

17 September 2026

At 5.00 pm

Central Sydney Planning Committee

Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Matters Arising from the Minutes**
- 4. Development Application: 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville - D/2024/652**
- 5. Development Application: 290-294 Botany Road, Alexandria - D/2026/162**
- 6. Post Exhibition - Planning Proposal - Modern Residential Flat Buildings Heritage Items - Sydney Local Environmental Plan 2012 Amendment**



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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.

At the start of each Central Sydney Planning Committee meeting, the Chair may reorder agenda items so that those items with speakers can be dealt with first.

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Item 1.

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee 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 2.

Confirmation of Minutes

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 20 August 2026

Item 3.

Matters arising from the Minutes

Matters arising from the minutes of the Central Sydney Planning Committee of 20 August 2026.

Item 4.**Development Application: 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville - D/2024/652****File Number:** D/2024/652**Summary**

Date of submission:	7 August 2024, amended between 4 March and 9 April 2025
Applicant:	SJB Planning
Architect:	DKO Architecture
Owner:	Brightwell Real Estate Pty Ltd, and Brightwell Holdings Pty Ltd
DAP:	24 October 2024
Cost of works:	\$124,782,800.00
Zoning:	The site is zoned MU1 Mixed-Use, and the concept proposal is defined as a 'mixed-use development', comprising residential flat buildings, attached dwellings and commercial premises, all of which are permissible with consent.
Proposal summary:	The subject application was reported to the Central Sydney Planning Committee (CSPC) on 8 May 2025. The application seeks consent for concept building envelopes for a mixed-use development comprising 4 residential flat buildings with 2 basement levels, 2 attached terraces and the adaptive reuse of a heritage warehouse. The application is subjected to a Public Benefit Offer to enter into a Voluntary Planning Agreement (VPA) to dedicate and embellish essential land for the southward extension of Goddard Street, the 2.5m footpath widening to the northern side of Coulson Street, and the delivery of Carter's Park.

At the recommendation of the 8 May 2025 report, the CSPC resolved to delegate authority to the Chief Executive Officer:

- to determine the application, following the drafting, and conclusion of the public exhibition of the VPA and considering any public submissions received, and
- that consideration be given to granting consent, subject to a deferred commencement condition requiring the execution of the VPA and the recommended conditions that were contained in Attachment A of that 8 May 2025 report.

However, the finalisation of the VPA has since become protracted (16 months) due to extended negotiations between the existing and future owners of 7-19 Coulson Street and 5 Goddard Street.

City staff were advised on 1 September 2026 that a draft VPA cannot be progressed without further lengthy delays awaiting the future sale and transfer next year

As the application was lodged on 7 August 2024, and the VPA is essential to secure the relevant public benefits and remains outstanding some 16 months after the matter was considered and delegated by the CSPC, the application is reported back to the CSPC with the alternative recommendation to refuse consent. The need to determine the application has been discussed with the future owner.

Summary recommendation: This proposal is recommended for refusal.

- Development controls:**
- (i) Environmental Planning and Assessment Act 1979
 - (ii) Environmental Planning and Assessment Regulation 2021
 - (iii) SEPP (Resilience and Hazards) 2021
 - (iv) SEPP (Housing) 2021
 - (v) SEPP (Transport and Infrastructure) 2021
 - (vi) SEPP (Biodiversity and Conservation) 2021
 - (vii) SEPP (Sustainable Buildings) 2022
 - (viii) Sydney Local Environmental Plan 2012
 - (ix) Sydney Development Control Plan 2012

- Attachments:**
- A. May 2025 CSPC report
 - B. Concept envelope drawings
 - C. Public benefit offer

Recommendation

It is resolved that consent be refused for Development Application Number D/2024/652.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

- (A) The application without securing the Public Benefit Offer is not orderly development under Section 1.3 of the Environmental Planning and Assessment Act 1979.
- (B) The application without securing the Public Benefit Offer fails to address the requirements of Clause 7.20(4) of Sydney Local Environmental Plan 2012, particularly the proposed impact to the Ashmore locality and the quality and amenity of the public domain, including the road network.
- (C) The application without securing the Public Benefit Offer is contrary to the locality statement in Section 2.7.8 and the site-specific requirements of Section 5.5 of Sydney Development Control Plan 2012 to contribute to a high-quality public domain by contributing to a permeable network of streets and providing a new public park and public domain upgrade.
- (D) Having regard to the reasons above, the application is not considered to be in the public interest, contrary to section 4.1.5(1)(e) of the Environmental Planning and Assessment Act 1979.

Background

The Site

1. The site comprises 3 properties, being 5 Goddard Street, 7-19 Coulson Street, and 23 Eve Street, Erskineville.



Figure 1: Aerial view of site and surrounds

Proposal

2. The application seeks consent for concept building envelopes for a mixed-use development comprising 4 residential flat buildings with 2 basement levels, 2 attached terraces and the adaptive reuse of a heritage warehouse.
3. No physical works, including any demolition, excavation or tree removal, form part of the subject application.
4. The application was supported by a Public Benefit Offer to enter into a VPA with the City of Sydney. The VPA would be to secure the dedication and embellishment of land for the following public domain works, including:
 - (a) Southward extension of Goddard Street through the site, connecting to Coulson Street
 - (b) 2.5m footpath widening to the northern side of Coulson Street, west of the future Goddard Street extension and
 - (c) Delivery of the future Carters Park with an area of 500m²

The above dedication and embellishment of land are consistent with the site-specific requirements of Section 5.5 (Ashmore Neighbourhood) of Sydney Development Control Plan 2012.

Reasons for Reporting

5. The application was reported to the CSPC on 8 May 2025, when the Public Benefit Offer had been accepted and the VPA was being negotiated and drafted.
6. At the time of reporting the application to the CSPC in May 2025, as the VPA had not been finalised and publicly exhibited, the planning assessment report recommended, and the CSPC subsequently resolved:
 - (a) To delegate authority to the Chief Executive Officer to determine the application, following the drafting, and conclusion of the public exhibition, of the VPA and considering any public submission received
 - (b) If the Chief Executive Officer determines to approve the application, consideration be given to supporting the variation sought to Clause 4.3 'Height of buildings' pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, and to granting deferred commencement consent requiring the execution of the VPA and subject to the recommended conditions attached to the May 2025 report.
7. In June 2025, the existing owner of the site, Brightwell Real Estate Pty Ltd and Brightwell Holdings Pty Ltd (Brightwell), reviewed the City's draft VPA and made suggested changes. City staff responded to those suggested changes on 31 July 2025 and offered to meet with Brightwell to assist in the finalisation of the VPA.
8. City staff were advised in December 2025 that Brightwell had entered into a contract to sell 2 of the 3 properties subject of this application, being 7-19 Coulson Street and 5 Goddard Street.
9. City staff subsequently met with the future owner of the above sites, Point Capital Partners, on 29 January 2026 and were advised that the draft VPA was progressing.
10. In April and June 2026, Point Capital Partners advised that there were delays in negotiating an agreed position with Brightwell. However, it was anticipated that a draft VPA should be submitted to the City by end of July 2026.
11. City staff met with Point Capital Partners again on 22 August 2026 and advised that the determination of the Concept DA cannot continue to be delayed noting the expected settlement date for the property.
12. Point Capital Partners subsequently advised on 1 September 2026 that the draft VPA cannot be progressed without further delays and understands that the application would be reported back to the CSPC for determination. Brightwell's legal and planning representatives were also informed.

13. The VPA is essential to secure the relevant public benefits identified in the site-specific requirements for the Ashmore Neighbourhood as outlined in Section 5.5 of Sydney Development Control Plan 2012, and the City has allowed an extended timeframe for the existing and future owners to negotiate a VPA with the City. The VPA remains outstanding some 16 months since the application was considered by the CSPC in May 2025, and the City is unable to progress the application towards determination in accordance with the resolution of the CSPC. As such, the application is now being reported back to the CSPC with a recommendation for refusal.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Bryan Li, Senior Planner

Attachment A

May 2025 CSPC Report

Item 9.**Development Application: 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville - D/2024/652****File Number:** D/2024/652**Summary**

Date of Submission:	7 August 2024, amended between 4 March and 9 April 2025
Applicant:	SJB Planning
Architect:	DKO Architecture
Owner:	Brightwell Real Estate Pty Ltd, and Brightwell Holdings Pty Ltd
DAP:	24 October 2024
Cost of Works:	\$124,782,800.00
Zoning:	The site is zoned MU1 Mixed-Use under the Sydney Local Environmental Plan 2012. The concept proposal is defined as a 'mixed-use development', comprising residential flat buildings, attached dwellings and commercial premises, all of which are permissible with consent.
Proposal Summary:	The subject application seeks consent for: • concept building envelopes for a mixed-use development comprising 4 residential flat buildings with 2 basement levels for car parking, storage and services; 2 attached dwellings in a terrace typology, and the adaptive reuse of an existing heritage item as a commercial premises; and, • concept design for public domain works, including a new open space (Carter's Park), the southward extension of Goddard Street, and widening of Coulson Street.

No physical works are proposed as part of this application. A reference scheme is provided for assessment purposes only, with the detailed design of the development and the precise use of the heritage item subject to a separate development application following the completion of a competitive design process.

Voluntary Planning Agreement

The owners of the site have made a Public Benefit Offer to enter into a Voluntary Planning Agreement (VPA) with the City of Sydney.

The VPA will provide for the following public domain works including dedication and embellishment:

- of 500m² of land for Carter's Park;
- to extend Goddard Street southward to connect to Coulson Street; and
- for a 2.5m landscape setback on the northern side of Coulson Street, west of the Goddard Street extension.

The draft VPA is required to undergo a 28-day public exhibition in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979.

Reason for Reporting

The subject application is referred to the Central Sydney Planning Committee for determination as the proposed development is defined as a "major development" for the purposes of the City of Sydney Act 1988.

Notification

The subject application was notified and advertised for a period of 28 days between 16 May and 14 June 2024. Thirty-three (33) objections and one (1) submission of support were received. The primary concerns raised include:

- excessive building height and insufficient separation, and associated amenity impacts, including overshadowing, visual and acoustic privacy impacts;
- demolition of the masonry powerhouse building;
- removal of the Norfolk Island Pine;
- increase in density and pressure on existing infrastructure, including traffic impacts; and

- construction impacts.

The issues raised in the submission are addressed in the report, and where appropriate, conditions are recommended in Attachment A to address these issues.

Design Advisory Panel

The concept proposal has been reviewed by the City's Design Advisory Panel and subsequently amended to incorporate the necessary design refinements to positively address the panel's comments. Overall, the concept proposal has been amended to reasonably preserve the residential amenity of neighbouring properties and the significance of the heritage item.

Assessment

The subject application has also been amended, including the submission of additional information, to address issues identified by City staff and the relevant issues raised by the submissions received. The key amendments include:

- submission of a public benefit offer to provide for the above-mentioned public domain works;
- modify the concept envelopes to minimise overshadowing to 21-25 Coulson Street, maximise solar access to the future Carter's Park, and improve relationship with the retained heritage item;
- modify the concept envelopes and the reference scheme to demonstrate feasible equitable access and compliant level of deep soil area; and,
- additional information to demonstrate protection of identified view corridors from Sydney Park.

The proposal is generally compliant with the relevant planning provisions. Any non-compliances have been assessed as having merit in the context of the site and are addressed in this report.

Subject to the recommended conditions, the proposal can function as a site-specific development control plan to ensure the detailed design of buildings are of appropriate height, bulk and scale that respond to the character of the area and are capable of achieving design excellence.

Summary Recommendation: It is recommended that authority be delegated to the Chief Executive Officer to determine the application, following the drafting, and conclusion of the public exhibition, of the VPA and considering any public submissions received.

Consideration be given to granting deferred commencement consent requiring the VPA to be executed prior to the consent becoming operative and subject to the recommended conditions contained in Attachment A of this report.

Development Controls:

- (i) Commonwealth Airports Act 1996 and Civil Aviation (Buildings Control) Regulations 1988
- (ii) Sydney Airport Referral Act 1996
- (iii) Sydney Water Act 1994
- (iv) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (v) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (vi) SEPP (Resilience and Hazards) 2021
- (vii) SEPP (Housing) 2021
- (viii) SEPP (Transport and Infrastructure) 2021
- (ix) SEPP (Biodiversity and Conservation) 2021
- (x) SEPP (Sustainable Buildings) 2022
- (xi) Sydney Local Environmental Plan 2012
- (xii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Concept Envelope Drawings
- C. Reference Scheme Drawings
- D. Design Excellence Strategy
- E. Public Benefit Offer
- F. Submissions

Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/652, following the drafting and conclusion of the public exhibition of the Voluntary Planning Agreement generally in accordance with the public benefit offer dated 1 April 2025 and considering any public submissions received in response;
- (B) if the Chief Executive Officer determines to approve the application, consideration be given to supporting the variation sought to Clause 4.3 'Height of Buildings' pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012; and
- (C) if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, to granting deferred commencement consent to Development Application No. D/2024/652 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The concept proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The concept proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (C) Based upon the material available to the Central Sydney Planning Committee at the time of determining this application, the Committee is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the 'height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (D) The reference scheme accompanying the concept proposal demonstrates that the concept envelopes can accommodate developments that complies with the maximum floor space ratio development standard pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (E) The concept proposal includes the adaptive reuse of the 'former Bakewell Brothers southeast warehouse', which subject to conditions, can conserve the significance of the heritage item in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.

- (F) Subject to compliance with the Design Excellence Strategy, the undertaking of a competitive design process, and compliance with the recommended conditions of consent, the concept envelopes can accommodate future buildings that can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Background

The Site and Surrounding Development

1. The site comprises three (3) properties:
 - (a) 7-19 Coulson Street, with a legal description of Lots C, D and E in DP22910
 - (b) 5 Goddard Street, with a legal description of Lot 1 in DP533468
 - (c) 23 Eve Street, with a legal description of Lot 1 in DP533467
2. The site is irregular in shape, with an overall area of approximately 7,747m². It has a street frontage to Goddard Street to the north, Eve Street to the east, and Coulson Street to the south. Levels on the site fall from west to east, and from south to north. The site is also identified as being flood-affected.
3. The site currently accommodates a total of 6 buildings, being:
 - (a) a single storey weatherboard cottage at 5 Goddard Street, which was occupied as a site office for the redevelopment at 1-3 Goddard Street (Figure 2)
 - (b) a single storey weatherboard cottage at 23 Eve Street, currently occupied as a residential dwelling (Figure 4)
 - (c) a masonry warehouse building, a masonry powerhouse building, a masonry office building, and a large warehouse building at 7-19 Coulson Street, currently occupied as the Brightwell Transport headquarters (Figures 5 and 6)
4. The site is not located within a heritage conservation area. However, the masonry warehouse building located at the southeast corner of 7-19 Coulson Street is identified as a heritage item of local significance, known as the 'former Bakewell Brothers southeast warehouse including interiors' (I2246). Heritage assessment has also been carried out to determine that the masonry powerhouse building located at the southwestern corner of 7-19 Coulson Street to be of insufficient heritage significance to warrant retention despite being over 50 years old.
5. The site is located within the Ashmore neighbourhood. The area immediately surrounding the site is transitioning to predominantly residential in nature, with more recent residential flat buildings constructed above street level to comply with flood planning levels. The neighbouring properties include:
 - (a) to the north, at 1-3 Goddard Street, a 4-storey boarding house; and at 3 Eve Street, a 5-6 storey residential flat building
 - (b) to the northeast, at 11-17 and 19-21 Eve Street, two 3-5 storey residential flat buildings
 - (c) to the east, at 8 and 20 Eve Street, two 3-5 storey residential flat buildings
 - (d) to the southeast, 27-41 Eve Street and 1-5 Coulson Street, contain 2 rows of single storey terraces
 - (e) to the south, at 2-4 Coulson Street and 117-219 Mitchell Road, two 6 storey residential flat buildings

- (f) to the west, at 21-25 Coulson Street, 4 storey residential flat buildings known as the Star Printery

6. Photos of the Site and surrounds are provided below.

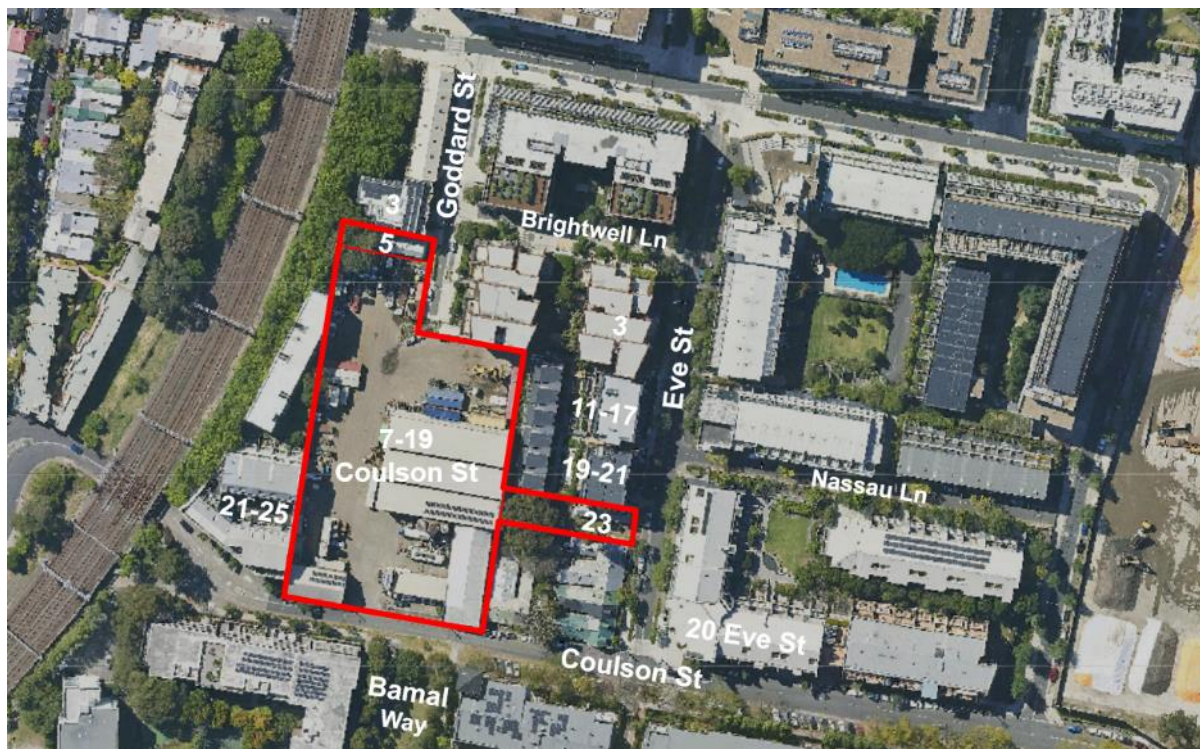


Figure 1: Aerial view of site and surrounds

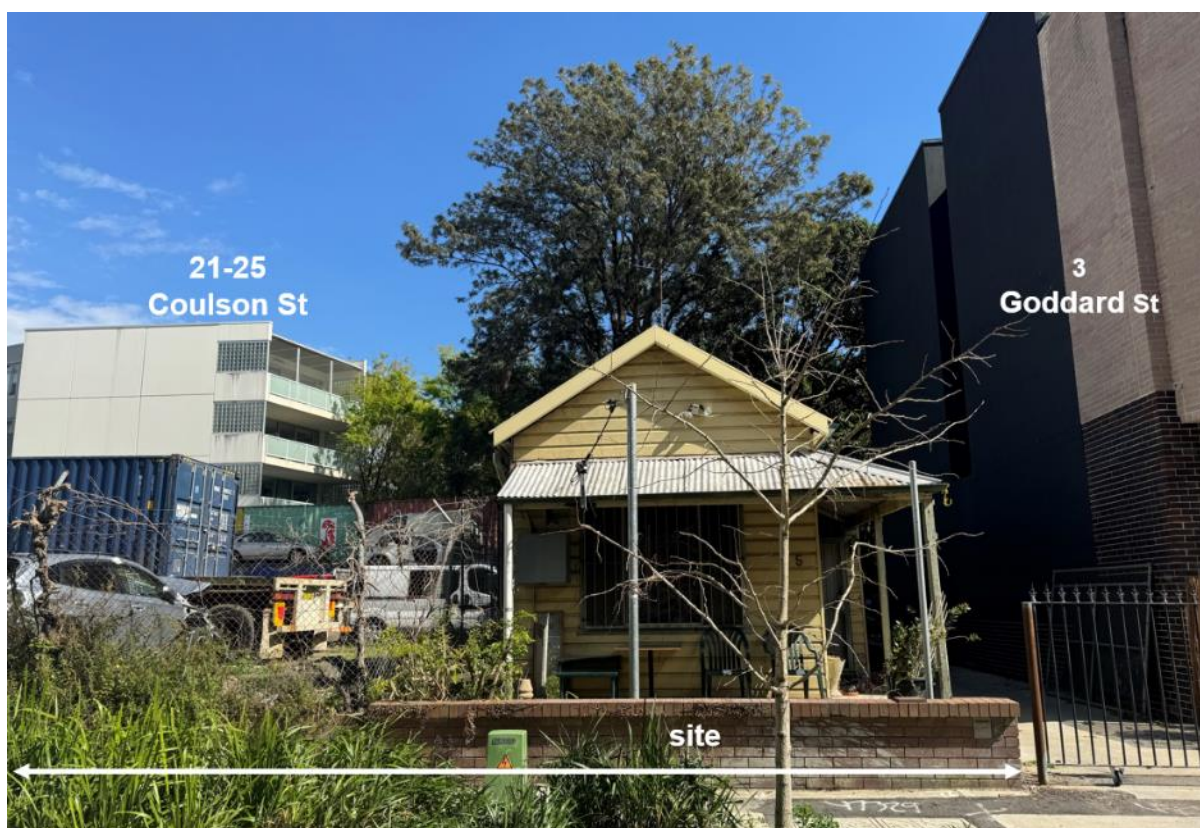


Figure 2: Site (5 Goddard Street) viewed from Goddard Street



Figure 3: Site (7-19 Coulson Street) viewed from Goddard Street, with neighbouring property 1-3 Goddard Street and 3 Eve Street



Figure 4: Site (23 Eve Street) viewed from Eve Street, and 19-21 Eve Street in the background



Figure 5: Site (7-19 Coulson Street) viewed from Coulson Street



Figure 6: Existing heritage warehouse onsite viewed from Coulson Street, and adjoining single-storey at 5 Coulson Street



Figure 7: Neighbouring property at 1-3 Goddard Street

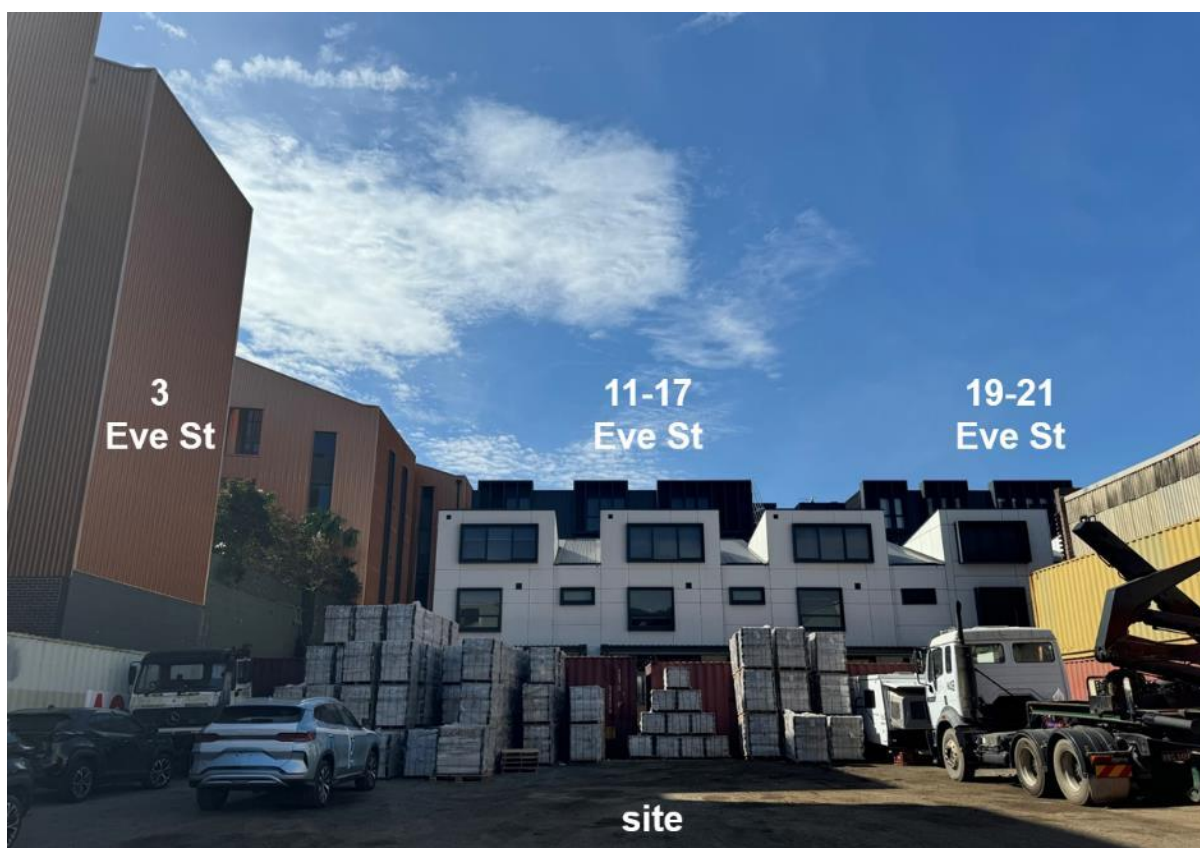


Figure 8: Neighbouring properties at 3, 11-17 and 19-21 Eve Street, viewed from the site (internally)



Figure 9: Neighbouring property at 20 Eve Street



Figure 10: Neighbouring property at 21-25 Coulson Street and 2-4 Coulson Street



Figure 11: Neighbouring property at 177-219 Mitchell Road



Figure 12: Bamal Way (middle), between 177-219 Mitchell Road and 2-4 Coulson Street



Figure 13: Neighbouring properties at 27-41 Eve Street



Figure 14: Neighbouring property at 1-5 Coulson Street

History Relevant to the Development Application

Development Applications

7. The following pre-lodgement discussions are relevant to the current proposal:
- **PDA/2020/280** - written advice was provided on 7 December 2020 to provide general advice for the redevelopment of the site, including the need for a concept DA, a public benefit offer for public domain works identified by Section 5.5 of Sydney Development Control Plan 2012 (DCP), and the following matters that are directly relevant:
 - 23 Eve Street should not be provided as a through-site link connecting the future Goddard Street and Eve Street. Instead, 2 terraces should be provided in accordance with the DCP to provide a height transition between the development at 19-21 Eve Street and the single storey terraces to the south; and
 - The City has undertaken an analysis of the demand for centre-based childcare and found that there is no existing additional demand for childcare in this location, and in recognition of the heritage listing of the southeast warehouse building subsequent to the preparation of Section 5.5 of the DCP, an alternative use may be pursued in this location.
 - **PDA/2023/124** - further written advice were provided on 28 July 2024 and 31 October 2023 to guide the preparation of the subject concept proposal.
8. The following consents for neighbouring properties are relevant to the current proposal:
- **D/2014/1805 - 19-21 Eve Street** - Development consent was granted deferred commencement consent by the Major Development Assessment Sub-committee of Council on 20 October 2015 for the demolition of an existing industrial building and construction of 2-4 storey residential flat buildings.
 - As part of the assessment, it was determined that Goddard Lane is unnecessary for the overall redevelopment of Ashmore. It was noted that "the lane is not strategically required for access/circulation purposes within the Ashmore road network and is not required to "break up" the future street block, which is of a similar size to other blocks within the precinct. Given the multiple land ownership and uncertainty of timing for redevelopment, it is unlikely that Goddard Lane will be realised."
 - The consent also supported a variation to the height of buildings development standard.
 - **D/2017/1393 - 11-17 Eve Street** - Development consent was granted by the Local Planning Panel on 4 July 2018 for the demolition of existing buildings and construction of a 3-5 storey residential flat building.
 - Consistent with the assessment of D/2014/1805, the delivery of Goddard Lane was determined to be unnecessary, and supported a variation to the height of buildings development standard.

- **D/2014/2037 - 3 Eve Street** - Development consent was granted by the Major Development Assessment Sub-committee of Council on 20 October 2015 for the demolition of existing industrial buildings and construction of a 5-6 storey residential flat building. The consent supported a variation to the height of buildings development standard.
- **D/2019/880 - 3 Goddard Street** - Development consent was granted by the Local Planning Panel on 22 July 2020 for the demolition of an existing warehouse building and construction of a 3-4 storey boarding house. The consent supported a variation to the height of buildings development standard.

Amendments

9. In response to a request for additional information and amendments sent to the applicant on 19 November 2024, the following information were provided between 4 March and 9 April 2025:
 - (a) a Public Benefit Offer to provide for the public domain works required by Section 5.5 of the DCP (refer to 'Voluntary Planning Agreement' section for details)
 - (b) amended concept drawings to incorporate the following:
 - (i) increase Building 4's southern setback to the heritage item by 4m, and then reduce the height of Building 4's southern portion (3m depth) to 4 storeys. This is to achieve a better relationship with the heritage item, ensure Carter's Park has a minimum area of 500m², and to maximise solar access to Carter's Park
 - (ii) reduce Building 3's Goddard Street frontage height to 4 storey (4m depth) to maximise solar access to Carter's Park
 - (iii) remove Building 2's northwestern corner for the top 3 storeys to maintain solar access to the neighbouring 21-25 Coulson Street
 - (iv) clearly identify the provision of deep soil area and communal open spaces, being 17% and 25% of the site area respectively, to demonstrate compliance with the Apartment Design Guide (ADG)
 - (c) amended reference scheme to demonstrate the following:
 - (i) at least 70% of future apartments can achieve 2 hours of solar access as per the ADG and
 - (ii) equitable access ramps can be provided without impacting on the extent of deep soil areas and the privacy of ground floor units while also complying with the relevant flood planning levels
 - (d) a view analysis to demonstrate that the proposed development, including the proposed height exceedance, will not impact on the identified view corridors from Sydney Park to the city skyline and the King Street ridgeline
 - (e) additional survey, flooding, and stormwater information

- (f) additional growth data to assist Sydney Water in ensuring the delivery of adequate assets associated with in the proposed growth in the area
- (g) amendments to the design excellence strategy, preliminary public art plan, and indicative operational waste management plan

Proposed Development

10. The application, as amended, seeks consent for the following:
 - (a) 4 building envelopes for residential flat buildings ranging in height from 4-7 storey, providing approximately 131 dwellings, and a building envelope for two 3-storey terraces. The building envelopes specify:
 - (i) maximum building heights defined by RLs
 - (ii) flood planning levels defined by RLs
 - (iii) ground and upper level setbacks
 - (iv) deep soil locations
 - (b) indicative adaptive reuse of the heritage warehouse as a commercial premises
 - (c) gross floor area (GFA) of 13,239m², comprising 12,470m² of residential floor space and 769m² of non-residential floor space
 - (d) the dedication and embellishment of land for the following future public domain works, including:
 - (i) southward extension of Goddard Street through the site, connecting to Coulson Street
 - (ii) 2.5m footpath widening to Coulson Street, west of the future Goddard Street extension
 - (iii) delivery of the future Carters Park with an area of 500m²
11. All of the public domain works identified above are to be dedicated to the City of Sydney (the City) under the terms of a Voluntary Planning Agreement (VPA), which is discussed separately below.
12. A reference scheme has been lodged to support the subject concept proposal as a proof of concept by demonstrating how a detailed building design may be able to be configured within the proposed concept envelopes. The reference scheme is not approved as part of any consent granted and are for assessment purposes only.
13. The reference scheme identifies the following future land uses:
 - (a) up to 2 levels of basement car parking, bicycle parking, storage and services
 - (b) a separate loading area, with a turntable and temporary waste holding area

- (c) 131 residential apartments, ground floor and roof top communal open spaces; 2 terraces fronting Eve Street
 - (d) a commercial premises within the existing heritage item
14. No physical works, including any demolition, excavation or tree removal, form part of the subject application.
 15. Selected drawings of the concept envelopes are provided below; while the reference scheme is available at Attachment C.

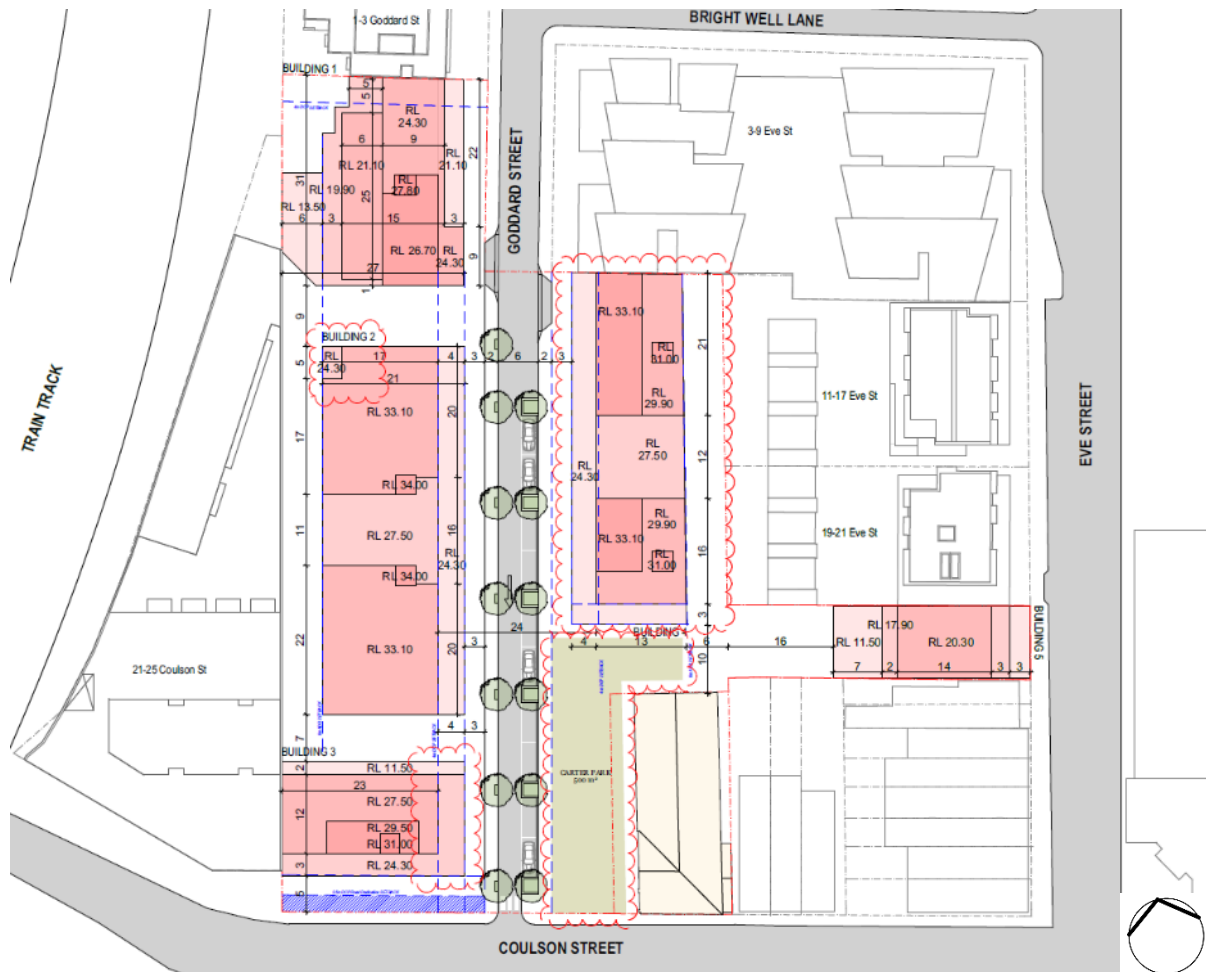


Figure 15: Concept envelope - plan

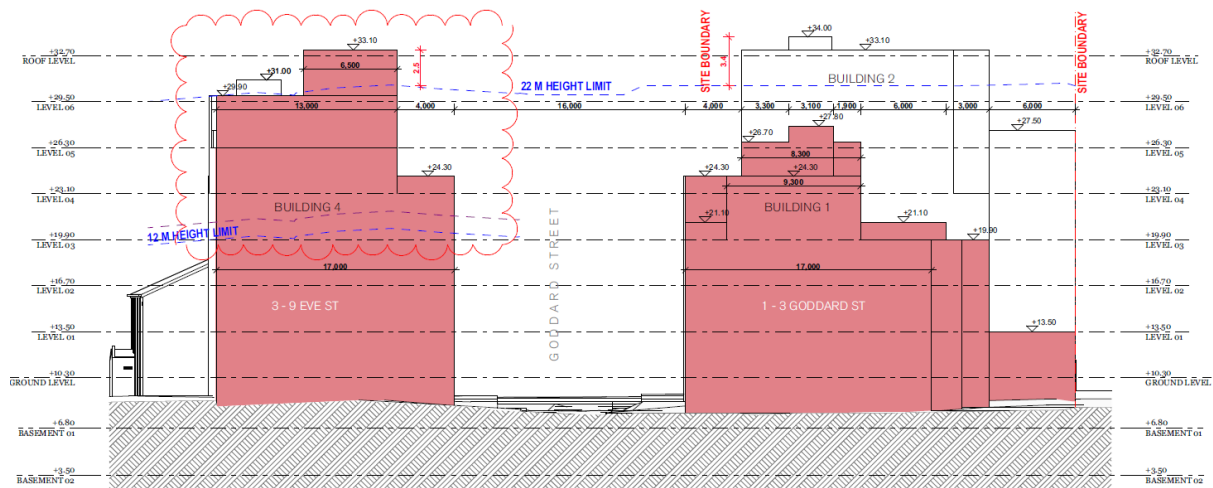


Figure 16: Concept envelope - north elevation

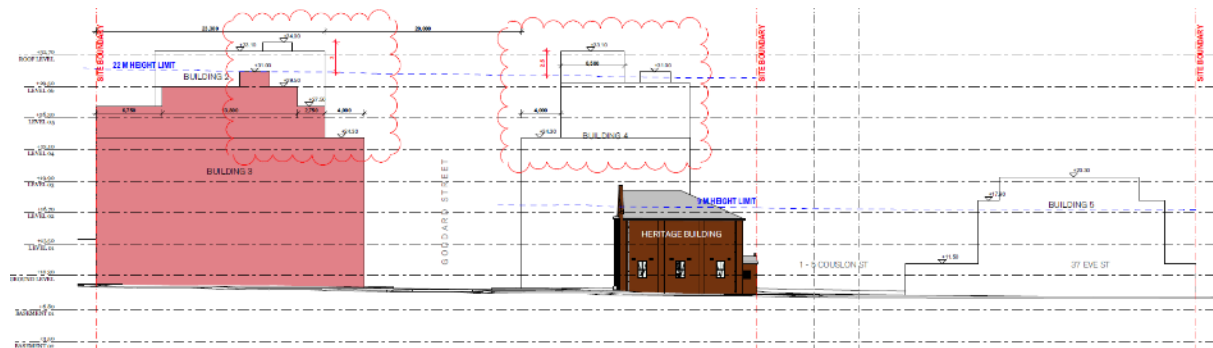


Figure 17: Concept envelope - south elevation

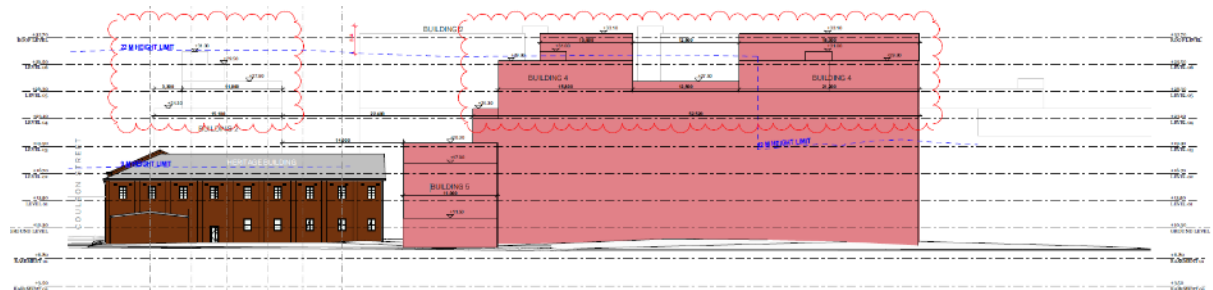


Figure 18: Concept envelope - east elevation

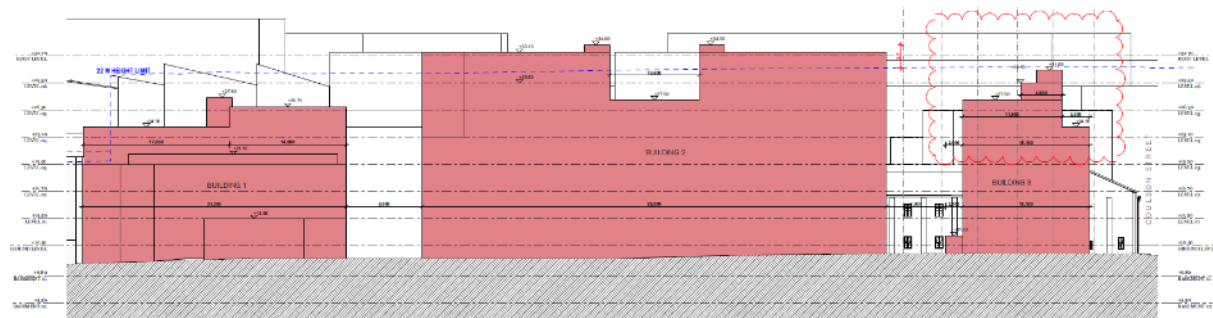


Figure 19: Concept envelope - west elevation

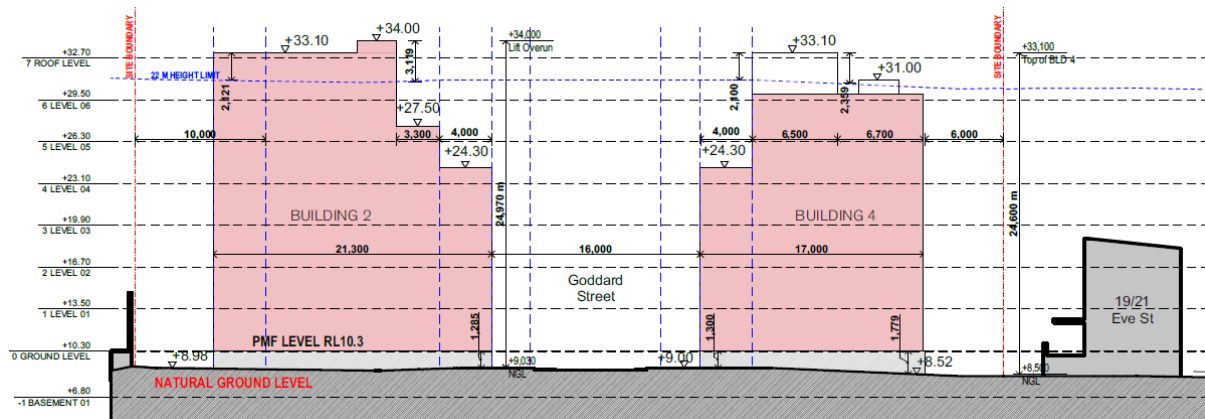


Figure 20: Concept envelope - section 01

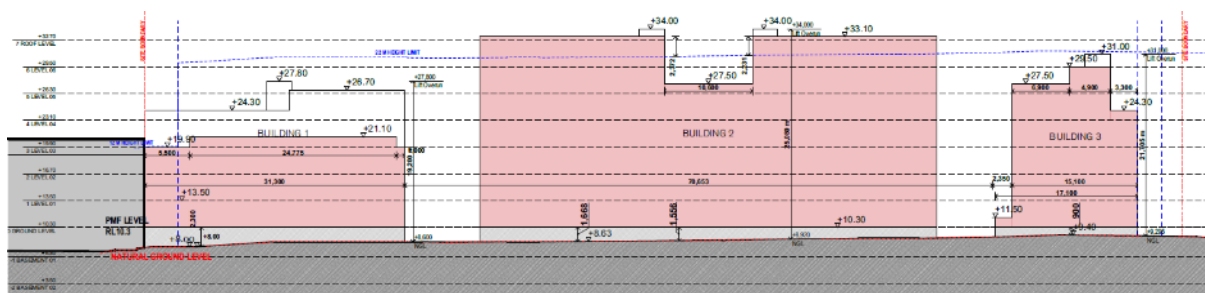


Figure 21 Concept envelope - section 02

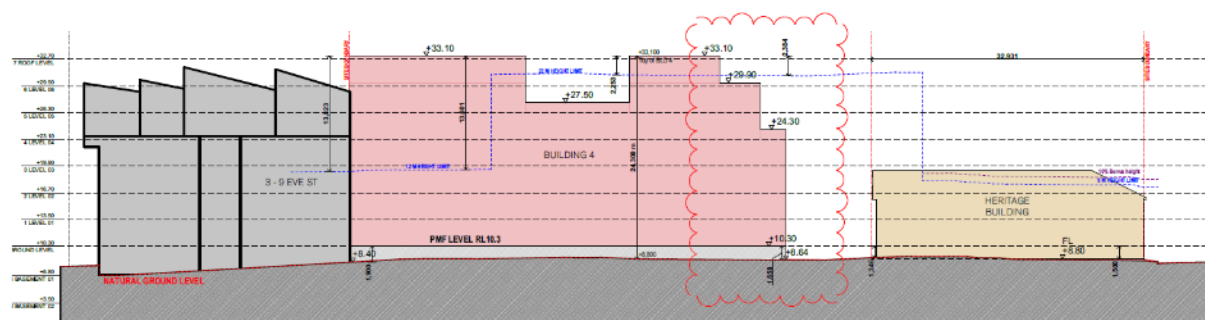


Figure 22: Concept envelope - section 03

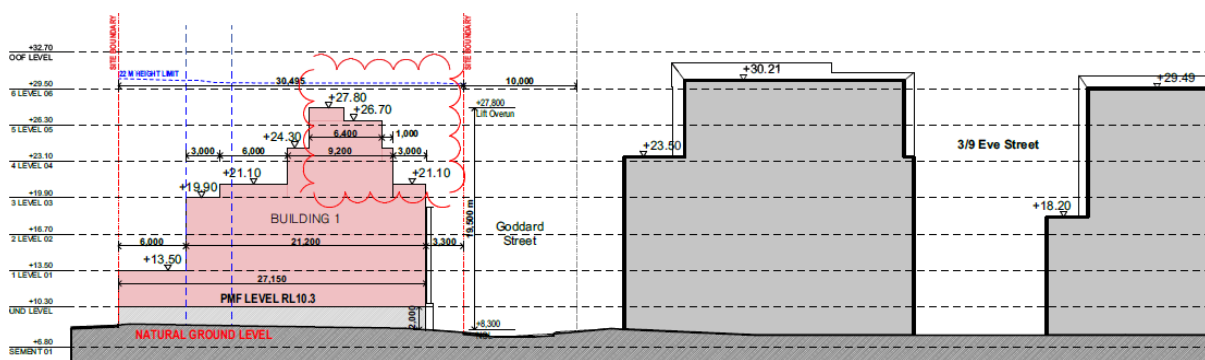


Figure 23: Concept envelope - section 04

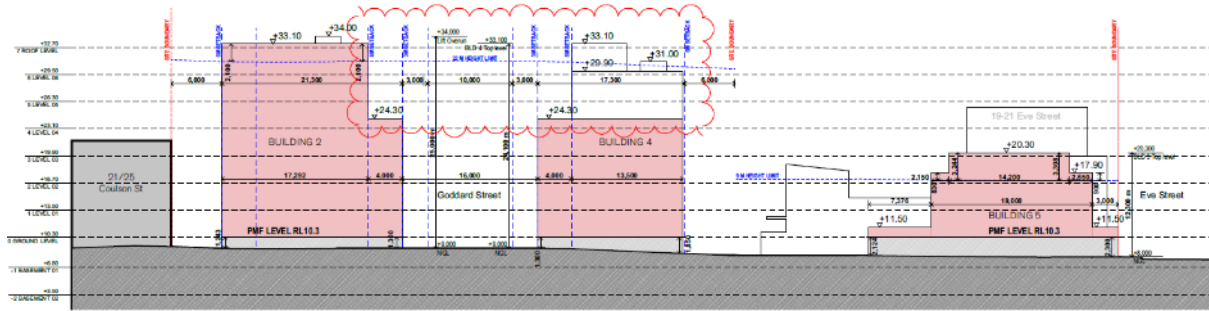


Figure 24: Concept envelope - section 05

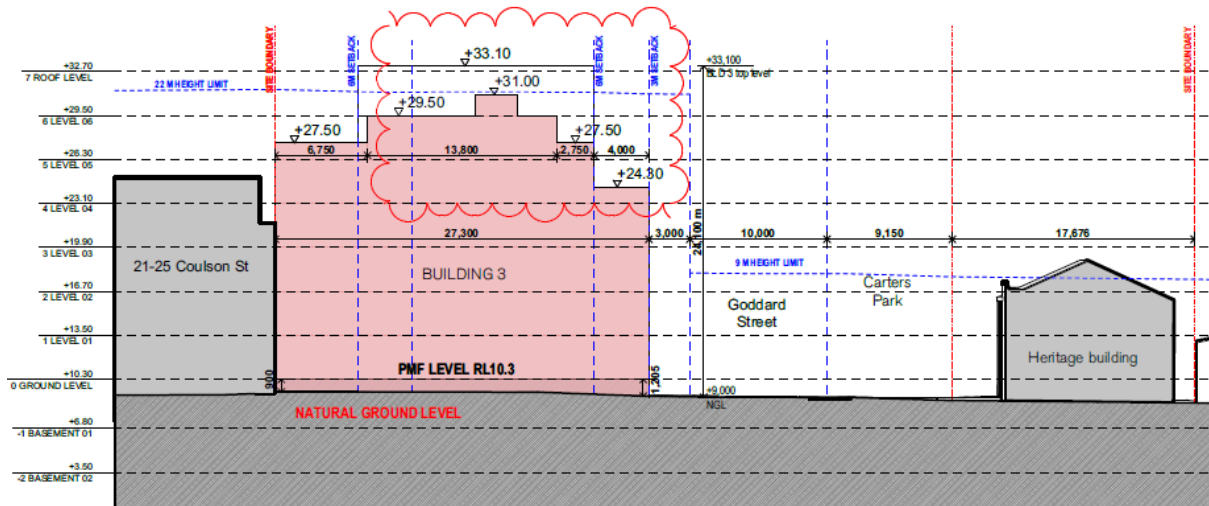


Figure 25: Concept envelope - section 06



Figure 26: Indicative view of the eastern side of Goddard Street (building 4) from Coulson Street



Figure 27: Concept envelope - axonometric view 1

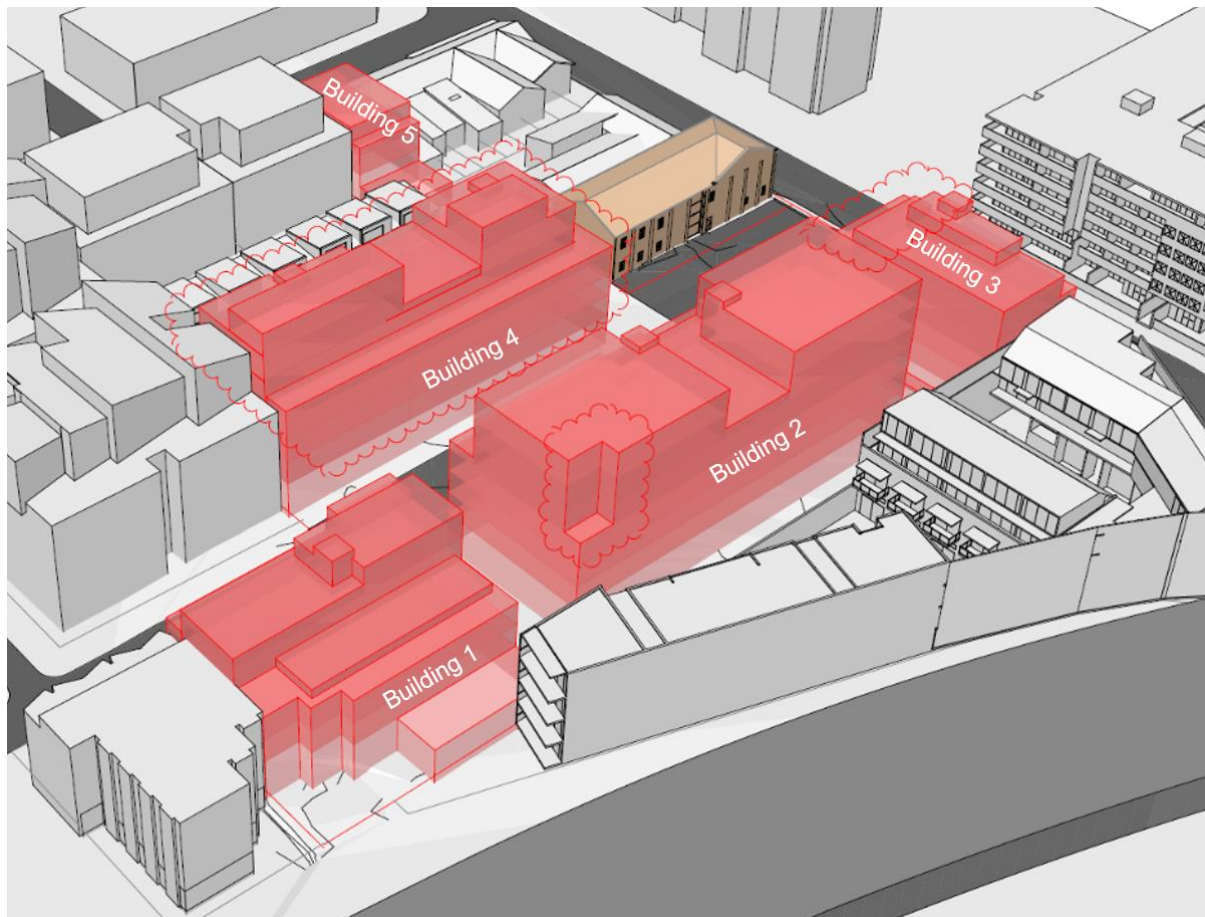


Figure 28: Concept envelope - axonometric view 2

Voluntary Planning Agreement

16. The subject application is accompanied by a Public Benefit Offer to enter into a VPA with the City to provide for public domain works that is generally consistent with the site-specific requirements of Section 5.5 of Sydney Development Control Plan 2012 (DCP).
17. The offer was accepted, and the VPA is being negotiated and drafted in association with the subject application. The offer provides for the following benefits:
 - (a) dedication and embellishment of 500m² of land for Carter's Park, with a value of \$500,629 + GST
 - (b) dedication and embellishment to extend Goddard Street southward to connect to Coulson Street, with a value of \$1,779,737 + GST
 - (c) dedication and embellishment for a 2.5m landscape setback along Coulson Street, west of the Goddard Street extension, with a value of \$97,961 + GST
18. The draft VPA is required to undergo a 28-day public exhibition in accordance with the requirements of Section 7.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

19. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application, following the drafting and conclusion of the public exhibition of the VPA, and considering any public submissions received in response.
20. It is also recommended that the CEO consider granting of a deferred commencement development consent subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative. This will ensure that the consent cannot be acted upon without assurance that the public benefits will be delivered in accordance with the provisions of this agreement.

Assessment

21. The proposed development has been assessed under Section 4.15 of the EP&A Act.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

32. The aim of Chapter 4 of the Resilience and Hazards SEPP is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Site investigations have identified the presence of heavy metals, phenols and polycyclic aromatic hydrocarbons (PAHs), total recoverable hydrocarbons; and asbestos on the site.
34. A Remediation Action Plan (RAP) has been submitted and a letter of interim advice prepared by an EPA Accredited Site Auditor has also been submitted to confirm that the approach outlined in the RAP is appropriate.
35. The letter of interim advice confirms that the site can be made suitable for the proposed development subject to the implementation of the RAP, and the City's Environmental Health Unit have reviewed the information provided and accepted the Site Auditor's advice.
36. Appropriate conditions are recommended in Attachment A requiring the future detailed design DA to include further documentation to address the requirement Chapter 4 of the Resilience and Hazards SEPP.

State Environmental Planning Policy (Housing) 2021 - Chapter 4 Design of Residential Apartment Development

37. Chapter 4 of the Housing SEPP aims to improve the design quality of residential apartment development in New South Wales, and requires the consent authority, when considering the subject application, to take into consideration a number of matters relating to design quality, including the principles as set out in Schedule 9.
38. A design verification statement and design report prepared by DKO Architecture has been submitted to address the design quality principles and the relevant objectives of the ADG. The statement is deemed to satisfy Clause 29 of the EP&A Regulation 2021.

39. An assessment of the concept proposal against the design quality principles is provided as follows:

(a) **Principle 1: Context and Neighbourhood Character**

The site is located within the Ashmore neighbourhood. The concept proposal will provide building envelopes to facilitate the delivery of a mix of residential dwelling types and the indicative adaptive reuse of a heritage item for commercial use. It will also facilitate the delivery of future public domain works. Overall, the concept proposal will facilitate development that is consistent with the desired future character of Ashmore.

(b) **Principle 2: Built Form and Scale**

The submitted reference scheme demonstrates that the proposed concept envelopes can accommodate the maximum permitted FSR for the site. While the Design Excellence Strategy targets up to 10% bonus FSR, a condition is recommended to require the additional floor space, if any, be contained wholly within the concept envelopes.

The height of the proposed concept envelopes, while exceeding the maximum permitted height for the site in some areas, allow for appropriate height transitions to neighbouring developments and the heritage item contained within the site, and protects the identified view corridors from Sydney Park.

The concept proposal will facilitate development that is of an appropriate built form and scale.

(c) **Principle 3: Density**

The proposed concept envelopes are compliant with the maximum permitted FSR, which is appropriate in the Ashmore neighbourhood given its proximity to established and proposed infrastructure, public transport, community and recreational facilities. The proposed density also responds to the desired future character of Ashmore.

(d) **Principle 4: Sustainability**

Appropriate energy efficiency and sustainability targets are identified in the Design Excellence Strategy, and a condition is recommended to require future consideration at the future detailed design DA.

(e) **Principle 5: Landscape**

The proposed development can accommodate common open spaces that amounts to at least 25% of the total site area, either in the form of a courtyard or rooftop open space, and to achieve the amenity requirements of the ADG. A condition is recommended to require future consideration at the future detailed design DA.

(f) **Principle 6: Amenity**

The submitted reference scheme demonstrates that the proposed concept envelopes can accommodate future detailed design of building that can achieve an acceptable standard of residential amenity as per the ADG.

The future detailed design DA will be required to confirm that an acceptable standard of residential amenity is achieved.

(g) **Principle 7: Safety**

This is a matter of consideration for the future detailed design DA.

(h) **Principle 8: Housing Diversity and Social Interaction**

This is a matter of consideration for the future detailed design DA.

(i) **Principle 9: Aesthetics**

This is a matter of consideration for future detailed design DA.

40. The concept proposal is acceptable when assessed against the SEPP including the above stated principles and the associated ADG, which are generally replicated within the apartment design controls under the DCP. Consequently, compliance with the SEPP generally implies compliance with the City's own controls. An assessment against the ADG is provided below.

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Able to comply	Some of the concept envelopes exceed 18m in depth, which is considered acceptable to provide flexibility for future detailed design in terms of building position and articulation, considering that the reference scheme demonstrates compliance with the maximum depth. Compliance will be assessed at the detailed design DA stage.

2F Building Separation	Consistency	Comment
Up to four storeys (approximately 12 metres): 12m between habitable rooms / balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms Five to eight storeys (approximately 25 metres): 18m between habitable rooms / balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms	Able to comply	The concept envelop is generally consistent with the building separation requirements of the ADG. While the reference scheme does not specify apartment layouts, so that the location of habitable and non-habitable rooms cannot be confirmed, a condition is recommended to require careful consideration of the relevant interfaces with neighbouring properties and within the site at the subsequent competitive design process, and compliance will be assessed at the detailed design DA stage.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	Able to comply	The reference scheme has demonstrated that adequate quantum, and equitable distribution, of communal open spaces can be provided on the ground floor and rooftop of the future buildings. The eye of the sun diagrams (Attachment B) also demonstrated the ability to comply with the solar access requirements. Compliance will be assessed at the detailed design DA stage.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter).		

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 15% of the site (as site area exceeds 1,500m ²).	Yes	The reference scheme demonstrates that approximately 17% of deep soil zones can be provided, without being impeded by ramping and other accessibility infrastructure necessary to

3E Deep Soil Zones	Consistency	Comment
		overcome the raised floor levels required to address flood risks. Compliance will be assessed at the detailed design DA stage.

3F Visual Privacy	Consistency	Comment
Up to four storeys (12m): 6m between habitable rooms / balconies 3m between non-habitable rooms Five to eight storeys (25m): 9m between habitable rooms / balconies 4.5m between non-habitable rooms.	Able to comply	<i>Refer to assessment against Objective 2F above.</i>
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Able to comply	A condition is recommended to require careful consideration of the relevant interfaces at the subsequent competitive design process and at the detailed design DA stage.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces. Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Able to comply	The design verification statement claims that over 70% of apartments will receive at least 2 hours of direct sunlight to living rooms and private open spaces, and that less than 15% of apartments will receive no direct sunlight. This is generally supported by the submitted eye of the sun diagrams, despite the reference scheme (also included in the eye of the sun diagrams) does not specify apartment layouts to confirm.

4A Solar and Daylight Access	Consistency	Comment
		Compliance will be assessed at the detailed design DA stage.

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Able to comply	The design verification statement claims that over 60% of apartments can be naturally cross ventilated. This is generally supported by the reference scheme, despite it does not specify apartment layouts to confirm. Compliance will be assessed at the detailed design DA stage.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.		
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Able to comply	<i>Refer to assessment against Objective 2E above.</i>

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Able to comply	The reference scheme indicates 3.2m floor to floor height, which would provide sufficient tolerance at construction to achieve 2.7m floor to ceiling heights. Compliance will be assessed at the detailed design DA stage.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m²	Able to comply	The reference scheme demonstrates the ability of the concept envelopes to accommodate a mix of apartment types that complies with the minimum apartment sizes. Compliance will be assessed at the detailed design DA stage.

4D Apartment Size and Layout	Consistency	Comment
Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.		

4E Private Open Space and Balconies	Consistency	Comment
Studio apartments are to have a minimum balcony area of 4m² with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8m² with a minimum depth of 2m. Two bed apartments are to have a minimum balcony area of 10m² with a minimum depth of 2m. Three bed apartments are to have a minimum balcony area of 12m² with a minimum depth of 2.4m. Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m² and a minimum depth of 3m.	Able to comply	The reference scheme demonstrates the ability of the concept envelopes to accommodate the minimum private open space required relevant to each apartment size. Compliance will be assessed at the detailed design DA stage.

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is eight.	Able to comply	The concept envelopes can accommodate multiple building cores and associated additional heights for lift overruns and the likes. The reference scheme also demonstrates compliance with this requirement.

4F Common Circulation and Spaces	Consistency	Comment
		Compliance will be assessed at the detailed design DA stage.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Able to comply	Compliance with these requirements will be assessed at the detailed design DA stage.
Daylight and natural ventilation are provided to all common circulation spaces.		

4G Storage	Consistency	Comment
Minimum storage provision facilities: • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Able to comply	Compliance with the minimum storage provision will be assessed at the detailed design DA stage.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Able to comply	The submitted acoustic report identifies the apartments fronting Coulson Street and the train track may not achieve the relevant internal noise criteria with windows open to achieve natural ventilation without mitigation. The acoustic report includes recommendations of passive mitigation

4J Noise and Pollution	Consistency	Comment
		method to inform the subsequent competitive design process. Compliance will be assessed at the detailed design DA stage.

State Environmental Planning Policy (Sustainable Buildings) 2022

41. The future detailed design DA will be required to satisfy BASIX requirements and the requirements set out in the Sustainable Buildings SEPP. The relevant sustainability criteria have been identified in the Design Excellence Strategy to inform the subsequent competitive design process. A condition is also recommended to require the future detailed design DA to demonstrate compliance with the Sustainable Buildings SEPP, including the submission of a BASIX certificate.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

42. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line and involves the penetration of ground within 2m of an underground electricity power line.
43. The application was referred to Ausgrid for comment. Ausgrid responded on 29 August 2024 raising no objections, and the recommended conditions have been included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

44. The application is subject to Clause 2.99 of the SEPP as the development will involve excavation adjacent to the rail corridor.
45. The application was referred to Transport for NSW (TfNSW) for concurrence. TfNSW (as Rail Authority) responded on 24 September 2024 raising no objections and provided concurrence subject to recommended conditions. The recommended conditions have been included in Attachment A.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non Rural Areas

46. Chapter 2 of the Biodiversity and Conservation SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
47. While this concept DA does not include any actual removal of trees, the concept envelopes will require the removal of 2 trees on 23 Eve Street. Those trees are not within a heritage site or conservation area. As such, development consent can be granted for their removal at the detailed design DA stage.

Local Environmental Plans

Sydney Local Environmental Plan 2012

48. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed-Use zone. The proposed development is defined as a mixed-use development, comprising residential flat building, attached dwellings, and commercial premises, which are permissible with consent in the zone and consistent with the relevant zone objectives.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 4.6 Exceptions to development standards	No	The concept proposal seeks variations to the height of buildings development standard. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. Please refer to 'Discussion' below.
4.4 Floor space ratio	Yes	A floor space ratio of 1.71:1 (13,239m ²) is proposed, which is compliant with the total maximum floor space ratio of 1.73:1 (13,363m ²). The future development may be eligible for up to 10% additional FSR (calculated based on the post-dedication site area). A condition is recommended to ensure any additional FSR are wholly contained within the approved concept envelopes.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The concept proposal involves the indicative adaptive reuse of the heritage-listed former Bakewell Brothers warehouse for commercial purposes, which is appropriate to ensure the on-going conservation of the building. Conditions are recommended to ensure the adaptive reuse are guided by appropriate heritage principles, and that the historic use of the site is appropriately interpreted as part of the future redevelopment of the site.
5.21 Flood Planning	Yes	The site is located within the Alexandra Canal catchment and is affected by flooding. A site-specific flood assessment has been submitted and recommends flood planning levels (FPLs) for the development. The flood assessment is considered acceptable by Council's Public Domain Unit, and a condition is recommended to ensure the identified FPLs are incorporated into the future detailed design of buildings.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence 6.21C Design Excellence 6.21D Competitive design process	Able to comply	A competitive design process is required in accordance with Clause 6.21D, and a satisfactory Design Excellence Strategy has been submitted to address the requirements of Section 3.3 of the DCP. Conditions are recommended to approve the Design Excellence Strategy and for additional design requirements to be incorporated into the future competitive design process brief. A competitive design process is to be undertaken prior to lodgement of the future detailed design DA. The competitive design process must adhere to the Design Excellence Strategy and

Provision	Compliance	Comment
		conditions of consent. Upon demonstrating design excellence, the future development may be eligible for up to 10% additional FSR.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development	Able to comply	The permissible number of car parking spaces are determined by the quantum of commercial floor space, and the number and mix of residential dwelling. The reference scheme demonstrates that a compliant number of car parking can be accommodated within the indicative basements. However, as these figures are indicative only, compliance can only be assessed at the future detailed design DA stage.
7.14 Acid Sulfate Soils	Able to comply	The site is located on land with class 3 Acid Sulfate Soils. The future detailed design DA, when physical works are proposed, will determine if the relevant requirements are applicable.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport. As discussed in 'External Referrals' below, Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has provided concurrence, subject to conditions.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The site area is greater than 5,000m², as such, a site-specific DCP is required. Pursuant to Section 4.23 of the EP&A Act, the subject concept DA is submitted in lieu of a site-specific DCP. As detailed elsewhere in this report, subject to the recommended conditions in Attachment A, the subject application adequately addresses the matters for consideration specified under this clause

Provision	Compliance	Comment
		including, height, bulk, massing, streetscape and environmental impacts.
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Yes	No shops or markets with a gross floor area greater than 1,000m ² is proposed under the subject application.

Development Control Plans

Sydney Development Control Plan 2012

49. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

50. The site is located within the Ashmore locality. The proposed concept proposal is in keeping with the unique character and the design principles of the locality in that:
- (a) it will indicatively provide different types of residential accommodations, including 2 terraces and a mix of apartment sizes and layouts;
 - (b) it can accommodate future buildings that reinforces the transition of building heights within the locality;
 - (c) it will, together with the associated VPA, contribute to a high-quality public domain by contributing of a permeable network of streets and providing a new public park and public domain upgrades;
 - (d) it will, subject to conditions, accommodate future buildings that reinforce a strong landscaped character through the provision of landscape buffers between the new buildings and the public domain; and
 - (e) it will protect the 2 identified view corridors from Sydney Park as per Section 5.5.8.2 of the DCP.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Able to comply	Section 5.5 of the DCP sets out the site-specific requirements for new public open spaces and streets to be dedicated to the City. The concept proposal is generally consistent with those requirements and is considered capable of facilitating future development that will make a positive contribution.

Provision	Compliance	Comment
		The delivery and dedication of the required public domain works will form part of the associated VPA. Conditions are also recommended to guide the detailed designs of the Goddard Street extension, Coulson Street widening, and Carter's Park, which are to be submitted and assessed at the detailed design DA stage. An acceptable public art strategy has also been provided, and a condition is recommended to ensure that strategy will inform the subsequent competitive design process and require the submission of a preliminary public art plan for assessment at the detailed design DA stage.
3.2. Defining the Public Domain		The proposed concept envelopes maximise solar access to the future Carter's Park and maintain an acceptable level of solar access to Bamal Way. The reference scheme demonstrates that the concept envelopes can accommodate future buildings that contribute to the safety, amenity and quality of streets and the public domain while addressing the flood risks of the site. Appropriate conditions are also recommended to draw particularly attention to this particular matter. Compliance with the relevant wind comfort criteria within Carter's Park, and reflectivity of future building materials will be assessed at the detailed design DA stage.
3.3 Design Excellence and Competitive Design Processes	Yes	The Design Excellence Strategy establishes an acceptable design excellence process for the redevelopment of the site. As discussed against Division 4 of the LEP above, appropriate conditions are recommended to approve the Design Excellence Strategy, to require additional design requirements to be

Provision	Compliance	Comment
		incorporated into any future competitive design process brief, and for the competitive design process to be undertaken prior to lodgement of the future detailed design DA. It is noted that any additional FSR (up to 10%) will be calculated based on the post-dedication site area as per provision 3.3.5(1), and that a condition is recommended to ensure any additional FSR are wholly contained within the approved concept envelopes to ensure no additional environmental impacts as per provision 3.3.5(2).
3.5 Urban Ecology	Yes	While no physical tree removal forms part of this application, the concept envelopes necessitate the indicative removal of the <i>Araucaria heterophylla</i> (Norfolk Island Pine) and <i>Washingtonia robusta</i> (Mexican Fan Palm), both located on 23 Eve Street. The indicative removal of the 2 trees is acceptable, as the Norfolk Island Pine and the Mexican Fan Palm are identified to have medium and low retention rating respectively, and that their retention would unreasonably restrict the redevelopment potential of 23 Eve Street. Appropriate conditions are recommended to require the retention and protection of all existing street trees, and the submission of additional information at detailed design DA stage to confirm that all 6 other existing trees onsite will be retained and protected.
3.6 Ecologically Sustainable Development	Yes	ESD target benchmarks, including the requirement for fossil-fuel free design, have been incorporated into the Design Excellence Strategy that is recommended for approval. Conditions are recommended to ensure that the proposed ESD target benchmarks will be carried through the

Provision	Compliance	Comment
		competitive design process to the detailed design DA stage.
3.7 Water and Flood Management	Yes	<i>Refer to Clause 5.21 of the LEP above.</i>
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	Consideration to subdivision and lot consolidation will be considered at the detailed design DA stage.
3.9 Heritage 3.10 Significant Architectural Building Types	Yes	<i>Former Bakewell Brothers Warehouse</i> The indicative adaptive reuse for commercial purposes is compatible with the heritage significance of the heritage warehouse, and conditions are recommended to ensure the adaptive reuse is guided by appropriate heritage principles and supported by an interpretation strategy to inform the developmental history of the site, including its occupancy by Bakewell Brothers and H Brightwell and Sons. <i>'Powerhouse' building</i> A heritage assessment has been carried out to consider the significance of the remnant elements of the powerhouse building located at the southwestern corner of 7-19 Coulson Street. The assessment concluded that the loss of the distinctive chimney, outbuildings and all internal equipment and fittings results in the building not meeting the criteria for heritage listing and not being of sufficient significance to warrant retention. The indicative demolition is therefore acceptable.
3.11 Transport and Parking	Able to comply	The reference scheme demonstrates that compliant quantum of car parking, bicycle parking, and servicing can be accommodate within the indicative basement and building footprint.

Provision	Compliance	Comment
		Compliance will be assessed at the detailed design DA stage.
3.12 Accessible Design	Able to comply	The submitted reference scheme has demonstrated that the accessibility facilities necessary to overcome the raised finished floor level to address flood risks can be provided without impeding on deep soil and landscape area. Compliance will be assessed at the detailed design DA stage.
3.13 Social and Environmental Responsibilities	Able to comply	Compliance with the CPTED principles will be assessed at the detailed design DA stage.
3.14 Waste	Able to comply	The reference scheme has demonstrated that the concept envelopes can accommodate an acceptable waste management solution. A condition is recommended to ensure the detailed design of future buildings will comply with the relevant provisions of the <i>City of Sydney Guidelines for Waste Management in New Development</i>.

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

The concept envelope for Building 5 at 23 Eve Street will accommodate 2 terraces. As such, it is assessed against the following provisions.

Provision	Compliance	Comment
4.1.1 Building height	Able to comply	The concept envelope for Building 5 has a maximum height of 12.3m. It can accommodate a 3 storey development while complying with the flood planning levels, which is approximately 2.3m above existing ground levels. The 3 storey height is compliant with the maximum 4 storey recommended for the eastern portion of 23 Eve Street. It is also appropriate, as it responds to the street frontage height of 19-21 Eve

Provision	Compliance	Comment
		Street and provides a height transition to the existing single storey terraces at 27-41 Eve Street.
4.1.2 Building setbacks	Acceptable	The concept envelope is not set back from Eve Street to accommodate the required 3m landscape setback. However, it is acknowledged that a single storey envelope is necessary to accommodate some structures required to overcome the raised floor levels (due to flood risks) and to provide access to the future terraces. This is articulated in reference scheme, where no gross floor area is proposed within the single storey envelope. A condition is recommended to require the future detailed design of the buildings to achieve a high quality interface with the public domain, including the provision of deep soil and enhanced landscape presentation, within that 3m landscape setback.
4.1.3 Residential amenity	Able to comply	Compliance with the relevant amenity requirements including solar access, the location and quantum of private open space, deep soil planting and privacy will be assessed at the detailed design DA stage.

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height 4.2.2 Building setbacks	N/A	<i>Refer to Section 5.5.8 of the DCP below.</i>
4.2.3 Amenity	Able to comply	The reference scheme demonstrates that a development can be constructed within the proposed concept envelopes with acceptable level of residential amenity, in terms of solar access, natural ventilation, provision of landscaping and deep soil, and provision of communal and private open spaces.

Provision	Compliance	Comment
		Compliance will be assessed at the detailed design DA stage.
4.2.3.12 Flexible housing and dwelling mix	Able to comply	This is a matter of consideration at the detailed design DA stage, noting that the number and mix of apartments shown in the reference scheme are indicative only.
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	The future Goddard Street extension will have a width of approximately 10m. The concept envelopes for Buildings 2 and 4 have a maximum frontage length of 60m and 52m, respectively, exceeding the maximum length of 60m. Notwithstanding, this section also allows for variations to the maximum frontage lengths subject to design measures to articulate the building facades into smaller elements. Compliance will be assessed at the detailed design DA stage.
4.2.6 Waste and recycling Management	Able to comply	<i>Refer to Section 3.14 of the DCP above.</i>
4.2.7 Heating and cooling infrastructure	Able to comply	A condition is recommended to ensure all future plant and services, including consolidated heating and cooling infrastructure are to be accommodated within the concept envelopes.
4.2.8 Letterboxes	Able to comply	This is a matter of consideration at the detailed design DA stage.
4.2.9 Non-residential development in the Mixed-Uses Zone	Able to comply	The potential amenity impact associated with the adaptive reuse of the heritage item as a commercial premises is a matter of consideration at the detailed design DA stage.

Section 5 – Specific Areas

5.5 Ashmore Neighbourhood

Provision	Compliance	Comment
5.5.1 Ashmore Urban Strategy 5.5.2 Urban design principles	Yes	The concept proposal is generally consistent with the Ashmore urban strategy and urban design principles.
5.5.3.1 Street network	Able to comply	The concept proposal provides for the 10m wide southward extension of Goddard Street to Coulson Street, and the 2.5m landscaped setback on Coulson Street. The associated VPA will facilitate the dedication of these lands to the City, while their detailed design will be a matter of consideration at the future detailed design DA stage. It is noted that the 6m Goddard Lane was not pursued by the previous DAs for 11-17 and 19-21 Eve Street. As such, the 8m east-west road off Goddard Street is considered unnecessary.
5.5.3.2 Movement and connectivity	Acceptable	The location of the proposed vehicular access point for the residential development is consistent with the recommended location shown in the <i>Ashmore Circulation and Access map</i>, and a separate vehicular access point is provided for the loading bay to avoid queueing on Goddard Street and to minimise the amount of the ground plane dedicated to ramping to comply with the flood planning levels. The reference scheme also demonstrates the provision of an integrated carpark within 7-19 Coulson Street with a single connection under the street, consistent with the <i>Ashmore Circulation and Access map</i>.
5.5.3.4 Public open space	Able to comply	The concept proposal provides for 500m² of land for the future Carter's Park, which complies with the minimum requirement. The associated VPA will facilitate the dedication of land to the City, while the detailed design of the park, which is

Provision	Compliance	Comment
		intended to provide passive recreation space with adequate seating, will be a matter of consideration at the detailed design DA stage.
5.5.4 Accessibility and amenity in the public domain		
5.5.4.2 Quality of landscaping and landscape setbacks	Able to comply	The proposed concept envelopes provide for landscaped setbacks as identified in the <i>Ashmore Open Space and Setbacks map</i>. Design of these landscaped setbacks will be a matter for consideration at the detailed design DA stage.
5.5.5 Staging	N/A	Considering the scale of the concept proposal, a staging plan is not considered necessary.
5.5.6 Floor space ratio	Yes	The concept proposal indicates that 5 Goddard Street and 7-19 Coulson Street will be amalgamated in accordance with <i>Ashmore Land Amalgamation map</i>. The concurrent redevelopment of the 2 land parcels is to facilitate the delivery of future public domain works. The associated VPA will facilitate the dedication of the necessary lands to the City. A deferred commencement condition is recommended, requiring a VPA to be drafted, exhibited, executed and registered on title before the consent becomes operational to secure these lands.
5.5.7 Land use mix	Yes	The proposed concept envelopes support the delivery of Ashmore as a predominantly residential neighbourhood, and the heritage warehouse is identified for adaptive reuse as a commercial premises, which is considered appropriate. As informed by PDA/2020/280, an analysis was undertaken to establish that there is no additional demand for centre-based childcare in this location. The provision

Provision	Compliance	Comment
		of a child-care centre is therefore not pursued.
5.5.8 Building layout, form and design		
5.5.8.1 Height of buildings	Acceptable	The concept envelope for Building 3 is compliant with the recommended height in storey, being a maximum of 6 storeys with a 4 storey frontage height to Goddard Street. The concept envelope for Building 5 is also compliant as discussed under Section 4.1 of the DCP. While Buildings 2 and 4 comply with the 4 storey frontage height to Goddard Street, their overall height includes an additional storey (being 7 storeys instead of 6 storeys). As demonstrated elsewhere in this report, the additional height is considered acceptable, responding to the intent of the DCP to allow greater heights within the subject site, providing a height transition to neighbouring developments, and maintaining an acceptable level of solar access to neighbouring properties. Similarly, while Building 1 complies with the overall height of 6 storeys, it has a stepped 3-4 storey frontage height to Goddard Street, instead of 3 storeys. This is also considered acceptable as it responds to the frontage height of 3 Goddard Street, and provides a transition to the 4 storey frontage height of Buildings 2 and 3 to the south.
5.5.8.2 Views	Yes	A visual impact assessment, including photomontages, has been submitted. The assessment demonstrates that the concept proposal will preserve the 2 identified view corridors from Sydney Park, despite the variations to the height of buildings development standard, as shown in Figures 32 and 33.
5.5.8.3 Dwelling type and location	Yes	The concept proposal provides 4 envelopes for residential apartments and an envelope for 2 terraces, consistent

Provision	Compliance	Comment
		with the recommendation of the <i>Ashmore Building Type map</i> .
5.5.8.4 Building form and design	Able to comply	This is a matter of consideration for the future detailed design DA.
5.5.8.5 Typical ground floor condition for residential flat buildings	Yes	The concept envelopes provide for deep soil landscape planting area along Goddard Street. Compliance with the design criteria will be assessed at the detailed design DA stage.
5.5.9 Terrace housing	Yes	Terrace housing is proposed to be provided at 23 Eve Street in accordance with the <i>Ashmore Building Type Map</i> , and compliance with the design criteria will be assessed at the detailed design DA stage.
5.5.10 Biodiversity	Able to comply	This is a matter of consideration for the future detailed design DA.

Discussion

Clause 4.6 Request to Vary a Development Standard

51. The site is subject to various maximum height of buildings development standards, ranging from 9m to 22m. Section 5.5 of the DCP also recommends various building heights in storey, ranging from 3 storeys to 6 storeys. These are illustrated in Figure 29 below.



Figure 29: LEP height of buildings map (left) and DCP height in storey map (right)

52. The concept envelopes exceed the various maximum height of buildings development standards as illustrated in Figure 30, with a maximum variation of 13.75m (114.59%) to the maximum 12m observed at the northeastern corner of 7-19 Coulson Street.

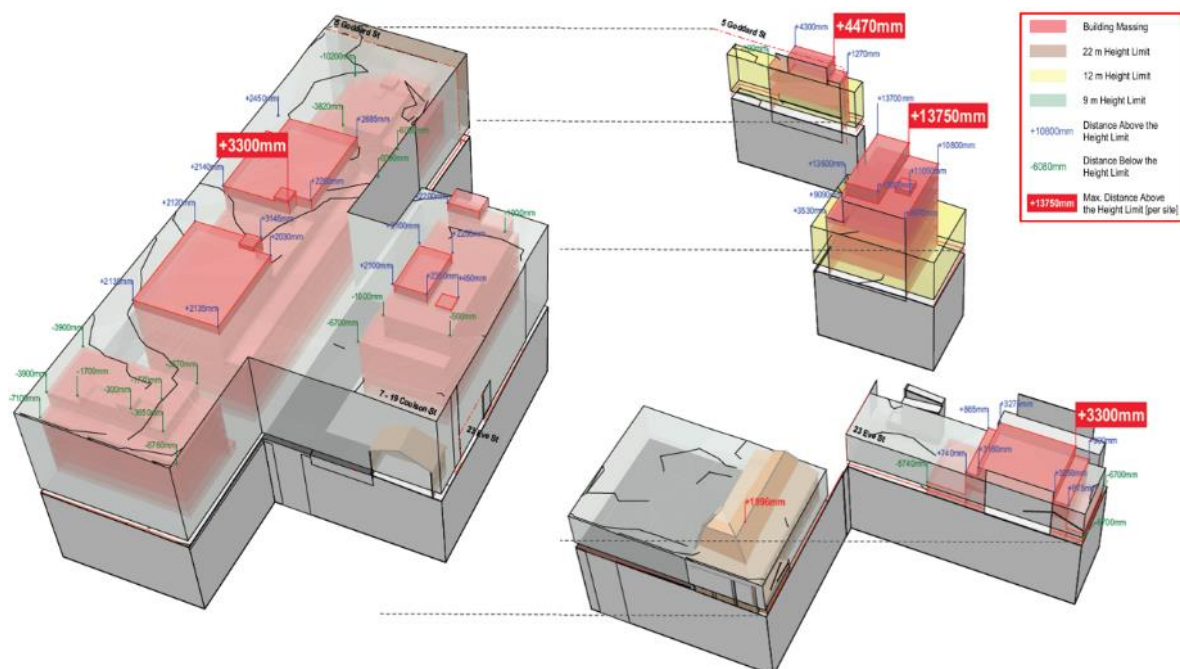


Figure 30: Height plane diagram identifying height exceedance

53. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating that:
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) there are sufficient environmental planning grounds to justify contravening the standard.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

54. The applicant seeks to justify the contravention of the height of buildings development standard on the following basis that:

compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (a) consistent objectives (a) and (b) of the development standard, the proposed heights are appropriate within the context of the site, and provide a height transition to neighbouring buildings and the heritage item as illustrated in Figure 31 and as follows:
 - (i) the overall height of the concept envelopes, being generally 6-7 storey in height with a 4 storey street wall height, is consistent with the general height of the Ashmore neighbourhood, being generally 6-8 storey in height with a 4 storey street wall height;

Building 1

- (ii) the variation to the 12m height that applies to a small portion of 5 Goddard Street allows Building 1 to step up in its overall height to provide a transition between the 4 storey development at 3 Goddard Street (north) to the 7 storey height of Building 2; and a transition between the 3 storey frontage height at 3 Goddard Street (north) and the 4 storey frontage height for the future Goddard Street extension, as generally desired by the LEP and the DCP (Figure 29);
- (iii) Building 1 also steps down in height in the west to provide a better transition to 21-25 Coulson Street;

Building 2 and Building 4 (southern part)

- (iv) the variation to the 22m height for Building 2 and the southern part of Building 4 accommodates a 7th storey and lift overruns, which provide a variety of building heights that remain contextually appropriate, and as discussed below, balance the achievement of the permissible floor space with the solar amenity of the neighbouring properties;
- (v) the variation does not hinder Building 4 in providing an acceptable height transition to the heritage warehouse;

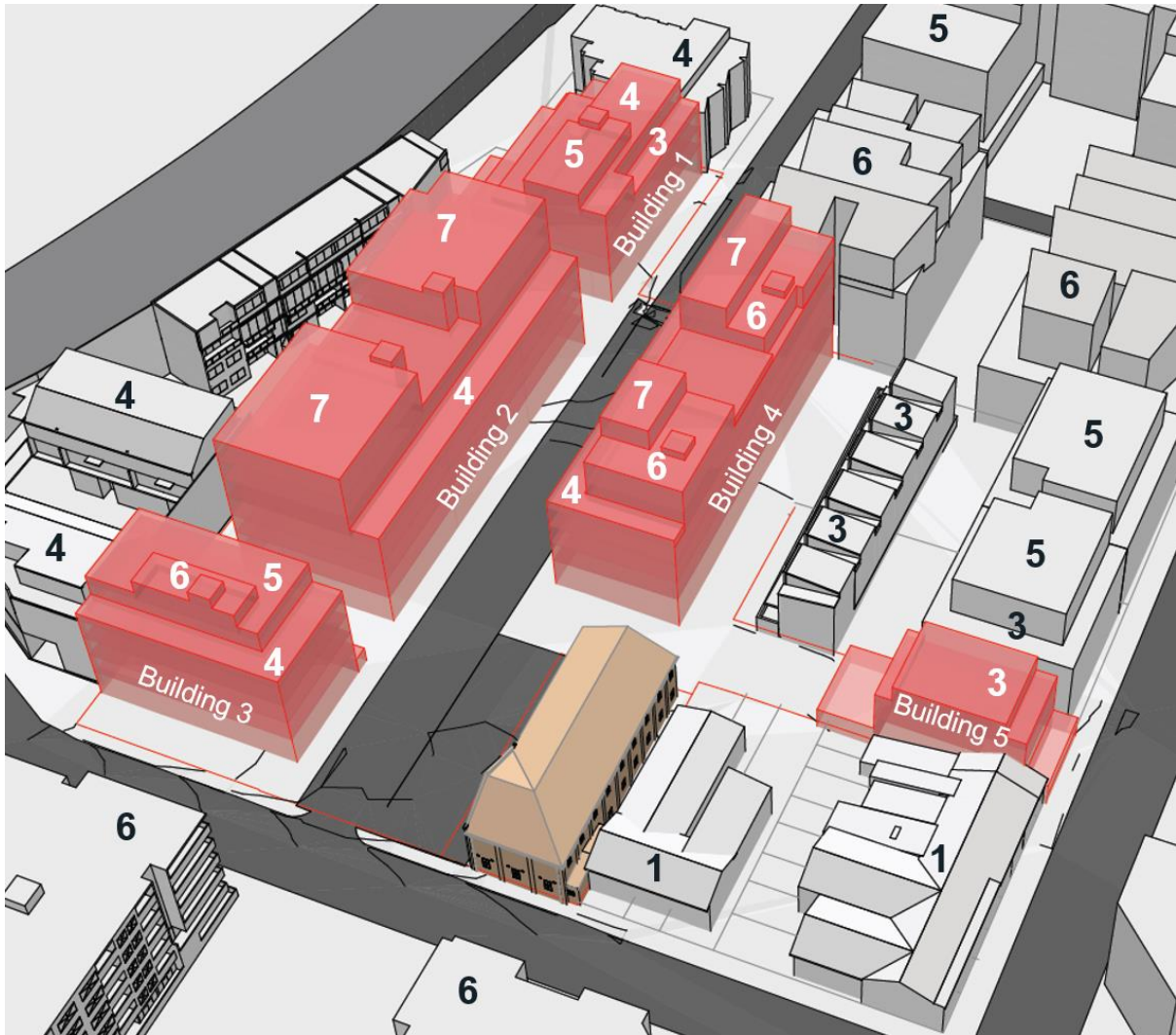


Figure 31: Axonometric view of the concept envelope, with the height in storey annotated

Building 4 (northern part)

- (vi) the variation to the 12m height that applies to the northern part of Building 4 is necessary to achieve the desired 6 storey built form with a 4 storey frontage height to Goddard Street recommended by the DCP;
- (vii) the variation also allows for a better height relationship with the existing 6 storey building to the north at 3 Eve Street, which had a similar variation approved previously;
- (viii) the variation does not hinder Building 4 in providing an acceptable height transition to the 3 storey buildings at the rear of 11-17 and 19-21 Eve Street;

Building 5

- (ix) the variation to the 9m height that applies to Building 5 is necessary to achieve the desired built form recommended by the DCP, particularly after accounting for the flood planning level; and
 - (x) the variation does not hinder Building 5 in providing an acceptable height transition between the 5 storey development at 11-17 and 19-21 Eve Street and the single storey terraces at 27-41 Eve Street.
- (b) consistent objective (c) of the development standard, the proposed heights will protect the 2 view corridors from Sydney Park as identified in section 5.5.8.2 of the DCP as illustrated by Figures 32 and 33 below:



Figure 32: Modelled view of View Corridor A



Figure 33: Modelled view of View Corridor B

there are sufficient environmental planning grounds to justify contravention of the standard:

- (c) the height variations are partly in response to the flood constraints of the site, with the future ground level raised between 0.9m to 2.3m above existing ground levels, while achieving the density envisioned by the LEP and the built form recommended by the DCP;
- (d) the height variations facilitate the redistribution of built form and massing across the site based on a detailed urban design analysis prepared by the project architect to minimise overshadowing impacts to adjoining properties, including 2-4 and 21-25 Coulson Street, and 11-17 and 19-21 Eve Street;
- (e) the redistribution of built form and massing across the site also ensures the proposed heights are contextually appropriate, particularly considering the desired character of the Ashmore neighbourhood and the building heights of the immediate context as illustrated in Figure 31;
- (f) the proposed variations will not hinder the protection of the 2 identified view corridors from Sydney Park; and
- (g) the proposed variations will not hinder the delivery of future roads and open space, nor contribute to additional overshadowing to the future Carter's Park.

Consideration of Applicant's Written Request - Clause 4.6 (3)

55. Development consent must not be granted unless the consent authority is satisfied that the applicant's written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

56. The written request has adequately demonstrated that the proposed development meets the objectives of the height of buildings development standard despite the non-compliance with the numerical standard. As such, to the extent of the variation proposed, compliance with the development standard is unreasonable and unnecessary.

Does the written request adequately address those issues at clause 4.6(3)(b)?

57. The written request has established environmental planning grounds that are specific to the circumstances of the site to justify the extent of non-compliance with the height of buildings development standard. In this instance, the elements of non-compliance are appropriate within the context of the immediate surroundings, allow the proposed development to preserve the residential amenity for neighbouring developments, while maintaining a reasonable development capacity for the site to contribute to future public domain and housing supply. The written request has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

Conclusion

58. For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the LEP.

Overshadowing

59. Eye of the sun diagrams have been provided to support the concept proposal. The diagrams at 15 minutes interval are included in Attachment B, while the diagrams at an hourly interval is provided below in Figure 34. The diagrams show the proposed envelopes in pink, with the reference scheme contained within.
60. Objective 4A-1 of the ADG requires the living rooms and private open spaces of at least 70% of apartments in a building of at least 2 hours of direct sunlight between 9am and 3pm at mid-winter. It also allows up to 15% of apartments in a building to receive no direct sunlight. Objective 3B-2 of the ADG then requires overshadowing of neighbouring properties to be minimised.

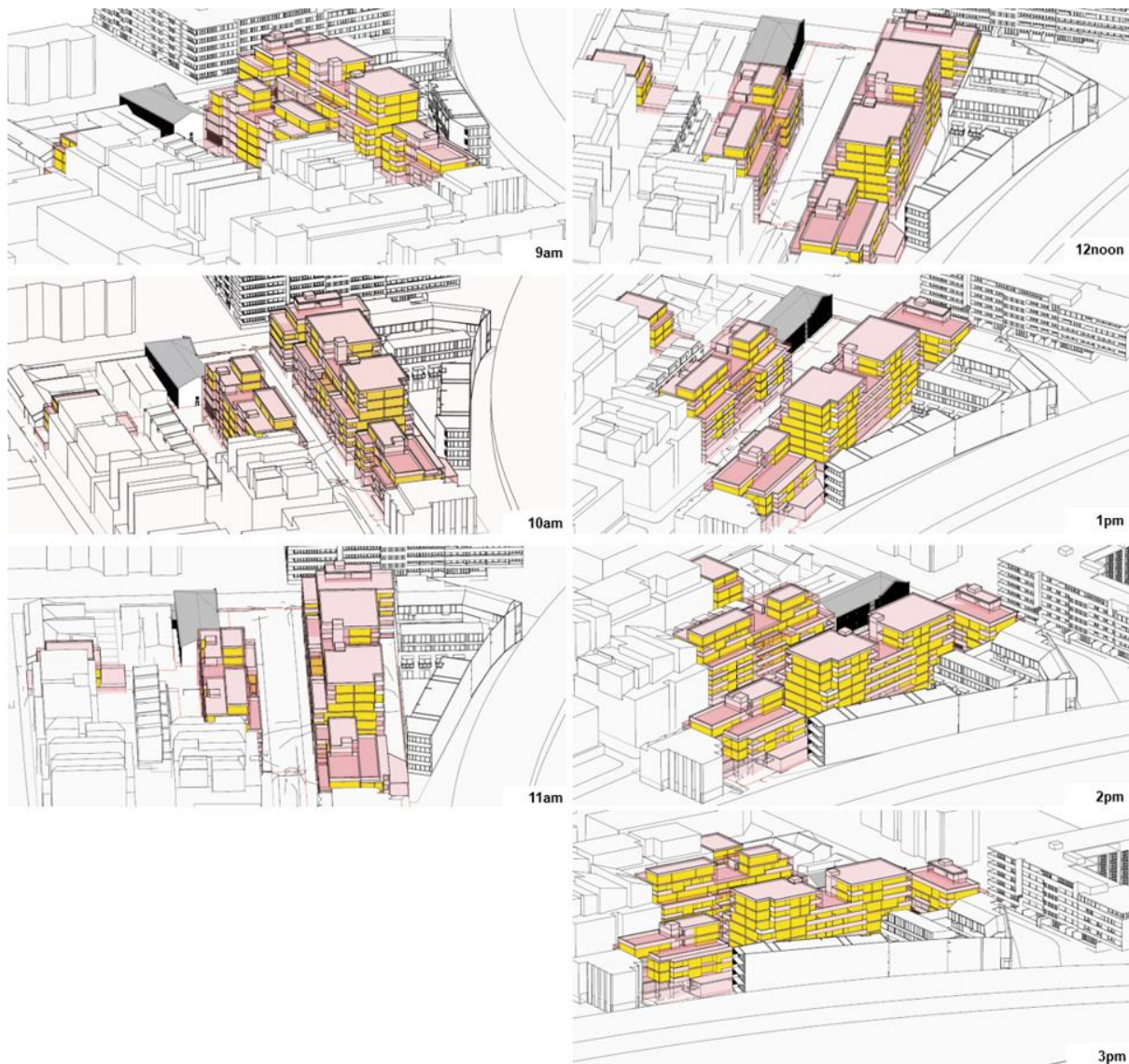


Figure 34: Eye of the sun diagrams (hourly interval)

61. The eye of the sun diagrams demonstrates the following:

21-25 Coulson Street

- (a) Of the 46 apartments, 21 (45.7%) currently achieve at least 2 hours of direct sunlight to their respective private open space and living area. The northwestern corner of Building 2 has been amended to allow those 21 apartments to continue to achieve at least 2 hours of direct sunlight.
- (b) The western portion of Building 1 steps down in height to avoid any additional overshadowing to the southeast-facing apartments within the northern block of 21-25 Coulson Street between 9am and 9.30am.
- (c) Overall, the concept proposal has been designed and subsequently amended to maintain solar access to 21-25 Coulson Street in accordance with the ADG.

11-17 Eve Street

- (d) Of the 19 apartments, 16 (84.2%) currently achieve at least 2 hours of direct sunlight to their respective private open space and living area. The concept proposal allows those 19 apartments to continue to achieve at least 2 hours of direct sunlight.
- (e) The communal open space was originally approved with 1 hour of direct sunlight. The concept proposal will maintain at least 1 hour of direct sunlight to approximately 50% of the communal open space located in the middle of the site between 11.15am and 12.30pm.

