

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

FILE NO: S107132

SUMMARY

On 12 May 2014 and 8 May 2014, respectively, Council and the Central Sydney Planning Committee resolved to approve and exhibit a planning proposal to amend Sydney Local Environmental Plan 2012 (SLEP 2012) to heritage list the Calidad building at 163 Brougham Street Woolloomooloo.

The planning proposal was submitted to the Department of Planning and Environment, with a request for a Gateway Determination in accordance with section 56(1) of the *Environmental Planning and Assessment Act 1979*. The Gateway Determination to proceed with the public exhibition of the planning proposal was received on 11 July 2014.

The planning proposal was publicly exhibited from 30 July to 13 August 2014. The exhibition generated four public submissions, one objection from a current owner, and three submissions of support from the Institute of Architects, a local architect and the Heritage Council of NSW.

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. It distinguishes itself from the significant built form and period of the surrounding predominantly Victorian conservation area. Dating from 1974, the 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 heritage item status for its individual distinction. The submissions from the architecture industry reinforce the significance of this building.

This report recommends one change to the Planning Proposal as a consequence of public exhibition, this being to include the courtyard in the item name, in response to the Institute of Architects submission. The planning proposal does not alter the height or floor space ratio controls. The non-statutory inventory will also be updated to reflect the information collected on the buildings significance during the consultation process. With this update, it is recommended that the Central Sydney Planning Committee endorse the Planning Proposal, shown at **Attachment A**.

Noting that the Minister has authorised Council to exercise its delegation to make the local environmental plan, it is recommended that the Planning Proposal, shown at **Attachment A**, be approved by the Central Sydney Planning Committee, to be made a local environmental plan.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the submissions received to the public exhibition of the *Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo*;

- (B) the Central Sydney Planning Committee approve the Planning Proposal, as shown at **Attachment A** to the subject report, for finalisation and making as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*; and
- (C) the Central Sydney Planning Committee note the recommendation to the Council's Planning and Development Committee on 28 October 2014 that authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

ATTACHMENTS

Attachment A: *Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo*

Attachment B: Summary of submissions

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 (current heritage item);

- (b) Telford Lodge, a Colonial villa (current heritage item);
- (c) a pair of semi-detached Federation houses, which were the subject of the heritage assessment and were found not to be of significance; and
- (d) Calidad Building, designed by Ian McKay, referred to as 163 Brougham Street, which is the subject of this report and recommended for heritage listing.

