its fabric to fulfil criterion (g). This criterion is concerned with the evidence found at the place. If the evidence does not survive this criterion cannot be applied.

To assist in determining whether a place satisfies criterion (g), it is important to adopt a common understanding of:

class of cultural places

principal characteristics.

Comment

The Powerhouse Museum complex does not derive cultural heritage significance as related to criterion 'g'.

Every place or building is an example of a 'type' or 'class'. A key test is whether the class of place is significant. The Powerhouse Museum, as a major public institution dedicated to conserving and displaying culturally significant objects, satisfies this test, and it displays the distinguishing attributes of this class, including diversity of experience, accessibility, mass appeal and evolution. For the reasons given above (notably at Section 2.1), the Powerhouse also represented an 'evolution' of this type.

It is considered, however, that the conceptual, museological and architectural rationale behind this evolution is adequately, and more appropriately addressed under criteria 'a' and 'c' above.

The Powerhouse Museum complex is not considered to satisfy this criterion at the local level (Sydney). Likewise, it is not considered to satisfy the threshold for Criterion 'g' at the State level.

3.2 Statement of significance (2024)

What is significant?

The Powerhouse Museum complex, including the Wran Building, former Ultimo Tram Depot (Harwood Building) and the former Ultimo Power House buildings [see Figure 16]. The buildings, their setting and the exhibition design of the Powerhouse Museum should be understood as an integrated whole.

Why is it significant?

The Powerhouse Museum complex is of historical significance (Heritage Council of NSW Criteria 'a' and

'b'), aesthetic significance (Criterion 'c') and social significance (Criterion 'd') to NSW and Sydney.

How is it significant?

The former Power House and the Tram Depot demonstrate and retain associations with historic events of significance. The Power House was established in 1898/99 for the generation of electricity to power Sydney's tramway network. The tram cars were stabled in the Tram Depot, constructed concurrently on a site to the south. The two buildings continue to share a symbiotic functional relationship.

The Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. It closed in 1963. The Ultimo Tram Depot (also completed in 1899, and closed in 1953) was the first stabling facility for Sydney's electric tram network.

In the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power Station and Tram Depot – by then in a state of dereliction and largely stripped of plant and machinery – as premises for the Museum of Applied Arts and Science (MAAS), a huge collection of considerable significance in its own right. MAAS has strong connections with Ultimo, having been headquartered at the Technological Museum on Harris Street from 1893 to the 1980s.

The vision was for the conservation and adaptive re-use of the derelict industrial buildings, and the introduction of new works to the west of the site (Harris Street) creating a new public address. The undertaking was inspired by overseas precedents. Political impetus for the project was provided by the bicentenary. The project also a flagship of the regeneration of the Darling Harbour precinct. *(Criterion 'a')*

The Powerhouse is a large and complex place that is rich in ideas, ambition and associations. It is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking. Of the notable individuals and organisations associated with the complex MAAS and the office of the NSW Government Architect stand out for the strength of their association with the place, and for their role in shaping its identify and evolution. The Powerhouse Museum is perhaps the seminal work of Glendenning's distinguished career. *(Criterion 'b')*

The Powerhouse Museum complex is a major, and early, outcome of an emerging interest internationally in adaptive renewal of industrial/transport buildings for the creative arts. Works for the adaptation of the Tram Depot and Power House buildings were bold, and assertive while simultaneously responsive to the distinct character of the place.

The coalition of the MAAS collection and the historic buildings was mutually strengthening in terms of their significance, social resonance and cultural influence.

The architectural and experiential qualities of the Powerhouse Museum were the outcome of a collaborative approach, with Lionel Glendenning and Richard Johnson being lead protagonists. Glendenning brought a notably plural sensibility to the project. His interest in drawing upon a diverse set of historical and symbolic references was responsive to the origins and associations of the collections and existing buildings. It was contemporary with the expansion of Postmodernist principles in architectural design.

Glendenning explored a series of design themes at the Powerhouse the cumulative effect of which was their reference to memory, time and travel, evocative not just of the industrial nature of the collection and its new location in a series of structures originally devoted to industry and transport but also an analogy to a museum visitor's experience of memory, time and travel as they would make their way around the diverse volumes and spaces of the whole museum complex.

The design of the exhibitions and visitor experience, overseen by Johnson, was similarly innovative. Much as Glendenning had conceived the exterior form and the diverse scale of spaces within as an extension of the broader urban context, Johnson was interested in the internal experience of the museum being like that of a city. Major exhibits – including the Boulton and Watt Engine, the Cataline and Loco No. 1 – were used

as anchors, to assist visitors in navigating the huge spaces.

The Powerhouse Museum has been modified since 1988, notably during the works of 2011-13. However, the core principles that underpinned the design response, and many of the sources and references that informed it, remain evident.

The design qualities of the Powerhouse Museum were highly awarded. *(Criterion 'c')*

The Powerhouse Museum is a place of social value to communities and groups for a range of reasons variously related to conceptions of identity, practice and interest. Broad communities of identity across Sydney and NSW derive a sense of pride from an appreciation that the Powerhouse is a museum with few equivalents in Australia or elsewhere that is recognised worldwide and has contributed positively to perceptions of Sydney and NSW. Communities of identity associated with the Powerhouse also include those that have been supported (or represented) by the Museum, including migrant and LGBTQI communities.

Communities of interest associated with the Powerhouse include groups that formed (or mobilised) following the NSW Government's 2014/5 announcement of plans to replace the Powerhouse Museum in Ultimo with a new facility in Sydney's western suburbs, Communities of interest also include those with an interest in the site's associations with industry, transport and with MAAS.

Communities of practice associated with the Powerhouse Museum may include but are unlikely to be limited to present and former MAAS staff, Powerhouse Museum staff and volunteers. *(Criterion 'd'.)*

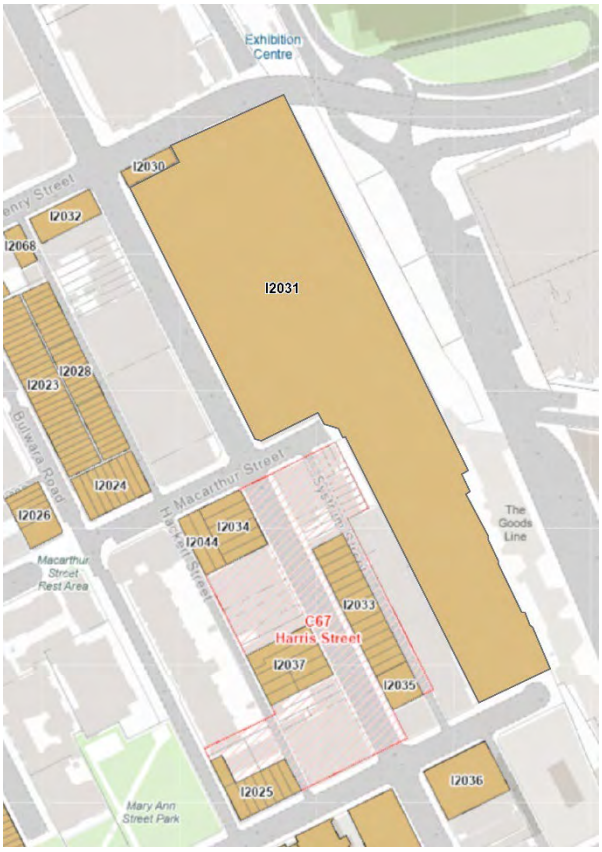
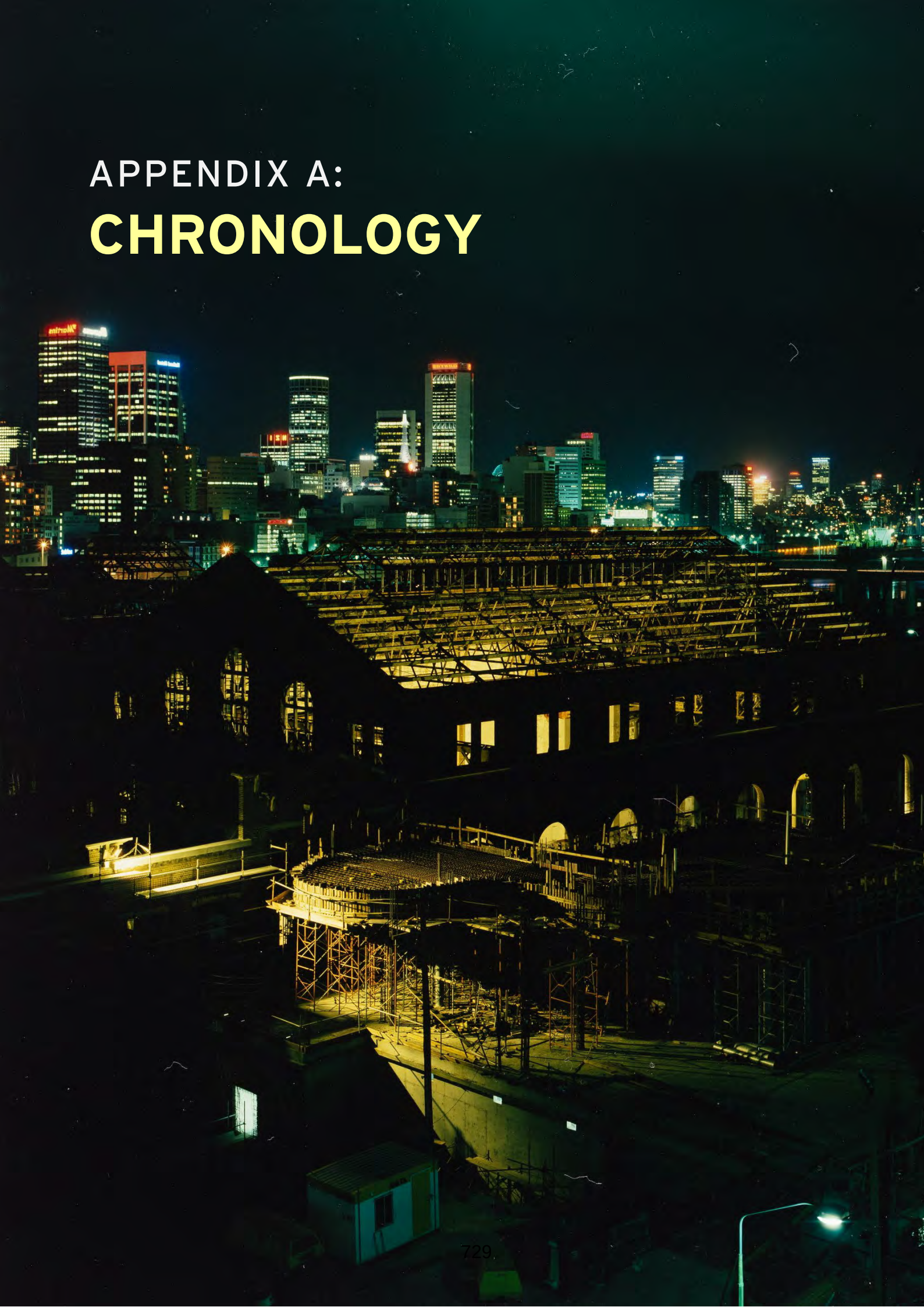
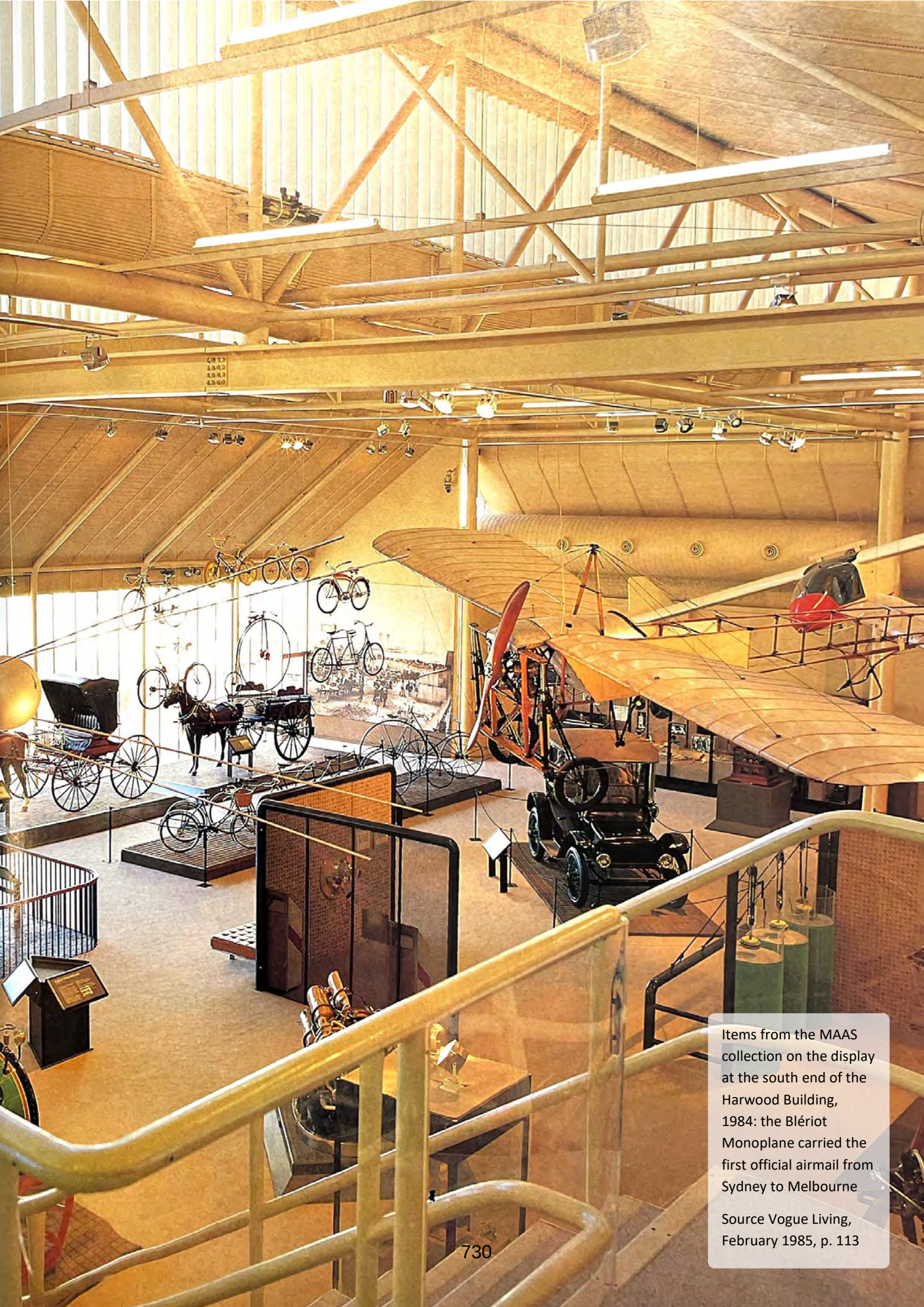


Figure 16 Proposed extent of heritage curtilage for the Powerhouse Museum complex for the Sydney LEP, Heritage Sheet 008: designated I2031

APPENDIX A:
CHRONOLOGY





Items from the MAAS collection on the display at the south end of the Harwood Building, 1984: the Blériot Monoplane carried the first official airmail from Sydney to Melbourne

Source Vogue Living, February 1985, p. 113

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INTRODUCTION

The following chronology arranged around core phases in the evolution of the Powerhouse Museum at Ultimo since the late-1970s, and the Museum of Applied Arts and Science (MAAS) since 1879. The core objective of this document is to support an understanding of the Powerhouse Museum as a place of historical significance. It does not seek to present a complete or comprehensive history of either the Powerhouse Museum of MAAS. As noted in the main report, pre-colonial land uses and associations are not addressed in this chronology.

Information included below derives, in the main, from the following sources:

Architectural Projects, *Conservation Management Plan: The Powerhouse Museum*, prepared for the Powerhouse Museum, 2003

T Brassil, *Ultimo Tram Depot (The Harwood Building), History and Significance*, National Trust of

Australia (NSW), 2019

Curio Projects, *Powerhouse Ultimo Draft Conservation Management Plan*, May 2022

Design 5 Architects, Powerhouse Museum Design Principles, May 2022 (included as an appendix to the Curio Project CMP referenced above)

Nomination of Ultimo Power House as a site for an historic engineering marker, November 1994

Parliament of New South Wales, *Upper House Inquiry into museums and galleries: Hearings and Transcripts*, 2016-2019

Parliament of New South Wales, *Upper House Inquiry into museums and galleries: Hearings and Transcripts*, 2020-2022

Parliament of New South Wales, *Legislative Council Hansard*, selected commentary and documentation, 2015-2024

View looking south towards Darling Harbour from Blues Point, c. 1880
Source: Museums of History, mhnsw.austoriesgeneraldarling-harbour)

SETTLEMENT AND INDUSTRY: 1788-1880s

Pyrmont and Ultimo developed as industrial areas with strong transport connections following European settlement, establishing themes that continue to resonate.

1803-06 Governor King grants 13.8 hectares (34 acres) to surgeon John Harris (1803). The land is named 'Ultimo Farm' by Harris. A further grant of 54.4 hectares (135 acres) is given by 1806. The Powerhouse Museum is believed to be located within this larger grant.

1830s Reclamation and development of Darling Harbour.

Development in Pyrmont and on the periphery of the Harris estate includes quarrying, manufacturing and processing works, as well as workers' housing.

1838 John Harris dies, leaving no heirs. His estate is divided equally between his brothers William and George Harris. Complications with his Will leave the brothers being able to receive rent from properties, but unable to subdivide the land, stymieing development.

1855 The Darling Harbour Goods Line is extended along the eastern boundary of Ultimo to a location close to the future Pyrmont Bridge. The presence of the Goods Line in this location severs the direct connection between Darling Harbour and Harris Street, with the Powerhouse site located in between. The isolation of the Harris land from Darling Harbour, in addition to the underutilisation of the rail line in its early years, creates tension between the Harris family and the Government.

1859 The sons of William and George Harris inherit the Ultimo Estate, meaning that subdivision of the land is now legally permissible. Built form delivered as an outcome of subdivision generally continues patterns seen elsewhere on the Pyrmont peninsula, including warehouses, industrial complexes and workers housing.

1860s-80s Consolidation of the Pyrmont peninsula as an industrial area dominated by warehouses and large factories, many associated with the wool industry. Limited residential development.

1870 The Darling Harbour Goods Yard is constructed to the north of the subject site.

THE MUSEUM OF APPLIED ARTS AND SCIENCE: 1879 - PRESENT

Established as an outcome of the Sydney International Exhibition (1879), the institution now known as the museum o Applied Arts and Science occupied various premises before taking up residence at the Technological Museum on Harris Street, Ultimo in 1893. In 1988 it relocated to the former Ultimo Power House.

1879 (17 September) Sydney International Exhibition opens at the Garden Palace, a purpose-designed exhibition venue designed by James Barnet.

1880 (January) The New South Wales Technological, Industrial and Sanitary Museum (NSWTISM) is founded and acquires exhibits which had been displayed at the International Exhibition. The Museum is housed within the Garden Palace in the Sydney Botanic Gardens.

1882 (September) A major fire at the Garden Palace destroys the building and much of the Museum collections.

1883 The Museum is re-established in the former Agricultural Hall in the Domain.

1893 The Museum moves into new premises at 651 Harris Street, Ultimo designed by William Kemp. The location, adjacent to the Sydney Technical College, is selected to attract and instruct workers.

The Museum continues to collect exhibits, specialising in Australian decorative arts, ceramics, clothing, furniture and musical instruments. It also carries out a programme of applied scientific research.

Figure 1 Technological Museum, 651 Harris Street, designed by William Kemp
Source: Dixson Library, State Library of NSW, IE12594670, FL12594912

1900s

The Museum is running out of space for collection storage and exhibitions. Over the coming decades options contemplated for new premises include the Queen Victoria Building, the Fort Macquarie Tram Depot and the Sydney University Institute.

Much of collection is stored off-site.

1906

Renovations to the Museum's interior, and opening of a gallery devoted to Australian Flora Applied to Art.

1945

Passage of the *Museum of Applied Arts and Sciences Act*. The Museum is renamed the Museum of Applied Arts and Sciences (MAAS).

1947

A 2.8-hectare site at Castle Hill was acquired for the Museum (now the 'Powerhouse Castle Hill').

1950s

The Museum presents demonstrations of new models and inventions such as X-ray and RADAR equipment, and television.

1960s-70s

Ongoing attempts to identify larger premises for the Museum. From the late 1970s, buildings at Castle Hill become the central storage facility for the collection.

1978

NSW Premier Neville Wran announces ambitious plans for the adaptive re-use of the former Ultimo Power House and the former Tram Deport as premises for MAAS. Dr Lindsay Sharp appointed Director of MAAS.

(September) Building A at Castle Hill opens, containing a workshop and conservation facilities. Buildings B, C and G are completed during the 1980s.

Figure 2 Timber exhibit, Technological Museum, 1906
Source: Government Printing Office, NSW State Archives, NRS-4481-3-[7/16331]-St3084

Figure 3
Hand loom, Technological Museum, 1927

Source: Government Printing Office,
NSW State Archives, NRS-4481-3-[7/16001]-St11616

ESTABLISHMENT OF THE ELECTRIC TRAMWAYS: 1890s

A commitment to the electrification of Sydney's tramway network results in the construction of the Ultimo Power House and the adjacent Tram Depot (Car House).

1893

Sydney's first electric-powered tram line opens on the North Shore. Its success leads to plans for adopting electricity across the whole network.

1895-96

(September) An Act of Parliament sanctions the construction of the George Street and Harris Street Electric Tramway, along with a Power House and Car House at Ultimo. Factors influencing the location of the Power House include access to the Darling Harbour Rail Corridor (the Goods Line) for coal supply and the disposal of ashes; access to Darling Harbour for adequate sea water supply for the condensers; and the relatively low cost of the land and space for expansion. While the intention was to purchase the whole city block bounded by William Henry, Harris, Macarthur and Pyrmont streets, the exclusion of the more expensive Harris Street frontage reduces the capital outlay.

1897

The majority of contracts for construction of the Power House and Car House are let between 1897 and 1898. J Stewart & Co is contracted to build the Ultimo Power House and Tram Shed, and Justin McSweeney is awarded Contract 18 to construct the water conduit connecting Darling Harbour to the Boiler House supplying seawater to the condensers (the Water Cooling System and Manifold).

1898

Construction of the Ultimo Power House and Car House commences.

1899

The Ultimo Power House opens (December), to generate electricity for Sydney's new tram network. It is the first large-scale electric power plant constructed in Australia. The complex of buildings comprises the Engine Room/House and Administrative/Office Building (North Annex), and the Boiler Hall/House and Pump Room/House. The overall building measures c. 60 metres (200 feet) by c. 30 metres (100 feet). The original pump house chimney stack is estimated to have comprised 890,000 bricks and rose to a height of c. 91 metres (300 feet).

The Ultimo Tram Depot opens the same year and is operational from 8 December. The Depot houses the fleet on the George Street, City to Harris Street, Pyrmont line and is bounded by Mary Ann Street (south), Omnibus Lane (west); the Darling Harbour Railway Goods Yard (east); and the Power House (north). As originally built, the Tram Depot comprises 12 tracks and nine bays, and measures c. 83 metres (275 feet) by c. 39 metres (130 feet). The structure, with capacity for 108 tram cars, is the first of 12 electric tram depots to open across the tram network between 1899 and 1915. A Store and Repair Shop adjoining the rear of the depot features the same sawtooth design of the Car House.

Figure 4
Power House under construction, c. 1898: view looking north-east with the William Henry Street iron bridge visible at rear

Source: NSW State Archives, NRS-4481-2-[4/8645]-1227

Figure 5
Power House under construction, c. 1898: view looking north to the pump room and stack

Source: NSW State Archives, NRS-4481-2-[4/8645]-1228

Figure 6
Power House under construction, 1898: the Engine House and North Annexe

Source: NSW State Archives, NRS-4481-2-[4/8645]-122

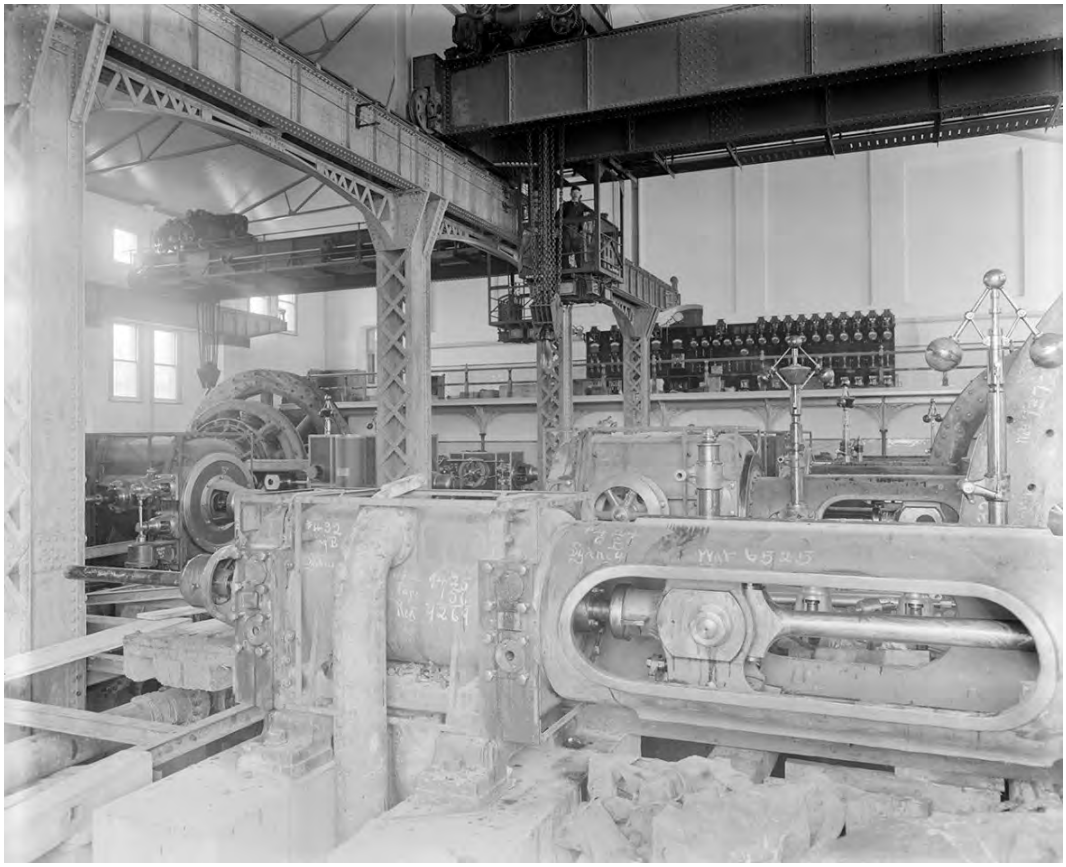


Figure 7
Ultimo Power House interior, 1899: Engine Hall

Source: NSW State Archives, NRS-4481-4-523-[AF00224579]

Figure 8
First electric tram, Ryde lines, Ultimo Depot, 1899

Source: NSW State Archives, NRS-17420-2-49-2009/011

EXPANSION: 1900s -1930s

Expansion and modernisation of the Ultimo Power House and Tram Depot.

1901

Designed by the Public Works Department's Government Architect's Branch under W L Vernon in 1900, the Ultimo Post Office is constructed at 484 Harris Street, Ultimo. The building opens on 16 July and operates until the 1980s when it is converted to a childcare centre.

1902-05

With rapid demand for electricity, the Power House is expanded just three years after opening. The works are significant, including extension of the Engine House (later renamed the Turbine Hall) to the south; and construction of a new and larger Boiler House. The Boiler House, with 24 boilers installed at the peak of capacity, is designed to produce high-pressure for conversion to electricity, and to use seawater taken from Darling Harbour to cool its condensers. Two chimney stacks, each c. 68 metres high (224 feet), are built for the new boilers. Extensions to the Engine House accommodate the new alternating current plant with higher voltage capacity allowing substations were built around the Sydney tramway system.

Ultimo is the largest generating power station in the Southern Hemisphere with an output of c. 13,274 kilowatts (17,800 horsepower).

1904

The Pyrmont Power Station begins operations less than a mile away, further consolidating the peninsula's identity as an industrial area.

1908

The Tram Depot is extended with five additional bays spanning c. 46 metres (150 feet) north along the Darling Harbour Goods Line.

1909

With increasing demand for electricity, two additional turbo-alternators are installed at the Power House.

1912

Construction begins on a new Power House at White Bay (operational by 1913).

1913

To accompany the operations of the Tram Depot, a Tramway Instruction Room is constructed at the northwestern extent of the site between the Turbine Hall and the Post Office. This siting of the Tramway Instruction Room amongst Power House buildings and away from the Tram Depot speaks to the intertwined processes of both and the connected nature of operations throughout the site. The Tramway Instruction Room is a purpose-built facility housing specialist equipment used for the training of electric tram drivers.

1920s

Expansion and improvements to Ultimo Power House associated with electrification of the suburban rail network.

1922-27

A new Switch House is constructed to support upgrades to Sydney's tram network beyond the capacity of existing switchboard facilities in the Engine Room and Turbine Hall. It is located to the south of the Turbine Hall and houses high tension switch gear, transformer banks, and a new control room.

1923 Power output at the White Bay Power House exceeds that of Ultimo for the first time.

1923-28 New water conduits constructed from the Power House to Darling Harbour.

1927 Until 1927, one of the depot's tram tracks (known as '10 Road') connected the Tram Depot with the railway line running from Darling Harbour Goods Yard to the Power House. This connection originally streamlined the movement of materials associated with the Power House's operational infrastructure and the Darling Harbour Goods Line. This railway line would later be removed to accommodate the construction of a coal storage bunker which allowed the Power House to continue operating through the 1940s supply chain issues of coal related to industrial action.

1927-32 Modernisation and remodelling of the Power House to achieve greater efficiency of operation, including replacement and upgrade of equipment and plant, installation of a new pneumatic coal handling plant, and construction of a new concrete coal store to the south of the Boiler House.

Figure 9 View from Pier Street towards the Boiler House and Pump House stack, 1937
Source: City of Sydney Archives, A-00029703

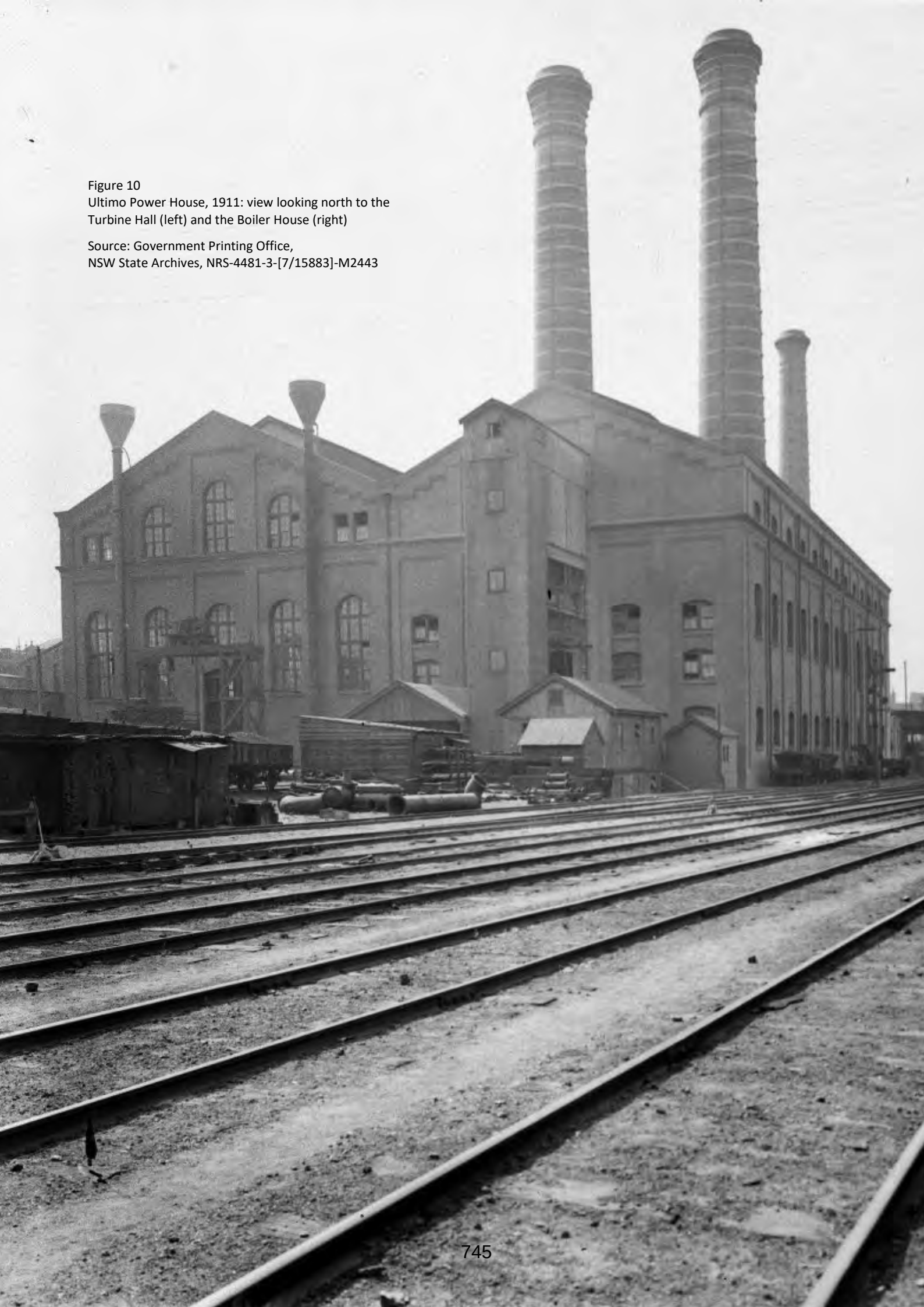


Figure 10
Ultimo Power House, 1911: view looking north to the Turbine Hall (left) and the Boiler House (right)

Source: Government Printing Office,
NSW State Archives, NRS-4481-3-[7/15883]-M2443

Figure 11
the Engine house during adaptive works (1980s)

Source: Powerhouse Museum

DECLINE AND CLOSURE: 1940s-70s

Following World War II, industry shifted away from the inner suburbs, including Pyrmont and Ultimo. The de-industrialisation process results in widespread redevelopment.

1939-45	During World War II, air raid shelters are constructed at the Ultimo Power House complex.
1947	Interruptions to coal supply in the 1940s, a result of industrial action at the coalfields, result in conversion of the boilers to operate on fuel oil.
1948	(April) The Commissioner of Railways purchases 550 Harris Street, providing a street frontage to the west.
1953	(June) The Ultimo Tram Depot ceases operations, the first of Sydney's 12 tram depots to shut down. Until 1956, it is used to store surplus tramcars awaiting scrapping. The Tramway Instruction Room is vacated when a new training school opens in Randwick. By 1954 it is being used as a storeroom for the Electrical Commission of NSW.
1960s	The Tram Depot is used for storage for the Museum of Applied Arts and Sciences (MAAS) and Brambles Industries Ltd.
1960	Demolition begins on the 1898-99 Pump House chimney stack.
1963	(October) Closure of the Power House; the replacement of Sydney's tram network in favour of buses is complete.
1964	The former Tram Depot is vested in the Board of Trustees of the MAAS for the purposes of establishing a transport museum. The Government Architect prepared plans for the construction of the Museum.
1967	Plans to establish a transport museum in the Tram Depot are suspended, associated with consideration of the Western Distributor being routed on its path (plans for the freeway were abandoned in 1977).
1967-68	Extensive demolition of the Pump House to allow for widening of the William Henry Street Bridge.
1975-77	Most of the Power House plant machinery and equipment is removed. Demolition of the two 1902 Boiler House chimney stacks to below roofline heights.

RENEWAL: 1970-80s

Adaptation of the Power House for the Museum of Applied Arts and Sciences.

1977

Passage of the *Heritage Act*, NSW – this legislation framed the works to the former Tram Depot and Power House.

1978

Feasibility study (Powerhouse Relocation Study) for adaptive re-use of the Power House prepared by Dr Lindsay Sharp and Lionel Glendenning (see also page 20) under the aegis of Premier Neville Wran and the Minister for Public Works. This document references the adaptation of Gare O'Orsay in Paris as a museum, in addition to the adaptation of Hyde Park Barracks and the Royal Mint. It is anticipated that the museum would require 38,000sqm of space to accommodate its requirements.

1979

(13 August) NSW Premier Neville Wran announces plans to adapt the Power House and Tram Depot as premises for MAAS, with final completion by the bi-centenary in 1988.

Figure 12 Interior of the Turbine Hall, facing south, during adaptive works
Source: Powerhouse Museum

Figure 13 View looking north from the Turbine Hall, during adaptive works (1980s)
Source: Powerhouse Museum

Figure 14 View of the Power House looking northeast (1980s)
Source: Powerhouse Museum

Figure 15 View looking south from the Post Office, c. mid-1980s: the footings of the Wran Building are in the foreground
Source: Powerhouse Museum

1981

(September) Stage One of the redevelopment – the Ultimo Tram Depot opens – a foretaste of what is to come. The former Tram Depot is adapted for use by MAAS, and as a temporary display space for exhibits, at a cost of $5.2 million with much modification to the existing building.

The site is opened on 4 September by NSW Premier Neville Wran.

1982-87

Redevelopment of the Power House buildings as Stage Two of the Powerhouse Museum continues.

Works to adapt the Power House were significant. Plant and equipment were removed, new internal floors introduced, and new buildings constructed on the west side.

1984

The former Tram Depot is renamed the 'Harwood Building' in honour of former MAAS curator Norman Harwood.

The Darling Harbour Goods Line is decommissioned, after port functions and wool stores moved away from Sydney in the 1960s.

1985 The former Ultimo Post Office is adapted as a childcare centre.

1986 Richard Johnson of Denton Corker Marshall Architects is appointed as exhibition designer for the Powerhouse Museum (see page 20).

1988 Ultimo Powerhouse Museum opens (March). The Harwood Building becomes storage, office space, workshops and studios/laboratories to support the Powerhouse Museum.

Peer recognition for the design qualities of the Powerhouse is overwhelming. It is the first project ever to have been nominated for three categories in the RAIA National Architecture Awards (the President's Award for Recycled Buildings; the Belle Interiors Award for Interior Design; and the Sir Zelman Cowen Award). It wins all three. At the NSW level, it is the co-recipient of the RAIA NSW Chapter's top award, the Sulman Award.

Figure 16 Oblique aerial view looking north along Harris Street, 1988
Source: Australian Heritage Photographic Library (Dragi Markovic, Barcode rt65910)

LIONEL GLENDENNING (1941-)

Lionel Glendenning graduated in architecture from the University of New South Wales in 1966. The winner of multiple scholarships including the Byera Hadley Travelling Scholarship, a Fulbright Travel Grant and the inaugural Robert Gordon Menzies Scholarship, he gained an M.Arch from the Graduate School of Design (GSD) at Harvard University in 1969. At Harvard, formative influences were the architectural history lectures of Eduard Sekler (1920-2017), the environmental ideas of landscape architect Ian McHarg who regularly visited the GSD, and the focus on urbanism in the design studios.

Glendenning had earlier commenced work as a student in the office of the NSW Government Architect in 1958, rising to Principal Architect in 1984. Key projects on which he worked as principal designer included the Claymore Public School (1980), Bicentennial Park, Homebush (1983-8, with landscape architect Lorna Harrison), and the Sulman Award-winning Powerhouse Museum (1978-88).

In 1988, Glendenning joined the Sydney firm of Edwards Madigan Torzillo Briggs Pty Ltd as Managing Director, where he worked until his retirement in 2012. Key EMTB projects, with which Glendenning was closely associated include a proposal for a Multifunction Polis, Adelaide, SA (1989-90, unbuilt), IMAX Theatre, Darling Harbour, Sydney (1996) and Caves Beachside, NSW (2009).[1]

RICHARD JOHNSON (1946-)

Richard Johnson graduated in architecture from the University of New South Wales in 1969, then worked for the Commonwealth Department of Housing and Construction from 1969 until 1985, rising to the position of Principal Architect. He developed special expertise in exhibition design and was responsible for a number of Australian exhibition pavilions overseas, including Expo 74 in Spokane, Washington, USA (1974), Expo 75, Okinawa, Japan (1975) and Expo 85 in Tsukuba, Japan (1985).

In 1985, he became the Sydney director of the Melbourne-based firm of Denton Corker Marshall (DCM), and became heavily involved in DCM's design consultancy to the Powerhouse Museum project, working directly with Lionel Glendenning and museum director Lindsay Sharp.

Later projects undertaken with DCM included the Australian Embassy, Beijing (1982-92), Australian Embassy, Tokyo (1986-90), and the Governor Phillip Tower/Governor Macquarie Tower/Museum of Sydney complex, Sydney (1990-95). In 2001, he established the firm of Johnson Pilton Walker, completing further projects associated with gallery and exhibition design, including the Asian Gallery, Art Gallery of NSW, Sydney, NSW (2004), National Portrait Gallery, Canberra, ACT (2008), Zoology Wing of the Australian Museum, Sydney, NSW (2008) and Chau Chak Wing Museum, University of Sydney, Sydney (2020). Johnson was awarded the RAIA Gold Medal in 2008.

1 Paul Walker, 'The multifunction polis: an urban idea and its end', in Julie Miao & Tan Yigitcanlar, eds, *Routledge Companion of Creativity and the Built Environment* (London: Routledge, 2024), pp. 467-9; interview with Lionel Glendenning, by Robert Freestone and Paul Walker, unpublished transcript, undated (c. 2023). [Thanks to Paul Walker for sharing this transcript]

The Switch House (left), Turbine Hall (right) and pedestrian walkway linking the Powerhouse and Harwood Building, 1988
Source: *Architecture Australia Awards,* 1988, p.47

POWERHOUSE MUSEUM: 1990s-2013

Until the major 'Revitalisation Project' of 2011-13, works at the Powerhouse Museum were generally small-scale and localised.

1994

The brasserie on Level 5 of the Switch House is redesigned, with wall and ceiling murals depicting floral motifs by Ken Done. The restaurant is renamed the 'Garden Restaurant.'

1997-2002

The Inner West Light rail opens at the former Darling Harbour Goods Line in 1997. The monorail station adjacent to the museum is later renamed the Powerhouse Museum Station in 2002.

2000

Localised, small-scale alterations at Level 3 of the Wran Building.

Earthquake damage prevention project sees the completion of works on the outer wall of the Boiler Hall.

2003

The first Conservation Management Plan for the Powerhouse Museum is prepared (by Architectural Projects).

Also in 2003, the Migration Heritage Centre relocate to the Powerhouse Museum.

2004

A bridge connecting the Turbine Hall and Boiler House at Level 2 is constructed.

2005-08

Powerhouse Museum's 'Refresh Program' includes alterations to the Wran Building's Harris Street façade which is repainted white, and the yellow logo replaced. Further changes include a restructuring of the museum's wayfinding and upgrades to the Level 1 courtyard.

2007-09

The Powerhouse Museum partners with NSW Department of Commerce to undertake the 'Centenary Stonework Program'.

The former Ultimo Post Office undergoes stone conservation works including the replacement of deteriorating sandstone, damaged carvings, and the slate roof. Structural works focusing on seismic stabilisation are completed for the front gable and chimneys. New floor finishes, kitchen, and bathroom amenities are provided for the building's 2008 reopening as the Powerhouse Volunteer Centre.

In 2009, a covered walkway is constructed connecting the former Post Office with the Wran Building.

The Boiler Hall, North Annex, and Turbine Hall undergo extensive safety and external maintenance works. Masonry and cement render mouldings as posing a potential risk due to structural instability are subsequently removed.

2011-13

Powerhouse Museum begins a major phase of works referred to as the 'Revitalisation Project', the first major upgrade of facilities since 1988.

The project involved the demolition of brick parapets; partial demolition of the colonnade to Harris Street; removal of stairs and handrails from the forecourt; dismantling of the Turbine Hall's large interior cube structure; removal of the glass lift

from the Wran Building; and demolition of two pairs of escalators (formerly connecting levels 1-3).

Major construction works for the Revitalisation Project include: the construction of new steps and handrails with LED lighting; the addition of a new main entrance linking the forecourt to the Switch House; the relocation of the panoramic glass visitor lift to the Turbine Hall; relocation of the shop and café near the Switch House exit; replacement of Turbine Hall escalators; upgrades to the fire sprinkler system; construction of toilet facilities on level 2. Plans for the installation of canopy structures on the forecourt were never realised.

The Wran Building as seen from the Harris Street forecourt
Source: *Architecture Australia*, September 1988, p. 62

PUBLIC DEBATE AND COMMUNITY ADVOCACY: 2014-PRESENT

The NSW Government's plans to close the Powerhouse Museum at Ultimo and construct a new facility at Parramatta provoke sustained public debate.

2014

MAAS Director Rose Hiscock (appointed 2013) announces a new direction for the Powerhouse, including rationalisation of 'teams' and staff reductions; stronger links with the Darling Harbour precinct; and a new 'address' to the east (Goods Line public realm).

In November, NSW Premier Mike Baird announces that the Powerhouse Museum will relocate from Ultimo to Parramatta.

The Powerhouse Museum Alliance is formed in response to the announcement.

2015

Redevelopment of the Goods Line is complete – the Goods Line reinterprets former railway infrastructure as public greenspace.

(February) The NSW Government announces plans to raise funds for the new Powerhouse in the western suburbs through the sale of the Powerhouse in Ultimo.

The Government's plans stimulate sustained public debate and community activism. Dominant themes in the discourse include but are not limited to: broad support for a new facility in the western suburbs (Parramatta); advocacy for revitalising the Powerhouse at Ultimo, as opposed to replacement; calls for greater transparency in the decision-making process; and questions about the absence of consultation.

Community groups formed in response to the announcement include, but are not limited to, the 'Powerhouse Alliance' and 'Save the Powerhouse' (see also Appendix C).

The National Trust announces its opposition to the NSW Government's plans, and subsequently (December) nominates the Power House to the NSW State Heritage Register. The nomination is limited to the remnant late-nineteenth and early-twentieth century fabric of the Power House itself.

2016-24

On-going public debate, lobbying and protest about the Government's plans for the Powerhouse Museum in Ultimo and Parramatta.

(June) It is announced that there will be an Upper House Inquiry into the relocation of the Powerhouse Museum as a part of a broader inquiry into NSW museums and galleries. The committee is originally intended to report by 24 November 2016 – this deadline is periodically pushed back with a final report date of 28 February 2019.

2017

(January) Premier Mike Baird announces retirement.

Gladys Berejiklian is elected as leader of the NSW Liberal party. Berejiklian expresses commitment to following through on Baird's promise of moving the Powerhouse Museum from Ultimo to Parramatta at an estimated cost of $1 billion.

(July) The NSW Government announces plans to retain the Powerhouse Museum at Ultimo as well as building the new facility at Parramatta. A business case to determine the future of the site is in train.

2020-21

A heritage assessment of the 'Ultimo Tramways Power House Museum' (prepared for Heritage NSW, Department of Premier and Cabinet by Cracknell & Lonergan) is completed. The assessment finds that the Powerhouse does not meet a threshold for State significance.

(4 September) The inclusion of the Powerhouse in the NSW State Heritage Register (02045) is gazetted. The entry excludes the Harwood and Wran buildings.

(29 September) The NSW State Heritage Register Committee discuss the merits of extending the Powerhouse register entry to include the Harwood Building. The Committee finds that the State threshold is not met (consistent with s.33(3)(b) of the *Heritage Act* 1977).

During 2020, Design 5 Architects is engaged to prepare a Conservation Management Plan for the Powerhouse Museum by Create NSW and MAAS. A Final Draft Report is issued in June 2021.

Curio Projects Pty Ltd engaged to prepare an 'updated' Conservation Management Plan for the Powerhouse. The document includes 'research undertaken by Design 5 Architects' (Draft CMP issued in April 2022).

2022

(Sept) Committee for the Upper House Inquiry into the government's management of the Powerhouse Museum and other museum and cultural projects in New South Wales releases its final report. It includes the recommendation that the NSW Government prioritise listing the entirety of the Ultimo Powerhouse Museum site (including the Wran and Harwood buildings) on the State Heritage Register.

(December) A team led by Durbach Block Jaggers is announced as the winner of a competition for a major (c. $480 million) expansion of the Powerhouse Museum complex. Major outcomes include the replacement of the Wran Building with a new multi-level annexe to Harris Street and public realm improvements, notably to the Harris Street Forecourt and Grace Bros Courtyard.

2023

It is announced that the Powerhouse Museum is to be closed for conservation works prior to the opening of the new museum in Parramatta.

(September) An amended scheme for the renewal of the Powerhouse complex scheme is announced. The proposal, which retains and adapts the Wran Building, is estimated to cost $250 million.

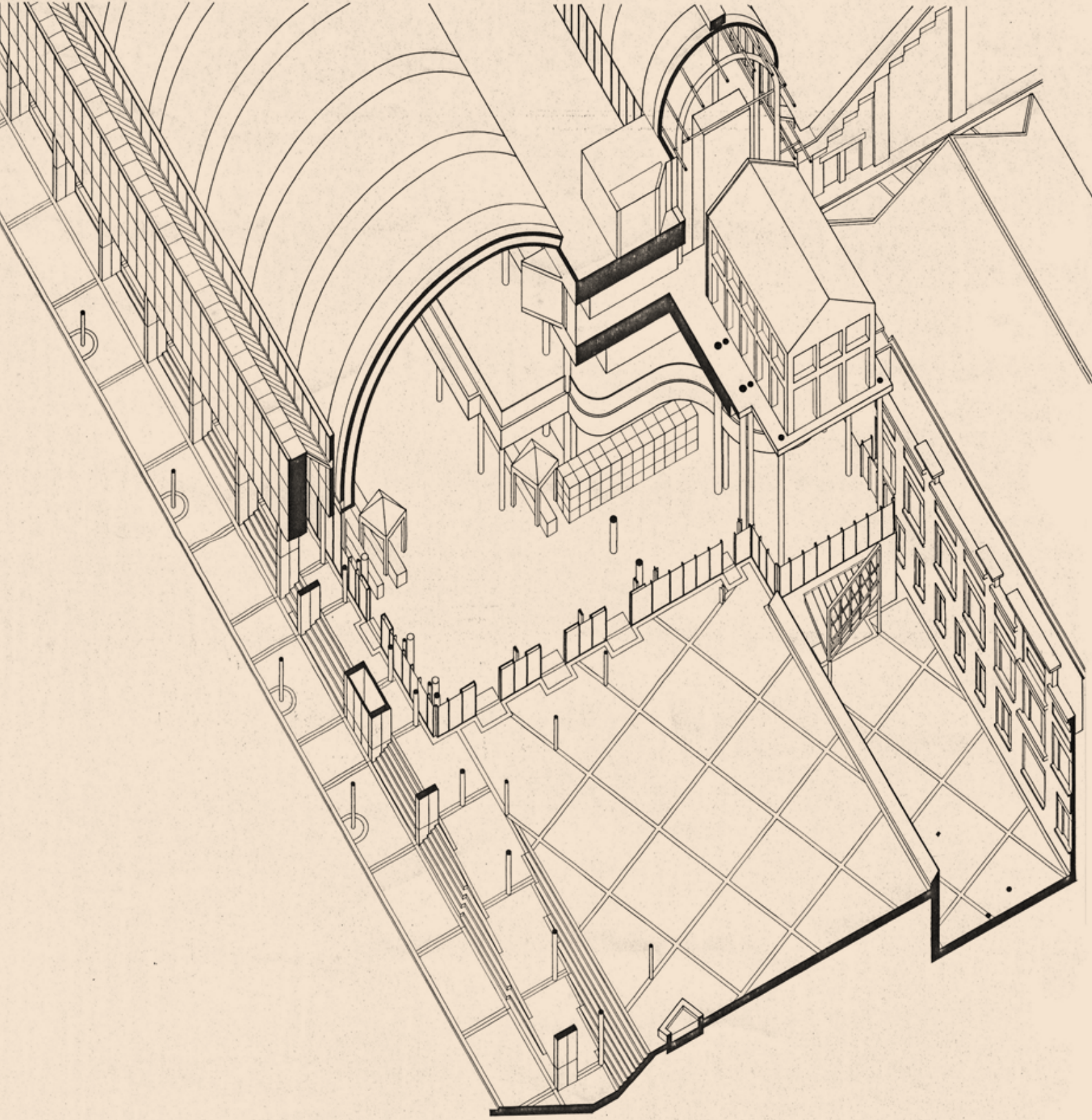
(November) NSW State Heritage Register Committee resolves to amend (expand) the registration for the Powerhouse to include the Wran and Harwood buildings.

2024

(5 February) the Powerhouse Museum closes for three years.

(28 February) NSW State Heritage Register Committee issues a draft State Heritage Register listing for the expanded Powerhouse Museum complex.

Figure 17 Perspective of proposed works to eastern arrival to the Powerhouse Museum, including new landscape treatment in place of the Grace Bros Courtyard and activation of the Switch House. ground level: note retention of Wran Building, visible art rear (September 2023)
Source: https://architectureau.com/, accessed 6 May 2024



APPENDIX B:

PHYSICAL ANALYSIS

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LEGEND

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11	GRACE BROS COURTYARD
12	CAFÉ

INTRODUCTION

The following provides a description of the Powerhouse Museum complex as it presented in early 2024. A primary objective is to identify alterations undertaken since the major adaptive renewal works of the 1980s.

Visual inspections were undertaken in September 2023 and February 2024. The latter visit took place following the closure of the Museum for three years – decanting works were underway at that time.

Documentation referenced in the preparation of this analysis included, but was not limited to:

- Historic photography (including photography included in Appendix A)
- Architectural drawings (various) provided by the Powerhouse Museum
- Drawings/documentation included in the Curio Pty Ltd, *Powerhouse Ultimo Draft Conservation Management Plan*, 2022
- Summary of changes to Wran Building 1988-2022, provided by the Powerhouse Museum
- Plans and existing conditions photos of the upper levels of the North Annex, provided by the Powerhouse Museum

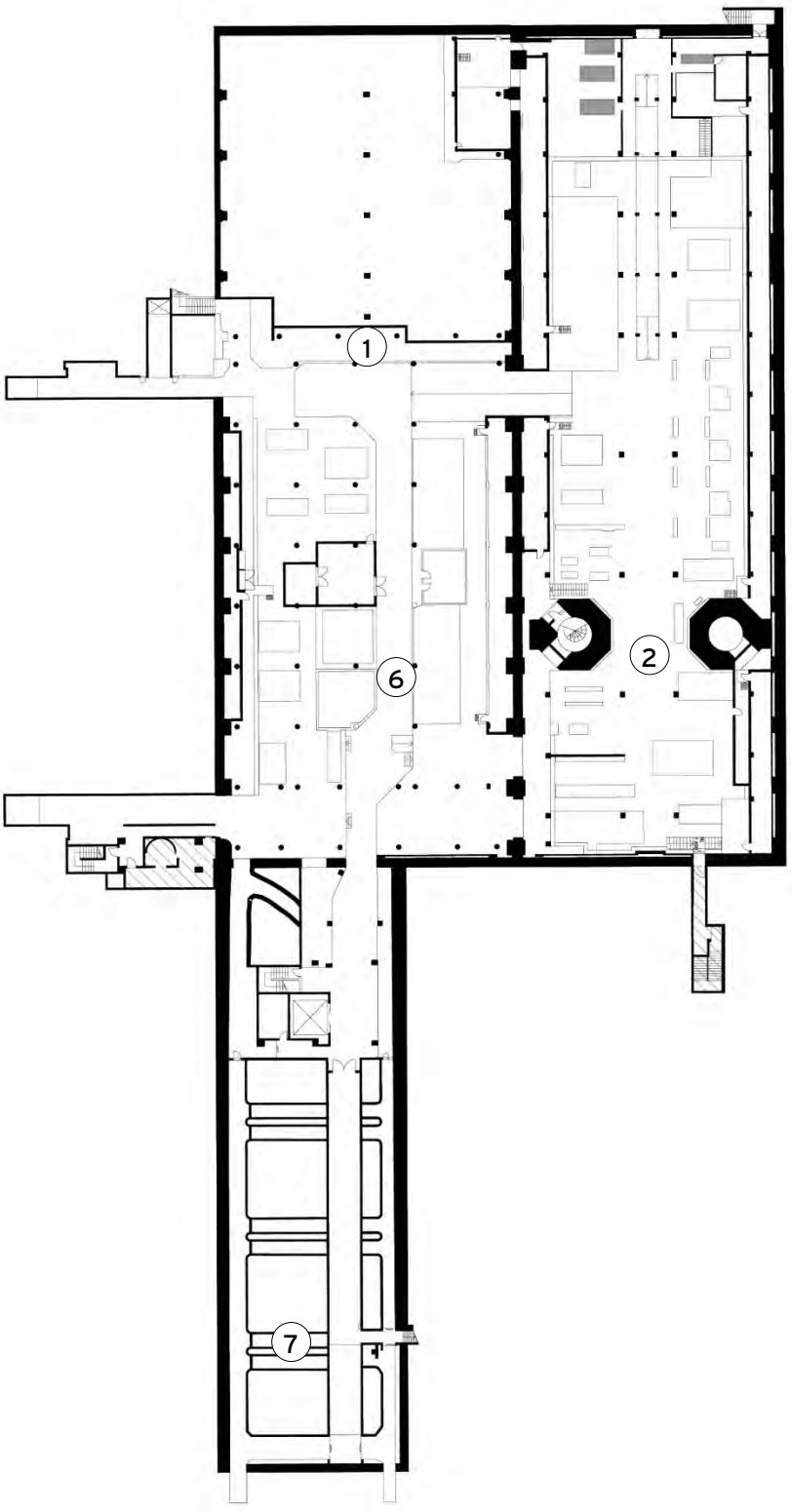
The existing conditions plans at pp. B4-B12 derive from documentation prepared by Design 5 Architects and reproduced in the Curio Pty Ltd CMP referenced above. The floor plans also include graphic representations of the various levels at the complex which – identified as 'basement' and Levels 1-5. The primary entry from Haris Street is at Level 3.

All photography is by Lovell Chen and was taken in February 2024 unless otherwise stated.

Using this document

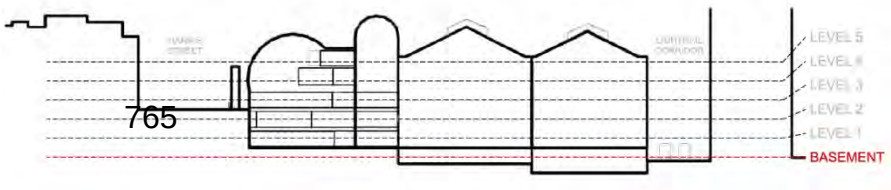
If using a PDF version of the Physical Analysis, the buildings can be found by clicking the labels on the site plans at pp. B4-B12. Each of these labels is hyperlinked to the relevant location. Click on the 'Home' icon at the bottom of each page to return to the Table of Contents.

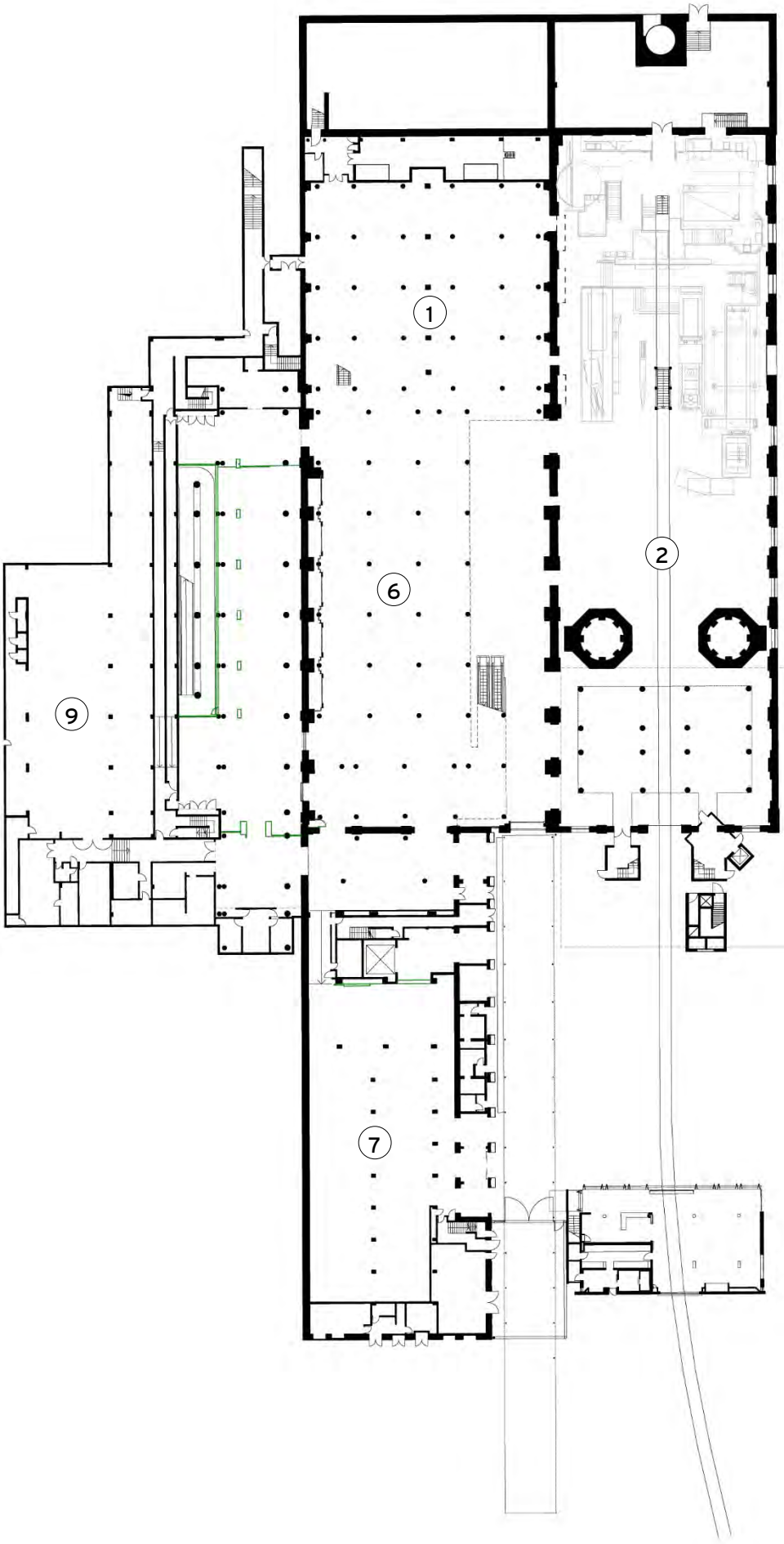
EXISTING CONDITIONS PLANS

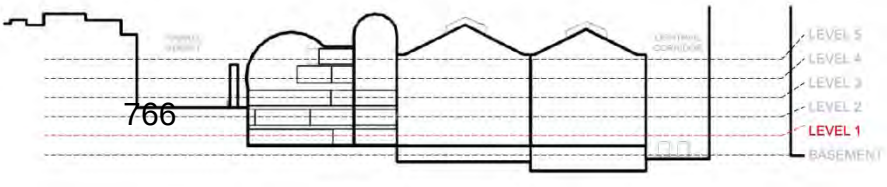


POWERHOUSE MUSEUM

BASEMENT FLOOR PLAN

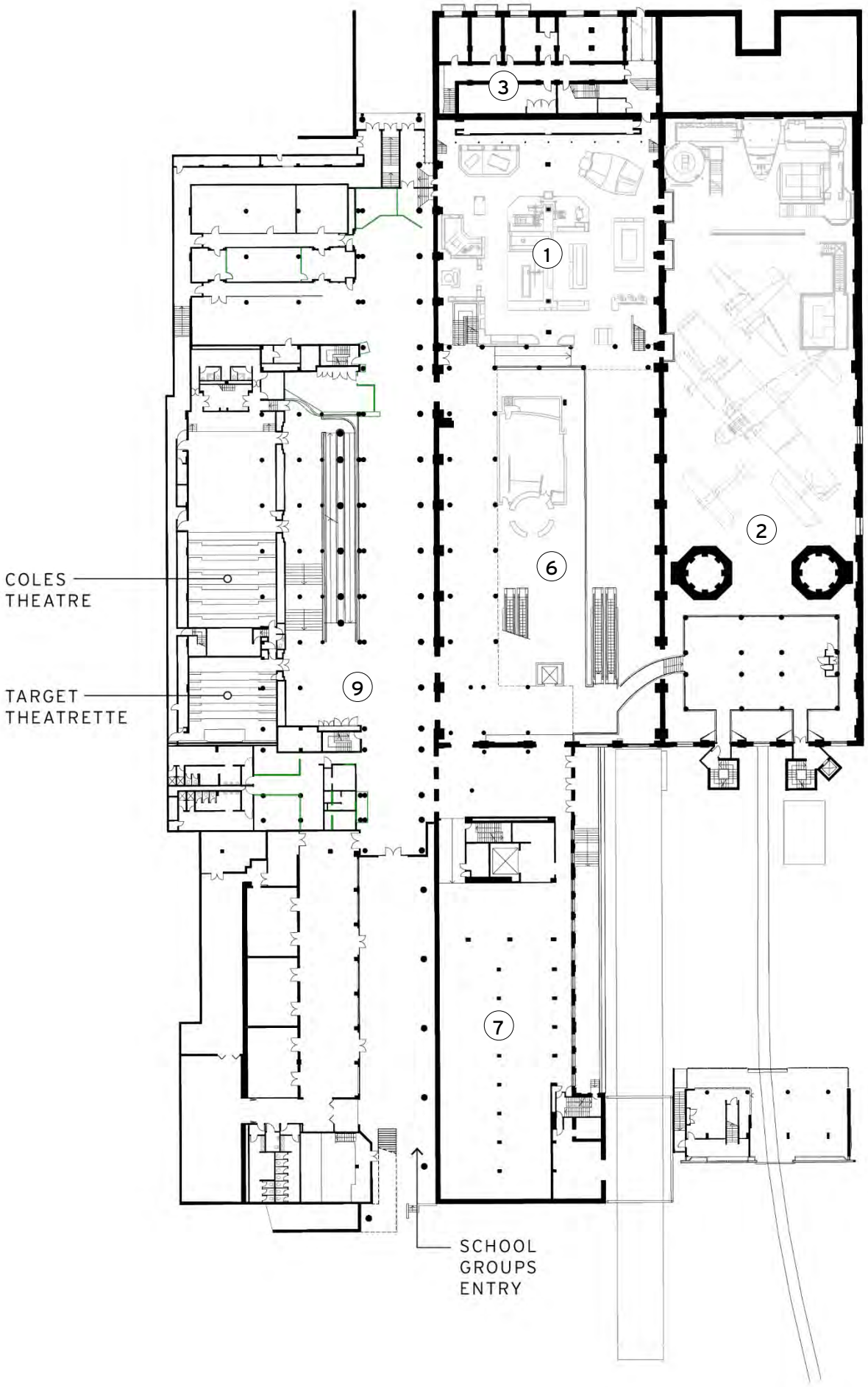






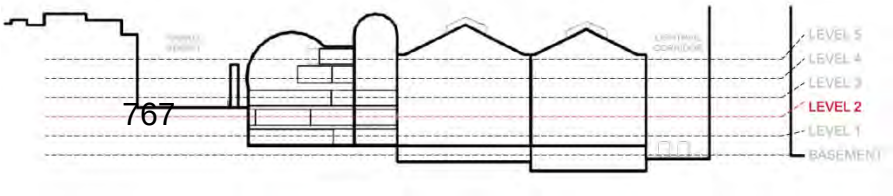
POWERHOUSE MUSEUM

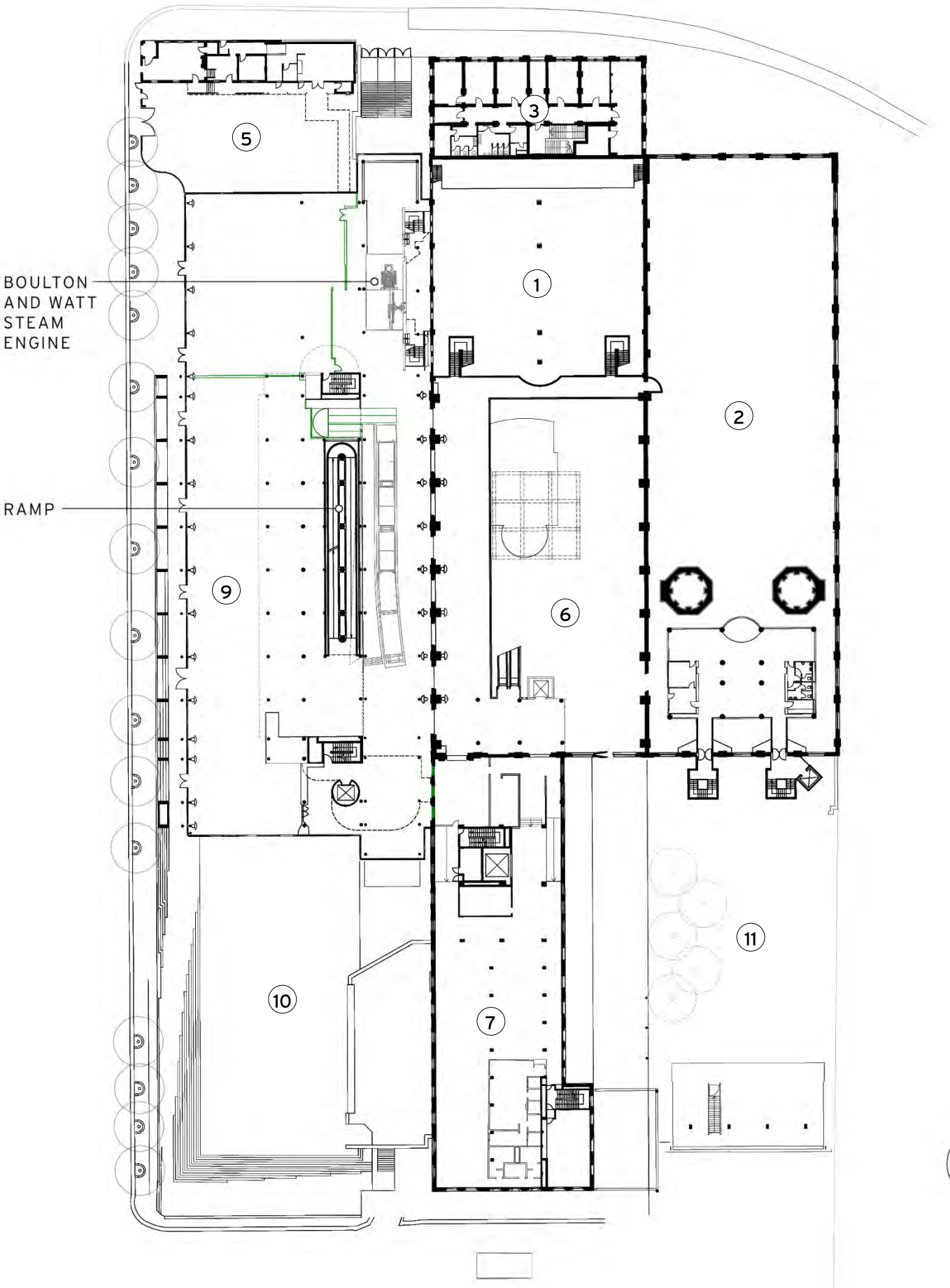
LEVEL 1 FLOOR PLAN



POWERHOUSE MUSEUM

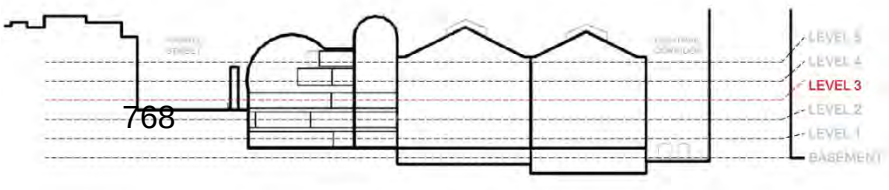
LEVEL 2 FLOOR PLAN

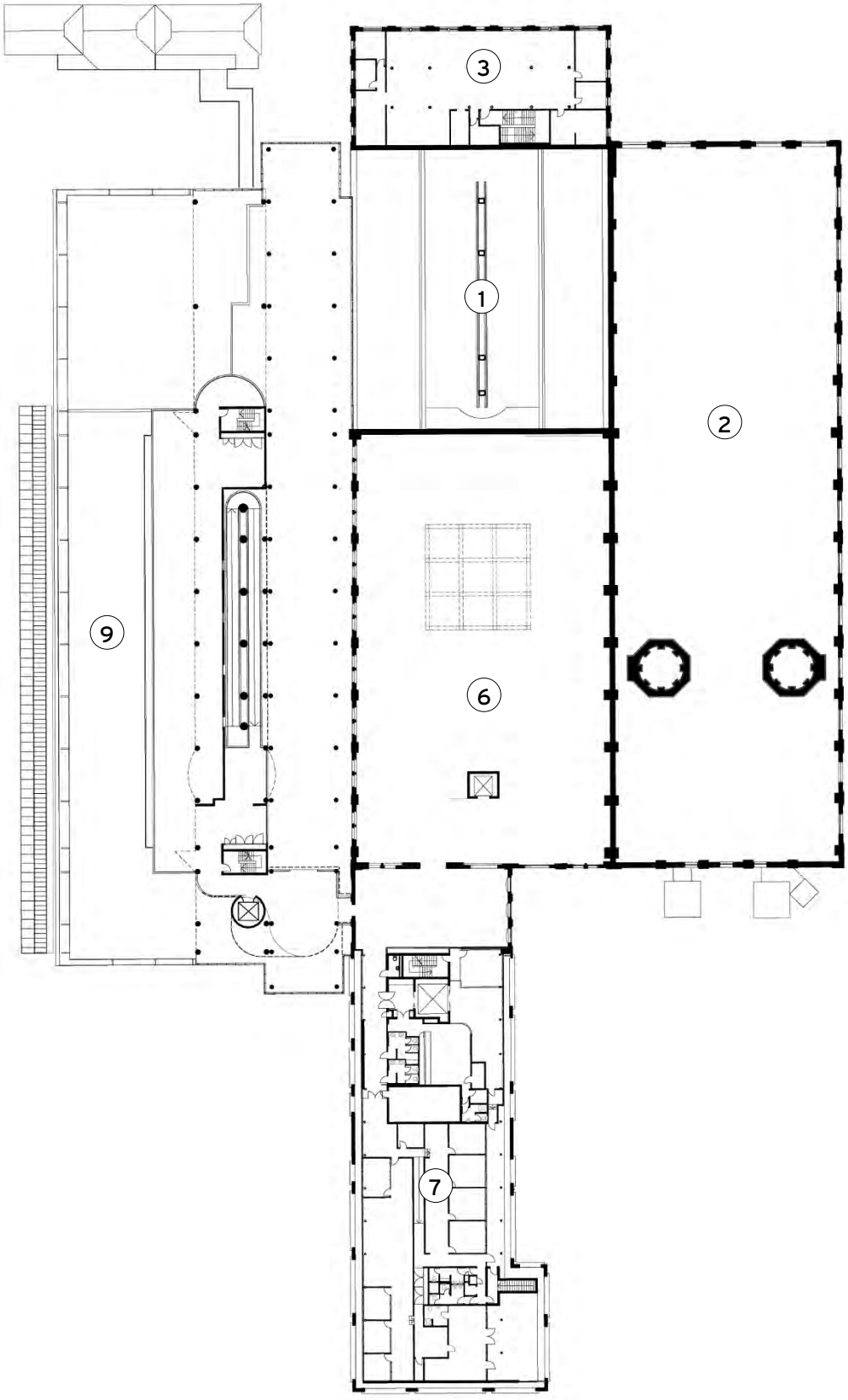




POWERHOUSE MUSEUM

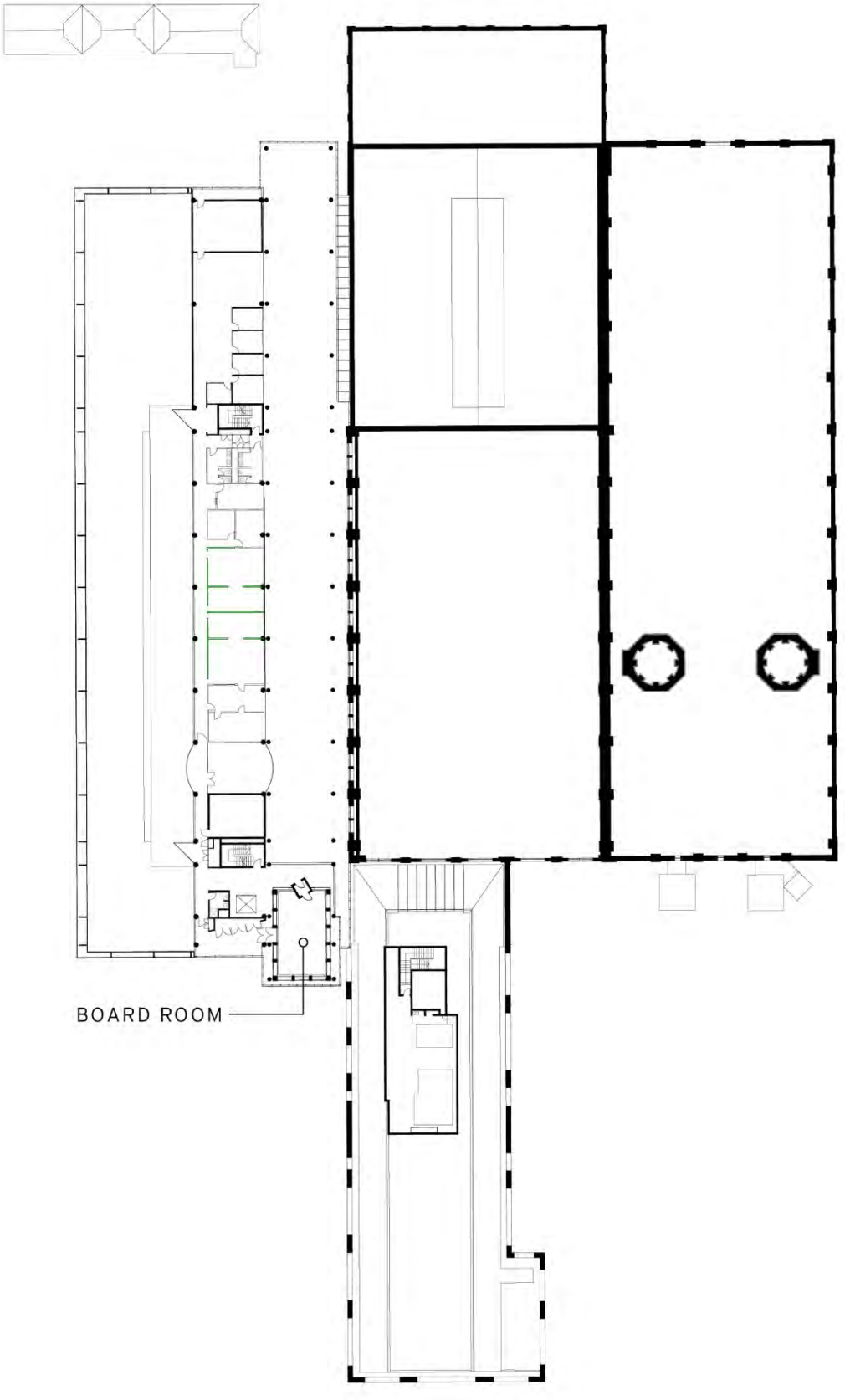
LEVEL 3 FLOOR PLAN





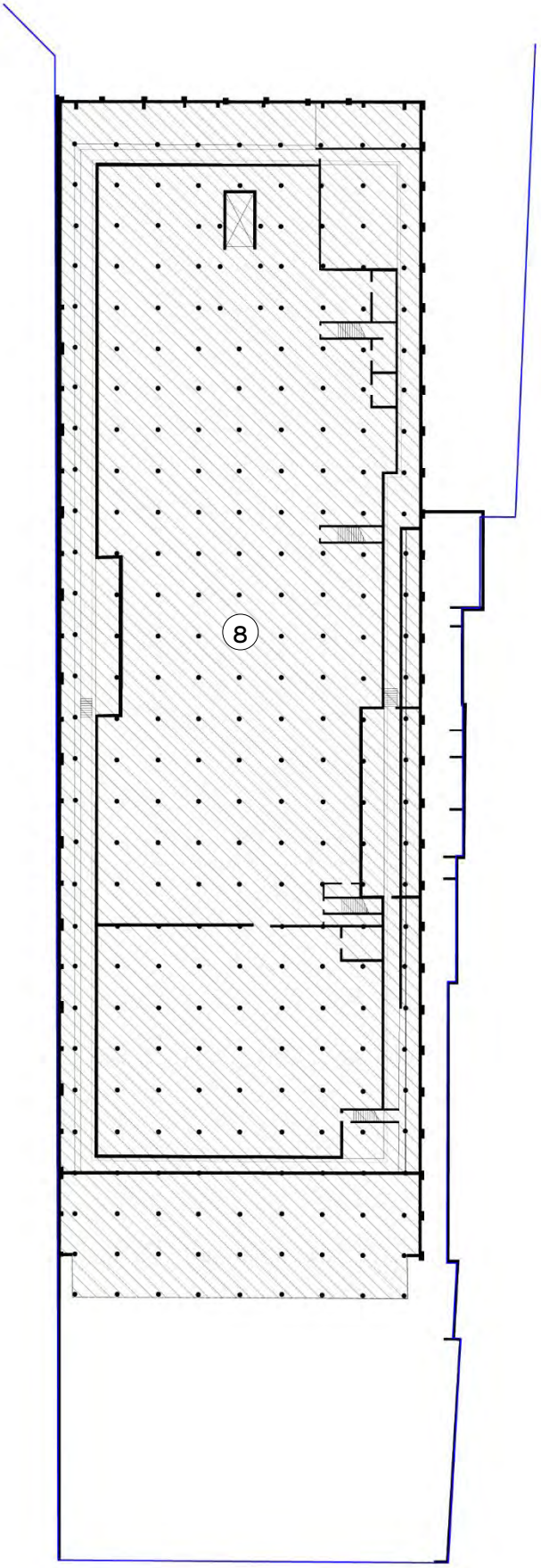
POWERHOUSE MUSEUM

LEVEL 4 FLOOR PLAN



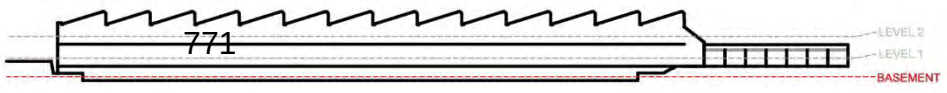
POWERHOUSE MUSEUM

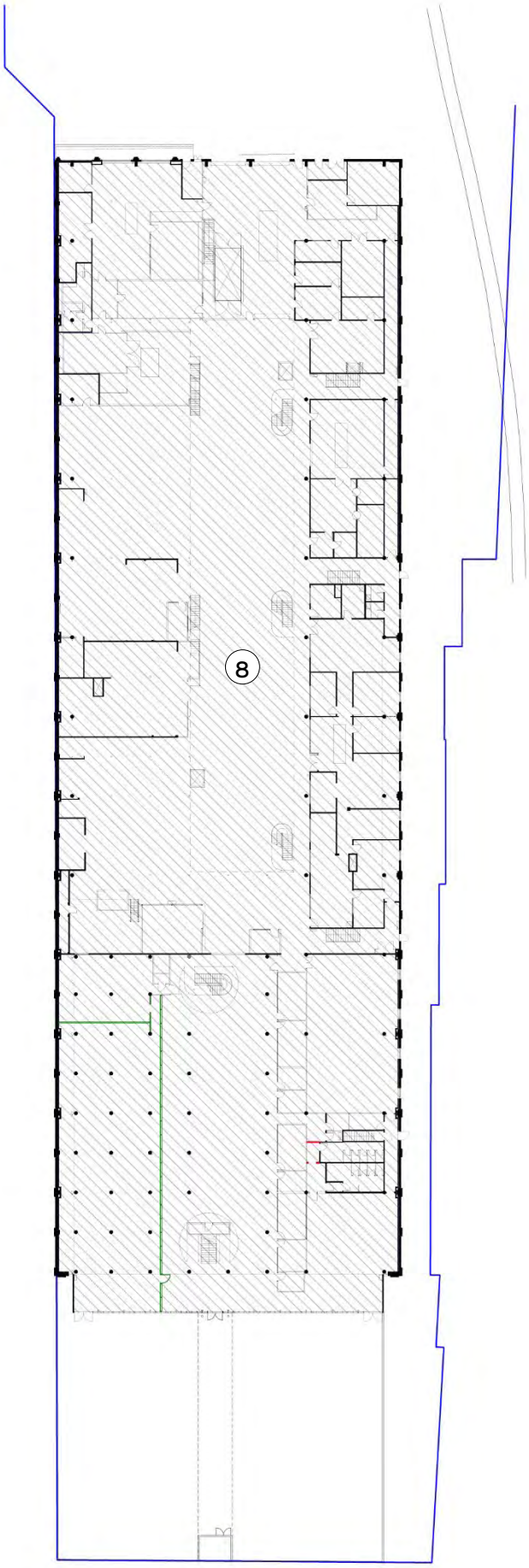
LEVEL 5 FLOOR PLAN



HARWOOD BUILDING

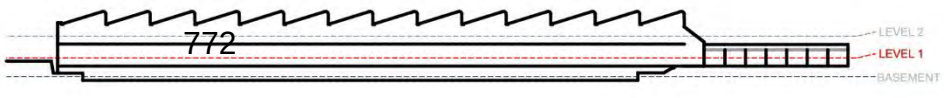
BASEMENT FLOOR PLAN

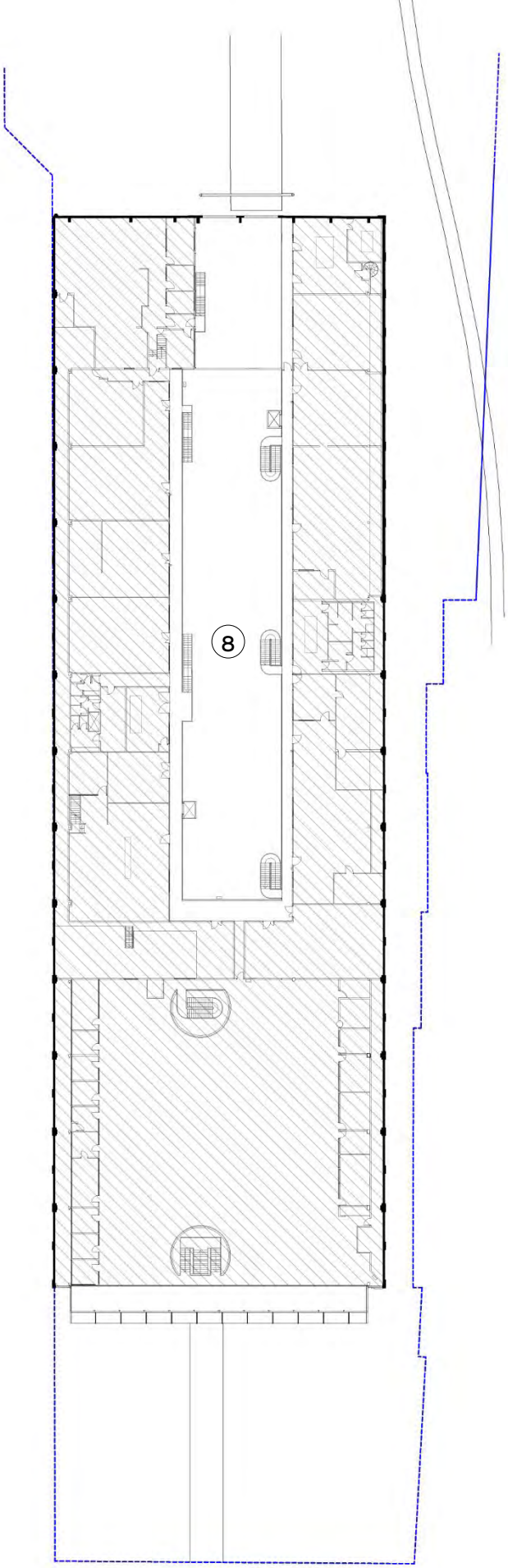




HARWOOD BUILDING

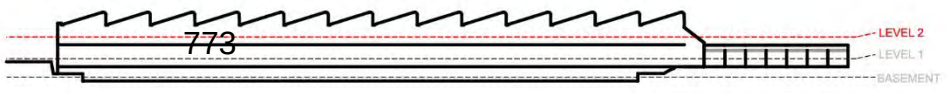
LEVEL 1 FLOOR PLAN





HARWOOD BUILDING

LEVEL 2 FLOOR PLAN



01 | ENGINE HOUSE (1899)

Dates of construction and alteration

1898-99	Construction of Engine House
1902	Alterations and additions, including new switchboard gallery mezzanines to the north and to the south, for direct current (DC) and alternating current (AC) respectively, and integration with the new Turbine Hall
1913	Alterations and additions, including installation of a substation with a new switchboard and construction of a gallery level to the west
1926	Removal of southern gallery mezzanine
1930	Minor alterations and additions
1960s	Machinery/plant associated with electricity production largely removed
1982-88	Adaptive re-use works, involving the removal of electrical equipment and machinery, concrete engine pads, tiled walkways, cast iron floor grates, and the western gallery. Alterartions to the west elevation to integrate the Engine House with the Wran Building

Past and present uses		Functions
1899-1963	Power station	Generating electricity
1988-2024	Museum	Exhibition/museum spaces

History

1899	The first iteration of the Engine House was built with a DC switchboard gallery to its northern end overlooking a hall of Allis-Corliss Horizontal Cross Compound Steam Engines, which were powered by the steam produced in the Boiler House adjoining to the east, and an electric travelling crane supported by metal columns and girders
1901	The switchboard caught fire, causing non-structural damage to the Engine House and temporary cessation of electricity production
1902	A new DC switchboard gallery was built at the northern end and the southern end was extended and altered to accommodate a new AC switchboard gallery and integration with the new Turbine Hall
1913	A new substation with rotary converters was installed to convert AC generated by the turbines to DC, with its marble switchboard being accommodated by a new gallery at the western end
1926	Following the construction of the new Switch House, the AC gallery was removed
1932	Flooding caused by a burst water main resulted in damage to machinery
1963	Ultimo Power House closed and the Engine House subsequently fell into disrepair
1980s	The Engine House was adapted for museum use as part of Stage II of the Powerhouse Museum project. The original permanent exhibition designed for the space, which continued to 2024, was ‘Steam Revolution’

Description

The Engine House is approximately 32 metres long and 30 metres wide, with brick walls mostly consisting of original and early fabric, and a gable roof with a curved ridge mounted lantern. The structure is accessible at various levels from the abutting North Annexe to the north, Boiler House to the east, Turbine Hall to the south and Wran Building to the west.

Exterior

- The brick perimeter walls of the Engine House are almost entirely concealed by adjacent built form,
- The gable roof and lantern are clad with corrugated metal sheeting, the latter with louvres to the west and east

Interior

The Engine House has an internal volume spanning Powerhouse Museum levels 2-4 (no floor to level 4) and an enclosed level 1, in addition to a partial basement. The building can be accessed from the North Annexe at levels 1 and 2, the Boiler House at basement level and level 1, the Turbine Hall at basement level and levels 1, 2 and 3, and the Wran Building at level 2.

Basement

- The accessible basement, which is of concrete construction, is limited to ancillary spaces adjacent to the basements of the Turbine Hall and Boiler House

Level 1

- Level 1 is flexible exhibition space for temporary exhibitions and was displaying ‘Experimentations’ in 2024
- Original openings in the level 2 floor slab, through which steam engines would rise from their concrete bases on the level below, have been infilled so the level 1 ceiling is completely enclosed
- The bases to the lattice columns, which supported the gantry crane in the space above, have been retained

Levels 2-3

- The exhibition hall for the permanent exhibition ‘Steam Revolution’ comprises an open space between level 2 and the underside of the roof
- At the northern end there is a mezzanine, consisting mostly of the original DC switchboard gallery, accessible via stairs from level 2
- Three openings in the eastern wall at level 2 lead to viewing balconies in the Boiler House
- At the south end, stairs from level 2 lead up to a bridge, at level 3, which runs across the intersection of the Engine House and Turbine Hall and extends through an opening to create a viewing balcony in the Boiler House
- The northern, western and eastern walls are painted in a lilac colour and a white-tiled dado runs at level 2 of the latter two walls and up to the northern mezzanine
- At the approximate height of level 4, there is a row of windows to the western wall, which was an external wall prior to the construction of the Wran Building
- The metal roof truss structure and timber lining boards are visible and painted in a mint green colour
- The original gantry crane, including its plate girders and lattice columns, all painted yellow, spans the space, supported by pilasters to the western and eastern walls

Integrity

The Engine House has a high level of intactness to its 1988 adaptation. The original features which were incorporated into the 1980s adaptation include:

- The brick outer walls and pilasters to the western and eastern internal faces
- The gantry crane and structure
- The white-tiled dado
- The northern gallery
- The metal truss roof structure

Nearly all of the alterations and additions which were implemented as part of the adaptive reuse design remain. Changes since 1988 include:

- The removal and infill of a stair at the northern end between levels 1 and 2
- Reconfiguration of exhibits

Images

Figure 1
View of the Engine House from the bridge at level 3

Figure 2
The Engine House, level 2

02 | BOILER HOUSE (1899-1902)

Dates of construction and alteration

1898-99	Construction of Boiler House (initial stage)
1902-05	Significant expansion, including extension to the south, increase in height, construction of two large brick chimney stacks and relocation of coal and ash handling structures to the south
1927-32	Modernisation of industrial equipment
1960s-70s	Plant/infrastructure associated with industrial processes largely removed
1976-77	Chimneys demolished down to roof level
1982-88	Adaptive re-use for Powerhouse Museum

Past and present uses		Functions
1899-1963	Power station	Generating steam by burning fossil fuels to heat water in boilers
1988-2024	Museum	Exhibition spaces

History

1899	The first iteration of the Boiler House was designed to allow for future expansion. Its pipes and flues were reticulated to the chimney in the adjoining Pump House to its north and the steam it produced powered the engines in the adjoining Engine House to its west
1902-05	The Boiler House was substantially expanded to accommodate additional Babcock and Wilcox boilers to provide sufficient energy for the Parson's Steam Turbo Alternator installed in the new Turbine Hall extension to the Engine House and to incorporate a pump room and a pair of 65-metre-high chimney stacks
1927-1932	Industrial plant in the Boiler House was modernised. Subsequent equipment updates were predominantly the replacement and addition of boilers
1947	In response to coal supply issues caused by industrial action in New South Wales, the boilers were converted to run on fuel oil
1963	Ultimo Power House closed and the Boiler House subsequently fell into disrepair
1976-77	The upper parts of each of the chimneys were demolished, causing damage to roof fabric
1980s	The Boiler House was adapted for museum use as part of Stage II of the Powerhouse Museum project. Its original permanent exhibitions, the display of which continued to 2024, included 'Transport', designed by Desmond Freeman Associates, and 'Space', designed by Iain Halliday of Neil Burley Designs

Description

The Boiler House is 83 metres long, 23 metres wide and approximately 23.5 metres high. Its outer walls are brick and comprise fabric from the two key phases of construction. The gable roof with a gabled ridge-mounted lantern was clad in corrugated sheet metal in the 1980s. The Boiler House abuts the Engine Room and Turbine Hall to the west and can be accessed through openings in the shared wall. To the north, the open area enclosed by the remnant external walls of the former Pump House can be accessed via the Boiler House basement. Adjacent to the south, the Grace Bros Courtyard can be accessed at level 1 via the central roller door or vertical circulation shafts. Sydney Light Rail tracks are located to the east (outside study area).

Exterior

- The face brick elevations are articulated with recessed window bays framed by pilasters and stepped corbels
- There is a shadow of the previously abutting Pump House at the lower level of the north elevation
- To the south elevation, a pair of stair enclosures, clad with metal sheeting with alternating pink and blue horizontal banding and topped with pyramid skylights, flank the central window bay, with a lift shaft adjoining the eastern stair shaft
- A relatively small extent of each of the chimneys project, to different heights, beyond the roofline

Interior

The Boiler House has an internal volume spanning Powerhouse Museum levels 1-4 (no floor to level 4), in addition to a basement level

Basement

- The basement is of concrete construction and accommodates modern services, integrated with the extant bases of the chimneys

Levels 1-3

- The exhibition hall is a huge volume, rising to full height from level 1 (ground) to the metal truss roof structure, which is mostly comprised of 1902-1905 fabric and was strengthened in 1988 for exhibit display purposes
- The flooring to level 1 is concrete, installed in the 1980s
- The bases of the white-painted brick chimneys project just beyond the roof line
- To the west elevation, there are three viewing balconies at level 2. accessed via the Engine House, and one at level 3, accessed via the bridge demarcating the Engine House and Turbine Hall. The balconies have perforated metal balustrades of the same type as the ramps in the Wran Building, and elsewhere within the complex
- At the south end there are two mezzanines, at levels 2 and 3, supported by two rows of cylindrical columns
- To the interior of the southern stair shafts, the visible steel I-beam structure is lilac, the walls are yellow and the stair stringers, posts and rails are mint green

Integrity

The Boiler House has a high level of intactness to its 1988 adaptation. Its remnant chimneys and most of its brick outer walls and roof structure are original or early fabric which were incorporated into the 1980s adaptation. Nearly all of the alterations and additions which were implemented as part of the adaptive reuse design remain.

Changes since 1988 include:

- Reconfiguration of openings in shared wall with Engine House and Turbine Hall at level 1
- Installation of a new ramp, running through a new wall opening, to provide circulation to the level 2 mezzanine from level 2 of the Turbine Hall
- Infill of the void in the centre of the column grid to the level 2 mezzanine floor

Images

Figure 3
North and east (part) elevations of the Boiler House as seen from William Henry Street

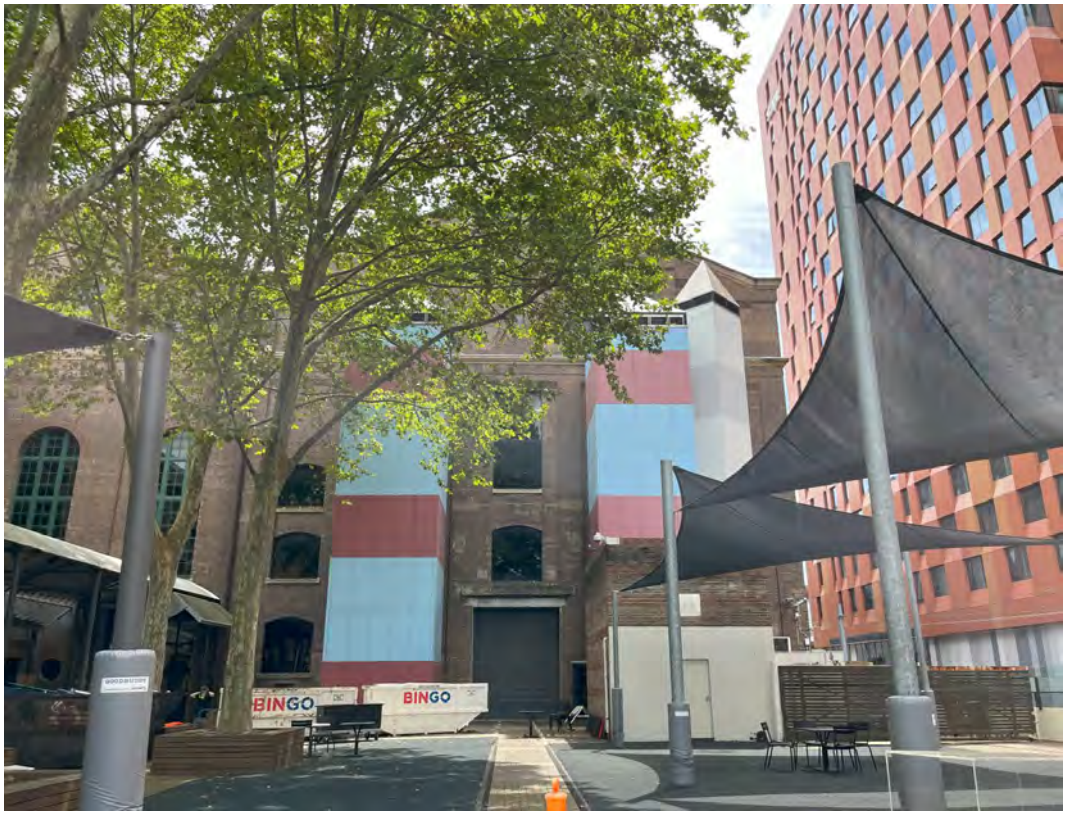


Figure 4
South elevation of the Boiler House from the Grace Bros Courtyard: the two vertical circulation shafts were added in the 1980s

Figure 5
View from level 2 mezzanine of the Boiler House, looking north: the Catalina flying boat (foreground) had been lowered by February 2024

Figure 6
View looking south through the Boiler House from ground level

03 | NORTH ANNEXE (1899)

Dates of construction and alteration

1898-99	Construction of North Annexe
c. 1931	Installation of water tanks to roof
1936	Conversion of accumulator room to recreation and shower rooms
1968	The widening of the William Henry Street Bridge transformed the setting for the North Annexe
1980s	Upgrades were carried out, including replacing the original spiral stair with a new stair

Past and present uses

Functions

1899-1963	Office and administration for power station	Offices, worker amenities, emergency water supply and power storage
1940s	Temporary works for air raid defence	War time precautions
2024	Offices	Offices and creative studios

History

1899	The 'Office' building was built to accommodate administration offices, staff accommodation and the accumulator (battery) room, with a flat roof to allow for extensions and additions
c. 1931	New South Wales Government Railways installed four cast iron water tanks to the flat roof of the North Annexe; two were used for water supply to the Ultimo Tram Depot and two were used for emergency water supply to the Power House boilers
c. 1936	The single room on the top floor, which housed the accumulators, was adapted for use as recreation and shower rooms by Power House workers
1963	Ultimo Power House closed and the North Annexe subsequently fell into disrepair
1980s	The North Annexe was restored and adapted for office uses

Description

The North Annexe is a symmetrically composed three-storey building of sandstone and brick construction. It is the most architecturally ornate building of the late nineteenth and early twentieth group at the Powerhouse Museum, adopting Italian Renaissance references. The seven-bay north elevation is in face brickwork with sandstone dressings defining the openings, string courses and cornices.

Exterior

- The external elevations are composed of a sandstone base to the semi-basement and ground levels, with a rusticated finish (except for the extent of the east elevation which previously abutted the Pump House), and red face brick to the upper levels and parapet, which rises above a sandstone entablature
- The symmetrical north elevation is articulated with window bays to the upper two levels, recessed by brick pilasters, with carved sandstone detailing

- A sandstone portal, which was the original main entrance to the Power House complex, is in the centre of the north elevation and rises to the height of the second storey, topped with a pediment; within the opening there is a modern roller door and above there is an original *bas-relief* spandrel with a sign reading 'N.S.W.G.T POWERHOUSE 1899' against a background of electric bolts
- To the north of the North Annexe there is a narrow paved walkway, partially overhung by the William Henry Street bridge

Interior

- The flooring is generally tiled in a checkerboard pattern of terracotta and mahogany colours, with carpets to office and studio spaces
- White-painted suspended ceilings and bulkheads accommodate modern services
- To the lower level, most of the stone and brick walls are exposed, whereas, to the upper levels, the walls are generally plastered and painted
- The door and window joinery is cedar, most of which is painted in a grey-green colour
- To the upper level, there are cast iron columns with decorative capitals within the workshop spaces
- Two doors on the ground level have WWII-era stencils – it is possible that they are remnants of the WWII-era air raid precautions

Integrity

The North Annexe retains a high level of integrity to its 1988 refurbishment. This includes a combination of original and restored fabric, such as the:

- Masonry walls, externally and internally
- Cedar door and window joinery
- Tiled flooring
- Cast iron columns

Images

Figure 7 The upper levels of the North Annexe, as seen from William Henry Street

Figure 8
Paved laneway to the north

Figure 9
The original entry has been infilled with a roller door: note decorative spandrel panel

Figure 10

04 | PUMP HOUSE, REMNANTS (1899)

Dates of construction and alteration

1898-99	Construction of Pump House, chimney and seawater conduits
1902-05	Modifications for integration with extended Boiler House
1907-08	Upgrades to seawater conduits and pumps
1959-60	Substantial dismantling of chimney
1967-68	Further demolition of chimney and Pump House to enable construction of the new William Henry Street bridge
1970s-2000s	Further demolition of the Pump House and construction of asphalt paving, concrete access stairs and brick infill of arched openings to northern wall
c. 2010s	Demolition of remnant roof structure

Past and present uses		Functions
1899-1932	Pump house for power station	Pumping water to and conveying exhaust from the boilers
1960s-1970s	Dump	City of Sydney waste handling
2024	N/A	Site access and egress

History

1898-99	The Pump House was built adjoining the Boiler House with a primary elevation of similar design to the North Annexe. In the centre of its north elevation, in alignment with the central window bay of the Boiler House behind, a brick chimney stack was constructed to a height of c. 61 metres. Underground water conduits were constructed between Darling Harbour and the Pump House; the inlet conduit supplied seawater to the Pump House for pumping to the boilers in the Boiler House and the outlet conduit would discharge the heated water back to Darling Harbour
1902-05	The Pump House was integrated into the expanded Boiler House
1907-08	The water conduits and pumps were upgraded to meet the increased capacity of the complex
1927-32	Following the modernisation works to the Boiler House, including the reticulation of new seawater conduits, the Pump House was decommissioned
1958	One of the retaining bands on the chimney failed
1959-60	The chimney stack was dismantled down to the height of approximately 7.5 metres
1967-68	The stack was further demolished to make way for the William Henry Street bridge, which replaced the 1886 iron bridge
1970s-2000s	The Pump House continued to deteriorate
c. 1980s-2000s	The courtyard is secured and altered to allow access and egress for the Boiler House basement

Description

The footprint of the former Pump House is an open area with asphalt paving. The perimeter consists of fragments of the former Pump House brick eastern wall and northern wall and chimney base, the eastern external wall of the North Annexe and the northern external wall of the Boiler House. William Henry Street bridge cuts over the north-eastern corner of the courtyard. Two modern concrete stairs with metal handrails – one coming up from the Boiler House basement and one leading up to emergency exit doors in the northern wall – create an egress path.

Integrity

The remnant fabric of the original Pump House comprises brick elements of its 1898-1899 construction. The northern and eastern external walls, with some brickwork detailing to their external and internal faces, are partly extant, and the remainder of the outer perimeter has been infilled with brick walling. The two arched window openings with carved keystones in the north elevation, to the west of the chimney base, have been infilled with red brick but remain legible. The upper parts of the northern and external walls and the northern part of the chimney base were partially demolished to facilitate the construction of the new William Henry Street bridge and the remaining fabric has continued to deteriorate. The remnants of the former Pump House read as a ruin.

Images

Figure 11
View looking west into the Pump house remnants from William Henry Street: note the chimney base at right

Figure 12
Arched openings, infilled, to the north of the former Pump House

Figure 13
The remnants of the chimney stack (left) and the underside of William Henry Street (right)

05 | POST OFFICE (1901) AND COURTYARD

Dates of construction and alteration

1900-01	Construction of Ultimo Post Office
c. 1940s	Reconstruction of column at William Henry Street and Harris Street corner
1985	Alterations to interior and exterior, and construction of addition to the east
1992	Renovations, including new amenities for use childcare centre use
2008	Conservation/restoration works

Past and present uses

Functions

1901-1985	Post Office	Postal services and Postmaster's residence
c. 1914-1930s	Commonwealth Savings Bank	Savings and general banking
1980s-2008	Childcare centre	Childcare
2008-2024	Amenities for Museum staff	Volunteer Centre

History

1859	The Ultimo Estate, which encompassed the land of the subject site, was subdivided. The development and population growth that followed gave rise to demand for a post office
1900	The vacant land at 494 Harris Street was acquired for the construction of a post office and Postmaster's residence, to the design of Walter Liberty Vernon, the New South Wales Government Architect at the Department of Public Works
1901	The Ultimo Post Office opened
c. 1914-1930s	The Ultimo Post Office was used for customer banking services by the Commonwealth Savings Bank
c. 1944	A motor car collided with the column at the street corner, later reinstated
1985	The Ultimo Post Office closed. MAAS acquired the former Ultimo Post Office site and adapted the building for use as a childcare centre. As well as alterations and the additions to the buildings, these works included a hard-paved courtyard to the south.
2008	The building was opened as the Volunteer Centre for the Powerhouse Museum in 2008

Description

The former Ultimo Post Office occupies a prominent location at the south-east corner of William Henry Street and Harris Street. The structure is comprised of three elements, each with a slate-clad hipped roof form and each stepping down the slope of William Henry Street. Extending from the west these elements are: the former Post Office, the former Postmaster's residence and a 1980s addition. The street-facing elevations of the former Post Office and Postmaster's residence present as low-scale and picturesque foreground elements in views of the Powerhouse Museum from the north.

Exterior

- The Post Office and Postmaster's residence, to the extent of their street-facing elevations, are in a Federation Free Style with Romanesque details, including a broad column and ashlar rounded arches to the corner recess. The cartouche above further defines the entry to the former Post Office.
- Distinguishing details to the former Postmaster's residence are a pair of ashlar oculi flanking the main entry.
- The rear (south) elevations of the former Post Office and residence generally lack decoration and applied details and have been modified over time, notably for the adaptation of the buildings for use as a childcare facility.
- The east addition is sympathetic to the earlier buildings, with slate-clad hipped roof and face brick external walls.

Interior

- Original features of the former Post Office include its plan form, ribbed metal ceiling lining, sash windows with coloured upper lights and the marble chimney with decorative tile reveals.
- Extensive alterations have carried out to the former residence. Original fabric/details generally survive as fragments.

Integrity

The street-facing elevations of the former Ultimo Post Office and Postmaster's residence retain relatively high levels of integrity as built in 1900/01, its period of significance. The Post Office interior also retains original details and finishes. Significant additions and alterations occurred in the 1980s, but do not demonstrate the architectural aesthetic of the balance of the Powerhouse Museum complex.

Images

Figure 14
View of the Post Office looking south-east from the intersection of William Henry and Harris streets

Figure 15
Elevated view of the rear (south) elevation of the Post Office

Figure 16
Rear (south) elevation of the 1980s addition (right) and the 1900-01 buildings (left)

06 | TURBINE HALL (1902)

Dates of construction and alteration

1902	Construction of extension to Engine House
1905	Installation of turbine
1909	Installation of additional turbines
c. 1914	Installation of additional turbines
1927-31	Upgrades to industrial equipment, including replacement of turbines and further excavation of basement, and integration with newly constructed Switch House
1982-88	Adaptive re-use works, involving the removal of concrete engine pads and tiled walkways. Alterartions were made to the western wall to integrate the Engine House with the Wran Building.
2011013	Internal alterations and conservation works to south elevation

Past and present uses		Functions
1902-1963	Power station	Generating electricity
1988-2024	Museum	Exhibition spaces

History

1902	The southern extension to the original Engine House was constructed to house reciprocating engines. A travelling crane (extant) was installed in 1902
1905	The first steam turbine, a 2,240kW Parson's Steam Turbo Alternator, was installed, supplied with steam by the additional boilers in the extended Boiler House
1909	Two additional Parson's Steam Turbo Alternators were installed
c. 1910	The building was referred to as the 'Turbine Hall' instead of the 'Engine House extension'
c. 1914	The reciprocating engines are removed to allow for the installation of four additional Parson's Steam Turbo Alternators
1923-1928	A new well and pump were installed to the basement of the Turbine Hall, connected to new inlet and outlet seawater conduits which were constructed, at the Darling Harbour end by the Sydney Harbour Trust and at the Power House end by New South Wales Government Railways, to increase water circulation to the boilers
1927-1931	As part of modernisation works, turbine units were upgraded, necessitating additional excavation, and the southern end of the building was integrated with the new Switch House
1963	Ultimo Power House closed and the turbines were removed from the Turbine Hall, which subsequently fell into disrepair
1980s	The Turbine Hall was adapted for museum use as part of Stage II of the Powerhouse Museum project The water circulation system was adapted for use for air conditioning

Description

The Turbine Hall is 56 metres deep and 31 metres wide, with brick outer walls mostly consisting of original and early fabric, and a gable roof with a gabled lantern. The structure is accessible at various levels from the abutting Engine House to the north, Boiler House to the east, Switch House to the south and Wran Building to the west. To the east of the Switch House, the Turbine Hall faces the Grace Bros courtyard.

Exterior

- The only external elevation to the south (partly concealed by the Switch House). The face brickwork is relieved by arched window openings and recessed bays framed by pilasters and stepped corbels
- The gabled roof and lantern are clad with corrugated metal sheeting, the latter with louvres to west and east

Interior

The internal volume of the Turbine Hall is huge, spanning levels 1-4 of the Powerhouse Museum. Level 1 extends the full width of the plan; levels 2 and 3 successively step back to the west. At the south end, there is circulation between levels 1-4 via escalators and a lift. Additionally, there is a full basement level.

Basement and water cooling system and manifold

- The basement is of concrete construction and accommodates modern services
- The seawater pit and pumps, which connect to the inlet and outlet conduits running to Darling Harbour, are located in the centre of the basement plan

Levels 1-4

- Level 1 is used for temporary exhibitions, including '1001 Remarkable Objects' in 2024, with its eastern third being a full height space for large scale exhibits and its western part being enclosed for small and light sensitive exhibits
- On level 2 there is a 'building within a building' – the Kings Cinema – with a highly decorative interior which references Art Deco motifs
- On level 3 there is a narrow gallery space running adjacent to the junction with Wran Building and extending out to form a roof level to the Kings Cinema, the plan being similar to a keyhole shape, as well as a bridge extending to the Boiler House at the intersection with the Engine House
- At the south a ramp at level 2 provides access to the Boiler House mezzanine
- A mezzanine at level 4 provides access to the Switch House
- At the approximate height of level 4, there is a row of windows to the western wall, which was an external wall prior to the construction of the Wran Building
- The walls and ceiling lining boards are painted in white
- To the eastern wall, a white-tiled dado, comprised of mostly original tiles, runs at the equivalent height of level 2
- The original gantry crane, finished in a dark grey colour, spans the space at the approximate height of level 4, supported by pilasters, rising from level 1 to the eastern wall and rising from level 3 to the western wall
- The original roof truss structure, which was strengthened in the 1980s, is finished in a dark grey colour
- A large, square grid with glazing is suspended from the ceiling at the northern end

Integrity

The Turbine Hall has a high level of intactness to its 1988 adaptation. The original features which were incorporated into the 1980s adaptation include:

- The south wall
- The brick outer walls and pilasters to the eastern internal face
- The gantry crane and associated rails and infrastructure
- The white-tiled dado to the eastern wall
- The metal truss roof structure

The circulation spaces to the south end have been substantially altered and added to, but the overall spatial arrangement of the 1980s design remains legible. Changes since 1988 include:

- Reconfiguration of openings in shared wall with the Boiler House
- Reconfiguration of the circulation zone to the southern end, including removal of the multi-level, steel grid cube, installation of a lift, and construction of level 2 walkway to the Boiler House mezzanine

Images

Figure 17
View of the Turbine Hall south elevation (part) from the Switch House (left)

Figure 18
View looking through the Turbine Hall from level 2

Figure 19
Seawater pit and valves in the basement

07 | SWITCH HOUSE (1927)

Dates of construction and alteration

1922-27	Construction of Switch House
1928-63	Minor modifications
1982-88	Adaptive re-use, including gabled upper-level addition
2011-13	Partial enclosure of the west elevation following bridging of a void to the east of the Harris Street Forecourt

Past and present uses

Functions

1927-63	Power station	Control room, switchgear and battery storage
1988-2024	Part of the museum complex	Exhibition spaces, offices and retail

History

1922-1927	The Switch House was built to accommodate modernised switchgear to service the upgraded Sydney tram network, superseding the switchboards and transformers in the Engine House
1963	Ultimo Power House closed and the Switch House subsequently fell into disrepair
1980s	The Switch House was adapted for museum and ancillary uses as part of Stage II of the Powerhouse Museum project, involving substantial internal refurbishment, construction of an additional level and highlighting elements of the facades with yellow paint to match the Wran Building

Description

The Switch House was the major built outcome of the significant expansion works of the 1920s/30s. The four-level building is 61 metres long, 23 metres wide and 17 metres high. It abuts the south elevation of the Turbine Hall, and addresses Macarthur Street (south), the Grace Bros Courtyard (east) and the Harris Street Forecourt (west, at Level 3).

Exterior

The building is constructed of face brick and concrete in a simplified Federation commercial style. Distinguishing details include brick pilasters, dentilled string courses, decorative parapets and flat arched openings. Dressings, sills, lintels and caps are in concrete, painted yellow (in the 1980s). There are false gables to the east and west elevations, and a gabled rooftop addition (1988).

Interior

Internal finishes at the Switch House almost all date to the 1980s, or more recently. As refurbished in 1988, there was exhibition space on levels 2 and 3, with a brasserie and offices in level 4 (the addition). The most recent uses were a café and shop on level 3, with studio accommodation for artists above.

Vertical circulation is via a lift and stair core at the north of the building.

Integrity

The Switch House, to the extent of its external presentation and internal planning, retains relatively high levels of integrity to the adaptive reuse works of the 1980s. The presentation of the building from the west has been compromised through the bridging of the original void in that location.

Images

Figure 20 South and east (part) elevations of the Switch House

Figure 21 View of the Switch House (right) from the Harris Street Forecourt

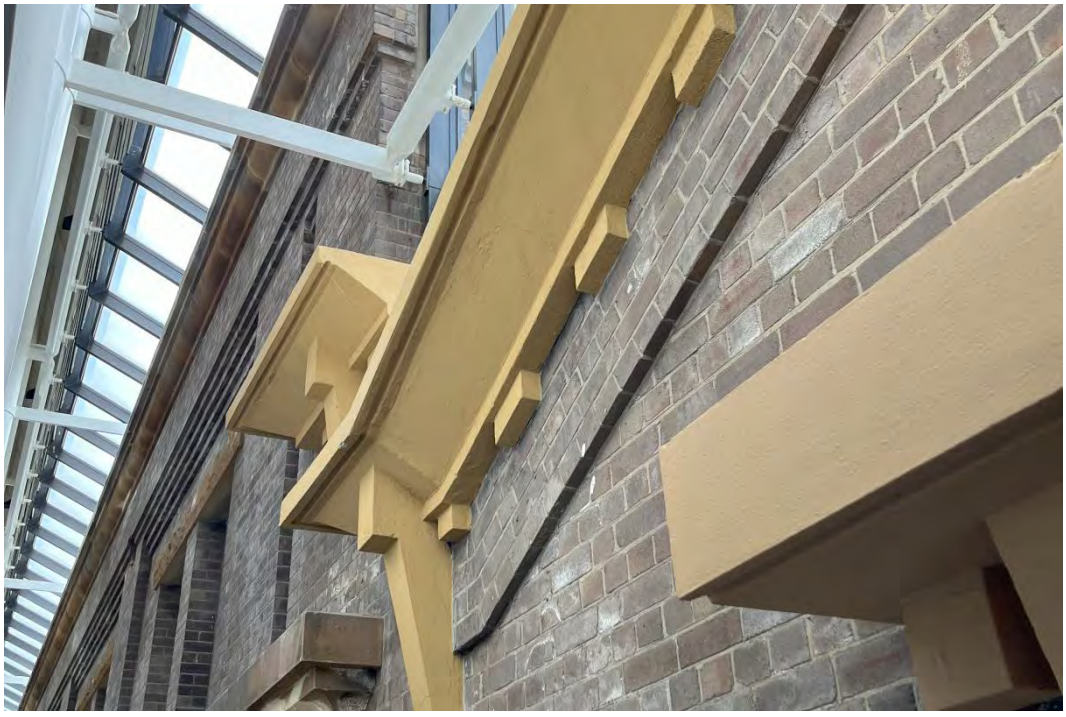


Figure 22
Detail of the interface between the Switch House and the Wran Building roof (Vault 1)

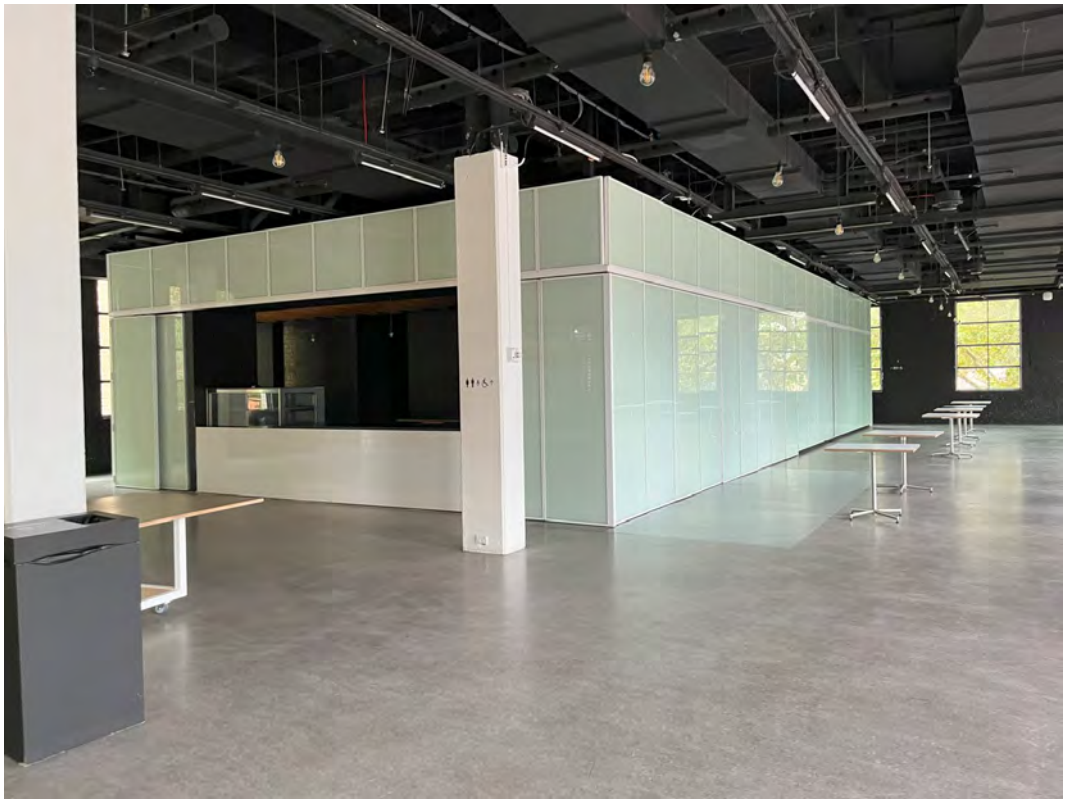


Figure 23
Level 3 of the Switch House

08 | HARWOOD BUILDING, FORMER TRAM DEPOT (1981)

Dates of construction and alteration

1898-99	Construction of the Ultimo Car House
1908	Car House extended to the north by approximately 45 metres (four saw tooth bays)
1953-56	Following the closure of the electric tramways, the Car House was stripped of tracks, pits and associated infrastructure for use as storage
1980-81	Adaptive re-use of the Car House for Phase 1 of the Powerhouse Museum

Past and present uses

1899-1953	Tram Car House
1981-present	Part of the Powerhouse Museum complex

Functions

1899-1953: Facility for stabling and maintenance of electric tram cars

1953-56	Store for redundant trams
1981-88	Temporary Museum (for display of MAAS exhibits); office space; collections store; curational workshops
1988-present	Museum function discontinued following opening of Powerhouse Museum Phase 2

History

The Tram Car House was adapted to the Harwood Building (aka Phase 1 of the Powerhouse Museum) in 1980-81.

1899-1953	The Tram Car House was operational from 8 December 1899 until 1953, when Sydney's electric tram network was closed. For much of its operational life, the tram network was powered by electricity generated at the Ultimo Power House.
1953-77	In the years following the closure of the tram network the former Car House was used as a store for redundant trams. During the 1960s the building was contemplated for adaptation as a Transport Museum. By the late-1970s, when Premier Neville Wran announced plans for the Powerhouse Museum, the former Car House had been largely stripped of tracks and infrastructure associated with its original use, and was in a state of semi-dereliction.
1980-81	A major package of works saw the former Car House adapted as a multi-functional facility to support the operations of MAAS and the Powerhouse Museum complex.
1984	The former Car House was renamed the Harwood Building, in honour of the Norm Harwood, a highly regarded former curator of MAAS.

Description

Works undertaken for the adaptation of the former Car House were extensive. Original fabric (i.e. dating to 1899-1908) includes the east elevation, west elevation (largely enclosed by a walkway, Omnibus Lane) and part of the north elevation. Works included excavation to create a basement (for storage), the introduction of a new ground level and construction of a mezzanine at the south end of the volume. The height of the roof was increased, to optimise useable space. The new roof referenced the saw tooth profile of the original building, with south-facing lights.

Exterior

The Harwood Building occupies the approximate footprint of the former Tram Car House, covering an area of c. 5,000 square metres. The primary entry is at the south, accessed from Mary Ann Street. The south elevation dates to 1981. A skillion profile roof form clad in corrugated sheet steel connects the southernmost saw tooth light and the modern glazing at ground level. During its operation as a tram depot the south face was unenclosed. A covered walkway with a wave-like roof profile extends from Mary Ann Street across a hard paved courtyard.

The brickwork east elevation (which comprises 14 saw tooth bays) dates, in the main, to the 1899 works. Details include a moulded string course, engaged pilasters and brick capping. The five bays at the north end were reconstructed in the 1980s to align with the south end – the 1899 and 1908 sections were originally staggered. The lower sections of the east elevation have been overpainted. The Goods Line public open space in this location enables a reading of the full length of the building, as well as the saw tooth roof profile. The roof form references the original, although it is raised higher to create a more generous internal volume and the saw tooth forms have curved ridges. To the east and west the corrugated steel sheeting splays out to align with the masonry walls below.

The three westernmost bays of the north elevation are original, the balance was constructed in 1980-81. Two of the three windows in the retained section have been reframed; the other has been infilled. The west elevation is original, albeit enclosed by the adjacent raised walkway (Omnibus Lane).

At the north, a covered walkway links the Harwood Building with the base of the Switch House.

Interior

The Harwood building has two levels, with mezzanines to the west and south. The basement is a single open volume that is used for collection storage. The ground floor, at the north end, includes a security office and a loading bay, to the south of which is a double-height workshop space (for conservation). The south end of the ground floor includes offices and a library, with further office accommodation on the mezzanine level above. (Between 1981 and 1988 the south end of the building was the principal exhibition space for the Powerhouse Museum.)

Integrity

The Harwood Building has a high level of integrity to its adaptive re-use and remodelling of 1980-81.

Images

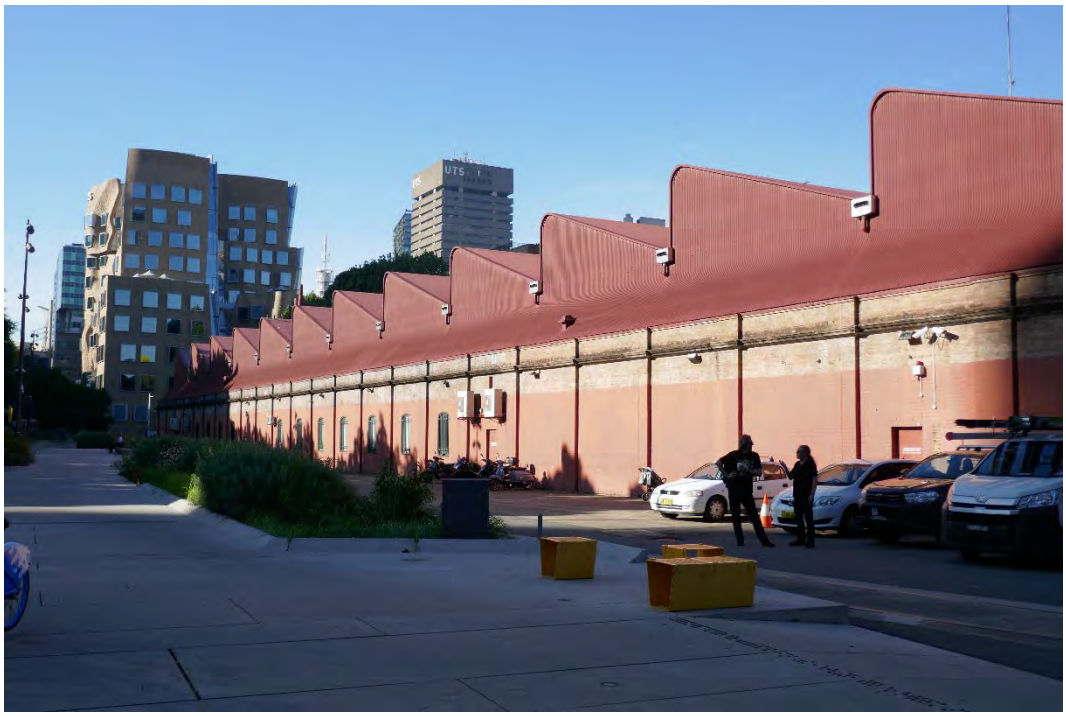


Figure 24
East elevation of the Harwood Building (part), looking south: the nine brick bays at the south date to 1899, and the roof form dates to 1981

Figure 25
The south elevation as seen from Omnibus Lane

Figure 26
North elevation of the Harwood Building

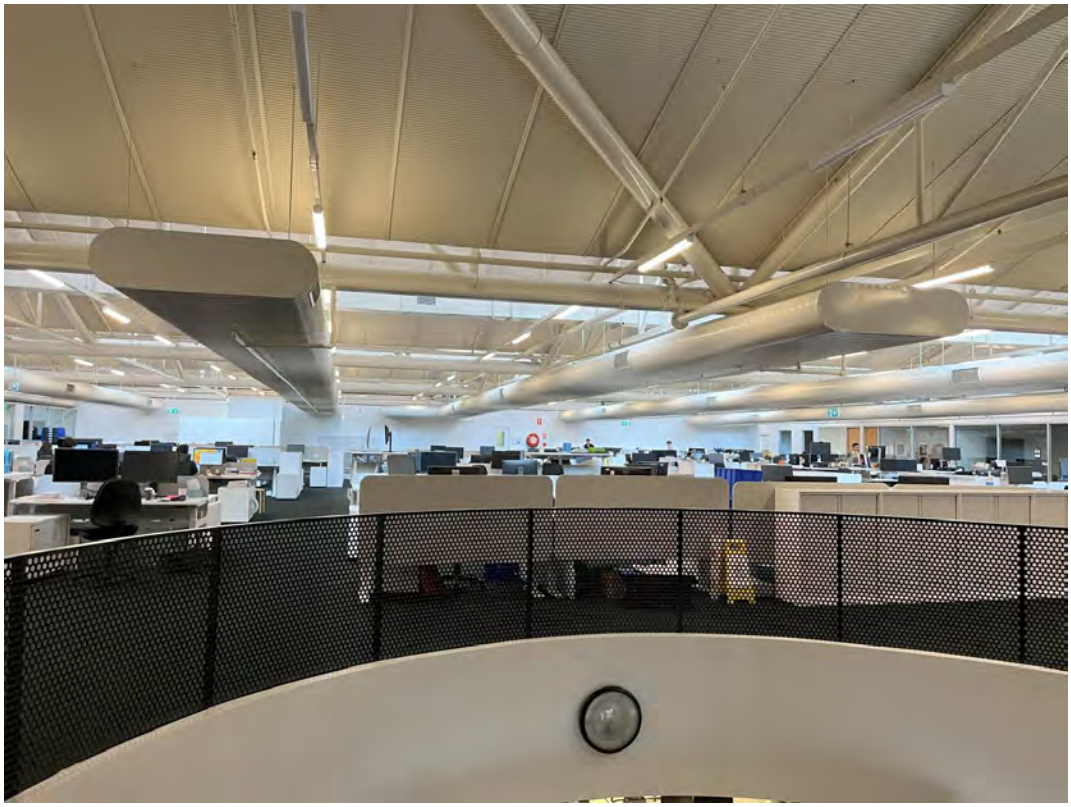


Figure 27
View of the mezzanine at the south end of the Harwood Building

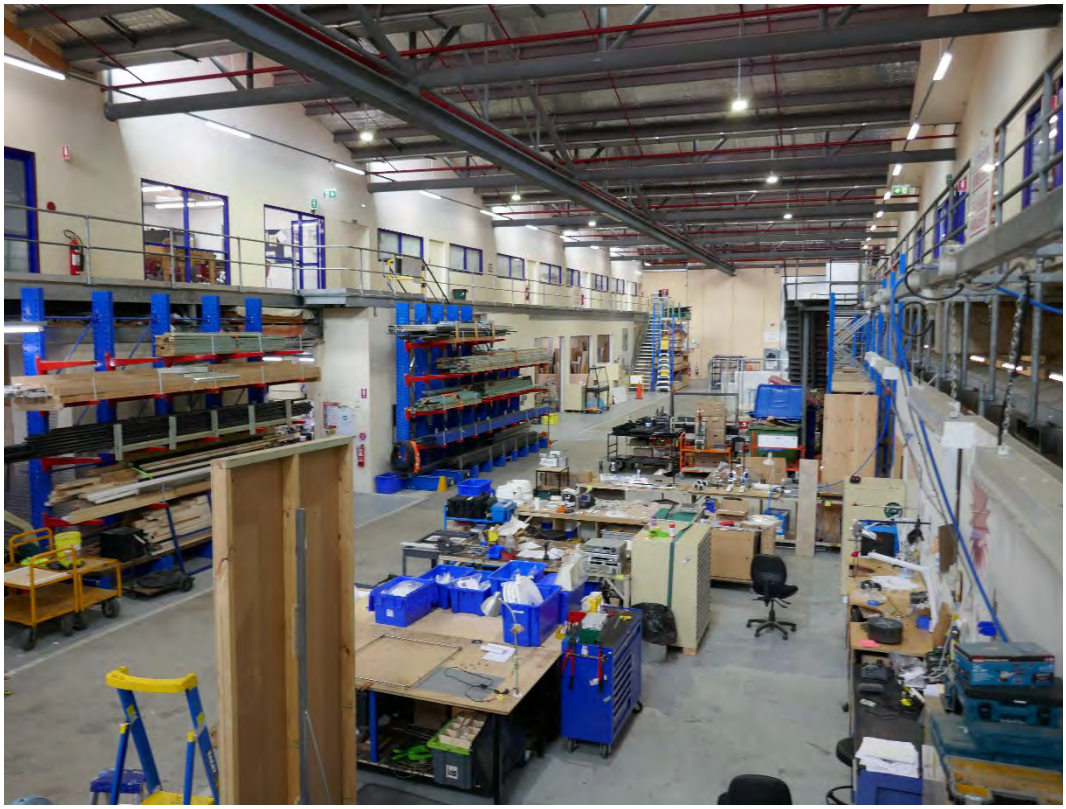


Figure 28
Workshop

09 | WRAN BUILDING (1988)

Dates of construction and alteration

1980s	Construction of the West Building (later named the Wran Building)
2005-06	Yellow finishes to north and south elevations changed to white
2011-13	Alterations as part of the 'Powerhouse Museum Revitalisation Project', including blocking of glazing to Harris Street to create a 'black box', truncation of the screen that extended south of Vault 2 and removal of glass lift from the south elevation to accommodate a remodelled entry

Past and present uses

1988-2024	Museum, exhibition spaces, board room, office/administrative accommodation

Description

Exterior

The Wran Building (1980s) was the major new-build component of the Powerhouse Museum complex. It comprises two parallel vaulted forms that enclose large open volumes, with a three-level linking element in between.

Vault 1 (the 'Galleria'), adjacent to the Turbine Hall and Engine Room, forms the primary entry to the museum from the Harris Street Forecourt at the south. The tall steel-framed structure has a partially glazed roof, with glazed facades to the north, south and west. The west elevations of the Turbine Hall and Engine Room are expressed within the Galleria; this is achieved by the vaulted roof extending over the parapets of the former industrial buildings. The north elevation addresses the Post Office courtyard and an emergency egress that opens to a sunken paved area and an external stair.

Vault 2, which was originally used for touring exhibitions, extends approximately 90 metres along Harris Street, the southern extent is screened by a freestanding colonnade (truncated in 2011-13). The broad roof form, clad in corrugated sheeting, is an incomplete vault. Overpainted fibre cement sheets clad the north and south elevations.

The three-level link element between the two vaults is articulated to the north and south as bands of full-width glazing and solid panels.

Interior

The vaulted roof is carried on slender circular profile columns that extend through the space. Original fittings and finishes in the Galleria include nougat marble to the floor areas (some areas damaged) and a ramp with perforated metal balustrades for vertical circulation; a lift at the south connects levels 3-5. Permanent exhibits displayed in the Galleria included Locomotive No. 1 close to the entry and the Boulton and Watt Beam Engine at the north.

A major feature of Vault 2 (Exhibition Hall) are the murals of the Australian sky to the north and south. Changes to Vault 2 have altered its original character, including the blocking of natural light from the south, the subdivision of the volume into two spaces and painting of the ceiling in black (the original Renfoil was reflective).

Studios, offices, stores and service spaces in the link element are generally intact as built, including the bathrooms (which have a distinctive black and white tile finish throughout) and the cashier's office. North-south passageways on each level variously provide viewing points into the vaults to either side. At the south end of Level 4 is the board

room, conceived by Glendenning as a 'building within a building'. Board room … The vaulted ceiling is painted *** with a nymph – the work was done by the same theatre set paints who completed the murals in the Touring Hall.

Level 2 of the Wran Building (below the main entrance) was used for temporary exhibitions, and included two theatres to the west of the plan – Target Theatrette, finished in mirrors and the larger Coles Theatre, an almost entirely intact post-modernist space. Level 2 also provides access for school groups, via the Switch Room basement to the south. The perforated ramps extend to Level 2.

The basement includes plant, service and storage spaces.

Key collection objects

The Galleria (Vault 1) is a key orientating space. As noted, Locomotive No. 1 is at the entry and rthe Boulton and Watt Beam Engine anchors the north end.

Integrity

The Wran Building, although modified (notably in 2011-13) retains a high level of integrity, including the overall form, planning and materiality of the tri-partite building.

Images

Figure 29
South elevation, February 2024

Figure 30
North elevation of the Wran Building: Ultimo Post Office (part) is in the foreground

Figure 31
Detail of Harris Street elevation of the Touring Hall: the freestanding colonnade is visible at rear

Figure 32
View looking north through Vault 1: Locomotive No 1 is in the foreground and the west elevation of the Turbine Hall is at right

Figure 33
Sky mural at north end of the Touring Hall

Figure 34 View looking south through Vault 1 (the Galleria): the Board Room, clad in orange tiles,is visible at rear

Figure 35 Bathrooms and wet areas are finished in black and white tiles throughout

Figure 36
Board room

Figure 37
'Nougat' marble flooring on the ground floor (Level 3) of the Wran Building

Figure 38
The Target Theatrette

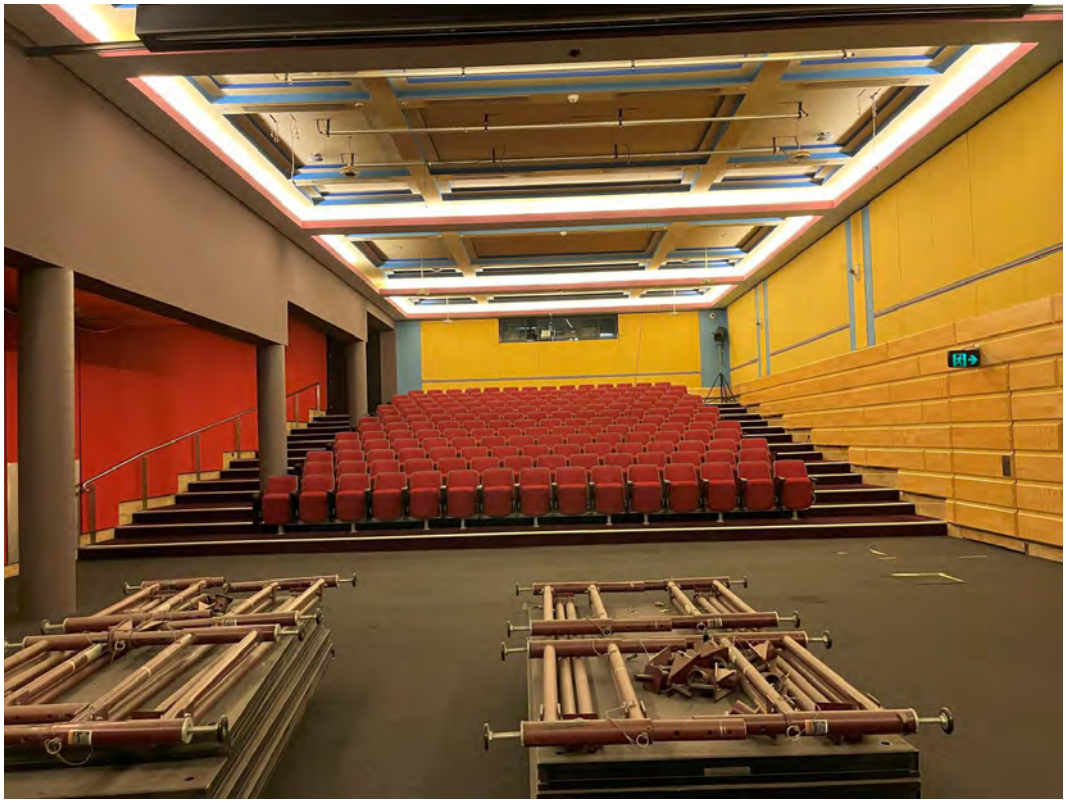


Figure 39
The Coles Theatre

10 | HARRIS STREET FORECOURT (1988)

Dates of construction and alteration

Late-1980s	Construction of the forecourt
2011-13	Alterations as part of the 'Powerhouse Museum Revitalisation Project', including the truncation of the colonnaded screen that extended south of the Wran Building (Vault 2) along the Harris Street boundary, and roofing of a void to the west of the Switch House – replaced with a raised platform

Past and present uses

1988-2024	Public open space, and forecourt to the primary entry to the Museum

Description

The forecourt was constructed in the 1980s as part of the Powerhouse Museum complex. It is a brick paved area accessed from Harris and Macarthur streets. Concrete steps and ramps manage the level change from street level. A face brick wall defines the south end of the space. The concrete platform outside the Switch House was constructed in 2011-13.

Integrity

The Harris Street Forecourt is a simply finished and hard-wearing space that retains high levels of integrity as completed in 1988. The major alteration is the reduced sense of enclosure as a consequence of the truncation of the colonnade.

Images

Figure 40
Harris Street forecourt looking north towards the Museum entry: the Switch House is at right (February 2024)

Figure 41
View looking towards the Wran Building from the platform outside the Switch House (September 2023)

Figure 42
Steps leading from Harris Street up to the forecourt (September 2023)

11 | GRACE BROS COURTYARD (1988)

Dates of construction and alteration

1890s-1920s	Service/storage/transit area supporting the activities of the Power House
c. 1927-31	A coal bunker was constructed in the approximate location of the courtyard
1988	Grace Bros Courtyard formed as part of the 1980s works
1997	Café constructed at south of the courtyard

Past and present uses		Functions
1890s-1960s	Power station	Service area traversed by rail tracks
1988	Public outdoor space	Café and seating area

Description

The Grace Bros Courtyard is a hard-paved open space that is framed by the Switch House to the west, the Light Rail line to the east, the Boiler House to the north and the café to the south. The striped stairs attached to the south elevation of the Boiler House are a prominent backdrop at the north of the space. Trees (species and age not determined), extending north-south through courtyard, soften the space and provide some level of canopy enclosure.

Integrity

The integrity of the café has not been established.

Images

Figure 43
View from the Grace Bros Courtyard looking towards the Switch House

Figure 44
View from the covered walkway looking north towards the Boiler House

12 | CAFÉ (1997)

Dates of construction and alteration

1997	Construction of 'Café Junction'

History

1996-97	The café replaced an earlier kiosk in a similar location.

Description

The single-level flat-roofed café is of steel and concrete construction. It is rectangular in plan and extends between the covered walkway that runs parallel to the Switch House and the light rail line, forming the south boundary of the Grace Bros Courtyard.

Exterior

The south elevation is finished in grey-coloured metal sheeting. There is a large top-hung sliding doorway in the approximate centre. This entry, clad in silver coloured metal panels, is aligned with rail (or tram) tracks embedded in the asphalt. Except for three openings at the base of the top-hung entryway the south elevation is windowless.

The north elevation is almost entirely glazed, with panels set in steel frames of varied dimensions.

Interior

The café was not inspected internally.

Integrity

The integrity of the café has not been established.

It is a building of utilitarian character and presentation that post-dates the major phase of construction for the Powerhouse Museum complex.

Images

Figure 45
South elevation of the café

Figure 46
North elevation of the café (part)

Attachment C2

Draft Inventory Sheet - Powerhouse Museum and interiors

Heritage nomination form

A. Nominated item

1. Name

Name*	Powerhouse Museum, including interiors
Other or former names	Powerhouse Museum former warehouse buildings, including interiors, Ultimo Powerhouse, Powerhouse Ultimo, Museum of Applied Arts & Sciences

2. Location

Street address*	500 Harris Street ULTIMO NSW 2007
Alternate street address	
Local government area*	City of Sydney

Land parcels*	Lot	Lot 3	DP	216854	Building reference / name	Harwood Building (former Tram Depot)
		Lot 1 & 3		631345		Powerhouse Museum and part of the Harris Street forecourt
		Lot 1		781732		Wran Building (includes paved courtyard to north)
		Lot 37		822345		Harris Street forecourt (part)

Coordinates	
Latitude	-33.878517
Longitude	151.199773
Datum	GDA94

3. Extent of nomination

Source of map or plan	Geocortex
Description of the boundary, if required	The Powerhouse Museum complex is bound by William Henry Street to the north, Harris Street and Omnibus Lane to the west, Mary Ann Street to the south the and the Goods Line/tramway corridor to the east. The extent of proposed listing is denoted in red above.

4. Ownership

For organisations / company, please provide both the name of the business and a contact.

Name of owner(s)*	TRUSTEES of THE MUSEUM of APPLIED ARTS
Business / organisation name, if applicable	
Address	
Phone	
Email	
Ownership explanation, if required	

B. Significance

5. Why is it important in NSW?

Refer to the guideline Assessing heritage significance when completing this section.

Statement of significance*
The Powerhouse Museum complex historical significance, historical association, aesthetic /creative/technical achievement and social, cultural, and spiritual significance to NSW and Sydney. The former Power House and the Tram Depot demonstrate and retain associations with historic events of significance. The Power House was established in 1898/99 for the generation of electricity to power Sydney's tramway network. The tram cars were stabled in the Tram Depot, constructed concurrently on a site to the south. The two buildings continue to share a symbiotic functional relationship. The Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. It closed in 1963. The Ultimo Tram Depot (also completed in 1899, and closed in 1953) was the first stabling facility for Sydney's electric tram network. In the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power Station and Tram Depot – by then in a state of dereliction and largely stripped of plant and machinery – as premises for the Museum of Applied Arts and Science (MAAS), a huge collection of considerable significance. MAAS has strong connections with Ultimo, having been headquartered at the Technological Museum on Harris Street from 1893 to the 1980s. The vision was for the conservation and adaptive re-use of the derelict industrial buildings, and the introduction of new works to the west of the site (Harris Street) creating a new public address. The undertaking was inspired by overseas precedents. Political impetus for the project was provided by the bicentenary. The project also a flagship of the regeneration of the Darling Harbour precinct. The Powerhouse is a large and complex place that is rich in ideas, ambition and associations. It is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking. Of the notable individuals and organisations associated with the complex MAAS and the office of the NSW Government Architect stand out for the strength of their association with the place, and for their role in shaping its identify and evolution. The Powerhouse Museum is perhaps the seminal work of the project architect Lionel Glendenning's distinguished career. The Powerhouse Museum complex is a major, and early, outcome of an emerging interest internationally in adaptive renewal of industrial/transport buildings for the creative arts. Works for the adaptation of the Tram Depot and Power House buildings were bold, and assertive while simultaneously responsive to the valued characteristics of the place. The coalition of the MAAS collection and the historic buildings was mutually strengthening in terms of their significance, social resonance and cultural influence. The architectural and experiential qualities of the Powerhouse Museum were the outcome of a collaborative approach, with Lionel Glendenning and Richard Johnson being lead protagonists. Glendenning brought a notably plural sensibility to the project. His interest in drawing upon a diverse set of historical and symbolic references was responsive to the origins and associations of the collections and existing buildings. It was contemporary with the expansion of Postmodernist principles in architectural design. Glendenning explored a series of design themes at the Powerhouse the cumulative effect of which was their reference to memory, time and travel, evocative not just of the industrial nature of the collection and its new location in a series of structures originally devoted to industry and transport but

also an analogy to a museum visitor's experience of memory, time and travel as they would make their way around the diverse volumes and spaces of the whole museum complex.

The design of the exhibitions and visitor experience, overseen by Johnson, was similarly innovative. Much as Glendenning had conceived the exterior form and the diverse scale of spaces within as an extension of the broader urban context, Johnson was interested in the internal experience of the museum being like that of a city. Major exhibits – including the Boulton and Watt Engine, the Catalina and Loco No. 1 – were used as anchors, to assist visitors in navigating the huge spaces. The Powerhouse Museum has been modified since 1988, notably during the works of 2011-13. However, the core principles that underpinned the design response, and many of the sources and references that informed it, remain evident.

The design qualities of the Powerhouse Museum were highly awarded. The Powerhouse Museum is a place of social value to communities and groups for a range of reasons variously related to conceptions of identity, practice and interest. Broad communities of identity across Sydney and NSW derive a sense of pride from an appreciation that the Powerhouse is a museum with few equivalents in Australia or elsewhere that is recognised worldwide and has contributed positively to perceptions of Sydney and NSW. Communities of identity associated with the Powerhouse also include those that have been supported (or represented) by the Museum, including migrant and LGBTQI communities.

Communities of interest associated with the Powerhouse include groups that formed (or mobilised) following the NSW Government's 2014/5 announcement of plans to replace the Powerhouse Museum in Ultimo with a new facility in Sydney's western suburbs. Communities of interest also include those with an interest in the site's associations with industry, transport and with MAAS. Communities of practice associated with the Powerhouse Museum may include but are unlikely to be limited to present and former MAAS staff, Powerhouse Museum staff and volunteers.

C. Description

6. Describe the existing item

Description*	The Powerhouse Museum complex comprises the former Ultimo Power House and Tram Depot (which adapted an earlier Car House) being the, engine house, boiler house, north annex, pump house, turbine hall, switch house buildings. These buildings have undergone ongoing change to support the evolving needs of the museum functions. Later addition buildings are the Wran Building, Harris Street forecourt, Café and Grace Bros courtyard. The building envelopes are generally intact, with varying degrees of intervention for the museum in 1988. **ENGINE HOUSE (1899)** The Engine House is approximately 32 metres long and 30 metres wide. Its brick walls mostly consist of original and early fabric, and its gable roof has a curved ridge-mounted lantern. The structure is accessible at various levels, from the abutting North Annexe to the north, Boiler House to the east, Turbine Hall to the south, and Wran Building to the west. *Exterior* • The brick perimeter walls of the Engine House are almost entirely concealed by adjacent built form • The gable roof and lantern are clad with corrugated metal sheeting, the latter with louvres to the west and east

Interior
The Engine House has an internal volume spanning Powerhouse Museum levels 2-4 (no floor to level 4), an enclosed level 1, and a partial basement. The building can be accessed from the North Annexe at levels 1 and 2, the Boiler House at the basement level and level 1, the Turbine Hall at the basement level and levels 1, 2 and 3, and the Wran Building at level 2.

Basement
The accessible basement, which is of concrete construction, is limited to ancillary spaces adjacent to the basements of the Turbine Hall and Boiler House.

Level 1
- Level 1 is a flexible exhibition space for temporary exhibitions and was displaying 'Experimentations' in 2024
- The original openings in the level 2 floor slab, through which steam engines would rise from their concrete bases on the level below, have been infilled, so the level 1 ceiling is completely enclosed
- The bases to the lattice columns, which supported the gantry crane in the space above, have been retained.

Levels 2-3
- The exhibition hall for the permanent exhibition 'Steam Revolution' comprises an open space between level 2 and the underside of the roof.
- At the northern end, there is a mezzanine, consisting mostly of the original DC switchboard gallery, accessible via stairs from level 2
- Three openings in the eastern wall at level 2 lead to viewing balconies in the Boiler House
- At the south end, stairs from level 2 lead up to a bridge at level 3, which runs across the intersection of the Engine House and Turbine Hall and extends through an opening to create a viewing balcony in the Boiler House
- The northern, western, and eastern walls are painted lilac, and a white-tiled dado runs at level 2 of the latter two walls and up to the northern mezzanine
- At the approximate height of level 4, there is a row of windows to the western wall, which was an external wall prior to the construction of the Wran Building
- The metal roof truss structure and timber lining boards are visible and painted mint green
- The original gantry crane, including its plate girders and lattice columns, all painted yellow, spans the space, supported by pilasters to the western and eastern walls.

BOILER HOUSE (1899-1902)
The Boiler House is 83 metres long, 23 metres wide and approximately 23.5 metres high. Its outer walls are brick and comprise fabric from the two key phases of construction. The gable roof with a gabled ridge-mounted lantern was clad in corrugated sheet metal in the 1980s. The Boiler House abuts the Engine Room and Turbine Hall to the west and can be accessed through openings in the shared wall.

To the north, the open area enclosed by the remnant external walls of the former Pump House can be accessed via the Boiler House basement. Adjacent to the south, the Grace Bros Courtyard can be accessed at level 1 via the central roller door or vertical circulation shafts. Sydney Light Rail tracks are located to the east (outside the item boundary).

Exterior

- The face brick elevations are articulated with recessed window bays framed by pilasters and stepped corbels.
- There is a shadow of the previously abutting Pump House at the lower level of the north elevation.
- To the south elevation, a pair of stair enclosures, clad with metal sheeting with alternating pink and blue horizontal banding and topped with pyramid skylights, flank the central window bay, with a lift shaft adjoining the eastern stair shaft.
- A relatively small extent of each of the chimneys project to different heights beyond the roofline.

Interior

The Boiler House has an internal volume spanning Powerhouse Museum levels 1-4 (no floor to level 4), in addition to a basement level.

Basement

- The basement is of concrete construction and accommodates modern services integrated with the extant bases of the chimneys.

Levels 1-3

- The exhibition hall is a huge volume, rising to full height from level 1 (ground) to the metal truss roof structure, which is mostly comprised of 1902-1905 fabric and was strengthened in 1988 for exhibit display purposes
- The flooring to level 1 is concrete, installed in the 1980s
- The bases of the white-painted brick chimneys project just beyond the roof line
- To the west elevation, there are three viewing balconies at level 2. accessed via the Engine House, and one at level 3, accessed via the bridge demarcating the Engine House and Turbine Hall. The balconies have perforated metal balustrades of the same type as the ramps in the Wran Building and elsewhere within the complex
- At the south end, there are two mezzanines, at levels 2 and 3, supported by two rows of cylindrical columns
- To the interior of the southern stair shafts, the visible steel I-beam structure is lilac, the walls are yellow, and the stair stringers, posts and rails are mint green.

NORTH ANNEXE (1899)

The North Annexe is a symmetrically composed three-storied building of sandstone and brick construction. It is the most architecturally ornate building of the late nineteenth and early twentieth group at the Powerhouse Museum, adopting Italian Renaissance references. The seven-bay north elevation is in face brickwork with sandstone dressings defining the openings, string courses and cornices.

Exterior

- The external elevations are composed of a sandstone base to the semi-basement and ground levels, with a rusticated finish (except for the extent of the east elevation, which previously abutted the Pump House), and red face brick to the upper levels and parapet, which rises above a sandstone entablature.
- The symmetrical north elevation is articulated with window bays to the upper two levels, recessed by brick pilasters and carved with sandstone detailing.

- A sandstone portal, which was the original main entrance to the Power House complex, is in the centre of the north elevation and rises to the height of the second storey, topped with a pediment. Within the opening, there is a modern roller door, and above it is an original bas-relief spandrel with a sign reading 'N.S.W.G.T POWERHOUSE 1899' against a background of electric bolts.
- To the north of the North Annexe is a narrow paved walkway partially overhung by the William Henry Street bridge.

Interior

- The flooring is generally tiled in a checkerboard pattern of terracotta and mahogany colours, with carpets to office and studio spaces
- White-painted suspended ceilings and bulkheads accommodate modern services
- To the lower level, most of the stone and brick walls are exposed, whereas, to the upper levels, the walls are generally plastered and painted
- The door and window joinery is cedar, most of which is painted grey-green
- To the upper level, there are cast iron columns with decorative capitals within the workshop spaces
- Two doors on the ground level have WWII-era stencils – it is possible that they are remnants of the WWII-era air raid precautions

PUMP HOUSE, REMNANTS (1899)

The footprint of the former Pump House is an open area with asphalt paving. The perimeter consists of fragments of the former Pump House brick eastern wall and northern wall and chimney base, the eastern external wall of the North Annexe and the northern external wall of the Boiler House. William Henry Street bridge cuts over the north-eastern corner of the courtyard. Two modern concrete stairs with metal handrails – one coming up from the Boiler House basement and one leading up to emergency exit doors in the northern wall – create an egress path.

TURBINE HALL (1902)

The Turbine Hall is 56 metres deep and 31 metres wide, with brick outer walls mostly consisting of original and early fabric and a gable roof with a gabled lantern. The structure is accessible at various levels from the abutting Engine House to the north, Boiler House to the east, Switch House to the south and Wran Building to the west. To the east of the Switch House, the Turbine Hall faces the Grace Bros courtyard.

Exterior

- The only external elevation to the south (partly concealed by the Switch House). The face brickwork is relieved by arched window openings and recessed bays framed by pilasters and stepped corbels.
- The gabled roof and lantern are clad with corrugated metal sheeting, the latter with louvres to the west and east.

Interior

The internal volume of the Turbine Hall is huge, spanning levels 1-4 of the Powerhouse Museum. Level 1 extends the full width of the plan; levels 2 and 3 successively step back to the west. At the south end, there is circulation between levels 1-4 via escalators and a lift. Additionally, there is a full basement level.

Basement and water-cooling system and manifold

- The basement is of concrete construction and accommodates modern services.
- The seawater pit and pumps, which connect to the inlet and outlet conduits running to Darling Harbour, are in the centre of the basement plan.

Levels 1-4

- Level 1 is used for temporary exhibitions, including '1001 Remarkable Objects' in 2024, with its eastern third being a full-height space for large-scale exhibits and its western part being enclosed for small and light-sensitive exhibits.
- On level 2, there is a 'building within a building' – the King's Cinema – with a highly decorative interior that references Art Deco motifs.
- On level 3 there is a narrow gallery space running adjacent to the junction with Wran Building and extending out to form a roof level to the Kings Cinema, the plan being similar to a keyhole shape, as well as a bridge extending to the Boiler House at the intersection with the Engine House.
- At the south, a ramp at level 2 provides access to the Boiler House mezzanine.
- A mezzanine at level 4 provides access to the Switch House.
- At the approximate height of level 4, there is a row of windows to the western wall, which was an external wall prior to the construction of the Wran Building.
- The walls and ceiling lining boards are painted in white.
- To the eastern wall, a white-tiled dado, comprised of mostly original tiles, runs at the equivalent height of level 2
- The original gantry crane, finished in a dark grey colour, spans the space at the approximate height of level 4, supported by pilasters, rising from level 1 to the eastern wall and rising from level 3 to the western wall.
- The original roof truss structure, which was strengthened in the 1980s, is finished in dark grey.
- A large, square grid with glazing is suspended from the ceiling at the northern end.

SWITCH HOUSE (1927)

The Switch House was the major built outcome of the significant expansion works of the 1920s/30s. The four-level building is 61 metres long, 23 metres wide and 17 metres high. It abuts the south elevation of the Turbine Hall and addresses Macarthur Street (south), the Grace Bros Courtyard (east) and the Harris Street Forecourt (west, at Level 3).

Exterior

The building is constructed of face brick and concrete in a simplified Federation commercial style. Distinguishing details include brick pilasters, dentilled string courses, decorative parapets and flat arched openings. Dressings, sills, lintels, and caps are made of concrete and painted yellow (in the 1980s). There are false gables to the east and west elevations and a gabled rooftop addition (1988).

Interior

Internal finishes at the Switch House almost all date to the 1980s or more recently. When it was refurbished in 1988, it had exhibition space on levels 2 and 3, a brasserie, and offices on level 4 (the addition). The most recent uses were a café and shop on level 3, with studio accommodation for artists above. Vertical circulation is via a lift and stair core at the north of the building.

HARWOOD BUILDING, FORMER TRAM DEPOT (1981)

Exterior

The Harwood Building occupies the approximate footprint of the former Tram Car House, covering an area of c. 5,000 square metres. The primary entry is at the south, accessed from Mary Ann Street. The south elevation dates to 1981. A skillion profile roof form clad in corrugated sheet steel connects the southernmost saw tooth light and the modern glazing at ground level. During its operation as a tram depot, the south face was unenclosed. A covered walkway with a wave-like roof profile extends from Mary Ann Street across a hard-paved courtyard.

The brickwork east elevation (which comprises 14 saw tooth bays) dates, in the main, to the 1899 works. Details include a moulded string course, engaged pilasters and brick capping. The five bays at the north end were reconstructed in the 1980s to align with the south end – the 1899 and 1908 sections were originally staggered. The lower sections of the east elevation have been overpainted. The Goods Line public open space in this location enables a reading of the full length of the building, as well as the saw-tooth roof profile. The roof form references the original, although it is raised higher to create a more generous internal volume, and the saw tooth forms have curved ridges. To the east and west, the corrugated steel sheeting splays out to align with the masonry walls below.

The three westernmost bays of the north elevation are original; the balance was constructed in 1980-81. Two of the three windows in the retained section have been reframed; the other has been infilled. The west elevation is original, albeit enclosed by the adjacent raised walkway (Omnibus Lane).

At the north, a covered walkway links the Harwood Building with the base of the Switch House.

Interior

The Harwood building has two levels, with mezzanines to the west and south. The basement is a single open volume that is used for collection storage. The ground floor, at the north end, includes a security office and a loading bay, and to the south is a double-height workshop space (for conservation). The south end of the ground floor includes offices and a library, with further office accommodation on the mezzanine level above. (Between 1981 and 1988, the south end of the building was the principal exhibition space for the Powerhouse Museum).

WRAN BUILDING (1988)

Exterior

The Wran Building (1980s) was the major new-build component of the Powerhouse Museum complex. It comprises two parallel vaulted forms enclosing large open volumes, with a three-level linking element.

Vault 1 (the 'Galleria'), adjacent to the Turbine Hall and Engine Room, forms the primary entry to the museum from the Harris Street Forecourt at the south. The tall steel-framed structure has a partially glazed roof with glazed facades to the north, south and west. The west elevations of the Turbine Hall and Engine Room are expressed within the Galleria; this is achieved by the vaulted roof extending over the parapets of the former industrial buildings. The north elevation addresses the Post Office courtyard and an emergency egress that opens to a sunken paved area and an external stair.

Vault 2, originally used for touring exhibitions, extends approximately 90 metres along Harris Street. The southern extent is screened by a freestanding colonnade (truncated in 2011-13). The broad roof form, clad in corrugated sheeting, is an incomplete vault. Overpainted fibre cement sheets clad the north and south elevations. The three-level link element between the two vaults is articulated to the north and south as bands of full-width glazing and solid panels.

Interior
The vaulted roof is carried on slender circular profile columns that extend through the space. Original fittings and finishes in the Galleria include nougat marble to the floor areas (some areas damaged) and a ramp with perforated metal balustrades for vertical circulation; a lift at the south connects levels 3-5. Permanent exhibits displayed in the Galleria included Locomotive No. 1 close to the entry and the Boulton and Watt Beam Engine at the north. A major feature of Vault 2 (Exhibition Hall) are the murals of the Australian sky to the north and south. Changes to Vault 2 have altered its original character, including the blocking of natural light from the south, the subdivision of the volume into two spaces and painting of the ceiling in black (the original Renfoil was reflective).

Studios, offices, stores and service spaces in the link element are generally intact as built, including the bathrooms (which have a distinctive black and white tile finish throughout) and the cashier's office. North-south passageways on each level variously provide viewing points into the vaults to either side. At the south end of Level 4 is the boardroom, conceived by Glendenning as a 'building within a building'. The vaulted ceiling is painted with a nymph – the work was done by the same theatre set painters who completed the Touring Hall murals.

Level 2 of the Wran Building (below the main entrance) was used for temporary exhibitions. It included two theatres to the west of the plan – Target Theatrette, finished in mirrors and the larger Coles Theatre, an almost entirely intact post-modernist space. Level 2 also provides access for school groups via the Switch Room basement to the south. The perforated ramps extend to Level 2.

The basement includes plant, service and storage spaces.

Key collection objects
The Galleria (Vault 1) is a key orientating space. As noted, Locomotive No. 1 is at the entry, and the Boulton and Watt Beam Engine anchors are at the north end.

HARRIS STREET FORECOURT (1988)
The forecourt was constructed in the 1980s as part of the Powerhouse Museum complex. It is a brick-paved area accessed from Harris and Macarthur streets. Concrete steps and ramps manage the level change from street level. A face brick wall defines the south end of the space. The concrete platform outside the Switch House was constructed in 2011-13.

GRACE BROS COURTYARD (1988)
The Grace Bros Courtyard is a hard-paved open space that is framed by the Switch House to the west, the Light Rail line to the east, the Boiler House to the north and the café to the south. The striped stairs attached to the south elevation of the Boiler House are a prominent backdrop at the north of the space. Trees (species and age not determined), extending north-south through the courtyard, soften the space and provide some level of canopy enclosure.

	CAFÉ (1997) The single-level flat-roofed café is of steel and concrete construction. It is rectangular in plan and extends between the covered walkway that runs parallel to the Switch House and the light rail line, forming the south boundary of the Grace Bros Courtyard.
Condition of fabric and/or archaeological potential*	The extent of disturbance at the site over time is such that archaeological potential at the subject site is generally limited (Curio Pty Ltd, Draft Conservation Management Plan for the 'Powerhouse Ultimo', Section 3, Table 3.3)
Integrity / intactness*	Despite later alterations and additions, the Powerhouse Museum building retains a high degree of integrity. ***Ultimo Power House and Tram Depot (original complex)*** **ENGINE HOUSE (1899)** The Engine House has a high level of intactness to its 1988 adaptation. The original features which were incorporated into the 1980s adaptation include: • The brick outer walls and pilasters to the western and eastern internal faces • The gantry crane and structure • The white-tiled dado • The northern gallery • The metal truss roof structure Nearly all the alterations and additions that were implemented as part of the adaptive reuse design remain. Changes since 1988 include: • The removal and infill of a stair at the northern end between levels 1 and 2 • Reconfiguration of exhibits **BOILER HOUSE (1899-1902)** The Boiler House is highly intact compared to its 1988 adaptation. Its remnant chimneys, most of its brick outer walls, and roof structure are the original or early fabric that was incorporated into the 1980s adaptation. Nearly all of the alterations and additions implemented as part of the adaptive reuse design remain. Changes since 1988 include: • Reconfiguration of openings in shared wall with Engine House and Turbine Hall at level 1 • Installation of a new ramp, running through a new wall opening, to provide circulation to the level 2 mezzanine from level 2 of the Turbine Hall • Infill of the void in the centre of the column grid to the level 2 mezzanine floor **NORTH ANNEXE (1899)** The North Annexe retains a high level of integrity to its 1988 refurbishment. This includes a combination of original and restored fabric, such as the: • Masonry walls, externally and internally • Cedar door and window joinery • Tiled flooring • Cast iron columns

PUMP HOUSE, REMNANTS (1899)

The remnant fabric of the original Pump House, built in 1898-1899, includes partially extant northern and eastern walls with some brick detailing. Two arched window openings with carved keystones in the north elevation have been infilled with red brick but remain visible. The upper parts of the walls and part of the chimney base were partially demolished for the construction of the new William Henry Street bridge, and the remaining structure has continued to deteriorate, reading as a ruin.

TURBINE HALL (1902)

The Turbine Hall has a high level of intactness to its 1988 adaptation. The original features which were incorporated into the 1980s adaptation include:

- The south wall
- The brick outer walls and pilasters to the eastern internal face
- The gantry crane and associated rails and infrastructure
- The white-tiled dado to the eastern wall
- The metal truss roof structure

The circulation spaces to the south end have been substantially altered and added to, but the overall spatial arrangement of the 1980s design remains legible. Changes since 1988 include:

- Reconfiguration of openings in the shared wall with the Boiler House
- Reconfiguration of the circulation zone to the southern end, including removal of the multi-level, steel grid cube, installation of a lift, and construction of level 2 walkway to the Boiler House mezzanine

SWITCH HOUSE (1927)

The Switch House, to the extent of its external presentation and internal planning, retains relatively high levels of integrity to the adaptive reuse works of the 1980s. The presentation of the building from the west has been compromised through the bridging of the original void in that location.

HARWOOD BUILDING, FORMER TRAM DEPOT (1981)

Works undertaken for the adaptation of the former Car House were extensive. Original fabric (i.e. dating to 1899-1908) includes the east elevation, west elevation (largely enclosed by a walkway, Omnibus Lane) and part of the north elevation.

Works included excavation to create a basement (for storage), the introduction of a new ground level and the construction of a mezzanine at the south end of the volume. The height of the roof was increased to optimise useable space. The new roof referenced the saw tooth profile of the original building, with south-facing lights.

The Harwood Building has a high level of integrity to its adaptive reuse and remodelling of 1980-81.

Redevelopment as the Powerhouse Museum (new addition Wran Building, Harris Street Forecourt, café and Grace Bros Courtyard)

- The Wran Building although modified (notably in 2011-13), retains a high level of integrity, including the overall form, planning, and materiality of the tri-partite building.

	▪ The Harris Street Forecourt is a simply finished and hard-wearing space that retains high levels of integrity, as completed in 1988. The major alteration is the reduced sense of enclosure caused by the truncation of the colonnade. ▪ The café is a building of utilitarian character and presentation that post-dates the major phase of construction for the Powerhouse Museum complex. ▪ The integrity of the café and Grace Bros courtyard is unknown.
Modification dates	**ENGINE HOUSE (1899)** • 1898-99 Construction of Engine House • 1902 Alterations and additions, including new switchboard gallery mezzanines to the north and the south for direct current (DC) and alternating current (AC), respectively, and integration with the new Turbine Hall • 1913 Alterations and additions, including installation of a substation with a new switchboard and construction of a gallery level to the west • 1926 Removal of southern gallery mezzanine • 1930 Minor alterations and additions • 1960s Machinery/plant associated with electricity production largely removed • 1982-88 Adaptive reuse involves removing electrical equipment and machinery, concrete engine pads, tiled walkways, cast iron floor grates, and the western gallery. Alterations to the west elevation to integrate the Engine House with the Wran Building **BOILER HOUSE (1899-1902)** • 1898-99 Construction of Boiler House (initial stage) • 1902-05 Significant expansion, including extension to the south, increase in height, construction of two large brick chimney stacks and relocation of coal and ash handling structures to the south • 1927-32 Modernisation of industrial equipment • 1960s-70s Plant/infrastructure associated with industrial processes largely removed • 1976-77 Chimneys demolished down to roof level • 1982-88 Adaptive reuse for Powerhouse Museum **PUMP HOUSE, REMNANTS (1899)** • 1898-99 Construction of Pump House, chimney and seawater conduits • 1902-05 Modifications for integration with extended Boiler House • 1907-08 Upgrades to seawater conduits and pumps • 1959-60 Substantial dismantling of chimney • 1967-68 Further demolition of the chimney and Pump House to enable the construction of the new William Henry Street bridge • 1970s-2000s Further demolition of the Pump House and construction of asphalt paving, concrete access stairs and brick infill of arched openings to the northern wall • c. 2010s Demolition of remnant roof structure **TURBINE HALL (1902)** • 1902 Construction of extension to Engine House • 1905 Installation of turbine • 1909 Installation of additional turbines • c. 1914 Installation of additional turbines

	• 1927-31 Upgrades to industrial equipment, including replacement of turbines and further excavation of the basement, and integration with newly constructed Switch House • 1982-88 Adaptive reuse works involving the removal of concrete engine pads and tiled walkways. Alterations were made to the western wall to integrate the Engine House with the Wran Building. • 2011-13 Internal alterations and conservation works to the south elevation **SWITCH HOUSE (1927)** • 1922-27 Construction of Switch House • 1928-63 Minor modifications • 1982-88 Adaptive reuse, including gabled upper-level addition • 2011-13 Partial enclosure of the west elevation following bridging of a void to the east of the Harris Street Forecourt **HARWOOD BUILDING, FORMER TRAM DEPOT (1981)** • 1898-99 Construction of the Ultimo Car House • 1908 Car House extended to the north by approximately 45 metres (four saw tooth bays) • 1953-56 Following the closure of the electric tramways, the Car House was stripped of tracks, pits and associated infrastructure for use as storage • 1980-81 Adaptive reuse of the Car House for Phase 1 of the Powerhouse Museum **WRAN BUILDING (1988)** • 1980s Construction of the West Building (later named the Wran Building) • 2005-06 Yellow finishes to north and south elevations changed to white • 2011-13 Alterations as part of the 'Powerhouse Museum Revitalisation Project', including blocking of glazing to Harris Street to create a 'black box', truncation of the screen that extended south of Vault 2 and removal of glass lift from the south elevation to accommodate a remodelled entry **HARRIS STREET FORECOURT (1988)** • Late-1980s Construction of the forecourt • 2011-13 Alterations as part of the 'Powerhouse Museum Revitalisation Project', including the truncation of the colonnaded screen that extended south of the Wran Building (Vault 2) along the Harris Street boundary and roofing of a void to the west of the Switch House – replaced with a raised platform **GRACE BROS COURTYARD (1988)** • 1890s-1920s Service/storage/transit area supporting the activities of the Power House • c. 1927-31 A coal bunker was constructed in the approximate location of the courtyard • 1988 Grace Bros Courtyard formed as part of the 1980s works • 1997 Café constructed south of the courtyard
When was the last time you inspected the item?	February 2024
Current use	Museum
Original or former use/s	Electrical – Coal Power Station

D. History

7. Origins and historical evolution

Years of construction*	Start	1897	End	1997
Designer or architect*	**Ultimo Power House and Tram Depot** The NSW Railway Commissioners are responsible for the original design of the Ultimo Power House and Tram Depot (now named Harwood Building). It is possible the design has some association with Henry Deane who was Engineer in Chief for the NSW Railways from 1891-1906. **Modifications to the Power House and Tram Depot and additions (Wran building, Harris Street Forecourt, Café and Grace Bros courtyard**) *Redevelopment as the Powerhouse Museum* The Government Architect's Branch, Public Works Department and MAAS design team all closely collaborated on the later-stage developments, which included alterations to the original Ultimo Power House buildings and Tram Depot (now named Harwood Building) and new additions, including the Wran Building, Harris Street forecourt, Café, and Grace Bros courtyard. The primary individuals responsible were Lionel Glendenning, Principal Architect within the Office of the NSW Government Architect and architect of record for the Powerhouse; Richard Johnson of Denton Corker Marshall Architects, Director of Design for the Powerhouse Museum; and Lindsay Sharp, Director of both the MAAS and later Powerhouse museums			
Maker or builder*	J. Stewart and Co. Sydney was the builder responsible for the construction of the Ultimo Power House complex, which was known as the 'Ultimo Power House and Tram Shed' and comprised the Engine House, Boiler House, Pump House, North Annexe, Tram Deport (now named Harwood Building). Justin McSweeney (builders responsible for the water-cooling system and manifold located within the 1902 Turbine Hall). Stage II Powerhouse Museum exhibitions (on display until 2024) included: ▪ 'Transport,' created by Desmond Freeman Associates ▪ 'Space,' designed by Iain Halliday of Neil Burley Designs			
Historical outline*	FIRST NATIONS HISTORY - THE EORA NATION The site sits on the land originally occupied by Aboriginal people of the Cadigal, Gommerigal and/or Wangal clans of the Eora Nation. 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 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 (Anita Heiss, "Aboriginal			

People and Place", Barani: Indigenous History of Sydney City http://www.cityofsydney.nsw.gov.au/barani).

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

Ultimo forms the southern half of the Pyrmont peninsula, bounded by Darling Harbour on the east, Blackwattle Bay on the west and Broadway on the south. It became part of the estate of the surgeon John Harris in 1803. The sandstone ridge that is the spine of the Pyrmont peninsula was covered at the Ultimo end by rich alluvial soil. This had attracted some early market gardens, however Harris's vision for his property was not development, but the creation of a country seat.

1803-06

Governor King grants 13.8 hectares (34 acres) to surgeon John Harris (1803). The land is named ‘Ultimo Farm’ by Harris. A further grant of 54.4 hectares (135 acres) is given by 1806. The Powerhouse Museum is believed to be located within this larger grant.

1830s

Reclamation and development of Darling Harbour. Development in Pyrmont and on the periphery of the Harris estate includes quarrying, manufacturing and processing works, as well as workers’ housing.

1838

John Harris dies, leaving no heirs. His estate is divided equally between his brothers William and George Harris. Complications with his Will leave the brothers being able to receive rent from properties, but unable to subdivide the land, stymieing development.

1855

The Darling Harbour Goods Line is extended along the eastern boundary of Ultimo to a location close to the future Pyrmont Bridge. The presence of the Goods Line in this location severs the direct connection between Darling Harbour and Harris Street, with the Powerhouse site located in between. The isolation of the Harris land from Darling Harbour, in addition to the underutilisation of the rail line in its early years, creates tension between the Harris family and the Government.

1859

The sons of William and George Harris inherit the Ultimo Estate, meaning that subdivision of the land is now legally permissible. Built form delivered as an outcome of subdivision generally continues patterns seen elsewhere on the Pyrmont peninsula, including warehouses, industrial complexes and workers housing.

1860s-80s

Consolidation of the Pyrmont peninsula as an industrial area dominated by warehouses and large factories, many associated with the wool industry. Limited residential development.

1870

The Darling Harbour Goods Yard is constructed to the north of the subject site.

THE MUSEUM OF APPLIED ARTS AND SCIENCE: 1879 – PRESENT

Established as an outcome of the Sydney International Exhibition (1879), the institution now known as the Museum of Applied Arts and Science occupied various premises before taking up residence at the Technological Museum on Harris Street, Ultimo, in 1893. In 1988 it relocated to the former Ultimo Power House.

1879

(17 September) Sydney International Exhibition opens at the Garden Palace, a purpose-designed exhibition venue designed by James Barnet.

1880

(January) The New South Wales Technological, Industrial and Sanitary Museum (NSWTISM) is founded and acquires exhibits which had been displayed at the International Exhibition. The Museum is housed within the Garden Palace in the Sydney Botanic Gardens.

1882

(September) A major fire at the Garden Palace destroys the building and much of the Museum collections.

1883

The Museum is re-established in the former Agricultural Hall in the Domain.

1893

The Museum moves into new premises at 651 Harris Street, Ultimo designed by William Kemp. The location, adjacent to the Sydney Technical College, is selected to attract and instruct workers.

The Museum continues to collect exhibits, specialising in Australian decorative arts, ceramics, clothing, furniture and musical instruments. It also carries out a programme of applied scientific research.

	1900s The Museum is running out of space for collection storage and exhibitions. Over the coming decades options contemplated for new premises include the Queen Victoria Building, the Fort Macquarie Tram Depot and the Sydney University Institute. Much of collection is stored off-site. 1906 Renovations to the Museum's interior, and opening of a gallery devoted to Australian Flora Applied to Art. 1945 Passage of the Museum of Applied Arts and Sciences Act. The Museum is renamed the Museum of Applied Arts and Sciences (MAAS). 1947 A 2.8-hectare site at Castle Hill was acquired for the Museum (now the 'Powerhouse Castle Hill'). 1950s The Museum presents demonstrations of new models and inventions such as X-ray and RADAR equipment, and television. 1960s-70s Ongoing attempts to identify larger premises for the Museum. From the late 1970s, buildings at Castle Hill become the central storage facility for the collection. 1978 NSW Premier Neville Wran announces ambitious plans for the adaptive re-use of the former Ultimo Power House and the former Tram Deport as premises for MAAS. Dr Lindsay Sharp appointed Director of MAAS. 1978 (September) Building A at Castle Hill opens, containing a workshop and conservation facilities. Buildings B, C and G are completed during the 1980s. ESTABLISHMENT OF THE ELECTRIC TRAMWAYS: 1890s A commitment to the electrification of Sydney's tramway network results in the construction of the Ultimo Power House and the adjacent Tram Depot (Car House). 1893 Sydney's first electric-powered tram line opens on the North Shore. Its success leads to plans for adopting electricity across the whole network.

	1895-96 (September) An Act of Parliament sanctions the construction of the George Street and Harris Street Electric Tramway, along with a Power House and Car House at Ultimo. Factors influencing the location of the Power House include access to the Darling Harbour Rail Corridor (the Goods Line) for coal supply and the disposal of ashes; access to Darling Harbour for adequate sea water supply for the condensers; and the relatively low cost of the land and space for expansion. While the intention was to purchase the whole city block bounded by William Henry, Harris, Macarthur and Pyrmont streets, the exclusion of the more expensive Harris Street frontage reduces the capital outlay. 1897 The majority of contracts for construction of the Power House and Car House are let between 1897 and 1898. J Stewart & Co is contracted to build the Ultimo Power House and Tram Shed, and Justin McSweeney is awarded Contract 18 to construct the water conduit connecting Darling Harbour to the Boiler House supplying seawater to the condensers (the Water Cooling System and Manifold). 1898 Construction of the Ultimo Power House and Car House commences. 1899 The Ultimo Power House opens (December), to generate electricity for Sydney's new tram network. It is the first large-scale electric power plant constructed in Australia. The complex of buildings comprises the Engine Room/House and Administrative/Office Building (North Annex), and the Boiler Hall/House and Pump Room/House. The overall building measures c. 60 metres (200 feet) by c. 30 metres (100 feet). The original pump house chimney stack is estimated to have comprised 890,000 bricks and rose to a height of c. 91 metres (300 feet). The Ultimo Tram Depot opens the same year and is operational from 8 December. The Depot houses the fleet on the George Street, City to Harris Street, Pyrmont line and is bounded by Mary Ann Street (south), Omnibus Lane (west); the Darling Harbour Railway Goods Yard (east); and the Power House (north). As originally built, the Tram Depot comprises 12 tracks and nine bays, and measures c. 83 metres (275 feet) by c. 39 metres (130 feet). The structure, with capacity for 108 tram cars, is the first of 12 electric tram depots to open across the tram network between 1899 and 1915. A Store and Repair Shop adjoining the rear of the depot features the same sawtooth design of the Car House.

	EXPANSION: 1900s -1930s Expansion and modernisation of the Ultimo Power House and Tram Depot. 1901 Designed by the Public Works Department's Government Architect's Branch under W L Vernon in 1900, the Ultimo Post Office is constructed at 484 Harris Street, Ultimo. The building opens on 16 July and operates until the 1980s when it is converted to a childcare centre. 1902-05 With rapid demand for electricity, the Power House is expanded just three years after opening. The works are significant, including extension of the Engine House (later renamed the Turbine Hall) to the south; and construction of a new and larger Boiler House. The Boiler House, with 24 boilers installed at the peak of capacity, is designed to produce high-pressure for conversion to electricity, and to use seawater taken from Darling Harbour to cool its condensers. Two chimney stacks, each c. 68 metres high (224 feet), are built for the new boilers. Extensions to the Engine House accommodate the new alternating current plant with higher voltage capacity allowing substations were built around the Sydney tramway system. Ultimo is the largest generating power station in the Southern Hemisphere with an output of c. 13,274 kilowatts (17,800 horsepower). 1904 The Pyrmont Power Station begins operations less than a mile away, further consolidating the peninsula's identity as an industrial area. 1908 The Tram Depot is extended with five additional bays spanning c. 46 metres (150 feet) north along the Darling Harbour Goods Line. 1909 With increasing demand for electricity, two additional turbo-alternators are installed at the Power House. 1912 Construction begins on a new Power House at White Bay (operational by 1913). 1913 To accompany the operations of the Tram Depot, a Tramway Instruction Room is constructed at the northwestern extent of the site between the Turbine Hall and the Post Office. This siting of the Tramway Instruction Room amongst Power House buildings and away from the Tram Depot speaks to the intertwined processes of both and the connected nature of operations throughout the site. The Tramway Instruction Room is a purpose-built facility housing specialist equipment used for the training of electric tram drivers.

	1920s Expansion and improvements to Ultimo Power House associated with electrification of the suburban rail network. 1922-27 A new Switch House is constructed to support upgrades to Sydney's tram network beyond the capacity of existing switchboard facilities in the Engine Room and Turbine Hall. It is located to the south of the Turbine Hall and houses high tension switch gear, transformer banks, and a new control room. 1923 Power output at the White Bay Power House exceeds that of Ultimo for the first time. 1923-28 New water conduits constructed from the Power House to Darling Harbour. 1927 Until 1927, one of the depot's tram tracks (known as '10 Road') connected the Tram Depot with the railway line running from Darling Harbour Goods Yard to the Power House. This connection originally streamlined the movement of materials associated with the Power House's operational infrastructure and the Darling Harbour Goods Line. This railway line would later be removed to accommodate the construction of a coal storage bunker which allowed the Power House to continue operating through the 1940s supply chain issues of coal related to industrial action. 1927-32 Modernisation and remodelling of the Power House to achieve greater efficiency of operation, including replacement and upgrade of equipment and plant, installation of a new pneumatic coal handling plant, and construction of a new concrete coal store to the south of the Boiler House. DECLINE AND CLOSURE: 1940s-70s Following World War II, industry shifted away from the inner suburbs, including Pyrmont and Ultimo. The deindustrialization process results in widespread redevelopment. 1939-45 During World War II, air raid shelters are constructed at the Ultimo Power House complex. 1947 Interruptions to coal supply in the 1940s, a result of industrial action at the coalfields, result in conversion of the boilers to operate on fuel oil. 1948 (April) The Commissioner of Railways purchases 550 Harris Street, providing a street frontage to the west.

	1953 (June) The Ultimo Tram Depot ceases operations, the first of Sydney's 12 tram depots to shut down. Until 1956, it is used to store surplus tramcars awaiting scrapping. The Tramway Instruction Room is vacated when a new training school opens in Randwick. By 1954 it is being used as a storeroom for the Electrical Commission of NSW. 1960s The Tram Depot is used for storage for the Museum of Applied Arts and Sciences (MAAS) and Brambles Industries Ltd. 1960 Demolition begins on the 1898-99 Pump House chimney stack. 1963 (October) Closure of the Power House; the replacement of Sydney's tram network in favour of buses is complete. 1964 The former Tram Depot is vested in the Board of Trustees of the MAAS for the purposes of establishing a transport museum. The Government Architect prepared plans for the construction of the Museum. 1967 Plans to establish a transport museum in the Tram Depot are suspended, associated with consideration of the Western Distributor being routed on its path (plans for the freeway were abandoned in 1977). 1967-68 Extensive demolition of the Pump House to allow for widening of the William Henry Street Bridge. 1975-77 Most of the Power House plant machinery and equipment is removed. Demolition of the two 1902 Boiler House chimney stacks to below roofline heights. RENEWAL: 1970-80s Adaptation of the Power House for the Museum of Applied Arts and Sciences. 1977 Passage of the Heritage Act, NSW – this legislation framed the works to the former Tram Depot and Power House. 1978 Feasibility study (Powerhouse Relocation Study) for adaptive re-use of the Power House prepared by Dr Lindsay Sharp and Lionel Glendenning (see also page 20) under the aegis of Premier Neville Wran and the Minister for Public Works.

	This document references the adaptation of Gare O'Orsay in Paris as a museum, in addition to the adaptation of Hyde Park Barracks and the Royal Mint. It is anticipated that the museum would require 38,000sqm of space to accommodate its requirements. 1979 (13 August) NSW Premier Neville Wran announces plans to adapt the Power House and Tram Depot as premises for MAAS, with final completion by the bi-centenary in 1988. 1981 (September) Stage One of the redevelopment – the Ultimo Tram Depot opens – a foretaste of what is to come. The former Tram Depot is adapted for use by MAAS, and as a temporary display space for exhibits, at a cost of $5.2 million with much modification to the existing building. The site is opened on 4 September by NSW Premier Neville Wran. 1982-87 Redevelopment of the Power House buildings as Stage Two of the Powerhouse Museum continues. Works to adapt the Power House were significant. Plant and equipment were removed, new internal floors introduced, and new buildings constructed on the west side. 1984 The former Tram Depot is renamed the 'Harwood Building' in honour of former MAAS curator Norman Harwood. The Darling Harbour Goods Line is decommissioned, after port functions and wool stores moved away from Sydney in the 1960s. 1985 The former Ultimo Post Office is adapted as a childcare centre. 1986 Richard Johnson of Denton Corker Marshall Architects is appointed as exhibition designer for the Powerhouse Museum. 1988 Ultimo Powerhouse Museum opens (March). The Harwood Building becomes storage, office space, workshops and studios/laboratories to support the Powerhouse Museum. Peer recognition for the design qualities of the Powerhouse is overwhelming. It is the first project ever to have been nominated for three categories in the RAIA National Architecture Awards (the President's Award for Recycled Buildings; the Belle Interiors Award for Interior Design; and the Sir Zelman Cowen Award). It wins all three. At the NSW level, it is the co-recipient of the RAIA NSW Chapter's top award, the Sulman Award.

POWERHOUSE MUSEUM: 1990s-2013 Until the major 'Revitalisation Project' of 2011-13, works at the Powerhouse Museum were generally small-scale and localised.

1994

The brasserie on Level 5 of the Switch House is redesigned, with wall and ceiling murals depicting floral motifs by Ken Done. The restaurant is renamed the 'Garden Restaurant.'

1997-2002

The Inner West Light rail opens at the former Darling Harbour Goods Line in 1997. The monorail station adjacent to the museum is later renamed the Powerhouse Museum Station in 2002.

2000

Localised, small-scale alterations at Level 3 of the Wran Building. Earthquake damage prevention project sees the completion of works on the outer wall of the Boiler Hall.

2003

The first Conservation Management Plan for the Powerhouse Museum is prepared (by Architectural Projects). Also in 2003, the Migration Heritage Centre relocate to the Powerhouse Museum.

2004

A bridge connecting the Turbine Hall and Boiler House at Level 2 is constructed.

2005-08

Powerhouse Museum's 'Refresh Program' includes alterations to the Wran Building's Harris Street façade which is repainted white, and the yellow logo replaced. Further changes include a restructuring of the museum's wayfinding and upgrades to the Level 1 courtyard.

2007-09

The Powerhouse Museum partners with NSW Department of Commerce to undertake the 'Centenary Stonework Program'.

The former Ultimo Post Office undergoes stone conservation works including the replacement of deteriorating sandstone, damaged carvings, and the slate roof. Structural works focusing on seismic stabilisation are completed for the front gable and chimneys. New floor finishes, kitchen, and bathroom amenities are provided for the building's 2008 reopening as the Powerhouse Volunteer Centre.

In 2009, a covered walkway is constructed connecting the former Post Office with the Wran Building.

The Boiler Hall, North Annex, and Turbine Hall undergo extensive safety and external maintenance works. Masonry and cement render mouldings as posing a potential risk due to structural instability are subsequently removed.

	2011-13 Powerhouse Museum begins a major phase of works referred to as the 'Revitalisation Project', the first major upgrade of facilities since 1988. The project involved the demolition of brick parapets; partial demolition of the colonnade to Harris Street; removal of stairs and handrails from the forecourt; dismantling of the Turbine Hall's large interior cube structure; removal of the glass lift from the Wran Building; and demolition of two pairs of escalators (formerly connecting levels 1-3). Major construction works for the Revitalisation Project include: the construction of new steps and handrails with LED lighting; the addition of a new main entrance linking the forecourt to the Switch House; the relocation of the panoramic glass visitor lift to the Turbine Hall; relocation of the shop and café near the Switch House exit; replacement of Turbine Hall escalators; upgrades to the fire sprinkler system; construction of toilet facilities on level 2. Plans for the installation of canopy structures on the forecourt were never realised. 2014-PRESENT The NSW Government's plans to close the Powerhouse Museum at Ultimo and construct a new facility at Parramatta provoke sustained public debate. 2015 Redevelopment of the Goods Line is complete – the Goods Line reinterprets former railway infrastructure as public greenspace. (February) The NSW Government announces plans to raise funds for the new Powerhouse in the western suburbs through the sale of the Powerhouse in Ultimo. 2020-21 (4 September) The inclusion of the Powerhouse in the NSW State Heritage Register (02045) is gazetted. The entry excludes the Harwood and Wran buildings. 2023 (November) NSW State Heritage Register Committee resolves to amend (expand) the registration for the Powerhouse to include the Wran and Harwood buildings. 2024 (5 February) the Powerhouse Museum closes for three years. State Heritage Register listing expanded

8. Historical themes represent

Themes indicate the broad historical context in which an item is significant. Themes help to identify related or comparative items contributing to the same theme.

Refer to the document NSW Historical Themes if completing this section.

Relevant National / Australian themes	3 Developing local, regional, and national economies 4 Building settlements, towns, and cities 8 Developing Australia's cultural life
Relevant NSW / State themes	**3 Developing local, regional, and national economies** *Science:* Activities associated with systematic observations, experiments and processes for the explanation of observable phenomena *Technology:* Activities and processes associated with the knowledge or use of mechanical arts and applied sciences represents artifacts such as engines, computers, and telecommunications devices that chart technological progress. **4 Building settlements, towns, and cities – Utilities** Activities associated with the provision of services, especially on a communal basis. As a former powerhouse, the museum inherently represents utilities and energy generation as a critical urban service. **8 Developing Australia's cultural life** *Creative Endeavour:* Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities. The Powerhouse Museum's exhibits include architectural styles, design objects, and public art displays reflecting Australia's creative industries. *Social Institutions:* Activities and organisational arrangements for the provision of social activities. The Powerhouse Museum itself operates as a hub for public engagement and education.

E. Criteria for assessing heritage significance in NSW

9. Assessment under Heritage Council criteria of State significance*

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area) (Criterion A)
The Powerhouse Museum complex, including the Wran Building, former Ultimo Tram Depot (Harwood Building) and the former Ultimo Power House buildings, is important in the course of the history of NSW, Sydney and the Pyrmont Peninsula. (Note: Ultimo Post Office, which is included in the SHR in its own right, is not considered to derive additional significance for its association with the Powerhouse Museum.) The former Power House and the Tram Depot demonstrate and retain associations with historic events of significance. The Power House was established in 1898/99 for the generation of electricity to power Sydney's tramway network. The tram cars were stabled in the Tram Depot, constructed concurrently on a site to the south of the Power House. The two buildings continue to share a symbiotic functional relationship. Ultimo was selected for these major initiatives for a number of reasons, including access to a rail corridor (for delivery of coal), the relatively low cost of land, the potential for expansion (which quickly became a reality), the existing industrial character of the area and because of its proximity to Darling Harbour, which provided a reliable source of water essential for the water cooling system. The Ultimo Power House was the first facility for the generation of electrical power in NSW, and from 1899 until the 1920s it was the largest and most technologically advanced. The Power House evolved considerably between the late-1890s and 1930s, reflecting growing demand and technical advances. The Power House finally closed in 1963. Over the following decade it was stripped of plant and machinery, and its three tall chimney stacks were truncated. By the 1970s the evolved Power House complex was in a state of dereliction. The Ultimo Tram Depot was the first stabling facility for Sydney's electric tram network. The building, which was also enlarged over time to meet demand, closed in 1953, following which it was adapted for storage, a process that included the removal of almost all tram tracks and service pits. The building, which was contemplated for adaptation as a Museum of Transport in the mid-1960s, was derelict by the 1970s. In the late-1970s, the NSW Public Works Department resolved to adapt the Ultimo Power Station and Tram Depot as premises for the Museum of Applied Arts and Science (MAAS), a huge collection of considerable significance in its own right. The origins of MAAS date to the Sydney International Exhibition of 1879. MAAS also has strong connections with Ultimo, having been headquartered at the Technological Museum on Harris Street from 1893 to the 1980s. The vision was for the conservation and adaptive re- use of the derelict industrial buildings, and the introduction of new works to the west of the site (Harris Street) creating a new public address. The initiative was developed by the NSW Government Architect and MAAS and drew upon expertise from a broad range of contributors (see Criterion 'b'). In terms of its programme, the ambitious undertaking was inspired by overseas precedents (including the Pompidou Centre, Paris). It was also a major expression of an emerging interest internationally in adaptive renewal (see criterion 'c'). Political impetus for the project was provided by the bicentenary of 1988 (Premier Wran stipulated completion by 1988). The project also a flagship of the regeneration of the Darling Harbour precinct. MAAS and the NSW Government Architect were committed to delivering a new type of visitor attraction, a place of engagement, activation and broad popular appeal. Aspirations for the architectural character, conservation and internal experience (exhibition design) of the place were correspondingly ambitious. The Powerhouse Museum complex a is place that is embedded within and responsive to its setting. The decision to retain and adapt the historic buildings perpetuated their physical presence in the urban landscape, as well as their relationship and Ultimo's historic associations with industry and transport. The nature of the MAAS collection, including some of its signature items (i.e. the Boulton and Watt 'Whitbread

Engine' and 'Locomotive No. 1') aligned with these thematic associations, as well as the huge scale of the buildings.

The new additions were also historically referential – the linear vaulted forms of the Wran Building, for instance, drew upon the Garden Palace, venue for the 1879 International Exhibition, the event that was foundational to MAAS.

The Powerhouse Museum has been a notable popular success and has inspired broad community support and sentiment (see criterion 'd').

The Powerhouse Museum complex satisfies this criterion at the local level.

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area) (Criterion B)

The Powerhouse Museum complex derives significance for its associations with individuals and institutions of importance in Sydney and NSW's history.

The Powerhouse Museum is notable for having been conceptualised, championed and delivered by a large and diverse group of organisations (including the NSW Labor Party, the office of the NSW Government Architect and MAAS) and individuals within them (including Neville Wran, Dr Lindsay Sharp, Norman Harwood, Lionel Glendenning), as well as others (including Richard Johnson). These individuals and institutions reflect diverse fields of endeavour, including politics, architecture, engineering, exhibition design and collections management. Some individuals are remembered in building names (the Wran and Harwood buildings). The breadth of expertise embodied in the project is consistent with the scale, complexity and prestige of the undertaking.

A test for criterion 'b' is first to demonstrate that the person or group is of importance in the history of NSW (or at the local level), and second that they have a special association with the place under assessment.

Of the notable individuals and organisations associated with the Powerhouse Museum complex, two stand out for the strength of their association with the place, and for their role in shaping its identify and evolution: MAAS and the office of the NSW Government Architect. MAAS (notably through the work of Lindsay Sharp and Norm Harwood) and the office of the NSW Government Architect (led by Lionel Glendenning). The Powerhouse Museum was perhaps the seminal work of Glendenning's career.

As related to the other individuals of note associated with the Powerhouse, Neville Wran was associated with multiple places and initiatives, including the Powerhouse Museum, during his ten-year tenure as State premier (1976-86). Evidence to indicate that the Powerhouse derives cultural significance for this association, or that the Museum is a preeminent landmark of his legacy, did not come to light during research for this report.

Similarly, evidence to suggest that the place is of cultural heritage significance for its association with Henry Deane or Walter Liberty Vernon did not come to light. Deane was associated with multiple works of major infrastructure – including the Ultimo Power House and Tram Depot – during his career as Engineer in Chief for the NSW Railways from 1891-1906 and Engineer in Chief of the Commonwealth Railways Construction Branch, 1912-14. Walter Liberty Vernon oversaw the design of a significant numbers of public buildings (including over 20 post offices) as the NSW Government Architect from 1890 to 1911.

The Powerhouse Museum complex satisfies this criterion at the local level.

An item is important in demonstrating aesthetic characteristics and/ or a high degree of creative or technical achievement in NSW (or the local area) (Criterion C)
The Powerhouse Museum complex is significant at the local (Sydney) for demonstrating aesthetic characteristics and a high degree of creative achievement. Aesthetic value is a broad concept. As applied to heritage significance, aesthetic characteristics and qualities may relate to how we respond to sounds, smells and other factors having an impact on human thoughts, feelings and attitudes. These qualities may be associated with good design; they may also relate to concepts of beauty. Aesthetic values can be the result of the conscious design of a place or object. They can also be the outcome of the way in which a place or object has evolved and been used over time. Many places and objects combine both. Aesthetic values tend to be specific to a time and cultural context. As related to the Powerhouse Museum, this criterion relates primarily to its standing as a landmark of adaptive renewal, and its architectural and experiential qualities. Conception of the Powerhouse Museum was contemporary with the Heritage Act, 1977 (NSW), as well as the first edition of the Burra Charter (1979). The adaptation of the former Tram Depot (1979-81) was a very early example in NSW (and Australia) of adaptive renewal of a transport/industrial building and set the tone for the adaption of the Power House buildings. The works to the Tram Depot were significant. Interventions were, however, respectful of the scale, massing, materiality and roof profile of the original structure. The outcome is a building that retains legibility as an historic industrial structure, as well as its relationship with the Power House buildings to the north. This approach, bold, assertive while simultaneously responsive to the valued attributes and characteristics of the place. The buildings were retained as three- dimensional forms; the spatial qualities of the buildings were celebrated; original fabric was revealed where possible; applied details and new interventions embraced colour as well as architectural diversity of the evolved building complex; and thematic synergies between the collection and the place were optimised. Opportunities for innovation presented by the existing building were also seized. A notable example was the use of historic conduits connecting the Turbine Hall to Darling Harbour (for use in the water cooling system) in support of the Museum's air conditioning system. Works for the adaptation of the Ultimo Power House and Tram Depot were contemporary with early examples of adaptive reuse of industrial/transport buildings as arts facilities at the national as well as international levels. The use of the adapted buildings as premises for MAAS, while not explicitly a heritage issue, is also relevant. The coalition of the collection and the historic buildings was mutually strengthening in terms of their significance, social resonance and cultural influence. For the first time, the buildings were accessible to the public, and the collection had space to breathe and reach a broader audience. The architectural and experiential qualities of the Powerhouse Museum were the outcome of an intensely collaborative approach, with Lionel Glendenning and Richard Johnson being lead protagonists. Glendenning, architect of record for the Powerhouse and Principal Architect within the Office of the NSW Government Architect, brought a notably plural sensibility to the project. His interest in drawing upon a diverse set of historical and symbolic references was responsive to the origins and associations of the collections and the existing buildings. It was also contemporary with the expansion of Postmodernist principles in architectural design. Glendenning explored a series of design themes including: the layering of space through screens and structural rhythm; levels of transparency to evoke spatial depth; the insertion of buildings within buildings to rescale experience; memory and contextual reference to create dialogues between old and new, and between past and present; and grids and their rotation as compositional tactics to encourage diverse

movement and experiences within a building or site.

The cumulative significance of these elements was their reference to memory, time and travel, evocative not just of the industrial nature of the collection and its new location in a series of structures originally devoted to transport but also an analogy to a museum visitor's experience of memory, time and travel as they would make their way around the diverse volumes and spaces of the whole museum complex.
The design of the exhibitions and visitor experience, overseen by Johnson, was similarly innovative. Much as Glendenning had conceived the exterior form and the diverse scale of spaces within as an extension of the broader urban context, Johnson was interested in the internal experience of the museum being like that of a city. Major exhibits – including the Boulton and Watt Engine, the Cataline and Loco No. 1 – were used as anchors, to assist visitors in navigating the large spaces.

The Powerhouse Museum has been modified since 1988, notably during the works of 2011-13. However, the core principles that underpinned the design response, and many of the sources and references that informed it, remain evident.

The design qualities of the Powerhouse Museum were highly awarded. It was the first project ever to have been nominated for three categories in the RAIA National Architecture Awards: the President's Award for Recycled Buildings; the Belle Interiors Award for Interior Design; and the Sir Zelman Cowen Award. It won all of them. At the State level, it was the co- recipient of the RAIA NSW Chapter's top award, the Sulman Award for 1988.

The Powerhouse Museum complex satisfies this criterion at the local level.

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons (Criterion D)

The Powerhouse Museum is a place of social value to communities and groups for a range of reasons variously related to conceptions of identity, practice and interest (as discussed at Section 2.6.1). Based on the limited review of evidence undertaken for this assessment, communal attachment as it relates to the Powerhouses Museum resonates at the local (Sydney) level and possibly the State level.

Since its opening in 1988 the museum has been valued by people across Sydney, NSW and beyond who have shared experiences and memories of the place. The strength of public attachment to the place is demonstrated by the extent of public support and donations for its establishment, and subsequently, its consistently high visitor numbers and the strong community reaction to the NSW Government's proposal for significant change at the place.

The Museum is used and appreciated by the Pyrmont, Sydney and NSW communities. It is also valued by communities who identify with and derive a sense of pride from an appreciation that the Powerhouse is a museum with few equivalents in Australia or elsewhere that is recognised worldwide and has contributed positively to perceptions of Sydney and NSW. Communities of identity associated with the Powerhouse also include those that have been supported (or represented) by the Museum, including migrant and LGBTQI communities.

Communities of interest associated with the Powerhouse Museum include groups that formed (or mobilised) following the NSW Government's 2014/5 announcement of plans to replace the Powerhouse Museum in Ultimo with a new facility in Sydney's western suburbs. Communities of interest also include those with an interest in the site's associations with industry, transport and with MAAS.

Communities of practice associated with the Powerhouse Museum may include but are unlikely to be limited to present and former MAAS staff, Powerhouse Museum staff and volunteers.

The Powerhouse Museum complex satisfies this criterion at the local level.

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area) (Criterion E)
It is considered that further investigation of or research into the Powerhouse Museum complex has limited potential to yield evidence of cultural heritage significance that is not currently visible, well understood or available from other sources. As noted above (Criterion 'a'), the Powerhouse Museum complex derives historical significance for its association with the generation of electrical power, initially for Sydney's tramway network, and for the redevelopment of the place as premises for MAAS in the 1980s. Following its closure (1963) the Ultimo Power House was stripped of the majority of machinery and plant. Fixtures and items that provided evidence of the Tram Depot's original use, a comparatively simple structure, were also removed. By the late-1970s the buildings existed largely as shells. The history of the Power House, in terms of its operation and evolution, is well known from the documentary record, as well as from analyses and assessments of the place undertaken since the mid-1980s. The same applies to the former Tram Depot. The Powerhouse Museum complex, in terms of its design, development, opening, evolution and operations since the 1980s, has likewise been documented extensively. The extent of disturbance at the site over time is such that archaeological potential at the subject site is generally limited. **The Powerhouse Museum complex is not considered to satisfy this criterion at the local level.**
An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area) (Criterion F)
The Powerhouse Museum complex does not satisfy this criterion. It is one of a large number of cultural institutions and museums in NSW. The Power House complex, while a large and particularly successful example, is one of a number historic buildings adapted to new uses in Sydney and NSW. Likewise, it is one of a large number of places and monuments in Sydney and NSW associated with the bicentenary. **The Powerhouse Museum complex is not considered to satisfy this criterion at the local level.**
An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments) (Criterion G)
The Powerhouse Museum complex does not derive cultural heritage significance as related to criterion 'g'. Every place or building is an example of a 'type' or 'class'. A key test is whether the class of place is significant. The Powerhouse Museum, as a major public institution dedicated to conserving and displaying culturally significant objects, satisfies this test. It displays the distinguishing attributes of this class, including diversity of experience, accessibility, mass appeal and evolution. For the reasons given above (notably at Section 2.1), the Powerhouse also represented an 'evolution' of this type. It is considered, however, that the conceptual, museological and architectural rationale behind this evolution is adequately, and more appropriately addressed under criteria 'a' and 'c' above. **The Powerhouse Museum complex is not considered to satisfy this criterion at the local level**

F. Heritage listings

10. Existing heritage listings

Listing Name	Listing Title	Listing Number	Gazette Date	Gazette No.	Gazette Page.
Heritage Act - s.170 NSW State agency heritage register	Water Cooling System and Manifold				
Heritage Act - s.170 NSW State agency heritage register	The Darling Harbour Rail Corridor				
Heritage Act - State Heritage Register	Powerhouse Museum Complex	02045	12/07/2024	268	2 - 8
Institution of Engineers (NSW) Historic Engineering Marker	Powerhouse Museum National Engineering Marker				
Local Environmental Plan	Powerhouse Museum former Warehouse Buildings, incl	12031			
National Trust of Australia register	Former Ultimo Tram Depot Tram Shed (Powerhouse Mus	S10611	30/07/1997		
National Trust of Australia register	Ultimo Power House (former Turbine Hall, Boiler Ho	S11648	24/06/2015		
National Trust of Australia register	Powerhouse Museum		29/07/2015		

G. Photograph

Caption*	Powerhouse Museum as seen from Harris Street (Ian Thorpe Aquatic Centre to the left)
Date of photograph*	12/15/2020
Name of photographer*	Sagar Chauhan
Copyright holder, if known	No Credit

Recommended Management

The Powerhouse Museum and interiors at 500 Harris St, Ultimo should be retained and conserved.

A Heritage Assessment and Heritage Impact Statement, or a Conservation Management Plan/Strategy, should be prepared for the place prior to any major works being undertaken and shall be in accordance with the relevant planning controls.

An Archaeological Assessment should be prepared prior to any significant ground disturbing works being undertaken and shall be in accordance with the relevant planning controls.

All conservation and future modifications should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter).

H. Author details

12. Primary author of this form*

Name	Lovell Chen
Position and organisation, if applicable	
Contact phone number	
Email address	
Date form completed	

13. References used to complete this form*

Author	Date Published	Title
Architectural Projects	2003	Conservation Management Plan: The Powerhouse Museum, prepared for the Powerhouse Museum
T Brassil	2019	Ultimo Tram Depot (The Harwood Building), History and Significance, National Trust of Australia (NSW)
Curio Projects	May 2022	Powerhouse Ultimo Draft Conservation Management Plan
Design 5 Architects	May 2022	Powerhouse Museum Design Principles (included as an appendix to the Curio Project CMP referenced above)
	November 1994	Nomination of Ultimo Power House as a site for an historic engineering marker
Parliament of New South Wales	2016-2019	Upper House Inquiry into museums and galleries: Hearings and Transcripts
Parliament of New South Wales	2020-2022	Upper House Inquiry into museums and galleries: Hearings and Transcripts
Parliament of New South Wales	2015-2024	Legislative Council Hansard, selected commentary and documentation
Lovell Chen	2024	Powerhouse Museum, Heritage Assessment, No. 500 Harris Street, Ultimo, Sydney, New South Wales 2007
Anita Heiss and Melodie-Jane Gibson	Accessed November 18, 2024	“Aboriginal People and Place,” Barani Sydney’s Aboriginal History, <https://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>.
State Government	Accessed November 18, 2024	“Powerhouse Museum Complex,” State Heritage Inventory, [SHR #02045], https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5068313

I. Additional photographs and images

Caption*	Undated city archives taken from Darling Drive
Date of photograph*	No date
Name of photographer*	No author
Copyright holder, if known	No credit

Caption*	Powerhouse Museum
Date of photograph*	No date
Name of photographer*	No author
Copyright holder, if known	No credit

Caption*	Ultimo Power House and its immediate surrounds, 2018
Date of photograph*	Unknown
Name of photographer*	TDK Architects
Copyright holder, if known	TDK Architects

Caption*	Powerhouse lintel with name and date of building
Date of photograph*	No date
Name of photographer*	No author
Copyright holder, if known	

Caption*	Powerhouse Museum under construction in 1985
Date of photograph*	No date
Name of photographer*	Helen Grant
Copyright holder, if known	City of Sydney Archives & History Resources

Caption*	The Harris Street entrance of the Powerhouse Museum in 1988.
Date of photograph*	No date
Name of photographer*	No author
Copyright holder, if known	The Sydney Morning Herald

Item 4.

Public Exhibition – Draft Local Approvals Policy for Hoisting and Construction Activities On and Above Roads

File No: S129097

Summary

The purpose of the Local Approvals Policy for Hoisting and Construction Activities on and above Roads is to provide the framework for regulating and approving the carrying out of hoisting operations and construction-related activities on and over public roads.

The Policy aims to:

(a) control, regulate and approve hoisting activities on and/or above roads;

(b) control, regulate and approve the installation of minor temporary construction-related structures placed on roads;

(c) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from temporary structures and activities being placed and carried out in, on and/or above public roads; and

(d) provide safe and accessible public passage and quality amenity in the vicinity of worksites.

