

PROPOSED SSD DEVELOPMENT

AT

THE CHIMES

45-53 MACLEAY STREET, POTTS POINT, NSW

HERITAGE IMPACT STATEMENT



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Prepared for:

Time and Place

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1.0 INTRODUCTION

1.1 THE BRIEF

This heritage Impact Statement has been prepared by John Oultram Heritage & Design on behalf of Time and Place Ltd (the Applicant) to accompany a Concept State Significant Development Application (SSDA) for a mixed-use development at 45-53 Macleay Street, Potts Point (the site).

1.2 THE STUDY AREA

The study area is CP/SP934 at Potts Point in the City of Sydney, Parish of Alexandria and County of Cumberland (Figure 1.1).

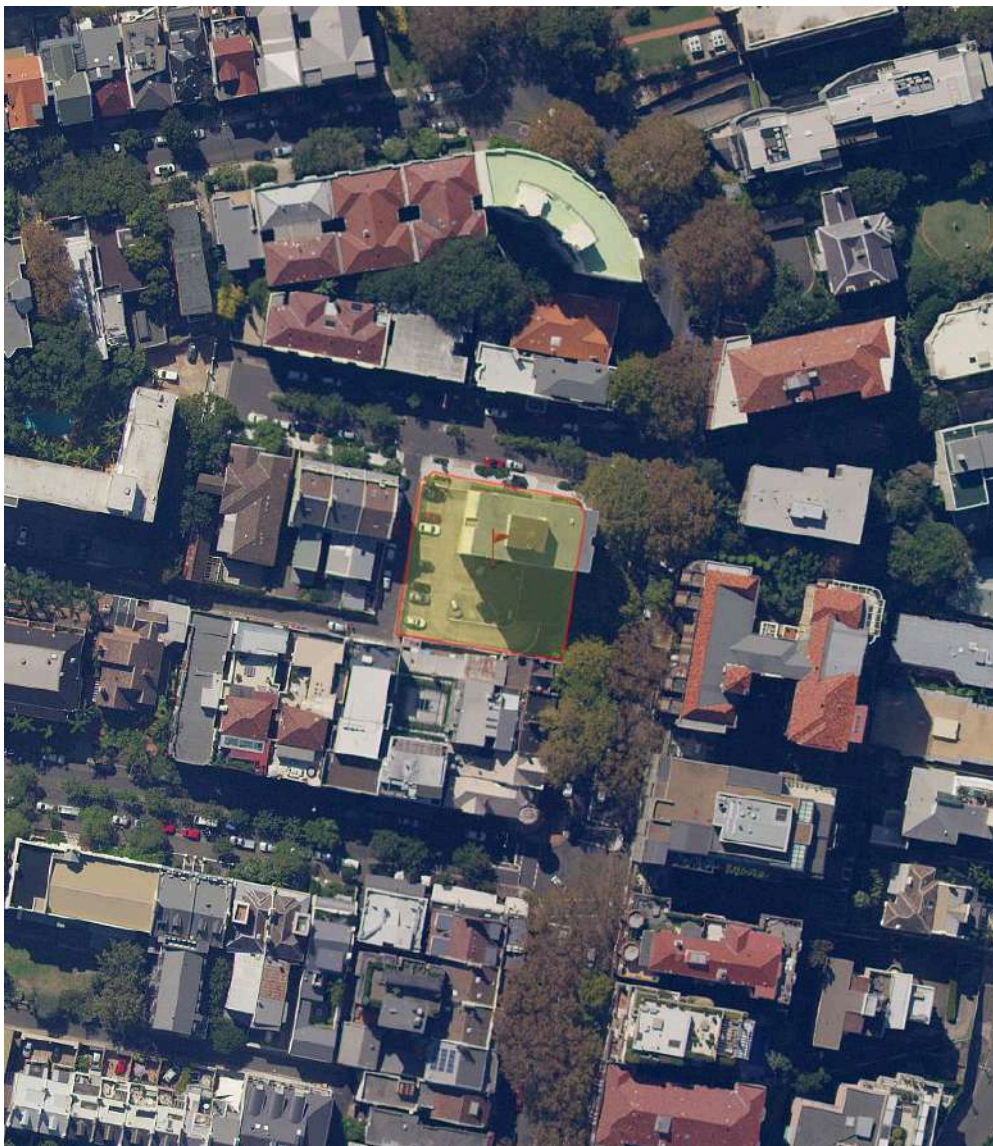


Figure 1.1 The Study Area shaded

Source: Six Maps

1.3 BACKGROUND

A development application (D/2022/960) for the demolition of the existing building and approval of a concept development envelope to the City of Sydney was refused under a deemed refusal.

The applicant has appealed the matter to the NSW Land and Environment Court (LEC 2023/00115313). A Statement of Facts and Contentions (SOFAC) has been prepared that indicates that Council oppose the demolition.

The applicant has prepared a State Significant Development application (SSD-79316759) and has received the Planning Secretary's Environmental Assessment Requirements (SEARS).

The SEAR'S requirements include:

19. Environmental Heritage

Where there is potential for direct or indirect impacts on environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (where required), in accordance with the relevant guidelines.

SEARS p. 5

This report has been prepared to address this condition particularly in regard to the demolition of the existing building on the site. An archaeological assessment has been prepared by others,

1.4 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric, conservation, maintenance, preservation, restoration, reconstruction, adaptation, compatible use and cultural significance* used in this report are as defined in the Australia ICOMOS Burra Charter.

1.5 METHODOLOGY

This report was prepared in accordance with the *NSW Heritage Manual* "Statements of Heritage Impact", "Assessing Heritage Significance Guidelines" and the City of Sydney Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS Burra Charter 2013.

The assessment of the significance of the property also addresses the revised thresholds in the *Assessing Heritage Significance* guidelines published in May 2023 by the NSW Department of Planning.

1.6 OTHER REPORTS

A heritage impact statement was prepared for the proposed redevelopment of the site:

Urbis, *Heritage Impact Statement, 45-53 Macleay Street, Potts Point*, dated October 2021 (Urbis HIS).

Urbis also prepared a response to the statement of facts and contentions:

Heritage Response to the Statement of Facts and Contentions 45-53 Macleay Street 9S/2022/960 (LEC2023/115313), dated August 2023

(Urbis Response)

1.7 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram of John Oultram Heritage & Design, unless otherwise noted. Historical research was prepared by Nicholas Jackson.

2.0 HISTORICAL DEVELOPMENT

2.1 SUMMARY

The Chimes, Nos. 45-53 Macleay Street, was built over 1963/64 for Dalkrist Pty Ltd on behalf of Mrs Daphne Stewart Kool (1932-2014). The architect was Hugo Stossel (1905-2002).

2.2 ADELAIDE COTTAGE

The western side of Potts Point and above Woolloomooloo Bay is historically associated with the 1830s villas of 'Woolloomooloo Hill'. The initial settlement in this part of Sydney was the outcome of the colonial administration and its wish to establish an enclave for the political and military elites. The governor at the time was Sir Ralph Darling (in office 1824-1831) and he ordered in 1828 the subdivision of 'Woolloomooloo Hill' into allotments suitable for the erection of villas with landscaped garden settings. Darling set down conditions for these developments, which conditions stipulated only one residence per allotment and the design of that residence required approval. The allotments had frontage to the only public road, Macleay Street/Darlinghurst Road, and some had frontage also to the western shore of Woolloomooloo Bay. There were 17 of these villa allotments, the first seven were granted in 1828 and the others granted in 1831.

The land neighbouring Challis Avenue and McDonald Street is located within Henry Gratton Douglass' grant issued in 1828. Douglass (1790-1865) had arrived in the colony in 1821, having been appointed superintendent of the general hospital at Parramatta and held other colonial positions. Douglass returned to England in 1828 but nonetheless continued with the building of a villa, designed by architect and engineer Edward Hallen (1803-1880). Consequently, the grant with house, named Adelaide Cottage, was more associated with the later owners Lieutenant-Colonel Thomas Shadforth and John Henry Challis.

Shadforth (1771?-1862) was a professional soldier who had arrived in Sydney in 1826 with his regiment. He resigned his commission in 1831 and settled in the colony taking up Adelaide Cottage around this time as well as a country property, Ravenswood, at Mulgoa.¹ The merchant John Henry Challis (1806-1880) bought the property in about 1850 and lived there² for a short period prior to returning to England in 1855. Challis died in France in 1880 and left an estate valued for probate at £60,000 in England and £101,000 in New South Wales. He left annuities to friends and relations, and the residue to the University of Sydney subject to provisions for his widow, who died in 1884.³

From at least 1855⁴ Challis let the house to Alexander MacDonald who lived there through to his death in 1888. MacDonald had migrated to Sydney in about 1848 and from the late 1850s was a partner in the Sydney firm of general importers MacDonald, Smith and Co. That firm grew out of Flower, Salting & Co., of which Challis was a partner. MacDonald was also associated with the Union Bank.⁵ After the death of MacDonald in 1888, Adelaide Cottage was sold by Challis' trustees.

¹ 'Shadforth, Thomas (1771-1862)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University

² 'City Council', *Sydney Morning Herald*, 23 April 1850, p2

³ Macmillan, David S, 'Challis, John Henry (1806-1880)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University

⁴ Sydney City Council, Fitzroy Ward Rate Assessment for 1855

⁵ 'News of the Day', *Sydney Morning Herald*, 5 April 1888, p.7

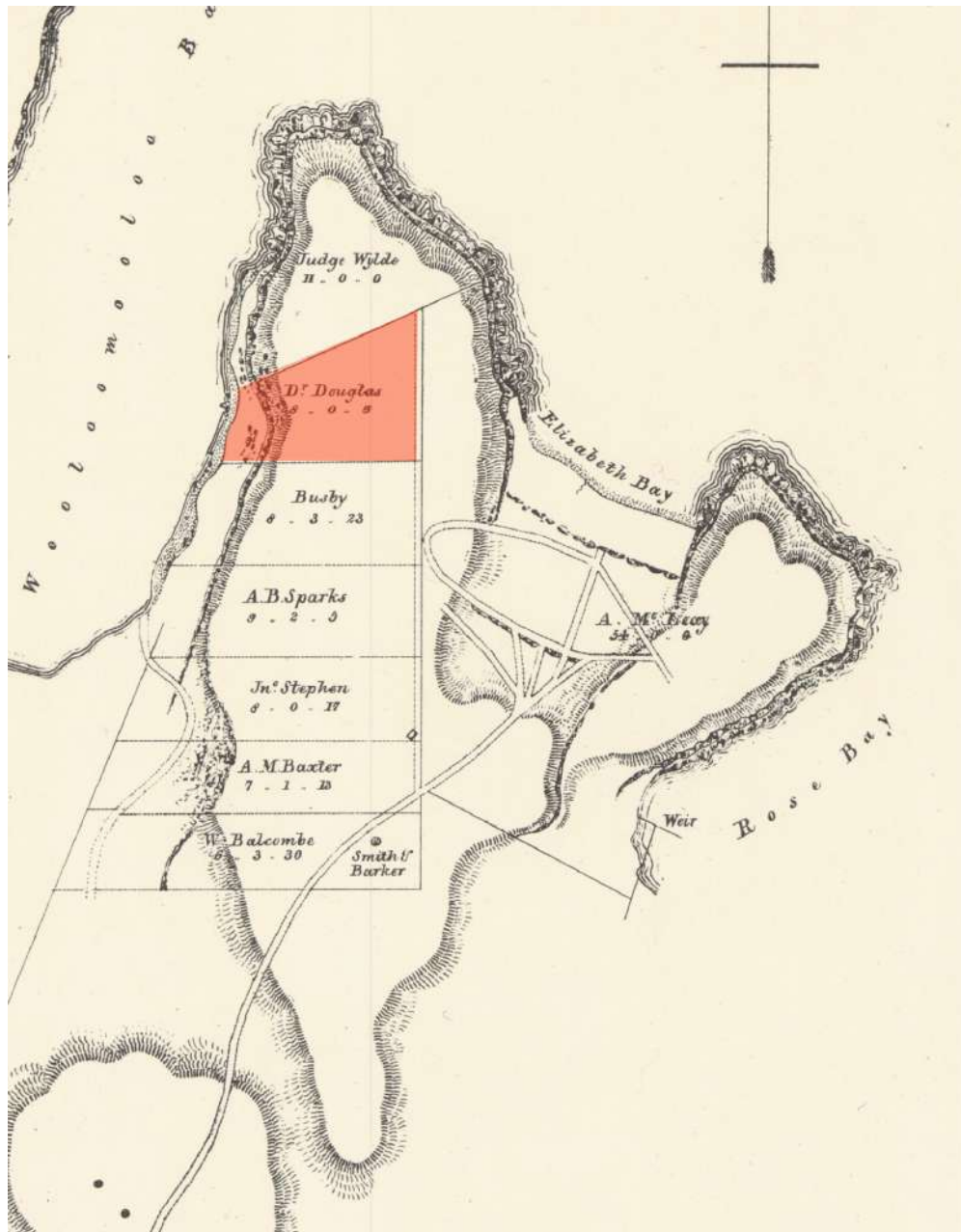


Figure 2.1 A sketch survey prepared in 1831 to put through William Street across Riley's Woolloomooloo Estate. Also recorded was the layout of the grants on 'Woolloomooloo Hill'. The property is located within the grant to Henry Grattan Douglass (shaded)

Source: State Records NSW (Surveyor General's Sketch Book Vol 1 f.94)

2.3 SUBDIVISION

In February 1890 the NSW Government resumed the whole of the eastern side of Woolloomooloo Bay between Duke Street and Bommerah at the end of Wylde Street for wharf improvement. The price paid for Challis' land west of Victoria Street was £45,000.⁶

⁶ 'Woolloomooloo Land Resumptions', *Sydney Morning Herald*, 28 February 1895, p6

The resumption followed the recommendations of a parliamentary committee of enquiry held in 1888,⁷ and in that same year the trustees of Challis' estate sold the balance of Adelaide Cottage, around 6 1/2 acres, to The Australian Mutual Investment and Building Company Ltd.⁸ This land speculation and finance company had been formed in the late 1870s. The company demolished Adelaide Cottage and subdivided the grounds for housing in 1889. Challis Avenue and McDonald Street were formed in this subdivision. There were 45 building blocks, with majority fronting Challis Avenue, which was planted with trees along the pedestrian pavement.

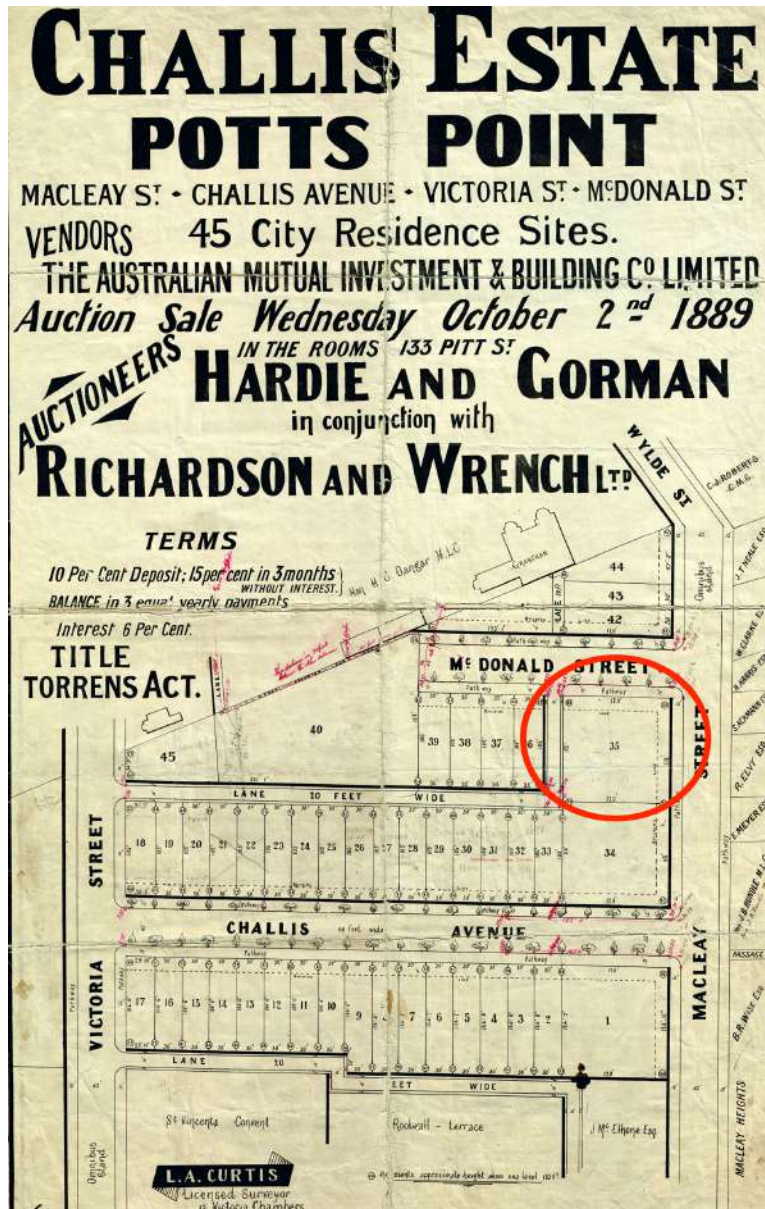


Figure 2.2 Plan of the subdivision of Adelaide Cottage as the Challis Estate land release of 1889. Circled is Lot 35, which are Nos. 45-53 Macleay Street

Source: State Library of NSW (Potts Point Subdivision Plan No. 27)

⁷ Parliamentary Standing Committee on Public Works, 'Wharfage Accommodation at Woolloomooloo Bay'

