

ITEM 9. PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF 163 BROUGHAM STREET WOOLLOOMOOLOO

FILE NO: S107132

SUMMARY

The Calidad Building is a fine work of modern architecture prominently situated in Woolloomooloo. While located at the street address of Brougham Street, the Calidad Building has its main street frontage to McElhone Street, elevated above street level on the edge of a cliff, as shown in the photo at Figure 1.

The Calidad Building is located within the Woolloomooloo heritage conservation area and assessed as a neutral item. It is one of two buildings on a large property at 153-165 Brougham Street which are not currently listed individually.

The Calidad Building distinguishes itself from the significant built form and period of the surrounding predominantly Victorian conservation area. Dating from 1974, the Calidad building represents a distinctive work of the prominent Australian architect, Ian McKay, and exemplifies the Sydney School architectural style. The calibre of this architecture and its sensitive contextual design means this modern building warrants both neutral designation for not detracting from the conservation area and heritage item status for its individual distinction.

This report seeks support for listing the Calidad Building as a heritage item on the Sydney Local Environmental Plan 2012 to ensure its heritage significance is protected.

A heritage assessment of the Calidad Building and the adjoining pair of semi-detached Federation houses was commissioned in April 2013, following an application for demolition of these two buildings. Tanner Kibble Denton completed this heritage assessment in May 2013. This assessment found that the Calidad Building had sufficient heritage significance to warrant retention. It also found that the Federation semis did not, due to their level of alteration.

The Calidad Building is recommended for listing as an item of environmental heritage to recognise its individual significance as a fine example of modern Australian architecture.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee approve the *Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo*, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo* for public exhibition in accordance with any conditions imposed under the Gateway Determination;

- (C) the Central Sydney Planning Committee note the recommendation to the Planning and Development Committee on 6 May 2014 that authority be delegated to the Chief Executive Officer to make any minor variations to the planning proposal following receipt of the Gateway Determination; and
- (D) the Central Sydney Planning Committee note the recommendation to the Planning and Development Committee on 6 May 2014 that Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all her functions under section 59 of the *Environmental Planning and Assessment Act 1979* to make an amendment to Sydney Local Environmental Plan 2012 to list 163 Brougham Street, Woolloomooloo, as a heritage item.

ATTACHMENTS

Attachment A: *Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo* (includes Appendix 1: Tanner Kibble Denton Heritage Assessment Report)

BACKGROUND

Site identification

1. While located at the street address of Brougham Street, Woolloomooloo, the Calidad Building has its main street frontage to McElhone Street, elevated above street level on the edge of a cliff, as shown in part in Figure 1 below.
2. The Calidad Building is a 1974 two-storey timber building with a steep gabled roof. The building was designed by the prominent Australian architect, Ian McKay. The building comprises sub-terrace offices, a lavatory/services block and a pool area.
3. The listing status of the Calidad Building is as a neutral item within the Woolloomooloo heritage conservation area. It is not currently listed as a heritage item. It is located within the vicinity of two heritage items on the same property.



Figure 1: Calidad Building at 163 Brougham Street, Woolloomooloo, as viewed from McElhone Street

4. The Calidad Building is one of four buildings on a strata plan property known as 153-165 Brougham Street, comprising Lot 101 of DP 615293 and Lots 1-10 of SP 16624, as shown in the aerial photo at Figure 2.
5. Two of these buildings are currently listed as heritage items, as outlined below. The other two buildings are the subject of this report and attached heritage assessment.
6. The buildings on the subject property at 153-165 Brougham Street include:
 - (a) a pair of Victorian terraces (heritage item);

- (b) Telford Lodge, a Colonial villa (heritage item);
 - (c) a pair of semi-detached Federation houses (subject of this report); and
 - (d) Calidad Building, designed by Ian McKay referred to as 163 Brougham Street (subject of this report).
7. Specific street numbers used for these separate buildings on the same property differ according to different records.
 8. The Calidad Building is referred to as 163 Brougham Street, as well as 157 and 161 Brougham Street.
 9. The pair of Federation semis is referred to as 161-165 Brougham Street, as well as 165 Brougham Street.
 10. Notwithstanding differences in street numbers for the four buildings on this site, the above noted land parcels correctly identify the land and buildings that are the subject of this report. These are illustrated in the following aerial photo at Figure 2.