The City's Local Approvals Policy for Hoisting and Construction Activities in Public Places (the Policy) and supporting technical controls titled Code of Practice - Hoisting and Construction Activities in Public Places (the Code) were adopted by Council at its meeting on 19 August 2019.

The Local Government Act 1993 requires councils to readopt a local approvals policy within 12 months of an election and the Local Approvals Policy is being reported to Council to meet this requirement.

The proposed amendments to the 2019 Policy and Code will complement the provisions of a proposed new Local Approvals Policy and Code of Practice for Construction-Related Temporary Structures on and above Roads (subject to a separate report to Council) to ensure construction-related activities undertaken on and above roads and footways maintain safe, accessible and high amenity public spaces.

This report recommends that Council approve the public exhibition of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads as shown at Attachment A to the subject report. The supporting Code of Practice will be available for public comment during the exhibition period.

Recommendation

It is resolved that:

(A) Council approve the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads as shown at Attachment A to the subject report for public exhibition for a period of 42 days in accordance with the requirements of the Local Government Act 1993;

(B) Council note that the supporting technical controls, the draft Code of Practice for Hoisting and Construction Activities on and above Roads will be available for public comment together with the Local Approvals Policy;

(C) Council note that the Local Approvals Policy for Hoisting and Construction Activities on and above Roads, including any recommended changes, will be reported to Council for adoption following the exhibition period; and

(D) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads

Attachments

Attachment A. Draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads

Background

1. The purpose of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads is to provide the framework for regulating and approving the carrying out of hoisting operations and construction-related activities on and over public roads.

2. The Policy aims to:

   (a) control, regulate and approve hoisting activities on and/or above roads;

   (b) control, regulate and approve the installation of minor temporary construction-related structures placed on roads;

   (c) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from temporary structures and activities being placed and carried out in, on and/or above public roads; and

   (d) provide safe and accessible public passage and quality amenity in the vicinity of worksites.

3. On 19 August 2019, Council adopted a Local Approvals Policy and accompanying technical controls (Code of Practice) to regulate hoisting and construction activities in roads as defined in the Local Government Act 1993 which includes footpaths.

4. The Local Government Act 1993 requires councils to readopt a local approvals policy within 12 months of an election and the Local Approvals Policy for Hoisting and Construction Activities on and above Roads is being reported to council with a recommendation for exhibition to meet this requirement. The Policy has been updated with minor amendments to address changes to technical requirements and to be consistent with an updated Policy template.

5. Undertaking works in roads and footways places has some risks to the general public including cyclists, motor vehicle drivers and pedestrians.

6. The aims of the draft Policy are to enhance public safety and convenience through setting out the statutory requirements for obtaining approval to undertake works, the standards that apply and to highlight other statutory provisions such as the Work Health and Safety Act. 2011 that persons in control of a worksite must satisfy. This includes setting out detailed information and regulatory controls for industry to follow and apply as a means to minimise adverse impacts and outcomes in roads and footways; and preventing or mitigating impacts on the City's infrastructure and assets including maintaining safe footway and cycling surfaces past worksites.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

7. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:

   (a) Direction 5 - A city for walking, cycling and public transport - Mandatory provisions are stipulated in the draft Code to mitigate impacts on the safe, accessible and convenient movement of people and cyclists including people with disability. This includes requirements to minimise obstructions, isolate work areas, maintain safe and accessible surfaces and provide safe alternative pathways where necessary for the passage of pedestrians and cyclists when moving past worksites.

Social / Cultural / Community

8. The draft Policy and Code aim to minimise public risks and inconvenience in the vicinity of worksites through controls that builders and contractors must follow and implement to provide safe, convenient and accessible public pathways and passage past worksites.

9. Older persons and people with disabilities will benefit through clear and detailed requirements to maintain accessible pathways including minimum clear widths, acceptable temporary ramp design, establishing exclusion zones and appropriately designed barriers to isolate and define worksite boundaries.

Environmental

10. The Policy and Code contain provisions for managing works to minimise environmental impacts such as noise, water, air quality and light-spill when working at night. There are also requirements for keeping public place worksites clean and tidy to enhance public place amenity.

Economic

11. The draft Policy and Code do not impact (increase) operational costs for the construction sector when undertaking works and other activities in roads and footways. The Code simply sets out existing City requirements in a logical and easy to use document that includes extensive cross-referencing of provisions to ensure that all aspects of public safety, amenity, access and convenience are appropriately addressed when working in roads and footways.

Relevant Legislation

12. There are several key statutes that apply when using roads for hoisting and other construction-related purposes. The draft Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. Other applicable legislation is set out in the draft Policy and in the draft Code.

13. The following Acts and Regulations are particularly relevant:

    (a) Local Government Act 1993

    (b) Local Government (General) Regulation 2021

    (c) Roads Act 1993

    (d) Roads Regulation 2018

    (e) Road Rules 2014

    (f) Work Health and Safety Act 2011

    (g) Work Health and Safety Regulation 2017

    (h) Environmental Planning and Assessment Act 1979

    (i) Environmental Planning and Assessment Regulation 2021

    (j) Protection of the Environment Operations Act 1997.

Critical Dates / Time Frames

14. The Local Government Act 1993 requires councils to readopt a local approvals policy within 12 months of an election.

Public Consultation

15. Subject to Council approval the draft Policy will be placed on public exhibition for at least 42 days in accordance with Section 160(3) of the Local Government Act 1993.

16. A further report will be presented to Council following conclusion of the public exhibition processes.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Peter Conroy, Standards and Policy Specialist - Construction

Attachment A

Draft Local Approvals Policy for Hoisting and Construction Activities On and Above Roads

Draft Local Approvals Policy for Hoisting and Construction Activities on and above Public Roads

Purpose

The purpose of this Policy is to provide the framework for regulating and approving the carrying out of hoisting operations and construction-related activities in and over public roads within the Council of the City of Sydney local government area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Roads Act 1993 and the Roads Regulation 2018.

The Policy is a Local Approvals Policy prepared and adopted by Council under s158 of the Local Government Act 1993 to regulate hoisting activities (being "hoisting" under Part E (1) of the Table in s68 of the Act) and regulate minor temporary construction-related structures installed in, on and/or above a public roads (being "articles") under Part E (2) of the Table in s68 of the Act).

The Policy addresses three aspects (parts) in accordance with the requirements of the Local Government Act 1993 and operates as follows:

- Part 1 - specifies any exemptions from this Policy
- Part 2 - specifies the criteria that Council must consider when determining whether to grant approval for a particular article or activity
- Part 3 - specifies other matters relating to approvals.

Objectives

The Policy aims to:

a) control, regulate and approve hoisting activities on and/or above roads ;

b) control, regulate and approve the installation of minor temporary construction-related structures placed on roads;

c) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from temporary structures and activities being placed and carried out in, on and/or above public roads; and

d) provide safe and accessible public passage and quality amenity in the vicinity of worksites.

When will the Policy be revoked?

Under s165(4) of the Local Government Act 1993, this Policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

Scope and purpose

The Policy applies throughout the City of Sydney local government area. The purpose of the Policy is to give force to the 'Code of Practice: Hoisting and Construction Activities on and above Roads (the "Code"). The Code prescribes the technical standards applying to hoisting activities , controlling other forms of construction-related activities including the placement (installation) of minor temporary structures. The Code is also used to assess applications lodged by property owners, developers, builders, and contractors seeking approval to hoist over roads and other public places and undertake other works and/or installations in a public place.

How this Policy works

Part 1 - Exempt from approval

The Policy does not exempt the need to obtain the approval of Council for any hoisting activities on and/or above public roads and the placement of minor temporary structures in, on or over on a public road.

Part 2 - Criteria that Council will take into consideration in determining whether to give or refuse an approval to an application

The provisions set out in the Code will apply when seeking approval to undertake hoisting activities and install minor temporary structure in, on and/or above a public road.

Part 3 - Other matters relating to approvals

The provisions of the Roads Act 1993 and Roads Regulation 2018 relating to the activity of hoisting and installing minor temporary structures in, on and/or above a road will also be considered in the assessment and determination of applications seeking approval to undertake these activities and works.

The approval for hoisting and the installation of minor temporary structures does not automatically permit the installation and use of other forms of construction-related temporary structures in, on and/or above roads such as hoardings, scaffolding, cantilevered structures and other forms of major temporary structures. These activities are regulated through a 'Local Approvals Policy for Construction-related Temporary Structures on and above Roads. A separate approval for these structures and uses is required under category E(2) of the table in s68 and s94 of the Local Government Act and s139 of the Roads Act 1993.

Definitions

Term	Meaning
Approval	an approval in force under the Local Government Act 1993 and Roads Act 1993 which includes the term 'permit'
Articles	a minor temporary structure, installed (exposed) in, on or above a public place
Code	the 'Code of Practice: Hoisting and Construction Activities on and above Roads (available on Council's website) adopted as part of this Local Approvals Policy

Term	Meaning
Footway	the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic) (Roads Act 1993)
Hoisting	the action of raising or lowering a load (material, plant, equipment) or workers, by powered mechanical or manual means and includes hoisting using a crane; winch; elevated work platform; mast-climbing work platform; *suspended scaffold*; personnel and materials hoist; boom lift including concrete placing boom; and building maintenance unit.
Road	includes— (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and (b) any part of a road and any part of any thing referred to in paragraph (a), and (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).
Construction activities and minor temporary structure (article)	any of the following activities and/or minor temporary structures installed and undertaken in, on or above a public place: - mobile scaffold (of a height not exceeding 4.0 metres) - access ladders - barricades (to establish pedestrian exclusion zones or to create temporary pedestrian pathways) - temporary works - road openings - temporary pedestrian ramps on footways (typically used over concrete pumping static lines) - other forms of minor temporary structures and construction-related works carried out in, on or above a public place

Policy Statement

Footway obstructions resulting from the placement of minor temporary structures on and above roads and undertaking hoisting operations are often a necessary part of construction and building maintenance activities. In allowing minor temporary works and installations and hoisting activities in, on and/or above a public place it is essential that they have the least possible impact on residents, workers, visitors and the business community. To achieve these required outcomes the Code prescribes minimum acceptable standards that must be followed by persons undertaking construction-related works and activities on and above roads.

Due to very high pedestrian and traffic volumes in the city there are special needs and requirements that must be considered and followed when undertaking works and hoisting activities including the installation of minor temporary structures on and above roads. This is necessary to ensure the safe, accessible and convenient passage and movement of pedestrians and cyclists.

Legal status of this Policy

The Policy is aimed at the development and construction sectors where approval is sought to undertake hoisting activities and carry out works including installing minor temporary structures in, on and/or above a road (activities under category E (1) and E (2) of the table in s68 of the Local Government Act) and s138 of the Roads Act in association with development sites, construction works or buildings undergoing maintenance.

Enforcement of the Policy

Unless specifically varied by a condition of approval or a direction of an authorised person, the relevant provisions set out in the Code must be satisfied when undertaking hoisting and/or installing minor temporary structures in, on and/or above a road.

What are the implications for non-compliance with this Policy?

An authorised person of Council may issue penalty notices; give orders; initiate Court action for non-compliance with the Policy, Code and a determination (an approval); and for associated breaches of applicable legislation.

A person who is guilty of an offence under the various Acts administered by Council may be liable, on conviction, for a maximum penalty as prescribed by the applicable legislation.

Under the Local Government Act, parties without a required approval or acting in breach of a condition of an approval may be given notice in writing to comply before an infringement is issued. Council at all times reserves the right to issue an immediate infringement notice depending on the seriousness of the circumstance and at the discretion of the authorised person and consideration of Council's Compliance Policy and Prosecution and Civil Enforcement Policy.

Granting an approval

An approval for hoisting activities and other works including and installing minor temporary structures in, on and/or above a road is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. An approval is issued subject to conditions imposed through s94 of the Local Government Act and s139(1)(d) of the Roads Act.

All approvals will be granted subject to a condition requiring permit-holders to ensure that activities comply with minimum standards as prescribed in the Code, in addition to specific conditions forming part of the approval.

Amending an approval

A person to whom an approval is granted may apply to amend an approval under s106 of the Local Government Act. The assessment for an amendment to an approval will include the following matters:

a) whether the approval as amendment is substantially the same as the original approval; and

b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and

c) after consultation with any other person or authority whose concurrence to the original approval was required; and

d) an amended determination will replace the original approval from the date endorsed in the approval.

Extending an approval

Council may determine to extend an approval under s107 of the Local Government Act if it is satisfied there is good cause for doing so.

An approval may not be extended where hoisting activities and/or construction-related works including installing minor temporary structures:

a) are non-compliant with an approval;

b) are not covered by a current public liability insurance policy or such policy has been withdrawn by the insurer; and

c) any other circumstance as determined by Council.

An approval to extend a determination must be obtained before the approval's lapsing date.

Revoking an approval

Council may revoke an approval under s108 of the Local Government Act for any circumstance set out in s109. An approval may also be revoked, for any reason, under s140 of the Roads Act 1993. Council may exercise its powers under these Acts where any of the following apply:

a) the person holding an approval fails to act on directions to comply with the Code and/or rectify works including minor temporary structures particularly matters relating to public safety risks;

b) an approval has lapsed, and an application has not been lodged to extend an approval; or

c) a public liability insurance policy held against an approval is not current or has been withdrawn by the insurer.

In circumstances where an approval has been revoked or has lapsed, Council reserves the right to take action to have all hoisting activities and other works ceased or unauthorised minor temporary structure/s removed from the public place and recover all associated costs.

Responsibilities

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993 and ensuring good governance including open and transparent consultation during its development and review. Authorised officers of Council will issue approvals to allow hoisting activities and construction-related work including the use of minor temporary structures, enforce conditions of approval and monitor/regulate non-compliances with this Policy, the Code and relevant legislation.

A holder of an approval is responsible for ensuring that all activities including hoisting and installation of minor temporary structures (and their use) are in accordance with an approval and are appropriately maintained. A person holding an approval must also comply with the Code.

Consultation

In accordance with s160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

References

Laws and Standards
• Local Government Act 1993
• Local Government (General) Regulation 2021
• Roads Act 1993
• Roads Regulation 2018
• Road Rules 2014
• Environmental Planning and Assessment Act 1979
• Environmental Planning and Assessment Regulation 2021
• Protection of the Environment Operations Act 1997

Policies and Procedures
• Code of Practice: Hoisting and Construction Activities on and above Roads
• Code of Practice: Construction-related Temporary Structures on and above Roads

Review period

This Policy will be reviewed at least every 4 years from the date of Policy adoption.

Approval Status

Council approved this Policy on [DD MONTH YYYY].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	19 August 2019	First edition	CM2019/000239
Amendment	<< date >>	Second edition	<< >>
Reviewed	<< date >>	<< >>	<< >>
Commence Review Date	<< date >>	<< >>	<< >>
Approval Due Date	<< date >>	<< >>	<< >>

Ownership and approval

Responsibility	Role
Author	Standards and Policy Specialist, Construction & Building Certification
Owner	Manager Construction and Building Certification Services.
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Item 5.

Public Exhibition – Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

File No: X102443

Summary

The purpose of the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads within the City of Sydney local government area.

The Policy aims to:

(a) control, regulate, approve installation and the use of temporary structures erected on and/or above roads;

(b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures;

(c) provide safe and accessible public passage including high-quality amenity in public places in the vicinity of worksites

(d) screen and secure worksites to enhance public safety and amenity; and

(e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality graphics (artwork and historic images) on several types of temporary structures.

The City's Local Approvals Policy for Hoardings and Scaffolding and supporting technical controls titled 'Guidelines for Hoardings and Scaffolding' (the Guidelines) have been operating effectively for more than 10 years in regulating hoardings and scaffolding installations on and/or above roads. It is, however, necessary to review and expand the Policy (and the technical controls) to capture additional forms of construction-related temporary structures that need to be regulated in a proposed new Code of Practice for-Construction-Related Temporary Structures On and Above Roads (the Code).

It is proposed to introduce a new local approvals policy and supporting technical controls to address the additional forms of temporary structures and to review and update the current provisions regulating hoardings and scaffolding. The adjustments, including the additional provisions and change of title, necessitate the adoption of a new Local Approvals Policy and supporting proposed technical controls - the Code of Practice for Construction-Related Temporary Structures on and above Roads

This report recommends that Council approve the public exhibition of the draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads as shown at Attachment A to the subject report. The supporting Code of Practice will be available for public comment during the exhibition period.

Recommendation

It is resolved that:

(A) Council approve the draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads as shown at Attachment A to the subject report for public exhibition for a period of 42 days in accordance with the requirements of the Local Government Act 1993;

(B) Council note that the supporting technical controls, the draft Code of Practice for Construction-Related Temporary Structures On and Above Roads will be available for comment during the exhibition period;

(C) Council note that the Draft Local Approvals Policy, including any recommended changes, will be reported to Council to seek adoption following the exhibition period; and

(D) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

Attachments

Attachment A. Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

Background

1. The purpose of the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads within the City of Sydney local government area.

2. The Policy aims to:

   (a) control, regulate, approve installation and the use of temporary structures erected on and/or above roads;

   (b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures;

   (c) provide safe and accessible public passage including high-quality amenity in public places in the vicinity of worksites

   (d) screen and secure worksites to enhance public safety and amenity; and

   (e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality graphics (artwork and historic images) on several types of temporary structures.

3. In 2014 the City adopted a Local Approvals Policy for the regulation of hoardings and scaffolding erected in roads, and these controls have been operating effectively over this period. The Local Approvals Policy and supporting Guidelines have substantially improved the quality and appearance of temporary structures including the presentation of construction sites within streetscapes. The Policy and Guidelines presently focus on hoardings and scaffolding. Other types of temporary structures associated with construction sites and existing buildings undergoing maintenance works are not currently subject to specific requirements set out in adopted technical controls.

4. Applications for temporary structures not listed in the Guidelines are being assessed and approved on a site-specific basis using the objectives, principles and relevant provisions in the adopted Guidelines. To address this matter and to set minimum design and other controls for the construction sector, the inclusion of additional forms of temporary structures is proposed in the draft Policy and Code. This will be beneficial for the City as a part of its regulating functions and assist the construction sector when designing and seeking approval for temporary structures.

5. It is therefore proposed to establish a new Policy and accompanying technical controls (Code of Practice) to include additional content and update the content in the current Guidelines (for inclusion in the proposed new Code). It is also proposed to change the title of the Policy and Guidelines to a more generic term to reflect the proposed inclusion of other forms of temporary structures. These changes necessitate the adoption of a new Policy and supporting proposed technical controls (the Code).

6. It is therefore proposed to publicly exhibit the draft Policy as required under the Local Government Act 1993.

7. The Local Approvals Policy will give effect to the draft Code of Practice. It contains detailed criteria to address and minimise public risks by prescribing clear design, installation and maintenance controls, regular inspections and clear certification requirements that proponents must satisfy. The key aims and requirements of the draft Policy and the draft Code include the following:

    (a) provide and maintain public safety through meeting minimum design controls and procedures including ensuring safe, accessible and convenient public passage past worksites

    (b) effectively isolate and secure sites from roads in a manner that addresses the Work Health and Safety legislation and the design controls in the draft Code

    (c) sets out detailed information and regulatory controls for industry to follow and apply as a means to minimise adverse impacts including amenity impacts, to achieve quality outcomes in roads and surrounding buildings

    (d) prevent or mitigate impacts on the City's infrastructure and assets including maintaining safe footway and cycling surfaces past worksites

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

8. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:

    (a) Direction 3 - Public places for all - There are mandatory provisions in the draft Policy and the draft Code to meet prescribed minimum design standards to achieve a high-quality appearance of temporary structures. This includes the continuation of the current requirements in the new Policy and Code to display of graphics (artwork and historic images – predominately on hoardings and scaffolding) which will continue to enliven public places with colour, creativity and history of the city. The draft Code also has provisions to continue to minimise impacts on safe and convenient movement of pedestrians and cyclists past worksites.

    (b) Direction 5 - A city for walking, cycling and public transport - Objectives and mandatory provisions are stipulated in the draft Code to mitigate impacts on the safe, accessible and convenient movement of pedestrians and cyclists including people with disability. The draft Policy and Code ensure that walking routes are interesting (display of graphics on some types of temporary structures and public viewing windows in hoarding site fences), accessible pathways (minimum clear widths and safe surfaces) and comfortable environs when passing a worksite. Worksites and construction activities will be isolated by well-designed and finished hoarding surfaces, requirements for ongoing maintenance and effective site fencing and overhead protective steel decks provided for public safety protection.

(c) Direction 8 - A thriving cultural and creative life - The draft Policy and Code require and encourage the display of creative artworks and historic image treatments on hoardings and scaffolding in prescribed circumstances. The draft Code also allows the display of bespoke artwork on surfaces. Where bespoke artwork is proposed it must be by way of paid commission or licence fee using an Australian artist. Bespoke historic image graphics for heritage-listed sites are also encouraged which promotes and supports the graphics design sector. These initiatives are objectives of the City's Creative City Cultural Policy and Action Plan (currently under review). Temporary public art is a feature of public spaces across the city for both small and large-scale works and hoardings/scaffolding.

Risks

9. Construction-related temporary structures are used by builders and contractors to facilitate the effective and safe undertaking of works on buildings and sites adjoining roads.

Social / Cultural / Community

10. The general public, visitors and the business community will benefit through high quality design controls for temporary structures. Clear criteria setting out minimum standards will ensure that impacts on footways, cycleways and roadways resulting from these structures are minimised.

11. The current requirements and provisions for the display of graphics on hoardings and scaffolding in the current Guidelines will continue in the proposed (new) draft Policy and Code. This aligns with the initiatives of Council's Creative City Cultural Policy and Action Plan and Sustainable Sydney 2030-2050 Continuing the Vision strategic alignment.

12. Property owners and businesses will also benefit through provisions that set minimum requirements for maintaining acceptable access and visibility to buildings and retail premises including allowing the display of wayfinding signage and temporary business signage on temporary structures (hoardings) in circumstances where existing operational premises are impacted.

Environmental

13. Provisions regulating litter, wastewater, noise and dust impacts are also included. Builders must regularly clean and maintain the roads on which temporary structures are installed to provide high quality public amenity and to prevent construction-related debris and litter entering the stormwater drainage system.

Economic

14. The current Policy and Guidelines have been in operation for more than 10 years without any significant issues or concerns being raised by the development and construction sectors. The Guidelines align with the standards set out in the SafeWork NSW 'Code of Practice for Overhead Protective Structures' (hoardings). The inclusion of other forms of temporary structures will also formally regulate such structures and assist the construction sector through the inclusion of minimum design, maintenance and certification provisions in the proposed draft Code.

15. The current Guidelines and draft technical controls align with the SafeWork NSW 'Code of Practice for Overhead Protective Structures'. Builders and contractors are required to comply with the NSW Code. The City's proposed draft Code has enhanced provisions for hoardings to address public amenity, access and safety in public places that exceed the Code requirements in several areas but are not in conflict with the SafeWork NSW Code. This variance is necessary to address the special circumstances and needs of the City that a State-based code is not able to deal with in sufficient detail. Specific aspects of the city including its high density built-form and significant pedestrian, cyclist and road surface vehicle movements require special consideration and design controls.

Relevant Legislation

16. There are several key statutes that apply when using the public place for the installation and use of temporary structures associated with construction and building maintenance activities. The draft Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. Other applicable legislation is set out in the draft Policy and in the draft Code.

17. The following Acts and Regulations are particularly relevant:

    (a) Local Government Act 1993

    (b) Local Government (General) Regulation 2021

    (c) Roads Act 1993

    (d) Roads Regulation 2018

    (e) Road Rules 2014

    (f) Work Health and Safety Act 2011

    (g) Work Health and Safety Regulation 2017

    (h) Environmental Planning and Assessment Act 1979

    (i) Environmental Planning and Assessment Regulation 2021

Critical Dates / Time Frames

18. There are no critical dates or timeframes to finalise the draft Policy and supporting draft Code.

Public Consultation

19. Subject to Council approval the draft Policy will be placed on public exhibition for at least 42 days in accordance with Section 160(3) of the Local Government Act 1993.

20. A further report will be presented to Council following conclusion of the public exhibition processes.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Peter Conroy, Standards and Policy Specialist - Construction

Attachment A

Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

Draft Local Approvals Policy for Construction Related Temporary Structures On and Above Roads

Purpose

The purpose of this Policy is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads("temporary structures") within the City of Sydney local government area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Roads Act 1993 and the Roads Regulation 2018.

The Policy is a Local Approvals Policy prepared and adopted by Council under s158 of the Local Government Act 1993 to regulate temporary structures (being "articles" under Part E (2) of the Table in s68 of the Act).

The Policy addresses three aspects (parts) in accordance with the requirements of the Local Government Act 1993 and operates as follows:

- Part 1 - specifies any exemptions from this Policy
- Part 2 - specifies the criteria that Council must consider when determining whether to grant approval for a particular article or activity
- Part 3 - specifies other matters relating to approvals.

Objectives

The Policy aims to:

a) control, regulate, approve installation and the use of temporary structures erected on and/or above roads ;

b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures;

c) provide safe and accessible public passage including high-quality amenity in public places in the vicinity of worksites

d) screen and secure worksites to enhance public safety and amenity; and

e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality graphics (artwork and historic images) on several types of temporary structures.

When will the Policy be revoked?

Under s165(4) of the Local Government Act 1993, this Policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

Scope and purpose

The Policy applies throughout the City of Sydney local government area. The purpose of the Policy is to give force to the 'Code of Practice: Construction-related Temporary Structures on and above Roads' (the "Code"). The Code prescribes the technical standards applying to temporary structures that control the design, placement (installation) and use of temporary structures on and/or above a public road. The Code is also used to assess applications lodged by property owners, developers, builders, and contractors seeking approval to install temporary structures to facilitate demolition, excavation and construction works or maintenance activities on existing buildings.

How this Policy works

Part 1 - Exempt from approval

The Policy does not provide any exemptions from the need to obtain the approval of Council for the placement of temporary structures on and/or above a public road.

Part 2 - Criteria that Council will take into consideration in determining whether to give or refuse an approval to an application

The provisions set out in the Code will apply when seeking approval to install a temporary structure on and/or above a public road.

Part 3 - Other matters relating to approvals

The provisions of the Roads Act 1993 and Roads Regulation 2018 relating to the installation of temporary structures on and/or above a road will also be considered in the assessment and determination of applications seeking approval to install temporary structures.

The approval for the installation of temporary structures does not automatically permit the use of equipment (cranes and hoists) to swing or lift material across or over any part of a public road and/or other works/activities that take place in, on or over roads. These activities are regulated through a 'Local Approvals Policy for Hoisting and Construction Activities on and above Roads'. A separate approval for these activities is required under category E(1) and E(2) of the table in s68 and s94 of the Local Government Act and s139 of the Roads Act 1993.

Definitions

Term	Meaning
Approval	an approval in force under the Local Government Act 1993 and Roads Act 1993 which includes the term 'permit'
Article	a temporary structure, installed (exposed) on and/or above a road
Code	the 'Code of Practice for Construction-related Temporary Structures on and above Roads (available on Council's website adopted as part of this Local Approvals Policy
Footway	the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic) (Roads Act 1993)

Term	Meaning
Road	includes— (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and (b) any part of a road and any part of any thing referred to in paragraph (a), and (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).
Temporary structure	any of the following structures installed on and/or above a road: - hoarding - scaffolding - work and storage compound - cantilevered work platform - cantilevered overhead protective deck/platform - hung-scaffold - catch-scaffold - façade-mounted cantilevered materials landing platforms - building perimeter construction safety screens/shutters - jump-forms - tower crane structure - site sheds - other forms of temporary structures when placed on and/or above a road

Policy Statement

Footway obstructions resulting from the placement of temporary structures are often a necessary part of construction and building maintenance activities. In allowing the installation of these structures on and above roads it is essential that they have the least possible impact on residents, workers, visitors and the business community. To achieve these required outcomes the Code prescribes minimum acceptable standards that must be followed by persons undertaking works and activities.

Due to very high pedestrian and traffic volumes in the city, there are special needs and requirements that must be considered and followed when undertaking construction work, including the installation of temporary structures. This is necessary to ensure the safe, accessible and convenient passage and movement of pedestrians and cyclists.

There are also significant visual impacts that result from development activity and temporary structures (predominately hoardings and scaffolding) therefore they must have quality design features to minimise these impacts in the streetscape. Minimum design standards including the display of graphics therefore apply to some forms of temporary structures.

Legal status of this Policy

The Policy is aimed at the development and construction sectors where approval is sought to install temporary structures on or over a road (an activity under category E(2) of the table in s68 of the Local Government Act) and s138 of the Roads Act in association with development sites or buildings undergoing maintenance.

Enforcement of the Policy

Unless specifically varied by a condition of approval or a direction of an authorised person, the relevant provisions set out in the Code must be satisfied when installing a temporary structure on and/or above a road.

What are the implications for non-compliance with this Policy?

An authorised person of Council may issue penalty notices; give orders; initiate Court action for non-compliance with the Policy, Code and a determination (an approval); and for associated breaches of applicable legislation.

A person who is guilty of an offence under the various Acts administered by Council may be liable, on conviction, for a maximum penalty as prescribed by the applicable legislation.

Parties not acting in accordance with this Policy (and Code) and an approval to place a temporary structure on and/or above a road may be given notice in writing to comply before an infringement is issued. Council at all times reserves the right to issue an immediate infringement notice depending on the seriousness of the circumstance and at the discretion of the authorised person and consideration of Council's Compliance Policy and Prosecution and Civil Enforcement Policy.

Granting an approval

An approval for the installation of a temporary structure on and/or above a road (footway and/or roadway) is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. An approval is issued subject to conditions imposed through s94 of the Local Government Act and s139(1)(d) of the Roads Act.

An approval is granted subject to a condition requiring permit-holders to ensure that temporary structures comply with minimum standards as prescribed in the Code and as set out in specific conditions forming part of the approval.

Amending an approval

A person to whom an approval is granted may apply to amend an approval under s106 of the Local Government Act. The assessment for an amendment to an approval will include the following matters:

a) whether the approval as amendment is substantially the same as the original approval; and

b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and

c) after consultation with any other person or authority whose concurrence to the original approval was required; and

d) an amended determination will replace the original approval from the date endorsed in the approval.

Extending an approval

Council may determine to extend an approval under s107 of the Local Government Act if it is satisfied there is good cause for doing so.

An approval may not be extended where a temporary structure:

a) is structurally unsound;

b) is not being satisfactorily maintained in accordance with the Code;

c) is non-compliant with an approval;

d) is not covered by a current public liability insurance policy or such policy has been withdrawn by the insurer; and

e) any other circumstance as determined by Council.

An approval to extend a determination must be obtained before the lapsing date.

Revoking an approval

Council may revoke an approval under s108 of the Local Government Act for any circumstance set out in s109. An approval may also be revoked, for any reason, under s140 of the Roads Act 1993. Council may exercise its powers under these Acts where any of the following apply:

a) the person holding an approval fails to act on directions to rectify a temporary structure particularly matters relating to inadequate structural adequacy or other public safety risk;

b) or

c) a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer.

In circumstances where an approval has been revoked or lapsed, Council reserves the right to take action to have the unauthorised structure/s removed and recover all associated costs.

Responsibilities

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993 and ensuring good governance including open and transparent consultation during its development and review. Authorised officers of Council will issue approvals to allow the installation and use of temporary structures, enforce conditions of approval and monitor/regulate non-compliances with this Policy, the Code and relevant legislation.

A holder of an approval is responsible for ensuring that a temporary structure is installed in accordance with an approval and is appropriately maintained. A person holding an approval must also comply with the Code.

Consultation

In accordance with s160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

References

Laws and Standards
• Local Government Act 1993
• Local Government (General) Regulation 2021
• Roads Act 1993
• Roads Regulation 2018
• Road Rules 2014
• Environmental Planning and Assessment Act 1979
• Environmental Planning and Assessment Regulation 2021

Policies and Procedures
• Code of Practice: Construction-related Temporary Structures on and above Roads
• Code of Practice: Hoisting and Construction Activities on and above Roads
• SafeWork NSW Code of Practice for Overhead Protective Structures

Review period

This Policy will be reviewed at least every 4 years from the date of Policy adoption.

Approval Status

Council approved this Policy on [DD MONTH YYYY].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	<< date >>	<< >>	<< >>
Reviewed	<< date >>	<< >>	<< >>
Commence Review Date	<< date >>	<< >>	<< >>
Approval Due Date	<< date >>	<< >>	<< >>

Ownership and approval

Responsibility	Role
Author	Standards & Policy Specialist, Construction & Building Certification

Responsibility	Role
Owner	Manager Construction & Building Certification Services.
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Item 6.

Post Exhibition - Outdoor Dining Guidelines Amendment

File No: S060627-02.023

Summary

This report seeks Council endorsement of an amendment to the Draft Outdoor Dining Guidelines (parks and green spaces), following public exhibition, as shown at Attachment A. This does not cover long term on-road dining which will be the subject of a separate report.

On 20 February 2023, Council resolved to review the Outdoor Dining Guidelines in relation to applications on or near green spaces to reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces. The review was reported to Council in September 2023, recommending public exhibition of change to the Outdoor Dining Guidelines to provide more guidance for outdoor dining on pedestrianised lanes and streets and similar public spaces.

Outdoor dining supports strong local hospitality businesses, brings life to our high streets and neighbourhoods and fosters dining and shopping precincts as destinations. Council policies encourage outdoor dining in a way that provides a safe and comfortable experience for all users of footways and public spaces including people walking, dining and using public space for other purposes.

While the vast majority of outdoor dining is on footpaths there are some situations where outdoor dining can be located in other public spaces such as pedestrianised spaces, plazas and parks.

Well-managed public spaces and footways promote both equitable access and support local hospitality businesses by creating places and streets that are amenable and attractive to all visitors.

The public exhibition was carried out in November and December 2023. This report provides details of the public exhibition and the City's responses to feedback.

Submissions noted support for outdoor dining and the proposed provisions which will balance outdoor dining with community use and access to public space. Concerns were raised in relation to access and safety, noise, privatisation of public spaces, availability of open space, application processes and compliance.

As the issues raised are addressed by the draft guidelines, standard conditions of approval and review and renewal processes already in place, no further changes are recommended to the draft Guidelines.

It is recommended that Council adopt the draft Guidelines shown at Attachment A to the subject report.

Recommendation

It is resolved that:

(A) Council note the findings from the public exhibition of the draft amendment to the Outdoor Dining Guidelines as described in Attachment B to the subject report, including the City's responses;

(B) Council adopt the Outdoor Dining Guidelines as shown at Attachment A to the subject report; and

(C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Outdoor Dining Guidelines

Attachment B. Summary of submissions

Attachment C. Resolution of Council - 20 February 2023 - Item 13.14 - Equity and Access to Parks and Public Green Space

Background

1. On 20 February 2023, Council resolved via a Notice of Motion (Attachment C) to review the Outdoor Dining Guidelines in relation to applications on or near green spaces to reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces.

2. The internal review was reported to Council in September 2023, recommending changes to the outdoor dining guidelines to provide more guidance for outdoor dining on pedestrianised spaces, parks and similar public spaces.

3. The proposed changes address:

   (a) the clear path of travel, pedestrian connections and access to public seating;

   (b) availability of space for the common activities undertaken in the public space;

   (c) servicing of the outdoor dining through the public space;

   (d) community events; and

   (e) setbacks from lawns, gardens, walls and similar structures.

4. On 18 September 2023, Council approved for public exhibition the draft amendment to the Outdoor Dining Guidelines. The additional guidance was included at the end of Section 4 Outdoor Dining Areas of the Guidelines.

5. This report describes the feedback from public exhibition and recommends Council endorse the draft amendment to the Outdoor Dining Guidelines at Attachment A.

Public Exhibition

6. The draft amendment to the Outdoor Dining Guidelines was exhibited on the Sydney Your Say website. The website was open from 8 November to 6 December 2023. There were 535 unique page views and 184 downloads of the documents.

7. The following notifications were sent to stakeholders:

   (a) letters were distributed to all addresses within a 25 metre radius of premises that currently operate outdoor dining on closed roads (nine properties in total) with 4,585 letters sent;

   (b) a stakeholder email was sent to disability and inclusion stakeholder groups; and

   (c) included in the November edition of Sydney Your Say eNews to 6,733 subscribers.

Submissions

8. During the exhibition period 47 submissions were received, including:

   (a) eight by email;

   (b) 38 by online feedback form; and

   (c) one by phone call.

9. The submissions are summarised at Attachment B.

10. Some submissions covered more than one point of support or objection. As such, the key points of each submission have been summarised under common headings in the Summary of Submissions at Attachment B. One or more of the points may be contained in a single submission. The instances in which each point has been raised in submissions has been noted next to each point, and the City's response to submission topics is also provided.

11. The submissions had varying degrees of relevance to the amendment. Some submissions related to specific locations or typical footways not affected by the proposed provisions.

Submissions in support

12. Submission topics in support fell into two categories. The first group of supporting submissions mentioned support for outdoor dining generally. The second group related specifically to the draft guidelines.

13. There were 26 instances of submissions expressing support for outdoor dining. Both general and specific points were made. Specific reasons for supporting outdoor dining include:

   (a) the weather in Sydney is so well suited to outdoor dining;

   (b) mental and physical health benefits of being outside and social activity;

   (c) lively neighbourhoods;

   (d) generation of economic activity; and

   (e) international precedents of outdoor dining.

14. There were 25 instances of support for the draft guidelines, and specific reasons for support include:

   (a) balances outdoor dining with community use, public and private users sharing space;

   (b) sensible and practical;

   (c) wheelchair users are provided for;

   (d) prioritises people over cars; and

   (e) promotes walkability of the city.

Objections

15. There were 52 instances of points of objection in the submissions. Key concerns and responses are described below.

Accessibility and Safety (mentioned in 13 instances)

16. There was a frequent theme about the provision and enforcement of a clear path of travel for pedestrians, particularly the elderly and those with mobility issues. It was also pointed out that tables and chairs are sometimes moved so that they obstruct the minimum clear path of travel, accompanied by requests that more is done by business owners to keep furniture within the approved limits of their outdoor dining area to avoid obstructing paths of travel.

17. A number of submissions noted issues of electric bikes or food delivery cyclists occupying space on footpaths.

Response

18. The Guidelines, including the draft amendments, prioritise access and require a minimum two metre clear and consistent path of travel.

Noise and amenity (mentioned in three instances)

19. There were several general complaints about noise from cafes or pubs, including noise from patrons, their children and dogs. Also included was a comment regarding the untidy appearance of outdoor dining.

Response

20. The Guidelines currently include provisions about appropriate neighbourhood amenity including hours of operation and seating arrangements. These provisions also apply to outdoor dining areas on public spaces. Some noise from children, dogs and other recreational activities is common for public spaces and parks.

Privatisation of Public Space (mentioned in 11 instances)

21. Issues regarding commercial uses occupying public space were raised frequently across the submissions. Concern was expressed around the legal implications of establishing the additional revenue for a venue through additional seating areas for additional patrons, that it might become permanent and irreversible.

Response

22. The Roads Act 1993 limits outdoor dining approvals to seven years within road reserves. The City also includes conditions on approvals that typically limits them to one to five years as appropriate to the circumstances and allows the City to revoke or suspend approvals if needed.

Inadequate provision of open space in some local areas (nine instances)

23. Submissions expressed concern that there was inadequate open space in some local areas and that on this basis outdoor dining in public spaces should not be permitted, to preserve that space for the recreational use of residents. In some cases the guidelines were considered inadequate in protecting the existing open space provision.

24. Covid recovery as a reason for the permissibility of outdoor dining was mentioned in several submissions.

Response

25. The draft amendment to the Guideline proposes a provision to protect the public open space for recreation use by the community. It requires outdoor dining to not substantially encroach upon the area used for typical and common community activities in the space. Outdoor dining also supports and encourages people to use open and public spaces.

Regulation framework (mentioned in 12 instances)

26. Submissions raised the way the planning framework is structured regarding outdoor dining. Some submissions suggested that requirements for applicants should be less restrictive or more onerous.

27. A greater proportion suggested various ways of changing the framework to increase the regulation through requiring Development Applications or limiting the duration of outdoor dining approvals (mostly length of license).

Response

28. The proposed changes to the Guidelines do not address processes and application requirements. Requirements for submissions ensure sufficient information is available to make an assessment and determination. NSW Government planning rules make outdoor dining exempt from a development application to avoid duplication with approvals required under other legislation. Council cannot override these rules.

Compliance (mentioned in four instances)

29. Several submissions advised that some businesses were not keeping to the limits of their outdoor dining approvals, either in areas or time limits, and that there should be greater monitoring, and that lack of adherence to approvals should lead to withdrawal of the approval.

Response

30. A standard condition of approval requires all furniture to be kept within the boundaries of the area defined on the approved plans. An outdoor dining approval display notice is required to be displayed at the premises under the conditions of consent. The City investigates reports of non-compliance in accordance with compliance policies and compliance is considered when applications for renewal are received.

Response to submissions

31. The relevant issues raised through submissions are already addressed by the draft amendment to the Guidelines, standard conditions of approval and review and renewal processes already in place. No changes are recommended to the exhibited Guidelines.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

32. Sustainable Sydney 2030-2050 Continuing the Vision renews the community's vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:

    (a) Direction 1 - Responsible governance and stewardship - the proposed amendment promotes transparency around commercial opportunities in public space and decision-making and seeks to protect the interests of the community.

    (b) Direction 3 - Public places for all - the proposed amendment works to ensure that the public and private interests over public space are balanced in the best interests of the community.

    (c) Direction 4 - Design excellence and sustainable development - the proposed amendment seeks to protect the quality and amenity of public space and support the sustainable use of public space.

    (d) Direction 5 - A city for walking, cycling and public transport - the proposed outdoor dining guidelines ensure that footway uses are managed in a way that facilitates movement of people walking and cycling.

    (e) Direction 6 - An equitable and inclusive city - the proposed provisions act to protect equitable access for all in public spaces.

    (f) Direction 7 - Resilient and diverse communities - the proposed provisions support activation of public spaces, provide and protect opportunities for community interaction.

Social / Cultural / Community

33. The proposed provisions will assist in balancing the amenity of public spaces with the benefits of outdoor dining in activating the City's public spaces.

Economic

34. The proposed provisions provide clarity around opportunities for outdoor dining areas that will support local businesses.

Relevant Legislation

35. Roads Act 1993.

36. Local Government Act 1993.

37. Environmental Planning and Assessment Act 1979.

Public Consultation

38. The amended Outdoor Dining Guidelines, at Attachment A, were on public exhibition for a minimum of 28 days.

39. This report and the Summary of Submissions at Attachment B describe the public exhibition of the draft Outdoor Dining Guidelines.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Amy Bendall, Senior Urban Designer

Attachment A

Outdoor Dining Guidelines

CITY OF SYDNEY

Outdoor Dining Guidelines

Outdoor Dining Guidelines
December 2024

Green Global Connected

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01 Introduction

Who can have outdoor dining?

The City of Sydney supports local restaurants, pubs and cafes by allowing outdoor dining.

Eligible businesses are 'food and drink premises' as defined in the local environmental plan, and prepare and sell food, drink or both for immediate consumption. This includes restaurants, cafes, takeaways, pubs and small bars.

Where these guidelines apply

These guidelines apply to all applications for outdoor dining on the footway and similar public spaces in the City of Sydney Local Government Area, except for the following NSW Government controlled areas:

– The Rocks

– Circular Quay

– Barangaroo

– Darling Harbour

For applications in those areas, please contact Property NSW.

How to use these guidelines

These guidelines:

- are to be read along with the City of Sydney's Outdoor Dining Policy
- provide information for the public and for applicants seeking to use the footway for outdoor dining under the Roads Act 1993 for footways or the Local Government Act 1993 for other public spaces.
- provide guidance for the City in determining applications for use of the footway and other public spaces for outdoor dining.

There are eight parts to these guidelines:

1. Introduction outlines general information for outdoor dining applications.
2. Outdoor dining approvals has information on the approvals that are needed.
3. Footway access sets out requirements to leave enough room for pedestrians on the footway.
4. The outdoor dining area provides information on suitable locations and sizes of outdoor areas.
5. Outdoor dining furniture has design requirements for furniture and other structures to be used in conjunction with outdoor dining; and on measures to protect the amenity of neighbourhoods.
6. Neighbourhood amenity details the matters that will be considered in deciding if the hours sought for outdoor dining are appropriate for neighbourhoods.
7. Responsibilities for the operator details the City's expectations for operators using public spaces for outdoor dining.
8. Special areas for outdoor dining gives more detailed guidance for nominated precincts.

Key terms

Term	Meaning
Clear path of travel	The area of the footway maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as: *An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment that would prevent it from being safely negotiated by people with disability*.
Exempt development	Development that does not need development consent under the *Environmental Planning and Assessment Act 1979*, but which may still need some other approval. At the time of adoption, the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* makes footway dining exempt development if it is: a) carried out in accordance with an approval granted under section 125 of the *Roads Act 1993*, including in accordance with any hours of operation to which the approval is subject, and b) carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993*. c) not under an awning, or under an awning that is BCA-compliant.
Outdoor dining	Dining on the public footway, associated with an approved food and drink premises. Also sometimes referred to as footway dining or footway restaurant.
Public footway	That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.
Food and drink premises	Food and drink premises are premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following–

Term	Meaning
	(a) a restaurant or café, (b) a take away food and drink premises, (c) a pub, (d) a small bar.

02 Outdoor dining approvals

City of Sydney will encourage and support well managed use of the footway. The City's footways are public land and an approval to use this land for outdoor dining is a requirement.

The City of Sydney will encourage and support well managed use of the footway. The City's footways are public land and an approval to use this land for outdoor dining is a requirement.

What approvals are required?

All outdoor dining requires an approval to use public land. At the City of Sydney, this is called a Footway Approval (Outdoor Dining).

Most outdoor dining will not need development consent. It will be 'exempt development' (see Key Terms) and will only need a footway approval from the City.

Outdoor dining that is not exempt development will also need development consent from the City.

If you are not sure which approvals you need, please talk to the City either at one of our Neighbourhood Service Centres, or by calling 9265 9333.

Special precincts for outdoor dining

Some places have additional considerations when applying for outdoor dining. Applications for outdoor dining in a nominated special precinct are to be consistent with the detailed guidance in Section 8 of these guidelines. The following are nominated as special precincts:

- Martin Place – from George Street to Pitt Street (the Cenotaph block)
- George Street
- Llankelly Place, Potts Point.

Change of operator

The legislation requires approvals for outdoor dining to be given to the operator of the business, and not to the business or the property.

This means, that when the operator of a business with approval for outdoor dining changes, the approval is no longer valid.

A new operator will need to get a new approval for outdoor dining.

Compliance with outdoor dining approval

Operators must display the approval notice for an outdoor dining area in a prominent position and make it available to authorised City officers on request. It must clearly show the approved hours of operation and approved outdoor dining area.

Authorised City officers may order the removal of any items on the footway that are not part of the outdoor dining approval, or otherwise permitted under another approval or policy of the City.

Revoking, suspending or amending an outdoor dining approval

Applicants should be aware that the City can revoke, suspend or amend an approval for outdoor dining if (but not limited to):

- the conditions of the approval are breached
- the use of the footway area for outdoor dining is causing public safety or public access to be compromised
- the footway area is needed for public works
- the footway area is needed for a special event
- the footway area is needed to manage an increase in pedestrians.

Where the City needs to revoke, suspend, or amend an approval for outdoor dining the approval holder will be given notice of the City's intention and will be given an opportunity to make representations to the City.

Consultation and notification of outdoor dining applications

Public consultation on some outdoor dining applications can help identify problems that could arise during operation.

Notification requirements apply to new applications and amendments to existing approvals.

Provisions

2.1 Outdoor dining applications will be notified for public consultation:

- in Central Sydney (as shown at Figure 1), where the proposed area is more than 20 square metres
- outside of Central Sydney, where the proposed area is more than 10 square metres; or where proposed operating hours are prior to 7am, or after 10pm
- unless the application meets the criteria in 2.2 below.

2.2 Outdoor dining applications will not be notified where:

- there is an existing Footway Approval
- the application is to allow for change of operator of the Footway Approval, and
- there are no proposed changes to the terms of the Footway Approval, including operating hours and outdoor dining area.

2.3 Notification will be made through a notice on the premises, on the City's website, and via letter or digital service:

- for a period of 10 days; and
- within a 25-metre radius of the proposal.

Application requirements

Submitting correct documents with the outdoor dining application will support efficient assessment.

2.4 The following documents are required:

- a completed application form (available on the City's website)
- a request to the City for owner's consent for the use of Council-owned land
- a description of the proposed outdoor dining, including size and location of the proposed outdoor dining area and hours of operation
- colour images of the site and the surrounding context
- images, or a manufacturer's brochure, showing any furniture, umbrellas, heaters and the like
- a plan of the outdoor dining area (see below)
- an emergency contact number.

Outdoor dining area plan

An outdoor dining plan is to be easily understood and allow City officers to assess the outdoor dining application efficiently and effectively. A sample plan is shown at Figure 2.

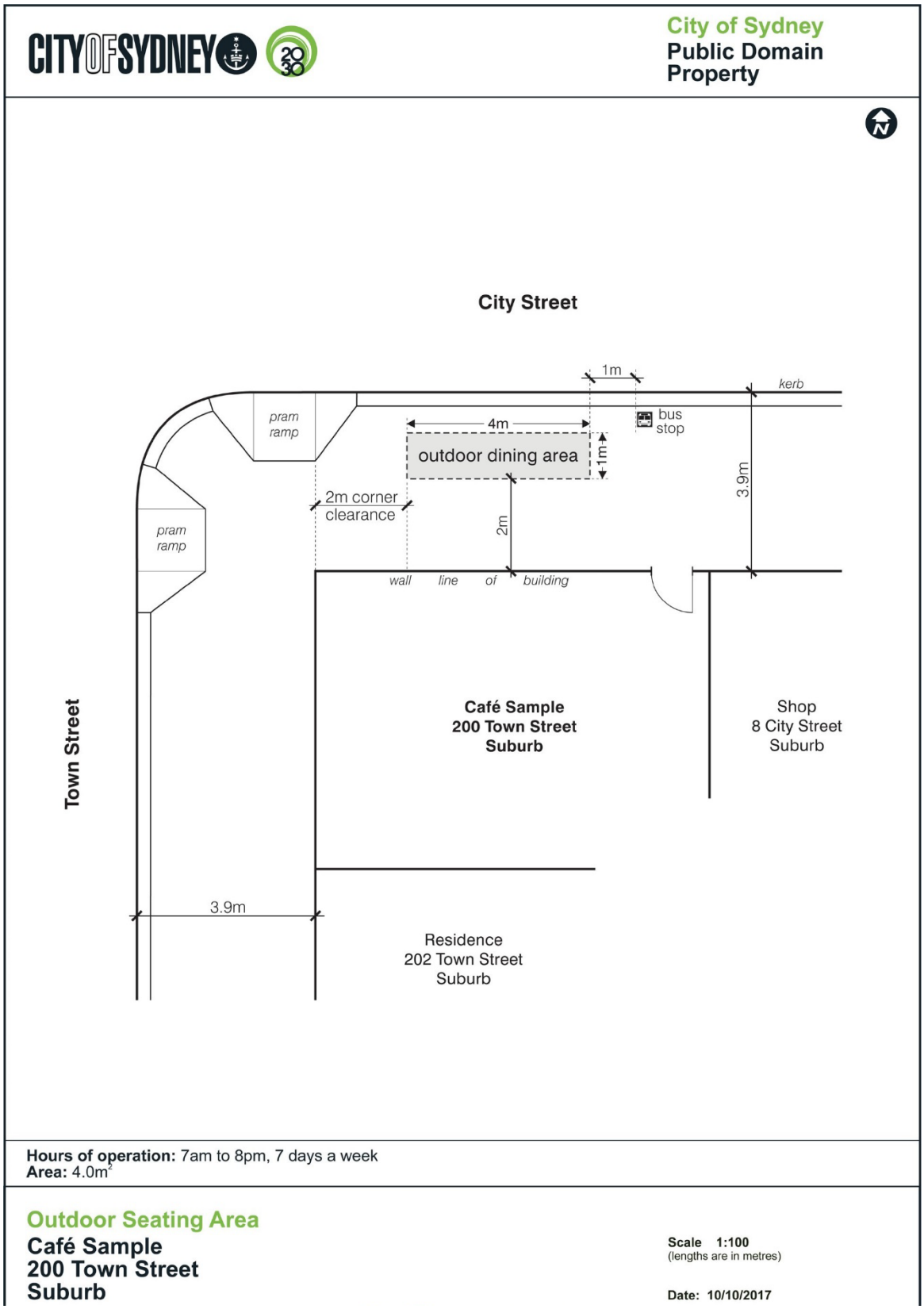
2.5 An outdoor dining area plan should be to scale and with clearly marked dimensions, showing:

- the width of the pavement and the proposed outdoor dining area
- the location of the outdoor dining area on the footway, along with the associated premises, and neighbouring premises
- layout of the outdoor dining area, including its width, and also umbrellas, heaters and the like

- the location of any high tables where food and drink will be consumed while standing
- clearances around the outdoor dining area from trees, the kerb, street furniture, street signs and the like
- location of all existing street fixtures, including benches, trees, poles, bike parking rings, bins, heritage plaques and inscriptions and the like
- location of transport stops, taxi ranks, parking areas, loading zones, pedestrian crossings and street intersections (if any), and
- the location of all doorways and service openings.

Figure 1 - Central Sydney

Figure 2 - A typical outdoor dining plan



03 Footway access

The primary function of a public footway is to provide access to pedestrians and other users travelling along the street.

In some places, the footway may be too narrow or too busy to support a business use and also provide the clear path of travel required by these guidelines.

In these circumstances, the footway is not suitable for outdoor dining.

Clear path of travel

The City will ensure that the public footway continues to provide safe, dignified and equitable access to pedestrians and other users travelling along the street. To achieve this, the City will ensure a minimum clear path of travel is maintained to a suitable width before any business uses are considered.

Provisions

3.1 A clear path of travel is to be maintained on all public footways before other uses are considered.

3.2 The minimum width of the clear path of travel needs to be:

– 2 metres for streets

– 1.2 metres for Central Sydney laneways, as shown in Figure 3, and

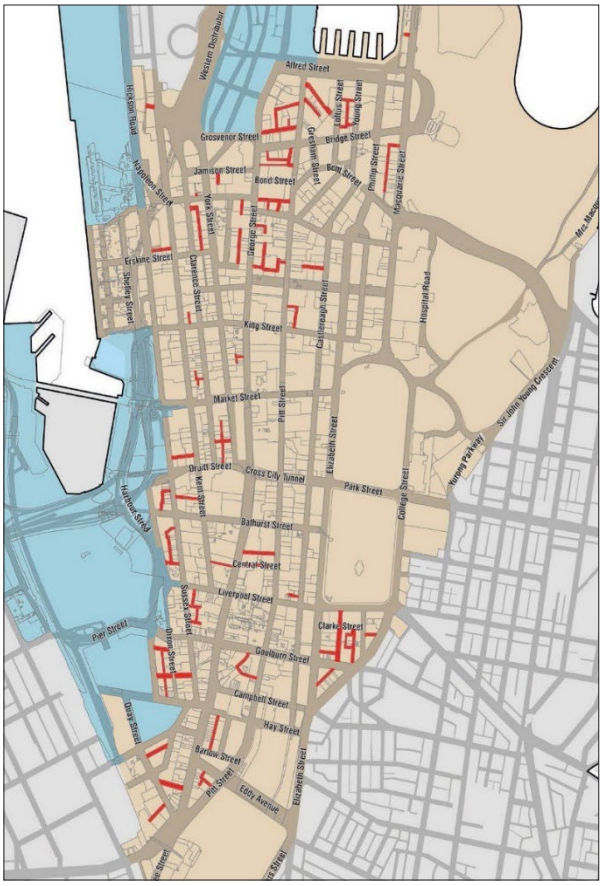
– 4 metres in shared zones used by vehicles.

3.3 In areas of high pedestrian volume or where closeness to traffic might pose a safety risk, the City may:

– require a greater clear path than shown in 3.2 or

– not allow outdoor dining.

Figure 3 Central Sydney laneways



3.4 The City can require a clearance of less than 2 metres where:

– it can be shown that pedestrian safety will not be compromised and

– where activity such as outdoor dining is desirable.

3.5 The location of the clear path of travel is to be consistent and predictable for each street block.

– A consistent clear path is located on the same part of the footway for the length of the block.

– A predictable clear path is one where the location can be anticipated by users based on either local knowledge of the street or environmental cues.

Figures 4 to 6 demonstrate a consistent and predictable clear path of travel.

Figure 4 - This clear path of travel is in a consistent location on the block and is predictable for pedestrians.

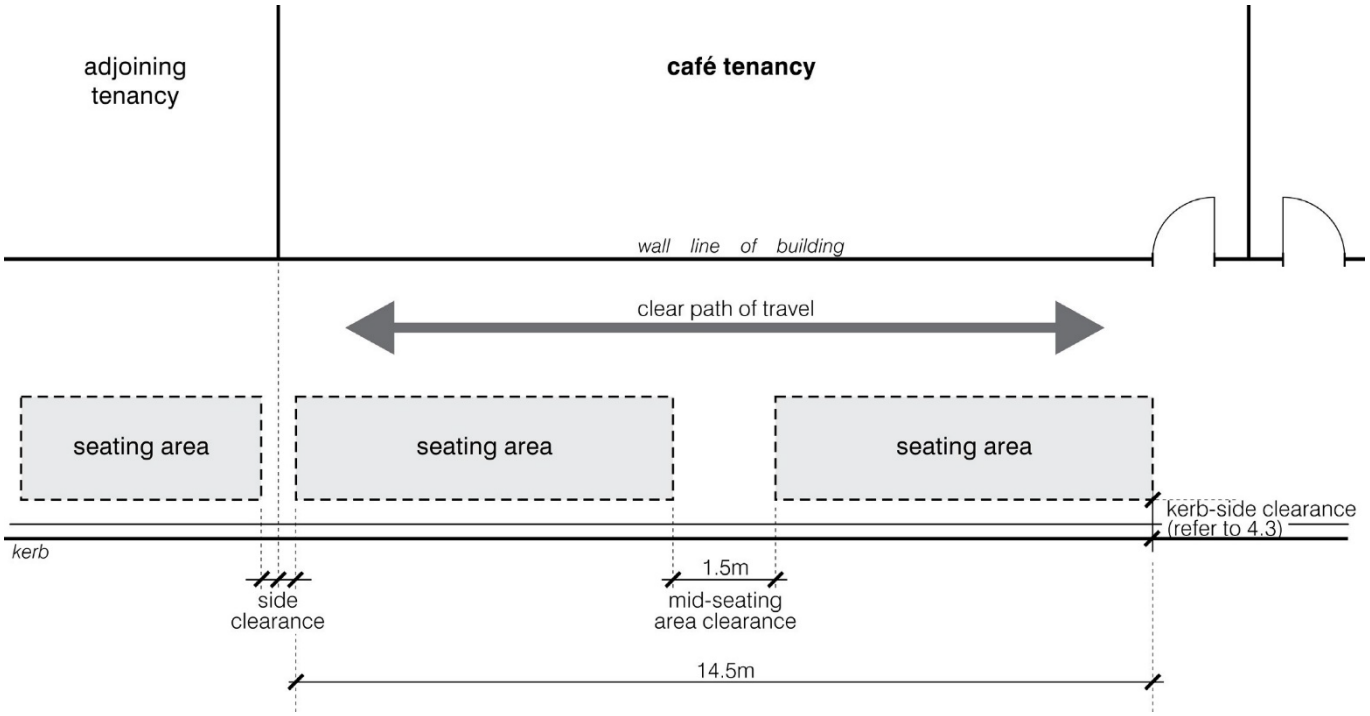


Figure 5 - This clear path of travel is in a consistent location on the block, and is predictable for pedestrians

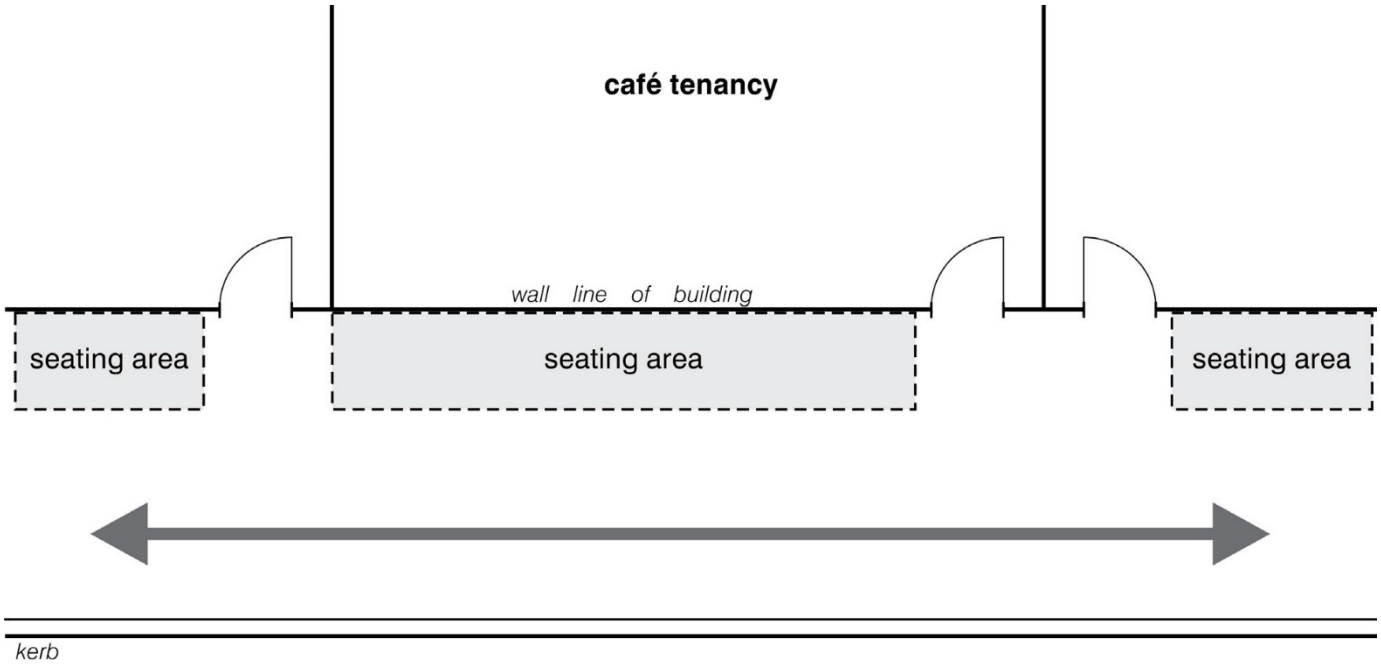
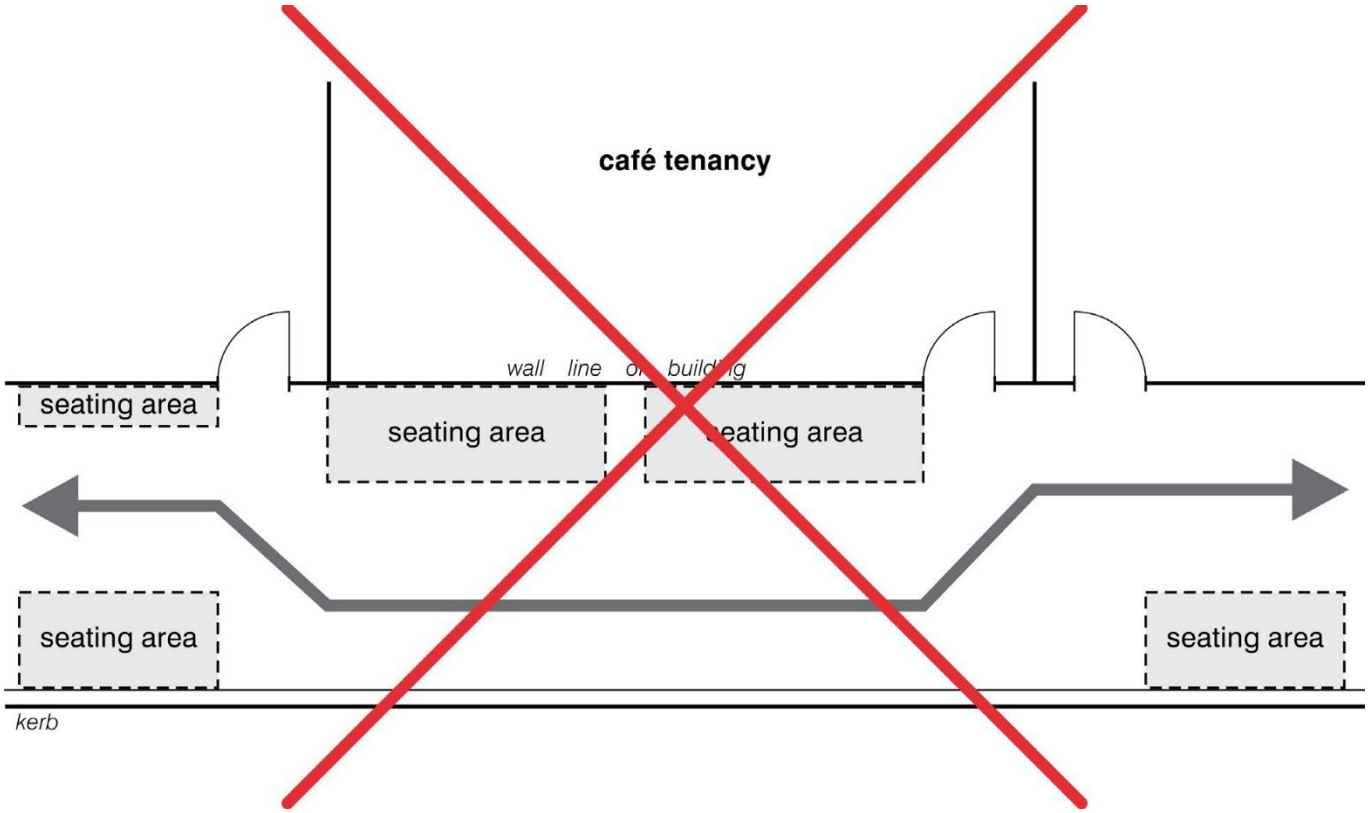


Figure 6 - This clear path is not in a consistent location on the block, and is not predictable for pedestrians.



04 Outdoor dining areas

Outdoor dining areas are to provide a safe and enjoyable dining experience for customers, while keeping footways safe and accessible for all pedestrians.

In considering the size and location of an outdoor dining area, the first consideration will be the safe, dignified and equitable movement of pedestrians.

The location and size of an outdoor dining area will depend on:

- the location of adjacent outdoor dining areas
- the space required for outdoor dining furniture and the circulation of customers
- nearby infrastructure such as bus stops, trees and rubbish bins
- the amount of pedestrian and vehicle traffic at the location.

Size and location of the outdoor dining area

Provisions

When applying for outdoor dining, applicants are to:

4.1 Allow enough room for furniture and customers, by keeping a minimum width of 0.8m for the outdoor dining area.

4.2 Maintain safety and circulation on public footways, by keeping outdoor dining areas clear of trees, bus stops, and service items such as parking meters, fire hydrants, drains and the like. The minimum clearances needed, shown at Figure 7 are:

- 1 metre from a public transport stop, public transport access point, both ends of a bus zone or taxi stand
- 1 metre from any service object including fire hydrant, utility pit, grate, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like
- 0.8 metres from any street tree pit or grate – measured from the outside of the pit or grate
- 2 metres from the corner alignment of the building at street intersections
- 0.5 metres from any tactile ground surface indicators (TGSI)
- sufficient clearance to give safe, dignified and equitable access to buildings
- not obstructing or impeding access to fire escapes and emergency exits.

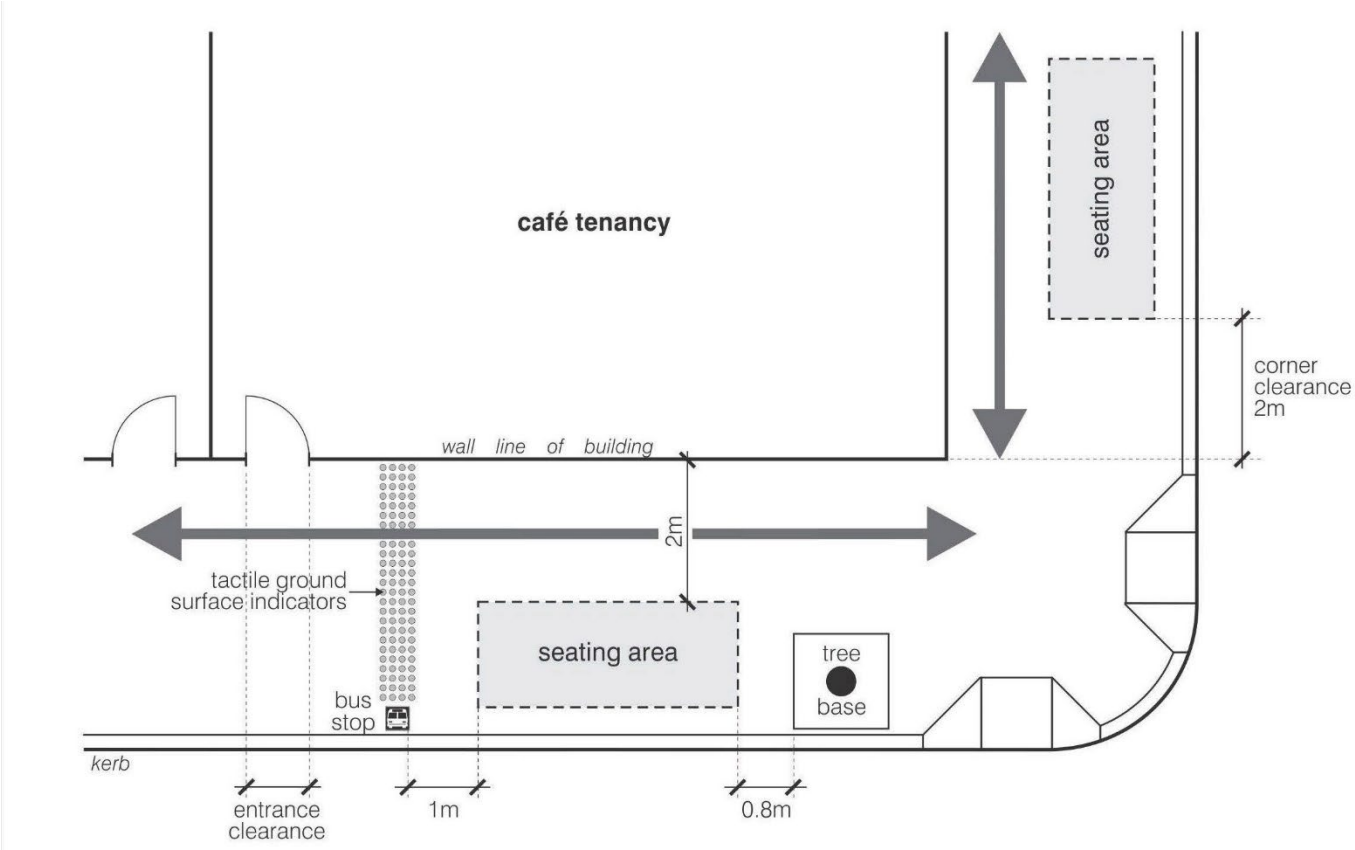
4.3. Applicants cannot apply for outdoor dining approval for an area that is not immediately outside their tenancy (for example, outside of a neighbouring premises).

Toilet facilities

Provisions

4.4. The application should demonstrate that acceptable toilet facilities are available in the premises to which the outdoor dining approval relates.

Figure 7 Clearances required around the outdoor dining area



Special clearances for outdoor dining at the kerb

When applying for outdoor dining towards the kerbside of the footway, it is important to consider the safety of patrons from traffic, and to allow room for access to cars parked along the kerb.

Provisions

4.5 Applicants should leave the following clearances from the kerb:

- 2 metres when next to a state classified road, or traffic moving at 20km/hour or more
- 1.5 metres when next to an accessible parking spot
- 0.9 metres when next to a loading zone
- 0.6 metres when next to normal parking conditions, or next to traffic moving at 20km/hour or less
- 0.5 metres from the edge of a cycleway

4.6 Applicants should leave the following clearances around their outdoor dining areas:

- 0.25 metres side clearance at the side boundary of the footway area immediately in front of your building. This is to create a gap between adjacent outdoor dining areas.
- 1.5 metre mid-area clearance to for dining areas longer than 12 metres, to allow access to the street.

Other public spaces

When applying for outdoor dining on a public space that is not the footway, such as a pedestrianised road or small plaza or park, it is important to ensure the outdoor dining does not interfere with the intended public use and enjoyment of that space.

Provisions

4.7 The location and extent of the outdoor dining area should ensure that:

- A minimum 2m clear path of travel parallel to the building line is provided consistent with section 3 of these Guidelines
- The seating is only on one side of the clear path of travel
- Important pedestrian and cycle connections and desire lines through the space are maintained
- Access to sufficient public seating is maintained during peak times of public activity in the space
- The outdoor dining does not substantially encroach upon the area used for typical and common community activities in the space
- The outdoor dining can be conveniently serviced without impacting on the accessibility and public use of the space
- In spaces that are sometimes used for community events it may be necessary to limit either the location, extent or time of the outdoor dining to ensure that community events can operate successfully.

4.8 Applicants should ensure that the following additional special clearances are provided:

- 0.3m when next to a garden bed, lawn edge or retaining wall

05 Outdoor dining furniture

Outdoor dining areas are to make a positive contribution to the character of the City's streets and public spaces. They are to appear as temporary uses of the public domain, not as permanent fixtures.

An outdoor dining set-up can contain a variety of items – tables, chairs, umbrellas and heaters. Care needs to be taken that streets do not become cluttered and obstructed through the placement of furniture and other items.

Streets that are physically and visually cluttered make business identification and general wayfinding more difficult and detract from the street attractions. Signage, branding and advertising can all add to visual clutter and take away from the positive characteristics of the street.

The choice of furniture, including tables, chairs, and umbrellas are to reflect and build on the existing character of the local area.

Barriers around outdoor dining areas give the appearance that the public space has been privatised and become an obstacle to access and movement and generally not supported. As much as possible, outdoor dining areas are to remain open and inviting.

High tables, such as bars, shelves and cocktail tables, may be provided for patrons to consume food and drink while standing.

Furniture and other items

Provisions

5.1 Any furniture or other items that form part of the outdoor dining set-up should be described in the application for outdoor dining and approved by the City.

5.2 All furniture and other items:

- are to be located within the approved outdoor dining area
- should not have permanent fixings
- should be removed and stored safely outside of outdoor trading hours.

5.3 The City encourages the design and range of furniture for outdoor dining areas to:

- demonstrate diversity and innovation
- reflect the character of the buildings and permanent elements of an area
- have an open appearance
- minimise clutter.

5.4 Seating, including chairs, stools, benches tables and the like are to:

- be safe for users and not have any sharp edges, hinges or other moving parts that could cause a hazard to users
- allow access for all users, including those who use wheelchairs or mobility aids
- be non-reflective
- be strong, durable, weather resistant and designed for commercial outdoor use
- not damage the footway and City property
- be able to be readily removed and stored within the associated premises
- be generally consistent with the character of the area.

5.5 Furniture and other items must have a colour and luminance contrast of at least 30% to the street, to allow them to be identified by pedestrians with low-vision. For example, bright, reflective furniture on a dark, matte, street surface.

Figure 8 - Barriers can only be used to enclose a licensed area where required by Liquor and Gaming NSW. These barriers have logos which meet the standards in these guidelines

Barriers

Provisions

5.6 Barriers which enclose the outdoor dining area, or which separate it from the pedestrian footway, are not permitted.

5.7 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier.

5.8 Side, or 'end', barriers which separate one outdoor dining area from an adjacent outdoor dining area are permitted.

5.9 Where barriers are used, they must:

– have a maximum gap of 150mm from the pavement to the underside of the barrier

– not be a rope or chain.

Figure 9 - These umbrellas have logos which meet the standards in these guidelines

Umbrellas, canopies and the like

Provisions

5.10 Umbrellas are not permitted where an outdoor dining area has shelter from a building awning.

5.11 Where umbrellas are used, they must have a height clearance of 2 metres from the ground for pedestrian movement and safety.

5.12 Umbrellas should be:

– square, to take up the least possible space

– fabric or matte-finished.

5.13 Umbrella bases should be safe, simple and compact to avoid causing a trip hazard for pedestrians.

5.14 Where there is more than one umbrella, they should be of a single solid colour.

5.15 Drop-down blinds, enclosures and canopies are not permitted. Umbrellas connected together by zippers or similar means are considered a canopy.

Outdoor heaters

Provisions

5.16 Outdoor heaters will only be approved where the safety of people and property is not compromised.

5.17 Outdoor heaters should turn off automatically if overturned to prevent injury to patrons and damage to property.

5.18 Outdoor heaters should be turned off when the outdoor dining area is not in use.

5.19 Outdoor heaters should be stored safely within the premises when not in use.

Note: Australian Standard AS/NZS 1596:2008, The Storage and Handling of LP Gas gives advice on storing outdoor heaters.

Signage and branding

Provisions

5.20 The name, logo and other branding of the food or drink premises or an associated product may be placed on an umbrella, or barrier where permitted by provisions 5.7 or 5.8, only if it:

– involves only one product or business name being advertised in each outdoor dining area

– is a minor and ancillary element of the design, comprising no more than one third of the surface area and does not have an adverse impact on the appearance of the outdoor dining area or the streetscape.

5.21 No other advertising signage will be permitted.

5.22 Sandwich boards, A-frame signs and the like will not be permitted in outdoor dining areas.

06 Neighbourhood amenity

Outdoor dining brings many benefits to our streets – from the economic benefits of thriving local businesses to opportunities for informal social meetings and interactions.

Many outdoor dining areas are on streets where businesses and residents are mixed, and many residents enjoy their local cafes and restaurants. Where outdoor dining areas are close to homes, care needs to be taken to ensure residents can continue to enjoy the amenity of their neighbourhood.

The City has found that seating arrangements can affect the noise generated. Larger tables of more than four people can lead to louder conversations and potential disturbances for neighbours while smaller tables with chairs side by side facing the road tend to generate the least noise.

Hours of operation

Provisions

6.1 Operating hours for outdoor dining areas will generally follow the outdoor trading hours in the Sydney Development Control Plan 2012 – Section 3.15 Late Night Trading Management.

6.2 In considering operating hours for outdoor dining, the City will assess:

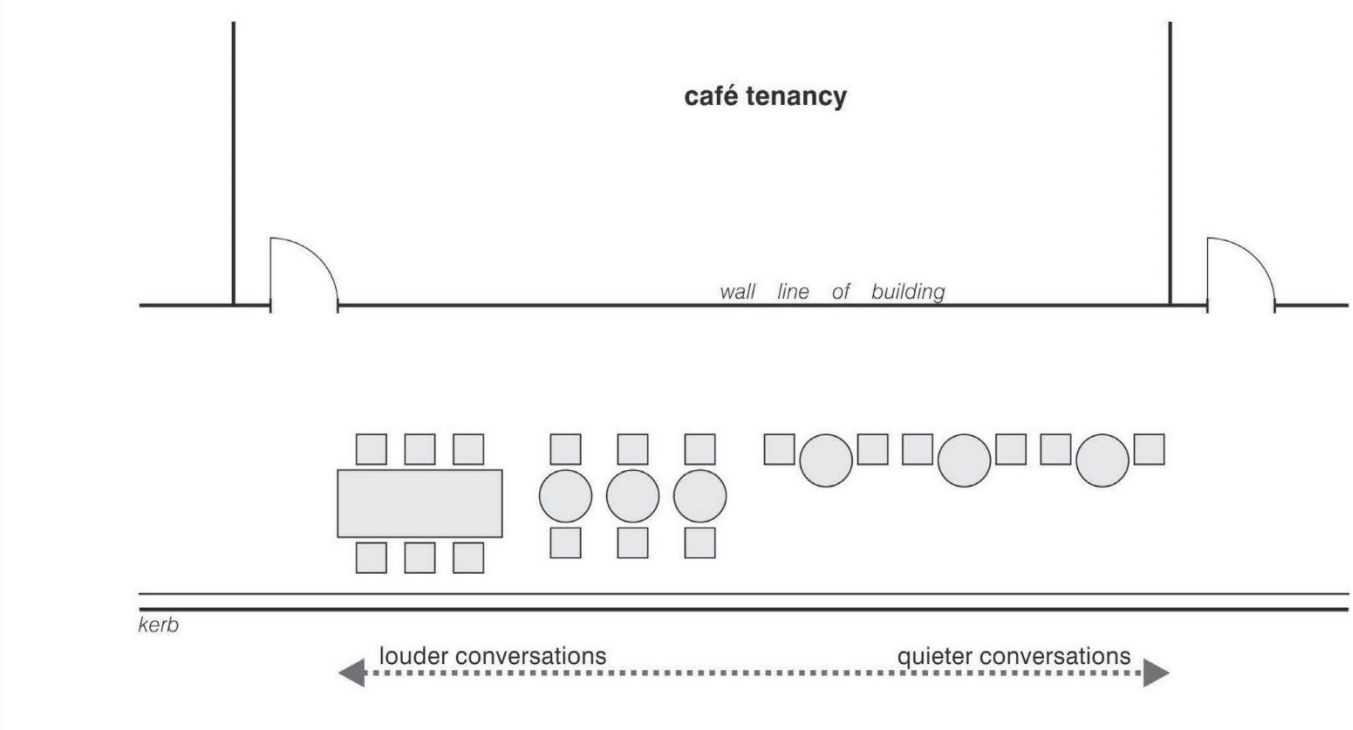
– how close an outdoor dining area is to nearby dwellings and other noise sensitive uses

– the size of the outdoor dining area.

6.3 The City may approve alternative hours of operation and size of area, to allow outdoor dining that will not have an adverse noise impact on the neighbourhood.

Notes: Applications for extended operating hours will be subject to the same trial period process specified in Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Premises Management.

Figure 10 - The arrangement of tables and chairs influences the noise generated from outdoor dining areas.



Music

Provisions

6.4 Entertainment and amplified music are not permitted in outdoor dining areas.

Seating arrangements

Provisions

6.5 The City may require smaller tables and chairs to face towards the road to reduce noise.

6.6 The City may require standing tables, bars and shelves to be located in areas less sensitive to noise.

Lighting

Provisions

6.7 The City may consider the installation of private lighting for outdoor dining areas that are approved to operate outside daylight hours, provided:

- the safety and amenity of patrons, the general public and road users is maintained
- it does not reduce the amenity or safety of other uses in the area as a result of glare or light spillage
- it is to be located wholly within the outdoor dining area
- electrical cabling is discreet and does not create trip hazards.

Note: Any lighting should be designed to comply with AS 3000, AS 1158, AS 4282 1997 Control of Obtrusive Effects of Outdoor Lighting, and The City of Sydney Lights Code.

07 Responsibilities of the operator

The City encourages well managed outdoor dining that contributes in a positive way to the character of the City and its public spaces. Use of public space, including the footway, brings responsibilities for the operator.

Conditions of the footway approval will include:

Protection of Council-owned property

7.1 An operator will be required to lodge a security deposit to pay for any necessary repairs resulting from damage to the footway caused by the operation of an outdoor dining area.

Notes: The details of any required security deposit will depend on the proposal and will be outlined in any approval. Typically, it is the greater of $500.00 or three-month rental and must be paid before the operator can use the footway. It may be used to: repair damage caused by operation of an outdoor dining area; remove private fittings fixed to the footway by an operator; or cover any outstanding money owed to the City after the operation has permanently ceased.

Rental fee to occupy the public space

7.2 Approval will be subject to a condition that a rental fee will be paid for the use of the footway.

7.3 The fee due is set out in the City's fees and charges and will be due annually at the rate applicable for that year.

Note: Application fees and public land rental costs for outdoor dining areas are outlined in the City of Sydney Schedule of Fees and Charges. The rates can change each financial year, and the latest schedule is available on the City's website. The ongoing rent will depend on the location and size of the outdoor dining area.

Public liability insurance

7.4 An operator will be required to obtain and maintain a public liability insurance policy with an insurer acceptable to the City, to cover any legal liability of property damage and personal injury to the public.

Note: The details of any required insurance policy will depend on the proposal and will be outlined in any approval. Typically, operators need to provide cover to a minimum value of $10M, or $20M on state managed (classified) roads. The insurance company will need to provide certificate of currency to the City before the operator can use the footway and annually thereafter.

Display of approval

7.5 A copy of the approval and plan is to be kept on premises, displayed in a prominent position and be produced on request to authorised City officers.

Management requirements

7.6 An outdoor dining area is to operate in accordance with the conditions of the approval.

7.7 Outdoor dining, including furniture, must be within the approved outdoor dining area.

7.8 All patrons are to vacate the approved outdoor dining area and all structures are to be removed from the seating area and stored within the premises before the closing time specified or as otherwise agreed in the approval.

7.9 Patrons must be able to consume food and drink in outdoor dining areas at all times and they are not to be nominated as being for smoking purposes.

7.10 Patrons must eat or drink while seated unless standing at a high table, such as a bar, shelf or cocktail table.

7.11 Outdoor dining areas on the kerb side adjacent to a clearway or bus lane will be required to cease operations while the clearway or bus lane is in operation and store tables and chairs off the public footway.

7.12 An updated plan of management for a pub or small bar may be required if some or all of the proposed outdoor dining area is not visible from within the premises. If an update is required, the City will impose a condition of approval to update the plan of management within three months following the footway approval.

Note: Applicants may be required to demonstrate acceptable storage arrangements in the application for outdoor dining on the footway, particularly where the hours of operation for the premises are greater than those for the outdoor dining area.

Maintenance

7.13 The outdoor dining area and furniture and other items associated with the outdoor dining are to be:

- kept clean and maintained in good order suitable for their purpose
- positioned and used as required when the outdoor dining area is in use
- not be permanently fixed unless specific
- permission is given
- removed and stored away from public areas when the dining area is not in use.

7.14 Waste and litter is to be well managed by:

- removing waste promptly from the outdoor dining area
- disposing of any waste properly (public litter bins are not to be used for the disposal of waste from outdoor dining areas)
- not using disposable tableware in the outdoor dining area.

Notes: Additional management requirements may form part of any approval depending on the nature of the actual proposal and its location. The City encourages the separation and recycling of waste.

08 Special areas for outdoor dining

Some public spaces have special characteristics that require more detailed guidelines for outdoor dining. This section contains detailed guidelines for special areas.

Martin Place

Martin Place is Sydney's premier civic space. It holds formal and informal gatherings and events; is a site for festivals including Vivid; and is the annual location for Sydney's Christmas tree and celebrations.

Importantly, the Cenotaph is also located at Martin Place and is the focus not just of ANZAC Day memorial events, but of many other commemorative events throughout the year. The NSW Returned Services League are the custodians of the Martin Place Cenotaph. The Cenotaph is on Crown land.

Outdoor dining is one component of wider plan to make Martin Place a high quality unified civic space that is lively and activated. It is to be a unique destination in Sydney that is respectful of its cultural and built heritage significance.

Any outdoor dining is to be in keeping with this significant civic setting and is to be respectful of the dignity of the Cenotaph. The design of outdoor dining areas is to be recessive in appearance, and to complement the sandstone heritage buildings along the edge of Martin Place.

Martin Place is a significant pedestrian thoroughfare, and any outdoor dining should not compromise pedestrian safety and comfort.

Note: Martin Place between George Street and Pitt Street is Crown land, identified as Reserve 88056. The City of Sydney has all care, control and management responsibilities for the land under the Crown Land Management Act 2016. A licence and approval under the Crown Land Management Act is required for outdoor dining on this part of Martin Place.

Provisions – Cenotaph block (George and Pitt Streets)

Respecting the Cenotaph

8.1 The outdoor dining area will not operate during times identified by the NSW Returned Services League as memorial or commemorative event times. These times will be provided to operators by the NSW Returned Services League at the start of each year.

8.2 The NSW Returned Services League will provide training and information to operators and their staff, to promote understanding of and respect for the significance of the Cenotaph.

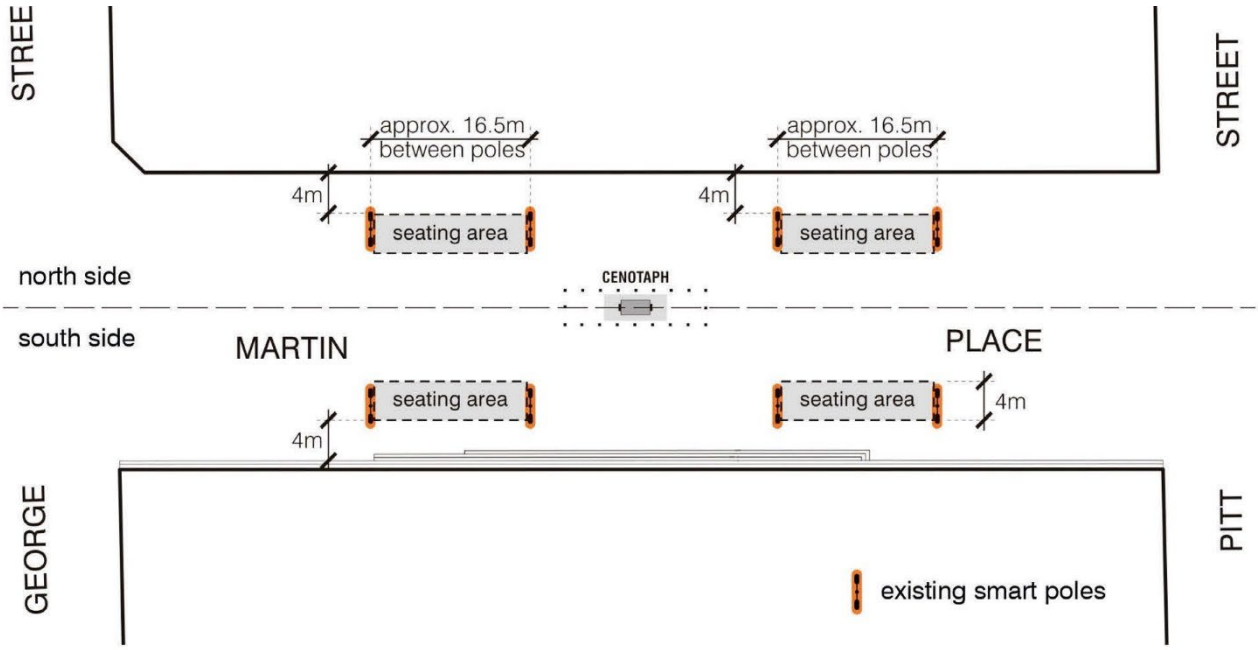
8.3 The applicant is to prepare a Plan of Management to detail measures to be implemented to:

- identify and manage behaviour that in the opinion of the NSW Returned Services League is inappropriate for the Cenotaph block
- manage complaints about behaviour, or requests from the NSW Returned Services League to manage inappropriate behaviour.

8.4 The applicant is to demonstrate they have undertaken consultation and sought support from the NSW Returned Services League for the Plan of Management.

8.5 The City will consider the views of the Returned Services League of NSW when assessing the Plan of Management.

Figure 11 - Outdoor dining areas on the Cenotaph block of Martin Place



The outdoor dining area

8.6 Outdoor dining is only allowed within the areas shown on Figure 11. Outdoor dining must be in association with a food and drink premises on the same side – either the north or the south – of Martin Place as shown in Figure 11.

8.7 All items in the outdoor dining area are to be temporary and portable, and stored indoors outside of approved service hours.

8.8 The outdoor dining area is to leave a 4-metre clear path of travel for pedestrians, as measured out from the building line on either side of Martin Place.

Tables and chairs

8.9 Chairs and tables are to be:

– uniform in style and design

– hardy and sturdy to resist wind gusts

– of metal or quality timber frame construction and not plastic

– stackable or foldable for ease of storage and readily removed.

8.10 Chairs should be 'French Bistro' Rattan type chair, with the colour to be natural, brown or red (as shown in Figure 12).

8.11 Tables should be 'French Bistro' Rattan type to match the chairs or are to have white tablecloths.

8.12 Standing tables are not permitted in this area.

8.13 Any variations to these specifications are to:

– respect the heritage setting

– have the approval of the City's Executive Director of City Planning, Development & Transport.

Figure 12 - French Bistro style Rattan chairs

Umbrellas

8.14 Umbrellas should be spaced so as to be recessive in appearance avoiding visual dominance of the adjacent heritage buildings.

8.15 The dimensions of the umbrellas should be:

– for the canopy, not more than 2500mm x 2500mm with an overall height not higher than 3000mm
– for the canopy clearance, not less than 2200mm measured from the lowest edge to the pavement.

8.16 The finish of the umbrella should be:

– stone for the canopy, as shown in Figure 13
– matte black for the pole and frame.

8.17 Umbrellas should be properly secured in place to prevent blowing over in strong winds. In-ground sleeves are encouraged within the designated outdoor dining areas.

8.18 Logos, branding or advertising is not permitted on umbrellas.

8.19 Any variations to these specifications are to:

– respect the heritage setting
– have the approval of the City's Director of City Planning, Development & Transport.

Figure 13 - Umbrellas should be stone canopy with black pole and no logos, branding or advertising

Barriers

8.20 Barriers which enclose the outdoor dining area are not permitted.

8.21 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier. These barriers:

– should not contain any logos, advertising or other graphics
– are to be black matte finish or "Metropolitan Bronze" powder coat
– must not exceed 900mm in height.

Bespoke designs for barriers may be supported, subject to approval by the City's Executive Director of City Planning Development & Transport.

Waiter stations

8.22 Waiter stations are permitted only where it can be demonstrated they are essential to the safe operation of outdoor dining areas, for instance in areas of very high pedestrian traffic.

8.23 Waiter stations should be:

– mobile and stored indoors outside of approved service hours

– designed to be unobtrusive and of minimalist appearance, free of any signage, advertising, logo or branding

– contained wholly within the approved outdoor dining area.

George Street

The vision for George Street is as the focus of public life in Central Sydney, a central spine connecting the three future civic squares at Circular Quay, Town Hall and Central Station.

The light rail and wide footways are vital to George Street's movement role, while street furniture and outdoor dining will help establish George Street as a place for people to stop, enjoy and visit.

The plan for outdoor dining in George Street identifies locations where outdoor dining can be safely accommodated alongside the light rail corridor and busy intersections, and the requirements for furniture and barriers ensure outdoor dining supports the role of George Street as a public place.

These controls apply to George Street between Hunter Street and Bathurst Street, and George Street between Bathurst Street and Railway Square. Outdoor dining on Devonshire Street, Surry Hills is also covered by these provisions.

Provisions

Outdoor dining areas – Hunter Street to Bathurst Street, and Devonshire Street

8.23 Outdoor dining may be permitted in any location as long as it maintains the following minimum clearances:

- 3.6 metre clear path of travel from the building line
- 2 metres from the rear of light rail stops; and
- 3.2 metre clearance from light rail dynamic kinematic envelope (if known); or
- 2.3 metre clearance from the outer edge of the stone tactile indicator strip next to the light rail tracks.

Figure 14 shows the minimum clearances.

Outdoor dining areas – Bathurst Street to Railway Square

8.24 Outdoor dining is only permitted in the locations identified in the maps in Appendix 2.

Tables and chairs

8.25 Tables and chairs are to be:

- uniform in style and design
- hardy and sturdy to resist wind gusts
- of metal or quality timber frame construction and not plastic
- stackable or foldable for ease of storage and readily removed.

8.26 Chairs should be 'French Bistro' Rattan type chair as shown in Figure 12.

8.27 Tables should be 'French Bistro' Rattan type to match the chairs.

8.28 Any variations to these specifications are to:

- respect the civic setting
- have the approval of the City's Executive Director of City Planning Development & Transport

Barriers

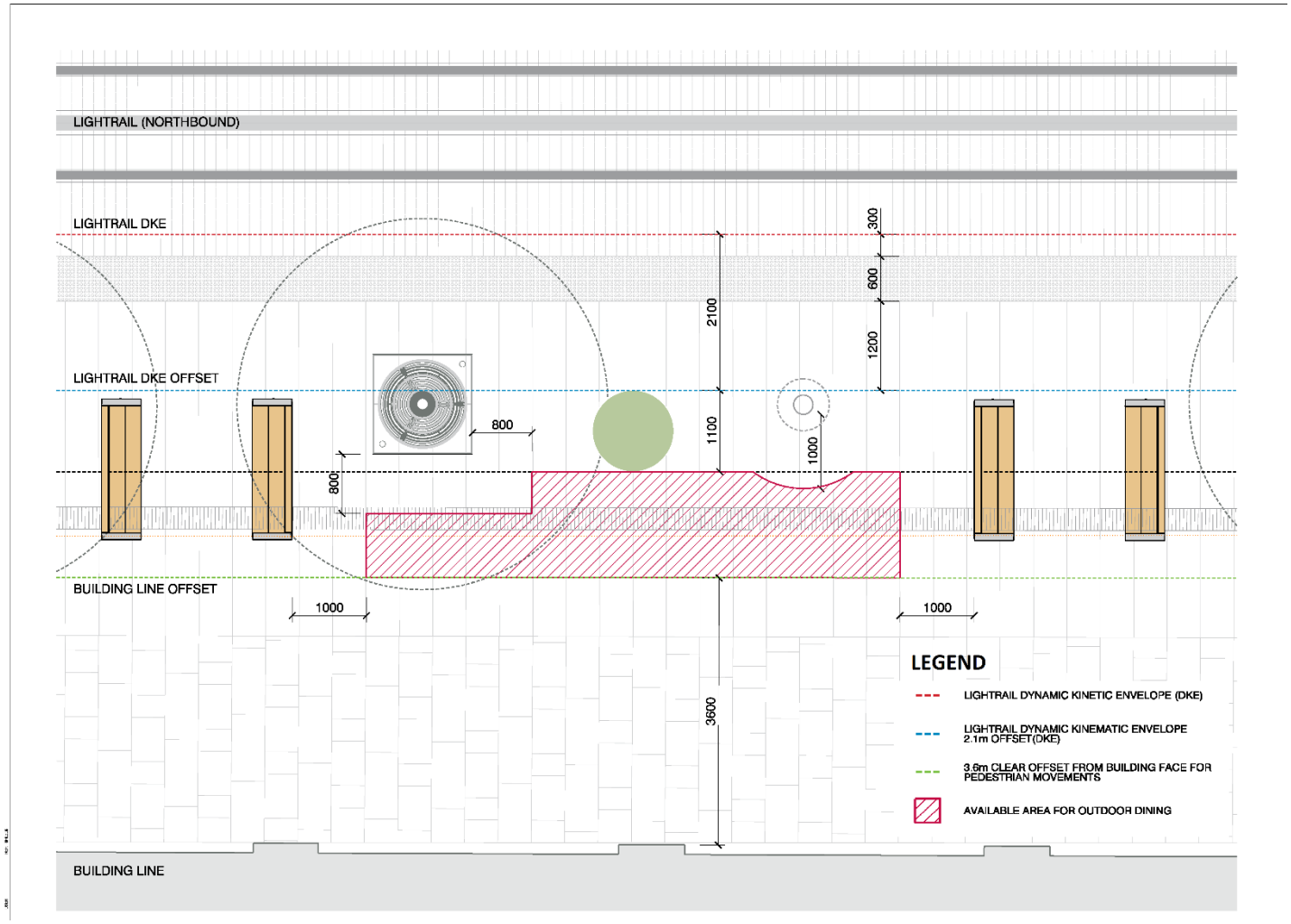
8.29 Barriers which enclose the outdoor dining area, or which separate it from the pedestrian footway, are generally not permitted.

8.30 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier. These barriers:

- should not contain any logos, advertising or other graphics
- are to be black matte finish or "Metropolitan Bronze" powder coat
- not exceed 900mm in height;

Bespoke designs for barriers may be supported, subject to approval by the City's Executive Director of City Planning Development & Transport.

Figure 14 - Minimum clearances for outdoor dining areas - George Street between Hunter Street and Bathurst Street, and Devonshire Street



Llankelly Place

The City supports outdoor dining in Llankelly Place as part of a strategy to increase activation of the laneway.

Outdoor dining in Llankelly Place may require some negotiation between business operators to ensure that there is equitable access to outdoor dining opportunities, and an acceptable clear path of pedestrians.

Provisions

8.23 Outdoor dining is acceptable within the areas identified on Figure 15.

8.24 New outdoor dining areas not shown on Figure 15 can be approved provided that:

– a consistent and predictable clear path of travel is provided and maintained, to a minimum width of 1.2 metres.

Figure 15 - Approved outdoor dining areas for Llankelly Place

Appendix 1 - Road area reallocated to outdoor dining

Criteria for road reallocations

The City is working with businesses to use on-street car parking spaces for outdoor dining until 30 June 2025.

Council will limit the period of approval for outdoor dining on the road area until 30 June 2025.

Applicants are encouraged to apply for outdoor dining before an application for reallocation of the road area to outdoor dining.

This section includes criteria for where the road area can and cannot be reallocated for outdoor dining.

Provisions

9.1 Areas that are unsuitable for outdoor dining include:

- Bus stops and bus zones
- Roads with speed limits of more than 50km/h
- Clearways
- Parking areas for Australia Post, police, fire, ambulance or car share
- No stopping zones
- Bike lanes
- Accessible parking
- In-road fire hydrant

There may be other types of parking space that are not suitable.

All applications are considered on a case-by-case basis due to the complexity of the City's streets, and the specific context of individual locations, parking restrictions, neighbouring businesses and the road environment.

9.2 The City can revoke, suspend or amend an approval for outdoor dining if the road area has not been used by patrons of the business over a four week period.

The outdoor dining area

Provisions

9.3 Space reclaimed by the City from the road area may be used for outdoor dining if the area is protected by vehicle-proof barriers appropriate to the speed of traffic.

9.4 The City may reduce the clearances from the kerb or carriageway on a classified road provided the area is protected by vehicle-proof barriers suitable to the speed of the road.

9.5 In addition to clearances identified in Section 4, applicants should leave a 0.5 metre clearance from the base of the concrete barrier to all furniture and equipment for reallocated road space.

9.6 The outdoor dining area on the reallocated road area may extend beyond the alignment of the business tenancy provided:

– it is to be continuous except for mid-area clearances under clause 4.6
– it is not in front of another food and drink premises, and
– the space in front of a non-food and drink premises is equally shared with any other food and drink premises that adjoins the non-food and drink premises.

9.7 Use of the road area for outdoor dining may be considered across the frontage of adjacent vacant retail tenancies, however approvals may be amended by the City if that vacant tenancy becomes occupied by a food and drink premises.

Assessing local access and loading

Principles

9.8 Balance the reallocation of kerb side road space (on street parking) for outdoor dining with the need to maintain access to other businesses and access to residential parking, particularly in the following circumstances:

– in high-density mixed-use areas where there is a need to balance business and resident on street parking
– in areas where the cumulative impact of reallocating roadway space will unreasonably impact vehicle access to the commercial area and access to residential parking
– in areas where significant concerns, objections and complaints have arisen due to existing road space dining sites, and
– in areas where there is a high occurrence and concentration of approved road area outdoor dining.

Appendix 2 – George Street South outdoor dining locations

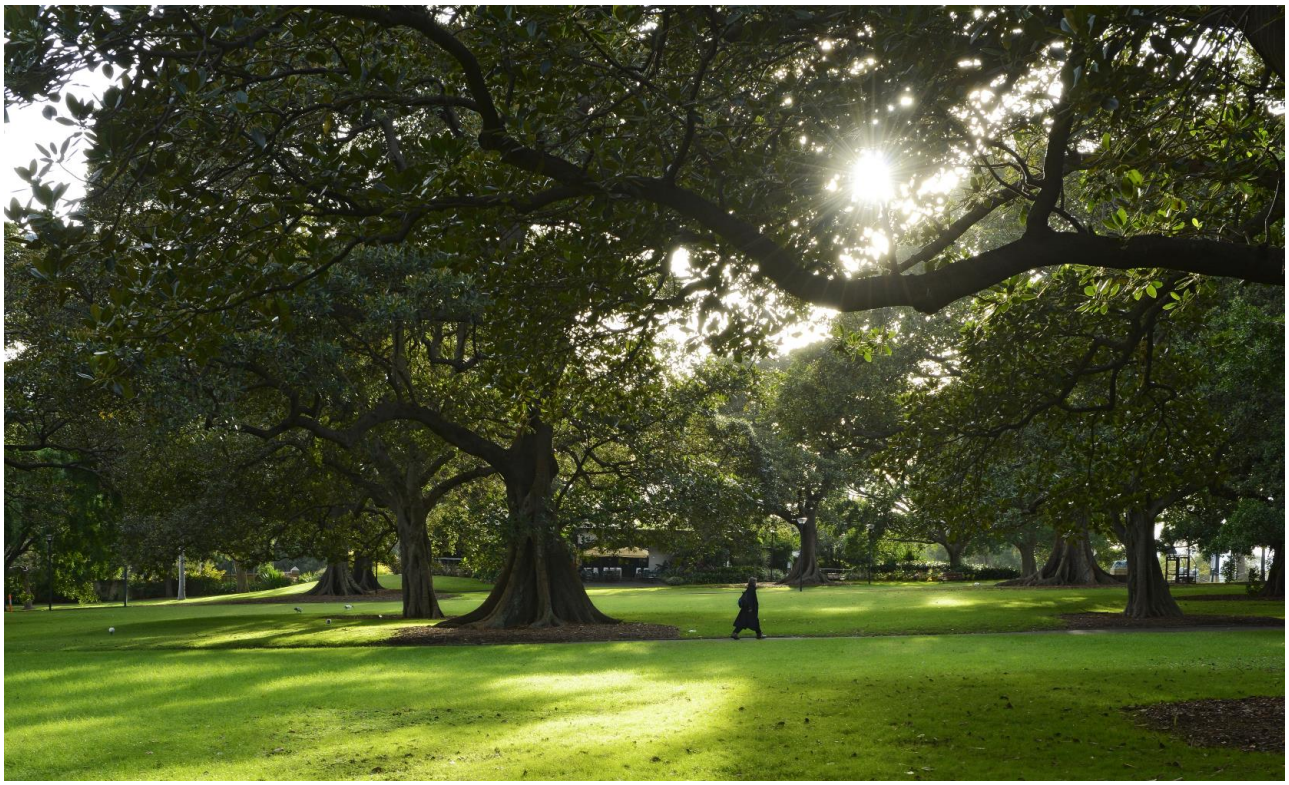
Please refer to the City of Sydney's website at
https://www.cityofsydney.nsw.gov.au/council-governance-administration/outdoor-dining-guidelines

Attachment B

Summary of submissions

CITY OF SYDNEY

Summary of Submissions – Outdoor Dining Guidelines



Summary of Submissions – Outdoor Dining Guidelines
October 2024

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Summary of Submissions

This document provides a summary of submissions made during public exhibition of the draft amendment to the Outdoor Dining Guidelines, from November to December 2023.

Background

On 20 February 2023, Council resolved via a Notice of Motion to review of the Outdoor Dining Guidelines in relation to applications on or near green spaces to reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces.

The review was reported to Council in September 2023, recommending changes to the outdoor dining guidelines to provide more guidance for outdoor dining on pedestrianised lanes and streets and similar public spaces.

The proposed changes address pedestrian movement, access to public seating, use of space for community activities and events, and setbacks from fixed elements such as lawns, gardens, walls and similar.

On 18 September 2023, Council approved for public exhibition the draft amendment to the Outdoor Dining Guidelines.

Public Exhibition

The public exhibition was carried out in November and December 2023.

The draft amendment to the Outdoor Dining Guidelines was exhibited on the Sydney Your Say website. The website was open from 8 November to 6 December 2023.

There were 535 unique page views and 184 downloads of the documents.

Notifications

The following notifications were sent to stakeholders:

– letters were distributed to all addresses within a 25 metre radius of premises that currently operate outdoor dining on closed roads (9 properties in total) with 4,585 letters sent;

– a stakeholder email was sent to disability and inclusion stakeholder groups; and

– Included in the November edition of Sydney Your Say eNews to 6,733 subscribers.

Submissions received

A total of 47 submissions were received during this period including:

– 8 by email;
– 38 by online feedback form; and
– 1 by phone call.

The issues raised by submissions have been catalogued and organised in the Submissions Table.

Submissions Tables

Some submissions covered more than one point of support or objection. As such, the key points of each submission have been summarised under common headings in the Submissions Tables, below. Two tables are presented below, with separate tables for key points raised in support, and objection, respectively.

One or more of the points may be contained in a single submission. The instances in which each point has been raised in submissions has been noted next to each point, and the City's response to submission topics is also provided.

Table 1: Points raised in support

Issues raised	Instances	Response
General support of Outdoor Dining	8	n/a
Specified reasons for support of Outdoor Dining:		All noted.
- Take advantage of Sydney climate	5	
- Positive health benefits of being outside	2	
- Mental health benefits of social activity	2	
- Lively neighbourhoods	1	
- Economic activity	2	
- Reference to international precedents	4	
- 'Let's make Sydney the Paris of the Pacific'	1	
- Walkability	1	
Points relating specifically to the guidelines		All noted.
General support of the amendment	11	
Balances outdoor dining with community use	1	
Allowing public and private uses to share the space	1	
Sensible and practical changes	1	

Issues raised	Instances	Response
Wheelchair users have been provided for	2	
Prioritising people over cars	1	
Support for access to footpaths	1	
Support for minimum 2m clear path of travel	1	
More streets should be closed to traffic in favour of outdoor dining.	1	
Support for inclusion of provisions ensuring protection of pedestrian and cycle connections, desire lines, and access to public seating.	1	
Measures must be taken to ensure that streets must remain walkable and accessible for wheelchairs and people with limited mobility.	1	
It would be good to add overhead shelter to the dining areas.	1	
Request to make spaces accessible for those with mobility or vision impairment or similar to enjoy the spaces.	1	
Support for the statement in the guidelines regarding outdoor dining not interfering with the intended public use and enjoyment of the space.	1	

Table 2: Points raised in objection

Issues raised	Instances	Response
Accessibility and Safety		
General comment about outdoor dining obstructing footpaths and causing safety hazards for pedestrians, particularly the elderly and those with mobility impairment.	1	Noted. The amendment applies the 2m minimum clear path of travel already established by the guidelines.

Issues raised	Instances	Response
Pedestrian access along footpaths should be prioritised over commercial interests. Space should be allowed for walking frames, mobility devices, prams etc.	1	Noted. The amendment applies the 2m minimum clear path of travel already established by the guidelines.
Note that clear paths are frequently obstructed by chairs and tables that are moved by the patrons.	1	Noted.
Better enforcement of area limits in needed to ensure clear paths are not encroached upon by tables and chairs.	1	Noted. The role of the guidelines is not enforcement.
Requests that a statement be included that venue owners be responsible to actively maintain the clear paths of travel, and a mechanism for ensuring compliance.	1	This is included in the conditions of consent.
Complaint that free paths of travel to the standard described in the Guidelines are not maintained, and are compromised by café furniture, signs, cycle paths, share bikes and Council's digital signs.	1	Noted.
How will clear path of travel be enforced to ensure adequate space is provided for wheelchair users, managing seating and signage.	1	It is a standard condition of consent that all furniture must be kept within the boundaries of the area defined on the approved plans.
Request that guidelines require that the clear path of travel is clear of any objects including signs, electrical boxes, dining area barriers etc. and that this is enforced.	1	Noted. Submission related to locations not subject to this amendment.
General comment regarding food delivery cyclists adding to encroachment on footways.	1	Noted. Does not relate specifically to this amendment.
Restricting seating to one side of the clear path of travel could be problematic for some venues (this comment mentions standard kerbside arrangements and may not be specifically intended for closed road situations).	1	Noted. Submission related to locations not subject to this amendment.
Proliferation of electric bikes parked on footpaths and near intersections is not considered.	1	Noted. This issue is not related to this amendment.

Issues raised	Instances	Response
Greater effort needed to remove e-bikes from footpaths.	1	Noted. This issue is not related to this amendment.
Ensure adequate safety for patrons to avoid the unpredictable behaviour of non-thinking vehicle drivers.	1	Noted. This issue is not related to this amendment.
Noise and amenity		
General complaint about the noise and amenity impacts experienced by residents in apartments adjacent to a pub. Owners should take more responsibility for ensuring neighbourhood peace. (outdoor dining conditions of the pub are unclear in the submission)	1	The submission is unclear about the outdoor dining conditions, whether they are on public or private land, or whether it is on a typical footway or the types of spaces relevant to this amendment. The draft guidelines do not change the current approach to managing noise from outdoor dining.
Outdoor dining in public spaces not supported – looks untidy, degrades everybody' safety and increases noise and other pollution.	1	Noted.
Specific complaint about noise from patrons at a nearby café, in particular, dogs, children playing and loud groups. It is difficult for business owners to control all behaviour and it would help if the guidelines stated that business owners must require patrons to respect the peaceful amenity of quiet residential neighbourhoods.	1	Noted. It is not the role of this amendment to establish or enforce appropriate noise levels.
Privatisation of Public Space		
Objection to the privatisation of public space, or the use of public space for commercial purposes.	5	It is acknowledged that outdoor dining involves some commercial benefits derived from public land. Outdoor dining also contributes to the liveliness, activation and walkability of the City. It is noted that footway dining applications are exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Subdivison 20A Footpaths – outdoor dining. The role of the City's Outdoor Dining Policy and Guidelines is to balance that use with public uses, and ensure that a balance is

Issues raised	Instances	Response
		achieved in the best interests of our community. This has been achieved by limiting the extent of outdoor dining in a way that protects pedestrian routes, access to public seating and maintains space sufficient for community recreation and activities. The draft guidelines are consistent with the objectives of the Outdoor Dining Policy, which is consistent with the City's Community Strategic Plan and the strategic directions set out in Sustainable Sydney 2030-2050.
Objection to outdoor dining in the public space potentially encouraging unfettered park takeover, gifts to anyone who wants to apply with no regulations confirming duration of licence, land size, location.	1	Footway licenses allow temporary occupation of Council land. The City's Outdoor Dining Policy and Guidelines, along with conditions of consent, regulate the duration of the land size, where it can occur and how large the area can be.
Concerns that venues establish an expectation of continuing revenue potentially leading to a legal challenge. Problem of setting a precedent.	5	Outdoor Dining is subject to the approval process, and the conditions of approval in granting a footway license. They are not permanent or unconditional. The license is a legal document.
Open Space provision		
Green spaces should be preserved for family and residential recreation. Do not allow parks in Pyrmont and Ultimo to be allowed for commercial dining.	1	The proposed Guidelines preserve open space for recreation while also allowing people to enjoy it for outdoor dining.
The Guidelines do not offer enough protection for the small amount of green space existing in the inner city. Population size and existing park space ratio should be calculated and results used to protect parks from private uses. (references WHO guidelines for open space provision)	4	Outdoor dining is enjoyed by many and in many cases provides activation and casual surveillance of public places that are of benefit. It is noted that footway dining applications are exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Subdivison 20A Footpaths – outdoor dining. The role of the City's Outdoor Dining Policy and Guidelines is to balance that use with public uses and ensure that a balance is achieved in the best interests of our community.

Issues raised	Instances	Response
		This has been achieved by limiting the extent of outdoor dining in a way that protects pedestrian routes, access to public seating and maintains space sufficient for community recreation and activities. The draft guidelines are consistent with the objectives of the Outdoor Dining Policy, which is consistent with the City's Community Strategic Plan and the strategic directions set out in Sustainable Sydney 2030-2050.
Covid-recovery is no longer an appropriate justification for commercial uses in public space.	4	Outdoor dining applications are assessed under the Outdoor Dining Guidelines 2022 which does not include any Covid-related provisions.
Regulation framework		
The Policy should be more detailed, removing the need for guidelines.	1	It is appropriate that the detail is contained in the Guidelines rather than the Policy.
Too complicated and bureaucratic. Outdoor dining of three tables or less should be able to operate without approval. Plants and small shrubs should be permitted.	1	The Guidelines seek to appropriately balance the public and private uses in public spaces. They ensure that the process is transparent for all parties.
Objection to additional unnecessary rules that might make it harder for places to have outdoor seating.	1	The amendment provides only sufficient guidance for how outdoor dining can occur in specific places and does not make the process of applying for a license more onerous.
Outdoor dining licenses should be subject to Development Applications, because: - They are a significant change of use (public space to commercial dining); and - Communities affected have the opportunity to comment.	5	In regard to use, footway dining applications are exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Subdivison 20A Footpaths – outdoor dining. Footway applications are required to be notified, as per the guidelines, to allow the community to comment.
Request for non-permanent approvals subject to formal annual reviews.	1	Approvals are temporary, typically issued for between one and five

Issues raised	Instances	Response
Approvals should be described in the guidelines as conditional and not permanent, and to be reviewed at 2-3 yearly intervals, to put compliance onus on operators and maintain a sense of council ownership.	3	years. Relevant legislation limits an approval to 7 years. The City's Rangers will inspect the site if any complaints are made. The complaint and the Ranger's assessment are documented and considered when an application for renewal of the license is received. The conditions of consent allow for the license to be revoked if the Council deems it necessary.
Compliance		
Comment that café owners are not adhering to the approved areas or time limits.	1	It is a standard condition of consent that all furniture must be kept within the boundaries of the area defined on the approved plans. Council can be notified directly regarding specific instances of non-compliance. Compliance is considered when applications for renewal are received.
Approvals should be strictly monitored for adherence. Encroachment of chairs, tables or customers outside approved areas or time limits should lead to the withdrawal of the approval.	1	
A copy of approved conditions should be prominently displayed at all times.	2	An outdoor dining approval display notice is required to be displayed at the premises under the conditions of the approval.
Other		
Comments regarding specific locations not relevant to this amendment.	3	All noted.
Comments relating to alcohol licenses not relevant to this amendment.	1	
Comments relating to Alfresco Dining program implemented through Covid period, comment regarding quality of bollards	2	
Objection to removal of car parking spaces in the interests of accessibility.	1	
Request for planting for biodiversity in these spaces – does not relate to amendment.	1	

Attachment C

Resolution of Council – 20 February 2023
Item 13.14 – Equity and Access to Parks and Public Green Space

Resolution of Council

20 February 2023

Item 13.14

Equity and Access to Parks and Public Green Spaces

Moved by Councillor Ellsmore, seconded by Councillor Chan –

It is resolved that:

(A) Council note:

(i) that the City supported the extension of outdoor dining last year, making it easier for cafes, restaurants, pubs, bars and others to use the public footpath or other public spaces for outdoor dining;

(ii) that the alfresco dining initiatives are part of a package of measures to activate and encourage use of the streets, and reinvigorate the City post-Covid;

(iii) that the *City of Sydney Outdoor Dining Guidelines* include protections to keep footpaths safe and accessible for all pedestrians. This includes that the clearance required for 'service objects' like public seating, is recommended to be one metre;

(iv) the current City of Sydney alfresco dining guidelines include detailed provisions for applications on streets, although applications are possible on all public land, including parks and public green spaces;

(v) a range of City policies and plans, including park Plans of Management, protect equity of access to the City' parks, including protecting the ability for free (non-commercialised) use and enjoyment of parks; and

(vi) the notification provisions for new outdoor dining applications are detailed in the Outdoor Dining Guidelines and strike a balance between identifying possible impacts and not burdening applicants; and

(B) the Chief Executive Officer be requested to provide advice to the Council about how the City's policies and procedures for outdoor dining can be clarified to include more specific provisions for applications on or near green spaces, which reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces.

Carried unanimously.

X086659

Item 7.

Post Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X094617

Summary

Lower Surry Hills is part of the Eastern Creative District, City Fringe and 'Tech Central'. Its unique and authentic character of former warehouse buildings, and its high amenity, accessibility and transport connections, attract major creative firms and their workers at more affordable rents. This proposal will help to grow the City's creative industries and strengthen their competitiveness. Supporting development and investment in this area, through increasing the amount of employment floor space, is a key priority across City and State strategies.

This report recommends approving without substantive amendment the planning proposal recently exhibited for 232-240 Elizabeth Street, Surry Hills. The planning proposal seeks to amend the building height and floor space ratio controls for the site. These changes will support the delivery of a 10-storey commercial development with office and retail space, providing contemporary workspace while reinforcing the area's unique character and matching the context of neighbouring buildings and land uses in Lower Surry Hills. In addition, the redevelopment of the site will facilitate the delivery of a new pedestrian through-site link connecting Foster Lane and Reservoir Street, increasing pedestrian permeability and opportunities for ground-floor activation.

The planning proposal for 232-240 Elizabeth Street and a draft development control plan were approved for public exhibition by the Central Sydney Planning Committee and Council on 28 March and 8 April 2024 respectively. Council also noted the preparation of a draft planning agreement which was to be exhibited concurrently. Following receipt of the gateway determination from the Department of Planning, Housing and Infrastructure on 14 June 2024, the planning proposal was exhibited from 5 September to 3 October 2024.

This report details the outcomes of the exhibition of the planning proposal, draft development control plan and voluntary planning agreement for the site. 24 submissions were received during the exhibition period. Ten submissions were supportive,9 submissions were opposed, and five were neutral including two from government agencies. Key concerns for those opposing the proposal were related to the overshadowing of neighbouring residential buildings and the impact to the Reservoir Street streetscape.

A summary of submissions and the City's response is attached, and key issues are also discussed in this report. No material changes are recommended to the planning proposal as a result of the submissions received during the public exhibition. Minor amendments have been made to the planning proposal and draft development control plan to improve formatting and update the project timeline.

This report recommends approval of the planning proposal and draft development control plan, without substantive change following public exhibition, and notes the City will enter into the planning agreement.

Recommendation

It is resolved that:

(A) Council note the matters raised in response to the public exhibition of Planning Proposal - 232-240 Elizabeth Street, Surry Hills, the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, and draft Voluntary Planning Agreement, as shown in Attachment D to the subject report;

(B) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, and request the relevant local plan making authority make the planning proposal as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;

(C) Council approve the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment B to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;

(D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - 232-240 Elizabeth Street, Surry Hills and the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any minor errors or omissions prior to finalisation; and

(E) Council note the draft Voluntary Planning Agreement, as shown at Attachment C to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

Attachments

Attachment A. Planning Proposal - 232-240 Elizabeth Street, Surry Hills and appendices

Attachment B. Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills

Attachment C. Voluntary Planning Agreement

Attachment D. Summary of submissions

Attachment E. Resolutions of Council and Central Sydney Planning Committee

Attachment F. Gateway determination

Attachment G. Alteration of gateway determination

Background

1. Following comprehensive pre-lodgement advice, the applicant, Stasia Holdings Pty Ltd, represented by Planning Lab and Candalepas Associates, lodged a request to prepare a planning proposal for 232-240 Elizabeth Street, Surry Hills ('the site'), in February 2024. The site is identified in Figure 1.

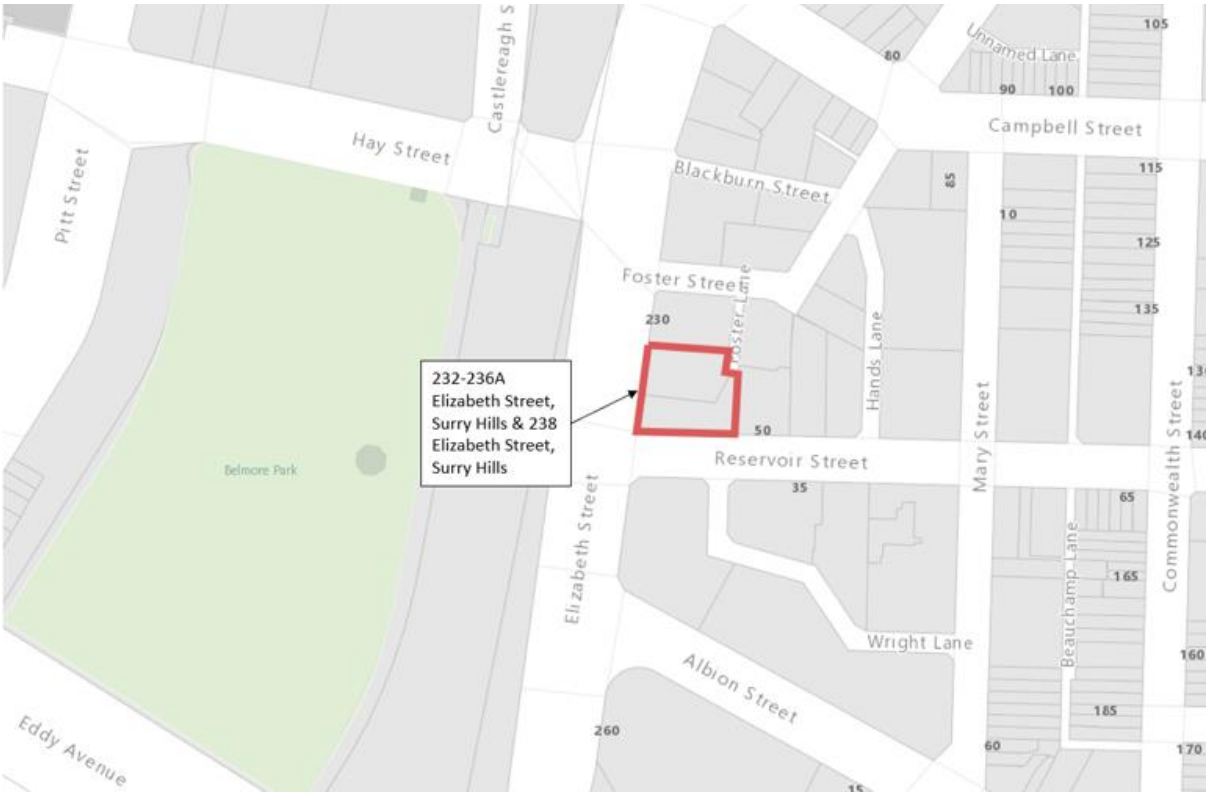

Figure 1: Land affected by this planning proposal

2. The site is located within the City Fringe and Eastern Creative District, as outlined in the City's local strategic planning statement, City Plan 2036. The City Fringe features diverse and mature knowledge-based and creative clusters outside of Central Sydney. The Eastern Creative District is a thriving, regionally significant cluster of creative sector business, arts and cultural enterprises concentrated in Surry Hills. In addition, the site is located within 'Tech Central', also known as the Camperdown-Ultimo Collaboration Area, which aims to support technology and innovation enterprises in Sydney.

3. The multiple lots comprising the site have a total area of 906 square metres. It has street frontages to Elizabeth and Reservoir Streets, and Foster Lane. Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction. An image of the site with the affected buildings outlined in yellow is shown at Figure 2.

Figure 2: 232-240 Elizabeth Street, viewed from the south-west, outlined in yellow

Proponent requested changes to height and floor space controls to enable a commercial development and construct a through-site link

4. The proponent requested a planning proposal to facilitate the redevelopment of the site to include:

   (a) a 10-storey commercial building up to a maximum height of RL 50.33 metres (39.3 metres);

   (b) approximately 6,300 square metres of new commercial office space with ground floor retail activation; and

   (c) a new pedestrian through-site link connecting Reservoir Street with Foster Lane, which is currently built upon and adjoins a dead-end laneway.

5. Images prepared by the proponent of the indicative development scheme can be found in Figures 3 and 4.

Figure 3: Artistic representation of indicative design - Elizabeth Street view

Figure 4: Artistic representation of indicative design - Reservoir Street view

The City prepared a planning proposal to increase the height and floor space controls for a commercial development

6. The planning proposal detailed the proposed amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting new site-specific provisions. The provisions were to:

   (a) permit a maximum building height of RL 50.33 metres (39.3 metres), an increase from the current control of 35 metres;

   (b) increase the maximum floor space ratio control from 5:1 to 7.3:1 inclusive of design excellence and below ground end of journey floor space;

   (c) require the consent authority to be satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

7. Further explanations of the provisions can be found in section 4 of the Planning Proposal (Attachment A).

A site-specific Development Control Plan was prepared to ensure the development fits within the area, protects amenity and improves access and activation

8. A draft site-specific development control plan (draft DCP) was prepared to provide further guidance for development facilitated by this planning proposal. It can be reviewed at Attachment B. The provisions include:

   (a) a maximum building envelope including setbacks, street wall heights and maximum height (as shown at Figure 5);

   (b) a pedestrian through-site link with a minimum width of 3400 millimetres to be provided along the site's eastern boundary connecting Reservoir Street and Foster Lane;

   (c) active frontages to be provided along Elizabeth Street, Reservoir Street and the through-site link; and

   (d) requirements for servicing and access.

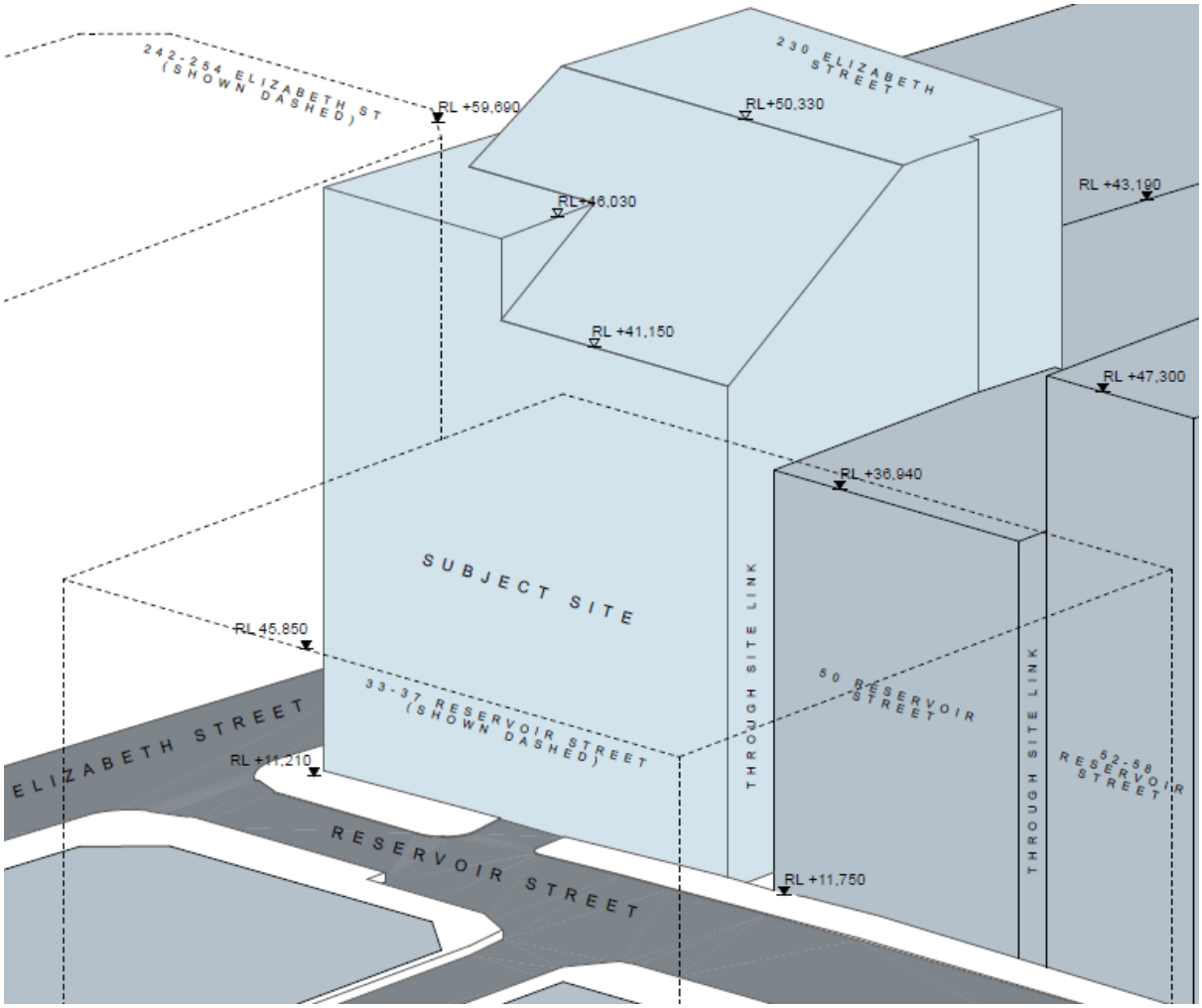

Figure 5: Proposed maximum building envelope - axonometric view

A voluntary planning agreement is required to deliver a dedicated through-site link

9. The proponent offered to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits as part of this planning proposal. The VPA has been publicly exhibited.

10. The public benefit offered in conjunction with this planning proposal is the dedication of an area of land to the Council for the purpose of a road, specifically a pedestrian through-site link free of cost. The through-site link land will extend Foster Lane to Reservoir Street, will be dedicated in stratum both in height and depth, with the width of the through-site link land to be broadly consistent with the width of Foster Lane.

11. The VPA does not offset local infrastructure contributions required under a contributions plan (section 7.12 of the Act), and housing and productivity contributions (division 7.1, subdivision 4 of the Act).

The planning proposal received gateway determination and was placed on public exhibition

12. The planning proposal was approved to be submitted to the Minister for Planning and Public Spaces with a request for gateway determination, and approved for public authority consultation and public exhibition with any conditions imposed under the gateway determination, by the Central Sydney Planning Committee on 28 March 2024 and by Council on 8 April 2024. The Council also approved the draft DCP for public authority consultation and public exhibition concurrent with the planning proposal.

13. The Planning Proposal was sent to the Department of Planning, Housing and Infrastructure for a gateway determination on 15 April 2024. Gateway determination was received from the Department on 14 June 2024, and is provided at Attachment F. The gateway determination applied conditions which required the public exhibition to comply with the notice requirements of the Local Environmental Plan Making Guideline and consult relevant government agencies, and to amend the Planning Proposal to address consistency with Ministerial Directions regarding the Sydney Harbour Foreshores and Waterways Area and Water Catchment Protection. Following discussions with the Department, their condition regarding consistency with Ministerial Directions was considered erroneous and an Alteration of gateway determination removing this condition was issued on 26 June 2024, and is provided at Attachment G.

14. Council also noted that the Chief Executive Officer would prepare a draft VPA in accordance with the letter of offer received from the proponent and the requirements of the Environmental Planning and Assessment Act 1979, which would be exhibited in accordance with the Act and concurrently with the planning proposal. The draft VPA which was exhibited can be found at Attachment C to this report.

15. The planning proposal was on public exhibition from 5 September to 3 October 2024.

Key Implications

We received 24 responses to the public exhibition of the Planning Proposal

16. The following activities were undertaken to support the public exhibition:

    (a) a webpage and survey were created for people to review the planning proposal and supporting documentation, and provide their feedback;

    (b) 821 notification letters were letterbox dropped to property owners and occupiers within a 75-metre radius of the site boundary;

    (c) the project was included in the September edition of the Sydney Your Say eNews; and

    (d) the planning proposal was referred to Transport for NSW and Sydney Water for consultation and comment as required by the gateway determination.

17. A total of 24 submissions were received in response to the exhibition. Ten of these submissions were supportive, nine opposed, and three provided feedback without a position. Transport for NSW and Sydney Water also provided comment.

18. The City's response to the issues raised in submissions are broadly discussed below and in more detail in the summary of submissions found at Attachment D to this report.

Supportive submissions focused on the delivery of a new through-site link and the opportunity to rejuvenate the precinct

19. The City received ten submissions which were supportive of the proposal. They noted the opportunities for increased activation of the precinct, and that the site was well located for new development considering its proximity to Central Sydney, Central Station and other transport infrastructure. Six submissions specifically supported the delivery of a new pedestrian through-site link extending Foster Lane to Reservoir Street. The draft VPA which facilitates the delivery and dedication of the through-site link did not receive any submissions.

Submissions raised concerns regarding the impact of any development on daylight access to neighbouring residential buildings

20. The City received four submissions which raised concerns regarding the impact on daylight access to 242-254 Elizabeth Street and four submissions regarding the impact on 33-37 Reservoir Street, located to the south and south-east of the subject site. They are identified in Figure 6.

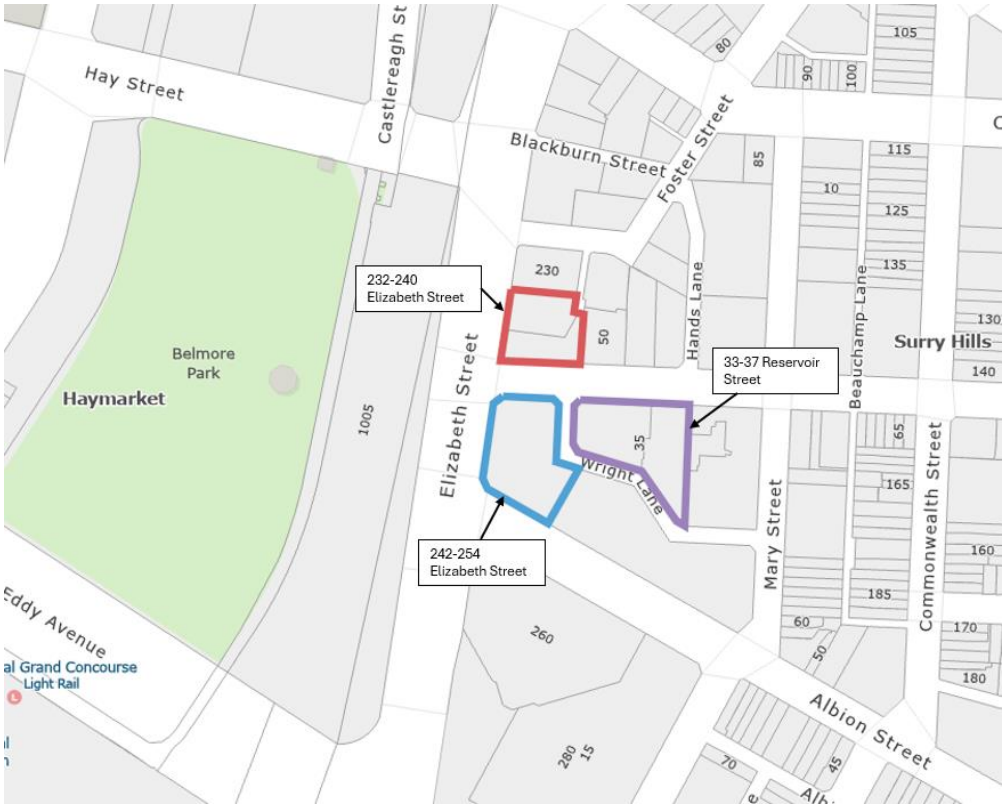

Figure 6: Location of 242-254 Elizabeth Street (blue) and 33-37 Reservoir Street, Surry Hills (purple) in relation to the subject site (red)

21. The current LEP building height control applying to 232-240 Elizabeth Street is 35 metres. On 21 July 2017, the New South Wales Land and Environment Court approved a concept DA (D/2016/1451) for this site, which granted approval for the demolition of existing buildings and the construction of a mixed-use building to a maximum height of 35 metres. A subsequent modified concept DA (D/2016/1451/A) approved for the site included a condition of consent that a minimum of 2 hours' solar access be provided to Apartments 601 and 602 at 242-254 Elizabeth Street on the winter solstice.

22. The Planning Proposal is to increase the maximum building height control by 4.3 metres to RL 50.33 metres (39.3m), however the Planning Proposal is accompanied by a site-specific DCP which defines the maximum building envelope in which any future building is to be wholly contained. As illustrated in Figure 5, this building envelope features a roof form which slopes from north to south, acting as a substantial setback to Reservoir Street with all additional height and massing above 35 metres in height set back almost 8 metres from the Reservoir Street boundary.

23. The Urban Design Study prepared by the proponent (and attached to this report at Attachment A2) outlined the level of overshadowing impact caused by the proposed development. In addition, the City conducted further analysis to better understand the cumulative overshadowing impact of the proposed development and surrounding context on 242-254 Elizabeth Street and 33-37 Reservoir Street. This analysis shows that, due to the maximum building envelope and roof form mentioned above, any shadow cast by the proposed development is minor and no worse than the previously approved DA and satisfies the previous condition of consent regarding daylight access to 242-254 Elizabeth Street.

24. It should be noted that the existing buildings on site are 2-3 storeys, and well below the current building height control. Any development taking place on the site will cause a degree of overshadowing to properties on the southern side of Reservoir Street. The additional assessment considered the court-issued consent and consistency of impact between the proposed building envelope and previously approved DAs. As the impact is minor and no worse than the previously approved DA, no change is recommended to the Planning Proposal.

Submissions raised concerns regarding the design and location of any driveway and the impact to Reservoir Street

25. Three submissions were received regarding the proposed driveway on Reservoir Street. These concerns included its location on Reservoir Street rather than other street frontages, the width of the driveway and the amount of Reservoir Street frontage that would be dedicated to servicing rather than active uses, the impact to pedestrians crossing the footway, and the increase in traffic caused by vehicles entering and exiting the building.

26. The Sydney DCP states that direct access to a designated arterial or sub-arterial road is not permitted wherever an alternate access can be provided. Elizabeth Street is not an appropriate location for driveway access considering the availability of Reservoir Street. Vehicle access from Elizabeth Street would also impact on the operation of bus services noting the bus lane and bus stop along the Elizabeth Street frontage. Foster Lane currently has limited capacity to accommodate vehicles. Part of the Planning Proposal is to realise the extension of Foster Lane as a pedestrian through-site link. Requiring Foster Lane to provide servicing access to the development conflicts with that goal.

27. Any driveway access onto Reservoir Street will need to be compliant with Australian Standards and the Sydney DCP. This includes restrictions on driveway width and required considerations for pedestrian safety. The Traffic Impact Assessment provided by the proponent as part of the Planning Proposal and attached to this report at Attachment A4, showed that additional vehicle trips associated with the proposed development equate to less than one vehicle every 5 minutes during both morning and evening peak periods. As a result, traffic generated by the proposed development is expected to have minimal impact. The precise driveway arrangement and traffic impacts will be assessed as part of a future development application.

Submissions raised concerns regarding the impact on local heritage, particularly the demolition of existing structures on site.

28. Two submissions were received which objected to the proposed demolition of the existing structures on the site, and the impact of any new development on local heritage and the character of the precinct.

29. A Heritage Impact Statement provided by the proponent and attached to this report at Attachment A5, found that all of the buildings presently on site have been heavily modified both internally and externally, and are common typologies within the area. The site is not located within a Heritage Conservation Area and the proposed building envelope was not found to impact the heritage values of any nearby heritage items, including views. The introduction of a new pedestrian through-site link provides a visual distinction between new development and adjoining early 20th Century built form on Reservoir Street.

Government agencies provided in principle support

30. Transport for NSW provided in principle support for the proposed through-site link and for a mixed-use development in this location. They raised a number of matters to be considered as part of any future DA for the site, including design of driveway access, clearance heights in the vehicle dock and basements, dimensions and functionality of any vehicle lift, and accessibility for waste trucks. These issues will be addressed through compliance with Australian Standards and the Sydney DCP, and the provision of a Waste Management Plan as part of a future development application.

31. Sydney Water noted the existence of an oviform trunk wastewater main which traverses the south-east corner of the site. As indicated in the Planning Proposal, a Specialist Engineering Assessment in consultation with Sydney Water will be required. An approvals program has been prepared by the proponent (attached to this report at Attachment A8) which outlines the investigations already conducted, those yet to be performed, and proposes the most appropriate stage the Specialist Engineering Assessment would be following the design excellence competition when the competition winning scheme would be subject to a detailed development application.

Planning Proposal is consistent with the City's strategic vision

32. The City's Local Strategic Planning Statement, City Plan 2036, sets out the 20-year vision for land use planning in the city and the planning priorities and actions needed to achieve the vision.

33. Two of the key moves are to build internationally competitive and knowledge-intensive business clusters in the Innovation Corridor and support creative and cultural industries in the Eastern Creative Precinct. These areas leverage the dense economic activity and global outlook of Central Sydney, its significant investment (including transport infrastructure) and urban amenities that attract talent, while remaining precincts with high amenity and character featuring diverse and well-designed workplaces. These areas, as part of the City Fringe, may contribute at least 53,800 additional jobs by 2036.

34. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives:

(a) Direction 5 - A city for walking, cycling and public transport - the site is well-positioned to take advantage of existing and planned transport infrastructure, most notably the train, light rail and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of Surry Hills.

(b) Direction 9 - A transformed and innovative economy - the site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

35. Further information regarding the alignment of the planning proposal with the strategic planning framework can be found in section 5.3 of the planning proposal.

Relevant Legislation

36. Environmental Planning and Assessment Act 1979.

37. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

38. The gateway determination requires that the amendment to the Sydney LEP 2012 is completed by 19 March 2025.

39. The gateway determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will commence this process. Once this process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.

40. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012

41. The Voluntary Planning Agreement is to be executed prior to the finalisation of the amendments to the Sydney LEP 2012 and Sydney DCP 2012.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development & Transport

James Dirickx-Jones, Planner

Attachment A

Planning Proposal – 232-240 Elizabeth Street, Surry Hills

CITY OF SYDNEY

Planning Proposal: 232-240 Elizabeth Street, Surry Hills

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Executive summary

The City of Sydney (the City) has prepared this planning proposal for 232-240 Elizabeth Street, Surry Hills (the site) in response to a request from the applicant, Stasia Holdings Pty Ltd, for the City to prepare a planning proposal for the site.

The planning proposal will enable development on the site consistent with the objectives and priorities of the Greater Sydney Region Plan, Eastern City District Plan and the City's local strategic planning statement. This proposal seeks to increase the maximum building height and floor space ratio for the site to support future redevelopment delivering the following key benefits:

– The delivery of 6,339 square metres of new commercial office space in Surry Hills, helping to promote development, investment and business opportunities in centres supported by existing infrastructure;

– By delivering development and investment within the Innovation Corridor, City Fringe, Eastern Creative District and Camperdown-Ultimo Collaboration Area, an area identified as an existing employment cluster, this is supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media;

– Helping to enhance the amenity of Surry Hills through the provision of a new pedestrian through-site link connecting Foster Lane with Reservoir Street and facilitating ground floor activation along the Elizabeth Street, Reservoir Street and Foster Lane frontages.

– A building form that will minimise overshadowing to nearby residents, while forming a good contextual fit and consistent street wall with neighbouring buildings on Elizabeth Street.

The site

The site is 906 square metres in area with three street frontages, to Elizabeth Street along the western boundary, to Reservoir Street along the southern boundary, and to Foster Lane in the north-eastern corner. Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction. The site shares common boundaries with a nine-storey residential building to the north and a six-storey commercial building to the east.

Existing development controls

Under the existing LEP controls, the site is zoned MU1 Mixed Use permitting a broad range of uses including office, retail and residential. The site has a maximum floor space ratio of 5:1 and a maximum building height of 35m.

The planning proposal – Sydney Local Environmental Plan 2012 controls

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation.

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

– Increase the maximum building height from 35m to RL 50.33 metres (39.3m)

– Increase the maximum floor space ratio from 5:1 to 7.3:1 inclusive of design excellence and end of journey floor space

– Prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

Draft site-specific Development Controls Plan

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, active frontages and public domain, provision of a pedestrian through-site link connecting with Foster Lane, and amenity. The City intends to publicly exhibit the draft DCP with this planning proposal.

This planning proposal has been amended, new text is shown in bold italics and deleted text is shown as ~~bold strikethrough~~.

1. Site identification

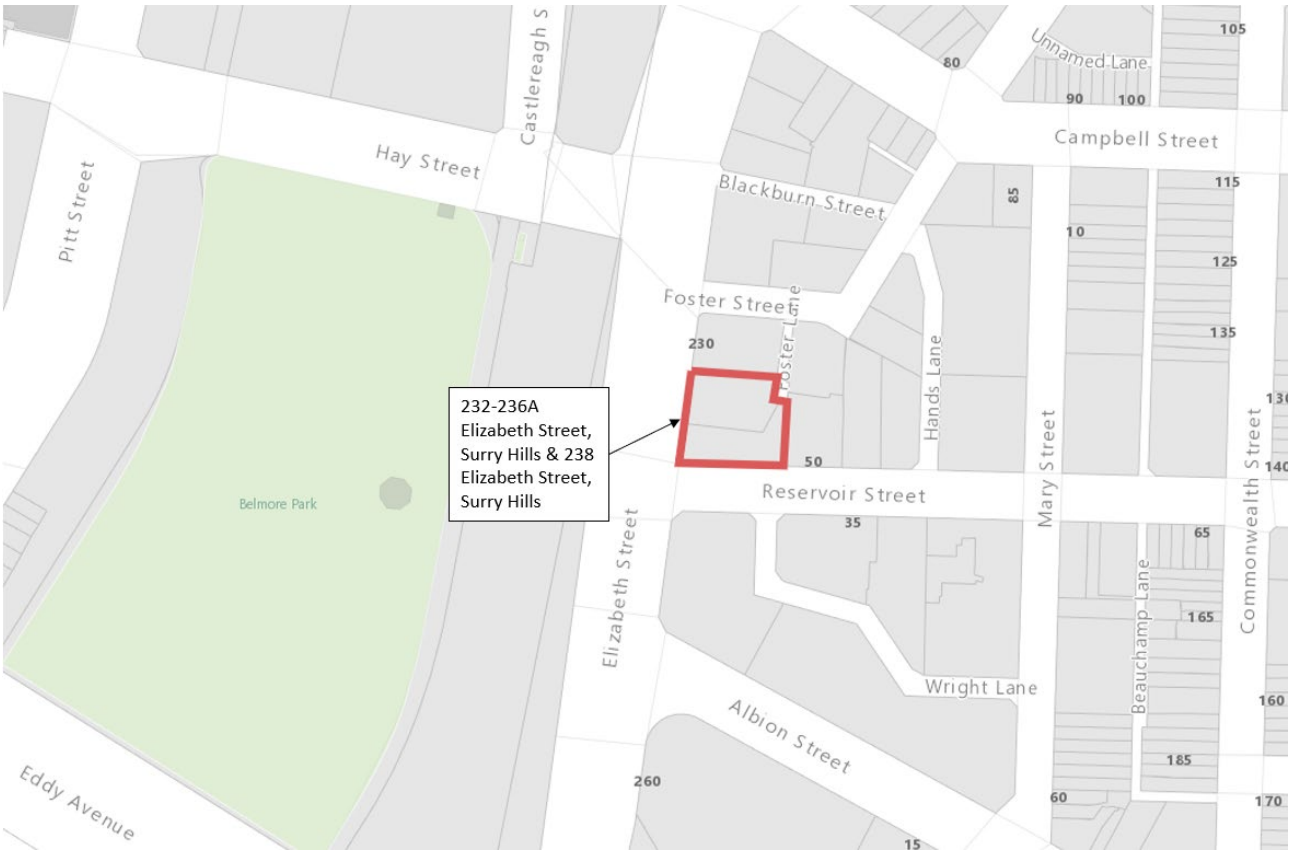
1.1 Site identification

The addresses and lot references affected by this planning proposal are collectively referred to as 'the Site'. They are identified in Table 1, and a map of the site, outlined in red, is shown at Figure 1.

Table 1. List of addresses and lot references comprising the site

Address	Lot numbers
232-236A Elizabeth Street, Surry Hills	Lots 1 & 2 SP 1379
238 Elizabeth Street, Surry Hills	Lots 1 & 2 DP 779385, Lot 1 DP 664653

Figure 1. Land affected by this Planning Proposal



1.2 Site location

The site is located in the suburb of Surry Hills, to the east of Central Sydney within the City of Sydney Local Government Area. It fronts Elizabeth Street to the west, Reservoir Street to the south, and Foster Lane in the north-eastern corner. It shares common boundaries with a nine-storey residential building to the north and a six-storey commercial building to the east.

The site is 250m away from Central Railway Station with intercity, suburban, light rail and bus connections. Bus stops are located in front of the site on Elizabeth Street, and nearby cycleways are located on Campbell Street, Castlereagh Street and Chalmers Street. The site is centrally located with Railway Square, Devonshire Street Tunnel, Chinatown, Hyde Park, Belmore Park and Harmony Park all located within a 500m radius from the site.

An aerial photo of the site and surrounding area is shown at Figure 2.

Figure 2. Aerial photo of the site

1.3 Site characteristics

The multiple lots comprising the site have a total area of 906m^2. The Elizabeth Street frontage is approximately 30m and the Reservoir Street frontage is approximately 34m. The frontage to Foster Lane is approximately 11m, representing the termination of the laneway.

Existing development on the site consists of a series of two- and three-storey buildings featuring ground-floor retail tenancies and a hostel occupying the first and second floors, with an outdoor terrace and rear loading dock. The buildings were originally five separate terrace buildings but are now interconnected and have all been heavily altered since their construction.

Figure 3. 232-240 Elizabeth Street, viewed from the west, outlined in yellow (Elizabeth Street frontage)

Figure 4. 232-240 Elizabeth Street, viewed from the north-west, outlined in yellow

Figure 5. 232-240 Elizabeth Street, viewed from the south-west, outlined in yellow

Figure 6. 232-240 Elizabeth Street, viewed from the south-east, outlined in yellow (Reservoir Street frontage)

Figure 7. 232-240 Elizabeth Street, viewed from the north, outlined in yellow (access to Foster Lane)

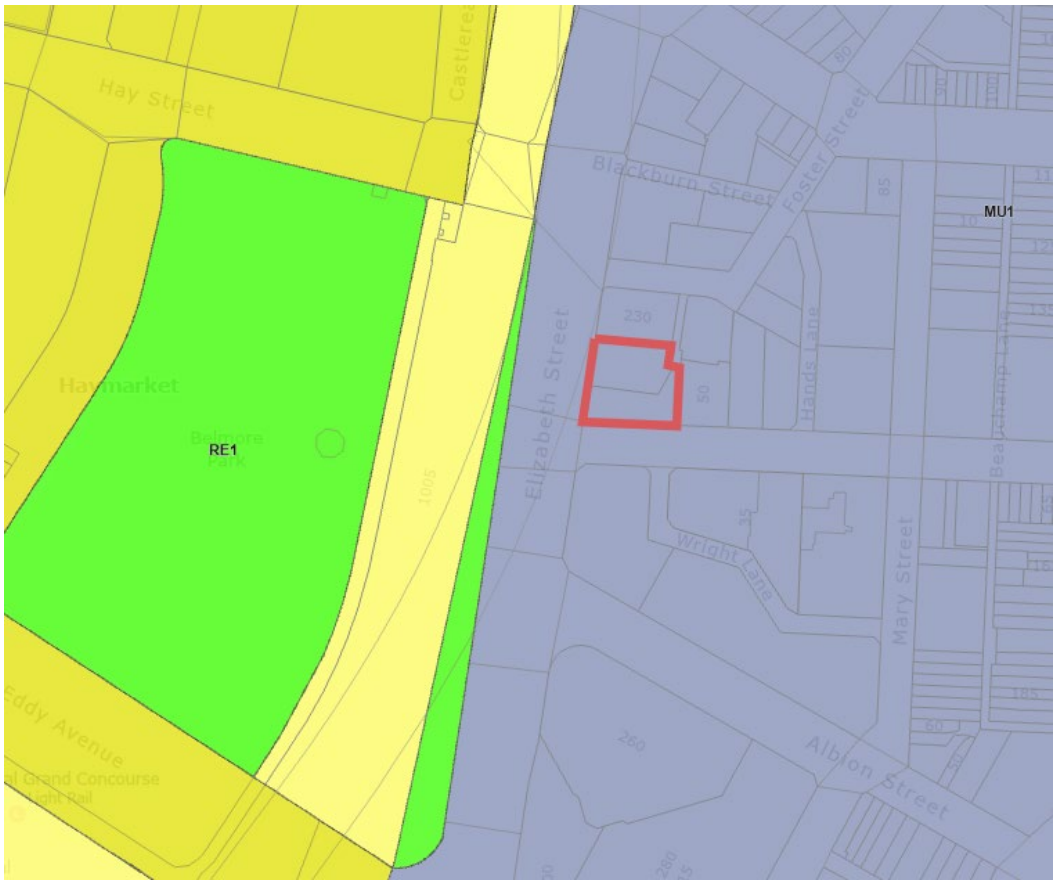
2. Existing planning controls

2.1 Zoning

The site is located within the MU1 ‘Mixed Use’ Zone. The objectives of this zone are to:

- encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- minimise conflict between land uses within this zone and land uses within adjoining zones.
- encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- ensure land uses support the viability of nearby centres.
- integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

Figure 8. Extract from zoning map in Sydney LEP 2012



2.2 Building height

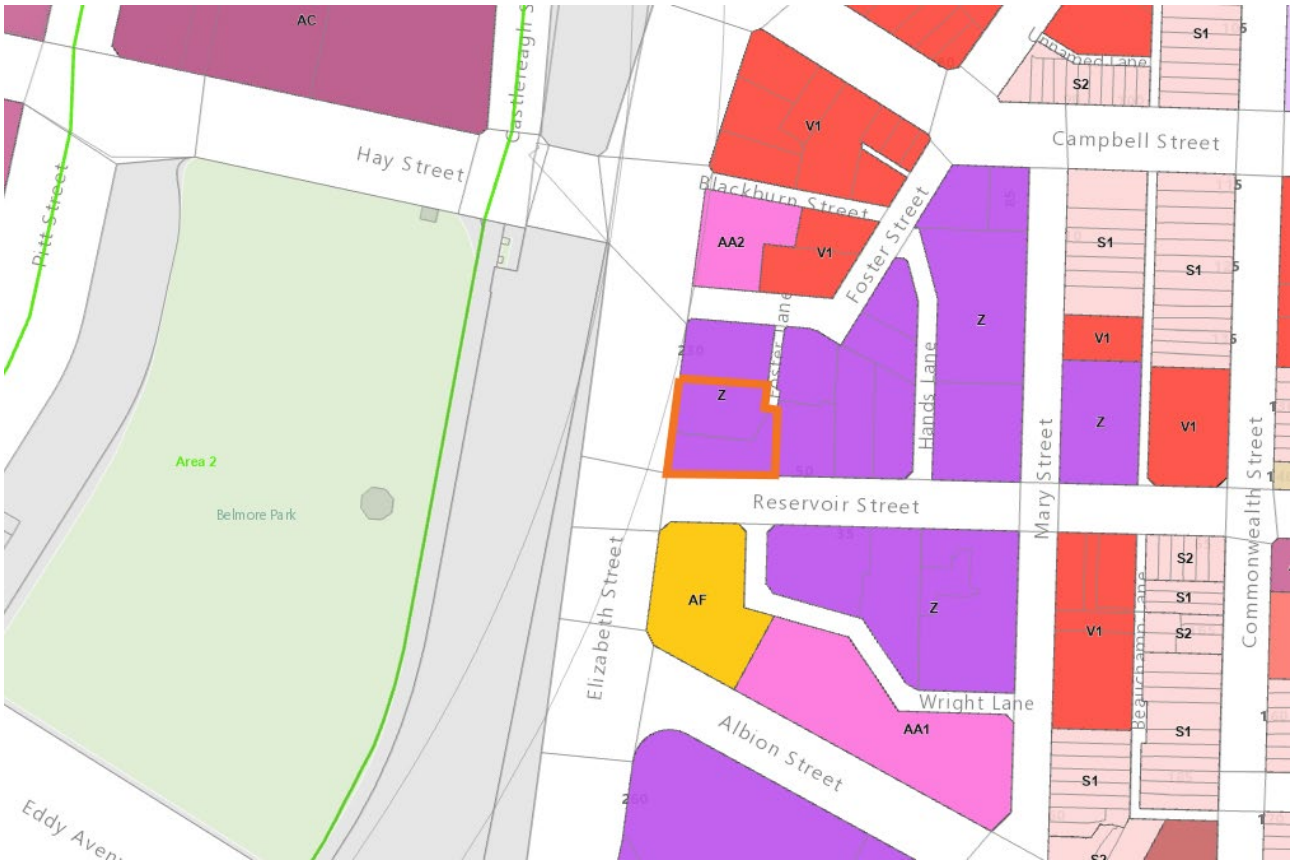
The site is subject to a building height control of 35m, as represented by 'V' and the red shading in Figure 9. It is not affected by any Sun Access Plane or No Additional Overshadowing controls.

Figure 9. Extract from Height of building map in Sydney LEP 2012

2.3 Floor space ratio

The current maximum floor space ratio for the site is 5:1, as indicated by 'Z' and the purple shading in Figure 10. Up to 10 per cent additional floor space may be granted subject to a competitive design process and the demonstration of design excellence. A maximum of 0.3:1 additional floor space may be granted with the provision of end of trip facilities, should the building be used solely for commercial premises.

Figure 10. Extract from floor space ratio map in Sydney LEP 2012

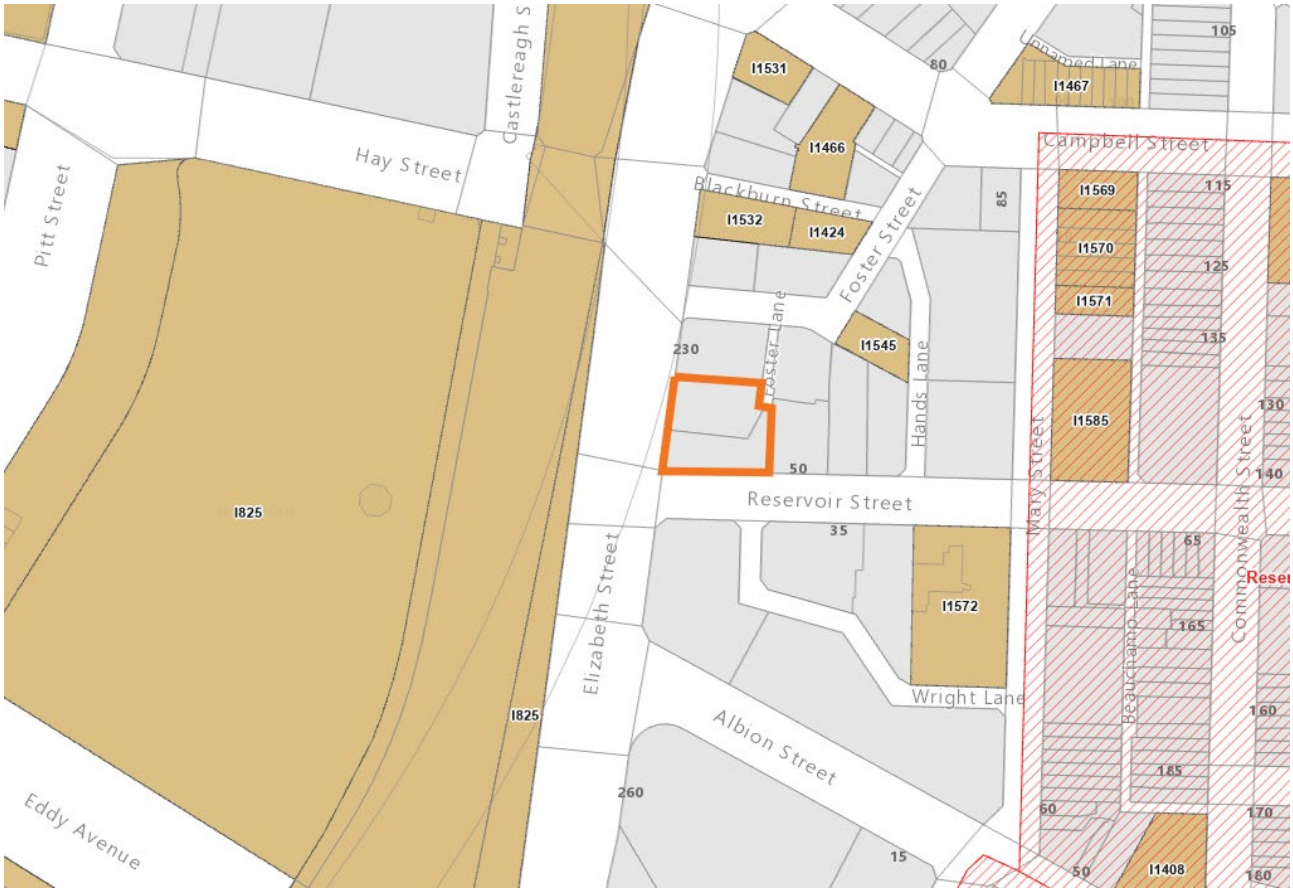


2.4 Heritage

The site is not heritage listed nor located in a Heritage Conservation Area. It is located adjacent to the State heritage-listed Central Station (including the City Circle railway viaduct) and the local heritage-listed Belmore Park. Other nearby heritage-listed buildings include the 'Edwards & Co' warehouse at 56-60 Foster Street (I1545), 'Prospect House' at 1 Blackburn Street (I1424), and the former 'Silknit House' at 23-33 Mary Street (I1572).

A brick oviform sewer runs below the site which has been dated to 1883. It is not heritage-listed but connects to the State heritage-listed Bondi Ocean Outfall Sewer at Hyde Park.

Figure 11. Extract from heritage map in Sydney LEP 2012



2.5 Approved development consent

A Stage 1 Concept Development Application (DA) (D/2016/1451) was approved by the NSW Land and Environment Court on 21 July 2017, granting approval for demolition of the existing buildings and construction of a mixed-use building to a maximum height of 35 metres. This application was subsequently modified (D/2016/1451/A) and approved on 25 November 2020.

Condition 3 of D/2016/1451/A required the building envelope to be modified to reduce overshadowing impacts to Apartments 601 and 602 in 242-254 Elizabeth Street. The part of the envelope to be modified is the portion fronting Reservoir Street in the southeast corner of the site. This is to maintain a minimum of 2 hours solar access to Apartments 601 and 602 at 242-254 Elizabeth Street on the mid-winter solstice.

3. Objectives and intended outcomes

3.1 Objectives

This planning proposal will enable the redevelopment of 232-240 Elizabeth Street to deliver:

- 10 storey commercial building representing infill development appropriate to the surrounding urban context and the MU1 Mixed Use Zone;
- the provision of additional commercial workspace within Surry Hills, located within the City Fringe and the Eastern Creative Precinct, and in close proximity to Central Railway Station and associated transport links;
- a pedestrian through-site link connecting Reservoir Street to Foster Lane;
- additional height and floor space while protecting sun access to 242-254 Elizabeth Street, as required by Condition 3 of D/2016/1451/A;
- a reinforced street wall along both Elizabeth and Reservoir Streets by maintaining the parapet heights and all massing above the street wall to be set back and not visible from the street; and
- a built form capable of achieving design excellence and acceptable sustainability outcomes.

The draft DCP accompanying the Planning Proposal will provide more detailed guidance for the site.

A Voluntary Planning Agreement (VPA) will be exhibited to secure the through-site link, its dimensions in stratum and its dedication to the City of Sydney.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause under Division 5 Site Specific Provisions to:

- permit a maximum building height of RL50.33 metres;
- permit a maximum floor space ratio at or above ground level for the site of:
  - the gross floor area resulting from applying a floor space ratio of 6.36:1;
  - additional floor space, of up to 10%, if the building demonstrates design excellence (under clause 6.21D(3)(b));
- permit a maximum floor space ratio of 0.3:1 of end of journey floor space below ground level (under clause 6.13);
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would not be used for the purpose of residential accommodation or serviced apartments.

The total floor space ratio calculated under the subclauses above must not exceed 7.3:1.

Clause 6.21D(3)(a) should not apply to these site specific controls, no additional building height should be available to exceed the maximum set at RL50.33 metres.

Appendix 1 of this Planning Proposal provides some example clauses of the proposed controls. The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office.

4.2 Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site-specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include the maximum building envelope dimensions, controls regarding the pedestrian through-site link, and servicing and access provisions. A draft of the new site-specific provisions for the DCP can be found at Attachment B.

5. Justification

5.1 Landowner request

The applicant, Stasia Holdings Pty Ltd, represented by Candalepas Associates and Planning Lab, sought initial pre-lodgement advice in April 2022 and lodged a formal request to prepare a planning proposal in February 2024. The intended use of the site would be as a commercial development. The reference design depicts ground floor tenancies and commercial offices on all upper levels.

Figure 12. Artistic representation of indicative design – Elizabeth Street perspective

Figure 13. Artistic representation of indicative design – Reservoir Street perspective

5.2 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Local Strategic Planning Statement includes actions to:

– strengthen the economic and productive role of the Innovation Corridor by prioritising and safeguarding space for specialised and knowledge-based clusters and businesses and

– identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use ~~**(B2 and B4)**~~ zoned areas.

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site.

The landowner has undertaken a number of studies in support of the request, including an Urban Design Study prepared by Candalepas Associates. The study describes how the proposal is consistent with the City's vision for Surry Hills and demonstrates how the site is capable of accommodating growth in employment generating floor space through amending building height and floor space ratio controls without unacceptable impacts on public domain and amenity.

The supporting documents commissioned by the applicant to support their request are attached as the following Attachments to this planning proposal:

– Attachment A1: Planning Proposal Justification Report – Planning Lab

– Attachment A2: Urban Design Study – Candalepas Associates

– Attachment A3: Economic and Social Impact Report – Planning Lab

– Attachment A4: Traffic Impact Assessment – Traffix

– Attachment A5: Heritage Impact Statement – Urbis

– Attachment A6: Desktop Contamination Study – Douglas Partners

– Attachment A7: Flood Advice Report – IGS

– Attachment A8: Oviform Sewer Investigation

– Attachment A9: Archaeological Assessment – Curio

– Attachment A10: Geotechnical Desktop Investigation – Douglas Partners

– Attachment A11: Landscape Concept Plan – Black Beetle

– Attachment A12: Section J Assessment Report – IGS

– Attachment A13: Acoustic Assessment – Acoustic Logic

– Attachment A14: Qualitative Wind Assessment – CPP

– Attachment A15: Waste Management Plan – Ratio

– Attachment A16: Survey Plan

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal seeks to insert new site-specific provisions into the LEP for the site. The resultant conditions have been assessed to ensure any future built form is appropriate and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space consistent with the objectives of the City Fringe and Eastern Creative District.

5.3 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities – The Greater Sydney Region Plan

The planning proposal gives effect to the following objectives of the Greater Sydney Region Plan:

- Objective 5: Benefits of growth realised by collaboration of governments, community and business – The site is located within the Camperdown-Ultimo Collaboration Area, also known as Tech Central. The increase in commercial floor space is well-positioned to service major digital and creative innovators within ~~the~~ Surry Hills and the Haymarket activity node.
- Objective 12: Great places that bring people together – Improving accessibility, connectivity and amenity through the provision of a pedestrian through-site link connecting Reservoir Street with Foster Lane, enhancing the existing fine-grain, walkable nature of Surry Hills.
- Objective 14: Integrated land use and transport creates walkable and 30-minute cities – The site is located 250m away from Central Railway Station and nearby bus connections and cycleways provide additional linkages with the metropolitan transport network. The location within a Mixed Use Zone and proximity to residential areas within the Inner East promotes the vision of a 30-minute city.
- Objective 18: Harbour CBD is stronger and more competitive – The site's location within the Harbour CBD and the provision of additional commercial office space, helps to achieve the strategies for an internationally competitive commercial sector to support an innovation economy and to support the growth of the Camperdown-Ultimo Collaboration Area.
- Objective 22: Investment and business activity in centres – The site is located within the metropolitan centre of the Eastern Harbour City, supporting the economic significance of the Harbour CBD.

Eastern City District Plan

The planning proposal gives effect to the following Planning Priorities of the Eastern City District Plan:

- Planning Priority E1: Planning for a city supported by infrastructure – To refresh and renew the offering of commercial floor space in this area of the Harbour CBD, this planning proposal would facilitate the delivery of new office space on a site well-positioned to take advantage of existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Metro and bus services.
- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage – This planning proposal would facilitate the redevelopment of the site in a way that would contribute to the existing well-design built environment and fine grain urban form of Surry Hills, especially through the provision of a new pedestrian link between Foster Lane and Reservoir Street. It would promote a people-friendly public realm, and high amenity and easy walkability on the edge of the metropolitan centre.
- Planning Priority E7: Growing a stronger and more competitive Harbour CBD – The provision of additional commercial office space in the Harbour CBD would contribute to the goals to strengthen the international competitiveness of the CBD and support an innovation economy.
- Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor – The site is located within the Innovation Corridor, Camperdown-Ultimo Collaboration Area and Haymarket activity node, and as a result the planning proposal would assist efforts to facilitate an innovation corridor with sufficient supply of scalable spaces, increased business-to-business interaction and co-location, high walkability and high amenity.

- Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city – Any redevelopment of the site under the controls made by this planning proposal would be designated for employment uses, which would be well-positioned to take advantage of the metropolitan transport network, including the rail, light rail and Metro connections of Central Railway Station only 250 metres away, as well as nearby bus services and cycleways.
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres – The site is located within the metropolitan centre of the Eastern City District (Harbour CBD) and any redevelopment facilitated by controls made by this planning proposal would provide new commercial floor space to support employment growth, while being well-positioned to take advantage of existing services and transport connections.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

City Plan 2036 (Local strategic planning statement)

The planning proposal gives effect to the following priorities of City Plan 2036:

- Priority I1: Movement for walkable neighbourhoods and a connected city – This planning proposal would facilitate a commercial development well-positioned to integrate with existing and future transport connections while encouraging increased walking, especially through the provision of a new pedestrian through-site link.
- Priority I2: Align development and growth with supporting infrastructure – This planning proposal would facilitate the development of new commercial office space well-positioned to take advantage of existing and planned infrastructure, including the rail, light rail and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills and the CBD.
- Priority L5: Creating great places – The planning proposal would deliver improved street life and activation by creating a new pedestrian through-site link connecting Foster Lane and Reservoir Street which, in addition to new opportunities for new retail premises, would further enhance the character and walkable nature of this part of Surry Hills.
- Priority P2: Developing innovative and diverse business clusters in City Fringe – The site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

Sustainable Sydney 2030-2050: Continuing the Vision

- Direction 5: A city for walking, cycling and public transport – The site is well-positioned to take advantage of existing and planned transport infrastructure, most notably the train, light rail, and Metro connections of Central Railway Station, as well as bus routes along Elizabeth Street and cycleways in Surry Hills. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of Surry Hills.
- Direction 9: A transformed and innovative economy – The site is located within the City Fringe, Camperdown-Ultimo Collaboration Area (Tech Central) and Eastern Creative Precinct. This planning proposal would facilitate the delivery of new office space in an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Camperdown-Ultimo Collaboration Area Place Strategy

This planning proposal gives effect to the following priorities of the Place Strategy:

- Priority 5: Foster healthy, creative, culturally rich, socially connected and welcoming communities – This planning proposal would encourage active street frontages and ground floor areas through the provision of new retail spaces and help to prioritise pedestrians through the provision of a new through-site link connecting Foster Lane and Reservoir Street.
- Priority 7: Cultivate an internationally competitive health, education, research and innovation area – This planning proposal would facilitate the delivery of new commercial office space in an area (Haymarket activity node) earmarked for new cultural, creative and innovative uses, supporting convergence, the development of clusters, attracting investment and driving jobs growth.

Is the planning proposal consistent with applicable SEPPs?

The following table (Table 2) outlines the consistency of this planning proposal with applicable State Environmental Planning Policies (SEPPs).

Table 2. Consistency with applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent.
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent.
SEPP (Housing) 2021	This planning proposal is consistent.
SEPP (Industry and Employment) 2021	This planning proposal is consistent.
SEPP (Planning Systems) 2021	This planning proposal is consistent.
SEPP (Precincts – Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent.
SEPP (Resources and Energy) 2021	This planning proposal is consistent.
SEPP (Sustainable Buildings) 2022	This planning proposal is consistent.
SEPP No 65 – Design Quality of Residential Flat Development	This planning proposal is consistent.
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent. As the site subject to development is on land shown as 'Zone B' on a rail corridors map and involves the penetration of ground to a depth greater than 2m below existing ground level, and is on land within the Interim Metro Corridor, the consent authority must give written notice of the application to the relevant rail authority and

SEPP	Comment
	the Secretary of the Department of Transport within 7 days of receiving any development application, in accordance with sections 2.101 & 2.102 of the SEPP.

The following SEPPs are not applicable to this planning proposal:

– SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table (Table 3) outlines the consistency of this planning proposal with applicable Ministerial Directions.

Table 3. Consistency with Ministerial Directions

Ministerial Direction	Comment
1.1 Implementation of Regional Plans	This planning proposal is consistent, as demonstrated in section 5.3 of this document.
1.3 Approval and Referral Requirements	This planning proposal is consistent. No provisions are being proposed that would require the concurrence, consultation or referral of development applications to a Minister or public authority, nor identify the development as designated development.
1.4 Site Specific Provisions	This planning proposal is consistent. The planning proposal does not unnecessarily restrict the permitted uses on the land. The planning proposal provides development uplift for a range of commercial uses. This is consistent with strategic priorities established in the relevant regional and district plan and LSPS. Development that does not make use of the uplift provided by the planning proposal can continue to make use of the full range of uses permitted in the MU1 zone.
3.2 Heritage Conservation	This planning proposal is consistent. There are no heritage-listed items within the site, nor is it located within a heritage conservation area. The planning proposal considers impacts on adjacent heritage items, and a Heritage Impact Statement and Archaeological Assessment, provided by the proponent, are attached to this document at Attachments A5 and A9 respectively.
3.10 Water Catchment Protection	This planning proposal is consistent. The site located within the Darling Harbour Catchment in the Sydney Harbour Catchment but outside the Foreshore and Waterways Area Boundary. The planning proposal does not conflict with the objectives of the Direction and the proponent has provided a Desktop Contamination Study, Flood Advice Report and Geotechnical Desktop

Ministerial Direction	Comment
	Investigation, attached to this document at Attachments A6, A7 and A10 respectively.
4.1 Flooding	This planning proposal is consistent. The proponent has identified flood risk in alignment with the objectives of the Direction and provided a Flood Advice Report (Attachment A7) showing that the proposed building envelope is capable of hosting a development which complies with all flood planning levels.
4.4 Remediation of Contaminated Land	This planning proposal is consistent. The possibility of land contamination has been considered, and the site will be suitable for all proposed land uses.
4.5 Acid Sulfate Soils	This planning proposal is consistent. Development on this site is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage. It is classified as Class 5 under section 7.14 of the Sydney LEP, is not located within 500m of land designated Class 1,2,3 or 4.
5.1 Integrating Land Use and Transport	This planning proposal is consistent. The site is located in an area that is well serviced by existing public and private transport options.
6.1 Residential Zones	This planning proposal is consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
7.1 Business and Industrial Zones	This planning proposal is consistent. It will encourage employment growth in a suitable location, as well as protect and support the viability of an area identified in the relevant regional and district plans and LSPS for commercial uses.

The following Ministerial Directions are not applicable to this planning proposal:

– Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place

Strategy, 3.1 Conservation Zones, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.5 Recreation Vehicle Area, 3.6 Strategic Conservation Planning, 3.7 Public Bushland, 3.8 Willandra Lakes Region, 3.9 Sydney Harbour Foreshores and Waterways Area, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose, 5.3 Development Near Regulated Airports and Defence Airfields, 5.4 Shooting Ranges, 6.2 Caravan Parks and Manufactured Home Estates, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal applies to a site located in Surry Hills, on the fringe of the CBD, currently occupied by 3 storey buildings without any vegetation within its boundaries. Any redevelopment would be of similar use and intensity to surrounding buildings. It is highly unlikely for any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Floor Space Ratio

This planning proposal will insert site-specific floor space ratio (FSR) controls in the LEP for the site, 232-240 Elizabeth Street. These FSR controls are specific to the building envelope outlined in this planning proposal, and have been tested to ensure that it is possible to accommodate the proposed FSR within the dimensions of the proposed building envelope while applying standard assumptions for space efficiencies and floor-to-floor heights.

The planning proposal establishes a maximum FSR of 7.3:1 for the site, with a maximum FSR of 7:1 above ground inclusive of design excellence. An Urban Design Study, prepared by Candalepas Associates, is attached to this Planning Proposal at Attachment A2 and demonstrates how the desired density is consistent with the surrounding area and will result in additional commercial floor space without significant adverse impacts. In particular, it is demonstrated that the increase is consistent with surrounding buildings when considering their FSRs as built. The mixed-use building to the immediate north of the site at 230 Elizabeth Street has an FSR of approximately 8:1, and the residential building to the immediate south at 242-254 Elizabeth Street has an FSR of approximately 10.3:1. Other commercial buildings in the immediate vicinity along Reservoir Street feature FSRs between 5:1 and 6.5:1.

Considering the proximity of the site to the boundary of Central Sydney, and the strategic context of the site considering its location within the City Fringe, Tech Central and Eastern Creative District, the planning proposal is an appropriate response to encourage redevelopment of the site for employment generating uses.

Urban design

This planning proposal will insert site-specific building height controls in the LEP. The increase in the maximum building height from 35m to RL 50.33m (39.3m) would facilitate the increase in FSR while remaining consistent with neighbouring buildings on Elizabeth and Reservoir Streets. Proposed site-specific DCP controls will establish a maximum street wall height of RL 46.03 (35m)

to maintain a consistent street wall along Elizabeth Street, with additional massing setback from the Elizabeth Street frontage by 3m.

Figure 14. Proposed building envelope – isometric view

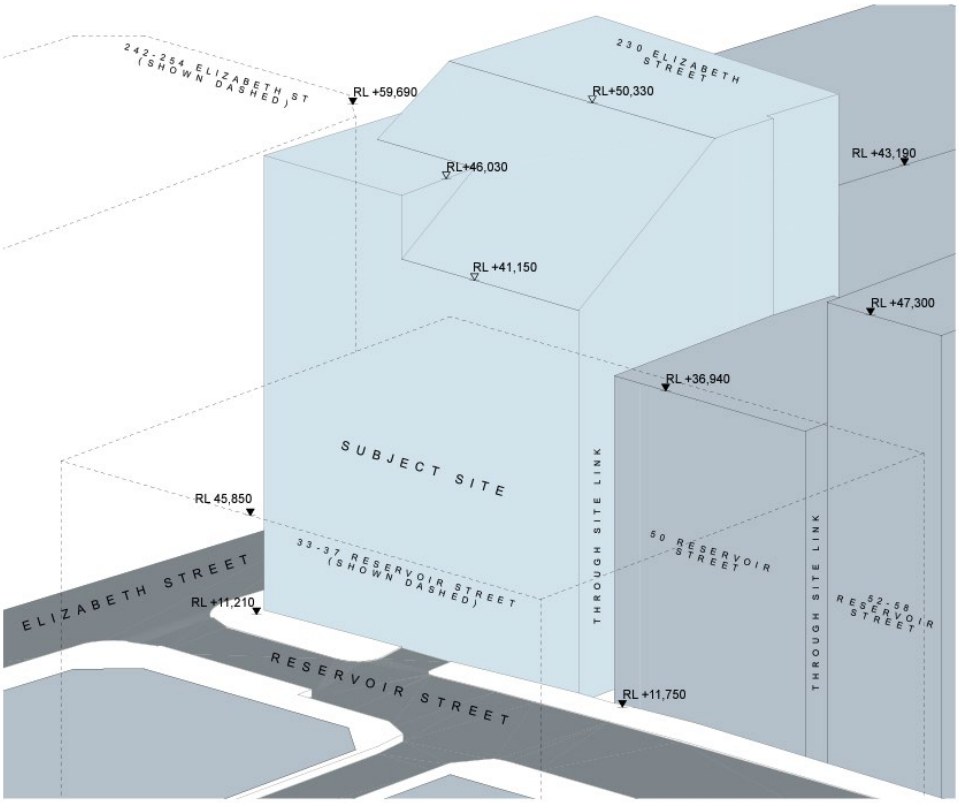


Figure 15. Proposed building envelope – Reservoir Street elevation

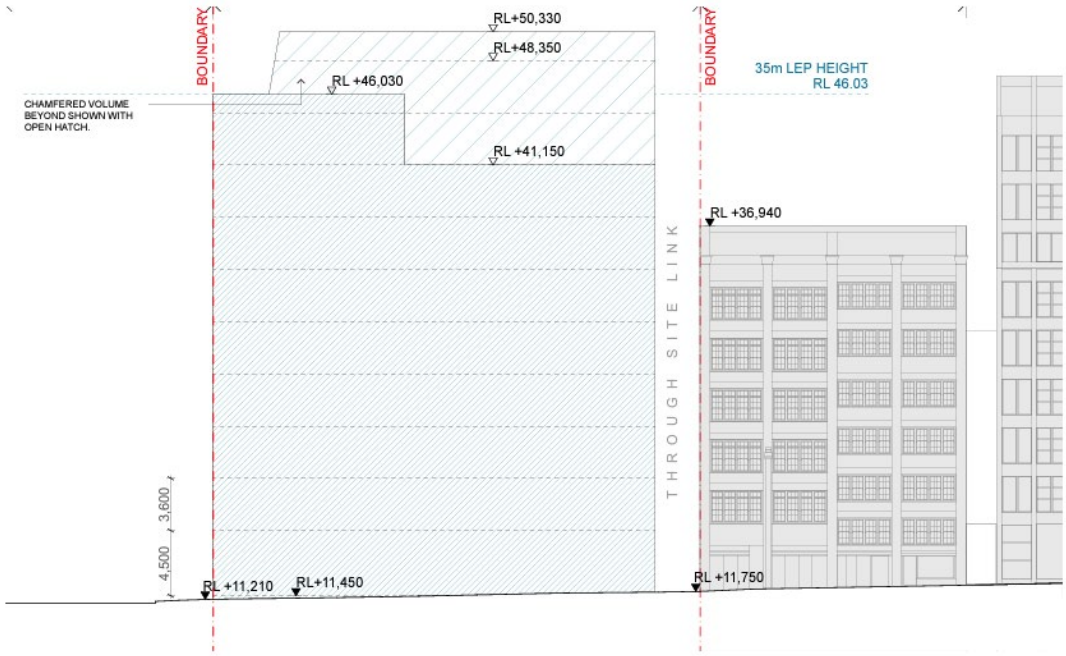


Figure 16. Proposed building envelope – roof plan

The proposed building envelope is a good contextual fit with neighbouring buildings on Elizabeth Street, which show a gradual increase in height when travelling south from the intersection with Wentworth Avenue towards Central Station.

Figure 17. Street wall analysis – Elizabeth Street elevation (proposed building envelope shaded blue)

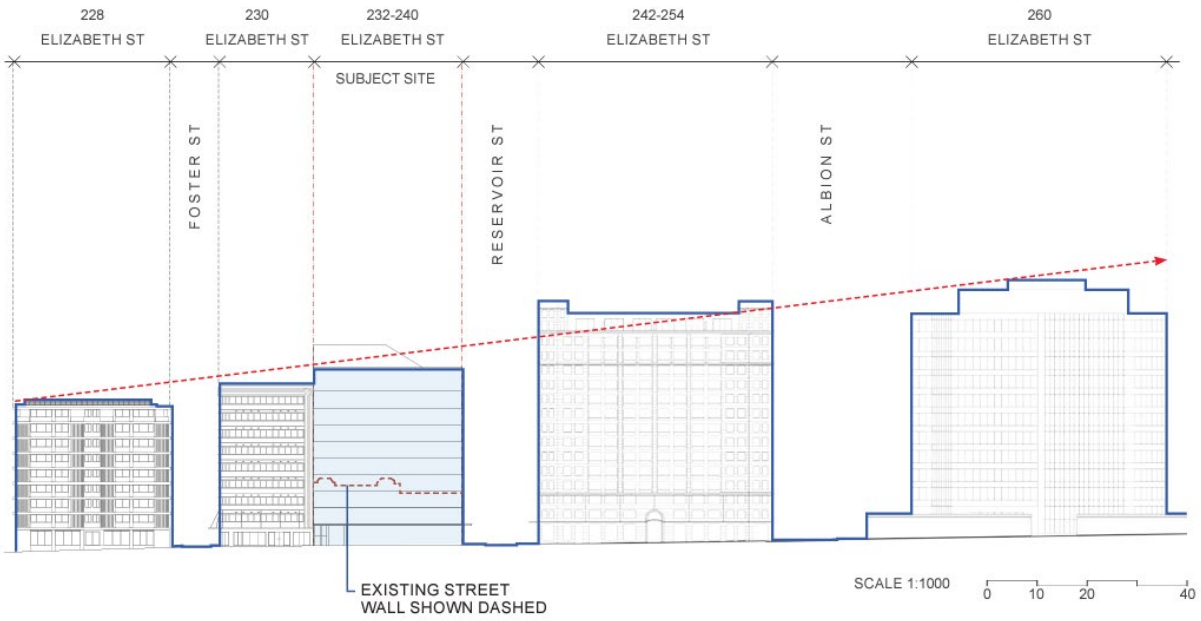
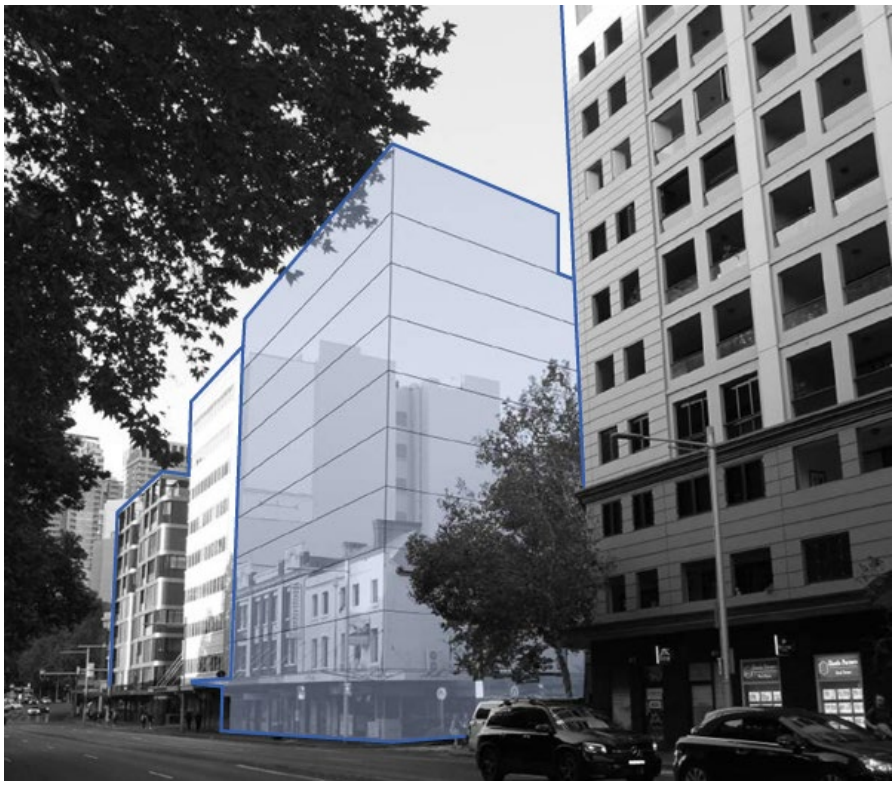
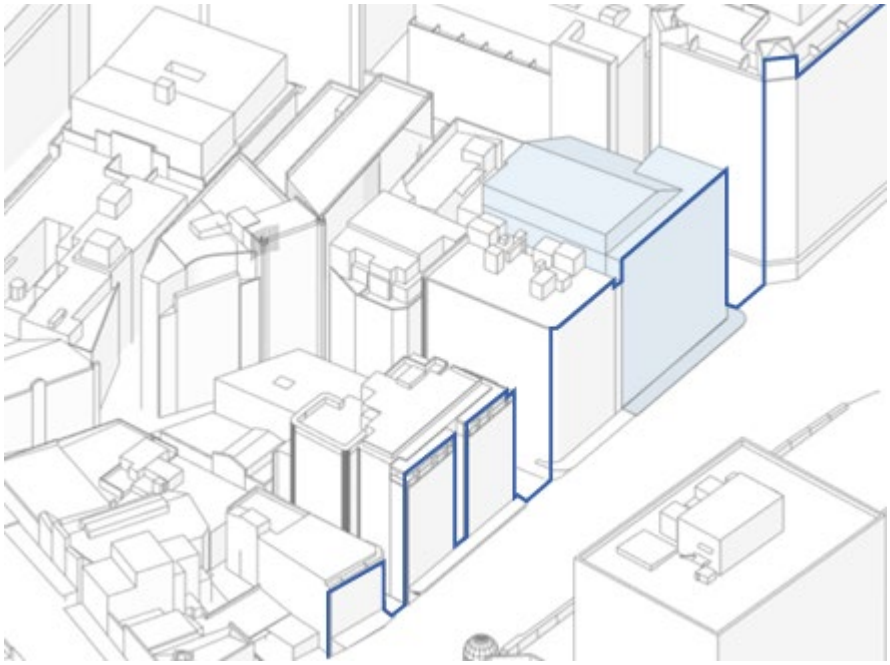


Figure 18. Proposed building envelope – viewed from Elizabeth Street facing north-east



The prevailing street wall is reinforced along Elizabeth Street by aligning the parapet heights, with all massing above the street wall to be set back by 3m from the Elizabeth Street frontage.

Figure 19. Proposed building envelope – isometric view facing south-west



The proposed building envelope maintains the gradual increase in building height and density westwards along Reservoir Street as the street approaches Elizabeth Street and the CBD.

Figure 20. Street wall analysis – Reservoir Street elevation (proposed building envelope shaded blue)

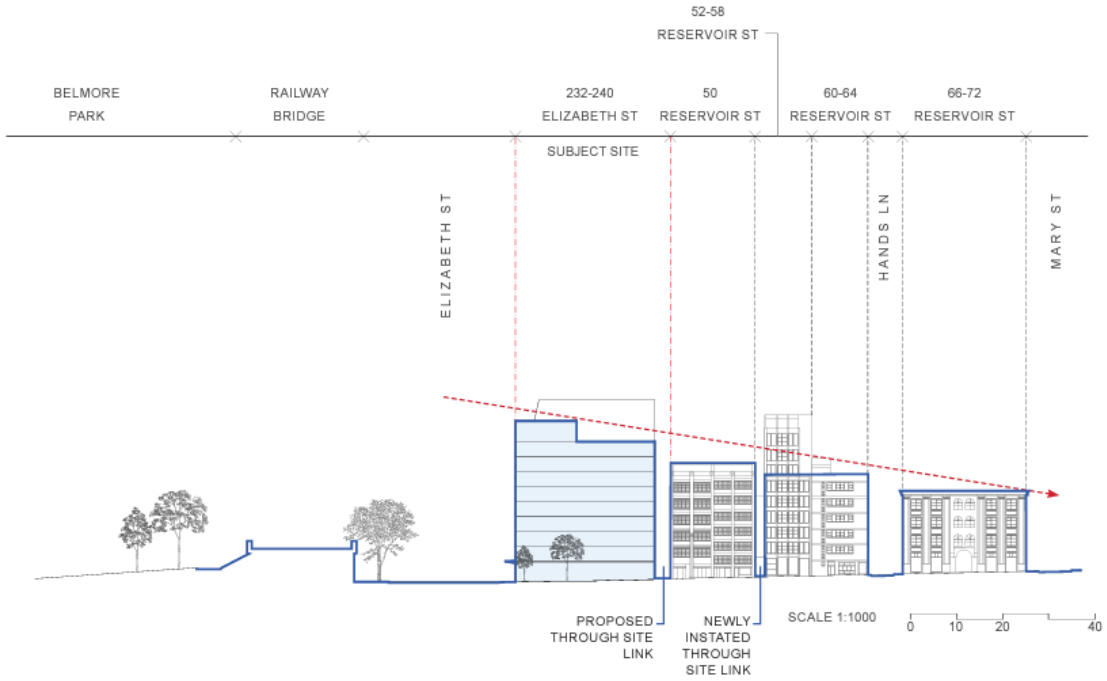


Figure 21. Proposed building envelope – viewed from Reservoir Street facing west

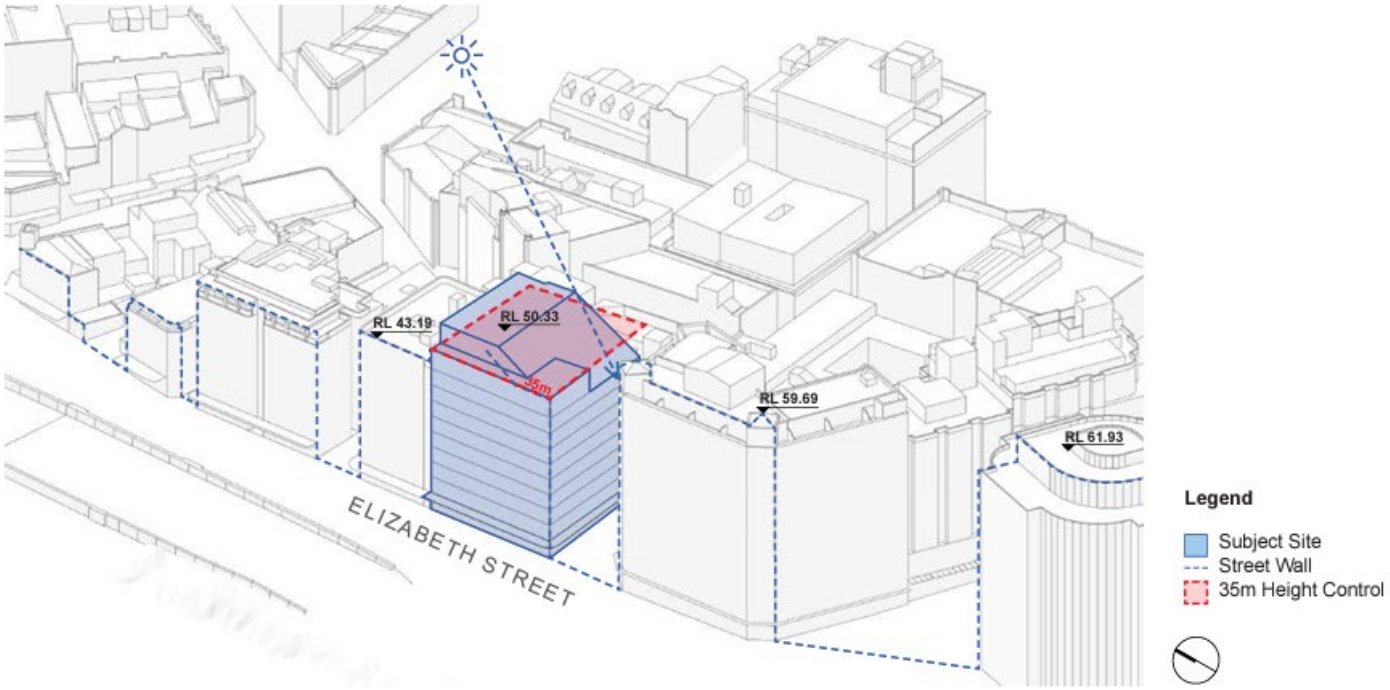
Overshadowing

The site is located north of two multi-storey residential apartment buildings at 242-254 Elizabeth Street and 33-37 Reservoir Street. A previous Development Application (D/2016/1451/A) for a mixed-use development approved for the site applied a condition requiring the building envelope

be modified to ensure a minimum of 2 hours solar access to Apartments 601 and 602 at 242-254 Elizabeth Street on the mid-winter solstice.

This planning proposal adheres to that condition through a sloped roof form and increased setback depth for the upper two levels on the Reservoir Street frontage.

Figure 22. Proposed building envelope showing sloped roof form



The following table shows the periods during which at least 1sqm of living space is exposed to direct sunlight for Apartments 601 & 602 at 242-254 Elizabeth Street. The proposed envelope provides over 2 hours of solar access to these apartments.

Figure 23. Solar analysis for Apartments 601 & 602 at 242-254 Elizabeth Street

PROPOSED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS
601														4HR 15MIN	COMPLIES
602														2HR 15MIN	COMPLIES

INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

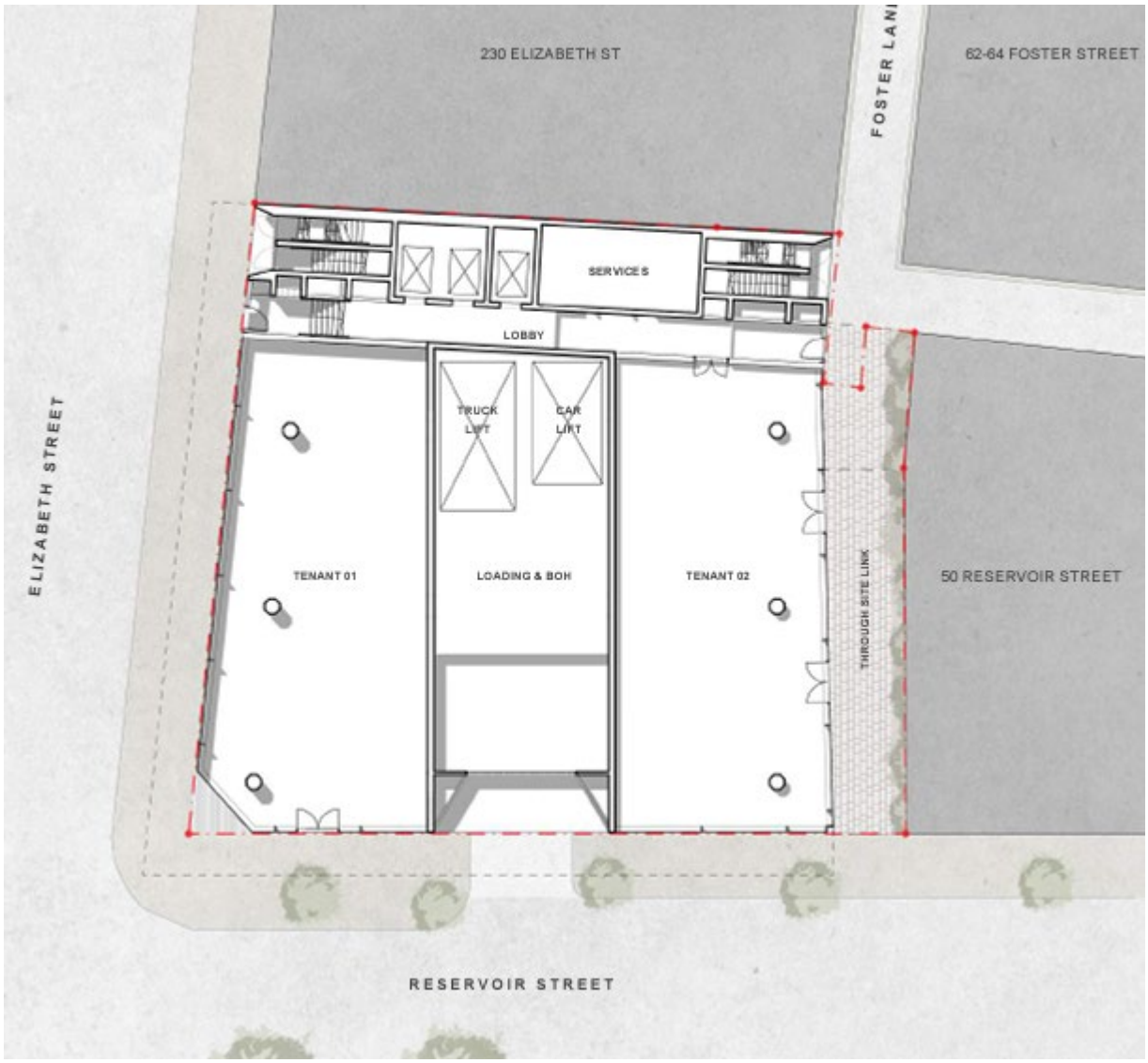
The Urban Design Study which accompanies the planning proposal (Attachment A2) includes solar and overshadowing analysis. The study shows that the proposal would result in a smaller degree of overshadowing to 242-254 Elizabeth Street and 33-37 Reservoir Street than that caused by the already approved building envelope for D/2016/1451/A in November 2020. This is as a result of the increased setback to Reservoir Street, the sloped roof form and the provision of a 3.4m-wide through-site link along the eastern boundary of the site running north-south. Therefore the overshadowing impacts would be acceptable.

A detailed solar access and overshadowing analysis will be included as part of a future development application.

Through-site link

The planning proposal will facilitate the delivery of a through-site link running north-south along the eastern boundary of the site, connecting Foster Lane to Reservoir Street. Controls for the through-site link will be contained within the site-specific DCP for the site (Attachment B), with the land dedicated to the City in stratum as part of a Voluntary Planning Agreement (VPA) between the City and the landowner. A draft VPA will be placed on exhibition concurrently with this planning proposal and ***can be found at Attachment C*** ~~**the associated letter of offer is attached as Attachment C**~~.

Figure 24. Ground floor plan of indicative design featuring through-site link



The site-specific DCP will require the through-site link to be 3.4m wide, matching the width of the existing Foster Lane. Extending Foster Lane to Reservoir Street will provide additional opportunities for ground floor activation, enhance the existing pedestrian laneway network to encourage walkability and mirror the success of Fracks Lane at 52 Reservoir Street, and improve security through the application of CPTED principles by removing the current dead-end alleyway,

as shown in Figure 7. This supports the objective of making the Eastern Creative Precinct an attractive location for a range of businesses and workers in creative industries.

Transport and servicing

The development concept for the site includes 18 parking spaces, including 2 accessible parking spaces, consistent with the maximum number of spaces allowable under section 7.6 of the Sydney LEP. In addition, 4 loading spaces have been provided for general servicing and private waste collection, which is in accordance with section 3.11.6 and Schedule 7 of the Sydney DCP. Parking and loading spaces are to be located in four basement levels accessed via a car lift and driveway off Reservoir Street (shown in Figure 24).

End of journey facilities are also shown to be accommodated below ground, with bicycle parking in accordance with section 3.11.3 of the Sydney DCP.

Modelling provided as part of a Traffic Impact Assessment, completed by Traffix on behalf of the proponent and attached to this planning proposal at Attachment A4, concluded that additional vehicle trips associated with the concept development equated to less than one vehicle every five minutes during both peak periods, having a negligible impact on the surrounding road network.

A more detailed traffic impact assessment would be included as part of any future development application for the site.

Flooding

The City's Darling Harbour Catchment Floodplain Risk Management Plan shows that the site is flood-affected. The TUFLOW model shows that the site is affected by overland flows from the eastern direction, along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street.

A Flood Advice Report, prepared on behalf of the proponent by Integrated Group Services and attached to this planning proposal at Attachment A7, finds that the proposed building envelope is capable of hosting a development which complies with all flood planning levels as per the Interim Floodplain Management Policy.

A more detailed flood advice report would be included as part of any future development application for the site.

Sustainability

Any development application using the controls made by this planning proposal will be subject to the sustainability requirements outlined in section 7.33 of the Sydney LEP and section 3.6.1 'Energy efficiency in non residential developments' of the Sydney DCP, both of which came into force in October 2023.

An NCC 2022 Section J Assessment Report, prepared on behalf of the proponent by Integrated Group Services and attached to this planning proposal at Attachment A12, indicates that any future DA design within the proposed building envelope can be capable of compliance with the NCC 2022 provisions for energy efficiency.

Contamination

A Desktop Contamination Study, prepared on behalf of the proponent by Douglas Partners and attached to this planning proposal at Attachment A6, found that based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate, and it is unlikely that significant contamination is present which would render the site unsuitable for any development facilitated by this planning proposal.

A more detailed contamination study would be included as part of any future development application for the site.

Acoustics

An Acoustic Impact Statement has been prepared by Acoustic Logic on behalf of the proponent and is attached to this planning proposal at Attachment A13. It identified existing high levels of

background noise near Elizabeth Street which diminish moving east along Reservoir Street. It identified two potential sources of acoustic impact associated with a commercial development being loading dock operation and mechanical plant noise, and recommended that they be considered and addressed at development application stage.

The site-specific DCP will also feature objectives and provisions relating to noise, ensuring that the amenity of nearby residents will be maintained.

Has the planning proposal adequately addressed any social and economic effects?

Heritage

The site is not heritage listed nor located within a Heritage Conservation Area. As the existing buildings on site are more than 50 years old, a Heritage Impact Statement was prepared on behalf of the proponent by Urbis and is attached to this planning proposal at Attachment A5.

The statement found 232-236 Elizabeth Street to be a building with some components of a Federation Free style façade but with little noteworthy architectural detailing. The remaining 19th Century buildings at 238-240 Elizabeth Street are late Victorian residential structures which are common typologies within the area. All of the buildings on site have been heavily modified both internally and externally and their demolition is considered acceptable from a heritage perspective.

The proposed building envelope was not found to impact the heritage values of any nearby buildings or heritage items, including any significant views or settings, and the introduction of a new pedestrian through-site link was found to permit a visual distinction between new works on the site and early 20th Century building works on adjoining properties.

A preliminary Archaeological Assessment prepared by Curio (Attachment A9) found that there are no registered Aboriginal objects and/or sites located within or directly adjacent to the site, however the undisturbed soils below the existing structures have moderate Aboriginal archaeological potential. The assessment found a low to moderate likely potential for non-Aboriginal archaeological findings.

The site is traversed by a brick oviform sewer constructed in 1887, which connects to the heritage-listed Bondi Ocean Outfall Sewer. Preliminary investigations have been undertaken to ensure that future development can take place without impact on the sewer, including a minimum clearance requirement. It will be the responsibility of the proponent to undertake a Specialist Engineering Assessment (SEA), in consultation with Sydney Water, to demonstrate no adverse impact or nominate protection measures. A letter and approvals program has been provided (Attachment A8) which outlines the investigations already conducted and those yet to be performed, and proposes that the most appropriate stage to complete the SEA would be following the design excellence competition when the competition winning scheme would be subject to a detailed DA.

Economic Impact

An Economic and Social Impact Report, prepared by Planning Lab and attached to the planning proposal at Attachment A3, found that a commercial development with 6,000sqm of new commercial floor space will accommodate more than 300 jobs. This is 86 more jobs than is possible with a commercial development under the current FSR controls and is consistent with the land use and economic objectives of the Greater Sydney Region Plan, Eastern City District Plan, City Plan 2036 and Camperdown-Ultimo Collaboration Area Place Strategy. Surry Hills historically has a lower vacancy rate than Central Sydney and is an attractive location for business operating in creative and technology-based industries. Redevelopment of the site, including a new pedestrian through-site link, increases activation and accessibility of the surrounding public domain, delivering improved amenity and safety for the public.

5.5 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located 250m from Central Railway Station on the fringe of the Sydney CBD. The site is well serviced by the transport network including rail, light rail, Metro, buses and cycleways. It is also located less than 100m from Belmore Park, and 250m from Harmony Park and Reservoir Street Reserve. The site is already serviced by public utilities including reticulated water, sewer and stormwater, electricity and telecommunications.

Any development application on the site will be subject to section 7.12 development contributions as outlined in the Central Sydney Development Contributions Plan 2020.

There is adequate public infrastructure to support this planning proposal.

5.6 State and Commonwealth interests

What are the views of the state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal document.

7. Community consultation

This Planning Proposal is to be exhibited in accordance with a Gateway Determination issued by the Department of Planning, Housing & Infrastructure.

~~**It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline.**~~

~~**Notification of the public exhibition will be consistent with the Gateway Determination and the Citys Community Engagement Strategy and Participation Plan, and include publication on the City of Sydney website and notification to surrounding owners and occupiers.**~~

~~**Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.**~~

The consultation period ran from 5 September to 3 October 2024. It was run in accordance with the Environmental Planning and Assessment Act 1979 and Local Environmental Plan Making Guideline, the City's Community Engagement Strategy and Participation Plan, and the conditions of the Gateway Determination.

821 notification letters were letterbox dropped to property owners and occupiers within a 75-metre radius of the site boundary, and a webpage and survey created for people to review the planning proposal and supporting documentation and provide their feedback. The planning proposal was referred to Transport for NSW and Sydney Water for consultation and comment as required by the Gateway Determination.

8. Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / Gateway Determination	***14*** June 2024
Government agency consultation	~~**July – August 2024**~~ ***September – October 2024***
Public exhibition	~~**July – August 2024**~~ ***September – October 2024***
Consideration of submissions	~~**August – September 2024**~~ ***October – November 2024***
Post exhibition consideration of proposal	~~**October – November 2024**~~ ***November – December 2024***
Draft and finalise LEP	~~**November – December 2024**~~ ***January – February 2025***
LEP made	~~**January – February 2025**~~ ***February – March 2025***
Plan forwarded to the Department of Planning, Housing & Infrastructure	~~**January – February 2025**~~ ***February – March 2025***

Appendix 1

Example clauses

The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as follows:

Part 6 Local provisions – height and floor space

Division 5 Site-specific provisions

6.XX 232-240 Elizabeth Street, Surry Hills

(1) This clause applies to Lots 1 & 2 SP 1379, Lots 1 & 2 DP 779385, Lot 1 DP 664653, 232-240 Elizabeth Street, Surry Hills.

(2) The maximum height for a building on the land to which this clause applies is RL 50.33 metres.

(3) The part of a building located at or above ground level may have a floor space ratio of up to the ratio of the sum of the following to the site area-

(a) the gross floor area resulting from applying a floor space ratio of 6.36:1

(b) if the building is a building demonstrating design excellence – the gross floor area, determined by the consent authority, of up to 10% of the sum of the amount specified in subclause (3)(a).