⁸ Torrens Title Dealing 143865

2.4 THE CHIMES (NOS. 45-53 MACLEAY STREET)

2.4.1 First Development

The property Nos. 45-53 Macleay Street comprises Lot 35 and part of Lot 34 of the Challis Estate (Deposited Plan 2436) land release. These allotments were developed first in about 1896 for Maurice David Benjamin who had purchased the land in 1895.⁹ Benjamin (1846-1904) had inherited wealth in 1893 after the death of his father, David.¹⁰ Benjamin's development of Nos. 45-53 Macleay Street comprised a three storey dwelling at Nos. 45/47, a three storey dwelling at Nos. 49/51, and a three storey dwelling at No. 53. Benjamin also owned the neighbouring land comprising Nos. 55-71 Macleay Street.¹¹ The architect engaged by Benjamin for his Macleay Street developments was Maurice Bernard Halligan (1862-1926).¹²

Initially, Benjamin's houses were let as such, with No. 45 Macleay Street being called San Diego and occupied by Maurice Benjamin (the owner) by 1900, No. 47 was called Vallejo, No. 49 was Petaluma, No. 51 Santa Monica, and No. 53 Nebraska.¹³



Figure 2.3 Sketch of Nos. 45-45 Macleay Street

Source: Building and Engineering News, 18 July 1896

⁹ Torrens Title Dealing 235445

¹⁰ 'Will of the late Mr David Benjamin', *Argus*, 20 September 1893, p6

¹¹ City Council rate valuation of Fitzroy Ward, 1896, entries 3411-3416

¹² Identified as such in City Council letter dated January 1897 (Sydney City Archives 26-289-180)

¹³ *Sands' Directory*, 1900 and 1903



Figure 2.4 Nos. 45-47 Macleay Street in 1926. Designed by architect Maurice Bernard Halligan (1862-1926) in 1896 for Maurice David Benjamin (1846-1904)

Source: Sydney City Archives (001409)



Figure 2.5 Nos. 45-53 Macleay Street in 1926. Designed by architect Maurice Bernard Halligan (1862-1926) in 1896 for Maurice David Benjamin (1846-1904)

Source: Sydney City Archives (001410)



Figure 2.6 Detail of a Milton Kent aerial photograph of Potts Point in the 1930s showing the pre-Second World War townscape of the suburb. Circled are the original houses at Nos. 45-53 Macleay Street demolished in 1963

Source: State Library of NSW (c111070006)

From 1912 to 1960 the property comprising Nos. 45-53 Macleay Street was owned by members of the Boylan family, initially publican John Boylan (1858-1944).¹⁴ In the years prior to this, from 1900, all of Benjamin's properties in Macleay Street had been owned by the widowed Mary Ellen Scanlon (died 1921) of Bendigo.¹⁵ Mrs Scanlon introduced the use of these buildings as a private hotel/guest houses and the Boylans continued this practice: Nos. 45/47 Macleay Street became a private hotel, and the co-joined Nos. 49-53 Macleay Street was a guest house with full board provided.

These premises traded under names that changed over time, and inclusive of The Morrison and later The Coniston for Nos. 45/47 Macleay Street, and The Chimes for Nos. 49/53 Macleay Street from the early 1900s.

2.4.2 Existing development

In 1960 the Boylans conveyed this property to Mrs Daphne Stewart Kool (born Fraser, 1932-2014) wife of builder Cornelis Kool (1927-2017).¹⁶ Mrs Kool, trading as CS Kool Pty Ltd, lodged a development application with Sydney Council in March 1961 for a new 20 storey (56m) private hotel with parking facilities on the lower seven floors. The proposed private hotel use could be considered a continuation of the then existing use. This application was refused in June 1961, and then amended by the applicant to comprise a twelve storey (32.3 m) building comprising basement car parking, ground floor shops and a restaurant, and the upper eleven floors for the private hotel.¹⁷

¹⁴ Torrens Title Dealing 687202

¹⁵ Torrens Title Dealing 303687

¹⁶ Torrens Title Dealing H441898

¹⁷ City Council DA 2484/61 (file)

The architect for both these proposals was Bela (Bill) Emery Sabolch.¹⁸ Little has been reported on Sabolch (died 2020) aside from him being the chief architect for Westfield designing its shopping centres later in the 1960s. The amended application was refused by the Council in May 1962, on the grounds:¹⁹

- 1) The proposed development would be likely to reduce light and air to adjoining properties.
- 2) It would be likely to affect detrimentally views to and from the harbour.
- 3) That it would constitute an undesirable form of development in that it conflicted with Council's code in respect of site coverage (exceeded by 30 per cent), floor area (exceeded twice permissible), and set back from the street.
- 4) It was contrary to the terms of the Residential District Proclamation (District No. 3 proclaimed 17/7/1940).

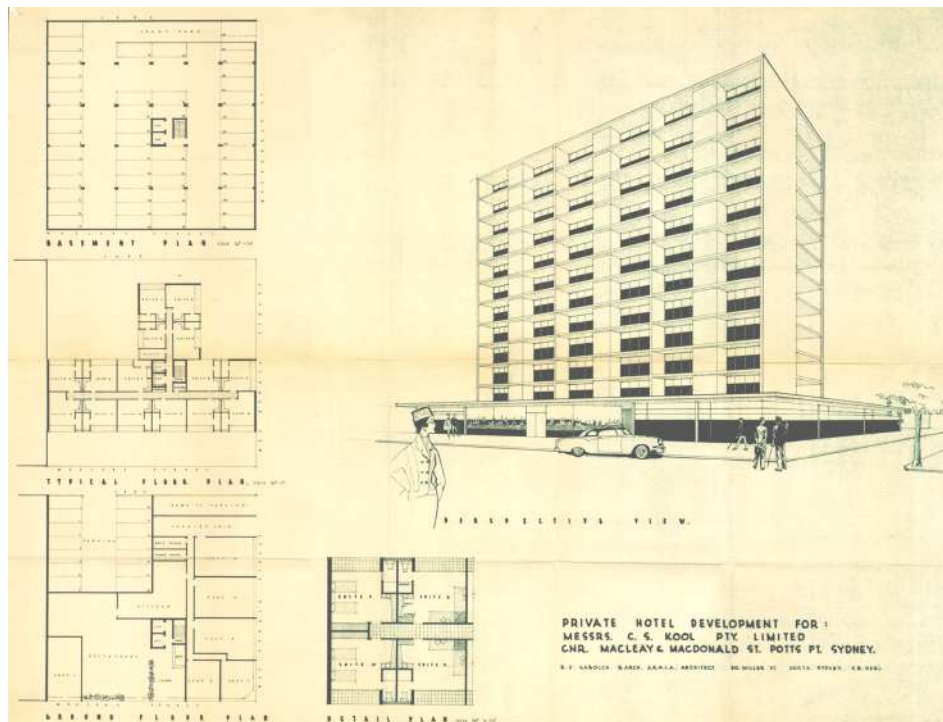


Figure 2.7 The proposed flats designed by Bela (Bill) Emery Sabolch for CS Kool Pty Ltd in the amended development application of June 1961. This application was refused by Sydney Council in May 1962

Source: Sydney City Archives (DA 61/148 file)

¹⁸ City Council DA 148/61

¹⁹ City Council DA 148/61

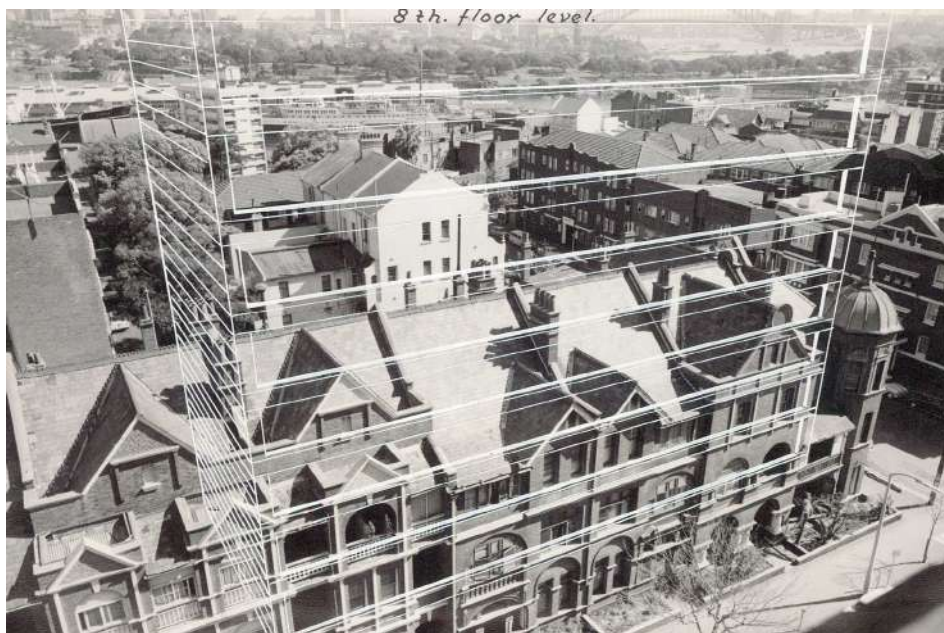


Figure 2.8 A photomontage prepared by the Sydney Council in 1961 to illustrate the potential impact of Sabolch's design on views to the harbour

Source: Sydney City Archives (DA 61/148 file)

Mrs Kool lodged an appeal against the Council's decision, but prior to commencement of the hearing, on 18th March 1963 the Council approved an amended development comprising basement car parking, ground floor shops, and 11 floors above for residential flats. (The implemented design for the ground floor however deleted the ground floor shops.) That development application was lodged by Dalkrist Pty Ltd on behalf of Mrs Kool, with the architect being Hugo Stossel.²⁰ The development approved in March 1963, with the building application drawings being stamped approved in either July or August (it varied) 1963. Dalkrist Pty Ltd implemented this application approval.

The existing block of 80 flats was built over 1963/64. The architect for this development was Hugo Stossel and the builder Theiss Bros. Construction commenced in May 1963 with the demolition of the late Victorian buildings, and in July excavation for foundations was in progress, followed shortly after with the erection of the steel frame. Work was considered completed in August 1964.²¹ Each flat shared a common floorplan comprising a combined bed/living room with kitchen and bathroom enclosures.

²⁰ City Council DA 10/63 (file) and DA 61/2484 (file)

²¹ City Council BA 757/63 Building Inspector's Card

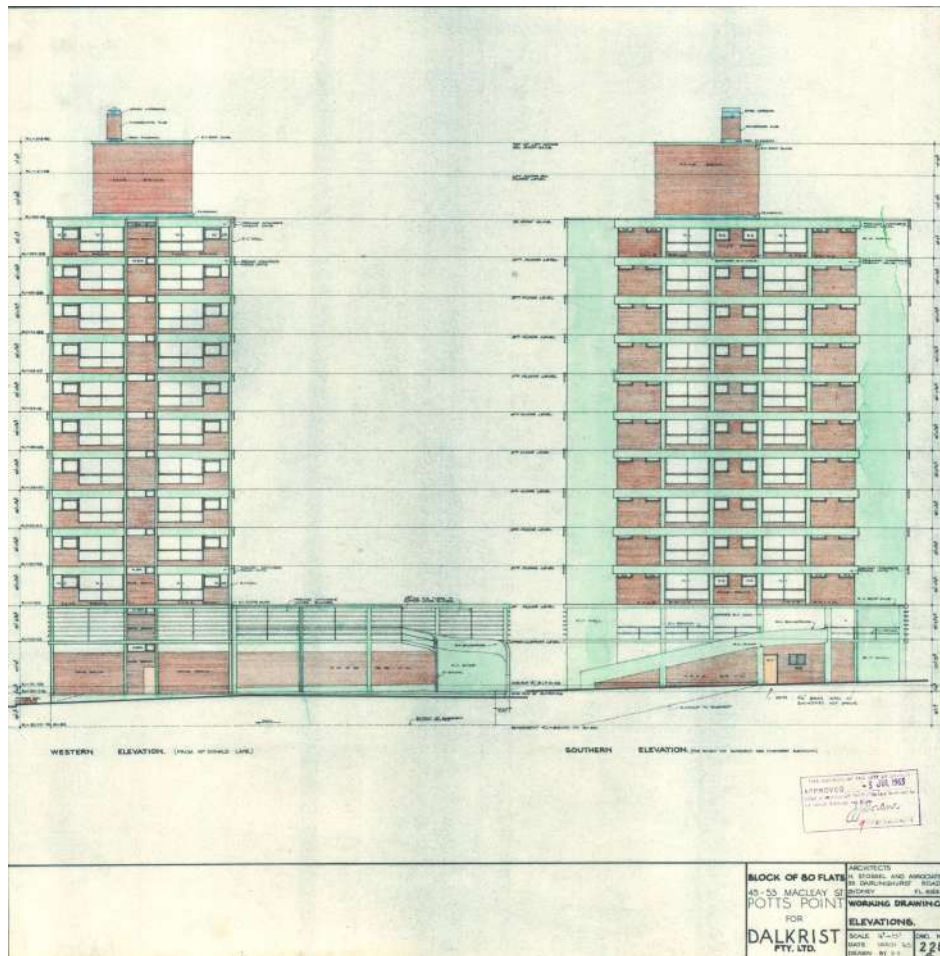


Figure 2.9 Plan of the elevations of the implemented design of March 1963 designed by Hugo Stossel for Dalkrist Pty Ltd

Source: Sydney City Archives (BA 63/757 plans)

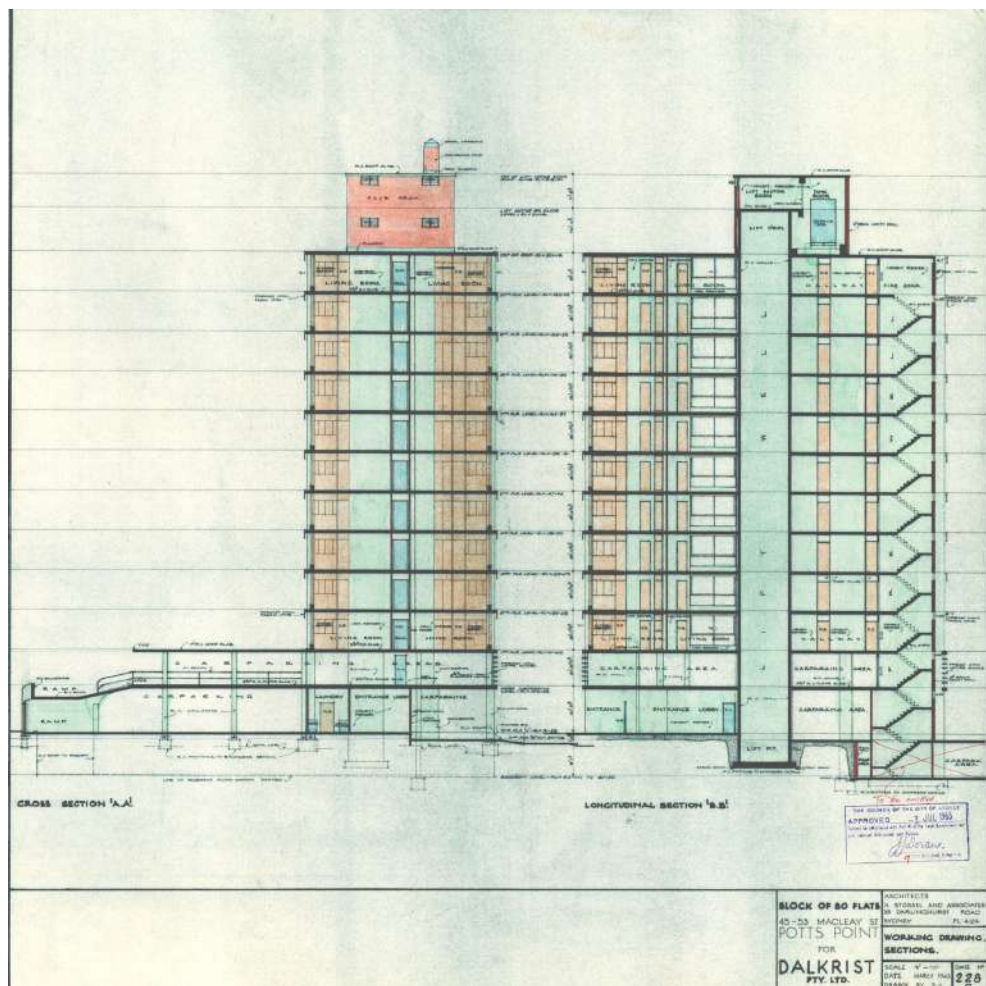


Figure 2.10 Plan of the section of the implemented design of March 1963 designed by Hugo Stossel for Dalkrist Pty Ltd

Source: Sydney City Archives (BA 63/757 plans)

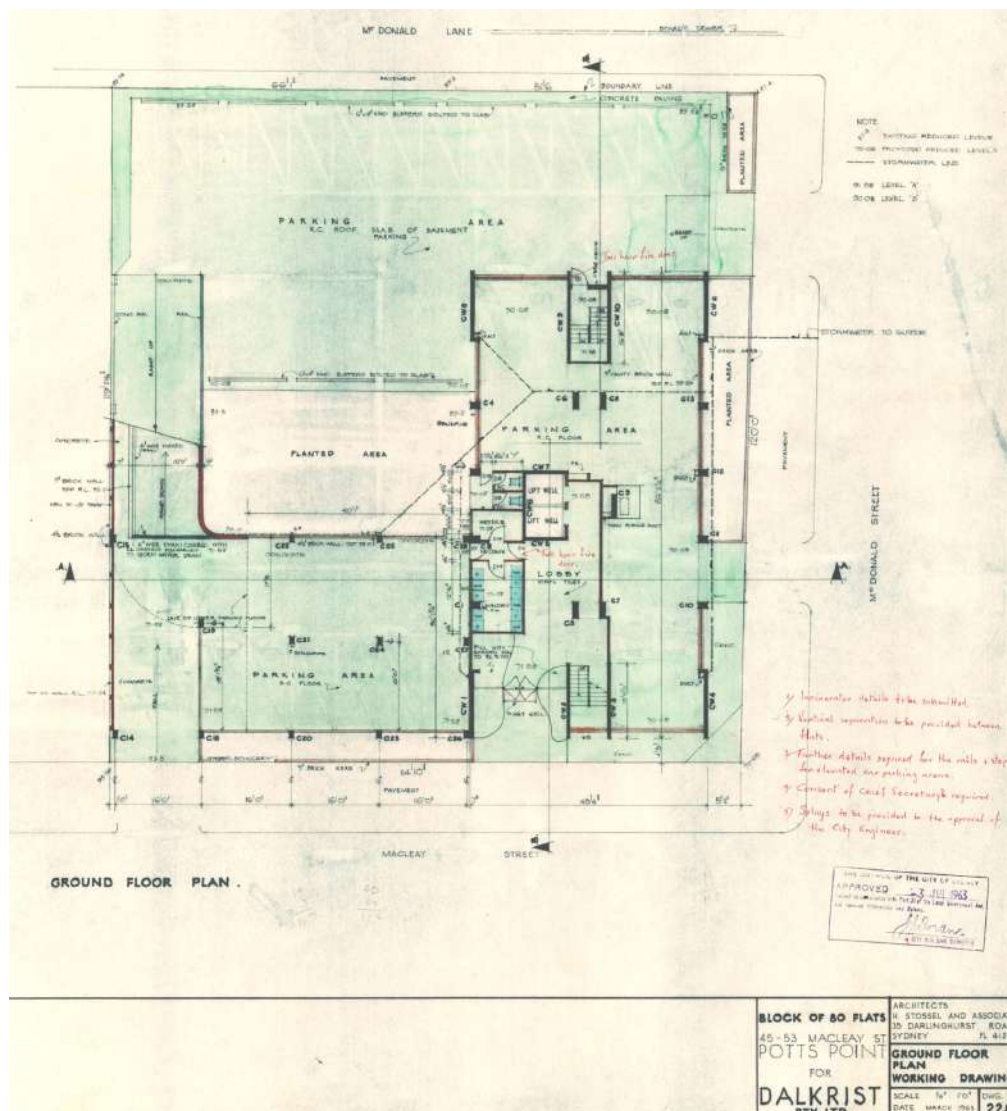


Figure 2.11 Plan of the ground floor of the implemented design of March 1963 designed by Hugo Stossel for Dalkrist Pty Ltd.