19-21 Eve Street

- (f) Of the 18 apartments, 13 (72.2%) currently achieve at least 2 hours of direct sunlight to their respective private open space and living area. The concept proposal allows those 13 apartments to continue to achieve at least 2 hours of direct sunlight.
- (g) The concept proposal, however, will impact 2 ground floor apartments (BG.02 and BG.03). The 2 apartments are located within the 3 storey built form at the rear of 19-21 Eve Street. The proposal will maintain the pre-existing 1.5 hours of direct sunlight to their living area, but results in 30 minutes of additional overshadowing to their private open space, reducing the amount of solar access from 2 hours 15 minutes to 1 hour 45 minutes.
- (h) The 30 minutes of additional overshadowing is considered reasonable as the impact is caused by the portion of Building 4 that is compliant with the 6 storey height recommended by the DCP, and is reduction is in accordance with the reduction allowable by the ADG.
- (i) Otherwise, the concept proposal will allow the communal open space located in the middle of the site to continue to receive at least 2 hours of direct sunlight, between 10am and 12.45pm.

2-4 Coulson Street

- (j) The concept proposal will result in additional overshadowing to some of the north facing apartments, particularly those located on the lower three levels. However, those apartments will continue to receive over 3 hours 45 minutes of direct sunlight to their respective private open space and living area, exceeding the requirements of the ADG.

1-5 Coulson Street

- (k) The concept proposal allows the three terraces to continue to achieve at least 2 hours of direct sunlight to their living area windows and private open spaces between 10am and 12.00noon, which is consistent with the requirements of Section 4.1.3 of the DCP.

27-41 Eve Street

- (l) Similarly, the concept proposal allows the row of terraces to continue to achieve at least 2 hours of direct sunlight to their living area windows and private open spaces between 11.15am and 1.30pm, which is consistent with the requirements of Section 4.1.3 of the DCP.

Design Advisory Panel

62. The proposed development was considered by the Design Advisory Panel on 24 October 2024, and the application was subsequently amended to address the Panel's recommendations as detailed in the table below:

Recommendations	Response
The proposed development should be amended to address issues identified by City staff, including future land dedication, interface with heritage items, solar access, building heights and view corridor, building separation, deep soil provision, ground floor access and communal open space provision.	The proposed development has been amended to address issues identified by City staff as detailed in the 'Amendments' section and as discussed elsewhere in this report.
The concept envelope of Building 2 should be amended to ensure no additional overshadowing to 21-25 Coulson Street.	The concept envelope for Building 2 has been amended to preserve solar access to 21-25 Coulson Street as discussed above.
Adequate acoustic considerations and requirement for noise and vibration mitigation measures should be included given the site's proximity to the rail corridor.	An acoustic report has been provided to include an assessment on the potential noise and vibration impacts, and makes recommendations on noise and vibration mitigation measures to inform the subsequent competitive design process and future detailed design of the buildings.
The existing Norfolk Island Pine should be retained if possible.	Retention of the Norfolk Island Pine is not feasible without significantly limiting the redevelopment potential of 23 Eve Street. Its indicative removal is supported.
The demolition of the powerhouse building is considered on balance more important than its retention given it would allow for the reinforcement of the street pattern, an improved public domain (wider footpath on Coulson Street), and provide substantially more housing.	A heritage assessment has been carried out to demonstrate that the powerhouse building is not of sufficient significance to warrant retention. The demolition of the building also allows significant public domain benefits and opportunity to delivery additional housing as noted by the Panel.

Recommendations	Response
The Panel noted that the proposal demonstrated that this site is not suitable for the State Government's 30% floor space boost and height bonus.	The assessment of this concept DA demonstrated limited scope for the site to achieve any additional floor space and/or height without adversely affecting the amenity of the neighbouring residential developments, the future residents of the site, and the future public domain, including Carter's Park.

Consultation

Internal Referrals

63. The application was discussed with the City's Heritage Specialist, Urban Designer, Landscape Specialist, VPA Coordinator, Environmental Health Unit, Public Domain Unit, Transport and Access Unit, Tree Management Unit, Waste Management Unit, Public Art Team, and Design Excellence Team. Relevant comments have been included in this report, and where appropriate, conditions recommended by these referrals have been included in Attachment A.

External Referrals

Sydney Airport

64. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
65. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 15.24m above existing ground level.
66. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
67. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 13 August 2024.

Sydney Water

68. Pursuant to Section 78 of the Sydney Water Act 1994, the application was notified to Sydney Water. As requested by Sydney Water in their comments issued on 11 September 2024, growth data has been provided by the applicant as part of the subject application to assist Sydney Water in ensuring the timely delivery of new assets in the area.

Ausgrid

69. Pursuant to Section 2.48 of the Transport and Infrastructure SEPP, the application was referred to Ausgrid for comment. Ausgrid responded on 29 August 2024 raising no objections, and the recommended conditions have been included in Attachment A.

Transport for NSW

70. Pursuant to Section 2.99 of the Transport and Infrastructure SEPP, the application was referred to Transport for NSW (TfNSW) for concurrence. TfNSW (as Rail Authority) provided concurrence on 24 September 2024, and the recommended conditions have been included in Attachment A.

Advertising and Notification

71. In accordance with the City of Sydney Community Participation Plan 2023, the proposed development was notified and advertised for a period of 28 days between 14 August and 12 September 2024. A total of 1,566 properties were notified. A total of 34 submissions were received, including 33 in objection and 1 in support.

72. The 33 submissions in objection raised the following issues:

Amenity impacts

- (a) **Issue:** Overshadowing impacts to 2 Coulson Street, 21-25 Coulson Street, and 19-21 Eve Street.

Response: The concept envelopes has been amended to preserve solar access to neighbouring properties, particularly to 21-25 Coulson Street. Overall, the extent of overshadowing impacts is considered acceptable.

- (b) **Issue:** Visual and acoustic privacy impacts to 21-25 Coulson Street and 2 Coulson Street, visual privacy impacts to 1 Coulson Street, and visual privacy impacts from the rooftop communal open space of Building 4 to 19-21 Eve Street.

Response: The concept envelopes are generally consistent with the building separation requirements of the ADG, which serves to protect visual and acoustic privacy. As the apartment layouts are matters for the detailed design DA stage, visual and acoustic privacy are best assessed as that later stage.

Notwithstanding, a condition is recommended to require careful consideration of key interfaces with neighbouring properties and within the site at the subsequent competitive design process and detailed design DA.

- (c) **Issue:** Impacts on the natural cross ventilation of the lobby of 3 Goddard Street.

Response: A lightwell is provided within 3 Goddard Street to allow its lift lobbies to achieve natural cross ventilation without relying on 5 Goddard Street.

Other concerns

- (d) **Issue:** The proposed heights (and upper storey setback) do not respond to neighbouring buildings and the heritage item located onsite. No additional heights should be allowed, as bonuses may apply at a later stage.

Response: The concept envelopes have been amended to achieve an acceptable relationship with the heritage warehouse, and proposed heights are considered acceptable within the site's context, achieving an acceptable height transition to neighbouring buildings. No additional height is sought through the design excellence process.

- (e) **Issue:** The proposed development should support the provision of larger apartments (3+ bedroom).

Response: Apartment mix is a matter for consideration at the later detailed design DA stage.

- (f) **Issue:** The proposed development should achieve 100% natural ventilation.

Response: Compliance with the natural cross ventilation requirements of the ADG will be assessed at detailed design DA stage, and a condition is recommended to require the future detailed design of buildings to carefully balance of acoustic amenity and natural ventilation.

- (g) **Issue:** The proposed development should not rely on fossil fuel.

Response: Fossil-fuel free design has been identified as one of the ESD target benchmarks, in the Design Excellence Strategy that is recommended for approval.

- (h) **Issue:** The powerhouse building should be retained to preserve the industrial heritage of the locality.

Response: As discussed, the powerhouse building has lost much of its significant fabric, and the remanent fabrics do not allow the building to meet the criteria for heritage listing or to warrant retention. Furthermore, the removal of the powerhouse building also allows significant public domain benefits and opportunity to delivery additional housing.

- (i) **Issue:** The Norfolk Island Pine at 23 Eve Street should be retained considering its ecological value.

Response: While no physical removal is considered as part of this DA, the indicative removal of the Norfolk Island Pine is considered acceptable as it is considered to have a medium retention value, and its retention would unreasonably restrict the redevelopment potential of 23 Eve Street.

Traffic concerns

- (j) **Issue:** The proposed development should reduce the provision of parking to lower of cost of housing.

Response: While no parking spaces are approved as part of this concept DA, the indicative number of parking spaces is compliant with the maximum allowable under the LEP.

- (k) **Issue:** The proposed development should increase the provision of parking to avoid additional pressure on on-street parking.

Response: The demand for on-street is primarily managed by the City's residential parking permit scheme, noting that new multi-unit residential developments are typically not eligible for residential parking permit.

- (l) **Issue:** The proposed development should provide compliant level of bicycle parking.

Response: The reference scheme demonstrates a compliant level of bicycle parking within the indicative basement and building footprint. Compliance will be assessed at the detailed design DA stage.

Public Domain concerns

- (m) **Issue:** Additional infrastructure is required to support the proposed increase in density, and that the proposed development should dedicate a portion of the site for community benefit.

Response: The proposed development and the associated VPA will provide for future public domain works, including the future Carter's Park, southward extension of Goddard Street, and the widening of Coulson Street.

- (n) **Issue:** Carter's Park should be no less than 500m², and the application lacks detailed design for the park.

Response: The application has been amended to provide 500m² of land for the future Carter's Park. Detailed design of the park is a matter for consideration either under a separate DA or as part of the future detailed design DA.

- (o) **Issue:** Road widening of Coulson Street is required to improve pedestrian safety, and should not impact on the existing single-storey terraces.

Response: The associated VPA will provide the for the road widening of Coulson Street, which will take place to the west of the future Goddard Street extension, not modifying the frontages of the existing single-storey terraces to the east of the future Goddard Street extension.

- (p) **Issue:** The design of the Goddard Street extension should maximise walking and cycling comfort, including continue footpath treatment and wombat crossing between Bamal Way and Carter's Park.

Response: Detailed design of Goddard Street is a matter for consideration at the future detailed design DA stage. Notwithstanding, a condition is recommended by the City's Public Domain unit for specific treatments to be included in a future public domain concept plan.

Construction concerns

- (q) **Issue:** The subject site must be appropriately remediated to address any contamination concerns.

Response: Adequate investigation has been carried out to allow a NSW EPA Accredited Site Auditor to advise that the site can be made suitable for the proposed development. An appropriate condition is recommended to require further considerations at the future detailed design DA stage.

- (r) **Issue:** Construction impacts, including noise and dust.

Response: This concept DA does not consider any physical works. Construction impacts, and the need to impose any appropriate conditions, are matters for consideration at the future detailed design DA stage.

Financial Contributions

73. The appropriate contributions will be determined and applied at the detailed design DA stage in accordance with the following:
- (a) City of Sydney Development Contributions Plan 2015;
 - (b) City of Sydney Affordable Housing Program 2023; and
 - (c) Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

Relevant Legislation

- 74. Commonwealth Airports Act 1996
- 75. Sydney Airport Referral Act 1996
- 76. Sydney Water Act 1994
- 77. Environmental Planning and Assessment Act 1979
- 78. City of Sydney Act 1988

Conclusion

79. The subject concept application seeks consent for concept envelopes for a mixed-use development comprising 4 envelopes for residential flat buildings, an envelope for 2 terraces, and the indicative adaptive reuse of a heritage item for commercial use. The concept proposal also provides for public domain works, including the southward extension of Coulson Street, a 2.5m landscape setback on Coulson Street, and a new 500m² Carter's Park.
80. The concept proposal generally complies with the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Any variations have been discussed throughout this report, and found to be acceptable, subject to conditions of consent where necessary.
81. The concept proposal and Design Excellence Strategy establish concept building envelopes and suitable parameters for a competitive design process. Subject to the recommended conditions, the proposed envelopes are generally able to accommodate detailed building designs of an appropriate bulk and scale that responds to the character of the area, and capable of achieving design excellence subject to a competitive design process.
82. A Public Benefit Offer has been received and accepted in principle by the City of Sydney for the above-mentioned public domain works. The Public Benefit Offer will inform a draft VPA associated with the application. The draft VPA will undergo a 28-day public exhibition in accordance with section 7.5 of the EP&A Act. A deferred commencement condition is recommended to enable the VPA to be drafted, exhibited, executed and registered on title.
83. For these reasons, it is recommended that authority be delegated to the CEO to determine the application, following the drafting and conclusion of the public exhibition of the VPA and considering any public submissions received in response. It is recommended that the CEO consider granting deferred commencement consent subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

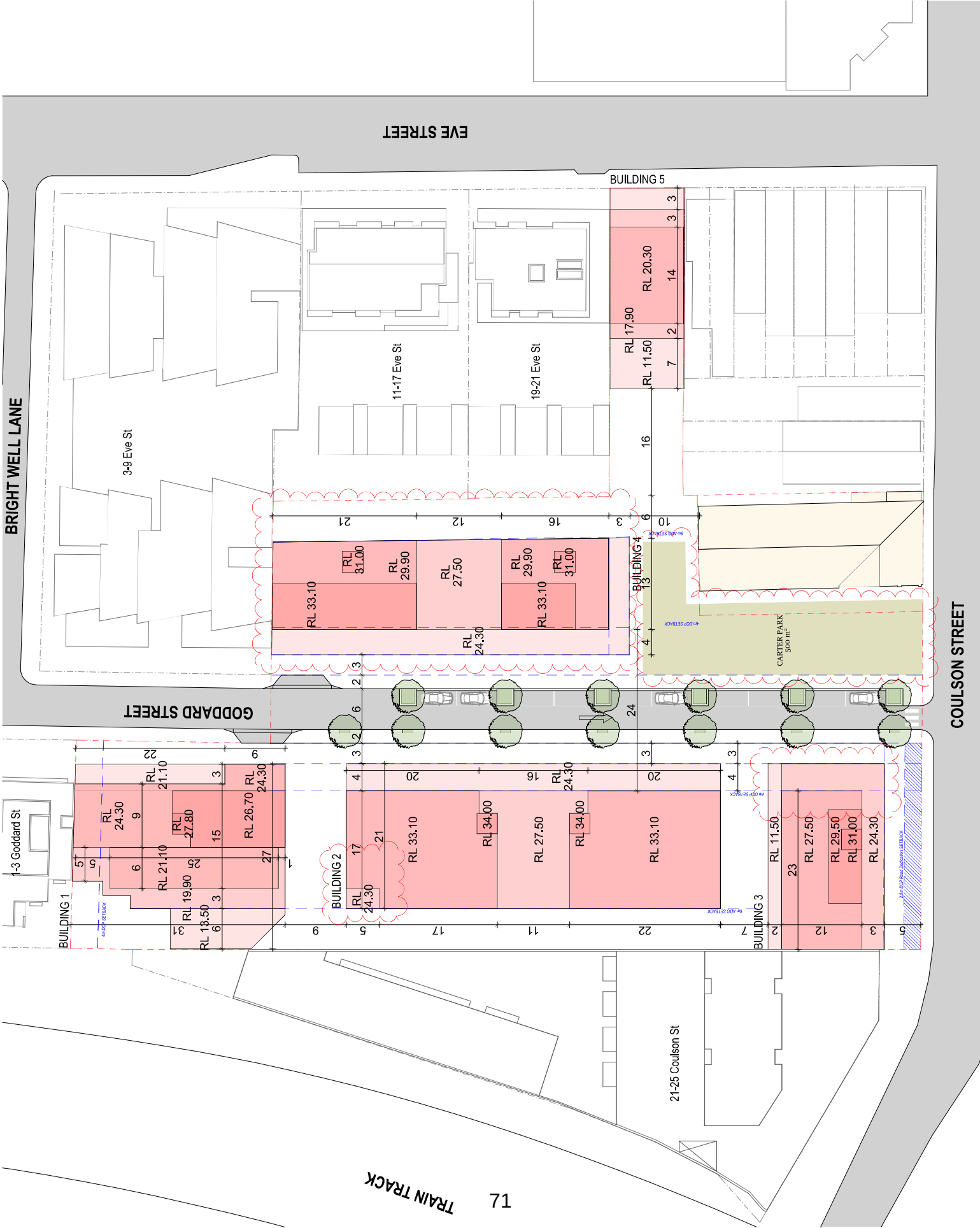
GRAHAM JAHN, AM

Chief Planner / Executive Director City Planning, Development and Transport

Bryan Li, Senior Planner

Attachment B

Concept Envelope Drawings



Rev	Date	By	Chk	Description
A	10/20/2024	JF	DP	For Council DA Submission
B	10/20/2025	KMS	DP	RP Requests

Notes:
1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
3. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
4. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
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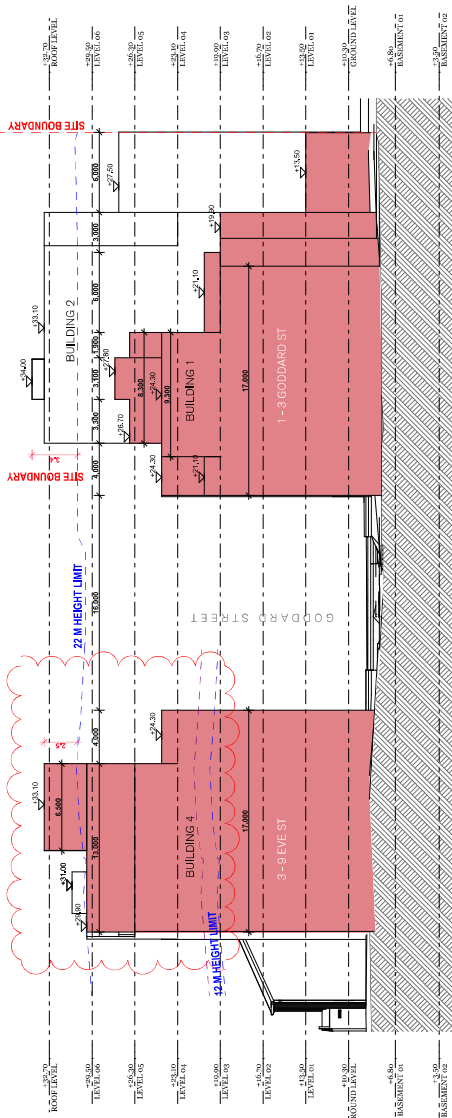
CONCEPT DEVELOPMENT APPLICATION

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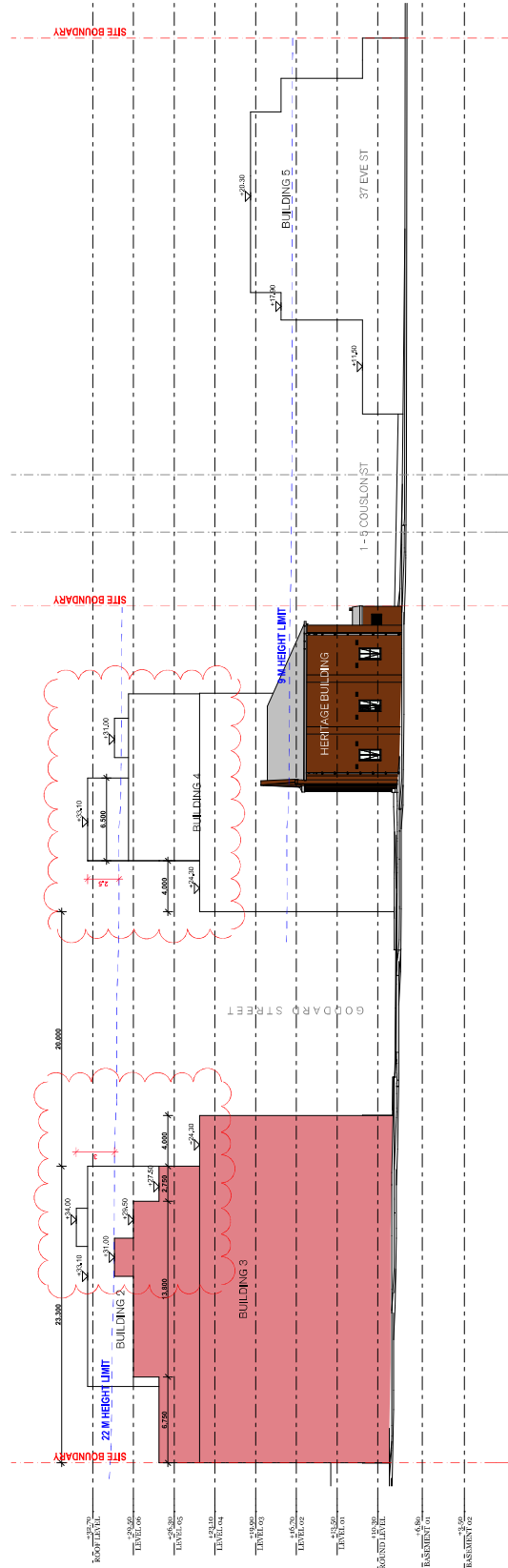
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Project Name: Coulson Street Stage 1A
Project Number: 10/20/2024
Project Address: 10/20/2024
Client: 10/20/2024

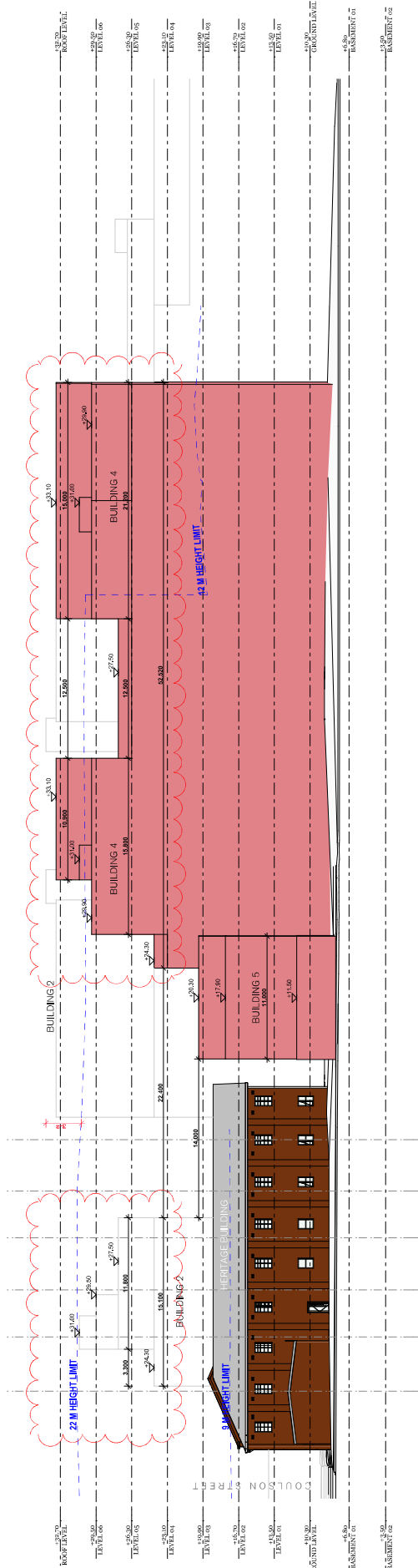
Drawn By: 10/20/2024
Checked By: 10/20/2024
Reviewed By: 10/20/2024
Drawing Series: 10/20/2024
Drawing Name: 10/20/2024
Drawing Number: DA200
Revision: B



NORTH ELEVATION

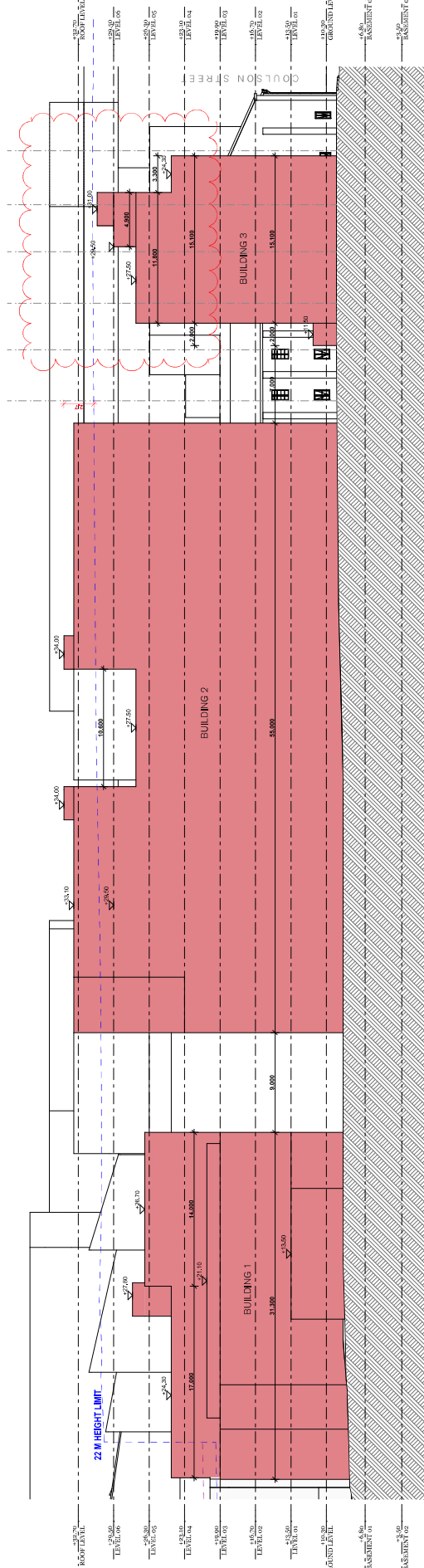


SOUTH ELEVATION



EAST ELEVATION

Rev	Date	By	Chk	Description
A	2023/04/10	JF	DP	For Council DA submission
B	2023/05/25	AKS	DP	RP Requests



WEST ELEVATION

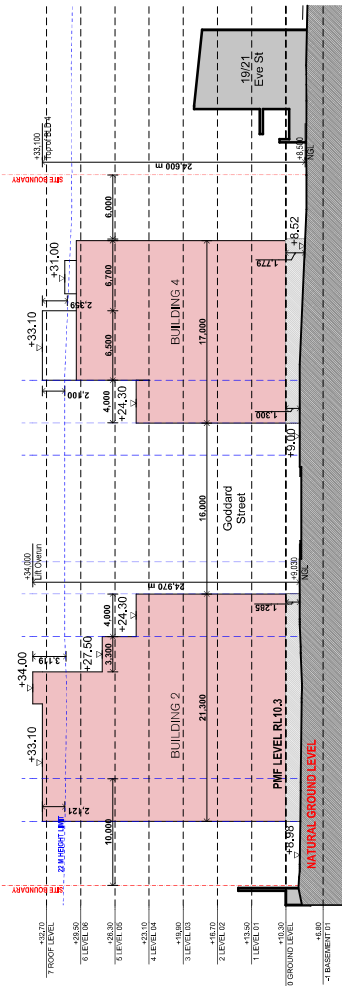
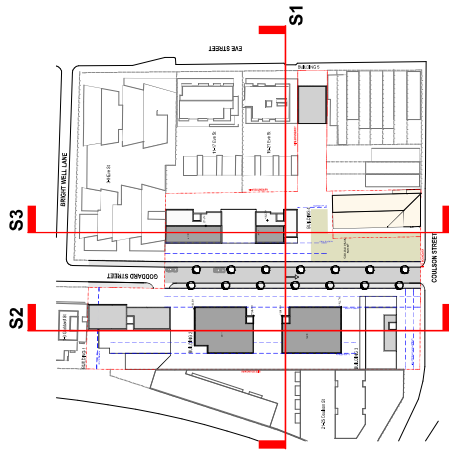
Notes:
1. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
2. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
3. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
4. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
5. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
6. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
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8. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
9. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.
10. All elevations are to be constructed in accordance with the Australian Standards AS/NZS 4455.1 and AS/NZS 4455.2.

CONCEPT DEVELOPMENT APPLICATION

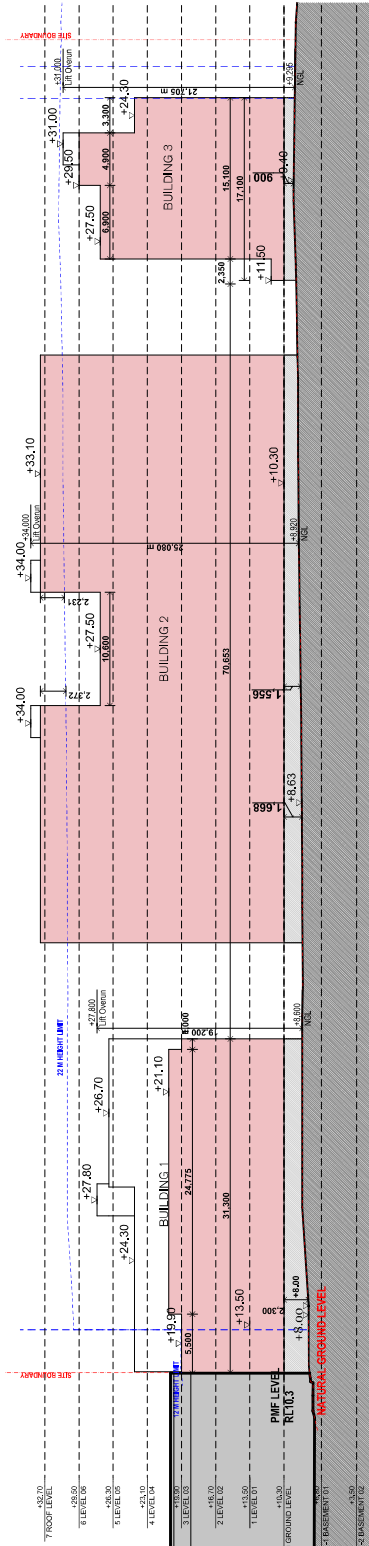


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www.dko.com.au
AKS: 2023/05/25
JF: 2023/04/10
Korin de Klerk: 2023
David de Klerk: 2023

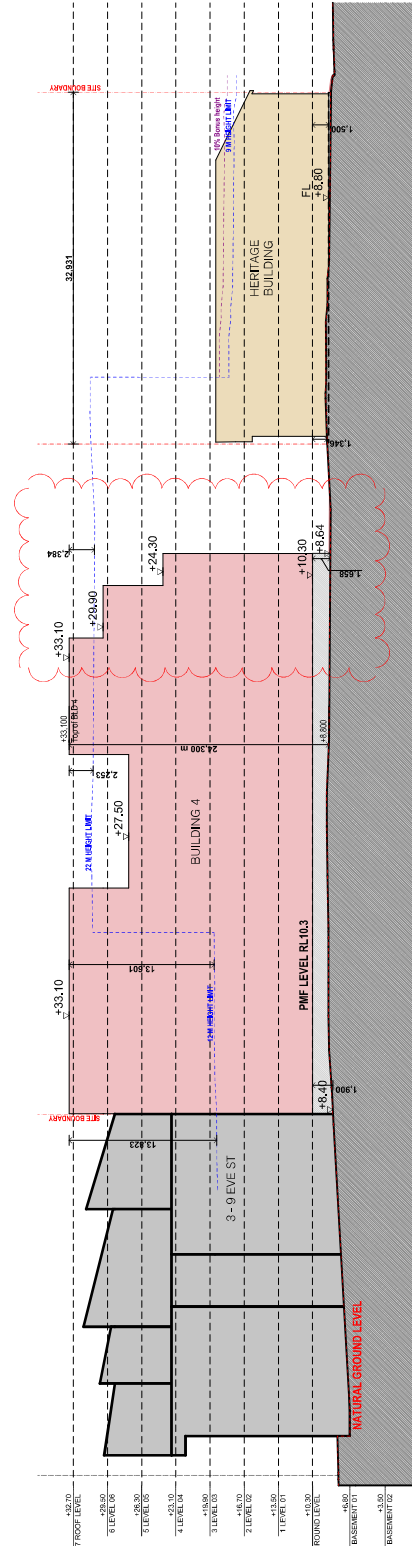
Project Name: Custom Street Stage 1A
Project Number: 2302
Project Address: 2302 Custom Street, Sydney NSW 2000
Client: Highwell Transport
Design: Highwell Transport
Drawing Series: E & W Elevations
Drawing Name: DA301
Drawing Number: DA301
Revision: B



SECTION 01



SECTION 02



SECTION 03

Rev	Date	By	Chk	Description
A	3/05/2024	JF	DF	For Concept DA submission
B	12/02/2025	NMS	DF	RFI Response

Notes:
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.
REFERS TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE
CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR
BEFORE COMMENCING WORKS ON SITE.

- ALL DRAWINGS TO BE READ IN CONSTRUCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL APPROVED CONSULTANT DOCUMENTATION
- BASIC, NATHERS & SECTION 2 CERTIFICATION

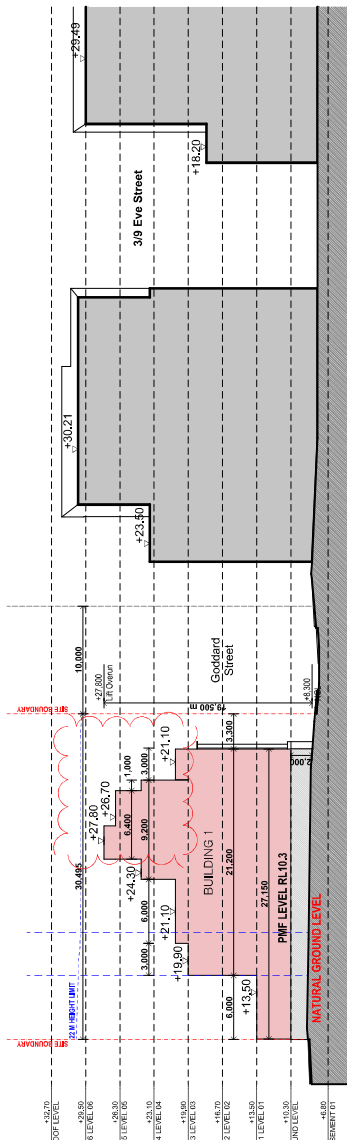
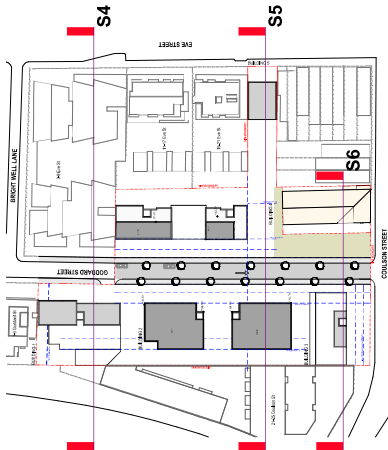
CONCEPT DEVELOPMENT APPLICATION

DKO Architecture (NSW) Pty Ltd
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info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Kous de Krijger 5767
David Randerson 8542

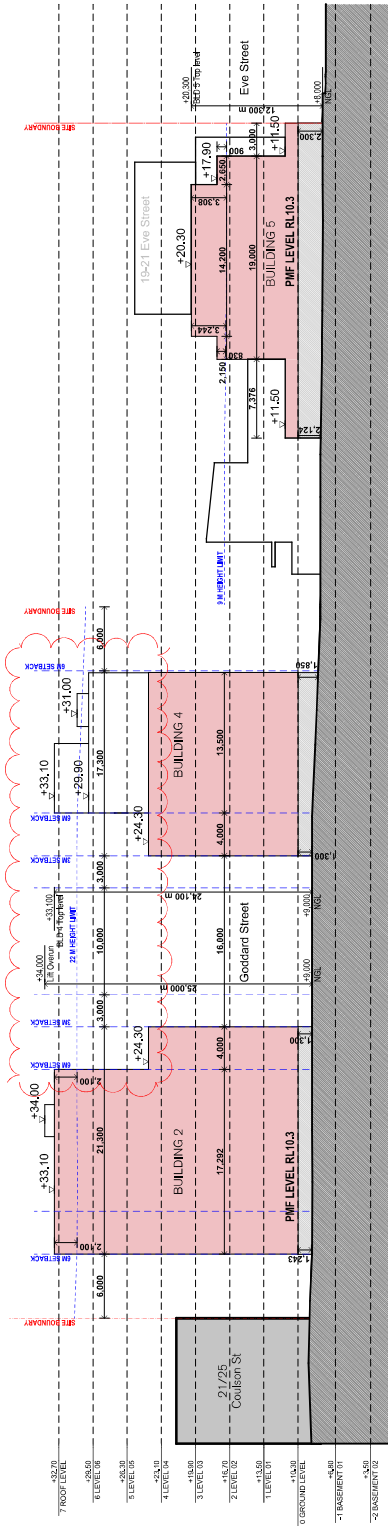
Project Name	Coolson Street Stage 1 DA
Project Number	13162
Project Address	7-19 Coulson St Erskineville NSW 2043 Aust.
Client	Brightwell Transport

Date: May 2024
 Scale: 1:250 @ A1
 Drawing Series: Elevations & Sections
 Drawing Name: Sections

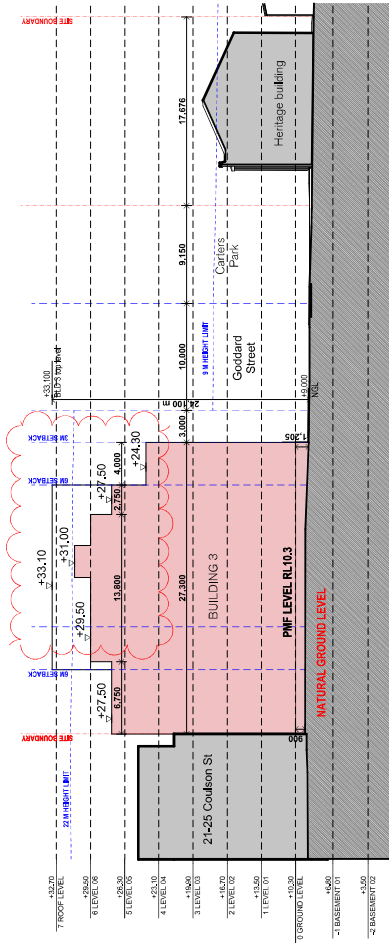
Drawing Number DA302
Revision B



SECTION 04



SECTION 05



SECTION 06

Rev	Date	By	Chk	Description
A	20/02/20	JF	DP	For Council DA submission
B	12/02/20	MS	DP	RF Requests

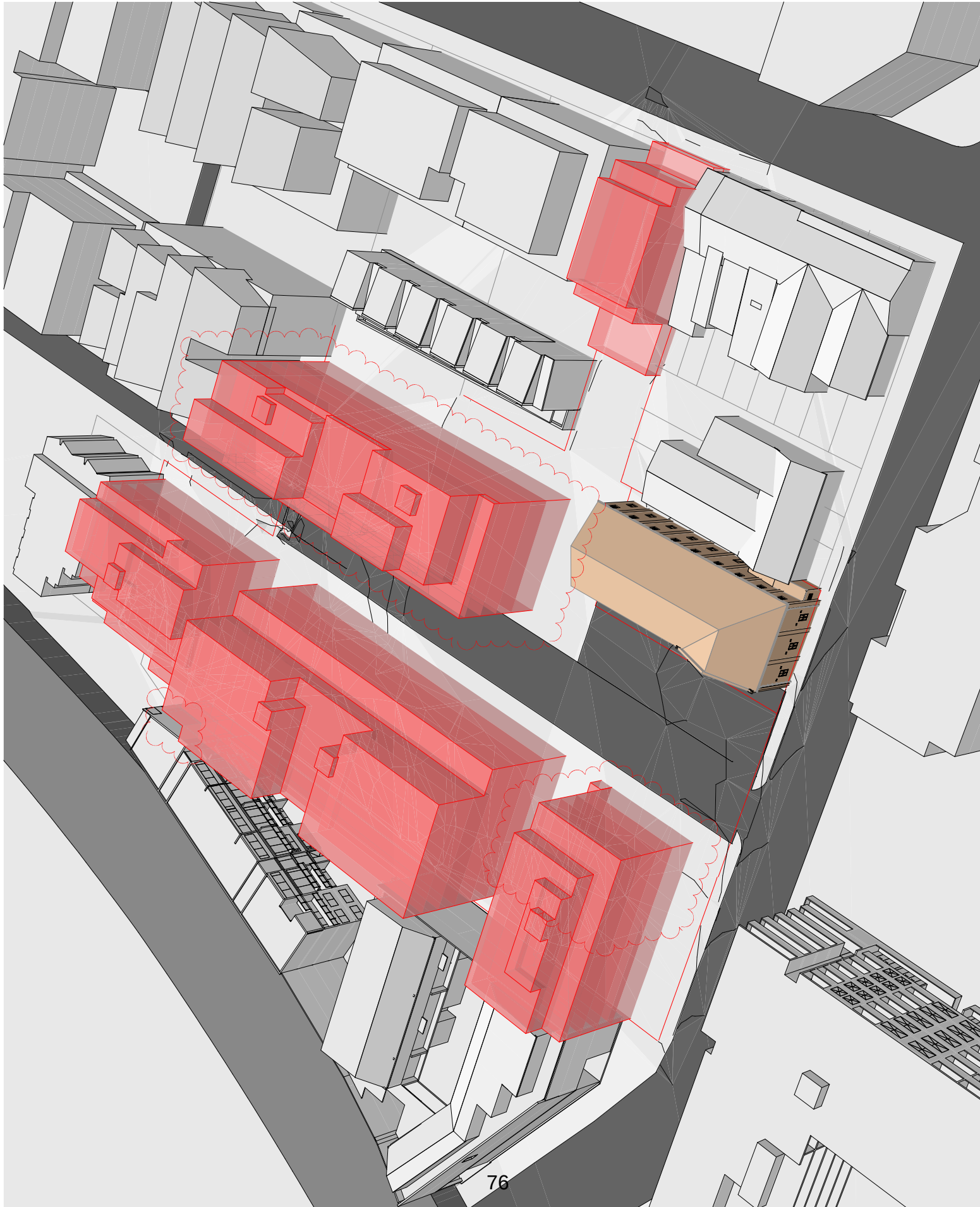
Notes:
1. All buildings are to be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the relevant Australian Standards (AS/NZS).
2. The proposed buildings are to be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the relevant Australian Standards (AS/NZS).
3. The proposed buildings are to be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the relevant Australian Standards (AS/NZS).
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9. The proposed buildings are to be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the relevant Australian Standards (AS/NZS).
10. The proposed buildings are to be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the relevant Australian Standards (AS/NZS).

CONCEPT DEVELOPMENT APPLICATION



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DKO is a registered company
Number 151997
DKO is a registered company
Number 151997

Project Name: Coulson Street Stage 1 DA
Project Number: 151997
Project Address: 151997 Stage 1 DA
Client: Highwell Transport
Design: Highwell Transport
Drawings: Highwell Transport
Drawing Name: Sections
Drawing Number: DA303
Revision: B



Rev	Date	By	Chk	Description
1	3/05/2024	JF	DF	For Concept DA submission
2	12/02/2025	KMS	DF	RFI Response

[illegible]

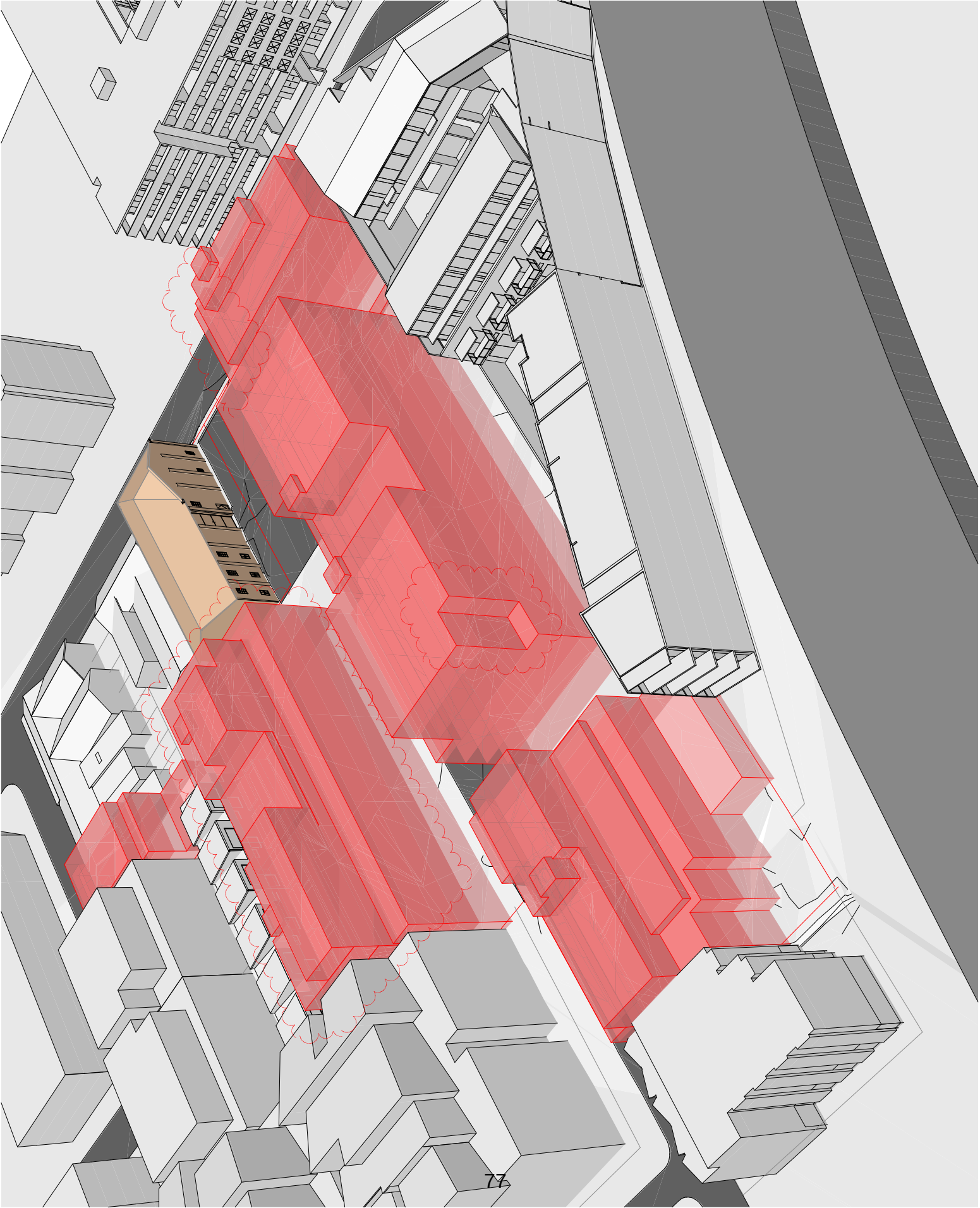
CONCEPT DEVELOPMENT APPLICATION

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www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Louis de Keniger 5767
David Randerson 8542

Project Name	Coulson Street Stage 1 DA
Project Number	13162
Project Address	7-19 Coulson St Erskineville NSW 2043 Aust.
Client	Brightwell Transport

Date
ScaleDrawing Series
Drawing Name

Drawing Number DA308
Revision B



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Rev	Date	By	Chk	Description
A	2024-01-15	JD	DP	For Council DA Submission
B	2024-02-01	JD	DP	Revisions

Notes:

- 1. All dimensions are in millimeters unless otherwise specified.
- 2. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 3. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 4. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 5. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 6. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 7. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 8. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 9. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.
- 10. The building is to be constructed in accordance with the City of Vancouver Building Code and the National Building Code of Canada.

CONCEPT DEVELOPMENT APPLICATION

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Korea: 010-9707-2997
Daehee Kim dko@dko.com

Project Name	Cadogan Street Stage 1 DA
Project Number	23/02
Project Address	45 Traralgon Street, Sydney NSW 1585
Client	Highwell Transport
Drawn	JD
Scale	1:200
Drawing Name	Explanations & Sections
Drawing Series	Stage 1 Envelope
Drawing Number	DA309
Revision	B

Rev	Date	By	Chk	Description
A	3/05/2024	JF	DF	For Concept DA submission
B	12/02/2025	KMS	DF	RFI Response

LEGEND

**INDICATIVE PLANNED UNITS
ACHIEVING 2HRS SOLAR
ACCESS**

PROPOSED MASSING ENVELOPE

Notes:
ALL WORKERS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.
REFERS TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE
CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR
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- ALL SUPPLICANT CONSULTANTS DOCUMENTATION

- BASIC, NATHERS & SECTION 7 CERTIFICATES

PURPOSES.

CONCEPT DEVELOPMENT APPLICATION

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ABN: 81956716590
NSW: Nominated Architects
Kees de Krijter 5767
David Randerson 8642

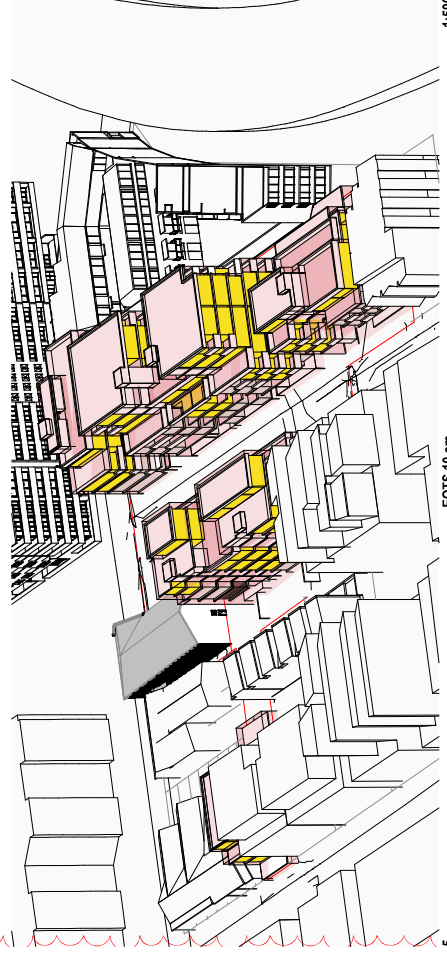
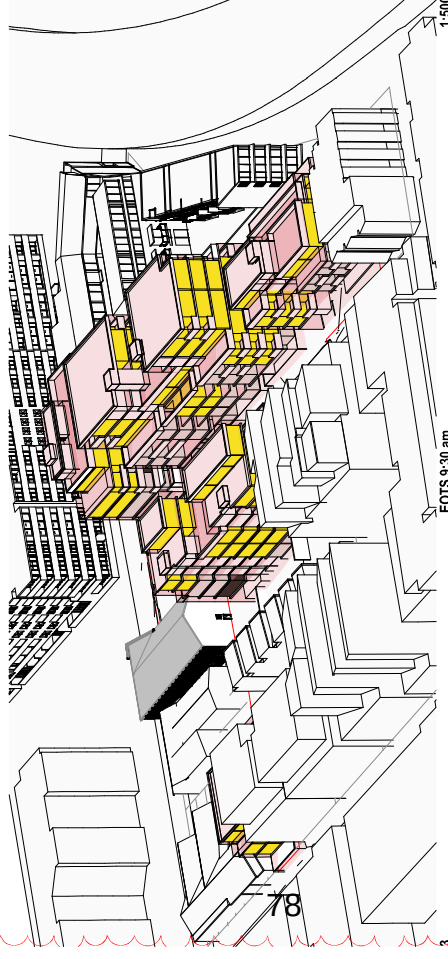
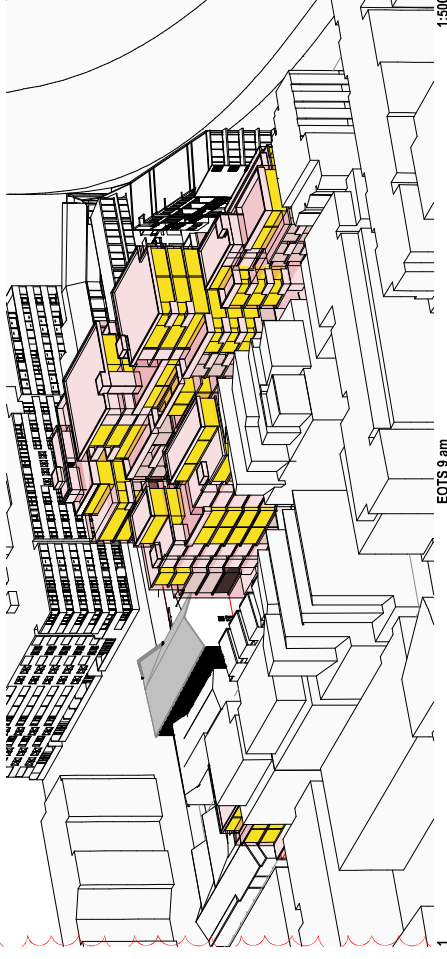
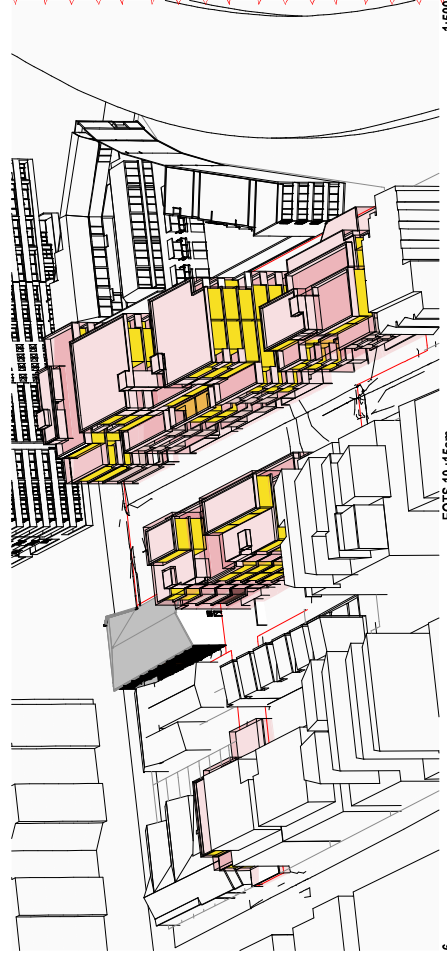
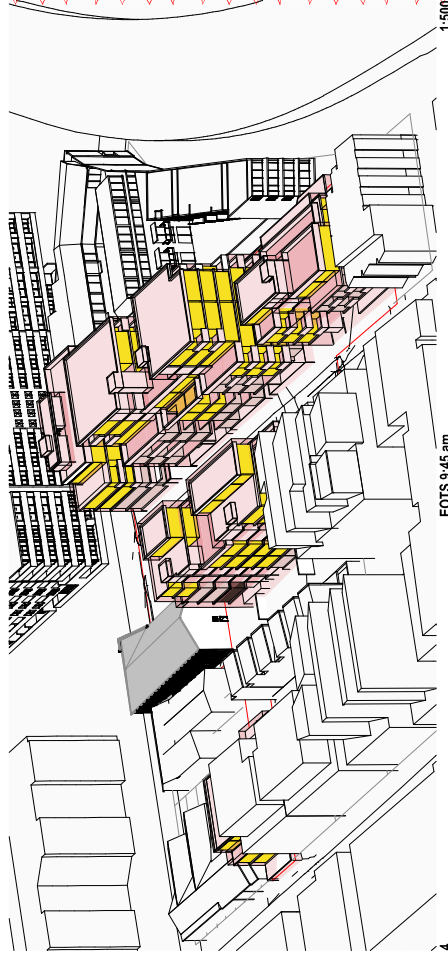
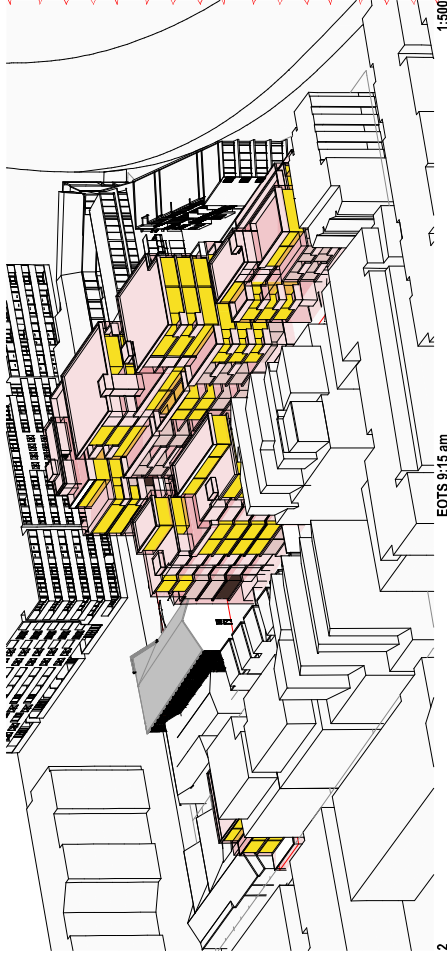
Project Name	Coulson Street Stage 1 D
Project Number	13162
Project Address	7-19 Coulson St Erskine NSW 2043 Aust.
Client	Brightwell Transport

Date | May 2024

Drawing Series
Drawing Name

Drawing Number DA400

Revision B



Rev	Date	By	Chk	Description
A	3/05/2024	JF	DF	For Concept DA submission
B	12/02/2025	KAS	DF	RFI Response

LEGEND

**INDICATIVE PLANNED UNITS
ACHIEVING 2HRS SOLAR
ACCESS**

 PROPOSED MASSING ENVELOPE[illegible]

CONCEPT DEVELOPMENT APPLICATION

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NSW: Nominated Architects
Kous de Krijger 5797
David Randerson 8542

Project Name	Coulson Street Stage 1 DA
Project Number	13162
Project Address	7-19 Coulson St Erskineville NSW 2043 Aust.
Client	Brightwell Transport

Date | May 2024

Drawing Series | Compliance Drawings

Drawing Number DA401

Revision B



1:500



1.500



1.500



1:500



1.500



1.500

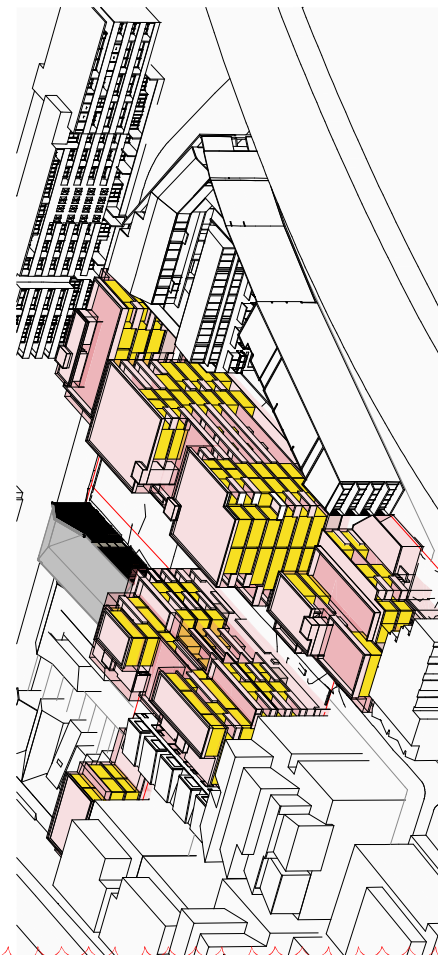
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1:500 2 EOTS 12:00 pm



1:500 3 EOTS 12:30 pm



1:500 4 EOTS 1:00 pm



1:500 5 EOTS 12:15 am



1:500 6 EOTS 12:45 pm



1:500 7 EOTS 1:15 pm

Rev	Date	By	Chk	Description
A	2023/04/14	JP	JP	For Council DA submission
B	2023/05/23	AKS	JP	By Request

- LEGEND**
- INDICATIVE PLANNED UNITS
 - ACHIEVING 40% SOLAR ACCESS
 - PROPOSED MASSING ENVELOPE

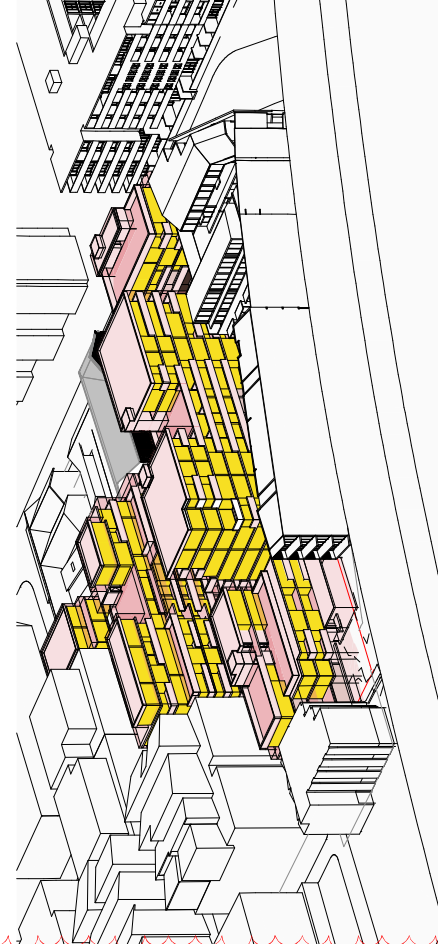
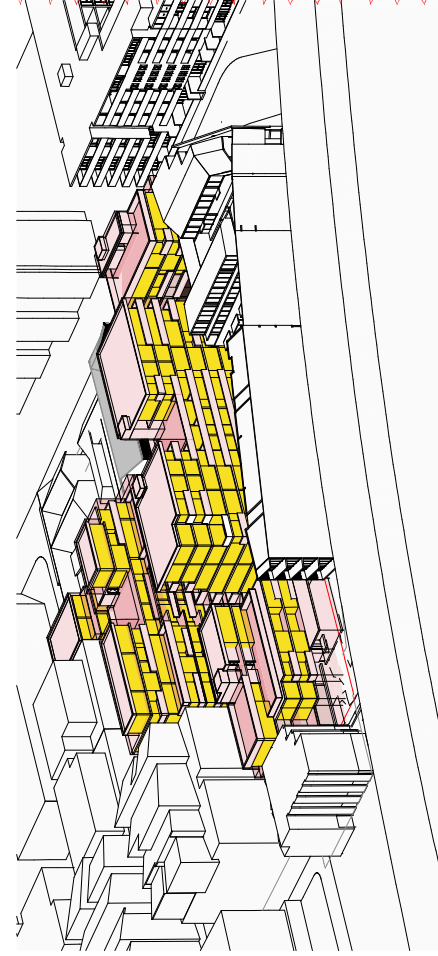
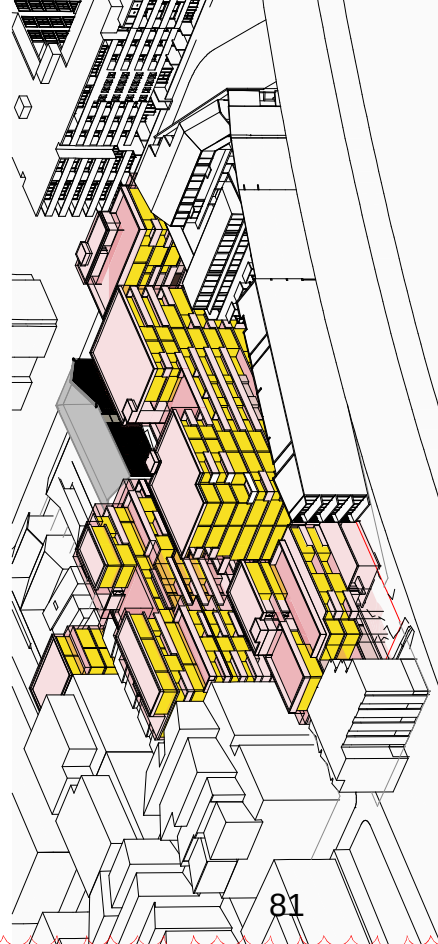
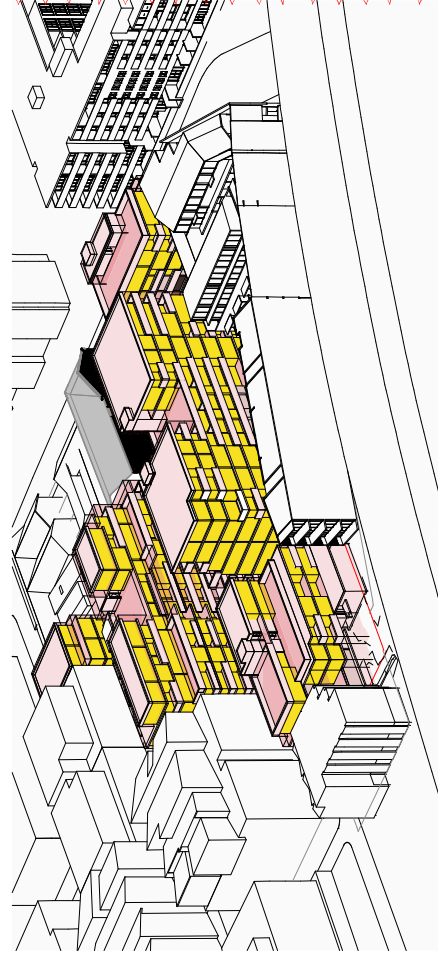
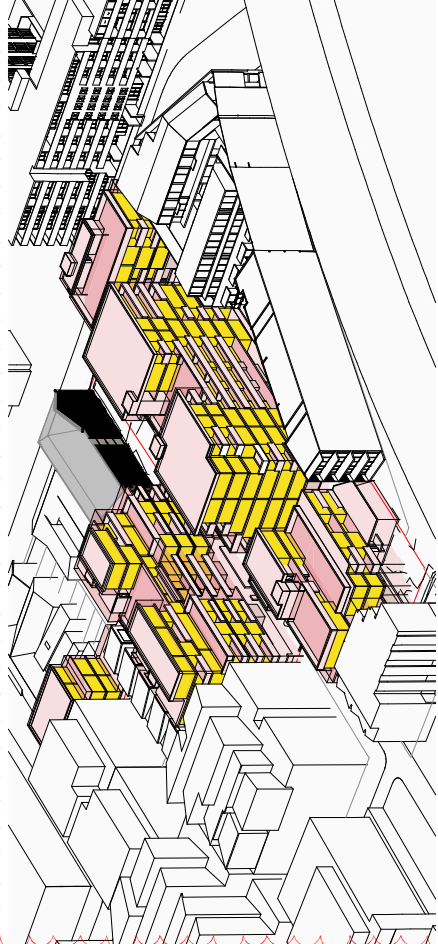
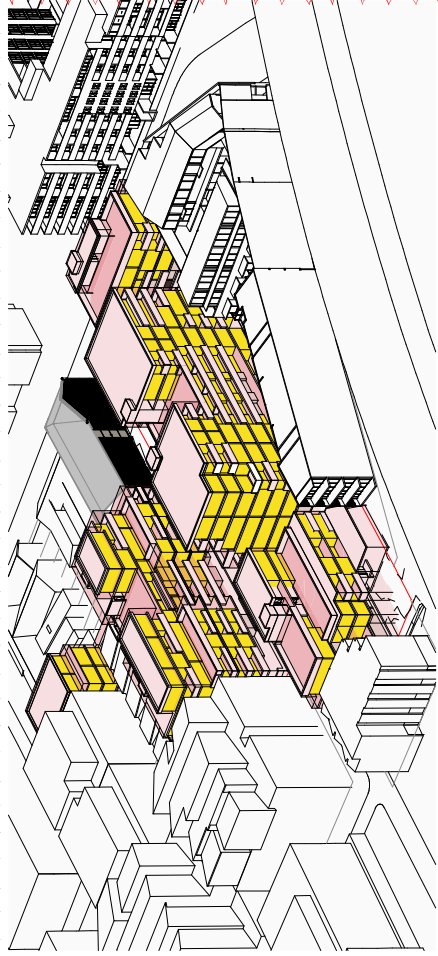
Notes:
1. THIS DRAWING IS A CONCEPTUAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS NOT A CONTRACT DOCUMENT.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.
3. ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH THE SCALE.
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9. ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH THE SCALE.
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CONCEPT DEVELOPMENT APPLICATION

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AKS: 2023/05/23
JP: 2023/04/14
DKO Architecture (NSW) Pty Ltd
45 Sydney Street
Sydney NSW 2000

Project Name: Custom Street Stage 1A
Project Number: 13482
Project Address: 13482 Custom Street, Penrith NSW 2150
Client: Highwell Transport
Date: May 2024
Drawing Series: Compliance Drawing
Drawing Name: Eye of the Sun
Drawing Number: DA402
Revision: B



Rev	Date	By	Chk	Description
A	20/02/24	JF	DP	For Council DA submission
B	12/02/25	MS	DP	By Request

- LEGEND**
- INDICATIVE PLANNED UNITS
 - ACHIEVING 2HRS SOLAR ACCESS
 - PROPOSED MASSING ENVELOPE

Notes:
 1. ALL BUILDINGS TO BE CONSTRUCTED WITHIN THE PROPOSED MASSING ENVELOPE.
 2. ALL BUILDINGS TO BE CONSTRUCTED WITHIN THE PROPOSED MASSING ENVELOPE.
 3. ALL BUILDINGS TO BE CONSTRUCTED WITHIN THE PROPOSED MASSING ENVELOPE.
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 9. ALL BUILDINGS TO BE CONSTRUCTED WITHIN THE PROPOSED MASSING ENVELOPE.
 10. ALL BUILDINGS TO BE CONSTRUCTED WITHIN THE PROPOSED MASSING ENVELOPE.

CONCEPT DEVELOPMENT APPLICATION

DKO

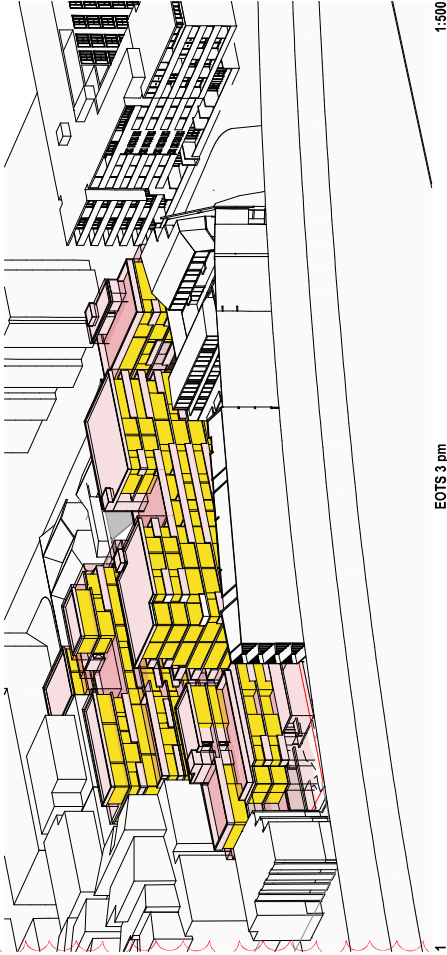
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 VIC: 5006766000
 QLD: 5006766000
 WA: 5006766000
 SA: 5006766000
 TAS: 5006766000
 ACT: 5006766000
 NT: 5006766000

Project Name: Custom Street Stage 1 DA
 Project Number: 2402
 Project Address: 100-110 Custom Street, Sydney NSW 2000
 Client: Highwell Transport

Date: May 2024

Drawing Series: Compliance Drawing
 Drawing Name: EY of the Sun

Drawing Number: DA403
 Revision: B



Rev	Date	By	Chk	Description
A	20/02/24	JF	DP	For Council Submission
B	12/02/25	KSB	DP	RP Response

LEGEND

INDICATIVE PLANNED UNITS
ACHIEVING 2HRS SOLAR
ACCESS

PROPOSED MASSING ENVELOPE

Notes:
1. THIS DRAWING IS A CONCEPTUAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS NOT A FINAL DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.
3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.
4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.
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10. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW GOVERNMENT.

CONCEPT DEVELOPMENT APPLICATION

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www.jmk.com.au
ABN: 51657656949
Koorie de Kijper 2007
Service Number 1624

Project Name	Cadogan Street Stage 1 DA
Project Number	13162
Project Address	13162 Cadogan Street, Newhallville NSW 2063 Aust.
Client	Highwell Transport
Date	June 2024
Drawing Series	Compliance Drawing
Drawing Name	Byrd of the Sun
Drawing Number	DA404
Revision	B

Attachment C

Public Benefit Offer

BRIGHTWELL REAL ESTATE PTY LTD

ACN 000 063 927

508/17 Hickson Road, Dawes Point, NSW 2000

01 April 2025

The Chief Executive Officer
City of Sydney
Town Hall House
Sydney NSW 2000

Public Benefit Offer - Accompanying Concept Development Application D/2024/652 at 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville

Dear Ms Barone,

Brightwell Real Estate Pty Ltd has lodged a Concept Development Application for the land known as 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville. The application primarily seeks concept approval for five building envelopes for residential uses on the land.

The site is located within the Ashmore Precinct of the Sydney Development Control Plan (DCP) 2012. A range of public benefits are identified to be provided on the site in Figure 5.121 Ashmore Dedication Map of SDCP 2012.

This letter forms a Public Benefit Offer (PBO) to enter into a local voluntary planning agreement (VPA) under section 7.4 of the Environmental Planning and Assessment Act 1979 to provide public benefits on the site, as identified in SDCP 2012.

The PBO to be discussed includes future public benefit works, with the following estimated costs as provided by Mitchell Brandtman (QS):

- Extension of Goddard Street 963m² – Estimated Cost: \$1,779,737 + GST
- Construction of Carters Park, 500m² – Estimated Cost: \$500,629 + GST
- Landscaped setback on Coulson Street 75.5m² – Estimated Cost: \$97,961 + GST

The abovementioned areas will only be offered to be dedicated to Council following the approval of the Stage 2 DA. It is imperative that during the assessment of the Stage 2 DA, the 'site area' is inclusive of the above-mentioned areas, and as such the floor space ratio is calculated based on the entire site area (inclusive of public benefit works areas). This approach was utilised during the assessment of the Concept DA and should be carried through during the assessment of Stage 2.

We look forward to working with Council on the progress and consideration of the VPA offer.

Yours sincerely,



IAN BRIGHTWELL
Director

Item 5.**Development Application: 290-294 Botany Road, Alexandria - D/2026/162****File Number: D/2026/162****Summary**

Date of submission:	26 February 2026
Applicant:	Antoniades Architects
Architect/Designer:	Antoniades Architects
Owner:	Angreb Pty Ltd and Sentra Investments Pty Ltd
Planning consultant:	GSA Planning
Heritage consultant:	Weir Phillips Heritage
Cost of works:	\$53,185,000
Zoning:	MU1 Mixed-Use
Proposal summary:	The application is a proposal for concept approval (no physical works) comprising demolition of existing buildings, remediation of land, excavation of one level of basement with vehicular access from Wyndham Street, and an envelope up to 31.65 metres in height. Indicative future land uses comprise basement parking, services, plant, and storage, ground floor retail and co-living, and upper level co-living and services. The indicative reference scheme submitted with the application indicates that approximately 250 co-living rooms, 2 retail tenancies, 20 car parking spaces, 2 motorcycle parking spaces and 281 bicycle parking spaces could be accommodated within the proposed envelope. The development includes an offer to enter into a Voluntary Planning Agreement (VPA) with the City.

The public benefits in the VPA include the dedication of 102.8sqm land along Botany Road with a value of \$20,560.00 for footpath widening, public domain works with a value of \$96,118, and a monetary contribution of \$1,690,047 towards community infrastructure at Green Square. The VPA is currently on public exhibition.

A competitive design process is proposed prior to the lodgement of a detailed design development application. This will seek an additional 10% Floor Space Ratio (FSR). A design excellence strategy is included with the proposal which establishes a design excellence process for future development and sets benchmarks for Environmentally Sustainable Design (ESD) targets.

The height of the proposed envelope is 31.65 metres, representing a 9% exceedance of the SLEP 2012 Height of Buildings standard. The application seeks a variation to the height control under Clause 4.6.

The written Clause 4.6 document demonstrates that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention of the standard. The reasons outlined in the clause 4.6 variation are acceptable and the variation is supported, subject to conditions.

The application is Integrated Development requiring approval under the Water Management Act 2000. General terms of approval were issued by Water NSW on 19 March 2026.

The application was notified for a period of 21 days between 27 February 2026 and 23 March 2026. No submissions were received.

The application is being reported to the Central Sydney Planning Committee for determination, as the cost of the development exceeds \$50 million.

Summary recommendation: The development application is recommended for deferred commencement approval.

- Development controls:**
- (i) Environmental Planning and Assessment Act 1979
 - (ii) Water Management Act 2000
 - (iii) Sydney Local Environmental Plan 2012
 - (iv) Sydney Development Control Plan 2012
 - (v) SEPP (Resilience and Hazards) 2021
 - (vi) SEPP (Transport and Infrastructure) 2021
 - (vii) SEPP (Housing) 2021
 - (viii) SEPP (Sustainable Buildings) 2022

- Attachments:**
- A. Recommended conditions of consent
 - B. Concept drawings
 - C. Reference design scheme drawings, shadow diagrams and GFA calculations
 - D. Clause 4.6 variation - height of buildings
 - E. Public benefit offer
 - F. Design excellence strategy

Recommendation

It is resolved that pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2026/162 subject to the conditions set out in Attachment A to the subject report.

Reasons for recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is for a concept building envelope for a mixed-use development including indicative retail and co-living uses. The proposal secures public benefits comprising land dedication for footpath widening, public domain works, and a payment of a monetary contribution towards community infrastructure in Green Square. The development is permissible with consent in the MU1 - Mixed-Use zone and is consistent with the objectives of the zone.
- (B) The concept proposal is capable of accommodating development that complies with the floor space ratio controls pursuant to clauses 4.4, 6.14, and 6.21D of the Sydney Local Environmental Plan 2012.
- (C) The concept proposal is capable of satisfying the relevant objectives of the Sydney Development Control Plan 2012.
- (D) The proposed development will be the subject of a competitive design process in accordance with Clause 6.21D of the Sydney Local Environmental Plan 2012. The concept proposal and Design Excellence Strategy establish a loose fit envelope and suitable parameters for the competitive design process. Subject to recommended conditions, the proposed envelope is able to accommodate a detailed building design of an appropriate bulk and scale, that responds to the character of the area and which is capable of achieving design excellence.
- (E) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant has demonstrated that compliance with the Height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney Local Environmental Plan 2012 and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the Height of buildings development standard.

Background

Site and surrounding development

1. The site has a legal description of Lot 1 in deposited plan 82006 and lot 1 in deposited plan 85829, known as 290-294 Botany Road, Alexandria. It is irregular in shape being 'L-shaped', with a total area of approximately 2,561.1sqm. It has a primary street frontage of 42 metres to Botany Road and a secondary street frontage of 18.43 metres to Wyndham Street. The site is located close to the intersection of Botany Road, Bourke Road and O'Riordan Street. Levels on the site fall by approximately 3.49m from east to west.
2. The site contains 2 x two storey commercial buildings with frontages to Botany Road, and an outdoor car park that is accessed from Wyndham Street. There are 2 existing trees onsite planted adjacent to the Wyndham Street boundary.
3. The surrounding area is characterised by a mixture of land uses, primarily being commercial and residential.
 - **North:** Directly adjoining the site to the north-west is 2 Mandible Street, a 7-storey residential flat building, and to the north is 6 Mandible Street, a 5-storey residential flat building. A 7-storey mixed-use building containing residential uses and offices is located to the northeast at 282-288 Botany Road.
 - **East:** Opposite the site to the east at 237-271 is Yudi Gunyi School which is also a local heritage item.
 - **South:** Directly adjoining the site to the south, 296-298 Botany Road and 284 Wyndham Street contains a one to 3 storey warehouse and commercial buildings. There is a 2024 approval for a 24-storey mixed-use development on the site.
 - **West:** 189 Wyndham Street contains a 2 and 3 storey development currently occupied by Fire and Rescue NSW. At 177 Wyndham Street there is an 8-storey development occupied by the Rail Operations Centre.
4. The site is not a heritage item, and it is not located within a heritage conservation area. A locally listed heritage item (I2071), known as " Waterloo Public School group buildings including interiors, landscaping and retaining wall", is located opposite the site at 237-271 Botany Road, and currently contains the Yudi Gunyi School.
5. The site is located within the Waterloo Park locality and is not identified as being subject to flooding.
6. A site visit was carried out on 5 May 2026. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds

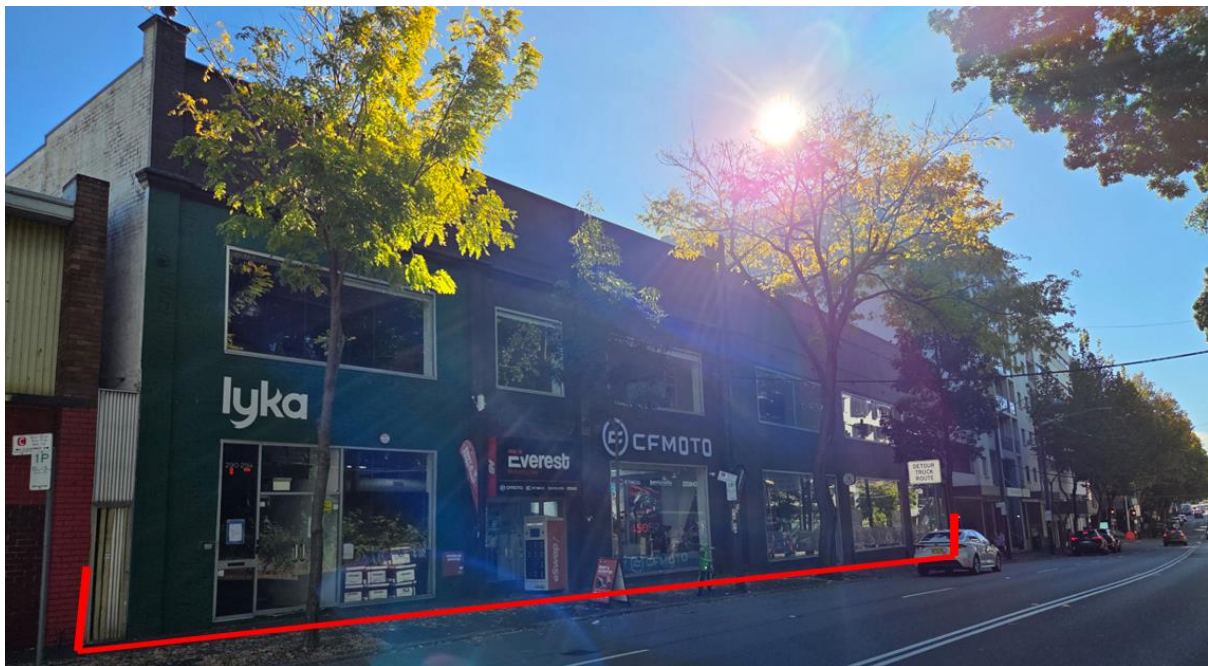


Figure 2: Site viewed from Botany Road facing north-west



Figure 3: Site viewed from Wyndham Street facing north-east

History relevant to the development application

Development applications

7. The following applications are relevant to the current proposal:

- **D/2018/1500** – Deferred commencement consent was granted by the Local Planning Panel on 26 June 2019 for concept approval of a 29m building envelope for retail and office uses, vehicular access from Wyndham Street, a through-site link and indicative tree removal. The deferred commencement condition related to a Voluntary Planning Agreement.

The consent was activated on 16 December 2019.

The application was amended on 11 November 2020 under Section 4.55(2) Modification D/2018/1500/A to remove the basement level 2, extend the northeast portion of the building, increase certain setbacks, adjust the front and rear facade, and reduce the floor plate at each level. Figure 9 below shows the proposed envelope of the building, and Figure 10 shows a 3m setback from the southern boundary required under the approval.

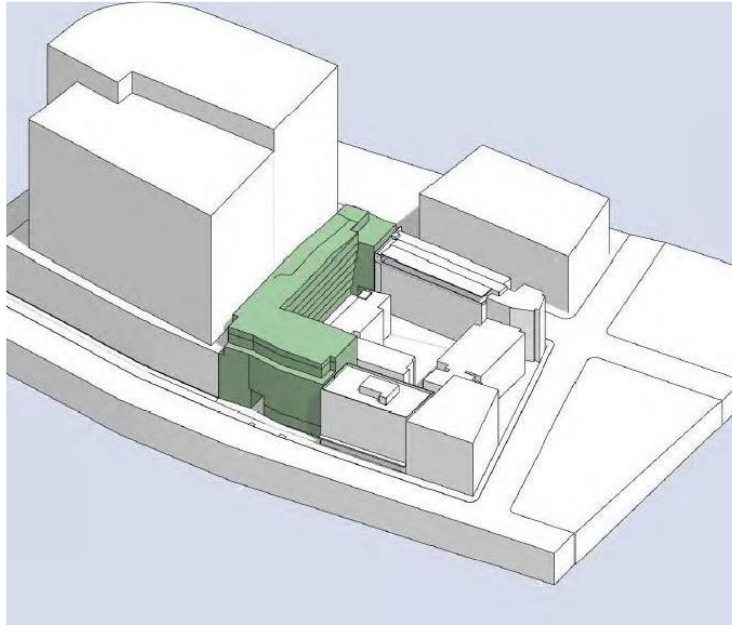


Figure 4: 3D Model of amended envelope proposed under D/2018/1500/A

- **D/2020/420** – Development consent was granted on 27 October 2020 for the demolition of all existing buildings and associated structures, tree removal, excavation and shoring to facilitate the future construction of a new 7-storey mixed-use commercial building proposed under D/2018/1500 and D/2020/421.
 - **D/2020/421** – Deferred commencement consent was granted on 11 November 2020 for a Stage 2 development for construction of a new 7 storey mixed-use commercial development and associated through-site link, carparking and landscaping works.
 - **D/2024/709** – Deferred commencement consent was granted on 11 June 2025 for a concept development application for demolition of existing structures and a concept envelope for a mixed-use development up to a height of RL 46.10, indicative future retail, commercial and build-to-rent housing land uses, vehicular access from Wyndham Street, and 2 indicative basement levels. The application is Integrated Development requiring the approval of WaterNSW under the Water Management Act 2000.
 - **D/2026/934** – Development consent was granted on 23 January 2026 alterations to use the existing premise as a vehicle repair station, vehicle sales and hire premises, including signage.
8. The following applications relating to the adjoining sites are relevant to the proposal:
- **D/2021/319 (296-298 Botany Road, Alexandria)** – Deferred commencement was granted on 8 May 2024 for the construction of a mixed-use development including a 2-storey commercial podium above the existing approved retail podium and 2 residential towers containing 255 residential apartments (including 92 dual-key apartments) with associated communal outdoor space and parking.

- **D/2021/319/A (296-298 Botany Road, Alexandria)** – A Section 4.55 modification application was lodged on 7 November 2024 for the change of use of Tower C (located to the north of the site and adjacent to the subject site) from commercial to residential. The proposal will increase the number of residential units from 255 to 333. Assessment of the modification is underway and at the time of writing the application is yet to be determined.
- **U01-00496 (2-6 Mandible Street, Alexandria)** – Development consent for demolition of existing structures, and construction of 3 buildings containing 176 units including 45 live/work units, a café/convenience store and car parking for 137 vehicles was granted by South Sydney Council on 31 May 2001.

The approved building contained an 'L-shaped' building aligning the eastern and southern boundaries.

In the report, it was noted that the building in the south-eastern corner of the site would not prejudice reasonable development on the adjoining site.

Amendments

9. Following a preliminary assessment of the proposed development by Council officers, a request for additional information was sent to the applicant on 3 March 2026. Additional initial information was requested, including model information and a Preliminary Public Art Plan.
10. The applicant responded to the request on 6 March 2026, and submitted the requested model information and Public Art Plan.
11. Following further assessment of the proposed development by Council officers, a request for additional information and amendments was sent to the applicant on 24 April 2026. The requested information included design amendments, waste amendments, further contaminated land information, and amendments to the submitted Design Excellence Strategy, Public Art Plan, and Statement of Environmental Effects.
12. The applicant responded to the request on 20 May 2026, and submitted the requested information.
13. Following assessment of the additional information by Council officers, a request for amendments was sent to the applicant on 15 June 2026. The requested amendments related to the Design Excellence Strategy, Concept Plans, and Public Art Plan.
14. The applicant responded to the request on 18 August 2026, and submitted updated Design Excellence Strategy, Concept Plans, and Public Art Plan. The applicant also submitted a written Clause 4.6 Variation Request regarding a variation to the Clause 4.3 Height of buildings Development Standard.

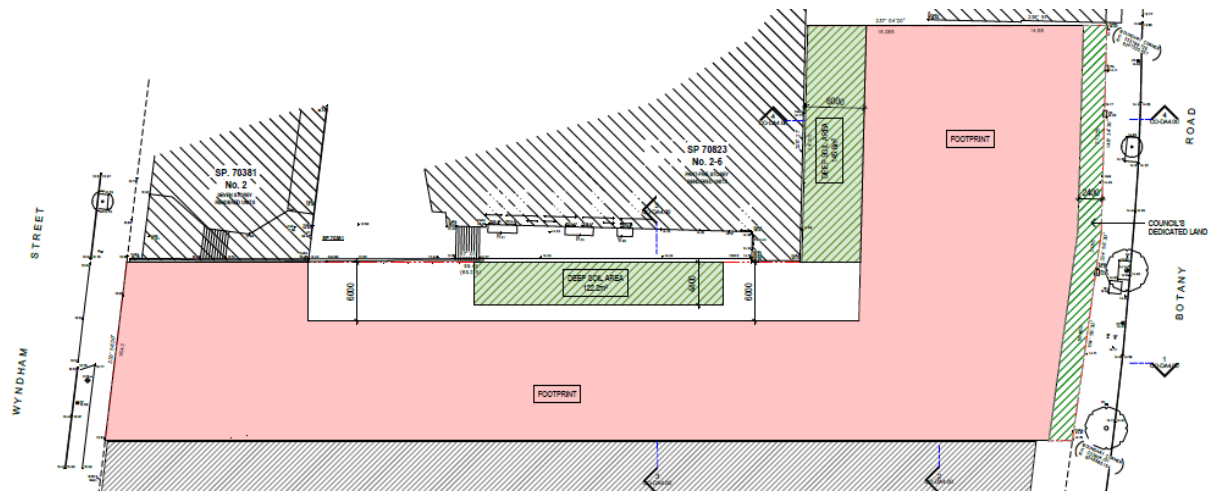


Figure 6: Concept floor plan (approx. 17m RL)

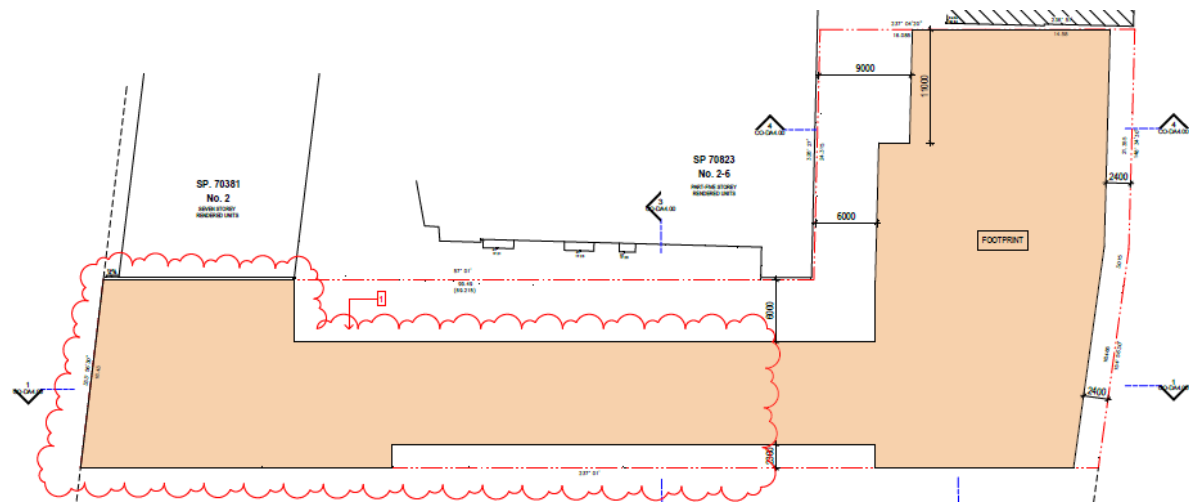


Figure 7: Concept floor plan (approx. 36m RL)

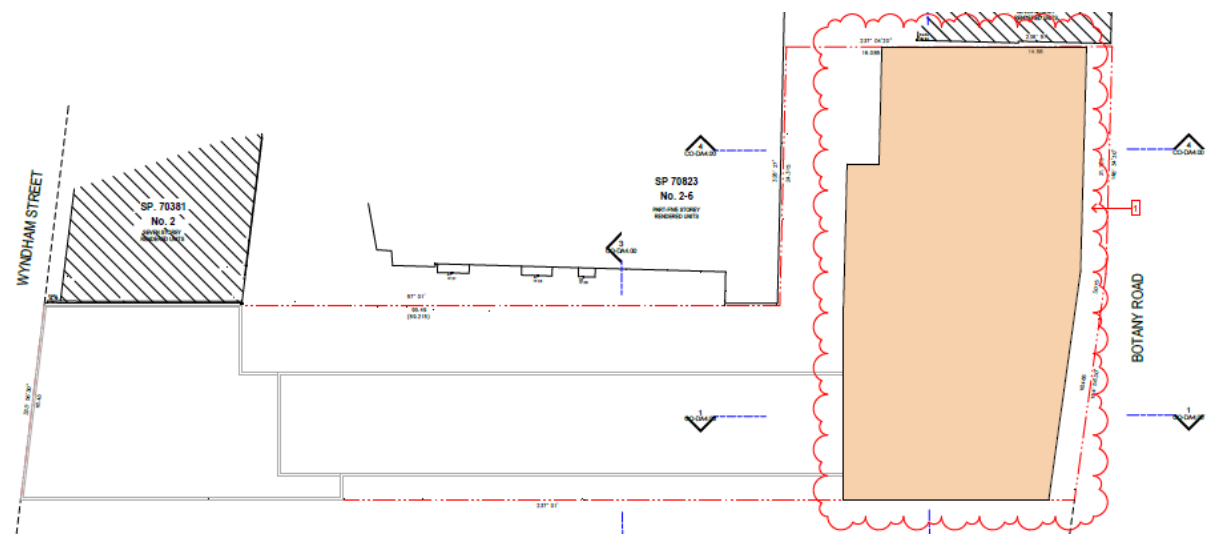


Figure 8: Concept floor plan (approx. 42m RL)

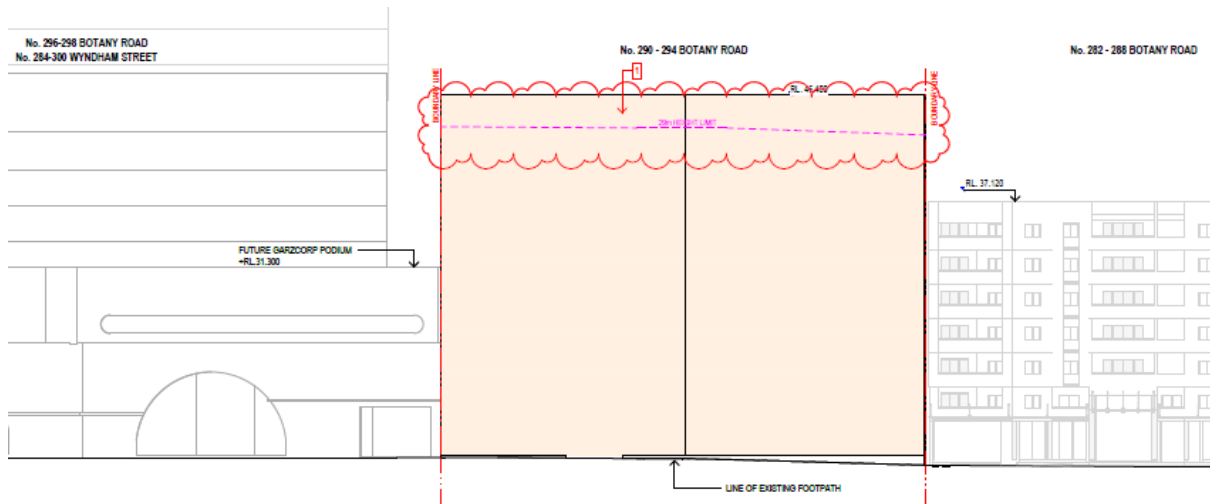


Figure 9: Concept elevation to Botany Road

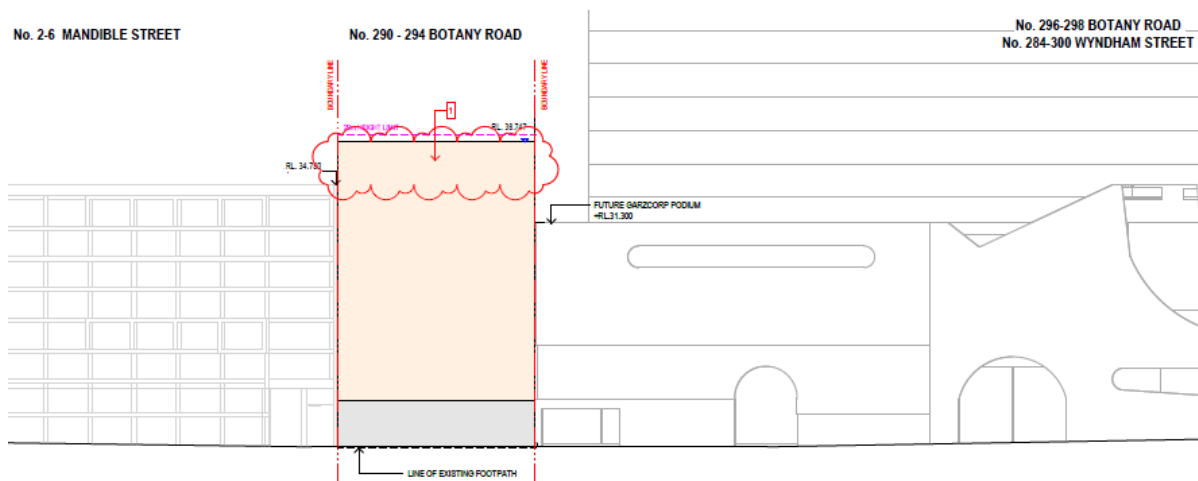


Figure 10: Concept Wyndham Street elevation

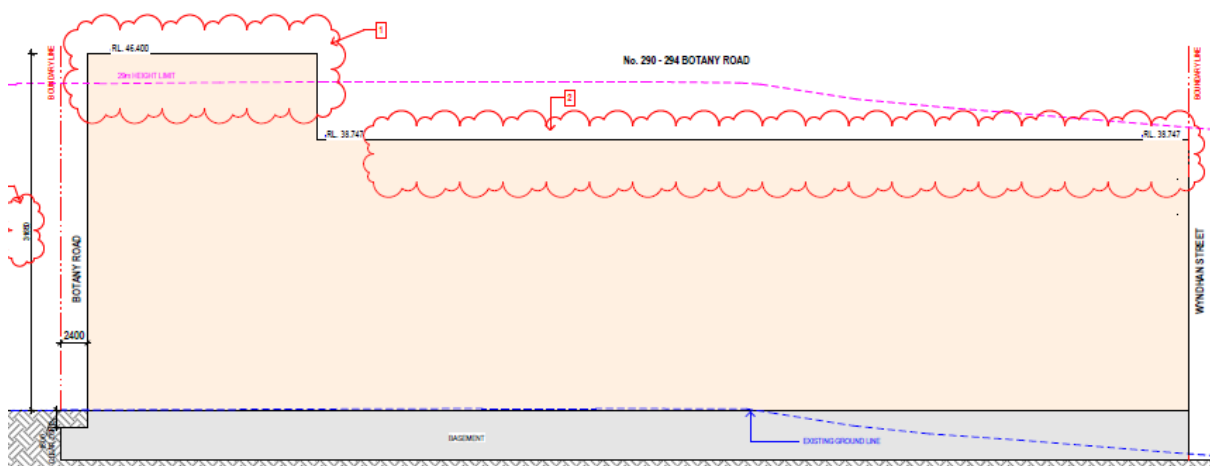


Figure 11: Concept long section



Figure 12: Photomontage of possible design, subject to competitive design process and detailed DA

Assessment

17. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

18. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
19. Site investigations have identified the following contaminants as present on the site that are associated with fill (soil):
- three underground storage tanks (UST) in the west of the site
 - fill soil impacted by total polycyclic aromatic hydrocarbons (PAHs)
 - copper and zinc
 - groundwater impacted by zinc
20. A Remediation Action Plan (RAP) relating to the site, prepared by JK Environments, dated 30 January 2026 has been submitted with the development application.

