

Attachment A

**Planning Proposal - Modern Residential Flat
Buildings Heritage Items**

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1. Background

1.1. History

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

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

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

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

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

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

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

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

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

1.2. Introduction

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

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

1.3. Background

Site identification

This planning proposal relates to the following land and structures:

Locality	Address	Property Description	Item Name
<u>Potts Point</u>	<u>3 Wylde Street</u>	<u>Lot 1 DP 78034</u>	<u>Gateway</u>
<u>Potts Point</u>	<u>40–44 Victoria Street</u>	<u>Lot 1 DP 205052, Lot 1 DP 916138, Portion 45 DP 2436, Portion 40 DP 2436, Lots 1-58 SP 11452</u>	<u>Gemini</u>
<u>Elizabeth Bay</u>	<u>5 Onslow Avenue</u>	<u>Lot 9 Sec 0 DP 15713</u>	<u>St Ursula</u>
<u>Elizabeth Bay</u>	<u>108 Elizabeth Bay Road</u>	<u>Lot 1 DP 80313, Lot D DP 412723, Lot A DP 412406, Lot 1 DP 1031461</u>	<u>Oceana</u>
<u>Elizabeth Bay</u>	<u>12 Ithaca Road</u>	<u>Lot A DP 155142, Lots 1-40 SP 5704</u>	<u>Ithaca Gardens</u>
<u>Elizabeth Bay</u>	<u>41–49 Roslyn Gardens</u>	<u>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</u>	<u>Bayview</u>

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

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



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



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



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

3 Wylde Street, Potts Point – Gateway

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



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

40-44 Victoria Street, Potts Point – Gemini

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

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



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

5 Onslow Avenue, Elizabeth Bay – St Ursula

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



Figure 6. St Ursula. Source. GML 2024.

108 Elizabeth Bay Road, Elizabeth Bay – Oceana

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



Figure 7. Oceana. Source. GML 2024.

12 Ithaca Road, Elizabeth Bay – Ithaca Gardens

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



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

41-49 Roslyn Gardens, Elizabeth Bay – Bayview

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



Figure 9. Bayview. Source. GML 2024.

50-58 Roslyn Gardens, Rushcutters Bay – Aquarius

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



Figure 10. Aquarius. Source. GML 2024.

74-76 Roslyn Gardens Rushcutters Bay – Roslyn Gardens

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



Figure 11. Roslyn Gardens. Source, Google Maps.

1-5 Clement Street, Rushcutters Bay

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

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



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

Planning context

Land Zoning

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



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



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



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

Heritage context

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

3 Wylde Street, Potts Point – Gateway

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

40-44 Victoria Street, Potts Point – Gemini

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

5 Onslow Avenue, Elizabeth Bay – St Ursula

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

108 Elizabeth Bay Road, Elizabeth Bay - Oceana

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

12 Ithaca Road, Elizabeth Bay – Ithaca Gardens

Ithaca Gardens is located within the Elizabeth and Rushcutters Bays heritage conservation area (C20). It is an individually listed heritage item on the SHR (“Ithaca Gardens”, SHR # 02107). Existing heritage items within its vicinity are the *Flat building “Blair” including interior* at 74 Elizabeth Bay Road (I579), *House “Keadue” including interior and front fencing* at 84 Elizabeth Bay Road (I580) and *Semi-detached house group “Laureville” and “Oakburn” including interiors* at 86–88 Elizabeth Bay Rd (I581). The *Electrical substation* at 10 Ithaca Road, Elizabeth Bay (I590) partly adjoins the western boundary of the Ithaca Gardens building.