(4) The part of a building located below ground level may have a floor space ratio of up to 0.3:1 for the purpose of any end of journey floor space for which the building is eligible under clause 6.13.

(5) The total floor space ratio calculated under subclauses (2) to (4) must not exceed 7.3:1.

(6) Subclauses (2) to (5) do not apply unless the consent authority is satisfied the building will not be used for the purposes of residential accommodation or serviced apartments.

(7) Clause 6.21D(3)(a) does not apply to the building.

Attachment A1

Proponent Planning Proposal Justification Report

PLANNING LAB

Planning Proposal for 232-240 Elizabeth Street, Sydney

Amendment to the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012

Prepared by Planning Lab

Issued 24 November 2023

Disclaimer: This document may only be used for the purpose for which it was commissioned. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Planning Lab accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

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Summary

This Planning Justification Report has been prepared by Planning Lab on behalf of Stasia Holdings Pty Ltd in support of a planning proposal to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) in relation to 232-240 Elizabeth Street, Surry Hills. The proposed amendments have been informed by an indicative concept design by Angelo Candalepas and Associates (Appendix A) for a 10-storey commercial building with three basement levels. The proposal would facilitate redevelopment of the site including the construction of a commercial infill development appropriate to the surrounding urban context. The development will provide additional commercial office space within Surry Hills in support of the local economy.

The existing planning controls prevent the development of the indicative concept design due to non-compliance with the floor space ratio (FSR) and height controls. In response, this planning proposal seeks Council's support to progress an amendment to the Sydney LEP 2012 to create a new site-specific clause that will allow non-residential development to achieve;

- a maximum building height of RL 50.33m which is 39.3m in height; and,
- a maximum FSR of 7.0:1

It is also proposed to create a new site-specific development control plan for the site with Chapter 6 of the Sydney DCP 2012 (Appendix B & C) to work in conjunction with the amended Sydney LEP 2012. The site specific DCP would enable development consistent with the indicative concept design.

The indicative concept design is the result of an Urban Design Study carried out by Angelo Candalepas and Associates. It has considered the recent approval history of the site which includes a current concept approval (formerly called Stage 1 approval) permitting a 35m mixed use building including a residential component. It has also assessed the permissible and actual height and density of surrounding sites, along with how the site could enhance the public domain. The concept envelope that is proposed seeks to improve upon previous approvals and to permit a design that will respond positively to neighbouring developments.

The proponent has incorporated the pre-lodgement feedback from the City of Sydney Council into the submitted Urban Design Study, most notably:

<u>Floor-to-Floor Heights, FSR and Envelope</u>

1. This proposal comprises 10 storeys with 4.5m and 3.6m floor-to-floor heights allowed for all levels, as per Section 4.2.1.2 (Sydney SCP 2012);

2. The solar analysis appended to this proposal demonstrates the retained solar access to Apartments 601 and 602 at 242-254 Elizabeth Street, and 33 Reservoir Street; and

3. Important urban outcomes:

    a. The prevailing street wall is reinforced both along Elizabeth and Reservoir Streets by maintaining the parapet heights;

    b. All massing above the street wall is set back so as to not be visible from the street;

    c. The through-site link is retained.

Sustainability

A commitment to the NABERS Energy Rating of 5.5 stars + 25% for the proposal. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site specific challenges of the site.

Through-site link

An offer to Council for the dedication of this link as a public road, based on another City of Sydney precedent.

Clause 6.21(D) of Sydney LEP 2012 requires development outside of Central Sydney that is over 25m in height to undergo a competitive design process. The site's existing maximum height limit is 35m, This Planning Proposal will increase the maximum building height by 4.3m to RL 50.33m. Accordingly, the development of a new building up to the proposed LEP controls would require a design competition to be undertaken. A future detailed DA would be based on the competition winning design and not on the indicative concept design lodged in support of this planning proposal. Notwithstanding, the indicative concept design demonstrates that a building of high quality can be designed within the proposed building envelope.

The proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012 could facilitate the development of the proposed indicative concept design for a 10-storey commercial office building with ground floor retail and three basement levels. It carefully considers the surrounding buildings by providing a suitable height transition along both Elizabeth and Reservoir streets. A stepped setback on the upper levels along Reservoir Street also lessens the shadow impact of the proposed building envelope relative to the site's current concept approval under D/2016/1451. The design will enhance the street level providing a new activated through site link between Reservoir Street and Foster Lane and providing active frontages to all streets with its driveway crossing being minimised. The proposed amendments to planning controls will facilitate a commercial development that responds positively to its environment, will enhance the walkability of the public domain in the immediate surrounds.

Surry Hills has developed a concentration of creative, technology and professional services companies which is driving agglomeration benefits. High rents in the Sydney CBD and high levels of amenities in the Surry Hills area of the City Fringe are also increasing demand for commercial office space in the area. The Economic and Social Impact Report by Planning Lab (Appendix D) estimates that the indicative concept design would be capable of hosting 301 employees. This is 86 more employees that could be supported under the existing controls, assuming that the site was developed for commercial use rather than residential. The proposal would incentivise commercial development on the site and would increase its capacity to contribute to the local and State economy. The primary commercial uses of the site are compatible with the existing MU1 – Mixed Use zone and will support the zone objectives.

The use of the site for commercial office space is well aligned with the strategic requirements of the Greater Sydney Region Plan, Eastern City District Plan and the local City of Sydney strategic plans. The project will provide new employment opportunities in the construction industry during the building phase and will provide floor space which is likely to be utilised by the creative, technology or professional services industries. The site's high level of access to public transport and location within an existing business centre that is near sizeable residential areas makes it well suited to

intensified employment being consistent with the 30-minute city. These aspects of the proposal support the combined visions of the various relevant strategic plans.

This planning proposal demonstrates the need for the proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012, the effect that the proposed amendments will have, and that the amendments are consistent with the relevant planning strategies and instruments. The proposal is shown to be consistent with the relevant State Environmental Planning Policies and Ministerial Directions. It is recommended that the City of Sydney progress this planning proposal which will improve the site's relationship to the surrounding urban environment and will support necessary commercial development within Surry Hills and the City Fringe.

Introduction

Background

This planning proposal seeks the amendment of planning controls within the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) that apply to 232-240 Elizabeth Street, Surry Hills ('the site'). This planning proposal has been prepared by Planning Lab, in conjunction with Angelo Candalepas and Associates on behalf of Stasia Holdings Pty Ltd. It has been prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979 (EP&A) and with reference to the Department of Planning and Environment's document 'Planning Proposals: A Guide to Preparing Planning Proposals'.

A request to prepare a planning proposal was sent to the City of Sydney along with a preliminary design proposition. This proposal has been refined in accordance with the advice and requirements provided by Council in response.

An indicative concept design for a commercial office building with ground floor retail located within the proposed building envelope has been produced by Angelo Candalepas and Associates. The accompanying indicative concept design is provided to show that an appropriate building can be developed under the proposed site-specific controls.

To realise the concept design, it is proposed to amend the Sydney LEP 2012 to include a site-specific clause allowing the site to achieve an increased floor space ratio (FSR) and building height. It is also proposed to create a site-specific section of the Sydney DCP 2012 (Appendix B & C) to work in conjunction with the amended Sydney LEP 2012 to enable development on the site that corresponds with the indicative concept design.

Site Identification

This planning proposal relates to 232-240 Elizabeth Street, Surry Hills which is legally identified as SP1379 and Lots 1 & 2 in DP779385. The site is wholly owned by Stasia Holdings Pty Ltd.

Site Description

The site is an irregular 'square shaped' block with an area of 905.6m^2 located on the corner of Elizabeth Street and Reservoir Street (Figures 1-2). The site is comprised of three separate lots occupied by five buildings between one and three storeys. The buildings are currently used for a mixture of temporary accommodation and retail tenancies. Both buildings presenting to Elizabeth Street are used as a hostel with various retail spaces at the ground floor (Figures 3-4). Similarly, the buildings presenting to Reservoir Street have ground-floor retail tenancies, with the upper levels owned and used by the hostels as part of the roof terrace (Figure 5). The buildings were originally five separate terrace buildings, but all have been heavily altered since their construction.

The site is located on the outer edge of the Sydney CBD Fringe east of the elevated city circle railway corridor running between Elizabeth Street and Belmore Park. The buildings along this section of

Elizabeth Street begin a reduction in scale away from the CBD and a transition into lower scale mixed commercial and residential development in Surry Hills.

The site is exceptionally well serviced by public transport being about 350m walking distance from Central Station where there is regular access to all train lines, all light rail lines routing through the Sydney CBD and a multitude of metropolitan, regional, and interstate bus services. A large range of services and amenities exist in the area to support non-residential uses including restaurants, cafes and a supermarket located about 300m to the south. The site is also within Surry Hills where there is a concentration of creative, professional services and technology-based businesses creating a positive agglomeration effect.

To the north, the site adjoins 230 Elizabeth Street which is a 9-storey commercial building. It has a blank southern elevation that appears to have assumed the future development of the subject site. 230 Elizabeth Street is located on the western side of Foster Lane having fire doors opening into the Lane. North-east of the site is 62-64 Foster Street which is a 6-storey shop top residential apartment building that has driveway access from Foster Lane (Figure 6).

East of the subject site is 50 Reservoir Street which is a 7-storey commercial building. It has some secondary windows and openings along its western elevation. Further east is 52 Reservoir Street which is a 9 storey commercial development that has recently finished construction. It includes a newly created through site link on its western boundary connecting Reservoir Street and Foster Street (Figure 7).

South of the site are two apartment buildings fronting Reservoir Street at 242 Elizabeth Street and 33 Reservoir Street. 242 Elizabeth Street is a 15-storey shop top residential apartment building with apartments and balconies facing directly north towards the subject site. 33 Reservoir Street is a 9-storey shop top housing development which similarly has apartments and balconies facing north over Reservoir Street.

The eastern side of Elizbeth Street is dominated by retail tenancies, generally with a fine grain. The western side of Elizbeth Steet is occupied by a sheer sandstone wall several metres high which supports an elevated rail line. There is a footpath, landscaping and bus stops along this edge but no active land uses. The western end of Reservoir Street where the site is located is dominated by fine grain retail tenancies typically occupied by specialty retailers, cafes and restaurants. While the level of activation along Reservoir Street is very high, Foster Street to the north and Albion Street to the south contain far less ground floor retail activity.

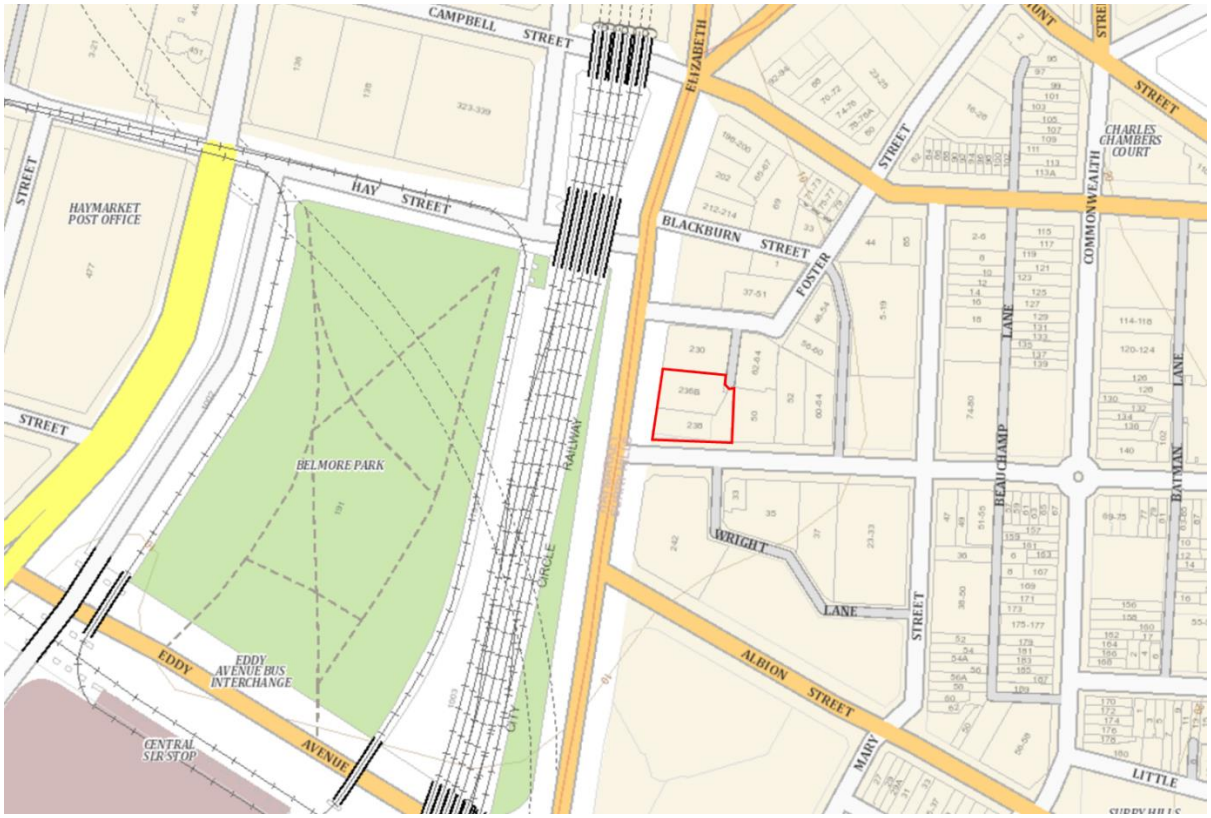


Figure 1 - The site in the neighbourhood context

Figure 2 - Aerial image of the site

Figure 3 - The site viewed looking south east along Elizabeth Street

Figure 4 - The Site viewed looking north east from Elizabeth Street

Figure 5 - The site viewed from Reservoir Street

Figure 6 - Foster Lane viewed looking south from Foster Street

Figure 7 - Through site link at 52 Reservoir Street

Site History

The subject site has a history of recent development consents including a current active consent under D/2016/1451. This provides an indication of an acceptable building envelope for the subject site. The proposal has been designed in consideration of previously approved designs and has sought to improve on them to minimise environmental impacts.

D/98/05362

In 1999, consent was granted under D/98/05362 for the development of a 7-storey serviced apartment building at 238-240 Elizabeth Street.

Figure 8 - D/98/05362 development proposal (Joshua Farkash & Associates)

D/01/00140

In 2001, consent was granted under D/01/00140 for the development of a 9-storey backpackers hotel building at 232-263 Elizabeth Street.

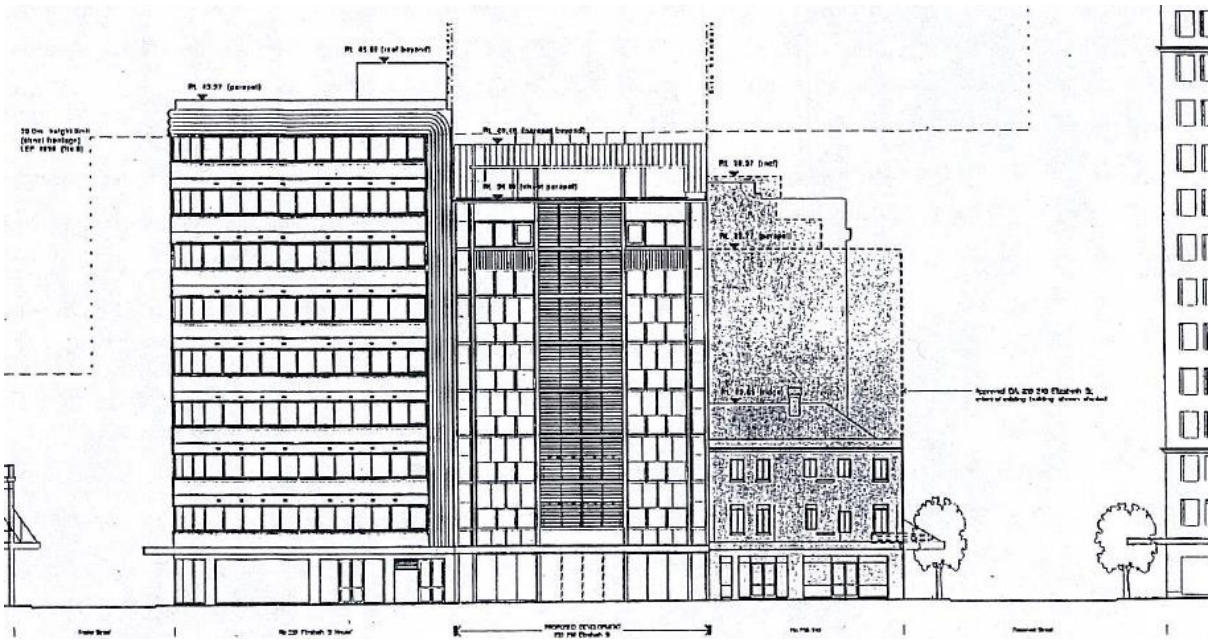


Figure 9 - D/01/00140 streetscape elevation (Jahn Associates Architects)

D/2016/1451

A Stage 1 Concept Development Application (DA) (D/2016/1451) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was subsequently modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

Condition 3 of D/2016/1451/A requires that the approved building envelope must be modified to reduce overshadowing impacts on two residential apartments located in a building opposite the site at 242-254 Elizabeth Street. The condition requires that:

> *a. the southern alignment of the upper level (Level 9) is to be moved to the north by such a dimension which will maintain a minimum of 2 hours solar access to Apartments 601 and 602 at 242- 254 Elizabeth Street on the mid-winter solstice.*

The envelope approved under D/2016/1451/A has a maximum height of 35m with nil setbacks to Elizabeth and Reservoir Street. At the two uppermost levels on the Reservoir Street frontage, a stepped setback was provided to minimise overshadowing on 242 Elizabeth Street. As noted above, consent condition 3(a) requires further amendments to reduce overshadowing.

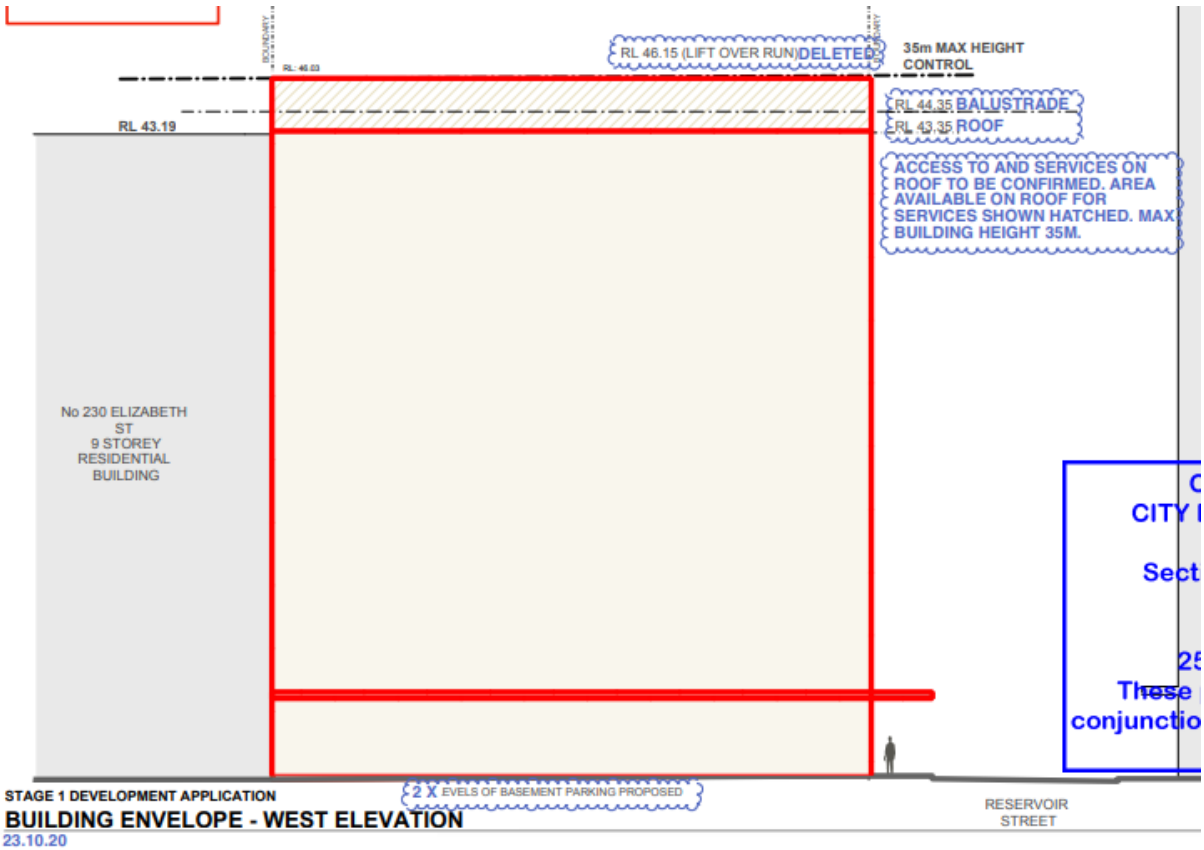


Figure 10 - Approved western elevation

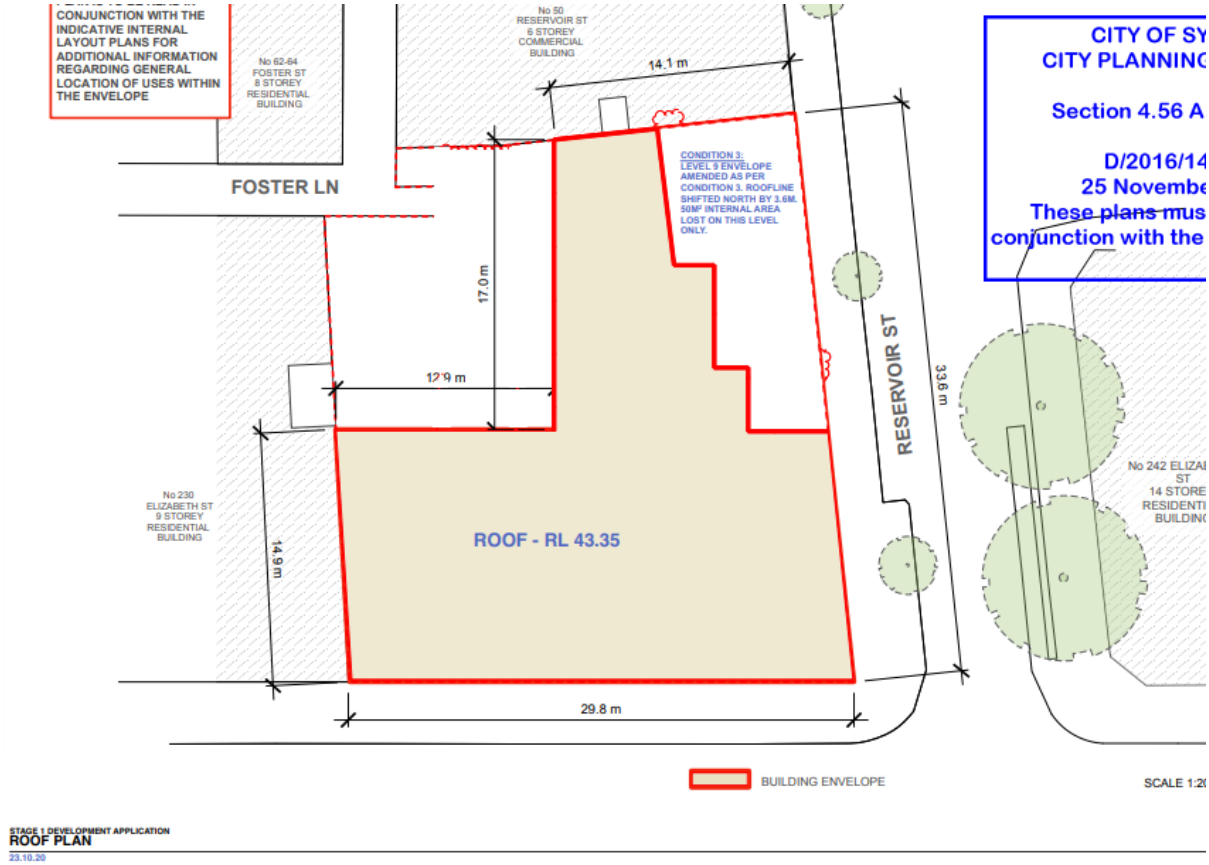


Figure 11 - Approved roof plan

Existing Planning Controls

Table 1 and Map Extracts A-F below provide a summary of the key planning controls in the Sydney LEP 2012 that are relevant to the site.

Table 1 - Current Sydney LEP 2012 Controls

Aspect	Control	Comment
Land Use Table **Zoning**	MU1 – Mixed Use	'Commercial premises' including business premises, office premises and retail premises are permitted with consent in the MU1 Mixed Use Zone. The future land use of the site envisioned under the indicative concept design is as an office premises with ground floor retail or business uses. These uses are permissible with consent and are consistent with the zone objectives to: • *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.* • *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.* • *To minimise conflict between land uses within this zone and land uses within adjoining zones.* • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* • *To ensure land uses support the viability of nearby centres.* • *To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*
4.3 **Height of Buildings**	35m	The parapet height of the proposed massing is 35m. An amendment is proposed to the Sydney LEP 2012 to permit a maximum height of RL 50.33.
4.4 **Floor Space Ratio**	5:1	The proposed massing has an FSR of 7.0:1. This planning proposal recommends increasing the site's maximum FSR to 7:1 to accommodate a future development consistent with the indicative concept design.
5.10	General	The site is not identified as a heritage item or as being within a heritage conservation area.

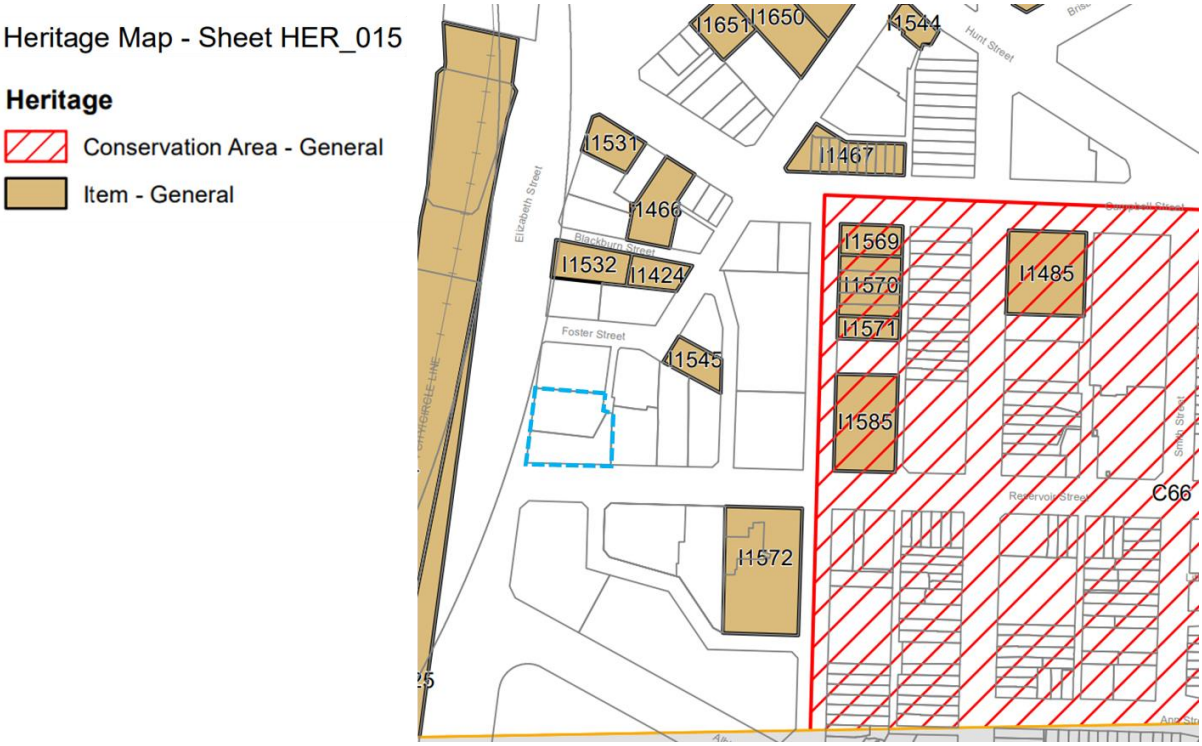
Heritage and Heritage Conservation	Brick oviform sewer	A brick oviform sewer runs below the site which has been dated to 1883. The sewer is not heritage listed but the indicative concept design locates the basement areas to the west of the sewer to avoid interference.
	Building age	While not heritage listed, the buildings on the subject site are more than 50 years old. A Heritage Impact Statement has been prepared by Urbis to consider the retention value of the existing buildings. The HIS finds that the buildings do not meet the criteria for heritage listing and supports demolition.
7.6 Public Transport Accessibility	Category D	Clauses 7.6 and 7.7 provide maximum parking rates for development. The applicable formula permits a maximum parking provision of 18.114 spaces. The basement shown in the indicative concept design depicts 18 car parking spaces. The exact provision of parking would be subject to a future DA.
7.14 Acid Sulfate Soils	Class 5	An Acid Sulfate Management Plan is required for works below 5m AHD by which the water table is likely to be lowered below AHD on adjacent land. A Desktop Geotechnical Assessment (Appendix J) indicates that the site of the concept design is not within, or close to an area of acid sulfate soil risk.

Map Extract A – Zoning Map Sheet 015

Map Extract B – Floor Space Map Sheet 015

Map Extract C – Height of Buildings Map Sheet 015

Map Extract D – Heritage Map Sheet 015



Map Extract E – Public Transport Accessibility Map Sheet 015

Map Extract G – Acid Sulfate Soils Map Sheet 015

Project Description

This planning proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to RL 50.33m (approximately 39.3m).

The proposed amendments to the Sydney DCP 2012 will require that development be contained within the building envelope depicted in the Building Envelope Plans provided by Angelo Candalepas and Associates. The building envelope includes the following attributes:

- A maximum street wall height of 35m above ground level (RL 46.03).
- Reduced and stepped street wall heights along the eastern portion of the Reservoir Street frontage.
- A maximum building height of RL 50.33 (approximately 39.3m).
- A pedestrian through site link equal to the width of Foster Lane along the site's eastern boundary to connect Foster Lane and Reservoir Street.
- The building envelope has nil setbacks to all street and side boundaries except where the through site link is provided.
- A single vehicular driveway crossover off Reservoir Street for access to basement parking and for loading.

Clause 6.21D(1)(a)(ii) of the Sydney LEP 2012 requires development greater than 25m in height and located outside of Central Sydney to undergo a competitive design process. Assuming the successful amendment of the Sydney LEP 2012 and DCP 2012 as proposed, the future detailed building design would be determined by the winner of a competitive design process and assessed as part of a detailed DA.

Notwithstanding the above, an indicative concept design has been prepared by Angelo Candalepas and Associates which is included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. The indicative concept design envisions demolishing the existing buildings for the development of a 10-storey commercial building with ground floor retail tenancies and a through-site link connecting Foster Lane and Reservoir Street. It includes the excavation of three basement levels with access via a car lift and driveway off Reservoir Street.

Use

The intended use of the site is as a commercial development. The indicative design depicts ground floor retail tenancies and commercial offices on all upper levels. This strategic land use is compatible

with the objectives of the 'Sydney Region Plan, A Metropolis of Three Cities' and the 'Eastern City District Plan' and various City of Sydney strategic plans and documents which all encourage job creation in areas serviced by public transport and improvements in the urban environment.

Extracts from the indicative reference design are included below to demonstrate how the site might be developed under the proposed controls.

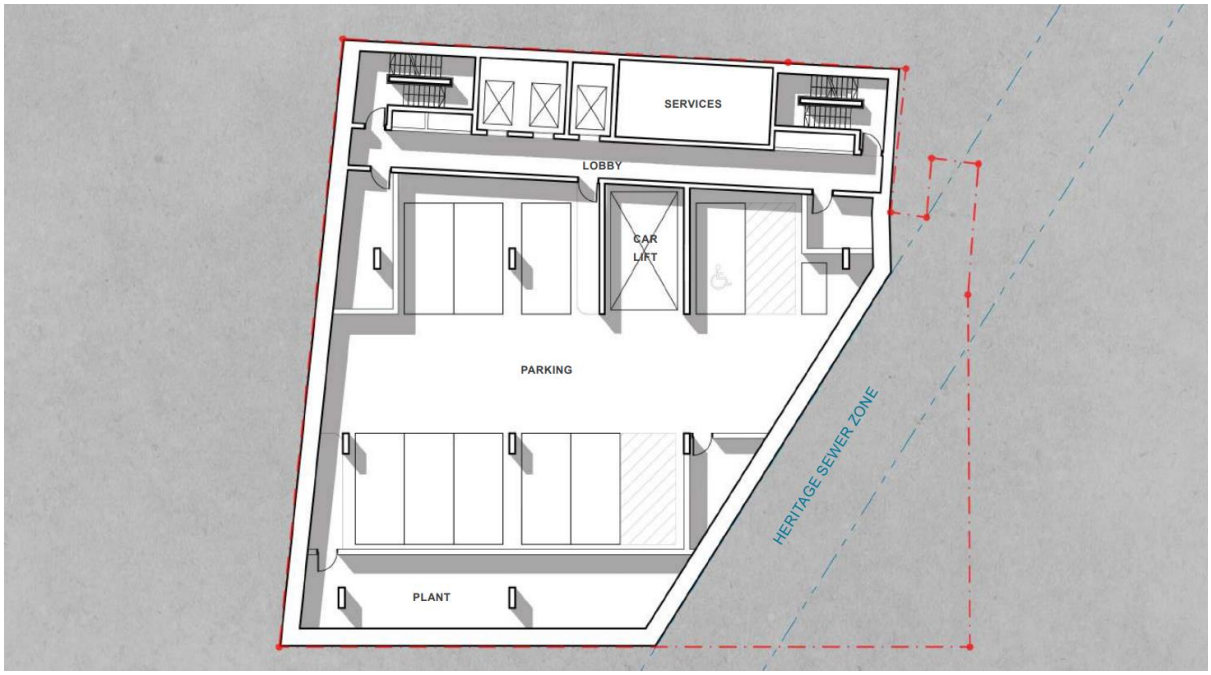


Figure 12 - Indicative Basement Levels 3-4

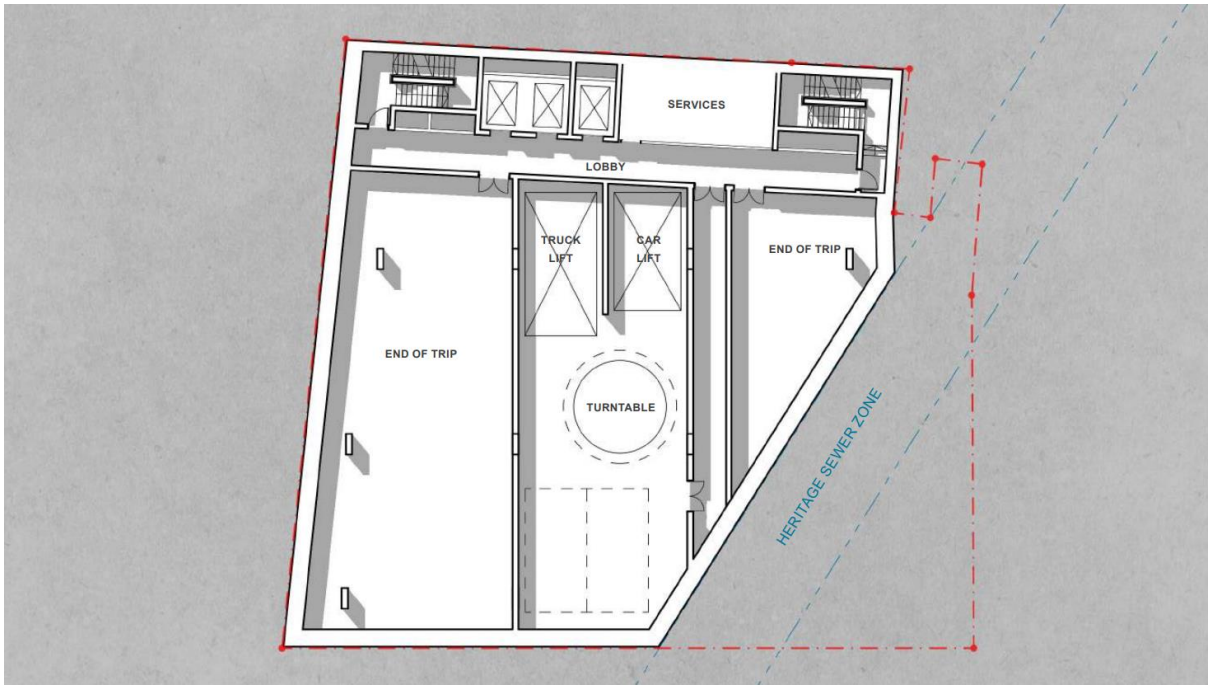


Figure 13 - Indicative Basement Level 2

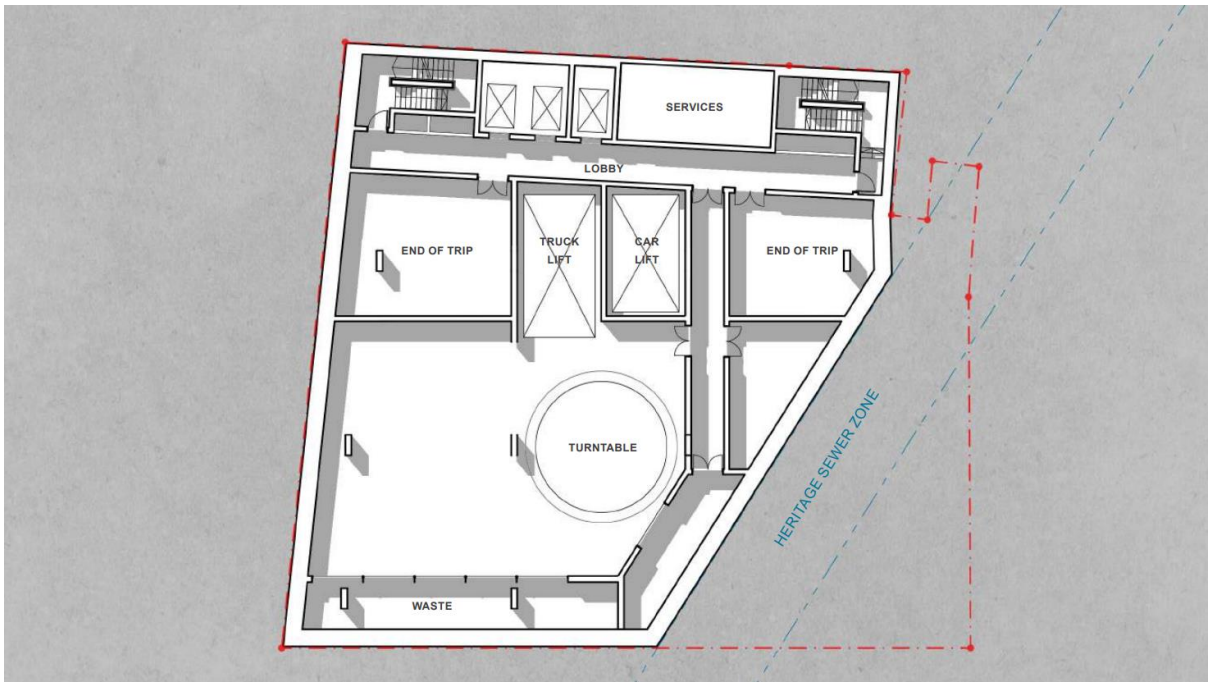


Figure 14 - Indicative Basement Level 1

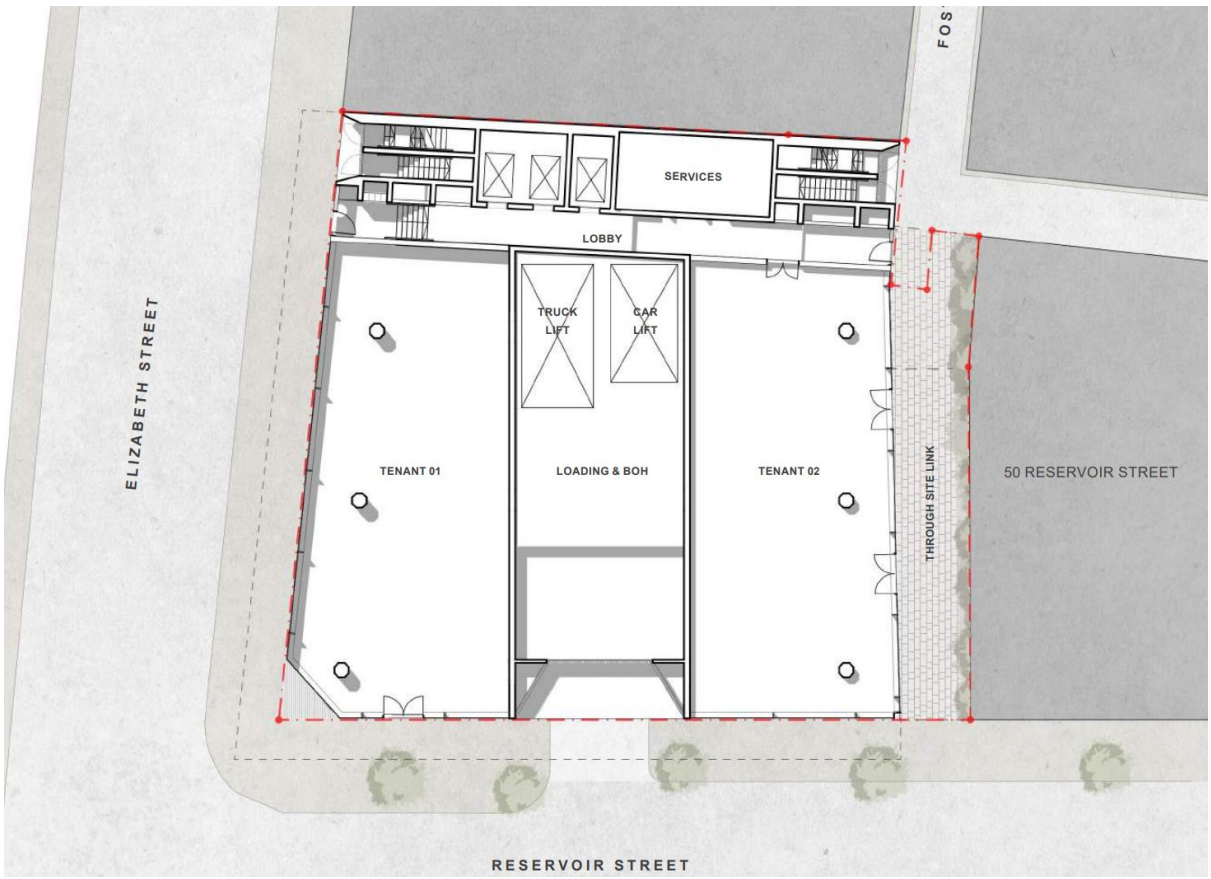


Figure 15 - Indicative Ground Floor

Figure 16 - Indicative Levels 1 to 7

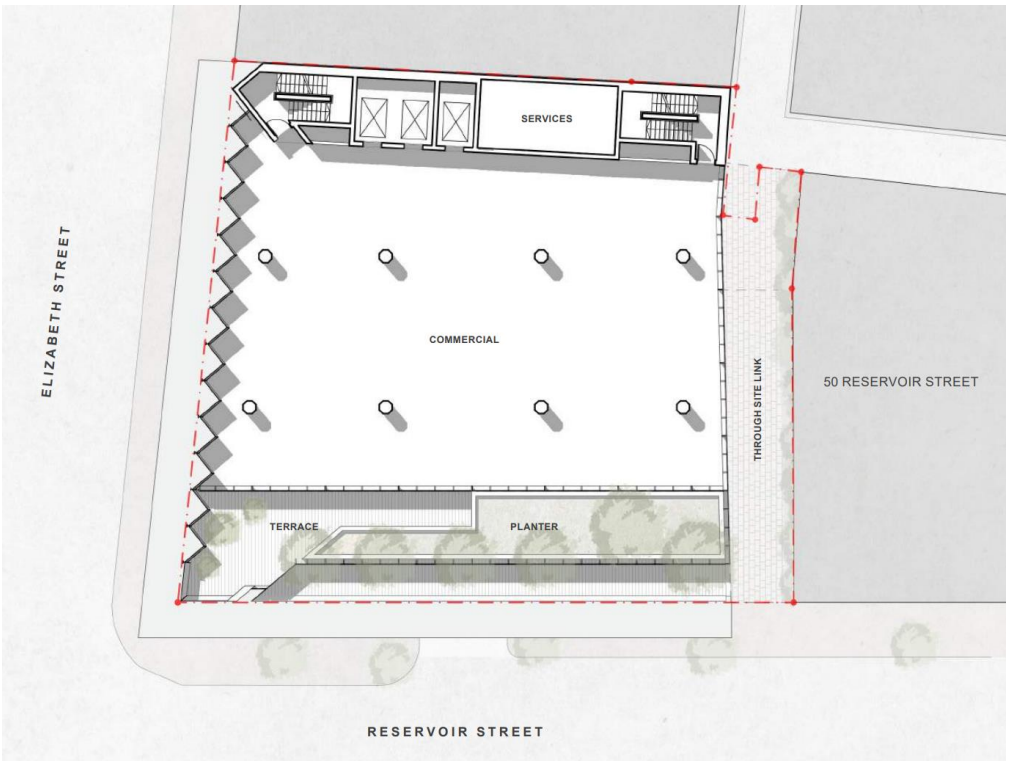


Figure 17 - Indicative Level 8

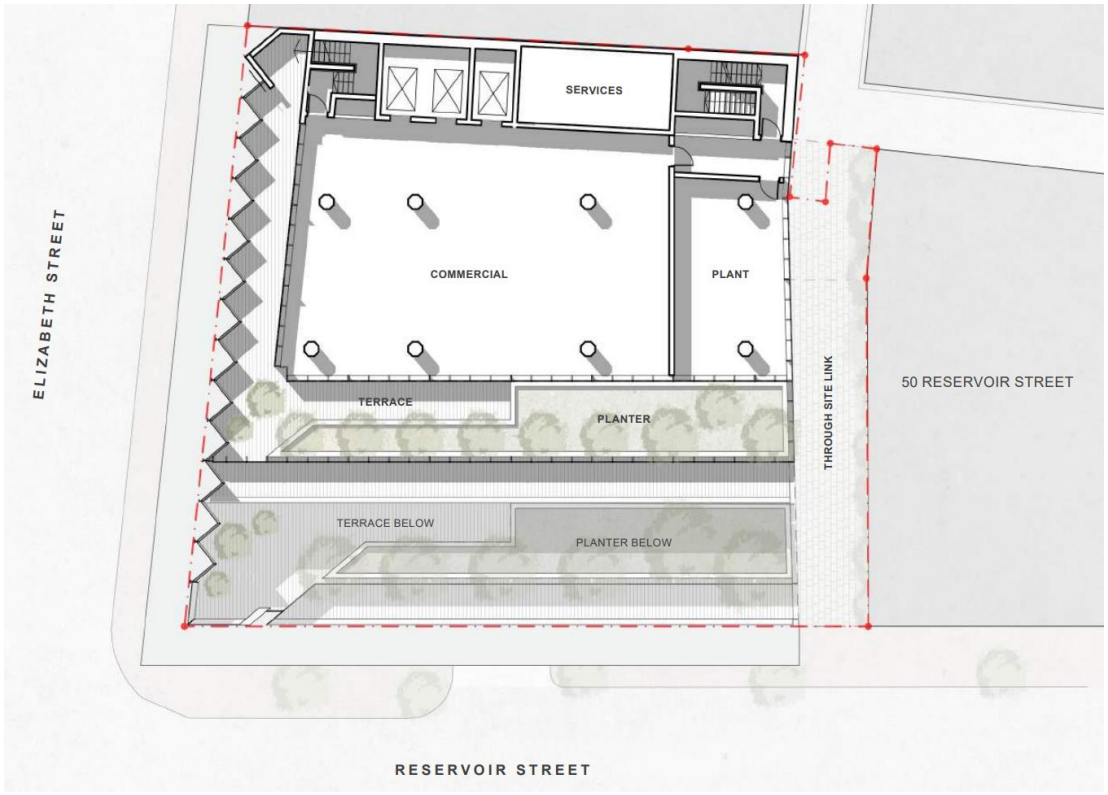


Figure 18 - Indicative Level 9

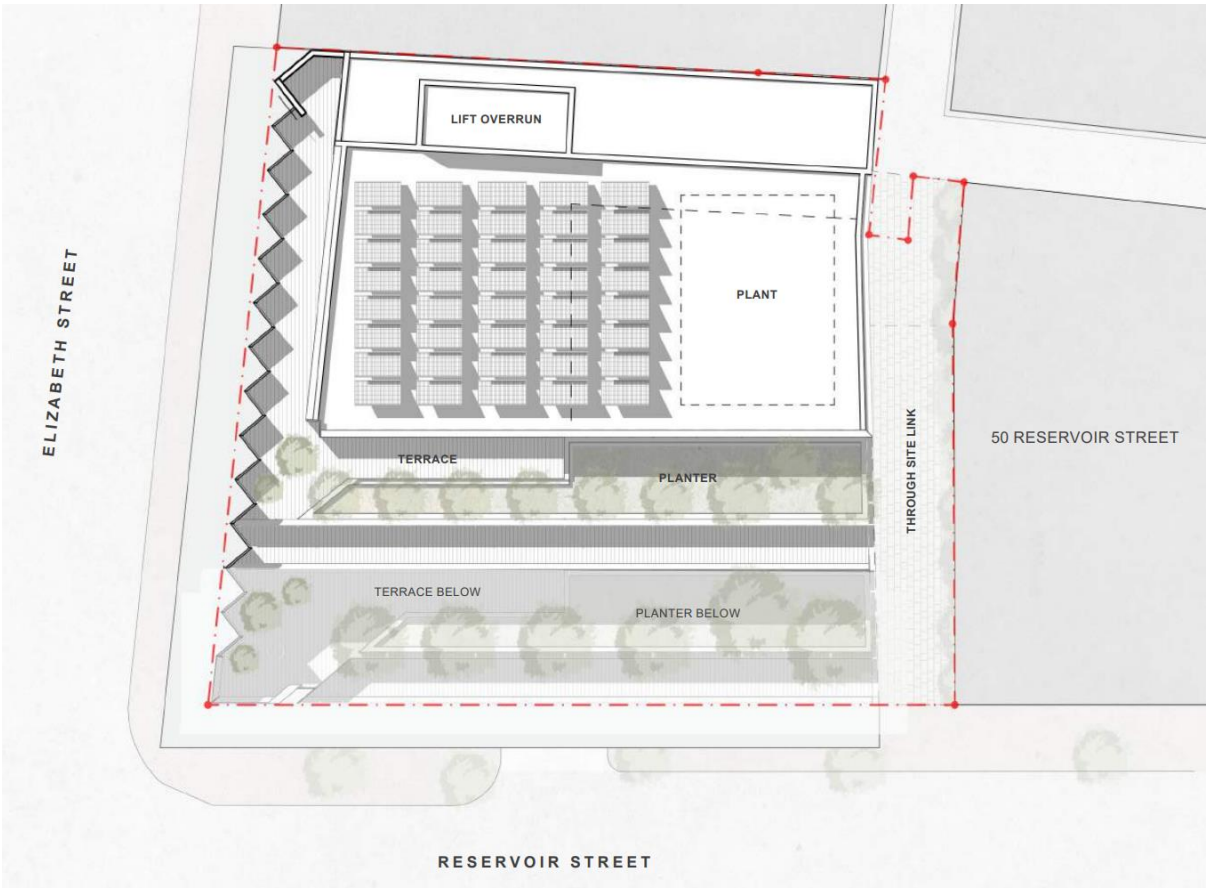


Figure 19 - Indicative Roof Level

Part 1 – Objectives and Intended Outcomes

The planning proposal will amend the Sydney LEP 2012 and Sydney DCP 2012 in relation to 232-240 Elizabeth Street, Surry Hills to:

- Enable the development of a non-residential building that is aligned with the MU1 Mixed Use zone objectives.
- Strategically incentivise land use change near Central Train Station to support the 30-minute city.
- Deliver increased commercial office floor space in the Sydney CBD Fringe area.
- Deliver an appropriate built form that responds to the scale of existing development around the site and will infill the existing gap in the upper-level street wall of Elizabeth Street.
- Provide a through site link connecting Foster Lane to Reservoir Street.
- Retain an acceptable level of solar access for 242 Elizabeth Street to the south of the subject site.

Part 2 – Explanation of the Provisions

This planning proposal seeks to amend the existing planning controls to allow for an increased floor space ratio and maximum building height on the site where it is used for non-residential purposes.

It is proposed to amend the Sydney LEP 2012 by:

- Inserting a new Clause under Part 6, Division 5 Site Specific Provisions, to create a site-specific provision that applies where the site is developed exclusively for non-residential purposes, and:
  - Permits a maximum building height of RL 50.33m.
  - Permits a maximum floor space ratio of 7:1.

Examples of proposed clauses

It is proposed to insert a new site specific Clause under Part 6, Division 5.

Part 6 Local provisions — height and floor space

Division 5 Site-specific provisions

6.## 232-240 Elizabeth Street, Surry Hills

(1) The objective of this clause is to provide for additional building height and floor space for development on certain land for the purposes of non-residential development.

(2) This clause applies to land at 232-240 Elizabeth Street, Surry Hills, being SP1379 and Lots 1 & 2 in DP 779385.

(3) Despite clauses 4.3 and 4.4, development consent may be granted to the erection of a new building, or alterations or additions to an existing building, on the subject land that will result in a building:

(a) with a maximum height of RL 50.33 metres, and
(b) with a maximum floor space ratio of 7:1.

(4) Development consent must not be granted under this clause unless the consent authority is satisfied that the development does not contain any residential land uses.

Part 3 – Justification of Strategic and Site-Specific Merit

The NSW Department of Planning and Environment Guide to Preparing Planning Proposals provides a two-part strategic merit test to justify changes to Local Environmental Plans. Part A of the test considers whether the proposal has strategic merit and is consistent with regional, district and local strategic plans and whether it responds to a change in circumstances. Part B considers whether the proposal has site-specific merit regarding the natural environment, existing and future land uses and current or future services and infrastructure.

The strategic merit is considered in sections A and B below while the site-specific merit is considered within sections C, D and E.

The proposal is considered to have site-specific merit as it would incentivise a commercial development in an appropriate location and would allow the site to respond appropriately to the scale of existing nearby development. The proposal will also create a through site link between Reservoir Street and Foster Lane which will contribute to the activation of the nearby lanes and will increase block permeability.

Section A – Need for the Planning Proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The proposal is the result of contextual urban analysis of the site in conjunction with economic impact analysis and other supporting expert reports identified in this Planning Proposal Justification Report. This research has identified an increased floor space ratio for non-residential land uses will have a positive economic impact on the LGA and is compatible with the existing urban environment.

The professional reports which support the proposal are referenced throughout this report and accompany the report as appendices. These reports are supportive of the proposal and demonstrate that it is consistent with the relevant strategic plans, State Environmental Planning Policies and Ministerial Directions.

Economic Impact Analysis

Planning Lab has prepared an Economic and Social Impact Report to accompany this application. The Report demonstrates that there is a strategic need for additional commercial floor space within Surry Hills and on the City Fringe. Surry Hills has had historically lower vacancy rates than the Sydney CBD since 2011 indicating strong demand for the area. Surry Hills offers agglomeration benefits for technology, professional services and creative industries having an existing concentration of these industries.

The site is zoned MU1 which permits residential development. It also currently has a stage 1 approval for a mixed-use building containing residential floor space. The proposed site-specific controls would incentivise development of a commercial office building through the greater floor

space incentive. A commercial development could support up to 301 jobs in line with the indicative concept design.

The Report also shows that the population demographics of Surry Hills and the City of Sydney LGA are younger than Greater Sydney. They are also more highly educated and more likely to be engaged in the labour market. The demographics of the local area indicate that some of the provided jobs will likely be taken by residents of Surry Hills and the City of Sydney LGA.

Urban Design Study

The planning proposal has been initiated by the proponent to enable an architectural design competition to be undertaken in accordance with Clause 6.21D1(a)(ii) of the Sydney LEP 2012 which will allow the achievement of an FSR of up to 7:1. The Urban Design Study by Angelo Candalepas Associates (Appendix A) includes a building envelope that is proposed for inclusion as a site specific DCP along with an indicative concept design utilising the building envelope. These have been developed based on the findings of the study.

The building envelope and indicative concept design have been developed following an extensive analysis of the area surrounding the site. Notably, the subject site has an FSR of 5:1 while neighbouring and nearby sites along Elizabeth Street have permissible or constructed FSRs of between 6.5:1 – 11:1. This has resulted in an inconsistent street wall along Elizabeth Street where the subject site currently hosts 3-storey buildings. Development under the existing FSR control would result in a building substantially lower than its neighbours. The proposed building envelope would match the average street wall height created by existing development resolving the inconsistency. The proposed building envelope steps down towards the West along Reservoir Street ensuring that a suitable height transition is provided to that frontage.

The Urban Design Study has also taken into consideration shadow impacts on the apartment buildings to the south at 242-254 Elizabeth Street and 33-37 Reservoir Street. The proposed building envelope provides a reduction in the overall overshadowing of these apartments in comparison to recent development approval for the subject site under D/2016/1451. Notably, apartments 601 and 602 at 242-254 Elizabeth Street will receive greater than 2 hours of solar access in mid-winter. The comparative overshadowing impact on 33-37 Reservoir Street is also reduced by the proposed building envelope.

Consideration has also been given to the existing street and lane network. The Urban Design Study recommends the creation of a pedestrian through site link which will connect Reservoir Street with Foster Lane.

The proposed built-form controls have been derived from the Urban Design Study. They are compatible with the character of the surrounding area and relevant strategic plans.

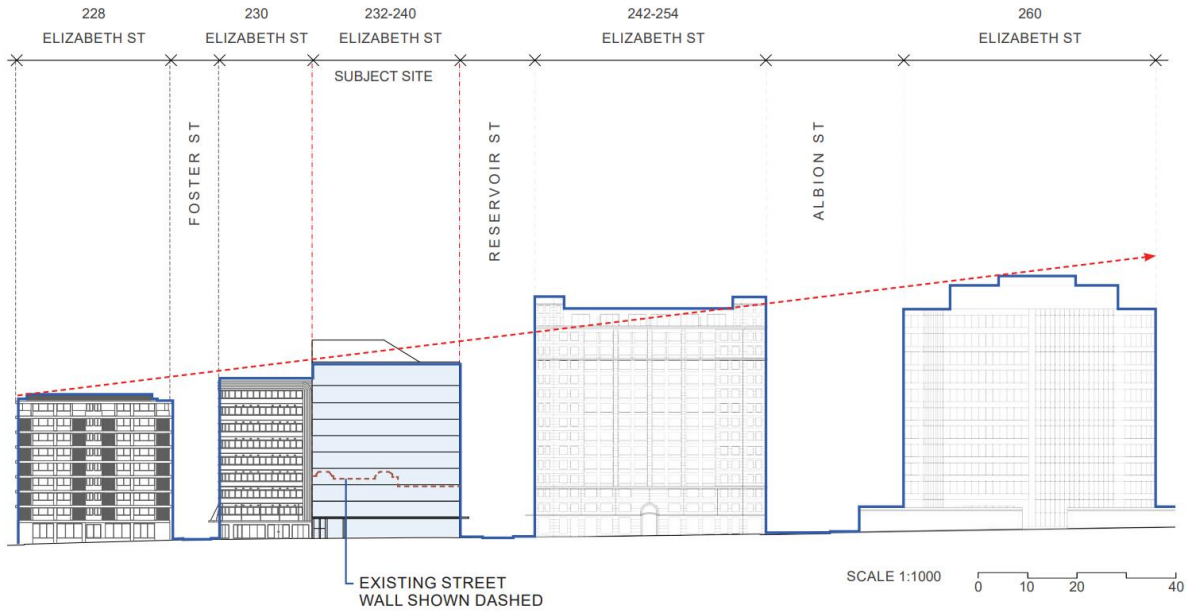


Figure 20 - Street wall of Elizabeth Street

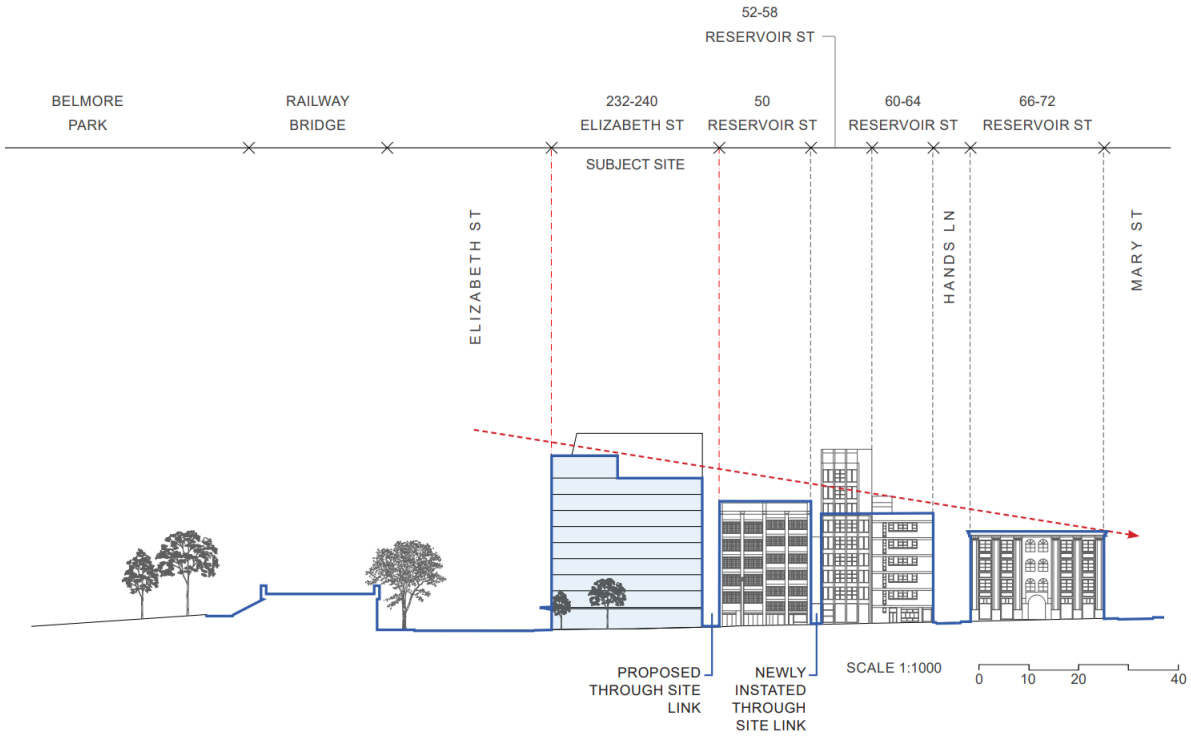


Figure 21 - Street wall of Reservoir Street

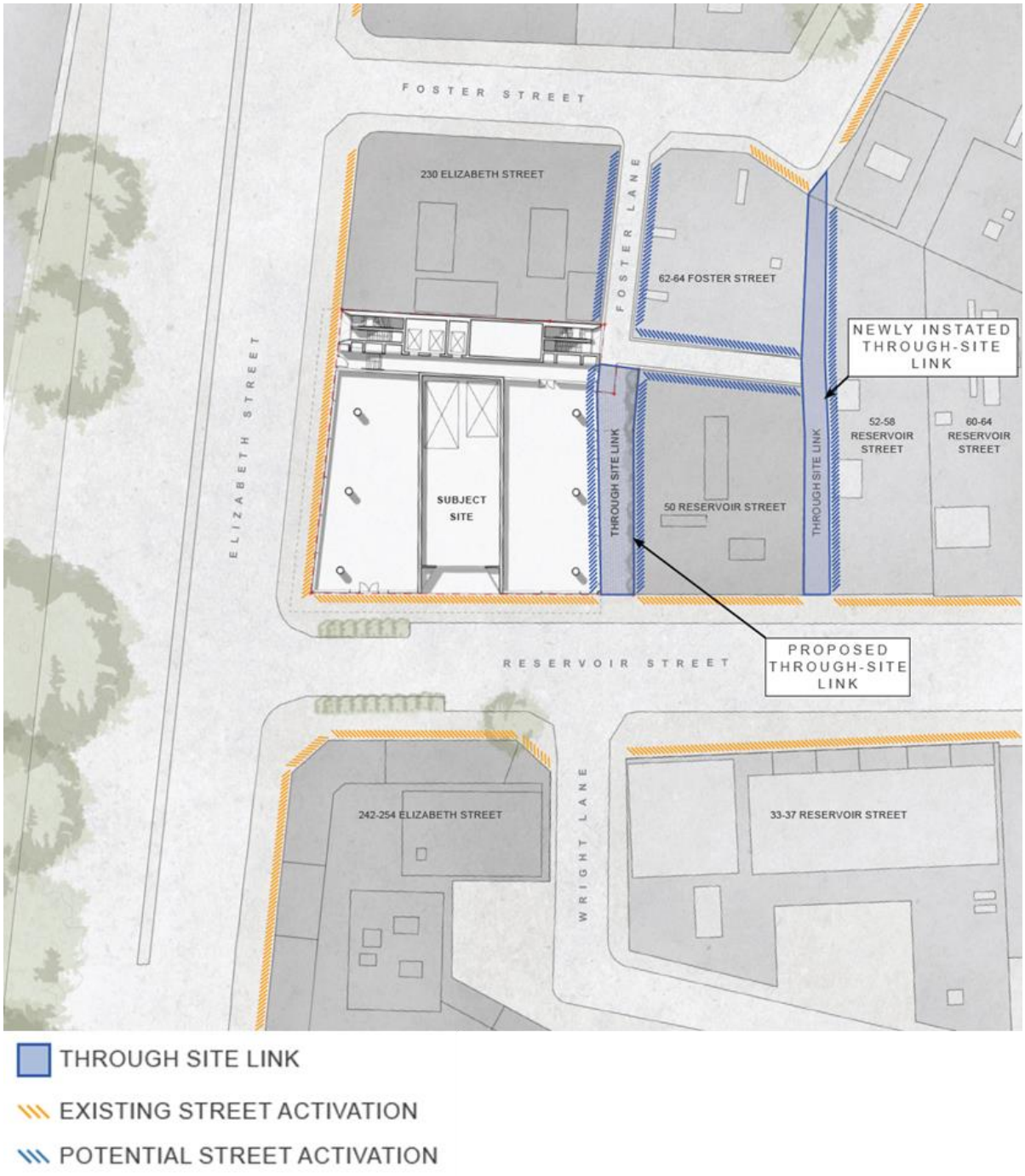


Figure 202 - Existing Street network analysis

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objectives of this proposal are to provide an improved urban form and public domain while delivering additional commercial floor space on the City's Fringe. The site is currently zoned to allow residential development and has an active consent for a part residential development under D/2016/1451/A. In the absence of an incentive towards commercial development, the site is likely to be developed, at least in part, for residential purposes under the existing controls.

The current building height controls permit buildings up to 35 metres and an FSR of 5:1. Under the existing controls, the site objectives cannot be achieved.

Under Clause 4.6 of the Sydney LEP 2012, development consent may be granted for development which exceeds the maximum height or FSR as set out on the relevant map. However, the FSR of the preferred scheme is substantially greater than the existing controls. Approval of a development application that substantially exceeds the height control would set an undesirable precedent, undermine the Sydney LEP 2012 height controls and prevent broader strategic considerations of allowing additional height at the site. Varying the existing maximum FSR control through a development application is not an appropriate way to achieve the objectives.

This planning proposal would increase the site's maximum height and FSR limits where no residential uses are proposed. It would also approve the proposed building envelope which has a lesser overshadowing impact on apartments to the south and which contains a through site link.

A planning proposal is the most suitable means of achieving the objectives and intended outcomes. By amending the Sydney LEP 2012 to allow for additional height and FSR, the indicative concept design will be enabled and the intended objectives can be met. By inserting a site-specific section into the Sydney DCP 2012 (Appendix B & C), Council can be assured of a positive built form outcome for the site that respects the amenity of surrounding development.

Following the planning proposal, an architectural design competition would be undertaken and a subsequent development application would then be submitted for Council's consideration.

Section B – Relationship to Strategic Planning Framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan, A Metropolis of Three Cities

The *Greater Sydney Region Plan, A Metropolis of Three Cities* was released by the NSW Department of Planning and Environment (DPE) in March 2018 and is the NSW Government's current strategic plan for metropolitan Sydney. The Plan provides a broad strategic vision for Sydney towards 2056 based on a polycentric strategy that divides Sydney into three cities, being the Eastern Harbour

City, the Central River City and the Western Sydney Aerotropolis. The site is centrally located within the Eastern Harbour City.

The Greater Sydney Region Plan identifies 40 objectives across categories of Infrastructure, Collaboration, Liveability, Productivity, Sustainability and Implementation. The objectives that are relevant to the proposal are discussed below in Table 2.

Table 2 - Compliance with the relevant objectives of the Greater Sydney Region Plan

Objective	Compliance	Comment
Objective 7 **Communities are healthy, resilient and socially connected**	Yes	The Economic Impact Analysis (Appendix D) which accompanies this proposal has considered the demographic profile of the Surry Hills area and City of Sydney. The profile of the Surry Hills neighbourhood is one of young professionals, typically employed in "white collar" industries which operate from commercial offices. There will be a large catchment of potential employees within walking distance of the subject site. The subject site is located approximately 300m walk from Central Train Station which will encourage the use of active transport. The proposal includes the creation of through site link between Foster Lane and Reservoir Street which will increase neighbourhood walkability. The proposal supports a healthy, resilient and socially connected neighbourhood.
Objective 12 **Great places that bring people together**	Yes	The proposal will facilitate the renewal of the currently underutilised site with a built form that responds to existing nearby development and which can provide an activated through site link. The proposal contributes positively to walkability and matches the desired fine grain urban form that helps to create great places. The proposal also has the potential to co-locates retail and commercial office spaces near areas of existing residential development. The proposal supports the objective of developing great places that bring people together.
Objective 13 **Environmental heritage is identified, conserved and enhanced**	Yes	While the subject site is not itself a heritage item or located within a heritage conservation area, the existing buildings are over 50 years old. Accordingly, a HIS has been prepared to accompany this proposal which has considered the possible heritage value of the buildings. The HIS demonstrates that there

		is no heritage retention value for the existing structures and supports demolition. The proposal has taken into consideration the conservation and enhancement of environmental heritage and has demonstrated that retention or heritage listing of the existing buildings is not appropriate.
Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	Yes	Objective 14 supports the creation of walkable, 30-minute cities. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport. The site is within easy walking distance of Central Train Station (about 300m) where train, bus and light rail services can all be accessed. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes travel time. The site's location within a mixed use zone and its close proximity to public transport promote walkability and the vision of a 30-minute city.
Objective 18 **Harbour CBD is stronger and more competitive**	Yes	The site is located within the Harbour CBD area. It will support the Harbour CBD's global role by increasing the supply of easily accessed commercial office space. Office space located on the City Fringe provides a less expensive alternative to the CBD which may appeal to smaller firms who are still able to benefit from the proximity to other companies.
Objective 22 **Investment and business activity in centres**	Yes	The site is located within the Harbour CBD area. Increasing commercial floor space is vital to maintaining access to high levels of employment opportunity and diversity combined with supporting services within the Sydney CBD.

Eastern City District Plan

The Eastern City District Plan is informed by the Greater Sydney Region Plan, *A Metropolis of Three Cities* and was released by the DPE in March 2018. It is the NSW Government's current strategic plan for the Eastern City District. The vision articulated for the Eastern City District is to "become more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs from the Asia Pacific Region".

The Eastern City District Plan identifies 21 Planning Priorities for the district to meet the strategic vision of the Greater Sydney Region Plan. The Planning Priorities that are relevant to the proposal are discussed below in Table 3.

Table 3 - Compliance with the Eastern City District Plan

Planning Priority	Compliance	Comment
Planning Priority E6 **Creating and renewing great places and local centres, and respecting the District's heritage**	Yes	The proposal will facilitate the renewal of the currently underutilised site. Under the proposed massing, a new through site link would be created between Reservoir Street and Foster Lane. The proposal would also achieve a street wall height consistent with nearby development. The proposal will contribute positively to the urban design and walkability of the local area.
Planning Priority E7 **Growing a stronger and more competitive Harbour CBD**	Yes	The proposal would create additional commercial floor space which is well located in relation to both Central Train Station and existing businesses operating in both the CBD and Surry Hills.
Planning Priority E10 **Delivering integrated land use and transport planning and a 30-minute city**	Yes	Planning Priority E10 supports the creation of walkable, 30-minute city. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport. The site is within easy walking distance of Central Train Station (about 300m) where train, bus and light rail services can all be accessed. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes commute. The site's location within a mixed use zone and with close proximity to public transport promotes walkability and the vision of a 30-minute city.
Planning Priority E11 **Growing investment, business opportunities and jobs in strategic centres**	Yes	The site is located within the Harbour CBD area. Increasing commercial floor space is vital to maintaining access to a large number of jobs and services within the Sydney CBD.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with *Sustainable Sydney 2030*, *Sustainable Sydney 2030—2050: Continuing the Vision* and the *City Plan 2036: Local strategic planning statement*. Each strategy is discussed in detail below.

Sustainable Sydney 2030

The current City of Sydney strategic plan is Sustainable Sydney 2030 (SS2030). SS2030 provides a vision of the Council being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 4.

Table 4 - Compliance with Sustainable Sydney 2030

Direction	Compliance	Comment
Direction 1 **A globally competitive City**	Yes	This planning proposal supports the creation of additional commercial floor space within the Eastern Creative Precinct and along the City Fringe. The indicative concept design shows that a high-quality urban design outcome can be achieved which will enhance the urban environment and contribute to the City's economy.
Direction 3 **Integrated transport for a connected city**	Yes	The subject site is located within short walking distance of Central Station providing high levels of access to train, light rail and bus services encouraging the use of public transport. The site is also located within walking and bike riding distance of large residential catchments in Surry Hills, Redfern, Darlinghurst, Paddington and Chippendale. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
Direction 4 **A city for walking and cycling**		
Direction 9 **Sustainable Development, Renewal and Design**	Yes	The proposal relates only to the creation of a maximum building envelope. The specific design will be subject to a future design competition where environmental performance will be considered. The indicative concept design is capable of meeting the requirements of NCC 2022 Section J.

Sustainable Sydney 2030—2050: Continuing the Vision

Sustainable Sydney 2030—2050: Continuing the Vision outlines the City's vision until 2050, guided by community consultation. It includes 10 directions and 10 targets for 2050. The relevant strategic directions and targets are considered in Table 5.

Table 5 - Compliance with Sustainable Sydney 2030—2050: Continuing the Vision

Direction	Compliance	Comment
Direction 4 **Design excellence and sustainable development**	Yes	The proposal includes the creation of a new through site link which will enhance walkability. The specific design will be subject to a future design competition and a development application. The design would be required to satisfy design excellence requirements.
Direction 5 **A city for walking, cycling and public transport**	Yes	The proposal would locate commercial floor space in a highly accessible area, encouraging the use of public transport.
Direction 9 **A transformed and innovative economy**	Yes	The proposal would provide additional commercial floor space within the Eastern Creative Precinct and along the City Fringe.
Target 5 **By 2036 there will be approximately 700,000 jobs in the City of Sydney local area including 200,000 new jobs compared to 2017.**	Yes	The proposal would provide additional commercial floor space within the Eastern Creative Precinct and along the City Fringe. The proposed envelope is estimated to host 301 jobs at occupation which is 86 jobs more than could be potentially accommodated by a commercial development with a maximum FSR of 5:1. This will assist the City to accommodate the additional 200,000 jobs required between 2017-2036.
Target 8 **By 2050 people will use public transport, walk or cycle to travel to and from work.**	Yes	The subject site is located within short walking distance of Central Station providing high levels of access to train, light rail and bus services encouraging the use of public transport. The site is also located within walking and bike riding distance of large residential catchments in Surry Hills, Redfern, Darlinghurst, Paddington and Chippendale. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
9. By 2030 every resident will be around a 10-minute walk to what they need for daily life.	Yes	The indicative concept design envisions active retail frontages on the ground level. Retail tenancies contribute to the provision of services for nearby residents and people who work in the area.

City Plan 2036: Local strategic planning statement

The *City Plan 2036: Local strategic planning statement* (LSPS) provides a vision of the City being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 6.

Table 6 - Compliance with City Plan 2036: Local strategic planning statement

Priorities	Compliance	Comment
Priority I1 **Movement for walkable neighbourhoods and a connected city**	Yes	The proposal includes the creation of a new through site link which will enhance walkability. Bicycle parking will be provided on site along with end of journey facilities in compliance with the requirements of the Sydney DCP 2012.
Priority I2 **Align development and growth with supporting infrastructure**	Yes	The proposal would permit the site to host up to an additional 1,811m^2 of GFA above its current capacity. This is equivalent to an additional 86 commercial office jobs being located within walking distance of Central Station. The subject site is well serviced by existing infrastructure.
Priority L2 **Creating great places**	Yes	The proposal will create a new through site link between Foster Lane and Reservoir Street. Enhancing block permeability supported by active frontages enhances walkability and supports the liveability of the neighbourhood.
Priority P2 **Developing innovative and diverse business clusters in City Fringe**	Yes	The subject site is located within the City Fringe and is part of the Eastern Creative Precinct. Figure 63 of the LSPS identifies job clusters around the site in "information media", "creative industries", "professional industries" and "Health Services". The proposal to provide additional commercial office space is consistent with encouraging the continued development and location of these industries on the City Fringe and in the Eastern Creative Precinct. The LSPS notes that: *"without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD."* The subject site is located within a mixed use zone that permits residential development and has an existing approval for a part residential development. The proposed site specific LEP controls would increase density only for development that did not include a residential component. This will incentivise commercial

		development of the site to assist in meeting the 2036 District Plan jobs target. The proposal supports Priority P2 by incentivising well located commercial development.
Priority S2 **Creating better buildings and places to reduce emissions and waste and use water efficiently**	Yes	The proposal relates only to the creation of a maximum building envelope. The specific design will be subject to a future design competition where environmental performance will be considered. The indicative concept design is capable of meeting the requirements of NCC 2022 Section J.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State or regional studies or strategies require consideration.

Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is not inconsistent with the conditions of any State Environmental Planning Policies (SEPPs). The SEPPs which apply to this development are considered in Tables 7 and 8.

Table 7 - Compliance with the relevant SEPPs

SEPP	Consistent	Comment
Transport and Infrastructure SEPP	Yes	The streets surrounding the subject site are not classified roads. The indicative concept design and proposed site specific DCP amendments locate the site's driveway access off Reservoir Street. Traffic advice obtained from Traffix (Appendix F) finds that this location can meet all relevant safety standards and will not unduly impact the local road network. The proposal is consistent with the Transport and Infrastructure SEPP.
Biodiversity and Conservation SEPP	Yes	The site does not fall within the foreshore area of the Sydney Harbour Catchment. The planning proposal is unlikely to have any effect on Sydney Harbour or the foreshore area. The planning proposal is consistent with the Biodiversity and Conservation SEPP.

Resilience and Hazards SEPP	Yes	There is no proposed change to the site's zoning. Notwithstanding, a contamination Study by Douglas Partners (Appendix E) accompanies this application. It finds that the potential for widespread site contamination is low to moderate and that it is unlikely that contamination would render the site unsuitable for future development. This planning proposal is consistent with the Resilience and Hazards SEPP.
Industry and Employment SEPP	N/A	This planning proposal does not contradict or hinder the application of the Industry and Employment SEPP.
Planning Systems SEPP	N/A	The indicative concept plan provided alongside this planning proposal would not trigger any requirements under the Planning Systems SEPP.
Design and Place SEPP	N/A	The proposed site specific controls would only apply to a building with no residential uses. The proposal does not contradict or hinder the application of the Design and Place SEPP.
Housing SEPP	N/A	The proposed site specific controls would only apply to a building with no residential uses. The proposal does not contradict or hinder the application of the Housing SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	This planning proposal does not contradict or hinder the application of the Exempt and Complying Development SEPP.

Is the planning proposal consistent with applicable s9.1 Ministerial Directions (formerly s.117)?

This planning proposal is not inconsistent with the conditions of any Ministerial Directions under s9.1 of the EP&A Act. The Ministerial Directions which apply to this development are considered in Table 8.

Table 8 - Compliance with the relevant s9.1 Ministerial Directions

Ministerial Directions	Objectives	Consistency
1. Planning Systems		
1.3	*The objective of this direction is to ensure that LEP provisions encourage*	**Consistent.**

Approval and Referral Requirements	*the efficient and appropriate assessment of development.*	No provisions are being proposed which would require the concurrence, consultation or referral of development applications to a Minister or public authority nor identify the development as designated development.
1.4 **Site Specific Provisions**	*The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*	**Consistent.** The site is zoned MU1 – Mixed Use which permits commercial developments. The proposal does not require the amendment of the Sydney LEP land use table. The planning proposal is accompanied by an indicative concept design which demonstrates that the proposed building envelope can accommodate a suitable development. The indicative concept design is not a proposed development.
3. Biodiversity and Conservation		
3.2 **Heritage Conservation**	*The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*	**Consistent.** The subject site does not contain any heritage items. The existing buildings have been assessed for heritage significance and are shown to not meet the criteria for individual heritage listing.
4. Resilience and Hazards		
4.1 **Flooding**	*The objectives of this direction are to:* *(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and* *(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood*	**Consistent.** A Flood Report has been prepared by IGS to accompany this application (Appendix G). It demonstrates that the site's flood affectation is minor and can be readily addressed at the development application stage. The site specific controls being proposed have no impact on the permissible uses of the site or its response to flooding.

	impacts both on and off the subject land.	
4.4 **Remediation of Contaminated Land**	*The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.*	**Consistent.** The planning proposal does not seek to change the site's zoning under Sydney LEP 2012.
4.5 **Acid Sulfate Soils**	*The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.*	**Consistent.** The Desktop Contamination Study by Douglas Partners (Appendix E) found that the site is not located in a known acid sulfate soil area.
5. Transport and Infrastructure		
5.1 **Integrating Land Use and Transport**	*The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:* *(a) improving access to housing, jobs and services by walking, cycling and public transport, and* *(b) increasing the choice of available transport and reducing dependence on cars, and* *(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and* *(d) supporting the efficient and viable operation of public transport services, and* *(e) providing for the efficient movement of freight.*	**Consistent.** The planning proposal increases the permissible FSR of the site where no residential land uses are proposed. The subject site is proximate to a large catchment of residents within walking and cycling distance of the site. It is also located approximately 300m from Central Station providing the highest possible level of public transport access for the site. Development under the proposed controls would encourage the use of active and public transport modes to access the site.
7. Industry and Employment		

7.1 **Business and Industrial Zones**	*The objectives of this direction are to:* (a) *Encourage employment growth in suitable locations,* (b) *protect employment land in business and industrial zones, and* (c) *support the viability of identified strategic centres.*	**Consistent.** The planning proposal would increase the potential available floor space for commercial development of the subject site.

Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site of the planning proposal is within the Sydney CBD and is currently occupied by 3 storey buildings. There is unlikely to be any adverse impact on a critical habitat or threatened species, populations or ecological communities, or their habitats because of the proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are a range of environmental effects that will arise because of the planning proposal. They will all be managed effectively and are considered in detail in the following sections.

Urban Design

The proposed building envelope was designed to facilitate development that will enhance the site's response to the surrounding urban environment. An Urban Design Study (Appendix A) was undertaken by Angelo Candalepas and Associates and considers the envelope's response to surrounding buildings in detail. It also includes an indicative concept design which demonstrates how the proposed building envelope will promote good urban design.

The Study includes an assessment of the FSRs of surrounding buildings considering both the maximum permissible FSR and the FSR as built (figure 21). The Study identifies that the site is located between a constructed building to the north with an FSR of 6.5:1 and a constructed building to the south with an FSR of 11:1. Other nearby buildings on comparable sites typically have FSRs within this range of 6.5:1 – 11:1. This assessment demonstrates that an FSR of 7:1 on the subject site

would not be inconsistent with existing pattern of development or a substantial change from the prevailing controls.

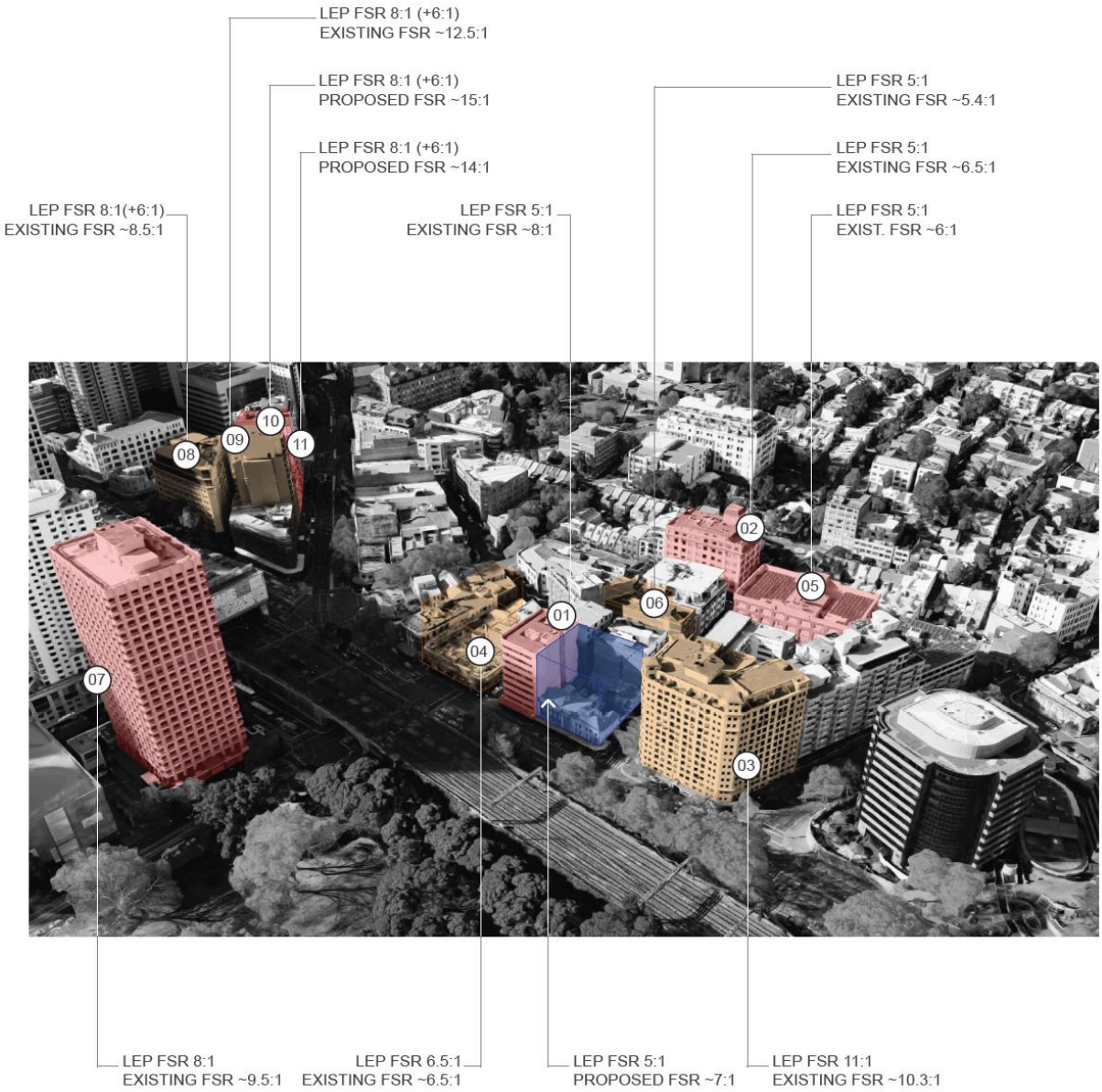


Figure 213 - Density of nearby development

The site is currently underdeveloped in comparison to its neighbours. This causes an inconsistent street wall height along Elizabeth Street. Maintaining the current FSR of 5:1 is likely to result in any future commercial development having a lower height than the northern neighbour at 230 Elizabeth Street. This would effectively mandate an inconsistent street wall height. The proposed building massing utilising an FSR of 7:1 would provide an appropriate height transition between the site's northern and southern neighbours creating a positive urban outcome (figures 24-25).

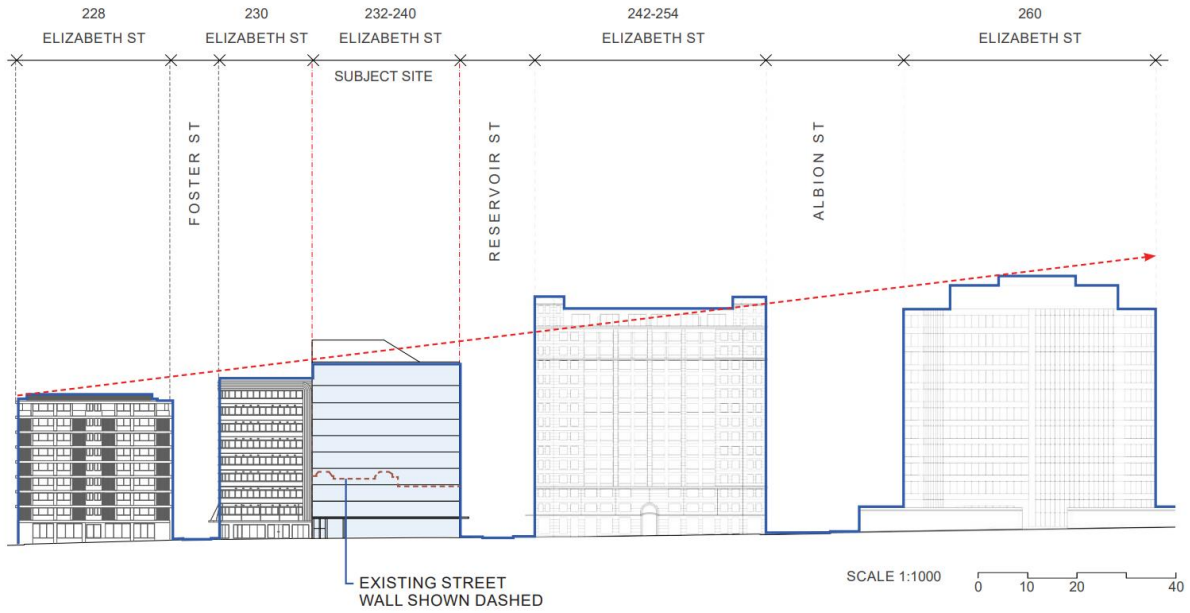


Figure 224 - Building envelope response to street wall along Elizabeth Street

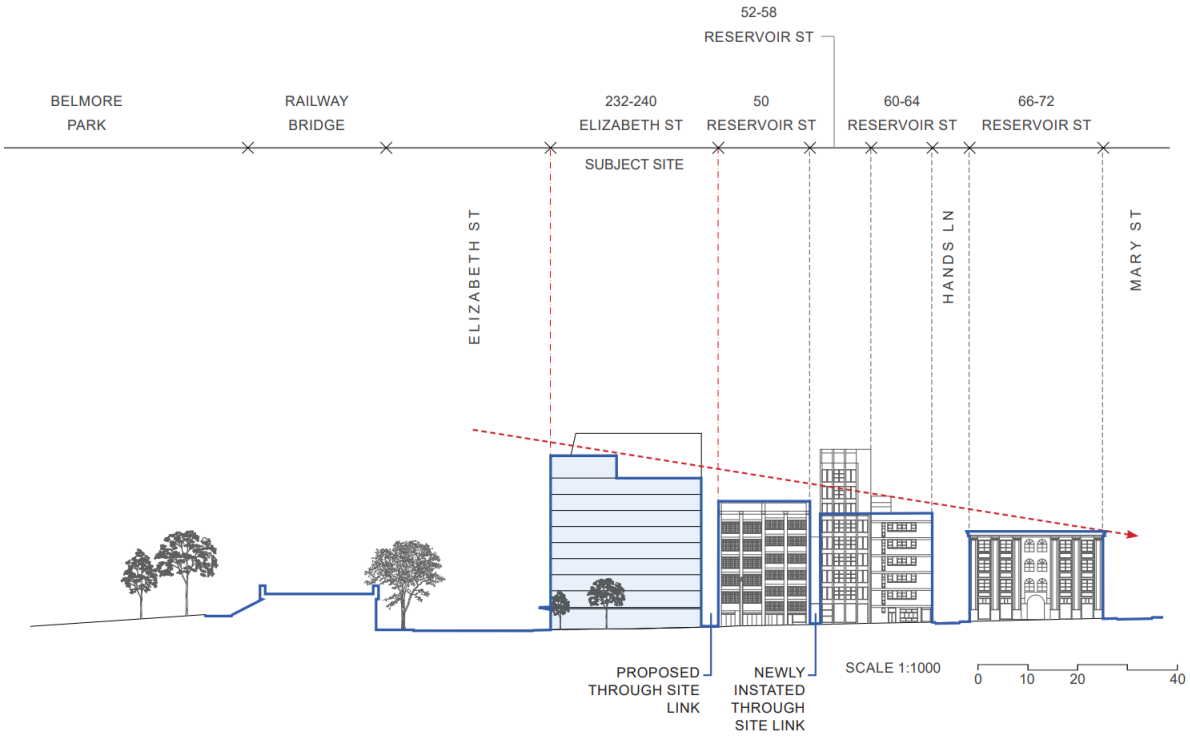


Figure 235 - Building envelope response to street wall along Reservoir Street

The proposed envelope steps down towards the east along Reservoir Street which has dual benefits. Firstly, it responds better to the scale of Reservoir Street providing a height transition towards 50 Reservoir Street, mediating between the prevailing heights of both Elizabeth and Reservoir streets. Secondly, the stepped façade also reduces shadow impacts on apartments to the south at 242-254 Elizabeth Street and 33-37 Reservoir Street which is considered in more detail below.

The proposed building envelope also includes the creation of a new pedestrian through-site link. This is proposed as a result of analysis of the surrounding street network. The proposed through site link is intended to work in concert with the newly instated link at 52 Reservoir Street to open greater opportunities for activation within the rear lanes. The indicative concept design demonstrates the potential for activation of the entire through site link with an active retail frontage and office lobby entrance.

The indicative concept design demonstrates that a commercial building with an FSR of 7:1 can be accommodated within the proposed building envelope. It shows that active frontages can be provided to all streets with a single vehicle crossover from Reservoir Street. It shows that the single vehicle crossover can be minimised and well-integrated into the design.

The proposed building envelope will enable a superior urban design outcome in comparison with the site's existing controls by allowing development to better match its surrounding. The proportions of the proposed building envelope have been developed to facilitate a development that achieves design excellence and responds positively to the urban environment.

Overshadowing and privacy of nearby residential apartments

The subject site is located north of two multi-storey residential apartment buildings at 242-254 Elizabeth Street and 33-37 Reservoir Street. The location of the sites in relation to each other necessitates that the proposed building envelope consider its shadow impact upon these existing buildings.

The subject site has an approved Concept Development Application under D/2016/1451 which has established a possible building envelope for the site. It includes a condition of consent requiring modification of the building envelope to ensure that a minimum of 2 hours solar access is maintained to apartments 601 and 602 at 242-254 Elizabeth Street at midwinter. The proposed building envelope has been designed to contain a greater amount of floor space but results in a lower amount of overshadowing of the southern residential apartment buildings in mid-winter than the approved concept scheme under D/2016/1451.

The reduced shadow impact is a result of two factors:

1. The inclusion of a 3.4m wide through site link on the eastern side boundary; and,
2. Increased average setback depth on the upper two levels.

The Urban Design Report includes a detailed shadow impact analysis demonstrating the shadow impacts of the proposed building envelope and comparing this against the shadow impact of the concept envelope approved under D/2016/1451 (Figures 24-25).

The analysis demonstrates that the total time of solar access in mid-winter for apartment 601 is increased from 3:45 to 4:15 hours and is increased for apartment 602 from 1:45 to 2:15 (Figure 26). Under the proposal, solar access to both apartments is increased and achieves compliance. While not mapped to specific apartments, the shadow diagrams also demonstrate a notable reduction in overshadowing of 33-37 Reservoir Street in comparison to the approved concept envelope.

The indicative concept design depicts the Level 8 and 9 terraces offering privacy protection for the adjacent apartments. This is in the form of dense planting and view shielding. During detailed design,

various design techniques can be incorporated to ensure that the use of upper level terraces does not diminish the privacy of apartments in the apartments to the south.

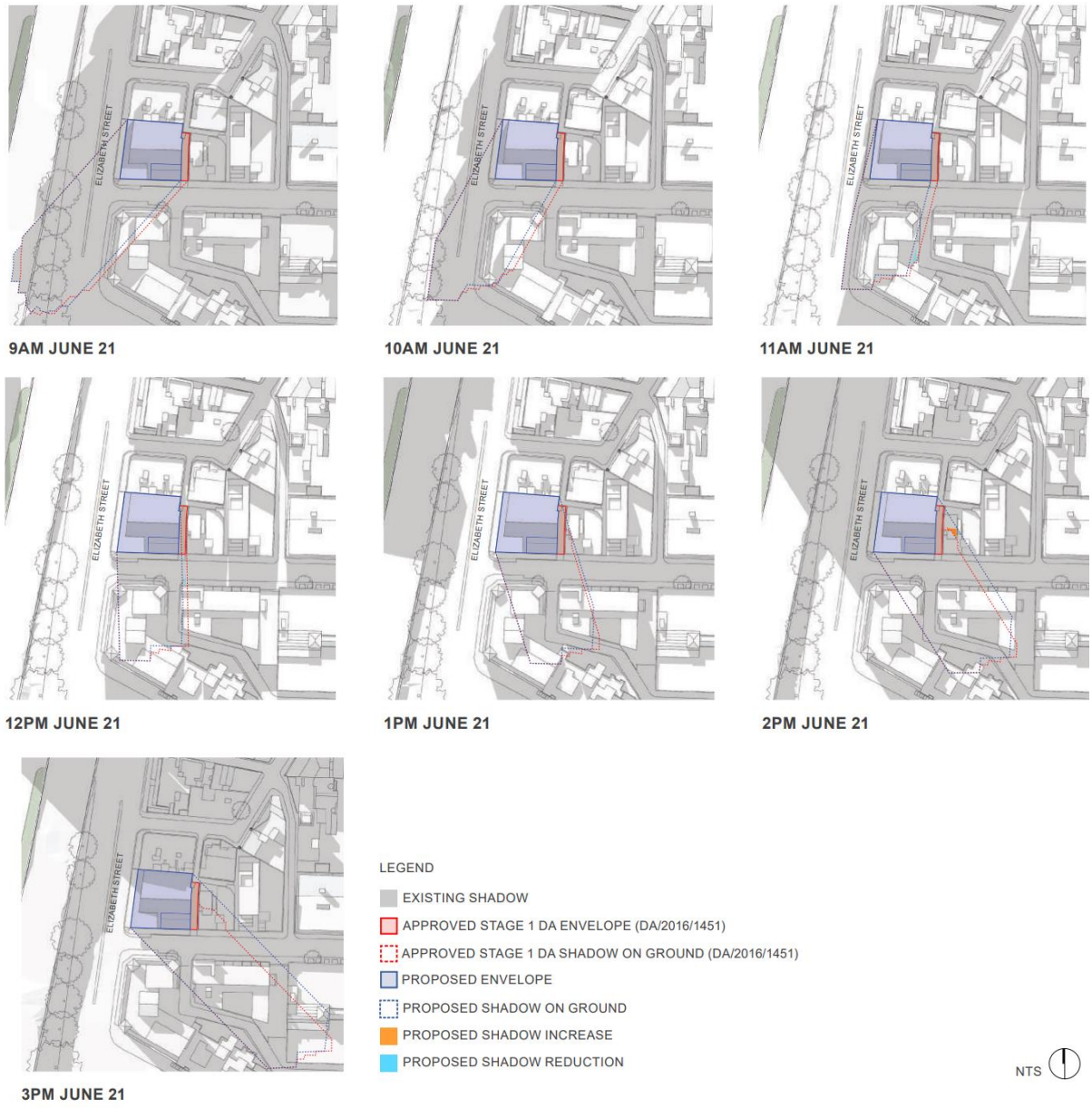


Figure 246 - Shadow diagrams

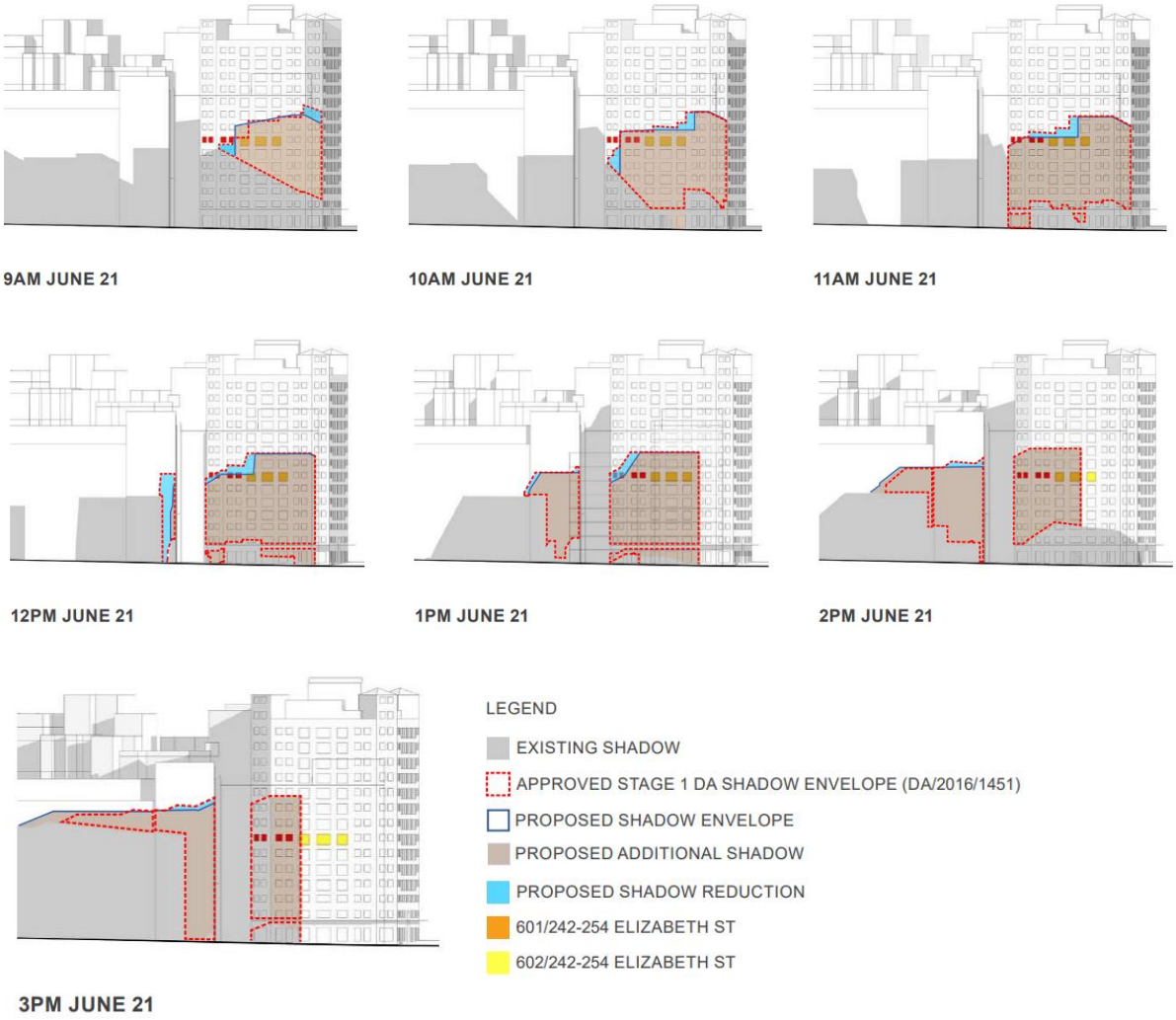


Figure 257 - Elevational shadow diagrams showing 242-254 Elizabeth Street and 33-37 Reservoir Street

APPROVED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601														3HR 45MIN	COMPLIES	N/A
602														1HR 45MIN	NON-COMPLIANCE	N/A

PROPOSED

UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601														4HR 15MIN	COMPLIES	+13%
602														2HR 15MIN	COMPLIES	+28%

INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

Figure 268 - Outcome of comparative solar analysis

Heritage Significance

The site is not heritage listed and is not located within a Heritage Conservation Area. However, it is located within the vicinity of several heritage items which are listed on the Sydney Local Environmental Plan (Sydney LEP) 2012 and the State Heritage Register including Belmore Park (local item I825) and the Central Railway Station group (State heritage item (I824). While none are individually listed as heritage items, the subject site contains several buildings which are over 50 years old.

A Heritage Impact Statement has been prepared by Urbis and is attached to this planning proposal Justification as Appendix H. The Statement was prepared to assess the potential heritage impacts of the indicative concept design on the surrounding heritage items and whether any of the existing buildings on site met the requirements for individual heritage listing.

The HIS identifies 232-236 Elizabeth Street to be occupied by a building with some components of a Federation Free style façade but with little noteworthy architectural detailing. The remaining existing 19th century buildings on the site are late Victorian residential structures which is a common typology within the area. Further, the buildings have been heavily modified both internally and externally. Further, the existing buildings are found to have no relationship with the character or scale of the street. The existing buildings are found to have no heritage retention value and their demolition is considered acceptable from a heritage perspective.

The heritage impacts of the indicative concept design have been assessed and were found to be acceptable from a heritage perspective. The 10-storey design is consistent with the existing pattern of development in the area and does not significantly impact on any heritage item in the vicinity. The proposed building envelope was found to not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. The introduction of a new pedestrian through site link was found to permit a visual distinction between new works on the subject site and early 20th century building works to the rear of the site. The proposed building envelope will not negatively impact on the heritage values of any nearby buildings or heritage items.

Archaeological Assessment including Aboriginal Due Diligence

A Preliminary Archaeological Assessment Including Aboriginal Due Diligence Report has been prepared by Curio and is attached to this planning proposal Justification as Appendix I. The Report considers the potential for a future development to encounter objects of archaeological significance in relation to either Aboriginal or non-Aboriginal settlement.

The Report finds that there are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area. However, the area around the site is known to have been used by past Aboriginal groups. The undisturbed soils below the existing structures have moderate Aboriginal archaeological potential.

The Report finds that there is a low to moderate likely potential for archaeological findings related to non-Aboriginal settlement.

The Report makes a range of recommendations for application at later stages of development to protect any archaeological findings that could be made during excavation and construction.

Contamination

A Desktop Contamination Study has been prepared by Douglas Partners to accompany this planning proposal as Appendix E. The Contamination Study was prepared concurrently with the Geotechnical Desktop Study described above.

The Desktop Contamination Study was not able to definitively identify all previous uses of the subject site and has identified some potential sources of contamination that might be present on the site. The Study's conclusion states in part (emphasis added):

> *"Based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development."*

The Study recommends that intrusive investigation be undertaken at a later stage of development. The findings of the report indicate that the site can be made suitable for commercial uses under a future redevelopment.

Geotechnical

A Report on Desktop Geotechnical Assessment has been prepared by Douglas Partners and is attached to this planning proposal as Appendix J. The Geotechnical Report relies on previous investigations undertaken by Douglas Partners on the site in 2015. The Report provides comments for consideration in future detailed design and recommends further investigation during the DA stage of development.

Flooding

The City of Sydney's Darling Harbour Catchment TUFLOW model identifies that the site is flood affected. Council's flood model shows that the site is affected by overland flows flowing from the eastern side along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street. Elizabeth street along the west side of the site is very flat and a maximum approximate flood depth of 350mm can be seen along Elizabeth Street during 1% AEP storm events.

A Flood Advice Report has been prepared by Integrated Group Services (Appendix G) to consider the flood impacts upon the indicative concept design. It finds that the predicted flooding depths around the site vary from 50 – 20mm during 1% AEP storm events, and there is no downstream trapped low point. It recommends therefore that expecting the finished floor levels to be set 500mm above the 1% AEP level is unreasonable. Adopting the FPL standard for commercial premises outside the floodplain, a flood planning level at or above the 1% AEP would protect the ground floor ingress points and allows more reasonable finished floor levels to be adopted.

The Review finds that the building envelope is capable of hosting a development that will comply with the flood planning levels per the City of Sydney's Interim Flood Planning Management Policy.

Landscape and Tree Removal

A Landscape Plan has been prepared by Black Beetle and is attached to this planning proposal Justification report as Appendix K. The indicative Landscape Plan envisions the removal and replacement of a single street tree on Reservoir Street to accommodate a driveway entrance. It also envisions the creation of a landscaped strip along the eastern side of the new through site link. The indicative concept design also provides the potential for planting on the terrace levels.

The indicative Landscape Plan envisions a possible landscaped area equivalent to 15.8% of the site area. These minor landscaping interventions would maintain the green aspect of Reservoir Street which already features multiple maturing street trees.

It should be noted that the landscape plan has been prepared in response to the indicative concept plans and would be subject to revision at the DA stage of development.

Transport and Traffic

A Traffic Impact Assessment has been prepared by Traffix and is attached to this planning proposal Justification as Appendix F. It considers the possible impacts of a commercial development with a maximum FSR of 7:1 using the indicative concept design for consideration.

The Assessment details the public transport connections near the site which are extensive. It also finds that the site is well connected to the footpath network servicing pedestrians and is near several separated bicycle lanes and bicycle friendly roads. The site is well suited for access by pedestrians, bicycles and public transport.

The Assessment finds that the indicative concept design would result in traffic generation of 11 vehicle trips per hour during the morning peak and 9 vehicle trips during the evening peak. This level of traffic generation is found to have a negligible impact on the surrounding road network and is found to be acceptable from a traffic planning perspective.

The Assessment also considered the use of a car lift to service parking on the subject site. It finds that, subject to the inclusion of a single waiting bay, queuing will be acceptable and comply with the relevant standards.

Traffix concludes that the planning proposal is acceptable from a transport perspective and makes minor recommendations that can be addressed in the detailed design phase or by Plan of Management.

Sustainability

An NCC 2022 Section J Assessment Report has been prepared by Integrated Group Services Traffix and is attached to this planning proposal as Appendix L. It considers the potential for compliance with the Deemed-to-Satisfy requirements for the National Construction Code 2022 provisions for energy efficiency under Section J (NCC 2022 Volume One). The Report has been prepared in consideration of the indicative concept design by Angelo Candalepas and Associates as an assessment cannot be undertaken on a building envelope alone. The indicative concept design is

found to be capable of compliance subject to the Report's recommendations indicating that a future DA design within the proposed building envelope can be capable of compliance.

Consistent with recently commenced State Environmental Planning Policy (Sustainable Buildings) 2022 and Council's updated sustainability controls, the proponent has also given a commitment through this proposal to the NABERS Energy Rating of 5.5 stars + 25%. The competitive design process will be the opportunity to investigate and provide innovative sustainability solutions to the site specific challenges of the site.

Acoustic Impacts

An Acoustic Impact Statement has been prepared by Acoustic Logic and is attached to this planning proposal as Appendix M.

The report found high levels of existing background noise near Elizabeth Street and low levels of background noise were identified at 52-58 Reservoir Street. The report identifies two possible sources of acoustic impacts associated with a commercial development being loading dock operation and mechanical plant noise.

The report notes that, if the loading dock is to be used between 10pm – 7am, consideration must be given to the potential for sleep disturbance in adjacent residential buildings. This can be addressed in a range of ways at the DA stage through physical interventions, management measures or time restrictions on use. These will be matters for consideration at the DA stage and are able to be adequately addressed.

Mechanical plant cannot be designed or selected at the planning proposal stage of development. A future DA will consider the selection and location of mechanical plant to ensure compliance with all acoustic standards.

Wind

The site is located on a corner position and is proposed to introduce a new pedestrian through site link. Accordingly, the possible impacts on wind conditions require consideration. CPP Wind Engineering Consultants have prepared a Qualitative Wind Assessment (Appendix N) which concludes in part:

> *The scale of the proposed development and its position in the existing built massing environment are not indicative of any significant impacts to pedestrian wind comfort in the surrounding public domain areas. Overall, conditions in and around the site are expected to remain similar to the existing environment. Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities, similar measures would be suggested for outdoor terraces.*

The proposed building envelope is shown not to have significant impacts on the existing environment. Any necessary local amelioration would be considered in the detailed design stage of development.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is accompanied by an Economic and Social Impact Report by Planning Lab (Appendix D) which considers the social and economic impacts of the planning proposal.

There has been a reduction in demand for commercial floor space in the Sydney CBD following the Covid-19 pandemic, however, rents have increased slightly despite a historically high vacancy rate. The vacancy rate appears to have peaked and is forecast to stabilise over the next 12 months. No significant new floor space is forecast to enter the Sydney CBD until 2024. This is expected to come predominantly from over train station developments which will appeal to predominantly large businesses. There is also expected to be demolition of some older office stock to accommodate the new developments.

The Report finds that there has been a strong demand for commercial floor space within Surry Hills from 2011-2019. This is attributed to demand from companies to provide more flexible working space that is located near good amenities to attract staff. The influx of companies into Surry Hills in the recent past generates agglomeration benefits increasing the relative value of Surry Hills for commercial tenants. Lower rent relative to the CBD is also identified as an ongoing driver of demand. Surry Hills is expected to remain popular with commercial tenants and demand for floor space is expected to increase.

The increased floor space proposed in this application will have a positive economic impact as it will increase the intensity of use of the site. This will result in the expenditure by additional employees on site supporting local businesses.

The proposal includes providing a new through site link which will encourage the activation of the nearby lanes. This increases the permeability of the block increasing the area's walkability and appearance. It will also support massing that is consistent with the existing neighbouring buildings providing a more suitable scale of development. The proposal is thereby anticipated to have a positive social impact through improvements to the urban environment.

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located 300m from Central Train Station on the fringe of the Sydney CBD. The site is well serviced by a range of infrastructure including ready access to public transport and public open space. The site is already serviced by existing public utilities including reticulated water, sewer and stormwater, electricity and telecommunications. There is adequate public infrastructure to support the planning proposal.

Section E – State and Commonwealth Interest

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

No consultation has been necessary with any State or Commonwealth agencies. Any necessary consultation will be conducted once a gateway determination is issued.

Part 4 – Maps

No changes are proposed to the maps within the Sydney LEP 2012.

Part 5 – Community Consultation

If this planning proposal is supported by the City of Sydney, the City will prepare a draft planning proposal and draft Development Control Plan for consideration by Council and the Central Sydney Planning Commission (CSPC). If the planning proposal is endorsed by Council and the CSPC for public exhibition, the proposal will be referred to the Minister for Planning for Gateway Determination. If Gateway is issued the draft planning proposal and DCP amendments will be placed on public exhibition, generally for a minimum period of 28 days.

Part 6 – Project Timeline

The anticipated project timeline for this planning proposal is as follows:

Table 9 - Anticipated project timeline

Stage	Timing
Endorsement by the City of Sydney and CSPC	December 2023
City prepared draft planning proposal and DCP	February 2024
Anticipated commencement date (date of Gateway determination)	March 2024
Anticipated timeframe for the completion of required technical information	May 2024
The timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2024
Commencement and completion dates for the public exhibition period	July 2024
The timeframe for consideration of submissions	September 2024
The timeframe for the consideration of a proposal post exhibition	October 2024 (CSPC) October 2024 (Council)
Date of submission to the department to finalise the LEP	December 2024
Anticipated date RPA will make the plan (if delegated)	February 2025
Anticipated date RPA will forward to the department for notification.	February 2025

Appendices

Appendix A – Urban Design Study: Candalepas Associates

Appendix B – Proposed DCP Building Envelope: Candalepas Associates

Appendix C – Proposed Amendments to the Sydney DCP 2012: Planning Lab

Appendix D – Economic Impact Analysis: Planning Lab

Appendix E – Desktop Contamination Study: Douglas Partners

Appendix F – Traffic Impact Assessment: Traffix

Appendix G – Flood Advice Report: Integrated Group Services

Appendix H – Heritage Impact Statement: Urbis

Appendix I – Preliminary Archaeological Assessment including Aboriginal Due Diligence: Curio Projects

Appendix J – Geotechnical Desktop Investigation: Douglas Partners

Appendix K – Landscape Concept Plan: Black Beetle

Appendix L – Section J Assessment Report: Integrated Group Services

Appendix M – Acoustic Assessment: Acoustic Logic

Appendix N – Qualitative Wind Assessment: CPP

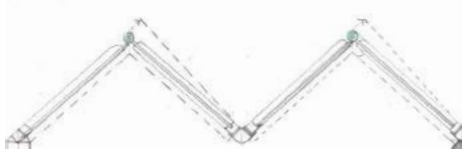
Appendix O – Survey Plans: Eric Scerri & Associates Pty Ltd

Appendix P – Waste Management Plan: Ratio Consultants

Attachment A2

Urban Design Study

Urban Design Study
(Increase in FSR 5:1 to 7:1)
Issue C



Candalepas Associates

232-240 Elizabeth St, Surry Hills
20 July 2023

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- Solar Analysis
- Development Calculations

All drawings to scale at A3

INTRODUCTION

This Urban Design Report has been prepared by Candalepas Associates on behalf of Stasia Pty Ltd in support of a proposed massing envelope for the property located at 232-240 Elizabeth Street, Surry Hills.

This Report describes the site, outlines the key constraints imposed by the existing controls, and sets out the strategic justification for the proposed design.

Key findings of the Report include:

- The Property is strategically located and aligned with the City Plan 2036: Local Strategic Planning Statement (LSPS) planning priorities.
- The proposal for the site will allow the City of Sydney to meet the planning priorities set out in the LSPS (Actions P 2.3, P 2.6) by ensuring adequate floor space capacity to accommodate enterprise activities.
- The proposed floor space ratio is in line with existing and emerging higher density developments in the vicinity.

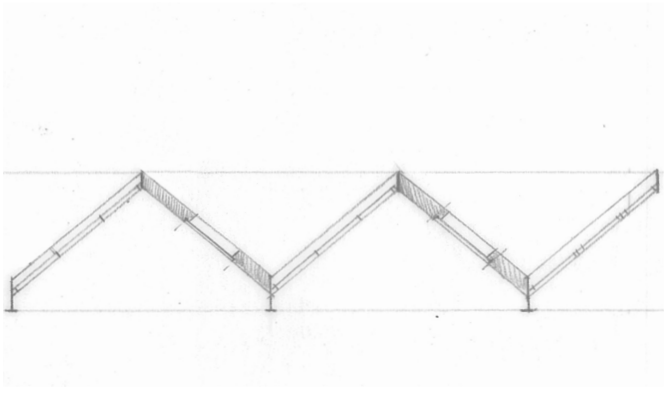
The Property is known as 232-240 Elizabeth, and is formally identified as 232-236A Elizabeth Street (SP71301), 238-240 Elizabeth Street (Lots 1&2, DP779385; Lot 1, DP664653). The combined site area is 905.6 square metres and is located within the Eastern Creative and Camperdown-Ultimo Health and Education Precincts. The site has frontages to Elizabeth Street and Reservoir Street and access to the rear from Foster Lane.

The site currently contains a collection of three storey commercial/retail and budget accommodation buildings. While these were largely constructed in the late nineteenth and early twentieth centuries they have been heavily modified and are not considered to be of heritage significance.

The site is less than 300m north of Central Station, a few hundred metres from a number of Light Rail stops and adjacent to several bus routes. It is therefore well located to provide strong connections to a wide range of areas throughout Sydney.

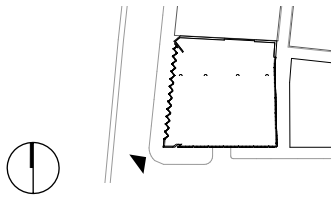
The area has a diverse mixture of building forms, architectural styles and scales. The proposed building use and massing envelope have been considered in order to ensure integration with the emerging surrounding uses and built form.

The proposed development offers an appropriate and compatible addition to this part of Surry Hills, giving an opportunity to provide floor space in support of the Eastern Creative Precinct. This is consistent with the objectives of providing economic development, innovation and jobs in this key strategic centre as well as supporting the long term economic viability and growth of the City of Sydney.



PERSPECTIVE VIEW - ELIZABETH STREET

Artistic representation of the proposed development.
Prepared by Darc Studio.



SITE ANALYSIS

AERIAL PHOTOGRAPH

0 25 50

SUBJECT SITE

Site Address	232-240 Elizabeth Street, Surry Hills NSW 2010
Site Details	232-236A Elizabeth Street - SP 1379 238-240 Elizabeth Street - LOT 1, LOT 2, DP 779385; LOT 1, DP 664653

SITE PLAN - EXISTING

SCALE 1:1000

0 10 20 40

SUBJECT SITE

KEY SITES

GENERAL CONTEXT

Existing Site Controls - Sydney LEP 2012

Site Area	905.6 m2
Base FSR	5:1
Base GFA	4,528 m2
Land Zoning	B4 mixed use
Max. Height of Buildings	35 m

Key Surrounding Buildings

No.	Address	Use	Storeys
01	N/A (Railway Bridge)	Infrastructure	1 Storey
02	228 Elizabeth St	Residential	9 Storey
03	230 Elizabeth St	Mixed Use	9 Storey
04	50 Reservoir St	Commercial	7 Storey
05	52-58 Reservoir St	Commercial	9 Storey
06	45 Reservoir St	Commercial	7 Storey
07	33-37 Reservoir St	Residential	10 Storey
08	242-254 Elizabeth St	Residential	14 Storey

01. Railway Bridge

02. 228 Elizabeth Street

03. 230 Elizabeth Street

Foster Lane
(Subject Site at end of lane)

Subject Site
232-236 Elizabeth Street

Subject Site
238-240 Reservoir Street

Subject Site
238-240 Reservoir Street

Subject Site
238-240 Reservoir Street

04. 50 Reservoir Street

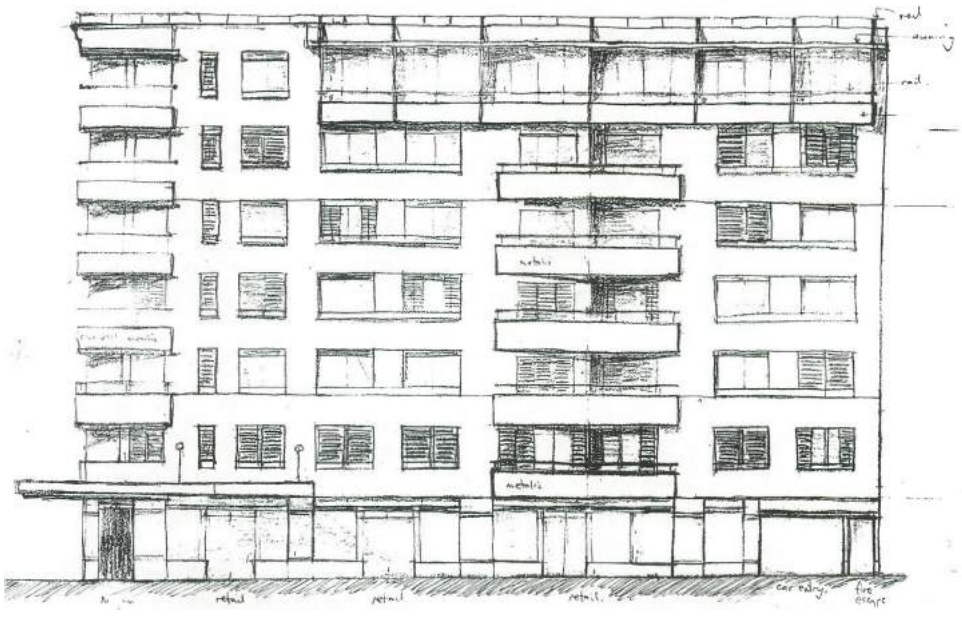
05. 52-58 Reservoir Street
photo by Brett Boardman

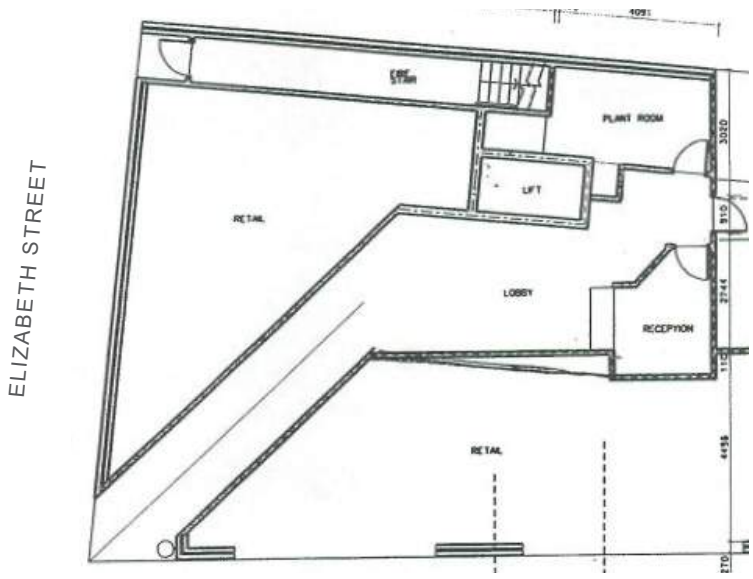
06. 45 Reservoir Street

07. 33-37 Reservoir Street

08. 242-254 Elizabeth Street

260 Elizabeth Street





1999 Development Proposal (Joshua Farkash & Associates)

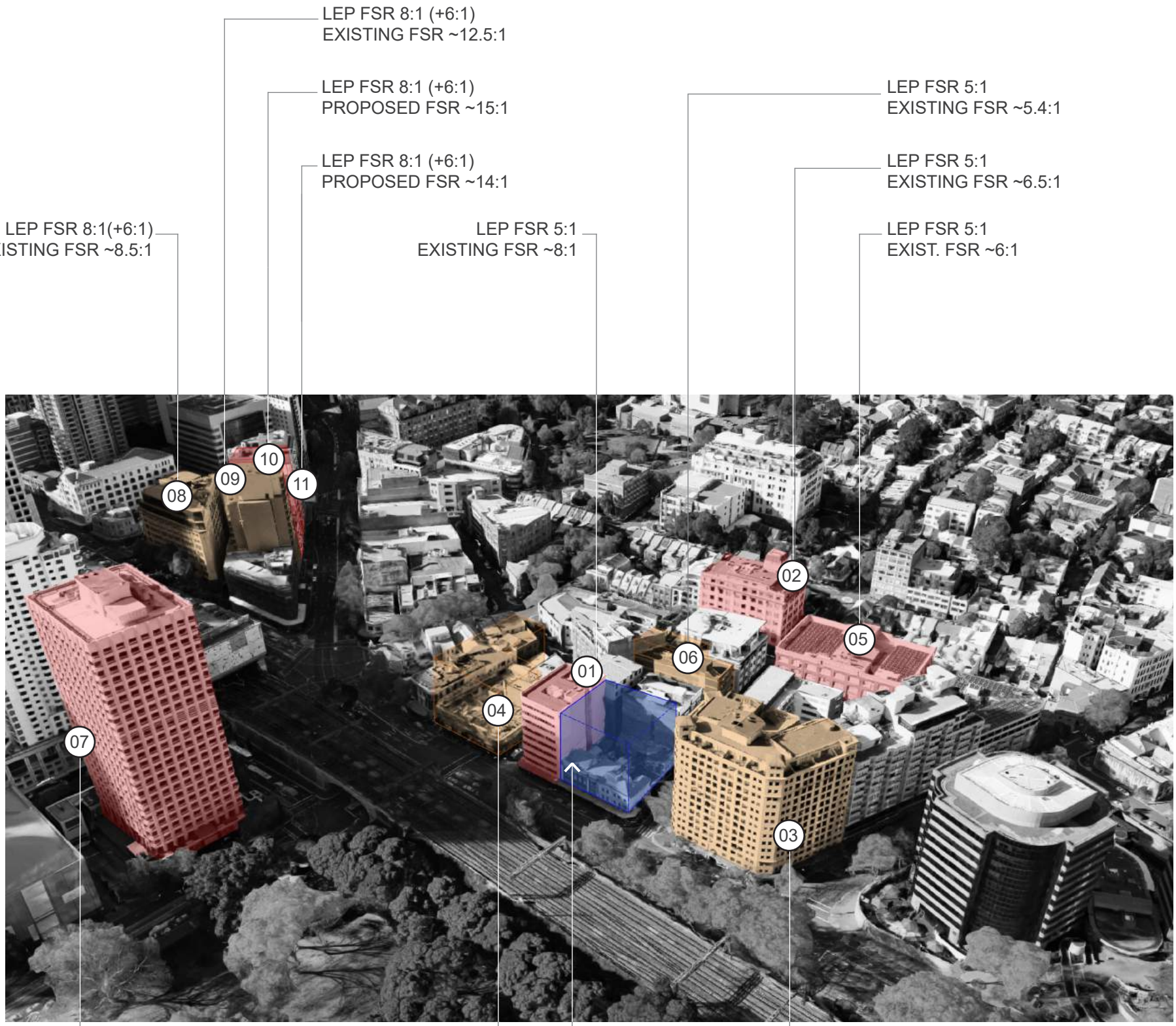
2016 DA/2016/1451 (MHN Design Union)

PRIOR DEVELOPMENT APPLICATIONS

On 21 July 2017, the NSW Land and Environment Court approved a Stage 1 Concept Development Application (DA) for the demolition of existing buildings on the site and the construction of a 2-level basement car park and mixed-use building containing residential, hotel and retail uses (referred to as D/2016/1451). The application was subsequently modified and approved on 25 November 2020 to delete 1 level of basement car parking and provide bike parking at the ground level (referred to as D/2016/1451/A). An acceptable envelope – height, bulk and scale has therefore been determined for the site through this approval.

URBAN STUDY + CONSIDERATIONS

FSR OF SURROUNDING BUILDINGS



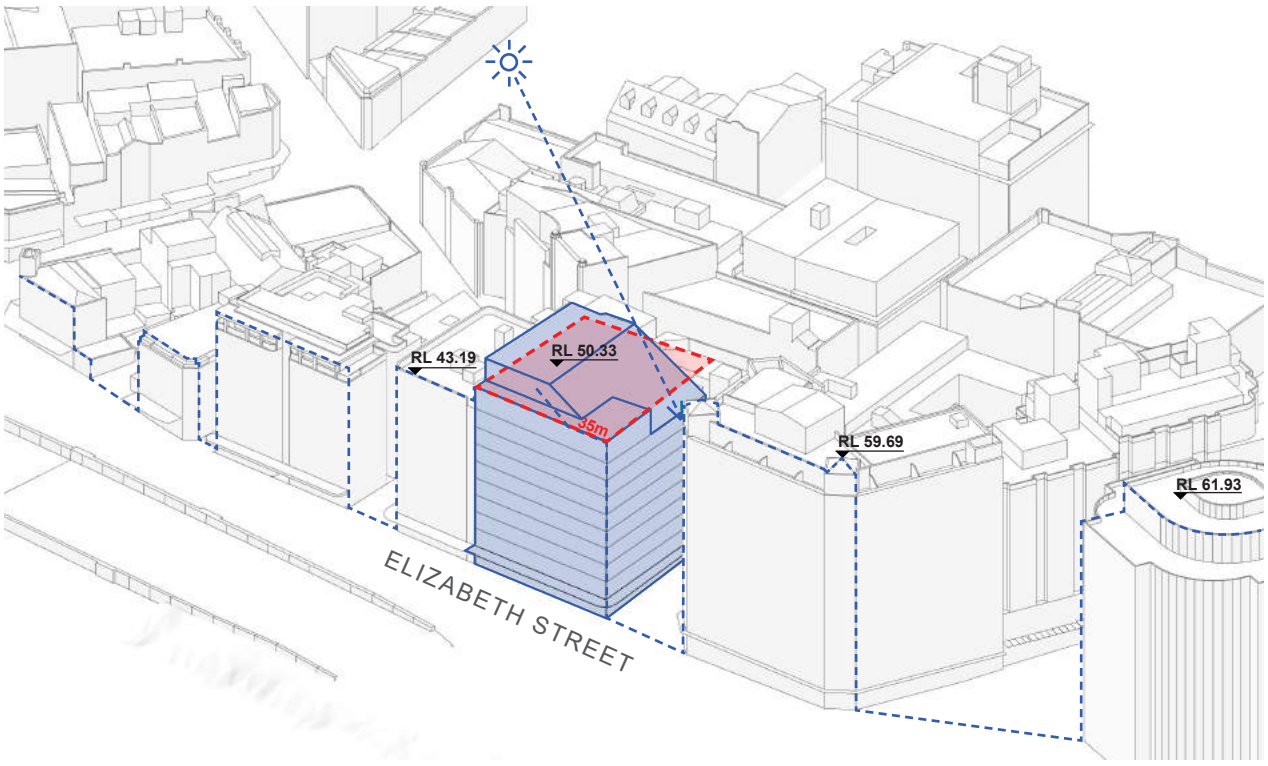
There is an inconsistency in the permitted FSR between the subject site and the surrounding sites. The subject site, with a maximum FSR of 5:1, is bordered to the north and south by sites with maximum FSRs of 6.5:1 and 11:1 respectively. In addition, nearby comparable developments on Wentworth Avenue to the north include FSR rates of up to 15:1.

Legend

- Site
- Buildings in excess of current SLEP 2012 density control
- Compliant high density buildings (in excess of 5:1)

Key Surrounding Buildings

No.	Address	Use	Storeys
01	230 Elizabeth St	Mixed Use	9 Storey
02	74-80 Reservoir St	Commercial	7 Storey
03	242-254 Elizabeth St	Residential	14 Storey
04	228 Elizabeth St	Residential	9 Storey
05	45 Reservoir St	Commercial	7 Storey
06	52-58 Reservoir St	Commercial	9 Storey
07	323 Castlereagh St	Commercial	23 Storey
08	111 Goulburn St	Accommodation	10 Storey
09	61-65 Wentworth Ave	Accommodation	18 Storey
10	55-59 Wentworth Ave	Accommodation	20 Storey
11	47-53 Wentworth Ave	Mixed Use	10 Storey



PROPOSED BUILDING ENVELOPE
INDICATIVE YIELD

Height	35m
Storeys	9
FSR	7:1
Typical Floor to Floor Height	3.4m
Typical Floor Area	714 sqm

The proposed building mass addresses this inconsistency by proposing an FSR of 7:1 which is in keeping with current and proposed urban development in the area.

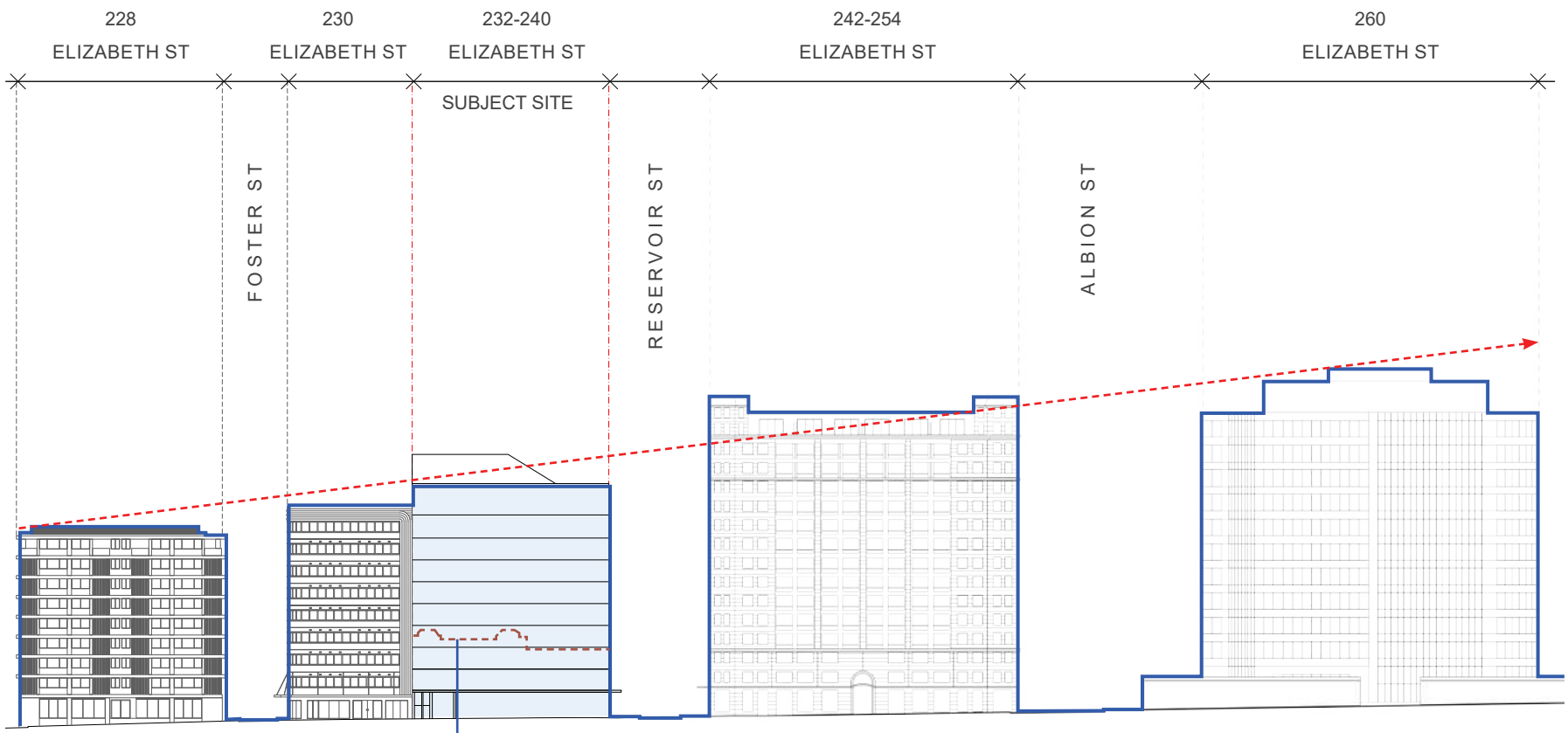
A consistent street wall is established along Elizabeth Street, infilling the previously underdeveloped site and resulting in a good urban outcome.

Negotiating the change in scale along Reservoir Street, the proposed envelope steps down at the street edge. This transition assists in maintaining solar access to 242-254 Elizabeth St & 33-37 Reservoir St, providing an overall increase in solar amenity to these dwellings compared to the approved concept scheme for the site.

Further reducing the building mass, a through site link along the eastern boundary is established. Open to the sky, this new public realm provides additional retail activation and connectivity from Reservoir St through to Foster Lane.

ELIZABETH STREET ELEVATION

The existing street wall along Elizabeth Street can be seen to have a strong prevailing trend, stepping up gradually to the south. This trend is currently interrupted by the existing buildings on the site. A volume of the maximum permitted height on the site resolves the current inconsistency both with regard to the site's immediate neighbours and to the broader street wall trend.

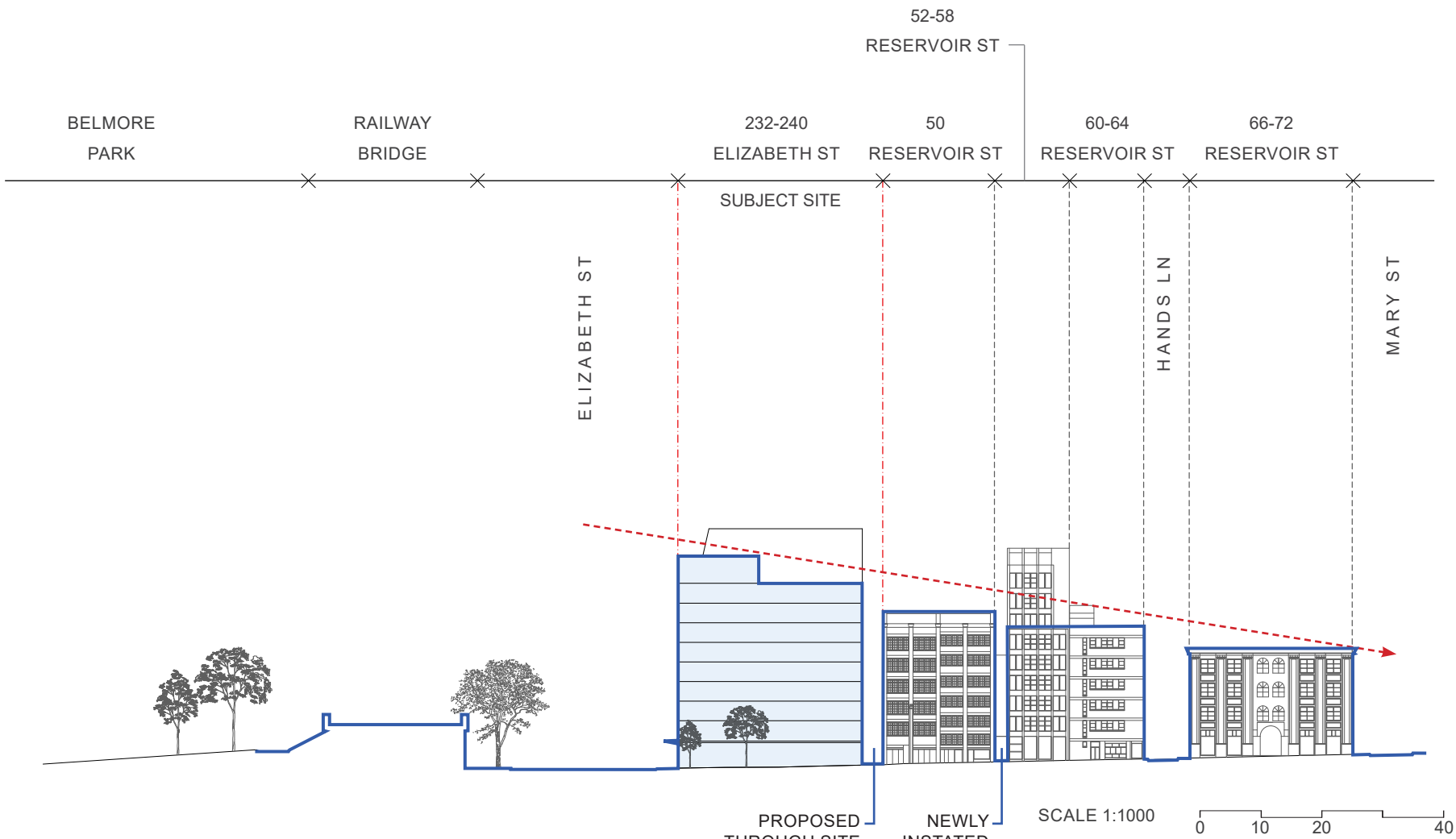


Legend

- Subject Site
- Street Wall
- Average Street Wall Projection

RESERVOIR STREET ELEVATION

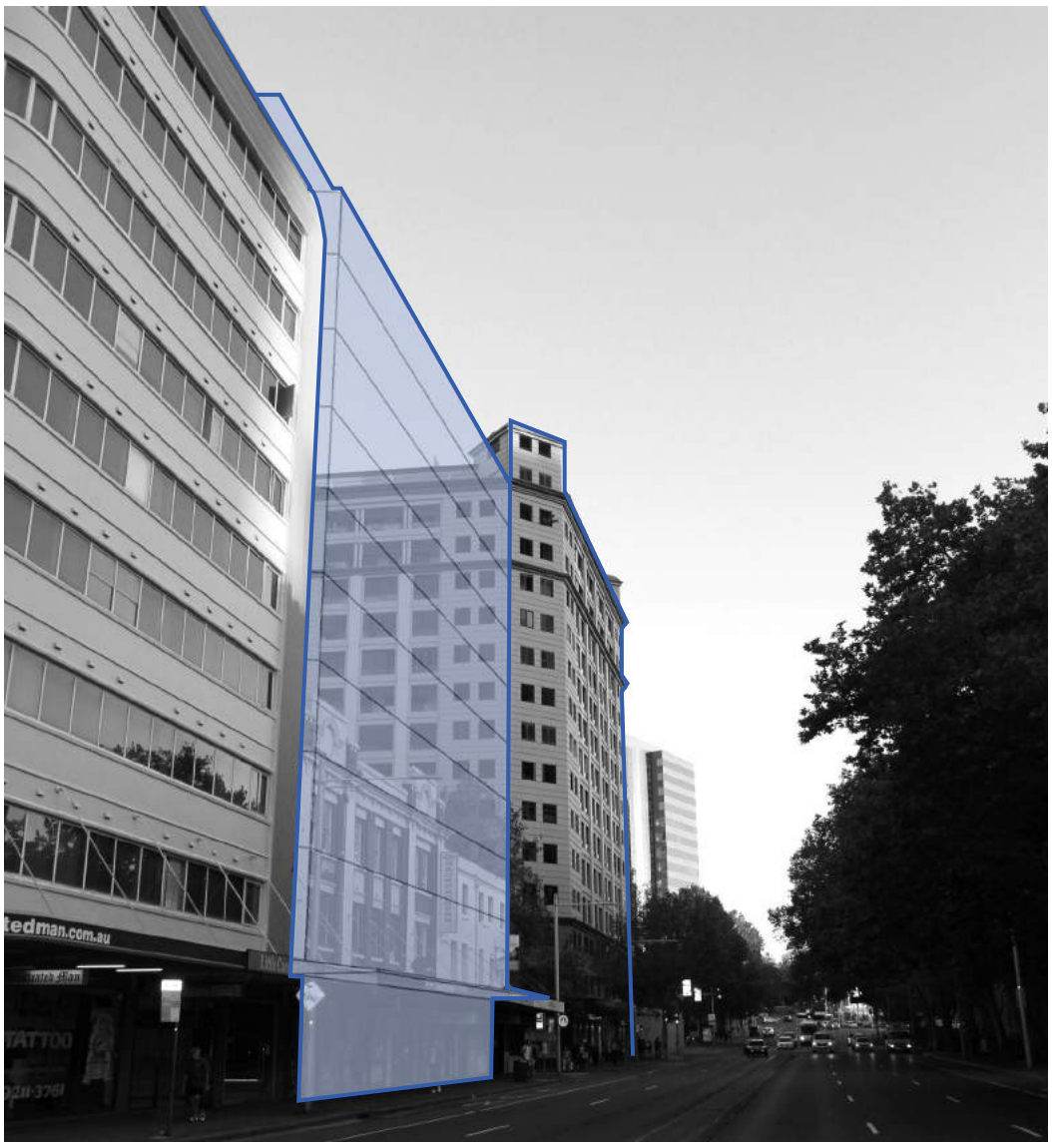
The existing street wall has a broad trend, but, unlike Elizabeth Street, features a greater level of variation. As such, the proposed volume chiefly seeks to mediate between the prevailing Elizabeth Street height and that of Reservoir Street. This is achieved by the stepped facade, which also allows greater solar amenity to opposite residential dwellings at 242-254 Elizabeth Street & 33-37 Reservoir Street.



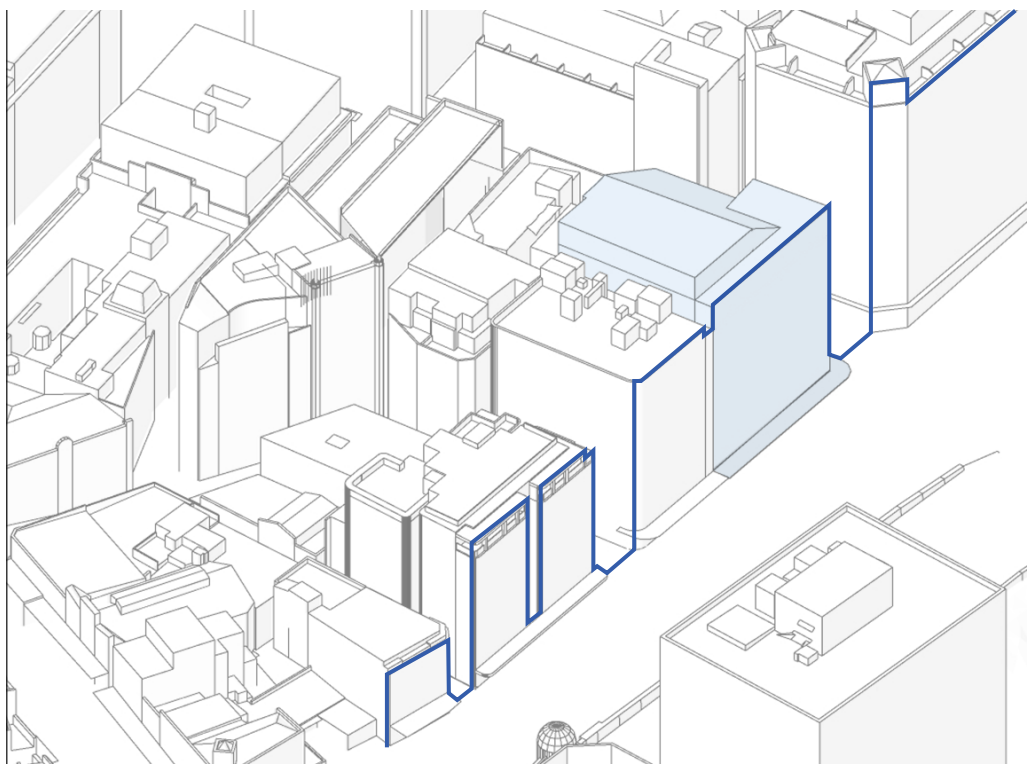
Legend

- Subject Site
- Street Wall
- Average Street Wall Projection

STREETSCAPE VIEWS - ELIZABETH STREET



VIEW 1 - PERSPECTIVE

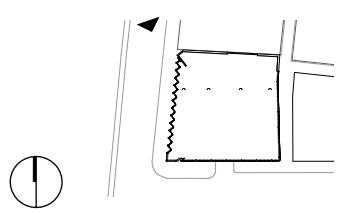


VIEW 1 - ISOMETRIC

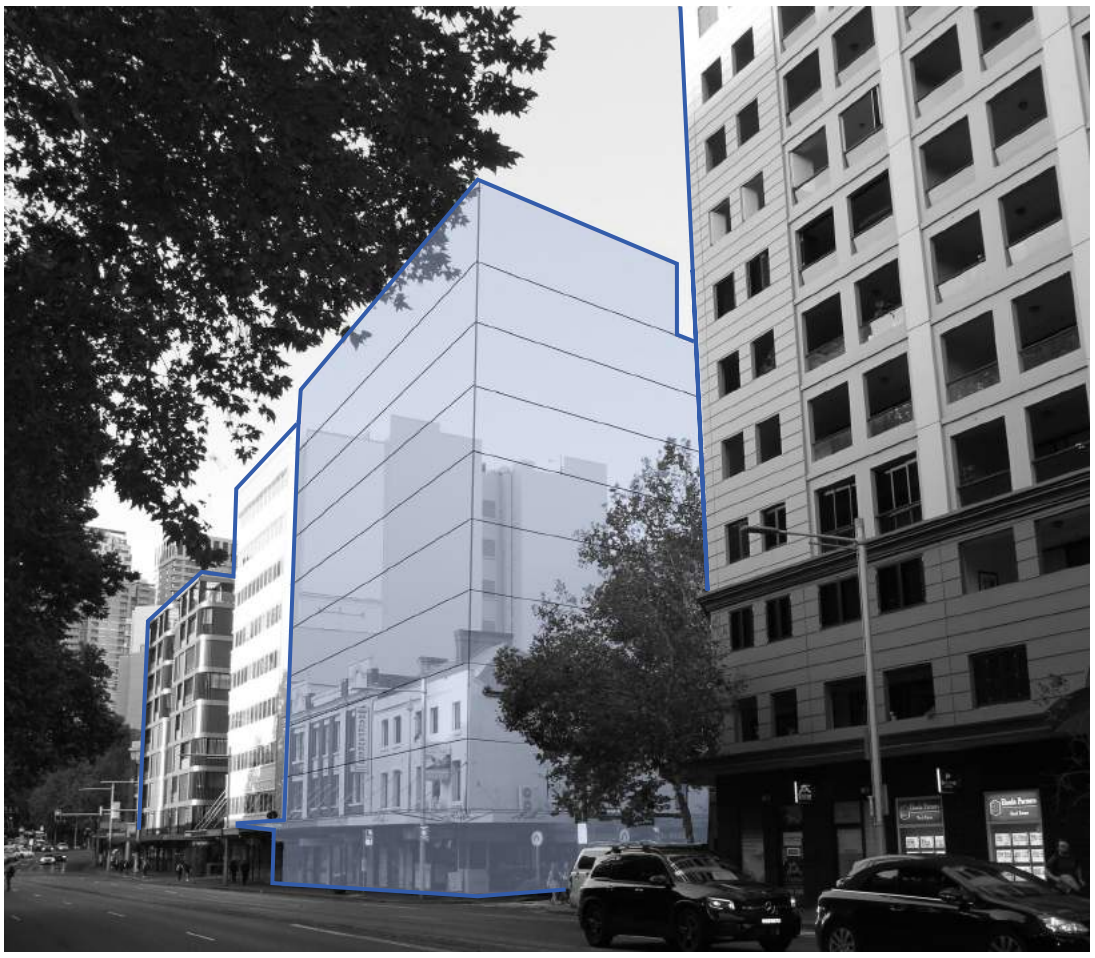
Approaching the site along Elizabeth Street from the north, there is a significant inconsistency in the street wall caused by the height of the existing buildings on the site. This interruption of the prevailing trend in the street wall represents a bad urban outcome. The proposed volume, on the other hand, resolves the existing issue in that its height represents a compromise between the two adjacent buildings along Elizabeth Street, and it continues the trend of heights stepping up to the south.

Legend

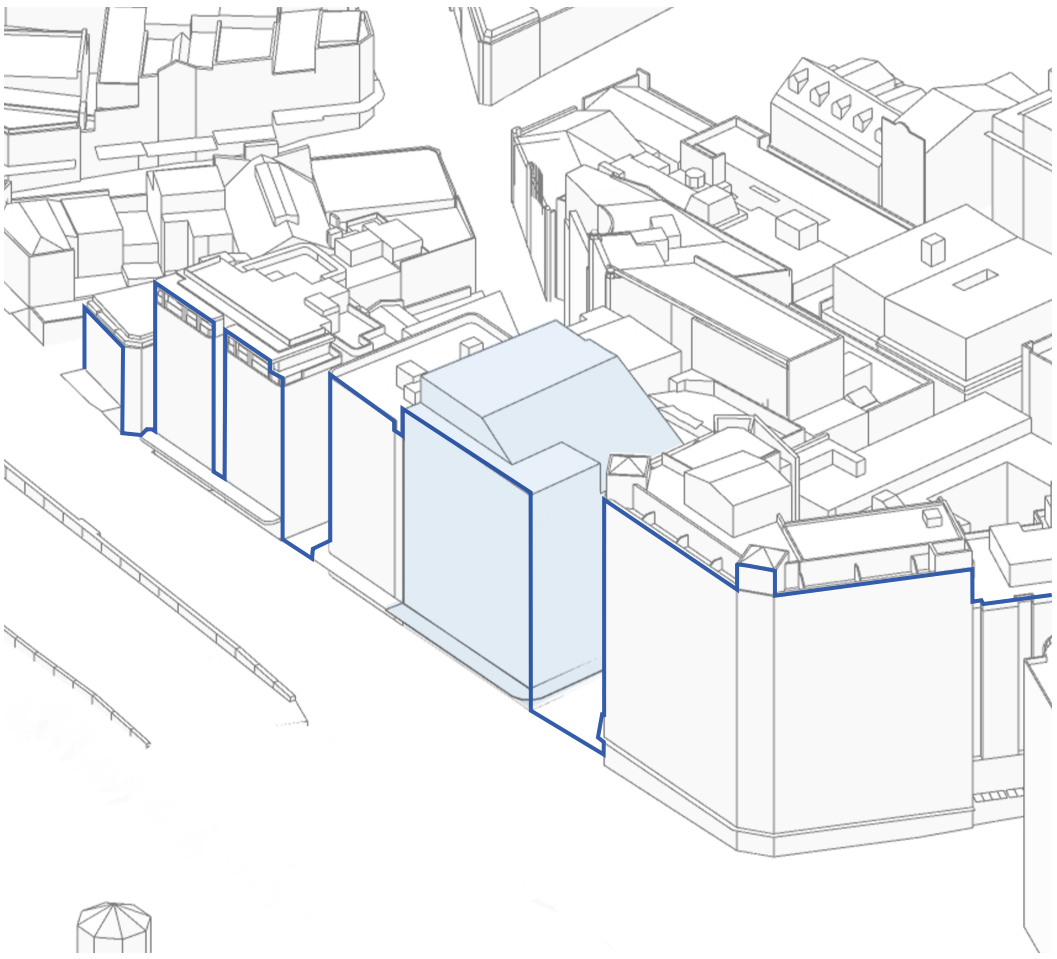
Subject Site
Street Wall



STREETSCAPE VIEWS - ELIZABETH STREET



VIEW 2

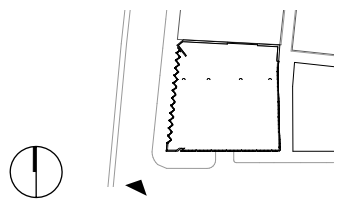


VIEW 2

Approaching the site along Elizabeth Street from the south, the inconsistency noted earlier is even more pronounced. In particular, the large blank wall presented by 230 Elizabeth Street along the site boundary represents a bad urban outcome. The proposed volume, on the other hand, resolves this issue in that it creates a continuous, articulated street wall.

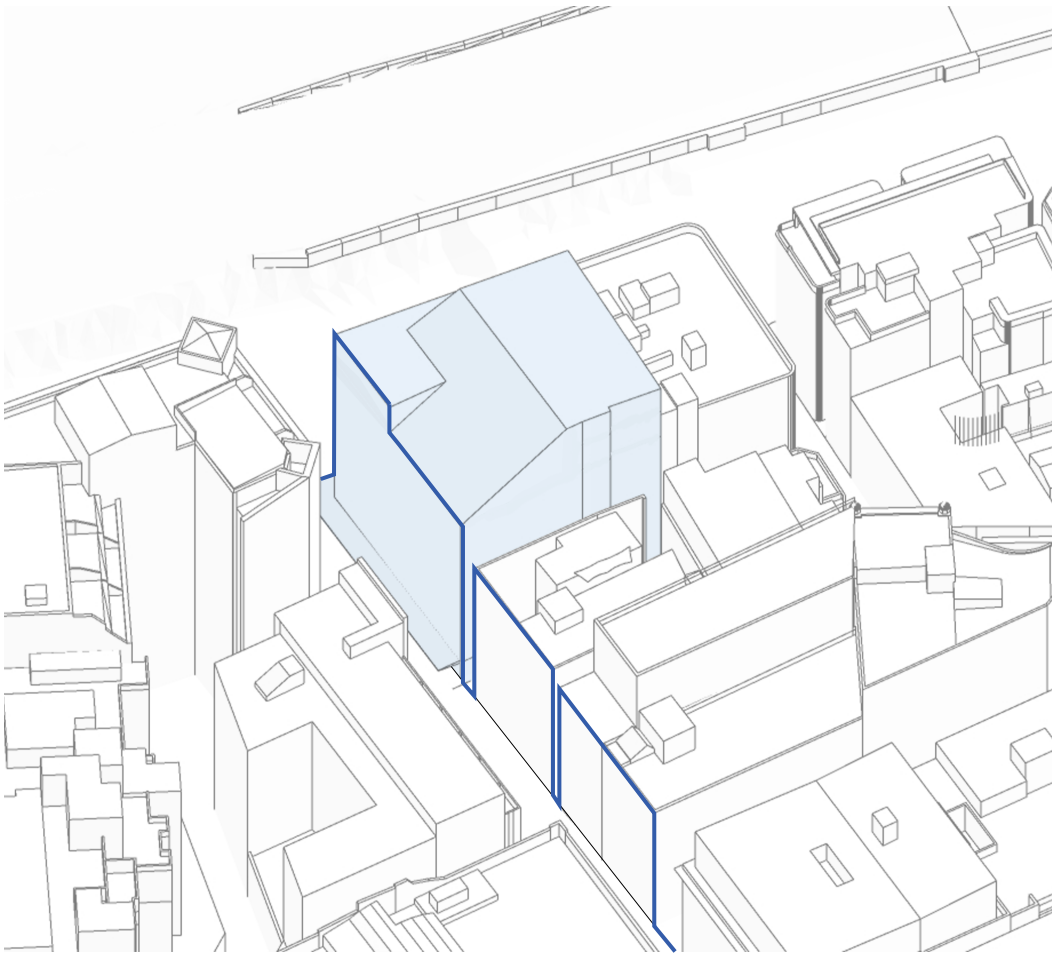
Legend

- Subject Site
- Street Wall



STREETSCAPE VIEWS - RESERVOIR STREET

VIEW 3

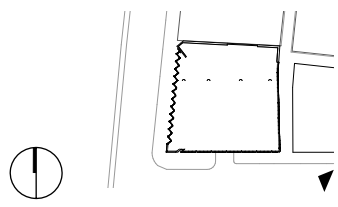


VIEW 3

Approaching the site along Reservoir Street from the east, the height inconsistency of the street wall is less pronounced than along Elizabeth Street due to the more constricted views permitted. However, the proposed volume would bring the site more broadly into line with the heights of the buildings both opposite and adjacent along Reservoir Street. The stepped massing allows the proposed volume to mediate between the street wall along Elizabeth Street and that along Reservoir Street, as well as providing greater solar amenity to the opposite residentail dwellings.

Legend

Subject Site
Street Wall



SITE PLAN - EXISTING STREET NETWORK

SCALE 1:1000 0 10 20 40

SUBJECT SITE

EXISTING STREET ACTIVATION

The existing local street network sustains a level of activation, in particular along Reservoir Street. There is also some activation along Elizabeth Street but this is compromised to a degree by the large traffic volumes. Moreover, there is some scattered activation in many of the smaller streets and lanes, such as along Foster Street, although these are often isolated from the main activation arteries such as Reservoir Street. The proposed through-site link, assisted by the newly instated link at 52 Reservoir Street, will assist in opening up these existing pockets of activation as well as promoting new activation.

SITE PLAN - PROPOSED STREET NETWORK

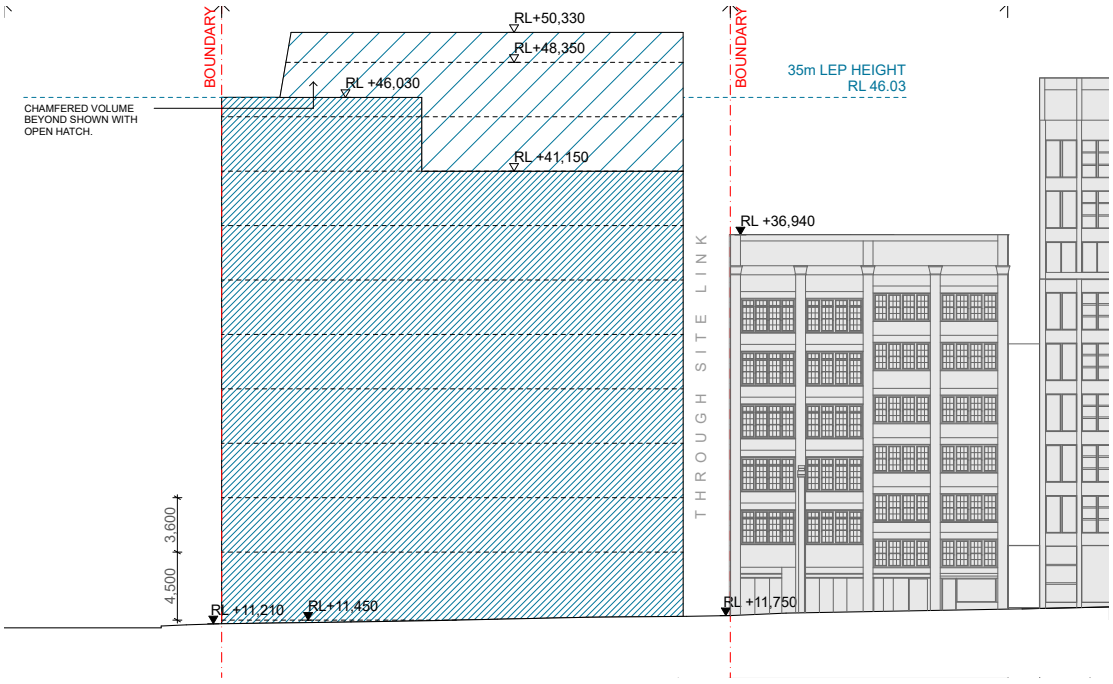
SCALE 1:500 0 5 10 20

THROUGH SITE LINK
EXISTING STREET ACTIVATION
POTENTIAL STREET ACTIVATION

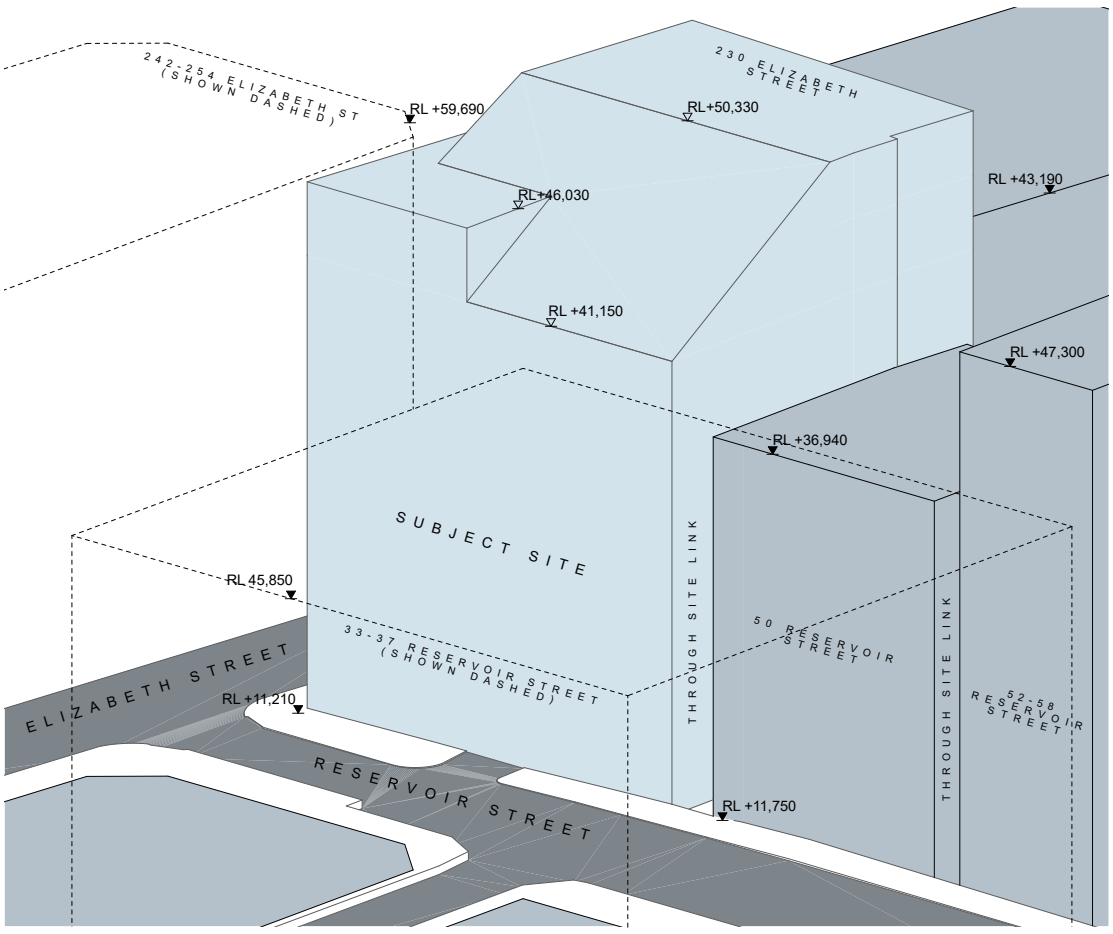
Existing street activation in the immediate vicinity of the site is focussed along Reservoir Street. Foster Lane to the north-east of the site boundary has historically been inactive. Recently however, Foster Lane has been provided with a new level of activation with the creation of a through-site link at 52 Reservoir Street along its western boundary edge. This progress to integrate Foster Lane into the Reservoir Street network will be assisted by the proposed through-site link along the eastern boundary of the subject site. The combined effect of new and existing links will encourage increased street activation along Foster Lane, leading off Reservoir Street.

PROPOSED DCP CONTROLS

ROOF PLAN - PROPOSED ENVELOPE



SOUTH ELEVATION - PROPOSED ENVELOPE



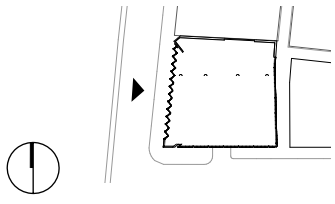
ISOMETRIC - PROPOSED ENVELOPE

SCALE 1:500 0 5 10 20

INDICATIVE PROPOSAL

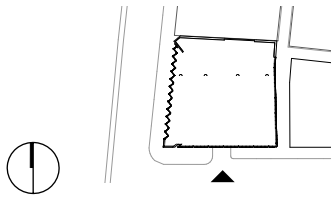
PERSPECTIVE VIEW - ELIZABETH STREET

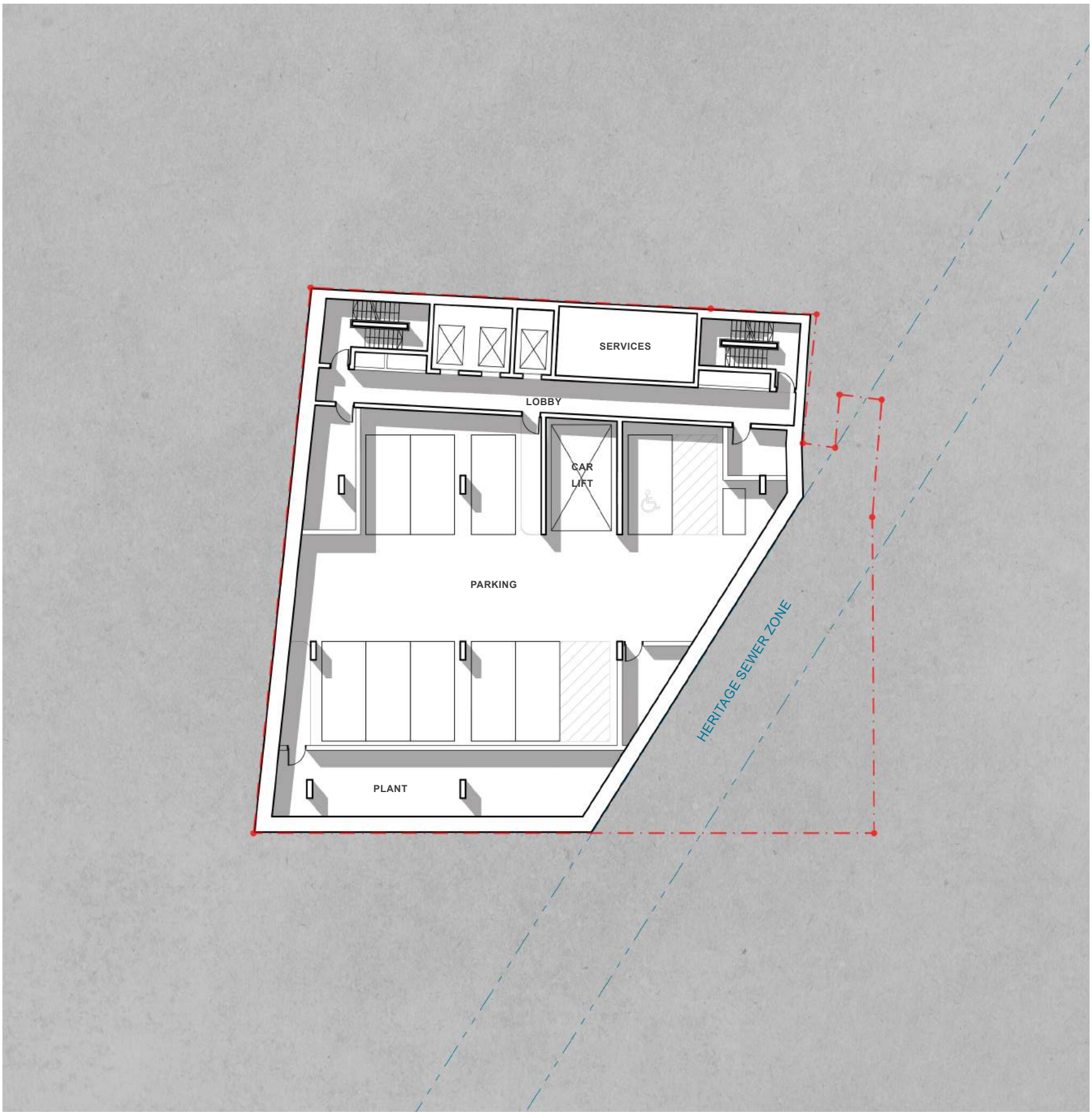
Artistic representation of the proposed development.
Prepared by Darc Studio.



PERSPECTIVE VIEW - RESERVOIR STREET

Artistic representation of the proposed development.
Prepared by Darc Studio.



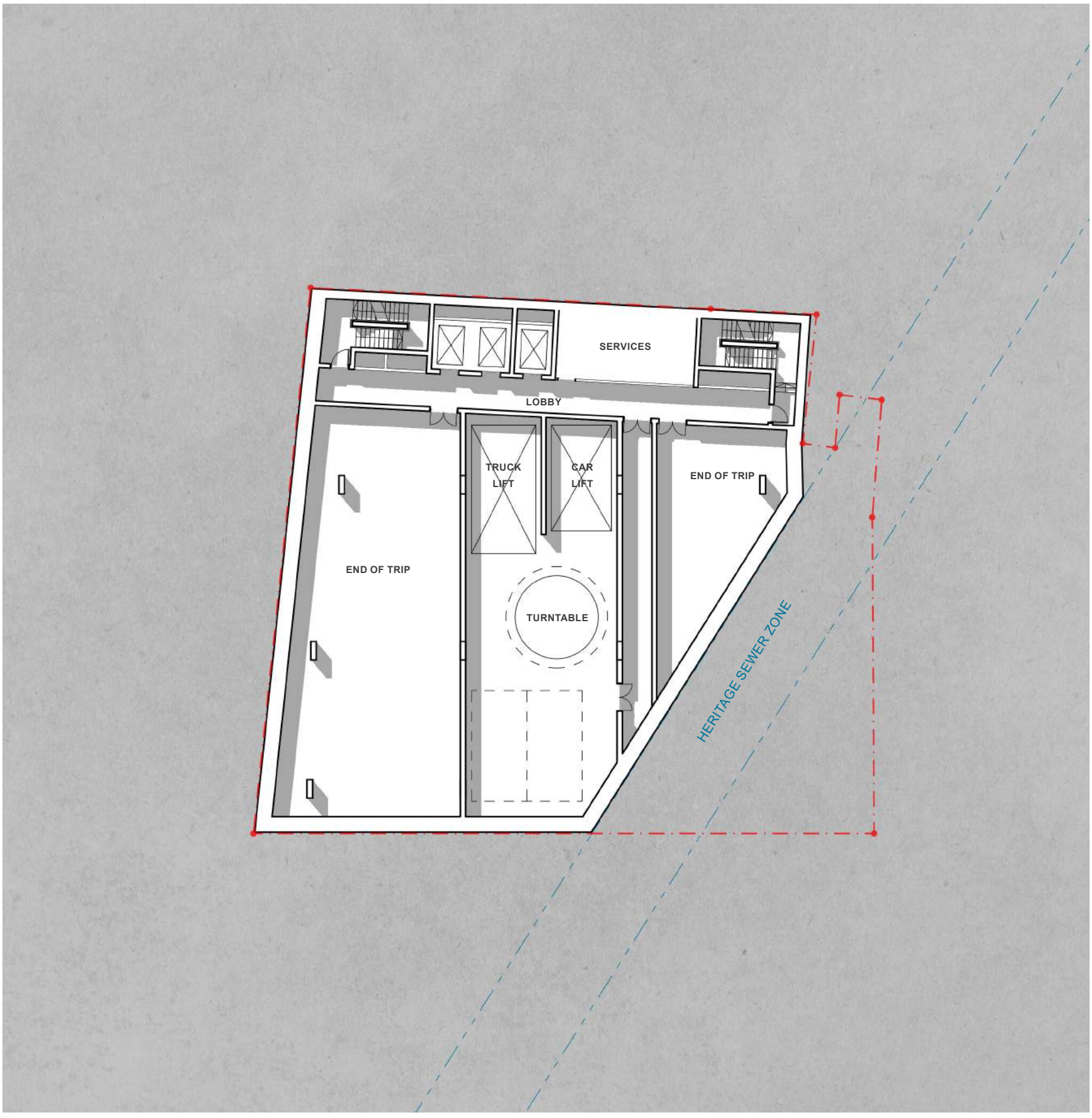


BASEMENT 3-4 PLAN

CAR PARKS PER LVL	9
MOTORCYCLE PARKS PER LVL	1

SCALE 1:250

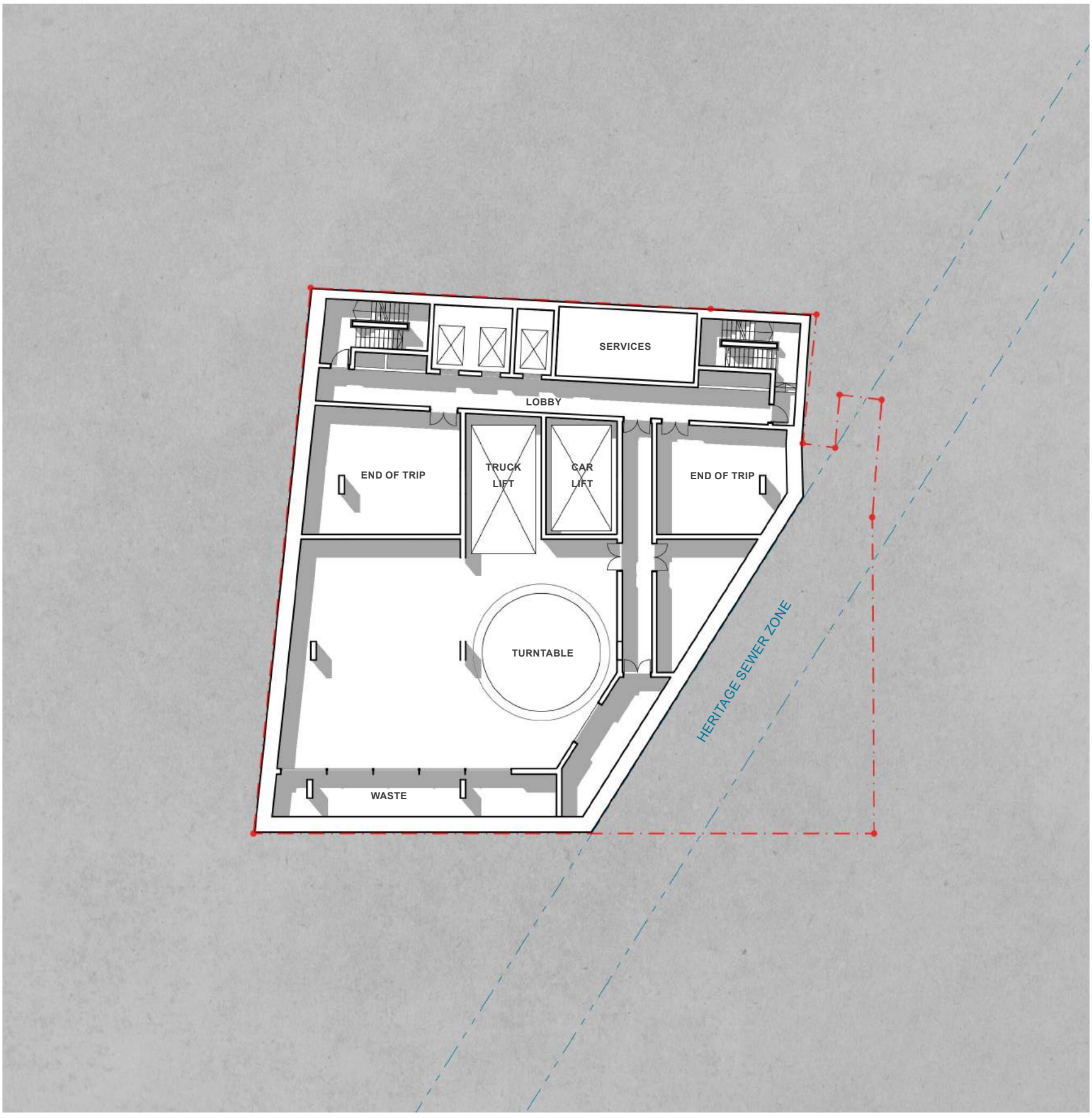
0 5 15



BASEMENT 2 PLAN

END OF TRIP GFA **270 m²**

SCALE 1:250 0 5 15



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

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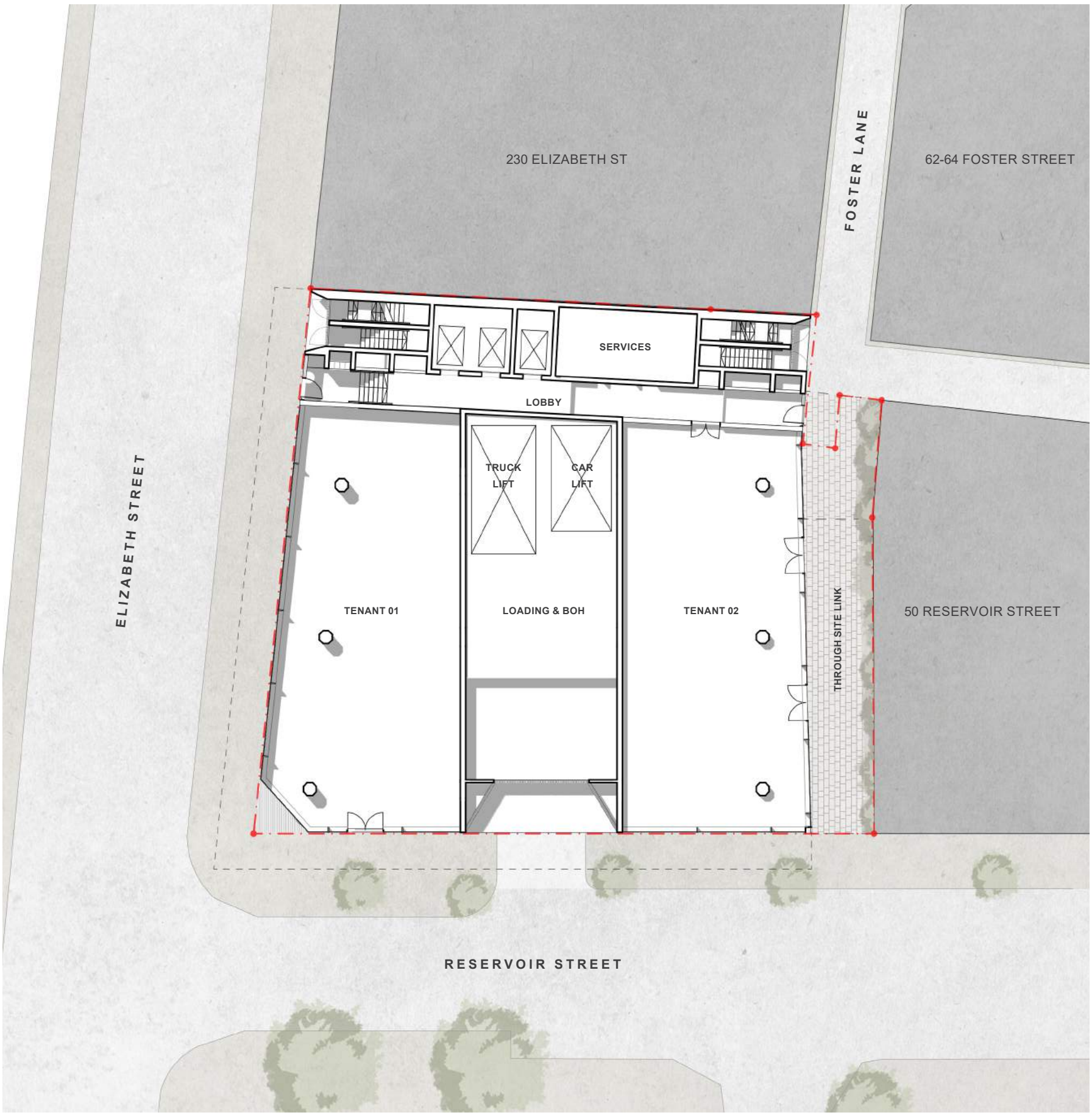
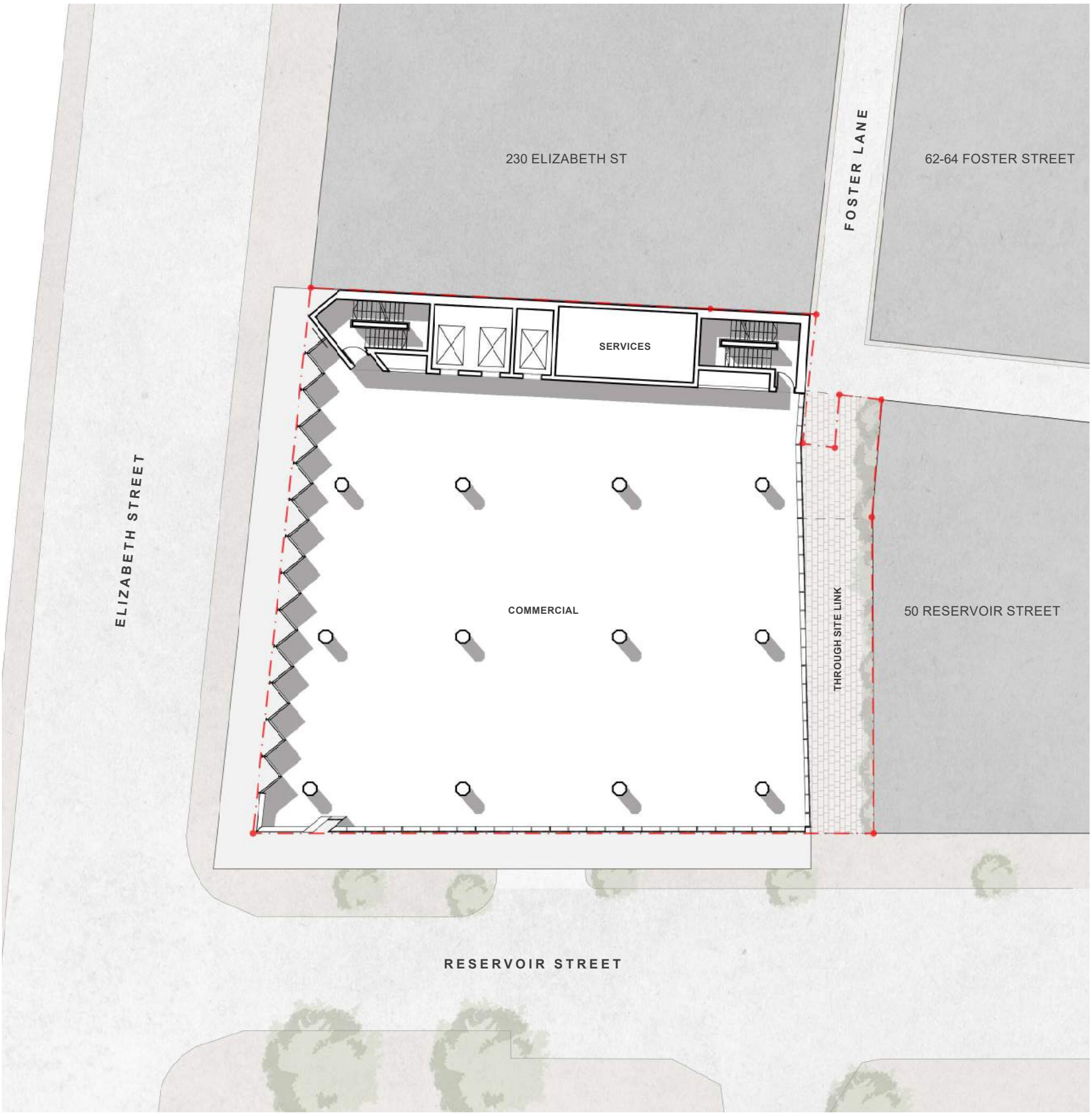


GROUND FLOOR PLAN

SCALE 1:250 0 5 15

COMMERCIAL GFA	80 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN - L1 TO L7

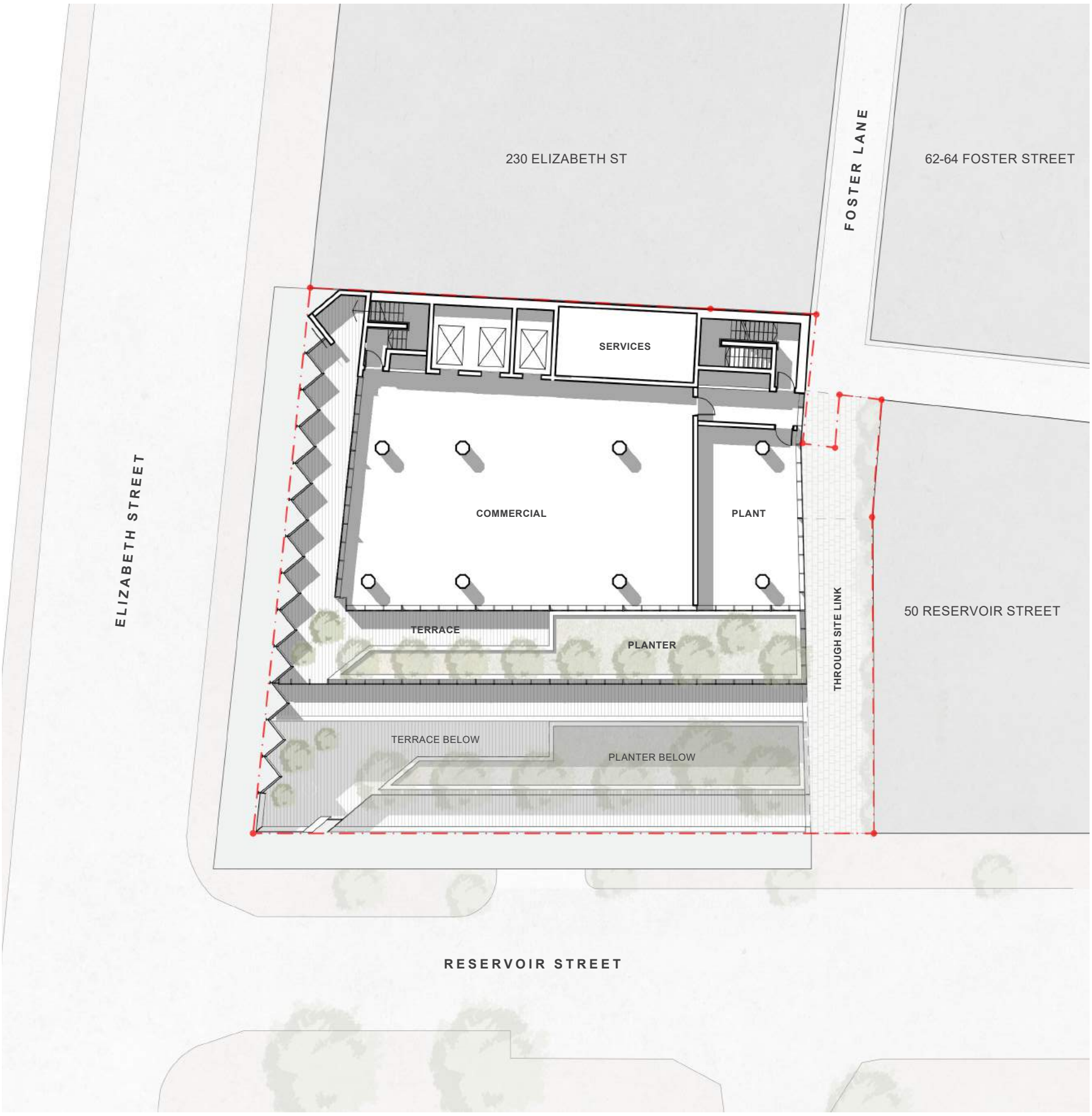
COMMERCIAL GFA **714 m²**

SCALE 1:250 0 5 15

FLOOR PLAN - L8

SCALE 1:250 0 5 15

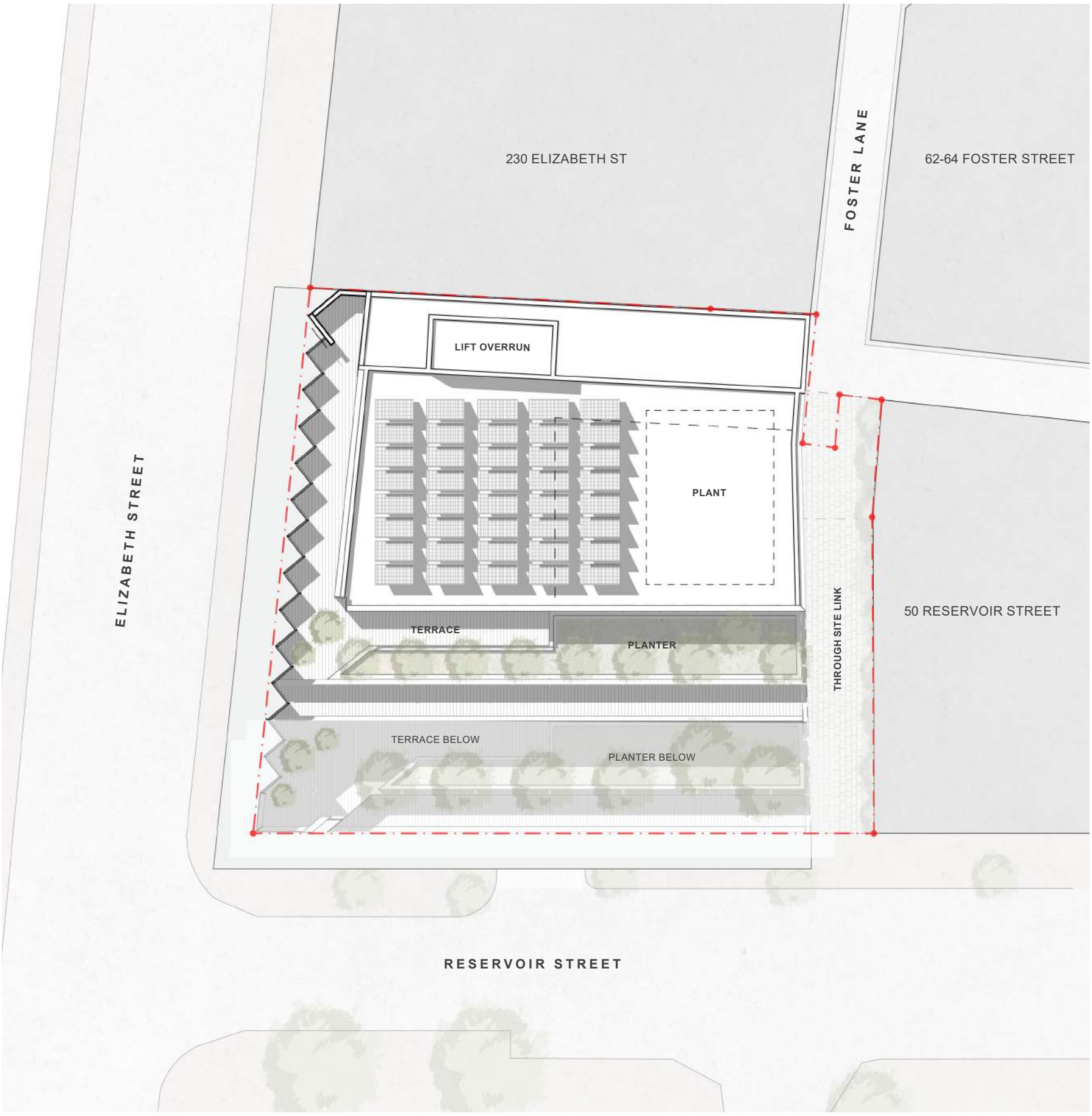
COMMERCIAL GFA	**539 m²**
TERRACE	**46 m²**



FLOOR PLAN - L9

COMMERCIAL GFA	**275 m²**
TERRACE	**37 m²**
PLANT	**173 m²**

SCALE 1:250 0 5 15

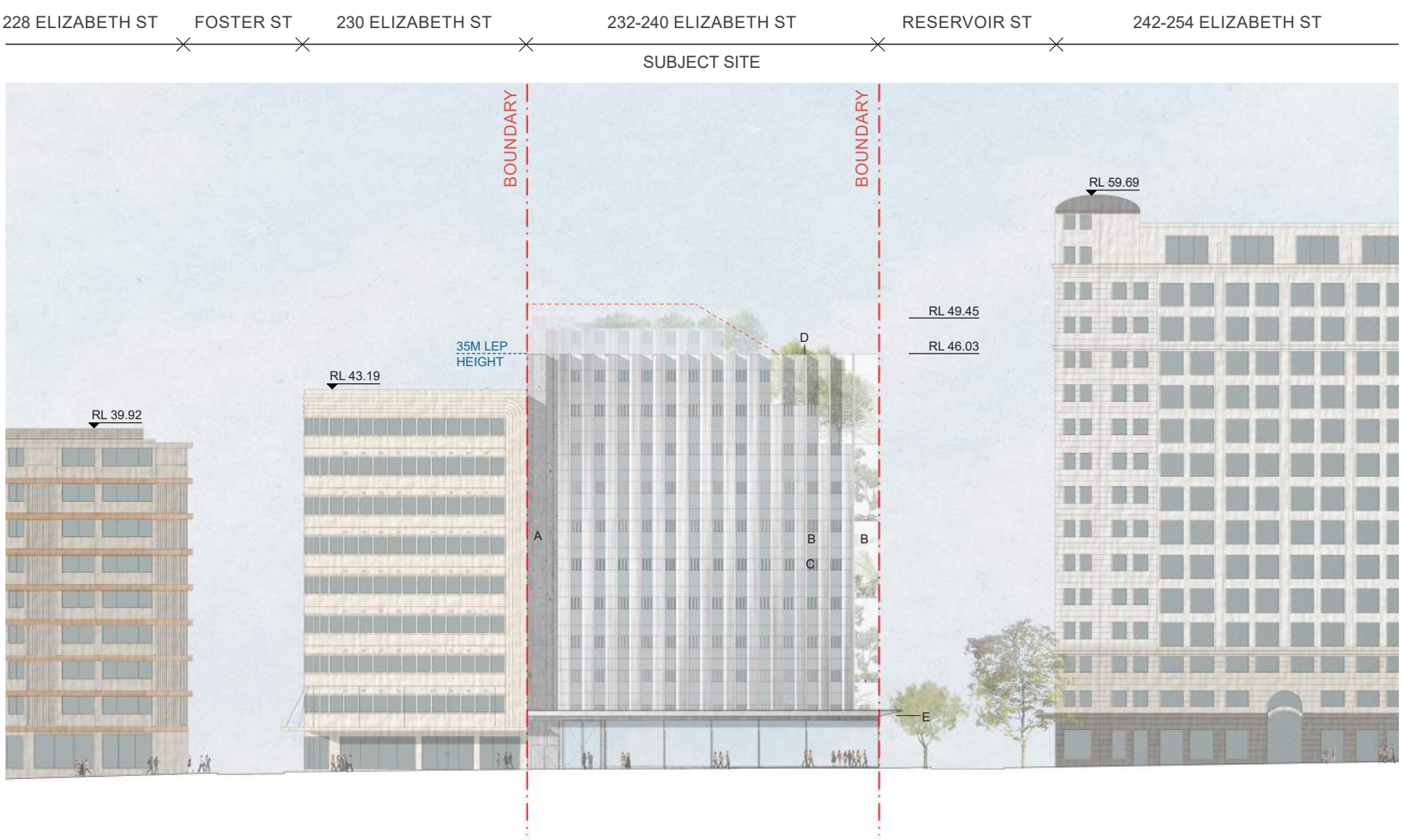


ROOF PLAN

SCALE 1:250

0 5 15

ELEVATION



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

0 5 10 20

A

Off-form Concrete

President Avenue Apartments, Candalepas Associates

B

Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design

D

Stainless Steel

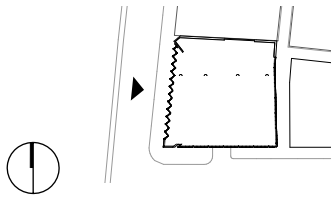
Virchow 6, Álvaro Siza Vieira

E

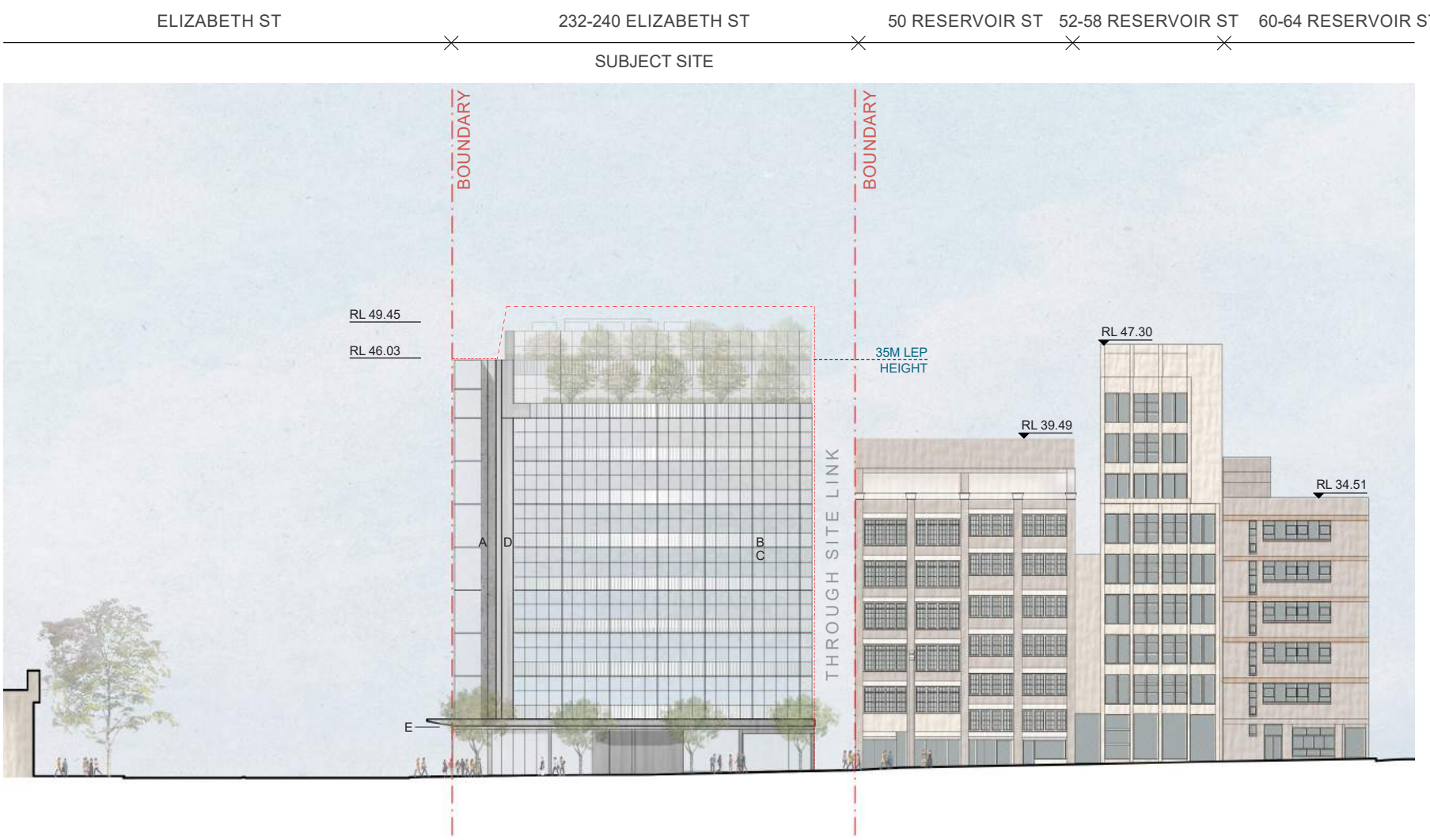
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



ELEVATION



SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500 0 5 10 20

A

Off-form Concrete

President Avenue Apartments, Candalepas Associates

B

Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design

D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

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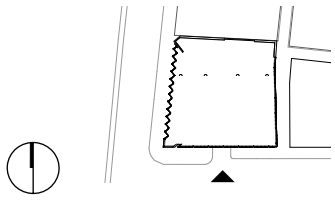
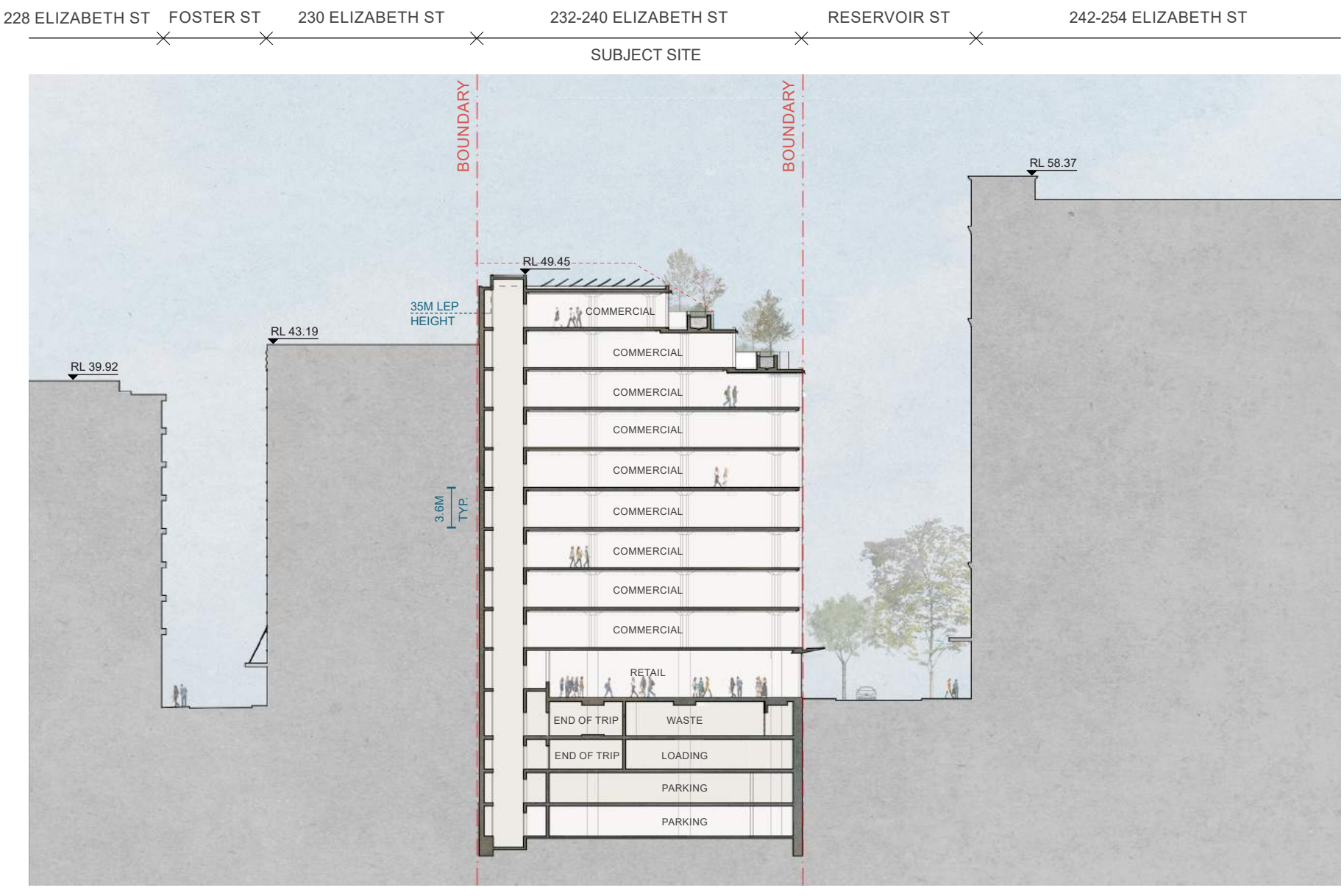
MATERIALS



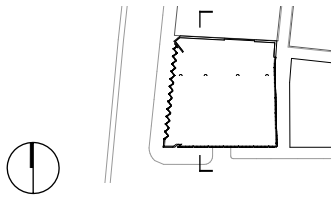
SECTION



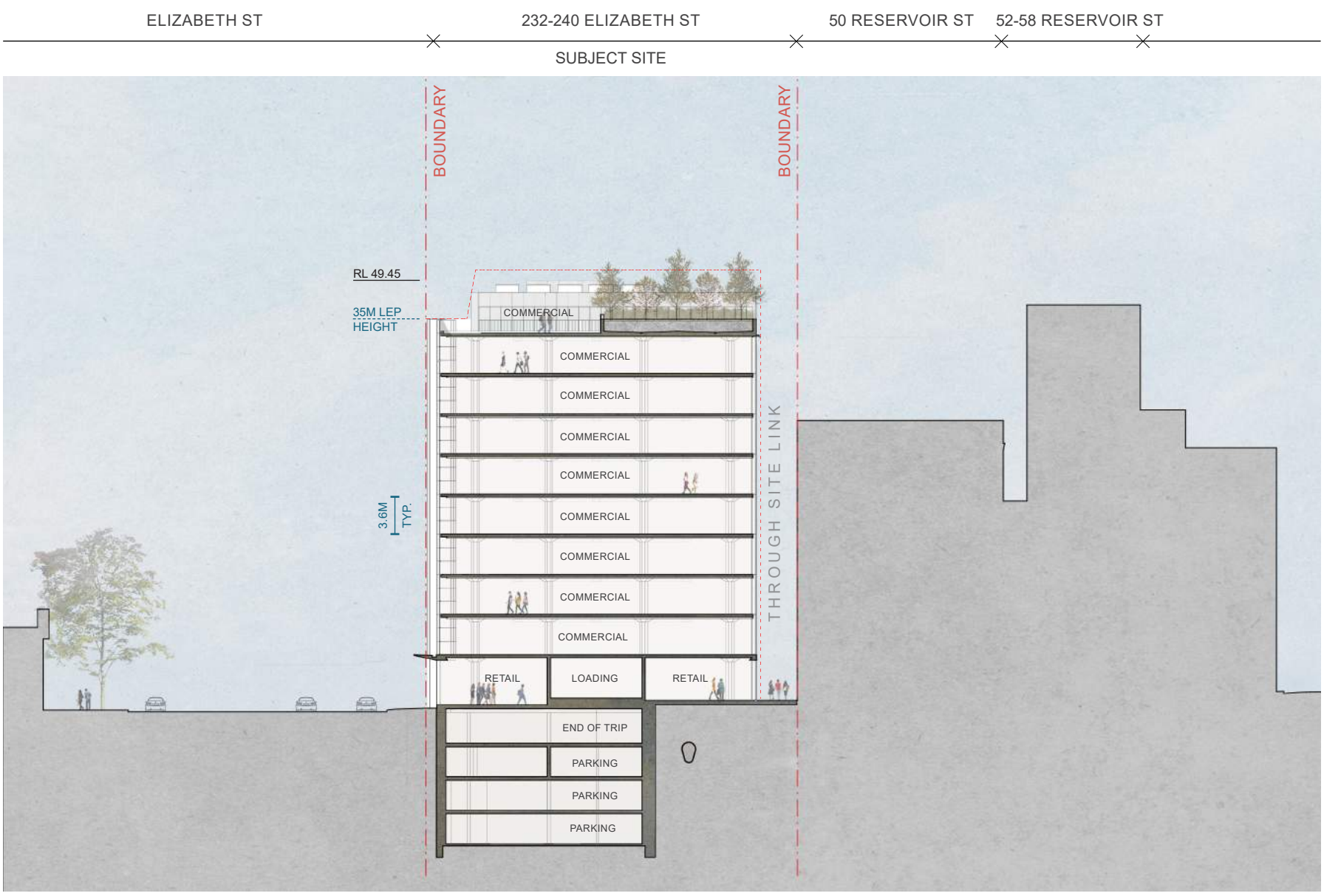
SECTION AA

SCALE 1:500

0 5 10 20



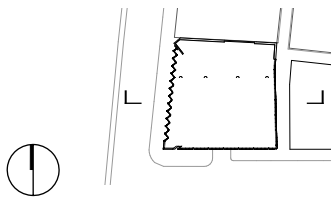
SECTION

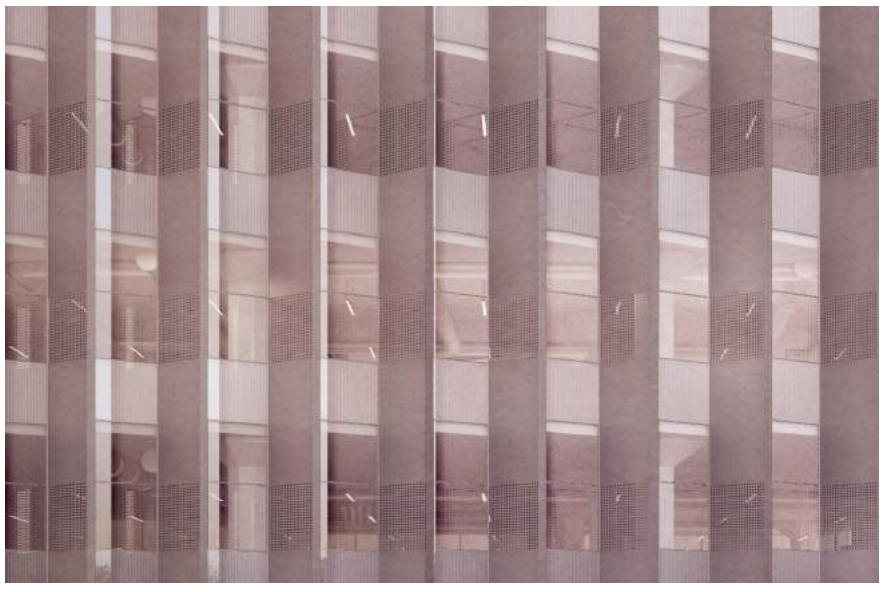


SECTION BB

SCALE 1:500

0 5 10 20

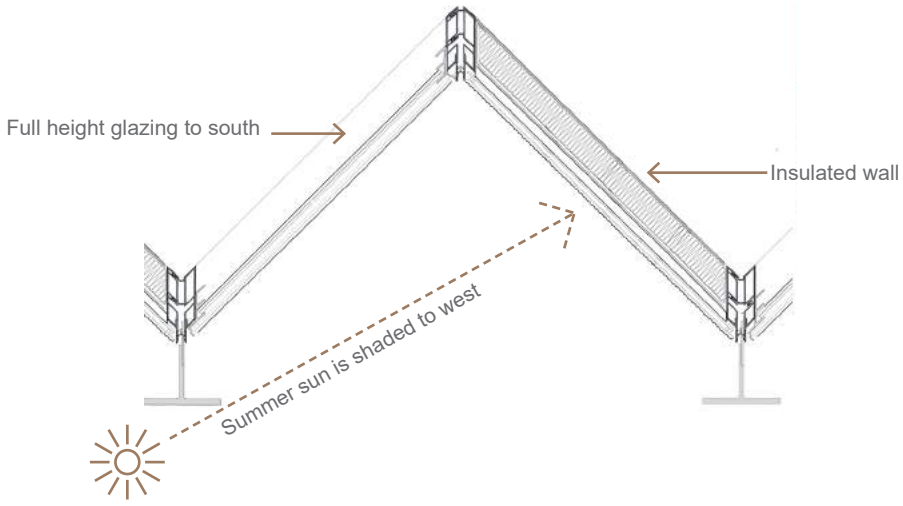




ELEVATION

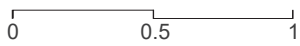
Elizabeth St Elevation Detail

NTS



PLAN

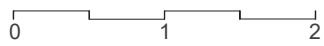
Typical Plan Detail



SECTION

Typical Section Detail

SCALE 1:50



Legend

1 **Clear glass**

2 **Ribbed glass**

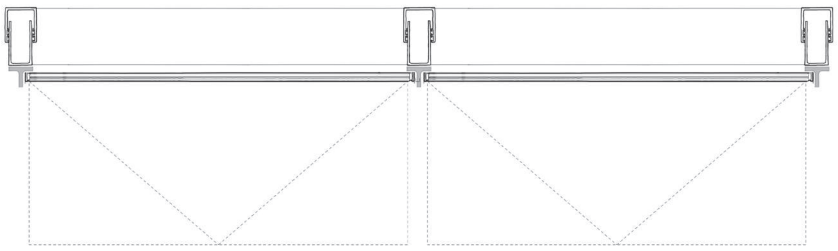
3 **Double glazed unit**

4 **Stainless Steel Frame**

ELEVATION

Reservoir St Elevation Detail

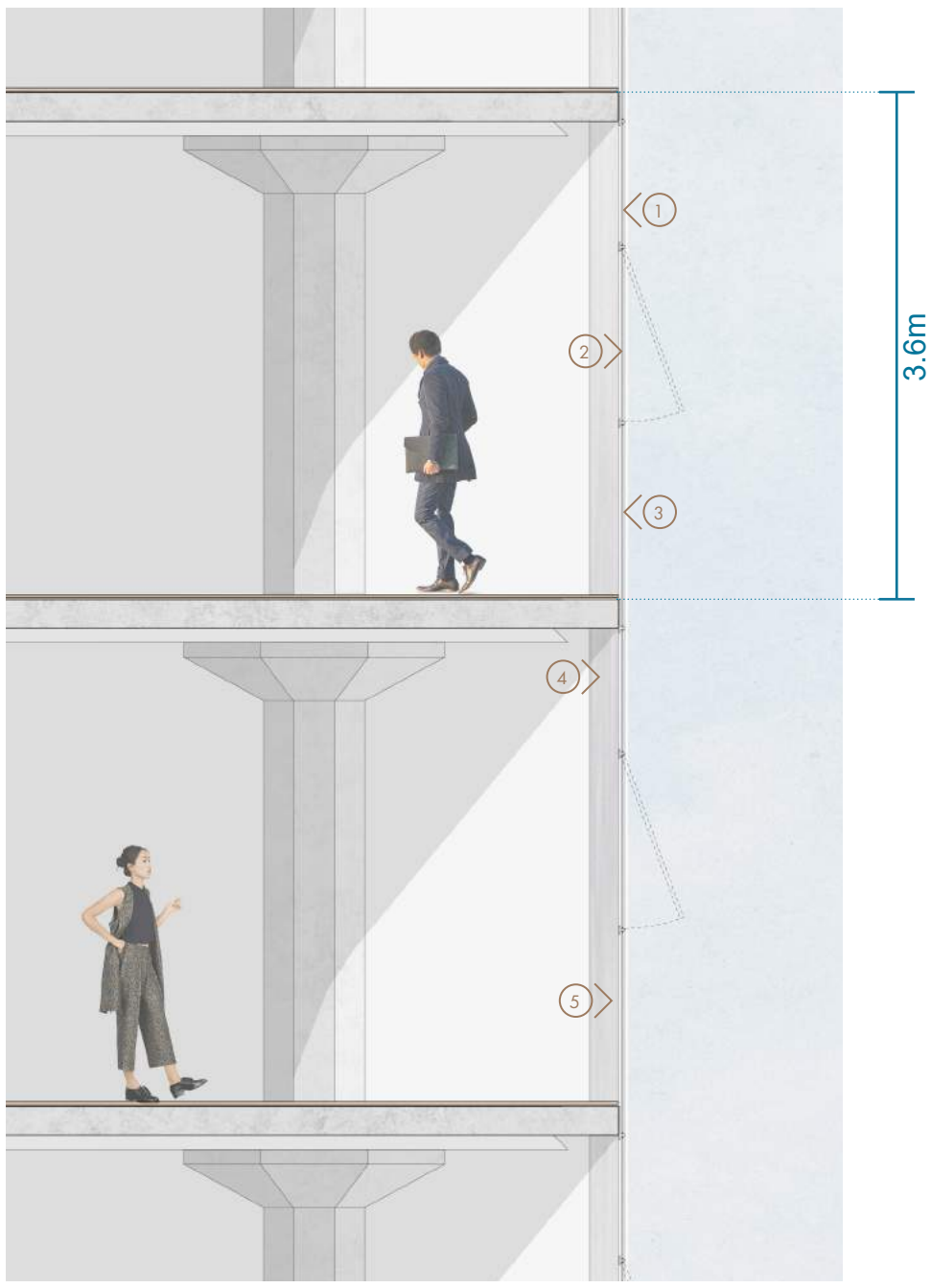
NTS



PLAN

Typical Plan Detail

0 0.5 1



SECTION

Typical Section Detail

SCALE 1:50

0 1 2

Legend

1 **Clear glass**

2 **Operable Glass**

3 **Ribbed Glass**

4 **Steel frame**

5 **Double glazed unit**

ELEVATION

Through Site Link Detail

NTS

SECTION

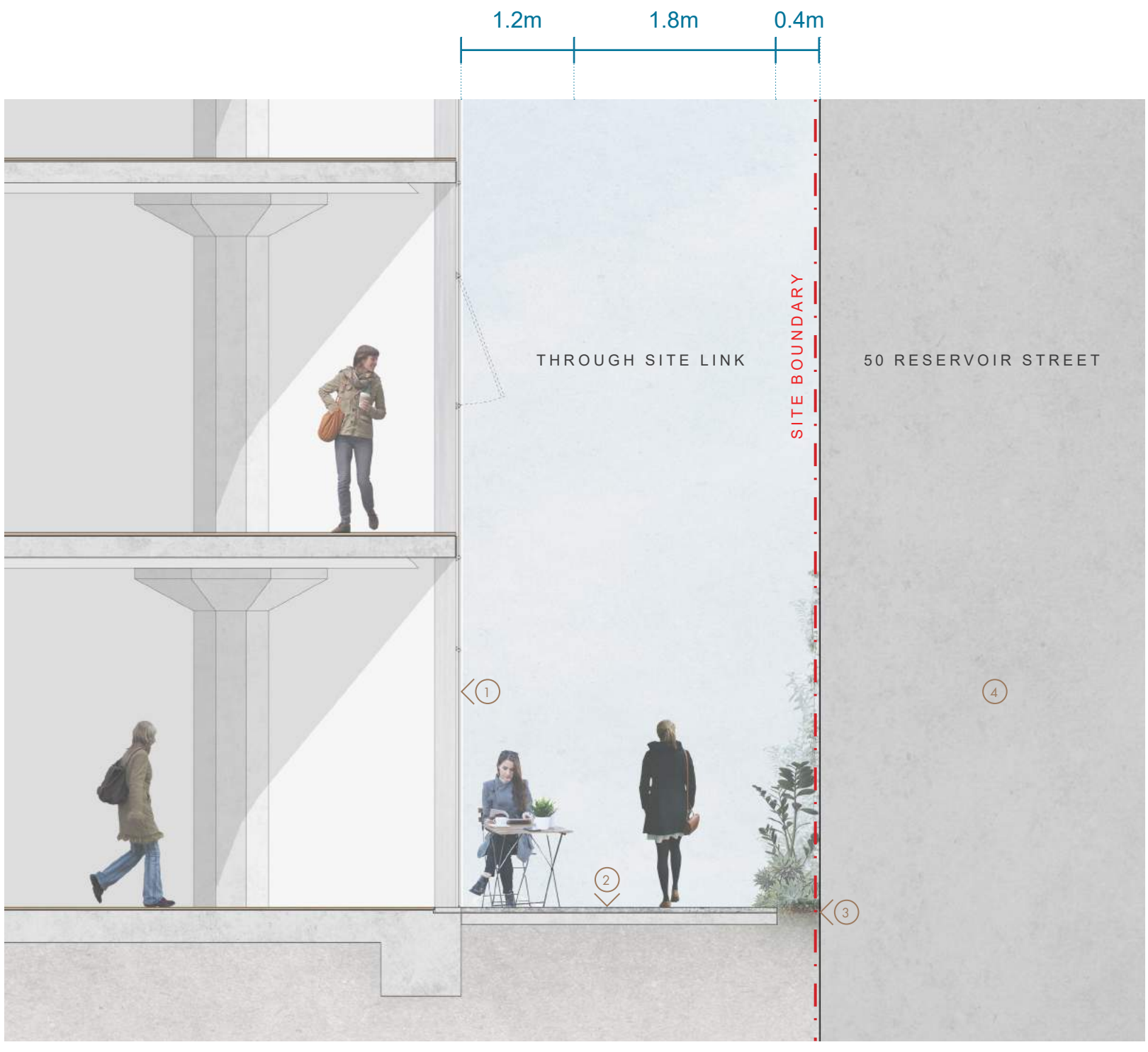
Typical Section Detail

SCALE 1:50

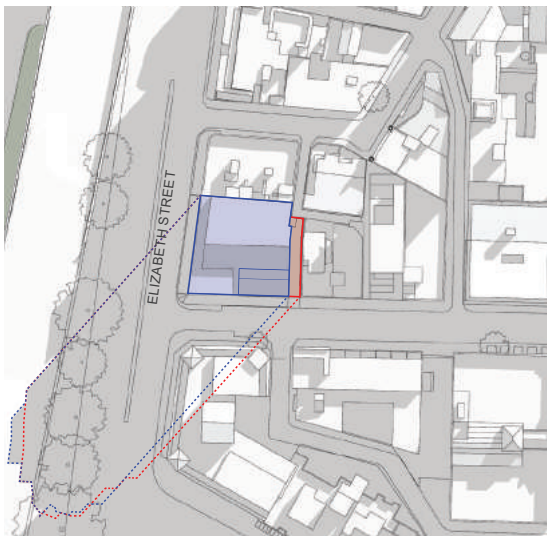
0 1 2

Legend

1 Glazed Entry Door
2 Stone Paving
3 Planter Bed
4 Existing Building

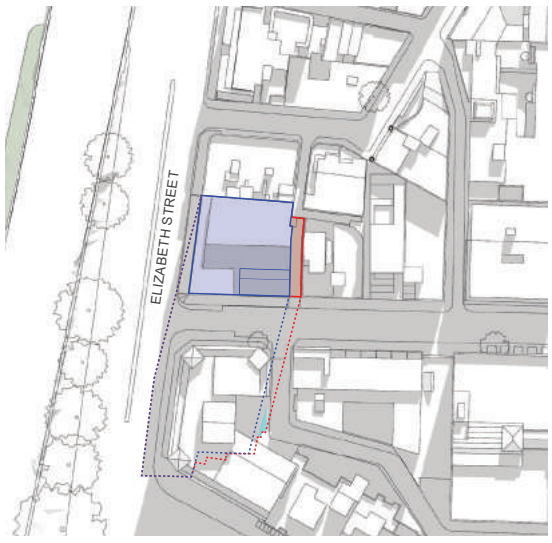


SHADOW DIAGRAMS

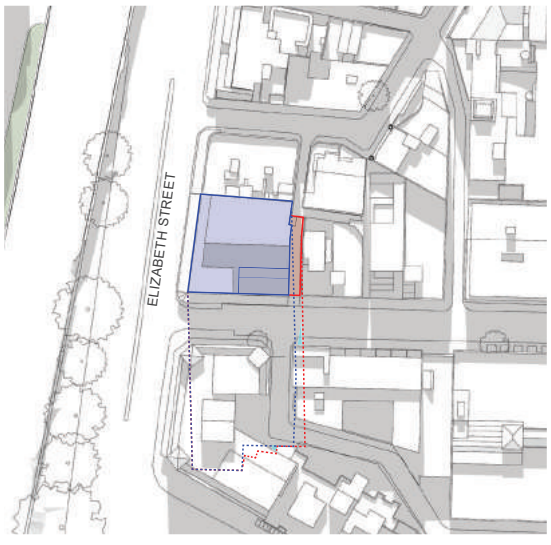


9AM JUNE 21

10AM JUNE 21



11AM JUNE 21



12PM JUNE 21

1PM JUNE 21

2PM JUNE 21

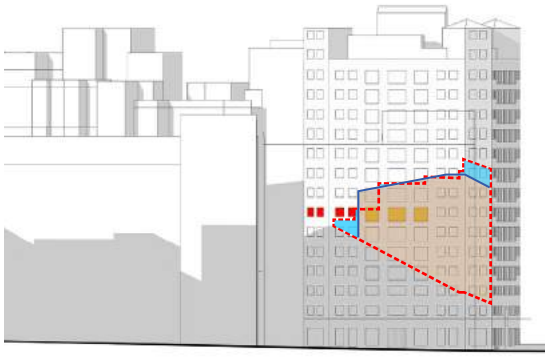
3PM JUNE 21

LEGEND

- EXISTING SHADOW
- APPROVED STAGE 1 DA ENVELOPE (DA/2016/1451)
- APPROVED STAGE 1 DA SHADOW ON GROUND (DA/2016/1451)
- PROPOSED ENVELOPE
- PROPOSED SHADOW ON GROUND
- PROPOSED SHADOW INCREASE
- PROPOSED SHADOW REDUCTION

NTS

RESERVOIR STREET SHADOW ELEVATIONS



9AM JUNE 21

10AM JUNE 21

11AM JUNE 21

12PM JUNE 21

1PM JUNE 21

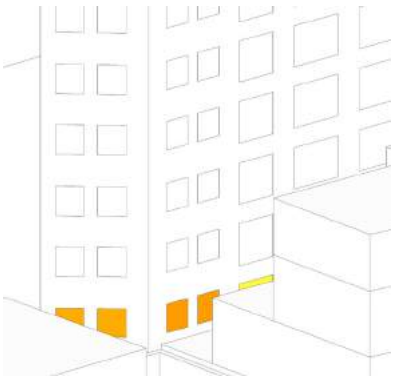
2PM JUNE 21

3PM JUNE 21

LEGEND

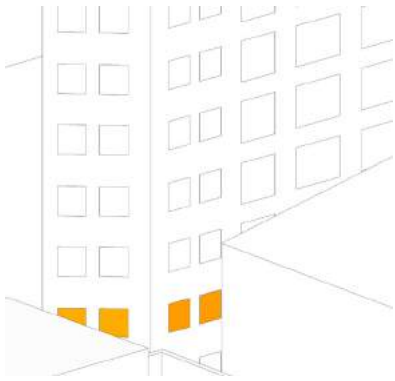
- EXISTING SHADOW
- APPROVED STAGE 1 DA SHADOW ENVELOPE (DA/2016/1451)
- PROPOSED SHADOW ENVELOPE
- PROPOSED ADDITIONAL SHADOW
- PROPOSED SHADOW REDUCTION
- 601/242-254 ELIZABETH ST
- 602/242-254 ELIZABETH ST

As illustrated in the adjacent diagrams, the proposed envelope provides an overall reduction in shadow cast when compared to the approved Stage 1 DA envelope. Both residential apartment buildings at 242-254 Elizabeth St & 33-37 Reservoir St are provided greater solar access on their north facing elevations than previously approved.



