

Local Heritage Listing For Four Sites In Double Bay												
Contribution ID	Do you support the heritage listing of four items on the Woollahra LEP			Which sites do you want to provide feedback on?								Type your comment here
	Yes, I support all the listings	I support some of the listings	No, I do not support the listings	Shopping building and arcade, 21-25 Knox Street,	Cooper's Corner, 475-479 New South Head Road,	Royal Oak Hotel, 28 Bay Street, Double Bay	Former In Shoppe building, 45A Bay Street,	Provide your feedback on the shopping building and arcade (21-25 Knox Street, Double Bay) here:	Provide your feedback on Cooper's Corner (475-479 New South Head Road, Double Bay) here:	Provide your feedback on the Royal Oak Hotel (28 Bay Street, Double Bay) here:	Provide your feedback on the Former In Shoppe building (45A Bay Street, Double Bay) here:	Other comments
7903	1			1	1	1		Should be restored but not lose the heritage of the mini mall - so unique to DB	Need to let the history shine and maintain the era	An insitution that should not change from its current state		RMO
7900			1	1	1	1	1	There is nothing special about this building. Council is just trying to create history where there is none. Some might consider this building even as being fairly unattractive. Private property rights should not be so easily impacted upon and a restricted future imposed on a property without there being a very significant reason for so doing. To just pick upon a few candidate buildings to preserve some fairly insignificant vestiges of the past is not reasonable.	Similar comments to above. There is certainly nothing special about this building or its neighbours. A new and appropriate development in this location of the property and its neighbours would be a better outcome than what is there today.	This is a fairly stock standard suburban "pub". There are lots of them. Is it reasonable to restrict this property's future? I do not believe so. The community is probably more concerned about preserving the "pub" usage rather than the building. I believe Council is overstepping its mark and intruding on private property rights without obvious good reason. What about the Sheaf Hotel - why not preserve that also?	This is the nicest looking of the four buildings - but is it so outstanding as to warrant restrictions on its future? I think not. I have lived in Double bay for 25 years and I do not recall it ever being an "In Shoppe" - but even if it was, is there something so significant about that particular usage as to warrant its preservation? Private property rights should not be so easily impacted.	I believe Council is trying to create history where there is nothing or very little of significance. The truly significant buildings in Woollahra have already been classified. Mistakes were made in the past, particularly in the immediate post war years, and buildings were demolished that should not have been. But, it is too late to correct those actions now. I believe that private property rights should not be taken away or restricted unless it is abundantly clear that the property is truly significant. None of the four subject properties fall into that category at all. The cost of these various adventurous heritage studies is high and I, as ratepayer, would much prefer to see the money spent on other things such as simple cleaning of the streets and gutters and drains cleared of debris and leaf litter. Very little of that happens in my street.
7894		1		1			1	These sites sit on considerable and valuable land, that could facilitate 20+ apartments. This means that heritage listing presents a big opportunity cost in terms of delivering more affordable housing. The existing buildings are marginally significant at best, with no obvious heritage value above comparable properties in the area. The sites are typical modernist architecture, of which there are hundreds of similar examples in the LGA. Heritage listing should be used to preserve something unique.			This site sits on considerable and valuable land, that could facilitate 15+ apartments. This means that heritage listing presents a big opportunity cost in terms of delivering more affordable housing. The existing building although a good example of modernist architecture is marginally significant at best. The sites is a typical example of modernist architecture, of which there are hundreds of similar examples in the LGA. Heritage listing should be used to preserve something unique. A site like this can and should deliver much needed housing supply in and around double bay.	Christian Pagliaro
7891	1			1	1	1	1					Bruce Forster
7857		1				1				Ugly noisy building, very often attracting unpleasant people. Residents have been complaining for years, with negative results.		Negative Phillip Jacobson
7800	1			1	1	1	1					As usual you are 10 years late, when we used to enjoy "The Double Bay Village" Now it is called "Chatswood No 2" or "Developers Paradise" Max Notley
7798		1		1		1		We have already lost so much of Double Bay's character and I would like to prevent losing more before its too late. I am all for progress and development but very soon Double Bay will become a mini Bondi Junction if some of its buildings are not protected.		Such an amazing building and iconic site in Double Bay. Would be terrible to see anything happen to it in the future. As mentioned earlier I am all for progress and development but very soon Double Bay will become a mini Bondi Junction if some of its buildings are not protected.		Janine Adams
7797			1	1	1	1	1					Ranitha Mapatuna
R	1				1	1						We need an overall plan for Double Bay not an add hoc approach. I support this to stop overdevelopment. But the tail is wagging the dog Arianne Reisner
7785		1		1	1	1	1	I do not support the listing of this building.	I do not support the listing of this building.	I do support the listing of this building.	I do not support the listing of this building.	Ewen McNee

Joahna Doolan

From: NSW Planning [REDACTED]
Sent: Saturday, 16 September 2023 12:01 AM
To: Tristan Ryan
Subject: Submission summary of Planning Proposal PP-2023-932



The exhibition period for Planning Proposal PP-2023-932 started on 8/16/23 and ended on 9/15/23.

The total number of submissions received via the portal during the exhibition period was 0.

You can download an extract of the submissions received via the NSW Planning Portal as a csv file from the document tab within the Planning Proposal case.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message.

For more information or assistance, please visit the [NSW Planning Portal](#) and view our [Frequently Asked Questions](#) or [Quick Reference Guides](#). Alternatively, you can call our help line on 1300 305 695.

Joahna Doolan

From: Edward Malouf [REDACTED]
Sent: Monday, 16 October 2023 10:43 AM
To: Tristan Ryan
Subject: FW: Royal Oak Hotel -
Attachments: Royal Oak Hotel Listing Review. 13.10.23_compressed.pdf

Hi Tristan,

Please find our heritage submission in relation to the Royal Oak Hotel Double Bay.

Please let me know should you require any further information.

Cheers and Thank you,
Ed.

Edward Malouf
Royal Hotels Group
[REDACTED]

Royal Oak Hotel : Gregory Hills Hotel : Moss Vale Hotel

-----Original Message-----

From: John Oultram [REDACTED]
Sent: Friday, October 13, 2023 2:15 PM
To: Edward Malouf [REDACTED]
Subject: Royal Oak Hotel -

Caution! This message was sent from outside your organization.

Edward

Report for Council

John

John Oultram Heritage & Design
[REDACTED] New South Head Road
DOUBLE BAY NSW 2028
(entry via Knox Lane)

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DOUBLE BAY NSW 1360

Telephone: [REDACTED]

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PROPOSED HERITAGE LISTING

OF THE

ROYAL OAK HOTEL
28 BAY STREET, DOUBLE BAY, NSW

HERITAGE REVIEW AND SUBMISSION



Prepared by:

John Oultram Heritage & Design
[REDACTED] New South Head Road,
Double Bay, NSW 2028

T: [REDACTED]
E: [REDACTED]

Prepared for:

Royals Hotel Group,

October 2023

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1.0 INTRODUCTION

1.1 THE BRIEF

The following report has been prepared to provide a review of the proposed heritage listing of the Royal Oak Hotel at 28 Bay Street, Double Bay, NSW. The report has been prepared on behalf of the Royals Hotel Group, the owner of the property.

1.2 BACKGROUND

Woollahra Council has indicated that it is proposing to list the hotel as a heritage item in Schedule 5 Part 1 of the Woollahra Local Environmental Plan 2014.

The Council has carried out a heritage assessment of the Hotel as part of a wider study of buildings in the Double Bay area. Council has prepared a heritage inventory sheet for the Hotel based on that study.

1.3 THE STUDY AREA

The study area is Lot 1 in DP 60445 and Lot 1 in DP 570584 in the Municipality of Woollahra, Parish of Alexandria and County of Cumberland (Figure 1.1).

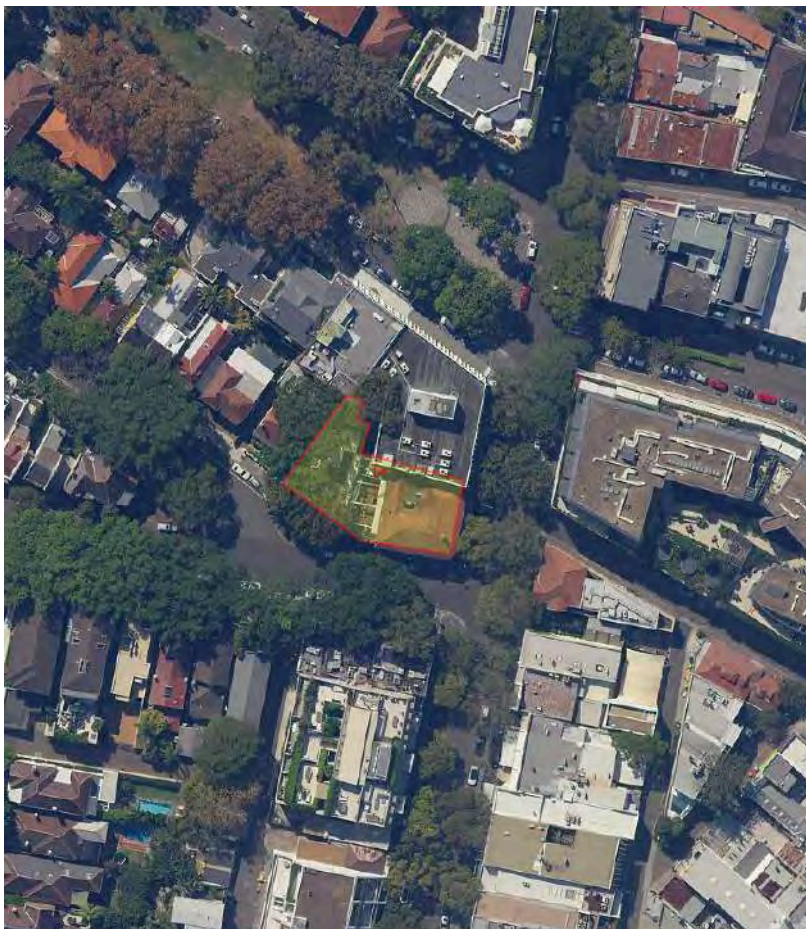


Figure 1.1 The Study Area shaded

Source: Six Maps

1.4 COUNCIL'S REPORTS

Council's assessment of the building is contained in the following report:

Lucas, Stapleton Johnson and Partners, Double Bay Centre, Heritage Review of Character Buildings, dated October 2022

1.5 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric*, *conservation*, *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation*, *compatible use* and *cultural significance* used in this report are as defined in the Australia ICOMOS Burra Charter.

No further historical research was carried out for this report.

1.6 METHODOLOGY

This report was prepared in accordance with the NSW Heritage Manual "Statements of Heritage Impact", "Assessing Heritage Significance Guidelines" and the Woollahra Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS Burra Charter 2013.

1.7 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram of John Oultram Heritage & Design, unless otherwise noted. John Oultram Heritage & Design was established in 1998 and is on the NSW Heritage Office list of heritage consultants.

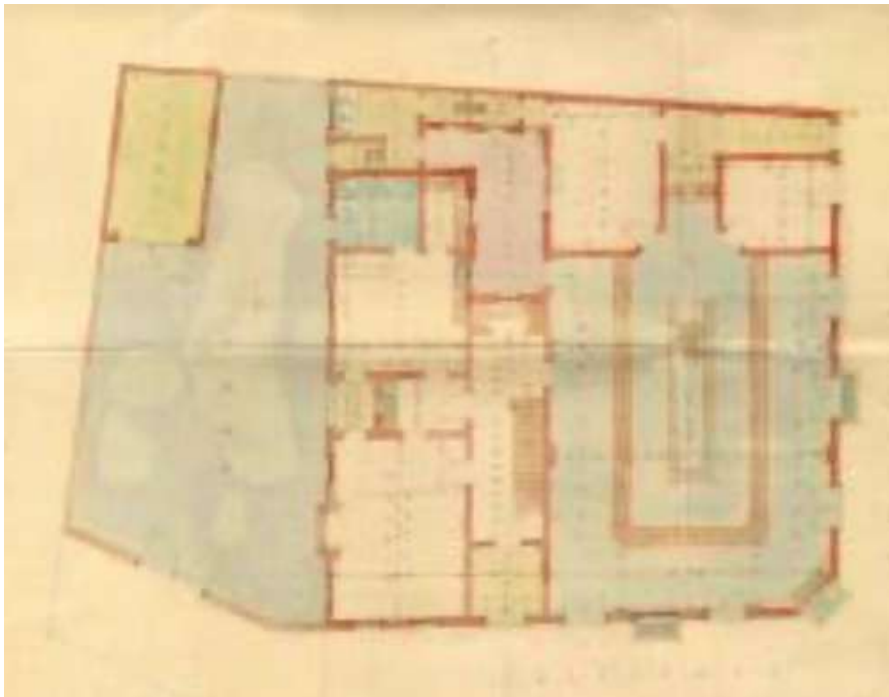
2.0 HISTORICAL SUMMARY

The following summary is taken from the Woollahra Heritage Inventory sheet for the property.

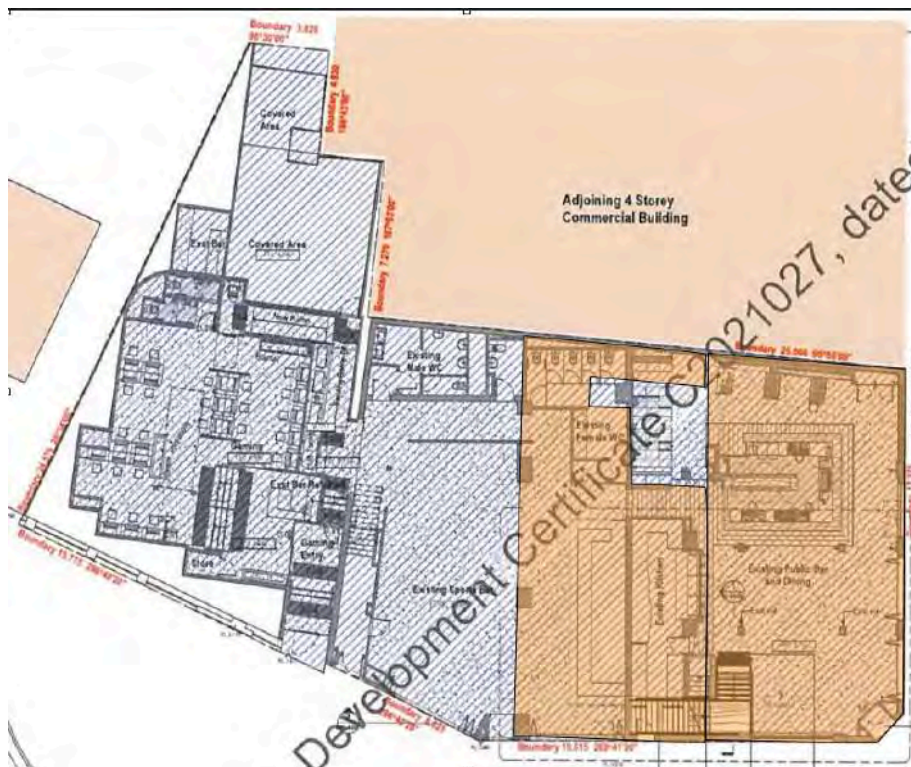
2.1 SUMMARY

DATE	DEVELOPMENT
1834	Village Reserve of Double Bay established
?	Dwelling house constructed on the site
1869	First Royal Oak Hotel established on the site possibly in the dwelling house
1920	Freehold purchased by brewers Tooth and Co
1925	Plans approved for the redevelopment of the Hotel
	The Hotel was designed by architects Provost, Synott and Ruwald
1990	Internal reconfiguration of the ground and first floors

The Inventory sheet contains a comprehensive history of the place that allows for an assessment of historical significance to be made. The sheet also contains a summary of modifications that have occurred though no plans are provided.



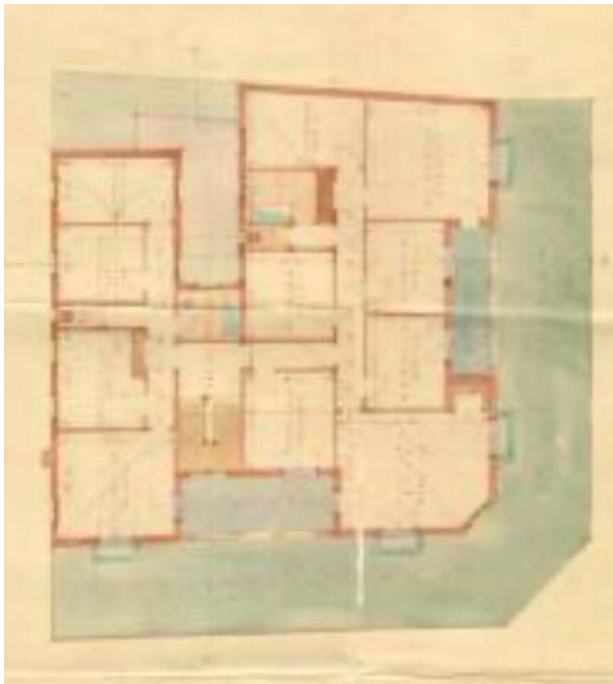
Provost, Synott and Ruwald's ground floor plan of the new Royal Oak Hotel designed in 1924



Current ground floor plan with original footprint shaded beige

Figure 2.1 Comparative plans of the Hotel – Ground Floor

Source: Woollahra Heritage Inventory Sheet and Client



Provost, Synott and Ruwald's first floor plan of the new Royal Oak Hotel designed in 1924



Current first floor plan with original footprint shaded beige

Figure 2.2 Comparative plans of the Hotel - First Floor

Source: Woollahra Heritage Inventory Sheet and Client



Provost, Synott and Ruwald's elevation of the new Royal Oak Hotel designed in 1924 (Cooper Street)



Figure 2.3 Comparative elevations of the Hotel

Source: Woollahra Heritage Inventory Sheet & JOHD

Ground Floor

- Removal of arched openings to the ground floor
- Replacement tiling
- Replacement windows and doors

First Floor

- Infill of balconies and removal of balusters
- Replacement doors



Provost, Synott and Ruwald's Bay Street of the new Royal Oak Hotel designed in 1924



Current Hotel

Figure 2.3 Comparative elevations of the Hotel

Source: Woollahra Heritage Inventory Sheet & JOHD

Changes include:

Ground Floor

- Removal of arched openings to the ground floor
- Replacement tiling
- Replacement windows and doors

First Floor

- Infill of balconies and removal of balusters
- Replacement doors

3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by John Oultram in August 2023 to ascertain its layout, condition and intactness from original construction.

The Inventory Sheet contains a detailed description of the Hotel and, while noting the interior has been altered, does not include overlays showing the current plans over the earlier plans (see above).

3.1 EXTERNALLY

The Royal Oak Hotel is a two storey, Inter War Hotel in a hybris of the Mediterranean style. The Hotel is in rendered masonry with a hipped, terracotta tile roof with rendered masonry chimneys. The ground floor has a tiled frontage (M) with modern, timber windows and doors and a splay to the street corner. There is a suspended metal awning to the front with a metal soffit (O & M).

The upper floor is more intact and has arched openings and former balconies (now infilled) with projecting balconies to each elevation with classical balusters. The balconies have multi-paned, glazed doors and one to Bay Street retains wrought iron lacework. The corner window is a 12 pane, double hung sash. The flat head openings have recessed render panels above with stucco swags.

There are later, single and two storey additions to the west. The immediate one has with a tiled lower façade and fibro upper floor with modern windows and a skillion roof and glazed screen to the rooftop terrace. The second addition (gaming room) is in weatherboard and full height glazing with a gabled, corrugated metal roof

3.2 INTERNALLY

Internally the hotel has been considerably altered particularly at the lower floor that is partly open plan with the main bar to the street and lounges and bars and a part covered courtyard to the rear.

To the ground floor, floors are carpeted and in tile (M). Walls are in plastered masonry (O) with tiling to dado height in the main bar (M) with some timber clad walls to the kitchen area, bar and stair (M). There are columns to the main bar with plaster removed. Some walls are in exposed brick (plaster removed). There are plasterboard walls to some the later alterations (M).

Ceilings to the main bar are in fibrous plaster with moulded plaster cornice set between a grid of downstand beams (O). Other ceilings are in plasterboard (M). There is a modern kitchen to the centre of the hotel and the lavatories are modern throughout. The stair is a later replacement and is in painted timber with turned timber newel posts and balusters (M). The stair was inserted into the inset balcony to Cooper Street. All doors and windows are modern.

The later addition are modern throughout.

The upper floor is partly intact in plan though walls have been removed (signalled by ceilings patterns). Floors in polished timber and carpet(M). Walls are in plastered masonry though some are in exposed brick (plaster removed) below a painted timber picture rail. Ceilings are in fibrous plaster with moulded plaster cornices and moulded or plain, plaster battens (O) though some have been replaced in plasterboard.

Some original, internal doors remain and are four panel, very high waisted timber with glazed fanlights. The doors to the balconies have largely been replaced with multi-paned, glazed doors (M).

Only one 12 pane window remains to the splay though there are 1+2 pane double hung, timber sashes to the rear (O) with later windows to the terrace (M). The arched openings to the former balconies have been infilled with two pane hoppers and fixed lights with multi-pane upper panels (M).

There is a balcony terrace and bar at the rear.

O	ORIGINAL
L	LATER
M	MODERN

Figures 3.2 - 3.18

Figure 3.1 Royal Oak Hotel, Double Bay

Plans as existing

Source: Client



Figure 3.2 Royal Oak Hotel, Double Bay
Elevation to Bay Street



Figure 3.3 Royal Oak Hotel, Double Bay
Elevation to Cooper Street



Figure 3.4 Royal Oak Hotel, Double Bay
Rear additions



Figure 3.5 Royal Oak Hotel, Double Bay

Main bar



Figure 3.6 Royal Oak Hotel, Double Bay

Ceiling to main bar



Figure 3.7 Royal Oak Hotel, Double Bay

Stair



Figure 3.8 Royal Oak Hotel, Double Bay
Front bar



Figure 3.9 Royal Oak Hotel, Double Bay
Rear bar (part of the later addition)

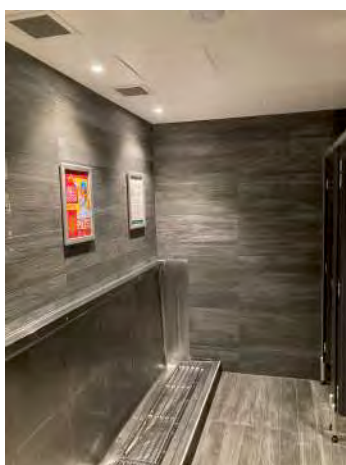


Figure 3.10 Royal Oak Hotel, Double Bay
Typical lavatory



Figure 3.11 Royal Oak Hotel, Double Bay
First floor lounge



Figure 3.12 Royal Oak Hotel, Double Bay
First floor lounge



Figure 3.13 Royal Oak Hotel, Double Bay
First floor bar



Figure 3.14 Royal Oak Hotel, Double Bay

First floor lounge – note the ceiling pattern where walls removed



Figure 3.15 Royal Oak Hotel, Double Bay

Original door



Figure 3.16 Royal Oak Hotel, Double Bay

First floor lounge



Figure 3.17 Royal Oak Hotel, Double Bay

First floor lounge with balcony infilled



Figure 3.18 Royal Oak Hotel, Double Bay

Stair void in former balcony to Cooper Street

4.0 HERITAGE LISTINGS & CONTROLS

4.1 NATIONAL TRUST

The property is not classified on the Register of the National Trust of Australia (NSW).

4.2 HERITAGE NSW OF THE NSW DEPARTMENT OF PREMIER AND CABINET

4.2.1 State Heritage Register

Under the Heritage Act 1977 (as amended), the NSW Heritage Council, administered by the Heritage Division of the NSW Department of Premier and Cabinet, maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

4.2.2 State Heritage Inventory

The Heritage Division also compiles the State Heritage Inventory, a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. The subject property is not listed on the Inventory.

4.3 LOCAL AUTHORITY

The local authority for the area is Woollahra Municipal Council. The property is not listed as a heritage item in Schedule 5 Part 1 of the *Woollahra Local Environmental Plan 2014* (WLEP) and is not within a heritage conservation area.

The property is in the vicinity of a heritage item at:

REF	ADDRESS	ITEM	RANKING
I681	2A Cooper Street	Gaden House including interiors	Local

Development would be the subject of the heritage provisions of the WLEP relating to development in the vicinity of a heritage items.

Council may also take into consideration the heritage provisions of the *Woollahra Development Control Plan 2015* (WDCP) that contains detailed objectives and controls for development in Double Bay.



Figure 4.1 Woollahra Local Environmental Plan 2014 (WLEP) Heritage Map 003A

Source: NSW Planning Portal

5.0 ASSESSMENT OF SIGNIFICANCE

The Inventory sheet contains an assessment and statement of significance using the guidelines in the NSW Heritage Manual regarding the assessment of heritage significance. The Manual is a well-regarded methodology for the assessment of cultural significance and is appropriate for application to the subject property.

5.1 HISTORIC SIGNIFICANCE

5.1.1 Historical Development

Criterion (a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
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The Royal Oak Hotel, No. 28 Bay Street is of historical significance on a local level for forming part of the historical development of the Double Bay Village Reserve, established by the government in 1834. The hotel was constructed in c.1869, making it one of the oldest commercial buildings within the Double Bay Centre and has been in continuous use as a hotel since that time. Although the building was entirely rebuilt in 1924, it retains its original name, entry configuration and siting at the corner of Bay and Cooper Streets.

Meets the criterion on a local level.

We would concur with this assessment, though the current building is clearly not one of the oldest commercial buildings within the Double Bay Centre.

Local Significance.

5.1.2 Historical Associations

Criterion (b)	An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
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No. 28 Bay Street is associated with noted hotel architects Prevost, Synott & Ruwald, who designed the remodelled Royal Oak Hotel in 1924 for then owners Tooth & Co. The architectural firm designed numerous hotels in NSW between 1924 and 1931 for Tooth & Co., a highly successful and influential brewer and hotelier company.

Meets the criterion on a local level.

We consider that the associations would be common to many hotels in Sydney that were designed for the brewer by prominent architects.

The interior and exterior have been altered to a considerable degree and we consider that the Hotel could not be considered a good example of the architects' work.

Does not meet the criterion.

5.2 AESTHETIC SIGNIFICANCE

Criterion (c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
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No. 28 Bay Street is of aesthetic significance as a hotel designed by noted architectural firm Prevost, Synott & Ruwald in the Inter-war Georgian Revival style. The hotel makes a strong contribution to the historic character of the immediate locality and retains architectural details of note including the overall form of the hotel, Marseille tile roof, exposed rafters, arcaded balconies (now enclosed), blind arched recesses with classical swags, and classically inspired balustrades. Although the ground level facades have been altered (sympathetically), and little evidence of the original internal configuration and detailing remains, the hotel serves as a charming transition between the residential character to the west of Bay Street and the commercial development to the east.

Meets the criterion on a local level.

We would partly concur with this assessment though, as noted, the interior and exterior have been altered to a considerable degree and we consider that the Hotel could no longer be considered a good example of the architects' work.

The hotel has some landmark qualities and could be seen as a creative and achievement.

The interiors of the hotel have been comprehensively altered and the ground floor facade considerably altered. The Hotel was extended into the adjoining site with a poor quality extension that impacted considerably on the rear elevation and the overall form of the hotel (though this remains readable to the street).

The Hotel contains little original fabric apart from some joinery and plasterwork to the first floor and some of the external doors and windows.

Local Significance. – Overall form of original Hotel and first floor façade only.

5.3 SOCIAL SIGNIFICANCE

Criterion (d)	The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons
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No. 28 Bay Street is likely to be of some value to the local community as a contributing element to the historic character of the western side of the Double Bay Centre and as one of the oldest surviving commercial buildings to be located in the area. As a hotel in continuous operation since 1869, the place is likely to be of social significance to the local residents as an historical gathering place and recreational venue.

Meets the criterion on a local level.

Though Hotels are often favourite watering holes, recent patronage is less loyal and the Hotel relies partly in part on passing or intermittent trade.

The demographics of the area have waxed and waned and though the Hotel is well known, it is unlikely to have any special associations with any particular group.

Does not meet the criterion.

5.4 TECHNICAL/SCIENTIFIC SIGNIFICANCE

Criterion (e)	An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
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As a hotel almost entirely rebuilt in 1924 by noted architectural firm Prevost, Synott & Ruwald, No. 28 Bay Street may have potential to yield further information regarding the design of hotels for Tooth & Co. and by Prevost, Synott & Ruwald. The Royal Oak Hotel retains evidence of its evolution as an early 20th century Sydney pub and together with the archival records of its adaptation over time, it demonstrates the processes of change in buildings of its type, responding to the changing needs of the community which it continues to serve.

Meets the criterion on a local level.

There was a previous building on the site but the details of this are not known. The current hotel development was quite comprehensive and there are unlikely to be any underground remains. The archaeological potential of the place is low. The hotel is of no technical significance and has been heavily altered.

As noted, evidence for its development is held in archive records (that is well understood) rather than the current built form (apart from the original sections of the elevations). The building demonstrates the development of Double Bay and hotels in general in no greater manner than other period buildings. The changes resulting from licensing laws can be seen in almost every Hotel in Sydney.

Does not meet the criterion.

5.5 RARITY

Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
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Originally constructed in c.1869 (and substantially altered in 1924), the Royal Oak Hotel, is rare as the oldest surviving commercial building located on Bay Street and possibly within the Double Bay Centre. The name of the hotel and its siting at the corner of Bay and Cooper Street, can be traced back to the original building. As a hotel building designed for Tooth & Co by architects Prevost, Synott & Ruwald, the Royal Oak Hotel is not rare being one of dozens of hotels with a similar history located throughout Sydney and NSW. However, being one of only two hotel buildings located within the Double Bay Centre, with historical links to the early commercial development of the area, the Royal Oak Hotel is considered rare within the immediate locality.

Meets the criterion on a local level.

Hotels are uncommon the area as the Double Bay centre is small and hotels are inevitably spread to accommodate the scale of population they serve, The rarity stems from this rather than the Hotel type per se being rare.

Hotels of this type prevalent in many suburbs and the Hotel is not under threat.

Does not meet the criterion.

5.6 REPRESENTATIVENESS

Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's Cultural or natural places; or Cultural or natural environments
	(or a class of the local area's; Cultural or natural places; or Cultural or natural environments)

No. 28 Bay Street is a representative example of a hotel building designed by Prevost, Synott & Ruwald for Tooth & Co in the Inter-war Georgian Revival style. The Royal Oak Hotel is one of a number of similar, suburban hotels that remain extant throughout NSW.

Meets the criterion on a local level.

We would concur with this assessment.

Local Significance.

5.7 INTEGRITY

Given the extent of change (internally and externally), The Royal Oak Hotel, No. 28 Bay Street has a moderate to little level of integrity, although the exteriors at first floor level and the roof form have a relatively high level of integrity to their 1924 configuration.

We would concur with this assessment and the commentary rather undermines the level of assessment under the criteria above.

5.8 STATEMENT OF SIGNIFICANCE

The Inventory sheet also contains a statement of significance:

The Royal Oak Hotel, No. 28 Bay Street, is of significance as surviving evidence of the historical development of the Double Bay Village Reserve, established by the government in 1834s and as being one of the oldest surviving commercial buildings located within the Double Bay Centre (originally constructed c.1869), and the oldest surviving commercial building located on Bay Street, making the place rare within the local context. The place is also of historical significance and rarity on a local level for being in continuous operation as the Royal Oak Hotel since 1869.

The hotel has significant historical associations with noted architectural firm Prevost, Synott & Ruwald, who rebuilt the hotel in 1924 for then owners Tooth & Co., an historically significant brewer/hotelier company of the 19th and 20th centuries in NSW.

Designed in the Inter-war Georgian Revival style, the hotel is a representative example of the work of Prevost, Synott & Ruwald. The building has some aesthetic significance for its surviving upper-level external features including its overall form, Marseille tile roof, arcaded balconies (now enclosed), blind arched recesses with classical swags, and classically inspired balustrades. The hotel makes a strong contribution to the historic character of Bay Street and a charming transition between the residential and commercial precincts on the western side of the Double Bay Centre.

Local Significance.

We would partly concur with this assessment but would note:

The current building is clearly not one of the oldest commercial buildings within the Double Bay Centre.

It may be one of the oldest surviving commercial buildings in Bay Street but this is drawing a very narrow net and there are other period buildings in Bay Street (largely altered) and throughout Double Bay.

Its associations and social significance are of a type that could apply to any hotel as is its long association with Tooth and Co.

6.0 PROPOSED HERITAGE LISTING

6.1 GENERALLY

Double Bay is seeing a considerable increase in development and density reflecting changes to the WDCP that allows for higher buildings along many of the streets and lanes.

Though character buildings are noted on the WDCP and partly protected from development. Considering recent development pressure, Council's desire to list some as heritage items in the WLEP is understandable.

The owners of the hotel wish it to remain in operation as a hotel as it is a popular and successful watering hole.

No objection is raised to the listing but the owner would like management guidelines to be included to the Inventory Sheet to reflect the level of change to the Hotel and allow for changes that conserve significant elements while identifying areas or fabric that can be altered.

6.2 MANAGEMENT GUIDELINES

The Inventory Sheet does not contain Management Guidelines and suggested guidelines are noted.

1	Conservation
	The building should be retained and conserved
	Significant fabric and spaces be identified as those dating from the construction of the Hotel in 1924
	Any significant room layouts as well as extant, significant internal original features including ceilings, cornices and joinery should be retained and conserved
	Original internal and external features and finishes can be reinstated
2	Alterations and additions
	Any additions and alterations should be confined to areas of less significance,
	Non-significant internal fabric can be removed or replaced
	Non-significant external fabric can be removed or replaced provided that the replacement detail is sympathetic to the original style of the hotel
	Vertical addition should pay due regard to the significance of the place and be in accordance with the relevant planning controls
3	Heritage Impact Statement
	A Heritage Assessment and Heritage Impact Statement should be prepared for the building prior to any major works being undertaken.

7.0 SUMMARY AND RECOMMENDATIONS

7.1 HERITAGE LISTING

Overall, we consider that the:

- Inventory sheet provides a thorough investigation of the heritage qualities of the Hotel though does not adequately reflect the level of change that has occurred to the original hotel and the current state of the interiors
- Property would possibly meet two of the Heritage Manual criteria for identification as a heritage item of local significance (Criteria (a) and (g)) and partly meet the Criterion (c) - original elevations only
- Hotel is not significant at a state level

We consider that the building is borderline in terms of its listing as a heritage item of local significance.

7.2 RECOMMENDATIONS

Should the proposal for listing proceed we would recommend that:

- The Management Guidelines noted above be included in the Inventory Sheet for the Hotel



JOHN OULTRAM

From: Martin Border [REDACTED]
Sent: Friday, 15 September 2023 12:51 PM
To: Records
Cc: Tristan Ryan
Subject: 21-25 Knox St, Double Bay - Objection to Proposed Heritage Listing (Submissions SC7228)
Attachments: 21-25 Knox St, Double Bay - URBIS Heritage Report (Dec 22).pdf; 21-25 Knox St, Double Bay - Weir Phillips Heritage Report (Dec 22).pdf

Submissions SC7228

Dear Committee Members,

Thank you for giving me the opportunity to submit my response to the proposed Heritage Listing of 21-25 Knox St, Double Bay.

To assist I have outlined my submission in Point Form as follows:

Heritage Consultants:

1. I engaged **two leading Heritage Experts** to prepare a response to the Councils Heritage Assessment being:
 - **Urbis – Mr Stephen Davies**
 - **Weir Phillips Heritage Architects – James Phillips**
2. **Both Heritage Consultants recently carried out inspections of the building and have concluded that they do not believe the building warrants Heritage Listing due to the substantial changes since it was built**
3. Their Reports are attached which are submitted with my objection to the Heritage Listing

Comments:

1. I have owned 21-25 Knox St since 1993, approx 30 years so I am well aware of the tenant occupancy and numerous changes to the building over this long period of time
2. **Most of the Council Heritage Report focuses on what the building was like when it was originally built but NOT on what is there now, which in any fair assessment should be the main consideration of the Report and any potential listing.**
3. **Council's own Heritage Report confirms that due to the complete rebuilt and renovation of all the internal areas of the of the building the "Interiors of the building have been excluded" from the proposed Heritage listing.**
4. There are points in the Report which need to be corrected to make a fair assessment of the heritage importance of the property.
5. There is no detailed "Inventory List" of what areas of the building Council considers has Heritage Merit
6. **As is the case with the Interiors, the Roof, Rear Knox Lane Façade (north elevation) and both Side Elevations (East & West Elevations) should be excluded from any consideration as they bear no resemblance to the original building and have absolutely no heritage value.**

7. Council's Report focuses on 3 main areas being:

- a. The use as a Café by 21 Espresso. This can be easily memorialised by the installation of a detailed Plaque at the front of the building.
 - b. The Arcade from Knox St to Knox Lane. This is already protected by being listed as a site through link in Council's DCP, which I am happy to abide by in any possible future development
 - c. The Knox St curved windows This does not need to be Heritage Listed as the curved façade and windows can be conditioned by Council to be maintained in any possible future development and
- is consistent with buildings existing and enacted DA approval.

Council DA & BA Approval:

1. The building has Council DA/BA Approval (DA94/161 & BA191/95) which has been enacted with substantial commencement works having been carried out which has been evidenced and acknowledged by Council. These Council Approved works include the full extension of the 2nd floor and substantial demolition and construction works to the building both internally & externally which will significantly change the existing structure.
2. As a result of the April 1999 Sydney wide hailstorm the roof and entire building suffered severe damage and had to vacated for many months until repairs were undertaken
3. As a result of the hail and water damage major insurance and other building works were carried out which dramatically altered the external fabric and all the interiors of the building in accordance with Council DA/BA Approval.
4. Many of the Council approved works were carried out after the April 1999 hailstorm by the Insurers' builder
5. The current approval permits the construction of a fully enclosed 2rd floor addition to the building plus numerous other substantial alterations and additions both internally and externally

Changes to the Building over the past 30 years:

1. All the building windows (approx 40) and most shopfronts have been replaced with modern aluminium framed windows with safety glass
2. All the interior of the building including offices, shops, common areas and bathrooms have been fully replaced and renovated
3. A flat metal Klip Lok roof and roof frame has been installed to replace the original Asbestos and hail damaged tiled roof
4. All the wiring and plumbing have been substantially replaced and modernised
5. All mechanical and Fire Services have been upgraded
6. All the external walls have been rendered and painted
7. Except for the curved front façade (even the curved 1st floor windows have been replaced) there is little remaining of the original building which has been substantially altered.