41-49 Roslyn Gardens, Elizabeth Bay - Bayview

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

50–58 Roslyn Gardens, Rushcutters Bay – Aquarius

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

74-76 Roslyn Gardens Rushcutters Bay - Roslyn Gardens

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

1-5 Clement Street, Rushcutters Bay

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



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



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



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

1.4. Heritage assessment

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

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

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

Heritage study findings

3 Wylde Street, Potts Point – The Gateway

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

- Criterion (b) Historical association: The Gateway has strong associations with Douglas Forsyth Evans, an accomplished architect who designed several noteworthy apartment projects in the postwar period. The Gateway is a good example of Forsyth Evans' work and provides evidence of his design principles, response to context and willingness to experiment with new technological advances of the period. The Gateway also has some significance for its association with Sydney Fischer, a prominent property developer of the period.
- Criterion (c) Aesthetic / creative / technical achievement: The Gateway is aesthetically distinct and of high design quality. The design of the building—its siting on a narrow site, its irregular form and planning of corridors and units, the configuration of the internal layouts and its fenestration—demonstrates Forsyth Evans' inventiveness in planning and ability to engage with challenging sites. The external elevations have a unique presentation with projecting slabs painted white, red textured face brickwork, and a regular fenestration pattern with blue spandrel panels. Combined with its distinctive entrance hood, mural and foyer the building contributes positively to the streetscape of the Potts Point peninsula. The entryway sequence with angled concrete hood, cast concrete lettering, stone crazy paving, and distinctive Kurt Norden mural etched into sandstone, is considered to have particular aesthetic significance. The Gateway also has some technical significance as an early example of the use of lift-slab construction techniques in Australia.
- Criterion (g) Representative: The Gateway is a good and intact representative example of the work of Douglas Forsyth Evans and of 1960s apartment buildings in the Potts Point area more generally. It is one of a group of significant apartments designed by Forsyth Evans during the 1950s and 1960s. The Gateway is important in demonstrating principal characteristics of Forsyth Evans' designs, including an individual response to the site, innovation in construction technologies, linear planning with a single-sided gallery circulation and façade treatments utilising projecting slabs, large areas of glazing and red textured brick walling. Developed on a difficult site with expansive harbour views, The Gateway also represents the increase in harbourside apartment developments in the Potts Point and Elizabeth Bay areas during the 1950s and 1960s. Largely intact, The Gateway, particularly its entrance features, mural and foyer, is able to demonstrate this significant period in the evolution of the local area.

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

40-44 Victoria Street, Potts Point - Gemini

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

- Criterion (a) Historical significance: Gemini has historic significance as an innovative example of high-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Its construction as compact studios, and later use as a motel, is able to demonstrate an important phase in the historical and social development of the area.
- Criterion (b) Historical association: Gemini is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As a noteworthy apartment project of the 1960s Gemini has strong associations with the architect. Gemini has some significance for its association with developers Horwitz Corporation as an example of their apartment developments within the local area and as an example of their collaborations with Harry Seidler.
- Criterion (c) Aesthetic / creative / technical achievement: Gemini shows innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Gemini displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic characteristics with some of Seidler's most notable projects including Blues Point Tower and Village Towers (Arlington), which demonstrate distinctive aesthetic attributes in form and composition. Gemini also has unique aspects in its design and construction that demonstrate creative and technical excellence, innovation and achievement. In its construction, planning and detailing it demonstrates Harry Seidler's progressive development of design prototypes applied across multiple projects. Its expression of structure, regular façade arrangement, use of raw materials and spare planning with a concern for natural light, sun shading, and ventilation are all typical of Seidler's highly acclaimed architecture. Gemini has been widely published and is a noteworthy example of the work of an important designer. The original design and structure are largely intact, with minimal alterations visible to the exterior of the buildings.
- Criterion (d) Social, cultural and spiritual: Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.
- Criterion (e) Research potential: Gemini is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally. expanded over an eight-year period it is able to demonstrate important elements in architectural innovation. Gemini is an important example of Seidler's early apartment design and can contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.
- Criterion (g) Representative: Gemini is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates in the local area and more widely, which as a group are highly significant. Other examples in the Elizabeth Bay and Potts Point area include Ithaca Gardens, Aquarius, Ercildoune and International Lodge. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. Each was built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns.