Source: Sydney City Archives (BA 63/757 plans)

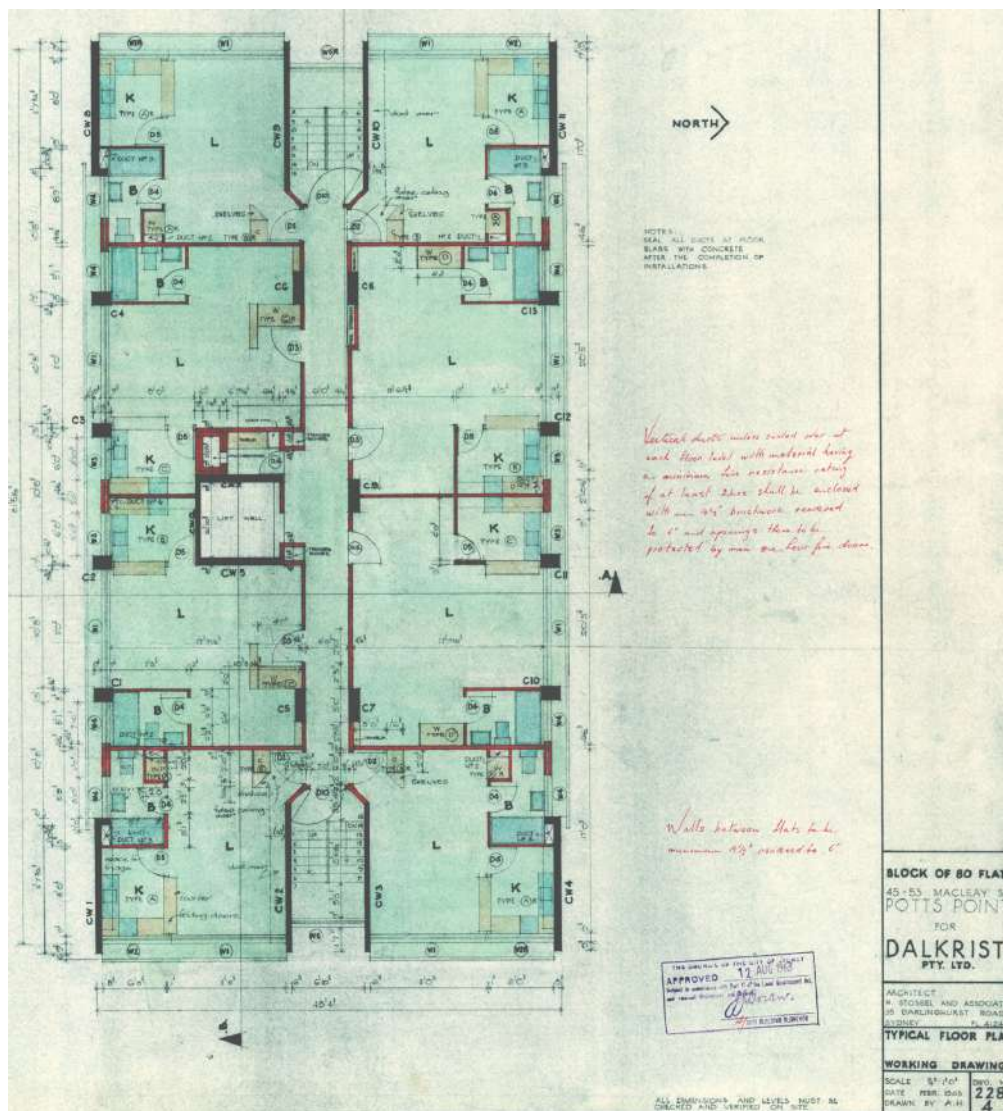


Figure 2.12 Plan of a typical floor layout of residential flats of the implemented design of March 1963 designed by Hugo Stossel for Dalkrist Pty Ltd.

Source: Sydney City Archives (BA 63/757 plans)

2.5 HUGO STOSSEL

Hugo Stossel (1905-2002) was born at Klárafalva, Hungary in 1905 and studied architecture at Vienna, graduating with a diploma from the Technical College in 1932. In the following six years Stossel was employed in eastern European states prior to migrating to Australia 1939 from Bucharest and settling in Sydney. Stossel became a naturalised Australian in 1945, and he was registered as an architect in NSW in 1948. From the early 1950s he in private practice, with an early example of Stossel's work in this decade is St Ursula, a block of flats in Onslow Avenue, Elizabeth Bay, built in 1951.

At Darling Point for Civil & Civic Stossel designed Broadwaters flats in Sutherland Crescent (1958) and Yarranabbe flats in 1958. The former police headquarters in College Street (now flats oddly enough) (1973) and the former Airport Hilton (1981) are late examples of his work.²²

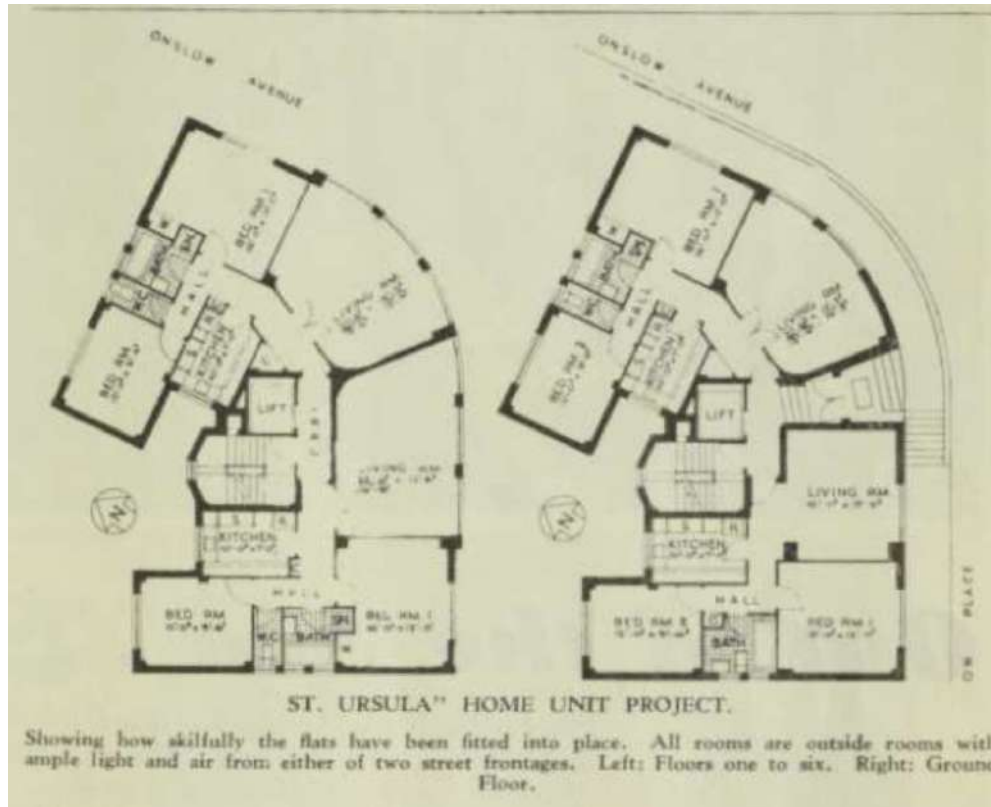


Figure 2.13 Stossel's design of 1951 for the St Ursula flats in Onslow Avenue. These flats comprised two bedrooms, a living room, a hallway, and separate bathroom and kitchen.

Source: *Building*, 5/1951

²² Hawcroft, R, 'Stossel, Hugo', in Goad, P and J Willis (eds), *The Encyclopedia of Australian Architecture*, Cambridge University Press, 2012



Figure 2.14 Stossel's sketch drawing of the broad entry lobby proposed for Broadwaters flats in Sutherland Crescent, Darling Point

Source: *Cross Section*, November 1958

2.6 INTER WAR APARTMENT DEVELOPMENT

The development was part of the trend for apartments in the Inter War years. There was rapid economic growth in Sydney in the 1920's but this almost came to a halt in the great depression in the 1930's. During this time residential flat building became a popular development option partly as a result of the Fair Rent legislation of 1916 that controlled the rental returns.

There was a marked increase in apartment building in the 1920's which accelerated after the Depression as developers sought to make up lost time. In 1938 for example, 70% of the building applications in Rose Bay and Double Bay were for residential apartments.

The design of the buildings was largely uncontrolled apart from the requirement for separate lavatories and fire stairs and there was often considerable council and local objection. It was not until 1940 that some limited regulation came into force with the Local Government (Regulation of Flats) Act. This divided flats into four categories depending on site position, site coverage and height.²³

²³ Broomham, Rosemary, *The Urban Garden*, 2002. A study of Inter War development in Rose Bay and Double Bay for Woollahra Library

2.7 GREEN BANS MOVEMENT

'Green bans' and 'builders' labourers' became household terms for Sydneysiders during the 1970s. A remarkable form of environmental activism was initiated by the builders' labourers employed to construct the office-block skyscrapers, shopping precincts and luxury apartments that were rapidly encroaching upon green spaces or replacing older-style commercial and residential buildings in Sydney.

The builders' labourers refused to work on projects that were environmentally or socially undesirable. This green bans movement, as it became known, was the first of its type in the world.

The green bans were of three main kinds: to defend open spaces from various kinds of development; to protect existing housing stock from demolition intended to make way for freeways or high-rise development; and to preserve older-style buildings from replacement by office-blocks or shopping precinct.

Sydney's builders' labourers were organised in the New South Wales Builders Labourers Federations (NSWBLF). From the mid-1960s, the union had become increasingly concerned with matters of town planning. It persistently criticised the boom in office-block development and predicted an oversupply in office space, long before others became alert to the problem. It pleaded instead for the construction of socially useful projects²⁴.

The opposition to high rise development in Potts Point was also galvanized by Juanita Nielsen (1937-1975) who was born Juanita Joan Smith at New Lambton NSW to Neil Donovan Smith, the heir to the Mark Foy's retail fortune, and Vilma Grace Smith (nee Meares).

In the 1970s she was the publisher of the alternative newspaper NOW in Kings Cross where she lived at 202 Victoria Street. She became actively involved in the campaign opposing development of the area and played a prominent role in mobilizing local residents against the demolition of Victoria Street's historic houses²⁵. She later disappeared and it was conjectured that she was abducted and murdered.

²⁴ Dictionary of Sydney

²⁵ Australian Dictionary of Biography

3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by John Oultram in July 2022. Only one apartment was inspected internally (Unit 72) and a typical studio plan is shown in Figure 3.1.

45-53 Macleay Street is a twelve storey, late Twentieth Century apartment building in a hybrid of the International/Brutalist styles set to the corner of Macleay Street and McDonald Street. The building is relatively intact to its original design including its layout of eight apartments to each residential floor.

The building has two levels of car parking and service areas at the street with ten levels of apartments above that are arranged off a central lift hall and fire stair. The car parking extends in a two storey form along Macleay Street and there is a vehicle access drive off McDonald Street to a parking area to the west. There is a ramp from the car park to the upper-level, parking area. The main entrance is from Macleay Street with glazed doors to a cranked lift and stair hall. There is a projecting awning over the entry doors.

The building has a concrete frame with rendered blade walls and expressed columns with face brick and glazed infills with aluminium framed windows. The elevations have expressed, concrete sun hoods that carry over the openings and brick panels. The building has flat roof behind a low parapet.

The lower podium floor is to a similar detail but with high level openings to the ground floor parking and horizontal, concrete and aluminium blades across the first floor. The rear sections of the car park have metal handrails at the first floor.

The entry foyer has been modernised and has no features of note. The apartments are arranged off a central hall and are to a common studio plan of a central space with a small kitchen and bathroom each side of the main, feature window. The owner reported that some apartments have later walls inserted into the bedroom space.

In the inspected apartment, floors are tiled. Walls are in plastered masonry and plasterboard and ceilings in plastered concrete. Doors are flush timber in steel frames and windows are in aluminium. The bathroom appears original, but the kitchen has been modernised. The bedroom area and entry space have fitted joinery.

The building has little landscaping apart from low brick planters to the street frontages.

Macleay is lined with a variety of buildings from the late Victorian period onwards with a number of Post War apartment buildings. To the south is a pair of three storey Edwardian buildings in painted brick with pitched roofs and heavily decorated facades. To the north across McDonald Street is a three storey block of Inter War apartments in face brick and to the west, in McDonald Street, a three storey terrace of late Victorian houses.

Figures 3.2 - 3.13

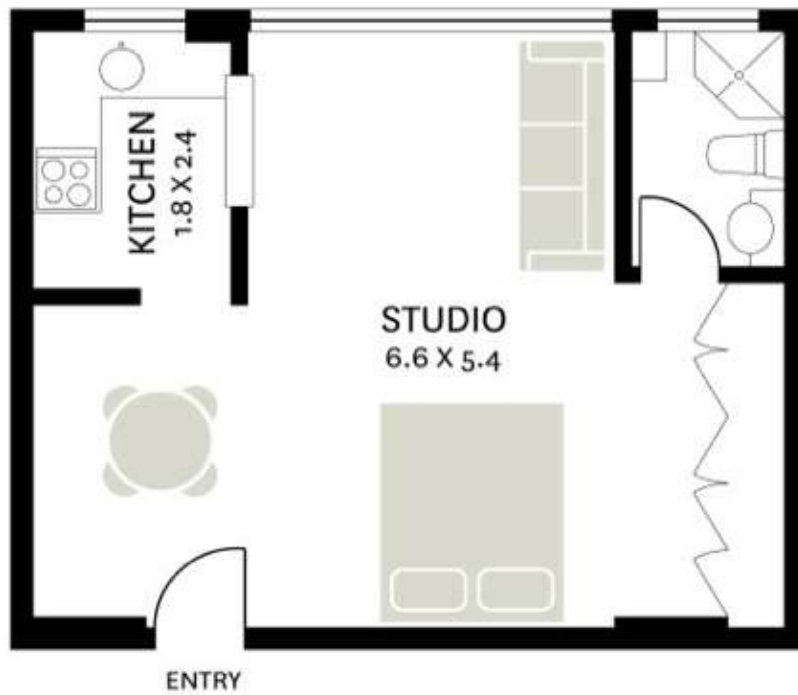


Figure 3.1 45-53 Macleay Street, Potts Point

Typical studio plan (Unit 46)

Source: Bresic Whitney website



Figure 3.2 45-53 Macleay Street, Potts Point
View from Macleay Street looking northwest



Figure 3.3 45-53 Macleay Street, Potts Point
East elevation



Figure 3.4 45-53 Macleay Street, Potts Point
West elevation



Figure 3.5 45-53 Macleay Street, Potts Point
South and west elevations



Figure 3.6 45-53 Macleay Street, Potts Point
View from McDonald Street looking southwest



Figure 3.7 45-53 Macleay Street, Potts Point
Rear car park



Figure 3.8 45-53 Macleay Street, Potts Point
Level 1 car park



Figure 3.9 45-53 Macleay Street, Potts Point
Facade louvres



Figure 3.10 45-53 Macleay Street, Potts Point
Entry foyer



Figure 3.11 45-53 Macleay Street, Potts Point
Typical studio



Figure 3.12 45-53 Macleay Street, Potts Point
Typical studio



Figure 3.13 45-53 Macleay Street, Potts Point
Studio bathroom

4.0 HERITAGE LISTINGS & CONTROLS

4.1 NATIONAL TRUST

The property is not classified on the Register of the National Trust of Australia (NSW).

