

Attachment E

Council Heritage Officer Memo

HERITAGE RE-REFERRAL

FILE: D/2018/57 **DATE:** 10 July 2018

TO: Bridget McNamara (DA responsible officer)

FROM: Hendry Wan (Heritage Specialist)

ADDRESS: 9 Billyard Avenue, Elizabeth Bay NSW 2011

PROPOSAL: Demolition of existing dwelling house and construction of two four storey semi-detached dwellings, associated landscaping and carparking, and subdivision of the site into two lots.

Documentation

With reference to the following documents received for this report:

- DA architectural drawings set (A-DA-110 – A-DA-302) by Chenchow Little Pty Ltd Architects, dated 12 December 2017.
- Heritage Impact Statement by Urbis Pty Ltd, dated December 2017.

Heritage considerations

Heritage Item:	No
Vicinity of Heritage Items:	Flat building 'Macleay Regis', 10-12 Macleay Street, Elizabeth Bay (Item No. I591)
Conservation Area:	Yes (Elizabeth Bay and Rushcutters Bay Heritage Conservation Area – HCA 20)
Contributory Buildings status in Conservation Area:	<i>Contributory</i>
Sydney DCP 2012 Locality Area:	Section 2.4.6 The Bays (City East)

STATEMENT OF SIGNIFICANCE OF ELIZABETH BAY AND RUSHCUTTERS BAY HERITAGE CONSERVATION AREA (C20)

Elizabeth Bay and Rushcutters Bay has significance for its original pattern of nineteenth century marine villas and grand residences, and terraces of late nineteenth and early twentieth century.

The area has significance for a second overlay of early to mid-twentieth century apartment housing. Together with Potts Point nowhere else in Australia were apartments built to this height or level of density. These two periods represent the largest proportion of built area

and creates streetscapes of strong urban form and Victorian, Federation and Inter-War character.

The area provides building types that represent the last 150 years of development and co-exist in a harmonious way. Despite the intrusive nature of later high rise towers whose impact is disproportionate to their proportion of built area, the area provides a highly cohesive character although the towers visually dominate the background of low scale streetscapes.

ASSESSMENT OF HERITAGE IMPACT

The author of this heritage referral visited the site on 12 March 2018, carrying out external and internal inspection.

Brief history of the place

The dwelling house at 9 Billyard Avenue was built c.1914.

It was originally part of a group of three two-storeyed houses built in a row:

- 9 Billyard Avenue (was referred to as Residence No. 1)
- *existing*
- 11 Billyard Avenue (was referred to as Residence No. 2)
- *demolished and replaced with existing infill building*
- 11A Billyard Avenue (was referred to as Residence No. 3)
- *demolished and replaced with existing infill building*

They were designed for Dr Charles Bickerton Blackburn, a prominent person who made significant contribution to Australian society.¹

Original architectural plans were approved in November 1913. They show the three dwellings had similar floor plans and layout; each was differentiated with different bay windows to the front facade (facing Billyard Avenue) – see Figures 1-3. The architect for these plans is not known but is possibly Robertson & Marks (who drew plans for the proposed conversion of Residence No. 3 into two flats in 1932).

¹ *Australian Dictionary of Biography*, accessed 10 April 2018 <<http://adb.anu.edu.au/biography/blackburn-sir-charles-bickerton-5257>>