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

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

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

5 Onslow Avenue, Elizabeth Bay – St Ursula

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

- Criterion (a) Historic significance: St Ursula has historic significance as a building designed by a Europe-trained architect in the years immediately following World War II, a time when a significant group of émigré architects were applying their European modernist training to Sydney conditions. This group made a significant contribution to the built environment. As one of the first apartment buildings designed by an architect trained in Europe, St Ursula is considered to be historically important. It is also has historical significance as one of the earliest examples of a modern residential flat building to be built in the area after World War II, a time when building materials were scarce.
- Criterion (b) Historical association: St Ursula has historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II who made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. It is particularly notable as his first apartment building completed in Sydney following World War II and his emigration from Europe.
- Criterion (c) Aesthetic / creative / technical achievement: St Ursula is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. Its form and composition demonstrate technical achievement and distinctive aesthetic attributes through its curved plan, which is oriented to views to the harbour and maximises light and ventilation to each unit. It demonstrates the evolution of apartment design in the years following World War II and the use of new construction methodologies and materials such as curtain walling. The building is substantially intact with its original modernist design qualities able to be appreciated.
- Criterion (d) Social, cultural and spiritual: St Ursula is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.
- Criterion (e) Research potential: Hugo Stossel is one of a group of architects who, having trained and worked in Europe, emigrated to Australia in the 1930s. The early work of this group is considered significant for its ability to demonstrate the application of European modernist architectural training in the context of Australia. As one of Hugo Stossel's first projects completed following World War II and his first apartment design, St Ursula is considered to be significant for its ability to contribute to an understanding of the development of postwar modernism and, in particular, its application by architects trained in Europe.

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

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

108 Elizabeth Bay Road, Elizabeth Bay - Oceana

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

- Criterion (a) Historic significance: Oceana is a good example of a large scale post-World War II high-rise apartment building in the Elizabeth Bay Potts Point area. It is representative of the process of redevelopment and subdivision of the suburb, beginning in the interwar period, from grand, freestanding dwellings to apartment buildings. The site's redevelopment by Moses Eisner with architect Theodore Fry demonstrates the growing influence of European migrants on the built environment, an important historic phase in the development of the area. The building's location on the harbour foreshore is also able to demonstrate a period before restrictions on the development of foreshore land were implemented. At its time of construction Oceana was one of the largest apartment buildings in Sydney and represented a marked shift in the development of Elizabeth Bay towards higher densities.
- Criterion (b) Historical association: Oceana has strong associations with Theodore Fry, a noteworthy architect of this period as his largest and most intact project. Oceana is a good example of Fry's work and provides evidence of his designs, including an application of modernist design principles. Oceana also has some significance for its association with Moses Eisner, a noteworthy businessman, engineer and property developer of the period.
- Criterion (c) Aesthetic / creative / technical achievement: Oceana is considered to be aesthetically distinct and of high design quality. The design of the building—its siting on its harbour front site, the elongated form, the planning of the corridors and units, the configuration of the internal layouts and its fenestration pattern demonstrates Fry's application of modernist architectural principles. The external elevations have a unique presentation with large areas of glazing, projecting balconies and external circulation galleries. The building contributes positively to the streetscapes/skyscapes of the Elizabeth Bay peninsula. The integrity of common areas remains to be confirmed.
- Criterion (f) Rarity: Oceana is considered rare as an example of the architectural work of Theodore Fry. Other examples of his design work have been substantially altered and are less able to be appreciated. Oceana is also rare for its scale and location, with later apartment buildings in this area lower in scale and set back from the harbour's edge.