21. The RAP proposes excavation and off-site disposal of contaminated fill/soil. This is considered appropriate on the basis that:
 - (a) The UST and associated infrastructure are within the proposed basement footprint and will need to be removed to construct the basement.
 - (b) The basement excavation will remove the majority of the soil from the site by default, including any localised contamination impacts around the UST and associated infrastructure.
22. The RAP concludes by stating that JK Environments are of the opinion that the site can be made suitable for the proposed residential and commercial use, provided that the RAP is implemented.
23. The Council's Environmental Health Officer has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
24. An amended Acid Sulfate Soils Management Plan has been submitted and has been assessed by the City's Environmental Health Unit to be satisfactory.
25. Council's Environmental Health Officer is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Housing) 2021

26. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
27. Section 7.32 of the EP&A Act and states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
28. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in the Southern Employment Lands
29. This matter is discussed in further detail under the heading Financial Contributions below.

Chapter 3 Diverse Housing

Part 3 Co-living Housing

30. Under Clause 1.9(2A) of the Sydney Local Environmental Plan 2012, the provisions of Chapter 3, Part 3 of the State Environmental Planning Policy (Housing) 2021 do not apply within the Green Square locality, where the subject site is located.

State Environmental Planning Policy (Sustainable Buildings) 2022

31. Any subsequent DA for the detailed design of the building will be required to satisfy the requirements of the SEPP (Sustainable Buildings) 2022, and the City's LEP and DCP provisions.

32. Conditions of consent are recommended to ensure that any subsequent Stage 2 detailed design DA will be accompanied by a valid BASIX certificate, NABERS certificate, Embodied Emissions form, in accordance with the provisions of the SEPP, and the City's Net Zero development controls.

State Environmental Planning Policy (Transport and Infrastructure) 2021

33. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 – Determination of development applications - other development

34. The development involves penetration of ground within 2m of an underground electrical power line or an electricity distribution pole, as such the application was referred to Ausgrid for comment. Ausgrid has recommended conditions which have been included in the Notice of Determination.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.99 – Excavation in, above, below or adjacent to rail corridors

35. The application is adjacent to the Green Square rail corridor and was subsequently referred to Transport for NSW (TfNSW) for comment. TfNSW have recommended conditions which are included in the Notice of Determination.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.119 – Development with frontage to classified road

36. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Botany Road which is a classified road.
37. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

Clause 2.120 – Impact of road noise or vibration on non-road development

38. The application is subject to Clause 2.120 of the SEPP as the site is adjacent to Botany Road which has an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.
39. The application satisfies Clause 2.120 subject to conditions of consent and further detailed acoustic information to be provided as part of a detailed development application.

Local Environmental Plans

Sydney Local Environmental Plan 2012

40. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The proposed development includes indicative retail and co-living uses, which are permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 29m is permitted. A height of 31.65m is proposed. The proposed development does not comply with the maximum height of buildings development standard. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio	Able to comply	Clause 4.4 of the Sydney LEP 2012 stipulates a base floor space ratio of 2:1 for the site. Clause 6.14 of the Sydney LEP 2012 allows for additional 1.5:1 FSR where community infrastructure is provided. As part of the subject application, the landowner has made an offer to enter into a Planning Agreement with the City. The public benefit offer includes the dedication of 102.804sqm land with a value of \$20,560.00, public domain works with a value of \$96,118, and a monetary contribution of \$1,690,047

Provision	Compliance	Comment
		towards community infrastructure at Green Square. The documentation submitted by the applicant demonstrates that the proposed building envelope is able to accommodate 9,860sqm of gross floor area, which would equate to an FSR of 3.85:1. In order to achieve this FSR, the applicant is reliant on any future architectural design being awarded the entirety of the 10% design excellence floor space bonus under the provisions of clause 6.21 of the Sydney LEP 2012. A deferred commencement condition requiring the VPA to be exhibited, executed and registered on title has been recommended.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.4. A Clause 4.6 variation request has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Able to comply	Yudi Gunyi School, which is a locally listed heritage item under Sydney LEP 2012, is located opposite the site on Botany Road. It is visually and physically well separated from the subject site across a wide road. There are also large trees present that obscures the visibility of the school from Botany Road.
5.21 Flood planning	Yes	The site is subject to flood risks from Botany Road and Wyndham Street. The submitted Flood Assessment report demonstrates that the development is able to comply with the relevant flood planning requirements.

Provision	Compliance	Comment
		Further detailed design is required as part of any future detailed Development Application.

Part 6 Local Provisions - height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.14	Yes	Clause 4.4 of Sydney LEP 2012 stipulates a base floor space ratio of 2:1 for the site. Clause 6.14 of the LEP 2012 allows for an additional 1.5:1 FSR where community infrastructure is provided. As part of the subject application, the landowner has made an offer to enter into a Planning Agreement with the City. The public benefit offer includes the dedication of 102.804sqm land with a value of \$20,560.00, public domain works with a value of \$96,118, and a monetary contribution of \$1,690,047 towards community infrastructure at Green Square. The documentation submitted by the applicant demonstrates that the proposed building envelope is able to accommodate up to 9,860sqm of gross floor area, which would equate to an FSR of 3.82:1. In order to achieve this FSR, the applicant is reliant on any future architectural design being awarded the entirety of the 10% design excellence floor space bonus under the provisions of clause 6.21 of the Sydney LEP 2012. A deferred commencement condition requiring the VPA to be exhibited, executed and registered on title has been recommended.

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design Excellence	Able to comply	This clause allows up to 10% additional floor space subject to a competitive design process being carried out, a winning scheme being selected and that scheme exhibiting design excellence at the detailed design DA stage. The concept envelope has been assessed against the relevant requirements of this clause including site suitability, proposed uses, bulk and massing, street frontage heights and other environmental impacts. The concept envelope demonstrates that a suitable detailed design can be accommodated on the site. Satisfaction of the design excellence requirements, including eligibility for the up to 10% additional floor space, will be considered in the assessment of the future detailed DA.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.7 Retail premises	Yes	A maximum of 1 car parking spaces is permitted in association with the proposed indicative retail use. The proposed development includes 0 car parking spaces for the indicative retail use and complies with the relevant development standards. The LEP does not currently specify a maximum number of car parking spaces for co-living use.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The eastern portion of the site to Botany Road is identified as containing class 5 acid sulfate soils. The western portion of

Provision	Compliance	Comment
		the site to Wyndham Street is identified as having class 3 acid sulfate soils. The indicative scheme includes excavation for basement carparking and is likely to expose acid sulfate soils. The Remedial Action Plan prepared by JK Environments, dated 30 January 2026, contains details of the extent of Acid Sulfate Soils within the site and provides recommendations. It is advised that Acid Sulfate Soils related risks on adjacent lands are unlikely to be exacerbated due to the proposed development. A detailed Acid Sulfate Soils Management Plan dated 14 May 2026 has been provided and is supported by the City's Environmental Health unit.
7.16 Airspace operations	Able to comply	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport. The site is located within an area defined in the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height without prior approval of the Civil Aviation Safety Authority. The height of the proposed development will breach this limit. An approval for the erection of the development to a maximum height of 46.4 metres AHD, being the height of the proposed building envelope, inclusive of all lift overruns, vents, chimneys, aerials, TV antennae, construction cranes was received on 30 March 2026, and updated approval was received on 18 August 2026.
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Able to comply	The subject site is located on land identified as restricted retail development on the Retail Premises map. As such, development consent cannot be granted for shops or markets

Provision	Compliance	Comment
		with a gross floor area greater than 1000sqm. The proposed development includes indicative retail and commercial uses at the ground floor; however the quantum of gross floor area is not approved under this concept DA. Any subsequent future stage 2 DA will need to comply with the requirement.

Development Control Plans

Sydney Development Control Plan 2012

41. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

42. The site is located within the Waterloo Park locality. The proposed development is in keeping with the unique character and the design principles of the locality as it will provide non-residential uses at ground level and an active frontage along Botany Road, as well as a 2.4m setback to Botany Road to improve the public domain.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements		
3.1.1.4 Footpaths	Yes	A 2.4m setback to enable footpath widening is being provided along Botany Road. The land is being dedicated to the City via the VPA. This is consistent with the Public Domain setbacks map in the Sydney DCP 2012. A basement is proposed to sit 1.5m below the land to be dedicated to the City. This is only considered acceptable in this instance as the narrow shape of the site constrains the ability to adequately service and provide bicycle and car parking facilities. Provision 3.11.5 (2) of the Sydney DCP 2012 provides that where site constraints result in a car park being located under a public street, only

Provision	Compliance	Comment
		common areas are permitted below (such as circulation space or unallocated parking) and the ownership of the street will be in stratum above the waterproofing membrane. These requirements are recommended as conditions on the concept development consent so that the requirements apply to the detailed DA.
3.1.2.2 Through-site link	Able to comply	The original proposal included a through-site link connecting Wyndham Street to Botany Road. The original public benefit offer also sought credit for an easement over the through site link. A through-site link is not identified for this site under SDCP provision 3.2.2.2(1). It is also not required under SDCP Provision 3.2.2.2(2) as the site is not greater than 5000sqm in area. The inclusion of a through-site link is not supported in this instance and is detailed in the "Discussion" section below.
3.1.5 Public Art	Able to comply	A preliminary public art strategy was submitted with the proposal. A condition is recommended requiring the development of a public art plan in accordance with the strategy and to meet the requirements of the City's Guidelines for Public Art.
3.2. Defining the Public Domain	Able to comply	The relationship between the public domain and the subject site will need to be further development as part of any subsequent future competitive design process and detailed DA.
3.2.3 Active frontages	Able to comply	Botany Road is required to have an active frontage. The indicative proposal includes retail premises on the Botany Road frontage. This provides an opportunity to activate the frontage.

Provision	Compliance	Comment
		A condition is recommended to ensure that this forms part of the design brief.
3.3 Design Excellence and Competitive Design Processes	Able to comply	A Design Excellence Strategy (DEX Strategy) has been submitted with the application, and which establishes a design excellence process for the development site. Conditions are recommended to approve the DEX Strategy and for design requirements to be incorporated into any future competitive design process brief. A competitive design process is to be undertaken prior to lodgement of any future DA for the detailed design of the building. This competitive design process must adhere to the DEX Strategy and conditions of consent for the development to be eligible for up to 10% additional FSR.
3.4 Hierarchy of Centres, City South	Able to comply	This is addressed above under section 7.23 above.
3.5 Urban Ecology	Able to comply	The development includes the removal of 1 x Weeping Bottlebrush tree and 1 x London Plane tree. The tree removal was referred to the City's Tree Management unit who raised no objections, due to the trees low retention values. Any subsequent future Stage 2 DA will require a detailed landscape plan which demonstrates that the development will provide the minimum 15% canopy cover across the site.
3.6 Ecologically Sustainable Development	Able to comply	An ESD report was submitted which outlines design initiative for consideration to reduce the environmental impact of the design, construction and operation of the development. The ESD target benchmarks have been incorporated into the DEX Strategy that is recommended for approval.

Provision	Compliance	Comment
3.7 Water and Flood Management	Able to comply	As part of the detailed DA, further details relating to stormwater management will need to be provided to ensure that the development meets the requirements of the City's flood planning controls. Refer to the discussion under section 5.21 above for further details.
3.8 Subdivision, Strata Subdivision and Consolidation	Not applicable	No subdivision is proposed as part of this application. Subdivision will be required to excise off the 2.4m parcel of land to be dedicated to the City. This will form part of any subsequent future detailed DA and conditions of that consent.
3.9 Heritage	Able to comply	Yudi Gunyi School, which is a locally listed heritage item under Sydney LEP 2012, is located opposite the site on Botany Road. It is visually and physically well separated from the subject site across a wide road. There are also large trees present that obscures the visibility of the school from Botany Road.
3.11 Transport and Parking	Able to comply	The proposed development was discussed with Council's transport team who raised no objections to the location of proposed vehicular access, car and bicycle rates, provision of on-site servicing, 2.4m public domain setback to Botany Road, or the pedestrian connection between Botany Road and Wyndham Street. As this is a stage 1 DA the vehicle and bicycle parking numbers will not be determined at this stage. Compliance with the controls will need to be addressed under any subsequent detailed stage 2 DA, and conditions relating to the requirements have been recommended.
3.12 Accessible Design	Able to comply	Conditions have been recommended for any subsequent DA for the detailed design of the building to provide appropriate access and facilities for

Provision	Compliance	Comment
		persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Able to comply	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles. Further details are to be provided as part of any subsequent DA for the detailed design of the building.
3.14 Waste	Able to comply	Conditions have been recommended for any subsequent DA for the detailed design of the building to comply with the relevant provisions of City of Sydney Guidelines for Waste Management in New Development, including the provision of sufficient areas for waste storage.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Able to comply	The site is permitted a maximum building height of 9 storeys. The proposed reference scheme includes an indicative height of 9 storeys to Botany Road and 7 storeys to Wyndham Street. The site is not subject to a street frontage height control, and the envelope is compatible with the scale and form of adjacent buildings.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Able to comply	The submitted reference design scheme indicates that a 4.5m floor to floor height at ground level, and 3.2m floor to floor heights above are possible for up to 9 storeys within the proposed building envelope.
4.2.2 Building setbacks	Able to comply	The proposed concept envelope and submitted reference design scheme

Provision	Compliance	Comment
		generally comply with the setback requirements. The proposed encroachment of the basement parking level is reasonable in this instance as outlined above.
4.2.3 Amenity		
4.2.3.1 Solar access	Able to comply	The proposed development retains compliant and reasonable solar access to the neighbouring approved mixed-use development at 284 Botany Road. The proposal provides meaningful and reasonable solar access to 3 aspects of the building and all rooms identified in the reference scheme. As such, it is considered that a detailed design is able to comply with the control.
4.2.3.3 Internal common areas	Able to comply	The common areas, corridors and lift lobbies have access to daylight and an outlook and contain the minimum 2m width in front of lifts in the reference scheme.
4.2.3.5 Landscaping	Able to comply	A detailed landscape design is required as part of any subsequent detailed DA.
4.2.3.6 Deep Soil	Partial compliance	The control requires 10% or 256.1sqm of deep soil to be provided, with a minimum dimension of 10m. The concept development provides a minimum of 268sqm of deep soil, with a minimum dimension of 4.4m and 6m over two zones. The non-compliance with the minimum dimension of the control is considered reasonable in this instance due to the constraints and layout of the site, and to provide a reasonable and usable basement level.
4.2.3.8 Common open space	Able to comply	The submitted reference scheme indicates that suitable common open space can be provided, subject to further design detail in any subsequent detailed

Provision	Compliance	Comment
		DA to ensure the provided common open space is of appropriate size and quality.
4.2.3.11 Acoustic privacy	Yes	An Environmental Noise and Natural Ventilation Report was submitted with the application. Council's Environmental Health unit raised no objections. Acoustic measures to noise-affected units will need to be demonstrated under the future detailed DA.
4.2.6 Waste and recycling Management	Able to comply	The submitted reference scheme has demonstrated that the development is able to comply with the City's waste requirements, including appropriate vehicle access, bin storage, and waste chutes.
4.2.7 Heating and cooling infrastructure	Able to comply	Any subsequent DA for the detailed design of the building will be assessed against the requirements of this control which encourage heating and cooling infrastructure to be consolidated into a centralised basement location near the street frontage.
4.2.8 Letterboxes	Able to comply	Any subsequent DA for the detailed design of the building will be assessed against the requirements of this control which require lockable mailboxes located close to the major street entry to the site.
4.2.9 Non-residential development in the B4 Mixed-Uses Zone	Able to comply	The proposed reference scheme includes indicative retail uses. The suitability of the proposed uses and any amenity impacts will be subject to assessment under future a development application for the uses.

4.4 Other Development Types and Uses

4.4.1 Boarding houses and student accommodation

43. The submitted reference scheme and DA documents have demonstrated that the development is able to comply with the controls of Part 4.4.1 of the DCP.
44. Further design details and information demonstrating compliance with the controls will be required and assessed as part of the future detailed DA.

Section 5 – Specific Areas - Green Square

Provision	Compliance	Comment
5.2.3 Community Infrastructure	Yes	A public benefit offer was submitted with the application to access the additional 1.5:1 community infrastructure floorspace. The offer will contribute to the delivery of community infrastructure for Green Square through the dedication of 2.4m of land along Botany Road for footpath widening, public domain works, and a monetary contribution.
5.2.7 Stormwater management and waterways	Able to comply	Refer to sections 5.21 Flood Planning and 3.7 Water and Flood Management above for further information.
5.2.9 Building design	Able to comply	The height of the building has been designed to relate to the hierarchy of surrounding development. The height of the proposed building will not have an adverse impact on significant views to the city skyline or other views. Aspects of the detailed building design, such as proposed materials, landscaping, building facades, and entrances, will be assessed under any subsequent design competition and detailed DA.
5.2.10 Setbacks	Yes	A 2.4m setback from the public domain is dedicated along the Botany Road site frontage.
5.2.11 Carparks under the public domain	Able to comply	The site includes a carpark under the public domain area required for dedication.

Provision	Compliance	Comment
		The indicative scheme shows parking spaces and storage cages within the area below the 2.4m dedicated public domain setback. The DCP stipulates that where site constraints result in a car park being located under a public street, only common areas are permitted below (such as circulation space or unallocated parking), and the ownership of the street will be in stratum above the waterproofing membrane. These requirements are recommended as conditions on the concept development consent so that the requirements apply to the detailed DA

Discussion

Clause 4.6 Request to Vary a Development Standard

45. The site is subject to a maximum Height of buildings control of 29m. The proposed development has a maximum building height of 31.65m, being a variation of 2.65m or 9%.

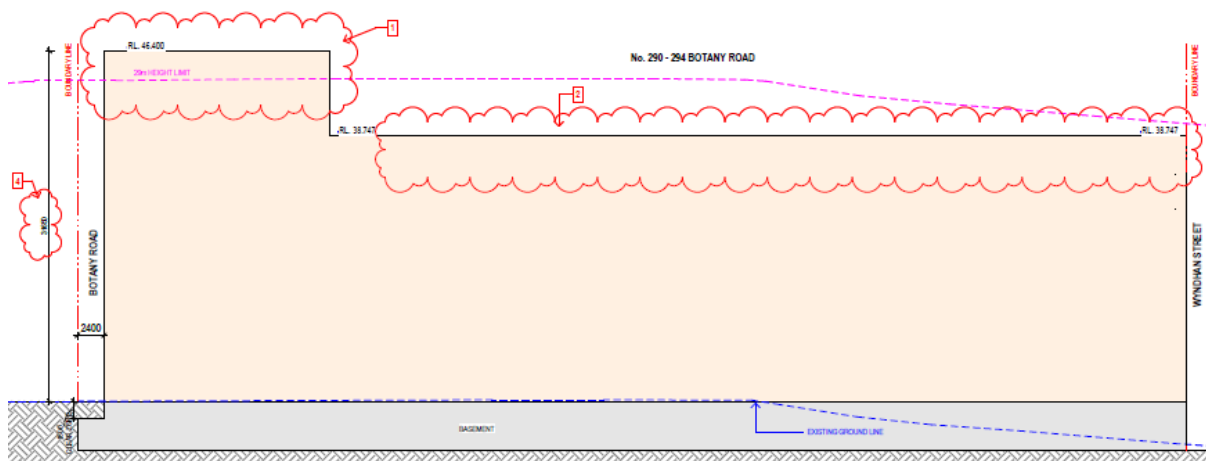


Figure 13: Concept envelope section identifying extent of Height of buildings variation to Botany Road

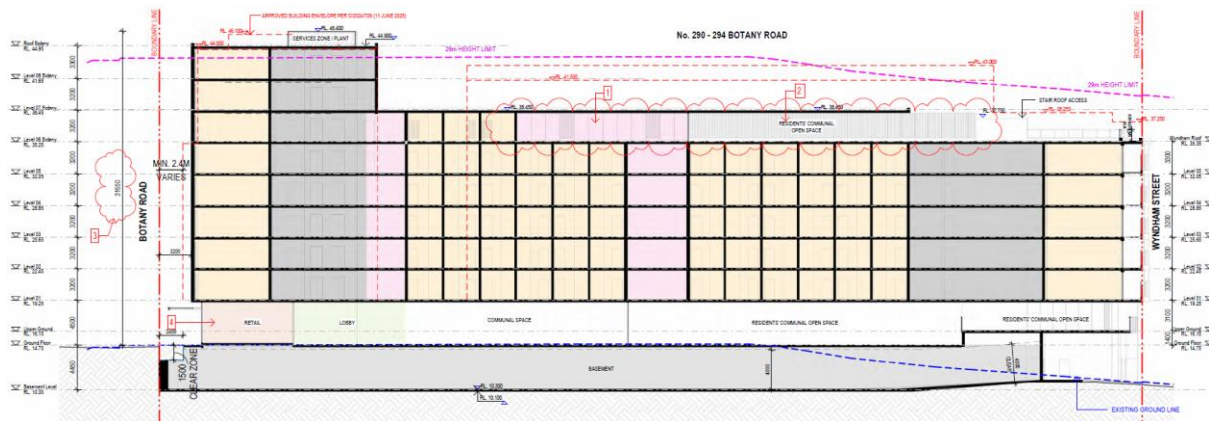


Figure 14: Reference design scheme section identifying extent of Height of buildings variation to Botany Road

46. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard.

Applicant's Regulation 35B document

47. The applicant seeks to justify the contravention of the Height of buildings development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Notwithstanding the non-compliance with the applicable height development standard, the proposal achieves the desired medium density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls.
 - (ii) The proposed mixed-use development has been carefully designed to provide a building height that is appropriate to the condition of this site and its context. The majority of this development is compliant with the LEP building height standard.
 - (iii) The proposed development is substantially shorter than towers A and B of the approved development at 269-298 Botany Road, and is comparable and slightly shorter than the adjacent tower C.

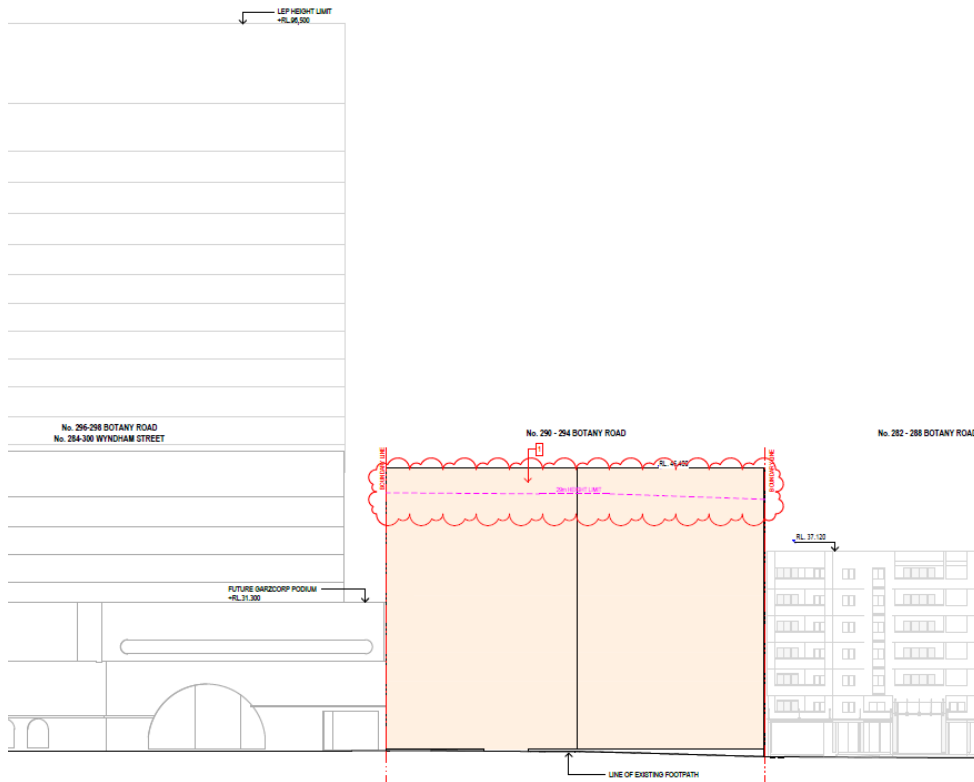


Figure 15: Concept envelope elevation comparing proposed development to neighbouring development

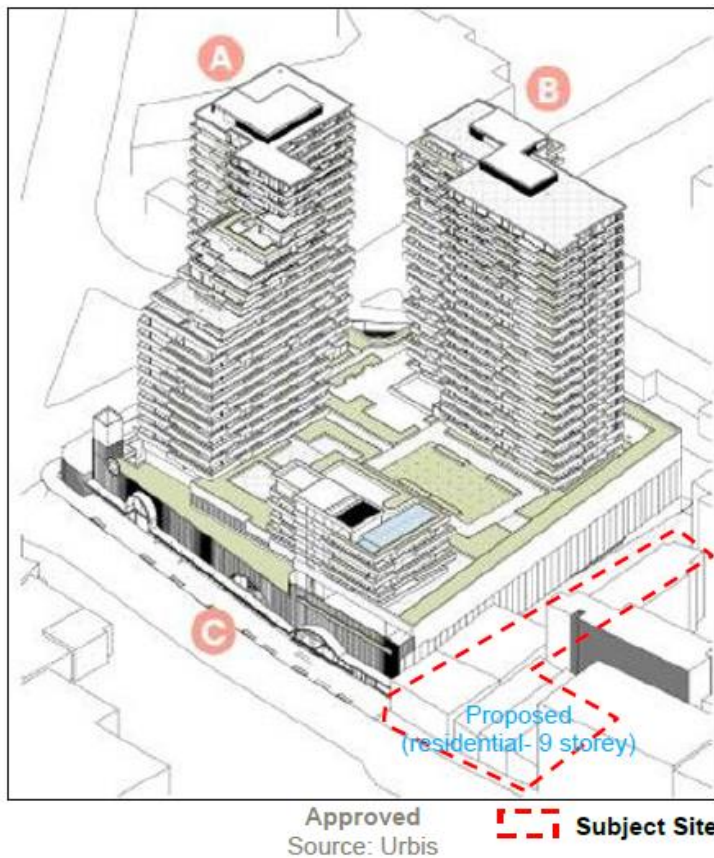


Figure 16: Approved form of 296-298 Botany Road

- (iv) The proposal has been designed with a stepped height and adequate setbacks, which is consistent with the existing and approved developments, and is appropriate to its context.
 - (v) The proposed building height provides an appropriate height transition between new development and heritage items and will significantly improve the streetscape when compared to the existing situation.
 - (vi) The solar access impacts of the development are minimal and unlikely to affect the amenity of the public domain.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:

- (i) Consistency in the context is recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097 where Commissioner O'Neill states at [42] that:

"I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in *Initial Action* [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act)."

The proposed development will remain compatible with the desired future character as it complies with the height limit for the entirety of the building envelope, with the exception for a small section of the envelope fronting Botany Road, intended for services.

The proposed development is substantially shorter than towers A and B of the approved development at 269-298 Botany Road, and is comparable and slightly shorter than the adjacent tower C.

The proposed building height aligns with the surrounding context and the desired future character of the area. Additionally, it provides an appropriate height transition from the Green Square Town Centre to the adjacent area and will significantly enhance the streetscape along both Botany Road and Wyndham Street.

- (ii) The proposed Concept Design has been carefully developed to maximise the allowable GFA (subject to a Competitive Design Process) while adhering to the building envelope controls set out in the LEP and DCP. However, site constraints, including the L-shaped configuration, make it challenging to fully achieve the maximum permissible GFA within the 29m building height standard under the LEP. Compliance with DCP setback controls and the ADG separation distance requirements, and the need to provide high-quality amenity, such as cross ventilation, solar access, and outdoor open spaces, further limits the potential for maximising GFA.

- (iii) In response to these constraints and following discussions with Council, the proposal has been refined to optimise the design by improving the built form, enhancing the internal layout and introducing a new level to Botany Road to achieve permissible GFA. These revisions aim to enhance the development's aesthetic appeal, strengthen its relationship with existing and approved neighbouring buildings, and provide better amenity outcomes for future occupants of the site. The proposed height variation has also been strategically designed to minimise visual bulk and scale while accommodating the additional GFA gained through the Competitive Design Process.

The majority of the proposed buildings comply with the height standard, with the non-compliance limited to the upper portion of the building envelope fronting Botany Road. This area is intended to be used for services which are essential for the efficient operation of the buildings and for ensuring high-quality amenity for future occupants.

Strict compliance with the height standard would compromise vertical circulation and internal accessibility, as the removal of service zones (including lift overruns, equipment rooms for air-conditioning units, and potential solar panels which can be accommodated within the service zone) would negatively impact functionality and occupant amenity. The proposed design represents a well-considered outcome with no unreasonable adverse impact on the amenity of adjoining properties.

It is noted that this area of the concept building envelope intended for service zones are reserved as the maximum required space for equipment storage in anticipation of the detailed design in Stage 2, but do not represent the actual utilised space. The final equipment layout may require less space, potentially reducing the height exceedance.

- (iv) The proposal complies with the FSR development standard, incorporating the additional floor space permitted under Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP. The design competition process, which will take place before lodging the Stage 2 Detailed DA, enables the proposal to benefit from this additional floor space.

The building envelope has been thoughtfully configured to optimise the permitted GFA while maintaining compliance with the LEP and DCP. However, site constraints make it difficult to achieve the full GFA potential within the prescribed 29m building height limit. The proposed height variation has been carefully managed to balance design excellence with minimising visual bulk and scale while incorporating the additional floor space granted through the Competitive Design Process.

Enforcing strict adherence to the height standard would necessitate the removal of a significant portion of the uppermost level, directly impacting the feasibility of the additional GFA and ultimately contradicting the objectives of the Competitive Design Process.

- (v) Strict compliance would unreasonably impact the design integrity of the building and internal amenity for the future occupants of the site, without noticeably benefiting surrounding properties or the public domain. To achieve a fully compliant building height would require either reducing the compliant floor-to-ceiling heights and floor-to-floor heights, and removing the whole reserved service zones, which will result in a poor planning outcome.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

Precondition to granting consent where a development standard has been contravened

- 48. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- 49. The applicant has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard for the following reasons:
 - (a) The applicant has demonstrated that, in the specific circumstances of this site and this proposal, strict compliance with the maximum height of 29 metres would be unreasonable and unnecessary.
 - (b) The assessment confirms that the objectives of Clause 4.3 are achieved notwithstanding the non-compliance. The proposed building height is appropriate to the site's context, which is characterised by transition in building densities towards Green Square. The proposed height contributes to a logical height transition from the Green Square Town Centre and is consistent with the emerging character envisaged for the locality.
 - (c) The variation does not result in an unacceptable built form outcome. The additional height does not give rise to excessive bulk or scale when viewed in the context of surrounding and approved developments. The built form has been carefully articulated through podium and tower massing, setbacks and facade articulation to reduce visual impact and protect amenity.
 - (d) Having regard to these matters and noting that strict compliance would constrain the design outcome and amenity to or number of dwellings without delivering a commensurate environmental benefit, compliance with the height of building development standard is unreasonable or unnecessary in the circumstances of the case.

Conclusion

- 50. For the reasons provided above the variation to the Height of buildings standard is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Through-site link

51. The original proposal included a through-site link connecting Wyndham Street to Botany Road. The original public benefit offer also sought credit for an easement over the through site link.
52. A through-site link is not identified for this site under SDCP provision 3.2.2.2(1). It is also not required under SDCP Provision 3.2.2.2(2) as the site is not greater than 5000sqm in area.
53. Advice on the application was received from the City's Design Advisory Panel (DAP) who recommended the removal of the proposed through-site link due to a lack of notable benefit or amenity, and concerns regarding security and safety of residents.
54. The through-site link is not necessary to comply with any planning controls and provides no meaningful amenity or benefit in this instance. A condition is recommended requiring that the detailed design of the building not include a public through site link. Private pedestrian access to Wyndham Street and Botany Road for the users of the building may be provided, subject to appropriate Crime Prevention Through Environmental Design principles.

Consultation**Internal referrals**

55. The application was discussed with:
 - (a) Design Excellence
 - (b) Environmental Health
 - (c) Environmental Projects
 - (d) Heritage and Urban Design
 - (e) Landscaping
 - (f) Planning Agreements
 - (g) Public Art
 - (h) Public Domain
 - (i) Safe City
 - (j) Surveyors
 - (k) Transport and Access
 - (l) Tree Management
 - (m) Waste Management
56. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the recommended conditions of consent.

External referrals**Ausgrid**

57. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
58. A response was received raising no objections to the proposed development.

Sydney Airport

59. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
60. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 15.24 above existing ground level.
61. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
62. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided updated approval for the controlled activity on 18 August 2026.

Transport for NSW

63. Pursuant to Sections 2.48, 2.98, and 2.99 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for concurrence.
64. Concurrence was received on 23 March 2026. Conditions of consent were recommended which are included in the recommended conditions of consent.

Water NSW

65. Pursuant to Section 90(2) of the Water Management Act 2000, the application was referred to Water NSW as integrated development, in accordance with Section 4.47 of the EPA Act.
66. General Terms of Approval were issued by Water NSW on 19 March 2026 and have been included in the schedules within the recommended conditions of consent.

Notification

67. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 27 February 2026 and 23 March 2026. A total of 257 properties were notified and no submissions were received.

Financial contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

68. The Central Sydney Development Contributions Plan 2020 does not apply to the site.

Contribution under Section 7.11 of the EP&A Act 1979

69. Section 7.11 contributions will be imposed upon any consent granted to the subsequent DA for the detailed design and use of the building.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

70. The site is located within the Green Square affordable housing contribution area.
71. Section 7.32 of the Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies.
72. The Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area. Clause 14 of the Housing SEPP identifies that there is a need for affordable housing within each area of the State.
73. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:
- (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
 - (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
 - (c) the condition requires a reasonable dedication or contribution, having regard to the following -
 - (i) any other dedication or contribution required to be made by the applicant under this section or section 7.11.
74. Any subsequent detailed DA will be assessed against the relevant jurisdictional prerequisites in Section 7.32(1) and 7.32(3) of the Act, and an affordable housing contribution may then be imposed upon that consent for the detailed design and use of the building.

Housing and Productivity Contribution

75. A Housing and Productivity Contribution will be imposed upon any consent granted to the subsequent DA for the detailed design and use of the building.

Relevant legislation

- 76. Environmental Planning and Assessment Act 1979.
- 77. Heritage Act 1977.

Conclusion

- 78. The application seeks consent for a concept building envelope for a mixed-use development including indicative retail, and co-living uses, vehicular access via Wyndham Street, basement parking, services, plant and storage, landscaping, and communal open space.
- 79. As an Integrated Development Application requiring approval under the Water Management Act 2000, the application, amendments and any submissions (nil) received were referred to Water NSW over the course of the assessment. On 19 March 2026 Water NSW issued its General Terms of Approval, and which have been included at Schedule 3 of the recommended conditions of consent at Attachment A to this report.
- 80. The draft VPA associated with the application will undergo a 28-day public exhibition period in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979. A deferred commencement condition is recommended to enable the draft VPA to be executed and registered on title.
- 81. The proposal secures public benefits comprising land dedication for footpath widening, public domain works, and a payment of a monetary contribution towards community infrastructure in Green Square. The development is permissible with consent in the MU1 - Mixed-Use zone and is consistent with the objectives of the zone.
- 82. The concept proposal and Design Excellence Strategy establish a concept building envelope and suitable parameters for competitive design process. Subject to the recommended conditions, the proposed envelope is able to accommodate a detailed building design of an appropriate bulk and scale, that responds to the character of the area and which is capable of achieving design excellence.
- 83. A variation to the height standard pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012 is supported as the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening the development standard.
- 84. It is recommended that deferred commencement development consent be granted subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Joel Stuart, Specialist Planner

Attachment A

Recommended conditions of consent
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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney and Angreb Pty Ltd and Sentra Investments Pty Ltd shall be exhibited, executed and submitted to Council in accordance with the Public Benefit Offer dated 20 February 2026; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

PART B – CONDITIONS OF CONSENT

GENERAL CONDITIONS

(2) STAGED DEVELOPMENT APPLICATION

Pursuant to Division 4.22 of the Environmental Planning and Assessment Act, 1979, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design) are required for any work on the site.

(3) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2026/162 dated 26 February 2026 and the following drawings prepared by Antoniades Architects:

Drawing Number	Drawing Name	Date
CO-DA1.00 Rev D	Cover Sheet/Project Data	24/07/2026
CO-DA3.01 Rev A	Basement Level 01	09/01/2026
CO-DA3.02 Rev B	Ground Floor Plan	24/07/2026
CO-DA3.03 Rev A	Levels 01-04	09/01/2026
CO-DA3.04 Rev A	Level 05	09/01/2026
CO-DA3.05 Rev A	Level 06	09/01/2026
CO-DA3.06 Rev B	Level 07	24/07/2026
CO-DA3.07 Rev B	Level 8	24/07/2026
CO-DA3.08 Rev B	Roof Level	24/07/2026
CO-DA4.00 Rev C	Sections	24/07/2026
CO-DA5.01 Rev C	East Elevation (Botany Road)	24/07/2026
CO-DA5.02 Rev C	West Elevation (Wyndham Street)	24/07/2026

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(4) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT

The following matters are **not** approved and do not form part of this concept development consent:

- (a) Any works, including demolition, excavation and/or construction
- (b) The precise quantum of floor space
- (c) The quantum, ratio and distribution of residential, retail and commercial floor space
- (d) The indicative floor layouts
- (e) The number, position and configuration of residential apartments, commercial and retail tenancies
- (f) The floor levels of each storey
- (g) The number and configuration of car parking spaces, levels, bicycle spaces, service vehicle and truck loading spaces / zones
- (h) The location of a substation
- (i) Any 10% design excellence uplift in floor space ratio

Reason

To specify the matters that are not approved by this consent and that are to be determined under a subsequent DA for the detailed design of the building.

(5) DETAILED DESIGN OF THE BUILDING

The design brief for the competitive design process and the building design submitted as part of any subsequent Development Application for the detailed design of the building must address the following design requirements:

- (a) The design of the building must not include a public through-site link between Wyndham Street and Botany Road.
- (b) The design of the building must comply with the SDCP2012 height in storeys, floor to ceiling height and floor to floor height controls.
- (c) The building facades to Botany Road and Wyndham Street are to be articulated and rationalise the transition between existing/approved neighbouring facades.
- (d) The design of the building must minimise impacts to the heritage item at 237-271 Botany Road.

- (e) Any blank wall on the southern elevation must be treated so that it does not present as a blank shear wall.
- (f) Apartments facing Botany Road and Wyndham Street must be designed to address acoustic impacts from traffic noise.
- (g) Commercial uses at the ground floor are to promote passive surveillance and street activation.
- (h) Services are to be reasonably and effectively located to minimise visual and amenity impacts while maximising efficiency.
- (i) High-quality communal open space is to be provided in an area of useable size and configuration, directly and equitably accessed from common circulation areas, entries and lobbies, and designed so that the principal communal open space area achieves minimum solar access requirements as per provision 4.2.3.8 of the SDCP 2012.
- (j) The materiality and design of the building is to satisfy the objectives and provisions of section 5.2.9 of the SDCP 2012.
- (k) Appropriate vertical circulation arrangements that ensure equitable and convenient access for all residents to private rooms and communal indoor and outdoor spaces must be provided and supported by appropriate information and/or modelling.
- (l) The design of the building must provide adequate communal indoor living space on each level to support resident amenity.
- (m) The design of the building must ensure any proposed retail component is supported by appropriate back-of-house facilities, including suitable servicing and operational access.
- (n) The design of the building must minimise overshadowing impacts on neighbouring properties during the mid-winter period in accordance with the SDCP *Minimising Overshadowing of Neighbouring Apartments: Documentation Guidelines*.
- (o) All services including any required fire hydrants and substations must be integrated into the building.
- (p) The design of the building must demonstrate compliance with the SDCP 2012 and all relevant housekeeping amendments applicable to co-living development, including the requirement that private rooms have a minimum dimension of 3.5 metres.
- (q) The design of the building must incorporate appropriate Crime Prevention Through Environmental Design (CPTED) principles.
- (r) Rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element.

- (s) The design of the development must prioritise pedestrian safety, passive surveillance and pedestrian amenity at the ground plane, utilising high-quality materials and finishes.

Reason

To ensure the specified design requirements are addressed in the competitive design process and detailed design DA.

(6) BUILDING HEIGHT

- (a) The building heights proposed as part of any subsequent Development Application for the detailed design of the building must not exceed the heights expressed as RLs (AHD) shown on the drawings listed in the 'Approved Development' condition of this consent.
- (b) This condition does not restrict development comprising building height:
 - (i) proposed or erected by or on behalf of a public authority on land identified in the Voluntary Planning Agreement for transfer (and/or dedication) for the purpose of public amenities such as street furniture, street lighting, landscape structures or the like
 - (ii) located in the communal open space area for the purpose of landscape structures and communal facilities that do not comprise gross floor area and do not compromise deep soil provision.

Reason

To ensure the constructed development complies with the approved height.

(7) FLOOR SPACE RATIO

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed the maximum permissible calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.

Reason

To ensure that the detailed building design is not inconsistent with the maximum permissible FSR for the site.

(8) DEVELOPMENT TO BE CONTAINED WITHIN ENVELOPE

The detailed design of the building must be contained within the approved envelope except for footpath awnings and/or projections beyond private property boundaries over or into the public road/footpath in accordance with the requirements of Schedule 4 of the Sydney DCP 2012.

Reason

To ensure that the detailed building design is not inconsistent with the approved concept envelope.

(9) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPE

The approved concept proposal envelope establishes the maximum parameters for the competitive design process and the future built form on the site. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.

Reason

To specify the relevant parameters for the detailed building design.

(10) COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 must be:

- (a) conducted in accordance with the 'Design Excellence Strategy' for 290-294 Botany Road, Alexandria prepared by GSA Planning and dated 26 August 2026 on behalf of Angreb Pty Limited and Sentra Investments Pty Limited
- (b) conducted prior to the lodgement of any subsequent detailed (Stage 2) development application for the site

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

Reason

To specify the approved Design Excellence Strategy for the development.

(11) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(12) LAND DEDICATION AND LAND TRANSFER

- (a) Land dedicated as road widening, reserve or public through-site link must be dedicated in compliance with the registered Planning Agreement(s) for the site and must not be encumbered by any Long-Term Environmental Management Plan.
- (b) Public domain works within the land to be dedicated must be sufficiently completed to the satisfaction of Council's Public Domain unit prior to the issue of any subdivision certificate.

- (c) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land, other than those designated as permitted encumbrances in the registered VPA for the site.
- (d) The dedication may be staged.

Reason

To ensure land to be dedicated to the City is not encumbered.

(13) REDEFINITION AND CONSOLIDATION PLAN

- (a) Prior to any demolition works, the initial boundary definition survey field work necessary for the preparation of a Redefinition/Consolidation plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the *Surveying and Spatial Information Act, 2002*.
- (b) Prior to the issue of any Construction Certificate, the Redefinition/Consolidation Plan must be registered with the office of NSW Land Registry Services. A copy of the new title must be provided to the Principal Certifier prior to the issue of a Construction Certificate.

Reason

To ensure the orderly development of land.

(14) WASTE FACILITIES

Any Stage 2/Detailed Design Development Application is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of the facilities is to be in accordance with Council's *Guidelines for Waste Management in New Developments* to allow for cleaning, draining and management of the facilities.

Reason

To ensure adequate waste facilities are provided and appropriately designed and serviced.

(15) STORMWATER AND DRAINAGE

Any Stage 2/Detailed Design Development Application is to provide details of the drainage system for the development which is to be designed in accordance with Council's standard requirements as detailed in Council's Stormwater Drainage Manual.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(16) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor, registered under the *Surveying and Spatial Information Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Land Registry Services.

Reason

To protect survey infrastructure.

(17) DETAILED LANDSCAPE PLAN

- (a) Any subsequent DA for the detailed design of the building must include a detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer. The plan must include:
 - (i) Details of tree protection and methodology statements;
 - (ii) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iv) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (v) A minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of eight metres;
 - (vi) Deep soil provision in accordance with the 'Deep Soil' condition of this consent;
 - (vii) New tree plantings with tree species that can achieve a minimum mature height of eight metres and canopy spread of five metres. Palms, fruit trees and species recognised to have a short life span will not be accepted;
 - (viii) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area;
 - (ix) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;

- (x) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (xi) Details of planting procedure and maintenance;
- (xii) Details of drainage, waterproofing and watering systems.
- (b) The detailed landscape plan must address the requirements of provisions 4.2.3.5 of the Sydney DCP 2012 and the relevant guidance provided in the City of Sydney Landscape Code, Volume 2, All Development Except Single Dwellings.

Reason

To specify landscape design details to be submitted with the detailed design DA.

(18) DEEP SOIL

Deep soil must be provided in the locations illustrated on the approved drawings specified in the 'Approved Development' condition of this consent.

Deep soil zones must be unencumbered by structures within, above or below the zone except those constructed of lightweight materials such as timber decking or water permeable paving that allow for filtration of rainwater into the ground.

Reason

To ensure deep soil is provided in the detailed building design.

(19) USE OF BASEMENT UNDER LAND TO BE DEDICATED TO THE CITY

- (a) Any basement located under land to be dedicated to the City is to be set down a minimum of 1.5 metres, measured from the footpath to the water proofing membrane.
- (b) Common areas only are permitted under the land to be dedicated to the City, including circulation space and unallocated parking.

Reason

To ensure that private car parking is not contained below the public domain.

(20) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building will deliver the sustainability targets set out in the Ecologically Sustainable Development Report prepared by Aspire Sustainability Consulting, Revision 1 and dated 10 February 2026.

The ESD targets must be included in the competitive design process brief and carried through the competition phase, design development, construction, and through to completion of the project.

Reason

To ensure the detailed design of the building delivers the established sustainability targets.

(21) TREES IDENTIFIED FOR REMOVAL

- (a) For the purposes of the competitive design process and subsequent detailed development application, the following trees are identified for removal as identified in the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated February 2026.
 - (i) T5, T6.
- (b) No consent is granted or implied for any tree removal works under this consent. Consent for tree removal must be sought under a subsequent DA for the detailed design of the building.

Reason

To confirm the trees identified for removal for the purposes of the competitive design process.

(22) TREES IDENTIFIED FOR RETENTION

- (a) For the purposes of the competitive design process and subsequent detailed development application, the following trees are identified for retention as identified in the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated February 2026.
 - (i) T1, T2, T3, T4, T7, T8, T9.

Reason

To confirm the trees identified for retention for the purposes of the competitive design process.

(23) STREET TREES

- (a) All street trees surrounding the site must be included for retention in any detailed design DA.
- (b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.
- (c) The location of any new driveways must not require the removal of any existing street trees. The driveway must be appropriately set back so it does not have adverse impacts both below and above ground upon any existing street trees.

Reason

To specify that retention of street trees is to be considered during design development.

(24) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any detailed design DA in accordance with the provisions of the Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012, the NSW Government's Development near Rail Corridors and Busy Roads - Interim Guideline and the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Reason

To ensure the detailed design of the building adequately addresses the relevant provisions relating to acoustic amenity.

(25) FLOOD PLANNING LEVELS

Any future detailed design development application must demonstrate compliance with the recommended flood planning levels indicated in Table 3 of the report titled '290-294 Botany Road, Alexandria Site Flood Assessment' prepared by WMA Water dated 11 February 2026.

Reason

To ensure the development complies with the recommended flood planning levels.

(26) LAND CONTAMINATION

Any subsequent DA for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

Reason

To advise as to the documentation to be provided as part of any subsequent DA for the detailed design of the building to demonstrate site suitability.

(27) SIGNAGE STRATEGY

A detailed signage strategy must be submitted with any subsequent DA for the detailed design of the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

To require signage to be considered as part of any subsequent detailed building design.

(28) VEHICLE ACCESS FROM WYNDHAM STREET

A combined two-way vehicle access for both service vehicles and cars must be provided on Wyndham Street. The vehicle crossing at the footpath must not exceed 6.0 metres in width. The driveway crossover design must prioritise pedestrian movement over vehicle access.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(29) TRANSPORT IMPACT ASSESSMENT AND TRAFFIC MODELLING IN STAGE 2 DA

Any future Stage 2 DA must include a Transport Impact Assessment report.

The requirement of TIA has been described in Section 7.4 of DCP 2012. Sidra intersection traffic modelling to be conducted in the following intersections using recently released TfNSW guide to traffic impact assessment and updated traffic survey if car parking number / allocation has changed from the submitted Stage 1 scheme.

The report must include an assessment of the Wyndam Street – Mandible Street intersection, and the Wyndham Street-Bourke Street intersection.

Reason

To ensure traffic and parking impacts are considered and are in accordance with Council requirements.

(30) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

The number, layout, design and security of bicycle facilities must comply with the minimum requirements of Sydney Development Control Plan 2012 and Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. All bicycle and parking spaces and end of trip facilities must be provided on private land. The public domain cannot be used to satisfy this condition.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(32) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(33) SYDNEY WATER REQUIREMENTS

Any subsequent detailed development must comply with the following conditions that have been recommended by Sydney Water:

- (a) A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994.
- (b) A Building Plan Approval is required. The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing.
- (c) For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
- (d) If the development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system
- (e) All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating.

Reason

To ensure compliance with Sydney Water requirements.

(34) WASTE AND RECYCLING MANAGEMENT

- (a) Prior to the commencement of any competitive design process for the site, a Waste Management Strategy (WMS) must be submitted to and approved by Council's Area Planning Manager / Coordinator and which once approved, may be appended to the design brief for the competitive design process. The WMS must address the following requirements:
 - (i) estimates of waste streams (waste, recycling and food waste) that will be generated and the number of bins and collection frequency to manage the waste generated calculated in accordance with the rates specified in the City's Guidelines for Waste Management in New Developments;
 - (ii) the minimum spatial requirements (minimum room sizes, minimum door sizes, manoeuvring space, size of bin holding areas etc) for waste management systems and facilities based on the estimated waste generation of the ongoing operation of the development and must account for specified bin sizes (240L, 660L or 1100L);
 - (iii) safe and convenient access for waste collection staff with a maximum walking distance from any entrance of a residential dwelling to the waste and recycling storage area not to exceed 30 metres;
 - (iv) maximum manual handling distance by council contractors of 10m;
 - (v) waste management and collection must be accommodated wholly within the site;
 - (vi) access for a 10.6m long Council garbage truck and vertical clearance of 4 metres clear of all ducts, pipes and other services;
 - (vii) waste collection vehicles to be able to enter and exit the premises in a forward direction;
 - (viii) waste management systems and facilities that promote safe and convenient access for all users;
 - (ix) separate waste storage area for residential and commercial aspects of developments. Commercial tenants must not have access to residential waste storage areas.
- (b) Details are to be provided with the subsequent DA for the detailed design of the building to demonstrate that adequately sized waste management facilities including waste storage areas and truck access and loading is provided in accordance with the relevant requirements of the Sydney DCP 2012 and the City's Guidelines for Waste Management in New Developments.

Reason

To ensure a Waste Management Strategy is approved prior to the commencement of the competitive design process.

(35) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.

Reason

To ensure land to be dedicated to the City is not encumbered by an environmental management plan.

(36) PUBLIC ART

- (a) A Preliminary Public Art Plan authored by a Curator, in accordance with the approved Public Art Strategy, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments must be developed and submitted for approval with any future application for development.
- (b) The public artwork must be in accordance with the approved Preliminary Public Art Plan, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments. A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works following further approval for any detailed design.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <https://www.cityofsydney.nsw.gov.au/public-art> please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

WATERNSW - DEWATERING

Reference Number: IDAS1167161
Issue date of GTA: 19 March 2026
Type of Approval: Water Supply Work
Description: 80mm submersible pump
Location of work/activity: 290-294 BOTANY ROAD ALEXANDRIA 2015
DA Number: 2026-162 CNR-92865
LGA: The Council Of The City Of Sydney
Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2023
The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

(37) GT0115-00001

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

(38) GT0119-00001

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

(39) GT0120-00001

The design and construction of the building must prevent:

- (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
- (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

(40) GT0122-00001

Construction Phase Monitoring programme and content:

- (a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
 - (i) Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
 - (ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
 - (iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
 - (iv) QA: Include details of quality assurance and control
 - (v) Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- (b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

(41) GT0123-00001

- (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
- (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
 - (i) All results from the Approved Monitoring Programme; and
 - (ii) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.
- (c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website
www.waternsw.com.au/customer-service/water-licensing/dewatering

(42) GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

(43) GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(44) GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(45) GT0155-00001

The following construction phase monitoring requirements apply (Works Approval):

- (a) The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.
- (b) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
- (c) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

(46) GT0174-00001

Construction phase monitoring bore requirements GTA:

- (a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval.
- (b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
- (c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval.
- (d) The monitoring bores should be used to develop a water table map for the site and its near environs.
- (e) The monitoring bores must be protected from construction damage.
Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.

(47) GT0279-00001

A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity.

Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

(48) GT0281-00001

A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies.

Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.

SCHEDULE 4

OTHER AUTHORITY CONDITIONS

AUSGRID

(49) AUSGRID OVERHEAD POWERLINES ARE IN THE VICINITY OF THE DEVELOPMENT

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

(50) NEW DRIVEWAYS – PROXIMITY TO EXISTING POLES

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

(51) NEW OR MODIFIED CONNECTION

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

(52) TRANSPORT FOR NSW

- (a) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- (b) Prior to the issue of a Construction Certificate, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- (c) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (d) Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (e) Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineer stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.
- (f) Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
- (g) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- (h) Any conditions issued as part of Sydney Trains' approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

- (i) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- (j) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (k) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (l) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.
- (m) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Attachment B

Concept Drawings

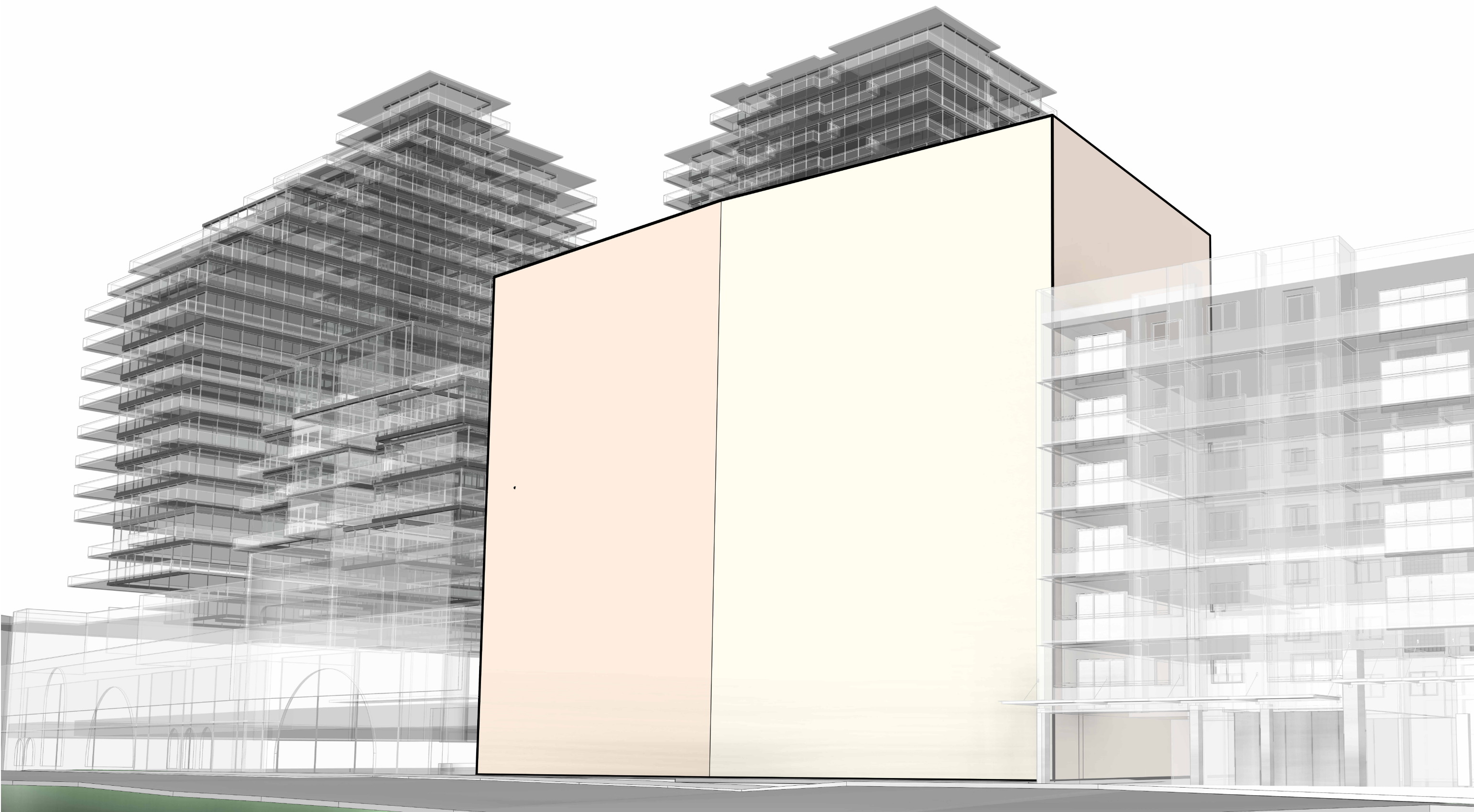
290-294 Botany Road, Alexandria, NSW 2015

MIXED USE CONCEPT DEVELOPMENT APPLICATION

COUNCIL : CITY OF SYDNEY COUNCIL
LAND USE : ZONE B4 - MIXED USE
SITE AREA : 2561.1 sqm

SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 (LEP)
SYDNEY DEVELOPMENT CONTROL PLAN 2012 (DCP)

	PERMISSIBLE	PROPOSED
LEP 2.1 LAND USE	ZONE MU1 - MIXED USE	MIXED USE
LEP 4.3 BUILDING HEIGHT	AREA - 29m	32m APPROX. 3
LEP MAP 017 HEIGHT IN STORES	9 STOREY	9 STOREYS
LEP 4.4 & CLAUSE 6.14 FLOOR SPACE RATIO (Base FSR (T): 2:1 (GFA: 5122.2m²) + Bonus FSR (Area 9): 1.5:1 GFA: 3841.6m²) + Design Excellence: 10% (GFA: 896.4m²) = Total FSR: 3.85:1 (GFA 9860m²)	3.85:1 MAXIMUM GFA: 9860sqm	3.85:1 PROPOSED GFA: 9860 sqm
LEP 7.14 ACID SULFATE SOILS	CLASS 3 & 5	
DCP MAP 017 SIGNAGE PRECINCT	AREA 16 - VILLAGE MAIN STREETS	
LEP MAP 017 LAND USE & TRANSPORT INTEGRATION	CATEGORY B	
LEP MAP 017 PUBLIC TRANSPORT ACCESSIBILITY LEVEL	CATEGORY E	
LEP 7.5, 7.7 PARKING	REFER TO TRAFFIC REPORT (A) 1 SPACE / 90sqm RETAIL GFA RETAIL RETAIL SPACES: 232SQ.M/ 90 SQ.M = 2.5 SPACES = MAX OF 2 SPACES	SPACES PROVIDED: RETAIL: 0 SPACES RESIDENTS: 1 ACCESSIBLE 18 RESIDENTIAL SPACE 1 CAR SHARE <u>TOTAL: 20 RESIDENTIAL SPACES.</u>
LEP 7.15 FLOOD PLANNING	REFER TO FLOOD REPORT	
DCP 3.11.2 CAR SHARE SCHEME PARKING SPACES	(A) RESIDENTIAL DEVELOPMENT, OTHER THAN DWELLING HOUSES AND DUAL OCCUPANCIES, ON LAND SHOWN ON THE LAND USE AND TRANSPORT INTEGRATION (LUT) MAP IN THE SYDNEY LEP 2012 CATEGORY A - 1 PER 50 CAR SPACES	(A) RESIDENTIAL: 1 SPACE
DCP 3.11.3 BICYCLE STORAGE	RESIDENTIAL ACCOMMODATION : 1 PER DWELLING VISITORS : 1 PER 10 DWELLINGS RETAIL : EMPLOYEE: 1 SPACE PER 250m² GFA CUSTOMER: 2 SPACES + 1 SPACE PER 100m² OVER 100m² GFA END OF TRIP FACILITIES 1 PERSONAL LOCKER PER BIKE PARKING: 6 1 SHOWER & CHANGE CUBICLES FOR UP TO 10 BIKE SPACES: 1	RESIDENTIAL VISITOR: 250 BIKE RACKS 25 BIKE RACKS RETAIL-EMPLOYEE: 1 BIKE RACKS CUSTOMER: 2+1.53 BIKE RACKS <u>TOTAL RETAIL : 5 (PROVIDED 6)</u> <u>TOTAL: 281 BIKE RACKS</u> 1
DCP 3.11.7 MOTORBIKE PARKING	1 MOTORCYCLE PARKING SPACE FOR EVERY 12 CAR PARKING SPACES PROVIDED	2 (1.66) SPACES PROVIDED
ACCESSIBLE PARKING LEP	REFER TO TRAFFIC REPORT	1 SPACE PROVIDED
DCP 4.2.1.2 FLOOR TO CEILING & FLOOR TO FLOOR HEIGHTS	FLOOR TO FLOOR HEIGHT BASEMENT : 4.5m GROUND RETAIL : 4.5m GROUND MULTI-RESIDENTIAL : 3.2m FIRST MULTI-RESIDENTIAL AND ABOVE : 3.2m	FLOOR TO FLOOR HEIGHT BASEMENT : 4.5m GROUND RETAIL : 4.5m GROUND MULTI-RESIDENTIAL : 4.5m FIRST MULTI-RESIDENTIAL AND ABOVE : 3.2m W/BALCONY OVER : 3.2m
DCP 4.2.3.6 DEEP SOIL	SITE AREA: 10% (MINIMUM) MINIMUM DIMENSION : 10m (SITES OVER 1000sqm) DEEP SOIL AREA : 256.1sqm	MINIMUM DIMENSION : 4.4 m DEEP SOIL AREA : 268 sqm
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 PART 3 CO-LIVING HOUSING 68(2)(c)	MIN. 30 SQ M COMMUNAL LIVING AREA + ADDITIONAL 2 SQ M PER ROOM IN EXCESS OF 6 ROOMS MIN. DIMENSION OF 3.00 M	REQUIRED COMMUNAL SPACE = 518 SQ M TOTAL COMMUNAL SPACE PROVIDED = 637 SQ M 2
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 PART 3 CO-LIVING HOUSING 68(2)(d)	TOTAL AREA = 20% OF SITE AREA MIN. DIMENSION OF 3.00 M	REQUIRED COMMUNAL OPEN SPACE = 512 SQ M TOTAL COMMUNAL OPEN SPACE PROVIDED = 957 SQ M



Concept Envelop Set

Sheet Number	Sheet Name	Revision	Rev Date
CO-DA1.00	Cover Sheet/Project Data	D	24.07.2026
CO-DA3.01	Basement Level 01	A	09.01.2026
CO-DA3.02	Ground Floor Plan	B	24.07.2026
CO-DA3.03	Levels 01-04	A	09.01.2026
CO-DA3.04	Level 05	A	09.01.2026
CO-DA3.05	Level 06	A	09.01.2026
CO-DA3.06	Level 07	B	24.07.2026
CO-DA3.07	Level 08	B	24.07.2026
CO-DA3.08	Roof Level	B	24.07.2026
CO-DA4.00	Sections	C	24.07.2026
CO-DA5.01	East Elevation (Botany Road)	C	24.07.2026
CO-DA5.02	West Elevation (Wyndham Street)	C	24.07.2026
CO-DA6.03	Shadow Diagrams - Existing vs Proposed	B	24.07.2026
CO-DA6.06	Sun Eye Diagrams - Concept Envelop	B	24.07.2026
Grand total: 14			

Reference Design Set

Sheet Number	Sheet Name	Revision	Rev Date
DA1.01	Site Analysis	A	09.01.2026
DA1.04	Surrounding Streetscape	A	09.01.2026
DA3.00	Proposed Site Plan	B	14.07.2026
DA3.01	Basement 01 Level Plan	D	24.07.2026
DA3.02	Ground Floor Plan	D	24.07.2026
DA3.03	Levels 01-04	D	24.07.2026
DA3.04	Level 05	D	24.07.2026
DA3.05	Level 06	D	24.07.2026
DA3.06	Level 07	D	24.07.2026
DA3.07	Level 08	B	24.07.2026
DA3.08	Roof Level	C	14.07.2026
DA4.00	Sections	D	24.07.2026
DA5.01	Elevations North & South	B	11.05.2026
DA5.02	Elevations East & West	B	11.05.2026
DA6.01	Shadow Analysis - Proposed	B	11.05.2026
DA6.06	Sun Eye Diagrams - Sheet 1	D	24.07.2026
DA6.07	Sun Eye Diagrams - Sheet 2	D	24.07.2026
DA6.08	Sun Eye Diagrams - Sheet 3	D	24.07.2026
DA6.30	GFA Diagrams	D	24.07.2026
Grand total: 19			

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- All boundary dimensions and bearings to be verified by licensed surveyor prior to proceeding with work.

REV	DESCRIPTION	BY	DATE
A	For Submission	ME	09.01.2026
B	Amended in response to Council RFIs	LC	11.05.2026
C	Issued in response to Council RFI	LC	14.07.2026
D	Amended in response to Council	LC	24.07.2026

SUMMARY OF CHANGES

1) BIKE PARKING COUNT UPDATED
2) ADDITIONAL CALCULATIONS PROVIDED AS SHOWN
3) BUILDING HEIGHT UPDATED

ANTONIAADES
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www.antoniaades.com.au
ACN 129 731 559

Nominated Architect, Andreas Antoniaades
NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008
PROJECT
BOTANY ROAD

ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

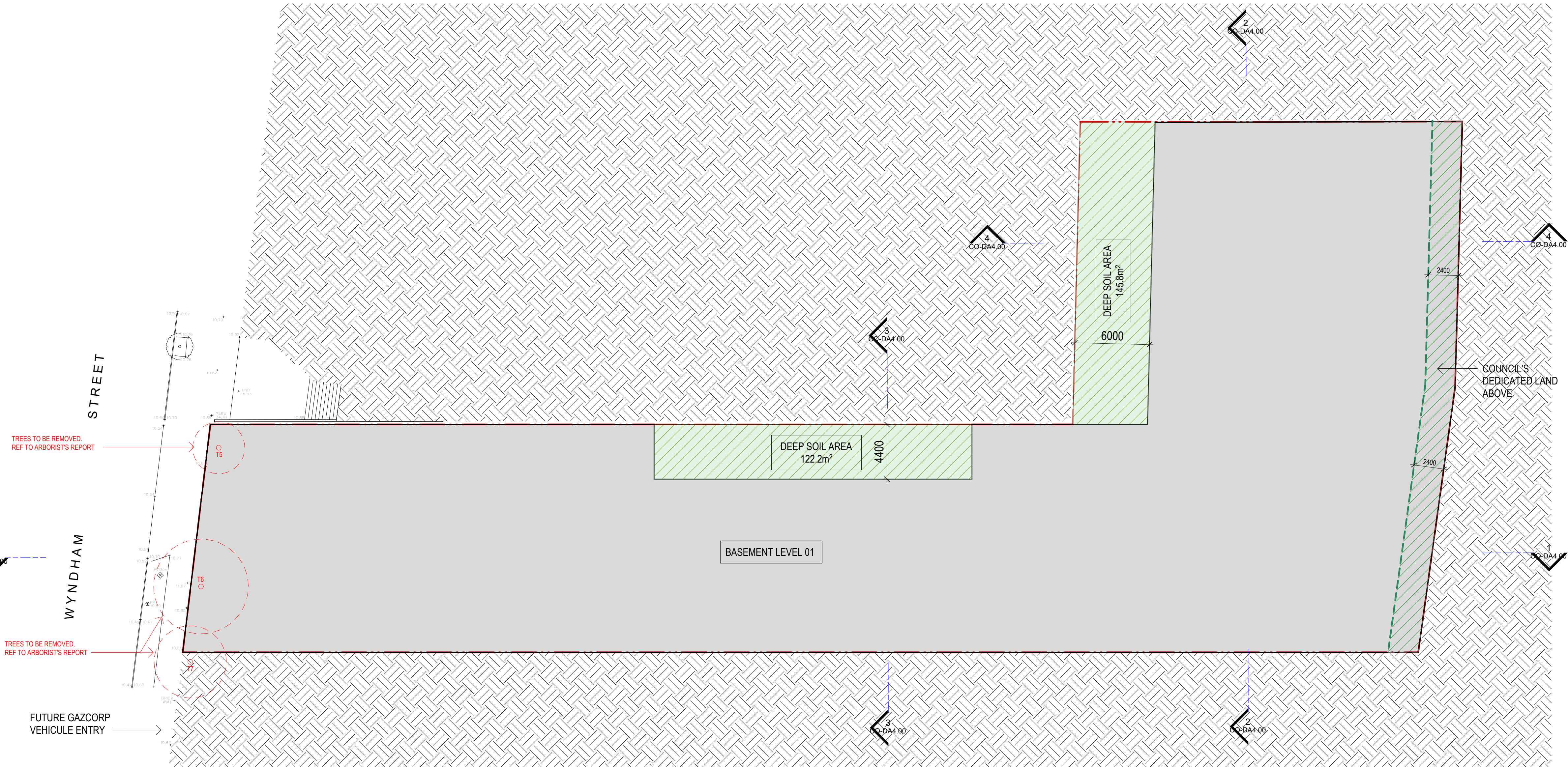
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Concept Envelop Set

DRAWING TITLE
Cover Sheet/Project Data

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CO-DA1.00

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Scale 1:100

REVISION
D
DRAWN BY
ME
CHECKED BY
AA



LEGEND

- BASEMENT
- DEEP SOIL AREA
- RETAIL/COMMERCIAL
- RESIDENTIAL
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A	For Submission	ME	09.01.2026

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PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
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DRAWING SERIES
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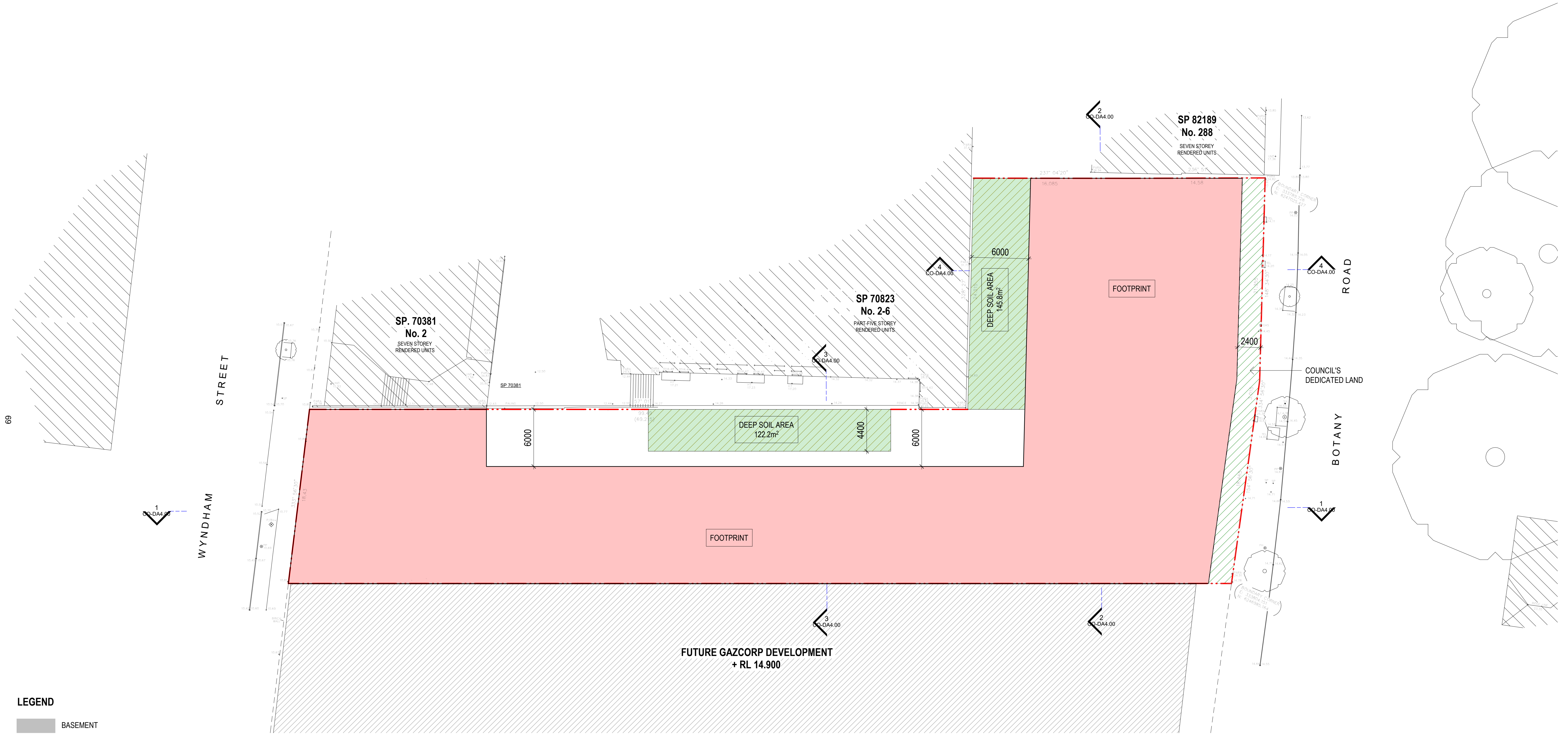
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REVISION
A

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PV
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ME
NORTH



- LEGEND**
- BASEMENT
 - DEEP SOIL AREA
 - RETAIL/COMMERCIAL
 - RESIDENTIAL
 - SERVICES

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LEGEND

BASEMENT

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A	For Submission	ME	09.01.2026

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PROJECT NO.
22008

PROJECT
BOTANY ROAD

ADDRESS
290-294 Botany Road,
Alexandria

CLIENT
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DRAWING SERIES
Concept Envelop Set

DRAWING TITLE
Levels 01-04

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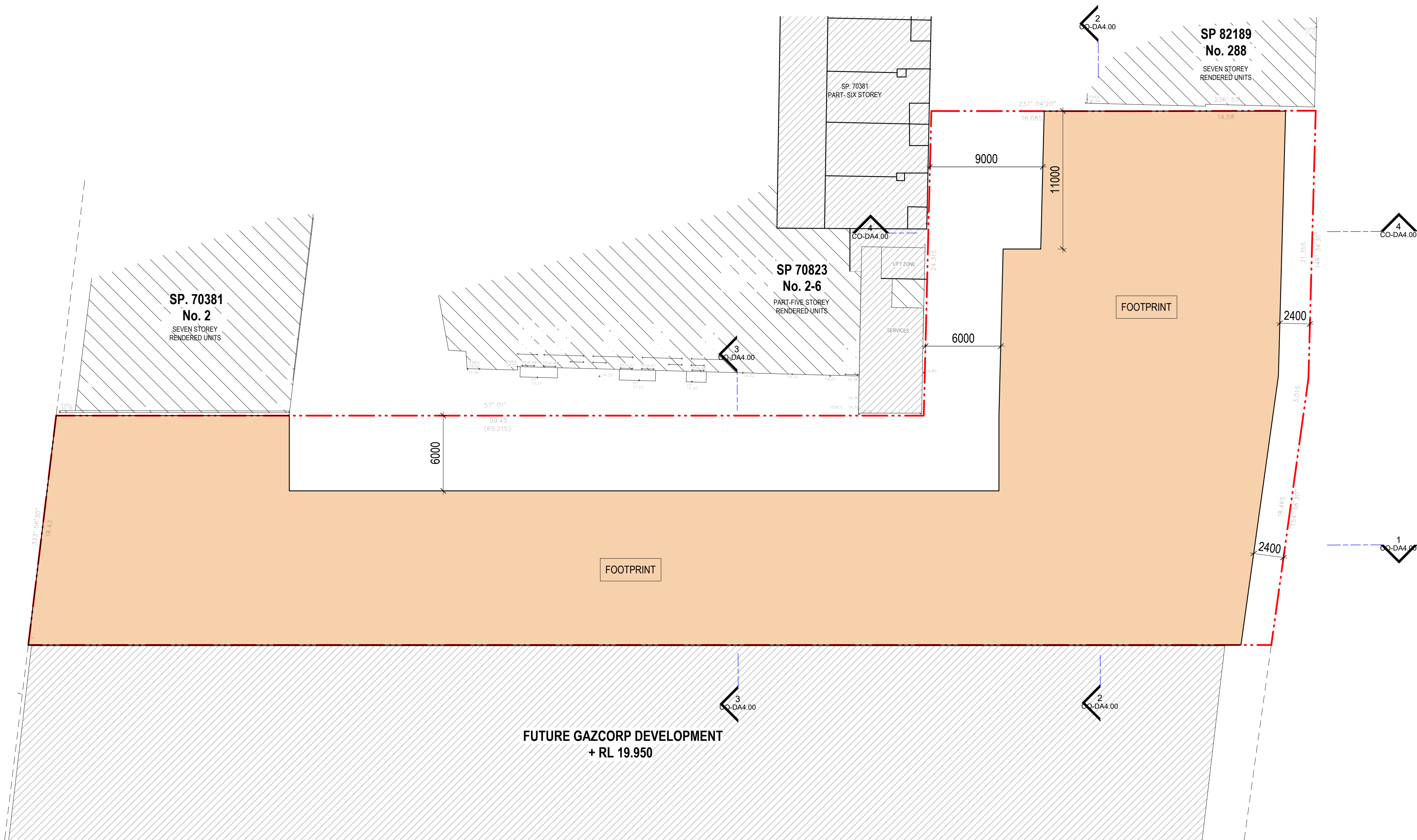
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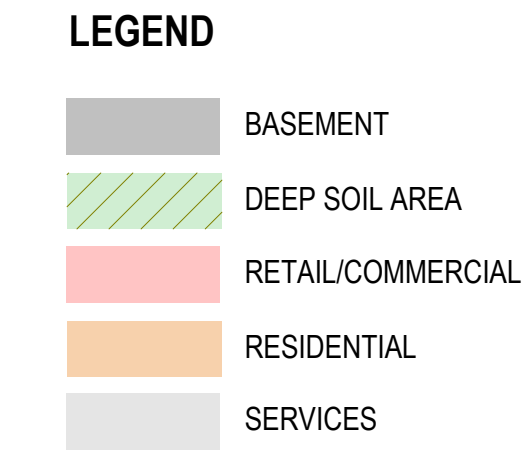
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DRAWING SERIES
Concept Envelop Set

DRAWING TITLE
Level 05

DRAWING NO.
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LEGEND

BASEMENT

DEEP SOIL AREA

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REV	DESCRIPTION	BY	DATE
A	For Submission	ME	09.01.2026

SUMMARY OF CHANGES

1) ENVELOPE EXTENTS UPDATED

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Investments PTY LTD

DRAWING SERIES

Concept Envelop Set

DRAWING TITLE

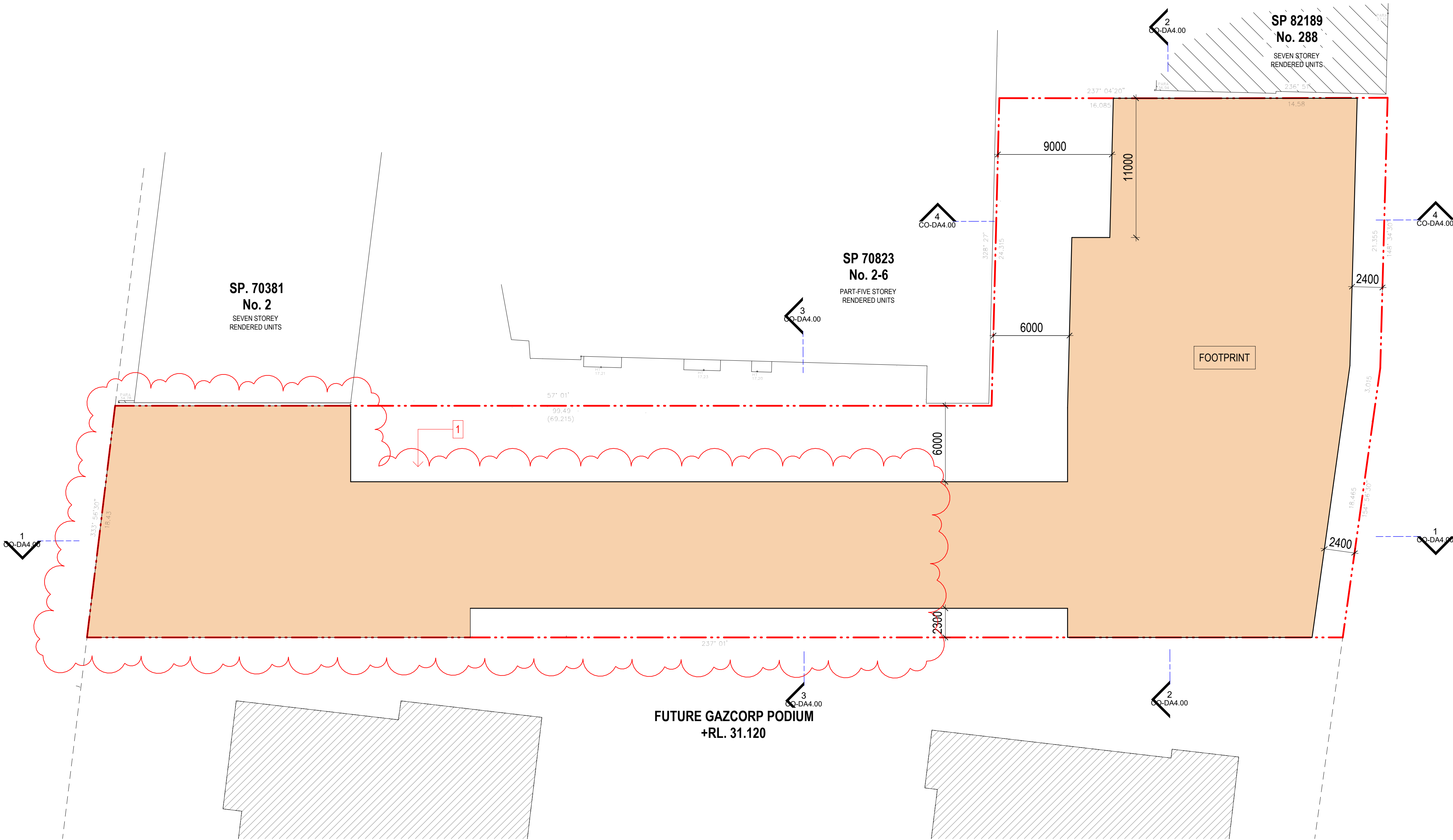
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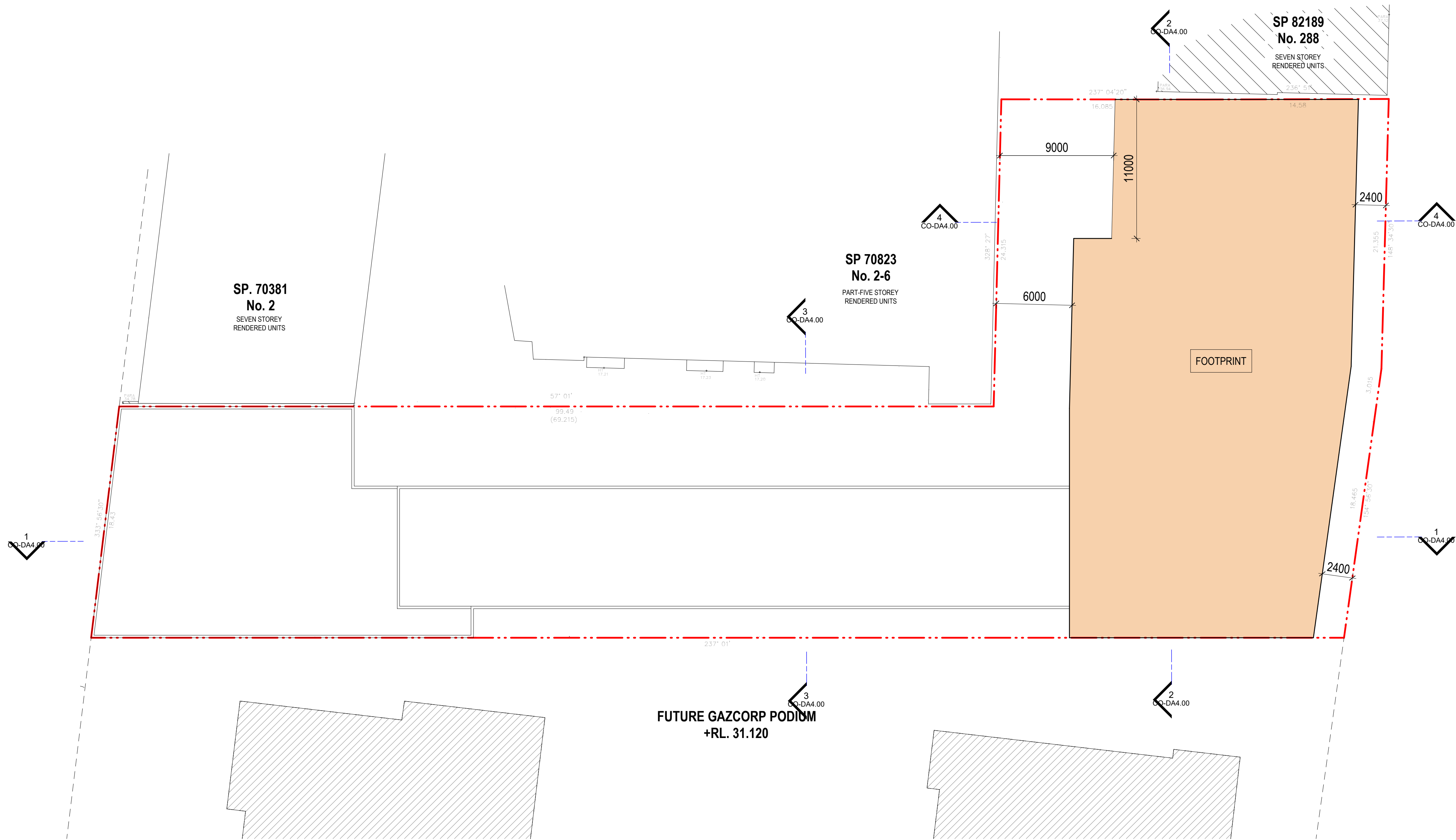
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- DEEP SOIL AREA
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REV	DESCRIPTION	BY	DATE
A	For Submission	ME	09.01.2026
B	Amended in response to Council	LC	24.07.2026

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PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
Alexandria
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DRAWING SERIES
Concept Envelop Set

DRAWING TITLE
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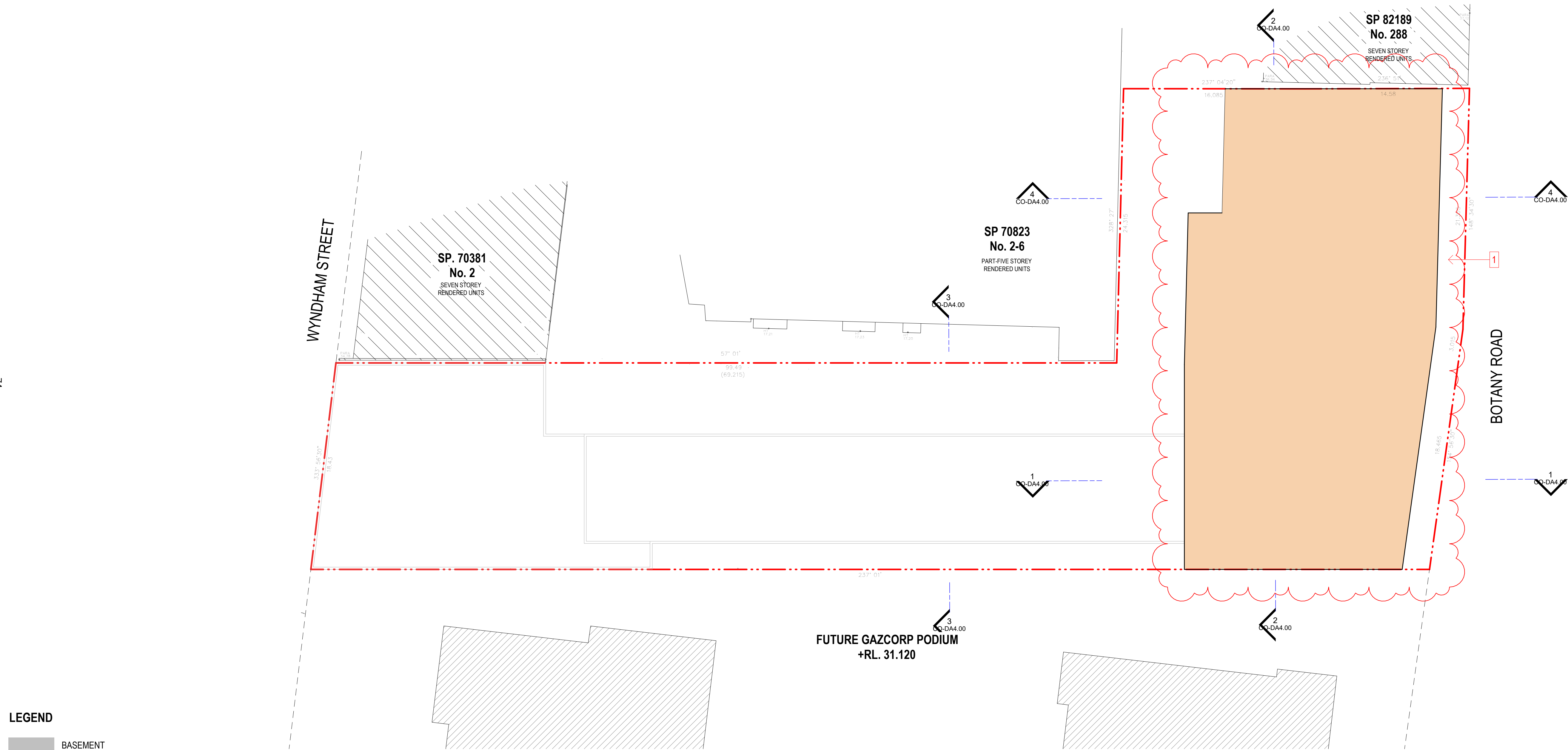
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CO-DA3.06

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REV	DESCRIPTION	BY	DATE
A	For Submission	ME	09.01.2026
B	Amended in response to Council	LC	24.07.2026

SUMMARY OF CHANGES

1) LEVEL ADDED
2) SHEET RENAMED

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NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
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PROJECT NO.
22008

PROJECT
BOTANY ROAD

ADDRESS
290-294 Botany Road,
Alexandria

CLIENT
Angreb PTY LTD & Sentra
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DRAWING SERIES
Concept Envelop Set

DRAWING TITLE
Level 08

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CO-DA3.07

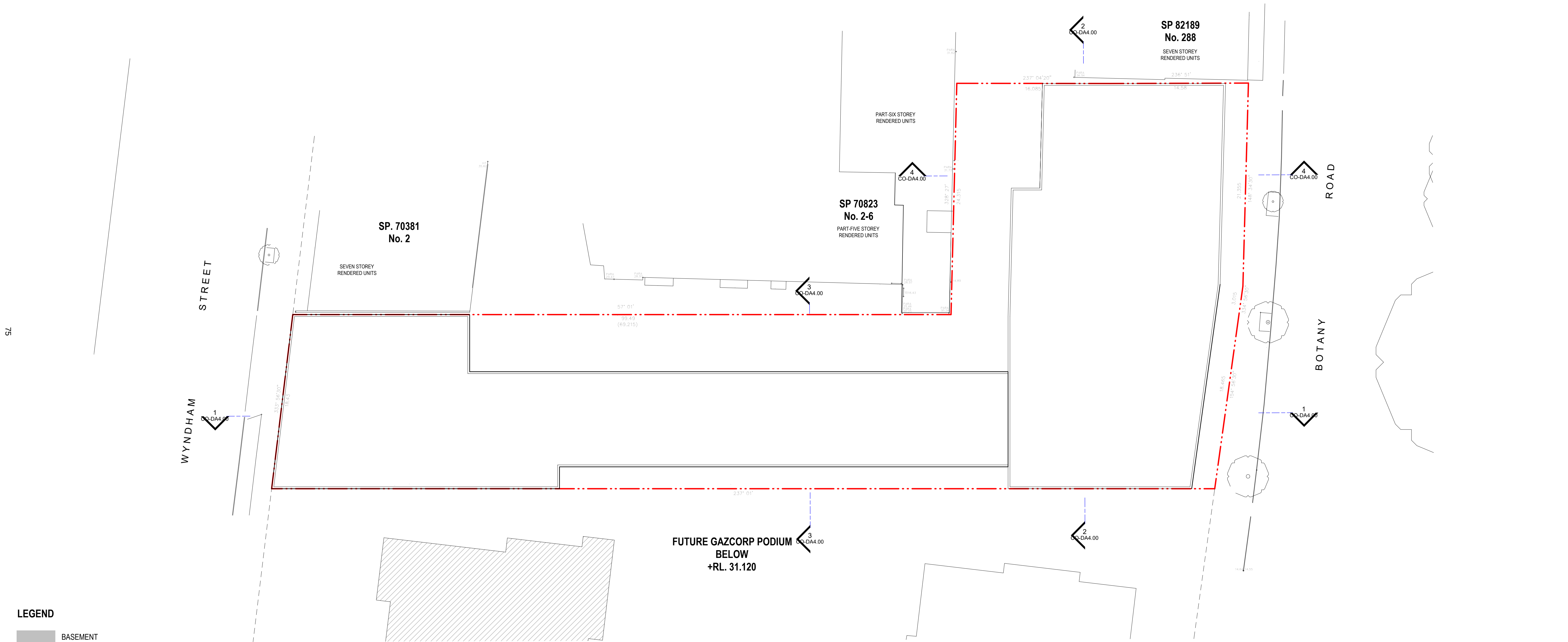
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LEGEND

BASEMENT

DEEP SOIL AREA

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REV	DESCRIPTION	BY	DATE
A	For Submission	ME	09.01.2026
B	Amended in response to Council	LC	24.07.2026

SUMMARY OF CHANGES
1) NEW SHEET

ANTONIAADES ARCHITECTS
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NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra Investments PTY LTD

DRAWING SERIES
Concept Envelop Set

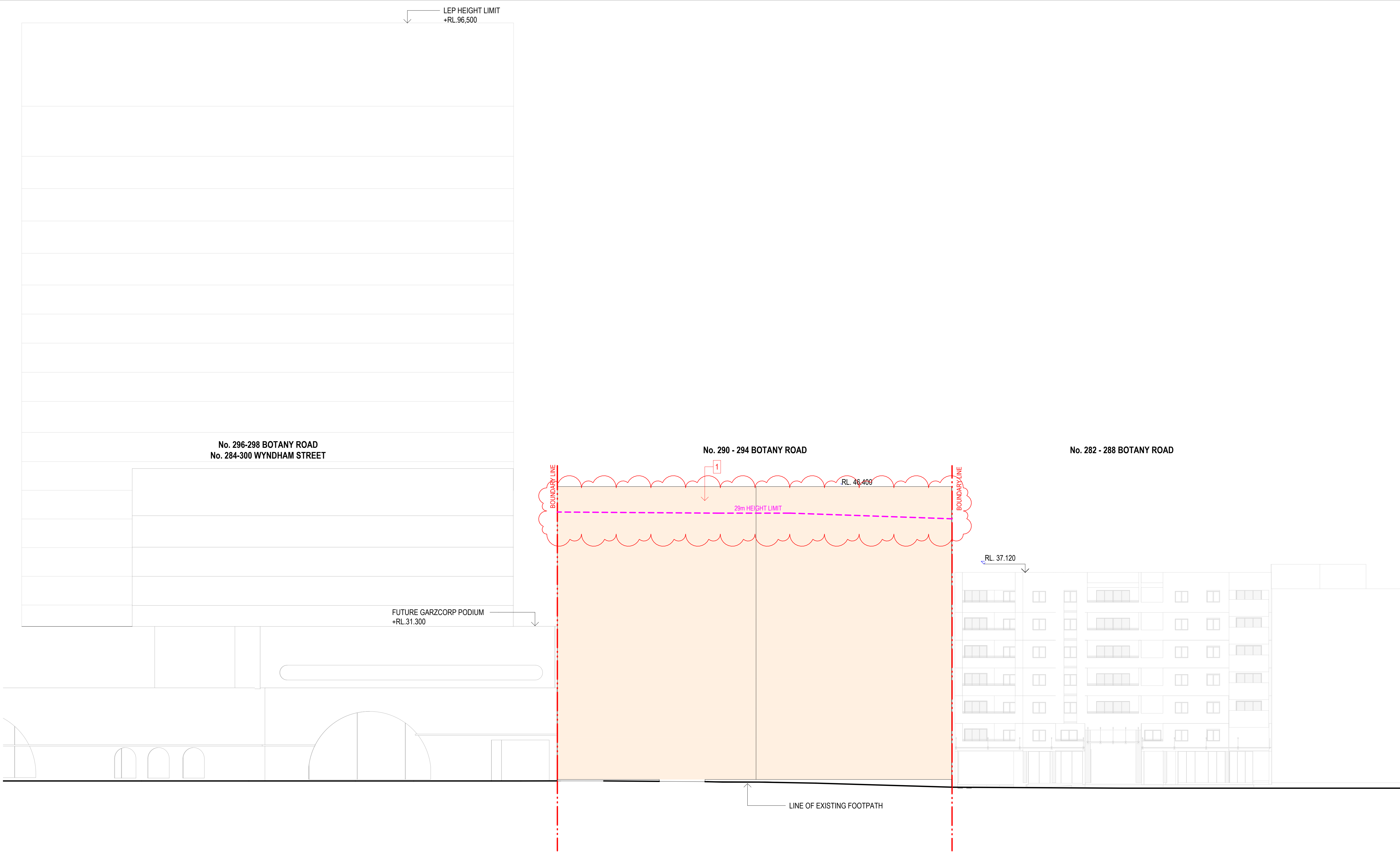
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Roof Level

