



CONSERVATION MANAGEMENT PLAN

FOLEY BROS WAREHOUSE & OFFICE TOWER
230-232 & 234-238 SUSSEX STREET
SYDNEY NSW 2000

APRIL 2015

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CONTENTS

1.0	INTRODUCTION.....	4
1.1	Introduction.....	4
1.2	Definition of the Study Area	4
1.3	Methodology	5
1.4	Limitations	5
1.5	Identification of Author	6
1.6	Consultation.....	6
1.7	Sources	6
1.8	Previous Studies.....	6
1.9	Heritage Listing.....	6
1.10	Heritage Significance	7
1.11	Floor Plans	9
2.0	DOCUMENTARY EVIDENCE	13
2.1	Pre European History	13
2.2	Early European History	13
2.3	History and Development of the Subject Site	15
2.3.1	230-232 Sussex Street (to 1882)	15
2.3.2	230-232 Sussex Street (Foley Brothers Warehouse 1882 to present)	21
2.4	History and Development of the Subject Site, 234-238 Sussex Street ...	32
2.4.1	Part Lot 8 Section 22	32
2.4.2	234-238 Sussex Street	38
2.4.3	2 and 4/6 Druitt Place	43
3.0	PHYSICAL EVIDENCE	49
3.1	Setting	49
3.2	Main Warehouse.....	49
3.3	Cartway (Y01) and Courtyard (Y02).....	52
3.4	Rear Warehouse and 'Links'	52
3.5	Photographs	53
4.0	COMPARATIVE ASSESSMENT	80
5.0	ANALYSIS OF CULTURAL HERITAGE SIGNIFICANCE	81
5.1	Basis of Cultural Heritage Assessment	81
5.2	Assessment of Cultural Significance	82
5.2.1	Criterion (a) Historical Evolution	82
5.2.2	Criterion (b) Historical Associations	82
5.2.3	Criterion (c) Aesthetic Values	82
5.2.4	Criterion (d) Social Value	83
5.2.5	Criterion (e) Technical / Research Value	83
5.2.6	Criterion (f) Rarity	84
5.2.7	Criterion (g) Representativeness	84
5.3	Statement of Cultural Heritage Significance	85
5.4	Relative Degrees of Significance – Elements.....	86

6.0	CONSTRAINTS & OPPORTUNITIES	92
6.1	Introduction.....	92
6.2	Constraints & Opportunities arising from the Statement of Significance.....	92
6.3	Constraints & Opportunities Arising from the Owners	93
6.4	Constraints & Opportunities arising from the Physical Condition.....	93
6.5	Constraints & Opportunities arising from adaptive re-use options	94
6.6	Constraints & Opportunities arising from Government Heritage Requirements	94
	6.6.1 Commonwealth	94
	6.6.2 New South Wales	94
	6.6.3 City of Sydney	94
6.7	Other Statutory Requirements	96
7.0	CONSERVATION POLICY	97
7.1	Introduction.....	97
7.2	Definitions.....	97
7.3	Management and Conservation Processes.....	98
7.4	Statements of Heritage Impact.....	98
7.5	Access & Security	99
7.6	Heritage Listing, External Consultation and Consents	99
7.7	Excavation	100
7.8	Compatible Uses	100
7.9	Maintenance, Repair and Records.....	101
7.10	Expert Advice	102
7.11	Research & Training	102
7.12	Fire, Accessibility and Building Code Regulations.....	102
7.13	Interpretation	103
7.14	Setting and Connection between 230-232 & 234-238 Sussex Street ...	103
7.15	Cartway (Y01) and Courtyard (Y02).....	104
7.16	Exterior	105
7.17	'Link' Galleries	107
7.18	Roofs.....	107
7.19	Timber Floor and Roof Framing, Iron Posts and Floors	109
7.20	Internal Finishes – Masonry	111
7.21	Internal Finishes – Timber and Iron.....	111
7.22	Interior Subdivision	111
8.0	APPENDIX A: SYDNEY DCP 2012: SECTION 3.10.1 WAREHOUSES AND INDUSTRIAL BUILDINGS OLDER THAN 50 YEARS	114
9.0	APPENDIX B: WAREHOUSE COURTYARD POLICY	120
10.0	APPENDIX C: STATE HERITAGE INVENTORY ENTRY	144
11.0	APPENDIX D: LAND TITLES INFORMATION FOR 230-232 SUSSEX STREET	149
12.0	APPENDIX E: CITY OF SYDNEY PLANNING CARDS FOR 230-232 SUSSEX STREET	151

13.0	APPENDIX F: CITY OF SYDNEY PLANNING CARDS FOR 234/238 SUSSEX STREET AND 2/6 DRUITT PLACE	155
14.0	APPENDIX G: SANDS DIRECTORY LISTINGS FOR 230-232 SUSSEX STREET	164
15.0	APPENDIX H: AUSTRALIA ICOMOS CHARTER FOR PLACES OF CULTURAL SIGNIFICANCE (THE BURRA CHARTER).....	168

1.0 INTRODUCTION

1.1 Introduction

This Conservation Management Plan (CMP) was prepared for Meriton Group by NBRSPARTNERS to inform conservation management and development options for 230-232 and 234-238 Sussex Street, Sydney. The heritage assessment in the first sections of this report identifies the heritage values associated with the site in accordance with the standard assessment criteria. The latter sections of the report set out conservation recommendations (policies) based on those heritage values. 230-232 Sussex Street (aka Foley's Warehouse) is of high significance and must be retained and conserved. The office tower at 234-238 is not a heritage item, is of little significance and may be redeveloped. This report concentrates on the conservation of Foley's Warehouse and the management of heritage impacts arising from redevelopment of 234-238 Sussex Street.

1.2 Definition of the Study Area

The study area comprises a former warehouse at 230-232 Sussex Street and an office building at 234-238 Sussex Street on two lots:

- Lot 1 on DP71092* 230-232 Sussex Street
- Lot 11 on DP809434 234-238 Sussex Street

* Lot 1 is the land identified as the heritage item.

In early 2015, the lots were in the process of consolidation into a single lot.

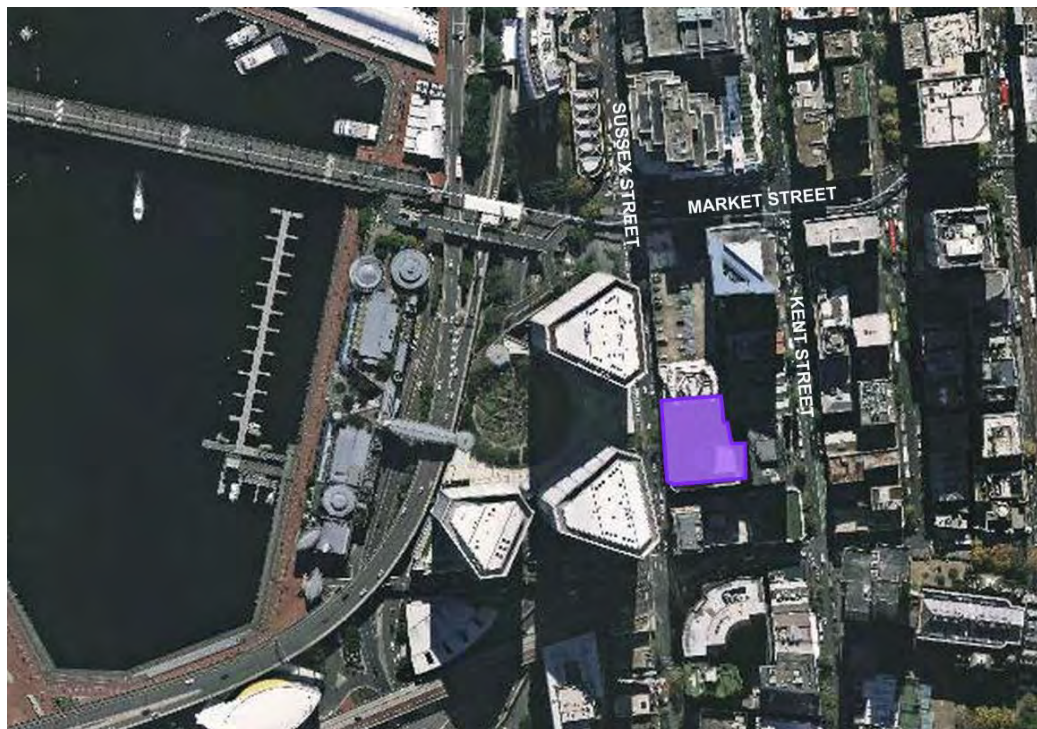


Figure 1 — Location plan showing subject site in purple. North at the top of the page.
www.six.nsw.gov.au



Figure 2 — Location plan showing the two components of the subject site in buff – 230-232 Sussex Street and 234-238 Sussex Street. North at the top of the page. NBRSPartners, April 2015.

1.3 Methodology

This Conservation Management Plan generally follows the approach set out in *The Seventh Edition Conservation Plan* by J. S. Kerr (2013) and the guidelines of the NSW Heritage Office for the preparation of statements of heritage impact. The terms *fabric*, *place*, *preservation*, *reconstruction*, *restoration*, *adaptation*, *interpretation* and *conservation* used throughout this report have the meaning given them in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter) unless noted otherwise. The Burra Charter is appended at page 168.

1.4 Limitations

The report is a result of analysis of available documentary research material combined with a physical assessment of the existing building fabric and a streetscape analysis.

On 11 February 2015, the City of Sydney confirmed a 'Heritage Exemption' for the stripping out of recent fabric of low significance to allow inspection of concealed fabric. Physical assessment has followed the stripping out of the late twentieth century office fitout. The stripping out stopped short of intervention in original fabric and retained stairs, services and service lines where useful.

1.5 Identification of Author

This report was researched and prepared by Léonie Masson, Historian and Don Wallace, Senior Heritage Consultant under the guidance of Robert Staas, Director of NBRS+Partners.

1.6 Consultation

This conservation management plan has been prepared with client and consultant team input to inform a planning proposal for the site. Consultation with the City of Sydney has been limited to preliminary discussions and has not yet included review of this document.

1.7 Sources

The main documentary sources consulted in the research for this report are listed below:

- Mitchell Library: State Library of NSW
- NSW Land & Property Information
- Sydney Water Plan Room
- City of Sydney Archives

1.8 Previous Studies

Previous heritage management documents include:

- Thorp, Wendy, 1998, 'Foley Brothers warehouse, 230-232 Sussex Street, Sydney: archaeological assessment'.
- Tropman & Tropman Architects, 1995, 'Proposed high rise residential redevelopment at 230-232 Sussex Street, Sydney: statement of heritage impact'.
- Tropman & Tropman Architects. 1994, 'Preliminary conservation plan for Laneway associated with former Foley Brothers warehouse at 230- 232 Sussex Street, Sydney'.

1.9 Heritage Listing

The former warehouse and its laneway at 230-232 Sussex Street are listed together as a single heritage item on Schedule 5 of the *Sydney Local Environment Plan 2012* (the LEP). The listed land is defined as Lot 1 on DP 71092 and is described as Former "Foley Bros" warehouse including cartway, courtyard and interiors. 234-238 Sussex Street is not listed on any heritage list. The site as whole is not within a heritage conservation area.

The site is within the locality known as the York Street Special Character Area identified within the Sydney Development Control Plan 2012. Although it provides for the conservation of significant elements, the character area designation is not considered a 'heritage listing'.

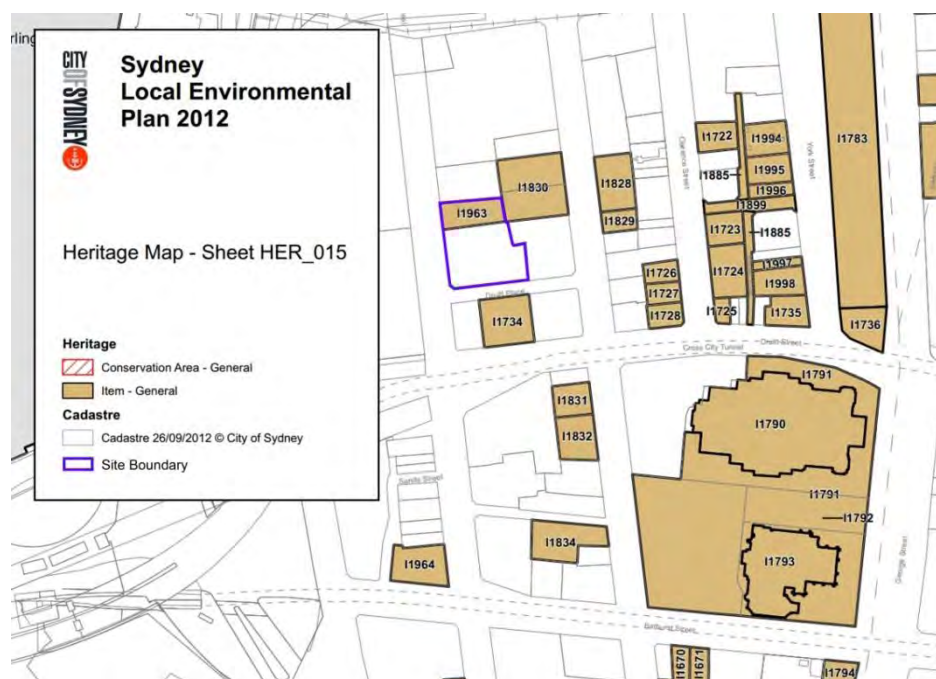


Figure 3 — Annotated extract of Sydney Local Environmental Plan 2012 Heritage Map showing site bound in purple. NBRSP+Partners overlay.

1.10 Heritage Significance

The State Heritage Inventory database entry defines the significance of the heritage item as follows:

The Foley Bros building ensemble is a remarkable and largely intact survival of a modest warehouse, cartway and courtyard complex now extremely rare. It has a high degree of significance because of its ability to demonstrate configuration and the functioning of these small scaled warehouse complexes. It demonstrates the nineteenth century development of this area of Sydney as warehousing close to the wharfage and railway facilities at the south end of Darling Harbour. Its facade is a confident and comparatively refined design in modelled stucco which most pleasingly addresses the street, with gentle human scale. It is a good example of modern adaptive re-use of a historic building.¹

In its preliminary conservation plan for the laneway (cartway) within 230-232 Sussex Street, Tropman & Tropman stated the principal cultural significance of this element as being that:

The laneway demonstrates the Victorian warehouse phase associated with wharf related activities, including transportation and trade that formed a major component of the cultural development of Sydney.

The laneway is a rare and substantially intact carriageway and internal courtyard of the Victorian era.²

¹ State Heritage Inventory. Database number 2424169.

² Tropman & Tropman Architects. 1994, 'Preliminary conservation plan for Laneway associated with former Foley Brothers warehouse at 230- 232 Sussex Street, Sydney', p. 16.

The entry of the warehouse on the State Heritage Inventory database provides the following broad management recommendations:

General: The overall form, scale and configuration of the former Foley Bros Warehouse and courtyard complex should be retained. A vertical extension would be inappropriate even if set back. The existing conservation plan should be upgraded as required and used to guide the future use and maintenance of the place. Exterior: Original or early window loading bay and moulded details and window joinery should be conserved without alteration and appropriately maintained. Previously painted brick facades should continue to be painted in a traditional colour scheme. Previously unpainted surfaces such as face brickwork and stone should remain unpainted. The Sussex Street shopfronts should be replaced in a more appropriate design when the opportunity arises in the future. Interior: There is scope for sensitive adaptation of the interior provided this does not involve removal of the original timber post and beam structure. Original structural elements should remain visible where possible. Previously unpainted structural elements and wall surfaces should not be painted. The building should be retained and conserved. A Heritage Assessment and Heritage Impact Statement, or a Conservation Management Plan, should be prepared for the building prior to any major works being undertaken. There shall be no vertical additions to the building and no alterations to the façade of the building other than to reinstate original features. The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved. Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls.³

The preparation of this conservation management plan seeks to satisfy the recommendation that 'a Conservation Management Plan, should be prepared for the building prior to any major works being undertaken'.

This conservation management plan reassesses the cultural significance of the place. Refer section 5.3 on page 85 for the Statement of Significance.

³ State Heritage Inventory. Database number 2424169.

1.11 Floor Plans

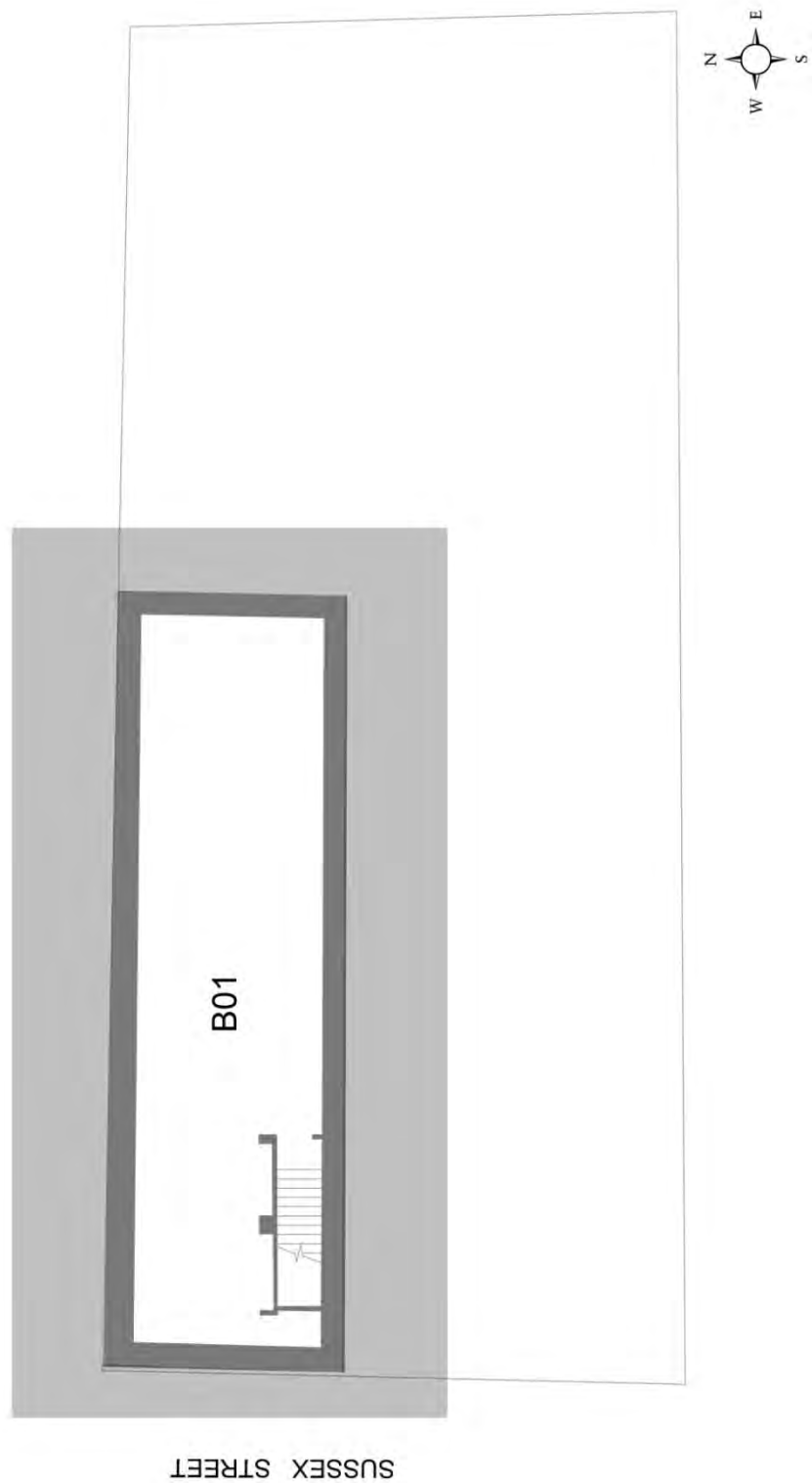


Figure 4 – Basement sketch plan. Not to scale. North at left of page. NBRSPartners, 2015.

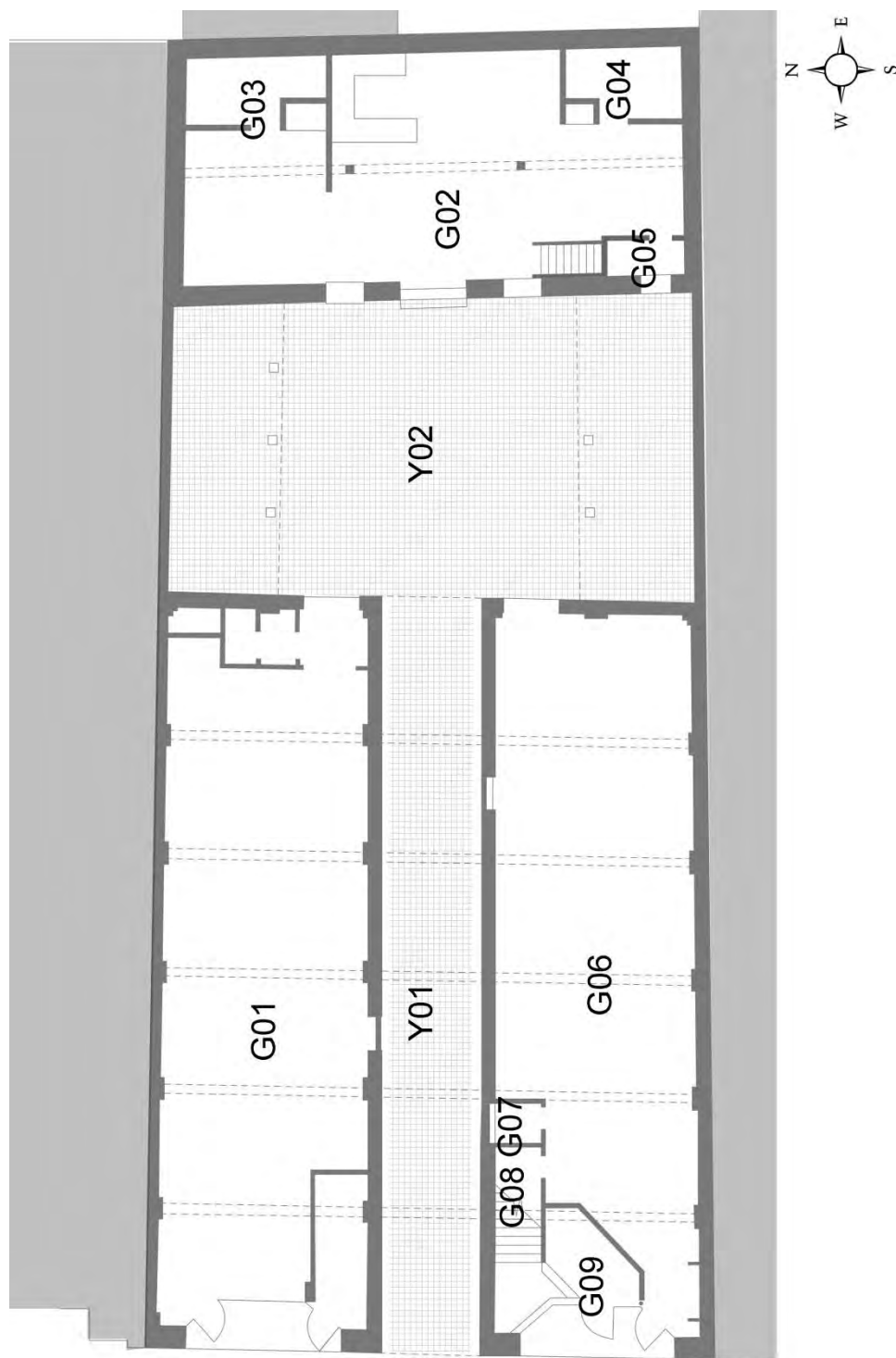


Figure 5 – Ground floor sketch plan. Not to scale. North at left of page. NBRSPartners, 2015.