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

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

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

12 Ithaca Road, Elizabeth Bay – Ithaca Gardens

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

- Criterion (a) Historic significance: Ithaca Gardens has historic significance as a prominent example of medium-rise housing developed in the Elizabeth Bay and Potts Point area during the 1950s and 1960s. Architect Harry Seidler had significant influence on the growing popularity of compact inner-city apartment living and Ithaca Gardens can be seen to have played an important role in this. Seidler was an effective promoter of modernism and Ithaca Gardens received considerable media attention. That the architect lived in the apartment, and had the interior photographed by Max Dupain, added to the reputation of the building. The building's design demonstrates modernist architecture's engagement with compact multi-housing forms and is a key example of the introduction of Bauhaus-influenced modernism into the Australian context. Ithaca Gardens is able to demonstrate wider historical trends of importance to the local area and to NSW more generally.
- Criterion (b) Historical association: Ithaca Gardens is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As his first completed apartment project, and as his place of residence, Ithaca Gardens has strong associations with the architect and is of particular historical interest in interpreting the context of his work. Ithaca Gardens has some significance for its association with Civil & Civic Constructions (later expanded as Lendlease) as the first project by the long-running and significant partnership formed between the firm and Harry Seidler, which continued through the next decades. Ithaca Gardens has some significance for its association with Civil & Civic as the first project by the long-running and significant partnership formed between the firm and Harry Seidler, which continued through the next decades.
- Criterion (c) Aesthetic / creative / technical achievement: Ithaca Gardens shows many innovations in planning and construction that make it a noteworthy example of a late 1950s– 1960s modernist apartment building. Ithaca Gardens is an early application of what can be seen as typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Blues

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

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

- Criterion (d) Social, cultural and spiritual: Ithaca Gardens is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.
- Criterion (e) Research potential: As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Ithaca Gardens has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.
- Criterion (f) Rarity: Ithaca Gardens is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. It is also rare as an apartment designed in the 1950s by a European architect, with modernist training in Canada and the United States, and constructed in Sydney in the 1960s. Possibly more than any other apartment project completed by Seidler, Ithaca Gardens represents the first application of his modernist training in the Australian context. As the first apartment project designed by Harry Seidler to be constructed in Australia it is rare.
- Criterion (g) Representative: Ithaca Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler and Associates, which are collectively highly significant. Other examples include Blues Point Tower, Stephen Towers, Village Towers (Arlington), Ercildoune and Aquarius. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns. Many of these elements were first applied in Ithaca Gardens and then further developed in later projects throughout the 1960s.

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

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

41-49 Roslyn Gardens, Elizabeth Bay - Bayview

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

- Criterion (b) Historical association: Bayview has a historical association with architect Hugo Stossel. It is a good and representative example of the work of Hugo Stossel, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular residential flat buildings in the eastern suburbs. Bayview is also one of several projects that demonstrates the sustained collaboration between Hugo Stossel & Associates and Parkes Developments, which, by 1970, was one of Australia's largest private development companies, with the largest Sydney land holdings.
- Criterion (c) Aesthetic / creative / technical achievement: Bayview is a well-designed and considered modernist residential apartment building demonstrating a high degree of creative and technical achievement. It demonstrates technical achievement and distinctive aesthetic attributes in form and composition through its unique triaxial form oriented to views of the harbour, maximising light and ventilation for each unit. It is able to demonstrate the evolution of apartment design towards more organic forms and variations in plans and façade materials. The building is substantially intact externally, and its original modernist design qualities are able to be appreciated.
- Criterion (f) Rarity: Although the architects of Hugo Stossel & Associates were prolific apartment designers in the postwar period, particularly in the Elizabeth Bay and Potts Point area, Bayview shows unusual characteristics and can be seen as a highly finished and particularly well-resolved example of their work. Bayview's form and detailing are considered rare in the context of postwar apartments in the Elizabeth Bay area where few Y-plan tower developments were constructed.
- Criterion (g) Representative: Bayview is a good intact and representative example of the work of the prolific architectural firm Hugo Stossel & Associates and is able to represent the work of Hugo Stossel, a significant architect of this period. Bayview can be seen as a significant representative example of Hugo Stossel's architectural practice. Along with Yarranabbe Gardens and Eastbourne Tower in Darling Point, it can be seen as one of the most prominent and distinctive of Stossel's apartment projects and is particularly significant as work completed late in his career.