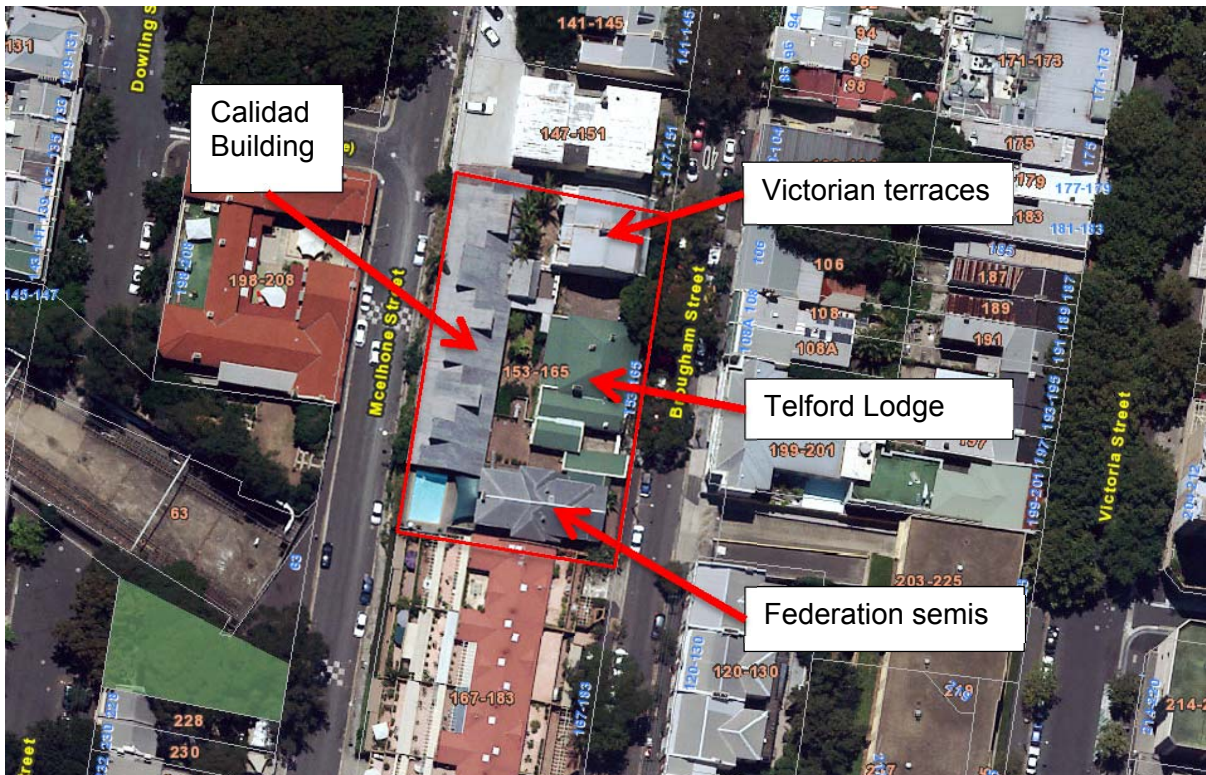


Figure 2: Property containing the Calidad Building and three other buildings at 153-165 Brougham Street, Woolloomooloo

Planning background

11. In December 2012, a staged development application (D/2012/1936) was lodged for the demolition of unlisted buildings, including the Calidad Buildings and pair of Federation semis, plus alterations and additions to the two existing heritage items and proposed building envelopes for further residential development.

12. Council refused this application on 13 May 2013, on the grounds of heritage and other impacts, non-compliance with controls and over-development of the site.
13. In April 2013, the City engaged Tanner Kibble Denton (TKD) Architects Pty Ltd to undertake a heritage assessment of the Calidad Building and Federation semis and advise whether it has sufficient heritage significance to warrant heritage listing.
14. This heritage assessment, located in Appendix 1 to **Attachment A**, concluded that the Calidad Building had sufficient heritage significance to warrant retention. It also found that the Federation semis did not, due to their level of alteration.
15. Progressing the listing of this significant building will ensure its heritage significance is protected as part of future plans or redevelopments.

