



IRF 25/1357

Gateway determination report – PP 2025-109

Modern Residential Flat Buildings Heritage Items

September 25



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP 2025-109

Subtitle: Modern Residential Flat Buildings Heritage Items

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area	2
1.4.1	Description of proposed heritage items.....	4
1.5	Mapping	13
1.6	Background	15
2	Need for the planning proposal	16
2.1.1	3 Wylde Street Potts Point (The Gateway).....	17
2.1.2	40-44 Victoria Street Potts Point (Gemini)	18
2.1.3	5 Onslow Avenue Elizabeth Bay (St Ursula)	19
2.1.4	108 Elizabeth Bay Road Elizabeth Bay (Oceana)	20
2.1.5	12 Ithaca Road Elizabeth Bay (Ithaca Gardens)	20
2.1.6	41-49 Roslyn Gardens, Elizabeth Bay (Bayview).....	21
2.1.7	50-58 Roslyn Gardens, Elizabeth Bay (Aquarius)	22
2.1.8	74-76 Roslyn Gardens, Rushcutters Bay	23
2.1.9	1-5 Clement Street, Rushcutters Bay.....	24
3	Strategic assessment	25
3.1	Regional Plan	25
3.2	District Plan	25
3.3	Local.....	25
3.4	Section 9.1 Ministerial Directions.....	26
3.5	State environmental planning policies (SEPPs)	27
4	Site-specific assessment	28
4.1	Environmental	28
4.2	Social and economic	28
4.3	Infrastructure	28
5	Consultation.....	28
5.1	Community	28
5.2	Agencies	29
6	Timeframe	29
7	Local plan-making authority	29

8	Assessment summary	29
9	Recommendation.....	29

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning proposal (City of Sydney)
Attachment B – CSPC Resolution
Attachment C – Council Resolution – Public Exhibition (City of Sydney)
Attachment D – Heritage Assessment Report
Attachment E – Draft Inventory Sheet – 3 Wylde Street, Potts Point
Attachment F – Draft Inventory Sheet – 40-44 Victoria Street, Potts Point
Attachment G – Draft Inventory Sheet – 5 Onslow Ave, Elizabeth Bay
Attachment H – Draft Inventory Sheet – 108 Elizabeth Bay Road, Elizabeth Bay
Attachment I – Draft Inventory Sheet – 12 Ithaca Road, Elizabeth Bay
Attachment J – Draft Inventory Sheet – 41-49 Roslyn Gardens, Elizabeth Bay
Attachment K – Draft Inventory Sheet – 50-58 Roslyn Gardens, Rushcutters Bay
Attachment L – Draft Inventory Sheet – 74-76 Roslyn Gardens, Rushcutters Bay
Attachment M – Draft Inventory Sheet – 1-5 Clement Street, Rushcutters Bay

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Sydney
PPA	City of Sydney
NAME	Modern Residential Flat Buildings Heritage Items
NUMBER	<i>PP-2025-109</i>
LEP TO BE AMENDED	<i>Sydney Local Environmental Plan 2012</i>
ADDRESS	1. 'Gateway', 3 Wylde Street Potts Point 2. 'Gemini' 40-44 Victoria Street, Potts Point 3. 'St Ursula' 5 Onslow Avenue, Elizabeth Bay 4. 'Oceana' 108 Elizabeth Bay Road, Elizabeth Bay 5. 'Ithaca Gardens' 12 Ithaca Road, Elizabeth Bay 6. 'Bayview' 41-49 Roslyn Gardens, Elizabeth Bay 7. 'Aquarius' 50-58 Roslyn Gardens, Rushcutters Bay 8. 'Roslyn Gardens' 74-76 Roslyn Gardens, Rushcutters Bay 9. 1-5 Clement Street, Rushcutters Bay
RECEIVED	20/01/2025
FILE NO.	IRF25/2778
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to recognise and protect the heritage significance of nine modern residential flat buildings in the Sydney local government area.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the *Sydney Local Environmental Plan 2012* to:

Insert the items shown in **Table 3** in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage) and identify them on the *Sydney Local Environmental Plan 2012* heritage maps.

Table 3 Proposed Local Heritage Items

Locality	Item Name	Address	Property Description	Item No.
Potts Point	Gateway	3 Wylde Street	Lot 1 DP 78034	12319
Potts Point	Gemini	40-44 Victoria Street	Lot 1 DP 205052, Lot 1 DP 916138, Portion 45 DP 2436, Portion 40 DP 2436, Lots 1-58 SP 11452	12320
Elizabeth Bay	St Ursula	5 Onslow Avenue	Lot 9 Sec 0 DP 15713	12321
Elizabeth Bay	Oceana	108 Elizabeth Bay Road	Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461	12322
Elizabeth Bay	Ithaca Gardens	12 Ithaca Road	Lot A DP 155142, Lots 1-40 SP 5704	12323
Elizabeth Bay	Bayview	41-49 Roslyn Gardens	Lot 1 DP 71348, Lots 1-72 SP 3402, Lots 74-143 SP 3402, Lots 144-151 SP9225, Lot 1 DP 233118, Lot 1 DP 213376, Lot 100 DP 1275051	12324
Rushcutters Bay	Aquarius	50-58 Roslyn Gardens	Lot B DP 416095, Lot 2 DP 81859, Lots 1 - 117 SP 10872	12325
Rushcutters Bay	Roslyn Gardens	74-76 Roslyn Gardens	Lot 3 DP 407610, Lots 1-90 SP 1719	12326
Rushcutters Bay	1-5 Clement Street	1-5 Clement Street	Lot A-C DP 71162, Lots 1-25 SP 10641	12327

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal relates to nine sites, as illustrated on the map in Figure 1 located in the City of Sydney LGA as identified and further described below. All sites are within existing heritage conservation areas (HCAs). Gateway and Gemini are in the Potts Point HCA, while St Ursula.