DRAWING NO.
CO-DA3.08

SCALE
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Scale 1:200

REVISION
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LEGEND

BASEMENT

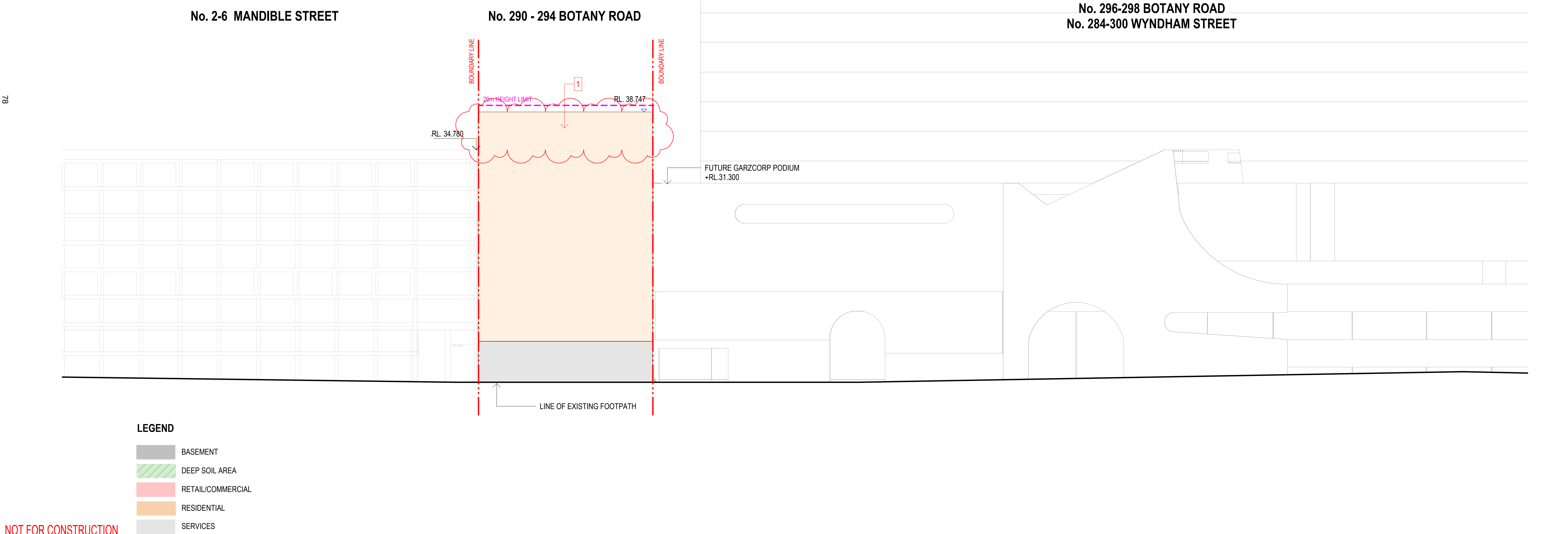
DEEP SOIL AREA

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A	For Submission	ME	09.01.2026
B	Amended in response to Council RFIs	LC	11.05.2026
C	Amended in response to Council	LC	24.07.2026

Attachment C1

Reference Design Scheme Drawings

290-294 Botany Road, Alexandria, NSW 2015

MIXED USE CONCEPT DEVELOPMENT APPLICATION

COUNCIL : CITY OF SYDNEY COUNCIL
LAND USE : ZONE B4 - MIXED USE
SITE AREA : 2561.1 sqm

SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 (LEP)
SYDNEY DEVELOPMENT CONTROL PLAN 2012 (DCP)

	PERMISSIBLE	PROPOSED
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LEP 7.14 ACID SULFATE SOILS	CLASS 3 & 5	
DCP MAP 017 SIGNAGE PRECINCT	AREA 16 - VILLAGE MAIN STREETS	
LEP MAP 017 LAND USE & TRANSPORT INTEGRATION	CATEGORY B	
LEP MAP 017 PUBLIC TRANSPORT ACCESSIBILITY LEVEL	CATEGORY E	
LEP 7.5, 7.7 PARKING	REFER TO TRAFFIC REPORT (A) 1 SPACE / 90sqm RETAIL GFA RETAIL RETAIL SPACES: 232SQ.M/ 90 SQ.M = 2.5 SPACES = MAX OF 2 SPACES	SPACES PROVIDED: RETAIL: 0 SPACES RESIDENTS: 1 ACCESSIBLE 18 RESIDENTIAL SPACE 1 CAR SHARE TOTAL: 20 RESIDENTIAL SPACES
LEP 7.15 FLOOD PLANNING	REFER TO FLOOD REPORT	
DCP 3.11.2 CAR SHARE SCHEME PARKING SPACES	(A) RESIDENTIAL DEVELOPMENT, OTHER THAN DWELLING HOUSES AND DUAL OCCUPANCIES, ON LAND SHOWN ON THE LAND USE AND TRANSPORT INTEGRATION (LUT) MAP IN THE SYDNEY LEP 2012 CATEGORY A - 1 PER 50 CAR SPACES	(A) RESIDENTIAL: 1 SPACE
DCP 3.11.3 BICYCLE STORAGE	RESIDENTIAL ACCOMMODATION : 1 PER DWELLING VISITORS : 1 PER 10 DWELLINGS RETAIL : EMPLOYEE: 1 SPACE PER 250m² GFA CUSTOMER: 2 SPACES + 1 SPACE PER 100m² OVER 100m² GFA END OF TRIP FACILITIES 1 PERSONAL LOCKER PER BIKE PARKING: 6 1 SHOWER & CHANGE CUBICLES FOR UP TO 10 BIKE SPACES: 1	RESIDENTIAL VISITOR: 250 BIKE RACKS 25 BIKE RACKS RETAIL: EMPLOYEE: 1 BIKE RACKS CUSTOMER: 2+1.53 BIKE RACKS TOTAL RETAIL : 5 (PROVIDED 6) TOTAL: 281 BIKE RACKS 1
DCP 3.11.7 MOTORBIKE PARKING	1 MOTORCYCLE PARKING SPACE FOR EVERY 12 CAR PARKING SPACES PROVIDED	2 (1.66) SPACES PROVIDED
ACCESSIBLE PARKING LEP	REFER TO TRAFFIC REPORT	1 SPACE PROVIDED
DCP 4.2.1.2 FLOOR TO CEILING & FLOOR TO FLOOR HEIGHTS	FLOOR TO FLOOR HEIGHT BASEMENT : 4.5m GROUND RETAIL : 4.5m GROUND MULTI-RESIDENTIAL : 3.2m FIRST MULTI-RESIDENTIAL AND ABOVE : 3.2m	FLOOR TO FLOOR HEIGHT BASEMENT : 4.5m GROUND RETAIL : 4.5m GROUND MULTI-RESIDENTIAL : 4.5m FIRST MULTI-RESIDENTIAL AND ABOVE : 3.2m W/BALCONY OVER : 3.2m
DCP 4.2.3.6 DEEP SOIL	SITE AREA: 10% (MINIMUM) MINIMUM DIMENSION : 10m (SITES OVER 1000sqm) DEEP SOIL AREA : 256.1sqm	MINIMUM DIMENSION : 4.4 m DEEP SOIL AREA : 268 sqm
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 PART 3 CO-LIVING HOUSING 68(2)(c)	MIN. 30 SQ M COMMUNAL LIVING AREA + ADDITIONAL 2 SQ M PER ROOM IN EXCESS OF 6 ROOMS MIN. DIMENSION OF 3.00 M	REQUIRED COMMUNAL SPACE = 518 SQ M TOTAL COMMUNAL SPACE PROVIDED =637 SQ M 2
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 PART 3 CO-LIVING HOUSING 68(2)(d)	TOTAL AREA = 20% OF SITE AREA MIN. DIMENSION OF 3.00 M	REQUIRED COMMUNAL OPEN SPACE = 512 SQ M TOTAL COMMUNAL OPEN SPACE PROVIDED =957 SQ M



Concept Envelop Set

Sheet Number	Sheet Name	Revision	Rev Date
CO-DA1.00	Cover Sheet/Project Data	D	24.07.2026
CO-DA3.01	Basement Level 01	A	09.01.2026
CO-DA3.02	Ground Floor Plan	B	24.07.2026
CO-DA3.03	Levels 01-04	A	09.01.2026
CO-DA3.04	Level 05	A	09.01.2026
CO-DA3.05	Level 06	A	09.01.2026
CO-DA3.06	Level 07	B	24.07.2026
CO-DA3.07	Level 08	B	24.07.2026
CO-DA3.08	Roof Level	B	24.07.2026
CO-DA4.00	Sections	C	24.07.2026
CO-DA5.01	East Elevation (Botany Road)	C	24.07.2026
CO-DA5.02	West Elevation (Wyndham Street)	C	24.07.2026
CO-DA6.03	Shadow Diagrams - Existing vs Proposed	B	24.07.2026
CO-DA6.06	Sun Eye Diagrams - Concept Envelop	B	24.07.2026
Grand total: 14			

Reference Design Set

Sheet Number	Sheet Name	Revision	Rev Date
DA1.01	Site Analysis	A	09.01.2026
DA1.04	Surrounding Streetscape	A	09.01.2026
DA3.00	Proposed Site Plan	B	14.07.2026
DA3.01	Basement 01 Level Plan	D	24.07.2026
DA3.02	Ground Floor Plan	D	24.07.2026
DA3.03	Levels 01-04	D	24.07.2026
DA3.04	Level 05	D	24.07.2026
DA3.05	Level 06	D	24.07.2026
DA3.06	Level 07	D	24.07.2026
DA3.07	Level 08	B	24.07.2026
DA3.08	Roof Level	C	14.07.2026
DA4.00	Sections	D	24.07.2026
DA5.01	Elevations North & South	B	11.05.2026
DA5.02	Elevations East & West	B	11.05.2026
DA6.01	Shadow Analysis - Proposed	B	11.05.2026
DA6.06	Sun Eye Diagrams - Sheet 1	D	24.07.2026
DA6.07	Sun Eye Diagrams - Sheet 2	D	24.07.2026
DA6.08	Sun Eye Diagrams - Sheet 3	D	24.07.2026
DA6.30	GFA Diagrams	D	24.07.2026
Grand total: 19			

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C	Issued in response to Council RFI	LC	14.07.2026
D	Amended in response to Council	LC	24.07.2026

SUMMARY OF CHANGES

1) BIKE PARKINGS COUNT UPDATED
2) ADDITIONAL CALCULATIONS PROVIDED AS SHOWN
3) BUILDING HEIGHT UPDATED

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Nominated Architect, Andreas Antoniadēs
NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008

PROJECT
BOTANY ROAD

ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES
Concept Envelop Set

DRAWING TITLE
Cover Sheet/Project Data

DRAWING NO.
CO-DA1.00

SCALE
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Scale 1:100

@A1

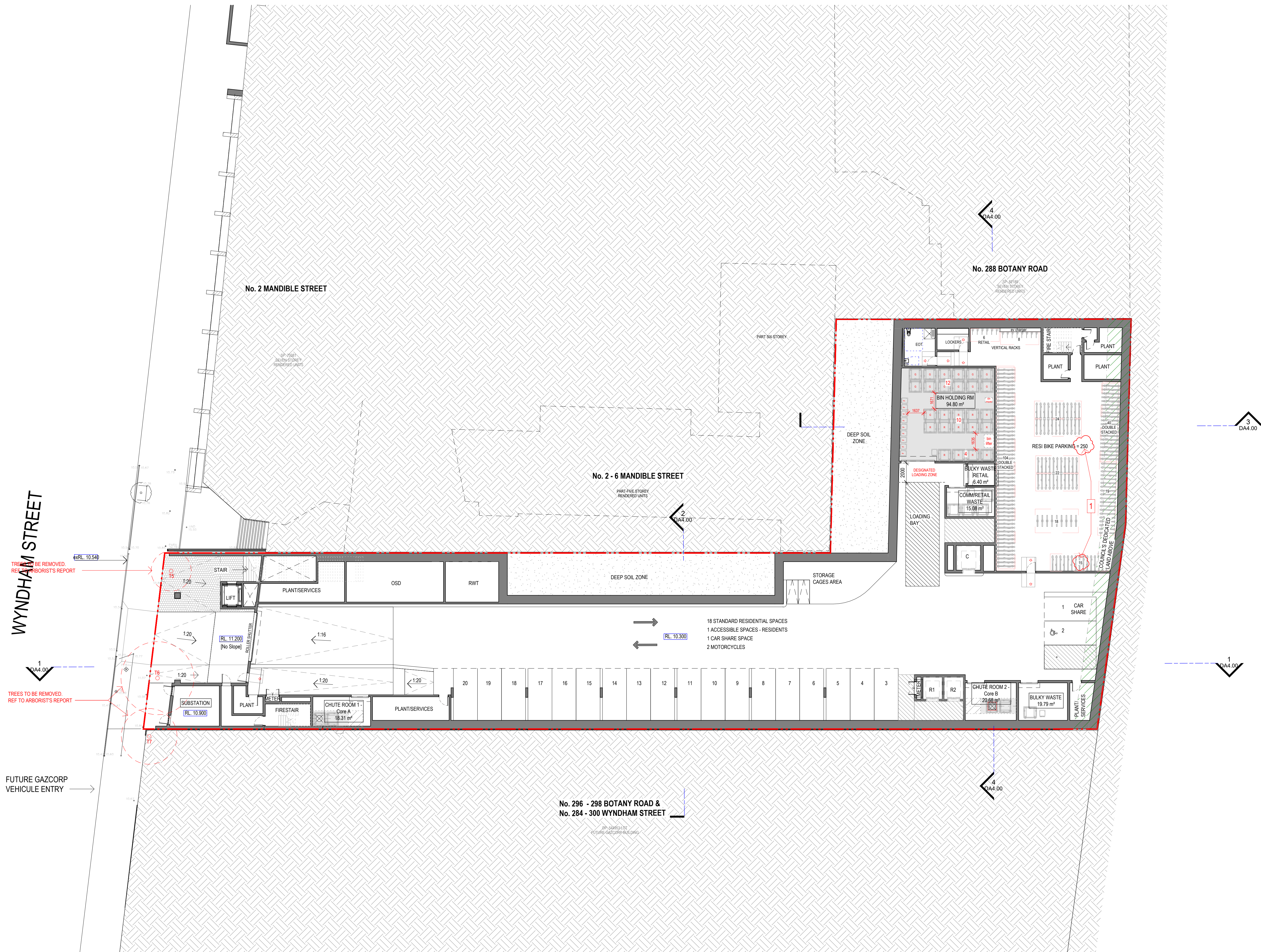
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SUMMARY OF CHANGES

1) ADJUSTED BIKE PARKING COUNT

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PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
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DRAWING SERIES
DA3 Overall Plans
DRAWING TITLE
Basement 01 Level Plan

DRAWING NO.
DA3.01

SCALE
1 : 200
0m 4m 8m 10m
Scale 1:200

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SUMMARY OF CHANGES

1) GROUND LEVEL RESIDENTS' LOBBY RECONFIGURED; COMMUNAL SPACE EXTENDED

2) RESIDENTS' COMMUNAL SPACE ADDED

3) VISITORS' BIKE PARKING COUNT ADJUSTED

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PROJECT

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ADDRESS

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DRAWING SERIES

DA3 Overall Plans

DRAWING TITLE

Ground Floor Plan

DRAWING NO.

DA3.02

SCALE

1 : 200

0m 2 4 5m

Scale 1:100

@A1

REVISION

D

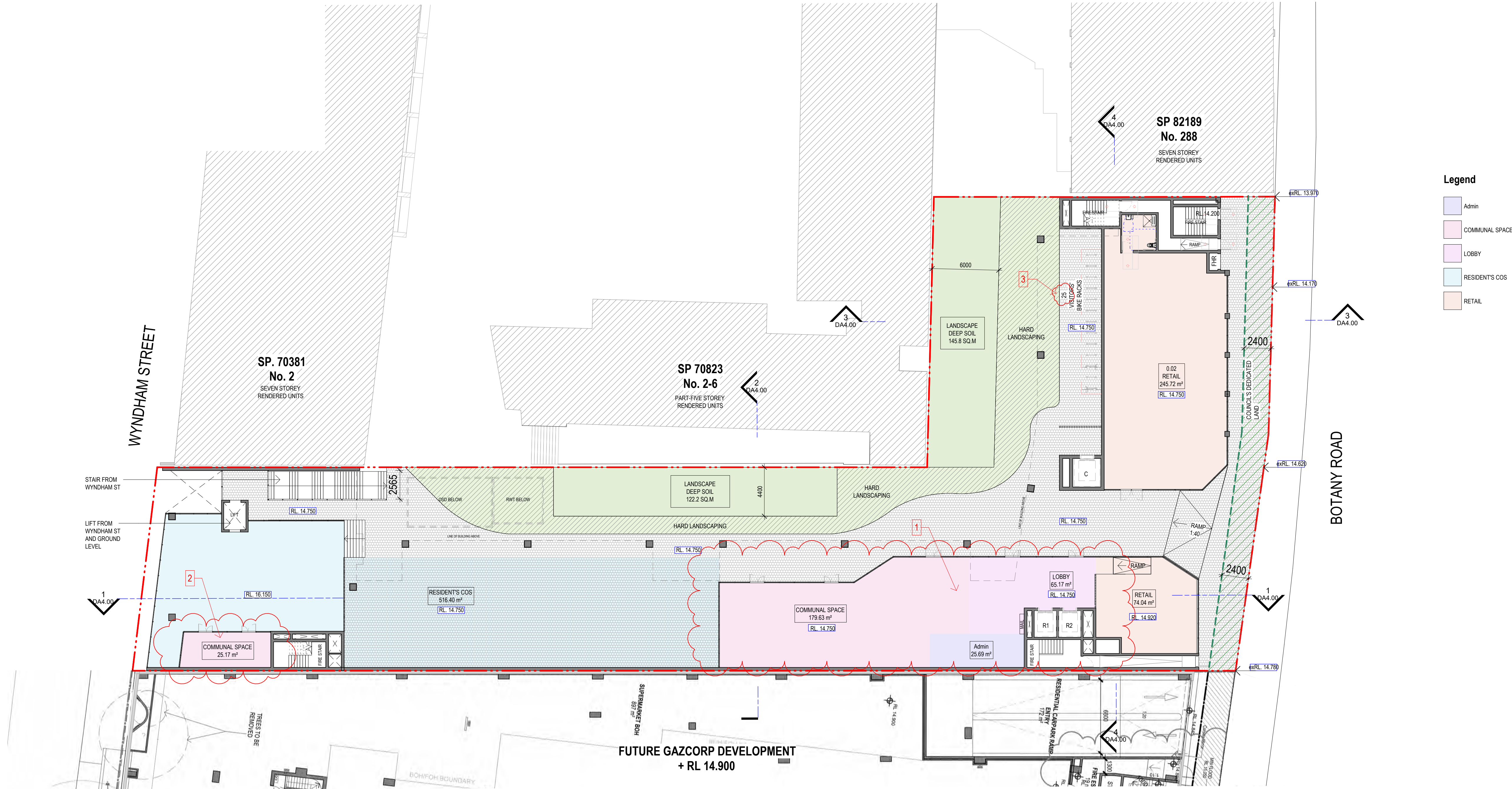
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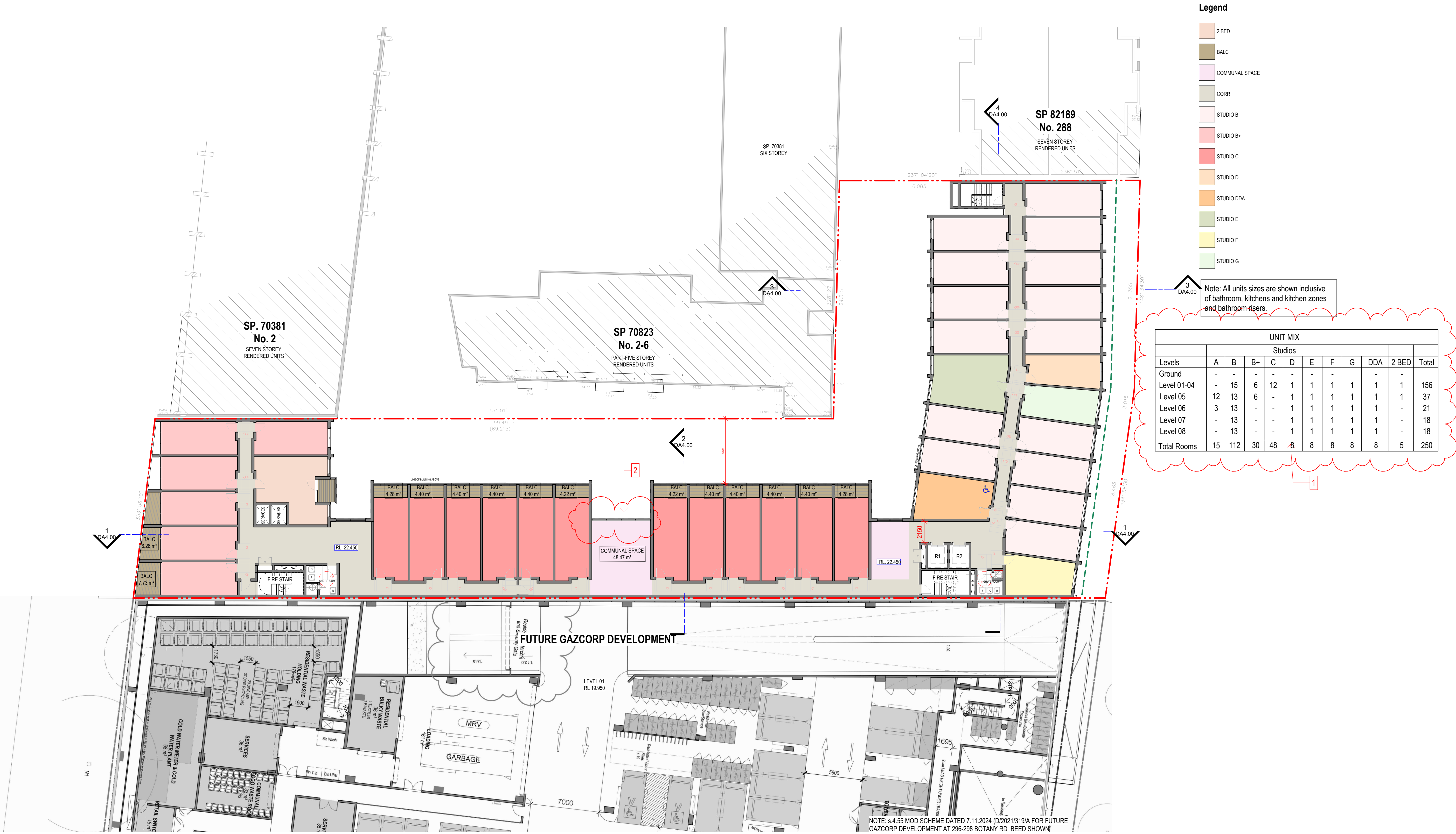
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Legend

- Admin
- COMMUNAL SPACE
- LOBBY
- RESIDENTS COS
- RETAIL



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SUMMARY OF CHANGES

- OVERALL ROOM MIX TABLE UPDATED
- WALL REALIGNED; COMMUNAL SPACE AREA INCREASED

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PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008

PROJECT
BOTANY ROAD

ADDRESS
290-294 Botany Road,
Alexandria

CLIENT
Angreb PTY LTD & Sentra
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DRAWING SERIES
DA3 Overall Plans

DRAWING TITLE
Levels 01-04

DRAWING NO.
DA3.03

SCALE
1: 200

Scale 1:100

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SUMMARY OF CHANGES

1) OVERALL ROOM MIX TABLE UPDATED
2) WALL REALIGNED; COMMUNAL SPACE AREA INCREASED

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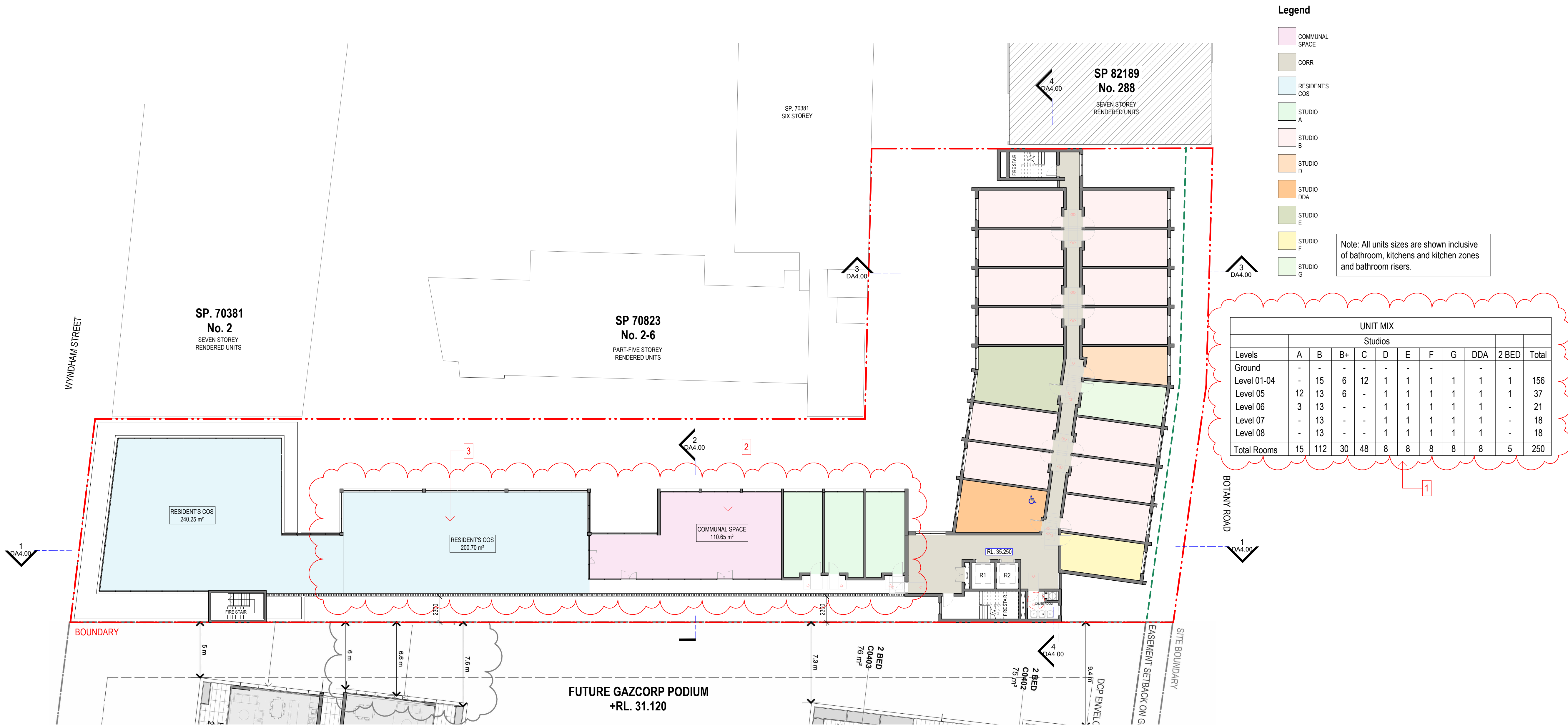
PROJECT NO.
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PROJECT
BOTANY ROAD
ADDRESS
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DRAWING SERIES
DA3 Overall Plans
DRAWING TITLE
Level 05

DRAWING NO.
DA3.04

SCALE
1 : 200
0m 2 4 5m
Scale 1:100

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D
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NOTE: s.4.55 MOD SCHEME DATED 7.11.2024 (D/2021/319/A FOR FUTURE GAZCORP DEVELOPMENT AT 296-298 BOTANY RD. BEED SHOWN

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SUMMARY OF CHANGES

1) OVERALL ROOM MIX TABLE UPDATED
2) ROOMS REMOVED AND AREA CONVERTED TO COMMUNAL SPACE
3) COVERED RESIDENTS COMMUNAL OPEN SPACE PROVIDED

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PROJECT
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DRAWING SERIES
DA3 Overall Plans

DRAWING TITLE
Level 06

DRAWING NO.
DA3.05

SCALE
1 : 200

Scale 1:100

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SUMMARY OF CHANGES

1) OVERALL ROOM MIX TABLE UPDATED

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PROJECT
BOTANY ROAD

ADDRESS
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Alexandria

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DRAWING SERIES

DA3 Overall Plans

DRAWING TITLE

Level 07

DRAWING NO.

DA3.06

SCALE

1 : 200

0m

2

4

5m

Scale 1:100

@A1

NORTH

REVISION

D

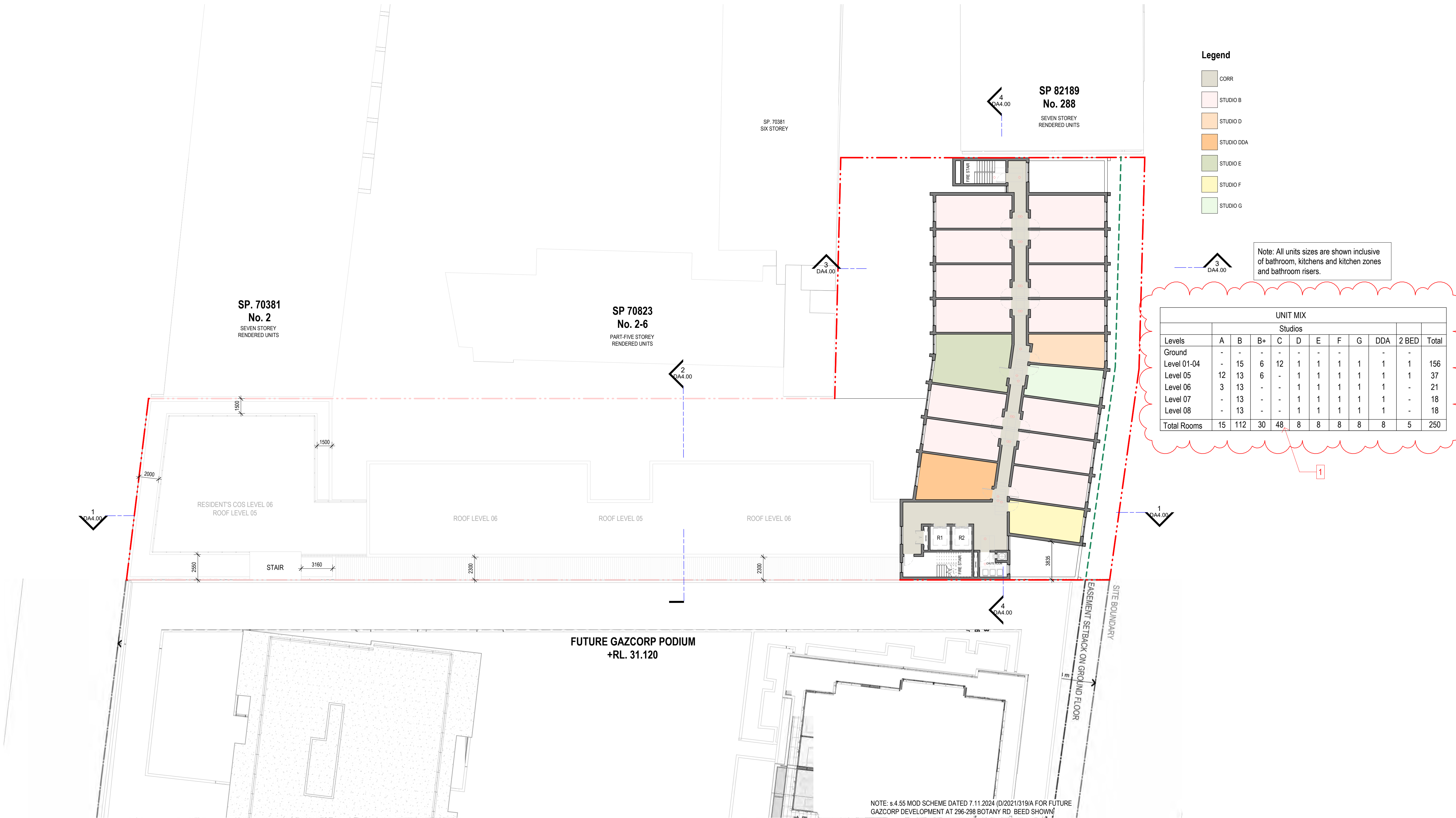
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REV	DESCRIPTION	BY	DATE
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B	Amended in response to Council	LC	24.07.2026

SUMMARY OF CHANGES

1) OVERALL ROOM MIX TABLE UPDATED

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PROJECT
BOTANY ROAD

ADDRESS
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Alexandria

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DRAWING SERIES

DA3 Overall Plans

DRAWING TITLE

Level 08

DRAWING NO.
DA3.07

SCALE
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Scale 1:100

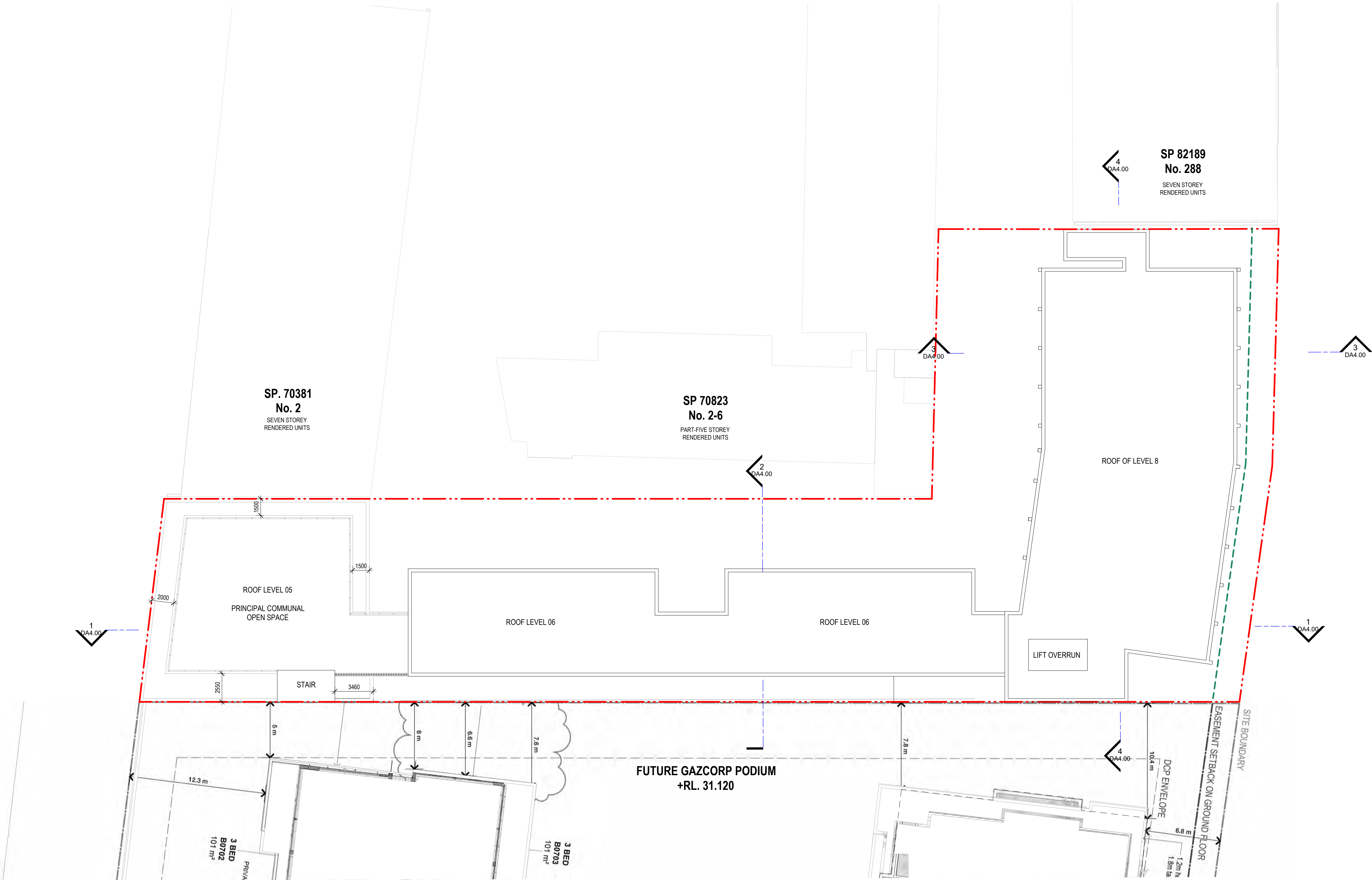
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PROJECT PHASE
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PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES
DA3 Overall Plans

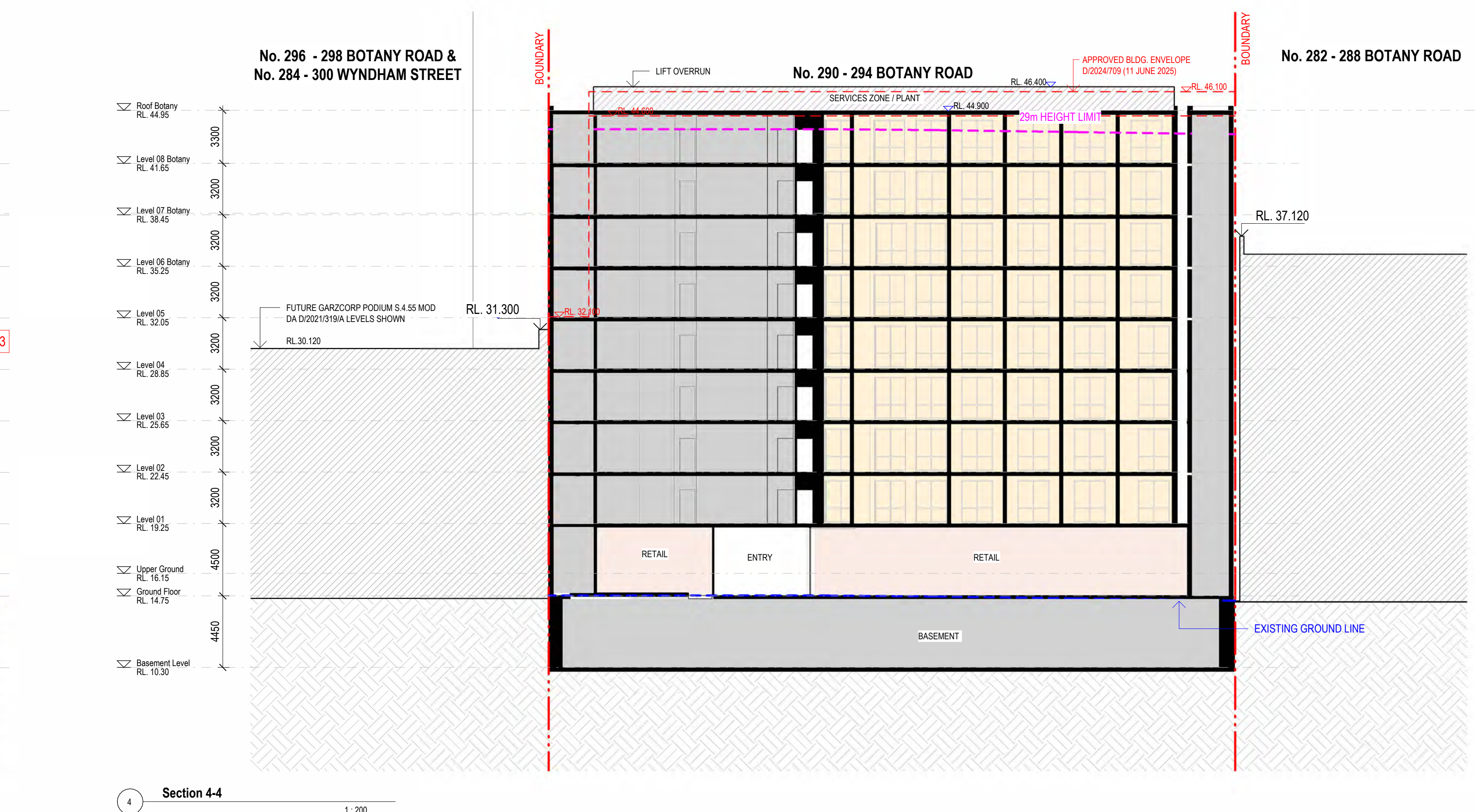
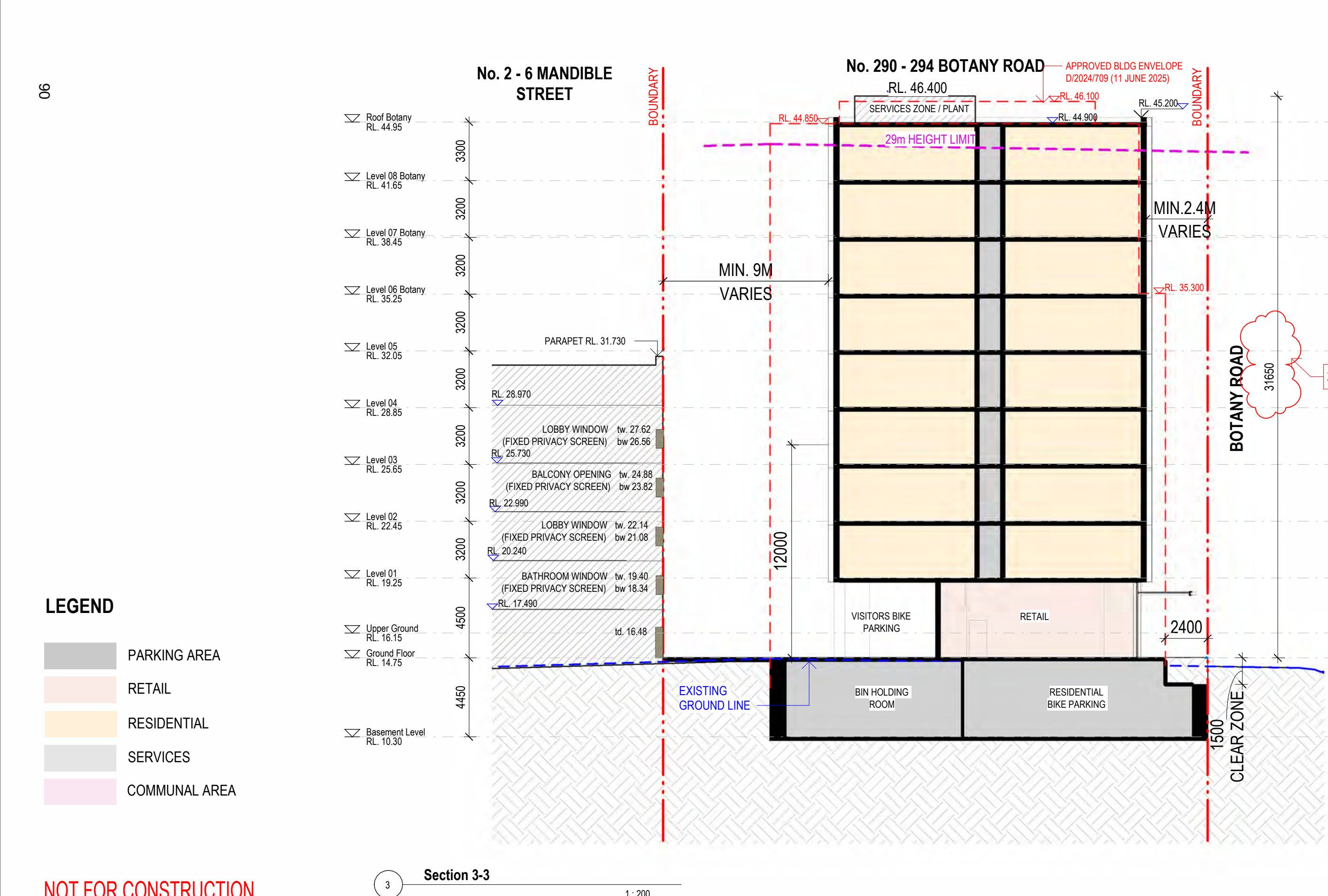
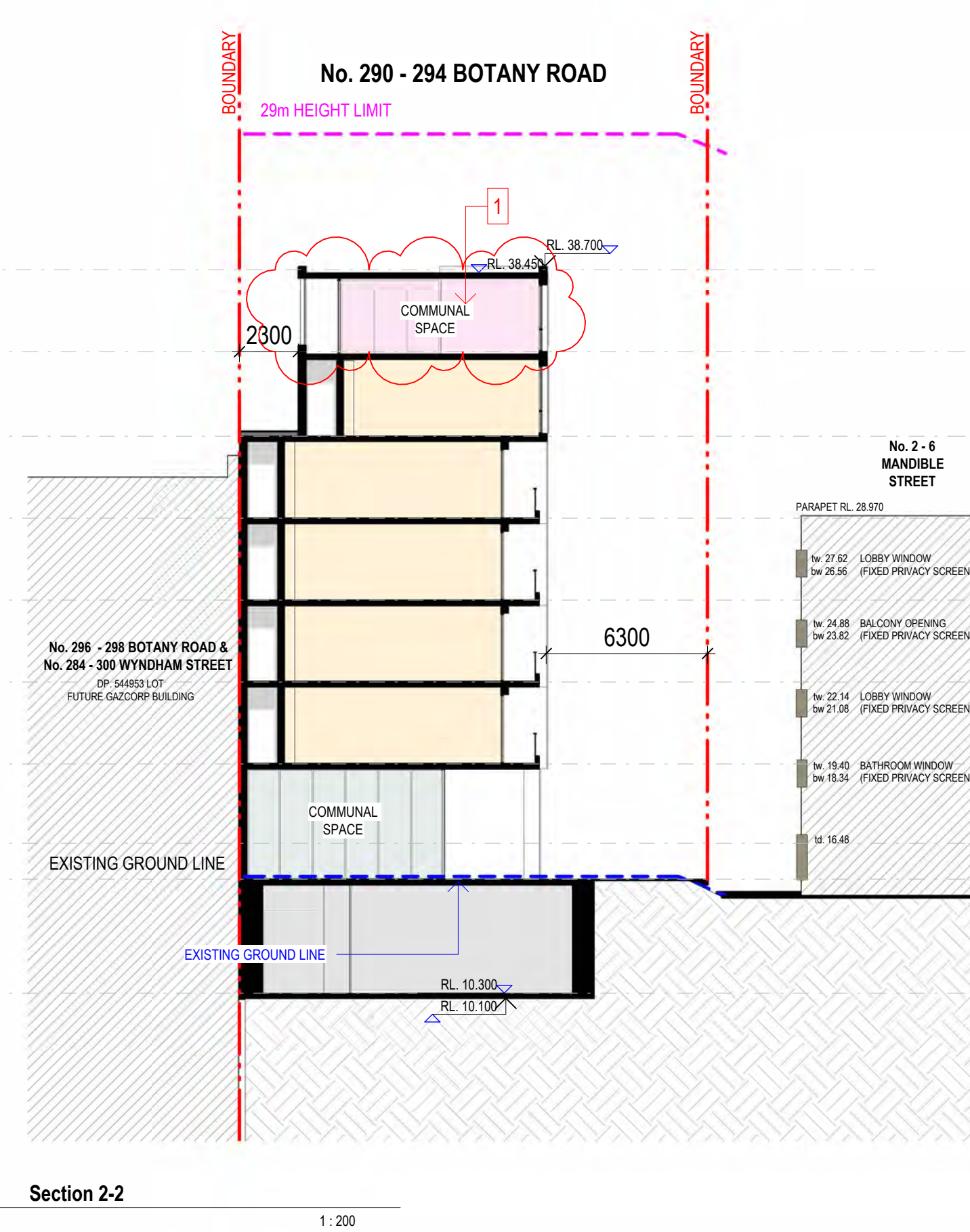
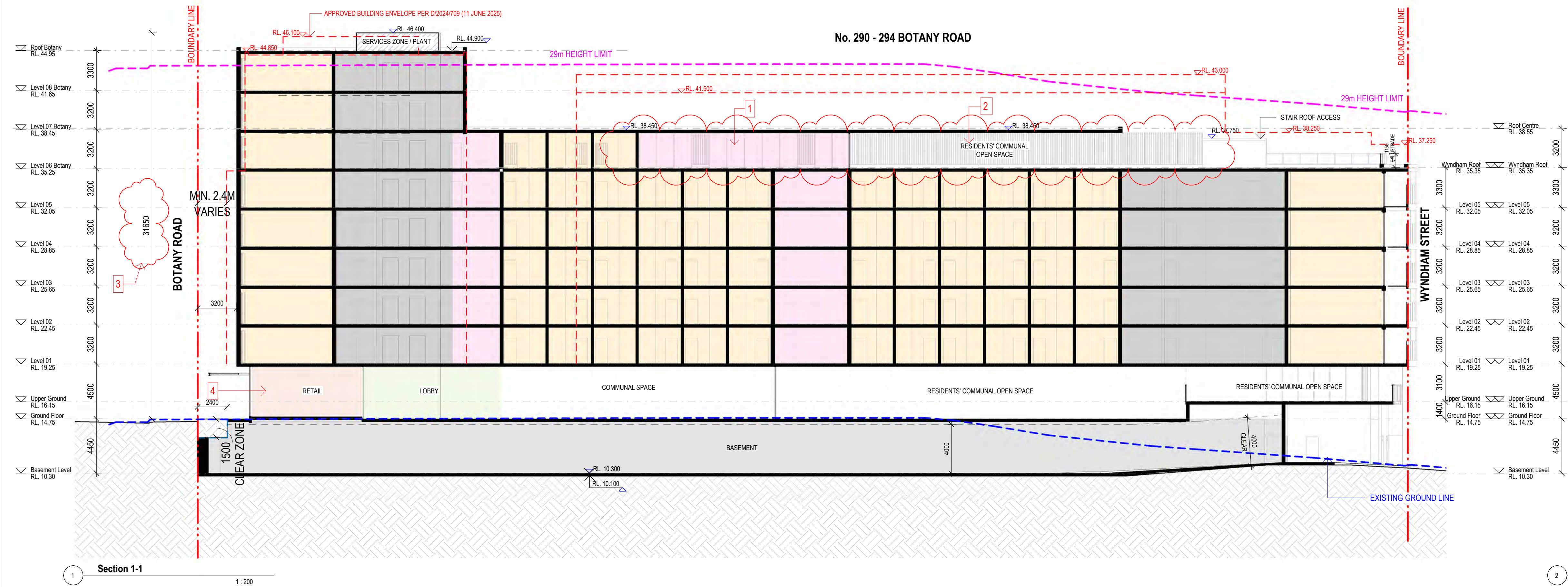
DRAWING TITLE
Roof Level

DRAWING NO.
DA3.08

SCALE
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0m 2 4 5m
Scale 1:100

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LEGEND

- PARKING AREA
- RETAIL
- RESIDENTIAL
- SERVICES
- COMMUNAL AREA

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SUMMARY OF CHANGES

- 1) ROOMS REMOVED ON LEVEL 06 AND CONVERTED INTO COMMUNAL SPACE
- 2) COVERED RESIDENTS' COMMUNAL OPEN SPACE PROVIDED TO REPLACE ENCLOSED COMMUNAL SPACE
- 3) MAX BUILDING HEIGHT DIMENSION ADDED

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NSW Registration 7954

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PROJECT NO.

22008

PROJECT

BOTANY ROAD

ADDRESS

290-294 Botany Road,
Alexandria

CLIENT

Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES

DA4 Sections

DRAWING TITLE

Sections

DRAWING NO.

DA4.00

SCALE

As indicated

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Scale 1:200

REVISION

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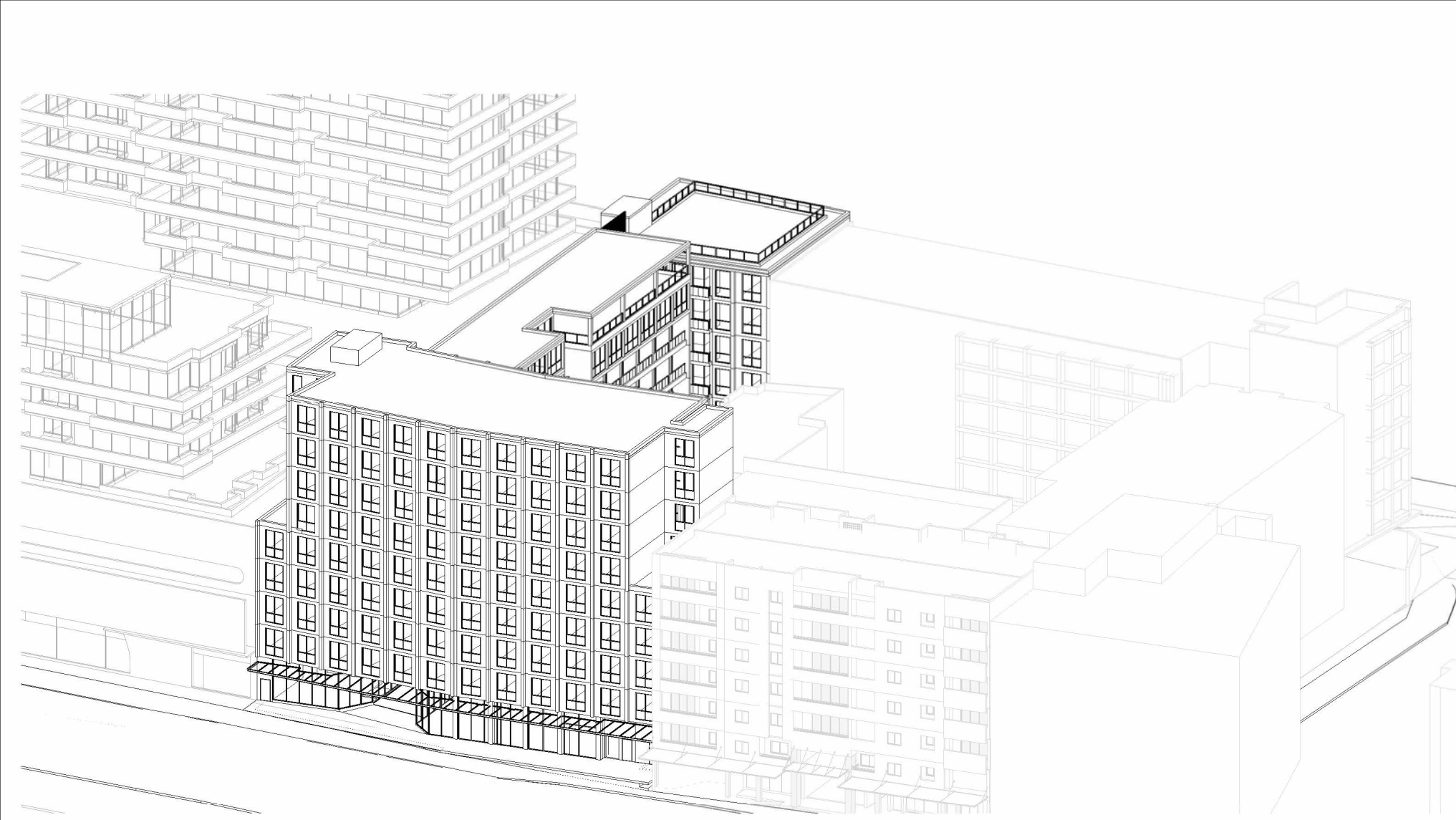
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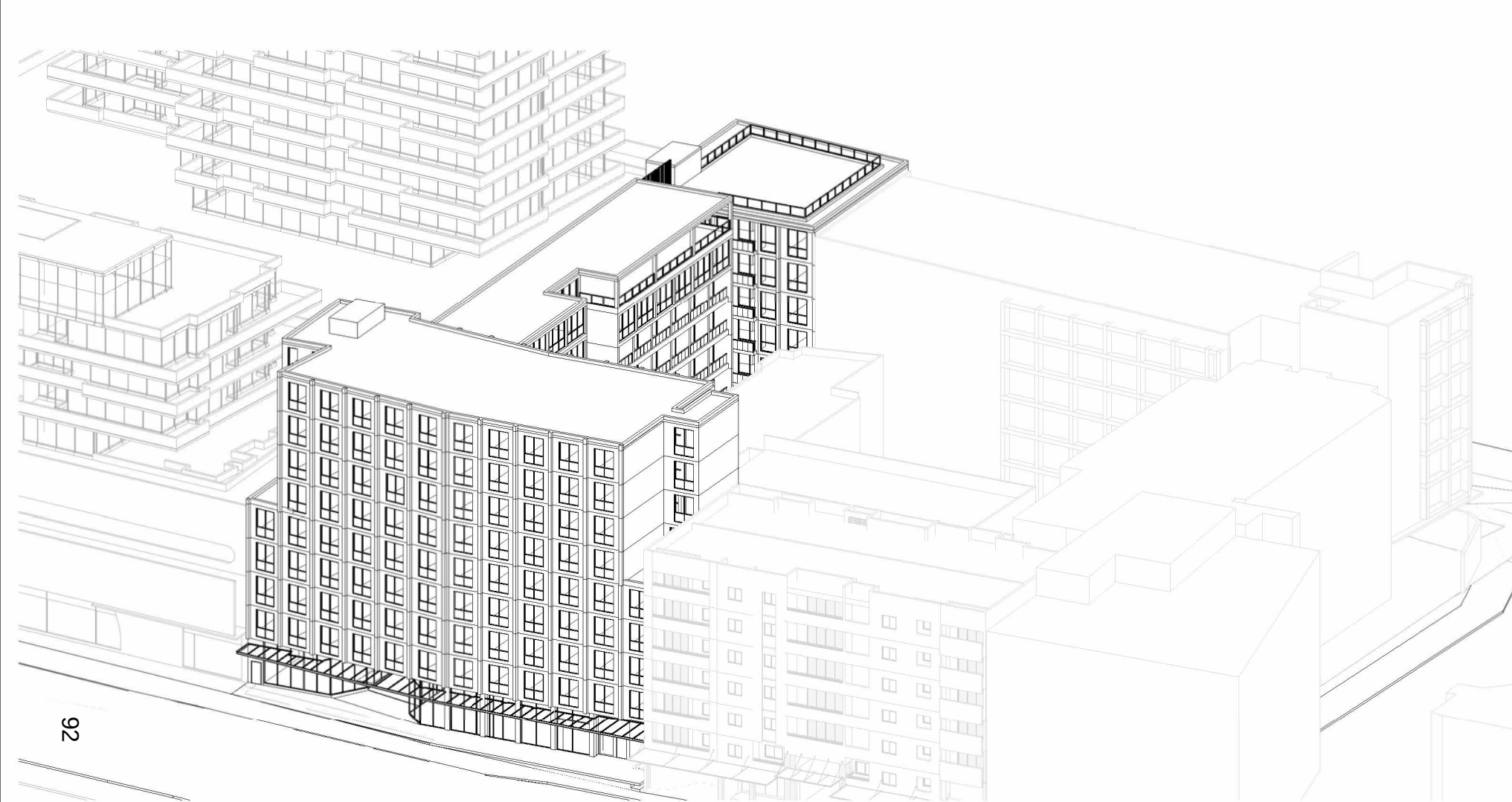
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Attachment C2

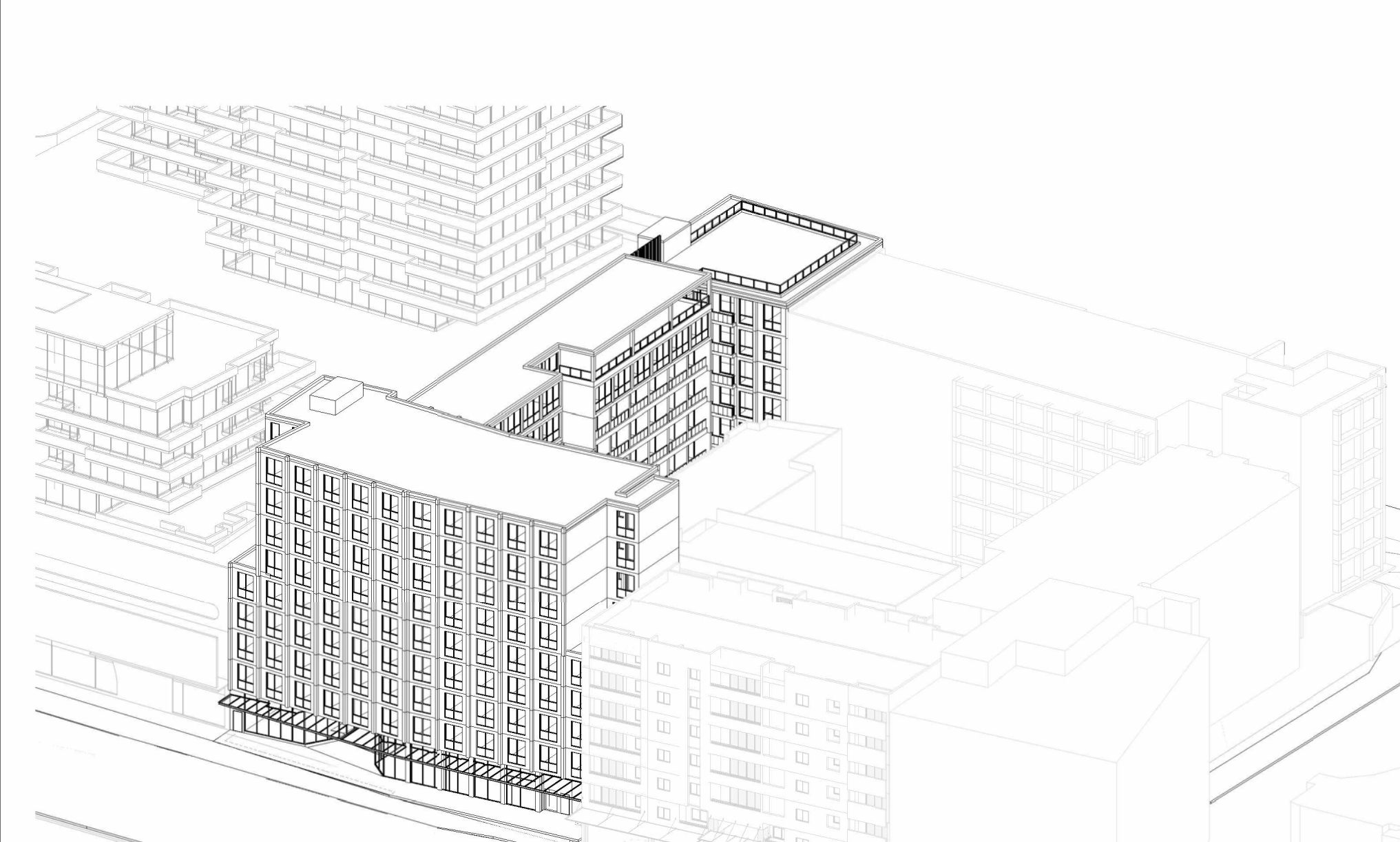
Shadow Diagrams & GFA Calculations



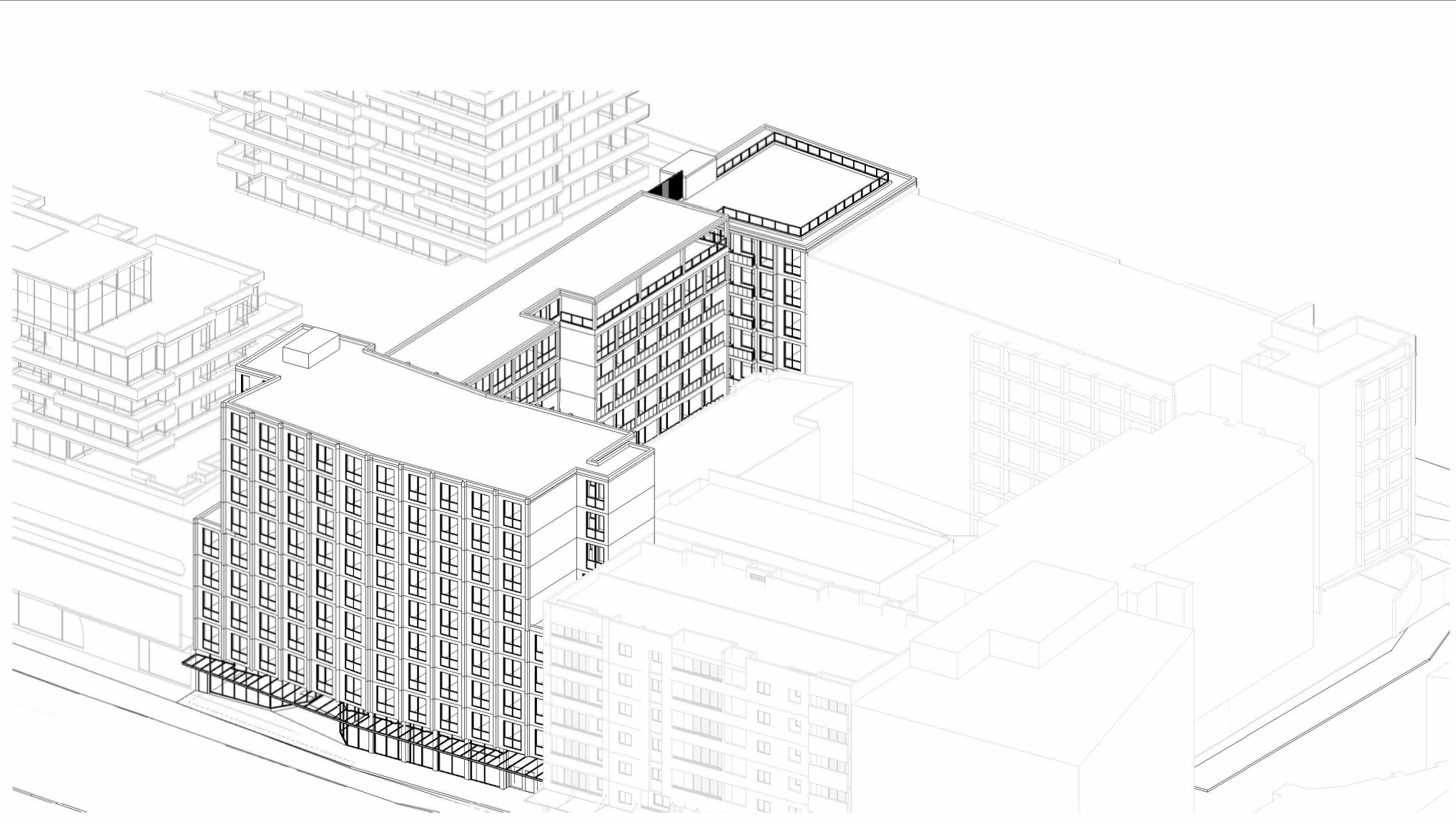
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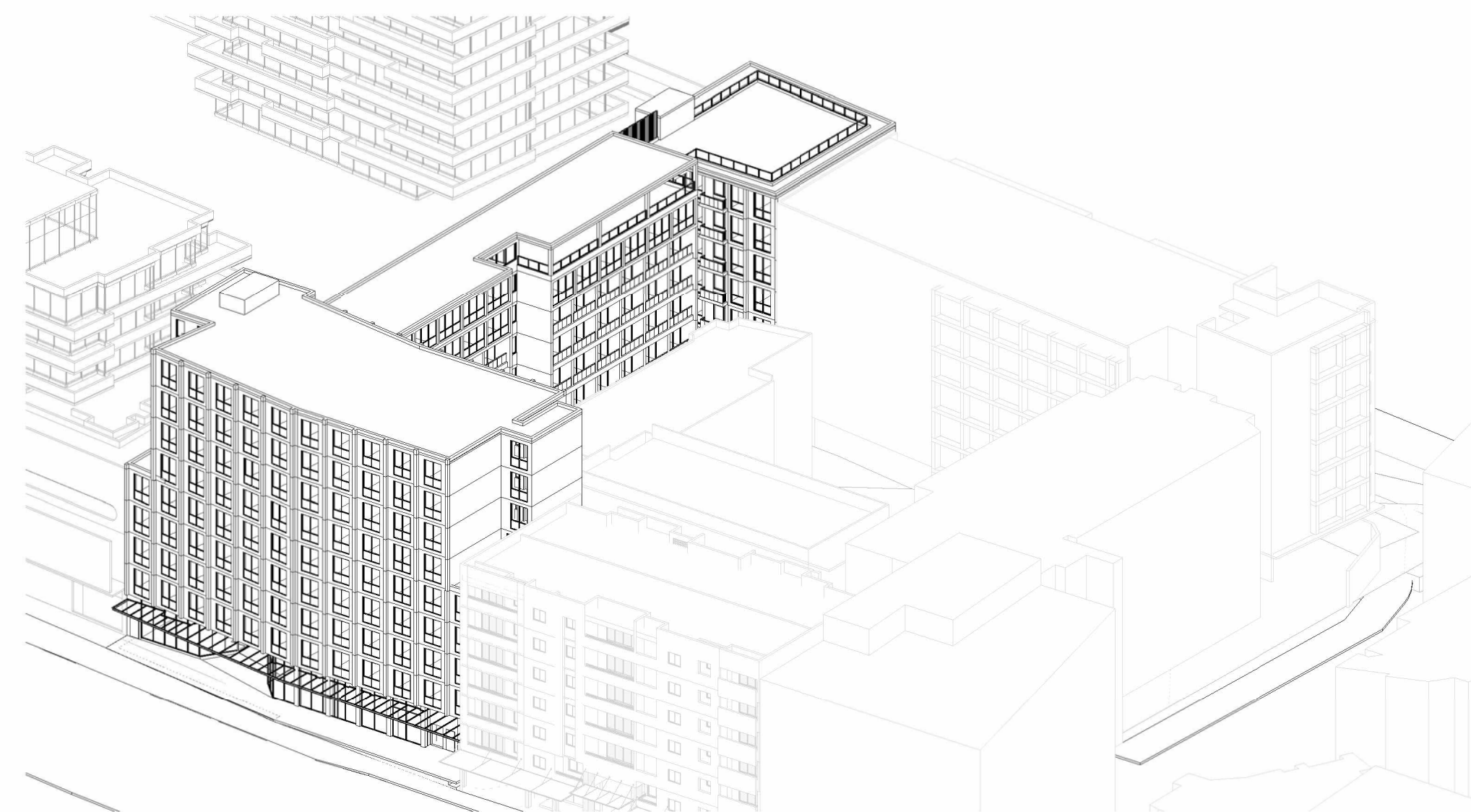
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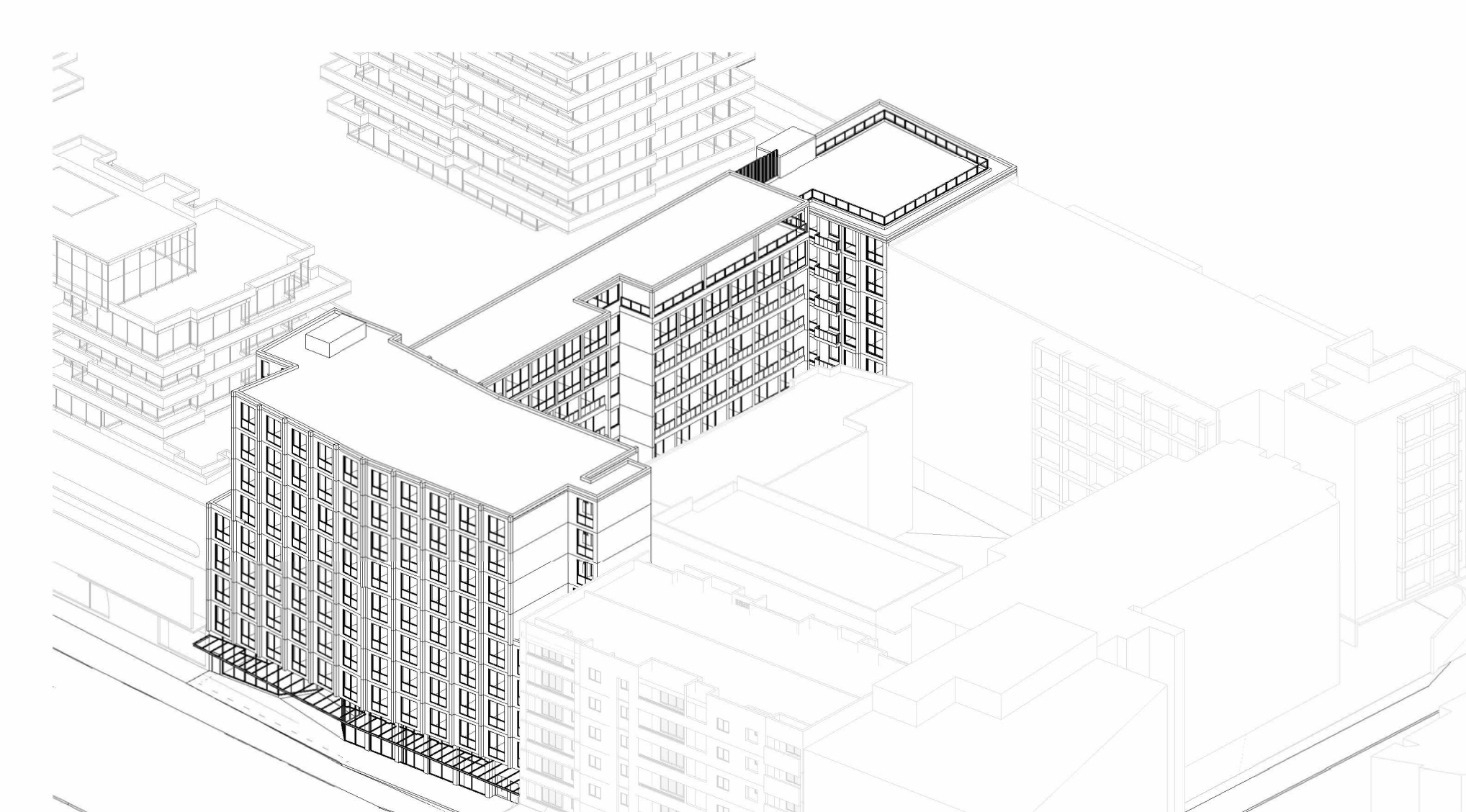
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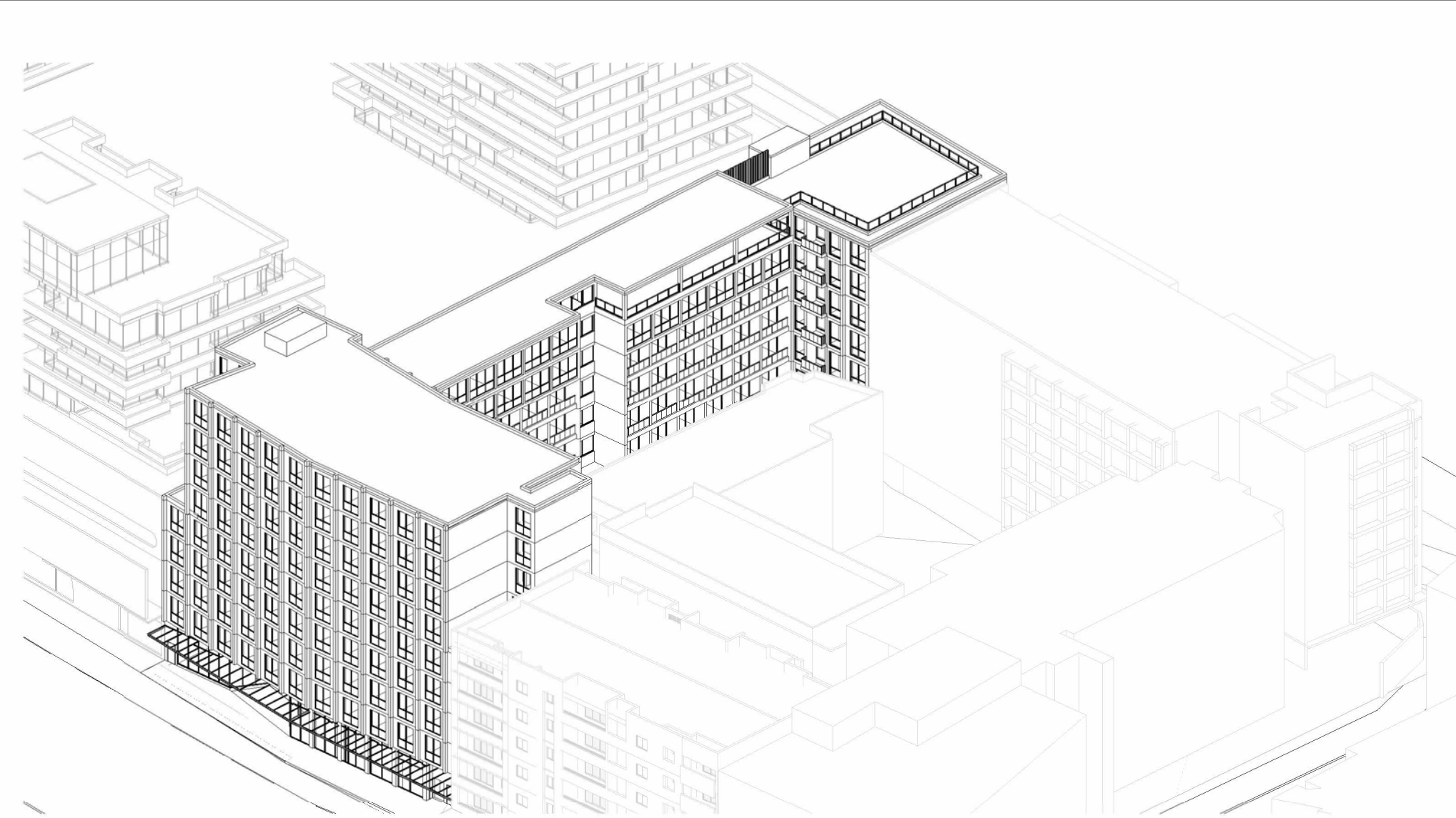
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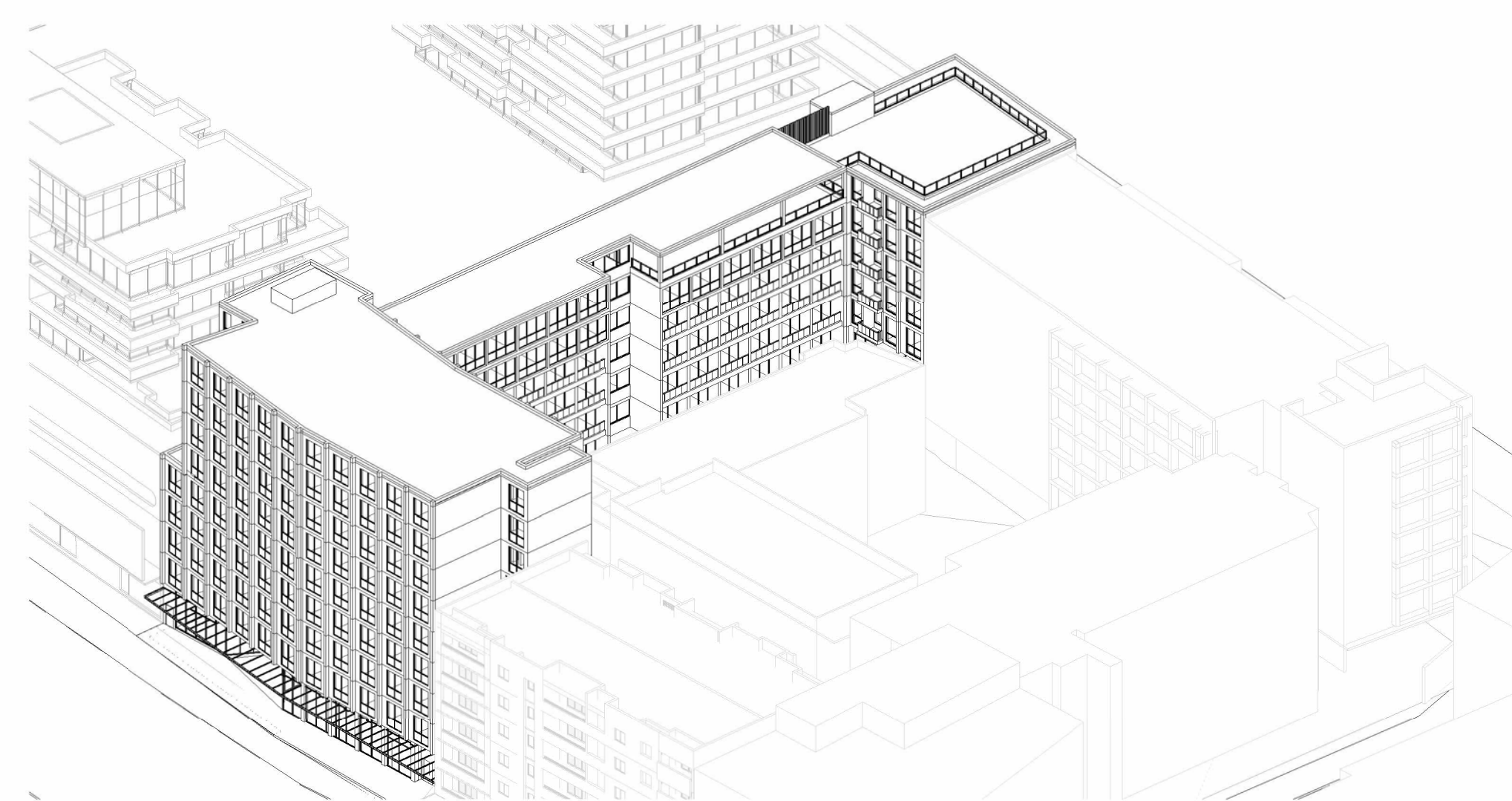
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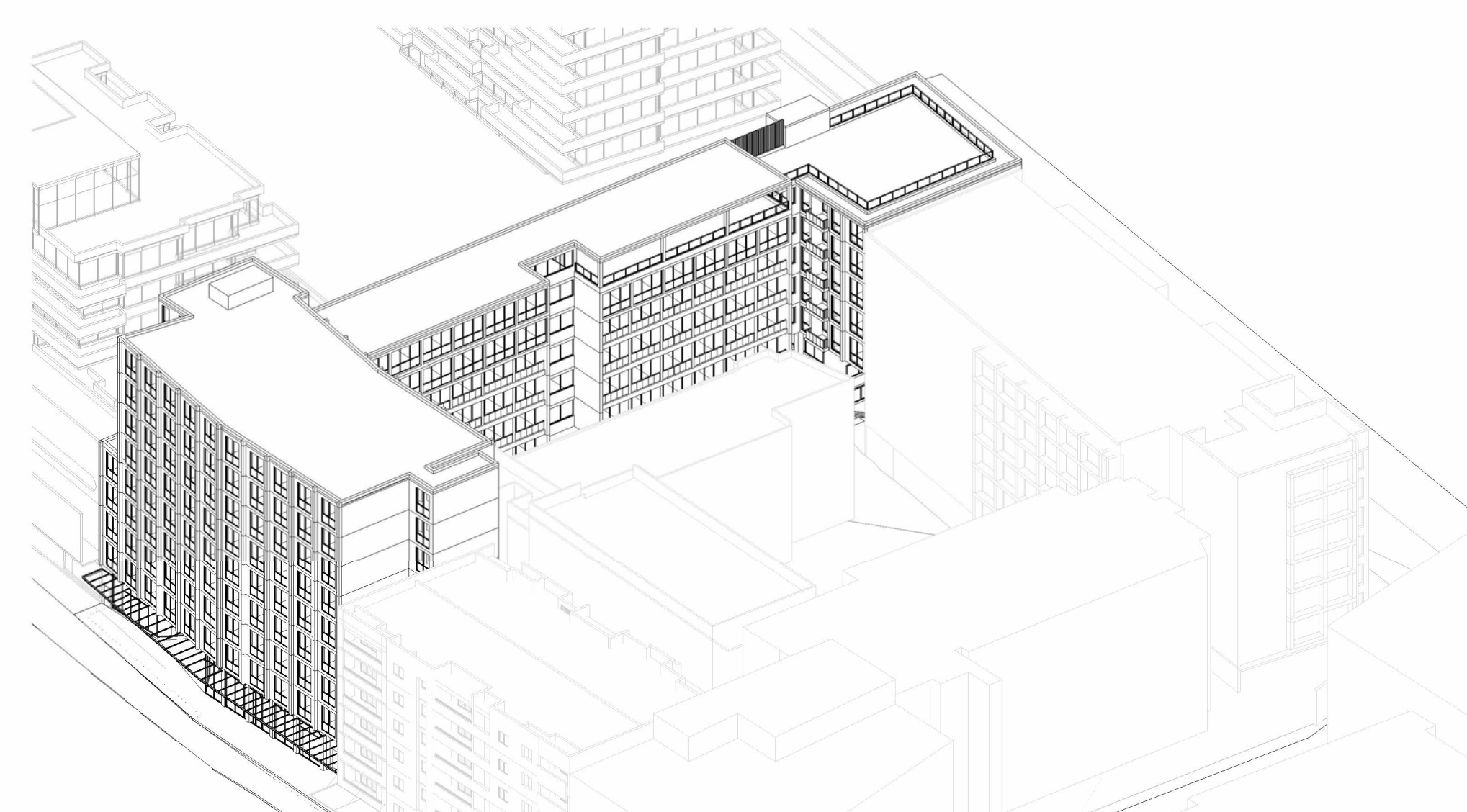
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7 Sun Eye 10_30AM



8 Sun Eye 10_45AM



9 Sun Eye - 11AM

WORK IN PROGRESS

NOTE: APPROVED s.4.55 MOD SCHEME DATED 7.11.2024 (D/2021/319/A FOR FUTURE GAZCORP DEVELOPMENT AT 296-298 BOTANY RD BEED SHOWN IN SUN EYE DIAGRAMAS.