PLAN of RESIDENCE 9 BILLYARD AVENUE
FOR DR C BICKERTON BLACKBURN
RESIDENCE No. 1

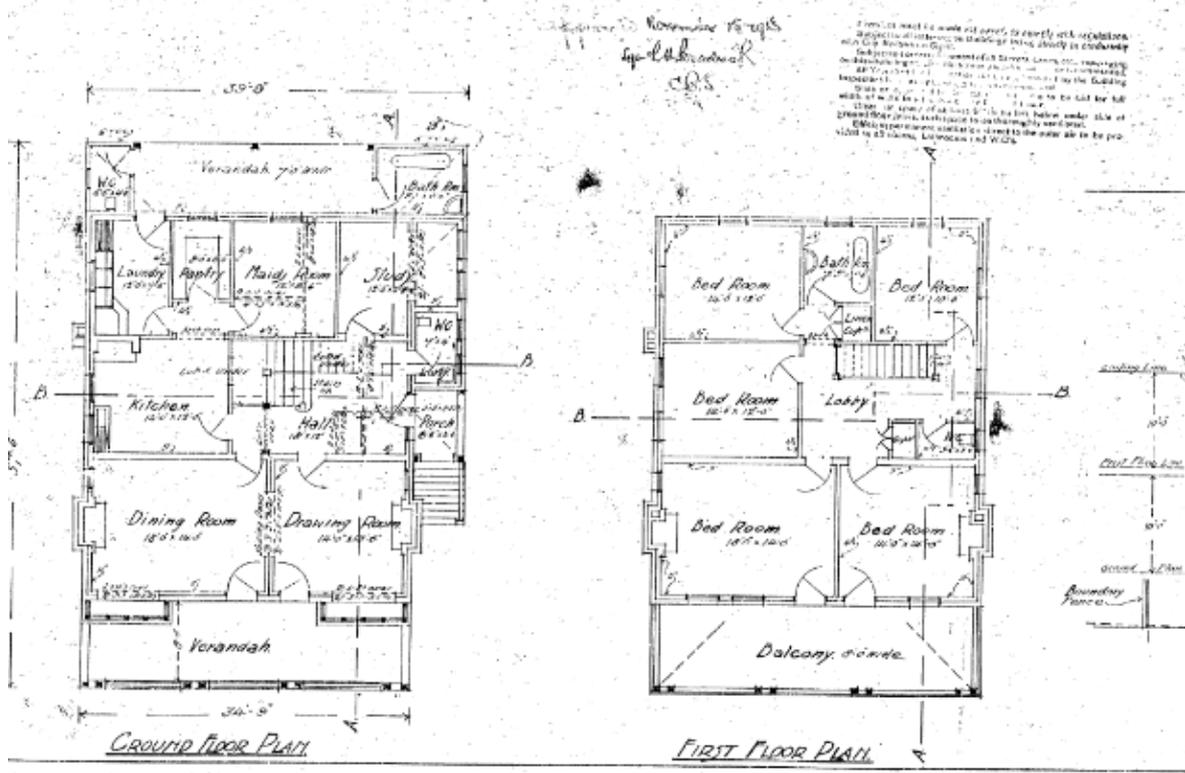
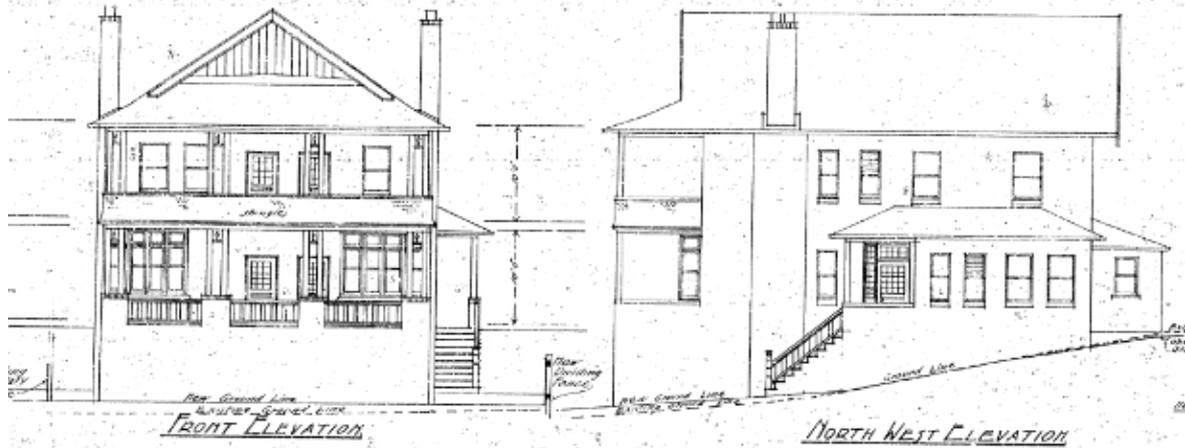


Figure 1: 9 Billyard Avenue - Residence No. 1 approved in 1913 (Source: City of Sydney Archives, 0850/13)