Oceana, Ithaca Gardens, Bayview, Aquarius, Roslyn Gardens, and 1-5 Clement Street are in the Elizabeth and Rushcutters Bay HCA. Ithaca Gardens was included on the state register in June 2025, after Council submitted the planning proposal.

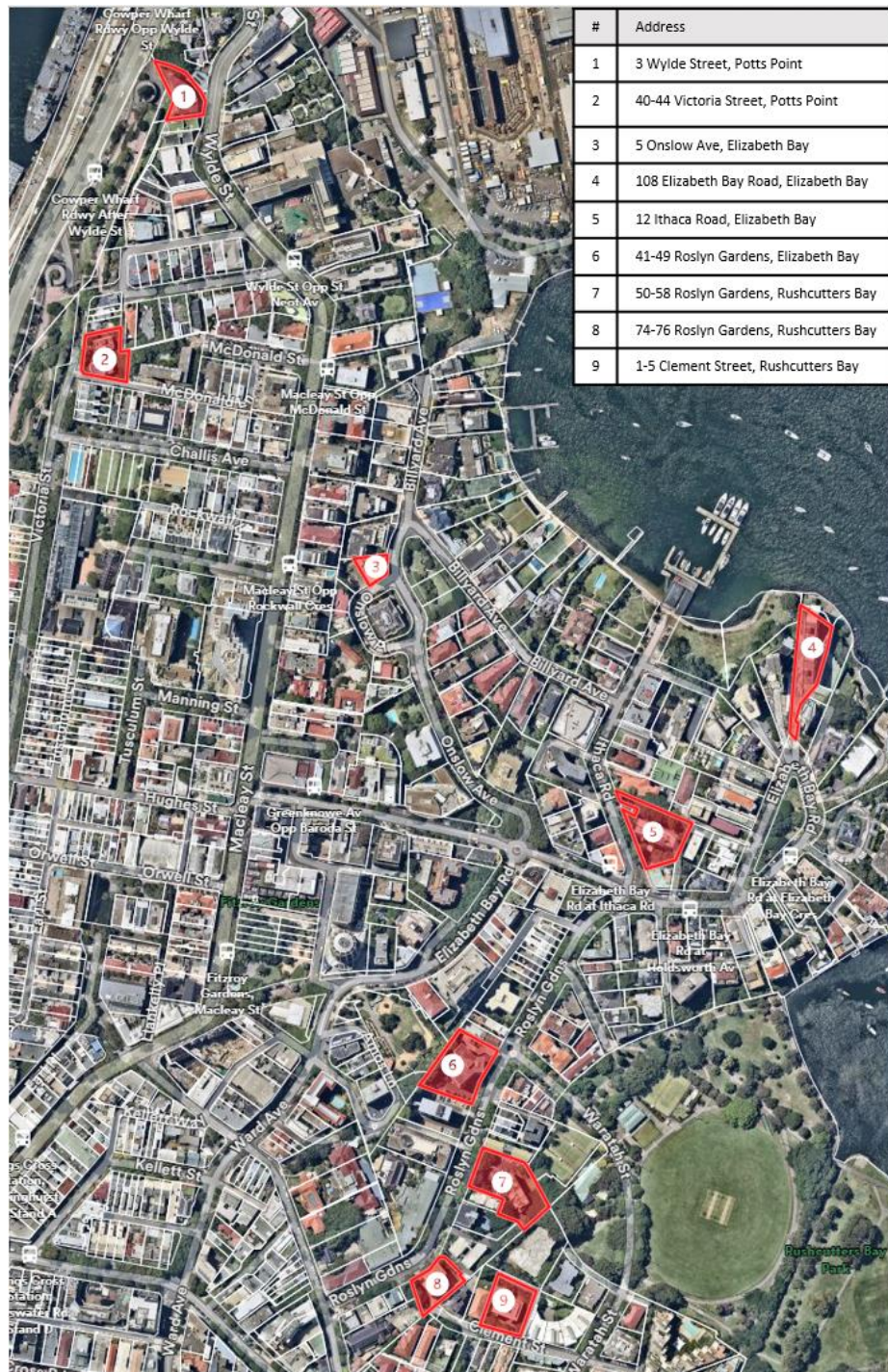


Figure 1 Subject sites

1.4.1 Description of proposed heritage items

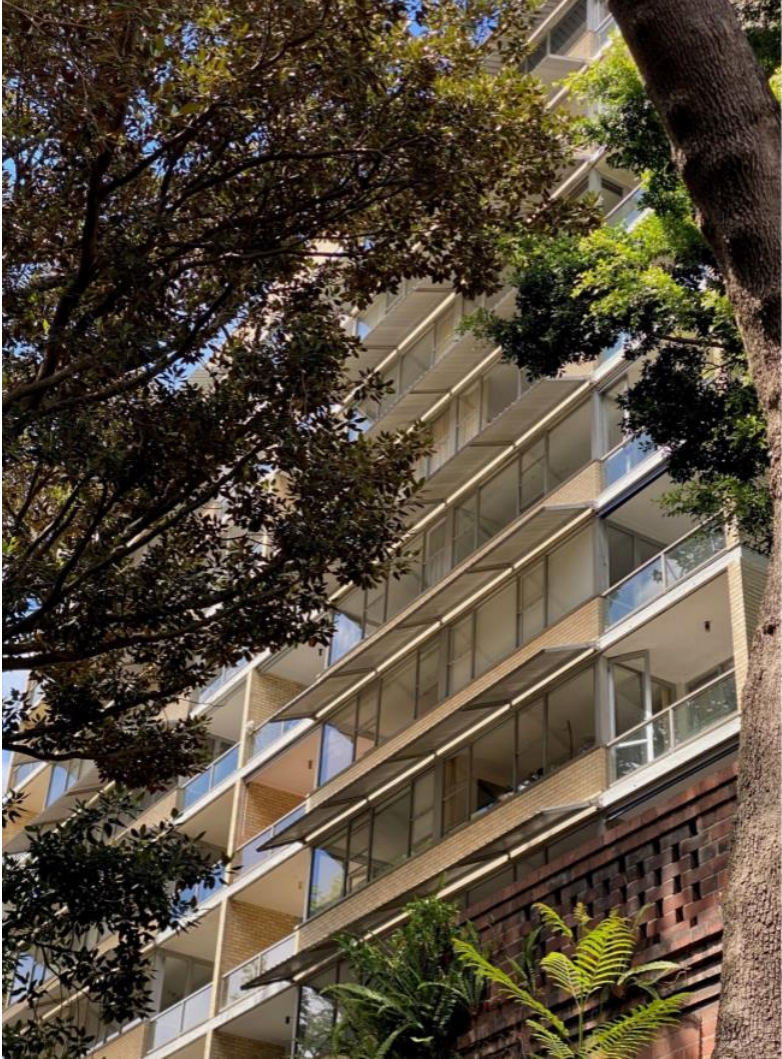
Table 4: Summary of proposed Heritage Items

Site 1 – ‘Gateway’	
Address	3 Wylde Street, Potts Point
Site description and photo	Gateway was designed by Douglas Forsyth Evans & Associates and completed in 1960. It consists of 8 storeys – one floor of car parking and seven storeys of residences. Construction is of steel frame with supporting piers, reinforced concrete floors and red brick external walls. The building initially contained 35 units although some have since been amalgamated. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2.5:1 Height of building 27m

Site 2 – ‘Gemini’	
Address	40-44 Victoria Street, Potts Point
Site description and photo	Gemini was designed by Harry Seidler & associates and completed in 1969. It consists of two tower buildings connected via a pedestrian bridge at roof level. Each block is eight storeys high with a simple cuboidal form with symmetrical elevations. Construction is of exposed reinforced concrete and blonde face brick infills. The buildings are composed of 28 studios in the northern block and 28 one-bedroom flats in the southern block. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2.5:1 Height of building 27m

Site 3 – ‘St Ursula’	
Address	5 Onslow Ave, Elizabeth Bay
Site description and photo	St Ursula was designed by Hugo Stossel and completed in 1953. It is an 8-storey building, containing 13 units and a penthouse constructed of reinforced concrete and steel frame with curtain walls of cavity brick. It has a curved frontage with a distinctive arrangement of steel framed full height windows, 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 4.5:1 Height of building 27m

Site 4 – ‘Oceana’	
Address	108 Elizabeth Bay Road, Elizabeth Bay
Site description and photo	Oceana was designed by Theodore Fry and completed in 1961. It is a 10-13 storey residential building designed in the international style. The building is a narrow rectangular form constructed with reinforced concrete frame and floor slabs with textured concrete block infill walls and spandrels. The façade has a grid like pattern of glazing and projected balconies to the east and full-length balconies to the north and west. The building originally contained 55 two- and three-bedroom apartments however some have since been amalgamated. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2:1 Height of building 30m excluding a small portion at the southern access which is 9m.