8. In the Council's Heritage Report the only item they mention in regard to the Rear Façade is the top corbelling, this was installed 2001 after the April 1999 hailstorm when the roof was rebuilt and the parapet raised in accordance with Council DA approval.
This obviously has no historical significance.
9. A new Council approved modern large aluminium shopfront and entry door was installed in recent times to the Knox Lane (North Elevation) façade.

Council's Heritage Inventory Sheet

The Heritage Inventory Sheet has not clearly and accurately represented the purported heritage significance of the property.

First it is clear that the building has been substantially altered over the past 30 years and does NOT resemble the original construction being:

1. It does outline some of the changes which have been made to the building but the list is incomplete and does not list most of the alterations and additions carried out over the years.
2. I state that the building clearly is not intact.
3. We acknowledge the original curved building elements at the street front but even these have been substantially altered with face brick rendered and painted, window changes to aluminium, removal of damaged awnings and generally a substantial amount of work to same.
4. Additionally there are complete new roof forms from an original asbestos corrugated and tiled roof which has changed to a modern metal flat roof
5. None of the original interiors exist
6. The building is illegible from that of the building originally constructed.

I note in the area marked as 'Integrity' it says that the building has a 'moderate to high level of integrity'. It thereon notes the change of the face brick but fails to outline any of the other changes which largely result in the building now not being intact at all.

As a minimum the Heritage Inventory Sheet should clearly state the following:

"all the Interiors, the Roof, Rear Knox Lane façade (north elevation) and Side Elevations (East & West Elevations) are excluded as they bear no resemblance to the original building and have no heritage value"

The independent Heritage Expert Reports (attached) detail comments such as the following:

Historical Significance

We note the heritage officers comments about the building being the first of its type post the implementation of a different strategy for Knox Street. In our view and that of our experts, the change of Knox Street to a thoroughfare is not a significant historical phase. Double Bay had been for many years prior to 1954/55 a commercial precinct and had various other commercial buildings at that time. To class the opening of the road to connect to Bay Street as a phase of some significance and thereon to attach the construction of a building to that is opening up a Pandora's box as to the lack of real academic consideration of historical phases in different geographical areas of their associated architectural. Without seeking to be flippant, we note the various eras architects often refer to such as Victorian, Georgian, Inter-War etc and note that this one could be the Knox Street Thoroughfare Era.

Historical Association

Forsyth-Evans is not an architect who was known for the small scale buildings of this type and I would say that historical significance associated with this architect is simply not a reason for a listing.

His other works in the Woollahra Municipality are substantially different and one is listed. I note his most famous work which was a large residential flat building with similar design cues to Chiltern Flats was demolished and not considered to be of significance.

I will allow my experts to respond to the architect's significance but suggest that little weight should be given to any association with this architect.

The other area of historical association is the fact that one of the tenants is a well known restaurant. As stated earlier, regardless of a listing, this tenancy could be changed to any other retail or permissible use. A listing should not be supported by a tenancy which has no promise of longevity beyond any lease the owner might wish to sign.

I have outlined a more appropriate way to acknowledge the café's existence.

Aesthetic Significance

This basis for listing is strongly challenged. As outlined above, the building has been substantially altered and is not intact.

I note the reasons given in the heritage inventory sheet but note that Asterix's are even added to the report in the form of notes about the changes to the parts of the building that are still there. For instance the heritage inventory sheet refers to the round windows but notes the windows have been changed and the face brick rendered.

I do not accept the reason for the inclusion including that:

- Shows technical innovation – this has not been established
- Is aesthetically distinctive – it is a rendered brick building with aluminium windows like most other buildings
- Is a landmark – this is simply not justified just because it has a long term restaurant which usage could be changed at any time
- Exemplifies particular taste, style or technology – the fact the building is largely not intact confirms this is not the case

This cannot be a reason for listing

Social Significance

I cannot support that a long standing café could justify a listing. This would suggest then that the building in which Perfection Chocolates in Rose Bay is located should be listed as it has been there a lot longer than Twenty-One.

I don't understand how this can be justified for inclusion by supporting a community's sense of place especially when this café could turn into a barber, dress shop or even a bottle shop anytime.

In any event this can be easily memorialised by the installation of a detailed Plaque at the front of the building

Technical/Research Significance

There is no prospect of any potential to yield new or further substantial scientific and/or archaeological information from this building. This is simply unrealistic and cannot be supported in anyway.

Rarity

This again is not supportable. Whilst it is accepted Forsyth-Evans works are few, it does not mean this is rare. There are numerous better examples of building from the time which are intact and not substantially altered.

Representativeness

I will allow the experts to respond to this except that I am informed that it is not a very good example of architecture of the time

Summary:

This is only a brief outline of my response to the Councils Heritage Report for much more detailed assessment please refer to my Heritage Consultants Reports attached.

As is the case with the Interiors, the Roof, rear Knox Lane façade (north elevation) and Side elevations (east & west Elevations) should be excluded from any consideration as they bear no resemblance to the original building and have no heritage value.

Therefore, based on how the building stands today it clearly does not warrant any form of Heritage Listing.

If you have any questions or would like to discuss this further please let me know.

Kind regards

Martin Border
Managing Director

MPJ Holdings Pty Ltd
PO Box [REDACTED]
Double Bay NSW 1360

Mob: [REDACTED]

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The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The letters are contained within a white square frame that is partially open on the right side. The background of the entire page is a gradient of teal and blue, with a white line running vertically and horizontally to form a crosshair behind the logo.

URBIS

HERITAGE IMPACT ASSESSMENT & PEER REVIEW

21-25 Knox Street, Double Bay

Prepared for

MPJ HOLDINGS PTY LTD

9 December 2022

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0043861		
Report Number	01	22/11/2022	Issue 1 WIP Draft
	02	25/11/2022	Issue 2 Draft
	03	29/11/2022	Issue 3 Draft
	04	9/12/2022	Issue 4 Final

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We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

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EXECUTIVE SUMMARY

Urbis has been engaged by MPJ Holdings undertake this Heritage Assessment for the property located at 21-25 Knox Street, Double Bay (subject site).

We understand that Woollahra Municipal Council has recently undertaken employed Lucas Stapleton Johnson Heritage Planning & Architecture to undertake a Heritage Study of properties in the Double Bay Commercial Centre. It is understood that the results of this Heritage Study indicated the subject site as part of the scope of the study and a draft Heritage Assessment of the property concluded that the building was of local heritage significance.

To date the subject site is not located within any Heritage Conservation Area (HCA) listed on the *Woollahra Local Environmental Plan (LEP) 2014* and is not located in proximity to any heritage items.

This Heritage Assessment seeks to independently address the potential significance of the subject site and to manage its proposed heritage listing under the *Woollahra LEP 2014*. In addition, Urbis has carried out a peer review of the Heritage Inventory Form prepared by Lucas Stapleton Johnson Heritage Planning & Architecture.

Section 5 contains an assessment of significance of 21-25 Knox Street, Double Bay and concludes that the subject site does not meet the threshold for individual heritage listing under the seven (7) criteria for heritage significance provided by the NSW Heritage Division. The revised Statement of Significance concludes:

The subject site once formed part of the Point Piper Estate. It was later utilised as market garden space throughout the 19th century prior to purchase by Edward Knox Harkness in c.1901. The earliest known development within the site consisted of residential cottages known as 'York' and 'Streatham'. Each of the two cottages were purchased by Mr & Mrs Willoughby, demolished and the site consolidated by c.1955 when the existing building was constructed. The demolition of the former cottages and construction of the existing building coincided with larger scale redevelopment to Knox Street during the 1950s and 60s which included street realignment, absorption of The Retreat, and the general shift from a larger residential area to one more dominated by commercial and retail spaces.

The subject building is a highly modified example of the Inter-War Moderne architectural style, having undergone significant alterations since its initial construction in c.1955. It maintains its built form, central ground floor arcade space, and large curved windows fronting Knox Street; However, the subject building has been re-roofed, internally reconfigured, externally rendered and altered to include new internal stairs, new aluminium windows and doors, new modern shopfront and door to Knox Lane, new permanent awning structures, and new configurations to the rear (north) elevation. In its current form, few key characteristics and aesthetics of its original design remain beyond the primary frontage.

Whilst it is noted that the subject site was initially designed and constructed by the architectural firm of Douglas Forsyth Evans and associates, the firm undertook several different works throughout the Inter-War period with different styles represented by each. Forsyth Evans has no known signature style therefore the subject building cannot be considered a representative example of his work.

The site holds some association with the Twenty-One Espresso café which has been in near-constant operation under the Schiffer and Liberiou families since c.1958 though further consultation with the local community should be undertaken to appropriately establish its social significance.

Overall, the subject building is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for heritage significance provided by the NSW Heritage Division.

In contrast to the heritage assessment undertaken by employed Lucas Stapleton Johnson Heritage Planning & Architecture in compiling the draft Heritage Inventory Form for the site, Urbis is of the opinion that the attribution of 21-25 Knox Street meeting all seven (7) criteria for individual heritage listing is unfounded due to the limited historic research undertaken on the property and lack of comparative analysis undertaken.

Urbis is of the opinion that 21-25 Knox Street does not meet the aesthetic criteria for individual heritage listing due to its significant modifications over time, the primary Knox Street frontage including curved windows, ground floor arcade and general built form have been purposefully retained since the purchase of MPJ Holdings in c.1993. It is suggested that future works should retain the arcade and curved façade fronting Knox Street.

Lastly, although Urbis is of the opinion that 21-25 Knox does not meet the criteria for heritage listing as an individual item, further investigation into the social significance of the Twenty-One café should be explored. The café continues to operate as a family-run business in a similar manner to its original intention and,

despite a change in ownership during the 1990s, is once again under the ownership of the Schiffer family who first opened Twenty-One in c.1958. Notwithstanding, social significance should not be a determination for the conservation of physical fabric and is better understood through interpretive means.

Having regard for the above and the assessment herein, this report recommends the following:

- That the proposed heritage listing of 21-25 Knox Street should not proceed as the property is not considered to meet the appropriate criteria.
- Heritage Interpretation, such as the addition of a plaque or other media, could be considered with regards to Twenty-One Espresso.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by MPJ Holdings undertake this Heritage Assessment for the property located at 21-25 Knox Street, Double Bay (subject site).

We understand that Woollahra Municipal Council has recently undertaken employed Lucas Stapleton Johnson Heritage Planning & Architecture to undertake a Heritage Study of properties in the Double Bay Commercial Centre. It is understood that the results of this Heritage Study indicated the subject site as part of the scope of the study and a draft Heritage Assessment of the property concluded that the building was of local heritage significance.

To date the subject site is not located within any Heritage Conservation Area (HCA) listed on the *Woollahra Local Environmental Plan (LEP) 2014* and is not located in proximity to any heritage items.

This Heritage Assessment seeks to independently address the potential significance of the subject site and to manage its proposed heritage listing under the *Woollahra LEP 2014*. In addition, Urbis has carried out a peer review of the Heritage Inventory Form prepared by Lucas Stapleton Johnson Heritage Planning & Architecture.

1.2. SITE LOCATION

The subject site is located at 21-25 Knox Street, Double Bay within the local government area (LGA) of Woollahra. The site is legally described as Lot 1 of Deposited Plan 208922.

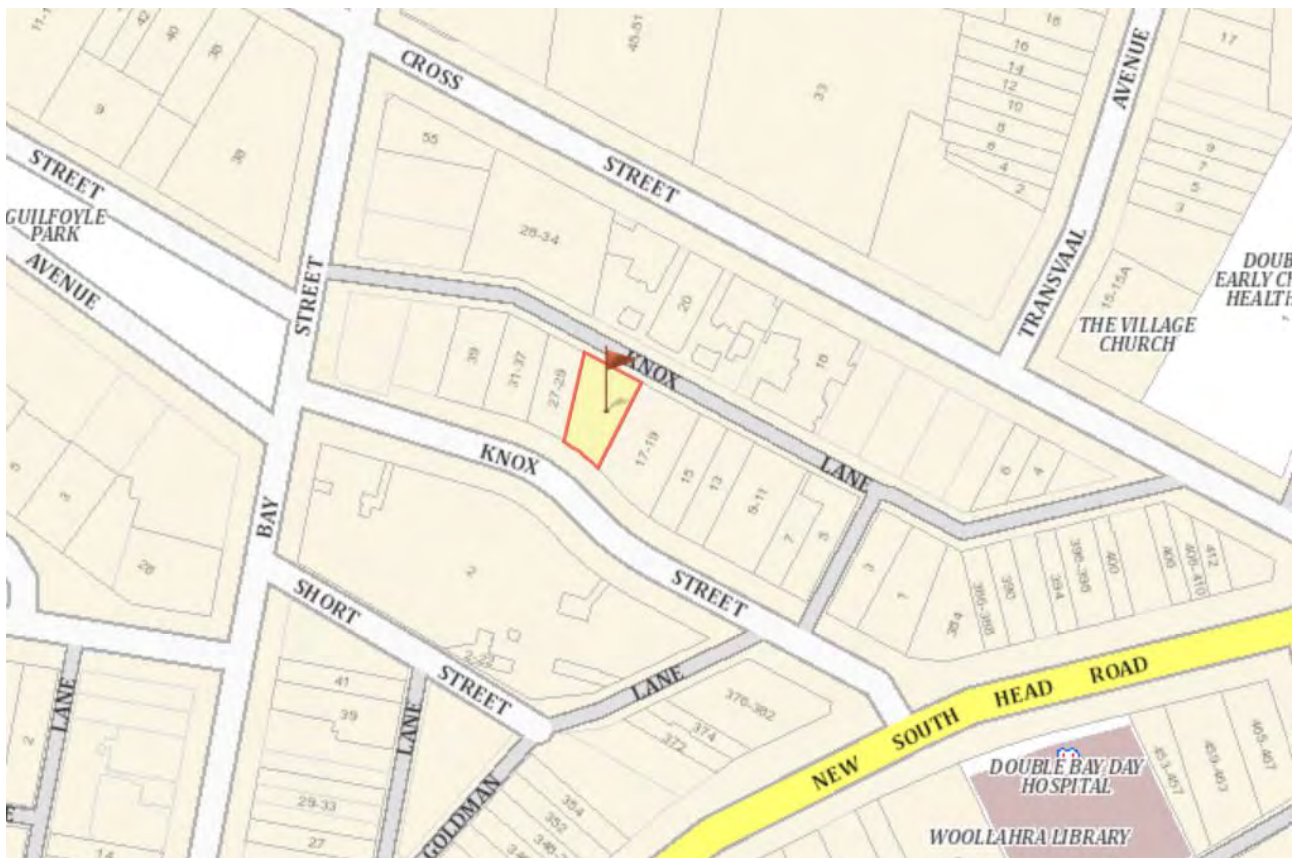


Figure 1 Locality map with the subject site outlined in red.

Source: SIX Maps, accessed November 2022

1.3. METHODOLOGY

This Heritage Assessment has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Samara Allen (Senior Consultant). Stephen Davies (Director) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2. SITE DESCRIPTION

2.1. SITE SETTING

The subject site is located at 21-25 Knox Street, Double Bay within the local government area (LGA) of Woollahra. Double Bay is located in the eastern suburbs of Sydney approximately 4km east of the Sydney central business district (CBD). Double Bay takes its name from its location between Darling Point and Point Piper. Double Bay is a generally affluent suburb comprised of a mixture of residential, commercial and retail place including hotels, restaurants, supermarkets, offices and cafes.

The subject site is on a block bound to the west by Bay Street, Knox Lane to the north, Knox Street to the south, and New South Head Road to the east. Knox Street is comprised of similar architecture to that of the subject site being contemporary commercial and retail spaces. Each structure has street level storefronts and/or access with an additional two-three levels above. All properties within Knox Street appear to have been modified and refit in recent year, particularly at street level. The northern and southern sides of Knox Street are separated in some sections by a central island featuring tree and hedge plantings.

The subject site is in proximity to local landmarks including Guilfoyle Park (west), the Edgecliff train station (south-west), Steyne Park (north-west) and Double Bay beach (north).

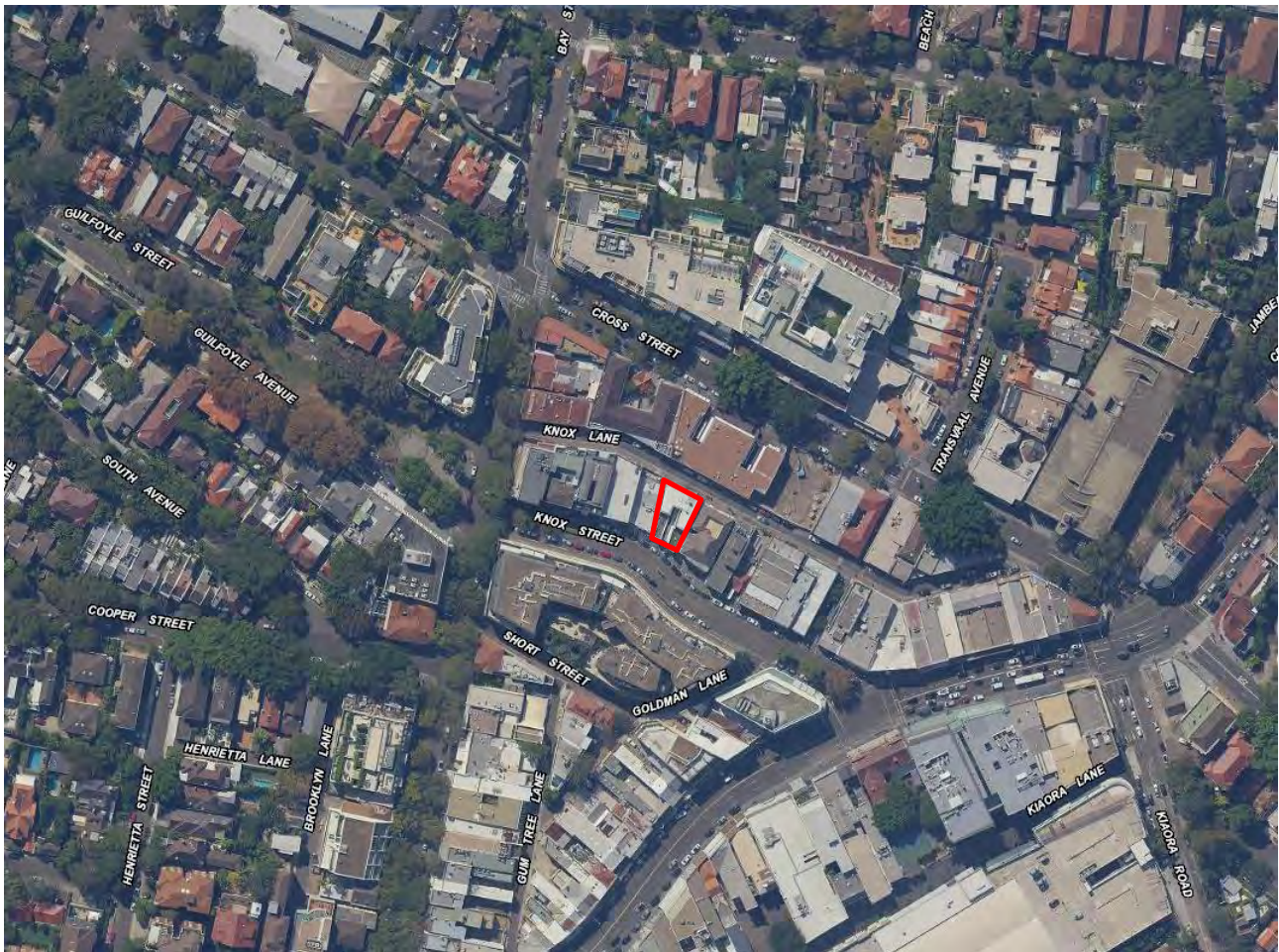


Figure 2 Aerial view of subject site outlined in red.

Source: SIX Maps, accessed November 2022

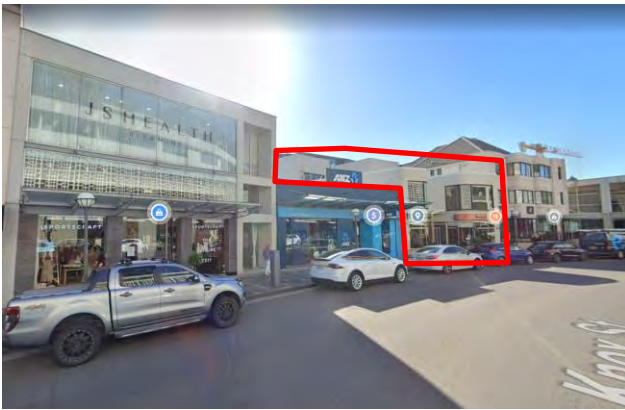


Figure 3 View north-east toward the subject site and adjacent buildings (outlined in red).

Source: Google Maps, Street View, April 2021



Figure 4 View east along Knox Street toward New South Head Road.

Source Google Maps, Street View, April 2021



Figure 5 View west along Knox Street toward Bay Street.

Source: Google Maps, Street View, April 2021



Figure 6 View west along Knox Street toward the subject site (outlined in red).

Source: Google Maps, Street View, April 2021

2.2. SITE DESCRIPTION

The subject site is a c.1955 three-storey mixed-use commercial and retail building situated on the northern side of Knox Street. It is U-Shaped brick building in the Inter-war Moderne style with an approximate total area of 350m².

The primary elevation to Knox Street (south) comprises curved, double-fronted shopfronts that bookend a central ground floor arcade. The large shopfront windows are framed by mix of aluminium and timber with metal cladding. Banner signage is situated externally between the ground and first floors.

The ground floor arcade comprises a porcelain-tiled pedestrian walkway between the east and west wings of the subject building. A metal-framed awning bridges the central space between the building wings and provides cover to the arcade.

The rear (north) elevation to Knox Lane has been rendered in recent years including the addition of a stepped parapet. Several aluminium-framed windows comprise the rear elevation which features an irregular fenestration pattern. In recent times a large contemporary aluminium shop-front and door has been installed with Council approval. The arcade maintains secondary access from Knox Lane.

The exterior to the second floor is setback from the southern site boundary and partially obscured by the presence of the arcade awning. This section to the building exterior has been rendered to match the Knox Lane elevation and comprises contemporary aluminium-framed windows. An open-air terrace is situated above the first floor to each wing with access via adjacent second floor tenancies. The terrace has been fit with waterproof membrane.

The roof above the second floor is flat with a recently constructed parapet and comprises corrugated metal sheeting. It features standard services including air conditioning units.

Internally, the subject site has been highly modified. The interior layout and spaces to the first and second floors have been altered since 1995 including, but not limited to, the central stairwell which provides access between the ground floor and the upper levels. The first floor consists of a curved hallway providing access to several recently renovated tenancies and restrooms. The second floor consists of a small landing with access to two tenancies correlating with the east and west wings. Both the second and first floors feature the same detailing which includes white partition walls, standard fire-rated timber doors with contemporary aluminium hardware and standard non-slip tiling.

The following images provide an overview of the existing condition of the subject site.



Figure 7 Aerial view of subject site outlined in red.

Source: SIX Maps, accessed November 2022, with Urbis overlay



Figure 8 View to the primary elevation (south) fronting Knox Street.



Figure 9 View to the primary elevation (south) along Knox Street from the shopping centre carpark opposite.



Figure 10 View to the rear (north) elevation from Knox Lane. This elevation has been rendered and comprises contemporary aluminium-framed windows.



Figure 11 View to the roofspace comprising a contemporary corrugated metal sheeting material.



Figure 12 View to central ground floor arcade from Knox Street.



Figure 13 General view to western outdoor terrace accessed from the second floor.



Figure 14 General view to central ground floor arcade. Note: the sandstone cladding.



Figure 15 View from within the arcade toward Knox Street.



Figure 16 General view to exterior from within the upper floor terrace space.

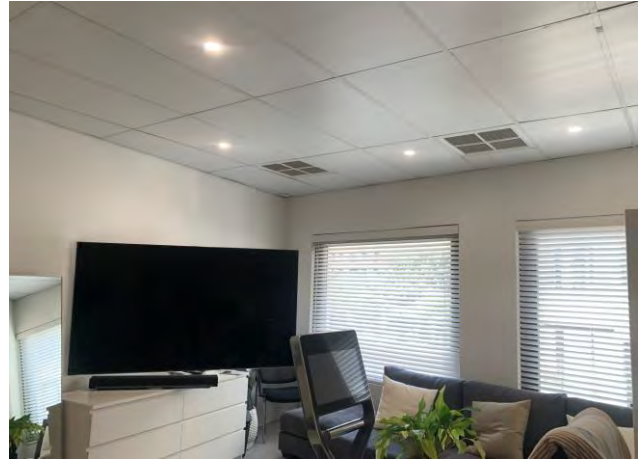


Figure 17 General view to second floor interior. Note: contemporary fitout comprising suspended ceilings and air conditioning vents.



Figure 18 General view to corridor within the first floor.

3. HISTORICAL OVERVIEW

3.1. ABORIGINAL TRADITIONAL LANDOWNERS

The following overview of the traditional ownership of the Double Bay/Woollahra local area is extracted from the Woollahra Municipal Council website:¹

The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan. Both the Cadigal and Birrabirragal clans belonged to the coastal Dharug language group.

The devastating impact of European settlement in 1788, felt particularly in the effects of introduced diseases such as smallpox, resulted in the eventual disappearance of the local Aboriginal population. While there is limited information on the lives of the Cadigal and Birrabirragal at Woollahra some of their heritage is preserved in the form of rock art, shell middens and the Sydney language.

3.2. SITE HISTORY

The earliest known Colonial use of the subject site and the surrounding landscape is in the c.1820s; the subject lands initially comprised a portion of the 457 hectares at Woollahra and Rose Bay granted to Captain John Piper by Governor Macquarie.² Following an inquiry into the Bank of New South Wales, at which time Piper was the chairman, Piper resigned from his position and it was found he had a debt of approximately £20,000. Piper's accumulated land was subsequently sold off by c.1832 to appease his debtors, including the parcel in Woollahra and Rose Bay.

The subject site was sold onto the Cooper family and leased Gooy Chum (Figure 19) for market gardening throughout the 19th century. In 1901, the freehold land between New South Head Road and Cross Street was purchased by Mary Ann Harkness, wife to Edward Knox Harkness, builder. Historical research to date suggests that little to no permanent structures were constructed prior to this time period with development seeming to follow the c.1905 establishment of Knox Street.

The western-most section of Knox Street, however, was then known as 'The Retreat', a dead-end laneway with houses to both the north and southern sides. The western part of the subject site includes a small section of the eastern-most end of The Retreat with the Sands Directory recording two separate residential properties comprising the subject site. These two properties include 'York' owned/occupied by Harry Smith (now no.21) and 'Streatham' owned/occupied by Herbert Wyndham (no. 25). Collectively, the two residential houses comprised the eastern-most point of The Retreat and the western-most point of Knox Street. Historical images of The Retreat from the 1940s and 1950s show a hamlet-style residential cul-de-sac akin to contemporary suburban streets.

The two houses comprising the subject site passed through several owners and occupiers through to c.1938 (see Table 2) when it is understood that Miss Olive Andrews purchased 'York' (no. 21). In 1940 Miss Andrews married Anthony Willoughby who later purchased the neighbouring flat building to the west (nos. 19-17). The Willoughbys consolidated nos. 21 and 25 in c. 1952 coinciding with the Woollahra Council's resumption of the street front.³

Knox Street underwent significant redevelopment in the c.1960s which included alterations to the street's orientation, street numbers, the absorption of the The Retreat into Knox Street, and construction of the 'Cosmopolitan Shopping Centre' at the corner of Knox and Bay Streets. Both houses within the subject site were subsequently demolished prior to this time. Comparison between the c. 1955 aerial and the c. 1965 aerial provides an overview of the significant changes within Knox Street from the curve of the road to the redevelopment of the subject site with both houses having been replaced by commercial development (Figure 27 and Figure 28).

¹ 'A brief history of Woollahra', Woollahra Municipal Council website accessed October 2022 via https://www.woollahra.nsw.gov.au/library/local_history/a_brief_history_of_woollahra

² Barnard, M., 'John Piper (1773-1851)', Australian Dictionary of Biography, accessed October 2022 via <https://adb.anu.edu.au/biography/piper-john-2552>

³ 'Twenty-one', 21-25 Knox Street, draft Heritage Inventory Form prepared by Lucas Stapleton Johnson Heritage Planning & Architecture for Woollahra Municipal Council, 2022

The subject site was constructed in 1955 in conjunction with the greater redevelopment of Knox Street. The subject building was designed by architect firm, Douglas Forsyth Evans and Associates, as a mixed-use commercial and retail building (Application no.58/195). Original sketches and plans for the proposed 'shopping block' envision a wide, open-air shopping arcade with large, curved windows to both the east and west wings (Figure 22 to Figure 26).

Some years after construction of the building, the Twenty-One Espresso café was established to the ground floor of the subject site by Hungarian native, Jansci 'John' Schiffer, in 1958. Following these works, several other alterations and additions were undertaken to the building throughout the 1950s, 60s and 70s (see Table 1). The Willoughbys, who owned the property into the 1970s, oversaw the addition of an awning in 1959 (556/59) and several modifications to ventilation (235/62), partitioning (912/65), and internal shop fitout works. An expansion to Twenty-One Espresso was undertaken in 1977 (153/77).

The historical images provide an overview of the condition of the subject building's exterior during the 1980s. Figure 37 and Figure 38 show a significantly smaller awning to the southern elevation above the large, curved ground floor windows, further fit with a fabric awning with toothed fringing. The arcade is uncovered, dominated by al fresco dining associated with Twenty-One Espresso and the upper levels consist of exposed brick.

John Schiffer passed away in c. 1991 and Twenty-One Espresso was sold to the Liberiou family.⁴ Soon after in 1993 the subject building was purchased by its current owner, Martin Border of MPJ Holdings. MPJ Holdings was approved for alterations and additions in December 1994 (BA 94/161) and again in June 1995 (DA 191/95). The proposed 1995 works were amended in September 1995 with modifications primarily to the second-floor layout. Notwithstanding, the approved alterations and additions (DA 191/95) consisted of significant changes to the layout of the first and second floors including the amalgamation of some tenancies, addition of the skylight/roof access, new stairwell with access to all levels, rear access to Knox Lane, modifications to the rear Knox Lane elevation, and internal fitout. It is noted that not all approved works were carried out at the time of approval as visible in the relevant plans (Figure 41 to Figure 44).

In November of 1999 urgent repair works were undertaken to the subject site resulting from damages sustained in a significant hailstorm in April of that year. The works were undertaken by Joshua Farkash & Associates Architects for MPJ Holdings and involved repairs including, but not limited to, new roofing, removal of asbestos, and alterations to the north wall. The works were carried out under an amendment to DA 191/95 and supplemented by a Structural Engineer's report in accordance with the Conditions of Consent issued by Woollahra Council.

Comparison of the historical aerial images between 1998 and 2005 provide an overview to the nature of the subject site before and after the April 1999 hailstorm (Figure 45 and Figure 46). The roof and second floor terraces are notably different owing to its replacement due to hail damage.

Twenty-One Espresso briefly closed in June 2005 after 14 years of operation by the Liberiou family.⁵ The café was then sold to George Fisher who operated Twenty-One Espresso for some years prior to selling the business to John Schiffer's son, George, who now operates the café.⁶

Between 2007 and 2018, several other alterations and additions were undertaken to the subject site including new outdoor lighting within the arcade space, new services, rendering to the primary and rear elevations, and the erection of a new permanent awning structure over the arcade. Some of these changes are visible through comparison between historical Google street view images (Figure 47 to Figure 50).

The two second floor terraces have Council approval to be fully enclosed through the addition of an in-build slab over part of the arcade (BA 191/95) though the works have yet to be undertaken.

⁴ Wentworth Courier, 22 June 2005, p.26, Newspaper Index Woollahra Digital Archive

⁵ Wentworth Courier, 22 June 2005, p.26, Newspaper Index Woollahra Digital Archive

⁶ 'Our Story', 21 Espresso website accessed November 2022 via <http://21espresso.com.au/ourstory>



Figure 11 Extract from plan of Double Bay in 1834 with green arrow indicating approximate location of subject area with no structures evident at this time.

Source: State Library of NSW, Call no. Maps/0440



Figure 19 Extract from map of Point Piper Estate showing the subject area within the Gooy Chum land grant and a creek running through the area.

Source: State Library, Call numbers: Z/M4 811.1812/1855/1, M4 811.1812/1855/1



Figure 20 Plan of the Village of Double Bay, Crown land subdivision surveyed in 1834.
Source: Executive Council 1834, (Parliament of NSW, Appendix I).



Figure 21 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1955.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022

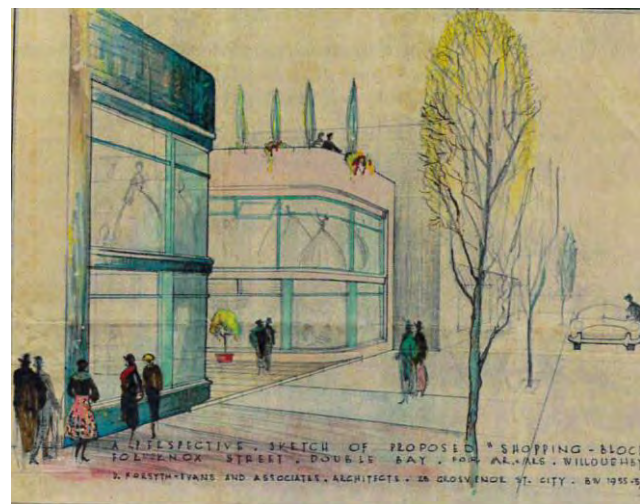


Figure 22 Sketch prepared by Douglas Forsyth Evans and Associates for the subject site, c.1955.

Source: Woollahra Council, Building Application no. 58/195

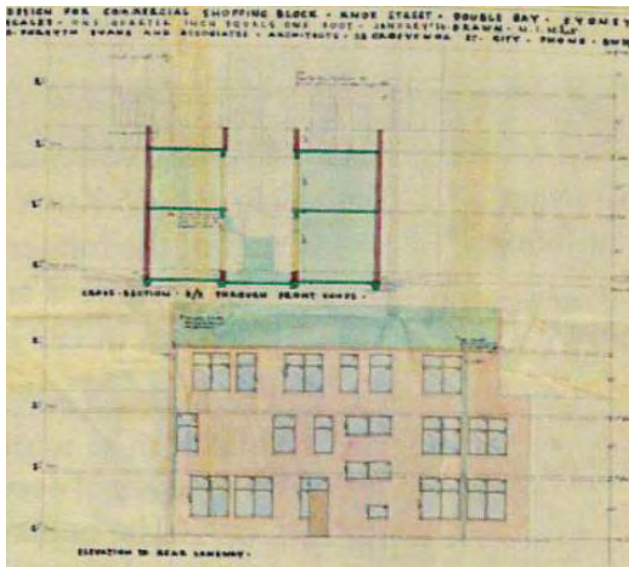


Figure 23 Architectural drawing showing rear (north) elevation and section prepared by Douglas Forsyth Evans and Associates for the subject site, c.1955.

Source: Woollahra Council, Building Application no. 58/195

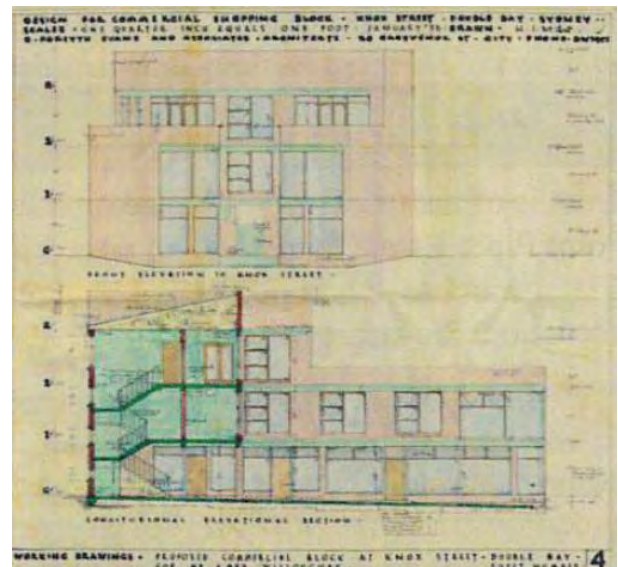


Figure 24 Architectural drawing showing primary (south) elevation and section prepared by Douglas Forsyth Evans and Associates for the subject site, c.1955.

Source: Woollahra Council, Building Application no. 58/195

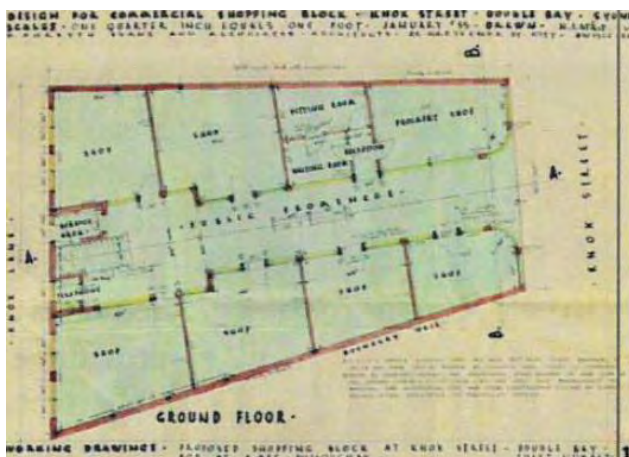


Figure 25 Architectural drawing ground floor layout prepared by Douglas Forsyth Evans and Associates for the subject site, c.1955.

Source: Woollahra Council, Building Application no. 58/195



Figure 26 Architectural drawing showing first floor layout prepared by Douglas Forsyth Evans and Associates for the subject site, c.1955.

Source: Woollahra Council, Building Application no. 58/195



Figure 27 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1955.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 28 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1965.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 29 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1970.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 30 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1982.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 31 View toward the subject site (outlined in red) from the corner Knox and Bay Streets, c. 1970s.

Source: Woollahra Library Digital Archive, pf006360/0176



Figure 32 View toward the subject site (outlined in red) from the corner Knox and Bay Streets, c. 1970s.

Source: Woollahra Library Digital Archive, pf006360/0140



Figure 33 View toward the subject site (outlined in red) from the corner of Goldman Lane, c. 1970s.

Source: Woollahra Library Digital Archive, pf006360/0097



Figure 34 View of the primary (southern) elevations of the subject site, c. 1970s.

Source: Woollahra Library Digital Archive, pf006360/0096



Figure 35 View toward the rear elevation of the subject site within Knox Lane, c. 1975.

Source: Woollahra Library Digital Archive, pf006360/0133



Figure 36 View of Knox Street, c. 1977.

Source: Woollahra Library Digital Archive, pf004719



Figure 37 Exterior to Twenty-One Café and shops, c.1980s.

Source: Woollahra Library Digital Archive, pf005134a



Figure 38 Exterior to Twenty-One Café and shops, c.1980s.