Assessment of heritage significance: Calidad Building

16. The significance of the current Woolloomooloo conservation area is assessed as follows:

First settled by John Palmer in 1793, Woolloomooloo is significant as one of the earliest residential districts of Sydney. The rapid development of the area in the period 1850-1880 is demonstrated by the surviving rows of Victorian terracing of a modest scale and character. Remnant warehouses and hotels provide evidence of the port activities particularly in the early 20th century with the reorganisation of Cowper Wharf and the construction of the Finger Wharf.

17. Tanner Kibble Denton provided the following summary statement of significance for the Calidad Building:

163 Brougham Street has strong associations with prominent and respected architect Ian McKay and is considered to be an unusual example of his design for commercial purposes. It demonstrates many of the characteristics of his work such as respect for building materials, delight in using timber as a structural material and a memorable, distinctive form, along with several of the characteristics of the Sydney School. The building is a distinctive example of commercial architecture designed in that style. It has retained a relatively high amount of original fabric.

163 Brougham Street makes a strong visual contribution to the locality in which it is sited because of its architectural quality and siting in an unusual and highly prominent location on a cliff face rising above McElhone Street.

18. The NSW Heritage Manual outlines seven criteria of heritage significance to determine whether an item warrants listing. Only one of these seven criteria needs to be satisfied for listing. The site has been assessed against the seven criteria and meets the threshold for an item of local heritage significance. The assessment against each criterion, undertaken by Tanner Kibble Denton, is provided below.

- (a) **Criterion A (historic significance):** An item is important in the course, or pattern, of Sydney's cultural or natural history.

163 Brougham Street does not have a high level of historical significance. It belongs to a time when there was extensive commercial and residential development taking place in the City of Sydney.

The cliff face along McElhone Street has significance because it is understood to furnish evidence of the transformation of the landscape necessary to provide accessible building allotments for the development and consolidation of Woolloomooloo in the mid nineteenth century. It may also furnish evidence of the original topography of the area prior to European settlement.

- (b) **Criterion B (associations):** An item has strong or special association with the life of a person, or group of persons, of importance in the cultural or natural history of Sydney.

163 Brougham Street has strong associations with prominent and respected architect Ian McKay. The building demonstrates many of the characteristics of his work such as respect for building materials, delight in using timber as a structural material and a memorable, distinctive form. Ian McKay's work is considered to be important because it is associated with the Sydney School aesthetic of the 1960s and 1970s, particularly the organic strand influenced by the work of important twentieth century American architect Frank Lloyd Wright.

- (c) **Criterion C (aesthetic significance):** An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Sydney.

163 Brougham Street demonstrates several of the characteristics of the Sydney School and is a distinctive example of commercial architecture designed in that style.

163 Brougham Street makes a strong visual contribution to the locality in which it is sited. This is because of its architectural quality and siting in an unusual and highly prominent location on a cliff face rising above McElhone Street.

- (d) **Criterion F (rarity):** An item possesses uncommon, rare or endangered aspects of Sydney's cultural or natural history.

The building is considered to be an unusual example of Ian McKay's commercial architecture, situated in an unusual and highly prominent context.

- (e) **Criterion G (representativeness):** An item is important in demonstrating the principal characteristics of a class of Sydney's cultural or natural places or cultural or natural environments.

163 Brougham Street is a good representative example of a Sydney School style commercial building.

19. This assessment therefore finds that the Calidad Building satisfies four of the criteria for local heritage significance. Criterion D (social significance) and E (research significance) are not fulfilled.

20. The Calidad Building distinguishes itself from the surrounding conservation area as a fine work of modern architecture elevated on a prominent site at the top of a cliff. Dating from 1974, the Calidad building represents a distinctive work of the prominent Australian architect, Ian McKay, and exemplifies the Sydney School architectural style. A recent *Indesign* article described Ian McKay as "one of Australia's most exceptional but least celebrated architects" (Howlin 2013).
21. It is a testament to the calibre of this architecture and its sensitive contextual design that this modern building warrants both neutral designation for not detracting from the Woolloomooloo conservation area and heritage item status for its individual distinction.
22. As detailed in the attached heritage assessment, the Calidad Building has sufficient heritage significance to warrant retention and listing as a local item.
23. By including the building as a heritage item in Sydney Local Environmental Plan 2012, the heritage value of the existing architecture will be protected.