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A	For Submission	ME	09.01.2026
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C	Issued in response to Council RFI	LC	14.07.2026
D	Amended in response to Council	LC	24.07.2026

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ACN 129 731 559

Nominated Architect: Andreas Antonlades
NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008
PROJECT
BOTANY ROAD

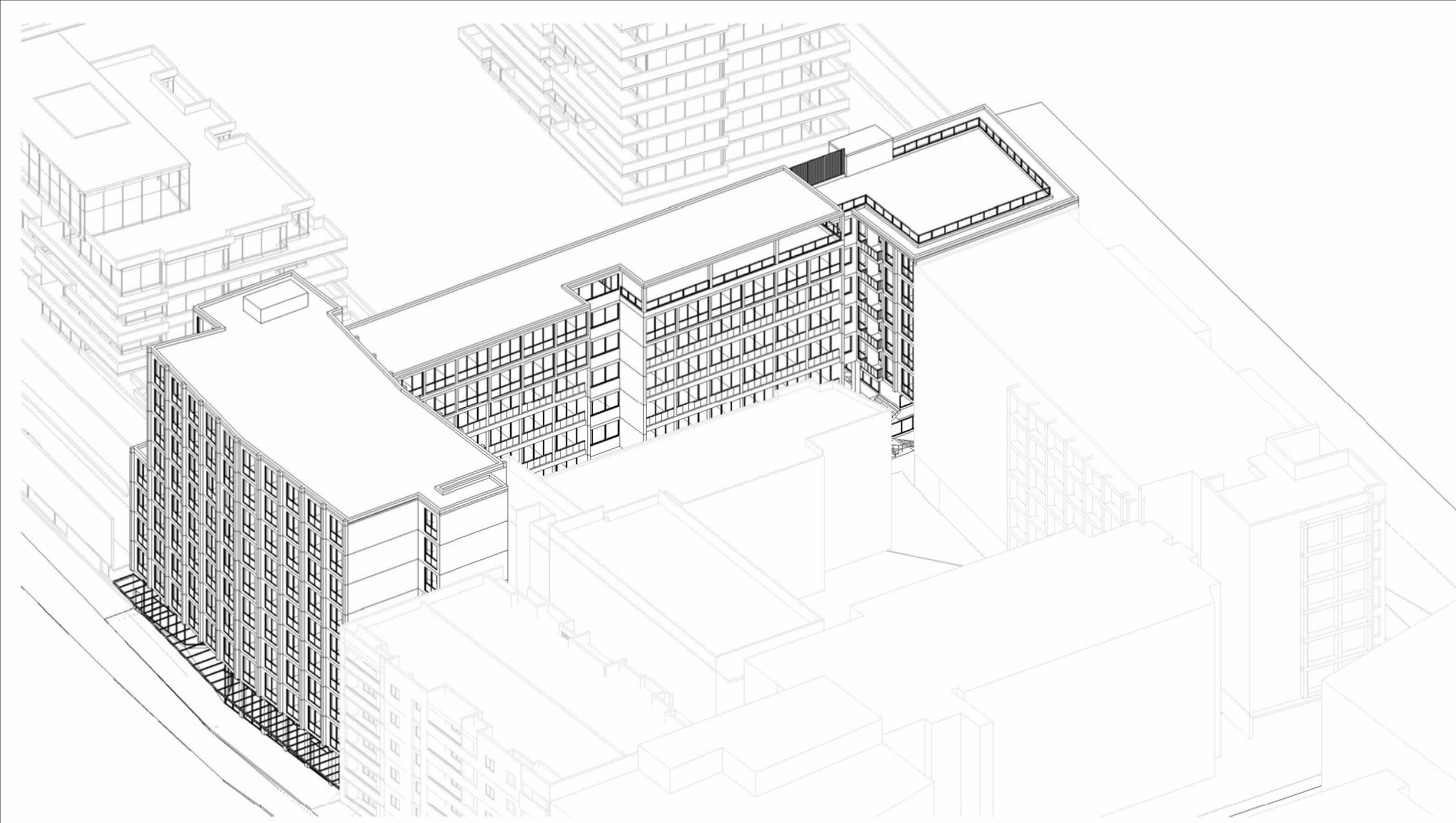
ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES
DA6 Design Analysis
DRAWING TITLE
Sun Eye Diagrams - Sheet 1

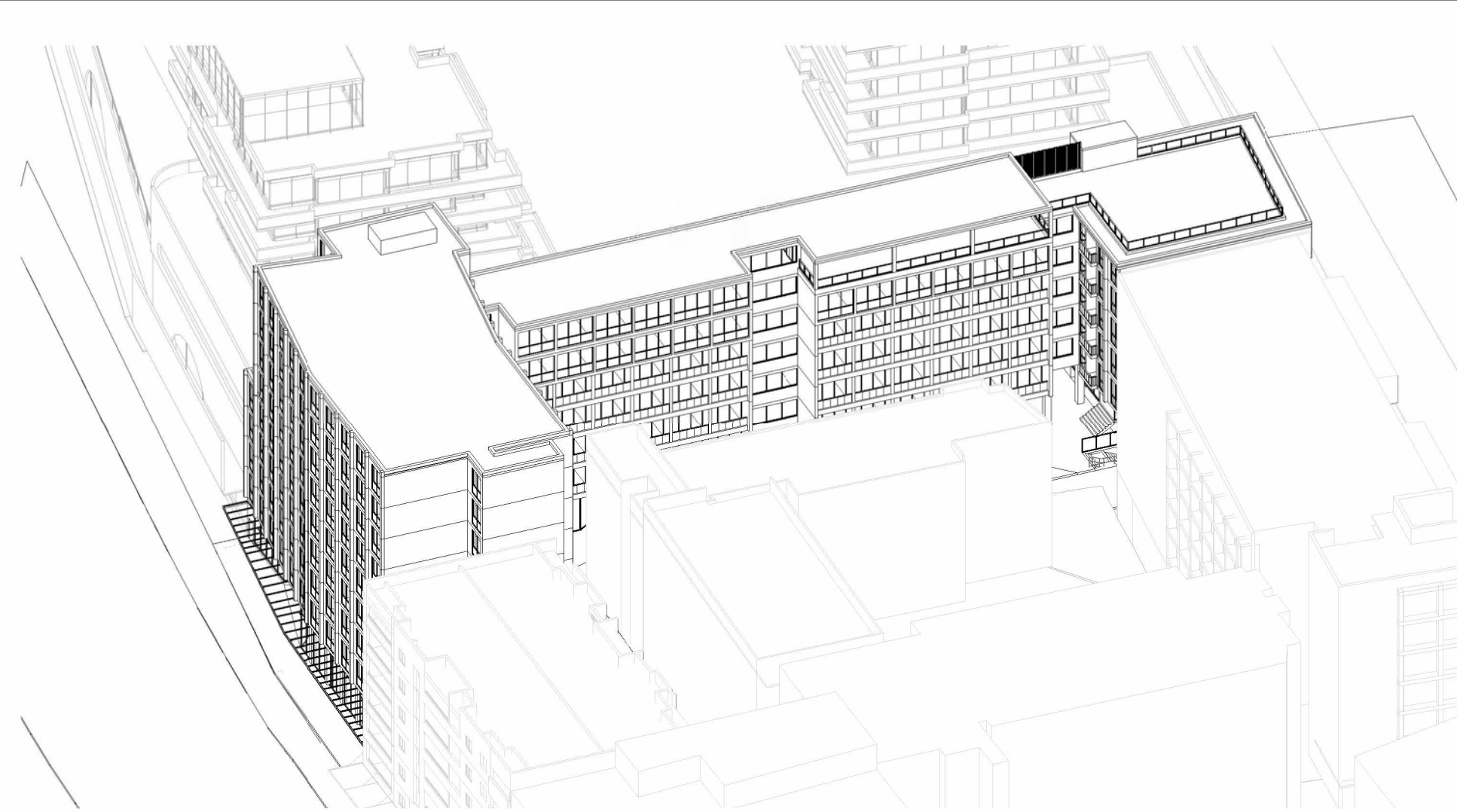
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REVISION
D
DRAWN BY
PV
CHECKED BY
ME



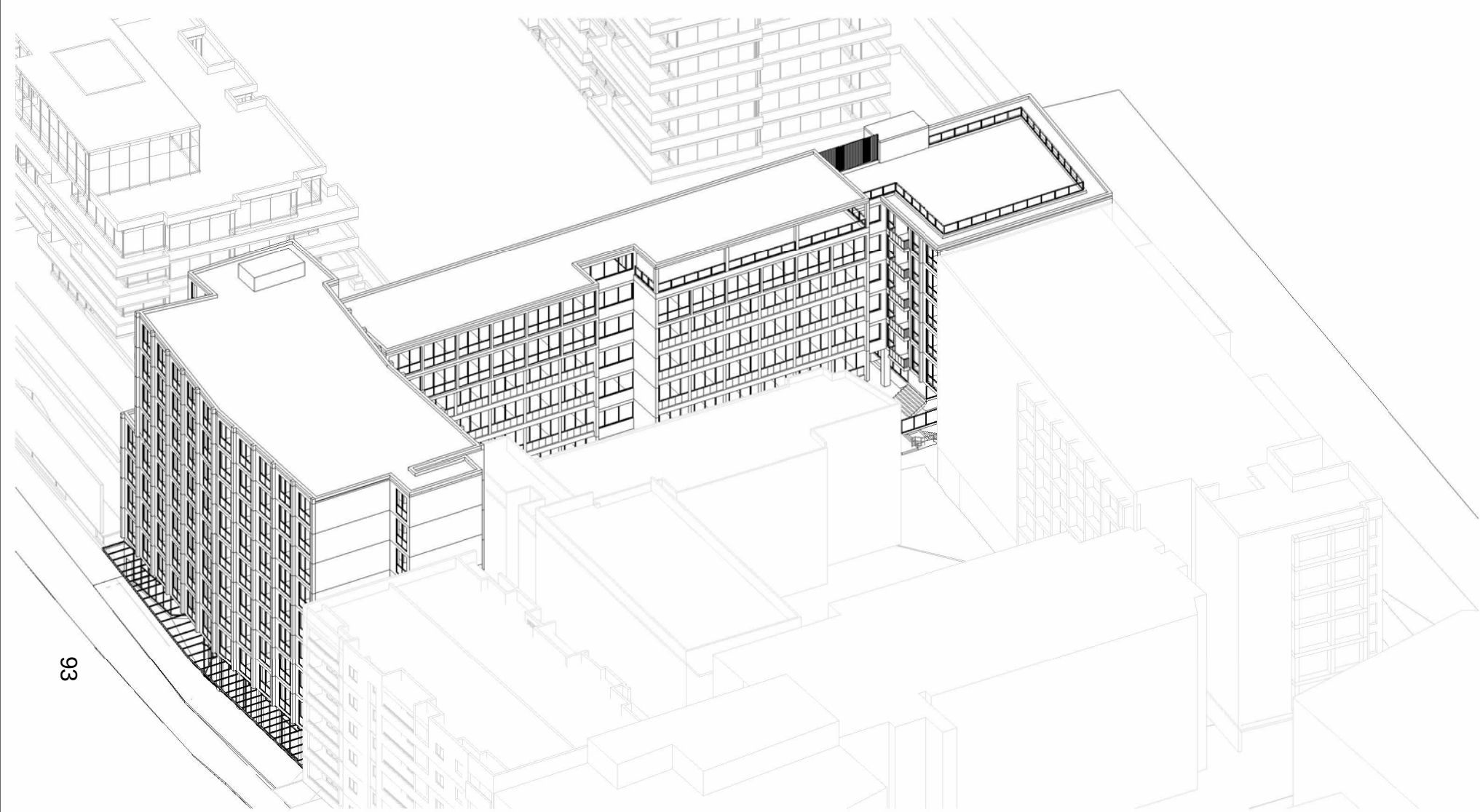
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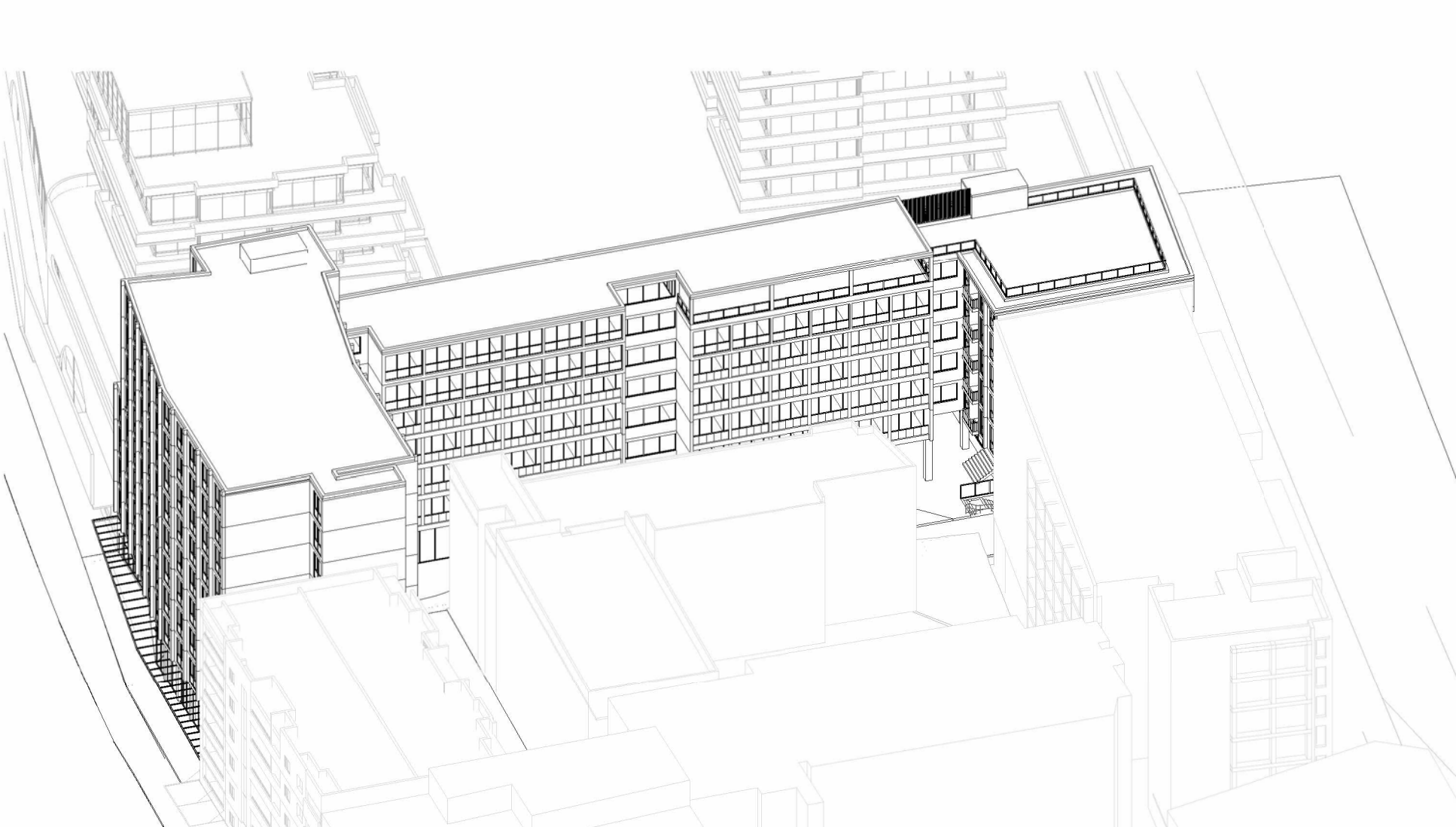
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7 Sun Eye 12_45PM



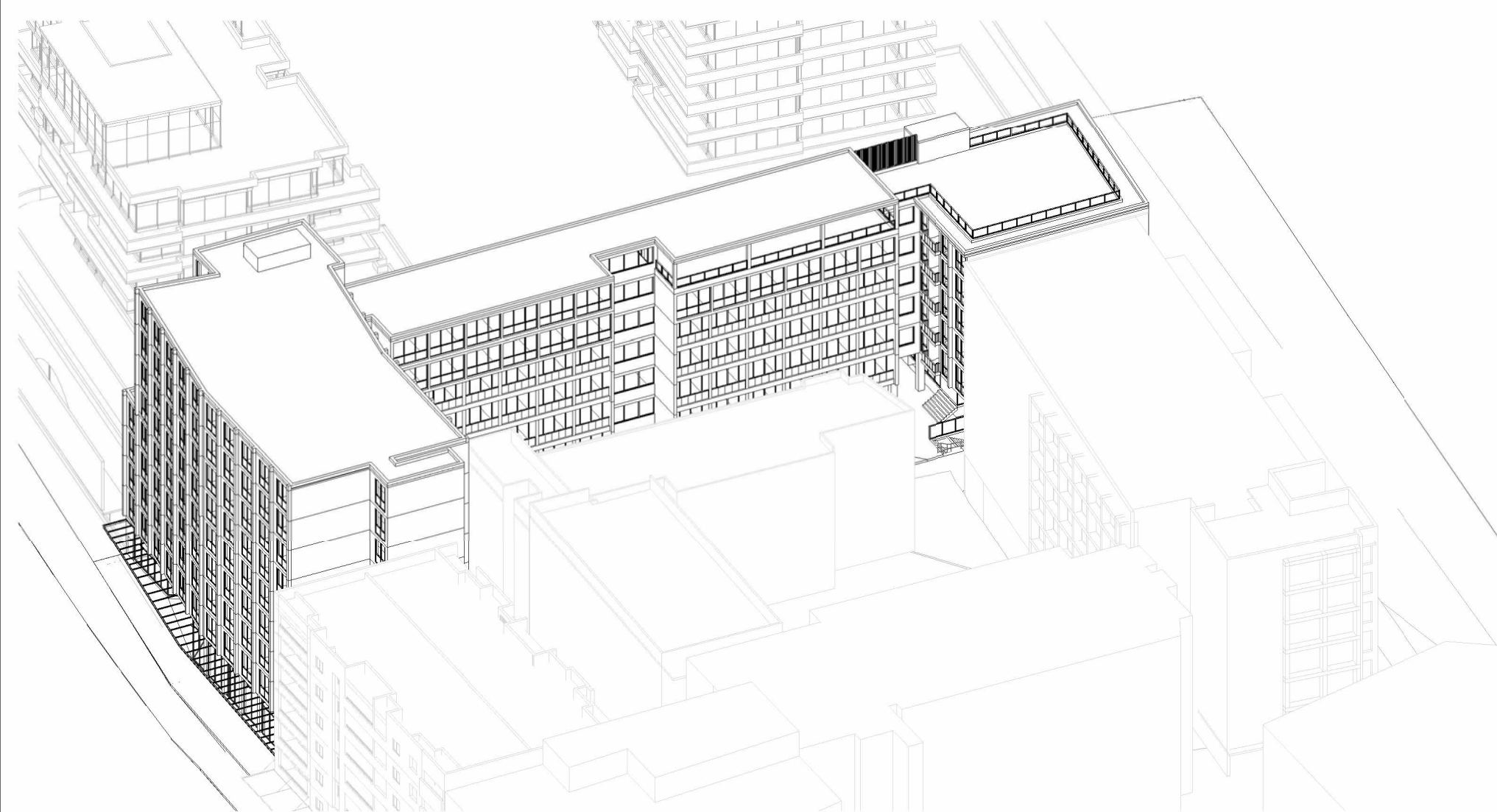
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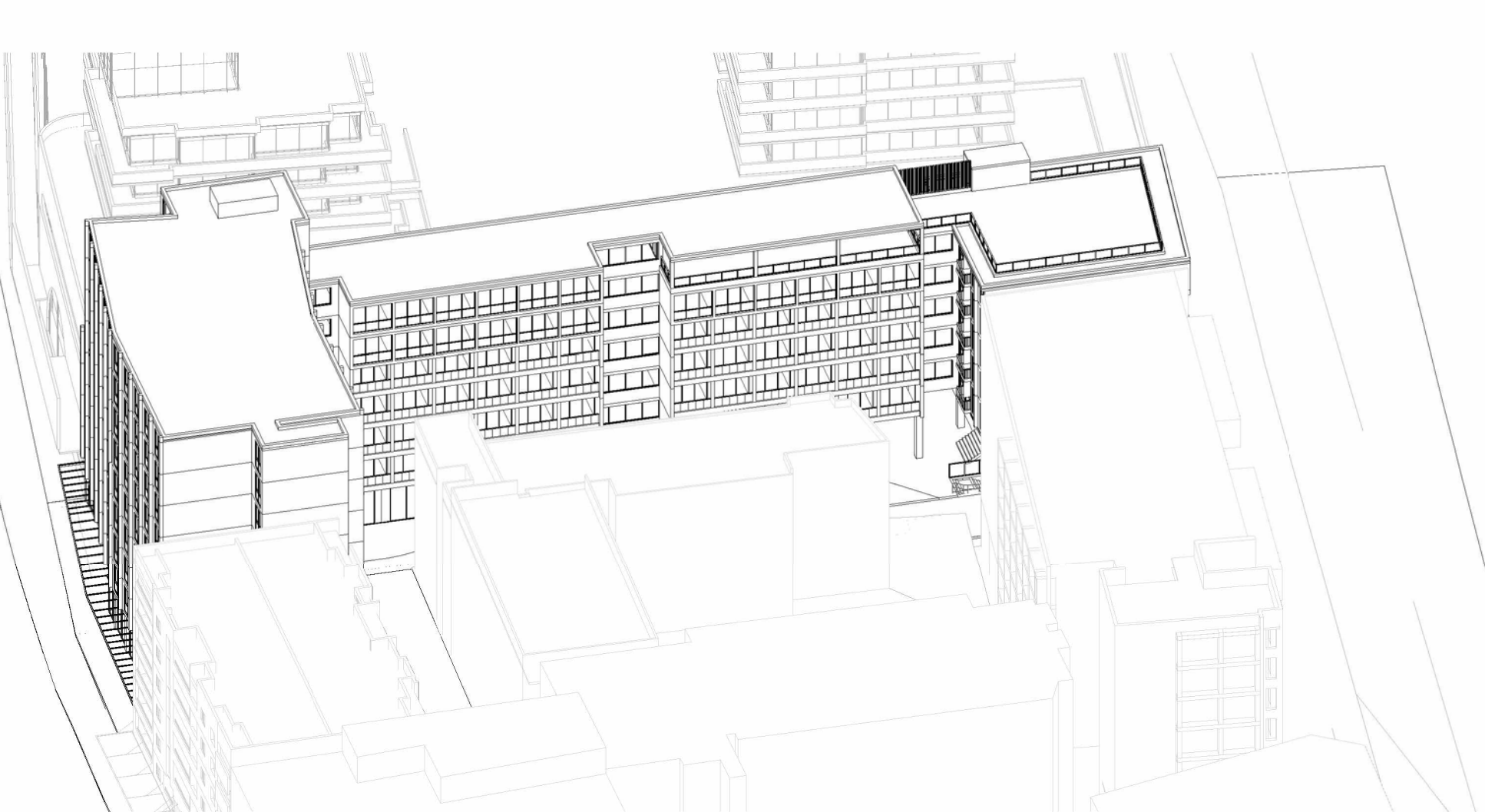
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8 Sun Eye - 1PM



3 Sun Eye 11_45AM



6 Sun Eye 12_30PM



9 Sun Eye 01_15PM

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NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008
PROJECT
BOTANY ROAD

ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES
DA6 Design Analysis
DRAWING TITLE
Sun Eye Diagrams - Sheet 2

DRAWING NO.
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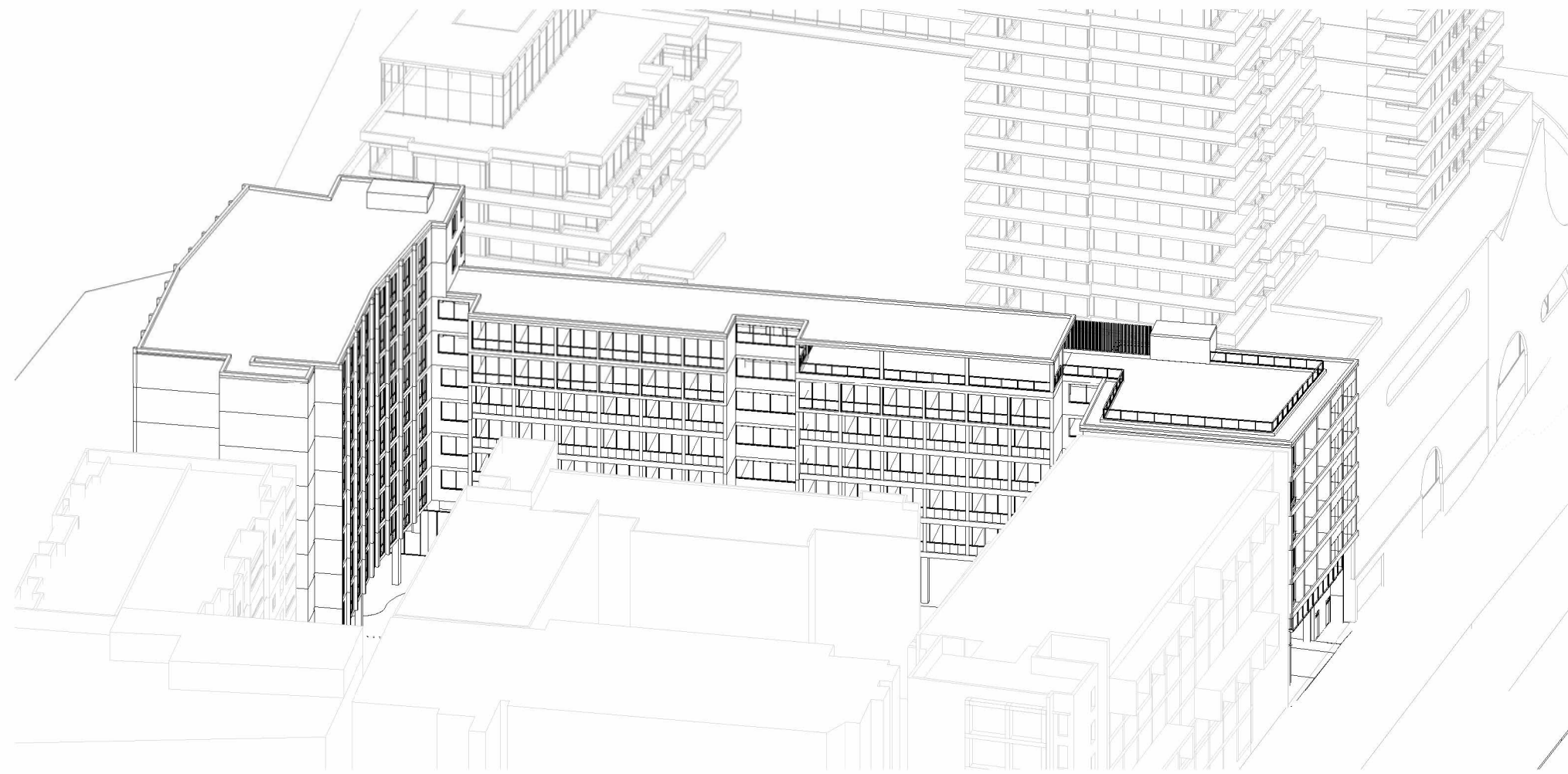
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REVISION
D
DRAWN BY
PV
CHECKED BY
ME

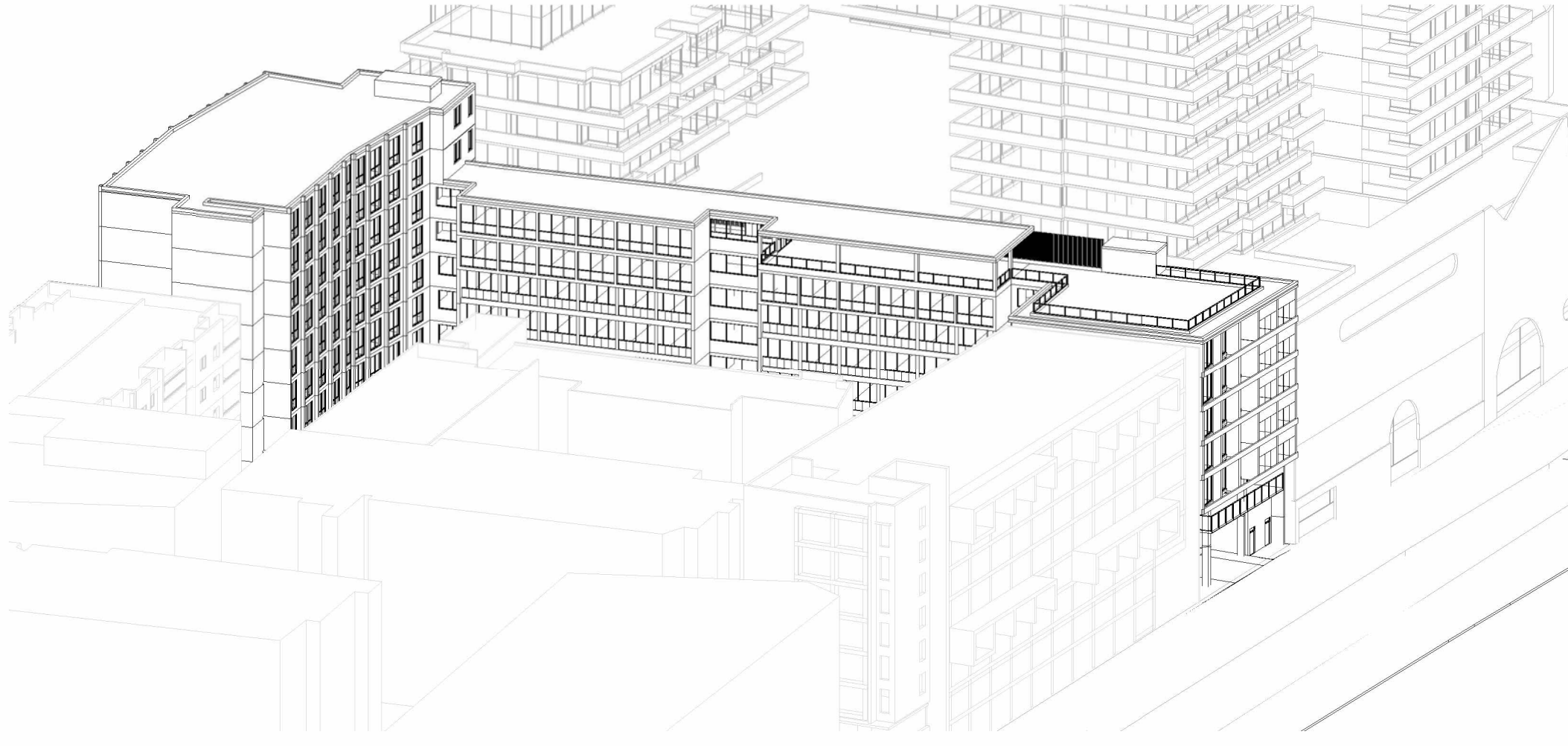
NOTE: APPROVED s.4.55 MOD SCHEME DATED 7.11.2024 (D/2021/319/A FOR FUTURE GAZCORP DEVELOPMENT AT 296-298 BOTANY RD BEED SHOWN IN SUN EYE DIAGRAMAS.



1 Sun Eye 01_30PM



4 Sun Eye 02_15PM



7 Sun Eye - 3PM



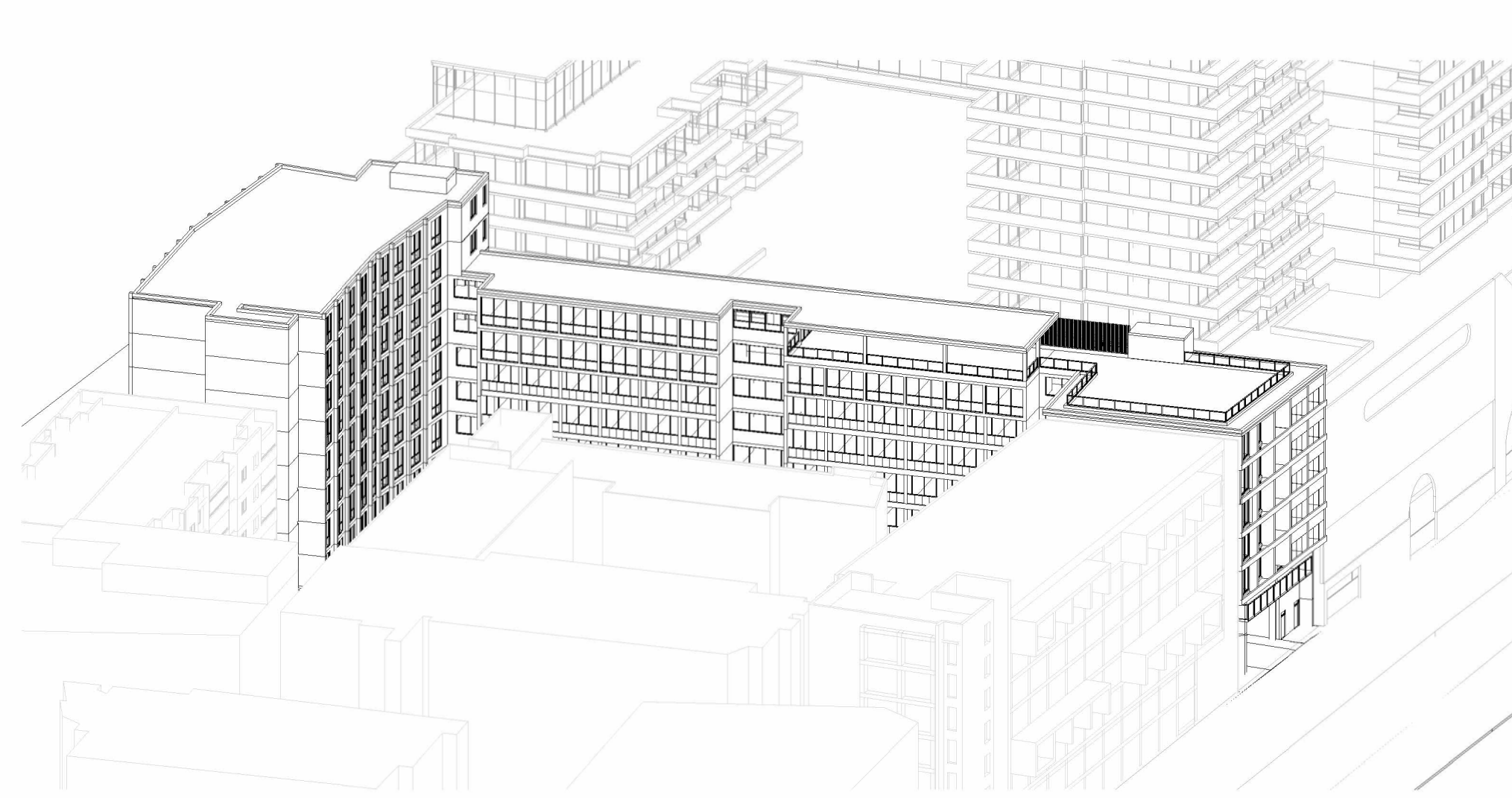
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5 Sun Eye 02_30PM



3 Sun Eye - 2PM



6 Sun Eye 02_45PM

WORK IN PROGRESS

NOTE: APPROVED s.4.55 MOD SCHEME DATED 7.11.2024 (D/2021/319/A FOR FUTURE GAZCORP DEVELOPMENT AT 296-298 BOTANY RD BEED SHOWN IN SUN EYE DIAGRAMAS.

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NSW Registration 7954

PROJECT PHASE
CONCEPT DA

STATUS
FOR SUBMISSION

PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES
DA6 Design Analysis

DRAWING TITLE
Sun Eye Diagrams - Sheet 3

DRAWING NO.
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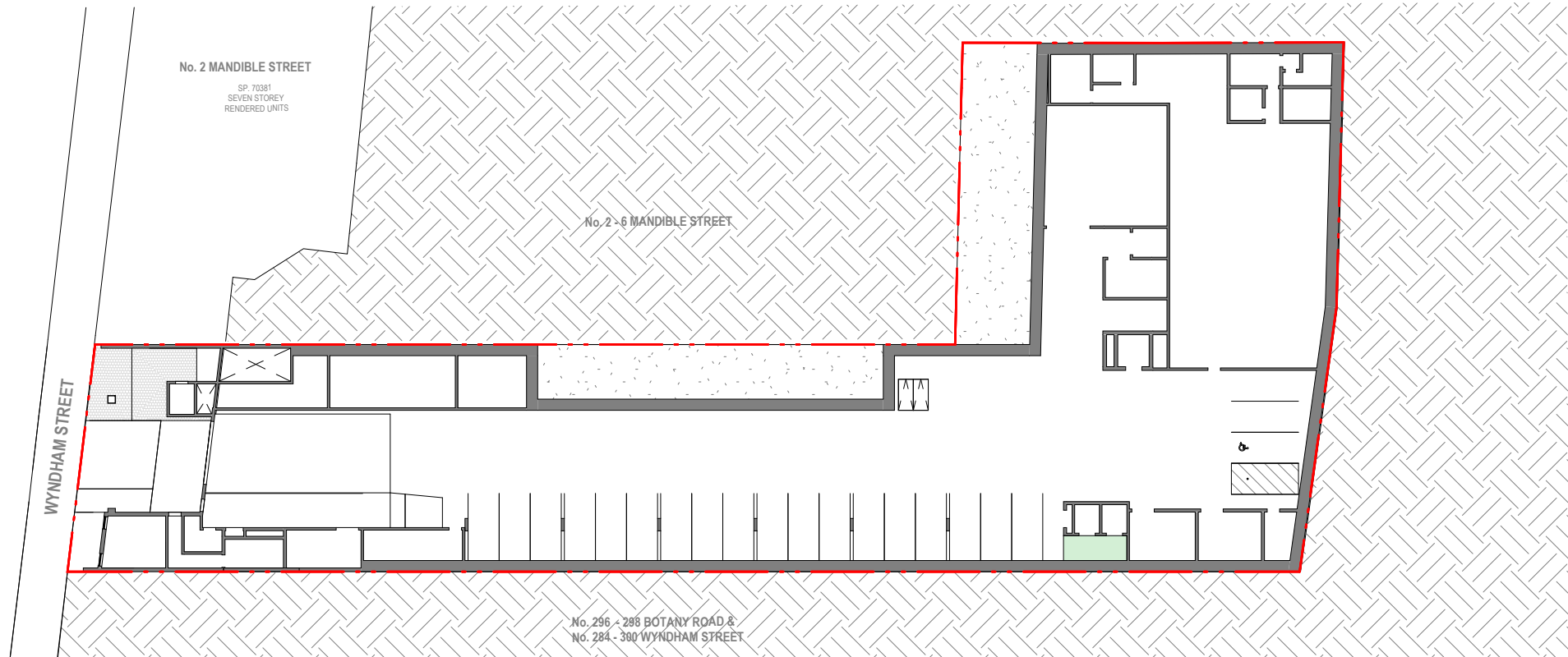
REVISION
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DRAWN BY
PV
CHECKED BY
ME

GFA FLOOR AREA (RESIDENTIAL + RETAIL), SQ.M.

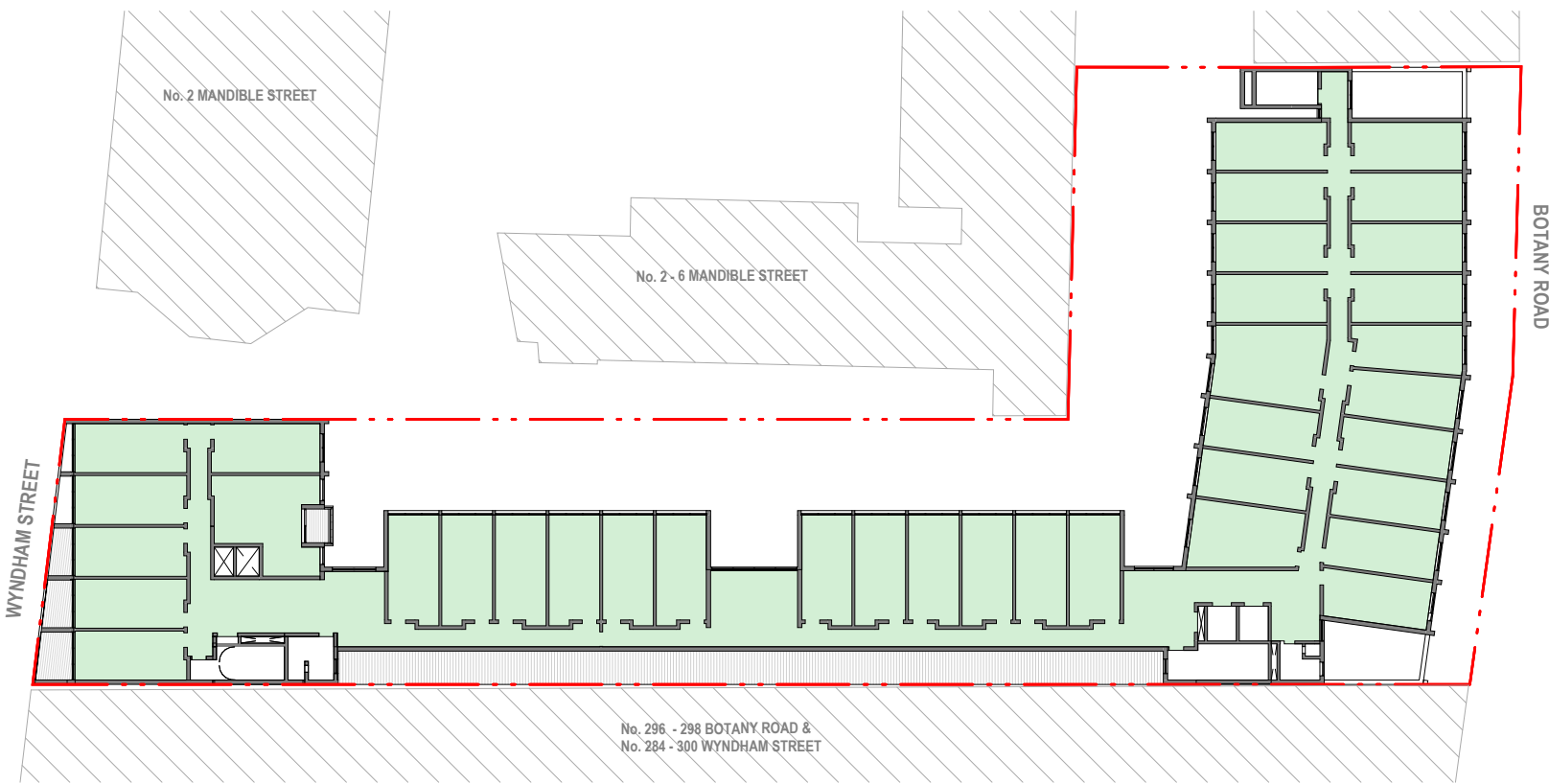
LEVEL	RESIDENTIAL	RETAIL	COMMUNAL	LOBBY / ADMIN
BASEMENT 01				10
GROUND FLOOR		316	205	91
LEVEL 1 -	1399		68	
LEVEL 2 -	1399		68	
LEVEL 3 -	1399		68	
LEVEL 4 -	1399		68	
LEVEL 5 -	1298		48	
LEVEL 6 -	703		110	
LEVEL 7 -	604			
LEVEL 8 -	604			
TOTAL :	8806 SQ.M.	316 SQ.M.	637 SQ.M.	101 SQ.M.
GRAND TOTAL: 9860 SQ.M. (9860 SQ. - MAX. SITE FSR)				
FSR: 3.85 : 1				

UNIT MIX											
Type	Studios									2 Bed	Total
	A	B	B+	C	D	E	F	G	DDA		
Level 01		15	6	12	1	1	1	1	1	1	39
Level 02		15	6	12	1	1	1	1	1	1	39
Level 03		15	6	12	1	1	1	1	1	1	39
Level 04		15	6	12	1	1	1	1	1	1	39
Level 05	12	13	6		1	1	1	1	1	1	37
Level 06	3	13			1	1	1	1	1		21
Level 07		13			1	1	1	1	1		18
Level 08 (Botany)		13			1	1	1	1	1		18
Total Rooms	15	112	30	48	8	8	8	8	8	5	250
	15	112	30	48	8	8	8	8	8	10	255
	%	6.00%	44.80%	12.00%	19.20%	3.20%	3.20%	3.20%	3.20%	2.00%	100%

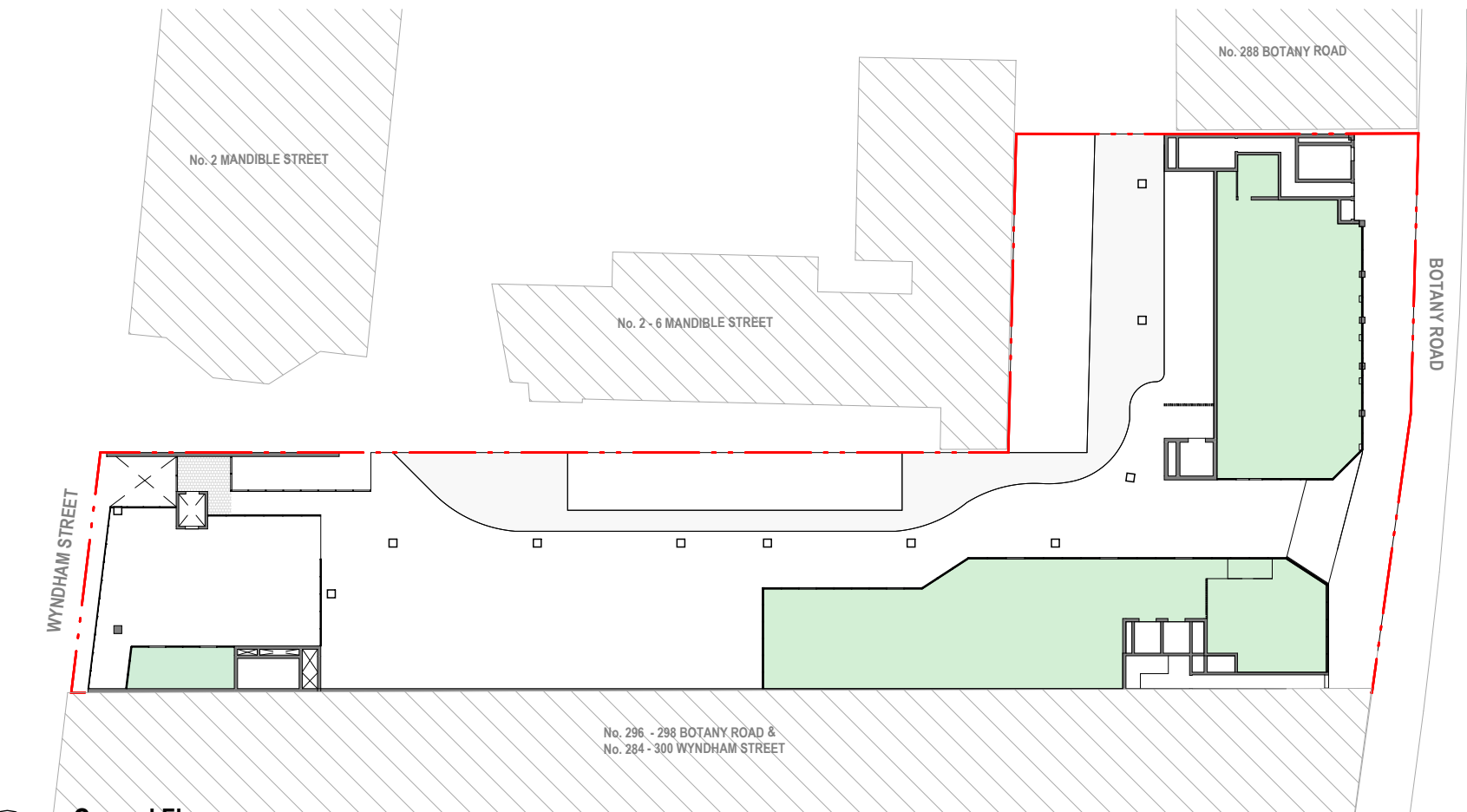
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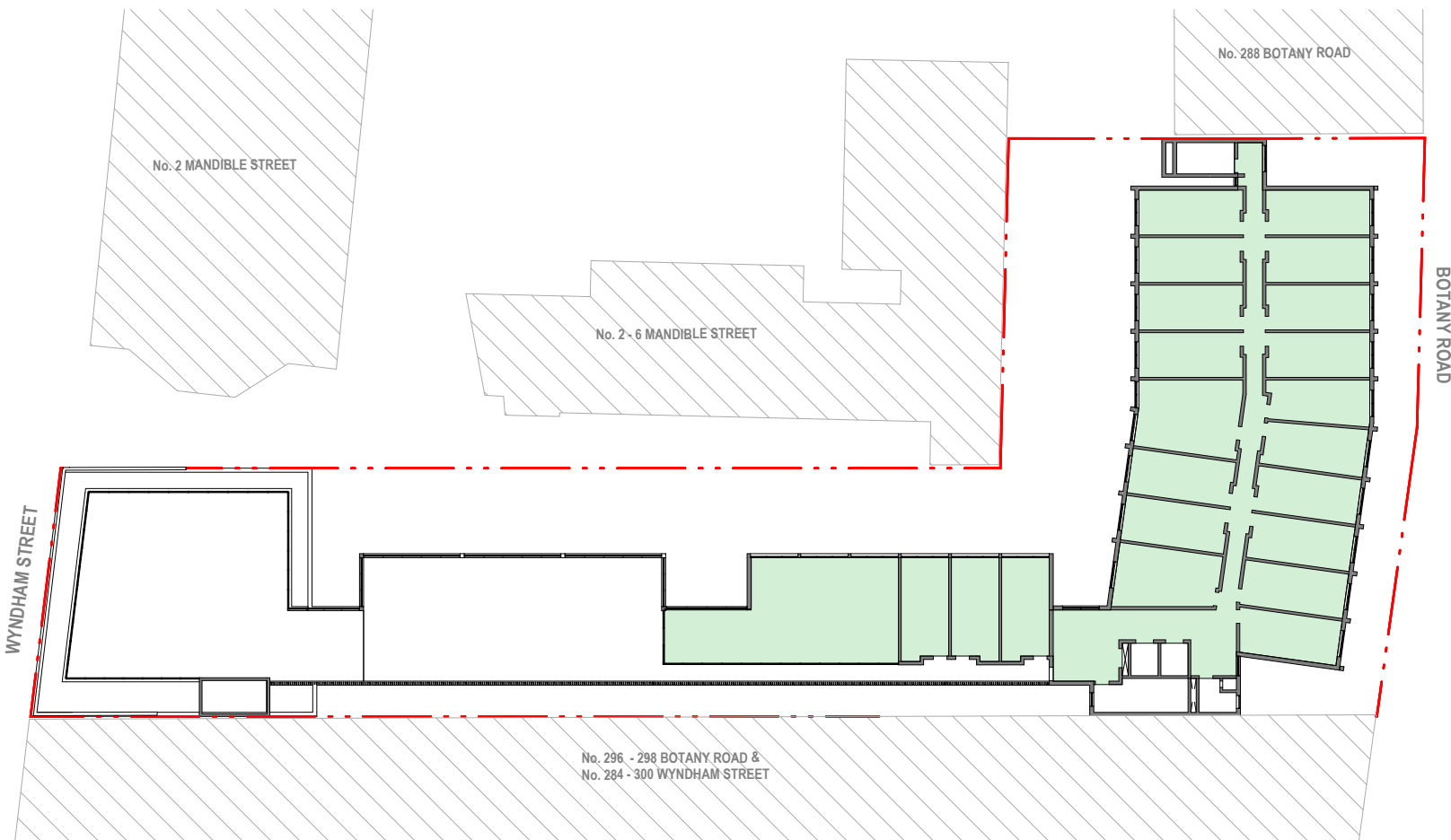
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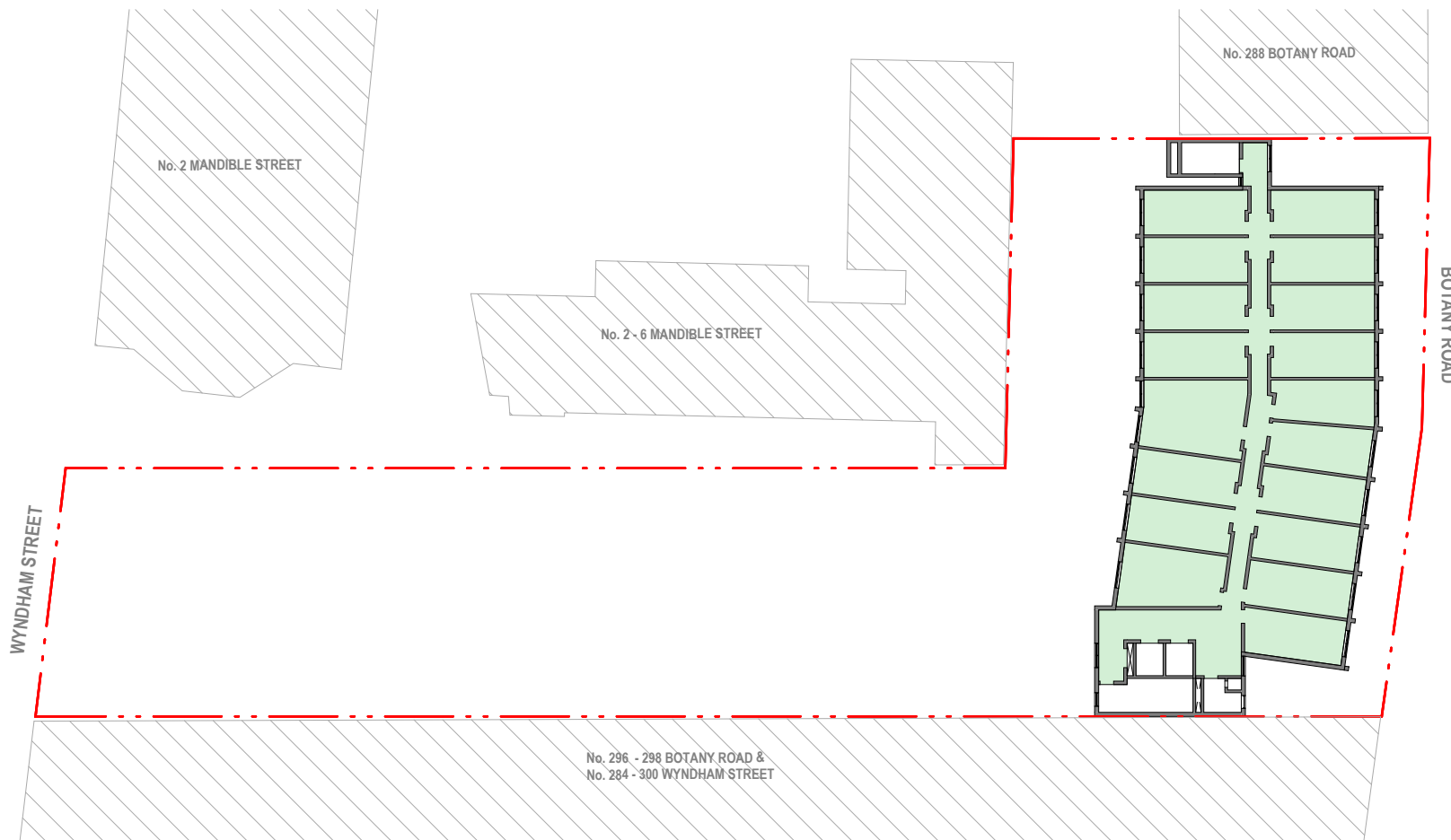
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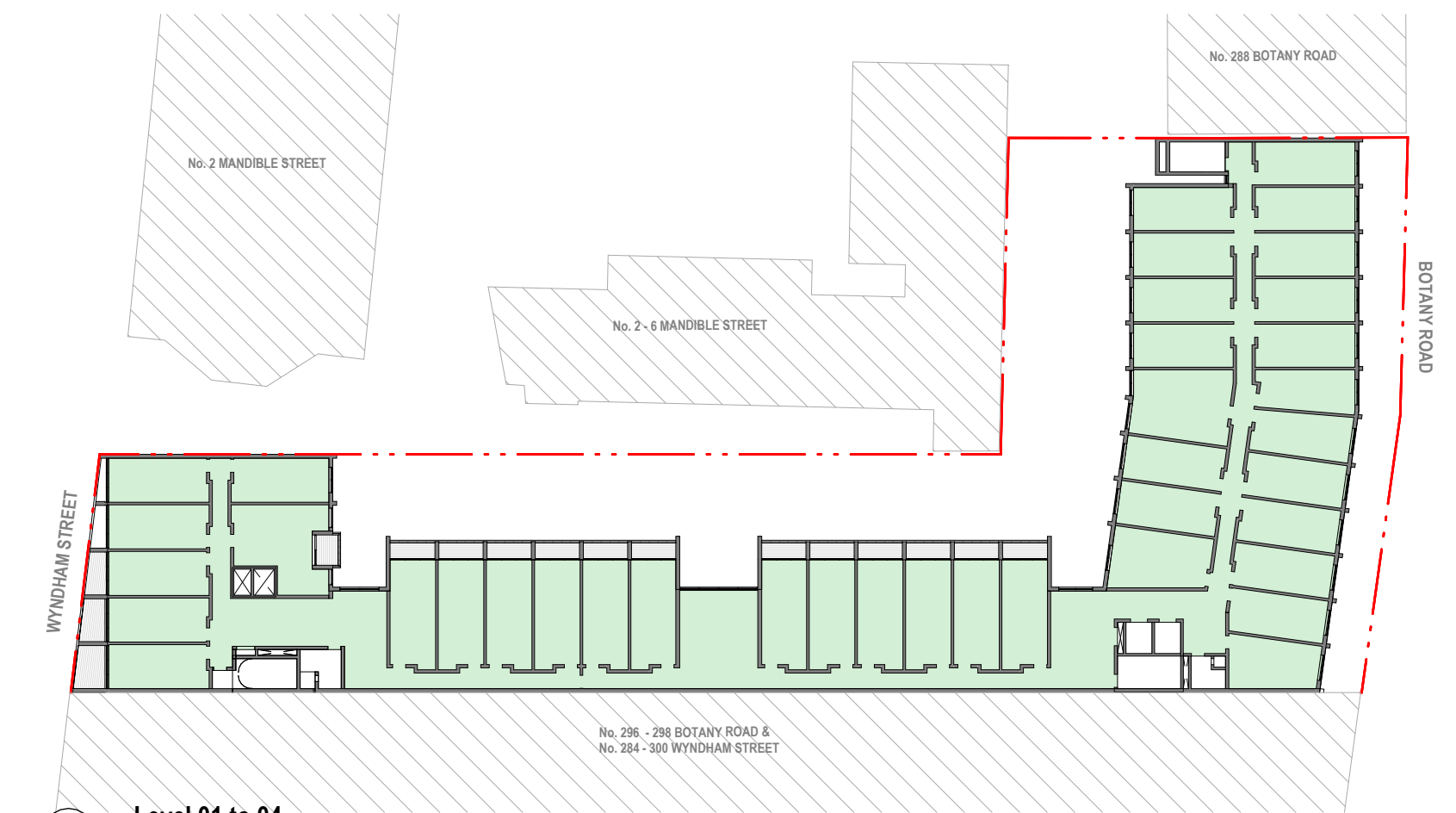
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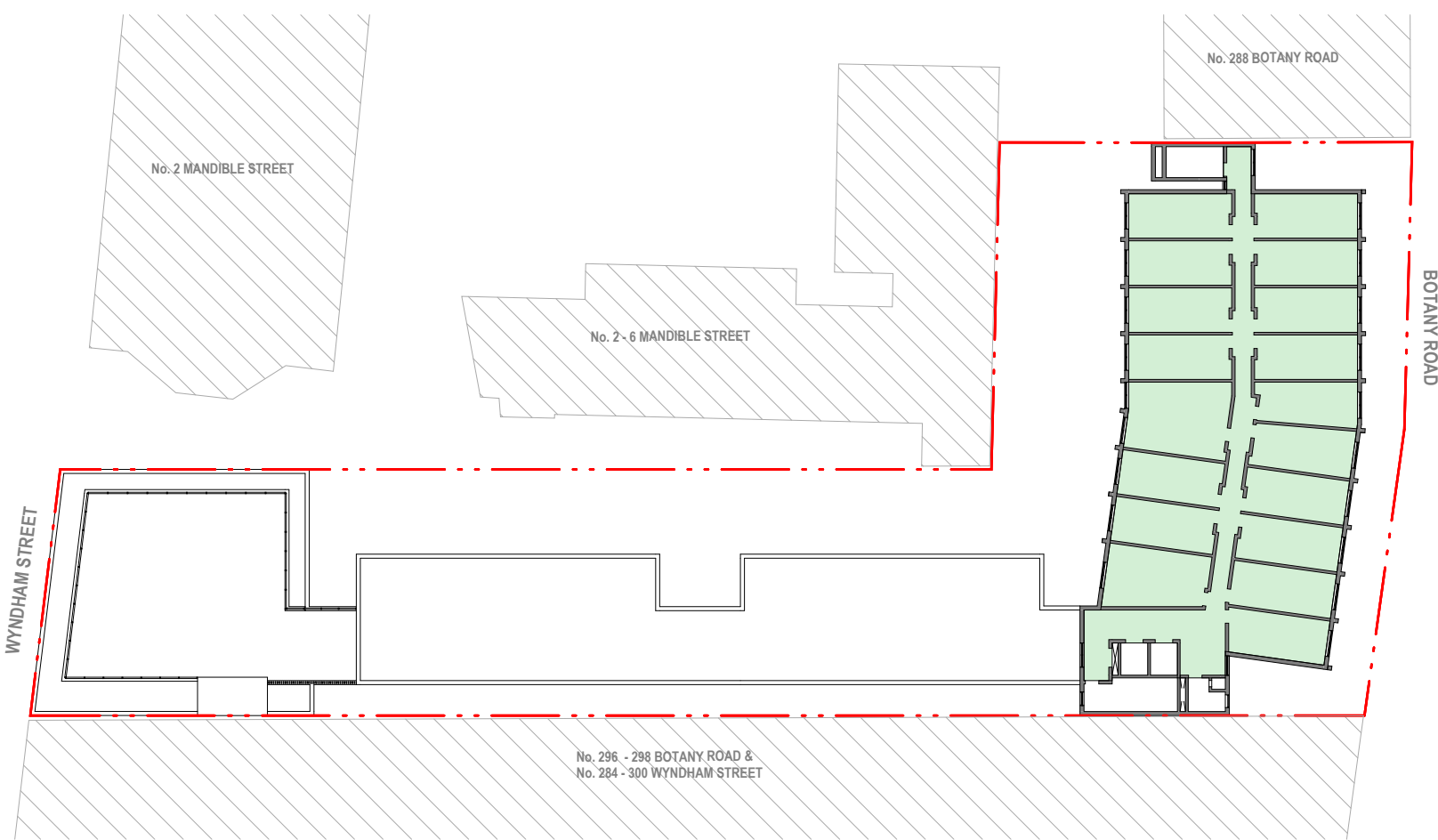
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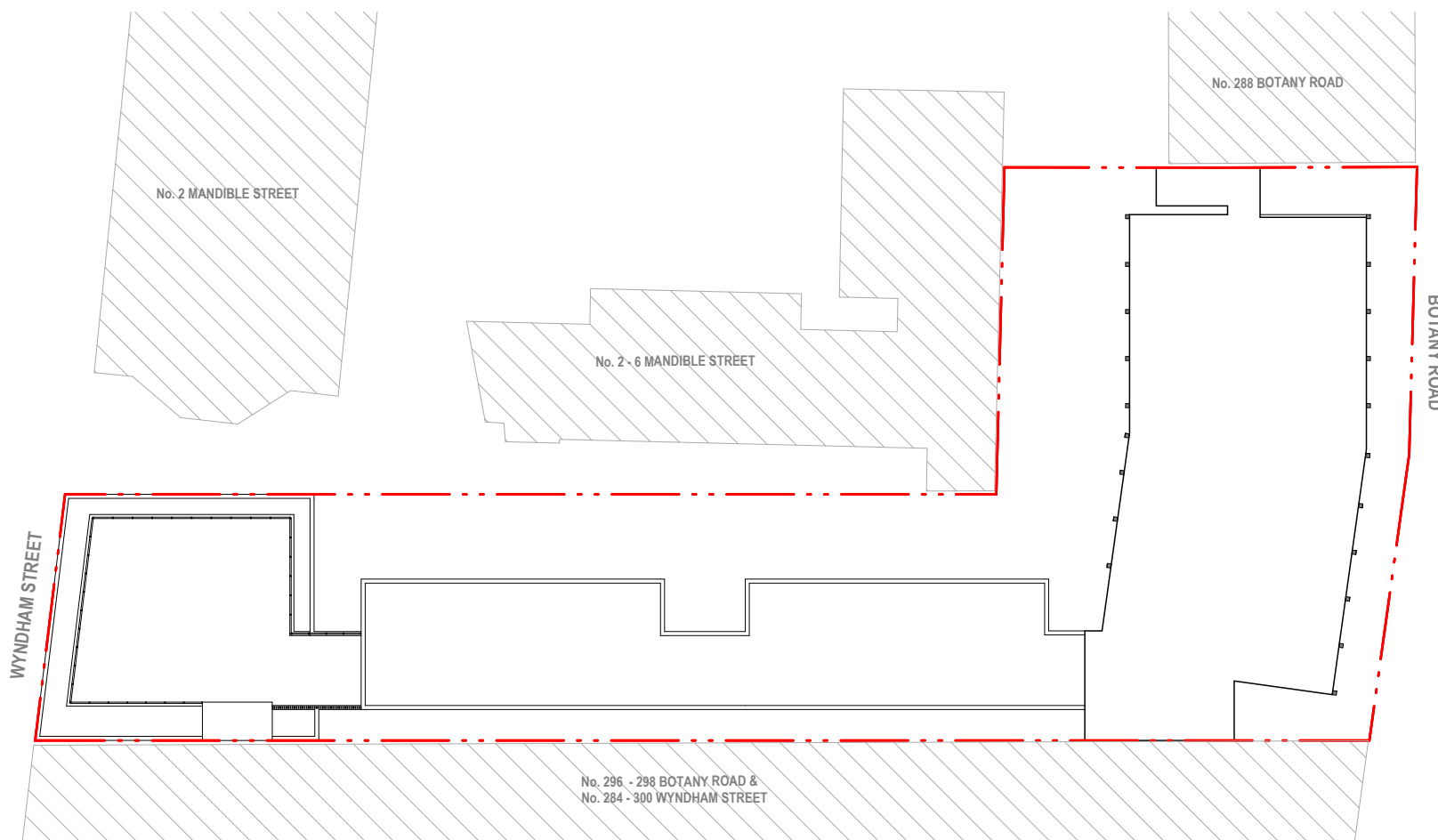
6 Level 08_ 1: 500



3 Level 01 to 04 1: 500



2 Level 07_ 1: 500



10 Roof Level 1: 500

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Nominated Architect: Andreas Antoniaades
NSW Registration 7954

PROJECT PHASE
DEVELOPMENT
APPLICATION STAGE 1

STATUS
PRELIMINARY

PROJECT NO.
22008
PROJECT
BOTANY ROAD
ADDRESS
290-294 Botany Road,
Alexandria
CLIENT
Angreb PTY LTD & Sentra
Investments PTY LTD

DRAWING SERIES
DA6 Design Analysis
DRAWING TITLE
GFA Diagrams

DRAWING NO.
DA6.30
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Scale 1:500

REVISION
D
DRAWN BY
PV
CHECKED BY
ME
NORTH

Attachment D

Clause 4.6 Variation Request – Height of buildings



SYDNEY LEP 2012

Clause 4.6 Exceptions to Development Standards – Height of Buildings

Nos. 290-294 Botany Road, Alexandria

Proposed Demolition of the Existing Buildings and Construction of a Mixed-Use Development

Prepared for	Prepared by	Date	Reference
Angreb Pty Ltd and Sentra Investments Pty Ltd C/- Antoniades Architects Suite 305, Level 3 19A Boundary Street Darlinghurst NSW 2010	GSA Planning	18 August 2026	22249



SYDNEY LOCAL ENVIRONMENTAL PLAN (LEP) 2012

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Angreb Pty Ltd and Sentra Investments Pty Ltd c/- Antoniadis Architects

SITE ADDRESS: Nos. 290-294 Botany Road, Alexandria

PROPOSAL: Proposed demolition of the existing buildings and construction of a mixed-use development comprising retail and co-living units

(i) Name of the applicable planning instrument which specifies the development standard:

Sydney Local Environmental Plan (LEP) 2012

(ii) The land is zoned:

The objectives of the MU1 zone are as follows:

- (a) To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- (b) 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.*
- (c) To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- (d) To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- (e) To ensure land uses support the viability of nearby centres.*
- (f) To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling*

(iii) The number of the relevant clause therein:

Clause 4.3 – Height of Buildings which is stated, inter alia:

(1) The objectives of this clause are as follows—

- (a) to ensure the height of development is appropriate to the condition of the site and its context,*
- (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*
- (c) to promote the sharing of views outside Central Sydney,*
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*
- (e) in respect of Green Square—*
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Note—

No maximum height is shown for land in Area 3 on the Height of Buildings Map. The maximum height for buildings on this land are determined by the sun access planes that are taken to extend over the land by clause 6.17.

(2A) Despite any other provision of this Plan, the maximum height of a building on land shown as Area 1 or Area 2 on the Height of Buildings Map is the height of the building on the land as at the commencement of this Plan.

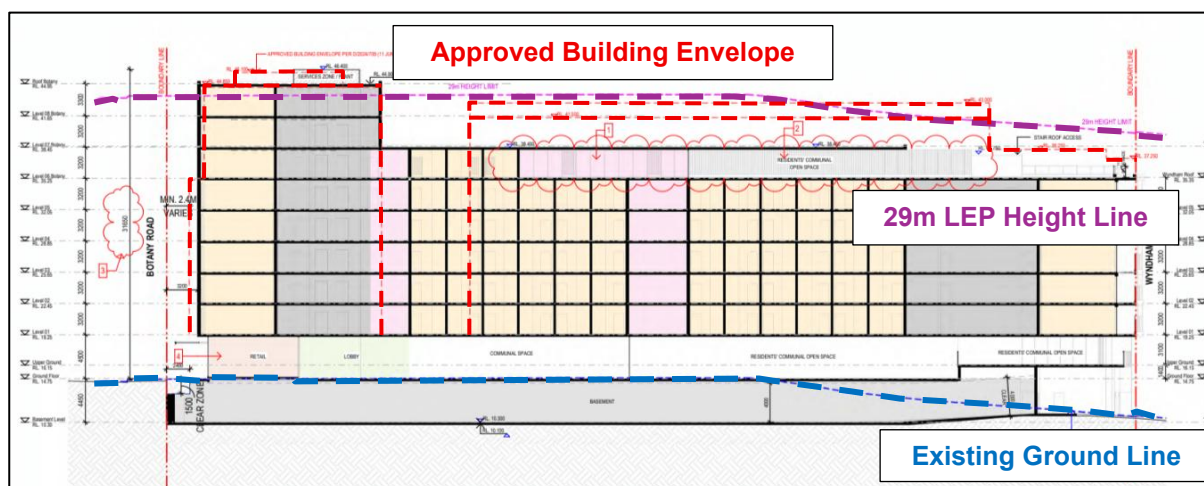
This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

1.0 Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

The original Concept Development Application (Stage 1) was submitted with City of Sydney Council on 26 February 2026. Following discussions with Council, the proposal has been refined to optimise the built form and internal layout. These revisions aim to deliver better amenity outcomes for future occupants of the site.

The primary change from the original submitted proposal is the addition of an additional level to Botany Road resulting in a nine-storey development. This is consistent with the previously approved concept DA (D/2024/709) which involved a 9-storey development fronting Botany Road (see **Figure 1**). Both the previous and current schemes comply with the FSR under the LEP Clauses 6.14 and 6.21D.



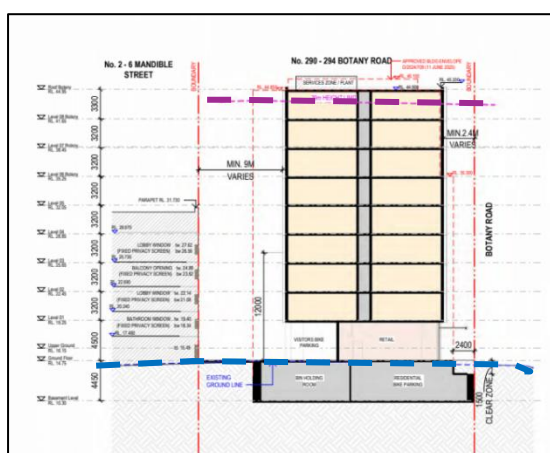
Approved (D/2024/709) & Proposed Development (D/2026/162)
Source: Antoniadis Architects

Figure 1: Approved vs Proposed Built Form

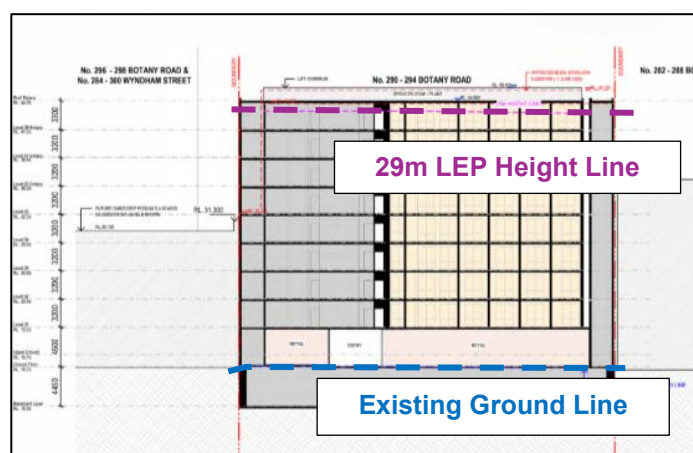
2.0 Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of buildings. This Clause operates in conjunction with the height Map which indicates a maximum 29m applies to the subject site. Clause 4.3 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The proposed mixed-use development complies with the development standard, with the exception of the higher portions of the topmost level (Level 08) fronting Botany Road and the service spaces located on the roof level. The highest point of the development is the service zone (1.45m high) on the roof level which is recessed in from the front building line facing Botany Street at RL 46.40 AHD to the existing ground level immediately below. The building reaches a maximum height of 31.65m (RL 46.40). It exceeds the development standard by 2.65m (see **Figure 1** and **Figure 2**).



Concept Section 3



Concept Section 4

Source: Antoniades Architects

Figure 2: Sections Showing Proposed Building Height

As shown in **Figure 1** and **Figure 2** above, the proposed building height exceedance is confined to the service zone above its roof level and the upper portion of its topmost level (Level 8). The remainder of the proposed development is compliant with the LEP height standard.

An assessment regarding the relationship between the proposal and the approved neighbouring building envelope (DA 2021/319) at Nos. 296-298 Botany Road was undertaken. Development Application (DA 2021/319) for construction of a mixed use development including a two storey commercial podium above the existing approved retail podium and two residential towers containing 255 residential apartments (including 92 dual-key apartments) with associated communal outdoor space and parking. This application was approved on 08 May 2024 by City of Sydney Council.

In comparison to the approved neighbouring building at Nos. 296-298 Botany Road, Tower C, located adjacent to the 9 storey portion of the proposed development fronting Botany Road to the south has a roof level at RL 44.40, which is comparable to the proposed roof level at RL 44.85. Additionally, the highest point of its lift overrun at RL 48.10 is significantly higher than the proposed service zone of the subject site at RL 46.40.

The majority of the height variation arises from the reserved service zones above the roof level, which are essential for the proper operation of the proposed buildings and the provision of high-quality amenity to future occupants. In addition, the proposal accommodates the allowable gross floor area (GFA) gained through the competitive Design Process. The proposed height variation has been strategically designed to minimise visual bulk and scale while accommodating the additional GFA gained through the Competitive Design Process and



adhering to various building envelope controls under the LEP and DCP. These will be detailed discussed below in Section 4 of this report.

3.0 Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

- | | |
|---------------|--|
| Objective (a) | to provide an appropriate degree of flexibility in applying certain development standards to particular development, |
| Objective (b) | to achieve better outcomes for and from development by allowing flexibility in particular circumstances. |

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this particular case. It is our opinion that the proposed building height is appropriate, irrespective of the extent of the height variation.

It is noted that the majority of the height variation is a function of the proposed service zones above the roof level. These service zones are essential for the proper operation of the proposed buildings and for providing high-quality amenity to future occupants. The proposed service zones are reserved as the maximum required space for equipment storage in anticipation of the detailed design in Stage 2. However, they do not represent the actual space that will be utilised. During the detailed design process, the final equipment layout may require less space, resulting in a reduced height exceedance compared to what is depicted in these diagrams.

In addition, the proposal complies with the maximum Floor Space Ratio (FSR) of 3.85:1 for the site, including additional floor space permitted under Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP. As a design competition process will be undertaken prior to the lodgement of a Stage 2 Detailed DA, the proposal is eligible for additional floor space.

The proposed Concept Design has been carefully developed to maximise the allowable GFA while complying with the building envelope controls outlined in the LEP and DCP. However, due to site constraints, achieving the maximum permissible GFA within the 29m building height standard under the LEP presents significant challenges.

Given the site's L-shaped configuration, compliance with DCP setback controls, and the provision of high-quality amenity, including cross ventilation, solar access, and outdoor open spaces, further constrains the ability to fully achieve the permissible GFA within the height limit. If strict compliance with the height standard were required, the majority of the topmost level of the portion of the development fronting Botany Road would need to be removed. This would also result in the loss of the additional GFA granted through the Competitive Design Process, undermining the intent and benefits of the process.

Accordingly, the flexibility of this proposed height variation will facilitate the provision of the reserved service zone necessary for proper operation and accommodate the GFA bonus achieved through the Competitive Design Process. Strict compliance with the height restrictions would unreasonably compromise the design integrity of the building and undermine the intent and benefits established in the LEP.



4.0 Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

4.1 Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (Wehbe), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in Initial Action where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

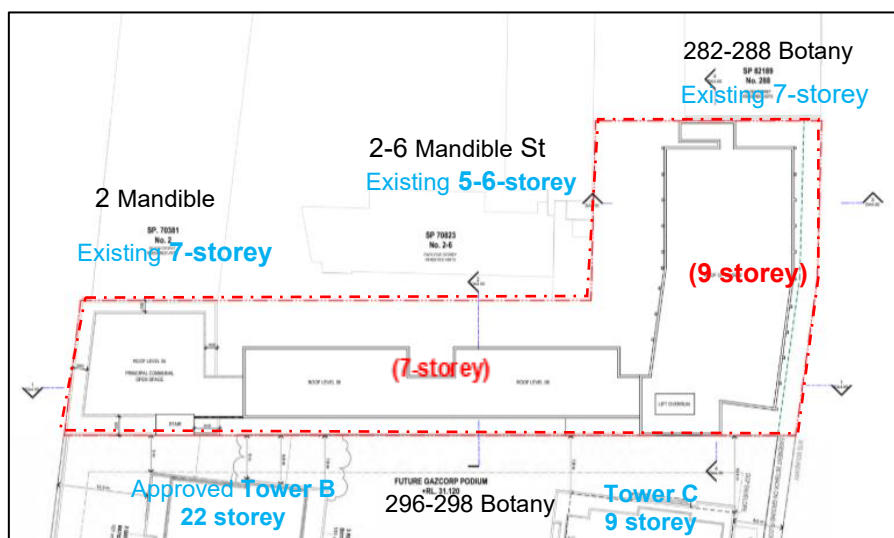
Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable height development standard, the proposal achieves the desired medium density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development achieves the objectives of the height standard are explained on the following pages.

(a) To ensure the height of development is appropriate to the condition of the site and its context,

The proposed mixed-use development has been carefully designed to provide a building height that is appropriate to the condition of this site and its context. The majority of this development is compliant with the LEP building height standard. The variation is limited to the reserved service zone above the roof level, the higher portion of topmost level of the portion of the development fronting Botany Road.

As shown in **Figure 3** on the following page, the existing buildings to the north include No. 282-288 Botany Road (7-storey), No. 2-6 Mandible Street (Street (5-6 Storey) and No. 2 Mandible Street (7-storey).



Source: Antoniadis Architects

Figure 3: Context Diagram

To the south, there is an approved mixed use development (DA2021/319) at Nos. 296-298 Botany Road, containing two 22-storey residential towers (Towers A and B) as well as a nine-storey commercial tower (Tower C) adjacent to the proposed Tower A within the subject site (see **Figure 4** on the following page).

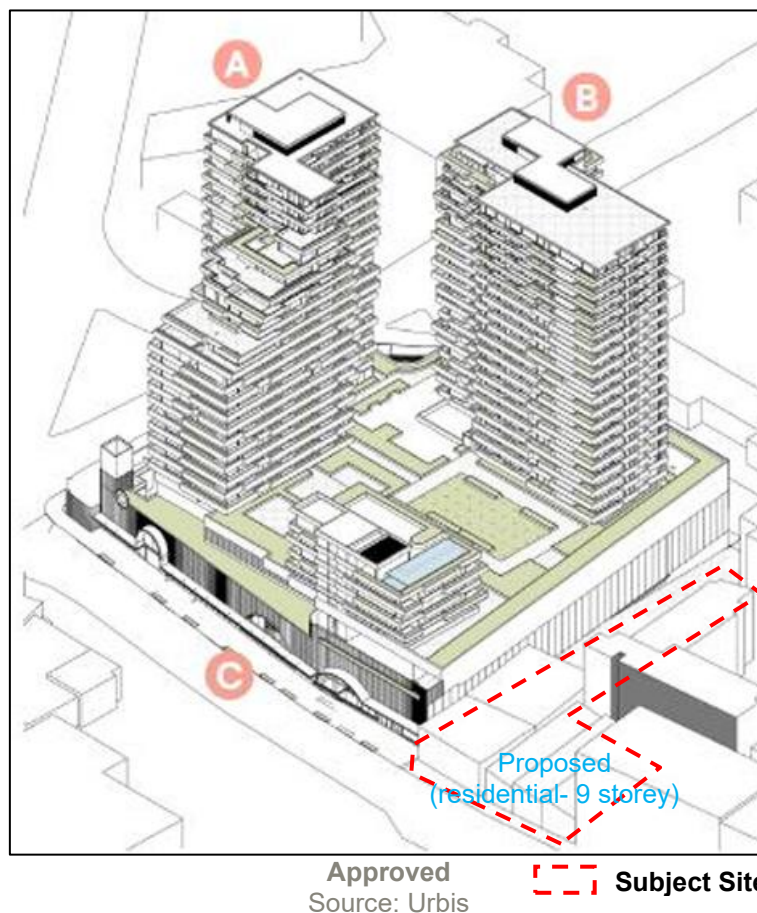
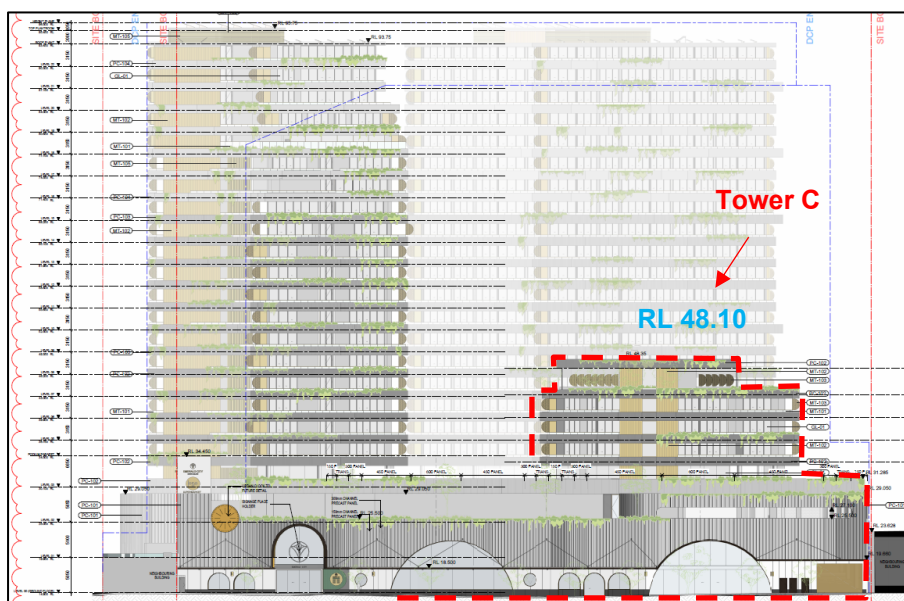


Figure 4: Approved Development of the Southern Neighbouring Site at Nos.296-298 Botany Road (DA 2021/319/A)

When compared to the neighbouring buildings towards the south, the approved DA at Nos. 296-298 Botany Road features two 22-storey residential towers (Tower A and B) and a 9-storey commercial tower (Tower C), which is considerably larger than the proposed development (see **Figure 4**). The approved Tower C has a roof level of RL 44.40, which is comparable to the proposed roof level at RL 44.85. Additionally, the highest point of its lift overrun at RL 48.10 is significantly higher than the proposed service zone of the subject site at RL 46.40 (see **Figure 5** and **Figure 6** on the following pages).



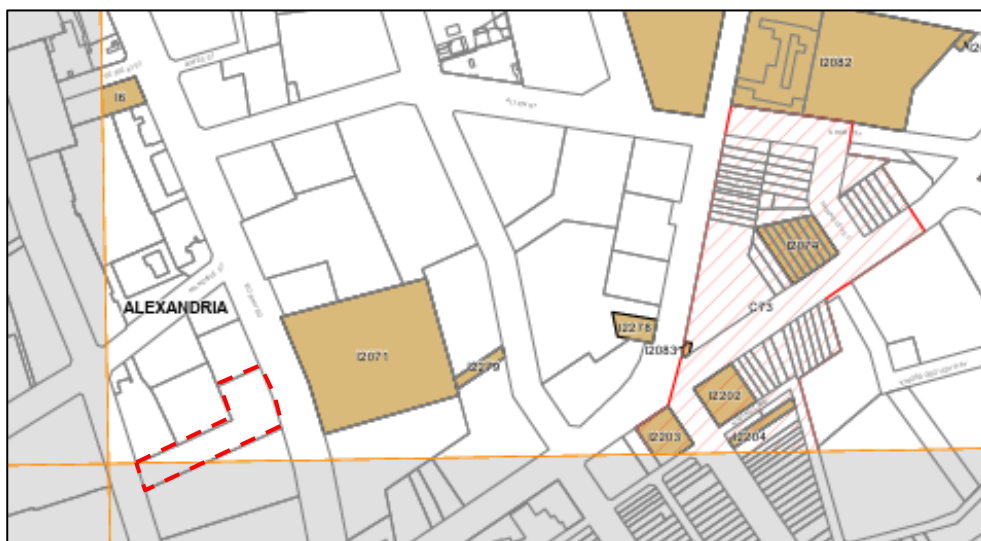
**Figure 5: Submitted Development at No. 296-298 Botany Road
Alexandria**
(Source SJB Architects)

Regarding the buildings towards the north at Nos. 282-288 Botany Road and Nos. 2-6 Mandible Street, although the existing buildings (seven-storey) are two storeys lower than the proposal along Botany Road, it is important to note that these properties can be redeveloped in the future with a maximum allowable building height of 29m. Should a competitive design process be implemented for these sites, a design excellence bonus of up to 10% in building height would be permitted, allowing for a maximum building height of 31.9m, which is higher than the proposed maximum building height of 31.73m for the subject site.

Accordingly, the proposal has been designed with a stepped height and adequate setbacks, which is consistent with the existing and approved developments, and is appropriate to its context. Thus, despite the height variation, the proposed height of the building is appropriate to this condition and will not represent as an overdevelopment of the site.

(b) To ensure appropriate height transitions between development and heritage items and buildings in heritage conservation areas or special character areas,

The site is not identified as a heritage item under the LEP or located within a Heritage Conservation Area, however, the site is located within the vicinity of a heritage item (on the opposite side of the heritage item No. I2071 (see **Figure 6** on the following page). A Statement of Heritage Impact prepared by Weir Phillips Heritage and Planning concluded the proposal is unlikely to affect nearby heritage values.



Source: Sydney LEP 2012

Figure 6: Heritage Map

 **Subject Site**

Given the proposed height variation is limited in size, it will not create any adverse impact on the character of Green Square Town Centre adjacent to the south. When viewed from Wyndham Street, the proposal is compliant with the building height standard. When viewed from Botany Road, the exceedance is limited to the service zone above the roof level and the upper portion of the topmost level. The proposed street height along Botany Road provides an appropriate height transition from the higher building adjacent to the south (DA 2021/319/A), to the existing seven-storey building towards the north.

Accordingly, in our opinion, the proposed building height provides an appropriate height transition between new development and heritage items and will significantly improve the streetscape when compared to the existing situation.

(c) To promote the sharing of views outside Central Sydney

While no significant view corridors are identified in the LEP or DCP, it is worth noting that several developments in the Green Square area, such as Nos. 296-298 Botany Road and buildings further to the east, have heights greater than the proposal. As a result, any potential views from the southern buildings towards the City CBD are likely to be obstructed by these buildings, and the minor nature of the proposed height variation will not further diminish those views. Furthermore, the buildings to the north will not experience any impact on their city views due to their positioning.

Accordingly, given the proposed height exceedance is limited in scale, the proposed height variation is unlikely to adversely impact view sharing with the neighbouring developments.

(d) To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,

As discussed in relation to Objective (b), the proposed building height aligns with the surrounding existing and approved developments, facilitating a suitable height transition along Botany Road and from the Green Square Town Centre to the adjacent area.



(e) In respect of Green Square –

(i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and

The main building envelope of the proposal complies with the LEP building height standard, with the variation restricted to the service zones and the upper portion of the development fronting Botany Road. The additional shadows resulting from the height variation on Botany Road are minimal and are limited to after 2:00 pm on the winter solstice. Given its location and limited extent, the variation is unlikely to affect the amenity of the public domain.

(ii) to ensure the built form contributes to the physical definition to the street network and public spaces.

Given the height variation is limited in size and not readily discernible from the neighbouring development and the public domain, this variation will not have adverse impact on the physical definition of this area's street network or public spaces. Instead, the proposed building height ensures a smooth transition and combined with future high-quality articulation, will positively contribute to the streetscape and the area's overall urban character.

Accordingly, despite the minor height variation, the proposal achieves the relevant objectives of the building height standard outlined in the LEP.

4.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are a number of environmental planning grounds specific to the site and the height non-compliance which justify contravening the development standard in this instance. These will now be discussed.

Consistency in the Context

Consistency in the context is recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097 where Commissioner O'Neill states at [42] that:

I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).

This report demonstrates the proposed development will remain compatible with the desired future character as it complies with the height limit for the entirety of the building envelope, with the exception for the reserved service zones above the roof level and the upper portion of the topmost level of the building fronting Botany Road. This will not have any impact on the character of the area. Instead, the proposed building height creates an appropriate height transition from the Green Square Town Centre to the adjacent area and will significantly improve the streetscape along both Botany Road and Wyndham Street.

When compared to the neighbouring buildings to the south, the previously approved DA for Nos. 296-298 Botany Road includes two 22-storey residential towers (Tower A and Tower B) and a 9-storey commercial tower (Tower C), which is significantly larger than the proposed development. Furthermore, the highest point of the neighbouring nine-storey tower's lift overrun (RL 48.10) (Tower C) is higher than the service zone heights of the proposed development within the subject site.

When compared to the existing buildings to the north at Nos. 282-288 Botany Road and Nos. 2-6 Mandible Street, which are seven storeys high and two storeys lower than the proposal along Botany Road, it is important to recognise their future redevelopment potential. These properties are subject to a maximum allowable building height of 29m. If a competitive design process were undertaken, a design excellence bonus of up to 10% in building height could be granted, allowing for a maximum height of 31.9m, which will be higher than the proposed maximum building height of 31.73m for the subject site.



Accordingly, in our opinion, the proposed building height aligns with the surrounding context and the desired future character of the area. Additionally, it provides an appropriate height transition from the Green Square Town Centre to the adjacent area and will significantly enhance the streetscape along both Botany Road and Wyndham Street.

Good Amenity Outcome

As discussed, the proposed Concept Design has been carefully developed to maximise the allowable GFA while adhering to the building envelope controls set out in the LEP and DCP. However, site constraints, including the L-shaped configuration, make it challenging to fully achieve the maximum permissible GFA within the 29m building height standard under the LEP. Compliance with DCP setback controls and the ADG separation distance requirements, and the need to provide high-quality amenity, such as cross ventilation, solar access, and outdoor open spaces, further limits the potential for maximising GFA.

In response to these constraints and following discussions with Council, the proposal has been refined to optimise the design by improving the built form, enhancing the internal layout and introducing a new level to Botany Road to achieve permissible GFA. These revisions aim to enhance the development's aesthetic appeal, strengthen its relationship with existing and approved neighbouring buildings, and provide better amenity outcomes for future occupants of the site. The proposed height variation has also been strategically designed to minimise visual bulk and scale while accommodating the additional GFA gained through the Competitive Design Process.

The majority of the proposed buildings comply with the height standard, with the non-compliance limited to the reserved service zones above the roof level and the upper portion of the building fronting Botany Road. These service zones are essential for the efficient operation of the buildings and for ensuring high-quality amenity for future occupants. Strict compliance with the height standard would compromise vertical circulation and internal accessibility, as the removal of service zones (including lift overruns, equipment rooms for air-conditioning units, and potential solar panels which can be accommodated within the service zone) would negatively impact functionality and occupant amenity. The proposed design represents a well-considered outcome with no unreasonable adverse impact on the amenity of adjoining properties.

It is noted that these service zones shown in the submitted concept plans are reserved as the maximum required space for equipment storage in anticipation of the detailed design in Stage 2, but do not represent the actual utilised space. The final equipment layout may require less space, potentially reducing the height exceedance.

Minor Nature of Non-compliance and Sloping Topography

As indicated, the non-compliance relates to the reserved service zones above the roof level, as well as the upper portion of Tower A's topmost level. The remainder of the building fully complies with the height standard. Indeed, the proposal also complies with the FSR standard of the LEP, subject to Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP.

Given the nature of the non-compliance and its location, it will not result in any adverse effects on the streetscape or character of the area.

Consequences of Compliance

As outlined, the proposal complies with the FSR development standard, incorporating the additional floor space permitted under Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP. The design competition process, which will take place before lodging the Stage 2 Detailed DA, enables the proposal to benefit from this additional floor space.

The building envelope has been thoughtfully configured to optimise the permitted GFA while maintaining compliance with the LEP and DCP. However, site constraints make it difficult to achieve the full GFA potential within the prescribed 29m building height limit. The proposed height variation has been carefully managed to balance design excellence with minimising visual bulk and scale while incorporating the additional floor space granted through the Competitive Design Process.



Enforcing strict adherence to the height standard would necessitate the removal of a significant portion of the uppermost level, directly impacting the feasibility of the additional GFA and ultimately contradicting the objectives of the Competitive Design Process.

Strict compliance would unreasonably impact the design integrity of the building and internal amenity for the future occupants of the site, without noticeably benefiting surrounding properties or the public domain. To achieve a fully compliant building height would require either reducing the compliant floor-to-ceiling heights and floor-to-floor heights, and removing the whole reserved service zones, which will result in a poor planning outcome.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

5.0 Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the proposed mixed-use development objectives of the MU1 Mixed Use Zone pursuant to the LEP. On that basis, the request to vary Clause 4.3 should be upheld.

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Table 1: Compliance Matrix

Para (Initial Action)	Requirement	Section of this Report	Summary	Satisfied
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.3: Height of Buildings	
12	What is the control	1 & 2	29m	
14	First Precondition to Enlivening the Power – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	1st Positive Opinion – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	First Aspect is Clause 4.6(3)(a) - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> .	5.1	The proposal satisfies Tests 1 of <i>Wehbe</i> : - The objectives of the standard are achieved notwithstanding the non-compliance with the standard; - The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	YES
23-24	Second Aspect is Clause 4.6(3)(b) – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: - The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. - The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	- Sufficient environmental planning grounds include, inter alia: - The proposed height facilitates a mixed-use development, which is consistent with the planning objectives of the area; - The majority of the height variation is caused by the reserved service zones above the roof level, which are for the efficient operation of the buildings and for ensuring high-quality amenity for future occupants. - To ensure full compliance would necessitate reducing the compliant floor-to-ceiling heights, removing the necessary service zones or increasing excavation, which would significantly impact the building's internal amenities, including the future occupants access to the rooftop communal open spaces, and would be unlikely to benefit neighbours;	YES



			• The proposed area of height non-compliance does not adversely impact the neighbours' amenity; • The proposed height allows for new dwellings to contribute to a desirable housing mix and allows for eligible floor spaces permitted from Competitive Design Process to be accommodated; and The non-compliance contributes to the good design and amenity of the development. This is consistent with Object (G) of the EPA Act.	
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Attachment E

Public Benefit Offer

APPLICANT'S PUBLIC BENEFIT OFFER IN CONNECTION WITH A DEVELOPMENT APPLICATION

This is an offer by: Angreb Ply Ltd/ Sentra Investments Ply Ltd (The developer)

For: Concept approval for a part 7/ part 8 storey mixed-used development with a co-living residential component. The development consists of 232sqm of retail space and 9032 sqm of residential space that includes bicycle storage and EOT facilities, 1 level of basement parking, storage and servicing, associated landscaping, and public domain works.

The co-living portion of the development will be located mostly above ground level with a portion of communal space at ground level, held in single ownership and professionally managed. The development would provide an extensive contribution to the Green square's community with an emphasis on providing rental housing in the area; whilst addressing housing supply shortage, improving cultural and social aspects, and providing a benefit to the community infrastructure, details of which are outlined below.

At: 290 – 294 Botany Road, Alexandria – The land legally described as Lot 1 DP 82006 and Lot 1 DP85829.

This offer is made with the consent of the registered owners of the land. The general nature and extent of the provision to be made under the offer, the time or times and the manner by which the provision is to be made are as follows:

1. Land dedication – an excuse of 102.804sqm of land area from 290-294 Botany Road, Alexandria from street level up only, and to dedicate to the City of Sydney Council for the purposes of footpath widening along Botany Road.
2. Provision of services within the boundaries of 290-294 Botany Road, Alexandria including cut and demolish existing roads and excavation, concrete pipework, backfill, connection to existing main, surcharge inlet pits, street lighting to be connected into existing grid in consultation with

the City of Sydney Council.

3. A necessary remediation of the subject site in accordance with the recommendations of the relevant Remedial Action Plan/s to be prepared and submitted along with the Stage 2 Detailed Development Application.
4. Construction of the civil works required to deliver the above.

The Tables below provides further details of the material public benefits:

Site Area	2,561.1m ²	Package of Public Benefits	Value (Exe. GST)
Base FSR permitted by LEP/DCP (Excluding Design Excellence potential)	2:1 / (5,122.2m²)	Public Domain Works to be completed during construction	\$907 x 102.8m ² = =\$93,239.6
FSR bonus			
Amount of additional FSR / FSA sought:-	1.5:1 / (3,841.65m²)	Dedicated Land (102.8m ²)	\$200 x 102.8m ² = \$20,560.00
Additional FSA rate (incl. GST) :-		Balance of community infrastructure	\$TBC
(1) Residential floorspace (TBC% of site area)	\$475 per m ² x TBC m ² = \$TBC	Total value of package of public benefits	\$TBC
(2) Retail floorspace (2.35% of site area)	\$275 per m ² x 90.28m ² = \$24,5826.66		
(3) other non-residential Floorspace (x% of site area)	\$200 per m ² x TBC m ² = TBC		
Total value of additional FSR	\$TBC		

It is intended that the benefits under the offer do not include development contribution under section 7.11 of the Environmental Planning and Assessment Act 1979.

It is intended that should development consent be granted, this offer will be consolidated and crystallised into a voluntary Planning Agreement with the Council.

The agreement will comply with the requirements of the Environmental Planning and Assessment Act and Regulations, and contain mechanisms for completion of any works and / or land dedication. The Planning Agreement may be registered with NSW Land Registry Services (LRS).

Name of Applicant : Angreb Pty Ltd / Sentra Investments Pty Ltd

Signature of Applicant

Date: 20/02/2026

Name of all Registered Owner(s) THEO CHRISTOFOROU

Signature of all Registered Owner(s)

(Owners which are companies must indicate consent by signing under seal or as otherwise authorised under Corporations Law.)

Date 20.2.2026

Attachment F

Design Excellence Strategy



Design Excellence Strategy for a Proposed Mixed-Use Development Comprising retail and Co-living Units - No. 290-294 Botany Road, Alexandria

Date	Our Reference
26 August 2026	22249

1.0 Introduction

This Design Excellence Strategy (Strategy) has been prepared for Antoniades Architects by George Karavanas Planning Pty Ltd – (hereafter referred to as GSA Planning). This strategy accompanies a Concept Development Application (DA) for a new mixed-use development at Nos. 290-294 Botany Road, Alexandria.

The purpose of this Strategy is to establish the framework for the competitive design process to deliver the highest standard of architectural, urban and landscape design.

This Strategy has been prepared in accordance with the Sydney Local Environmental Plan 2012 (SLEP), Section 3.3.2 of the Sydney Development Control Plan 2012 (SDCP) and the City of Sydney Competitive Design Policy (the Policy).

The proposed development at Nos. 290-294 Botany Road, Alexandria, is guided by *Sydney Local Environmental Plan* (SLEP) and Sydney Development Control Plan (DCP) 2012, aiming to achieve an enhanced urban outcome characterised by high-quality building design and public spaces. Cause 6.21D of SLEP demonstrates that a building demonstrating design excellence in design competitions is eligible for an amount of additional floor space (up to 10%).

In accordance with Section 1.2 of the Policy and Section 3.3.2 of the SDCP, this Design Excellence Strategy defines:

- The location and extent of the competitive design process where each competitive design process is to be limited to a single development site or street block;
- The type of competitive design process to be undertaken:
 - an architectural design competition, open or invited; or
 - the preparation of design alternatives on a competitive basis.
- The number of designers involved in the process(es);
- How fine grain and architectural design variety is to be achieved across large sites;
- Options for distributing any additional floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a competitive design process;

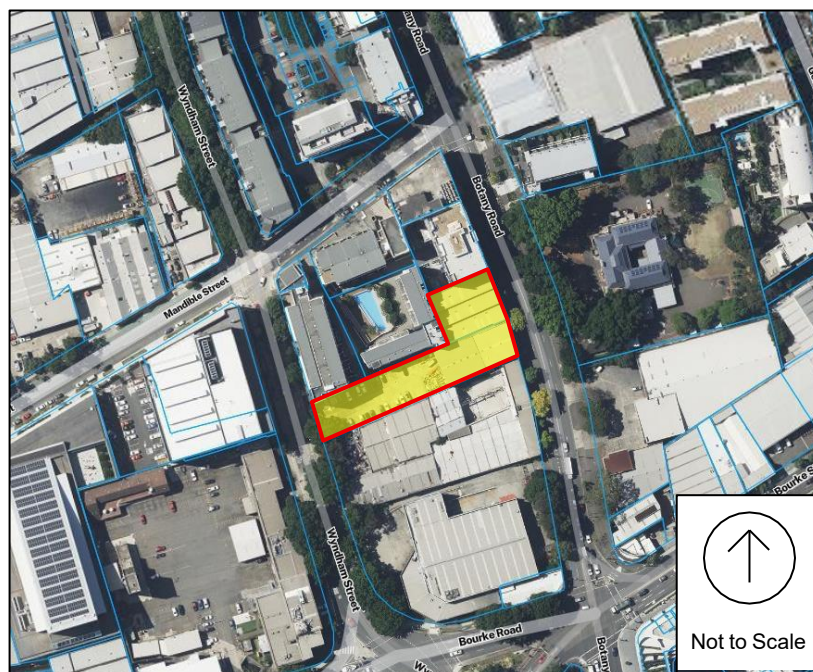
- Whether the competitive design process is pursuing additional floor space or height; and
- The target benchmarks for ecologically sustainable development.

Note: Nothing in this Strategy represents an approval from the Consent Authority for a departure from the relevant SEPPs, SLEP 2012, SDCP 2012 or Stage 1 (concept) consent. Where there is any inconsistency, the SEPPs, LEP, DCP and Stage 1 (concept) consent will prevail.

2.0 Location and Extent of the Competitive Design Process

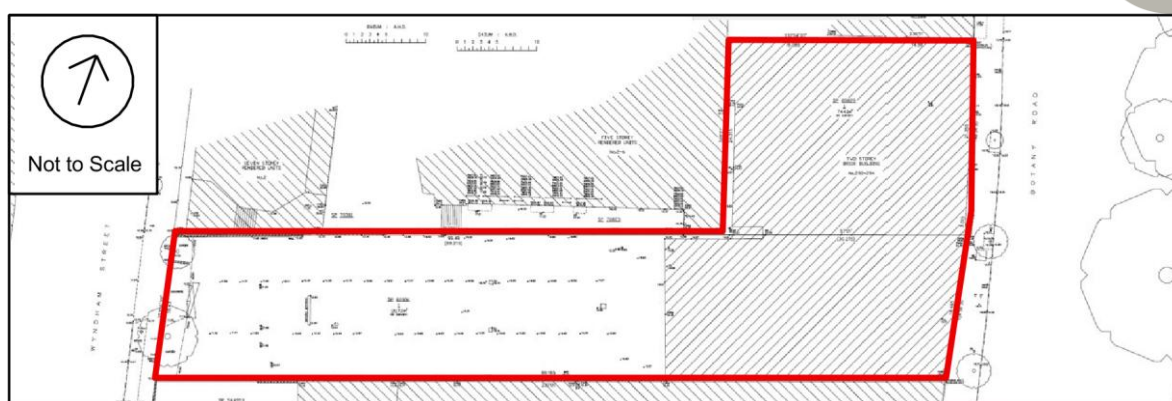
The site is located between the western side of Botany Road and the eastern side of Wyndham Street, and is known as Nos. 290- 294 Botany Road, Alexandria and described as Lot 1 in DP82006 and Lot 1 in DP85829.

The competitive design process will apply to the whole of the site, as shown in **Figure 1 & 2** below.



Source: SDT Explorer

Figure 1: Location and extent of the competitive design process



Source: Hill & Flume

Subject Site

Figure 2: Survey Plan

3.0 Design Excellence Strategy

3.1 Type of competitive design process

The proponent has elected to undertake an invited competitive design alternatives process (competitive process).

3.2 Competitors

The proponent will appoint a minimum of three (3) competitors. The selection of competitors will be undertaken in consultation with the City of Sydney (City) and will:

- Include a range of emerging and established architectural practices;
- A minimum of 50% of competitors to be Australian based architects. For the purposes of being considered an 'Australian based architect', where a competitor is a consortium, partnership or other joint authorship, the Australian local firm must be the principle/lead design architect.
- The selection of the architects in the competitive processes will be undertaken in consultation with the City. Each competitor will be a person, corporation or firm registered as an architect in accordance with the *NSW Architects Act 2003*, or in the case of interstate or overseas Competitors, eligible for registration with their equivalent association.
- Require each competitor 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 equivalent professional association.

3.3 Competitive Design Alternative Brief

In preparing the Competitive Design Alternative Brief (brief), the Proponent will ensure that:

- All details about the conduct of the competitive process brief are contained within the brief and no other document.
- The brief and appendices have been reviewed and endorsed by the city prior to the commencement of the competitive process and its distribution to competitors.
- The brief is in accordance with the City's Model Competitive Design Process Brief and the Policy.



3.4 Selection Panel and Observer

- a) The selection panel will comprise a total of four (4) members constituting;
 - a. Two (2) City nominated members; and
 - b. Two (2) Proponent Representatives
- b) Selection Panel members are to:
 - a. Represent the public interest;
 - b. Be appropriate to the type of development proposed;
 - c. Include only persons who have expertise and experience in the design and construction profession and industry; and
 - d. Include a majority of registered architects with urban design expertise.
- c) The Chair of the Selection Panel will have expertise in architecture and urban design and be a recognised advocate of design excellence.

The city will nominate an observer(s) of the competitive design alternatives selection process. The observer must be provided with reasonable notice to attend all meetings involved with the competitive design alternatives selection process. The role of the observer is to verify that the competitive process has been followed appropriately and fairly.

The selection panel's decision will be via a majority vote and will not fetter the discretion of the consent authority in its determination of any subsequent DA associated with the site that is the subject of this competitive process.

3.5 Design Integrity

The architect of the winning scheme as selected by the Selection Panel will be appointed by the proponent as Design Architect. Where the winning architect is a consortium, partnership, or other joint authorship, each must retain representation and a leadership role in all processes following.

To ensure design continuity and excellence of the winning scheme is maintained throughout the development process, as a minimum the Design Architect is to:

- Prepare a Development Application for the preferred design;
- Prepare the design drawings for a construction certificate for the preferred design;
- Prepare the design drawings for the contract documentation;
- Maintain continuity during the construction phases through to the completion of the project;
- Provide any documentation required by the consent authority verifying the design intent has been achieved at completion; and
- Attend all marketing meetings and meetings that pertain to design issues with the community, authorities, and other stakeholders, as required.

The winning architect may work in association with other architectural practices but is to retain a leadership role over design decisions.

3.6 Proposed Allocation of up to 10% Additional Floor Space

The proponent will pursue up to 10% additional floor space under clause 6.21D(3)(b)(i) of the SLEP, the distribution of which will be explored through the competitive process and is to be consistent with the Concept DA consent and relevant provisions of the SLEP and SDGP.



Any additional floor space pursued under clause 6.21(3)(b)(i) of the SLEP must not result in a breach of the maximum height approved under the concept DA.

Nothing in this document is to be taken as an approval or endorsement of the potential additional floor space available under clause 6.21(3)(b)(i) of the SLEP.

3.7 Ecologically Sustainable Development (ESD) Targets

The Environmental Performance Targets for the proposed development are outlined as follows:

- An all-electric building, with no on-site fossil-fuel use; and
- Minimum operational performance targets of 4 Star NABERS Energy and 3 Star NABERS Water for the co-living portion of the development.

Item 6.

Post Exhibition - Planning Proposal - Modern Residential Flat Buildings Heritage Items - Sydney Local Environmental Plan 2012 Amendment

File No: X109515

Summary

Since 2019, there has been considerable interest from current and former City of Sydney Councillors, community members and community groups to recognise the heritage significance of modern (1945-1975) residential flat buildings through a local heritage listing. In recognition of this, the City of Sydney Council engaged Godden Mackay Logan (GML Heritage) to prepare an independent heritage study of these buildings. In December 2024, Council and the Central Sydney Planning Committee approved a planning proposal to heritage list 9 Modern Residential Flat Buildings.

The Planning Proposal was exhibited between 17 November and 15 December 2025. We received a total of 351 pieces of individual feedback which were included in 124 submissions.

Those supporting the proposal highlighted the architectural importance of the buildings, their innovative design, considerate interiors, amenities and contribution to the character and social diversity of the area. They submitted that listing them is an appropriate and important way to recognise the important postwar principles that have shaped the character of the city and are still used in contemporary architectural design today. They noted that heritage listings will broaden recognition of 20th-century heritage, celebrate a distinctive group of harbour-side apartments, and preserve their contribution to Sydney's cultural and architectural history.

Those opposing the proposal argued that heritage listing the buildings would introduce unnecessary constraints, complexity and financial burdens for the future use and adaptation of the properties, without delivering meaningful conservation outcomes.

Some submissions argued that individual properties did not meet the NSW heritage significance criteria and were typical examples of buildings constructed during the postwar period. Other submissions raised concerns that a heritage listing would reduce property values and increase financial costs for maintaining and insuring the buildings.

The public exhibition period and associated consultation with property owners provided additional opportunities for the significance and integrity of these buildings to be considered.