Source: Woollahra Library Digital Archive, pf005134d



Figure 39 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1986.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 40 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1991.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022

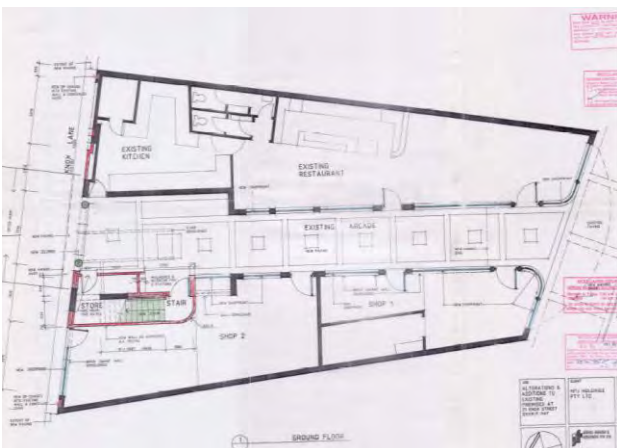


Figure 41 Ground Floor plan showing works approved in September 1995.

Source: DA 191/95, provided by MPJ Holdings

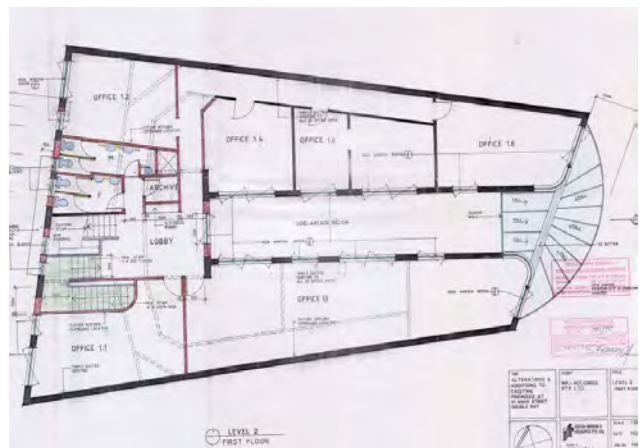


Figure 42 First Floor plan showing works approved in September 1995.

Source: DA 191/95, provided by MPJ Holdings

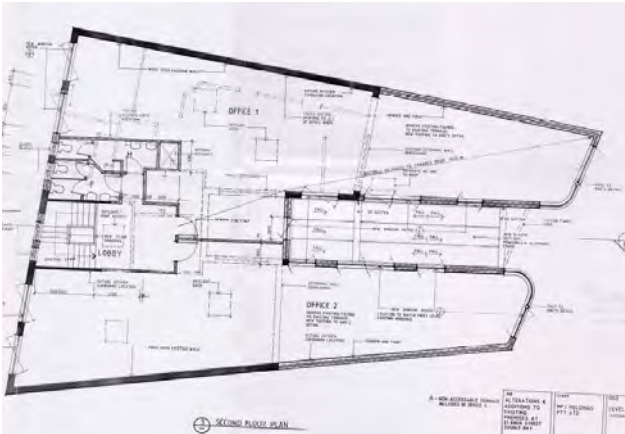


Figure 43 Second Floor plan showing works approved in September 1995.

Source: DA 191/95, provided by MPJ Holdings



Figure 44 Elevations and Section showing works approved in September 1995. Note: These were not undertaken in full

Source: DA 191/95, provided by MPJ Holdings



Figure 45 Aerial image showing the subject site (outlined in red) in its surrounding context, c.1998.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 46 Aerial image showing the subject site (outlined in red) in its surrounding context, c.2005.

Source: Historical Imagery Viewer, NSW Government, accessed November 2022



Figure 47 View to the primary Knox Street elevation, c. 2007. Note: the building is unrendered and features a fabric awning which has since been replaced. Streamlined hoods above the first floor windows have also been removed.

Source: Google Maps, Street view, December 2007



Figure 48 View to the primary Knox Street elevation, c. 2018. Note: the building has been rendered and a more permanent awning structure has been added above the arcade.

Source: Google Maps, Street view, November 2018



Figure 49 View to the rear Knox Lane elevation, c. 2007. Note: the building is unrendered.

Source: Google Maps, Street view, December 2007



Figure 50 View to the rear Knox Lane elevation, c. 2018. Note: the building has been rendered.

Source: Google Maps, Street view, November 2018

3.3. ALTERATIONS AND ADDITIONS

The subject site has been highly modified since its original construction in c.1955. The below table provides an overview to the works carried out through to present day. Note: the below has been sourced from Building Index cards accessed via the Woollahra Municipal Council's digital archives and provided directly by the building owner.

Table 1 Alterations and Additions to No. 21-25 Knox Street

Date	Owner	Builder	Description	Application No.
1955	Willoughby	D Forsyth Evans	Erection of shops and office block	58/195
	A Willoughby	D Forsyth Evans	Shops etc	58/55
1957	Mr & Mrs Willoughby	ES Denley	Alterations	112/57
1959	Willoughby	-	Awning	556/59
1960	A Willoughby	ES Denley	Alterations	93/60
	A & V Willoughby	ES Denley	Alterations	269/60
	A Willoughby	JP Ley	Alterations	426/60
1961	A Willoughby	Commercial Kitchen Equipment	Ventilation	745/61
	O & A Willoughby	G Baxter	Alterations	895/61
1962	A Willoughby	-	Additions	22/62
	Mr & Mrs Willoughby	Luckas & Gergely	Additions	188/62
	A & O Willoughby	Lessor (Aust) P/L	Ventilation	235/62
1965	Mr Willoughby	H. Mischa	Partitions	912/65
	Willoughby	Henry Mischa	Change of use from real estate to chocolate, nut and health foods shop	72/65
1966	J Willoughby	E Gilbert	Hoarding	488/66
1968	-	Hazel Hughes	Shop 8/21: Interior decoration	219/68
	-	SR Russell	Real Estate Agency	53/68
1969	A Willoughby	-	Alterations	72/69
1973	Mr Willoughby	-	Additions	1659/73

1976	-	A. Buxton P/L	Shop2/21: Antique shop	242/76
1977	-	Mecuni Pty Ltd	Shop 7/21: Beauty Salon	202/77
	-	T & R Cannon	Shop 8/21: Manicurist Salon	201/77
	-	Gergley & Pinter	Extensions to 21 Restaurant	153/77
1978	-	Gergley & Pinter	Alterations & Additions	314/78
1994	MPJ Holdings	Joshua Farkash & Associates Architects	Alterations and Additions	94/161
1995	MPJ Holdings	Joshua Farkash & Associates Architects	Alterations and Additions	191/95
1999-2000	MPJ Holdings	Joshua Farkash & Associates Architects	New roof, alterations to north wall and removal of asbestos following hail damage	191/95
c.2013	MPJ Holdings	-	Replacement to windows at rear Knox Lane elevation	-
2017	MPJ Holdings	-	New services, rendering to face brick to north and south elevations	-

3.4. PROPERTY OWNERS/ OCCUPIERS

Table 2 Property Owners/Occupiers

Date	Owner/Occupier	Reference
Ongoing	Cadigal people of the Eora Nation	Woollahra Municipal Council website
c.1820s-1830	John Piper	HLRV, Australian Dictionary of Biography
c.1840-1900~	Gooy Chum	HLRV
1900	Knox Street and The Retreat not yet present	The Sands Directory (Woollahra)
1901	Harkness family	LSJ draft Heritage Inventory Form

1905	Knox St - Harry Smith 'York'	The Sands Directory (Woollahra)
	The Retreat – Herbert Wyndham 'Streatham'	
1910	Knox St - Mrs M Symms 'York Cottage'	The Sands Directory (Woollahra)
	The Retreat – Charles Bamford 'Streatham'	
1915	No. 21 Knox St - Alfred Midgley "York"	The Sands Directory (Woollahra)
	The Retreat – William Ackland 'Streatham'	
1920	No. 21 Knox St - Mrs A Holland	The Sands Directory (Woollahra)
	The Retreat – Herbert Smedley 'Streatham'	
1925	No. 21 Knox St - Martin O'Brien	The Sands Directory (Woollahra)
	The Retreat – William Ackland	
1930	No. 21 Knox St - Sydney J. Ritchie	
	The Retreat – WC Ackland	The Sands Directory (Woollahra)
1932-33	No. 21 Knox St - Harry Moore	
	The Retreat – WC Ackland	The Sands Directory (Woollahra)
1938	No. 21 Knox St – Miss Olive Andrews	LSJ draft Heritage Inventory Form
1952	Nos 21 & 25 Knox St – Mr & Mrs Willoughby	LSJ draft Heritage Inventory Form
1952-77	Mr & Mrs Willoughby	Woollahra Council Building Application Index
1993 - Present	Sale to MPJ Holdings Ptd Ltd (current owner)	Core Logic

3.5. DATE OF CONSTRUCTION

The subject site was constructed in c.1955.

4. COMPARATIVE ANALYSIS

4.1. PREAMBLE

The purpose of this comparative analysis is to inform Urbis' views on the property's heritage significance, rarity, and recommendations regarding its potential heritage listing.

The subject building was constructed in c.1955 by architectural firm Douglas Forsyth Evans and Associates. It is in the Inter-War Moderne architectural style, a late branch of the Art Deco style. The Moderne style consisted of a trend that embraced minimalism, functionalism, technology and the 'elimination' of applied historical ornamentation, influenced by the works of prominent architects such as Le Corbsier, Eric Mendelssohn, and Bauhaus. Characteristics of the style included influences by motor vehicles and Ocean Liners (leading to the nickname 'Ocean Liner' style) and the use of plain, reductive detailing, geometric shapes, long horizontal lines, nautical elements and curved forms to prominent front elevations. Moderne buildings are often rendered brick, generally white or light colour palettes. Windows are steel framed often with curved glass and sometimes combined with opaque glass bricks.⁷

The subject building was constructed after the Art Deco architectural period, being constructed in c.1955 and subsequently anachronistic to for its time. Notwithstanding, it does feature several of the main characteristics of the Inter-War Moderne style including large curved windows to the primary elevation, a low, flat roof and overall notable curved form in its two main wings. However, the building has undergone extensive alterations and additions since its original construction (see Table 1) including, but not limited to, external rendering to the primary and rear elevations, reconfiguration works to the rear elevation, new roofing, new aluminium windows throughout the building, new aluminium shop-front to Knox Lane, alterations to the existing internal layout to the first and second floors, extensions to the ground floor tenancies, new stairs, and the erection of a permanent awning structure over the central ground floor arcade.

4.2. DOUGLAS FORSYTH EVANS (1899-1968)

The following summary of the life of Douglas Forsyth Evans has been reproduced from *The Encyclopaedia of Australia Architecture* compiled by Phillip Goad and Julie Willis, published by Cambridge University Press 2012.

Eric Douglas Forsyth Evans (1899-1968) was born at Rooty Hill near Sydney, NSW. His sister, Annie Forsyth Wyatt, founded the National Trust of NSW in 1945 and Forsyth Evans was the Trust's first honorary architect.

Forsyth Evans was articled to prominent architect and politician Varney Parkes and registered as an architect in 1923. His first years of practice were undistinguished, producing mainly house additions and walk-up apartment blocks. His first notable design was for the Rialto Cinema, Ryde NSW (1932), a decorative structure typical of its genre. However, in 1938 Forsyth Evans designed Marton Hall, a 16-floor tower of 143 bachelor flats at Wynyard NSW, attracting considerable attention from the architectural and social press for its height and stylish Moderne façade...


Forsyth Evans was at his most productive during the 1950s, producing several distinctive apartment buildings. Among these were The Chilterns, Rose Bay NSW (1953), a reinterpretation of the walk-up formula through Corbusier-inspired piloti and glazed walls; Seven Seas, Kirribilli, NSW (1958), one of the first 'slab' format apartment blocks built in Australia; and the luxury block Glenhurst, Darling Point, NSW (1959), one of the first Sydney buildings constructed using lift-slab concrete floors.



4.3. BUILDINGS DESIGNED BY FORSYTH EVANS


The following table provides an overview of notable examples of Forsyth Evans' work within NSW to give consideration as to the significance of the subject site as one of such examples.

Table 3 Buildings Designed by Forsyth Evans

⁷ 'Art Deco: The Ocean Liner and Streamlined Moderne Styles (1925-1950)', Inter-War style guide, Federation House.com accessed November 2022 via <https://www.federation-house.com/interwar-style-guide>

Site & Heritage Listing	Statement of Significance / Description	Image
<p>'Annie Wyatt House, dwelling house'</p> <p>26 Park Avenue, Gordon</p> <p><i>Ku-ring-gai LEP 2015</i>, item no. 1221</p>	<p>House built for Forsyth Evan's sister, Annie Wyatt, and her family in c.1923.</p> <p>The house is an Inter-War Georgian Revival cottage with white-painted render and a deep recessed portico. It is elevated to the rear with a deck overlooking its garden setting and the surrounding bushland.</p> <p>The first unofficial meeting of the National Trust NSW was held here following its formation by Mrs Wyatt in 1945.</p>	 <p>Figure 51 Primary frontage to the Annie Wyatt house.</p> <p>Source: <i>The Dictionary of Sydney</i>, accessed November 2022</p>
<p>'Chilterns, The – residential flat building and grounds'</p> <p>593 New South Head Road, Rose Bay</p> <p><i>Woollahra LEP 2014</i>, item no. 1320</p>	<p><i>The residential flat building at 593 New South Head Road Rose Bay is of local significance by virtue of its aesthetic form being a rare and early example in Australia of European Modernism (the International Style) reflecting the influence of Swiss / French Architect Le Corbsier's Unite' apartment buildings constructed in provincial France after World War 2. The building is historically significant as an early example of the Post War shift from revival styles and load bearing brick construction to the use of reinforced concrete framing with lightweight infill walls for residential flat construction. The building is also significant for the involvement of the noted structural engineer Peter Miller, acknowledged for his later design achievements in the use of reinforced and precast concrete structures particularly in the buildings of expatriate European architect Harry Seidler.</i></p>	 <p>Figure 52 View to the primary elevation of The Chilterns apartment block.</p> <p>Source: <i>State Heritage Inventory form</i>, accessed November 2022</p>

<p>2 Parkes Street, Kirribilli</p> <p>Formerly known as the 'Seven Seas'</p> <p>Not heritage listed.</p>	<p>Residential flat building constructed in c.1958 as one of the first 'slab' format apartment blocks built in Australia.</p> <p>It comprised of brick and has been rendered to most elevations and maintains a 'stepped' built form.</p>	 <p>Figure 53 Parkes Street elevation to the formerly named Seven Seas apartment block.</p> <p><i>Source: Core Logic, accessed November 2022</i></p>
<p>'Glenhurst Gardens'</p> <p>11 Yarranabbe Road, Darling Point</p> <p>Not heritage listed.</p>	<p>Residential flat building constructed in c.1958 as the biggest of its type at the time. It comprises 11-storeys which unanimously face in the same direction over historic gardens associated with earlier development within the site.</p> <p>New technology for the time period was utilised for the slab and lift construction of the building.</p>	 <p>Figure 54 Primary elevation to Glenhurst Gardens.</p> <p><i>Source: Glenhurst Gardens website, accessed November 2022</i></p>

<p>Catalina Restaurant (Formerly Caprice Restaurant and nightclub)</p>	<p>The Catalina Restaurant, formerly Caprice Restaurant and nightclub, was constructed in c.1957 for local figure Jim Bendroit. Caprice was a local hotspot for many years.</p>	
<p>Lyne Park, New South Head Road, Rose Bay</p>	<p>The Restaurant is a brick, half-moon shaped building with its primary entry set to the inner curve. It features little significant external detailing.</p>	
<p>Not heritage listed.</p>		<p>Figure 55 Primary entrance to the Cataline Restaurant from Lyne Park.</p> <p><i>Source: Google Maps, Street view, accessed November 2022</i></p>

4.4. CONCLUSION

An analysis of the known remaining examples of Forsyth Evans' work outlined in Table 3 suggest three main takeaways of note. Firstly, there are only two examples of Forsyth Evans' work assessed as having heritage significance enough to list at a local level to date and no examples have thus far been listed at a State heritage level under the *Heritage Act 1977*. Secondly, that the two items listed are not noted as significant because they were examples of Forsyth Evans' work. Thirdly, that Forsyth Evans' work consisted of a range of Inter-War architectural styles throughout the course of his career, with use of the Moderne architectural style not being a recurring typology.

The two examples that are locally heritage listed include Annie Wyatt's house, designed for Forsyth's own sister who was significant in NSW history as the founding member of the NSW National Trust, and the Chiltern Flats. Annie Wyatt's house has some significance due to its Inter-War Georgian Revival architecture, though predominately it is of note due to its association with its owner. In contrast, the Chiltern Flats are considered of significance due to the use of Post-War International styles which took inspiration from the work of famous architects Le Corbusier and Harry Seidler in reflecting *the shift from revival styles and load bearing brick construction to the use of reinforced concrete framing with lightweight infill walls for residential flat construction*.

Further, it is notable that neither the former Caprice Restaurant and nightclub nor the Glenhurst Gardens, works of high profile during the 1950s due to their social associations, have been assessed as warranting individual heritage listing to date. The former Caprice Restaurant, now the Catalina Restaurant, has an irregular half-moon building shape and little detailing but has social association with local personality, Jim Bendrodt. Comparatively, the Glenhurst Gardens have historical associations with the former Glenhurst cottage and gardens, in addition to more contemporary significance related to its grandeur during the 1950s of being the largest residential flat building to have been constructed to date and the large-scale marketing campaign undertaken at the time. These two examples of Forsyth Evans' work are architecturally quite different, however neither of which contribute to greater sampling of aesthetically significant architecture in the grander scheme of the Woollahra LGA or greater Sydney.

Forsyth Evans' firm designed and redeveloped several sites around Sydney predominately throughout the 1950s, though it is worth noting that, of the known remaining examples, there are few stylistic similarities between them. Chiltern Flats, Glenhurst Gardens and the former Seven Seas building share the commonality of being residential flat buildings, though no signature of Forsyth Evans' influence is discernible between them. All known examples reflect the Inter-War time period in which they were designed and constructed though styles differ between them from the Georgian Revival influences seen in Annie Wyatt's house to the more functional, International style employed in the former Seven Seas (unlisted) and Glenhurst Gardens (unlisted) buildings. Subsequently whilst the subject building is by Forsyth Evans' firm it cannot be considered exemplary. Although the subject building exhibits stylistic influences of the 1930s, it is in fact a mid-1950s building, therefore anachronistic and highly modified over time.

5. HERITAGE SIGNIFICANCE

5.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

5.2. HERITAGE LISTING

The subject site is not listed as a heritage item of local significance under Part 1 of Schedule 5 of the *Woollahra Local Environmental Plan (LEP) 2014*; Nor is it within the curtilage of a heritage conservation area (HCA) listed under Part 2 of Schedule 5 of the *Woollahra LEP 2014*.



Figure 56 Cadastral map with the subject site outlined in yellow.

Source: EPlanning Spatial Viewer, accessed November 2022

5.3. SIGNIFICANCE ASSESSMENT – LUCAS STAPLETON JOHNSON HERITAGE PLANNING & ARCHITECTURE (LSJ)

The below has been extracted from the draft Heritage Inventory Form for the subject site prepared by LSJ as part of the Heritage Study of properties in the Double Bay Commercial Centre for the Woollahra Municipal Council.

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>No. 21 -25 Knox Street is of historical significance on a local level for forming part of the former Point Piper Estate lands, which were initially developed as market gardens and later purchased and developed by developer Edward Knox Harkness in 1901, for whom the street is named after.</p> <p>The building constructed in 1954, is possibly the first purpose-built commercial building to be constructed on Knox Street post war and the arcaded form of the building set a pattern of development that has become a defining element in the Double Bay Centre. The building demonstrates the post war development of Double Bay (and particularly Knox Street) and the rapid change from residential to commercial uses that occurred throughout the locality in the mid-20th century, eventuating in the Double Bay Centre as it is known today.</p> <p>Meets the criterion on a local level.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • shows evidence of a significant human activity • is associated with a significant activity or historical phase • maintains or shows the continuity of a historical process or activity <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes • provides evidence of activities or processes that are of dubious historical importance • has been so altered that it can no longer provide evidence of a particular association
Historical association significance SHR criteria (b)	<p>No. 21-25 Knox Street is associated with architect Douglas Forsyth Evans, a fashionable and innovative Sydney architect of the early to mid 20th century who worked in the International modern style. Although little is known about Forsyth Evans, he was responsible for a number of notable buildings including Chiltern Flats, Rose Bay, the (now) Catalina Restaurant, Rose Bay and Glenhurst</p>

	<p>Gardens, Darling Point. Constructed in 1954, No. 21-25 Knox Street, was consciously designed by Evans as a fashionable, retail/commercial building, that played an important part in the establishment of the “cosmopolitan” character of the precinct.</p> <p>No. 21 -25 Knox Street is also associated with Café 21, which commenced trading in 1959, inclusive of management under the Liberiou family between 1991 and 2005 and whose presence in Double Bay has contributed to the “cosmopolitan” character of the Double Bay Centre.</p> <p>Meets the criterion on a local level.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • shows evidence of a significant human occupation • is associated with a significant event, person, or group of persons <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important people or events • provides evidence of people or events that are of dubious historical importance • has been so altered that it can no longer provide evidence of a particular association
<p>Aesthetic significance SHR criteria (c)</p>	<p>No. 21-25 Knox Street is of aesthetic significance as a relatively intact, stylishly Moderne shopping arcade, designed by architect of note Douglas Forsyth-Evans. While the face brick façade has since been rendered over, the building retains much of its characteristic features, particularly double fronted curved glass façade and arcade (now partially covered) and is a contributing element to the “cosmopolitan” character associated with the locality.</p> <p>Forsyth Evans allowed for a degree of “quirkiness” to be incorporated into his smaller scale work as opposed to his more formal International Modernist style designs for his large-scale apartment buildings. Hence, Chiltern Flats, the former Caprice nightclub, North Water, Balgowlah (his own house) and No. 21-25 Knox Street, have a playfulness in their overall form and detailing. Combining stepped and curved forms, an emphasis on horizontality, glazed walls, and expressed structural concrete framing, Forsyth Evans utilised the new architectural language of Post-war International style architecture within his smaller works, of which No. 21-25 Knox Street is a notable example (albeit altered).</p> <p>Meets the criterion on a local level.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • shows or is associated with, creative or technical innovation or achievement • is the inspiration for a creative or technical innovation or achievement • is aesthetically distinctive • has landmark qualities • exemplifies a particular taste, style or technology <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • is not a major work by an important designer or artist • has lost its design or technical integrity • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded • has only a loose association with a creative or technical achievement
<p>Social significance SHR criteria (d)</p>	<p>The history of use of No. 21-25 Knox Street by Café 21 since 1959 is likely to be of value to the local community as a contributing factor in the establishment of</p>

	<p>the “cosmopolitan” character of the Double Bay Centre in the mid to late 20th century, although social significance has not been formally assessed.</p> <p>Potentially meets the criterion.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • is important for its associations with an identifiable group • is important to a community’s sense of place <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • is only important to the community for amenity reasons • is retained only in preference to a proposed alternative
<p>Technical/ Research significance SHR criteria (e)</p>	<p>As a shopping arcade designed in the Moderne style, 21-25 Knox Street may have potential to yield new information regarding the application of this style and its characteristics to commercial buildings. The place has the potential to yield further information regarding the works of architect Douglas Forsyth-Evans and the development of the Moderne style in Australian architecture.</p> <p>Meets the criterion on a local level.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • has the potential to yield new or further substantial scientific and/or archaeological information • is an important benchmark or reference site or type • provides evidence of past human cultures that is unavailable elsewhere. <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • the knowledge gained would be irrelevant to research on science, human history or culture • has little archaeological or research potential • only contains information that is readily available from other resources or archaeological sites
<p>Rarity SHR criteria (f)</p>	<p>No. 21-25 Knox Street is rare within the immediate locality of the Double Bay centre, being the only commercial building designed in the Moderne style and its form and architectural detailing a rare surviving example of the Post-war commercial development of Knox Street and the Double Bay Centre. The place is also rare as one of a small number of known extant buildings by noted architect Douglas Forsyth-Evans.</p> <p>Meets the criterion on a local level.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process • demonstrates a process, custom or other human activity that is in danger of being lost • shows unusually accurate evidence of a significant human activity • is the only example of its type • demonstrates designs or techniques of exceptional interest • shows rare evidence of a significant human activity important to a community <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • is not rare • is numerous but under threat
<p>Representativeness SHR criteria (g)</p>	<p>As a shopping arcade constructed in the post-war period, Nos. 21-25 Knox Street is a representative example of the historical pattern of development that eventuated in the Double Bay Centre as we know it today. In particular, it demonstrates the post war development of Knox Street from a residential to commercial precinct.</p> <p>No. 21-25 Knox Street is a representative example of Evans’s smaller scale</p>

	<p>work. Originally of face brick with rendered banding and Marseille tiled roof, the building combined old-fashioned detailing with Modernist elements of large glass areas, contrasting textures and contrasting non-rectangular shapes with rectangular forms and horizontality. Similar design features are also found in the form and detailing of Forsyth Evans's other works: Chiltern Flats, the former Caprice nightclub and North Water, Balgowlah.</p> <p>Meets the criterion on a local level.</p> <p><i>Guidelines for Inclusion:</i></p> <ul style="list-style-type: none"> • is a fine example of its type • has the principal characteristics of an important class or group of items • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity • is a significant variation to a class of items • is part of a group which collectively illustrates a representative type • is outstanding because of its setting, condition or size • is outstanding because of its integrity or the esteem in which it is held <p><i>Guidelines for Exclusion:</i></p> <ul style="list-style-type: none"> • is a poor example of its type • does not include or has lost the range of characteristics of a type • does not represent well the characteristics that make up a significant variation of a type
Integrity	<p>Nos. 21-25 Knox Street has a moderate to high level of integrity. While the face brick façade has since been rendered, enough of the form and stylistic intention remains of the street frontage to make this building of aesthetic significance.</p>

5.4. REVIEW OF SIGNIFICANCE ASSESSMENT

The table below provides a review of the assessment of significance prepared by LSJ as provided above in Section 5.3.

Table 4 Review of LSJ Significance Assessment

Criteria	Urbis Comments
<p>A – Historical Significance</p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p>	<p>The LSJ assessment determined that the item meets this criterion at a local level for having formed part of the Point Piper Estate prior to its usage as a market garden and subsequent late 19th century development under the ownership of Edward Knox Harkness. Urbis acknowledges that the subject building and Knox Street surrounding area did form part of substantial late 19th century subdivisions and development, significant redevelopment of Knox Street in the 1950s and 60s modified historical subdivision patterns and saw the large-scale demolition to all original development within the site including those by Harkness. Therefore, the existing nature of the subject site and the surrounding area retain only incidental historical relationships with the Point Piper Estate, mid-19th century market gardens and original subdivision pattern.</p> <p>Further, the LSJ assessment determined that the item has historic significance as one of the first purpose-built commercial buildings to be constructed within Knox Street post-war and set a pattern of development that has since defined the Double Bay Centre. Urbis also acknowledges that the construction of the subject building is one of the earlier surviving examples of</p>

	<p>development within Knox Street during this time. However, Knox Street underwent major redevelopment between during the 1950s and 60s which included large-scale demolition of buildings that pre-dated this time in addition to road realignment works and absorption of The Retreat to the west of the site. The subject site is not outstanding in this way and provides no further information regarding this historical development that otherwise cannot be determined in several other sites from this period.</p>
<p>B – Associative Significance</p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i></p>	<p>The LSJ assessment determined that the subject site met this criterion for two notable reasons: its association with architect, Douglas Forsyth Evans, and the long-running operations of Twenty-One Espresso by the Schiffer and Liberiou families. Urbis agrees with this assessment insofar as that Forsyth Evans was a known architect and that the operation of Twenty-One Espresso is notable. However, with regards to Forsyth Evans the results of the comparative analysis undertaken by Urbis (see Section 4) determined that subject site is not exemplary of the style and scale of the architect's works. Of the known extant examples of Forsyth's works, only two have been assessed as having heritage significance enough to list at a local level to date and no examples have thus far been listed at a State heritage level under the <i>Heritage Act 1977</i>. Next, that the two items listed are not noted as significant because they were examples of Forsyth Evans' work with each item's statement of significance referring associations beyond the architect himself. Lastly, Forsyth Evans' work consisted of a range of Inter-War architectural styles throughout the course of his career, with use of the Moderne architectural style not being a recurring typology. Subsequently whilst the subject building represents one of many works undertaken by Forsyth Evans' firm during the 1950s, thereby having association with the architect, it forms one of several known styles used by Forsyth Evans' firm and cannot be considered exemplary of his known works.</p>
<p>C – Aesthetic Significance</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The LSJ assessment determined that the subject site met the requirements of this criterion as 'a relatively intact, stylishly Moderne shopping arcade' which 'retains much of its characteristic features'. As outlined in Section 3, the subject building has undergone generally consistent and significant modifications since its initial construction in c.1955. The building has been re-roofed, rendered and altered to include new internal stairs, new internal layouts to the first and second floors, new permanent awning structures, and new configurations to the rear (north) elevation. The subject building, in its current form, retains its overall built form, central ground</p>

	<p>floor arcade space, and curved front windows to Knox Lane, however these elements represent the only remaining aspect of the original c.1955 construction.</p> <p>The subject site is a modified, most example of the Inter-War Moderne architectural style and is neither an outstanding example of its type or Forsyth Evans' work.</p>
<p>D – Social Significance</p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>No comment, Urbis agrees with the LSJ assessment regarding social significance being derived from the long-standing operation of the Twenty-One Espresso café since c.1958.</p>
<p>E – Research Potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p>	<p>The LSJ assessment notes that the subject site may have the potential to yield further information regarding the application of the Inter-War Moderne style and its characteristics to commercial buildings. The subject site is not considered exemplary of its type and is unlikely to provide any further information otherwise unavailable from others of its type.</p>
<p>F – Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i></p>	<p>Urbis agrees that the Inter-War Moderne architectural style is rare within the immediate locality of the Double Bay Centre; However, it is not a rare surviving example of the commercial development along Knox Street nor is it a rare example of Inter-War Moderne architecture.</p> <p>Urbis agrees that is one of few examples of existing buildings by architect, Douglas Forsyth Evans.</p>
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> ▪ <i>cultural or natural places; or</i> ▪ <i>cultural or natural environments.</i> 	<p>The LSJ assessment classes the subject building as a representative example of the historical pattern of development that eventuated into the Double Bay Centre of the present. However, the subject site forms one of several examples present to Knox Street that represent the changing development of the local area since the 1950s.</p> <p>LSJ also asserts that the subject building is representative of Forsyth Evans' work to which Urbis disagrees. Forsyth Evans undertook several different works throughout the Inter-War period with different styles represented by each. Forsyth Evans has no known signature style therefore the subject building cannot be considered a representative example of his work.</p> <p>Lastly, the noted elements that LSJ highlight as contributing to its representative nature being the use of original face brick with rendered banding, Marseille tiled roofing, contrasting textures and shapes, have primarily been modified over time and are no longer represented.</p>

5.5. REVISED SIGNIFICANCE ASSESSMENT

Having regard for the above, Urbis has therefore revised the significance assessment for the subject site.

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 5 Assessment of Heritage Significance

Criteria	Significance Assessment
<p>A – Historical Significance</p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p>	<p>The subject site once formed part of the Point Piper Estate. It was later utilised as market garden space throughout the 19th century prior to purchase by Edward Knox Harkness in c.1901.</p> <p>The earliest known development within the site consisted of residential cottages known as 'York' and 'Streatham'. Each of the two cottages were purchased by Mr & Mrs Willoughby, demolished and the site consolidated by c.1955 when the existing building was constructed. The demolition of the former cottages and construction of the existing building coincided with larger scale redevelopment to Knox Street during the 1950s and 60s which included street realignment, absorption of The Retreat, and the general shift from a larger residential area to one more dominated by commercial and retail spaces.</p> <p>The subject site is not outstanding as historically significant within this context. The subject site therefore does not meet the threshold for individual listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> ▪ shows evidence of a significant human activity <input type="checkbox"/> ▪ is associated with a significant activity or historical phase <input type="checkbox"/> ▪ maintains or shows the continuity of a historical process or activity <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> ▪ has incidental or unsubstantiated connections with historically important activities or processes <input checked="" type="checkbox"/> ▪ provides evidence of activities or processes that are of dubious historical importance <input checked="" type="checkbox"/> ▪ has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/>
<p>B – Associative Significance</p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i></p>	<p>The subject site has some associations with architect Douglas Forsyth Evans but is one of several constructions undertaken by his firm during the 1950s. It is not exemplary of his work, has been highly modified, and holds no significant association with the architect beyond its inception.</p> <p>The subject site also holds some association with the Twenty-One Espresso café which has been in near-</p>

	<p>constant operation under the Schiffer and Liberiou families since c.1958.</p> <p>The subject site does not meet the threshold for individual listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> shows evidence of a significant human occupation <input type="checkbox"/> is associated with a significant event, person, or group of persons <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events <input checked="" type="checkbox"/> provides evidence of people or events that are of dubious historical importance <input checked="" type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>
<p>C – Aesthetic Significance</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The subject building is a highly modified example of the Inter-War Moderne architectural style, having undergone significant alterations since its initial construction in c.1955. It maintains its built form, central ground floor arcade space, and large curved windows fronting Knox Street; However, the subject building has been re-roofed, externally rendered and altered to include new internal stairs, new internal layouts to the first and second floors, new permanent awning structures, and new configurations to the rear (north) elevation. In its current form, few key characteristics and aesthetics of its original design remain beyond the primary frontage.</p> <p>The subject site does not meet the threshold for individual listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> is aesthetically distinctive <input type="checkbox"/> has landmark qualities <input type="checkbox"/> exemplifies a particular taste, style or technology <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input checked="" type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input checked="" type="checkbox"/> has only a loose association with a creative or technical achievement <input checked="" type="checkbox"/>
<p>D – Social Significance</p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>Consultation with the local community and the preparation of an in-depth social significance assessment is beyond the scope of this report. Notwithstanding, the continued long-term operation of the Twenty-One Espresso café and association with its original owner, John Schiffer, is considered to be significant within the context of the Double Bay local area. Twenty-One is a</p>

	well-known and popular institution, however based on the assessment undertaken to date, the subject site does not meet the threshold for individual listing under this criterion.
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> is important for its associations with an identifiable group <input type="checkbox"/> is important to a community's sense of place <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> is only important to the community for amenity reasons <input checked="" type="checkbox"/> is retained only in preference to a proposed alternative <input checked="" type="checkbox"/>
<p>E – Research Potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p>	<p>The subject building is a highly modified example of the Inter-War Moderne architectural style and retains few key characteristics of its type. Subsequently, it is unlikely that the site may provide further information regarding the style and technical innovation employed during construction that is otherwise unavailable from other sources.</p> <p>The subject site does not meet the threshold for individual listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> is an important benchmark or reference site or type <input type="checkbox"/> provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture <input checked="" type="checkbox"/> has little archaeological or research potential <input checked="" type="checkbox"/> only contains information that is readily available from other resources or archaeological sites <input checked="" type="checkbox"/>
<p>F – Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i></p>	<p>The subject building retains some aesthetic features, particularly to its primary frontage, but is not a rare example of mixed-use commercial/retail buildings within the Double Bay local area.</p> <p>The subject site does not meet the threshold for individual listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/> shows unusually accurate evidence of a significant human activity <input type="checkbox"/> is the only example of its type <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> is not rare <input checked="" type="checkbox"/> is numerous but under threat <input type="checkbox"/>

<ul style="list-style-type: none"> demonstrates designs or techniques of exceptional interest <input type="checkbox"/> shows rare evidence of a significant human activity important to a community <input type="checkbox"/> 	
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> cultural or natural places; or cultural or natural environments. 	<p>The subject site forms one of several examples present to Knox Street that represent the changing development of the local area since the 1950s.</p> <p>Whilst it is noted that the subject site was initially designed and constructed by the architectural firm of Douglas Forsyth Evans and associates, the firm undertook several different works throughout the Inter-War period with different styles represented by each. Forsyth Evans has no known signature style therefore the subject building cannot be considered a representative example of his work.</p> <p>The subject site does not meet the threshold for individual listing under this criterion.</p>
<p>Guidelines for Inclusion</p> <ul style="list-style-type: none"> is a fine example of its type <input type="checkbox"/> has the principal characteristics of an important class or group of items <input type="checkbox"/> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type <input type="checkbox"/> is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> is a poor example of its type <input type="checkbox"/> does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type <input checked="" type="checkbox"/>

5.6. STATEMENT OF SIGNIFICANCE

5.6.1. Statement of Significance – Lucas Stapleton Johnson Heritage Planning & Architecture (LSJ)

With regard to the assessment of significance above (Section 5.3), LSJ has provided the following Statement of Significance:

Nos. 21-25 Knox Street is of historic and aesthetic significance for its associations with notable architect Douglas Forsyth Evans, who designed the building in 1954. The playfulness expressed in the form of the building with a strong entry statement of double-fronted curved

glass façade and arcade, visually and physically inviting the passer-by into the building, is a feature of Forsyth Evans smaller scale work and representative of his architectural style. The building combines old-fashioned detailing with Modernist elements of large glass areas, contrasting textures and contrasting non-rectangular shapes with rectangular forms and horizontality and similar design features are also found in the form and detailing of Forsyth Evans' other works: Chiltern Flats, the former Caprice nightclub and North Water, Balgowlah. The place is also rare as one of a smaller number of known extant buildings by noted architect Douglas Forsyth Evans.

As one of the first purpose-built commercial buildings to be constructed on Knox Street, the arcaded form of the building set a pattern of development that has become a defining element in the Double Bay Centre. Constructed in 1954, No. 21-25 Knox Street, was consciously designed by Evans as a fashionable retail/commercial building, that played an important part in the establishment of the "cosmopolitan" character of the precinct.

The place also has some social significance for its associations with Café 21, who have occupied the building since 1959 and as a contributing factor in the establishment of the "cosmopolitan" character of the Double Bay Centre in the late 20th century.

5.6.2. Urbis revised Statement of Significance

Having regard to the review of the assessment of significance for 21-25 Knox Street, Double Bay by (Section 5.4) and Urbis' assessment (Section 5.5), the below Statement of Significance has been prepared:

The subject site once formed part of the Point Piper Estate. It was later utilised as market garden space throughout the 19th century prior to purchase by Edward Knox Harkness in c.1901. The earliest known development within the site consisted of residential cottages known as 'York' and 'Streatham'. Each of the two cottages were purchased by Mr & Mrs Willoughby, demolished and the site consolidated by c.1955 when the existing building was constructed. The demolition of the former cottages and construction of the existing building coincided with larger scale redevelopment to Knox Street during the 1950s and 60s which included street realignment, absorption of The Retreat, and the general shift from a larger residential area to one more dominated by commercial and retail spaces.