4.2 HERITAGE NSW OF THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT

4.2.1 State Heritage Register

Under the Heritage Act 1977 (as amended), the NSW Heritage Council, administered by Heritage NSW of the NSW Department of Planning and Environment maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

4.2.2 State Heritage Inventory

Heritage NSW also compiles the State Heritage Inventory (SHI), a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. The subject property is not listed on the Inventory.

4.3 LOCAL AUTHORITY

The local authority for the area is the City of Sydney. The property is not listed as a heritage item in Schedule 5 Part 1 of the *Sydney Local Environmental Plan 2012* (SLEP) but is within the Potts Point Heritage Conservation Area (C51).

The property is in the vicinity of heritage items at:

REF	ADDRESS	ITEM	RANKING
I1139	55 Macleay Street	Terrace house <i>Sante Fe</i> including interior	Local
I1140	57-59 Macleay Street	Former artists' studio The Yellow House including interior	Local
I1141	61-63 Macleay Street	Flat building Wirrawa including interior	Local
I591	10-12 Macleay Street	Flat building Macleay Regis including interior	Local

The property is identified as a *Detracting Item* on the Building Contributions Map for the conservation area (see Figure 4.2).

The heritage provisions in the SLEP relating to the development in a conservation area and in the vicinity of a heritage item would apply.

Development at the site would also be the subject of the *Sydney Development Control Plan 2012* (SDCP) that contains detailed objectives and controls for development in conservation areas.

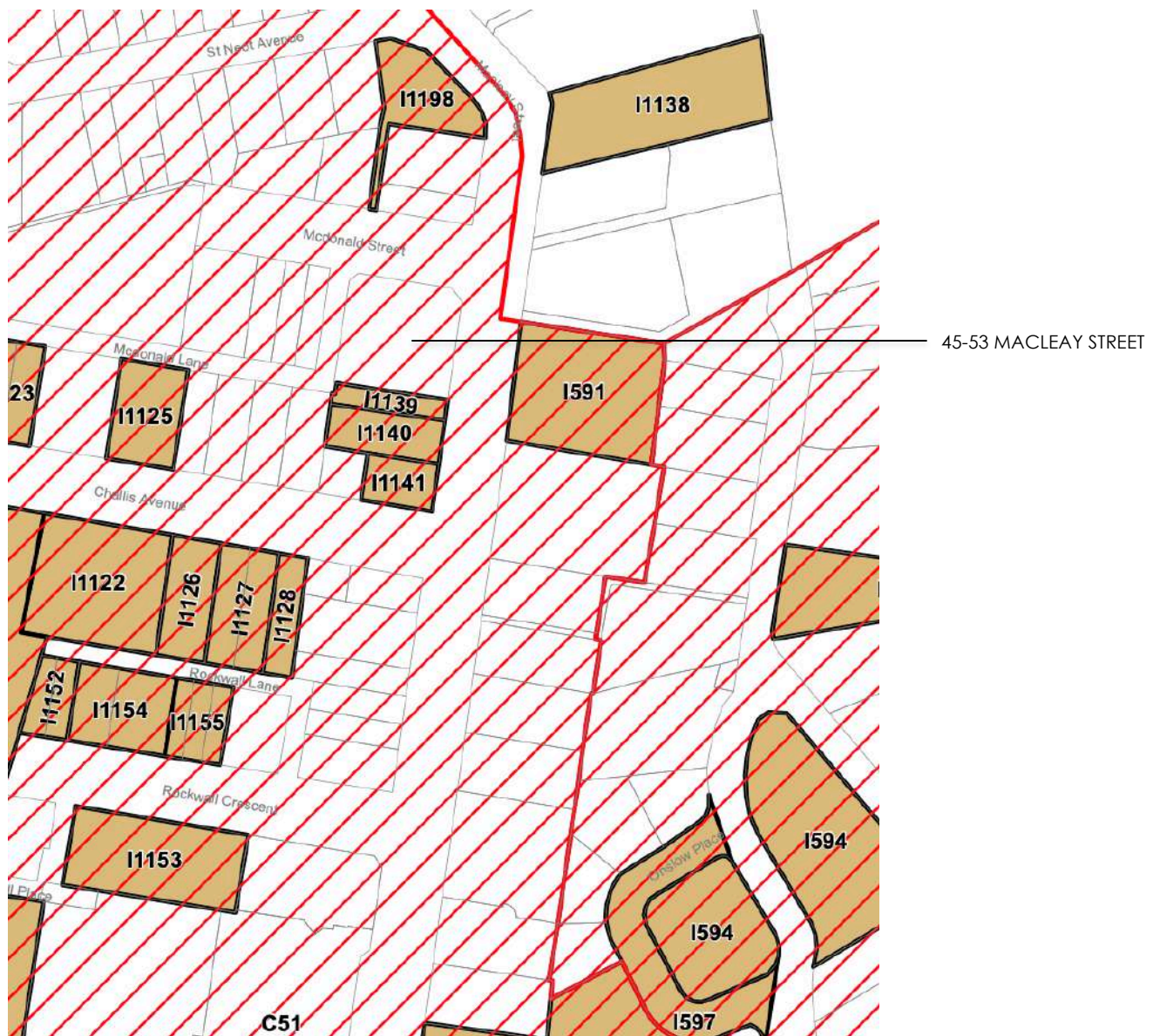


Figure 4.1 Extract from the Sydney Local Environmental Plan 2012 – Heritage Map Sheet HER_021

Source: NSW Planning Portal



Figure 4.2 Sydney Development Control Plan 2012 - Buildings Contribution Map 021

The subject building is noted as Detracting

Source: City of Sydney

5.0 ASSESSMENT OF SIGNIFICANCE

The Heritage Office of New South Wales has issued guidelines as part of the NSW Heritage Manual regarding the assessment of heritage significance. The Manual is a well-regarded methodology for the assessment of cultural significance and is appropriate for application to the subject property.

The assessment of the significance of the property has been expanded to address the revised thresholds in the *Assessing Heritage Significance* guidelines published in May 2023 by the NSW Department of Planning.

5.1 HISTORIC SIGNIFICANCE

5.1.1 Historical Development

Criterion (a)	<i>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)</i>
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5.1.1.1 45-53 Macleay Street

45-53 Macleay Street is an example of a twelve storey, Post War apartment building built over 1963/64 for Dalkrist Pty Limited on behalf of Mrs Daphne Stewart Kool to the design of architect Hugo Stossel.

The site has an interesting development history dating back to the subdivision of the area in 1828 for villas with landscaped gardens. The site was initially part of the grant to Henry Douglass who built a villa there named Adelaide Cottage. Following the resumption of the eastern side of Woolloomooloo Bay in 1890, a portion of the estate was sold to the Australian Mutual Investment and Building Company and the estate was subdivided in 1889 forming Challis Avenue and McDonald Street. Adelaide Cottage was demolished at this time.

The current site was developed c. 1896 for five, three storey dwellings by Maurice David Benjamin to the design of architect Maurice Bernard Halligan. The houses were a handsome essay in the Edwardian style and were built for lease. The properties at 45-53 Macleay Street were owned by members of the Boylan family from 1912 to 1960.

The subject site was sold to Mrs Daphne Kool in 1960 and her company, trading as CS Kool Pty Limited, lodged an application to a 20 storey, private hotel. The application was refused and an amended scheme for a twelve storey building was submitted to Council. Both proposals were designed by architect Bela Emery Sabolch.

The second application was also refused but was amended and approved. The final application was submitted for Dalkrist Pty Limited on behalf of Mrs Kool the architect being Hugo Stossel. The builder was Theiss Bros. The earlier buildings were demolished and the apartments were completed in 1964.

The building signals of the Post War development in Potts Point for apartments in the area that continued the theme of such developments from the Edwardian and Inter War periods. The bachelor style accommodation of studios is representative of the changing demographics and social patterns of the time.

The place is more significant for the earlier buildings from 1896 designed by architect Maurice Bernard Halligan that were demolished for the current apartment block. If extant, the buildings would almost certainly be listed as heritage items as are the buildings to the south at 55-59 Macleay Street.



Figure 5.1 Nos. 45-47 Macleay Street in 1926. Designed by architect Maurice Bernard Halligan (1862-1926) in 1896 for Maurice David Benjamin (1846-1904). The buildings were demolished to make way for the Chimes

Source: Sydney City Archives (001409)

5.1.1.2 Potts Point Apartments

Kings Cross, Potts Point and Elizabeth Bay were the subject of considerable development pressure in the early Inter War years when residential flat building became popular in inner city areas.

Kingsclere (1913) at the corner of Macleay Street and Greenknowe Avenue was one of the earliest, multi-storey apartment buildings in Sydney. Later developments include *The Raymond* at 68 Elizabeth Bay Road (late 1920's), *Meudon Apartments* in Onslow Avenue (1927) by architects Crane and Scott and *Cheddington* at 63 Elizabeth Bay Road (1934). These high-quality buildings involved architects of note and gave the area a very distinctive character overlaid on the earlier built pattern,

The subject apartments are part of the extensive, Post War redevelopment of Elizabeth Bay that saw the infill of vacant sites and the redevelopment of existing buildings. The subject apartments signal the Post War redevelopment of Potts Point following the demise of the larger estates and the redevelopment of earlier buildings on prime sites.

Other developments include apartments at 17 Wylde Street (1951) by Aaron Bolot, 80 Elizabeth Bay Road (1964) designed by architects Oser Fombertaux & Associates, the *Riviera Apartments* in Elizabeth Bay Road (1965) by the architects' department of Stocks and Holdings Limited. *Ercildoune* in Elizabeth Bay Road (1966) by Harry Seidler and Associates and *Ashleigh* in Elizabeth Bay Road (1973) by Ervin Mahrer and Associates. The units at 80 Elizabeth Bay Road were also designed as studios.

Another notable building from this period is the *Gazebo Hotel* in Elizabeth Bay Road built in 1968/69 for Sydney Fischer.

The residential development of the area for apartments has continued and Potts Point is now one of the most densely developed, residential areas in Sydney.

Significance indicator	Local significance threshold	Assessment
Association with an event, or series of events, of historical, cultural or natural significance	<i>Demonstrates the occurrence of an event(s) at the place that was significant to the local area</i>	The intensive and large scale, Post War development of the area saw a considerable change of scale and led to the loss of period buildings that detrimentally altered the character of the conservation area
	<i>Demonstrates the influence of an event(s) that occurred elsewhere and was significant to the local area</i>	The type of development was less intensive elsewhere and has largely the same effect
Demonstration of important periods or phases in history	<i>An early example of settlement within the local area</i>	N/A, The settlement of the area dated from the 1830s and the subject building is not an early development
	<i>Demonstrates an important period or phase in the history of the local area</i>	The building comes from the Post War development phase but was a largely destructive development period that saw the loss of many period buildings that altered the earlier and significant character of the area
	<i>Demonstrates the influence on the local area of a prominent period of economic prosperity or decline</i>	The development reflects the trend for apartment living in the Post War era that built on the development trend that was seen in the area since the Edwardian period
Association with important cultural phases or movements	<i>Demonstrates a notable period in the governance and administration of the local area</i>	The development reflected the development controls of the time that allowed for higher and more intense development but which gave little consideration to the impact on the historic character of the area
	<i>Notable association with changing demographic factors in the local area</i>	The development continued the earlier trend for apartment living but this was a common feature for many inner suburban areas of Sydney (e.g. Darlin Point and Double Bay)
	<i>Notable association with an important phase of social development in the local area</i>	The Post War phase was notable for its detrimental impact on the character of Potts Point and Elizabeth Bay and was opposed by the local community and the trade unions under Green Bans in the 1960s and 1970s
Demonstration of important historical, natural or cultural processes or activities	<i>Association with the development of an ideology derived from ethnic, religious, aesthetic, political, educational or other social beliefs, which had a notable influence on the local area</i>	N/A
	<i>Notable example of the harvesting and trade of natural and cultural resources associated with the key local historical themes of the area</i>	N/A
	<i>Notable example of industrialisation associated with the key local historic themes of the area</i>	N/A
	<i>Notable example of civil infrastructure, transport and communications associated with the key local historical themes of the area</i>	N/A
	<i>Notable example of the development and application of technology in the local area</i>	The use of concrete framing and infill construction was well established by the 1960s
	<i>Notable example of the development of centres for trade and governance, and the provision of community services in the local area</i>	N/A

Significance indicator	Local significance threshold	Assessment
	<i>Notable example of patterns of domestic life in the local area</i>	The apartment were small and rather mean by modern standards
Symbolism and influence of place for its association with an important historical, natural or cultural event, period, phase or movement	<i>The place possesses symbolic meaning to the local community, irrespective of whether the related activity is demonstrated at the place</i>	N/A
	<i>The place or activity had a notable influence on physical or social outcomes in the local area</i>	The development was a detrimental physical outcome

Does not meet the criterion.

5.1.2 Historical Associations

Criterion (b)	<i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)</i>
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The place is most closely associated with Mrs Daphne Stewart Kool (1927-2017) who purchased the site in 1960 and had several attempts at redevelopment before engaging Dalkrist Pty Limited to prepare an approvable scheme. Little biographical information was available and she could not be considered a person of note.

The place is also associated with architect Hugo Stossel (1905-2002) who was born at Klárafalva, Hungary in 1905 and studied architecture at Vienna, graduating with a diploma from the Technical College in 1932. Like Seidler, Oser Fombertaux and Aaron Bolot he was one of the many European émigré architects who came to Australia after World War II.

Stossel migrated to Australia 1939 from Bucharest and settling in Sydney and registered as an architect in NSW in 1948. From the early 1950s he was in private practice. On arriving in Sydney in 1938, the Hungarian-born Hugo Stossel took a position as a project manager for the construction company Cody & Willis. At the same time, he also took on private projects, one of which was the design of Australia's first prefabricated steel house at Ryde, in 1946.

In the early post-war years, Hugo Stossel designed several small modernist houses for fellow émigrés. The first was built in 1948 at Warrawee on Sydney's upper north shore for Moses Eisner and his wife, Gisela. Polish-born Eisner was the director of the Arcos steel company. Also built in 1948 was a house in Wahroonga for company director Rudolf Nossal and his family, from Vienna.

In 1950 Stossel designed a house for his own family in East Lindfield, and another nearby for Viennese-born furniture designer Paul Kafka and his wife, Ilse. A fifth north shore house was built in 1952–53 on Collaroy Plateau for Swiss-born Walter Schwarz and his wife, Alison.

The houses were featured in Sydney newspapers or published in magazines such as *The Australian Women's Weekly* and *Australian House & Garden*. All of Stossel's houses, (including two built in Sydney's eastern suburbs in the 1950s) are boldly geometric and feature open living spaces adjoining outdoor terraces. The designs reflected the cubist tendencies seen in the late Twentieth Century architecture movements in eastern Europe,

At Darling Point for Civil & Civic Stossel designed Broadwaters flats in Sutherland Crescent (1958) and Yarranabbe flats in 1958. The former police headquarters in College Street (now flats oddly enough) (1973) and the former Airport Hilton (1981) are later examples of his work.

In the 1950s and 1960s, Stossel moved into the design of apartment buildings. Among these projects are the Tor Apartments and Bayview Apartments in Roslyn Gardens and St Ursula Apartments in Onslow Avenue (1951).

Stossel is not noted as a key practitioner of any Post War style in Apperly et al. *Identifying Australian Architecture*. Only one building, his own house at 72 Woodlands Road, East Lindfield is noted on the State Heritage Inventory (SHI 1880723). The house is also listed on the Australian Institute of Architects Register of Significant Architecture in NSW.



Figure 5.2 Stossel's own house at 72 Woodlands Road, East Lindfield showing the European, cubist influences

Source: Caroline Simpson Library

Only one apartment building by Stossel is listed on the AIA Register, St Ursula's Apartments at 5 Onslow Avenue, Elizabeth Bay (1951). This was the first apartment building Stossel designed in Sydney. Utilising a reinforced concrete and steel frame it was thoughtfully planned in response to its corner site and north eastern aspect and is considered as an early and innovative Post War apartment design.



Figure 5.3 St Ursula, 5 Onslow Place, Elizabeth Bay (1951) by Hugo Stossel)

Stossel has a large body of work that was published in magazines of the time and recent consideration of his work has led to a number of studies on Stossel. His development from residential to larger scale projects indicates that he was a successful practitioner.

Stossel formed H Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high-rise buildings for the inner city of Sydney including the 22-storey Wynyard Travelodge (1969) and the Sydney Police Headquarters, College Street and the BMA Tower Chatswood (1970–1972) with external lift shaft.

By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda's and the other partner's leadership. In his later years Stossel lived in Vienna, Italy and England. He died at Cheltenham, Gloucestershire, in February 2002, aged 96²⁶.

He could be considered an architect of note though the International Style and the use of expressed, concrete frames and detail was well established by the mid 1960s and the building at 45-53 Macleay Street could not be considered a seminal or influential work.



Figure 5.4 Hugo Stossel

<https://www.bayviewelizabethbay.com.au/history/>

²⁶ GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024

5.1.3 Other Apartment Buildings by Stossel

His later works (some under Stossel and Associates) include multi-storey apartments, offices and factory buildings some reflecting his early work in Bucharest.