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

50-58 Roslyn Gardens, Rushcutters Bay - Aquarius

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

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

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

- Criterion (b) Historical association: Aquarius is associated with architect Harry Seidler, one of the most significant modernist architects in Australia, who has made an important contribution to the development of Australia's built environment. As one of his most noteworthy apartment projects of the 1960s, Aquarius has strong associations with the architect.
- Criterion (c) Aesthetic / creative / technical achievement: Aquarius shows many innovations in planning and construction that make it a noteworthy example of a late 1950s–1960s modernist apartment building. Aquarius displays typical elements of the work of architect Harry Seidler during the 1960s. It shares aesthetic elements with some of Seidler's most notable projects including Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), and Ercildoune, which demonstrate distinctive aesthetic attributes in form and composition.

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

- Criterion (d) Social, cultural and spiritual: Aquarius is listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture, indicating that it has importance to architects and the design community more generally.
- Criterion (e) Research potential: As an early example of innovative apartment design and construction in Australia, and as an example of Seidler's early apartment designs, Aquarius has the ability to contribute to knowledge about the evolution of housing in Australia and the work of Harry Seidler.
- Criterion (f) Rare: Aquarius is considered rare as an early and innovative modernist apartment project in Elizabeth Bay. As one of Seidler's most noteworthy early experiments in apartment design Aquarius has exceptional aesthetic significance as an example of creative and technical achievement. Aquarius is considered rare as the first, and one of few examples, of Seidler's experiments with split-level planning, and as a particularly innovative example of his work in the 1960s.
- Criterion (g) Representative: Aquarius is considered to have representative significance as one of a group of 1960s apartment projects designed by Harry Seidler & Associates, which as a group are highly significant. Other examples include Ithaca Gardens, Blues Point Tower, Village Towers (Arlington), Ercildoune and Gemini. These projects were widely published and featured in the multiple surveys of Harry Seidler's career. As Seidler himself noted, each project applied a series of evolving structural and planning prototypes. They were built of the same materials, and with evolving structural systems, repeated layouts for construction efficiencies, repeated window units and sun shading elements to create characteristic 'tensional' façade patterns.

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

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

74-76 Roslyn Gardens Rushcutters Bay - Roslyn Gardens

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

- Criterion (b) Historical association: 74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important.
- Criterion (c) Aesthetic / creative / technical achievement: 74-76 Roslyn Gardens has a historical association with architect Douglas Snelling. It is a good and representative example of the work of Douglas Snelling, a significant modernist architect active in Sydney in the years following World War II, who has made a notable contribution to the development of Sydney's cultural environment, in particular modernist furniture, interiors and houses in the eastern suburbs. As one of only two apartment projects he designed and one of few Snelling projects to remain largely intact this association is considered important.
- Criterion (f) Rarity: 74-76 Roslyn Gardens is considered rare as one of only two apartment projects designed by notable and highly acclaimed architect Douglas Snelling. The other example, Bibaringa, was an existing design that Snelling adapted. As a result 74-76 Roslyn Gardens can be seen as Snelling's only complete apartment project and is hence considered rare.
- Criterion (g) Representative: Roslyn Gardens is considered to have representative significance as one of a group of 1960s apartment projects designed by architects in the local area, which are collectively highly significant. Other prominent architects working in this period in the area include Harry Seidler, Douglas Forsyth Evans, Hugo Stossel, Hans Peter Oser and Aaron Bolot. 74-76 Roslyn Gardens displays key characteristics of this significant group of apartment projects and is an important representative example of a modernist residential flat building in the local area.