The subject building is a highly modified example of the Inter-War Moderne architectural style, having undergone significant alterations since its initial construction in c.1955. It maintains its built form, central ground floor arcade space, and large curved windows fronting Knox Street; However, the subject building has been re-roofed, internally reconfigured, externally rendered and altered to include new internal stairs, new aluminium windows and doors, new modern shopfront and door to Knox Lane, new permanent awning structures, and new configurations to the rear (north) elevation. In its current form, few key characteristics and aesthetics of its original design remain beyond the primary frontage.

Whilst it is noted that the subject site was initially designed and constructed by the architectural firm of Douglas Forsyth Evans and associates, the firm undertook several different works throughout the Inter-War period with different styles represented by each. Forsyth Evans has no known signature style therefore the subject building cannot be considered a representative example of his work.

The site holds some association with the Twenty-One Espresso café which has been in near-constant operation under the Schiffer and Liberiou families since c.1958 though further consultation with the local community should be undertaken to appropriately establish its social significance.

Overall, the subject building is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for heritage significance provided by the NSW Heritage Division.

6. CONCLUSION AND RECOMMENDATIONS

Section 5 contains an assessment of significance of 21-25 Knox Street, Double Bay and concludes that the subject site does not meet the threshold for individual heritage listing under the seven (7) criteria for heritage significance provided by the NSW Heritage Division. The revised Statement of Significance concludes:

The subject site once formed part of the Point Piper Estate. It was later utilised as market garden space throughout the 19th century prior to purchase by Edward Knox Harkness in c.1901. The earliest known development within the site consisted of residential cottages known as 'York' and 'Streatham'. Each of the two cottages were purchased by Mr & Mrs Willoughby, demolished and the site consolidated by c.1955 when the existing building was constructed. The demolition of the former cottages and construction of the existing building coincided with larger scale redevelopment to Knox Street during the 1950s and 60s which included street realignment, absorption of The Retreat, and the general shift from a larger residential area to one more dominated by commercial and retail spaces.

The subject building is a highly modified example of the Inter-War Moderne architectural style, having undergone significant alterations since its initial construction in c.1955. It maintains its built form, central ground floor arcade space, and large curved windows fronting Knox Street; However, the subject building has been re-roofed, internally reconfigured, externally rendered and altered to include new internal stairs, new aluminium windows and doors, new modern shopfront and door to Knox Lane, new permanent awning structures, and new configurations to the rear (north) elevation. In its current form, few key characteristics and aesthetics of its original design remain beyond the primary frontage.

Whilst it is noted that the subject site was initially designed and constructed by the architectural firm of Douglas Forsyth Evans and associates, the firm undertook several different works throughout the Inter-War period with different styles represented by each. Forsyth Evans has no known signature style therefore the subject building cannot be considered a representative example of his work.

The site holds some association with the Twenty-One Espresso café which has been in near-constant operation under the Schiffer and Liberiou families since c.1958 though further consultation with the local community should be undertaken to appropriately establish its social significance.

Overall, the subject building is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for heritage significance provided by the NSW Heritage Division.

In contrast to the heritage assessment undertaken by employed Lucas Stapleton Johnson Heritage Planning & Architecture in compiling the draft Heritage Inventory Form for the site, Urbis is of the opinion that the attribution of 21-25 Knox Street meeting all seven (7) criteria for individual heritage listing is unfounded due to the limited historic research undertaken on the property and lack of comparative analysis undertaken.

Urbis is of the opinion that 21-25 Knox Street does not meet the aesthetic criteria for individual heritage listing due to its significant modifications over time, the primary Knox Street frontage including curved windows, ground floor arcade and general built form have been purposefully retained since the purchase of MPJ Holdings in c.1993. It is suggested that future works should retain the arcade and curved façade fronting Knox Street.

Lastly, although Urbis is of the opinion that 21-25 Knox does not meet the criteria for heritage listing as an individual item, further investigation into the social significance of the Twenty-One café should be explored. The café continues to operate as a family-run business in a similar manner to its original intention and, despite a change in ownership during the 1990s, is once again under the ownership of the Schiffer family who first opened Twenty-One in c.1958. Notwithstanding, social significance should not be a determination for the conservation of physical fabric and is better understood through interpretative means.

Having regard for the above and the assessment herein, this report recommends the following:

- That the proposed heritage listing of 21-25 Knox Street should not proceed as the property is not considered to meet the appropriate criteria.
- Heritage Interpretation, such as the addition of a plaque or other media, could be considered with regards to Twenty-One Espresso.

7. BIBLIOGRAPHY AND REFERENCES

7.1. BIBLIOGRAPHY

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7.2. REFERENCES

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[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

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9th December 2022

J6075

Attention: Ann White

Woollahra Council
536 New South head Road
Double Bay NSW 2028

**Re: Objection to Proposed Heritage Listing
No. 21-25 Knox Street, Double Bay**

Dear Ann,

This letter has been prepared on behalf of the owners of the site to object to the proposed local heritage listing of No. 21-25 Knox Street, Double Bay, (the site) in Schedule 5 Part 1 of the *Woollahra Local Environmental Plan 2014*.

The site is located within the Woollahra Local Government Area. The principal planning control for the site is the *Woollahra LEP 2014*. The site is currently recommended for local heritage listing in Schedule 5 Part 1 of the *Woollahra LEP 2014* as part of the Double Bay Centre Heritage Study, prepared by Lucas Stapleton Johnson Heritage Planning & Architecture (LSJ) for Woollahra Council.

Woollahra Council have assessed the property against the seven criteria in *Assessing Heritage Significance*, by Heritage NSW 2002 and *Investigating Heritage Significance: A guide to identifying and examining heritage items in NSW*, by Heritage NSW 2021.

The Heritage Assessment concluded the site is of local significance under the following criteria:

- Criterion (a): Historical significance.
- Criterion (b): Historical association significance.
- Criterion (c): Aesthetic significance.
- Criterion (d): Social significance.
- Criterion (e): Technical/ Research significance.
- Criterion (f): Rarity significance.
- Criterion (g): Representativeness significance.

Review of Woollahra Council's Heritage Assessment of No.21-25 Knox Street, Double Bay

The Heritage Assessment has been reviewed by Weir Phillips Heritage and Planning and refutes the conclusions made in the assessment to list the site as a local heritage item under the Heritage NSW Heritage assessment criteria.

Weir Phillips Heritage and Planning

Criterion (a)

An item is important in the course, or pattern, of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none"> shows evidence of a significant human activity 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> is associated with a significant activity or historical phase 	<ul style="list-style-type: none"> provides evidence of activities or processes that are of dubious historical importance 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> maintains or shows continuity of a historical process or activity 	<ul style="list-style-type: none"> has been altered so that it can no longer provide evidence of a particular association 	The site does not fulfil these guidelines for inclusion as an item.

Woollahra Council Assessment

Guidelines for inclusion under criteria (a)

No. 21 -25 Knox Street is of historical significance on a local level for forming part of the former Point Piper Estate lands, which were initially developed as market gardens and later purchased and developed by developer Edward Knox Harkness in 1901, for whom the street is named after.

The building constructed in 1954, is possibly the first purpose-built commercial building to be constructed on Knox Street post war and the arcaded form of the building set a pattern of development that has become a defining element in the Double Bay Centre. The building demonstrates the post war development of Double Bay (and particularly Knox Street) and the rapid change from residential to commercial uses that occurred throughout the locality in the mid-20th century, eventuating in the Double Bay Centre as it is known today.

Meets the criterion on a local level.

Guidelines for Inclusion:

- shows evidence of a significant human activity*
- is associated with a significant activity or historical phase***
- maintains or shows the continuity of a historical process or activity***

Guidelines for Exclusion:

- has incidental or unsubstantiated connections with historically important activities or processes*
- provides evidence of activities or processes that are of dubious historical importance*
- has been so altered that it can no longer provide evidence of a particular association*

Weir Phillips Heritage and Planning Response:

Council's suggestion that the original owners of the site contribute to the historical significance of the building are incidental. This fact is merely part of the history of the site rather than its significance, as any dwelling could have this attributed to the site. The site's location in the Point Piper Estate is not unique or significant in that most of the development in Double Bay formed part of this estate. Location is not reason enough to warrant inclusion under this criterion.

The site is a highly altered and modest commercial structure one of several commercial buildings constructed post war, c.1955, within the Double Bay Centre. The building has been so extensively modified the features that may have once characterised it in the 'Moderne' style have been intrusively concealed, removed or altered such that the building no longer demonstrates the architectural style or character of the suggested post war development in Double Bay.

The site does not meet the threshold for listing under this criterion.

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none">• shows evidence of a significant human occupation	<ul style="list-style-type: none">• has incidental or unsubstantiated connections with historically important people or events	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none">• is associated with a significant event, person, or group of persons	<ul style="list-style-type: none">• provides evidence of people or events that are of dubious historical importance	The site does not fulfil the guidelines for inclusion as an item.
<ul style="list-style-type: none">• maintains or shows continuity of a historical process or activity	<ul style="list-style-type: none">• has been altered so that it can no longer provide evidence of a particular association	The site does not fulfil the guidelines for inclusion as an item.

Woollahra Council Assessment

Guidelines for inclusion under criteria (b)

No. 21-25 Knox Street is associated with architect Douglas Forsyth Evans, a fashionable and innovative Sydney architect of the early to mid-20th century who worked in the International modern style. Although little is known about Forsyth Evans, he was responsible for a number of notable buildings including Chiltern Flats, Rose Bay, the (now) Catalina Restaurant, Rose Bay and Glenhurst Gardens, Darling Point. Constructed in 1954, No. 21-25 Knox Street, was consciously designed by Evans as a fashionable, retail/commercial building, that played an important part in the establishment of the "cosmopolitan" character of the precinct.

No. 21 -25 Knox Street is also associated with Cafe 21, which commenced trading in 1959, inclusive of management under the Liberiou family between 1991 and 2005 and whose presence in Double Bay has contributed to the "cosmopolitan" character of the Double Bay Centre.

Meets the criterion on a local level.

Guidelines for Inclusion:

- shows evidence of a significant human occupation*
- is associated with a significant event, person, or group of persons*

Guidelines for Exclusion:

- has incidental or unsubstantiated connections with historically important people or events*
- provides evidence of people or events that are of dubious historical importance has been so altered that it can no longer provide evidence of a particular association*

Weir Phillips Heritage and Planning Response:

No 21-25 Knox Street, Double Bay was designed by architect Douglas Forsyth Evans.

Douglas Forsyth Evans was a local Sydney architect who designed a number of buildings in Sydney's eastern suburbs. Research undertaken for this review did not uncover any information or documentation by any substantial or significant publications on the architecture, work or life of Forsyth Evans nor did it reveal that he or his work had received any architectural awards.

Council's suggestion that the site is associated with a highly significant architect is unsubstantiated and incidental as the neither the architect or his work has been widely acknowledged or publicly recognised by any major publications.

Council's suggestion that the ownership and operation of Café 21, on the site, by the Liberiou family from 1991-2005 is significant is unsubstantiated. Research undertaken for this review has not found any information on the Liberiou family or their suggested significance to the Double Bay Centre or that they were any more significant than other European café owners in Double Bay. The café has and can continue to operate under the namesake of Café 21. An interpretation plaque describing the Liberiou family involvement in the café could be installed on the building.

The site does not meet the threshold for listing under this criterion.

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of technical achievement in New South Wales (or the local area)

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement 	<ul style="list-style-type: none"> is not a major work by an important designer or artist 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> is the inspiration for creative or technical innovation or achievement 	<ul style="list-style-type: none"> has lost its design or technical integrity 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> is aesthetically distinctive or has landmark qualities 	<ul style="list-style-type: none"> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> exemplifies a particular taste, style or technology 	<ul style="list-style-type: none"> has only a loose association with a creative or technical achievement 	The site does not fulfil these guidelines for inclusion as an item.

Woollahra Council Assessment

Guidelines for inclusion under criteria (c)

No. 21-25 Knox Street is of aesthetic significance as a relatively intact, stylishly Moderne shopping arcade, designed by architect of note Douglas Forsyth-Evans. While the face brick facade has since been rendered over, the building retains much of its characteristic features, particularly double fronted curved glass facade and arcade (now partially covered) and is a contributing element to the "cosmopolitan" character associated with the locality.

Forsyth Evans allowed for a degree of "quirkiness" to be incorporated into his smaller scale work as opposed to his more formal International Modernist style designs for his large-scale apartment buildings. Hence, Chiltern Flats, the former Caprice nightclub, North Water, Balgowlah (his own house) and No. 21-25 Knox Street, have a playfulness in their overall form and detailing. Combining stepped and curved forms, an emphasis on horizontality, glazed walls, and expressed structural concrete framing, Forsyth Evans utilised the new architectural language of Post-war International style architecture within his smaller works, of which No. 21-25 Knox Street is a notable example (albeit altered).

Meets the criterion on a local level.

Guidelines for Inclusion:

- ***shows or is associated with, creative or technical innovation or achievement***
- ***is the inspiration for a creative or technical innovation or achievement***
- ***is aesthetically distinctive***
- ***has landmark qualities***
- ***exemplifies a particular taste, style or technology***

Guidelines for Exclusion:

Weir Phillips Heritage and Planning

- *is not a major work by an important designer or artist*
- *has lost its design or technical integrity*
- *its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded has only a loose association with a creative or technical achievement*

Weir Phillips Heritage and Planning Response:

Council's assessment suggests that the building on the site is associated with creative or technical innovation, is aesthetically instinctive and has landmark qualities as a good and intact example of a "Moderne shopping arcade"

This assessment is unsubstantiated and incidental as the building is neither an example of the Moderne architectural style, nor is it intact.

The Encyclopedia of Australian Architecture defines the Modern architectural style as follows:

The Moderne was an architectural style prevalent during the interwar period in Australia, mostly appearing in the 1930's. It was characterised by its interest in the expression of progress, often through reference to modern vehicles, speed and other machinery, with plain reductive detailing and simple bold forms. p463.

The exigencies of WWII encouraged architectural taste to change rapidly towards functional necessity and the aesthetic features that had characterised the Modern were no longer seen as desirable and after the war it only survived in some speculative housing and those buildings that had been designed before the war but were built afterwards. P464.

No. 21-25 Knox Street was built in 1955 which is well outside the Moderne architectural period of the 1930's as defined by *The Encyclopedia of Australian Architecture*. The building is therefore not technically innovative, creative or aesthetically instinctive as it was designed almost 20 years after the Moderne architectural period had ceased. The site was therefore designed with full advantage and understanding of all the technical and aesthetic knowledge of the architectural style and can be more accurately defined as a 1955 copy, replication or interpretation of the Moderne style.

The building is not intact and has been highly altered and modified. Further the active BA191/95 for the site will further alter the current presentation of the building to the Double Bay Centre.

The site does not meet the threshold for listing under this criterion.

Criterion (d)

An item has strong or special association with a particular community or cultural group in New South Wales (or the local area) for social, cultural or spiritual reasons.

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
is important for its association with an identifiable group	is only important to the community for amenity reasons	The site does not fulfil these guidelines for inclusion as an item.

Weir Phillips Heritage and Planning

is important to a community's sense of place	is retained only in preference to a proposed alternative	The site does not fulfil these guidelines for inclusion as an item.
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Woollahra Council Assessment

Guidelines for inclusion under criteria (d)

The history of use of No. 21-25 Knox Street by Cafe 21 since 1959 is likely to be of value to the local community as a contributing factor in the establishment of the "cosmopolitan" character of the Double Bay Centre in the mid to late 20th century, although social significance has not been formally assessed.

Potentially meets the criterion.

Guidelines for Inclusion:

- is important for its associations with an identifiable group*
- is important to a community's sense of place*

Guidelines for Exclusion:

- is only important to the community for amenity reasons*
- is retained only in preference to a proposed alternative*

Weir Phillips Heritage and Planning Response:

Council's suggestion that the site contributes to the community's sense of place is unsubstantiated and incidental. The social significance of the site cannot be ascertained without undertaking community consultation.

Café 21 represents only a small component of the total building, being only one of the sixteen tenancies. The Café 21 can be acknowledged, recorded and memorialised with the installation of an interpretive panel that carefully outlines the history and significance of the Café 21.

The NSW Heritage Office Guidelines for inclusion indicate that this criterion must be associated with an identifiable group. No group has been identified as part of the research conducted for the proposed listing.

The site does not meet the threshold for listing under this criterion.

Criterion (e)

An item has potential to yield information that will contribute to an understanding of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information 	<ul style="list-style-type: none"> has little archaeological or research potential 	The site does not fulfil these guidelines for inclusion as an item.

Weir Phillips Heritage and Planning

<ul style="list-style-type: none"> is an important benchmark or reference site or type 	<ul style="list-style-type: none"> only contains information that is readily available from other resources of archaeological sites 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> provides evidence of past human cultures that is unavailable elsewhere 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history of culture 	The site does not fulfil these guidelines for inclusion as an item.

Woollahra Council Assessment

Guidelines for inclusion under criteria (e)

As a shopping arcade designed in the Moderne style, 21-25 Knox Street may have potential to yield new information regarding the application of this style and its characteristics to commercial buildings. The place has the potential to yield further information regarding the works of architect Douglas Forsyth- Evans and the development of the Moderne style in Australian architecture.

Meets the criterion on a local level.

Guidelines for Inclusion:

- has the potential to yield new or further substantial scientific and/or archaeological information***
- is an important benchmark or reference site or type*
- provides evidence of past human cultures that is unavailable elsewhere.*
- Guidelines for Exclusion:*
- the knowledge gained would be irrelevant to research on science, human history or culture*
- has little archaeological or research potential*
- only contains information that is readily available from other resources or archaeological sites.*

Weir Phillips Heritage and Planning Response:

The building is a modest and substantially altered example of a commercial building with a central arcade that provides little scope or opportunity for scientific or archaeological information.

No.21-25 Knox Street was built almost twenty years after the defined Moderne period time frame of the 1930's. As such it does not represent the Moderne architectural style but a 1955 copy, replication or imitation of the style. As a copy of the style, it has no potential to yield new or further substantial scientific or archaeological information.

The site does not meet the threshold for listing under this criterion.

Criterion (f)

An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process 	<ul style="list-style-type: none"> is not rare 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> demonstrate a process, custom or other human activity that is in danger of being lost 	<ul style="list-style-type: none"> is numerous but under threat 	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> shown unusually accurate evidence of a significant human activity 		The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> is the only example of its type 		The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> demonstrate designs or techniques of exceptional interest 		The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> shown rare evidence of a significant human activity important to a community 		The site does not fulfil these guidelines for inclusion as an item.

Woollahra Council Assessment

Guidelines for inclusion under criteria (f)

No. 21-25 Knox Street is rare within the immediate locality of the Double Bay Centre, being the only commercial building designed in the Moderne style and its form and architectural detailing a rare surviving example of the Post-war commercial development of Knox Street and the Double Bay Centre. The place is also rare as one of a small number of known extant buildings by noted architect Douglas Forsyth-Evans.

Meets the criterion on a local level.

Guidelines for Inclusion:

- provides evidence of a defunct custom, way of life or process*
- demonstrates a process, custom or other human activity that is in danger of being lost*
- shows unusually accurate evidence of a significant human activity*
- is the only example of its type*
- demonstrates designs or techniques of exceptional interest*
- shows rare evidence of a significant human activity important to a community*

Guidelines for Exclusion:

- is not rare is numerous but under threat*

Weir Phillips Heritage and Planning Response:

No.21-25 Knox Street was built almost twenty years after the defined Moderne period in the 1930's. As such it does not represent the Moderne architectural style but rather

is a copy, replication or imitation of that style. As a copy of an architectural style, it cannot be described as an example of the Moderne Style, nor can it demonstrate designs or techniques of exceptional interest as suggested by Council.

The building is a modest and highly altered example of a commercial building. The presence of the central arcade and curved elevations to Knox Street are insufficient to describe the building as rare or warrant listing under this criterion.

Douglas Forsyth Evans was a local Sydney architect who designed a number of buildings in Sydney's eastern suburbs. Research undertaken for this review did not uncover any significant information or documentation by any major publications on the architecture, work or life of Forsyth Evans nor did it reveal that he or his work had received any architectural awards.

Council's suggestion that the site is associated with a highly significant architect is unsubstantiated and incidental as neither the architect nor his work has been widely acknowledged or publicly recognised by any significant publications.

The site does not meet the threshold for listing under this criterion.

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of New South Wales (or a class of the local areas):

- Cultural or natural places; or
- Cultural or natural environments

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none">is a fine example of its type	<ul style="list-style-type: none">is a poor example of its type	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none">has the potential characteristics of an important class or group of items	<ul style="list-style-type: none">does not include or has lost the range of characteristics of a type	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none">has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique of activity	<ul style="list-style-type: none">does not represent well the characteristics that make up a significant variation of type	The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none">is a significant variation to a class of items		The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none">is part of a group which collectively illustrates a representative type		The site fulfils these guidelines for inclusion as an item.

Weir Phillips Heritage and Planning

Guidelines for Inclusion	Guidelines for Exclusion	Compliance
<ul style="list-style-type: none"> is outstanding because of its setting, condition or size 		The site does not fulfil these guidelines for inclusion as an item.
<ul style="list-style-type: none"> is outstanding because of its integrity or the esteem in which it is held 		The site does not fulfil these guidelines for inclusion as an item.

Woollahra Council Assessment

Guidelines for inclusion under criteria (g)

As a shopping arcade constructed in the post-war period, Nos. 21-25 Knox Street is a representative example of the historical pattern of development that eventuated in the Double Bay Centre as we know it today. In particular, it demonstrates the post war development of Knox Street from a residential to commercial precinct. No. 21-25 Knox Street is a representative example of Evans's smaller scale work. Originally of face brick with rendered banding and Marseille tiled roof, the building combined old-fashioned detailing with Modernist elements of large glass areas, contrasting textures and contrasting non-rectangular shapes with rectangular forms and horizontality. Similar design features are also found in the form and detailing of Forsyth Evans's other works: Chiltern Flats, the former Caprice nightclub and North Water, Balgowlah.

Meets the criterion on a local level.

Guidelines for Inclusion:

- is a fine example of its type***
- has the principal characteristics of an important class or group of items*
- has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity***
- is a significant variation to a class of items***
- is part of a group which collectively illustrates a representative type*
- is outstanding because of its setting, condition or size*
- is outstanding because of its integrity or the esteem in which it is held*

Guidelines for Exclusion:

- is a poor example of its type*
- does not include or has lost the range of characteristics of a type does not represent well the characteristics that make up a significant variation of a type*

Weir Phillips Heritage and Planning Response:

The building is a modest and highly altered example of a commercial building. It does not express the attributes of a particular way of life, philosophy or custom any more than other commercial buildings in Double Bay. In combination with this the active BA191/95 for the site has the potential to further intrusively erode and modify the site, as described below.

The following provides a list of the alterations and additions to the site

Front elevation to Knox Street

Weir Phillips Heritage and Planning

- The original face brick and detailing work has been removed and or concealed with render and paint.
- The ground floor and first floor window hoods have been removed.
- A large fixed awning has been installed in the arcade at first floor level.
- The timber framed glazing has been covered in a metal sheet in some areas to attempt to preserve the timber. It is not steel framed glazing as noted in Council's assessment.
- The upper-level timber framed glazing has been all replaced with contemporary aluminium framed glazing.
- The curved glass shopfront to café, "Twenty-one" has been replaced with contemporary and faceted glass panels.
- The terracotta tiled roofs to the second floor have been removed and replaced with fibre cement panel parapets and flat metal sheet roofs.
- The original paving to the arcade has been replaced with ceramic contemporary tiles.



Figure 1: Undated early photo of the site from Council's Assessment.



Figure 2: c 2010 photo of the site.



Figure 3: Current 2022 photo of the site from Knox Street.

Rear elevation to Knox Lane

- The original face brick work has been concealed with render and paint.
- The corbeled parapet is a contemporary detail.
- The window openings have been infilled, moved and reconfigured.
- All window openings have been replaced with aluminium framed glazing on all three levels.
- A recent addition with Council approval is a large modern aluminium shop front and door on the Knox Lane elevation. Refer Figure 4.



Figure 4: Current 2022 photo of the site from Knox Lane.

Woollahra Council Approved Building Application - BA191/95.

The Approved BA 191/95 includes the following scope of work approved for the site:

- Enclosure of the roof top balconies / parapet roofs to Knox Street with an addition third storey.
- Render over and paint all external face brickwork, already carried out.
- Apply Granite cladding to all ground level external walls on Knox Street, Knox Lane and within the arcade. This will conceal any remaining expressed brick detailing of the building.
- Reconfiguration and replacement of all external glazing with aluminium framed glazing and glass block to all elevations, has already been mostly carried out.
- Partial enclosure of the ground floor arcade and removal of some of the first-floor arcade walls to create a larger first floor internal area.
- Installation of a permanent domed glass skylight to enclose the shopping arcade at second floor level.
- Installation of large curved and fan shaped glass canopy over across the Knox Street elevation and footpath.
- Installation of a canopy over Knox Lane entry.
- Internal replacement of stair and bathrooms.
- New flat roof framing with metal deck roof sheets has already been carried out.

The approved BA191/95 has been substantially commenced and is able to be completed in its entirety. The has been confirmed by Council in their email dated 3/11/22.

The approved BA 191/95 represents a further and substantial erosion of the existing fabric, detail and form of the building. It will add extensive and intrusive architectural elements that will further reduce and confuse the understanding of the current form of the site.



Figure 4: Elevations of section of active BA191/95. Supplied by the owner of the site.
Discussion

No.21-25 Knox Street is a post war commercial building constructed in 1955 by architect Douglas Forsyth Evans.

The Woollahra Council Heritage Assessment has proposed the building be listed as a local heritage item as it has reached the threshold in all seven of the criteria under the Heritage NSW Heritage guidelines for assessment.

Weir Phillips Heritage and planning refutes the building's compliance with the criteria for the following reasons:

- The site is not an example of the 'Moderne' architectural style which occurred in the 1930's. The subject building was constructed in 1955 almost twenty years past the accepted date of the period. The building is, therefore, merely a copy or imitation of the techniques and aesthetics of the style.
- The building is highly modified and has lost its original detailing that once defined it as a post war building and is no longer representative of the early development and evolution of the Double Bay Centre.
- No significant or widely circulated information, recognition, documentation or awards for the architect or the building have been discovered in the course of this research, which would corroborate Council's claim that the architect or building are significant.
- There is an approved DA94/161 and active BA191/95 for the building which has already been substantially commenced and will enable further and extensive alterations and addition to the site which will significantly and intrusively remove and erode its current presentation to the Double Bay

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Centre and further remove any understanding it may have contributed to the development evolution of the Double Bay Centre.

- There is no evidence or knowledge of community consultation undertaken by Council to support the view that the building is significant to the community.
- Any significance the building may have due to its association with Café 21 as one of the sixteen tenancies within the building can be appropriately acknowledged and recorded by a heritage interpretation panel which will carefully outline the history and significance of the Café 21.

The building does not meet the threshold for heritage significance under any of the Heritage NSW assessment Criteria. Refer to the photographs in Appendix 1.

Please do not hesitate to contact me on 02 8076 5317 if you have any questions.

Yours faithfully,



Patricia Sims | Director

APPENDIX 1 – SITE PHOTOGRAPHS



Figure 7: This photograph of Nos. 21-15 Knox Street in the 1980s recorded the original features of the building as designed by Evans in 1955 inclusive of the steel framed windows and face brick walls to Knox Street.



Figure 8: Photograph of Nos. 21-15 Knox Street in the 1980s

Figure 6: Early photos of the site. From Council's Heritage Assessment 2022.

Windows have been incorrectly described as steel frame they timber framed. Some sections of the windows have been cladded with a metal sheet to prevent rotting of the timber frames.

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Figure 7: Front elevation of the site to Knox Street. C. 2010. Realestate.com.au.



Figure 8: The site from Knox Street. 2022.

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Figure 9: The front elevation from Knox Street, 2022.



Figure 10: The front elevation from Knox Street, 2022.



Figure 11: The second storey of the site looking north. 2022.



Figure 12: Parapet roof looking toward Knox Street. 2022.

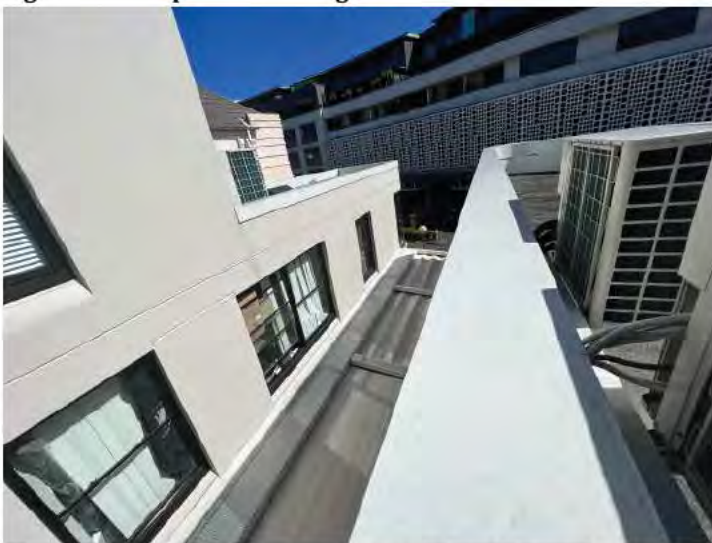


Figure 13: Looking down to the central Arcade toward Knox Street.



Figure 14: The roof of the site. Looking toward Knox Street.



Figure 15: The central arcade looking toward Knox Street.



Figure 16: The central arcade looking toward Knox Street



Figure 17: The central arcade looking toward Knox Lane.



Figure 18: The rear elevation from Knox Lane.



Figure 19: The rear elevation from Knox Lane.

Weir Phillips Heritage and Planning

Joahna Doolan

From: Rebecca Pellizzon [REDACTED]
Sent: Friday, 15 September 2023 10:19 AM
To: Records
Cc: Todd Neal; Tristan Ryan
Subject: Planning Proposal SC7228 submissions [CBP-ACTIVE.FID3064648]
Attachments: Submission to Woollahra Municipal Council SC7228 - 15 September 2023(30602542.6).pdf; Attachment 1. Correspondence with Council.pdf; Attachment 2. Statutory declaration of David Scheinberg dated 14 September 2023.pdf; Attachment 3. Heritage Assessment report prepared by Zoltan Kovacs Architect dated January 2023.pdf; Attachment 4. Heritage Peer Review prepared by Urbis dated 16 February 2023.pdf; Attachment 5. Heritage Peer Review prepared by Weir Phillips Heritage and Planning 3 March 2023.pdf

Good morning

We **attach** our submission in relation to planning proposal SC7228 regarding 45A Bay Street, Double Bay.

Kind regards

Rebecca Pellizzon
Solicitor

**COLIN
BIGGERS
& PAISLEY**
LAWYERS

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Our Ref: TAN.2303220

15 September 2023

COLIN
BIGGERS
& PAISLEY
LAWYERS

Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

By email

Dear Mr McNair

**Planning Proposal - Local heritage listing for four sites in Double Bay - SC7228
45A Bay Street Double Bay**

1. On behalf of our client, we are instructed to make this submission objecting to the proposed heritage listing of 45A Bay Street, Double Bay.

Objection to proposed heritage listing, SC7228.

2. We act for In Shoppe Pty Ltd, the registered proprietors of 45A Bay Street, Double Bay (Lot 1 DP 208325) (the **building**) and refer to the proposed heritage listing set out in the Planning Proposal on public exhibit between 16 August and 15 September 2023.
3. The following submissions have been prepared in response to:
 - (a) the Heritage Study prepared for the Council;
 - (b) the Combined Inventory Sheets that have been publicly exhibited; and
 - (c) also the comments of a number of Woollahra Councillors made at the Council meeting on 27 March 2023 which inform the underlying motivations for the listings.

Client's concerns: improper purpose

4. Our client wishes to state at the outset that it has no objection to the proper heritage listing of properties based on robust fabric analysis of a building.
5. However, our client takes objection to the use of heritage listings to stymie the orderly economic development of commercial buildings, and as some of the comments of the Councillors at the 27 March 2023 meeting demonstrate, the proposed listing of our client's building is motivated by this ulterior purpose.

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6. It is now a matter of public record that Councillors are attempting to stifle development in the Double Bay area by attributing heritage to different buildings in the Double Bay area.
7. In this regard, we wrote to Council about this on 6 April 2023. Council superficially responded on 13 April 2023. We **attach** this correspondence at **Attachment 1**.
8. No response of substance has been received from which we infer the comments and conclusions drawn in our letter are correct.
9. Our client reserves its rights if our client's building is included in this Planning Proposal as the use of Council's powers has been actuated by an improper purpose.

Attachments to this letter

10. In support of this submission objecting to the heritage listing, the following additional documents are **attached** respectively at **Attachment 2, 3, 4 and 5**:
 - (a) Statutory declaration of David Scheinberg dated 14 September 2023.
 - (b) Heritage Assessment report prepared by Zoltan Kovacs Architect dated January 2023.
 - (c) Heritage peer review prepared by Urbis dated 16 February 2023.
 - (d) Heritage peer review prepared by Weir Phillips Heritage and Planning dated 3 March 2023.
11. As the Planning Proposal rests on a number of asserted facts, the statutory declaration of David Scheinberg was prepared to provide a summary of the relevant history of the building and explains the limited involvement Neville Gruzman had in the final design of the building. This contradicts some of the information that has led to Council's support for the listing.
12. The other three reports were provided previously to Council, but it is hoped that the Council might now properly engage with the content of these reports prepared as part of the exhibition process.
13. The detailed expert reports obtained by our client demonstrate that there is no basis for the listing of the building.

Broader submissions

14. In 2023, the owners of the building engaged three specialist heritage consultants at considerable expense to investigate, review and report on the heritage significance of the building. However, we are instructed that the Council officers at the time were dismissive and did not properly consider the reports prepared by highly experienced and well regarded heritage consultants. Some of the Councillors' comments at the meeting on 27 March 2023 also cast unnecessary pejorative connotations about their independence. We need not cavil with these criticisms as they are highly regarded professionals and the reports are objective and well substantiated.
15. The Council has relied solely on Lucas Stapleton Johnson & Partners Pty Ltd (**LSJ**). Their work has not been updated since October 2022. As a consequence, Council's independent expert has not grappled with or properly reviewed and assessed the detailed justifications for not listing the building provided by our client's three experts.
16. Council's August 2023 Planning Proposal Heritage Study similarly does not engage with our client's expert opinions and conclusions, other than a few superficial references. Moreover, the justification for the listing anchors back to the earlier LSJ report, which was

drafted before our client's reports were prepared. Moreover, Council's Heritage Study conflates each of the so called Gruzman buildings, as opposed to carefully considering each of the buildings in detail which is necessary given the unique circumstances behind at least our client's building.

17. In short, the proposed heritage listing of 45A Bay Street should not proceed for the following reasons:
- (a) It is claimed in Council's Combined Inventory Sheets that there is 'historical significance' based on the connection of the building to In Shoppe Pty Ltd and has been repeatedly referred to as the 'former In Shoppe' on page 1. However, the building is not the 'former In Shoppe', and other than the building's ownership, it has a very brief connection with In Shoppe as a clothing store. Whilst Council appears to have receded from this ground more recently, it has previously formed the basis of Council supporting its listing. Our client's statutory declaration (**Attachment 2**) has been prepared partly due to this misconception.
 - (b) Our client's building is not representative of Mr Gruzman's work given the differences between the original scheme prepared by Mr Gruzman and the constructed scheme, and its present appearance involving numerous modifications since it was originally built. The comparison in Council's own Combined Inventory Sheets makes plain these very distinct differences.
 - (c) The building was not designed by 'a single noticeable architect' as claimed in Council's Combined Inventory Sheets. At its highest it was designed by two architects, but given the surrender of the intellectual property, it is an unsafe conclusion to deem the building a Gruzman building.
 - (d) There are inaccuracies in Council's Heritage Study relating to the building, namely there are no horizontal louvres as continually asserted by the Council.
 - (e) The building is not part of Gruzman's so called 'commercial centre', given Gergley & Pinter substantially altered the design and Mr Gruzman refused to modify the original design suggesting he did not want to be associated with anything other than the building he designed, which was approved but not constructed.

Claimed association to Neville Gruzman

18. As the proposed listing appears now predicated on the site's association with Mr Gruzman, we are instructed to address this in more detail.
19. In the NSW Land and Environment Court decision of *El-Hage Construction Pty Ltd v Ku-Ring-Gai Council* [2015] NSWLEC 1470 (**El Hage**), it was held that where a building was not designed by 'outstanding architect' at all, it should not be heritage listed. Whilst the decision dealt with an interim heritage order, the tests applied have some indirect relevance here.
20. The following points detail why it should not be accepted that the building was designed by Mr Gruzman:
- (a) Firstly, the attached statutory declaration (**Attachment 2**) explains the lack of connection with the current form of the building and that the building was in fact designed by Stephen Gergely.
 - (b) Secondly, Mr Gergely was the original architect for the design of the building and Mr Gruzman was engaged for a brief period to obtain an approval. Mr Gruzman's commission and involvement ceased in 1973, with the intellectual property of his work assigned to In Shoppe. As the statutory declaration makes clear, the building was redesigned by Mr Gergely into a design that could more feasibly be built. Mr

Gruzman had no further involvement or participation in any manner with the redesign or construction of the building and legally assigned ownership of the designs to In Shoppe. The reference in the Combined Inventory Sheets to Mr Gruzman's opinion as to why he was asked to design the four storey building is therefore disputed for the reasons outlined in Mr David Scheinberg's statutory declaration.

21. Even if it were accepted that the building is a Gruzman design, which is disputed, Council also concedes in its Combined Inventory Sheets that the building has been altered through the course of several development applications (over 40 are mentioned in our client's report prepared by Zoltan Kovacs Architect). One of these changes included the removal of a loading dock and replacement of that building feature with a café in 2004. Other changes by Gergely included:
 - (a) The Acrylic diffusers running horizontally on the external elevations at the height of the slab edges were deleted and not installed.
 - (b) The prominent Level 3 (roof cantilevered overhang) canopy was removed.
 - (c) The external terrazzo area (non-trafficable) to Level 3 was altered from terrazzo to plain concrete.
 - (d) Significantly reduced basement area and layout completely modified.
 - (e) The service areas were significantly altered.
 - (f) Proposed coffered ceilings were not built.
 - (g) Planter boxes on Level 1 and 2 were not installed.
 - (h) 1/2 inch amour plate doors on the ground floor were not installed.
 - (i) External concrete awnings on Level 2 and 3 on the western and northern elevations were altered to accessible balconies with aluminium handrails and concrete pavers. These balconies were more recent additions approved by Council in 2006.
22. The large number of changes, as well as there being some changes of significance like the café and building entrance, speak to the building's evolution into something that could no longer properly be described as a Gruzman design.
23. In El Hage, the Court found that even if in that case the garden had been designed by a significant landscape architect, it had been so altered since that it was no longer her work. The same could be said here. Stephen Gergely 'modified' the design and supervised construction, with the building having been the subject of 40 plus development applications since.
24. Mr Gruzman himself did not include the building in his list of works, which testifies to Mr Gruzman himself not believing that the building was to be included in the same context as the other buildings he had designed. This is confirmed by a review of the Phillip Goad monograph on Mr Gruzman that confirms that the building does not appear on his list of works (**Attachment 4**).
25. The building has also not been recognised by the Australian Institute of Architects in their comprehensive register of significant architecture in NSW.