5.1.3.1 41-49 Roslyn Gardens - Bayview Apartments



Figure 5.5 Bayview, Roslyn Gardens, Elizabeth Bay (mid 1960s) by Hugo Stossel

5.1.3.2 51 Roslyn Gardens – The Tor



Figure 5.6 The Tor at 51 Roslyn Gardens by Hugo Stossel (1966)

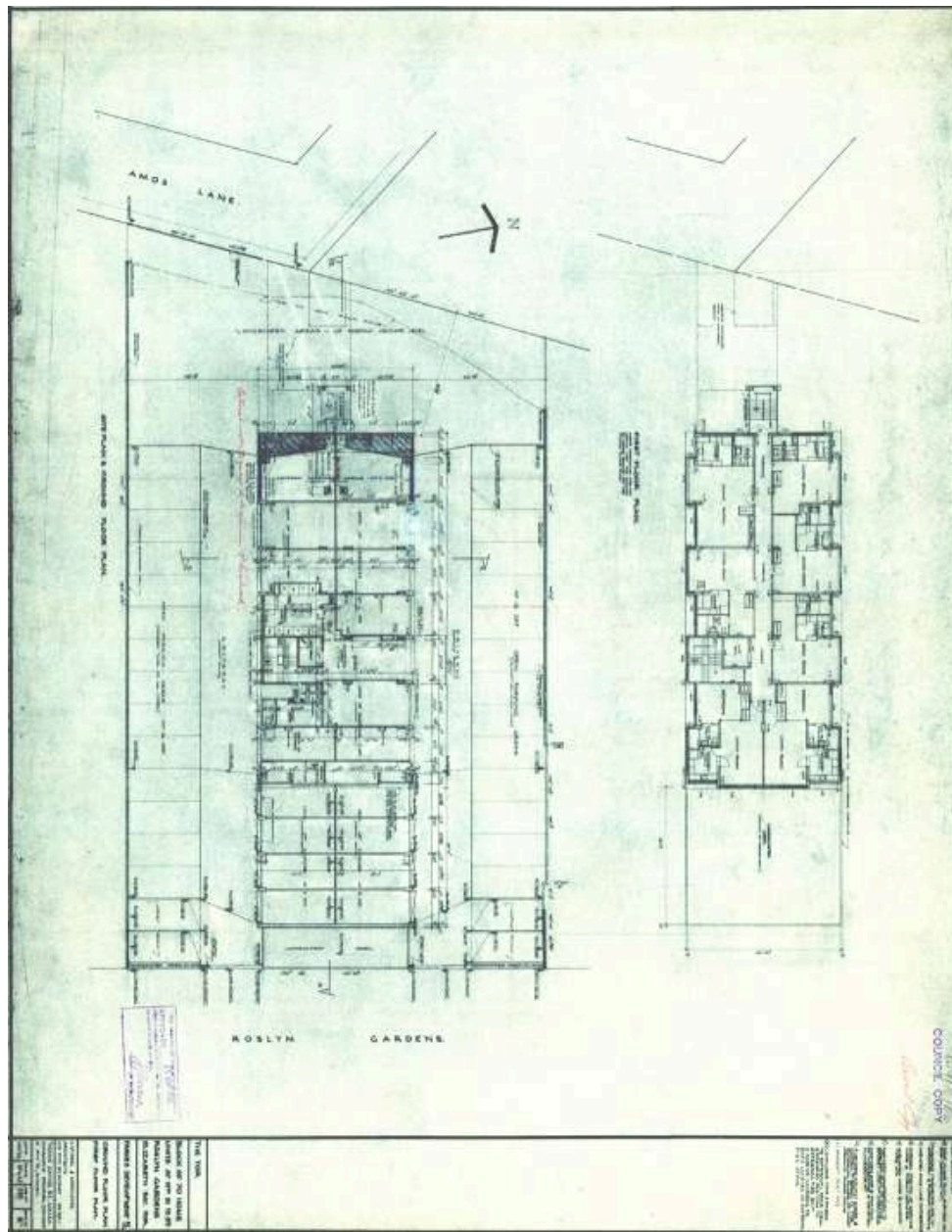


Figure 5.7 Block of 70 Home Units at Nos 51-59 Roslyn Gardens, Elizabeth Bay, NSW. Ground floor plan and first floor plan, by H Stossel and Associates, dated November 1964, approved 25th May 1966 for Parkes Development P/L

Source: City of Sydney CSA019398

The building was built on Lots 1-3 in DP 224773 that were brought under Torrens Title in 1965 when the sites were owned by Bopark Building (No. 1) Pty Limited²⁷. The period houses on the site were then extent The current building was built at this time as it was converted to Strata title in 1966.

²⁷ NSW Land Registry Services Vol. 10128 Fol. 65

5.1.3.3 17 Wylde Street, The Denison



Figure 5.8 15 Wylde Street, Potts Point by Hugo Stossel, 1965/66. Photograph by Pieter Stroethoff

Source: Urbis HIS p. 39

5.1.3.4 6-8 Macleay Street



Figure 5.9 6-8 Macleay Street, Street, Potts Point by Hugo Stossel, 1966/67. Photograph by Glenn A keep

Source: Urbis HIS p. 40

Stossel was also the architect for apartment buildings in Darling Point.

5.1.3.5 11 Sutherland Crescent - Broadwaters

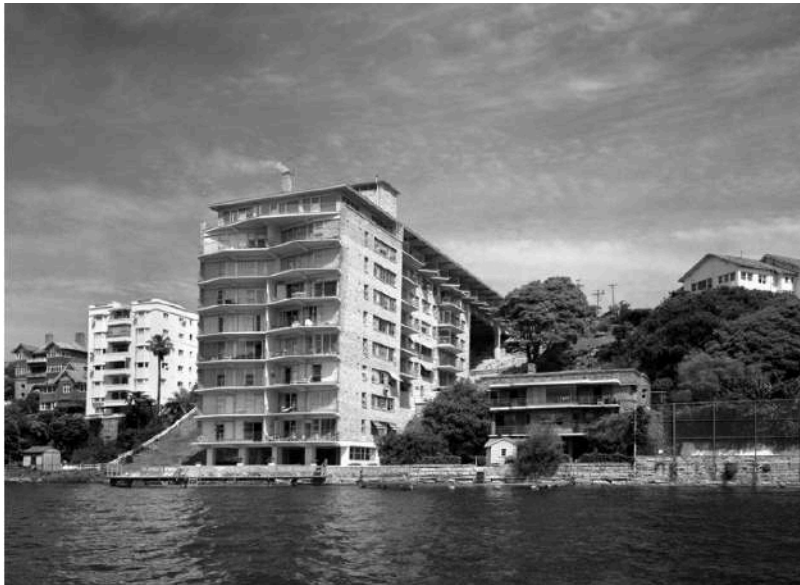


Figure 5.10 Broadwaters shortly after completion Photograph by Max Dupain and Associates

Source: GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024 (State Library of NSW)



Figure 5.11 Original concept drawing for Broadwaters, c. 1958 by Higo Stossel. Photograph by Max Dupain and Associates

Source: GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024 (State Library of NSW)

Broadwaters, designed some five years later, demonstrates Stossel's continued engagement with building technologies to enable increased height and approaches to difficult sites. Both Stossel and construction company Civil & Civic utilised innovation in the construction of the building on a steep site with limited access.

Broadwaters can be most closely compared with Stossel's project Yarranabbe Gardens (1958), designed and built in the same period. Both projects approach the steep site by stepping the building form down to the water's edge, taking advantage of a lack of planning controls to locate the buildings on the harbour front. Both utilise a narrow plan two apartments wide. However in Yarranabbe Gardens this is combined with a linking building and duplicated in an H plan. The site of Yarranabbe Gardens is much larger and allowed for more landscaping and a softer edge to the harbour with shared space and large swimming pool and boat ramp. Both projects largely share the same construction materials and design features including cantilevered angled balconies.

Although Hugo Stossel designed two other buildings on Darling Point, Kamilaroi (1964–1965), 52 Darling Point Road and Eastbourne Tower (1968–1970), these later projects share few aesthetic or technical features with Broadwaters and Yarranabbe Gardens²⁸.

5.1.3.6 87-97 Yarranabbe Road - Yarranabbe Gardens



Figure 5.12 Yarranabbe Garden, 1959 by Higo Stossel. Photograph by Max Dupain and Associates

Source: GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024 (State Library of NSW)

²⁸ GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024

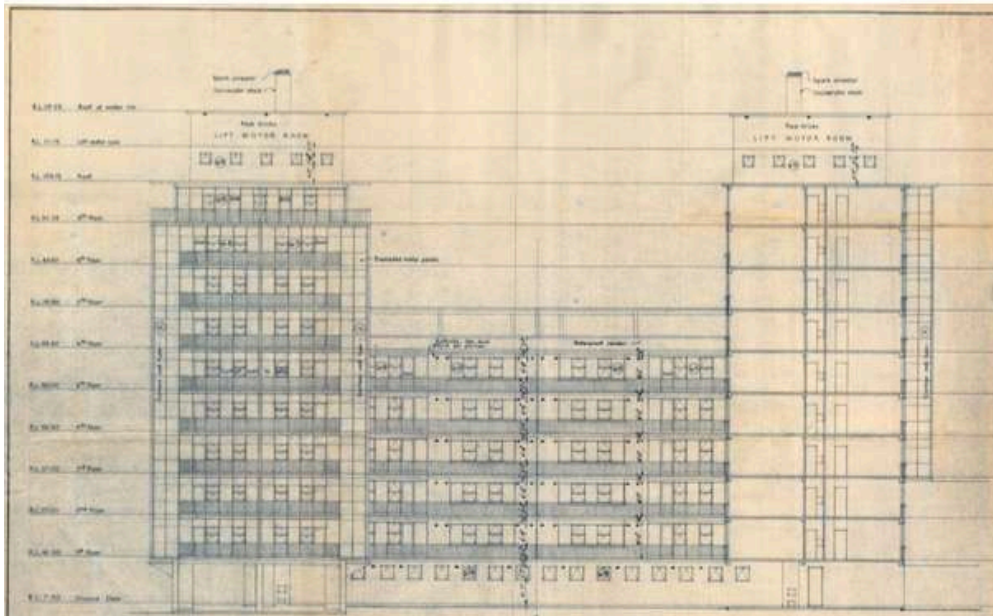


Figure 5.13 Yarranabbe Gardens Sectional elevation

Source: Source: GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024 (Woollahra Council DA 337/57)

Yarranabbe Gardens (1957) demonstrates Stossel's continued engagement with building technologies to enable increased height and approaches to difficult sites. Yarranabbe Gardens utilises the same construction methodology, steel structure with reinforced concrete slabs and curtain walling, but at a larger scale and with more sophistication.

Yarranabbe Gardens can be most closely compared with Stossel's project Broadwaters (1958– 1959), designed and built in the same period in Darling Point

Stossel designed two other buildings in Darling Point, Kamilaroi (1964–1965), 52 Darling Point Road, and Eastbourne Tower (1968–1970), these later projects share few aesthetic or technical features with Yarranabbe Gardens.

While Stossel designed numerous other apartment buildings in the late 1950s and 1960s, Yarranabbe Gardens is his largest and most prominent project, and one where stylistic elements of his later design work are first explored²⁹.

²⁹ GML Heritage, *Woollahra Modern Buildings Priority Study*, December 2024

The Urbis HIS also provides a very good overview of Stossel's work in Sydney and comparative examples from the Post War Period. The HIS notes:

Of mid-century residential apartment complexes in Sydney, several have become individual icons of the city's fabric. The most notable examples are Harry Seidler's Blues Point Tower (1962) and Kilburn Towers Manly (1959/60), both of which are locally listed heritage items.

The buildings presented as comparative examples above are examples of Modernist apartment living on a grand scale. The buildings are located on prominent waterfront sites, a characteristic which is also seen amongst somewhat lesser-known Modernist apartment buildings in Sydney's inner-eastern suburbs. Sites like Blues Point Tower and Kilburn Towers are revered as outstanding examples of International style architecture and are recognised for their aesthetic contribution to their areas and to the Modern movement in Sydney more broadly. Blues Point Tower can be seen from most points in Sydney Harbour, whilst Kilburn Towers has become a defining feature of Manly's coastline. The buildings have landmark status as iconic buildings of mid-20th century residential architecture in Sydney.

Equally important to the development of mid-20th century architecture are buildings like Oceana (Elizabeth Bay), 17 Wylde Street Potts Point and Harry Seidler's Ithaca Gardens (Elizabeth Bay). Oceana, designed by émigré architect Theodore Fry, is also located on a prestigious waterfront site and is characterised by its prominent size and presence amongst neighbouring apartment complexes of Elizabeth Bay. Like Blues Point Tower and Kilburn Towers, Oceana has come to have landmark significance along the shores of Elizabeth Bay. Opened in 1961, it was one of the earlier high-rise apartment blocks at Elizabeth Bay, containing 91 apartments. 17 Wylde Street Potts Point possesses similar landmark status given its prominent corner location at the intersection of Macleay Street and St Neot Avenue. It was one of Sydney's first curved apartment complexes, built in 1951. It was designed by revered immigrant architect Aaron Bolot, who was responsible for the design of the State Heritage-listed Randwick Ritz and several other theatres across NSW. 17 Wylde Street is historically significant for its outstanding representation of post-War International architecture and "reflects an important place in the development of a high-rise aesthetic in Australia."³⁵

These examples are considered outliers amongst Sydney's mid-20th century residential apartment complexes. They are buildings that are exceptional examples of their style, era and typology, which have come to be icons of Sydney's skyline. The inner-eastern suburbs of Sydney, however, contain many more examples of mid-20th century apartment buildings of varying scale, quality, and architectural merit.

The Chimes, is not dissimilar to Seidler's International Lodge, or Frank Hoffer's Riviera. These buildings are pedestrian examples of the Modernist aesthetic, showcasing typical elements without flair or innovation; they are common, and they do not reflect the requisite architectural or aesthetic merit for heritage listing.

Urbis HIS p. 51

We would concur with this commentary

Significance indicator	Local Significance Threshold	Assessment
A key phase(s) in the establishment or subsequent development at the place or object was undertaken by, or directly influenced by, the important person(s) or organisation	<i>The person(s) or organisation has made an important contribution to the history of the local area</i>	<p>Stossel designed several apartment building in Potts Point and Elizabeth Bay but their impact on the character of these areas was largely detrimental</p> <p>The building is associated with work of émigré architects who migrated in the Post War period from Europe (including Stossel) that brought European architectural styles with them but the subject building could not be considered a notable example of architecture from this period</p>
An event or series of events of historical importance occurring at the place or object were undertaken by, or directly influenced by, the important person(s) or organisation	<i>The person(s) or organisation has made an important contribution to the history of the local community and has a direct association with the place over an extended period</i>	Till recently, Stossel work was largely unexplored and his work has not made an important contribution to the place over an extended period
One or more achievements for which the person(s) or organisation are considered important are directly linked to the place or object		No significant achievements identified

Does not meet the criterion.

5.2 AESTHETIC SIGNIFICANCE

5.2.1 45-53 Macleay Street

Criterion (c)	<i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)</i>
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The apartment building is example of a twelve storey, late Twentieth Century International style building with some Brutalist overtones to the street massing and detail.

The building is reasonably intact externally and has a regular cellular plan of eight apartments per floor accessed by a central lift and stairs. The gridded facades to the major elevations repeat at each level and the expressed framing and sun hoods are a distinctive feature along with the concrete louvre to the first floor car park area some replaced in aluminium).

The building is a clear representation of form following function with the façade detail repeating at each level with the lower floor car parking providing a rather daunting podium to the street.

The building is heavily articulated by the framing and sun hoods but the repetitive design does not add to the quality of the building that has little in terms of articulation to its massing.

Its ponderous facades are quite out of character with the surrounds of filigreed, late Victorian, Edwardian and Inter War period architecture. The building has little in terms of an active street frontage with the planter boxes being a very modest gesture to landscaping.

The interiors have no features of note and the modest studios at each level are simply detailed and provide limited amenity.

The building was designed by architect Hugo Stossel and he could be considered an influential figure in Post War architecture (see above).

The building does not have the finesse of other late Twentieth Century buildings in Potts Point or his design of St Ursula Apartments in Onslow Avenue. The subject building could not be considered a seminal or influential work.

5.2.2 Comparative Examples

Potts Point and Elizabeth Bay has a number of good (and lesser) quality Inter War and Post War buildings that are noted below including works by Stossel (see above).

5.2.2.1 85 Elizabeth Bay Road, Elizabeth Bay - Ercildoune



Figure 5.14 Ercildoune at 85 Elizabeth Bay Road, Elizabeth Bay

The apartment building is an interesting example of a six to eight storey, late Twentieth Century Modernist style building with some Brutalist overtones built in 1966 and was designed by Harry Seidler and Associates.

The gridded, glazed facades to the major elevations are very well composed and are a signature of Seidler's work at the time. They show a lightness of touch and elegance that is not evident at Macleay Street.

Seidler is regarded as the most accomplished Modernist architect in Australia and was instrumental bringing the style to the country. His uncompromising approach, particularly in areas of period buildings, was not always popular but he has an outstanding body of work in Australia.

5.2.2.2 100 Elizabeth Bay Road - International Lodge



Figure 5.15 International Lodge at 100 Elizabeth Bay Road, Elizabeth Bay

International Lodge is a Harry Seidler designed apartment building in Elizabeth Bay, Sydney, completed in 1962. The building was designed as compact 40 square metre 1 bedroom and 29 square metre studio apartments. In 2014 the client purchased a 1 bedroom and a studio apartment side by side at the western end of the building, with exceptional views over Elizabeth Bay and Garden Island to Sydney Harbour and the Harbour Bridge³⁰.

International Lodge (originally known as the Ling Apartments), built in 1970, consists of two buildings. Seidler design trademarks include the main building's northerly orientation to capture the winter sun and the rear building's rooftop terrace and pool. International Lodge's Brutalist style façade is dictated by its concrete frame, which cleverly reduces the number of internal load-bearing walls to allow for open-plan interiors. The building was sold to a developer in 2014, and the apartments no longer feature Seidler's original fit-outs³¹.