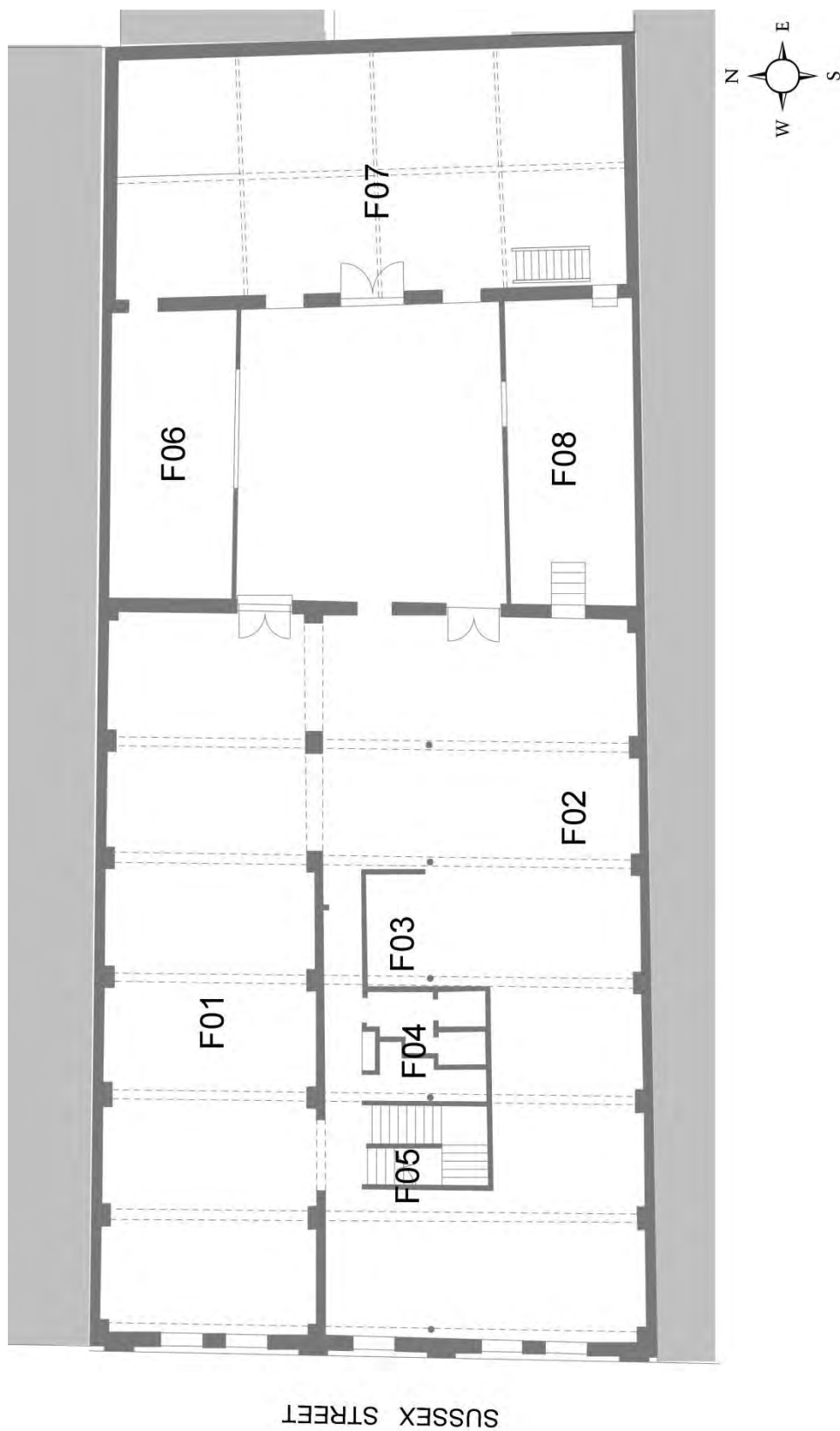


Figure 6 – First floor sketch plan. Not to scale. North at left of page. NBRSPartners, 2015.

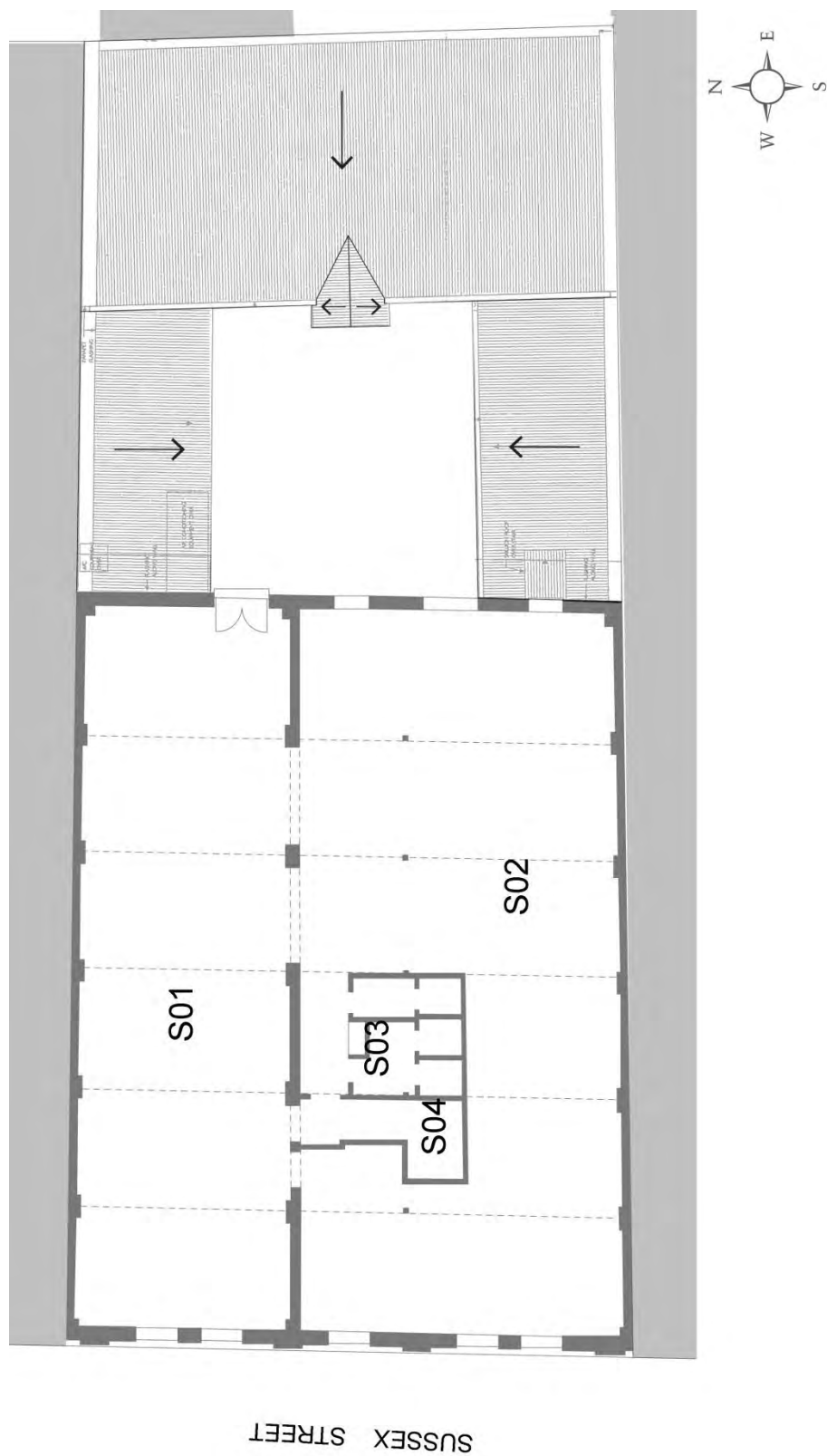


Figure 7 – Second floor sketch plan. Not to scale. North at left of page. NBRSPartners, 2015.

2.0 DOCUMENTARY EVIDENCE

2.1 Pre European History

At the time of European settlement there were three main Aboriginal tribes, based on linguistic groups, in the Sydney region. The Guringai, to the north of Sydney Harbour, the Dharug around the Harbour and to the west, and the Tharawal to the south of Botany Bay. The area between Sydney Cove and Botany Bay was occupied by a fourth tribe commonly known as the “Eora” (which included the Cadigal)⁴. Prior to European settlement the Aboriginal inhabitants had developed nomadic or semi-sedentary societies based on bands and family units.

The vegetation around Sydney Cove in 1788 consisted of trees up to 30 metres high in forests or woodlands, with grass cover below and areas of sclerophyll shrub under-storey. The valley of the Tank Stream is thought to have included blackbutt, forest red gum and turpentine.⁵ Red bloodwood and smooth-barked apple gums were generally restricted to the poorer soils associated with higher areas, such as the ridge that eventually became Macquarie Street.

European settlement had a major impact on the natural environment and on the indigenous populations. Trees were cleared and used in the construction of buildings to the east and west of the Tank Stream and activity along the banks resulted in the cutting of tanks into the bedrock of the stream and necessitated the regular removal of silt. The Aboriginal population around Sydney Cove was decimated in 1789 by disease, possibly smallpox.

2.2 Early European History

The town of Sydney was established by the English Government in 1788 as the first penal settlement in the colony of New South Wales. The early town was laid out by the first Governor, Arthur Phillip, with a Government Domain occupying the high eastern ridge and a military establishment on the western ridge. The convicts were allocated the lower lying valley between the two ridges where the town's water supply ran in an open stream discharging to the harbour. The rough land on the west of Sydney Cove was known as The Rocks and further around was then named Long Cove, or as it was later named Cockle Bay.

For the first 20 years, urban development in the town was haphazard. In 1809, a new Governor, Lachlan Macquarie, arrived in Sydney and set about making major civic improvements to the town. Sussex Street was named by Macquarie in 1810. The following description of the street was furnished in 1839 by James Macle hose:

Sussex Street, so named in Honour of His Royal Highness, the Duke of Sussex, is upwards of 5000 feet in length, passing through its whole extent at a short distance from the waters of Darling Harbour, between the head of that bay and the cove, or boat harbour...this street... forms the main thoroughfare between the wharfs, warehouses, flour mills,

⁴ Graeme Alpin (Editor). *Sydney before Macquarie: a difficult infant*, UNSW Press, Sydney. 1988, p.48.

⁵ *Ibid.*, p.25.

*shipbuilding yards, and manufactories, which are posited between it and Darling Harbour. There are not less than eight flour mills...and besides the patent slip and several other ship and boat building yards, there are upwards of a dozen of large wharfs, most of them always occupied by shipping either landing or taking in their cargoes, which are generally of the most valuable description.*⁶

Sussex Street developed in tandem with the development of Darling Harbour (formerly named Cockle Bay) as a major industrial and maritime and goods handling precinct.

By the 1880s Sussex Street possessed a large number of hotels, upwards of 32, servicing the working class people employed nearby on the wharves and sailors from the ships docked in Darling Harbour. In Gibbs, Shallard and Co.'s *Illustrated Guide to Sydney* in 1882, "Sussex Street runs parallel and close to the wharves, and is consequently much occupied by ship chandlers, commission agents, produce salesmen and other merchants and trades occupied in shipping interests. It is a very busy place at all times of the day, the traffic being enormous, a constant stream of vehicles pouring into it from all directions."⁷

In 1900 an outbreak of the Bubonic plague at East Darling Harbour led to wholesale resumptions of property and wharves encompassing the western side of Sussex Street, along Kent Street, down the hill and around Miller's Point to Dawes Point. The newly constituted Sydney Harbour Improvement Trust resumed approximately 900 properties including houses, wharves, bond stores, factories, workshops, offices and pubs.

Before World War I over 14,000m of new wharfage was constructed at various parts of the harbour including Walsh Bay, Jones Bay, Woolloomooloo, Millers Point, Pyrmont and Darling Harbour. Whilst the Trust did construct some housing in the resumed areas, overall there was a significant decline in the residential working population and a matching decline in the number of hotels. The Trust's wharfage reconstruction scheme also involved construction of a new roadway and widening of several streets in the area "removing the tangle of streets and lanes in the vicinity of the wharves at Millers Point and on the eastern side of Darling Harbour"⁸.

The demise of commercial shipping in Darling Harbour, and ultimately of Sydney Harbour as a working harbour, was the construction of Port Botany in 1979 and the expansion of port facilities at Port Kembla and Newcastle Port.

⁶ Macle hose, James, *Picture of Sydney and Strangers' Guide in N.S.W. for 1839*, John Ferguson, Sydney, 1977 edition, p72.

⁷ Gibbs, Shallard, & Co., *An Illustrated Guide to Sydney and its Suburbs, and to favourite places of resort*, Angus & Robertson, Sydney, facsimile edition 1981, p45.

⁸ *Port of Sydney Handbook 1922*, p22.

2.3 History and Development of the Subject Site

2.3.1 230-232 Sussex Street (to 1882)

The subject site is located on Lot 7 of Section 22 of the Parish of St Andrew granted on 29 October 1834 to John Neathway Brown. This allotment originally promised to John Johnson, was claimed by Brown (Memorial No 233) and endorsed by the Court of Claims in 1834 and described thus:

23 perches of land...situate in Sussex Street, Sydney, bounded on the south side 130 feet adjoining Mr Wentworth's premises, on the north side by 130 feet adjoining David McKinley's premises, on the east by 53 feet of Rolfe's premises and Sussex-street on the west, and extending along same 53 feet.⁹

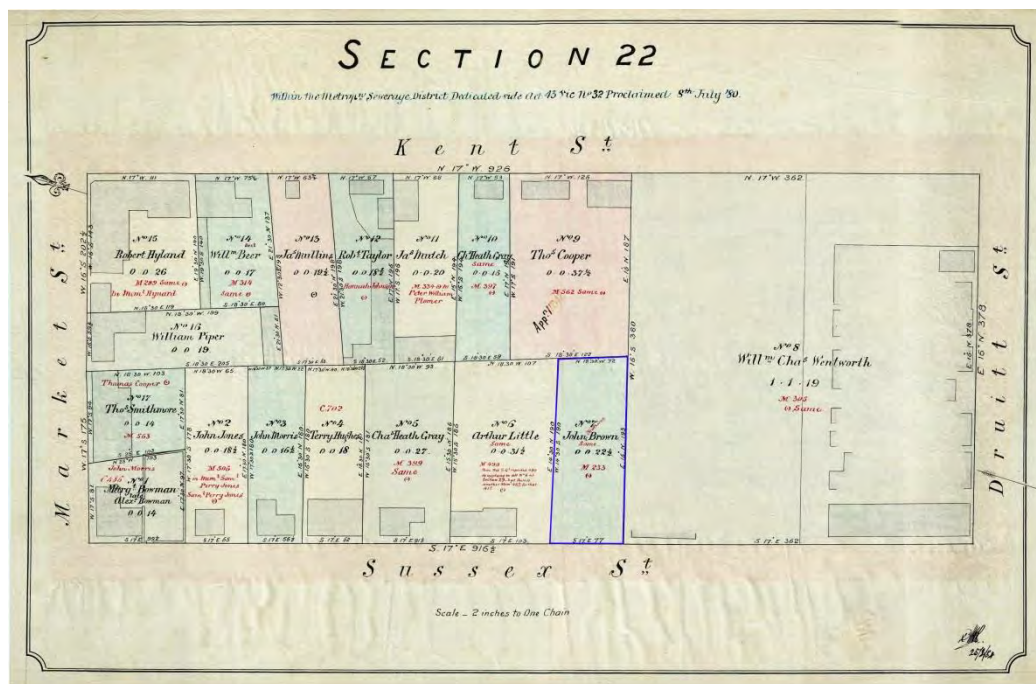


Figure 8 — City Section 22, 1833 showing Lot 7 outlined in blue thereon. (Source: City of Sydney Archives, Historical Atlas of Sydney)

Wendy Thorp believes the site was occupied by at least two structures during part of the 1820s (as shown on Harper's Plan of the Town of Sydney in 1822 – refer Figure 9 below) though these buildings appear to have disappeared as an 1828 plan of allotments of Ground in Sydney shows the site as vacant land.¹⁰ The City Section Survey of 1833 (Figure 8) shows the allotment to be vacant. In 1842 John Neathway Brown applied to the City of Sydney to have his name inserted in the City List for a house in Sussex Street in Brisbane Ward.¹¹ Three years later the 1845 Assessment Book notes John N Brown as the owner of three separately rated properties in Sussex Street, being a stone/shingle house, and two brick/shingle shops, respectively. According to the remarks column,

⁹ "Memorials", *Sydney Gazette and New South Wales Advertiser*, 3 May 1834, p2S.

¹⁰ Wendy Thorp, *Archaeological Assessment Foley Brothers Warehouse 230-232 Sussex Street, Sydney*, May 1998, p8.

¹¹ "Municipal Business", *Sydney Morning Herald*, 20 September 1842, p2.

Alexander Onan leased the last mentioned shop and the two preceding houses at £80 per annum and “blacksmiths shop at back”. Four years later, WG Moore announced the auction sale on 5 October 1849 of the extensive stock-in-trade of leather and general grindery goods of Alexander Onan (in consequence of his going into another line of business) on the premises in Sussex Street between Market and Drutt Streets.¹² He thus vacated the site shortly thereafter and the three buildings are subsequently in the occupation of new tenants.¹³



Figure 9 — Two buildings on the site (highlighted) from the 1822 Harper's Plan of Sydney, taken from Wendy Thorp's archaeological assessment of 1998 interleaved between pp. 8-9.

The first detailed survey of the subject site is from 1855 (Figure 10). It shows the property to be divided lengthways (east-west) down the centre of the allotments with two buildings either side of the dividing line. Each of those Sussex fronting buildings has a verandah facing onto the passages giving access to the rear of the block. At the rear of the buildings are two fences yards (one with an outbuilding) and beyond these were two large weatherboard building with outhouses behind. At the immediate north-eastern corner of the allotment was a large shed.

¹² “Extensive ...”, *Sydney Morning Herald*, 4 October 1849, p4.

¹³ City of Sydney Assessment Book, Brisbane Ward 1851. Francis Allsop, Michael McMahony and Henry Bailey are the occupants of the shop, house & blacksmith shop, and house & stable respectively.

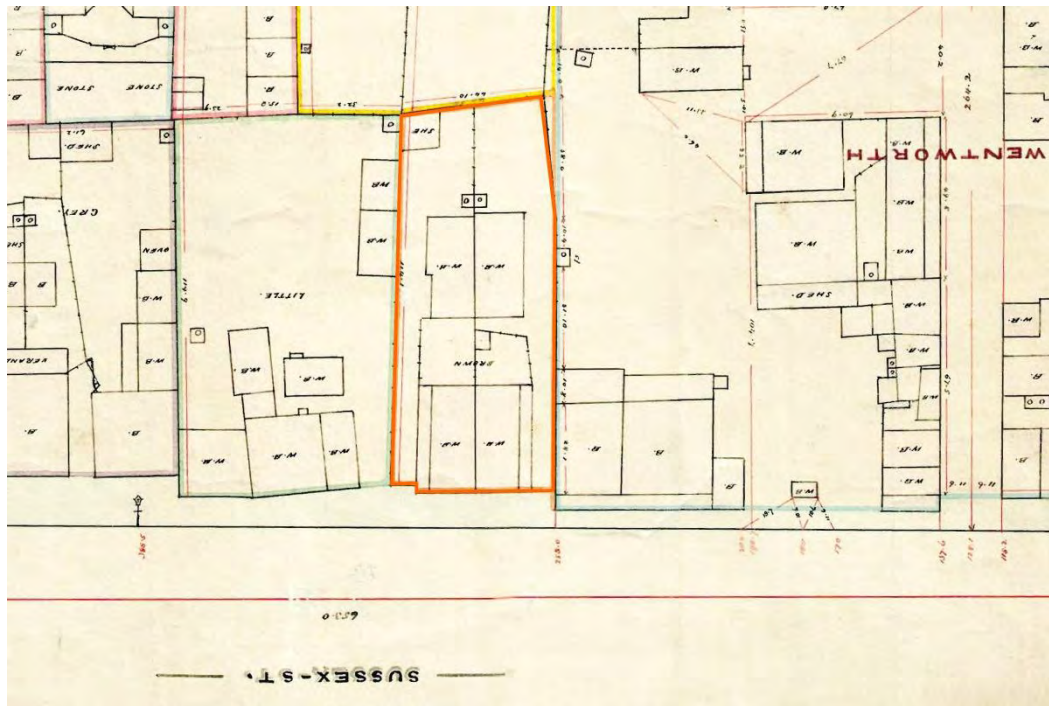


Figure 10 — Detail of Section 8 of City Detail Sheets, Section 8, 1855. Subject site outlined in orange. (Source: City of Sydney Archives, Historical Atlas of Sydney)

A survey of the site within the following decade (Figure 11) shows a similar but not identical form of development on the site. The shed at the far north-eastern corner has disappeared, while a structure extends along the centre dividing line at the rear of the property and follows the boundary line to the south-east corner.