Site 5 – ‘Ithaca Gardens’	
Address	12 Ithaca Road, Elizabeth Bay
Site description and photo	Ithaca Gardens was designed by Harry Seidler and Associates and constructed in 1960. It is a 10-storey residential building consisting of 40 two-bedroom apartments. The building is a simple rectangular form constructed with a reinforced concrete frame with blonde brick infill walls. The southern façade features projecting galleries on alternate floors, while the northern facade consists of recessed balconies and ribbon windows with fixed aluminium awnings. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2.5:1 Height of building 30m

Site 6 – ‘Bayview’	
Address	41–19 Roslyn Gardens, Elizabeth Bay
Site description and photo	Bayview was designed by Hugo Stossel & Associates and constructed in 1968. It is a 12-storey residential building originally consisting of 80 one- and two-bedroom units. The building is trapezoidal in form consisting of three wings in a Y-formation extending from a central lift core. It is composed of exposed reinforced concrete slabs and columns with blonde brick infills. The bulk of the façade consists of full height glazing with recessed balconies on the western end. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2.5:1 Height of building 40m

Site 7 – ‘Aquarius’	
Address	50-58 Roslyn Gardens, Rushcutters Bay
Site description and photo	Designed by Harry Seidler & Associates, Aquarius was completed in 1965. The building consists of ten storeys arranged in a tower, bridge, and slab configuration. Access from Roslyn Gardens is via long raised pedestrian bridge. It features 60 studio and 20 one-bedroom units. The building is constructed from a reinforced concrete frame with blonde brick infill walls. While the northeastern facade is relatively flush, the southern facade consists of a pattern of cantilevered boxes. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 1.75:1 Height of building 35m

Site 8 – ‘Roslyn Gardens’	
Address	74-76 Roslyn Gardens, Rushcutters Bay
Site description and photo	Roslyn Gardens was designed by Douglas Snelling and completed in 1964. It is a nine-storey residential building originally containing 64 studio apartments. It is a rectangular form with stepped facades on the east and west. Construction is of reinforced concrete and blonde brick infills. Each apartment has a full-length balcony set between concrete blade walls. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2:1 Height of building 27m

Site 9 – 1-5 Clement Street	
Address	1-5 Clement Street, Rushcutters Bay
Site description and photo	1-5 Clement Street was designed by Ancher Mortlock Murray & Woolley and constructed in 1976. It is a nine-storey residential building in late modern style with basement parking and an open undercroft ground floor. It has a symmetrical rectangular form constructed of reinforced concrete slabs, columns and beams and textured concrete panels. The south and north elevations have cantilevered concrete balconies. 
Existing controls	Zone – R1 General Residential Floor space ratio (FSR) of 2:1 Height of building 27m

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage maps, which are suitable for community consultation.



Image: Extract from the SLEP 2012 Heritage Map (HER_021) showing heritage items adjacent to 3 Wyld Street, Potts Point (1), 40-44 Victoria Street, Potts Point (2) and 5 Onslow Avenue, Elizabeth Bay (3). (Planning proposal 2025).



Image: Extract from the SLEP 2012 Heritage Map (HER_022) showing heritage items adjacent to 108 Elizabeth Bay Road, Elizabeth Bay (4), 12 Ithaca Road, Elizabeth Bay (5) and 41-49 Roslyn Gardens, Elizabeth Bay (6). (Planning proposal 2025).



Image: Extract from the SLEP 2012 Heritage Map (HER_022) showing heritage items 50-58 Roslyn Gardens, Rushcutters Bay (7), 74-76 Roslyn Gardens, Rushcutters Bay (8) and 1-5 Clement Street, Rushcutters Bay (9). (Planning proposal 2025).

1.6 Background

The planning proposal provides the following background:

- Since 2019, there has been considerable interest from community members and groups, and current and former City of Sydney Councillors to recognise the heritage significance of modern (1945 – 1975) residential flat buildings through local heritage listings.
- City of Sydney Council engaged Godden Mackay Logan (GML) to undertake an independent heritage assessment of eighteen modern residential flat buildings in Elizabeth Bay, Potts Point and Rushcutters Bay to determine their appropriateness for heritage listing. The assessment occurred in two stages.
- In stage one GML conducted a preliminary heritage assessment for the selected 18 buildings, identifying 15 which should proceed to further heritage assessment.
- In stage two, detailed heritage assessments were conducted for the identified 15 buildings. Through these detailed heritage assessments, GML identified nine buildings which met the threshold for local significance under the NSW heritage assessment criteria (2023) and were deemed suitable for inclusion as individual heritage items on the SLEP 2012.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is the result of heritage assessments completed by GML Heritage in 2024. GML note their assessment was conducted in accordance with key statutory and best practice guidelines and charter including the Heritage Council of NSW's *Assessing Heritage Significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria (2023)* and *The Burra Charter: The Australian Charter for Places of Cultural Significance, 2013 (the Burra Charter)*.

Under the guidelines, items are required to be assessed against 7 separate criteria of heritage significance. An item can be considered to have local heritage significance if it meets one of the seven criteria at a local level and retains the integrity of its key attributes.

The assessment by GML recommended that the nine sites met the threshold for inclusion as local heritage items in the Sydney LEP 2012 as summarised in the **Table 5** and further detailed below.