Reference to Mr Gergely

26. Council's Combined Inventory Sheets contains two throwaway lines that "the place is also of significance for its associations with architect Stephen Gergely or Gergely & Pinter Architects". This appears to involve a case of Council 'hedging its bets'. In any case, there is no detail provided about Mr Gergely's architectural designs that warrant heritage listing. The Australian Institute of Architects register does not contain any Gergely buildings, whereas there are a number of Gruzman buildings on that register but not the building at 45A Bay Street Double Bay. There is inadequate analysis provided by Council and LSJ as to why this justifies its listing.

Errors and misrepresentations in the Heritage Study and Combined Inventory Sheets

27. There are also the following issues in the Council's documentation:
- (a) The reference in the Combined Inventory Sheets to a "*paved plaza is located fronting Knox and Bay st*", is inaccurate. The area is a Council footpath reserve of no particular significance or character. The paved plaza is nothing more than a band of thin terrazzo tiling around the Bay Street façade and a wider band of terrazzo that meets the Council paving on the Knox Street frontage.
 - (b) The reference in the first paragraph on page 5 of the Combined Inventory Sheets to the upper two floors of the building are disputable as the final design of the building differs greatly to Gaden House (as stated in the Combined Inventory Sheets) and from what was originally approved by the Council under the original Development Application.
 - (c) Numerous references in Council's documentation regarding horizontal louvres is false. As mentioned above, there are no horizontal louvres on the building.
 - (d) Page 5 of the Combined Inventory Sheets correctly states that George Coleman Constructions Pty Ltd built the building, whereas previously on page 1 the builder/maker was said to be "unknown".
 - (e) Significance was given to the "coloured concrete" on the outside of the building, however the current colour scheme was painted in the early 2000's and has no relation or association at all to Mr Gruzman and the evaluation of the heritage significance of the building.
28. Based on these submissions and the accompanying documents, the building at 45A Bay Street, Double Bay should not proceed to being listed as heritage.

Yours faithfully



Todd Neal

Partner

Email [REDACTED]

Direct Line [REDACTED]

Contact: Rebecca Pellizzon

Solicitor

Email: [REDACTED]

Direct Line: [REDACTED]

Our Ref: TAN.2303220

6 April 2023

**COLIN
BIGGERS
& PAISLEY**
LAWYERS

Councillors
Woollahra Municipal Council
536 New South Head Road
DOUBLE BAY NSW 2028

Dear Councillors

45A Bay St Double Bay - Double Bay Centre Heritage Listing

1. We act for In Shoppe Pty Ltd, the registered proprietors of 45A Bay St, Double Bay

Purpose of this letter

2. The purpose of this letter is to request a rescission motion to Council's 27 March 2023 resolution that included our client's site in a planning proposal that might lead to a local heritage listing.

Background

3. On 27 March 2023, Council resolved:

"B THAT Council endorse the planning proposal as contained at Attachment 2 of the report to the Environmental Planning Committee to list the following four sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 and resolve to forward tis [sic] to the Department of Planning and Environment with a request for Gateway Determination to allow public exhibition:

- I. (former) InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
- II. Cooper's Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
- III. Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
- IV. Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922)" (Our emphasis)*

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4. An article published in the Sydney Morning Herald quoted Councillor Luise Elsing on 29 March 2023. The article states:

*"We are in this municipality **suffering from overdevelopment and our last line of defence is heritage protection.** Double Bay is particularly vulnerable," she told a council meeting Monday night.*

*"We're down to the time where this **is our very important control to try and maintain the village atmosphere** and everything that we're trying to do.*

*"I really hope that everyone is understanding of ... **the significance of heritage as being a form of protection from overdevelopment, and possibly the last one we have available to us.**" (Our emphasis)*

5. The article goes on to quote Councillor Matthew Robertson:

*"We do this to protect the character of our area and our area is one that is blessed with many heritage buildings, and **where we also know that development pressure is very, very high.**" (Our emphasis)*

6. As a result of the comments, the author of the article states:

"A Woollahra councillor has admitted heritage is used as a tactic to block development, as the council pursued a wave of new heritage listings - including a Greek Orthodox church against the wishes of its congregation."

Response

7. Our client is very concerned by these comments from Councillors Elsing and Robertson as Council's decision on 27 March 2023 is clearly tainted by an improper purpose. The comments not only dilute the integrity of heritage listings where some heritage value might exist, but also more specifically call into question the legitimacy of our client's building being listed as a local heritage item.
8. The comments from these two Councillors which we have verified by listening to the recording of the meeting raises legal issues about misfeasance in public office, as well as breaches of Council's code of conduct.
9. In this regard, Council's code of conduct states at clause 3.1 and 3.2

3.1 You must not conduct yourself in a manner that:

- a) **is likely to bring the council or other council officials into disrepute***
- b) **is contrary to statutory requirements or the council's administrative requirements or policies***
- c) **is improper** or unethical*
- d) **is an abuse of power***
- e) **causes, comprises or involves intimidation or verbal abuse***
- f) **involves the misuse of your position to obtain a private benefit***
- g) **constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.***

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439). (Our emphasis)

10. Clauses 3.14 and 3.15 state:

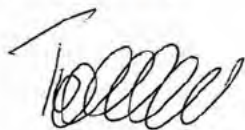
3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment. (Our emphasis)

11. These legitimate concerns are made more acute since, on our instructions, the Environmental Planning Committee (**EPC**) on 6 March 2023, prior to the Council meeting, was dismissive of the evidence and reports our client had prepared to support the building not being listed. Although it is beyond the scope of this letter to focus on the shortcomings of that process, we are instructed that the Committee cut off one of our client's experts from speaking without warning.
12. It is however important that the Councillors read and appreciate the matters contained in our client's three (3) reports prepared by pre-eminent and well respected heritage architects.
13. It is also important that the Councillors read the facts reported in our client's response to the proposed listing.
14. The conclusions in our client's documentation (supported by three different experts) that the building does not warrant a heritage listing is with respect unassailable.
15. Whilst our client welcomes heritage listings where a property meets the criteria, our client does not support the listing of properties based on windshield assessments and reports prepared by consultants predicated on historical inaccuracies.
16. The documentation prepared by our client and **attached** demonstrates the building does not meet the criteria for its listing. Specifically:
- (a) The architectural history which this heritage listing relies upon is inaccurate. This is evidenced in the heritage assessment prepared by Zoltan Kovacs Architect in January 2023 and the heritage peer reviews prepared by Stephen Davies of Urbis on 16 February 2023 and Patricia Sims of Weir Phillips dated 3 March 2023.
 - (b) If Council thought this building had historical importance as an In Shoppe retail location, due regard must be had to Zoltan Architect's report that states "*While it is a fact that 'In Shoppe' owns the site, their association with 45A as part of their retail empire is weak: their flagship store was elsewhere and they operated a shop on site only briefly.*"
 - (c) Whilst initial plans were prepared by Neville Gruzman, the project architect was Gergely & Pinter. We are instructed that the facts are:
 - (i) In 1971 the owners of In Shoppe had engaged architect Neville Gruzman who prepared and lodged the initial development application.

- (ii) However, in 1973 the owners of In Shoppe commissioned Gergely & Pinter Pty Ltd to substantially revise the plans and simplify the design to meet needs of efficacy and practicality. The building application was re-lodged in 1975 and approved by Council. Many Gruzman design elements were removed, and have been subsequently altered via numerous applications and approvals as the building has evolved with different uses by different tenants.
 - (iii) During this time, Neville Gruzman voluntarily renounced his contractual obligation under the project. This is affirmed in a letter dated 13 August 1973 signed by Neville Gruzman which has been submitted to Council as part of our clients current submission. From this time onwards Neville Gruzman had absolutely no involvement in the redesign and subsequent construction of the building. This can be verified still today by Mr Stephen Gergel. Accordingly, this building cannot be considered to be an architectural expression of Neville Gruzman.
 - (d) The lack of comparability between other similar supposed heritage works. Gaden House, another architectural work of Neville Gruzman, has greater historical and aesthetic value when compared to the subject site.
 - (e) The inability to fulfil heritage listing criteria due to the weak historical association of the site with Neville Gruzman.
 - (f) Weir Phillips Heritage and Planning and Stephen Davies of Urbis concur with the report prepared by Zoltan Kovacs Architect.
17. Regrettably, during the Council meeting, Councillor Regan suggests Council ought not even consider the reports our client commissioned, and ought only consider the views of Council's supposed independent expert. This also suggests our client has been denied procedural fairness in the consideration of this matter affecting its property interests.
18. For the above reasons, and in light of the rigorous assessment provided by our client, we are instructed to request that a rescission motion be lodged so that our client's site is deleted from the resolution.
19. If our client's site is included in the Planning Proposal, it will be resisted through the Part 3 process, but it would be preferable to avoid considerable public moneys being spent considering a proposed listing underpinned by an ulterior improper purpose and an inaccurate and superficial heritage assessment.
20. Our client reserves all its rights if a rescindment Motion is not sought at the next Council meeting and our client's site remains part of the Planning Proposal.

Yours faithfully



Todd Neal

Partner

Email: [REDACTED]

Direct Line: [REDACTED]



Council Ref: SC 7224
Your Ref: 23/65082

13 April 2023

Att: Todd Neal
Colin Biggers & Paisley Pty Ltd
Level [REDACTED] Park Street
SYDNEY NSW 2000

Dear Mr. Neal,

**45A Bay Street, Double Bay -
Double Bay Centre Heritage Listing**

The Mayor has forwarded your correspondence of 6 April 2023 to the General Manager regarding the proposed heritage listing of the *(former) InShoppe building* at 45A Bay Street, Double Bay (Lot 1 DP 208325), and your request for a rescission motion.

The matters you have raised will be reviewed by Council staff and we will respond accordingly in future correspondence.

A handwritten signature in black ink, appearing to be 'Todd Neal', on a white rectangular background.

1. My name is David Scheinberg and I was the founder and Managing Director of In Shoppe Pty Ltd.
2. In Shoppe Pty Ltd is the registered proprietor of 45A Bay Street, Double Bay.
3. I understand that Woollahra Municipal Council has cited both the building's history as a former In Shoppe location, as well as the building being designed by Mr Neville Gruzman, as reasons to support its heritage listing.
4. The purpose of this statutory declaration is to testify to the building having no distinctive relationship with In Shoppe, and to explain why the design of the building reflects the design and intellectual property of another architect, as opposed to Mr Gruzman.
5. The site at 45A Bay Street was acquired as a small block of units by In Shoppe Pty Ltd in 1969.
6. Prior to the purchase, in principle support was given verbally for redevelopment by the planner at Woollahra council for a four story building, however after I purchased the property, redevelopment was refused by Council and part of the land was resumed by council to widen Knox Street.
7. Reference is made in the Zoltan Kovac Heritage Report dated January 2023, that I approached Mr Gruzman which I wish to clarify. After a considerable period of time trying to gain an approval between 1969 and 1971 my father, Mr Albert Scheinberg, approached Mr Neville Gruzman explaining the obstacles I was experiencing. Mr Gruzman then approached me saying he could get a development approved if he got the architectural job. I then gave him the commission to design a commercial building on the site, which from memory was in 1971.
8. Upon receiving the development approval from Woollahra Council, I obtained quotes to construct the new building. The cost made the development completely unviable. I asked Mr Gruzman to dramatically simplify the design both structurally and in its architectural detail so that it would be feasible to build.
9. He was unwilling to do so and agreement was then reached with him to hand over all his Intellectual Property to me and he resigned his commission. Mr Gruzman provided a signed letter confirming this dated 13 August 1973 and this letter I understand has been recently provided to Woollahra Council in the Zoltan Kovaks Heritage Report referred to above.
10. In or around July 1973, the redesign brief was then given to Mr Stephen Gergely who re-designed the building to what is there today (noting there have been some further modifications). The proposed staircase with cantilevered treads, coffered ceilings and numerous other details from the Gruzman design were deleted so that the building could be built as a standard modern commercial project, to fit the budget at the time. Modifications to the building were undertaken which included internal and external changes. The description of the main changes has been outlined in Heritage reports previously submitted to Woollahra Council as part of In Shoppe's submissions opposing the proposed heritage listing.
11. Following receipt of the letter of resignation from Mr Gruzman, no further contact occurred between him or his office and either myself or Mr Gergely and more recent changes to the building including to balconies were designed entirely by Mr Gergely.
12. The tenant mix on the ground floor originally comprised of five tenancies. There were three small shops on Bay Street and two on Knox Street. The shops on Knox Street were occupied as a shared premises with no party wall by Stephen Adler Shoes and first In shoppe and then later Fionelli clothing (a lesser known brand of In Shoppe). In Shoppe traded in the shared premises for 2-3 years. One shop on Bay St was a lingerie shop and the other shop was an Italian imports clothing business from Melbourne. The brand was not well known. There has been a myriad of tenants on both the ground and upper floors over the years as occurs in any commercial building. Tenants have completely refitted their tenancies since the building was constructed.

13. In shoppe had a small shop opposite the movie theatre on New South Head Road which was open for maybe three or four years. It closed when Fionelli opened. In Shoppe has never had any other shops in Double Bay.
14. The main activity of my group was manufacturing for other retailers under their labels, Woolworths, Coles, Target and Best and Less. The only In shoppe of any note or importance was a small shop in the Imperial Arcade in the Sydney CBD and on the corner of George and Hunter Street, also in the Sydney CBD.
15. At its height, the group had about 32 shops almost all with different names. Double Bay was a very ordinary shopping area in the 60s and 70s and the Fionelli store never traded well until it closed in about 1975.
16. My clothing and fashion business started shutting by 1978 and totally closed all divisions by 1981. The brand is not known today and the building itself was never associated with the In Shoppe brand or ever known as the "In Shoppe" building.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: SYDNEY on 14 September 2023
[place] [date]

Michael Robert Slade
[signature of declarant]

MICHAEL ROBERT SLADE
Justice of the Peace
(Reg. No. 125408)

in the presence of an authorised witness, who states:

I, MICHAEL SLADE, a Justice of the Peace
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [** please cross out any text that does not apply*]

1. ~~*I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and~~
2. ~~*I have known the person for at least 12 months OR *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was~~ N/A
[describe identification document relied on]

Michael Robert Slade
[signature of authorised witness]

14 September 2023
[date]

MICHAEL ROBERT SLADE
Justice of the Peace
(Reg. No. 125408)

Heritage Assessment

EXISTING BUILDING | 45A BAY STREET | DOUBLE BAY



January 2023

Prepared by Zoltan Kovacs Architect

██████████ NSW 2040 Gadigal Country
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1 Introduction

1.1 BACKGROUND

The owners of the property located at 45A Bay Street, Double Bay have engaged the author to provide an independent assessment of the heritage significance of the property. The site is not in the vicinity of any heritage items and it is not located in a heritage conservation area and it is not subject to a development proposal, however the place was recently identified by Woollahra Council as a potential heritage item.

This report sets out to review the history of the place, examine its fabric and assess its cultural significance.

1.2 METHODOLOGY

The methodology and terminology used in the preparation of this report has been drawn from the Australian ICOMOS *Burra Charter*, the *NSW Heritage Manual 2001 Update*, and J. S Kerr's *Conservation Plan* (rev. edn National Trust of Australia [NSW], Sydney, 1996). References to architectural styles are based on the identifications used by Apperly, R.; Irving, R. and Reynolds, P A *Pictorial Guide to Identifying Australian Architecture* (Sydney, 1989)

This Heritage Impact Assessment has been prepared in accordance with the requirements of the *Woollahra Local Environmental Plan 2014*, the Australian ICOMOS *Burra Charter* and the NSW Heritage Guide.

1.3 AUTHORSHIP

This report has been prepared by Zoltan Kovacs, Architect & Heritage Consultant with all the photographs, unless otherwise identified, taken by the author. The author is a conservation architect with over thirty years experience in heritage conservation.

1.4 SOURCES

The documentary sources used in the formulation of a historical background and assessment of significance were based on previous research at the Woollahra Local History Library.

1.5 SITE IDENTIFICATION

The subject development site consists of an irregular allotment located on the northern side of Bay Street on the Knox Street corner. The property is identified as:

45A Bay Street, Double Bay - Lot 1 in Deposit Plan 208325.

2 Historical Outline

2.1 BACKGROUND HISTORY

2.1.1 The Cadigal people

The land from Petersham to South Head which included Double Bay was traditionally the land of the Cadigal people. The local Aboriginal population, unable to withstand the effects of the development of the district brought about by European settlement, disappeared from the area by the mid 19th century. There is no evidence of indigenous occupation of the site.¹

2.1.2 The development of Double Bay

Double Bay was named after two interconnected inlets between the peninsulas of Darling Point and Point Piper. The inlets were named after the masters of Sirius and Supply and were first called Keltie Bay and Blackbourn Cove.



Figure 1 | Undated, c 1835, sketch of the government village of Double Bay (edged red) and portions (edged yellow) claimed by Cooper at the time. The allotments in the government village were available for purchase with freehold title. Otherwise, the east side of Bay Street was within Cooper's grant, which was sold in leasehold from the mid 1850's. Circled is the area of the lease made to J. J. Edwards in 1858.

(Source: NSW State Archives and Records - Surveyor General Fieldbook Vol. 5 fol. 18)

The low lying, swampy land was unsuitable for building and the area was only used by fishermen for temporary shelter. In 1816 Governor Macquarie promised 190 acres to Captain John Piper in lieu of land at Castle Hill with a further 500 acre grant which included Double Bay.² The grants were acquired by the ex-convicts Daniel Cooper and Solomon Levey. The grant also included 20 acres reserved for a future Botanical Gardens, however after the Surveyor General Thomas Mitchell completed his survey for the road to South Head, he suggested that the land would be 'a very favourable situation for a village'.² The death of Levey in 1833 led to David Cooper accumulating all of Piper's land in Double Bay by 1847.



Figure 2 | View of Double Bay, pencil sketch c. 1853. Note the few huts and sparseness of the population (Source: Broomham)

In 1834 Surveyor Larmer surveyed the village of Double Bay. Daniel Cooper disputed the sale of some of these allotments claiming title to certain lots offered to him and Levey in exchange for the road to the lookout known as 'Belle Vue' (Bellevue Park).³ The lots in question took in lots on the southern side of South Street, as well as those along Marine Parade. The dispute was eventually settled in 1852 when the deed of grant to land at Double Bay was issued to Daniel Cooper. In 1885 the triangular block bound by Cooper Street, South and Ocean Avenues was subdivided and offered for sale and the true growth of Double Bay began.⁴

As with much of the most of the Double Bay area, the original land owner for the subject site was Sir David Cooper, but this time with Thomas Buckland. These owners entered into a 99 year lease of the property to R. S. Clarke in 1857, on the condition that within eight years, "substantial buildings of brick or stone" would be constructed on the site. As Double Bay developed, the area was subdivided and more densely occupied. Stafford Street, for example, known originally as Stafford Lane (between 1892 and 1896), then as Hill Street (between 1897 and 1900), appeared in the first subdivisions in the 1880's.⁵



Figure 3 | A photograph of Double Bay taken by assayer William Stanley Jevons sometime between 1854 and 1858. The two houses on the beachfront were identified on the photograph as belonging to F. B. Miller (on the left as viewing), and Mr Daniel Cooper (on the right). (Source: Manchester University Library)

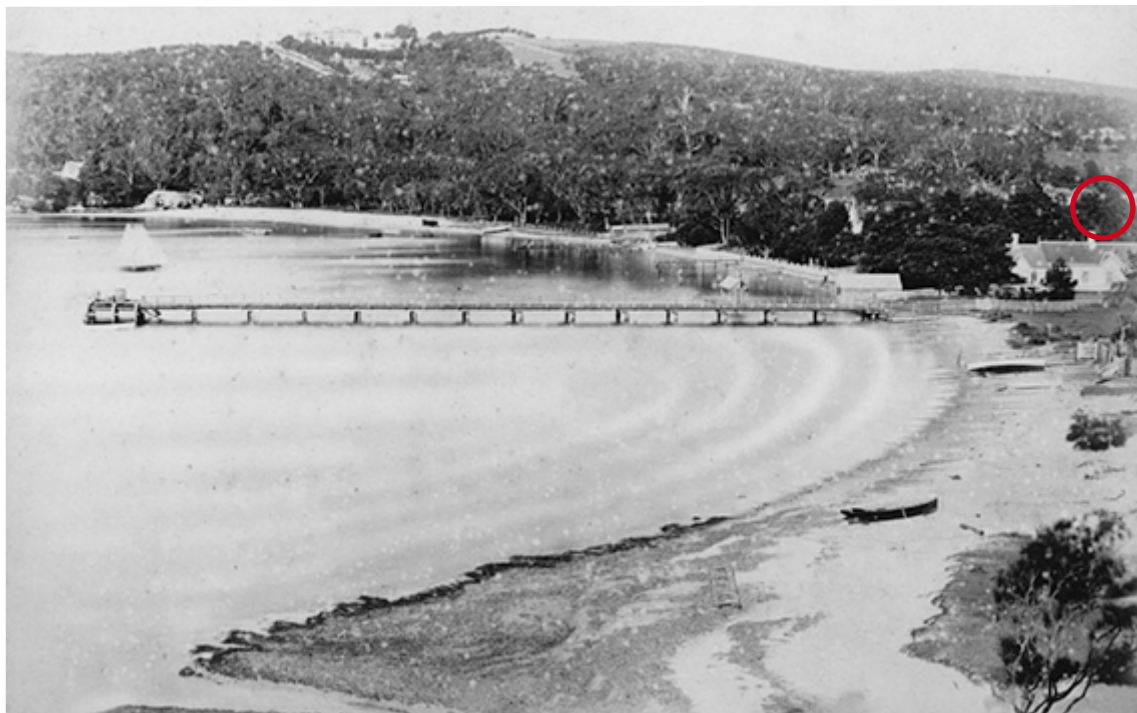


Figure 4 | The village of Double Bay, c. 1879, photograph taken by Nicholas Claire. (Source: WLHC). The future site is marked with a red circle.

The main industry and employment within Double Bay during the nineteenth and early twentieth century, was through market gardens and exotic nurseries, with a considerable number of Chinese gardeners operating in the low lying areas by the late 1880's.⁶ Fishing and boat building were also key occupations in the area of Double Bay, though Double Bay was never established as a fishing village.⁷



Figure 5 | Detail from the plan of Point Piper Estate dated 1855, but with later amendments, showing the leaseholds within Cooper's Point Piper Estate. The lease made to J. P. Edwards in 1862 is marked with an arrow in this report.

(Source: State Library of NSW ZM4 811.1812/1855/1)

2.1.3 J. P. Edward's property⁸

In 1862 Sir Daniel Cooper and his local agent, Thomas Buckland, sold 3 acres of the Point Piper Estate land at Double Bay to James Pindulles Edwards, gentleman. The sale was in leasehold with the usual term of 99 years and with an annual payment of 60 pounds over the duration of the lease. Edward's leasehold comprised land south of Cross Street and it extended to Short Street.⁹ The land proved unsuitable for development: it was bisected by a creek and most of it was swampy ground and it was remortgaged frequently to meet the requirement to pay the Cooper family the annual ground rent over the balance of the lease term of 99 years. In 1899 the leasehold was transferred to Catherine Wiseman McPherson and subdivisions took place. In 1929 her executors sold the leasehold and it was converted to freehold title soon after by payment of £1800 to the Cooper family.¹⁰

¹ City of Sydney Council website, 2006, www.cityofsydney.nsw.gov.au/barani.

² Broomham, Rosemary, *The Coopers of Woollahra: land dealings on the Point Piper Estate 1820-1920*, p. 6

³ Broomham, R, *op. cit.*, p. 11-12

⁴ Broomham, R,; *ibid.*, p. 7-8

⁵ Woollahra Library Local History, 'A brief history of Woollahra'

⁶ Broomham, R,; *ibid.*, p. 9

⁷ Woollahra Library Local History, 'A brief history of Woollahra'

⁸ This section is largely based on work by Nick Jackson

⁹ Old System Lease Book 56 No. 370

¹⁰ Old System Assignment of Lease Book 65 No. 35



Figure 6 | Sheet 24 in the Woollahra folder of the Metropolitan Detail Series, c. 1889. The area around the site was swampy that hampered development.

(Source: State Library of NSW FL4377787)

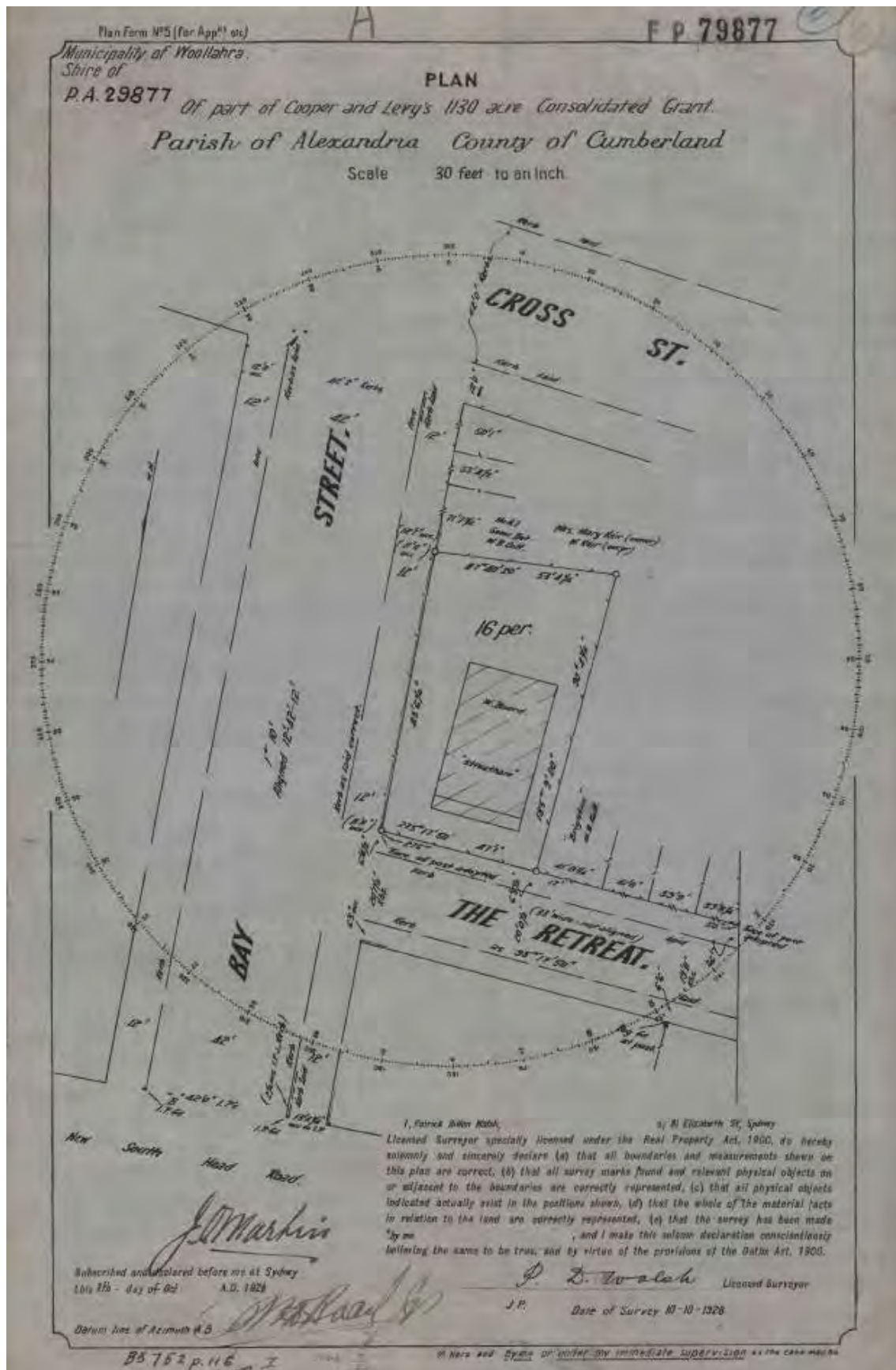


Figure 7 | Survey plan by Patrick Dillon Walsh in 1928, showing the site with the weatherboard cottage prior to the construction of the flat building. (Source: NSW Land Registry Services)

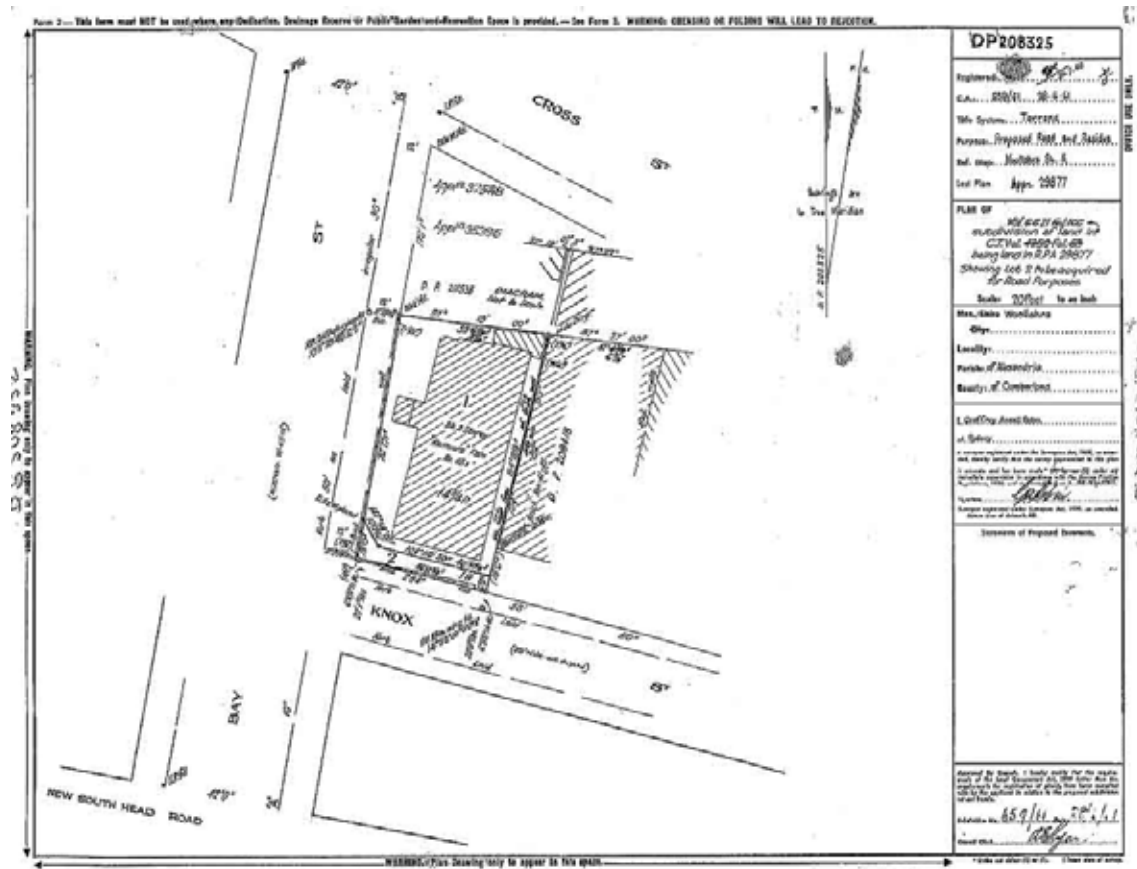


Figure 8 | Survey plan by G. A. Robin in 1966, showing the site with the flat building.
(Source: NSW Land Registry Services)



Figure 9 | A 1943 aerial view of the site, outlined in red, showing the 'Remuera Flats'.
(Source: NSW SixMaps)



Figure 10 | View of 'The Retreat' in the 1950's, looking towards Guilfoyle Avenue. The three storey 'Remuera Flats' dominates the small weatherboard cottages. 'The Retreat' was a dead-end lane, later absorbed into Knox Street. (Source: WLHC pf008045)

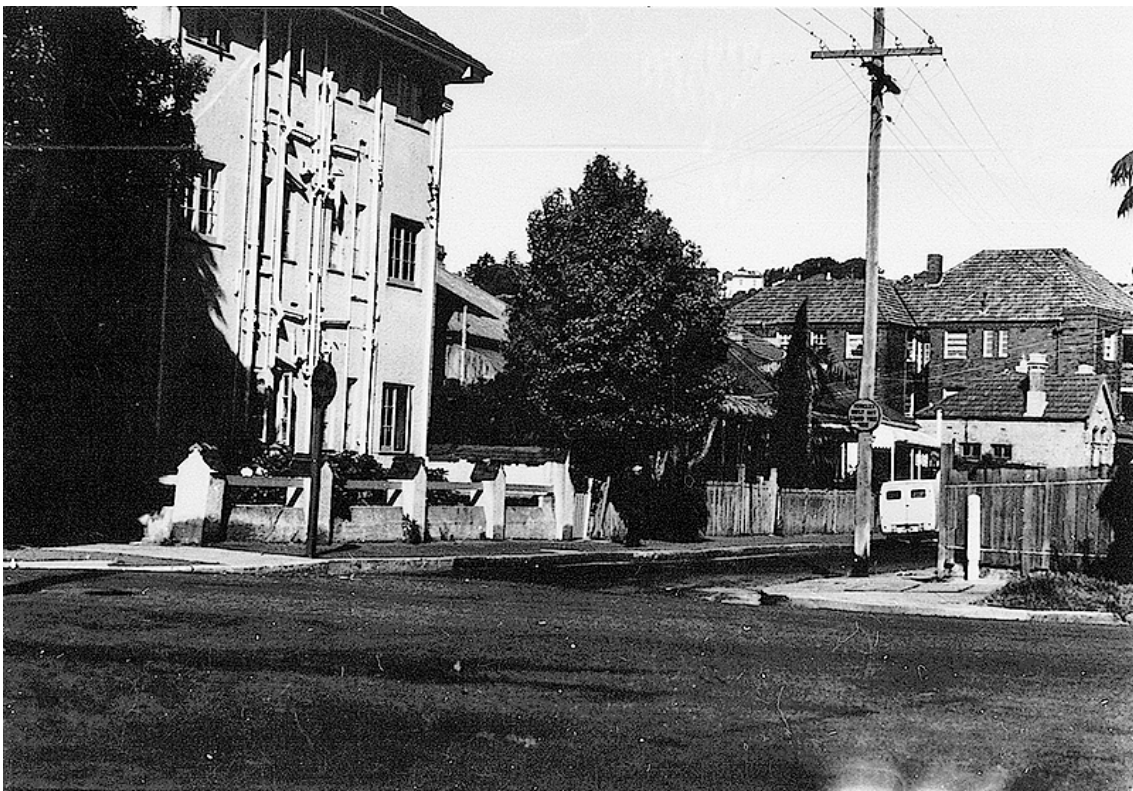


Figure 11 | Another view of 'The Retreat' around 1950. The 'Remuera Flats' are on the left. There is little hint of the future commercial development of the area. (Source: WLHC pf008039)

2.2 OUTLINE HISTORY OF THE PLACE

The development site has seen a series of changes over time with buildings built and then demolished. The current building on the site was preceded by two other buildings: a cottage called *'Claremont'* (later *'Streatham'*) between 1904 and 1928, and a residential flat building, called *'Remuera Flats'* between 1929 and 1973.

2.2.1 Ownership & occupants

- 1830** First land grant in the area was granted to Solomon Levy and Daniel Cooper in the form of 1130 acres - 22nd of March 1830.
- 1843** Release of Levy's holdings to Daniel Cooper.
- 1857** After Cooper's death his trustees leased part of his holdings to R. S. Clarke, who sub-leased much of it as market gardens. The subject land was outside the Clarke subdivision.
- 1862** Lease agreement for 99 years with James Pindulles Edwards, gentleman, for land including the as yet unidentified future site.
- 1876** Lease reconveyance to Edward Augustus McPherson.
- 1899** Lease reconveyance to Catherine Wiseman McPherson. The lease remains in her name until termination.
- pre-1904** A number of sub-leases are created and some weatherboard cottages are built. The subject cottage is first known as *'Claremont'* and later as *'Streatham'*, when occupied by Leonard Gapp.
- 1929** The lease is converted to freehold and purchased by James Oswald Martin, a Strathfield builder, who erects a flat building with 9 units on the land called *'Remuera Flats'*, designed by Edwin Orchards (BA 467/28) and built by Murray Brothers.
- 1937** Transfer to William Arthur Parker, Master in equity, and Gertrude Lilian Parker as joint tenants.
- 1953** Transfer to Gertrude Lilian Parker, as sole owner.
- 1966** Boundary adjustment in favour of Woollahra Council for the widening of Knox Street (formerly named *'The Retreat'*).
- 1969** The land is purchased by 'In Shoppe' Pty Ltd. The company is still the current owner.
- 1971** An application is lodged for a new four storey commercial building with a basement, designed by Neville Gruzman. (BA 1546/1971)
- 1973** The flat building is demolished. (BA 342/1973). The approved Gruzman design is revised by Gergely & Pinter Architects, who prepare contract documentation.
- 1975** The building is constructed by George Coleman Constructions Pty Ltd.

The following table is a sample of occupants taken at approximately 5 yearly intervals from the Sands Sydney Directories. (Sands can reflect details that occurred the previous year).

Year	Name	Occupation	House No./Name
<i>no attributable listing prior 1904</i>			
1904	Muir, Captain Sydney W.		-/Claremont
1905	Anderson, Henry		-/Claremont
1908	Morgan, Frank		-/Claremont
1910	Hills, Albert		-/Claremont
1915	Hills, Albert		47*/Claremont
1920	Swann, Richard		47*
1925	Gapp, Leonard		45
1927	Gapp, Leonard		45
1928	not listed		
1930	<i>Remuera Flats</i>		45
	2 Wilson, W. T.		
	4 Bird, -		
	5 Taylor, Mrs F.		
	6 Roy, Mrs. B.		
	8 Smith, -		
	9 Forster, H. C. R.	med. practnr.	
1932-33	<i>Remuera Flats</i>		45
	1 Cotter, R. F.		
	3 Hart, E.		
	4 Baxter, Fred. T.		
	7 Ward, A.		
	8 Bird, -		
	9 Taylor, Mrs F.		

* Bay Street was numbered differently until 1921.