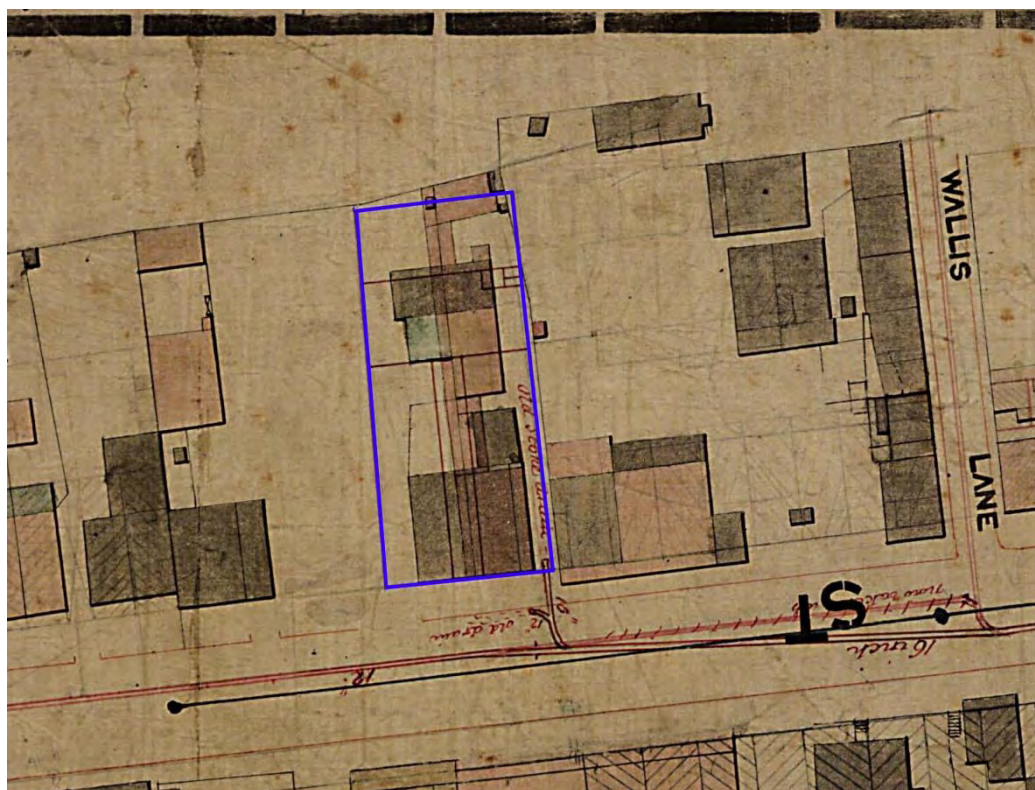


Figure 11 — Extract from Trigonometrical Survey of Sydney Block E², ca1855-65. Subject site outlined in purple. (Source: City of Sydney Archives, Historical Atlas of Sydney)

The 1861 Assessment Book records three houses owned by Mrs Brown (widow of James Neathway Brown) at 210, 212 and “off” Sussex Street (230, 232 and 230a) and in the occupancy of William Smith, Robert Pratt and Mary Clarke respectively. The listing for 210 Sussex Street, a two storey and five roomed building, noted a blacksmiths shop at the rear. The two storey and two room, stone shingled house at the rear of the allotment (off Sussex Street) featured a two stall stable and loft.

The 1867 Assessment Book identifies William Smith as the occupant of the house at 198 Sussex Street (230) which includes a blacksmith shop and 3 forges. Robert Pratt is now listed in 200 Sussex Street (232) which includes a stone stable. George Thorne is named as the occupant of the house at the rear (230A) which is described as being in “very bad condition”.

The buildings, with their current street numbers, 230 and 232 Sussex Street, are illustrated in an undated subdivision plan shown at Figure 12, probably in the 1870s. This plan shows the blacksmiths shop behind 230 as the largest structure on the allotment separated from the house by a yard. A fenced yard separates the house (232) from a shed and store extending along the party wall and common fence to the rear of the land. Correspondingly the 1871 Assessment Book has listings for 198 and 200 Sussex Street only, being two shops and houses occupied by William Smith and William Payne. 198 (230) is described as wood and shingle while that of 200 (232) is stone and shingle. There is no evidence that either of the two earlier buildings were demolished

and replaced by new structures, so the differing description may be attributed to the rates clerk transcribing the information in the assessment books.

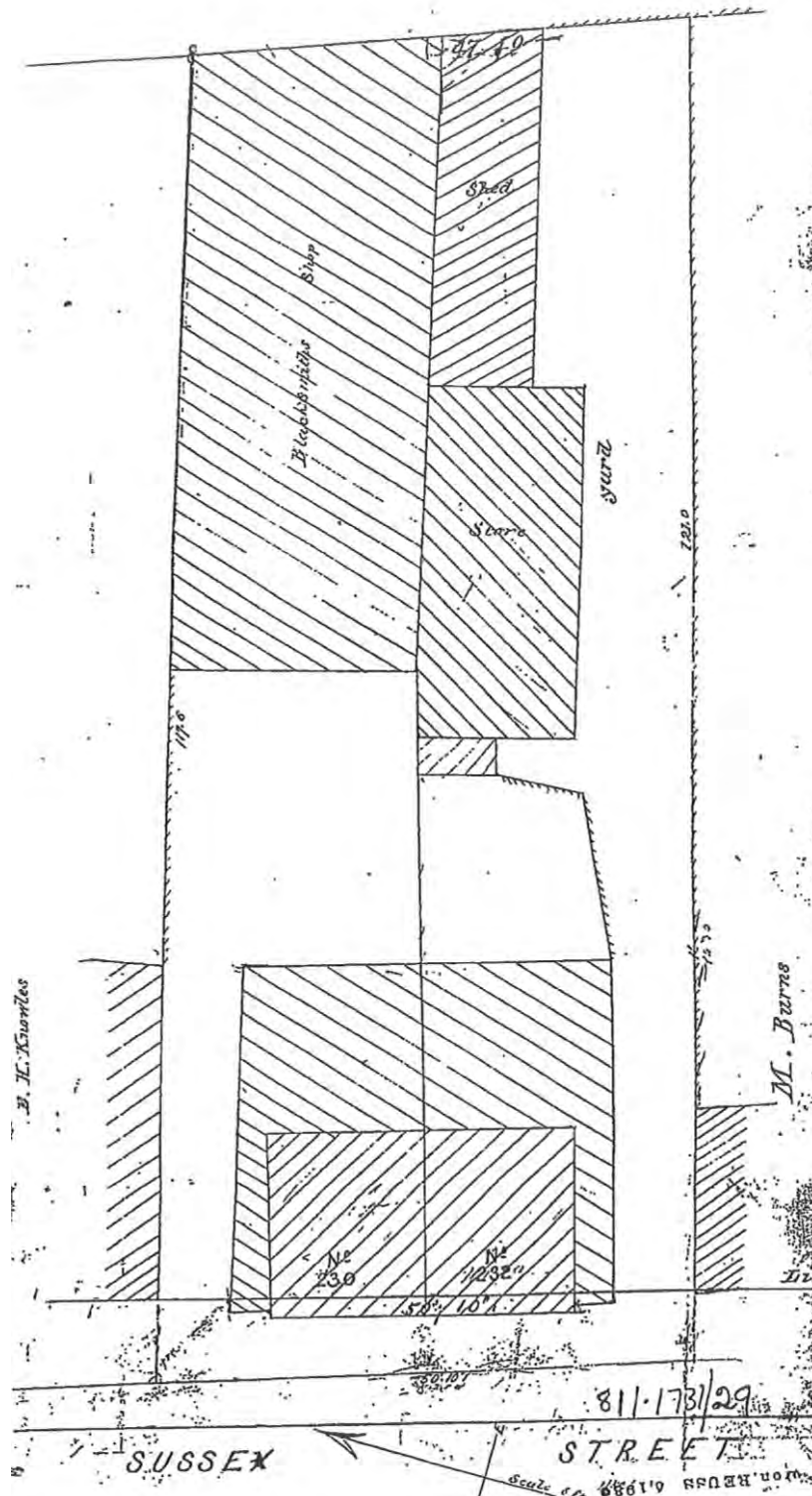


Figure 12 — Undated subdivision plan of the subject site, possibly 1870s. (Source: State Library of New South Wales, ML 811-1731/29)

William Smith vacated 230 Sussex Street between 1871 and 1877 and was replaced at that location by William H Pollard who continued to operate the blacksmiths shop. The Percy Dove Plan (Figure 13) dated between 1877 and 1879 shows 230 in the occupation of "Pollard Black-smith". No-one is named at 232 Sussex Street but the plan shows the shed and stables at the rear of the house and yard in between. The 1877 Assessment Book however identifies Ellen Corcoran at 200 (232) while Peter Grieg is the occupant of the single storey store and shed at the rear of 232.

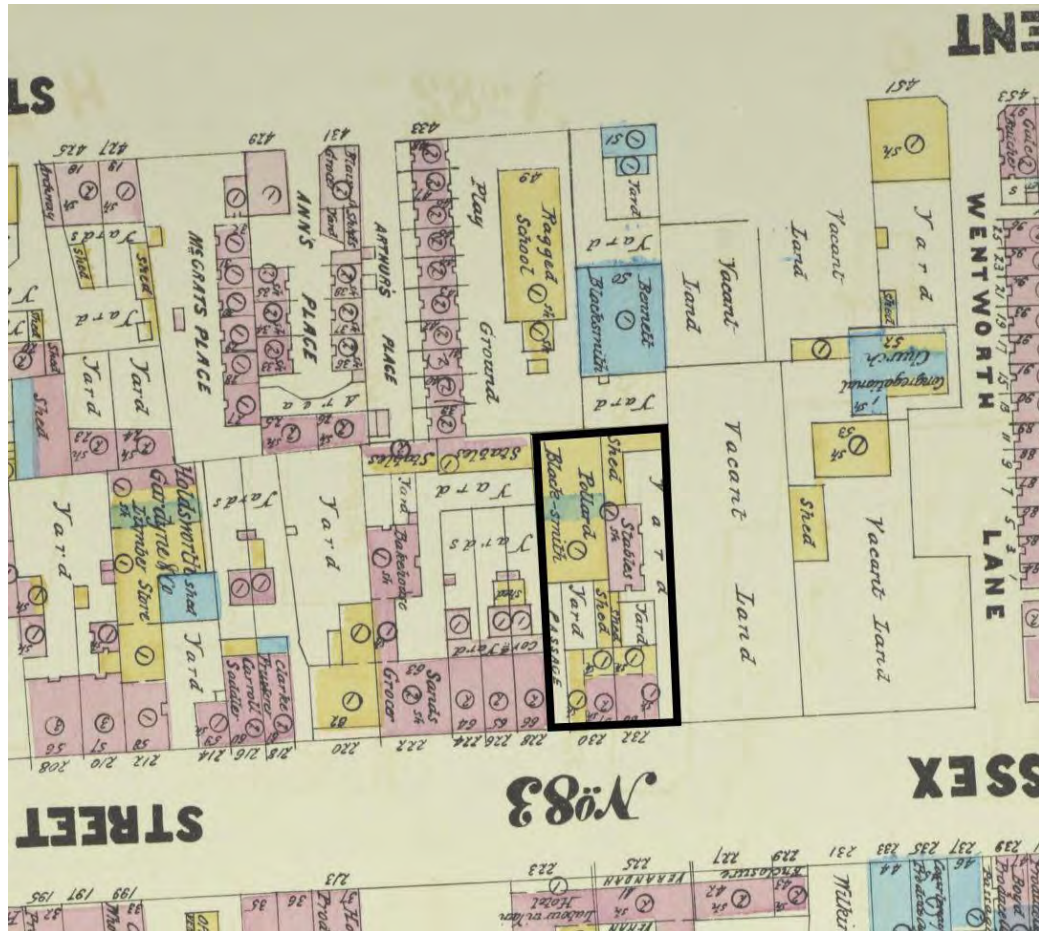


Figure 13 — Extract from Plans of Sydney executed by H. Percy Dove, Blocks 82 and 83, 1877-79 showing subject site outlined in black. The pink, yellow and blue colour shadings refer brick or stone, timber; and iron buildings respectively. (Source: National Library of Australia, MAP RaA 22 (copy 2))

Pollard and Cochrane (or Corcoran) are named as the occupants of the dwellings at 230 and 232 in the 1880 Assessment Book. The Assessment Book for 1882 notes 230, 232 and 230A ("off") in the occupation of Henrietta Pollard, Frederick Burford and Alexander Creig respectively. This corresponds with the sale of the property in 1882 by Richard Hill and James Weir, executors for the estate of James Heathway Brown, to Batholomew Foley of Sydney, merchant. He paid £3,660 for the allotment (Lot 7 in Section 22).¹⁴ The sale of the block of land on the east side of Sussex Street between Druiitt and Market

¹⁴ Deed of Conveyance No 965 Bk 254, NSW Land & Property Information.

Streets to Foley Brothers, which block contained two houses, 230 and 232 Sussex, was reported in brief in the *Freemans Journal* on 5 August 1882.

2.3.2 230-232 Sussex Street (Foley Brothers Warehouse 1882 to present)

Contrary to the notation “pulled down” in the 1882 Assessment Book the buildings at 230, 232 and 230A Sussex Street remained in place until 1885 in the ownership of Bartholomew Foley. Accordingly the Sands Directory lists James Gagan, a cooper, and Mary Glynn in 230 and 232 Sussex Street respectively. In May 1885, Reuss and Nott, Architects, invited builders to tender for “the erection of two large stores in Sussex Street for B. Foley”¹⁵. This advertisement appears to correspond with the absence of entries for the subject site in the Sands Directory in 1886 and their subsequent reappearance in 1887. The H Percy Dove plan at Figure 14 shows the new buildings occupying the site and thereon named Foley Bros Stores. The building fronting Sussex Street is constructed in brick of three floors with an archway (cartway) through the centre of the site to a yard and a two storey building at the rear of the property.

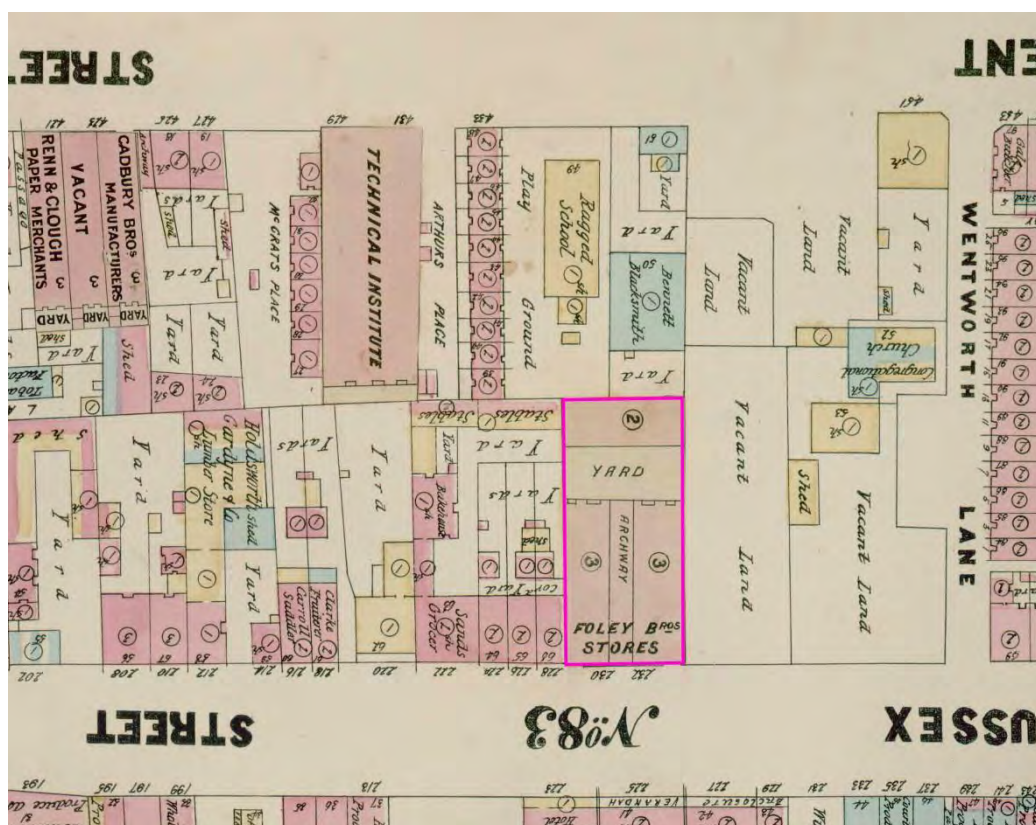


Figure 14 — Extract from Plans of Sydney executed by H. Percy Dove, Blocks 82 and 83, ca 1886-76, showing subject site outlined in black. (Source: City of Sydney Archives, Historical Atlas of Sydney)

To confuse matters somewhat, the detail survey sheet of 1887 (Figure 15) does not appear to show any buildings on the site. What it probably does illustrate is that a building occupies the entire portion of land.

¹⁵ “Tenders are invited until 30th May...”, *Sydney Morning Herald*, 23 May 1885, p4.



Figure 15 — Extract from Metropolitan Detail Series Sydney Sheet 20, 22, 23, & pt 19, 1887. Subject site shaded purple thereon. (Source: State Library of New South Wales, a1367421h)

The 1887 Sands Directory names Turner Brothers (wholesale fruit merchants) and Parker Brothers (grain and produce merchants) at 230 and 232 Sussex Street respectively. Two separate small fires broke out in the store at the rear (230A) in June and October 1889 respectively. On the first mentioned occasion a small fire broke out on 19 June in a workshop on the first floor of the premises occupied by R Haub, engineer. The fire was attributed to defective gas piping.

*The stock was insured in the Straits Insurance Co for £960, and the buildings, which were owned by Messrs Foley Bros., of Sussex-street, and were insured, but for what amount has not transpired.*¹⁶

Later in the year, a fire broke out on 28 October in a hayloft at 230 Sussex Street owned and occupied by Messrs Foley brothers. A spark from a chimney is believed to be the cause of the fire. 10 bales of straw and a small quantity of chaff was damaged by fire and water during the outbreak.¹⁷

According to the 1891 City Assessment Book Garrard & Booth (produce merchants) were named the occupants of 230 with Parker Brothers at 232,

¹⁶ "Fire", *Evening News*, 20 June 1889, p6 and "Casualties", *Sydney Morning Herald*, 20 June 1889, p9.

¹⁷ "Casualties", *Sydney Morning Herald*, 29 October 1889, p7.

however no occupant is listed for 230A (off). The buildings are described as stores, being brick and stone built with iron roofs. Both 230 and 232 are described as three storey and three rooms each. The store at the rear of the property (230A) is built of brick and stone of two floors and two rooms. The configuration of the buildings is more thoroughly detailed on the second edition of the metropolitan detail series of 1895 shown at Figure 16. This plan also documents the carriageway between 230 and 232 leading to a central yard with sheds either side of same and a store at the back.

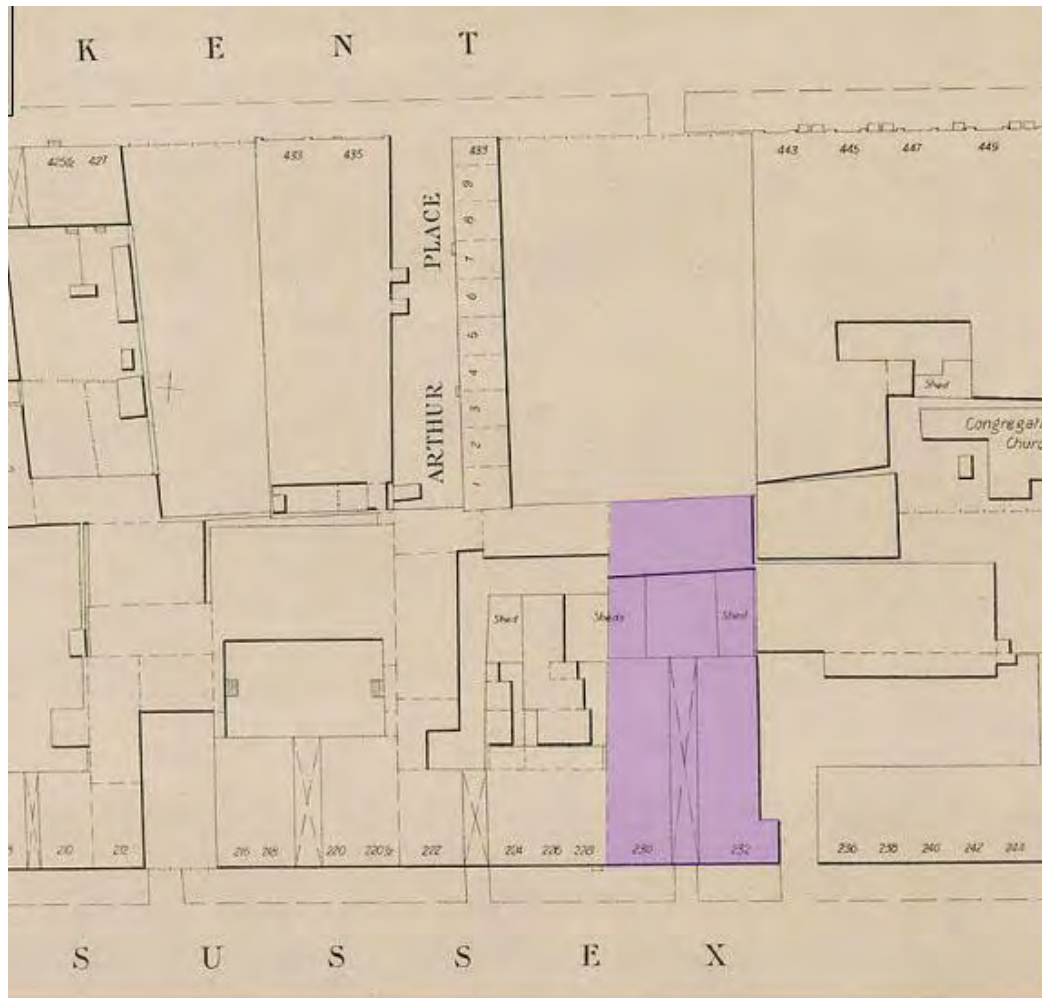


Figure 16 — Extract from Metropolitan Detail Series Sydney Sheet 20, 22, 23 & pt 19, 2nd edition 1895. Subject site shaded purple thereon. (Source: State Library of New South Wales, a1367422h)

The 1896 City Assessment Book named Garrard & Booth still at 230, Foley Bros at 230A and Poole & Holmes at 232 Sussex Street. The latter company, coffee and spice merchants, made 232 their business premises for approximately the next 30 years. Poole & Holmes were lessees over the whole of the subject site but sub-let the other buildings to a succession of commercial tenants as named in the Sands Directory included in Appendix Six (14.0). 230 Sussex Street had a much higher turnover of tenants. The Sands Directory records the NSW Creamery and Butter Company at this address from 1902

until 1906 at which date CW McFarlane, auctioneers and commission agents, took over the sub-lease. A 1910 map of the City of Sydney by DS Cameron (Figure 17) names NSW Produce Co. at 230 and Poole & Holmes merchants at 232 Sussex Street. According to the 1911 City Assessment Book Alfred Taylor and FW Young were listed at 230 Sussex Street. Two news articles in April 1909, on the occasion of a fire in the courtyard “close to the premises of Mr A. H. Pierce, oil merchant, situated at 230A Sussex Street” give a more detailed picture of the tenancies of the subject site in that period:

*The stock and machinery of Miss Hussman, art picture frame maker, over Mr Pierce’s store, were slightly damaged, while the premises of Mr Charles Sampson, clothing manufacturer, on the second floor, suffered a little from smoke.*¹⁸



Figure 17 — Extract from City of Sydney central / compiled and copyrighted by D. S. Cameron, 1910. Subject site shaded purple. (Source: State Library of New South Wales, a1528049)

The premises of Poole & Holmes, was damaged by fire on two successive occasions in June 1912 and September 1914. On the first occasion, damage was limited to a storehouse at the rear of the premises.¹⁹ In the 1914 incident the “fire and water damaged the top floor and contents of the two storied building occupied by Poole and Holmes”²⁰.

Bartholomew William Foley lodged an application in October 1917 to bring the lands under the provisions of the Real Property Act, thus converting the subject site to Torrens title. The value of the property at that date was £4,500 and there

¹⁸ “Blaze in Sussex-Street”, *Evening News*, 26 April 1909, p2 and “Fire in Sussex-Street, Oil Barrels Ablaze”, *Sydney Morning Herald*, 26 April 1909, p8.

¹⁹ “Fire in Sussex-Street”, *Sydney Morning Herald*, 6 June 1912, p12.