Table 5: Summary of Heritage Review – Proposed Heritage Items

Site	(a) Historic Significance	(b) Historical Association	(c) Aesthetic, creative or technical achievement	(d) Social, cultural or spiritual significance	(e) Research potential	(f) Rarity	(g) Representative
3 Wylde Street, Potts Point	✗	✓	✓	✗	✗	✗	✓
40-44 Victoria Steet, Potts Point	✓	✓	✓	✓	✓	✗	✓
5 Onslow Ave, Elizabeth Bay	✓	✓	✓	✓	✓	✓	✓
108 Elizabeth Bay Road, Elizabeth Bay	✓	✓	✓	✗	✗	✓	✓
12 Ithaca Road, Elizabeth Bay	✓	✓	✓	✓	✓	✓	✓

Site	(a) Historic Significance	(b) Historical Association	(c) Aesthetic, creative or technical achievement	(d) Social, cultural or spiritual significance	(e) Research potential	(f) Rarity	(g) Representative
41-49 Roslyn Gardens, Elizabeth Bay	✗	✓	✓	✗	✗	✓	✓
50-58 Roslyn Gardens, Elizabeth Bay	✓	✓	✓	✓	✓	✓	✓
74-76 Roslyn Gardens, Rushcutters Bay	✗	✓	✓	✗	✗	✓	✓
1-5 Clement Street, Rushcutters Bay	✗	✗	✓	✗	✗	✗	✓

2.1.1 3 Wylde Street Potts Point (The Gateway)

Criterion (a) Historical significance

The site is not considered to have significance under this criterion.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that the Gateway building has strong associations with the architect Douglas Forsyth Evans. The Gateway is considered a good example of his work, providing evidence of the architect's design principles. The Gateway also has some association with prominent property developer Sydney Fischer.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that the Gateway is considered aesthetically distinct and of high design quality. Its siting, irregular form and configuration display the architect's inventiveness in working with challenging sites.

The Gateway also has some technical significance as an early example of lift-slab construction techniques in Australia.

Criterion (d) Social, cultural, and spiritual

The site is not considered to have significance under this criterion.

Criterion (e) Research potential

The site is not considered to have significance under this criterion.

Criterion (f) Rarity

The site is not considered to have significance under this criterion.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that the Gateway is a good and intact representative example of the work of architect Douglas Forsyth Evans, particularly his work on apartment buildings in the 1960s.

Council's heritage assessment concluded that The Gateway meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

Since GML prepared the above assessment, a submission including a heritage assessment with alternate findings to the above has been prepared on behalf of owners of the building. Council will consider this submission including the findings of the Weir Phillips heritage assessment as part of exhibition together with other submissions to exhibition.

2.1.2 40-44 Victoria Street Potts Point (Gemini)

Criterion (a) Historical significance

The site is not considered to have significance under this criterion.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Gemini is associated with the architect Harry Seidler. Seidler is known as one of the most significant modernist architects in Australia. Gemini is also associated with developers the Howitz Corporation as an example of their apartment developments and their collaborations with Harry Seidler.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Gemini is a noteworthy example of modernist late 1950s-60s apartment building which shows innovations in planning and construction. It shares characteristics with some of Seidler's most notable projects and demonstrates the progression of design prototypes used by Seidler.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessments notes that Gemini is listed on the *Australian Institute of Architects (NSW Chapter) Register of Significant Architecture*, indicating its importance to the design community.

Criterion (e) Research potential

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Gemini is a significant example of innovative, compact apartment design in the Potts Point, Elizabeth Bay area, it is also an important example of the work of Harry Seidler. Gemini can contribute to knowledge of housing evolution in Australia.

Criterion (f) Rarity

The site is not considered to have significance under this criterion.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Gemini is considered to have representative significance as part of a group 1960s apartment projects designed by Harry Seidler & Associates. These projects

were widely published and applied a series of evolving structural and planning prototypes. Gemini is significant as a pair of towers linked by a sky bridge constructed 8 years apart.

Council's heritage assessment concluded that Gemini meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.3 5 Onslow Avenue Elizabeth Bay (St Ursula)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that St Ursula has historic significance as one of the first buildings designed by a European trained architect in the immediate post World War II period. It also has significance as one of the earliest examples of a post war residential flat building in the local area.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that St Ursula has historical association with the architect Hugo Stossel, a significant modernist architect in Sydney following World War II. St Ursula is notable as his first apartment building completed in Sydney.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that St Ursula is considered a well-designed modernist residential apartment. It displays a high level of creative and technical achievement in form and composition with a distinctive curved plan.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that St Ursula is listed on the *Australian Institute of Architects (NSW Chapter) Register of Significant Architecture*, indicating its importance to the design community.

Criterion (e) Research potential

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Hugo Stossel was part of a group of European architects who emigrated to Australia in the 1930s. As one of his first projects in Australia, St Ursula can contribute to an understanding of the development of postwar modernism in Australia.

Criterion (f) Rarity

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Hugo Stossel was a prolific designer of apartments in the Potts Point and Elizabeth Bay area. St Ursula is considered rare due to its curved form and detailing.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that St Ursula is a good and intact example of Hugo Stossel's work completed during the early period of his career in Australia.

Council's heritage assessment concluded that St Ursula meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.4 108 Elizabeth Bay Road Elizabeth Bay (Oceana)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment concludes that Oceana is a good example of a large-scale post World War II apartment building in the Elizabeth Bay, Potts Point area. It demonstrates the redevelopment of the area from free standing dwellings to apartment buildings. Its location on the foreshore is evidence of a period before development restrictions on foreshore land.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes that Oceana has strong associations with Theodore Fry as his largest and most intact project. It also has associations with Moses Eisner a noteworthy developer of the time.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Oceana to be aesthetically distinct and of high design quality. The design and configuration demonstrate Fry's application of modernist architectural principles. The external elevations have a unique presentation which contributes positively to the streetscape of the Elizabeth Bay peninsula.