The sample indicates that a cottage called 'Claremont' was erected on the site in 1904 and demolished in 1928. The 'Remuera Flats' was constructed between 1928-29 and demolished around 1975 prior to the construction of the current building.

2.2.2 Building Work

The Woollahra Council Building Registers and Index Cards to Building and Development Applications from c. 1949 to 1988 and Council's on-line index holds over fifty applications related to the site; due to their large number they are not listed here. Further information and access to original plans is available at the Customer Service Section of Woollahra Council.

The council archives hold over forty building and development applications in relation to this property. The present building was the subject of BA 1546/1971, approved on 29 June 1972.



Figure 12 | View of Knox Street, c. 1975. The commercial transformation is well under way and the existing building has already been erected. (Source: WLHC pf pf006360)



Figure 13 | Aerial view of Double Bay, c. 1975. The existing building is encircled in this report. (Source: WLHC)



Figure 13 | View of Knox Street in 1991. The building featured a blue colour scheme at the time.
(Source: WLHC pf005536)

2.3 OUTLINE HISTORY OF THE BUILDING

The flat building was purchased by owners of a fashion retail chain in 1969 and they envisioned a new commercial building on the site. First they engaged Gergely and Pinter, Architects for the development, but their application (DA 108/69) was not supported by Woollahra Council due to concerns over setbacks, plot ratio and inadequate parking provisions.¹ Before the application was determined the owners engaged Neville Gruzman, who designed the development then taking place nearby at 2A Cooper Street, known as 'Gaden House' named after the law firm - Gaden, Bowen & Stewart - who financed the project.

2.3.1 The property owner - In Shoppe Pty Ltd

The 1969 purchaser of the site was In Shoppe Pty Ltd, set up by a couple - Eva and David Scheinberg - who were both children of Hungarian immigrants. As a young couple they were receptive to the vibrant London fashion scene of the "Swinging Sixties" and opened a fashion shop in the Imperial Arcade in February 1966. The shop was wildly successful; according to Eva Scheinberg "at one point there were so many people in the shop we couldn't cope. My husband would stand at the door and let five people in as five went out."² The Scheinbergs collaborated with many talented people and the business grew to 32 shops, but due to the fickle nature of fashion, the label is somewhat forgotten now.



Figure 14 | Eva & David Scheinberg
(Source: Sydney Jewish Museum)

¹ Council letter to Gergely & Pinter on 10 February 1970

² 'Dressing Sydney: The Jewish Fashion Story' Exhibition at the Sydney Jewish Museum, 2014

2.3.2 The architect - Neville Gruzman¹

Neville Gruzman was born in Sydney in 1925. The youngest of three sons of Russian immigrants, Samuel Gruzman and Rosalind Gunzburg, he was to study medicine, but instead he enrolled in Architecture at the University of Sydney. After some initial struggle and diversions, like ball room dancing, in his fourth year he was fundamentally and lastingly inspired by two of his lecturers: George Molnar and Lloyd Rees. Molnar introduced Gruzman to European Modernists and the International Style and his design skills blossomed.



Figure 15 | *Neville Gruzman in the late 1990's. He was Mayor of woollahra at the time.*

(Source: Sydney Morning Herald)

Gruzman was fortunate to have had an early start to his career (he built his first house - the *Lapin House* - while still at university). He opened his first office in Hunter Street in 1954. Never lacking self-confidence, even his early work - the *Montrose Apartments* in Neutral Bay and the *Purnell Motors* in Arncliffe - were forward looking, bold and highly accomplished. A distinguished and original architectural career followed. He was also an influential and devoted lecturer at the University of NSW and he was active in public life as an architecture critic, but his political involvement - he was a councillor, and later Mayor, at Woollahra Council - was controversial.

In 1955 he travelled to Japan and while Japanese culture and architecture affected him deeply, his work remained free of those direct derivative elements, that can be found in projects by Bill Lucas, Peter Mueller or Russell Jack. Deeply influenced by International Modernism, nevertheless Gruzman has always followed his own path and although he was sympathetic to the architecture of the Sydney School, he never became one of its proponents.

¹ Largely drawn from P. Goad: *Gruzman, an architect and his city*

The best brief summary of Neville Gruzman's architecture was provided by Joan Kerr, the noted architectural historian. She said that '*Gruzman might be called an international nationalist offering a personal solution to the ever-present Australian problem of expressing national identity within an inescapable international architectural language. Because he neither asserts the primacy of internationalism as, for instance Seidler and Andrews do, nor retreats into extreme Romantic individualism as the Sydney School did, his work has sometimes been considered as a compromise between two stronger positions. It would be more correct, I feel to understand it as a valid, original solution to an unnatural dichotomy.*'¹

The following images represent a small selection of Gruzman's work, in chronological order. For further reference, the book by Professor Philip Goad should be consulted.



Figure 16 | *Montrose Apartments in Neutral Bay. Designed in 1955, it was the first residential flat building in Australia to use a curtain walled exterior and a double storey layout for each unit. The building is now heritage listed.*

(Source: North Sydney Council, photograph by Ian Hoskins)



Figure 17 | *Purnell Motors showroom in Arncliffe, 1958. The building is now altered beyond recognition.* (Source: <https://germanpostwarmodern.tumblr.com>)



Figure 18 | *Neville Gruzman's own house in 8 Oswald Street (Lane) Darling Point. Built in 1958, it was extended twice by Gruzman. Jørn Utzon remarked that it has the most beautiful living room in Australia. It is still not listed.* (Source: Zoltan Kovacs)



Figure 19 | Interior of 5 Balmoral Place, Carlingford, built in 1962. It shows a strong Wrightian influence. (Source: <http://sydneysothebysrealty.com/6302424/5-Balmoral-Place-Carlingford>)



Figure 20 | The Rosenberg House in North Turramurra, built in 1966. Now known as the Hill House. It is one of the most original houses ever built in Australia. (Source: K. McCartney : *Iconic, Modern Australian houses 1950-2000*)



Figure 21 | *The Gowing House in Castlecrag at 8 The Bulwark, designed in 1969. It exhibits a high level of integrity and it is listed as a heritage item by Willoughby Council.*

(Source: P. Goad; photograph by Max Dupain)



Figure 22 | *'Gaden House' in Double Bay, designed in 1969. It was recently listed as a heritage item following a public outcry over its proposed demolition.* (Source: Daily Telegraph)

2.3.3 The building application

With his characteristic self-confidence Gruzman stated that *'as a result from the Gaden house project, I was asked to design a four-storey building on the corner of Knox and Bay Streets, and the former Barbara McKewan interiors shop at 11 Bay Street, so I had put into Double Bay three sophisticated buildings ...'*¹

The history of the subject building shows that the above statement is only partially true.

As the development application with the Gergely & Pinter scheme has run into difficulties, David Scheinberg has approached Neville Gruzman to prepare a new building on the basis of his success with Gaden House. Furthermore, Gruzman had a vision for the Double Bay village as a kind of pedestrian mall with two levels: a shopping arcade below and offices above interconnected by a series of bridges over the street network and he saw the subject site as a *"key to the proposal"*.² The initial design proposed to pedestrianize the Bay and Knox Street intersection with retail above a *pilotis* supported concrete slab, but this ambitious scheme was abandoned.

The scheme lodged with Woollahra Council (BA 1546/1971) was more conventional and consisted of a four storey, slightly tiered building with a basement. The ground floor was intended for retail with a restaurant on the first floor and two levels of offices above. Council has requested some amendments³, namely to set the top floor of the building back 15 feet from the Bay Street alignment; to delete the stairs from Bay Street to the basement; to relocate the restaurant toilets and increase their capacity; and to amend the fire isolated stairway.

While council was assessing the application the proposal was costed and found to be in excess of what the owners could finance. The owner suggested amendments to simplify the building, but Neville Gruzman was reluctant to comply.⁴ He also ran into difficulties with constructing the basement as it was affected by the water table from its proximity to the bay. Eventually the owner was forced to seek another architect who was willing to embark on cost saving measures and he reengaged Gergely & Pinter, who had prepared the earlier scheme.⁵ Gruzman replied on 13 August 1973 and noted *"to confirm the assignment and transfer over to your Company of all plans, specifications and drawings prepared by us and our consultants relating to the above premises and all rights in relation thereto."*⁶

The project - now in a much simplified form - was revised, documented, supervised and completed by Gergely & Pinter. George Coleman Constructions Pty Ltd was engaged as builder in August 1973 and the building was completed by 1975.

Neville Gruzman has disowned the building and it does not appear in his comprehensive and personally approved list of works published in Philip Goad's book.

1 P. Goad, page 293

2 Gruzman, 'Double Bay Shopping Centre Redevelopment Scheme' 1971

3 Conditions of approval - Building & Health Committee - 1 May 1972

4 Based on discussions with the Scheinberg family.

5 Letter to Gruzman - 12 July 1973

6 Gruzman's letter to In Shoppe - dated 13 August 1973.

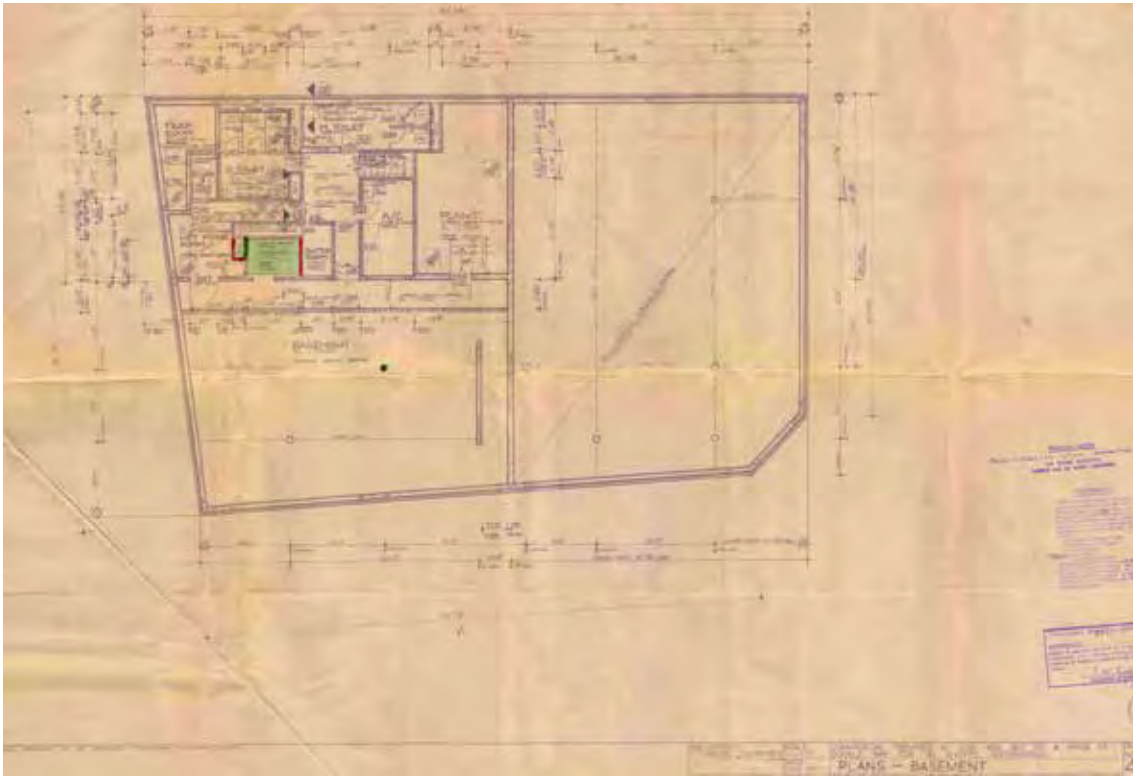


Figure 23 | Basement plan of the Gruzman design. The majority of the basement was deleted in the Gergely & Pinter revisions. (Source: BA file BA 1546/1971)

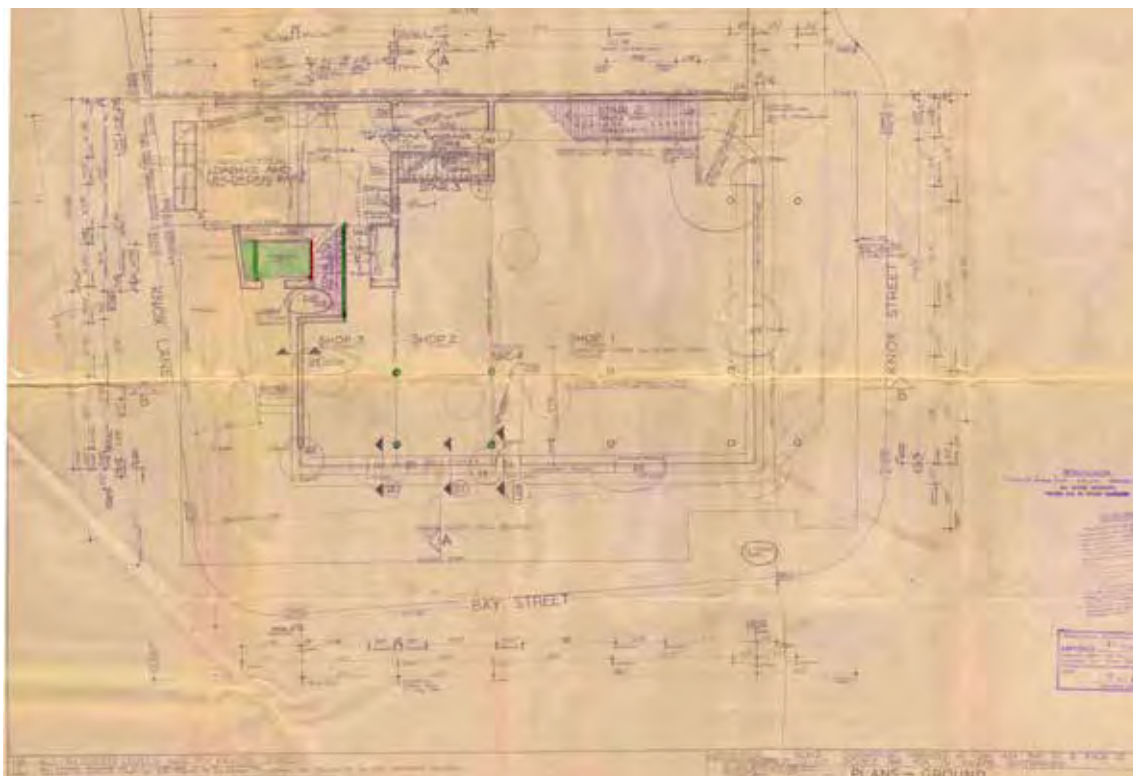


Figure 24 | Ground floor plan of the Gruzman design. The loading dock has since been replaced with a cafe. (Source: BA file BA 1546/1971)

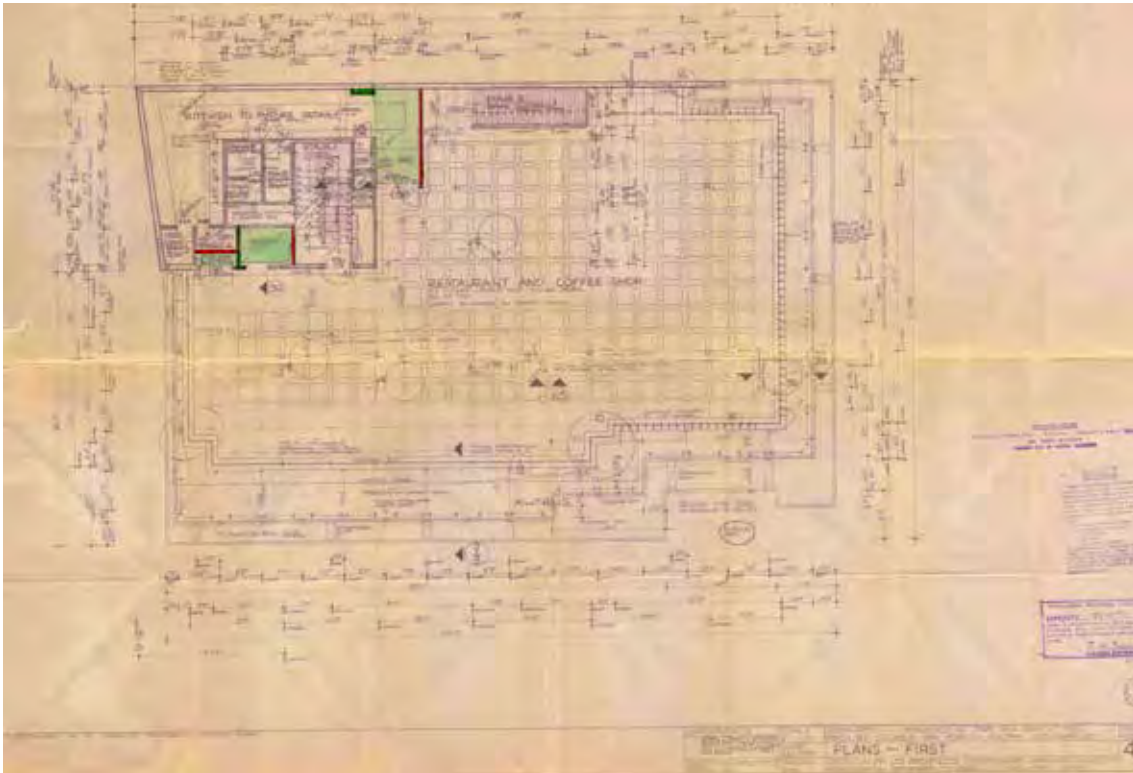


Figure 25 | First floor plan of the Gruzman design. The service areas have been extensively altered since and the coffered ceilings were never constructed. (Source: BA file BA 1546/1971)

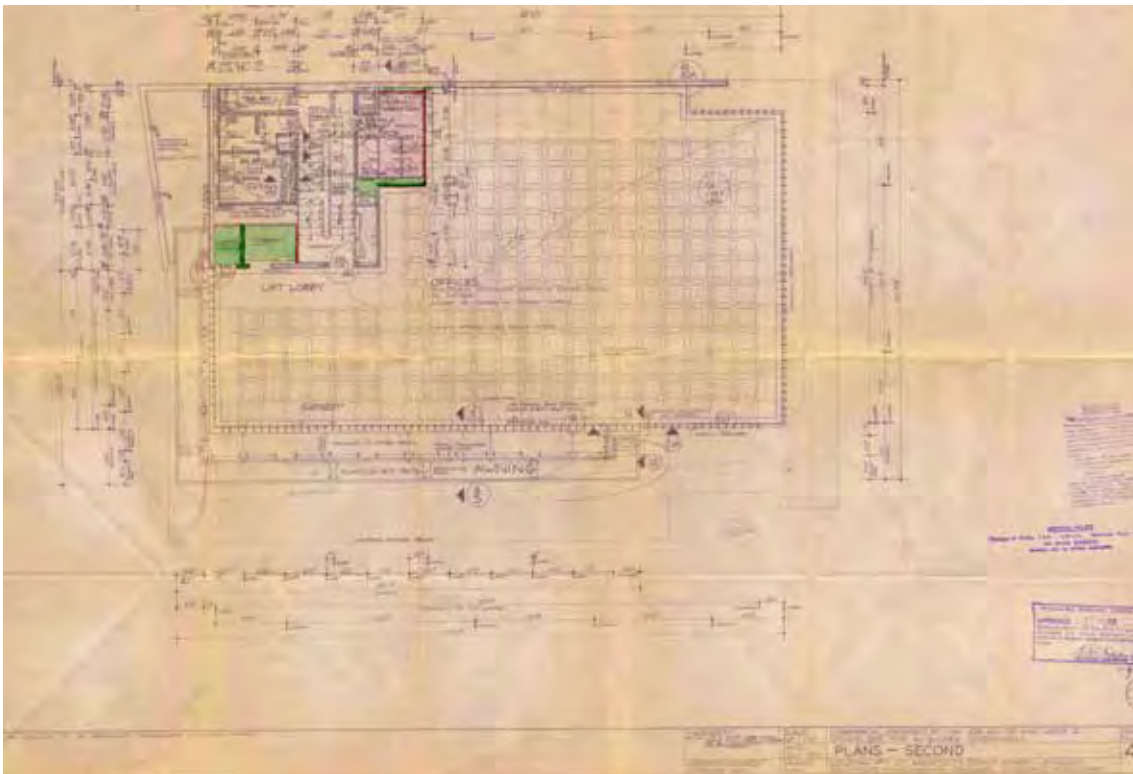


Figure 26 | Second floor plan of the Gruzman design. The service areas have been altered since and the coffered ceilings were never constructed. (Source: BA file BA 1546/1971)

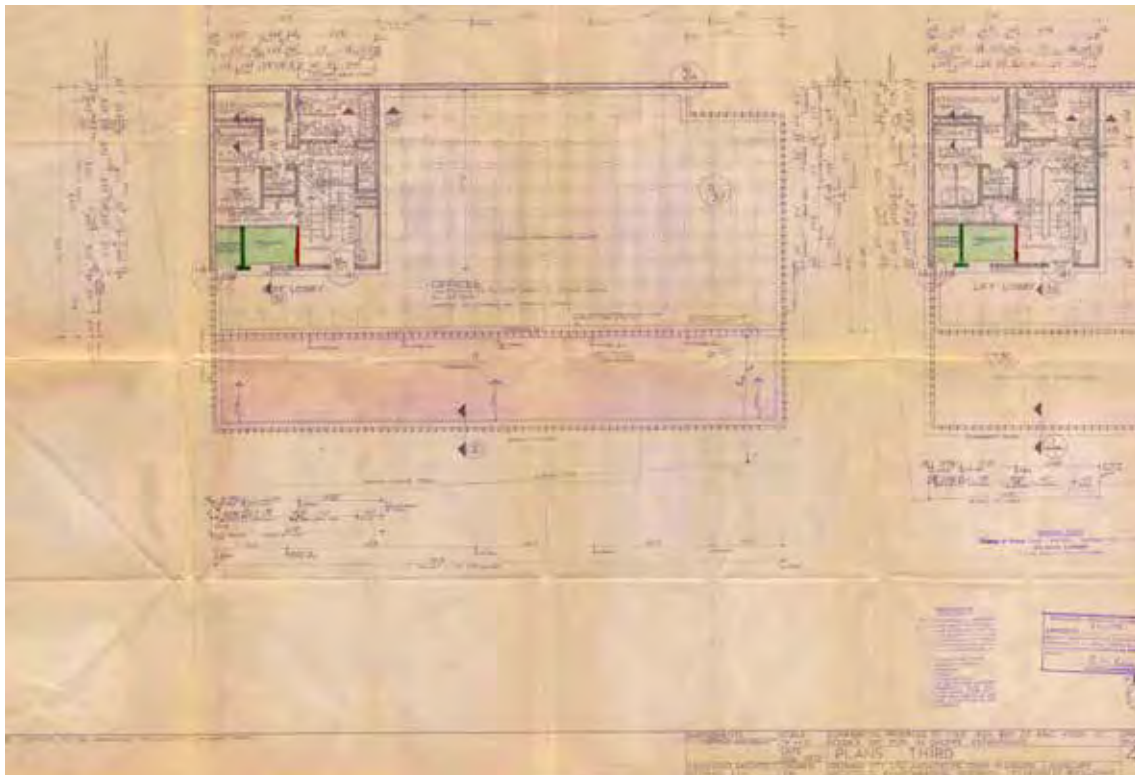


Figure 27 | *Third floor plan. Again, the service areas are altered and the roof terrace is now accessible. Instead of terrazzo it is paved with concrete blocks. (Source: BA 1546/1971)*

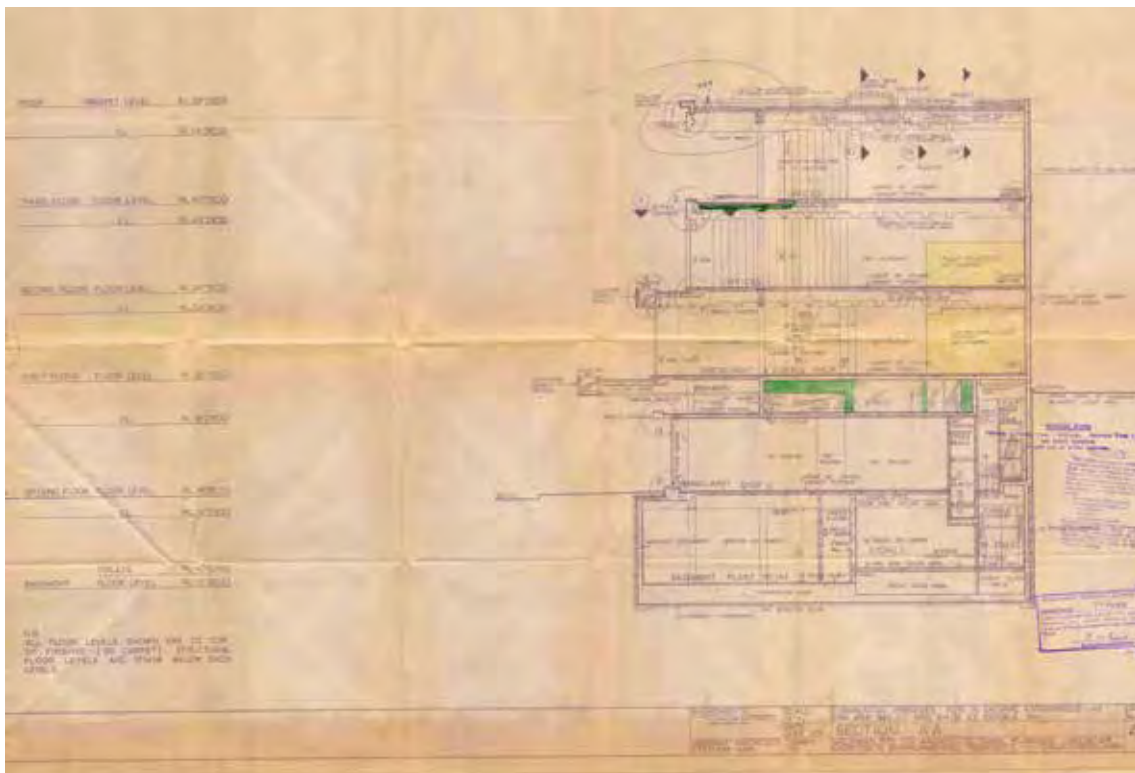


Figure 28 | *Section AA of the Gruzman design. The third floor roof overhang was deleted. The moulded ceilings and the basement were also deleted. (Source: BA 1546/1971)*

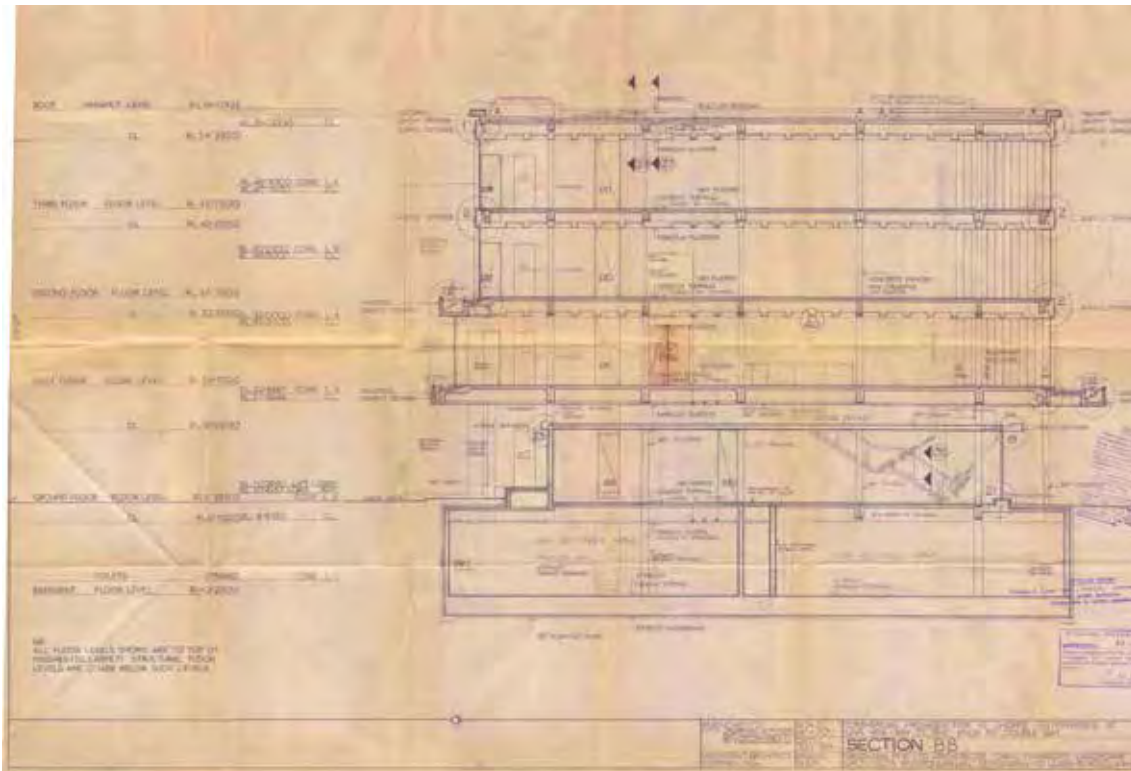


Figure 29 | Section BB of the Gruzman design. The third floor roof overhang was deleted. The moulded ceilings and the basement were also largely deleted. (Source: BA 1546/1971)

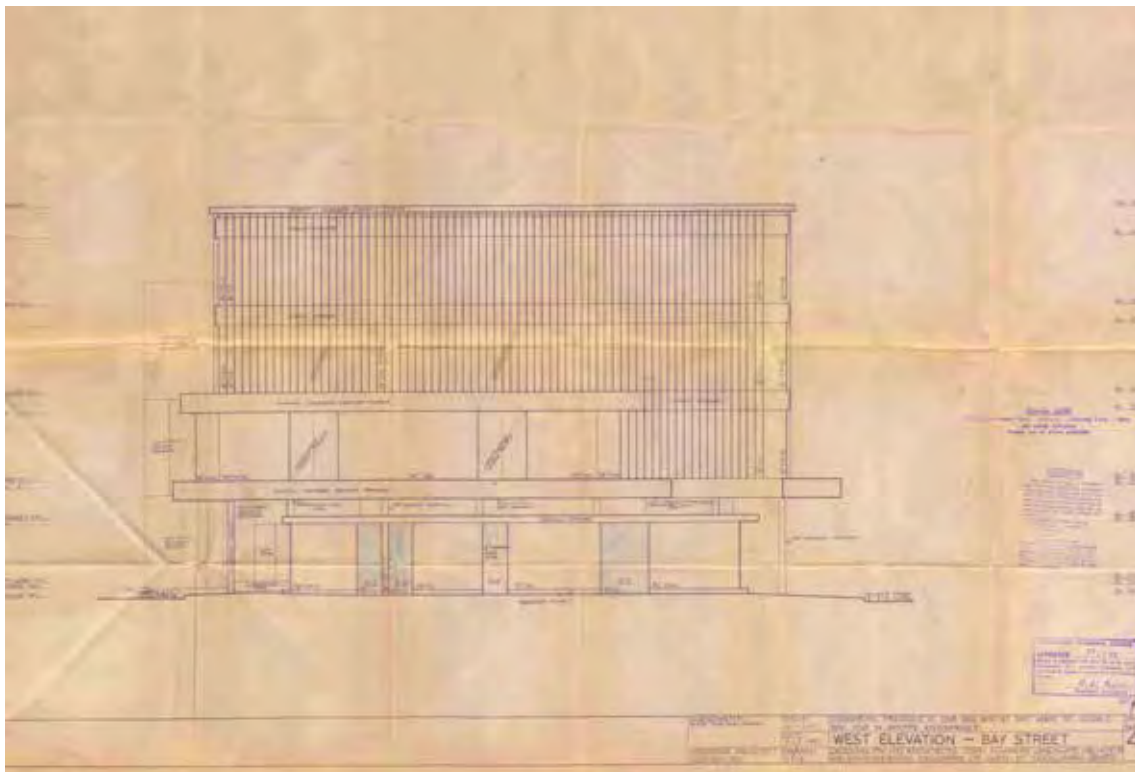


Figure 30 | The Bay Street (west) elevation of the Gruzman design. (Source: BA 1546/1971)

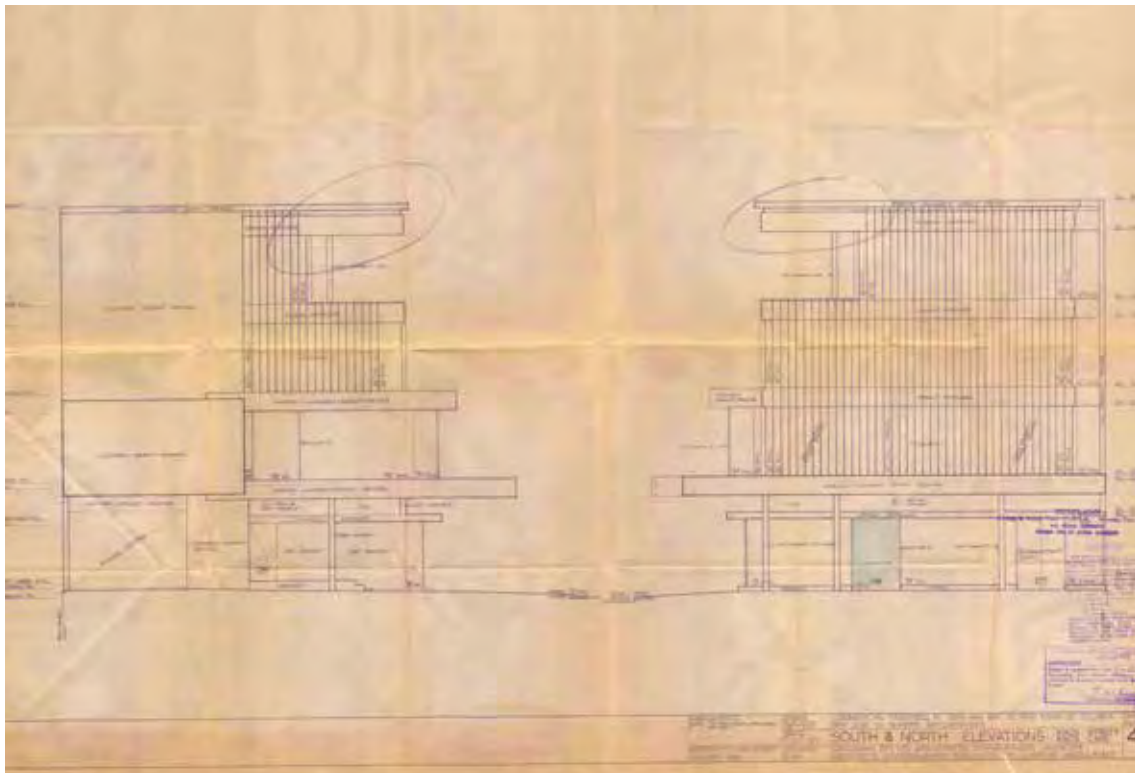


Figure 31 | *The Knox Lane (north) and Knox Street (south) elevations of the Gruzman design. The north elevation - as built - does not feature the external blades. (Source: BA 1546/1971)*

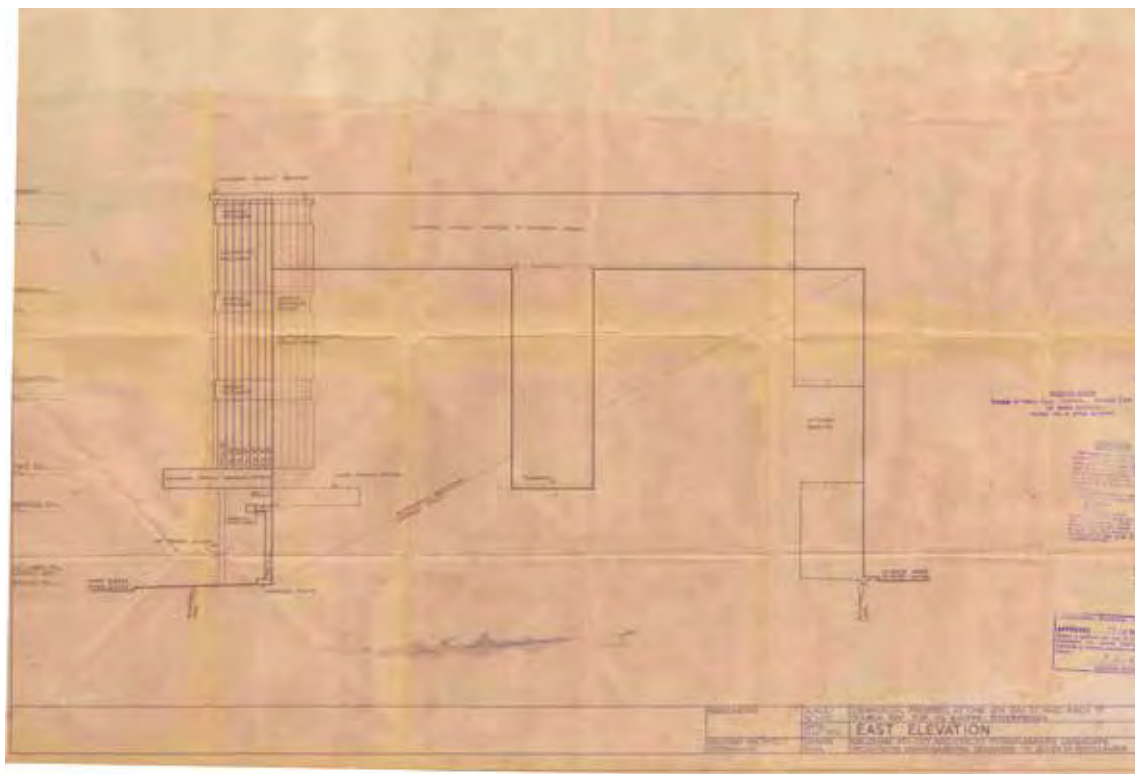


Figure 32 | *The east elevation of the Gruzman design. (Source: BA 1546/1971)*

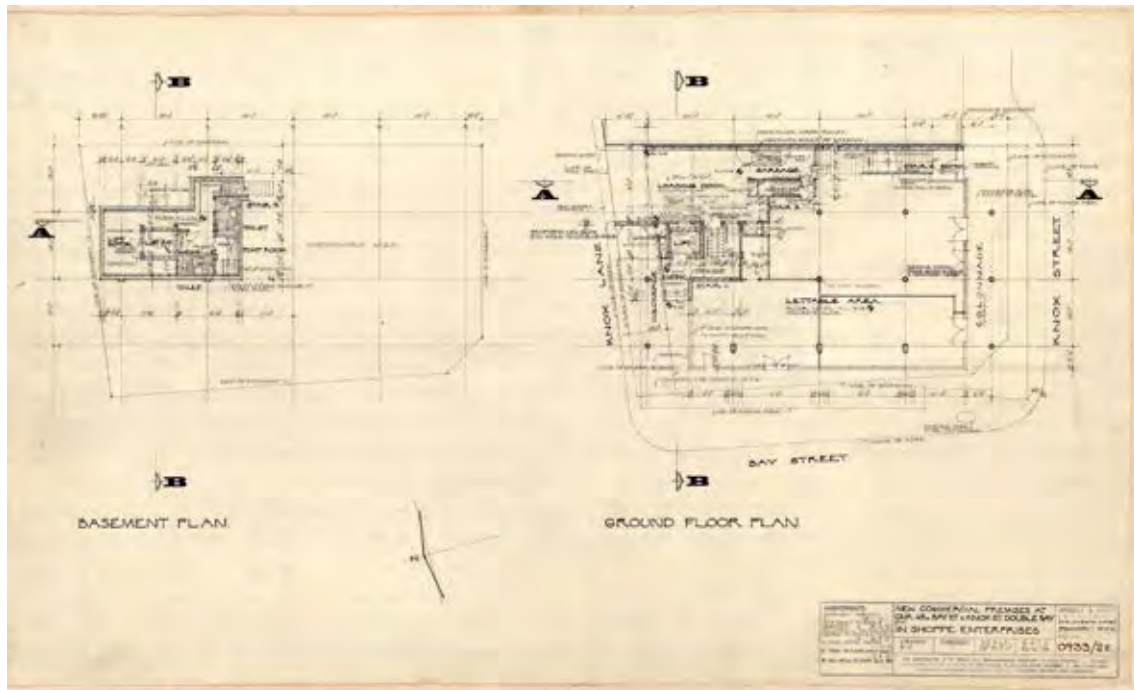


Figure 33 | The reduced basement and the ground floor plan of the Gergely & Pinter revisions, which formed the contract documents for construction. The entrance to the building was changed and the service areas were altered. (Source: Gergely & Pinter)