PLAN OF RESIDENCES BILLIARD AVENUE
FOR DR. G. BICKERTON BLACKBURN
RESIDENCE NO. 2

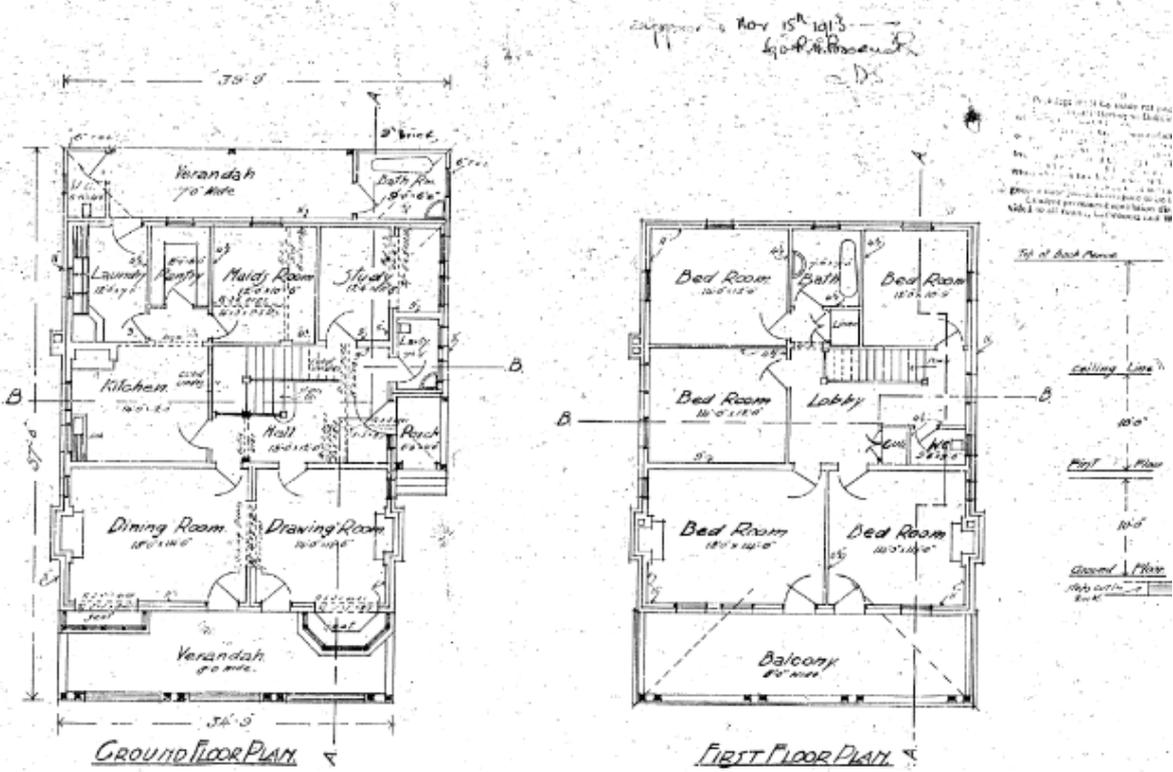
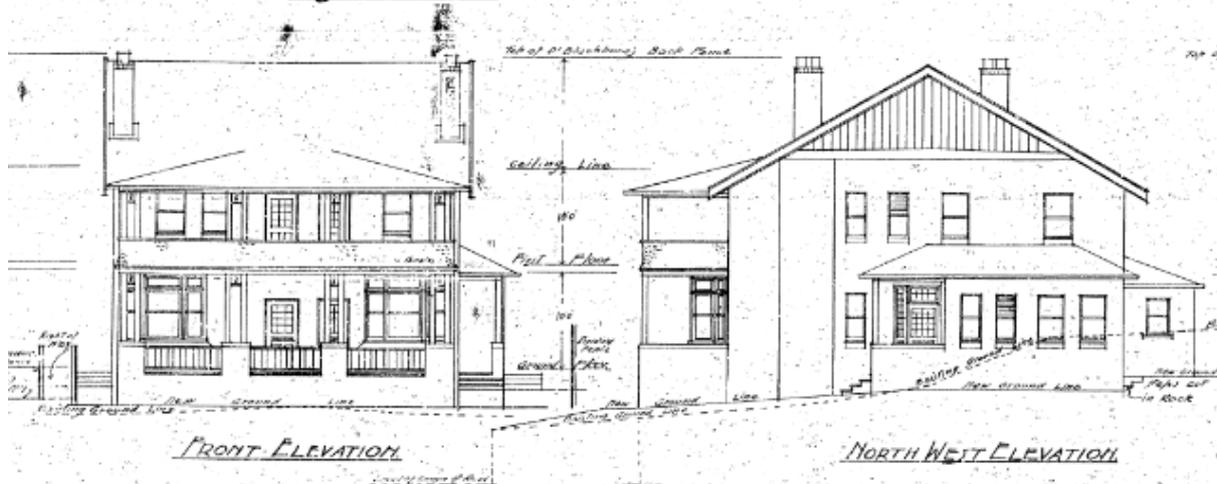


Figure 2: 11 Billyard Avenue - Residence No. 2 approved in 1913 (Source: City of Sydney Archives, 0850/13)

PLAN of RESIDENCES BILLIARD AVENUE
FOR DR C BICKERTON BLACKBURN
RESIDENCE No 3.