APPROVED STAGE 1 DA

9AM JUNE 21

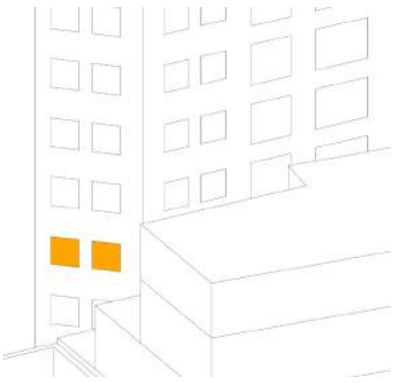


PROPOSED

APPROVED STAGE 1 DA

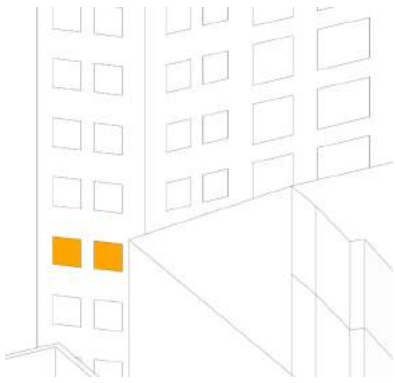
9:30AM JUNE 21

PROPOSED

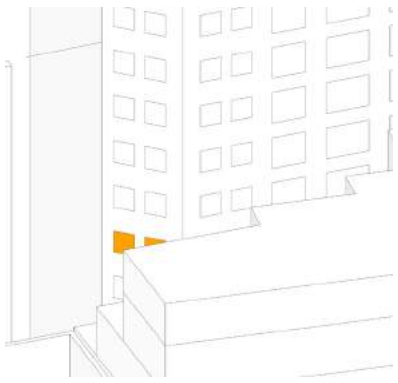


APPROVED STAGE 1 DA

10AM JUNE 21

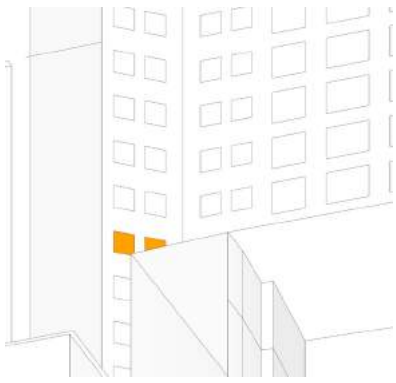


PROPOSED

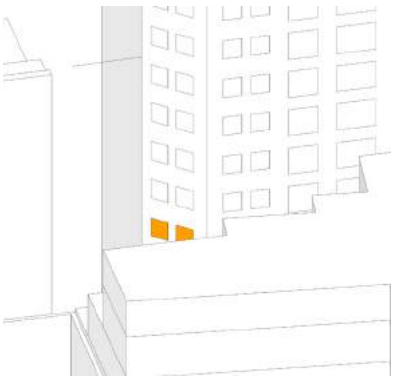


APPROVED STAGE 1 DA

10:30AM JUNE 21

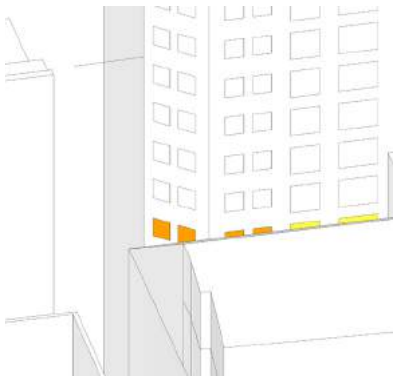


PROPOSED

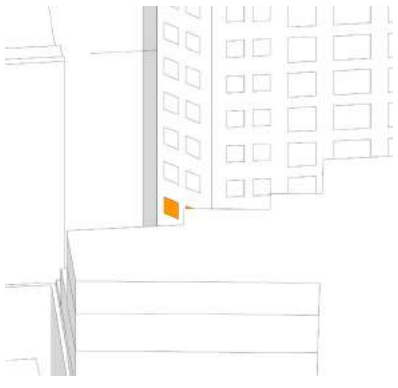


APPROVED STAGE 1 DA

11AM JUNE 21

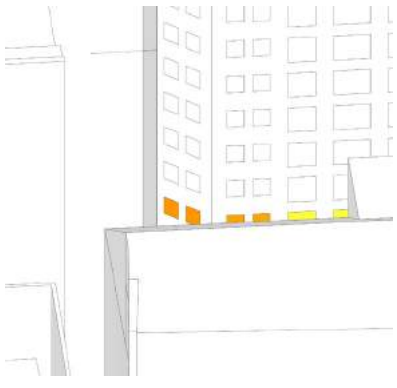


PROPOSED

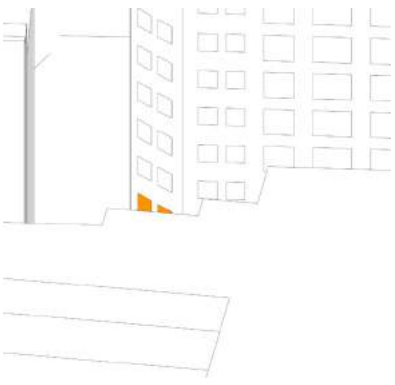


APPROVED STAGE 1 DA

11:30AM JUNE 21

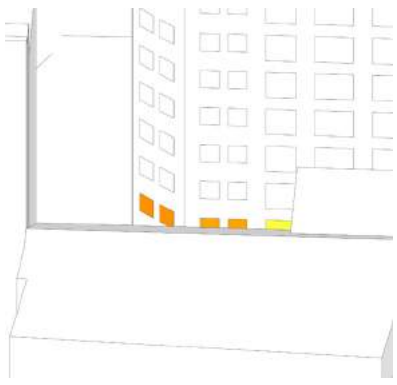


PROPOSED



APPROVED STAGE 1 DA

12PM JUNE 21



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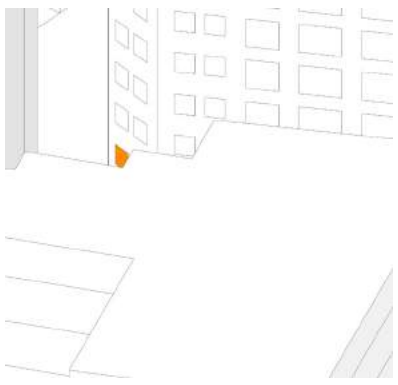

APPROVED STAGE 1 DA

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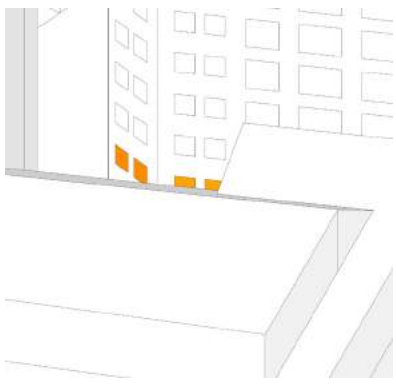


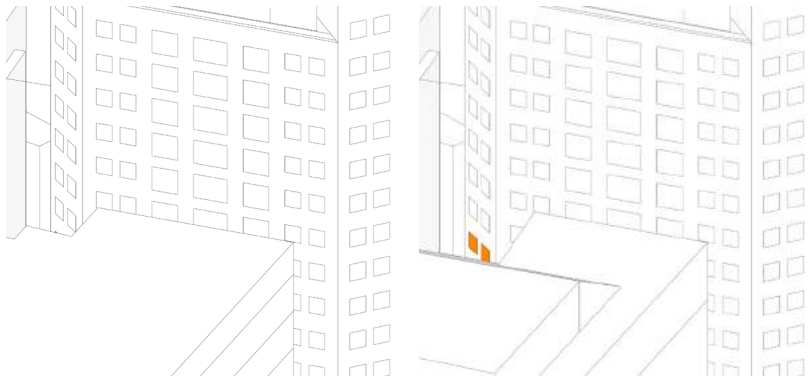
PROPOSED

LEGEND

601/242-254 ELIZABETH ST

602/242-254 ELIZABETH ST

242-254 ELIZABETH ST VIEWS FROM THE SUN



APPROVED STAGE 1 DA PROPOSED

1PM JUNE 21

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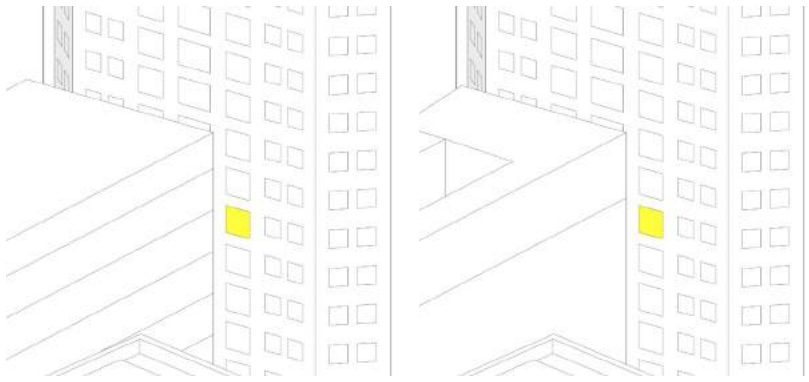

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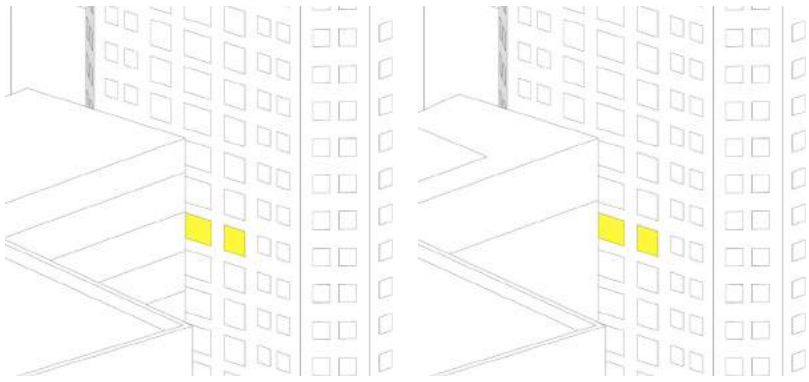
2PM JUNE 21



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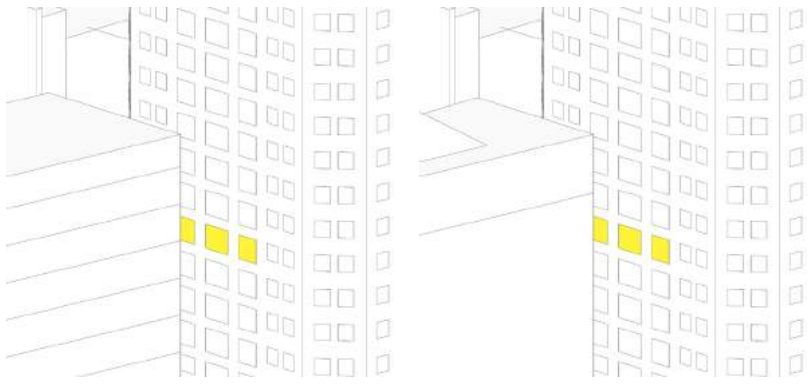
2:30PM JUNE 21



APPROVED STAGE 1 DA PROPOSED

3PM JUNE 21

LEGEND

601/242-254 ELIZABETH ST

602/242-254 ELIZABETH ST

242 ELIZABETH ST - UNITS 601&602 COMPARATIVE SOLAR ACCESS

The following table shows the period(s) during which at least 1sqm of living space is exposed to direct sunlight for units 601 & 602 of 242-254 Elizabeth Street. As demonstrated, the proposed envelope provides a solar improvement to both apartments when compared to the approved envelope. In particular, the proposed envelope provides over 2 hours of solar access to both units which exceeds the minimum provisions of the Apartment Design Guide. It is noted that the previously approved envelope did not meet this requirement.

APPROVED

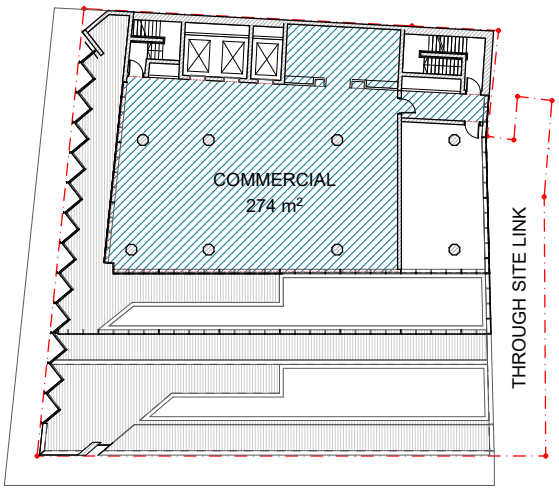
UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601	■	■	■	■	■	■	■							3HR 45MIN	COMPLIES	N/A
602	■									■	■	■	■	1HR 45MIN	NON–COMPLIANCE	N/A

PROPOSED

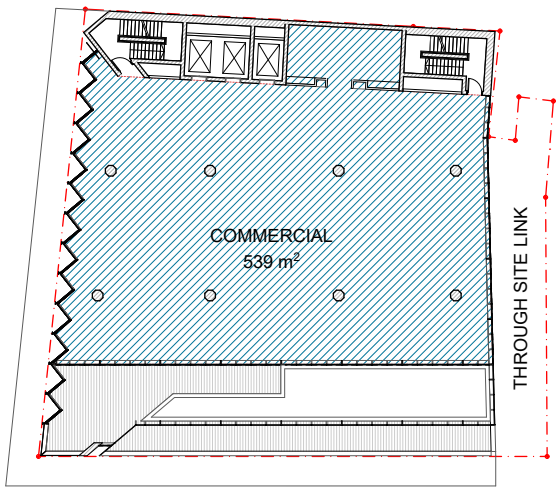
UNIT NO.	9.00 AM	9.30 AM	10.00 AM	10.30 AM	11.00 AM	11.30 AM	12.00 PM	12.30 PM	1.00 PM	1.30 PM	2.00 PM	2.30 PM	3.00 PM	TOTAL HOURS	2 + HOURS	CHANGE
601	■	■	■	■	■	■	■	■	■					4HR 15MIN	COMPLIES	+13%
602					■	■				■	■	■	■	2HR 15MIN	COMPLIES	+28%

■ INDICATES DIRECT SUN ACCESS TO GLAZING TO LIVING SPACE – OVER 1 SQM

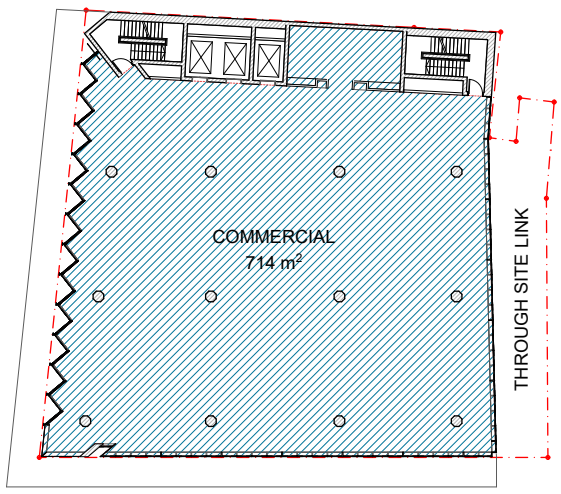
INDICATIVE PROPOSAL - PLANS



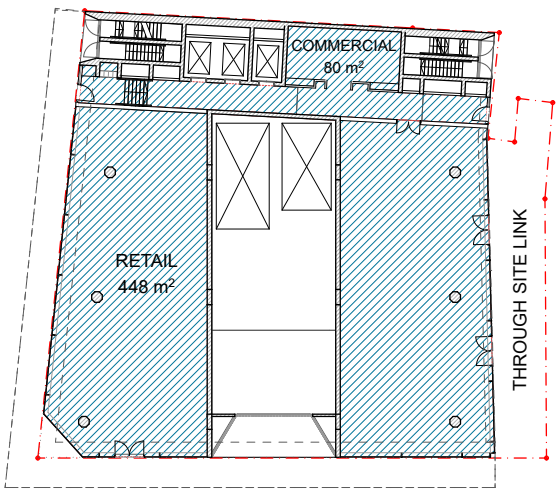
LEVEL 9 PLAN



LEVEL 8 PLAN



TYPICAL PLAN - L1- L7



GROUND FLOOR PLAN

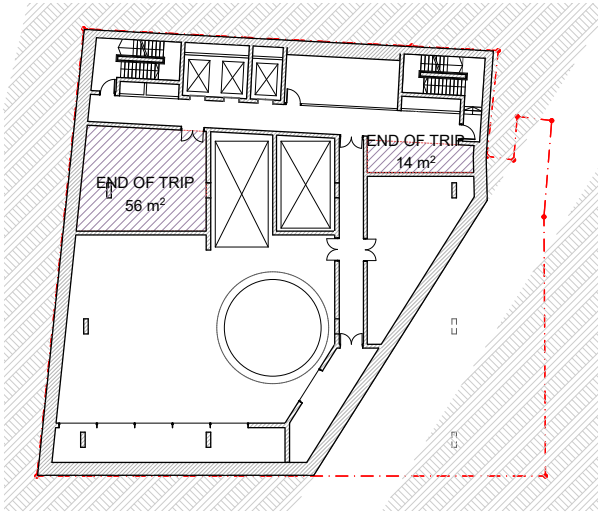
EXISTING CONTROLS - SYDNEY LEP 2012

SITE AREA:	905.6 SQM
ZONE:	B4 - MIXED USE
HEIGHT:	35M
STOREYS:	10
FSR:	5:1
GFA:	4,528 SQM
MAX. PARKING:	1 SPACE/200 SQM +1 ACCESSIBLE VISITOR/20 SPACES +1 SERVICE SPACE
GREENING & TERRACE:	135.84 SQM (15% SITE AREA)
END OF TRIP:	271.68 SQM (FSR 0.3:1)

INDICATIVE PROPOSAL - YIELD ANALYSIS

SITE AREA:	905.6 SQM
ZONE:	B4 - MIXED USE
HEIGHT:	35M
STOREYS:	9
FSR:	7:1
GFA:	6,339 SQM
MAX. PARKING:	16 CAR PARKING SPACES +2 ACCESSIBLE PARKING SPACES +1 SERVICE SPACE +2 MOTORCYCLE PARKING SPACES
GREENING & TERRACE:	143 SQM (15% SITE AREA)
END OF TRIP:	270 SQM (FSR 0.3:1) +42 STAFF BICYCLE PARKS +42 STAFF LOCKERS +7 SHOWER & CHANGE CUBICLES +21 VISITOR BICYCLE PARKS

GROUND	APPROX.448 SQM
LEVEL 1	APPROX.714 SQM
LEVEL 2	APPROX.714 SQM
LEVEL 3	APPROX.714 SQM
LEVEL 4	APPROX.714 SQM
LEVEL 5	APPROX.714 SQM
LEVEL 6	APPROX.714 SQM
LEVEL 7	APPROX.714 SQM
LEVEL 8	APPROX.539 SQM
LEVEL 9	APPROX.274 SQM
PROPOSED TOTAL GFA	6,259 SQM
PROPOSED FSR	7:1



BASEMENT 1 PLAN

SCALE 1:500

0 5 10 20

Appendix B – Deposited Plan – Public Road Dedication Limited in Stratum

CERTIFICATE ORDER SUMMARY

Transaction Details

Date:	12/07/2023 09:20
Order No.	80291562
Certificate No:	119523826
Your Reference:	3642636
Certificate Ordered:	NSW LRS - Copy of Plan - Deposited Plan 597228
Available:	Y
Size (KB):	120
Number of Pages:	1
Scan Date and Time:	10/09/1992 09:57

© Office of the Registrar-General 2023
Dye & Durham Property Pty Ltd an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

PLAN FORM 2 — Plan Drawing only to appear in this space — (3) OFFICE USE ONLY

D.P. 597228

Registered: 17-8-1978

C.A.: No 17/1978 of 25-10-1976

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: R.P 433# BARRACK SQUARE #

Last Plan: D.P. 250180 6176(L) DP.564209, DP.3375238 OTHERS

PLAN OF SUBDIVISION OF THE LAND IN P.A. 37536, LOT 22 D.P. 564208, APPN 37512, F.P. 62160, LOT 1718 D.P. 564209, D.P. 250180, ALLOTMENTS 13, 14, 15, 16 & PT. 12 SEC. 4 BARRACK SQ. LOT 1# F.P. 337523, P.A. 33337 & F.P. 50861

Reduction Ratio 1: 400 — Lengths are in metres.

Mun./Shire: City of SYDNEY

Locality: SYDNEY

Parish: PHILIP ST. ~~PHILLIP~~

County: CUMBERLAND

This is sheet 1 of my plan in sheets. (Delete if inapplicable).

I, WILLIAM LAWRENCE REIN of COLWELL, LARCOMBE & REIN of 104 BATHURST ST. SYDNEY a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made *(~~a~~ (2) under my immediate supervision in accordance with the Survey Practice Regulations, 1933, and was completed on * 10th May 1978.

Signature: ... Surveyor registered under Surveyors Act, 1929, as amended.

Datum Line of Azimuth. *Strike out either (1) or (2) *Insert date of survey.

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

IT IS INTENDED TO DEDICATE TO THE PUBLIC FOR ROAD

1) LOT 101 - BUT LIMITING IN HEIGHT THAT PART OF THIS LOT SHOWN * TO R.L. 15·5 STANDARD DATUM
2) LOT 102
3) LOT 103 - BEING LIMITED IN HEIGHT TO R.L. 24 STANDARD DATUM

AND THERE ARE NO OBJECTIONS TO SUCH LOTS BEING SHOWN AS ROAD ON CERTIFICATES OF TITLE OF ADJOINING LANDS.

SURVEYOR'S REFERENCE: P 735/7814-A

Signatures and seals only.

..... DIRECTOR

..... SECRETARY

DATED .....

Town ~~Council~~ Clerk's Certificate

I hereby certify that –

(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and

*(b) ~~the requirements of section 348 of the Metropolitan Water, Sewerage and Drainage Act, 1924, as amended, [Hunter District Water, Sewerage, and Drainage Act 1938, as amended~~

have been complied with by the applicant in relation to the proposed subdivision (Insert "new road", "subdivision" or "consolidated lot") set out hereon.

Subdivision No 17/1978

Date 25th October, 1976

(Signature) ... Town Council Clerk

*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board. (Delete if inapplicable.)

DIAGRAM B
NOT TO SCALE

DIAGRAM A
NOT TO SCALE SHOWING DEFINITION USED 1971 & NOW RELOCATED

MARGARET LANE 79° 49' 50" 103 FORMER LANE BRICK WALL NOW GONE

259° 50' 20" 171° 50' 10" 9·86 0·115 79° 50' 20" 19·64 169° 50' 10" 0·45

D.P. 597228

JAMISON ST. (ALIGD 2·135 - 6855 - 190) AS 82° 03' 15" 15" LD. 18·075 C.C.P.M.FD

102 279 m² 47·555 82° 03' 15" 38·98 28·185

100

YORK ST. BRICK BUILDING 9·38 21·045 26·94 352° 05' 20" 351° 29' 40" 4·70 16·52 172° 36' 15" 175° 48' 00"

WESTN FACE OF OLD WALL ON BDY DEMOLISHED LOCATED 1974 - NOW GONE

EASTN FACE OF OLD WALL LOCATED FITTON BDY (NOW GONE)

WESTN FACE OF WALL ON BDY

A.N.Z. BANK 85° 27' 40" SOUTHERN FACE OF WALL ON BDY 4·80 2·135 17° 50' 10" 9·86 79° 50' 20" 19·64 3·655 (COR-KASL)

DIAG SEE B

(UPPER LIMIT TO R.L. 24) 103 543 m² MULTI-STOREY BRICK BUILDING UNDER CONSTRUCTION

* PART OF LOT 101 WHICH IS LIMITED IN HEIGHT TO R.L. 15·5 STANDARD DATUM

MARGARET LANE (22·19) WIDE SEE DIAGRAM A 6·095 24·845 WALL 79° 49' 50" 2655 4·095 79° 49' 50" 204° 21' 30" 4·965 6·10 352° 05' 20" 17·45 350° 51' 30" 13·82 350° 25' 30" 27·785 26·38 265° 08' 40" 30" 26 260° 24° 23' 40" 265° 35' 15" 29·79 33·245 3·305 220° 41' 40" 2·59

101 94 m² 39·70 40·875 175° 48' 00" 175° 48' 00" 7·965 4·025 GEORGE ST.

4464 m² this area does not include the parts of Lot 100 above Lot 103 and the part of Lot 101 designated

P.A. 24732 RECENT MULTI-STRY BUILDING F.C.A. HOUSE

C.B.A. BANK Nº 273 (TO BE DEMOLISHED) BK MEZZANINE & 11 UPPER FLOORS

0·915 ADOPTED CITY COUNCIL BOLT FD.

MARGARET ST. YORK ST.

C.C.P.M.F.D.A.T INTSN OF KB LINES 3655 BDY TO K.L. RYD H.E.W. INKS 22° 23' 40" C.C.P.M.F.D. 352° 20' 40" TO ANGLE C.C.P.M.F.D. 352° 20' 40" TO COR 68·30 457 C.C.P.M.F.D. 352° 20' 40" TO ANGLE C.C.P.M.F.D. AT INTSN OF KB LINES TO INTERSECTION

The part of Lot 101 designated * is the stratum below a horizontal plane at R.L. 15·5 Lot 101 is otherwise unlimited in height and depth
Lot 103 is the stratum below a horizontal plane at R.L. 24 and is unlimited in depth
Lot 100 includes the strata above Lot 103 and the part of Lot 101 designated * and is exclusive of those lots and is otherwise unlimited in height and depth
All levels are related to standard datum

NOTES: BOUNDARY A-B-C
"A"-"B" DEFINED BY EASTERN FACE OF OLD WALL (NOW GONE)
"B"-"C" PASSED THROUGH BK WALL (NOW GONE) AT "C" BDY 0·23 WEST OF EASTN FACE OF WALL (LOCATED 1974) NOW GONE (VIDE FP 74732)
* DENOTES FACE OF COLUMN CLEAR

B.M. USED TO ESTABLISH STANDARD DATUM SHOWN HEREON IS A BOLT & A CUT ON LOW STONE WALL ON SOUTH SIDE OF JAMISON ST. ABT. 7·6 METRES EAST OF YORK ST. ALIGNMENT ADOPTED AS R.L. 25·073 STANDARD DATUM.

Table of mm 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

M.P.D

Amendment to Title Block made in the G.G.O. vide 1979 M7(874) 20-5-1981

AMENDMENT TO AREA OF LOT 100 ADDITION OF LOTS, MADE IN ... THE REGISTERED ... SURVEYOR ...

I, Bruce Richard Davies, Under Secretary for Lands and Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this day.

1st June, 1981

Table at mm 10 20 30 40 50 60 70 80 90 100 110 120 130 140

D 61 221552 8

165

Req:R867814 /Doc:DP 0597228 P /Rev:10-Sep-1992 /NSW LRS /Pgs:ALL /Prt:12-Jul-2023 09:20 /Seq:1 of 1
© Office of the Registrar-General /Src:DyeDurham /Ref:

Attachment A3

Economic and Social Impact Report

PLANNING LAB

Economic and Social Impact Report

Impact of Increased Density at 232-240 Elizabeth Street, Surry Hills

Prepared by Planning Lab

Issued 24 November 2023

Disclaimer: This document may only be used for the purpose for which it was commissioned. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Planning Lab accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

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Existing Community and Economic Profile 9

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Current Trends in Commercial Office Space Market 10

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Social and Economic Benefits 11

Employment 11

Increased Local Expenditure 12

Urban Improvement 12

Promotion of Active Transport 12

Efficient and Productive Use of Land 13

Conclusion 13

Introduction

Planning Lab has been engaged by Stasia Holdings Pty Ltd to prepare an Economic and Social Impact Report of the proposed increase to the non-residential floor space ratio of 232-240 Elizabeth Street, Surry Hills. The increased density is being proposed under a planning proposal along with a maximum building envelope. The indictive concept design accompanying the planning proposal envisions the demolition of the existing structures on site for replacement with a new 10-storey commercial building with three basement levels.

The proposed increase in commercial GFA is a response to market demand for commercial office space within Surry Hills and on the Sydney CBD fringe. The proposal also responds to the State planning priority to achieve a 30-minute city by locating additional commercial floor space within short walking distance from Central Train Station.

The City of Sydney has requested the preparation of an Economic and Social Impact Report to discuss the social and economic benefits of the planning proposal. This Report demonstrates that there is sufficient demand for commercial floor space within Surry Hills to warrant the increased density. The analysis also demonstrates that the demographics of Surry Hills are favourable towards the type of employment likely to be available during the building's operational phase. Accordingly, the Report finds that the proposed increase in available floor space on the subject site will have a positive social and economic impact.

Methodology

The following have been undertaken in the preparation of this Report:

- a site visit;
- a review of the strategic land use policies applicable to the site and proposal;
- a socio-economic review of available ABS Census data; and,
- a summary of commercial office leasing trends;

Resources

The following resources were used to produce this report:

- Australian Bureau of Statistics (2011). Census of Population and Housing
- Australian Bureau of Statistics (2016). Census of Population and Housing
- Australian Bureau of Statistics (2021). Census of Population and Housing
- Knight Frank (2019) Sydney City Fringe: Office Market Report – June 2019
- Knight Frank (2020) Sydney CBD: Office Market Report – September 2020
- Knight Frank (2021) Sydney CBD: Office Market Report – September 2021
- Knight Frank (2022) Sydney CBD: Office Market Report – September 2022

Project Context

Site Location

The subject site is located at 232-240 Elizabeth Street, Surry Hills within the City of Sydney Local Government Area (LGA). It is located approximately 300 metres north of Central Train Station (Figure 1). The surrounding area is characterised by a mix of commercial and residential land uses. The ground level is typified by active retail tenancies. Development along Elizabeth Street is dominated by buildings greater than 6 storeys in height.

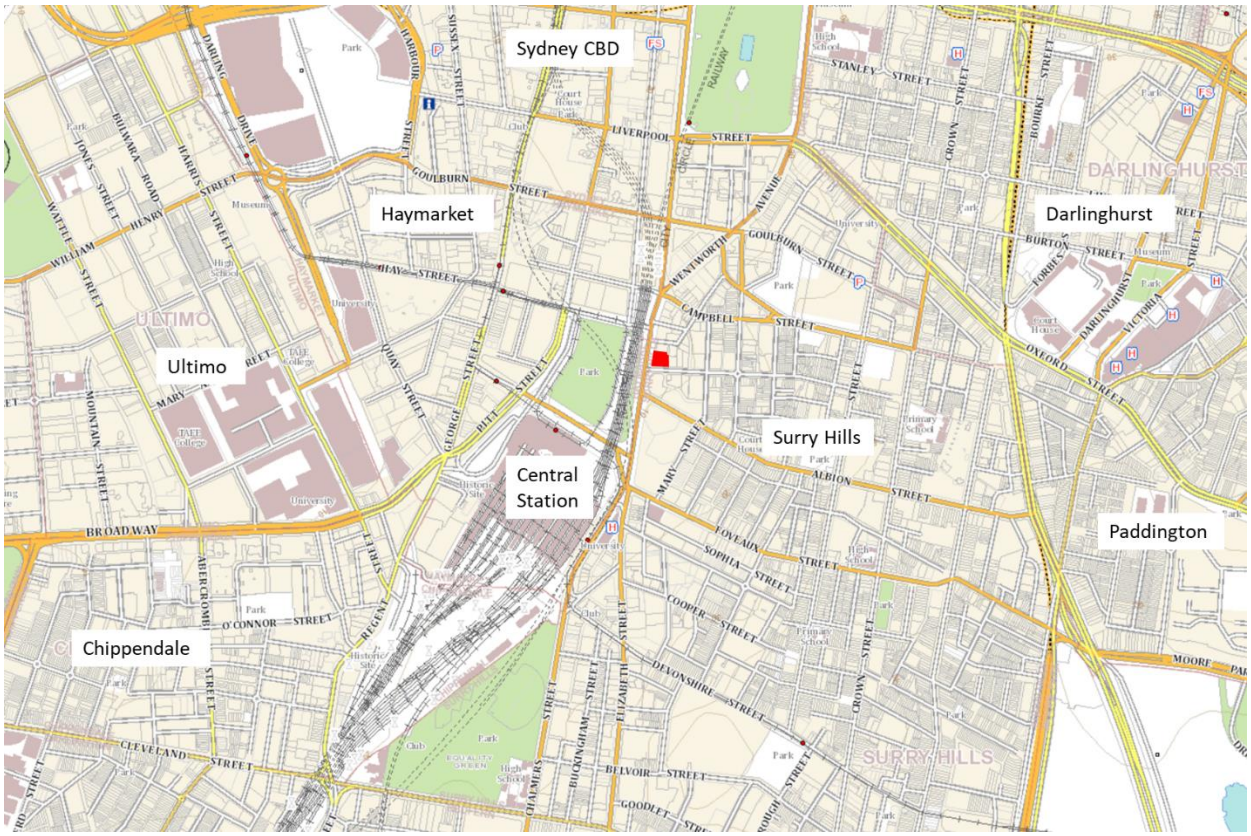

Figure 1 - Site location

Planning Proposal

The Planning Proposal that this assessment supports seeks to amend the site's permissible maximum floor space ratio (FSR) from 5:1 to 7:1 where a non-residential development is proposed.

The subject site has an area of 905.6m^2. Under the existing FSR of 5:1, a maximum gross floor area (GFA) of 4,528m^2 is permitted. Under the proposed non-residential FSR of 7:1, a maximum GFA of 6,339m^2 would be permitted. This is a proposed maximum GFA increase of 1,811m^2 for non-residential land uses. It is anticipated that the development would provide ground floor retail space and that the upper levels would likely be occupied by commercial offices. Therefore, the additional GFA would be utilised entirely by commercial office space.

The *City of Sydney Development Contributions Plan 2015* estimates an occupancy of 21m^2 of GFA per worker in an office premises with 4 or more storeys. It also estimates 21m^2 of GFA per worker in a food and drink premises (ie, restaurant, café & takeaway premises). These figures, along with the indicative concept design, have been used in table 1 to estimate the increase in workers accommodated on the site between a commercial development with an FSR of 5:1 against 7:1.

It should be noted that the site is zoned MU1 Mixed Use which permits the development of shop top housing or residential flat buildings. It is possible that an application under the current controls could provide no employment floor space.

Table 1 - Proposed increase to floor space and occupancy

Attribute	Existing FSR Control	Proposed FSR Control	Difference
Maximum GFA	4,528m^2	6,339m^2	1,811m^2
Est Retail GFA	452m^2	452m^2	Nil
Est Retail workers	21.5	21.5	Nil
Est office GFA	4,076m^2	5,887m^2	1,811m^2
Est office workers	194.1	280.3	+86.2
Total workers	215.6	301.8	+86.2

The increased FSR would accommodate an estimated 86.2 additional office workers and would ensure that the site was developed for commercial purposes rather than as a residential flat building. In comparison to a residential flat building, the indicative concept design would provide floor space for an additional 301.8 jobs.

Strategic Planning and Policy Framework

Greater Sydney Region Plan—A Metropolis of Three Cities

The Greater Sydney Region Plan provides direction for the future development of the Greater Sydney Region. Of relevance to the proposed development is the target to facilitate 817,000 new jobs by 2036 and the objective to create a 30-minute city.

The proposal to increase the maximum permissible non-residential GFA on the subject site would increase additional employment opportunities in a central and accessible location. Given the demographic characteristics of the area, the proposed development is likely to be an attractive place to work for local residents, allowing residents to work close to home. The proposal is will contribute positively towards the 2036 employment target and the objective for a 30-minute city.

Eastern City District Plan

The Eastern City District Plan identifies Surry Hills as being within the 'Harbour CBD' which is described as the "established economic heart" of Greater Sydney.

Planning Priority E7 is growing a stronger and more competitive Harbour CBD. The Eastern City District Plan estimates there to have been 496,900 jobs in the Harbour CBD area (excluding North Sydney) in 2016 and forecasts between 662,000 – 732,000 jobs by 2036 which is an increase of between 165,100 - 235,100 jobs over the 20-year period. The plan also emphasises the importance of high amenity levels to attract employers and their workers to the Harbour CBD.

The Eastern City District Plan describes strong growth in residential property values against commercial property values since 2009. It identifies residential property as a competitor to commercial land uses that needs to be managed so as not to compromise the CBD's economic value.

The proposed development aims to create a new infill building that is of commensurate scale with existing surrounding development, provides additional commercial floor space and improves the site's relationship to the public domain with a new through site link. The proposed increase to FSR would allow a potential additional 86.26 office workers in comparison with the existing FSR control. The proposal is consistent with The Eastern City District Plan's intention to support additional employment capacity and improved amenity in the Harbour CBD.

City Plan 2036: Local strategic planning statement

The City Plan 2036: Local strategic planning statement sets a land use vision for the City of Sydney until 2036. It sets a range of land use priorities for the City.

Of relevance to the proposed development is Priority P2 which is "developing innovative and diverse business clusters in City Fringe". Surry Hills is identified as being part of the Eastern Creative Precinct which makes a valuable contribution to the City's economy.

Priority P2 includes the following objectives:

Objectives	Comment
City Fringe is a leading place for investment and innovation and is known for its specialised economic role, knowledge intensive clusters, urban amenity and character	The subject site is located just outside of the Sydney CBD area where the CBD transitions to the City Fringe. The proposal would allow for the creation of additional commercial floor space in this valuable and well-connected location.
Walkable, high amenity and technologically connected places support knowledge sharing and collaboration between diverse businesses, institutions and global talent	The subject site is within Surry Hills which exhibits high levels of amenity, is walkable and has excellent access to public transport. The proposal would deliver a through site link

	between Foster and Reservoir Streets, increasing walkability.
The Innovation Corridor is globally competitive with specialised knowledge intensive, research and innovation-based clusters, industries and institutions	N/A – the subject site is not within the Innovation Corridor.
The Eastern Creative Precinct is a thriving, regionally significant cluster of creative sector business, arts and cultural enterprises	The proposal would provide for additional commercial floor space within the Eastern Creative Precinct.
Genuine mixed-use village areas celebrate distinct economic, social, heritage and cultural characteristics	The proposal has the potential to include ground floor retail uses to contribute to the vibrancy of the area.

In considering the City Fringe Area, the LSPS states (emphasis added):

> *"The economic opportunities of the City Fringe relies in part on the capacity for clusters to grow. Our capacity study shows that 52 per cent of the remaining floor space capacity available within current planning controls in City Fringe is likely to be for uses other than residential. However, 70 per cent of this available capacity is within business zones that allow residential development.*
>
> *Without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD. We also need to improve the diversity of enterprise spaces and balance other uses, including housing, community, recreational and cultural uses, or risk losing out to other global economies that are continually moving towards a knowledge-based innovation economy."*

The subject site is within a MU1 mixed use zone which permits residential development. With the recent removal of accommodation bonuses for residential land uses within Central Sydney, locations of the City Fringe, such as the subject site, are likely to experience increased residential demand. The proposed site specific control would only be available to a non-residential development incentivising commercial development.

The planning proposal is consistent with the Priorities of the City Plan 2036: Local strategic planning statement.

Local Economic Profile

The proposed development will have economic impacts at multiple levels within the community. The greatest impact will be upon people living in the local area around the site. There will be an impact on the wider City of Sydney LGA in which the site is located and a more diffuse impact on the Greater Sydney Region. The 2021 Australian Bureau of Statistics (ABS) census data has been used in this assessment.

The subject site is located within ABS Surry Hills Statistical Area 2 (Surry Hills) (SA2). This data has been used to build a profile of the local community. The Surry Hills SA2 has been benchmarked against statistics for the City of Sydney LGA (City of Sydney) and the Sydney Greater Capital City Statistical Area (Greater Sydney).

Changes to the economic and social environment generated by the proposed development will be most significant within Surry Hills and are the focus of this report. However, in an overall sense, economic and social outcomes will also be generated across the City of Sydney and the wider metropolitan area.

Existing Community and Economic Profile

Key findings of the analysis are as follows:

Population and Age Structure

- Between 2016 and 2021, the number of residents in Surry Hills decreased by 588 to 15,828 residents in 2021, or an average annual rate of -0.7%. This reversed the previous growth trend that occurred between 2011 and 2016.

- The population of the Surry Hills is relatively young with a median age of 35 years. This is slightly older than the City of Sydney's median age of 34 years but slightly younger than the Greater Sydney median age of 36 years.

- Approximately 71.2% of the residents in the Surry Hills were aged between 20-64 years. This is fewer people in that age range than across the City of Sydney where 80.2% were between 20-64 years but more than the Greater Sydney Region where 60.7% of people are in that range.

- The population data indicates that the City of Sydney, and Surry Hills in particular, is attractive to people of working age.

Education

- 54.9% of residents (over 15 years of age) in Surry Hills have obtained a level of education equal to a bachelor degree or higher. This is slightly higher than for the City of Sydney at 52.6% and much higher than the Greater Sydney rate of 33.3%.

Occupation and Employment

- 70.9% of people living in Surry Hills (over the age of 15 years) are in the labour force. This is higher than the proportion in the City of Sydney at 68.7% and higher than the Greater Sydney Region at 60.0%.

- Surry Hills has a substantially greater number of residents who fall within the occupation categories of 'professionals', 'managers' or 'clerical and administrative workers' than the

City of Sydney or Greater Sydney. These are the occupational categories most likely to be employed in the proposed building.

Occupation (top responses)	Surry Hills	City of Sydney	Greater Sydney
Professionals	45.9%	41.6%	29.3%
Managers	20.2%	18.7%	15.2%
Clerical and Administrative workers	9.4%	10.6%	13.8%
Total	75.5%	70.9%	58.3%

Summary

The Surry Hills statistical area and the City of Sydney LGA have younger than median populations. This population is both more highly educated and more likely to be engaged in the labour market than the Greater Sydney Region average. Residents of Surry Hills are also much more likely to be employed in typically 'white collar' occupations. The demographics of Surry Hills and the City of Sydney are favourable to staffing commercial office space.

Commercial Office Market in Surry Hills

This Report accompanies a Planning Proposal to increase the permissible density of the subject site. The realisation and completion of a development under the proposed controls would be likely to take at least four years from the lodgement of a Planning Proposal.

The following section examines the commercial office market in the Sydney CBD and Surry Hills.

Current Trends in Commercial Office Space Market

The Covid-19 pandemic saw a reduction in demand for commercial office space within the City of Sydney CBD. The Knight Frank Sydney CBD Reports from September 2020, September 2021 and September 2022 recorded average vacancy rates of 5.6%, 9.2% and 10.1% respectively. Notably, during this time an additional 255,930m^2 of additional floor space became available due to building completions.

While average vacancy rates have increased since the beginning of the Covid-19 pandemic, Knight Frank (2022) forecasts that vacancy rates have likely peaked. Their forecast notes that unemployment is historically low and job vacancies are near record highs. These economic attributes

will likely drive demand for more office space in the near future. The analysis also notes that demand for leasing floor space over the 18 months to September 2022 has been strongest in the technology sector (33%) followed by financial services (21%) and professional services (16%). Knight Frank (2022) forecasts that there will not be a substantial increase in CBD office supply until 2024 which will be focused around over station developments. These developments will involve the demolition of some existing ageing office stock which will cause displacement.

While the above relates to the CBD, the site is located in the closest area of the City Fringe which will react to changes in the CBD market. Rents have continued to rise slowly in the Sydney CBD since 2020 despite higher vacancy rates. This will encourage some tenants who are priced out of the CBD to continue seeking nearby alternatives.

Knight Frank released a Sydney City Fringe Market Report in June 2019 which found there was an undersupply of commercial floor space in the City Fringe area. That report recorded Surry Hills as having a commercial vacancy rate of only 3.2% at that time. It noted that Surry Hills was an attractive area for tenants and had recorded average vacancy rates below the Sydney CBD average since 2011. The research accounted for this noting that businesses were increasingly looking to promote flexibility for their workforce and provide superior amenities through the nearby co-location of exciting restaurant and bar concepts.

Much of the floor space likely to be delivered in the near future will occur as part of large over-station developments which will draw large corporations and leaseholders into new premium office space. The subject site can offer office space to suit multiple smaller or mid-size businesses that are forced out of the Sydney CBD market or who value the Surry Hills location.

Proposal's Response to Commercial Office Trends

The proposed amendment to the Sydney LEP 2012 would permit an additional 1,811m^2 of commercial GFA to be realised on the subject site within the City Fringe market. While demand for commercial office space has fallen within the Sydney CBD following the Covid-19 pandemic, it is forecast to rebound in the future. Demand is likely to continue in the Surry Hills area as the area offers a cheaper alternative to the Sydney CBD and is attractive to create industries.

Social and Economic Benefits

The following section examines the social and economic benefits of the proposed development.

Employment

Once operational, a commercial building on the subject site in accordance with the indicative concept design would support up to 280.3 office jobs in addition to 21.5 retail jobs. This is 86.2 additional office jobs in comparison to a commercial development carried out with an FSR of 5:1.

The increased FSR would help ensure that the site was developed for commercial purposes rather than as a residential flat building. In comparison to a residential flat building, the indicative concept design would provide floor space for an additional 301.8 jobs.

Surry Hills, has a concentration of employers in the Professional, Scientific and Technical Services industries. Firms occupying these office spaces will demand highly skilled workers. As illustrated by the demographic analysis, Surry Hills has a relatively high proportion of highly educated workers. Notwithstanding this, the site is in proximity to sustainable public transport options and thus has access to a relatively large pool of highly skilled workers.

Increased Local Expenditure

Additional employees will increase retail trade in the local area. This benefits a range of local businesses including; local cafés; restaurants; bars; shops selling take-home groceries; and, personal services such as gyms and hairdressers.

Assuming that employees spend an average of $15 per working day on local food and beverages, this would result in total annual spending on local businesses of around $1.13 million per annum.

- (301.8 workers x ($15 x 5)) x 50 = $1,131,750

Of this, $323,250 per annum would be attributable to the additional 86.2 office workers.

- (86.2 workers x ($15 x 5)) x 50 = $323,250

There will also be additional spending on retail goods, entertainment, leisure activities and personal services. Some of this spending will be retained within the Surry Hills area and will be of benefit to the wider retail/commercial precinct along Crown Street and surrounding areas. Additional spending will inevitably also be directed towards retail shops and services within the Sydney CBD.

The extent of spending by workers on non-food items is difficult to estimate but will be positive for Surry Hills and the wider City of Sydney LGA.

Urban Improvement

The proposed building envelope includes a new through-site link between Reservoir Street and Foster Lane. This is intended to work in conjunction with a through site link newly created at through site link at 52 Reservoir Street to enliven Foster Lane. The indicative concept design demonstrates that a through-site link could be activate along its entire extent encouraging greater permeability of the block and improving the local character.

Promotion of Active Transport

Commercial development on the subject site will encourage the use of active and public transport modes.

The demographic analysis undertaken in this report demonstrates that there is a large pool of prospective employees within the Surry Hills and wider City of Sydney LGA areas. Employees living

close to their place of work are more likely to walk or cycle to work. The inclusion of end of trip facilities will further encourage active transport.

The site is located approximately 300m walk from Central Station where Train, Light Rail and Bus services can all be readily accessed. This encourages the use of public transport to access the site.

Efficient and Productive Use of Land

The site is located on the City Fringe and in the Eastern Creative Precinct. This area hosts existing office space but there continues to be high demand for more. The planning proposal has the potential to deliver a high-quality re-development of the site for office uses. The subject site can accommodate a scale of offices that will attract and retain additional professional services business that are is consistent with the employment needs of the local workforce.

Conclusion

The key findings of this report are as follows:

- The proposed increased density being tied to commercial uses will incentivise a commercial development over a residential development. A commercial development at an FSR of 7:1 will accommodate an estimated 301.8 jobs. This is 86.2 more office jobs more than a commercial development at an FSR of 5:1.
- The proposed increase in achievable commercial density is generally consistent with the land use and economic outcomes sought by relevant key strategic planning documents.
- Demographic analysis shows that residents of the City of Sydney and Surry Hills more specifically are well suited to work opportunities likely to arise in a commercial office on the subject site.
- The commercial office market in Sydney and the City Fringe, which includes Surry Hills, has higher vacancy than in 2020 due to changes following the Covid-19 pandemic though vacancy rates appear to have peaked and no substantial new floor commercial space is expected to enter the market until 2024.
- Surry Hills has had consistently lower vacancy rates than the Sydney CBD between 2011-2019. More recent data is not available.
- Surry Hills is an attractive location for businesses operating in creative and technology-based industries.
- The site is well located in relation to public transport and has a large population within a 30 minute commute catchment.

This Report finds that the proposed density increase on the subject site, restricted to non-residential land use, will have a positive impact on the economy of Surry Hills and the Sydney of Sydney LGA. The redevelopment will also improve the site's urban presentation and increase the permeability of the block. Overall, the proposal is anticipated to have a positive economic and social impact.

Attachment A4

Traffic Impact Assessment

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS

TRAFFIC IMPACT ASSESSMENT

Planning Proposal for Mixed Use Development
232-240 Elizabeth Street, Surry Hills NSW 2010

Reference: 21.338r01v08
Date: January 2024

Suite 2.08, 50 Holt St
Surry Hills, NSW 2010

t: (02) 8324 8700
w: www.traffix.com.au

DOCUMENT VERIFICATION

Job Number	21.338			
Project	232-240 Elizabeth Street, Surry Hills NSW 2010			
Client	**Stasia Holdings Pty. Limited**			
Revision	**Date**	**Prepared By**	**Checked By**	**Signed**
v08	18/01/2024	Hayden Dimitrovski	Hayden Dimitrovski	

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1. INTRODUCTION

TRAFFIX has been commissioned by Stasia Holdings Pty Limited to undertake a Traffic Impact Assessment (TIA) in support of a Planning Proposal relating to a mixed use development at 232-240 Elizabeth Street, Surry Hills. For the purposes of the planning proposal, an indicative development concept has been formulated comprising 5,846m^2 of commercial gross floor area (GFA) and 452m^2 of ground floor retail GFA. The development is located within the Council of The City of Sydney Local Government Area (LGA) and has been assessed under that Council's controls.

This report documents the findings of our investigations and should be read in the context of the Planning Proposal Justification Report prepared separately. The development is a minor development and does not require referral to Transport for NSW (TfNSW) under Schedule 3 Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The report is structured as follows:

- Section 2: Describes the site and its location
- Section 3: Documents existing traffic conditions
- Section 4: Describes the concept development
- Section 5: Assesses the parking requirements
- Section 6: Assesses traffic impacts
- Section 7: Discusses access and internal design aspects
- Section 8: Presents the overall study conclusions

2. LOCATION AND SITE

The subject site is known as 232-240 Elizabeth Street, Surry Hills and is located on the eastern side of Elizabeth Street, approximately 205 metres north of Eddy Avenue. It is also located about 300 metres northeast of Central Railway Station and 1.5 kilometres south of Sydney Central Business District (CBD).

The site has a total site area of 905.6m^2 and consists of existing mixed use developments. It has a western boundary measuring 30 metres to Elizabeth Street and a southern frontage of 35 metres to Reservoir Street. It is bounded to the north and east, boundaries to neighbouring mixed use developments.

Vehicular access to the site is currently provided via Foster Lane on the northern boundary of the site.

A Location Plan is presented in **Figure 1**, with a Site Plan presented in **Figure 2** which provides an appreciation of the general character of roads and other key attributes in proximity to the site.

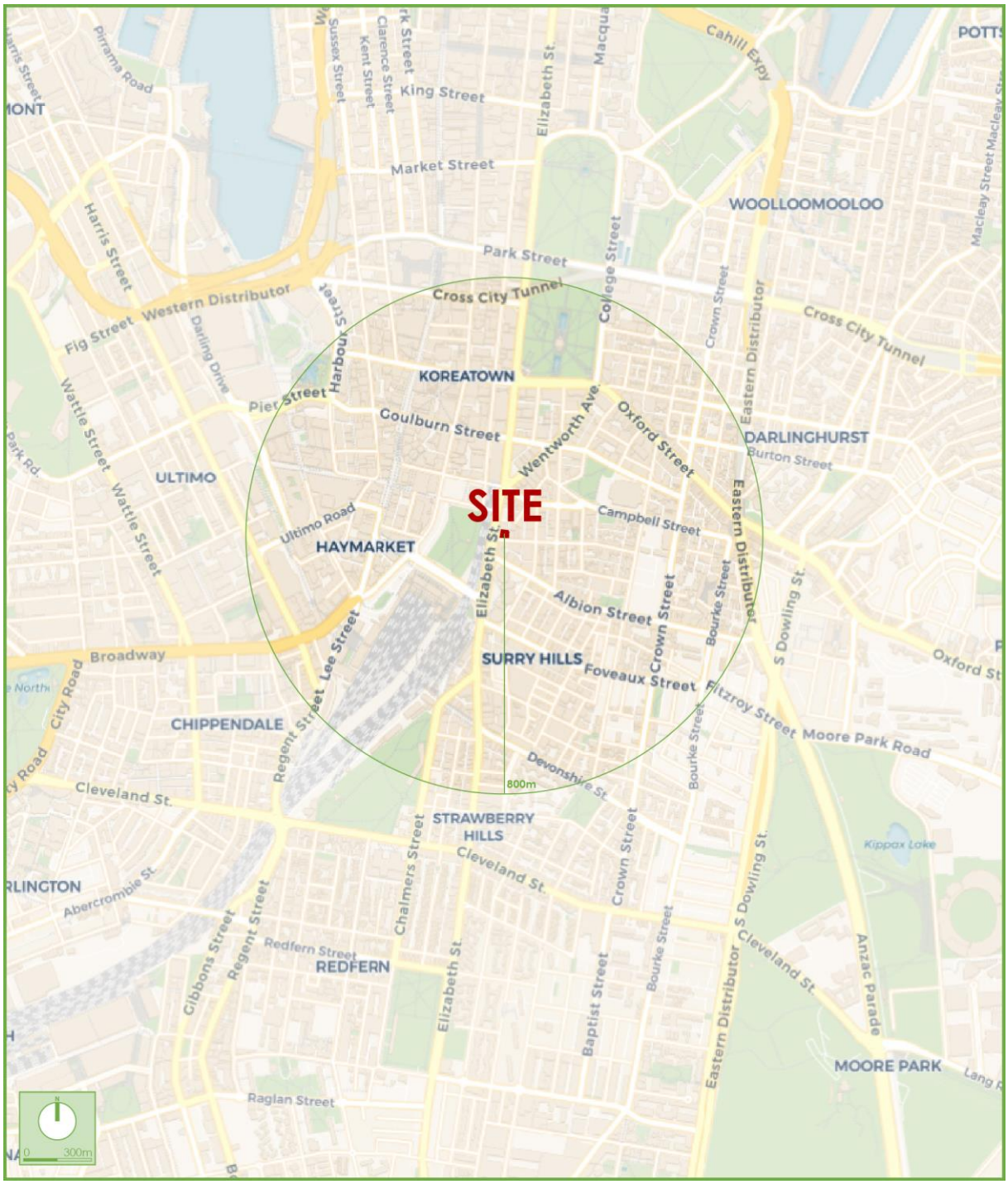


Figure 1: Location Plan

Figure 2: Site Plan

3. EXISTING TRAFFIC CONDITIONS

3.1 Road Network

The road hierarchy in the vicinity of the site is shown in **Figure 3** with the following roads of particular interest:

- Elizabeth Street: is an Unclassified Regional Road (7083) that traverses north-south between Chifley Square in the north and Joynton Avenue in the south. It is an unclassified regional road between King Street and Cleveland Street . Within the vicinity of the site, Elizabeth Street is subject to a speed zoning of 40km/hr as part of a High Pedestrian Activity Area. It accommodates four lanes (4) lanes of traffic northbound and three (3) lanes of traffic southbound with dedicated kerbside bus lanes in both direction from 6:00am to 10:00am and 3:00pm to 8:00pm. Elizabeth Street generally does not permit on-street parking on both sides .
- Reservoir Street: is a local road that traverses east-west, between a dead end east of its intersection with Reservoir Lane and Elizabeth Street in the west. Within the vicinity of the site, Reservoir Street is subject to 40km/h speed zoning, accommodates a single lane of traffic in each direction and permits time restricted and ticketed parking on both sides.
- Foster Lane: is a local laneway that traverses north-south, between Foster Street in the north and a dead end in the south. It is subject to 40km/h speed zoning, accommodates a single lane of traffic in both directions. Foster Lane does not permit on-street parking on either side.

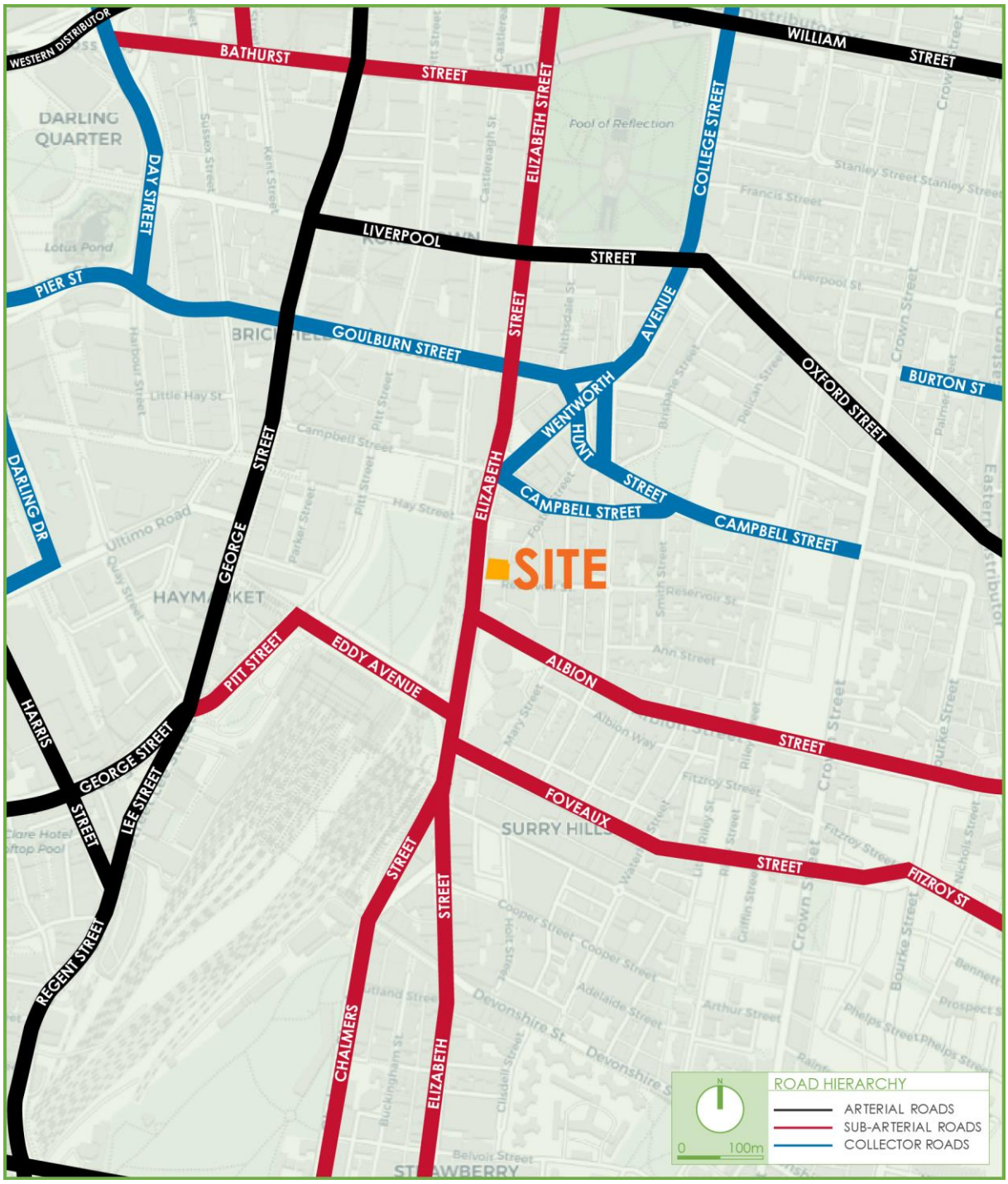


Figure 3: Road Hierarchy

3.2 Public Transport

The existing public transport services that operate in the locality are presented in **Figure 4** and **Figure 5** and are summarised as follows:

3.2.1 Bus Services

The subject site is within optimal walking distance (400 metres) of several bus services. These services and destinations are summarised in **Table 1** below:

Table 1 – Bus Routes and Services

No.	Route	No.	Route
304	City Circular Quay to Green Square	426	Dulwich Hill to City Martin Place
308	Marrickville Metro to Central Eddy Ave (Loop Service)	428	Canterbury to City Martin Place
310	Botany to Central Railway Square	428X	Canterbury to City Martin Place
311	Central Belmore Park to City Millers Point	430	Sydenham to City Martin Place
320	Green Square to Gore Hill	431	Glebe Point to City Martin Place
339	Clovelly to Central Belmore Park	433	Balmain Gladstone to City Martin Place
343	Kingsford to City Circular Quay	438X	Abbotsford to City Martin Place
373	Coogee to City Museum (Loop Service)	480	Strathfield to Central Pitt Street
374	Coogee to Central Belmore Park	483	Strathfield to Central Pitt Street
412	Campsie to City Martin Place (Express)	470	Lilyfield to City Martin Place
413	Campsie to Central Pitt Street	461X	Burwood to City Domain (Express)
422	Kogarah to Central Pitt Street	440	Bondi Junction to Rozelle
423	Kingsgrove to City Martin Place	501	Parramatta to Central Pitt Street
423X	Kingsgrove to City Martin Place (Express)		

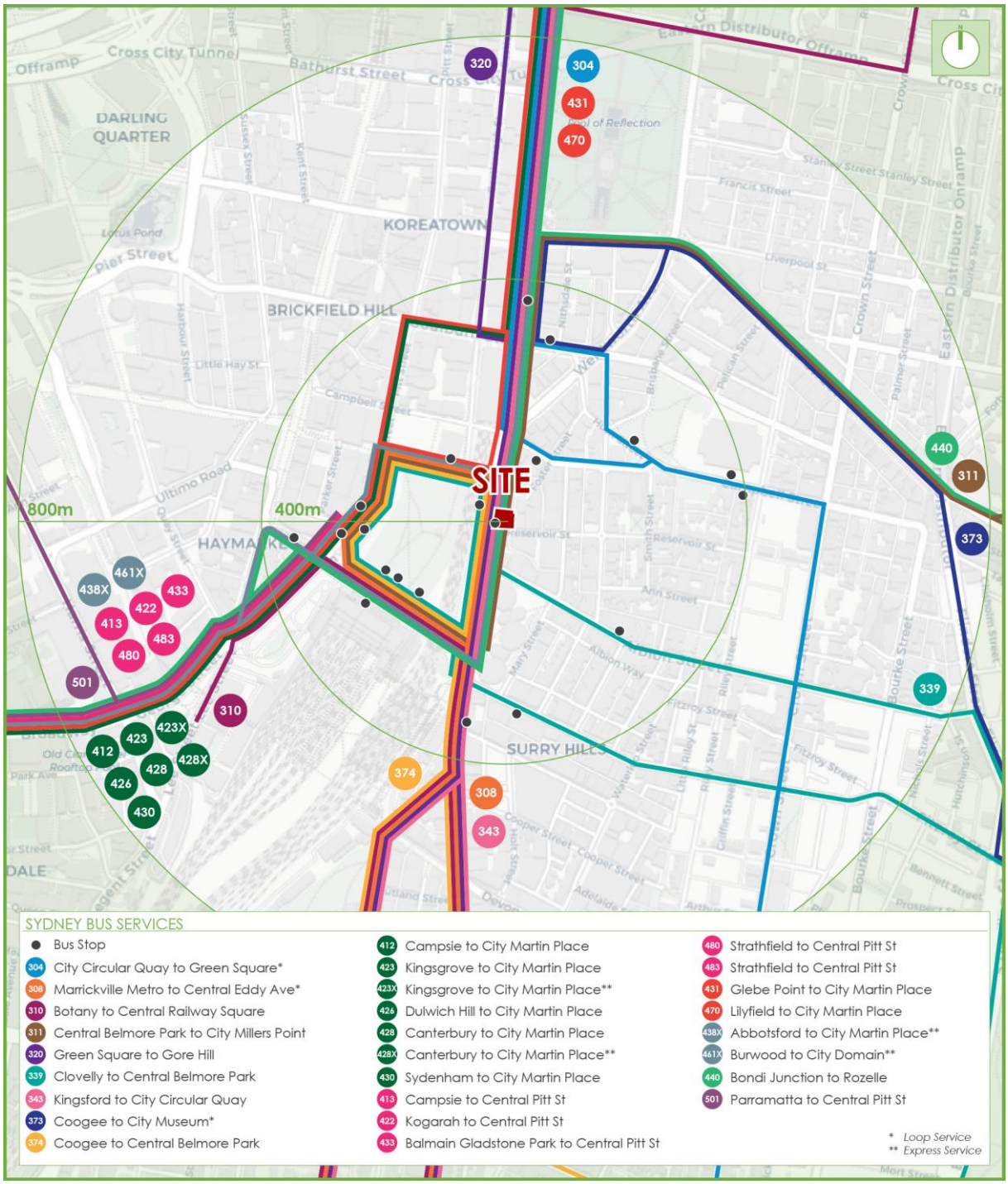


Figure 4: Bus Services

3.2.2 Railway Services

The site is also conveniently situated approximately 300 metres from Central Railway Station. This railway station provides services to the routes outlined in **Table 2** below

Table 2 – Central Railway Station Existing Services and Routes

Train Line	Routes	Train Line	Routes
CCN	Central Coast and Newcastle Line	T1	North Shore and Western Line
SHL	Southern Highlands Line	T2	Inner West and Leppington Line
SCO	South Coast Line	T3	Bankstown Line
BML	Blue Mountains Line	T4	Eastern Suburbs and Illawarra Line
Regional NSW	North Coast NSW	T7	Olympic Park Line
	Northwest NSW	T8	Airport Line
	Southern NSW	T9	Northern Line
	Western NSW		

Additionally, the site is also located within 600 metres of Museum Railway Station which provides access to the T2 Inner West and Leppington Line, T3 Bankstown Line and T8 Airport and South Line.

3.2.3 Light Rail Services

In addition, the site is within 800 metres of several light rail stations along the L1 Dulwich Hill Line, L2 Ranwick Line and L3 Kingsford Line. The L1 Dulwich Hill Line provides services to 23 stations between Central and Dulwich Hill. The stations for this line within 800 metres of the site are outlined below:

- Central Light Rail Stop; and
- Capitol Square Light Rail Stop.

The L2 Ranwick and L3 Kingsford Lines features a total of 19 stations between Circular Quay, Kingsford and Randwick. The stations for this line within 800 metres of the site are outlined below:

- Haymarket Light Rail Stop; and
- Central Station Chalmers Street Light Rail Stop;

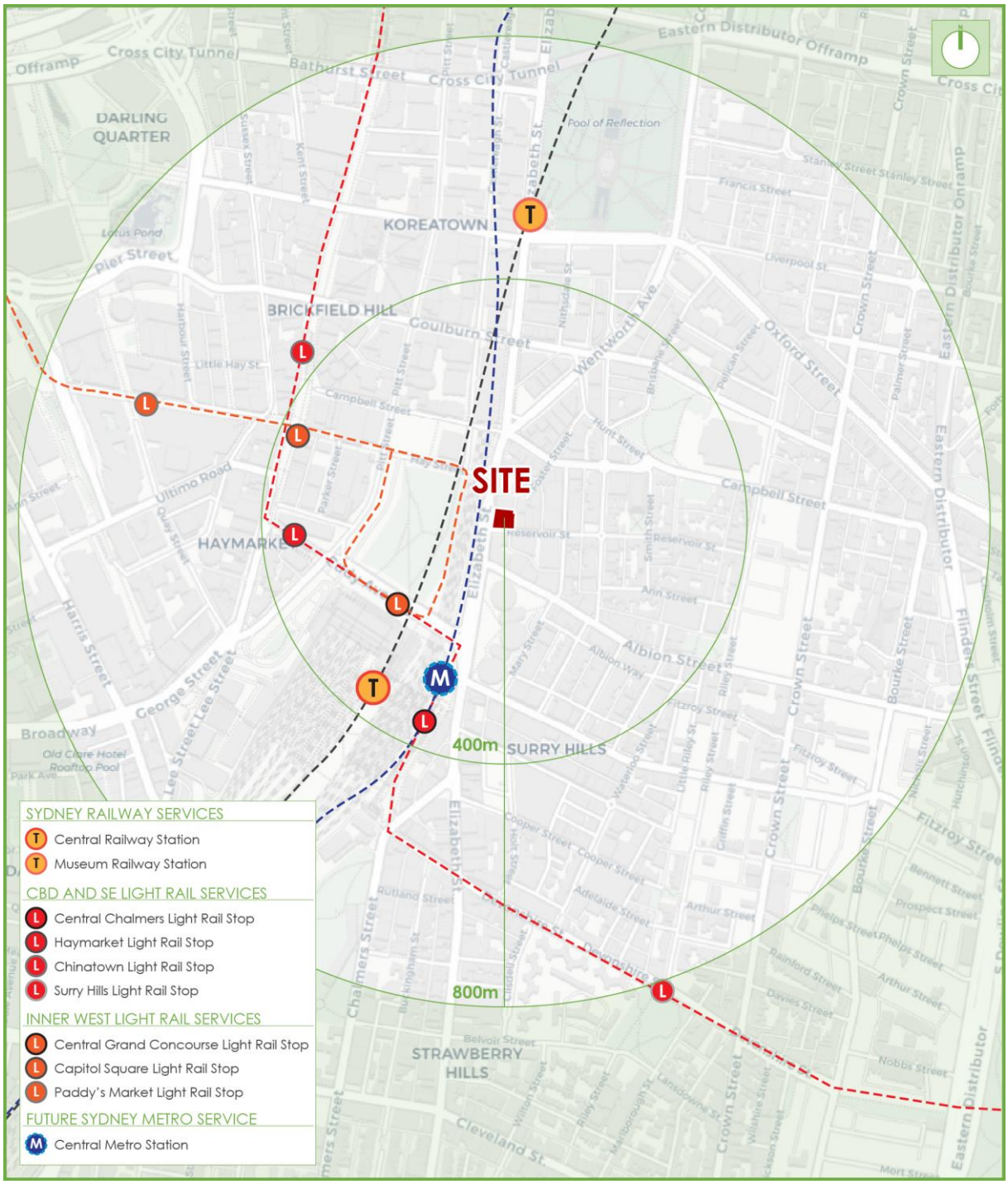


Figure 5: Rail Services

The above bus, train and light rail services also provide connection to the wider public transport network. Further information regarding bus and train frequencies is available from the Transport for NSW information website: **https://www.transportnsw.info**.

3.3 Walking and Cycling

3.3.1 Walking Facilities

The site is ideally placed with several pedestrian facilities available in the locality. There are existing pedestrian footpaths surrounding the site, with footpaths provided along both sides of Elizabeth Street and Reservoir Street. The signalised intersection of Elizabeth Street and Albion Street provides signalised pedestrian crossings at two (2) of its legs and the intersection of Elizabeth Street and Reservoir Street provides a pedestrian crossing, providing pedestrians safe and efficient connections to the wider footpath network.

3.3.2 Cycling Infrastructure

The site is also located within proximity to separated bicycle lanes, off-road shared paths and bicycle friendly roads available throughout the area. These cycleways can be used concurrently with other bicycle routes to provide connections to various areas around Sydney. The existing cycling facilities are presented in Figure 6, with the cycleways summarised as follows:

- Separated Bicycle Lanes: Sections of Elizabeth Street, Campbell Street and Bourke Street accommodate separated bicycle lanes. These routes provide access to areas towards Haymarket, Darling Harbour, and Sydney CBD.
- Low Traffic On-road Routes: Campbell Street, Commonwealth Street, Riley Street and Crown Street accommodate low-traffic on road routes. These routes provide access to areas such as Surry Hills, Sydney CBD and Darlinghurst.
- Off-Road Shared Paths: Sections of Elizabeth Street, Pitt Street and Belmore Park accommodate off-road shared paths for bicycles. These routes provide access to areas towards Pyrmont and Darling Harbour.

- Wayfinding Signage Routes: Castlereagh Street, Campbell Street and Liverpool Street accommodate routes with wayfinding signage. These routes provide access to areas such as Ultimo and the Sydney CBD.

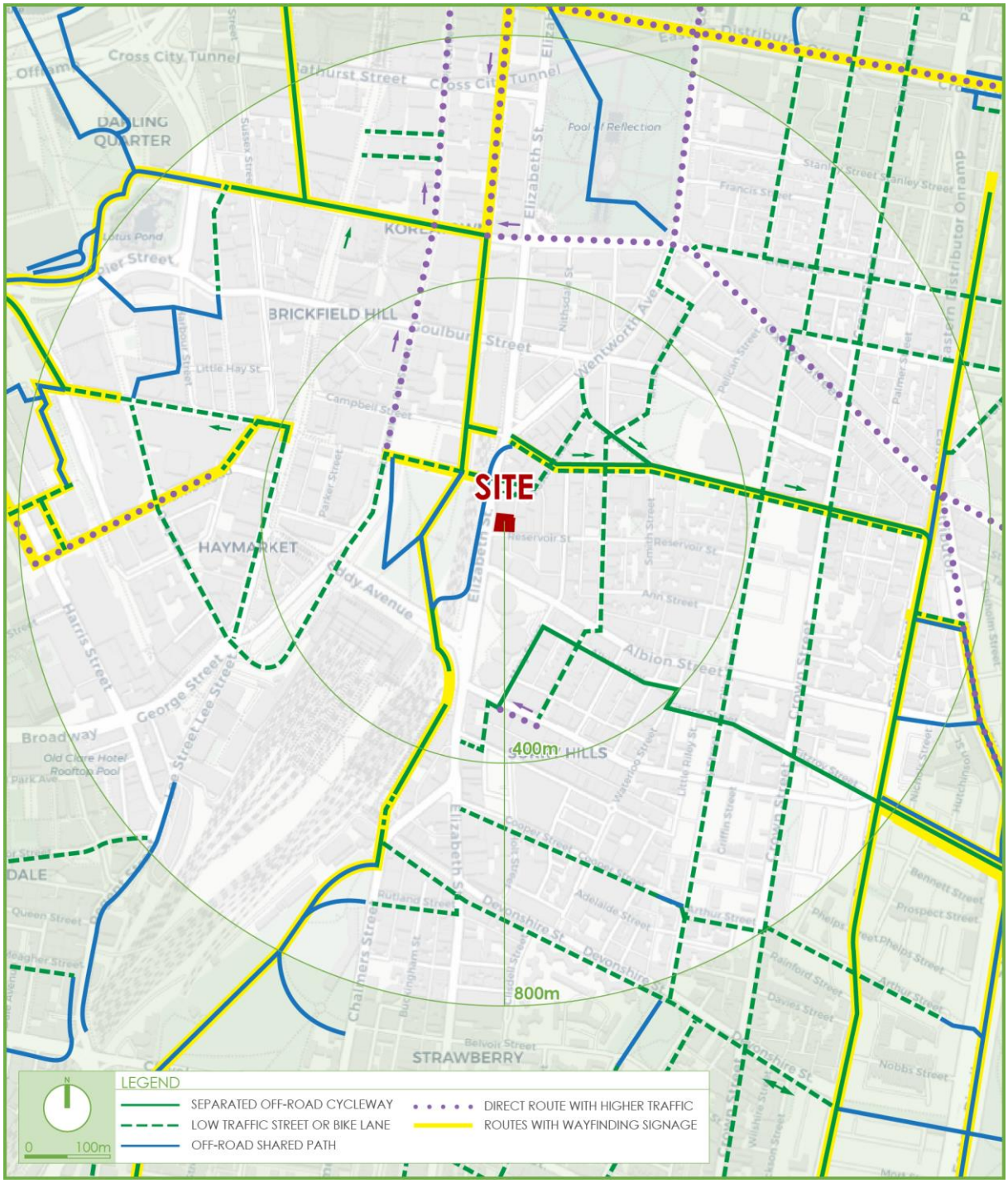


Figure 6: Existing Cycleways in the Locality

4. DESCRIPTION OF CONCEPT DEVELOPMENT

A detailed description of the concept development adopted for the purpose of assessing the planning Proposal impacts is provided in the Planning Proposal Justification Report prepared separately. In summary, the concept development is a mixed use development comprising of the following components:

- Demolition of existing buildings on site.
- Construction of a 10 - storey mixed use development providing 6,298 m^2 of gross floor area (GFA) comprising of:
  - 452 m^2 of ground floor retail GFA; and,
  - 5,846 m^2 of commercial GFA.
- The provision of three (3) basement levels consisting of:
  - A loading dock and end of trip facilities on B1; and,
  - 18 car parking spaces across B2 and B3 including two accessible parking spaces.
- The provision of a new access driveway from Reservoir Street located on the southern frontage.
- A through site link along the eastern boundary providing a pedestrian connection between Foster Lane and Reservoir Street.

The parking and traffic impacts arising from the development are discussed in **Section 5** and **Section 6**. Reference should be made to the plans submitted separately to Council which are presented at reduced scale in **Appendix A**.

It is emphasised that further analysis will be provided at development application stage, based on a confirmed development yield.

5. PARKING REQUIREMENTS

5.1 Car Parking

The Sydney Local Environmental Plan (LEP) 2012 provides car parking rates for developments located within the City of Sydney LGA. The parking requirement for the additional commercial and retail component of the concept development is assessed below:

The site falls within Category D under the Public Transport Accessibility map of the Sydney LEP. The maximum parking requirements for the development are shown in **Table 1** below

Table 1: LEP Parking Rates and Provision

Type	Rooms/GFA	Maximum Parking Rate	Maximum Parking Provision[1*]
Commercial	5,846m²	$M = \frac{(G \times A)}{(50 \times T)}$	16.8
Retail	452m²	$M = \frac{(G \times A)}{(50 \times T)}$	1.3
		Totals	**18**

M= Maximum no. of car parking spaces, G = Commercial space (5,888m²), A = Site area (905.6m²),
T = Total gross floor area of all buildings on the site (6,298m²)

It is evident from Table 1 that the concept development is permitted to provide a maximum of 18 parking spaces under the LEP. The development currently provides 18 car parking spaces consisting of 17 commercial car space and one (1) retail car parking. Therefore, the concept development complies with the maximum requirements of the LEP and is considered acceptable.

5.2 Accessible Parking

The Building Code of Australia (2010) provides accessible parking rates for the concept development. The commercial and retail components are identified as Class 5 and Class 6 in the BCA respectively and are subject to the following accessible parking rates:

- Class 5 -1 space for every 100 carparking spaces or part thereof.
- Class 6 -1 space for every 50 carparking spaces or part thereof.

The development therefore requires one (1) accessible space for commercial use and one (1) for retail use. In response, the development proposes two (2) accessible car parking spaces with one to be allocated to the commercial use and one to the retail use in accordance with BCA requirements.

5.3 Bicycle Parking

The City of Sydney DCP Section 3.11.3 provides the minimum bicycle parking rates and provisions for residential and retail developments. These rates and provisions are summarised in **Table 2** below:

Table 2 – DCP Minimum Bicycle Parking Rate and Provisions

Type	Number of Dwellings	DCP Minimum Bicycle Parking Rate	Parking Required*
Commercial – Office Premises			
Employees	5,846m²	1 space per 150m² GFA	39
Visitors		1 space per 400m² GFA	15
Retail			
Employees	452m²	1 space per 250m² GFA	2
Visitors		2 plus 1 space per 100m² over 100m² GFA	6
		Totals	**62**

Accordingly, the bicycle parking required under the DCP is a total of 62 spaces. The 21 visitor spaces are to be provided on the ground floor near a main entrance. For the 41 employee bicycle spaces, a total of six (6) shower and change cubicles and 41 personal lockers are to be provided. An area on Basement 1 has been allocated for bicycle parking and end of trip facilities which will be further detailed as part the Development Application.

5.4 Motorcycle Parking

The Council DCP requires that in all buildings that provide onsite parking, one (1) motorcycle parking space for every 12 car parking spaces is to be provided as separate parking for motorcycles. Therefore, for a provision of 18 spaces the development is required to provide

two (2) motorcycle parking spaces. In response the development provides two (2) space within the basement car park in accordance with Council's requirement.

5.5 Waste Collection

General servicing and private waste collection is to be conducted on Basement 1 accessed via the dedicated service vehicle lift for vehicles up to the 6.4m long small rigid vehicle (SRV) and the turntable with four loading spaces provided. Two (2) spaces allow for the SRV and the other two (2) spaces allow for the B99 vehicle. This arrangement is considered appropriate and supportable given the low frequency of waste collection and the nature of the concept development.

6. TRAFFIC AND TRANSPORT IMPACTS

6.1 Existing Site Generation

The site currently consists of ground floor retail, commercial and backpacker accommodation uses. As vehicular access is provided from Foster Lane to the rear of the site with only servicing and minimal parking provided to the site it has been assumed the existing site generates no vehicular traffic as a conservative assessment.

6.2 Development Trip Generation

The concept development includes commercial and retail components and would be classified as a mixed-use development. As such, each use has been assessed individually to determine the combined traffic generation of the concept development.

6.2.1 Commercial

The TDT 2013/04a conducted surveys of several office block development around Sydney to determine the traffic generation rate for these developments. However, most of these developments provided significantly more parking compared to the concept development. For office block developments that are within the Sydney CBD region the most similar development surveyed is the North Sydney office block, which was determined to have hourly trip generation rates as follows:

- 0.17 vehicle trips per 100m^2 GFA during the AM peak period and
- 0.14 vehicle trips per 100m^2 GFA during the PM peak period.

Application of these rates to the 5,846m^2 of commercial GFA and adopting an 80/20 split results in the following trip generation:

- 10 vehicle trip per hour during the morning peak period (8 in, 2 out); and,
- 8 vehicle trip per hour during the evening peak period (2 in, 6 out).

6.2.2 Retail

For the retail component of the concept development, as only one (1) car parking space is provided, this will be for staff only and is assumed to generate the following:

- 1 vehicle trip per hour during the morning peak period (1 in, 0 out); and,
- 1 vehicle trip per hour during the evening peak period (0 in, 1 out).

6.2.3 Combined Traffic Generation

The combined traffic generation of the concept development is therefore as follows:

- 11 vehicle trip per hour during the morning peak period (9 in, 2 out); and,
- 9 vehicle trip per hour during the evening peak period (2 in, 7 out).

6.3 Net Traffic Impacts

The additional vehicle trips associated with the concept development equates to less than one vehicle every five (5)-minutes during both peak periods. As such, the traffic generation associated with the concept development will have a negligible impact on the surrounding road network. Therefore, the development is considered supportable from a traffic planning perspective and no external network improvements are required.

7. ACCESS AND INTERNAL DESIGN ASPECTS

7.1 Site Vehicular Access

The development proposes a total of 18 car parking spaces and two (2) motorcycle spaces with access to Reservoir Street, a local road. It will therefore require a Category 1 driveway under AS2890.1 (2004), being a combined entry and exit width of 3.0 to 5.5-metres. In response, a 4.8m wide driveway access has been provided at the property boundary, meeting the requirements of AS 2890.1 (2004).

A queuing analysis, provided in **Appendix B**, has been conducted for the car lift to access the basement car park on Basement Levels 2 and 3 to ensure the 98th percentile queue is accommodated within the site as required under AS 2890.1 (2004). The queuing analysis determined a single waiting bay is required in front of the lift to accommodate the 98th percentile queue. Swept path analysis provided in **Appendix C** demonstrates that a waiting can be provided on Ground Floor at the vehicular access. Therefore, the development accommodates all queuing on site in accordance with the requirements of AS 2890.1 (2004).

7.2 Internal Design

The internal car park complies with the requirements of AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009), and the following characteristics are noteworthy:

7.2.1 Parking Modules

- All standard car parking spaces have been designed in accordance with User Class 1A being for residential parking. These spaces are provided with a minimum space length of 5.4m, a minimum width of 2.4m and a minimum aisle width of 5.8m.
- All spaces located adjacent to obstructions of greater than 150mm in height are provided with an additional width of 300mm.
- Two (2) accessible parking spaces have been designed in accordance with AS 2890.6 (2009), being 2.4m wide and 5.4m long, and situated immediately adjacent to a dedicated shared area.
- The turning bay opposite the car lift allows vehicles to enter the aisle in a forward direction in a maximum of one reverse manoeuvre.

7.2.2 Loading Bay

- The turntable on Basement 1 provides sufficient area for loading to occur and allows services to enter and exit the site in a forward direction.

7.2.3 Clear Head Heights

- A minimum clear head height of 2.2m is provided for all areas within the basement car park as required by AS 2890.1 (2004).
- A minimum clear head height of 2.5m is to be provided above all accessible spaces in accordance with AS 2890.6 (2009).

7.2.4 Other Considerations

- Pedestrian visual splay has been provided at the access driveway for egressing vehicles in accordance with **Figure 3.3** of AS 2890.1 (2004).
- Swept path analysis of critical vehicle movements is presented in **Appendix C**.

7.3 Summary

In summary, the internal configuration of the basement car park has been designed in accordance with AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009). A development application will be required for any future development at the site which will incorporate a more detailed assessment of the car park design.

8. CONCLUSIONS

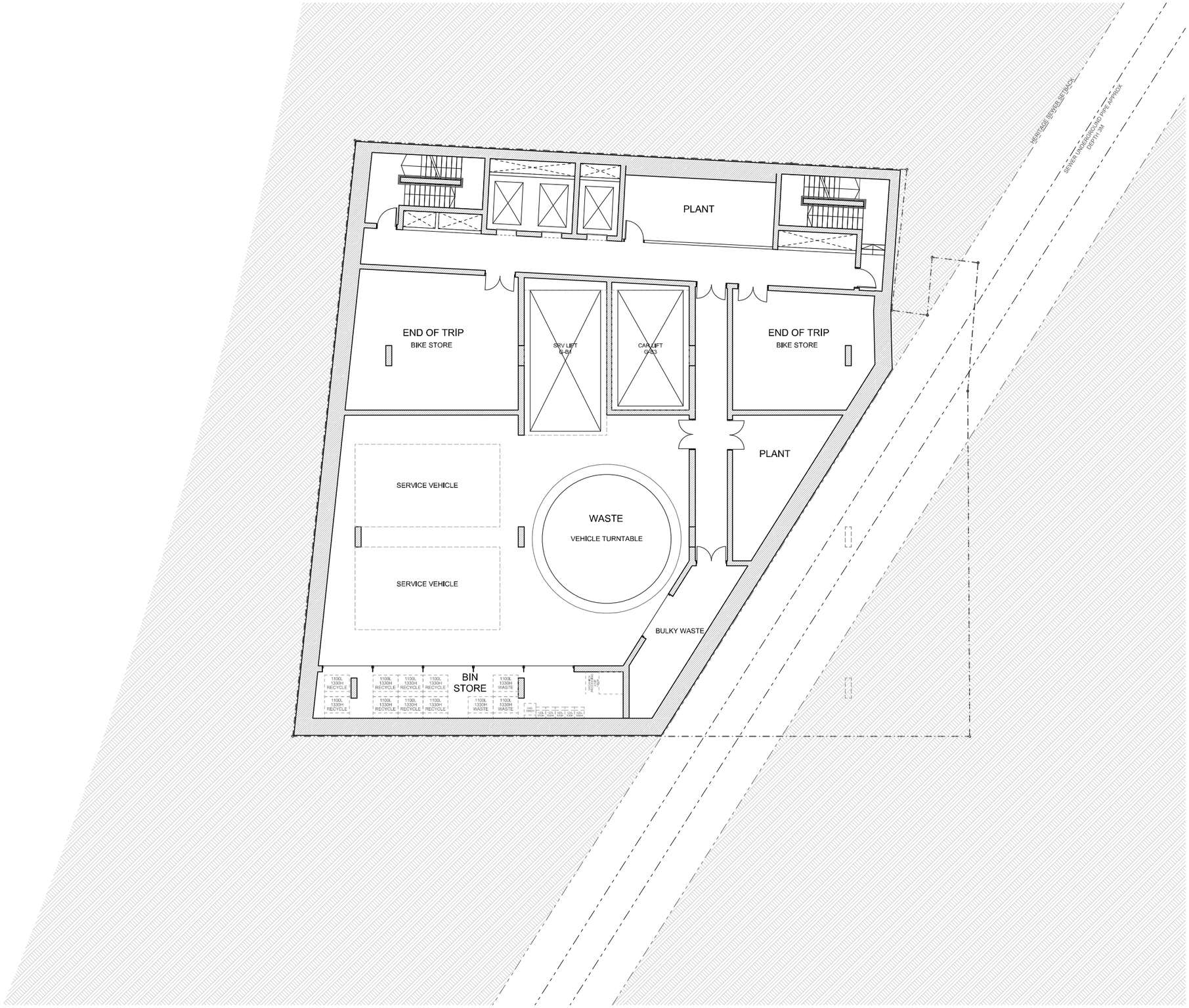
In summary:

- The planning proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 such that the site could accommodate a development consistent with the indicative concept design at 232-240 Elizabeth Street, Surry Hills, that could potentially comprise 5,846m^2 of commercial GFA and 452m^2 of retail GFA and three levels of basement car parking accommodating a loading dock and 18 car parking spaces.
- The subject site has excellent connections to the public transport network with reliable access to regular bus and rail services. These, along with existing pedestrian and cycle links, ensure the site is ideally situated for a mixed-use development as it provides a good opportunity to encourage future tenants / visitors to use sustainable transport modes.
- The indicative concept design provides 18 parking spaces, including 17 commercial parking spaces and one (1) retail parking space, which complies with the maximum provision of the Sydney LEP. As such, all normal parking demands will be readily accommodated on-site.
- The traffic generation arising from the development has been assessed as a net increase over existing conditions and equates to an additional 11 vehicle trips per hour during the weekday morning peak period, and nine (9) vehicle trips per hour during the weekday evening peak period. As such, no external improvements are required to facilitate the indicative concept design. The traffic impacts of the development are therefore considered acceptable.
- The basement car park has been assessed to generally comply with the requirements of AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009), thereby ensuring safe and efficient operation.

This Traffic Impact Assessment therefore demonstrates that the planning proposal is supportable on traffic planning grounds. TRAFFIX anticipates an ongoing involvement during the development approval process.

APPENDIX A

Reduced Plans



1 BASEMENT 1
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Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
PB	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	PB LE	LE		

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

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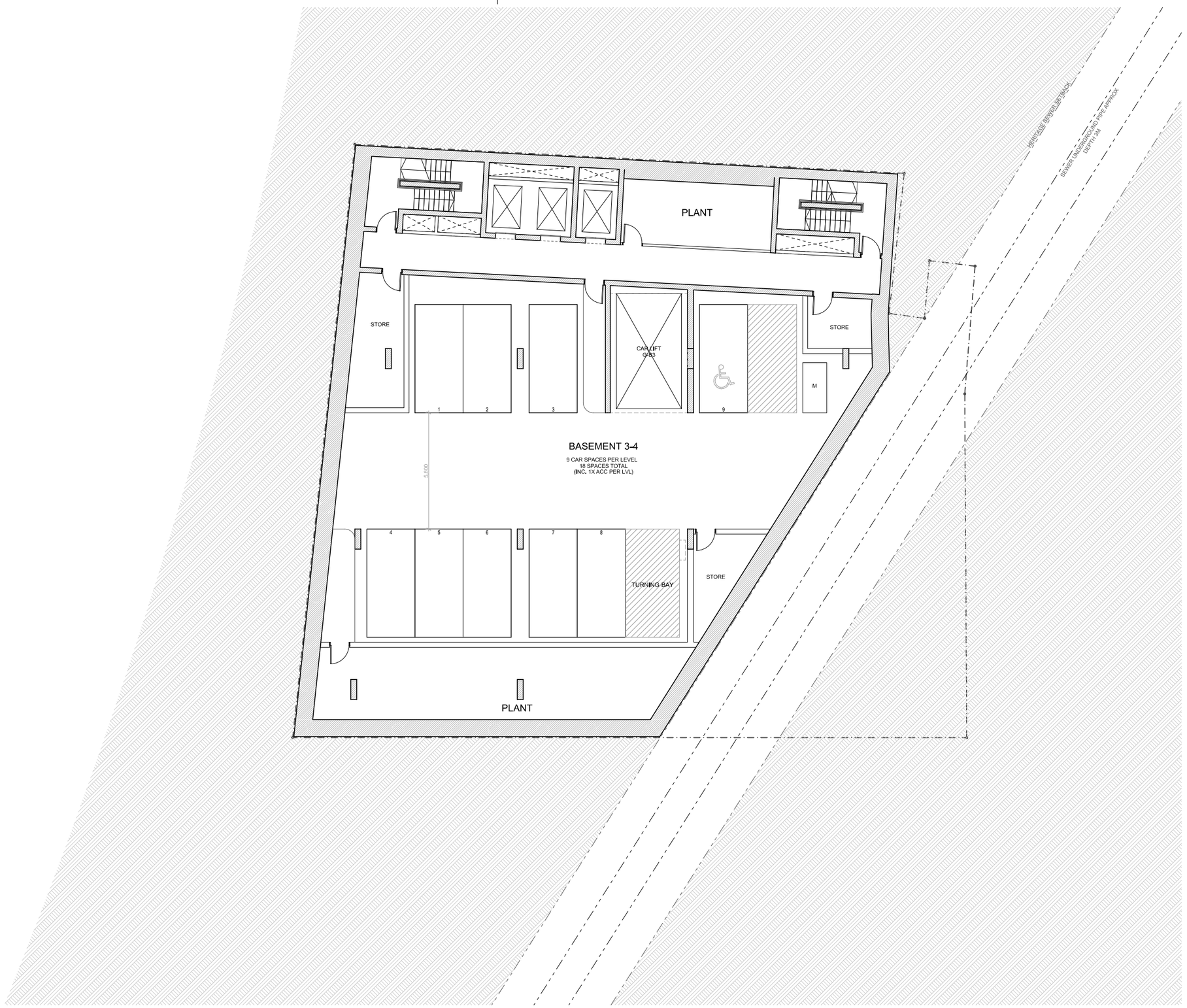
Drawing:	Job Number:
BASEMENT 1	5968
Drawing Number:	Issue:
PP 1003	P8

Print Date: Wednesday, 22 March 2023 2:59 PM



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DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P8	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
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Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

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1:100 @ A1	RB LE	LE		

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

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BASEMENT 3	5968
Drawing Number:	Issue:
PP 1001	P8

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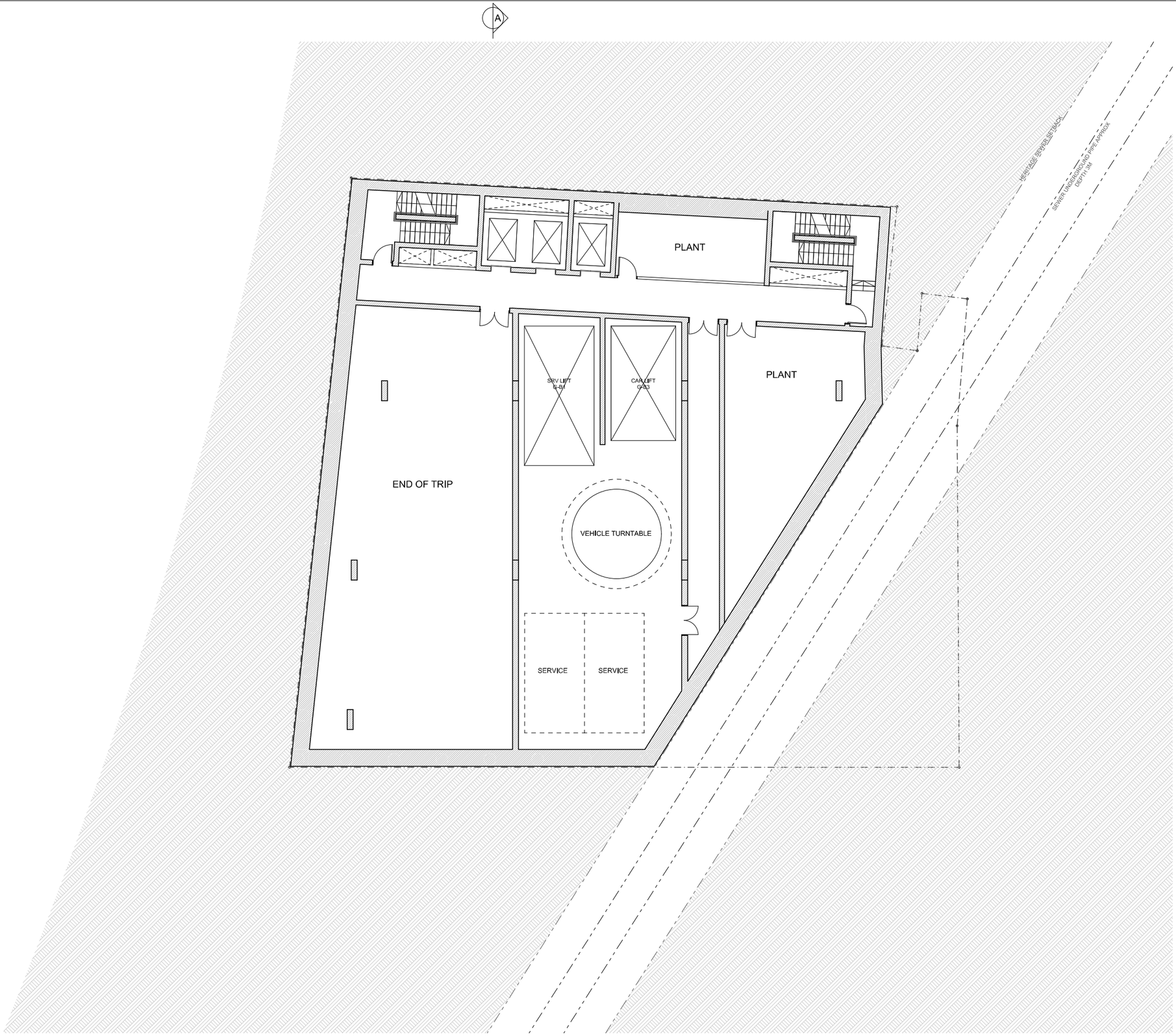

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DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
PB	22/03/2023	Information
P7	22/11/2022	Consultant Issue
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232-240 Elizabeth Street, Surry Hills
Site:
232-240 Elizabeth Street, Sydney NSW
Client:
STASIA PTY LIMITED

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1:100 @ A1	PB LE	LE		

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

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Drawing:	Job Number:
BASEMENT 2	5968
Drawing Number:	Issue:
PP 1002	P8

Print Date: Wednesday, 22 March 2023 2:50:39 PM

APPENDIX B

Queuing Analysis

21.338 - 232-240 Elizabeth Street, Surry Hills - Queuing Calculations

Average Travel Distance			
Basement Level	No Cars/ Motorcycles	Assumed Vert Distance from G (m)	Weighted Distance Factor
G	0	0	0
B2	10	7.2	72
B3	10	10.2	102
Total	20		174
		Average	8.7

Vehicle Arrivals (veh/hr)	8
Travel Speed (m/sec)	0.3
Load & Exit Time (sec) (assumed)	10
Door Opening Time (sec) (assumed)	10
Average Travel Time (sec)	29
Total Average Time (sec)	98

Queuing Theory Factors		
average arrival rate (r)	8.00	*r=(veh/hr)
average service rate (s)	36.73	*s=3600/(Total Average Time)
utilisation factor (p)	0.21778	*p=r/s
mean queue (E(m))	0.06063	*E(m)=(p/(1-p))-p

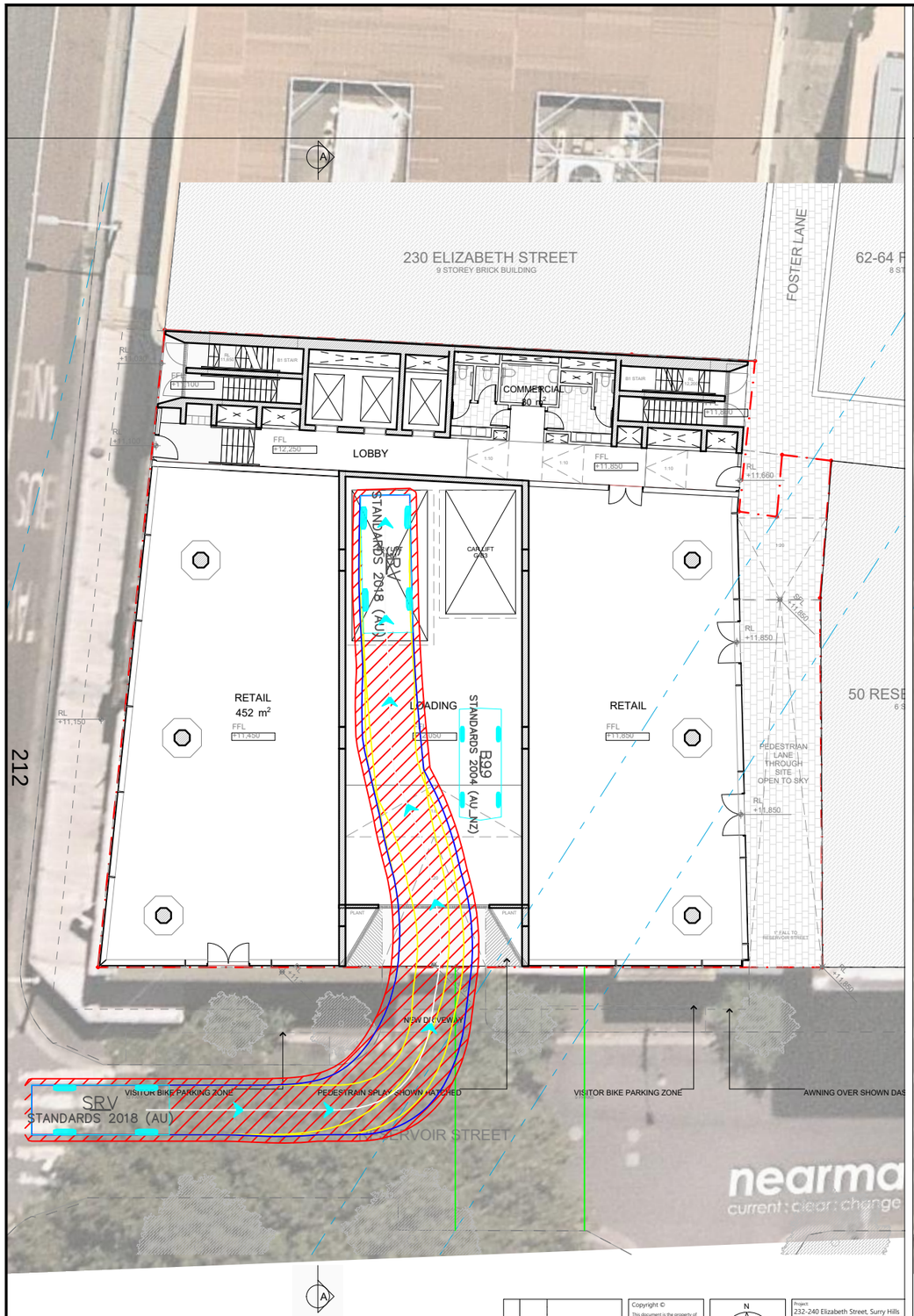
Probability of Vehicles in System (P(n))		*P(n)=(1-p)p^n
No. Vehicles in System (n)	Probability (%)	Percentile Queue (Require min. 98% under AS2890.1)
0	78.2%	78.2%
1	17.0%	95.3%
2	3.7%	99.0%
3	0.8%	99.8%
4	0.2%	100.0%

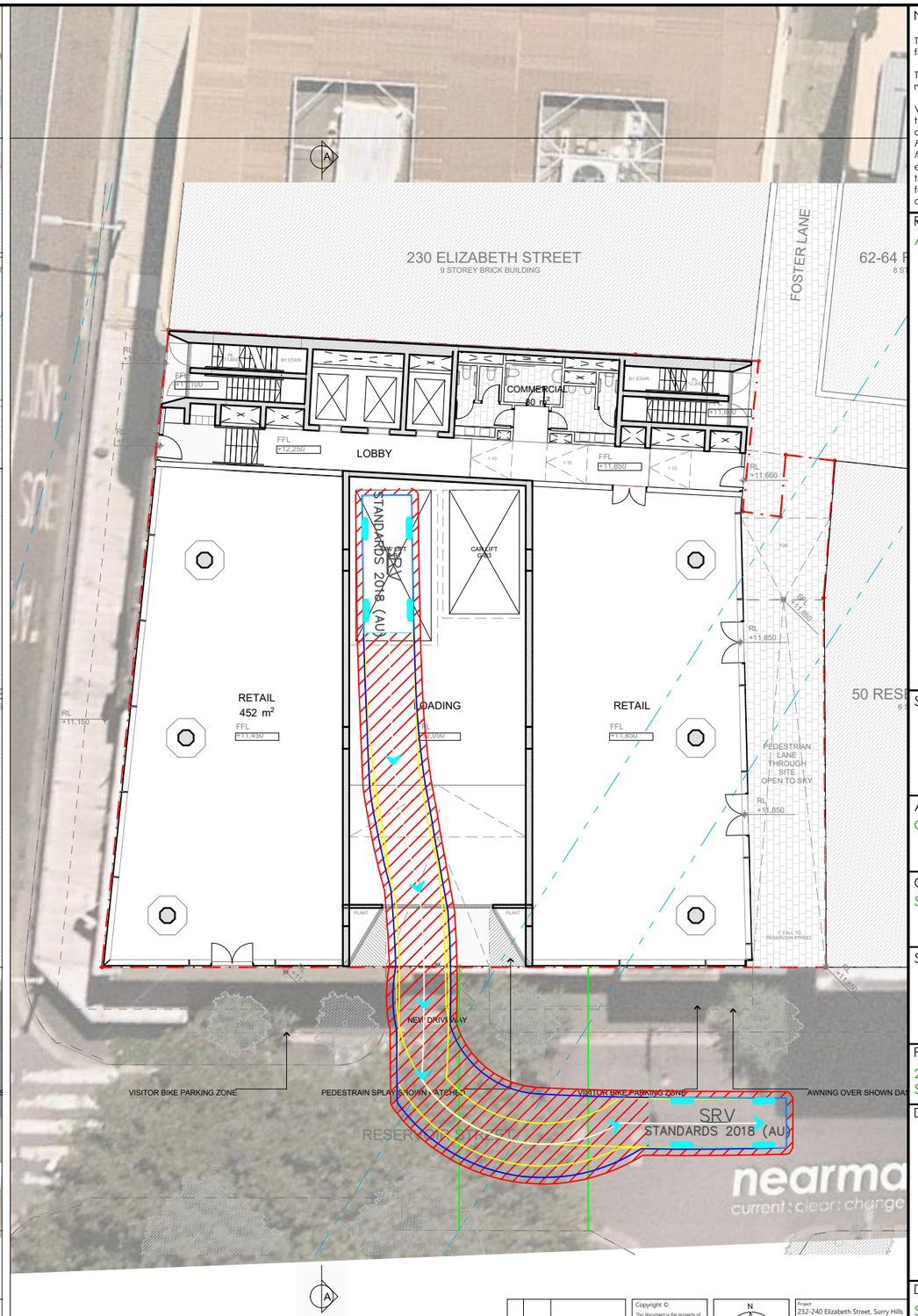
Vehicle Arrivals: TRAFFIX Traffic Impact Assessment (ref: 21.338r01v01) states the total traffic generation of the development will be 10 veh/hr during morning peak period
The critical peak for on-street queuing is in the morning,which is expected to result in the order of 8 vehicle arrivals, when an 80/20 split is adopted.

Results: The results of the queuing analysis demonstrates that with two (2) basement levels of car parking (incl. 18 car spaces and two (2) motorcycle spaces) the development is required to accommodate a total of 2 vehicles in the system (1 in the lift & 1 vehicle queuing) in order to accommodate the 98th percentile queue, as required under Clause 3.5 of AS 2890.1 (2004).
Hence, the development requires a minimum of 1 waiting bay to be provided at the access driveway

APPENDIX C

Swept Path Analysis





No.	Work in Progress	Consultant Issue
WIP		
P5	2/11/2022	Client Issue
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03	17/10/2022	Consultant Issue
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Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
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No.	Work in Progress	Consultant Issue
WIP		
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
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Issue	Date	Description

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Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend
- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation
0 2.5 5 7.5 10m
1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

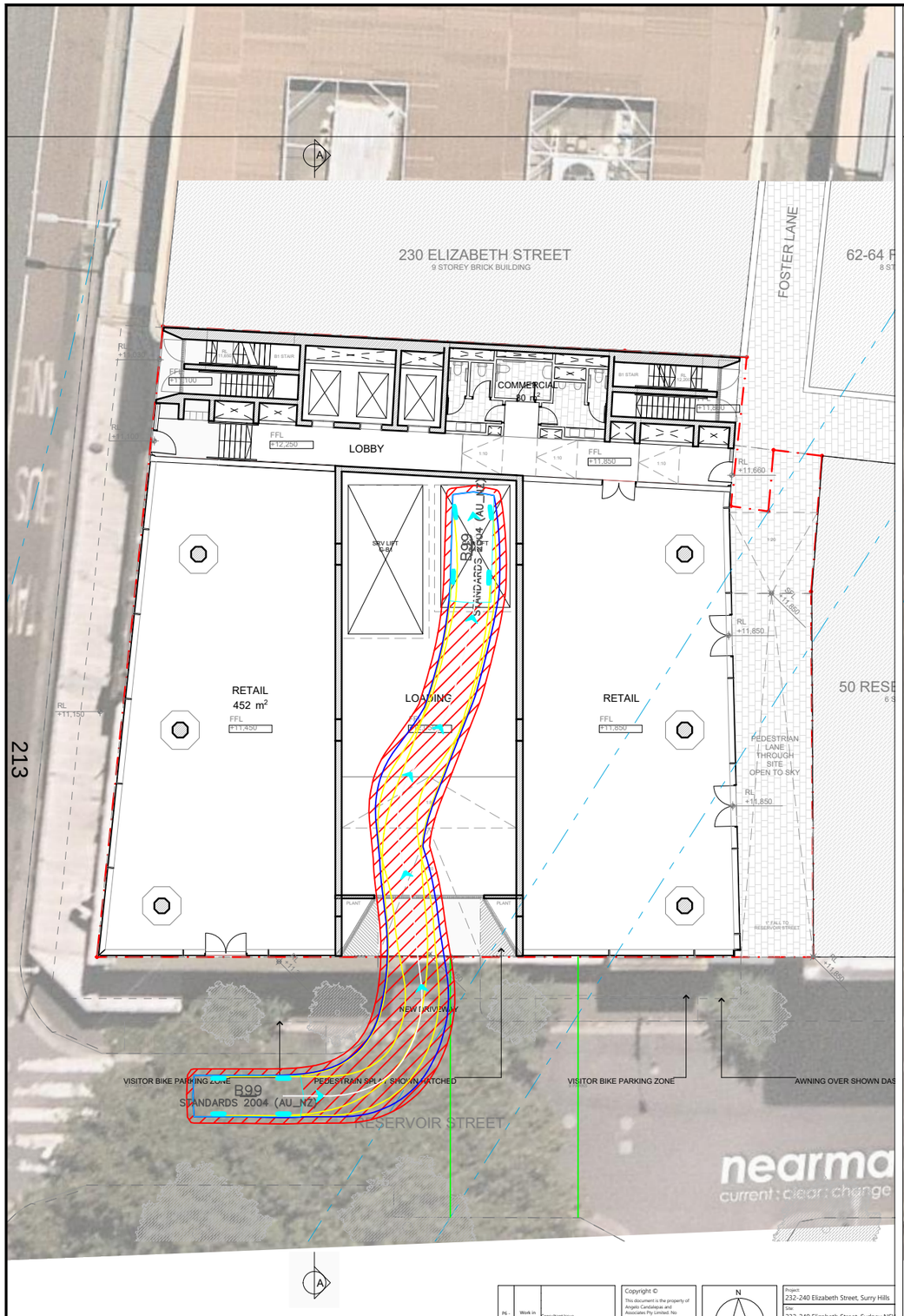
TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

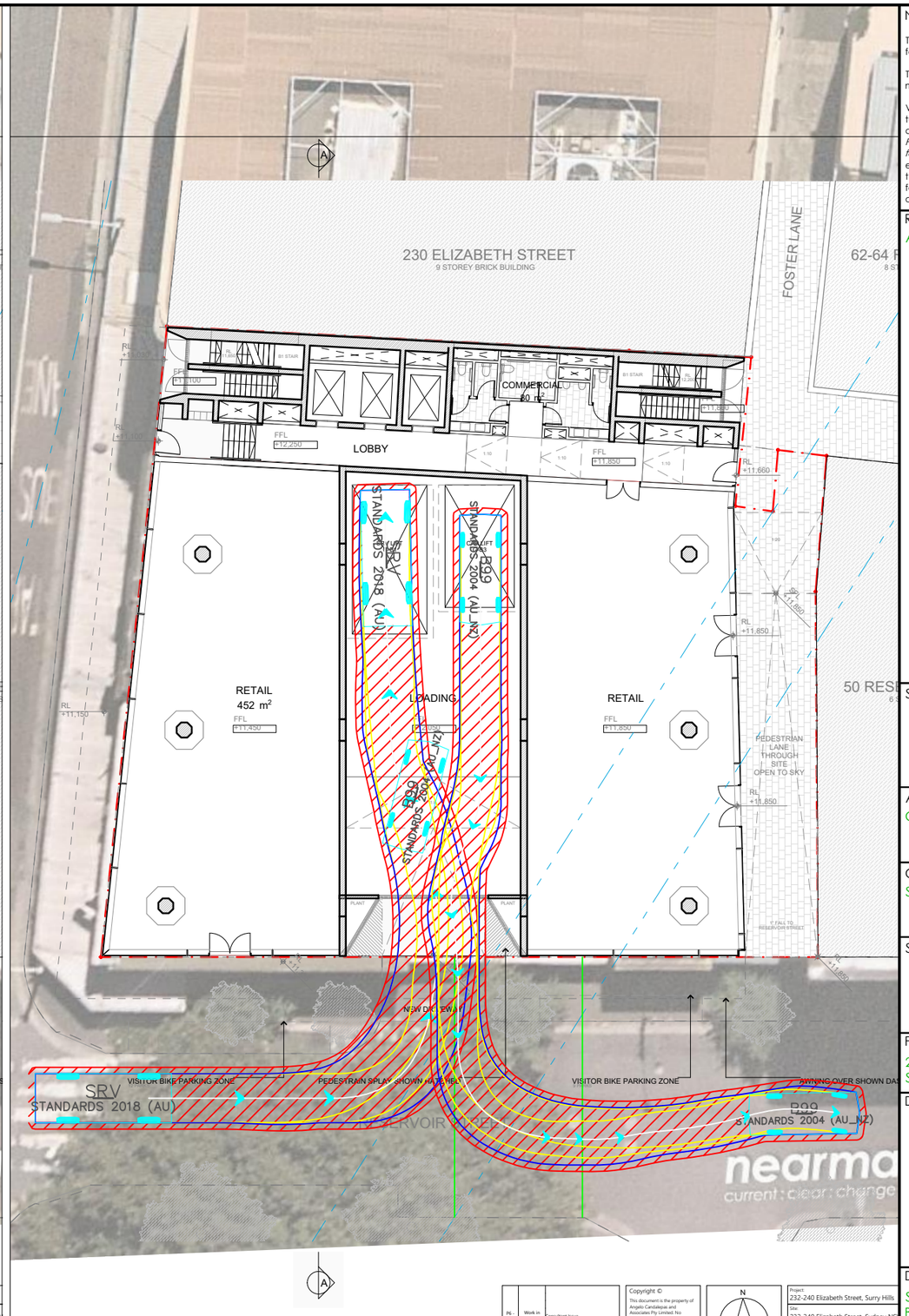
Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.01	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation
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1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

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Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
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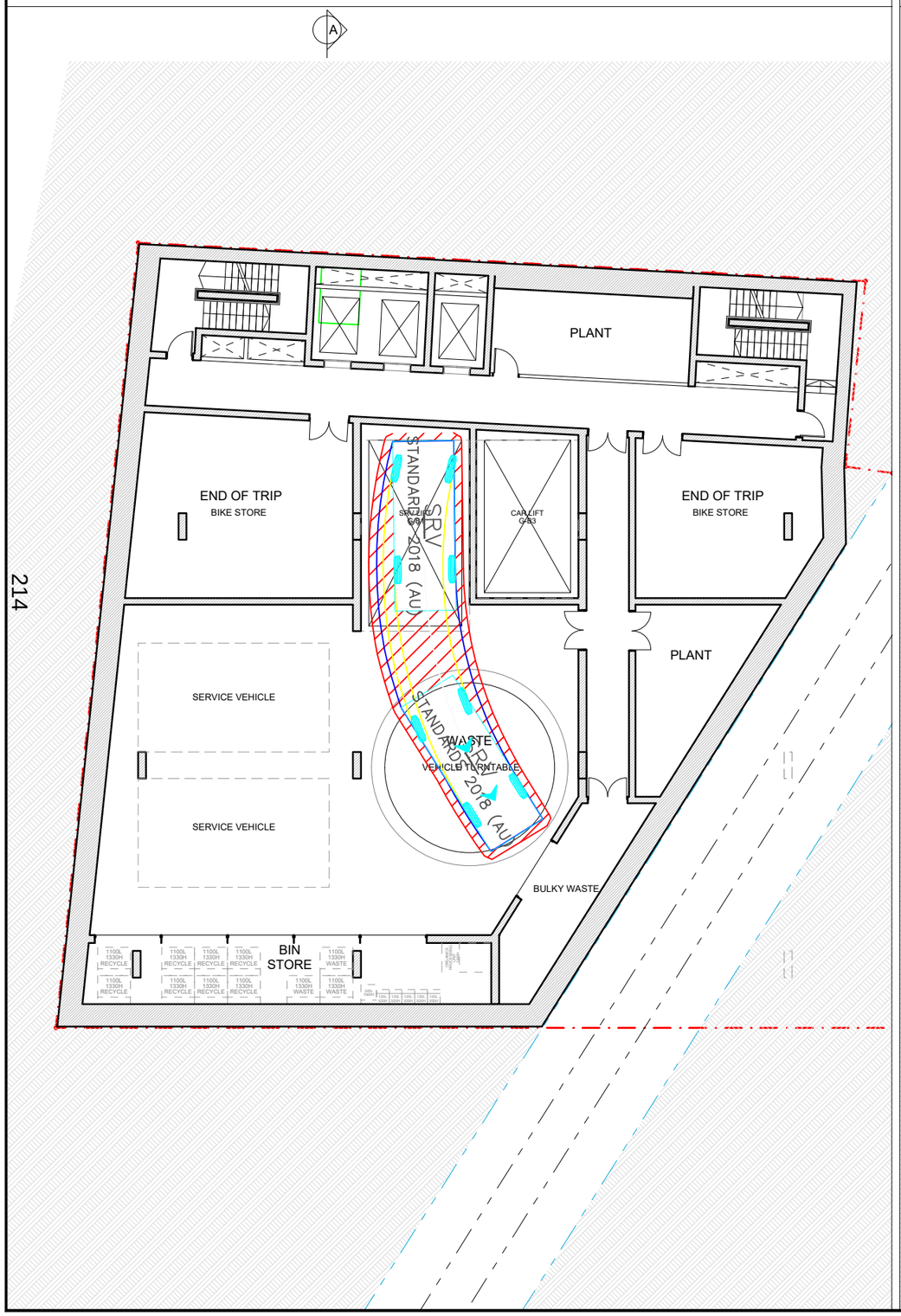
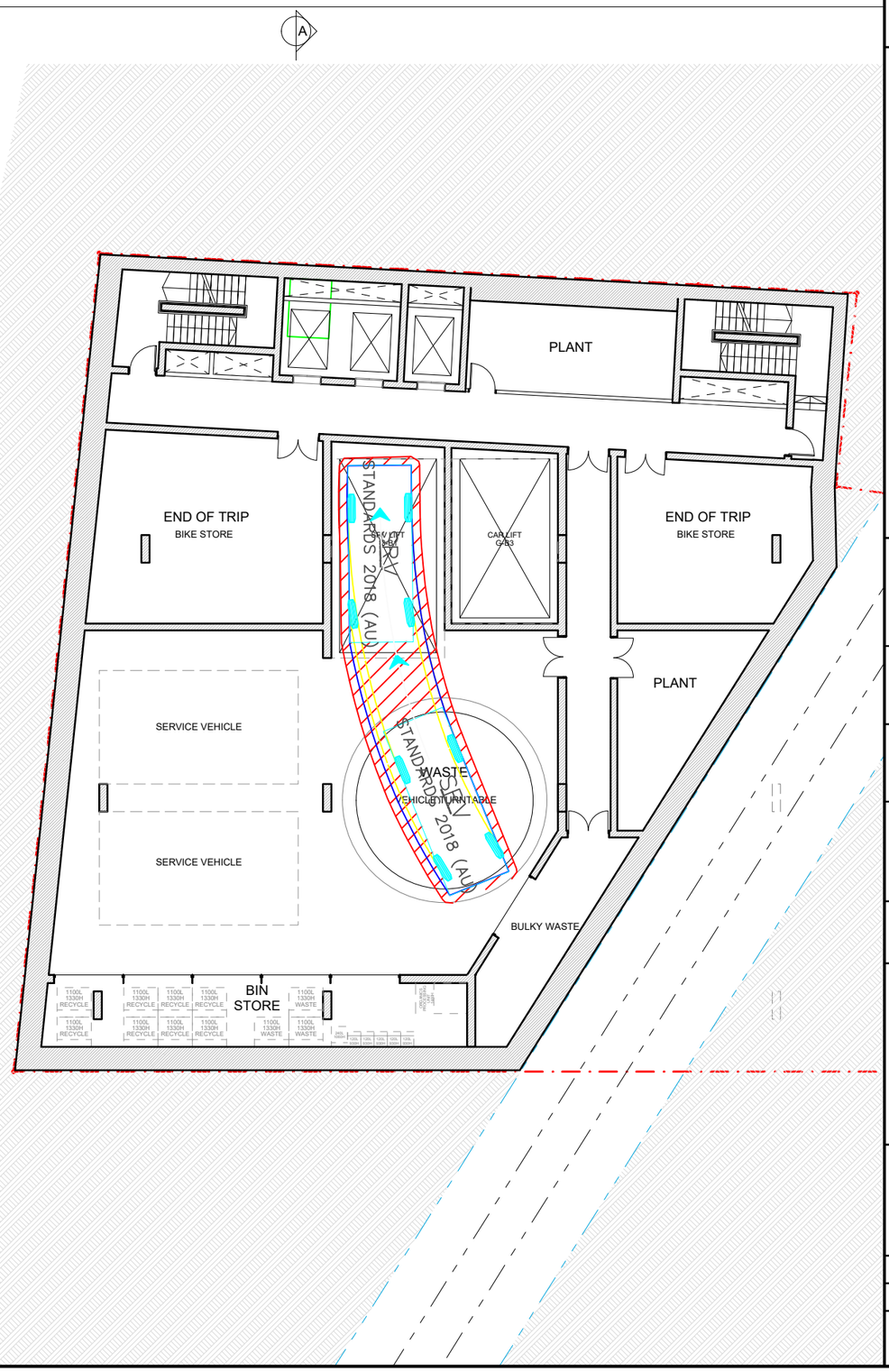
Drawing Title
Swept Path Analysis
B99 Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.02	A





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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-02-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
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Client
STASIA Pty Ltd

Scale / Plan Orientation

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1:200 @ A3

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232-240 Elizabeth Street
SURRY HILLS NSW 2010

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Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Basement 1
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.03	A

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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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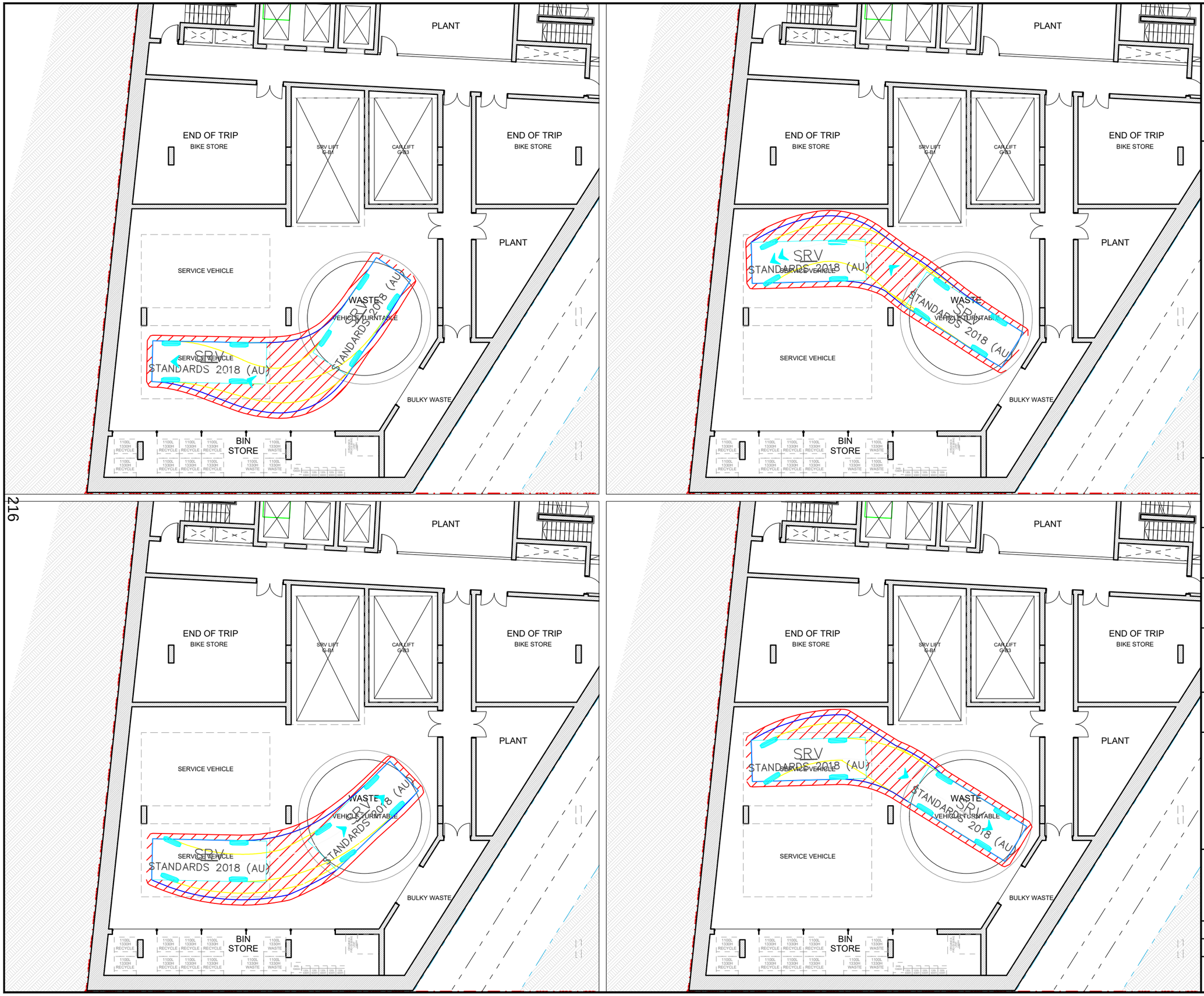
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
Basement 2 - 6.4m long Small Rigid Vehicle
Left: Entry Movement
Middle: Drive on to Turntable
Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.04	A



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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

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Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
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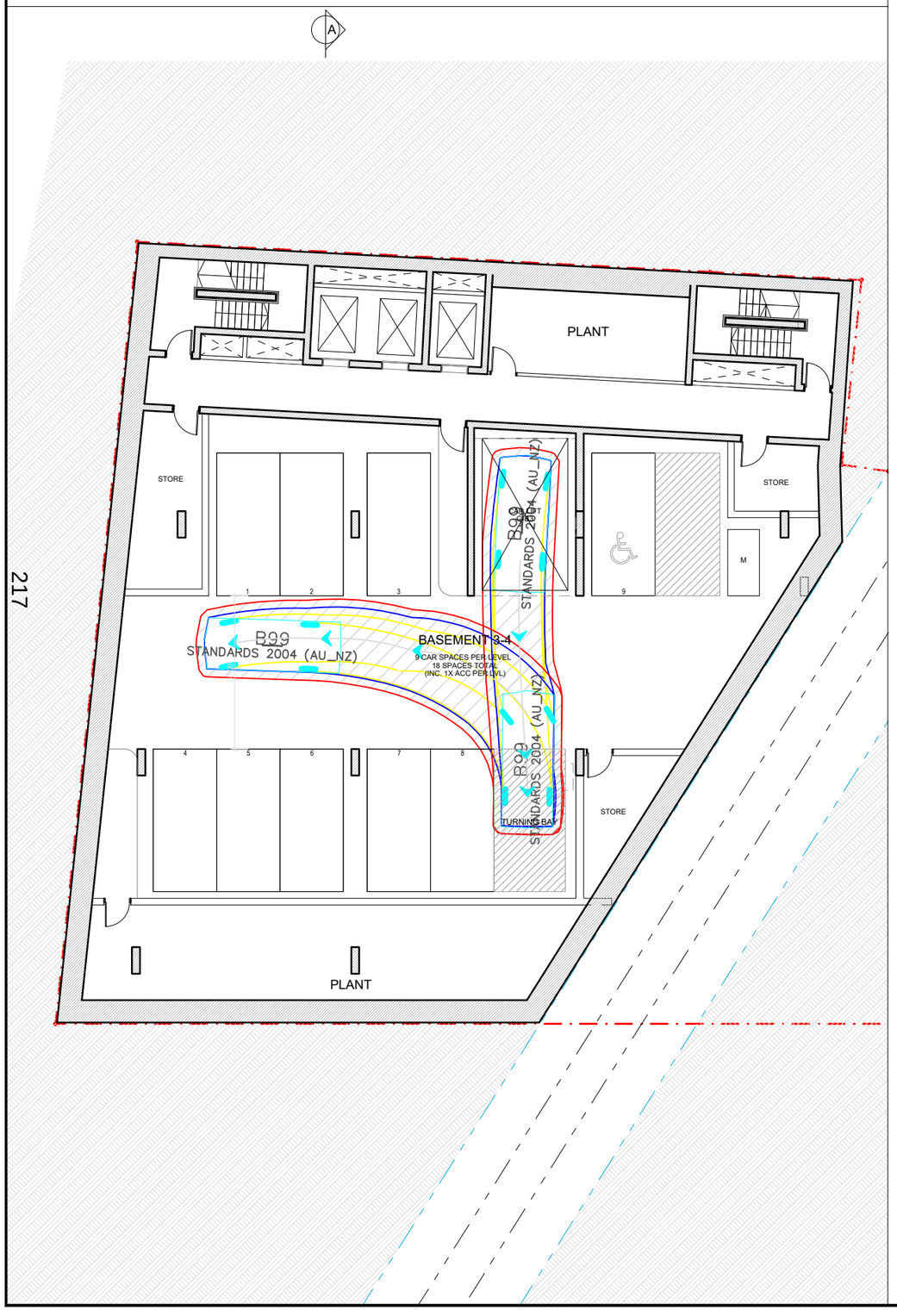
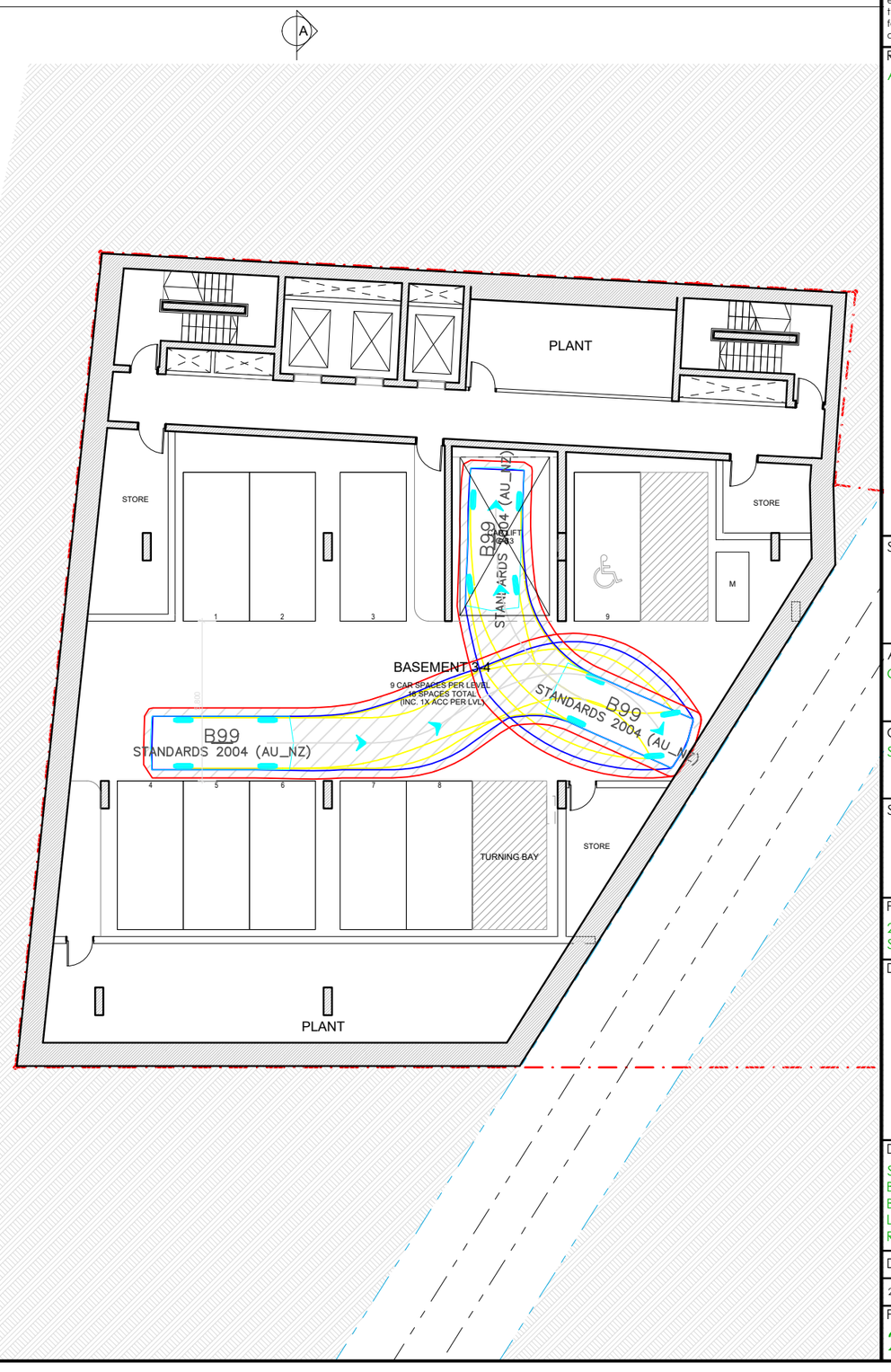
Drawing Title
Basement 1 - 6.4m Small Rigid Vehicle
Left Top: Space 1 Entry Movement
Left Bottom: Space 1 Exit Movement
Right Top: Space 2 Entry Movement
Right Bottom: Space 2 Exit Movement

Drawn:	Checked:	Date:
HD	-	24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.05	A





217

Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
B99 Vehicle
Basement 3 and 4
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn:	Checked:	Date:
HD	-	24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.06	A

Attachment A5

Heritage Impact Statement

URBIS

HERITAGE IMPACT STATEMENT

232-240 Elizabeth Street,
Surry Hills

Prepared for
CANDALEPAS ASSOCIATES
20 February 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director, Heritage	Alexandria Cornish, B Des (Architecture), Grad Cert Herit Cons, M.ICOMOS		
Heritage Consultant	Cecelia Heazlewood, B Arts, M Museum & Heritage Studies		
Project Code	P0043152		
Report Number	01	17/11/2022	Issue 1
	02	15/03/2023	Issue 2
	03	21/03/2023	Issue 3
	04	20/02/2024	Issue 4

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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EXECUTIVE SUMMARY

Urbis has been engaged by Candalepas Associates to prepare the following Heritage Impact Statement (HIS) for 232-240 Elizabeth Street (subject site).

The subject site is not identified as an item of heritage significance or within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items which are listed on the Sydney Local Environmental Plan (Sydney LEP) 2012 and the State Heritage Register as identified in Section 4.2 of this report.

The site contains three separate legal lots with several buildings dating from the Victorian period. However, significant features of these earlier Victorian buildings such as terraced balconies, openings and façade finishes were removed in the early 20th Century The site is currently used as a hostel with retail tenancies on the ground floor. The Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 36.02m (at RL 47.05) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this Planning Proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. This design also shows demolition of the existing buildings for the construction of a multi-storey mixed-used construction. Further details of the proposed works are included in Section 1.5. This HIS has been prepared to assess the significance of the buildings on the subject site and determine the potential impact of the Planning Proposal on the heritage items in the vicinity.

The subject site (comprising several late 19th Century buildings) does not contain any heritage items. It is assessed that the subject site does not meet the threshold for heritage listing. The late Victorian residential structures are a common typology within the area, they are significantly stripped examples of their style and have undergone significant external and internal alterations such that their associations with the Victorian period is no longer clear. While the Federation Free Style façade of 232-236 Elizabeth Street has some components which are characteristic of the style, it is very late example of the style. As demonstrated in the comparative analysis set out in this report it is a modest expression of the style, likely due to its construction during a transitional period. The later building facades are also clear additions to the earlier principal building forms which are still visible to the rear, the buildings are therefore not well resolved or generally good examples of any style. The buildings have no relationship with the scale or character of the buildings in their context, and therefore do not contribute to a significant or consistent streetscape. Accordingly, the demolition of the existing buildings is acceptable from a heritage perspective.

This HIS supports a Planning Proposal, as such no physical works are proposed as part of this application. Notwithstanding, a detailed impact assessment of the proposed works has been undertaken in Section 5 of this report to determine the potential heritage impact of the proposed works as a result of the type of development that would be facilitated by the Planning Proposal. The concept design as provided by Candalepas Associates has been assessed to have no detrimental heritage impact on the significance of the heritage items in the vicinity. Key aspects of the proposal assessment are listed below:

- No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape character, which defines the setting of the heritage items.
- The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or

concealed from the subject site by existing development, confirming that new works would not engender heritage impact.

- While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area.
- The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear.
- The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality.
- The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk.
- The development facilitated by this Planning Proposal would be constructed above a 19th century sewar which, although not listed, connects to the Bondi Ocean Outfall Sewer which is listed on the Sydney Water Section 170 Conservation Register. It is understood that preliminary investigations have been undertaken at this stage to ensure that the future development has the potential to have no impact on the sewer. A minimum clearance requirement has been established which in principal would ensure that there is no physical impact. It is understood that the future development would be subject to approval from Sydney Water to ensure no impacts on their assets and therefore no impact on heritage fabric. A Specialist Engineering Assessment 'SEA' has not been completed at this stage. It is a recommendation of this report that, in order to demonstrate that no physical heritage impacts would be generated, the assessment is completed as part of the Detailed DA as a Condition of the Consent.
- The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.

For the reasons stated above, the Planning Proposal is recommended for approval from a heritage perspective.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by Stasia Holdings Pty Ltd to prepare the following Heritage Impact Statement (HIS) for 232-240 Elizabeth Street, Surry Hills (subject site).

The subject site is not identified as an item of heritage significance or within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items of local (Sydney LEP 2012) and state significance.

The site contains three lots with several buildings dating from the Victorian period. However, significant features of these earlier Victorian buildings, such as terraced balconies, openings and façade finishes, were removed in the early 20th Century. The site is currently used as a hostel with retail tenancies at the ground floor. The Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site-specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 36.02m (at RL 47.05) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. This design also includes the demolition of the existing buildings for the construction of a multi-storey mixed-use construction. Further details of the proposed works are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the Planning Proposal on the significance of the heritage items in the vicinity.

1.2. SITE LOCATION

The subject site is located at 232-240 Elizabeth Street within the local government area (LGA) of the City of Sydney. The site is legally described as Common Property Title, Strata Plan 1379 (232-236 Elizabeth Street) and Lots 1-7 of Deposited Plan 779385 and Lot 1 of Deposited Plan 664653 (238-240 Elizabeth Street).

Figure 1 – Locality map with the subject site outlined in red.

Source: SIX Maps, 2022

1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance' and 'Statements of Heritage Impact'. The philosophy and process adopted are guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Development Control Plan (DCP) 2012.

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Cecelia Heazlewood (Consultant). Alexandria Cornish (Associate Director) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

1.5. THE PROPOSAL

As discussed above, the Planning Proposal seeks to amend the Sydney LEP 2012 and Sydney DCP 2012 to include site-specific controls for 232-240 Elizabeth Street, Sydney.

The proposed amendments to the Sydney LEP 2012 would permit the following where no residential or serviced apartment uses are proposed:

- An increase in the maximum permissible FSR from 5:1 to 7:1.
- An increase in the maximum permissible building height from 35m to 39.12m (at RL 50.330) to accommodate rooftop equipment and lift overruns.

An indicative concept design has been prepared by Candalepas Associates and included within the Urban Design Study that accompanies this planning proposal. It demonstrates that a building of high quality could be achieved within the proposed building envelope. The indicative concept design envisions demolishing the existing buildings for the development of a 10-storey commercial building with ground-floor retail tenancies and a through-site link connecting Foster Lane and Reservoir Street. It includes the excavation of three basement levels with access via a car lift and driveway off Reservoir Street.

Urbis has been provided with drawing documentation prepared by Candalepas Associates. This HIS has relied on these plans for the impact assessment included in Section 5. Extracts of the proposed plans are also provided overleaf. Full-size plans should be referred to for detail.

Table 1 Provided Plans

Author	Drawing Name	Revision	Date
Candalepas Associates	BASEMENT 1 PLAN	C	January 2024
Candalepas Associates	GROUND FLOOR PLAN	C	January 2024
Candalepas Associates	TYPICAL FLOOR PLAN L1, L2, L4, L6	C	January 2024
Candalepas Associates	TYPICAL FLOOR PLAN L3, L5, L7	C	January 2024
Candalepas Associates	FLOOR PLAN - L8	C	January 2024
Candalepas Associates	FLOOR PLAN - L9	C	January 2024
Candalepas Associates	WEST ELEVATION - ELIZABETH STREET & MATERIALS	C	January 2024

Candalepas Associates	SOUTH ELEVATION - RESERVOIR STREET & MATERIALS	C	January 2024
Candalepas Associates	SECTION AA	C	January 2024
Candalepas Associates	SECTION BB	C	January 2024

Figure 2 – Proposed West Elevation – Elizabeth Street

Source: Candalepas Associates, 2024

Figure 3 – Proposed Elevation – Reservoir Street

Source: Candalepas Associates, 2024

2. SITE DESCRIPTION

The following sub-sections have been adapted from the Heritage Impact Statement prepared by Heritage 21 for 232-240 Elizabeth Street, Surry Hills.

2.1. SITE SETTING

The subject site is located at 232-240 Elizabeth Street. The subject site contains two allotments and is legally described as the following:

Table 2 Legal Descriptions of Subject Site

Street Address	Legal Description
232-236 Elizabeth Street	Common Property Title, Strata Plan 1379
238-240 Elizabeth Street	Lots 1-7 of Deposited Plan 779385 and Lot 1 of Deposited Plan 664653

The buildings to the rear of 238-240 Elizabeth Street were once identified as separate allotments, 40-44 Reservoir Street, Surry Hills. However, they are now generally considered to fall under the address 238-240 Elizabeth Street.

Elizabeth Street is a major thoroughfare in Sydney City, providing access between Circular Quay and south Sydney. The subject site is located on the eastern side of Elizabeth Street. The street has a mixed building context comprised of a mixture of residential and commercial buildings. These buildings range from Victorian two-storey structures to contemporary multi-storey structures. A nine-storey building constructed in the 20th Century is located adjacent to the northern boundary of the subject site. The site is a corner block with Reservoir Street denoting the site's southern border and separating it from the multi-storey building to the south. The western side of Elizabeth Street is dominated by a large sandstone wall which forms part of the Central Railway track network, and some landscaping along the road verge, which presumably forms part of the Belmore Park landscaping according to the heritage map.

Figure 4 – Aerial view of the subject site outlined in red.

Source: SIX Maps, 2022.

2.2. VIEWS

The subject site is visible from both Elizabeth and Reservoir Streets and from passing trains on the Central Railway track network.

The subject site currently has views to a number of heritage items located in the vicinity, as outlined in Section 1.3. These items include the following:

- Belmore Park grounds, landscaping and bandstand;
- Central Railway Station group, including buildings, station yard, viaducts and building interiors; and
- Former "Silknit House", including interior.

There are currently no views between the subject site and the Edwards & Co Warehouse (I1571), however, there is the potential that views would be created if the building located on the subject site was of a larger scale.

The current views between the heritage items, which are located within the vicinity of the subject site, are limited with no views currently existing between the two former warehouses (I1571 and I1545). There are some limited views between the Former "Silknit house" (I1572) and heritage items (I825 and I824), however, these are of low significance. Similarly, there are some existing views between the Edwards & Co Warehouse (I1545) and heritage items (I825 and I824), however, these views are primarily along Foster Street and do not encompass the subject site.

2.3. SITE DESCRIPTION

The subject site is made up of a series of allotments. Historical research included in Section 3.2 indicates that five separate Victorian terraces were originally located on-site and used for boarding houses/accommodation. Some of the general structure and rear wings of these earlier buildings remains. However, they have been significantly stripped of their detailing.

The buildings are currently used for a mixture of temporary accommodation and retail tenancies. Both buildings presenting to Elizabeth Street are used as a hostel with various retail spaces at the ground floor. Similarly, the buildings presenting to Reservoir Street have ground-floor retail tenancies, with the upper levels owned and used by the hostels as part of the roof terrace.

The three-storey buildings present to Elizabeth Street as two separate properties due to the two distinctive facades. The northern property (232-236 Elizabeth Street) has a brick façade, detailed in the Federation Free Style. A decorative parapet characterises it, featuring painted pilasters and a consistent fenestration pattern with openings and windows dating to the Federation period. The architectural style of the façade is typical for Federation commercial buildings. A contemporary box awning separates the upper façade from the three contemporary ground-level shopfronts. As indicated above, while the façade of this building dates from the Federation period, the main building structure appears to date from the late Victorian era.

The southern property (238-240 Elizabeth Street) extends around the corner and into Reservoir Street. It consists of a hipped roof with a plain façade, typical of a modest Victorian structure, which appears to have been modified both above and below the box awning. The façade of this building features both contemporary and early window openings with contemporary aluminium framed windows.

Along Reservoir Street, the subject site presents to the street as four separate buildings. The first property is a continuation of the three-storey property which also presents to Elizabeth Street. The second property is a simple single-storey construction that may have been a later infill building. The last two properties are double-storey Victorian commercial buildings. As discussed, this building has a residential level above. The façade maintains some original features. However, modifications to the facade appear to have occurred on both the ground and upper levels.

The rear of the site indicates the service wings and outbuildings of the Victorian buildings, albeit modified and in poor condition. A rear yard (accessible via Foster Lane) is used as a dock for goods storage. The hostels also have a combined outdoor terrace at the rear of the site.

Internally, all the buildings have undergone significant alterations following the various owners and tenants on site, with the most discernible contemporary modifications at the ground floor retail tenancies. Many of the ground floor spaces have little remnant early or original fabric with contemporary openings, doors, windows, and general fitout. The upper-level accommodation spaces have also been substantially modified to facilitate the conversion of the building into a hostel, including contemporary room partitions, openings for

passageways between rooms, removal or infill of fireplaces and removal of most original skirting and cornices. However, some original Victorian details remain such as the central timber stairs and some original skirting, cornices and architraves. While most of the roof cladding is contemporary the building at 238-240 Elizabeth Street retains one original chimney stack.

Figure 5 – View of primary façade on Elizabeth Street

Figure 6 – View of secondary façades on Reservoir Street

Figure 7 – View of ground floor retail facades on Elizabeth Street.

Figure 8 – View of ground floor retail facades on Elizabeth Street

Figure 9 – View of ground floor retail facades on Reservoir Street.

Figure 10 – View of ground floor retail facades on Reservoir Street.

Figure 11 – Internal view of retail store on Elizabeth Street.

Figure 12 – Internal view of retail store on Elizabeth Street.

Figure 13 – Internal view of retail store on Reservoir Street.

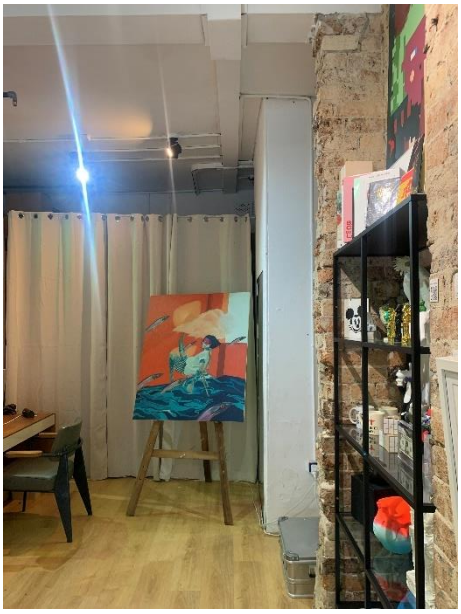

Figure 14 – Internal view of retail store on Reservoir Street.

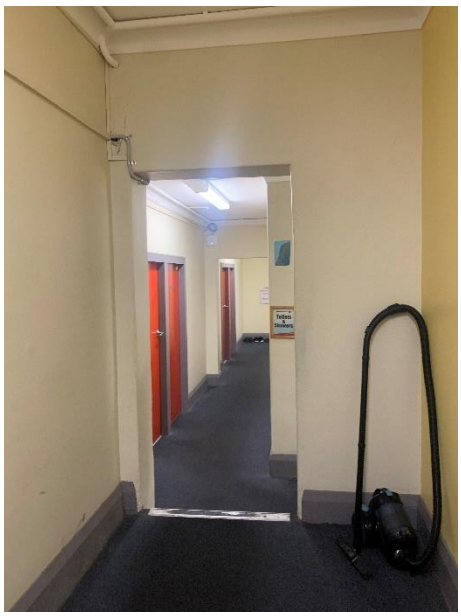

Figure 15 – Internal view of hostel floors showing rooms.

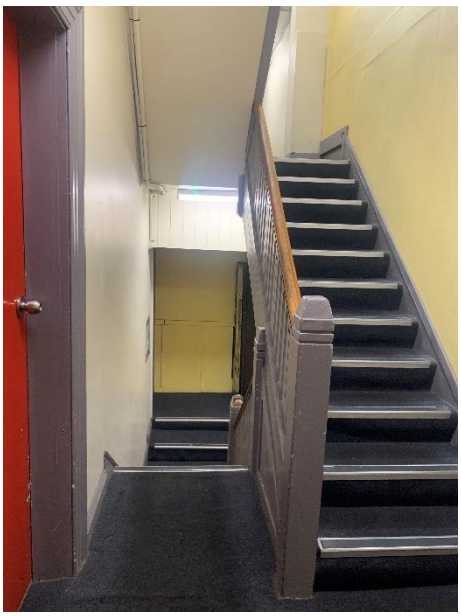

Figure 16 – Internal view of hostel floors showing central stair.

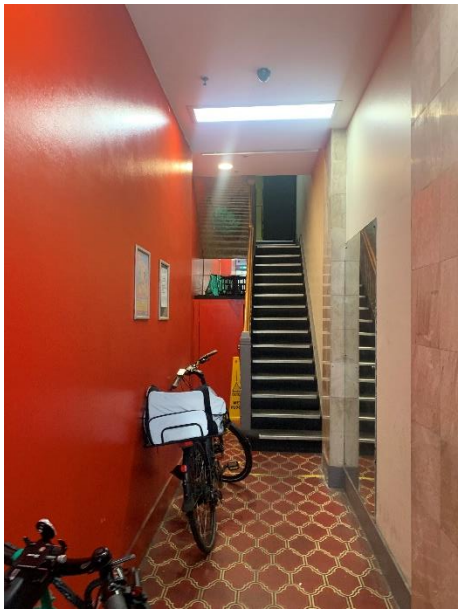

Figure 17 – Internal ground floor of hostel showing access stair to second wing.

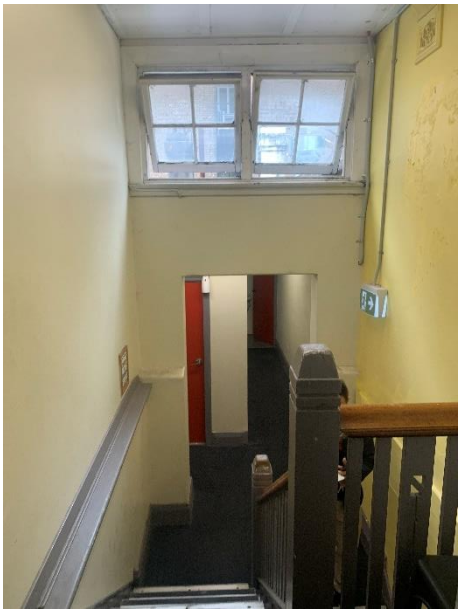

Figure 18 – Detail of hostel from central stair showing rooms and view to roof space.

Figure 19 – View of the hostel roof terrace showing rear of 232-240 Elizabeth Street.

Figure 20 – View of the hostel roof terrace showing views to Reservoir Street.

Figure 21 – Rear dock/service yard accessible via Foster Lane.

Figure 22 – Rear dock/service yard accessible via Foster Lane.

3. HISTORICAL OVERVIEW

3.1. ABORIGINAL OCCUPATION

The following has been extracted from the City of Sydney Council website.

The original Aboriginal inhabitants of the City of Sydney local area are the Gadigal people. The territory of the Gadi (gal) people stretched along the southern side of Port Jackson (Sydney Harbour) from South Head to around what is now known as Petersham. Their southern boundary is the area that now forms the Alexandra canal and Cooks River.

There are about 29 clan groups of the Sydney metropolitan area referred to collectively as the Eora Nation. The 'Eora people' was the name given to the coastal Aboriginal peoples around Sydney. 'Eora' means 'here' or 'from this place'. The Gadigal are a clan of the Eora Nation.

Following the arrival of the First Fleet in 1788, the British encountered Aboriginal people around the coves and bays of Port Jackson. Aboriginal communities here were both generous and combative towards the colonisers. Many places around the harbour remained important hunting, fishing and camping grounds long after Europeans settlement, and continue to be culturally significant today.

Despite the destructive impact of first contact, Gadigal culture survived. As the town of Sydney developed into a city, the Gadigal were joined by other Aboriginal people from around NSW to live, work and forge relationships with the urban Aboriginal community.

Sydney's inner suburbs have long been a magnet for Aboriginal peoples seeking work opportunities, shelter and connections with community and family. The 'big smoke' provided work opportunities shelter and reinforced community connections.

3.2. SITE HISTORY

The subject site is located along Elizabeth Street, named by Governor Macquarie after his wife, Elizabeth Campbell. Elizabeth Street is a major thoroughfare whose character has undergone several changes throughout Sydney's development as a city.

Colonial maps of the subject site indicate that the subject site was once occupied within the vicinity of several early industrial establishments along Elizabeth Street. Notably, a map dated 1843 indicates a designated area for brick kilns to the east of the subject site (Figure 23). Previous archaeological work on adjacent sites has recorded remains of a brick kiln, clay working areas, and lead-glazed pottery assumed to have been locally manufactured.[1] The map also notes the 'Albion Brewery' to the south of the site.[2] The Albion Brewery was a significant building structure in the area, constructed in c.1826.[3]

[1] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[2] W Henry Wells, Land Surveyor, City of Sydney Map, c.1843, NSW State Library, via: https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=FL3709191

[3] Dictionary of Sydney, 'Albion Brewery', via: https://dictionaryofsydney.org/place/albion_brewery

Figure 23 – 1843 map of Surry Hills and surrounds, approximate location of subject site indicated in red.

Source: City of Sydney Archives, Detail Plans, 1855: Sheet 21 (01/01/1855 - 31/12/1855), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709093

The subject site is located on a portion of 105 acres granted to Joseph Foveaux on 2 December 1793 by Major Francis Grose.[4] Foveaux's grant occupied a large area of what is now known as Surry Hills. A neighbouring landowner, John Palmer, purchased Foveaux's Surry Hills grant in 1800 but was later forced to sell the land in 1814 due to financial troubles. Samuel Foster purchased a portion of Palmer's Grant, and this area of Surry Hills was colloquially known as 'Fosterville'.[5] Following his death in 1819, Foster's daughter Mary and husband, John Samuel Smith, subdivided the land for residential sale.[6] Reservoir Street, which bounds the subject site to the south, was initially named Gipps Street and was constructed due to the Fosterville Estate subdivision.

[4] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[5] Ibid.

[6] Ibid.

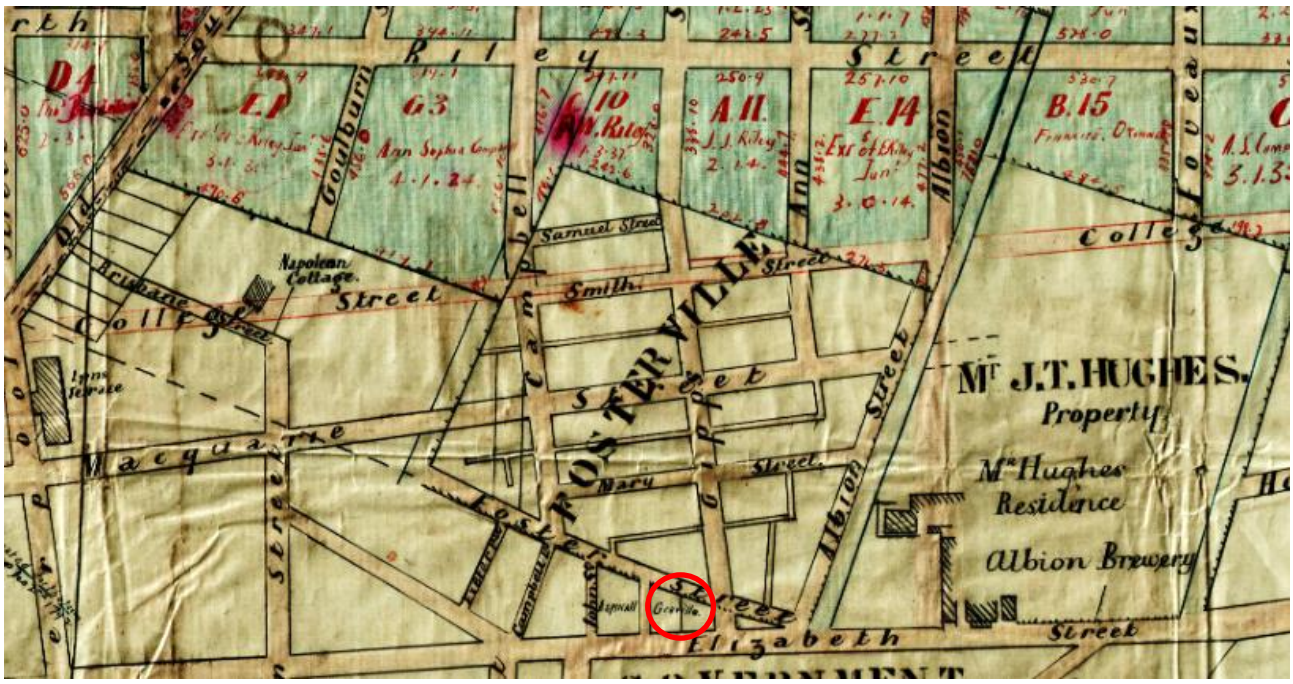

Figure 24 – 1844 map of early Surry Hills subdivisions including the Fosterville Estate. The approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, City Engineer and City Surveyor's Department, Riley Estate - Woolloomooloo, Darlinghurst & Surry Hills, 1844 (01/01/1844),https://archives.cityofsydney.nsw.gov.au/nodes/view/1709110

During the subdivision of Fosterville Estate, the subject site was largely undeveloped compared to the areas located immediately north of the subject site. Maps from the mid-19th Century indicate that there were scarcely built structures on the subject allotments (Figure 25). By 1865, several buildings were constructed on the north side of the corner of Elizabeth and Gipps (now Reservoir) Street (Figure 26). These buildings appear to have a primary frontage to Elizabeth Street with a rear service wing and outbuildings to the rear.

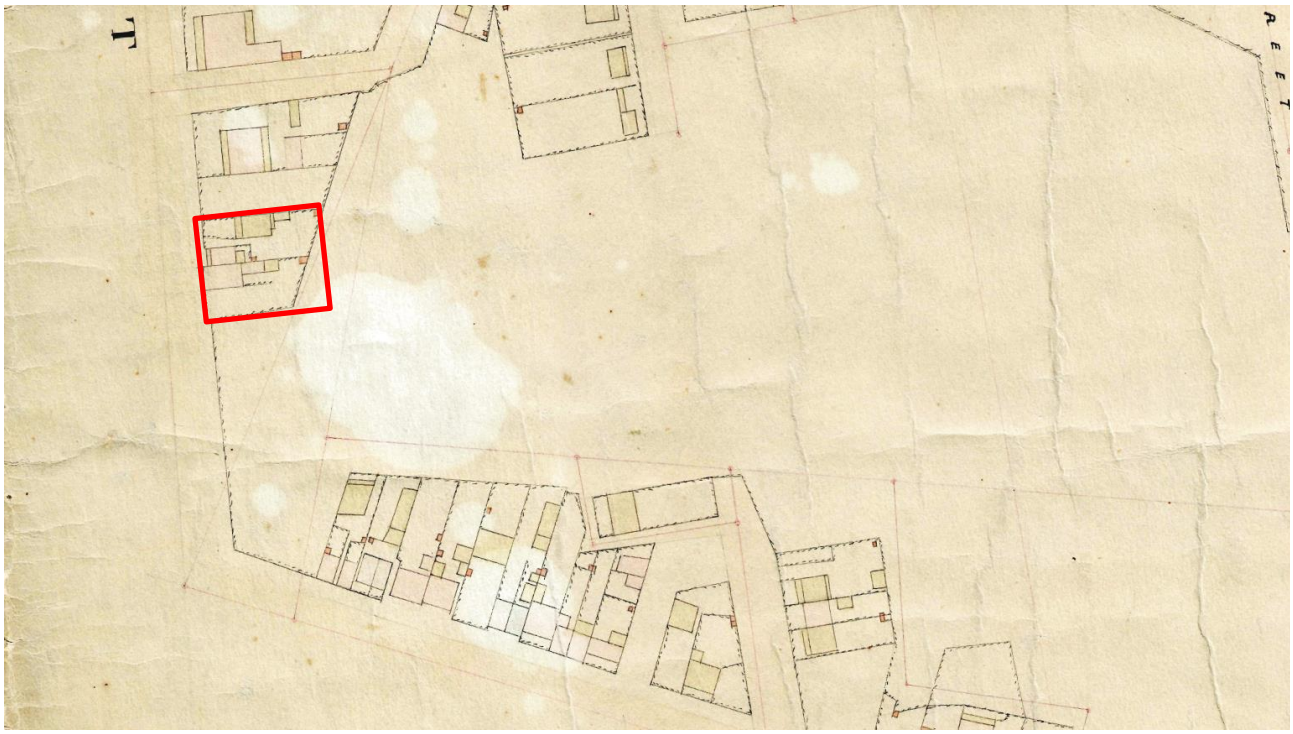

Figure 25 – 1855 survey of the subject area, the approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, Detail Plans, 1855: Sheet 21 (01/01/1855 - 31/12/1855), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709093

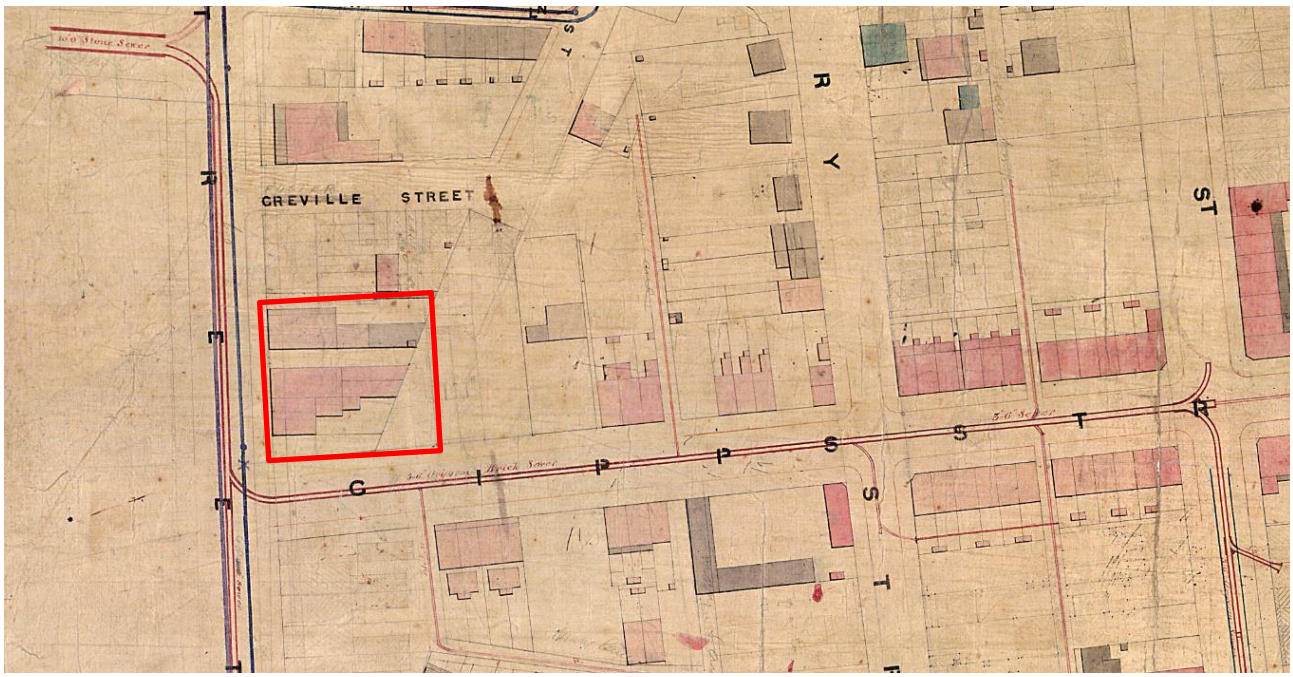

Figure 26 – 1865 survey of the subject area, the approximate location of the subject site is indicated in red.

Source: City of Sydney Archives, Trigonometrical Survey, 1855-1865: Block J1 (01/01/1865 - 31/12/1865), [A-00880390]., https://archives.cityofsydney.nsw.gov.au/nodes/view/1709317

Survey maps from the late 19th Century indicate that the site had been developed with residential structures apparent on each allotment.[7] At this time, 232-240 Elizabeth Street had a frontage to Elizabeth Street, rear service wings, and outbuildings to the rear (east). Similarly, two structures on 40-42 Reservoir Street were much smaller, albeit with a similar footprint and rear service wing. A search of the Sydney Sands Directory reveals that the properties on the subject site had numerous occupants and uses between 1884 and 1900. These searches largely indicated that the site was used as a series of boarding houses with some commercial uses, likely on the ground floor.[8]

Additionally, during the 19th Century and 20th centuries, a large number of Asian migrants arrived in Australia. Many of these migrants in Sydney settled in both Haymarket and Surry Hills and formed 'neighbourhoods'.[9] It has been evidenced that many of the dwellings along Elizabeth and Reservoir Street were tenanted by Chinese migrants during the early 20th Century.[10] The Sydney Sands directory notes that there were Chinese residents living in the dwelling at 232-242 Elizabeth Street in the early 19th Century, some of which operated a laundry at the premises.[11] Archaeological investigations of the heritage item 'Silknit House', adjacent to the subject site, have revealed evidence of this early Chinese occupation of the area.[12]

[7] Heritage 21, 'Heritage Impact Statement', August 2016, pg.9.

[8] John Sands Ltd, Sands Sydney, Suburban and Country Commercial Directory, 1900-1930, Via: https://archives.cityofsydney.nsw.gov.au/

[9] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

[10] Ibid.

[11] John Sands Ltd, Sands Sydney, Suburban and Country Commercial Directory, 1900-1915, https://archives.cityofsydney.nsw.gov.au/

[12] Casey & Lowe, Archaeological Investigation – 19-41 Reservoir Street, Surry Hills. Accessible via pdf: https://www.caseyandlowe.com.au/pdf/leaflet1.pdf

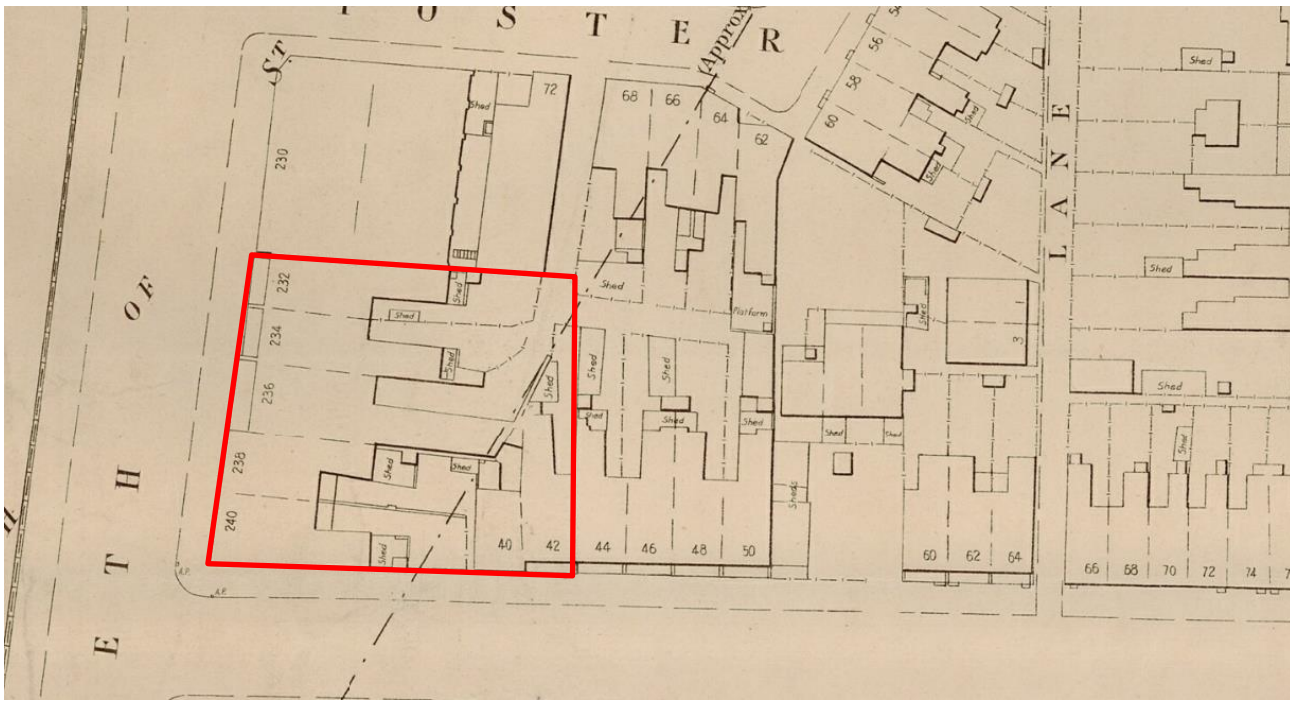

Figure 27 – 1895 survey of the subject site, the approximate location of the subject site is indicated in red.

Source: NSW State Library, https://collection.sl.nsw.gov.au/record/74VKqv5pXe4b/PRRLQRwr6QOBN

By the turn of the Century, commercial development along Elizabeth Street appeared to grow. Similarly, several boarding houses and hotels appeared within the vicinity of the subject site, likely due to the proximity to the newly constructed Central Station (c.1906). Historical images from the early 20th Century show the early Victorian buildings on the subject site (Figure 28 & Figure 29). These photographs show several adjoining buildings of varying heights with terraced balconies.

It is indicated on c.1919 architectural drawings that the hotel at 238-240 Elizabeth Street had decorative ground floor shops.[13] Similarly, architectural drawings c.1920 for updates to the building at 232-236 Elizabeth Street show major alterations to the buildings located on the site (Figure 30). These plans offer a basic layout of rooms on the above floors with access to rear shared bathroom areas. A 1920s aerial of the subject site indicates that both these hotel buildings were three storeys by this time (Figure 31).

In light of the above, it is indicated that the former Victorian buildings on site were significantly altered for use as hotel buildings during the early Federation period. The most discernible changes occurred to the façades which were remodelled to create the appearance of two buildings with one at 232-236 Elizabeth Street and the other at 238-240 Elizabeth Street. Significant features of the earlier Victorian buildings such as terraced balconies, openings and façade finishes were removed during this period.

The key change at this time included the removal of the entire front façade of the terraces at 232-236 Elizabeth Street. The space between the original front façade and the site boundary was infilled with the brick façade which is the remnant façade. The bricks façade appears to have been constructed by 1920 and appears to be a late or transitional example of Federation Free style.

An analysis of the historic photographs and the architectural drawings at Figure 30 reveal that shortly before the later 3 storey façade was constructed, a 2 storey façade was original planned, with the third story of the original terrace remaining partly visible set back from the decorative parapet. It appears that this scheme was abandoned and that a complete removal and replacement of the entire front façade/verandas of the terrace was undertaken.

Building surveys from the 1930s-1940s show that the hotel at 232 Elizabeth Street operated under the 'Windsor Private Hotel' while 238-240 Elizabeth Street was noted as the 'Waratah Private Hotel' (see below). It seems that 40 & 42 Reservoir Street maintained individual small-scale commercial buildings during this

[13] Elizabeth St (238-240) W Schofield alterations (01/01/1919 - 31/12/1919), [A-00571588]. City of Sydney Archives, accessed 07 Nov 2022, https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958

period. Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard.[14]

Figure 28 – c.1900 image of the subject site.

Source: NSW State Library, Redfern Railway Station and Central Railway Station, Sydney, 1871-1920https://collection.sl.nsw.gov.au/record/1Dr3ZKy9

Figure 29 – c.1917 image of the subject site.

Source: National Library of Australia, Belmore Park, construction of the Sydney underground railway, 19 April 1917 , http://nla.gov.au/nla.obj-145535231

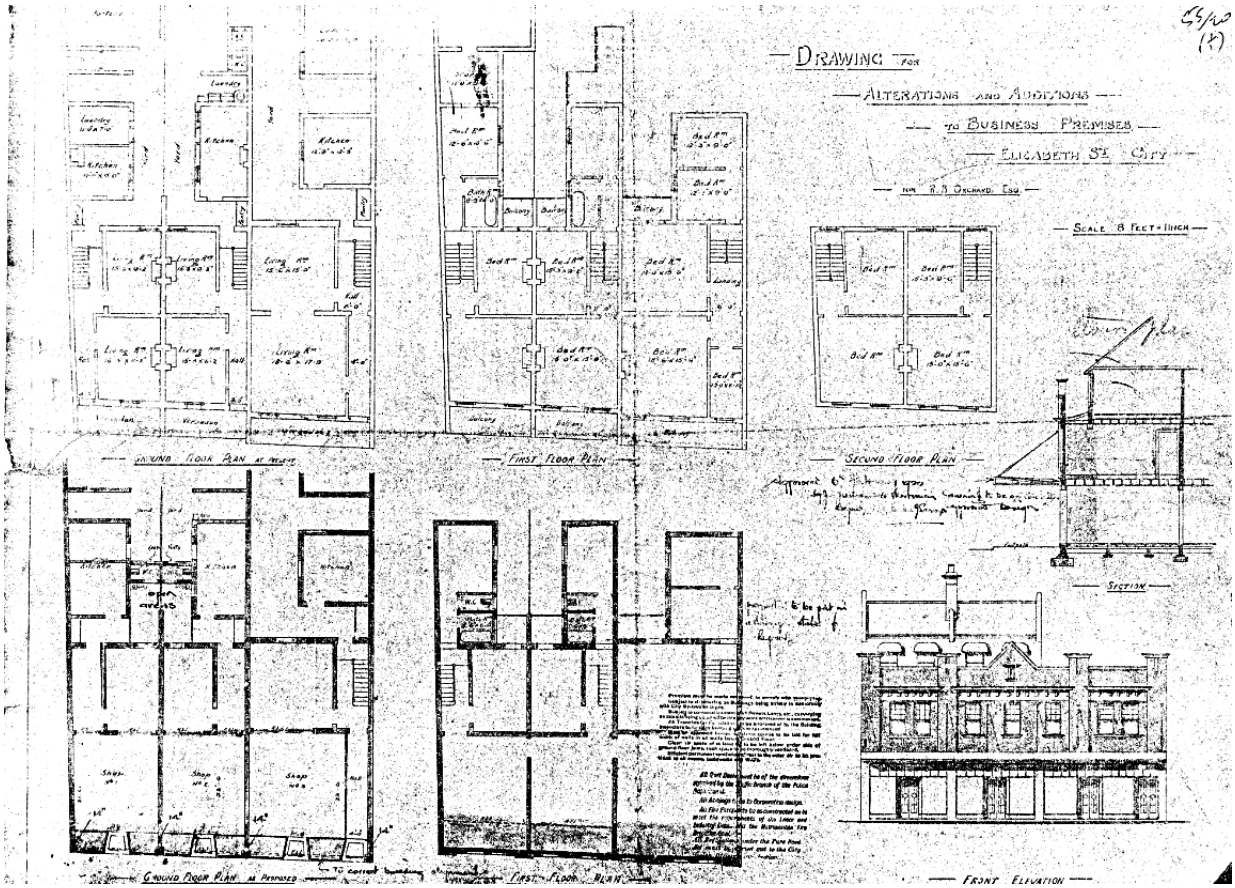

Figure 30 – Architectural drawings for alterations to the existing boarding house at 232-236 Elizabeth Street, c.1920

Source: City of Sydney Archives, Elizabeth St (232-236) W Schofield alterations & additions (01/01/1920 - 31/12/1920). https://archives.cityofsydney.nsw.gov.au/nodes/view/1718170

[14] NSW Land Registry Services, Vol Fol 1330 109

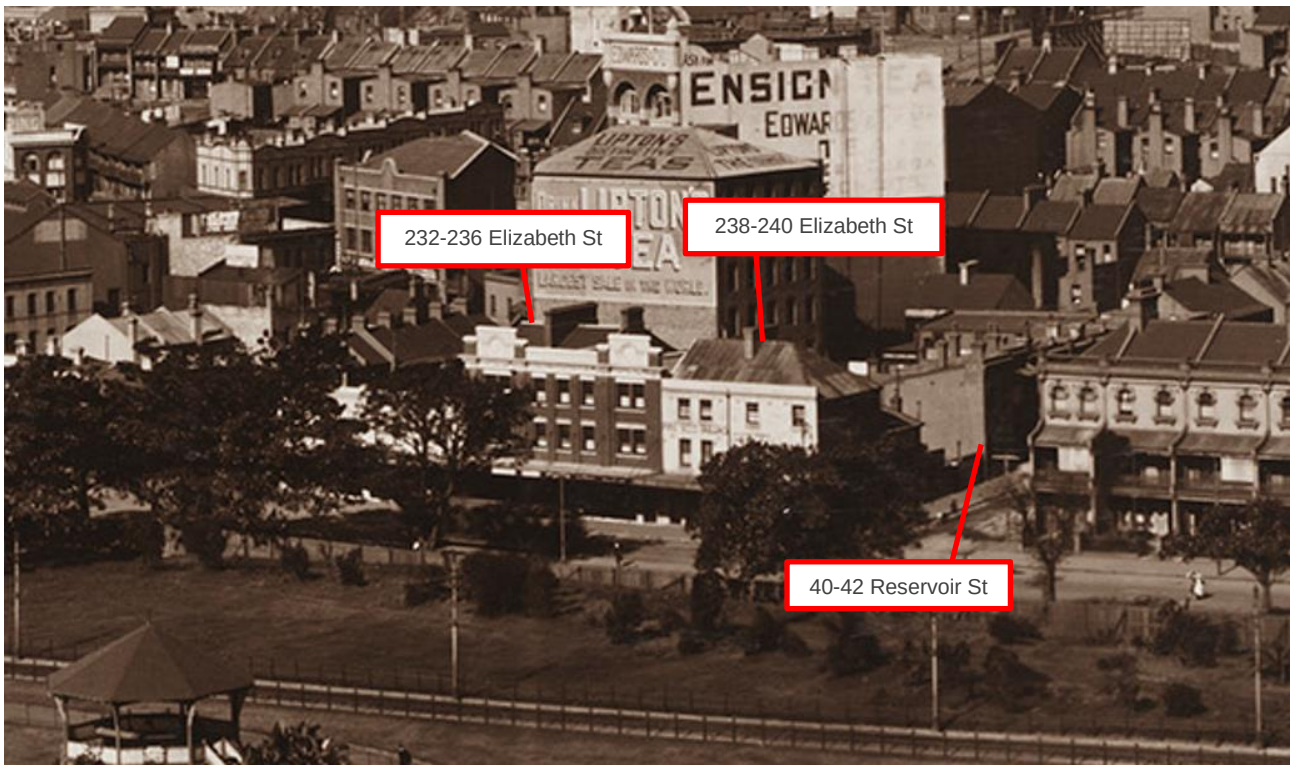

Figure 31 – 1920 image of the subject site, indicated in red.

Source: NSW State Library, Alan Row & Co. Panorama of Sydney from Central Station Tower, 1920.

The subject site is evident in a 1953 photograph of Elizabeth Street, which suggests that alterations to sections of the façade have occurred (Figure 34). It also clearly demonstrates that the context of the subject site has been altered, with numerous multi-storey developments being constructed in the vicinity of the subject site since 1953. By the late 1950s - early 1960s, the hotel at 238-240 Elizabeth Street was adapted for commercial use under the name 'Elliotts'. The subject site is currently used for a number of commercial operations that primarily run from the ground floor of the subject buildings. These uses include a backpackers hostel, a restaurant, a café, a laundromat, a grocery store and a jewellery store.

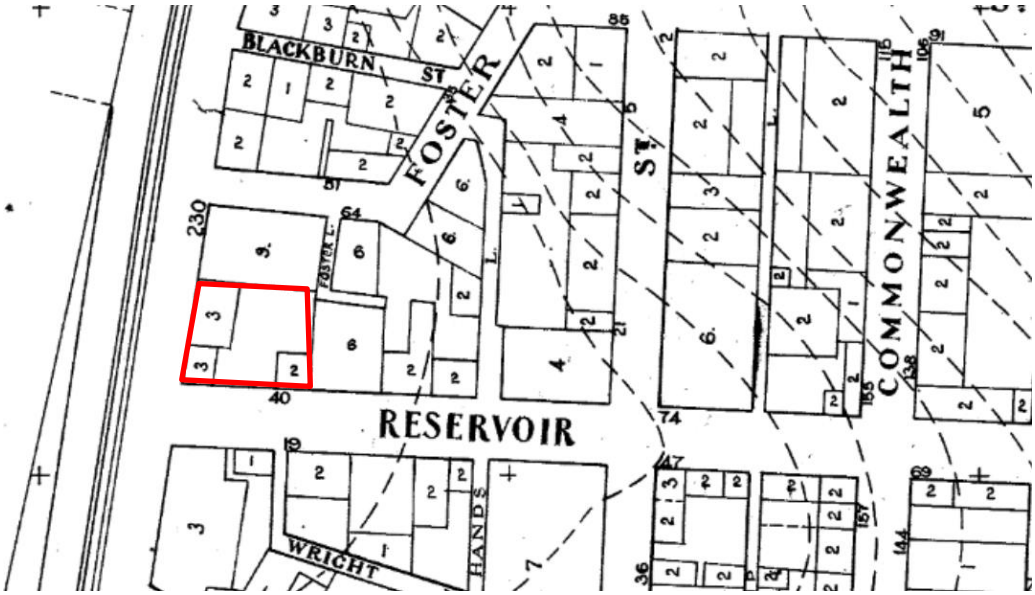

Figure 32 – 1938 survey of the subject site, indicated in red.

Source: City of Sydney Archives - City Engineer's Department, Town Planning Branch, City of Sydney - Civic Survey, 1938-1950: Map 21 - Surry Hills (01/01/1938 - 31/12/1950), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709286

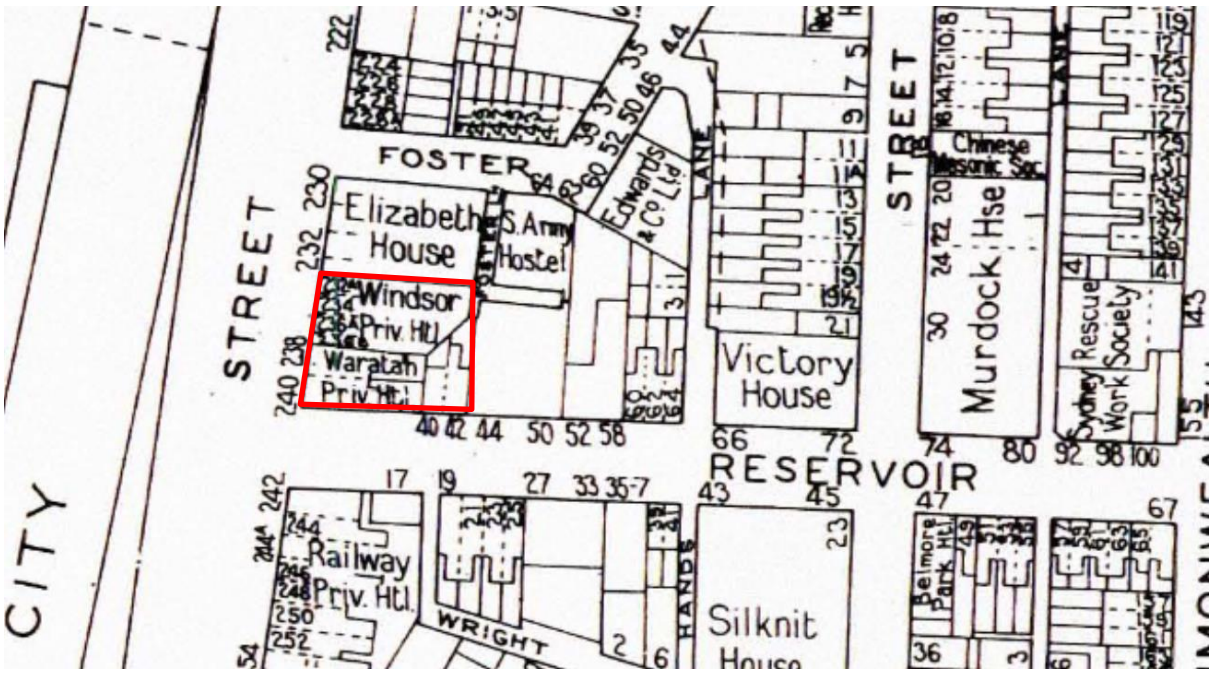

Figure 33 – 1949 survey of the subject site, indicated in red.

Source: City of Sydney Archives - City Building Surveyor's Department, City of Sydney - Building Surveyor's Detail Sheets, 1949-1972: Sheet 10 - Central (01/01/1949 - 31/12/1972), https://archives.cityofsydney.nsw.gov.au/nodes/view/1709112.

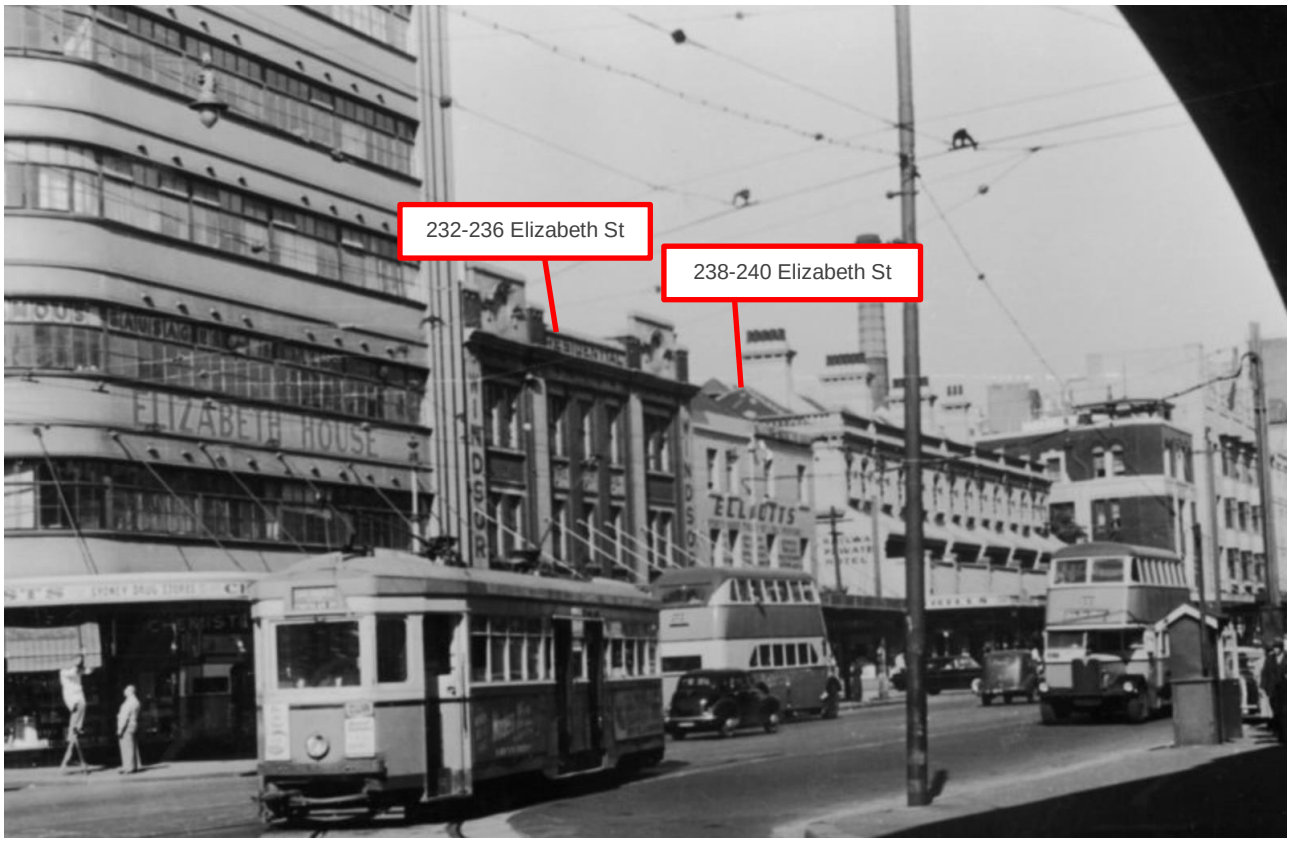

Figure 34 – 1953 image of Elizabeth Street, the subject site is noted in red.

Source: City of Sydney Archives, Tram in Elizabeth Street, Surry Hills, 1953 (01/01/1953 - 31/12/1953), https://archives.cityofsydney.nsw.gov.au/nodes/view/670495

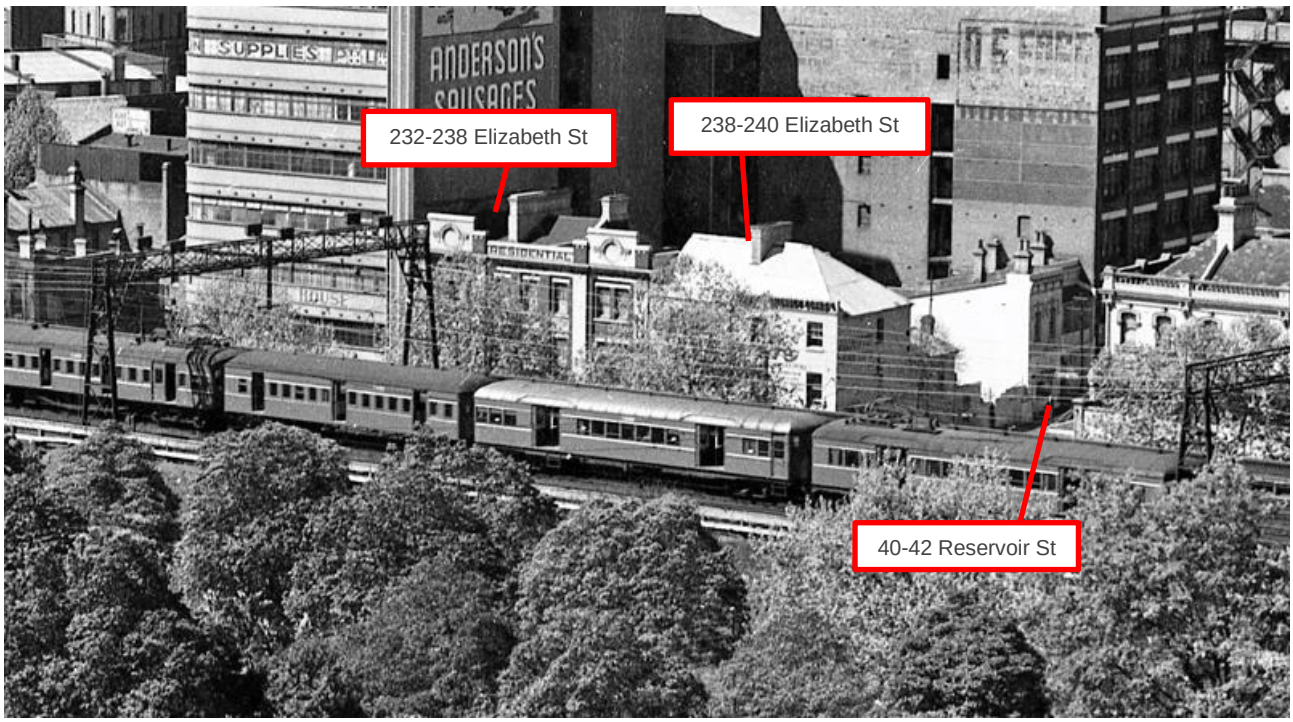

Figure 35 – 1957 image of the subject site, indicated in red.