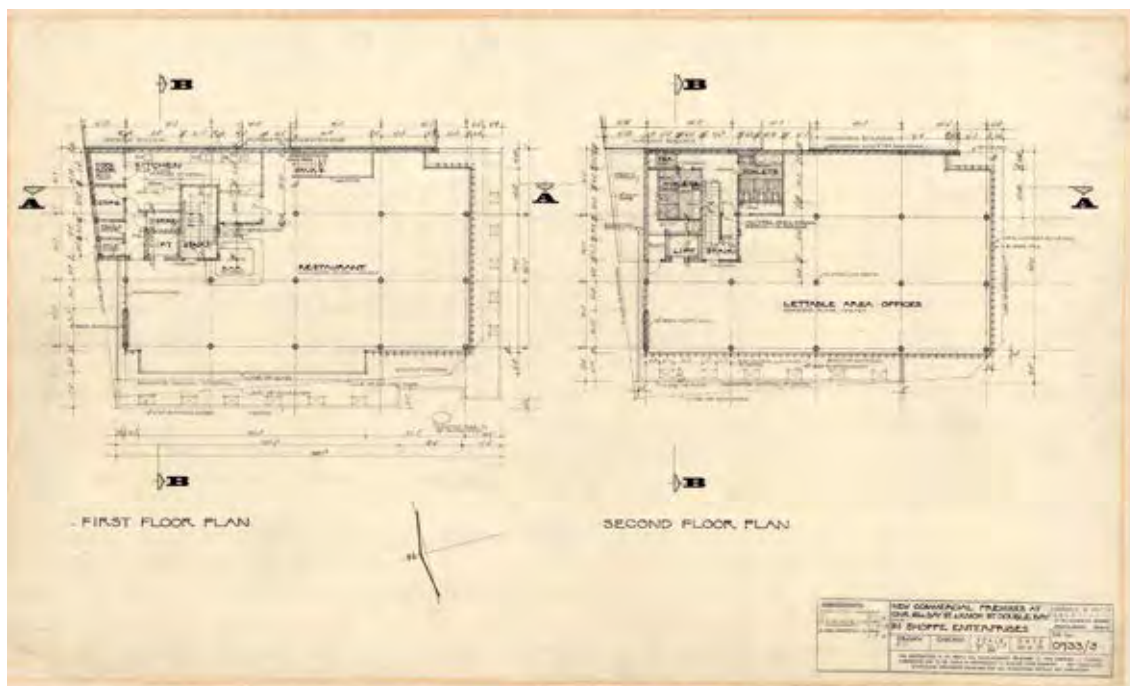


Figure 34 | First and second floor plans of the Gergely & Pinter revisions. The service areas are very differently laid out from the Gruzman plans. The structural system was changed from a slender structure to a conventional concrete column and slab frame. The coffered ceilings were deleted. (Source: Gergely & Pinter)

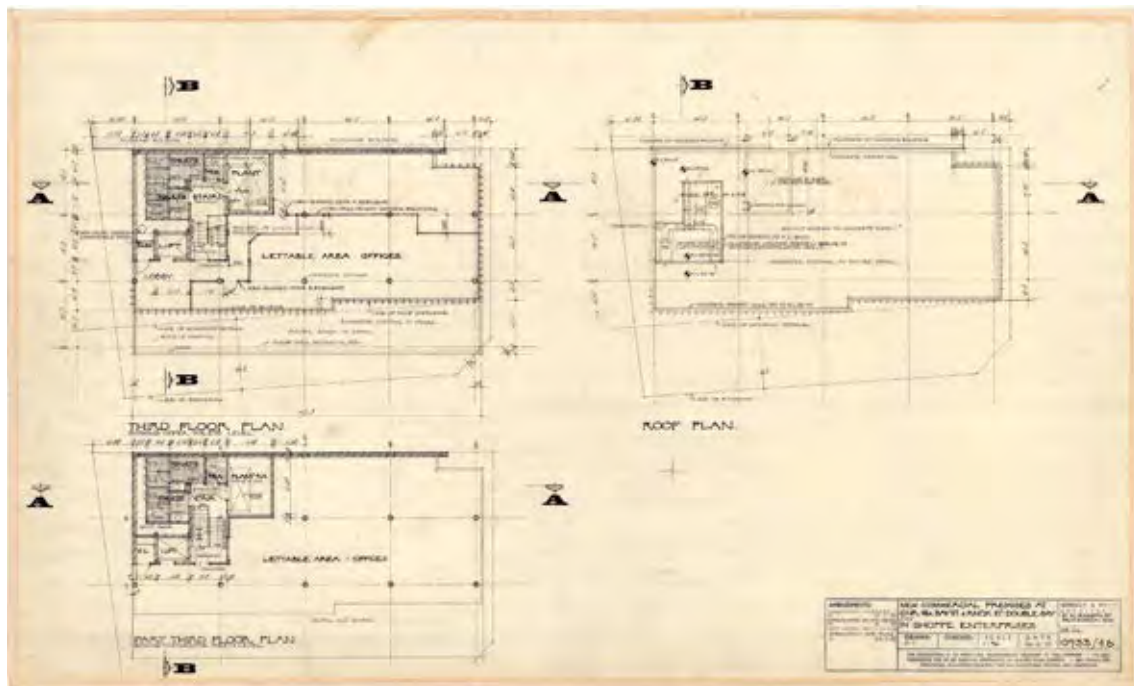


Figure 35 | Third floor plan of the Gergely & Pinter revisions. Again, the service areas and the structural system differ from the Gruzman design. The roof terrace paving was altered from terrazzo to plain concrete and the western elevation profile has changed with a step back in the south-west portion. (Source: Gergely & Pinter)

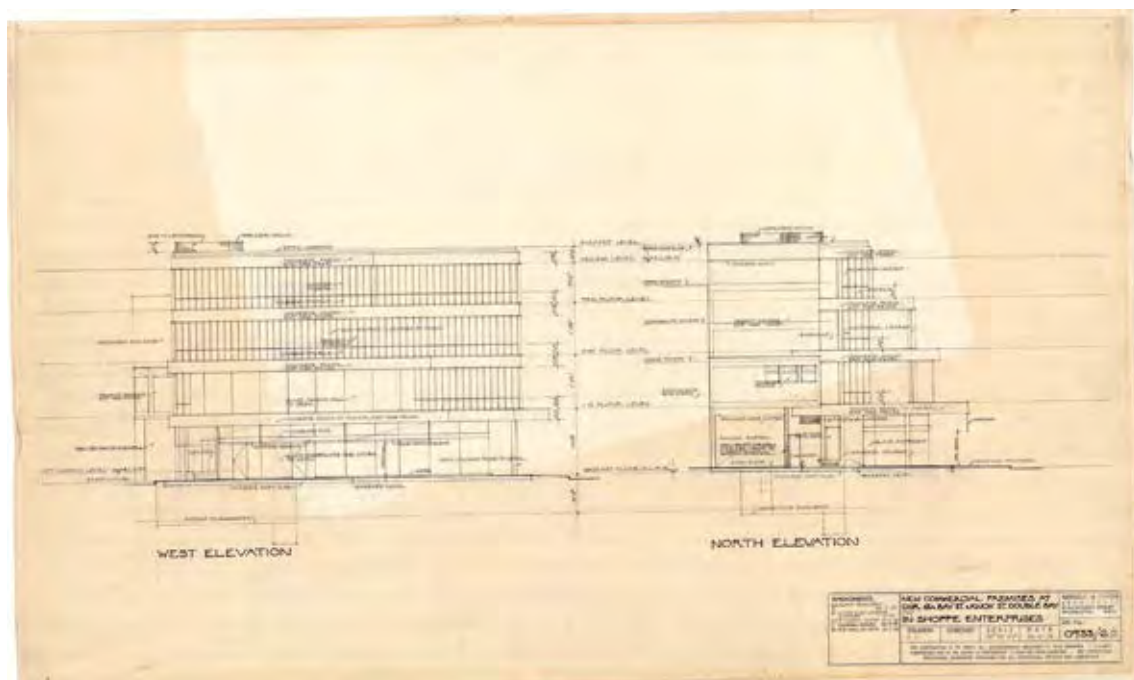


Figure 36 | North and west elevations of the Gergely & Pinter revisions. The third floor roof canopy was deleted, changing the apparent form of the facades. The north elevation of the revised scheme is more similar to the Gruzman design than what is there today, after numerous changes. (Source: Gergely & Pinter)

2.3.4 Tenancies

Although the owner of the building was In Shoppe Pty Ltd, their flagship store was in the Imperial Arcade in Pitt & Castlereagh Streets, Sydney. In Shoppe's first shop in Double Bay was on New South Head Road, opposite the cinema. When the subject building was built, there was a small In Shoppe shop, located behind the Steven Adler shoe shop. A strong association with In Shoppe retail outlets and the subject building never emerged in the public mind: it cannot be compared to the association of Carla Zampatti's shop with Gaden House.¹

As it can be expected of a four storey commercial building, that over forty years the premises was occupied by numerous tenancies - some short and some long term - and listing every one of them would not further the understanding of the place, therefore the following list is limited to those deemed most noteworthy.

Currently Scanlan & Theodore occupies the ground floor retail space: it is one of their eight Sydney outlets. Their flagship store is in Chapel Street, South Yarra and they have been there since 1987.²

Prior to Scanlan and Theodore the ground floor was divided into five retail spaces, occupied by dozens of retailers, including Gary Castle Shoes, Steven Adler Shoes, Morris, Liberty Shoes, Cashmere Collection, and many more. The retail spaces were amalgamated in stages: first two were combined (DA 321/2013), then the rest (DA 597/2015).

The original loading dock of the building on Knox Lane was converted to a café more than 15 years ago. (DA 480/2004)

Level 1 is now occupied by the Double Bay Bridge Centre (DA 309/2002) which was preceded by a number of office tenants, who followed the Imperial Peking Restaurant, occupying the space for many years. There are (and were) a number restaurants in Sydney named Imperial Peking Restaurant and the best known is located in Blakehurst.³ Before the Imperial Peking Restaurant the space was occupied by Scarlett's Restaurant. The first restaurant appears to have been the Black Stump Prime Rib, which occupied the first floor until 1981.

Level 2 has been occupied by medical practices for many years and prior to that it has been used for offices. Until 1984 Level 2 was occupied by Bohemia Crystal Pty Ltd, but there does not appear to be any evidence for the space being used as the Czech embassy.⁴

Level 3 is currently occupied by mortgage brokers and prior to that it has been used as offices by numerous businesses over many years.⁵ The roof terrace was made accessible in 2007 (DA6/2007).

1 Based on discussions with the Scheinberg family

2 <https://www.scanlantheodore.com/history>

3 <https://www.facebook.com/imperialpekingblakehurst>

4 Claim in the LSJ Inventory Sheet for 45A Bay Street - page A99

5 Based on discussions with the Scheinberg family

3 Physical Description

3.1 SITE CONTEXT

The place is located near the beach in Double Bay, close to Steyne Park. The locality is practically flat land with poor drainage and it was originally a reed swamp. New South Head Road was constructed as a causeway until the land was finally drained and used for market gardens. A creek ran through the immediate area near the site until the 1870's, when the land was gradually filled and the village was subdivided. However, the area around the site remained undeveloped until the early 1900's.

Urban development consists of a mixture of free standing houses on relatively large lots and smaller concentrations of flat buildings. The detached housing stock dates predominantly from the Inter-war and mid-Post war period, although some earlier houses survive scattered around the area and much new development is taking place presently. From difficult beginnings Double Bay has evolved into an exclusive residential suburb with a popular commercial village core, which contains some large multi-storey contemporary commercial buildings. The roadways are wide interconnected with a network of narrow service lanes. Outside the commercial core the streets feature generous nature strips occupied by substantial tree plantings, sheltering buildings executed in a variety of fashionable period styles.

The roughly triangular commercial village core of Double Bay is defined by a generously sized, but irregular, subdivision pattern, which reflects the uncoordinated subdivision history of the *Point Piper Estate*. The originally predominant Federation and Inter-war character was gradually transformed as the commercial village centre grew and shops and multi-storey offices gradually replaced the earlier housing stock. Now the footpaths are characterised by arcades, large glazed shopfronts and cantilevered shop awnings.

Bay Street runs in a straight line from New South Head Road to the beach and it forms the western boundary of the commercial area. Knox Street traces the direction of the filled up creek from New South Head Road to Bay Street and it was formed from two separate dead-end streets in the 1960, when the short eastern end of Knox Street was linked with the other short street, known as '*The Retreat*'. Opposite the site on the western side of Bay Street, Guilfoyle Avenue with its long tapering central green, commemorates Michael Guilfoyle, the botanist, who established a nursery for exotic plants nearby in the 1850's.

3.2 SITE

The development site is formed by a slightly irregular rectangular block on the north-east corner of the intersection between Bay and Knox Streets. The site faces Guilfoyle Park across Bay Street and it also addresses both Knox Street and Knox Lane. Large trees forming avenue plantings now largely obscure the Bay Street elevation. The building on the land is more visible to Knox Street and Knox Lane. The site is flanked by recently built four storey commercial buildings on both sides.

The land is flat, featureless and fully developed: there is no open space associated with the site, the existing building occupies the whole allotment.

3.3 BUILDING

The subject building is a four storey commercial, mixed use building with a small basement level. The original much larger basement as conceived by Neville Gruzman was never built due to its excessive cost and tanking/structural problems.

The building occupies the whole site with top level set back, but its awning partially extending over the footpaths. The building is built using a reinforced concrete slab frame supported on round columns with rendered and painted brick infill walls on the north and east sides and extensive glazing on the south and west sides, protected on the upper floors by closely spaced vertical blades clad in bronze sheeting, standing free of the aluminium framed glazing behind. The Gruzman design envisaged the blades as continuous vertical elements, fitted in front of each floor slab, but it was more cost effective to reduce them in size to fit them between each floor slab: this change has greatly altered the appearance of the facade, giving the building a significantly different look and character from the original design intent. This may not be apparent to most observers and it was not commented on in the LSJ heritage assessment.

The roof is a flat concrete slab. The Gruzman design featured a deep cantilevered roof canopy on the west side but this was deleted in the Gergely & Pinter revision and the junction between the eaves and the vertical blades is somewhat awkward.

The building is painted in a mixture of reds, yellow and orange: a far cry from the restrained blue colour scheme by Gergely & Pinter. Paving extends to the boundaries at the ground floor level, contrary to Gruzman's original intentions where he wanted paving to extend to the kerb, to blur the distinction between public thoroughfare and private land. The ground floor features full height glazing to the shops. None of this reflects the original design. The materials have changed, entrances were relocated to suit tenancies and the framing material is aluminium instead of bronze proposed by Gruzman. The vertical sunshades are recent, unsightly additions.

The original design featured shops on the ground floor, restaurant and cafe on the first floor and offices on the two upper floors. Services, fire stair and lift were located in the north-east corner with the rest open planned with potential future partitions. The original ceiling design using a moulded coffered ceiling was abandoned in cost cutting. The originally envisaged spiral staircase never proceeded for the same reasons. The interior today is a plain, ordinary office interior that could be anywhere in Sydney using standard elements and fittings. It does not exhibit any design flair and the interiors do not have any connection to Gruzman.

3.4 SUMMARY OF CONDITION

The building is in reasonable good condition and stable, although its connection to Neville Gruzman is much diminished by the extensive revisions executed by Gergely & Pinter.

3.5 PHOTOGRAPHS

The photographs on the following pages describe the place.



Figure 36 | *The Knox Street elevation. The ground floor awning extends over the footpath. The existing red and orange colour scheme is not original.*



Figure 37 | *The Bay Street elevation is largely concealed by street trees, whose presence is accommodated by the awning recesses and steps in the storeys.*



Figure 38 | View along Knox Street. The building projects slightly beyond the alignment, but Gruzman's vision for Double Bay with cantilevered shopping floors was never implemented.



Figure 39 | View of the Bay Street and Knox Lane corner. The trees conceal the building.



Figure 40 | View from Knox Lane looking west. The cafe now occupies the original loading dock.



Figure 41 | View looking south-east from Bay Street. The polychrome colours and changes in details have altered the building's character from sophisticated to commonplace.



Figure 42 | *The Knox Street footpath. The paving extends only to the boundary. Gruzman wanted to pave to the kerb.*



Figure 43 | *The entry passage to the building behind the cafe seating fails "to celebrate the entrance", contrary to Gruzman's intentions.*



Figure 44 | *The unimpressive plain staircase to the first floor bridge club from Knox Street.*

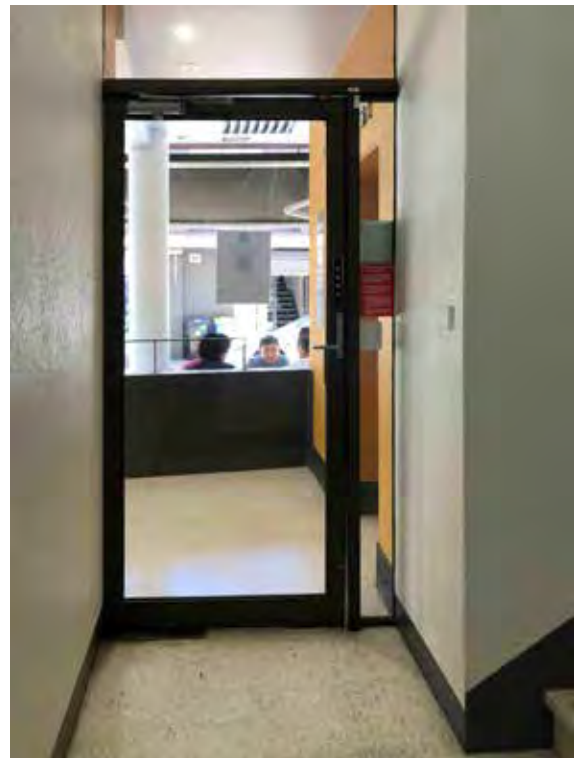


Figure 45 | *The entrance door to the building is utilitarian to the point of anonymity.*



Figure 46 | *The first floor (Level 1). Now the bridge club. A plain, unimpressive space. The coffered ceiling was never built.*



Figure 47 | *The club manager's office on Level 1.*

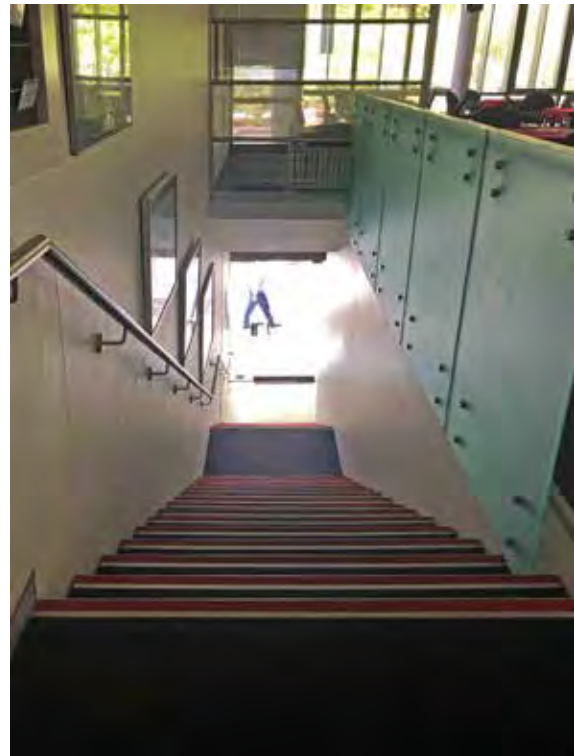


Figure 48 | *The club entry from above. Plain, basic detailing.*



Figure 49 | Office spaces on the top floor (Level 3). Contemporary standard office fit-out. The ceiling is the concrete slab soffit with exposed services. Again, the coffering was never built.



Figure 50 | The top floor lobby. There is no evidence for Gruzman's design here, or elsewhere.



Figure 51 | View towards the service areas on the top floor. This could be any contemporary office building in Sydney.

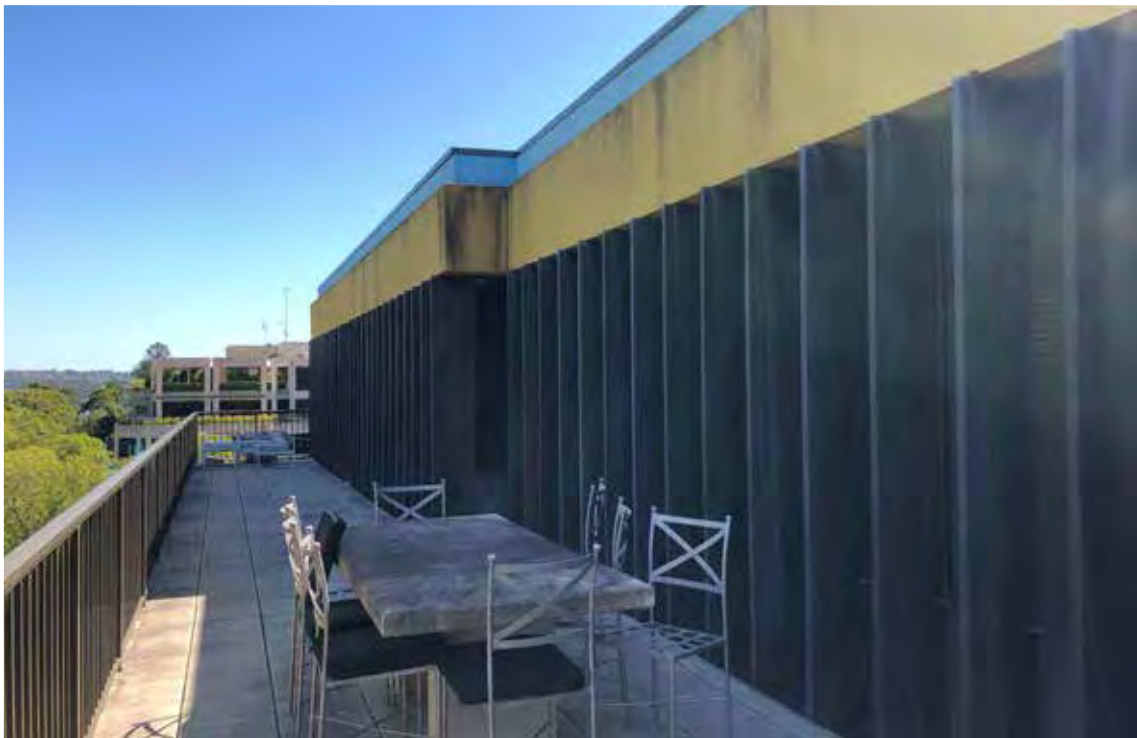


Figure 52 | The terrace. Instead of a terrazzo floor, it is paved with concrete pavers. The cantilevered roof was deleted from the design and thus the junction between the blades and the eaves is unappealing.

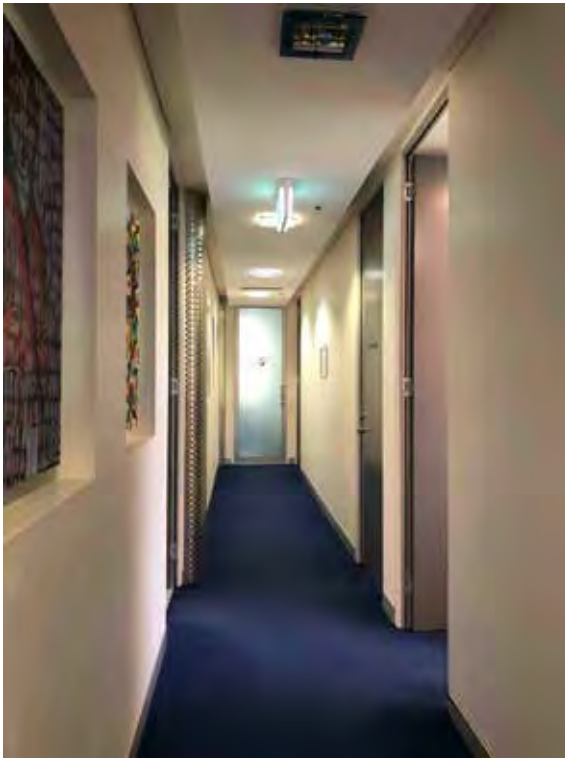


Figure 53 | *A typical internal passage. An ordinary, anonymous office interior.*



Figure 54 | *The toilets represent basic 1970's design. They were prepared by Gergely & Pinter to keep costs down.*



Figure 55 | *The toilets in the basement. These were refurbished since construction.*



Figure 56 | *The top stair landing. Gergely & Pinter designed the simplest possible staircase to keep costs down.*



Figure 57 | *Tea room on the top level. The ceiling consists of plain acoustic panels*

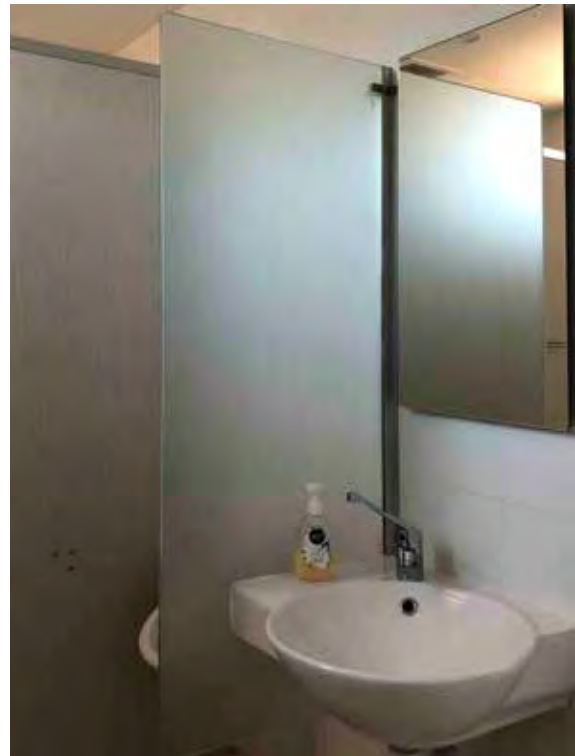


Figure 58 | *Some toilets - those on the first floor - were recently refurbished.*

4 Assessment of Significance

4.1 PRINCIPLES

The concept of 'cultural significance' or 'heritage value' recognizes the value of a place or item, which cannot be expressed in monetary terms. Assessment of cultural significance attempts to establish the foundations on the basis of which a place or an item is valued by the community. Cultural significance is embodied in the fabric of the place, in its setting and its relationship to other items, the records associated with the place and the response that the place evokes in the community. Both the *Burra Charter* of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance; and the NSW Heritage Manual prepared by the NSW Office of Environment and Heritage recommends that significance be assessed in categories such as aesthetic, historic, scientific and social significance. The NSW Heritage Manual includes two additional criteria for assessing the comparative significance of an item. Since the preparation of the NSW Heritage Manual, the NSW Heritage Act 1977 was amended in 1999, and again in 2000. Under this amendment the NSW Heritage Council has adopted revised criteria for assessment of heritage significance. The evaluation of cultural significance is based on the adopted approach and the results of the assessment are incorporated into a statement of significance, which is usually included in the inventory sheet of a heritage item.

4.2 ASSESSMENT OF SIGNIFICANCE

4.2.1 Assessment of 45A Bay Street, Double Bay

A HISTORICAL SIGNIFICANCE

An item is important in the course, or pattern, of the cultural or natural history of NSW; or of the local area's cultural or natural history.

The land, on which the building now stands, formed part of a Crown grant to Captain John Piper, later acquired by Daniel Cooper and Solomon Levey. The Coopers leased out some the low lying land in the area for market gardens and nurseries. The unimproved grant remained in the Cooper family's possession during the 19th Century and the subject site formed part of a 90 year leasehold created in 1862. As this historical pattern can be said to apply to most of the properties in Double Bay, it is not significant specifically in terms of the subject site. 45A was designed by Neville Gruzman, but the design was substantially altered by others prior to construction. Gruzman's intentions for the Double Bay commercial area never eventuated and they are not reflected by the existing building.

Guidelines for Inclusion

- ☐ ♦ shows evidence of a significant human activity
- ☐ ♦ is associated with a significant activity or historical phase
- ☐ ♦ maintains or shows the continuity of a historical process or activity

Guidelines for Exclusion

- ☒ ♦ has incidental or unsubstantiated connections with historically important activities or processes
- ☐ ♦ provides evidence of activities or processes that are of dubious historical importance
- ☐ ♦ has been so altered that it can no longer provide evidence of a particular association

45A Bay Street fails to meet the above criterion.

B ASSOCIATIVE SIGNIFICANCE

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history; or of importance in the local area's cultural or natural history.

Although Neville Gruzman is a noted architect and he did design the building originally, this building cannot be considered to have a special association as the building was extensively altered by others and Gruzman subsequently disowned his association. His wishes should be respected. Also, the building does not form an association with Gruzman in the public mind as Gaden House does. The subject building is clearly less important than Gaden House.

While it is a fact that 'In Shoppe' owns the site, their association with 45A as part of their retail empire is weak: their flagship store was elsewhere and they operated a shop on site only briefly. They are not linked with the place in the public mind as the Carla Zampatti store is with Gaden House.

Guidelines for Inclusion

- ☐ ♦ shows evidence of a significant human occupation
- ☐ ♦ is associated with a significant event, person or group of persons

Guidelines for Exclusion

- ☒ ♦ has incidental or unsubstantiated connections with historically important people or events
- ☐ ♦ provides evidence of people or events that are of dubious historical importance
- ☐ ♦ has been so altered that it can no longer provide evidence of a particular association

45A Bay Street, Double Bay fails to meet this criterion, as it is not directly associated with historically important persons in NSW.

C AESTHETIC SIGNIFICANCE

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW; or in the local area.

The building was designed by the noted Modernist architect, Neville Gruzman, but the building was substantially altered and simplified to save costs, by Gergely & Pinter. Gruzman chose not to have the building included in the definitive list of works in the monograph about him and that strongly demonstrates that the building does not meet his aesthetic standards. The building as executed by Gergely and Pinter is an ordinary Modernist building and it lacks distinction by relying on standard basic detailing and an ordinary material palette.

Gruzman was not involved in design development or the construction. The only surviving evidence of Gruzman's intentions is represented by the vertical blades, but even these are altered: instead of running the whole height of the upper floors, they are shortened (it was easier and cheaper to construct them this way) and reduced to fit between the floor slabs on each level, thereby fundamentally altering the expression of the facade. In terms of Gruzman's design intentions the now altered building lacks integrity and it is not comparable to Gaden House which he saw to completion.

While Gaden House is aesthetically distinctive, the other Modernist buildings in the vicinity are ordinary commercial buildings and there is no evidence that there was any conscious intention on the part of their designers to introduce a new architectural language.

Guidelines for Inclusion

- ☐ ♦ shows or is associated with, creative or technical innovation or achievement
- ☐ ♦ is the inspiration for a creative or technical innovation or achievement
- ☐ ♦ is aesthetically distinctive
- ☐ ♦ has landmark qualities
- ☐ ♦ exemplifies a particular taste, style or technology

Guidelines for Exclusion

- ☐ ♦ is not a major work by an important designer or artist
- ☒ ♦ has lost its design or technical integrity
- ☐ ♦ its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
- ☒ ♦ has only a loose association with a creative or technical achievement

45A Bay Street, Double Bay fails to meet the above criterion.

D SOCIAL SIGNIFICANCE

An item has strong or special associations with a particular community or cultural group in NSW; or in the local area for social, cultural or spiritual reasons.

As built, the item is an ordinary commercial building in a typical suburban commercial setting without associations to particular community groups or cultural groups. The building's early association with Neville Gruzman is not known in the local community. The transient associations and short term tenancies of such businesses as the Imperial Peking Restaurant, or organisations as the Double Bay Bridge club, does not resonate with the wider Eastern Suburbs community and there is no evidence that such social connections to the place were formed.

Guidelines for Inclusion

- ☐ ♦ is important for its associations with an identifiable group
- ☐ ♦ is important to a community's sense of place

Guidelines for Exclusion

- ☒ ♦ is important to the community for amenity reasons
- ☐ ♦ is retained only in preference to a proposed alternative

45A Bay Street, Double Bay fails to satisfy this criterion at the local level.

E RESEARCH POTENTIAL

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history; or of the local area's cultural or natural history.

The building, as built, represents information that can only be associated with Gergely & Pinter and as their objective was to provide a cost effective commercial solution they relied on the use of commonplace conventional materials and construction methodologies. The building has no potential for yielding new information relating to Modernist architectural practices.

Guidelines for Inclusion

- ☐ ♦ has the potential to yield new or further substantial scientific and/or archaeological information
- ☐ ♦ is an important benchmark or reference site or type
- ☐ ♦ provides evidence of past human cultures that is unavailable elsewhere

Guidelines for Exclusion

- ☒ ♦ the knowledge gained would be irrelevant to research on science, human history or culture
- ☐ ♦ has little archaeological or research potential
- ☐ ♦ only contains information that is readily available from other resources or archaeological sites

45A Bay Street, Double Bay fails to meet the above criterion.

F RARITY

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history; or of the local area's cultural or natural history.

As the building was excluded from the definitive list of his works by the architect himself, because in its final form it is largely the creation of other architects, it cannot be said to be a rare example of Neville Gruzman's work. (Unless it is identified as a rare example of highly compromised work) There are numerous better examples of Gruzman's work in the local area. The building is not endangered by demolition as it serves its commercial function adequately.

Guidelines for Inclusion

- ☐ ♦ provides evidence of a defunct custom, way of life or process
- ☐ ♦ demonstrates a process, custom or other human activity that is in danger of being lost
- ☐ ♦ shows unusually accurate evidence of a significant human activity
- ☐ ♦ is the only example of its type
- ☐ ♦ demonstrates designs or techniques of exceptional interest
- ☐ ♦ shows rare evidence of a significant human activity important to a community

Guidelines for Exclusion

- ☒ ♦ is not rare
- ☐ ♦ is numerous, but under threat

45A Bay Street, Double Bay is not a rare example of its kind.

G REPRESENTATIVE

An item is important in demonstrating the principal characteristics of a class of NSW's; or of the local area's - cultural or natural places; or - cultural or natural environments.

Having been extensively revised by another architect, the building is not representative of Neville Gruzman's work. The building fails to demonstrate key characteristics of Gruzman's design intentions with the single exception of the use of vertical blades, but even these are only featured in a compromised, shortened form.

Nevertheless, the building exhibits Modernist design tendencies typical of the late 1960's and early 70's and it is representative - but not individually significant - of a broad trend of commercial redevelopment of Double Bay.

Guidelines for Inclusion

- ☐ ♦ is a fine example of its type
- ☐ ♦ has the principal characteristics of an important class or groups of items
- ☐ ♦ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity
- ☐ ♦ is a significant variation to a class of items
- ☒ ♦ is part of a group which collectively illustrates a representative type
- ☐ ♦ is outstanding because of its setting, condition or size
- ☐ ♦ is outstanding because of its integrity or the esteem in which it is held

Guidelines for Exclusion

- ☐ ♦ is a poor example of its type
- ☐ ♦ does not include or has lost the range of characteristics that make up a significant variation of its type

45A Bay Street, Double Bay partially satisfies the above criterion at the local level as the item lacks the ability to demonstrate the principal characteristics of the local area on its own, but it forms part of a representative group.

INTEGRITY

As an example of Neville Gruzman's work the building exhibits a low level of integrity as the building was revised by and constructed under the supervision of another architect.

4.3 COMPARATIVE ANALYSIS

By the 1960's International Modernism as an architectural style was ubiquitous and unchallenged in Sydney: every building built was in one form or another infused with Modernist principles. The late 1960's and early 70's (until the collapse of Mainline Corporation Ltd in 1974) was also a period of intense building activity and in that climate many strands within Modernism emerged, including Brutalism, Organism, the Sydney School or Australian Nostalgic. In such a wide range of expression comparison could easily become meaningless, therefore I'd like to limit my comparative analysis of the building at 45A Bay Street to the most direct and meaningful example available, that is Gaden House.

Gaden House was designed by the same architect, Neville Gruzman; it was imbued with the same design intentions represented by Gruzman's vision for Double Bay; 45A was designed only three years after Gaden House; and the two buildings are in the vicinity of each other.

A comparison between the two buildings designed by Neville Gruzman can be summarised as follows:

Gaden House ¹

Gruzman designed the building, provided its documentation and supervised its construction.

The building faithfully represents Gruzman's design intentions.

Associated with noted artist, Mike Kitching, who designed the sculpture in the foyer.

There are strong associations with the Double Bay community, through well known tenants.

Known to lead the development of the commercial centre of Double Bay as the design challenged the pre-existing notions of utilitarian commercial development.

The site exhibits landmark quality.

The building is largely intact as an example of Gruzman's design.

45A Bay Street

Gruzman designed the building, but Gergely & Pinter provided documentation and supervised construction.

The building only weakly represents Gruzman's design intentions, it is more representative of Gergely & Pinter's.

There is no association with an artist and the building lacks a foyer..

There are weak associations, as none of the past tenants formed strong associations with the building for the community.

