

Item 3.

Public Exhibition - Planning Proposal - City Architect and City Landscape Architect Heritage Items - Sydney Local Environmental Plan 2012 Amendment

File No: X093489.007

Summary

Sydney has many layers of history and culturally significant places, landscapes and buildings. These places, landscapes and buildings, from our distant and recent past, tell the story of Sydney and contribute to its liveability, environment and economy. As the City of Sydney (the City) grows and develops, we face several challenges in protecting and maintaining our cultural heritage, while also accommodating change. Our planning controls assist us in balancing these challenges.

Continuous review is necessary to ensure the Sydney Local Environmental Plan 2012 (SLEP 2012) continues to deliver positive outcomes for the local economy, residents and visitors and remains consistent with the vision set out in the *City Plan 2036: Local Strategic Planning Statement* and *Sustainable Sydney 2030-2050 Continuing the Vision*. Since SLEP 2012 has been in force, the City has made heritage-related amendments and additions to improve its operation and accuracy, and ensure Sydney's diverse history is adequately acknowledged.

In August 2021, via a Notice of Motion, Council requested that the Chief Executive Officer investigate recognition of the work of City Architect Albert Smillie and City Landscape Architect Ilmar Berzins and their role in the design of post-war Sydney. These designers worked during a period of intense post-war reconstruction, which was accompanied by a boom in the construction of community facilities including baby health centres, libraries, welfare centres, public parks and gardens.

Council resolved that the City investigate the commissioning of a heritage study of public projects under Albert Smillie and Ilmar Berzins and report back to Council on which items could be considered for heritage listing.

In response, the City engaged TKD Architects in 2023 to complete a heritage study of sites designed under Smillie and Berzins and make recommendations for potential sites to be included as heritage items in the SLEP2012.

Around 250 sites identified by or under Smillie and Berzins, and of these, TKD architects recommended that 17 sites be investigated further for potential heritage listing. Several of the sites were located within existing heritage items, others were scheduled to be demolished and one was not designed by the City Architect. Following internal review, heritage assessments were completed for 6 sites.

This report proposes the public exhibition of a planning proposal to amend SLEP 2012 by including 3 buildings and 3 public spaces, all owned by the City and linked to Smillie and Berzins, as local heritage items under Schedule 5, Part 1:

- **Former Baby Health Centre, 12A Dadley Street, Alexandria:** a rare surviving example of a baby health centre designed by the City Architect, historically significant as it provides evidence of efforts by the City to improve social welfare conditions in the area; with a distinctive octagonal plan organised around a circular central court.
- **Former John Carroll Kindergarten, 2-14 Phelps Street, Surry Hills:** has been used as child care centre for over 70 years, designed in a New Empiricist style extensively used by the City Architect during the post-World War II period for buildings fulfilling a responsible social agenda; representative of the kindergartens designed by the City of Sydney during the post-World War II period.
- **Phillip Park Cleansing Depot, 13-17 Riley Street, Woolloomooloo:** a rare surviving example of a purpose designed cleansing depot that demonstrates a high level of aesthetic significance; also rare because it incorporates a World War II air raid shelter into its plan and fabric.
- **Arthur McElhone Reserve, 1A Billyard Avenue, Elizabeth Bay:** a rare intact landscape design of the City Landscape Architect significant for its location within the visual curtilage of Elizabeth Bay House and the sensitive demonstration of modernist landscape design principles within that curtilage.
- **Quarry Green Reserve, Ultimo:** representative of street closures and landscaping designed by the City Landscape Architect constructed across the City during the 1970s and 1980s, inspired by the "Sydney Bush School" aesthetic in landscape design.
- **Ulster Street, Paddington:** part of a series of street closures from the 1970s - 1980s to pedestrianise urban precincts as part of the City's "Greening Sydney" policy, formalised in the 1971 City of Sydney Strategic Plan, representative of the application of the "Sydney School" aesthetic in landscape design

This report recommends that Council approve the public exhibition of the proposed amendments to the City's planning framework and seek a gateway determination for the planning proposal from the Department of Planning, Housing and Infrastructure which will enable the City to place the amendments on public exhibition.

Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal - City Architect and City Landscape Architect Heritage Items, shown at Attachment A to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;
- (B) Council approve the Planning Proposal - City Architect and City Landscape Architect Heritage Items as shown at Attachment A for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;
- (C) Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - City Architect and City Landscape Architect Heritage Items; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - City Architect and City Landscape Architect Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination.

Attachments

Attachment A.	Planning Proposal - City Architect and City Landscape Architect Heritage Items
Attachment B.	Albert Smillie and Ilmar Berzins City Architect and City Landscape Architect Heritage Study
Attachment C.	TKD Heritage Assessment - 12A Dadley Street, Alexandria
Attachment D.	Draft Inventory Sheet - 12A Dadley Street, Alexandria
Attachment E.	TKD Heritage Assessment - 2-14 Phelps Street, Surry Hills
Attachment F.	Draft Inventory Sheet - 2-14 Phelps Street, Surry Hills
Attachment G.	TKD Heritage Assessment -13-17 Riley Street, Woolloomooloo
Attachment H.	Draft Inventory Sheet - 13-17 Riley Street, Woolloomooloo
Attachment I.	TKD Heritage Assessment - 1A Billyard Avenue, Elizabeth Bay
Attachment J.	Draft Inventory Sheet - 1A Billyard Avenue, Elizabeth Bay

- Attachment K.** TKD Heritage Assessment - Quarry Street, Ultimo
- Attachment L.** Draft Inventory Sheet, Quarry Street, Ultimo
- Attachment M.** TKD Heritage Assessment - Ulster Street, Paddington
- Attachment N.** Draft Inventory Sheet - Ulster Street, Paddington
- Attachment O.** Council Resolution - City Architect and Landscape Architect Works
Heritage Study

Background

1. In August 2021, via a Notice of Motion, Council requested that the Chief Executive Officer investigate recognition of the work of City Architect Albert Smillie and City Landscape Architect Ilmar Berzins and their role in the design of post-war Sydney. These designers worked during a period of intense post-war reconstruction, which was accompanied by a boom in the construction of community facilities including baby health centres, libraries, welfare centres, public parks and gardens.
2. Council resolved that the City investigate the commissioning of a heritage study of City projects under Albert Smillie and Ilmar Berzins and report back to Council on which items could be considered for heritage listing.
3. In response, the City engaged Tanner Kibble Denton Architects (TKD) to research the works of Smillie and Berzins while employed by the City, as well as any projects completed under their direction.
4. The study was completed in two stages with Stage 1 comprising preliminary research, with recommendations for potential heritage listings identified for future research and heritage assessment.
5. As part of this research, over 200 projects linked to Smillie were identified, including baby health centres, kindergartens and playgrounds, community and aged welfare centres, public housing, libraries, swimming pools, other sporting facilities and recreational facilities, bowling clubs, parking stations, public conveniences, air raid shelters, music shells, draughts shelters, public transport shelters, depots, and various ephemeral items (such as drinking fountains, fruit barrows etc.).
6. Similarly, over 40 projects linked to Berzins were identified, including parks, gardens (often with larger parks), streetscape upgrades and pedestrianised public spaces, ornamental and ephemeral structures (such as fountains and decorations etc.) and sporting facilities. Berzins is also likely to have substantial influence on broader Council policies regarding public domain improvements and street trees etc.
7. Of the total of 250 projects, TKD Architects recommended that 17 sites be investigated for potential heritage listing.
8. Internal discussions regarding these recommendations noted that several of the sites were located within existing heritage items (such as Victoria Park Swimming Pool and Sandringham Gardens), others were scheduled to be demolished (such as the former Baby Health Centre in Lower Fort Street) and one was not designed by the City Architect (Former Catherine Sloss Library, Woolloomooloo).
9. Following internal review, heritage assessments were completed for 6 sites.
10. The TKD heritage assessments confirmed that these 6 sites met the threshold for local significance under the NSW heritage assessment criteria (2025) and warranted inclusion as individual items on the SLEP 2012.
11. Summaries of these assessments are presented below and at Attachments C to N.