Source: NSW State Library, Alan Row & Co. Panorama of Sydney from Central Station Tower, 1920

Figure 36 – 1960 image of Elizabeth Street, subject site is indicated in red.

Source: City of Sydney Archives, Buildings in Elizabeth Street (26/08/1960), https://archives.cityofsydney.nsw.gov.au/nodes/view/579901

Figure 37 – 1960 image of Elizabeth Street, subject site is indicated in red.

Source: City of Sydney Archives, Railway Private Hotel, Elizabeth Street Surry Hills, 1960 (26/08/1960), https://archives.cityofsydney.nsw.gov.au/nodes/view/685055

Figure 38 – 1960s image of ground floor stores at 238 Elizabeth Street.

Source: State Library of Victoria, Jordan, A., Windsor Private Hotel entrance.1968.

Figure 39 – 2001 image of Elizabeth Street.

Source: City of Sydney Archives, Mark Stevens, Noah's City Backpackers Elizabeth Street Surry Hills, 2001 (20/04/2001), https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTING

The subject site is not identified as an item of heritage significance, nor does it lie within any identified Heritage Conservation Areas (HCA). However, the subject site is located within the vicinity of several items of local (Sydney LEP 2012) and state significance. The details of these items are included in the table below.

Table 3 Heritage Items in the Vicinity of the Subject Site

Suburb	Item Name	Address	Property Description	Significance	Number
Haymarket	Belmore Park grounds, landscaping and bandstand		Lot 2, DP 868829	Local	I825
Haymarket	Central Railway Station group including buildings, station yard, viaducts and building interiors		Lots 1–3, DP 5771; Lots 1–63, DP 227840; Lots 1 and 2, DP 267889; Lot 12, DP 868831; Lot 11, DP 868834; Lot 32, DP 877478; Lots 12–15 and 18, DP 1062447; Lots 116–118, DP 1078271	State	I824
Surry Hills	Former "Silknit House" including interior	23-33 Mary Street (and 37 Reservoir Street)	Lots 2 and 4, DP 1097847	Local	I1572
Surry Hills	Warehouse "Edwards & Co" including interior	56-60 Foster Street	Lot 13, DP 870519 (SP 51722, SP 54326)	Local	I1545

Figure 40 – Heritage Map showing the location of the subject site outlined in red surrounding heritage items within the visual catchment of the subject site are shaded in tan.
Source: City of Sydney Local Environmental Plan 2012, heritage map HER_015

4.3. COMPARATIVE ANALYSIS

4.3.1. Federation Free Style Commercial Buildings

The subject site at 232-240 Elizabeth Street, Surry Hills comprises several Victorian buildings with Federation-era alterations and additions. Historical research undertaken by Urbis indicates that significant features of the Victorian buildings were removed in the early Federation period. Notably, the façade of 232-236 Elizabeth Street was then detailed in a Federation Free Style.

The Federation Free Style (also known as the Free Classical Style) was employed in many civic and commercial buildings in Sydney during the early twentieth century, including pubs, hospitals, educational buildings, train stations and former bank buildings. The Federation Free Style was born out of the issues associated with designing commercial premises using the domestic styles of Federation and Federation Arts and Crafts. The Federation Free Style allowed architecture of domestic styles to feature in larger, public buildings as well.[15] In Australia, much of the Federation Free Classical work came out of the NSW Government Architect, Walter Liberty Vernon. Key features of the Federation Free Classical style include the use of asymmetrical planning and massing, while classical elements were frequently distorted, incomplete, or featured in an unusual context.[16]

The City of Sydney LGA contains many examples of late nineteenth/early twentieth century residential/commercial structures, with several comparative examples discussed below with consideration to their architectural characteristics, condition, listings and comparable elements.

[15] *A Pictorial Guide to Identifying Australian Architecture*, Richard Apperly, Robert Irving and Peter Reynolds.
[16] *A Pictorial Guide to Identifying Australian Architecture*, Richard Apperly, Robert Irving and Peter Reynolds.

Table 4 – Comparative analysis – Federation Free Style commercial buildings

Metters Building		
Address	154-158 Elizabeth Street Sydney	
Date constructed	1914	
Architect/s	Robertson and Marks	
Statutory heritage listing/s	**NSW State Heritage Register** SHR 00732	
Physical description		
Metters Building is a six storey plastered brick and render building of Federation Free Style with a corner oriel window and a central two bay facade surmounted by a high triangular pediment. The tower to the oriel window is missing. An unusual use of a projecting cornice occurs to the oriel window and the end bay which balances it in an asymmetrically manner. The central bays are distinguished by arched windows divided by solid spandrels. At the sixth floor smaller flat arched windows form part of an entablature frieze. At the first floor an entablature is supported by projecting brackets. The facade below the awning has been significantly modified.		
Statement of significance		
The Metters' Building is part of a group of early twentieth-century commercial buildings that have retained a high degree of architectural integrity, sufficient to form a distinctive aesthetic precinct representing the period 1910-1914. The retention of Federation Free Style detailing above the ground floor is significant.		
Comparable elements		
Use of symmetrical bays, decorative pediments, modified shopfront at ground level.		
General comments		
This example is contemporary with the Federation Free Style detailing of 232-236 Elizabeth Street and is located on the same street 350 metres away from the subject site. This State significant building shares few comparable elements with 232-236 Elizabeth Street, with distinctive fenestration patterns and a corner tower showing the range of architectural features included in the Federation Free Style. Generally, 232-236 Elizabeth Street is more closely comparable to smaller Federation Free Style commercial buildings in face brick.		
Johnson's Building		
Address	233-235 George Street, Sydney	
Date constructed	1912	
Architect/s	Walter Liberty Vernon	
Statutory heritage listing/s	**NSW State Heritage Register** SHR 01554	
Physical description		

Johnson's Building is a six storey Edwardian brick-clad building in the Federation Free Style, notable for its vertical emphasis provided by the narrow pilasters which divide the façade between high narrow windows. The George Street façade is adorned with two storey bay windows under 5th floor semi-circular windows symmetrically placed about a central bay which has a 3 arch arcade to the 5th floor. On either side of this above the bay windows at roof level is a pediment. The splayed corner carries a curved balcony providing access to a flag pole. The Grosvenor Street façade is less decorative with the exception of the large arched entrance incorporating a board of chequered terracotta and sandstone. Sandstone trimmings frame most openings and the high pitched roof of slate is visible behind the pediments.

Statement of significance

Johnson's Building and site are of State heritage significance for their historical and scientific cultural values. The site and building are also of State heritage significance for their contribution to The Rocks area which is of State Heritage significance in its own right.

This outstanding Edwardian commercial building with its simple detailing to its imposing facades is a most significant element in the George Street townscape and provides a foil to the extravagant Baroque façade of Royal Naval House. The return along Milson Lane has a variety of openings, with a cat-head system for heavy loads. The shopfront with its awning, and its deeply recessed entries, is typical of the period, and one of the few remaining in original form in Sydney. The building is significant for its long and fascinating association with the Johnson organisation. The whole of the ground floor shop is significant, particularly for its openness and considerable ceiling height, and the spacious qualities of the upper floors, with their bay windows and verandahs, are also of note.

Comparable elements

Use of symmetrical bays, vertical pilasters and decorative pediments with consistent and symmetrical fenestration pattern; use of brick clad façade, modified shopfront at ground level.

General comments

Generally, this State significant building is on a grander scale than 232-236 Elizabeth Street and on a prominent corner lot which contributes to its overall design and use. While there are some comparable built elements in this building, in general 232-236 Elizabeth Street is more closely comparable to smaller Federation Free Style commercial buildings in less prominent locations.

Commercial Building

Address	153 Oxford Street, Darlinghurst
Date constructed	1882-1912
Architect/s	Unknown
Statutory heritage listing/s	**Sydney LEP 2012** I406 Local significance

Physical description

153 Oxford Street is a two storey building, the façade of which demonstrates characteristics of the Federation Free Style.

The shopfront has been extensively modified in the past and has retained little or no apparent original fabric. The awning that extends over the foot path has, however, and includes wrought metal trusses, suspension rods and other structural fabric.

The first floor section has also retained a substantial amount of intact original fabric. It is constructed of face brick and is embellished by dressed sandstone detailing. The design of the façade is symmetrical, contained within two slender brick piers and dominated by a large arched opening that contains an aluminium framed window set with fibro or similar sheeting over it. The opening is emphasised by finely detailed stonework, a stone sill and a decoratively detailed keystone. The wall surface above the opening and below the parapet is finished with what appears to be a painted surface over masonry or tiling. The parapet itself consists of a series of arched openings reminiscent of machicolation above which rises a plain panel of brickwork flanked by small battered sections of brickwork. A stone pediment made up of two raked scrolls is mounted on top of the plain brick panel.

Statement of significance

153 Oxford Street is significant because its façade is representative and characteristic of the Federation Free Style, makes an important visual contribution to this section of Oxford Street and because of its strong visual associations with 151-151A and 159 Oxford Street.

Comparable elements

Symmetrical façade, decorative parapet with arched detailing, use of face brick, highly modified shopfront at ground level.

General comments

This example is approximately contemporary with the Federation Free Style detailing of the façade at 232-236 Elizabeth Street. Though smaller than 232-236 Elizabeth Street, this commercial building is generally a finer example of the Federation Free Style due to its usage of face brick and dressed sandstone embellishments, finely detailed stonework and refined design references to machicolation. The façade is also highly intact and in good repair, with an intact awning.

Additionally, the intact commercial buildings in similar style at 151-151A and 159 Oxford Street enhance the overall significance of this commercial building when viewed as in grouping; the building at 232-236 Elizabeth Street no longer has neighbouring properties with intact facades.

Commercial Building (169-171 Broadway)

Address	169-171 Broadway, Ultimo
Date constructed	c.1910
Architect/s	Unknown
Statutory heritage listing/s	**Sydney LEP 2012** I2015 Local significance

Source: Google Maps, 2021

Physical description

169-171 is a two storey Federation Free Style commercial building. It has two reconstructed timber framed shop fronts with side recessed doors, and a contemporary fire egress door near the western end of the building. There is a

suspended awning with decorative bracket supports. The façade above the awning is of face brickwork with cast cement detailing. It is divided into four bays by engaged piers. The first floor features arched openings with timber casement sashes, above which is a high decorative cornice with twin gables flanked by balustrade in fills and piers capped with cast urns.
Statement of significance
The building at 169-171 Broadway is part of the redevelopment of the Broadway frontage of Athlone Place following the slum clearance and sale by the city council, 1906-1909. It is a fine example of Federation Free Style building, with an elaborately detailed façade, which forms an important component of the streetscape along this section of Broadway.
Comparable elements
Use of face brick, division of façade into bays divided by vertical piers, decorative parapet.
General comments
Like the Darlinghurst commercial building, this example is approximately contemporary with the Federation Free Style detailing of the façade at 232-236 Elizabeth Street. This example is also similar in size and overall form to 232-236 Elizabeth Street, though far more decorative. Considered a fine example of the Federation Free Style, this example is ornamental and sophisticated in its use of cast cement detailing and decorative cornice with twin gables and cast urn cappings. The façade is also highly intact and in good repair with an intact awning.

4.3.2. Discussion

The comparative analysis shows that commercial buildings in the Federation Free Classical style are numerous throughout the City of Sydney LGA. The examples discussed show variations in size and scale, though this is largely due to their location within the historical commercial precincts of the Sydney CBD, Darlinghurst, and Ultimo. Elizabeth Street is also a historical commercial precinct, with other listed examples of the Federation Free Classical commercial buildings located within 500 metres of the site.

The buildings are typical modest constructions of the Victorian and Federation periods, with principal street-facing buildings and rear service wings. The examples discussed are largely similar to 232-236 Elizabeth Street in terms of façade treatment including usage of face brick, symmetrical fenestration, symmetrical façades divided into bays and vertical elements such as piers and pilasters. However, these similarities are generally superficial, as these materials and architectural characteristics are common to late nineteenth and early twentieth century commercial buildings of numerous styles in Sydney and wider New South Wales.

The examples discussed tend to be more decorative, utilising additional materials like sandstone and cement and incorporating more sophisticated detailing such as parapets, decorative cornices and cast/moulded ornamentation. Though this is expected in grander scale examples such as the Metters and Johnson's Buildings, which are designed by notable architects, the decorative facades of the smaller buildings are also more ornamental and generally well-designed despite being by unknown architects. It is possible that the subject façade is more stripped in its detailing due to its very late construction relative to the comparable examples of the period/style.

Notwithstanding the contemporary modifications to most ground level shopfronts, all examples discussed above have facades that are more intact than the retrofitted façade at 232-236 Elizabeth Street. Examples of Federation Free Style commercial buildings with similar forms are located in proximity to the subject site, many of which are in better condition with more interesting architectural detail and greater integrity.

Overall, this comparative analysis reaffirms that 232-236 Elizabeth Street, despite having some characteristics of the style, is not a good example of its typology.

4.4. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of

heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 5 Assessment of Heritage Significance

Criteria	Significance Assessment
A – Historical Significance *An item is important in the course or pattern of the local area's cultural or natural history.*	The subject site is located on a former early subdivision in Surry Hills called 'Fosterville Estate', named after colonial landholder Samuel Foster. The site contains several buildings typically dating from the Victorian period with Federation Free style alterations (late example) to the façades. The buildings were used for private residences and/or boarding houses. The buildings fronting Elizabeth Street were converted from five Victorian dwellings/boarding houses to two hotels, the *Windsor Private Hotel* and the *Waratah Private Hotel*. Retail tenancies were located on the ground floor of each hotel. Similarly, the buildings presenting to Reservoir Street were primarily used as private accommodation until they were converted into shops in the mid-late 20th Century. Accordingly, the site is correlated with the rise in residential and commercial development along Elizabeth Street in the Victorian and Federation period. Noting the above, the site does not have a strong historical relationship with any important activities or processes. Rather, the abovementioned historical associations are incidental and are common with the surrounding built development. Therefore, the subject site does not reach the threshold of local significance under this criterion.
<u>*Guidelines for Inclusion*</u> ▪ shows evidence of a significant human activity ☐ ▪ is associated with a significant activity or historical phase ☐ ▪ maintains or shows the continuity of a historical process or activity ☐	<u>*Guidelines for Exclusion*</u> ▪ has incidental or unsubstantiated connections with historically important activities or processes ☒ ▪ provides evidence of activities or processes that are of dubious historical importance ☐ ▪ has been so altered that it can no longer provide evidence of a particular association ☐
B – Associative Significance *An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.*	The site was constructed for residential purposes/commercial purposes in the late Victorian period, with substantial updates in the Federation period. Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard.

	Additionally, the subject site is indicative of early Chinese migration to Surry Hills and Haymarket as several Chinese tenants occupied the subject site during the 19th Century-Early 20th Century. The site has loose associations with the companies and residents/groups of residents who used the site for retail/commercial purposes; many occupants and tenants used the site temporarily. Furthermore, the buildings are not considered a landmark site in reference to the abovementioned historical figures' life or works. Additionally, there are no noteworthy physical attributes at the subject site that are directly associated with any past owners. Therefore, the subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ shows evidence of a significant human occupation ☐ ▪ is associated with a significant event, person, or group of persons ☐	*Guidelines for Exclusion* ▪ has incidental or unsubstantiated connections with historically important people or events ☒ ▪ provides evidence of people or events that are of dubious historical importance ☐ ▪ has been so altered that it can no longer provide evidence of a particular association ☐
C – Aesthetic Significance *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.*	As mentioned above, the subject site comprises several Victorian buildings with late/transitional Federation Free style alterations and additions. Historical imagery of the subject site indicates that significant features of these earlier Victorian buildings, such as terraced balconies, openings and façade finishes, were removed in the early Federation Period. Notably, the façade of 232-236 Elizabeth Street was entirely replaced c1920 with a new brick façade detailed in a Federation Free Style. As demonstrated in the Comparative Analysis above the subject site represents a significantly stripped version of the style. The stripped representation of the style is likely due to its later construction compared to other examples and given it was an adaptation of an earlier building of a different typology. It is therefore not a well resolved example of its type. The original building was not designed by any known architect of note. Additionally, the buildings are typical in materials and construction and have little architectural detailing. Accordingly, the buildings are not a particularly fine example of their typology.

	Therefore, the subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ shows or is associated with, creative or technical innovation or achievement ☐ ▪ is the inspiration for a creative or technical innovation or achievement ☐ ▪ is aesthetically distinctive ☐ ▪ has landmark qualities ☐ ▪ exemplifies a particular taste, style or technology ☐	*Guidelines for Exclusion* ▪ is not a major work by an important designer or artist ☒ ▪ has lost its design or technical integrity ☐ ▪ its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded ☐ ▪ has only a loose association with a creative or technical achievement ☒
D – Social Significance *An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.*	While an assessment of social significance is beyond the scope of this report, the subject site is not anticipated to have a strong association with any particular community group. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ is important for its associations with an identifiable group ☐ ▪ is important to a community's sense of place ☐	*Guidelines for Exclusion* ▪ is only important to the community for amenity reasons ☒ ▪ is retained only in preference to a proposed alternative ☐
E – Research Potential *An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.*	An archaeological assessment is beyond the scope of this assessment. Nevertheless, it is unlikely that a detailed fabric analysis of the building would have research potential to provide further unknown information about the construction of Victorian residential and commercial structures. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ has the potential to yield new or further substantial scientific and/or archaeological information ☐ ▪ is an important benchmark or reference site or type ☐ ▪ provides evidence of past human cultures that is unavailable elsewhere ☐	*Guidelines for Exclusion* ▪ the knowledge gained would be irrelevant to research on science, human history or culture ☒ ▪ has little archaeological or research potential ☐ ▪ only contains information that is readily available from other resources or archaeological sites ☐

F – Rarity *An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history***.**	The Sydney region, particularly in the suburbs of Surry Hills surrounds, is abundant with late 19th - early 20th Century residential/commercial structures. There are several examples of buildings with similar forms in proximity to the subject site, many of which are in better condition, with more interesting architectural detail and greater integrity.
Guidelines for Inclusion ▪ provides evidence of a defunct custom, way of life or process ☐ ▪ demonstrates a process, custom or other human activity that is in danger of being lost ☐ ▪ shows unusually accurate evidence of a significant human activity ☐ ▪ is the only example of its type ☐ ▪ demonstrates designs or techniques of exceptional interest ☐ ▪ shows rare evidence of a significant human activity important to a community ☐	*Guidelines for Exclusion* ▪ is not rare ☒ ▪ is numerous but under threat ☐
G – Representative *An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):* ▪ *cultural or natural places; or* ▪ *cultural or natural environments.*	The subject site features several buildings from the Victorian and Federation period. The structure features some characteristics of residential structures of the latter half of the 20th Century. While the building form remains somewhat intact, there are several finer and more intact examples of late 19th - early 20th Century industrial buildings and warehouses within the Sydney LGA and the suburbs surrounding Surry Hills. The subject site does not reach the threshold of local significance under this criterion.
Guidelines for Inclusion ▪ is a fine example of its type ☐ ▪ has the principal characteristics of an important class or group of items ☐ ▪ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity ☐ ▪ is a significant variation to a class of items ☐	*Guidelines for Exclusion* ▪ is a poor example of its type ☒ ▪ does not include or has lost the range of characteristics of a type ☒ ▪ does not represent well the characteristics that make up a significant variation of a type ☐

▪ is part of a group which collectively illustrates a representative type ☐ ▪ is outstanding because of its setting, condition or size ☐ ▪ is outstanding because of its integrity or the esteem in which it is held ☐	

4.5. STATEMENT OF SIGNIFICANCE

The subject site contains several buildings between 232-240 Elizabeth Street, Surry Hills. The site is located in an early subdivision known as 'Fosterville'. The buildings were converted from Victorian residential/commercial buildings to private hotels in the early 20th Century. Accordingly, the site is historically linked with the rise in residential and commercial development along Elizabeth Street in the Victorian and Federation period.

Noteworthy owners of the site include well-known Sydney merchants Samuel and Anthony Hordern and former politician Richard Orchard. Additionally, the subject site is indicative of early Chinese migration to Surry Hills and Haymarket as several Chinese tenants occupied the subject site during the 19th Century-Early 20th Century. However, the site has loose associations with the companies and residents/groups of residents who used the site for retail/commercial purposes. Additionally, many occupants and tenants used the site temporarily. Nevertheless, it is noted that the site has maintained continual residential/commercial use since the date of construction. Furthermore, much of the early fabric and context has been lost to subsequent modifications.

As established, the subject buildings were likely constructed in the late Victorian era. However, the façade of 232-236 Elizabeth Street is notably detailed in Federation Free style. Furthermore, much of the original/early ground floor area and façades of both buildings have contemporary modifications. Accordingly, the buildings are not considered architecturally significant; the original buildings were not designed by any architect of note. Additionally, the buildings are typical in materials and construction of the period and have little architectural detailing.

Furthermore, the Sydney region, particularly in the suburbs of Surry Hills surrounds, is abundant with late 19th - early 20th Century residential/commercial structures. There are several examples of buildings with similar forms in proximity to the subject site, many of which are in better condition, with more interesting architectural detail and greater integrity.

5. IMPACT ASSESSMENT

Below, the potential impact of the proposal is assessed against the applicable heritage-related statutory and non-statutory planning controls which relate to the site and the proposed development.

5.1. STATUTORY CONTROLS

5.1.1. Sydney Local Environmental Plan 2012

The table below provides an assessment of the proposal against the relevant provision for heritage conservation as found in the Sydney *LEP* 2012.

Table 6 Assessment against the Sydney Local Environmental Plan 2012

Clause	Response
(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*	1) The PP and associated concept design are in line with the objectives set out in the Sydney LEP 2012, as discussed below. There are no physical works undertaken as part of this planning proposal. Further, the indicative design does not involve works on any identified heritage item nor any identified Heritage Conservation Area. Furthermore, the buildings contained within the subject site are assessed as not meeting the requirements for heritage listing (see Section 4.4). The subject site is within the vicinity of several heritage items. However, it is determined that the new development would not have a detrimental impact on the significant setting, context or views of these items. See below sections for a detailed assessment of heritage impact.
(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,*	2) Consent is sought from the Sydney Council for the proposal. While no physical works are proposed at this stage, the proposal would facilitate works to buildings within the vicinity of several heritage items. This Heritage Impact Statement has been prepared to accompany a Planning Proposal and to assess the potential impacts of the proposal on the pertinent heritage significance of the site and surrounds. The subject site (containing several buildings) is not a listed heritage item, and the buildings have been assessed and do not meet the threshold for listing. Accordingly, the proposal would not impact any identified heritage items.
(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*	4) and 5) This HIS has been prepared to assess the potential impact of the Planning Proposal and the development that it may facilitate on the heritage significance of the heritage items in the vicinity of the

Clause	Response
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).	subject site. Refer to the sections below for a detailed assessment. The proposal would not impact any identified heritage items. Additionally, the buildings contained within the subject site have been assessed against the relevant NSW criteria are do not meet the threshold for heritage listing. The buildings on site were likely constructed in the late Victorian period as modest residential buildings. Subsequent to their construction, the buildings have undergone substantial internal and external alterations following changes in use and ownership over the years. The Planning Proposal would enable the construction of a 35m high building, a considerable increase on the current building height. However, it is assessed that there is sufficient distance between the subject site and the surrounding heritage items ensuring that the new works would not impact significant views or visual relationships between these items. While the indicative design would involve a slight increase of the built footprint, this would not encroach on any established significant curtilage of the items in the vicinity. It is therefore assessed that the indicative design would not impact on the heritage items in the vicinity.
(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.*	

5.2. SYDNEY DEVELOPMENT CONTROL PLAN 2012

The table below assesses the proposal against the relevant objective and provisions for heritage conservation as found in the *Sydney DCP 2012.*

Table 7 Assessment against the Sydney Development Control Plan 2012

Provision	Response
Section 3 General Provisions 3.9 Heritage 3.9.1 Heritage Impact Statements (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting: (a) heritage items identified in the Sydney LEP 2012; (2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered a heritage impact statement, so as to enable it to fully consider the heritage significance of a building and the impact that the	(1) (2) and (3) This Heritage Impact Statement has been prepared to accompany the PP and assesses the potential impacts of the concept design of a mixed-use building that may be facilitated by the Planning Proposal as outlined in Section 1.5. Additionally, the subject site contains several buildings over 50 years with contemporary modifications. The concept design includes the demolition of these buildings to facilitate the construction of a new mixed-use building. An assessment of the subject site's potential for heritage significance is included within this report in Section 4.5. This HIS satisfies this clause. (4) This report has assessed the heritage significance of the subject site, details included in Section 4.3. It is

Provision	Response
proposed development has on the building and its setting. 3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant. Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Heritage Branch, NSW Department of Planning at www.heritage.nsw.gov.au. (4) The Heritage Impact Statement is to address: (c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; (7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.	assessed that the site does not meet sufficient criteria to be considered of heritage significance. Options for development are limited by the available space on site. There are no physical works will be undertaken as part of the Planning Proposal. However, the associated concept scheme includes the demolition of the existing buildings as well as a provision for the construction of a new building. The new building would result in an increase in the building height on site. It is assessed that the 25m building would not impact any significant views or settings of the heritage items within the vicinity of the subject site. Additionally, the proposed allowance for an increase in building height is in keeping with the existing pattern of development within the area. The indicative design provides appropriate solutions for materials and finishes that are considered sympathetic to the character of the area and heritage items in the vicinity, utilising off-form concrete, glass, stainless steel and dark-painted steel. Additionally, the indicative solid-to-void ratio features predominately void to lessen the appearance of the density of the new build. (7) Recommendations have been included in Section 7 of this report.
3.9.5 Heritage items (4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: (a) providing an adequate area around the building to allow interpretation of the heritage item; (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item); (c) protecting, where possible and allowing the interpretation of archaeological features; and (d) Retaining and respecting significant views to and from the heritage item.	As discussed above, there would be no physical work as a result of this Planning Proposal. However, the concept scheme of a mixed-use structure would include the demolition of the existing buildings on site which are not deemed to meet the threshold of heritage listing (See section 4.5). The subject site is also within the vicinity of several heritage-listed items. However, it is assessed that these items are at an adequate distance or are concealed by existing development to ensure that future development would not detrimentally impact any significant views. Additionally, while the indicative scheme would increase the current built footprint, it would not infringe on any curtilage of the vicinity heritage items. Furthermore, the concept scheme shows an increased building height. However, this building's height and form are consistent with development patterns within the immediate vicinity. Several buildings of equal or greater height than the indicative design are adjacent to the subject site along Elizabeth Street. Accordingly, this

Provision	Response
	scheme would not disturb the existing streetscape character nor pattern of development. Additionally, the allowance of a through-site link between Reservoir Street and Foster Lane would allow for a visual distinction between the new works and the early 20th Century building to the rear. It is beyond the scope of this report to assess the archaeological potential of the subject site. Notwithstanding, the Preliminary Archaeological Assessment, including Aboriginal Due Diligence Report, submitted with this Planning Proposal and prepared by Curio Projects has assessed the archaeological potential of the site. The findings of this report are that there is moderate aboriginal archaeological potential and low-moderate archaeological potential. The report should be referred to for greater details of the archaeological findings of the site.
3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas (1) Excavation beneath, or adjacent to heritage items and/or buildings in heritage conservation areas will only be permitted if it is supported by both a Geotechnical Engineering report and a Structural Engineering report.	(1) The concept design would include the excavation beneath the subject site, which is located within the vicinity of several heritage items. This aspect of the proposal has been supported by the Geotechnical Report prepared by Douglas Partners. Reference should be made to that document for further details regarding this aspect of the PP.

5.3. HERITAGE NSW GUIDELINES

The proposed works are addressed in relation to relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 8 Heritage NSW Guidelines

Clause	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	▪ No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape

Clause	Discussion
	character, which defines the setting of the heritage items. ▪ The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or concealed from the subject site by existing development, confirming that new works would not engender heritage impact. ▪ While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area. ▪ The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear. ▪ The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality. ▪ The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk. ▪ The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	The Planning Proposal includes a concept design requiring the demolition of buildings over 50 years and shows a new building with increased height and density within the vicinity of several heritage items. Refer to the discussion below.

Clause	Discussion
The following sympathetic solutions have been considered and discounted for the following reasons:	Urbis has been engaged to provide heritage services to the design team to ensure the proposal would not engender a significant detrimental heritage impact. It is acknowledged that the Planning Proposal would facilitate a structure with an increase in height and massing at the subject site. However, the provided indicative design is considered consistent with the surrounding development pattern. The potential heritage impact of concept design is adequately mitigated through the use of sympathetic design and materials. With the above considered, the Planning Proposal, which facilitates the demolition of existing buildings and construction of a new multi-storey structure, has been supported.
Demolition of a building or structure Have all options for retention and adaptive re-use been explored? Can all of the significant elements of the heritage item be kept, and any new development be located elsewhere on the site? Is demolition essential at this time, or can it be postponed in case future circumstances make its retention and conservation more feasible? Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?	While no physical works would result from this Planning Proposal, the demolition of the existing buildings on site would facilitate the construction of a new building as indicated in the concept design by Candalepas Associates. It is acknowledged that this design would involve the demolition of buildings over 50 years as the existing buildings are dated from the late Victorian period. The significance of the buildings has been assessed within this report and do not meet the threshold for listing. Victorian residential structures are a common typology within the area and have undergone significant alterations following various changes in occupants. While the Federation Free Style façade of 232-236 Elizabeth Street presents some aesthetic interest, it is a modest expression of the style with little noteworthy architectural detailing. With the above considered, the indicative demolition has been supported.
New development adjacent to a heritage item How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects? How is the impact of the new development on the heritage significance of the item or area to be minimised? Why is the new development required to be adjacent to a heritage item?	The Planning Proposal would facilitate the construction of a multi-storey mixed-use building within the vicinity of several heritage items, as indicated in the concept design. However, it is assessed that these items are at an adequate distance or are concealed by existing development to ensure that the future development facilitated by the PP would not detrimentally impact any significant views. The Planning Proposal allows for an increased building height. However, the building height and form included in the concept design by Candalepas Associates is consistent with development patterns within the

Clause	Discussion
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance? Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected? Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)? Will the additions visually dominate the heritage item? How has this been minimised? Will the public, and users of the item, still be able to view and appreciate its significance?	immediate vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the subject site along Elizabeth Street. Accordingly, the concept design would not disturb the existing streetscape character nor pattern of development. Additionally, while the indicative design shows an increase in the current built footprint, it would not infringe on any curtilage of the vicinity heritage items. The potential impact of the indicative works on surrounding development has been adequately mitigated through its execution and materiality. The allowance of a through-site link between Reservoir Street and Foster Lane would allow for a visual distinction between the new works and early 20th Century building to the rear. The concept design shows off-form concrete, glass and stainless streel, which are considered a sympathetic response to the surrounding streetscape character. Additionally, the indicated solid-to-void ratio of the building features predominately void as to lessen the appearance of density of the new works. As discussed above, there are currently no physical works that would be undertaken as a result of the PP. It is beyond the scope of this report to assess the archaeological potential of the subject site. However, the Preliminary Archaeological Assessment, including Aboriginal Due Diligence Report submitted with this Planning Proposal and prepared by Curio Projects has assessed the archaeological potential of the site. The findings of this report are that there is moderate aboriginal archaeological potential and low-moderate archaeological potential. The report should be referred to for greater details of the archaeological findings of the site.

6. CONCLUSION AND RECOMMENDATIONS

A detailed impact assessment of the Planning Proposal has been undertaken in Section 5 of this report. The proposal and associated concept design has been assessed to have a minimal and not unreasonable impact on the heritage items within the vicinity. Key aspects of the proposal assessment are listed below:

- No physical works are to be undertaken as a result of this Planning Proposal. However, the concept design provided by Candalepas Associates is suggestive of the type of sympathetic development that could result from the Planning Proposal. The indicative multi-storey building is consistent with the existing development pattern within the area (including character and scale). Conversely, the existing buildings are of a notably different scale and character than the existing buildings that define their visual context. The replacement of the existing buildings, as shown in the concept design, would, therefore, not disturb the present streetscape character, which defines the setting of the heritage items.
- The concept scheme shows an increase in building height. It is assessed that this would not detrimentally impact any identified significant views or settings of the heritage items within the vicinity. Several buildings of equal or greater height than the indicative works are adjacent to the site along Elizabeth Street. Additionally, all the surrounding heritage items are at a sufficient distance and/or concealed from the subject site by existing development, confirming that new works would not engender heritage impact.
- While the indicative building would increase the size of the built footprint, it would not infringe on any of the vicinity heritage items' curtilage. The zero setbacks of the design would be in keeping with the setbacks of contemporary development in the area.
- The allowance of a through-site link between Reservoir Street and Foster Lane would permit a visual distinction between the new works and the early 20th Century building to the rear.
- The concept design offers a building designed by an award-winning architect with demonstrated experience in sympathetically introducing new development in heritage contexts. The building is well-resolved and adopts elegant detailing and materiality.
- The indicative design provides appropriate solutions for materials and finishes such as off-form concrete, glass and stainless steel. These are considered an appropriate response to the surrounding streetscape character. Additionally, the solid-to-void ratio of the concept building, featuring predominately void, would lessen the appearance of bulk.
- The Planning Proposal would allow for development that would improve the presentation of the subject site and will positively impact the character of the area generally and, therefore, the setting of the heritage items.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective.

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8. DISCLAIMER

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Attachment A6

Desktop Contamination Study

Douglas Partners
Geotechnics / Environment / Groundwater

Integrated Practical Solutions

Report on
Desktop Contamination Study

Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

Prepared for
Stasia Holdings Pty Limited

Project 218701.00
November 2022

Document History

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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		4 November 2022
Reviewer		4 November 2022

FS 604853

Douglas Partners Pty Ltd
ABN 75 053 980 117
www.douglaspartners.com.au
96 Hermitage Road
West Ryde NSW 2114
PO Box 472
West Ryde NSW 1685
Phone (02) 9809 0666

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Report on Desktop Contamination Study
Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

1. Introduction

Douglas Partners Pty Ltd (DP) has been engaged by Stasia Holdings Pty Limited (client) to complete this desktop contamination study undertaken for a proposed commercial building at 232-240 Elizabeth Street, Surry Hills (the site). The site is shown on Drawing 1, Appendix A.

The study was undertaken in general accordance with DP's proposal 218198.00.P.001.Rev0 dated 19/09/2022.

The objective of the study is to assess the potential for contamination at the site based on past and present land uses and to comment on the need for further investigation and/or management of contamination with regard to the proposed development.

This report must be read in conjunction with all appendices including the notes provided in Appendix B.

The following key guidelines were consulted in the preparation of this report:

- NEPC *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM]* (NEPC, 2013); and
- NSW EPA *Guidelines for Consultants Reporting on Contaminated Land* (NSW EPA, 2020).

The study was carried out concurrently with a geotechnical desktop study, which is reported separately (218198.00.R.001.Rev0 dated 1 November 2022).

Additionally, the site was the subject of a Preliminary Site (Contamination) Investigation (PSI) by DP in 2014 (DP Reference: 84366.00, dated 1 October 2014 [DP (2014)]). The PSI included a desktop assessment and a site walkover. Relevant results from DP (2014) are provided in the subsequent sections of this report.

2. Proposed Development

We understand that the project involves demolition of the five existing buildings and construction of a new nine-storey commercial building with ground floor retail space and a minimum of three basement levels.

3. Scope of Works

The scope of works comprised:

- Review previous reports and other relevant documents provided by the client;
- Review of readily available historical aerial photographs to identify previous land uses that may indicate potential contamination;
- Review of available Council Section 10.7 (2&5) Certificates (sourced from DP (2014));
- Search of the NSW EPA Register for notices issued under the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
- Search of the NSW Department of Primary Industries groundwater database for registered groundwater bores in the vicinity of the site;
- Review of published geological, soil landscape and acid sulphate soil maps;
- A site walkover to observe current and recent land use and assess the potential for contaminating activities; and
- Preparation of this desktop contamination study report summarising the results of the findings, providing comment on the suitability of the site for the proposed use and requirement for any future investigations (as required).

4. Site Information

Site Address	232-240 Elizabeth Street, Surry Hills
Legal Description	Lot 1 in Deposited Plan 664653, Lots 1 and 2 in Deposited Plan 779385 and strata plan 1379
Area	~900 m^2
Zoning	Zone B4 Mixed use
Local Council Area	City of Sydney Council
Current Use	Restaurants, a laundromat, retail and a backpackers accommodation
Surrounding Uses	WEST: Elizabeth Street and Suburban Railway NORTH: Commercial (restaurants, tattoo parlour) on ground floor then high density residential EAST: Commercial (retail) on ground floor then residential and offices on upper floors. SOUTH: Commercial (real estate agency, massage parlour, restaurant, retail) on ground floor then apartments (8 storeys)

5. Environmental Setting

Regional Topography	With reference to NSW LIDAR 2 m contours, the broader surrounding topography generally slopes towards the west from an RL of 30 m AHD approximately 300 m east of the site to an RL of approximately 12 m AHD at Belmore Park 120 m west of the site.
Site Topography	The site gently slopes to the southwest with a surface elevation on Elizabeth Street at about RL 10.9 m and RL 11.6 m at the southern end of Foster Lane.
Soil Landscape	The Sydney 1:100,000 Soils Landscape Sheet indicates that the site is underlain by the Alluvial, Deep Creek soil landscape group. The Deep Creek soil landscape group typically forms in level to gently undulating alluvial floodplains draining the Hawkesbury Sandstone. The group is characterised by flooding, extreme soil erosion hazard, sedimentation hazard, localised very low fertility and permanently high water tables.
Geology	Reference to the Sydney 1:100 000 Series Geology Sheet indicates that the site is underlain by Quaternary alluvial and estuarine sediments which typically consists of silty to peaty quartz sand, silt, and clay with ferruginous and humic cementation in places and common shell layers. The site is located close to the boundary between the Hawkesbury Sandstone and Ashfield Shale units, both of Triassic Age but the overlying sediments mask the boundary. The Mittagong Formation, which typically contains interbedded shale, laminite and medium-grained quartz sandstone, is a transitional unit between the Ashfield Shale and the Hawkesbury Sandstone. The Hawkesbury Sandstone comprises flat or gently dipping medium and coarse grained, quartzose sandstone with minor shale and siltstone interbeds, while the Ashfield Shale comprises shale, laminite and carbonaceous shale.
Acid Sulfate Soils	Based on the 1:25,000 Acid Sulfate Soil Risk Map (using 1994-1998 data), the site is not located in a known acid sulfate soil area.
Surface Water	There are no surface water bodies on site. Noting the regional topography, the ultimate receiving water body for groundwater from the site is expected to be Blackwattle Bay located approximately 1.9 km west of the site.
Groundwater	A search of the NSW Office of Water (NOW) groundwater database found two registered bores within a 1 km radius of the site. However, these bores are not within the same mapped geological unit and are therefore unlikely to be representative of the local conditions (geological or hydrogeological).

6. Site History

6.1 Historical Aerial Photography

Several historical aerial photographs were obtained from public databases. Extracts of the aerial photographs are included in Appendix C. A summary of key features observed for the site and surrounding land is presented in Table 1.

Table 1: Summary of Historical Aerial Photographs

Year	Summary
1930	The site appears to be commercial and/or residential in nature. Shadows from the adjacent high-rise obscure the detail at the site which appears to be low rise. The surrounding area appears commercial / residential in nature and the main suburban railway line is apparent to the west of the site.
1947	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise.
1955	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1970	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1978	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1986	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
1994	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. There has been an increase in building heights in the region.
2000	The site and surrounding area do not appear to have undergone significant change, although again the site is obscured by shadows from the neighbouring high-rise. The site is generally consistent with the 2014 aerial photograph described below.
2014	The site appears in its current configuration with a courtyard in the north-east corner, a 3 storey commercial / residential building on the western side of the site and a one and two storey buildings on the southern side of the site.
2022	The site layout appears relatively unchanged since the 2014 aerial photograph.

6.2 Title Deeds

A historical title deeds information was sourced from DP (2014). It was used to obtain ownership and occupancy information including company names and the occupations of individuals. The title information can assist in the identification of previous land uses by the company names or the site owners and can, therefore, assist in establishing whether there were potentially contaminating activities occurring at the site. The results of the title deed search are provided in Appendix C2. A summary of the title deeds and possible land uses (with reference to the aerial photographs and other historical searches) is presented in Table 2.

Table 2: Historical Title Deeds and Possible Land Use

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
As regards Lot 1, D.P. 664653		
30.01.1873 (1873 to 1901)	Thomas Page (No occupation noted)	Commercial and Residential
04.03.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Commercial and Residential
10.01.1933 (1933 to 1939)	Harold Page Douglass (Gentleman)	Commercial and Residential
05.10.1939 (1939 to 1940)	Philip Lee Summers (Solicitor) George Camden Coburn (Accountant) Lilith Susie Ellen Chadwick (Married Woman) (Transmission Application not investigated)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1958)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
29.01.1958 (1958 to 1958)	Clifton Keith Elliott (Store Keeper) (Section 94 Application not investigated)	Commercial and Residential
29.01.1958 (1958 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
18.11.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential
Easements: - NIL		
As regards Lot 1, D.P. 779385		

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
Investigations of various records available for our inspection disclosed that this parcel of land was in use as John Street for the period 1909 to 1944		
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Commercial and Residential
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential
Leases: - • Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated • 05.11.2009 to Calorie Schmalorie Pty Limited, of Ground Floor – expires 30.09.2012, also 3 year option • 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option		
As regards Lot 2, D.P. 779385		
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman)	Commercial and Residential
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Commercial and Residential
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Commercial and Residential
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Commercial and Residential
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Commercial and Residential
28.11.1988	Patglen Pty Limited	Commercial and Residential

Date of Acquisition and Term Held	Registered Proprietor(s) & Occupations Where Available	Possible Land Use
Easements: - NIL Leases: - • Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated • 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option		
As regards the common Property for Strata Plan 1379		
26.09.1900 (1900 to 1910)	Samuel Hordern (Merchant)	Commercial and Residential
17.08.1910 (1910 to 1918)	Samuel Hordern (Merchant) John Felix Booth (Real Estate Manager) Anthony Hordern (Esquire) (Transmission Application not investigated)	Commercial and Residential
20.05.1918 (1918 to 1921)	Marian Orchard (Married Woman)	Commercial and Residential
01.07.1921 (1921 to 1921)	Frederick Hjorring (Insurance Inspector)	Commercial and Residential
01.07.1921 (1921 to 1922)	Frank Howard Russell (Accountant)	Commercial and Residential
19.12.1922 (1922 to 1927)	Bryan William Palmes (Grazier)	Commercial and Residential
19.10.1927 (1927 to 1937)	Alex Dimdore (Investor) Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Commercial and Residential
13.05.1937 (1937 to 1946)	Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Commercial and Residential
01.07.1946 (1946 to 1965)	Liova Spivak (Clothing Manufacturer) Gedalia Spivak (Clothing Manufacturer)	Commercial and Residential
21.06.1965 (1965 to date)	# The Owners – Strata Plan 1379	Commercial and Residential
Leases: - During the course of our investigation, numerous leases were found that have since expired or have been surrendered. These leases have not been investigated		

# Denotes Current Registered Proprietor

6.3 Public Registers and Planning Records

EPA Notices available under Section 58 of the Contaminated Lands Management Act (CLM Act) Database searched on 25 October 2022	There were no records of notices for the site or adjacent properties.
Sites notified to EPA under Section 60 of the CLM Act Database searched on 25 October 2022	The site and adjacent properties were not listed as a notified contaminated site.
Licences listed under Section 308 of the Protection of the Environment Operations Act 1997 (POEO Act) Database searched on 25 October 2022	There were no records issued to the site or adjacent properties.
Planning Certificate(s)	DP (2014) noted that the certificates state (under Section 149(2)) that, as prescribed by section 59 (2) of the *Contaminated Land Management Act*, 1997, Council has not identified that a site audit statement has been received in respect of the site and the land to which the certificates relate is not: • Declared to be significantly contaminated land; • Subject to a management order; • Subject of an approved voluntary management proposal; • Subject of an ongoing maintenance order; and • Subject of a site audit statement. As the land use has not changed since DP (2014), it is highly likely that the above are still applicable to the site.

Council Records	DP (2014) noted that the council records provided indicates that there has been a number of development applications for re-fits and minor renovations of the existing buildings and changes in businesses operating at the site. However, the types of businesses operating at the site were similar in character to the existing businesses operating at the site (i.e., restaurants and commercial operations). The records did not indicate the presence of any significant contamination risk. A search of the council records on 28 October 2022 showed that in 2017 consent was granted to demolish the existing buildings and construct a 10-storey building with three basement levels. However, the proposed development did not proceed.

6.4 Site History Integrity Assessment

The information used to establish the history of the site was sourced from reputable and reliable reference documents, many of which were official records held by Government departments/agencies. The databases maintained by various Government agencies potentially can contain high quality information, but some of these do not contain any data at all.

In particular, aerial photographs can provide high quality information that is generally independent of memory or documentation. They are only available at intervals of several years, so some gaps exist in the information from this source. The observed site features are open to different interpretations and can be affected by the time of day and / or year at which they were taken, as well as specific events, such as flooding. Care has been taken to consider different possible interpretations of aerial photographs and to consider them in conjunction with other lines of evidence.

6.5 Summary of Site History

Information from historical aerial photographs and historical leases suggest the site has been used for commercial and residential purposes since around 1950. The Council records indicate that there have been a number of development applications for re-fits and minor renovations of the existing buildings and changes in businesses operating at the site. However, the types of businesses operating at the site were similar in character to the existing businesses operating at the site (i.e., restaurants and commercial operations).

7. Previous DP Investigation in the Vicinity of the Site

DP has undertaken a number of previous investigations in the general vicinity of the site. The previous reports undertaken by DP in the vicinity and the relevant findings are listed in Table 3 below. Note that contamination findings of nearby sites are likely to have no bearing on the contamination status of the site. However, the presence of fill in nearby sites may suggest historical filling of the region prior to significant development in the past.

Table 3: Previous DP Reports

DP Project	Scope of Works	Key Findings
24429 *Report on Geotechnical Investigation, Skitnit House, 22-33 Mary Street Surry Hills,* July 1997	Two test bores, 3 test pits	Up to 1.9 m of fill soil over stiff and hard clays then laminite and sandstone. No groundwater observed.
24429A *Report on Preliminary Contamination Assessment, Skitnit House, 22-33 Mary Street Surry Hills,* July 1997	Environmental sampling from above for heavy metals, TRH, PAH and BTEX	Low levels of contaminants detected below residential screening values but some elevated lead (up 410 mg/kg)
24890 Report on Geotechnical Investigation, Proposed Three Storey Development, December 1997	Five test bores using	Filling up to 1.5 m then stiff clays and interbedded siltstone and sandstone. No groundwater observed.
27439 *Report on Contamination Assessment, 37 Foster Street, Surrey Hills*, July 1998	Four hand augured test bores to 1.5 m. Chemical testing of soil for heavy metals and PAH	Low levels of contaminants detected within the residential screening levels with the exception of lead which was up to 1500 mg/kg.

It is noted that the site is located in an area mapped as Quaternary alluvial and estuarine sediments and the previous DP reports were in areas mapped as Hawkesbury sandstone (or at the boundary of the two). Therefore, it is likely that the conditions at the site will vary from those identified in the previous reports. Based on the mapped geological unit below the site it is possible that the extent of fill soils present exceeds the depth of fill observed in the nearby site (i.e., it may be greater than 2 m). It is also possible that the depth to bedrock is greater and that the groundwater conditions may be different (i.e., it is possible that a higher groundwater table is present).

8. Site Walkover

8.1 Observations

A site walkover was undertaken by an environmental scientist on 2 November 2022. The general site topography was consistent with that described in Section 5. The site layout appears to have remained unchanged from the 2014 aerial photograph. The following key site features pertinent to this desktop study were observed:

- The ground floor on Elizabeth Street was occupied by restaurants, a laundromat, and retail outlets. The first and second floors were occupied by residential apartments and the backpackers accommodation; and

- The buildings appeared to all be primarily of brick construction.

It is noted that the extent of the inspection was limited to a street walkover as the lessees had not been informed by the client of the proposed investigations and therefore access within the properties could not be arranged.

No significant chemical staining was observed during the site walkover. No asbestos was observed at the ground surface during the site walkover, although the entire site was paved. A hazardous building materials (including asbestos) inspection of the existing buildings was beyond the scope of this desktop study.

There was no evidence of the use of underground storage tanks (USTs) at the site (such as vent pipes of fill points) although an inspection of the whole site was not possible.

9. Preliminary Conceptual Site Model

A Conceptual Site Model (CSM) is a representation of site-related information regarding contamination sources, receptors and exposure pathways between those sources and receptors. The CSM provides the framework for identifying how the site became contaminated and how potential receptors may be exposed to contamination either in the present or the future i.e., it enables an assessment of the potential source – pathway – receptor linkages (complete pathways).

Potential Sources

Based on the current investigation, the following potential sources of contamination and associated contaminants of potential concern (COPC) have been identified.

- S1: Grease traps associated with the restaurants may have been used for disposal of wastes other than food wastes, such as cleaning products.
  - COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH) and phenols.
- S2: Laundromat: While it is noted that the laundromat currently only operates a self-service washing and drying service and all dry cleaning is sent off-site it is unclear if this was always the case. It is therefore a possibility that dry cleaning services were at one point carried out on the site and therefore there is a possibility that dry cleaning solvents may have been used at the site.
  - COPC include Volatile organic compounds VOC (perchloroethene and trichloroethene PCE and TCE), Petroleum hydrocarbons.
- S3: Fill from unknown sources may have been imported as part of previous site levelling activities.
  - COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH) and phenols, organochlorine pesticides (OCPs), organophosphorus pesticides (OPPs) and asbestos.

- S4: Despite the apparent age of the buildings, it is possible that previous structures have been present and demolished at the site based on its location within the CBD and the long history of occupation in the area. Therefore, it is possible that demolition waste from previous constructions (including asbestos) may be present below the existing buildings.
  - o COPC include asbestos, synthetic mineral fibres (SMF), lead and PCB.
- S5: Although unlikely based on reviewed historical records and the limited site inspection, it is possible that underground storage tanks (UST) or other forms of dangerous goods storage are or were present at the site.
  - o COPCs include metals, TRH, BTEX, PAHs, volatile organic compounds (VOCs) and phenols.

Summary of Potentially Complete Exposure Pathways

A 'source–pathway–receptor' approach has been used to assess the potential risks of harm being caused to human or environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways (potential complete pathways). A summary of the CSM is provided in below Table 4.

Table 4: Summary of Potentially Complete Exposure Pathways

Source	Potential Contaminants	Transport Pathway	Receptor	Risk
(S1) Grease Traps for Restaurants	Heavy metals, polycyclic aromatic hydrocarbons (PAH), total recoverable hydrocarbons (TRH)	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil	(R1) Residents (R2) Commercial workers (R3) Construction workers (R4) Downgradient land users	Low
(S2) Laundromat	Volatile organic compounds VOC (perchloroethene and trichloroethene PCE and TCE), Petroleum hydrocarbons	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil (P4) Contamination with groundwater	(R1) Residents (R2) Commercial Workers (R3) Construction workers (R4) Downgradient land users	Moderate
(S3) Fill Soils	Heavy metals, (PAH), hydrocarbons (TRH), BTEX, PAH, OCP, OPPs, phenols, asbestos	(P1) Direct contact with soil (P2) Inhalation of dust	(R1) Residents (R2) Commercial Workers (R3) Construction workers	Moderate

Source	Potential Contaminants	Transport Pathway	Receptor	Risk
(S4) Possible demolished structures	Asbestos and Lead Paint	(P1) Direct contact with soil (P2) Inhalation of dust	(R1) Residents (R2) Commercial Workers (R3) Construction workers	Low to Medium
(S5) Dangerous goods storage, including UST	Heavy metals, PAH, TRH, VOC	(P1) Direct contact with soil (P3) Inhalation of vapours from groundwater and soil	(R1) Residents (R2) Commercial workers (R3) Construction workers (R4) Downgradient land users	Low

10. Conclusions and Recommendations

Based on a review of site history information and a limited site walkover inspection, the potential for widespread site contamination is considered to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development.

However, given the absence of quantitative data pertinent to the actual contamination status of the site, it is recommended that once the site becomes fully accessible for intrusive sampling that a detailed contamination assessment be undertaken in accordance with the NSW *Sampling Design Guidelines* 2022 and the National Environment Protection Council (NEPC) *National Environment Protection (Assessment of Site Contamination) Measure 1999 as* amended 2013 (NEPC, 2013). The assessment should target the chemicals of potential concern in soil and groundwater identified in the preliminary CSM.

11. References

NEPC. (2013). *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM].* Australian Government Publishing Services Canberra: National Environment Protection Council.

NSW EPA. (2020). *Guidelines for Consultants Reporting on Contaminated Land.* Contaminated Land Guidelines: NSW Environment Protection Authority.

12. Limitations

Douglas Partners (DP) has prepared this report for this project at 232-240 Elizabeth Street, Surry Hills in accordance with DP's proposal dated 19/09/2022 and acceptance received from Peter Kouvelas. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Stasia Holdings Pty. Limited for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the environmental components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Douglas Partners Pty Ltd

Appendix A

Drawings

Douglas Partners
Geotechnics / Environment / Groundwater

CLIENT:	Stasia Holdings Pty Limited		
OFFICE:	Sydney	DRAWN BY:	KDP
SCALE:	as shown	DATE:	2 Nov 2022

TITLE: **Site Location Plan**
Desktop Conamination Study
232-240 Elizabeth Street Surry Hills

PROJECT No:	218701.00
DRAWING No:	1
REVISION:	A

Appendix B

About this Report

About this Report

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

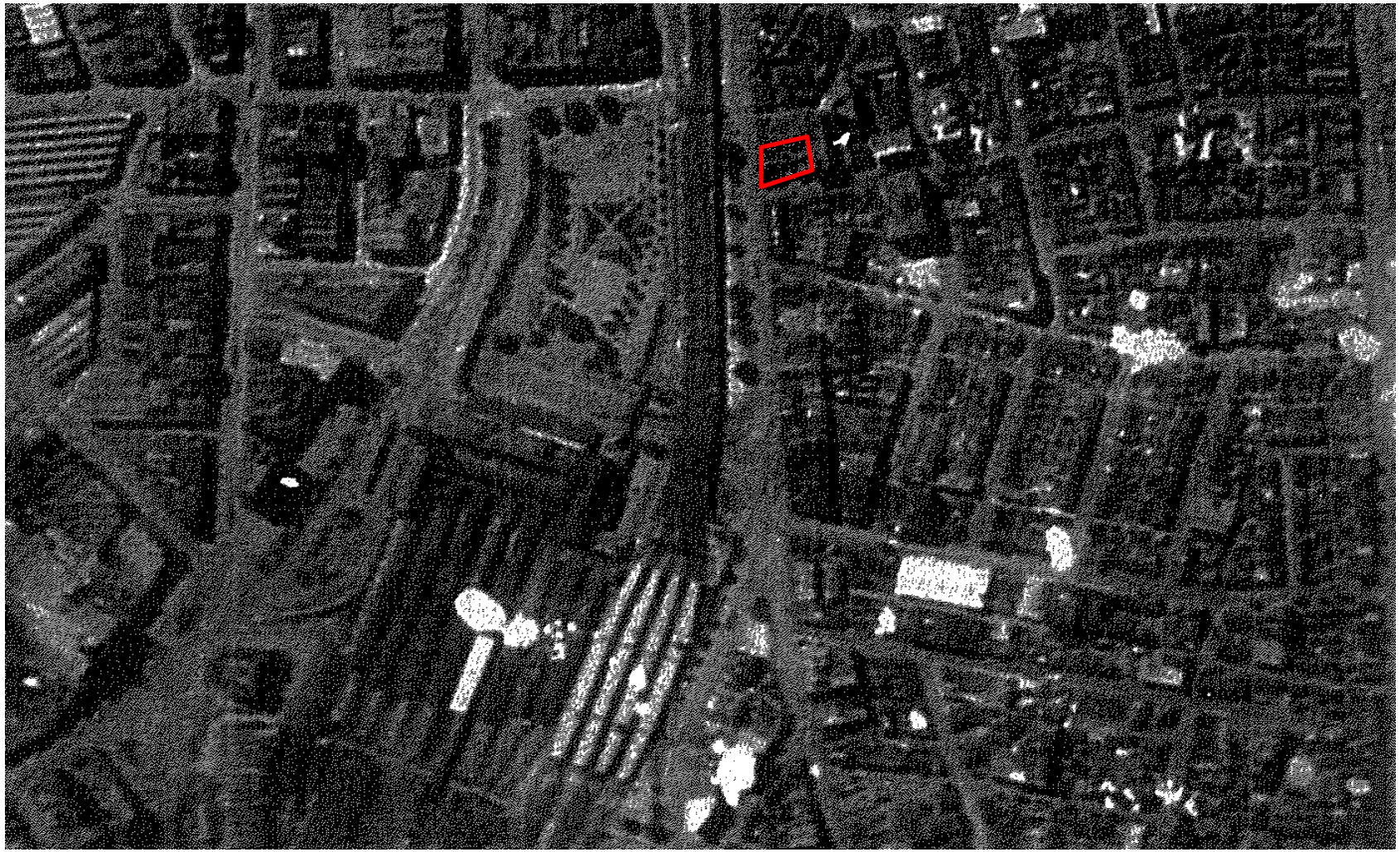
The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix C

Historical Aerial Photographs

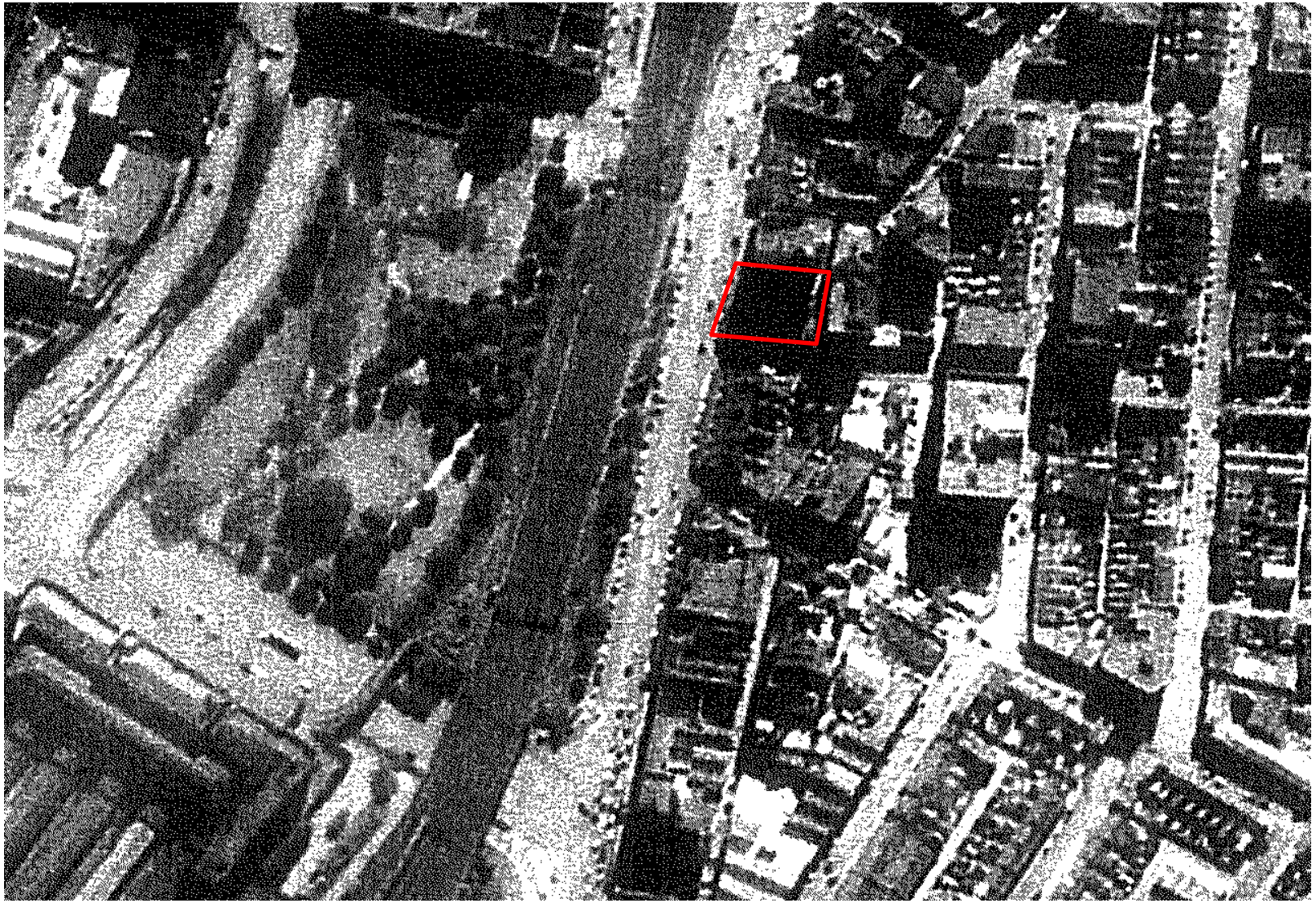
Title Deeds

Planning Certificate from DP (2014)

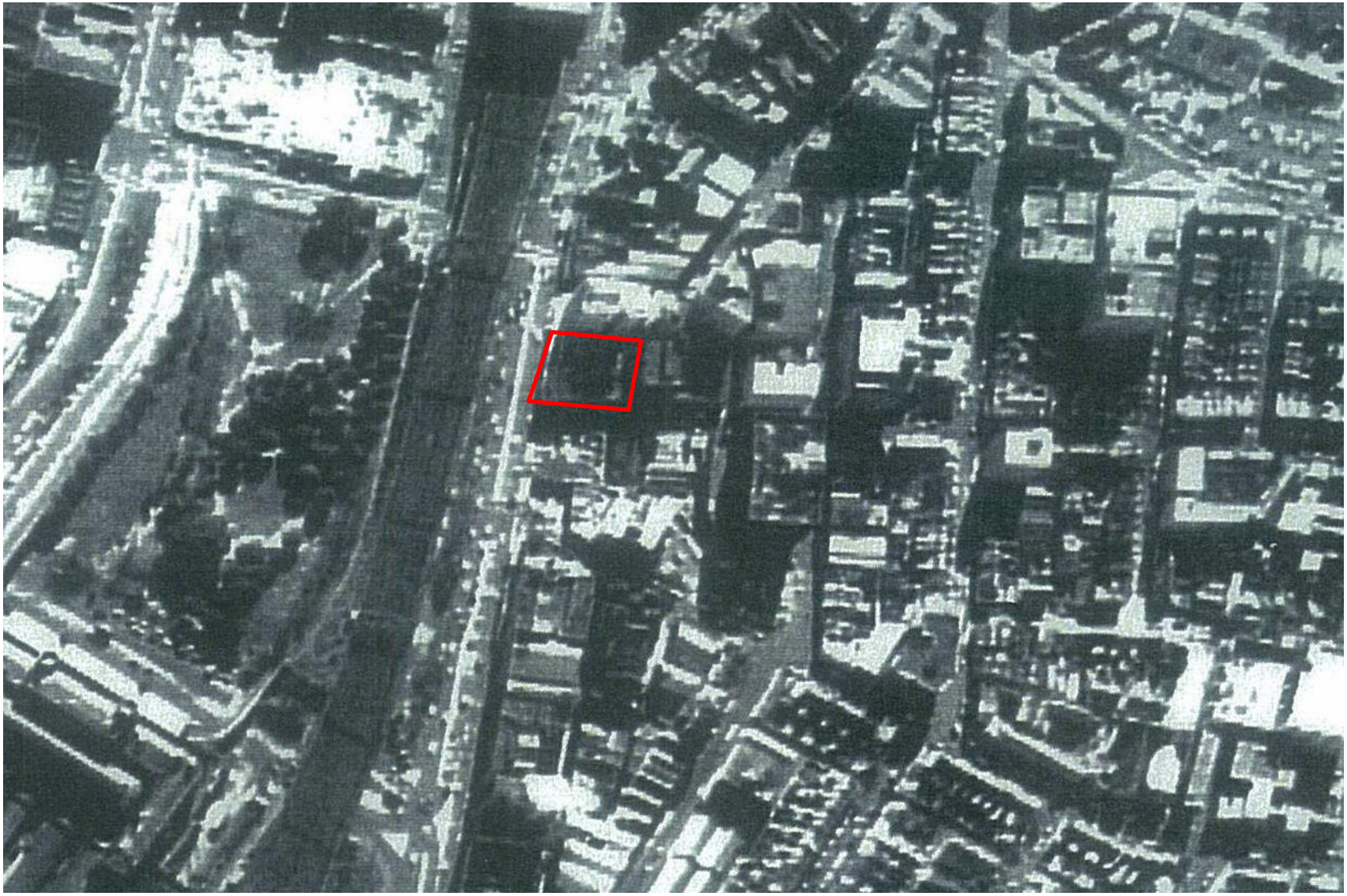


Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1930 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D1
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

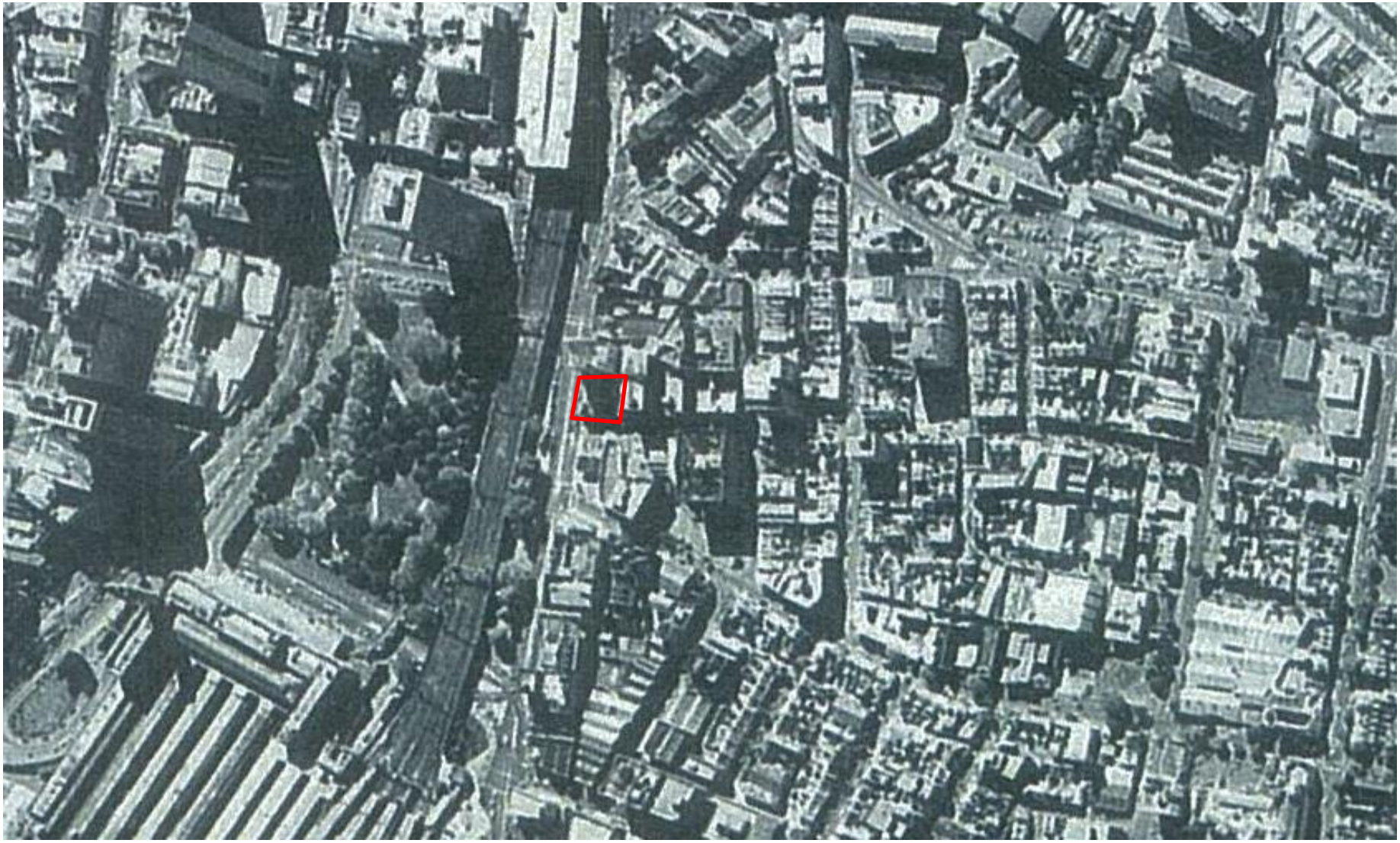
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1947 Aerial Photograph**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Conamination Study**	PLATE No: D2
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



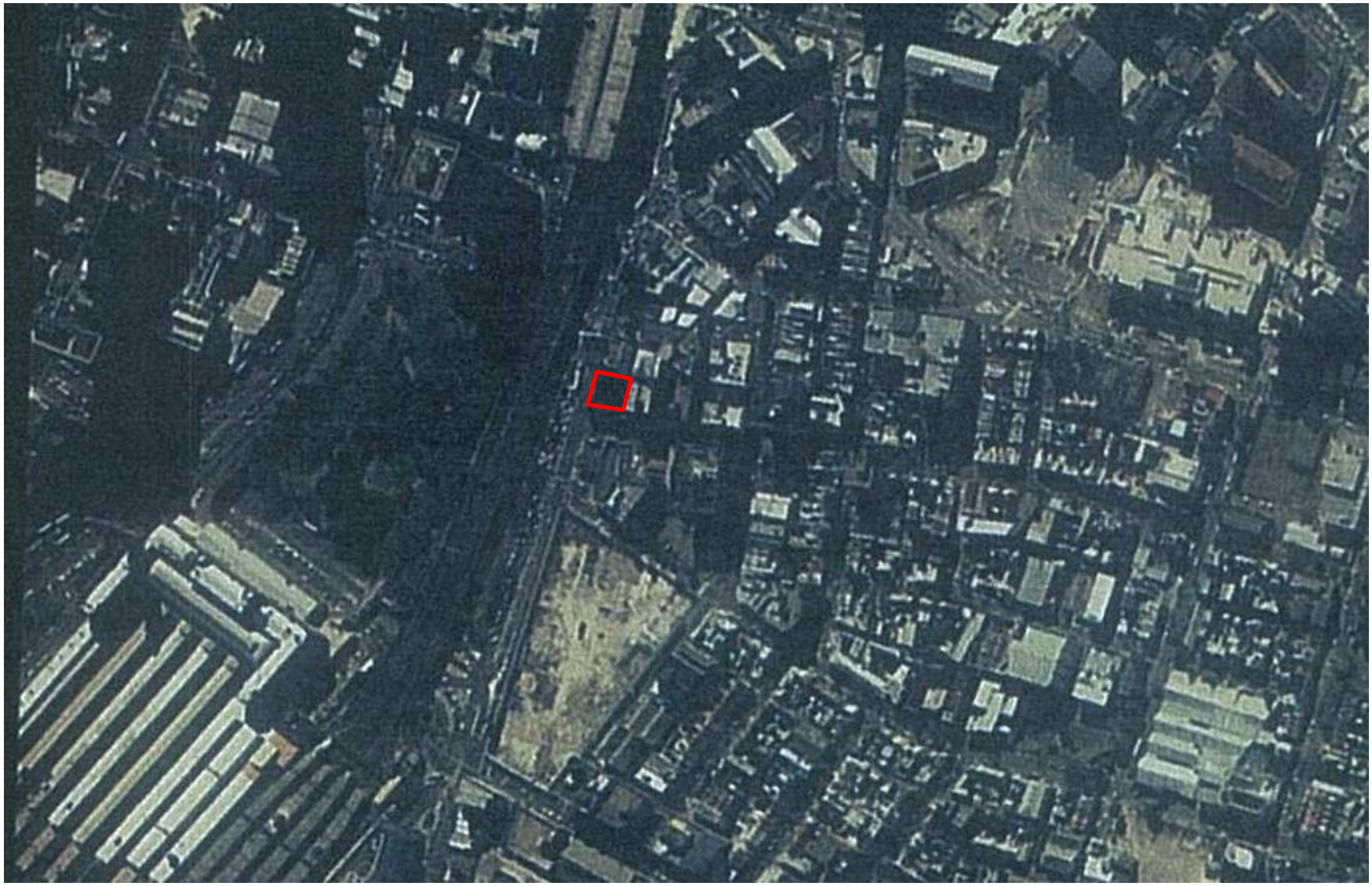
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1955 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Conamination Study**	PLATE No: D3
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



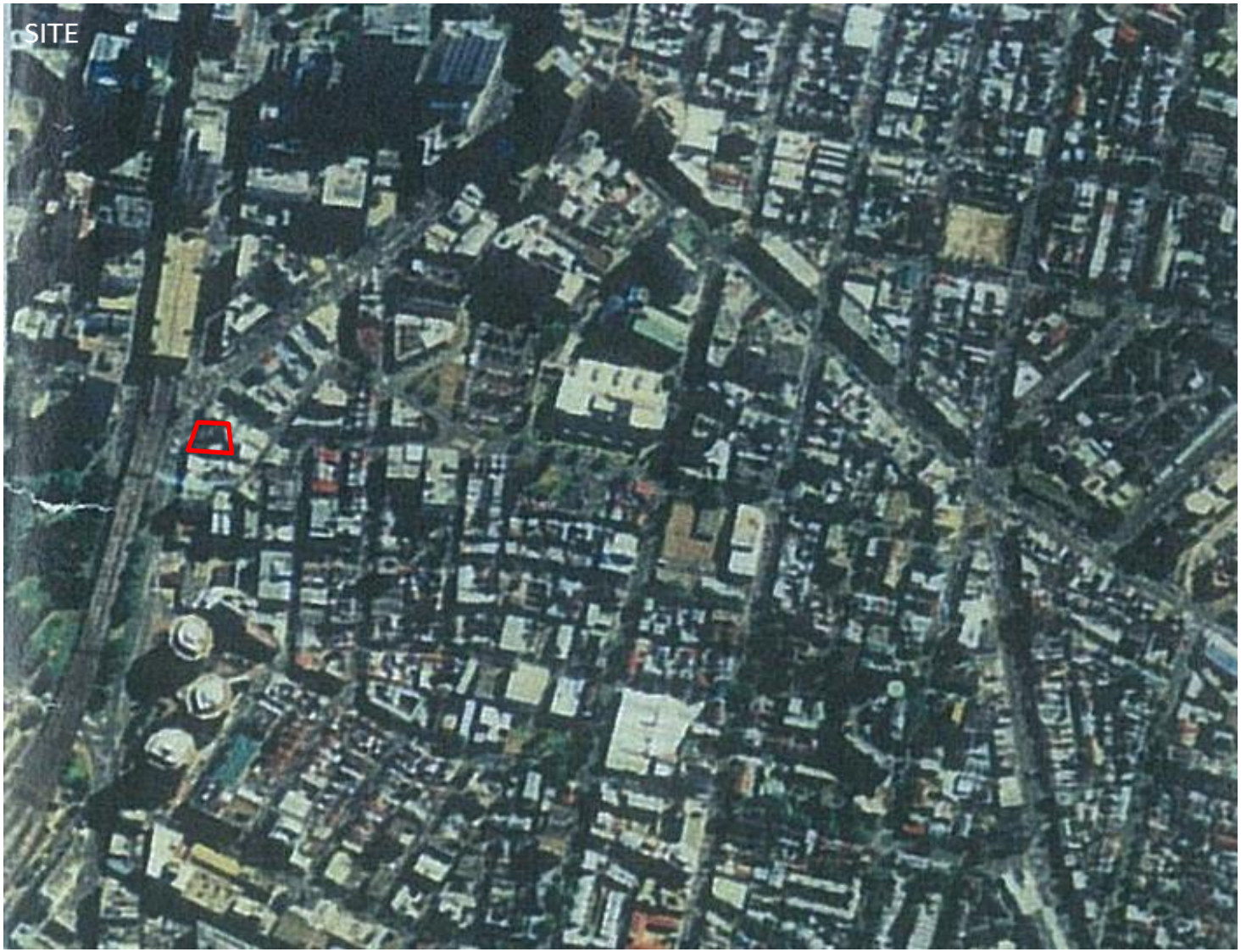
Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1970 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D4
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1978 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D5
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1986 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D6
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A



Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**1994 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D7
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2004 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D8
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2014 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D9
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Stasia Holdings Pty Limited	**2022 Aerial Photo**	PROJECT No: 218701.00
	OFFICE: Sydney	**Desktop Contamination Study**	PLATE No: D10
	DATE: 1 Nov 2022	**232-240 Elizabeth Street, Surry Hills**	REVISION: A

Service First Registration Pty Ltd

ACN: 108 037 029
Ph: 02 9299 9969
Fax: 9279 2185

Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

Summary of Owners Report

LPI **Sydney**

Address: - 232 to 240 Elizabeth Street, Sydney

Description: - Lot 1 D.P 664653, Lot 1 D.P. 779385 and Common Property for Strata Plan 1379

As regards Lot 1 D.P. 664653

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
30.01.1873 (1873 to 1901)	Thomas Page (No occupation noted)	Vol 154 Fol 222
04.03.1901 (1901 to 1933)	Susan Douglass (Married Woman) (Transmission Application not investigated)	Vol 154 Fol 222
10.01.1933 (1933 to 1939)	Harold Page Douglass (Gentleman)	Vol 154 Fol 222
05.10.1939 (1939 to 1940)	Philip Lee Summers (Solicitor) George Camden Coburn (Accountant) Lilith Susie Ellen Chadwick (Married Woman) (Transmission Application not investigated)	Vol 154 Fol 222
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Vol 154 Fol 222
11.10.1946 (1946 to 1958)	Henry Russell Elliott (Second Hand Dealer)	Vol 154 Fol 222 Now Vol 5650 Fol 14
29.01.1958 (1958 to 1958)	Clifton Keith Elliott (Store Keeper) (Section 94 Application not investigated)	Vol 5650 Fol 14
29.01.1958 (1958 to 1987)	Jean Elaine Mary Elliott (Widow)	Vol 5650 Fol 14
18.11.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Vol 5650 Fol 14 Now
28.11.1988 (1988 to date)	# Patglen Pty Limited	Vol 5650 Fol 14 Now 1/664653

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- 18.12.2008 to Sabai Sabai (NSW) Pty Ltd, expires 31.05.2013, also 5 year option

Service First Registration Pty Ltd

ACN: 108 037 029
Ph: 02 9299 9969
Fax: 9279 2185

Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

As regards Lot 1 D.P. 779385

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
10.10.1868 (1868 to 1933)	Elizabeth Page (Married Woman)	Book 110 No. 599
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Book 1658 No. 610
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Book 1863 No. 872
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Book 2000 No. 459
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Book 2429 No. 148
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Book 3716 No. 177 Now 1/779385
28.11.1988 (1988 to date)	# Patglen Pty Limited	1/779385

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated
- 05.11.2009 to Calorie Schmalorie Pty Limited, of Ground Floor – expires 30.09.2012, also 3 year option
- 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option

---

As regards the common Property for Strata Plan 1379

Searches have not been extended against Lots 1 and 2 Strata Plan 1379 since the Strata Plan was registered on 21.06.1965

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
26.09.1900 (1900 to 1910)	Samuel Hordern (Merchant)	Vol 1330 Fol 109
17.08.1910 (1910 to 1918)	Samuel Hordern (Merchant) John Felix Booth (Real Estate Manager) Anthony Hordern (Esquire) (Transmission Application not investigated)	Vol 1330 Fol 109
20.05.1918 (1918 to 1921)	Marian Orchard (Married Woman)	Vol 1330 Fol 109
01.07.1921 (1921 to 1921)	Frederick Hjorring (Insurance Inspector)	Vol 1330 Fol 109
01.07.1921 (1921 to 1922)	Frank Howard Russell (Accountant)	Vol 1330 Fol 109 Now Vol 3333 Fol 83

Service First Registration Pty Ltd

ACN: 108 037 029
Ph: 02 9299 9969
Fax: 9279 2185

Suite 804, Level 8, 46 Market Street, Sydney
Sydney 2000
PO Box 784 QVB Post Shop, NSW 1230
DX 189 Sydney

Search continued as regards the common Property for Strata Plan 1379

Date of Acquisition and term held	**Registered Proprietor(s) & Occupations where available**	**Reference to Title at Acquisition and sale**
19.12.1922 (1922 to 1927)	Bryan William Palmes (Grazier)	Vol 3333 Fol 83
19.10.1927 (1927 to 1937)	Alex Dimdore (Investor) Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Vol 3333 Fol 83 Now Vol 4075 Fol's 210, 211 & 212
13.05.1937 (1937 to 1946)	Harold Leventhal (Real Estate Agent) Vera Leventhal (Married Woman)	Vol 4075 Fol's 210, 211 & 212 Now Vol 4876 Fol's 100 & 101
01.07.1946 (1946 to 1965)	Liova Spivak (Clothing Manufacturer) Gedalia Spivak (Clothing Manufacturer)	Vol 4876 Fol's 100 & 101 Now Vol 5655 Fol's 36 & 37
21.06.1965 (1965 to date)	# The Owners – Strata Plan 1379	Vol 8503 Fol 129 Now CP/SP 1379

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- During the course of our investigation, numerous leases were found that have since expired or have been surrendered. These leases have not been investigated

---

Yours Sincerely
Mark Groll
23 June 2014
(Ph: 0412 199 304)

Land & Property Information
A division of the Department of Finance & Services

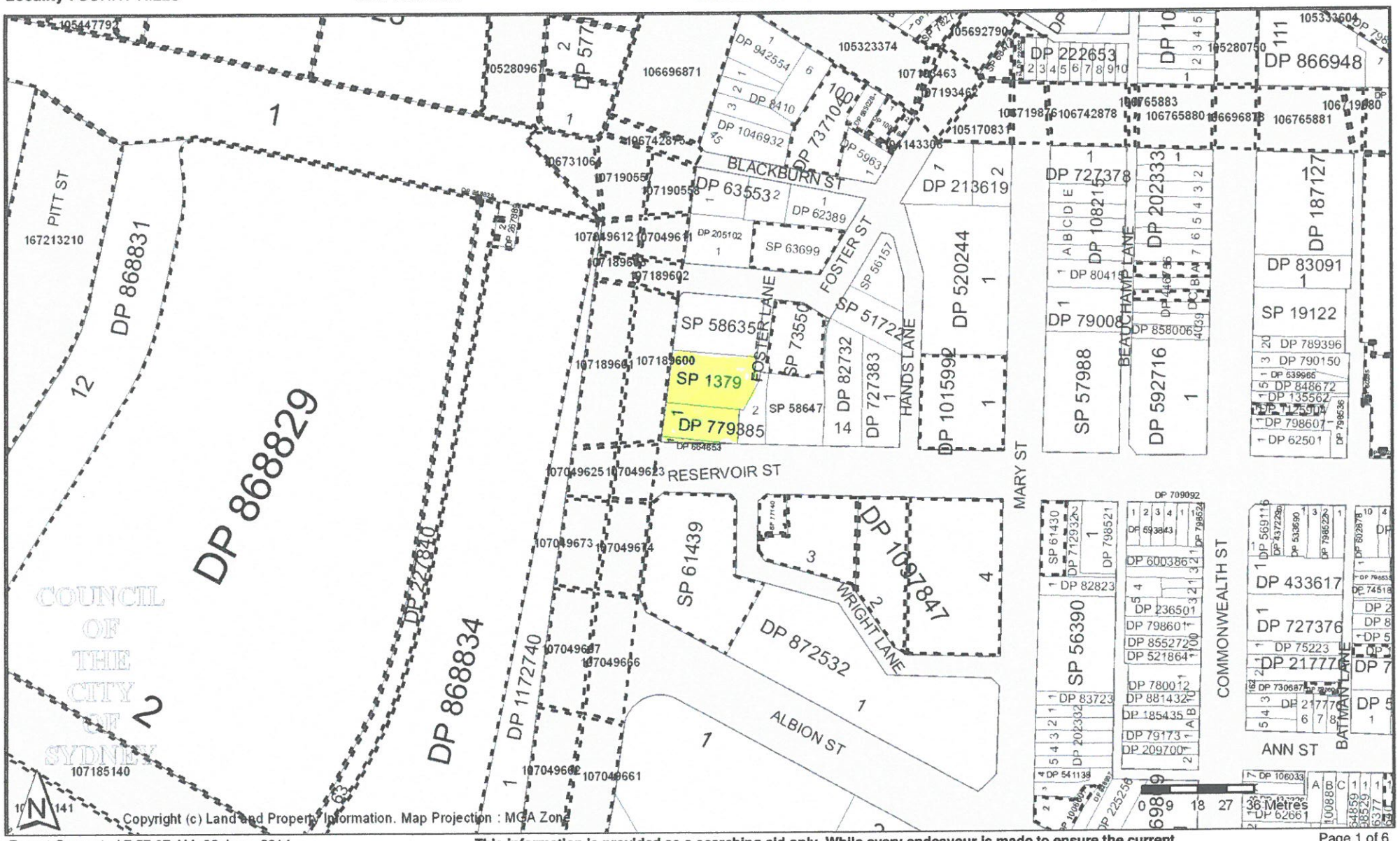
Cadastral Records Enquiry Report

Ref : surv:scim-grollm

Requested Parcel : Lot 1 DP 779385

Identified Parcel : Lot 1 DP 779385

Locality : SURRY HILLS **LGA :** SYDNEY **Parish :** ALEXANDRIA **County :** CUMBERLAND


DP 868829
DP 868831
DP 868834
DP 1172740
DP 227810
SP 1379
DP 779385
SP 58635
SP 58647
SP 63699
SP 61439
SP 56390
SP 57988
DP 592716
DP 866948
DP 187127
DP 433617
DP 727376
DP 217777
DP 872532
DP 1097847
DP 520244
DP 213619
DP 727378
DP 202333
DP 108215
DP 83091
SP 19122
DP 222653
DP 635536
DP 798607
DP 62501
DP 798536
DP 789396
DP 790150
DP 639965
DP 848672
DP 135562
DP 125904
DP 62661
DP 106033
DP 709092
DP 798521
DP 798522
DP 798524
DP 798535
DP 74518
DP 593843
DP 600386
DP 236501
DP 798601
DP 8552720
DP 521864
DP 780012
DP 881432
DP 185435
DP 79173
DP 209700
DP 83723
DP 202332
DP 541138
DP 712932
DP 82823
DP 569116
DP 437223
DP 530590
DP 602978
DP 225256
DP 1015992
DP 79008
DP 858006
DP 82732
DP 727383
DP 7371041
DP 942554
DP 8410
DP 1046932
DP 5963
DP 5772
DP 205102
DP 62389
DP 284988
DP 284989
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DP 285002
DP 285003
DP 285004
DP 285005
DP 285006
DP 285007
DP

Req:R720337 /Doc:DP 0664653 P /Rev:12-Feb-1997 /Sts:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
Ref:mg /Src:M

DP 664653

Registered: 7.2.1997

Title System: TORRENS

Purpose: DEPARTMENTAL

Ref. Map: U1845-4124#

Last Plan: ---------

THIS PLAN HAS BEEN CREATED TO PROVIDE A UNIQUE IDENTIFIER TO ENABLE THE ISSUE OF AN AUTOMATED TORRENS TITLE FOR THE LAND COMPRISED IN FOLIO OF THE REGISTER VOLUME 5650 FOLIO 14 FORMERLY KNOWN AS 19 m² GRANT

Lengths are in metres.
Reduction Ratio : NOT TO SCALE

L.G.A.: SYDNEY

LOCALITY: .

PARISH: ST LAWRENCE

COUNTY: CUMBERLAND

G.D.B. ---- NO 1 D 1 B

LT 2/55

PLAN OF THE LAND COMPRISED IN DEED

BK. 3716 NO. 177

~~Mun / Shire~~: SYDNEY City — Locality: SURRY HILLS

Parish: ALEXANDRIA AND ST LAWRENCE — County: CUMBERLAND

Reduction Ratio 1: 200 — Lengths are in metres.

D.P. 779385

Registered: 26·4·1988

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

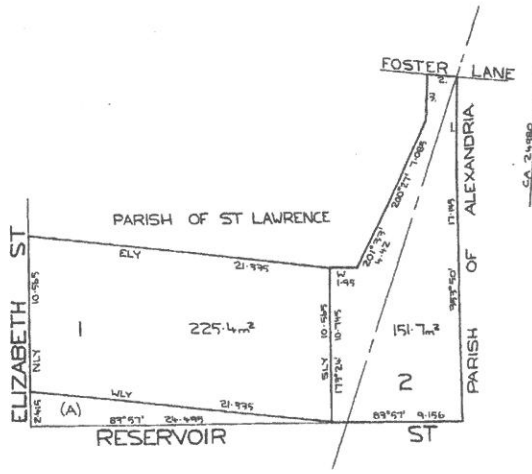
Ref Map: PH. ALEXANDRIA SH 4 / PH. ST LAWRENCE

Last Plan: CITY SEC. 5 (D.P. 982294) / ROLL PLAN 309 (D.P. 111185)

NO02DIID

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED.
THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL AND
IT IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



No.	Bearing	Distance
1.	358°05'	6·995
2.	270°19'	8·14
3.	178°47'	8·995

(A)-LAND NOT INCLUDED IN PLAN

10 | 50 | 100 Table of mm 140 | 180 | 220

Plan Drawing only to appear in this space

Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 28th April, 1988

10 | 20 | 30 | 40 | 50 | 60 | 70 Table of mm 110 | 120 | 130 | 140

Req:R720338 /Doc:DP 0779385 P /Rev:08-Aug-1992 /Sts:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
Ref:mg /Src:M

Req:R720339 /Doc:SP 0001379 P /Rev:12-Jul-2007 /Sts:SC.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 3
Ref:mg /Src:M

(a) State if whole or part.

(b) Refer to number of Lot, Allotment, or Portion and to the Deposited Plan, Town, or as the case may be.

Parcel comprises(a) whole of(b) R.P.A. 11245

Reference to Title Vol. 5655 Fol$ 36 & 37

~~Mun./Shire~~/City Sydney

Locality Sydney

Parish St. Lawrence County Cumberland

Scale : 20 feet to an inch.

STRATA PLAN 1379 (E)

Registered: 21·6·1965

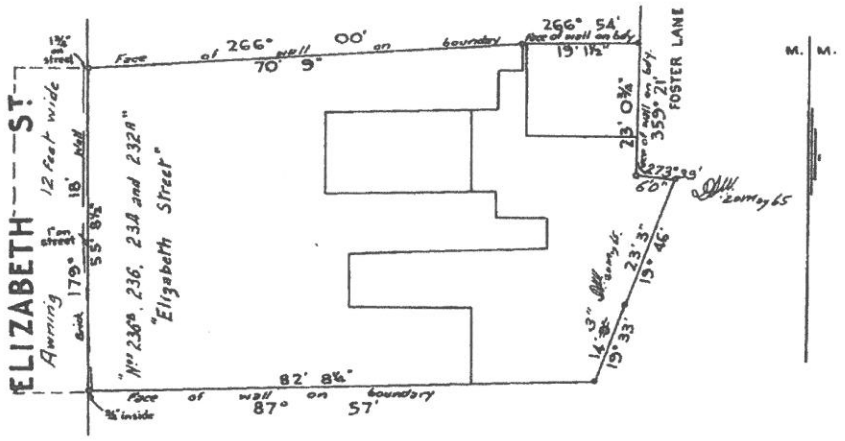
C.A.: 22/1965 of 15·3·65

Ref Map: City Section 5

Last Plan: P. A. 11245

Appn 11245 Pt. Allot. 2 Sec. 5 gtd. to John Tarrell on 19th Oct. 1831 &
do. Pt. Allot. 3 do. William Charles Greville on 13th Oct. 1831 &
Vol. 5655 Fols. 36 & 37

External surface boundaries of the parcel and location of the building in relation thereto to be delineated in space opposite.



(c) Additional lots should be shown in an annexure.

(d) Delete if inappropriate.

Schedule of Unit Entitlement(c)		OFFICE USE OLY Current C's of T.	
Lot No.	Unit Entitlement	Vol.	Fol.
1	1	10043	153
2	1	10043	154
AGGREGATE	2		

I, David Ashley Williams of 198 Mona Vale Rd, St. Ives.

a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that:

(1) the building erected on the parcel described above is within the external boundaries of the parcel(d) ~~subject to clause (3) of this certificate;~~

~~(2) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted or an appurtenance of the parcel by registered Transfer No.~~

Dated 10th. June, 1964.

Signature D. Williams

Approved by the Council for the purposes of the Conveyancing (Strata Titles) Act, 1961.

Date 15th March, 1965.

Subdivision No. 22/1965.

Town Council Clerk

The address for service of notices on the body corporate is:— The Proprietors. Strata Plan No. 1379 236 Elizabeth Street, Sydney.

46737 12.63 K 1212 V. C. N. Blight, Government Printer

Surveyor's Reference: 1001

Req:R720339 /Doc:SP 0001379 P /Rev:12-Jul-2007 /Sts:SC.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:2 of 3
Ref:mg /Src:M

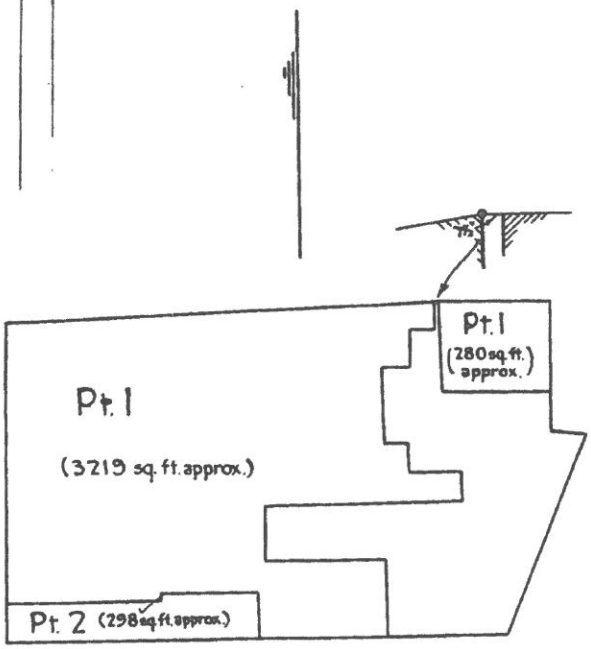
STRATA PLAN Nº 1379
GROUND FLOOR

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

STRATA PLAN 1379

FEET	INCHES	METRES
-	0 3/4	0.02
-	1	0.025
-	1 3/4	0.045
6	-	1.83
12	-	3.66
14	3	4.345
19	1 1/2	5.83
23	0 3/4	7.03
23	3	7.085
55	8 1/2	16.98
70	9	21.565
82	8 1/4	25.205
119	1 1/2	36.31

SQ FT	SQ M
230	21.4
247	22.9
280	26
283	26.3
298	27.7
2203	204.7
3219	299.1

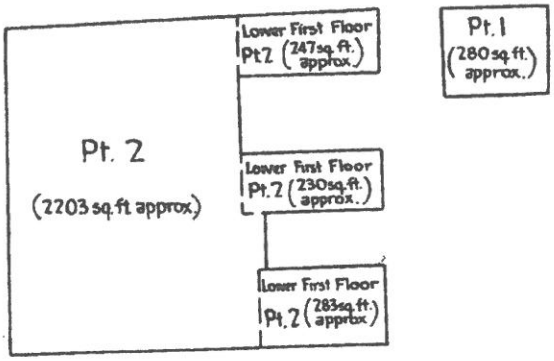


Total area of lot 1 . 3779 sq. ft. approx.

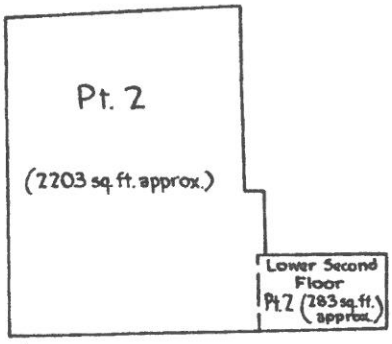
Town Clerk.

Sheet 3 of 3 sheets.

STRATA PLAN Nº 1379



FIRST FLOOR



SECOND FLOOR

Total area of lot 2 , 5747 sq.ft. approx.

Town Clerk.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:03AM

FOLIO: 1/664653

First Title(s): VOL 154 FOL 222
Prior Title(s): VOL 5650 FOL 14

Recorded	Number	Type of Instrument	C.T. Issue
7/2/1997		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
31/10/2002	9087304	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 1
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 2
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 3
21/3/2004	AA501351	DEPARTMENTAL DEALING	
18/12/2008	AE393354	LEASE	EDITION 4
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 5

*** END OF SEARCH ***

mg

PRINTED ON 22/6/2014

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/664653

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	5	8/9/2009

LAND

LOT 1 IN DEPOSITED PLAN 664653
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP664653

FIRST SCHEDULE

PATGLEN PTY LIMITED

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 X148315 COVENANT
3 AE393354 LEASE TO SABAI SABAI (NSW) PTY LTD OF 40A RESERVOIR STREET, SURRY HILLS. EXPIRES: 31/5/2013. OPTION OF RENEWAL: 5 YEARS.
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:04AM

FOLIO: 1/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
27/4/1989	Y313084	LEASE	EDITION 3
11/8/1989	Y523448	LEASE	EDITION 4
25/1/1991	Z456685	LEASE	EDITION 5
12/2/1992	E253612	REQUEST	
12/2/1992	E253613	LEASE	EDITION 6
3/11/1993	I766793	LEASE	EDITION 7
27/9/1994	U654891	LEASE	EDITION 8
15/11/1996	2349179	LEASE	EDITION 9
20/1/1997	2773637	LEASE	EDITION 10
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 11
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 12
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 13
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 14
5/11/2009	AF94760	LEASE	EDITION 15
7/4/2014	AI356016	LEASE	EDITION 16

*** END OF SEARCH ***

mg

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/779385

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	16	7/4/2014

LAND

LOT 1 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (6 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AF94760 LEASE TO CALORIE SCHMALORIE PTY LIMITED OF GROUND FLOOR 240 ELIZABETH STREET SURRY HILLS. EXPIRES: 30/9/2012. OPTION OF RENEWAL: 3 YEARS.
6 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOORS 1 AND 2, 240 ELIZABETH STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

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NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

Vol. 8503 Fol. 129

CANCELLED
Issued 1-7-1974
See new edition

Fol. 129

(Page 1) Vol. 8503

I certify that The Proprietors—Strata Plan No. 1379 is the registered proprietor of an Estate in Fee Simple in the common property in the Strata Plan so numbered subject nevertheless to the exceptions, encumbrances and interests recorded hereon.

Registrar General.

ADDRESS FOR SERVICE OF NOTICES: See Strata Plan above referred to.

EXCEPTIONS ENCUMBRANCES AND INTERESTS REFERRED TO

1. Reservations and conditions, if any, contained in the Crown grant of the land comprised in the Strata Plan above referred to.
2. Easements, if any, benefiting or burdening the parcel and restrictions as to user, if any, burdening the parcel and other interests notified on the Strata Plan above referred to by virtue of the provisions of the Conveyancing (Strata Titles) Act, 1961.

SCHEDULE OF UNIT ENTITLEMENT: See Strata Plan above referred to.

Registrar General.

CANCELLED
See new edition issued 18-3-1975
Vol 8503 Fol 129.

REGISTRAR GENERAL

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:1 of 4
Ref:mg /Src:M

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE

Register CANCELLED

Vol. 8503 Fol. 129

Edition Issued 18-3-1975 SEE AUTO FOLIO

Appln. No.11245 OS

Prior Titles Vol.5655 Fols.36 and 37

(Page 1) Vol. 8503 Fol. 129

I certify that The Proprietors - Strata Plan No.1379 is the registered proprietor of an Estate in Fee Simple in the common property in the strata scheme relating to the Strata Plan so numbered, within the land herein described, subject nevertheless to the exceptions encumbrances and interests recorded hereon and to the reservations and conditions, if any, contained in the Crown grant.

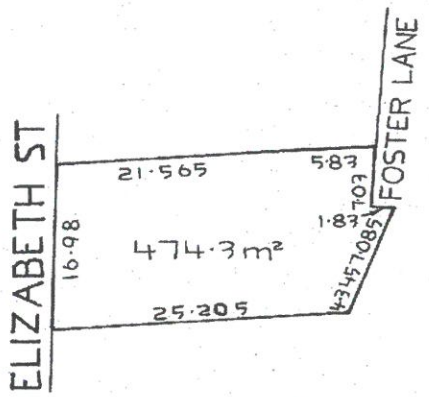
S

Registrar General.

PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

REDUCTION RATIO 1:500



ADDRESS FOR SERVICE OF NOTICES 236B ELIZABETH STREET, SYDNEY. 2000

LAND REFERRED TO the land in Deposited Plan 61245 at Sydney in the City of Sydney Parish of St. Lawrence and County of Cumberland being part of Allotment 2 of Section 5 granted to John Towell on 19-10-1831 and part of Allotment 3 of Section 5 granted to William Charles Greville on 19-10-1831.

GRY EXCEPTIONS ENCUMBRANCES AND INTERESTS REFERRED TO NIL

SCHEDULE OF UNIT ENTITLEMENT

Aggregate unit entitlement: 2

Lot No.	Strata Plan No.	Unit Entitlement
1	1379	1
2	"	1

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:3 of 4
Ref:mg /Src:M

Req:R720342 /Doc:CT 08503-129 CT /Rev:04-Mar-2011 /Sts:OK.SC /Prt:22-Jun-2014 08:08 /Pgs:ALL /Seq:4 of 4
Ref:mg /Src:M
Page 2 of 2 pages)
Vol. 6000 Fol. 127

RECORDINGS (continued)

INSTRUMENT			PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION		
NATURE	NUMBER	DATE						

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: CP/SP1379

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	1	15/2/2002

LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 1379 WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT SYDNEY
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM SHEET 1 SP1379

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 1379
ADDRESS FOR SERVICE OF NOTICES:
236B ELIZABETH STREET
SYDNEY 2000

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
* 2 ATTENTION IS DIRECTED TO BY-LAWS SET OUT IN SCHEDULE 1 STRATA SCHEMES MANAGEMENT ACT 1996
3 8361859 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY ACT, 1900
* 4 ATTENTION IS DIRECTED TO CLAUSE 3 SCHEDULE 4 STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973 REGARDING BOUNDARIES BETWEEN LOTS AND COMMON PROPERTY IN STRATA SCHEMES REGISTERED BEFORE 1-7-1974

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 2)

STRATA PLAN 1379

LOT	ENT	LOT	ENT
1	1	2	1

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

END OF PAGE 1 - CONTINUED OVER

mg

PRINTED ON 22/6/2014

FOLIO: CP/SP1379 PAGE 2

NOTATIONS (CONTINUED)

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 22/6/2014

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Legal Liaison Searching Services

ABN: 52832569710
Ph: 02 9233 5800
Fax: 02 9221 2827

Level 4, 70 Castlereagh Street,
Sydney 2000
PO Box 2513 Sydney NSW 2000
DX 1019 Sydney

Summary of Owners Report

LPI **Sydney**

Address: - 238 to 240 Elizabeth Street, Sydney

Description: - Lot 2 D.P. 779385

As regards Lot 2 D.P. 779385

Date of Acquisition and term held	Registered Proprietor(s) & Occupations where available	Reference to Title at Acquisition and sale
29.01.1901 (1901 to 1933)	Susan Douglass (Married Woman)	Book 681 No. 92
23.03.1933 (1933 to 1940)	Harold Page Douglass (Gentleman) Lilith Susie Ellen Chadwick (Married Woman)	Book 1658 No. 609
23.01.1940 (1940 to 1946)	Lilith Susie Ellen Chadwick (Married Woman)	Book 1863 No. 871
11.10.1946 (1946 to 1957)	Henry Russell Elliott (Second Hand Dealer)	Book 2000 No. 459
28.10.1957 (1957 to 1987)	Jean Elaine Mary Elliott (Widow)	Book 2429 No. 148
09.10.1987 (1987 to 1988)	Hang Tat Enterprises (Australia) Pty Limited	Book 3716 No. 177 Now 2/779385
28.11.1988 (1988 to date)	# Patglen Pty Limited	2/779385

# Denotes Current Registered Proprietor

Easements: - NIL

Leases: -

- Various leases were registered against this title that have since expired or have been surrendered. These leases have not been investigated
- 07.04.2014 to Backpack Australia Pty Ltd, of Floors 1 and 2 – Expires 30.12.2016, also 2 year option

---

Yours Sincerely
Mark Groll
7 July 2014
(Ph: 0412 199 304)

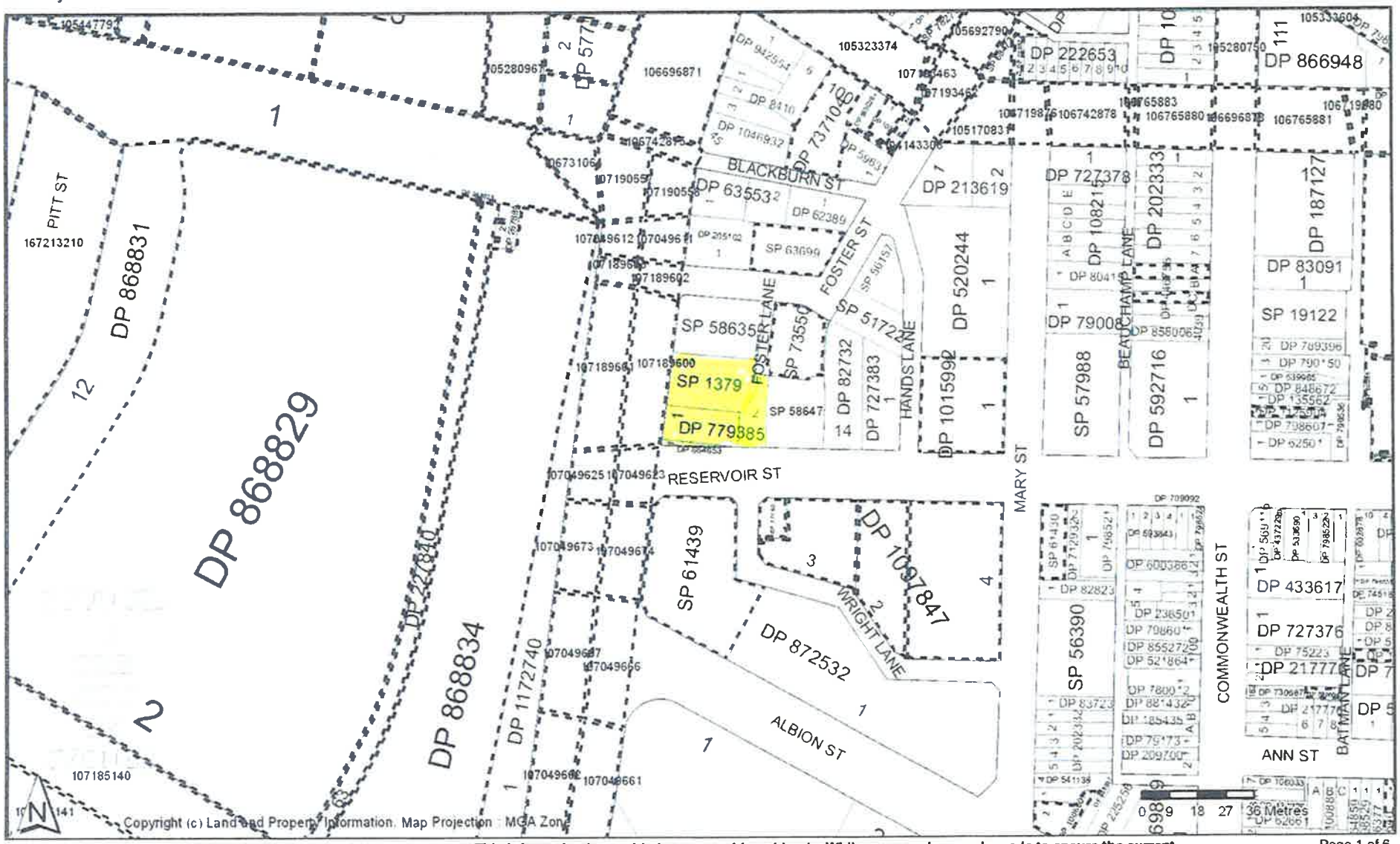
Land & Property Information

Cadastral Records Enquiry Report

Ref : surv:scim-grolim

Requested Parcel : Lot 1 DP 779385 **Identified Parcel** : Lot 1 DP 779385

Locality : SURRY HILLS **LGA** : SYDNEY **Parish** : ALEXANDRIA **County** : CUMBERLAND



Report Generated 7:57:37 AM, 22 June, 2014

Copyright © Land and Property Information ABN: 84 104 377 806

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

LT 2/55

PLAN OF THE LAND COMPRISED IN DEED

BK. 3716 NO. 177

Mun./Shire: City SYDNEY — Locality: SURRY HILLS

Parish ALEXANDRIA AND ST LAWRENCE — County: CUMBERLAND

Reduction Ratio 1: 200 — Lengths are in metres.

D.P. 779385

Registered: 26-4-1988

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

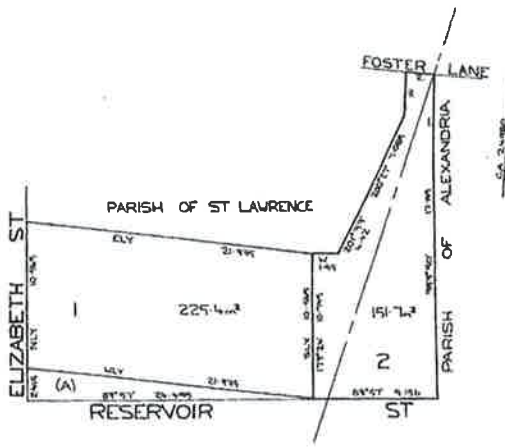
Ref Map: PH. ALEXANDRIA SH4 / PH. ST LAWRENCE

Last Plan: CITY SEC 5 (D.P. 982294) / ROLL PLAN 3099 (D.P. 111185)

N002D11D

THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED.
THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL AND
IT IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



No.	Bearing	Dimensions
1	[illegible]	[illegible]
2	[illegible]	[illegible]
3	[illegible]	[illegible]

(A)-LAND NOT INCLUDED IN PLAN

Plan Drawing only to appear in this space

10 | 50 | 100 Table of mm 140 | 180 | 220

Plan Drawing only to appear in this space

10 20 30 40 50 60 70 Table of mm 110 120 130 140

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

28th April, 1988

Req:R720338 /Doc:DP 0779385 P /Rev:08-Aug-1992 /Sta:OK.OK /Prt:22-Jun-2014 08:01 /Pgs:ALL /Seq:1 of 1
Ref:mg /Src:M

Legal Liaison Services

LPI On-Line

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Information provided through Tri-Search an approved LPI*NSW* Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
3/7/2014 3:17PM

FOLIO: 2/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 3
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 4
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 5
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 6
7/4/2014	AI356016	LEASE	EDITION 7

*** END OF SEARCH ***

mg PRINTED ON 3/7/2014

**ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.*

Legal Liaison Services

LPI On-Line

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Information provided through Tri-Search an approved LPI*NSW* Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/779385

SEARCH DATE	TIME	EDITION NO	DATE
3/7/2014	3:16 PM	7	7/4/2014

LAND

LOT 2 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

PATGLEN PTY. LIMITED (T Y14174)

SECOND SCHEDULE (5 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
3 BK 3716 NO 177 COVENANT
4 AE961976 MORTGAGE TO ST. GEORGE BANK LIMITED
5 AI356016 LEASE TO BACKPACK AUSTRALIA PTY LTD OF FLOOR 1, TOGETHER WITH ONE CARPARK SPACE NUMBERED 1, 42-44 RESERVOIR STREET, SURRY HILLS. EXPIRES: 31/12/2016. OPTION OF RENEWAL: 2 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg PRINTED ON 3/7/2014

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SFR **Historical Title**

InfoTrack
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
22/6/2014 8:04AM

FOLIO: 1/779385

First Title(s): OLD SYSTEM
Prior Title(s): CA24980

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1988	CA24980	CONVERSION ACTION	FOLIO CREATED EDITION 1
6/12/1988	Y14174	TRANSFER	
6/12/1988	Y14175	MORTGAGE	EDITION 2
27/4/1989	Y313084	LEASE	EDITION 3
11/8/1989	Y523448	LEASE	EDITION 4
25/1/1991	Z456685	LEASE	EDITION 5
12/2/1992	E253612	REQUEST	
12/2/1992	E253613	LEASE	EDITION 6
3/11/1993	I766793	LEASE	EDITION 7
27/9/1994	U654891	LEASE	EDITION 8
15/11/1996	2349179	LEASE	EDITION 9
20/1/1997	2773637	LEASE	EDITION 10
22/4/2002	8531775	APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE	EDITION 11
22/11/2002	9150764	DISCHARGE OF MORTGAGE	
22/11/2002	9150765	MORTGAGE	EDITION 12
7/1/2004	AA303083	VARIATION OF MORTGAGE	EDITION 13
21/3/2004	AA501351	DEPARTMENTAL DEALING	
8/9/2009	AE961975	DISCHARGE OF MORTGAGE	
8/9/2009	AE961976	MORTGAGE	EDITION 14
5/11/2009	AF94760	LEASE	EDITION 15
7/4/2014	AI356016	LEASE	EDITION 16

*** END OF SEARCH ***

mg

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/779385

SEARCH DATE	TIME	EDITION NO	DATE
22/6/2014	8:02 AM	16	7/4/2014

LAND

LOT 1 IN DEPOSITED PLAN 779385
AT SURRY HILLS
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST LAWRENCE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP779385

FIRST SCHEDULE

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2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
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NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	240C Elizabeth Street , SURRY HILLS NSW 2010
Owner:	PATGLEN PTY LTD
Description of land:	Lot 1 DP 664653
Certificate No.:	2014304170
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer VW
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

Sustainable. Made from 100% Australian recycled paper, printed with vegetable based inks.

PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	NO
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	NO
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	NO
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	NO
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	NO
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	NO
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	NO
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	NO
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	NO
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	NO
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	NO
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	NO
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	NO

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

24 JUN 2014

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	232-236A Elizabeth Street , SURRY HILLS NSW 2010
Owner:	THE OWNERS - STRATA PLAN NO 01379
Description of land:	Lot 1 DP 61245, Lots 1-2 SP 1379
Certificate No.:	2014304168
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer VM
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

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PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

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This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

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to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

KURT PLAMBECK
DOUGLAS PARTNERS PTY LTD
PO BOX 472
WEST RYDE NSW 1685

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	DOUGLAS PARTNERS PTY LTD
Applicant's reference:	DOUGLAS PARTNERS
Address of property:	238-240 Elizabeth Street , SURRY HILLS NSW 2010
Owner:	PATGLEN PTY LTD
Description of land:	Lot 1 DP 779385, Lot 2 DP 779385
Certificate No.:	2014304169
Certificate Date:	23/06/14
Receipt No:	5174562
Fee:	$80.00
Paid:	23/06/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:
Ph: 9265 9333
Fax: 9265 9415

Sydney2030/Green/Global/Connected

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PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Zone B4 Mixed Use (Sydney Local Environmental Plan 2012)

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To ensure uses support the viability of centres.

2 Permitted without consent
Home occupations

3 Permitted with consent
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Extractive industries; Heavy industrial storage establishments; Heavy industries

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012 NSW Legislation Website.

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)
This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application from or by downloading the application form from www.heritage.nsw.gov.au

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development
This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation
This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas
This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises
This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation
This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land
This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 64 – Advertising and Signage
This policy aims to ensure that signage (including advertising):
Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings
This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005
This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007
This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009
Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

State Environmental Planning Policy (Urban Renewal) 2010
The aims of this Policy are as follows:
(a) to establish the process for assessing and identifying sites as urban renewal precincts,
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

State Environmental Planning Policy (State and Regional Development) 2011
The aims of this Policy are as follows:
(a) to identify development that is State significant development,
(b) to identify development that is State significant infrastructure and critical State significant infrastructure,
(c) to confer functions on joint regional planning panels to determine development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:
to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 - E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)

(3) Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4),1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Note: All Exempt and Complying Development Codes: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

General Housing Code & Commercial and Industrial (New Buildings and Additions) Code

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.	**NO**
▪ Clause 1.17A(d) & 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	**NO**
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the *Wilderness Act 1987*.	**NO**
▪ Clause 1.17A(e) & 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area	**NO**
▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.	**NO**
▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	**NO**
▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	**NO**
▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	**NO**
▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.	**NO**
▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.	**NO**
▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)	**NO**
▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.	**NO**
▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	**NO**

Housing Alterations Code
Complying development under the Housing Alterations Code **may** be carried out on the land.

Commercial and Industrial Alterations Code
Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions Code **may** be carried out on the land.

Rural Housing Code
The Rural Housing Code does not apply to this Local Government Area.

General Development Code
Complying development under the General Development Code **may** be carried out on the land.

Demolition Code
Complying development under the Demolition Code **may** be carried out on the land.

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16th June 2003	**YES**
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15th December 1994 and Council 19th December 1994)	**NO**
▪ City of Sydney Development Contributions Plan 2006 – in operation 7th April 2007	**NO**
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16th May 2007	**NO**

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a)The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:
Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:
Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:
The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:
Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)
This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment* Act 1979. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information
In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

Residential & Visitor Parking Permit Schemes
The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme.

Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice
Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :
Telephone: 02 9265 9333
Facsimile: 02 9265 9415

Town Hall House
Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre
Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross
50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern
158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre
The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

Attachment A7

Flood Advice Report

IGS INTEGRATED GROUP SERVICES

Value | Innovation | Trust

232 – 240 Elizabeth Street, Surry Hills

Flood Advice Report

18 January 2024 **Project No. 22_261**

200 Euston Road
Alexandria
NSW 2044
ABN: 68 163 019 029
(02) 8488 4600
admin@igs.com.au

Approvals

STASIA PTY LIMITED	Sign: ..... Date: ..... Name: .....
CANDALEPAS ASSOCIATES	Sign: ..... Date: ..... Name: .....
INTEGRATED GROUP SERVICES (IGS)	Sign: ..... Date: ..... Name: .....

Document Control

Version	Date	Issue	Author		Reviewer	
01	25 October 2022	Preliminary	Prabeg Sharma	PS	Bill Masri	BM
02	08 November 2022	For Approval	Prabeg Sharma	PS	Bill Masri	BM
03	18 January 2024	For Approval	Prabeg Sharma	PS	Prabeg Sharma	PS

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3 **Flooding and the Proposed Development** 8

4 **Summary** 11

Revision 03:
Flood Impact and Risk Management Report updated to reflect revised Architectural Plans by Candalepas Associates, Job No. 5968, Issue P10.

232 – 240 Elizabeth Street, Surry Hills FLOOD LEVEL ADVICE.

IGS has been engaged to provide flood advice for the proposed development at 232 – 240 Elizabeth Street, Surry Hills. The purpose of this assessment is to identify the predicted flood levels around the study site and provide advice on Flood Planning Levels (FPL) based on the requirements of the City of Sydney. The report also assesses the compliance or otherwise of the proposed finish floor levels for future development at the study site.

Design flood information has been taken from the TUFLOW model established in the Darling Harbour Catchment FRMP report.

1 Development Site

The proposed development at 232 – 240 Elizabeth Street, Surry Hills, is a mixed-use commercial development. This site has access from Elizabeth Street along the western wall, Reservoir Street along the southern side, and Foster Lane along the eastern side (Refer to the locality map below).

The development consists of commercial and retail spaces with three below-ground levels. **Figure 1-1** shows the location of the study site.

The assessment is based on the following drawings and flood models:

- Ground Floor Architectural plans by Candalepas Associates, Job no. 5968, Issue P10 - Attached.
- Survey Plan by ERIC SCERRI & ASSOCIATES PTY LTD, reference no. 2332/14 Rev A dated 13 January 2014.
- Flood Map During 1% AEP and PMF by IGS.
- City of Sydney Interim Floodplain Management Policy, May 2014.

  (Refer to the Attachment for more details)

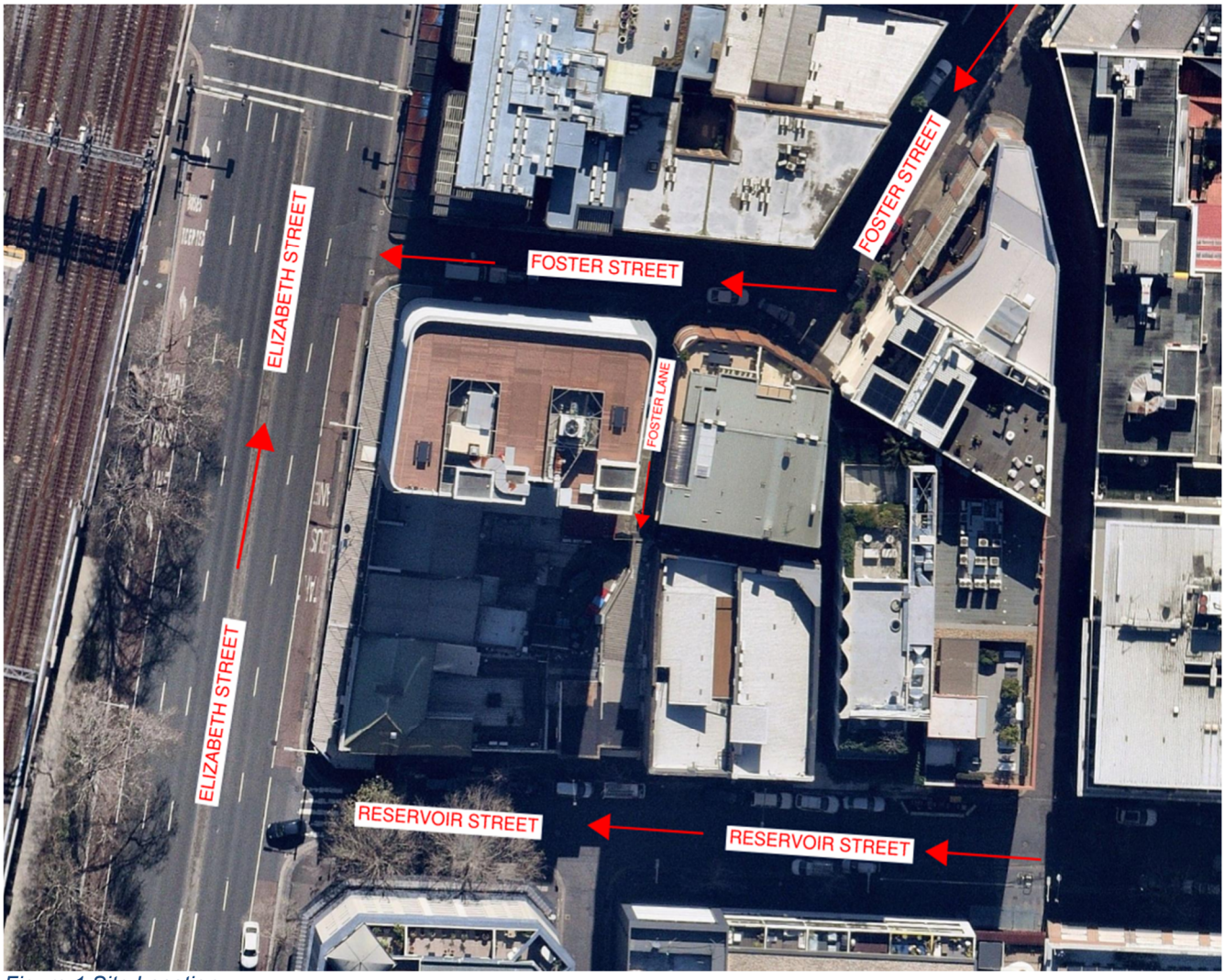


Figure 1 Site Location.

2 Existing Flood Behaviour

This site is bounded by Elizabeth Street on the West, Reservoir Street on the South, and Foster Lane on the Eastern side. The existing flood levels during 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) around the study site are adopted from the Darling Harbour Catchment TUFLOW model results from the City of Sydney Council.

As per the council's flood model, this site is affected by overland flows flowing from the eastern side along Foster Lane and Reservoir Street and towards Elizabeth Street before leaving through the railway corridor along the western side of Elizabeth Street. Elizabeth Street along the west side of the site is very flat, and an approximate flood depth of approximately 350mm can be seen along Elizabeth Street during 1% AEP storm events. (Refer to Attachments for more details).

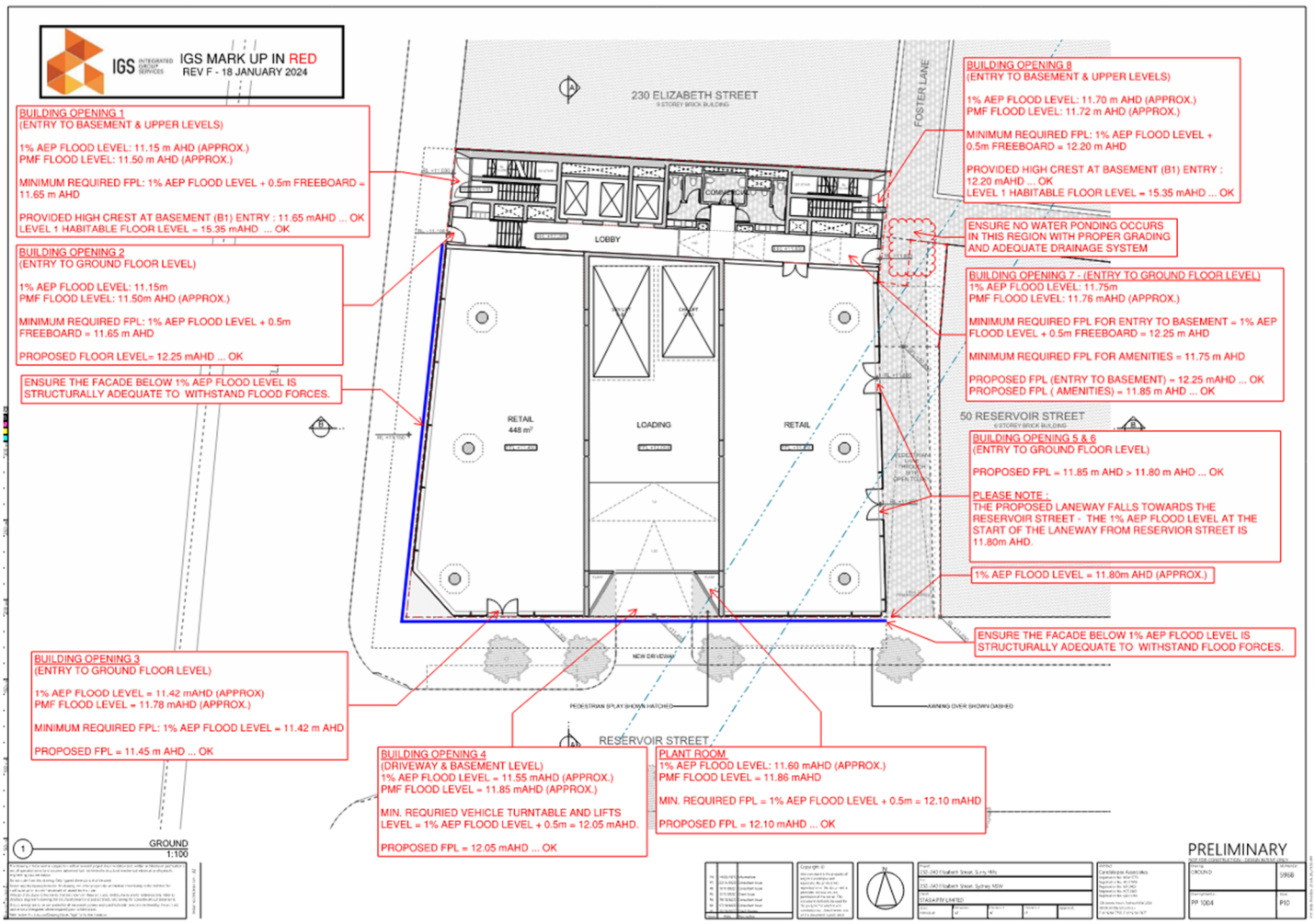


Figure 2. Key Locations & FPL Markup. (Refer to Attachment 1 for details.)

The 1% AEP and PMF flood levels at these locations are presented in **Table 1**. Flood levels have been rounded up to the nearest 0.01m.

Description	1% AEP Flood Level (m AHD)	PMF Flood Level (m AHD)
Building Opening 1 (Entry to Basement & Upper Levels)	**11.15**	**11.50**
Building Opening 2 (Entry to Ground Floor Level)	**11.15**	**11.50**
Building Opening 3 (Entry to Ground Floor Level)	**11.42**	**11.78**
Building Opening 4 (Driveway & Basement Level)	**11.55**	**11.85**
Building Opening to Plant Room	**11.60**	**11.86**
Building Opening 5 & 6 (Entry to Ground Floor Level)	**11.80**	**N/A**
Building Opening 7 (Entry to Ground Floor Level)	**11.75**	**11.76**
Building Opening 8 (Entry to Basement and Upper Levels)	**11.70**	**11.70**

Table 1: 1% AEP and PMF Water Levels at Key Locations

3 Flooding and the Proposed Development

In accordance with the Sydney Development Control Plan 2012 (City of Sydney, 2012) and the Interim Floodplain Management Policy (City of Sydney, 2014), the development will need to comply with a series of controls as outlined in the following sections.

3.1 Flood Planning Requirements

The requirements for Flood Planning Levels are given in **Table 2**, as per the City of Sydney's Interim Floodplain Management Policy (2014).

Development	Flood Planning Level (FPL)
Residential – Habitable Rooms	**Local drainage flooding: 1% AEP flood level + 0.5 m or Two times the depth of flow with a minimum of 0.3 m above the surrounding surface if the depth of flow in the 1% AEP flood is less than 0.25 m.**
Industrial or Commercial - Business	**Merits approach with a minimum of 1% AEP flood level**
Industrial or Commercial – Retail Floor Levels	**Merits approach with a minimum of 1% AEP flood level. Must demonstrate a reasonable balance between flood protection and urban design outcomes for street-level activation.**
Below-ground car park / Basement	**1% AEP flood level + 0.5m or the PMF (Whichever is higher)**

Table 2, Flood Planning Level Requirements per the Interim Floodplain Management Policy

Notes (as per City of Sydney Interim Floodplain Management Policy):

1. *Local drainage flooding occurs where:*
    a. *The maximum cross-sectional depth of flooding in the local overland flow path through and upstream of the site is less than 0.25m for the 1% AEP flood; and*
    b. *The development is at least 0.5m above the 1% AEP flood level at the nearest downstream trapped low point; and*
    c. *The development does not adjoin the nearest upstream trapped low point; and*
    d. *Blockage of an upstream trapped low point is unlikely to increase the depth of flow past the property to greater than 0.25m in the 1% AEP flood.*
2. *Mainstream flooding occurs where the local drainage flooding criteria cannot be satisfied.*
3. *A property is considered to be outside the floodplain where it is above the mainstream and local drainage flood planning levels including freeboard.*

The predicted flooding depths around the site vary from 50 – 20mm during 1% AEP storm events, and there is no downstream trapped low point. As flood depths are low, even during PMF events, expecting the finished floor levels to be set 500 mm above the 1% AEP level is unreasonable. Adopting the FPL standard for commercial premises outside the floodplain, a flood planning level at or above the 1% AEP would protect the ground floor ingress points and allows more reasonable finished floor levels to be adopted.

3.2 Flood Planning Levels

A comparison of floor levels at key entrances and required FPLs is provided below in **Table 3**.

Description	1% AEP Flood Level (m AHD)	Proposed Finished Floor Level (m AHD)	Freeboard Provided (mm)	Compliance with Council Requirements?
Building Opening 1 (Entry to Basement & Upper Levels)	11.15 11.15	**To Basement = 11.65** **Level 1 = 15.35**	500 4200	YES
Building Opening 2 (Entry to Ground Floor Level)	11.15	**12.25**	1100	YES
Building Opening 3 (Entry to Ground Floor Level)	11.42	**11.45**	N/A	YES
Building Opening 4 (Driveway & Basement Level)	11.55	**12.05**	500	YES
Building Opening to Plant Room	11.60	**12.10**	500	YES
Building Opening 5 & 6 (Entry to Ground Floor Level)	11.80	**11.85**	50	YES
Building Opening 7 **(Entry to Amenities)** **(Entry to Basement)**	 11.75 171.75	 **11.85** **12.25**	 100 500	 YES YES
Building Opening 8 (Entry to Basement and Upper Levels)	11.70	**12.20**	500	YES

Table 3, Proposed Finished Floor Levels and Minimum FPLs

The proposed finished floor level (m AHD) was taken from the Architectural plans by Candalepas Associates, Job no. 5968, Issue P10. The minimum FPL required was based on the Darling Harbour Catchment Model obtained from the City of Sydney Council.

3.3 Proposed Flood Mitigation Measures

The following flood mitigation is recommended to ensure the proposed development is well protected from overland flows:

- No water pondage should occur along the site's northeast corner – ensure that the section falls towards Foster Lane with proper grading and an adequate drainage system.
- Ensure the proposed laneway falls towards Reservoir Street per the proposed architectural plans.
- Ensure the façade below 1% AEP Flood Level is structurally adequate to withstand flood forces. Refer to the flood-compatible materials table from the City of Sydney attached – Materials not listed may be accepted by the council subject to certification- of the suitability of the material of the manufacturer.
- All flood levels proposed on the architectural plans must be maintained to protect from the overland flows.

We believe the revised architectural plans, Job No. 5968, Issue P10, have incorporated all recommended flood mitigation measures and flood planning requirements per the City of Sydney Council's requirements. For more details, refer to the attached architectural plans (Attachment 5) and Flood Planning level Markups (Attachment 1).

3.4 Possible Changes in Flood Extent

The overland flows flowing towards the site have a shallow depth varying from 20 – 50mm during 1% AEP storm events. The Council's Drainage system will cater to the shallow sheet flows within the vicinity. However, flood mitigation measures are recommended to protect the proposed development from overland flows. There is no significant change in the building footprint; hence, the flood extent will not change.

4 Summary

IGS has completed a Site-Specific Flood Assessment for the proposed development of 232 – 240 Elizabeth Street, Surry Hills.

Predicted flood levels were extracted from the Darling Harbour Catchment Flood Model obtained from the City of Sydney Council and used to determine Flood Planning Levels for the proposed development as per the City of Sydney Interim Floodplain Management Policy. The finished ground floor of the proposed development was compared to the Flood Planning Levels to determine compliance with the policy.

The review demonstrates that the proposed development floor levels meet the minimum required Flood planning levels per the City of Sydney's Interim Flood plain management policy.

5 Attachments:

- Attachment 1 - Flood Markups with proposed Flood Planning Levels.
- Attachment 2 - Water surface elevation map during 1% AEP storm events.
- Attachment 3 - Water Surface elevation map during PMF Storm events.
- Attachment 4 - List of Flood-Compatible Materials from the City of Sydney – Interim Floodplain Management Policy.
- Attachment 5 - Ground Floor Architectural plans by Candalepas Associates, Job no. 5968, Issue P10.
- Attachment 6 - Survey Plan by ERIC SCERRI & ASSOCIATES PTY LTD, reference no. 2332/14 Rev A dated 13 January 2014.

IGS INTEGRATED GROUP SERVICES

IGS MARK UP IN RED
REV F - 18 JANUARY 2024

BUILDING OPENING 1
(ENTRY TO BASEMENT & UPPER LEVELS)

1% AEP FLOOD LEVEL: 11.15 m AHD (APPROX.)
PMF FLOOD LEVEL: 11.50 m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 11.65 m AHD

PROVIDED HIGH CREST AT BASEMENT (B1) ENTRY : 11.65 mAHD ... OK
LEVEL 1 HABITABLE FLOOR LEVEL = 15.35 mAHD ... OK

BUILDING OPENING 2
(ENTRY TO GROUND FLOOR LEVEL)

1% AEP FLOOD LEVEL: 11.15m
PMF FLOOD LEVEL: 11.50m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 11.65 m AHD

PROPOSED FLOOR LEVEL= 12.25 mAHD ... OK

ENSURE THE FACADE BELOW 1% AEP FLOOD LEVEL IS STRUCTURALLY ADEQUATE TO WITHSTAND FLOOD FORCES.

BUILDING OPENING 3
(ENTRY TO GROUND FLOOR LEVEL)

1% AEP FLOOD LEVEL = 11.42 mAHD (APPROX)
PMF FLOOD LEVEL = 11.78 mAHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL = 11.42 m AHD

PROPOSED FPL = 11.45 m AHD ... OK

BUILDING OPENING 4
(DRIVEWAY & BASEMENT LEVEL)
1% AEP FLOOD LEVEL = 11.55 mAHD (APPROX.)
PMF FLOOD LEVEL = 11.85 mAHD (APPROX.)

MIN. REQURIED VEHICLE TURNTABLE AND LIFTS LEVEL = 1% AEP FLOOD LEVEL + 0.5m = 12.05 mAHD.

PROPOSED FPL = 12.05 mAHD ... OK

PLANT ROOM
1% AEP FLOOD LEVEL: 11.60 mAHD (APPROX.)
PMF FLOOD LEVEL = 11.86 mAHD

MIN. REQUIRED FPL = 1% AEP FLOOD LEVEL + 0.5m = 12.10 mAHD

PROPOSED FPL = 12.10 mAHD ... OK

BUILDING OPENING 8
(ENTRY TO BASEMENT & UPPER LEVELS)

1% AEP FLOOD LEVEL: 11.70 m AHD (APPROX.)
PMF FLOOD LEVEL: 11.72 m AHD (APPROX.)

MINIMUM REQUIRED FPL: 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 12.20 m AHD

PROVIDED HIGH CREST AT BASEMENT (B1) ENTRY : 12.20 mAHD ... OK
LEVEL 1 HABITABLE FLOOR LEVEL = 15.35 mAHD ... OK

ENSURE NO WATER PONDING OCCURS IN THIS REGION WITH PROPER GRADING AND ADEQUATE DRAINAGE SYSTEM

BUILDING OPENING 7 - (ENTRY TO GROUND FLOOR LEVEL)
1% AEP FLOOD LEVEL: 11.75m
PMF FLOOD LEVEL: 11.76 mAHD (APPROX.)

MINIMUM REQUIRED FPL FOR ENTRY TO BASEMENT = 1% AEP FLOOD LEVEL + 0.5m FREEBOARD = 12.25 m AHD

MINIMUM REQUIRED FPL FOR AMENITIES = 11.75 m AHD

PROPOSED FPL (ENTRY TO BASEMENT) = 12.25 mAHD ... OK
PROPOSED FPL (AMENITIES) = 11.85 m AHD ... OK

BUILDING OPENING 5 & 6
(ENTRY TO GROUND FLOOR LEVEL)

PROPOSED FPL = 11.85 m AHD > 11.80 m AHD ... OK

PLEASE NOTE :
THE PROPOSED LANEWAY FALLS TOWARDS THE RESERVOIR STREET - THE 1% AEP FLOOD LEVEL AT THE START OF THE LANEWAY FROM RESERVIOR STREET IS 11.80m AHD.

1% AEP FLOOD LEVEL = 11.80m AHD (APPROX.)

ENSURE THE FACADE BELOW 1% AEP FLOOD LEVEL IS STRUCTURALLY ADEQUATE TO WITHSTAND FLOOD FORCES.

230 ELIZABETH STREET
9 STOREY BRICK BUILDING

50 RESERVOIR STREET
6 STOREY BRICK BUILDING

RESERVOIR STREET

FOSTER LANE

COMMERCIAL 80 m²
LOBBY
RETAIL 448 m²
LOADING
RETAIL
SRV LIFT G-B1
CAR LIFT G-B3
PLANT
PLANT
NEW DRIVEWAY
PEDESTRIAN LANE THROUGH SITE OPEN TO SKY
B1 STAIR
B1 STAIR
FFL +11,100
FFL +12,250
FFL +11,850
FFL +11,800
FFL +11,450
FFL +12,050
FFL +11,850
RL +11,030
RL +11,100
RL +11,660
RL +11,850
RL +11,150
RL +11,325
RL +11,450
RL +11,850
SFL +10,850
1:8
1:20
1:10
1:10
1:10
1:20
1:4
1:4
1:4

232 - 240 ELIZABETH STREET, SURRY HILLS

FLOOD MAP DURING 1% AEP STORM EVENTS

DATE: 18 JANUARY 2024

LEGEND

- 20mm INTERVAL CONTOUR DURING 1% AEP STORM EVENT
- 11.00 WATER SURFACE LEVEL DURING 1% AEP STORM EVENTS
- PROPERTY BOUNDARY

SCALE: 1:200 @ A3

IGS INTEGRATED GROUP SERVICES

232 - 240 ELIZABETH STREET, SURRY HILLS

FLOOD MAP DURING PMF STORM EVENTS

DATE: 18 JANUARY 2024

LEGEND

- 20mm INTERVAL CONTOUR DURING 1% AEP STORM EVENT
- 11.00 WATER SURFACE LEVEL DURING 1% AEP STORM EVENTS
- PROPERTY BOUNDARY

SCALE: 1:200 @ A3

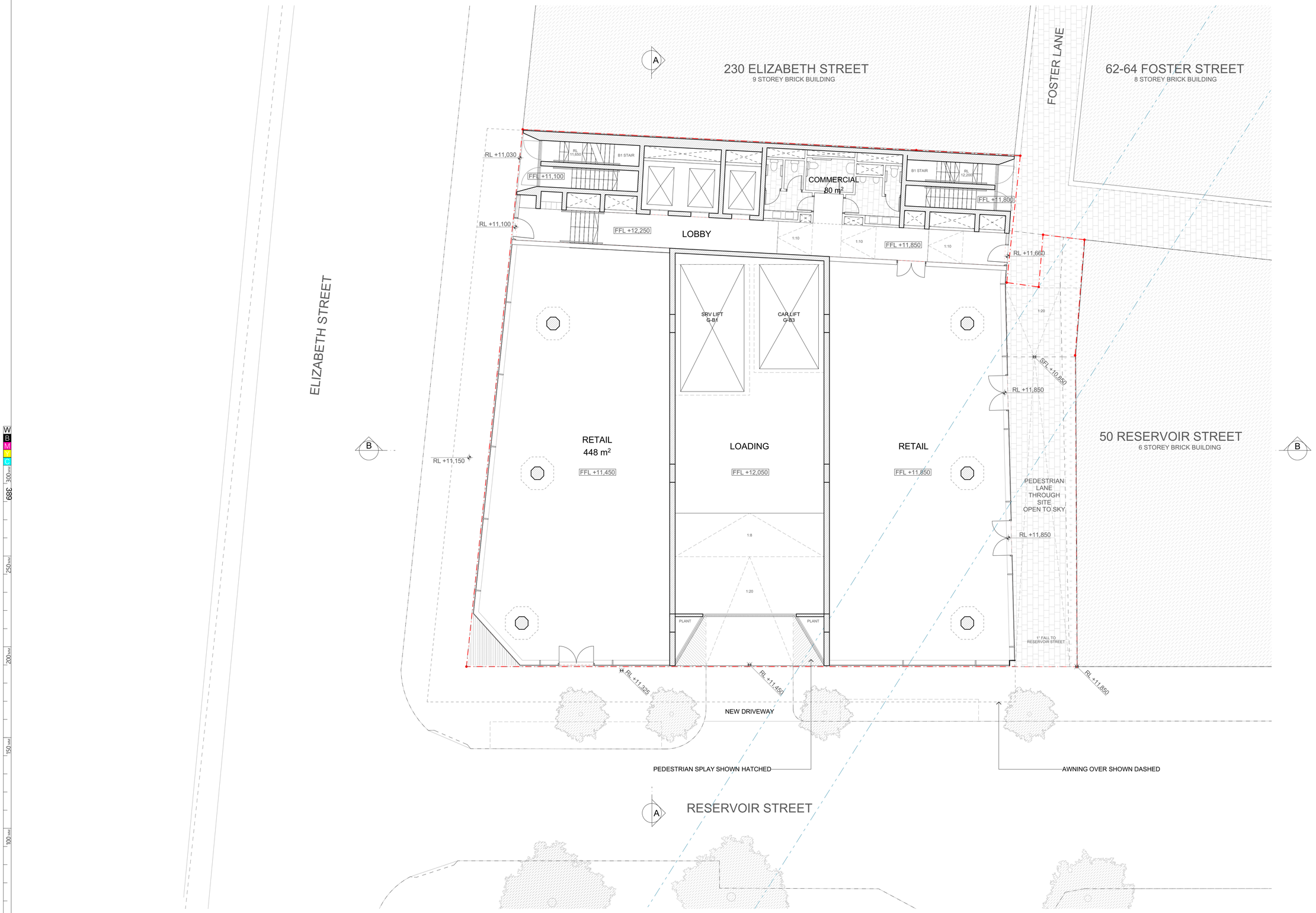
IGS INTEGRATED GROUP SERVICES

6 Flood Compatible Materials

Where required for development, the following materials are to be applied. Materials not listed may be accepted by Council subject to certification of the suitability of the material of the manufacturer.

Component	Flood Compatible Material
Flooring and Sub-floor	▪ Concrete slab-on-ground monolith construction ▪ Suspended reinforced concrete slab
Wall Structure	▪ Solid brickwork, blockwork, reinforced concrete or mass concrete
Wall and Ceiling Linings	▪ Fibro-cement board ▪ Brick, face or glazed ▪ Clay tile glazed in waterproof mortar ▪ Concrete ▪ Concrete block ▪ Steel with waterproof applications ▪ Stone, natural solid or veneer, waterproof grout ▪ Glass blocks ▪ Glass ▪ Plastic sheeting or wall with waterproof adhesive
Roof Structure	▪ Reinforced concrete construction ▪ Galvanised metal construction
Doors	▪ Solid panel with water proof adhesives ▪ Flush door with marine ply filled with closed cell foam ▪ Painted metal construction ▪ Aluminium or galvanised steel frame
Insulation	▪ Closed cell solid insulation ▪ Plastic/polystyrene boards
Windows	▪ Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Nails, Bolts, Hinges and Fittings	▪ Brass, nylon or stainless steel ▪ Removable pin hinges ▪ Hot dipped galvanised steel wire nails or similar
Main Power Supply	▪ Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the designated flood planning level. Means shall be available to easily disconnect the dwelling from the main power supply.
Wiring	▪ All wiring, power outlets, switches, etc., should be located above the designated flood planning level. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. This will not be applicable for below-ground car parks where the car park complies with flood planning level requirements. ▪ Earth leakage circuit-breakers (core balance relays) or Residual Current Devices (RCD) must be installed. ▪ Only submersible type splices should be used below maximum flood level. ▪ All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.
Electrical Equipment	▪ All equipment installed below or partially below the designated flood planning level should be capable of disconnection by a single plug and socket assembly.

Component	Flood Compatible Material
Heating and Air Conditioning Systems	▪ Heating and air conditioning systems should be installed in areas and spaces of the house above the designated flood planning level.
Fuel storage for heating purposes	▪ Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off. ▪ The heating equipment and related fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. The tanks should be vented above the flood planning level.
Ducting for heating/cooling purposes	▪ All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assembly operated from above relevant flood level should protect the ductwork.



1 GROUND 1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P8	24/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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N

Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

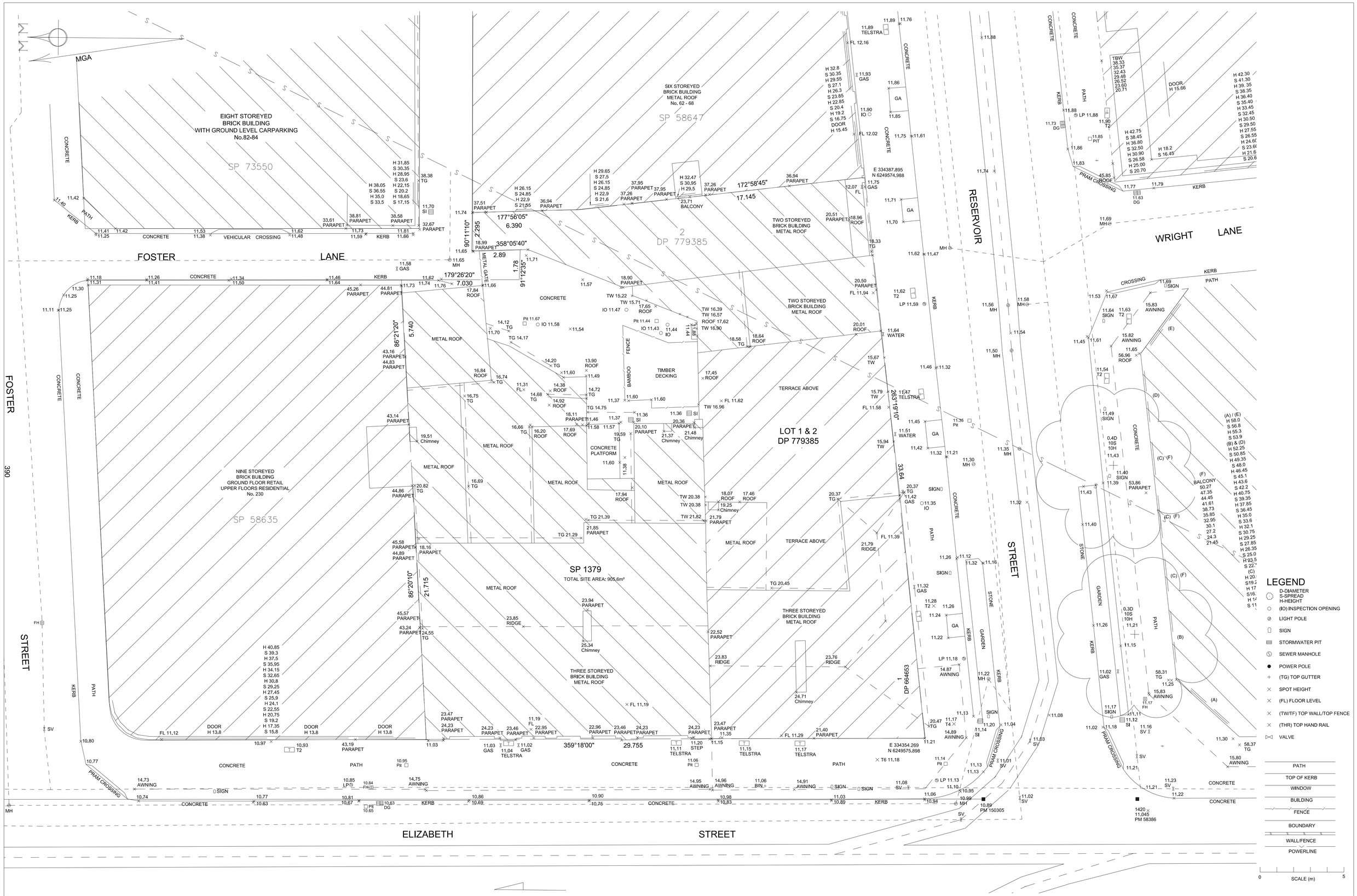
Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	AF	AF	LE	

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing:	Job Number:
GROUND	5968
Drawing Number:	Issue:
PP 1004	P10

Print Date: Thursday, 20 July 2023 9:56 AM



AMENDMENTS:

MGA COORDINATES ADDED TO 2 CORNERS ALONG RESERVOIR ST FRONTAGE 26 MAR 2014

POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE SHOWN DIAGRAMMATICALLY AND HAVE BEEN SURVEYED FOR DA PURPOSES ONLY.
ALL BOUNDARY DIMENSIONS & AREA HAVE BEEN COMPILED FROM TITLE INFORMATION ONLY AND ARE SUBJECT TO FINAL SURVEY.
THE POSITION AND LEVELS OF ADJOINING BUILDINGS, WINDOWS, RIDGE, GUTTERS AND TREES HAVE BEEN SURVEYED REMOTELY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.
AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 150305 (RL 10.888) AHD.
IT IS ADVISED, FOR CONSTRUCTION WORKS NEAR BOUNDARIES, THAT BOUNDARIES BE MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
THE BOUNDARY DIMENSIONS ON THIS PLAN HAVE BEEN COMPILED FROM LAND TITLES OFFICE PLAN SP1379 AND DP779385.

ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018 TAMARAMA 2026
Ph (02) 9386 4161 Mob: 0417 452 852 Fax: (02) 9386 4171
email: scerri56@tpg.com.au

CLIENT:	ROLAND BLOCH C/- TRIBE STUDIO
PLAN SHOWING:	DETAIL & LEVEL SURVEY
PROPERTY:	232 - 240 ELIZABETH STREET SURRY HILLS
LGA:	SYDNEY

SURVEYED:	SH/MB	SCALE: A1@1:100	
DRAWN:	MB	PLAN REFERENCE: 2332/14	
DATUM:	AHD	DATE OF SURVEY: 13/01/14	
TOTAL SITE AREA:	905.6m²	SHEET 1 OF 1	COPYRIGHT

Attachment A8

Oviform Sewer Investigation

24 March 2023
5968

Ms Sally Peters
Manager,
Central Sydney Planning, Strategic Planning & Urban Design
City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney 2000

Dear Ms Peters,

Re: 232-240 Elizabeth Street ("the Property")
Planning Proposal – Oviform Sewer Investigations

We write on behalf of *Stasia,* owners of the property at 232-240 Elizabeth Street to detail investigations into the Oviform Sewer as part of the Planning Proposal for the site.

Refer to the enclosed "**Appendix A - Sydney Water Assets – Approvals Programme"**. This document has been prepared by Candalepas Associates to discuss with the City of Sydney the most appropriate Sewer investigation milestones to be completed for each stage of the project. The attached document details the investigations to date that have been included in the planning proposal documents. These investigations into the sewer include:

/ Review of previously Approval Stage 1 DA (with special regard to sewer interaction and Sydney Water Comments).
/ Review of Detailed Survey, with centre line of Sewer mapped and included on plans.
/ Review of Heritage Maps and GIS Maps of the Site and Sewer.
/ Review of Sydney Water Specialist Engineering Assessment Guidelines dated 19/02/2021 Doc No.D0001870.
/ Sydney Water Tap In Search.
/ Incorporation of Sydney Water 'Minimum Clearance to Building Works' into reference scheme plans (Guidelines dated 19/02/2021 Doc No.D0001870)
/ Preliminary Engagement with a Sydney Water Services Coordinator for next steps and SEA requirements.

Noting that the site is required to undergo a design excellence process we propose that the most appropriate stage to complete the Specialist Engineering Assessment 'SEA' would be following the design excellence competition at the Detailed DA stage as Conditions of the Consent. During the detailed DA stage, specialist reporting and design would be able to be undertaken to reflect the competition winning scheme. These documents would include items to be included in the SEA submission and would include:

/ Detailed Geotechnical Investigations and Report including Finite Modelling Assessment
/ Detailed Structural Engineering including Footing Design and Shoring Details
/ Detailed Survey of the Asset
/ Dilapidation Investigations
/ Detailed Architectural Drawings including coordination with the consultant team and findings of specialist SEA reporting.

Please telephone the undersigned without hesitation if anything requires further clarification.

Yours faithfully,
CANDALEPAS ASSOCIATES

Lewis Evans
Associate

309 Sussex Street
Sydney NSW 2000
+61 2 9283 7755

Level 5, 412 Collins Street
Melbourne VIC 3000
+61 3 7031 7900

info@candalepas.com.au

Angelo Candalepas &
Associates Pty Limited
ABN 45 070 219 288

Angelo Candalepas &
Associates NGVC Team
Pty Limited
ABN 97 657 663 593

candalepas.com.au

Nominated Architect
Angelo Candalepas
NSW 5773
VIC 17978
WA 2405
ACT 2603
QLD 5463

	Oviform Sewer - Specialist Engineering Assessment 'SEA'
	& 'Out of Scope' Building Plan Approval
CLIENT	**Stasia**
PROJECT	**232-240 Elizabeth Street**
JOB NO	**5968**
DATE	**Friday, 24 March 2023**
ISSUE P1	**FOR REVIEW / COMMENT**

PROJECT COMMENCEMENT

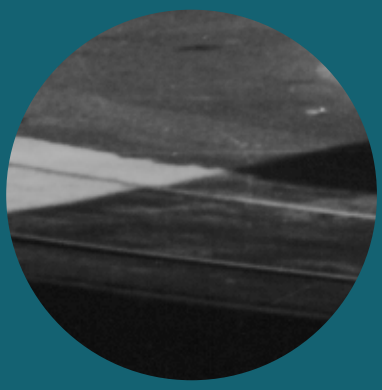
Sydney Water Assets - Approvals Programme

		Sketch Design	Planning Proposal	Design Excellence Competition	Detailed Development Application	Development Application Conditions	Construction Certificate	Construction Documentation	Construction Stage	Occupation Certificate
1	**Stage 1**									
1.1	Review of Approved Stage 1 DA + Proposed Sewer Interaction	■								
1.2	Review of Detailed Survey, with Centre line of Sewer Mapped	■								
1.3	Obtain Hertiage Maps and GIS Maps of the Site and Sewer	■								
1.4	Review Sydney Water Speciliast Engineering Assessment Guidelines dated 19/02/2021 Doc No. D0001870		■							
1.5	Sydney Water Tap In Search		■							
1.6	Incorporate Sydney Water 'Minimum Clearance to Building Works' into reference scheme plans			■						
1.7	Engagement With Sydney Water Services Coordinator			■						
2	**Stage 2**									
2.1	Sydney Water Tap In Online Assessment				■					
3	**Stage 3**									
3.1	Water Services Coordinator to provide Service Protection Report.				■					
3.2	Water Services Coordinator to write detailed brief for : Surveyour, Structural Engineer, Geotechnical Engineer				■					
3.3	Detailed Geotechnical Report including finite modelling assessment				■					
3.4	Detailed Structural Engineering report including footing and shoring design details				■					
3.5	Surveyour to conduct physical survey on site - test excavation will need to be undertaken.				■	■				
3.6	Instrumentation and Monitoring Plans				■					
3.7	Work Method Statement (WMS) Describing Construction activites				■					
3.8	Contingency Plans describing the acitivites required in the event of an incident to mitigate damage to Sydney Water Assests.				■					
4	**Stage 4**									
4.1	Sydney Water SEA submission					■				
4.2	Sydney Water Assessment charge for 'Out of Scope'					■				
4.3	Sydney Water Referral and Processing to Water Services Coordinator. Allow 2 months for Sydney Water review and requirement response.					■				
4.4	Response to conditions or requirements as required.					■				
5	**Stage 5**									
5.1	Sydney Water 'Out of Scope' Building Plan Application and Approval						■	■		
6	**Stage 6**									
6.1	Pre Construction Condition Assessment								■	
6.2	Concrete Encasement Inspection and Issue of Certificate								■	
6.3	Pier validation inspection and Issue Certificate								■	
6.4	Submission of final package to Sydney Water Upon completion of all conditions									■

Attachment A9

Archaeological Assessment

curio
PROJECTS



232-240 Elizabeth Street, Surry Hills

Preliminary Archaeological Assessment including Aboriginal Due Diligence

Document Information

Citation

Curio Projects 2022, *232-240 Elizabeth Street, Surry Hills Preliminary Archaeological Assessment including Aboriginal Due Diligence Assessment*, report prepared for Candalepas Associates on behalf of Stasia Holdings Pty Limited.

Cover Image: Tram in Elizabeth Street, Surry Hills 1853, City of Sydney Archives A-0058034 (Copyright CC- By 4.0)

Local Government Area

City of Sydney Council

Issue	Issue date	Version	Notes/Comments	Author	Review
1	31 October, 2022	Draft Report	Client Review	Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall
2	10 November, 2022	Final Report		Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall

This report has been prepared based on research by Curio Projects specialists. Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and in figure captions.

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Curio Projects Pty Ltd
5 Blackfriars Street
Chippendale NSW 2008

curio PROJECTS

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Executive Summary

Curio Projects Pty Ltd have been commissioned by Candalepas Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment (AA) report including Aboriginal Objects Due Diligence Assessment (DD) to inform a Planning Proposal for 232-240 Elizabeth Street, Surry Hills, NSW (the 'study area').

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal. The indicative design included in the proposal is concerned with the intended future development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The purpose of this combined AA and DD is to to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

Conclusions and Recommendations

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any future development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.

All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).

- The study area has been subject to five post-1788 land use and development phases:
    - Phase 1: 1788-c.1807 Brickfields and farming
    - Phase 2: c.1807-c.1843 Subdivisions and potential usage
    - Phase 3: c.1844-c.1879 Domestic residences
    - Phase 4: c.1879-c.1920 Commercial and residential occupation
    - Phase 5: 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions

- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:
    - Phase 1: nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
    - Phase 2: nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
    - Phase 3: low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
        - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
        - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
    - Phase 4: low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
        - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
        - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

The following recommendations refer to non-Aboriginal archaeology only. They have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.

- ***s139(4) excavation permit exception***: A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception;* an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
- ***s140 excavation permit***: A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

1. Introduction

1. 1. Introduction

1.1. Background and purpose of this Report

Curio Projects Pty Ltd (Curio) have been commissioned by Candalepas and Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment including an Aboriginal Objects Due Diligence Assessment (DD) to inform a planning proposal for 232-240 Elizabeth Street, Surry Hills ('the study area').

The proposed development of the study area as outlined in the indicative design accompanying the Planning Proposal will include the demolition of the existing Elizabeth Street and Reservoir Street buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with rear access via Foster Lane, and the construction of a basement car park.

The planning proposal seeks to amend the Sydney LEP 2012 to increase the maximum floor space ratio control for this development from 5.1 up to 7.27.1.[1]

The purpose of this combined AA and DD is to to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

The results of this combined assessment will determine whether the proposed activities would require consent in the form of an Aboriginal Heritage Impact Permit (AHIP) or not in accordance with Section 90 of the *NSW National Parks and Wildlife Act 1974* (NPW Act) and/or a Section (s) 139 excavation exception or s140 excavation permit or not in accordance with the *NSW Heritage Act 1977* (Heritage Act).

This report has been prepared with reference to the following documents:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice). Department of Environment, Climate Change and Water (DECCW), 2010.
- *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter*, (Burra Charter) Australia ICOMOS, 2013.
- *City of Sydney Local Environmental Plan* (LEP) 2012.
- *City of Sydney Development Control Plan* (DCP) 2012.
- *Historical Archaeology Code of Practice.* NSW Heritage Office, 2006.
- *Assessing Significance for Historical Archaeological Sites and Relics.* NSW Heritage Branch, Dept. of Planning, 2009.
- Heritage 21 2016, *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, August 2016.
- Candalepas Associates 2022, *Design Proposition Report for Consideration by City of Sydney Council*, July 2022
- Candalepas Associates 2022, *Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.
- Candalepas Associates 2022, *Architectural Drawings Extract from Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.

[1] City of Sydney, 2022, Correspondence to Candalepas Associates, 26 May 2022.

- Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999.

1.2. The Study Area

The study area is located at 232-240 Elizabeth Street Surry Hills, 2010 and is comprised of:

- 232-236A Elizabeth Street (SP1379) and
- 238-240 Elizabeth Street (Lots 1 & 2 DP779385 and Lot 1, DP664653)

The study area is positioned on the corner of Elizabeth Street and Reservoir Street and bound by 230 Elizabeth Street to the north and accessible from Foster Lane to the north east (Figure 1-1). The combined site area is approximately 905m2. The study area is situated within City of Sydney Local Government Area (LGA) in the Parish of Alexandria, County of Cumberland and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC).

At present the study area consists of several 1-3 storey buildings and is occupied by multiple tenancies including a laundromat, convenience store, backpackers accommodation, several restaurants and an art gallery (Figure 1-2 to Figure 1-4).

Figure 1-1: Location of the study area outlined in red (Source: Curio 2022)

Figure 1-2: Elizabeth Street frontage (Source: Curio Projects Oct 2022)

Figure 1-3: Reservoir Street frontage (Source: Curio Projects Oct 2022)

Figure 1-4: Foster Lane (Source: Curio Projects Oct 2022)

1.3. Overview of the Proposed Development

The proposed development of the study area as described in the indicative design accompanying the planning proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works. The following will be undertaken as part of the development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

Previous Development Applications

A Stage 1 Concept Development Application (DA) (D/2016/1451) (Figure 1-5) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

A 1999 development proposal for 238-240 Elizabeth Street consisted of a six-storey residential building.[2] (Figure 1-6).

Figure 1-5: D/2016/1451 Design (MHN Design Union)

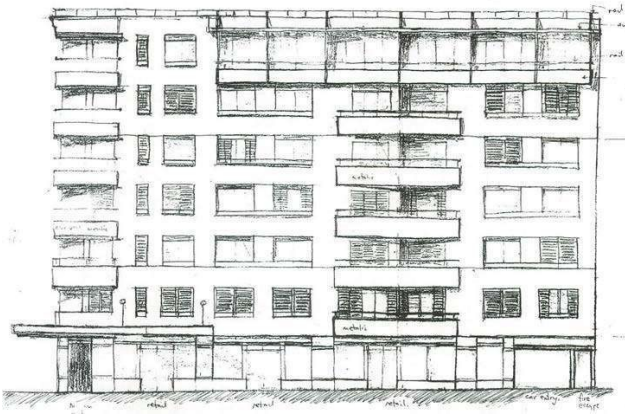

Figure 1-6: 1999 development proposal (Joshua Farkash & Associates)

[2] Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd, p. 1.

1.4. Previous Reports

Previous heritage reports on the study area include:

- Heritage 21, 2016. *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, prepared on behalf of Patglen Pty Ltd to accompany a Stage 1 DA, August 2016.
- Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd.

These heritage assessments were considered in the development of the current report.

1.5. Limitations & Constraints

This report is a preliminary desktop assessment of environmental, Aboriginal archaeological and non-Aboriginal archaeological potential only. A site inspection took place on 27 October 2022, although sections of the study area were not accessible at the time due to resident occupation and business opening hours. The study area is completely covered with structures and concrete. No consultation with the local Aboriginal community has been undertaken as part of this assessment, and therefore no social or cultural assessment of Aboriginal heritage values has been undertaken at this time.

1.6. Authorship

This report has been prepared by Alex Thorn (Archaeologist and Heritage Specialist) and Marika Low (Archaeologist), reviewed by Sarah McGuiness, Senior Archaeologist and James Rongen-Hall, Director, Projects and Engagement, of Curio Projects. Mapping was prepared by Joshua Godino, GIS Specialist, of Curio Projects.

2. Statutory Context

2. Statutory Context

In NSW, heritage items and known or potential archaeological resources are afforded statutory protection under the:

- National Parks and Wildlife Act 1974 (NSW) (NPW Act);
- Environmental Planning and Assessment Act 1979 (NSW) (EPA Act); and
- Heritage Act 1977 (NSW) (Heritage Act);

In NSW Aboriginal cultural heritage is governed by the National Parks and Wildlife Act 1974 (NSW) (NPW Act); and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) whilst Historical archaeology is governed by the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act).

There are further planning policies and controls that provide a non-statutory role in the protection of environmental heritage. These include Development Control Plans for each local Council area.

2.1. National Parks and Wildlife Act (NSW) 1974[3]

The NPW Act, administered by the Aboriginal Heritage Regulation Section, Heritage NSW, of the NSW Department of Premier and Cabinet (DPC) (formerly known as the Office of Environment and Heritage – OEH), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal Places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

> *"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains."*

The NPW Act provides the definition of 'harm' to Aboriginal objects and places as:

> *"...any act or omission that:*
>
> *(a) Destroys, defaces or damages the object or place, or*
>
> *(b) In relation to an object – moves object from the land on which it had been situated, or*
>
> *(c) Is specified by the regulations, or*
>
> *(d) Causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b), or (c)*

The NPW Act also establishes penalties for 'harm' to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of Aboriginal objects and cultural material is to seek an Aboriginal Heritage Impact Permit (AHIP)

[3] National Parks and Wildlife Act 1974 No 80, accessed Oct 2022, <https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080 >

under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirements of an approved AHIP.

There are no gazetted Aboriginal Places in the study area.

All Aboriginal Objects and Places are protected under the NPW Act, whether they are recorded or not.

2.2. Native Title Act 1993

The Native Title Act 1993 provides the legislative framework to recognize and protect native title, which recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Native Title Act, native title claimants can make an application to the Federal Court to have their native title recognised by Australian Law.

A search of the National Native Title Tribunal[4] was conducted on 26 October 2022 and there were no native title claims or determinations in place for the study area.

2.3. Heritage NSW (former OEH) Guidelines

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW and EP&A Acts, the (former) NSW Office of Environment and Heritage (now part of Heritage NSW) have prepared a series of guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regard to Aboriginal heritage in NSW and implements best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. These guidelines include:

- DECCW 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice)
- OEH 2011a, *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (the Guide to Investigating)
- DECCW 2010b, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice)
- DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Guidelines)
- OEH 2011b, *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants.*[5]

The purpose of the Due Diligence Code of Practice is to 'assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP'. This current report has been prepared in accordance with the Due Diligence Code of Practice.

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[4] National Native Title Tribunal, *NNTT Registers and Databases*, http://www.nntt.gov.au/searchRegApps/Pages/default.aspx

[5] All available from Heritage NSW, *Aboriginal cultural heritage publications,* < https://www.heritage.nsw.gov.au/search-for-heritage/publications-and-resources/aboriginal-cultural-heritage-publications/>

Due Diligence Assessment Process

The Due Diligence Assessment process (in accordance with the Due Diligence Code of Practice guidelines) (Figure 2-1) is a step by step process that provides proponents with a reasonable method to follow to determine whether their proposed activity has the potential to harm Aboriginal objects, and to identify reasonable constraints and opportunities of the activity, relating to Aboriginal heritage in the activity location. The primary steps of the Due Diligence process are:

- Step 1 – Determine whether the activity will disturb the ground surface or any cultural modified trees.
- Step 2a – Database Search of the OEH Aboriginal Heritage Information Management Services (AHIMS), and other known sources to determine whether any registered sites are located within/near the study area.
- Step 2b – Environmental and Landscape Assessment.
- Step 3 – Impact Avoidance Assessment.
- Step 4 – Desktop Assessment and Visual Inspection.

Following this process, should the assessment determine that Aboriginal objects are likely to be present and have potential to be impacted, the Due Diligence Code of Practice advises further investigation and impact assessment (Step 5). Should the assessment determine that Aboriginal objects are unlikely to be present/unlikely to be harmed through the proposed activity, then the activity may proceed with caution.

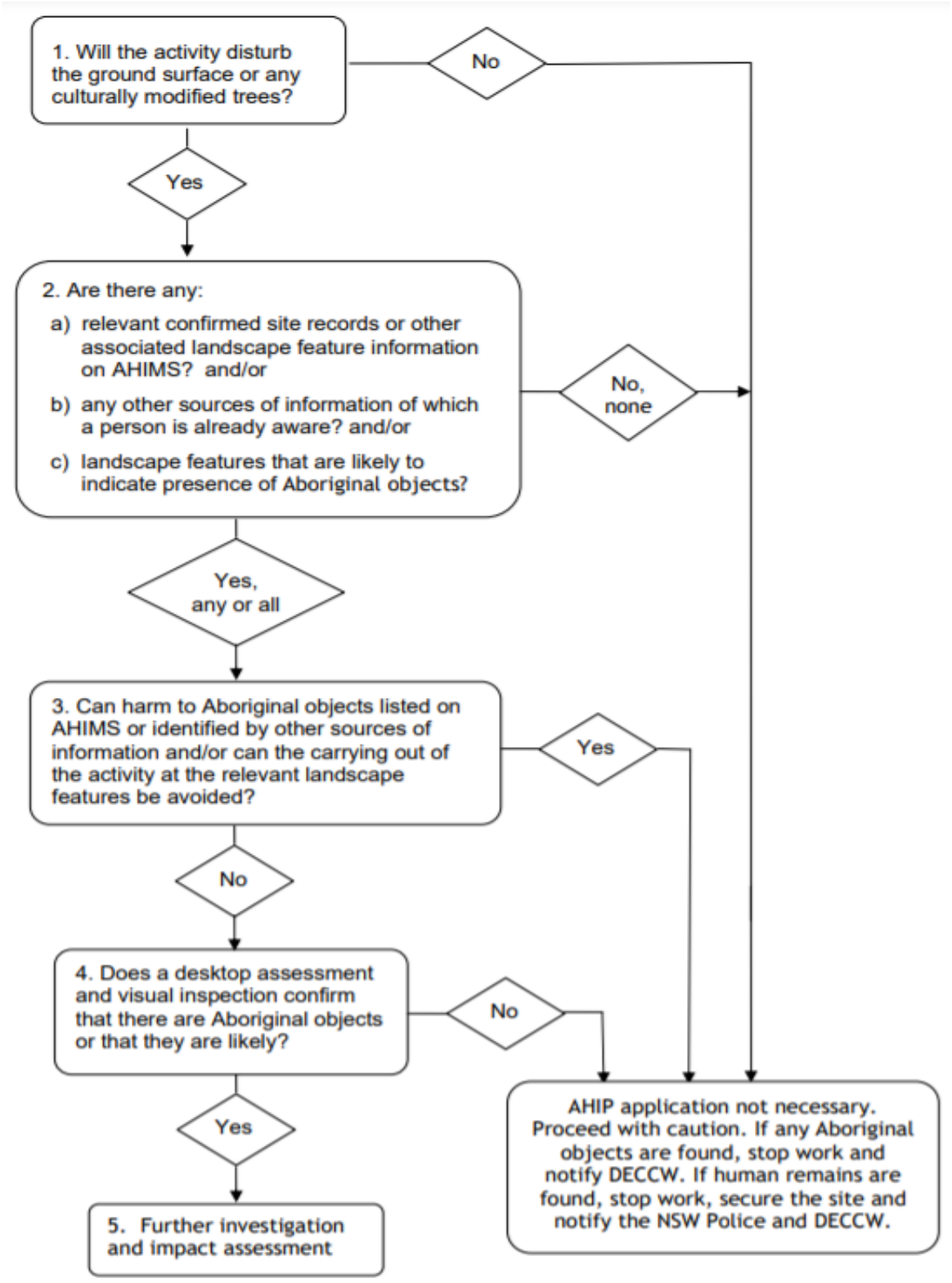

Figure 2-1: Outline of the Due Diligence process (Source: OEH 2010).

2.4. Heritage Act (NSW) 1977

In NSW, heritage items are afforded statutory protection under the Heritage Act. Heritage places and items of importance to the people of NSW are listed on the NSW State Heritage Register (SHR) and may include Aboriginal and Non-Aboriginal listings.

The Heritage Act defines a heritage item as a 'place, building, work, relic, moveable object or precinct'. The Heritage Act is responsible for the conservation and regulation of impacts to items of State heritage significance, with 'State Heritage Significance' defined as being of 'significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item'.

Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under s140 of the Heritage Act for relics not listed on the SHR or under Section 60 for relics listed on the SHR. An application for an excavation permit must be supported by an Archaeological Research Design and Archaeological Assessment prepared in accordance with the Heritage NSW archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under s139 (4) (items not on the SHR) or an exemption under s57 (2) (items on the SHR) of the Heritage Act.

State Heritage Register

The SHR was established under Section 22 of the Heritage Act in 1977 and is encompassed by a list of places, objects, and archaeological sites of particular importance to the people of NSW. It is administered by the NSW Heritage, DPC and includes a diverse range of over 1,500 items, in both private and public ownership.

No items listed on the SHR are within the study area.

Two Items are located proximal to the study area, The first is the *Sydney Terminal and Central Railways Group* (Listing 01255, gazetted 2 April 1999) [6] which is located directly west of the study area. The SHR curtilage for the listing does not extend to the study area (Figure 2-3). The second is *Sharpies Golf House Sign* (Listing #01655, gazetted 1 Nov 2002) [7] which was located north of the study area on the corner of Elizabeth and Blackburn Streets (Figure 2-2) prior to its removal and donation to the Museum of Applied Arts and Sciences. These items are listed in Table 2-1 with details of these items including their statements of significance included as Appendix C

Table 2-1: SHR items proximal to the study area

Item	Significance	Listing No.
Sydney Terminal and Central Railway Stations Group	State	01255
Sharpies Golf House Sign	State	01655

[6] NSW State Heritage Inventory, *Sydney Terminal and Central Railway Stations Group*, State Listing, accessed Oct 2022.
[7] NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House)*, State Listing, accessed Oct 2022.

Figure 2-2: Study area and surrounds, SHR items in blue, study area outlined in turquoise (Source: SHI Map with Curio additions)

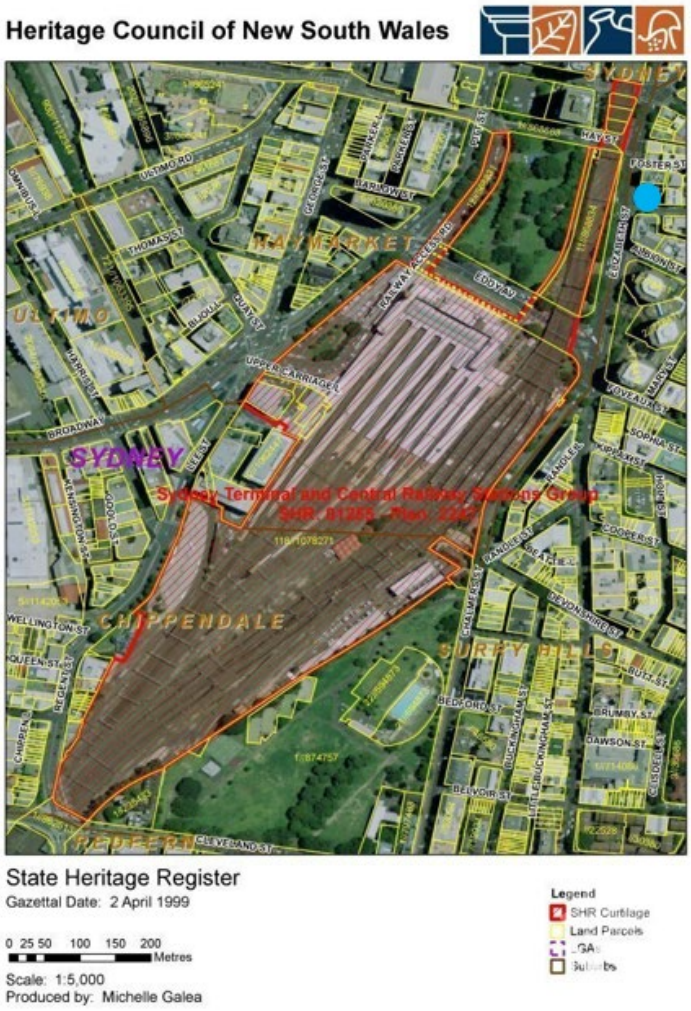

Figure 2-3: SHR Curtilage for *Sydney Terminal and Central Railway Stations Group* , location of study area indicated by blue dot (Source: SHI Website with Curio additions)

Section 170 Heritage and Conservation Register

Government Agencies are required to keep a register of heritage items that they own, occupy, and manage in accordance with Section 170 of the Heritage Act. This is known as a Heritage and Conservation Register, commonly referred to as a Section 170 (s170) Register. The agencies are required to identify, conserve, and manage the heritage assets included on this register.

No items listed on the s170 Heritage Conservation Register are within the study area.

2.5. Environmental Planning and Assessment Act (NSW) 1979

The NSW Department of Planning and Environment (DPE) administers the EP&A Act, which provides the legislative context for environmental planning instruments to be made to legislate and guide and the process of development and land use. The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW'. The EP&A Act establishes the framework for assessing cultural heritage values in the context of land use planning and development consent processes and requires that impacts, including impacts on heritage items, be considered prior to land development.

Local governments are also required under the EP&A Act to prepare planning instruments such as LEPs in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required. Local heritage items, including known archaeological items, identified Aboriginal Places and heritage conservation areas are protected through listings on LEPs or Regional Environmental Plans (REPs). The EP&A Act also requires that potential Aboriginal and historical archaeological resources be adequately assessed and considered as part of the development process, in accordance with the requirements of the Heritage Act.

2.6. Sydney Local Environmental Plan (LEP) 2012

The Sydney LEP 2012 provides local environmental planning provisions for land within the City of Sydney LGA. Clause 5.10 of the Sydney LEP (2012) outlines the controls for heritage conservation including the conservation of Aboriginal objects, Aboriginal places of heritage significance, built heritage and archaeological sites.

No items listed on the Sydney LEP are within the study area.

The study area is not located within a Heritage Conservation Area (HCA).

Items of local significance and heritage conservation areas located in the proximity of the study area are listed below in Table 2-2. The closest items being Belmore Park[8] and the Central Station Railway Group[9] located directly west of the study area. The closest HCAs are *Reservoir Street and Forestville* (C66) located to the east of the study area and *Albion Estate* (C58) located south of the study area (see Figure 2-4 and Figure 2-5). Details of these heritage items including their statements of significance have been included as Appendix C

[8] NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing, accessed Oct 2022.

[9] NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu*, Local listing, accessed Oct 2022.

Table 2-2: Locally listed items proximal to the study area

Item	Significance	Listing No.
Central Station Railway Group	Local	I824
Belmore Park Grounds, Landscaping and Bandstand	Local	I825
Commercial Building Element 'Sharpies Golf House' sign	Local	I1532
Industrial Building 'Prospect House'	Local	I1424
Warehouse 'Edwards & Co'	Local	I1545
Community Building 'Norman Gibson & Co'	Local	I1466
Former Commercial Building 'Silknit House'	Local	I1572
Former City Sydney Mission Headquarters	Local	I1569
Terrace Group	Local	I1570
Chinese Masonic Hall	Local	I1571
Warehouse	Local	I1585
Reservoir Street & Forestville	Local	C66
Albion Estate	Local	C58

Figure 2-4: Section from Sydney LEP 2012 Map 1, study Area in turquoise (Source: Sydney LEP 2012 with Curio overlay).

Figure 2-5: Section from Sydney LEP 2012 Map 16 showing the location of the Albion Estate HCA (C58) (Source: Sydney LEP 2012)

2.7. Sydney Development Control Plan (DCP) 2012

The Sydney DCP 2012 is a non-statutory development control plan that provides the detailed design guidelines to support the LEP 2012. The DCP provides guidance on how development may occur and includes primary objectives to ensure that items of environmental heritage are conserved, respected, and protected.

The Sydney DCP 2012 does not have a specific Aboriginal cultural heritage section. Controls relating to Aboriginal cultural heritage are mentioned in General Provisions – Section 3.9 Heritage. This section identifies the following objective: "*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.*"[10]

Table 2-3 below provides a summary of the current land zoning associated with land contained within the study area.

Table 2-3: Current Zoning of land contained within the study area

Address	Lot / DP	Current Zoning
232-236A Elizabeth Street	SP71379	B4 – Mixed Use
238-240 Elizabeth Street	Lots 1 & 2 DP779385 Lot 1 DP664653	B4 – Mixed Use

[10] Sydney DCP 2012, Section 3.9 Objective (a)

Aboriginal Heritage and non-Aboriginal Archaeology

Controls relating to Aboriginal cultural heritage and non-Aboriginal archaeological resources from the City of Sydney DCP 2012 and the correlating section of this report are outlined in Table 2-4 below.

Table 2-4: Aboriginal cultural heritage controls in the City of Sydney DCP 2012

DCP Section	Text	Response
General Provisions, Section 3.9.3 – Archaeological Assessments	*(3) An archaeological assessment is to be submitted as part of the Statement of Environmental Effects for development applications affecting an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance.*	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(4) An archaeological assessment is to include:* *(a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance.*	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance.*	This report has been prepared to investigate the probable impact the proposed development may have on archaeological heritage resources within the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	*(e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.*	A preliminary consideration of management measures has been undertaken as part of this report and is considered in the development of the recommendations section.

3. Historical Development of the Study Area

3. Historical Summary

3.1. Aboriginal Sydney

The timing and nature of initial Aboriginal occupation in the Sydney region remains poorly understood.[11] Past Aboriginal occupation within the Sydney region was likely shaped by changes in sea levels and associated environmental conditions throughout the last glacial cycle. The most recent period of maximum glaciation in Sydney was 15,000-18,000 BP, at which time sea levels would have been up to 130m below current, pushing the coastline further to the east. Around 10,000 years ago at the end of the Pleistocene epoch, the polar ice caps melted, and sea levels began to rise, which would have forced Aboriginal people to abandon coastal sites and move inland, significantly influencing both physical occupation patterns, as well as economic and social habits. By around 6,000 years ago, rising sea levels had flooded what was once a coastal plain along Sydney's east coast, forming the landscape of Sydney harbour and its river valleys roughly as they occur today.[12] It is currently unknown whether the earliest Aboriginal groups were "interior forest dwellers" or coastal groups "tethered to large river systems draining the coastal plain".[13]

Although occupation of Australia is now understood to date back to at least 65,000 years,[14] archaeological deposits dating to the Pleistocene are rare in the Sydney region with few archaeological sites having been dated to before 10,000 BP. Currently, the earliest date for Aboriginal occupation in the Sydney Basin region derives from an open context site 'RTA-G1' located in Parramatta approximately 18km to the north west of the current study area, which indicates that the Sydney region was occupied by at least 30,735 ± 3000/-2000 (ANU-4016).[15] The oldest inhabited rock shelter in the Sydney region, Shaws Creek K2, located on the western side of the Nepean River, has been dated to approximately 17,800 years.[16] In contrast, the majority of archaeological sites in Sydney that have been scientifically dated, provide evidence of occupation dating to 5,000 BP and later following the stabilisation of sea levels.

Prior to the arrival of Europeans in Sydney Cove, the current study area would have formed part of the hunting and gathering grounds of the Eora. The term 'Eora' has frequently been used to refer collectively to the Aboriginal groups occupying the central and eastern Sydney regions, however, the true meaning and history of the term is unclear. It has been suggested, for instance, that the term 'Eora' was used by colonists as a word for 'people' and that there is no evidence in ethnographic accounts for the word ever having been used in the context of describing particular tribes, groups or places.[17]

The Sydney region has two main language groups: Darug – with two main dialects, one spoken along the coast and another in the hinterland/Cumberland Plain region of western Sydney; and Tharawal –

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[11] Williams, et al 2021, 'Was Aboriginal population recovery delayed after the Last Glacial Maximum? A synthesis of a terminal Pleistocene deposit from the Sydney Basin, New South Wales, Australia.' *Journal of Archaeological Science Reports,* 40: 103225.
[12] Attenbrow, V., 2010*, Sydney's Aboriginal Past. Investigating the archaeological and historical records*. UNSW Press, Sydney, pp. 38-39.
[13] Williams et al. 2021, p. 10.
[14] Clarkson, C et al., 2017, 'Human occupation of northern Australia by 65,000 years ago'. *Nature* (547), pp. 306-310.
[15] Jo McDonald 2005 pp.107-125.
[16] Nanson et al. 1987, p. 76.
[17] Attenbrow 2010, p. 27.

spoken to the south of Botany Bay.[18] Within the Darug language group, people belonged to smaller family/territorial groups or clans, through which they were connected to, and occupied, different areas of land across Sydney. The Surry Hills area is understood to have formed part of the boundary between the Wangal (or Won-gal) and Gadigal (or Cadi-gal) clans of the coastal Darug. According to early records of Governor Philip, the Gadigal lands stretched from "the entrance of the harbour, along the south shore, to the cove adjoining the settlement".[19] The traditional territory of the Gadigal is therefore recognised to extend along the southern side of the Sydney Harbour from South Head, west to approximately Darling Harbour (previously known as Cockle Bay), and south towards Botany Bay.

The Gadigal people are understood to have spoken the Darug (or Dharruk) language which was shared by groups across the greater Sydney region along the Sydney coast between Port Jackson and Botany Bay, as far south as Appin, north to the Hawkesbury River, west to the Georges River, Parramatta and Blue Mountains.[20]

Despite differences in language, material culture and customs, the various Darug clans would likely have interacted at various times of the year for ceremonies, dispute resolution trade and marriage arrangement. It has been recorded, for instance, that the Gadigal clans engaged in a variety of important ceremonial rituals. Two such recorded rituals included tooth avulsion involving the removal of a tooth. This practice was associated with the initiation of young men when they came of age and was also practiced during significant ceremonial activities at ceremonial grounds located near Farm Cove called Yoo-lahng. Ceremonial rituals for young women involved the removal of the first two joints of the little finger on the left hand.[21]

At the time of the arrival of the First Fleet in January 1788, it is estimated that at least 1,500 Aboriginal people may have lived along the coastal region between Broken Bay and Botany Bay. The arrival of the First Fleet devastated the lives and activities of Aboriginal people in the Sydney Harbour area, restricting access to areas traditionally used for hunting and gathering, shelter, and for ceremonial purposes, while also introducing devastating diseases such as smallpox. It is estimated that almost half of Sydney's Aboriginal population died in the first smallpox epidemic recorded in the colony in 1789.[22] An 1819 watercolour painting by Joseph Lycett looking towards Sydney from Surry Hills in 1819 shows a small group of Aboriginal people camping on the margins of the colony demonstrating the continued use of the area by Aboriginal groups in the early 19th century (Figure 3-1).

[18] Attenbrow 2010.
[19] Philip 1790 [1892:309].
[20] Attenbrow 2010, p. 34.
[21] Unearthed Archaeology & Heritage 2019.
[22] Hinkson 2010.

Figure 3-1: Joseph Lycett, *Sydney From Surry Hills*, 1819 (Source: State Library NSW < https://archival.sl.nsw.gov.au/Details/archive/110327850>)

The area around Central Train Station and Belmore Park remained an important meeting place for Aboriginal people through the 1790s[23] as Collins describes Aboriginal people *'choosing a clear spot between the town and the brickfield for the performance of any of their rites and ceremonies ...'* [24]

Early settlers noted a road linking Cockle Bay to Botany Bay that acted as an important corridor for trade and movement for Aboriginal people in early Sydney. The area along this corridor between Cockle Bay and Botany Bay is described in 1788 by Governor Arthur Phillip as being occupied by wood and beyond that, a kind of heath- sandy and full of swamps. The same area is later described in 1792 by Atkins on a walk to the brick fields:

> *A very good road is made the whole way to it through the wood, where trees of an immense size border it on both sides, their lofty and wide spreading Branches look beautiful ... The underwood is mostly flowering shrubs, some of whom are now in blossom of the most vivid and beautiful colours imaginable, and many of them most delicately formed.*[25]

[23] AHMS 2015, *Central to Eveleigh Corridor: Aboriginal and Historic Heritage Review*, Sep 2015, p. 12.
[24] Collins 1798, Dec 1793 cited in AHMS 2015, p. 12.
[25] Atkins 1792 cited in AHMS 2015, p. 13.

The study area is located within this corridor, located on low ground near a creek that ran through the present Reservoir Street.[26] This creek joined an addition creek that ran along present Hay Street, emptying into the foreshore of Tumbalong (Darling Harbour).[27]

Much of the evidence of traditional Aboriginal lifestyle and economy was disrupted in the early years of European settlement and understandings of the local Aboriginal groups in the Sydney region are based on ethnohistorical sources and/or information obtained from the archaeological record. The pre-contact environment of the study area would have been an incredibly valuable location for Aboriginal people, with access to a plethora of important resources associated with the swamplands and associated creeks.

As hunter-gatherers, the local Aboriginal communities living in the area would have pursued a mixed food economy, utilising and relying upon readily available and abundant natural resources. The Sydney coastline, situated approximately 1 km from the study area, would have provided coastal resources including fish, shellfish and crustacea which could be gathered from the sea though availability and abundance of resources likely changed seasonally[28]. Nearby, Rose Bay would have been an ideal location for fishing expeditions along the harbour via bark canoe, as well as the surrounding landscape of Hawkesbury sandstone cliffs eroding into overhangs and rock shelters which would have been suitable for habitation. In contrast, the environment associated with locations further inland from the coast resulted in a reliance on the exploitation of possums, kangaroos, plant resources including vegetable roots, berries and seed and freshwater resources such as eels and mullet.[29]

Locations for camping were selected based on their ability to provide shelter from the weather in addition to being in locations with access to plant and animal foods and raw material resources. Based on the distribution of Aboriginal sites in the Sydney region, occupation appears to have been focused along valley bottoms and shoreline contexts and the density and complexity of sites has been suggested to vary in accordance with distance from permanent potable water sources and proximity to food, stone and other resources required for the manufacture and maintenance of tools, equipment and other cultural items.[30]

[26] Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[27] Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[28] Attenbrow, 2010, p. 62.
[29] Murray and White, 1988.
[30] DSCA 2003, p. 23.

3.2. Post-European Arrival

Since the colonisation, the Sydney landscape has been heavily modified. A summary of the modern development history of the subject area and its surrounds, including land reclamation, disturbance and historical development, is provided here in order to understand the effect that previous land use may have had on the preservation or destruction of potential Aboriginal archaeological remains and non-Aboriginal archaeological resources at this location. The following section presents an overview of the historical development of the study area post-European arrival.

3.2.1. Early Land Grants and Brickfields (Includes Phase 1 1788-c.1807)

A sandstone plateau, overlaid by a shale cap, formed the north-south corridor of Surry Hills with Crown Street as the western rim and the land sloping steeply after Riley down to Elizabeth Street.[31] The shale cap had weathered, becoming a hard blue clay that was ideal for brickmaking yet later caused problems for residents.

> *When dry and hard it did not absorb water easily. The low absorbency of the clayey soil, denuded of its protective vegetation, combined with the rapid fall in slope in many parts of Surry Hills meant water-torn gullies along the side of the plateau, to be followed, when building commenced in the area by gullied streets and flooded houses. Conversely, once the clay had absorbed water, it became a sticky mass difficult for pedestrians to traverse.*[32]

Foveaux's Grant

The first and grants in the area were made in the 1790s. In October 1793 Captain Joseph Foveaux was granted 80 acres[33], but by December this was extended to 105 acres "on the east side of the line laid down for the common ground appropriated for the town of Sydney'[34] that formed Surrey Hills Farm. Rent was 1 shilling for every 50 acres to commence after 5 years.[35] Foveaux did not reside on the farm but partially cleared the area through the use of convict labour, and farmed cattle.[36]

The study area appears on both the western border of Captain Joseph Foveaux's 1793 land grant of 105 acres (later Palmer's) (Figure 3-2) and 'The Brick-fields'. The Brickfields were a brick making and pottery precinct which had been established in the early days of the colony on an extensive clay resource. Originally situated near Parramatta Road near the crossing of Cockle Creek, they spread further north and by 1807 were within the town boundary of 1792.[37]

In 1800 John Palmer purchased Foveaux's Surry Hills Farm yet he was forced to sell his land in 1814 after suffering great financial losses supporting Bligh during the Rum Rebellion.[38] Meehan's 1813

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[31] Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis in Keating 2007, p. 12.
[32] Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis cited in Keating 2007, p. 12.
[33] Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)
[34] No 122, Dec 2, 1793 Book 1A. (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)
[35] No 122, Dec 2, 1793 Book 1A (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, p. 17)
[36] Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 16.
[37] Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999, p. 9.
[38] Steven, M. 'Palmer, John 1760-1833' *Australian Dictionary of Biography* (website) accessed Oct 2022.

and 1814 plans of Surry Hills show the study area, including 40-42 Reservoir Street, partially within John Foster's grant of this subdivision, and partially within the 'Brickfields' (Figure 3-9) . The Foster family retained the land until 1843 when it was subdivided.[39] (Figure 3-11, Figure 3-12). There was minimal development surrounding the study area as sale of the allotments was impacted by the depression of the 1840s.[40] A section of the study area including the properties at 40-42 Reservoir Street were within the boundary of Foveaux's grant.

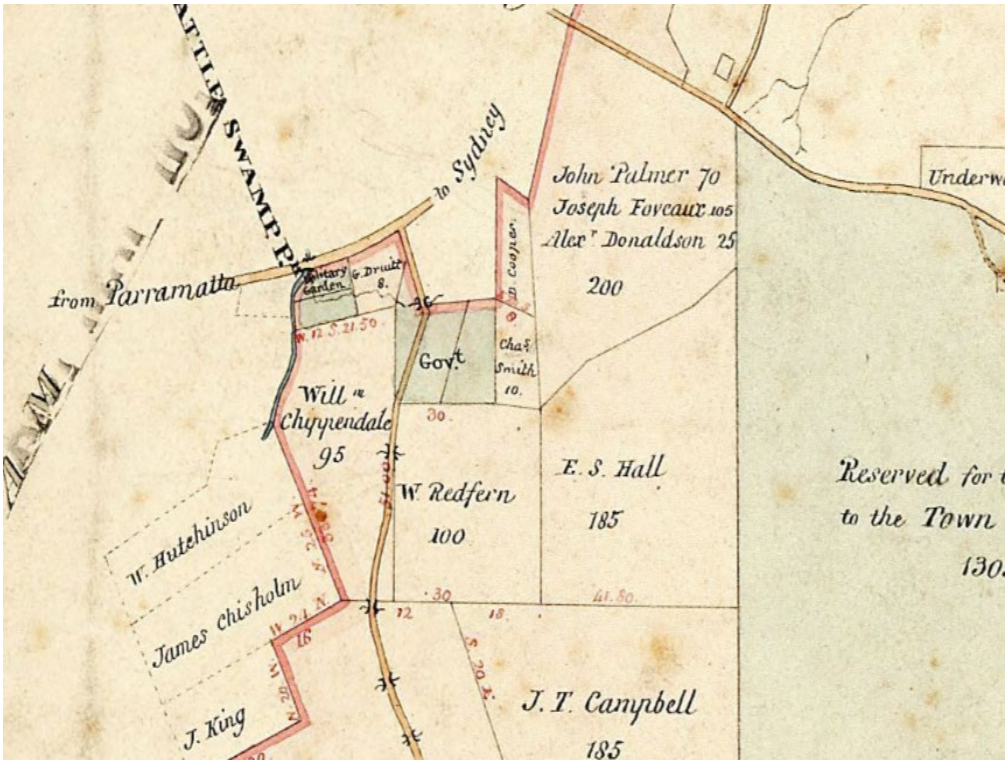

Figure 3-2: Section from AO Map No 185 showing the Parish of Alexandria, Country of Cumberland, no date (Source HLRV, Land & Water Conservation Map No 140663)

Tawell's Grant

A section of the study area (approximate location of 236 and 238-240 Elizabeth Street) are within a portion of John Tawell's original 1831 grant (Section 5, allotment 2). The grant was bound by the Fosterville Estate to the east, Wiliam Greville to the north, Elizabeth Street to the west and a Watch House reserve to the south.[41] Tawell sold the grant in 1834[42] to William Dalton who sold the northern section to William Webb in 1836[43] and the southern portion to J T Barrett in 1837.[44]

> *Barrett briefly retained the property before selling to Ward and Eliza Stephen in 1840. The title passed to William Russell in 1841, but reverted to Adolphus William Young through mortgage. Young sold the property to Thomas Brown in 1846. Brown retained the property for several years before selling it to Thomas Page, a licensed*

[39] Austral Archaeology, 1999, p. 10.
[40] Austral Archaeology, 1999, p. 10.
[41] Austral Archaeology, 1999, p. 9. also citing LTPO Grants Index 1827-1831
[42] Austral Archaeology, 1999, pp. 9.-10 also citing LTPO Grants Index 1827-1831
[43] HLRV LTO Book K-508, 1836
[44] Austral Archaeology, 1999, p. 10

victualler, in 1855. Page added to the property by the grant of a sliver of land formerly set aside for the Watch House in 1873 Page and his family through inheritance and trustees retained the property until 1946. The Pages lived at the study site (today number 240) from at least 1873 to 1897. The property was transferred to Henry Russell Elliott a second-hand dealer of Annandale for 6500 pounds in 1946. Hang Tat Enterprises purchased the property in 1987.[45]

Webb sold his northern portion of Tawell's grant to Jason Brown (Bk 6-506) on 11 April 1844, who is recorded in the 1845 Assessment books as owning/occupying a one storey wooden dwelling with a shingle roof.[46] The land was owned by several Brown's and trustees for John Brown until 1860 when it passed from Elizabeth Brown to Elizabeth and James Chapman.[47] Elizabeth Chapman consolidated the property with a lot from Greville's Section 5 allotment 3 grant and following Elizabeth Chapman's death in 1882 the combined lot passed to Catherine McDonald.[48] Following McDonald's death it was sold to Samuel Hordern[49] who at the time occupied 230 Elizabeth Street on the corner of Foster Street.

Figure 3-3: Corrected Survey of the vacant land at Fosterville - Campbell St, Foster St, Elizabeth St, Albion St, Ann St, Gipps St, Mary St, Macquarie St, Smith St, Samuel St, Riley St , no date but 'Young' suggests 1840s (State Library NSW Image 440 of <https://collection.sl.nsw.gov.au/record/74VvqdwMJ3Zl/ZMe3NJDMz3007>)

[45] Austral Archaeology, 1999, p. 10
[46] Assessment Books 1845, Cook Ward.
[47] HLRV PA11245
[48] HLRV PA11245
[49] HLRV PA11245

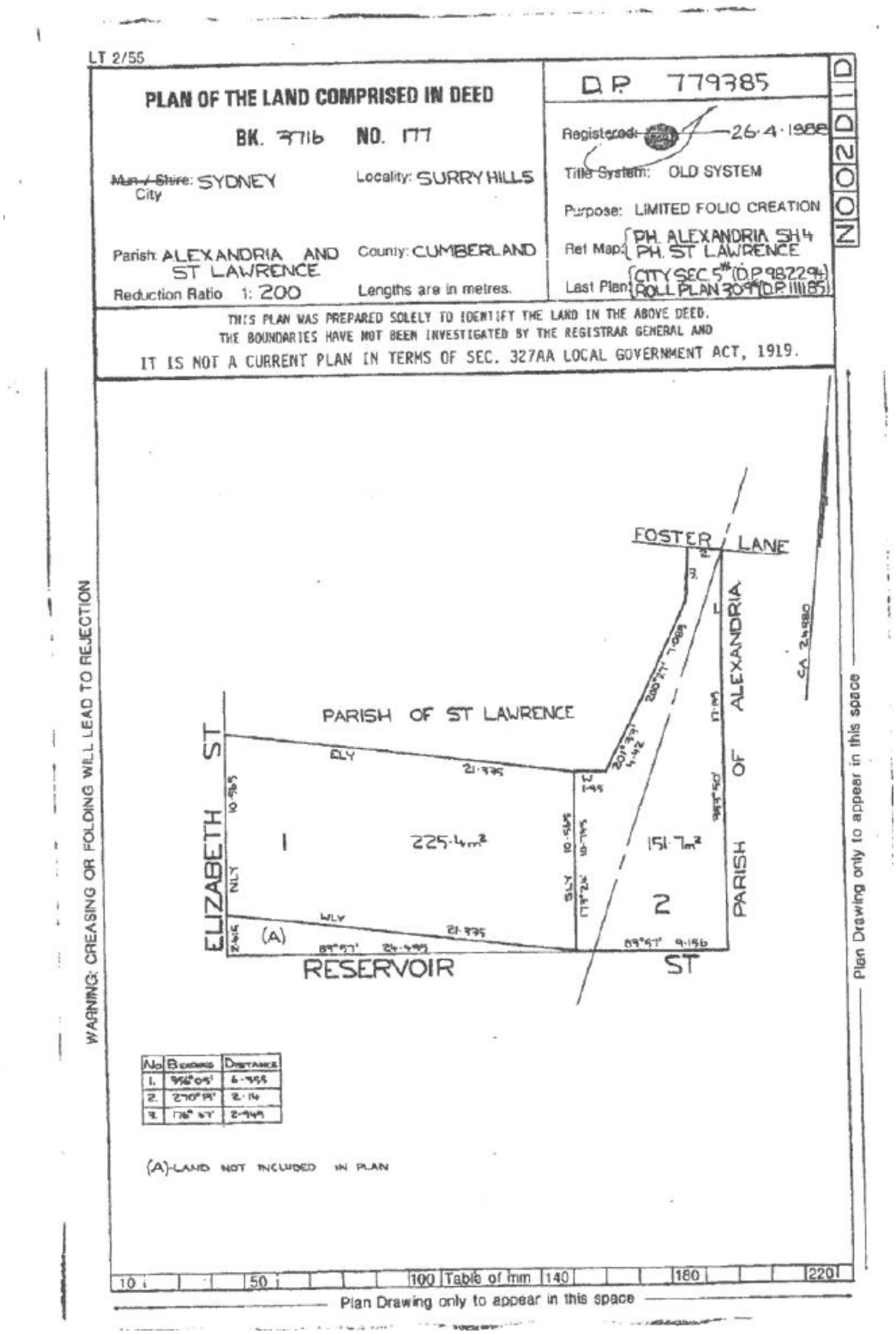

Figure 3-4: DP779785 formed from both Foveaux's 1790 and Tawell's 1830 grants

Greville's Grant

In 1831 Willliam Charles Greville was granted 33 perches on Elizabeth Street (Section 5, allotment 3), bound to the north by a lane that led to the Surry Hills Estate.[50] This lane took his name becoming Greville Street (present Foster Street). Historical maps and plans (including Figure 3-11 and Figure 3-12) indicate that the northern portion of the study area (approximate location of 232-234 Elizabeth Street) is within Greville's grant, whilst the southern portion is within the 1831 grant to John Tawell.

Greville was not recorded as living on his lot from c.1858[51] and from 1862 was recorded as living at Thomas Page's property on the corner of Elizabeth and Gipps (now Reservoir) Streets, then known as [426] Elizabeth, now 238-40. Greville subdivided his land around 1874 (partially evident in Figure 3-3) and sold lot 4 to Thomas Page on 30 Nov 1874. Within several days, Page sold the property to Elizabeth Chapman, who lived at then [422-424] Elizabeth Street, between the two properties.

Elizabeth Chapman retained the property until 1882 when she passed away and Catherine Ann McDonald took ownership of her combined property that constituted part of Greville's and part of Tawell's 1831 grants as discussed above.

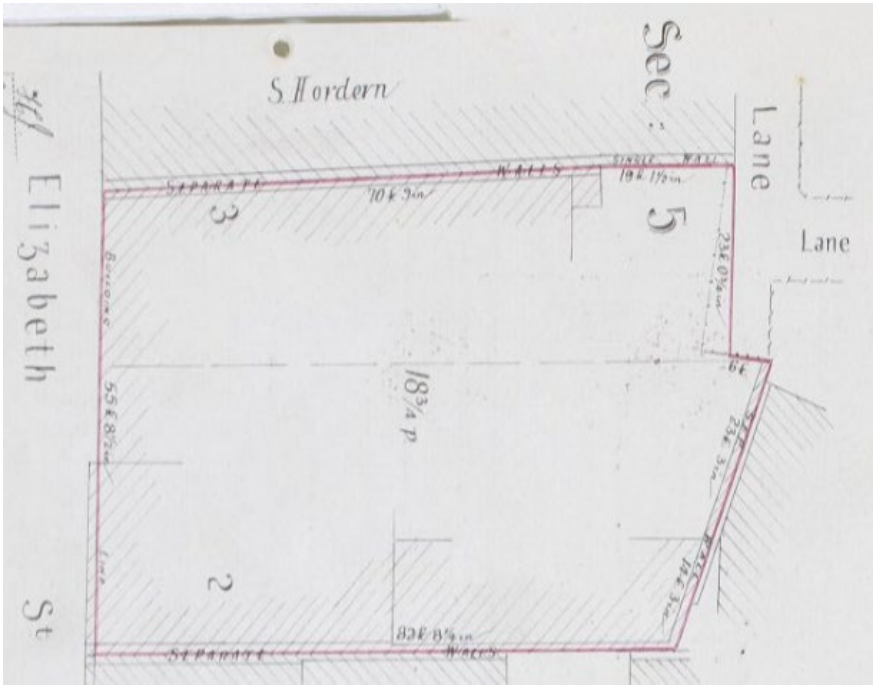

Figure 3-5: PA 11245, Vol 1330, fol 109 showing the property (now SP1379) formed from both Greville's and Tawell's grants

[50] 'Government Notice: Town Allotments' *The Sydney Morning Herald*, 23 May 1831, p. 1.
[51] Assessment Books, Cook Ward 1858, 1860, 1861

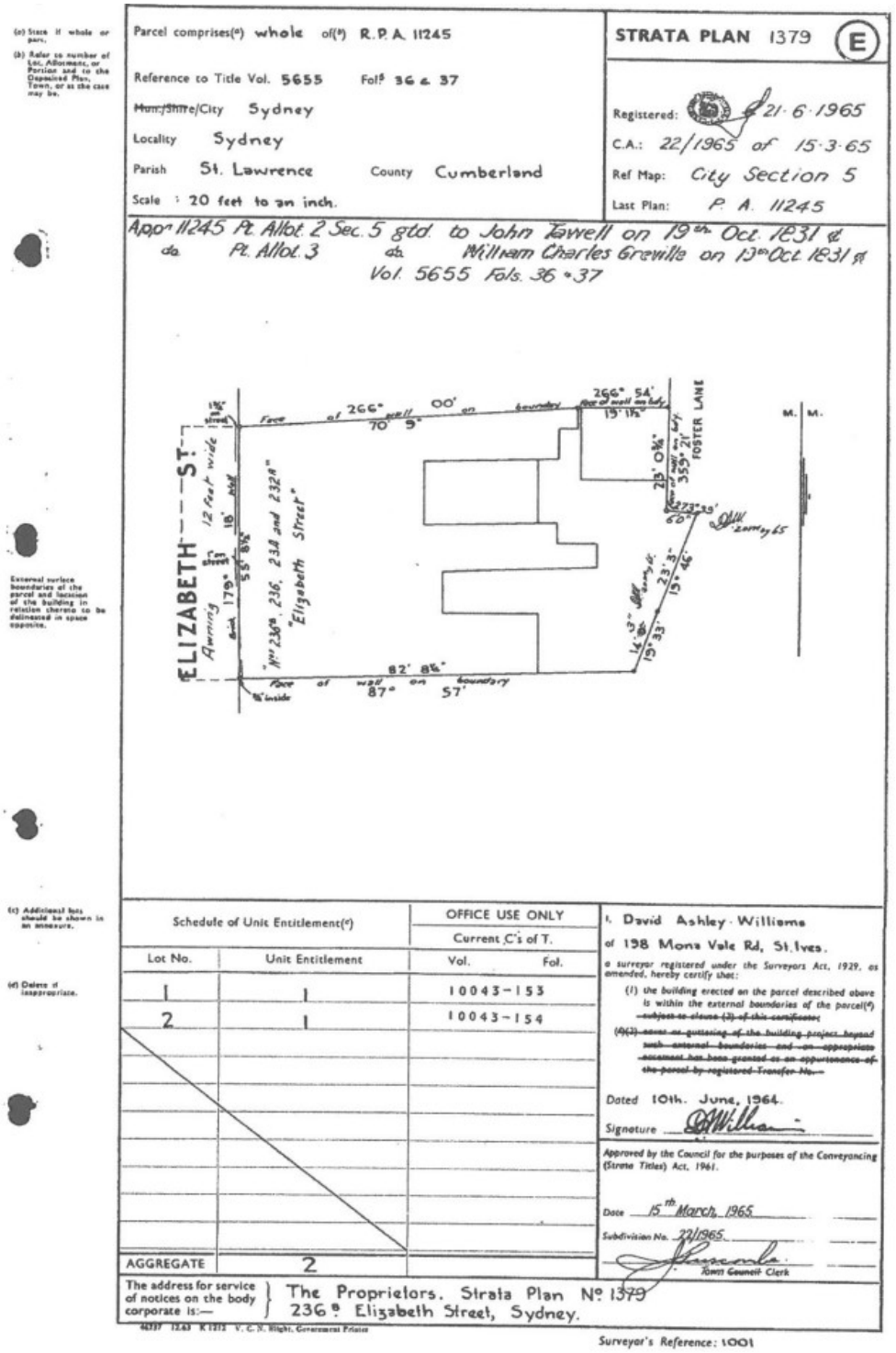

Figure 3-6: SP1379 formed from Greville's and Tawell's 1831 land grants.