Criterion (d) Social, cultural, and spiritual

The site is not considered to have significance under this criterion.

Criterion (e) Research potential

The site is not considered to have significance under this criterion.

Criterion (f) Rarity

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers Oceana to be a rare example of intact work of Theodore Fry. The assessment also considers Oceana rare for its scale and location, with later apartment buildings in the area, and notes the bold scale and relationship water's edge.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Oceana to be representative of a wider trend post World War II of replacing large houses with modernist residential flat buildings. The assessment also considers Oceana to be a good representation of European émigré architect projects during the 1950s and 1960s which tended towards high density, modernist apartment designs.

Council's heritage assessment concluded that Oceana meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.5 12 Ithaca Road Elizabeth Bay (Ithaca Gardens)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds that Ithaca Gardens has historical association as a prominent example of medium rise housing developed in the 1950s and 60s in Elizabeth Bay and Potts Point. The assessment notes that Ithaca Gardens demonstrates the prominent architect Harry Seidler's engagement with compact multi-housing forms and is a key example of the introduction of Bauhaus influenced modernism in the Australian context.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes Ithaca Gardens is associated with Harry Seidler, one of Australia's most significant modernist architects. Ithaca Gardens was the first completed apartment project of Seidler, and his place of residence. The assessment also notes that Ithaca Gardens is also associated with Civil & Civic Constructions (later Lendlease) as the first project in their long running partnership with Seidler.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Ithaca Gardens shows innovations in planning and construction which make it a noteworthy example of late 1950s-60s modernist apartment buildings. The assessment considered the design of Ithaca Gardens to evidence Seidler's highly acclaimed architecture and widely applied prototype approach. The assessment notes that Ithaca Gardens is a widely published example of Harry Seidler's work.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes Ithaca Gardens is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating its importance to architects and the design community.

Criterion (e) Research potential

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers Ithaca Gardens to be an early example of innovative apartment design and construction in Australia with potential to contribute knowledge about the evolution of housing in Australia and the work of Harry Seidler.

Criterion (f) Rarity

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Ithaca Gardens to be rare as an early and innovative modernist apartment project in Elizabeth Bay and the first apartment project completed by Harry Seidler.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers Ithaca Gardens to have representative significance as one of a group of 1960s apartments designed by Harry Seidler and Associates which are collectively significant and exemplify Seidler's innovation and engagement with construction and planning efficiency.

Council's heritage assessment concluded that Ithaca Gardens meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

In February 2025 the Heritage Council of NSW resolved to recommend listing Ithaca Gardens on the State Heritage Register to the Minister for Heritage.

2.1.6 41-49 Roslyn Gardens, Elizabeth Bay (Bayview)

Criterion (a) Historical significance

The site is not considered to have significance under this criterion.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds that Bayview has historical association with the architect Higo Stossel. Stossel was a significant modernist architect active in Sydney post World War II. Bayview

is one of several projects that demonstrate a collaboration between Hugo Stossel & Associates and Parkes Developments which was one of Australia's largest private holdings development companies by the 1970s.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds that Bayview is considered a well-designed modernist residential apartment building which displays a high degree of technical and creative achievement. The assessment notes its distinct form demonstrates the evolution of apartment design towards organic forms and variations in plans and façade materials.

Criterion (d) Social, cultural, and spiritual

The site is not considered to have significance under this criterion.

Criterion (e) Research potential

The site is not considered to have significance under this criterion.

Criterion (f) Rarity

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes Hugo Stossel & Associates was prolific during this period in Sydney, however Bayview is considered rare due to its detailing, context and as a highly finished and well resolved example of their work.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Bayview to be a good intact and representative example of the work of Hugo Stossel & Associates. The assessment notes it is one of the most prominent and distinctive of Stossel's apartment projects, particularly significant due to its completion late in his career.

Council's heritage assessment concluded that Bayview meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.7 50-58 Roslyn Gardens, Elizabeth Bay (Aquarius)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has significance at a local level under this criterion. The heritages assessment finds Aquarius has significance as an innovative high-rise development in the 1950s and 60s in Elizabeth Bay. The assessment describes the design as demonstrates the influence of modernist architecture in Australia and its engagement with compact multi-housing forms.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Aquarius significant for its association with one of Australia's most prominent architects, Harry Seidler, and is one of his most noteworthy apartment projects from the 1960s.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes Aquarius was widely published and considers it a noteworthy example of the work of Harry Seidler. The assessment finds Aquarius demonstrates innovations in planning and construction and shares aesthetic elements with some of Seidler's other notable projects. The assessment also notes Aquarius has unique aspects in its design and construction that demonstrate innovation and technical excellence.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment notes Aquarius is listed on the *Australian Institute of Architects (NSW Chapter) Register of Significant Architecture* indicating its importance to architects and the design community.

Criterion (e) Research potential

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment finds Aquarius to be an early example of innovative apartment design in Australia with the ability to contribute to knowledge about the evolution of Australian housing and the work of Harry Seidler.