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

1-5 Clement Street, Rushcutters Bay

- Criterion (c) Aesthetic / creative / technical achievement: 1–5 Clement Street is considered a good representative example of a late-modern residential apartment building demonstrating creative and technical achievement. The concrete frame and central lift and stair core of the building reduces the number of load-bearing internal walls and the need for corridors, maximising unit space. Use of concrete frame and precast building elements are simply treated. Apartments are well planned with distinctive curved bathroom walls. The entry sequence and lobby of board-formed concrete and circular window element are well resolved and remain intact. The underground carpark makes full use of the lot area and frees up the ground floor for landscaping, which makes a positive contribution to streetscape.
- Criterion (g) Representative: 1–5 Clement Street has representative significance as a late modernist residential apartment building in the Rushcutters Bay, Elizabeth Bay and Potts Point area. It displays the principal characteristics of this class of cultural places, including use of expressed concrete construction, efficient structural systems, regular façade arrangements, repeated building elements and planning that provides high amenity units. In this way 1–5 Clement Street is able to demonstrate the evolution of residential apartment buildings in the area, which are an important feature of the local built environment. 1–5 Clement Street is able to demonstrate a way of life that has been important in the social and historical development of the Rushcutters Bay, Elizabeth Bay and Potts Point area. 1–5 Clement Street can be seen as a good representative example of the work of architects Ancher Mortlock Murray & Wooley in this period when they were prolific and highly regarded.

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

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

2. Objectives and intended outcomes

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

3. Explanation of provisions

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

3.1. Amendment 1 SLEP 2012 Heritage Schedule Amendments

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

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

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

Locality	Item Name	Address	Property Description	Significance	Item no.
<u>Elizabeth Bay</u>	<u>Ithaca Gardens</u>	<u>12 Ithaca Road</u>	<u>Lot A DP 155142,</u> <u>Lots 1-40 SP 5704</u>	<u>Local</u>	<u>I2323</u>
<u>Elizabeth Bay</u>	<u>Bayview</u>	<u>41–49 Roslyn Gardens</u>	<u>Lot 1 DP 71348,</u> <u>Lots 1-72 SP</u> <u>3402, Lots 74-143</u> <u>SP 3402, Lots</u> <u>144-151 SP9225,</u> <u>Lot 1 DP 233118,</u> <u>Lot 1 DP 213376,</u> <u>Lot 100 DP</u> <u>1275051</u>	<u>Local</u>	<u>I2324</u>
<u>Rushcutters Bay</u>	<u>Aquarius</u>	<u>50–58 Roslyn Gardens</u>	<u>Lot B DP 416095,</u> <u>Lot 2 DP 81859,</u> <u>Lots 1-117 SP</u> <u>10872</u>	<u>Local</u>	<u>I2325</u>
<u>Rushcutters Bay</u>	<u>Roslyn Gardens</u>	<u>74-76 Roslyn Gardens</u>	<u>Lot 3 DP 407610,</u> <u>Lots 1–90 SP</u> <u>1719</u>	<u>Local</u>	<u>I2326</u>
<u>Rushcutters Bay</u>	<u>1-5 Clement Street</u>	<u>1-5 Clement Street</u>	<u>Lot A DP 71162,</u> <u>Lot B DP 71162,</u> <u>Lot C DP 71162,</u> <u>Lots 1–25 SP</u> <u>10641</u>	<u>Local</u>	<u>I2327</u>

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

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

4. Justification

Section A – Need for the planning proposal

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

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

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

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

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

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

Section B – Relationship to strategic planning framework

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

Yes. See comments below

Greater Sydney Region Plan: A Metropolis of Three Cities

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

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

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

Objective 13: Environmental heritage is identified conserved and enhanced

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

Eastern City District Plan

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

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

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

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

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

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

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

Yes.

Sustainable Sydney 2030 – 2050 Community Strategic Plan

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

Local strategic planning statement

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

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

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

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

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

Table 4: Consistency with State Environmental Planning Policies.