Page's Grant

Thomas Page acquired a small portion of the study area in 1873.[52] A section of land reserved for a watch house was dissected when Gipps Street (now Reservoir Street) was joined to Elizabeth Street forming a ¾ perch sliver of land (DP664653, see Figure 3-7).[53]

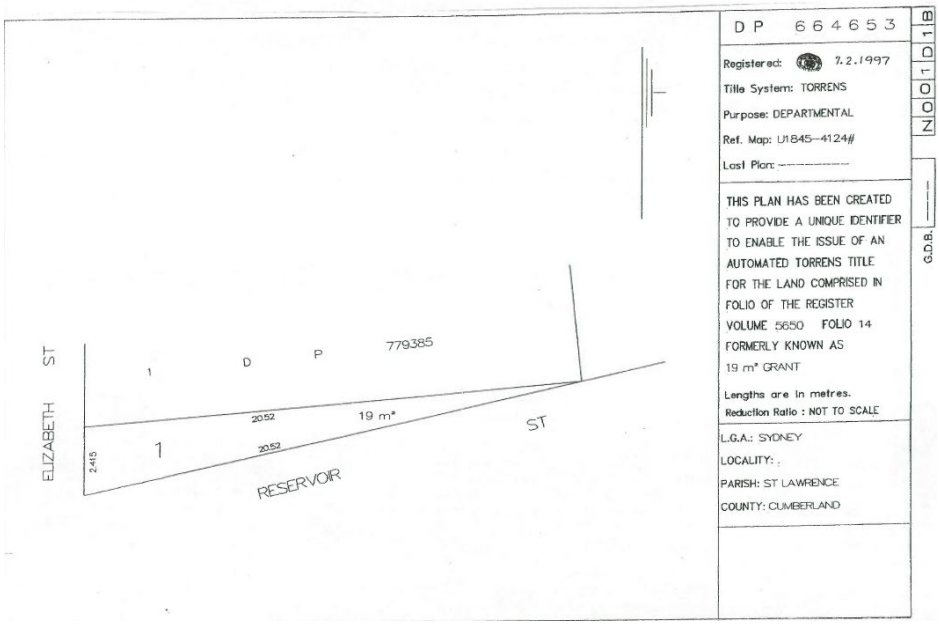

Figure 3-7: Page's 1873 Grant : DP664653 (Source LTO reproduced in Austral 1999 p. 31).

3.2.2. Phase 2: Subdivisions and potential usage c.1807-c.1843

Meehan's 1807 plan of Sydney shows a number of" irregularly built" huts scattered amongst the brick fields and across the ditch that formed the western boundary of Palmer's farm, one of which appears to be within the approximate location of the study area (Figure 3-8) , although there can be issues with accuracy with early maps. No documentary evidence for brickmaking within the study area has been recovered, yet this does not rule out the potential for brick making to have occurred within the study area. Many potters operated without leases or land titles[54] and an undocumented kiln was uncovered during archaeological excavations near the study area in Albion Street[55] (discussed in Section 6.1.2) . Wells' 1843 plan shows brick kilns located just east of the study area (Figure 3-10) and Keating[56] describes '*brick kilns on Samuel Foster's lots north of Albion Street*' during this period.

Around 1843 a couple of structures are evident near and within the study area as evidenced by Wells' map (Figure 3-10) and one of the Fosterville Estate (Figure 3-11). The 1843 maps of the Fosterville Estate subdivision (Figure 3-12) show a proposed extension of Foster Street through to Gipps (now Reservoir) Street (Figure 3-11) where a small square structure is evident, the extension did not eventuate and the land was subdivided (Figure 3-12). The structure would have been in the

[52] DP 1/664653, HLRV
[53] Austral Archaeology, 1999, p. 10
[54] Austral Archaeology, 1999, p. 11.
[55] Casey & Lowe cited in Austral Archaeology 1999, p. 34.
[56] Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 21.

approximate location of today's 40 Reservoir Steet.[57] The purpose of the structure is not known, although Austral noted that a watch house had been planned nearby[58] which is referenced in land descriptions of the study area.[59]

An additional property located on Elizabeth Street, appears in Wells' 1843 map (Figure 3-10), yet the location of this property appears to be north of the study area and appears to be the earlier residence of W C Greville.[60] Prior to the division of the Fosterville estate, access to the estate from Elizabeth Street was closed off.[61]

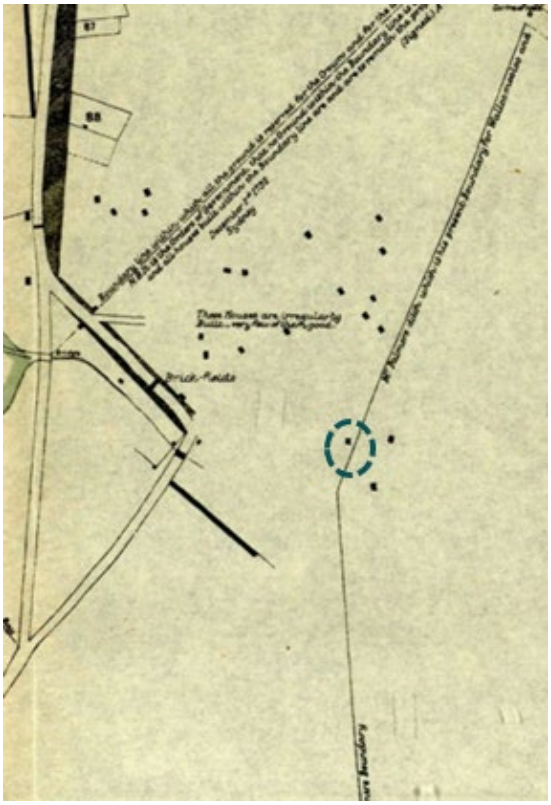

Figure 3-8: Meehan's Plan of the Town of Sydney in 1807 (Source: State Library NSW FL3738457). Approximate location of the study area circled.

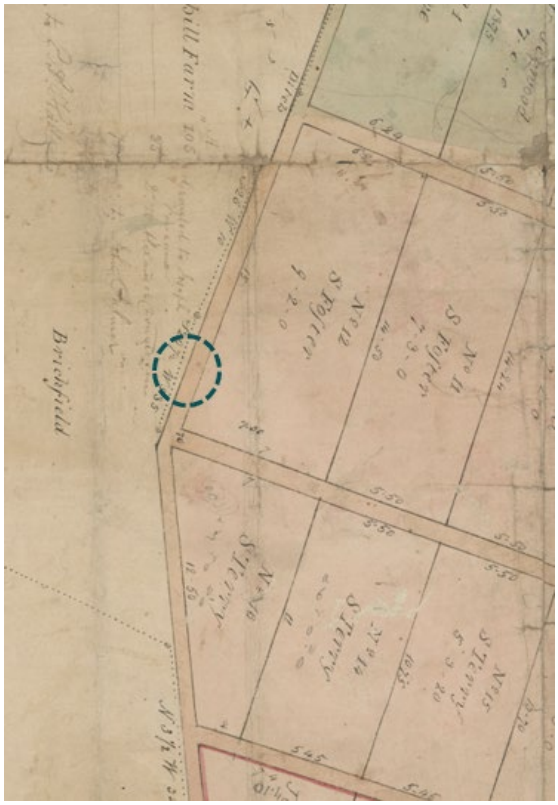

Figure 3-9: Study Area c.1814, Meehan (Meehan 1814-17), approximate study area circled. (Source: State Library NSW FL3787361 with Curio overlay)

[57] Austral Archaeology, 1999, p. 10
[58] Austral Archaeology, 1999, p. 10
[59] HLRV, LTO Book 3 fol. 896.
[60] Assessment Books, Cook Ward 1845.
[61] Keating, C. 2007, p. 29.

Figure 3-10: Section from Wells' 1843 Map of Sydney with approximate location of the study area circled (Source: State Library NSW FL3709191 <https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=IE3709175>)

Figure 3-11: 1843 Fosterville Estate, the property of John Smith to be leased showing the approximate location of the study area and a small, square structure within the approximate location of 40 Reservoir Street (Source: State Library NSWFL3672959)

Figure 3-12: 1843 Fosterville Subdivision showing the land to be within Greville's Grant on the border of the Forestville Estate. (State Library NSW https://collection.sl.nsw.gov.au/record/74Vv3O546JQy/WrNAWdzmjop2p)

3.2.3. Phase 3: Domestic residences c.1844 -c.1879

Compared with areas to the north, the study area was relatively undeveloped by the late 1840s and 1850s. The 1855 City of Sydney detail plan (see Figure 3-14 and Figure 3-15) shows three dwellings fronting Elizabeth Street on two blocks of land within the study area in the approximate location of 234-238 Elizabeth Street. W. C. Greville's property around the time appears just north of the study area and the dwelling was listed as being in bad repair.[62] In the approximate location of 234-236 Elizabeth Street, to the north there is a one storey wooden house with a shingled roof [266], occupied by Thomas Eustace in close proximity to a two storey brick house with a shingled roof [268] owned by John Brown and occupied by George Sweeting.[63] Water closets are evident at the rear of [268] and at the rear of [266] abutting the proposed extension of Foster Street (Figure 3-15). The assessment books beginning in 1845[64] record Jason Brown in a wooden house on the street at the time and the 1845 Shield's map, although not highly detailed, identify a structure in the study area (Figure 3-13). The brick building adjacent appears to have been constructed around 1853-55 as it does not appear on the 1852 Assessment books.

The house in the vicinity of 238 Elizabeth Street [270] is a two-storey brick dwelling with a shingled roof. The property is listed as owned by Thomas Page and occupied by James Topham.[65] This also appears to have been constructed around 1853-1855.

By 1865 demolitions and alterations to the properties have occurred (Figure 3-16). The wooden house [266] at 234-236 Elizabeth St appears to have been demolished and a brick structure built in the previously vacant lot to its north. The wooden house appears to have been demolished in c.1861-1862 as the Assessment books for 1861 record George Sweeting as the owner/occupier, but the building is noted as being in a very dilapidated condition.[66] By 1862 James Chapman is listed as the owner/occupier of the two-storey brick house with a slated roof and a coach house, stables and hay loft at the rear.[67]

The second property in the study area at the time (Page's) appears to be an extension of the previous [270] structure. The 1865 map shows a long brick structure extending from Elizabeth Street through to the eastern border of the property. At this time, the property is owned by Thomas Page but occupied by W. C. Greville. The Assessment books describe it as a 2 storey, 7 room brick house with a shingled roof.[68]

In 1873 Page added the sliver of land on the corner of Elizabeth and Gipps (Reservoir) Streets to his residence at 238-40 Elizabeth Street. It appears that Page extended his house to the corner of Gipps and Elizabeth Street at this time, its façade reaching its current form.[69]

As mentioned above, Greville subdivided his land on the corner of Elizabeth and Greville (Foster) Streets in 1874, and Thomas Page purchased lot 4, to the south of Greville's property on 30 November 1874, selling it several days later to Elizabeth Chapman, now a widow, who lived next door.

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[62] Assessment Books, Cook Ward 1858.
[63] Assessment Books, Cook Ward 1858.
[64] Assessment Books, Cook Ward 1845.
[65] Assessment Books, Cook Ward 1858.
[66] Assessment books, Cook Ward 1861
[67] Assessment books, Cook Ward 1862
[68] Assessment books, Cook Ward 1862
[69] Austral 1999, p. 11.

During this stage the properties appear to have been used predominantly as domestic residences.

Figure 3-13: 1845 Shield's Map showing approximate location of the study area (Source: City of Sydney Archives)

Figure 3-14: 1855 structures within the study area (Source: Curio Projects 2022)

Figure 3-15: Section from 1855 City of Sydney Detail Plan

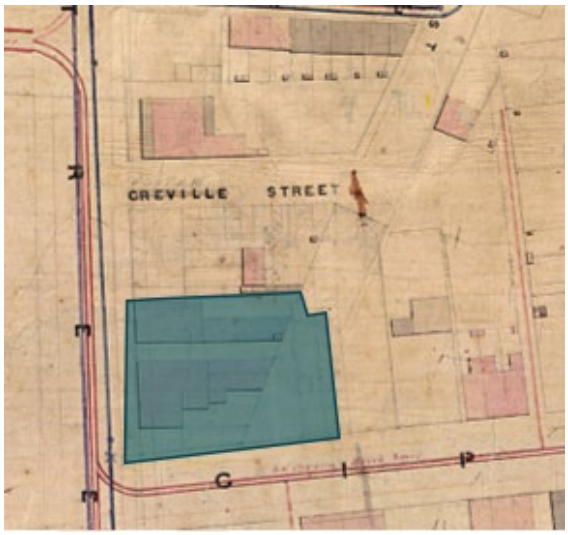

Figure 3-16: 1865 Trigonometrical Plan of Sydney (Source: City of Sydney Archives)

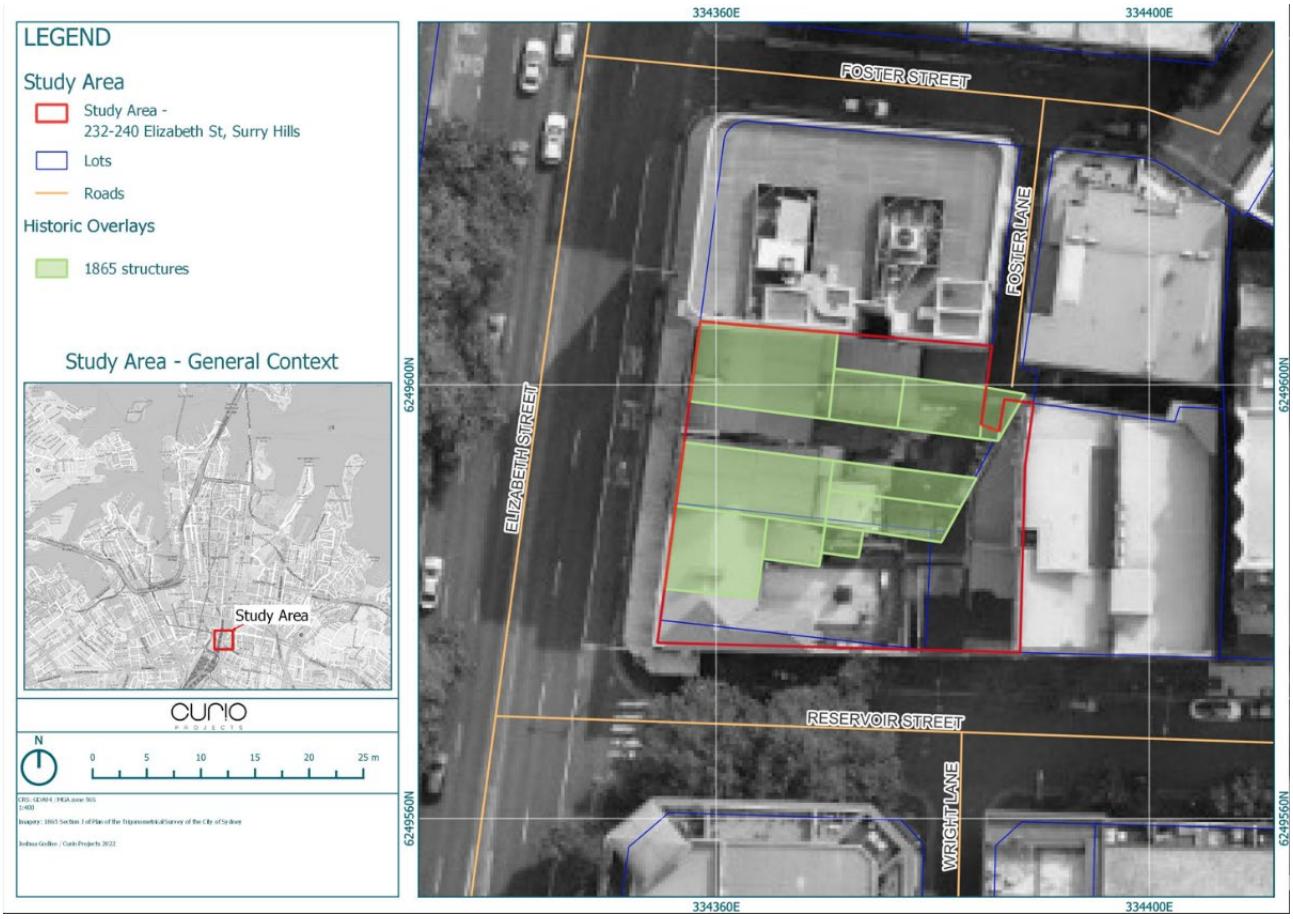

Figure 3-17: 1865 structures within the study area (Source: Curio Projects 2022)

3.2.4. Phase 4: Commercial and residential occupation c.1879-c.1920

232-236 Elizabeth Street

When Elizabeth Chapman died in 1882 and her death notice lists her address at 'Cleugh Terrace'[70], Elizabeth Street suggesting the present terraced building structure replaced the previous structures during her ownership, a search for advertisements under this name revealed its use from 1879-1885[71]. From 1879 the Sands Directory, and Assessment Books from 1880[72] shows a distinct change in both street numbering and occupancy for the property, extending to three street numbers ([420, 422, 424], by 1880 known as the present numbering 232, 234, 236) and three occupants.

In 1879 there appears to be a shift in the usage of the 232 to 236 Eizabeth Street properties [then 420-424] with the Sands recording three addresses and a combination of residential and commercial occupation.[73] From 1879 (and until 1885) the building was referenced as "Cleaugh Terrace" suggesting that the terrace building across 232-236 was constructed around this time. Within the year they have the current numbering system of 232-236.[74] Elizabeth Chapman appears to have continued to live at the premises, renting out rooms until her 1882 death, after which time Catherine McDonald took ownership of 232-236 Elizabeth Street.

The building footprint that appears on the 1888 Rygate and West Map, and the later 1895 Metropolitan water detail map, suggest that the building constructed at this time (c.1879) is likely the current building at 232-236 Elizabeth Street as the dwellings are in a similar alignment to those present today. The 1888 map (Figure 3-18) shows McDonald remaining as the owner of 232-236 Elizabeth Street. They appear as brick/stone terraces between 2 [236] and 3 [232 and 234] floors with brick outhouses and yards.

The terraces at 232-236 Surry Hills appear to have operated in both a commercial capacity and boarding/ lodging houses during this phase. From 1892, 232 and 234 Elizabeth Street were listed as boarding-houses and lodging houses. No. 232 was advertised as a Jewish Boarding House operated by Mrs Jen Davis from 1898[75] until her death in 1899.[76] Dr Richard Grindrod, a "Medical Practitioner" "Specialist" and "Hydropathist" occupied 236 Elizabeth Street from c. 1888 to 1911 when a series of other hydropathists occupied the property until 1920.[77]

On 3 March 1898 John McDonald, as executor of the will of the widow Catherine Ann McDonald[78] sold the property comprised of Sections of Greville's and Tawell's grants, to Samuel Hordern, who had owned the northern section of Greville's grant since 1891.[79] From the south east corner the land followed "on the East by lines along the east side of a very old stone wall along part of the western boundary of the Surry Hills Estate".[80]

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[70] 1882: 'Family Notices' *The Sydney Morning Herald*, 14 Jun 1882, p. 1.
[71] A Trove search for "Cleugh Terrace" show advertisements and notices from 1879-1885.
[72] There are no assessment books available for 1878 and 1879
[73] Sands 1879.
[74] Assessment Books, Cook Ward, 1880
[75] The Hebrew Standard of Australasia 20 May 1898, p. 7
[76] The Sydney Morning Herald, 22 Aug 1899, p. 10
[77] Sands, various from 1888 to 1920
[78] see Book 618-700
[79] PA 1952, Vol 998 fol 515
[80] HLRV LTO Book 618 No 700

From c.1905-1910, Chow Kum, who operated the furniture business north of the study area on Anthony (and later Samuel) Horden's block on the corner with Foster Street is registered as the occupant of no. 232, after which time a laundry operated by Goon War is recorded from 1911 to 1920.[81] A brick building in the north-east corner of the property, fronting Foster Lane does not appear on the 1888 or 1905 maps.

238-240 Elizabeth Street

The 1888 Rygate and West map (Figure 3-18) show Sparke as the owner of the three storey brick buildings at 238 and 240 Elizabeth Street, though Thomas Page owned the properties at this time.[82] which have open yard spaces and wooden outhouses, a passageway is evident from Gipps (now Reservoir) Street, just before 40 Reservoir Street. The Page family occupied 238-240 Elizabeth Street for around 25 years and it was used predominantly as a domestic residence until c. 1897.[83]

From c.1895-1898 nos. 238 and 240 Elizabeth Street were predominantly used as boarding/lodging houses. In 1919 there were proposed alterations to 238 and 240 Elizabeth and Reservoir Street.[84]

40-42 Gipps (Reservoir Street)

The properties at 40-42 Gipps (Reservoir) Street appear to have been constructed around 1882[85] and are evident in the 1888 Rygate and West map as two storey brick terraces owned by Sharpe, no 42 is recorded as having a balcony (Figure 3-18). By 1891 the assessment books record Thomas Page as the owner of both 40 and 42 Gipps (now Reservoir) Street. They are recorded as 2 storey brick and stone dwellings with slate rooves. [86]

According to the *History of the Sydney Streets*, the street was named Gipps St until 1896. An original street of the Fosterville Subdivision in 1843 it got its name from the Crown St Reservoir on the corner but was renamed to combat the 'ill repute' attached to Gipps St.' [87]

The original structures of 40-42 Reservoir Street were believed to have been removed c.1889 and 1893 before the construction of a 5 foot 10 inch brick oviform drain (Figure 3-20 and Figure 3-21) that runs through the site, believed to be part of the Bondi Ocean Outfall sewerage system.[88] The current premises would have then been built c.1893-1895 as domestic residences.[89] The Pages are listed as the owners of the properties in the 1896 assessment books.[90] From 1898 until c.1923 Thomas White, a chimney sweep, and his wife, lived at 40 Reservoir Street, operating it as a boarding house.[91]

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[81] Sands Directory and Assessment Book searches 1905-1920.
[82] Assessment Books and Sands Directory searches
[83] Austral 1998, p. 11.
[84] City of Sydney Archives, 269/19
[85] Assessment Books 1882, Sands 1883
[86] Assessment Books 1891, Cook Ward
[87] City of Sydney, *History of Sydney Streets*
[88] Austral Archaeology, 1999, p. 11.
[89] Austral Archaeology, 1999, p. 11.
[90] Assessment Books 1896, Cook Ward
[91] Austral Archaeology, 1999, p. 11.

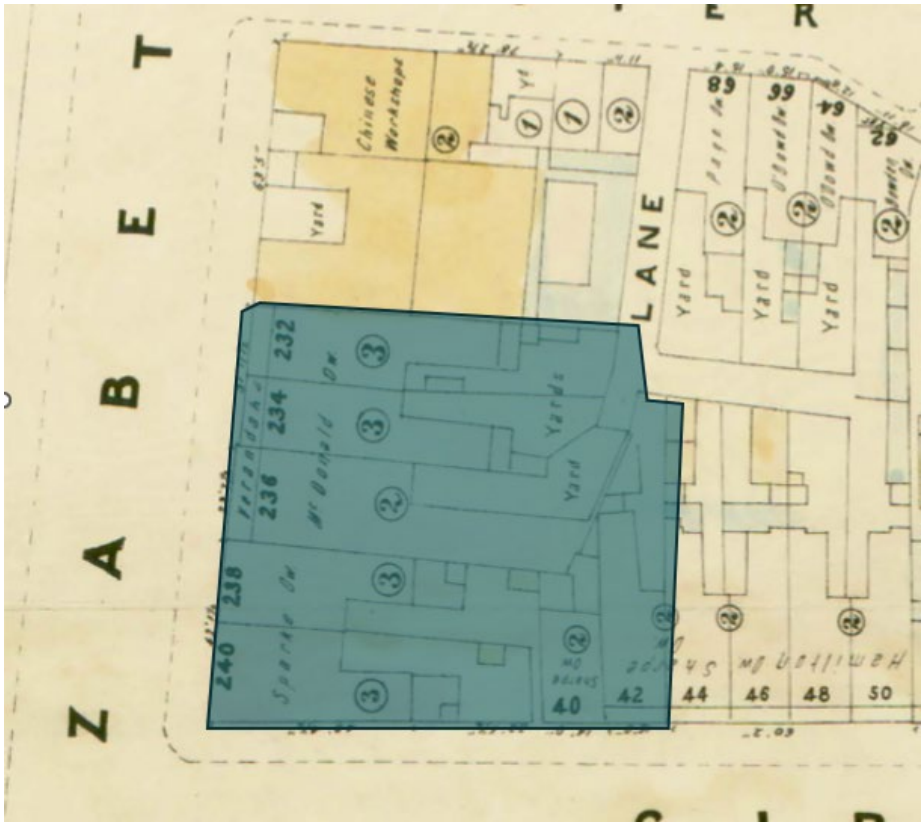

Figure 3-18: 1888 Rygate & West map (Source: City of Sydney Archives)

Figure 3-19: 1895 Metropolitan Detail Map (From Austral 1999)

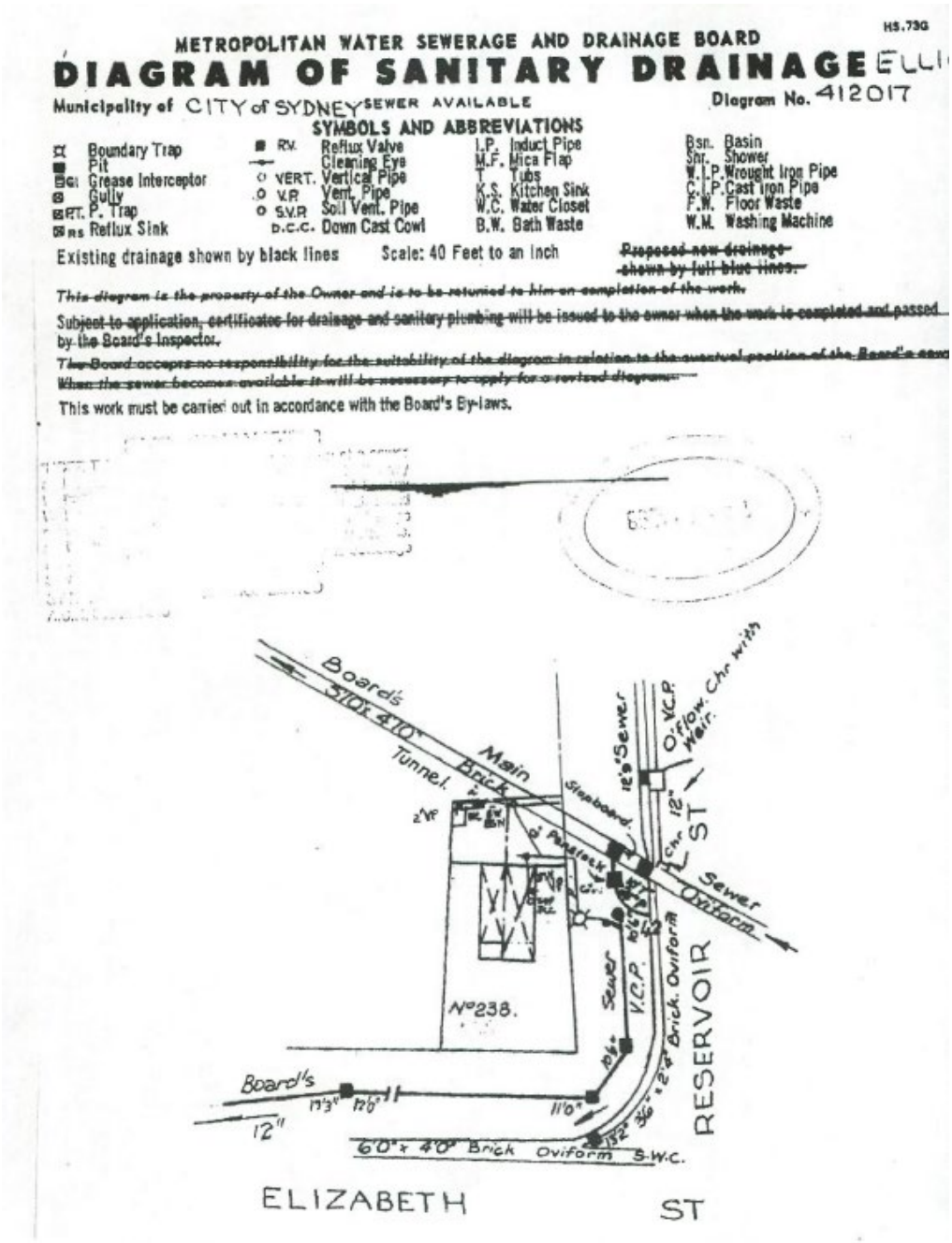

Figure 3-20: MWS & DB drainage diagram showing an oviform drain in the eastern portion of the study area (Source" MWS & DB, no date in Austral 1999 p. 32).

Figure 3-21: Current location of the brick oviform sewer (red) in relation to the study area (turquoise) (Source: Sydney Water with Curio additions)

3.2.5. Phase 5: 1920s-present – Commercial and residential occupation and extensive internal and external modifications and extensions

232-236 Elizabeth Street

From the 1920s the properties along Elizabeth Street were predominantly used as commercial premises, often with the upper levels let as private residences. Mason Jeremiah had a restaurant at 232-234 Elizabeth Street from 1923 to at least 1933[92] which included a billiard saloon from 1930.[93] From 1922 to 1927 the Belmore Chambers operated at 236B Elizabeth street[94], presumably on the upper levels of the building.

Surry Hills had a reputation for crime in the 1920s and 30s.[95] 236-236A Elizabeth Street was a wine saloon from c.1924 to 1933 when the saloon was shut down. Ernest Good, who operated the saloon from 1926, shot criminal Lancelot MacGregor Saidler in his saloon in September 1930 when he was attacked.[96] The wine saloon had a reputation as a gangland haunt with crimes reportedly committed around the area.[97] Soon after the attack a girl carved a threat 'I am going to get you. I kill!' on the door.[98] Goode sold his business in 1932.

[92] 1933 is the last Sands available. Listed as 234 only from 1923-4.
[93] Sands 1930, 1931, 1932-3
[94] Sands 1922, 1923, 1924, 1925, 1926, 1927.
[95] Keating, 2007, p. 74.
[96] 'Shot Dead' The Sydney Morning Herald, 15 Sep 1930, p. 9.; 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.
[97] 'Good bye those Good Old Days: Hoodoo Wine Shop Closed for all Time' The Arrow, 29 Jan 1932, p. 1
[98] 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.

In the 1949 to 1972 Building Surveyor Sheets (Figure 3-28) The Windsor Private Hospital is listed at 232A, 234, 236A and 236B Elizabeth Street, whilst the adjacent building at 238-240 Elizabeth Street, on the corner of Reservoir Street is listed as the Waratah Private Hotel.

The Windsor Private Hotel occupied 232-236A Elizabeth Street from the 1930s until the 1950s[99], in 1948 women staying in the hotel fought off a burglar.[100], in 1950 a truck driver staying at the hotel fell from one of the balconies.[101] A fire occurred at the hotel in 1951, but the building was not severely damaged.[102]

Excluding the development applications outlined in Section 1, in recent years, development applications for 232-236A Elizabeth Street include changes to shop usage in 2006 (D/2006/2103 and D/2006/2106) and 2011 (D/2011/794), the use of the back courtyard as restaurant seating in 2008 (D/2008/41/B) and changes to a shopfront in 2009 (D/2009/1535).

238-240 Elizabeth Street

In 1919 W. Schofield made a building application for alterations to 238-240 Elizabeth Street which were prepared by architect John Barlow.[103] These alterations included the removal of a balcony, removal of walls and a window formed into a doorway. At the time the ground floor was used as a shop.

The Waratah Private Hotel operated at 238-240 Elizabeth Street from the c.1930s to 1950s and Mrs Elliott ran an antique business at 238-40 in the 1950s and 60s (Figure 3-30).

The concrete infill building between 240 Elizabeth and 40 Reservoir Street appears to have been built after 1949.[104] (see Figure 3-38) Alterations to 238-240 were approved in 1967[105] which included demolition to the rear section and brickwork taken up 9 feet to the rear, hard floor joist to the first floor and brickwork above the first floor and across the first floor level and kliplock roofing. The description matches the first floor extension of the rear of 238 Elizabeth along Reservoir Street, and potentially the inclusion of the infill building (Figure 3-23).

From 2004 to 2016 there were a number of development applications were made for 238-240 Elizabeth Street (including 40-42 Reservoir Street) concerning changes to shop fit outs / signage and the use of the shops and land.[106] Various applications were made for shop fit outs. In addition, in 1995 an application was approved for an extension of the rear of the second floor of 238-240 in the southeast corner[107] and the use of the public footpath as food and drink seating in 2016 (FA/2016/132).

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[99] Newspaper advertisements recording the hotel appear during these decades.
[100] 'Women Fight Burglar in Hotel Room' Newcastle Morning Herald and Miner's Advocate, 13 Jan 1948, p. 1.
[101] 'Man hurt in 35ft city fall' The Daily Telegraph, 10 Dec 1950, p. 18.
[102] 'Guests flee from Hotel Fire' Sunday herald, 4 Nov 1951, p. 4.
[103] City of Sydney Archives, A-00571588, https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958
[104] Austral Archaeology, 1999, p. 12.
[105] City of Sydney Archives, Building Inspectors Card 1967-68 A-0388042 https://archives.cityofsydney.nsw.gov.au/nodes/view/1594313
[106] City of Sydney, Development Application Search 238 Elizabeth Street
[107] City of Sydney Archives B/1995/994

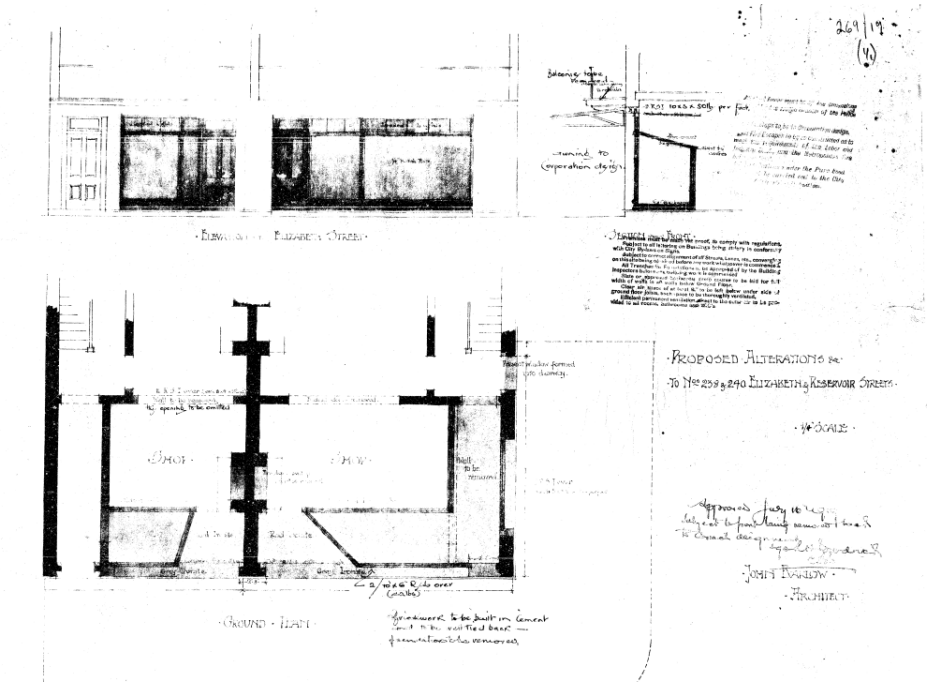

Figure 3-22: 1919 alterations to 238-240 Elizabeth Street (Source: City of Sydney archives A-00571588)

Figure 3-23: 1991 Reservoir Street near Elizabeth, dotted line indicating extension (City of Sydney Archives A-01129791 with Curio overlay).

40-42 Reservoir Street

In 1950-51 there was an application to use the ground floor of 40 Reservoir Street as a sandwich shop.[108] In 1959 Mrs J E Elliott applied to use 40 and 42 Reservoir Street to store articles associated with her second-hand business as 238-240 Elizabeth Street[109] and in 1968 she applied to open a shopfront and wall opening at 40 Reservoir Street[110]

A pictorial history of the study area from the 1920s to present follows (Figure 3-24 - Figure 3-40). The buildings continue to be used as commercial premises today.

Figure 3-24: Study area in 1920 (Source: *Panorama of Sydney from Central Station Tower*, 1920, Alan Row & Co (Source: State Library NSW FL8952086, < https://search.sl.nsw.gov.au/primo-explore/fulldisplay/ADLIB110361937/SLNSW>)

[108] City of Sydney Archives 0779/50
[109] City of Sydney Archives 5796/59
[110] City of Sydney Archives A-00389956

Figure 3-25: Study area in 1920 showing the overhead tramway and construction of the train line (Source: City of Sydney Archives < https://archives.cityofsydney.nsw.gov.au/nodes/view/669530>)

Figure 3-26: 1925 During the construction of Central Station (Source: City of Sydney Archives A-00006195< https://archives.cityofsydney.nsw.gov.au/nodes/view/566840>)

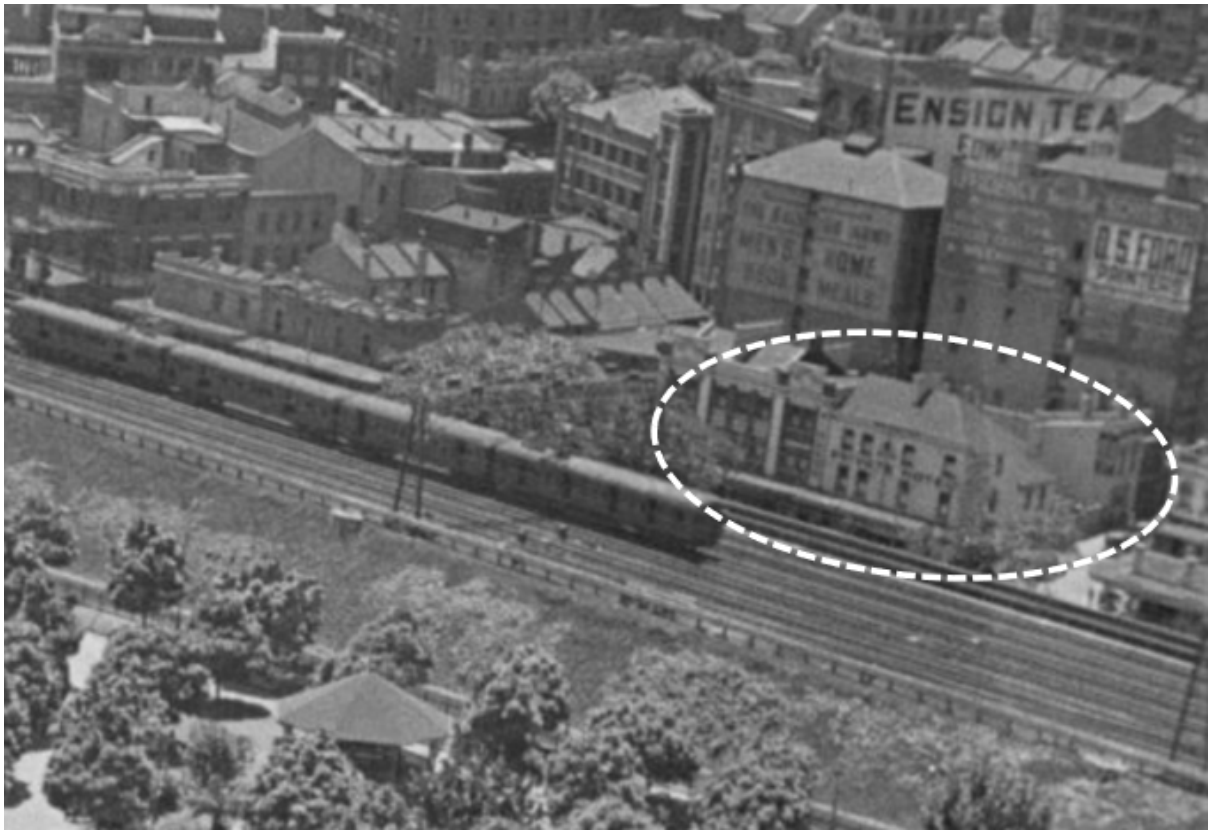

Figure 3-27: View from Central 1937 (Source: City of Sydney Archives A-01141980 https://archives.cityofsydney.nsw.gov.au/nodes/view/1905042)

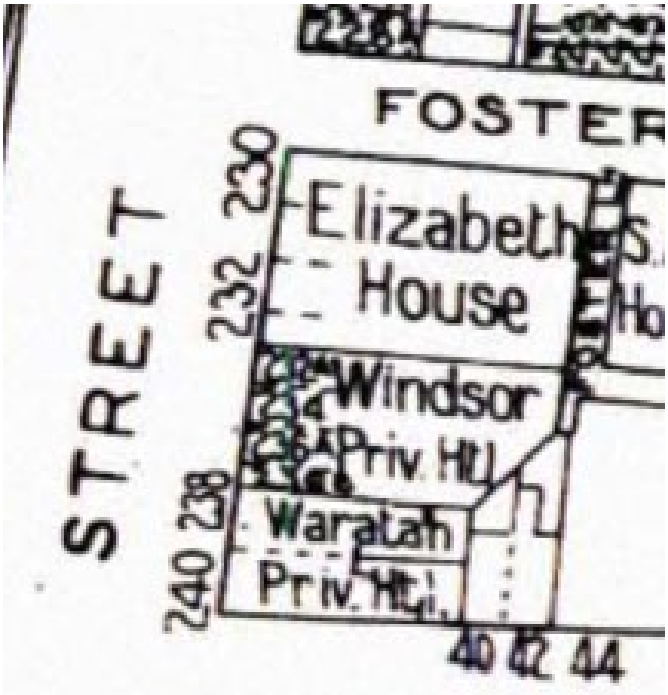

Figure 3-28: 1949-1972 map (City of Sydney Archives)

Figure 3-29: 1949 Aerial (Source: City of Sydney Archives)

Figure 3-30: Elizabeth Street 1953 (Source: City of Sydney Archives < https://archives.cityofsydney.nsw.gov.au/nodes/view/670495>)

Figure 3-31: Study area visible next to Elizabeth House 1954 (Source: City of Sydney Archives A-00058033 < https://archives.cityofsydney.nsw.gov.au/nodes/view/670493>)

Figure 3-32: Section from Elizabeth St Streetscape 1954 (Source: City of Sydney Archives A-00044336, < https://archives.cityofsydney.nsw.gov.au/nodes/view/685534>) Windsor Private Hotel

Figure 3-33: Elizabeth Street 1955 (Source; City of Sydney Archives A-00058035, < https://archives.cityofsydney.nsw.gov.au/nodes/view/670500>)

Figure 3-34: Study area in relation to Belmore Park, 1957 (Source: City of Sydney Archives A-01168247, < https://archives.cityofsydney.nsw.gov.au/nodes/view/1932242>)

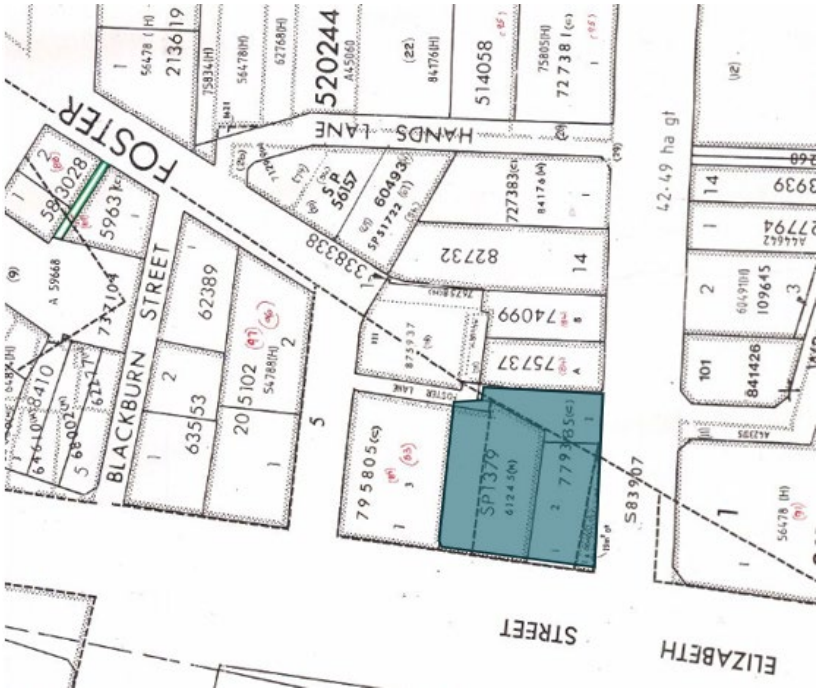

Figure 3-35: Sydney U1845-4124 Cadastral, 1981 (Source: HLRV)

Figure 3-36: Study Area visible next to Elizabeth House 1989 (Source: City of Sydney Archives A-00024132 < https://archives.cityofsydney.nsw.gov.au/nodes/view/584777>)

Figure 3-37: 1991 (City of Sydney Archives A-01129790, https://archives.cityofsydney.nsw.gov.au/nodes/view/1892358?keywords=reservoir%20%20elizabeth%20&highlights=WyJlbGl6YWJldGgiLCJyZXNlcnZvaXIiXQ==&lsk=4b83255cfad83e86cf2752277e549351)

Figure 3-38: 1991 Reservoir Street near Elizabeth (City of Sydney Archives A-01129791, https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359?keywords=reservoir%20%20elizabeth%20&type=all&highlights=WyJyZXNlcnZvaXIiLCJlbGl6YWJldGgiXQ==&lsk=4b83255cfad83e86cf2752277e549351)

Figure 3-39: 2001, City of Sydney Archives A-01129796 : https://archives.cityofsydney.nsw.gov.au/nodes/view/1892364

Figure 3-40: Elizabeth St during 2021 Covid Lockdown (Source: City of Sydney Archives A-0117311, < https://archives.cityofsydney.nsw.gov.au/nodes/view/1937133>)

3.3. Summary of historical disturbance and potential archaeology

Over time there has been a variety of land disturbances to the study area which have potentially impacted the survivability of archaeological deposits. The study area's location borders the early farming estate and the brick fields. Early land clearing for farming and movement of cattle across the cleared land would have led to widespread erosion of the landscape and the potential loss of surface artefacts and occupation deposits.

The sections of the study area within the brickfields could have resulted in clay deposits removed for brickmaking. There is also the potential of the remains of a temporary hut, in addition to the potential of evidence of brick making activities such as the remains of pits, kilns, or terraced areas from clay removal.[111]

The building at 238 Elizabeth Street is believed to have been the one constructed between 1855-1865, modified to reach its present shape by c.1875.[112] The initial construction would likely have used abutting floorboards which provide a greater potential of archaeological deposits within the building footprint.[113] In later years, with the introduction of tongue- and-groove floorboards, there tends to be a reduction in archaeological deposits below floors.

In the location of 234-236 Elizabeth Street there was a wooden structure, built c.1845 and demolished c.1861. A brick building in the location of 236 Elizabeth was built c. 1853-55 and demolished prior to the construction of the terrace houses.

The terrace houses at 232-236 Elizabeth Street were likely built c. 1879 at the transition stage between abutting and tongue and groove floorboards.[114] Tongue and groove floorboards still have the potential of having underfloor archaeological deposits as gaps can occur in tongue and groove floorboards over time.[115]

Former rear yards have the potential to produce archaeological deposits of domestic refuse that have since been covered and/or built upon.[116]

Cess pits, associated with water closets, have the potential to have been filled in with household refuse when plumbing was introduced into the study area.

The urban nature of the study area does not preclude the possibility of Aboriginal archaeological remains,[117] as excavations in similar urban environments have produced artefacts (e.g. Conservatorium of Music[118] and Angel Place[119]).

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[111] Austral 1999 p. 34.
[112] Austral 1999 p. 34.
[113] Austral 1999 p. 35.
[114] Casey 2004,'Falling through the Cracks: Method and Practice at the CSR Site, Pyrmont' *Australasian Historical Archaeology*, 22, 2004, p. 34.
[115] Winter, Green et al 2020, 'Investigating underfloor and Between Floor Deposits in Standing Buildings in Colonial Australia' *International Journal of Historical Archaeology* ,Aug 2020, Springer
[116] Austral 1999 p. 35.
[117] Austral 1999 p. 34.
[118] Excavated by Casey & Lowe in 1998-2001
[119] Excavated by Godden Mackay in 1997

4. Site Area Description

4. Site Area Description

A pedestrian survey of the study area took place on 27 October 2022 by archaeologist Alex Thorn.

The study area is located on the eastern side of Elizabeth Street on the corner with Reservoir Street. It is bound by 230 Elizabeth Street "Elizabeth House" to the north, and 250 Reservoir Street to the east, accessible via Foster Lane to the north-east.

It was observed that the study area is highly urbanised and covered by existing structures, asphalt and concrete with no original surfaces evident. The floor level of the buildings is noticeable higher than the street level across the study area, ranging from approximately 10-30cm. Ramps have been formed in a number of shops to connect the street level to the internal shop floor.

232-236 Elizabeth Street is located to the north of the study area, to Elizabeth Street it presents as a three-storey red brick terrace. The ground level is currently occupied by a laundromat, a vacated fast food restaurant and a clothing shop.

238-240 Elizabeth Street is located to the South of the study area on the corner of Elizabeth and Reservoir Streets. To Elizabeth Street is presents as a three-storey building with an uneven hipped iron roof. The ground floor is occupied by Surry Hills Dumplings and a cake shop.

The infill building between 240 Elizabeth and 42 Reservoir Street is currently occupied by a Mexican restaurant, a street level doorway to the east of the building, before 40 Reservoir Street leads to a set of stairs that access the second storey of 42 Reservoir Street, presently utilised as a laundry for the backpacker hostel, connected to 238-240 Elizabeth Street via a wooden balcony-like platform.

The ground floor of 42 Reservoir Street (formerly 40) is occupied by art gallery 'Gallery Oz' and the ground floor of 44 Reservoir Street (formerly 42) is soon to open as a restaurant.

The rear yard is completely covered in concrete. The majority of internal floors were covered with tiles, artificial floorboards and carpet. There is no evidence to suggest that there have ever been basements within the study area and the current buildings do not have basements.

Images from the pedestrian survey are included below (Figure 4-1 to Figure 4-8).

Figure 4-1: Elizabeth Street frontage (Source: Curio 2022)

Figure 4-2: Reservoir Street frontage (Source: Curio 2022)

Figure 4-3: Foster Lane access (Source: Curio 2022)

Figure 4-4: South east corner facing west on level one platform (Source: Curio 2022)

Figure 4-5: Rear of buildings 238-40 , infill and rear yard from ground level (Source: Curio 2022)

Figure 4-6: Rear of Buildings part 238-40, 232-236 Elizabeth and rear yard from first floor (Source: Curio 2022)

Figure 4-7: Street level and internal floor level at 242 Reservoir Street (former 240) (Source: Curio 2022)

Figure 4-8: Street level and internal floor level at 244 Reservoir Street (former 242) (Source: Curio 2022)

5. Proposed Works

5. Proposed Works

5.1. Proposed Development

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area.

No physical works will be undertaken as part of this planning proposal. Any future works will be subject to a subsequent Development Application.

5.2. Indicative Future Design

The indicative design as part of the proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works (Figure 5-1- Figure 5-4). The following may be undertaken as part of future development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

A copy of the indicative development plans is provided as Appendix B.

Figure 5-1: West Elevation – Elizabeth Street (Source: Candalepas Associates, Nov 2022)

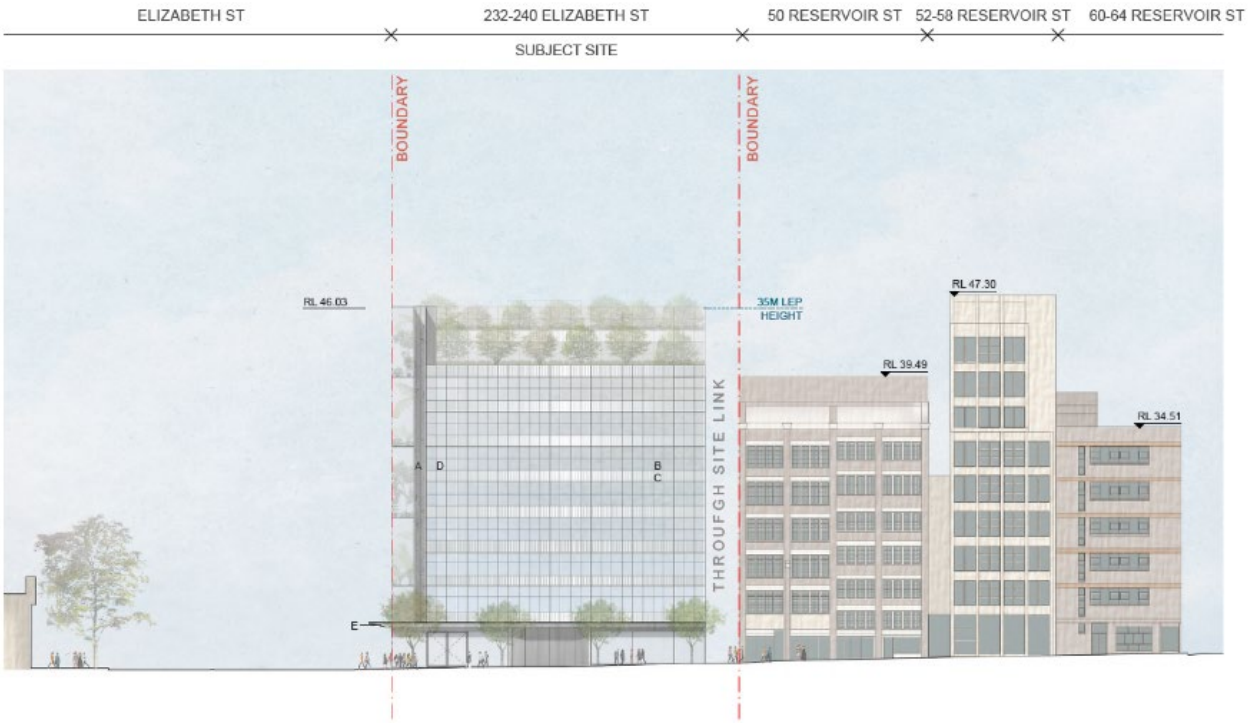

Figure 5-2: South Elevation- Reservoir Street (Source: Candalepas Associates, Nov 2022)

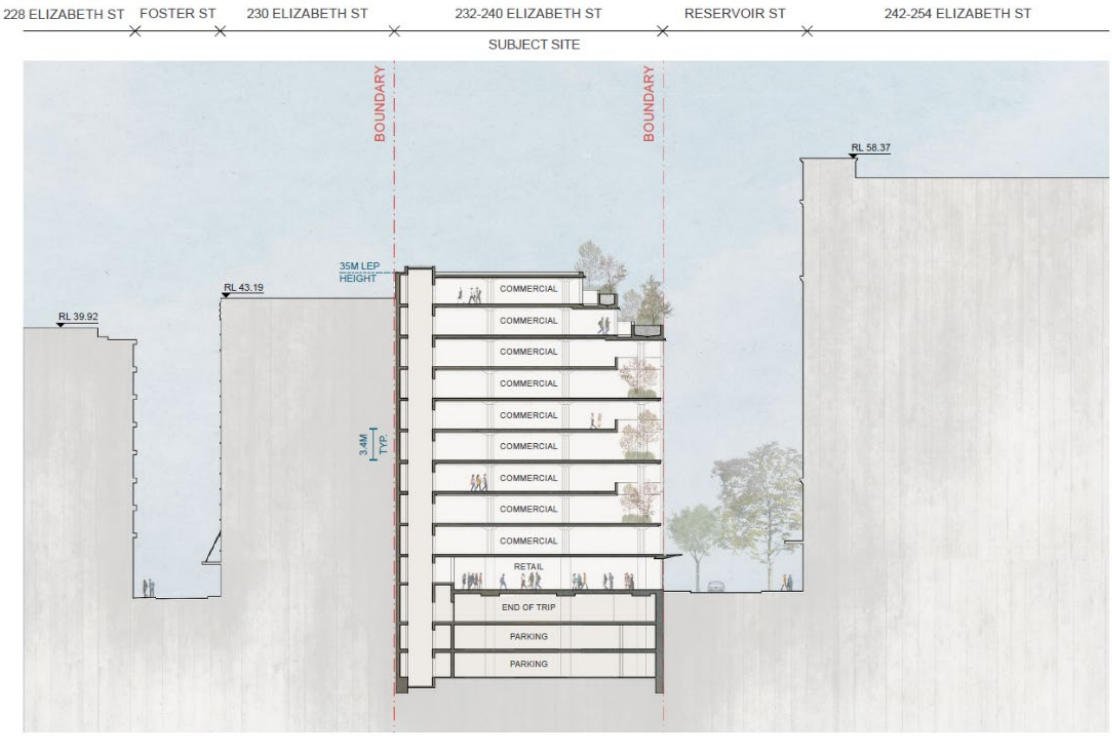

Figure 5-3: Section AA of the proposed development (Source: Candalepas and Associates, Nov 2022)

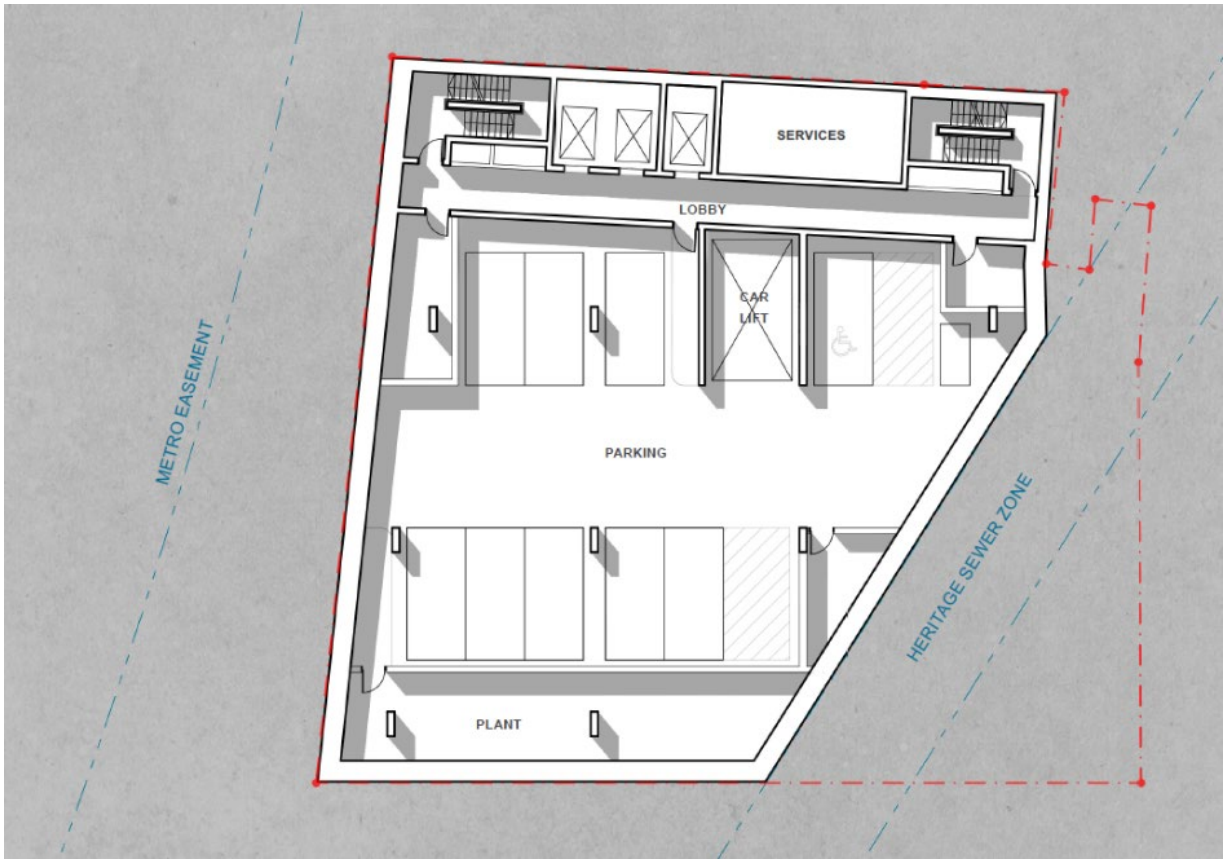

Figure 5-4: Basement Level 2-3 plan showing the location of the Heritage Sewer (Source: Candalepas and Associates Nov 2022)

6. Aboriginal Objects Due Diligence Assessment

6. Aboriginal Objects Due Diligence Assessment

Is the proposed activity a low impact activity as defined by the Regulation?

No.

A planning proposal is being prepared for the proposed development of the study area which will include the demolition of the existing buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with access from Foster Lane, and the construction of a basement car park. For the purposes of the assessment, it has been assumed that the proposed activity will involve earthworks and ground disturbance associated with landscaping, the construction of new structures and the underground car park and the installation/modification of associated infrastructure and services relating to the development.

The proposed activity is not a low impact activity as defined under Part 5 Division 2 Section 58 of the National Parks and Wildlife Regulation 2019 ('the Regulation') because:

- It involves earthworks associated with demolition, excavation, construction, and landscaping.

Step 1: Will the proposed activity disturb the ground surface or any culturally modified trees?

Yes and No.

The proposed activity as previously outlined in Section 1.3 involves earthworks and therefore has the potential to disturb Aboriginal objects if present.

The study area has been cleared of vegetation and has been subject to intensive use and urban development. No culturally modified trees will be impacted by the proposed works.

Step 2a: Are there any relevant confirmed site records on AHIMS (or other heritage registers) or other sources of information of which you are already aware?

AHIMS Search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 26 October 2022 for the following area centred on the study area (using address 238 Elizabeth Street Surry Hills). A total of 8 registered Aboriginal heritage sites are listed as being located within the 1km search area, though none are located directly within or adjacent to the current study area (Figure 6-1). The extensive AHIMS search is attached as Appendix A.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistences in the coordinates (differing datums between years of recording), the existence of, and impact to, registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to Heritage NSW, however these forms are not always submitted), and other database related difficulties. It should also be noted that the AHIMS database is a record of archaeological work that has been undertaken and registered with Heritage NSW in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominately triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

Summary descriptions of Aboriginal site features registered on AHIMS, as relevant to the study area and surrounding local region, are presented in Table 6-1. The 8 registered sites from the AHIMS are summarised in Table 6-2. The general distribution of each of these registered sites in relation to the study area is depicted in Figure 6-1. The most common AHIMS site types from this search are Artefact sites (n=4) and Potential Archaeological Deposits (PADs) (n=2).

The closest registered site to the study is CRS AS 01 (Central Railway Artefact scatter 01) (AHIMS ID # 45-6-3654) situated approximately 500m south-west of the study area. The site is partially destroyed. The lack of recorded sites in the area suggests that assessment and investigations of Aboriginal cultural heritage has been limited, this however does not remove the potential for Aboriginal archaeological deposits to be present.

Table 6-1: Aboriginal Site Features

Site Feature	Description
Artefact Site (Open Camp Sites/Artefact Scatters/Isolated Finds)	Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people/ registered artefact sites can range from isolated finds to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.
Aboriginal Ceremony and Dreaming	Aboriginal Ceremony and Dreaming sites were previously referred to as mythological sites. These sites are spiritual/story places and might not provide physical evidence of previous use such as spiritual or ceremonial areas, natural unmodified landscape features, men's/women's sites, marriage places, dreaming (creation) tracks, etc
Potential Archaeological Deposit (PAD)	An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc. may be present in a subsurface capacity.
Shell Midden	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearths, and occasionally, burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where freshwater resources are available. Shell middens may vary greatly in size and components.

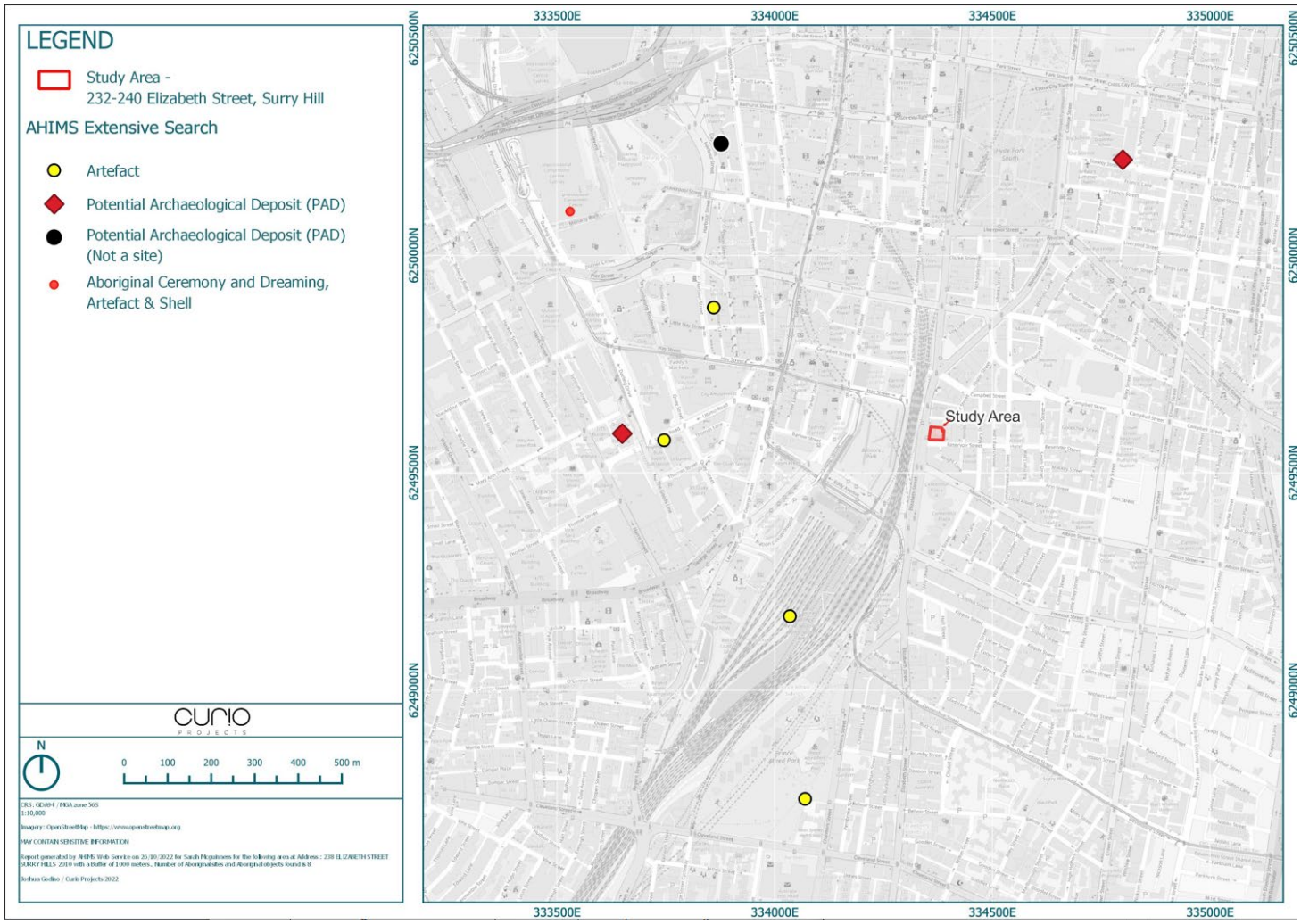

Figure 6-1: AHIMS Sites with proximity to the study area (indicated in red) (Source: Curio 2022),

Table 6-2: AHIMS Sites within 1km of the study area

Site Type	Number of Sites	Percentage of Sites (%)
Artefact	4	50%
Potential Archaeological Deposit (PAD)	2	25%
Potential Archaeological Deposit (PAD) (not a site)	1	12.5%
Aboriginal Ceremony and Dreaming, Artefact, Shell	1	12.5%
Total	8	100%

6.1.1. Other Heritage Registers

On 28 October 2022, searches took place of the Australian World Heritage Database, the Commonwealth Heritage List, State Heritage Register, State Heritage Inventory, the Sydney LEP (2012), and the Sydney DCP (2012). Clause 5.10 of the Sydney LEP (2012) outlines the controls for Heritage conservation including the conservation of Aboriginal objects and Aboriginal Places of heritage significance.

The searches concluded that there are no Aboriginal heritage items within, or directly adjacent to, the study area.

6.1.2. Other source of information: review of previous assessments

The Review of relevant previous archaeological work is a highly informative and necessary step in identifying the likely nature of the potential archaeology within an area. The investigation of previous work undertaken in the region, on similar locations, and on similar landscape or landforms, can inform our understanding of an area by providing a proxy against which a newly investigated area can be measured (albeit with caution). That is to say, understanding the archaeological record at a general location can provide us with an indication of the nature and level of potential of archaeology that may be present within an area, prior to any subsurface investigation. As archaeology is by its very nature, a destructive discipline, it is important to acquire as much information and understanding of an area as possible prior to undertaking fieldwork (as once evidence has been excavated, its context is effectively destroyed), and also to avoid any unnecessary fieldwork at a site.

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to survive. No known Aboriginal archaeological excavations have been undertaken previously within the study area. The following provides a brief review of assessments undertaken in proximity to the study area.

Site Examples

432-436, 440-442 & 444 Elizabeth Street, Surry Hills – RPS Group 2019

In 2017, RPS Group was commissioned by Cadbuilt Aust Pty Ltd to prepare a Historical Archaeological Assessment in support of a Section 140 Permit for the proposed development of 432-436, 440-442 & 444 Elizabeth Street, Surry Hills situated approximately 680m south of the current study area. While the report is focussed upon the non-Aboriginal heritage of the assessment

area, it was noted that no unexpected Aboriginal heritage was identified throughout the duration of the monitoring and excavation.[120]

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

216-228A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills AMAC Group 2019

This report presents the results of archaeological excavations by AMAC, the site is situated approximately 70m north of the study area. The site is of a similar urban environment to the study area. While the report is focussed upon the non-Aboriginal heritage of the assessment area it was noted that no aboriginal objects or evidence of aboriginal occupation was found during the archaeological excavations of the site and no natural topsoil was recovered from the site, the topsoil had been stripped to the B horizon and underlying shale.[121]

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

The Quay Project, Haymarket – Biosis Research Pty Ltd 2012

This report presents the results of archaeological investigations by Biosis for the redevelopment of land located at the corner of Quay Street and Ultimo Road in Haymarket situated approximately 600m west of the current study area. Based on the results of an earlier due diligence assessment completed for the project, it was suggested that the area would likely have been favoured by Aboriginal people prior to European settlement due to its proximity to resources and its topography. The extensive disturbance of the natural landscape since the late 18th Century, however, meant that it was unlikely that traces of Aboriginal occupation had survived in the assessment area. During subsequent historical excavations within the assessment area, potential remnant deposits of natural topsoil were identified resulting in further Aboriginal assessment including consultation and test excavation within the area. A total of five (5) 50cm by 50cm test pits were excavated. No Aboriginal objects were recovered confirming the results of the earlier Due Diligence Assessment. A single lithic artefact, however, was later identified in spoil from the fill of a European post hole. The isolated artefact was recorded as site Poultry Market 1 (AHIMS ID# 45-6-2987) and consists of a retouched flake manufactured from a dark fine-grained material preliminarily identified as being petrified wood. The highly disturbed context from which the artefact derived resulted in the conclusion that further artefacts were unlikely.

This assessment is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Former Inwards Parcel Office – Urbis 2020

This report presents the results of an ACHAR completed by Urbis for a commercial and hotel development above the Former Inwards Parcel Shed at 8-10 Lee Street, Haymarket located approximately 550m to the southwest of the current study area. The assessment involved desktop background research and a visual inspection of the assessment area. It was determined that, despite the high level of disturbance within the assessment area resulting from modern development, there remains the potential for sand deposits associated with the Tuggerah Soil Landscape as well as a potential paleo channel to be located within the assessment area. These environmental features were hypothesised to increase the potential for archaeological deposits (artefacts, middens, burials) to remain within the assessment area below the current structures. The results from a geotechnical

[120] RPS 2019, p.2
[121] AMAC 2019, *Elizabeth & Blackburn Streets Surry Hills*, Final Archaeological Report (Vol 2), p. 347.

assessment provided support for this prediction indicating that a 2m thick lens of very loose sand alluvium exists beneath the present 2-8m of fill material.[122] It was concluded an archaeological test excavation program would be required to test the nature of sub-surface archaeological resources within the assessment area.

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Key finding previous assessments

Based on the AHIMS search results and a consideration of the results of several previous archaeological assessments competed within the wider region surrounding the study area, the following key findings are made:

- Artefact sites represent the most common site type present in the local region followed by PADs.
- High levels of disturbance because of European land use practices have resulted in the removal of soil deposits, and thus the removal of archaeological potential.
- Based on the extensive disturbance that has occurred within the local region, predictions of the potential for archaeological deposits must me made based on a desktop review of the pre-European environmental context of an area.
- Most registered Aboriginal sites have been uncovered during historical archaeological excavations in relation to development proposals.
- Despite the intensive urban development that has occurred within the local region, the potential exists for intact natural soil profiles, and thus archaeological deposits, to be preserved below historically disturbed layers. The nature and extent of natural soil profiles, however, varies considerably and is dependent upon the nature of past land use practices in an area.

Step 2b: Are there any landscape features that are likely to indicate the presence of Aboriginal objects?

Yes.

The Due Diligence Code identifies certain landscape features that have the high potential for Aboriginal archaeological resources and cultural heritage. The following landscape features are identified as having high potential for Aboriginal objects:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or

[122] Urbis Pty Ltd 2020

- within 20m of or in a cave, rock shelter, or a cave mouth.

The study area meets these criteria as it was located within 200m of waters.

The physical setting of the study area, its natural resources, landforms, and wider landscape setting has a significant influence over the nature, location, and form of Aboriginal occupation and use patterns through their interactions with the land (tangible values and site), while also providing meaningful landscape context for intangible heritage and connection to Country. Due to the highly modified nature of the current study area, however, an assessment of archaeological potential must be made based on the environment as it would have been prior to European land-use practices.

Surry Hills is characterised by gently undulating hills, crests, and ridges with gently inclined slopes. Prior to settlement, the study area was located on low ground near a creek that ran down Reservoir Street. The hydrology and topography of the study area and surrounds is presented in Figure 6-3.

Cockle Bay (now Darling Harbour) is located to the west and would have provided an additional source of coastal resources. Similarly, the fauna of Sydney region at and prior to 1788 would have offered an abundant natural resource for the local Aboriginal people. Typical species within the region would have consisted of possums, various wallabies and other small marsupials, as well as birds and lizards.

The archaeological characteristics and potential of an area are additionally influenced by stability of the soil matrix and land use history. The study area is situated within the Deep Creek Alluvial Soil Landscape with the Lucas Heights residual soil landscape unit to the north, south and east (Figure 6-2).

Deep Creek soils are associated with level to gently undulating alluvial floodplains on lower, non-tidal reaches of watercourses that drain the Hawkesbury Sandstone.[123] The deep creek soils in this area follow the course of a small creek that ran through the present Reservoir Street before linking with another creek that followed Hay Street, before emptying into Tumbalong (Darling Harbour).[124]

The Deep Creek Soil profile is characterised by deep (>200cm) podzols on well well-drained terraces with silicious sands on current floodplains and humus podzols in low lying areas.[125] The soil landscape's original vegetation was partially cleared open woodland, closed forest (rainforest) and tall open forest (wet sclerophyll forest) infested with weeds.[126]

The Lucas Heights residual soil profile is characterised by moderately deep (50-150cm hardsetting yellow soloths and yellow podzolic soils with yellow earths on the outer edges.[127] The landscape's original vegetation was extensively to completely cleared low, eucalypt open-forest and a low eucalypt woodland, with an understorey of sclerophyll shrub.[128]

The potential for in-situ Aboriginal objects is lower on land that has been disturbed by more recent European land use. For Aboriginal archaeological deposits to be present in situ, they require the retention of natural soil profiles in the area that would be extant from 1788. Areas of the study area that may have the highest potential for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest level of historical development

[123] Deep Creek 9130dc
[124] Casey and Lowe, [n.d] *Archaeological Investigation 19-41 Reservoir Street* (leaflet)
[125] Deep Creek 9130dc
[126] Deep Creek 9130dc
[127] Lucas Heights 9130lh
[128] Lucas Heights 9130lh

and excavation have been undertaken. As outlined in the historical development of the study area section of this report, the study area has been subject to historical ground disturbance through initial clearing of vegetation, potential grazing and/ or brick making activities within the study area and subsequent development of the existing buildings and structures on site. These factors would have resulted in impact to the upper layers of the natural soil profile. The absence of basement developments associated with these building, however, means that it is likely that intact soil profiles may be preserved at depth.

Based on an assessment of the pre-European environmental context of the study area, the following conclusions are made:

- The study area is located within the Deep Creek soil landscape unit while the Lucas Heights soil landscape unit is situated to the north, south and east.
- The study area was historically located adjacent to a creek and near swamplands. Such an environment would have provided an abundance of resource diversity and water availability for Aboriginal communities in the past.
- The study area is situated within an area known to be utilised by past Aboriginal groups.
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used by Aboriginal people for either short- or long-term occupation or use.
- The study area has undergone various periods of disturbance and development, which have affected the natural form and integrity of the original landscape though intact soil profiles may be retained below the historical levels of disturbance.

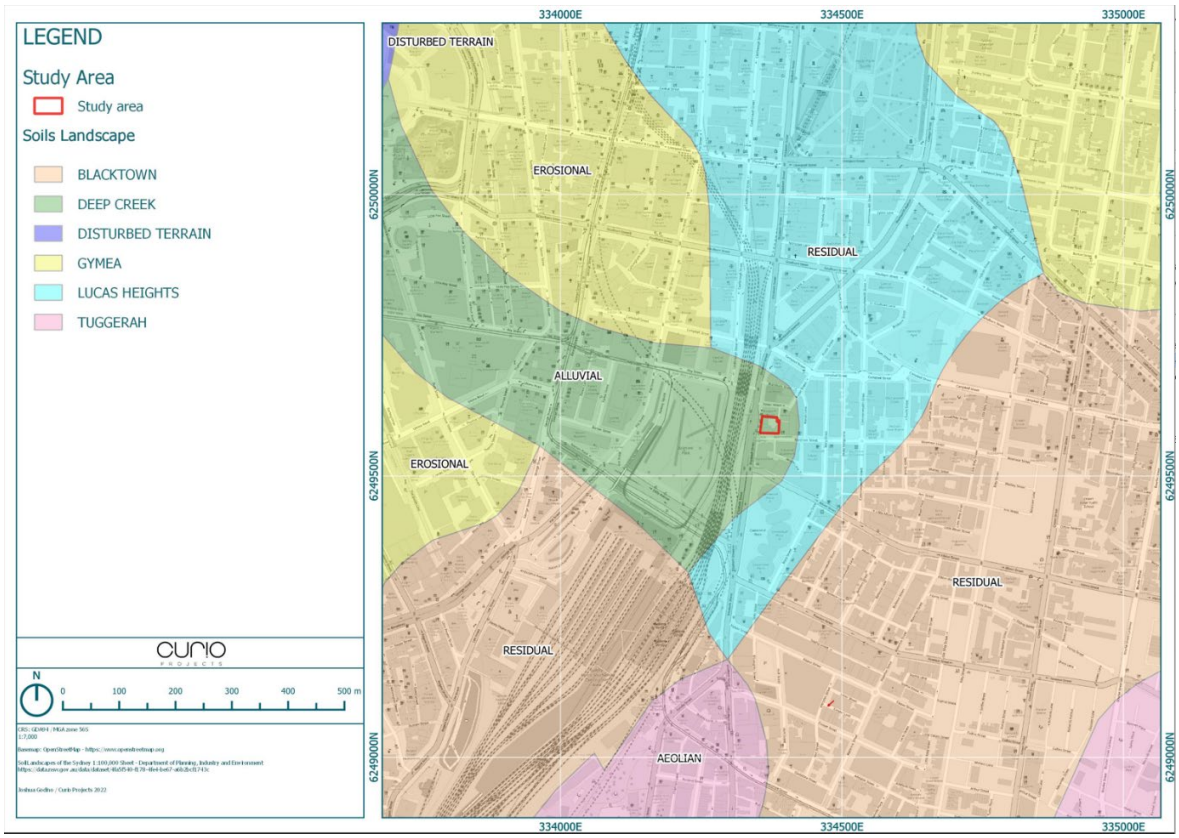

Figure 6-2: Soil Landscape Map (Source: Curio 2022)

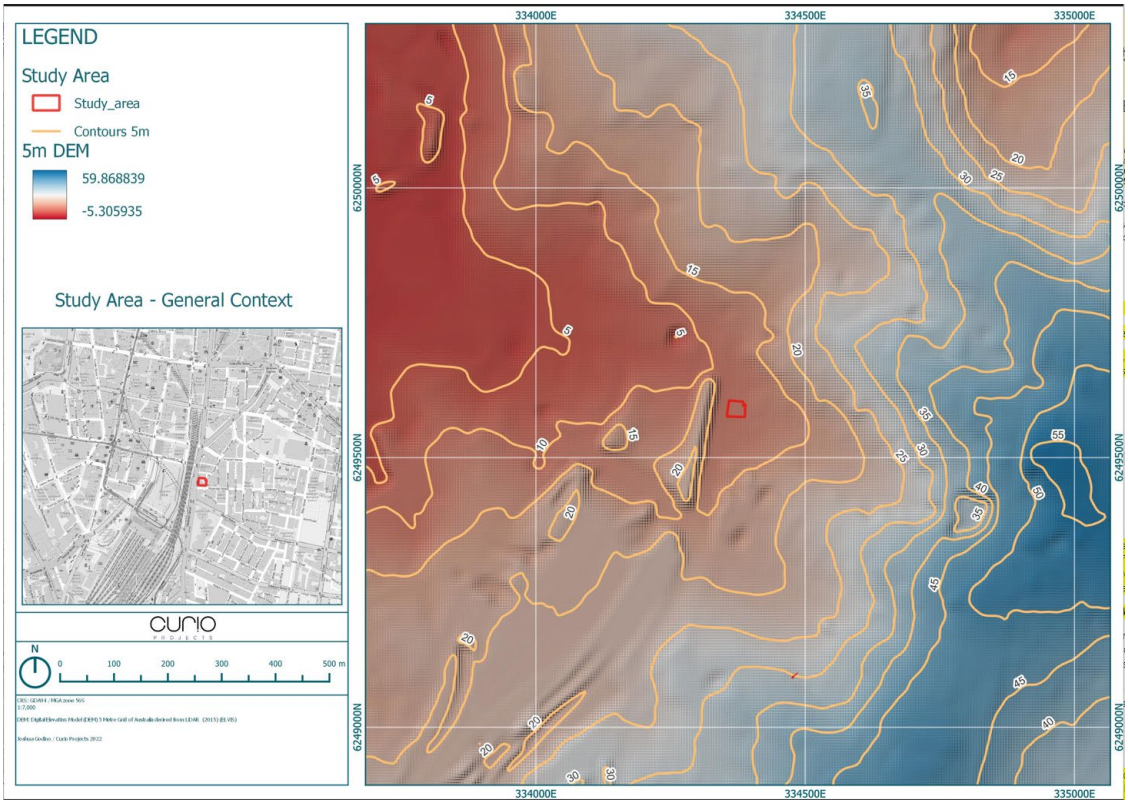

Figure 6-3: Hydrology and Topography Map (Source: Curio 2022)

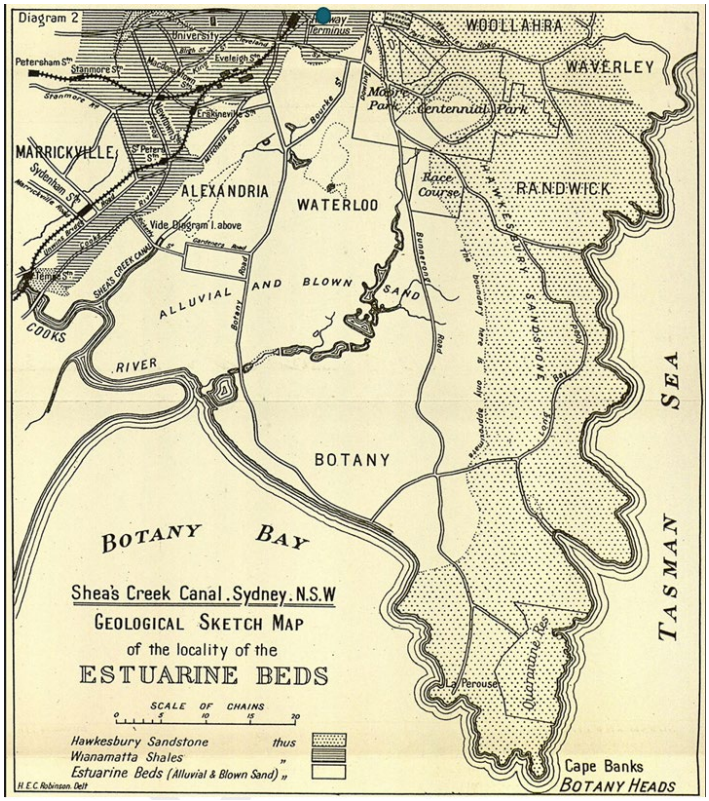

Figure 6-4: Geological sketch map of the locality of the estuarine beds, Shea's Creek Canal Sydney NSW 1896. Approximate location of the study area circles. (Source: Plate VIII, 'On the occurrence of a submerged forest, with remains of the Dugong, at Shea's Creek near Sydney' by R Etheridge, Junior, Professor TW Edgeworth David, BA, FGS, and HW Grimshaw, M Inst CE, Journal and proceedings of the Royal Society of New South Wales, Vol 30, 1896, p 158)

Step 3: Can you avoid harm to the object or disturbance of the landscape feature?

Further investigation required.

The planning proposal does not in itself disturb the landscape, but the indicative future works, particularly relating to the development of the underground parking, has the potential to impact intact soil profiles, if present in this area. Further investigation is needed. There are no Aboriginal sites registered with AHIMS within the study area. The presence of the deep Deep Creek soil landscape has the potential for Aboriginal sites such as, occupational deposits, stone artefacts, shell and burials.

Step 4: Desktop Assessment and visual inspection

A pedestrian survey of the study area took place on 27 October 2022 by Alex Thorn. It was observed that the study area is covered by existing structures, asphalt and concrete with no original surfaces evident. This survey and the results of the desktop survey have confirmed the following:

- There are no previously recorded Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- The high level of disturbance, with specific reference to the high impact of the upper layers of the natural soil profile for the construction of subterranean facilities, results in low archaeological potential for sections of the study area. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units may still have potential for Aboriginal archaeological resources.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.

Step 5: Further investigation and impact assessment

Yes.

This DD was prepared to investigate the presence or absence of Aboriginal object and/or sites within the study area, and whether the proposed development has the potential to harm any Aboriginal objects that may exist. The DD was prepared in accordance with the Due Diligence Code and included the following:

- Comprehensive background research of the AHIMS register and statutory and non-statutory heritage listings (Step 2a).
- Analysis of previous assessments that have been completed within the local region surrounding the study area (Step 2a).
- Analysis of landscape features and their potential to retain Aboriginal objects (Step 2b).
- Analysis of historical land use and its impact on the study area (Section 3).

The DD concluded that:

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information regarding the precontact and contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The indicative future works, particularly in relation to the construction of the basement car park, has the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The Due Diligence Code states that, where either the desktop assessment or visual inspection indicates that there are (or are likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment will be required.

As the planning proposal for which this assessment has been prepared does not include any physical works, an Aboriginal Cultural Heritage Assessment (ACHA) is not recommended at this stage.

It is understood that any future physical works in the study area will be subject to a subsequent Development Application. The indicative design included in the planning proposal includes the construction of basements. As such, prior to any physical development of the study area, it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders should be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Please refer to Section 8 of this report for further details of the recommendations relating to Aboriginal cultural heritage.

7. Historical (Non-Aboriginal) Archaeological Assessment

7. Historical (Non-Aboriginal) Archaeological Assessment

7.1. Non-Aboriginal Archaeology

7.1.1. Methodology

The following section discusses the study area's potential to contain non-Aboriginal (European) archaeological resources and the significance of any potential remains. It has been guided by methodologies outlined below.

Archaeological potential

The potential for archaeological resources to survive in a landscape is significantly affected by the historical use of a site past ground disturbing activities. The following assessment of archaeological potential is based on definitions summarised below:

Archaeological potential	Definition
High	A site where there is known occupation associated with the historical phase and proceeding ground disturbance has been minimal
Moderate	A site where there is some potential for archaeological relics associated with the historical phase to survive, though they may have been subject to some disturbance
Low	A site that has either been subject to little or no known historical development, or where levels of disturbance are so high that they may have removed all evidence of former structures. Unexpected or highly truncated/disturbed archaeological resources may survive, though this is unlikely
Nil	A site where there has been no known historical development or where impacts are significant, such as the construction of deep basements

Archaeological significance

Determining the significance of a potential archaeological resource is carried out by utilising a system of assessment under seven criteria outlined in the 2013 *Burra Charter of Australia*.[129] In 2009 the Heritage Council of NSW endorsed criteria developed specifically to assist archaeologists determine the significance of archaeological sites and relics.[130] These are presented below.

Criterion	Definition
Archaeological Research Potential NSW Heritage Criterion E	Archaeological research potential is the ability of archaeological evidence, through analysis and interpretation, to provide information about a site that could not be derived from any other source, and which contributes to the archaeological significance of that site and its 'relics'.
Associations with individuals, events, or groups of historical importance NSW Heritage Criteria A, B, D	Archaeological remains may have associations with individuals, groups and events which may transform mundane places or objects into significant items through their relationship with important historical occurrences.

[129] Australia ICOMOS, 2013. Burra Charter.
[130] Heritage Branch Department of Planning, 2009, p. 11.

Criterion	Definition
Aesthetic or technical significance NSW Heritage Criterion C	Whilst the technical value of archaeology is usually considered as 'research potential' aesthetic values are not usually considered to be relevant to archaeological sites. This is often because until a site has been excavated, its actual features and attributes may remain unknown. It is also because aesthetic is often interpreted to mean attractive, as opposed to the broader sense of sensory perception or 'feeling' as expressed in the Burra Charter.
Ability to demonstrate the past through archaeological remains NSW Heritage Criteria A, C, F & G	Archaeological remains have an ability to demonstrate how a site was used, what processes occurred, how work was undertaken and the scale of an industrial practice or other historic occupation. They can demonstrate the principal characteristics of a place or process that may be rare or common.

7.1.2. Previous archaeological investigations nearby

The following archaeological investigations focusing on non-Aboriginal archaeological resources have been carried out in close proximity to the study area and will be used to inform this assessment of archaeological potential:

- Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. *Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW*
- Austral Archaeology Pty Ltd, 2017. *New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report*.
- Casey & Lowe, 1996-7, *Archaeological Excavation Silknit House, Mary Street, Surry Hills*
- Casey & Lowe, 1996, *Archaeological Excavation, 20 Albion Street, Surry Hills*
- RPS Australia East Pty Ltd, 2019*. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills* - Historical Archaeological Excavation Report

Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW

AMAC carried out salvage excavations at 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, approximately 70m north of the study area, in 2018.

The site was originally occupied by a large sandstone and brick cottage constructed on the early 1830s, three two-storey brick terraces from the 1840s and vacant area of land used as a pottery sale yard from the 1870s. Throughout the late 19th century a series of terraces and shops were built on vacant land or on the site of earlier structures such as the 1830s cottage.

Salvage excavations uncovered intact foundations of the 1830s cottage, two wells at the site of the 1840s terraces and disturbed evidence of late 19th century shops and former privy which had been modified with early 20th century sewer pipes. The site had been heavily cut down and modified over time, and as a result, no intact topsoils were encountered during the archaeological program.

Austral Archaeology Pty Ltd, 2017. New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report.

Austral completed archaeological test and salvage excavations at 66-78 Albion Street, Surry Hills, approximately 300m southeast of the study area, in 2015 and 2016. The Albion Street site was occupied by residential housing between c1850 and 1910, after which the Children's Court building was constructed.

Archaeological excavations uncovered intact evidence of the 1850s buildings including their footings, cesspits, underfloor deposits, yard surfaces, a refuse pit, a well and yard deposits. These were capped by a thick layer of levelling fill. Modern services had cut and truncated various pre-1910 occupation deposits and structures. Evidence of the historic removal of buildings materials (robbing) for unrelated construction activities was observed across the site. No evidence of pre-c1850 occupation was encountered.

The majority of cesspits encountered at the site were intact (i.e., had not been modified for plumbing) and had been cut into underlying clays. However, a brick lined plumbed toilet constructed during later development activities in around 1908/1910 was encountered. Unlike the intact cesspits, this did not contain a large artefact assemblage.

Casey & Lowe, 1996-7, Archaeological Excavation Silknit House, Mary Street, Surry Hills

In 1996-7 Casey and Lowe excavated Silknit House on the corner of Reservoir and Mary Streets, Surry Hills.[131] Archaeological deposits in the northwest corner of the site included a pre-1860s sealed deposit and remains associated with Chinese residential occupation in the late 19th century. Beneath the clean sand layer there were ephemeral brickfield remains, impressions of horse shoes and cart marks, suggesting the brickfields site was sealed and levelled prior to residential construction.[132] In situ archaeological deposits which included a timber capped stone drain, were left in place 2.5m below the street level. Archaeological testing at the southern end of the site also revealed evidence of brickfield era activity such as horses hooves and cart marks. Under investigation the topsoil and clay of the area had been removed and a number of shallow features had been cut into the clay. A sealed rubbish deposit dating to the pre-1860s was also found.[133] The archaeological evidence of the excavations generally confirmed that brickfield activities had extended into this area.[134]

Casey & Lowe, 1996, Archaeological Excavation, 20 Albion Street, Surry Hills

Casey and Lowe conducted an archaeological excavation at 20 Albion Street in 1996 with the aim of recording any archaeological remains from the post 1840s residential occupation in addition to any remains from the areas likely use as a brickfield.[135] Substantial intact remains from both periods were uncovered including the remains of a brick clamp kiln, the first example of a brickfield remains identified in the Sydney CBD.[136] The brick kiln was located immediately above shale, the clay had likely been removed for the purpose of brickmaking prior to the construction of the kiln. The brickfield remains were located at the rear of the site which had been subject to minimal later activity. The site above the brickfield remains had been filled with up to 500mm of sand and had been later used as a rubbish disposal location.

RPS Australia East Pty Ltd, 2019. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills - Historical Archaeological Excavation Report

[131] Casey & Lowe, 2001, *Campbell Street Substation Archaeological Assessment & Research Design*, report prepared for Enerserve Energy Australia, p. 28
[132] Discussed in Casey & Lowe, 2001, p. 31.
[133] Discussed in Casey & Lowe, 2001, p. 31.
[134] Discussed in Casey & Lowe, 2001, p. 31.
[135] Discussed in Casey & Lowe, 2001, p. 30.
[136] Discussed in Casey & Lowe, 2001, p. 30.

RPS carried out archaeological monitoring and salvage excavations at 432-436, 440-442 & 444 Elizabeth Street, Surry Hills, located 700m south of the study area, in 2017. Like the current study area, the site was occupied by various century shops and residences.

Archaeological monitoring in the northern portion of the project area revealed that all evidence of previous structures had been removed through the construction of a 1903 basement and demolition of late 19th century buildings. However, intact footings, walls, surfaces and secondary artefact deposits associated with former 1870s shopfronts along the southern side of the site were found to have survived.

The limited nature of artefacts recovered from the site could not be directly associated with specific activities that may have occurred in residences or shops.

Summary of findings in relation to the study area

Findings from previous non-Aboriginal archaeological excavations in the vicinity of the study area suggest colonial sites in Surry Hills were sometimes cut down to basal clays to accommodate 19th century development. This often removed evidence of former soil horizons and Aboriginal land use. Levelling fills were introduced to accommodate later development at 66-78 Albion Street and to fill in removed brickfield era clay deposits at 20 Albion Street.

In terms of the current study area, similar activities may have removed archaeological resources associated with the site prior to the construction of the Elizabeth and Reservoir Street buildings; however, the extent of landscape modification in the area is unknown.

In terms of the survival of structural and artefact bearing deposits, where deep excavations for basements or cellars had not occurred, there was generally high to moderate potential for evidence of former buildings such as footings, foundations, cesspits, yard surfaces, refuse deposits and wells to survive, although these were sometimes truncated by modern services or building footings.

Additionally, previous excavations suggest that cesspits were sometimes modified to accommodate modern plumbing throughout the late 19th and early twentieth century, when formal Municipal services were brought into the suburb.

7.1.3. Archaeological Zoning Plan (AZP)

The 1992 AZP for Central Sydney has listed the following addresses in the study area as areas of archaeological potential (AAP) (shown in Figure 7-1). Foster Lane was not listed as a street assessed in the study.

- 232- 236A Elizabeth Street, Building, AAP[137]
- 238-240 Elizabeth Street, Building, AAP
- 40 Reservoir Street. Building, AAP[138]
- 42 Reservoir Street. Building, AAP[139]

The AZP describes areas of Archaeological Potential as:

> *An allotment of land or feature that has been identified in the field survey as being an area of high archaeological potential due to limited physical disturbance (usually due to the most recent building development). This category includes both above and*

[137] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 18.
[138] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.
[139] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.

below ground archaeological features such as remnant structures, significant fabric of extant buildings / structures, as well as below ground sites. Most areas identified will contain sites of former occupations / activity and buildings. These sites may be known through historic documentation (not undertaken as part of this project), or may become evident during the fieldwork. An example of the latter is within currently vacant allotments (generally development sites and car parks), where the shadows or outlines of the most recently demolished structures are evident on the walls of adjoining buildings.

Areas of Archaeological Potential are indicated by dark grey shading on the field survey plan. Where specific above ground features have been identified, they have been noted as part of the building allotment / street on which they are located in the schedule of sites.[140]

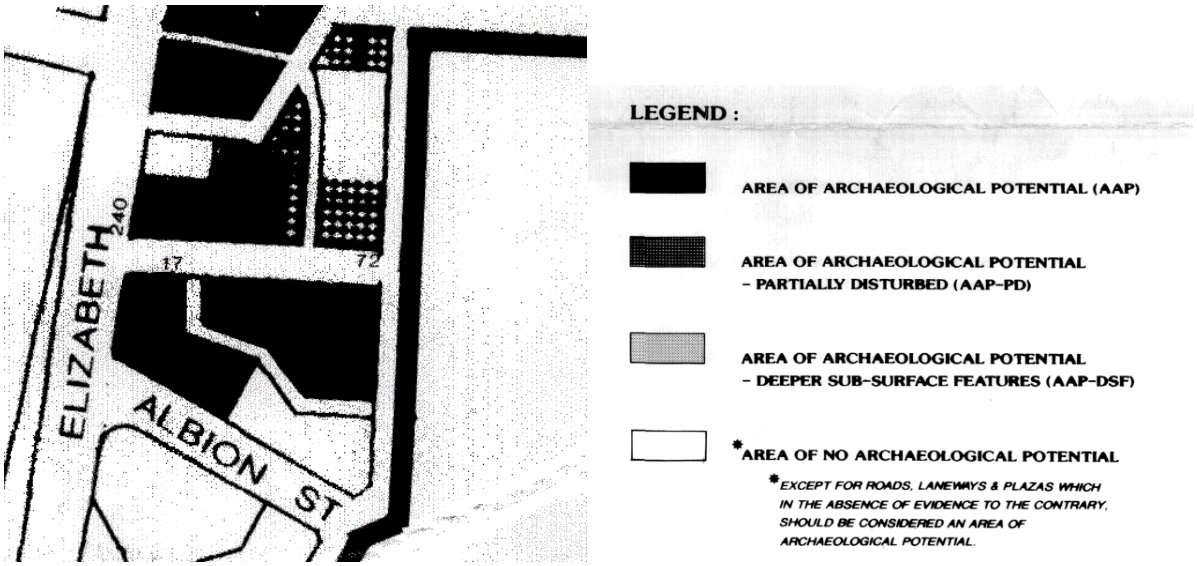

Figure 7-1: Central Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP) showing the study area as an area of Archaeological Potential (AAP), (Source: Central Sydney AZP)

7.1.4. Summary of post 1788 land use

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 1 1788-c.1807 Brickfields and farming	Predominantly vacant lots associated with the Brickfields and Surry Hills farm. The site straddled the brickfields and Surry Hills Estate. In 1898 an "old stone wall" marking the border of the estate is noted along the eastern edge of the study area.	Ephemeral evidence of informal land use such as clearing of vegetation (tree boles), landscape modification, informal development and animal grazing. Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns. Potential stone wall marking the former line of the Surry Hills Estate.

[140] City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 6.

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Subdivisions occur Potential use as part of brickfields. Possible ephemeral brickfield huts as evidenced from Meehan's 1807 plan. By c.1840s a small structure evident around 40 Reservoir St	Potential fence lines and boundary markers Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns. Potential structural remains of temporary structures including a brickfield hut and potential watch house.
Phase 3 c.1844-c.1879 Domestic Residences	Potential levelling of site c.1845 construction of wooden house around 234-236 Elizabeth Street c.1853-5 construction of brick house around 236 Elizabeth Street c.1853-5 construction of property at 238 Elizabeth Street c. 1861 demolition of wooden house around 234-236 Elizabeth Street c.1865 extension of 238 Elizabeth Street, c.1874 extension of 238 Elizabeth Street c.1879 construction of terraces at 232-236 Elizabeth Street 232-236 believed to be built c,1879 238-40 believed to have been extended c.1874 Possible disturbance of earlier land use during construction and extensions	Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures. Potential underfloor deposits from early abutting flooring. Potential occupation deposits

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 4 c.1879-c.1920 Commercial and Residential Occupation	Construction of terraces at 40 and 42 Reservoir Street Installation of Bondi Outfall Brick sewer c.1889-93, potential removal of initial 40-42 Reservoir Street structures for the installation of the sewer Potential construction of new terraces at 40-42 Reservoir Street c.1895. Cess pits associates with water closets at rear of property potentially filled in when properties connected to water.	Brick oviform drain (although plans indicate it should not be disturbed by the development) Construction of the drain likely disturbed deposits in the eastern portion of the study area, associated construction fills. Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures. Potential Commercial and domestic occupation deposits
Phase 5: 1920s-present Commercial and residential occupation and extensive internal and external modifications and extensions	Addition of infill dwelling between 240 Elizabeth Street and 40 Reservoir Street post 1949. Rear extension of first floor of 238-240 Elizabeth Street c.1964 A number of internal fit out changes, changes to awnings and shop fronts.	Utilities, concrete slabs, paved surfaces, concrete or brick footings associated with Phase 5 additions and extensions.

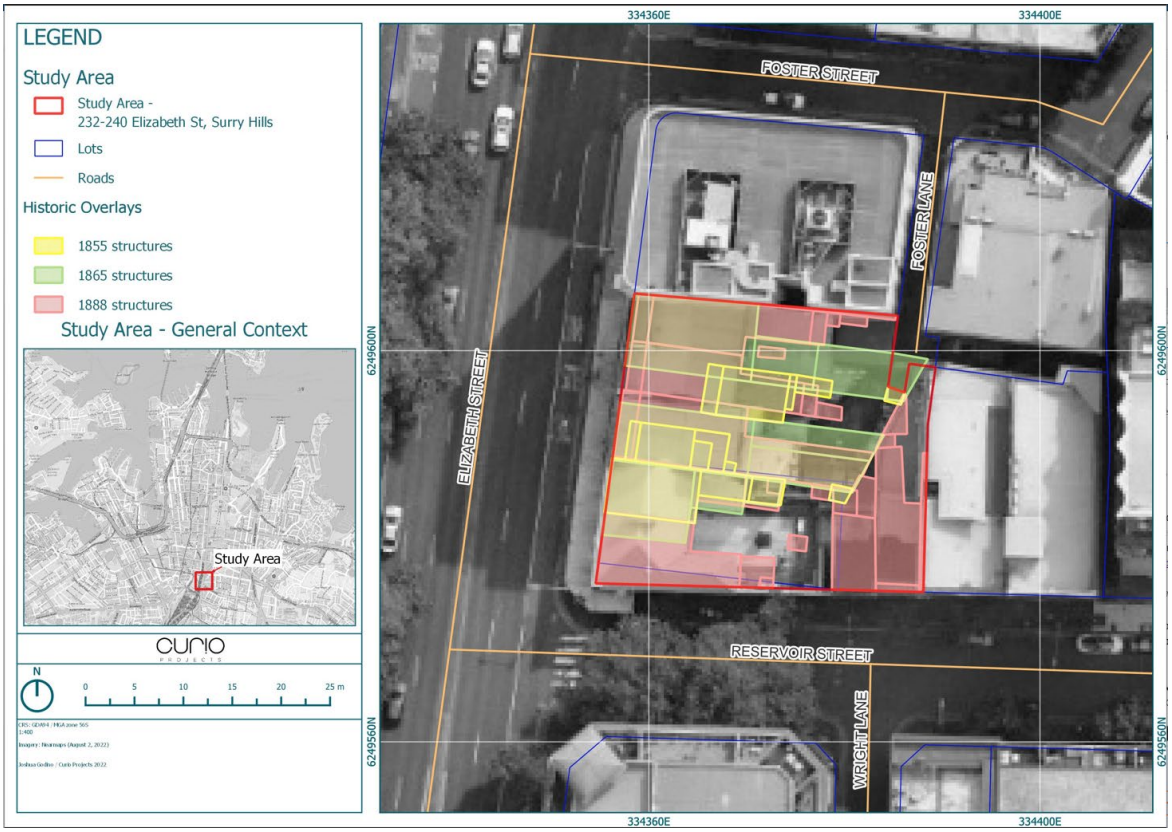

Figure 7-2: Location of 1855, 1865 and 1888 structures

7.1.5. Assessment of archaeological significance

The following assessment of archaeological significance is based on known occupation and development in the study area. It does not include an assessment of post-1920 development (Phase 5), as subsurface evidence for this later phase of development would likely represent surviving structures within the study area footprint or represent structures that do not contain research value due to their contemporary, ubiquitous, and well understood nature.

Table 7-1: Non-Aboriginal Archaeological assessment

Occupation phase	Assessment of archaeological potential
Phase 1 1788-c.1807 Brickfields and farming	Based on known land use and development, there is nil to low potential for deposits relating to the brickfields and early farming practices in the study area. Archaeological resources associated with this period would be highly ephemeral and fragile, for example tree boles associated with land clearing and are unlikely to have survived later development activities. Evidence of brickfield use and cart tracks, horse hooves has been revealed on nearby sites beneath sand levelling. There is the potential for an understanding of the brickfields landscape.[141]
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Based on known land use and development, there is nil to low potential for deposits relating to the ephemeral structures that appears on early maps of the study area. The construction of the Phase 3 buildings in the study area would likely have disturbed, truncated or removed evidence of the potential Phase 2 usage. The

[141] Austral 1999, p. 35.

Occupation phase	Assessment of archaeological potential
	construction of the ovoid drain would likely have disturbed any evidence of a potential structure in the vicinity of 40 Reservoir Street[142]
Phase 3 c.1844-c.1879 Domestic residences	Based on known land use, development, and previous archaeological investigations In Surry Hills there is There is **low potential** for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area. There is **low to moderate potential** for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits. Building extensions and redevelopment, the late 19th Century excavation for the sewer, in addition to the installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits. Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.
Phase 4 c.1880-c.1920 Commercial and residential occupation	Based on known land use, development, and previous archaeological investigations In Surry Hills there is **low to moderate potential** for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits. Installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits. Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.

Table 7-2. Assessment of archaeological significance

Occupation phase	Assessment of archaeological significance
Phase 1 1788-c.1807 Brickfields and farming	In the unlikely event that potential archaeological resources associated farming were encountered in the study area, they are unlikely to meet the threshold for local or State significance under any of the NSW Heritage Criteria. Potential archaeological resources would be highly ephemeral in nature and represent ubiquitous land use activities such as evidence of vegetation clearing, the erection of fences. The location of the study area within the brickfields suggests that whilst there is a low potential of recovering archaeological resources associated with brick making and brick works, if recovered these deposits would be of local significance. **Potential Phase 1 archaeological resources associated with farming are unlikely to reach the threshold for local or State significance.** **Potential Phase 1 archaeological resources associated with brickmaking may reach the threshold for historical, scientific and rare significance at a local level**

[142] Austral 1999, p. 35.

Occupation phase	Assessment of archaeological significance
Phase 2 c.1807-c.1843 Subdivisions and potential usage	In the unlikely event that intact, artefact bearing deposits associated with the ephemeral structures mapped on the study area at this time, they may meet the threshold for historical and research significance at a local level. The structures each appear on a single map each, any remaining evidence of these ephemeral structures would have likely been disturbed, truncated or removed by later developments and, in the case of the structure near 40 Reservoir Street, the construction of the oviform sewer. **If intact artefact bearing deposits associated with Phase 2 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.**
Phase 3 c.1844-c.1879 Domestic residences	If intact, artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context. This phase of residential occupation represented working class residential occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions. Structural evidence of Phase 3 occupation may meet the threshold for local or state significance under the NSW Heritage Criterion, albeit that development in the study area is well documented through cartographic records and surviving buildings across Surry Hills and the broader urban landscape. **If intact artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.** **Structural evidence of Phase 3 occupation not associated with artefact bearing deposits may meet the threshold of local or State significance.**
Phase 4 c.1880-c.1920 Commercial and residential occupation	If intact, artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context. This phase of residential occupation represented working class residential and commercial occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions. **If intact artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.** **Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.**

7.1.6. Summary of non-Aboriginal archaeological potential and significance in the study area

This assessment has found that the study area has the following non-Aboriginal archaeological potential and significance.

- Phase 1 (1788-c1807):
    - Nil to low potential to contain archaeological resources associated with Phase 1 farming and/or brick making. Remains associated with farming are unlikely to each the threshold of local or State significance. Archaeological remains associated with brickmaking would have historic and research significance at a local level.
- Phase 2 (c1807-1843):
    - Nil to low potential to contain archaeological resources associated with Phase 2 occupation. If encountered, these remains they may meet the threshold for historical and research significance at a local level.
- Phase 3 (c1844-1879):
    - Low potential for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area.
    - Low to moderate potential for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits.
    - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- Phase 4 (c.1879-c.1920)
    - Low to moderate potential for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits.
    - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.

8. Conclusions and Recommendations

8. Conclusions and Recommendations

The following conclusions have been determined as a result of this DD and AA.

8.1. Conclusions

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

Non-Aboriginal Archaeology

- The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.
- All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).
- The study area has been subject to five post-1788 land use and development phases:
    - Phase 1: 1788-c.1807 Brickfields and farming
    - Phase 2: c.1807-c.1843 Subdivisions and potential usage
    - Phase 3: c.1844-c.1879 Domestic residences
    - Phase 4: c.1879-c.1920 Commercial and residential occupation
    - Phase 5: 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions
- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:

- Phase 1: nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
- Phase 2: nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
- Phase 3: low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
    - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- Phase 4: low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
    - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
    - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

8.2. Recommendations

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal.

The indicative design included in the proposal is concerned with the intended development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Aboriginal Heritage and Archaeology

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed at the time of future development to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The following recommendations refer to non-Aboriginal archaeology only.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.
    - *s139(4) excavation permit exception*: A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception;* an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
    - *s140 excavation permit*: A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The

application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

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PROJECTS

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Elizabeth st

Client Service ID : 726772

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2637	George street 1	AGD	56	333860	6249880	Open site	Valid	Artefact : -		98238,102494, 102763,10276 5
	Contact	**Recorders**	Dominic Steele Archaeological Consulting					**Permits**	1369	
45-6-3848	244 Cleveland Street	GDA	56	334070	6248750	Open site	Valid	Artefact : -		
	Contact	**Recorders**	Comber Consultants Pty Limited,Ms.Veronica Norman					**Permits**		
45-6-2979	UTS PAD 1 14-28 Ultimo Rd Syd	GDA	56	333650	6249590	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	Contact	**Recorders**	Dominic Steele Archaeological Consulting,Mr.Dominic Steele					**Permits**	3458	
45-6-3152	168-190 Day Street, Sydney PAD	GDA	56	333877	6250257	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		
	Contact	**Recorders**	Mr.Josh Symons,Mr.Alex Timms					**Permits**	3789	
45-6-3654	CRS AS 01 (Central Railway Station Artefact scatter 01)	GDA	56	334035	6249170	Open site	Partially Destroyed	Artefact : -		104403
	Contact	**Recorders**	Artefact - Cultural Heritage Management - Pyrmont,Artefact - Cultural Heritage Ma					**Permits**	4639	
45-6-2651	William St PAD	AGD	56	334800	6250220	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	Contact	**Recorders**	Mr.Neville Baker					**Permits**	1589,1670	
45-6-2987	Poultry Market 1	GDA	56	333746	6249575	Open site	Valid	Artefact : 1		102494,10276 3
	Contact	**Recorders**	Ms.Samantha Higgs,Biosis Pty Ltd - Canberra					**Permits**	3506	
45-6-3217	Darling Central Midden	GDA	56	333530	6250101	Open site	Valid	Aboriginal Ceremony and Dreaming : 1, Artefact : 1, Shell : 1		
	Contact	**Recorders**	Comber Consultants Pty Limited,Ms.Tory Stening					**Permits**		

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**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

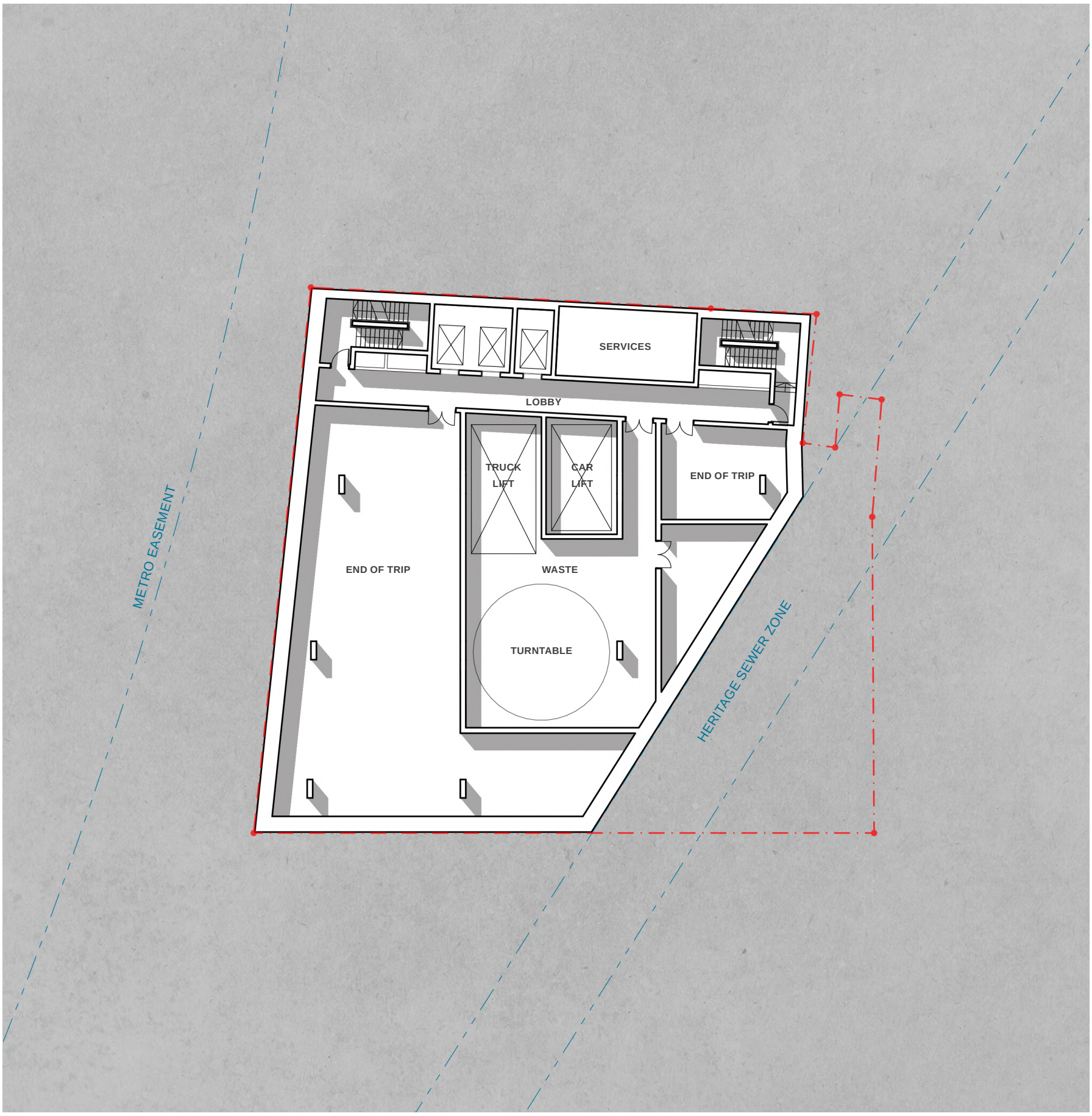
Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 26/10/2022 for Sarah Mcguinness for the following area at Address : 238 ELIZABETH STREET SURRY HILLS 2010 with a Buffer of 1000 meters..

Number of Aboriginal sites and Aboriginal objects found is 8

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

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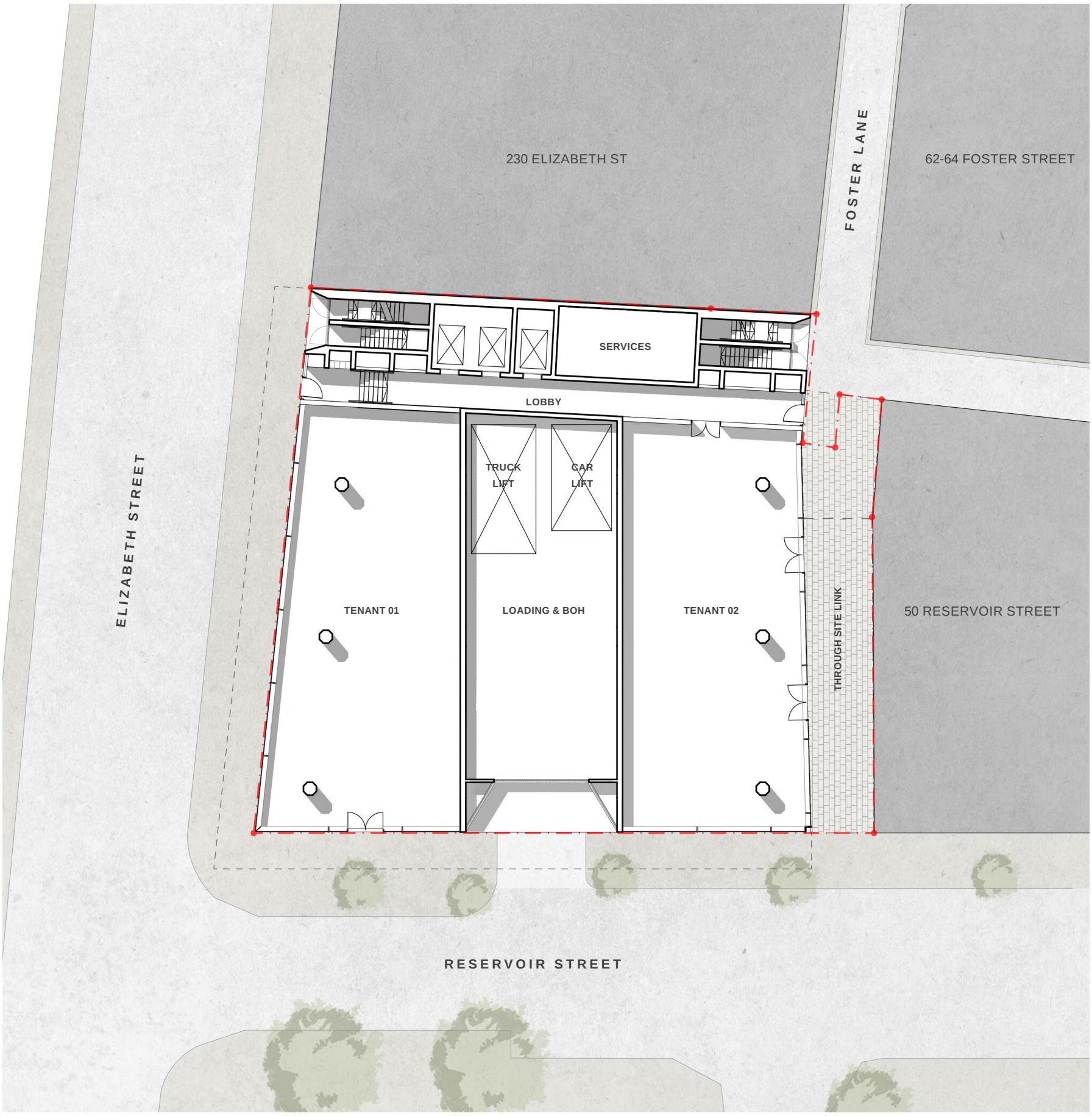

GROUND FLOOR PLAN

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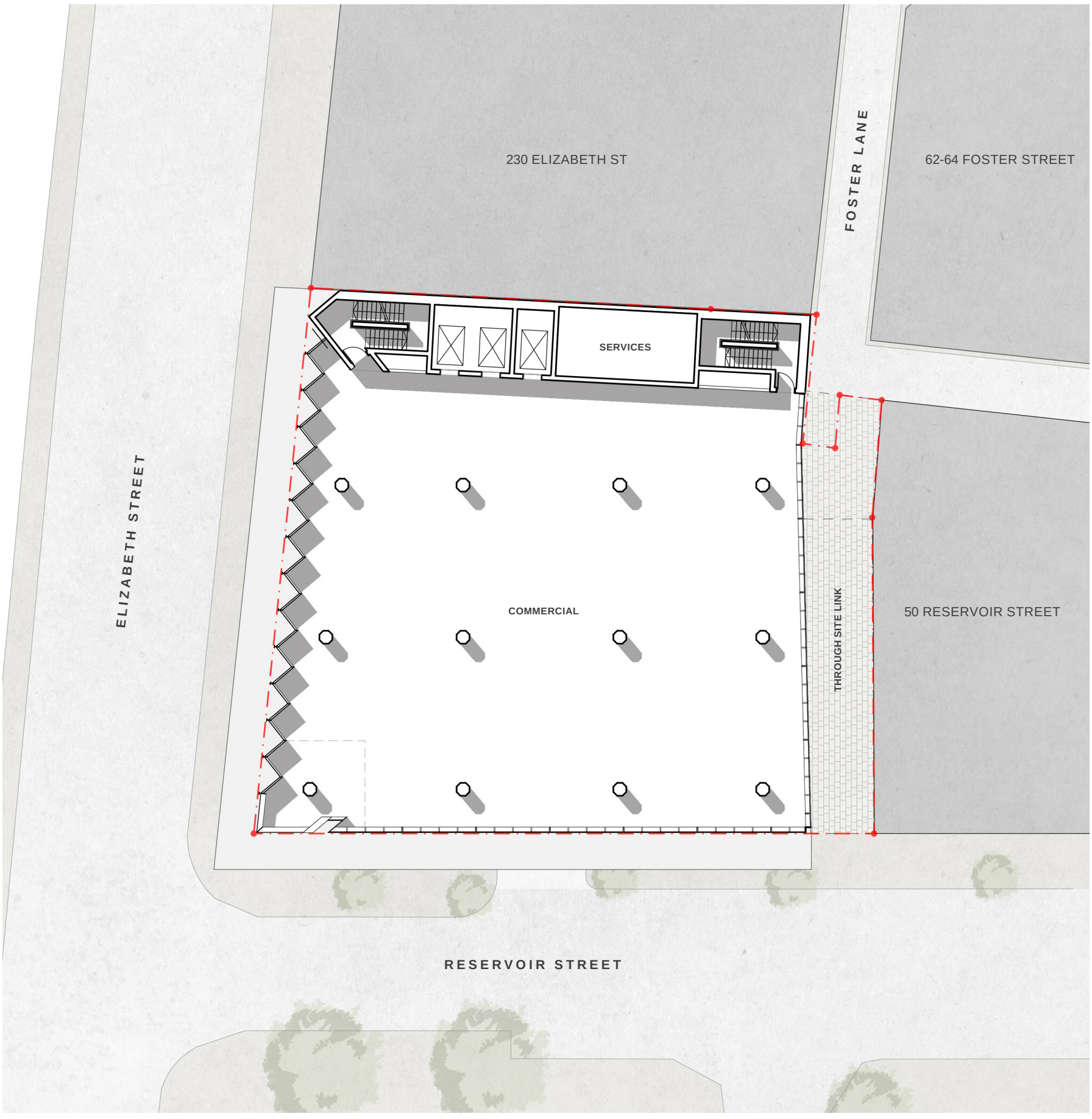
COMMERCIAL GFA	79 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN L1, L2, L4, L6

COMMERCIAL GFA **706 m²**

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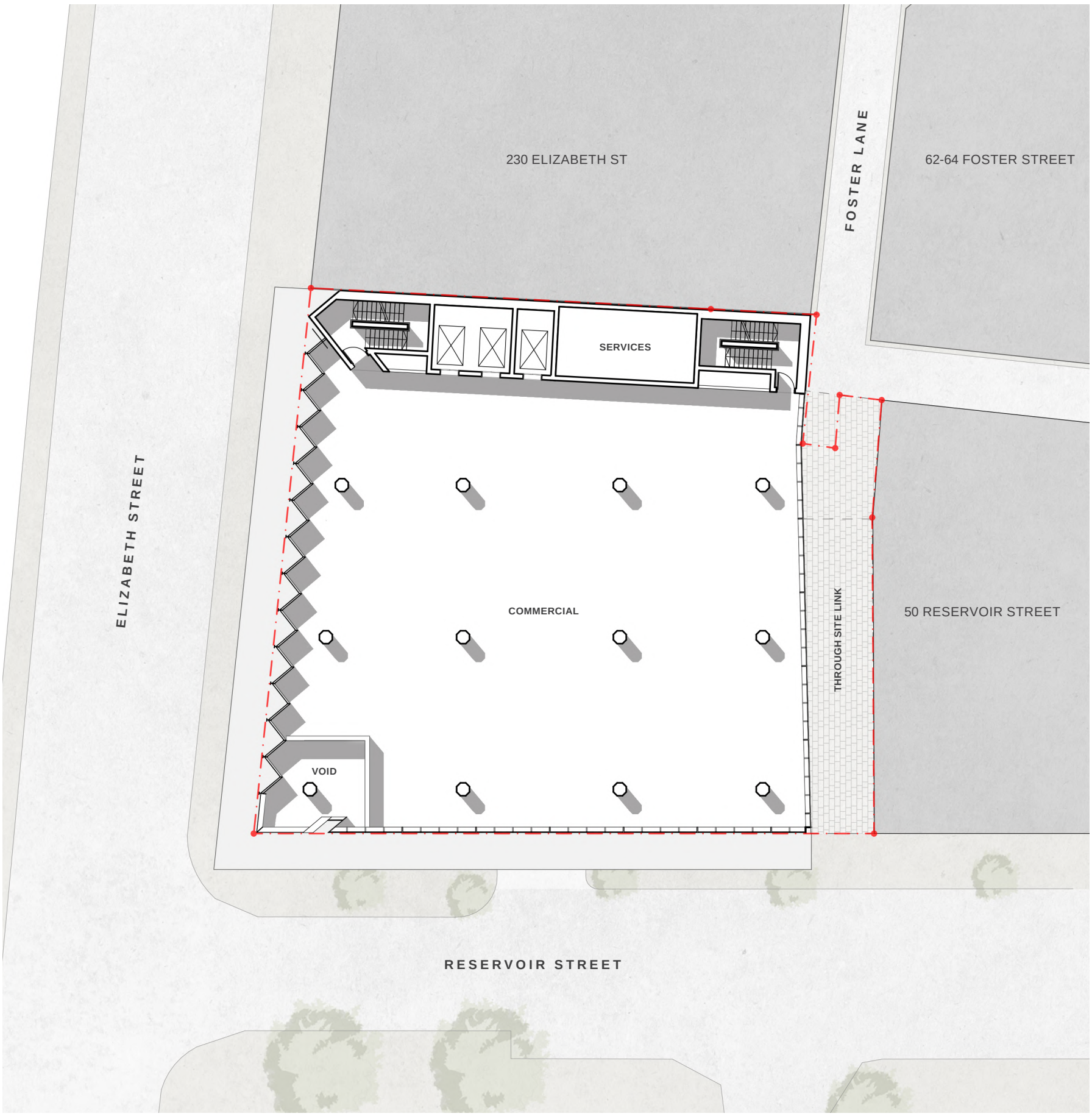

TYPICAL FLOOR PLAN L3, L5, L7

COMMERCIAL GFA **681 m²**

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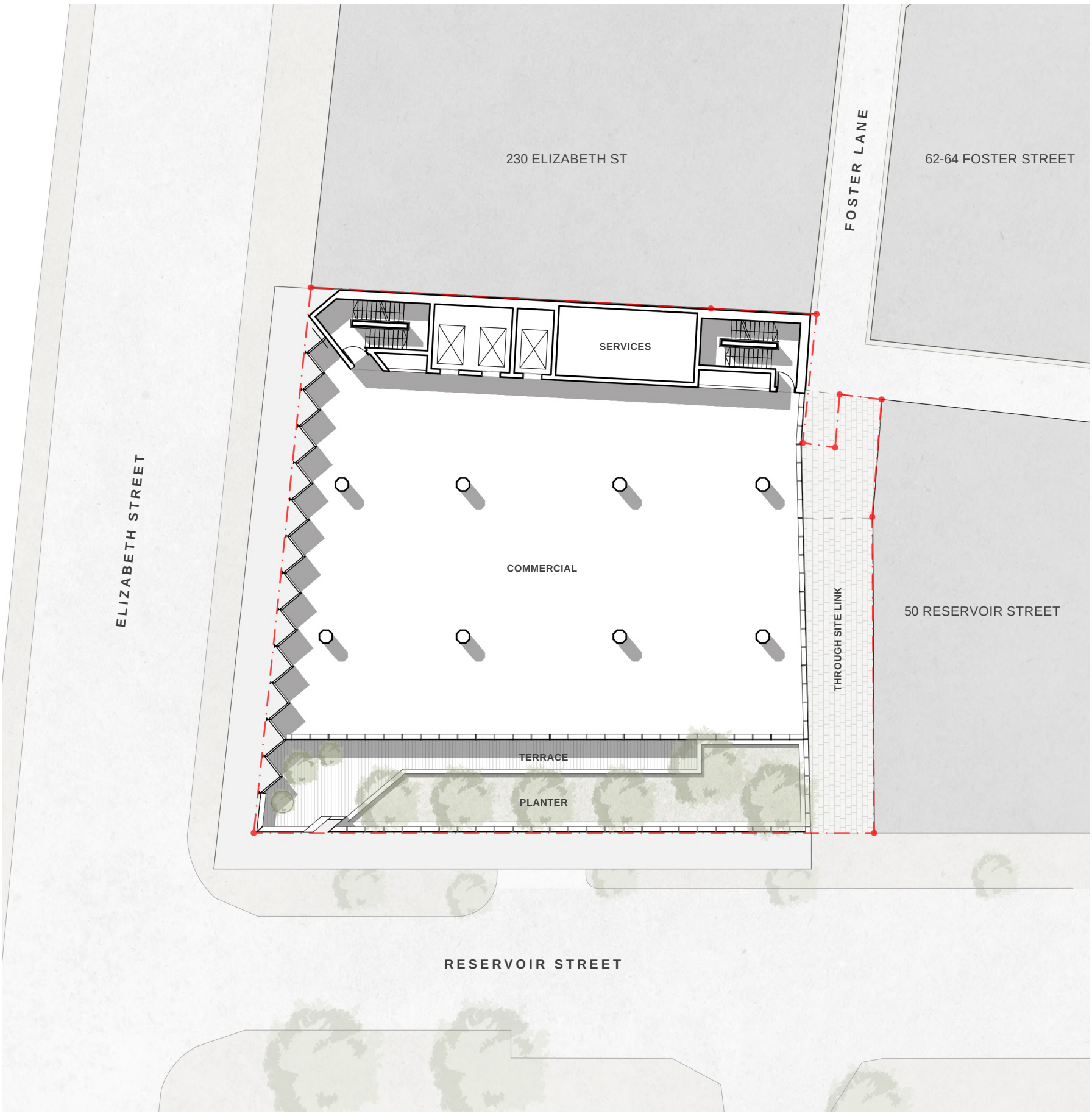
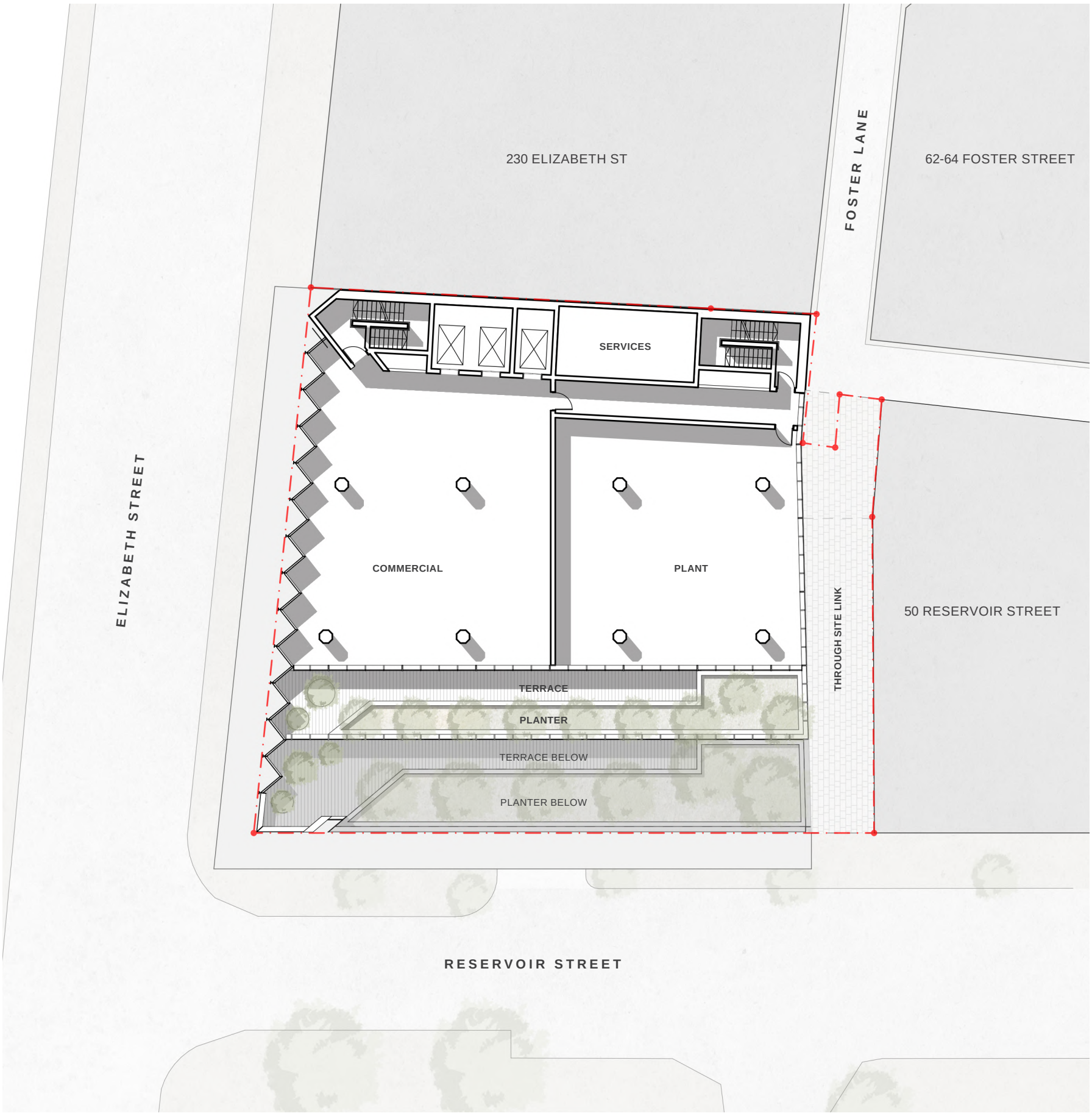


FLOOR PLAN - L8

COMMERCIAL GFA	**561 m²**
TERRACE	**61 m²**
PLANTER	**78 m²**

SCALE 1:250

0 5 15



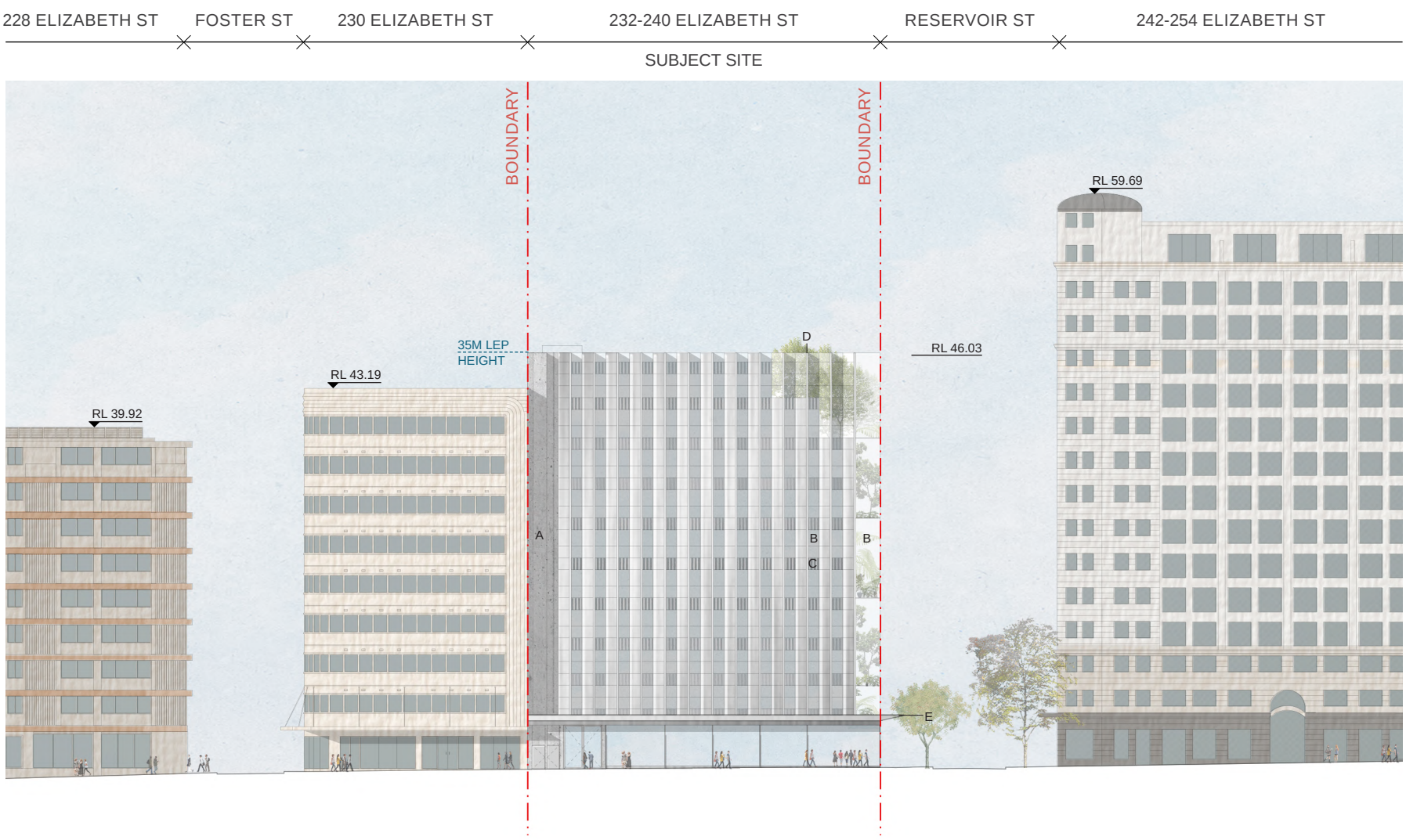
FLOOR PLAN - L9

COMMERCIAL GFA	**380 m²**
TERRACE	**44 m²**
PLANTER	**58 m²**
PLANT	**66 m²**

SCALE 1:250

0 5 15

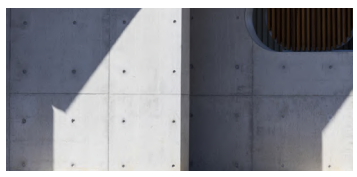
ELEVATION



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

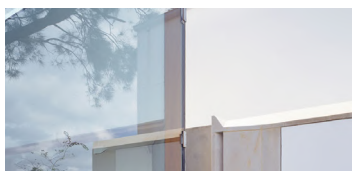
0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

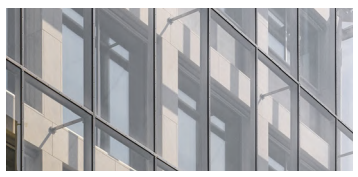
Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design



D

Stainless Steel

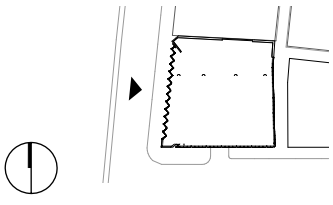
Virchow 6, Álvaro Siza Vieira

E

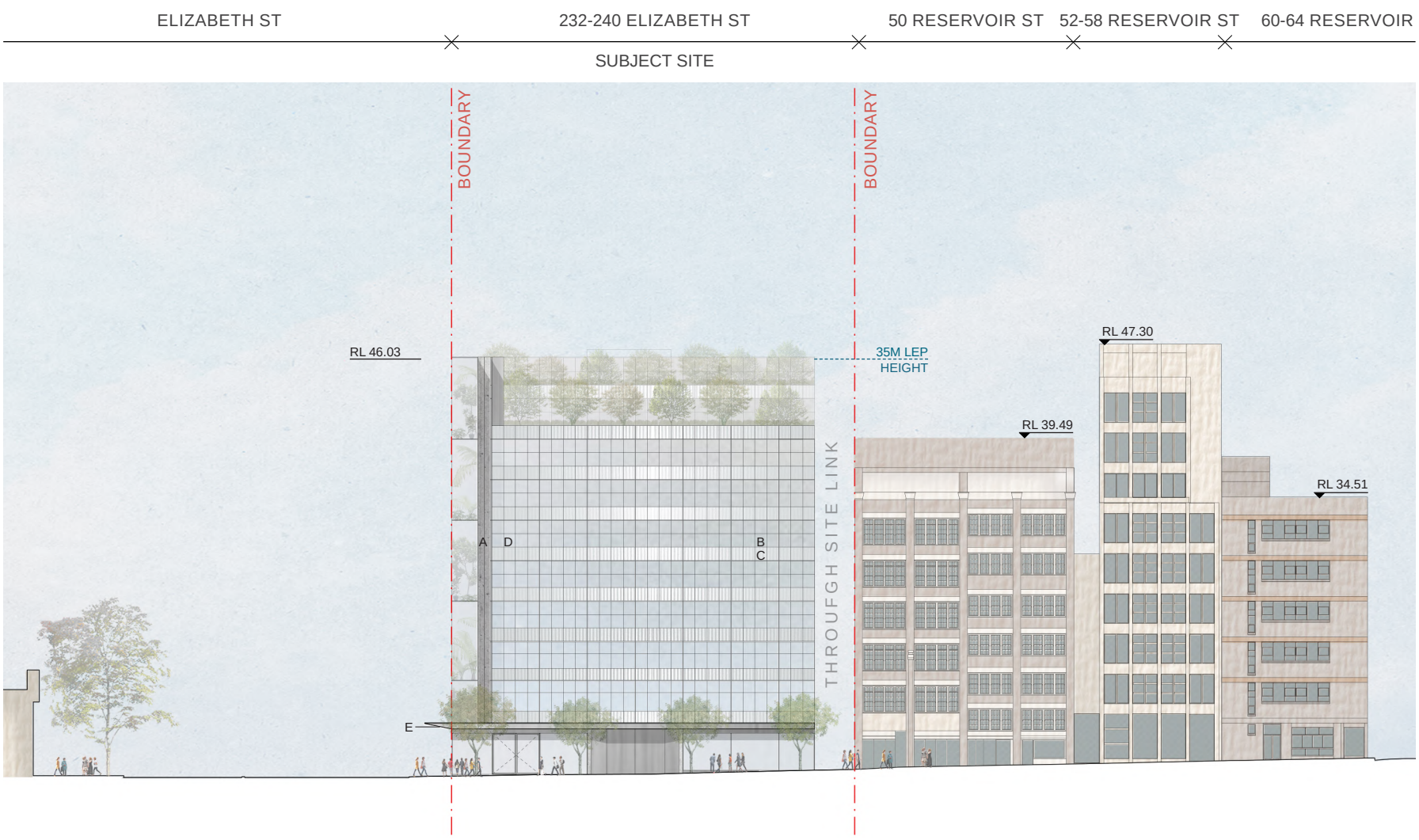
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



ELEVATION



SOUTH ELEVATION - RESERVOIR STREET

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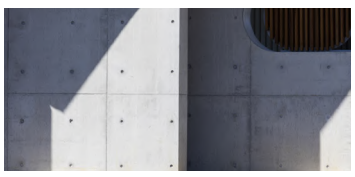
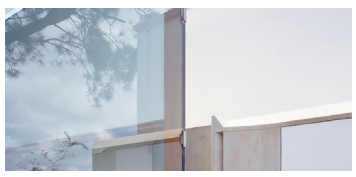
0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

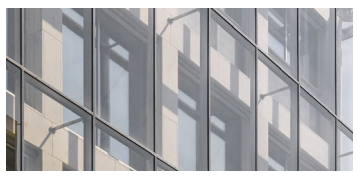
Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design



D

Stainless Steel

Virchow 6, Álvaro Siza Vieira

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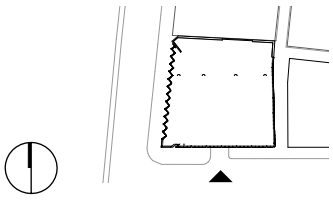
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



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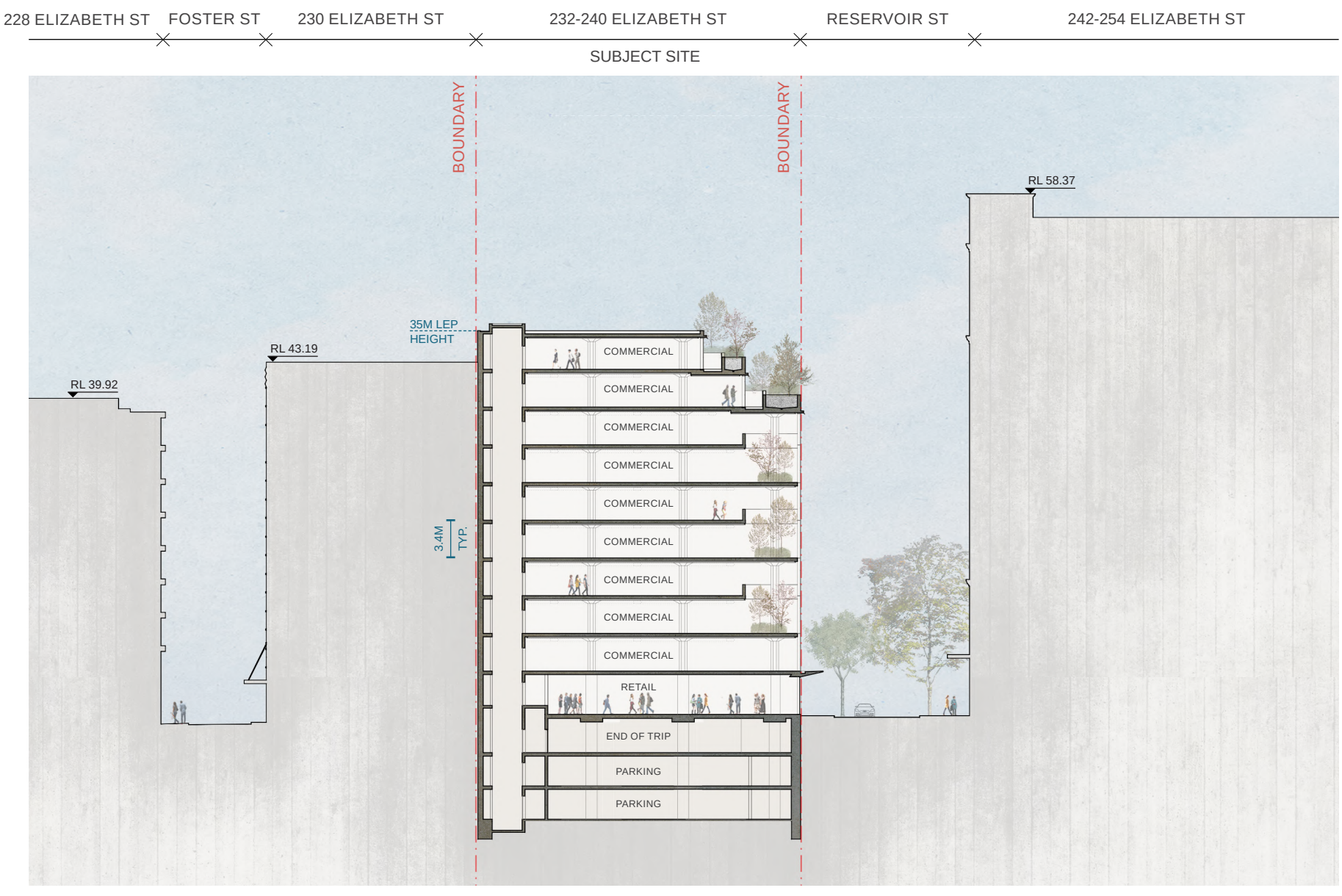

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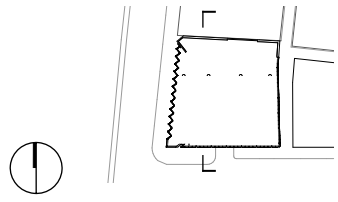

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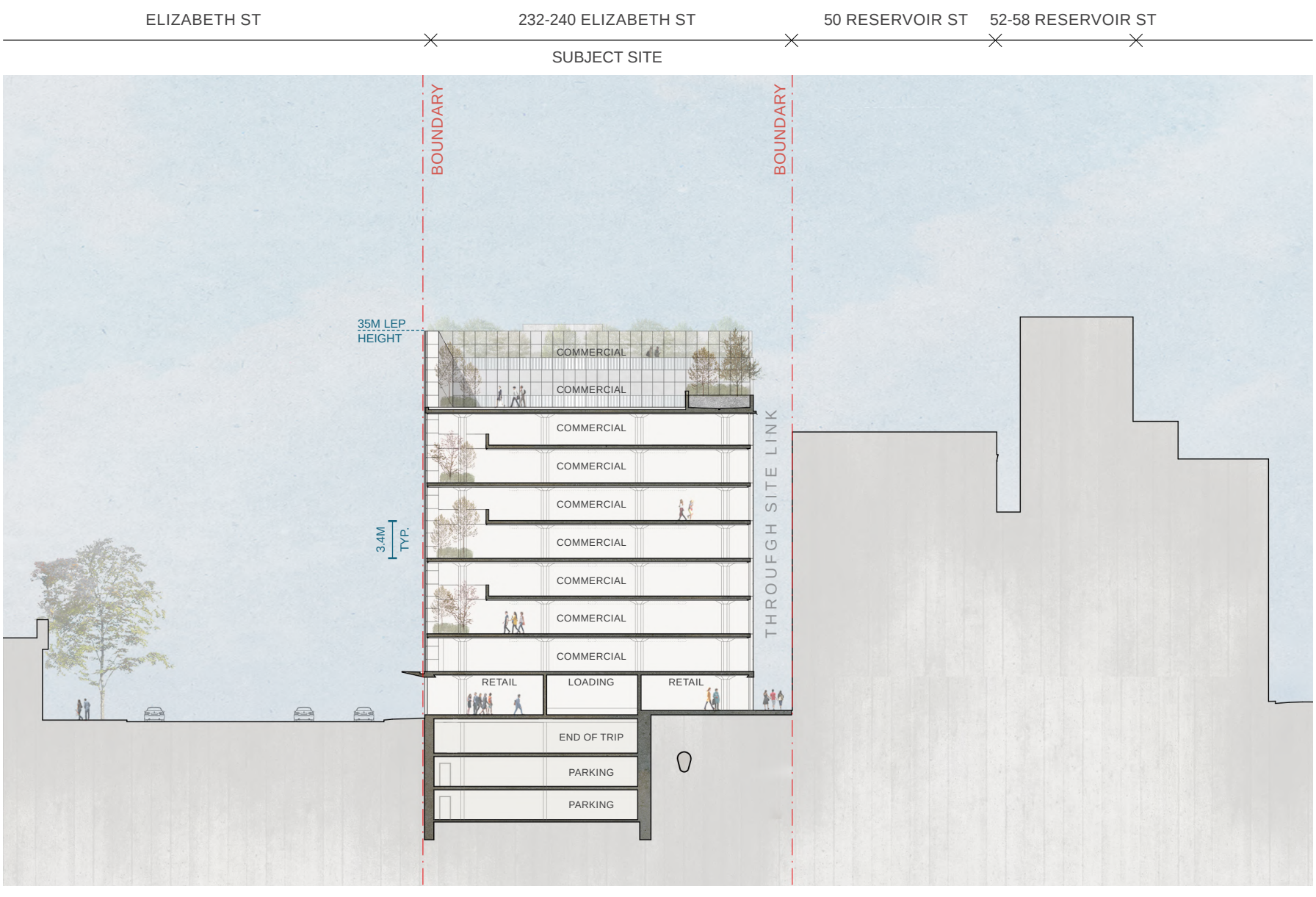

SECTION BB

SCALE 1:500

0 5 10 20

Item Name	Statement of Significance	Significance	Item No.
Sydney Terminal and Central Railway Stations Group	*THE SYDNEY TERMINAL AND YARDS:* *- As the site of the first Sydney Terminal and the starting point of the main line, from which the NSW rail network grew;* *- for its continuity of railway use since 1855;* *- As the site of one of the first passenger stations in NSW;* *- As a major terminal by world standards, comparable with late Victorian and Edwardian metropolitan stations in Europe, Great Britain and North America;* *- Containing the Mortuary Station, one of five pre 1870 stations surviving in the State;* *- As the first major terminus to be constructed in Australia and the only example of a high level terminus in the country;* *- As a unique terminal, in NSW, not only in extent but also for the high standard of design of the associated buildings in particular the Mortuary Station, Railway Institute and the Parcels Post Office;* *- Containing two of the three station buildings, in NSW designed by the Colonial or Government Architect in NSW;* *- As one of the two longest continuously operating yard/workshop complexes in Australia, dating from the 1850s. Although many of the original functions have been superseded, or operations transferred to other sites, evidence of the working 19th century yard remains extant;* *- As a major multi-level transport interchange between pedestrians, vehicular traffic and trains and later trams and subsequently buses. Since its establishment in 1855 it has been one of the busiest transport interchanges in Australia;* *- As the larges formally planned addition to the urban fabric of Sydney prior to World War 1, intended to form a gateway to the city;* *- As the site of the Benevolent Asylum and Carters Barracks and Devonshire Street Burial Ground and Stations, evidence of which is likely to be found in the archaeological record;* *- As a major public work undertaken in numerous stages between 1855 and 1930 by two branches of the Department of Public Works, the Railway and Tramway Construction Branch and the Colonial (later Government) Architects Branch;* *- For the evidence provided of the changing technology of train travel from steam to electric trains, indicated not only by the declining yard workforce but also by the changes in yard layout and signalling work practises;* *- As point of entry to the city for visitors from country NSW and a major departure point for travellers within Australia;* *- The railway yards, the Mortuary Station, Railway Institute Building, terminus and clock tower are familiar Sydney landmarks, particularly to rail travellers.* *THE WESTERN YARD:* *- For their continual operation as a rail yard since the introduction of railways to NSW in 1855;* *- As site of the first and second Sydney Terminals and the Mortuary Station;* *- Whitten virtually abandoned Sydney work in order to construct the main line network in the country areas.* *THE DARLING HARBOUR BRANCH LINE* *- Containing one of the first overbridges and cuttings constructed in Australia, part of the first phase of railway construction in NSW;* *- As a vital link with Darling Harbour and for the export of wool and other agricultural products from country NSW;* *- For the surviving fabric which provides evidence of change embankment and retaining wall and bridge construction techniques.* *THE MORTUARY STATION* *- As one of a pair of purpose built mortuary or receiving stations, the only known example in Australasia. Whilst the station at Sydney remains in its original location, the Rookwood Station has been relocated;* *- As a fine, rare example of 19th century Venetian Gothic;* *- As the finest example of a covered single platform type station in Australia and the most elaborately detailed stations, of its period. The detail includes a rare example of a tiled platform, elaborately carved stonework and joinery, furniture and decorative wrought iron work;*	**State**	**01255**

Item Name	Statement of Significance	Significance	Item No.
	- As one of few Gothic Revival buildings designed by the Colonial Architect James Barnet, a highly praised design, marking a high point in his career and considered to be one of his finest designs; *- For its association with Victorian rituals surrounding death and mourning. The building was designed as an elaborate setting for the example of the use of trains rather than horse drawn carriages to transport coffins to cemeteries;* *- As one of few Gothic revival buildings of the period that were designed for a function other than for churches or schools. The style was selected to provide an appropriate atmosphere for the mourners;* *- As an early example of the introduction of Venetian Gothic motifs including the colonnade which screens the platform;* *- As a fine example of stone masonry including an arcade with foliated capitals and carved intrados (soffit), metal and wood work.* *- For the role played by the colonial Architect James Barnet in encouraging the art of stone masonry through his designs;* *- For its association with the development of the Rookwood Necropolis, one of the largest garden cemeteries in the world;* *- As a local landmark, visible from locations such as Prince Alfred Park, the Cleveland Street Bridge and the forecourt of Sydney University.* *THE WEST CARRIAGE SHEDS* *- One of few surviving working buildings on the site, whose industrial character, specialised layout and form demonstrate former functions and operations;* *- As the smaller, and remaining of two carriage sheds, built for the servicing of carriages;* *- Part of the extension of the Sydney Terminal shortly after the turn of the century;* *- The disuse of the carriage sheds provides evidence of the changing nature of rail travel and work practices, such labour intensive processes no longer being undertaken within the Sydney Yards.* *PRECINCT 2: THE PRINCE ALFRED SIDINGS* *- Contain the only remains of a workshop building within the Sydney Terminal complex, which date from the 1870s, and also the Railway Institute;* *- Mark the eastern boundary of the once extensive Sydney yards.* *THE RAILWAY INSTITUTE* *- The first Railway Institute to be established in Australia;* *- A fine example of the Queen Anne revival style, based on English precedent. The building exhibits characteristic features of the style including Dutch Gables, the use of moulded brickwork and Marselle roof tiles;* *- For its role in the continuing education of the railway employees, through evening classes;* *- A setting for social activities for the railway employees;* *- Containing significant plagues and memorials to railway employees;* *- Containing a rare, and largely intact, example of a small scale, late Victorian Hall.* *PRECINCT 3: THE SYDNEY TERMINAL - THE TERMINUS* *- The first major terminus, and the only high level terminal, to be constructed in Australia, the design of which was overseen by experts from NSW, Victoria and Queensland. Comparative in scale and quality of design to the major European and American termini;* *- A major transport interchange, with numerous tram lines on different levels, the most complex in Australia;* *- A major planned urban design aimed at improving Sydney, in contrast to the haphazard beginning and former unplanned growth of the rail termini. The only major building of this period in Sydney where the urban setting was consciously designed to complement, and provide views of the main structure;* *- A symbol of the progress of the development of the city and the railway;* *- A major public building designed by the Government Architect WL Vernon, and detailed by GM Blair, and completed by his successor George McRae. The only railway station designed by Vernon, and his most adventurous free classical design;*		

Item Name	Statement of Significance	Significance	Item No.
	- A major sandstone building, one of the few to be constructed, in Sydney, outside of the heart of the CBD. The use of sandstone reflected the status of the building as a major public building; *- For its design as an elaborate progression of spaces, from the tram portico to the booking hall to the concourse and into the (proposed) train shed, enhancing the sense of journey. This contrasted with the previous station which had grown into an unplanned conglomeration of platforms;* *- The largest station to have been constructed in NSW, previously the major country stations such as Albury were grander both in scale and decorative detail than the Sydney Terminal;* *- The Sydney Terminal would have been even grander had the train shed been constructed covering the platforms. The changing of the design as a cost cutting measure reflects the economic conditions of the time. The construction of Stage Two during the war years, however, reflects the importance of this transport link to the Australian economy;* *- A rare example, in Sydney, of the use of multi level vehicular approaches, the separate approaches for tram, pedestrian and vehicle, being identified at the outset as being a particular feature;* *- The clocktower, completed as part of the second stage, is a well known Sydney landmark, nicknamed "the working man's watch";* *- Containing such planning innovations as separate subways for passengers and baggage handling and the main assembly platform [concourse];* *- Further investigation may reveal the main assembly platform to be one of the earliest uses of reinforce concrete floor slabs in NSW;* *- Marking a period of prosperity for the railways and a subsequent decline in other forms of transport, in particular the more unreliable coastal shipping, following construction of the north coast Railway 1910-1922;* *- The manner in which different structural systems, such as the three pin and crescent truss roofs, were used throughout the design to form a variety of spaces;* *- The original floor plan indicates separate waiting facilities for different classes of passenger and for women. These distinctions have largely disappeared, with the exception of the use of a system of classes on the transcontinental trains and the XPT and Explorers;* *- For the inclusion, in the design, of up-to-date technology including telephones and telegraphs.* *THE PARCEL POST OFFICE* *- The only purpose built post office building, of this period in Sydney;* *- An indication of the importance of rail in carrying parcels;* *- An example of the work of the Government Architects Vernon and McRae and their principal design architect, GM Blair;* *- A fine example of neo-classical detailing on one of the few brick and sandstone public buildings in inner Sydney;* *- A landmark in Railway Square;* *- An early example of a concrete and steel framed office building of fire proof construction.* *THE SYDNEY YARD* *- The yard contains one of the earliest sewers in Metropolitan Sydney, built by the newly formed Department of Public Works in the mid 1850s;* *- The site of the workshops which were the heart of the working yard in the mid to late 19th century;* *- Containing evidence of the changing technology of train travel, commencing with steam locomotives in the mid 1850s;* *- Showing the impact of the decentralisation of railway functions, which began in the 1880s, on the Sydney Yard.* *PRECINCT 5: THE CENTRAL ELECTRIC STATION* *- Association with JJC Bradfield and the construction of the City Electric Railway, and the Sydney Harbour Bridge in the late 1920s;* *- One of a number of inner Sydney stations designed by JJC Bradfield, of which two are above ground, Milsons Point and Central Electric;* *- Containing the most elaborate station entrance (Elizabeth Street), of the City Circle stations;* *- For the continuation of the neo-classical architectural vocabulary and the use of sandstone for the station building and the viaduct;* *- For its continuous use as a commuter station for the Sydney suburban lines;*		

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
	- For the use of 'state of the art' reinforced concrete construction. *(Conservation Manage Plan Sydney/Central Station Author*: Department of Public Works & Services Year: 1996 Page: 128-135 reproduced for the SHR State listing)		
Sharpies Golf House Sign	*Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representatitve of the animated neon sign phase during the 1950s. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ.* (NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House),* State listing)	**State**	**01655**
Central Station Railway Group	*The Central Railway Station Terminus forms a landmark feature at the southern end of Central Sydney. It is a vast structure of particular architectural merit located to dominate its surroundings. It is the only true terminus building in Australia preventing further extension of rail lines and is significant as one of the largest covered public spaces in the city. It is one of the finest examples of the classically inspired Beaux Arts style in Railway buildings in Australia. It has historic significance as being an important design of the Colonial Architect Walter Liberty Vernon. It was one of the first major rail termini to be constructed in Australia and has had a lengthy association with rail transport in New South Wales and with a variety of historically important persons. It has scientific significance for its unique use in New South wales (and probably in Australia), of the three pin truss to the porte-cochere for the trams, which was similar to the Galerie des Machines in Paris. It is significant for the multi level segregation of trams, trains and vehicular traffic. It was reputed to be the first large scale use of reinforced concrete slab construction in New South Wales. The building is socially significant as a purpose built railway terminus demonstrating the growth and change of transport, and as an important symbol for the social history of the nation.* *Central Railway Station Yard is associated with the introduction of railways to New South Wales. The Central Railway Station Yard is significant for its part in the distribution of produce from regional New South Wales. It was one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Yard has significance for its association with the development of Central Railway Station and with a variety of historically important persons in New South Wales. It has historic significance as an important design of the Railways Engineer, H Dearne. Central Railway Station Yard has scientific significance as part of one of the few true railway termini to prevent further extension of rail lines in Australia. The Yard is significant for the part it played in the growth and development of commerce and industry in New South Wales.* *Central Railway Station Viaducts are significant as part of the Central Railway Station, and are associated with the introduction of railways to New South Wales. The Viaducts are significant for their association with the now decommissioned tramways and as part of one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Viaducts have historic significance as an important part of the design of Railways Engineer, H Dearne, as well as for its association with a variety of other historically important persons. The Viaducts have aesthetic significance forming part of the landmark feature of the Sydney Terminus, and are representative as part of a form of transportation used in the early nineteenth century.* (NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu…,* Local listing)	**Local**	**I824**
Belmore Park Grounds, Landscaping and Bandstand	*The park is a vital portion of parkland in the southern portion of central Sydney. It provides evidence of the key characteristics of park design in the early part of the 20th Century, many of these as espoused by JH Maiden former director of the Royal Botany Gardens. It has close association with the design and construction and subsequent expansion of Central Station and the city railway system. It contributes to the aesthetic qualities of Central Station by providing a landscaped forecourt to the prominent sandstone terminus. The site also has archaeological potential associated with the Pitt St Presbyterian manse and school, Carters' Barracks and the air raid shelters* (NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing)	**Local**	**I825**

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Commercial Building Element 'Sharpies Golf House' Sign	*Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representatitve of the animated neon sign phase during the 1950's. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ.* (NSW State Heritage Inventory, *Sign and Supporting Structure "Sharpies Gold House" Sign,* Local listing)	**Local**	**I1532**
Industrial Building 'Prospect House'	*Prospect House is historically significant as an apparently early industrial building in the fringe district of the city, and for its early associations with the Chinese community. It is aesthetically significant as a simple, well proportioned building, evocative of the nineteenth century streetscape. Prospect House abuts onto a Heritage Streetscape, Blackburn Street.* (NSW State Heritage Inventory, *"Prospect House" Including Interior*, Local listing)	**Local**	**I1424**
Warehouse 'Edwards & Co'	*Edwards & Co Ltd is of aesthetic significance for its contribution to the warehouse character of Fosters Street, and the visual termination of the related Elizabeth Street vista. It presents elevations to Foster Street and Hands Lane. It is significant as a good example of its style in a warehouse building of the 1920s, using stripped classical elements and robust Romanesque proportions. The building design is an important contribution to the representative styles of the 1920s, and interesting for its warehousing application. The building has historic significance for its association with Edwards Co.* (NSW State Heritage Inventory, *Warehouse "Edwards & Co"*, Local listing)	**Local**	**I1545**
Community Building 'Norman Gibson & Co'	*The building, formerly the Sydney Freethought Hall, is a two storey painted stucco building in Free Classical style. It is located within the mixed streetscape of Campbell Street. The building has high historic significance as the earliest and only example of meeting rooms for Sydney members of the Australasia Secular Association. The building has aesthetic significance a rare and outstanding example of a highly intact original meeting room with exterior and interior of high quality design, and outstanding potential to be restored by the removal of the recent floor provided a viable use for the building is available. The building has social significance for its outstanding ability to reflect the social justice concerns of the Church of Christ.* (NSW State Heritage Inventory*, "Norman Gibson & Co" Including Interior,* Local listing)	**Local**	**I1466**
Former Commercial Building 'Silknit House'	*Constructed in 1911 the warehouse building is a good and relatively intact example of a Federation Warehouse building on the diverse streetscape of the city edge area. It was built for Feurth and Nail Ltd as a cardboard factory. After the war, it was owned by the Silknit garment company. The building represents large commercial and industrial expansion in the local area following the development of Sydney train terminal and Central Station.* *The large scale and the solid built form of the large warehouse make great contribution to the character of the local area.* *The archaeological remains of this site are likely to have significance for past, present and future generations. The Silknit House site has the potential to illustrate a phase in the development of brickworks and pottery making in the early 19th century. The structures features and deposits associated with the residential occupation have potential through archaeological analysis to further our understanding of variation in urban material culture, living standards, consumerism, ethnicity and other areas of archaeological research.* (NSW State Heritage Inventory, *Former "Silknit house" including interior*, Local listing)	**Local**	**I1572**
Former City Sydney Mission Headquarters	*The building was constructed as the headquarters for the Sydney City Mission in Surry Hills and was an important element in the community support organisation. It is a good example of an Inter War Free Classical style building on a prominent corner site which makes a positive contribution to the streetscape. Of historical significance as physical evidence of the social aspects of early 20th century inner suburban life for the general community and for the Australian Chinese community, closely connected with the churches and terraces of the area. Of aesthetic significance as fine institutional example of the Inter War Free Classical style.* (NSW State Heritage Inventory, *Former City Sydney Mission Headquarters*, Local listing)	**Local**	**I1569**

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Terrace Group including Interiors (8-16 Mary St)	*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 the Riley Estate. It is a good example of a mid Victorian terrace group which makes a positive contribution to the streetscape. The rear of the terrace group is intact which is rare.* (NSW State Heritage Inventory, *Terrace Group Including Interiors*, Local listing)	**Local**	**I1570**
Chinese Masonic Hall including Interior	*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 the Riley Estate. It is a good example of a Federation building which makes a positive contribution to the streetscape and an important focus of the Australian Chinese community in Surry Hills since its construction.* (NSW State Heritage Inventory, *Chinese Masonic Hall Including Interior*, Local listing)	**Local**	**I1571**
Warehouse including Interior	*The building dates from one of the key period historical layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of an Inter War warehouse which makes a positive contribution to the streetscape.* (NSW State Heritage Inventory, *Warehouse Including Interior*, Local listing)	**Local**	**I1585**

Attachment A10

Geotechnical Desktop Investigation

Douglas Partners
Geotechnics / Environment / Groundwater

Integrated Practical Solutions

Report on
Geotechnical Desktop Investigation

Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

Prepared for
Stasia Holdings Pty. Limited

Project 218198.00
November 2022

Document History

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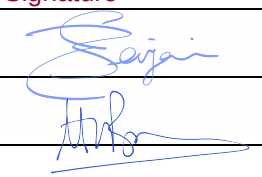
The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		10 November 2022
Reviewer		10 November 2022

FS 604853

Douglas Partners Pty Ltd
ABN 75 053 980 117
www.douglaspartners.com.au
96 Hermitage Road
West Ryde NSW 2114
PO Box 472
West Ryde NSW 1685
Phone (02) 9809 0666

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Report on Geotechnical Desktop Investigation
Proposed Commercial Building
232-240 Elizabeth Street, Surry Hills

1. Introduction

This report presents the results of a geotechnical desktop investigation undertaken for a proposed commercial building at 232-240 Elizabeth Street, Surry Hills. The investigation was commissioned in an email dated 13 September 2022 by Peter Kouvelas of Candalepas Associates on behalf of Stasia Holdings Pty. Limited and was undertaken in accordance with Douglas Partners' proposal 218198.00.P.001.Rev0 dated 19/09/2022.

We understand that the project involves demolition of the five existing buildings and construction of a new nine-storey commercial building with ground floor retail space and a minimum of three basement levels (see Appendix B).

The aim of the desktop study was to review Douglas Partners (DP) records and other available published information to provide:

- a general description of the geological profile for the site, including subsurface conditions and groundwater;
- comments on shoring wall system and excavation methodology;
- comments on groundwater;
- high level comments of the effect excavation, dewatering (if required) and retaining wall construction may have on neighbouring structures (no analysis); and
- foundation options and preliminary bearing capacities.

DP has carried out a review of available published data as well as DP's the previous investigation at the site in 2015.

2. Site Description

The roughly square site comprises three Lots and a strata plan encompassing 232 to 240 Elizabeth Street, Surry Hills (see Figure 1). The approximately 900 m^2 site has Elizabeth and Reservoir Streets on its western and southern sides and is bound to the north by a nine storey brick building and on the east by a six storey brick building. Foster Lane provides access to the northeast corner of the site. The site gently slopes to the southwest with a surface elevation on Elizabeth Street at about RL 10.9 m and RL 11.6 m at the southern end of Foster Lane.

Figure 1: Aerial photograph of the site (outlined in red).

The site is currently occupied by 1 to 3 storey brick built buildings, which appear to have no basements. The building to the east (50 Reservoir Street) appears to have no basements. It is uncertain whether the building to the north (230 Elizabeth Street) has any basement levels, however there is a roller shutter door on Foster Street which might indicate vehicle access.

The supplied architectural drawing indicates that an existing underground sewer pipe approximately 3 m depth enters the site from the north-east, just south of Foster Lane, at the upper-most basement level and that this pipeline will remain in place during and after construction of the proposed structure. The sewer pipe runs southwest across the site.

We do not believe the site is within 25 m of Sydney Trains assets, and therefore does not trigger additional assessments required by Sydney Trains under the ASA Standard T-HR-CI-12051-ST-v2.0 Developments near Rail Tunnels v2, during the on-going project. The surveyor should check the distance from the site to Sydney Trains assets.

3. Geology

Reference to the Sydney 1:100 000 Geological Series Sheet (see Figure 2) indicates that the site is underlain by Quaternary aged alluvial and estuarine sediments which typically comprise silty to peaty quartz sand, silt, and clay with ferruginous and humic cementation in places and common shell layers.

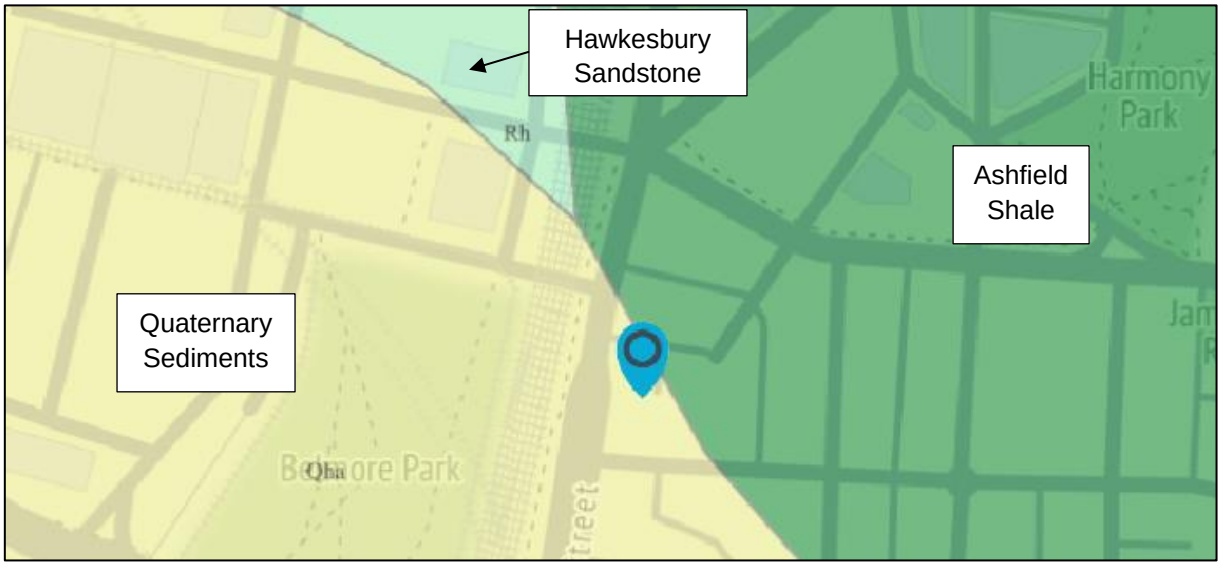

Figure 2: Excerpt of Sydney 1:100 000 Geological Series Sheet with Site (Blue Marker).

The site is located close to the boundary between the Hawkesbury Sandstone and Ashfield Shale units, both of Triassic Age but the overlying sediments mask the boundary. The Mittagong Formation, which typically contains interbedded shale, laminite and medium-grained quartz sandstone, is a transitional unit between the Ashfield Shale and the Hawkesbury Sandstone. The Hawkesbury Sandstone comprises flat or gently dipping medium and coarse grained, quartzose sandstone with minor shale and siltstone interbeds, while the Ashfield Shale comprises shale, laminite and carbonaceous shale.

The field investigation at the site in 2015 confirmed the presence of clayey residual soil overlying a relatively thin fine grained sandstone layer, inferred to belong to the Mittagong Formation, underlain by medium and coarse grained sandstone of the Hawkesbury Sandstone. No fine grained sediments of Quaternary Age were encountered during the field investigation.

4. Previous DP Investigations

DP has carried out an investigation at the site and a number of geotechnical and environmental investigations in the surrounding area (see Figure 3).

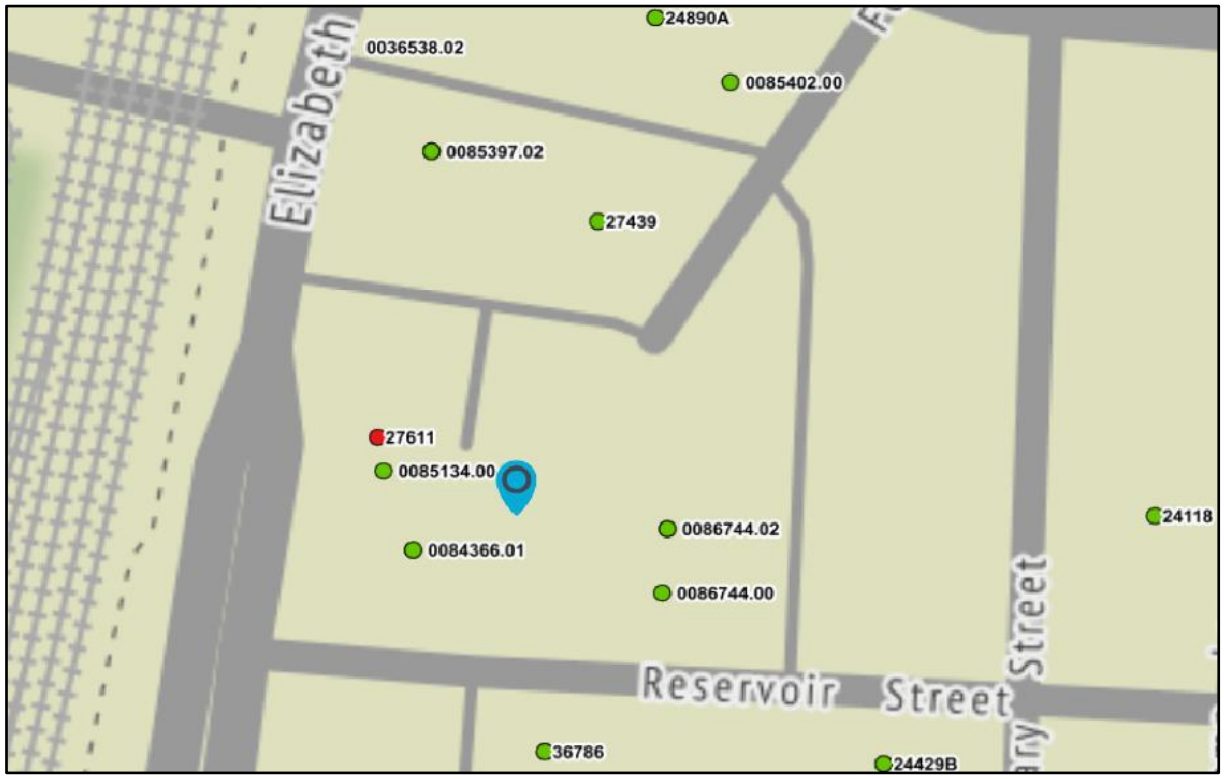

Figure 3: Location of Previous DP Projects (site indicated by blue marker).

4.1 Previous Site Investigation by DP in 2015

DP carried out a previous investigation at the site in 2015 (DP Report 85134.00.R.001.Rev0). The 2015 investigation comprised a site walkover by a senior engineering geologist and the drilling of one (1) borehole (see for borehole location and borehole log).

The subsurface profile at the borehole location comprised:

- Concrete and pavers - concrete slab over pavers to about 200 mm.
- Filling – clayey filling with some sand and sandstone fragments to about 0.75 m.
- Silty Clay - grey mottled brown, medium to high plasticity, stiff to very stiff silty clay with a trace of ironstone gravel (inferred residual soil) to a depth of about 5.3 m. Ironstone gravel bands were noted below 2.5 m.
- Sandstone – fine to medium grained sandstone, extremely to highly weathered and very low to very low strength encountered to about 6.35 m, with medium to coarse sandstone moderately weathered to fresh, medium to high and high strength, unbroken to borehole termination at 11.52 m (RL 0.01).
- Groundwater – no free groundwater was encountered while augering to 4.76 m and the use of water during NMLC coring precluded water observations while drilling in the rock to 11.52 m depth. A standpipe with a filter zone from 7 m to 10 m in the sandstone allowed water level monitoring and permeability testing to be carried out. The groundwater level measured 8 days after the completion of the drilling was at a depth of 1.2 m (RL 10.4 m) and recovered from a depth of 9.6 m (bailed out) to 3.5 m (RL 8.1 m) in 120 minutes during the permeability test. The estimated hydraulic conductivity of the sandstone (10^{-7} m/s) was typical for Hawkesbury Sandstone.

4.2 Nearby Investigations

DP have also undertaken investigations near to the site, as shown in Figure 3. The relevant findings of these previous reports are summarised below:

- Geotechnical Report, 'Proposed Multi-Storey Development', 52-58 Reservoir Street, Surry Hills (DP Ref: 86744.00:R.001.Rev0 dated April 2019).
  - Fill to depths of up to 2.05 m underlain by residual soil up to 5.8 m depth, underlain by sandstone bedrock which was high strength below 6.14 m and 6.6 m depth. Groundwater was recorded at RL 8.9 m, 11 days after well development.
- Geotechnical Report, 'Mixed Use Development', 216 – 228a Elizabeth Street, Surry Hills (DP Ref: 85397.00.R.001.Rev1 dated April 2016).
  - Fill to depths of up to 1.3 m underlain by residual soil up to 3.2 m to 5.0 m deep underlain by sandstone bedrock which was high strength below 4.9 m to 6.9 m depth. Groundwater was recorded at 5.07 m (approx. RL 5.93 m) and 4.63 m (RL 6.37 m) in BH1 and BH3 respectively.

5. Preliminary Geotechnical Model

Based on a review of the previous investigation at the site and nearby, the expected ground profile at the site is likely to comprise:

Filling	Encountered to approximately 0.75 m
Residual Silty Clay	Encountered to approximately 5.3 m
Very Low to very low strength Sandstone	Encountered to approximately 6.35 m.
Medium to High strength Sandstone	Encountered to base of borehole at 11.5 m.

Groundwater was encountered in BH1 at approximately RL 10.4 m 8 days after drilling and prior to carrying out the permeability test. This value should be treated with caution as it may vary across the site and may have changed in the meantime due to seasonal fluctuations, construction of adjacent basements and climate change.

The geotechnical model should be confirmed by additional boreholes and water level standpipes at the site.

6. Proposed Development

The supplied information indicates that the development will comprise construction of a ten level commercial use building with a three level basement, requiring bulk excavation to a depth of approximately 9.7 m (RL 1.6) and detailed excavation a further 700 mm to approximately RL 0.9. It is understood that the existing sewer line which crosses the site diagonally must be maintained as operational. The existing 1.45 m x 1.78 m brick sewer main will be left in place and will need to be temporarily supported while the basement is excavated and supported by the structure in the permanent condition.

7. Comments

Note that the comments in this section are of a preliminary nature only and are based on limited geotechnical information mainly one borehole at the site and from neighbouring sites which, in some cases, dates back to 2014. For design purposes, a full geotechnical investigation involving several cored bores with standpipe piezometer (wells) for groundwater monitoring (and sampling) will be required.

7.1 Excavation, Batter Slopes, Shoring Design, Ground Anchors & Stress Relief

Careful consideration will be required in planning and executing the bulk excavation given the physical constraints of the site, the sewer left in place and the adjacent building foundations/basement(s).

7.1.1 Excavation Conditions

It is anticipated that excavation to depths of about 9.7 m (RL 1.6 m) will be through filling, stiff to very stiff clay with some ironstone bands, very low to low strength sandstone and below about 6.5 m, medium to high and high strength sandstone.

Excavation of the material above the top of medium strength sandstone should be readily achieved using conventional earthmoving equipment such as tracked hydraulic excavators with bucket attachments. Excavation of medium and high strength, slightly fractured sandstone, as encountered in the borehole, can be achieved by heavy ripping and excavator mounted hydraulic rock hammers. Excavator mounted hydraulic rock saws may be used to control overbreak along boundary lines, cut breakage lines in the massive rock sections and for detailed footing excavation.

The use of such equipment will generally cause dust, noise and vibration that has the potential to affect adjacent below ground infrastructure, heritage buildings and occupants of nearby buildings. Where rock hammers are required in the vicinity of adjacent structures (closer than 20 m) it would be prudent to monitor and limit vibration on these structures. Based on DP's experience and with reference to AS2670, a maximum peak particle velocity of 8 mm/sec (in any component direction) at the foundation level of adjacent structures is suggested for human comfort considerations. Vibration trials are suggested during initial excavation of the rock to verify vibration levels.

It should be noted that any off-site disposal of spoil will generally require assessment for use or classification in accordance with the current Waste Classification Guidelines (NSW EPA 2014). All materials removed from the site are defined as waste under the POEO Act and must be disposed of in accordance with one of the following:

- Virgin excavated natural materials (VENM) as defined under the POEO Act, permitting beneficial reuse; or
- A waste category meeting the criteria set out in the NSW EPA Waste Classification Guidelines 2014, with the materials disposed to a landfill licenced to receive the waste under the assigned classification or taken to a recycling facility licenced to receive the waste; or
- Material complying with a Resource Recovery Order (RRO) as defined under the Protection of the Environment Operations (Waste) Regulation 2014, with complying materials able to be reused under certain conditions.

Accordingly, environmental testing will need to be carried out to determine the most appropriate off-site destination(s) for the surplus excavated material.

It is recommended that dilapidation surveys are carried out on surrounding buildings, pavements and the existing heritage brick sewer line. Dilapidation surveys of adjacent buildings and tunnels should be carried out before the commencement of any work (i.e., prior to demolition) to document existing defects so that any claims for damage due to construction related activities can be accurately assessed. It is recommended that a detailed assessment of structural characteristics of the sewer is carried out, to allow design of adequate support.

7.1.2 Excavations Adjacent to Existing Buildings

Prior to commencing bulk excavation, it will be necessary to obtain all records of the adjacent existing footings and any information on the founding conditions. Further investigation of all adjacent foundations and founding conditions may be required if the information is not reliable or not available. It will also be necessary to determine the extent and depth of any adjacent basements. This process is critical as excavation of the proposed new basement could destabilise existing structures and leave potentially unstable slivers of soil or rock in place. Affected footings may require underpinning.

7.1.3 Batter Slopes

Where room permits, temporary batters up to 3 m in height in soil and rock can be cut at batter slopes shown in Table 1 below, subject to detailed assessment of rock conditions by a suitably qualified geotechnical engineer/engineering geologist as the excavation progresses. Taller batters will require detailed analysis.

Table 1: Suggested Safe Batter Slopes (<3m in Height)

Material type	Maximum Temporary Batter Slope (H:V)	Maximum Permanent Batter Slope (H:V)
Stiff to very stiff clay	1.5:1	2:1
Very low strength laminite/sandstone	0.75:1	1:1
Low strength laminite/sandstone	0.5:1	1:1
Medium strength laminite/sandstone	Vertical*	Vertical*
High strength laminite/sandstone	Vertical*	Vertical*

Note: * Subject to discontinuity assessment by experienced Geotechnical Engineer/Engineering Geologist (spot bolting may be required).

Where insufficient room exists for the suggested batter slopes, such as along the site boundaries and adjacent to existing services, support of the excavation face can be provided by anchored soldier piles with shotcrete infill panels, by contiguous piles tied back with anchors / bolts or by soil nailed walls in the material above the medium strength rock.

7.1.4 Shoring Design

Design pressures for retaining walls should take into account the requirement to limit movement of the surrounding ground and adjacent structures and to ensure an adequate factor of safety is maintained against failure (for temporary and permanent retaining walls).

It is suggested that the design of cantilevered shoring systems (or shoring systems with one row of anchors) be based on a triangular earth pressure distribution using the earth pressure coefficients provided in Table 2. 'Active' earth pressure coefficient (K_a) values may be used where some wall movement is acceptable. 'At Rest' earth pressure coefficient (K_o) values should be used where the wall movement needs to be limited.

Table 2: Design Parameters for Shoring and Retaining Systems

Material Type	Unit Weight (kN/m^3)	Earth Pressure Coefficient	
		Active (K_a)	At Rest (K_o)
Very stiff to hard clay	20	0.25 (0.30)	(0.5)
Very low strength laminite/shale/sandstone	22	0.25 (0.30)	(0.40)
Low strength laminite/sandstone	22	0.10 (0.15)	(0.15)
Medium and High strength sandstone	24	0.0*	0.0*

Notes: * Subject to discontinuity assessment by experienced Geotechnical Engineer/Engineering Geologist (Spot bolting may be required);

( ) Permanent earth pressure coefficients shown in brackets.

For braced walls or where two or more rows of anchors are used, the shoring can be designed using a rectangular or trapezoidal earth pressure distribution.

An alternative approach, where the support pressure is related to the height of soil/weathered rock retained, could also be used. Where there are no movement-sensitive structures within the influence zone behind retaining walls, an earth pressure distribution equal to 4H kPa (where H, in metres, equals the depth to the top of self-supporting medium strength or stronger rock) can be used. Where the wall movement is to be minimised (i.e., close to adjacent buildings or services) the lateral earth pressure can be calculated using 6H kPa. For movement-sensitive structures, where it is critical that deformation is controlled, it may be necessary to calculate the pressure using 8H kPa. These pressures can be applied as either rectangular or trapezoidal earth pressure distributions. Note these earth pressure distributions are "pressure envelopes", selected to ensure that no row of anchors is overloaded during the temporary support phase. The actual magnitude and distribution of lateral earth pressures for the building in its final (long term) condition may differ from the uniform distributions given above. The final condition earth pressures can be assessed using numerical methods.

In all cases, additional surcharge loads such as new and existing footings, construction loads, etc., must be allowed for in the design, applied as a rectangular earth pressure distribution over the depth of influence.

The earth pressure loading described above does not include either earthquake loads or hydrostatic pressures. Unless positive drainage measures are incorporated to prevent water pressure build-up

behind the walls, full hydrostatic head should be allowed for in design, while at the same time reducing the unit weight to account for the buoyant condition.

Where shoring comprises soldier piles, the passive resistance for piles founded in rock below the base of the excavation may be based on an ultimate passive bearing capacity of 3500 kPa, provided that the sandstone is of at least medium strength and not adversely affected by discontinuities. Higher values may be possible but will depend on the strength and quality of the rock.

The first 0.5 m of rock socket below the bulk excavation level should not be taken into account for the purpose of passive restraint. The minimum socket depth should be equal to the greater of one pile diameter or 1.0 m below the lowest level of any nearby excavation (including any detailed excavations), but subject to analysis. This is also relevant where anchors are installed (or toe anchors, just prior to fully exposing the toe of the pile). Staged excavation and inspection by a suitably qualified geotechnical engineer will therefore be required to confirm that the rock in front of the piles is not adversely affected by discontinuities, especially where passive resistance is relied upon.

A factor of safety must be applied to this ultimate value, while considering the displacement that is required to mobilise the passive resistance. Additional support will be required if allowable displacements are exceeded or if the rock is adversely affected by faults, bedding or jointing. Piles may be socketed into the top of free-standing medium strength or stronger sandstone provided adequate retention and toe support are provided.

Additional surcharge loads, such as new and existing footings, hoardings, façade retention systems, pavements and construction related activities must also be allowed for in the design.

The passive earth pressure loading described above does not include either earthquake loads or hydrostatic pressure due to the build-up of groundwater behind impermeable walls, which must also be considered in the design.

Medium strength and stronger rock is considered to be self-supporting, and their faces can be excavated vertically, subject to regular inspection every 1.5 m drop in excavation by a suitably qualified and experienced engineering geologist/geotechnical engineer, to confirm that the rock mass is not adversely affected by discontinuities or soft seams.

7.1.5 Ground Anchors and Rockbolts

It is anticipated that the building will support the shoring wall in the long term and therefore any ground anchors are expected to be temporary only. The use of permanent anchors, if required, would need careful attention to corrosion protection for which further geotechnical advice should be sought.

It should be noted that permission from adjacent property owners will be required prior to installing bolts/anchors below their land. Due consideration should also be given to buried services and any excavations, basements or tunnels nearby. TfNSW, Sydney Water and other service providers may require assessment on the effects that rockbolts and anchors may have on their assets.

Pre-stressed ground anchors, rockbolts and dowels (support elements) can be used to laterally support existing walls, new shoring, underpinning works or unstable rock masses. These support elements should be bonded into the stronger rock, inclined as required, but preferably not steeper than

30° below the horizontal. Table 3 provides allowable bond stresses for estimating purposes. The parameters given in Table 3 assume that the drill holes are clean and adequately flushed.

Table 3: Preliminary Bond Stresses for Anchor Design

Material Description	Allowable Bond Stress (kPa)
Very low strength rock	50
Low strength rock	100
Medium strength rock	350
High strength rock	1000

These values should be confirmed by pull-out tests, carried out prior to installation of support elements. Ultimately, it is the anchoring contractor's responsibility to ensure that the correct design values (specific to the support system and method of installation) are used and that the support element holes are carefully cleaned prior to grouting.

After support elements have been installed, it is recommended that they are tested to 125% of their nominal working load. Where stress relief or further unavoidable movement of the shoring is expected, it is recommended that the support elements are locked-off at a lower value, as required to accommodate the additional movement and subsequent increase in stress in the support elements. Checks should be carried out to confirm that the load in the support elements is maintained and that losses due to creep or other causes do not occur.

Shorter support elements (rockbolts and dowels) may be required to support unstable rock wedges, slivers or blocks. Short dowels and pins may be required to support feather edges where sub-parallel joints intersect the face. Shotcrete or mesh may be required where beds/seams of extremely or very low strength rock are encountered within higher strength sandstone, secured with rockbolts, dowels and pins, as required.

Care should be exercised to ensure that anchors are installed progressively during excavation and stressed prior to excavation of the next drop to ensure that stability is maintained at all times.

7.1.6 Stress Relief

Locked-in stresses are present within the rock. During excavation, these stresses are released which generally results in lateral movement of the rock mass face towards the excavation, dragging the soil (and any shoring) with it as movement occurs. Generally, units of stiffer rock (medium strength or stronger rock) will have higher horizontal locked-in stresses and experience more displacement. The degree of displacement is also dependent on rock excavation depth, bedding planes and jointing in the rock mass, excavation face length and face orientation. As the maximum principal stress in Sydney is in the north-south direction, the north and south faces can be expected to experience the most stress relief deformation. Although the east-west locked-in stress is less, the east and west faces will still experience substantial stress relief displacement.

From monitoring (and supported by numerical modelling within the Sydney CBD), horizontal stress relief movements are typically between 0.5 and 2 mm per metre depth of rock excavation. Maximum movement typically occurs at the top of the midpoint of the face and reduces to near zero in the corners of the excavation. Back from the crest of the excavation, movement can occur over a distance

of up to three times the excavated rock depth with an initial reduction of approximately 1 to 1.5 mm per metre, reducing with distance from the face. This differential movement will give rise to strain in both the rock mass and the soil beyond the excavation. Most of the movement would be expected to occur progressively during the excavation. Heave may occur where relatively thin beds of competent rock is left in the base (bed separation due to buckling).

Stress relief movement may be less in areas that have already been partly de-stressed (stress relief may have already been caused by existing basements or tunnels).

Stress relief movements can crack adjacent buildings and tunnels close to the excavation and may also increase loads on any ground support anchors installed. The effects of this movement on the various buildings, tunnels and infrastructure should therefore be assessed by a structural engineer. Appropriate allowance should be made for the potential repair of these structures, should it be required. It is also recommended that dilapidation surveys of adjacent buildings and the sewer be carried out at various stages of excavation to carefully record the condition of the structures.

Consideration should be given to the locations of columns, connections with perimeter walls and other structural elements to ensure that future stress relief movements do not affect the building.

In-situ virgin stress conditions have not been measured on the site and the following stresses are suggested:

$\sigma 1 = \sigma_{NS} = 0.5$ MPa + 2.0 σV

$\sigma 2 = \sigma_{EW} = 0.5$ MPa + 1.1$\sigma 1$

$\sigma 3 = \sigma_{V} = 0.024$ H MPa

where H = height of excavated medium strength or stronger rock face (m)

Notes:

- These stress correlations do not take into consideration the effect of nearby excavations and hence separate allowances should be made if this is the case.
- These stress correlations do not allow for stress relief or stress concentration due to faults, or intrusions, or the presence of high strength beds. Hence site conditions may vary significantly from the above correlations, depending on the specific features and their proximity to the site.

7.2 Groundwater

Given the limited groundwater data available from the investigation at the site in 2015, the bulk excavation is likely to intercept groundwater. Seepage during construction and in the long term should therefore be expected along the top of the rock (particularly after periods of wet weather) and through joints and bedding planes in the rock mass.

It is not possible to provide a reliable estimate of the seepage quantity that may be expected based on the available data. Additional boreholes to triangulate water levels and flow direction together with permeability testing will therefore be required during the geotechnical investigation to provide the necessary parameters for seepage analysis. Information about nearby basement and whether drained or tanked would also be required as drained basements can locally reduce the water levels locally.

Typically, seepage into basements in Sydney during construction and in the long term, are controlled by perimeter drains connected to a "sump-and-pump" system. Approval from WaterNSW, however, will be required prior to designing and construction of a drained basement. A drained basement, if approved by WaterNSW, will require permanent subfloor drainage to direct seepage to the stormwater drainage system for which Council approval will be required.

The need for ongoing dewatering after construction will depend on whether the basement is designed as a drained or tanked basement as described below:

- a drained basement will require permanent subfloor drainage below the basement floor slab connected to a sump which regularly pumps out the water. The disposal requirements of water collected on-site will be dependent on the chemical consumption of the water. Normally, water is disposed to a stormwater or sewer system subject to approval from the Council. However, a drained basement will act as a low point to which groundwater will flow. Therefore, if present, any contamination within the surrounding groundwater system could flow into the basement and adversely affect the quality of the water collected on site.
- a tanked basement would avoid the need for dewatering but is likely to be more expensive than a drained basement. A tanked basement would need to be designed to resist uplift forces associated with groundwater pressure, for which preliminary design should be based on a groundwater level determined by water level monitoring carried out in at least 3 standpipes installed as part of a future geotechnical investigation.

The amount of water seeping into the excavation during construction should be monitored as this will give an indication of likely inflows for the long term condition.

The geological map indicated that the site is underlain by alluvium, which can contain high permeability zones. Hence, there is a need to conduct a detailed investigation before design is completed and this should include long term pump out tests to determine the hydraulic properties of the alluvium and the sandstone below.

Previous experience in Sydney is that seepage will likely contain relatively high levels of soluble iron that will form a precipitate in the form of a gelatinous ‘sludge’ when exposed to oxygen. This ‘sludge’ has the potential to block-up subsoil (gravel) drains and ‘seize-up’ pumps. Therefore, detailing of subfloor drains, sumps and pumps should incorporate provision for regular maintenance such as flushing and ‘rodding’ of drains and/or “baffle” pits.

7.3 Foundations

Based on the geotechnical model in Section 4, at least medium or even medium to high strength sandstone is expected at bulk level. A suitable foundation system would therefore comprise pad and strip footings, suitably sized for the typical parameters for the design of foundations on sandstone, based on the classification methods of Pells et al. (1998) in Table 4.

Table 4: Preliminary Design Parameters for Pad/Strip Footings

Material	Maximum Allowable End Bearing Pressure (kPa)	Ultimate End Bearing Pressure (kPa)	Field Young's Modulus, E (MPa)
Class III - medium strength sandstone	3,500	20,000	600
Class II - medium to high strength sandstone	6,000	60,000	1,200
Class I - high strength sandstone	10,000	120,000	2,000

Note that classification of the material in Table 4 is subject to the required number of boreholes, cored boreholes and spoon testing being carried out. In spoon testing, a 50 mm diameter hole is drilled below the base of the footing to a depth of 1.5 times the footing width, followed by testing by a geotechnical engineer to check for the presence of weak layers or clay bands.

Foundations proportioned on the basis of the allowable parameters would be expected to experience total settlements of less than 1% of the minimum footing's width under the applied working load, with differential settlement between adjacent columns expected to be less than half this value.

For design using the ultimate values provided in Table 4, a geotechnical strength reduction factor ($Ø_g$) should be determined by the designer in accordance with the piling code AS 2159-2009. Serviceability criteria will also need to be met when using ultimate design parameters.

All footing excavations should be inspected, and spoon tested (as required) by a geotechnical engineer to confirm that foundation conditions are suitable for the design parameters. Spoon testing will be required for all foundations with allowable bearing pressures of, or in excess, of 3,500 kPa.

7.4 Seismic Design

In accordance with AS1170-2007 "Structural Design Actions, Part 4: Earthquake Actions in Australia" a hazard factor (Z) of 0.08 and a site subsoil Class C_e is considered to be appropriate for the site provided all structural elements are supported by piles bearing on rock.

7.5 Geotechnical Considerations Relating to the Rail Corridors

The TfNSW Standard[1] sets out guidelines specifically for the tunnels. The Standard outlines 'protection reserves', construction restrictions and other aspects relating to developments in the vicinity of the rail infrastructure e.g., load limits on tunnels, tunnel displacement and tunnel monitoring criteria. The NSW Department of Planning also have guidelines for development near rail corridors

[1] T HR CI 12051 ST V2 - Developments Near Rail Tunnels, November 2018

and busy roads[2]. The guidelines outline aspects relating to developments that are specified in Section 2 of the SEPP that have additional requirements to be considered before seeking approval.

We recommend that accurate drawings are obtained from TfNSW and a TfNSW registered surveyor checks the distance from the site boundary to the closest TfNSW infrastructure to determine whether it is within the protection reserves set out in the TfNSW guidelines. Further advice can be provided if the site is within 25m of the infrastructure.

8. Further Investigation

Further geotechnical investigation will be required to determine the site ground profile and in particular the depth to groundwater and to bedrock across the site and the strength of the rock at or below design foundation level. Coring of the bedrock is recommended to determine the appropriate parameters for economic foundation design. The investigation should include:

- a minimum of three (3) additional boreholes drilled to a depth of 3 m below the bulk excavation level with permeability testing, with at least three (3) monitoring wells to triangulate water levels and flow direction and assess the inflow rate.
- footing investigation of any adjacent buildings to determine footing type(s), founding depths and conditions if reliable information is not available. This may have to occur after demolition of the existing structure(s) and before commencement of excavation. This will typically involve test pits or coring.
- waste classification assessment of material proposed to be transported off site, in accordance with the appropriate guidelines.

9. Limitations

Douglas Partners (DP) has prepared this report (or services) for this project at 232-240 Elizabeth Street, Surry Hills in accordance with DP's proposal dated 19/09/2022 and acceptance received from Peter Kouvelas dated 12 October 2022. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Stasia Holdings Pty. Limited for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after DP's field testing has been completed.