Former Baby Health Centre, 12A Dadley Street, Alexandria

12. The heritage assessment concluded that 12A Dadley Street meets the threshold for local significance in terms of:
- (a) Criterion (a) Historical significance:
 - (i) one of several baby health centres designed and constructed by the City of Sydney in various locations across the local government area after World War II and the redistribution of municipal boundaries in 1949.
 - (ii) provides evidence of efforts by the City of Sydney to improve social welfare conditions within the local government area during this period.
 - (b) Criterion (b) Historical association:
 - (i) has associations with City Architect Albert Smillie who was involved in the design and construction of several baby health centres, welfare centres, libraries and other public facilities for the City of Sydney from the 1930s through to the 1960s.
 - (c) Criterion (c) Aesthetic / creative / technical achievement:
 - (i) notable for its distinctive octagonal plan that was organised around a circular central court.
 - (d) Criterion (d) Social, cultural, spiritual:
 - (i) has been a community facility continuously since its opening in 1964. Uses have included a baby health centre, the Redfern Crisis Clinic and a home and community care facility.
 - (e) Criterion (f) Rarity:
 - (i) considered to be a rare surviving example of a baby health centre designed by the City Architect, notwithstanding changes that have taken place to the building's interior.
 - (f) Criterion (g) Representativeness:
 - (i) a good representative example of a community building designed by the City Architect.
13. The heritage study concluded that 12A Dadley Street meets the threshold for local heritage significance for its historic, historical association, aesthetic, social, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Former John Carroll Kindergarten, 2-14 Phelps Street, Surry Hills

14. The heritage assessment concluded that 2-14 Phelps Street meets the threshold for local significance in terms of:
- (a) Criterion (b) Historical association:
 - (i) has associations with City Architect Albert Smillie who was involved in the design and construction of several kindergartens and other public facilities for the City of Sydney from the 1930s through to the 1960s.
 - (b) Criterion (c) Aesthetic / creative / technical achievement:
 - (i) as a modest vernacular example of New Empiricist style architecture, a regional form of Modernist architecture that exploited regional design and construction techniques. This style was used extensively by the City of Sydney's architectural branch during the post-World War II period for buildings fulfilling a responsible social agenda.
 - (ii) notable for the modulation of the building mass, disposition of fenestration and roof overhangs to emphasise entry and to control sun ingress, as well as provide thermal comfort through shading and cross ventilation.
 - (c) Criterion (d) Social, cultural, spiritual:
 - (i) has been used as child care centre for over 70 years and continues to fulfil an important role within the local community.
 - (d) Criterion (g) Representativeness:
 - (i) representative of kindergartens designed by the City of Sydney during the post-World War II period, in particular its architectural design, planning and selection of materials.

15. The heritage study concluded that 2-14 Phelps Street meets the threshold for local heritage significance for its historical association, aesthetic, social and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Phillip Park Cleansing Depot, 13-17 Riley Street, Woolloomooloo

16. The heritage assessment concluded that 13-17 Riley Street meets the threshold for local significance in terms of:
- (a) Criterion (b) Historical association:
 - (i) has associations with City Architect Albert Smillie who was involved in the design and construction of numerous Council facilities from the 1930s through to the 1960s.

- (b) Criterion (c) Aesthetic / creative / technical achievement:
 - (i) as a restrained and assured example of the Inter War Functionalist style, with a distinctive architectural form and use of dichromatic brickwork relieved by expressed horizontal coursing
 - (ii) demonstrates a high quality of architectural resolution and form when compared to other cleansing depots designed by Council between the late 1930s and late 1950s.
 - (c) Criterion (d) Research potential:
 - (i) has the potential to demonstrate the functions and operations of the City of Sydney's cleansing depots, which performed an important role in the management of the sanitation and hygiene of city and suburban streets.
 - (ii) contains a remnant air raid shelter.
 - (d) Criterion (f) Rarity:
 - (i) rare, as a surviving example of a purpose designed cleansing depot in the City of Sydney that demonstrates a high level of aesthetic significance.
 - (ii) contains a remnant air raid shelter.
 - (e) Criterion (g) Representativeness:
 - (i) representative of the cleansing depots designed by the City of Sydney in the years before and after World War II, although its architectural quality was much higher on others that were designed and actually constructed.
17. The heritage study concluded that 13-17 Riley Street meets the threshold for local heritage significance for its historical association, aesthetic, research, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Arthur McElhone Reserve, 1A Billyard Avenue, Elizabeth Bay

