

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 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 Council 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 Council 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) Council 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) Council 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 1 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

Chief Planner / Executive Director City Planning, Development and Transport

Adele Zubrzycka, Senior Specialist Planner Heritage