²⁰ “Fire in Sussex-Street”, *Sydney Morning Herald*, 16 September 1914, p14.

existed a lease of the entire property to Poole and Holmes Limited of 232 Sussex Street. Sydney Grain Co. occupied 230 Sussex Street as sub tenants of Poole and Holmes.²¹

Wendy Thorp in the Archaeological Assessment of the Foley Brothers Warehouse (May 1998), comments that there is little evidence of any change being made to the buildings for many years after their construction. In 1913, plans were lodged by J Jones for works to the property, but the plans are not extant and the details of same are not known. A perusal of the City Planning Cards finds no applications to the subject site until the 1930s. A survey of the subject site was undertaken in 1922 (and later updated) for the Fire Insurance Underwriters Association of New South Wales. Figure 18 shows 230-232 Sussex Street to be configured exactly as in the 1897 survey; the only difference is to the occupancy of part of the property which names H Brightwell & Sons, J Walker, and Bells Asbestos & Engineering (Aust) Pty Ltd as the tenants of the property on the updated survey (Figure 19).

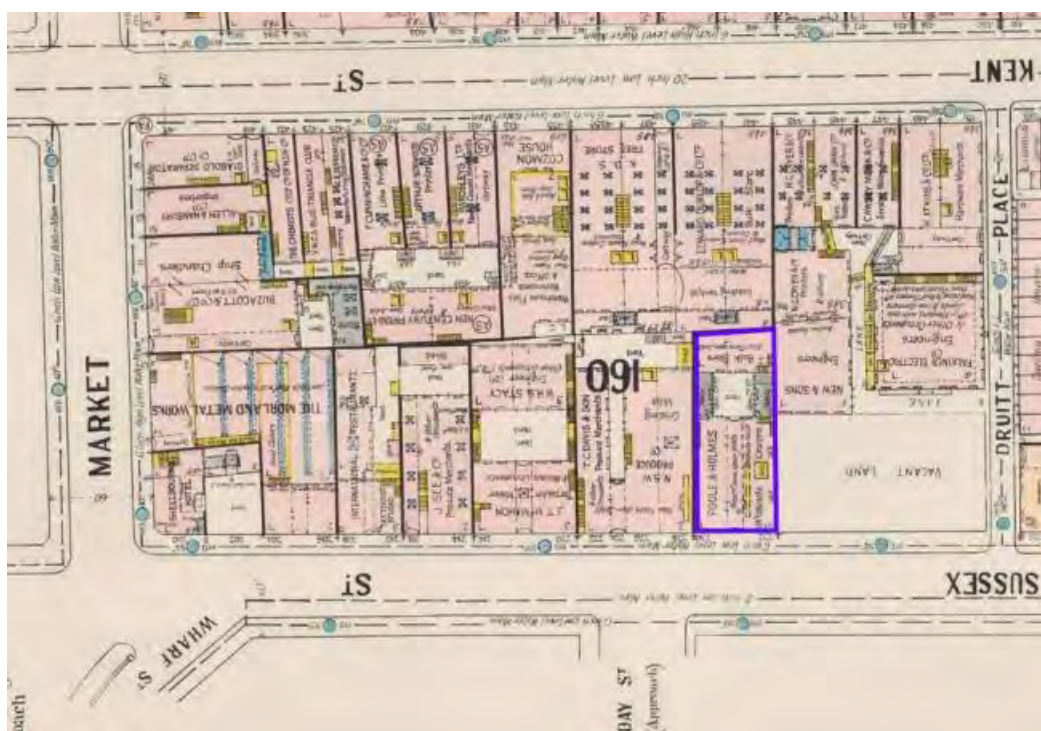


Figure 18 — Extract from Fire Insurance Underwriters Association of New South Wales, Buzacott's Block 160, 23 August 1922. Subject site outlined in purple. (Source: State Library of New South Wales, a1358066h)

²¹ Primary Application 21092, NSW Land & Property Information.



Figure 19 — Extract from Fire Insurance Underwriters Association of New South Wales, Buzacott's Block 160, 23 August 1922 (updated). Subject site outlined in purple. (Source: State Library of New South Wales, a1358068h)

Following Bartholomew William Foley's death at Randwick on 29 July 1923, the property passed by transmission in September 1924 to his widow, Elizabeth Annie Foley, and merchants Henry James Foley of Sydney and Charles Hubert Foley of Merimbula.²² The 1924 and 1925 City Assessment Books name Poole & Holmes at 232 Sussex Street with Robert Paton & Company (Vita Lick) Limited at 230 Sussex Street. 230 and 232 Sussex Street is listed as a single property in the 1927 and 1930 City Assessment Books, occupied and leased by Poole & Holmes. H Brightwell & Sons succeeds Poole & Holmes as the occupant of the subject site in the 1931 City Assessment Book and remain there the mid-1940s. They are names on the updated fire insurance detail plan shown at Figure 19.

Following the respective deaths of Charles Hubert Foley and Elizabeth Annie Foley in 1934 and 1938 respectively, the sole surviving proprietor, Henry James Foley, transferred the subject site in 1939 to himself, Elizabeth Margaret Butler and Ann Millicent Foley.²³ Gordon Brandon Pty Ltd is identified in the 1948 City Assessment Book as the principal occupier of 230/232 Sussex Street.

Elizabeth Margaret Butler, Ann Millicent Foley and Clare Foley became the registered proprietors of the site in 1961. A lease of the premises (232 Sussex Street) to Raymond John Walder of Randwick, manufacturer, and his wife Madeline Vera Walder is recorded on the certificate of title dated 21 June 1963 which lease expired in April 1970.

²² Certificate of Title Vol 2899 Fol 240, NSW Land & Property Information.

²³ Ibid.

230-232 Sussex Street underwent substantial change in the 1960s. During that period several applications were made for alterations including, in 1965 shopfront (£200), partitions (£500) and alterations (£8000). The City of Sydney Planning cards note a large number of applications for the site through the 1960s and 1970s (see 12.0) which indicate the buildings were used principally as office space although some retail outlets were located here, including one for the sale of billiard tables and another for electrical equipment. Two of the principal occupants of the property during this period were Letraset Aust Pty Limited and Electric Power Transmission Pty Limited. In 1969 the Board of Fire Commissioners reported on minor charring to the floor joists of the upper floor suggesting a recent fire outbreak. Further works were undertaken in the 1970s reaffirming their occupation as offices and retail.

Transfer L72883 dated 31 December 1965 to Elizabeth Margaret Butler, was entered on the certificate of title in April 1970. Following her death the property was conveyed in 1970 to Paul William Butler of Randwick, company director. The following year he conveyed the subject site to Jaypaf Pty Limited.

The property changed hands again in 1981 to Arafura investments Pty Limited in 7/10 shares and Augdome Holdings Pty Limited of 3/10 shares as tenants in common.²⁴ The proportional holdings of the tenants in common changed in 1985 to $\frac{3}{4}$ and $\frac{1}{4}$ shares respectively.

The laneway was identified in the City of Sydney CBD Heritage Study in 1989. Additionally, it was classified by the National Trust of New South Wales and included on the now defunct Register of the National Estate. The subject site is also separately listed in the Archaeological Management Plan for Sydney as one of potential significance.

The Roy Morgan Research Centre Pty Limited purchased the subject site in 19[?]. In about 1994, that company proposed a redevelopment of the property necessitating the demolition of the buildings and cartway. The development did not proceed.

In 2014, Meriton Group purchased the property to facilitate redevelopment of 234-238 Sussex Street which it owned. In early 2015, the two properties were in the process of consolidation into a single lot. At the same time, the City of Sydney confirmed the exemption to strip out the late twentieth century interior to carry out thorough physical assessment and reveal underlying original fabric. Stairs, services and serviced areas including toilets and kitchens were retained.

²⁴ Certificate of Title Vol 11690 Fol 229, NSW Land & Property Information.

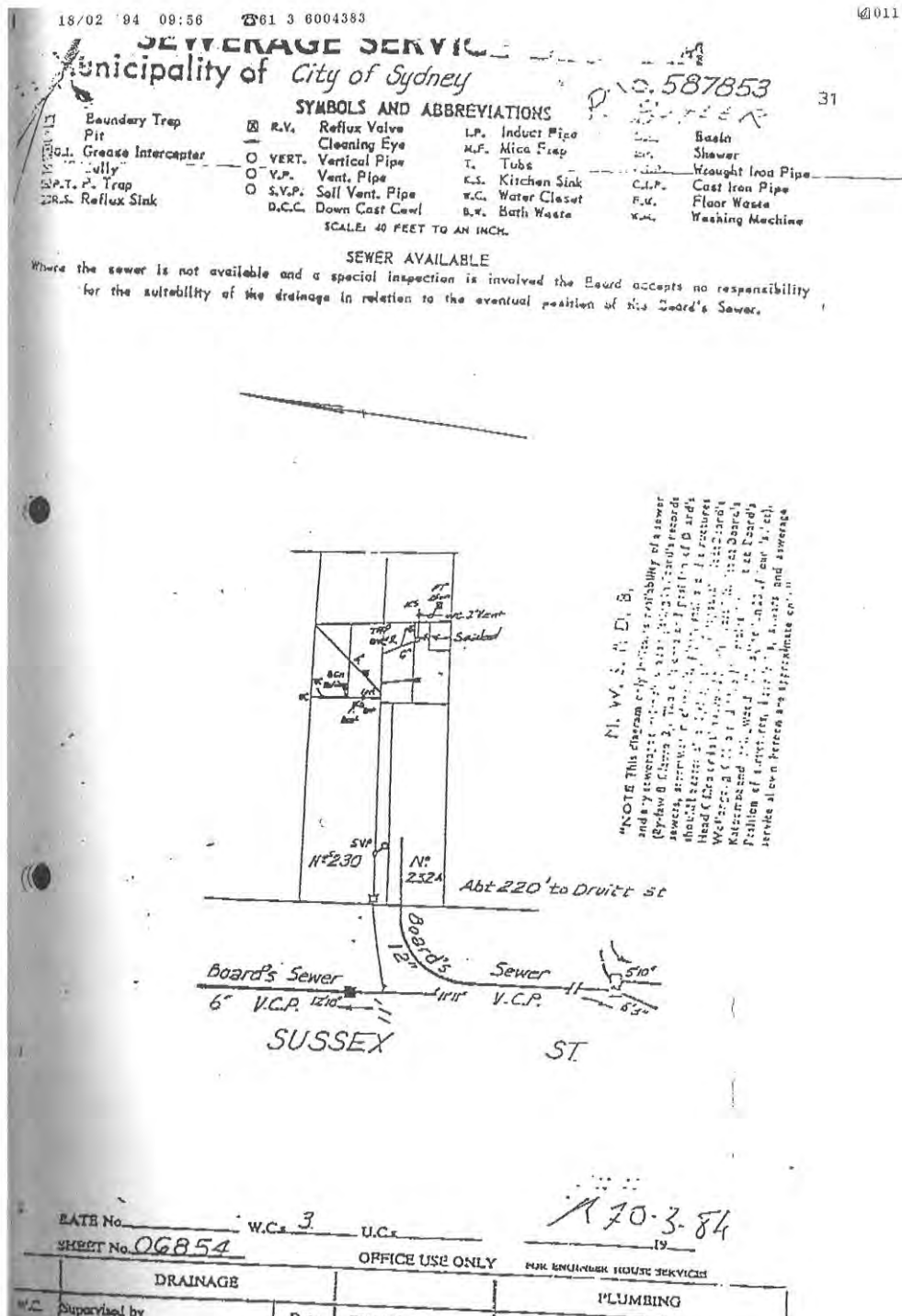


Figure 21 — Sewerage Service Diagram 587853, undated. (Source: Reproduced in Tropman and Tropman, Preliminary Conservation Plan for Laneway associated with Former Foley Brothers Warehouse at 230-232 Sussex Street, Sydney for The Roy Morgan Research Centre Pty Ltd)

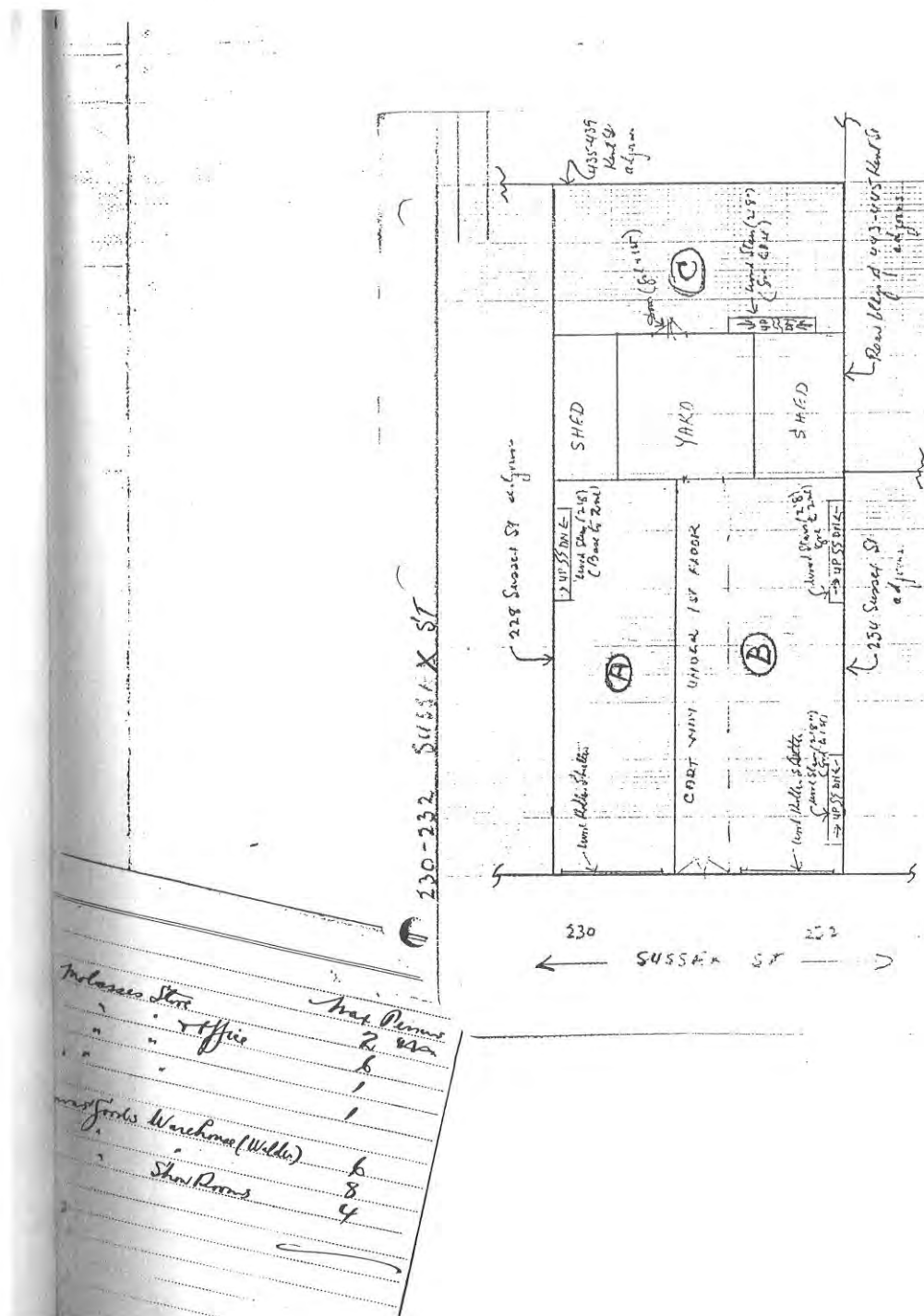


Figure 22 —Sketch of subject site from City Architect and Building Surveyor's Dept Cards (front), ca1959. (Source: Reproduced in Tropman and Tropman, Preliminary Conservation Plan for Laneway associated with Former Foley Brothers Warehouse at 230-232 Sussex Street, Sydney for The Roy Morgan Research Centre Pty Ltd)

1880 DOWNS DIRECTOR 230.

CARD 30/2a
DISTRICT Block 160

CITY ARCHITECT AND BUILDING SURVEYOR'S DEPT. APPLICATION NO. YEAR 196

230-232 SUSSEX ST.

Type Commercial Bldg. Ordinary construction.

Stories "A" Bldg = 3 floors and basement. "B" Bldg = 3 floors. "C" Bldg = 2 floors.

Construction "A", "B", and "C". Wood joists, wood beams, wood joists, etc.

Roofs Wood truss and gable corrugated iron.

Height "A" and "B" = 45' 0" approx. "C" = 30' 0" approx.

Area "A" = 22' 0" x 65' 0" approx. "B" = 30' 0" x 68' 0" approx. "C" = 52' 0" x 16' 0" approx.

Stairs "A" Bas. to 2nd. Wood - 2' 8" - unenclosed.
"B" 1st to 2nd - wood - 2' 8" - unenclosed.
"C" 1st to 2nd - wood - 2' 8" - unenclosed.

Fire Escape Nil.

Lifts, Sprinklers, Lanes, etc. Nil.

Light Brn. Nil; but Amalgam is at rear.

Generally. Only means of escape from each Bldg, is by its own single wooden stairs, except "B" Bldg, which has two stairs from 1st to 2nd floor.

(over)

2. Stamp
YAKO BACK
PASSAGE SIDE
MOBBERS
1. STOLEY
ROLLERS
BLACK SMUTY

Figure 23 — City Architect and Building Surveyor's Dept Card (front), ca1959. (Source: Reproduced in Tropman and Tropman, Preliminary Conservation Plan for Laneway associated with Former Foley Brothers Warehouse at 230-232 Sussex Street, Sydney for The Roy Morgan Research Centre Pty Ltd)

← SUSSEX

Tenancies, etc.

			Max. Rooms
"A"	Basement	Molasses Store	2
	1st Floor	" "	6
	2nd "	" "	1
"B"	1st Floor	Canvas Goods Warehouse (Wills)	6
	2nd "	" "	8
	3rd "	Shed Rooms	4
"C"	Vacant		

M.C. of B 9208

Figure 24 — City Architect and Building Surveyor's Dept Card (reverse), ca1959. (Source: Reproduced in Tropman and Tropman, Preliminary Conservation Plan for Laneway associated with Former Foley Brothers Warehouse at 230-232 Sussex Street, Sydney for The Roy Morgan Research Centre Pty Ltd)

2.4 History and Development of the Subject Site, 234-238 Sussex Street

2.4.1 Part Lot 8 Section 22

The office building occupying 234-238 Sussex Street is located on part of Allotment 8 of Section 22 of the Parish of St Andrew, granted to William Charles Wentworth on 2 December 1836 as shown in Figure 26. An earlier plan dated 1829 depicts the various occupancies of the allotment (Figure 25). Successive surveys of the subject site (Figure 27, Figure 28, Figure 29, Figure 30, Figure 31, Figure 32 and Figure 33) show various structures at different times (as early as 1833) and a variety of uses including domestic and commercial, even religious (notably the Wentworth Lane Mission Church/Chapel/School fronting then named Wentworth Place).



Figure 25 — 1829 Plan of allotment of land in the Town of Sydney, the property of WC Wentworth. (Source: State Library of New South Wales)

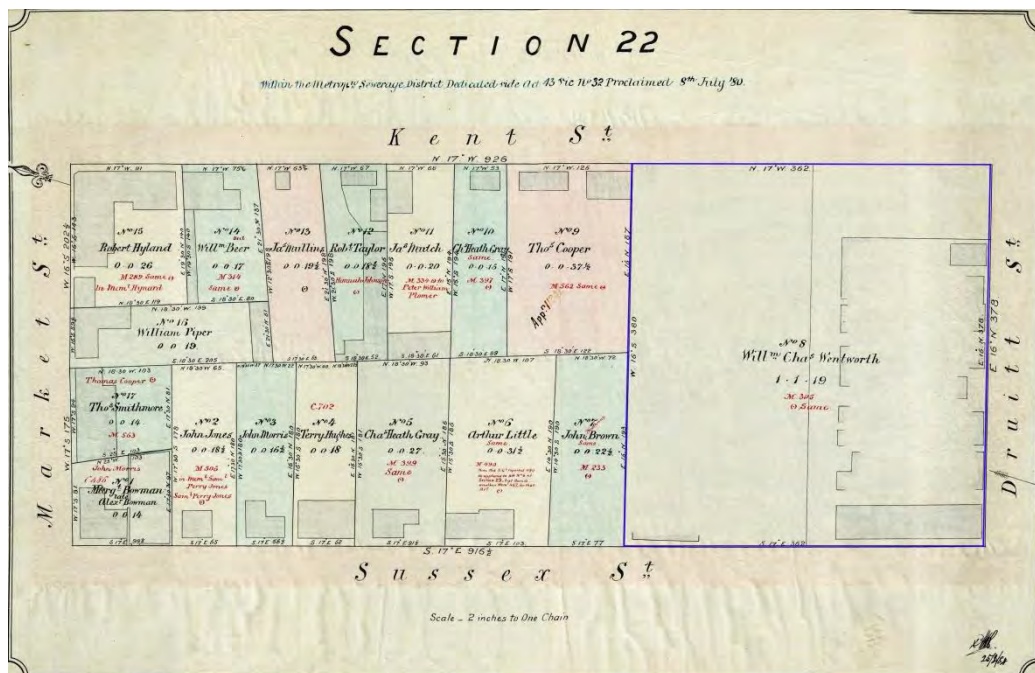


Figure 26 — City Section Survey, 1833. Allotment 8 in Section 22 outlined in purple. (Source: City of Sydney Archives, Historical Atlas of Sydney)

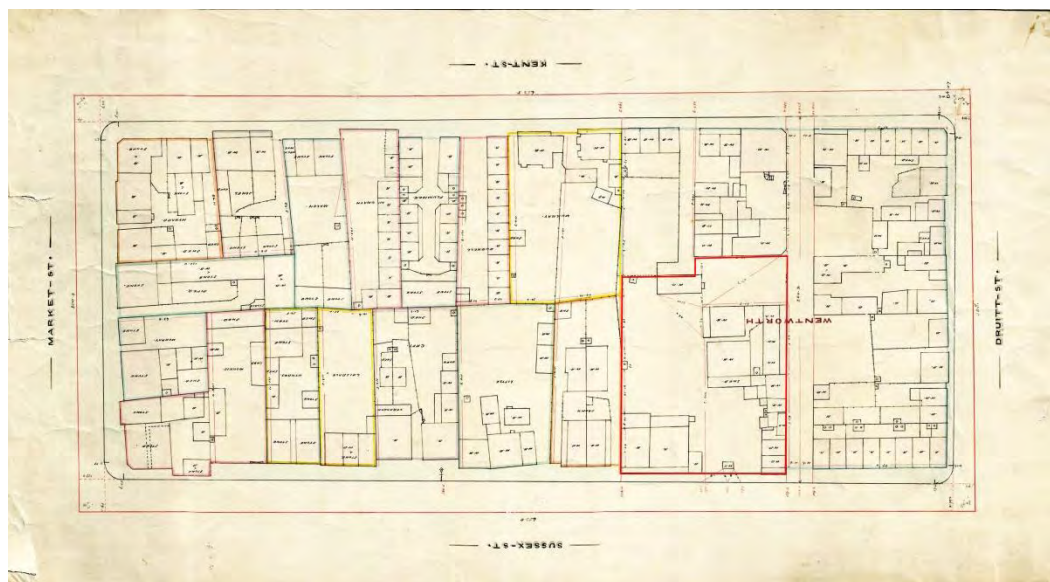


Figure 27 — Detail of Section 8 of City Detail Sheets, Section 8, 1855 showing approximate boundaries of the subject site outlined in red. (Source: City of Sydney Archives, Historical Atlas of Sydney)