18. The heritage assessment concluded that 1A Billyard Avenue meets the threshold for local significance in terms of:
- (a) Criterion (a) Historic
 - (i) significant for its location within the visual curtilage of Elizabeth Bay House and the sensitive demonstration of modernist landscape design principles within that curtilage, which reflect a respect and understanding of historic landscapes.
 - (ii) as a seminal park development initiated, designed and executed by the City of Sydney in the immediate Post World War II period.

- (b) Criterion (b) Historical association:
 - (i) associated with Alexander Macleay, being part of the grounds of Elizabeth Bay House.
 - (ii) commemorates Arthur McElhone, a long serving alderman of the City of Sydney.
 - (iii) associated with Berzins, demonstrating at a high level of sensitivity to the broader setting of Elizabeth Bay House and the creation of a park that incorporates modernist concepts of landscape design.
- (c) Criterion (c) Aesthetic / creative / technical achievement:
 - (i) as a rare intact landscape design of Ilmar Berzins that encompasses numerous significant features, including substantial topographic changes of level, a water feature and stone bridge and varied planting.
 - (ii) respects the original setting of Elizabeth Bay House by ensuring that the relationship of the house and broader setting to the harbour is respected and enhanced while providing a high level of detailed landscape design and amenity to the park itself. It forms an important interpretative tool in the understanding of the setting of the house and its relationship to its harbour setting
 - (iii) demonstrates a sensitivity to this significant colonial setting by reinforcing Elizabeth Bay House's views to and from the harbour while recognising the park's role as an important public amenity in the provision of much needed open green space.
 - (iv) employs international design ideas of the time by leading landscape architects such as Christopher Tunnard and others.
 - (v) The planting character reflects a broad diversity and horticultural interest, consistent both with Alexander Macleay's broad and diverse interests in horticultural specimens, both Australian and exotic and Berzins intent of a horticulturally diverse planting scheme.
- (d) Criterion (d) Social, cultural, spiritual:
 - (i) important to the local community and visitors to because of its high level of visual amenity and as a valuable landscaped open recreational area
- (e) Criterion (d) Research potential:
 - (i) demonstrates the evolving landscape design in post-World War II Sydney that fused international design movements to a significant location within the visual curtilage of Elizabeth Bay House.
 - (ii) demonstrates the intellectual approach of Berzins as a post-World War II immigrant and his training as a landscape designer that reflected international design trends of the day.

- (f) Criterion (f) Rarity:
 - (i) a rare intact design of Berzins and a rare intact example of advanced mid twentieth century landscape design in the City of Sydney.
 - (g) Criterion (g) Representativeness:
 - (i) representative of mid twentieth century landscape design expressed in the use of detailed sandstone walling and plant types, while responding to the immediate visual curtilage of a significant colonial house by maintaining the prospect and views to the harbour from the house.
19. The heritage study concluded that the Arthur McElhone Reserve meets the threshold for local heritage significance for its historic, historical association, aesthetic, social, research, rarity and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Quarry Green Reserve, Ultimo

20. The heritage assessment concluded that the Quarry Green Reserve meets the threshold for local significance in terms of:
- (a) Criterion (a) Historic
 - (i) one of several landscaped street closures resulting from the implementation of the 1971 City of Sydney Strategic Plan in Central Sydney and inner-city suburbs within the local government area.
 - (ii) important as one of a group of landscaped street closures providing evidence of the “greening” of Sydney that came out of the Strategic Plan.
 - (b) Criterion (c) Aesthetic / creative / technical achievement:
 - (i) representative of several open space improvements through the Ultimo area that were inspired by the Sydney Bush School aesthetic using Australian native planting as its main structural form with Sydney School detailing of brick paving and sandstone.
 - (ii) the planting has matured to form an attractive landscape and provide an attractive recreational precinct in Ultimo.
 - (c) Criterion (g) Representativeness:
 - (i) representative of the street closures and attendant landscaping designed by Ilmar Berzins and others and constructed across the City of Sydney during the 1970s and 1980s.
 - (ii) representative of the greening cities movement and social change taking place as evidenced by the gentrification of inner-city suburbs.