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

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

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

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

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

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

Ministerial Direction	Comment
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
Focus area 2: Design and Place	No directions in place
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. Amendments in this planning proposal will continue to support the protection and conservation of environmentally sensitive areas in the local government area
3.2 Heritage Conservation	Consistent. Amendments in this planning proposal will support the conservation of items, areas, objects and places of environmental heritage significance in the local government area
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent. Amendments in this planning proposal will continue to support the protection and enhancement of the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores; protect the cultural heritage significance of Sydney Harbour, its islands and foreshores; and encourage a culturally rich and vibrant place for people. It will support the conservation of significant fabric, settings, relics and views associated with the heritage significance of heritage items and protect the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area in the local government area

Ministerial Direction	Comment
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.2 Coastal Management	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.3 Planning for Bushfire Protection	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.4 Remediation of Contaminated Land	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.5 Acid Sulfate Soils	Consistent. Amendments in this planning proposal are proposed for land classified as Class 5 and will not hinder the implementation of this local planning direction
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.2 Reserving Land for Public Purposes	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.3 Development Near Regulated Airports and Defence Airfields	This planning proposal is consistent.
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Consistent. This planning proposal supports and aligns with this local planning direction, particularly objectives (a) and (b).
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable

Ministerial Direction	Comment
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