Figure 28 — Extract from Trigonometrical Survey of Sydney, ca1855-65 showing approximate boundaries of subject site (234-238 Sussex Street and 2 and 4/8 Druiitt Street). (Source: City of Sydney Archives, Historical Atlas of Sydney)

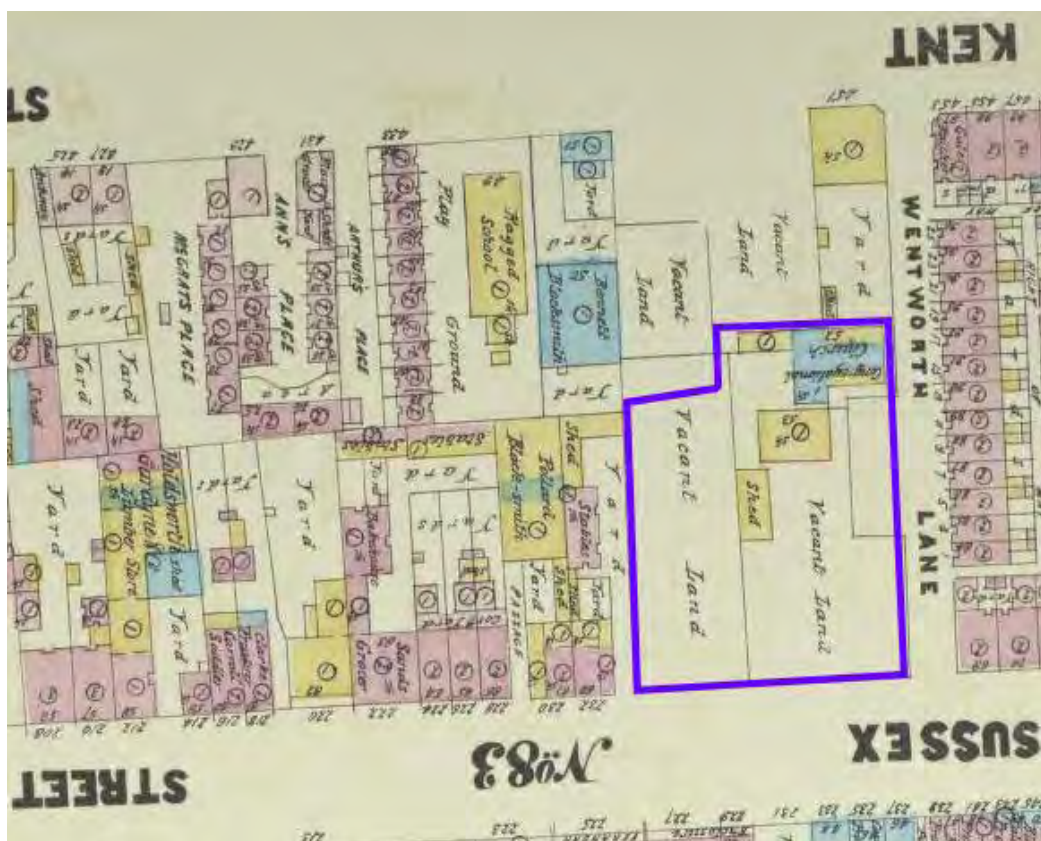


Figure 29 — Extract from Dove Plans of Sydney 1880 showing approximate boundaries of subject site (234-238 Sussex Street and 2 and 4/8 Druiitt Street). (Source: City of Sydney Archives, Historical Atlas of Sydney)

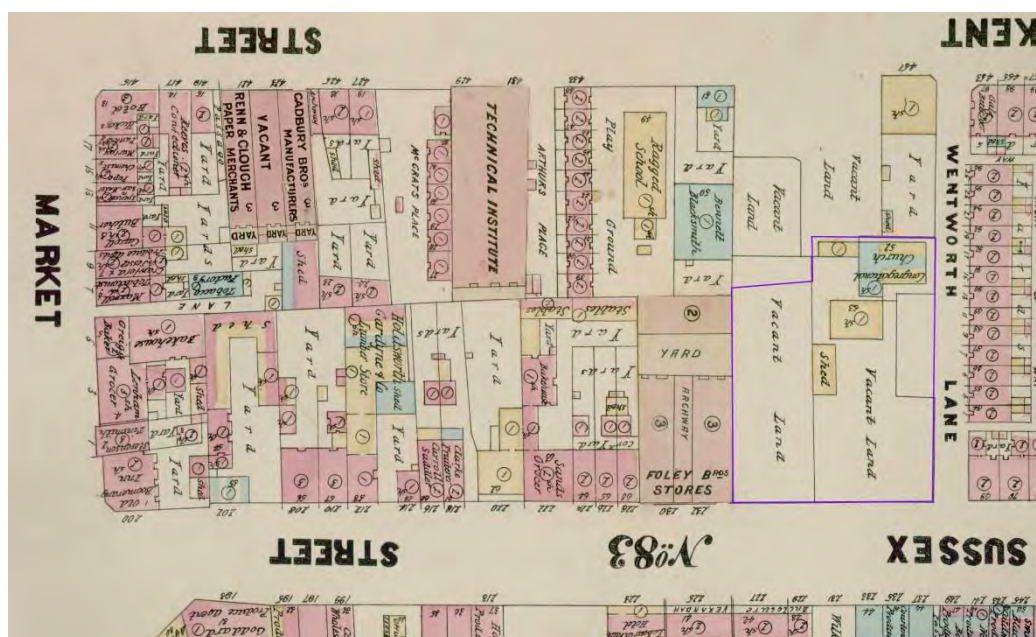


Figure 30 — Extract from Dove Plans of Sydney 1880 (revised to ca1886), showing approximate boundaries of subject site (234-238 Sussex Street and 2 and 4/8 Druitt Street). (Source: City of Sydney Archives, Historical Atlas of Sydney)



Figure 31 — Extract from Metropolitan Detail Series Sydney Sheet 20, 22, 23, & pt 19, 1887. Subject site shaded purple thereon. (Source: State Library of New South Wales, a1367421h)



Figure 32 — Extract from Metropolitan Detail Series Sydney Sheet 20, 22, 23 & pt 19, 2nd edition 1895. Subject site shaded purple thereon. (Source: State Library of New South Wales, a1367422h)

The following is a brief overview of the history of the site commencing in 1910.

The subject portion of allotment 8, comprising one acre 23½ perches of land, was eventually conveyed in 1910 to Isabella Dwyer, one of the many nieces of the Australian cattle king and millionaire James Tyson. He had died intestate in 1898 with a wealth estimated at £2.36 million. His estate (including the subject land) was subsequently divided among his next of kin after an extended series of court cases involving the question of his domicile. During that period Isabella Dwyer was appointed one of the administrators of Tyson's New South Wales estate.



Figure 33 — Extract from City of Sydney central / compiled and copyrighted by D. S. Cameron, 1910. Subject site shaded purple. (Source: State Library of New South Wales, a1528049)

In 1911, Dwyer had estate agents Hardie and Gorman advertise the auction sale of the property on 15 February as a:

*fine city block, Sussex Street and Wentworth Lane between Market and Druiitt Streets, 120 feet to Sussex Street (east side) by 70 feet deep along Wentworth Lane, situated in the heart of the Produce and Shipping Businesses, and handy to the Wharves, where business premises and stores are much sought after.*²⁵

Isabella Dwyer subsequently contracted to sell the property to Ellen Thomas for the sum of £7260. This agreement was later cancelled by Dwyer after Thomas failed to complete the financial arrangements for the sale to her of the subject property. Thomas in her suit in the equity court in late 1913 requested that Dwyer be “ordered to perform specifically an agreement entered into by her for the sale to her of certain land in Sussex Street”.²⁶ Dwyer in response sought a court order directing Thomas to remove the caveat lodged by her preventing the sale of the property.²⁷

In the intervening period Dwyer lodged an application in December 1911 to convert the subject land to Torrens title.²⁸ This was a lengthy process, culminating in September 1913 in a certificate of title issued in Dwyer’s name.²⁹ According to the primary application the land (including all improvements) was valued at £10,000 and there existed a 49 year lease from Fitz William

²⁵ “Fine City Block”, *Sydney Morning Herald*, 4 February 1911, p21.

²⁶ “In Equity...Sale of a Sussex-Street Property”, *Sydney Morning Herald*, 30 April 1914, p7.

²⁷ “In Chambers...”, *Sydney Morning Herald*, 18 December 1913, p5.

²⁸ Primary Application 17750, NSW Land & Property Information.

²⁹ Certificate of Title Vol 2397 Fol 46, NSW Land & Property Information.

Wentworth to Alexander Martin of Sydney, ironmonger and dated 3 October 1891. Furthermore, the land was in the occupation of EJ Dempsey, Evening News Office Sydney and W Atkins & Co, 451 Kent Street (see 2.4.3 below)

2.4.2 234-238 Sussex Street

The removal of the caveat of Ellen Thomas in late 1913 paved the way for Dywer to sell the property as previously planned. Following the sale of 33 perches of land to Adolphus Lehmann of Petersham (which portion comprised two buildings known as 2 and 4/8 Wentworth Place) the residue of 30½ perches of land, being vacant land known as 234-238 Sussex Street, was conveyed in June 1914 to Frederick William Stoddart and Harold Sydney Reid.³⁰ They conveyed that parcel of land in 1925 to Emma Louisa Rogers.³¹



Figure 34 — Extract from Fire Insurance Underwriters Association of New South Wales, Buzacott's Block 160, 23 August 1922. Subject site shaded yellow thereon. (Source: State Library of New South Wales, a1358066h)

³⁰ Ibid.

³¹ Certificates of Title Vols 2488 Fols 248 and 249, NSW Land & Property Information.

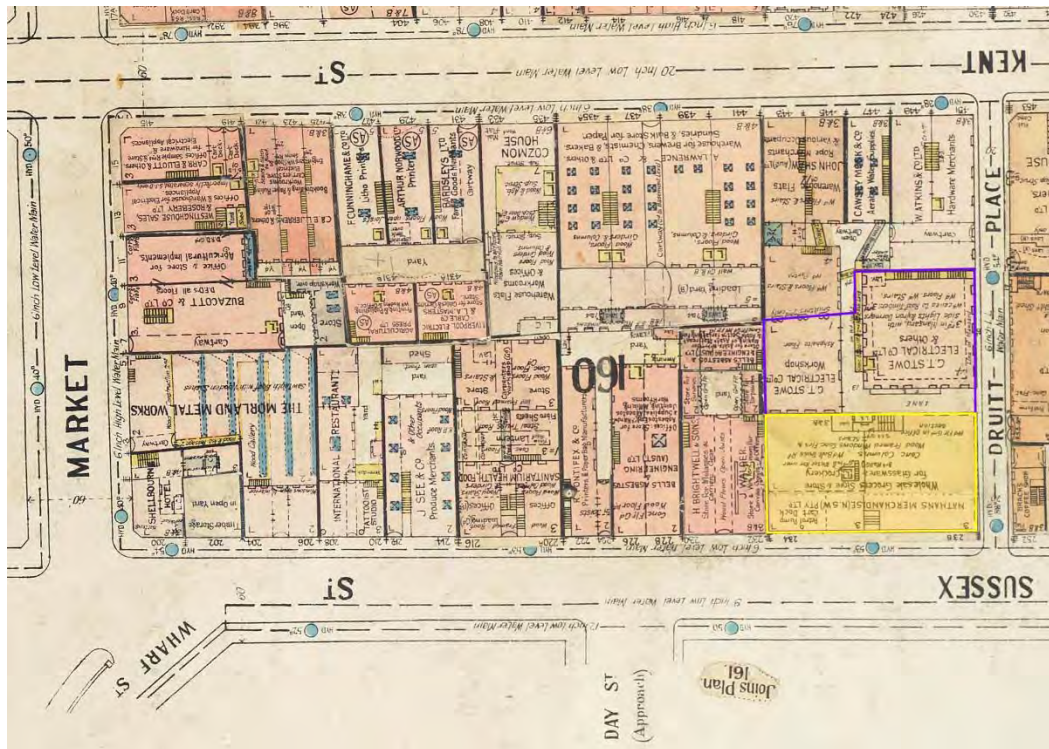


Figure 35 — Extract from Fire Insurance Underwriters Association of New South Wales, Buzacott's Block 160, 23 August 1922 (updated). Subject site shaded yellow thereon. (Source: State Library of New South Wales, a1358068h)

The allotment changed hands in March 1930 (at the height of the Depression) to Jesse Curl Mackey and Oliver Thomas Mackey, both of Mosman, builders. Two years later, PW Ritchie lodged an application for a “new building” at 234-238 Sussex Street to the City Council. The new building is listed in the 1936 City Assessment Book as a warehouse in brick and iron of three floors in the occupation of Nathans Merchandise (NSW) Pty Limited. That company is correspondingly named as the occupants of the building as shown on the updated Fire Insurance Underwriters Detail Survey at Figure 35. The 1922 edition of the plan shows the same land as vacant (Figure 34) confirming the 1935/36 construction date and it was presumably erected by the Mackey brothers as they were builders and contractors by trade. A conveyance is recorded on the certificate of title in 1936 correcting the name of one of the owners to Thomas Oliver Mackey.

Following the death of Jesse Curl Mackey the property passed by transmission in 1938 to Thomas Oliver Mackey and William James Baldock. A lease dated 24 May 1937 to Joseph Nathan & Co (Australia) Pty Limited is recorded on the certificate of title, which lease expired in December 1947 on the issue of a new lease dated 12 June 1946. Mackey and Baldock conveyed Jesse Mackey's half share in mid-1947 to Thomas Oliver Mackey and Donald Oliver Mackey. The following year the undivided half share was transferred to the sole ownership of the latter. The two Mackey's remained owners of the subject site until early 1959 when it was sold to Barrack Investments Pty Limited.



Figure 36 — Extract from 1943 aerial survey of Sydney showing subject site shaded yellow. (Source: NSW Land & Property Information, SIX Maps)

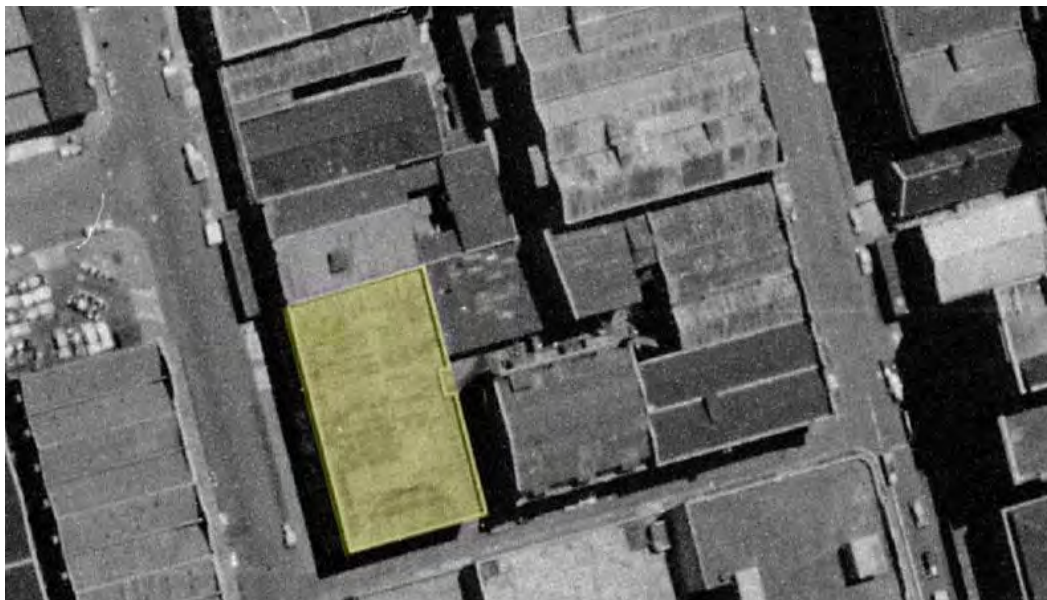


Figure 37 — Extract from 1949 aerial survey of the City of Sydney showing subject site shaded yellow. (Source: City of Sydney Archives, Historical Atlas of Sydney)

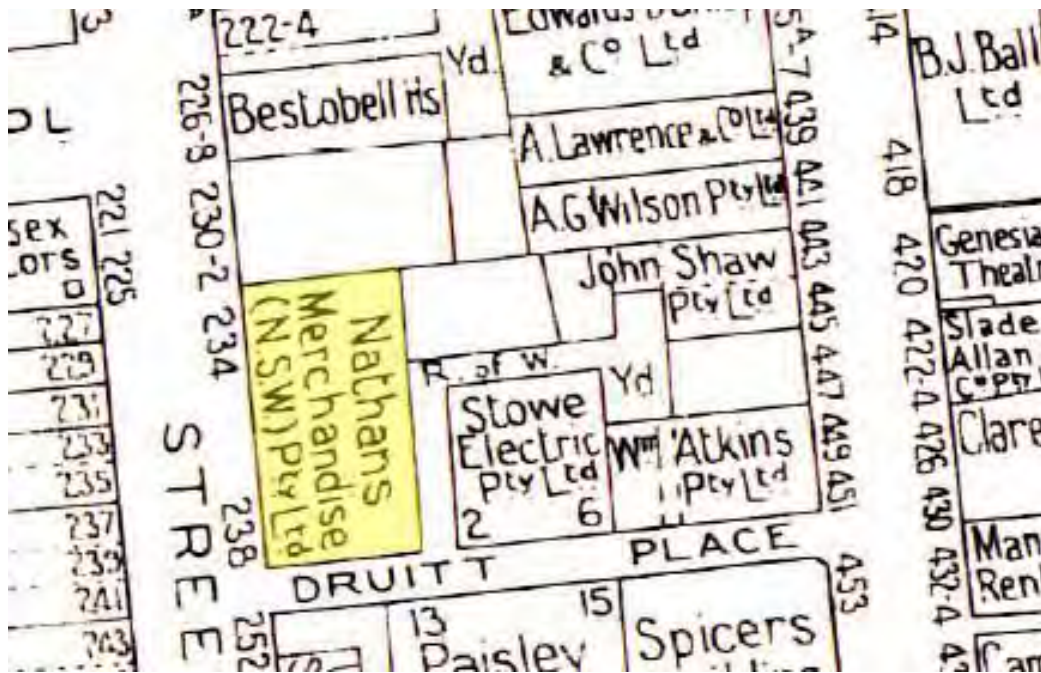


Figure 38 — Extract from City Building Surveyors Sheets ca1956 showing subject site shaded yellow. (Source: City of Sydney Archives, Historical Atlas of Sydney)

The City of Sydney Planning Cards notes a succession of changes to the building following its construction in the 1930s. Most of the alterations to the building occurred from the late 1950s until the 1970s. Figure 39 comprises a survey of the site for registration in 1965 as Deposited Plan 499620 at which date the building was known as Graphic House. The property changed hands to Graphic House Services Pty Limited thence to Strata Plan 1824.³²

³² Certificate of Title Vol 10129 Fol 92, NSW Land & Property Information.

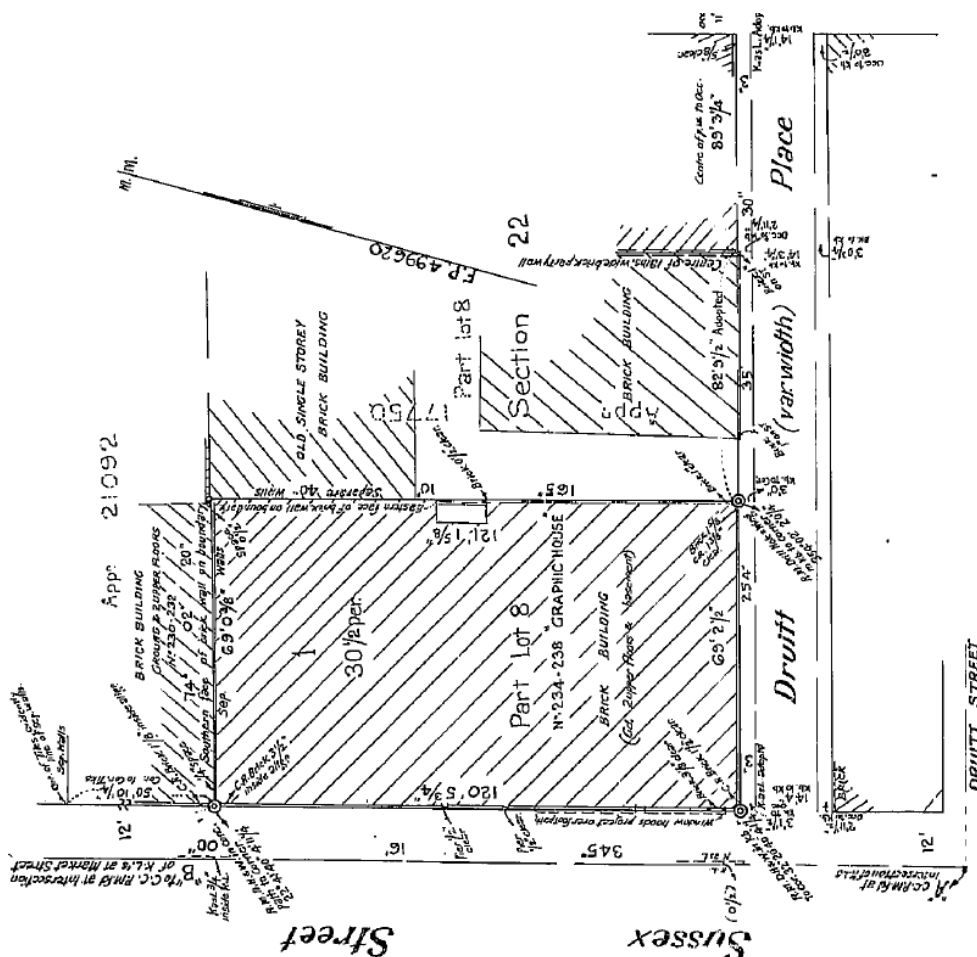


Figure 39 — DP 499620, Survey of part of Lot 8 Section 22, being land comprised in Certificate of Title Vol 7287 Fol 169, registered 1965. (Source: NSW Land & Property Information)

The allotment was eventually re-amalgamated with the adjoining part of Lot 8 Section 22 to form Lot 11 in DP 809434 (Figure 40). This action coincided with a development application in November 1986 by Nettleton Tribe and Partners architects to erect an office and retail building at 234-238 Sussex Street and including 2-8 Druiitt Place. The building at 234-238 Sussex Street was subsequently demolished to make way for the new tower.