This report recommends 8 of the 9 buildings should be listed as they demonstrate local heritage significance as exceptional and highly representative examples of postwar residential architecture in Sydney. Designed by leading architects including Harry Seidler, Hugo Stossel, Theodore Fry and Douglas Snelling, the buildings exhibit high-quality architectural design, innovative planning responses, distinctive structural expression and a strong focus on light, outlook, ventilation and resident amenity.

Collectively, they embody the key design principles, technical innovation and lifestyle aspirations that shaped apartment living in Potts Point, Elizabeth Bay and Rushcutters Bay during this period. The buildings recommended for listing are:

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

Taken together, these buildings represent the most accomplished and enduring examples identified through the City's targeted review and satisfy the threshold for local heritage significance under the NSW heritage assessment criteria, warranting their inclusion as local heritage items in Sydney LEP 2012.

In response to submissions received during public exhibition, the item names and inventory sheets for the 8 properties have been revised. Notably, item names now exclude apartment interiors – except for apartment 1001 in *Ithaca Gardens*. Detailed, building specific management recommendations have also been included in each building's inventory sheet. The changes have been made to clarify the meaning of a heritage listing and simplify the process of making changes to each property for owners and property managers.

Notwithstanding the above, the interior of apartment 1001 has been included in *Ithaca Gardens'* proposed listing in order to align with the building's recent inclusion in the NSW State Heritage Register (SHR) listing. For this building, the SHR listing explicitly includes apartment 1001's interiors, an original unit still owned by the Seidler family, and which has retained its original fixtures and fittings.

It is recommended that the Central Sydney Planning Committee does not proceed with the listing of the final building - *Gateway*, at 3 Wylde Street, Potts Point. On the basis of submissions and further inspection and assessment, it has been concluded that the building does not demonstrate sufficient heritage significance, integrity or rarity to warrant individual listing. This is supported through a comparison with stronger examples identified through the study.

This report recommends the Central Sydney Planning Committee approve the amended Planning Proposal to list the 8 sites as heritage items. If approved, Council is the designated local plan making authority and can proceed to finalisation. The amendment to the Sydney LEP 2012 will come into effect when it is published on the NSW Legislation website.

Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee note the Engagement Report highlighting the submissions received during the public exhibition of the Planning Proposal - Modern Residential Flat Buildings Heritage Items, shown at Attachment A to the subject report
- (B) the Central Sydney Planning Committee approve the amended Planning Proposal - Modern Residential Flat Buildings Heritage Items, shown at Attachment B to the subject report, to be made as a local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the amended Planning Proposal - Modern Residential Flat Buildings Heritage Items shown at Attachment B to the subject report, to correct any drafting errors prior to finalisation of the local environmental plan.

Attachments

Attachment A.	Engagement report - Proposal to heritage list 9 modern apartment buildings
Attachment B.	Amended planning proposal - Modern residential flat buildings heritage items
Attachment C.	Modern residential flat buildings - Targeted heritage study (GML Heritage)
Attachment D.	Revised inventory sheet - Gemini, 40-44 Victoria Street, Potts Point
Attachment E.	Revised inventory sheet - St Ursula, 5 Onslow Avenue, Elizabeth Bay
Attachment F.	Revised inventory sheet - Oceana, 108 Elizabeth Bay Road, Elizabeth Bay
Attachment G.	Revised inventory sheet - Ithaca Gardens, 12 Ithaca Road, Elizabeth Bay
Attachment H.	Revised inventory sheet - Bayview, 41-49 Roslyn Gardens, Elizabeth Bay
Attachment I.	Revised inventory sheet - Aquarius, 50–58 Roslyn Gardens, Rushcutters Bay
Attachment J.	Revised inventory sheet - Roslyn Gardens, 74-76 Roslyn Gardens, Rushcutters Bay
Attachment K.	Revised inventory sheet - 1-5 Clement Street, Rushcutters Bay
Attachment L.	Gateway determination - dated 30 September 2025
Attachment M.	Council and Central Sydney Planning Committee resolutions

Background

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.
2. In response, the City of Sydney (the City) engaged Godden Mackay Logan (GML) Heritage to assess the heritage significance of a targeted selection of 18 modern residential flat buildings in Potts Point, Elizabeth Bay and Rushcutters. This occurred in 2 stages (Stage 1 and Stage 2).
3. Stage 1 involved a preliminary heritage assessment for each of the 18 buildings. Through this process, it was decided that only 15 buildings warranted further heritage investigation. Stage 2 involved detailed heritage assessments for the 15 potentially locally significant buildings.
4. Throughout Stage 2, the City of Sydney notified each building's respective strata managers, strata committees and owners corporations. Notifications included requests to engage with property owners to discuss the heritage study, heritage listing process and carry out site visits.
5. City of Sydney staff and members of the GML team met with strata committee and owners corporation representatives from 9 of the 15 buildings. These meetings took place at the buildings or online.
6. Through the Stage 2 heritage assessments and site visits, GML identified 9 buildings that potentially met the threshold for local significance under the NSW heritage assessment criteria and warranted inclusion as individual heritage items.
7. In November 2025, the Central Sydney Planning Committee and Council resolved to seek a gateway determination and exhibit the planning proposal to heritage list the 9 buildings. The background and pre-exhibition report can be found here:
<https://meetings.cityofsydney.nsw.gov.au/mgAi.aspx?ID=17122#mgDocuments>
8. The Department of Planning, Housing and Infrastructure approved public consultation for the planning proposal in its gateway determination (Attachment L), issued on 30 September 2025. It also authorised the Council to exercise the functions of the local plan making authority.
9. The planning proposal to heritage list the 9 buildings was publicly exhibited from 17 November to 15 December 2025. A Sydney Your Say webpage was created to support consultation. A total of 3,450 letters were distributed to notify adjoining properties. Separately, 33 stakeholders including property owners were emailed on 17 November 2025. The Sydney Your Say page was visited 866 times and there were 359 downloads of the exhibition documents during this period.
10. We received a total of 29 submissions via email, 93 via online survey and one via mail. The engagement report, including a summary of submissions, can be found at Attachment A.
11. All building owners were contacted about the consultation and all but one (*Ithaca Gardens*) made a submission.

Key findings

Submissions about heritage listing of all 9 buildings

12. A total of 22 submissions supported heritage listing all 9 buildings. Reasons for support included their:
- Architectural importance of the buildings including their innovative design, considered interiors and amenity and their contribution to the character and social diversity of the area
 - Ability to demonstrate new structural techniques, progressive facade treatment, dual-aspect layouts, use of balconies and glazing, and natural ventilation as primary design devices
 - Importance as fine examples of early high-density residential living in Sydney and significance of each building as distinctive, accessible and culturally valuable examples of Sydney's urban heritage that enrich the local landscape
 - Value of broadening the recognition of twentieth-century heritage and recognising the innovative postwar design principles that shaped the character of the City and are still used in contemporary architectural design today
 - Ability to reflect the diverse history of the area and the construction of buildings containing small sized apartments suitable for a broad range of residents in Sydney's changing social and economic landscape during the postwar period
13. A total of 5 submissions objected to heritage listing all 9 buildings. Reasons for their objection included:
- Heritage listing the 9 buildings will increase restrictions and costs on improvement works to buildings in an area that is already in need of building upgrades and further development to increase the number of units required to house Sydney's growing population.
 - The buildings proposed for listing do not aesthetically contribute to the area and are not significant because they are modern buildings.
 - Several of the buildings have poor built form, solar access and aesthetic quality.

Submissions about heritage listing of Gateway, 3 Wylde Street, Potts Point

14. A total of 27 submissions supported *Gateway's* heritage listing for the following reasons:
- (a) *Gateway* is a highly characterful apartment building that responds innovatively to its unusual site, demonstrating an exemplary mid-20th century design approach that remains relevant to contemporary architecture.
 - (b) Designed by postwar architect Douglas Forsyth Evans, *Gateway's* distinctive portal slab construction and architectural character contribute to the neighbourhood's identity and represent an important part of its history.

15. A total of 33 submissions were made by members of the public and unit owners in objection to the *Gateway* building's heritage listing. Reasons outlined in these submissions were also presented in a submission made on behalf of the Board of the Gateway Pty Ltd and Shareholders.
16. The submission made on behalf of the Board of the Gateway Pty Ltd and Shareholders opposed the heritage listing for the following reasons:
 - (a) The building does not satisfy the NSW heritage significance criteria, is not a rare or outstanding example of mid-century architecture and is identified as a "detracting" building in the Sydney DCP.
 - (b) The building has structural issues and water ingress problems.
 - (c) The heritage assessment contains inaccuracies and fails to adequately consider the building's poor condition and structural defects.
 - (d) A heritage listing would reduce property values, limit owners' ability to sell or finance necessary works, and create significant financial hardship for shareholders, residents, retirees, and rental property owners.
17. The Board of the Gateway Pty Ltd and Shareholders' submission was also supported by a heritage analysis prepared by Weir Phillips Heritage. The heritage analysis acknowledged that the *Gateway* building demonstrates some characteristics of mid-century modern apartment design, such as linear planning, expressed structural elements, and large areas of glazing. It also acknowledged that it was designed and built using one of the earliest applications of lift-slab construction in Australia. However, it argued that these features were executed in a utilitarian and architecturally unresolved manner.
18. The heritage analysis argued that compared to Douglas Forsyth Evans's more accomplished works - such as *The Chilterns* (1953) and *Glenhurst Gardens* (1959) - or better-resolved contemporary examples by architects like Aaron Bolot, Hugo Stossel, and Douglas Snelling, *Gateway* lacks compositional clarity, material refinement, and contextual integration. It also argued that *Ithaca Gardens* (designed by Harry Seidler) and *Oceana* (designed by Theodore Fry), demonstrate superior design execution, integration of detailing, and longevity.
19. The heritage analysis also cited alleged structural issues and water ingress problems associated with the building and concluded that it had limited historical significance and does not meet the criteria for local heritage listing.
20. The heritage analysis prepared by Weir Phillips Heritage made the following relevant comments on the assessment of significance prepared by GML Heritage:
 - (a) **Historic Association (Criteria B):** *Gateway* can be compared with other major apartment designs by Douglas Forsyth Evans, including *The Chilterns*, Rose Bay (1953—item I320 under Woollahra LEP 2014), *Seven Seas*, Kirribilli (1958), and *Glenhurst Gardens*, Darling Point (1959). *Gateway*, being an early and large-scale use of lift-slab building technology, can be seen as innovative but not as significant as the other examples.

- (b) **Aesthetic Significance (Criteria C):** *Gateway* is notable for its period of construction—a time when Forsyth Evans was designing major projects. It was at the forefront of experimental construction techniques, but it is not as strong an example as *The Chilterns* or *Glenhurst Gardens*. The entryway sequence is unusual and is now rare within Sydney. The incised mural by Kurt Norden, while interesting, is minor in execution and Norden is more significant as a restorer than as a visual artist of architectural merit. The depiction of Aboriginal people by a non-Indigenous artist, without evidence of cultural consultation, raises concerns regarding cultural appropriateness by contemporary standards. The imagery may be considered outdated or insensitive, further diminishing the aesthetic and cultural value of this feature within a current heritage context. While lift-slab is a known early use, it is not unique to this site. The method is now obsolete due to safety concerns and construction limitations. The building holds no additional scientific or technological research potential beyond what is already documented elsewhere.

Submissions about heritage listing of Gemini, 40-44 Victoria Street, Potts Point

21. A total of 25 submissions were made in support for *Gemini's* heritage listing. Submissions noted that it is a beautiful and architecturally important building that represents a high-quality example of the best of postwar apartment buildings in the area.
22. Two of the 25 supportive submissions were made by *Gemini* building unit owners. They stated that a heritage listing would provide protection and certainty around appropriate changes to an architecturally important and beautiful building and ensure the value and distinctive quality of the Seidler design are recognised.
23. A total of 26 submissions objected to *Gemini's* heritage listing. These were received from members of the public and owners of the building. They objected to the listing for the following reasons:
 - (a) The building's apartment interiors, lifts and rooftop areas have been heavily altered, and it is not unique to the area.
 - (b) The heritage listing would impose undue costs and strict restrictions on owners without delivering meaningful public benefit. It would also hinder adaptive reuse, prevent owners from modernising their properties in the future, reduce property values and increase insurance costs and strata fees.
 - (c) The building is over 50 years old and deteriorating which has increased maintenance costs.
 - (d) The building is in good condition and has been successfully maintained by its owners without heritage controls, and a listing is therefore unnecessary.

Submissions about heritage listing of St Ursula, 5 Onslow Avenue, Elizabeth Bay

24. A total of 26 submissions were made in support of St Ursula's heritage listing. At least one of these submissions was made by a unit owner. They provided the following reasons for their support:
- (a) *St Ursula* is as an excellent and largely intact example of Hugo Stossel's modernist architecture. It includes an attractive and dynamic curved facade to Onslow Avenue and surrounding streets and displays a high level of technical skill and planning.
 - (b) While apartment interiors are modest in scale, their floor plans afford good spatial utilisation, including excellent cross ventilation, views and storage.
 - (c) *St Ursula* contributes to the diversity of Elizabeth Bay's urban environment and contributes to its character. A heritage listing will both acknowledge the significance of, and preserve mid-twentieth century architecture, and also to retain a building that provides comparatively affordable housing.
 - (d) *St Ursula* is an important apartment building built in 1951 and transitional from Art Deco to Modernist styling. It has historic and aesthetic significance as the first of 7 apartment buildings in the area designed by the émigré architect Hugo Stossel. At the time of being built in the early 1950s it represented the latest practices in design, planning and construction.
 - (e) With its curved floor-to ceiling glass windows *St Ursula* is a distinctive local landmark contributing to the overall aesthetic and heritage value of the Potts Point / Elizabeth Bay area as the most significant hub of 20th century apartment blocks in Australia.
 - (f) The building deserves heritage protection so that it may be admired, and occupied, by future generations.
25. The unit owner's submission in support of *St Ursula*'s heritage listing also made the following suggestions:
- (a) If the building is heritage listed, it is essential that there is a greater level of support is offered to owners by the City of Sydney Council.
 - (b) The rear facade of the building has no heritage significance the building should be listed for its front facade only.
26. A total of 6 submissions were made in objection to *St Ursula*'s heritage listing. These were made by members of the public and unit owners. One submission made by a unit owner provided the following reasons for their objection:
- (a) A heritage listing will involve additional approvals from Council than is currently required and builders will charge higher premiums to work on a heritage building.
 - (b) A heritage listing will increase maintenance costs and approval requirements.
 - (c) *St Ursula* is already located in a heritage area, and Council approval is already required for major renovations.

- (d) Apartment interiors have been renovated, bathrooms changed and internal walls removed in many apartments.
27. The submission made by *St Ursula's* unit owners requested the following information be revised in the heritage inventory sheet:
- (a) Original exterior wall sconce lights either side of the front steps were replaced over 20 years ago and again in 2020 and are not original.
 - (b) The metal balustrade at the front is also not original and was modified around 12 years ago.
 - (c) The fourth floor was planned differently from other apartments and contains a larger 3-bedroom apartment and smaller one bedroom apartment.

Submissions about heritage listing of Oceana, 108 Elizabeth Bay Road, Elizabeth Bay

28. A total of 26 submissions were made in support of *Oceana's* heritage listing. These were made by members of the public and at least one unit owner. They provided the following reasons for why they supported the listing:
- (a) *Oceana* has architectural merit and reflects the history of the area, that being the construction of buildings containing small sized apartments. Heritage listing is a good step by Council to protect these buildings, and some additional buildings could have been added to the list.
 - (b) *Oceana* demonstrates superior design execution, integration of detailing, and longevity.
 - (c) *Oceana* is considered rare as an example of the architectural work of Theodore Fry. The building should be heritage listed for its historical, associative, aesthetic, rarity and representative values.
29. A total of 8 submissions objected to *Oceana's* heritage listing. One of these submissions was made by 2 unit owners. Reasons for their objection included:
- (a) Increased costs, approval delays, reduced apartment values and additional regulatory requirements.
 - (b) Property owners have maintained the building responsibly without a heritage listing.
 - (c) The building is safe from redevelopment without a heritage listing because it is a Company Title building.
30. One of the 8 submissions objecting to the heritage listing was made on behalf of *Oceana's* Owner's Corporation. This included a heritage assessment prepared by Graham Brooks Associates. The heritage assessment gave the following reasons for objecting to the heritage listing:
- (a) There is insufficient relevant background information provided in the GML Heritage report to justify the selection of *Oceana* for specific consideration in the heritage study itself.

- (b) *Oceana* does not meet any of the 7 NSW heritage assessment criteria thresholds for local heritage listing.
 - (c) The draft heritage inventory sheet contains unsubstantiated claims and broad statements to make a case that *Oceana* meets or surpasses the thresholds of the NSW heritage assessment criteria.
31. The Graham Brooks Heritage Assessment also made the following relevant comments on the assessment of significance prepared by GML Heritage:
- (a) **Historic Significance (Criteria A):** The GML report does not provide specific evidence that the building has any important historic relevance or that its design and scale are unique to the area or this period. The assessment also argues that references to Moses Eisner only demonstrate a small influence of European migrants to the built environment.
 - (b) **Historic Association (Criteria B):** Theodore Fry is not a significant enough architect to meet the threshold of significance under this criterion. It also argued that Moses Eisner was not a “noteworthy” property developer of the period when compared with major developers such as Civil and Civic, Parkes, Mainline and others.
 - (c) **Rarity (Criteria F):** GML do not provide substantial evidence that *Oceana* meets this criterion because of the number of other postwar apartment buildings on the nearby Elizabeth Bay HCA foreshores.
 - (d) **Representativeness (Criteria G):** GML do not provide any substantial evidence that *Oceana* is important in demonstrating the principal characteristics of the local area’s cultural places due to the scale of postwar apartment buildings across the harbourside landscape.

Submissions about heritage listing of Ithaca Gardens, 12 Ithaca Road, Elizabeth Bay

32. A total of 24 submissions were made in support of *Ithaca Gardens*' heritage listing. These were made by members of the public, at least 1 unit owner and 3 organisations, including the National Trust NSW. Reasons for their support included:
- (a) As a Seidler building and home to many, it is historically and culturally significant.
 - (b) *Ithaca Gardens* captures an important chapter in the story of our neighbourhood and helps preserve the character that makes this place unique.
 - (c) *Ithaca Gardens* is a landmark apartment block reflecting the early development of modernist architecture in Australia and the work of émigré architect Harry Seidler.
 - (d) *Ithaca Gardens* contributes significantly to the architectural character of Elizabeth Bay and to the broader Potts Point heritage precinct, which showcases a diverse and evolving 19th and 20th century architectural narrative.
 - (e) Completed in 1960 the building showcases Seidler's interpretation of Bauhaus principles, incorporating elements such as folded concrete canopy, light-filled apartments, and clever space planning with large windows. Reflecting this innovation, *Ithaca Gardens* won the NSW Architecture and Arts Award in 1960.

33. A total of 6 submissions objected to the *Ithaca Gardens*' heritage listing. One of these submissions argued that the building does not positively contribute to the aesthetic elements of the area and a heritage listing would restrict the ability for more aesthetically pleasing buildings to be built on the site in future.
34. No individual submissions were made in objection to the heritage listing by, or on behalf of, the building owners.

Submissions about heritage listing of Bayview, 41-49 Roslyn Gardens, Elizabeth Bay

35. A total of 28 submissions were made in support of heritage listing *Bayview*. Of these, at least 3 submissions were made by unit owners. Reasons for their support included:
 - (a) All the buildings, particularly *Bayview* are beautiful mid-century apartment blocks. Recognising this building as a heritage item is important in maintaining the proud history of these suburbs.
 - (b) *Bayview*'s architectural features are truly representative of the period in which it was built and have been predominantly retained.
 - (c) '*Bayview* is an outstanding and unusually intact example of late-modernist apartment design in Sydney. Its distinctive Y-shaped plan, sculptural expressed-concrete frame, extensive glazing, and orientation to harbour views make it one of the finest works of architect Hugo Stossel. I am proud to live in a building that contributes so positively to the character of Elizabeth Bay.'
 - (d) A heritage listing provides sensible 'guard rails' for strata committees to ensure recourses are directed toward preserving the building's original structure and character.
36. One submission supporting *Bayview*'s heritage listing noted their appreciation of the recommendation in the draft inventory sheet that individual apartment interiors should be excluded from the listing. They emphasised that this would allow owners to continue to update and modernise the interiors of their own apartments 'while ensuring the important exterior form, facades, lobby, entry wall and overall architectural character of the building are protected for future generations.'
37. A total of 9 submissions objected to *Bayview*'s heritage listing. One of these presented the following reasons for their opposition:
 - (a) A heritage listing would impose significant costs, additional approval requirements and restrictions on upgrades, with no clear benefits for residents or the building.
 - (b) A heritage listing would add to existing Council requirements that substantially increased costs for building improvements and prevented works aimed at improving amenity, including upgrades to windows, heating and cooling.
 - (c) Consultation has been inadequate with limited engagement with owners, insufficient information provided about the proposed listing, and a lack of clarity about its scope and potential impacts.

Submissions about heritage listing of *Aquarius*, 50-58 Roslyn Gardens, Rushcutters Bay

38. A total of 29 submissions were made in support of heritage listing *Aquarius*. Of these, at least 4 were from unit owners. Reasons for their support included:
- (a) *Aquarius* is a beautiful building, perfectly sited and orientated and provides comfortable living in a small space. 'When I purchased this studio, I decided that if I could only afford a small space I wanted to live in a well-designed space, close to amenities, community and natural beauty, with lots of light and that is what this is. The amenity of parking and the pool and gardens is also very enriching to quality of life.'
 - (b) *Aquarius* is an internationally significant building designed by one of Australia's most recognised (on a global scale) architects, the late Harry Seidler. It includes ingenious, elegant design with its characteristic 'opera-box' bedrooms, walkways and soaring façade. The facade is readily appreciated by the general public because of its clever positioning in an uncluttered setting. 'I believe that we owe it to our heirs and future generations generally to ensure that this striking building is conserved appropriately - in perpetuity.'
 - (c) The building has been well maintained by the Body Corporate (and its agents) who have spent both time and considerable sums in maintaining and upgrading the building fabric.
39. One submission made by a unit owner in support of the heritage listing made the following suggestions:
- (a) I would encourage Council to consider supporting the owners of these buildings with modernisation and maintenance works through grant funding such as matching funds or master planning opportunities.
40. One submission made by an *Aquarius* unit owner was neutral about the heritage listing. The submission supports heritage listing to preserve *Aquarius*'s Seidler-designed character and affordable housing but raises concerns about increased costs, bureaucracy, delays and stress for residents already facing rising compliance, maintenance and living expenses. It argues heritage management should be considerate of residents of average means, balancing social, environmental and economic outcomes while protecting community wellbeing and housing affordability.
41. One submission made by a unit owner requested the heritage inventory sheet update apartment sizes and minor inaccuracies in the building description and note that the roof is privately owned and the garden terraces has not been identified in the Strata Plan.
42. A total of 6 submissions were made objecting to *Aquarius*' heritage listing. One submission made by a local resident noted that *Aquarius* is a terrible building, is a rabbit warren inside and has structural flaws.

**Submissions about heritage listing of Roslyn Gardens, 74-76 Roslyn Gardens
Rushcutters Bay**

43. A total of 24 submissions were made in support of heritage listing *Roslyn Gardens*. Reasons for their support included:
- (a) *Roslyn Gardens* is one of only 2 apartment buildings designed by Douglas Snelling.
 - (b) It captures an important chapter in the story of our neighbourhood and helps preserve the character that makes this place unique.
44. A total of 22 submissions objected to *Roslyn Gardens*' heritage listing. At least 14 were made by unit owners. One was made on behalf of the building's Owners Corporation. The Owners Corporation's reasons for objecting to the heritage listing were reiterated in the 14 owners' submissions. These reasons are presented below:
- (a) The building is a typical postwar apartment block that has been extensively altered and no longer retains sufficient integrity or significance.
 - (b) There are factual inaccuracies in the heritage assessment. Specifically, folding door elements have been removed in many units, the building is not intact because its original ponds and garages have been removed, and the assessment does not present a balanced analysis of Douglas Snelling's character.
 - (c) A heritage listing will lead to increased maintenance, insurance and compliance costs, reduced affordability, and impacts on owners and tenants.
 - (d) A heritage listing will restrict the ability for unit owners to modify their apartments.
 - (e) The building's heritage value lies in its contribution to the streetscape rather than as an individually significant heritage item.
45. One submission from a *Roslyn Gardens* unit owner initially supported heritage listing but then withdrew their support stating that they needed more time to investigate the potential outcomes of a heritage listing.

Submissions about heritage listing of 1-5 Clement Street, Rushcutters Bay

46. A total of 24 submissions were made in support of heritage listing *1-5 Clement Street*. Reasons for their support included:
- (a) *1-5 Clement Street* captures an important chapter in the story of our neighbourhood and helps preserve the character that makes this place unique. Its heritage listing ensures a complete timeline of our local history and keeps the identity of the area intact for future generations.

47. A total of 12 submissions objected to 1-5 *Clement Street*'s heritage listing. At least 3 of these submissions were made by unit owners. Additionally, one was made on behalf of the Strata Committee and one on behalf of the Owners Corporation. Reasons for these objections included:
- (a) A heritage listing would increase maintenance, repair, insurance and compliance costs for owners, involve specialist consultant and contractor requirements, potentially leading to significant strata levies. It would also lead to longer and more expensive approval processes.
 - (b) The building is not sufficiently significant to warrant protection.
 - (c) Heritage controls would restrict modernisation, sustainability upgrades and timely repairs, including window and glazing upgrades, energy-efficiency measures, façade repair options, EV charging infrastructure and solar installation, creating an unfair burden on residents.
 - (d) The building faces ongoing issues including concrete deterioration, waterproofing failures and ageing services. Restricting the range of permissible remediation methods would expose owners to unnecessary cost and risk and could compromise the long-term safety and performance of the structure.
48. The submission made by the Owner's Corporate and reiterated by at least 3 unit owners made the following suggestion for an alternative approach to heritage listing:
- (a) Non-statutory measures such as design guidelines or a local character statement would provide better outcomes without imposing severe financial hardship on residents.

Response to submissions

Heritage significance of the *Gateway* building, 3 Wylde Street, Potts Point

49. Many submissions, including a heritage analysis prepared by Weir Phillips Heritage, argued that the *Gateway* building does not satisfy the NSW heritage significance criteria, has structural issues and water ingress problems, and is not the best example of Douglas Forsyth Evans' architectural designs.
50. In response to submissions and further refinement of the building's heritage assessment, the City has concluded that the *Gateway* building does not demonstrate a sufficient level of heritage significance, integrity or rarity to warrant individual listing. This was further supported by a comparison with stronger examples identified through the study. Accordingly, the *Gateway* building is no longer recommended for listing as a local heritage item in the planning proposal.

Ability to change the buildings

51. Many submissions raised concerns about the ability to develop or make changes to the buildings if they were heritage listed.

52. In response to these submissions, the item names and inventory sheets for 8 of the properties have been revised. Item names now exclude apartment interiors (except the interiors of apartment 1001 in *Ithaca Gardens* to align with its SHR listing) which helps property owners, Council staff, certifiers and consultants by clearly identifying that internal apartment renovations will not be impacted by the heritage listing and therefore, not subject to heritage approval processes. Additional, non-heritage related assessments, development approvals or certifications may still be required. Heritage inventory sheets have been revised to include detailed, building specific, management recommendations that clarify the meaning of a heritage listing and simplify the process of making changes to them for owners and property managers. Both changes are intended to reduce the time, cost and approval process needed to maintain, modernise and renovate the buildings. Further details can be read at Attachment A and in each revised inventory sheet at Attachments D-K.
53. The proposed listings do not remove the opportunity to sympathetically maintain, change or modernise the buildings provided proposals respond appropriately to the site's heritage values and other planning requirements.
54. All 8 buildings sit in a heritage conservation area. Heritage impact statements or approved heritage exemptions are already required as part of the development application and approval process. Revisions to the item names and heritage inventory sheets for each building have clarified the process for making changes to the buildings and the types of exemptions or approvals needed. These revisions offer more certainty to owners and property managers than is currently available.

Increased costs and loss in value

55. Some submissions raised concerns about the increased insurance costs and decreased property values if the buildings were heritage listed.
56. The 8 buildings are relatively modern and were constructed using materials and building techniques that would not require specialised trades or materials to repair or maintain. Property owners can challenge or seek alternative quotes if their insurer raises premiums in the event that their building is heritage listed.
57. There is no available evidence to indicate that local heritage listing has a negative influence on property values. There are many heritage listed apartment buildings in Elizabeth Bay, Potts Point and Rushcutters Bay that show strong and regular sales, high property values and consistent tenancies.

Threshold for listing under NSW heritage assessment criteria

58. Several submissions stated that the buildings did not meet the threshold for local heritage significance under any of the NSW heritage assessment criteria. Others stated that because the buildings did not meet *all* 7 heritage criteria, they did not meet the threshold for local heritage listing.
59. The Modern residential flat buildings targeted heritage study identified the most outstanding and representative examples of postwar apartment buildings in the area. The independent heritage assessments by GML Heritage were prepared through a thorough and evidence-based approach that included detailed comparative analyses, archival research and building inspections. Their findings were further informed by submissions received during the public exhibition period.

60. Under the NSW heritage significance assessment criteria (2025), a place or object only needs to meet one of the 7 criteria to be considered of heritage significance. Not all places or objects will meet all 7 criteria.

The buildings have already been changed

61. Several submissions noted that their buildings had limited integrity or completeness because they had undergone internal and external changes that had removed original fabric.
62. Places that have undergone significant change can continue to have heritage significance. It is generally expected that residential buildings will have undergone some degree of change and lost original fabric over time. Depending on the assessed heritage significance of the building, these changes do not always undermine their heritage significance.
63. As apartment interiors are not included in the heritage listing, internal changes do not reduce the overall integrity or completeness of the building as a whole, or the historical, associative, technical and aesthetic values connected to it.

Consultation with owners

64. Some submissions raised concerns that there had been insufficient consultation with owners about the proposed heritage listings and their implications.
65. The City of Sydney notified each building's respective strata managers, strata committees and owners corporations about the heritage investigation by letter and email in September 2024, at the start of the heritage study. The letters requested the opportunity to discuss the heritage study, the heritage listing process and carry out site visits with property owners.
66. City of Sydney staff and members of the GML team met with strata committee and owners corporation representatives from 9 of the 15 buildings. These meetings took place at the buildings or online between September and November 2024. Not all Strata Committees chose to meet with us.
67. Further notifications and invitations for owners to meet with City of Sydney staff were made prior to, and during the public exhibition period. These invitations aimed to present information about the heritage listing process and potential implications for owners while also providing owners with an opportunity to provide their feedback on the proposal. Meetings also aimed to take future works to the building into consideration when developing management recommendations for each building. We met with representatives from 2 buildings during this period. Meetings were held at the buildings and the City of Sydney offices. We also spoke to representatives and unit owners from 5 of the 9 buildings during the public exhibition period. These conversations were carried out on the phone and focussed on the implications of a heritage listing on property owners.

Key implications

Strategic alignment - Sustainable Sydney 2030-2050 Continuing the Vision

68. 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 proposal is aligned with the following strategic directions and objectives:
- (a) Direction 8 - A thriving cultural life - the acknowledgement of the importance of the eight modern residential flat buildings will contribute 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.

NSW Heritage Strategy

69. The NSW Heritage Strategy sets out a long-term direction to create a stronger, more inclusive heritage system for the people of New South Wales.
70. This proposal is consistent with Objective 1: Tell the stories of New South Wales, under which the NSW Government seeks to expand the types of heritage and stories recognised and protected so that the heritage system better reflects the diversity of the New South Wales community.
71. The City's proposal supports this objective by recognising a collection of significant postwar modern residential flat buildings that illustrate an important period in Sydney's architectural, social and urban development history. The proposed listings broaden the representation of twentieth-century heritage within and recognise innovative residential design and changing patterns of apartment living.

Risks

72. There is a risk some stakeholders may disagree with the proposed heritage listings. However, proceeding with the proposal is within the City's risk appetite for its reputation and image. We aim to strike a balance between achieving our strategic objectives, conserving and promoting culture and heritage, and protecting our reputation. The project aligns with our appetite to tolerate minor complaints relating to action which has long-term community benefit and aligns with agreed actions in Sustainable Sydney 2030-2050: Continuing the Vision.

Relevant legislation

73. Environmental Planning and Assessment Act 1979.

Critical dates / Time frames

74. The gateway determination specified that the amendment to the Sydney LEP 2012 is to be completed by 27 November 2026.
75. 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 the 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.

GRAHAM JAHN AM

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Attachment A

**Engagement report - Proposal to heritage list 9
modern apartment buildings**

Engagement report - Proposal to heritage list 9 modern apartment buildings



Engagement report

September 2026

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Overview

Background

Potts Point, Elizabeth Bay and Rushcutters Bay contain a distinctive collection of apartment buildings constructed during the post-war (modern) period (1945–1975). These buildings reflect significant changes in demographics, construction methods and planning legislation, and demonstrate the emergence of new architectural styles during this era.

In October 2024, City of Sydney Council (the City) engaged Godden Mackay Logan to assess 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).

Stage 1 involved a preliminary heritage assessment of each of the 18 buildings. Through this process, it was decided that only 15 buildings warranted further heritage investigation. Stage 2 of the project involved detailed heritage assessments for 15 buildings.

Through their Stage 2 heritage assessments, GML identified 9 buildings that reached the threshold for local significance under the NSW heritage assessment criteria (2023) and warranted inclusion as individual items on the Sydney Local Environmental Plan 2012 (SLEP 2012):

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

Engagement summary

From 17 November to 15 December, the City invited community feedback on the proposal to include the 9 modern apartment buildings in Potts Point, Elizabeth Bay and Rushcutters Bay on the local heritage list.

This report summarises the feedback received during the consultation period and outlines the engagement activities undertaken to support the community consultation process.

Purpose of engagement

Engagement activities were designed to inform and gather community, stakeholder and property owner feedback about the proposal to heritage list 9 buildings.

What the community told us

A total of 371 pieces of individual feedback included in 124 submissions (some submissions commented on more than one building) were received during the consultation period. These submissions comprised:

- 1 submission by mail
- 30 submissions by email
- 93 submissions submitted via the online feedback form

One late submission was received on 4 February 2026. While the submission is not directly relevant to the current proposal to heritage list 9 modern apartment buildings, it includes a request for the inclusion of **Karingal** in the heritage listing. Karingal, located at 5–7 The Esplanade, Elizabeth Bay, was constructed in 1963 and strata titled in 1964.

Overall sentiment

Of the 371 pieces of individual feedback received, 11 submissions were neutral, 233 expressed support for all, or a selection of, the proposed heritage listings, and 127 opposed the proposal. One submission was not relevant to the proposal.

In addition, we received 4 submissions from state government, community and stakeholder organisations:

- Historic Houses Association of Australia
- Potts Point Preservation Group
- The National Trust of Australia (NSW)
- Heritage NSW

Overall, the majority of the 9 modern apartment buildings received more submissions in support of the proposed heritage listing than in objection. Stronger support was evident for *St Ursula*, *Oceana*, *Ithaca Gardens*, *Bayview*, *1-5 Clement Street* and *Aquarius*, where supportive responses significantly exceeded objections.

In contrast, *Gateway* and *Gemini* recorded a higher number of objections than supportive submissions.

Roslyn Gardens received an almost equal number of supportive and opposing responses.

A detailed breakdown of responses in support or objection for each modern apartment building is provided below:

Apartment	Support	Object
Gateway, 3 Wylde Street, Potts Point	27 (15 x SurveyMonkey; 12 x Email)	33 (4 x SurveyMonkey; 29 x Email, 1 x Mail)
Gemini, 40-44 Victoria Street, Potts Point	25 (12 x SurveyMonkey; 13 x Email)	26 (10 x SurveyMonkey; 16 x Email)
St Ursula, 5 Onslow Avenue, Elizabeth Bay	26 (13 x SurveyMonkey; 13 – Email)	6 (3 x SurveyMonkey; 3 – Email)

Apartment	Support	Object
Oceana, 108 Elizabeth Bay Road, Elizabeth Bay	26 (14 x SurveyMonkey; 12 x Email)	8 (4 x SurveyMonkey; 4 x Email)
Ithaca Gardens, 12 Ithaca Road, Elizabeth Bay	24 (12 x SurveyMonkey; 12 x Email)	6 (4 x SurveyMonkey; 2 x Email)
Bayview, 41- 49 Roslyn Gardens, Elizabeth Bay	28 (13 x SurveyMonkey; 15 x Email)	9 (5 x SurveyMonkey; 4 x Email)
Aquarius, 50-58 Roslyn Gardens, Rushcutters Bay	29 (13 x SurveyMonkey; 16 x Email)	6 (3 x SurveyMonkey; 3 x Email)
Roslyn Gardens, 74-76 Roslyn Gardens, Rushcutters Bay	24 (12 x SurveyMonkey; 12 x Email)	22 (5 x SurveyMonkey; 17 x Email)
1-5 Clement Street, Rushcutters Bay	24 (12 x SurveyMonkey; 12 x Email)	12 (4 x SurveyMonkey; 8 x Email)

Key findings

Submissions made during the public exhibition period related to all 9 buildings, individual buildings and a selection of buildings. Key findings from these submissions are summarised in this section.

Support for all 9 heritage listings

Of the 233 individual pieces of feedback received in support for all, or a selection of, the proposed heritage listings, the following key themes were raised.

Architectural importance

- The buildings have architectural importance including their innovative design, considered interiors and amenity. They demonstrate new structural techniques, progressive façade treatment, dual-aspect layouts, use of balconies and glazing, and natural ventilation as primary design devices.
- They represent fine examples of early high-density residential living in Sydney.

Contribution to the streetscape, social and architectural diversity of the area

- The buildings contribute to the character and social diversity of the area.
- The buildings are significant as distinctive, accessible and culturally valuable examples of Sydney's urban heritage that enrich the local landscape.
- The buildings reflect the diverse history of the area and the construction of buildings containing small sized apartments suitable for a broad range of residents in Sydney's changing social and economic landscape during the post-war period.

Need to recognise 20th century, postwar architecture

- It is important to recognise the innovative postwar design principles that shaped the character of the City and are still used in contemporary architectural design today. Retaining these types of buildings means they can continue to be recognised by future generations for their historical and community significance.
- Heritage listing each building broadens the recognition of twentieth-century heritage, celebrates a distinctive group of harbour-side apartments, and preserves their contribution to Sydney's cultural and architectural history.
- Listing these buildings strengthens the message that Sydney's heritage story continues well into the late 20th century.

Objection to all 9 heritage listings

Of the 127 individual pieces of feedback received in opposition to all, or a selection of, the proposed heritage listings, the following key themes were raised.

Increased building regulations and maintenance costs

- Heritage listing the 9 buildings will increase restrictions on improvement works to buildings in an area that is already in need of building upgrades and further development to increase the number of units required to house Sydney's growing population.
- Heritage listing would restrict future redevelopment opportunities and limit the potential for more aesthetically improved buildings.
- A heritage listing will generate higher maintenance and consultant costs, added complexity for even minor upgrades, financial impacts and potential loss of value, and restrictions on energy, sustainability and accessibility improvements with no meaningful public benefit

Impacts to the housing supply

- There is currently a housing shortage in Sydney. Collections of modern heritage listings are not needed now. Prioritise allowing further and viable growth for the expanding population.
- Heritage listing in general is preventing the construction of new housing supply which is driving up prices in a housing crisis.

Lack of heritage significance

- Support for heritage listing building under exceptional circumstances only, such as the Queen Victoria Building or Opera House.
- Some of the buildings were not considered to positively contribute aesthetically to the area.
- The 9 buildings do not meet any of the 7 NSW heritage assessment criteria because they do not display identifiable historic or associative value, demonstrate architectural or aesthetic merit, are not rare, representative or technically innovative and do not contribute positively to the surrounding character.

The buildings are poor examples of construction and design

- Several of the buildings have poor built form, solar access impacts and low aesthetic quality.

Key findings for Gateway, 3 Wylde Street, Potts Point

A total of 60 submissions referenced Gateway's proposed heritage listing. Of these, 27 supported the listing and 33 objected to it.

Reasons given in support of the proposal:

- Gateway is a highly characterful apartment building that responds innovatively to its unusual site, demonstrating an exemplary mid-20th century design approach that remains relevant to contemporary architecture.
- Designed by notable postwar architect Douglas Forsyth Evans, Gateway's distinctive portal slab construction and architectural character contribute to the neighbourhood's identity and represent an important part of its history.

Reasons given against the proposal:

- The building does not satisfy the NSW heritage significance criteria, is not a rare or outstanding example of mid-century architecture and is identified as a "detracting" building in the Sydney DCP.
- The building has structural issues and water ingress problems.
- The heritage assessment contains inaccuracies and fails to adequately consider the building's poor condition and structural defects.
- A heritage listing would reduce property values, limit owners' ability to sell or finance necessary works, and create significant financial hardship for shareholders, residents, retirees, and rental property owners.
- The entryway sequence represented by an incised mural depicting Aboriginal people by a non-Aboriginal artist, raises concerns regarding cultural appropriateness by contemporary standards.
- While lift-slab is a known early use, it is not unique to this site. The method is now obsolete due to safety concerns and construction limitations. The building holds no additional scientific or technological research potential beyond what is already documented elsewhere.

Key findings for Gemini, 40-44 Victoria Street, Potts Point

A total of 51 submissions referenced *Gemini*'s proposed heritage listing. Of these, 25 supported the listing and 26 objected to it.

Reasons given in support of the proposal:

- *Gemini* is a beautiful and architecturally important building that represents a high-quality exemplar of the best of post-war apartment buildings in the area.
- A heritage listing will provide protection and certainty around appropriate changes to an architecturally important and beautiful building and ensure its value and distinctive quality of the Seidler design are recognised.

Reasons given against the proposal:

- The building's apartment interiors, lifts and rooftop areas have been heavily altered, and it is not unique to the area.
- The heritage listing would impose undue costs and strict restrictions on owners without delivering meaningful public benefit. It would also hinder adaptive reuse, prevent owners from modernising their properties in the future, reduce property values and increase insurance costs and strata fees.
- The building is over 50 years old and deteriorating which has increased maintenance costs.
- The building is in good condition and has been successfully maintained by its owners without heritage controls, and a listing is therefore unnecessary.

Key findings for St Ursula, 5 Onslow Avenue, Elizabeth Bay

A total of 32 submissions referenced *St Ursula*'s proposed heritage listing. Of these, 26 supported the listing and 6 objected to it.

Reasons given in support of the proposal:

- *St Ursula* is as an excellent and largely intact example of Hugo Stossel's modernist architecture. It includes an attractive and dynamic curved facade to Onslow Avenue and surrounding streets and displays a high level of technical skill and planning.
- While apartment interiors are modest in scale, their floor plans afford good spatial utilisation, including excellent cross ventilation, views and storage.
- *St Ursula* contributes to the diversity of Elizabeth Bay's urban environment and contributes to its character. A heritage listing will both acknowledge the significance of, and preserve mid-twentieth century architecture, and also to retain a building that provides comparatively affordable housing.
- *St Ursula* is an important apartment building built in 1951 and transitional from Art Deco to Modernist styling. It has historic and aesthetic significance as the first of 7 apartment buildings in the area designed by the émigré architect Hugo Stossel. At the time of being built in the early 1950s it represented the latest practices in design, planning and construction.
- With its curved floor-to ceiling glass windows *St Ursula* is a distinctive local landmark contributing to the overall aesthetic and heritage value of the Potts Point/ Elizabeth Bay area as the most significant hub of 20th century apartment blocks in Australia.

Reasons given against the proposal:

- A heritage listing will require the need for advance permission from Council than what is currently required and builders will charge higher premiums to work on a heritage building than to work on a non-heritage building.

- A heritage listing will increase maintenance costs and approval requirements.
 - *St Ursula* is already located in a heritage area, and Council approval is already required for major renovations.
 - Apartment interiors have been renovated, bathrooms changed and internal walls removed in many apartments.
 - The rear facade of the building has no heritage significance. If additional protection is required, it should heritage list the front facade only.
-

Key findings for Oceana, 108 Elizabeth Bay Road, Elizabeth Bay

A total of 34 submissions referenced *Oceana*'s proposed heritage listing. Of these, 26 supported the listing and 8 objected to it.

Reasons given in support of the proposal:

- *Oceana* has architectural merit and reflects the history of the area, that being the construction of buildings containing small sized apartments. Heritage listing is a good step by Council to protect these buildings and some additional buildings could have been added to the list.
- *Oceana* demonstrates superior design execution, integration of detailing, and longevity.
- *Oceana* is considered rare as an example of the architectural work of Theodore Fry. The building should be heritage listed for its historical, associative, aesthetic, rarity and representative values

Reasons given against the proposal:

- Increased costs, approval delays, reduced apartment values and additional regulatory requirements.
 - Property owners have maintained the building responsibly without a heritage listing.
 - A heritage listing will reduce the building's value.
 - The building is safe from redevelopment without a heritage listing because it is a Company Title building.
 - There is insufficient relevant background information provided in the GML Heritage report to justify the selection of *Oceana* for specific consideration in the heritage study itself.
 - *Oceana* does not meet any of the 7 NSW heritage assessment criteria thresholds for local heritage listing.
 - The draft heritage inventory sheet contains unsubstantiated claims and broad statements to make a case that *Oceana* meets or surpasses the thresholds of the NSW heritage assessment criteria.
-

Key findings for Ithaca Gardens, 12 Ithaca Road, Elizabeth Bay

A total of 30 submissions referenced *Ithaca Gardens*' proposed heritage listing. Of these, 24 supported the listing and 6 objected to it.

Reasons given in support of the proposal:

- As a Seidler building and home to many, it is historically and culturally significant.
- *Ithaca Gardens* captures an important chapter in the story of our neighbourhood and helps preserve the character that makes this place unique.

- *Ithaca Gardens* is a landmark apartment block reflecting the early development of modernist architecture in Australia and the work of émigré architect Harry Seidler.
- *Ithaca Gardens* contributes significantly to the architectural character of Elizabeth Bay and to the broader Potts Point heritage precinct, which showcases a diverse and evolving 19th and 20th century architectural narrative.
- Completed in 1960 the building showcases Seidler's interpretation of Bauhaus principles, incorporating elements such as folded concrete canopy, light-filled apartments, and clever space planning with large windows. Reflecting this innovation, Ithaca Gardens won the NSW Architecture and Arts Award in 1960.

Reasons given against the proposal:

- The building does not positively contribute to the aesthetic elements of the area and a heritage listing would restrict the ability for more aesthetically pleasing buildings to be built on the site in future.

Key findings for Bayview, 41-49 Roslyn Gardens, Elizabeth Bay

A total of 37 submissions referenced *Bayview's* proposed heritage listing. Of these, 28 supported the listing and 9 objected to it.

Reasons given in support of the proposal:

- All the buildings, particularly *Bayview* are beautiful mid-century apartment blocks. Recognising this building as a heritage item is important in maintaining the proud history of these suburbs.
- 'I am an owner in *Bayview* and strongly support the proposed heritage listing for this building. The architectural features are truly representative of the period in which it was built and have been predominantly retained'
- 'Bayview is an outstanding and unusually intact example of late-modernist apartment design in Sydney. Its distinctive Y-shaped plan, sculptural expressed-concrete frame, extensive glazing, and orientation to harbour views make it one of the finest works of architect Hugo Stossel. I am proud to live in a building that contributes so positively to the character of Elizabeth Bay.'
- A heritage listing provides sensible 'Guard Rails' for Strata Committees to ensure recourses are directed toward preserving the building's original structure and character.

Reasons given against the proposal:

- A heritage listing would impose significant costs, additional approval requirements and restrictions on upgrades, with no clear benefits for residents or the building.
- A heritage listing would add to existing Council requirements that substantially increased costs for building improvements and prevented works aimed at improving amenity, including upgrades to windows, heating and cooling.
- Consultation has been inadequate with limited engagement with owners, insufficient information provided about the proposed listing, and a lack of clarity about its scope and potential impacts.

Key findings for *Aquarius*, 50-58 Roslyn Gardens, Rushcutters Bay

A total of 35 submissions referenced *Aquarius*' proposed heritage listing. Of these, 29 supported the listing and 6 objected to it.

Reasons given in support of the proposal:

- *Aquarius* is a beautiful building, perfectly sighted and orientated and provides comfortable living in a small space. 'When I purchased this studio I decided that if I could only afford a small space I wanted to live in a well designed space, close to amenities, community and natural beauty, with lots of light and that is what this is. The amenity of parking and the pool and gardens is also very enriching to quality of life.'
- *Aquarius* is an internationally significant building designed by one of Australia's most recognised (on a global scale) architects, the late Harry Seidler. It includes ingenious, elegant design with its characteristic 'opera-box' bedrooms, walkways and soaring façade. The façade is readily appreciated by the general public because of its clever positioning in an uncluttered setting. 'I believe that we owe it to our heirs and future generations generally to ensure that this striking building is conserved appropriately - in perpetuity.'
- The building has been well maintained by the Body Corporate (and its agents) who have spent both time and considerable sums in maintaining and upgrading the building fabric.

Reasons given against the proposal:

- *Aquarius* is a terrible building, is a rabbit warren inside and has structural flaws.

Key findings for *Roslyn Gardens*, 74-76 Roslyn Gardens, Rushcutters Bay

A total of 46 submissions referenced *Roslyn Gardens*' proposed heritage listing. Of these, 24 supported the listing and 22 objected to it.

Reasons given in support of the proposal:

- *Roslyn Gardens* is one of only two apartment buildings designed by Douglas Snelling.
- *Roslyn Gardens* captures an important chapter in the story of our neighbourhood and helps preserve the character that makes this place unique.

Reasons given against the proposal:

- The building is a typical post-war apartment block that has been extensively altered and no longer retains sufficient integrity or significance.
- There are factual inaccuracies in the heritage assessment including that folding door elements have been removed in many units, the building is not intact because its original ponds and garages have been removed, and it does not present a balanced analysis of Douglas Snelling's character.
- A heritage listing will lead to increased maintenance, insurance and compliance costs, reduced affordability, and impacts on owners and tenants.
- A heritage listing will restrict the ability for unit owners to modify their apartments.
- The building's heritage value lies in its contribution to the streetscape rather than as an individually significant heritage item.

Key findings for 1-5 Clement Street, Rushcutters Bay

A total of 36 submissions referenced *1-5 Clement Street's* proposed heritage listing. Of these, 4 supported the listing and 12 objected to it.

Reasons given in support of the proposal:

- *1-5 Clement Street* captures an important chapter in the story of our neighbourhood and helps preserve the character that makes this place unique. Its heritage listing ensures a complete timeline of our local history and keeps the identity of the area intact for future generations.

Reasons given against the proposal:

- A heritage listing would increase maintenance, repair, insurance and compliance costs for owners, involve specialist consultant and contractor requirements, potentially leading to significant strata levies. It would also lead to longer and more expensive approval processes.
- The building is not sufficiently significant to warrant protection.
- Heritage controls would restrict modernisation, sustainability upgrades and timely repairs, including window and glazing upgrades, energy-efficiency measures, façade repair options, EV charging infrastructure and solar installation, creating an unfair burden on residents.
- The building faces ongoing issues including concrete deterioration, waterproofing failures and ageing services. Restricting the range of permissible remediation methods would expose owners to unnecessary cost and risk and could compromise the long-term safety and performance of the structure.

Submissions table

The following table presents themes or issues raised in submissions for each or all buildings, and the City of Sydney's response.

Themes/issues raised	Building/s	City of Sydney response
It is important to recognise these buildings through a heritage listing because of their architectural importance, innovative design, considered interiors and use of new structural techniques.	All buildings	These submissions are noted. A key aim of the heritage study was to identify buildings that best represent these architectural themes and design innovation to recognise their significance through a heritage listing.
The buildings represent fine examples of early high-density residential living in Sydney and the social and architectural diversity they created in the area during the postwar period and today.	All buildings	These submissions are noted. The heritage study identified these key themes as being an important part of each building's contribution to the diverse social and economic fabric of the area.
Heritage listing each building broadens the recognition of postwar architecture and strengthens the message that Sydney's history continues well into the late 20th century.	All buildings	These submissions are noted. The broader community's appreciation and understanding of the past is constantly changing and evolving. This heritage study and its related heritage listings represent an acknowledgment of that change. It also responds to a broader interest from the community to recognise the significance of this period in Sydney's architectural, urban and social history.
Heritage listing will reduce the ability to increase the housing supply.	All buildings	Removing or limiting development opportunities is not the intention of the heritage study or proposed heritage listings.
Inaccurate or missing information in heritage inventory sheets.	<i>Aquarius</i> , 50–58 Roslyn Gardens, Rushcutters Bay <i>Roslyn Gardens</i> , 74–76 Roslyn Gardens, Rushcutters Bay <i>St Ursula</i> , 5 Onslow Avenue, Elizabeth Bay	Where inaccuracies or missing information have been verified, changes have been made to the revised inventory sheets for relevant buildings.

Themes/issues raised	Building/s	City of Sydney response
A heritage listing will increase development regulations, approval requirements, approval timeframes and costs.	All buildings	All 8 buildings are in a heritage conservation area. Therefore, heritage impact statements or approved heritage exemptions are already required as part of the development application and approval process. Potential increases in development regulations, approval requirements, approval timeframes and costs have been mitigated where possible through detailed management recommendations for each building. These can be read at Attachments D to K. These changes are intended to clarify approval requirements and identify significant and non-significant components of each building. This provides guidance for strata managers, unit owners, professionals and assessment officers when changes are proposed for the buildings such as changes to windows or the installation of EV charging stations.
A heritage listing will limit the ability to modernise or make changes to apartment interiors.	<i>Gateway</i>, 3 Wylde Street, Potts Point <i>Gemini</i>, 40-44 Victoria Street, Potts Point <i>Bayview</i>, 41–49 Roslyn Gardens, Elizabeth Bay <i>Aquarius</i>, 50–58 Roslyn Gardens, Rushcutters Bay <i>Roslyn Gardens</i>, 74–76 Roslyn Gardens Rushcutters Bay 1-5 Clement Street, Rushcutters Bay	In response to these submissions, the proposed listing names for all 8 buildings have also been revised to exclude apartment interiors other than Apartment 1001 in <i>Ithaca Gardens</i>. This will limit the need for heritage related approvals prior to apartment renovations, provided those works are not visible from common areas. Additional, non-heritage related assessments, development approvals or certifications may still be required. The interiors of apartment 1001 have been included in <i>Ithaca Gardens</i>' proposed item name to align with the building's recent NSW State Heritage Register (SHR) listing. The SHR listing explicitly includes apartment 1001's interiors, which is a unit owned by the Seidler family that has retained its original fixtures and fittings.

Themes/issues raised	Building/s	City of Sydney response
A heritage listing will limit the ability to modernise or make changes to building exteriors and common areas.	All buildings	The proposed listings do not remove the opportunity to sympathetically maintain, change or modernise the buildings provided the proposed changes respond appropriately to the site's heritage values and other planning requirements. To assist owners manage change and modernisation works to their buildings, building-specific management guidelines have been included in each revised inventory sheets. These can be read at Attachments D to K. Each inventory sheet's management recommendations describe what elements of the buildings (such as building fabric, window treatments, or landscape features) are significant and need to be retained as well as the types of works that can be carried out under an approved heritage exemption or without development approval. These include provisions for sustainable upgrades to buildings including EV charging stations, repainting common areas, installing air conditioning units, and window repairs. Many of these detailed recommendations were developed in response to submissions received during the public exhibition period, or through consultation with Strata Committees and unit owners. Heritage inventory sheets are publicly available on the NSW State Heritage Inventory and available for property owners to access, as well as heritage advisors engaged for future development applications to review.
A heritage listing will increase insurance premiums.	<i>Gemini</i>, 40-44 Victoria Street, Potts Point <i>Roslyn Gardens</i>, 74-76 Roslyn Gardens Rushcutters Bay 1-5 Clement Street, Rushcutters Bay	There is little available evidence or research to support this concern. All 8 buildings are relatively modern and were constructed using materials and building techniques that would not require specialised trades, skills or materials to repair or maintain. Property owners can challenge or seek alternative quotes if their insurer raises premiums if their building is heritage listed.

Themes/issues raised	Building/s	City of Sydney response
A heritage listing will lead to decreased property values.	<i>Gateway</i>, 3 Wylde Street, Potts Point <i>Gemini</i>, 40-44 Victoria Street, Potts Point <i>Oceana</i>, 108 Elizabeth Bay Road, Elizabeth Bay <i>Roslyn Gardens</i>, 74-76 Roslyn Gardens Rushcutters Bay	There is no available evidence or relevant research to indicate that local heritage listing will reduce property values. The Elizabeth Bay, Potts Point and Rushcutters Bay areas contain many heritage listed apartment buildings of varying construction dates and designs, and continue to show strong and regular sales, high property values and consistent tenancies.
The buildings have undergone internal and external changes that have removed original fabric. Therefore, they have limited integrity or completeness.	<i>Gemini</i>, 40-44 Victoria Street, Potts Point <i>Roslyn Gardens</i>, 74-76 Roslyn Gardens Rushcutters Bay	Places that have undergone change can continue to have heritage significance. It is generally expected that residential buildings will have undergone some degree of change and loss of original fabric over time. Depending on the assessed heritage significance of the building, these changes do not always undermine their heritage significance. The level of change or removal of original fabric is acknowledged in the heritage assessments for the 8 buildings and was considered in GML's significance assessment against the NSW heritage criteria. These assessments concluded that the extent of internal and external changes in the 8 buildings did not reduce their overall integrity or their historical, associative, technical, aesthetic or representative values.

Themes/issues raised	Building/s	City of Sydney response
The <i>Gateway</i> building (3 Wylde Street, Potts Point) does not satisfy the NSW heritage significance criteria, has structural issues and water ingress problems, and is not the best example of Douglas Forsyth Evan's architectural designs.	<i>Gateway</i> , 3 Wylde Street, Potts Point	In response to submissions and further refinement of the building's heritage assessment, the City has concluded that <i>Gateway</i> , at 3 Wylde Street, Potts Point does not demonstrate a sufficient level of heritage significance, integrity or rarity to warrant individual listing. This was further supported by a comparison with stronger examples identified through the study. Accordingly, the <i>Gateway</i> building is no longer being proposed as a local heritage item in the planning proposal.
The buildings do not meet the threshold for local significance under <i>any</i> of the 7 NSW heritage assessment criteria.	All buildings	The City's process to propose the buildings for heritage listing was completed under an independent, staged, evidence-based approach directed at identifying the most outstanding and representative examples of postwar apartment buildings in the area. The independent heritage assessments prepared by GML Heritage were developed through a thorough approach including detailed comparative analyses, archival research and building inspections. Their findings were further informed and refined by submissions received during the public exhibition period. All 8 buildings proposed for listing embody the key design principles, technical innovation and lifestyle aspirations that shaped apartment living in Potts Point, Elizabeth Bay and Rushcutters Bay during this period.
The buildings do not meet <i>all</i> 7 NSW heritage criteria. Therefore, they did not meet the threshold for local heritage listing.	1-5 Clement Street, Rushcutters Bay <i>Gemini</i>, 40-44 Victoria Street, Potts Point <i>Bayview</i>, 41–49 Roslyn Gardens, Elizabeth Bay <i>Roslyn Gardens</i>, 74-76 Roslyn Gardens Rushcutters Bay	Under the NSW heritage significance assessment criteria (2025), a place or object needs to meet one or more of the 7 criteria to be considered of heritage significance. Not all places or objects will meet all 7 criteria.

Themes/issues raised	Building/s	City of Sydney response
There was insufficient consultation with owners about the proposed heritage listings and their implications.	<i>Bayview</i>, 41–49 Roslyn Gardens, Elizabeth Bay <i>Gemini</i>, 40-44 Victoria Street, Potts Point	The City of Sydney notified each building's respective Strata Managers, Strata Committees and Owners Corporations about the heritage investigation by letter and email in the early stages of the heritage study. 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 9 of the 15 buildings between September and November 2024. These meetings took place at the buildings or online. Not all Strata Committee and Owners Corporation representatives chose to meet with us. Further notifications and invitations for owners to meet with City of Sydney staff were made prior to, and during the public exhibition period. These invitations aimed to present information about the heritage listing process and potential implications for owners while also providing owners with an opportunity to provide their feedback on the proposal. These meetings and conversations also aimed to take future works to the building into consideration when developing management recommendations for each item. We met with representatives from 2 buildings during this period. Meetings were held at the buildings and the City of Sydney offices. We also spoke to representatives and unit owners from 5 of the 9 buildings throughout the public exhibition period. These conversations were carried out on the phone and focussed on the implications of a heritage listing on property owners.
Poor condition of some buildings should prevent heritage listing.	<i>Gemini</i>, 40-44 Victoria Street, Potts Point <i>Aquarius</i>, 50–58 Roslyn Gardens, Rushcutters Bay	Buildings identified as having significant maintenance or structural issues were excluded from the heritage assessment during Stage 1 and 2 of the project. There has been no evidence presented to, or observed by, the City of Sydney or GML Heritage to indicate that these buildings are suffering from significant structural or maintenance issues.

Themes/issues raised	Building/s	City of Sydney response
The City should allocate funds towards the conservation and maintenance of these buildings.	<i>Aquarius</i> , 50–58 Roslyn Gardens, Rushcutters Bay <i>St Ursula</i> , 5 Onslow Avenue, Elizabeth Bay	All buildings, whether heritage listed or not, need maintenance. Allocating public funds to private building maintenance is not possible given competing budget priorities and the principle that the primary responsibility for maintenance of privately owned buildings rests on the owner.

Appendices

Appendix A: Engagement activities

- **Sydney Your Say webpage**

A webpage was created and open from 17 November to 15 December 2025. The page included key information about the proposal to amend the Sydney Local Environmental Plan 2012 by including the 9 modern apartment buildings as local heritage items. Information provided on the page comprised of the council report; the targeted heritage study and the draft heritage assessments and inventory sheets for each of the 9 modern apartment buildings proposed for heritage listing.

The web page received 866 page views and 359 document downloads during this period.

- **Online feedback form Survey Monkey**

The community were able to give feedback using an online form. The form was open from 17 November to 15 December 2025. A link to the form was provided on the Sydney Your Say webpage.

- **Notification email via Campaign Monitor**

A notification email was sent on 17 November to 33 stakeholders via Campaign Monitor. An example of the notification email is attached in Appendix B.

- **Notification letter via BING**

A notification letter sent on 19 November via BING to 3,450 owner occupiers; residents and property owners. An example of the notification letter is attached in Appendix C.

Appendix B: Notification email

 City of Sydney <sydneystreets@cityofsydney.nsw.gov.au>
To:  Patricia Ma
Retention Policy: 7 Year retention policy (7 years)
 You forwarded this message on 18/11/2025 10:06 AM.
If there are problems with how this message is displayed, click here to view it in a web browser.

Expires: 17/11/2032

Sydney Your Say

CITY OF SYDNEY 



Proposal to heritage list 9 modern apartment buildings

We invite your feedback on our [proposal to list 9 modern apartment buildings](#) as local heritage items:

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

Why we're doing this

Potts Point, Elizabeth Bay and Rushcutters Bay boast a unique collection of apartment buildings constructed in the post-war period, from 1945 to 1975. These buildings responded to changing demographics, construction techniques and legislation while displaying new architectural styles. The proposal to heritage list 9 modern apartment buildings recognises this important period of residential development.

Have your say

You can provide feedback on the [planning proposal](#), heritage report and draft heritage inventory.

Share your thoughts by **5pm on Monday 15 December 2025**.

For more information or any queries contact our senior specialist heritage planner Adele Zubrzycka at sydneyyoursay@cityofsydney.nsw.gov.au or on 02 9265 9333.

The City of Sydney acknowledges the Gadigal of the Eora nation as the
Traditional Custodians of our local area.

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You've received this email because you've been identified as a key stakeholder and your feedback on this planning proposal is important us.

The City of Sydney makes every effort to ensure the content of this newsletter is accurate, but makes no warranty as to its accuracy and does not assume any legal liability. The inclusion of a person, organisation, activity or link to another website in this newsletter in no way implies any form of endorsement by the City of Sydney.

Do not reply to this message. The reply address is not monitored.

Appendix C: Notification letter



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

17 November 2025

Our Ref: X109515.006

Proposal to heritage list 9 modern apartment buildings

We're proposing to list 9 modern apartment buildings as local heritage items and we invite your feedback on the proposal:

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

Why we're doing this

Potts Point, Elizabeth Bay and Rushcutters Bay boast a unique collection of apartment buildings constructed in the post war period (1945 to 1975). These buildings responded to changing demographics, construction techniques and legislation while displaying new architectural styles. The proposal to heritage list 9 'modern' apartment buildings recognises this important period of residential development.

How to give feedback

You can view the planning proposal, heritage report and draft heritage inventory sheets at sydneyyoursay.com.au. The proposal is open for comment until **5pm on Monday 15 December 2025**.

Feedback can be made online, by email or post to Project Officer, City Engagement, City of Sydney, Town Hall House, Level 7, 456 Kent Street, Sydney NSW 2000. Feedback should quote 'Reference X109515.006 – Heritage list 9 modern apartment buildings'.

For more information or any queries contact our senior specialist heritage planner Adele Zubrzycka at sydneyyoursay@cityofsydney.nsw.gov.au or on 02 9265 9333.

Yours sincerely

Ben Pechey
Executive Manager, Strategic Planning and Urban Design
City Planning | Development | Transport

The City of Sydney acknowledges
the Gadigal of the Eora Nation as the
Traditional Custodians of our local area.

Attachment B

**Amended planning proposal - Modern residential
flat buildings heritage items**

Amended Planning Proposal – Modern Residential Flat Buildings Heritage Items



Contents

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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 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~~ 8 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, excluding apartment interiors
Elizabeth Bay	5 Onslow Avenue	Lot 9 Sec 0 DP 15713	St Ursula, excluding apartment interiors
Elizabeth Bay	108 Elizabeth Bay Road	Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461	Oceana, excluding apartment interiors
Elizabeth Bay	12 Ithaca Road	Lot A DP 155142, Lots 1-40 SP 5704	Ithaca Gardens, excluding apartment interiors other than apartment 1001

Amended Planning Proposal – Modern Residential Flat Buildings

Locality	Address	Property Description	Item Name
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, excluding apartment interiors
Rushcutters Bay	50–58 Roslyn Gardens	Lot B DP 416095, Lot 2 DP 81859, Lots 1-117 SP 10872	Aquarius, excluding apartment interiors
Rushcutters Bay	74-76 Roslyn Gardens	Lot 3 DP 407610, Lots 1–90 SP 1719	Roslyn Gardens, excluding apartment interiors
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, excluding apartment interiors

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



Figure 1. Location of 3 Wyde 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~~ **8** 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 Wyde 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~~ **8** 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). **It is an individually listed heritage item on the National Trust (NSW) Register.** 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). It is an individually listed heritage item on the SHR (“Ithaca Gardens”, SHR # 02107) **and the National Trust (NSW) Register.** Existing heritage items within its 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 is** 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 3-4 Wyde 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. **Following public exhibition of the Planning Proposal between 17 November to 15 December and feedback received, the City concluded that one of the nine buildings (Gateway, 3 Wyld Street, Potts Point) while an important example of postwar residential development and a positive contributor to the character of Potts Point, does not demonstrate a sufficient level of heritage significance, integrity or rarity to warrant individual listing. This building has been removed from the planning proposal.**

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 2024 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.

However, in response to submissions received during the public exhibition period and further refinement of the building's heritage assessment, the City concluded that *Gateway*, 3 Wylde Street, Potts Point—while an important example of postwar residential development and a positive contributor to the character of Potts Point—does not demonstrate a sufficient level of heritage significance, integrity or rarity to warrant individual listing. This was further supported by a comparison with stronger examples identified through the study. Accordingly, the *Gateway* building is no longer being proposed as a local heritage item in this amended planning proposal.

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.

108 Elizabeth Bay Road, Elizabeth Bay - Oceana

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, **with the exception of gateway, 3 Wylde Street Potts Point**, 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 **amended** planning proposal are to recognise the significance of the ~~nine~~ **8** 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 items 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.
<u>Potts Point</u>	<u>Gateway</u>	<u>3 Wylde Street</u>	<u>Lot 1 DP 78034</u>	<u>Local</u>	<u>I2319</u>
<u>Potts Point</u>	<u>Gemini, excluding apartment interiors</u>	<u>40–44 Victoria Street</u>	<u>Lot 1 DP 205052, Lot 1 DP 916138, Portion 45 DP 2436, Portion 40 DP 2436, Lots 1-58 SP 11452</u>	<u>Local</u>	<u>I2320</u>
<u>Elizabeth Bay</u>	<u>St Ursula, excluding apartment interiors</u>	<u>5 Onslow Avenue</u>	<u>Lot 9 Sec 0 DP 15713</u>	<u>Local</u>	<u>I2321</u>
<u>Elizabeth Bay</u>	<u>Oceana, excluding apartment interiors</u>	<u>108 Elizabeth Bay Road</u>	<u>Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461</u>	<u>Local</u>	<u>I2322</u>

Locality	Item Name	Address	Property Description	Significance	Item no.
<u>Elizabeth Bay</u>	<u>Ithaca Gardens,</u> <u>excluding</u> <u>apartment</u> <u>interiors</u> <u>other than</u> <u>apartment</u> <u>1001</u>	<u>12 Ithaca Road</u>	<u>Lot A DP 155142,</u> <u>Lots 1-40 SP 5704</u>	<u>Local</u>	<u>I2323</u>
<u>Elizabeth Bay</u>	<u>Bayview,</u> <u>excluding</u> <u>apartment</u> <u>interiors</u>	<u>41–49 Roslyn Gardens</u>	<u>Lot 1 DP 71348,</u> <u>Lots 1-72 SP</u> <u>3402, Lots 74-143</u> <u>SP 3402, Lots</u> <u>144-151 SP9225,</u> <u>Lot 1 DP 233118,</u> <u>Lot 1 DP 213376,</u> <u>Lot 100 DP</u> <u>1275051</u>	<u>Local</u>	<u>I2324</u>
<u>Rushcutters Bay</u>	<u>Aquarius,</u> <u>excluding</u> <u>apartment</u> <u>interiors</u>	<u>50–58 Roslyn Gardens</u>	<u>Lot B DP 416095,</u> <u>Lot 2 DP 81859,</u> <u>Lots 1-117 SP</u> <u>10872</u>	<u>Local</u>	<u>I2325</u>
<u>Rushcutters Bay</u>	<u>Roslyn Gardens,</u> <u>excluding</u> <u>apartment</u> <u>interiors</u>	<u>74-76 Roslyn Gardens</u>	<u>Lot A DP 71162,</u> <u>Lot B DP 71162,</u> <u>Lot C DP 71162,</u> <u>Lots 1–25 SP</u> <u>10641</u> <u>Lot 3 DP 407610,</u> <u>Lots 1–90 SP</u> <u>1719</u>	<u>Local</u>	<u>I2326</u>
<u>Rushcutters Bay</u>	<u>1-5 Clement Street,</u> <u>excluding</u> <u>apartment</u> <u>interiors</u>	<u>1-5 Clement Street</u>	<u>Lot A DP 71162,</u> <u>Lot B DP 71162,</u> <u>Lot C DP 71162,</u> <u>Lots 1–25 SP</u> <u>10641</u>	<u>Local</u>	<u>I2327</u>

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**. **Revised inventory sheets, updated in response to submissions, are provided as Attachments D-K in the post exhibition report.** 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**. Revised inventory sheets, updated in response to submissions, are provided as Attachments D-K in the post exhibition report. 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 or 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
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent. Amendments in this planning proposal will continue to support the protection and enhancement of the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores; protect the cultural heritage significance of Sydney Harbour, its islands and foreshores; and encourage a culturally rich and vibrant place for people. It will support the conservation of significant fabric, settings, relics and views associated with the heritage significance of heritage items and protect the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area in the local government area

Ministerial Direction	Comment
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	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

Ministerial Direction	Comment
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~~ **8** 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.

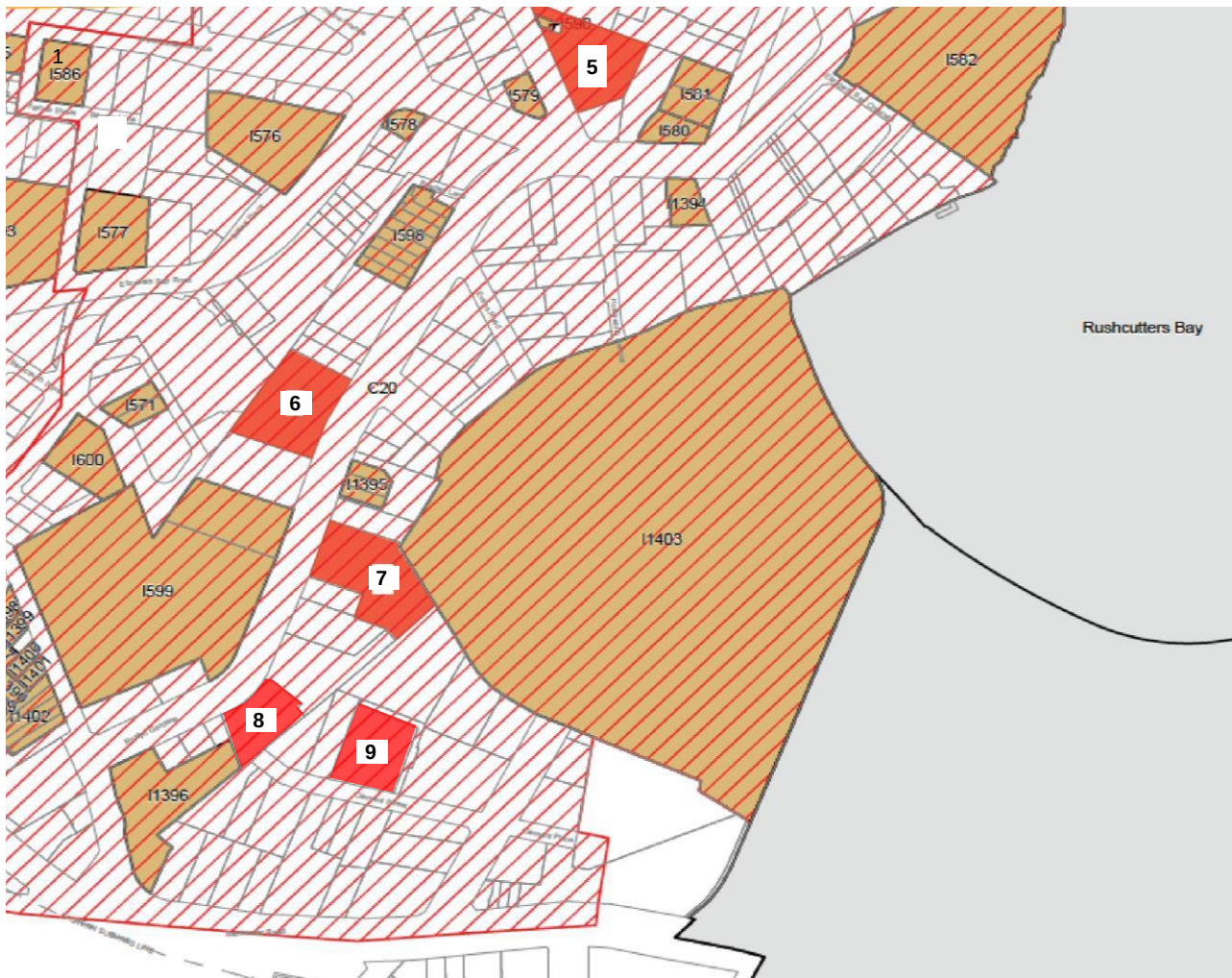


Figure 20. Proposed heritage boundary for 12 Ithaca Road, Elizabeth Bay (5) and 41-49 Roslyn Gardens, Elizabeth Bay (6), 50-58 Roslyn Gardens, Rushcutters Bay (7), 74-76 Roslyn Gardens, Rushcutters Bay (8) and 1-5 Clement Street, Rushcutters Bay (9) shaded in red in the SLEP 2012 Heritage Map tile HER_022.

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 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 C

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

CHL
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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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:

- Adele Zubrzycka, Senior Specialist Planner Heritage.
- 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 glamorous 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.

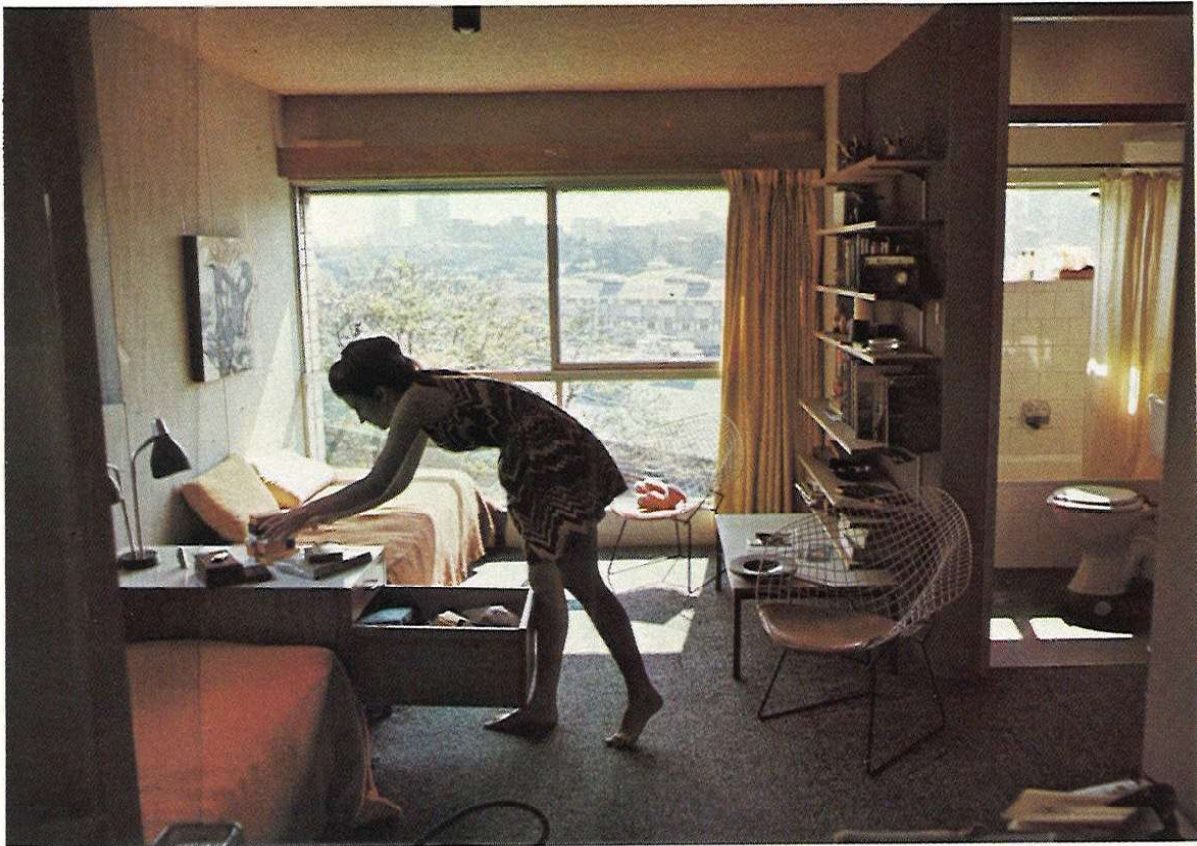


Figure 2.3 David Moore's photograph of Deidre Gunner in her apartment in Gemini, commissioned for the publication *Living and Partly Living* (1971 p. 182).

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

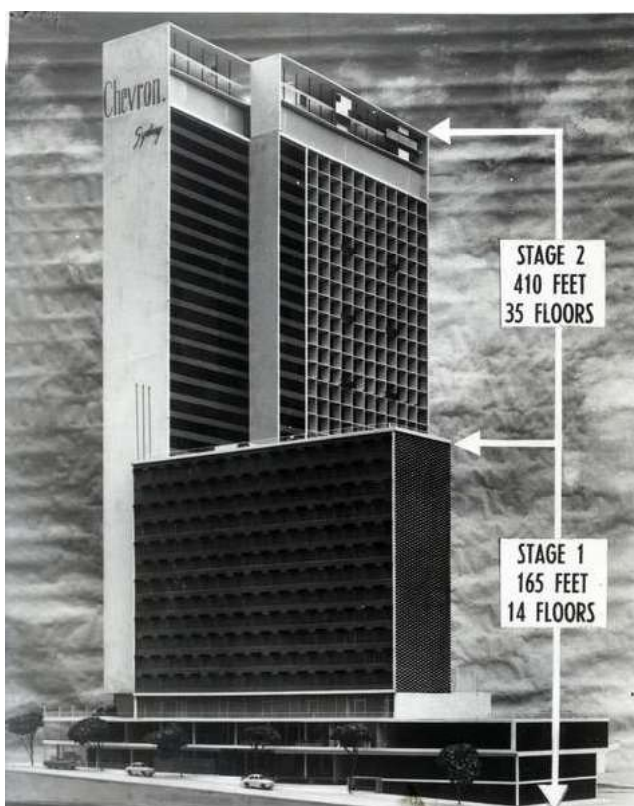


Figure 2.4 Prospective design for Chevron Hilton Hotel, Macleay St, Potts Point, NSW. Architect: Donald Crone & Assoc. published in *Cross-Section*, no. 98, Dec 1960. (Source: University of Melbourne)



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 McMahon's 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 Freiwilg 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 Barnicleuth 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

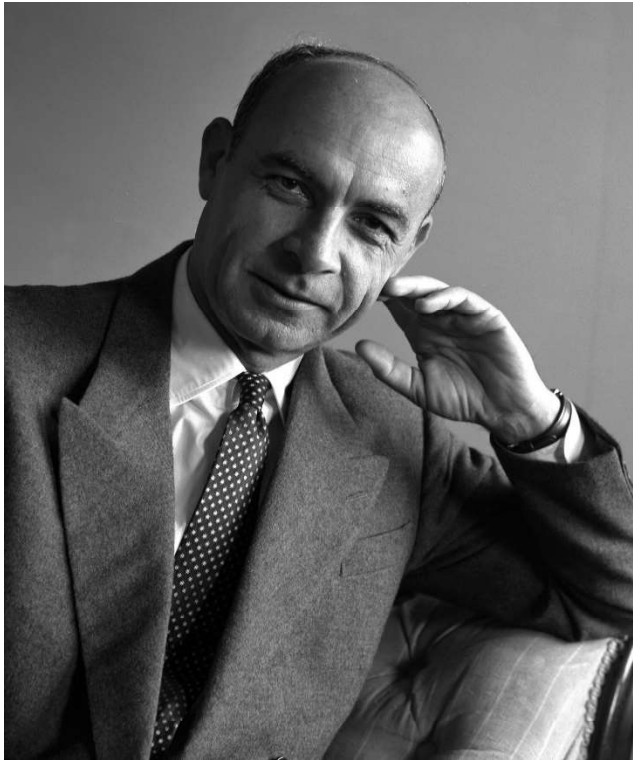


Figure 2.7 Hugo Stossel portrait by Max Dupain, c.1960. (Source: SLNSW)

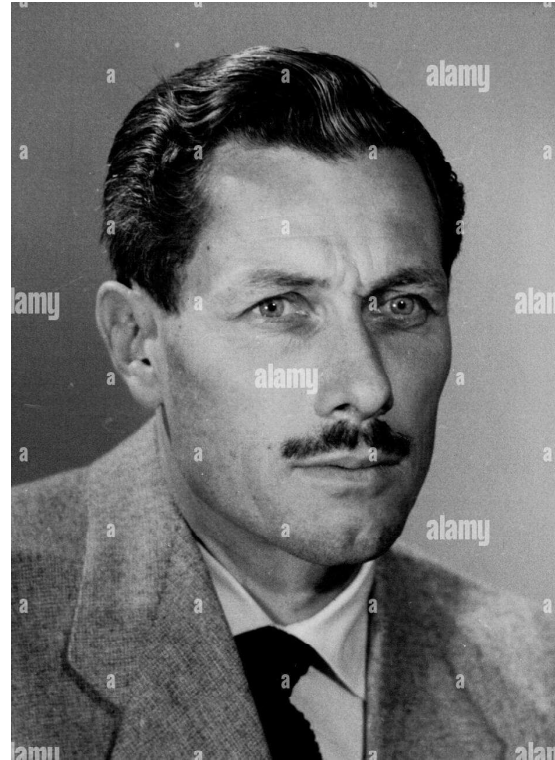


Figure 2.8 Mr. Douglas B. Snelling - Architect. August 26, 1954. (Photo by Bryan Douglas Cameron/Fairfax Media)



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.

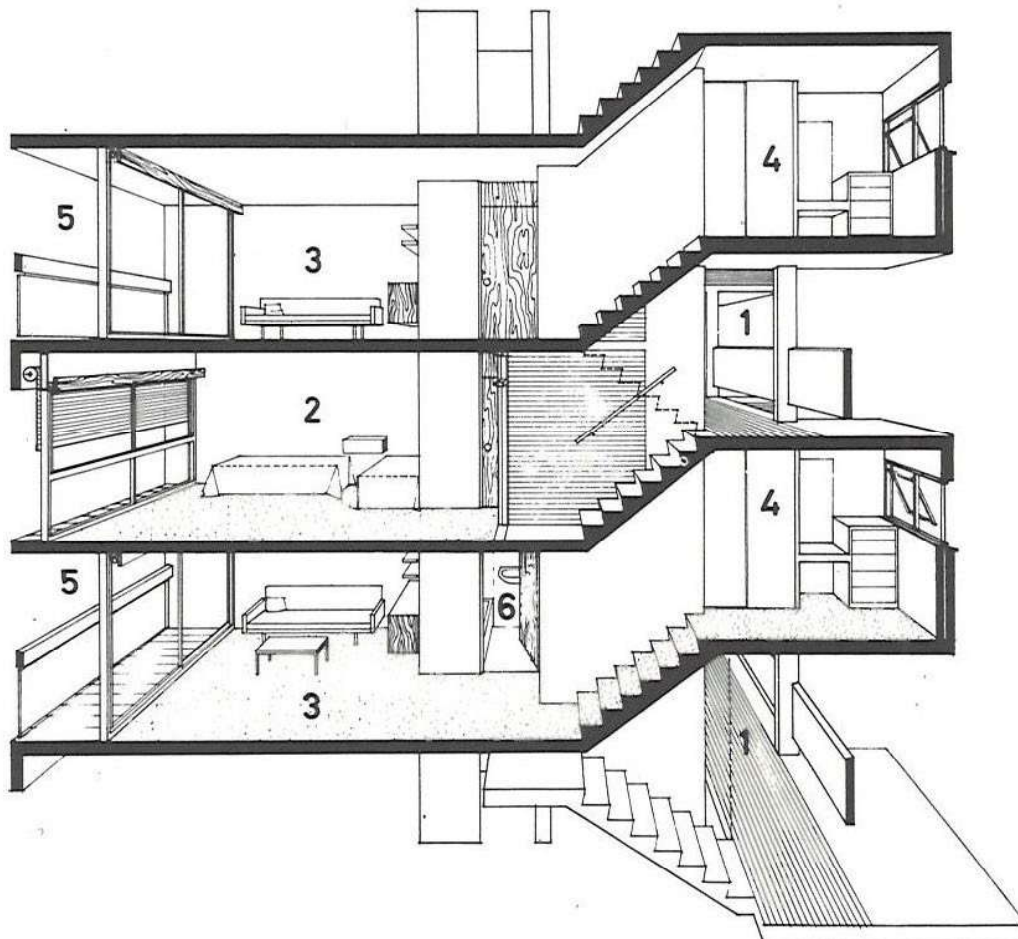


Figure 2.10 Harry Seidler's design for Aquarius seen in section where external circulation galleries serve two floors of flats and one-bedroom units alternate with studios. (Source: *Living and Partly Living*, 1971, p.186, copyright Harry Seidler & Associates)

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 McMahon's 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 be 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 D

**Revised Inventory Sheet - Gemini, 40-44
Victoria Street, Potts Point**

Item Name Gemini, excluding apartment interiors			
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.

Historical overview

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, McMahon's 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 prototypes. 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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
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- **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
 - **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
 - **Maintenance:** the continuous protective care of a place and its fabric.
 - **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
 - **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
 - **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
 - **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
 - **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
 - **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
 - **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
 - **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice.
(<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
 - **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
 - **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific Guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of Gemini do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining significant elements of the place. They do not override strata by-laws; works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to Gemini should aim to be sympathetic to the place's identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric

should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through its Duty Planner service prior to a heritage exemption application or DA submission. This will help to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Applications for external or vertical additions to the item or ancillary development within the property boundary should be appropriately located, sympathetic to the identified heritage values of the building and not have a major material or visual impact.

Face brickwork is to remain unpainted and unrendered.

Where removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The installation of a whole of building and coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units.

Original features such as fittings to foyers, door hardware and wall and floor finishes, should be retained.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council's written confirmation after lodging a local heritage exemption application, provided they adopt a 'like-for-like' approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of Gemini or alter its external appearance:

- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling and face brickwork, and brick re-pointing;
- maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
- works and activities associated with the ongoing maintenance of existing external communal areas limited to roadways, carparks, verges, garden edges, plantings, drainage, pedestrian pathways and steps;
- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits, penetrations and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
- installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
- works and activities associated with the maintenance, repair or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of the existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas, do not impact structural walls and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with the building's strata by-laws and

relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application is submitted, provided they adopt a 'like-for-like' approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of Gemini or alter its external appearance:

- removal, repair and replacement of non-original building elements such as ground-level security gates, fences, vehicle access roller doors and brick walls along McDonald Lane, communal rooftop pool gates, balustrades, fencing and paving;
- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area;
- maintenance, repairs and upgrades to rooftop terraces and the footbridge including waterproofing, tile repair or replacement, repainting, pool repairs, pool maintenance, concrete spalling repairs and the installation, upgrade or maintenance of utilities; and
- the removal, repair or replacement of non-original rooftop materials such as pool gates, fences, railings and tiles, provided any new elements do not exceed the existing dimensions and profiles.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of Gemini or alter its external appearance.

Major lift repairs or replacement may require a local heritage exemption application or development application, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to anodised aluminium window frames and glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed-panel replacement, removal of air conditioning units and hardware repair) can be carried out with Council's written confirmation after a local heritage exemption application is submitted, provided works:

- adopt a like-for-like approach replacing or reinstating natural anodised aluminium frames and clear glass windows;
- maintain the fenestration pattern and external masonry reveal depth defined by the three vertical rows to 40 Victoria Street and four vertical rows at 42–44 Victoria Street, and the original combination of awning windows, fixed glass panels, sliding windows, full-height and ribbon windows; and
- retain the blue aluminium roller shutters for shading at 40 and 42–44 Victoria Street.

Removal of detracting elements such as air conditioning units and replacing them with more sympathetic alternatives is encouraged.

Window shutters

The repair, installation or replacement of external blue aluminium window shutters can be carried out with Council's written confirmation after a local heritage exemption application is

submitted provided they are carried out in accordance with strata by-laws, including that the shutter be retractable and blue in colour (to match existing), installed by a suitably qualified tradesperson and approved with written consent from the Owners Corporation.