³⁰ Source: Ian Moore Architects

³¹ Source: Jason Boon website

5.2.2.3 80 Elizabeth Bay Road, Elizabeth Bay

The apartment building is a robust example of a six storey, late Twentieth Century Modernist building. It is reasonably intact externally and has a cellular plan of small studios in the manner of 45-53 Macleay Street accessed by a lift and stairs and external walkways.

The building was designed by architects Oser Fombertaux & Associates but they are not noted as significant architects from this period.

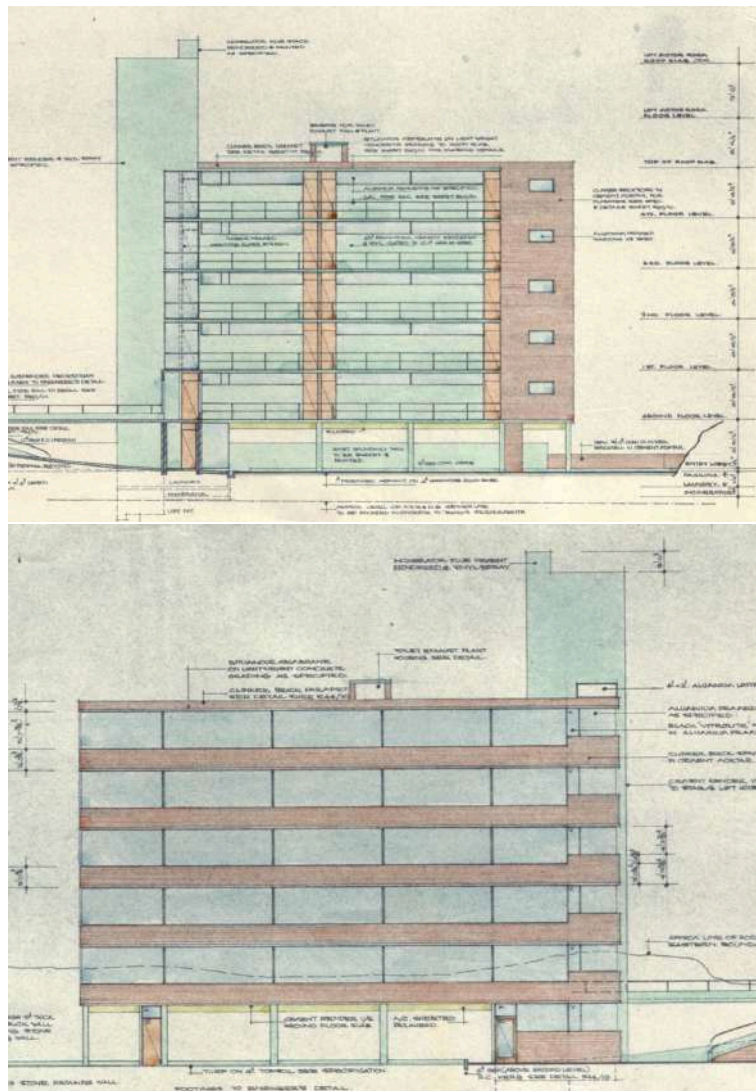


Figure 5.16 80 Elizabeth Bay Road, original floor plans by Oser Fombertaux & Associates dated September 1963. Elevations

Source: Client

5.3 12 ITHACA ROAD



Figure 5.17 12 Ithaca Road, designed by Harry Seidler 1965

Source: Client

It has been said that Harry Seidler's designs shaped the way Australians wanted to live in the 1960s. In a break from the architecture of old, his houses and apartments were filled with light, sited to suit the geography and environment of their block, and designed for efficiency.

Sydney's east is home to a collection of classic Seidler apartment buildings. Elizabeth Bay Ithaca Gardens was completed in 1960 and won the NSW Architecture and Arts Award the same year. The block stands out for its distinctive 'folded' entrance canopy and panoramic harbour views. Seidler and his wife Penelope lived at Ithaca Gardens for seven years before they built their home in Killara³².

5.3.1.1 50 Roslyn Gardens - Aquarius



Figure 5.18 50 Roslyn Gardens designed by Harry Seidler 1965

Seidler's innovative medium-rise apartment buildings, Aquarius, can be found in Rushcutters Bay. Built in 1965, like Ithaca Gardens it used European apartment design features to maximise natural light and cross breezes. The original design for Aquarius included an unadorned concrete façade, but this stark modernist look has been tempered in recent years with a paint job³³.

³² Source: Jason Boon website

³³ Source: Jason Boon website

5.3.1.2 2 Ward Avenue – The Gazebo



Figure 5.19 The gazebo at 2 Ward Avenue, Elizabeth Bay (1968-69)

Source: Client

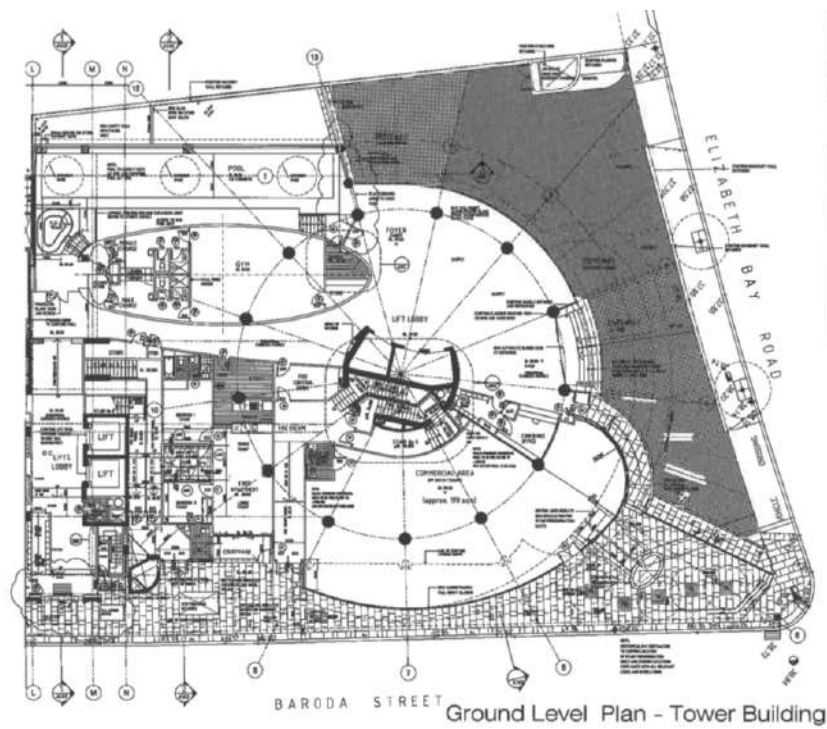


Figure 5.20 Group Architects Pty Limited, Gazebo Hotel Refurbishment Ground Floor Layout Plan, Drawing 0102 A253 S dated December 2004

Source: Client

The Gazebo Hotel was built in 1968/69 by Sydney Fischer, a prominent builder and local identity.

The building was designed by Design Construction Pty. Limited under the direction of Mr. Fischer. The inspiration for the design came from a similar structure in Chicago, Marina Towers. In 1982 the rear portion of the site was developed with a rectangular building as an extension for the hotel.

The building was converted to apartments in 2005 with a restaurant and bar at the ground level facing Elizabeth Bay Road.

5.3.1.3 17 Wylde Street, Potts Point



Figure 5.821 17 Wylde Street, Potts Point

The apartment building at 17 Wylde Street Potts Point was designed by architect Aaron Bolot and completed in 1951. Considering the constraints on building materials after the war the building showed considerable forethought in the provision of well-planned living units and services using modern materials in a contemporary fashion. Its curved façade responds well to its context, siting and views and provides a distinctive streetscape appearance.

It is an outstanding example of a Post War, International style apartment building that is notable for its design, layout and provision of modern amenities. Its curved design and radial planning gave rise to a distinctive and prominent design that is reinforced by the banding to the front elevation across the windows and spandrel panels and the projecting bays and balconies. The use of steel windows to the front gave a lightness of touch that reinforces the whole composition.

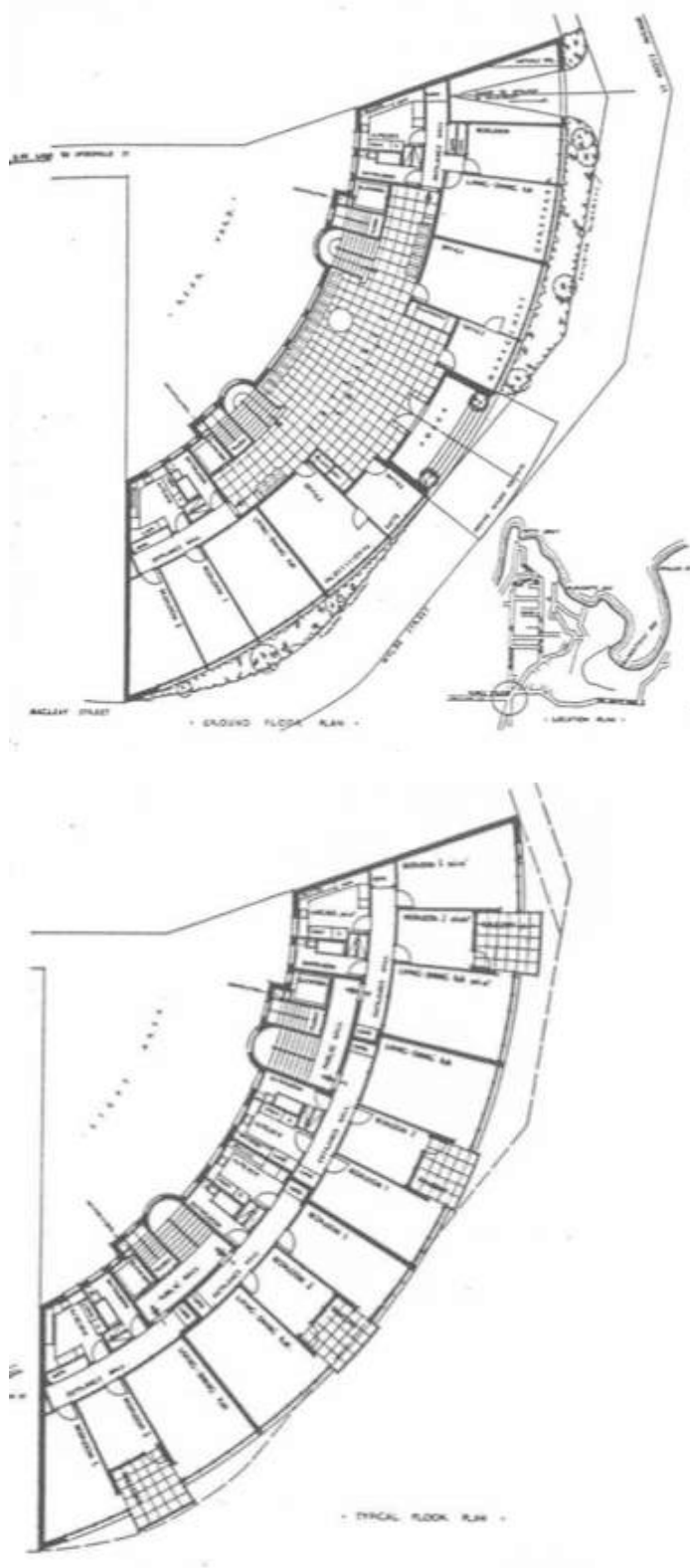


Figure 5.22 Illustrated plans of the building from 1951

Source: *Building and Engineering*, 24 September 1951

The building is one of the few, Post War apartment buildings in Potts Point to be listed as a heritage item (SLEP Item I1198). The listing sheet for the building (SHI 2421444) contains a statement of significance:

17 Wylde Street is an outstanding example of an innovative post-war International style residential flat building which was designed by prominent architect Aaron Bolot.

The building, one of the earliest curved apartment buildings in Sydney, demonstrates the influence of European Modernist principles in post World War 2 Architecture. The curved and streamlined horizontal banded façade and segmented radial planning of the building presents a creative and unique design response to an unusual triangular shaped site. The building occupies a prominent position in the townscape being situated at a pivotal corner on the ridge of Potts Point.

One of six apartment buildings developed by the Urban Co-operative Multi-Home Units, 17 Wylde Street, is important in demonstrating an uncommon process for owner residential development in Australia which was an early effort to build flats for owner occupancy other than by mechanism of company title. This process was the forerunner of the Conveyance (Strata) Act 1961, which introduced strata title

Significance Indicator	Local significance threshold	Assessment
Recognition as a landmark or distinctive aesthetic natural environment	<i>Distinctive in its formation, qualities, nature, size, or application within a local context or otherwise of particular interest in a local comparison of similar places</i>	The building is distinctive only in its scale and its repetitive detail has little elegance and the design paid no regard to its period setting or previous development The building is in a style that was common in the period and is a modest example of Post War, modernist building
Recognition of artistic or design excellence	<i>Critical acclaim of a place as a notable local example by prominent members of a discipline</i>	No records of journal or newspaper reports have been located to indicate that the building was considered a notable example of a Post War apartment development
	<i>Acknowledgement of merit in local media</i>	The building is a modest example of Post War, modernist building and does not demonstrate creative or technical excellence No records of journal or newspaper reports have been located to indicate that the building was considered of merit
	<i>Prominent use of imagery in media promoting the artistic or built environment of the local area</i>	N/A
Represents a breakthrough or innovation in design, fabrication or construction technique, including design/technological responses to changing social conditions	<i>Example of creative and technical achievements that influenced techniques used within the discipline/industry or influenced outcomes at other places or changing social, economic or political conditions in the local area</i>	The use of concrete framing and infill construction was well established by the 1960s and the development was not a seminal or influential example of the architect's work
Distinctiveness as a design solution, treatment or use of technology	<i>Unusual in its nature, size, or application within such a local context or otherwise of particular interest in a local comparison of similar places</i>	The scale is only unusual in comparison with early development of the area and the building was very much out of character
	<i>Notable or distinctive construction response to local constraints due to the availability of certain building materials at the time (known as 'vernacular' construction)</i>	N/A
	<i>Example of an adaptation or extension to the characteristics of a class of place, or blending of the characteristics of different classes in the local area</i>	N/A
Adapts technology in a creative manner or extends the limits of available technology	<i>Notable example of an unorthodox use or adaptation of the technology of the period in a local area</i>	The use of concrete framing and infill construction was well established by the 1960s and the building is not of any technical significance

Does not meet the criterion.

5.4 SOCIAL SIGNIFICANCE

Criterion (d)	<i>The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons</i>
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The place would have no special associations for any particular group.

Significance indicator	Local significance threshold	Assessment
Highly regarded by a community as a key landmark (built feature, landscape or streetscape) within the physical environment	A landmark that is visually prominent and possesses picturesque attributes or aesthetic qualities acknowledged by the local community	Though visually prominent there is no evidence that the building is held in high regard and such development in the area were strongly opposed by the local community and under the Green Bans
Important to the community as a landmark within social and political history	Use of imagery in media promoting the artistic or built environment of the local area	No records of journal or newspaper reports promoting the building have been located
Important as a place of symbolic meaning and community identity	The site of an event(s) that had a profound effect on a particular community or group from the local area	Such redevelopments in the area were strongly opposed by the local community and under the Green Bans
	A place that symbolically represents some aspect of the past that a local community or cultural group feels contributes to the local identity	There is no evidence that the building is held in any regard and such development in the area were strongly opposed by the local community and under the Green Bans
	A place in which a local community or cultural group gathers for rituals or ceremonies	N/A
Important as a place of public socialisation	A place in which a local community or cultural group regularly gathers for social or recreational interaction	N/A
Important as a place of community service (including health, education, worship, pastoral care, communications, emergency services, museums)	Public places that form the hub of local community services and cultural institutions	N/A
Important in linking the past affectionately to the present	A place that is known, used and valued as a link between the past and present by the local community	The place is not valued as a link as it is a common development type in the area

Does not meet the criterion.

5.5 TECHNICAL/SCIENTIFIC SIGNIFICANCE

Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
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There were previous buildings on the site but the scale of the later development would likely preclude there being underground remains and the place has very limited archaeological potential.

The building is of limited technical merit and is not structurally significant. It was specifically designed as bachelor flats and is an interesting representation of the demographics of Potts Point at the time.

Significance indicator	Local significance threshold	Assessment
Comparative analysis	A comparative analysis suggests that further research of the place or of an object could improve our understanding of local history or archaeology	The building is of a construction type common at the time that is readily understood
Potential to improve knowledge of a little-recorded aspect of an area's past or to fill gaps in our existing knowledge of the past	Has potential archaeological/ environmental or architectural evidence, through analysis and interpretation, to provide information about a place, practice or people that could not be derived from any other source and that contributes to the understanding of that place and its environment, fabric and relics, and is important to understanding the past of the local area	The place has no known archaeological potential and the building type and construction techniques of the 1960s are well understood
Potential to inform/confirm unproven historical concepts or research questions relevant to our past	The place or object has high research merit in that the relevant historical concepts or research questions relevant to the local area's past have not been explored	The development of the area and the apartment type is well understood
Potential to provide information about single or multiple periods of occupation or use	The place, collection or object contains relics and remains that may illustrate a significant pattern in local history. A benchmark or reference site or object with potential to represent a period, occupation, practice or tradition important to the local area or its people	N/A
Potential to yield site-specific information that would contribute to an understanding of significance against other criteria	Archaeological, environmental or fabric remains may have particular associations with individuals, groups and events that may transform mundane places or objects into significant items through the association with historical occurrences important to the local area The place, collection or objects is likely to embody an architectural or engineering style or pattern/layout that is distinctive in the local area	N/A

Does not meet the criterion.

5.6 RARITY

Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
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The building type is common in the area. Not rare.