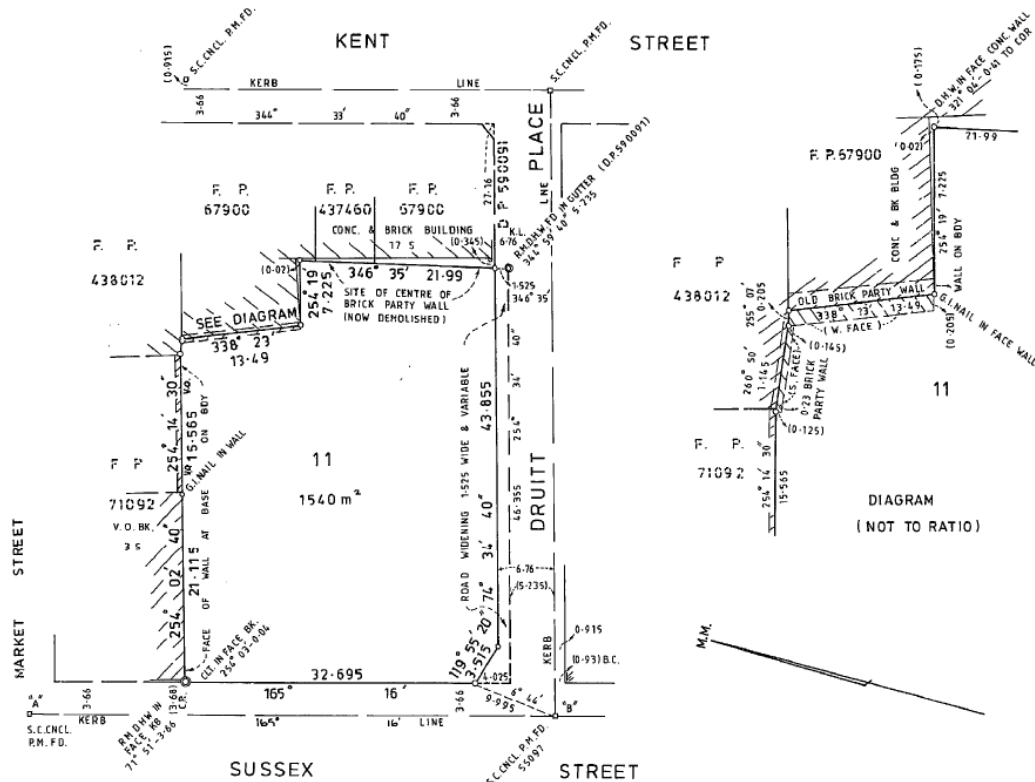


Figure 40 — Deposited Plan 809434, Plan of Lot 1 in DP 499620 and part allotment 8, Section 22, registered in 1988. (Source: NSW Land & Property Information)

2.4.3 2 and 4/6 Druiitt Place

The 1911 City Assessment Book names W Atkins & Co as the occupant of the one storey/one room, brick and iron store at 2 Wentworth Place (Druitt Place), and Moffat, Virtue & Co in the four storey/four room, brick and iron store at 4/6 Wentworth Place (Druitt Place). In 1914 Atkin was still named at 2 Wentworth Place and Bloxham & Chambers at the “factory” at 4/6 Wentworth Place.

The removal of Thomas’s caveat in late 1913 paved the way for Dywer to sell the property as previously planned. She immediately sold 33 perches of the property to Adolphus Lehmann of Petersham which portion comprised two buildings (2 and 4/6 Wentworth Place).³³

Lehmann simultaneously conveyed his Wentworth Place (now Druiitt Place) land to the Permanent Trustee Company of New South Wales Limited in November 1913. A lease of the second floor of the premises erected thereon fronting Wentworth Place (probably 4/6 Druiitt Place) is registered on the title to Arthur McQuitty of Sydney, printer.³⁴ No other contemporaneous leases are recorded on the title. The Permanent Trustee Company of New South Wales Limited sold the Druiitt Place property in October 1916 to Ernest Waddell Perkins of Sydney, solicitor.

³³ Ibid.

³⁴ Certificate of Title Vol 2486 Fol 132, NSW Land & Property Information.

[illegible]

George T Stowe Electrical Company Limited signed a lease of the ground floor of the premises with a shed at the rear in November 1927. However the company is named the principal occupant of both Druitt Place addresses in the 1924 City of Sydney Assessment Book. An updated version of the fire insurance underwriters detail plan (Figure 42) confirms their occupancy of both 2 and 4/8 Druitt Place.

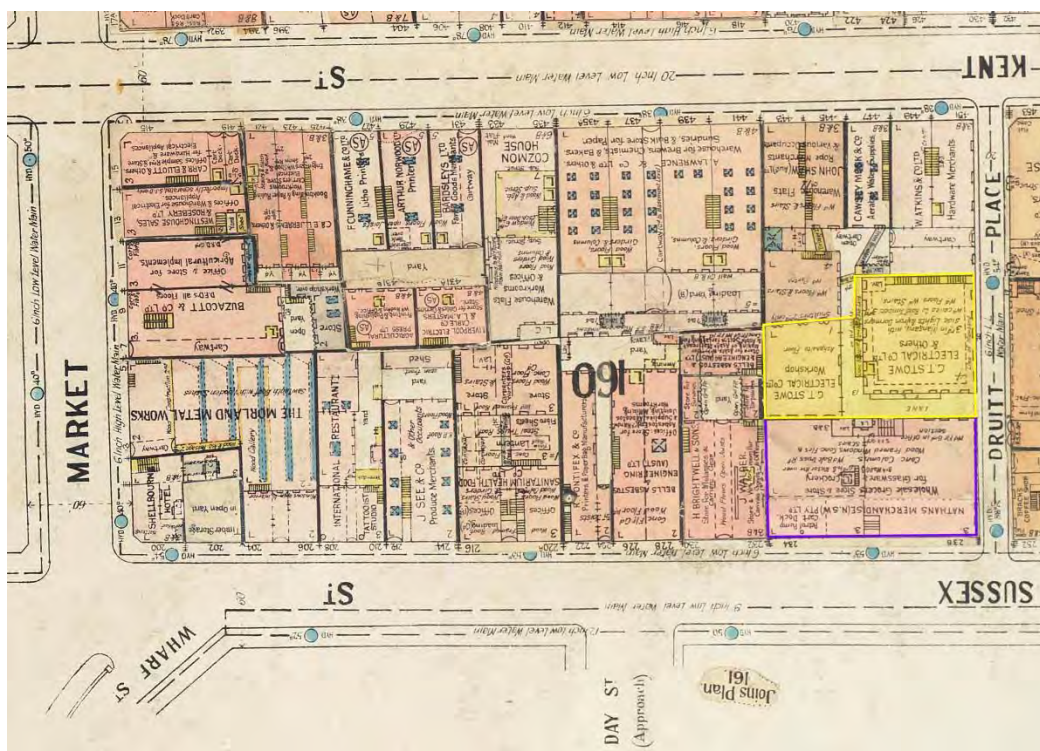


Figure 42 — Extract from Fire Insurance Underwriters Association of New South Wales, Buzacott's Block 160, 23 August 1922 (updated). Subject site shaded yellow thereon. (Source: State Library of New South Wales, a1358068h)

George T Stowe Electrical Company Limited were listed as the principal occupants of the two buildings, various described in the City Assessment Books as garage and factory, or workroom & garage and workshop & office, or two factories, in 1925 and 1927. Tucker Bros replaced Stowe as the tenants of 2 Drutt Place in the 1930 and 1931 listings. Stowe remained principal occupants of the buildings throughout the 1930s, though the four storey building at 4/8 Drutt Place was shared with other tenants.

The Drutt Place property changed hands in 1938 to Campbell Willment Cozens and Rita Willment Cozens as tenants in common.³⁵

³⁵ Certificate of Title Vol 2486 Fol 132, NSW Land & Property Information.



Figure 43 — Extract from 1943 aerial survey of subject site shaded yellow. (Source: NSW Land & Property Information)

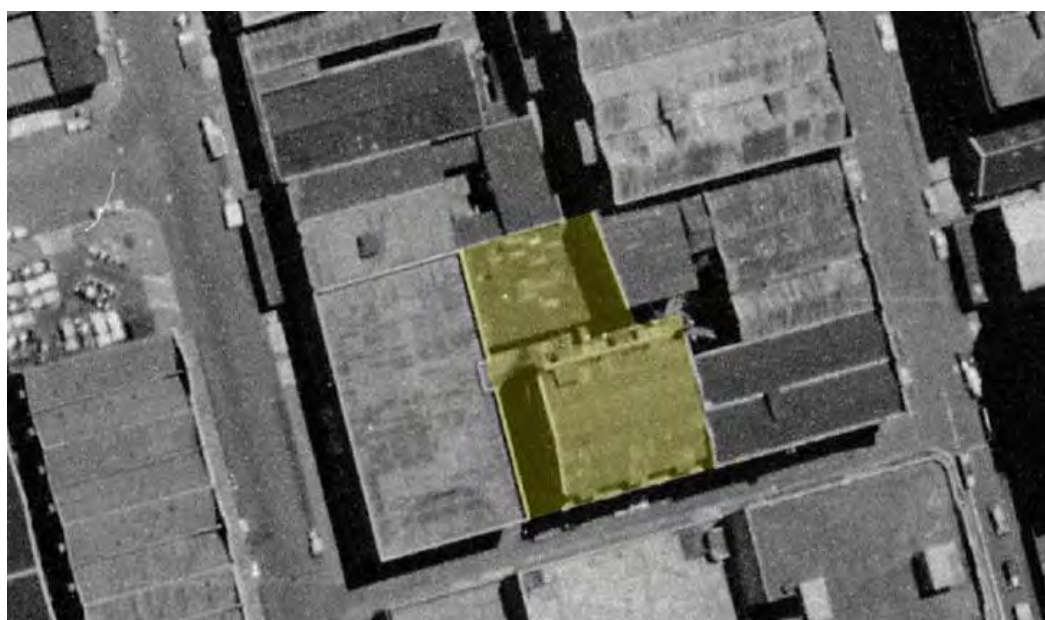


Figure 44 — Extract from 1949 aerial survey of the City of Sydney showing subject site shaded yellow. (Source: City of Sydney Archives, Historical Atlas of Sydney)

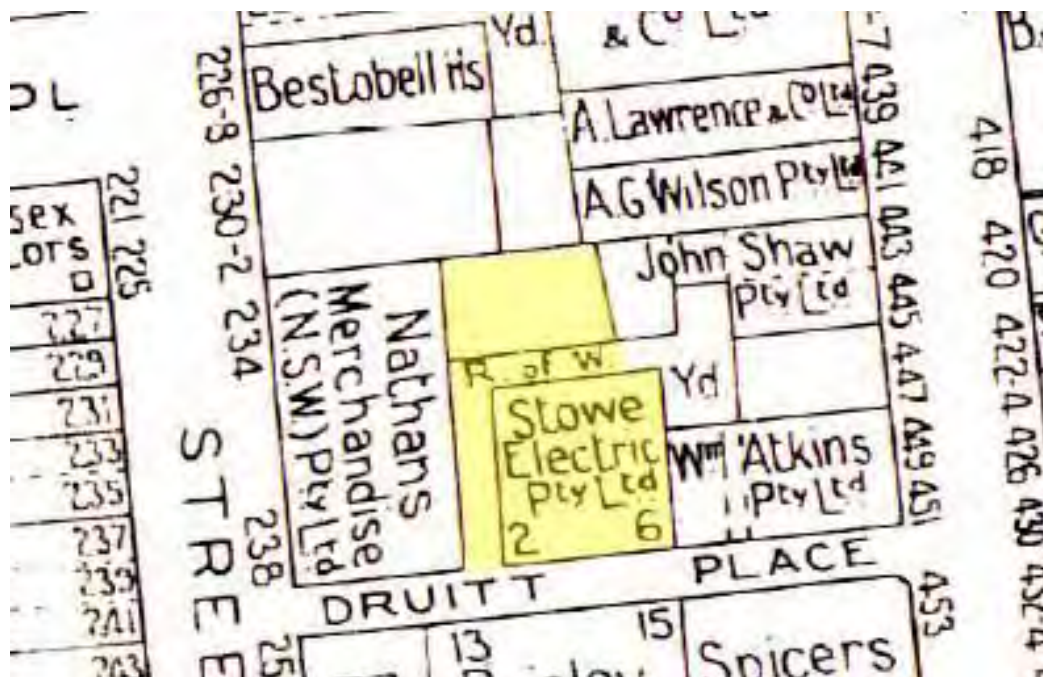


Figure 45 — Extract from City Building Surveyors Detail Maps ca1956, showing subject site shaded yellow. (Source: City of Sydney Archives, Historical Atlas of Sydney)

The City of Sydney planning cards note a succession of changes to the building throughout the following decades after its erection, the most significant in late 1935 indicating “new building” but whether this was for 2 or 4/6 Druiitt Place is not known. The two buildings did however undergo numerous alterations and additions through the 1930s, 1940s and 1950s. An application lodged in 1964 by Stowe Electric Pty Ltd indicates “reinstatement after fire” but which of the two buildings this refers to is not specified.

Finally in January 1986, Rihs Valge Partnership lodged a development application to “upgrade building”. This application did not however proceed as in November the same year Nettleton Tribe and Partners architects lodged a successful development application to erect an office and retail building at 234-238 Sussex Street and including 2-6 Druiitt Place, whereupon the factory/office buildings in Druiitt Place were demolished to make way for the new tower.

3.0 PHYSICAL EVIDENCE

3.1 Setting

The place is set in a streetscape of buildings built to the front lot boundary on the eastern side of Sussex Street with the western setting comprised of the podium and tower development of Darling Park. Views to the site are contained within the immediate context to the north and south of the building on Sussex Street and from the western pavement on the opposite side of the street. There are no distant views to the complex nor are there any from the public domain outside of Sussex Street.

The place is a warehouse/courtyard complex comprised of two warehouses, a central cartway and a rear courtyard with first floor linking structures between the two warehouses. The front warehouse has three storeys with a part basement whereas the rear warehouse has two storeys. Except for the Sussex Street façade, the warehouses – inside and out – cannot be said to have a specific architectural style as they are utilitarian brick and timber warehouse buildings. The roofs are clad in corrugated galvanised steel sheet and, apparent from the underside in space S02, flat deck profile steel sheet.

The City of Sydney Warehouse Courtyards Policy³⁶ sets out seven criteria by which to measure the intactness, authenticity and rarity of Central Sydney's warehouse/courtyard complexes of the period 1870 - 1910. The place satisfies all of the criteria below:

- | | |
|---|---|
| 1 | Cartway retains connection to courtyard |
| 2 | Courtyard functions as commercial loading space for a number of warehouse/woolstore buildings |
| 3 | Courtyard has not been reduced in scale or otherwise degraded by later adjacent development |
| 4 | Courtyard remains open to sky |
| 5 | Walls of warehouses or woolstores defining courtyard retain evidence of goods handling techniques, e.g. vertically aligned loading bays, projecting pulley beams, water hoists etc. |
| 6 | Floors of court and cartway(s) retain original fabric, usually bluestone sects [sic] (often reinforced over time with iron or steel cart tracks) |
| 7 | Associated hardware items are substantially retained e.g. bollards, corner reinforcement, iron or steel gates etc. |

3.2 Main Warehouse

The architecturally styled façade to Sussex Street is rendered with stucco. Some of the render appears to be relatively recent but there is no documentary evidence to confirm the possibility that the façade was originally comprised of face brick sections with rendered mouldings. The symmetrical façade –

³⁶ Refer appendix from page 138 for complete 'Warehouse Courtyard Policy' and for a comprehensive comparative analysis.

completed in 1886 - has elements characteristic of the Victorian Free Classical style and minor additional elements which would later become characteristics of the Federation Warehouse style in the 1890s and up to World War One. The characteristics of the former style evident include:

- Symmetrical façade;
- Astylar façade expressing bearing-wall construction;
- Parapet concealing roof;
- Decorative accents on skyline;
- Unconventional order of architecture;
- Pier treated as pilaster;
- Unconventional pediment; and,
- Non-semi-circular arches.

The elements of the façade that would become characteristic of the latter style include the strongly emphasised piers and arches and the flat spandrel recessed behind a plane of piers.

The modelled stucco facade is articulated in three bays, the smallest in the centre above the cartway. At street level, the façade has three segmentally arched openings the two outer of which have been modified with late twentieth century glazed infills and frameless doors and the central one being the opening to the cartway. The cartway has a recent steel roller door setback to allow a vehicle to stand. The original line of the cartway gate is indicated as the rear line of the brick wall by remnant gate hardware including hinge pivot sockets and other iron elements. A lower cornice separates the ground floor from the façade above and indicates the probable line of a now lost awning indicated by the eyebolt anchors on the pilasters above. Pilasters rise through the first and second floor levels to segmental arches under which are nested semicircular arched windows at the second floor above a recessed spandrel and square-headed windows to the first floor. Above the second floor, a parapet conceals the pitched roofs behind. The parapet is comprised of a principal entablature supported on modillions with the piers extending to the top of the parapet. The outer two pier extensions were finished with concrete urns but only the southern one remains substantially intact. The two inner extensions are formed with acroteria at each side and finished with branched wrought iron finials ending in tridents. Between these two extensions is a small pediment bearing a panel with the words 'FOLEY BROTHERS' and the date '1886'. At the apex of this pediment (and the highest point of the building, is a substantially intact concrete urn similar to the southern one. The balustrade is comprised of concrete 'half'-balusters fixed to the backing panel of the parapet. It has some missing 'balusters' and is now gap-toothed.

In contrast to the façade, the gabled eastern (yard) elevation of the main warehouse is face brick and utilitarian. Evidence of the original use and apparatus of goods handling is retained ranging from the general arrangement of openings, to cathead beams and pulleys, to the smallest elements of hardware such as wrought iron chain-hooks for example. Although there has been some loss of original elements and alterations, there is sufficient original fabric to demonstrate – to fine detail – the operation of goods handling between the warehouse and service courtyard. Alterations have, for instance, included replacement of some solid timber ledged, framed and braced doors with glazed

doors or fixed glazing. Presumably, this has been done to allow more light into the building for office use as glazing immediately adjacent to the swing of handled goods would not have been an original design element.

The interior of the main warehouse is characterised by the exposed trabeated construction of timber floors and roof trusses. The first floor beams bear on stone blocks built into the brick walls of the ground floor. The second floor beams bear on the dividing brick wall between F01 & F02 and S01 & S02 and on iron posts within space F02. One of the original six iron posts on the first floor has been removed but its scar in the beam above remains. The roof framing bears on the dividing brick wall and on six stop-chamfered timber posts. The roof framing is comprised of two timber truss systems – for the northern section (S01) and the southern section (S02). The floor beams which bear the first and second floors are timber square sections of approximately 300mmx300mm. An exception to this is in the easternmost bay of space G06 and of the cartway (Y01) where a section of timber beam has been replaced with a steel beam. The timber beams are massive and seemingly continuous across the breadth of the building (scarfing has not yet been found) being remarkably long at approximately 16 metres. The beams bear on the outer brick side walls and the first is immediately behind and parallel with the front façade. The outer side walls have engaged piers reinforced by segmental arches. The upper floors have butt-jointed timber boards laid on joists reinforced by scissor struts which are in turn supported by the timber beams. The ground floor has a sagging timber floor in space G01 and a granolithic floor in space G06. It is not known what lies beneath the floor of G06. Floors throughout have had a variety of toppings and finishes and only representative sections have been taken down to floorboards although the general intactness of these can be observed from below.

The interior brick walls have been painted over and plastered in various sections of the building presumably to provide an interior better suited to its recent office use.

There are no lifts within the complex but there are three stairs: the concrete stair to the basement from space G01; an original cross-braced timber stair in the south-western corner of the rear warehouse; and, the principal stair in the main warehouse. Investigation of the main warehouse stair has shown underlying fabric to be recent and has not uncovered any original or early fabric. Throughout the main warehouse are sections of timber flooring infills that indicate the locations of former stairs and locations of hoists or trap-doors.

In addition to the ground floor glazed infills, a service core and stair has been inserted into the space above space G06 and the cartway (Y01). It appears the floor framing through this core has remained. Arches in the brick wall between the northern and southern sections on the first and second floors have been broken through to create a more open plan and access on these floors.

The main warehouse is in sound condition although there is a significant crack in the brickwork between the dividing wall and the front façade indicating movement of these two walls away from one another. This may have been

happening for some time as a steel plate on the façade could indicate earlier reinforcement to remedy this defect.

The exempt investigative strip-out of early 2015 retained the air-conditioning system of central plant and rigid and flexible ductwork. This had been installed with limited removal of original fabric. Other services and service lines have been retained in the strip-out where their removal to uncover earlier fabric was not necessary and where they still may be of use.

Two sets of winding gear are located within each of the roof truss areas at the eastern end of spaces S01 and S02 in line with the full height former door openings.

3.3 Cartway (Y01) and Courtyard (Y02)

The central cartway provides access between Sussex Street and the courtyard. It is paved in bluestone or trachyte setts and curbs. Three infilled openings from the northern (G01) and southern (G06) ground floor of the main warehouse once connected the cartway to the warehouse interior. At the Sussex Street end, there is remnant original hardware in the location of the former gate. At the courtyard end, evidence of goods handling and transport is retained by the timber 'bumpers' over which there has been further reinforcing by way of steel plate protectors.

The courtyard is open to the sky except for the northern and southern sections which are covered by the first floor 'link' buildings. The courtyard is paved in concrete which has been subsequently altered to insert or maintain subsurface drains. Under the line of the beams of the 'links' are what were presumably sandstone column post bases. They are now level with the paving and only five of six are visible. These are in the location of the 'sheds' shown on early drawings.

3.4 Rear Warehouse and 'Links'

The rear warehouse is a two storey brick warehouse with a roof pitched to fall towards the courtyard. It has central framed, braced and ledged doors, with a pitched gable and cathead beam to allow vertical transfer of goods. The western elevation has been rendered and was, as indicated by remnant face brickwork in the location of the northern 'link'. There is minor evidence of damp exacerbated by the hard cement render at the base of the wall however this is only minor due to the relative height of the ground floor of the warehouse and the significant fall for surface water at the foot of the wall.

Internally, the ground floor has a concrete floor with the floor of the first floor supported on a beam held up by two bolstered timber posts. The original cross braced stair in the south-western corner of the room has been enclosed underneath to accommodate a toilet. Against the back wall of the room alterations have included the introduction of a kitchen and two bathrooms within the last twenty years.

This warehouse's first floor has a butt-jointed timber floor. A beam spans from north to south on which bear the timber roof trusses. The beam was once supported by timber posts for which evidence remains in the empty mortises on the underside of the beam.

Connecting with the first floor are mid- to late-twentieth century skillion link structures clad in fibre cement panels and constructed in a rudimentary and ad-hoc manner. Each of these links is supported by a steel beam along the approximate line of the earlier sandstone post bases indicated in the courtyard.

3.5 Photographs



Figure 46 – View to place from north on eastern side of Sussex Street. NBRS+Partners, April 2015.



Figure 47 – ‘Period’ bracketed luminaires and original awning anchors. NBRSPartners, April 2015.



Figure 48 – Entrance to cartway from Sussex Street. NBRSPartners, April 2015.



Figure 49 – Ground floor on Sussex Street. NBRSPartners, April 2015.



Figure 50 – View to façade from south-west. NBRSPartners, April 2015.



Figure 51 – View to façade from south showing 234-238 Sussex Street at right. NBRSPartners, April 2015.



Figure 52 – View to façade from north-west. NBRSPartners, April 2015.



Figure 53 – Façade. NBRSPartners, April 2015.