7. These are illustrated in the following aerial photo at Figure 2.

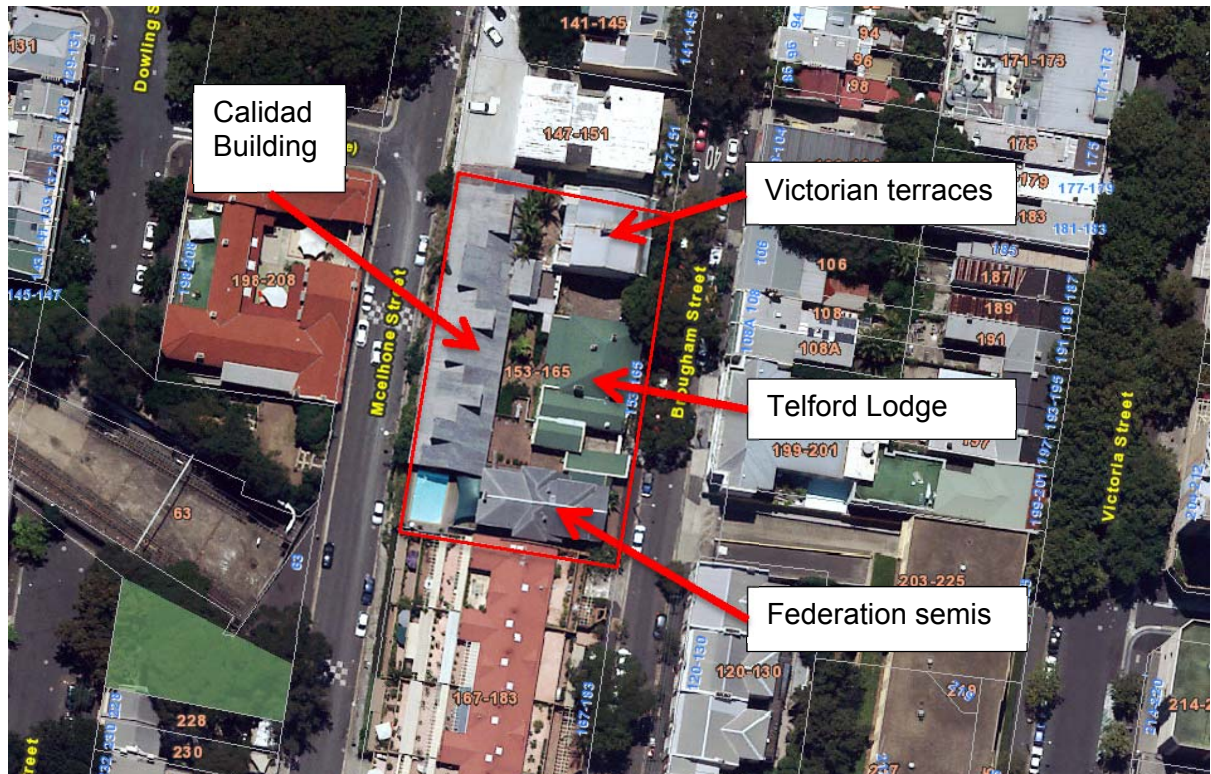


Figure 2: Property containing the Calidad Building and three other buildings at 153-165 Brougham Street, Woolloomooloo

Planning background

- 8. 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.
- 9. Council determined this development application by refusal on 13 May 2013 on the grounds of heritage and other impacts, non-compliance with controls and over-development of the site.
- 10. 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.

11. This heritage assessment, located in Appendix 1 to the planning proposal at **Attachment A** of this report, 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.
12. Progressing the listing of this significant building will ensure its heritage significance is protected as part of future plans or redevelopments.

Planning Proposal

13. The Planning Proposal seeks to heritage list the Calidad building as a fine example of modern Australian architecture. 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.
14. On 12 May 2014 and 8 May 2014, respectively, Council and the Central Sydney Planning Committee resolved to approve and exhibit a planning proposal to amend Sydney Local Environmental Plan 2012 to heritage list the Calidad building.
15. The Planning Proposal was submitted to the Department of Planning and Environment, with a request for a Gateway Determination in accordance with section 56(1) of the *Environmental Planning and Assessment Act 1979*. The Gateway Determination to proceed with the public exhibition of the Planning Proposal was received on 11 July 2014.
16. The Planning Proposal is shown at **Attachment A** and includes the resolutions of Council and the Central Sydney Planning Committee from 12 May 2014 and 8 May 2014, respectively, along with the heritage assessment.

Public Exhibition

17. Public agency consultation with the Heritage Council was undertaken in accordance with the Gateway Determination. The Heritage Council supports the listing of the Calidad Building as a heritage item of local significance.
18. The Planning Proposal was publicly exhibited from 30 July to 13 August 2014, consistent with the Gateway Determination. Notices were placed in the Central Newspaper and the Wentworth Courier at the beginning of the exhibition. Copies of the Planning Proposal were available online and at the City's One Stop Shop.
19. Four submissions were received during the public exhibition, one objection from a landholder, and three submissions of support from the Institute of Architects, a local architect and the Heritage Council of NSW. A summary of the issues raised in the submissions is shown at **Attachment B**.
20. The landholder's objection mostly related to the interiors, the pool and deck and his commissioned heritage assessment. The convention for heritage items is to list the building as a whole, including its interiors and setting, because a building of individual merit is more than its external shell.

21. In relation to the pool and deck, the listing for this building includes the whole site because the whole site is currently shaded as a heritage item as a result of the other items located on the same property. The pool and deck contribute to the setting of the building.
22. Listing the interiors and setting of a heritage item does not prevent alterations or change of use, but ensures that impacts on significant features, both internally and externally, are assessed and the integrity of the building as a whole maintained when major changes are proposed.
23. The Tanner Kibble Denton assessment satisfies the Heritage Council criteria for individual listing as a heritage item of local heritage significance. The architectural significance of the building is further reinforced by the supporting submissions from the Institute of Architects and a local architect.
24. As a result of public exhibition, and in response to the Institute of Architects' submission that the courtyard was an integral part of the design, it is recommended the planning proposal is modified to include the courtyard in the item name.
25. The consultation process also revealed further information about the significance of this building. This includes the proposed listing of this building by the Institute of Architects, honours recently awarded to Ian McKay, and the rarity of the building as an example of the Sydney School commercial development in the inner city. The non-statutory inventory will be updated to reflect the information collected on the building's significance during the consultation process.

Next Steps

26. As the Minister has authorised Council to exercise its delegation to make the local environmental plan, it is recommended that the Planning Proposal at **Attachment A** be approved by the Central Sydney Planning Committee to be made as a local environmental plan.
27. Gateway Determination requires the amendment to the Local Environmental Plan be completed within six months of the Gateway Determination, being 11 January 2015.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

28. *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

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

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Claudine Loffi, Senior Specialist Planner (Heritage))