Significance indicator	Local significance threshold	Assessment
Rare surviving evidence of an event, phase, period, process, function, movement, custom or way of life in an area's history that continues to be practised or is no longer practised	One of few comparable places in the local area that demonstrates any evidence of this event, etc., a place that is unusually extensive, intact or undisturbed that demonstrates evidence of this event, etc., or the movement, custom or way of life is of particular interest to a community group	The development of the area and the Potts War apartment typology is common in the area and is of no particular interest to community groups
Evidence of a rare historical activity that was considered distinctive, uncommon or unusual at the time it occurred	One of few comparable places in the local area that is associated with or demonstrates an activity that was distinctive for what it achieved, or was so unusual in its nature it is now of particular interest to a group or community in the local area	The building is a common and undistinguished example of apartment from the Post War period and is of no particular interest to community groups
Distinctiveness in demonstrating an unusual historical, natural, architectural, archaeological, scientific, social or technical attribute(s) that is of special interest	Demonstrates a distinctive attribute that is rare within the local area	The building is not distinctive or rare
Demonstrates an unusual composition of historical, natural, architectural, archaeological, scientific, social or technical attributes that are of greater importance or interest as a composition/collection	Demonstrates a composition of attributes that is unique within the local area	The development of the area and the Post War apartment type is common in the area

Does not meet the criterion.

5.7 REPRESENTATIVENESS

Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's Cultural or natural places; or Cultural or natural environments
	(or a class of the local area's: Cultural or natural places; or Cultural or natural environments)

The building is an undistinguished example of a mid to late Twentieth Century apartment building in the International Style and does not represent well the characteristics that make up the type.

Significance indicator	Local significance threshold	Assessment
A class of places or objects that demonstrate an aesthetic composition, design, architectural style, applied finish or decoration of historical importance	<i>A particularly fine example of the class in the local area, demonstrating a range of characteristics that are typical of the class</i>	The building is a common and undistinguished example of apartment building from the Post War period
	<i>A particularly intact example of the class in the local area, demonstrating a range of physical characteristics that typify the class and which remain mostly unchanged since built/created</i>	The building is relatively intact but is an undistinguished example of apartment building from the Post War period
	<i>A clear/pivotal example of the class in a local context, being a place that notably influenced subsequent examples of the class, or encapsulates a key evolutionary stage in the development of the class, or incorporates notable variations to the characteristics of the class that are of special interest</i>	The building could not be considered a seminal or influential design
Representative of a class of places that demonstrate a construction method, engineering design, technology, or use of materials, of historical importance	<i>A fine, intact or pivotal example (as per above) in the local area</i>	The building is a common and undistinguished example of apartment building from the Post War period
Representative of a class of places that demonstrate an historical land use, environment, function, or process, of historical importance	<i>A fine, intact or pivotal example (as per above) in the local area</i>	The building is a common and undistinguished example of apartment from the Post War period
Representative of a class of places that demonstrates an ideology, custom or way of life of historical importance	<i>A fine, intact or pivotal example (as per above) in the local area</i>	The building is a modest and undistinguished example of apartment from the Post War period

Does not meet the criterion.

5.7.1 Intactness

The building is largely intact to its original construction though some of the external concrete louvres to the floor car park have been replaced,

The lobby areas have been modernised to a poor detail and some of the apartments subdivided to form separate bedrooms.

5.8 SUMMARY OF SIGNIFICANCE

5.8.1 Summary of Significance

Based on the above, we consider that the building would not meet any of the Heritage Manual criteria for identification as a place of local significance. 45-53 Macleay Street is an undistinguished example of a twelve storey, Inter War International/Brutalist style apartment building.

5.8.2 Urbis HIS

The Urbis HIS contains an assessment and statement of significance:

The Chimes, constructed in 1963-64, was designed by post-War émigré architect Hugo Stossel and replaced an earlier Federation Queen Anne residence which originally formed part of an attached row of dwellings along Macleay Street, the remaining 3 of which survive and are now listed heritage items. The building, therefore, does not relate to the key periods of significance for the Potts Point HCA.

As part of the group of post-War émigré architects, Stossel and his contemporaries brought with them modernist and internationalist tastes and sensibilities. The mid-20th century produced some iconic Modernist buildings in Sydney and is rightfully recognised as a highly significant period in the city's architectural history.

However, The Chimes, much like Stossel's other residential flat buildings (of which many remain in the inner eastern suburbs), was designed to be a simply constructed, utilitarian, and high-density residential flat building evoking the Stripped Classical style which does not demonstrate any creative or technical excellence. This is in stark contrast to the residential apartment buildings designed by Stossel's more prominent contemporaries, as illustrated in the comparative analysis, which serve as much better representative examples of the type. A comparison of the subject building with other works by Stossel himself has concluded that The Chimes is not a particularly meritorious or important representative example of his work.

The Chimes, while remaining relatively intact externally, has been heavily modified internally and has, therefore, irreversibly lost its integrity as an example of a mid-20th century residential apartment building.

As such, it has been found that the subject building is unable to fulfil any of the criteria that would warrant its listing as a heritage item. Similarly, in light of the comparative analysis with other similar works by Stossel and his contemporaries, the building is not understood as a particularly fine or important example of its type, and as such does not make a positive contribution to the character and significance of the Potts Point HCA in which it is located, and its identification as a detracting item remains valid.

We would concur with this assessment.

6.0 CONTRIBUTORY STATUS

6.1 CONTRIBUTORY STATUS – THE CHIMES

6.1.1 Definitions and Conservation Character Statement

The subject building is currently classed as a Detracting Building in the HCA that is defines in the SDCP :

Detracting buildings are buildings that are intrusive to a heritage conservation area because of inappropriate scale, bulk, setbacks, setting, design or materials. They do not represent a key period of significance and detract from the character of a heritage conservation area.

Contributory elements in conservation areas are defined in the SDCP as:

Contributory buildings are buildings that make an important and significant contribution to the character and significance of the heritage conservation area. They have a reasonable to high degree of integrity and date from a key development period of significance of the heritage conservation area. They are buildings:

- *from a significant historical period and are highly or substantially intact; or*
- *from a significant historical period and are altered yet recognisable and reversible.*

SDCP Section 3.9.7 P. 3.9-6

The listing sheet for the Potts Point Conservation Area (SHI 2435711) contains a statement of significance:

The Potts Point Conservation Area provides evidence of the subdivision of the early land grants and the consolidation of development in Potts Point during the nineteenth and twentieth centuries, reflecting the evolution of the locality from a district of substantial nineteenth century villas, to one characterised by terraces of the late nineteenth and early twentieth centuries interspersed with high quality Interwar and Post war apartment housing and several surviving grand houses. Together with adjoining Elizabeth Bay and Rushcutters Bay, no where else in Australia were apartments built to this height or level of density. This creates streetscapes of strong urban form and Victorian, Federation and Interwar character. Views (including glimpses) to the city skyline and harbour are integral to the character of the area.

The area provides building types which represents the last 150 years of development that coexist in a harmonious way.

The commercial strip along Darlinghurst Road, together with Fitzroy Gardens and the El Alamein Fountain, provide a continuing civic and visual focus for the area.

Macleay Street and Macdonald Street are rated in the listing sheet:

Macleay Street: Predominantly turn of the century and Inter-war residential development, symmetrical masonry construction, intact foyers. Fine street planting. Detracting shops. Rating A.

McDonald Street: 3-4 storey Victorian terraces and post WW II flats. Central street planting. Detracting unit development. Rating A

The listing sheet notes the character as being *harmonious* and having streetscapes with a *Victorian, Federation and Inter War* character. The post war buildings provide less harmony and are often at odds with the earlier, character buildings providing grating intrusions into the streetscape. This was largely as a result of their Modernist styles, increased heights and the brutal expression of structure with little grain in their detail.

45-53 Macleay Street is from an important development period for the area though the effect of the Post War infill developments was to often remove high quality buildings from previous periods. The subject building removed a handsome row of late Victorian buildings that were much more important to the overall character of the area and the replacement building did not respond in any way to its historic setting.

In terms of the effect on the conservation area, this period of development was largely negative in heritage terms. While some developments saw the building of high-quality apartment buildings (as at 17 Wylde Street) this was often not the case and even the elegant Seidler building Ercildoune in Elizabeth Bay Road was a jarring insertion in the local area.

As noted above Contributory buildings are required to make an *important and significant contribution* to the character and significance of the conservation area and not detract from it.

We consider that the building is not a contributory element in the conservation area being an overbearing and rather oppressive design in an area distinguished by filigreed, late Victorian and Edwardian buildings.

6.1.2 SDCP Locality Statement

Section 2.4 of The SDCP contains locality statements for the areas around Potts Point.

6.1.2.1 Section 2.4.4 - Potts Point

This locality is bounded by the Victoria Street and Brougham Street cliff edge to the west; the rear of lots along Wylde Street to the north; the rear of eastern lots along Macleay Street to the east; and Hughes Street and the rear of southern lots along Greenknowe Street to the south.

The Potts Point skyline is easily identifiable by taller buildings along the ridge.

Potts Point is to maintain its character of grand terraces and significant street tree planting and small front gardens along Challis Avenue and Victoria Street. The northern residential pocket created by predominantly interwar apartment buildings should be maintained. Buildings in Wylde Street are to maintain the streetscape quality created by side setbacks and the landscaped setting. Heritage buildings to the west of Macleay Street are to be maintained and respected.

Macleay Street will be the focus of a primary retail spine and Challis Avenue will be strengthened as a destination for unique café and dining opportunities.

New development is to protect and maintain the established landscape quality of streetscapes including significant planting along Macleay and Victoria Streets, median planting and small front gardens of several east-west running streets.

6.1.2.2 Section 2.4.5 - Macleay Street and Wylde Street

The locality has a unique streetscape as a result of features such as vegetation, front and side building setbacks, the building alignment and also lot sizes.

The locality has a residential, leafy character characterised by a streetscape quality of side setbacks and predominant landscape. The building heights reinforce the existing cityscape in response to the undulating character of the area.

6.1.2.3 Section 2.4.6 - The Bays

This locality consists of the Elizabeth Bay and Rushcutters Bay neighbourhoods and are bounded by Sydney Harbour and naval lands to the north; the rear of eastern lots along Macleay Street; the rear of lots to the south of Greenknowe Avenue; the rear of lots to the west of Roslyn Gardens; St Lukes Hospital; Roslyn Street to the West; Rushcutters Bay Park to the east and New South Head Road to the south.

The Bays is a predominantly residential area with a diversity of housing styles and densities within a landscape setting that allows view sharing to continue from the private domain and gaps between buildings. Elizabeth Bay House is to be preserved as a heritage item and a landmark heritage building.

There are small clusters of shops at Elizabeth Road and Bayswater Road that complement the Kings Cross centre

6.1.2.4 Section 2.4.7 - Kings Cross

This locality is bounded by the Victoria Street/Brougham Street cliff edge to the west; Darlinghurst Road / Victoria Street intersection to the south-west; Craigend Street exit from New South Head Road to the south; Hughes Street and the rear of lots along Greenknowe to the north; and Roslyn Street, Roslyn Lane and lots along Elizabeth Bay Road to the east.

The well recognised Kings Cross skyline which includes the iconic Coca-Cola sign are significant features of William Street. Heritage items such as the Kings Cross Hotel have a landmark presence to the street. Any significant redevelopment is to enhance the existing pedestrian network to improve pedestrian amenity.

Kings Cross has long been recognised as an international and regional destination for tourism and entertainment, with international, regional, and local roles to play. Darlinghurst Road forms the area's lively, bohemian main street. The unique character of Darlinghurst Road is typified by its rich history and heritage, eclectic mix of buildings from different periods, architectural character and diversity, an inclusive community and a wide variety of businesses. With a mixture of shops, bars, restaurants, accommodation, and services for local needs, Darlinghurst Road is vital to the local community, as well as serving visitors from Sydney and further afield.

Development along Darlinghurst Road will contribute to and enhance the area's fun, vibrant and eccentric identity by appropriately responding to its existing 'human scale', including the fine grain and established built form patterns of the street. Development should also achieve a balance and diversity of activities and experiences to support the liveliness and vitality of Darlinghurst Road, which is to continue to fulfil its key economic, social, and cultural role within the locality.

The area's role as a centre is to be strengthened by capitalising on its proximity to public transport, and by providing commercial and retail services for existing and future residents and visitors alike. The centre is to be consolidated with Orwell Street promoting active retail and commercial uses to improve the link between Darlinghurst Road, Macleay Street, Lankelly Place and Victoria Street.

None of the locality statements note Post War high rise apartment buildings as being a significant feature of the area.

6.2 COUNCIL ASSESSMENT

The City of Sydney has commissioned a heritage assessment of the building:

TKD Architects, *The Chimes, 45-53 Macleay Street, Potts Point, Heritage Assessment*, dated September 2022 (TKD HA)

The report included an assessment of the significance of the building using the NSW Heritage Manual criteria.

The assessment indicated that the building would meet only Criterion (c) Aesthetic Significance:

Criterion C An item is important in demonstrating aesthetic characteristics and/or and high degree of creative or technical achievement in NSW (or the local area).

"The Chimes" is a characteristic example of a Modernist apartment building constructed in the post World War II era. It demonstrates the use and expression of a reinforced concrete structure in combination with face brickwork that is shared with many blocks of flats built during the 1960s.

The building is a contributing element within Macleay Street and Wylde Street, which contains several significant apartment buildings constructed during the interwar and postwar periods. It has some distinction as an architectural composition in this context, which consists of a horizontal podium above which a tower rises.

While "The Chimes" has some aesthetic quality, it is not aesthetically outstanding.

TKD HA p. 54

The TKD HA also included a statement of significance:

"The Chimes" is evidence of the boom in home unit and apartment construction in Elizabeth Bay and Potts Point that commenced at the end of the 1950s and continued through the 1960s and part of the continuous history of flat and apartment buildings in the locality through the twentieth century. It is associated with significant émigré architect Hugo Stossel, who made an important contribution to Sydney's Modernist architecture during the post war period and designed several buildings within the City of Sydney, including apartment blocks in Elizabeth Bay and Potts Point. "The Chimes" is a representative but not exceptional example of Stossel's work.

"The Chimes" is representative of apartment buildings constructed during the 1960s in Elizabeth Bay, Potts Point and other localities. It shares its reinforced concrete and brick aesthetics with many blocks of flats built during the 1960s and is a contributing element within Macleay Street and Wylde Street.

TKD HA p. 55

The report concluded:

Based on the analysis that forms the basis of this report, "The Chimes" is not considered to reach the threshold for inclusion in Schedule 5 of Sydney LEP 2012. However, because of its associational and aesthetic qualities the building is worthy of consideration as a contributory item in the locality.

The report recommended that the building should be retained.

TKD HA p. 56

We concur with the assessment that the building would not meet the required threshold for identification as an item of local significance but disagree with its assessment as being a Contributory building based on the assessment above. It should be noted that the assessment only refers to its being *contributing element within Macleay Street and Wyld Street*, not the wider conservation area.

The Edwardian and Inter War period saw much development in Potts Points for apartments where designs built on previous stylistic periods in terms of their form, materials and often ornate detailing to the primary facades. Though larger than earlier, period buildings, the developments were often in brick or had extensive decoration and articulation to the facades that gave a scalar relationship with earlier development.



Figure 6.1 Kingsclere at 1 Greenknowe Avenue, Elizabeth Bay

Built in 1912 to the design of architects Halligan and Wilton. Note the finely crafted facades and use of brick



Figure 6.2 Carinthia at 7 Springfield Avenue, Potts Point

Built c. 1926 to the design of architect Walter Leslie Neilson. Note the finely crafted facade

Some later buildings adopted a similar approach.



Figure 6.3 10 Challis Avenue, Potts Point

Built in 1938 to the design of architect was Charles Horace Christian (1896-1980). The building as designed as bachelor flats signaling the changing demographics of the area

Stossel's St Ursula's at 5 Onslow Place, Elizabeth Bay showed some consideration of the local context with curved, Modernist facade on a simple brick backdrop.



Figure 6.4 St Ursula, 5 Onslow Place, Elizabeth Bay (1951) by Hugo Stossel)

Rather than build on previous development and reinforce the character of the area, the Chimes simply imposed a Modernist and brutal building on the site with little regard for the local context.

7.0 PROPOSED DEVELOPMENT

7.1 CURRENT PROPOSALS

The current owners would like to redevelop the property for a mixed use development with apartments set over ground floor retail and loading facilities with underground car parking.

The SSDA proposals are shown on Drawings 6254 A 1001 to 1010, 1401, 1402, 1501, 6051, 6061 and 6062 (all revision 1) dated February 2025 and prepared by SJB Architects.

The project seeks concept approval pursuant to section 4.22 of the EP&A Act for a 13-storey mixed- use shop-top housing development comprising three levels of basement car parking, ground floor retail and residential above.

The project will include 15% affordable housing for a 15-year period to utilise the height and floor space bonuses in the Housing SEPP. The proposal will comply with the maximum height and FSR controls for the site when utilising the bonuses provisioned for under the Housing SEPP for affordable housing provision, and the Sydney LEP 2012 for design excellence.

The proposal include:

- Demolition of the existing building
- Excavation for underground car parking, lifts and service rooms
- Ground floor of retail units, service rooms, loading dock and access drive, communal open space and pool
- 11 levels of apartments
- One level of communal space (Level L3)

The building has retail units fronting Macleay Street and a drive to the car park adjoining. The loading dock is accessed from MacDonald Street.

The building over-sails to the southwest at Level 2 upwards but with indents at Level L3. The building has a heavily articulated plan with extensive use of curves elements and balconies to the east and north. The plan repeats for Level L4 to Level L10. There are gardens at the roof level accessed by spiral stairs from the apartments at Level L12.

The elevations have regular banding of glass and solid spandrels with the inset at Level L3 creating a three level podium to the street facades, The rear facades are to a more solid detail with windows set in bands with solid panels each side.

8.0 IMPACT OF THE PROPOSED DEVELOPMENT

8.1 GENERALLY

The site within the City of Sydney Local Government Area (LGA). It has an area of 1,289sqm and is legally described as SP 934. The site currently accommodates a 12-storey residential flat building comprising 80 studio apartments, and associated car parking.