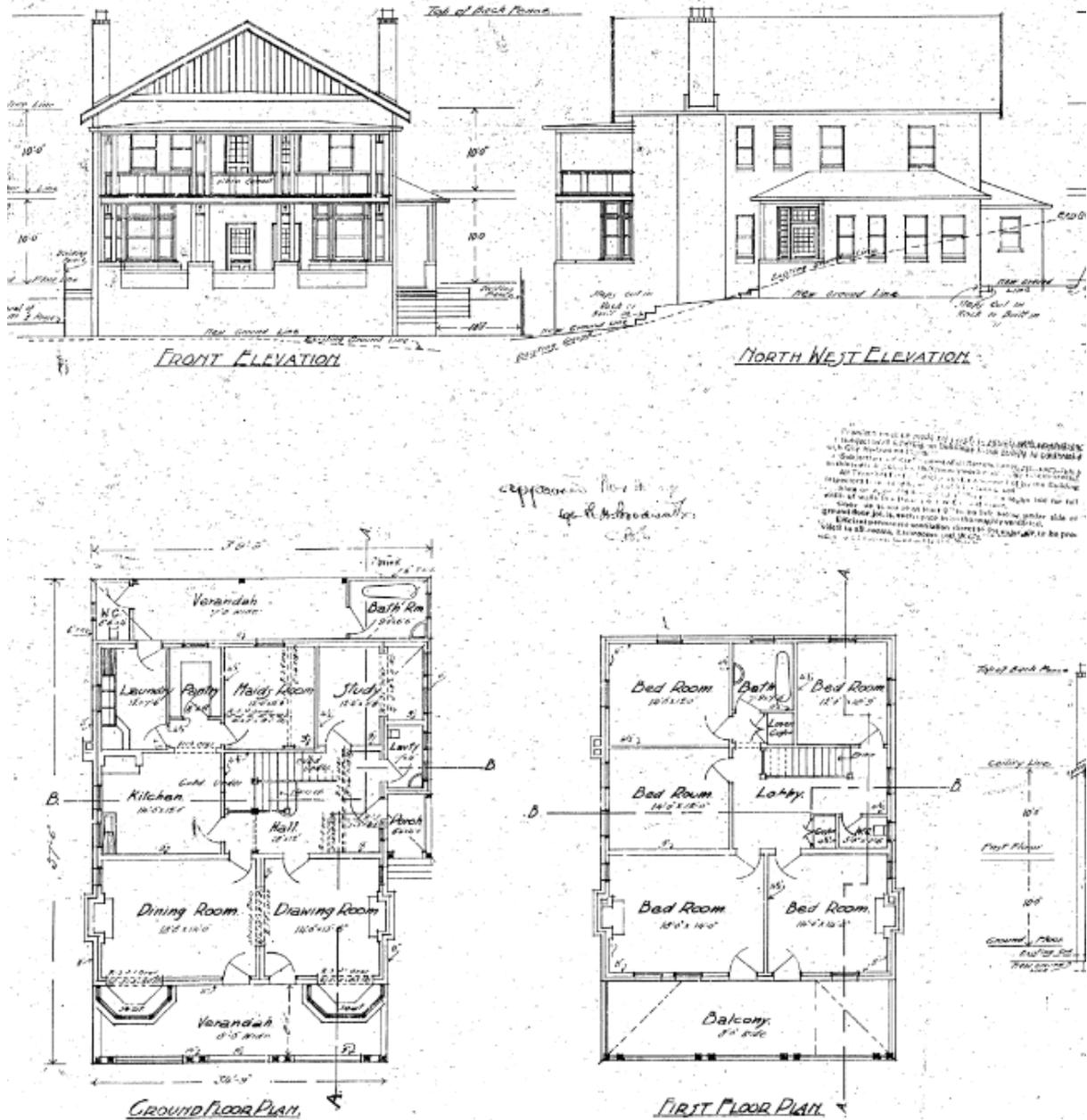


Figure 3: 11A Bilyard Avenue - Residence No. 3 approved in 1913 (Source: City of Sydney Archives, 0850/13)

An 1943 aerial image (Figure 4) appears to show Residence No. 2 (at 11 Billyard Avenue) was not built as approved; it was built with a gabled front elevation like that of Residence No. 1 (at 9 Billyard Avenue) and Residence No. 3 (at 11A Billyard Avenue).