Criterion (f) Rarity

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers Aquarius to be a rare example of an innovative apartment project in Elizabeth Bay and one of the few examples of Seidler's experiments with split level planning.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers Aquarius to be representative as part of a group of 1960s apartment projects designed by Harry Seidler and Associates which are considered significant. The assessment notes each project applied a series of evolving planning and structural prototypes and found Aquarius to be noteworthy due to its split-level design with projecting rooms and separated circulation unit.

Council's heritage assessment concluded that Aquarius meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.8 74-76 Roslyn Gardens, Rushcutters Bay**Criterion (a) Historical significance**

The site is not considered to have significance under this criterion.

Criterion (b) Historical association

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment describes 74-76 Roslyn Gardens as associated with, and a good example of the work of architect Douglas Snelling, a significant modernist architect in Sydney post World War II. It is one of only two apartment projects designed by Snelling.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers 74-76 Roslyn Gardens a noteworthy example of 1960s modernist apartments due to its innovations in planning and construction. The assessment notes 74-76 Roslyn Gardens displays characteristics of Douglas Snelling's design approach including his application of modernism and concern with interior planning and landscape design.

Criterion (d) Social, cultural, and spiritual

The site is not considered to have significance under this criterion.

Criterion (e) Research potential

The site is not considered to have significance under this criterion.

Criterion (f) Rarity

Council's heritage assessment concludes the site has significance at a local level under this criterion. 74-76 Roslyn Gardens is considered rare as one of only two apartment projects designed by Douglas Snelling. The other project was an existing design which was adapted by Snelling; therefore 74-76 Roslyn Gardens is the only complete apartment project by Snelling.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers 74-76 Roslyn Gardens to have representative significance as part of a collection of 1960s modernist apartment projects in the local area. The assessment notes that the building displays the key characteristics of this significant group of apartment buildings.

Council's heritage assessment concluded that 74-76 Roslyn Gardens meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.9 1-5 Clement Street, Rushcutters Bay

Criterion (a) Historical significance

The site is not considered to have significance under this criterion.

Criterion (b) Historical association

The site is not considered to have significance under this criterion.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers 1-5 Clement Street to be a good representative example of a late-modern residential apartment development demonstrating creative and technical achievement.

Criterion (d) Social, cultural, and spiritual

The site is not considered to have significance under this criterion.

Criterion (e) Research potential

The site is not considered to have significance under this criterion.

Criterion (f) Rarity

The site is not considered to have significance under this criterion.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has significance at a local level under this criterion. The assessment considers 1-5 Clement Street to be a good representative example of a late-modern residential apartment building in the Rushcutters Bay, Elizabeth Bay and Potts Point area. The assessment finds 1-5 Clement Street demonstrates the evolution of residential apartment buildings in the local area.

Council's heritage assessment concluded that 1-5 Clement Street meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

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

The objective of the planning proposal is to provide statutory protection to the nine modern residential flat buildings by listing them as local heritage items in the Sydney LEP 2012. A planning proposal is the most appropriate pathway to amend the Sydney LEP 2012 to include the items.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) was prepared by the Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2.

3.2 District Plan

The site is within the Eastern District and the Greater Sydney Commission released the Eastern City District Plan on March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)	The planning proposal is consistent with planning priority E6 as it seeks to provide the statutory mechanism to protect and respect the District's heritage. The planning proposal states it is consistent with Action 20 in the District Plan which is 'Identifying, conserving and enhancing the environmental heritage of the local area'. The heritage assessments have determined that the nine sites meet the threshold for listing as local heritage items in the Sydney LEP as the thresholds have been met for listing at a local level. The proposal seeks to conserve the history of the local area by providing statutory protection of the items.

3.3 Local

The planning proposal states that it is consistent with the following local plans and endorsed strategies:

- City Plan 2036 (Local Strategic Planning Statement)
- Sustainable Sydney 2030-2050 (Community Strategic Plan)

Consistency with these local plans and strategies is considered further in **Table 7** below.

Table 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (City Plan 2036)	The City Plan 2036 was completed in March 2020. The plan provides the 20-year vision for land-use planning in the city. It aims to link the NSW Government's strategic plans and Council's community strategic plan. The City Plan highlights the unique heritage character of Sydney as a strong focus for local communities. The City Plan 2036 has an objective under L2 for conserving and maintaining heritage and an action (2.9) for studying and listing heritage areas and places in response to community expectations. The planning proposal identifies nine buildings as potential heritage items, facilitating their conservation and allowing for future generations to understand the historic development of Potts Point, Elizabeth Bay and Rushcutters Bay. The proposed heritage listing will ensure any future development considers and maintains the heritage significance of each site.
Sustainable Sydney 2030-2050	The City's Sustainable Sydney 2030 Strategic Plan (Council's Community Strategic Plan) is the vision for the sustainable development of the city to 2050 and beyond. It includes 10 strategic directions to guide the future of the city as well as 10 key targets against which to measure progress. The planning proposal is consistent with the directions of Sustainable Sydney 2030-2050, particularly Direction 4 'Design excellence and sustainable development'. Listing the nine heritage items respects and conserves the diverse heritage of the local area.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant Ministerial Directions under section 9.1 of the EP&A Act (Section 9.1 Directions) is discussed in **Table 8** below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	The objective of Direction 3.2 is to conserve items, areas and places of environmental heritage significance and indigenous significance. The proposal is supported by heritage studies for each proposed item prepared by Godden Mackay Logan (GML) which includes an assessment against the criteria in the NSW Heritage Office Guidelines, Assessing Heritage Significance (2023), which demonstrates that the nine proposed sites satisfy the criteria for heritage significance (Attachment E to M). The proposal is consistent with the Direction.