[2] NSW Government: Department of Planning

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the (geotechnical / environmental / groundwater) components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Douglas Partners Pty Ltd

Appendix A

About This Report

About this Report

Douglas Partners

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

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Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

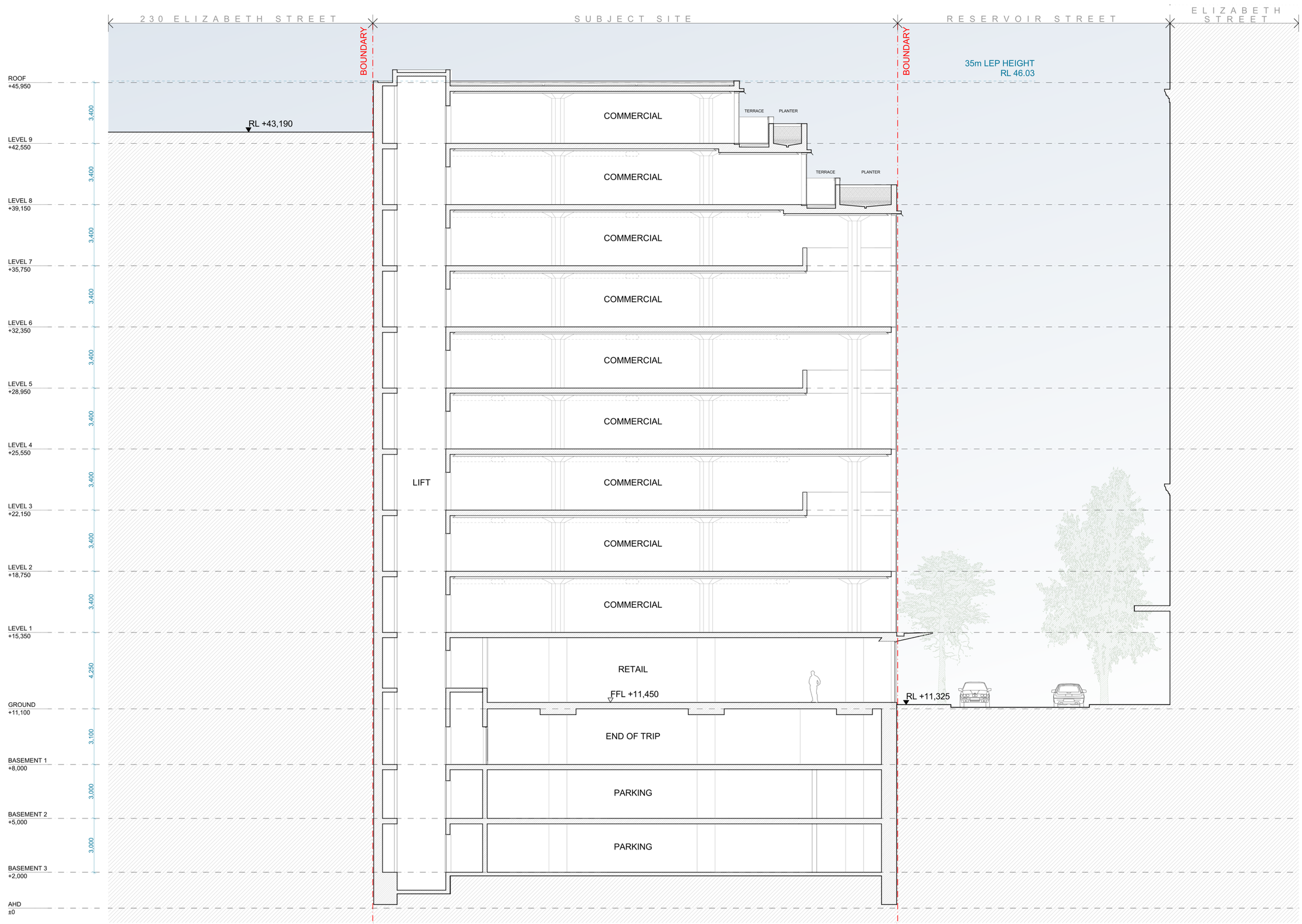
Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix B

Architectural Drawings



1 SECTION A
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE: A1

Issue	Date	Description
P6 - WIP	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

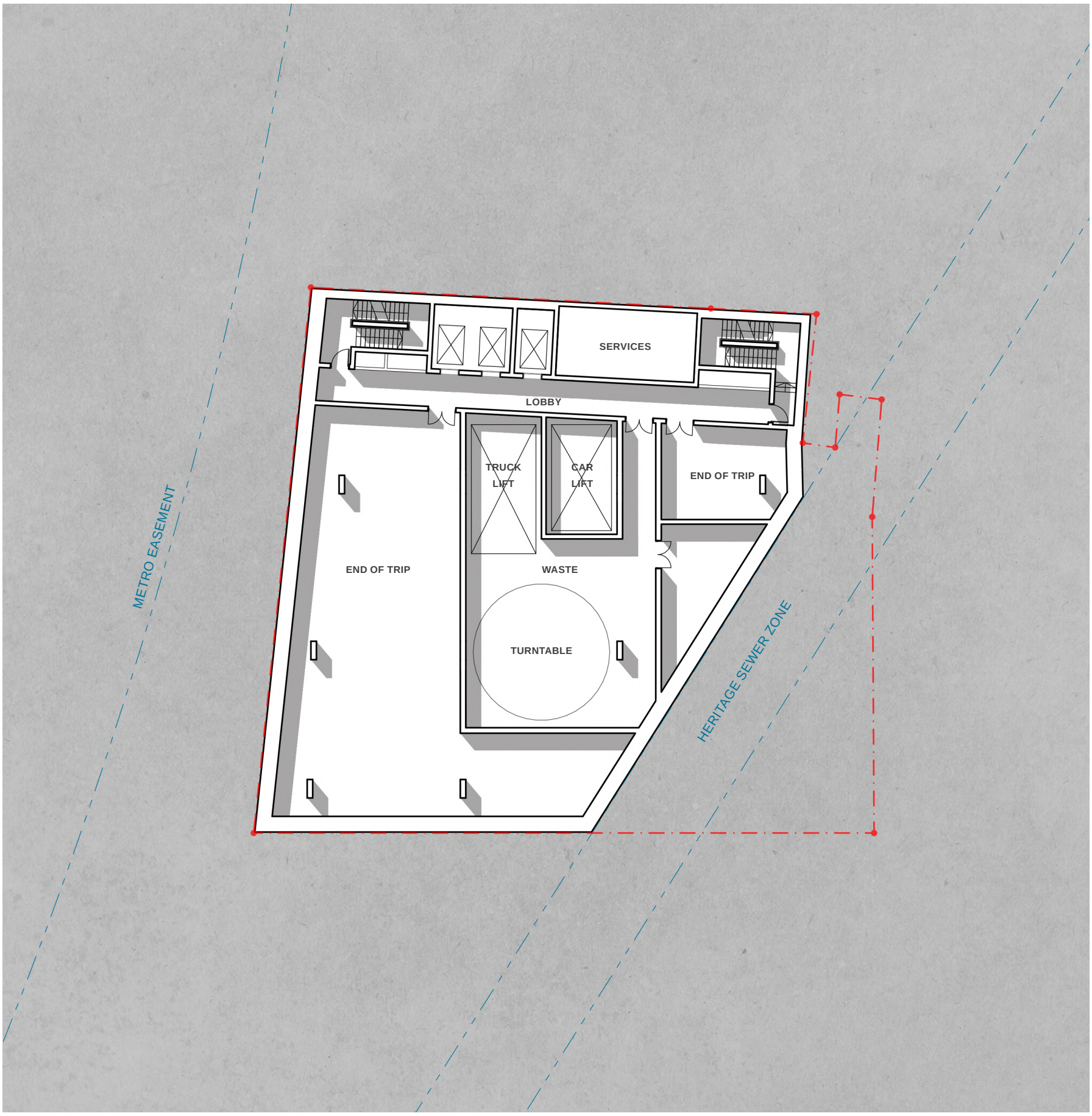
Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	IN, RB			

Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2503
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing:	Job Number:
SECTION A	5968
Drawing Number:	Issue:
PP 1101	P6 - WIP

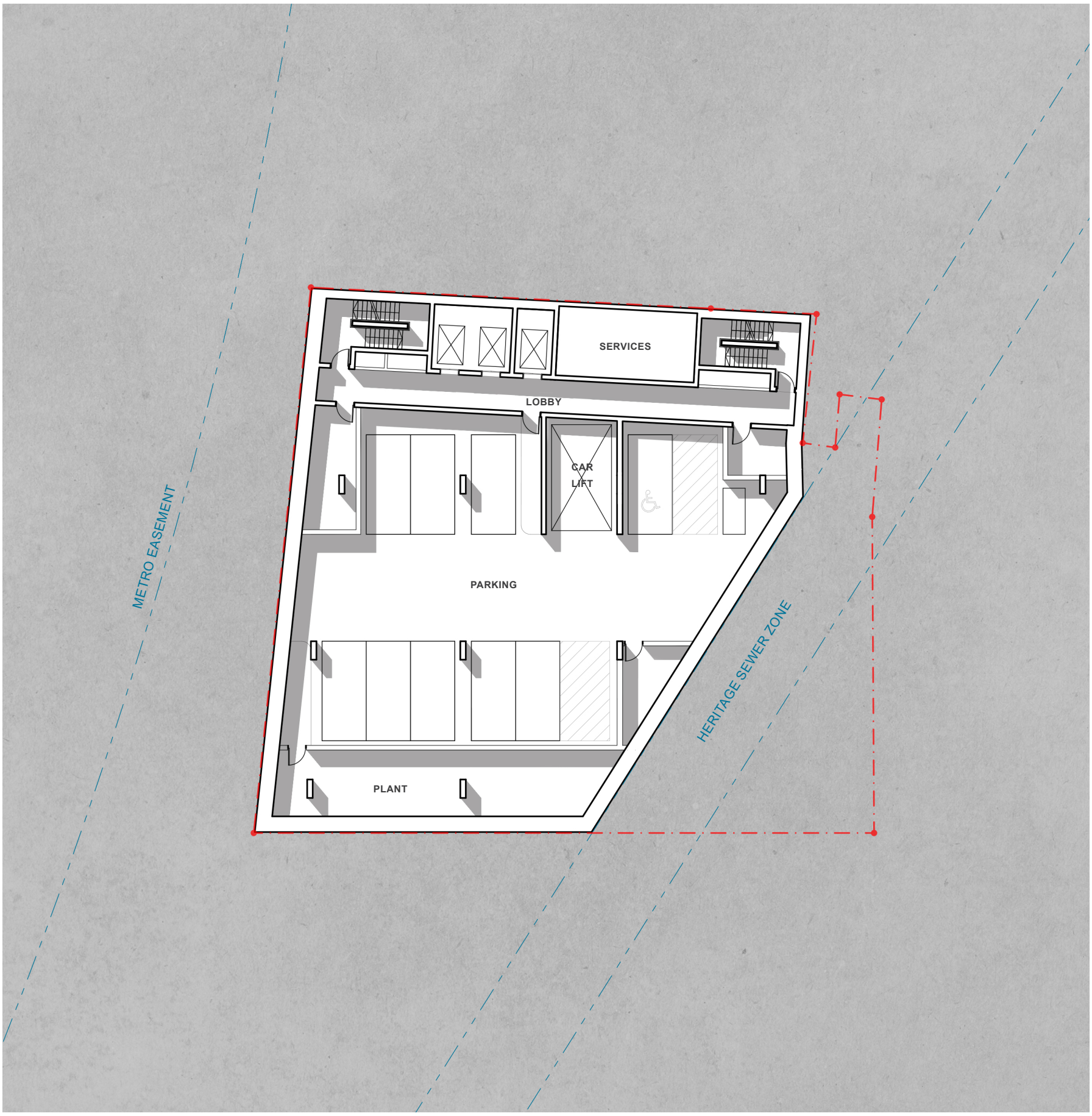
Print Date: Tuesday, 8 November 2022 3:43 PM



BASEMENT 1 PLAN

END OF TRIP GFA **270 m²**

SCALE 1:250 0 5 15

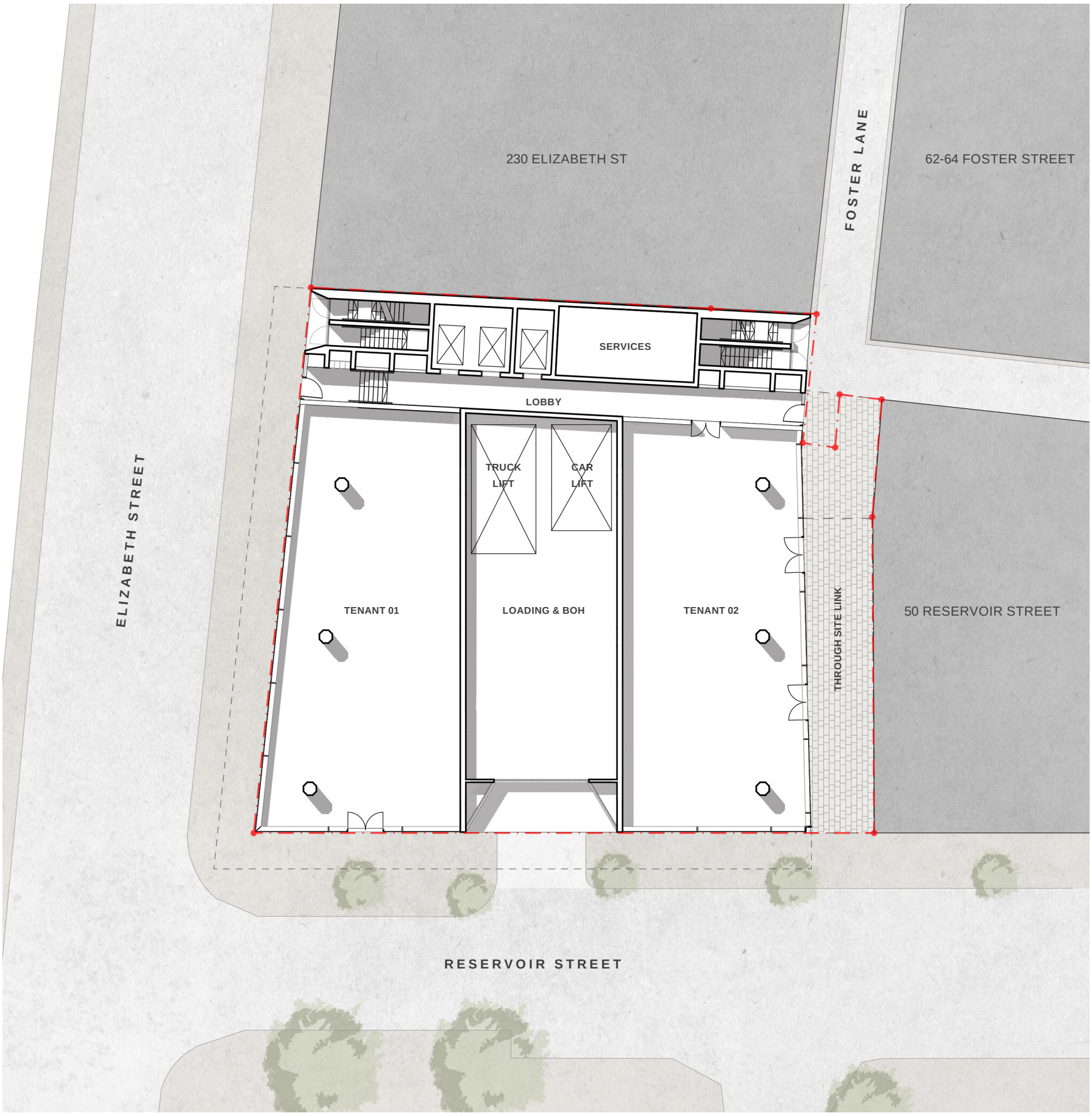


BASEMENT 2-3 PLAN

CAR PARKS PER LVL	9
MOTORCYCLE PARKS PER LVL	1

SCALE 1:250

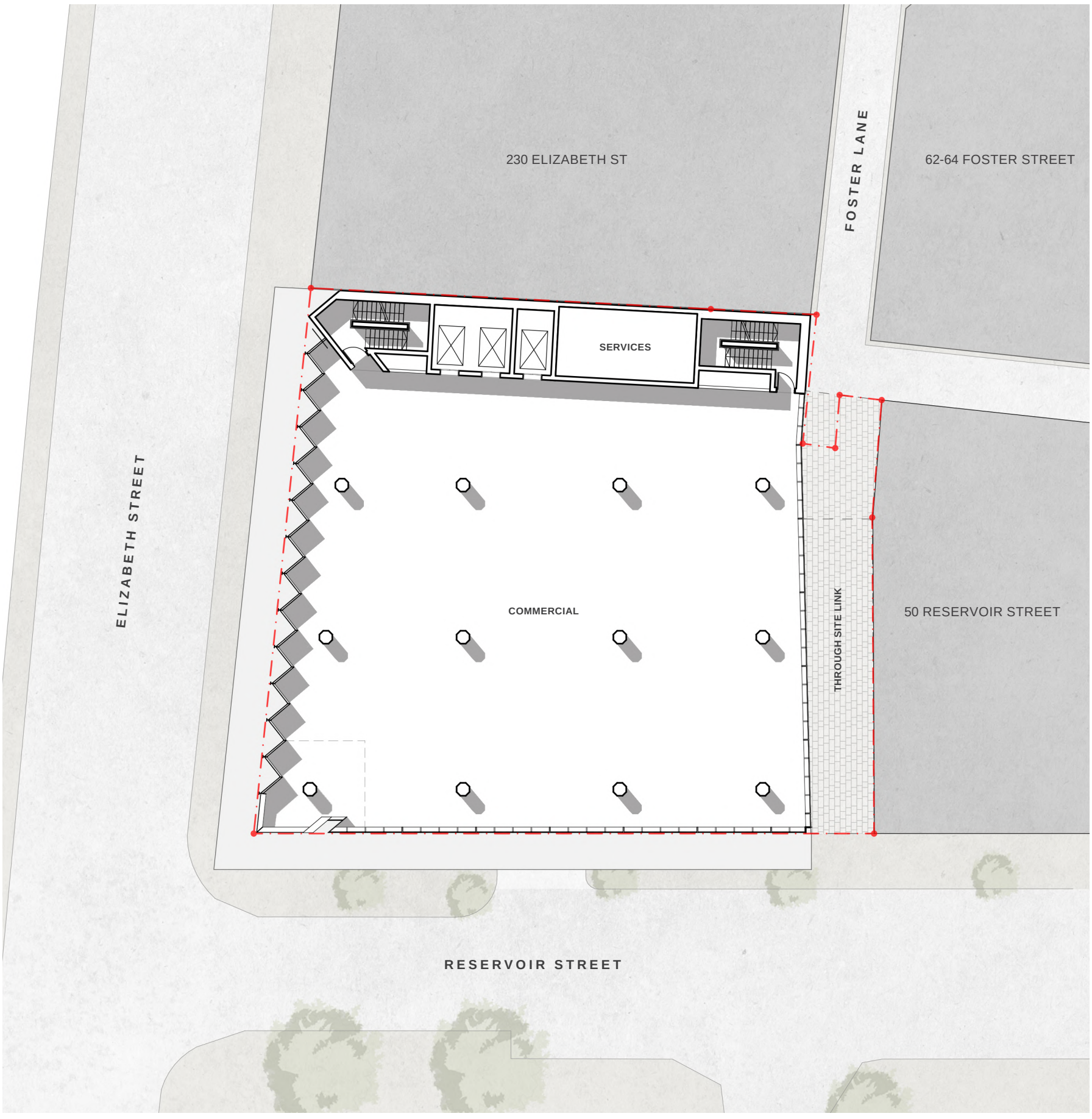
0 5 15



GROUND FLOOR PLAN

SCALE 1:250 0 5 15

COMMERCIAL GFA	79 m²
RETAIL GFA	452 m²



TYPICAL FLOOR PLAN L1, L2, L4, L6

COMMERCIAL GFA **706 m²**

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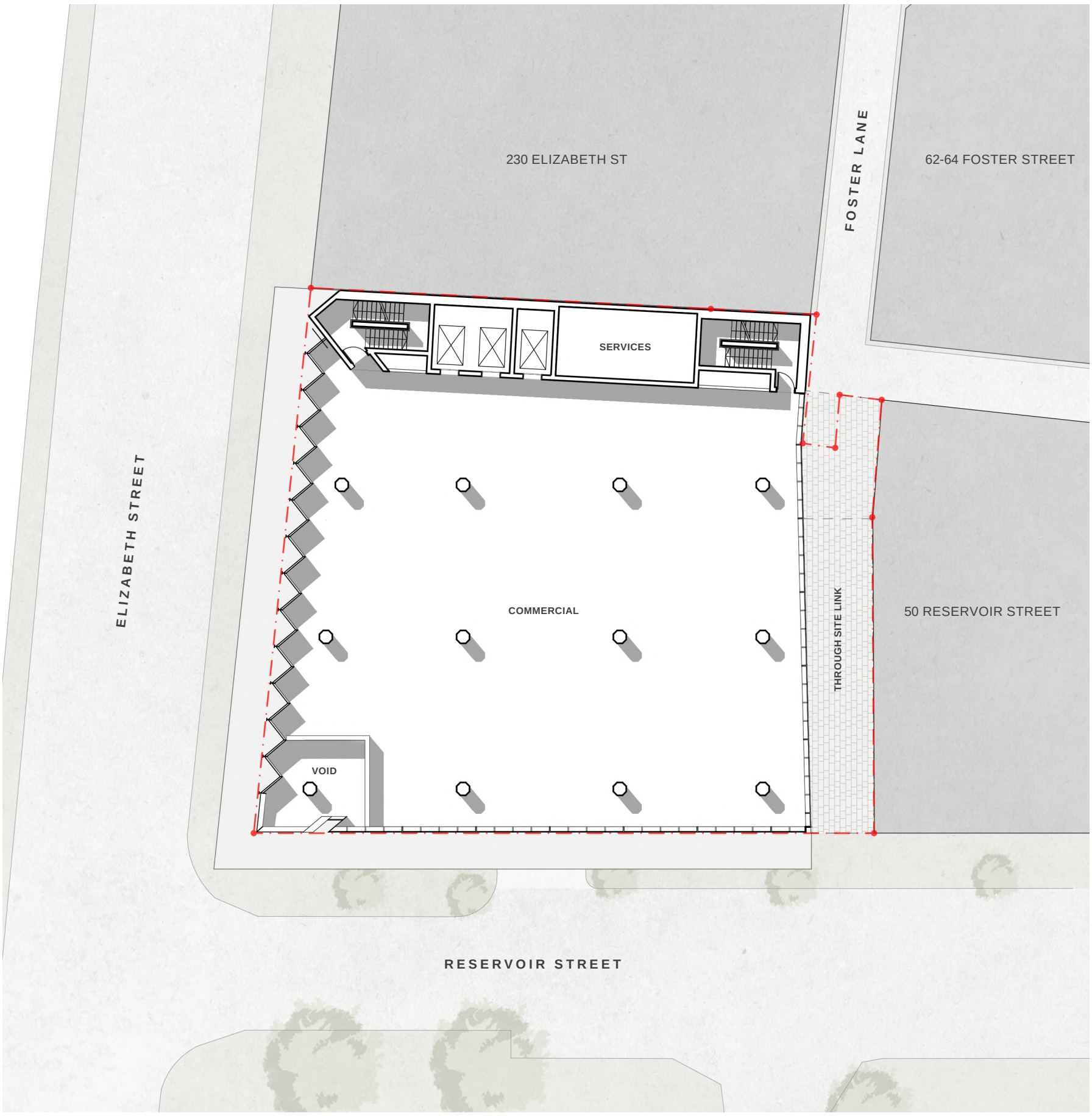

TYPICAL FLOOR PLAN L3, L5, L7

COMMERCIAL GFA **681 m²**

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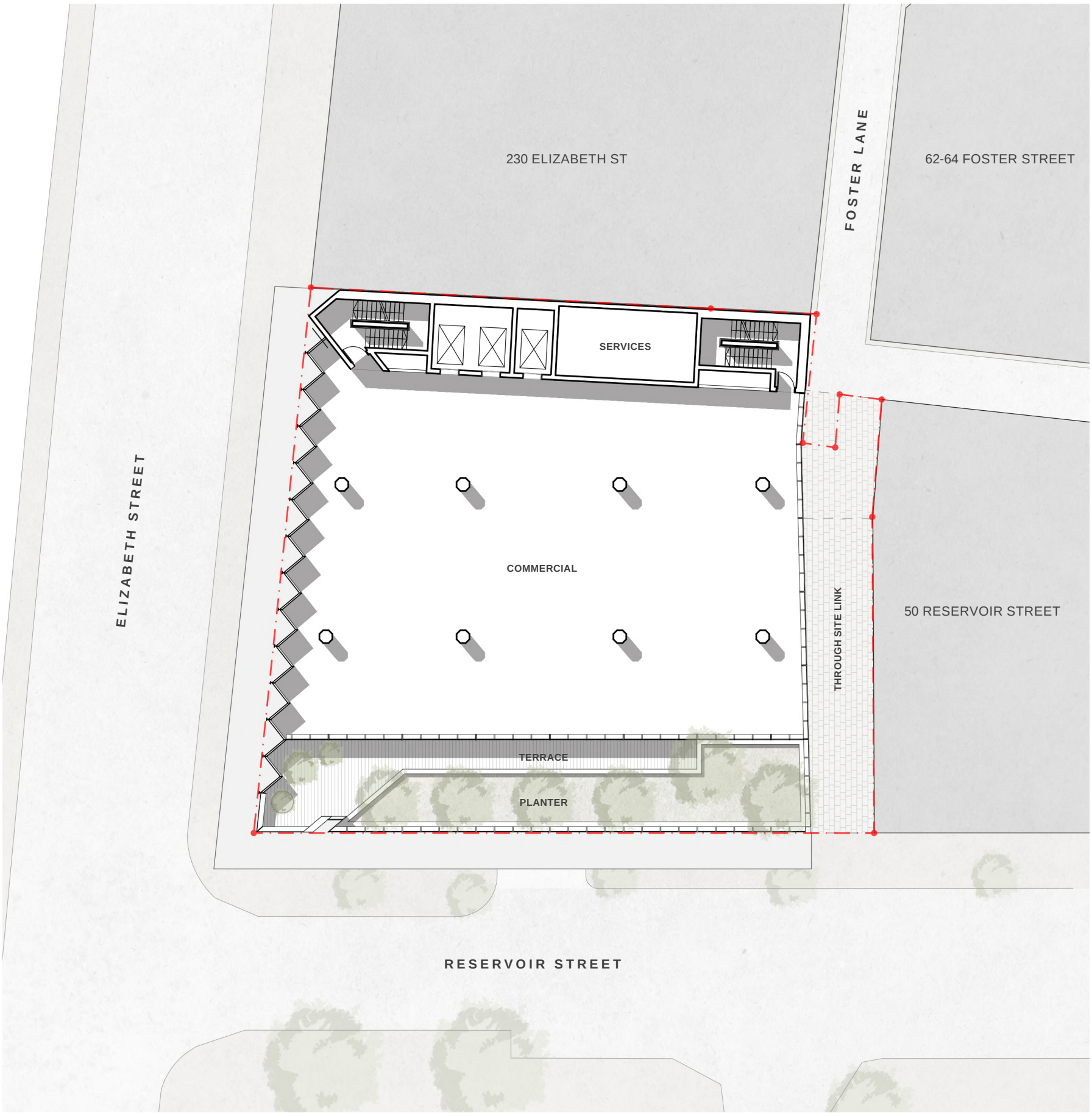

FLOOR PLAN - L8

COMMERCIAL GFA	**561 m²**
TERRACE	**61 m²**
PLANTER	**78 m²**

SCALE 1:250

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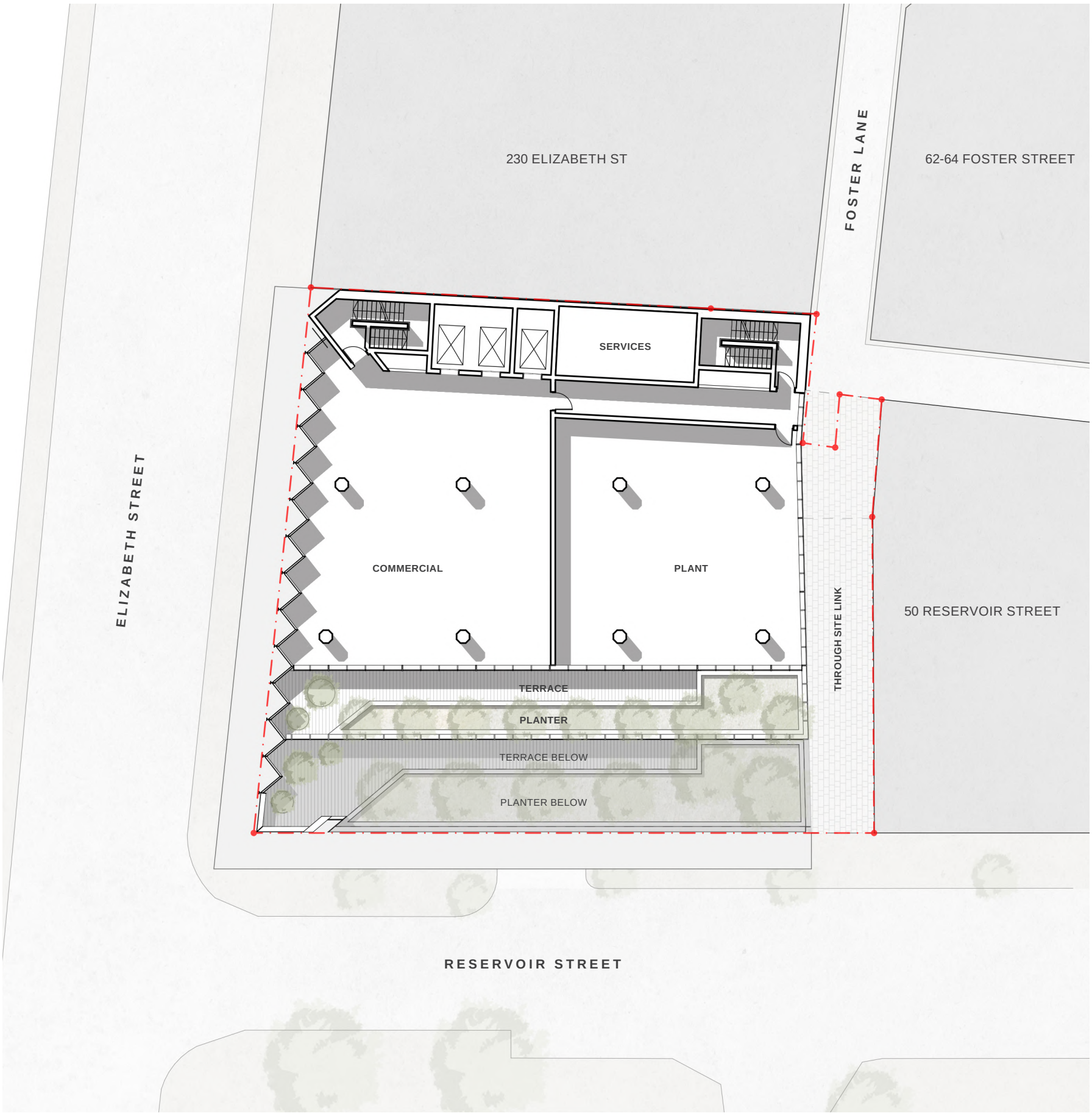


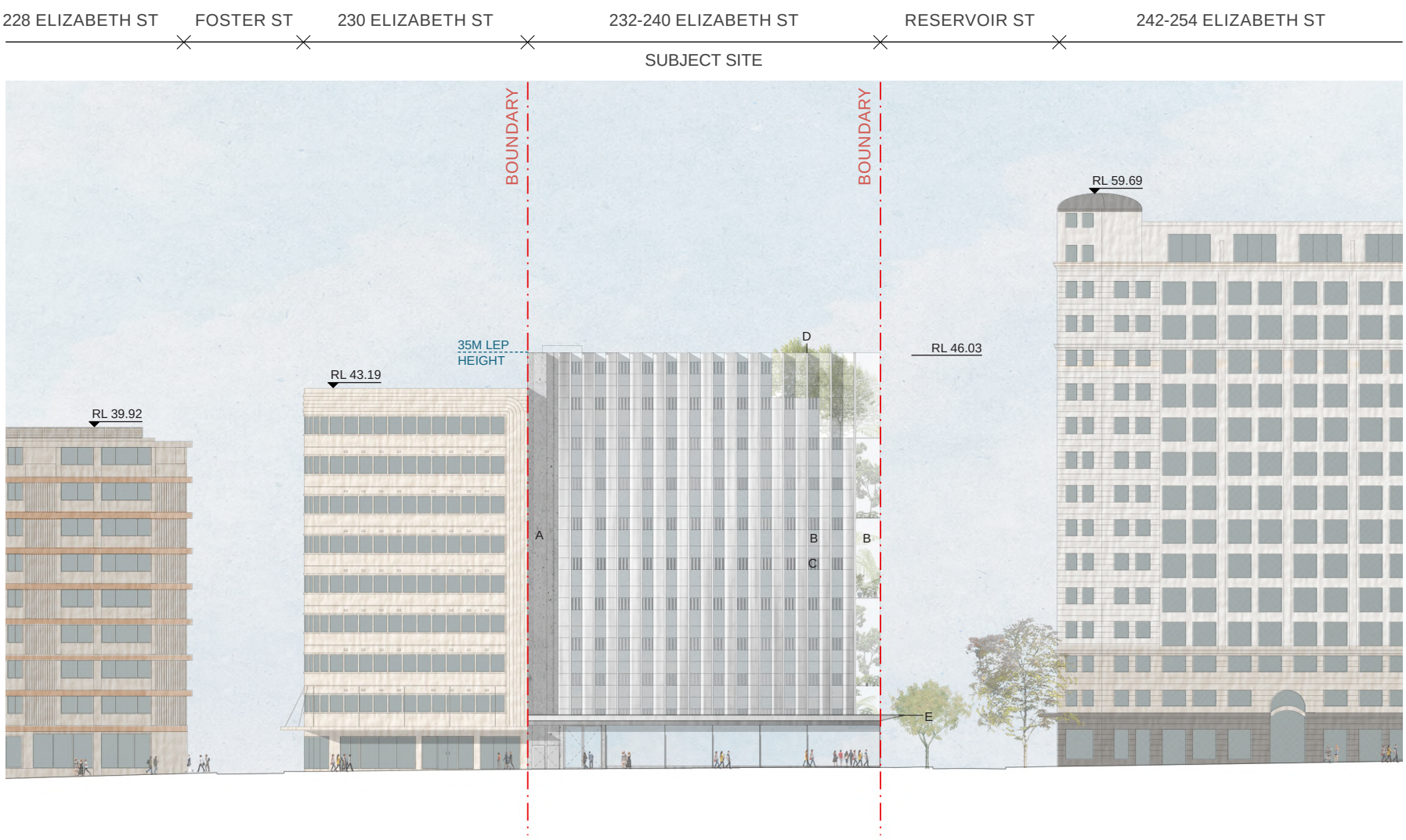
FLOOR PLAN - L9

COMMERCIAL GFA	**380 m²**
TERRACE	**44 m²**
PLANTER	**58 m²**
PLANT	**66 m²**

SCALE 1:250

0 5 15

ELEVATION



WEST ELEVATION - ELIZABETH STREET

SCALE 1:500

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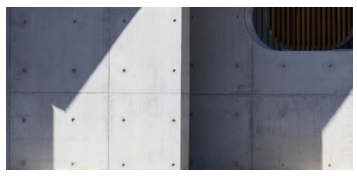
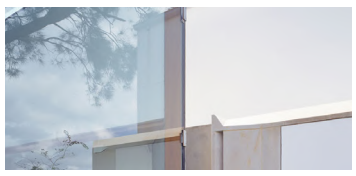


A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

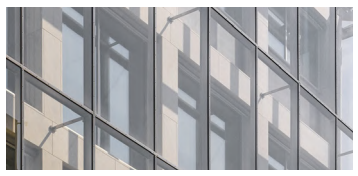
Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design



D

Stainless Steel

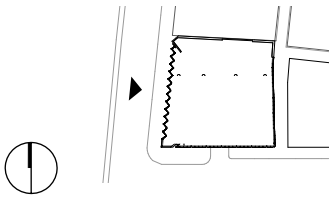
Virchow 6, Álvaro Siza Vieira

E

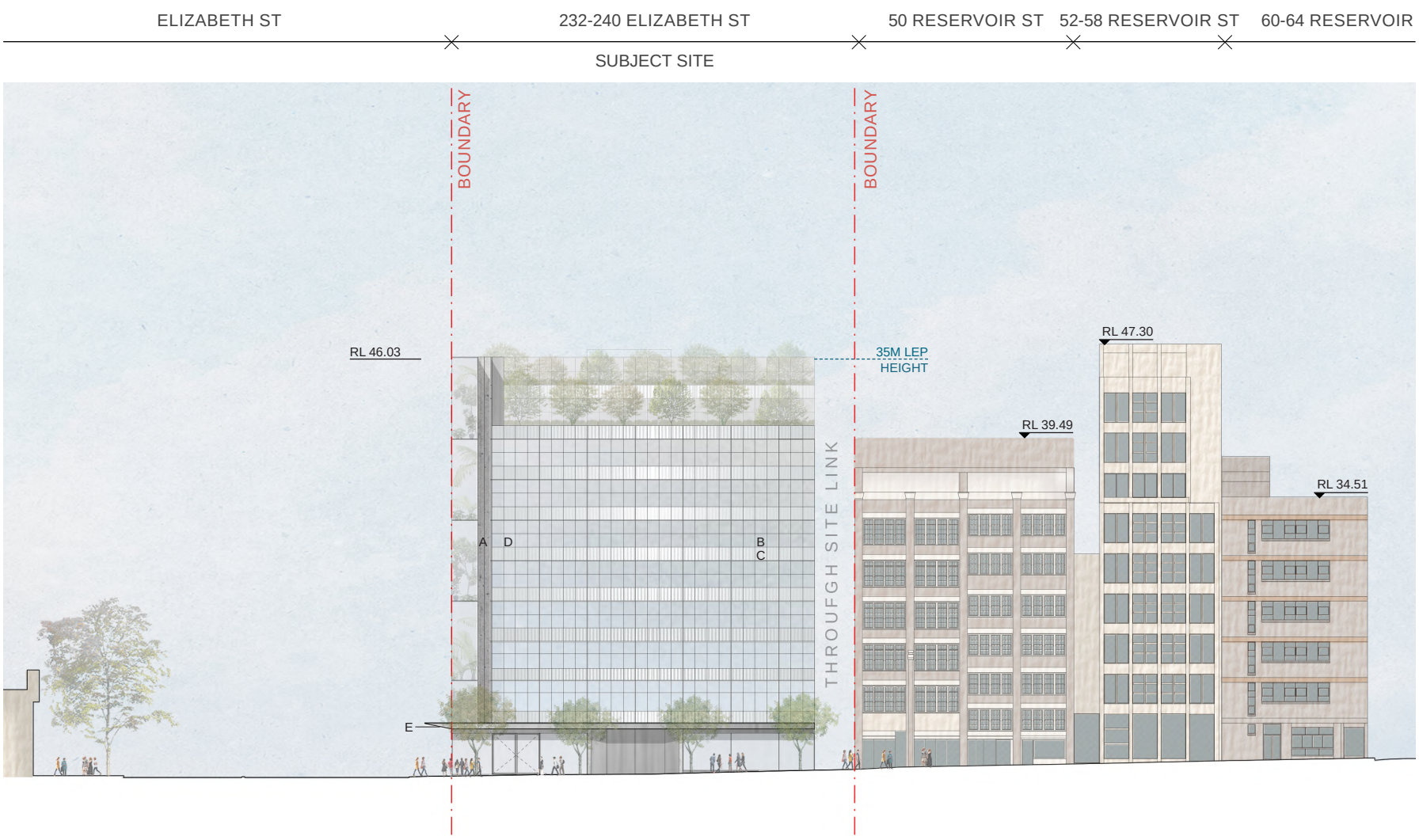
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



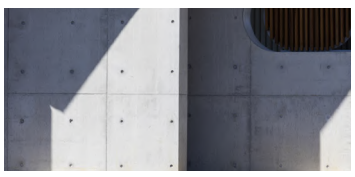
ELEVATION



SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500

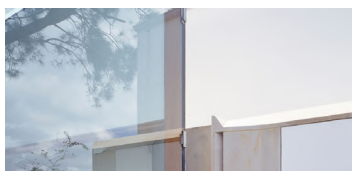
0 5 10 20



A

Off-form Concrete

President Avenue Apartments, Candalepas Associates



B

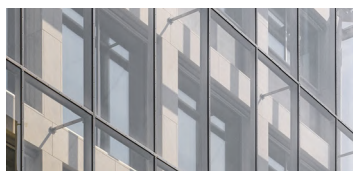
Glass

Cullen Aalhuitzen House, Candalepas Associates

C

Reeded Glass

Plain English Design



D

Stainless Steel

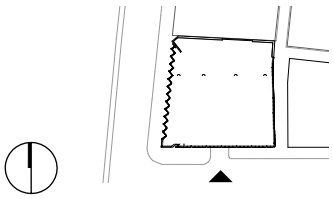
Virchow 6, Álvaro Siza Vieira

E

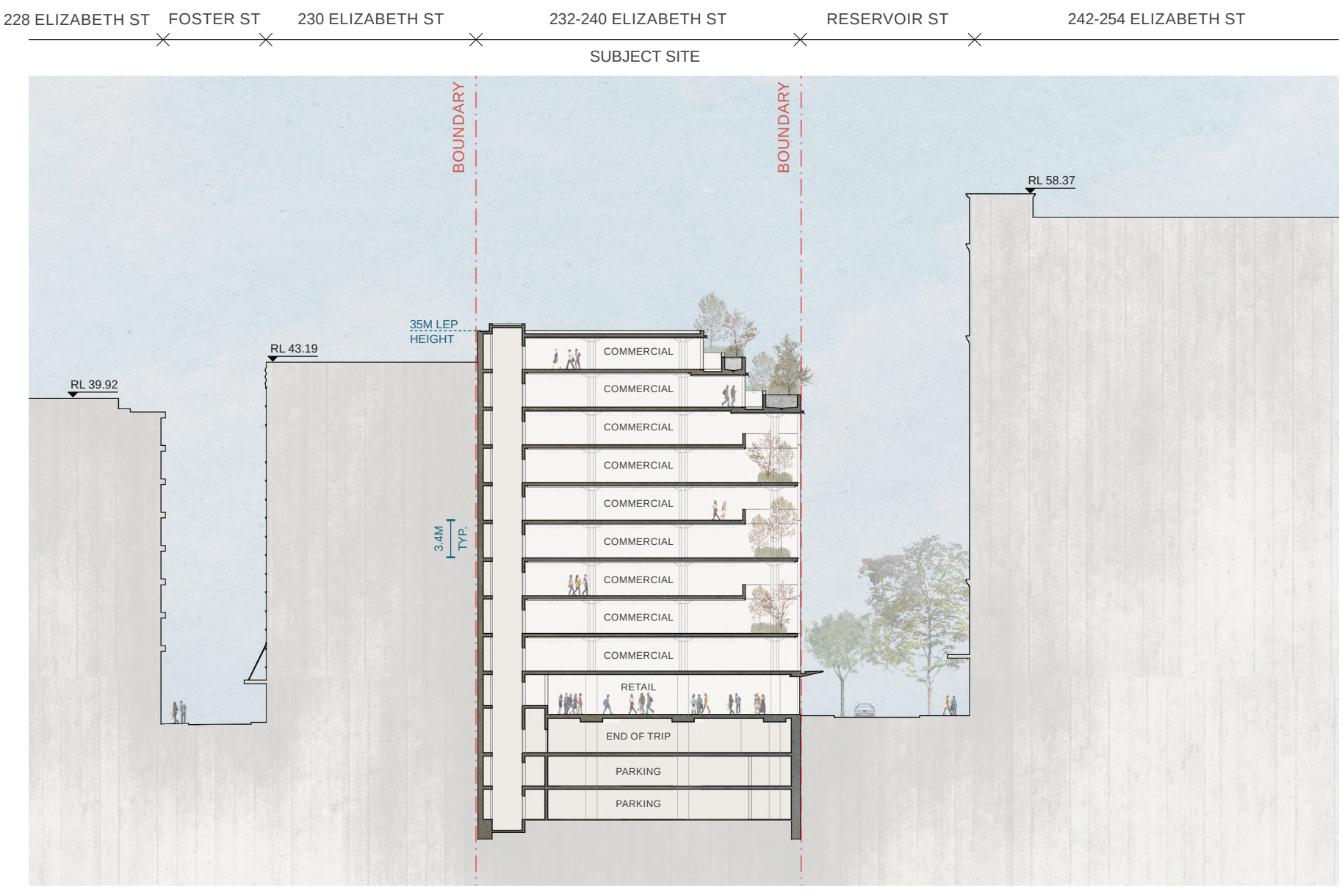
Dark Painted Steel

QT Hotel, Melbourne, Candalepas Associates

MATERIALS



SECTION



SECTION AA

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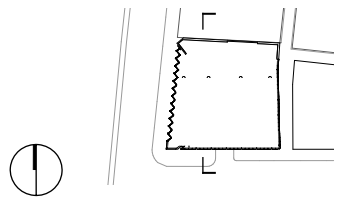
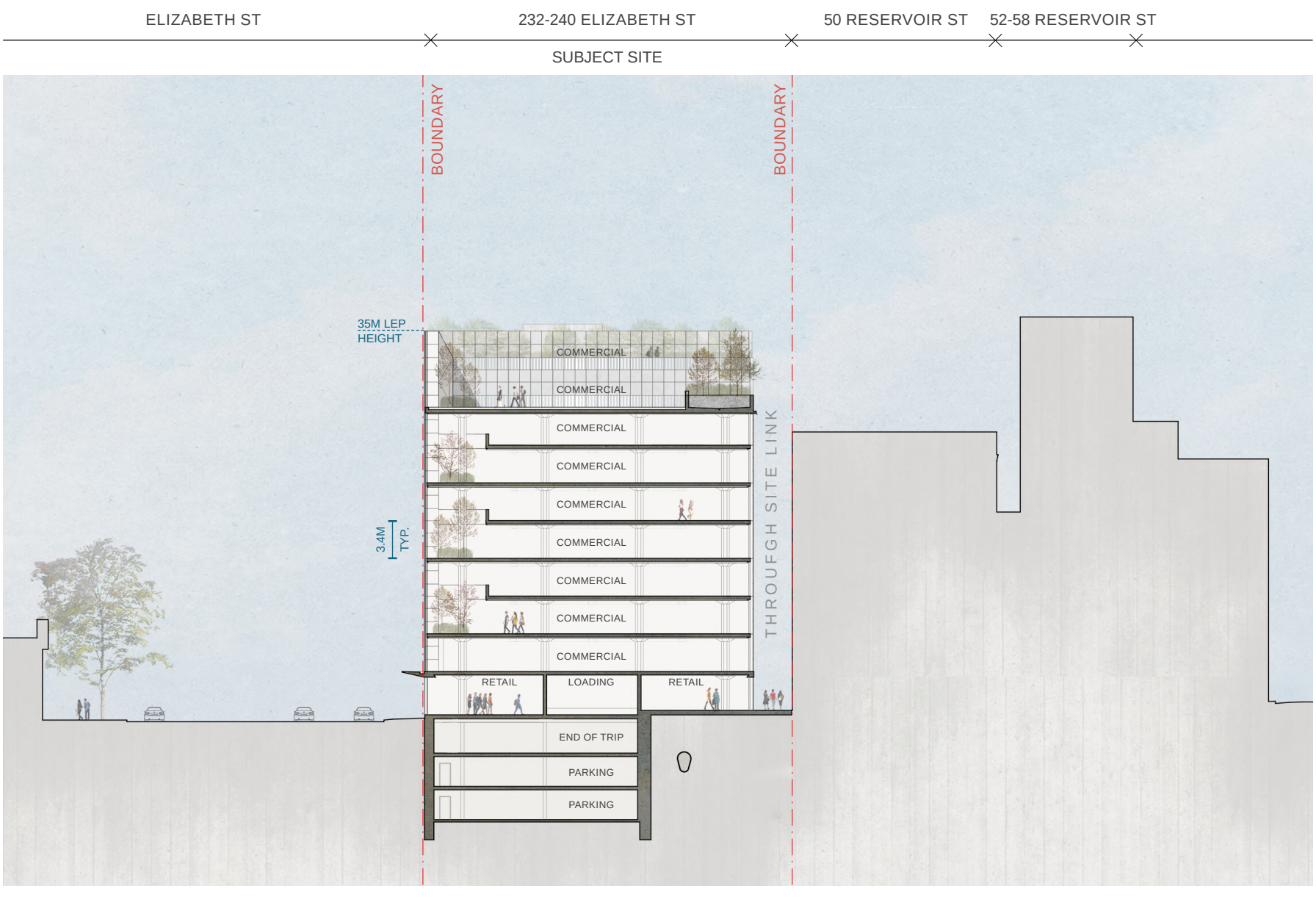


SECTION



SECTION BB

SCALE 1:500

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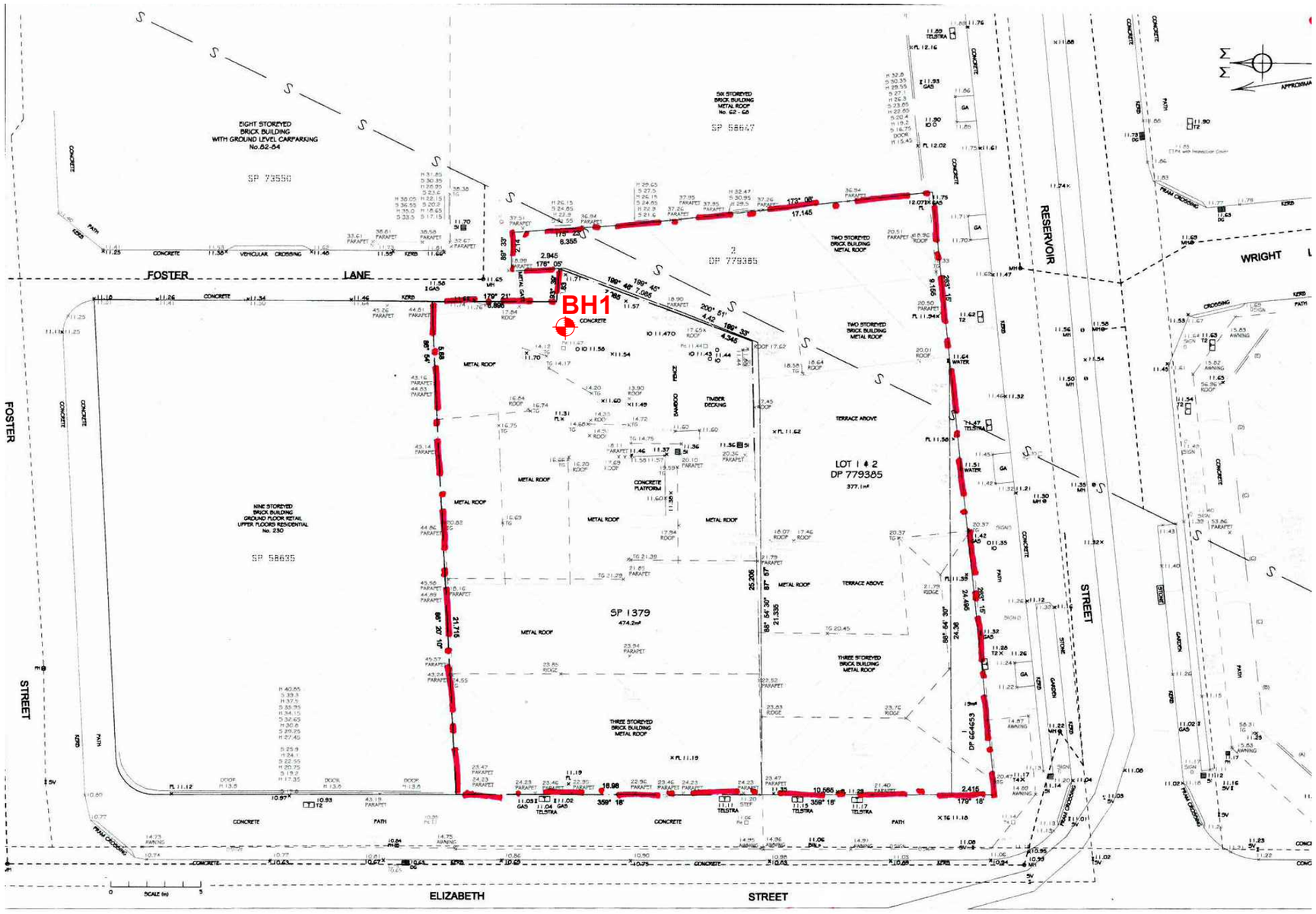
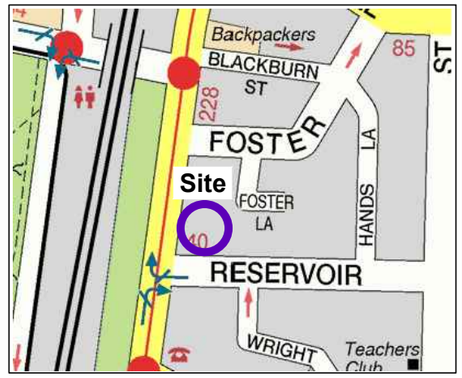
Appendix C

Previous Borehole Investigation





Locality Plan

NOTE: 1. Base drawing from Eric Scerri & Associates Pty Ltd (Dwg 2332/14, dated 18.6.2015)
2. Test locations are approximate only and are shown with reference to existing site features.

LEGEND

Borehole location

549

P:\85134.00 - SURRY HILLS - 232 - 240 Elizabeth Street\7.0 Drawings\7.2 Out\85134.00-1.dwg, 20/11/2015 12:07:43 PM

Douglas Partners Geotechnics / Environment / Groundwater	CLIENT: Patglen Pty Ltd	TITLE: **Site Layout and Borehole Location**	PROJECT No: 85134.00
	OFFICE: Sydney / DRAWN BY: PSCH	**Proposed Residential/ Commercial Development**	DRAWING No: 1
	SCALE: 1:250 @ A3 approx. / DATE: 12.11.2015	**232-240 Elizabeth Street, Surry Hills**	REVISION: 0

Description and Classification Methods

The methods of description and classification of soils and rocks used in this report are generally based on Australian Standard AS1726:2017, Geotechnical Site Investigations. In general, the descriptions include strength or density, colour, structure, soil or rock type and inclusions.

Soil Types

Soil types are described according to the predominant particle size, qualified by the grading of other particles present:

Type	Particle size (mm)
Boulder	>200
Cobble	63 - 200
Gravel	2.36 - 63
Sand	0.075 - 2.36
Silt	0.002 - 0.075
Clay	<0.002

The sand and gravel sizes can be further subdivided as follows:

Type	Particle size (mm)
Coarse gravel	19 - 63
Medium gravel	6.7 - 19
Fine gravel	2.36 – 6.7
Coarse sand	0.6 - 2.36
Medium sand	0.21 - 0.6
Fine sand	0.075 - 0.21

Definitions of grading terms used are:

- Well graded - a good representation of all particle sizes
- Poorly graded - an excess or deficiency of particular sizes within the specified range
- Uniformly graded - an excess of a particular particle size
- Gap graded - a deficiency of a particular particle size with the range

The proportions of secondary constituents of soils are described as follows:

In fine grained soils (>35% fines)

Term	Proportion of sand or gravel	Example
And	Specify	Clay (60%) and Sand (40%)
Adjective	>30%	Sandy Clay
With	15 – 30%	Clay with sand
Trace	0 - 15%	Clay with trace sand

In coarse grained soils (>65% coarse)
- with clays or silts

Term	Proportion of fines	Example
And	Specify	Sand (70%) and Clay (30%)
Adjective	>12%	Clayey Sand
With	5 - 12%	Sand with clay
Trace	0 - 5%	Sand with trace clay

In coarse grained soils (>65% coarse)
- with coarser fraction

Term	Proportion of coarser fraction	Example
And	Specify	Sand (60%) and Gravel (40%)
Adjective	>30%	Gravelly Sand
With	15 - 30%	Sand with gravel
Trace	0 - 15%	Sand with trace gravel

The presence of cobbles and boulders shall be specifically noted by beginning the description with ‘Mix of Soil and Cobbles/Boulders’ with the word order indicating the dominant first and the proportion of cobbles and boulders described together.

Soil Descriptions

Cohesive Soils

Cohesive soils, such as clays, are classified on the basis of undrained shear strength. The strength may be measured by laboratory testing, or estimated by field tests or engineering examination. The strength terms are defined as follows:

Description	Abbreviation	Undrained shear strength (kPa)
Very soft	VS	<12
Soft	S	12 - 25
Firm	F	25 - 50
Stiff	St	50 - 100
Very stiff	VSt	100 - 200
Hard	H	>200
Friable	Fr	-

Cohesionless Soils

Cohesionless soils, such as clean sands, are classified on the basis of relative density, generally from the results of standard penetration tests (SPT), cone penetration tests (CPT) or dynamic penetrometers (PSP). The relative density terms are given below:

Relative Density	Abbreviation	Density Index (%)
Very loose	VL	<15
Loose	L	15-35
Medium dense	MD	35-65
Dense	D	65-85
Very dense	VD	>85

Soil Origin

It is often difficult to accurately determine the origin of a soil. Soils can generally be classified as:

- Residual soil - derived from in-situ weathering of the underlying rock;
- Extremely weathered material – formed from in-situ weathering of geological formations. Has soil strength but retains the structure or fabric of the parent rock;
- Alluvial soil – deposited by streams and rivers;
- Estuarine soil – deposited in coastal estuaries;
- Marine soil – deposited in a marine environment;
- Lacustrine soil – deposited in freshwater lakes;
- Aeolian soil – carried and deposited by wind;
- Colluvial soil – soil and rock debris transported down slopes by gravity;
- Topsoil – mantle of surface soil, often with high levels of organic material.
- Fill – any material which has been moved by man.

Moisture Condition – Coarse Grained Soils

For coarse grained soils the moisture condition should be described by appearance and feel using the following terms:

- Dry (D) Non-cohesive and free-running.
- Moist (M) Soil feels cool, darkened in colour.
  Soil tends to stick together.
  Sand forms weak ball but breaks easily.
- Wet (W) Soil feels cool, darkened in colour.
  Soil tends to stick together, free water forms when handling.

Moisture Condition – Fine Grained Soils

For fine grained soils the assessment of moisture content is relative to their plastic limit or liquid limit, as follows:

- ‘Moist, dry of plastic limit’ or ‘w <PL’ (i.e. hard and friable or powdery).
- ‘Moist, near plastic limit’ or ‘w ≈ PL (i.e. soil can be moulded at moisture content approximately equal to the plastic limit).
- ‘Moist, wet of plastic limit’ or ‘w >PL’ (i.e. soils usually weakened and free water forms on the hands when handling).
- ‘Wet’ or ‘w ≈LL’ (i.e. near the liquid limit).
- ‘Wet’ or ‘w >LL’ (i.e. wet of the liquid limit).

Rock Strength

Rock strength is defined by the Unconfined Compressive Strength and it refers to the strength of the rock substance and not the strength of the overall rock mass, which may be considerably weaker due to defects.

The Point Load Strength Index $Is_{(50)}$ is commonly used to provide an estimate of the rock strength and site specific correlations should be developed to allow UCS values to be determined. The point load strength test procedure is described by Australian Standard AS4133.4.1-2007. The terms used to describe rock strength are as follows:

Strength Term	Abbreviation	Unconfined Compressive Strength MPa	Point Load Index * $Is_{(50)}$ MPa
Very low	VL	0.6 - 2	0.03 - 0.1
Low	L	2 - 6	0.1 - 0.3
Medium	M	6 - 20	0.3 - 1.0
High	H	20 - 60	1 - 3
Very high	VH	60 - 200	3 - 10
Extremely high	EH	>200	>10

* Assumes a ratio of 20:1 for UCS to $Is_{(50)}$. It should be noted that the UCS to $Is_{(50)}$ ratio varies significantly for different rock types and specific ratios should be determined for each site.

Degree of Weathering

The degree of weathering of rock is classified as follows:

Term	Abbreviation	Description
Residual Soil	RS	Material is weathered to such an extent that it has soil properties. Mass structure and material texture and fabric of original rock are no longer visible, but the soil has not been significantly transported.
Extremely weathered	XW	Material is weathered to such an extent that it has soil properties. Mass structure and material texture and fabric of original rock are still visible
Highly weathered	HW	The whole of the rock material is discoloured, usually by iron staining or bleaching to the extent that the colour of the original rock is not recognisable. Rock strength is significantly changed by weathering. Some primary minerals have weathered to clay minerals. Porosity may be increased by leaching, or may be decreased due to deposition of weathering products in pores.
Moderately weathered	MW	The whole of the rock material is discoloured , usually by iron staining or bleaching to the extent that the colour of the original rock is not recognisable, but shows little or no change of strength from fresh rock.
Slightly weathered	SW	Rock is partially discoloured with staining or bleaching along joints but shows little or no change of strength from fresh rock.
Fresh	FR	No signs of decomposition or staining.
Note: If HW and MW cannot be differentiated use DW (see below)		
Distinctly weathered	DW	Rock strength usually changed by weathering. The rock may be highly discoloured, usually by iron staining. Porosity may be increased by leaching or may be decreased due to deposition of weathered products in pores.

Rock Descriptions

Degree of Fracturing

The following classification applies to the spacing of natural fractures in diamond drill cores. It includes bedding plane partings, joints and other defects, but excludes drilling breaks.

Term	Description
Fragmented	Fragments of <20 mm
Highly Fractured	Core lengths of 20-40 mm with occasional fragments
Fractured	Core lengths of 30-100 mm with occasional shorter and longer sections
Slightly Fractured	Core lengths of 300 mm or longer with occasional sections of 100-300 mm
Unbroken	Core contains very few fractures

Rock Quality Designation

The quality of the cored rock can be measured using the Rock Quality Designation (RQD) index, defined as:

$$\text{RQD \%} = \frac{\text{cumulative length of 'sound' core sections} \geq \text{100 mm long}}{\text{total drilled length of section being assessed}}$$

where 'sound' rock is assessed to be rock of low strength or stronger. The RQD applies only to natural fractures. If the core is broken by drilling or handling (i.e. drilling breaks) then the broken pieces are fitted back together and are not included in the calculation of RQD.

Stratification Spacing

For sedimentary rocks the following terms may be used to describe the spacing of bedding partings:

Term	Separation of Stratification Planes
Thinly laminated	< 6 mm
Laminated	6 mm to 20 mm
Very thinly bedded	20 mm to 60 mm
Thinly bedded	60 mm to 0.2 m
Medium bedded	0.2 m to 0.6 m
Thickly bedded	0.6 m to 2 m
Very thickly bedded	> 2 m

Introduction

These notes summarise abbreviations commonly used on borehole logs and test pit reports.

Drilling or Excavation Methods

C	Core drilling
R	Rotary drilling
SFA	Spiral flight augers
NMLC	Diamond core - 52 mm dia
NQ	Diamond core - 47 mm dia
HQ	Diamond core - 63 mm dia
PQ	Diamond core - 81 mm dia

Water

▷	Water seep
▽	Water level

Sampling and Testing

A	Auger sample
B	Bulk sample
D	Disturbed sample
E	Environmental sample
U_{50}	Undisturbed tube sample (50mm)
W	Water sample
pp	Pocket penetrometer (kPa)
PID	Photo ionisation detector
PL	Point load strength Is(50) MPa
S	Standard Penetration Test
V	Shear vane (kPa)

Description of Defects in Rock

The abbreviated descriptions of the defects should be in the following order: Depth, Type, Orientation, Coating, Shape, Roughness and Other. Drilling and handling breaks are not usually included on the logs.

Defect Type

B	Bedding plane
Cs	Clay seam
Cv	Cleavage
Cz	Crushed zone
Ds	Decomposed seam
F	Fault
J	Joint
Lam	Lamination
Pt	Parting
Sz	Sheared Zone
V	Vein

Orientation

The inclination of defects is always measured from the perpendicular to the core axis.

h	horizontal
v	vertical
sh	sub-horizontal
sv	sub-vertical

Coating or Infilling Term

cln	clean
co	coating
he	healed
inf	infilled
stn	stained
ti	tight
vn	veneer

Coating Descriptor

ca	calcite
cbs	carbonaceous
cly	clay
fe	iron oxide
mn	manganese
slt	silty

Shape

cu	curved
ir	irregular
pl	planar
st	stepped
un	undulating

Roughness

po	polished
ro	rough
sl	slickensided
sm	smooth
vr	very rough

Other

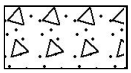
fg	fragmented
bnd	band
qtz	quartz

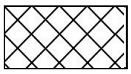
Graphic Symbols for Soil and Rock

General

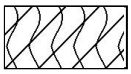
Asphalt

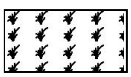
Road base

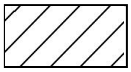

Concrete

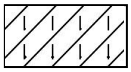

Filling

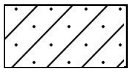
Soils


Topsoil

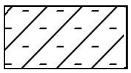

Peat

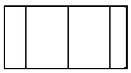

Clay

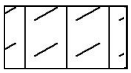

Silty clay

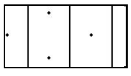

Sandy clay

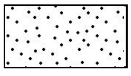
Gravelly clay

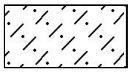

Shaly clay

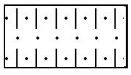

Silt


Clayey silt


Sandy silt

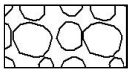

Sand

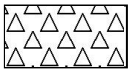

Clayey sand


Silty sand

Gravel

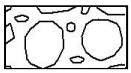
Sandy gravel


Cobbles, boulders

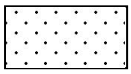

Talus

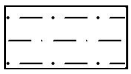
Sedimentary Rocks

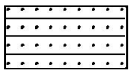
Boulder conglomerate

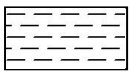

Conglomerate

Conglomeratic sandstone

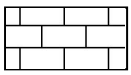

Sandstone


Siltstone

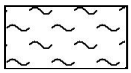

Laminite

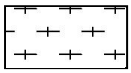

Mudstone, claystone, shale

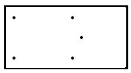
Coal


Limestone

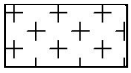
Metamorphic Rocks

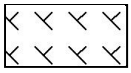

Slate, phyllite, schist

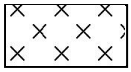

Gneiss

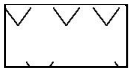

Quartzite

Igneous Rocks


Granite


Dolerite, basalt, andesite


Dacite, epidote


Tuff, breccia

Porphyry

BOREHOLE LOG

CLIENT: Potglen Pty Ltd
PROJECT: Proposed Residential Development
LOCATION: 232-240 Elizabeth St & 2-8 Campbell Pde Surry Hills

SURFACE LEVEL: 11.6 AHD*
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/--

BORE No: 1
PROJECT No: 85134
DATE: 22/10/2015
SHEET 1 OF 2

RL	Depth (m)	Description of Strata	Degree of Weathering (EW HW MW SW FS FR)	Graphic Log	Rock Strength (Ex Low, Very Low, Low, Medium, High, Very High, Ex High)	Water	Fracture Spacing (m) (0.01, 0.05, 0.10, 0.50, 1.00)	Discontinuities (B - Bedding J - Joint S - Shear F - Fault)	Sampling & In Situ Testing: Type	Core Rec. %	RQD %	Test Results & Comments
	0.11	CONCRETE							A			
	0.19	CERAMIC PAVING							A			
	0.25	FILLING - yellow-brown, fine to medium sand filling										
	0.75	FILLING - brown-grey and red-brown, silty clay filling with some sand and sandstone fragments							S			3,4,6 N = 10
		SILTY CLAY - stiff, grey mottled brown and red-brown, silty clay with a trace of ironstone gravel, MC>>apparently										
		- ironstone gravel bands from 2.5m							S			5,5,8 N = 13
									S			5,9,11 N = 20
								Note: Unless otherwise stated, rock is fractured along rough planar bedding dipping 0°- 10°				
	5.27	SANDSTONE - extremely low to very low strength, extremely to highly weathered, pale grey-brown to red-brown, fine to medium grained sandstone with some medium strength iron-cemented bands							C	100	0	PL(A) = 0.1
	6.35	SANDSTONE - high and medium to high strength, moderately weathered then fresh, slightly fractured and unbroken, brown then pale grey, medium to coarse grained sandstone						6.06-6.1m: Cs 6.16-6.2m: Cs 6.26m: B10°, cly vn/ti 6.35 & 6.52m:B15°, fe 6.61m: B15°, fe, cly, 10mm 6.65-6.76m: J80°, un, ro, fe 6.85m: B10°, fe 7m: B0°, cly, 5mm				PL(A) = 1.4
												PL(A) = 2.1
									C	100	97	
												PL(A) = 2.5
								8.7 & 8.9m: B5°, cly vn				PL(A) = 2.3
								9.15 & 9.3m: B5°, cly vn, ti				
									C	100	100	PL(A) = 1.8

RIG: Tightsite **DRILLER:** ID **LOGGED:** JS/SI **CASING:** HW to 4.0m

TYPE OF BORING: Solid flight auger to 4.76m; Rotary to 6.27m; NMLC-Coring to 11.52m

WATER OBSERVATIONS: No free groundwater observed whilst augering

REMARKS: Standpipe installed to 11.52m. *Surface RL determined using standard levelling techniques

SAMPLING & IN SITU TESTING LEGEND

A	Auger sample	G	Gas sample	PID	Photo ionisation detector (ppm)
B	Bulk sample	P	Piston sample	PL(A)	Point load axial test Is(50) (MPa)
BLK	Block sample	U_x	Tube sample (x mm dia.)	PL(D)	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	▼	Water level	V	Shear vane (kPa)

Douglas Partners
Geotechnics / Environment / Groundwater

BOREHOLE LOG

CLIENT: Potglen Pty Ltd
PROJECT: Proposed Residential Development
LOCATION: 232-240 Elizabeth St & 2-8 Campbell Pde Surry Hills

SURFACE LEVEL: 11.6 AHD*
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/--

BORE No: 1
PROJECT No: 85134
DATE: 22/10/2015
SHEET 2 OF 2

RL	Depth (m)	Description of Strata	Degree of Weathering (EW HW MW SW FS FR)	Graphic Log	Rock Strength (Ex Low, Very Low, Low, Medium, High, Very High, Ex High)	Water	Fracture Spacing (m) (0.01, 0.05, 0.10, 0.50, 1.00)	Discontinuities (B - Bedding J - Joint S - Shear F - Fault)	Sampling & In Situ Testing: Type	Core Rec. %	RQD %	Test Results & Comments
		SANDSTONE - high and medium to high strength, moderately weathered then fresh, slightly fractured and unbroken, brown then pale grey, medium to coarse grained sandstone *(continued)*						10.35 & 11.42m: B0°, cly vn	C	100	100	PL(A) = 1 PL(A) = 1.3
	11.52	Bore discontinued at 11.52m										

RIG: Tightsite **DRILLER:** ID **LOGGED:** JS/SI **CASING:** HW to 4.0m

TYPE OF BORING: Solid flight auger to 4.76m; Rotary to 6.27m; NMLC-Coring to 11.52m

WATER OBSERVATIONS: No free groundwater observed whilst augering

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SAMPLING & IN SITU TESTING LEGEND

A	Auger sample	G	Gas sample	PID	Photo ionisation detector (ppm)
B	Bulk sample	P	Piston sample	PL(A)	Point load axial test Is(50) (MPa)
BLK	Block sample	U_x	Tube sample (x mm dia.)	PL(D)	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	▼	Water level	V	Shear vane (kPa)

Douglas Partners
Geotechnics / Environment / Groundwater

DOUGLAS PARTNERS PTY LTD

PROPOSED RESIDENTIAL DEVELOPMENT – SURRY HILL

BORE 1 PROJECT 85134 OCT 2015

5.27 – 9.0m

DOUGLAS PARTNERS PTY LTD

PROPOSED RESIDENTIAL DEVELOPMENT – SURRY HILL

BORE 1 PROJECT 85134 OCT 2015

9.0 – 11.52m

Appendix D

Permeability Test Result from Previous Investigation

Douglas Partners
Geotechnics / Environment / Groundwater

Douglas Partners Pty Ltd
ABN 75 053 980 117
www.douglaspartners.com.au
96 Hermitage Road
West Ryde NSW 2114
PO Box 472
West Ryde NSW 1685
Phone (02) 9809 0666
Fax (02) 9809 4095

Permeability Testing - Simple Slug Test Report

Client:	Patglen Pty Ltd and The Summit Hotel Bondi Beach	Project No:	85134
Project:		Date:	30-Oct-15
Location:	232-240 Elizabeth Street, Surry Hills	Tested by:	JS

Test Location		**Test No.**	1
Description:	Basement	Easting:	m
Material type:	clay over sandstone	Northing	m
		Surface Level:	11.6 m AHD

Details of Well Installation

Well casing diameter	60	mm	Depth to water before test	1.2	m
Well screen diameter	60	mm	Depth to water at start of test	9.6	m
Length of well screen	3	m			

Test Results

Time (min)	Depth (m)	Change in Head δH (m)	δH/Ho
0.0	0.00	8.4	1.000
1.0	0.2	8.2	0.976
2	0.4	8	0.952
3	0.6	7.8	0.929
5	0.9	7.5	0.893
10	1.6	6.8	0.810
20	2.8	5.6	0.667
35	4.2	4.2	0.500
50	4.9	3.5	0.417
60	5.3	3.1	0.369
90	5.9	2.5	0.298
120	6.1	2.3	0.274
			0.000
			0.000
			0.000
			0.000
			0.000
			0.000
			0.000
			0.000
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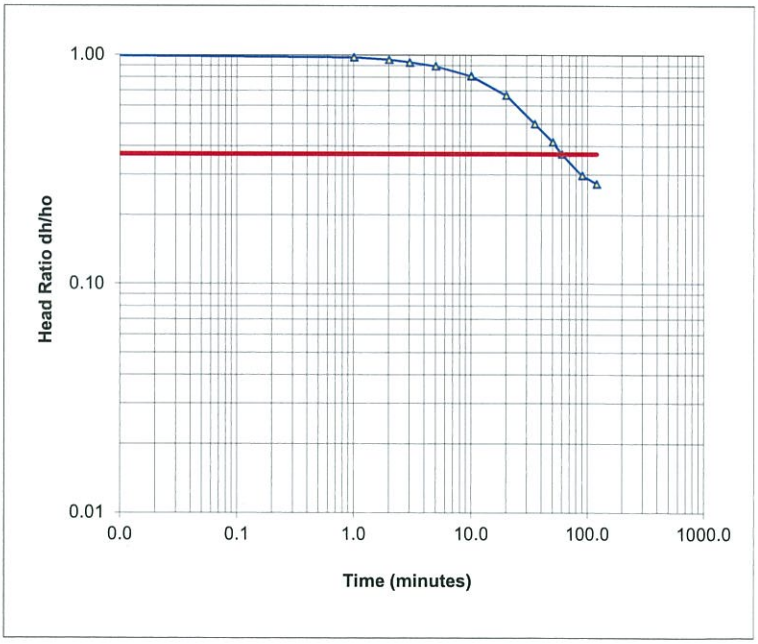
			0.000
			0.000
			0.000
			0.000



To = 50 mins
3000 secs

Theory: Falling Head Permeability calculated using equation by Hvorslev

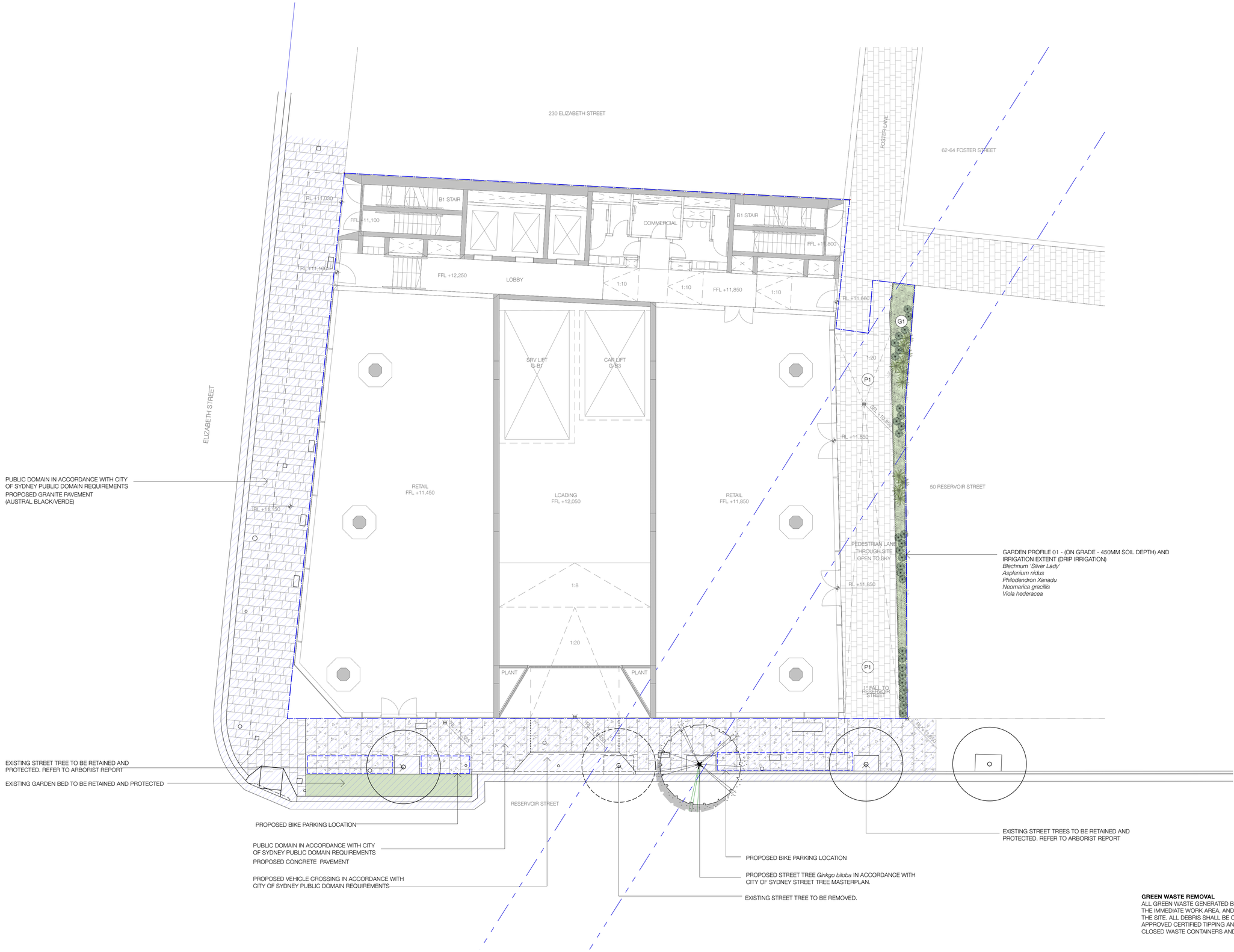
$k = [r^2 \ln(Le/R)]/2Le\ To$

where r = radius of casing
R = radius of well screen
Le = length of well screen
To = time taken to rise or fall to 37% of initial change

Hydraulic Conductivity	**k =**	**2.3E-07**	m/sec
	=	**0.083**	cm/hour

Attachment A11

Landscape Concept Plan



GREEN WASTE REMOVAL
ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE (VIA LIFT) TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	09.11.22	PRELIMINARY
02	11.11.22	FOR PLANNING PROPOSAL
03	19.12.23	FOR PLANNING PROPOSAL - REVISED

REFER TO LALP04 FOR NOTES AND PLANT SCHEDULE

1:100 @ A1
0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design
Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Ground Level

Drawn IK / GB
L.Architect Authorised IK / GB
Scale 1:100 @ A1
Client Stasia Holding Pty. Limited
Status FOR PLANNING PROPOSAL

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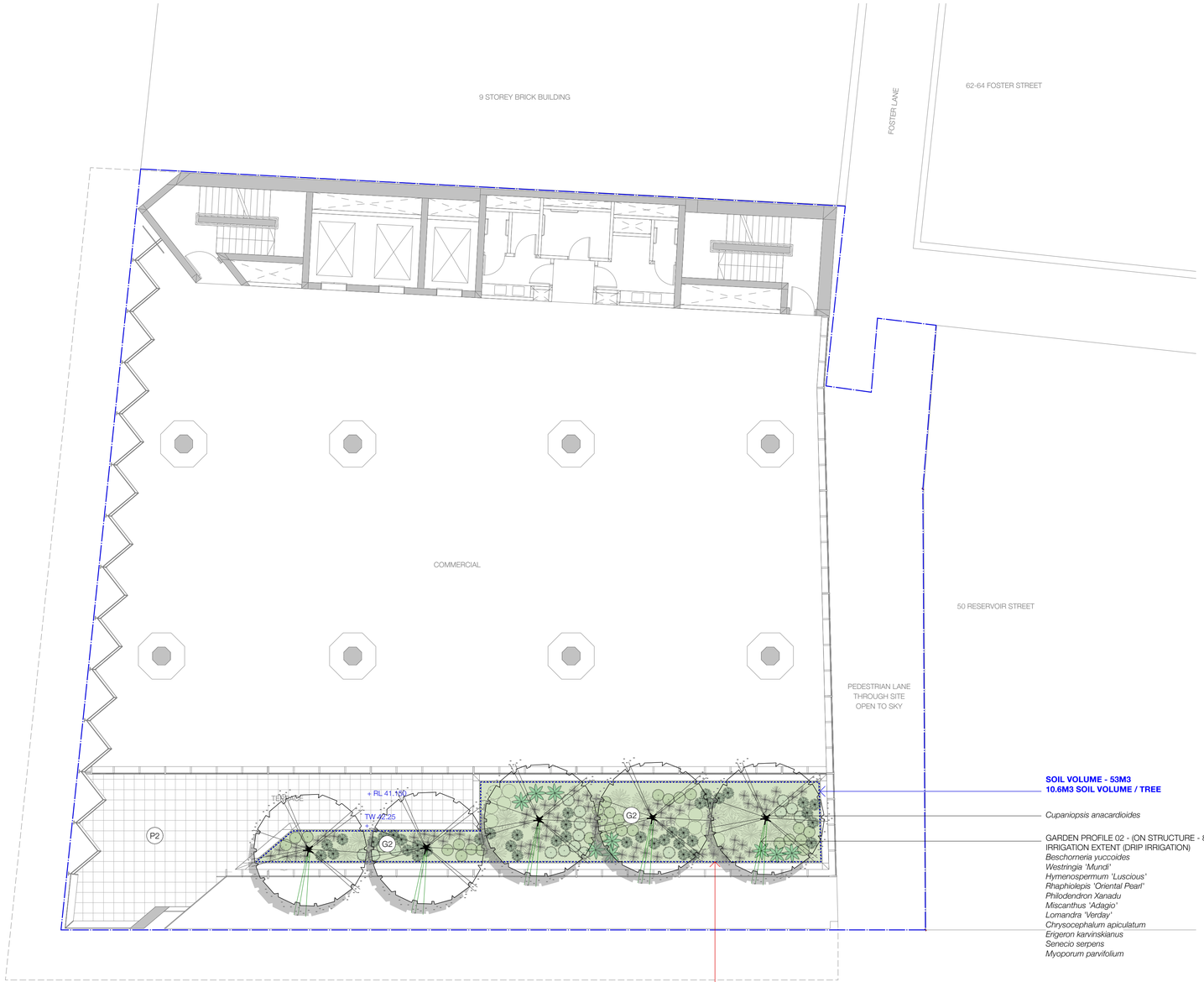
JOB NUMBER BB 1322
DRAWING NUMBER / ISSUE LA LP 01/ 03



SOIL VOLUME - 53M3
10.6M3 SOIL VOLUME / TREE

Cupaniopsis anacardioides

GARDEN PROFILE 02 - (ON STRUCTURE - 800MM SOIL DEPTH) AND IRRIGATION EXTENT (DRIP IRRIGATION)
Beschorneria yuccoides
Westringia 'Mundi'
Hymenospermum 'Luscious'
Rhaphiolepis 'Oriental Pearl'
Philodendron Xanadu
Miscanthus 'Adagio'
Lomandra 'Verday'
Chrysocephalum apiculatum
Erigeron karvinskianus
Senecio serpens
Myoporum parvifolium

MAINTENANCE ACCESS VIA COMMERCIAL TENANCY

FALL RESTRAINT POINT INSTALLED TO AS/NZS 1891.2:2001 USED TO ACCESS ALL AREAS OF PLANTING REQUIRING MAINTENANCE. OPERATOR TO BE IN FALL RESTRAINT HARNESS COMPLIANT WITH AS1891.4. REFER TO ARCHITECTS DOCUMENTATION

GREEN WASTE REMOVAL
ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE (VIA LIFT) TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	09.11.22	PRELIMINARY
02	11.11.22	FOR PLANNING PROPOSAL
03	19.12.23	FOR PLANNING PROPOSAL - REVISED

REFER TO LALP04 FOR NOTES AND PLANT SCHEDULE

1:100 @ A1
0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design
Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Level 08

Drawn IK / GB
L.Architect Authorised IK / GB
Scale 1:100 @ A1
Client Stasia Holding Pty. Limited
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JOB NUMBER
BB 1322

DRAWING NUMBER / ISSUE
LA LP 02/ 03

SOIL VOLUME - 58.5M3
14.6M3 SOIL VOLUME / TREE

Tristaniopsis laurina 'Luscious'

GARDEN PROFILE 02 - (ON STRUCTURE - 800MM SOIL DEPTH) AND IRRIGATION EXTENT (DRIP IRRIGATION)
Beschorneria yuccoides
Westringia 'Mundi'
Hymenospermum 'Luscious'
Rhaphiolepis 'Oriental Pearl'
Philodendron Xanadu
Miscanthus 'Adagio'
Lomandra 'Verday'
Chrysocephalum apiculatum
Erigeron karvinskianus
Senecio serpens
Myoporum parvifolium

MAINTENANCE ACCESS VIA COMMERCIAL TENANCY

FALL RESTRAINT POINT INSTALLED TO AS/NZS 1891.2:2001 USED TO ACCESS ALL AREAS OF PLANTING REQUIRING MAINTENANCE. OPERATOR TO BE IN FALL RESTRAINT HARNESS COMPLIANT WITH AS1891.4. REFER TO ARCHITECTS DOCUMENTATION

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1:100 @ A1
0 1 2 5 7.5M

NORTH

black beetle
Landscape Architecture and Design

Black Beetle pty ltd
Level 1, 1073 Pittwater Road, Collaroy NSW 2097
Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Landscape Plan - Level 08

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Scale 1:100 @ A1

Client
Stasia Holding Pty. Limited

Status
FOR PLANNING PROPOSAL

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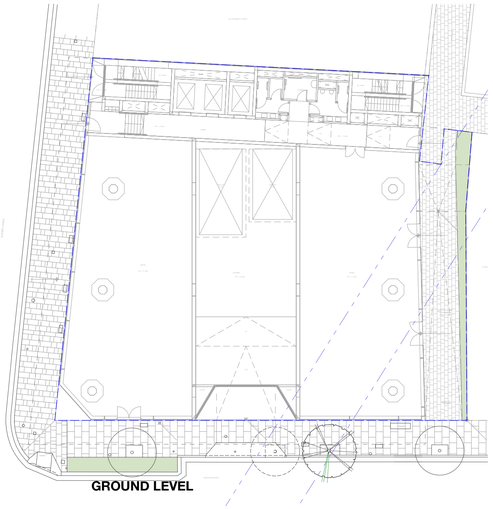


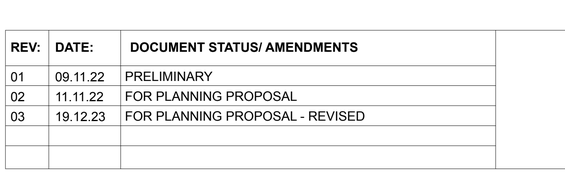
GROUND LEVEL

LEVEL 08

LEVEL 09

01 LANDSCPE AREA CALCULATION
scale 1:250 @ A1

LANDSCAPE AREA = 128M2 (TOTAL SITE AREA : 905.6M2)
% OF SITE AREA = 14.1%



LEVEL 08

LEVEL 09

01 CANOPY CALCULATION
scale 1:250 @ A1

TREE CANOPY COVERAGE = 143.14M2 (TOTAL SITE AREA : 905.6M2)
% OF SITE AREA = 15.8%

LEGEND

BOUNDARY LINE

+ 1678.27 — EXISTING LEVEL

+ FL 79.40 — FINISHED LEVEL

+ TW 79.40 — TOP OF WALL

EXISTING TREE TO RETAINED AND PROTECTED

EXISTING TREE TO REMOVED

P1 — PAVEMENT TYPE 01 - REFER TO ARCHITECTS

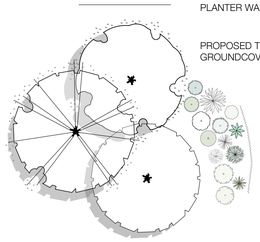
P2 — PAVEMENT TYPE 02 - REFER TO ARCHITECTS

G1 — GARDEN ON GRADE - 450MM SOIL DEPTH AND IRRIGATION EXTENT (DRIP IRRIGATION)- REFER TO LANDSCAPE PLANS

G2 — GARDEN ON STRUCTURE - 1000MM SOIL DEPTHS AND IRRIGATION EXTENT (DRIP IRRIGATION)- REFER TO LANDSCAPE PLANS

PLANTER WALLS

PROPOSED TREES, SHRUBS AND GROUNDCOVERS AS NOTED.



NOTES

1. DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND ENGINEERING DRAWINGS. NOTE ALL LANDSCAPE HARDWORKS INCLUDING PAVING, STEPS, RETAINING WALLS AND FENCES TO ARCHITECTS DOCUMENTATION AND DETAILS

2. ALL PLANTING AREAS TO BE MULCHED, TYPICALLY 75MM DEPTH. ORGANIC MULCH TO CONFORM TO AS 4454-2012 COMPOST, SOIL CONDITIONERS AND MULCHES.

3. SOILS TO CONFORM TO AS 4419-2018 SOILS FOR LANDSCAPING AND GARDENS USE.
SOIL DEPTHS
- ON GRADE 450MM
- ON STRUCTURE 800MM

4. ALL PLANTING AREAS TO HAVE DRIP IRRIGATION SYSTEM WITH BACK UP PROTECTION TO THE MAIN SUPPLY, TO ALL CURRENT SYDNEY WATERS REQUIREMENTS AND RELEVANT AUSTRALIAN STANDARDS

5. MAINTAIN ALL WORKS DURING THE CONTRACT PERIOD FOR 52 WEEKS FROM THE DATE OF PRACTICAL COMPLETION INCLUDING, BUT NOT LIMITED TO WATERING, WEEDING, RUBBISH REMOVAL, REPLACEMENT PLANTING, DISEASE AND PEST CONTROL, PRUNING, SOIL AND MULCH CONTROL REINSTATEMENT.

6. GREEN WASTE REMOVAL - ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

7. RAINWATER TO BE HARVESTED FOR IRRIGATION REUSE. LOCATION OF RAINWATER TANK

8. THE PLANTS ARE TO BE VIGOROUS AND APPROPRIATELY ACCLIMATISED WITH A ROOTBALL THAT IS FULL BUT NOT RESTRAINED. TREE STOCK ARE TO BE GROWN AND CERTIFIED AS COMPLYING WITH NATSPEC'S "SPECIFYING TREES - A GUIDE TO ASSESSMENT OF TREE QUALITY", SECOND EDITION 2003 BY ROSS CLARK INCLUDING A GUIDE TO ASSESSMENT OF TREE QUALITY", SECOND EDITION 2003 BY ROSS CLARK AND AS2303-2015 : TREE STOCK FOR LANDSCAPE USE

PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	HEIGHT	POT SIZE	PLANT DENSITIES
TREES				
Cupaniopsis anacardioids	Tuckeroo	10M	400L	**as shown**
Ginkgo biloba	Ginkgo	12M	400L	**as shown**
Tristaniopsis laurina 'Luscious'	Luscious Water Gum	10M	400L	**as shown**
SHRUBS AND CLIMBERS				
Asplenium nidus	Bird Nest Fern	1M	200MM	3/m2
Beschorneria yuccoides	Mexican Lily	1M	200MM	3/m2
Blechnum 'Silver lady'	Silver Lady	1M	200MM	3/m2
Chrysocephalum apiculatum	Yellow Buttons	0.3M	150MM	5/m2
Erigeron karvinskianus	Seaside Daisy	0.3M	150MM	5/m2
Hymenosporum flavum 'Luscious'	Native Frangipani	0.5M	200MM	3/m2
Lomandra 'Verday'	Verday	0.6M	150MM	5/m2
Miscanthus sinensis 'Adagio'	Japanese Silver Grass	0.6M	150MM	2/m2
Myoporum parvifolium 'Yareena'	Yareena Creeping Boobialla	0.1M	150MM	7/m2
Neomarica gracillis	Walking Iris	0.6M	150MM	5/m2
Philodendron 'Xanadu'	Xanadu Philodendron	0.8M	200MM	3/m2
Rhaphiolepis indica 'Oriental Pear'	Oriental Pearl Indian Hawthorn	1M	200MM	3/m2
Senecio serpens	Blue Chalk Sticks	0.1M	150MM	7/m2
Viola hederacea	Native Violet	0.1M	150MM	7/m2
Westringia 'Mundi'	Mundi Coastal Rosemary	0.3M	150MM	3/m2

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black beetle
Landscape Architecture and Design

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Tel: 0422 104 416
email: blackbeetle@blackbeetle.com.au

PROJECT
Commercial Development
232-240 Elizabeth Street
SURRY HILLS, NSW

DRAWING TITLE
Tree Canopy Calculation / Landscape Area/ Legend / Notes / Plant Schedule

Drawn IK / GB
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Scale as shown @ A1

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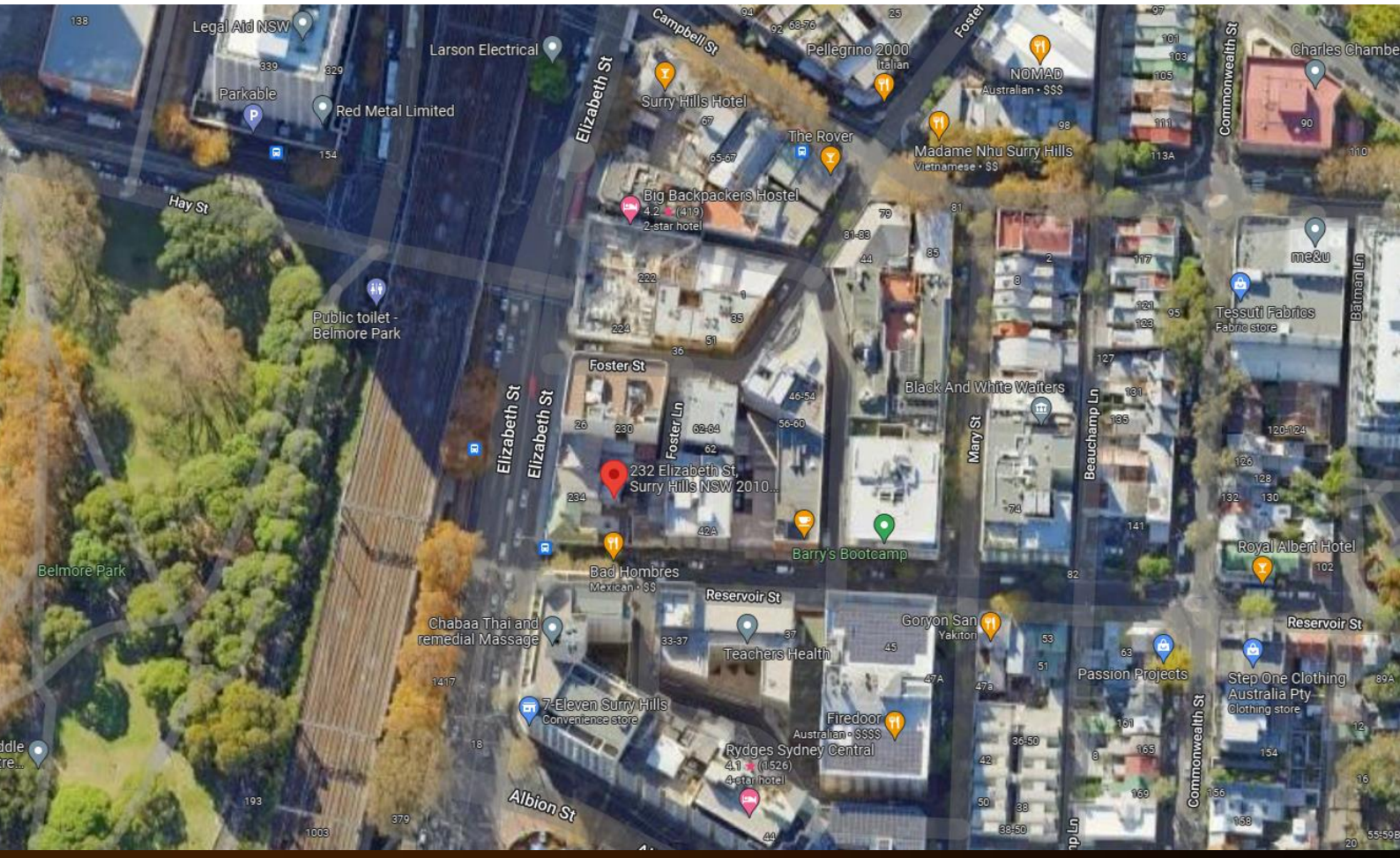
Client: Stasia Holding Pty. Limited
Status: FOR PLANNING PROPOSAL

JOB NUMBER: BB 1322
DRAWING NUMBER / ISSUE: LA LP 04/ 03

Attachment A12

Section J Assessment Report

IGS INTEGRATED GROUP SERVICES



232-240 Elizabeth St, Surry Hills NSW

NCC 2022 Section J Assessment Report

24th January 2024

192-200 Euston Rd,
Alexandria NSW 2015
Phone: +61 2 8488 4600
Fax: +61 2 9475 4588
Email: admin@igs.com.au
Web: www.igs.com.au
linkedin.com/company/3213174
ABN: 68 163 019 029

Document Control

Revision	Date	Author	
1.0	10 November 2022	B. Shojaei	BS
2.0	18 November 2022	B. Shojaei	BS
3.0	23 January 2024	B. Shojaei	BS

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1. EXECUTIVE SUMMARY

IGS has been engaged to review the proposed development at 232-240 Elizabeth St, Surry Hills NSW, against the Deemed-to-Satisfy requirements for the National Construction Code 2022 provisions for energy efficiency under Section J (NCC 2022 Volume One).
This report nominates relevant NCC Section J requirements or 'deemed to satisfy' compliance provisions and possible areas in which alternative performance-based design solutions can be adopted where compliance with the nominated prescriptive provisions may not be practically achievable.

Subject to the satisfaction of the provisions outlined in this report, this development will comply with the requirements of Section J of NCC 2022 Volume One.

Based on our assessment, the 'deemed to satisfy' glazing performance requirements may be prohibitive and costly to achieve. It is therefore recommended to consider achieving the NCC glazing compliance requirements through the performance-based method of verification (i.e., J1V3 method, modelling, alternative method of verification). Based on our review, the J1V3 assessment is very likely to simplify achieving the glazing performance requirements for the development and improve glazing consistency.

The location of the development is shown in Figure 1.

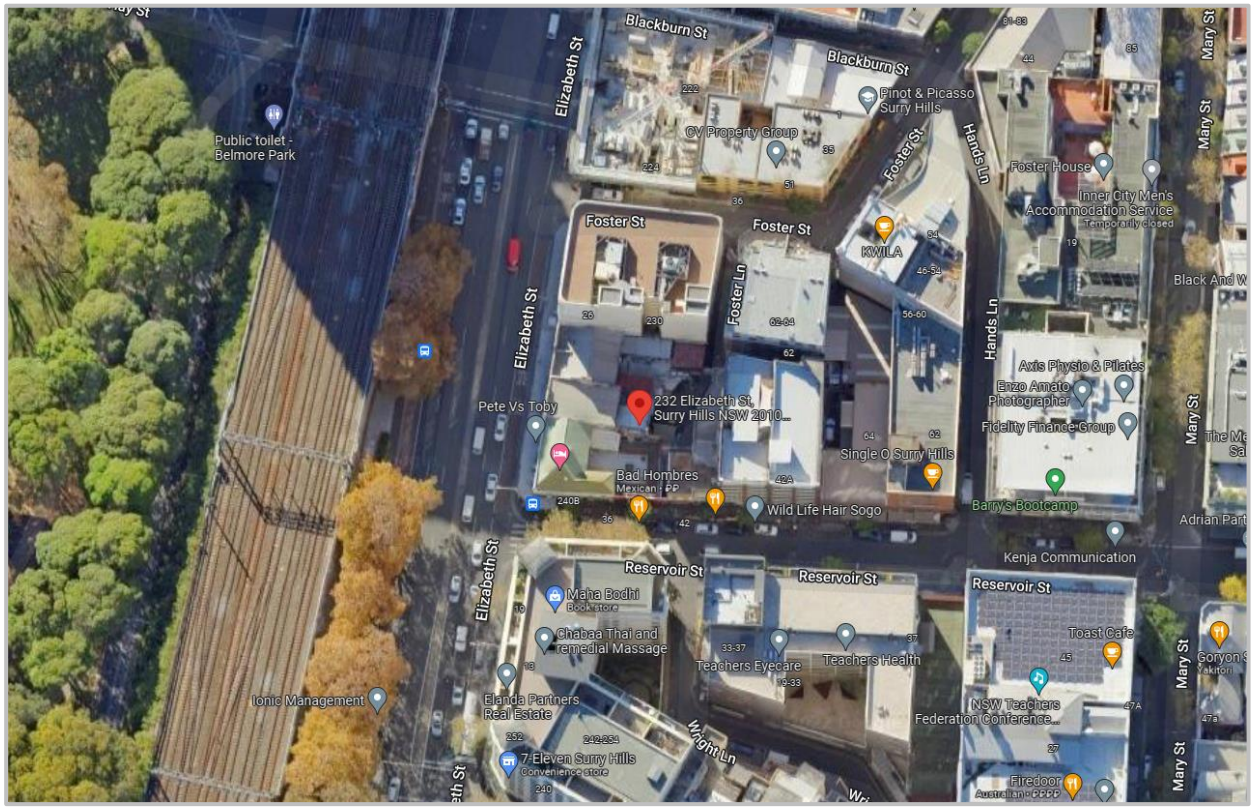


Figure 1. Location – 232-240 Elizabeth St, Surry Hills NSW – Source: Google Map.

2. NATIONAL CONSTRUCTION CODE (NCC) SECTION J

Section J of the NCC sets regulations for energy efficiencies for all types of buildings with respect to the building's construction, design, and activity.

The objective of the NCC Section J is to reduce the greenhouse gas emissions. Section J requires that a building, including its services, must have features to the degree necessary that facilitate the efficient use of energy.

The NCC offers two compliance methods that differ in complexity and flexibility. The two compliance methods are:

- Deemed-to-Satisfy (DTS) Compliance
- J1V3 – Verification using a referenced building

This report provides an assessment of building according to DTS provisions. The following works were carried out in order to assess DTS compliance:

- Determine the applicable NCC Section J requirement for the climate zone and building class
- Provide recommendations to achieve compliance with DTS provisions

2.1 NCC Climate Zone

The climate zone is defined by the NCC as “an area for specific locations, having energy efficiency provisions based upon a range of similar climatic characteristics.”

The development will be located in Surry Hills NSW which is within the NCC climate zone 5 (Warm temperate). The climate zone map of the development is depicted in Figure 2.

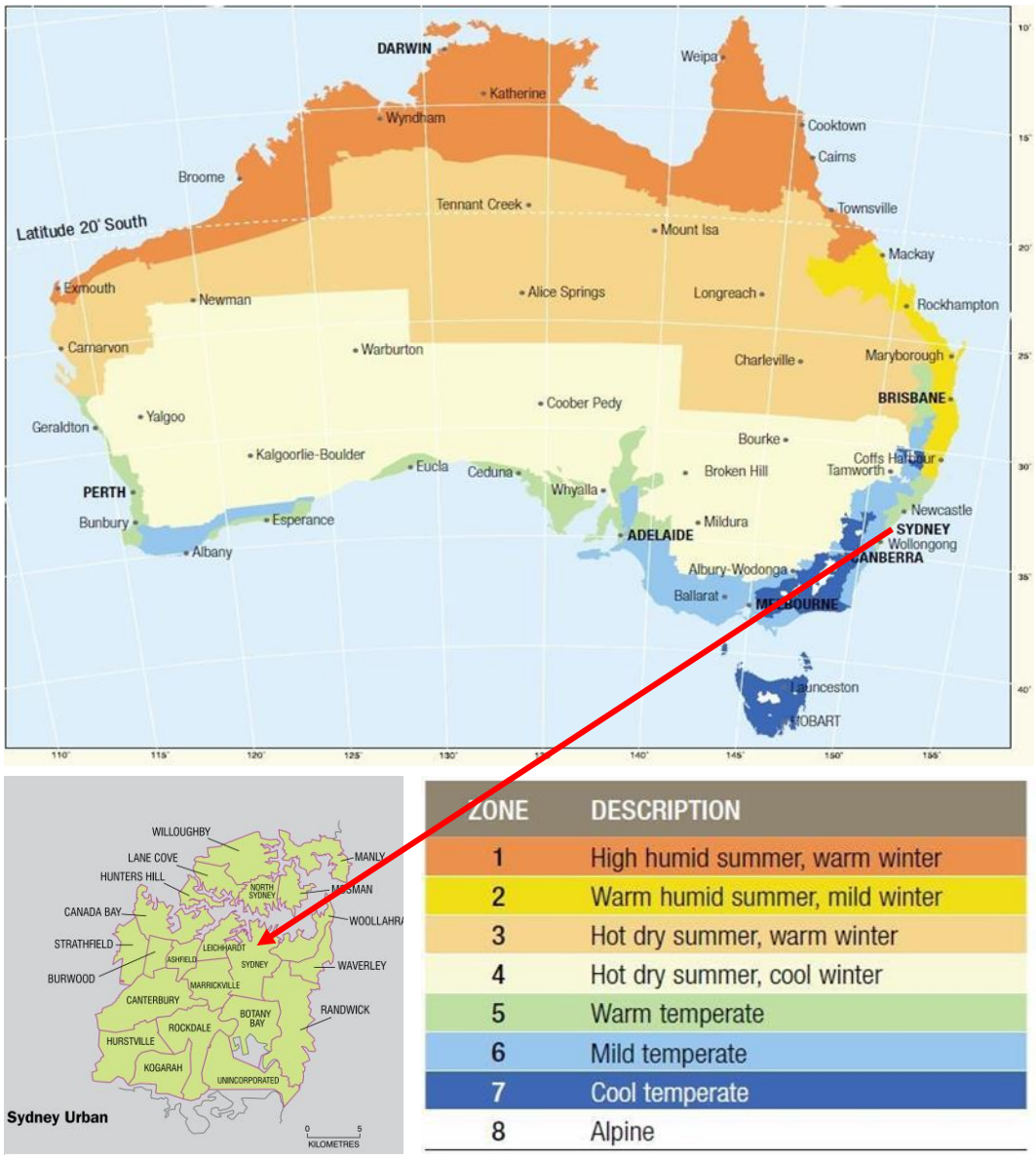


Figure 2.NCC Climate zone map.

2.2 Information Used

The assessment is based on the following architectural drawings provided by Candalepas Architecture in March 2023 (Table 1).

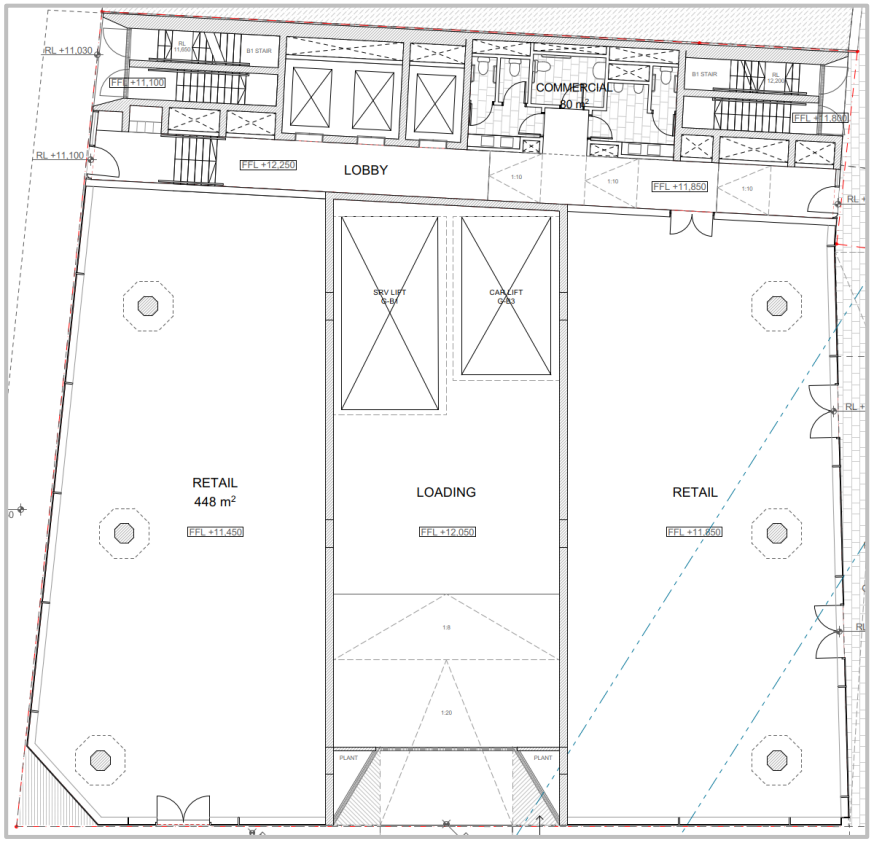
Table 1. Architectural drawings list.

Drawing Title	Drawing Number
Cover Page + Drawing List	PP 0101
Basement 3-4	PP 1001
Basement 2	PP 1002
Basement 1	PP 1003
Ground	PP 1004
Level 1	PP 1005
Level 2 - Typical Plan	PP 1006
Level 3 - Typical Plan	PP 1007
Level 8	PP 1008
Level 9	PP 1009
Roof	PP 1010
Section A	PP 1101
Section B	PP 1102
Elevation West	PP 1201
Elevation South	PP 1202
Elevation East	PP 1203
Development Calculations	PP 1801
Envelope Calculations	PP 1802

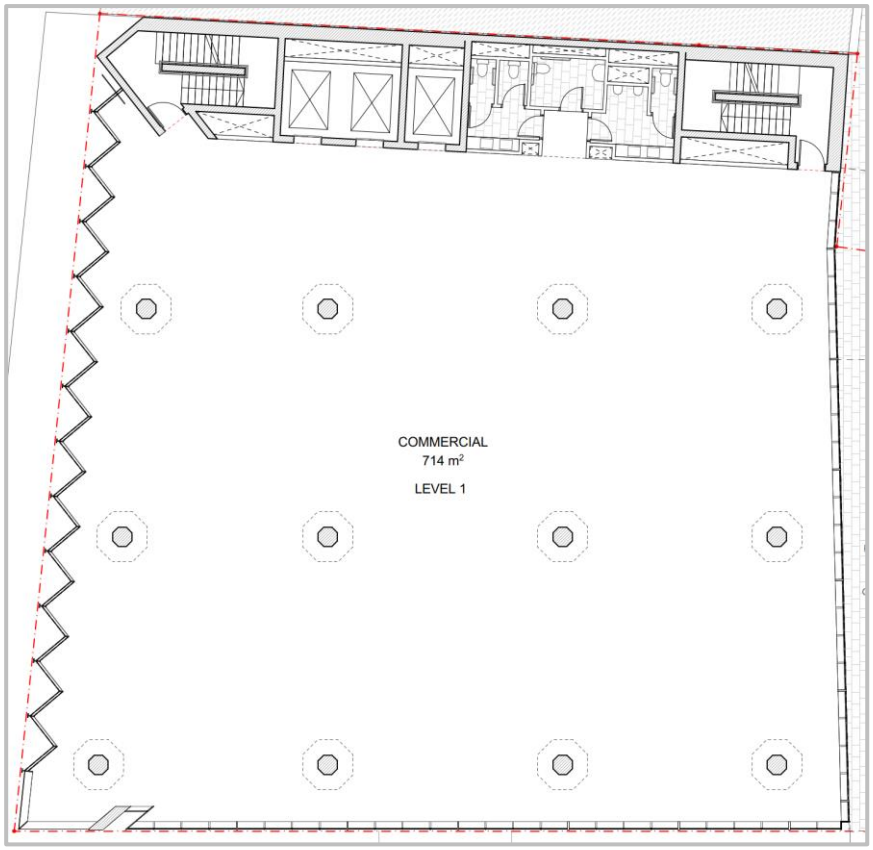
2.3 Architectural Drawings

Selected architectural drawings for the proposed development are provided below.

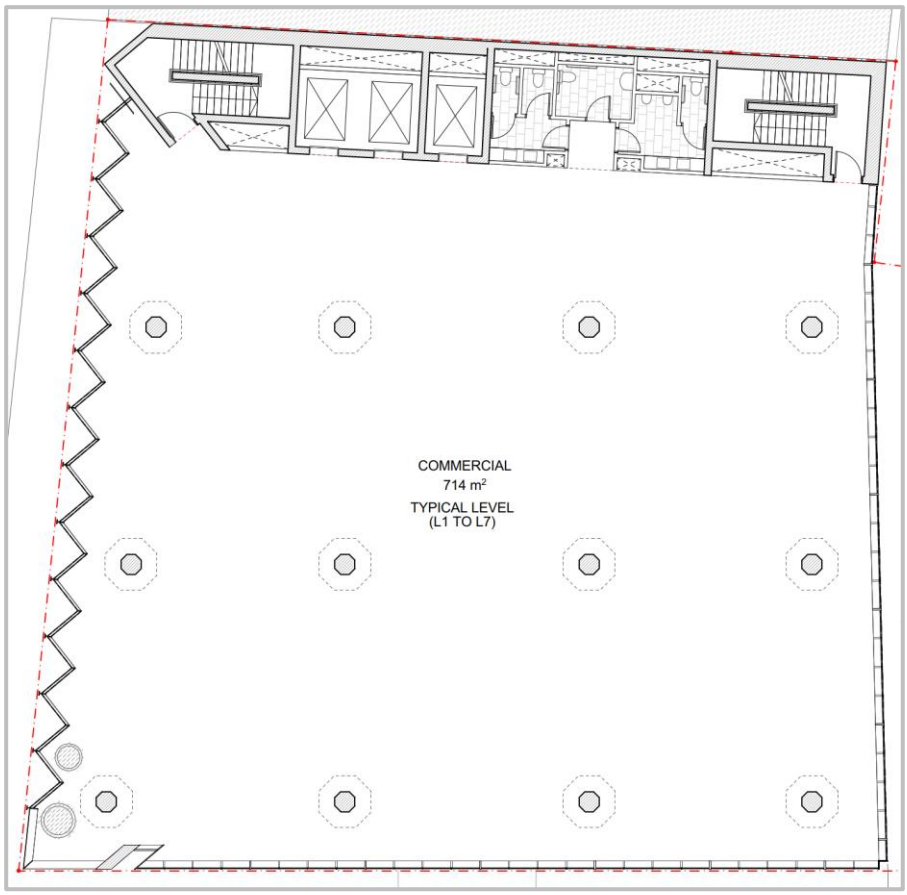
Ground - Floor Plan



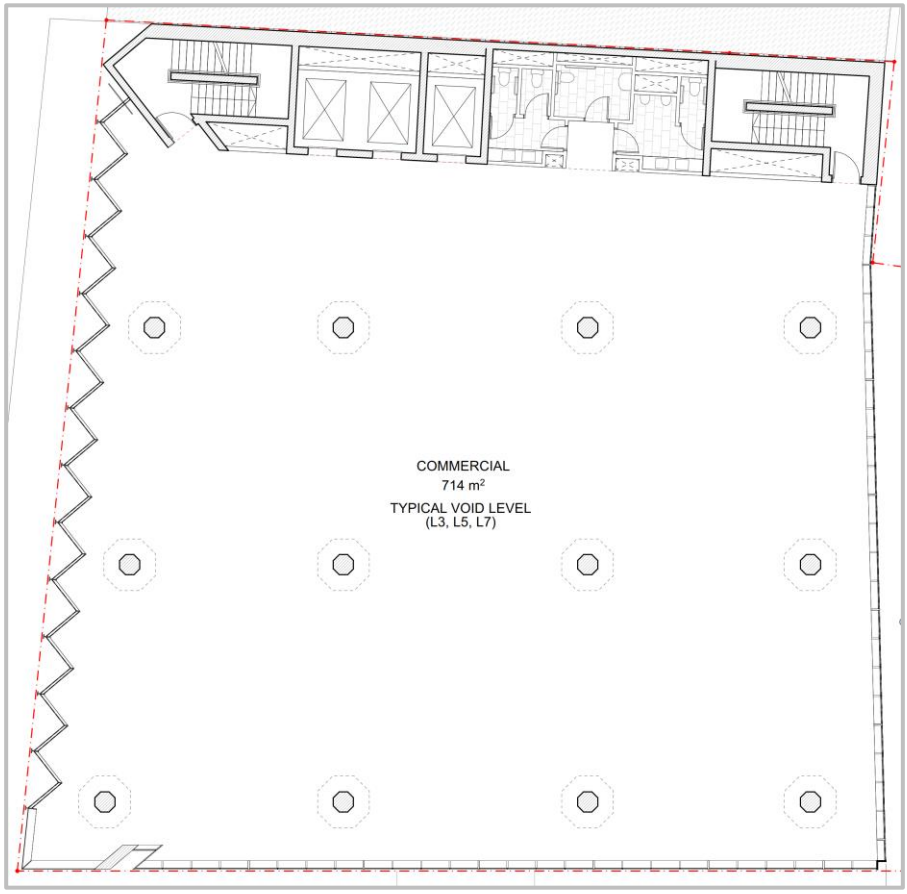
Level 1 - Floor Plan



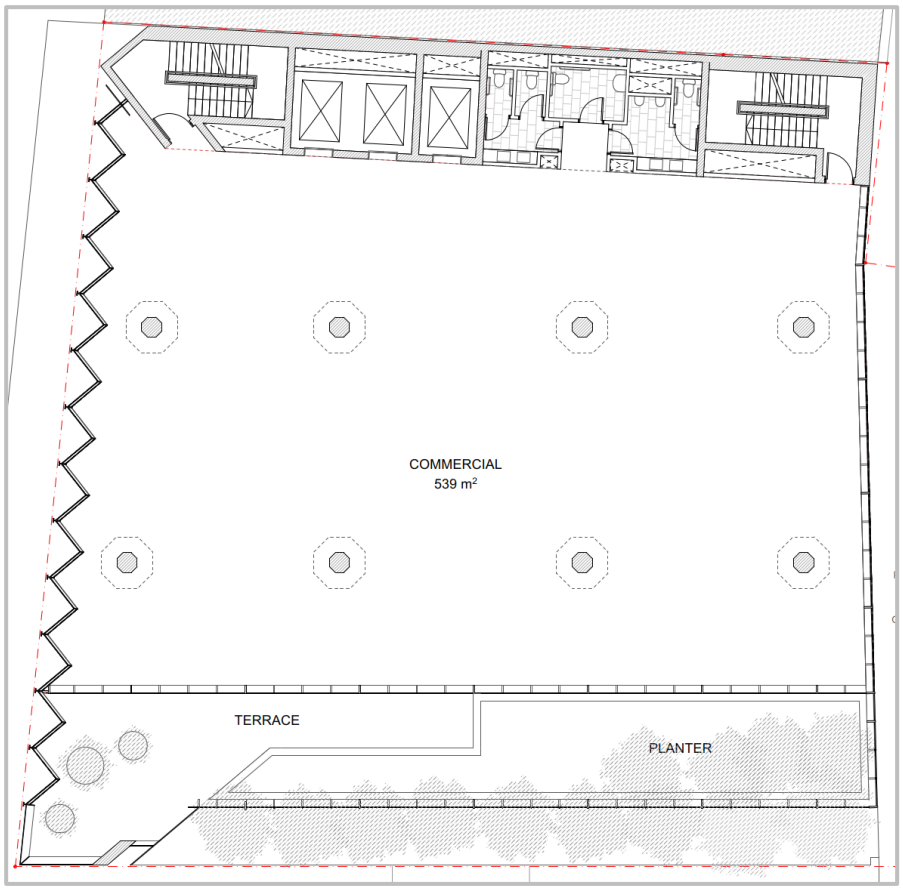
Level 2 - Floor Plan



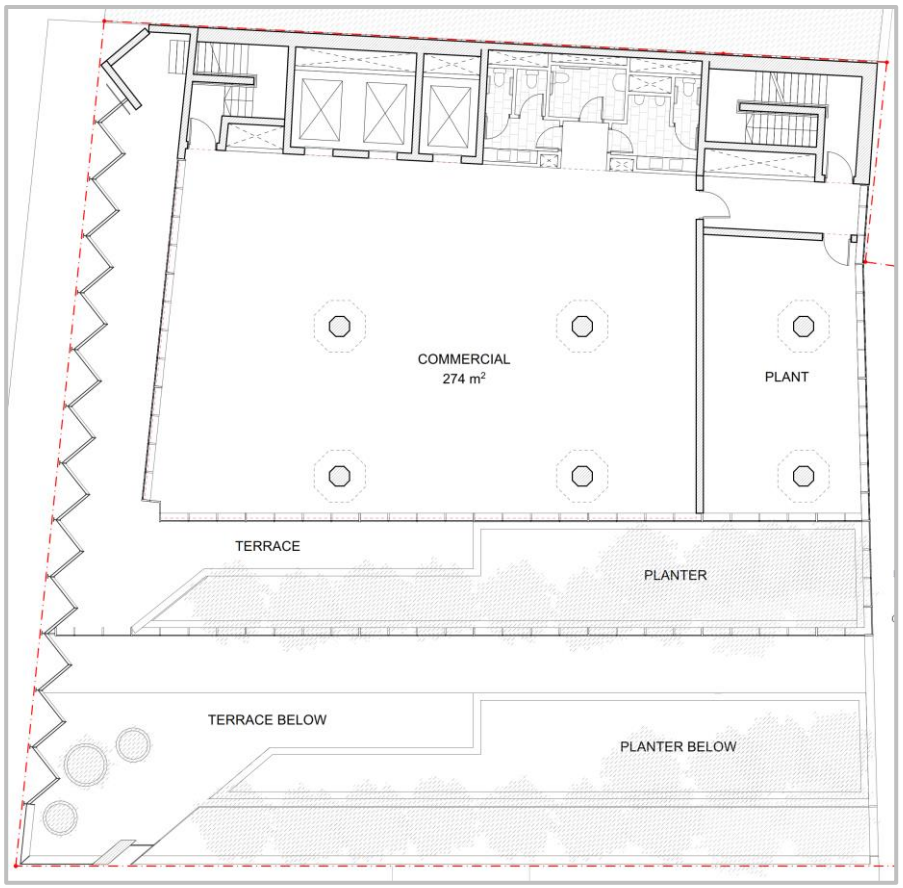
Level 3 - (Typical) Floor Plan



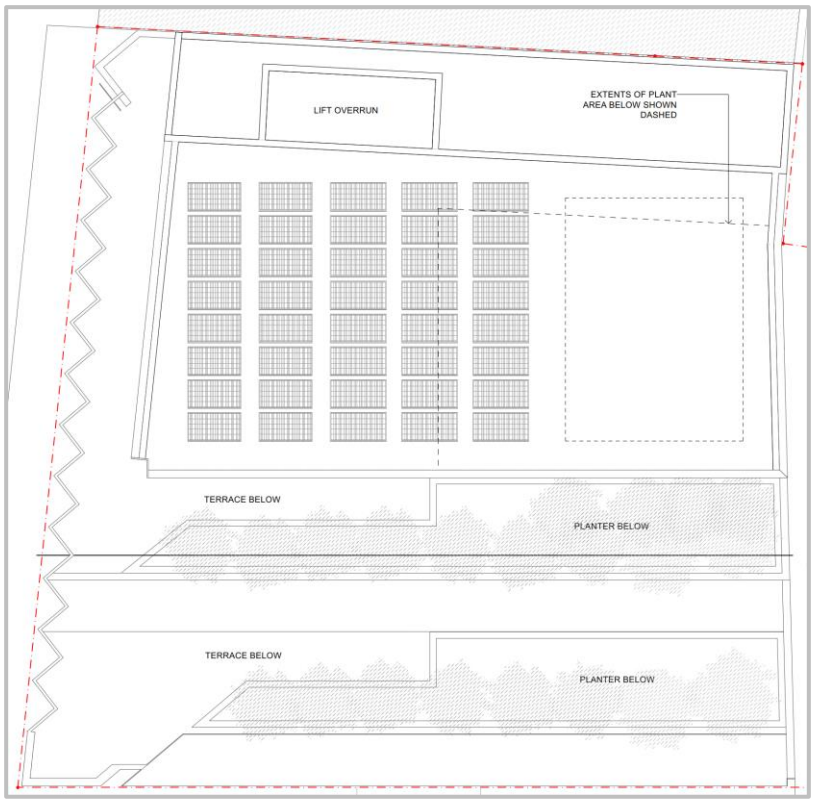
Level 8 - Floor Plan



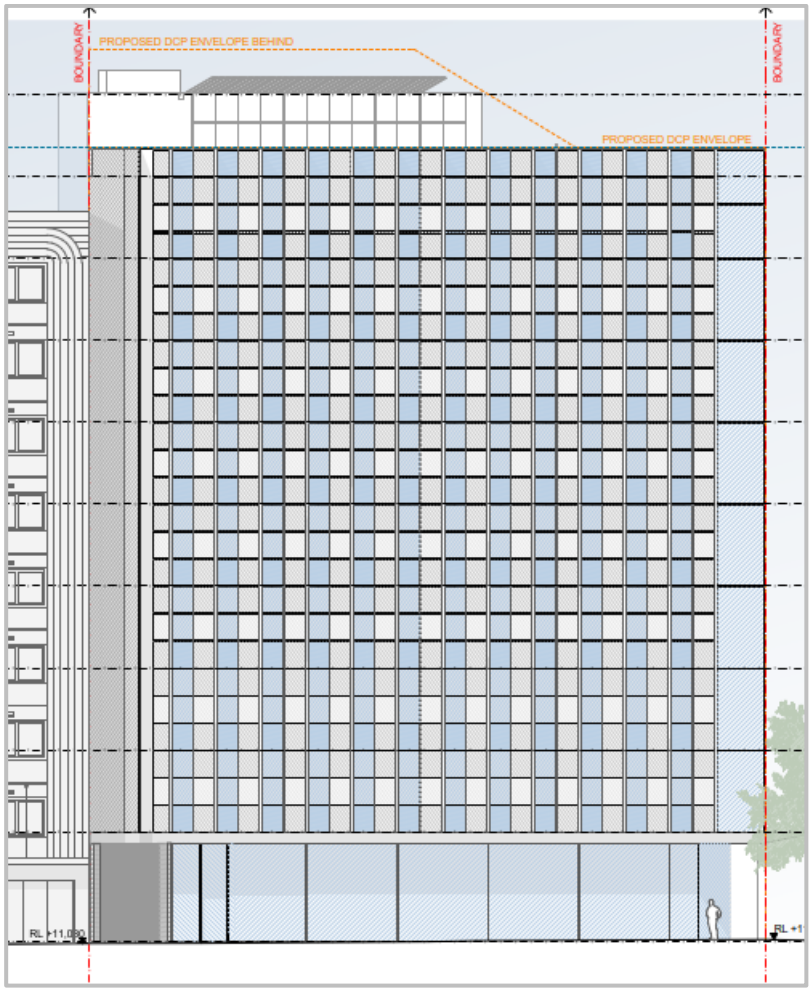
Level 9 - Floor Plan



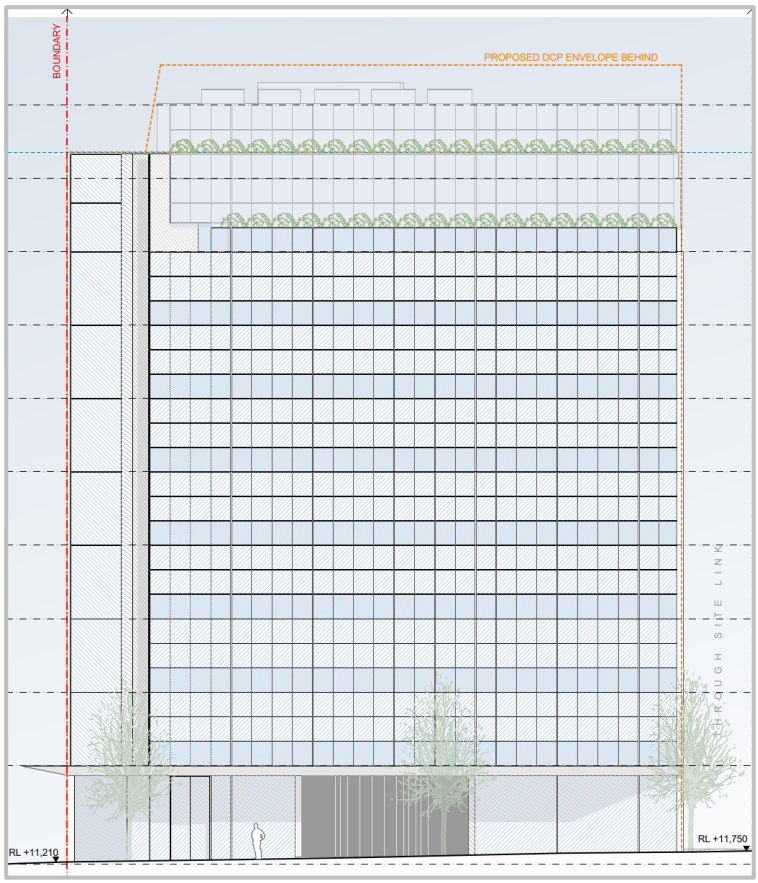
Roof Plan



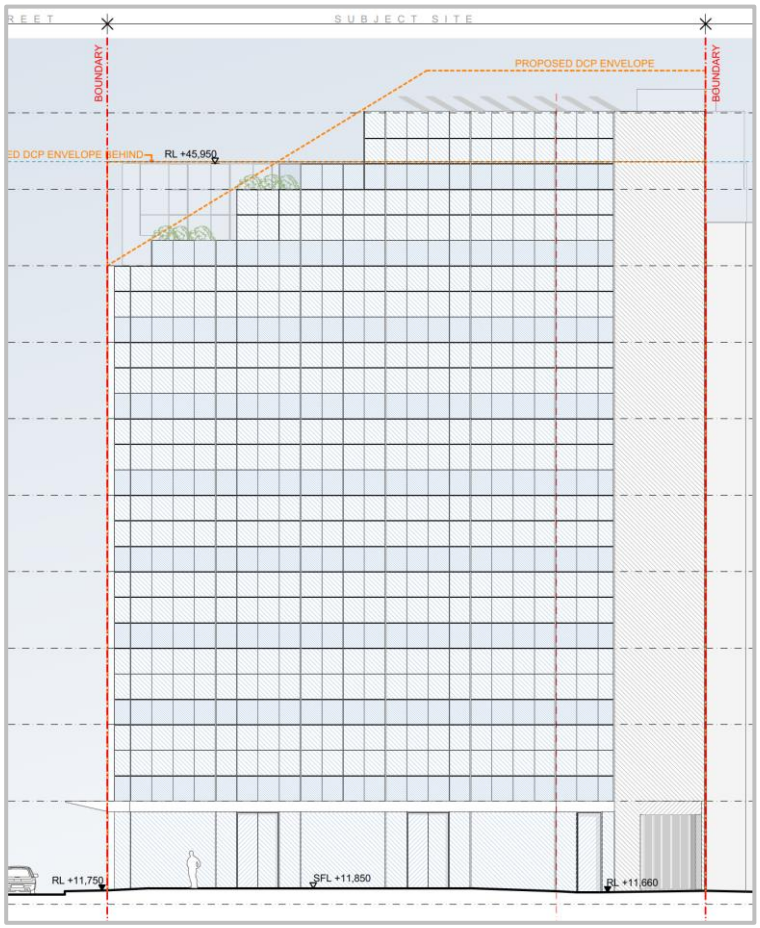
West Elevation



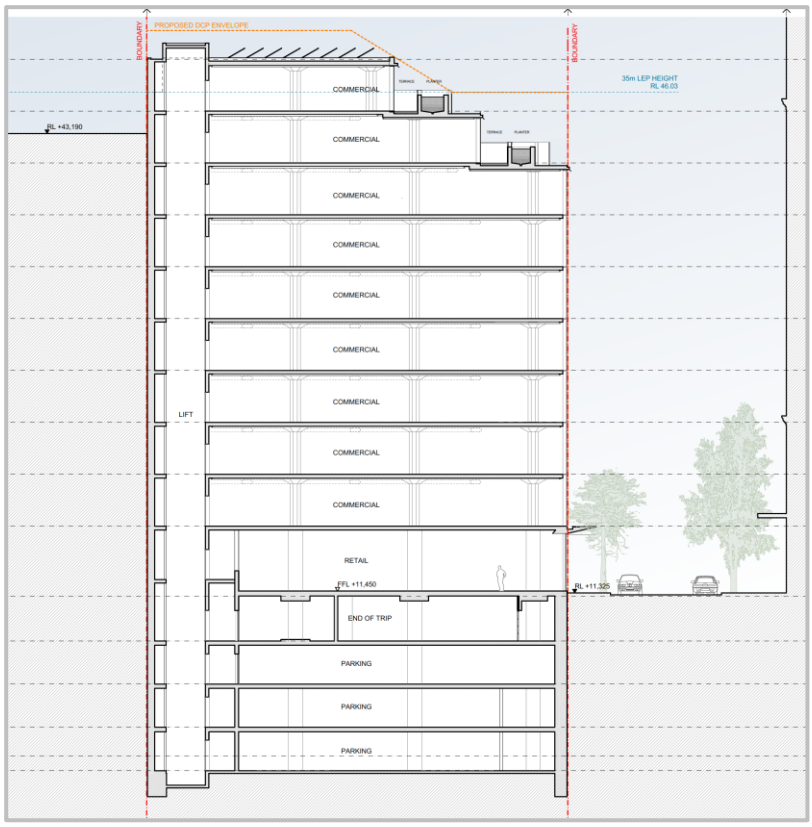
South Elevation



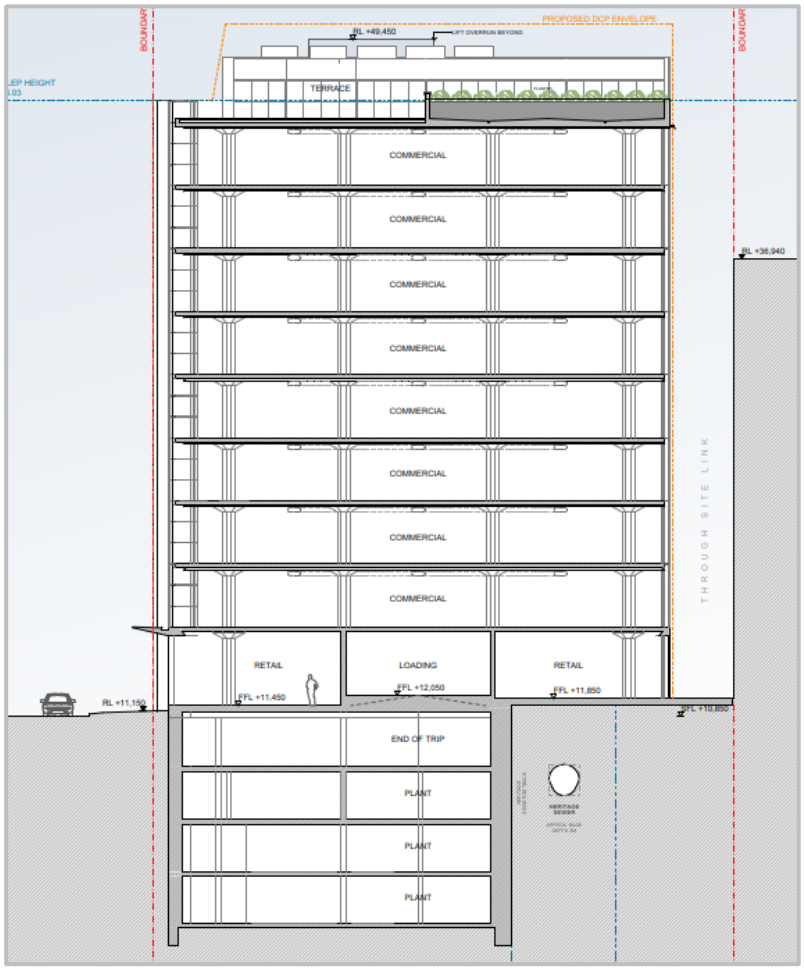
East Elevation



Section A



Section B



3. DEEMED-TO-SATISFY PROVISIONS

NCC 2022 requires that Class 2 to 9 buildings to achieve efficient use of energy. This requirement is defined in Volume One of the NCC 2022 under Section J and is titled “Energy Efficiency”. There are nine Deemed-to-Satisfy subsections, J1 to J9, which focus on separate aspects of energy efficiency. These are:

- Part J1 - Energy efficiency performance requirements.
- Part J2 - Energy efficiency.
- Part J3 - Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building.
- Part J4 - Building Fabric relates to the building fabric and minimum thermal performance for constructions according to climate zone for roofs, ceilings, roof lights, walls, glazing and floors.
- Part J5 – Building Sealing – Provisions to reduce the loss of conditioned air and restrict unwanted infiltration to a building.
- Part J6 - Air-Conditioning and Ventilation – Requirements to ensure these services are used and use energy in an efficient manner.
- Part J7 - Artificial Lighting and Power – Requirements for lighting and power to ensure energy is used efficiently within a building.
- Part J8 - Heated water supply and swimming pool and spa pool plant – Restrictions for hot water supply design except for solar systems within climate zones 1, 2 and 3.
- Part J9 - Energy monitoring and on-site distributed energy resources.

3.1 National Construction Code – General Definitions & Notes

3.1.1 Envelope

For the purposes of Section J, the building envelope is defined by the NCC as “…the parts of a building’s fabric that separate a conditioned space or habitable room from the exterior of the building or a non-conditioned space…”. This also includes spaces which are indirectly conditioned either via exhaust/relief of conditioned air or via pressurization.

3.1.2 Glazing

The glazing definition needs to be read in conjunction with the definition of a window and roof light. It can include a glazed door. For the purposes of Section J, the glazing provides an aperture by which light and energy can flow into or from the conditioned space. Glazing includes the glass and any frame system

3.1.3 Conditioned space

A conditioned space is a space that is likely (i.e., expected) to be air-conditioned and is not limited to the space where an air-conditioning system is installed. In some cases, chilled and hot water may be reticulated through duct risers as part of the building design to enable conditioning to be provided as part of a later fit-out. A conditioned space may include a ceiling or under-floor space that is open to the conditioned space such as a space separated by only a perforated or grille ceiling or floor where the space is a supply air or return air plenum.

Notes:

- The thermal insulation and glazing performance requirements outlined in this report nominate the Section J compliance requirements only. The specified performance values therefore do not consider requirements for any other disciplines such as Acoustics, Fire, Thermal Comfort or Safety compliance. Where required, the development shall comply with any additional requirements related to other disciplines in addition to the Section J compliance requirements detailed in this report.

3.2 Part J1 – Energy efficiency performance requirements

This Part sets the thermal performance properties of building fabric, the energy efficiency of key energy using equipment and the features a building must have to facilitate the future installation of distributed energy resources.

3.3 Part J2 – Energy efficiency

This Part sets out the application of the Deemed-to-Satisfy Provisions in Parts J3 to J9.

3.4 Part J3 – Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building

This Part contains Deemed-to-Satisfy Provisions (elemental) for compliance with Part J1. It sets out provisions for the insulation of building fabric and the energy efficiency of domestic services of a sole-occupancy unit of a Class 2 building or a Class 4 part of a building.

3.5 Part J4 – Building Fabric Requirements

3.5.1 Overview

Section J part J4 outlines the minimum requirements of building envelope. The envelope is defined by the NCC as parts of a building's fabric that separate a conditioned space or habitable room from the exterior of the building or a non-conditioned space.

3.5.2 Part J4D2 – Application

The Deemed-to-Satisfy Provisions of this Part apply to building elements forming the envelope of Class 2 to 9 buildings other than J4D3(5), J4D4, J4D5, J4D6 and J4D7 which do not apply to a Class 2 sole-occupancy unit or a Class 4 part of a building. Part J4 is therefore applicable to the upgrade works.

3.5.3 J4D3 – Thermal Construction General

All insulations installed are required to meet J4D3 and AS/NZS 4859.1. Builder is required to ensure compliance, during construction.

1) Where required, insulation must comply with AS/NZS 4859.1 and be installed so that it—

   (a) abuts or overlaps adjoining insulation other than at supporting members such as studs, noggings, joists, furring channels and the like where the insulation must be against the member; and

   (b) forms a continuous barrier with ceilings, walls, bulkheads, floors or the like that inherently contribute to the thermal barrier; and

   (c) does not affect the safe or effective operation of a service or fitting.

2) Where required, reflective insulation must be installed with—

   (a) the necessary airspace to achieve the required R-Value between a reflective side of the reflective insulation and a building lining or cladding; and

   (b) the reflective insulation closely fitted against any penetration, door or window opening; and

   (c) the reflective insulation adequately supported by framing members; and

   (d) each adjoining sheet of roll membrane being—

      i. overlapped not less than 50 mm; or
      ii. taped together.

3) Where required, bulk insulation must be installed so that—

   (a) it maintains its position and thickness, other than where it is compressed between cladding and supporting members, water pipes, electrical cabling or the like; and

(b) in a ceiling, where there is no bulk insulation or reflective insulation in the wall beneath, it overlaps the wall by not less than 50 mm.

4) Roof, ceiling, wall and floor materials, and associated surfaces are deemed to have the thermal properties listed in Specification 36.

5) The required Total R-Value and Total System U-Value, including allowance for thermal bridging, must be:

a) calculated in accordance with AS/NZS 4859.2 for a roof or floor; or

b) determined in accordance with Specification 37 for wall-glazing construction; or

c) determined in accordance with Specification 39 or Section 3.5 of CIBSE Guide A for soil or sub-floor spaces.

Note:

The thermal insulation performance requirements outlined in this report nominate the Section J compliance requirements only. The specified performance values therefore do not consider requirements for any other disciplines such as Acoustics, Fire or Safety compliance. Where required, the development shall comply with any additional requirements related to other disciplines in addition to the Section J compliance requirements detailed in this report. All works need to comply with the minimum Section J4 requirements, Thermal bridging must be accounted for in accordance with J4D3 (5) and is the responsibility of the builder or the architect to obtain a construction build-up calculation from their insulation supplier.

3.5.4 J4D4 Roof and Ceiling Construction

For roof and ceiling constructions that form part of the building envelope of the conditioned space, NCC Section J Compliance shall be achieved with minimum total of R3.7 thermal insulation.

The solar absorptance of the upper surface of a roof must be not more than 0.45.

3.5.5 J4D5 Roof Lights

Based on the architectural drawings provided, no roof lights are proposed and therefore section J4D5 is not applicable to the development.

Under any other design conditions, the roof light must meet the criteria is summarized in Table 2 below (Table J4D5 Roof Lights – Thermal Performance of transparent and translucent elements).

Table 2 .Roof Lights.

Roof light shaft index	Total area of roof lights up to 3.5% of the floor area of the room or space	Total area of roof lights more than 3.5% and up to 5% of the floor area of the room or space
< 1.0	≤ 0.45	≤ 0.29
≥ 1.0 to < 2.5	≤ 0.51	≤ 0.33
≥ 2.5	≤ 0.76	≤ 0.49

Notes:

1) The total area of a roof light serving the space as a percentage of the floor area of the space must not exceed 5%.

2) Roof lights must have—

a) a total area of not more than 5% of the floor area of the room or space served; and

b) transparent and translucent elements, including any imperforate ceiling diffuser, with a combined performance of—

i.for Total system SHGC, in accordance with Table J4D4; and

ii.for Total system U-Value, not more than U3.9.

3) The roof light shaft index is determined by measuring the distance from the centre of the shaft at the roof to the centre of the shaft at the ceiling level and dividing it by the average internal dimension of the shaft opening at the ceiling level (or the diameter for a circular shaft) in the same units of measurement.

4) The area of a roof light is the area of the roof opening that allows light to enter the building. The total area of roof lights is the combined area for all roof lights serving the room or space.

5) The performance requirements of the total glazing system (glass + frame) must be demonstrated under NFRC100-2001 conditions and based on AFRC requirements and in compliance with the NCC

3.5.6 J4D6 Walls & Glazing

The table below provides a summary of the requirements for walls and glazing to achieve compliance with a comparison to the façade calculator results. For glazing consistency identical glazing performance has been nominated for all areas. All values specifically apply to the ABCB climate zone where the site is located. The thermal calculation methodology for walls and glazing shall comply with NCC 2022 Section J requirements. The requirements of walls and glazing thermal properties are listed in Table 3.

Table 3. Walls & Glazing.

Walls	External Walls: minimum total R1.5 thermal insulation. Internal walls separating conditioned and non-conditioned zones: minimum total R1.0.
Glazing	To ensure glazing consistency, identical glazing performance has been nominated for all aspects (based on the minimum requirements): • Total system U-Value $\leq$ 3.4 • Total system SHGC $\leq$ 0.16

Note:

Based on our assessment, the ‘deemed to satisfy’ glazing performance requirements may be prohibitive and costly to achieve. It is therefore recommended to consider achieving the NCC glazing compliance requirements through the performance-based method of verification (i.e., J1V3 method, modelling, an alternative method of verification). Based on our review, the J1V3 assessment is likely to simplify achieving the glazing performance requirements for the development and improve glazing consistency.

3.5.7 J4D7 Floors

For floors without in-slab heating or cooling system except:

(a) in climate zone 8; or

(b) a Class 3, Class 9a ward area or Class 9b building in climate zone 7 that has a floor area to floor perimeter ratio of less than or equal to 2.

- There are no requirements for floor insulation for the floors which are concrete slab on ground (assuming the wall thickness is 250mm or higher).
- NCC compliance shall be achieved with a minimum total thermal insulation of R2.0 for any suspended floors separating a conditioned space from a non-conditioned space.

3.6 Part J5 – Building Sealing

Part J5 of the NCC 2022 contains the requirements of the Deemed-to-Satisfy compliance for building sealing. The purpose of this subsection is to ensure that additional heating and cooling loads will not be introduced through building leakage.

Part J5 is applicable to the development.

Clause J5D3 refers to chimneys and flues. The chimney or flue of an open solid-fuel burning appliance must be provided with a damper or flap that can be closed to seal the chimney or flue.

Clause J5D4 refers to roof lights.

Clause J5D5 outlines that a seal to restrict air infiltration must be fitted to each edge of doors, openable windows or the like that separate conditioned spaces from non-conditioned spaces or external areas. This provision is not required for windows complying with Australian Standard AS2047, a fire door or smoke door; or a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.

1) A door, openable window or the like must be sealed—
   (a) when forming part of the envelope; or
   (b) in climate zones 4, 5, 6, 7 or 8.
2) The requirements of (1) do not apply to—
   (a) a window complying with AS 2047; or
   (b) a fire door or smoke door; or
   (c) a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.
3) A seal to restrict air infiltration—
   (a) for the bottom edge of a door, must be a draft protection device; and
   (b) for the other edges of a door or the edges of an openable window or other such openings, maybe a foam or rubber compression strip, fibrous seal or the like.
4) An entrance to a building, if leading to a conditioned space must have an airlock, self-closing door, rapid roller door, revolving door or the like, other than—
   (a) where the conditioned space has a floor area of not more than 50 m^2; or
   (b) where a café, restaurant, open front shop or the like has—
      i. a 3 m deep un-conditioned zone between the main entrance, including an open front, and the conditioned space; and
      ii. at all other entrances to the café, restaurant, open front shop or the like, self-closing doors.
5) A loading dock entrance, if leading to a conditioned space, must be fitted with a rapid roller door or the like.

Clause J5D6 is related to exhaust fans. An exhaust fan must be fitted with a sealing device such as a self-closing damper or the like when serving—

   (a) a conditioned space; or
   (b) a habitable room in climate zones 4, 5, 6, 7 or 8.

Clause J5D7is related to construction of ceilings, walls and floors.

1) Ceilings, walls, floors and any opening such as a window frame, door frame, roof light frame or the like must be constructed to minimise air leakage in accordance with (2)—
   (a) when forming part of the envelope; or
   (b) in climate zones 4, 5, 6, 7 or 8.
2) Construction required by (1) must be—
   (a) enclosed by internal lining systems that are close fitting at ceiling, wall and floor junctions; or
   (b) sealed at junctions and penetrations with—

i. close fitting architrave, skirting or cornice; or
ii. expanding foam, rubber compressible strip, caulking or the like.

3) The requirements of (a) do not apply to openings, grilles or the like required for smoke hazard management.

Clause J5D8 is related to evaporative coolers. An evaporative cooler must be fitted with a self-closing damper or the like—

(a) when serving a heated space; or
(b) in climate zones 4, 5, 6, 7 or 8.

3.7 Part J6 – Air Conditioning and Ventilation Systems

Part J6 of the NCC outlines the performance requirements for air conditioning and ventilation systems to ensure these services operate in an efficient manner.

All services consultants and contractors shall design the air conditioning and ventilation systems to ensure compliance with Part J6 of the NCC Section J and all subsections associated therein.

3.8 Part J7 – Artificial Lighting and Power

Part J7 of the NCC outlines the performance requirements for illumination power density and the efficient use of lighting power and controls.

All services consultants and contractors shall design the artificial lighting systems to ensure compliance with Part J7 of the NCC Section J and all subsections associated therein with regard to power.

3.9 Part J8 – Heated water supply and swimming pool and spa pool plant

Part J8 of the NCC outlines the provisions for the energy efficient use of hot water supply systems.

Clause J8D2 of Part J8 states that a hot water supply system for food preparation or sanitary purposes must be designed and installed in accordance with Section 8 of AS/NZS 3500.4.

All services consultants and contractors shall design the Hot Water supply systems to ensure compliance with Part J8 of the NCC Section J and all subsections associated therein.

3.10 Part J9 – Facilities for Energy Monitoring and on-site distributed energy resources

Part J9 is applicable to this development.

3.10.1 J9D3 Facilities for energy monitoring

Part J9D3 of the NCC outlines the provisions of facilities for energy monitoring. Facilities for energy monitoring shall be provided in accordance with Part J9D3 of the NCC.

(1) A building or sole-occupancy unit with a floor area of more than 500 m2 must have the facility to record the time-of-use consumption of gas and electricity.

(2) A building with a floor area of more than 2,500 m^2 must have energy meters configured to enable individual time-of-use energy data recording, in accordance with (3), of—

(a) air-conditioning plant including, where appropriate, heating plant, cooling plant and air handling fans; and

(b) artificial lighting; and

(c) appliance power; and

(d) central hot water supply; and

(e) internal transport devices including lifts, escalators, and travelators where there is more than one serving the building; and

(f) on-site renewable energy equipment; and

(g) on-site electric vehicle charging equipment; and

(h) on-site battery systems; and

(i) other ancillary plant.

(3) Energy meters required by (2) must be interlinked by a communication system that collates the time-of-use energy data to a single interface monitoring system where it can be stored, analysed, and reviewed.

(4) The provisions of (2) do not apply to energy meters serving—

(a) a Class 2 building where the total floor area of the common areas is less than 500 m^2; or

(b) individual sole-occupancy units with a floor area of less than 2,500 m^2.

All services consultants and contractors shall design for access for maintenance and facilities for monitoring to ensure compliance with Part J9 of the NCC Section J and all subsections associated therein.

3.10.2 J9D4 Facilities for electric vehicle charging equipment

Part J9D4 of the NCC outlines the provisions of Facilities for electric vehicle charging equipment. Facilities for electric vehicle charging shall be provided in accordance with Part J9D3 of the NCC.

(1) Subject to (2), a carpark associated with a Class 2, 3, 5, 6, 7b, 8 or 9 building must be provided with electrical distribution boards dedicated to electric vehicle charging—

(a) in accordance with Table J9D4 (Table 4 of this report) in each storey of the carpark; and

(b) labelled to indicate use for electric vehicle charging equipment

Table 4. Electric vehicle distribution board requirement for each storey of a carpark.

Carpark spaces per storey for electric vehicles	Electrical distribution boards for electric vehicle charging per storey
0-9	0
10-24	1
25-48	2
49-72	3
73-96	4
97-120	5
121-144	6
145-168	7

(2) Electrical distribution boards dedicated to serving electric vehicle charging in a carpark must—

(a) be fitted with a charging control system with the ability to manage and schedule charging of electric vehicles in response to total building demand; and

(b) when associated with a Class 2 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 11:00 pm to 7:00 am daily; and

(c) when associated with a Class 5 to 9 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00 am to 5:00 pm daily; and

(d) when associated with a Class 3 building, have capacity for each circuit to support an

electric vehicle charger able to deliver a minimum of 48 kWh from 11:00 pm to 7:00 am daily; and

(e) be sized to support the future installation of a 7 kW (32 A) type 2 electric vehicle charger in—

(i) 100% of the car parking spaces associated with a Class 2 building; or

(ii) 10% of car parking spaces associated with a Class 5 or 6 building; or

(iii) 20% of car parking spaces associated with a Class 3, 7b, 8 or 9 building; and

(f) contain space of at least 36 mm width of DIN rail per outgoing circuit for individual sub-circuit electricity metering to record electricity use of electric vehicle charging equipment; and

(g) be labelled to indicate the use of the space required by (f) is for the future installation of metering equipment.

Limitations

J9D4 does not apply to a stand-alone Class 7a building.

3.10.3 J9D5 Facilities for solar photovoltaic and battery systems

Part J9D5 of the NCC outlines the provisions of Facilities for solar photovoltaic and battery systems. Facilities for solar photovoltaic and battery shall be provided in accordance with Part J9D5 of the NCC.

(1) The main electrical switchboard of a building must—

(a) contain at least two empty three-phase circuit breaker slots and four DIN rail spaces labelled to indicate the use of each space for—

(i) a solar photovoltaic system; and

(ii) a battery system; and

(b) be sized to accommodate the installation of solar photovoltaic panels producing their maximum electrical output on at least 20% of the building roof area.

(2) At least 20% of the roof area of a building must be left clear for the installation of solar photovoltaic panels, except for buildings—

(a) with installed solar photovoltaic panels on—

(i) at least 20% of the roof area; or

(ii) an equivalent generation capacity elsewhere on-site; or

(b) where 100% of the roof area is shaded for more than 70% of daylight hours; or

(c) with a roof area of not more than 55 m^2; or

(d) where more than 50% of the roof area is used as a terrace, carpark, roof garden, roof light or the like.

Limitations

(1) The requirements of J9D5 (1)(a)(i) and (b) do not apply to a building with solar photovoltaic panels installed on at least 20% of the roof area.

(2) The requirements of J9D5 (1)(a)(ii) and (b) do not apply to a building with battery systems installed.

All services consultants and contractors shall design their systems to ensure compliance with Part J9 of the NCC Section J and all subsections associated therein with regards to facilities for energy monitoring and on-site distributed energy resources.

4. DISCLAIMER

This report is prepared using the information described above and inputs from other consultants. Whilst IGS has endeavoured to ensure the information used is accurate, no responsibility or liability to any third party is accepted for any loss or damage arising out of the use of this report by any third party. Any third party wishing to act upon any material contained in this report should first contact IGS for detailed advice which will take into account that party's particular requirements.

Computer performance assessment provides an estimate of building performance. This estimate is based on a necessarily simplified and idealised version of the building that does not and cannot fully represent all the intricacies of the building once built. As a result, simulation results only represent an interpretation of the potential performance of the building. No guarantee or warrantee of building performance in practice can be based on simulation results alone. IGS and its employees and agents shall not be liable for any loss arising because of, any person using or relying on the Report and whether caused by reason or error, negligent act or omission in the report. The draft assessment has been prepared based on the preliminary building services and architectural design with the view to conduct a detailed assessment once the design is further developed.

The performance of the completed building may be significantly affected by the quality of construction; the quality of commissioning, ongoing management of the building, and the way the building is operated, monitored, and maintained. Building fabric inputs require verifiable manufacturer data to confirm thermal properties.

This report is intended as a guide to assist with the application of NCC Section J. It should be read in conjunction with the NCC 2022, specific applications may vary during the design development of the project.

Attachment A13

Acoustic Assessment

MATTHEW PALAVIDIS
VICTOR FATTORETTO
MATTHEW SHIELDS

232-240 Elizabeth Street, Surry Hills

Planning Proposal Acoustic Assessment

SYDNEY
9 Sarah St
MASCOT NSW 2020
(02) 8339 8000

ABN 98 145 324 714
www.acousticlogic.com.au

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1 INTRODUCTION

This report has been prepared to assess noise impacts associated with the proposed commercial development to be located at 232-240 Elizabeth Street, Surry Hills.

Impacts assessed include:

- Mechanical noise emissions
- Loading dock operation

The report has been prepared for the sole purpose of a planning proposal assessment and should not be used or relied on for any other purposes.

2 REFERENCED DOCUMENTS

2.1 BACKGROUND INFORMATION USED

This assessment is based on the architectural drawings prepared by Candalepas Associates architectural drawings, job no 5968, dated 07/11/2022.

2.2 PLANNING GUIDELINES

- City of Sydney Council DCP 2012
- NSW *EPA Noise Policy for Industry 2017*.
- NSW *Road Noise Policy 2011*.

3 SITE DESCRIPTION AND PROPOSAL

The project site is located at 232-240 Elizabeth Street, Surry Hills. The proposal seeks approval for the following:

- Nine storey building to accommodate:
    - Ground floor retail space, basement end of trip facilities and parking, lobby and plant areas.
    - Commercial offices (open plan) from Level 1 to 9 with associated amenity spaces.

Onsite acoustic investigations carried out by this office regarding the surrounding acoustic environment around the project site indicate the following:

- Elizabeth Street along the western boundary of the project site which carries a high traffic volume, primarily associated with intercity travel.
- Existing single and two storey commercial premises containing retail spaces, laundromat and backpackers.

The nearest noise sensitive receivers surrounding the project site include:

- **Receiver R1** – Existing residential building across Reservoir Street at 242-254 Elizabeth Street.
- **Receiver R2** – Existing residential building adjacent the northern boundary at 230 Elizabeth Street.
- **Receiver R3** – Existing residential building situated north-east of the project site at 62-64 Forster Street.
- **Receiver R4** – Existing commercial development adjacent the eastern boundary of the project site at 62-68 Reservoir Street.
- **Receiver R5** – Existing residential building situated south-east of the project site at 33 Reservoir Street.

An aerial photo of the site is present in Figure 1 which also shows nearby receivers and monitoring locations.

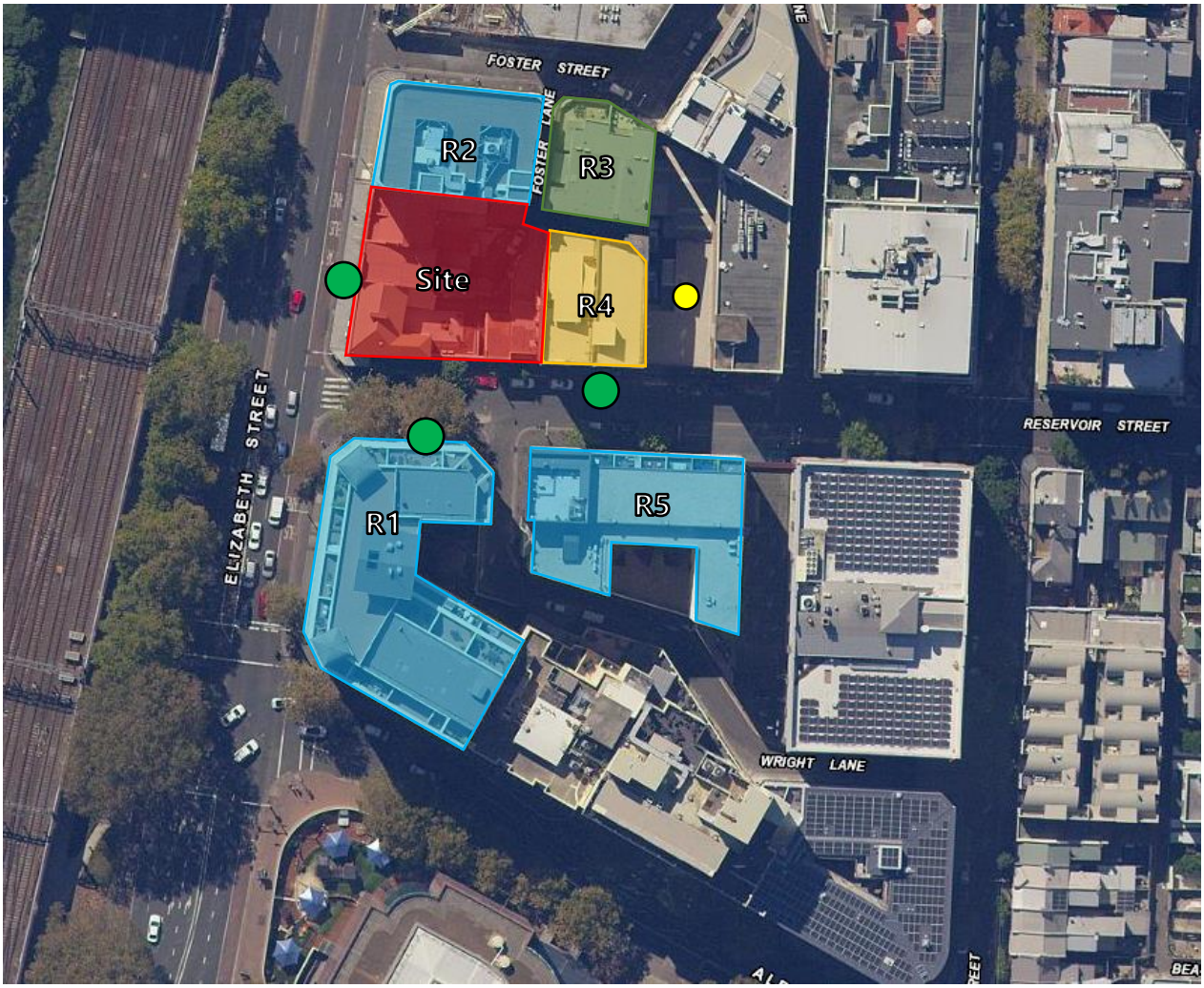


Figure 1 – Site Map and Receiver Locations
Sourced from SixMaps NSW

Unattended Noise Monitoring

Attended Noise Monitoring

Project Site

Commercial Receiver

Mixed Use Receiver

Residential Receiver

4 EXISTING ACOUSTIC ENVIRONMENT

The acoustic environment is categorised by high background noise levels consistent with an urban environment during the day, evening and night-time periods.

Unattended noise monitoring conducted at site was conducted by this office in order to establish the existing background noise environment.

4.1 NOISE DESCRIPTORS

Ambient noise constantly varies in level from moment to moment, so it is not possible to accurately determine prevailing noise conditions by measuring a single, instantaneous noise level.

To quantify ambient noise, a 15 minute measurement interval is typically utilised. Noise levels are monitored continuously during this period, and then statistical and integrating techniques are used to characterise the noise being measured.

The principal measurement parameters obtained from the data are:

L_{eq} - represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the measurement period. L_{eq} is important in the assessment of noise impact as it closely corresponds with how humans perceive the loudness of time-varying noise sources (such as traffic noise).

L_{90} – This is commonly used as a measure of the background noise level as it represents the noise level heard in the typical, quiet periods during the measurement interval. The L_{90} parameter is used to set noise emission criteria for potentially intrusive noise sources since the disturbance caused by a noise source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the L_{90} level.

L_{10} is used in some guidelines to measure noise produced by an intrusive noise source since it represents the average of the loudest noise levels produced at the source. Typically, this is used to assess noise from licenced venues.

L_{max} is the highest noise level produced during a noise event, and is typically used to assess sleep arousal impacts from short term noise events during the night. It is also used to assess internal noise levels resulting from aircraft and railway ground vibration induced noise.

L_1 is sometimes used in place of L_{max} to represent a typical noise level from a number of high level, short term noise events.

4.2 AMBIENT NOISE SURVEY

NSW EPA's Rating Background Noise Level (RBL) assessment procedure requires determination of background noise level for each day (the ABL) then the median of the individual days as set out for the entire monitoring period.

Appendix 1 presents the results of unattended noise monitoring previously conducted at the project site. Weather affected data was excluded from the assessment in line with Fact Sheet B of NPfI.

4.2.1 Measurement Equipment

Unattended noise monitoring for background noise levels was conducted using one Acoustic Research Laboratories Pty Ltd noise logger. The logger was programmed to store 15-minute statistical noise levels throughout the monitoring period. The equipment was calibrated at the beginning of the measurement period using a Rion NC-73 calibrator; no significant drift was detected at the end of the measurement period. All measurements were taken on A-weighted fast response mode.

4.2.2 Measurement Location

An unattended noise monitor was installed at the rear of the site to measure background noise levels, however was affected by mechanical plant noise (which is proposed to be removed as part of the development). Other locations on the site to install monitoring equipment were unsuitable to determine the prevailing background noise levels of surrounding receivers, as it would also be affected by the installed mechanical plant, or impacted by road traffic noise from Elizabeth Street.

Long term monitoring results previously undertaken within the surrounding areas was used to determine background noise levels. The location of the monitor along Reservoir Street was substantially screened from traffic noise along Elizabeth Street, and unaffected by mechanical plant noise. As such, this represents a suitably conservative representative background noise level.

4.2.3 Measured Background Noise Levels

The measured Rating Background Noise Level (RBL) is presented in the table below.

Table 3-1 – Unattended Noise Monitoring RBL Results

Logger Location	Time of Day	Measured Rating Background Noise Level dB(A)$L_{90(period)}$
52-58 Reservoir Street, Surry Hills	Day (7:00am-6:00pm)	53
	Evening (6:00pm-10:00pm)	51
	Night (10:00pm-7:00am)	48

5 TRAFFIC NOISE SURVEY

5.1 ATTENDED NOISE MEASUREMENTS

This section of the report details the attended noise measurements conducted at the site to establish noise levels impacting the development.

5.1.1 Measurement Position

Attended noise measurements were undertaken to investigate the existing noise environment surrounding the development (see Figure 1).

5.1.2 Measurement Period

The attended noise measurements were conducted on Thursday the 3rd of November 2022 between 12:00pm and 2:00pm.

5.1.3 Measurement Equipment

The measurements were conducted using a Norsonic 140 Sound Analyser. The analyser was set to fast response and calibrated before and after the measurements using a Norsonic Sound Calibrator type 1251. No significant drift was noted.

5.1.4 Measured External Noise Levels

The measured external noise levels are presented in Table 5.1 below.

Table 5-1 – Measured Noise Levels at Attended Measurement Locations

Measurement Location	Time of day	Measured Noise Level dB(A)$L_{eq(15min)}$
232-240 Elizabeth Street, Surry Hills 180˚ View of Road 3m from kerb	Wednesday 3rd November 2022 12.00pm – 1.00pm	72
Reservoir Street, Surry Hills Measurement was conducted 3m from kerb	Wednesday 3rd November 2022 1.00pm – 2.00pm	64

6 NOISE EMISSION CRITERIA

Noise emissions from the site should be assessed to ensure that the amenity of nearby land users is not adversely affected.

The primary potential noise sources from use of the site will be operational noise from the patrons and any mechanical equipment that services the site.

Noise emissions will be assessed to the following criteria:

- Sydney Development Control Plan (DCP) 2012 & Standard Conditions of Consent.
- The NSW EPA Noise Policy for Industry (NPfI).

6.1 CITY OF SYDNEY COUNCIL STANDARD CONDITIONS OF CONSENT

There are no specific acoustic controls relating to commercial development in the City of Sydney DCP 2012. Standard conditions of consent relating to noise emission from commercial premises are as follows;

NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

(c) Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

6.2 NSW EPA NOISE POLICY FOR INDUSTRY (NPFI) 2017

The EPA NPFI has two criteria which are both required to be satisfied, namely Intrusiveness and amenity. The NPFI sets out acceptable noise levels for various localities. The policy indicates four categories to assess the appropriate noise level at a site. They are rural, suburban, urban and urban/industrial interface. Under the policy the nearest residential receivers would be assessed against the urban criteria.

Noise levels are to be assessed at the property boundary or nearby dwelling, or at the balcony or façade of an apartment.

6.2.1 Intrusiveness Criterion

The guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured using the L_{eq} descriptor not exceed the background noise level by more than 5dB(A). Where applicable, the intrusive noise level should be penalised (increased) to account for any annoying characteristics such as tonality.

Background noise levels adopted are presented in Section 4. Noise emissions from the site should comply with the noise levels presented below when measured at nearby property boundary.

6.2.2 Project Amenity Criterion

The guideline is intended to limit the absolute noise level from all noise sources to a level that is consistent with the general environment.

The EPA's NPFI sets out acceptable noise levels for various localities. The recommended noise amenity area is based upon the measured background noise levels at the sensitive receiver. Based on the measured background noise levels detailed in Section 4, the Noise Policy for Industry suggests the adoption of the 'urban' categorisation.

The NPFI requires project amenity noise levels to be calculated in the following manner;

$$L_{Aeq,15min} = \textit{Recommended Amenity Noise Level} - 5\ dB(A) + 3\ dB(A)$$

The amenity levels appropriate for the receivers surrounding the project site are presented in Table 2

Table 2 – EPA NPFI Amenity Noise Levels

Type of Receiver	Time of day	Recommended Noise Level dB(A)$L_{eq(period)}$	Project Amenity Noise Levels dB(A)$L_{eq(15min)}$
Residential – Urban	Day	60	58
	Evening	50	48
	Night	45	43
Commercial premises	When in use	65	63

The NSW EPA Noise Policy for Industry (2017) defines;

- Day as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
    - Evening as the period from 6pm to 10pm.
    - Night as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

6.2.3 Sleep Arousal Criteria

The Noise Policy for Industry recommends the following noise limits to mitigate sleeping disturbance:

> *Where the subject development / premises night -time noise levels at a residential location exceed:*
>
> - *$L_{eq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or*
> - *L_{Fmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,*
>
> *a detailed maximum noise level even assessment should be undertaken.*

The following sleep emergence noise objectives then apply.

Table 3 - Sleep Arousal Criteria for Residential Receivers

Receiver	Rating Background Noise Level (Night) dB(A)L_{90}	Emergence Level
Residential Dwellings Surrounding Site	48	53 dB(A) $L_{eq,\ 15min}$; 63 dB(A) L_{Fmax}

If there are noise events that could exceed the emergence levels detailed in the table above, then an assessment of sleep arousal impact is required to be carried out, taking into account the level and frequency of noise events during the night, existing noise sources, etc. This more detailed sleep arousal test is conducted using the guidelines in the EPA Road Noise Policy. Most relevantly, the Road Noise Policy states:

> *For the research on sleep disturbance to date it can be concluded that:*
>
> - *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.*
> - *One to two noise events per night with maximum internal noise levels of 65-70dB(A) are not likely to affect health and wellbeing significantly.*

Table 4 – EPA NPfI Project Noise Target Level (Plant and Equipment Noise)

Receiver	Time Period	Assessment Background Noise Level dB(A)$L_{90(period)}$	Project Amenity Criteria dB(A) $L_{eq(15min)}$	Intrusiveness Criteria dB(A) $L_{eq(15min)}$	NPFI Criteria for Sleep Disturbance
Residential Locations	Day	53	**58**	58	-
	Evening	51	**48**	56	-
	Night	48	**43**	53	53 dB(A) $L_{eq,15min}$; 63 dB(A) L_{Fmax}
Commercial Premises	When in Use	-	**63**	-	-

The project noise trigger levels for the development are presented as bold within the above table.

7 NOISE EMISSION ASSESSMENT

A discussion of the potential noise impacts associated with the development have been presented for the following:

- Loading dock operation;
- Mechanical plant noise emissions in principle.

Each of these noise sources will be discussed in detail.

7.1 LOADING DOCK OPERATION

A loading dock to service the retail/commercial tenancies within the development is located within the ground level, access to the loading dock is from Reservoir Street. Surrounding development is commercial/residential with high traffic intrusion, and as such average noise emissions from the loading dock would be expected to readily comply with the requirements of the NSW EPA Noise Policy for Industry.

If it is proposed to operate the loading dock during the night time period (10pm – 7am) such as for large deliveries or waste collection, then consideration must be given to the potential for sleep disturbance from peak noise events.

The following assumptions have been made with regards to an assessment of sleep disturbance potential due to loading dock operations:

- Only small delivery vans are proposed for the loading dock.
- The loudest typical noise event associated with a van is the door slam, which has been measured by this office to be 90dB(A)

Given the distance between the site and nearby residential receivers, as well as any barrier effects which will be provided by the surrounding buildings and site, predicted noise levels to the first floor residents of R1 along Reservoir Street due to a van within the loading dock is predicted to be 57 dB(A) L_{Fmax} at the façade, fully compliant with the 63dB(A) L_{max} requirement formulated in Section 6.

7.2 MECHANICAL PLANT

Detailed acoustic design of mechanical plant cannot be undertaken at this preliminary stage as plant selections and locations are not finalised. Cumulative assessment of plant noise with other noise sources is recommended when conducting the acoustic design of plant items.

The current design includes a centralised plantroom on Level 9, internally within the development. Given the location of the plant room, compliance with NSW *Noise Policy for Industry* (2017) criteria as set out in Section 5.2 will be achievable, provided that detailed acoustic review of plant items is undertaken once plant is selected and standard acoustic treatments (such as in-duct attenuation, barriers, appropriate location of plant items etc) are adopted.

8 CONCLUSION

Noise emissions associated with the proposed commercial development to be located at 232-240 Elizabeth Street, Surry Hills has been assessed with reference to the City of Sydney Council DCP 2012 and the NSW EPA Noise Policy for Industry.

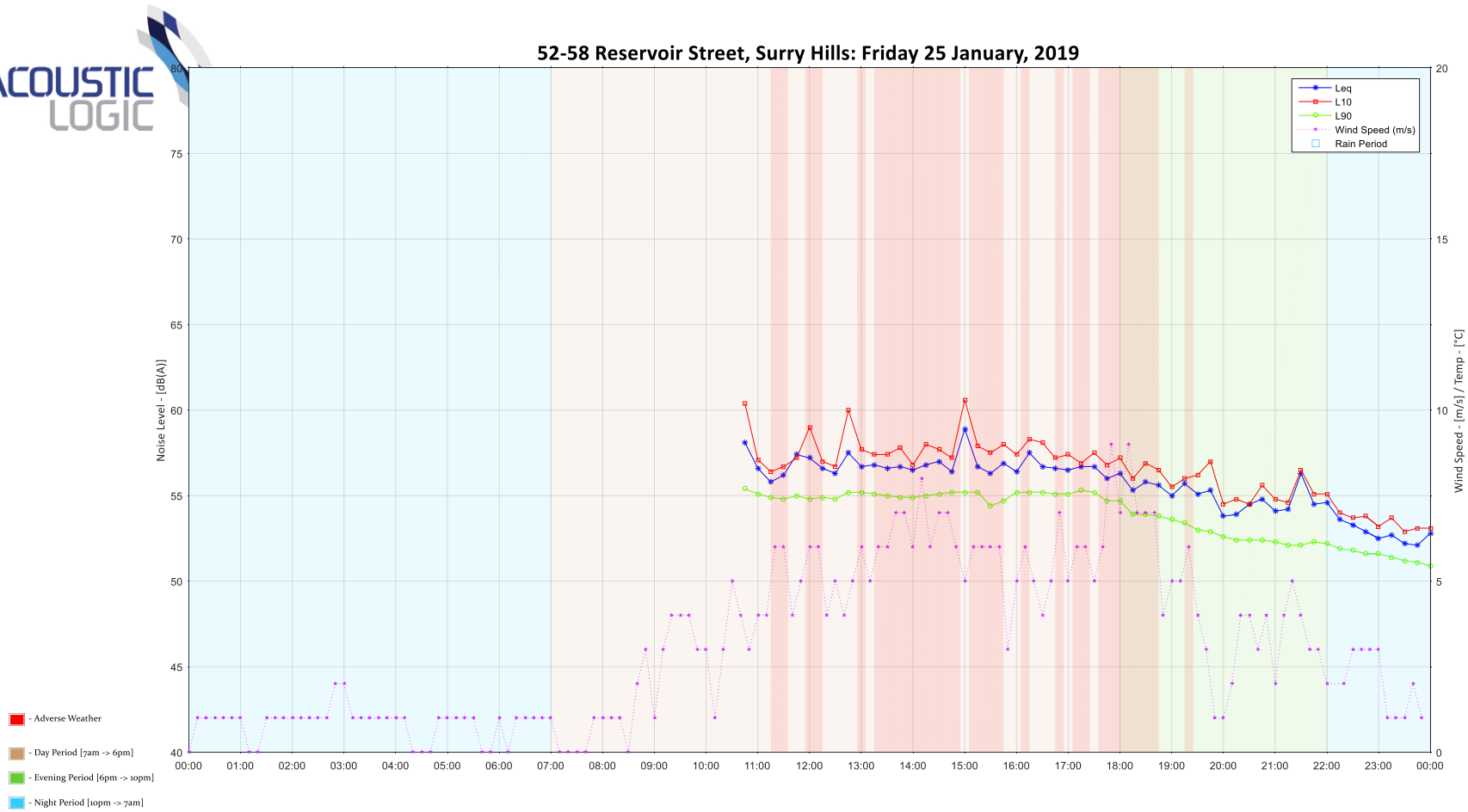
Noise emission limits for the site have been established for the proposed uses of the development. It is recommended that individual tenancies and any proposed mechanical plant be acoustically reviewed to ensure that the noise emission criteria established are achieved, with particular regard to the cumulative operation of the site.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,

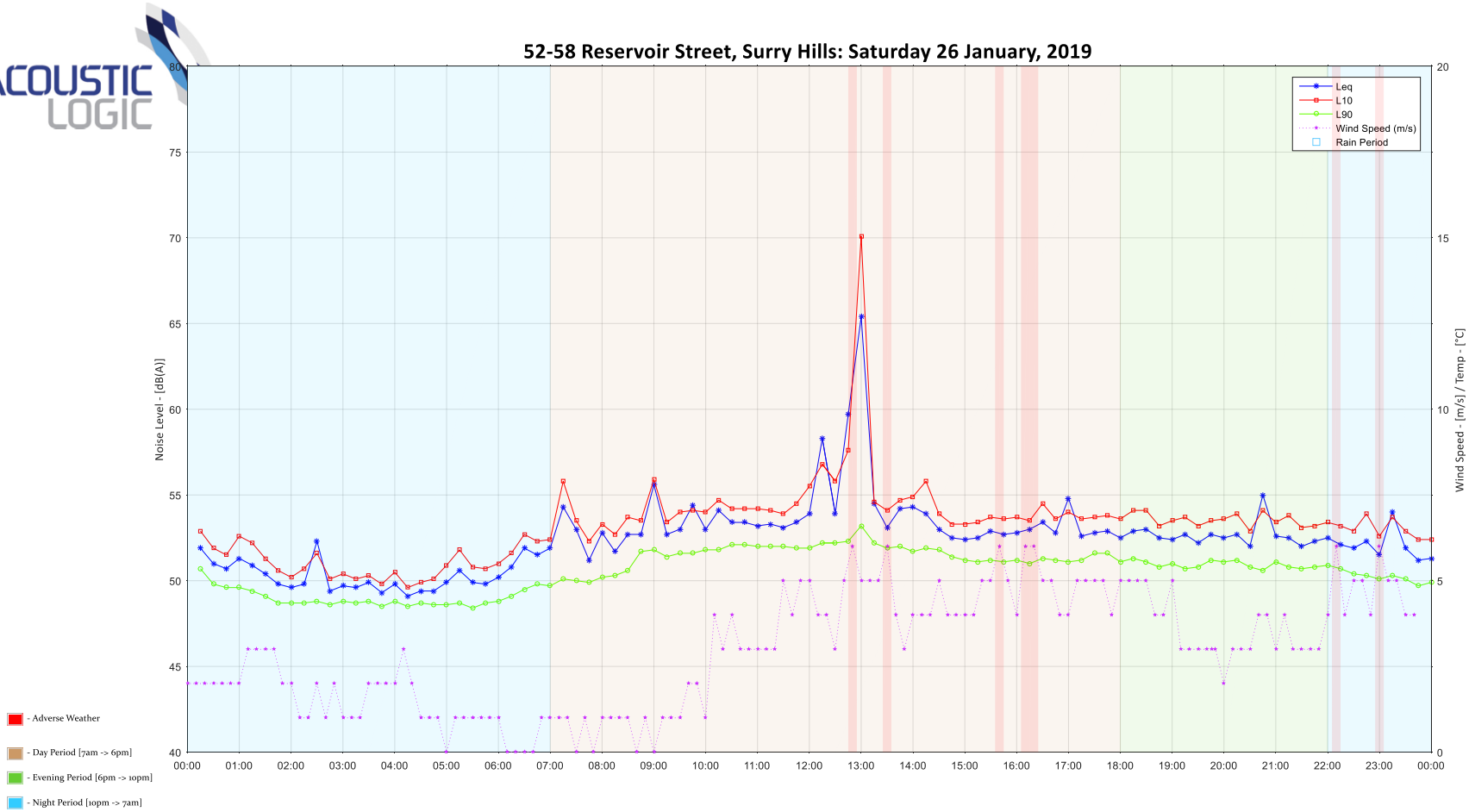
Acoustic Logic Pty Ltd
Justine Wade

APPENDIX ONE – UNATTENDED NOISE MONITORING DATA

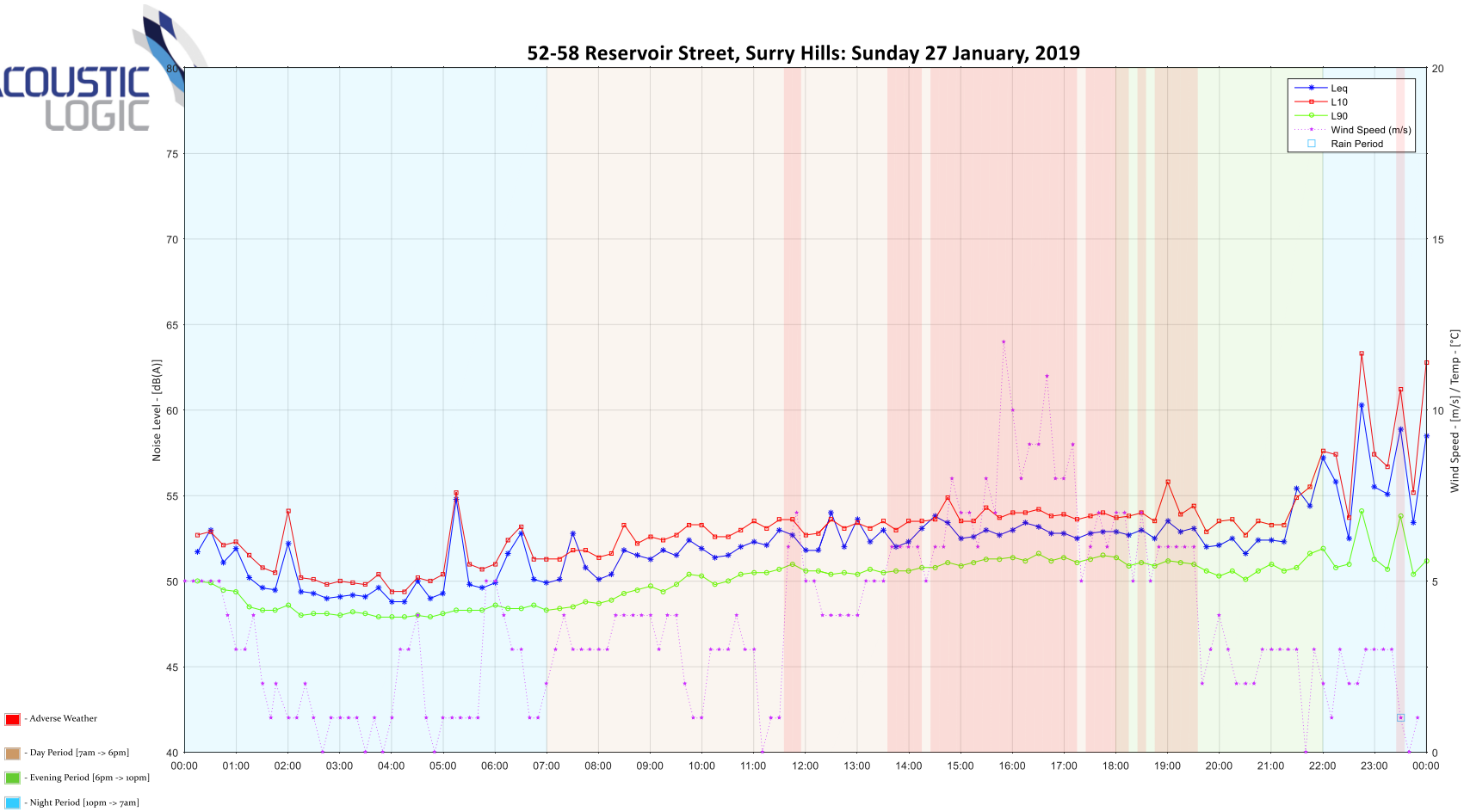

52-58 Reservoir Street, Surry Hills: Friday 25 January, 2019
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

606

607

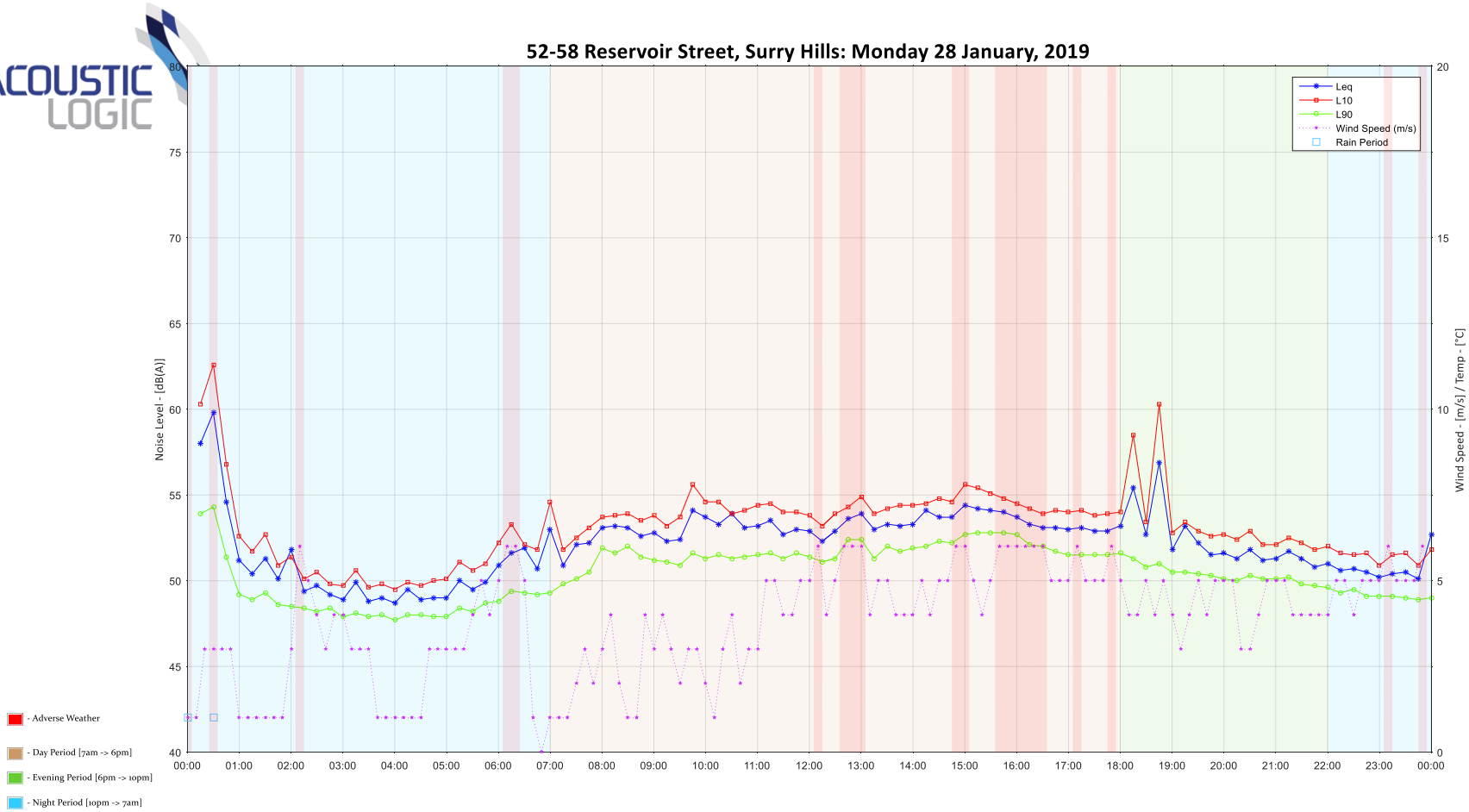


52-58 Reservoir Street, Surry Hills: Saturday 26 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

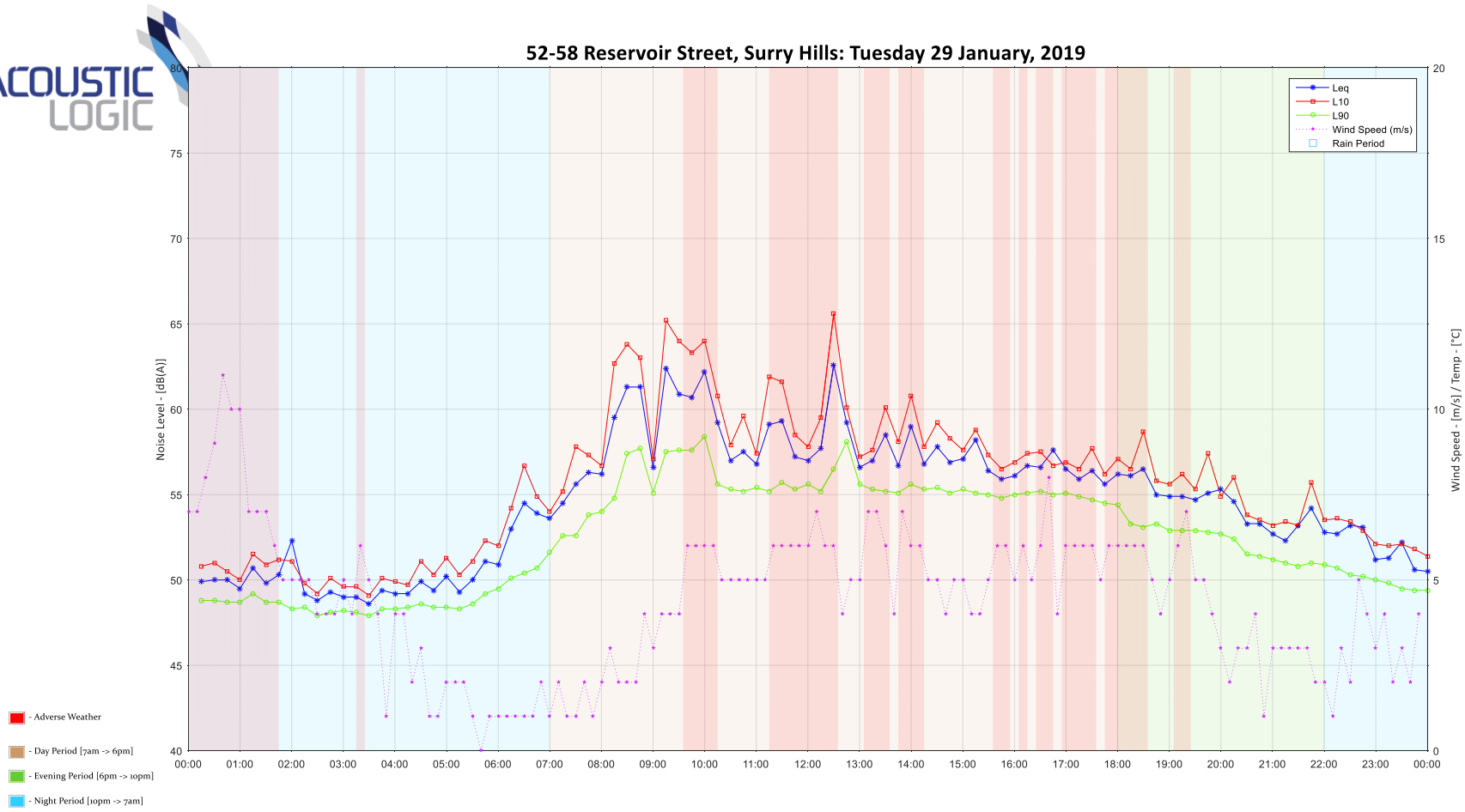

52-58 Reservoir Street, Surry Hills: Sunday 27 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

608

609

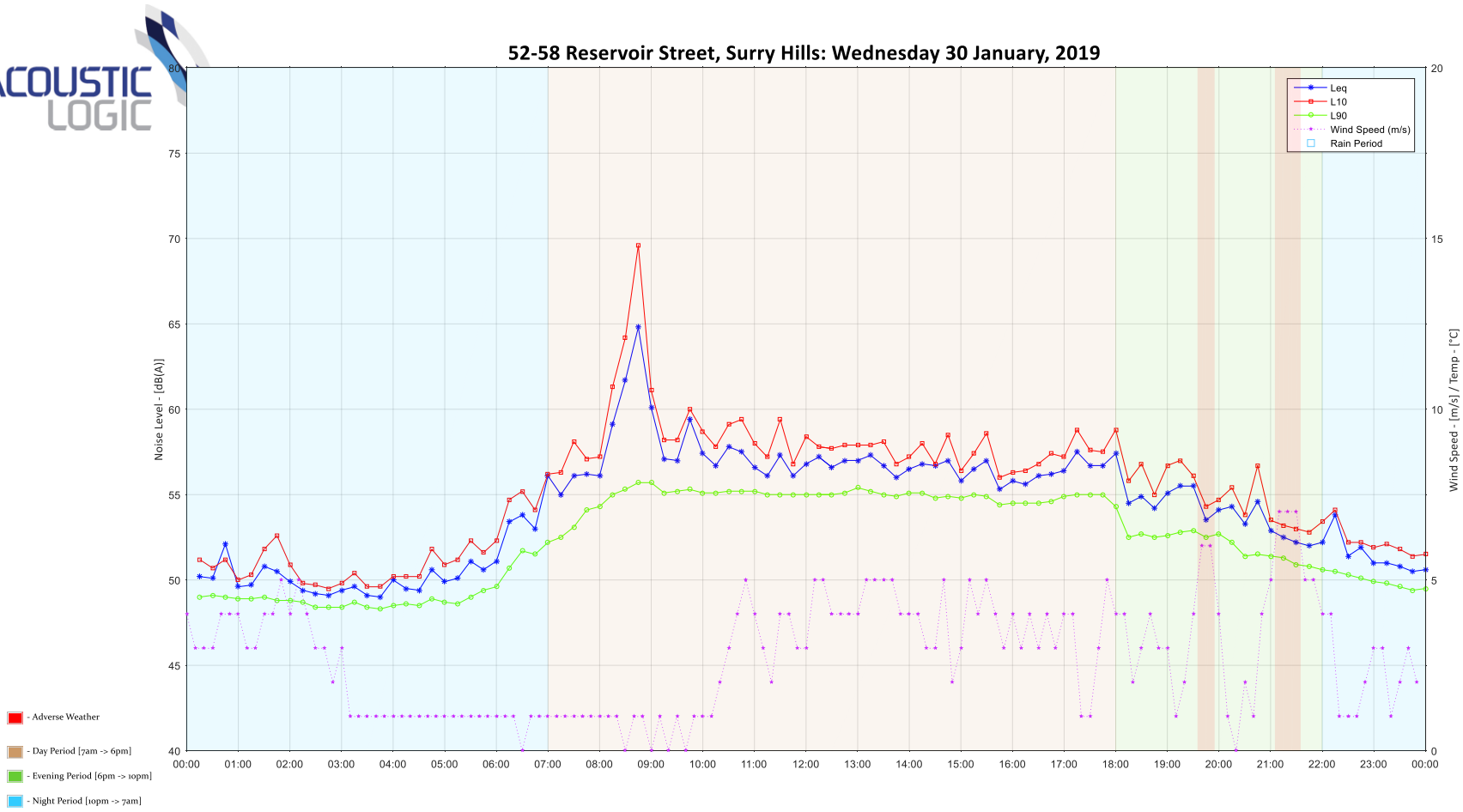

52-58 Reservoir Street, Surry Hills: Monday 28 January, 2019
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

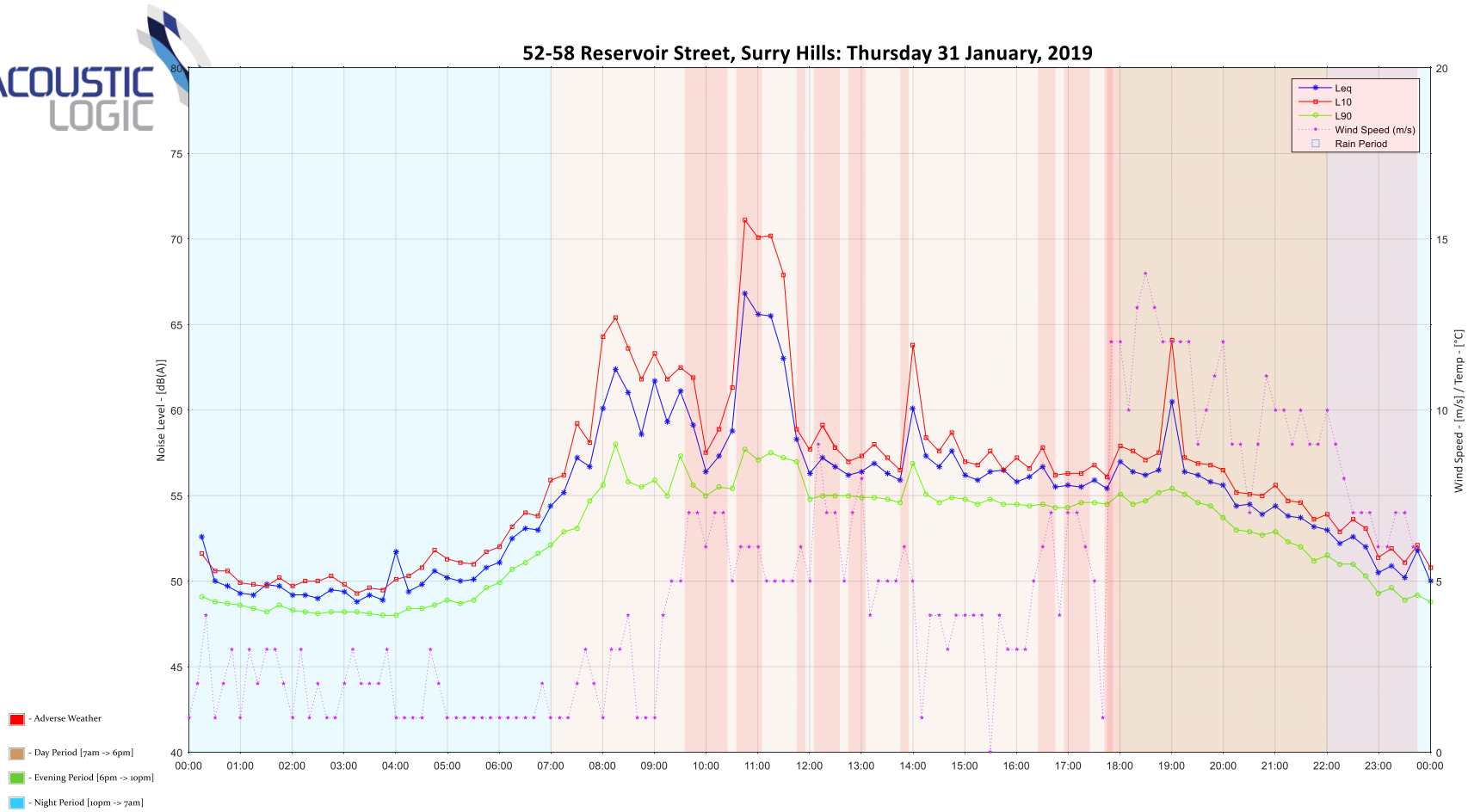
610



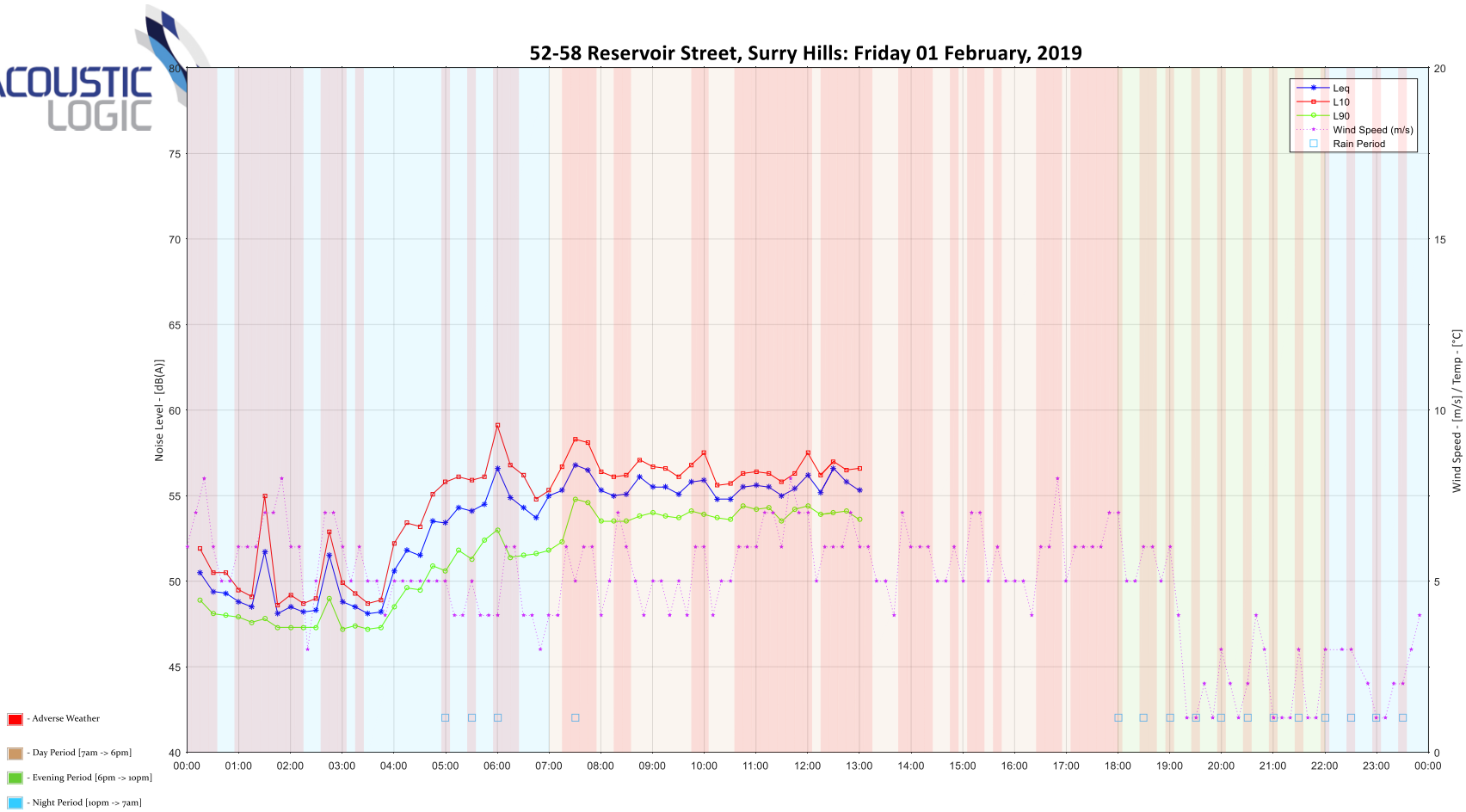
52-58 Reservoir Street, Surry Hills: Tuesday 29 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

611


52-58 Reservoir Street, Surry Hills: Wednesday 30 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]


52-58 Reservoir Street, Surry Hills: Thursday 31 January, 2019
Leq
L10
L90
Wind Speed (m/s)
Rain Period
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

612


52-58 Reservoir Street, Surry Hills: Friday 01 February, 2019
Noise Level - [dB(A)]
Wind Speed - [m/s] / Temp - [°C]
Leq
L10
L90
Wind Speed (m/s)
Rain Period
- Adverse Weather
- Day Period [7am -> 6pm]
- Evening Period [6pm -> 10pm]
- Night Period [10pm -> 7am]

613

Attachment A14

Wind Assessment

DRAFT REPORT

Qualitative Wind Assessment for:

232-240 ELIZABETH STREET

Surry Hills

CPP PROJECT: 17378

November 2022

PREPARED FOR:

Stasia Holdings Pty. Limited

C/ - Candalepas Associates

Sydney, NSW

Australia

PREPARED BY:

Siryana Rai, Junior Engineer

Thomas Evans, Senior Engineer

CPP Pty Ltd
Unit 2, 500 Princes Highway
St Peters, NSW 2044
info-syd@cppwind.com
www.cppwind.com

DOCUMENT VERIFICATION

Date	Revision	Prepared by	Checked by	Approved by
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1 INTRODUCTION

Cermak Peterka Petersen Pty. Ltd. has been engaged by Stasia Holdings Pty. Limited to provide a qualitative assessment of the impact of the proposed 232-240 Elizabeth Street development on the wind conditions in the surrounding areas.

The proposed development is located approximately 1.5 km to the south of the Sydney CBD, in a region of low to medium-rise suburban development, Figure 1. The proposed development will comprise of a 10-storey tower, reaching a maximum height of about 35 m above ground level. This report assesses the wind impacts of the massing envelope of the proposed development. While it is in similar size to the surrounding structures, the addition of the proposed development represents a significant change to the current site and may therefore have some impact on the local wind conditions, the extents of which are broadly discussed in this report.

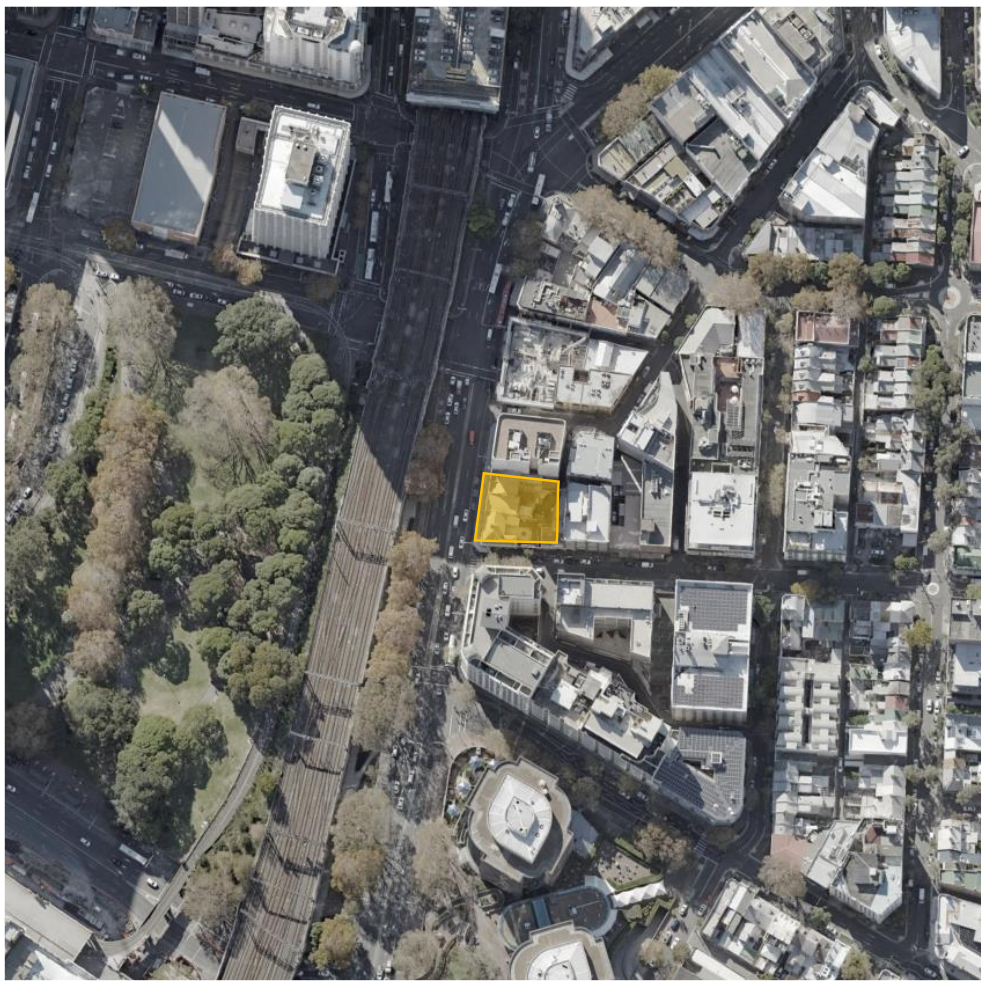

Figure 1: Aerial view of the proposed development site (Google Earth, 2022).

2 SYDNEY WIND CLIMATE

The proposed development lies approximately 6 km to the north-east of the Sydney Airport Bureau of Meteorology anemometer. To enable a qualitative assessment of the wind environment, the wind frequency and direction information measured by the Bureau of Meteorology at a standard height of 10 m at Sydney Airport from 1995 to 2019 have been used in this analysis. The wind rose for Sydney Airport is shown in Figure 2 and is considered to be representative of prevailing winds at the site. Strong prevailing winds are organised into three main groups which centre at about north-east, south, and west. This wind assessment is focused on these prevailing strong wind directions.

Winds from the north-east tend to be summer sea breezes and bring welcome relief on summer days, typically lasting from noon to dusk. These are small-scale temperature driven effects, the larger the temperature differential between land and sea, the stronger the breeze. Winds from the south are associated with large synoptic frontal systems and generally provide the strongest gust during summer. Winds from the west are the strongest of the year and are associated with large weather patterns and thunderstorm activity. These winds occur throughout the year and can be cold or warm depending on the inland conditions.

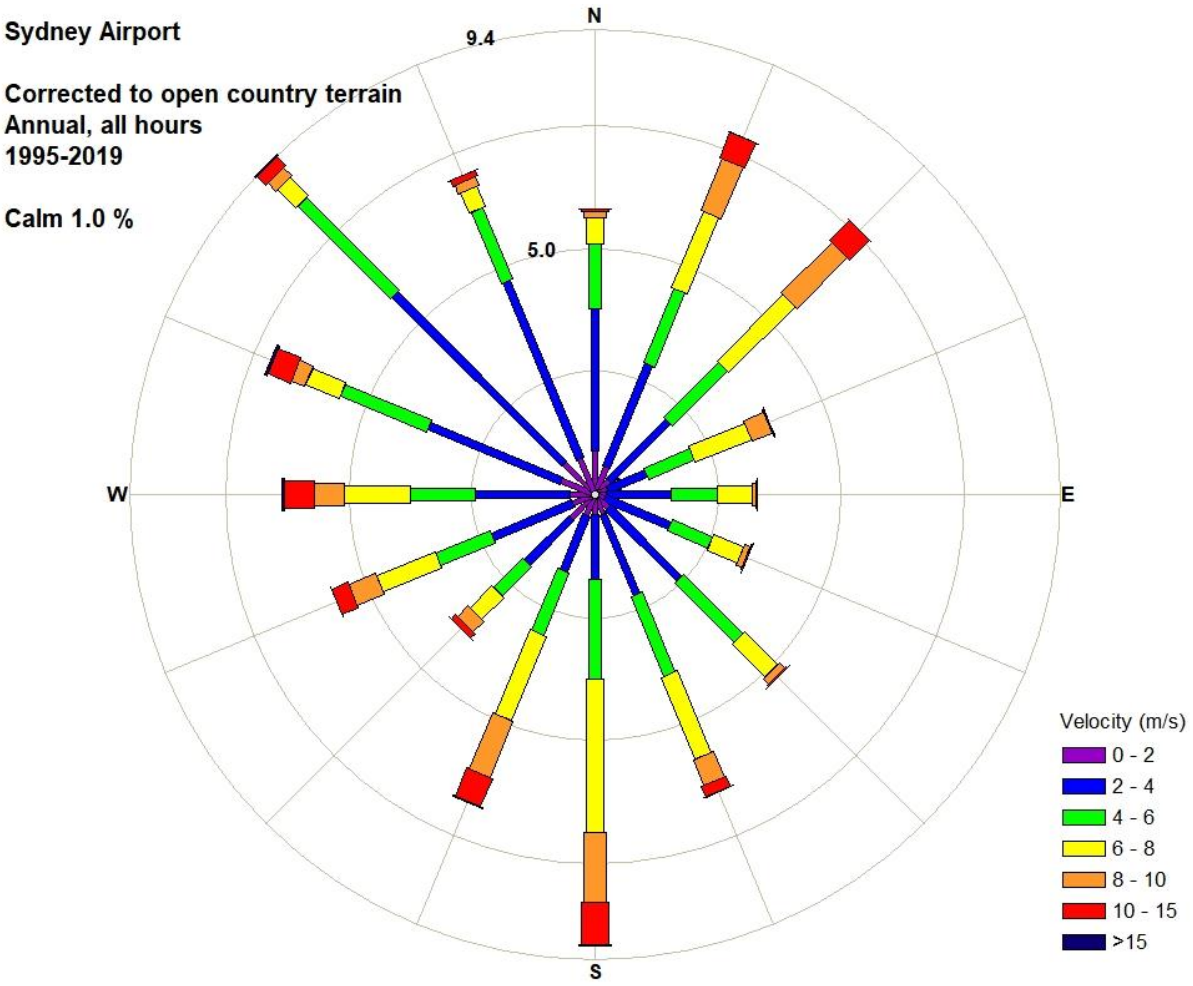

Figure 2: Wind rose for Sydney Airport.

3 ENVIRONMENTAL WIND CRITERIA

A number of researchers have suggested quantitative methods for assessing wind comfort and safety based on wind tunnel data and local climate statistics. These criteria provide a means of evaluating the wind amenity of location based on the frequency of threshold wind speeds, noting that pedestrians will tolerate higher wind speeds for a shorter time period than lower speeds. In addition, the acceptability of the location may be linked to its intended use, such as for a café seating area or pedestrian footpath.

The Sydney City Council DCP (2012) specifies wind effects not to exceed 10 m/s, as the area around the site is classified as an 'active frontage'. From discussions with Council, these wind speed thresholds are once per annum gust wind speeds similar to the 2004 DCP but are meant to be interpreted as a comfort level criterion to promote outdoor café style activities and is not a distress/safety requirement. The once per annum gust criterion is based on the work of Melbourne (1978), and 10 m/s is classified as generally acceptable for pedestrian sitting. This criterion gives the once per annum (0.1% of the time) gust wind speed and uses this as an estimator of the general wind conditions at a site.

The infrequent (0.1%) gust wind event in the Melbourne criteria may not adequately characterise the general wind conditions at the site. To combat this limitation, the wind assessment criteria that will be used in this study will be based upon the criteria of Lawson (1990), which are described in Table 1 for both pedestrian comfort and distress/safety. The benefits of these criteria over many in the field are that they use both a mean and gust equivalent mean (GEM) wind speed to assess the suitability of specific locations, the criteria based on the mean wind speeds define when the steady component of the wind causes discomfort, whereas the GEM wind speeds define when the wind gusts cause discomfort. The level and severity of these comfort categories can vary based on individual preference, so calibration to the local wind environment for all wind directions is recommended when evaluating with Lawson ratings. Another benefit of these from a comfort perspective is that the 5% of the time event is appropriate for a precinct to develop a reputation from the general public, the Lawson criteria from the basis of draft amendments to the DCP (City of Sydney, 2016), which require a wind speed of 8 m/s not to be exceeded for more than 5% of the time during daylight hours, aligning with the pedestrian walking category.

Table 1: Summary of Lawson criteria.

Comfort (maximum of mean or gust equivalent mean (GEM[†,]) wind speed exceeded 5% of the time)	
< 4 m/s	Pedestrian Sitting (considered to be of long duration)
4 - 6 m/s	Pedestrian Standing (or sitting for a short time or exposure)
6 - 8 m/s	Pedestrian Walking
8 - 10 m/s	Business Walking (objective walking from A to B or for cycling)
> 10 m/s	Uncomfortable[1]
Distress (maximum of mean or GEM wind speed exceeded 0.022% of the time)	
<15 m/s	not to be exceeded more than two times per year (or one time per season) for general access area
<20 m/s	not to be exceeded more than two times per year (or one time per season) where only able-bodied people would be expected; frail or cyclists would not be expected

Note: [†,] The gust equivalent mean (GEM) is the peak 3 s gust wind speed divided by 1.85.

4 ENVIRONMENTAL WIND ASSESSMENT

The development site is surrounded in most directions by mid- rise buildings, with high-rise buildings further to the north (Sydney CBD) and a region of parkland (Belmore Park) to the west across the railway line. Open approaches over sections of Sydney harbour lie further to the north-east. Topography surrounding the site is relatively flat from a wind perspective for most wind directions and unlikely to significantly affect the wind climate at the site. Existing buildings of a similar scale to the proposed development lie to the immediate north, west, and south of the subject site.

Winds in such densely built surrounds tend to be governed by channelling effects along streets between the combined massing of city blocks, with local effects being dictated by exposed buildings and their relation to prevailing strong wind directions. Several wind flow mechanisms such as downwash and channelling flow are described in Appendix 1, and the effectiveness of some common wind mitigation measures are described in Appendix 2. Previous wind tunnel testing carried out by CPP in the surrounding areas, for the existing configuration, has indicated that most streets in the vicinity would be classified as pedestrian standing to walking under the Lawson comfort criteria depending on their relative exposure to strong prevailing winds and proximity to tall buildings.

The subject site is located on a block bounded by Elizabeth Street to the west, Reservoir Street to the south, and Foster Lane to the north-east, which will form part of a through-site pedestrian link on the eastern boundary. The proposed development consists of a single prismatic tower with a generally rectangular planform. A ground floor plan is shown in Figure 3.

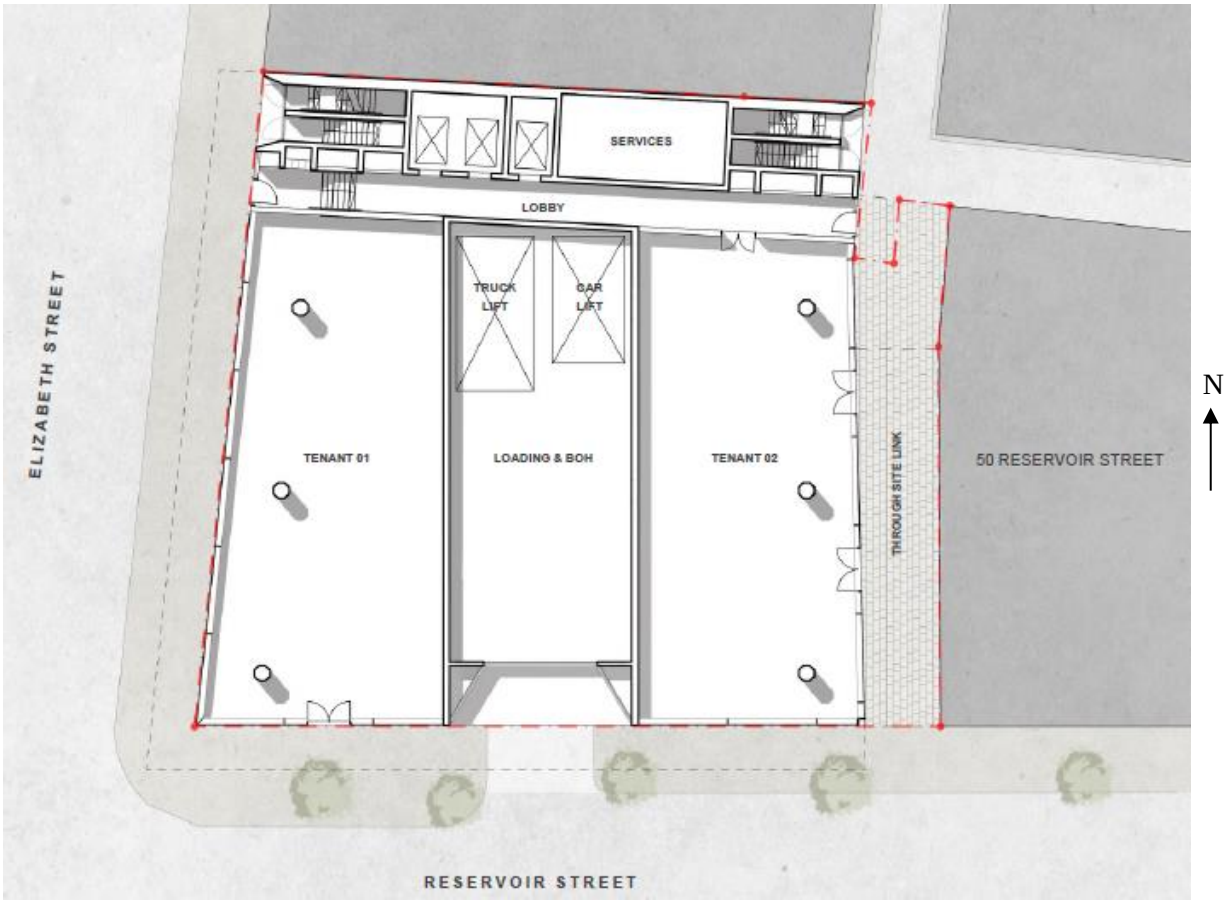

Figure 3: Ground floor of the proposed development.