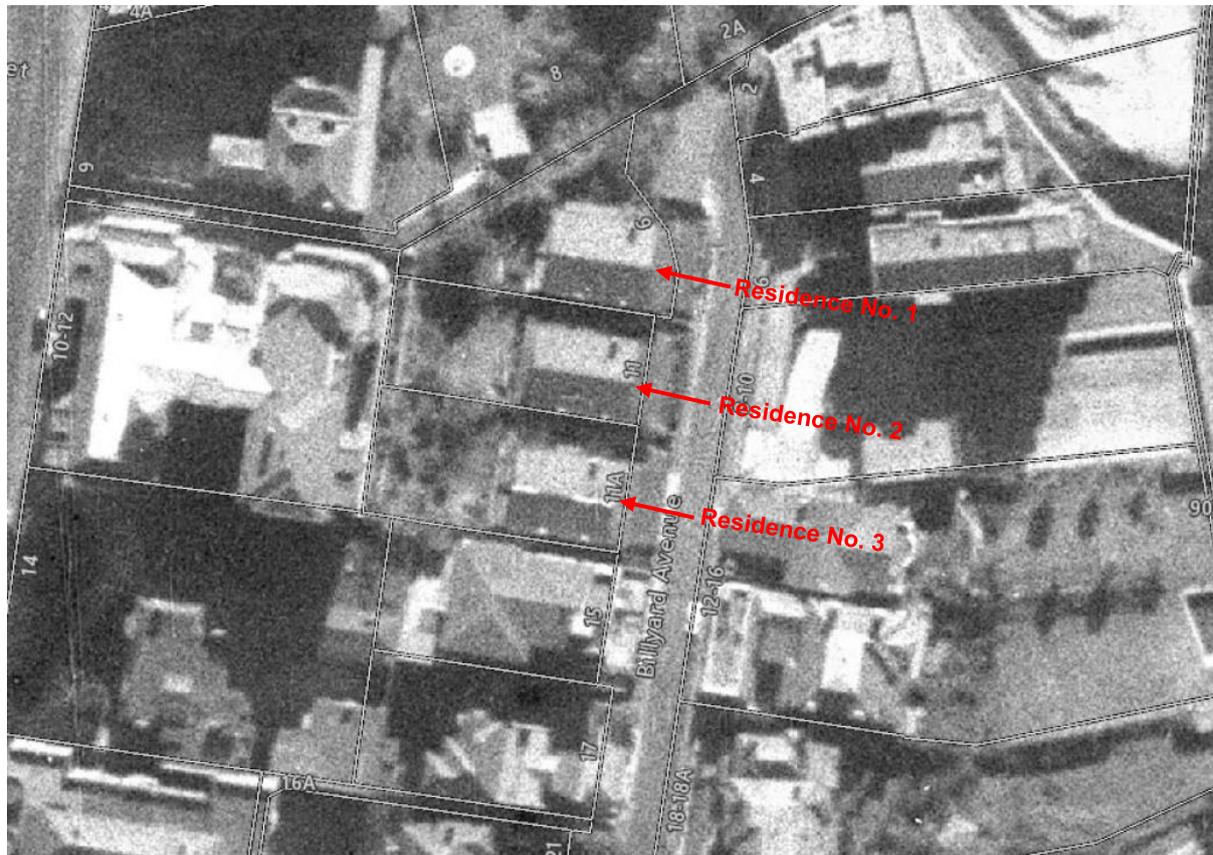


Figure 4: Aerial image, 1943 (Source: City of Sydney, Geocortex Aerial 1943)

The existing dwelling at 9 Billyard Avenue was converted into two flats c.1986. The front balconies on both ground and first floors were enclosed at this time. The internal stairs and the W.C. were modified to create access to the first floor flat from the north. See Figure 5. The internal layout remained largely unaltered but the first floor was extended to the west (kitchen, sunroom, bedroom) above the ground floor rear verandah.

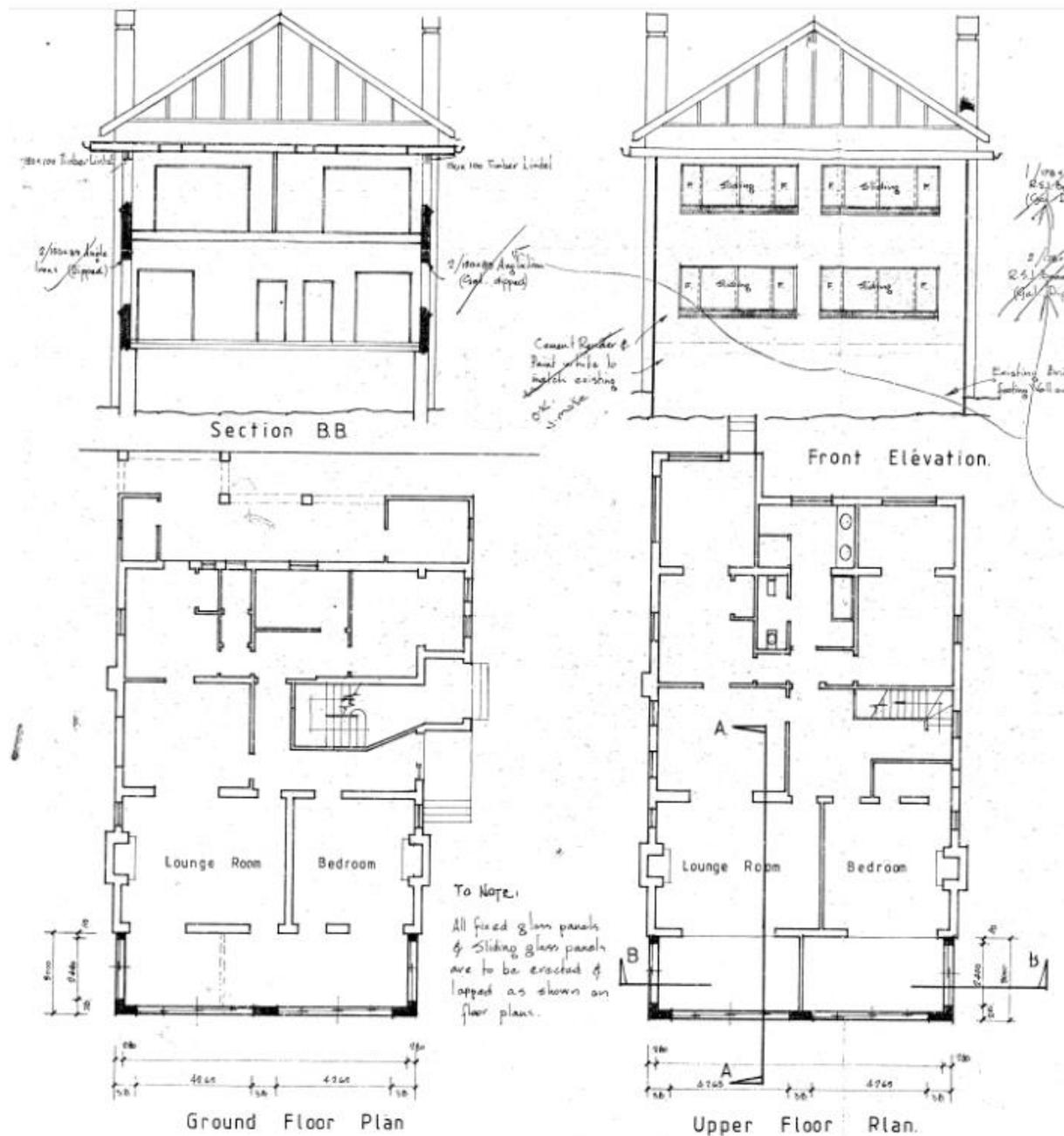


Figure 5: 9 Billyard Avenue - balcony enclosures approved in 1986 (Source: City of Sydney, 1579/86)

Most of the original configuration and architectural details survive on the northern elevation; these are evident and visible from a public place (Billyard Avenue). Original configuration and architectural details also survive on the southern elevation but these are only partially visible from Billyard Avenue, being partially blocked by the adjacent 3-storeyed building at 11 Billyard Avenue.



Figure 6: 9 Billyard Avenue - view of east and north elevations, 2018 (Photo: City of Sydney)



Figure 7: 9 Billyard Avenue - view of east and south elevations, 2018 (Photo: City of Sydney)

Demolition of Contributory building located within heritage conservation area

According to Section 3.9.7 (Contributory buildings) of the Sydney DCP 2012:

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.*
- *Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances.*

There is a key threshold issue in the proposed demolition of a contributory building located within a heritage conservation area (Elizabeth Bay and Rushcutters Bay Heritage Conservation Area – HCA 20).

Contributory buildings within HCA 20 include single dwellings and mid-century residential apartment buildings.

Residence No. 1 was built c.1914-16. It falls within the transitional period from the Federation period to the Inter-war period. Both Federation and Inter-war periods are Elizabeth Bay and Rushcutters Bay Heritage Conservation Area's significant historical periods. The existing building appears from a public place to be altered yet recognisable and reversible – clearly a Contributory building.

Its contribution to HCA 20 is not dependent on the existence of the original Residence No. 2 (11 Billyard Avenue) and Residence No. 3 (11A Billyard Avenue), both demolished and replaced with the existing buildings.

Within HCA 20 and in the vicinity of 9 Billyard Avenue are Contributory, Neutral and Detracting buildings – see Figure 8.

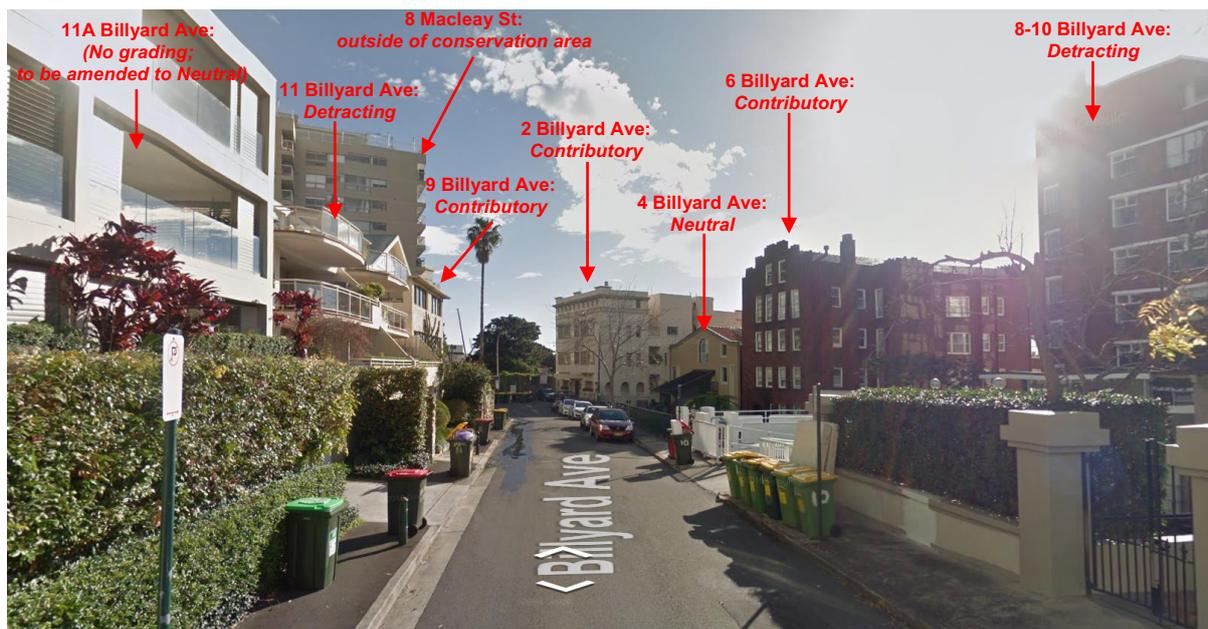


Figure 8: Contribution of buildings to Elizabeth Bay and Rushcutters Bay Heritage Conservation Area shown on Building Contributions Map in Sydney DCP 2012

The existing dwelling at 9 Billyard Avenue is located next to a Detracting building at 11 Billyard Avenue. 11A Billyard Avenue is currently ungraded; as part of the Conservation Areas Review Project 2014, it is recommended that this will be amended to Neutral because the contemporary infill does not detract from the significant character of the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area (Section 3.9.8 of the SDCP 2012).

The context of 9 Billyard Avenue is that it is located at the transitional point between a heritage conservation area and a non-heritage conservation area. 9 Billyard Avenue is located at the northern boundary of the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area (HCA 20) and a non-heritage conservation area.

In this context, the proposed demolition of this Contributory building is considered justified and acceptable.

The key consideration is whether the replacement building is justified in exceptional circumstances.

An appropriate replacement building at 9 Billyard Avenue could take the form of single dwellings or residential apartment buildings.

The replacement building must satisfy design excellence requirements (Clause 6.21 of SLEP 2012).

Note that regardless of how sympathetic or appropriate the replacement building is, it can only be a Neutral building at best, and not a Contributory building - as defined in Section 3.9.7 (Contributory buildings), Section 3.9.8 (Neutral and appropriate infill buildings) and Section 3.9.9 (Detracting buildings) of the SDCP 2012.

Heritage assessment of proposed replacement building

The proposed replacement building is a pair of semi-detached dwellings with flat roofs. The height of the proposed 4-storeyed dwellings is lower than the height of the existing building. The replacement building is set back from the street and also features a substantial and well-wrought sandstone retaining wall to the street alignment that is characteristic of HCA 20.

Elizabeth Bay and Rushcutters Bay Heritage Conservation Area (HCA 20) inventory report specifically mentions Billyard Avenue as having “detracting garages on street at rear of properties.” The existing sandstone retaining wall fronting Billyard Avenue will be largely retained and new sections constructed with salvaged sandstone from the site as well as incorporating new stones to match existing. The existing garage opening (1980s) in the sandstone retaining wall will be blocked up with sandstone and two new garage openings made into the sandstone retaining wall. The new garage openings will have vertical batten gates and vertical batten garage doors (more details are required).

The proposed replacement building has a sympathetic contemporary design and is located between two mid-to-late 20th century apartment buildings: 11 Billyard Avenue is a Detracting building and 8 Macleay Street is located without a heritage conservation area.

The proposed replacement building has some echoes of Deepdene Apartments (designed by Ancher, Mortlock, Murray & Woolley architects) at 110-110B Elizabeth Bay Road, which is a Contributory building, also located within HCA 20. See Figure 9.



Figure 9: Model of Deepdene Apartments by Ancher, Mortlock, Murray & Woolley. (Photo: David Moore. Courtesy the archive: davidmoorephotography.com.au. From <http://architecturebulletin.com.au/summer-2016/stuart-murray-1926-2015-ken-woolley-1933-2015/>, accessed 10 April 2018)

The contemporary design, form, scale, bulk, roofscape and setback of the proposed replacement building are appropriate to HCA 20.

Contributory buildings in the vicinity of 9 Billyard Avenue are predominantly rendered and painted masonry buildings, with a smaller number of facebrick buildings. The proposed replacement building is a concrete building with sections of rendered brickwork. Many glazed openings will be shielded by sliding aluminium shutters with vertical battens. The proposed materials, finishes and colours are appropriate to HCA 20 and the immediate surrounds; however, further details will be required.

The façade modulation is considered appropriate to the site context, with an appropriate balance of solid and void ratio (some glazing will have sliding external shutters).

Conditions of consent are recommended (see below) to ensure design excellence outcomes.

CONCLUSION AND RECOMMENDATION

- From a heritage perspective, the proposed development is acceptable subject to heritage conditions of consent.
- The proposed demolition of this Contributory building is considered justified and acceptable in this instance and is contingent on the replacement building meeting design excellence requirements.
- The proposed replacement building is a sympathetic contemporary infill building within the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area. From a heritage perspective, the proposed replacement building satisfies design excellence requirements.
- The proposed development complies with Clause 5.10 (Heritage conservation) of the Sydney LEP 2012 as it conserves the heritage significance of heritage conservation areas, including associated fabric, setting and views as required by sub-clause 5.10(1)(b).
- The proposed development complies with Section 3.9.6 (Heritage conservation areas) of the Sydney DCP 2012, in particular provisions (1) and (2).
- The proposed development complies with Section 2.4.6 (The Bays locality) of the Sydney DCP 2012, in particular principles (a), (b), (e) and (k).
- The approach taken for the proposed development is consistent with Burra Charter 2013 best practice conservation principles.

HERITAGE CONDITIONS

Should the proposed development be approved, the following conditions should be imposed:

(1) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

In accordance with Section 3.9.1(7) of the Sydney Development Control Plan 2012, an archival photographic documentation of the existing building located within a heritage conservation area is to be submitted to and approved by Council's Area Planning Manager, prior to a Construction Certificate being issued.

Procedure

The recording is to be in a digital format.

- (a) An A4 report submitted in PDF format created directly from the digital original. The report is to include:
 - (i) Development Application number, consent condition number, project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (ii) Photographically document the exteriors and interiors of the existing building. The documentation should also include the building's setting in the Billyard Avenue streetscape and immediate surrounds.
 - (iii) Location plans that clearly indicate the location and direction from which images were taken, and the image number.
 - (iv) Digital image catalogue sheets containing the following data for each image: Image file number, image number cross referenced to the location plan, image subject/description and date photograph taken.
 - (v) Written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (b) Include electronic images, taken with a minimum 8 megapixel camera, saved as individual TIF, JPEG or PDF files of a size of approximately 4-6 megabytes (MB). Each digital image is to be labelled so as to enable the cross reference to the digital image catalogue sheets and location plans.

NOTE: Choose only images that are necessary to document the place and avoid duplicate images.

- (c) The report and the images are to be submitted on a CD, DVD or USB flash drive.

(2) SANDSTONE RETAINING WALL

- (a) The raising of the height of the sandstone retaining wall and re-using salvaged stone blocks for a rebuilt stone street wall are acceptable. The rebuilt stone wall should follow the existing alignment. Battlement features at the top of the existing wall are to be interpreted within the rebuilt sandstone boundary wall.
- (b) Details (at minimum scale of 1:50) of the sandstone retaining wall including source and details of new stone, the blocked-up garage opening and new garage openings, are to be submitted to and approved by Council's Area Planning Manager, prior to a Construction Certificate being issued.

(3) FAÇADE MODULATION

- (a) A horizontal mullion or similar architectural treatment should be incorporated in the street-facing (east) façade to subtly articulate the 2 storeys of the ground and mezzanine floors. This visual cue would be appropriate to the surrounding context.
- (b) An architectural treatment should be incorporated in the north and south rendered masonry façades to articulate the 2 storeys of the ground and mezzanine floors, and to break down the scale of these facades. This visual cue would be appropriate to the surrounding context.

(4) SCHEDULE OF MATERIALS, FINISHES AND COLOURS

Prior to the issue of a Construction Certificate, a detailed schedule of proposed materials, finishes and colours must be prepared. A physical sample board must be submitted to Council's Area Planning Manager for approval.

(5) PROTECTION OF PUBLIC FEATURES IN CONSERVATION AREAS

The proposed work must take measures to protect existing features on the public land including street and laneway stone curbs and gutters. If they need to be interrupted during the process of construction, they must be properly recorded and reinstated to the original condition.

Submitted for consideration.

Hendry Wan
Heritage Specialist
Planning Assessments