Figure 54 – Ground level of façade. NBRSPartners, April 2015.



Figure 55 – Altered threshold to infill openings of ground floor. NBRSPartners, April 2015.



Figure 56 – Pivot brackets as evidence of original cartway gates. NBRSPartners, April 2015.



Figure 57 – Curb and setts of cartway paving. NBRSPartners, April 2015.



Figure 58 – Ground floor façade opening infill. NBRSPartners, April 2015.



Figure 59 – Eastern elevation of warehouse. NBRSPartners, April 2015.



Figure 60 – Eastern elevation of warehouse. NBRSPartners, April 2015.



Figure 61 – Eastern elevation of warehouse. NBRSPartners, April 2015.



Figure 62 – Eastern elevation of warehouse. NBRSPartners, April 2015.



Figure 63 – Eastern elevation of warehouse. NBRSPartners, April 2015.



Figure 64 – Eastern elevation of warehouse. NBRSPartners, April 2015.



Figure 65 – Yard (Y02) looking south to cartway (Y01). NBRSPartners, April 2015.



Figure 66 – Western elevation of rear warehouse from yard (Y02). NBRSPartners, April 2015.



Figure 67 – Western elevation of rear warehouse from yard (Y02). NBRSPartners, April 2015.



Figure 68 – Timber guard posts and steel guardrail at eastern entrance to cartway (Y01) showing recent granolithic paving of yard (Y02) and stone setts and curbs of cartway.. NBRSPartners, April 2015.



Figure 69 – Timber guard posts and steel guardrail at eastern entrance to cartway (Y01) showing recent granolithic paving of yard (Y02) and stone setts and curbs of cartway.. NBRSPartners, April 2015.



Figure 70 –Cartway (Y01) looking west. NBRSPartners, April 2015.



*Figure 71 – Steel beam in place of timber beam borne in wall of Cartway (Y01)
NBRS+Partners, April 2015.*



*Figure 72 – Timber beam borne on stone block in wall of Cartway (Y01)
NBRS+Partners, April 2015.*



*Figure 73 – Timber beam borne on stone block in wall of Cartway (Y01)
NBRS+Partners, April 2015.*



*Figure 74 – View through arch of cartway (Y01) western elevation of rear warehouse.
NBRS+Partners, April 2015.*

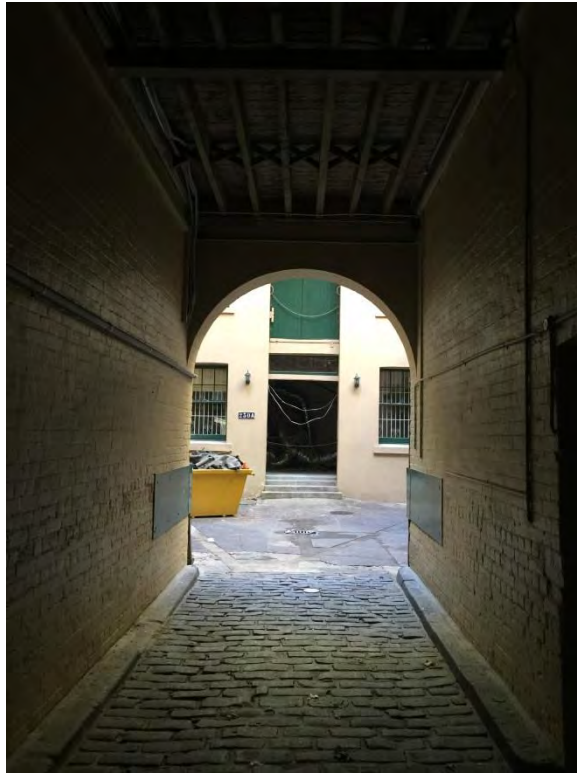


Figure 75 – Cartway (Y01) looking to yard (Y02). NBRSPartners, April 2015.



Figure 76 – Former opening in wall to cartway (Y01). NBRSPartners, April 2015.



Figure 77 – Former opening in wall to cartway (Y01). NBRSPartners, April 2015.



Figure 78 – Yard (Y02) looking southeast. NBRSPartners, April 2015.



Figure 79 – Yard (Y02) looking southwest. NBRSPartners, April 2015.



Figure 80 – One of five sandstone block footings for posts evident in floor of yard (Y02). NBRSPartners, April 2015.



Figure 81 – Yard (Y02) looking southwest. NBRSPartners, April 2015.



Figure 82 – Yard (Y02). NBRSPartners, April 2015.



Figure 83 – Yard (Y02). NBRSPartners, April 2015.



Figure 84 – Beam and posts in space G02. NBRSPartners, April 2015.



Figure 85 – Beam, bolster and post in space G02. NBRSPartners, April 2015.

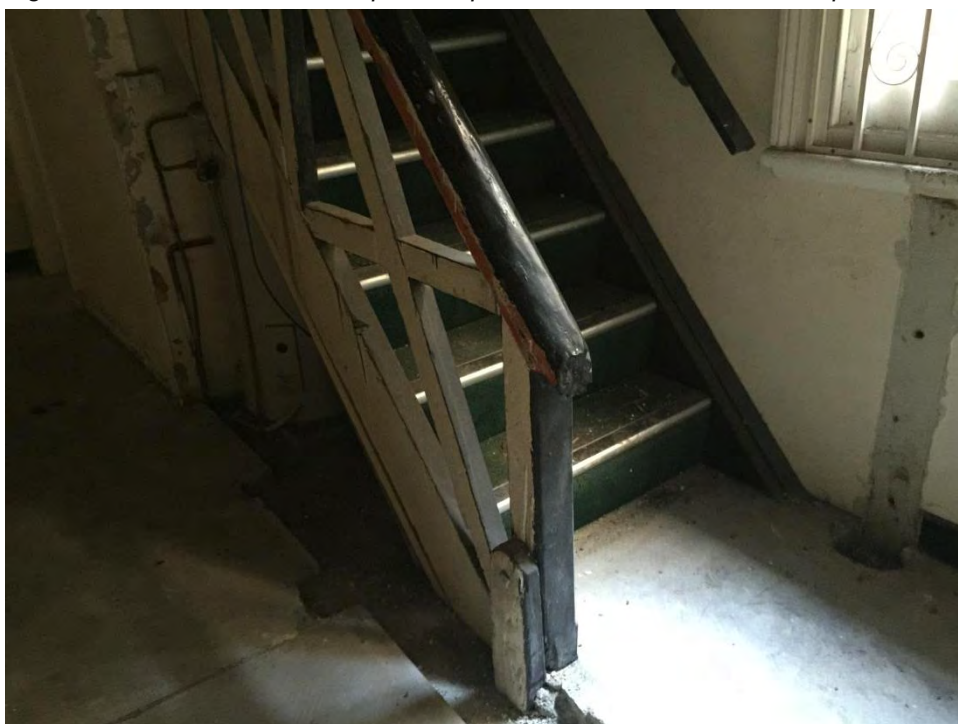


Figure 86 – Original stair in space G02. NBRSPartners, April 2015.



Figure 87 – Original stair in space G02. NBRSPartners, April 2015.



Figure 88 – Space G06 looking west. NBRSPartners, April 2015.



Figure 89 – Space G06 looking west. NBRSPartners, April 2015.



Figure 90 – South-western corner of space G06 showing original matchboard lining. NBRSPartners, April 2015.



Figure 91 – South-western corner of space G06 showing original matchboard lining. NBRSPartners, April 2015.

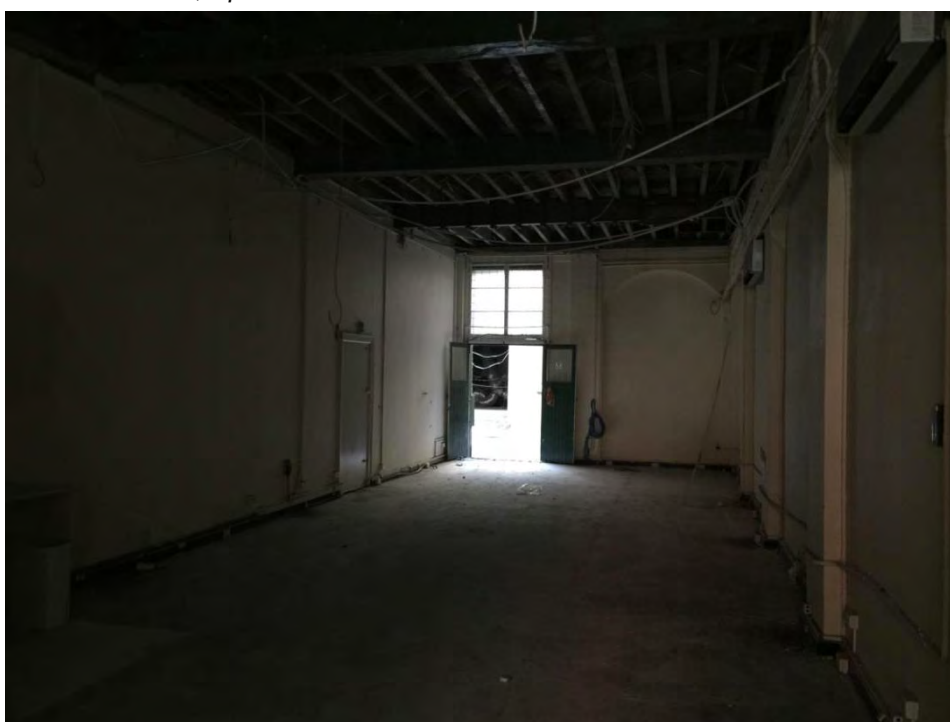


Figure 92 – Space G06 looking west to the yard. NBRSPartners, April 2015.



Figure 93 – Western section of space S02 showing timber post, beam and truss structure. NBRSPartners, April 2015.



Figure 94 – Western section of space S02 showing timber post, beam and truss structure. Recent studwork walls to stair and service core at right. NBRSPartners, April 2015.



Figure 95 – Eastern section of space S02. NBRSPartners, April 2015.

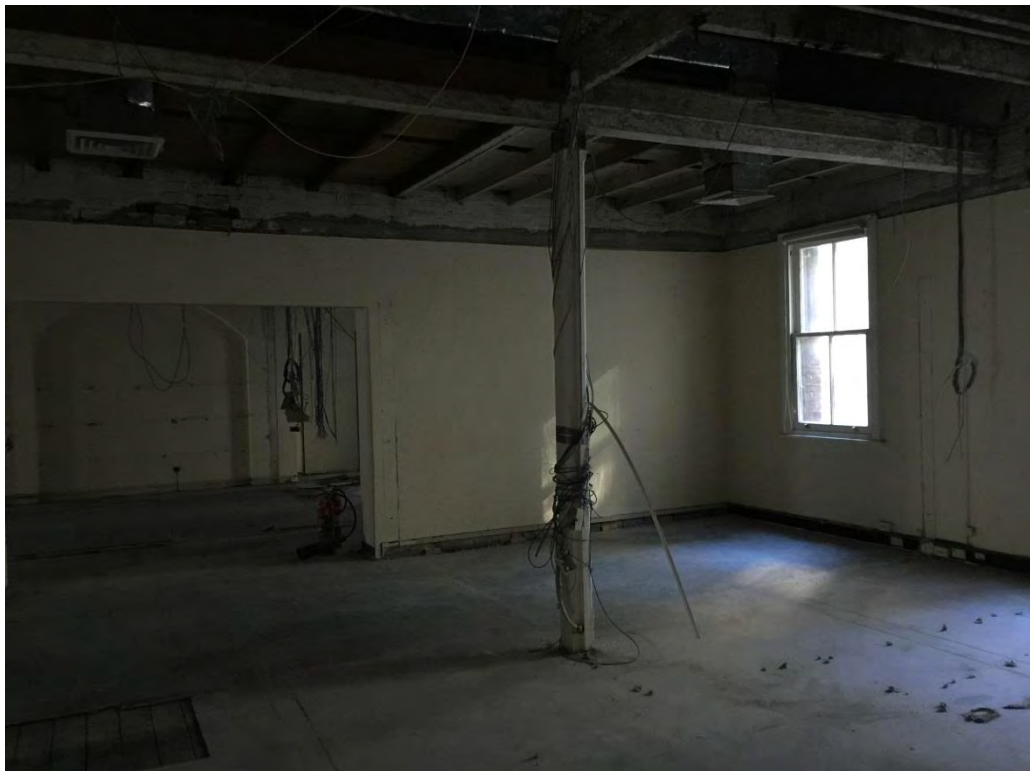


Figure 96 – Eastern section of space S02. NBRSPartners, April 2015.

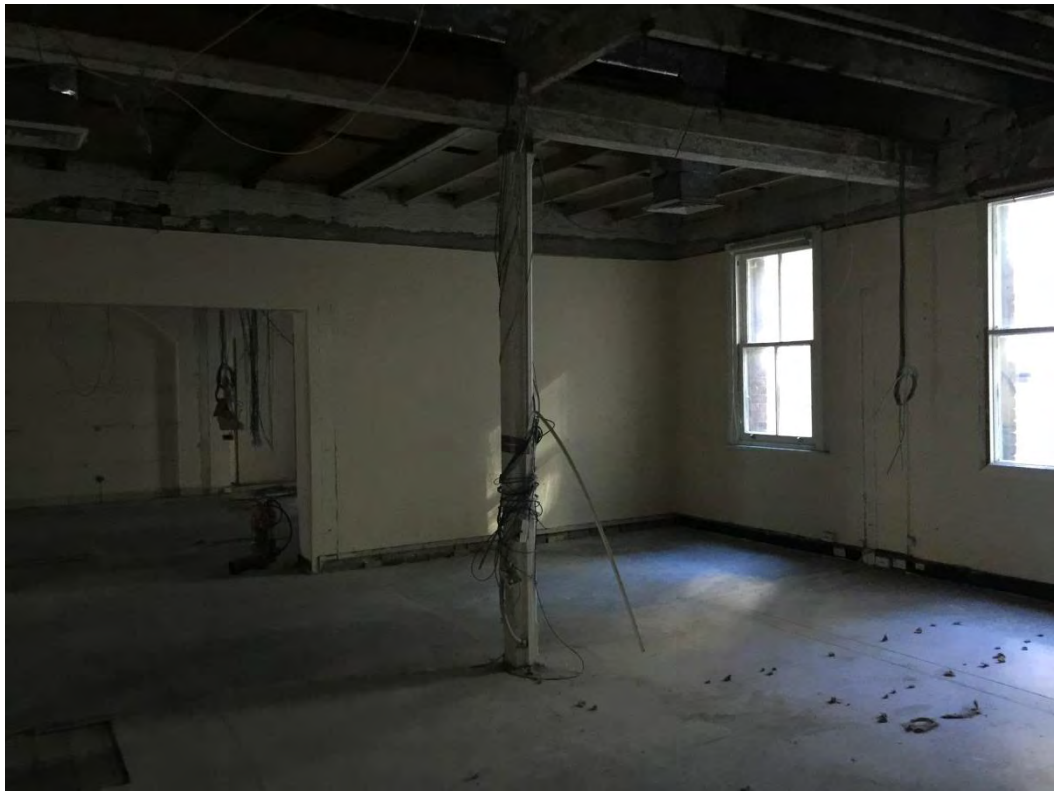


Figure 97 – Eastern section of space S02. NBRSPartners, April 2015.

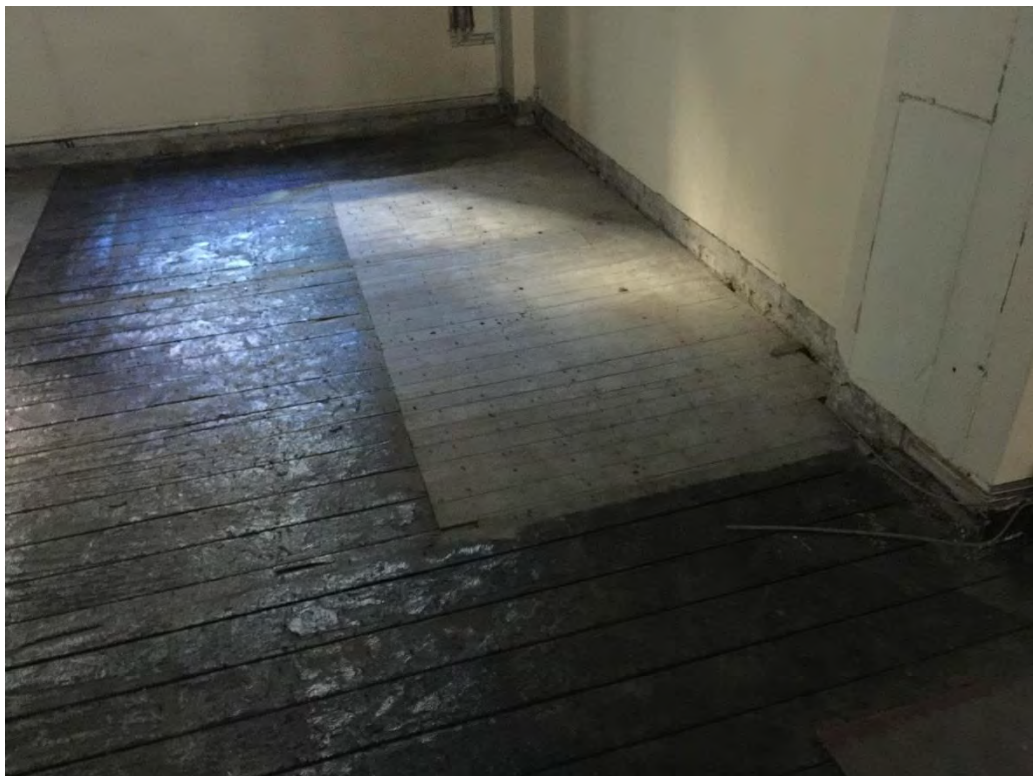


Figure 98 – Area of later boards in southeastern corner of space S02. NBRSPartners, April 2015.

4.0 COMPARATIVE ASSESSMENT

City of Sydney Warehouse Courtyards Policy³⁷ sets out seven criteria by which to measure the intactness, authenticity and rarity of Central Sydney's warehouse/courtyard complexes of the period 1870 - 1910. Those criteria are:

- 1 | Cartway retains connection to courtyard
- 2 | Courtyard functions as commercial loading space for a number of warehouse/woolstore buildings
- 3 | Courtyard has not been reduced in scale or otherwise degraded by later adjacent development
- 4 | Courtyard remains open to sky
- 5 | Walls of warehouses or woolstores defining courtyard retain evidence of goods handling techniques, e.g. vertically aligned loading bays, projecting pulley beams, water hoists etc.
- 6 | Floors of court and cartway(s) retain original fabric, usually bluestone sects [sic] (often reinforced over time with iron or steel cart tracks)
- 7 | Associated hardware items are substantially retained e.g. bollards, corner reinforcement, iron or steel gates etc.

The Warehouse Courtyards Policy identifies eight of the rarest examples of warehouse/courtyard complexes, determines criteria and assesses those examples against the criteria. The former Foley Bros Warehouse is the only one that satisfies all criteria. Recent investigative works have confirmed the intactness of the warehouse's original structure and revealed additional goods handling apparatus and hardware.

	Warehouse/Courtyard Complex Criteria						
	1	2	3	4	5	6	7
Letraset House/Guide House	X	X	X	X		X	X
Former Foley Bros Warehouse	X	X	X	X	X	X	X
Subito/Guild House	X	X	X	X			
Gerling House	X		X	X			X
Cue Clothing Building	X		X	X	X		
Carlton House	X	X		X			
Warehouse – 336-338 Kent St	X			X			
Carla Zampatti Building	X		X	X		X	

Therefore, there are few good examples of Central Sydney's warehouse/courtyard complexes of the period 1870 – 1910 and among those, the former Foley's Warehouse is the warehouse courtyard complex is the most authentic and intact and best demonstrates the type.

³⁷ Refer appendix from page 138 for complete 'Warehouse Courtyard Policy' and for a comprehensive comparative analysis.

5.0 ANALYSIS OF CULTURAL HERITAGE SIGNIFICANCE

5.1 Basis of Cultural Heritage Assessment

This assessment of heritage is based on the methodology and guidelines set down by the NSW Heritage Office and considers the standard values or criteria which arise from the history, construction and use of the building and its site as well as any levels of esteem by recognised groups for the site.

Evaluation Criteria

Heritage significance, cultural significance and cultural value are all terms used to describe an item's value or importance to our own society. This value may be contained in the fabric of an item, its setting and its relationship to other items, the response that the item stimulates to those who value it now and in the historical record that allow us to understand it in its own context. An assessment of what is significant is not static. Significance may increase as more is learnt about the past and as items become rare, endangered or are found to document or illustrate aspects that achieve a new recognition of importance.

Determining cultural value is the basis of all planning for places of historic value. Determination of significance permits informed decisions on future planning that ensures that the expressions of significance are retained, enhanced or at least minimally impacted upon. A clear understanding of the nature and degree of significance will determine the parameters for flexibility of future planning and development.

The historical analysis provides the context for assessing significance, which is made by applying standard evaluation criteria to the development and associations of an item. The NSW Heritage Manual has produced standard evaluation criteria that are compatible with the criteria used by the Australian Heritage Commission in assessing items for the Register of the National Estate, and with those included in The Burra Charter. The guidelines for inclusion and exclusion relate to significance at a state level. The assessment below values the place to be significant at a local level.

The nature of the significance of the place has been assessed and a statement of significance stated elsewhere (refer State Heritage Inventory from page 144). A detailed examination of physical and documentary evidence with an understanding of the comparative rarity of the place, has confirmed most aspects of significance but has found that one aspect of stated significance should be deleted and one should be amended. Those aspects are related to its aesthetic value (see section 5.2.3 below).

The City of Sydney Warehouse Courtyards Policy (appendix from page 120) is also drawn upon for specific assessment criteria.

5.2 Assessment of Cultural Significance

5.2.1 Criterion (a) Historical Evolution

An item is important in the course, or pattern, of the local area's cultural or natural history.

Guidelines for INCLUSION	Guidelines for EXCLUSION
- Shows evidence of a significant human activity. - Is associated with a significant activity or historical phase. - Maintains or shows continuity of a historical process or activity.	- Has incidental or unsubstantiated connections with historically important activities or processes. - Provides evidence of activities or processes that are of dubious historical importance. - Has been so altered that it can no longer provide evidence of a particular association.

It demonstrates the nineteenth century development of this area of Sydney as warehousing close to the wharfage and railway facilities at the south end of Darling Harbour; and,

The laneway demonstrates the Victorian warehouse phase associated with wharf related activities, including transportation and trade that formed a major component of the cultural development of Sydney.

5.2.2 Criterion (b) Historical Associations

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

Guidelines for INCLUSION	Guidelines for EXCLUSION
- Shows evidence of a significant human occupation. - Is associated with a significant event, person, or group of persons.	- Has incidental or unsubstantiated connections with historically important people or events. - Provides evidence of people or events that are of dubious historical importance. - Has been so altered that it can no longer provide evidence of a particular association.

The place has no strong or special historical associations.

5.2.3 Criterion (c) Aesthetic Values

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.