Directions	Consistency	Reasons for Consistency or Inconsistency
3.9 Sydney Harbour Foreshores and Waterways Area	Yes	Assessment against Direction 3.9 has not been included in the planning proposal. As one of the sites (108 Elizabeth Bay Road) is in the Sydney Harbour Foreshore Area, the direction applies. The objectives of Direction 3.9 are to protect and enhance the unique environmental, scenic and visual qualities of Sydney Harbour, its islands, and foreshores, including the protection of its cultural heritage. The proposal is consistent with the objective as it aims to protect an item of local heritage significance associated with historical transport links on Sydney Harbour. A condition has been included requiring the planning proposal to be updated to address this direction prior to exhibition.
6.1 Residential Zones	Yes	This Direction aims to encourage a variety of housing types, make efficient use of existing infrastructure and minimise the impact of residential development on environmental and resource lands. The effected properties are zoned R1 General Residential under the Sydney LEP 2012. The zone permits residential, and its objectives seek to provide for the housing needs of the community in a variety of housing types and densities. The proposal does not contain provisions to impede the operation of this Direction as it does not seek to alter existing development standards or the residential density currently applicable on the sites. The proposal is consistent with the Direction.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	The SEPP contains provisions to protect the catchment, foreshores, waterways, and islands of Sydney Harbour	Yes	One of the nine sites is located on the Sydney Harbour Foreshore area. The proposal is an amendment to a heritage listing only; therefore, it does not contain any provisions which would contravene the application of the SEPP.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	The SEPP contains provisions to enable the development of diverse housing	Yes	The proposal does not contain any provision which would contravene the application of the SEPP, noting that the properties are already located in heritage conservation areas.

4 Site-specific assessment

4.1 Environmental

The listing of the nine sites as heritage items as outlined in the proposal will not adversely impact local critical habitats, threatened species, populations or ecological communities or their habitats.

4.2 Social and economic

The proposal is supported by Heritage Assessments (**Attachment E to M**) that identify that the proposed sites meet the criteria for cultural significance as defined by the Australia ICOMOS Burra Charter and meet several heritage criteria regarding local significance under the *NSW Heritage Office Guidelines, Assessing Heritage Significance (2023)*.

The proposal may result in economic impacts to landowners as the heritage listing will require specialist heritage studies to form part of any future development application and would trigger additional considerations.

The proposal will have positive social effects resulting in the ongoing protection and recognition of local heritage significance associated with these sites.

4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal.

5 Consultation

5.1 Community

In accordance with the *Local Environmental Plan Making Guideline (August 2023)* (the LEP Making Guideline), the proposal is considered a 'basic' planning proposal as it involves listing a heritage item and is consistent with the District Plan and Council's LSPS.

The LEP Making Guide recommends that the exhibition period for a 'basic' planning proposal is 10 working days. Council's proposed exhibition period of 20 days is therefore considered appropriate and has been included as a condition of the Gateway determination.

The proposal notes that Council undertook some consultation with owners during the assessment including written notification to each building's Strata Managers or Strata Committee Secretary, requesting to meet with owners and inspect buildings. Some land owners have prepared detailed submissions to the proposal ahead of formal exhibition.

Given there are many land owners of the nine sites, a condition has been included in the Gateway determination requiring that Council notify each of the land owners of public exhibition in writing.

Council is encouraged to offer to meet with all landowners as part of exhibition.

5.2 Agencies

The Department has not conditioned consultation with agencies for this planning proposal, however this does not preclude Council from seeking feedback from Heritage NSW or other agencies.

6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The LEP Making Guideline establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic.

The Department recommends an LEP completion date of 26 June 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan making authority.

As the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and Section 9.1 Directions the Department recommends that Council be authorised to be the local plan making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is supported by heritage assessments prepared by qualified heritage consultants in accordance with the NSW Heritage Office's guidelines *Assessing Heritage Significance: Guidelines for Assessing Places and Objects against the Heritage Council of NSW Criteria* (2023).
- The heritage assessments recommend the nine sites are listed as local heritage items in the Sydney LEP 2012.
- It is consistent with the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement, and the relevant SEPPs. It is consistent with the relevant Section 9.1 Directions.
- The proposal will recognise and provide ongoing protection of the local heritage significance of each of the properties identified and promote heritage conservation.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Include an assessment against Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition the planning proposal is to be updated to:
 - (a) Include an assessment against Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area;
 - (b) Update the Lot and DP descriptions for the sites as required; and
 - (c) Reflect the state listing of Ithaca Gardens.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023); and
 - (c) the planning proposal authority must notify each of the landowners in writing when the planning proposal is on public exhibition.
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



 (Signature)

5 September 2025 (Date)

Eva Stanbury

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30 September 2025 (Date)

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