The site is in Potts Point, which is well serviced by public amenities such as a supermarket, cafes, destination retail shops and a library. Further afield is the Sydney CBD and the Royal Botanic Gardens to the west, and Elizabeth Bay and Rushcutters Bay to the east.

The site is within convenient walking distance (750m) of Kings Cross Train Station which provides rail connections to Bondi Junction and South Sydney. It also benefits from access to local bus services along Macleay Street which run every 10 minutes o

The development of the site is part of the ongoing trend to increase residential density in inner city and inner suburban areas particularly where sites are close to transport and local services. This is reflected in the City of Sydney Council's planning controls for the subject site that allow a considerable increase in height and density (depending on design excellence and inclusion of affordable housing).

This type of development can be seen across Sydney and in Post War and recent development in Potts Point, Elizabeth Bay and Kings Cross that has seen a considerable increase in scale in areas close to the railway station and along the main commercial strip each side of Macleay Street.

The area also saw considerable change in scale from the Edwardian period onwards and particularly in the Inter War years. The current building on the site is twelve storeys.



Figure 8.1 Local Context







	
17 Wylde Street, Potts Point, 1951	Apartment fronting Elizabeth Bay
	
Ercildoune, Elizabeth Bay Road, 1965	The Gazebo, 2 Ward Avenue Elizabeth Bay, 1968/69
	
The Tor, Roslyn Gardens, 1965	Bayview Apartments, Roslyn Gardens
Both buildings were designed by Hugo Stossel	

Figure 8.2 Local Context

	
<p>The Macleay, 36-38 Macleay Street, Potts Point</p>	<p>40 Macleay Street, Potts Point</p>

Figure 8.3 Local Context

8.2 DEMOLITION

Based on the assessment in Section 5.0 above, we consider that the current building on the property is limited heritage significance and is not at a level of significance that would preclude its demolition.

8.3 EXCAVATION

The site is to be excavated for services and parking but the site has no known archaeological potential and there is unlikely to be any impact in this regard.

The excavation is inset from the southern boundary but extends to the eastern, western and northern boundaries. The offset to the southern boundary will limit the impact of the excavation on the heritage listed properties at 55-63 Macleay Street and there is a separating lane way (McDonald Lane) to the late Victorian terraces at 5-9 McDonald Street.



Figure 8.4 McDonald Laneway to the west of the subject site with terraces to the right

The excavation to other, street boundaries is largely a matter for the engineer to assess and provided that the construction is subject to careful consideration and engineering there should be no impact from these works in heritage terms.

8.4 USE

The building will retain a residential use with retail units at the ground floor fronting Macleay Street. This will continue the historic uses of the site.

8.5 PROPOSED DEVELOPMENT

The site is close to public transport links and the commercial centres of Potts Point and Kings Cross and is ideal in terms of potential development.

The proposed development is in line with the current planning controls for the site that anticipate an intensification of use and built form. The proposal is also in line with the scale and detail of the many high-rise development close by and in the surrounding suburbs.

The design is contemporary as there are no design cues from the current building or the surrounding, low scale development.

Many aspects of the design, such as site planning, setbacks and heights are driven by concerns such as privacy and solar access that has led to a well-articulated building that is set to the street frontages.

The building has a varying treatment to the street base to form a three level podium to give a scalar relationship with lower buildings to the north and south with retail spaces to Macleay Street to allow for activation to the street. The access drive to the basement parking is set to the south along Macleay Street to separate the building from the lower buildings to the south.

The plan is L shaped and very well-articulated with curved element at the upper levels with the solid spandrels and balconies providing a strong, horizontal emphasis to the street facades.

The design is much as could be expected from a modern retail/residential development in this location.

8.6 CONCEPT ENVELOPE

Council has contended that the concept envelope is excessive in height, bulk and scale. The concept envelope has been amended to respond positively to the existing street wall height. The podium has been reduced by 1 level providing a 3 storey street wall which aligns to the existing scale of 61-63, 57-59 & 55 Macleay Street.

The envelope has also been setback to the south eastern corner to align with the existing heritage facades to allow visual curtilage to their architectural features.

We would concur with the SJB planning report that contents that the proposed setback provides adequate visual separation of the proposed podium mass and existing heritage buildings along Macleay Street and Macdonald Street.

8.7 SYDNEY LOCAL ENVIRONMENT PLAN 2012 (SLEP)

8.7.1 Impact on the Conservation Area

The site is within the Potts Point Heritage Conservation Area.

The listing sheet for the HCA (SHI 2435711) contains a statement of significance:

The Potts Point Conservation Area provides evidence of the subdivision of the early land grants and the consolidation of development in Potts Point during the nineteenth and twentieth centuries, reflecting the evolution of the locality from a district of substantial nineteenth century villas, to one characterised by terraces of the late nineteenth and early twentieth centuries interspersed with high quality Interwar and Post war apartment housing and several surviving grand houses. Together with adjoining Elizabeth Bay and Rushcutters Bay, no where else in Australia were apartments built to this height or level of density. This creates streetscapes of strong urban form and Victorian, Federation and Interwar character. Views (including glimpses) to the city skyline and harbour are integral to the character of the area.

The area provides building types which represents the last 150 years of development that coexist in a harmonious way.

The commercial strip along Darlinghurst Road, together with Fitzroy Gardens and the El Alamein Fountain, provide a continuing civic and visual focus for the area.

As noted, the lower scale buildings in the HCA provide few design cues for a modern, multi-storey building and recent development of this type in the area is contemporary in form, detail and materials.

The development will have some impact on the setting of the conservation area being to a larger scale and contemporary style though the proposed development is in line with the general pattern of Post War , high-rise development and the current development on the site.

The proposed development will read very much in the character of this later development and will have a similar effect as the high-rise development on other sites that form the backdrop to the subject development.

The change in scale is particularly to be expected where the land use changes from residential to commercial or apartments as can be seen throughout the suburb. This is the case for the subject site and the podium element to Macleay Street provides an appropriate scalar relationship with the lower buildings to the south.

The proposal has a material and façade treatment division from the lower to upper floors with a podium element to Macleay Street and the upper section has a series of setbacks and change of detail to lessen the bulk and scale of the upper levels.

We consider that the proposed development will have a limited and acceptable impact on the conservation area.

8.7.2 Impact on Heritage Item in the Vicinity

There are a number of heritage items in the vicinity of the subject site.

8.7.2.1 55 Macleay Street

The listing sheet for the item (SHI 2420411) contains a description of the building:

Santa Fe is a three storey Federation Queen Anne style terrace which was originally face brickwork with contrasting stucco and rough-cast stucco detailing. The façade has been painted white. Characteristics of the facade include symmetric form with 3 bays above ground floor and a dominant roof and centrally located large gable. The first and second floor front verandas and bay windows have been enclosed. The outer bays have small gables with a stucco finish.



Figure 8.5 55 Macleay Street

The listing sheet also contains a statement of significance:

Santa Fe has local historic and aesthetic significance. It is one of five grand three-storey Federation Queen Anne style terraces at 55-63 Macleay Street, which is the surviving half of a set of 10 terraces, designed by architect Maurice B Halligan, that contribute to the streetscape.

The surviving terraces are of historical evidence for their history of change since 1905 from grand residents, to hotel, boarding house or apartment uses, illustrating the changing nature of Potts Point. The property also has historical associations with the Yellow House cooperative, which established at 57-59 Macleay street, which expanded into 55 Macleay Street from 1971-1973.

8.7.2.2 57-59 Macleay Street



Figure 8.6 57-59 Macleay Street - The Yellow House

The listing sheet for the item (SHI 2420201) contains a statement of significance:

The Yellow House is socially and historically significant because it was a centre of great importance in the artistic and cultural history of Sydney in the late 1960s and early 1970s. A co-operative of artists ran the Yellow House from 1969 until 1972, including George Gittoes, Brett Whitely, Martin Sharp and others. Many of the artists involved are now of national standing. Apart from the association with the artists, significance is also claimed for the dimensions, layout and fabric of the rooms within the Yellow House that formed an integral part of the exhibitions, installations and works produced and shown in the place. The Yellow House is one of a few remaining buildings associated with the artist's quarter and the Bohemian period in Kings Cross and Potts Point between the 1930s and 1970s. The building as part of a terrace at No 55-63 Macleay Street is also a fine and distinctive example of a Federation Queen Anne style terrace, which is a major work by the architect Maurice B. Halligan and contributes to the streetscape.

8.7.2.3 61-63 Macleay Street - Wirrawa



Figure 8.7 61-63 Macleay Street - The Yellow House

The listing sheet for the item (SHI 2420943) contains a statement of significance:

The Yellow House is socially and historically significant because it was a centre of great importance in the artistic and cultural history of Sydney in the late 1960s and early 1970s. A co-operative of artists ran the Yellow House from 1969 until 1972, including George Gittoes, Brett Whitely, Martin Sharp and others. Many of the artists involved are now of national standing. Apart from the association with the artists, significance is also claimed for the dimensions, layout and fabric of the rooms within the Yellow House that formed an integral part of the exhibitions, installations and works produced and shown in the place. The Yellow House is one of a few remaining buildings associated with the artist's quarter and the Bohemian period in Kings Cross and Potts Point between the 1930s and 1970s. The building as part of a terrace at No 55-63 Macleay Street is also a fine and distinctive example of a Federation Queen Anne style terrace, which is a major work by the architect Maurice B. Halligan and contributes to the streetscape.

8.7.2.4 10-12 Macleay Street – Macleay Regis



Figure 8.8 10-12 Macleay Street - The Macleay Regis

The listing sheet for the item (SHI 2420939) contains a statement of significance:

The site provides evidence of the subdivision of Alexander Macleay's 1831 land grant and the consolidation of development in Potts Point during the nineteenth and twentieth centuries, reflecting the evolution of the locality from a district of substantial nineteenth century dwellings to one characterised by inter-war apartment blocks. The history of occupation of the site reflects the social composition of Potts Point from circa 1870 to the present day and provides evidence of changes in systems of tenure during this period of time.

The site has historical associations with two significant individuals: Charles Bickerton Blackburn, eminent physician and Chancellor at the University of Sydney between 1941 and 1964; and Harold Percival Christmas, one of the founders of Woolworth's Ltd. Christmas was responsible for the construction of the building and he and his family occupied its penthouse for a number of years.

Macleay Regis was designed by the architectural practice of Pitt &Phillips, which designed numerous blocks of flats in Elizabeth Bay, Potts Point and the eastern suburbs. Their body of work makes a substantial contribution to the pervasive inter - war character of Elizabeth Bay and Potts Point. Macleay Regis is amongst the most important buildings designed by the practice in terms of its size and architectural quality.

Macleay Regis was the last major apartment block to have been constructed in Potts Point in the period between World War I and World War II, which was a highly important period in the history of the locality.

It is an outstanding example of an inter-war era apartment block in Sydney that demonstrates a high standard of design and finish and some distinctive architectural features not commonly found in contemporary apartment blocks such as its entry porch, apartment servery rooms, wall finishes in common areas, servery rooms serving pairs of apartments and consideration given to cross ventilation in the design of two bedroom apartments. Planning shows evidence of the influence of American precedents on Sydney's architects, because of similarities in plan with the Rockefeller Apartments in New York, designed by architect Wallace Harrison.

The building is a significant component of the streetscape in this section of Potts Point and one of a group of consistently scaled and detailed apartment blocks from the 1930s in Macleay Street.

The building is ten storeys.

8.7.3 Impact on the Items

The buildings to the south of the subject site are lower scale buildings and the Macleay Regis is a ten storey, Inter War apartment building. None of the items provide design cues for the subject site.

The curtilages of the items are their own lot boundaries and the surrounding streets provide their general setting.

The proposed development will read as part of the general pattern of higher scale development that is evident in the current building and the proposed building will have a similar effect.

There are few elements that can mitigate the change of scale apart from the provision of a plinth type treatment to the facades to the new building and activation of the street frontages.

The upper sections of the proposed development are very well articulated that lessens the impact of the change of scale. The proposals will have no impact on views to the items.

We consider that the proposal will have a limited and acceptable impact on the setting and significance of the items.

8.8 DEPARTMENT OF PLANNING GUIDELINES

The NSW Department of Planning has issued guidelines for the preparation of Statements of Heritage Impact (updated June 2023).

The guidelines provide a template of matters for consideration that are outlined below.

	MATTERS FOR CONSIDERATION	COMMENT
	<i>Fabric and Spatial Arrangements</i>	The current building is to be demolished
	<i>Setting Vistas and Views</i>	The development will not impact on significant views
	<i>Landscape</i>	The landscaping has not been considered in detail but there are no significant planting or period landscape features on the site
	<i>Use</i>	The property will remain largely in residential use that is the historic use of the property
	<i>Demolition</i>	This is discussed above
	<i>Curtilage</i>	There is no change in the current lot boundaries
	<i>Movable Heritage</i>	N/A
	<i>Aboriginal cultural heritage</i>	Outside the scope of this report
	<i>Historical archaeology</i>	Outside the scope of this report
	<i>Natural heritage</i>	Outside the scope of this report
	<i>Conservation Areas</i>	See Section 8.6.1
	<i>Cumulative Impacts</i>	See Section 8.1 to 8.3
	<i>The conservation Management Plan</i>	None prepared as the current building is to be demolished
	<i>Other heritage items in the vicinity</i>	See Section 8.6.2
	<i>Commonwealth/Natural heritage significance</i>	N/A
	<i>World Heritage Significance</i>	N/A

9.0 SUMMARY & RECOMMENDATIONS

9.1 SUMMARY

9.1.1 Demolition

Based on the above, we consider that for the current building on the site:

- The property at 45-53 Macleay Street does not meet any of the Heritage Manual criteria for identification as places of local significance
- The historic significance of the place largely relates to the earlier buildings on the site that were demolished for the apartments
- The building is an undistinguished example of its type
- The building is associated with an architect of note (Hugo Stossel) but is a modest example of his work and is not a seminal or Influential design
- The building could not be considered a Contributory element in the Potts Point Heritage Conservation Area

9.1.2 Proposed development

Overall we consider that the proposed development is a well-considered response to the development of a mixed-use site and the current planning controls applying.

The proposed design is well articulated and scaled and uses appropriate materials and details. It will follow the ongoing pattern of development in the area and will have a limited and acceptable impact on the setting and significance of the heritage items in the vicinity and the Potts Point Heritage Conservation Area.

In heritage terms, we consider that the development should be approved.

9.2 RECOMMENDATIONS

9.2.1 Archival Recording

Prior to its demolition, the current building should be photographically archivally recorded in accordance with the Heritage NSW guidelines for digital capture.



JOHN OULTRAM

10.0 APPENDIX A - OWNERS 1895-1960 WITH PREAMBLE

Auto Folio CP/SP934 (Source: NSW Land Registry Services)

Year	Owner
As to Adelaide Cottage	
1831	19th October CROWN GRANT Parish of Alexandria 8 acres 9 perches Henry Grattan Douglas
	Prior titles not searched
1880	18th February John Henry Challis died Thomas Foster Knox and Henry Edward Augustus Allan appointed executors
1888	19th October CERTIFICATE OF TITLE Vol. 898 Fol. 224 8 acres 1 rood 21 1/2 perches Thomas Foster Knox, Sydney, esquire James Clegg Taylor, Sydney, accountant
1888	6th December Dealing 143865 Transfer of part The Australian Mutual Investment and Building Company Ltd
As to Challis Estate	
1889	22nd January CERTIFICATE OF TITLE Vol. 910 Fol. 78 6 acres 2 roods 25 perches The Australian Mutual Investment and Building Company Ltd
1889	Subdivision in Deposited Plan 2436
As to Nos. 45-71 Macleay Street	
1893	29th August CERTIFICATE OF TITLE Vol. 1106 Fol. 45 Lots 34 & 35 and others William Deane, Sydney, gentleman
1895	18th February Dealing 235445 Transfer of Lots 34 & 35 in Deposited Plan 2436 Maurice David Benjamin
1895	4th March CERTIFICATE OF TITLE Vol. 1156 Fol. 35 Lots 34 & 35 in Deposited Plan 2436 2 roods 21 perches Maurice David Benjamin, Sydney, gentleman
1900	14th March Dealing 303687 Transfer Mary Ellen Scanlon, Bendigo, widow
As to Nos. 45-53 Macleay Street	
1912	19th March Dealing 687202 Transfer of part John Boylan

Year	Owner
1912	16th November CERTIFICATE OF TITLE Vol. 2314 Fol. 144 Part of Lots 34 & 35 in Deposited Plan 2436 1 rood 11 perches John Boylan, Sydney, licensed victualler
1923	14th June Dealing G537991 Transfer Mary Boylan, wife of John Boylan
1957	18th January CERTIFICATE OF TITLE Vol. 7234 Fols. 151-155 Part of Lots 34 & 35 in Deposited Plan 2436 1 rood 11 perches William Boylan, Sydney, electrician Eileen Boylan, Sydney, spinster Millie Boylan, Sydney, spinster Margaret Boylan, Brisbane, spinster Dorothy Mary Hughes, wife of Dr Norman William Hughes, Sydney,
1960	3rd March Dealing H441898 Transfer Daphne Stewart Kool
1960	6th July CERTIFICATE OF TITLE Vol. 7939 Fol. 122 Plan in Dealing 687202 Being part of Lots 34 & 35 in Deposited Plan 2436 1 rood 11 perches Daphne Stewart Kool, wife of Cornelis Kool. Mosman, builder
	CERTIFICATE OF TITLE Vol. 9727 Fol. 26 not searched Lot 1 in Deposited Plan 221527
	CERTIFICATE OF TITLE Vol. 9827 Fol. 103 not searched
	Auto Folio CP/SP934 not searched