21. The heritage study concluded that the Quarry Green meets the threshold for local heritage significance for its historic, aesthetic and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Ulster Street, Paddington

22. The heritage assessment concluded that the landscaping of Ulster Street meets the threshold for local significance in terms of:
- (a) Criterion (a) Historic
 - (i) part of a series of street closures from the 1970s - 1980s to pedestrianise urban precincts as part of the City Council's "Greening Sydney" policy, formalised in the 1971 City of Sydney Strategic Plan and its attendant Action Plans.
 - (ii) forms part of a series of contemporary landscaped road closures to the southern side of Oxford Street, Paddington.
 - (iii) embodies the increased demand for public open space through the displacement of vehicular access for communal use, linked to agitation from the Paddington Society during the 1970s, resulting in the closure and landscaping of Ulster, Newcombe, Stewart, Regent and Elizabeth Street, of which Ulster Street is the finest.
 - (b) Criterion (b) Historical association:
 - (i) associated with Berzins architect who was responsible for extensive improvement works throughout the City of Sydney from the beginning of the 1950s to the second half of the 1980s.
 - (ii) a distinctive example of his work related to street closures.
 - (c) Criterion (c) Aesthetic / creative / technical achievement:
 - (i) as a formal landscape treatment informed by the "Sydney School" aesthetic as applied to landscape design.
 - (ii) representative of the application of the Sydney School aesthetic, most evidently the use of clinker brick for the planter boxes and brick paving.
 - (d) Criterion (d) Research potential:
 - (i) demonstrates the attitudes to, and the design and implementation of, landscaped street closures in the 1970s and 1980s in the City of Sydney. Ulster Street provides evidence of the successful implementation of Action Plan 26 South Paddington Precinct C4.

- (e) Criterion (g) Representativeness:
 - (i) representative of street closures from 1970s and 1980s resulting from implementation of Action Plans associated with the 1971 City of Sydney Strategic Plan and is distinctive for its formal character established by the gridded brick paving and planter boxes.
- 23. The heritage study concluded that the landscaping of Ulster Street meets the threshold for local heritage significance for its historic, historical association, aesthetic, research, and representative values and warrants potential listing as a heritage item on the SLEP 2012.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

- 24. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic direction and objective:
 - (a) Direction 8 - A thriving cultural and creative life - the acknowledgement of the heritage significance of the six sites proposed for inclusion in Schedule 5 of the SLEP2012 will contribute to the City's culture and creative life, with the protection of the heritage fabric and promoting the history of each site and their value to the community.

Risks

- 25. Proceeding with changes to Schedule 5 of the SLEP 2012 to include the places as heritage items is within the City's risk appetite. The proposed heritage listings have been discussed with internal City stakeholders who are aware of the proposal. There is a risk some external stakeholders may disagree with the proposed heritage listings. When heritage listing a property, we aim to strike a balance between achieving our strategic objectives, conserving and promoting culture and heritage, and protecting our reputation.
- 26. The project aligns with our appetite to tolerate complaints when implementing agreed actions within the Community Strategic Plan and minor complaints relating to action which has long-term community benefit.
- 27. Any changes to Schedule 5 of the SLEP 2012 will be capable of complying with relevant environmental and planning laws, regulations and standards.

Relevant Legislation

- 28. Environmental Planning and Assessment Act 1979.
- 29. Environmental Planning and Assessment Regulation 2021

Public Consultation

30. Should the planning proposal at Attachment A be approved, it will be forwarded to the Department of Planning, Housing and Infrastructure with a request for a gateway determination to allow public exhibition.
31. The public consultation process for the planning proposal will be subject to the conditions of the gateway determination issued by the Department of Planning, Housing and Infrastructure. Exhibition documents will be made available to the public for viewing and comment on the City's Have Your Say website.

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