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	<i>Living and Partly Living: Housing in Australia</i>	1971	

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

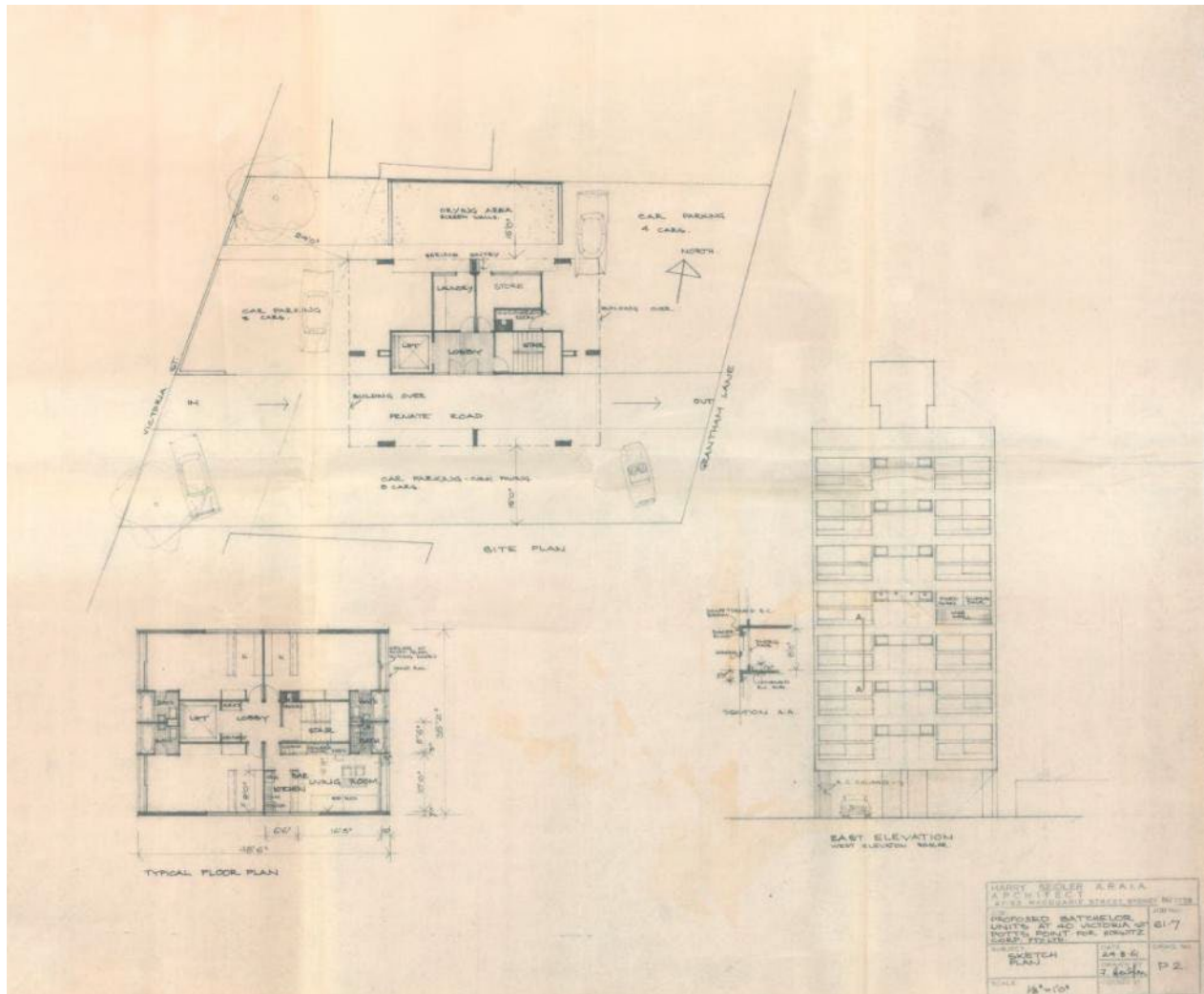


Image caption	Typical floor plan and north elevation for 40 Victoria Road, Potts Point (northern block).				
Image year	1961	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

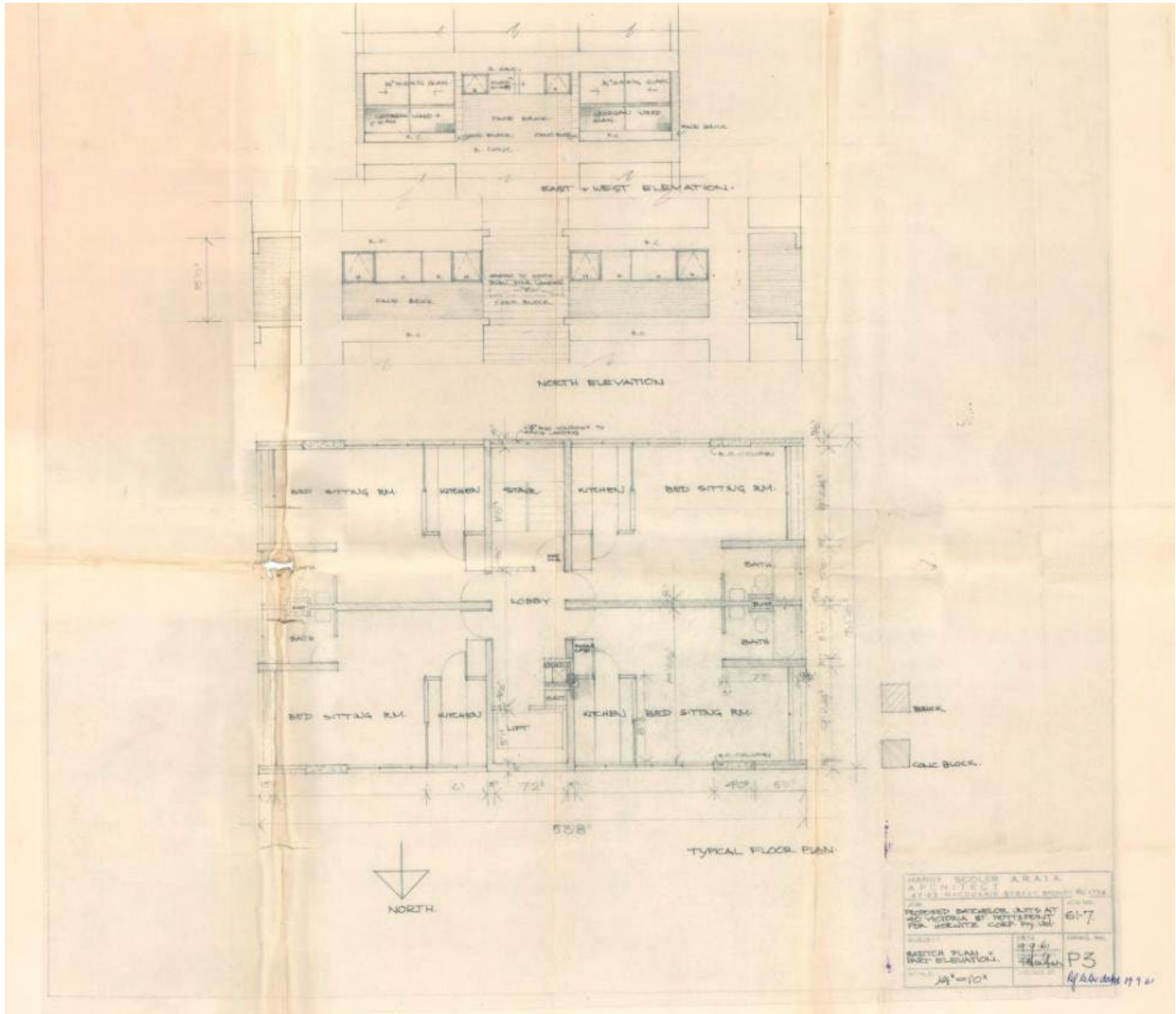


Image caption	Plans for 40 Victoria Road, Potts Point (northern block).				
Image year	1961	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

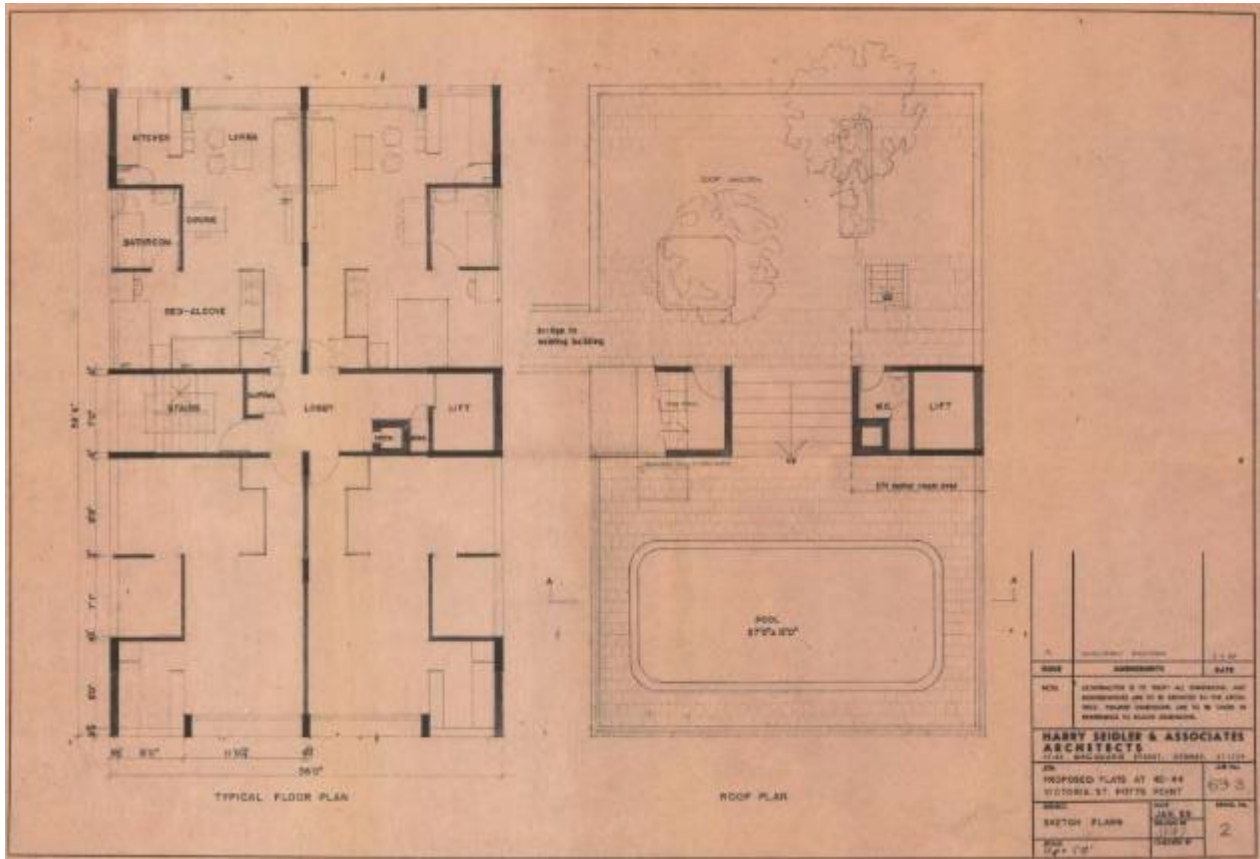


Image caption	Plans for 40 Victoria Road, Potts Point (northern block) from publication <i>Living and Partly Living: Housing in Australia</i> , Ian McKay, 1971.				
Image year	1971	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

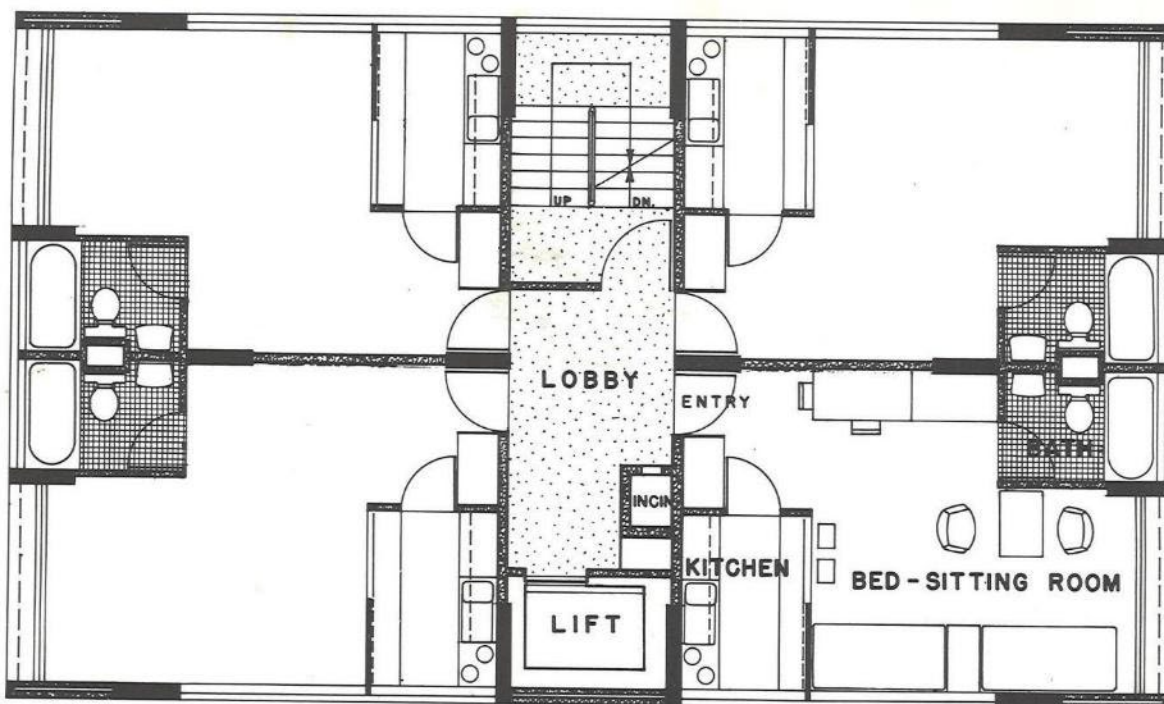


Image caption	Elevations of 42-44 Victoria Road, Potts Point (southern block).				
Image year	1969	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

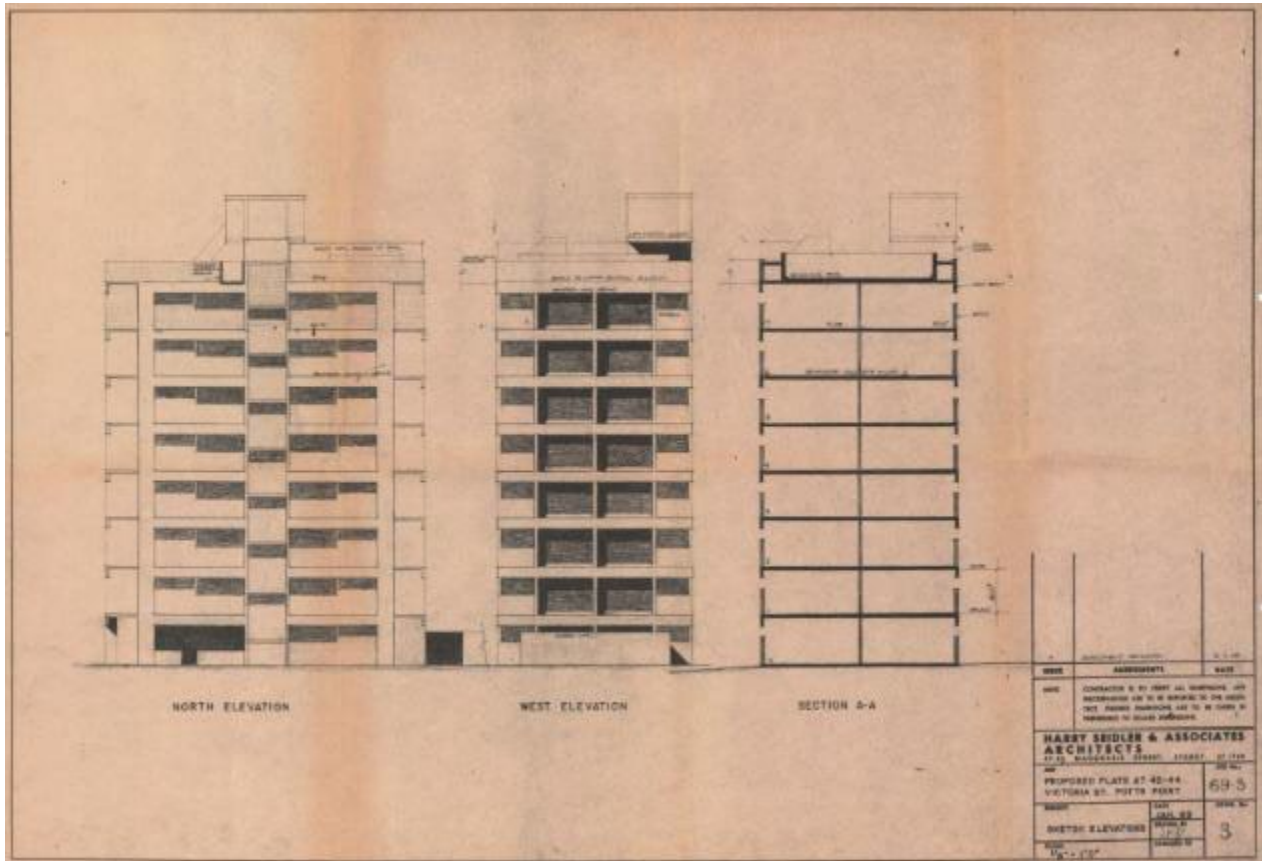


Image caption	Sketch of proposed addition of second building at 42-44 Victoria Street (now Gemini).				
Image year	1969	Image by	Harry Seidler & Associates	Image copyright holder	In copyright

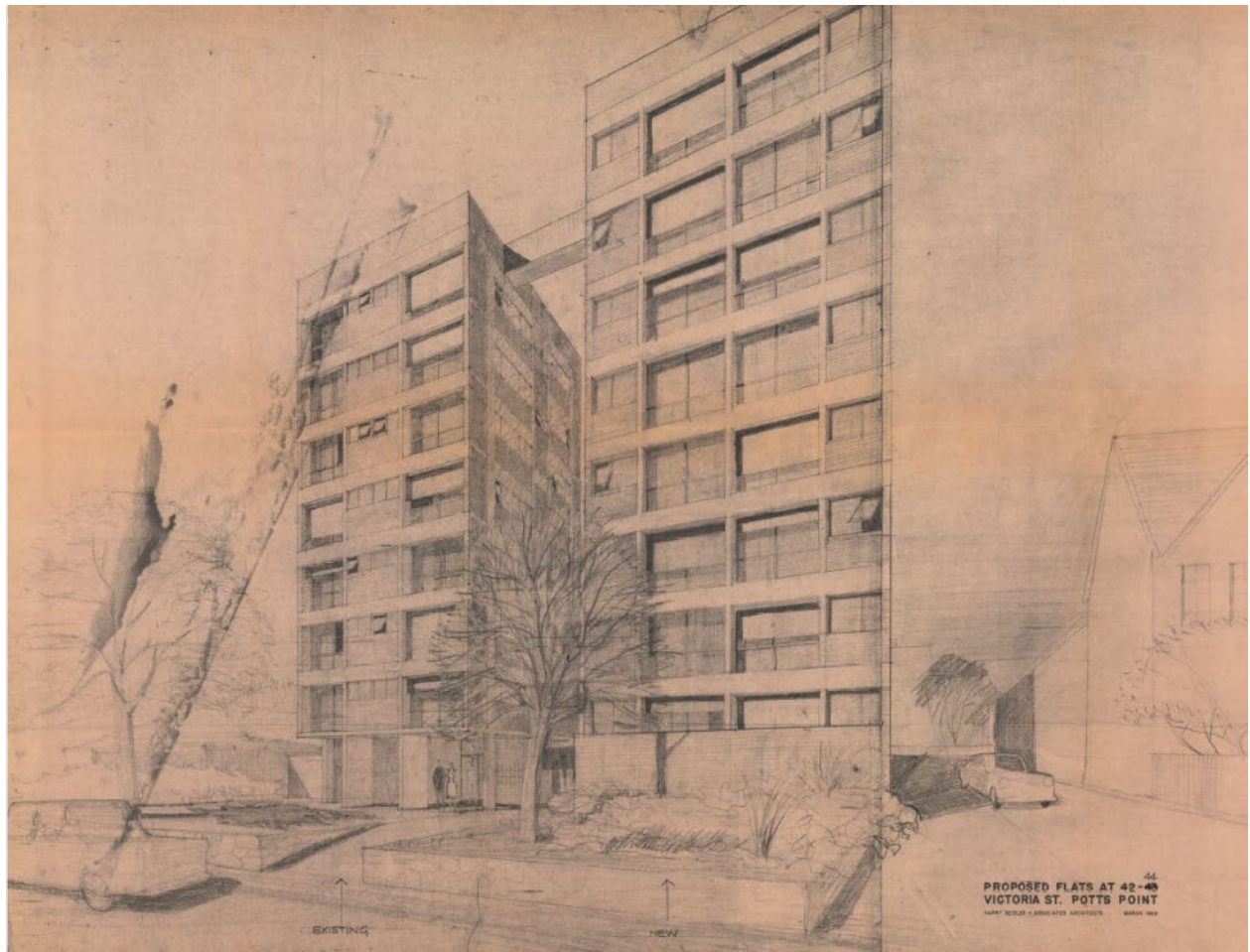
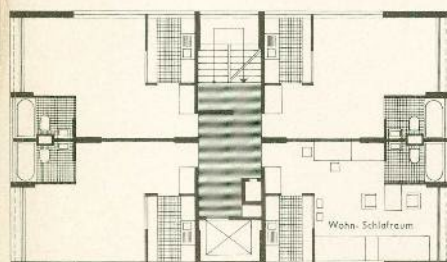


Image caption	Victoria Towers featured in a German language architecture publication. 'Apartmenthaus in Potts Point/Sydney' Architekten Harry Seidler & Ass., Sydney'				
Image year	c1969	Image by	Reproduced in City of Sydney Town Clerk's Department No. 1001/1969	Image copyright holder	In copyright





Grundriss, Maßstab 1:200

1442

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

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

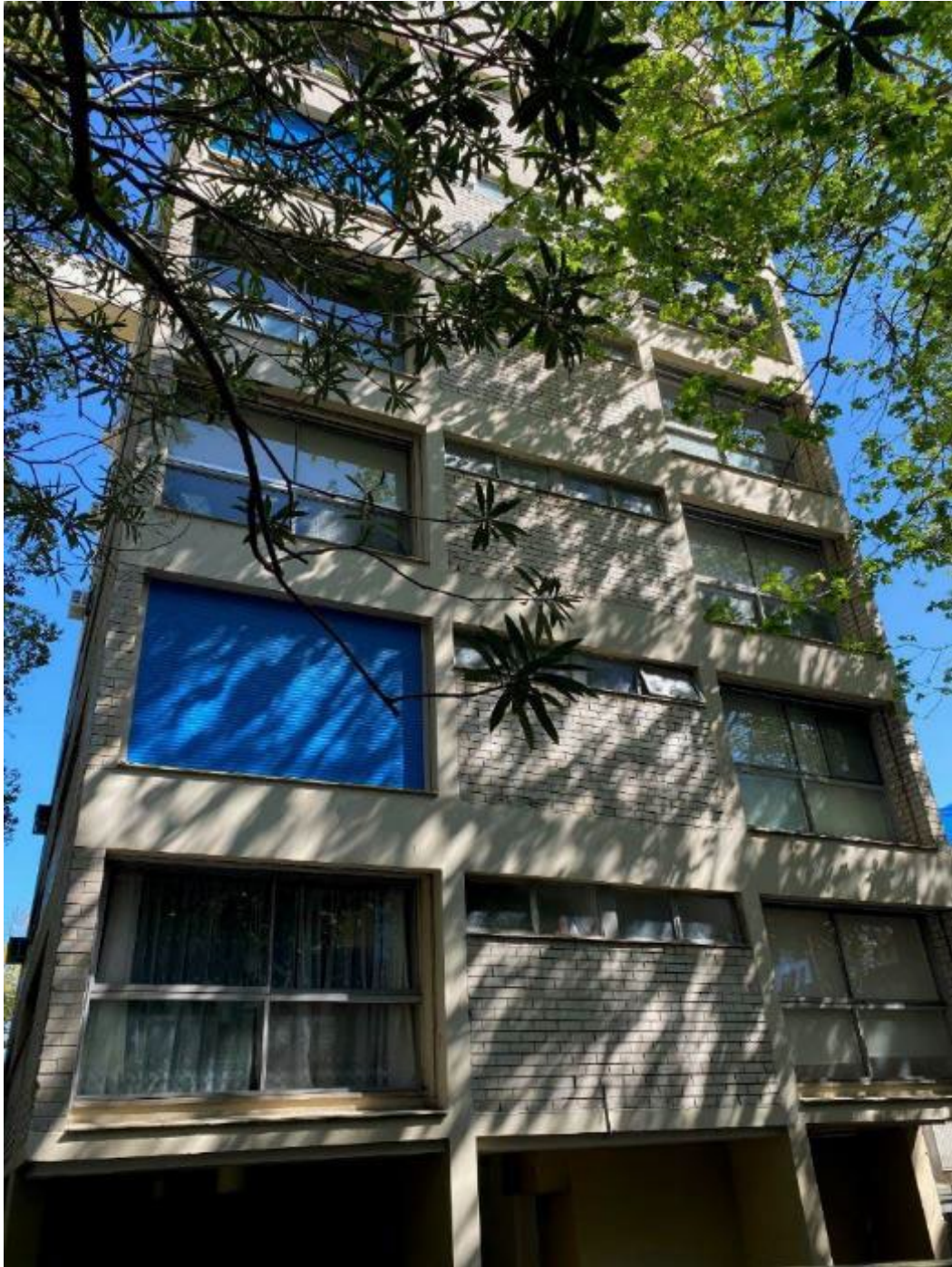


Image caption	Entrance foyer of Gemini (southern building).				
Image year	2024	Image by	GML	Image copyright holder	GML



Attachment E

**Revised Inventory Sheet - St Ursula, 5
Onslow Avenue, Elizabeth Bay**

Item Name St Ursula, excluding apartment interiors			
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.

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 reinforced concrete on a steel-frame structure with curtain walls of cavity brickwork. Steel-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 with flanking wall-mounted side lights. The lights were replaced several years ago, based on the original lights. The porch is angled in response to the building's narrowing plan and contains a pair of timber-frame glass doors with a fanlight 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 noticeboard remains in this small entry space.

Each floor (other than the 4th floor) was planned with two two-bedroom apartments off a central stair and lift core, resulting in 13 two-bedroom units and one penthouse. The 4th floor was planned differently to the other floors with one three bedroom apartment and a smaller one bedroom apartment. 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 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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and

regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
 - **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
 - **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
 - **Maintenance:** the continuous protective care of a place and its fabric.
 - **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
 - **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
 - **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
 - **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
 - **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
 - **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
 - **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
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- **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice. (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
 - **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
 - **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of St Ursula do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining the significant elements of the place. Works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to St Ursula should aim to be sympathetic to the place's identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through its Duty Planner service prior to a heritage exemption application or DA submission to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Applications for external or vertical additions to the item or ancillary development within the property boundary should be appropriately located, sympathetic to the identified heritage values and not have a major material or visual impact.

Face brickwork is to remain unpainted and unrendered.

Where the removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The installation of a whole of building, coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units.

Original features such as fittings to entry and foyer, door hardware and wall and floor finishes, should be retained where practical.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application, provided they adopt a 'like-for-like' approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of St Ursula or alter its external appearance:

-
- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling, sandstone foundations and retaining walls and face brickwork, and brick re-pointing;
 - maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
 - works and activities associated with the ongoing maintenance of existing external communal areas limited to carparks, verges, garden edges, plantings, drainage, pedestrian pathways and steps;
 - works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
 - installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
 - works and activities associated with the maintenance, repair or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of the existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas, do not impact structural walls, and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application is submitted, provided they adopt a 'like-for-like' approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of St Ursula or alter its external appearance.

- minor works such as repointing of the stack bond face brickwork, repainting of the metal balustrade and repair of original light fixtures;
- removal, repair and replacement of non-original building elements such as ground-level vehicle access roller doors, the brick wall to the east and the timber fence to the north;
- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area;
- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric; and
- maintenance, repairs and upgrades to the rooftop including waterproofing and the installation, upgrade or maintenance of utilities.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of St Ursula or alter its external appearance.

Major lift repairs or replacement may require a local heritage exemption application or development application, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to steel window frames and glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed panel replacement, removal of air conditioning units and hardware repair) can be carried out with Council's written confirmation after a local heritage exemption application is submitted, provided works:

- adopt a like-for-like approach including but not limited to design (mullions and transoms), materials, finishes, form, dimensions and profiles; and
- maintain the fenestration pattern and external masonry reveal depth. and the distinctive arrangement of the three fixed lights to the lower section and the main fixed panel with an operable casement window to the side.

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	<i>Building and Engineering</i>		24 May 1951, p 91	Trove, National Library of Australia
Publication	<i>Construction</i>		23 May 1951, p 3	Trove, National Library of Australia
Publication	<i>Sydney Morning Herald</i>		21 Sept 1951, p 14	Trove, National Library of Australia
Publication	<i>Sydney Morning Herald</i>		23 March 1954, p11	Trove, National Library of Australia

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 11½ in. 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

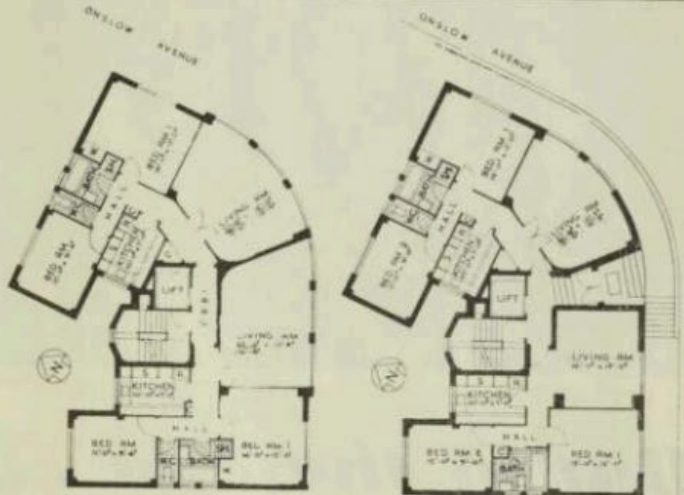
company with a number of other fine blocks in the neighbourhood.

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" 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.

"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.

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Image caption	St Ursula flats in Onslow Ave, Elizabeth Bay, in <i>Sydney Morning Herald</i> , 23 March 1954, p11.				
Image year	1954	Image by	NLA	Image copyright holder	No copyright

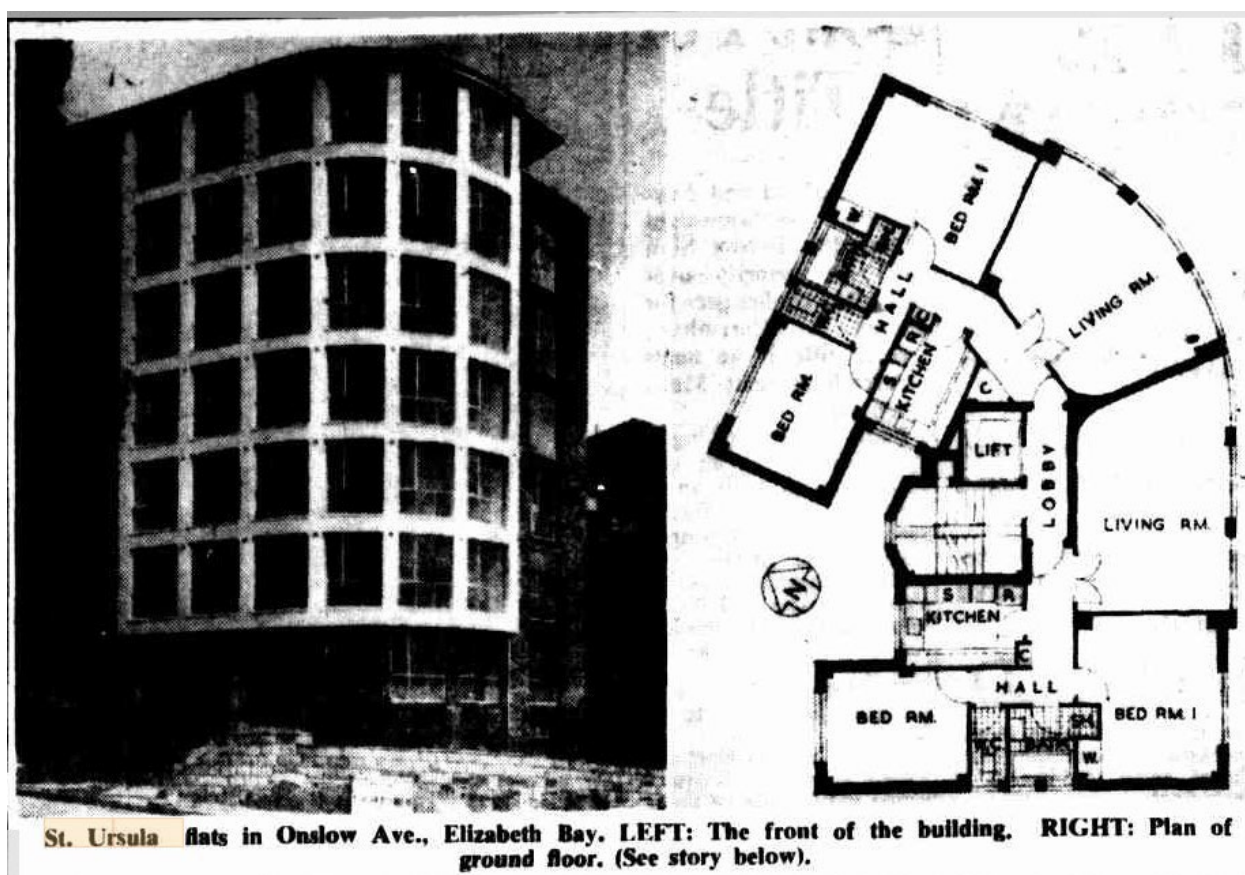


Image caption	Proposed block of six-storey flats at Lot 9 Onslow Ave Elizabeth Bay for Dr Susane Sedgwick.				
Image year	1951	Image by	H Stossel	Image copyright holder	City of Sydney Archives

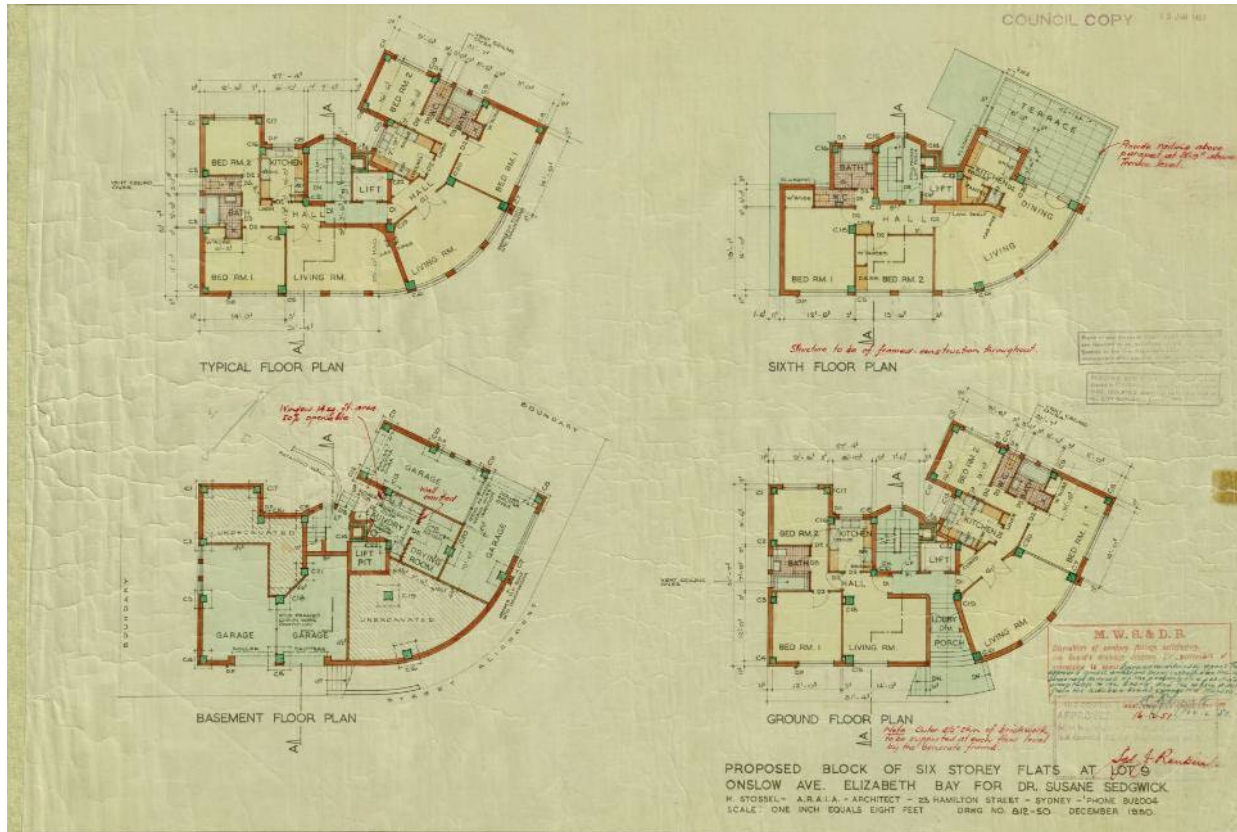


Image caption	Proposed block of six-storey flats at Lot 9 Onslow Ave Elizabeth Bay for Dr Susane Sedgwick.				
Image year	1951	Image by	H Stossel	Image copyright holder	City of Sydney Archives

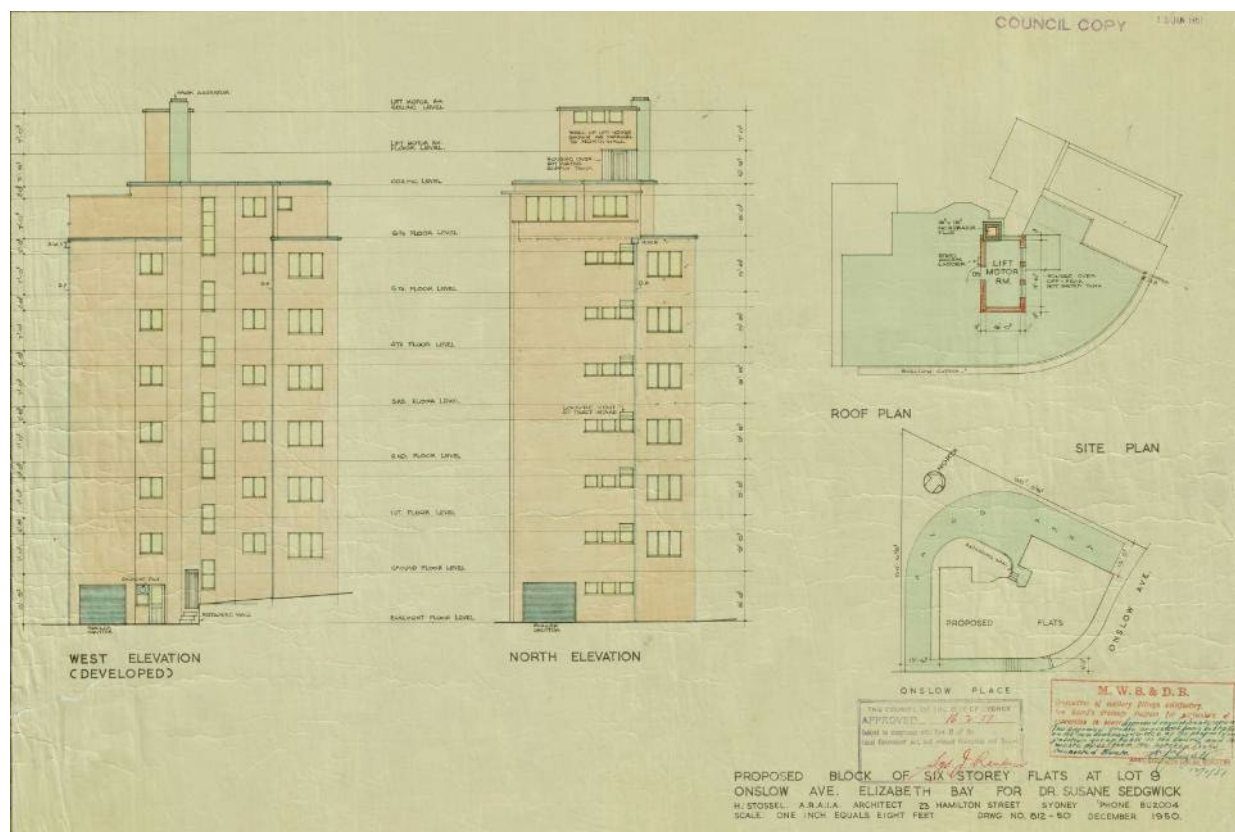


Image caption	St Ursula from Onslow Place.				
Image year	2024	Image by	GML	Image copyright holder	City of Sydney



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 F

**Revised Inventory Sheet - Oceana, 108
Elizabeth Bay Road, Elizabeth Bay**

Item Name		Oceana, excluding apartment interiors	
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 Freiwilg 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.

Arcos 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 a 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, McMahon's 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. Its 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 characteristics 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, Oceana 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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
 - **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
 - **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
 - **Maintenance:** the continuous protective care of a place and its fabric.
 - **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
 - **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
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- **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
 - **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
 - **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
 - **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
 - **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
 - **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice.
(<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
 - **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
 - **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of Oceana do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining significant elements of the place. They do not override strata by-laws; works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to Oceana should aim to be sympathetic to the place's identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through their Duty Planner service prior to a heritage exemption application or DA submission to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Applications for any external or vertical additions to the item or ancillary development within the property boundary should be appropriately located, sympathetic to the identified heritage values and not have a major material or visual impact.

Unfinished blockwork or brickwork is to remain unpainted and unrendered.

Where removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The installation of a whole of building, coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units.

Original features such as fittings to foyers, door hardware, and wall and floor finishes should be retained where practical.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application, provided they adopt a like-for-like approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of Oceana or alter its external appearance:

- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling and degraded concrete blockwork, and re-pointing.
- maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
- maintenance, repairs and conservation works to metal rail balustrade and balconies;
- works and activities associated with the ongoing maintenance of existing external communal areas limited to the swimming pool, roadways, carparks, garages, garden edges, plantings, drainage, pedestrian pathways and steps;

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- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
 - installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
 - works and activities associated with the maintenance, repair or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of the existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas, do not impact structural walls and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with the building's strata by-laws and relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application is submitted, provided they adopt a like-for-like approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of Oceana or alter its external appearance:

- removal, repair and replacement of non-original building elements such as ground-level security gates, fences, vehicle access roller doors, pool repairs and pool maintenance, communal pool gates, pool balustrades, fencing and paving, provided any new elements do not exceed the existing dimensions and profiles of these items;
- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area; and
- maintenance, repairs and upgrades to the roof including waterproofing, repair or replacement, repainting and the installation, upgrade or maintenance of utilities.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of Oceana or alter its external appearance.

Major lift repairs or replacement may require a local heritage exemption application or development application, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to timber window and door frames and glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed panel replacement, removal of air conditioning units and hardware repair) can be carried out under a local heritage exemption application provided works:

- adopt a like-for-like approach replacing or reinstating timber frames and clear glass panels;
- maintain the fenestration pattern and external masonry reveal depth; and
- remove detracting elements such as air conditioning units (replacement with more sympathetic alternatives is encouraged).

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	<i>Building, Lighting and Engineering</i>		November 1958	National Library of Australia
Publication	<i>Building Ideas Guide to Sydney Architecture</i>		1962	National Library of Australia
Publication	<i>Cross-Section</i>		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 <i>Cross-Section</i> , 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

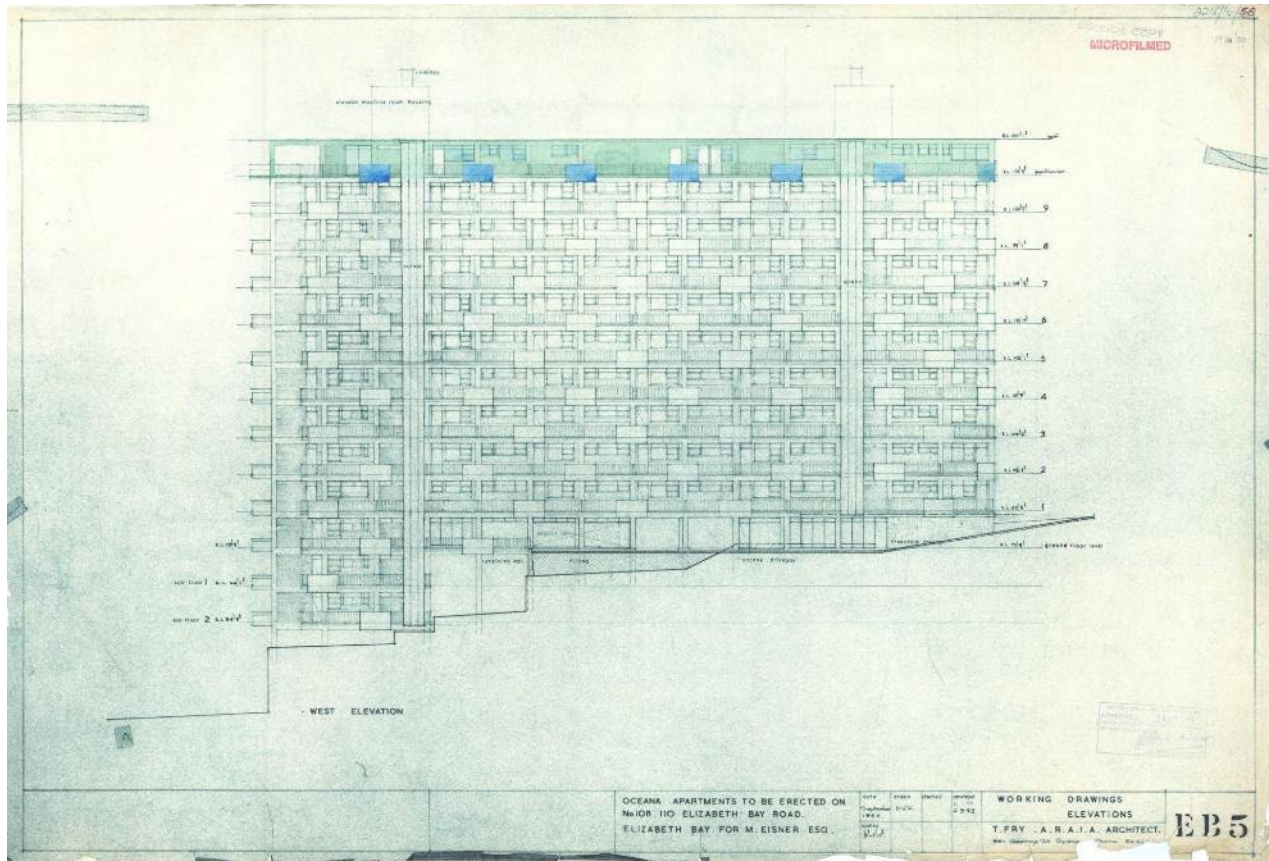


Image caption	Working drawings of the Oceana Apartments—east elevation, May 1952.				
Image year	1952	Image by	Theodore Fry	Image copyright holder	City of Sydney

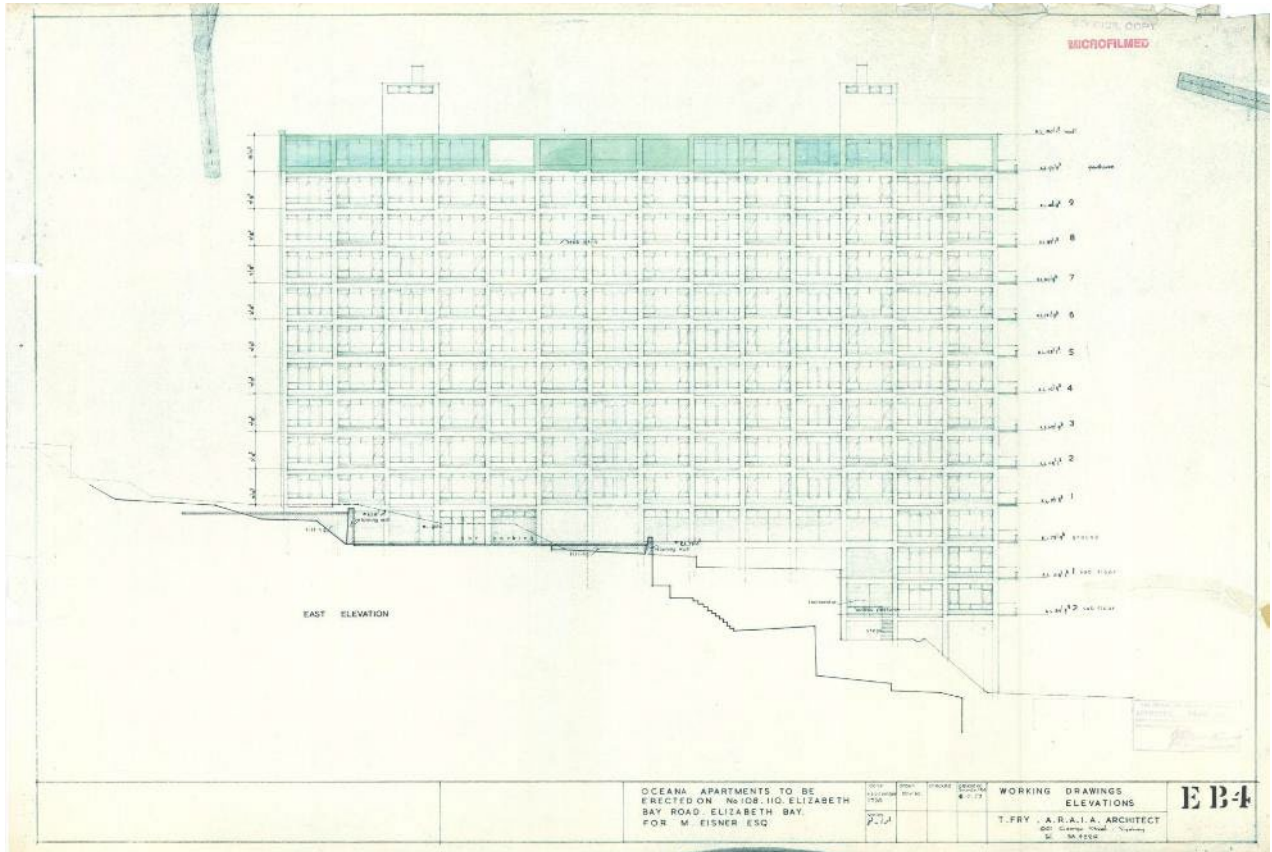


Image caption	Working drawings of the Oceana Apartments—site plan and section A-A, July 1952.				
Image year	1952	Image by	Theodore Fry	Image copyright holder	City of Sydney

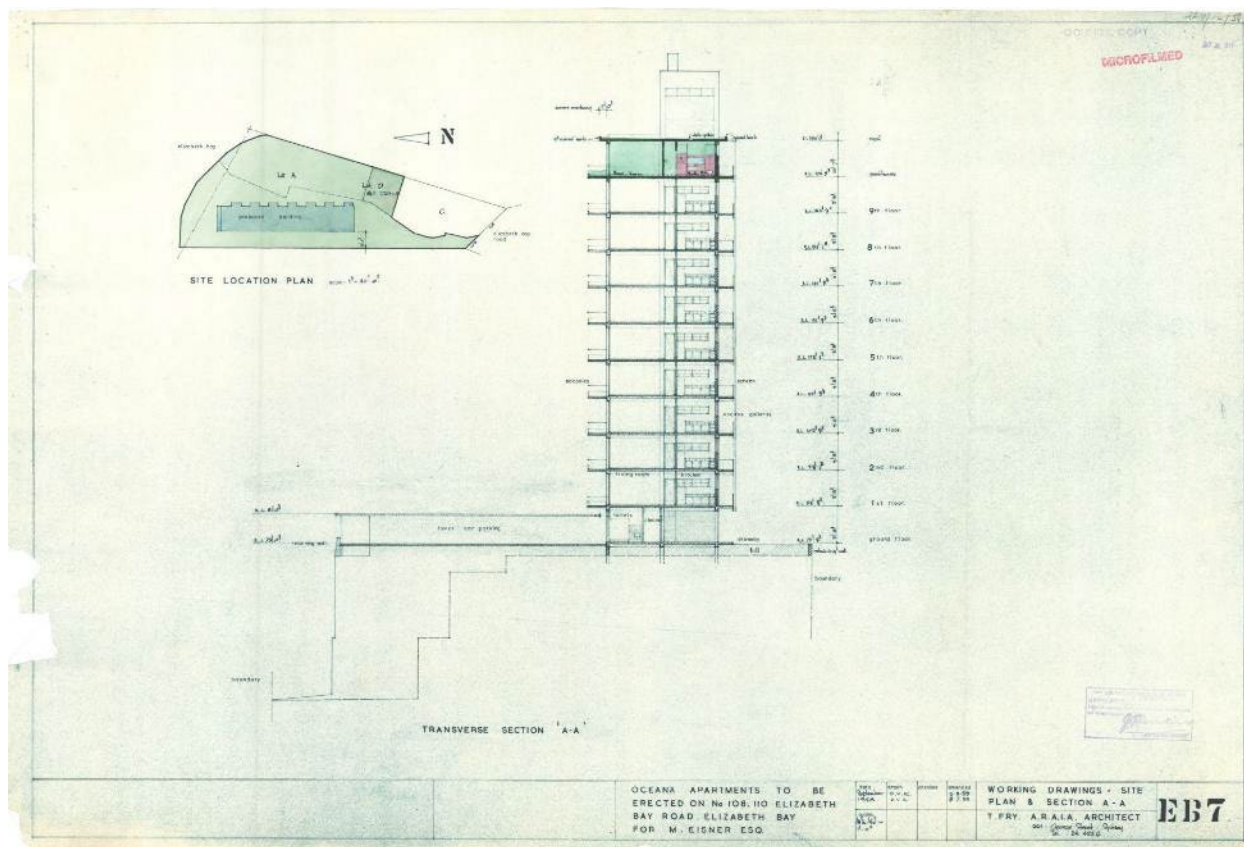


Image caption	Working drawings of the Oceana Apartments—amended plan of the first, second and third floors, May 1960.				
Image year	1960	Image by	Theodore Fry	Image copyright holder	City of Sydney

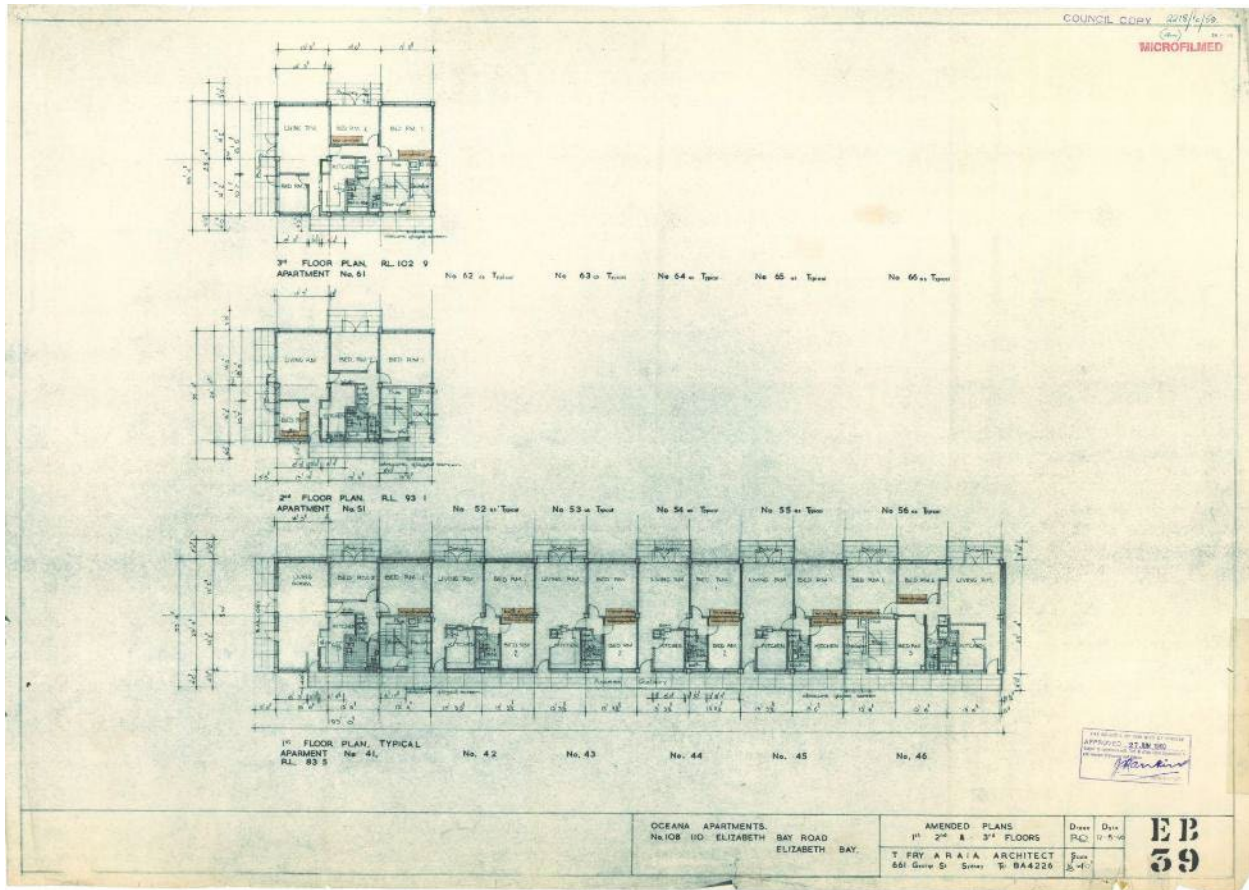


Image caption	Oceana from the east and Sydney Harbour.				
Image year	1972	Image by	Unknown	Image copyright holder	Museums of History NSW



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

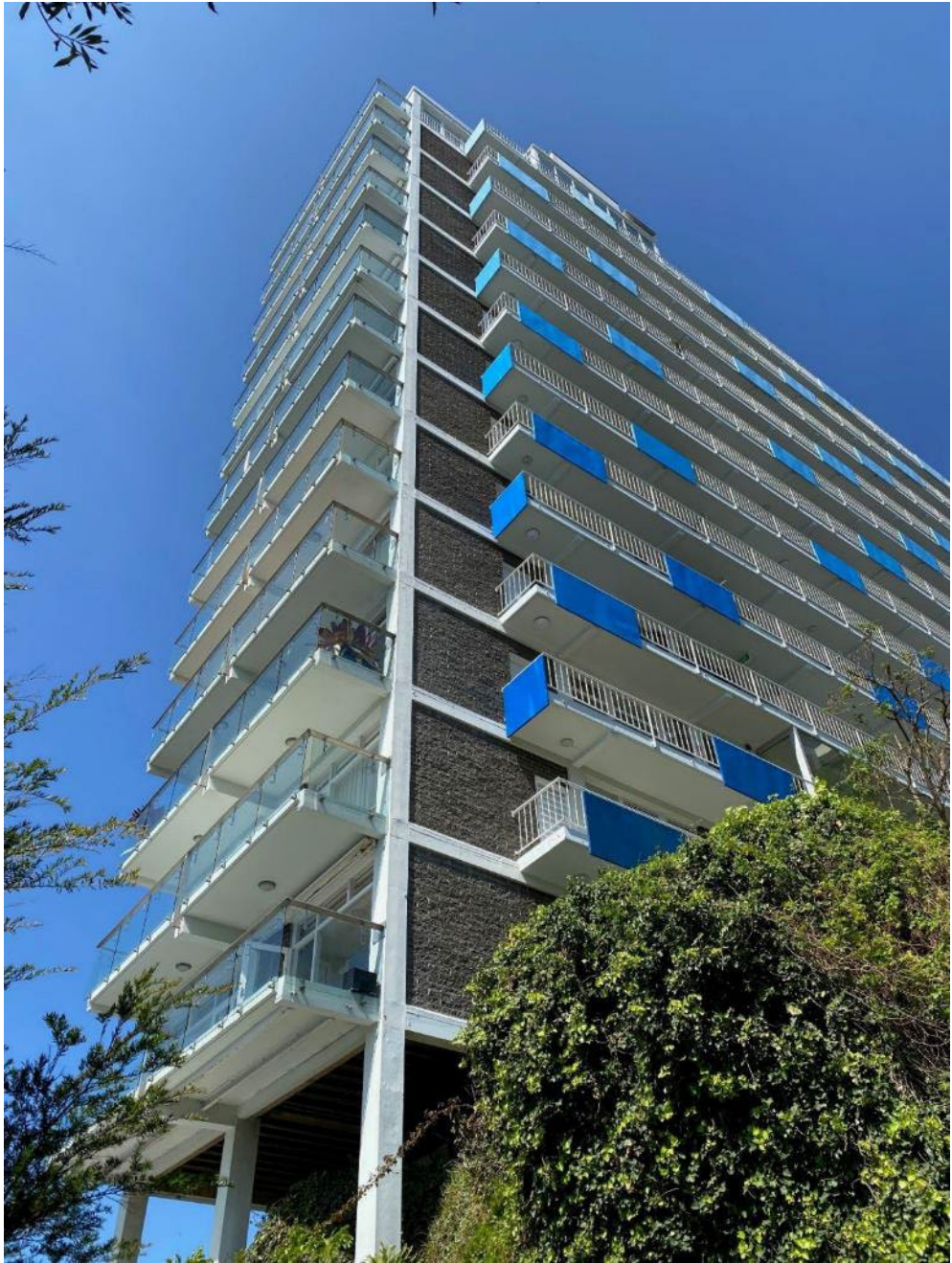


Image caption	View looking west from the carparking area. All balustrades have been replaced with glazing and stainless steel rails.				
Image year	2024	Image by	GML	Image copyright holder	GML



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 G

**Revised Inventory Sheet - Ithaca Gardens,
12 Ithaca Road, Elizabeth Bay**

Item Name Ithaca Gardens, excluding apartment interiors other than unit 1001			
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 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.

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'.

Historical overview

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. Dusseldorp 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 McMahon's 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 Dusseldorf and Seidler were high-profile advocates for their projects. Blues Point Tower, completed at McMahon's 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 is 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, McMahon's 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

Comparative analysis

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 prototypes. 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), McMahon's 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 Thalys)

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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service

(<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
- **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
- **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
- **Maintenance:** the continuous protective care of a place and its fabric.
- **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
- **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
- **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
- **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
- **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
- **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
- **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
(<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
- **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
- **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific Guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of Ithaca Gardens do and do not contribute to its significance and what can be altered without detailed investigation.

Please refer first to the State Heritage Listing for the place and the associated Standard Exemptions and Site-Specific Exemptions as guide for works that do not require development consent.

General management guidelines

A Conservation Management Plan (CMP) or Heritage Asset Action Plan (HAAP) that follows relevant Heritage NSW guidelines should be prepared for the place to guide future use,

maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

The interiors of the apartments, with the exception of apartment 1001, are not included in the heritage listing of Ithaca Gardens. Most works to the interiors of the apartments would not require heritage approval, provided they are not visible from common areas, do not impact structural walls and do not alter the size or pattern of windows or enclose external openings.

All work undertaken to Ithaca Gardens should aim to be sympathetic to the place's identified heritage values and significance.

It is recommended that unit owners or strata managers consult with the City of Sydney through their Pre-DA process prior to a DA submission to determine whether works are exempt from development consent, or to develop strategies and mitigation measures to assist in the application and approval process.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

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	<i>A singular vision: Harry Seidler</i>	2013	GML
Written	Peter Blake	<i>Architecture for the new world: the work of Harry Seidler</i>	1973	GML

Image caption	Ithaca Gardens apartments, Elizabeth Bay, NSW. Architect: Harry Seidler. <i>Cross-Section</i> 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

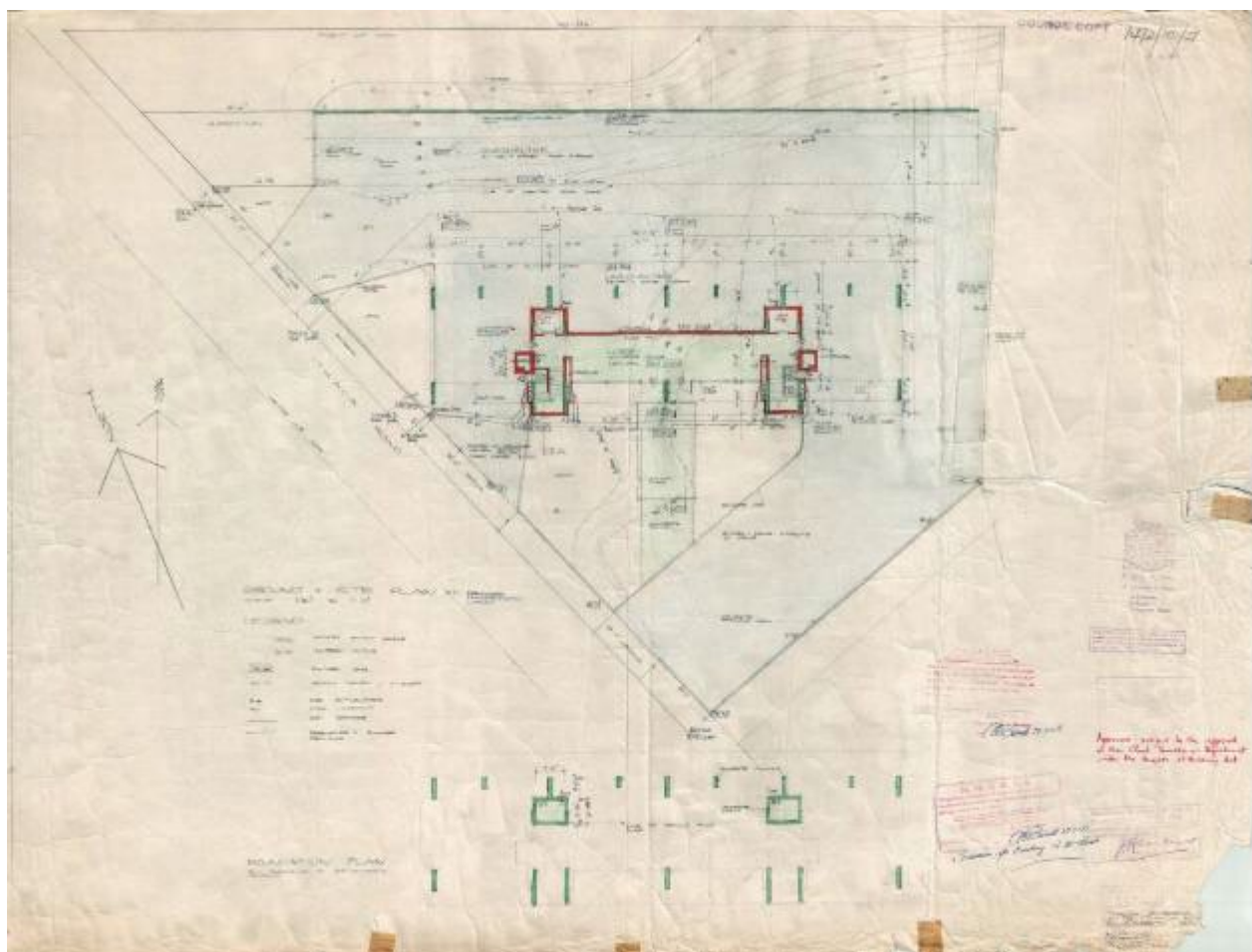


Image caption	Working drawing plan and interiors, elevations for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

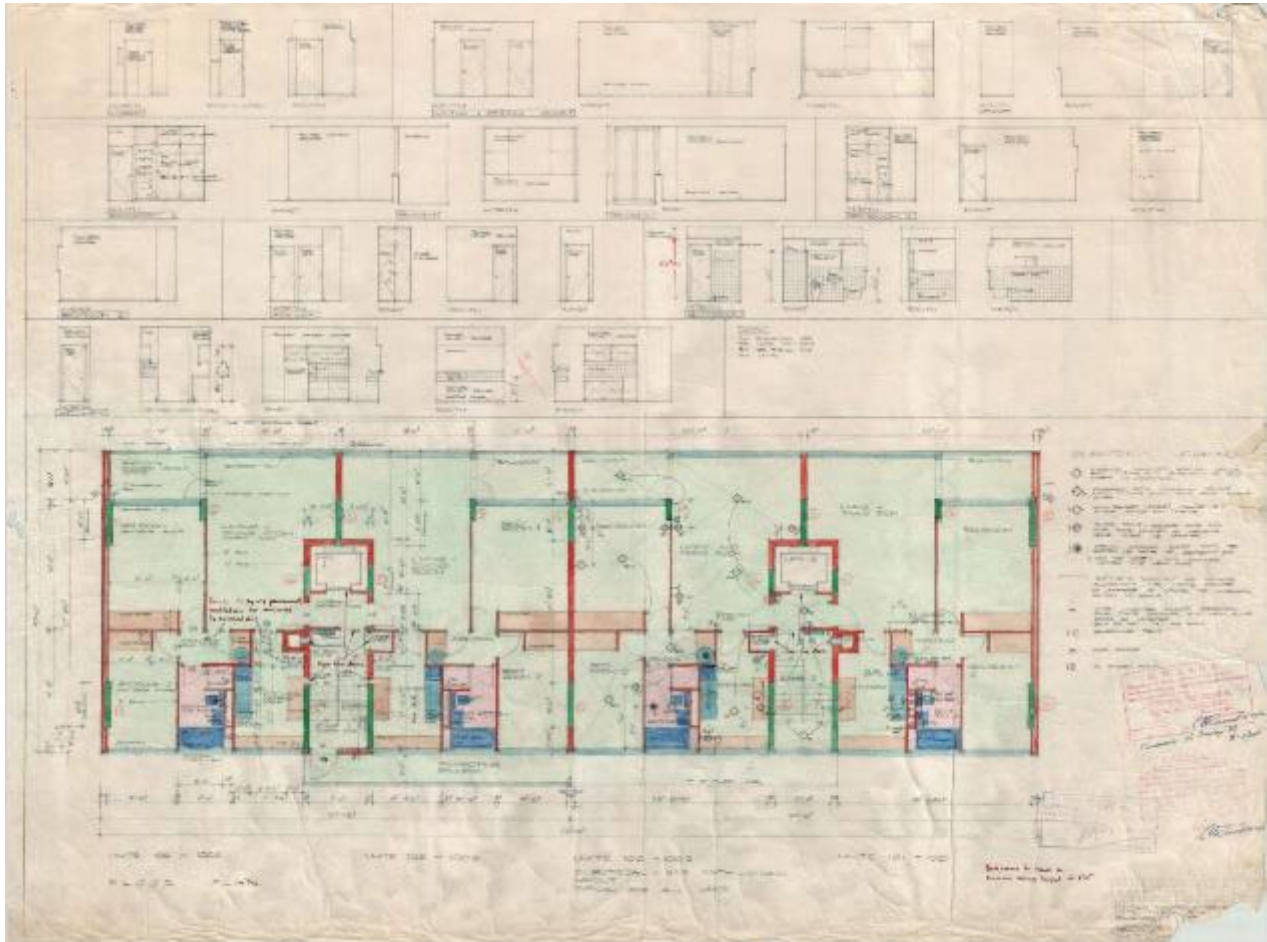


Image caption	Working drawing sections for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

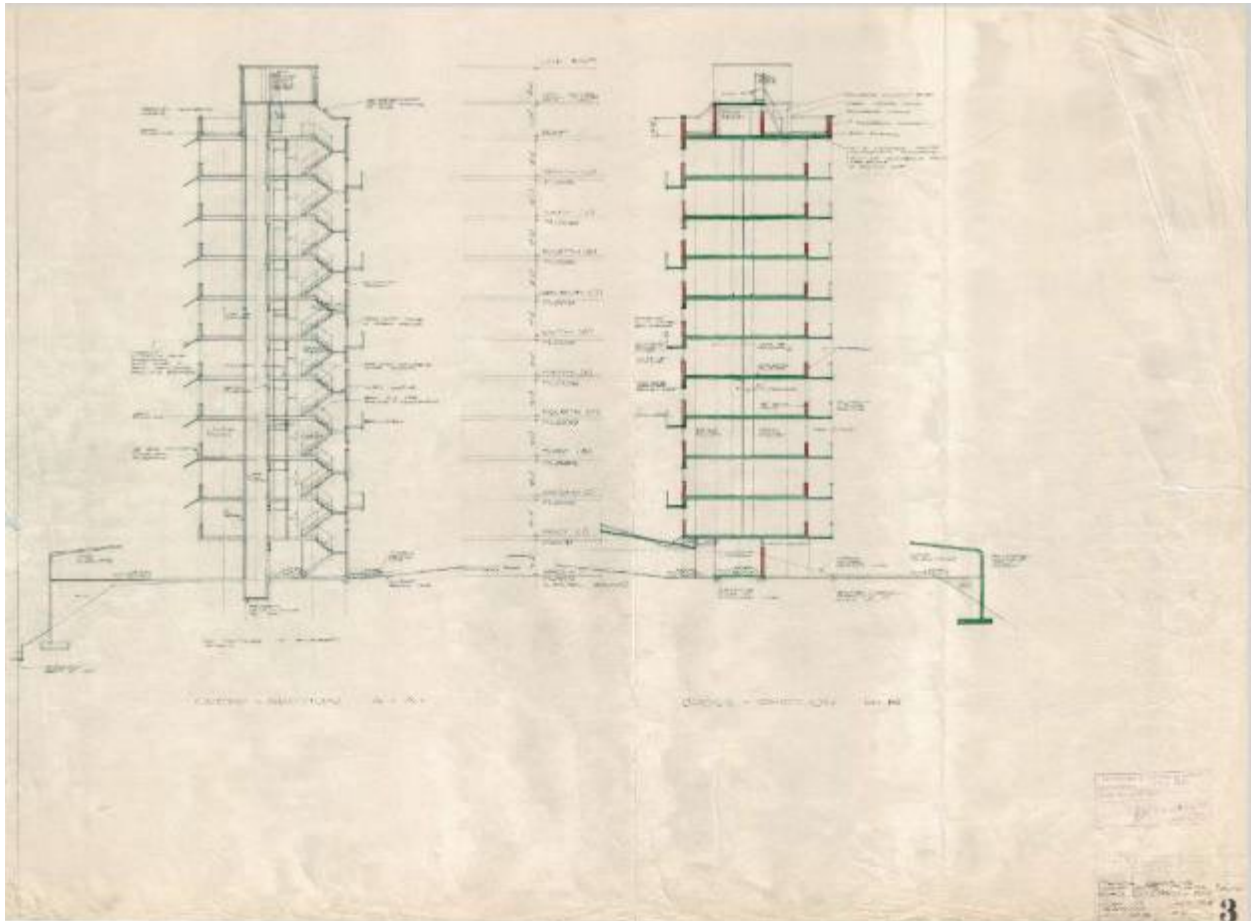


Image caption	Working drawing plans and sections for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

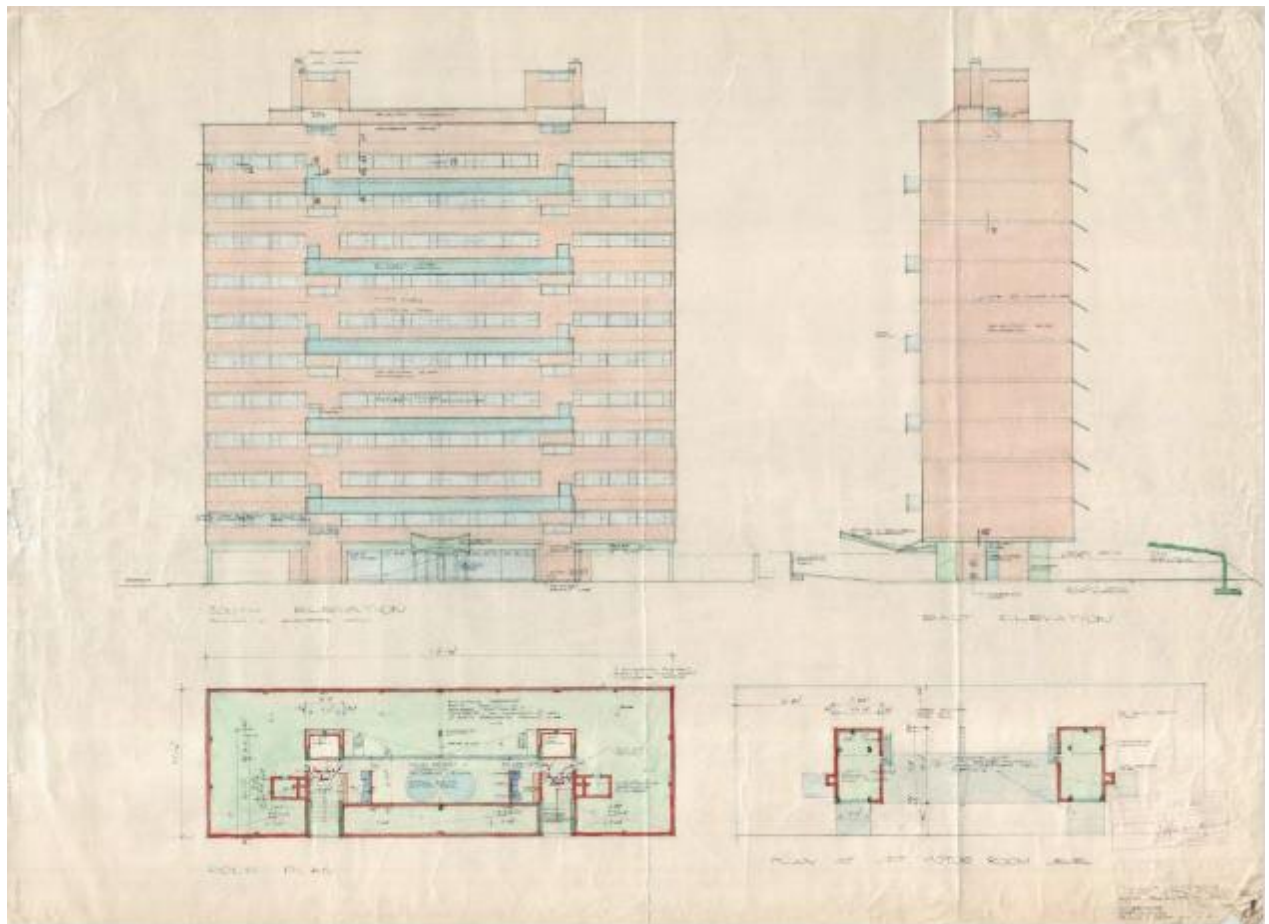


Image caption	Working drawing elevations for Ithaca Gardens Home Units, Ithaca Road, Elizabeth Bay, Sydney. Architect: Harry Seidler. Approved 1 August 1958.				
Image year	1958	Image by	Harry Seidler	Image copyright holder	Harry Seidler and Associates

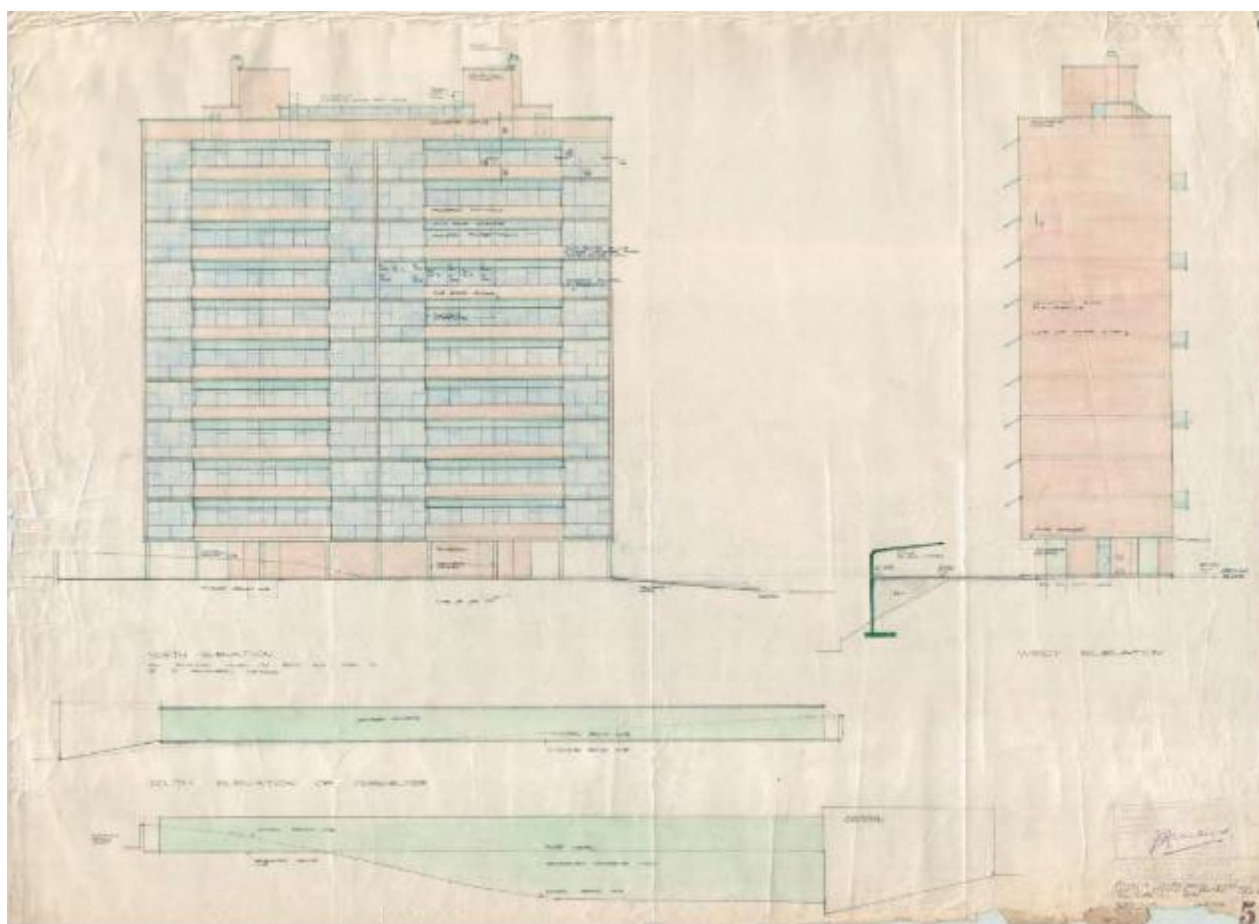


Image caption	Promotional material for Ithaca Gardens.				
Image year	1960	Image by	Ithaca Gardens Pty Ltd	Image copyright holder	Ithaca Gardens Pty Ltd

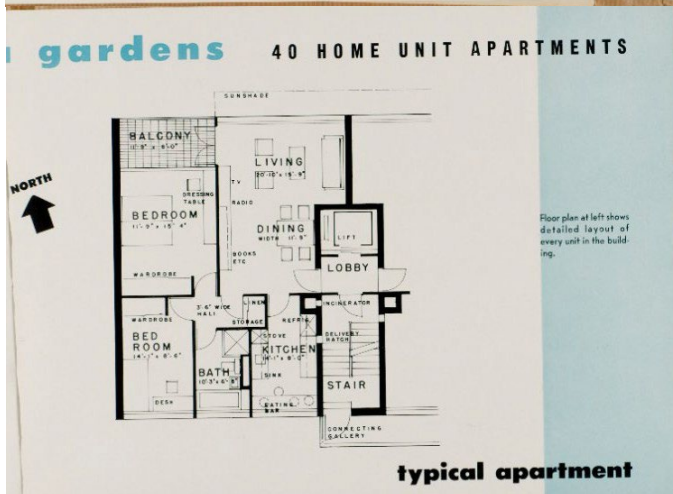
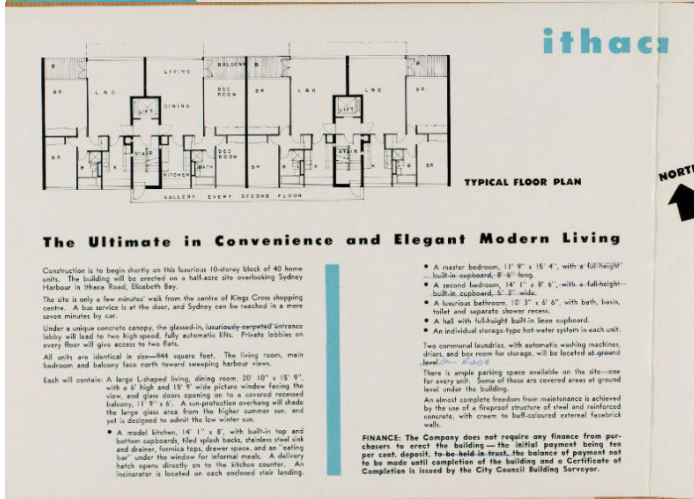


Image caption	'Ithaca Gardens Apartments in Elizabeth Bay NSW (1960)' from <i>Harry Seidler 1955/63: houses, buildings and projects.</i>			
Image year	1963	Image by		Image copyright holder
				Horwitz Publications (Harry Seidler)

Ithaca Gardens Apartments in Elizabeth Bay NSW (1960)

a/ view from the harbour / Ausblick in die Bucht / Ansicht vom Hafen
by typical floor plan / Plan de l'étage typique / Wanderschnittsplan
c/ looking up from below the bridge looking out on the water / Vue sous le pont regardant l'eau / Blick von unten auf den Wasser



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, two stairs are constructed by an external gallery in 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 9 1/2" thick flat-slab design except for the openings 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 Règlement 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. 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. L'ossature est béton armé. Planchers 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 Block steht auf einer abfallenden Parzelle, deren Längsseite gegen Nord-osten gerichtet ist, und bietet einen Rundblick über den Hafen. Sämtliche Wohnungen sind der Aussicht zugekehrt und mit einem Lift und einer Feuertrappe 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 leichten Bauvorschrift. Alle Einheiten stimmen in Grundriss und Flächeninhalt überein (87 m²). Der L-förmige Wohn-Raum, die Terrasse und das Hauptschlafzimmer sind der Aussicht zugewandt. Die Küche, das Bad und der zweite Schlafraum überblicken einen Park. Die Tragkonstruktion besteht aus armierten Betón. Stützen von verschiedener Länge sind den Wandlücken entsprechend dimensioniert. Eine 24 cm starke Betonplattendicke, die nur dort mit Unterzügen verstärkt ist, wo sie als Verbindungsgalerie ausragt, überspannt die Geschosse.

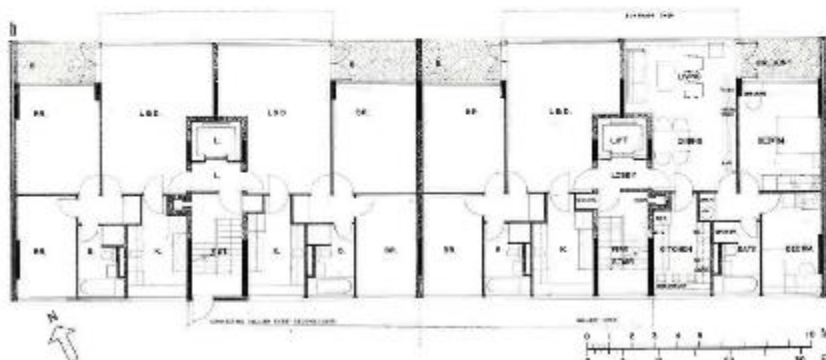


Image caption	The dining room of Harry and Penelope Seidler's apartment in Ithaca Gardens, Elizabeth Bay, May 1960, showing Josef Albers' <i>Study for visa versa</i> (1943). Sourced from National Gallery of Australia.				
Image year	c1960	Image by	Max Dupain	Image copyright holder	Harry Seidler and Associates



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

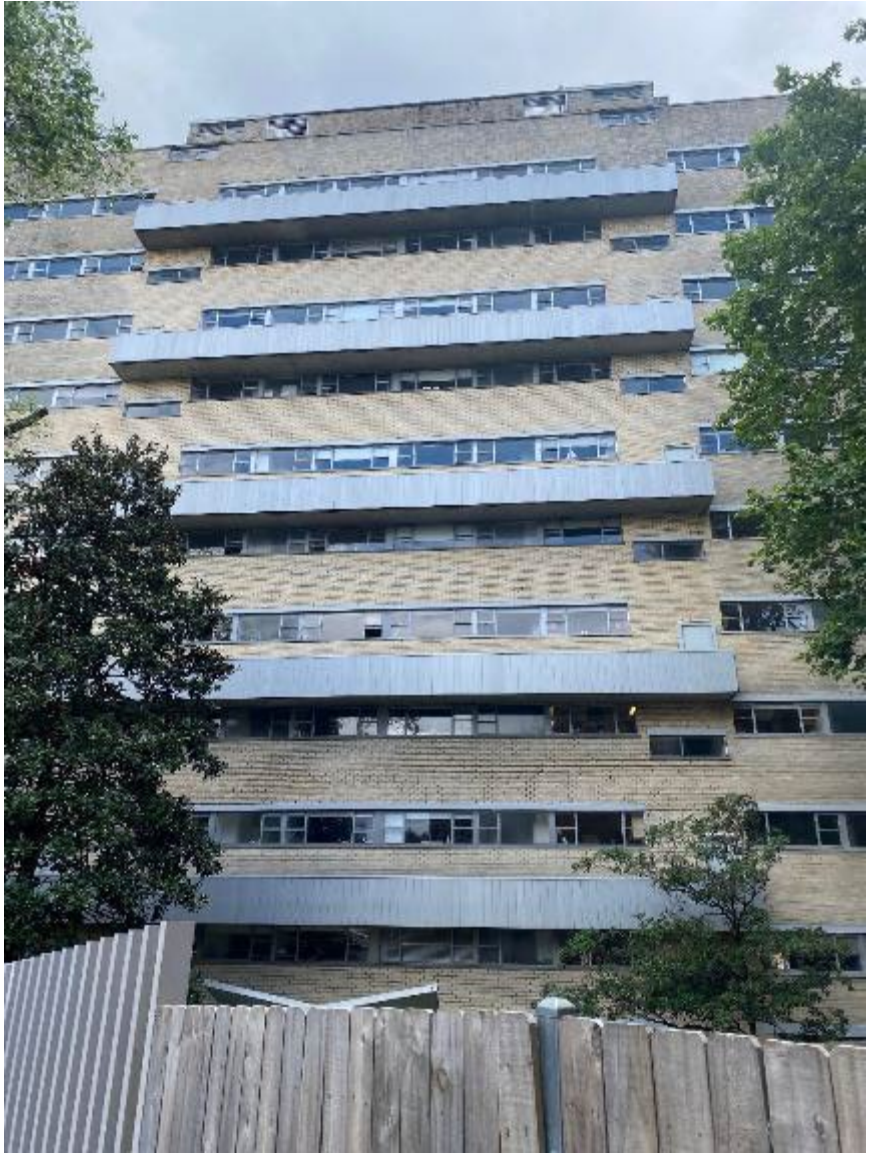


Image caption	Retaining wall along the northern elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML



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

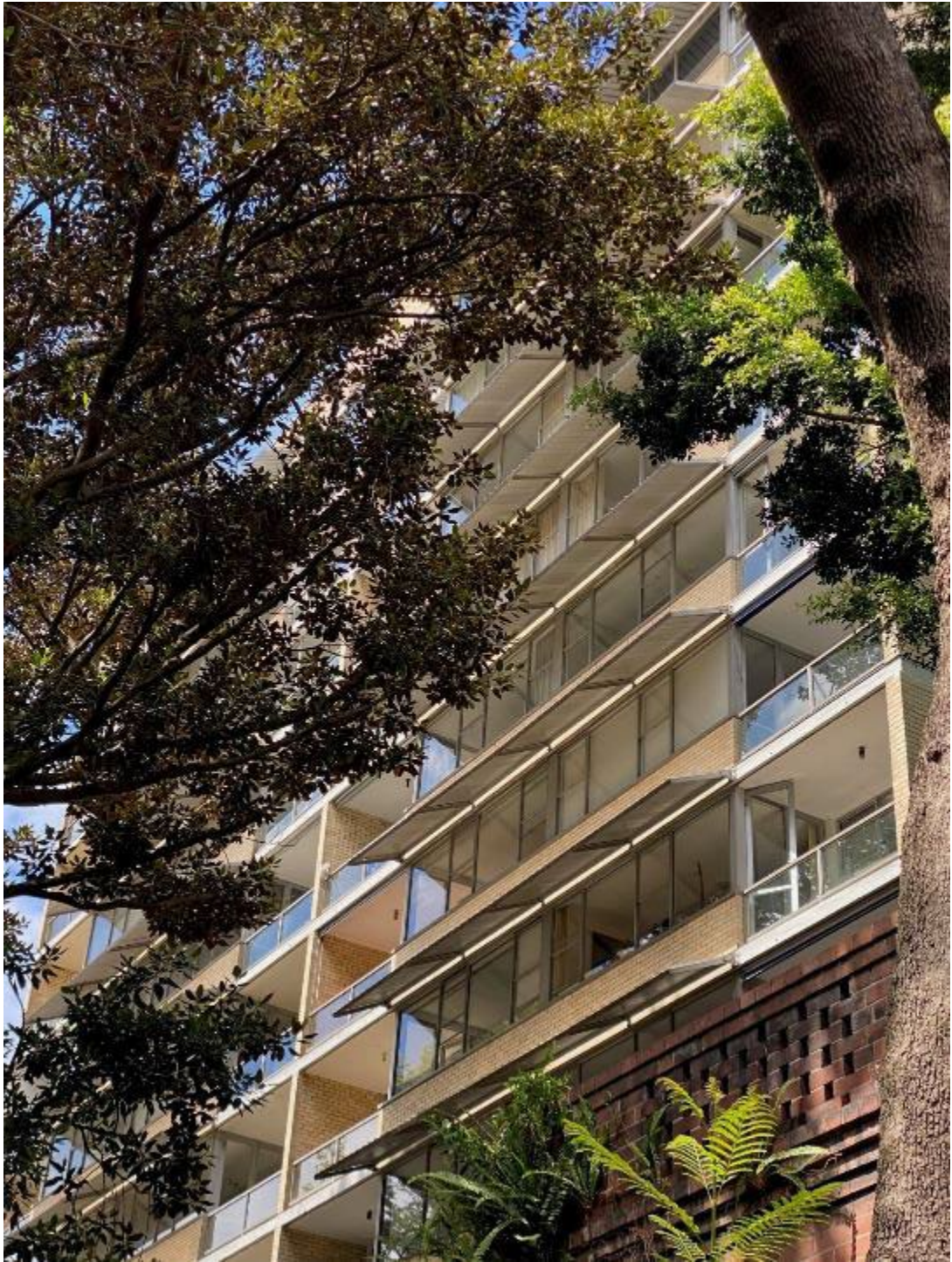


Image caption	Cantilevered folded concrete roof over the parking area on the northern side of the site.				
Image year	2024	Image by	GML	Image copyright holder	GML



Attachment H

**Revised Inventory Sheet - Bayview, 41-49
Roslyn Gardens, Elizabeth Bay**

Item Name Bayview, excluding apartment interiors			
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'.

Historical overview

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.

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

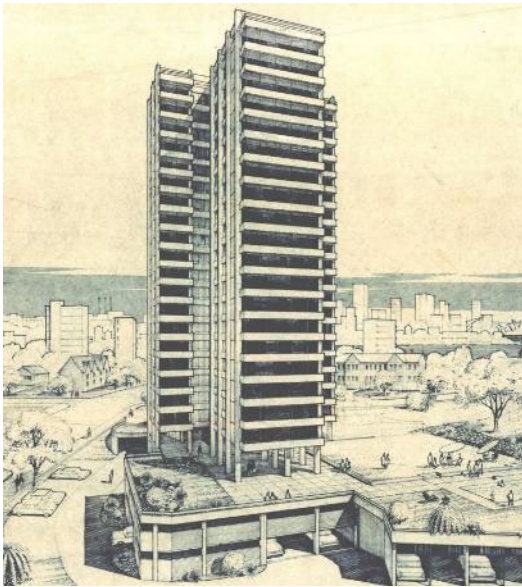


Figure 1 Hugo Stossel & Associates perspective drawing of Eastbourne Tower, 2–12 Eastbourne Road, Darling Point (1968–1970). With its heavy frame and T-shape plan set on a raised podium, it can be seen as similar to Bayview, if less modulated in form and of a heavier construction style. (Source: Woollahra 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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a [Statement of Heritage Impact](https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact) (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through

our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
- **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
- **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
- **Maintenance:** the continuous protective care of a place and its fabric.
- **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
- **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
- **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
- **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
- **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
- **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
- **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
- **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice. (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
- **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
- **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific Guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of Bayview do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining significant elements of the place. They do not override strata by-laws and works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to Bayview should aim to be sympathetic to the place's identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through its Duty Planner service prior to a heritage exemption application or DA submission to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Applications for any external or vertical additions to the item or ancillary development within the property boundary should be appropriately located, sympathetic to the identified heritage values and not have a major material or visual impact.

Face brickwork is to remain unpainted and unrendered.

Original foyer and mezzanine elements including timber panelling, residents' letter boxes, stair and the timber handrail should be retained.

Original entry elements, brick walls, and the building name lettering along Roslyn Gardens and brick walls around the carpark and pool area should also be retained.

Where removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The installation of a whole of building, coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units. Original vertical slot openings that function as air vents along the building's exposed concrete floor slabs should be utilised for air conditioning units where feasible.

Original features such as fittings, metal balustrades, door hardware and wall and floor finishes, should be retained where practical.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council's written confirmation after a **local heritage exemption application** provided they adopt a like-for-like approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of Bayview or alter its external appearance:

- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling and blond face brickwork infill walls;
 - maintenance, repairs and conservation works to metal balustrades;
 - maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
 - works and activities associated with the ongoing maintenance of existing external areas, limited to brick boundary walls, carparks, verges, garden beds, plantings, drainage, pedestrian pathways, and steps;
-

-
- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
 - installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
 - works and activities associated with the maintenance, repair or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas and do not impact structural walls and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with the building's strata by-laws and relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a **local heritage exemption application** is submitted provided they adopt a like-for-like approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of Bayview or alter its external appearance:

- removal, repair and replacement of non-original building elements such as ground-level security gates, fences and vehicle access roller doors;
- maintenance, repairs and upgrades to the pool;
- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area;
- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric; and
- maintenance, repairs and upgrades to the rooftop including waterproofing, repair or replacement, concrete spalling repairs and the installation, upgrade or maintenance of utilities.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of Bayview or alter its external appearance.

Major lift repairs or replacement may require a **local heritage exemption application or development application**, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to anodised aluminium window frames and

glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed panel replacement, removal of air conditioning units and hardware repair) can be carried out under a **local heritage exemption application** provided works:

- adopt a like-for-like approach replacing or reinstating natural anodised aluminium frames and clear glass windows;
- maintain the original fenestration pattern and external masonry reveal depth defined by full-height glazing with sliding and transom panels; and
- remove detracting elements such as air conditioning units (replacement with more sympathetic alternatives is encouraged).