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

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

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

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

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

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

Section D – State and Commonwealth interests

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

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

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

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

5. Mapping

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



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

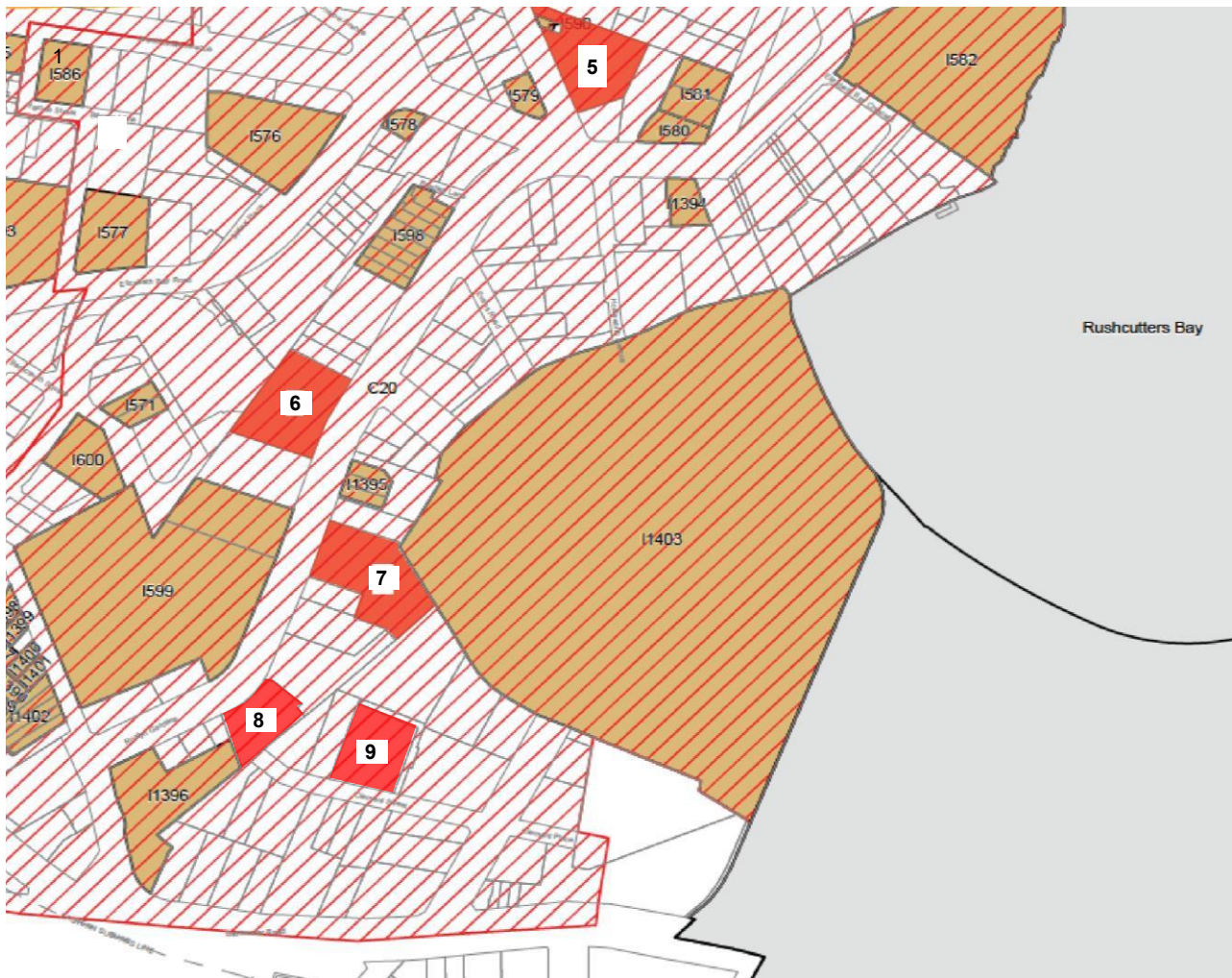


Figure 20. Proposed heritage boundary for 12 Ithaca Road, Elizabeth Bay (5) and 41-49 Roslyn Gardens, Elizabeth Bay (6), 50-58 Roslyn Gardens, Rushcutters Bay (7), 74-76 Roslyn Gardens, Rushcutters Bay (8) and 1-5 Clement Street, Rushcutters Bay (9) shaded in red in the SLEP 2012 Heritage Map tile HER_022.

6. Community consultation

5.1 Public Exhibition

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

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

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

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

7. Project timeline

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

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

Appendices

Appendix A1	Modern Residential Flat Buildings: Targeted Heritage Study (GML)
Appendix A2	Draft Inventory Sheet - 3 Wylde Street, Potts Point - Gateway
Appendix A3	Draft Inventory Sheet - 40–44 Victoria Street, Potts Point - Gemini
Appendix A4	Draft Inventory Sheet - 5 Onslow Avenue, Elizabeth Bay - St Ursula
Appendix A5	Draft Inventory Sheet - 108 Elizabeth Bay Road, Elizabeth Bay - Oceana
Appendix A6	Draft Inventory Sheet - 12 Ithaca Road, Elizabeth Bay - Ithaca Gardens
Appendix A7	Draft Inventory Sheet - 41–49 Roslyn Gardens, Elizabeth Bay - Bayview
Appendix A8	Draft Inventory Sheet - 50–58 Roslyn Gardens, Rushcutters Bay – Aquarius
Appendix A9	Draft Inventory Sheet - 74-76 Roslyn Gardens, Rushcutters Bay - Roslyn Gardens
Appendix A10	Draft Inventory Sheet - 1-5 Clement Street, Rushcutters Bay
Appendix A11	Heritage Assessment - 15 Wylde Street, Potts Point - Denison
Appendix A12	Heritage Assessment - 100 Elizabeth Bay Road, Elizabeth Bay - International Lodge
Appendix A13	Heritage Assessment - 80 Elizabeth Bay Road, Elizabeth Bay - Bay Apartments
Appendix A14	Heritage Assessment - 19 Ithaca Road, Elizabeth Bay - The Reef
Appendix A15	Heritage Assessment - 85-91 Elizabeth Bay Road, Elizabeth Bay - Ercildoune
Appendix A16	Heritage Assessment - 51-59 Roslyn Gardens, Rushcutters Bay - The Tor