Guidelines for INCLUSION	Guidelines for EXCLUSION
- Shows or is associated with, creative or technical innovation or achievement. - Is the inspiration for a creative or technical innovation or achievement. - Is aesthetically distinctive. - Has landmark qualities. - Exemplifies a particular taste, style or technology.	- Is not a major work by an important designer or artist. - Has lost its design or technical integrity. - Its positive visual or sensory appeal or landmark or scenic qualities have been more than temporarily degraded. - Has only a loose association with a creative or technical achievement.

Its street façade has characteristics of the Late-Victorian Italianate style whereas its interior and secondary elevations are utilitarian in character and use of robust materials of brick, timber and steel/iron with minor elements of sandstone and bluestone.

5.2.4 Criterion (d) Social Value

An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons.

Guidelines for INCLUSION	Guidelines for EXCLUSION
- Is important for its associations with an identifiable group. - Is important to a community's sense of place.	- Is only important to the community for amenity reasons. - Is retained only in preference to a proposed alternative.

The place has no strong or special association with any community or cultural group for social, cultural or spiritual reasons. The place does, however, contribute to the sense of place of this precinct.

5.2.5 Criterion (e) Technical / Research Value

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history.

Guidelines for INCLUSION	Guidelines for EXCLUSION
- Has the potential to yield new or further substantial scientific and/or archaeological information. - Is an important benchmark or reference site or type. - Provides evidence of past human cultures that is unavailable.	- Has little archaeological potential. - Only contains information that is readily available from other resources or archaeological sites. - The knowledge gained would be irrelevant to research on science, human history or culture.

The place is an important benchmark site as it is the only warehouse/courtyard complex of the late-Victorian period in Central Sydney to exhibit all characteristics of the type of which only eight substantially intact examples survive.

5.2.6 Criterion (f) Rarity

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history

Guidelines for INCLUSION	Guidelines for EXCLUSION
• Provides evidence of a defunct custom, way of life or process, • Demonstrates a process, custom or other human activity that is in danger of being lost. • Shows unusually accurate evidence of a significant human activity. • Is the only example of its type. • Demonstrates designs or techniques of exceptional interest. • Shows rare evidence of a significant human activity important to a community.	• Is not rare. • Is numerous but under threat.

The place is a rare and highly intact warehouse/courtyard complex of the late Victorian period in Central Sydney and is the only one to demonstrate all criteria of the type.

5.2.7 Criterion (g) Representativeness

An item is important in demonstrating the principal characteristics of a class of the area's

- - cultural or natural places; or
- - cultural or natural environments.

Guidelines for INCLUSION	Guidelines for EXCLUSION
• Is a fine example of its type. • Has the principal characteristics of an important class or group • Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity. • Is a significant variation to a class of items. • Is part of a group which collectively illustrates a representative type. • Is representative because of its setting, condition or type. • Is outstanding because of its integrity or the esteem in which it is held.	• Is a poor example of its type. • Does not include or has lost the range of characteristics of a type. • Does not represent well the characteristics that make up a significant variation of a type.

The Foley Bros building ensemble is highly authentic and intact and is the most representative example of late-Victorian warehouse/courtyard complexes in Sydney being the only one to retain all key characteristics.

5.3 Statement of Cultural Heritage Significance

Former Foley's Warehouse & Cartway at 230-232 Sussex Street is of local heritage significance because:

- The place demonstrates the Victorian warehouse phase of Central Sydney's development associated with wharf related activities, including transportation and trade that formed a major component of the cultural development of Sydney;
- It is the best example of a once common but now rare building type – Central Sydney's late-Victorian warehouse/courtyard complexes – as it is highly intact and authentic and the only one to retain and exhibit all key characteristics of the type; and,
- Beyond its Late-Victorian Italianate street façade its cartway and yard, interiors and secondary elevations are utilitarian characterised by the expressed structural system, open spaces and a limited palette of robust materials of brick, timber and steel/iron with minor elements of sandstone and bluestone which together contribute to the sense of place of this part of Central Sydney and demonstrate the aesthetic characteristics of late-Victorian warehouse and factory buildings.

The office tower at 234 – 238 Sussex Street is of little heritage significance.

5.4 Relative Degrees of Significance – Elements

The degree of significance of elements of the place has been graded on a four tier plus intrusive scale as below.

- Exceptional
- High
- Moderate
- Little
- Intrusive

Exceptional Significance

- There are no elements of exceptional significance.

High Significance

- All early and original fabric including:
 - Brick walls;
 - Timber roof framing including trusses, beams, and posts;
 - Timber floor framing including beams, posts, joists, scissor struts and floorboards;
 - Five iron columns of first floor in spaces F02, F03 and F04;
 - Section of matchboard ceiling in western end of space G06;
 - Open timber stair with cross-braced balustrade rising from G02 to F07;
 - Original timber doors, windows and glazing;
 - Original hardware to western elevation of main warehouse including awning eyebolts and remnant gate hinges and catches;
 - Bluestone setts of the curbs and paving of the cartway (Y01).
 - Original rainwater goods (cast iron);
 - Timber corner 'bumpers' between Y01 and Y02;
 - Goods handling apparatus including cathead beams, platforms and associated hardware on eastern elevation of main warehouse and geared wheel hoists above spaces S01 and S02; and,
 - Evidence of stone post footings to former sheds or stables (Y02).

Moderate significance

- Steel corner reinforcement over timber buffers at corner of Y01 and Y02;
- Stairs to the basement from G01; and,
- Basement generally.

Little significance

- The fibre-cement clad 'link' galleries at first floor (F06 and F08) including their steel beams;
- Steel beam replacement of section of beam at eastern end of cartway (Y01) and space G06;

- Infill timber floors, joists and trimmers in location of earlier floor openings;
- Roofing cladding and lining materials;
- Replacement and infill doors and windows; and,
- New openings between F01 and F02 and S01 and S02.

Intrusive

- Floor finishes concealing original timber floors;
- Rendering and plastering of interior brick walls;
- Granolithic paving of courtyard (Y02);
- Stairs and service core (G05, G07, G08, G09, F03, F04, F05, S03 and S05);
- Enclosure of the basement stairs;
- Glazed and tiled entries at ground floor on Sussex Street;
- Non-original hardware and rainwater goods;
- Paint finishes;
- Bracketed 'period' light fittings on Sussex Street;.
- Infills of original openings between G01 and G06 to cartway (Y01)
- Roller door in cartway (Y01);
- Mechanical and electrical services including ducting and plant; and,
- Added framing such as additional ceiling joists to trusses above S01.

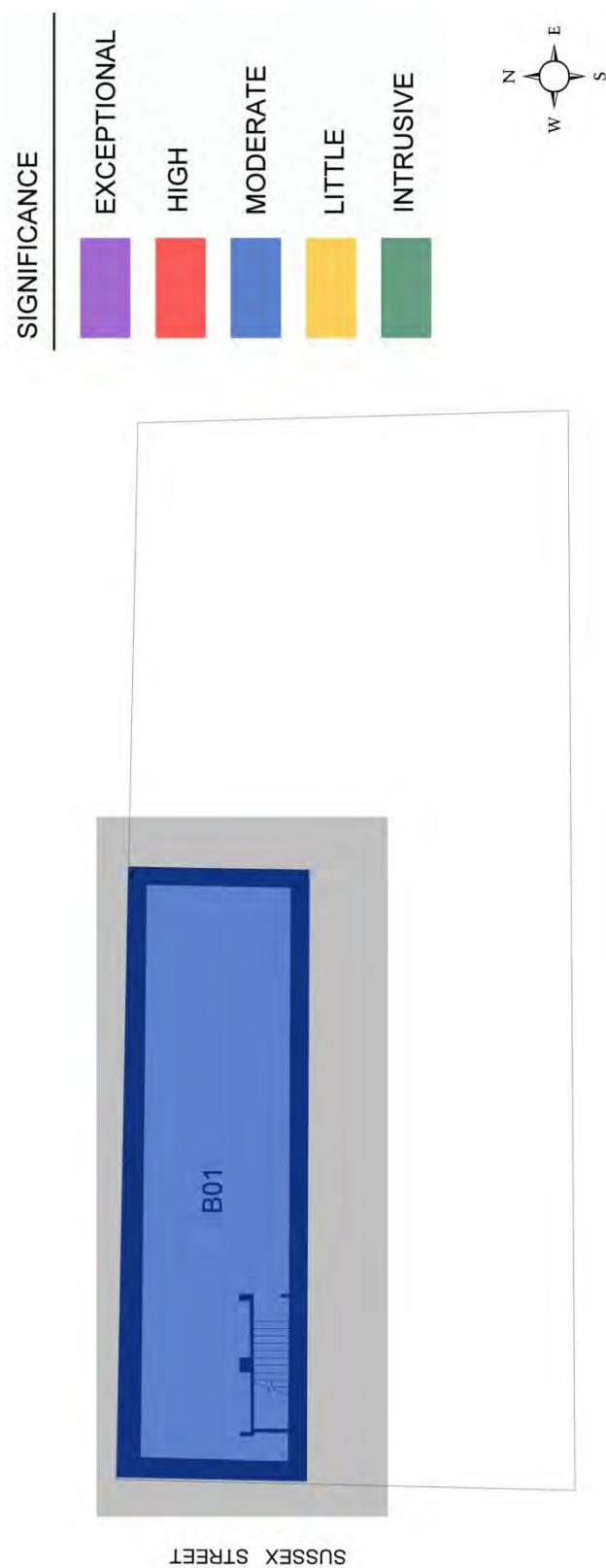


Figure 99 – Relative Degrees of Significance – Basement Plan. NBRSPartners, 2015.



Figure 100 – Relative Degrees of Significance – Ground Plan. NBRSPartners, 2015.

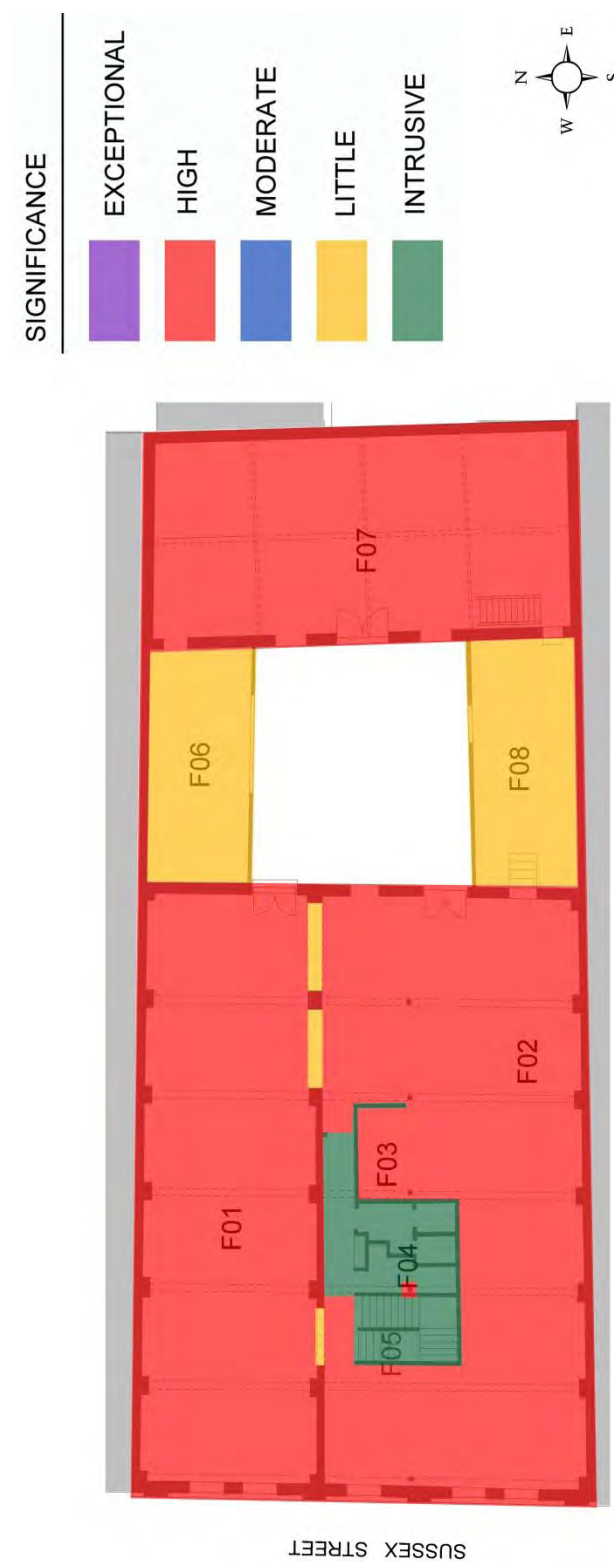


Figure 101 – Relative Degrees of Significance – First Floor Plan. NBRSPartners, 2015.

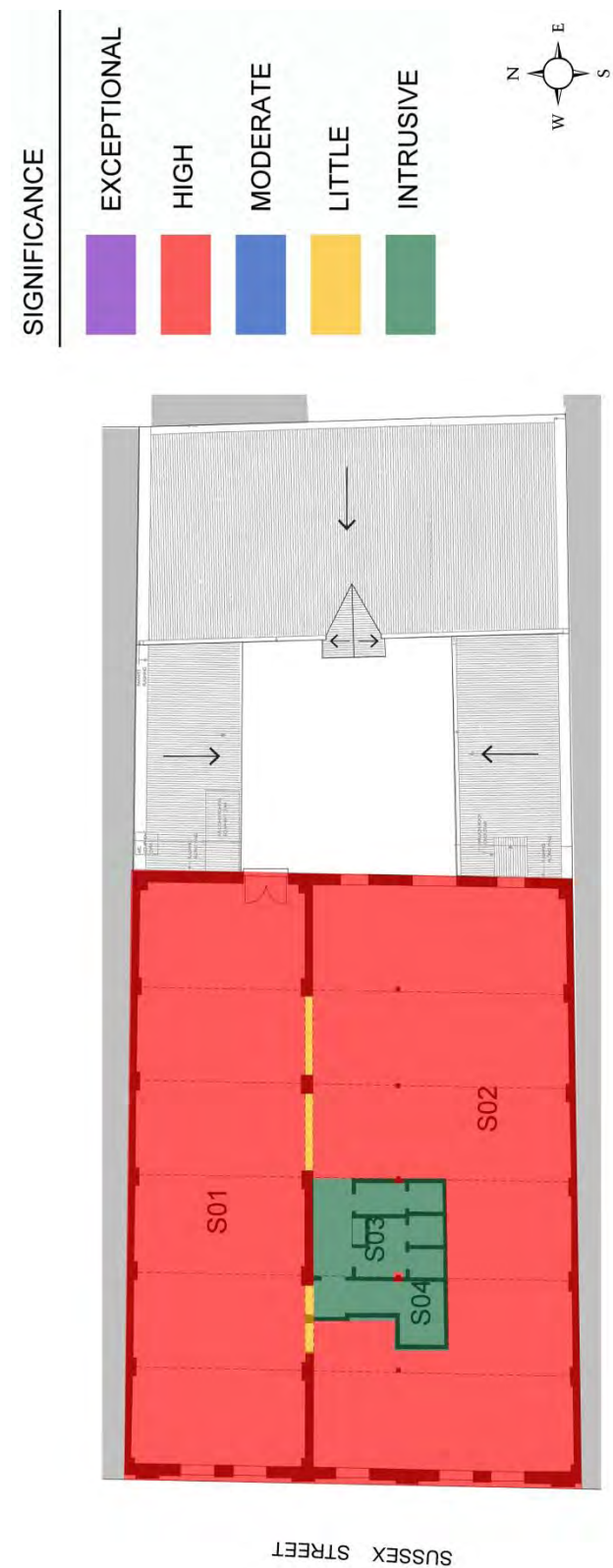


Figure 102 – Relative Degrees of Significance – Second Floor Plan. NBRSPartners, 2015.

6.0 CONSTRAINTS & OPPORTUNITIES

6.1 Introduction

This section summarises a range of information relevant to the development of conservation policies for the former Foley's Warehouse. The development of conservation policies for the place must include consideration of the following key factors including:

- Constraints and Opportunities arising from the Statement of Significance;
- Constraints and Opportunities arising from the owner's requirements;
- Constraints and Opportunities arising from the physical condition of the building;
- Constraints and Opportunities arising from adaptive re-use options;
- Constraints and Opportunities arising from Commonwealth, State and Local government requirements; and
- Other statutory requirements.

6.2 Constraints & Opportunities arising from the Statement of Significance

The significance of the former Foley's Warehouse, is embodied in the intact fabric of the building. The significant components of the architectural character, spaces and fabric of the place need to be conserved.

Decisions about works to the place, whether it is maintenance, repairs or more extensive adaptation works, must take into account the impact on the cultural significance of the place, both as a whole and on individual components. The approach and recommendations set out in Section 7.0 of this report should be used as a guide to future work. The significance of this highly intact warehouse indicates that all fabric of 'high' significance should be retained and conserved.

The entry of the warehouse on the State Heritage Inventory database provides the following broad management recommendations:

General:

The overall form, scale and configuration of the former Foley Bros Warehouse and courtyard complex should be retained.

A vertical extension would be inappropriate even if set back.

The existing conservation plan should be upgraded as required and used to guide the future use and maintenance of the place.

Exterior:

Original or early window loading bay and moulded details and window joinery should be conserved without alteration and appropriately maintained. Previously painted brick facades should continue to be painted in a traditional colour scheme.

Previously unpainted surfaces such as face brickwork and stone should remain unpainted.

The Sussex Street shopfronts should be replaced in a more appropriate design when the opportunity arises in the future.

Interior:

There is scope for sensitive adaptation of the interior provided this does not involve removal of the original timber post and beam structure.

Original structural elements should remain visible where possible.

Previously unpainted structural elements and wall surfaces should not be painted.

The building should be retained and conserved.

A Heritage Assessment and Heritage Impact Statement, or a Conservation Management Plan, should be prepared for the building prior to any major works being undertaken.

There shall be no vertical additions to the building and no alterations to the façade of the building other than to reinstate original features.

The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved.

Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls.

6.3 Constraints & Opportunities Arising from the Owners

Meriton Group is preparing schemes for the redevelopment of the site as a whole (i.e. the warehouse and the office tower). In terms of adaptive reuse of the highly significant warehouses, uses considered feasible include retail, hospitality and hotel/serviced apartment suites. For the site at 234-238, the demolition of the existing office tower and redevelopment of the site of a taller and larger hotel/serviced apartment tower is being considered. As the sites will have shared ownership and management, there is an opportunity for necessary, but potentially intrusive, services to be located outside the warehouse's elements of high significance in a new development on the site of the office tower.

6.4 Constraints & Opportunities arising from the Physical Condition

Almost all of the retained fabric is of high significance. Most of this is in sound condition and much of it is in good condition. There are elements of the original building that are missing including: the posts (evident by morticed sockets) under the principal beam in F07; the missing iron post in F02; and, an original section of beam replaced with steel at the eastern end of Y01 and G06. There is evidence of water damage to timbers in the past. The dividing wall running east-west in the main warehouse has cracked vertically from the Sussex Street

façade. A previous attempt to remedy this is apparent in the steel plate clamp in the location of the wall on the Sussex Street façade.

6.5 Constraints & Opportunities arising from adaptive re-use options

The *Burra Charter* defines the term *adaptation* in the following way:

Adaptation means changing a place to suit the existing use or a proposed use.

Adaptation is acceptable only where the adaptation has minimal impact on the cultural significance of the place.

Adaptation should involve minimal change to significant fabric, achieved only after considering alternatives.

Former Foley's Warehouse has some potential to be adapted for new uses without detracting from its identified significance. Any re-use of the building should minimise any negative heritage impact on the place.

6.6 Constraints & Opportunities arising from Government Heritage Requirements

6.6.1 Commonwealth

The subject site is not listed on any heritage list kept by the Commonwealth. Therefore there are no specific controls on development of the proposed site that differ from other parcels of land generally.

6.6.2 New South Wales

The State Heritage Register is kept by the Heritage Division of the NSW Office of Environment and Heritage and is comprised of places identified for specific protection under the *Heritage Act 1977*. The subject site is not listed on the NSW State Heritage Register. That Act also provides for the management of archaeological 'relics'. An excavation permit may be necessary before excavation on the consolidated site of 230-232 and 234-238 Sussex Street notwithstanding that 234-238 has been excavated in the past. Refer Wendy Thorp's 1998 archaeological assessment for further archaeological information.

6.6.3 City of Sydney

Former Foley's Warehouse & Cartway is listed as a heritage item on *Sydney Local Environmental Plan 2012* (Sydney LEP), Schedule 5. Clause 5.10 of the *Sydney Local Environmental Plan 2012* has provisions for consent to modify heritage items, for the assessment of heritage impacts of proposed modifications to heritage items and developments in the vicinity of heritage items. The *Sydney Development Control Plan 2012* (DCP) provides more detailed guidance and controls for development. That DCP includes the subject site within the 'York Street Special Character Area (including Clarence Street and Kent Street)'.



Figure 103 – Map showing York Street Special Character Area from the Sydney Development Control Plan. City of Sydney, 2012.

The character statement and principles are set out below:

York Street and the streets and lanes surrounding it contain evidence of one of the early warehousing areas in Sydney that serviced Darling Harbour as a working port. The area is typified by its 19th and 20th century, 5–8 storey masonry buildings of a consistent scale, form and character. The architectural emphasis of the buildings located at street intersections are a distinctive characteristic of this area.

The network of lanes, internal courtyards, uniform block pattern with narrow frontages and west-east transport links all present the various layers of the area's past and present commercial and retail character.

The Queen Victoria Building is evidence of early markets in the area. Its grand scale and rare composition with dominant domes appear in many views and terminate vistas within the area, such as that from Mullins Street. There are views through the area between the Harbour and the City, as well as many significant vistas such as that along York Street, which is terminated by the Town Hall to the south.

Principles

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

(b) Maintain and enhance the historic fine grain subdivision pattern, and prominent, significant corner buildings.

(c) Conserve and enhance existing significant views between the area and Darling Harbour, higher level views north to the Harbour Bridge and

the significant vistas terminated by the QVB and the Sydney Town Hall, such as those along Mullins Street and York Street.

(d) Conserve the existing cartways, laneways and courtyards and their heritage significance.

(e) Respond to the historic warehouse and historic commercial typology in the design of buildings.

(f) Conserve historic buildings and reinforce and enhance the setting of the historic buildings in the design of new buildings.

Section 3.10 of DCP provides more detailed guidance on warehouses and industrial buildings older than 50 years including warehouses that are heritage items such as the subject site. The provisions to achieve the objectives below are set out in an appendix from page 114 and should be considered in policy development.

Objectives

(a) Conserve warehouse and industrial buildings older than 50 years and ensure that alterations, additions and adaptive re-use maintain the legibility of the historic use.

(b) Encourage the conservation of existing warehouse buildings and fabric and ensure that alterations and additions are sympathetic in scale and style to the existing building.

6.7 Other Statutory Requirements

Changes in the use of the building will result in a need to upgrade certain facilities to meet obligations in relation to the National Construction Code, fire safety regulations and accessibility. This should be done in a way that minimises impacts on significant fabric and spaces.

New uses may seem to be functional in planning and spatial terms but in satisfying fire separation, acoustics, and ventilation – for example - they may involve such intervention in or on original fabric and significant spaces that they would have too great an impact of significance if constructed. Consequently, it is important that details of construction and building services arising from new uses be borne in mind at the earliest planning stage and heritage impacts assessed then.