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	<i>Sydney Morning Herald</i>	Home Units Elizabeth 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

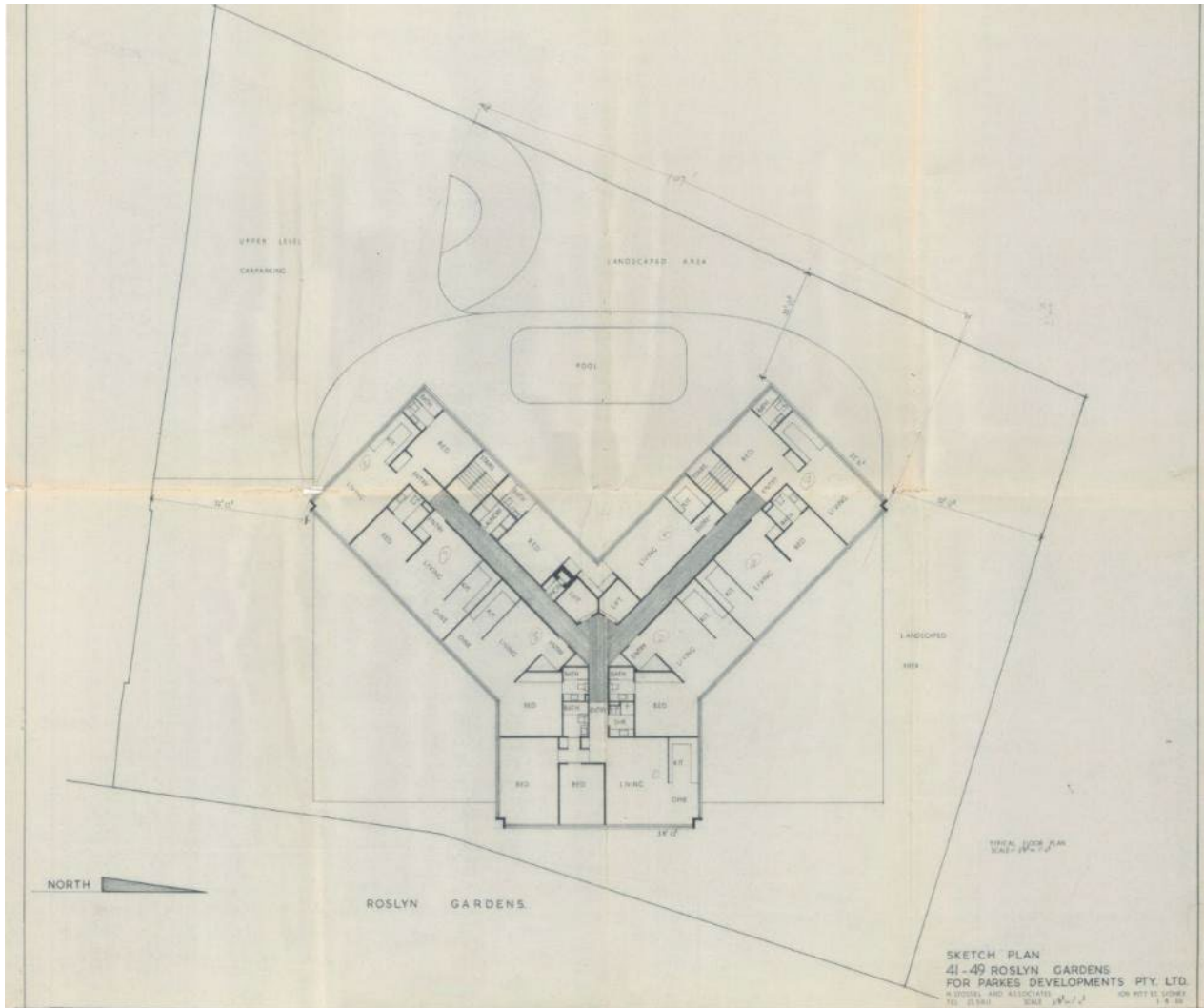


Image caption	First floor open landscaped deck sketch plan.				
Image year	1966	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

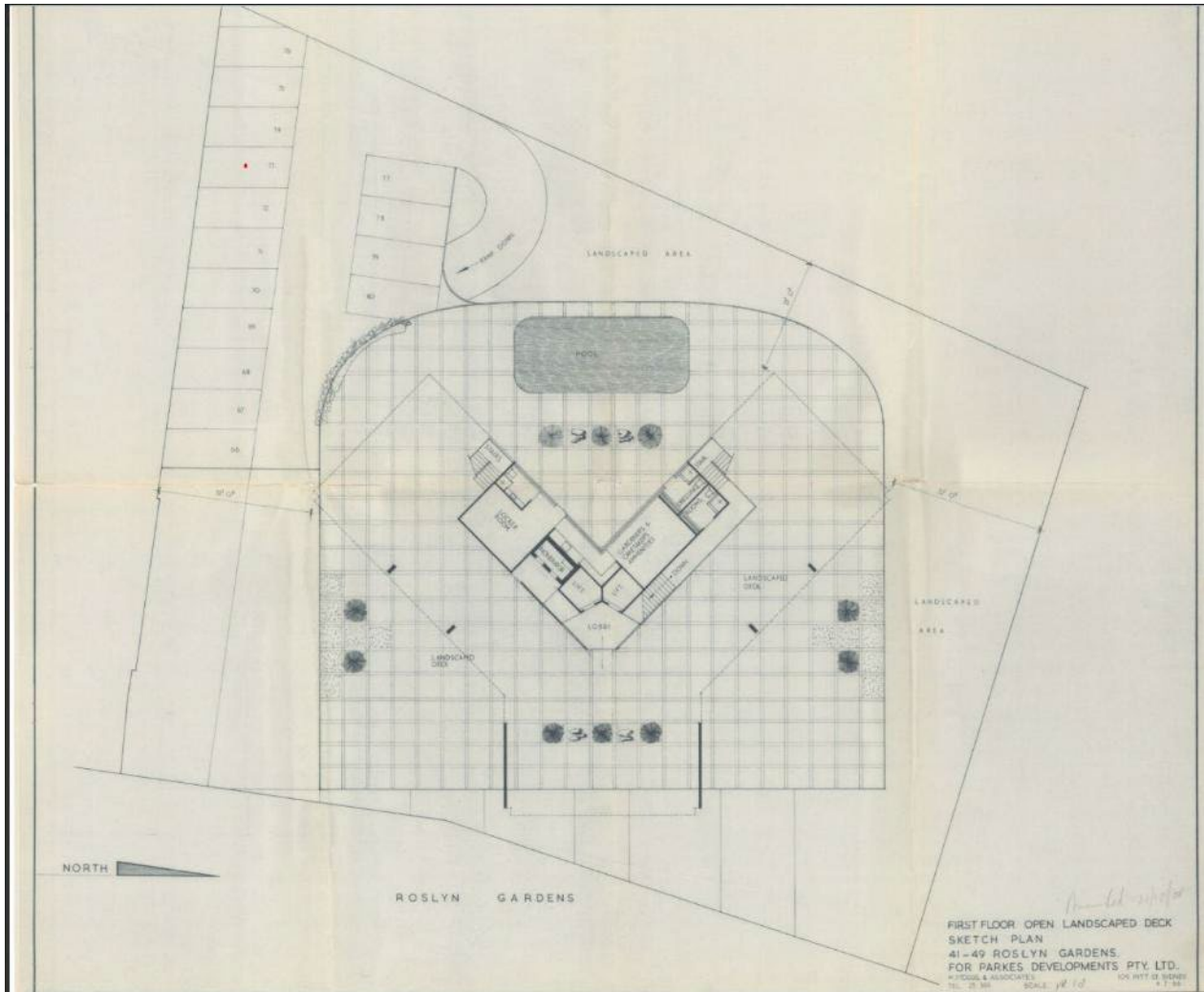


Image caption	Northwest elevation.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

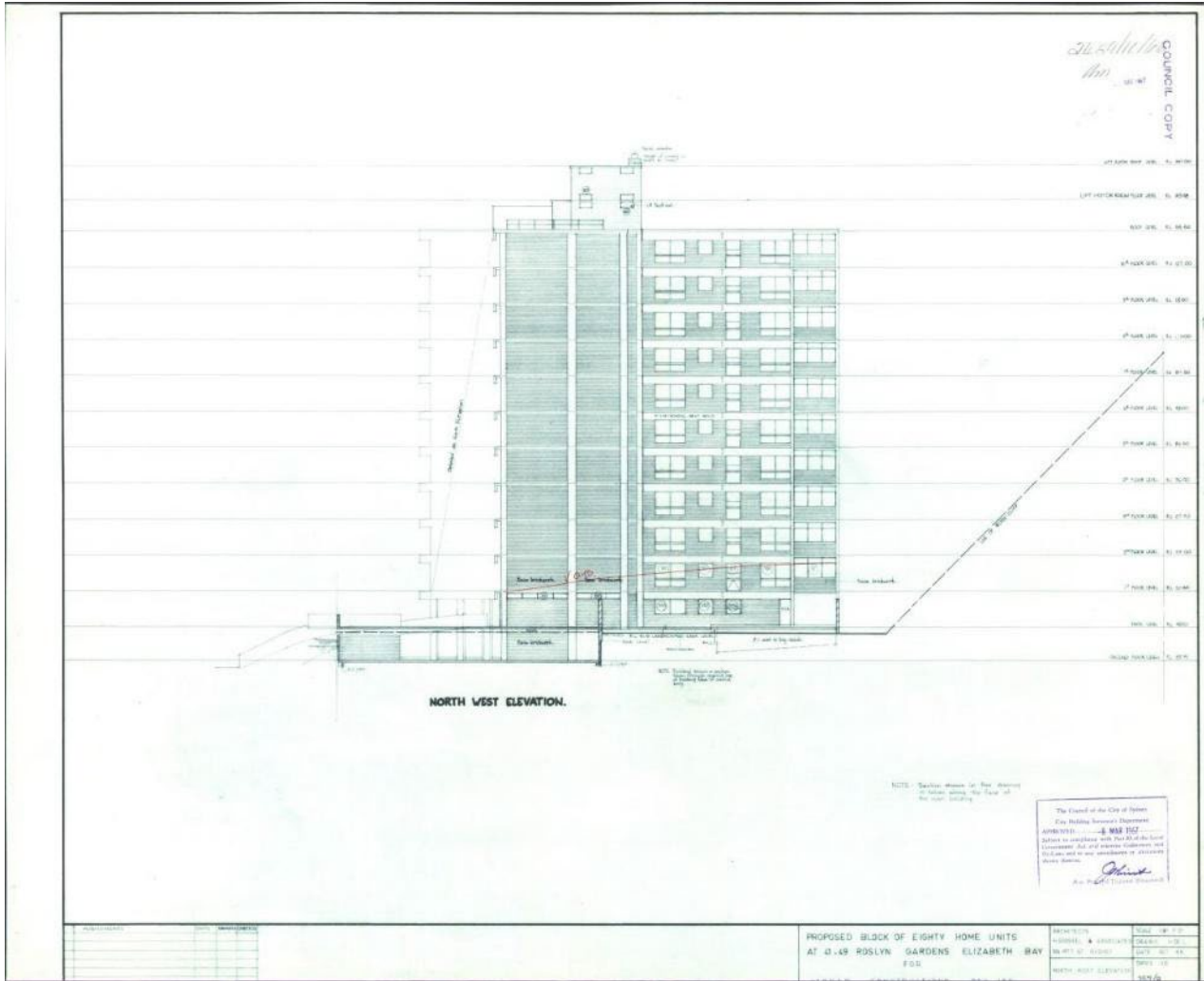


Image caption	East elevation.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

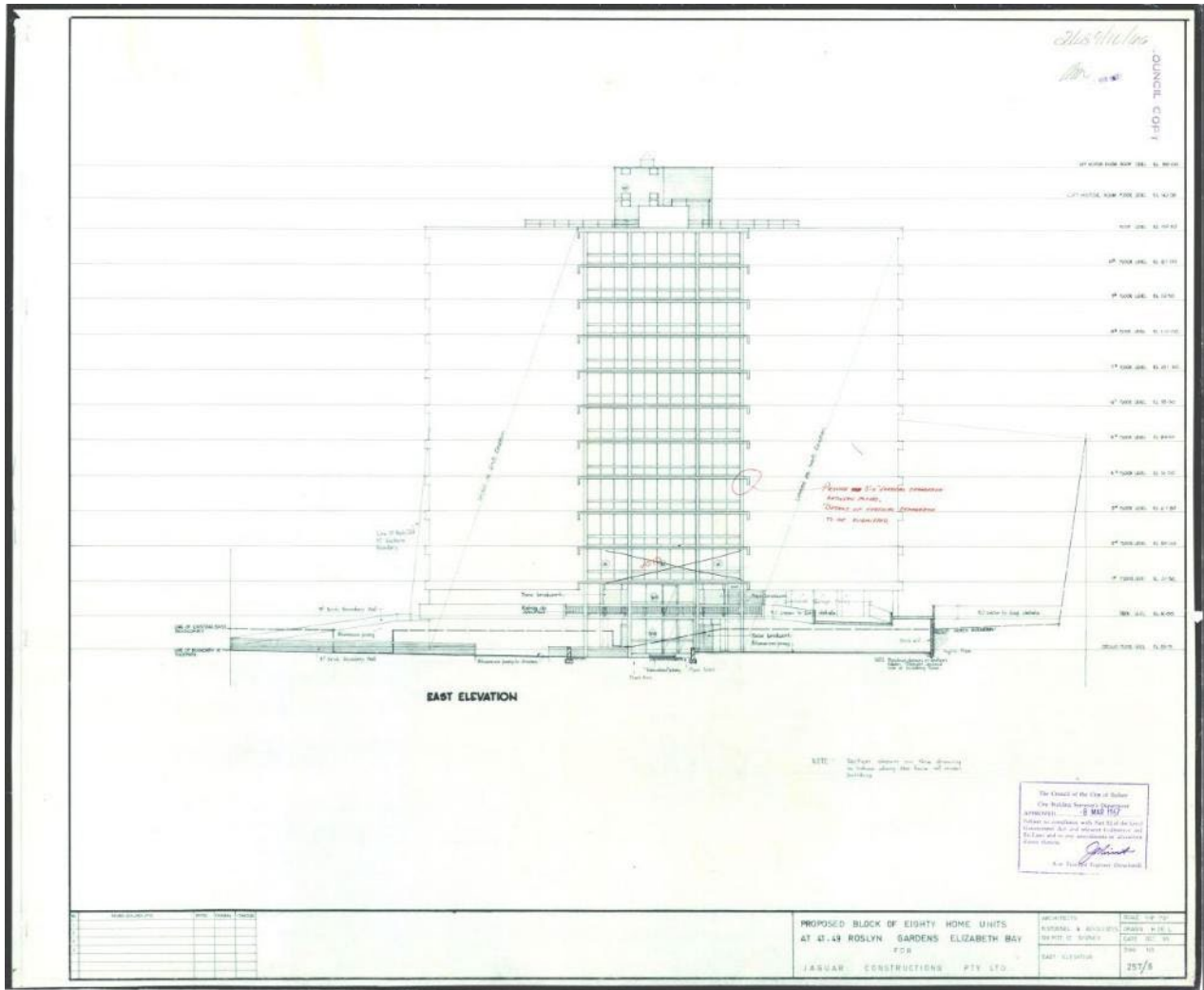


Image caption	Plan of the tenth floor.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

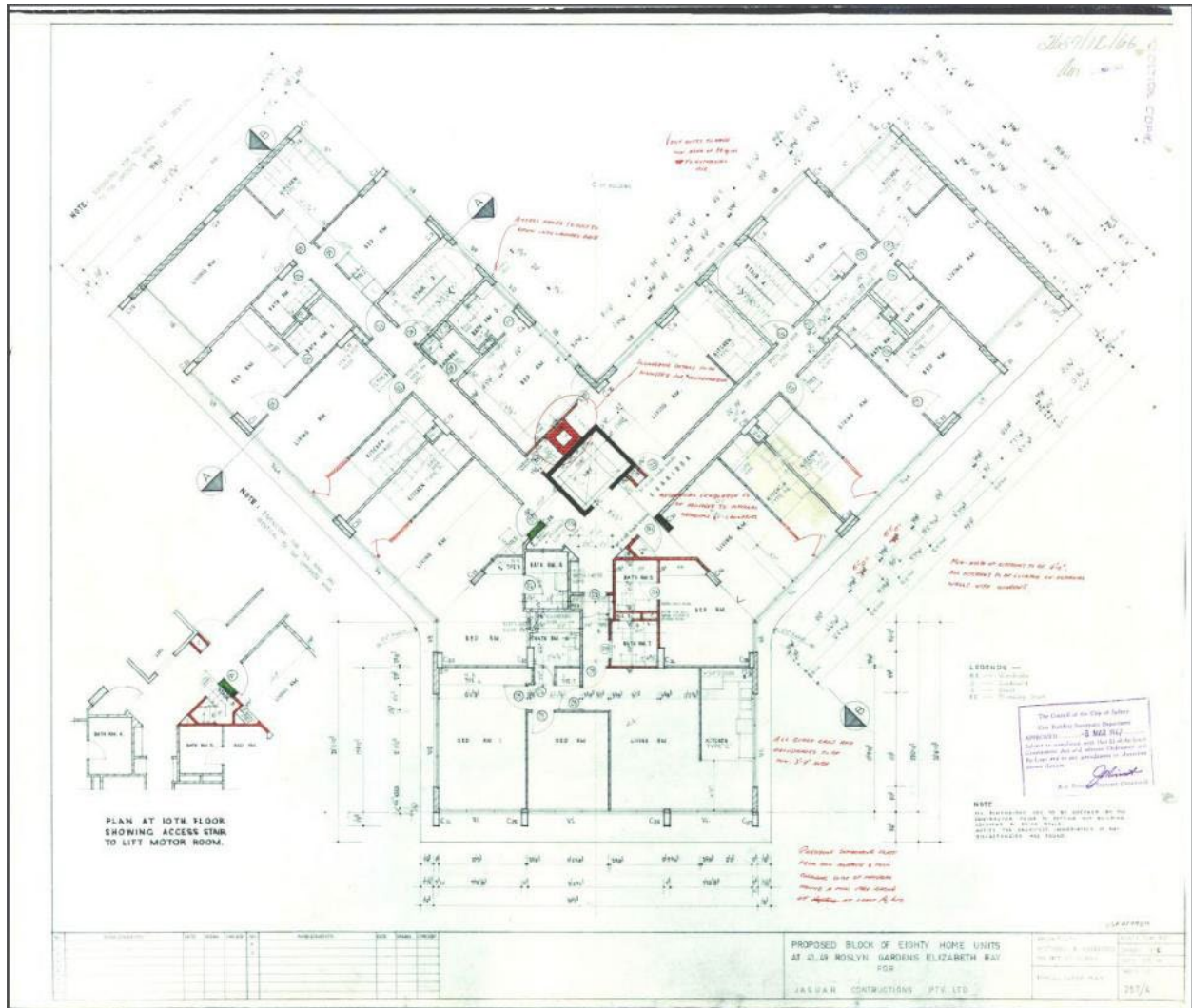


Image caption	Section.				
Image year	1967	Image by	Hugo Stossel & Associates	Image copyright holder	Unknown

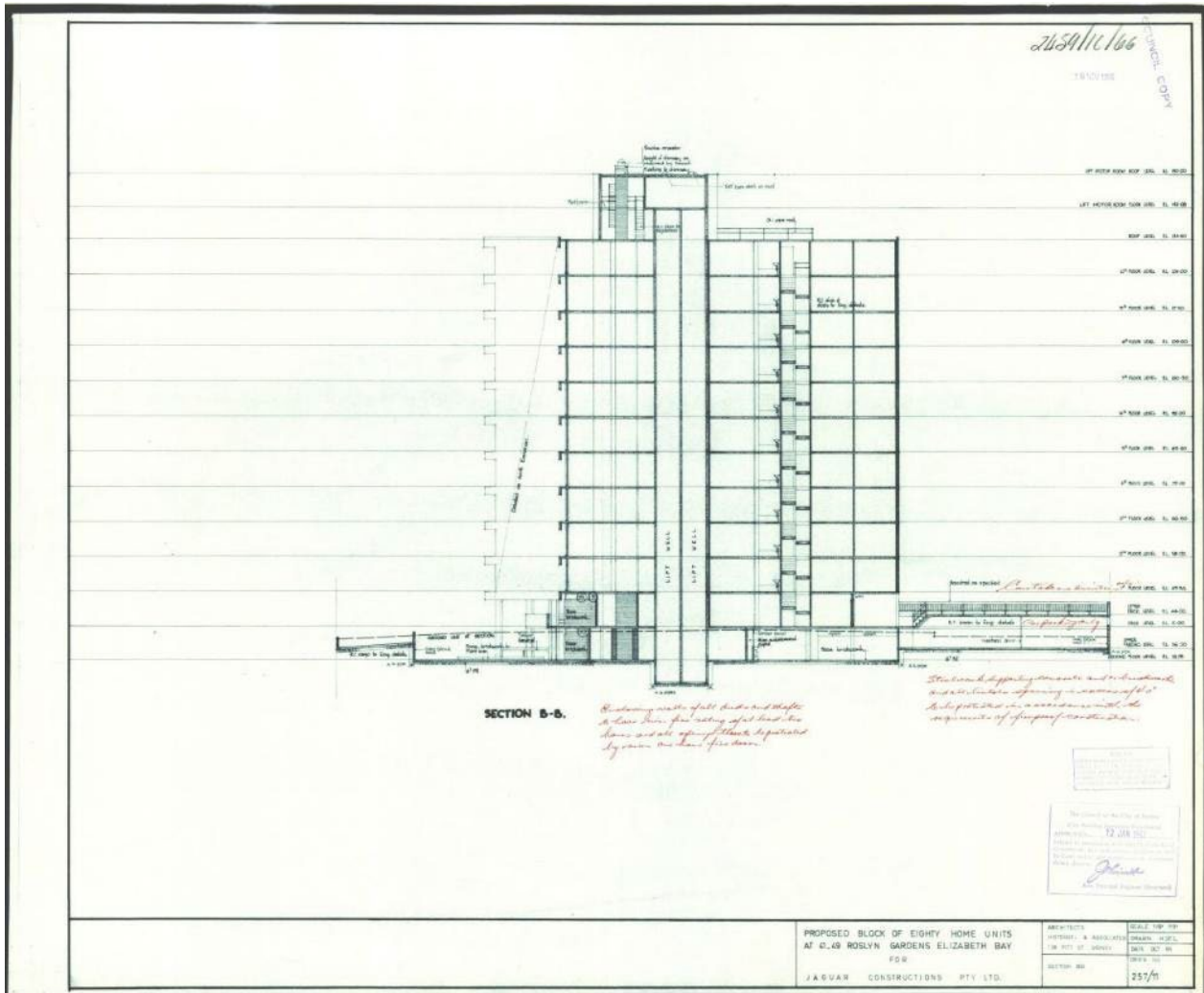


Image caption	Primary (eastern) elevation.				
Image year	2024	Image by	GML	Image copyright holder	GML



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 I

**Revised Inventory Sheet - Aquarius, 50–58
Roslyn Gardens, Rushcutters Bay**

Item Name Aquarius, excluding apartment interiors			
Address	50–58 Roslyn Gardens, Rushcutters Bay	Lot number	Part Lot 1 DP 83374, Lots 1–74 SP 10872
Architect	Harry Seidler & Associates	Construction date	1965
Builder	James Wallace	Former names	
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 Theomel Pty Ltd on behalf of Latec Investments.

'Theomel' was the name of the investment company of Theodore Peter Meller of Meller Shoes, for whom Seidler designed one of his first great houses, the Meller House, Castlecrag, 1950–1953, also the home of his brother Jack (Jakob Mehler) in Double Bay, 1958 and a number of high fashion shoe salons for 'Edward Meller of King Street.'

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 Roslyn Gardens via a shared driveway between 66 and 68-72 Roslyn Garden.

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 26-29sqm studio apartments and 39sqm one-bedroom apartments (12 with privately owned terraces, 4 roof and 8 garden), 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 Balfour 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, an obsolete garbage chute (that ceased operation approximately 20-30 years ago, been bolted up and the garbage room repurposed as the building managers office) 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 studio 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. (These are replacement balustrades matching the original design.)

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 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 prototypes. 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)

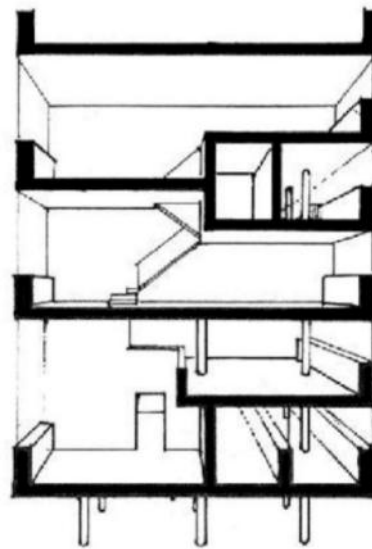


Figure 2 Housing Type F1 developed by the Standardisation Department at Stroykom RSFR, an office for the development of standardised housing established in the USSR in 1928 and led by Moisei Ginzburg. (Source: Wikimedia)

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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the

upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
- **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
- **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
- **Maintenance:** the continuous protective care of a place and its fabric.
- **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
- **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
- **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
- **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
- **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
- **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
- **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
- **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice. (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
- **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
- **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific Guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of Aquarius do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining the significant elements of the place. They do not override strata by-laws; works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to Aquarius should aim to be sympathetic to the place's identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through its Duty Planner service prior to a heritage exemption application or DA submission to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Face brickwork is to remain unpainted and unrendered.

The fenestration pattern and blue shade awnings are a significant part of the building's design and should be maintained.

Where removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The installation of a whole of building, coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units.

Original features such as fittings to foyers, door hardware and wall and floor finishes, should be retained.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application, provided they adopt a like-for-like approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of Aquarius or alter its external appearance:

- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling and face brickwork, and brick re-pointing.
 - maintenance, repairs and conservation works to balconies and original steel and 'weldmesh' balustrades;
 - maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
 - works and activities associated with the ongoing maintenance of existing external
-

communal areas limited to the swimming pool, roadways, carparks, verges, garden, plantings, drainage, pedestrian pathways and steps;

- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
- installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
- works and activities associated with the maintenance, repair, or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of the existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas, do not impact structural walls, and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with the building's strata by-laws and relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application is submitted provided they adopt a like-for-like approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of Aquarius or alter its external appearance:

- removal, repair and replacement of non-original building elements such as security gates, fences, vehicle access roller doors and post-and-wire mesh fence along Roslyn Gardens, communal pool gates, the low brick wall around the pool, balustrades, fencing and paving;
- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area;
- installation of new services and other ancillary structures, which must utilise existing conduits, penetrations and fixings where possible; if new penetrations are required, they should be located to less visually prominent areas and to non-significant fabric—fixings must be made to the mortar joints of the brickwork rather than the face of the brickwork; and
- maintenance, repairs and upgrades to the roof including waterproofing, repair or replacement and the installation, upgrade or maintenance of utilities.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of Aquarius or alter its external appearance.

Major lift repairs or replacement may require a local heritage exemption application or development application, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to anodised aluminium window frames and glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed panel replacement, removal of air conditioning units and hardware repair) can be carried out with

Council's written confirmation after a local heritage exemption application is submitted provided works:

- adopt a like-for-like approach replacing or reinstating natural anodised aluminium frames and clear glass windows;
- maintain the fenestration pattern and external masonry reveal depth defined by full-height windows, flusher sliding windows and fixed windows;
- retain the blue aluminium roller shutters for shading; and
- remove detracting elements such as air conditioning units (replacement with more sympathetic alternatives is encouraged).

Window shutters

The repair or installation of replacement external blue aluminium roller blinds can be undertaken under a local heritage exemption application provided they are carried out in accordance with strata by-laws, including that the awning be retractable, blue in colour, installed in a proper and tradesperson-like manner, and approved with written consent from the Owners Corporation.

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	<i>Sydney Morning Herald</i>	'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	<i>Sydney Morning Herald</i>	'Each apartment in block has a harbour view'	8 Mar 1966, p 16	Sydney Morning Herald Archives 1955–1995, State Library of NSW

Written	<i>Sydney Morning Herald</i>	'Flats with views'	18 Oct 1966, p 26	Sydney Morning Herald Archives 1955–1995, State Library of NSW
Publication	Richard Apperly and Peter Lind	<i>444 Sydney Buildings</i> (No. 325, p 47)	1971	
Published	Ian McKay et al	<i>Living and Partly Living: Housing in Australia</i>	1971	
Published	Peter Blake	<i>Architecture for the new world: The work of Harry Seidler</i>	1973	
Published	Kenneth Frampton and Philip Drew	<i>Harry Seidler: Four Decades of Architecture</i>	1992	
Published	Chris Abel	'Introduction' in <i>Harry Seidler: Houses & Interiors</i> , 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

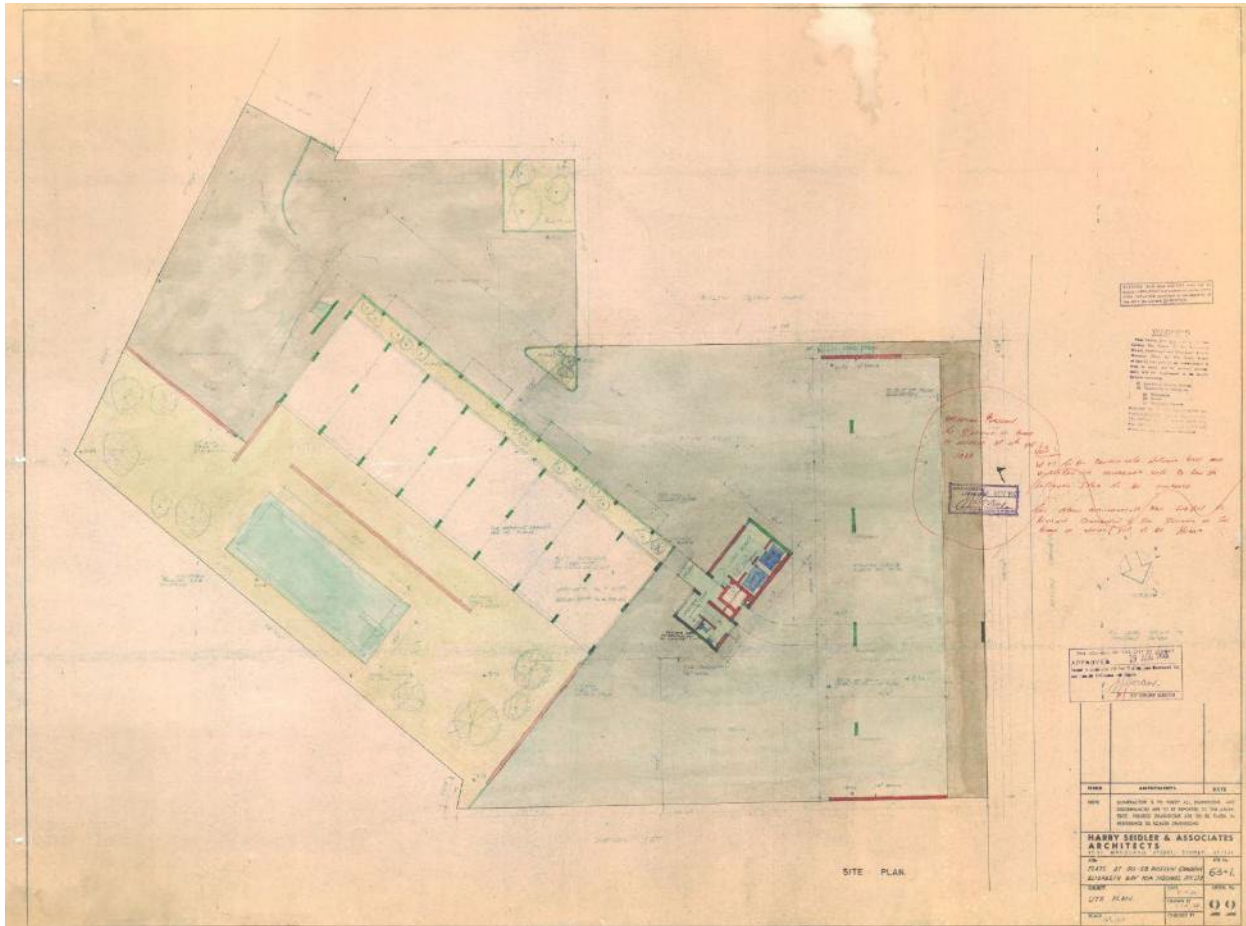


Image caption	Elevation of Aquarius.				
Image year	1963	Image by	Harry Seidler & Associates	Image copyright holder	In copyright; Harry Seidler & Associates

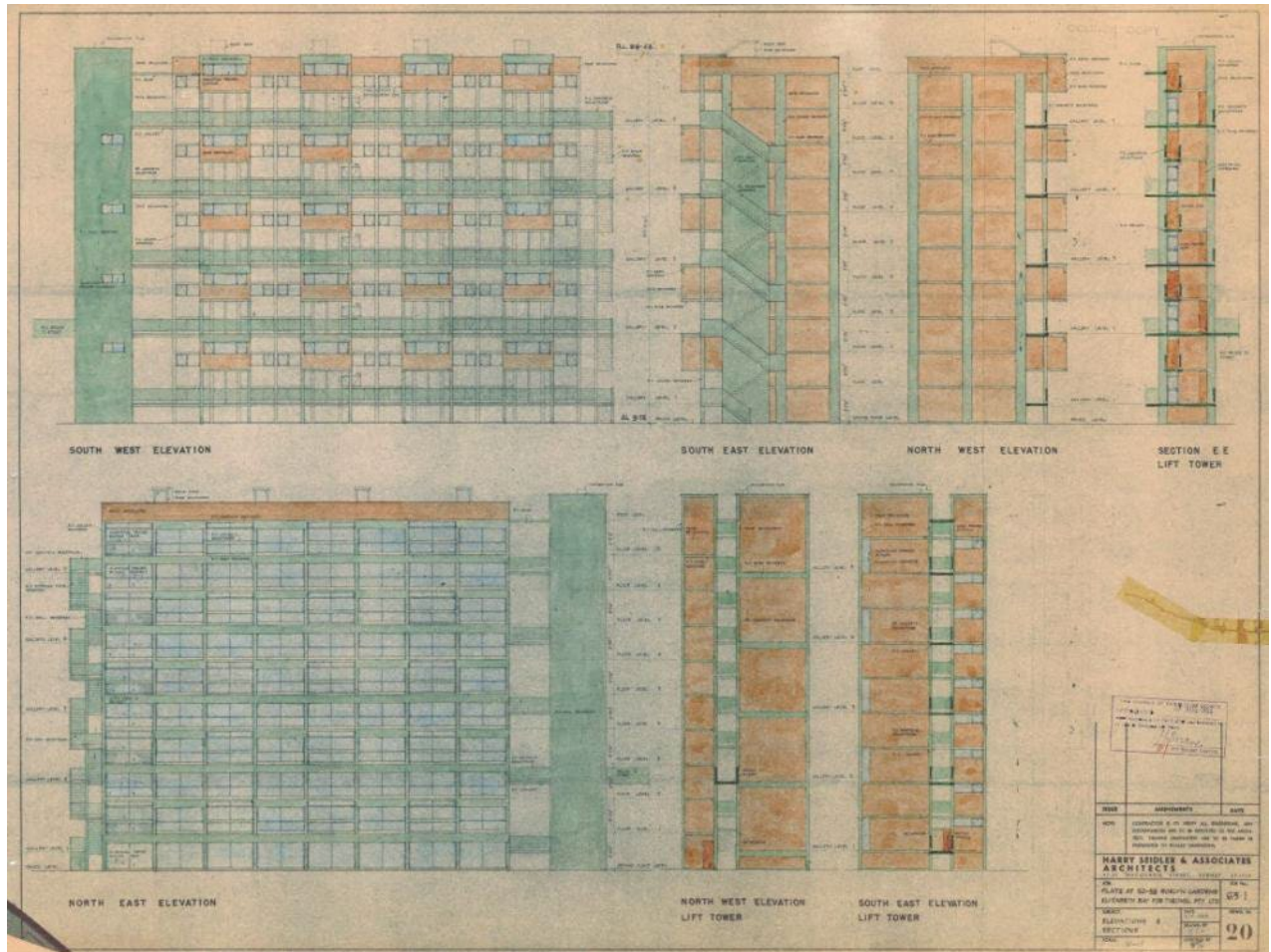


Image caption	Sectional isometric view of Aquarius. Showing external circulation galleries that serve two floors of flats and one-bedroom units alternating with studios.				
Image year	1971	Image by	<i>In Living and Partly Living: Housing in Australia, 1971, p 186</i>	Image copyright holder	Harry Seidler & Associates

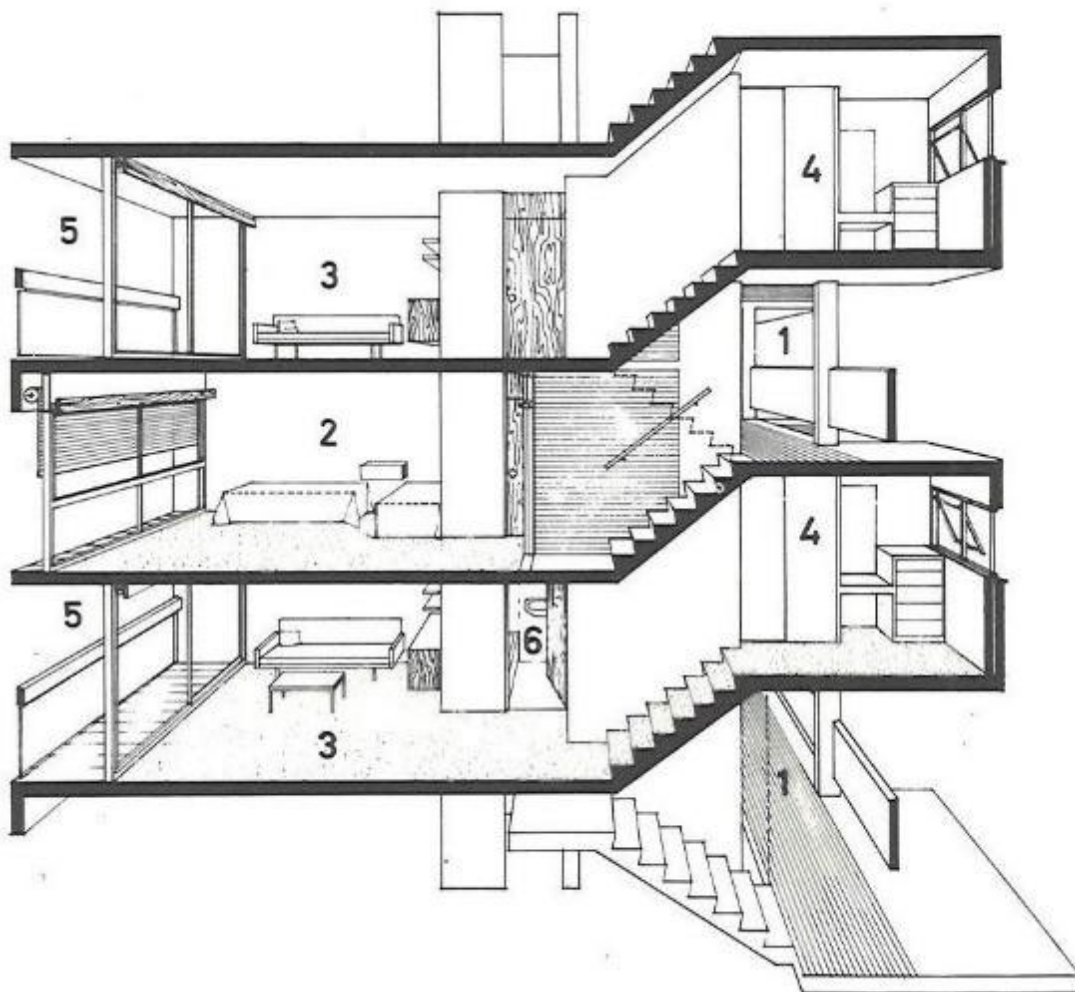


Image caption	Southern elevation of Aquarius.				
Image year	2024	Image by	GML	Image copyright holder	GML



Image caption	Western elevation of Aquarius with pedestrian bridge from Roslyn Gardens.				
Image year	2024	Image by	GML	Image copyright holder	GML



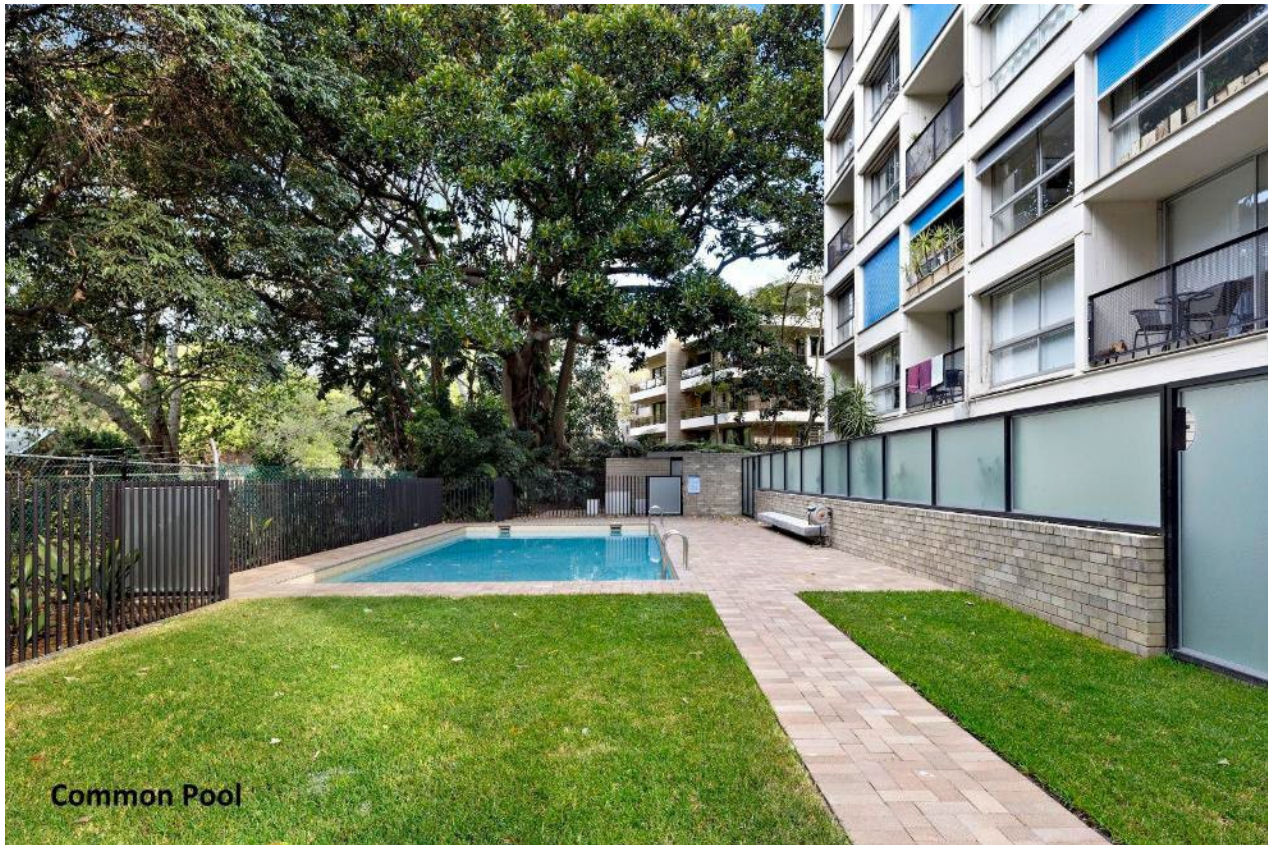
Image caption	Northern elevation of Aquarius from Waratah Street.				
Image year	2024	Image by	GML	Image copyright holder	GML



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 J

**Revised Inventory Sheet - Roslyn Gardens,
74-76 Roslyn Gardens, Rushcutters Bay**

Item Name		Roslyn Gardens, excluding apartment interiors	
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 Roslyn 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

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 parquet 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. Some folding doors in apartment interiors have been removed. 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 (ponds now removed or modified). 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, some including their original 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)	Roslyn 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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works,

for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
 - **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
 - **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
 - **Maintenance:** the continuous protective care of a place and its fabric.
 - **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
 - **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
 - **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
 - **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
 - **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
 - **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
 - **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
 - **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice. (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
 - **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
 - **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.
-

Specific Guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of Roslyn Gardens do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining significant elements of the place. They do not override strata by-laws; works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to Roslyn Gardens should aim to be sympathetic to the place's identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through its Duty Planner service prior to a heritage exemption application or DA submission to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Applications for any external or vertical additions to the item or ancillary development within the property boundary should be appropriately located, sympathetic to the identified heritage values and not have a major material or visual impact.

Face brickwork is to remain unpainted and unrendered.

The original terrazzo paving, rockery garden, glass entry door, glass wall to the lobby and lobby lighting elements should be retained and repaired.

The original concrete wall with zigzag forms with open vents to the carpark at rear (eastern side) should be retained.

Where removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The installation of a whole of building, coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council's written confirmation after a **local heritage exemption application** provided they adopt a like-for-like approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of Roslyn Gardens or alter its external appearance:

- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling and blond face brickwork infill walls, and brick re-pointing;

-
- maintenance, repairs and conservation works to the metal balustrades;
 - maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
 - works and activities associated with the ongoing maintenance of existing external communal areas, limited to roadways, carparks, verges, garden beds, plantings, drainage, pedestrian pathways and steps;
 - works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
 - installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
 - works and activities associated with the maintenance, repair or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of the existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas and do not impact structural walls and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with the building's strata by-laws and relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application is submitted provided they adopt a like-for-like approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of Roslyn Gardens or alter its external appearance:

- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area;
- maintenance, repairs and upgrades to the roof including waterproofing, repair or replacement and the installation, upgrade or maintenance of utilities; and
- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of Roslyn Gardens or alter its external appearance.

Major lift repairs or replacement may require a local heritage exemption application or development application, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to aluminium window frames and glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed panel replacement, removal of air conditioning units and hardware repair) can be carried out with Council's written

confirmation after a local heritage exemption application is submitted, provided works:

- adopt a like-for-like approach to replacing or reinstating natural anodised aluminium frames and clear glass windows;
- maintain the fenestration pattern and external masonry reveal depth defined by the large, double sliding doors to balconies and double-hung openings; and
- remove detracting elements such as air conditioning units (replacement with more sympathetic alternatives is encouraged).

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	<i>Sydney Morning Herald</i>	Elizabeth Bay, new bachelor apartments 74-76 Roslyn Gardens	16 Nov 1963	<i>Sydney Morning Herald</i> Archives 1955–1995
Publication	<i>Sydney Morning Herald</i>	'Interesting features in flats', p 23	12 May 1964	<i>Sydney Morning Herald</i> Archives 1955–1995
Publication	<i>Sunday Telegraph</i>	'You and your Home' - Bachelor Flats, 74-76 Roslyn Gardens,	18 September 1966	<i>Sydney Morning Herald</i> Archives

		Elizabeth Bay - Vol. 4 No. 1, pp 29–32		1955–1995
Publication	Davina Jackson	<i>Douglas Snelling: Pan- Pacific Modern Design and Architecture</i>	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

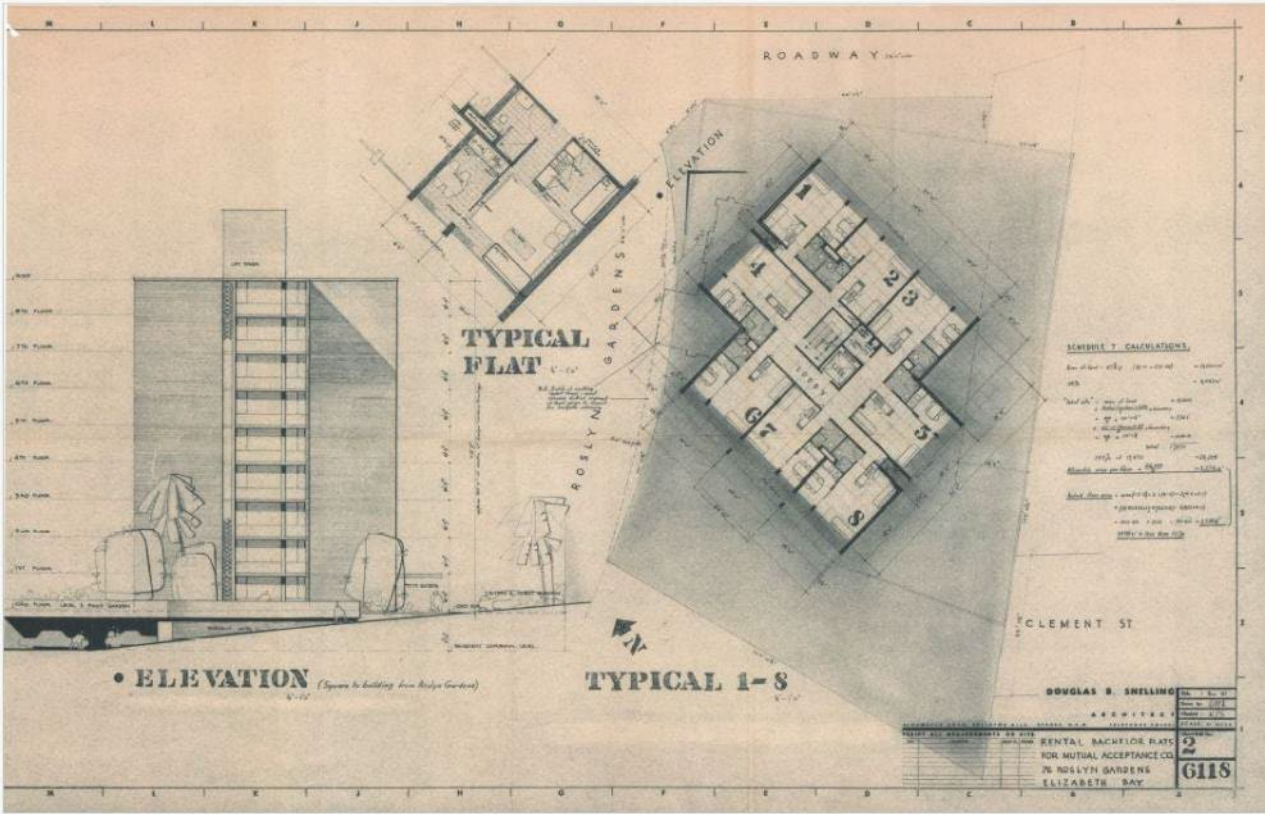


Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	May 1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

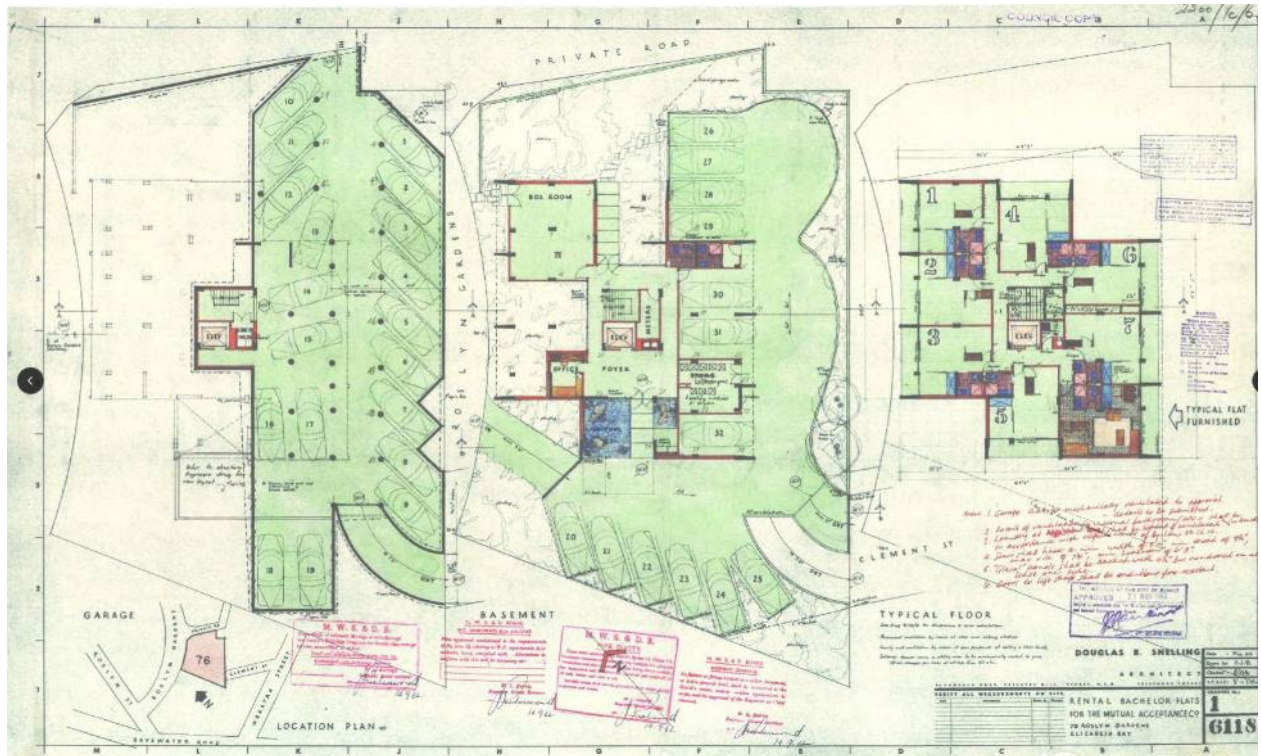


Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

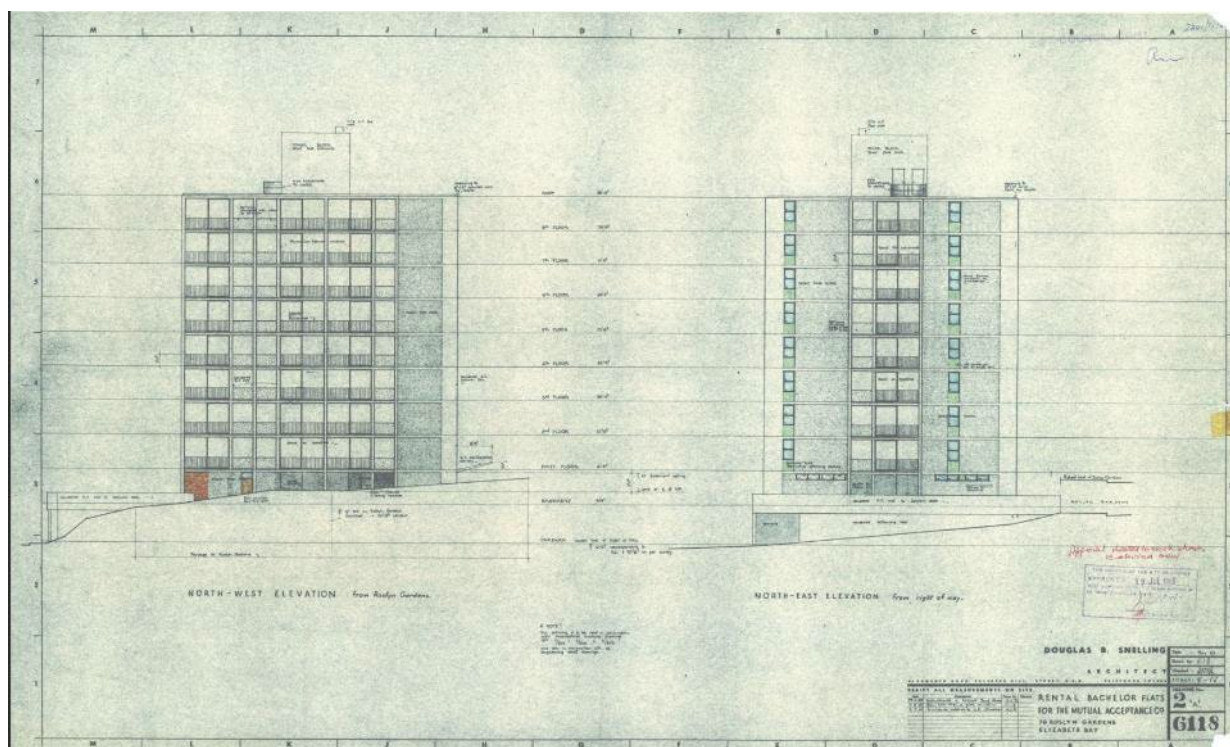


Image caption	Rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

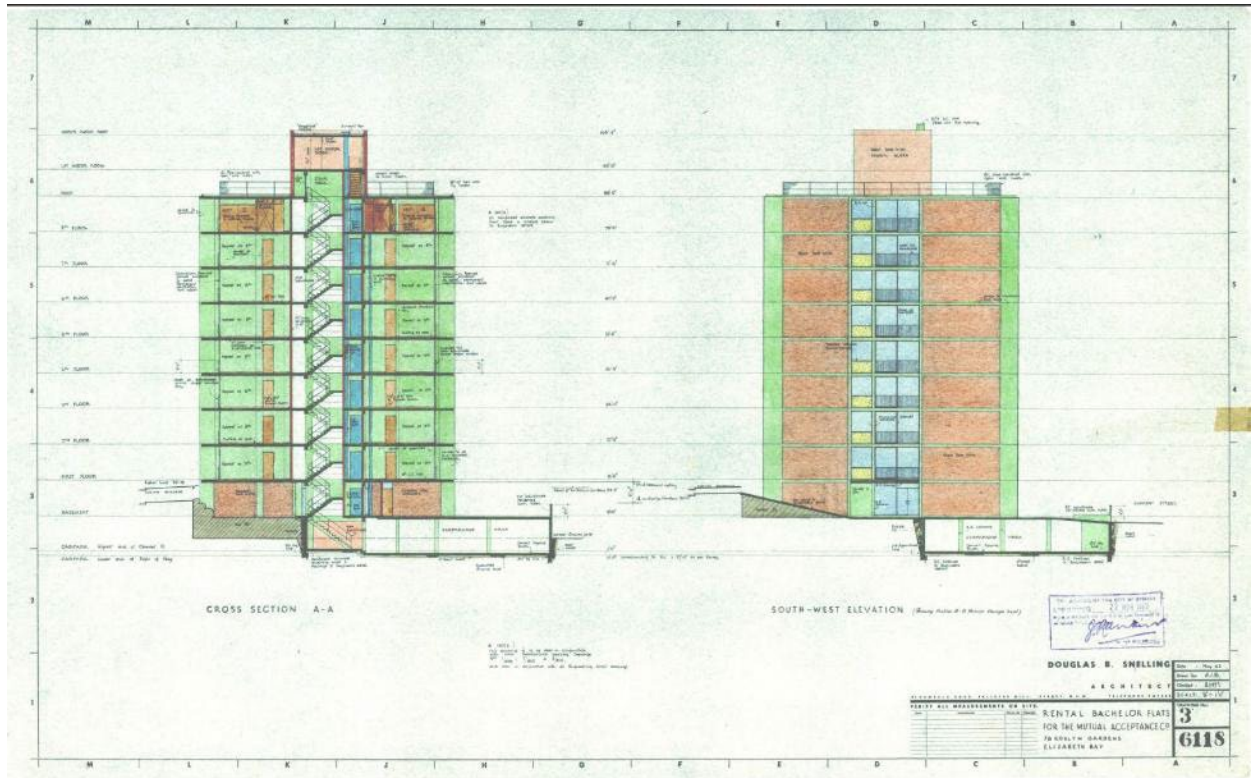


Image caption	Detail, typical floor plan, rental bachelor flats for Mutual Acceptance Co, 74-76 Roslyn Gardens, Douglas B Snelling, May 1962.				
Image year	1962	Image by	City of Sydney Archives 1962-A-00124593	Image copyright holder	Unknown

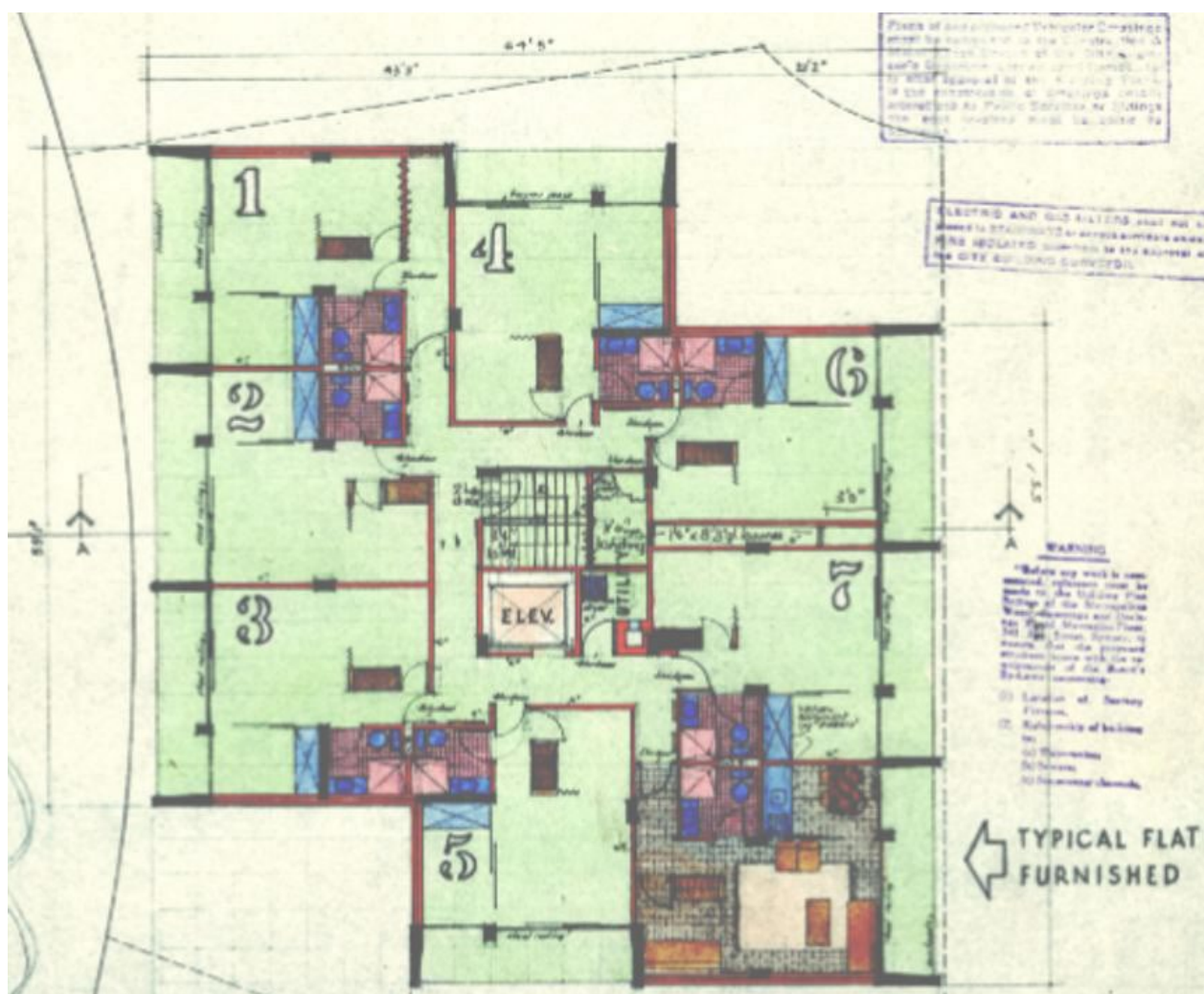


Image caption	'Interesting features in flats', <i>Sydney Morning Herald</i> , 12 May 1964, p 23.				
Image year	1964	Image by	SMH Archive	Image copyright holder	SMH

11/12/24, 9:37 AM

Sydney Morning Herald Archive | Tuesday, May 12, 1964

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 4½ ft 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 canopy.

tilvered 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 1½ in 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, <i>Douglas Snelling: Pan-Pacific Modern Design and Architecture</i> , Routledge, New York.				
Image year	1963	Image by	Max Dupain	Image copyright holder	Snelling Estate and SLNSW MLMSS 8801

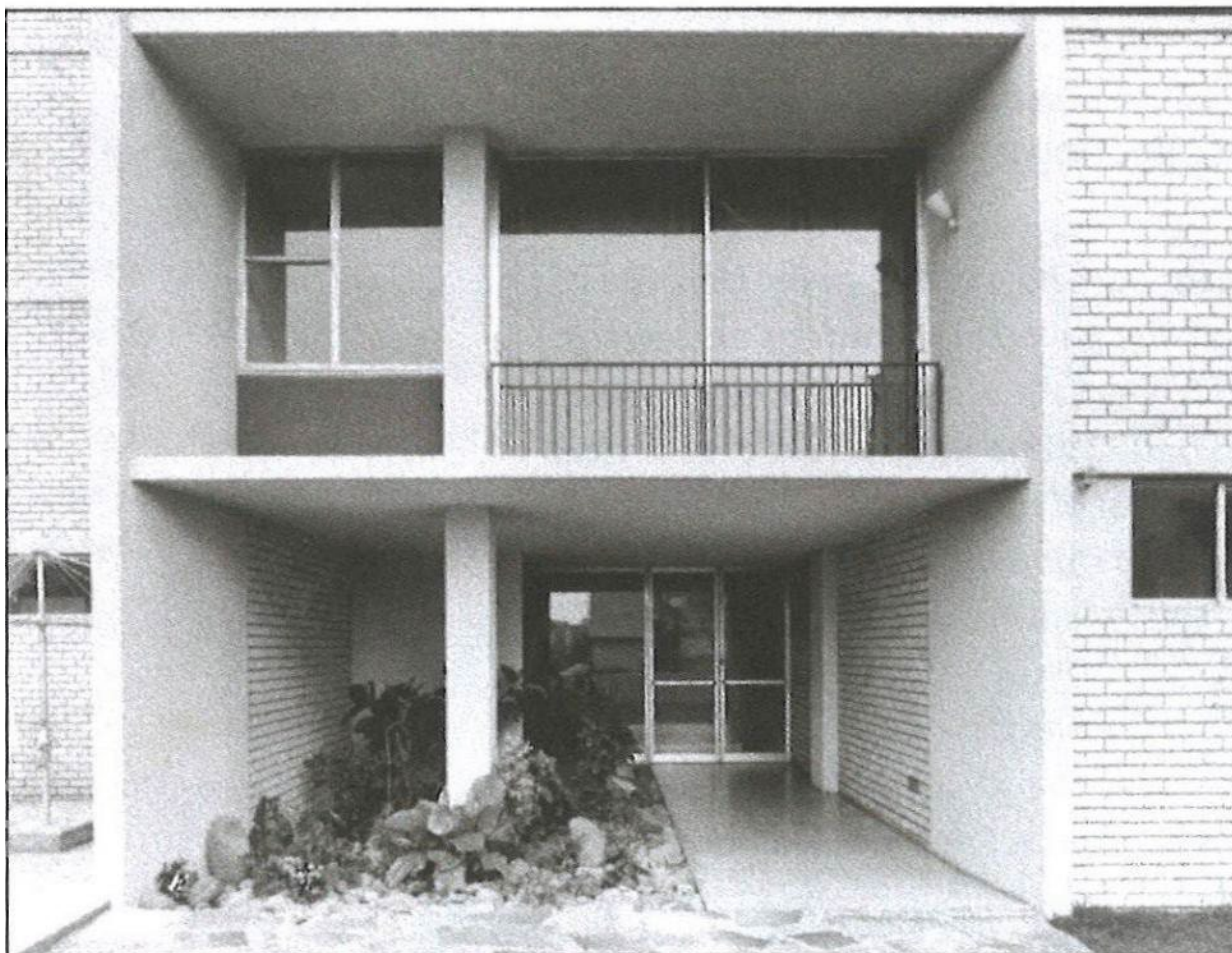


Image caption	Interior of a unit at 74-76 Roslyn Gardens bachelor flats. Reproduced from Davina Jackson, 2017, <i>Douglas Snelling: Pan-Pacific Modern Design and Architecture</i> , Routledge, New York.				
Image year	1963	Image by	Max Dupain	Image copyright holder	Snelling Estate and SLNSW MLMSS 8801

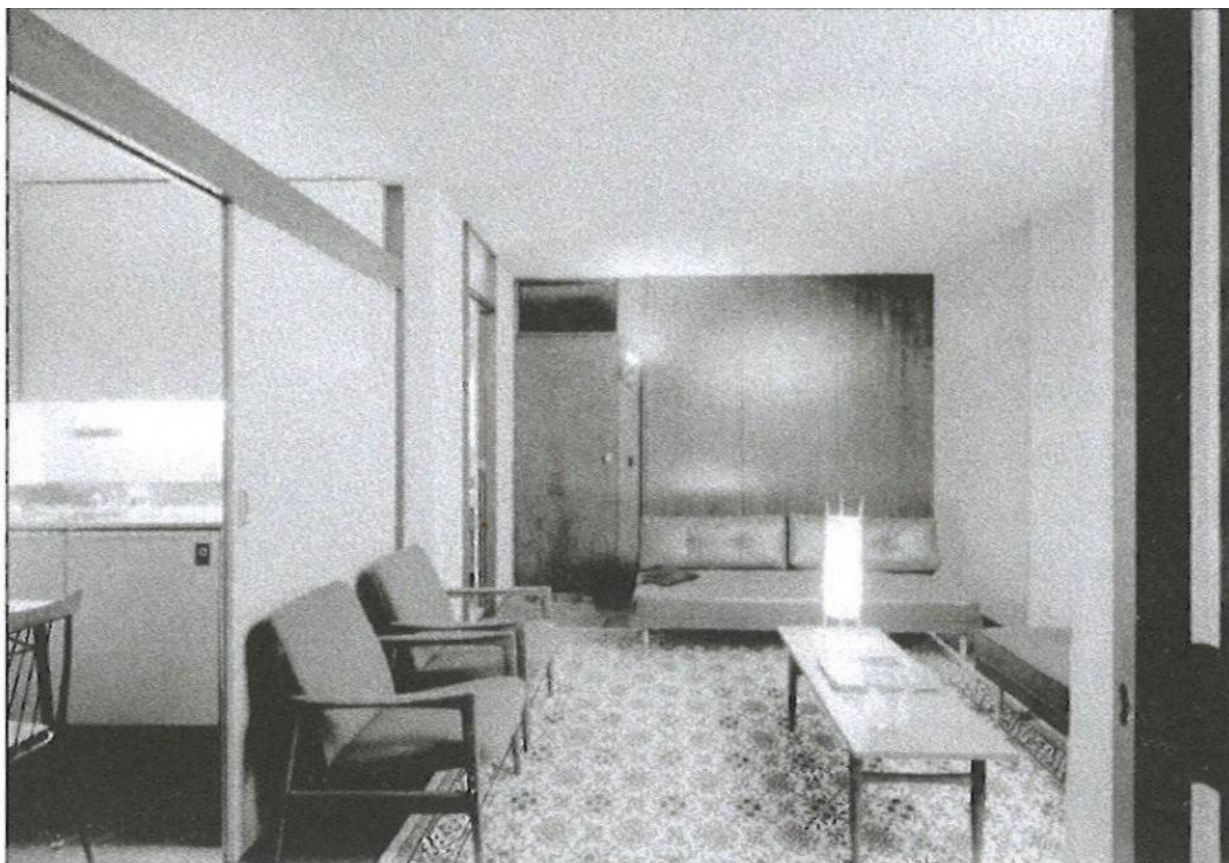


Image caption	Display suite for a 74-76 Roslyn Gardens bachelor unit. Reproduced from Davina Jackson, 2017, <i>Douglas Snelling: Pan-Pacific Modern Design and Architecture</i> , Routledge, New York.				
Image year	1963	Image by	Max Dupain	Image copyright holder	Snelling Estate and SLNSW MLMSS 8801



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 K

**Revised Inventory Sheet - 1-5 Clement
Street, Rushcutters Bay**

Item Name 1–5 Clement Street, excluding apartment interiors			
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

Anchor 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 Anchor (1904–1979) invited Bryce Mortlock (1921–2004) and Stuart Murray (1926–2015) to join him as Anchor 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 Anchor 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 Riddell 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 Anchor’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 Aeronautics & Mechanical Engineering Buildings at Sydney University. Like Anchor, 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, *Anchor 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 & Sevvitt 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 Aeronautics & 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.

Heritage approval pathway

The best way to conserve the heritage significance of places is to carry out minor works and regular maintenance and repairs.

Most minor works or maintenance works that do not affect the significance of a heritage item don't require development approval. However, consent is generally required for other works to be carried out on heritage items or items within heritage conservation areas. The following provides guidance as to when development approval is required.

Local heritage exemption

When undertaking minor works you need to apply for a local heritage exemption and receive written confirmation from us (Council) before you start.

This includes 'like-for-like' replacement or rectification works, and minor or maintenance works, for example replacing failing gutters, replacement of downpipes to match original details or the upgrading of services.

Requests for local heritage exemptions should be lodged online using our ePlanning service. Fees may apply. (<https://www.cityofsydney.nsw.gov.au/development-applications/gain-exemption-development-consent-heritage-works>)

Development approval

Works of a more complex nature or that impact the fabric of the place, alter its external appearance or make changes to common areas require planning consent. In many cases these works will be approved after their potential heritage impacts have been assessed through a Statement of Heritage Impact (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>).

This process requires submission of a development application through the NSW Planning Portal. When you are preparing an application, we (Council) can provide general advice about planning controls, application requirements and fees, and help identify potential issues including through our duty planner or pre-lodgement advice service (<https://www.cityofsydney.nsw.gov.au/development-applications/get-advice-city-development-application>).

Definitions

The following terms reference the definitions set out by Australia ICOMOS in the Burra Charter, or terminology utilised by Heritage NSW.

- **Heritage significance:** the historic, aesthetic, scientific or social value of a place, for past, present or future generations.
- **Fabric:** all the physical material of a place, including its building materials, fixtures, finishes and other elements.
- **Conservation:** all the processes of looking after a place so as to retain its heritage significance. This can include maintenance, preservation, restoration, reconstruction and adaptation.
- **Maintenance:** the continuous protective care of a place and its fabric.
- **Preservation:** maintaining the fabric of a place in its existing state and slowing down deterioration.
- **Restoration:** returning existing fabric to a known earlier state, for example by removing later changes or reassembling existing parts.
- **Reconstruction:** returning a place as nearly as possible to a known earlier state, usually by introducing materials.
- **Adaptation / adaptive reuse:** changing a place to suit an existing or proposed use while respecting its heritage significance.
- **Compatible use:** a use that respects the cultural significance of a place and has little or minimal impact on that significance.
- **Setting:** the area around a place, which may contribute to how its heritage significance is understood and experienced.
- **Local heritage exemption:** written confirmation from Council that minor works or maintenance can proceed without development consent because they will not adversely affect heritage significance. This requires a heritage exemption application to be lodged online using our ePlanning service and written confirmation from us (Council) before you start.
- **Statement of Heritage Impact:** a report that explains how proposed works may affect the heritage significance of a place and how impacts can be avoided or reduced. This is consistent with NSW heritage guidance and common planning practice. (<https://www.environment.nsw.gov.au/publications/guidelines-preparing-statement-heritage-impact>)
- **Like-for-like:** replacing or repairing an element using matching or very similar materials, design, dimensions, finish and appearance, so the heritage character is maintained.
- **Sympathetic:** A sensitive approach wherein changes and alterations to the site do not impact the heritage significance.

Specific Guidelines

This guidance is provided so that owners and Council officers have a shared understanding of what elements of 1–5 Clement Street do and do not contribute to its significance and what can be altered without detailed investigation.

These management recommendations outline general guiding principles for managing and maintaining significant elements of the place. They do not override strata by-laws and works must still be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA) and other planning controls. Heritage exemptions are assessed on a case-by-case basis and written confirmation from Council should be obtained before proceeding.

General management guidelines

All work undertaken to 1–5 Clement Street should aim to be sympathetic to the place’s identified heritage values and significance.

In general, works should seek to reinstate missing or altered original elements where possible. For example, replacement of non-original windows should seek to reinstate windows with a design and materials sympathetic to the originals.

Any proposal for non-minor work or work that will impact significant building features or fabric should be prepared in consultation with a heritage specialist and be assessed through a Statement of Heritage Impact. Works that will result in an impact to the heritage significance of the place should be avoided.

All conservation, adaptive reuse and future development should be undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and under the supervision or guidance of a heritage specialist.

Where major changes are proposed to the item, a Heritage Asset Action Plan (HAAP) should be prepared for the place following the relevant Heritage NSW guidelines to guide future use, maintenance and development and ensure its heritage values are well understood by the building owners and managed appropriately.

It is recommended that unit owners or strata managers consult with the City of Sydney through its Duty Planner service prior to a heritage exemption application or DA submission to determine whether works are exempt from development consent or to develop strategies and mitigation measures to assist in the application and approval process.

Applications for any external or vertical additions to the item or ancillary development within the property boundary should be appropriately located, sympathetic to the identified heritage values and not have a major material or visual impact.

Textured concrete is to remain unpainted and unrendered.

Original features such as circular window and wall and floor finishes to the foyer should be retained where practical.

Where removal of hazardous materials is required for health and safety purposes, they must be replaced with sympathetic, like-for-like alternatives.

The landscape elements at the ground level such as the mature trees, plantings, swimming pool, paving and grassed area should be retained.

The installation of a whole of building, coordinated air conditioning systems is encouraged in preference to single occupancy split systems, or window or wall mounted units.

General maintenance, repairs and service upgrades

The following works can typically be undertaken with Council’s written confirmation after a local heritage exemption application provided they adopt a like-for-like approach to materials, colour schemes, dimensions and finishes, and do not impact the identified heritage values of 1–5 Clement Street or alter its external appearance:

- maintenance, repairs and conservation works to building façades such as repainting of rendered surfaces, repairs to concrete spalling;
 - maintenance, repairs and conservation works to gutters, downpipes and other rainwater goods and flashings;
 - works and activities associated with the ongoing maintenance of existing external communal areas limited to roadways, carparks, verges, drainage, pedestrian pathways and steps;
 - works associated with the ongoing maintenance of the ground level landscape elements such as the swimming pool, mature trees, recreational space, paving, plantings and grassed area;
 - works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric;
 - installation of new services where this will not have an impact on the visual appearance of the building or exceed the existing building parapet; and
-

-
- works and activities associated with the maintenance, repair, or upgrade of mechanical plant where this does not increase the existing scale or exceed the height of the existing plant.

Apartment interiors

Individual apartment interiors are not included in the heritage listing. Internal renovations, repairs and maintenance work to bathrooms, kitchens, living rooms and bedrooms would not require heritage approvals provided they are not visible from common areas and do not impact structural walls and do not alter the size or pattern of windows or enclose external openings. These activities/works must be carried out in accordance with the building's strata by-laws and relevant planning controls.

Common areas

The following works can typically be undertaken with Council's written confirmation after a local heritage exemption application is submitted provided they adopt a like-for-like approach to materials, colour schemes, dimensions, placement and finishes, and do not impact the identified heritage values of 1–5 Clement Street or alter its external appearance:

- removal, repair and replacement of non-original building elements such as the pool;
- installation of bike racks, safety mirrors and electric-vehicle charging facilities within the carparking area;
- works associated with the maintenance, repair, renewal and upgrade of services and utilities including communications, water, gas and electricity—these works must utilise existing conduits and fixings where possible; if new penetrations are required, they should be located in less visually prominent areas and non-significant fabric; and
- maintenance, repairs and upgrades to the roof including waterproofing, repair or replacement and the installation, upgrade or maintenance of utilities.

The following minor works to common areas works are unlikely to require heritage approval:

- the removal and replacement of non-original flooring;
- installation of non-slip surface treatments;
- repainting of common areas;
- upgrades and replacement of lighting and smoke alarms; and
- other minor repairs and maintenance.

Lifts

Maintenance, repair or upgrade activities to lifts which do not result in the vertical or horizontal expansion of the lift shaft and overrun can typically be undertaken without Council's written confirmation provided they do not materially or visually impact on the identified heritage values of 1–5 Clement Street or alter its external appearance.

Major lift repairs or replacement may require a local heritage exemption application or development application, depending on the nature and extent of the works.

Windows

Replacement, refurbishment, repairs or modifications to anodised aluminium window frames and glazing (such as the installation of double glazing, re-sealing, waterproofing, glazed panel replacement, removal of air conditioning units and hardware repair) can be carried out with Council's written confirmation after a local heritage exemption application is submitted provided works:

- adopt a like-for-like approach replacing or reinstating bronze anodised aluminium frames and clear glass windows;
 - maintain the original fenestration pattern and external reveal depth defined by window bands and sliding doors; and
 - remove detracting elements such as air conditioning units (replacement with more sympathetic alternatives is encouraged).
-

Information sources				
Type	Author	Title	Year	Repository
Site inspection (external)	GML		2024	GML
Advertisement	<i>Sydney Morning Herald</i>	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 <i>Strata Titles Act</i> , 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

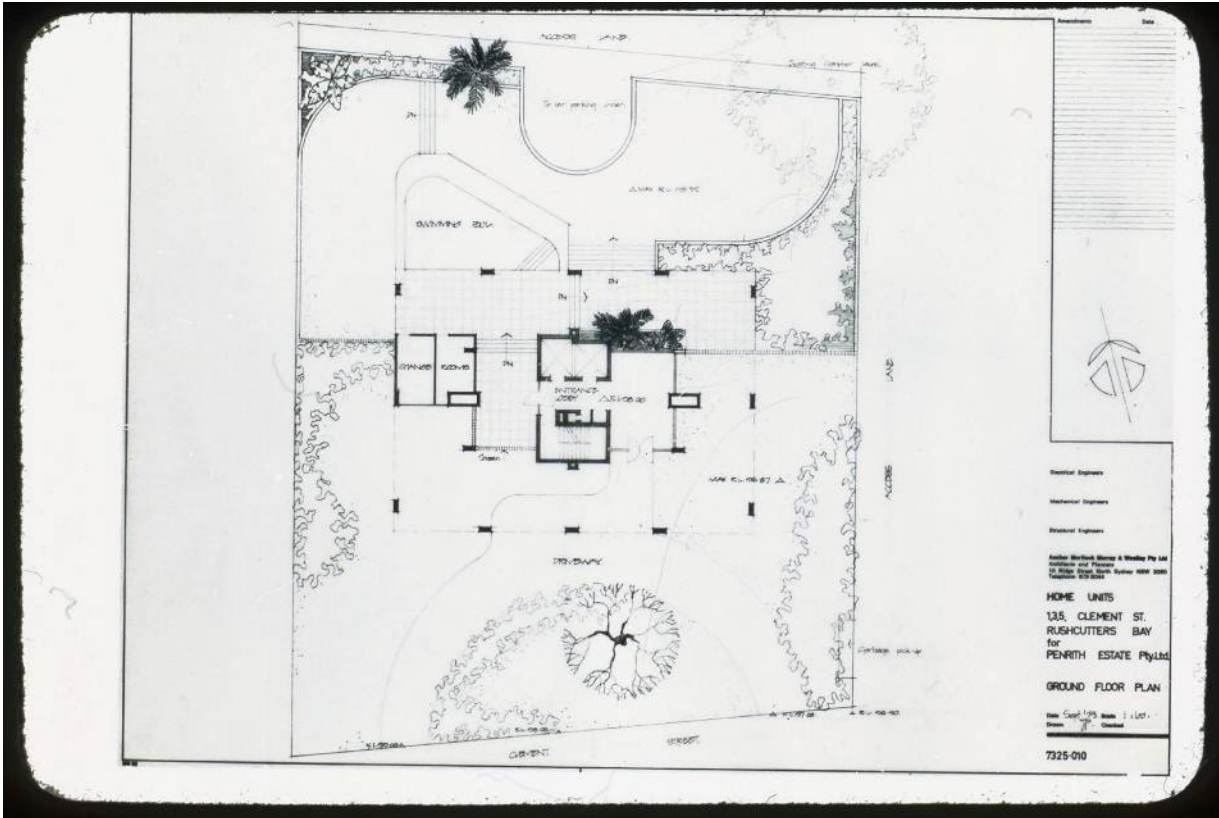


Image caption	Plan—proposed typical floor, Levels 3–8, 1, 3, 5 Clement Street, Rushcutters Bay, September 1973 Note: The proposed floor plan is different to the existing plan, which includes balconies to the southern elevation.				
Image year	1973	Image by	Ancher Mortlock Murray & Woolley	Image copyright holder	In copyright

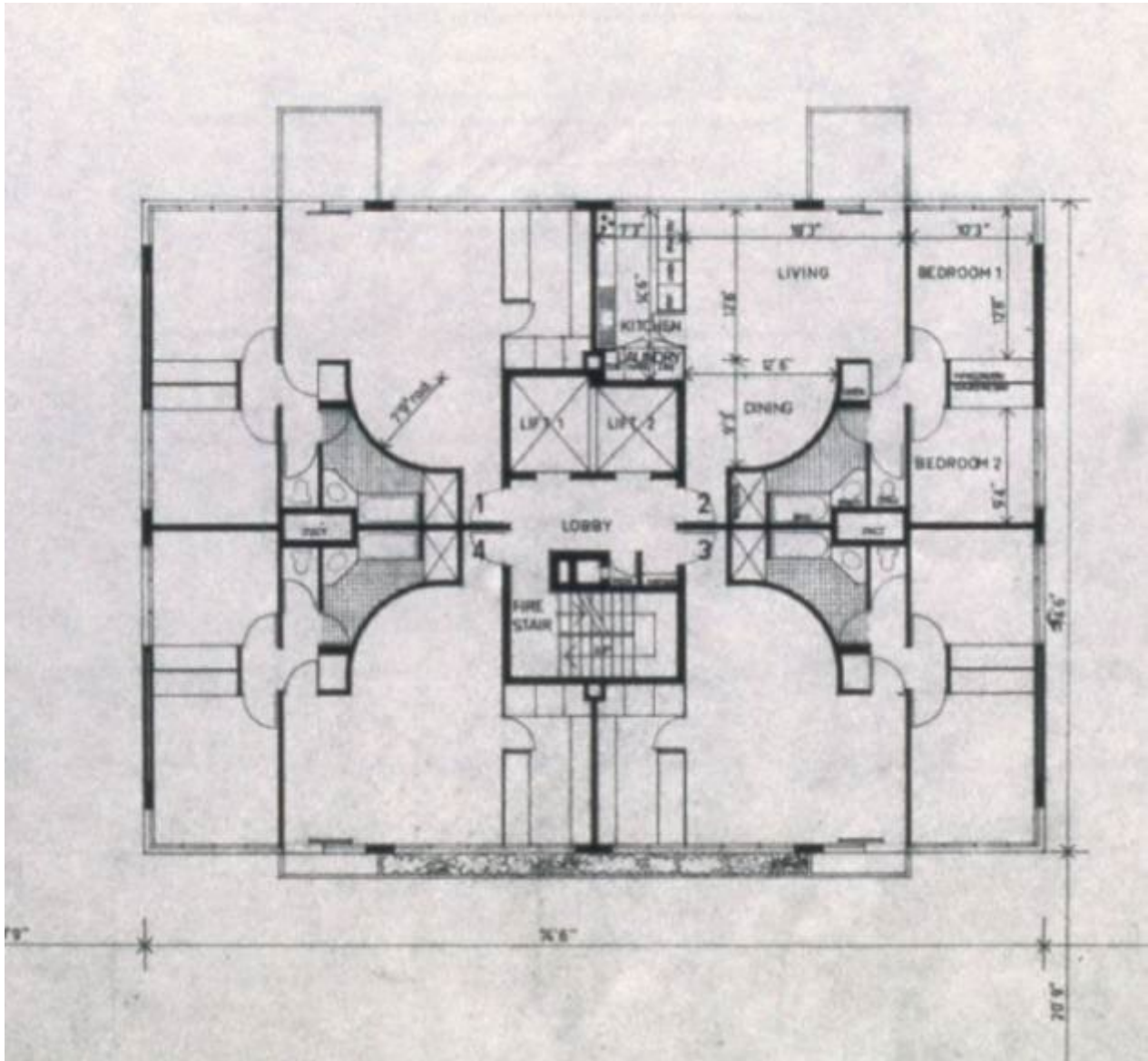


Image caption	Plan—proposed penthouse floor, 1, 3, 5 Clement Street, Rushcutters Bay, September 1973. Note: The proposed floor plan shows the balconies on the lower floor. The existing building has identical cantilevered balconies on the northern and southern facades.				
Image year	1973	Image by	Anchor Mortlock Murray & Woolley	Image copyright holder	In copyright

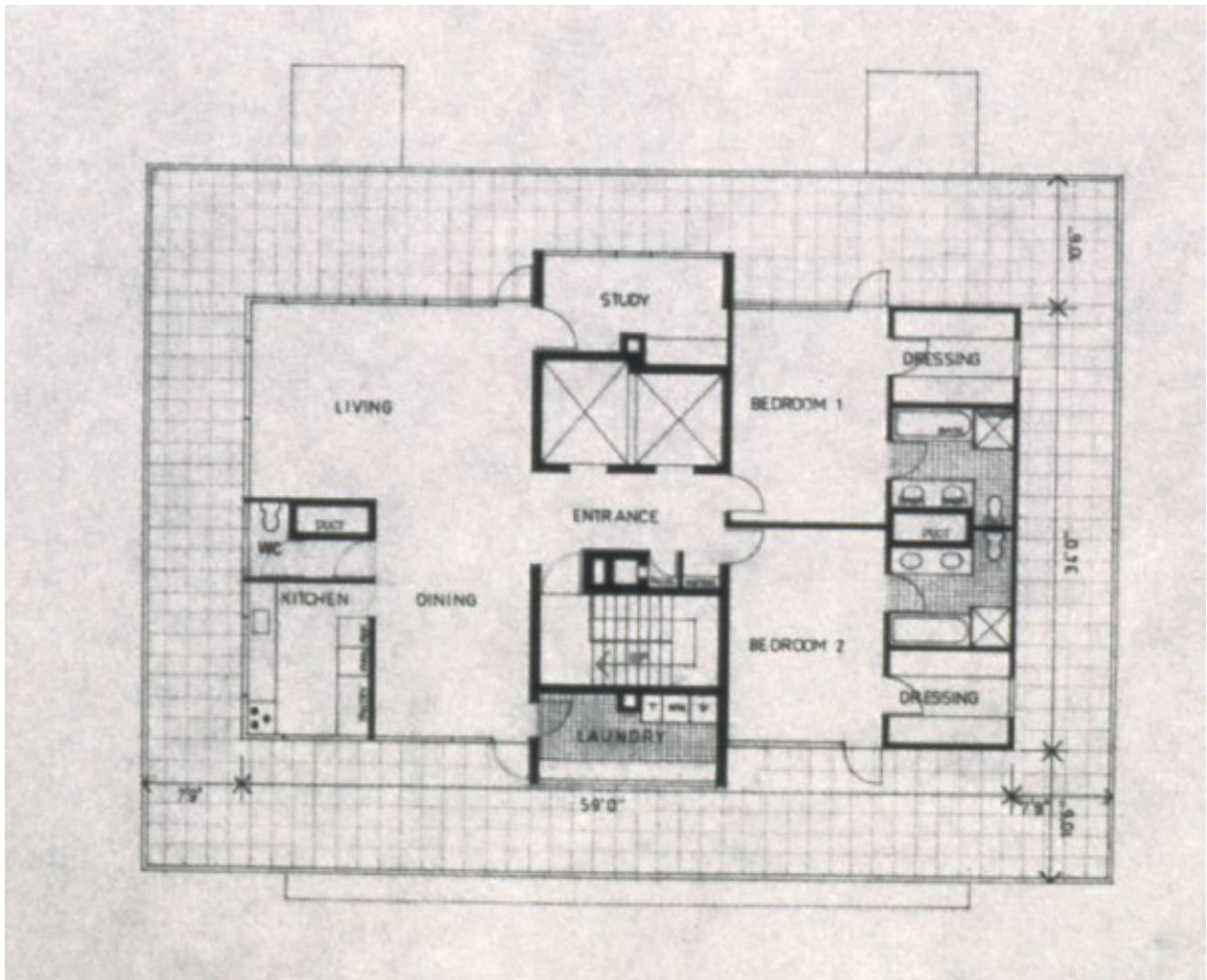


Image caption	Proposed building—section—1, 3, 5 Clement Street, Rushcutters Bay, August 1973.				
Image year	1973	Image by	Ancher Mortlock Murray and Woolley	Image copyright holder	In copyright

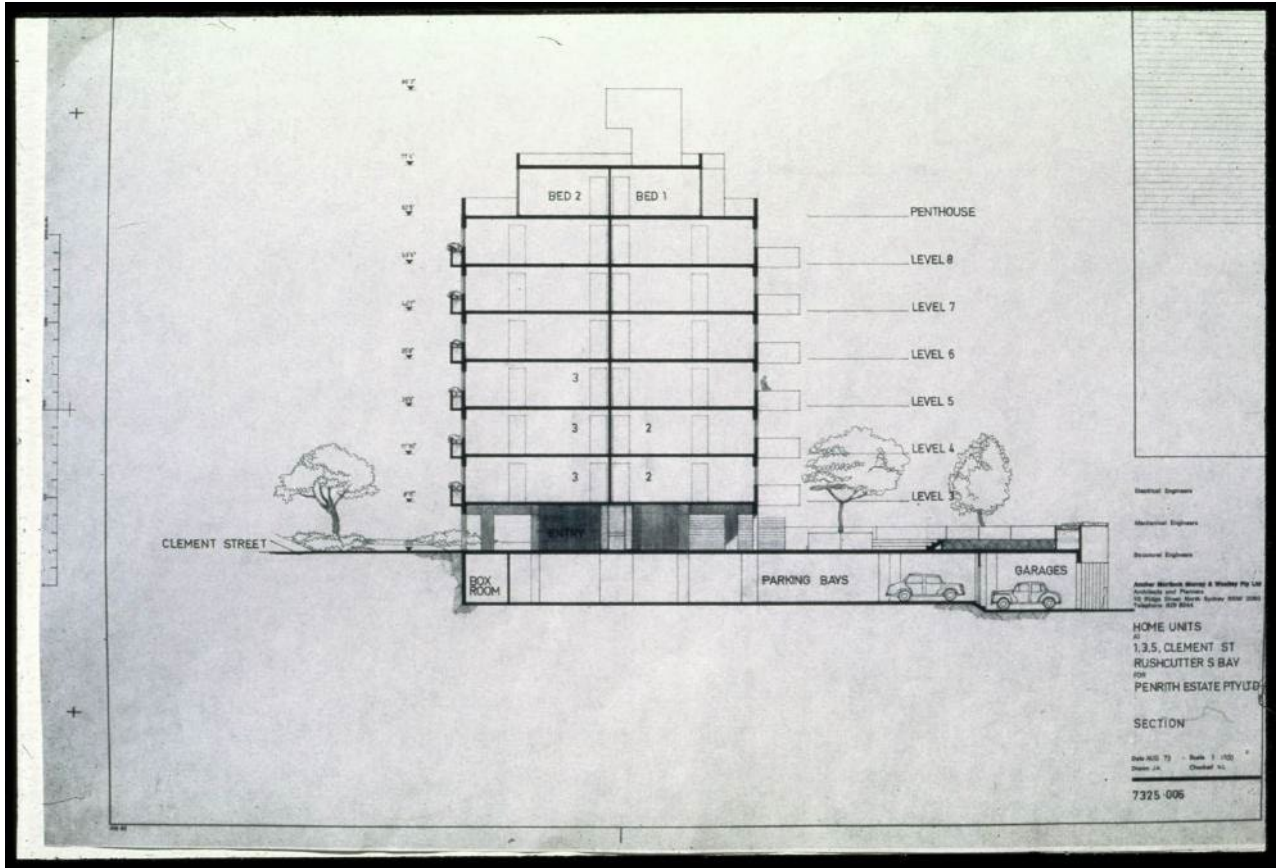


Image caption	Proposed building—south elevation—1, 3, 5 Clement Street, Rushcutters Bay, August 1973 (not as built).				
Image year	1973	Image by	Anchor Mortlock Murray & Woolley	Image copyright holder	In copyright

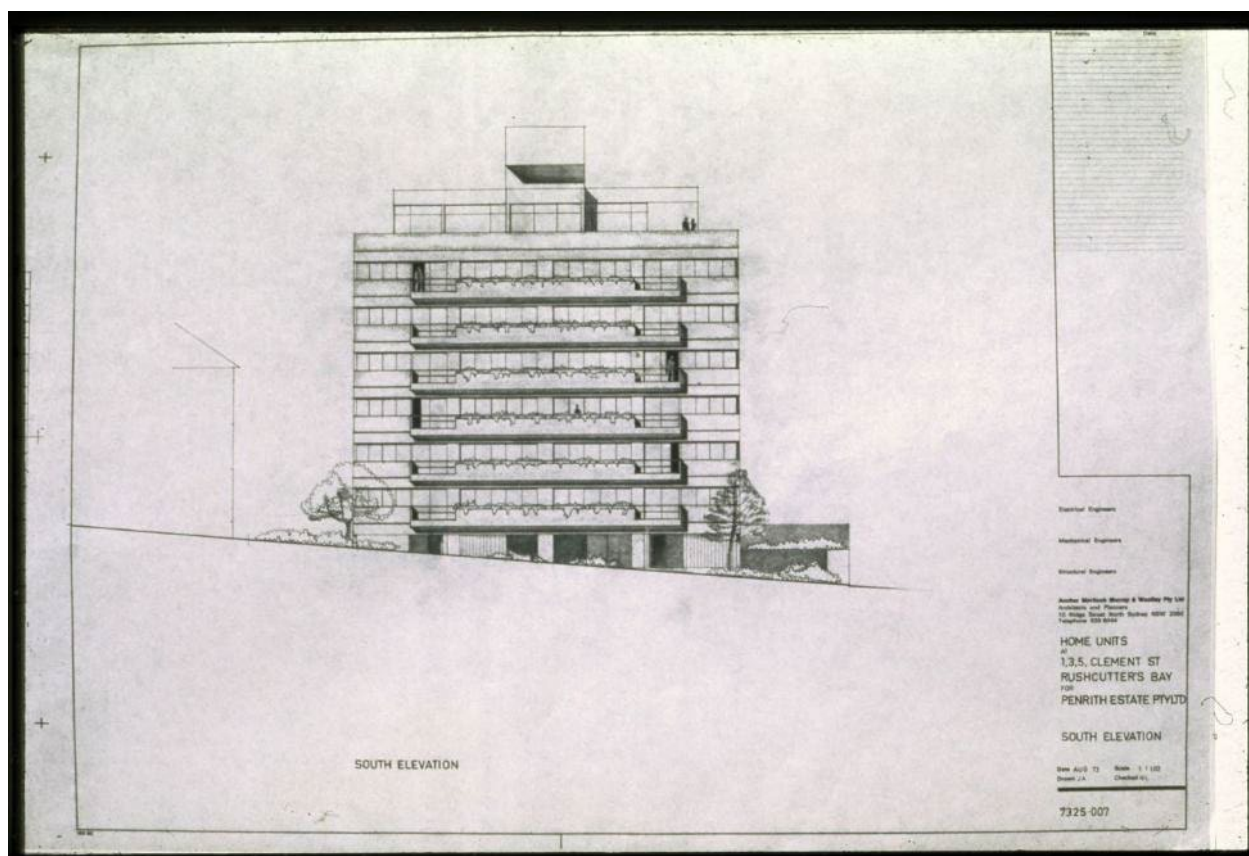


Image caption	Proposed building—east elevation—1, 3, 5 Clement Street, Rushcutters Bay, August 1973.				
Image year	1973	Image by	Anchor Mortlock Murray & Woolley	Image copyright holder	In copyright

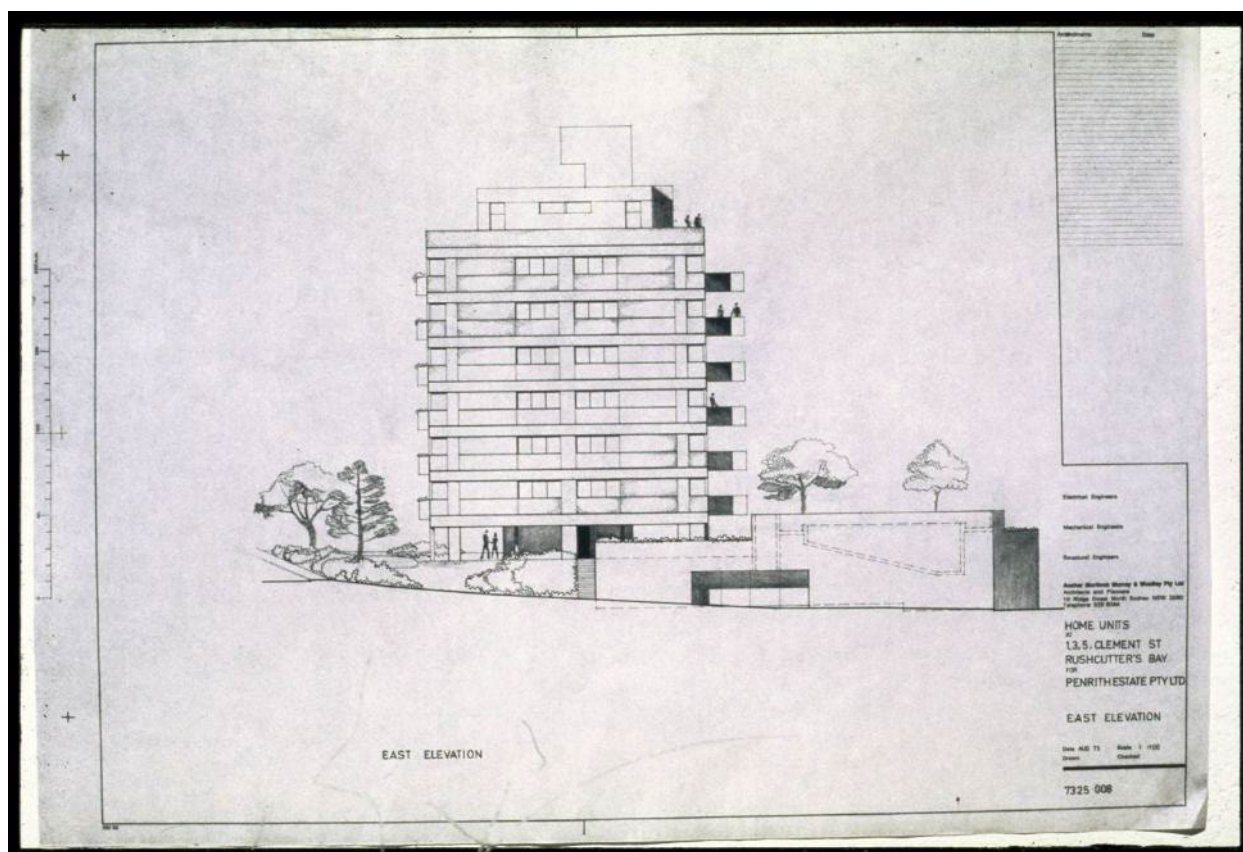


Image caption	Perspective sketch of 1–5 Clement Street, front (south) elevation. Note: the proposed façade is different to the existing building façade, which is identical to the rear (north) elevation.				
Image year	c1973	Image by	Anchor Mortlock Murray & Woolley	Image copyright holder	In copyright



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 L

**Gateway determination, dated 30
September 2025**

Gateway Determination

Planning proposal (Department Ref: PP-2025-109): to amend the *Sydney Local Environmental Plan 2012* to include nine additional sites as local heritage items.

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 add 9 sites to Part 1 Schedule 5 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 26 June 2026.

Gateway Conditions

1. Prior to exhibition the planning proposal is to be updated to:
 - (a) Include an assessment against Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area;
 - (b) Update the Lot and DP descriptions for the sites as required; and
 - (c) Reflect the state listing of Ithaca Gardens.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as basic 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;
 - (b) 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); and
 - (c) the planning proposal authority must notify each of the landowners in writing when the planning proposal is on public exhibition.

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
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 30 September 2025



Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Planning, Land Use Strategy, Housing
and Infrastructure Department of
Planning, Housing and Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Attachment M

**Council and Central Sydney Planning
Committee resolutions**

Resolution of Central Sydney Planning Committee

12 December 2024

Item 8

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

Moved by the Chair (the Lord Mayor), seconded by Councillor Miller -

It is resolved that:

- (A) the Central Sydney Planning Committee 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) the Central Sydney Planning Committee 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) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 9 December 2024 that 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) the Central Sydney Planning Committee approve the Planning Proposal - Oxford Street LGBTIQ+ 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) the Central Sydney Planning Committee approve the Planning Proposal - Oxford Street LGBTIQ+ 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) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 9 December 2024 that 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 LGBTIQ+ Heritage Items;
- (H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Oxford Street LGBTIQ+ Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination; and
- (I) the Central Sydney Planning Committee defer consideration of the Planning Proposal - Powerhouse Museum Heritage Item Amendment, shown at Attachment C to the subject report, to enable a review of the purpose and additional benefit of the local listing against the recently expanded state heritage listing.

Carried unanimously.

X109515, X098649, X091578

Resolution of Council

16 December 2024

Item 11.3

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

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

- (H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Oxford Street LGBTIQ+ Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination;
- (I) the Chief Executive Officer be requested to investigate the local heritage listing of 273 Crown Street, Surry Hills, 40-42 Flinders Street, Darlinghurst and 207 Oxford Street, Darlinghurst, and if supported, submit a draft planning proposal in 2025; and
- (J) Council defer consideration of the Planning Proposal - Powerhouse Museum Heritage Item Amendment, shown at Attachment C to the subject report, to enable a review of the purpose and whether any additional benefit is gained from the local listing against the recently expanded State heritage listing.

Carried unanimously.

X109515, X098649, X091578