Assessment of heritage significance: other features

24. Regarding the adjacent pair of semi-detached Federation houses on the same property, shown in the photo at Figure 3 below, the Tanner Kibble Denton assessment concluded that this building, although a relatively unusual form of Federation-era housing, does not have sufficient heritage significance to warrant retention. This is because of the relatively high level of alteration, which makes it difficult to understand the original configuration and functioning of the design, and the modified setting.
25. On the basis of the Tanner Kibble Denton heritage assessment, the pair of semi-detached Federation houses are not recommended for listing as part of this planning proposal. The existing conservation area listing will ensure the character of the area is considered as part of future developments affecting this building.



Figure 3: Brougham Street view of assessed pair of semi-detached Federation houses at 153-165 Brougham Street, Woolloomooloo

26. The assessment does not make specific listing recommendations for the cliff-face. Therefore, the existing conservation area listing will recognise its contribution to the heritage significance of the area.

Delegation of Minister's plan-making functions

27. In October 2012, the Minister for Planning and Infrastructure delegated his plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation.
28. Council needs to receive an authorisation on a case-by-case basis to exercise the delegation. The authorisation is given through the Gateway Process and may be for spot re-zonings consistent with surrounding zones and matters of local significance. Exercising the delegation means a faster plan-making process.
29. The report to the Planning and Development Committee on 6 May 2014 recommends that Council seek authority to exercise the delegation of the Minister for Planning of all her functions under section 59 of the Environmental Planning and Assessment Act 1979, to make an amendment to Sydney Local Environmental Plan 2012 to list 163 Brougham Street, Woolloomooloo, as a heritage item in Schedule 5.

Planning proposal

30. The planning proposal, provided at **Attachment A**, recommends that the heritage listing of the Calidad Building at 163 Brougham Street, Woolloomooloo, proceed for public exhibition following receipt of a Gateway Determination by the Department of Planning and Environment.

31. The purpose of this planning proposal is to amend Sydney Local Environmental Plan 2012 by identifying the Calidad Building at 163 Brougham Street, Woolloomooloo as a heritage item of local significance in Part 1, Schedule 5.
32. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for exhibition and consultation, it will be forwarded to the Minister for Planning in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*. The Minister will then provide a Gateway Determination to either proceed – with or without variation – to consultation, or to resubmit the planning proposal.
33. Public exhibition of the planning proposal would then commence. The outcomes of the public exhibition would then be reported to Council and Central Sydney Planning Committee.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

34. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The planning proposal is aligned with the following SS2030 strategic directions and objectives:
 - (a) Direction 7 – A Cultural and Creative City. The planning proposal identifies the Calidad Building as a heritage item, allowing the building to be retained and allow present and future generations to understand the breadth of Australia's architectural heritage to the late 20th century. The identification will ensure any future development of the site considers the heritage value and significance of the site.

RELEVANT LEGISLATION

35. The *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*; and *Heritage Act 1977*.

CRITICAL DATES / TIME FRAMES

36. The Gateway notice issued by the Department of Planning and Environment will determine the length of time for public exhibition, and the timeframe for the completion of the Local Environmental Plan amendment process.

PUBLIC CONSULTATION

37. The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the Gateway Determination issued by the Department of Planning and Environment. The consultation will take place in accordance with the Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.
38. The planning proposal is considered to be a low impact proposal that would normally warrant a 14 day exhibition with notification:

- (a) on the City of Sydney website;
 - (b) in newspapers that circulate widely in the City of Sydney Local Government Area; and
 - (c) in writing to the owners, the adjoining landowners, relevant community groups, and the surrounding community in the immediate vicinity of the sites.
39. Following any public authority consultation and public exhibition, the outcomes would be reported to Council and the Central Sydney Planning Committee.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Claudine Loffi, Senior Specialist Planner (Heritage))