4.1 Winds from the north-east

Winds from the north quadrant will approach over the mid- to high-rise buildings of Sydney CBD and Surry Hills. The alignment of Elizabeth Street and Wentworth Street with winds from the north quadrant may allow some channelling flow to develop, though the open area of Belmore Park to the west of the site will encourage dispersal of any accelerated flow on this frontage. Some incoming flow would be directed along Foster Street by the surrounding massing, and breezy conditions may develop in the pedestrian corridor at times, though this is considered largely an existing condition rather than an impact of the proposed development.

The proposed development will not receive significant direct wind exposure to wind from the north east direction as it is sheltered by the similarly sized towers at 230 Elizabeth Street (9 storeys tall) and 82-83 Foster Street (8 storeys) directly adjacent to, and to the north of the site. The pedestrian level wind environment is therefore likely to remain similar to the existing. Calmer conditions are likely to be available to pedestrians on the south side of the site during north-easterly winds.

For winds from the north-east quadrant, conditions around the proposed development site are expected to remain similar to the existing wind conditions and pass the safety/distress criterion.

4.2 Winds from the south

Winds from the south quadrant will pass over the low- to mid-rise developments of Waterloo and Redfern as well as the railway corridor leading to Central Station before reaching the site. Some immediate shielding for winds from this direction will be provided by the existing building located at 242-254 Elizabeth Street which is 14 storeys tall and broader compared to the proposed development. However, some channelling flow would be expected from prevailing winds as the southerly winds have a relatively unobstructed approach to the site over the railway and along Elizabeth Street, which runs north-south. Relatively strong conditions would therefore be expected on Elizabeth Street frontages during high wind periods from the south, though the proposed development is not likely to significantly contribute to this mechanism due to its relative scale and position. The street level awning

extending around the south-western corner will also help mitigate any downwash flow generated by the south façade of the building., thereby limiting impact to ground level.

For winds from the south quadrant, wind conditions at most locations around the site are expected to remain similar to the existing wind conditions and pass the safety/distress criterion.

4.3 Winds from the west

Winds from the west quadrant will pass over the low- to mid-rise buildings of Chippendale, Belmore Park, and the railway line before reaching the site. Elizabeth Street, the railway line, and Belmore Park to the west of the development form an open area where approaching westerly winds are relatively unimpeded upon reaching the site. Some degree of downwash flow from the western facade would be expected, however, the ground plane and the main entry to the commercial lobby would be protected by the proposed awning, which will redirect downwashing flow horizontally. Marginally stronger velocities may be expected along the Reservoir Street frontage, as the proposed development massing directs flow into the street corridor, though the awning will again limit impact to ground level. It is recommended this feature be retained. Mostly calm conditions would be anticipated in the eastern pedestrian link during winds from the west.

For winds from the west quadrant, wind conditions around the proposed development site on average are expected to remain mostly similar to the existing wind conditions and pass the safety/distress criterion.

4.4 Summary

For most locations, wind conditions within the proposed development are expected to remain similar to the existing wind conditions. From a pedestrian comfort perspective, the wind environment around the proposed development site is likely to be classified as acceptable for pedestrian standing or walking under Lawson. These pedestrian comfort levels would be suitable for public accessways, and for stationary short-term exposure activities. Localised amelioration measures would be suggested if calmer areas are desired for particular locations, such as café seating. All locations would be expected to satisfy the Lawson safety/distress criterion and the equivalent draft DCP safety criterion. Consistent with most

areas of Sydney, local shielding would likely be necessary to meet the conservative 10 m/s criterion of the 2012 DCP.

4.5 Wind conditions within the development

Some locations within the development may experience higher wind velocities at times, which may necessitate local amelioration depending on how these areas are to be used. Terraces at elevation are often windy areas due to exposure to higher velocities and local acceleration effects. The rooftop terrace on Level 9 and the mezzanine terrace on Level 8 are generally well situated, with shielding provided by adjacent levels on two sides as well as from the existing building at 242-254 Elizabeth Street to the south. The proposed planting zones will offer some beneficial effect, provided they contain dense foliage reaching a height of at least 1500 mm from local grade. A perimeter balustrade to the same minimum level will also assist in improving conditions. If the rooftop terrace spaces are to be activated for café-style seating or similar, then incorporating a horizontal canopy over some of this area would be suggested to further improve wind conditions.

5 CONCLUSION

Cermak Peterka Petersen Pty. Ltd. has provided a qualitative assessment of the impact of the proposed 232-240 Elizabeth Street project on the local wind environment in and around the development site. The scale of the proposed development and its position in the existing built massing environment are not indicative of any significant impacts to pedestrian wind comfort in the surrounding public domain areas. Overall, conditions in and around the site are expected to remain similar to the existing environment. Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities, similar measures would be suggested for outdoor terraces.

REFERENCES

City of Sydney, (2012),"Sydney Development Control Plan 2012".

City of Sydney (2016) Central Sydney Planning Strategy 2016-2036

Lawson, T.V. (1990), "The Determination of the Wind Environment of a Building Complex before Construction" Department of Aerospace Engineering, University of Bristol, Report Number TVL 9025.

Melbourne, W.H., 1978, Criteria for Environmental Wind Conditions, Journal of Wind Engineering and Industrial Aerodynamics, Vol.3, No.2-3, pp.241-249.

Penwarden, A.D. (1973), "Acceptable wind speeds in towns", Building Science, Vol.8, pp. 259-267.

Appendix 1: Wind flow mechanisms

When the wind hits a large, isolated building, the wind is accelerated down and around the windward corners, Figure 4; this flow mechanism is called downwash and causes the windiest conditions at ground level on the windward corners and sides of the building. In Figure 4, smoke is being released into the wind flow to allow the wind speed, turbulence, and direction to be visualised. The image on the left shows smoke being released across the windward face, and the image on the right shows smoke being released into the flow at about third height in the centre of the face.

Techniques to mitigate the effects of downwash winds on pedestrians include the provision of horizontal elements, the most effective being a podium to divert the flow away from pavements and building entrances. Awnings along street frontages perform a similar function, and the larger the horizontal element, the more effective it will be in diverting the flow.

Channelling occurs when the wind is accelerated between two buildings or along straight streets with buildings on either side.

Figure 5 shows the wind at mid and upper levels on a building being accelerated substantially around the corners of the building. When balconies are located on these corners, they are likely to be breezy, and will be used less by the owner due to the regularity of stronger winds. Owners quickly become familiar with when and how to use their balconies. If the corner balconies are deep enough, articulated, or have regular partition privacy fins, then local calmer conditions can exist.

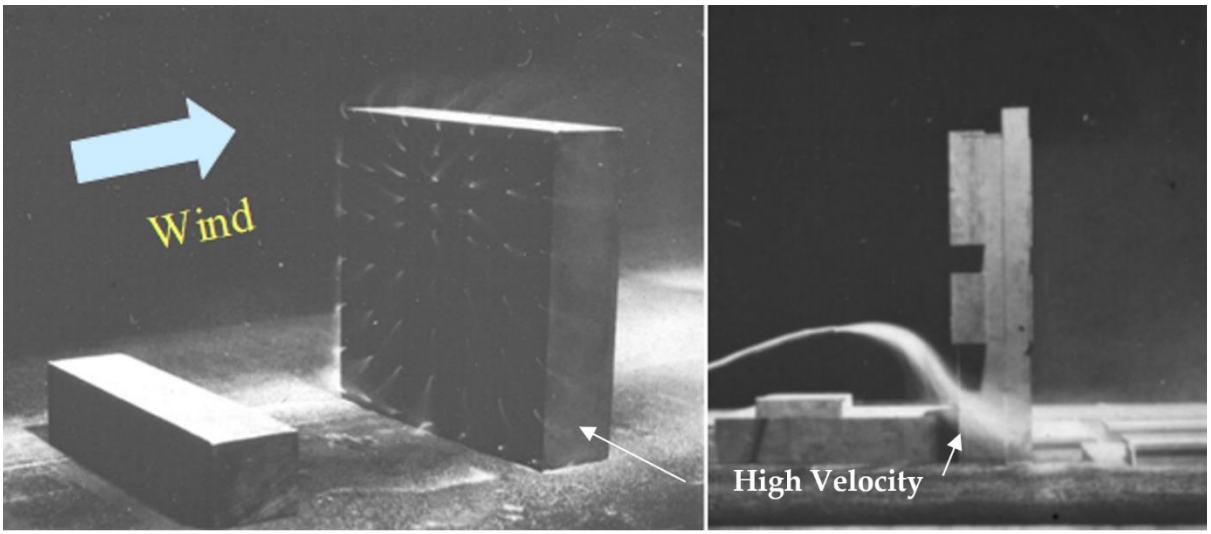

Figure 4: Flow visualisation around a tall building.

Figure 5: Visualisation through corner balconies (L) and channelling between buildings (R).

Appendix 2: Wind Impact Planning Guidelines

It is well known that the design of a building will influence the quality of the ambient wind environment at its base. Below are some suggested wind mitigation strategies that should be adopted into precinct planning guidelines and controls (see also Cochran, 2004).

Building form – Canopies

A large canopy may interrupt the flow as it moves down the windward face of the building. This will protect the entrances and sidewalk area by deflecting the downwash at the second storey level, Figure 6. However, this approach may have the effect of transferring the breezy conditions to the other side of the street. Large canopies are a common feature near the main entrances of large office buildings.

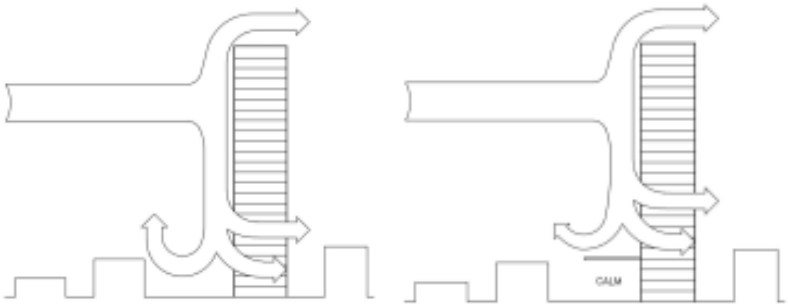

Figure 6: Canopy Windbreak Treatment. (L) Downwash to street level may generate windy conditions for pedestrians. This is particularly true for buildings much taller than the surrounding buildings. (R) A large canopy is a common solution to this pedestrian-wind problem at street level.

Building form – Podiums

The architect may elect to use an extensive podium for the same purpose if there is sufficient land and it complies with the design mandate, Figure 7. This is a common architectural feature for many major projects in recent years, but it may be counterproductive if the architect wishes to use the podium roof for long-term pedestrian activities, such as a pool or tennis court.

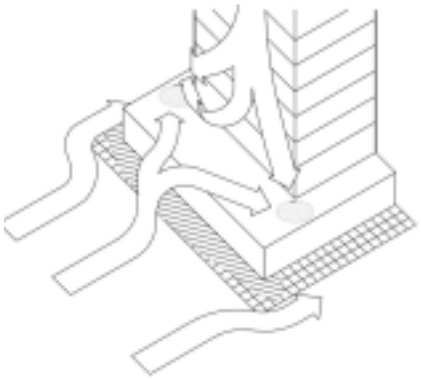

Figure 7: The tower-on-podium massing often results in reasonable conditions at ground level, but the podium may not be useable.

Building form – Arcades

Another massing issue, which may be a cause of strong ground-level winds, is an arcade or thoroughfare opening from one side of the building to the other. This effectively connects a positive pressure region on the windward side with a negative pressure region on the lee side; a strong flow through the opening often results, Figure 8. The uninvitingly windy nature of these open areas is a contributing reason behind the use of arcade airlock entrances (revolving or double sliding doors).

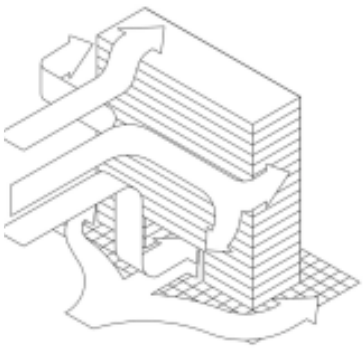

Figure 8: An arcade or open column plaza under a building frequently generates strong pedestrian wind condition.

Building form – Alcove

An entrance alcove behind the building line will generally produce a calmer entrance area at a mid-building location, Figure 9(L). In some cases, a canopy may not be necessary with this scenario, depending on the local geometry and directional wind characteristics. The same undercut design at a building corner is usually quite unsuccessful, Figure 9(R), due to the accelerated flow mechanism described in Figure 4 and the ambient directional wind statistics.

If there is a strong directional wind preference, and the corner door is shielded from those common stronger winds, then the corner entrance may work. However, it is more common for a corner entrance to be adversely impacted by this local building geometry. The result can range from simply unpleasant conditions to a frequent inability to open the doors.

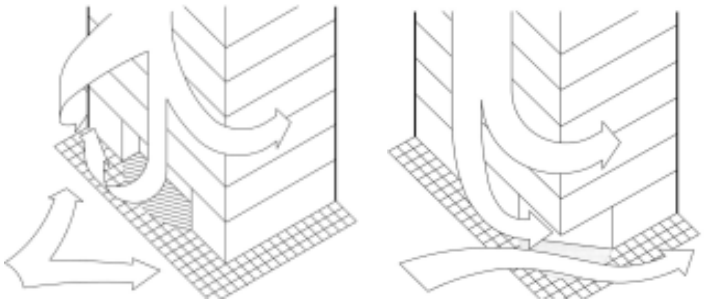

Figure 9: Alcove Windbreak Treatment. (L) A mid-building alcove entrance usually results in an inviting and calm location. (R) Accelerated corner flow from downwash often yields an unpleasant entrance area.

Building form – Façade profile and balconies

The way in which a building's vertical line is broken up may also have an impact. For example, if the floor plans have a decreasing area with increased height the flow down the stepped windward face may be greatly diminished. To a lesser extent the presence of many balconies can have a similar impact on ground level winds, although this is far less certain and more geometry dependent. Apartment designs with many elevated balconies and terrace areas near building ends or corners often attract a windy environment to those locations. Mid-building balconies, on the broad face, are usually a lot calmer, especially if they are recessed. Corner balconies are generally a lot windier and so the owner is likely to be selective about when the balcony is used or endeavours to find a protected portion of the balcony that allows more frequent use, even when the wind is blowing.

Use of canopies, trellises, and high canopy foliage

Downwash Mitigation – As noted earlier, downwash off a tower may be deflected away from ground-level pedestrian areas by large canopies or podium blocks. The downwash then effectively impacts the canopy or podium roof rather than the public areas at the base of the tower, Figure 7. Provided that the podium roof area is not intended for long-term recreational use (e.g. swimming pool or tennis court), this massing method is typically quite successful. However, some large recreational areas may need the wind to be deflected away without

blocking the sun (e.g. a pool deck), and so a large canopy is not an option. Downwash deflected over expansive decks like these may often be improved by installing elevated trellis structures or a dense network of trees to create a high, bushy canopy over the long-term recreational areas. Various architecturally acceptable ideas may be explored in the wind tunnel prior to any major financial commitment on the project site.

Horizontally accelerated flows between two tall towers, Figure 5(R), may cause an unpleasant, windy, ground-level pedestrian environment, which could also be locally aggravated by ground topography. Horizontally accelerated flows that create a windy environment are best dealt with by using vertical porous screens or substantial landscaping. Large hedges, bushes or other porous media serve to retard the flow and absorb the energy produced by the wind. A solidity ratio (i.e. proportion of solid area to total area) of about 60-70% has been shown to be most effective in reducing the flow's momentum. These physical changes to the pedestrian areas are most easily evaluated by a model study in a boundary-layer wind tunnel.

References

Cochran L., (2004) Design Features to Change and/or Ameliorate Pedestrian Wind Conditions, Proceedings of the ASCE Structures Congress, Nashville, Tennessee, May 2004.

Attachment A15

Waste Management Plan

Client
Stasia Holdings Pty. Limited.

Date
19 January 2024

Waste Management Plan

232-240 Elizabeth Street, Surry Hills (NSW)

Planning
Transport
Urban Design
Waste Management

ratio:

ratio.com.au

Project
232-240 Elizabeth Street, Surry Hills (NSW)

Prepared for
Stasia Holdings Pty. Limited.

Our reference
19655W-R01F02

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Version	Date	Issue	Prepared by	Checked by
R01D01	7/11/2022	Draft-Planning Proposal	W. Psiwa	L. Harris
R01F01	14/11/2022	Final-Planning Proposal	W. Psiwa	L. Harris
R01F02	19/01/2024	Updated WMP	W. Psiwa	L. Harris

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1. Introduction

1.1. Project Details

Site Address

232-240 Elizabeth Street, Surry Hills (NSW)

Local Council

Sydney City Council (Phone: 02 9265 9333)

Planning Application Number

To be assigned

Development Summary

Level	Waste Source	Days of Operation/Week	Net Lettable Area (m^2)
Ground Level	Office	7	80
Ground level	Restaurant	7	448
Level 1	Office	5	714
Level 2	Office	5	714
Level 3	Office	5	714
Level 4	Office	5	714
Level 5	Office	5	714
Level 6	Office	5	714
Level 7	Office	5	714
Level 8	Office	5	539
Level 9	Office	5	274
Total			**6,339**

1.2. Purpose

This Waste Management Plan has been prepared to accompany the planning proposal application.

1.3. Limitations

Waste management arrangements during the construction and fit-out stages of the development, and on-going operation and monitoring of the waste management arrangements for the development following the occupation of the development are outside the scope of this Waste Management Plan.

1.4. Relevant Guidelines and Policies

Relevant policies and guidelines considered as part of the preparation of this Waste Management Plan include:

— Australian Government – National Waste Policy: Less Waste, More Resources (2018).

— City of Sydney- Guidelines for Waste Management in New Developments (2020).

— City's Sustainable Sydney 2030 –Community Strategic Plan (2017–2021).

— NSW-Better Practice Guide for Waste Management in Muti-Unit Dwellings (2008).

— EPA Noise Control Guidelines (2021).

2. Operation Waste Management Guide

2.1. Guide for Tenants

General Waste Disposal

— Tenants shall place general waste into dedicated general waste receptacles (to be provided by the tenant).

— Tenants shall take full general waste receptacles to the waste room and empty them into the general waste collection bins.

— General waste must be placed within tied bags (biodegradable material recommended) prior to being placed into the general waste collection bins.

Organics Disposal

— Tenants shall place food scraps into dedicated organics caddies (to be provided by the supplier of the organics processing unit).

— Tenants shall take full organics caddies to the waste room and empty them into the organics processing unit.

— Organics must be unbagged or placed within approved compostable bags prior to being placed into the organics processing unit.

— In the event that the organic processing unit breaks down, organics will be placed into the 240L bins provided in the organics room.

Recycling Disposal

— Tenants shall place recycling into dedicated recycling receptacles (to be provided by the tenant).

— Tenants shall take full recycling receptacles to the waste room and empty them into the recycling collection bins.

— Bottles, cans, and containers must be rinsed, cardboard flattened, and lids/packaging separated as per the Australasian Recycling Label instructions (visit: https://recyclingnearyou.com.au/arl/) prior to being placed into the recycling collection bins.

Disposal of Other Waste Streams

- **Soft Plastics:** tenants shall take soft plastics to a nearby drop-off location.
- **E-Waste:** tenants shall take e-waste to a dedicated e-waste bin located within the waste room (e-waste bin to be provided by an e-waste collection contractor). Tenants can also take e-waste to a nearby drop-off location.
- **Bulky Waste:** tenants shall take bulky waste to the dedicated bulky waste room. Bulky waste shall be collected by a bulky waste collection contractor on an as-required basis (to be arranged by Building Management).

2.2. Guide for Building Management

Building Management will be responsible for the following:

- Ongoing management of the waste management system including the maintenance of all waste rooms, the chute system, organics processing unit, and associated equipment and components, to the satisfaction of all waste system users and the relevant authority, and in accordance with the manufacturer's specifications.
- Engaging an appropriate contractor(s) to conduct services, replacements, or upgrades, as required.
- Ensure site safety for all building users and contractors.
- Abide by all relevant OH&S legislation, regulations, and guidelines.
- Assess any manual handling risks and prepare a manual handling control plan for waste and bin transfers.
- Provide to staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and PPE to control hazards associated with all waste management activities.
- Engaging and managing the waste collection contractor(s).
- Ensuring the waste collection contractor(s) have access to the loading dock on collection days.
- Publishing and distributing information to ensure that all waste system users are familiar about the waste management system and the locations of the waste rooms.
- Informing all waste system users that bagged recycling and glass is not permitted.
- Advising all waste system users on where and how to dispose of their organics, e-waste, and bulky waste.
- Engaging a specialist contractor to collect and dispose of cooking oil associated with the tenancies.
- Securing all waste rooms and labelling/numbering the bins according to the property address to protect the equipment from theft and vandalism.
- Servicing all public areas through sweeping and removal of litter on a regular basis to prevent stormwater pollution.
- Preventing overfilled bins by keeping lids closed.
- Ensuring that bins are not removed from the site.
- Ensuring that the waste rooms, organics processing unit, and associated waste management equipment are provided as per the design requirements outlined in Section 6.

2.3. Waste Management Plan Communication Strategy

It is Building Management's responsibility to ensure that all waste systems users are informed about the development's waste management system, including where and how to correctly dispose of each waste stream. It is highly recommended that this Waste Management Plan is electronically provided to all tenants.

The waste collection contractor(s), and organics processing unit supplier (in conjunction with Building Management) shall provide educational material to inform all waste system users about the development's waste management system and advise all waste system users how to correctly separate and dispose of each waste stream with care, to minimise waste sent to landfill and reduce the contamination of recyclables.

2.4. Waste Management Plan Revisions

From time to time, due to changes in legislative requirements, changes in the development's needs and/or waste patterns (such as waste composition, volume, or distribution), or to address unforeseen operational issues, Building Management shall be responsible for coordinating the necessary Waste Management Plan revisions, including (on an as-required basis):

- A waste audit and new waste management strategy.
- Revision of the waste system (bin size / quantity / waste streams / collection frequency / update of equipment).
- Revision of the services provided by the waste collection contractor(s).
- Re-education of users.
- Any necessary statutory / regulatory requirements / approvals.

3. Waste Volume Assessment

City of Sydney's Guidelines for Waste Management in New Developments specify the following waste generation rates relevant to the development:

Offices

Adopted for all office spaces

— General Waste: 15 L/100m^2 floor area/day

— Recycling: 25 L/100m^2 floor area/day

— Organics: 5 L/100m^2 floor area/day

Restaurant

Adopted for the restaurant

— General Waste: 100 L/100m^2 floor area/day

— Recycling: 500 L/100m^2 floor area/day

— Organics: 100 L/100m^2 floor area/day

It has been assumed that the office spaces will be in operation for five days per week and the restaurant will be in operation for seven days per week.

Applying the above waste generation rates, the waste generation estimates are outlined in Tables 3.1, 3.2 and 3.3 below.

Table 3.1: General Waste Volume Estimates

Waste Source	Net Lettable Area (m^2)	Days of Operation/Week	General Waste Generation Rate (L/100m^2/day)	General Waste Volume (L/Week)
Restaurant	448	7	100	3,136
Office	80	5	15	60
Office	5,811	5	15	4,358
Total	**6,339**	**-**	**-**	**7,554**

Table 3.2: Organics Volume Estimates

Waste Source	Net Lettable Area (m²)	Days Operation/Week	Organics Generation Rate (L/100m²/day)	Organics Volume (L/Week)
Restaurant	448	7	100	3,136
Office	80	5	5	20
Office	5,811	5	5	1,453
Total	**6,339**	-	-	**4,609**

Table 3.3: Recycling Volume Estimates

Waste Source	Net Lettable Area (m²)	Days of Operation/Week	Recycling Generation Rate (L/100m²/day)	Recycling Volume (L/Week)
Restaurant	448	7	500	15,680
Office	80	5	25	100
Office	5,811	5	25	7,264
Total	**6,339**	-	-	**23,044**

4. Waste Equipment and Storage Requirements

4.1. Waste Storage Requirements

The waste storage requirements for the development are outlined in Table 4.1 below.

Table 4.1: Refuse Room Equipment & Storage

Waste Stream	Bin Size (L)/Equipment Type	Quantity	Height per bin (mm)	Width per bin (mm)	Depth per bin (mm)	Footprint (m^2)
General waste	1100	3	1330	1240	1070	3.98
Organics	Organics Processing Unit (Enrich 360 300L	1	1460	1100	1300	1.43
Organics*	120	5	930	480	545	1.31
Recycling	1100	8	1330	1240	1070	10.61
E-waste	240	1	1060	585	730	0.43
Total Footprint Required Excluding Circulation (m^2):						**17.76**
Total Area Provided (m^2)						**101.00**

* As the organic processing unit reduces waste volumes by approximately 80%, it is expected that 5x120L organics bins will be filled per week with fertiliser (by-product of the processing unit), to be collected by the processing unit supplier, or used on gardens.

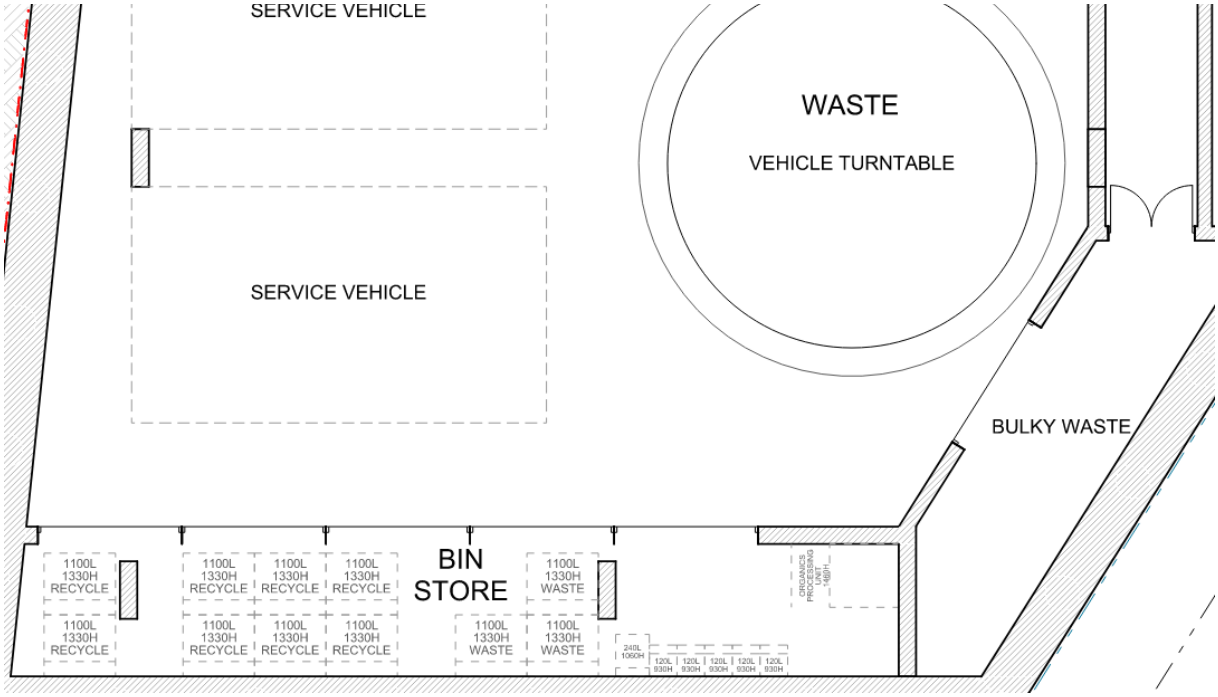
Table 4.2: Bulky Waste Room equipment & storage

Waste Stream	Storage area	Quantity	Height per bin (mm)	Width per bin (mm)	Depth per bin (mm)	Footprint (m^2)
Bulky waste	4 sqm storage area	-	1000	4000	1000	4.00
Total Footprint Required Excluding Circulation (m^2):						**4.00**

4.2. Refuse and Bulky Waste Room Layout

The proposed refuse and bulky waste room layout is shown below in Figure 4.2.

Figure 4.2: Refuse and Bulky Waste Room Layout



5. Waste Collection Details

5.1. Waste Collection Requirements

Table 5.1: Refuse Room Waste Collection Requirements

Waste Stream	Volume (L/week)	Bin Size (L)	Bin Numbers	Collection Frequency	Capacity (L/week)
General Waste	7,554	1100	3	Three times weekly	9900
Organics	4,609	Organics Processing Unit (Enrich360 ES300L)	1	N/A	200-300kg/day
	576	120	5	Weekly	600
Recycling	23,044	1100	8	Three times weekly	26400
E-waste	N/A	240	1	On-call	N/A
Bulky Waste	N/A	-	4 sqm storage area	On-call	N/A

*Note: Based on Nabers Organics Density Data of 280 kg/m³, the development is expected to produce 1,295 kg of waste per week, or 185 kg of waste per day. Therefore, the recommended organic processing unit capacity is sufficient.

5.2. Waste Collection Methodology

Waste shall be collected from the basement level by a private waste collection contractor.

The nominated waste collection vehicle is the 6.4-metre-long mini rear loader, which has a travel height clearance requirement of 2.2m and an operational height clearance requirement of 2.5m when collecting 1100L bins.

The waste collection vehicle will access the bin room via the car lift, and stop on the turntable provided. The contractor will be responsible for transferring bins to the rear of the waste vehicle and returning the emptied bins back to their original position once collection is complete. The collection procedure is expected to take no longer a few minutes.

The collection vehicle will then use the turn table to manoeuvre and exit the basement, via the car lift.

5.3. Waste Collection Time

"Annoyance created by industrial waste collection tends to intensify in the early-morning period. To this end, early-morning collections should be restricted to non-residential areas to minimise early morning disturbances. Where a residential area is impacted by noise from the collection of refuse, then collections should be restricted to the times contained within the schedule.

• Refuse bins should be located at sites that provide minimal annoyance to residential premises.
• Compaction should be carried out while the vehicle is moving.
• Bottles should not be broken up at collection site.
• Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances.
• Noisy verbal communication between operators should be avoided where possible.

Schedule: Industrial waste collection
One collection per week
6:30 am – 8 pm Monday to Saturday
9 am – 8 pm Sunday and public holidays
Two or more collections per week
7 am – 8 pm Monday to Saturday
9 am – 8 pm Sunday and public holidays

Note: Section 167 of the *Environment Protection Act 2017* deals with the emission of unreasonable noise from residential premises. This provision of the Act is not limited to the schedule and may be enforced at any time." (EPA Victoria, 2021, p.6-7).

6. Design Standards

6.1. Refuse Room Design Requirements

— Comply with Building Code of Australia (BCA) and all relevant Australian Standards;

— Allow storage of all collection bins on site at all times;

— Allow easy access for users of the bins;

— Allow easy, direct and convenient transfer of bins to the collection point;

— Bin rooms shall be appropriately screened to prevent unsightly impacts on amenity; and

— Artificial light shall be provided where necessary outside the bin room to enable occupiers of the site to always dispose of waste safely and appropriately.

— The bin rooms shall be sized to accommodate all waste arising on the premises together with any associated equipment for handling the generated waste. The area designated for bin storage is based on the number of bins and the physical dimensions of the bins;

— The bin room shall be maintained to ensure that the aesthetics of the development are not compromised.

— Each bin shall be accessible and manoeuvrable in and out of the bin room with minimum handling of other bins; and

— The floor of the bin rooms shall be constructed of concrete (or similar) and shall be finished to a smooth even surface covered at the intersection of walls and plinths.

— The bin rooms shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.2;

— Ventilation openings shall be protected against flies and vermin;

— Doors shall be tight fitting;

— A graded bin washing area (connected to wastewater, with a litter trap connected to prevent wastewater pollution) and wall-mounted hosecock should be provided for washing bins, in accordance with the relevant authority requirements.

6.2. Bin Colour Requirements

— General waste bins with a black body and red lid.

— Organics bins with a black body and light green lid

— Recycling bins with black body and yellow lid.

— E-waste bin with black body and grey lid.

6.3. Internal Waste Receptacle Requirements

— Suitably sized receptacles no larger than 60 litres for general waste, organics, recycling, to ensure ease of manual handling. Note: If receptacles are larger than 60 litres, a bin lifter will be required in the refuse room.

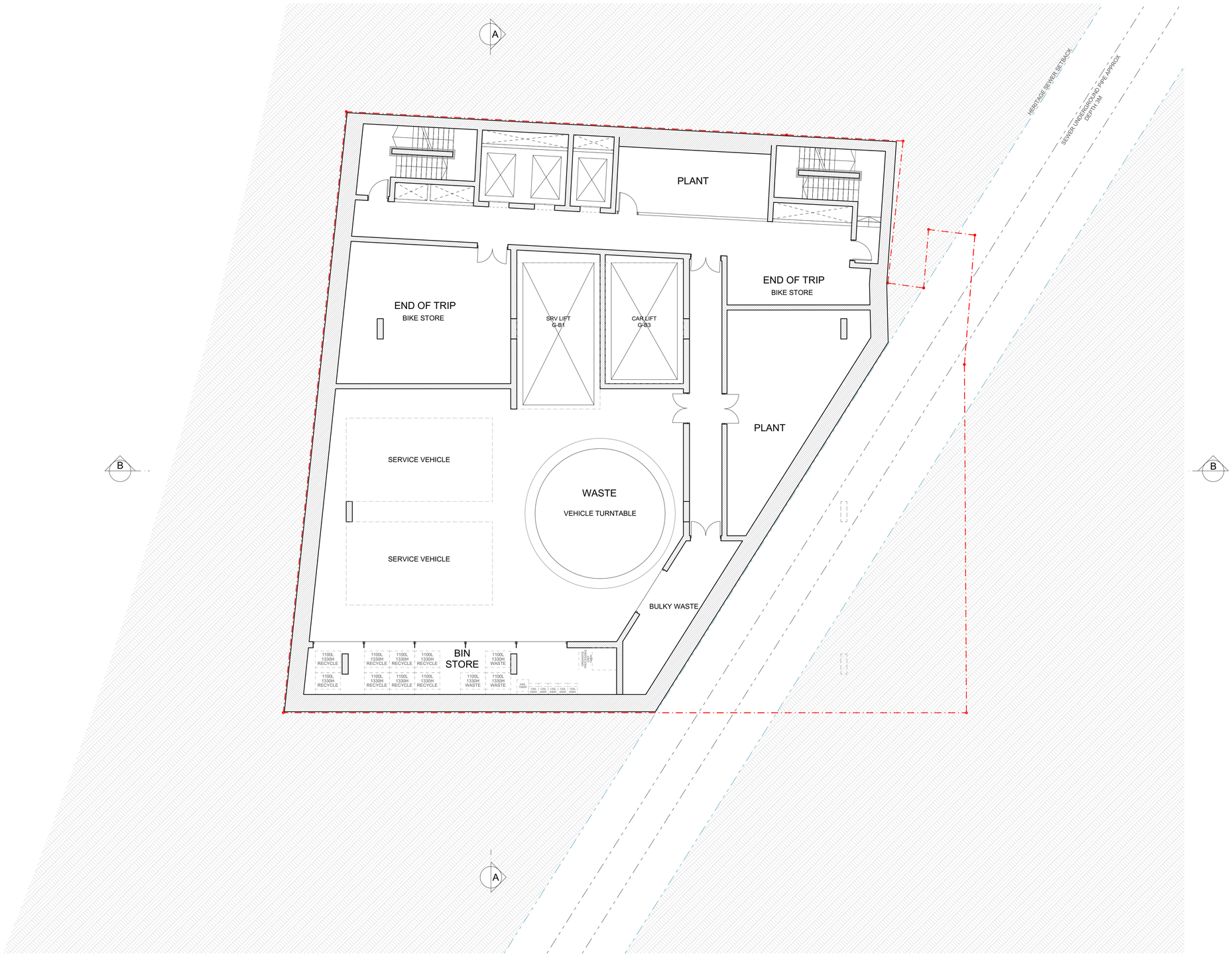
7. Contact Information

Table 7.1 below includes a complimentary listing of contractors and equipment suppliers. The Project Principal shall not be obligated to procure goods / services from these companies. Ratio Consultants does not warrant or make representations for the goods / services provided by these contractors and suppliers.

Table 7.1: Contractors and Supplier Details

Service	Contractor/ Supplier	Phone	Website
Private Waste Collection Contractor and/or Bin Supplier	Cleanaway	13 13 39	www.cleanaway.com.au
	CSC Waste & Recycling	1300 499 927	www.cscwaste.com.au
	iDump	1300 443 867	www.idump.com.au
	JJ Richards	03 9794 5722	www.jjrichards.com.au
	Premier Waste	1300 219 001	www.premierwaste.com.au
	SUEZ	13 13 35	www.suez.com.au/en-AU
	Veolia	132 955	www.veolia.com/anz
	Wastewise Environmental	1300 550 408	www.wastewise.com.au
	Sulo Australia	1300 364 388	www.sulo.com.au
Organic Processing Unit	Closed Loop	1300 762 166	https://closedloop.com.au/
Bin Washing	The Bin Butlers	1300 788 123	www.thebinbutlers.com.au
	Calcorp Services	1800 225 267	www.calcorpservices.com.au
	Kerbside Clean-A-Bin	03 9830 7381	www.kerbsidecleanabin-srp.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au
Odour Control	Eco-Safe Technologies	1300 135 039	www.eco-safe.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au
E-Waste Collection	Tech Collect	1300 229 837	www.techcollect.com.au

Appendix A : Plans Assessed



1 BASEMENT 1
1:100

This drawing is to be read in conjunction with all relevant project documentation (incl. written architectural specifications) and all specialist consultant documentation incl. but not limited to structural, mechanical, electrical, and hydraulic engineering documentation.
Do not scale from this drawing. Only figured dimensions shall be used.
Report any discrepancy between this drawing and other project documentation immediately to the architect for clarification prior to commencement of related work on site.
All sizes of structural components that are shown on these architectural documents are for reference only. Refer to structural engineer's drawings for structural dimensions and architectural drawings for concrete set out dimensions.
Shop drawings are to be completed for all metalwork, joinery and specified trade items and reviewed by the architect (and structural engineer where required) prior to fabrication.
Refer to the 'Architectural Drawing Notes Page' for further notation.

DRAWING ORIGINAL SIZE A1

Issue	Date	Description
P8	22/03/2023	Information
P7	22/11/2022	Consultant Issue
P6	9/11/2022	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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N

Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED

Scale:	Drawn By:	Checked 1:	Checked 2:	Approved:
1:100 @ A1	AF	AF	LE	

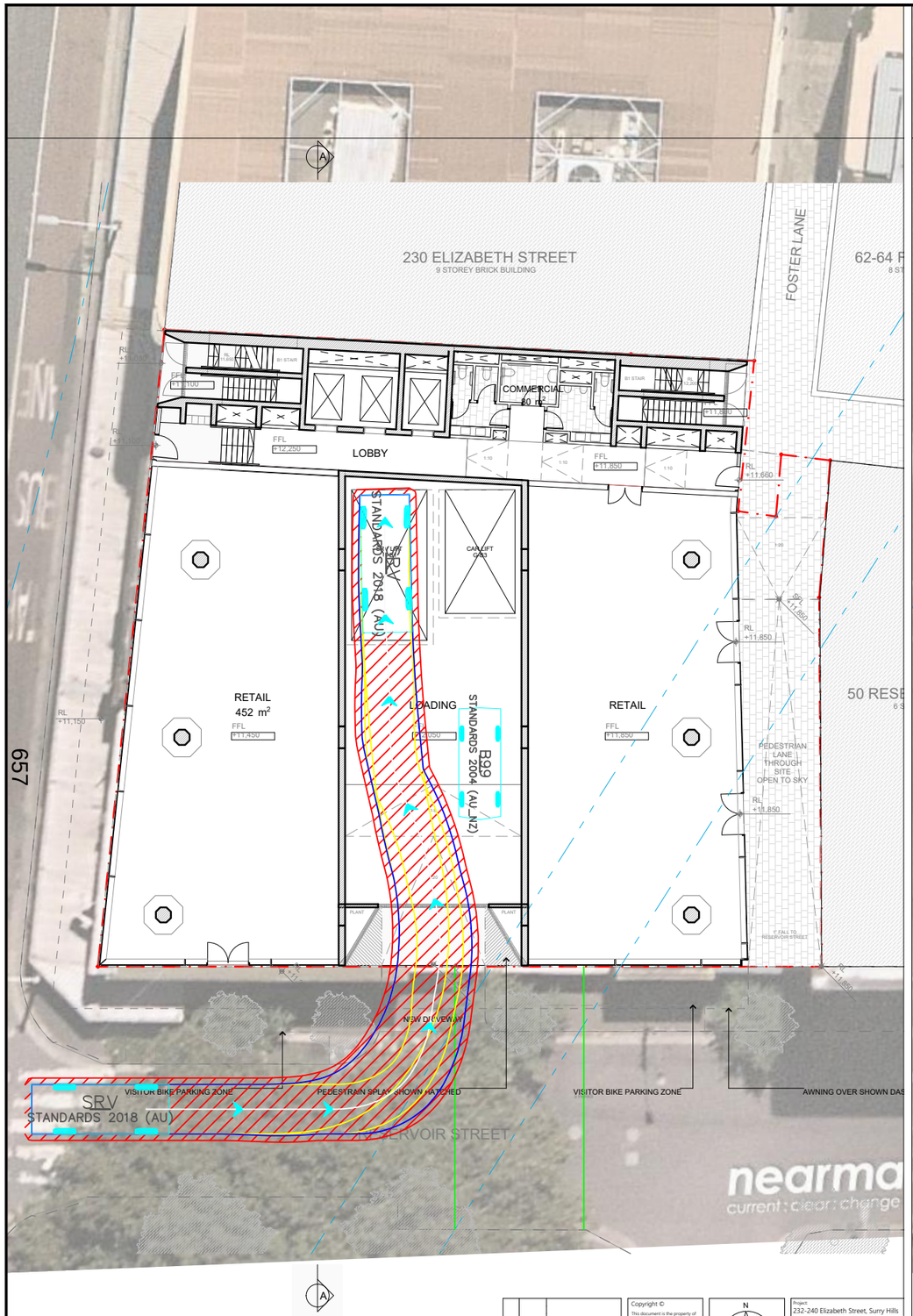
Architect:
Candalepas Associates
Registration No. NSW 5773
Registration No. VIC 17978
Registration No. WA 2405
Registration No. ACT 2603
Registration No. QLD 5463
309 Sussex Street, Sydney NSW 2000
info@candalepas.com.au
T: 02 9283 7755 F: 02 9283 7477

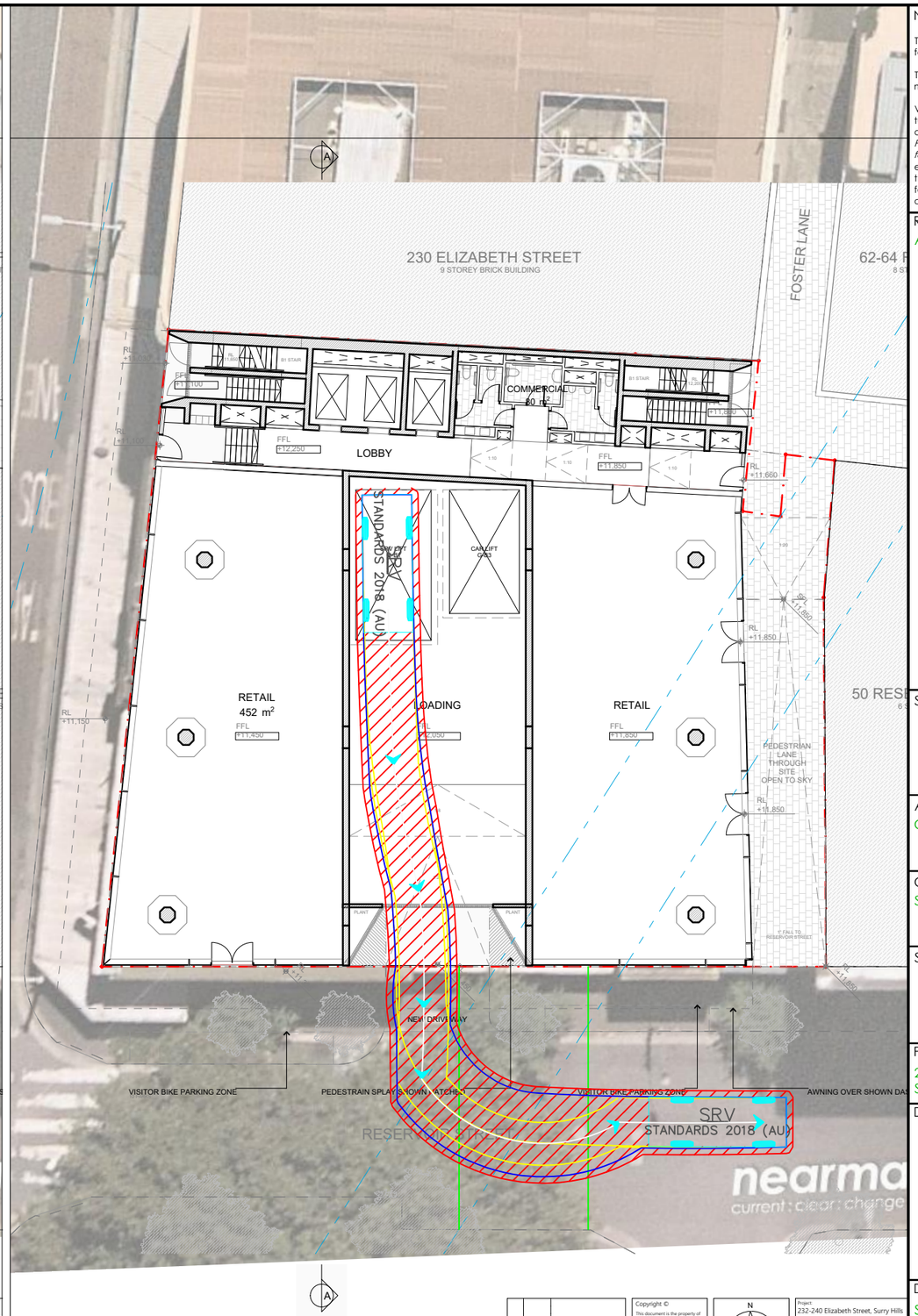
PRELIMINARY
NOT FOR CONSTRUCTION - DESIGN INTENT ONLY

Drawing:	Job Number:
BASEMENT 1	5968
Drawing Number:	Issue:
PP 1003	P10

Print Date: Thursday, 20 July 2023 9:56 AM

Appendix B : Swept Path Assessment





Issue	Date	Description
P6 - WIP	Work in Progress	Consultant Issue
P5	2/11/2022	Client Issue
P4	19/10/2022	Consultant Issue
03	17/10/2022	Consultant Issue
02	10/10/2022	Client Review

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Project: 232-240 Elizabeth Street, Surry Hills
Site: 232-240 Elizabeth Street, Sydney NSW
Client: STASIA PTY LIMITED
Scale: 1:00 @ A1 | Drawn By: IN, RB | Checked:

Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22

Swept Path Legend
- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation
0 2.5 5 7.5 10m
1:250 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

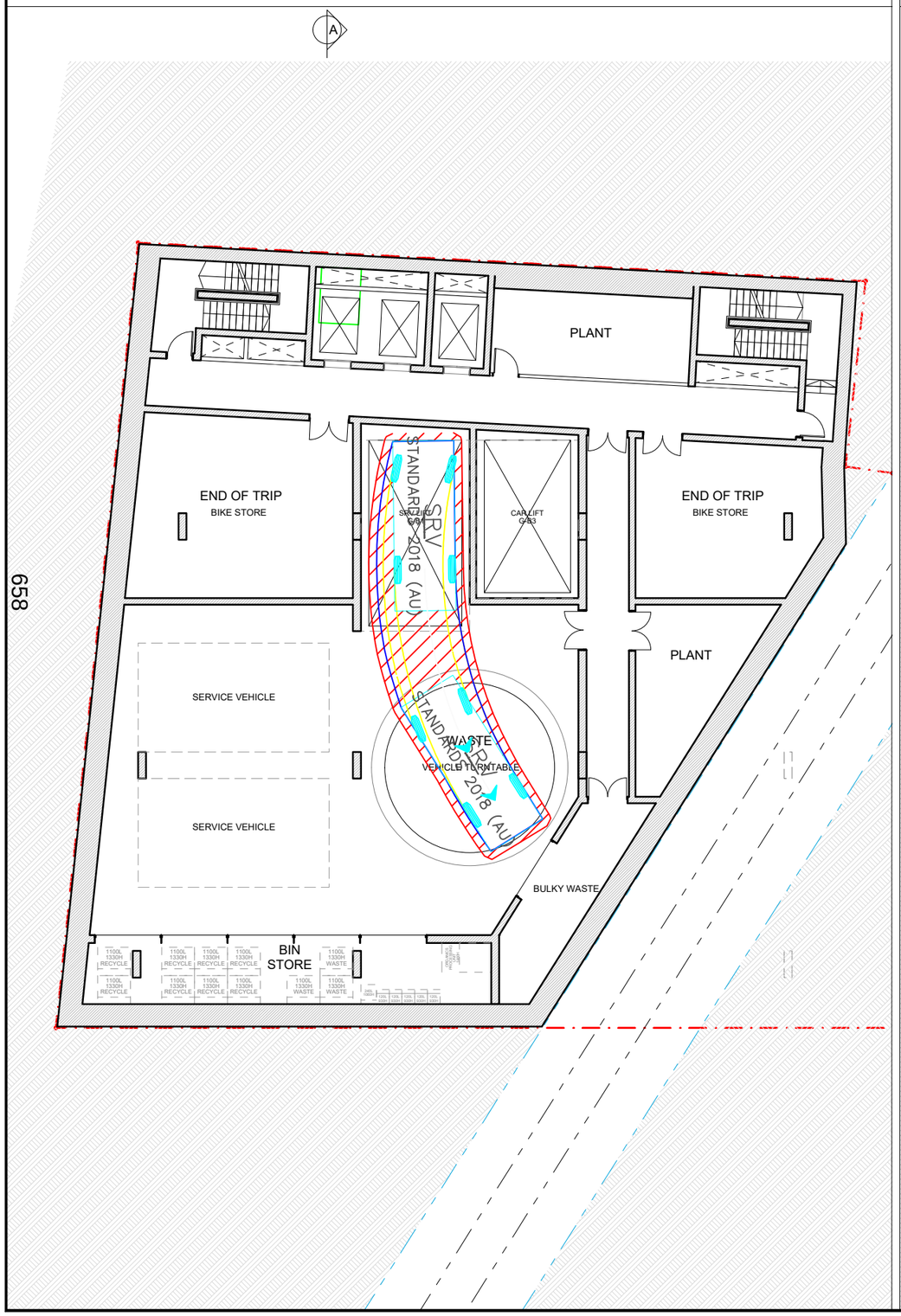
TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

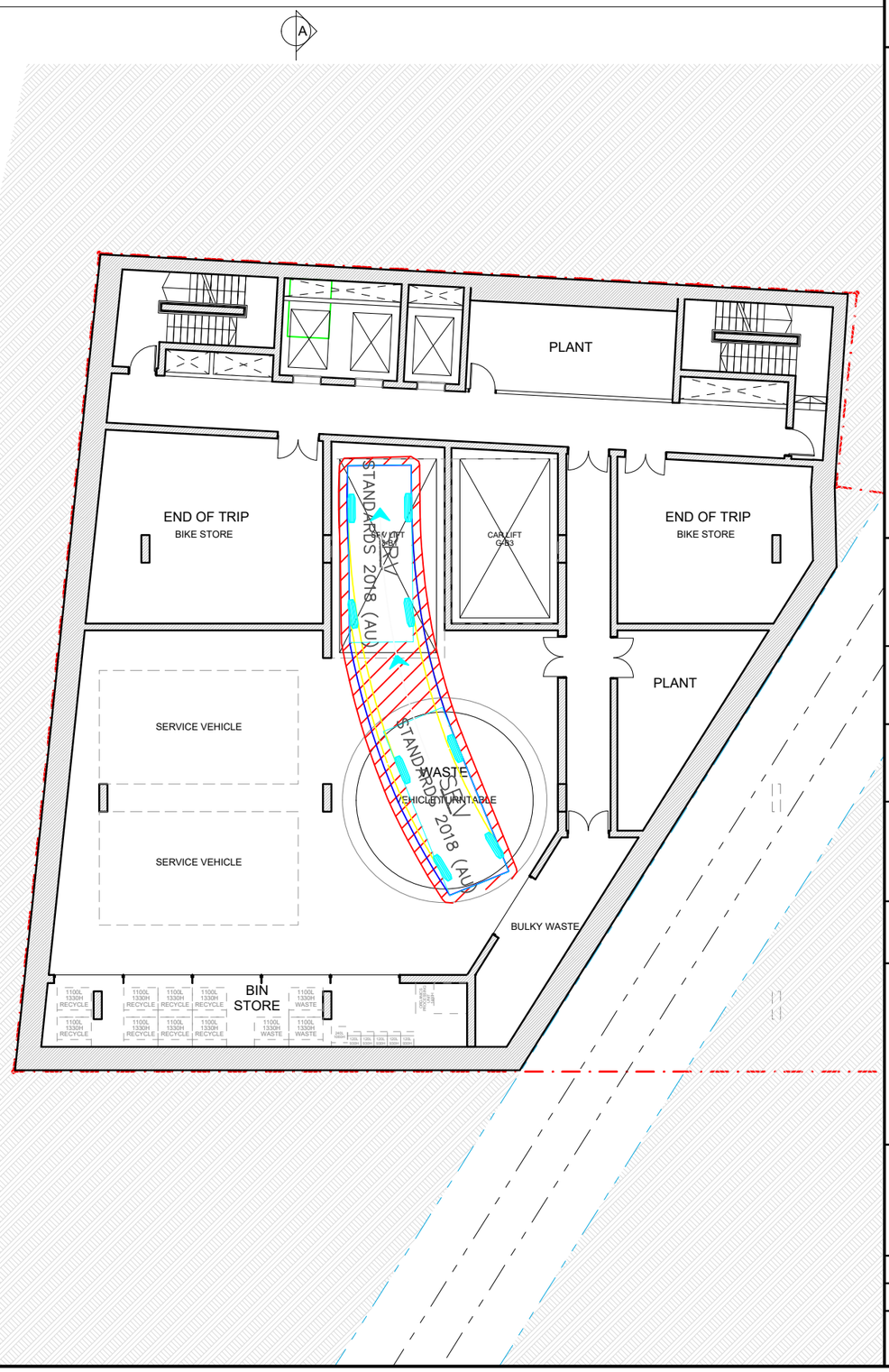
Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Ground Floor
Left: Entry Movement Right: Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.01	A





658

Notes:

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Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	09-11-22
B	Updated Plans	HD	24-02-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m
1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

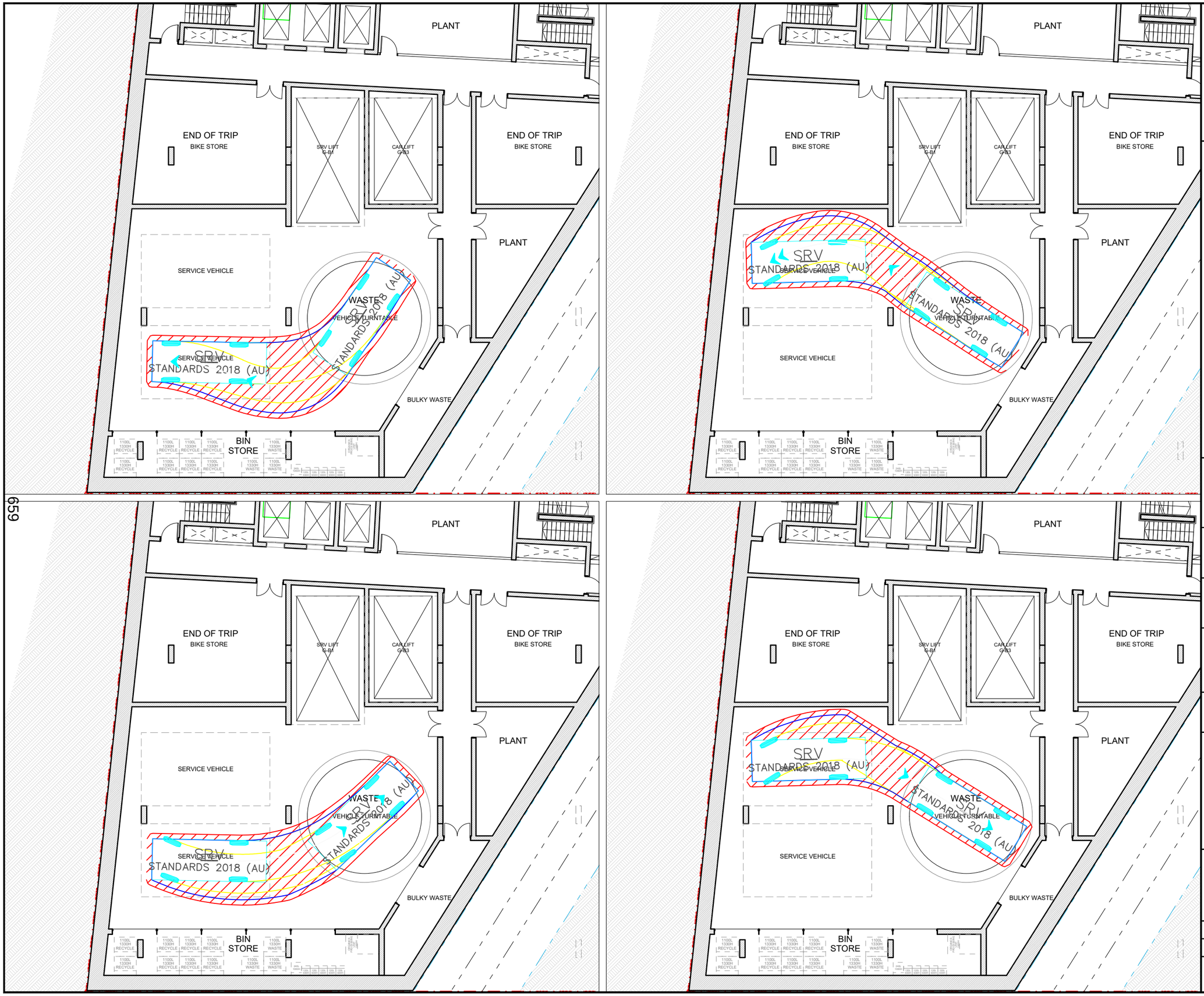
TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Swept Path Analysis
6.4m Small Rigid Vehicle
Basement 1
Left: Basement Entry Movement
Right: Basement Exit Movement

Drawn:	Checked:	Date:
HD	-	09-11-22

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.03	A



959

Notes:

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards *(AS/NZS 2890.1:2004 Parking facilities - Off-street car parking,* and/or *AS2890.2:2002 Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

Rev.	Revision Note	By.	Date
A	Swept Path Analysis	HD	24-03-23

Swept Path Legend

- Wheel Path
- Vehicle Body Envelope
- Clearance Envelope (300mm)

Architect
Candalepas Associates

Client
STASIA Pty Ltd

Scale / Plan Orientation

0 2 4 6 8m

1:200 @ A3

Project Description
232-240 Elizabeth Street
SURRY HILLS NSW 2010

Drawing Prepared By

TRAFFIX
TRAFFIC AND TRANSPORT PLANNERS
Suite 2.08, 50 Holt Street
Surry Hills, NSW 2010
PO Box 1124
Strawberry Hills, NSW 2012
t: +61 2 8324 8700
f: +61 2 9830 4481
w: www.traffix.com.au

Drawing Title
Basement 1 - 6.4m Small Rigid Vehicle
Left Top: Space 1 Entry Movement
Left Bottom: Space 1 Exit Movement
Right Top: Space 2 Entry Movement
Right Bottom: Space 2 Exit Movement

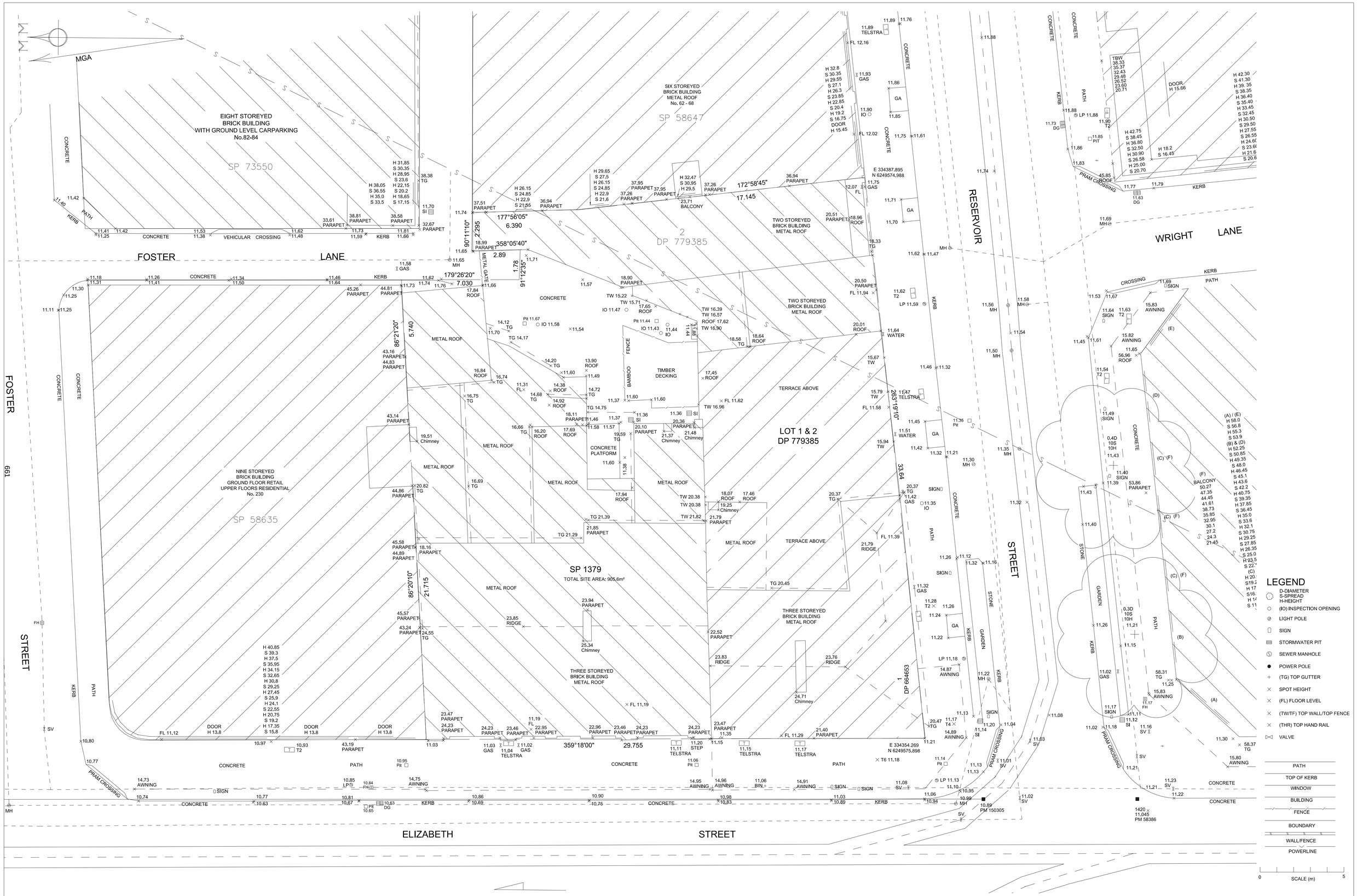
Drawn:	Checked:	Date:
HD	-	24-03-23

21.338d05v01 TRAFFIX [230322 Plans] Design Review.dwg

Project No.	Drawing Phase	Drawing No.	Rev.
21.338	PP	TX.05	A

Attachment A16

Survey Plan



AMENDMENTS:

MGA COORDINATES ADDED TO 2 CORNERS ALONG RESERVOIR ST FRONTAGE 26 MAR 2014

POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE SHOWN DIAGRAMMATICALLY AND HAVE BEEN SURVEYED FOR DA PURPOSES ONLY.
ALL BOUNDARY DIMENSIONS & AREA HAVE BEEN COMPILED FROM TITLE INFORMATION ONLY AND ARE SUBJECT TO FINAL SURVEY.
THE POSITION AND LEVELS OF ADJOINING BUILDINGS, WINDOWS, RIDGE, GUTTERS AND TREES HAVE BEEN SURVEYED REMOTELY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.
AUSTRALIAN HEIGHT DATUM WAS ESTABLISHED FROM PM 150305 (RL 10.888) AHD.
IT IS ADVISED, FOR CONSTRUCTION WORKS NEAR BOUNDARIES, THAT BOUNDARIES BE MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
THE BOUNDARY DIMENSIONS ON THIS PLAN HAVE BEEN COMPILED FROM LAND TITLES OFFICE PLAN SP1379 AND DP779385.

ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018 TAMARAMA 2026
Ph (02) 9386 4161 Mob: 0417 452 852 Fax: (02) 9386 4171
email: scerri56@tpg.com.au

CLIENT:	ROLAND BLOCH C/- TRIBE STUDIO
PLAN SHOWING:	DETAIL & LEVEL SURVEY
PROPERTY:	232 - 240 ELIZABETH STREET SURRY HILLS
LGA:	SYDNEY

SURVEYED:	SH/MB	SCALE: A1@1:100	
DRAWN:	MB	PLAN REFERENCE: 2332/14	
DATUM:	AHD	DATE OF SURVEY: 13/01/14	
TOTAL SITE AREA:	905.6m²	SHEET 1 OF 1	COPYRIGHT

Attachment B

Draft Sydney Development Control Plan 2012
232-240 Elizabeth Street, Surry Hills

CITY OF SYDNEY

Sydney Development Control Plan – 232-240 Elizabeth Street, Surry Hills

Sydney DCP 2012 – 232-240 Elizabeth Street
December 2024

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 232-240 Elizabeth Street, Surry Hills.

This plan is to be read in conjunction with Planning Proposal – 232-240 Elizabeth Street, Surry Hills.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 232-240 Elizabeth Street, Surry Hills*.

Land covered by this plan

This plan applies to the land identified as 232-240 Elizabeth Street, Surry Hills – which is Lots 1 & 2 SP 1379, Lots 1 & 2 DP 779385, and Lot 1 DP 664653.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific sites map to include 232-240 Elizabeth Street, Surry Hills
2. Inserting a new section 6.3.X 232-240 Elizabeth Street, Surry Hills, as shown at Schedule 1
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

6.3.X 232-240 Elizabeth Street, Surry Hills

If a development at 232-240 Elizabeth Street, Surry Hills, seeks to utilise additional height and/or floor space permitted by clause 6.XX of Sydney LEP 2012, then the provisions in this section also apply and override other provisions in this DCP where there is an inconsistency.

Objectives

a. Deliver a high-quality urban form that is an appropriate contextual fit with regard to adjoining development and the prevailing street wall.

b. Define a maximum-building envelope, including heights, setbacks and envelope planes, that minimises overshadowing impacts to neighbouring residential buildings.

c. Maximise active frontages and minimise services, vehicle access and lobbies at ground level.

d. Improve public accessibility and activation, including through the delivery of a pedestrian through-site link.

6.3.X.1 Built Form

1. Development is not to exceed the above ground envelope shown in 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan', 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric' and 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation'.

2. A pedestrian through-site link, open to the sky, with a minimum width of 3400mm is to be provided along the site's eastern boundary to connect Reservoir Street and Foster Lane as shown in 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan', 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric' and 'Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation'.

6.3.X.2 Public domain, servicing and access

1. Active uses and frontages should be provided along Elizabeth Street, Reservoir Street and the through site link.

2. A single vehicular driveway crossover off Reservoir Street is permitted for access to basement parking and for loading.

3. A transport management plan incorporating all operations and servicing on the site must be submitted with the development application.

6.3.X.3 Design Excellence Strategy

1. A competitive design process is to be undertaken in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
2. The competitive process is to include:
    a. No less than three (3) competitors invited to participate;
    b. The selection of competitors should include a mix of emerging and established architectural practices;
    c. The majority of competitors are to be Australian firms;
    d. Each competitor is to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas competitors, the same with their professional association;
    e. Each competitor is to have demonstrated experience on projects that have either received an environmental sustainability award or achieved high Green Star Design & As Built or NABERS Energy/Water ratings high level of skill in sustainable design; and
    f. Competitors should have a balanced gender mix within their design and leadership teams.
3. The jury/selection panel is to comprise a total of four (4) members. The proponent is to nominate two (2) jurors and the City of Sydney is to nominate two (2) jurors.
4. Any additional floor space pursued for a building demonstrating design excellence under clause 6.21D(3)(b) must be accommodated within the building envelope shown within ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.
5. No additional building height under clause 6.21D(3)(a) is to be awarded as a result of the competition.

6.3.X.4 Residential Amenity

1. The development is to ensure amenity for occupants of adjoining residential development is not detrimentally impacted by ensuring adequate solar access as determined by the envelope shown in ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope plan’, ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope axonometric’ and ‘Figure 6.X 232-240 Elizabeth Street, Surry Hills – Maximum building envelope southern elevation’.
2. The design, construction and ongoing operation of any external terrace through a management plan is to minimise any adverse acoustic impacts to adjacent residents, as follows:
    a. The hours of operation are to be restricted to 7am to 8pm Monday to Friday; and
    b. No playing of amplified speech or music will be undertaken on any external terrace.

Figure 6.X 232-240 Elizabeth Street, Surry Hills - Maximum building envelope plan

Figure 6.X 232-240 Elizabeth Street, Surry Hills - Maximum building envelope axonometric

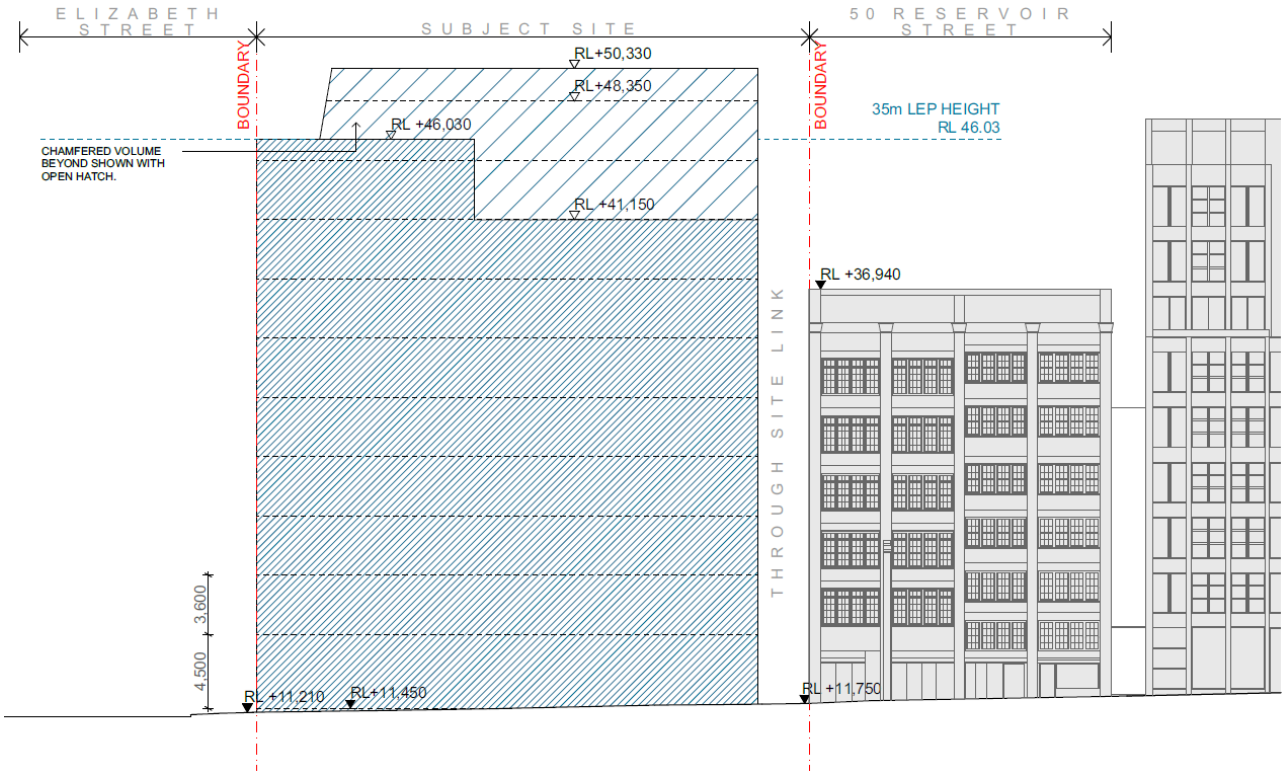
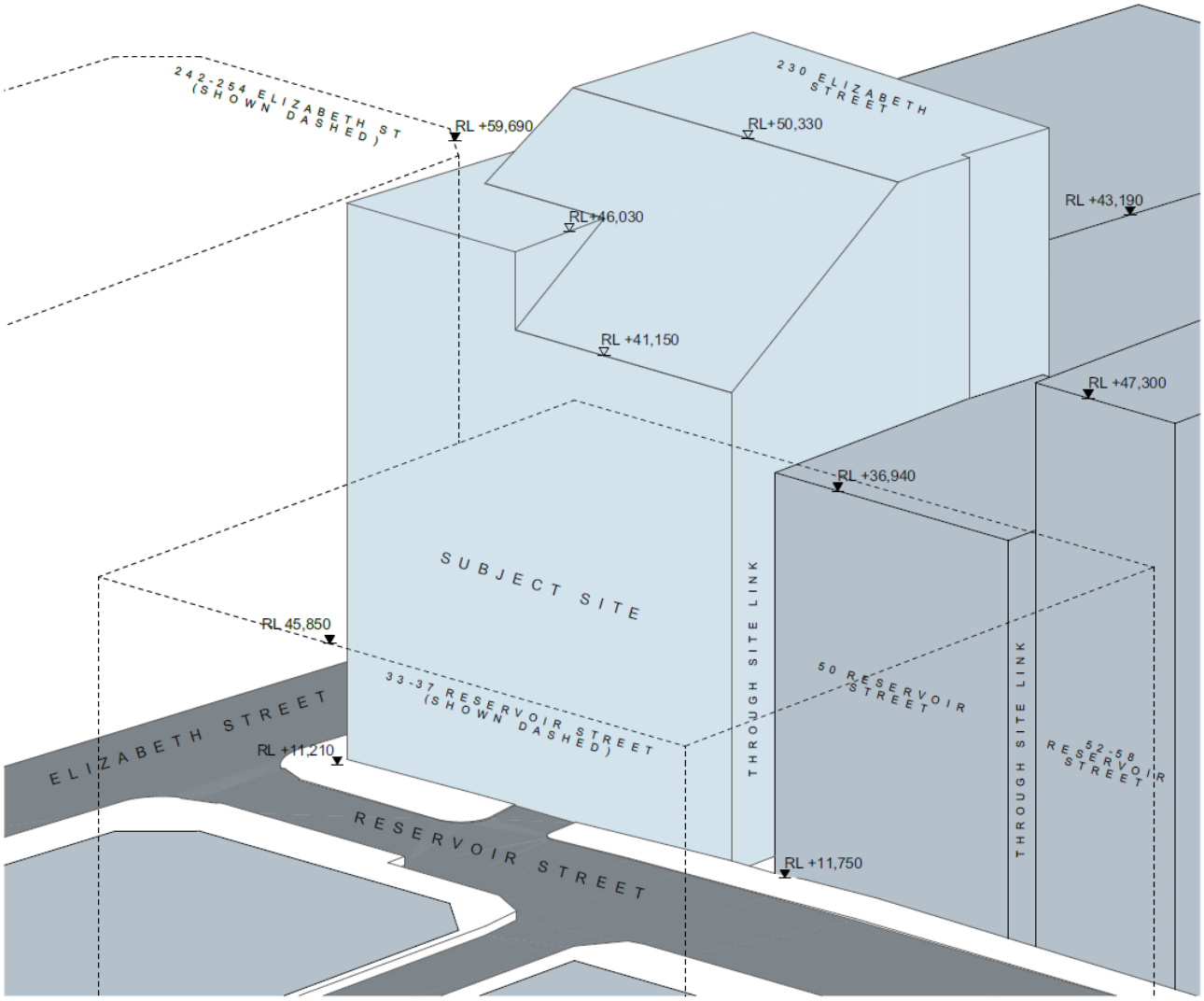


Figure 6.X 232-240 Elizabeth Street, Surry Hills - Maximum building envelope southern elevation



Attachment C

Voluntary Planning Agreement

CITY OF SYDNEY

Planning agreement

The Council of the City of Sydney
ABN 22 636 550 790

and

Stasia Holdings Pty. Ltd
ACN 158 283 160

and

The Owners – Strata Plan No. 1379

For: 232-240 Elizabeth Street, Surry Hills NSW 2010

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Annexure A

DRAFT

THIS PLANNING AGREEMENT is made on 2024.

BETWEEN:

(1) **The Council of the City of Sydney** ABN 22 636 550 790 of Town Hall House, 456 Kent Street, SYDNEY NSW 2000 (the **City**); and

(2) **Stasia Holdings Pty. Ltd** ACN 158 283 160 of 151 Campbell Street, SURRY HILL NSW 2010 (the **Developer)**; and

(3) **The Owners - Strata Plan No. 1379** 151 Campbell Street, SURRY HILL NSW 2010 (**The Owners**).

BACKGROUND

(A) The Developer is the owner of part of the Land comprised in folio identifiers 1/779385, 2/779385, 1/664653, 1/SP1379 and 2/SP1379.

(B) The Owners – Strata Plan No. 1379 are the owners of part of the Land comprised in folio identifier CP/SP1379.

(C) The Developer has requested the Planning Proposal and intends to undertake the Development on the Land.

(D) The Developer warrant to the City that it is the sole registered proprietor for the land listed in paragraph (A).

(E) The Owners warrant to the City that it is the sole registered proprietor for the land listed in paragraph (B).

(F) Currently the strata scheme exists in relation to Strata Plan 1379 and the Developer warrants to the City that the strata scheme will be terminated prior to the occupation of the Development.

(G) The Developer has offered to enter into this document with the City to provide the Public Benefits on the terms of this document.

(H) The Owners – Strata Plan No. 1379 enter into this document in their capacity as registered proprietor of part of the Land contained in folio identifier CP/SP1379.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this document.

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Adverse Affectation has the same meaning as in Part 3 of Schedule 2 of the *Conveyancing (Sale of Land) Regulation 2022* (NSW).

Attributed Value means the value the City and the Developer agree is to be attributed to each element of the Public Benefits as at the date of this document, as set out in clause 1 of Schedule 3 of this document.

Authorisation means an approval, authorisation, consent, declaration, exemption, permit, licence, notarisation or waiver, however it is described, and including any condition attached to it.

Business Day means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, Australia.

City's Policies means all policies and procedures relevant to the provision of the Public Benefits, as notified by the City in writing to the Developer.

City's Representative means the person named in Item 3 of Schedule 1 or his/her delegate.

Completion means the point at which:

(a) the Developer's Works are complete except for minor defects:

(i) the existence of which do not prevent the Developer's Works being reasonably capable of being used for their intended purpose;

(ii) which the Developer has grounds for not promptly rectifying; and

(iii) rectification of which will not affect the immediate and convenient use of the Developer's Works for their intended purpose.

Completion Notice means a notice issued by the Developer in accordance with clause 6.2.

Confidential Information means:

(a) information of a party (**disclosing party**) that is:

(i) made available by or on behalf of the disclosing party to the other party (**receiving party**), or is otherwise obtained by or on behalf of the receiving party; and

(ii) by its nature confidential or the receiving party knows, or ought reasonably to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly, and before, on or after the date of this document.

Confidential Information does not include information that:

(a) is in or enters the public domain through no fault of the receiving party or any of its officers, employees or agents;

(b) is or was made available to the receiving party by a person (other than the disclosing party) who is not or was not then under an obligation of confidence to the disclosing party in relation to that information; or

(c) is or was developed by the receiving party independently of the disclosing party and any of its officers, employees or agents.

Construction Certificate has the same meaning as in the Act.

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Corporations Act means the *Corporations Act 2001* (Cth).

Dealing means selling, transferring, assigning, novating, mortgaging, charging, or encumbering and, where appearing, **Deal** has the same meaning.

Defect means any error, omission, defect, non-conformity, discrepancy, shrinkage, blemish in appearance or other fault in the Public Benefits or any other matter which prevents the Public Benefits from complying with the terms of this document.

Defects Liability Period means in relation to the Public Benefits, the period of 12 months from the date on which the Developer's Works reach Completion.

Developer's Representative means the person named in Item 4 of Schedule 1 or his/her delegate.

Developer's Works means those parts of the Public Benefit described as "Developer's Works" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Development means the development of the Land by the Developer described at Item 2 of Schedule 1.

Development Application means the development application identified in Item 5 of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended supplemented) submitted to the consent authority before the determination of that Development Application.

Development Consent means the consent granted to the Development (and, for avoidance of doubt, includes the Developer Works) and includes all modifications made under the Act.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this document, including any dispute or difference as to the formation, validity, existence or termination of this document.

Environmental Management Plan means a plan that regulates the ongoing management of contamination on land after the completion of the Development.

Environmental Laws means all laws and legislation relating to environmental protection, building, planning, health, safety or work health and safety matters and includes the following:

(a) the *Work Health and Safety Act 2011 (NSW)*;

(b) the *Protection of the Environment Operations Act 1997 (NSW)*; and

(c) the *Contaminated Land Management Act 1997 (NSW)*.

Government Agency means:

(a) a government or government department or other body;

(b) a governmental, semi-governmental or judicial person; or

(c) a person (whether autonomous or not) who is charged with the administration of a law.

Gross Floor Area has the meaning given to that term in the *Sydney Local Environment Plan* in effect at the date of this document.

GST means the same as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Guarantee means a bank guarantee or documentary performance bond for the Guarantee Amount which must:

(a) be denominated in Australian dollars;

(b) be an unconditional undertaking;

(c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:

(i) BBB + (Standard & Poors and Fitch);

(ii) Baa 1 (Moodys); or

(iii) Bbb (Bests);

(d) be issued on behalf of the Developer;

(e) have no expiry or end date;

(f) state the beneficiary as the City;

(g) be irrevocable;

(h) state the Guarantee Amount as the minimum amount required by this document to be lodged as security;

(i) state the purpose of the security as required in accordance with this document; and

(j) be on such other terms that may be reasonably determined by the City.

Guarantee Amount(s) means the total amount listed in Item 6 of Schedule 1 of this document.

Guarantee Amount(s) Due Date means the date or milestone by which the Developer must provide the Guarantee Amount to the City, set out at Item 7 of Schedule 1.

Index Number means the Consumer Price Index (Sydney all groups) published by the Australian Bureau of Statistics from time to time.

Insolvency Event means:

(a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed;

(b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property;

(c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand;

(d) an application being made to a court for an order for its winding up;

(e) an order being made, or the person passing a resolution, for its winding up;

(f) the person:

(i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or

(ii) being unable to pay its debts or otherwise insolvent;

(g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors;

(h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or

(i) any analogous event under the laws of any applicable jurisdiction,

unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party.

Instrument Change means an amendment to the Sydney LEP in accordance with the Planning Proposal.

Land means the land described in Item 1 of Schedule 1 of this document.

Laws means all applicable laws, regulations, industry codes and standards, including all Environmental Laws.

Occupation Certificate has the same meaning as in the Act.

Personal Information means:

(a) personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* (NSW);

(b) health information within the meaning of the *Health Records and Information Privacy Act 2002* (NSW); and

(c) any information which does not fall within the scope of paragraphs (a) and (b) above, but is personal information within the meaning of the *Privacy Act 1988* (Cth).

Personnel means the Developer's officers, employees, agents, contractors or subcontractors.

Planning Proposal means the planning proposal for the Land which received Gateway Determination from the Department of Planning Housing and Infrastructure on 14 June 2024 (PP-2022-4342).

Privacy Laws means the *Privacy Act 1988* (Cth), the *Privacy and Personal Information Protection Act 1998* (NSW), the *Health Records and Information Privacy Act 2002* (NSW); the *Spam Act 2003* (Cth), the *Do Not Call Register Act 2006* (Cth) and any other applicable legislation, regulations, guidelines, codes and the City's Policies relating to the handling of Personal Information.

Public Benefits means the provision of benefits to the community by the Developer in the form and at the times specified in Schedule 3.

Quantity Surveyor means a qualified independent and practising quantity surveyor with at least five years' experience in the assessment of building and construction costs.

Quantity Surveyor's Assessment means the assessment by the Quantity Surveyor of the cost to deliver the Developer's Works.

Regulation means the *Environmental Planning and Assessment Regulation 2021 (NSW)*.

Standards means the policies, procedures and standards for carrying out the Developer's Works, listed non-exhaustively at clause 5 of Schedule 3.

Subdivision of Land has the same meaning as in the Act.

Sydney LEP means *Sydney Local Environmental Plan 2012* (NSW).

Tax means a tax, levy, duty, rate, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

Transfer Land means land forming part of the Public Benefit that is to be either dedicated or transferred to the City in accordance with Schedule 3 of this document.

1.2 **Rules for interpreting this document**

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

(a) A reference to:

(i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;

(ii) a document (including this document) or agreement, or a provision of a document (including this document) or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;

(iii) a party to this document or to any other document or agreement includes a permitted substitute or a permitted assign of that party;

(iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and

(v) anything (including a right, obligation or concept) includes each part of it.

(b) A singular word includes the plural, and vice versa.

(c) A word which suggests one gender includes the other genders.

(d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.

(e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.

(f) A reference to **including** means "including, without limitation".

(g) A reference to **dollars** or **$** is to an amount in Australian currency.

(h) A reference to **this document** includes the agreement recorded by this document.

(i) Words defined in the GST Act have the same meaning in clauses about GST.

(j) This document is not to be interpreted against the interests of a party merely because that party proposed this document or some provision in it or because that party relies on a provision of this document to protect itself.

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2. APPLICATION OF THE ACT AND THE REGULATION

2.1 Application of this document

This document is a planning agreement within the meaning of section 7.4 of the Act and applies to:

(a) the Land;

(b) the Development; and

(c) the Instrument Change.

2.2 Public Benefits to be made by Developer

Clause 5 and Schedule 3 set out the details of the:

(a) Public Benefits to be delivered by the Developer;

(b) time or times by which the Developer must deliver the Public Benefits; and

(c) manner in which the Developer must deliver the Public Benefits.

2.3 Application of sections 7.11, 7.12 and 7.24 of the Act

The application of sections 7.11, 7.12 and 7.24 of the Act are excluded to the extent set out in Items 5 and 6 of Schedule 2 to this document.

2.4 City rights

This document does not impose an obligation on the City to:

(a) grant Development Consent for the Development; or

(b) exercise any function under the Act in relation to a change to an environmental planning instrument, including the making or revocation of an environmental planning instrument.

2.5 Developer obligations

(a) Despite any other provision of this document, the Developer is under no obligation to make any Public Benefit contribution in accordance with this document unless the Instrument Change has commenced.

(b) Nothing in this document requires the Developer to carry out the Development.

2.6 Explanatory note

The explanatory note prepared in accordance with section 205 of the Regulation must not be used to assist in construing this document.

3. OPERATION OF THIS PLANNING AGREEMENT

3.1 Commencement

This document will commence on the later of:

(a) the date of execution of this document by all parties to this document; and

(b) the date the Instrument Change enters into force.

4. WARRANTIES

4.1 Mutual warranties

Each party represents and warrants that:

(a) (**power**) it has full legal capacity and power to enter into this document and to carry out the transactions that it contemplates;

(b) (**corporate authority**) it has taken all corporate action that is necessary or desirable to authorise its entry into this document and to carry out the transactions contemplated;

(c) (**Authorisations**) it holds each Authorisation that is necessary or desirable to:

(i) enable it to properly execute this document and to carry out the transactions that it contemplates;

(ii) ensure that this document is legal, valid, binding and admissible in evidence; or

(iii) enable it to properly carry on its business as it is now being conducted,

and it is complying with any conditions to which any of these Authorisations is subject;

(d) (**documents effective**) this document constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;

(e) (**solvency**) there are no reasonable grounds to suspect that it will not be able to pay its debts as and when they become due and payable; and

(f) (**no controller**) no controller is currently appointed in relation to any of its property, or any property of any of its subsidiaries.

4.2 Developer warranties

(a) The Developer warrants to the City that, at the date of this document:

(i) it is legally entitled to obtain all consents and approvals that are required by this document and do all things necessary to give effect to this document;

(ii) all work performed by the Developer and the Personnel under this document will be performed with due care and skill and to a standard which is equal to or better than that which a well experienced person in the industry would expect to be provided by an organisation of the Developer's size and experience; and

(iii) it is not aware of any matter which may materially affect the Developer's ability to perform its obligations under this document.

(b) The Developer warrants to the City that, prior to commencing delivery of the Public Benefits it will have obtained all Authorisations and insurances required under any Law to carry out its obligations under this document.

5. PUBLIC BENEFITS

5.1 Developer to provide Public Benefits

The Developer must, at its cost and risk, provide the Public Benefits to the City in accordance with this document.

6. COMPLETION

6.1 Date of Completion

The Developer must ensure that the Developer's Works reach Completion on or before the date or milestone referred to in clause 1 of Schedule 3 of this document.

6.2 Developer completion notice

When, in the reasonable opinion of the Developer, the Developer's Works have reached Completion, and all hold points inspections have been approved by the City (whose approval must not be unreasonably withheld), the Developer must notify the City's Representative in writing and must include in that notice:

(a) a statement from the person with direct responsibility and supervision of that work that in their opinion the Developer's Works have reached Completion;

(b) copies of any warranties, guarantees, maintenance information or other material reasonably required for the City to assume responsibility for the Developer's Works; and

(c) at least two sets of the "as built" drawings of the Developer's Works, including one set in electronic format, prepared in accordance with the City's Public Domain Manual and Technical Specifications,

(**Completion Notice**). For the avoidance of doubt, the Developer can issue separate Completion Notices at separate times for different elements of the Developer's Works, however the Developer must ensure that Completion is achieved for the Developer's Works before the due date specified in Item 1 of Schedule 3.

6.3 **Inspection by the City**

(a) The City's Representative must inspect the Developer's Works within 5 Business Days of the date that the Completion Notice is received by the City. The City's Representative may refuse to complete the inspection until the Completion Notice has been issued with all required documentation attached in accordance with clause 6.2. For avoidance of doubt this clause 6.3(a) does not permit the City to refuse to carry out a hold points inspection. Within 10 Business Days of the date of the inspection by the City's Representative, the City must by written notice to the Developer:

(i) state that Completion has been achieved;

(ii) state that Completion has not been achieved and, if so, identify the Defects, errors or omissions which, in the opinion of the City's Representative, prevent Completion (in which case, clauses 6.2 and 6.3 apply again); or

(iii) issue a notice under clause 6.4(a).

(b) Nothing in this clause 6.3, or any notice issued under this clause 6.3, will:

(i) reduce or waive in any manner the Developer's responsibility to:

(A) deliver the Developer's Works in accordance with this document; or

(B) the Developer's responsibility to correct Defects, errors or omissions, whether or not these are identified by the City; or

(ii) create any liability for the City in relation to any defective aspect of the Developer's Works.

6.4 **Non-completion of Public Benefits**

(a) If the Developer makes a request by notice in writing not to complete the Public Benefits (or any part of the Public Benefits):

(i) the City may permit the Developer not to complete the Public Benefits (or any part of the Public Benefits) by issuing a notice in writing to the Developer stating that completion of the items identified in that notice is not required to fulfil the Developer's obligations under this document; and

(ii) the City may make a claim on the Guarantee in such amount as the City considers necessary to complete the portion of Public Benefit not being delivered by the Developer.

(b) If the Developer fails to complete the whole of the Public Benefits in the form and to the standards required under the Development Consent or this document then the City may either:

(i) complete the Public Benefits itself, including by exercising its right to compulsorily acquire the Transfer Land in accordance with clause 10.6 of this document; or

(ii) modify the Public Benefits to reasonably achieve the objectives identified in the Development Consent and this document,

and may recover all costs of and reasonably incidental to that work from the Developer. The City can claim on the Guarantee in order to exercise this right, in which case the provisions of clause 10 will apply. To the extent that the City's costs exceed the amount of the Guarantee, the City can recover this amount from the Developer as a debt due and owing to the City.

7. INDEMNITY

The Developer indemnifies the City against all damage, expense, loss or liability of any nature suffered or incurred by the City arising from any act or omission by the Developer (or any Personnel) in connection with the performance of the Developer's obligations under this document, except to the extent the damage, expense, loss or liability suffered or incurred is caused by, or contributed to by, any wilful or negligent act or omission of the City (or any person engaged by the City).

8. DEFECTS LIABILITY

8.1 Security for Defects Liability Period

Until the expiry of the relevant Defects Liability Period, the City may retain from the Guarantee an amount equal to 10% of the Attributed Value of the Developer's Works as security for the Developer's performance of its obligations under this clause 8. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Defects Liability Period in accordance with this clause.

8.2 Defect in the Public Benefits

(a) If:

(i) the Developer is in breach of clause 4.2 of this document; or

(ii) the City notifies the Developer of a Defect in the Public Benefits within the Defects Liability Period,

then, following written notice from the City, the Developer must promptly correct or replace (at the Developer's expense) the defective elements of the Public Benefits.

(b) If the Developer is unable or unwilling to comply with clause 8.2(a), or fails to rectify the Defect within three months of receiving notice from the City under clause 8.2(a), the City may:

(i) rectify the Defect itself;

(ii) make a claim on the Guarantee in accordance with clause 10 for the reasonable costs of the City in rectifying the Defect; and

(iii) to the extent the costs incurred to rectify the Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to the City.

(c) If the City requires access to the Land to rectify any Defect, the Developer grants the City and its contractors a licence for such period as is necessary for the City and its contractors to access the Land to carry out, or procure the carrying out, of the rectification works.

9. REGISTRATION

9.1 Registration of this document

(a) The Developer and The Owners:

(i) consents to the registration of this document at the NSW Land Registry Services on the certificate of title to the Land;

(ii) warrants that it has obtained all consents to the registration of this document on the certificate of title to the Land; and

(iii) must within 10 Business Days of a written request from the City do all things necessary to allow the City to register this document on the title to the Land, including but not limited to:

(A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and

(B) providing the City with payment for registration, electronic lodgement and requisition fees (where applicable) required for registration of this document at NSW Land Registry Services.

(iv) The Developer and The Owners must act promptly in complying with and assisting to respond to any requisitions raised by the NSW Land Registry Services that relate to registration of this document.

9.2 Release of this document

(a) If the City is satisfied that the Developer has provided all Public Benefits and otherwise complied with this document then the City must promptly do all things reasonably required to remove this document from the title to the Land.

(b) The Developer must, within 10 Business Days of a written request from the City, do all things necessary to allow the City to comply with clause 9.2(a), including but not limited to:

(A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and

(B) providing the City with payment for registration, lodgement and requisition fees (where applicable) required for removal of this document from the title to the Land by NSW Land Registry Services.

10. ENFORCEMENT

10.1 Developer to provide Guarantee

The Developer must deliver the Guarantee for the Guarantee Amount to the City by the Guarantee Amount Due Date.

10.2 Adjustment of Guarantee Amount

(a) Subject to clause 10.2(b), following each anniversary of the date of the Guarantee (the "Adjustment Date") and at any time prior to the expiry of the Defects Liability Period, the Guarantee Amounts are to be adjusted to a revised amount by applying the following formula:

RGA = GA x (A/B)

where:

RGA is the revised guarantee amount applicable from the relevant Adjustment Date

GA is the Guarantee Amount that is current on the relevant Adjustment Date

A is the Index Number most recently published before the relevant Adjustment Date

B is the Index Number most recently published:

(i) before the date of the Guarantee for the first Adjustment Date; and

(ii) before the preceding Adjustment Date for every subsequent Adjustment Date

If after the formula is applied the revised Guarantee Amount will be less than the amount held at the preceding Adjustment Date, the Guarantee Amount will not be adjusted.

(b) If the Guarantee Amount is adjusted under clause 10.2(a), the Developer is not required to provide the City with a replacement Guarantee for that revised Guarantee Amount until such time as the City notifies the Developer

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that the City is ready to exchange the then current Guarantee held by the City, following which the City and the Developer must promptly exchange the then current Guarantee held by the City with a replacement Guarantee for that revised Guarantee Amount from the Developer.

10.3 **Right of City to claim on Guarantee**

(a) The Developer agrees that the City may make an appropriation from the Guarantee in such amount as the City, acting reasonably, thinks appropriate if:

(i) the Developer fails to comply with clause 3.2 of Schedule 3 of this document (provision of detailed design drawings and detailed costs estimate);

(ii) the City allows the Developer not to complete the Public Benefits, or any part of them, in accordance with clause 6.4(a)(ii);

(iii) an Insolvency Event occurs in respect of the Developer;

(iv) the Developer fails to deliver the Public Benefits in accordance with clause 6.4(b);

(v) the Developer fails to rectify a Defect in accordance with clause 8.2 of this document;

(vi) the detailed designs for the Developer's Works are not finalised between the parties within 12 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development;

(vii) the Developer's Works do not reach Completion within 36 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development (or such later time as agreed by the City in writing and such agreement cannot be unreasonably withheld);

(viii) the City incurs any other expense or liability in exercising its rights and powers under this document.

(b) Any amount of the Guarantee appropriated by the City in accordance with clause 10.2 must be applied only towards:

(i) the costs and expenses incurred by the City rectifying any default by the Developer under this document;

(ii) carrying out any works required to achieve the Public Benefits.

10.4 **Expenditure by the City**

If the City claims on the Guarantee to Complete the Developer's Works, then the City:

(a) is not required to expend more money than the Guarantee Amount and may elect not to carry out items of the Developer's Works to ensure that those

works can be carried out for an amount equal to or less than the Guarantee Amount; or

(b) may expend more than the Guarantee Amount. If the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer.

10.5 **Top-up and return of Guarantee**

(a) If the City calls upon the Guarantee in accordance with this clause 10 then the Developer must immediately provide to the City a replacement Guarantee to ensure that, at all times until the Guarantee is released in accordance with paragraph (b), the City is in possession of a Guarantee for a face value equivalent to the Guarantee Amount.

(b) If:

(i) the monies secured by the Guarantee have not been expended;

(ii) the City has concurred with Completion in accordance with clause 6.3(a)(i) of this document, taking into account any approved non-completion of Public Benefits approved by clause 6.4(a) of this document; and

(iii) the City has been provided with the security for the Defects Liability Period in accordance with clause 8.1,

then the City will promptly return the Guarantee to the Developer following the issue of a notice pursuant to clause 6.3(a)(i) of this document.

(c) If, following expiry of the Defects Liability Period, the City is satisfied that all defects have been rectified in accordance with clause 8 then the City must promptly return to the Developer the portion of the Guarantee retained by the City as security for the Defects Liability Period.

10.6 **Compulsory acquisition**

If the Developer fails to transfer or dedicate the Transfer Land to the City in accordance with Schedule 3 of this document then the City may compulsorily acquire that land for the amount of $1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*. The City and the Developer agree that:

(a) this clause 10.6 is an agreement between the Developer and the City for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*;

(b) in this clause 10.6 the Developer and the City have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition; and

(c) the Developer must pay the City, promptly on demand, an amount equivalent to all costs incurred by the City in acquiring the whole or any part of the Transfer Land as contemplated by this clause 10.6.

11. DISPUTE RESOLUTION

11.1 Application

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.2 Negotiation

(a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**) refer the Dispute to the Developer's Representative and the City's Representative for resolution. The Dispute Notice must:

(i) be in writing;

(ii) state that it is given pursuant to this clause 11; and

(iii) include or be accompanied by reasonable particulars of the Dispute including:

(A) a brief description of the circumstances in which the Dispute arose;

(B) references to any:

(aa) provisions of this document; and

(bb) acts or omissions of any person,

relevant to the Dispute; and

(C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.

(b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative and the City's Representative must meet at least once to attempt to resolve the Dispute.

(c) The Developer's Representative and the City's Representative may meet more than once to resolve a Dispute. The Developer's Representative and the City's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

11.3 **Not use information**

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 11 is to attempt to settle the Dispute. Neither party may use any information or documents obtained through any dispute resolution process undertaken under this clause 11 for any purpose other than in an attempt to settle the Dispute.

11.4 **Condition precedent to litigation**

Subject to clause 11.5, a party must not commence legal proceedings in respect of a Dispute unless:

(a) a Dispute Notice has been given; and

(b) the Resolution Period has expired.

11.5 **Summary or urgent relief**

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

12. **TAXES AND GST**

12.1 **Responsibility for Taxes**

(a) The Developer is responsible for any and all Taxes and other like liabilities which may arise under any Commonwealth, State or Territory legislation (as amended from time to time) as a result of or in connection with this document or the Public Benefits.

(b) The Developer must indemnify the City in relation to any claims, liabilities and costs (including penalties and interest) arising as a result of any Tax or other like liability for which the Developer is responsible under clause 12.1(a).

12.2 **GST free supply**

To the extent that Divisions 81 and 82 of the GST Law apply to a supply made under this document:

(a) no additional amount will be payable by a party on account of GST; and

(b) no tax invoices will be exchanged between the parties.

12.3 **Supply subject to GST**

To the extent that clause 12.2 does not apply to a supply made under this document, this clause 12.3 will apply.

(a) If one party (**Supplying Party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that

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is liable to provide the consideration (**Receiving Party**) must also pay an amount (**GST Amount**) equal to the GST payable in respect of that supply.

(b) Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.

(c) If one party must indemnify or reimburse another party (**Payee**) for any loss or expense incurred by the Payee, the required payment does not include any amount which the Payee (or an entity that is in the same GST group as the Payee) is entitled to claim as an input tax credit, but will be increased under clause 12.3(a) if the payment is consideration for a taxable supply.

(d) If an adjustment event arises in respect of a taxable supply made by a Supplying Party, the GST Amount payable by the Receiving Party under clause 12.3(a) will be recalculated to reflect the adjustment event and a payment will be made by the Receiving Party to the Supplying Party, or by the Supplying Party to the Receiving Party, as the case requires.

(e) The Developer will assume the City is not entitled to any input tax credit when calculating any amounts payable under this clause 12.3.

(f) In this document:

(i) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and

(ii) in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

13. DEALINGS

13.1 Dealing by the City

(a) The City may Deal with its interest in this document without the consent of the Developer if the Dealing is with a Government Agency. The City must give the Developer notice of the Dealing within five Business Days of the date of the Dealing.

(b) The City may not otherwise Deal with its interest in this document without the consent of the Developer, such consent not to be unreasonably withheld or delayed.

13.2 Dealing by the Developer

(a) Prior to registration of this document in accordance with clause 9, the Developer must not Deal with this document or the Land without:

(i) the prior written consent of the City; and

(ii) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.

(b) On and from registration of this document in accordance with clause 9:

(i) the Developer may Deal with this document without the consent of the City only as a result of the sale of the whole of the Land (without subdivision) to a purchaser of the Land;

(ii) the Developer may register a strata plan or a plan of strata subdivision, and the City consents to this document remaining registered only on the certificate of title to the common property of the strata plan upon registration of the strata plan; and

(iii) the Developer must not otherwise Deal with this document to a third party that is not a purchaser of the whole or any part of the Land without:

(A) the prior written consent of the City (which must not unreasonably be withheld); and

(B) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.

(c) The Developer must pay the City's costs and expenses relating to any consent or documentation required due to the operation of this clause 13.2.

13.3 **Extinguishment or creation of interests on Transfer Land**

(a) Prior to the dedication or transfer of the Transfer Land to the City, the Developer must:

(i) extinguish all leases and licences over the Transfer Land; and

(ii) to the extent permitted by law, extinguish all redundant encumbrances and those that, in the City's opinion, would unreasonably impede the intended use of all or any part of the Transfer Land.

(b) The Developer must comply with any directions by the City relating to the Transfer Land, including but not limited to the creation of any encumbrances over the Transfer Land.

14. TERMINATION

(a) Either party may terminate this document by notice in writing to the other parties if either:

(i) the Instrument Change has not commenced within 12 months of the date of the document; or

(ii) after the Instrument Change has commenced, but it is (or becomes) unlawful for a Development Consent to be granted for the Development.

(b) If a party terminates this document under clause 14(a) then:

(i) the rights of each party that arose before the termination or which may arise at any future time for any breach or non-observance of obligations occurring prior to the termination are not affected;

(ii) the Developer, Owner and the City must take all steps reasonably necessary to minimise any loss the each party may suffer as a result of the termination of this document;

(iii) the City will return the Guarantee to the Developer after first deducting any amounts owing to the City by operation of this document. If in exercising its rights under this document (in circumstances where the Developer has breached this document) the City expends more money than the Guarantee Amount then (to the extent that the amount expended is reasonable) the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer; and

(iv) the City will, at the Developer's cost, do all things reasonably required to remove this document from the title to the Land.

15. CONFIDENTIALITY, DISCLOSURES AND PRIVACY

15.1 Use and disclosure of Confidential Information

A party (**receiving party**) which acquires Confidential Information of another party (**disclosing party**) must not:

(a) use any of the Confidential Information except to the extent necessary to exercise its rights and perform its obligations under this document; or

(b) disclose any of the Confidential Information except in accordance with clauses 15.2 or 15.3.

15.2 Disclosures to personnel and advisers

(a) The receiving party may disclose Confidential Information to an officer, employee, agent, contractor, or legal, financial or other professional adviser if:

(i) the disclosure is necessary to enable the receiving party to perform its obligations or to exercise its rights under this document; and

(ii) prior to disclosure, the receiving party informs the person of the receiving party's obligations in relation to the Confidential Information under this document and obtains an undertaking from the person to comply with those obligations.

(b) The receiving party:

(i) must ensure that any person to whom Confidential Information is disclosed under clause 15.2(a) keeps the Confidential Information confidential and does not use it for any purpose other than as permitted under clause 15.2(a); and

(ii) is liable for the actions of any officer, employee, agent, contractor or legal, financial or other professional adviser that causes a breach of the obligations set out in clause 15.2(b)(i).

15.3 **Disclosures required by law**

(a) Subject to clause 15.3(b), the receiving party may disclose Confidential Information that the receiving party is required to disclose:

(i) by law or by order of any court or tribunal of competent jurisdiction; or

(ii) by any Government Agency, stock exchange or other regulatory body.

(b) If the receiving party is required to make a disclosure under clause 15.3(a), the receiving party must:

(i) to the extent possible, notify the disclosing party immediately it anticipates that it may be required to disclose any of the Confidential Information;

(ii) consult with and follow any reasonable directions from the disclosing party to minimise disclosure; and

(iii) if disclosure cannot be avoided:

(A) only disclose Confidential Information to the extent necessary to comply; and

(B) use reasonable efforts to ensure that any Confidential Information disclosed is kept confidential.

15.4 **Receiving party's return or destruction of documents**

On termination of this document the receiving party must immediately:

(a) deliver to the disclosing party all documents and other materials containing, recording or referring to Confidential Information; and

(b) erase or destroy in another way all electronic and other intangible records containing, recording or referring to Confidential Information,

which are in the possession, power or control of the receiving party or of any person to whom the receiving party has given access.

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15.5 **Security and control**

The receiving party must:

(a) keep effective control of the Confidential Information; and

(b) ensure that the Confidential Information is kept secure from theft, loss, damage or unauthorised access or alteration.

15.6 **Media releases**

The Developer must not issue any information, publication, document or article for publication in any media concerning this document or the Public Benefits without the City's prior written consent.

15.7 **Privacy**

(a) Without limiting its obligations at law with respect to privacy and the protection of Personal Information, the Developer:

(i) must not, directly or indirectly collect, use or disclose any Personal Information under or in connection with this document except to the extent necessary to perform its obligations under this document; and

(ii) must in the delivery of the Public Benefits and the performance of all its other obligations under this document comply with the Privacy Laws and must not do any act or engage in any practice that would breach the Privacy Laws or which if done or engaged in by the City would be a breach of any Privacy Laws.

16. NOTICES

(a) A notice, consent or other communication under this document is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail or email. If it is sent by mail, it is taken to have been received 5 Business Days after it is posted. If it is sent by email, it is taken to have been received the same day the email was sent, provided that the sender has not received a delivery failure notice (or similar), unless the time of receipt is after 5:00pm in which case it is taken to be received on the next Business Day.

(b) A person's address and email address are those set out in Schedule 1 for the City's Representative and the Developer's Representative, or as the person notifies the sender in writing from time to time.

17. CHAIN OF RESPONSIBILITY

(a) In this clause:

(i) **Chain of Responsibility** means legislation that extends liability for Road Law offences to all parties whose actions, inactions or demands

influence conduct on the road particularly in relation to speed, fatigue, vehicle standards, vehicle roadworthiness, load restraint, and mass and dimension.

(ii) **HVNL** means the *Heavy Vehicle National Law* (NSW), regulations and other instruments under it including any codes of practice and any consolidations, amendments, re-enactments or replacements.

(iii) **Heavy Vehicle** has the meaning given to it in the HNVL.

(iv) **Road Law** means any law, regulation or rule relating to the use of a road, restrictions on driving hours (in whichever legislative instrument those requirements may appear), mass, load and restraint requirements for the carriage of goods, dangerous goods, environmental impacts and speed and traffic requirements and includes the HVNL.

(b) The Developer must in connection with any activity carried out on land owned by the City under or in relation to this document:

(i) comply with all Chain of Responsibility legislation and must ensure that any activity relating to a Heavy Vehicle used in connection with this document is undertaken in accordance with all applicable Chain of Responsibility obligations (including any fatigue, speed, mass, dimension or load restraint requirements);

(ii) not ask, direct or require (directly or indirectly) the driver of a Heavy Vehicle or a party in the Chain of Responsibility to do or not do something the Developer knows, or ought reasonably to know, would have the effect of causing the driver to contravene their Chain of Responsibility obligations, including to breach any fatigue, speed, mass, dimension or load restraint requirements;

(iii) ensure that any subcontractors (where any Heavy Vehicle activities are sub-contracted under this document) are contractually bound by similar Chain of Responsibility obligations to those set out in this clause 17(b).

(c) The Developer will ensure that it has proper processes in place to manage its Chain of Responsibility obligations under this clause 17.

(d) The Developer must provide the City, upon request, with all information and documentation reasonably required by the City to monitor or audit compliance with this clause (including permitting inspections of vehicles and business premises).

18. MODERN SLAVERY

(a) In this clause:

(i) **Act** means the Modern Slavery Act 2018 (Cth);

(ii) **Modern Slavery** has the meaning given to it in section 4 of the Act;

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(iii) **Modern Slavery Laws** means:

(A) the *Modern Slavery Act 2018* (Cth), *Modern Slavery Act 2018* (NSW) or any other similar legislation that requires entities to report in relation to the Modern Slavery risk of their entity and/or their response to that risk; and

(B) any other law, statute or regulation which prohibits, or incorporates, or creates a reporting or due diligence obligation in connection with, Modern Slavery and is applicable or otherwise in force in the jurisdiction(s) in which the Developer is registered or conducts business or in which activities relevant to this document are to be performed.

(iv) **Modern Slavery Statement** has the meaning given in section 12 of the Act;

(v) **Reasonable Steps** includes:

(A) obtaining awareness of Modern Slavery, the Act and other relevant legislation, regulations and guidance in Australia;

(B) implementing procedures and training staff on how to identify and report Modern Slavery risks;

(C) undertaking due diligence to identify and address modern slavery risks in the Developer's operations and supply chain (including adherence to Australian labour laws, conducting a modern slavery risk assessment of its suppliers and implementing a modern slavery policy);

(D) without limiting paragraph (B) above, consulting with the Developer's contractors, sub-contractors and suppliers to identify and mitigate modern slavery risks in its supply chain and labour force, including by implementing policies and procedures that reject the exploitation of migrant workers; and

(E) any other steps required by the NSW Anti-Slavery Commissioner from time to time.

(b) The Developer must:

(i) not cause or contribute to Modern Slavery or any activity, practice or conduct that constitutes an offence under Modern Slavery Laws (or would constitute an offence under Modern Slavery Laws had those activities, practices or conduct occurred in Australia);

(ii) where required to report under the Modern Slavery Laws, provide the City with a copy of its most current Modern Slavery Statement;

(iii) promptly provide the City (at its own cost) with all information and records reasonably requested by the City to assist the City in complying with any applicable reporting obligations under Modern Slavery Laws or undertaking due diligence on its supply chains;

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(iv) use reasonable efforts to procure that its suppliers and contractors and any supply chain participants do not engage in any activity, practice or conduct that causes or contributes to Modern Slavery or contravenes a Modern Slavery Law, including:

(A) training of employees in relation to how to identify, assess and report Modern Slavery, the risks of Modern Slavery in the Developer's operations and supply chains, and how those risks can be remediated; and

(B) undertaking reasonable due diligence in relation to its suppliers and subcontractors, including in their selection;

(v) have in place, and maintain at all times, adequate and reasonable policies, controls, procedures and training designed to prevent, detect, assess, manage and remedy (as appropriate) Modern Slavery risks in its operations and supply chains;

(vi) ensure that the terms of any arrangements entered into with suppliers and subcontractors in connection with the Developer's Works, include provisions that are at least as onerous as those imposed on the Developer in this clause;

(vii) notify the City in writing as soon as practicable if it becomes aware of any potential, suspected or actual instance of Modern Slavery in its operations or supply chain or breach by it or its supply chain of any Modern Slavery Laws in connection with the Developer's Works;

(viii) take all reasonable action (including any action reasonably directed by the City) to rectify the breach and/or minimise the risk of Modern Slavery in its operations and supply chain, including where relevant by addressing any practices of other entities in its supply chains;

(ix) cooperate in good faith with the City in investigating the circumstances relevant to any potential, suspected or actual breach of any Modern Slavery Laws;

(x) notify the City in writing as soon as practicable if any of the information referred to in subclause 18(b)(iii) becomes inaccurate, incomplete or misleading or deceptive in any way and promptly provide the City with updated information.

(c) The Developer indemnifies the City in respect of any liability incurred in connection with the Developer's breach of this clause 18.

19. GENERAL

19.1 Governing law

(a) This document is governed by the laws of New South Wales.

(b) Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales, and any court that may hear appeals from any of those courts, for any proceedings in connection with this document, and waives any right it might have to claim that those courts are an inconvenient forum.

19.2 **Access to information**

In accordance with section 121 of the *Government Information (Public Access) Act 2009 (NSW)*, the Developer agrees to allow the City immediate access to the following information contained in records held by the Developer:

(a) information that relates directly to the delivery of the Public Benefits by the Developer;

(b) information collected by the Developer from members of the public to whom the Developer provides, or offers to provide, services on behalf of the City; and

(c) information received by the Developer from the City to enable the Developer to deliver the Public Benefits.

19.3 **Liability for expenses**

(a) The Developer must pay its own expenses and the City's expenses incurred in negotiating, executing, registering, releasing, administering and enforcing this document.

(b) The Developer must pay for all reasonable costs and expenses associated with the preparation and giving of public notice of this document and the explanatory note prepared in accordance with the Regulations and for any consent the City is required to provide under this document.

19.4 **Relationship of parties**

(a) Nothing in this document creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and

(b) No party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

19.5 **Giving effect to this document**

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this document.

19.6 **Time for doing acts**

(a) If:

(i) the time for doing any act or thing required to be done; or

(ii) a notice period specified in this document,

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5pm on the specified day, it is taken to have been done on the following Business Day.

19.7 **Severance**

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this document without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

19.8 **Preservation of existing rights**

The expiration or termination of this document does not affect any right that has accrued to a party before the expiration or termination date.

19.9 **No merger**

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this document for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

19.10 **Waiver of rights**

A right may only be waived in writing, signed by the party giving the waiver, and:

(a) no other conduct of a party (including a failure to exercise, or delay in exercising, the right) operates as a waiver of the right or otherwise prevents the exercise of the right;

(b) a waiver of a right on one or more occasions does not operate as a waiver of that right if it arises again; and

(c) the exercise of a right does not prevent any further exercise of that right or of any other right.

19.11 **Operation of this document**

(a) This document contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this document and has no further effect.

(b) Any right that a person may have under this document is in addition to, and does not replace or limit, any other right that the person may have.

(c) Any provision of this document which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless this would materially change the intended effect of this document.

19.12 **Operation of indemnities**

(a) Each indemnity in this document survives the expiry or termination of this document.

(b) A party may recover a payment under an indemnity in this document before it makes the payment in respect of which the indemnity is given.

19.13 **Inconsistency with other documents**

Unless the contrary intention is expressed, if there is an inconsistency between any of one or more of:

(a) this document;

(b) any Schedule to this document; and

(c) the provisions of any other document of the Developer,

the order of precedence between them will be the order listed above, this document having the highest level of precedence.

19.14 **No fetter**

Nothing in this document in any way restricts or otherwise affects the City's unfettered discretion to exercise its statutory powers as a public authority.

19.15 **Counterparts**

This document may be executed in counterparts.

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SCHEDULE 1

Agreement Details

ITEM	TERM	DESCRIPTION
1.	**Land**	Folio Identifiers 1/779385, 2/779385, 1/664653, 1/SP1379 and 2/SP1379 and CP/SP1379 known as 232-240 Elizabeth Street, Surry Hills NSW 2010.
2.	**Development**	The redevelopment of the Land for a commercial development that is only able to be implemented via the Instrument Change.
3.	**City's Representative**	Name: Director, Planning, Development and Transport Address: Level 1, 456 Kent Street, Sydney NSW 2000 Email: council@cityofsydney.nsw.gov.au Or such alternative representative nominated by the City from time to time and notified in writing to the Developer's Representative
4.	**Developer's Representative**	Name: Bill Lozevski Address: 151 Campbell St Surry Hills 2010 Email: bill@stasiaproperty.com Or such alternative representative nominated by the Developer from time to time and notified in writing to the City's Representative
5.	**Development Application**	Any and all development application(s) submitted to the City in conjunction with the Development.
6.	**Guarantee Amount**	A total amount of $60,651
7.	**Guarantee Amount Due Date**	Prior to the first Construction Certificate that approves the construction of any structures above the ground floor of the Development.

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SCHEDULE 2

Requirements under the Act and Regulation (clause 2)

The below table summarises how this document complies with the Act and Regulation.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
1.	**Planning instrument and/or development application** (section 7.4(1) of the Act) The Developer has: (a) sought a change to an environmental planning instrument; (b) made, or proposes to make, a Development Application; or (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) Yes (b) Yes (c) No
2.	**Description of land to which this document applies** (section 7.4(3)(a) of the Act)	Item 1 of Schedule 1.
3.	**Description of change to the environmental planning instrument to which this document applies and/or the development to which this document applies** (section 7.4(3)(b) of the Act)	The Development and the environmental planning instrument as described in clause 2.1.
4.	**The nature and extent of the provision to be made by the developer under this document, the time or times by which the provision is to be made and the manner in which the provision is to be made** (section 7.4(3)(c) of the Act)	Schedule 3 and Annexure A.
5.	**Whether this document excludes (wholly or in part) of does not exclude the application of section 7.11, 7.12 or 7.24 to the development** (section 7.4(3)(d) of the Act)	Section 7.11 not excluded Section 7.12 not excluded Section 7.24 not excluded

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ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
6.	**Applicability of section 7.11 of the Act** (section 7.4(3)(e) of the Act)	The application of section 7.11 of the Act is not excluded in respect of the Development and contributions (if any) under section 7.11 will be required to be paid.
7.	**Consideration of benefits under this document if section 7.11 applies** (section 7.4(3)(e) of the Act)	The benefits under the document are or are not to be taken into consideration in determining a development contribution under section 7.11
8.	**Mechanism for Dispute Resolution** (section 7.4(3)(f) of the Act)	Clause 11
9.	**Enforcement of this document** (section 7.4(3)(g) of the Act)	Clause 10, Schedule 3
10.	**No obligation to grant consent or exercise functions** (section 7.4(9) of the Act)	Clause 2.4
11.	**Registration of this document** (section 7.6 of the Act)	Clause 9
12.	**Whether certain requirements of this document must be complied with before a construction certificate is issued** (section 205(2) of the Regulation)	Provision of Guarantee (in relation to a Construction Certificate that approves the construction of any structures above the ground floor of the Development)
13.	**Whether certain requirements of this document must be complied with before a subdivision certificate is issued** (section 205(2) of the Regulation)	Nil
14.	**Whether certain requirements of this document must be complied with before an occupation certificate is issued** (section 205(2) of the Regulation)	Completion of Developer's Works and dedication or transfer of Transfer Land
15.	**Whether the explanatory note that accompanied exhibition of this document may be used to assist in construing this document** (section 205(5) of the Regulation)	Clause 2.6

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SCHEDULE 3

Public Benefits (clause 5)

1. PUBLIC BENEFITS - OVERVIEW

The Developer must provide the Public Benefits in accordance with Schedule 3 and this document. The Attributed Value, timing of delivery and additional specifications relating to the Public Benefits is set out in the table below:

	Public Benefit	Attributed Value	Due date	Additional specifications
1.	Transfer Land	$Nil	After Completion but before the issue of the first Occupation Certificate for the Development.	An area of approximately 69 square metres adjacent to the eastern boundary of the Land for a future public laneway (**Transfer Land**). The Transfer Land will be approximately 3.05 metres in width and limited in stratum to a minimum height of 8.1m above the finished ground level and a minimum depth of 200mm below the finished ground level and be dedicated or transferred in accordance with the details described in Annexure A to this document.
2.	Developer's Works	$Nil	Prior to the issue of the first Occupation Certificate for the Development.	Specifications showing the nature and extent of the required Developer's Works as at the date of this document are contained in Annexure A to this document.

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2. TRANSFER LAND

2.1 Dedication of land – decision

The Developer must, at its cost, take all steps required to transfer the Transfer Land to the City by the due date specified in clause 1 of Schedule 3. As part of this obligation, the Developer must obtain the City's confirmation as to whether the Transfer Land is to be:

(a) dedicated to the City on registration of a plan of subdivision; or

(b) transferred to the City on registration of a transfer instrument.

2.2 Obligations on dedication

The requirement for the Developer to dedicate the Transfer Land to the City is satisfied where the Developer provides to the City evidence of registration of a plan of subdivision, including a complete copy of the registered instrument, showing that the Transfer Land has been dedicated to the City in accordance with the requirements of this document.

2.3 Obligations on transfer

The requirement for the Developer to transfer the Transfer Land to the City is satisfied where:

(a) a PEXA workspace has been set-up with respect to the transfer and all required parties are present in the workspace;

(b) all written consents for registration have been provided to the City and uploaded into PEXA;

(c) the Transfer has been lodged in PEXA; and

(d) the Developer has provided the City with a title search showing that ownership of the Transfer Land has been transferred to the City in accordance with the requirements of this document.

2.4 General Obligations

(a) The Developer and the City are each to do all things reasonably necessary to enable registration of the plan of subdivision or transfer instrument to occur.

(b) To the extent permitted by law, the Developer must ensure that the Transfer Land is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges), except for any encumbrances agreed in writing by the City in its absolute discretion.

(c) The Developer must indemnify and agree to keep indemnified the City against all claims made against the City as a result of any Contamination in, over, under or migrating from the whole or any part of the Transfer Land but only in relation to Contamination that existed on or before the date that

the Transfer Land is dedicated to the City in accordance with the requirements of this clause.

(d) The Developer warrants that as at the date of this deed the Transfer Land is not subject to any Adverse Affectation and warrants as to those matters in Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2022*(NSW), unless otherwise notified to and agreed by the City in writing in its absolute discretion.

3. FINAL DESIGN OF THE DEVELOPER'S WORKS

3.1 Scope of Developer's Works

As at the date of this document, the nature and extent of the required Developer's Works is set out in Annexure A to this document. The parties agree that further design refinement of the Developer's Works may be necessary, having regard to:

(a) the extent to which the design of the Developer's Works has been approved by the City;

(b) conditions affecting the Developer's Works that were not reasonably capable of identification prior to the date of this document;

(c) the extent of any refinement of the design of the Developer's Works permitted by this clause 3.1 of Schedule 3;

(d) the terms of the Development Consent;

(e) any modification to the Development Consent made and approved under the Act or any other development consent granted that relates to the Developer's Works; and

(f) the reasonable requirements of the City, including in regard to the Standards.

3.2 Final design of Developer's Works

(a) Prior to the issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development, the Developer must submit to the City's Representative for approval:

(i) detailed design drawings of the Developer's Works that reflect the plans and specifications set out in Annexure A.

(b) Within 20 Business Days after the City's Representative has received the detailed design drawings, the City will inform the Developer in writing as to whether the detailed design drawings are approved. If the detailed design drawings are not approved, the City will inform the Developer in writing of what further information or modifications are required and the Developer will have a further 20 Business Days to re-submit the required information, following which the process outlined in this paragraph (b) will apply again.

(c) The City must act reasonably when exercising its functions under clause 3.2(b) of Schedule 3.

(d) If the Developer:

(i) fails to prepare the detailed design drawings;

(ii) does not provide further information or modify the detailed design drawings,

in accordance with this clause 3.2 of Schedule 3, then the City may exercise its rights under clause 10 of this document in order to carry out the Developer's Works itself at the cost of the Developer.

3.3 **Preparation of and changes to construction design drawings**

(a) Following approval of the detailed design drawings by the City in accordance with clause 3.2 of Schedule 3, the Developer must, when reasonably practicable:

(i) prepare construction design drawings that comply with the detailed design drawings;

(ii) provide the City with a copy of the construction design drawings and the designs and documents referred to in clause 3.3(a)(i) of Schedule 3.

(b) The City, acting reasonably, may by written notice to the Developer at any time, direct the Developer to vary the construction design drawings so that the Developer's Works reflect:

(i) the Standards;

(ii) a departure or discrepancy from the plans approved under clause 3.2 of Schedule 3; or

(iii) any other standard or specification for materials or methodology for carrying out works that is adopted by the City from time to time, provided that any direction given under this clause 3.3(b)(iii) of Schedule 3 does not significantly increase:

(A) the cost of that element of the Developer's Works; or

(B) the complexity of implementation of the Developer's Works that may lead to a significant delay in the completion of the Developer's Works.

(c) Within 25 Business Days of receiving a notice from the City under clause 3.3(b) of Schedule 3, the Developer must:

(i) to the extent practicable, use reasonable endeavours to comply with the notice given by the City; or

(ii) if the Developer determines that the notice given by the City is unreasonable or impracticable, notify a dispute in accordance with clause 11 of this document.

If the Developer does not provide any response during the 25 Business Days after receiving a notice from the City under clause 3.3(b) of Schedule 3, it is deemed that the Developer accepts the notice given by the City and will take all steps required to comply with the notice.

(d) The City does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under this clause 2.4(d) of Schedule 3 or for any errors, omissions or non-compliance with this document.

(e) No participation by the City in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this document or constitute an acknowledgement by the City that the Developer has complied with its obligations under this document.

4. CONSTRUCTION OF DEVELOPER'S WORKS

4.1 Insurance

(a) From commencement of the Developer's Works until expiration of the Defects Liability Period, the Developer must effect and maintain (or cause to be effected and maintained under one or more policies of insurance and without requiring any risk to be double insured) the following insurances held with an insurer licensed by the Australian Prudential Regulation Authority or holding an investment grade rating from Standard & Poors, Moody's or Fitch:

(i) worker's compensation insurance or registrations as required by Laws;

(ii) public liability insurance written on an occurrence basis with a limit of indemnity of not less than $20,000,000 covering all aspects of the Developer's Works;

(iii) construction works insurance in relation to the Developer's Works; and

(iv) motor vehicle third party cover with a limit of indemnity of not less than $20 million for each and every occurrence.

(b) The Developer must submit a copy of all certificates of insurance to the City:

(i) prior to commencing construction of the Developer's Works; and

(ii) promptly following a written request by the City, provided that such a request is not made more than twice in any 12 month period.

4.2 **Approvals and consents**

The Developer must, at its cost, obtain all relevant approvals and consents for the Developer's Works, whether from the City or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the Developer's Works, the Developer must give to the City copies of all approvals and consents for the Developer's Works, other than the Development Consent.

4.3 **Construction work**

The Developer must, at its cost:

(a) carry out and complete the Developer's Works in accordance with all approvals and consents relating to the Developer's Works, including any approval given by the City under this document;

(b) ensure that all Developer's Works are constructed in a good and workmanlike manner, in accordance with the plans approved under this document so that the Developer's Works are structurally sound, fit for purpose and suitable for their intended use;

(c) ensure that the Developer's Works are Complete by the due date specified in clause 1 of Schedule 3 and promptly after becoming aware advise the City's Representative of any significant delays in completing the Developer's Works or delays that may impact the delivery of the Public Benefits by the due date specified in Item 1 of Schedule 3; and

(d) comply with all reasonable directions of the City in respect to construction of the Developer's Works.

4.4 **Inspections by the City**

The City, as a party to this document and not in its role as a Government Agency, will:

(a) issue a set of hold points with the approval of the plans under Clause 3 of Schedule 3;

(b) inspect the Developer's Works in accordance with the hold points during the course of construction at reasonable times and on reasonable notice; and

(c) notify the Developer's Representative of any material or significant defect, error or omission relating to the construction or installation of the Developer's Works identified during or as the result of an inspection.

The Developer must ensure that it adheres to all hold point inspections during construction. Any failure by the City to identify a Defect, error or omission will not be construed as amounting to an acceptance by the City of the Defect, error or omission.

DRAFT

5. STANDARDS

The following list of Standards are included for information purposes only, and as a guide to the relevant standards for the general nature of the work identified as Developer's Works in this document. The City makes no representation or warranty as to the currency of the standards identified, or their application on the final design of the Developer's Works. The Developer must make its own enquiries regarding whether any standard has been replaced or supplemented. In the event that an Australian Standard prescribed a different level of material, finish, work or workmanship than those contained in a City standard, then the higher of the two standards will apply. If there is a conflict between City standards then the Developer must request the City nominate the correct and applicable City standard. The City's decision as to the applicable standard is final.

Relevant Australian Standards – Verge Works, Through site links

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 1743 Road signs
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1428 Design for Access and Mobility
- AS 4454 Composts, soil conditioners and mulches

Relevant Australian Standards – Roads (including pedestrian areas)

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting

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- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 1428 Design for Access and Mobility
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1742 Manual of uniform traffic control devices
- AS 1743 Road Signs

City Standards (All Works)

- City of Sydney Contaminated Lands DCP 2004
- Sydney Street Code 2013
- Sydney Lights Code 2013
- City of Sydney Access Policy
- Sydney Street Technical Specification and Drawings
- City of Sydney Street Tree Master Plan 2011
- City of Sydney Public Domain Manual

DRAFT

EXECUTION

EXECUTED as a deed.

Signed, sealed and delivered for **THE COUNCIL OF THE CITY OF SYDNEY** (ABN 22 636 550 790) by its duly authorised officer, in the presence of:

Signature of officer

Signature of witness

Name of officer

Name of witness

Position of officer
Authorised delegate pursuant to section 377 of the Local Government Act 1993

456 Kent Street, Sydney NSW 2000
Address of witness

The Common Seal of THE OWNERS - STRATA PLAN NO. 1379 was affixed on …… in the presence of the following person(s) authorised by section 273 Strata Schemes Management Act 2015 to attest the affixing of the seal:

Signature

Signature

Name and Position

Name and Position

EXECUTED by **STASIA HOLDINGS PTY. LTD** (ACN 158 283 160) in accordance with s127(1) of the Corporations Act 2001 (Cth):

Signature of director

Signature of director/secretary

Name

Name

DRAFT

ANNEXURE A

Public Benefits – additional plans and specifications

1. Transfer Land

The Transfer Land must:

(a) be remediated, if required by the Development Consent (and the extent required by the Development Consent) to be suitable for use as a public laneway, prior to its transfer or dedication to the City;

(b) not be subject to any long-term Environmental Management Plan; and

(c) to the extent permitted by law, be dedicated to the City free of any encumbrances or encroachments, except underground services or utilities, encumbrances or encroachments that do not unreasonably impede the intended use of all or any part of the Transfer Land or any encumbrances or encroachments agreed in writing by the City in its absolute discretion.

2. Developer's Works

The Developer's Works comprise the following elements to be delivered in accordance with this document:

(a) construct within the Transfer Land a paved, continuous accessible path of travel for a public laneway;

(b) the laneway must be constructed to the City's technical specifications and embellished in accordance with the City Streets Code;

(c) the laneway must integrate the adjoining existing and new footpaths that will be upgraded as part of the Development Consent; and

(d) the Developer must submit an interim site auditor report or site audit statement to the City for approval after the remediation has been completed, and prior to the construction of the Developer's Works,

provided that the works must, in all respects, be consistent with the Development Consent.

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Attachment D

Summary of submissions

CITY OF SYDNEY

Summary of submissions: 232-240 Elizabeth Street, Surry Hills

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

Activities to support the consultation

On 28 March and 8 April 2024, the Central Sydney Planning Committee and Council respectively, approved the Planning Proposal – 232-240 Elizabeth Street, Surry Hills for public authority consultation and public exhibition.

The consultation period ran from 5 September to 3 October 2024. The following activities were undertaken to support the consultation:

– A webpage and survey were created for people to review the planning proposal and supporting documentation and provide their feedback. The webpage can be accessed at https://www.cityofsydney.nsw.gov.au/policy-planning-changes/your-say-proposed-planning-changes-232-240-elizabeth-street-surry-hills. The survey was open for feedback from 5 September to 3 October 2024. There were 418 unique page views and 301 document downloads during this period.

– A notification letter was letterbox dropped to property owners and occupiers within a 75-metre radius of the site boundary, informing them of the planning proposal. 821 letters were sent. An example of the notification letter can be found at Appendix A.

– The project was included in the September edition of the Sydney Your Say eNews sent on 17 September 2024 to 5,148 subscribers. This provided a link to the webpage and survey. An image of the post can be found at Appendix B.

– The Planning Proposal was referred to Transport for NSW and Sydney Water for agency consultation and comment.

What the community told us

We received a total of 24 responses. 18 responses via the online survey, four by email, and the two government agency responses via the NSW Planning Portal.

Of the 22 responses from community members, 10 were supportive, 9 were opposed, and 3 provided feedback without a position. Two government agency submissions also commented on the proposal.

Issues raised in submissions are summarised below.

Table 1 Responses from government agencies

Agency	Submission	City response
Transport for NSW	The response from Transport for NSW provided in principle support for the proposed through-site link and for a mixed use development in this location. It noted the findings of the Traffic Impact Assessment stating that no significant levels of traffic impact were expected. It raised several detailed matters around design of the driveway access, clearance heights in the basements, dimensions and functionality of any vehicle lift, and accessibility for waste trucks.	In principle support for the through-site link and proposed use and location of the development is noted. Issues regarding the design of the driveway access, basements and vehicle lift will be considered as part of the competitive design process and any future Development Application (DA) for the site. As part of the DA, the final design will have to demonstrate compliance with section 3.11.11 'Vehicle access and footpaths' and section 4.2.1.2 'floor to ceiling heights and floor to floor heights' of the Sydney Development Control Plan 2012 (DCP). In addition, the proponent has provided a Waste Management Plan as part of the Planning Proposal which states that waste shall be collected from the development by a private waste collection contractor, a suitable outcome for commercial development. As part of any future DA, the City will request confirmation of a private contractor willing to service the development and confirm the size of any vehicle they would use.
Sydney Water	The response from Sydney Water noted the existence of the oviform trunk wastewater main which traverses the south-east corner of the site. Sydney Water also provided additional information to be passed on to the applicant, in regards to the potential generation of trade wastewater which requires an application to be submitted to Sydney Water.	As indicated in the Planning Proposal, a Specialist Engineering Assessment in consultation with Sydney Water will be required in regards to the oviform trunk wastewater main, and an approvals program has been prepared by the proponent which outlines the investigations already conducted, those yet to be performed, and proposes the most appropriate stage the Specialist Engineering Assessment would be following the design excellence competition when the competition winning scheme would be subject to a detailed DA. The information regarding the generation of trade wastewater will be forwarded to the proponent, as there is potential for the generation of trade wastewater from ground floor retail food outlets.

Table 2 Responses from individual submitters

Issue	Key themes	City response
Overshadowing of 33-37 Reservoir Street, Surry Hills Four submissions	Submissions raised concerns regarding the impact on daylight access as a result of the increased building height facilitated by the Planning Proposal, in particular the north-facing apartments at 33-37 Reservoir Street. Any new building at 232-240 Elizabeth Street would result in a substantial loss of direct afternoon sun. The Planning Proposal and Urban Design Report are too focused on the impact to 242-254 Elizabeth Street and have not considered the cumulative impact of the new development at 52-58 Reservoir Street on daylight access.	The current LEP building height control applying to the site is 35 metres. As noted in the Planning Proposal, a Concept DA (D/2016/1451) was approved for this site by the NSW Land and Environment Court on 21 July 2017. This granted approval for the demolition of existing buildings and the construction of a mixed-use building to a maximum height of 35 metres. The Planning Proposal is to increase the maximum building height control on the site from 35 metres to RL50.33 metres (39.3 metres). However, the Planning Proposal is accompanied by a site-specific Development Control Plan (DCP) which defines a maximum building envelope in which any future building must be wholly contained. This building envelope features a roof form which slopes from north to south. This acts as a substantial setback to Reservoir Street as all additional height and massing above 35 metres must be set back almost 8 metres from the Reservoir Street boundary. The building envelope has been subject to additional overshadowing analysis carried out by the city to better understand the cumulative impact. This analysis demonstrates that any built form facilitated by this Planning Proposal will cast shadow no worse than the previously approved DA. Considering the previous Land and Environment Court ruling and successful Development Application, and efforts made to ensure that this Planning Proposal facilitates a built form resulting in an overshadowing outcome that is no worse, no change is proposed to the Planning Proposal.
Loss of privacy and light pollution to 33-37 Reservoir Street, Surry Hills Two submissions	Submissions raised concerns that the Planning Proposal would facilitate development which would result in significant overlooking, loss of privacy and light pollution at 33-37 Reservoir Street. This would compound impact already experienced by new development at 52-58 Reservoir Street.	232-240 Elizabeth Street and 33-37 Reservoir Street are located in Zone MU1 Mixed Use. The objectives of this zone include to encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities, and to ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. The Planning

Issue	Key themes	City response
		Proposal facilitates commercial development in line with these objectives. It should be noted that the site at 232-240 Elizabeth Street is separated from 33-37 Reservoir Street by the 15-metre width of the street. In addition, issues including impact on neighbouring properties will be considered during the competitive design process and included in any detailed design proposed as part of a future DA.
Loss of city views from 33-37 Reservoir Street One submission	A submission raised concerns regarding a loss of City views from 33-37 Reservoir Street.	While views across the site may offer City views, it should be noted that private views are not a protected amenity consideration under the Sydney LEP or DCP. The current planning controls applying to 232-240 Elizabeth Street allow for development up to 35 metres in height however the existing buildings are only 2-3 storeys, well below what is allowed under the existing controls. This Planning Proposal allows for an additional 4.3 metres in height within a building envelope outlined in the site-specific DCP. This building envelope requires a sloping roof zone from north to south which means that all additional height and massing above 35 metres must be set back almost 8 metres from the Reservoir Street boundary.
Overshadowing of 242-254 Elizabeth Street, Surry Hills Four submissions	Submissions raised concerns regarding the impact on daylight access as a result of the increased building height facilitated by the Planning Proposal.	While the Planning Proposal facilitates an increase in height, it is accompanied by a site-specific DCP with a defined building envelope. This envelope includes a sloping roof requiring height and massing above 35 metres to be setback from the boundary. Overshadowing analysis provided by the proponent as part of the Urban Design Report and verified by the City demonstrates that the proposed building envelope results in overshadowing to 242-254 Elizabeth Street no worse than a Sydney DCP compliant envelope with a maximum height of 35 metres. A previous concept DA (D/2016/1451/A) granted for this site applied a condition of consent that a minimum of 2 hours solar access be provided to Apartments 601 and 602 at 242-254 Elizabeth Street on the winter solstice. The proposed planning envelope complies with this condition despite the increase in height.

Issue	Key themes	City response
Proposed built form and planning envelope Seven submissions	Four submissions raised concerns regarding the proposed built form and its impact on the Reservoir Street streetscape. In particular, the impact on the area's village-like character and the height difference between the proposal and neighbouring buildings.	The proposed building envelope, located on the corner of Elizabeth and Reservoir Streets, is considered a good contextual fit with neighbouring buildings on Elizabeth Street, which show a gradual increase in height when travelling south from the intersection with Wentworth Avenue towards Central Station. The maximum height proposed remains lower than the maximum height of 260 Elizabeth Street and 242-254 Elizabeth Street, which is located on the southern side of Reservoir Street. The proposed building envelope maintains the gradual increase in building height and density along Reservoir Street between Mary Street and Elizabeth Street, as demonstrated in Figure 20 of the Planning Proposal. The envelope also establishes a maximum street wall height of 35 metres along Elizabeth Street and part of Reservoir Street, falling to 30 metres along the southeastern boundary of the site as part of the sloping roof form introduced to maintain sun access. All additional height and massing above 35 metres must be set back from Elizabeth Street by at least 3 metres, and from Reservoir Street by almost 8 metres.
	Three submissions were received which advocated for a further increase in the maximum height than what is proposed, noting the site's proximity to Central Sydney and transport infrastructure.	These submissions are noted. The proposed building envelope is considered a good contextual fit with neighbouring buildings on Elizabeth and Reservoir Streets, reflecting the gradual increase in building heights along Elizabeth Street travelling south and Reservoir Street travelling west.
Proposed use Two submissions	Submissions were received which advocated for residential, affordable housing or backpacker accommodation uses rather than commercial, noting the site's history and proximity to Central Sydney and transport infrastructure.	The Planning Proposal does not prohibit the landowner from seeking a residential development outcome for the site. A residential development could be achieved through a Development Application compliant with the existing planning controls. The Planning Proposal creates an alternate pathway for a commercial proposal to be delivered at the site.
Impact on local heritage Two submissions	Submissions raised concerns regarding the impact of the Planning Proposal on local heritage, in particular the demolition of the existing structures on site, and the impact on nearby heritage items and the	A Heritage Impact Statement was provided by the proponent as part of the Planning Proposal, which found that all of the buildings presently on site have been heavily modified both internally and externally, feature little noteworthy architectural detailing, and are common typologies within the area.

Issue	Key themes	City response
	19th Century oviform wastewater main.	The site is not located within a Heritage Conservation Area, and the proposed building envelope was not found to impact the heritage values of any nearby heritage items. The introduction of a new pedestrian through-site link provides a visual distinction between any new development and adjoining early 20th Century built form on Reservoir Street. The site is traversed by a brick oviform sewer, constructed in 1887, which connects to the heritage-listed Bondi Ocean Outfall Sewer (BOOS). This section of the wastewater main is not heritage-listed and is still an active asset managed by Sydney Water. The proponent will be required to undertake a Specialist Engineering Assessment in consultation with Sydney Water as part of any future Development Application.
Pedestrian through-site link extending Foster Lane to Reservoir Street Seven submissions	Six submissions were received which supported the delivery of a new pedestrian through-site link extending Foster Lane to Reservoir Street. One submission suggested connecting Foster Lane to Elizabeth Street. One submission raised concerns that the proposed through-site link will increase pedestrian foot traffic causing increased noise.	The support for the pedestrian through-site link is noted. The land for a through-site link is proposed to be dedicated to the City in stratum as part of a Voluntary Planning Agreement between the City and the landowner. Extending Foster Lane to Reservoir Street enhances the existing pedestrian laneway network, improves security by removing the current dead end laneway, and provides additional opportunities for ground floor activation. It is intended for the through-site link to mirror the success of Fracks Lane at 52 Reservoir Street, and other pedestrian laneways in the City. This supports the objective of making the Eastern Creative Precinct (in which this site is located) an attractive location for a range of business and workers in creative industries.
Driveway access on Reservoir Street Three submissions	Submissions raised concerns regarding the location and size of the driveway access on Reservoir Street. In particular, the amount of Reservoir Street frontage that would be dedicated to loading and servicing rather than active uses, the impact on pedestrians using the footway and the pedestrian crossing at the end of Reservoir Street, and the increase in traffic caused by vehicles entering and exiting the proposed driveway.	The site specific DCP accompanying the Planning Proposal indicates that loading and servicing access should be from Reservoir Street. This aligns with the requirements of the Sydney DCP which states that direct access to a designated arterial or sub-arterial road is not permitted wherever an alternate access can be provided. Provision of vehicle access on Elizabeth Street would impact the operation of bus services. This is not appropriate considering the possibility of alternate access on Reservoir Street. In addition, where vehicular access to parking is not accessed from a laneway it is to be

Issue	Key themes	City response
		located on a secondary street. Part of the Planning Proposal is to facilitate the extension of Foster Lane as a pedestrian through-site link. Requiring Foster Lane to also accommodate vehicles conflicts with that goal. Considering the limited capacity of the section of Foster Lane currently open to vehicles and the site's limited frontage to that section, it is considered appropriate for Reservoir Street to be the location of the driveway. The driveway access will need to be compliant with Australian Standards and with Section 3.11.11 'Vehicle access and footpaths' of the Sydney DCP. This includes restrictions on the width of any driveway and required considerations for pedestrian safety. The Traffic Impact Assessment provided by the proponent as part of the Planning Proposal showed that additional vehicle trips associated with the concept development equate to less than one vehicle every 5 minutes during both morning and evening peak periods. As a result, traffic generated by the proposed development is expected to have minimal impact on the surrounding road network. This will be further assessed as part of a future DA.
Parking Four submissions	Three submissions raised concerns about the amount of parking proposed for the site. One submission raised concerns about the lack of parking proposed for the site.	The development concept for the site includes 18 parking spaces, including 2 accessible parking spaces, which is consistent with the maximum number of spaces allowable under section 7.6 of the Sydney LEP. In addition, 4 loading spaces have been provided which is in accordance with section 3.11.6 and Schedule 7 of the Sydney DCP. End of trip facilities are also to be accommodated, with 62 bicycle parking spaces, shower and change cubicles, and personal lockers to be provided in accordance with section 3.11.3 of the Sydney DCP. This will promote the use of active transport to access the site.
Future building design Four submissions	Submissions raised concerns regarding the design of the development illustrated in the Planning Proposal and supporting documentation, in particular the façade, glazing, sustainability and interface with the ground plane and neighbouring buildings.	It should be noted that the building illustrated in the Planning Proposal and supporting documentation is a reference design only. The site will still need to undergo a competitive design process, in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy. The issues raised in submissions are included as part of any

Issue	Key themes	City response
		process assessing whether development exhibits design excellence. It is following the conclusion of the competitive design process that a final design will be lodged with the City as part of a future Development Application. A further opportunity to comment on the final design will be available during public exhibition of the DA.
Impact on 230 Elizabeth Street, Surry Hills Two submissions	Submissions raised concerns regarding the impact of the development on the adjoining building at 230 Elizabeth Street, in particular construction noise, removal of the billboard on the southern wall, blocking the view of Central Station from the rooftop, and disrupting the behavioural patterns of rainbow lorikeets.	Construction impacts will be considered as part of any future Development Application, including the implementation of a Construction Management Plan prior to the issuing of a Construction Certificate. As the billboard is currently located along the joint boundary of 230 & 232-240 Elizabeth Street, it would have to be removed for any development taking place under the existing planning controls. There is no easement on title granting rights to the airspace above 232-240 Elizabeth Street. It should be noted that private views are not a protected amenity consideration under the Sydney LEP or DCP. While the full impact on views is dependent on the final design proposed as part of the future DA, it is expected that Central Station will remain visible from 230 Elizabeth Street. The Planning Proposal is consistent with the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and will not involve the clearing of any native vegetation. Opportunities for urban greening measures will be considered as part of the competitive design process and future DA.
Impact on 62-64 Foster Street, Surry Hills One submission	The submission supported the extension of Foster Lane but raised concerns regarding the impact of the development on the nearby building at 62-64 Foster Street, in particular use of Foster Lane for construction and servicing, use of roof top space after hours, and ongoing maintenance of Foster Street.	Construction impacts, including on Foster Lane, will be considered as part of any future Development Application, including the implementation of a Construction Management Plan prior to the issuing of a Construction Certificate. While Foster Street is beyond the scope of this Planning Proposal, the city routinely monitors the conditions of our roads and footpaths to ensure that we appropriately prioritise assets that need to be replaced when they have reached the end of their service life. Our approved road renewal and footway budgets are set in line with this best practice approach.

Issue	Key themes	City response
		The site specific DCP accompanying the Planning Proposal contains controls for the use of any external terrace. These require the hours of operation to be restricted to between 7am and 8pm Monday to Friday, and no playing of amplified speech or music at any time.

Appendix A

CITY OF SYDNEY

City of Sydney
Gadigal Country
456 Kent Street
Sydney NSW 2000

+61 2 9265 9333
council@cityofsydney.nsw.gov.au
GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

5 September 2024

Our Ref: X094617

Proposed changes to planning controls for 232-240 Elizabeth Street, Surry Hills

The City of Sydney invites your feedback on proposed changes to the planning controls for 232-240 Elizabeth Street, Surry Hills.

The proposal is to increase the maximum height from 35m to 39.3m and the floor space ratio from 5:1 to 7.3:1. This is equivalent to an extra 2000sqm of commercial floor space.

These changes will allow for a new 10-storey development with office and retail space and a pedestrian link connecting Foster Lane with Reservoir Street.

The documents open for public comment include a planning proposal to amend the Sydney Local Environmental Plan 2012 and a draft development control plan. They will be open for comment from 5 September to 3 October 2024.

We also seek your comments on a draft planning agreement for a new pedestrian link and its dedication to the City of Sydney.

The results of your feedback will be reported to Council and the Central Sydney Planning Committee.

If Council approves this planning proposal, it can amend the Sydney Local Environmental Plan 2012 on behalf of the Minister for Planning and Public Spaces.

You can view the proposal and give your feedback at city.sydney/consultations by **5pm on Thursday 3 October 2024**.

Feedback can be made online, by email or post to Project Officer, City Engagement, City of Sydney, GPO Box 1591, Sydney NSW 2001. Please quote 'Reference X094617 – 232-240 Elizabeth Street, Surry Hills'.

For more information or any queries about this project, please contact cadet planner Kristina Argiropoulos on 02 9265 9333 or sydneyyoursay@cityofsydney.nsw.gov.au.

Yours sincerely

Ben Pechey
Executive Manager, Strategic Planning and Urban Design
City Planning I Development I Transport

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

Appendix B

Proposed planning changes for 232-240 Elizabeth Street, Surry Hills

We invite your feedback on a proposal to increase the building height and floor space ratio to allow the development of a new commercial building.

Review the planning proposal and have your say by Thursday 3 October.

Read more

Attachment E

Resolutions of Council and Central Sydney Planning Committee

Resolution of Central Sydney Planning Committee

28 March 2024

Item 6

Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments

Moved by the Chair (the Lord Mayor), seconded by Abbie Galvin –

It is resolved that:

(A) the Central Sydney Planning Committee approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;

(B) the Central Sydney Planning Committee approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 25 March 2024 that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 232-240 Elizabeth Street, Surry Hills;

(D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 25 March 2024 that Council approve the Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;

(E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination;

(F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and

(G) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 13 March 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X094617

Speaker

Giovanni Cirillo (Planning Lab) addressed the meeting of the Central Sydney Planning Committee on Item 6.

Resolution of Council

8 April 2024

Item 9.3

Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments

It is resolved that:

(A) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;

(B) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 232-240 Elizabeth Street, Surry Hills;

(D) Council approve the Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;

(E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination;

(F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and

(G) Council note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 13 March 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X094617

Attachment F

Gateway determination

Gateway Determination

***Planning proposal (Department Ref: PP-2022-4342)**:* To amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 232-240 Elizabeth Street, Surry Hills that is used wholly for purposes other than residential accommodation and serviced apartments.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to enable an increased floor space ratio (FSR) and increased maximum building height for development used wholly for purposes other than residential accommodation and serviced apartments should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

(a) the planning proposal authority has satisfied all the conditions of the gateway determination;

(b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and

(c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 19 March 2025.

Gateway Conditions

1. The planning proposal is to be updated to:

   (a) Provide a statement addressing consistency with Section 9.1 Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area.

   (b) Amend the planning proposal to confirm Section 9.1 Ministerial Direction 3.10 Water Catchment Protection is not relevant to the planning proposal.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

   (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

   (d) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local*

Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

   - Transport for NSW
   - Utility providers including Sydney Water.

   Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 14 June 2024

Jazmin van Veen
Director
Local Planning (North, East and Central Coast)
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

Attachment G

Alteration of gateway determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2022-4342)

I, Manager, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 14 June 2024 for the proposed amendment to the Sydney Local Environmental Plan 2012 as follows:

1. Delete:

   condition [1].

Dated 26 day of June 2024

Emma Hitchens
Manager Local Planning (North, East and Central Coast)
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

Item 8.

Adoption - Council-Related Development Applications Policy

File No: X112762

Summary

The *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022* (the "regulation") commenced on 3 April 2023. This regulation amendment had several effects being that:

(a) All council-related development applications are required to be notified for 28 days before they can be determined.

(b) All council-related development applications are required to be the subject of a management strategy to address conflicts of interest, which is to be published on the Planning Portal.

(c) Council is required to have adopted a policy for managing potential conflicts of interest in relation to council-related development applications prior to determining impacted applications.

The definition of a council-related development application for the purposes of the regulation is any development application that is:

(a) made by or on behalf of the Council, or

(b) for development on land other than a public road within the meaning of the Local Government Act-

(i) of which the Council is an owner, lessee or a licensee, or

(ii) otherwise vested in or under the control of the Council.

Council-related development applications made after 3 April 2023 cannot be determined unless the council has a policy in place and has considered the policy in relation to that application.

The policy sets out how council-related development applications will be managed. This policy is required to comply with the *Council-related development application conflict of interest guidelines* published by the Department of Planning, Housing and Infrastructure (previously the Department of Planning and Environment).

Council adopted a council–related development applications policy on 13 March 2023.

The adopted policy is required to be reviewed, and an updated policy adopted, if necessary, between 13 June 2024 and 13 March 2025

Recommendation

It is resolved that:

(A) Council adopt the updated Council-related development applications policy as set out at Attachment A to the subject report; and

(B) authority be delegated to the Chief Executive Officer to make amendments to the Council-related development applications policy to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Updated Council-Related Development Applications Policy

Background

1. The Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 (the "Regulation") commenced on 3 April 2023. The Regulation relates to council-related development applications.

2. The definition of 'council related development application' for the purposes of the regulation is any development application that is:

   (a) made by or on behalf of the Council, or

   (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 -

      (i) of which the Council is an owner, lessee or a licensee, or

      (ii) otherwise vested in or under the control of the Council.

3. All applications lodged after 3 April 2023 which meet the above definition are required:

   (a) to be publicly exhibited for a minimum of 28 days and

   (b) be subject of a management strategy to address conflicts of interest that is to be published on the Planning Portal.

4. The Regulation provided that after 3 April 2023, a council-related development application cannot be determined unless the Council has a policy in place and has considered the policy in relation to that application. The policy sets out how council-related development applications will be managed. This policy is required to comply with the *Council-related development application conflict of interest guidelines* published by the Department of Planning and Environment.

5. Council adopted a Council–related development applications policy on 13 March 2023.

6. The adopted policy is required to be reviewed, and an updated policy adopted, if necessary, between 13 June 2024 and 13 March 2025.

7. The policy has been reviewed and amendments are recommended to provide clarification as to the operation of the policy and improve efficiency.

8. In particular the definition of what constitutes a council-related development application has been incorporated into the policy. The existing adopted policy refers to the relevant definition contained in the *Environmental Planning and Assessment Act*.

9. In addition, the wording of the policy has been amended to clarify the approach to dealing with other development related applications (which are not defined in the Act as council-related development applications), such as applications to modify a consent, or a development application for a development that is subject of a grant from Council, which may from time to time raise issues with regard to a conflict of interest.

10. Conflicts in these cases will be addressed having regard to the same principles as those used in relation to council-related development applications. However, any management strategy for these applications will be considered on a case-by-case basis. As the application is not a council-related development application as defined, the management strategy is not required to be published on the Portal under the regulations, and the application will be notified in accordance with the requirements of Council's Community Participation Plan.

11. The amended policy complies with the Department's *Council-related development application conflict of interest guidelines*. It sets out:

    (a) the process the City will follow to identify whether a particular development application is a council-related development application

    (b) which council-related development applications are of such minor risk that they do not require a specific management response ("excluded development")

    (c) the risk assessment process, specific categories of application and management strategies in relation to those different categories

    (d) management strategies in relation to the undertaking of enforcement and compliance activities relating to council-related development.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

12. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:

    (a) Direction 1 - Responsible governance and stewardship - adoption of the policy is necessary under the Regulation to ensure that Council can lawfully determine council-related development applications. The updated policy as proposed reflects the adopted policy and Council's approach to dealing with conflicts of interest on development applications in which council has a significant interest, whether as applicant, landowner or for some other reason.

Organisational Impact

13. The Regulation and Policy introduced additional administrative steps into the development application process for council-related development applications, principally the need to notify applications for 28 days and the requirement that they be the subject of a management strategy to address conflicts of interest, which is to be published on the Planning Portal.

14. The requirement to notify applications for 28 days (in most cases this is greater than would otherwise have been required by Council's Community Participation Plan) may impact to some extent the determination times of affected applications. In the financial year 2023 to 2024 there were 57 council-related development applications. Of these approximately 20% were submitted by or on behalf of Council and the remainder related to Council owned property (such as the Queen Victoria Building - 29 applications, and Oxford Street properties - 10 applications).

Risks

15. A review of the existing policy is required to be undertaken, and an updated policy adopted, if necessary, by 13 March 2025 to ensure the City remains compliant with the Regulation. In the absence of an adopted policy council-related development applications cannot be determined.

Economic

16. No significant economic impacts have been identified as a result of the operation of the current policy.

Financial Implications

17. There are no financial implications arising from this review.

Relevant Legislation

18. Environmental Planning and Assessment Act 1979.

19. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

20. The existing policy is required to be reviewed and approved between 13 June 2024 and 13 March 2025.

Options

21. A policy is required to be adopted under the regulation. The existing policy has been reviewed and amendments made to improve the policy's useability and provide clarification as to the operation of the policy. The updated policy, is put forward for adoption.

22. The City may retain the existing adopted policy unchanged or adopt the updated policy.

Public Consultation

23. There is no obligation for public consultation in relation to the making of the policy. The policy and the regulation themselves set out requirements for additional public consultation in certain circumstances.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Bill Mackay, Manager Planning Assessments

Attachment A

Updated Council-Related Development Applications Policy

Council-related Development Applications Policy

Purpose

The Council of the City of Sydney ~~Council~~ (the Council) operates as a consent authority and development regulator for most development within the ~~our~~ local government area. In some circumstances the Council is also the landowner of land to which an application relates, has given a grant to or has a commercial interest in the land they regulate. Where C~~c~~ouncil ~~s~~ has~~ve~~ this dual role, a potential conflict can arise between their interests in the development and their duty as regulator.

This Policy explains how the Council will identify matters in which these potential conflicts arise and address them throughout the development process.

This Policy does not change the delegations in relation to which entity performs the role of consent authority for an application, unless a determination is made by the CEO, Executive Director City Planning Development & ~~and~~ Transport or Executive Manager Planning and Development to refer a matter to a particular consent authority following a risk assessment.

~~Preliminary~~

~~(1) Name of policy~~

~~This policy is the Council-related Development Applications Policy.~~

~~(2) Aim of policy~~

~~This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development applications. Refer to Section (4) definitions.~~ .

~~(3)~~ Scope

This policy applies to C~~c~~ouncil-related development as defined in the Environmental Planning and Assessment Act 1979 (the Act). ~~Refer to Section (4) definitions.~~

This policy has been prepared in accordance with the requirements of s 66A of the Environmental Planning and Assessment Regulation 2021 (the Regulation) and the Council-related Development Application Conflict of Interest Guidelines issued by the ~~Department of Planning and Environment~~ Department Planning, Housing and Infrastructure (previously Department of Planning and Environment).

This policy does not apply to any works carried out under Part 5 of the Environmental Planning and Assessment Act 1979~~.~~

This policy applies to development applications made on or after 3 April 2023.

~~(4)~~ Definitions

~~In this policy:~~

Term	Meaning
~~Application~~	~~An application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate or any works carried out under Part 5 of the Environmental Planning and Assessment Act 1979.~~
~~Council~~	~~City of Sydney Council~~
Council-related development application	As defined in Sch 1 cl 9B of the Act: Ccouncil-related development application means a development application, for which a Ccouncil is the consent authority, that is — a) made by or on behalf of the Ccouncil, or b) for development on land, other than a public road within the meaning of the Local Government Act 1993 — i) ~~(i)~~ of which the Ccouncil is an owner, a lessee or a licensee, or ~~(ii)~~ otherwise vested in or under the control of the Ccouncil. ~~i)~~ii)
Development process	Application, assessment, determination, and enforcement

Term	Meaning
Excluded development (this relates to Council related development applications, as defined, that are not required to have a specific management strategy to deal with potential conflicts)	Applications in which Council's interest is related only to one of the following: a. commercial fit outs and minor changes to the building façade b. internal alterations or additions to buildings that are not a heritage item c. advertising signage on commercial property d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services) e. development where the ~~City~~ Council might receive a small fee for the use of their land f. changes of use from one permitted use to another with no greater than minor impacts on the amenity of the surrounding area g. alteration or addition of minor structures in parks and other public places (such as shade structures in public playgrounds) ~~g.~~h. subdivision in accordance with an approved development. except applications which would limit existing free public access to public land (as defined in the Local Government Act 1993).
~~The Act~~	~~Environmental Planning and Assessment Act 1979~~
~~The Regulation~~	~~Environmental Planning and Assessment Regulation 2021~~

A word or expression used in this policy has the same meaning as it has in the Act~~Act~~, and any instruments made under the Act~~Act~~ unless it is otherwise defined in this policy.

~~Notes included in this policy do not form part of the policy.~~

Policy Statement

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for C~~c~~ouncil-related development applications.

Process for identifying and managing potential conflicts of interest

~~(5)~~ Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls ~~– Council related Development Applications~~

The provision of pre-DA advice prior to the lodgement of an application is a standard service provided by the Council when an applicant requests it. This may involve the provision of detailed written advice relating to a submitted proposal and may involve a meeting with the applicant. Any comments provided in writing or at a meeting are advisory only and do not bind the consent authority in its assessment or determination of a future application.

Where pre-DA advice is sought and given prior to the lodging of a C~~c~~ouncil-related development application, the issue of appropriate management controls should be considered by the Executive Manager Planning and Development (or delegate – Manager Planning Assessments or Area Planning Manager) and the proposed approach to addressing conflicts of interest recorded.

~~Where a preliminary meeting is held prior to the lodging of an application which may be council-related development, the matter should be referred to the Executive Manager Development (or delegate) and the issue of appropriate management controls should be an agenda item for discussion at the meeting, with the proposed approach recorded as part of the minutes of the meeting.~~

~~Preliminary meetings held prior to the lodgement of a development application are a standard service provided by the Council and any comments provided at such meetings are advisory only and do not bind the consent authority in its assessment or determination of a future application.~~

When a Council-related Development Application is received the Executive Manager Planning and Development (or delegate – Manager Planning Assessments or Area Planning Manager) is to:

~~i. Development applications that are for council-related development are to be referred to the Executive Manager Development (or delegate) for an initial conflict-of-interest risk assessment and preparation of a management statement in accordance with the requirements of the Regulation.~~

~~a) At the preliminary stage, the Executive Manager Development (or delegate) is to:~~

~~ii.~~i. assess whether the application is one in which a potential conflict of interest exists~~,~~

~~i. identify the phase(s) of the development process at which the identified conflict of interest arises,~~

~~iii.~~ii. assess the level of risk involved at each phase of the development process, determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined ~~in clause 6 of the policy,~~ below~~,~~

~~iv.~~iii. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Council-related Development Applications are to be identified as either:

i. Excluded Development.

ii. Low-Risk development.

iii. Medium-Risk development.

iv. High-Risk development.

Where relevant a management statement in accordance with the requirements of the Regulation is to be prepared (n.b. the management statement for Excluded Development is that there are no specific management controls).

The Low, Medium and High-Risk categories for Council-related Development Applications are defined below:

~~Council-related development is to be assigned a level of risk in accordance with the following categories:~~

Low Risk

A low-risk Council--related DA is:

a. Any application which would have been determined by the Local Planning Panel but for the fact that the Local Planning Panel has delegated its functions as consent authority to Council staff including:

(i) ~~(i)~~ Internal alternations and additions to heritage items,

(ii) Temporary installations of public art

(iii) Temporary events

(iv) Outdoor seating (no more than one objection)

(v) Works in public domain, construction of driveways, landscaping and the like (no more than one objection)

(vi) Placement or relocation of kiosks and other minor structures within the public domain (no more than one objection)

(vii) Installation of shade structures and play equipment (no more than one objection)

(viii) Installation of solar panels (no more than one objection)

(ix) Small scale alternations and additions to existing facilities (no more than one objection)

(x) Other small-scale development with a development cost of no more than $100,000 (no more than one objection)

b. Development, which is not excluded development, but which does not meet the Medium Risk or High Risk criteria as set out in this policy

Medium Risk

A medium-risk Council related DA is:

a. Any application for which the Local Planning Panel is the consent authority

~~b. Any application in relation to which the Council has resolved to provide a grant~~

~~c.~~b. Changes of use which have the capacity to create more than minor impacts on amenity.

High Risk

A high-risk Council-~~-~~related DA is:

a. Any application made by or on behalf of Council, or for development substantially on land owned or leased by Council, and for which the Central Sydney Planning Committee is the consent authority

~~b.~~ Any matter which is assessed as being high risk by the CEO, Executive Director City Planning Development ~~and~~& Transport or ~~on the recommendation of~~ the Executive Manager Planning and Development~~,~~ due to the particular circumstances of the

b. application (for example, where there is a significant public interest due to the nature of the proposed development).

Where circumstances change throughout the assessment of an application (for example, where public submissions are received objecting to a proposal) ~~assessment staff will raise the matter with the Executive Manager Development, who may review~~ the management strategy in relation to the application will be reviewed by the Area Planning Manager, in consultation with the Manager Planning Assessments, the Executive Manager Planning and Development or Executive Director City Planning Development ~~and~~ & T~~t~~ransport as appropriate, and must make any necessary adjustments determined.~~ as appropriate.~~ Where a management strategy is updated in the course of assessment of an application, it will be updated in the Planning Portal.

~~(6)~~ Management controls and strategies – Council related Development Applications

For all applications which constitute C~~c~~ouncil-related development, staff will ensure that written records are kept of all communications between applicant staff and applicants' representatives (whether staff or external consultants). Substantial discussions should occur only in the context of a formal meeting and written records of such meetings are kept. Executive Directors are responsible for ensuring that staff follow strict communications protocols in relation to C~~c~~ouncil-related development.

In accordance with Sch 1 cl 9B of the Act and the City's Community Participation Plan, all Cc~~c~~ouncil-related Dd~~d~~evelopment Aa~~a~~pplications will be publicly exhibited for a minimum of 28 days. The management strategy will be publicly exhibited with the application and will remain publicly available on the NSW Planning Portal.

Council-related development applications are to be accompanied by either a management strategy statement, which explains how ~~the~~ Cc~~c~~ouncil will manage potential conflicts of interest, or a statement that the Cc~~c~~ouncil has no management strategy for the application.

The management strategy for excluded development is that no additional management controls need to be applied.

However, an application for excluded development may be subject to additional management controls where the CEO, Executive Director City Planning Development &~~and~~ Transport or the Executive Manager Planning and Development ~~if more than one objection is received or where the CEO, on the recommendation of the Executive Manager Development,~~ determines it is appropriate in the circumstances of the case.

For clarity, the Regulation~~Regulation~~ requires that applications for excluded development must only be accompanied by a statement that the Cc~~c~~ouncil has no management strategy for the application in accordance with this Policy.

The management strategy in relation to the assessment and determination of Council-related DAs ~~applications for council-related development~~ is to be in accordance with the level of risk identified under this Policy. In general, the following management strategies are to be implemented:

i) Excluded development.

No additional management controls need to be applied.

~~i)~~*ii) Low Risk*

Application assessed and determined by council staff under existing delegations, subject to any specific matters as set out in the management statement for the application.

~~ii)~~*iii) Medium risk*

Application assessed by council staff and determined by the Local Planning Panel. It is noted that in exceptional circumstances it may be considered appropriate for these matters to be assessed by external ~~consultants~~consultants, and this will be specified in the management statement where applicable.

iv~~ii~~. High risk

Application assessed by external consultants, determined by the Central Sydney Planning Committee (or Local Planning Panel where appropriate).

Where a Council-related DA ~~council-related development~~ becomes the subject of any proceeding before the Land and Environment Court (for example, Class 1 merit review proceedings or Class 4 judicial review proceedings), external legal representatives and consultants will be engaged to conduct the matter on behalf of the City.

Other applications

Other development related applications (which are not defined as a Council-related Development Application), such as applications to modify a consent, or a development application for a development that is subject of a grant from Council, may from time to time raise issues with regards to an actual or perceived conflict of interest.

Conflicts in these cases will be addressed having regard to the same principles as those used in relation to Council-related Development Applications. Any management strategy for these applications will be considered on a case-by-case basis consistent with the approach outlined in this policy.

As the application is not a Council-related Development Application as defined, the management strategy is not required to be published on the Portal under the regulations, and the application will be notified in accordance with the requirements of Council's Community Participation Plan.

Management controls and strategies – certification and compliance

The management strategy in relation to the regulation of C~~c~~ouncil-related development (other than excluded development) is that all certification related to applications where the value of works exceeds $2 million, including the issue of construction certificates and occupation certificates, will be undertaken by a private certifier.

The management strategy in relation to the undertaking of enforcement and compliance activities in relation to all C~~c~~ouncil-related development and all development on C~~c~~ouncil land is as follows:

i. The Executive Manager Planning and Development will oversee all compliance and enforcement activities related to C~~c~~ouncil-related development and all development on C~~c~~ouncil land and will provide regular updates on these activities to the Executive.

ii. Where a non-compliance is identified (for example, a breach of development consent conditions or a failure to comply with the terms of a development control order), the matter will be escalated to the Executive Director Legal and Governance for review and consideration of appropriate action. This may include engaging external consultants in order to undertake investigations and/or to peer review recommendations of C~~c~~ouncil staff. Non-compliances will be recorded in the City's Compliance Register until such time as the matter has been rectified.

iii. Where a matter is considered a significant breach of any law, the non-compliance will be referred by the Executive Director Legal and Governance to the compliance staff of the Department of Planning and Environment for advice and action as appropriate.

~~iii.~~iv. ~~iv.~~ Any instances of deliberate non-compliance by Council staff may be investigated and dealt with in accordance with the Code of Conduct, Disciplinary Procedure and/or action under relevant legislation if appropriate. Such matters will be referred to the appropriate independent authority or the Department of Planning and Environment if it is suspected that an offence has been committed.

c)v. All legal proceedings in relation to enforcement and compliance matters for Ccouncil-related development and activities on Ccouncil land will be conducted by external legal providers, engaging third party consultants to provide expert advice if required.

Example template Management Strategy – Medium Risk matter

Management Strategy – Pre DA	Potential conflict of interest reviewed and identified as Medium Risk. Note: Management strategy developed at time of DA lodgement recognising Local Planning Panel as Consent Authority
Management Strategy - **Assessment**	The Ccouncil is managing potential conflicts of interest in this matter as follows: • The application will be referred to the Local Planning Panel to determine the development application. • Council development assessment staff not involved with preparing the application will assess the DA. • Council development assessment The staff will remain separated from the project team. • Council dDevelopment assessment staff involved in the assessment of the DA and reviewing of the report to be presented to the Local Planning Panel, will complete a declaration confirming that they do not have a conflict of interest. • The management strategy will be amended if necessary if a change in circumstances occurs and/or where the CEO, Executive Director City Planning Development &and Transport or the Executive Manager Planning and Development determines that it is appropriate to do so in the circumstances of the case.
Management strategy – **Compliance / Enforcement**	• A private certifier will be engaged to undertake the certification for the development. • Any complaints and/or compliance activity will be referred to Executive Manager Planning and Development to confirm appropriate course of action and reported to CEO.
Management Strategy – Pre DA	Potential conflict of interest reviewed and identified as Medium Risk. Management strategy developed at time of DA lodgement recognising Local Planning Panel as Consent Authority

~~Contact~~	~~Anyone with concerns about council fulfilling its obligations should report their concerns to the council.~~

References

Laws and Standards
• Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • Local Government Act 1993 • Roads Act 1993 • Building and Development Certifiers Regulation 2020
Policies and Procedures
• Code of Conduct • Compliance Policy • Prosecution and Civil Enforcement Policy

Review period

This policy will be reviewed every two years.

Approval Status

City of Sydney Council approved this policy on [date to be inserted]. ~~13 March 2023.~~

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	13 March 2023	Developed in reference to requirements of s66A, EP&A Regulation 2021 and Council related Development Application Conflict of Interest Guidelines dated 28 Feb 2023 (Department of Planning and Environment).	2023/157016

Stage	Date	Comment	TRIM Reference
Review	[date to be inserted]	Original policy reviewed and updated to address matters that need to be clarified and to improve the operation of the policy. Updated policy developed in reference to requirements of s66A of the EP&A Regulation 2021 and Council related Development Application Conflict of Interest Guidelines dated 28 Feb 2023 (Department of Planning and Environment).	2024/536823
~~Stage~~	~~Date~~	~~Comment~~	~~TRIM Reference~~
Commence Review Date	[date to be inserted – 18 months from date of adoption]. ~~13 June 2024~~		
Approval Due Date	[date to be inserted – 24 months from date of adoption]. ~~13 March 2025~~		

Ownership and approval

Responsibility	Role
Author	Manager Planning Assessment – Planning Assessments
Owner	~~Manager Planning Assessment – Planning Assessments~~Executive Director City Planning Development and~~&~~ Transport
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Item 9.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney (the City) regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Attached are details of three reports received by the City from Fire and Rescue NSW. The attachments deal with three properties and includes the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

Recommendation

It is resolved that Council:

(A) note the contents of the Fire Safety Reports Summary Sheet, as shown at Attachment A to the subject report;

(B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D to the subject report;

(C) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 5 and 7 Potter Street and 2-4 and 6 Lachlan Street, Waterloo;

(D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 10-14 Hunter Street, Sydney at this time; and

(E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 2 York Street, Sydney at this time.

Attachments

Attachment A. Fire Safety Reports Summary Sheet

Attachment B. Inspection Report - 5 and 7 Potter Street and 2-4 and 6 Lachlan Street, Waterloo

Attachment C. Inspection Report - 10-14 Hunter Street, Sydney

Attachment D. Inspection Report - 2 York Steet, Sydney

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.

3. On average, the City receives approximately 50 such reports each year. They can arise from any Fire and Rescue NSW inspection of a property, including reactive inspections where a third party has reported a concern relating to fire safety in a building.

4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.

5. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.

    (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety;

    (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.

6. Attached are the details of 3 reports received from Fire and Rescue NSW, including recommendations for further action, relating to 3 properties. The properties have also been reviewed by a City Officer.

Relevant Legislation

7. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN, AM

Chief Planner | Executive Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

Attachment A

Fire Safety Reports Summary Sheet

Fire Safety Reports Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 4

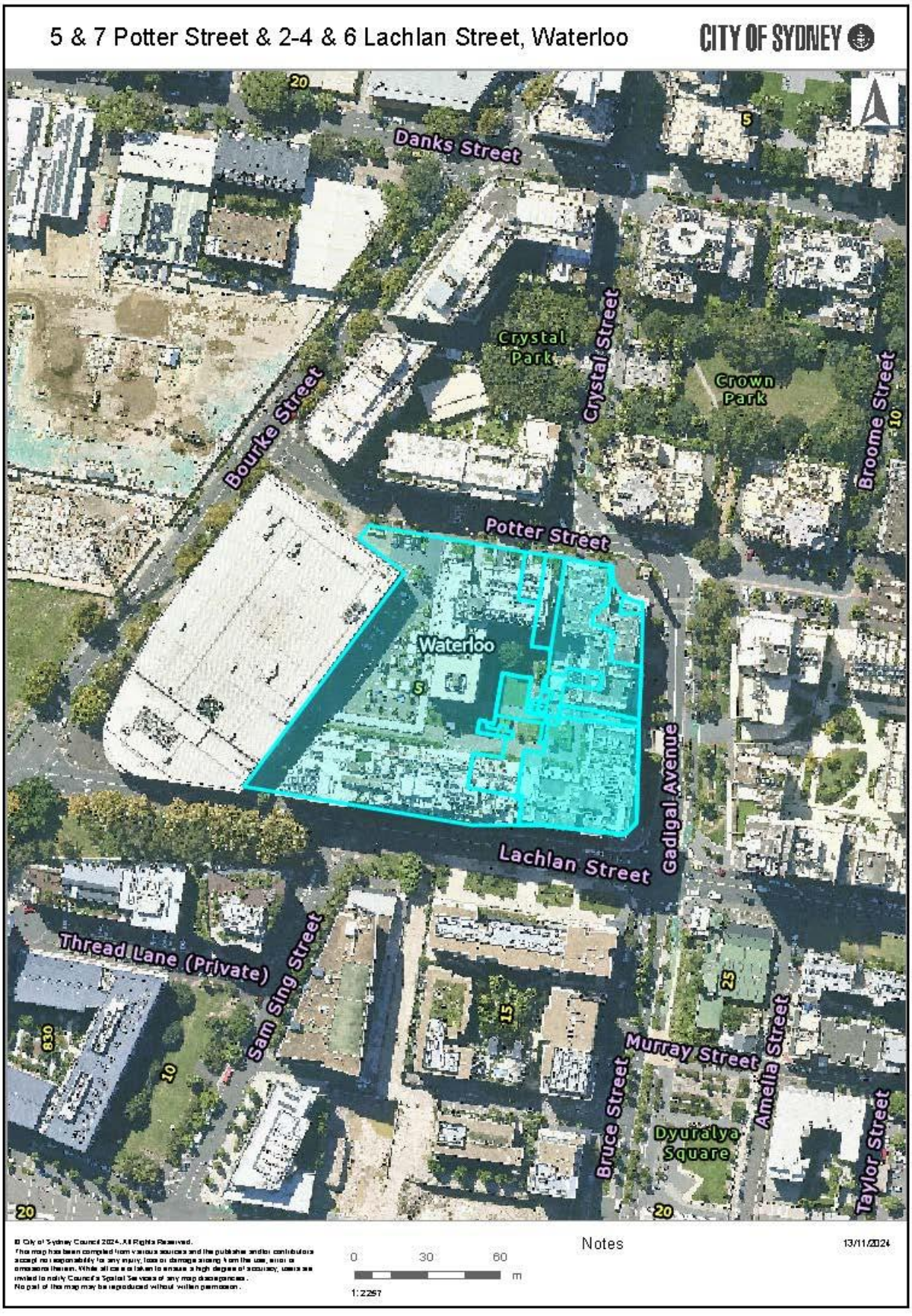
Report – December 2024

Summary table

Att. (A-D)	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	5 and 7 Potter Street and 2-4 and 6 Lachlan Street, Waterloo	Premises inspected; owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	10-14 Hunter Street, Sydney	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
D	2 York Steet, Sydney	Premises inspected; owners have previously been issued with a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

Inspection Report
5 and 7 Potter Street and 2-4 and 6 Lachlan Street, Waterloo


5 & 7 Potter Street & 2-4 & 6 Lachlan Street, Waterloo
CITY OF SYDNEY
Danks Street
Crystal Park
Crystal Street
Crown Park
Broome Street
Bourke Street
Potter Street
Waterloo
Gadigal Avenue
Lachlan Street
Thread Lane (Private)
Sam Sing Street
Murray Street
Amelia Street
Bruce Street
Dyuralya Square
Taylor Street
20
5
10
15
25
830
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13/11/2024

The City investigation officer Inspection and Recommendation Report Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 3234955 **Officer: Joe Kalgovas** **Date: 25 October 2024**

Premises: 5 & 7 Potter Street, 2-4 & 6 Lachlan Street, Waterloo

Executive Summary:

The City of Sydney ('the City') received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 25 September 2024 with respect to matters of fire safety.

The building has three addresses, involves seven strata schemes and has five owners.

The building is a mixed use building with multiple classifications connected by a basement carpark. The upper levels are class 2 residential with ground floor commercial consisting of restaurants, cafes and offices. The building complex contains a long stay child care facility on the 3rd floor (Moore Park Children's Early Learning Centre).

An inspection of the premises undertaken by a City investigation officer in the presence of the building and strata managers, consultants and contractors which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) Inadequate fire detection and alarm systems.

(ii) A lack of adequate facilities for firefighting.

(iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place.

City investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

The subject premises are fitted with external combustible cladding. The City's cladding compliance team have issued fire safety orders to each stratum requiring cladding removal and replacement. The owner's corporations for all stratums have registered with the NSW Government's Project Remediate program and are currently progressing though the respective investigative, remediation design and acceptance stages prior to undertaking any remediation works. To reduce the risk currently posed by the cladding, City officers have initiated precautionary interim fire safety measures. These measures assist in safeguarding occupants whilst cladding removal and replacement works are scheduled and progressed under the Project Remediate program.

Chronology

Date	Event
25/09/2024	FRNSW correspondence received regarding premises 2-4 & 6 Lachlan Street and 5 & 7 Potter Street Waterloo which is identified as 5 & 7 Potter Street & 2-4 & 6 Lachlan Street Waterloo.
24/10/2024	An inspection of the subject premises was undertaken by a City officer in the company of the building and strata managers, consultants and contractors with agreement reached that issues identified by FRNSW were to be addressed.
29/10/2024	Sent a "Notice of Intention" to issue a fire safety order to each of the owners corporations for the five strata plans .

Fire and Rescue NSW report

Fire and Rescue NSW conducted an inspection on 28 August 2024 of the subject premises in response to the Project Remediate programme being undertaken by NSW Department of Customer Service.

The report from FRNSW details a number of issues tabled below:

Ref.	Issue	City response
1.	**Essential Fire Safety Measures**	
1A.	**The Automatic Fire Detection and Alarm System and Sound System and Intercom System for Emergency Purposes**	
A.	**The Fire Brigade Panel (FBP) was displaying:**	
i	One (x1) 'Fault' identified as Zone 123 EWIS System	Inspection revealed that the Fire Brigade Panel was displaying this fault. Fault is to be rectified under fire safety order.
ii	One (x1) 'Isolation' identified as Zone 50 Block 1B Level 10 – Smoke Detectors	Inspection revealed that the Fire Brigade Panel was not displaying this fault. No further action to be taken.
iii	One (x1) 'Alarm' + 'Isolation' identified as Zone 136 Block 2A – Sprinkler tank low	Inspection revealed that the Fire Brigade Panel was not displaying this fault. No further action to be taken.
B.	**The evacuation system control panel was displaying:**	
i.	'System Fault' and one (x1) Audio Line Fault identified as Zone 7 Level 6 Block 1A.	Inspection revealed that the evacuation system control panel was displaying this fault. Fault is to be rectified under fire safety order. No other faults were detected on inspection.
C.	Zone Block Plan – A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS 1670.1-2018.	Inspection revealed that the zone block plan was missing. Zone Block Plan to be provided in compliance with AS 1670.1-2018 under the fire safety order.

Ref.	Issue	City response
D.	An external wall mounted visual alarm device was not located on the front façade of the building at the designated building entry point to indicate the location of the fire brigade panel, contrary to the requirements of Clause 3.8 of AS 1670.1–2018.	Inspection revealed that the visual alarm was not installed. Visual alarm device is to be provided at the building entry point in compliance with AS 1670.1-2018, under fire safety order.
1B.	**The Fire Hydrant System**	
A.	**The fire brigade booster assembly:**	
i.	Location – The fire brigade booster assembly is not within site of the main entrance, is setback from the front boundary (on Potter Street), is located in an obscured position between 'Cameo' Block 2B (7 Potter Street) and 'Aria' Block 1B (5 Potter Street) and is not clearly visible from the street, contrary to the requirements of Clause 7.3 of AS 2419.1-2005. FRNSW would benefit from a visual alarm device (VAD) located on the wall fronting Potter Street leading to the booster assembly, along with a block plan at each building entry point and within the Fire Control Room to assist FRNSW locating the booster assembly.	Inspection confirmed the issues identified by FRNSW to be addressed under fire safety order. An additional visual alarm device (VAD) is to be provided located on the wall fronting Potter Street leading to the booster assembly. Additionally, to assist FRNSW in locating the booster assembly a block plan is to be provided at each building entry point and within the Fire Control Room. These issues are to be required under the fire order.
ii.	Location – The fire brigade booster assembly is located more than 8m from a hardstand, contrary to the requirements of Clause 7.3 of AS 2419.1-2005.	Inspection confirmed this non-compliance. Moving the booster assembly on this premises would be a significant feature to alter, with major implications to the streetscape. As the booster assembly was still functional, no further action is required.
iii.	The booster inlets required to pressurise system were not adequately identified or labelled. FRNSW would benefit from permanent water and fade resistant signage be provided, to distinguish the separate boost connections, which includes the building names and addresses served by boost inlets as follows: • "BUILDING 1 – 'ARIA APARTMENTS' : 2-4 LACHLAN STREET & 5 POTTER STREET".	Inspection confirmed the issues identified by FRNSW. The separate booster connection signage as recommended by FRNSW is to be provided under the fire order.

Ref.	Issue	City response
	• "BUILDING 2 – 'CAMEO APARTMENTS' : 6 LACHLAN STREET & 7 POTTER STREET". • "BUILDINGS 1 & 2 – 'ARIA & CAMEO' CARPARK LEVELS".	
iv.	The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.	Inspection revealed missing devices to secure doors to the booster enclosure. Hold open devices are to be provided in accordance with AS 2419.1-2005 under the fire order.
v.	The booster enclosure which contains both the hydrant booster and sprinkler booster was not adequately labelled "FIRE HYDRANT AND SPRINKLER BOOSTER", contrary to the requirements of Clause 7.10.2 (a) of AS 2419.1-2005. In this regard, the enclosure lacked signage to identify the sprinkler booster within.	Inspection revealed a lack of signage on the hydrant booster and the sprinkler booster enclosure. Signage is to be provided to comply with AS 2419.1-2005, under the fire order.
vi.	A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.	Inspection revealed missing boost and test pressure signage. Signage to be provided to AS 2419.1-2021, under the fire order.
vii	A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.	Inspection confirmed missing hydrant block plan. Block Plan to be provided to AS 2419.1-2005, under the fire order.
viii	Adequate clearances have not been provided to the booster inlets, contrary to Clause 7.4 of AS 2419.1–2005. In this regard, hose connection would be compromised due to the alignment of the boost inlets and the enclosure door.	Inspection revealed that minimum clearances have not been provided to adequately provide for hose connection. Realignment and adjustments to provide clearances at booster inlets are to be carried out to comply with AS 2419.1-2005, to be required under the fire order.
ix	The height of valves/connections appear to be more than 1200mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.	Inspection revealed that valves/connections from the standing surface were more than 1200mm to the booster assembly. Valves and connections heights at the booster assembly are to be adjusted to comply with AS 2419.1-2005, to be required under the fire order.
x	Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the boost inlet connections at the booster assembly, contrary to the	Inspection revealed that Storz couplings were not provided at the booster assembly.

Ref.	Issue	City response
	requirements of Clauses 3.1 and 8.5.11.1 of AS 2419.1–2005, Clauses 1.2 and 3.4 of AS 2419.2–2009, Clause 3.5 of AS 2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.	Storz couplings are to be provided as specified by FRNSW, to be required under the fire order.
1C.	**Automatic Fire Suppression System**	
A.	**The sprinkler booster assembly:**	
i.	The enclosure/cabinet containing the booster connection was not labelled "SPRINKLER BOOSTER CONNECTION", contrary to the requirements of Clause 4.4.3 of AS 2118-1999.	Inspection revealed that the sprinkler booster enclosure was not labelled in accordance with AS 2118.1-1999. Signage is to be provided to AS 2118-1999, under the fire order.
ii.	A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.	Inspection revealed that signage marking the maximum allowable inlet pressure was not provided. Signage is to be provided to AS 2118-1999, under the fire order.
iii.	A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.	Inspection revealed that a block plan was not provided at the sprinkler booster assembly in accordance with AS 2118.1-1999. Block plan is to be provided to AS 2118-1999, under the fire order.
B.	**The sprinkler pumpsets:**	
i.	Maintenance Records – The last entry in the 'General Sprinkler Systems / Electric & Diesel Pumpsets - Maintenance Record and Report (Logbook)' dated 6/08/2024, identified the following observations/defects: o "Diesel pump failed to start in Auto & Manual. Amps drop when trying to start. Investigation required. Batteries 2x12VAH Maybe Required". It is unclear whether the issues were resolved at the last monthly service.	Inspection found diesel pump issue/battery defect unresolved. Certification to confirm that the diesel pump is fully operational is to be provided, required under the fire order.
C.	**The sprinkler diesel pump room:**	
i.	The pumproom which contains the sprinkler diesel pumpset, which is located on Carpark Level 2, is not accessed via a door opening to a road or open space, or an airlock or smoke lobby that leads to a fire-isolated passageway or a stairway which leads to a road or open space, contrary to the requirements of Clause 4.11 of AS 2118.1-1999 and AS 2941-2013. FRNSW would benefit from a site map at the sprinkler booster assembly.	Inspection revealed that the path of travel to the sprinkler diesel pumpset is not compliant. Site maps and way finding signage are to be provided at the sprinkler booster assembly, within the Fire Control Room, within the sprinkler valve room and

Ref.	Issue	City response
		through the carpark level clearly illustrating the path of travel to the pumproom containing the sprinkler diesel pumpset. These issues will be addressed under the fire order.
D.	**The sprinkler valves:**	
i.	A complete stock of spare sprinklers had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.	Inspection revealed that a complete stock of spare sprinklers had not been provided. A stock of spare sprinklers is to be provided to AS 2118.1-1999, under the fire order.
E.	A 500mm clear space is not being maintained below the level of the sprinkler deflectors throughout the storage cage areas in the carpark levels, contrary to the requirements of Clause 5.4.8 of AS 2118.1-1999.	Inspection revealed that 500mm clearance is not provided throughout the carpark. Warning signage throughout the carpark is to be provided. This is considered a housekeeping and maintenance matter addressed by the Annual Fire Safety Statement with no further action to be taken. These issues will be addressed under the fire order.
1D.	**Fire Hose Reels (FHR's)**	
A.	Multiple FHR's throughout the basement levels were not wound back correctly and the nozzle was detached from the hose guide and nozzle interlocking devices.	Inspection did not find fire hose reels unwound with nozzles unattached. This is considered a housekeeping and maintenance matter addressed by the Annual Fire Safety Statement with no further action to be taken.
1E.	**Exit signs**	
A.	Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	Inspection did not identify exit signs which were not operational. This is considered a housekeeping and maintenance matter addressed by the Annual Fire

Ref.	Issue	City response
		Safety Statement with no further action to be taken.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

Fire and Rescue NSW recommendations

FRNSW have made recommendations within their report. In general, FRNSW have requested that the City:

1. inspect the subject premises and take action to have the identified fire safety issues appropriately addressed

2. advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

Officer recommendations

Issue Order	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued City correspondence~~	~~Continue with compliance actions under the current Order~~	~~Other (to specify)~~

As a result of site inspections undertaken a City investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) to issue a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay. The NOI was issued on 29 October 2024

It is recommended that the City exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of the City's actions and determination.

File Ref. No: FRN24/2669 - BFS24/5513 - 8000037659
TRIM Ref. No: D24/112786
Contact: Mark Knowles

25 September 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
'CAMEO & ARIA'
2-4 & 6 LACHLAN STREET AND 5 & 7 POTTER STREET, WATERLOO
("the premises")

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 28 August 2024 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection:

1. Essential Fire Safety Measures

    1A. The Automatic Fire Detection and Alarm System and Sound System and Intercom System for Emergency Purposes:

        A. The Fire Brigade Panel (FBP) was displaying:

            i. One (x1) 'Fault' identified as:

                - Zone 123 EWIS System

            ii. One (x1) 'Isolation' identified as:

                - Zone 50 Block 1B Level 10 – Smoke Detectors

            iii. One (x1) 'Alarm' + 'Isolation' identified as:

                - Zone 136 Block 2A – Sprinkler tank low

        B. The evacuation system control panel was displaying:

            i. 'System Fault' and one (x1) Audio Line Fault identified as:

                - Zone 7 Level 6 Block 1A.

        The fire maintenance contractors were on-site at the time of the inspection and advised FRNSW, that they were in the process of replacing a faulty switch which would resolve the 'Alarm' and 'Isolation' associated with the sprinkler tank.

        The Building Manager advised FRNSW at the time of the inspection that he was aware of the other issues identified in Items A and B above and the issues would be resolved in a timely manner.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

C. Zone Block Plan – A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS 1670.1-2018.

D. An external wall mounted visual alarm device was not located on the front façade of the building at the designated building entry point to indicate the location of the fire brigade panel, contrary to the requirements of Clause 3.8 of AS 1670.1–2018.

1B. The Fire Hydrant System – The annual fire safety statement on display listed the standard of performance for the hydrant system as being AS2419.1 and Fire Engineering Report No 1423-34 FER Rev 02 dated 24.06.2014 prepared by AE&D Fire. Given that the version of AS 2419 is not listed on the AFSS, the following comments are provided having regard to AS 2419.1-2005, noting that a copy of the applicable Fire Engineering Report was also not available for review:

A. The fire brigade booster assembly:

i. Location – The fire brigade booster assembly is not within site of the main entrance of the building, is setback from the front boundary (on Potter Street), is located in an obscured position between 'Cameo' Block 2B (7 Potter Street) and 'Aria' Block 1B (5 Potter Street) and is not clearly visible from the street, contrary to the requirements of Clause 7.3 of AS 2419.1-2005.

FRNSW would benefit from a visual alarm device (VAD) located on the wall fronting Potter Street leading to the booster assembly, along with a block plan at each building entry point and within the Fire Control Room to assist FRNSW locating the booster assembly.

ii. Location – The fire brigade booster assembly is located more than 8m from a hardstand, contrary to the requirements of Clause 7.3 of AS 2419.1-2005.

iii. The booster inlets required to pressurise system were not adequately identified or labelled.

FRNSW would benefit from permanent water and fade resistant signage be provided, to distinguish the separate boost connections, which includes the building names and addresses served by the boost inlets as follows:

- "BUILDING 1 – 'ARIA APARTMENTS' : 2-4 LACHLAN STREET & 5 POTTER STREET".
- "BUILDING 2 – 'CAMEO APARTMENTS' : 6 LACHLAN STREET & 7 POTTER STREET".
- "BUILDINGS 1 & 2 – 'ARIA & CAMEO' CARPARK LEVELS".

iv. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.

v. The booster enclosure which contains both the hydrant booster and sprinkler booster was not adequately labelled "FIRE HYDRANT AND SPRINKLER BOOSTER", contrary to the requirements of Clause 7.10.2 (a) of AS 2419.1-2005. In this regard, the enclosure lacked signage to identify the sprinkler booster within.

vi. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.

vii. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.

viii. Adequate clearances have not been provided to the booster inlets, contrary to Clause 7.4 of AS 2419.1–2005. In this regard, hose connection would be compromised due to the alignment of the boost inlets and the enclosure door.

ix. The height of valves/connections appear to be more than 1200mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.

x. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the boost inlet connections at the booster assembly, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS 2419.1–2005, Clauses 1.2 and 3.4 of AS 2419.2–2009, Clause 3.5 of AS 2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.

1C. Automatic Fire Suppression System - The annual fire safety statement on display listed the standard of performance for the sprinkler system as being AS2118.1. Given that the version of AS 2118 is not listed on the AFSS, the following comments are provided having regard to AS2118.1-1999:

A. The sprinkler booster assembly:

i. The enclosure/cabinet containing the booster connection was not labelled "SPRINKLER BOOSTER CONNECTION", contrary to the requirements of Clause 4.4.3 of AS 2118-1999.

ii. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

iii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.

B. The sprinkler pumpsets:

i. Maintenance Records – The last entry in the 'General Sprinkler Systems / Electric & Diesel Pumpsets - Maintenance Record and Report (Logbook)' dated 6/08/2024, identified the following observations/defects:

- "Diesel pump failed to start in Auto & Manual. Amps drop when trying to start. Investigation required. Batteries 2x12VAH Maybe Required".

It is unclear whether the issues were resolved at the last monthly service.

C. The sprinkler diesel pump room:

i. The pumproom which contains the sprinkler diesel pumpset, which is located on Carpark Level 2, is not accessed via a door opening to a road or open space, or an airlock or smoke lobby that leads to a fire-isolated passageway or a stairway which leads to a road or open space, contrary to the requirements of Clause 4.11 of AS 2118.1-1999 and AS 2941-2013.

In this regard, fire-fighters would need to traverse through the carpark in order to gain access to the sprinkler diesel pumproom and locating the pumproom could be challenging for fire-fighters.

FRNSW would benefit from a site map at the sprinkler booster assembly, within the Fire Control Room and within the

sprinkler valve room, along with wayfinding signage through the carpark level, which clearly illustrates the path of travel to the pumproom containing the sprinkler diesel pumpset.

D. The sprinkler valves:

i. A complete stock of spare sprinklers had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.

E. A 500mm clear space is not being maintained below the level of the sprinkler deflectors throughout the storage cage areas in the carpark levels, contrary to the requirements of Clause 5.4.8 of AS 2118.1-1999.

1D. Fire Hose Reels (FHR's):

A. Multiple FHR's throughout the basement levels were not wound back correctly and the nozzle was detached from the hose guide and nozzle interlocking devices.

1E. Exit signs:

A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address item no. 1 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN24/2669 - BFS24/5513 - 8000037659 for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

Inspection Report
10-14 Hunter Street, Sydney

10 - 14 Hunter Street, Sydney
CITY OF SYDNEY
264-278
Curtin Place
George Street
280-288
Sydney
10-14
Little Hunter Street
16-28
Hamilton Street
30-32
Hunter Street
296
5
79
15-17
19-21
300
287A
304-308
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City of Sydney Investigation Officer Inspection and Recommendation Report Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 3147576 **Officer: Andrew Manning** **Date: 7/11/2024**

Premises: 10-14 Hunter Street, Sydney

Executive summary:

The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 20 August 2024 with respect to matters of fire safety.

The premises consists of a seven-storey building with the approved uses being; a bar located within the basement level, a retail tenancy and a restaurant within the ground floor, with all other storeys being office space.

An inspection of the premises undertaken by the City's investigation officer in the presence of the building manager which revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

City investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to in relation to adequate signage and maintain clear paths of travel to an exit, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractors through written instruction from the City.

Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology

Date	Event
02/08/2024	FRNSW correspondence received regarding premises Zaffi Sydney, 10 -14 Hunter Street Sydney.
26/08/2024	Desktop review was undertaken to understand the nature of the relevant fire safety measures, with the Principal Certifier involved in the development being engaged with to determine the relevant standards of performance for the measures.
03/09/2024	An initial inspection of the subject premises was undertaken by a City officer of the external and publicly accessible areas – no major issues were visible on site.
16/10/2024	Inspection of the premises undertaken with the building manager. A number of items were noted as requiring further investigation, with further advice being sort from the Principal Certifier to verify how the building was assessed as complying with the BCA. Additional minor items were noted around adequate signage and maintenance requirements.
28/10/2024	Follow up inspection undertaken with building manager to confirm advice received from Principal Certifier.
7/11/2024	Corrective action letter sent allowing ninety days to complete all outstanding work.

Fire and Rescue NSW report

References: FRN24/2210 - BFS24/4352 – 8000036774; the City TRIM Ref 2024/482720

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence concerning the adequate provision for fire safety in connection with the premises.

The report from FRNSW detailed a number of issues, in particular ….

Ref.	Issue	City response
1. Compartmentation and Separation		
1A.	The fire rated door providing access from the basement level to the fire-isolate passage / stairway did not self-close when fully opened, contrary to the requirements of Clause C4D9 of the National Construction Code 2022 (NCC) and Clause 2.1.3 of AS 1905.1-2015.	Item addressed on site – restrictor removed from all fire doors. No further action required.
2. Egress		
2A.	The cupboard located on the basement level, housing the sprinkler control valves, was not provided with a fire-rated doorset despite being located under a stairway. Should Council determine that this stairway is a required stairway, as defined in the NCC, it is considered that the enclosure should be fire -separated in accordance with the requirements of Clause D3D9 of the NCC (including the provision of the fire-rated doorset)	Advice received from Principle certifier confirming the item was assessed as complying with the requirements of the BCA No further action required.
3. Services and Equipment		
3A.	Automatic Fire Suppression System (Sprinkler) i. The sprinkler booster assembly was not provided with signage indicating the maximum allowable inlet pressure, contrary to the requirements of Clause 4.14.1 of AS 2118.1-2017. ii. A spanner for the replacement of the sprinkler heads was not provided on the premises, contrary to the requirements of Clause 6.7 of AS 2118.1-2017.	i. Action required under Item 1 of Corrective Action Letter ii. Action required under Item 2 of Corrective Action Letter

Ref.	Issue	City response
	iii. An isolation valve is not provided immediately downstream of the fire sprinkler boost inlets, contrary to the requirements of Clause 4.14 of AS 2118.1-2017 and Clause 7.4 of AS 2419.1-2005.	iii. Action required under Item 5 of Corrective Action Letter
3B.	Fire Hydrant System A. Signage indicating the boost pressure for the hydrant system was not provided at the fire hydrant booster assembly, contrary to the requirements of Clause 11.3.4.2 of AS 2419.1-2021. B. Signage indicating the test pressure was not located at the fire hydrant booster assembly, contrary to the requirements of Clause 11.3.4.1 of AS 2419.1-2021. C. An isolation valve is not provided immediately downstream of the fire hydrant boost inlets, contrary to the requirements of Clause 7.4 of AS 2419.1-2005. D. The fire hydrant block plan provided at the fire hydrant booster assembly incorrectly indicates that an attack fire hydrant is present within the fire-isolated passageway on the basement level, contrary to the requirements of Clause 11.5 of AS 2419.1-2021. Further, additional signage adjacent to the exit door discharging to Curtin Place also incorrectly indicates that an attack fire hydrant is present in the same location.	A. Action required under Item 4 of Corrective Action Letter B. Action required under Item 4 of Corrective Action Letter C. Action required under Item 5 of Corrective Action Letter D. Item addressed on site – No further action required.
4. Maintenance		
4A.	An up-to-date maintenance logbook was not provided on the premises for the sprinkler system, contrary to the requirements of Clause 1.16.2 of AS 1851-2012. It is therefore unknown whether the sprinkler system is being regularly maintained in a state that will enable it to perform to the required standard of performance	Action required under Item 3 of Corrective Action Letter

FRNSW Recommendations

FRNSW recommended that the City inspect and address any other deficiencies identified on the premises and require item numbers 1 to 4 of their report to be appropriately addressed.

Officer recommendations

~~Issue Order~~	~~Issue emergency Order~~	Issue a compliance letter of instruction	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of the above site inspection undertaken by the City's investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by the City's officers to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence instructs the building owners/management to:

1. Install appropriate signage at sprinkler booster assembly to indicate maximum allowable inlet pressure as required by Clause 4.14.1 of AS 2118.1 – 2017.
2. Ensure a spanner for the replacement of the sprinkler heads is provided on the premises, as required by of Clause 6.7 of AS 2118.1-2017
3. Ensure up-to-date maintenance logbook are provided on the premises for the sprinkler system as required by Clause 1.16.2 of AS 1851 – 2012
4. Install appropriate signage at hydrant booster assembly indicating the boost and test pressure for the hydrant system as required by Clause 11.3.4.1 and 11.3.4.2 of AS 2419.1-2021.
5. Ensure an isolation valve is provided immediately downstream of the fire hydrant boost inlets as required by Clause 7.4 of AS 2419.1-2005.
6. Ensure the fire-isolated stairwell serving the building is kept clear of all items and appropriate signage is installed to indicate storage of any item is prohibited within the stair well
7. Repair the penetration within the lightweight construction (plaster board ceiling) located on the basement level within the fire isolated exit
8. Ensure the passive fire separation is reinstated within the ground floor Electronic Distribution Board (EDB)

That the Commissioner of FRNSW be advised of the City's actions and determination.

File Ref. No: FRN24/2210 - BFS24/4352 - 8000036774
Doc Ref. No: D24/94912
Contact: Ryan Maestri

20 August 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
ZAFFI SYDNEY
10 HUNTER STREET, SYDNEY ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 15 July 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Attended AFA, Fire hose reels blocked and exits blocked with furniture and boxes. electrical room next to bar full with over loaded powerboards and clothes hanging on sprinklers. no signage. Contacted owner and manager to rectify*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 24 July 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

At the time of the inspection, it was identified that the issues raised in the correspondence had been rectified.

Additionally, the following items were identified during the inspection:

1. Compartmentation and Separation

   1A. The fire rated door providing access from the basement level to the fire-isolate passage / stairway did not self-close when fully opened, contrary to the requirements of Clause C4D9 of the National Construction Code 2022 (NCC) and Clause 2.1.3 of AS 1905.1-2015.

2. Egress

   2A. The cupboard located on the basement level, housing the sprinkler control valves, was not provided with a fire-rated doorset despite being located under a stairway. Should Council determine that this stairway is a required stairway, as defined in the NCC, it is considered that the enclosure should be fire-separated in accordance with the requirements of Clause D3D9 of the NCC (including the provision of the fire-rated doorset).

3. Services and Equipment

   3A. Automatic Fire Suppression System (Sprinkler)

      i. The sprinkler booster assembly was not provided with signage indicating the maximum allowable inlet pressure, contrary to the requirements of Clause 4.14.1 of AS 2118.1-2017.

      ii. A spanner for the replacement of the sprinkler heads was not provided on the premises, contrary to the requirements of Clause 6.7 of AS 2118.1-2017.

      iii. An isolation valve is not provided immediately downstream of the fire sprinkler boost inlets, contrary to the requirements of Clause 4.14 of AS 2118.1-2017 and Clause 7.4 of AS 2419.1-2005.

   3B. Fire Hydrant System

      A. Signage indicating the boost pressure for the hydrant system was not provided at the fire hydrant booster assembly, contrary to the requirements of Clause 11.3.4.2 of AS 2419.1-2021.

      B. Signage indicating the test pressure was not located at the fire hydrant booster assembly, contrary to the requirements of Clause 11.3.4.1 of AS 2419.1-2021.

C. An isolation valve is not provided immediately downstream of the fire hydrant boost inlets, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.

D. The fire hydrant block plan provided at the fire hydrant booster assembly incorrectly indicates that an attack fire hydrant is present within the fire-isolated passageway on the basement level, contrary to the requirements of Clause 11.5 of AS 2419.1-2021. Further, additional signage adjacent to the exit door discharging to Curtin Place also incorrectly indicates that an attack fire hydrant is present in the same location.

4. Maintenance

4A. An up-to-date maintenance logbook was not provided on the premises for the sprinkler system, contrary to the requirements of Clause 1.16.2 of AS 1851-2012. It is therefore unknown whether the sprinkler system is being regularly maintained in a state that will enable it to perform to the required standard of performance.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review items 1 to 4 of this report and conduct an inspection.

b. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Ryan Maestri of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN24/2210 - BFS24/4352 - 8000036774 regarding any correspondence concerning this matter.

Yours faithfully

Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

Inspection Report -
2 York Street, Sydney

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City of Sydney Investigation Officer Inspection and Recommendation Report Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 3247663 **Officer: T McCann** **Date: 07 November 2024**

Premises: 2 York Street, Sydney

Executive Summary:

The City of Sydney received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 29 October 2024. The correspondence was in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, which involved FRNSW undertaking an inspection of the premises on 04 September 2024.

The premises consists of a twenty-one (21) storey building, used primarily for residential accommodation purposes. The building is located on York Street and is bounded by Margaret and Jaimeson Street.

An inspection of the premises was conducted on 5 November 2024 by a City investigation officer and revealed there were no significant fire safety issues occurring within the premises.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. During a review of the City's records, it was identified that a current fire safety order has been issued on the premises in November 2022 by the City and it should be noted that the correspondence received from FRNSW does not have any impact on the current terms of the existing fire safety order. The fire safety order relates to the non-compliance of the automatic vehicle parking system and the provision of a final fire safety certificate confirming compliance of the existing fire safety measures installed within the premises.

Observation of the external features of the building noted the existence of potential combustible composite cladding on the façade of the building. This is currently being managed by the City's specialist Cladding team. The building owners are the process of having the combustible cladding removed and replaced.

Chronology

Date	Event
29/10/2024	FRNSW correspondence was received by the City identifying a number of fire safety maintenance issues.
01/11/2024	A review of the City records was undertaken which identified that a fire safety order issued in 2022 is currently being managed by a fire safety officer.
05/11/2024	An inspection of the premises was undertaken by a City investigation officer and revealed the premises existing fire safety measures are being adequately maintained and no further deficiencies, other than those being addressed by the fire safety order, exist, that would warrant further action to be undertaken by The City.

Fire and Rescue NSW report

Fire and Rescue NSW conducted an inspection of the subject premises on 4 September 2024 in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW.

The report from FRNSW detailed a number of issues, in particular noting:

Ref.	Issues identified	City response
1. Essential Fire Safety Measures		
1A	**The Automatic Fire Detection and Alarm System**	
A	The Fire Indicator Panel (FIP) was displaying (x1) 'Fault' identified as Zone 19 - Stair Pressure Fan SPF1/2	On the day of the inspection undertaken by the City, the panel was clear of faults and was operational. No further action required.
1B	**The Combined Fire Hydrant and Sprinkler System**	
A	Maintenance i. The latest entry in Automatic Fire Sprinkler Systems maintenance logbook, dated 24 July 2024, stated "*Pressure Switch for Church System 4 Reqd – Pressure Type System Sensor*". ii. The latest entry in Fire Pumpsets (Diesel) maintenance logbook, dated 24 July 2024, stated "*Manual start not working – 4x100 A/h Batt Reqd*".	The maintenance logbooks for the Automatic Fire Sprinkler Systems and the Fire Hydrant Pumpset (Diesel) had updated entries confirming that previous defects noted were resolved on 31 October 2024. No further action required.
2	**Inspection Outcome**	
2A	The Building Manager was advised of issues identified in Items 1A and 1B above at the time of the inspection. FRNSW was advised by the Building Manager that he was aware of the issues and the fire contractor was in the process of rectifying the faults/defects as part of the AFSS process.	Noted. Following the City's inspection, it has been determined that no further investigation is required and that the premises will continue to be compliance managed under the existing fire safety order.

Ref.	Issues identified	City response
	Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.	

FRNSW recommendations

The officer of Fire & Rescue NSW recommended that the City conduct an inspection of the premises, and address any deficiencies identified at the premises.

Officer recommendations

~~Issue Order (NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued the City correspondence~~	Continue with compliance actions under the current Fire Safety Order	~~Other (to specify)~~

As a result of a site inspection undertaken by a City's investigation officer and based on the premise having adequate provisions of fire safety and egress, it is recommended that the City continue with the compliance actions under the existing fire safety order.

That the Commissioner of FRNSW be advised of the City's actions and determination.

File Ref. No: FRN17/489 - BFS22/3684 - 8000022689
TRIM Ref. No: D24/115847
Contact: Mark Knowles

28 October 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
'PORTICO APARTMENTS'
2 YORK STREET, SYDNEY ("the premises")

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 4 September 2024 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4). The items listed in the comments of this report are based on the following limitations:

- Those parts of the building where access could be gained, which included the fire control room, the sprinkler valve room, the combined fire hydrant and sprinkler booster assembly and the pumproom.
- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection:

1. Essential Fire Safety Measures

    1A. The Automatic Fire Detection and Alarm System:

        A. The Fire Indicator Panel (FIP) was displaying:

            i. One (x1) 'Fault' identified as:

                - Zone 19 - Stair Pressure Fan SPF1/2

    1B. The Combined Fire Hydrant and Sprinkler System:

        A. Maintenance:

            i. The latest entry in Automatic Fire Sprinkler Systems maintenance logbook, dated 24 July 2024, stated "*Pressure Switch for Church System 4 Reqd – Pressure Type System Sensor*".

            ii. The latest entry in Fire Pumpsets (Diesel) maintenance logbook, dated 24 July 2024, stated "*Manual start not working – 4x100 A/h Batt Reqd*".

2. Inspection Outcome:

    2A. The Building Manager was advised of issues identified in Items 1A and 1B above at the time of the inspection.

    FRNSW was advised by the Building Manager that he was aware of the issues and the fire contractor was in the process of rectifying the faults/defects as part of the AFSS process.

    Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN17/489 - BFS22/3684 - 8000022689 for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit