

## **Attachment A13**

**Heritage Assessment - 80 Elizabeth Bay  
Road, Elizabeth Bay - Bay Apartments**

Name Bay Apartments			
Address	80 Elizabeth Bay Road, Elizabeth Bay	Lot number	Lot 1 DP 501576, Lots 1-25 SP 9399
Architect	HP Oser, Fombertaux & Associates	Construction date	1965
Builder	Unknown		
Listings	Sydney Local Environmental Plan 2012: Within the Elizabeth and Rushcutters Bays Heritage Conservation Area (C20), identified as detracting on the Sydney Development Control Plan building contributions map.		

### Historical overview

The Cadigal people of the Eora nation have lived in the Sydney area for thousands of years and have shaped its landscape and nurtured its plants and animals. Before the arrival of the European settlers the Potts Point area was known as Kurrajeen (or Curageen) and Yarrandabbi. Governor Lachlan Macquarie set aside land near Elizabeth Bay, Potts Point and Woolloomooloo as a 'model fishing village' for Aboriginal people in 1820. At this settlement, known as Elizabeth Town, several huts were built, a patch of land was cleared for a garden, and boats were provided for use by the Aboriginal people who lived there. John Palmer's estate at nearby Woolloomooloo Bay was also an important gathering place for local Aboriginal people and was the location of a corroboree in 1831 attended by Bungaree's son, Young Bungaree (City of Sydney 2013, 'Aboriginal People and Place').

The subject site formed part of the original 54-acre property granted to Alexander Macleay, Colonial Secretary of New South Wales, by Crown grant in 1831. In 1839 Macleay constructed a stone mansion named Elizabeth Bay House on the property, as well as extensive stables, museums, and a large garden of interesting plants featuring specimen trees, an orchard and an orangery. Financial trouble forced Alexander Macleay to submit to the foreclosure of his mortgage to his son William Sharp Macleay in 1845. When William died in 1865, the property passed to his brother George. George arranged for the subdivision of the property and sold leaseholds of portions of the estate between 1865 and 1882.

One of these early leases was Lot 60, which was advertised for sale in around 1865. This allotment was later the site of Keadue, in the ownership and occupancy of the Hon. John Hughes MLC in the 1890s. Keadue, at 84 Elizabeth Bay Road, was subdivided in 1962 to form the site of 80 Elizabeth Bay Road.

In January 1962 architect FA Cavalier lodged a development application (DA) for a three-storey block of flats. The site of the proposed flats was on the newly formed parcel of land, which contained two brick garages. The DA was approved, as were later amendments; however, the application was withdrawn in December the same year for 'economical reasons'. A separate DA was lodged in December 1962, this time by Samuel and Clara Allen (on behalf of Keadue Pty Ltd) for a new block of bachelor flats designed by WM Frazer. This application was refused.

The following year architects HP Oser, Fombertaux & Associates lodged a DA to erect a block of 35 bachelor apartments complete with carparking on the site. The estimated cost of the building was £70,000. In April, Bay Apartments Pty Ltd purchased the site from the Allens and notified the City of Sydney (Council) it had retained HP Oser, Fombertaux & Associates to submit the DA in accordance with the application submitted for the previous owners. The council approved the DA in May. Part of the redesign appears to have involved provision of undercroft parking to achieve Council's required on-site parking numbers. The amended application was approved in September.

Construction of the apartment building was completed in 1965.

### HP Oser, Fombertaux & Associates

Hans Peter Oser (1913-1967) arrived in Sydney as an accomplished designer and architect. Born into a Viennese family of furniture and interior designers, he studied architecture at the

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Vienna Technical University; before and after his 1936 graduation Oser worked for the offices of Peter Behrens and Josef Hoffmann, supervising projects in Budapest and Paris.

Following the Nazi takeover of Austria, Oser migrated to Sydney with his wife Herta; he immediately found architectural employment, first in private practice and then in 1944 as chief architect of the newly formed Housing Commission of NSW. Returning to private practice in 1946 Oser established a reputation for his modernist houses designed for prominent clients including fellow refugee Walter Magnus, a restaurateur, and clothing manufacturer Frank Theeman. Oser's designs were regularly published in *House & Garden* and *Home Beautiful*, and in 1956 he provided house plans in *Australian Homemaker and Handyman* under a heading with his name and portrait.<sup>1</sup>

Oser's architectural and social networks continued to provide opportunities following his 1960 partnership with Jean Fombertaux. Born in Nice, Fombertaux spent much of his childhood in France's Asian colonies due to his father's role in the French Foreign Service before arriving in Australia in 1937. After working briefly for Samuel Lipson, Fombertaux studied architecture at Sydney Technical College. After graduating he travelled and worked abroad for almost a decade before partnering with Hans Peter Oser.

Oser died in 1967 and Fombertaux continued the practice as HP Oser, Fombertaux & Associates. Fombertaux himself died in 1975 and the firm evolved into Fombertaux Rice Hanley.

The firm was made up of highly regarded postwar modernist architects who were regularly published in the popular design media. The firm's apartment building at Glenmore Road, Paddington, was included in the Royal Institute of Architects guide *444 Sydney Buildings* (1971) and Graham Jahn featured the Fombertaux House, East Lindfield, in his guide *Sydney Architecture* (1997).

Some of the most prominent commercial projects by the firm are the William Bland Centre on Macquarie Street, Sydney, and the Toohey's Administration Building in Surry Hills (both listed on the Sydney Local Environmental Plan 2012 as heritage items). Other projects designed by the firm included several city office buildings, Housing Commission Apartments in Rosebery, and Brookvale Hotel in Brookvale. Five buildings designed by the firm are listed on the Australian Institute of Architects (NSW Chapter) Register of Significant Architecture including three 1950s houses designed by Oser in Blackheath, the William Bland Centre and the Toohey's building.

The other known residential flat buildings designed by HP Oser, Fombertaux & Associates in the Potts Point and Elizabeth Bay area are 68–72 Roslyn Gardens, Elizabeth Bay; 51–57 Bayswater Road, Rushcutters Bay; and 40 Bayswater Road, Potts Point.

## Description

A site visit was undertaken by GML in October 2024. The final plans of the building could not be located in Council's files. This physical assessment is based on publicly available documentation of the site.

### Setting and context

Bay Apartments is located on the northern side of Elizabeth Bay Road. The site slopes steeply down from Elizabeth Bay Road to the north, with the building located several metres below street level.

The building is located within the Elizabeth and Rushcutters Bays HCA. The immediate vicinity of the site is characterised by Federation dwellings, interwar flat buildings and multistorey postwar and contemporary apartments that are comparable in design and scale to Bay Apartments. The block of flats is set back significantly from Elizabeth Bay Road. The site entry is flanked by the side elevation of a large early twentieth-century residence and a mid-century corner shop complex with three levels of apartments above.

### Physical description

Bay Apartments is a five-storey residential flat building with undercroft carparking. The building contains four 1-bedroom units and one studio per floor. The lot is narrow with an irregular elongated shape running north–south. The building is placed centrally on the lot, with its short elevation facing Elizabeth Bay Road and its main elevation facing west. The building is surrounded by wide areas of hard paving generally used for carparking. The building is accessed

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<sup>1</sup> *The Other Moderns*, ed Rebecca Hawcroft, NewSouth Press, 2017, p 20.

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from a concrete driveway sloping down from Elizabeth Bay Road, with a pedestrian path on the eastern side. The entrance lobby is accessed through a concrete pedestrian bridge leading to the first floor. The building is set below street level with raised buildings to the east and high-rise buildings and mature plantings to the west and northeast. The building is shaded with views to the northwest from the higher levels.

The building is constructed of a reinforced concrete frame, faced with dark brick and large panels of aluminium-framed windows. It is rectangular in form with a flat roof and large lift motor room, extending several levels above roof height. The entrance foyer along the eastern elevation is also constructed of a reinforced concrete frame and has aluminium-framed doors and fixed windows.

The southern elevation, facing Elizabeth Bay Road, consists of the vertically proportioned lift core and stairwell. This element is of board-formed finished concrete that has since been painted, reducing the ability to appreciate the original design. The floor slabs along the elevation are defined by scoring to the finish. The elevation is broken by small horizontally proportioned aluminium-framed windows to the stairwell. The apartments project from the western side of the elevation with wide strip windows wrapping the corner and brick spandrel panels below.

The main western elevation is a largely glazed curtain wall with wide windows running the full width of each unit and dark brick spandrel panels below, forming strong horizontals. This façade treatment is continued partially along the northern elevation, with dark brickwork to the east of the elevation. The eastern elevation contains a single sided open corridor with metal-framed balustrade fitted with wire mesh. The northernmost apartments extend to this elevation with a strip of high windows.

The apartments are arranged evenly on all levels off the eastern corridor. The northernmost apartment is longer, extending the full width of the building. The southernmost apartments are smaller and irregularly shaped, with a return around the stairwell. The three central apartments are identical in plan, with a bedroom to the east and living to the west. The continuous elongated horizontal windows along the western and northern façade provide ample natural light and ventilation. The bedrooms are lit and ventilated through high windows along the corridor. The kitchen and bathrooms are located in the centre of the plan.

The ground-level undercroft parking is open with a grid of columns expressing the building structure. A communal laundry is located on the southern elevation.

### **Landscaping**

The building surrounds are largely paved. The southern boundary to Elizabeth Bay Road has a low concrete fence and metal gate. The western side has some mature trees and is bounded by a brick fence.

### **Modifications/integrity**

Council records indicate that a pre-DA notification was made in 2020 for a two-storey vertical addition (2023/664046-04). This was accompanied by a Heritage Impact Statement prepared by John Oultram Heritage & Design.

### **Condition**

The building appears to be in good condition.

## **Comparative analysis**

This section compares the subject building with other works designed by HP Oser, Fombertaux & Associates, and similar apartment buildings in the Elizabeth Bay area of the same period, in order to determine whether the subject site has rarity and/or representative value.

Bay Apartments can be compared with other tower-form apartment buildings that adopted linear planning with an open gallery circulation. This was a common approach for multi-level housing in the period and several other examples of the form are found in the local area.

Constructed of a reinforced concrete frame and curtain walling, Bay Apartments differs from most apartment projects of the mid-1960s, which adopted an expressed concrete frame, many with floor plates extending beyond the walls as balconies or horizontal design elements. In contrast, the reinforced concrete structure of Bay Apartments is enclosed on all elevations aside from the lift and stair core. This design approach was more commonly applied to commercial

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and office buildings of the 1950s and 1960s. In this sense Bay Apartments is somewhat unusual as an apartment building, allowing for large areas of glazing along the main elevation.

Bay Apartments can be seen as similar to HP Oser, Fombertaux & Associates' Glenmore Apartments project (1966) in Paddington. It has a similar slab block with linear arrangement and open gallery circulation. Its main façade, facing east, displays a very similar arrangement—of strip windows and brick spandrel panels below—to Bay Apartments. Glenmore Apartments, being a much larger building with seven levels of apartments and set prominently on a ridge within landscaped grounds, has a stronger streetscape presence and can be seen as a more comprehensive and better resolved design than Bay Apartments.

An earlier project by the firm located at 40 Bayswater Road, from 1961, appears to be a similar tower form with linear planning of apartments. The main elevation faces Bayswater Road with circulation to the rear. As with Bay Apartments the main elevation is made up of strip windows with spandrel panels below; however, the curve of the street is reflected in a stepped structure expressed vertically between each apartment. Its location on the street edge and its more responsive design, reflecting adjacent buildings, can also be seen as a more successful response than the tower form of Bay Apartments set back from the street front.

In the context of other works by HP Oser, Fombertaux & Associates, who were prolific in this period, Bay Apartments is not considered to demonstrate a high degree of design innovation or creative achievement.

Bay Apartments shows some innovation in expression in the use of face brick work, and wrap around window elements, demonstrating the curtain walling. It is highly intact externally, including balustrades. Bay Apartments can be seen as a representative example of the work of HP Oser, Fombertaux & Associates in this period but is not considered an exceptional example in its own right.



Figure 1 Home Units, 40 Bayswater Road, 1961, designed by HP Oser Fombertaux & Assoc Architects,. Photo by Max Dupain & Associates. (Source: State Library of NSW)



Figure 2 Glenmore Apartments, 176 Glenmore Road, Paddington, 1966, a slab block with extensive views to the harbour. Designed by HP Oser Fombertaux & Assoc Architects. (Source: realestate.com.au)

### Assessment of significance

#### Criterion A (Historic significance)

Bay Apartments is an example of a modern mid-rise residential flat building that reflects the changing development, built environment and demographic of the Potts Point and Elizabeth Bay areas through the mid-twentieth century along with others of its type in the area. However, independently, the building is not a key example of these changes.

Bay Apartments does not have cultural significance at a local or state level under this criterion.

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Criterion B (Historical association)

Bay Apartments is a representative example of the work of architectural firm HP Oser, Fombertaux & Associates, which designed several residential apartment buildings in the Elizabeth Bay, Rushcutters Bay and Potts Point area. HP Oser, Fombertaux & Associates can be seen to have made a notable contribution to the development of Sydney's built environment.

However, the firm was prolific in this period and Bay Apartments is not considered to have strong, unusual or extraordinary associations with the architects for this reason.

Bay Apartments does not have cultural significance at a local or state level under this criterion.

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Criterion C (Aesthetic/creative/technical achievement)

Bay Apartments features common design elements including a reinforced concrete frame, strip windows of anodised aluminium frames and open gallery circulation. The planning has been designed to provide compact, functional apartments with light and ventilation. These can be seen as common characteristics of modern residential flat buildings of this period, and Bay Apartments does not display a high level of innovation or creative/technical achievement.

Bay Apartments does not have cultural significance at a local or state level under this criterion.

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Criterion D (Social, cultural and spiritual significance)

Bay Apartments is not known to have special associations with a particular group or to have contemporary esteem within the local community beyond housing amenity.

Bay Apartments does not have cultural significance at local or state level under this criterion.

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Criterion E (Research potential)

Bay Apartments is not considered to have the potential to yield significant further or new information related to the work of HP Oser, Fombertaux & Associates not available elsewhere.

Bay Apartments does not have cultural significance at a local or state level under this criterion.

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Criterion F (Rare)

Bay Apartments is not rare as an example of a modernist residential flat building in Sydney or as an example of the work of architects HP Oser, Fombertaux & Associates, who designed numerous residential flat buildings in this period.

Bay Apartments does not have cultural significance at a local or state level under this criterion.

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Criterion G (Representative)

Bay Apartments is not considered to have representative significance as an example of the work of architectural firm HP Oser, Fombertaux & Associates. Other buildings within the local area are considered better able to demonstrate key characteristics of the firm's work.

Bay Apartments displays typical elements of residential flat buildings and is not considered to be important in demonstrating this building type in this period.

Bay Apartments does not have cultural significance at a local or state level under this criterion.

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### Statement of significance

Bay Apartments is not considered to have heritage significance. It is seen as a representative example of the work of HP Oser, Fombertaux & Associates in this period, of which a number of

other examples exist in the local area. Bay Apartments is not considered to demonstrate aesthetic significance through technical or creative achievement.

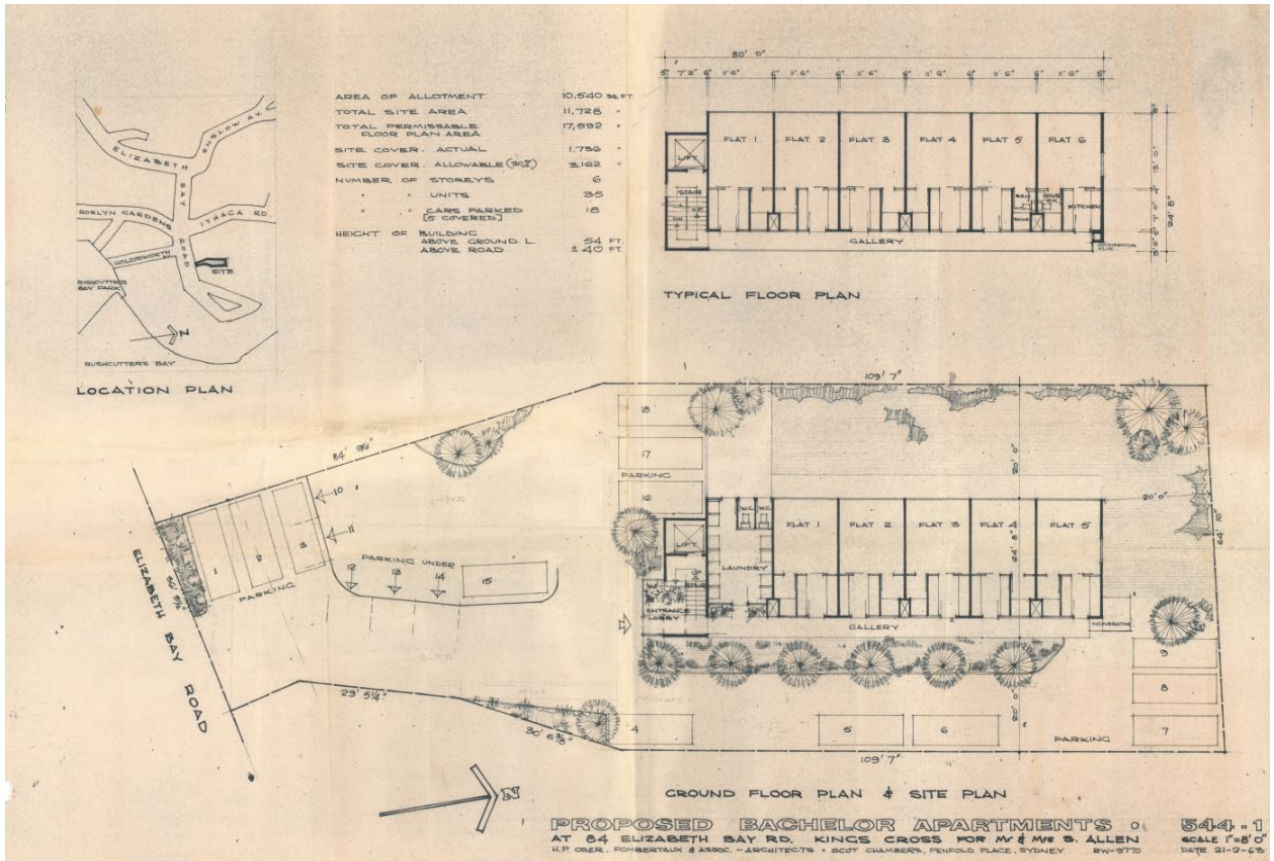
### Recommendations

Bay Apartments **does not meet** the threshold for local heritage significance and is **not recommended** for heritage listing on the Sydney Local Environmental Plan.

### Information sources

Type	Author	Title	Year	Repository
Site inspection	GML		2024	GML
Written	John Oultram Heritage & Design	Proposed Alterations to 80 Elizabeth Bay Road, Elizabeth Bay Preliminary Heritage Impact Statement (Draft)	2020	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application Year 1962 No. 16	1962	City of Sydney Archives
Written	City Building Surveyor's Department	Development Application Year 1963 No. 174	1963	City of Sydney Archives
Written	City of Sydney Council	1963 No. 1722 Lot 1, 84 Elizabeth Bay Rd, S and Mrs C Allen, to erect a building comprising a ground floor for use for off-street parking & seven upper floors for use as residential flats	1963	City of Sydney Archives

Image caption	Ground floor and site plan, location plan and typical floor plan of the proposed apartments (not as built), held by the City of Sydney Archives.				
Image year	1963	Image by	HP Oser, Fombertaux & Associates	Image copyright holder	Unknown





<b>Image caption</b>	Typical floor plan for 80 Elizabeth Bay Road, Elizabeth Bay. Reproduced from John Oultram Heritage & Design, Heritage Impact Statement, December 2020.				
<b>Image year</b>	1963	<b>Image by</b>	HP Oser, Fombertaux & Associates	<b>Image copyright holder</b>	Unknown

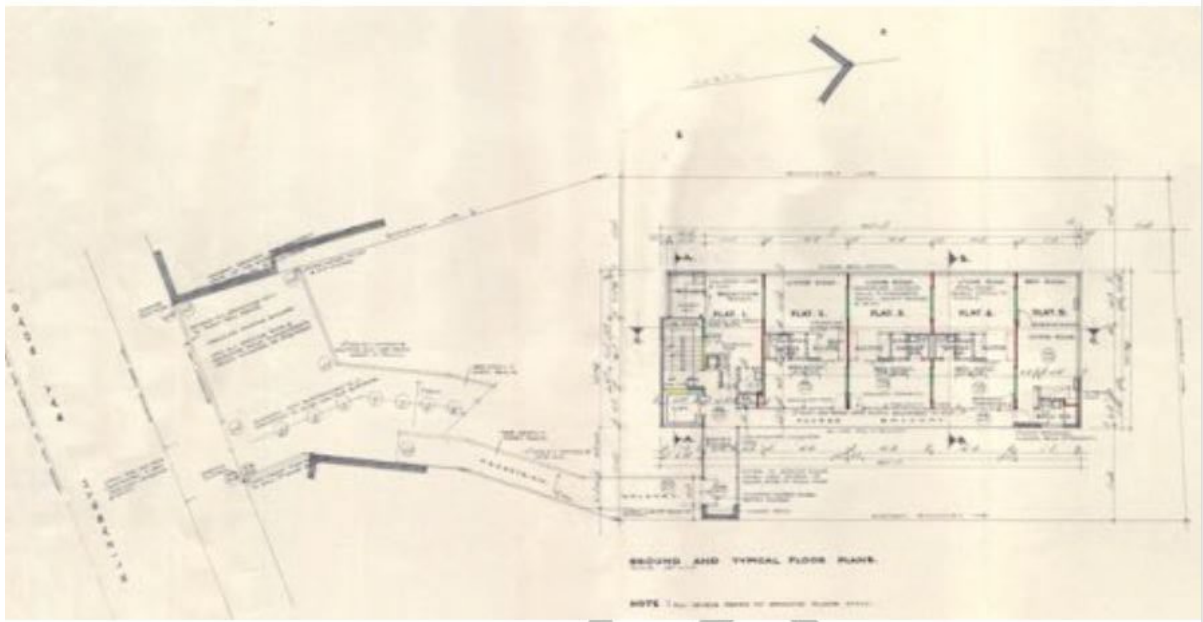
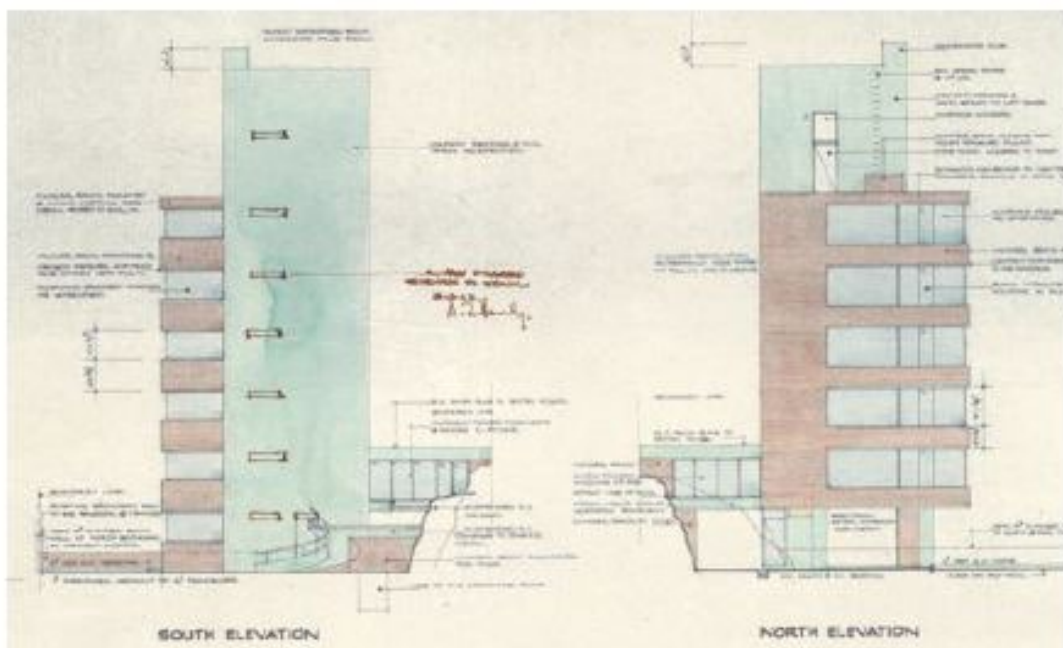
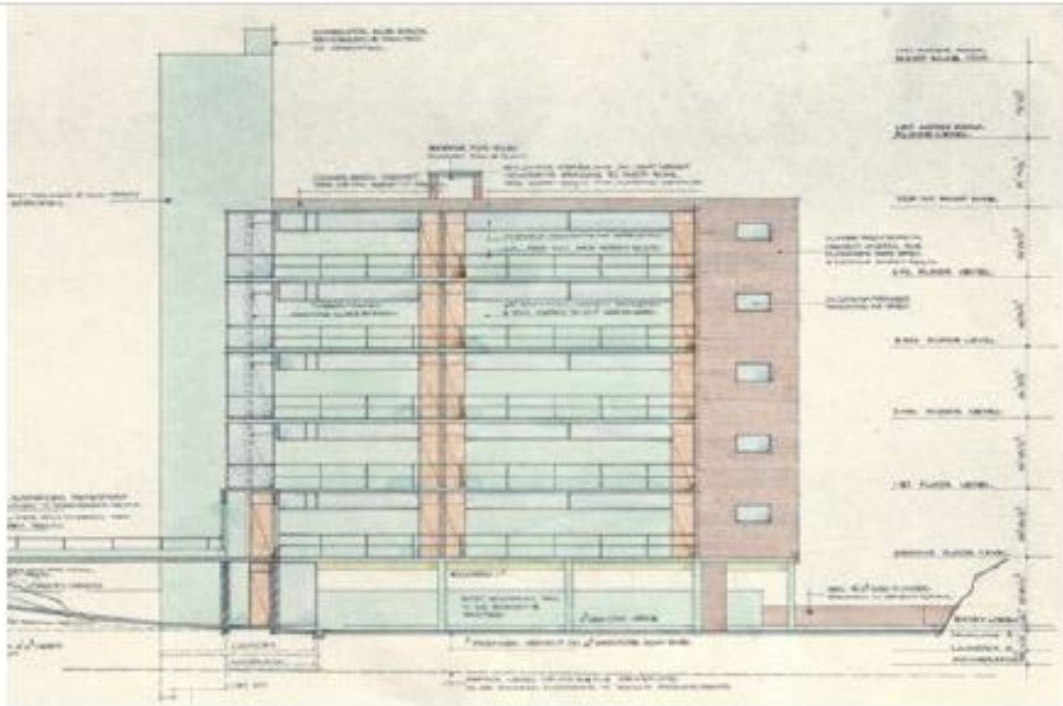


Image caption	Elevations for 80 Elizabeth Bay Road, Elizabeth Bay. Reproduced from John Oultram Heritage & Design, Heritage Impact Statement, December 2020.				
Image year	1963	Image by	HP Oser, Fombertaux & Associates	Image copyright holder	Unknown



<b>Image caption</b>	Elevation for 80 Elizabeth Bay Road, Elizabeth Bay. Reproduced from John Oultram Heritage & Design, Heritage Impact Statement, December 2020.				
<b>Image year</b>	1963	<b>Image by</b>	HP Oser, Fombertaux & Associates	<b>Image copyright holder</b>	Unknown

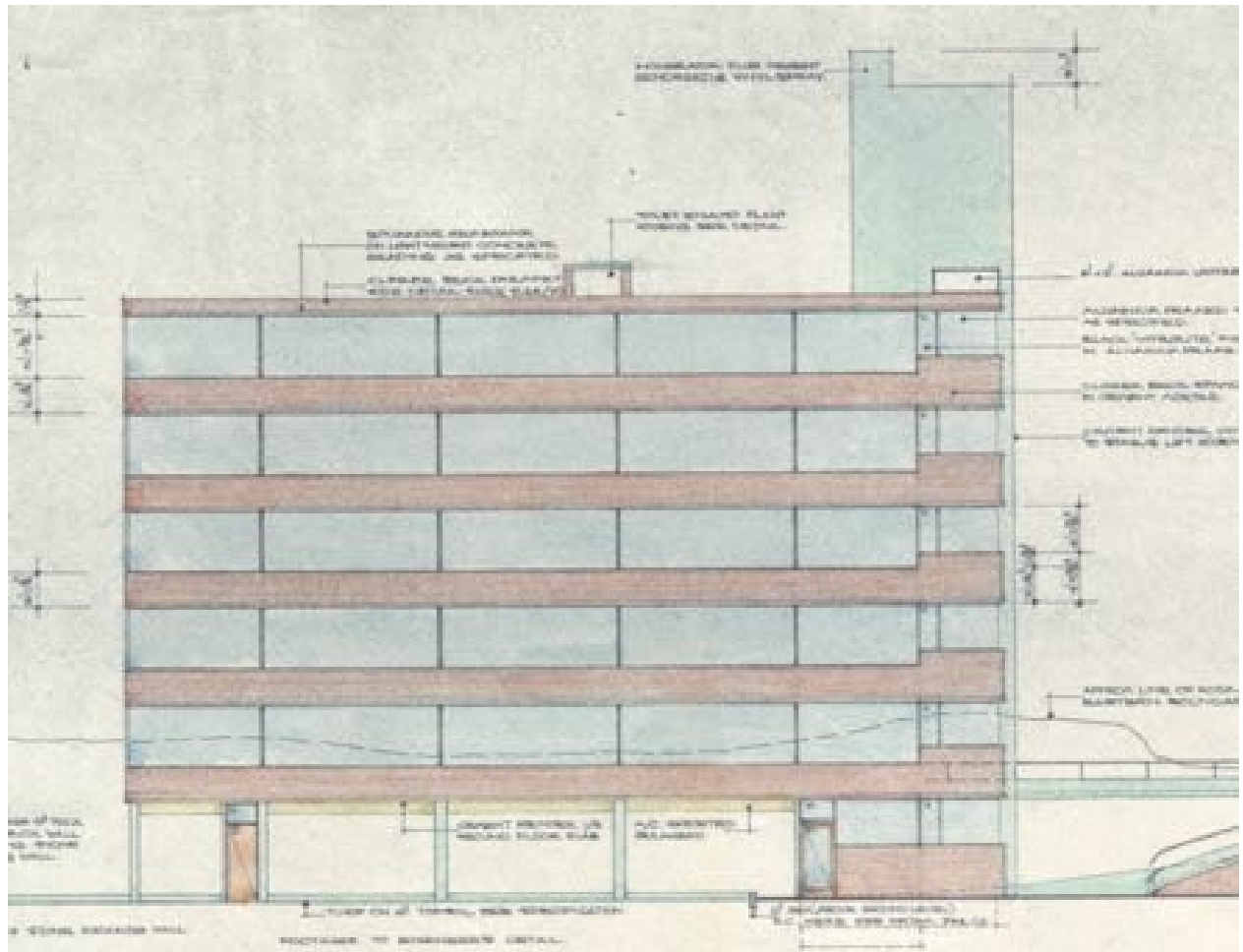
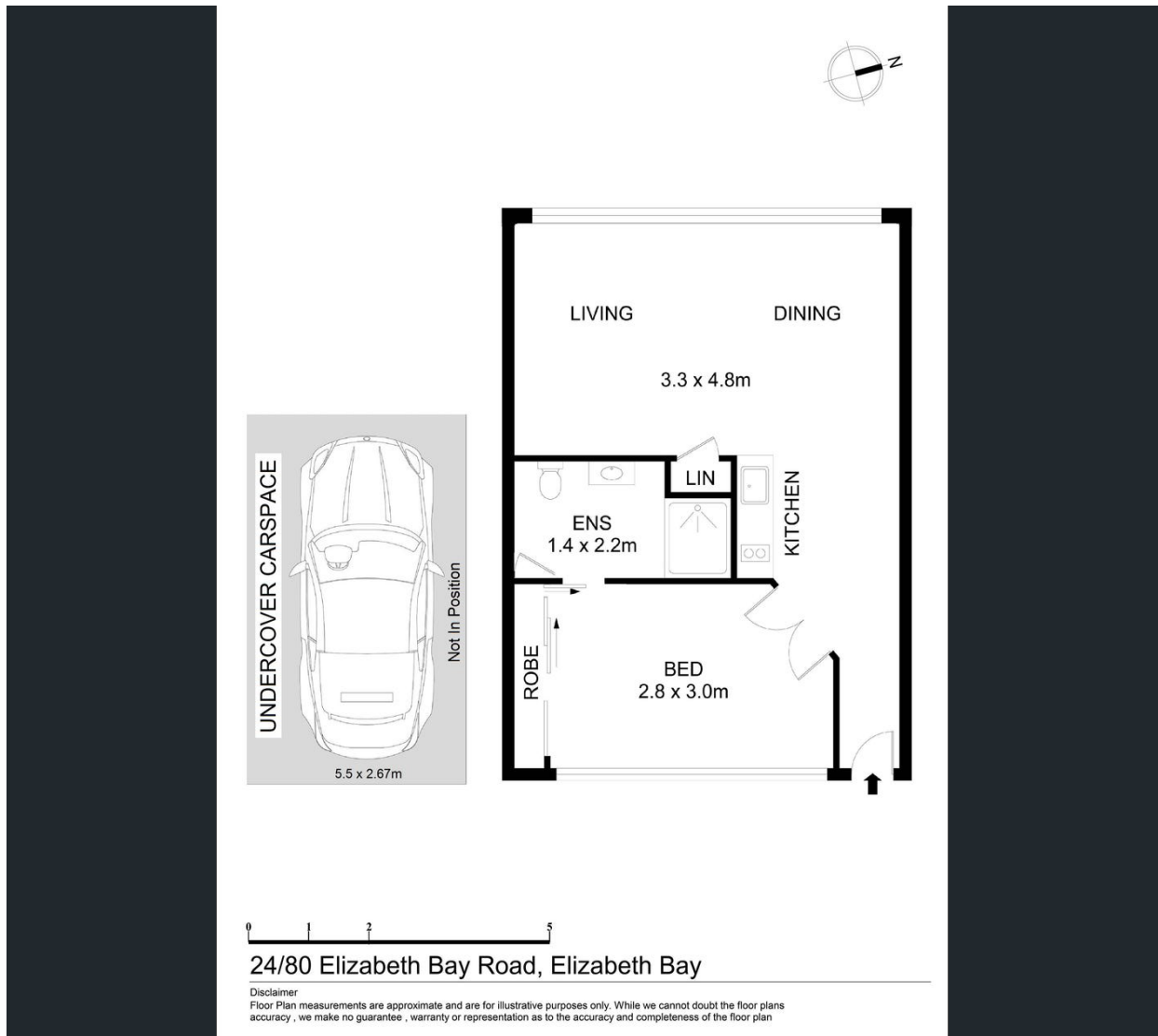


Image caption	Floor plan of unit 24 with central bathroom and kitchen, which appears to be the typical apartment plan of the building (noting apartments 1 and 5 on each level have a different plan).				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au



<b>Image caption</b>	Floor plan of unit 5, the typical plan of units located at the northern end of the building.				
<b>Image year</b>	2024	<b>Image by</b>	Realestate.com.au	<b>Image copyright holder</b>	Realestate.com.au



Image caption	Southern elevation showing the entry from Elizabeth Bay Road.				
Image year	2024	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au



<b>Image caption</b>	Northern elevation.				
<b>Image year</b>	2024	<b>Image by</b>	GML	<b>Image copyright holder</b>	GML



<b>Image caption</b>	Western elevation.				
<b>Image year</b>	2024	<b>Image by</b>	GML	<b>Image copyright holder</b>	GML





<b>Image caption</b>	Entrance lobby along eastern façade.				
<b>Image year</b>	2024	<b>Image by</b>	GML	<b>Image copyright holder</b>	GML



<b>Image caption</b>	Open corridor to the eastern side with original wire mesh balustrade.				
<b>Image year</b>	2024	<b>Image by</b>	GML	<b>Image copyright holder</b>	GML



<b>Image caption</b>	Living room of unit 33.				
<b>Image year</b>	2024	<b>Image by</b>	GML	<b>Image copyright holder</b>	GML



<b>Image caption</b>	Bedroom of unit 33.				
<b>Image year</b>	2024	<b>Image by</b>	GML	<b>Image copyright holder</b>	GML



<b>Image caption</b>	Southernmost unit, showing the L-shape plan and windows to the south.				
<b>Image year</b>	2024	<b>Image by</b>	Realestate.com.au	<b>Image copyright holder</b>	Realestate.com.au