The design was revised for cost reasons representing a regressive return to utilitarian commercial development.

The site exhibits landmark quality.

The building is largely an example of Gergely & Pinter's work and a compromised example of Gruzman's design.

1 Partly based on Statement of Significance in the Conservation Management Plan , p 155-156

Gaden House

An early and good example of passive solar design with its horizontal blades.

The foyer and spiral stair are outstanding aesthetically.



The awnings elegantly combine materials and feature sophisticated lighting effects.

**45A Bay Street**

The vertical blades do not represent good solar design, especially on the west side.

The entry stairs are basic and utilitarian with low aesthetic value.



The awnings are simple and employ a single fascia. There are no lighting effects.



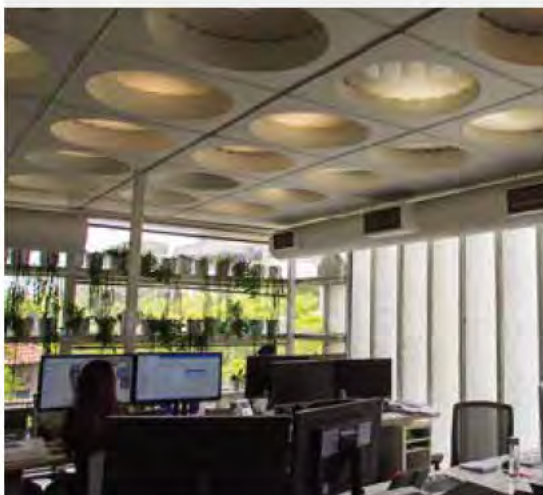
Gaden House

The interior expresses Gruzman's design intentions and its integrity is high.

A typical internal corridor.



The interior features coffered ceilings.

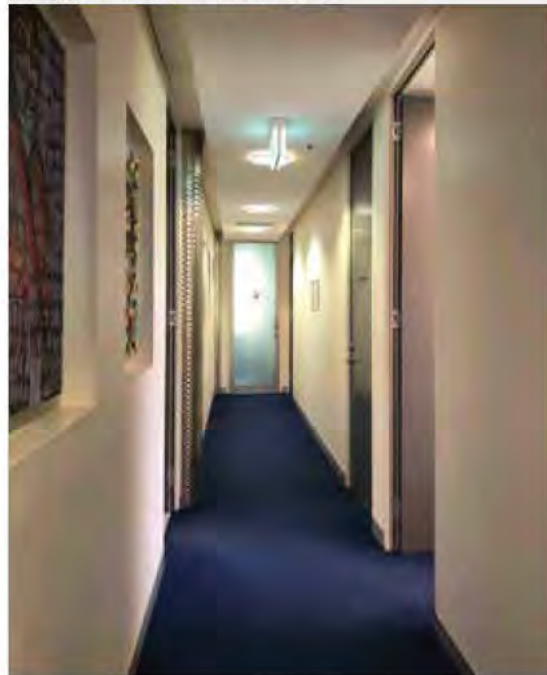


The interior represents unique commercial spaces strongly expressive of Gruzman's design intentions.

45A Bay Street

The interior does not express Gruzman's design intentions and its integrity is low.

A typical internal corridor.



The built interior has never featured coffered ceilings.



The interior represents ordinary commercial spaces with no special quality.

Gaden House

Gruzman achieved a sophisticated building, both externally and internally.

The exterior provides intentional attractive combinations of horizontal lines, vertical lines and curves.

The terrazzo podium gives the impression of a 'floating building',

There is an innovative use of high end materials.

Fine example of the architect's application of the Late Twentieth Century International Style, combining functionality and aesthetics in a sophisticated building.

45A Bay Street

The building is largely the work of Gergely & Pinter and it is basic & commonplace.

The exterior combination of horizontal and vertical lines is incidental, driven by economy, not design.

There is no podium.

Material selection was driven by economy. The selection is commonplace and basic.

Architectural expression driven by economy resulting in a building that falls short of its original architect's intentions.

Comparison between the two buildings originally designed by Neville Gruzman clearly shows that the building at 45A Bay Street is a compromised example of his work and it falls short culturally of the significance expressed by Gaden House. 45A Bay Street is now a commonplace commercial building whose design intentions were compromised by financial constraints executed by other architects and the building was justifiably excluded from the list of Gruzman's *oeuvre*.

4.4 STATEMENT OF SIGNIFICANCE

The statement of significance for 45 Bay Street, Double Bay is as follows:

45A Bay Street is not a representative example of the work of Neville Gruzman as the building was extensively revised and simplified by Gergely and Pinter reflecting financial constraints imposed by the client, resulting in an aesthetically less outstanding building.

The building as built is largely without characteristic elements found in Gruzman's output.

The fact that the building exhibits Modernist trends is not significant in itself as by the time of the building's design, Modernist syntax was universally applied in local architecture.

The building is a representative example of the historical development of the commercial centre of Double Bay, but due to its commonplace character it is not an outstanding example.

5 Planning Context

45A Bay Street, Double Bay is affected by a number of statutory and non-statutory controls, guidelines and lists that are relevant to this assessment of heritage impacts. They are as follows:

- ◆ NSW Heritage Act 1997,
- ◆ Woollahra Local Environmental Plan 2014
- ◆ National Trust of Australia (NSW) Register

5.1 NSW HERITAGE ACT 1977

5.1.1 State Heritage Register

The State Heritage Register is a list of heritage items of particular importance to the people of NSW. It includes items and places of state heritage significance endorsed by the Minister on the recommendation of the Heritage Council. Items on the State Heritage Register require approval from the Heritage Council of NSW for certain works.

45A Bay Street, Double Bay is neither included nor proposed for inclusion in the State Heritage Register.

5.1.2 Interim Heritage Orders

Interim Heritage Orders can be made under Part 3 of the Heritage Act either by the Minister or, where authorised, a Local Government Council. Interim Heritage Orders replace the previous Interim Conservation Orders and orders made under Section 130. They are effective for a maximum period of twelve months.

45A Bay Street, Double Bay is not affected by any Interim Heritage Orders.

5.1.3 Archaeological 'Relics'

Under Division 9 of the Heritage Act, a permit is required for the excavation of relics, unless there is an applicable gazetted exemption. Pursuant to Clause 139 of the Heritage Act, an excavation permit is required where excavation is proposed and there is reasonable knowledge or likelihood that disturbance or excavation of the land will result in a relic being discovered, exposed, moved, damaged or destroyed.

There is no evidence or likelihood that excavation of the land at 45A Bay Street, Double Bay may disturb relics as defined by the Act.

5.2 WOOLLAHRA LEP 2014

The Woollahra Local Environmental Plan 2014 is a statutory plan recently adopted by Woollahra Council. The objectives of this plan are to identify heritage items and heritage

conservation areas and to provide measures for their protection, conservation and enhancement; and to ensure that new development is undertaken in a manner sympathetic to their character.

45A Bay Street, Double Bay is not listed as a heritage item under Schedule 5 of the LEP and it is not located in a heritage conservation area.

The building has been identified as a potential heritage item by LSJ as part of a heritage study of properties in the Double Bay Commercial Centre and it is proposed to be included in Schedule 5 of the LEP as a heritage item.

5.3 NATIONAL TRUST

The National Trust of Australia (NSW) is a community-based conservation organisation. The Trust has assembled a Register of heritage items and conservation areas through the assessment work of its expert committees. While the Trust has no legal status, it is considered to be an authoritative guide to heritage significance, and the Trust acts as a lobby group for heritage conservation.

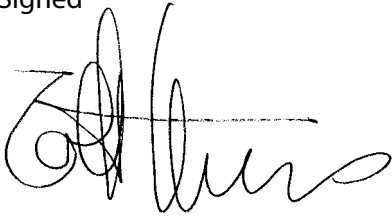
45A Bay Street, Double Bay is not identified by the National Trust of Australia (NSW).

6 Recommendations

Having assessed the significance of the place, the following is recommended:

- ◆ that Council does not proceed with the proposed heritage listing as the subject building does not exhibit sufficient cultural significance at a level where its listing would be warranted.

Signed

A handwritten signature in black ink, appearing to read 'Zoltan Kovacs', written over a horizontal line.

ZOLTAN KOVACS B. Arch (Hons)
ARCHITECT

7 Bibliography

Anne Warr Heritage Consulting 'Gaden House, 2A Cooper Street Double Bay, A Heritage Assessment'; for Woollahra Council, September 2018

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Smith, K. V. 'Aboriginal Life around Port Jackson after 1822' Sydney 2011

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'Texture and Contexture: The Failure of Modern architecture with special reference to Sydney' Talk delivered by Neville Gruzman at the Art Gallery of NSW, in: Neville Gruzman, *Retrospective Catalogue and selected writings*, Rex irwing Gallery 1992

'The Australian ICOMOS Burra Charter' (November 1999 update)

'The NSW Heritage Manual 2001 Update' (rev. edn. NSW Heritage Office, Sydney 2001)

The Sands Directory 1890-1933

Woollahra Local Environmental Plan 2014 (WLEP)

KOVACS ARCHITECT | PAGE 52

And I further declare, that the annexed Schedule, to which my signature is affixed, and which is to be taken as part of this Declaration, contains a full and correct list of all settlements, deeds, documents, or instruments, maps, plans and papers relating to the land comprised excepting documents relating to the freehold title prior to 10th August 1917 in this application, so far as I have any means of ascertaining the same, distinguishing such as being in my possession or under my control, are herewith lodged and indicating where or with whom, so far as known to me any others thereof are deposited; Also, that there does not exist any fact or circumstance whatever material to the title, which is not hereby fully and fairly disclosed to the utmost extent of my knowledge, information, and belief; and that there is not, to my knowledge and belief, any action or suit pending affecting the said land, nor any person who has or claims any estate, right, title or interest therein, or in any part thereof, otherwise than by virtue and to the extent of some lease or tenancy hereby fully disclosed (except as follows:-)

And I make this solemn Declaration, conscientiously believing the same to be true.

DATED at Sydney this 1st day of November 1928

(RULE UP ALL BLANKS BEFORE SIGNING.)

Made and subscribed by the abovesigned

JAMES OSWALD MARTIN

this 1st day of November 1928.

in the presence of

Signature of Applicant

J. Martin

If any exception, state particulars: If none, state so.

The declaration must be attested by the Registrar-General or Deputy, or by a Notary Public, or by a Justice of the Peace, or a Commissioner for Affidavits.

If the signature be by mark, the attestation must state that it was read over to the declarant, and that he appeared fully to understand the contents. This applies also to the attestation of a Justice of the Peace, or a Commissioner for Affidavits.

To the Registrar General,-

I, JAMES OSWALD MARTIN

the above declarant, do hereby apply to have the land described in the

above declaration brought under the provisions of the Real Property Act, and request you to issue the Certificate of Title in the name of myself

DATED at Sydney this 1st day of November 1928.

Witness to Signature-

J. Martin

(Signature of Applicant)

J. Martin

* N.B.-The Schedule below and Certificate indorsed on fourth page should be also signed.

In no case can any alterations, however trifling, be allowed to be made after the application has been once declared, unless all the parties re-sign and re-declare the same. If it is discovered that any alterations are necessary, the applicant may make a statutory declaration setting out in what manner he desires the application to be altered, which declaration will then (unless the Registrar General considers that a fresh application ought to be made) be read as one with the application.

(RULE UP ALL BLANKS BEFORE SIGNING.)

SCHEDULE REFERRED TO.

(TO BE SIGNED BY APPLICANT IMMEDIATELY BELOW THE LAST DOCUMENT SCHEDULED.)

To include not only Title Deeds, &c., but also Plan, if any, and Surveyor's Declaration verifying same.

For the particulars which the Registrar-General requires, see concluding part of Declaration, to which particular attention is directed, as any omission or inaccuracy will render the application liable to the refusal of the Registrar-General.

After issue of the Certificate of Title, should delivery be made of any of the documents to which the person lodging them is entitled, attested copies of such documents may be required. This does not apply to partially cancelled registered documents.

1. 1st January 1862

Lease, Sir Daniel Cooper and Thomas Buckland to James Pindulles Edwards registered Number 310 Book 84.

2. 9th May 1857

Mortgage, James Pindulles Edwards to Charles Cary Forbes registered No. 986 Book 54.

3. 9th February 1859

Agreement James Pindulles and Charles Cary Forbes endorsed on last mentioned deed.

4. 12th Septem. 1861

Reconveyance, Charles Cary Forbes to James Pindulles Edwards registered No. 436 Book 76.

5. 15th Septem. 1861

Mortgage, James Pindulles Edwards to M.H. Stephen registered No. 437 Book 76.

6. 10th Septem. 1863

Confirmation of Mortgage, James Pindulles Edwards to M.H. Stephen registered No. 668 Book 84.

Should any transaction affecting the land in this application be entered into subsequent to the date of the application, but prior to the issue of the Certificate of Title, the Registrar General should be informed immediately, and all documents evidencing such transaction should be lodged.

SCHEDULE REFERRED TO—(continued).*

(TO BE SIGNED BY APPLICANT, IF UTILISED, IMMEDIATELY BELOW THE LAST DOCUMENT SCHEDULED.)

*See marginal notes
 under serial on page 2.

7. 8th August 1863 Mortgage James Pindulles Edwards to W.J.Lennon registered No. 600 Book 84. *Not found from*
8. 23rd Sept. 1863 Agreement J.P.Edwards with W.J.Lennon registered No. 993 Book 90. *done*
9. 21st Sept. 1863 Transfer of Mortgage, M.H.Stephen to W.J.Lennon registered No. 905 Book 84. *Book 152 P 29730*
10. 30th June 1865 Settlement W.J.Lennon to Frances E. Lennon Registered — No. 805 Book 132. *Book 44 P 20716*
11. 7th Novem. 1868 Assignment John Piper Mackenzie Official Assignee to W.J.Lennon registered No. 187 Book 111. *Book 16 P 29730*
12. 17th March 1873 Agreement, W.J.Lennon of the one part and Charles Muller and Charles Parnell of the other part. *Book 72 P 29716*
13. 31st March 1873 Assignment W.J.Lennon of the first part Francis Elizabeth Lennon of the second part and Charles Muller and Charles Parnell of the third part registered No. 194 Book 135. *done*
14. 9th July 1873 Mortgage, Charles Parnell to Anne Blackford Want registered No. 704 Book 136. *done*
15. 4th Sept. 1873 Mortgage, Charles Muller to William Oswald Gilchrist and John Gilchrist registered No. 649 Book 137. *16150*
16. 28th Decem. 1875 Assignment, William Barker and Charles Parnell Trustees of the will of Charles Muller first part, and Charles Parnell of second part and Edward Augustus Macpherson of third part registered No. 981 Book 155. *16180*
17. 30th June 1876 Reconveyance A.B.Want to Edward Augustus Macpherson registered No. 454 Book 160. *done*
18. 1st Jan. 1876 Surrender of Mortgage, W.O.Gilchrist and J.Gilchrist to Edward Augustus Macpherson registered No. 606 Book 156. *done*
19. 27th March 1899 Assignment, Edward Augustus Macpherson to Catherine Wiseman Macpherson registered No. 981 Book 639. *Book 24 P 12973*
20. 24th March 1906 Retirement, E.H.Macpherson from the trusts of the Will of E.A.Macpherson registered No. 741 Book 803. *done*
21. 8th Jan. 1913 Agreement the Trustees of the Will of Sir Daniel Cooper of the one part and Catherine Wiseman Macpherson of the other part.
22. 28th May 1909 Mortgage W.J.Macpherson & Ors. to Commercial Bank of Sydney Ltd. registered No. 19 Book 883.
23. 3rd Sept. 1920 Discharge of Mortgage W.J.Macpherson & Ors. to Commercial Bank of Sydney Ltd. Registered No. 140 Book 1199.
24. 10th August 1917 Conveyance, Lady Harriet Cooper and Ors. of the first part Tom Raine Raine and anor. of the second part and William Joseph Macpherson and Septimus Wharrie Macpherson of the third part registered No. 643 Book 1112. *Book 414 P 29730*
25. 4th October 1921 Conveyance Septimus Wharrie Macpherson and William Joseph Macpherson of the first part William Joseph Macpherson of the second part and Septimus Wharrie Macpherson of the third part Registered No. 566 Book 1238. *Book 21 P 28885*
26. 5th October 1921 Conveyance Septimus Wharrie Macpherson to Louis Henry Vincent and Rose Mary Vincent Registered No. 567 Book 1238.
27. 14th Jan. 1924 Statutory Declaration of John Rowe.
28. 17th Jan. 1924 Statutory Declaration of Louis Henry Vincent.
29. 17th Jan. 1924 Conveyance Louis Henry Vincent and Rose Mary Vincent to William Charles Ackland and Samuel Slack Ackland Registered No. 399 Book 1332.
30. 5th Octob. 1923 Conveyance William Charles Ackland and Samuel Slack Ackland to James Oswald Martin Registered No. 411 Book 1532.
31. Office Copy of Will of Edward Augustus Macpherson No. 25889.

* See indorsement overleaf.

[P.T.O. for continuation of Schedule]

32. P 29730

210

130

Does 26 to 32 had *Rae*
 8 NOV 1924

32. Office Copy of Will of Catherine Wiseman Macpherson No. 67846/4.

33. 11th Octob. 1928 Surveyor's Plan by Licensed Surveyor Patrick Dillon Walsh with Declaration verifying same endorsed thereon.

Documents Nos. 26 to 33 are lodged herewith.

Documents Nos. 1 to 25 are being searched for with a view to having them produced.

Section 1.7 requires that the Certificate be signed by Applicant or his Solicitor and renders liable any person taking or negligently receiving, in a penalty of £50; also, to damages recoverable by parties injured. If by Solicitor, he should insert "And that I am the Solicitor of the within-named Applicant," and should add his own address to his signature. The signature should be that of the Solicitor himself, and not of his firm.

that the within application is correct for the purposes of the Real Property Act, 1900+.

(Signature)

(FILL UP ALL BLANKS BEFORE SIGNING, EXCEPT SPACE IN SCHEDULE BELOW APPLICANT'S SIGNATURE)

F E E S.

PAYMENT OF THESE MUST ACCOMPANY THE APPLICATION.

Where the Applicant is the Original Grantee from the Crown, and no transactions have been registered.

New Certificate ...	£1 0 0
Add Assurance, 1d. in the £ on declared value
Office Copy of Plan ...	0 5 0

Where the Applicant is not the Grantee from the Crown, or being the Grantee, the property has been dealt with by any Registered Instrument.

Fees:—

Advertisement ...	£1 10 0
New Certificate ...	1 0 0
Office Copy of Plan ...	0 5 0
TOTAL ...	£2 15 0

In addition to the Assurance Fee of 1d. in the £ on the value.

State to whom all correspondence relating to this Application should be sent, with address, as under, viz:—

Name LESLIE WALLACE

Occupation Conveyancer-at-Law,

Post Town 28 Martin Place, SYDNEY.

New South Wales.

(CERTIFICATE OF TITLE.)



Barracks Room,

Vol. 4350. Fol. 63.

SAUNDERS GEORGE MARTIN of Strathfield, builder, Applicant in Primary Application No. 19077 is now the proprietor of an estate in the Single subject nevertheless to the reservations and conditions if any contained in the Grant certification referred to and also subject to such encumbrances liens and interests as are notified hereon or in that piece of land situated in the Municipality of Parramatta Parish of New South Wales and County of Cumberland containing fifteen perches or thereabouts as shown in the plan hereon and therein signed and also shown in the plan hereon with this application No. 19077 being part of Joint Plans 19077 and 19078 of 1130 acres delineated in the Public Map of the said Parish in the Department of Lands originally granted to Daniel Cooper and Balance Levy by Crown Grant dated the 22nd day of March 1836.

In witness whereof I have hereunto signed my name and affixed my Seal, this 1st day of July 1929.

Signed in the presence of

M. J. J. J.

W. H. J. J.

Registrar General.



Double Bay, for the term of 12 months with option of renewal for balance of year term commencing on the 1st day of July 1929.

W. H. J. J.
Registrar General.

Lease dated the 2nd day of July 1929 between J. G. Martin and Patricia Bay of Sydney, of that residential flat numbered 6 of the 1st floor in the building known as "The Retreat" in Bay St Double Bay, for the term of 12 months commencing on the 1st day of July 1929.

W. H. J. J.
Registrar General.

Lease dated the 10th day of July 1929 between James Oswald Martin and Olive Henry Smith of Double Bay, of that residential flat numbered 8 on the ground floor in the building known as "The Retreat" in Bay St Double Bay, for the term of 12 months commencing on the 10th day of July 1929.

W. H. J. J.
Registrar General.

Lease dated the 15th day of July 1929 between J. G. Martin and Alfred John of Double Bay, of that residential flat numbered 5 on the first floor in the building known as "The Retreat" in Bay St Double Bay, for the term of 12 months commencing on the 15th day of July 1929.

W. H. J. J.
Registrar General.

Lease dated the 1st day of July 1929 between J. G. Martin and Alice A. Taylor of Sydney, of all that residential flat numbered 5 on the first floor in the building known as "The Retreat" in Bay St Double Bay for the term of 12 months commencing on the 1st day of July 1929.

W. H. J. J.
Registrar General.

Lease dated the 1st day of July 1929 between J. G. Martin and R. V. Wilson of Sydney, of all that residential flat numbered 6 on the second floor in the building known as "The Retreat" in Bay St Double Bay, for the term of 12 months commencing on the 1st day of July 1929.

W. H. J. J.
Registrar General.

Lease dated the 15th day of June 1929 between James Oswald Martin and Edmund Clarence Hall Forester of Sydney, of all that residential flat numbered 11 on the ground floor in the building known as "The Retreat"

Lease

Issue noted the 21st day of August 1923 between J.O.
 Carter and E. Anderson of Dealing Co. of all that
 residential flat numbered 1 on the second floor in
 building known as "Hammers" at St. George's Bay, for the
 term of six months commencing on the 12th day of
 August 1923.

[Signature]
 Registrar General



The within mentioned LEASE is noted on the first page hereon
 witnessed by affixation of time
 Date 21st August 1923
[Signature]
 REGISTRAR GENERAL



No. 000000 TRANSFER dated 27th January 1923
 from the said J.O. Carter to E. Anderson of Dealing Co.
 of all that residential flat numbered 1 on the second floor in
 building known as "Hammers" at St. George's Bay, for the
 term of six months commencing on the 12th day of
 August 1923
 Produced and returned 27th January 1923
 at 10.15 a.m. in the office of the Registrar General
[Signature]
 REGISTRAR GENERAL



No. 000000 TRANSFER dated 27th January 1923
 from the said J.O. Carter to E. Anderson of Dealing Co.
 of all that residential flat numbered 1 on the second floor in
 building known as "Hammers" at St. George's Bay, for the
 term of six months commencing on the 12th day of
 August 1923
 Produced and returned 27th January 1923
 at 10.15 a.m. in the office of the Registrar General
[Signature]
 REGISTRAR GENERAL



No. 000000 MORTGAGE dated 27th January 1923
 from the said J.O. Carter to E. Anderson of Dealing Co.
 of all that residential flat numbered 1 on the second floor in
 building known as "Hammers" at St. George's Bay, for the
 term of six months commencing on the 12th day of
 August 1923
 Produced and returned 27th January 1923
 at 10.15 a.m. in the office of the Registrar General
[Signature]
 REGISTRAR GENERAL



This lease is registered and the date of registration is
 21st August 1923
[Signature]
 REGISTRAR GENERAL



[Handwritten note]

Appl. No. 29677
 Reference to Last Certificate
 Vol. 4755 Fol. 63

New South Wales.



(CERTIFICATE OF TITLE)

ORDER NO. 278954



BERNARD LILLIAN PARKER, wife of Lillian Arthur Parker of FOLLY POINT, retired Dealer in Securities, by virtue of Certificate of Title Volume 4755 Folio 63 has surrendered to me the proprietor of an Estate in Fee Simple, subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified hereon, in that piece of land situated:

in the Municipality of Woollahre Parish of Alexandria, and County of Cumberland containing Sixteen perches or thereabouts as shown in the plan herewith and therein edged red and also shown in plan lodged with Primary Application No. 29677 being part of Dalrymple Estate and being also part of 1120 acres originally granted to Daniel Cooper and Solomon Levy by Crown Grant dated the 22nd day of March 1899.

In witness whereof I have hereunto signed my name and affixed my Seal, this 10th day of January, 1955.

Signed in the presence of *L. H. J. Jones*

J. H. Wells
 Registrar-General



The Lillian Parkers of Folly Point
Michael Parkers and Lillian Parkers
 In witness whereof
 Now the Registrar-General of the Land of New South Wales
 The Great Seal of New South Wales
 Witness my hand and Seal this 10th day of January 1955.

By *J. H. Wells* Registrar-General
 Signed *L. H. J. Jones*

CERTIFICATION REFERRED TO
 No. 278365 Mortgage dated the 10th day of December 1949 from Lillian Parker to The Commercial Banking Company of Sydney Limited. Produced and entered the 5th day of January 1951 at 2 minutes past 10 o'clock in the forenoon.

J. H. Wells
 Registrar-General

L. H. J. Jones
 In witness whereof
 Now the Registrar-General of the Land of New South Wales
 The Great Seal of New South Wales
 Witness my hand and Seal this 10th day of January 1955.

11-7-55
Warrant to Lillian Parker
11-7-55

• Office of the Registrar-General / Src: InfoTrack / Ref: 45A Bay Street, Double Bay

MORTGAGE NO. 218475		SEE THIS ENDORSEMENT	
150 34 91 2 1 1 3	Period 21/11/1956	1956	N
DM	<i>J. J. J. J.</i>		P
The Council of the Municipality of Wellington			N
To	150 34 91 2 1 1 3	1956	P
150 34 91 2 1 1 3	1956	1956	P
150 34 91 2 1 1 3	1956	1956	P
<i>J. J. J. J.</i>			
REGISTRAR GENERAL			
			

REGISTERED PROPRIETOR

In Shoppa, Pty. Limited

CANCELLED

See new edition issued 8.6.1977


V: d. 0145490 Vol 9244 Fol 75.



REGISTRAR GENERAL

Vol.

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT			ENTERED	Signatures of Register-Generals
	NATURE	NUMBER	DATE		
In Shoppers Pty. Limited	Transfer	4458305	5-6-1969	15-6-1969	<i>James</i>
<p>CANCELLED</p> <p>See new edition issued 8-6-1971</p> <p>Vol. 0145490 Vol. 9244 Ed. 75</p> <div style="text-align: center;">  <p><i>[Signature]</i> REGISTRAR GENERAL</p> </div>					

SECOND SCHEDULE (continued)

NATURE	INSTRUMENT NUMBER	DATE	PARTICULARS	ENTERED	SIGNATURE OF REGISTRAR-GENERAL	CANCELLATION
Mortgage	L455306	5-6-1989	to Finance Corporation of Australia Limited	13-6-1989	J. J. J.	Discharged M778224
Mortgage	M778224	7-6-1972	to Melbourne Credit Society	25-6-1972	J. J. J.	Discharged P127024
Mortgage	P127025	24-12-1974	to The Commercial Bank of Australia Limited	20-1-1975	J. J. J.	Discharged Q145490
Lease	F566442	-----	of premises being Shop No. 3 on the ground floor of the building situate corner of Knox & Bay Streets, Double Bay, together with and reserving rights to Saltoon Investments Pty. Limited	23-1-1976	J. J. J.	
Lease	F566443	-----	of premises being Shop No. 2 on the ground floor of the corner building erected on Gnr. Knox and Bay Streets, Double Bay, together with and reserving rights to Glancarla Montagna of Waverley, Retailer	23-1-1976	J. J. J.	
Lease	F566444	-----	of premises being Shop No. 1A on ground floor of the building erected at corner of Knox and Bay Streets, Double Bay, together with and reserving rights to Astronaut (Double Bay) Pty. Limited	23-1-1976	J. J. J.	
Lease	Q145489	-----	of premises being the first floor of the building erected on the corner of Knox & Bay Streets, Double Bay (together with and reserving rights) to Black Stump Prime Pty. Limited Date of entry 31-10-1984.	13-1-1977	J. J. J.	

FORM No. 184A

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR-GENERAL ARE CANCELLED

(Page 2 of 2 pages)

REGISTERED PROPRIETOR

[illegible]

9244 FOL.

Vol.

PARTICULARS

INSTRUMENT		PARTICULARS		REGISTERED	Signature of Registrar General	CANCELLATION
NATURE	NUMBER					
Mortgage	Q145491	to Public Trustee		21-6-1977	<i>[Signature]</i>	Discharged T147549
Mortgage	Q156818	to Finance Corporation of Australasia Limited		21-6-1977	<i>[Signature]</i>	Discharged B915404
Mortgage	Q651815	to Australia and New Zealand Banking Group Limited		24-4-1978	<i>[Signature]</i>	Discharged T147550
Jessie	B764493	Premises known as being the whole of the 2nd Floor of the building known as Our Know & Bay Streets, Double Bay, Together with Option of Renewal, to Bohemia Crystal Pty. Limited. Registered 31-12-1980.		31-12-1980	<i>[Signature]</i>	Expired 13.3.1984
Lease	R101473	To Messrs P.J. Limited of premises being the whole of the first floor of the building, situated corner of Knox Street and by that street by length with the above having from the first floor to know that with the building located between the back and main floors of the building, with option of renewal expires 14/5/1993		1-2-1993	<i>[Signature]</i>	Expired 21.5.1996
Mortgage	Q145481	Registered by R931430 Mortgage of Mortgages		6-8-1980	<i>[Signature]</i>	Cancelled T147549
Mortgage	B90977	Charges to Stephen Miller and Kathryn Jean Miller as joint tenants of premises known as Shop 1, at 45A Bay Street, Double Bay. Expires 28.10.1987. Registered 26.5.1982.			<i>[Signature]</i>	Expired 6-5-1986.
Mortgage	T147651	Mortgage to The National Bank of Australasia Limited. Registered 15-1-1982.			<i>[Signature]</i>	Discharged W186204
Mortgage	T986237	Lease to Astronaut (Double Bay) Pty. Limited of premises known as Shop 1A at Corner of Knox and Bay Streets, Double Bay with an Option of Renewal. Expires: 31.12.1995. Registered 13.3.1984.			<i>[Signature]</i>	Expired 6-5-1986
Mortgage	B90977	Lease to Trans World Diamonds (Australia) Pty. Limited of premises known as the whole of the 2nd, 3rd & 4th Corners of Knox and Bay Streets, Double Bay with an Option of Renewal. Expires: 31.10.1994.			<i>[Signature]</i>	Expired 6-5-1986
Mortgage	B90977	Registered 23.3.1984.			<i>[Signature]</i>	Expired 6-5-1986

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

(Page 2 of 2)



LAND
REGISTRY
SERVICES

Historical Search



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

6/1/2023 11:19AM

FOLIO: 1/208325

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 9244 FOL 75

Recorded	Number	Type of Instrument	C.T. Issue
4/6/1987		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
24/6/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
15/6/1989	Y271458	LEASE	
15/6/1989	Y271459	LEASE	EDITION 1
20/9/1989	Y601019	LEASE	
20/9/1989	Y601020	LEASE	EDITION 2
30/10/1989	Y662663	LEASE	EDITION 3
18/12/1989	Y754803	VARIATION OF MORTGAGE	EDITION 4
29/5/1990	Z20472	LEASE	EDITION 5
23/1/1991	Z455226	DISCHARGE OF MORTGAGE	EDITION 6
15/2/1991	Z480651	LEASE	EDITION 7
31/7/1991	Z774696	LEASE	EDITION 8
3/6/1992	E505256	SURRENDER OF LEASE	
3/6/1992	E505257	REQUEST	
3/6/1992	E505258	LEASE	
3/6/1992	E505259	LEASE	
3/6/1992	E505260	LEASE	EDITION 9
12/2/1993	I115188	LEASE	EDITION 10
21/5/1993	I350355	MORTGAGE	EDITION 11
22/2/1994	U48091	LEASE	EDITION 12
26/5/1994	U296899	REQUEST	
26/5/1994	U296900	LEASE	
26/5/1994	U296901	LEASE	EDITION 13

END OF PAGE 1 - CONTINUED OVER

45A Bay Street, Double Bay

PRINTED ON 6/1/2023

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

6/1/2023 11:19AM

FOLIO: 1/208325

PAGE 2

Recorded	Number	Type of Instrument	C.T. Issue
29/8/1994	U569285	LEASE	EDITION 14
26/9/1994	U650458	LEASE	EDITION 15
22/5/1996	2176138	TRANSFER OF LEASE	
11/9/1997	3404599	LEASE	EDITION 16
1/12/1997	3627180	LEASE	
1/12/1997	3627181	LEASE	EDITION 17
6/8/1998	5181114	LEASE	
6/8/1998	5181115	LEASE	EDITION 18
29/3/2000	6678153	LEASE	
29/3/2000	6678154	LEASE	EDITION 19
25/1/2001	7369102	LEASE	EDITION 20
25/9/2001	7972426	LEASE	EDITION 21
19/11/2001	8070331	REQUEST	
19/11/2001	8041926	LEASE	EDITION 22
20/1/2004	AA343786	LEASE	EDITION 23
29/1/2004	AA364505	LEASE	EDITION 24
5/8/2004	AA857315	LEASE	EDITION 25
14/3/2005	AB237648	LEASE	EDITION 26
9/6/2005	AB541679	LEASE	EDITION 27
29/6/2005	AB586611	DEPARTMENTAL DEALING	
13/7/2005	AB619276	LEASE	
24/8/2005	AB715517	LEASE	
24/8/2005	AB715518	VARIATION OF LEASE	
12/4/2006	AC235559	LEASE	

END OF PAGE 2 - CONTINUED OVER

45A Bay Street, Double Bay

PRINTED ON 6/1/2023

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

6/1/2023 11:19AM

FOLIO: 1/208325

PAGE 3

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
27/10/2006	AC700182	TRANSFER OF LEASE	
27/10/2006	AC700183	VARIATION OF LEASE	
8/2/2007	AC920910	LEASE	
15/6/2007	AD189297	SURRENDER OF LEASE	
19/6/2007	AD194913	LEASE	
23/7/2007	AD283689	REQUEST	
11/10/2007	AD476888	VARIATION OF LEASE	
11/10/2007	AD476893	LEASE	
23/11/2007	AD584489	LEASE	
15/2/2008	AD768359	LEASE	
5/11/2008	AE308104	LEASE	
1/12/2009	AF154492	LEASE	
8/4/2010	AF417141	SURRENDER OF LEASE	
8/4/2010	AF417142	LEASE	
26/5/2010	AF516913	REQUEST	
27/5/2010	AF434362	LEASE	
27/8/2010	AF718372	VARIATION OF LEASE	
8/11/2010	AF859645	LEASE	
6/10/2011	AG537422	LEASE	
25/11/2011	AG640417	LEASE	
18/5/2012	AG994130	LEASE	
29/6/2012	AH82059	LEASE	
16/1/2013	AH490070	SURRENDER OF LEASE	

END OF PAGE 3 - CONTINUED OVER

45A Bay Street, Double Bay

PRINTED ON 6/1/2023

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

6/1/2023 11:19AM

FOLIO: 1/208325

PAGE 4

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
8/2/2013	AH542115	TRANSFER OF LEASE	
26/2/2013	AH575909	DEPARTMENTAL DEALING	
15/3/2013	AH609847	LEASE	
27/5/2013	AH754196	TRANSFER OF LEASE	
27/5/2013	AH753269	LEASE	
11/3/2014	AI433697	LEASE	
17/3/2014	AI444695	LEASE	
28/7/2014	AI765171	SURRENDER OF LEASE	
17/12/2014	AJ58680	LEASE	
27/1/2016	AK168929	VARIATION OF LEASE	
27/1/2016	AK168930	VARIATION OF LEASE	
27/1/2016	AK168931	LEASE	
17/3/2017	AM237542	LEASE	
21/8/2017	AM479694	LEASE	
21/8/2017	AM659620	DEPARTMENTAL DEALING	EDITION 28 CORD ISSUED
23/11/2017	AM909668	LEASE	EDITION 29 CORD ISSUED
30/1/2019	AP26870	LEASE	
30/1/2019	AP26871	LEASE	EDITION 30 CORD ISSUED
25/7/2019	AP409196	LEASE	EDITION 31 CORD ISSUED
12/3/2021	AQ858717	VARIATION OF LEASE	
12/3/2021	AQ858718	VARIATION OF LEASE	
12/3/2021	AQ858719	VARIATION OF LEASE	
25/5/2022	AS154842	LEASE	EDITION 32

END OF PAGE 4 - CONTINUED OVER

45A Bay Street, Double Bay

PRINTED ON 6/1/2023

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

6/1/2023 11:19AM

FOLIO: 1/208325

PAGE 5

Recorded	Number	Type of Instrument	C.T. Issue
21/9/2022	AS488508	LEASE	EDITION 33

*** END OF SEARCH ***



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/208325

SEARCH DATE	TIME	EDITION NO	DATE
6/1/2023	11:18 AM	33	21/9/2022

LAND

LOT 1 IN DEPOSITED PLAN 208325
LOCAL GOVERNMENT AREA WOOLLAHRA
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP208325

FIRST SCHEDULE

IN SHOPPE PTY LIMITED

SECOND SCHEDULE (8 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 I350355 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
- 3 AK168931 LEASE TO SCANLAN AND THEODORE PTY LTD BEING SHOP 1C. COMMENCING DATE 1/2/2016. EXPIRES: 18/11/2022. OPTION OF RENEWAL: 5 YEARS.
AQ858719 VARIATION OF LEASE AK168931 EXPIRY DATE NOW 18/2/2023. OPTION OF RENEWAL: PRESERVED.
- 4 AP26870 LEASE TO SCANLAN AND THEODORE PTY. LTD. OF SHOP 1B, 45A BAY STREET, DOUBLE BAY. EXPIRES: 18/11/2022. OPTION OF RENEWAL: 5 YEARS.
AQ858717 VARIATION OF LEASE AP26870 EXPIRY DATE NOW 18/2/2023. OPTION OF RENEWAL: PRESERVED.
- 5 AP26871 LEASE TO SCANLAN AND THEODORE PTY. LTD. OF SHOPS 1 & 2, 45A BAY STREET, DOUBLE BAY. EXPIRES: 18/11/2022. OPTION OF RENEWAL: 5 YEARS.
AQ858718 VARIATION OF LEASE AP26871 EXPIRY DATE NOW 18/2/2023. OPTION OF RENEWAL: PRESERVED.
- 6 AP409196 LEASE TO PAUL MARSTON OF LEVEL 1, 45A BAY STREET, DOUBLE BAY. EXPIRES: 30/6/2029.
- 7 AS154842 LEASE TO RAA (NSW) PTY LTD OF LEVEL 2, 45A BAY STREET, DOUBLE BAY NSW. EXPIRES: 31/3/2027.
- 8 AS488508 LEASE TO MARCIO BARON COFFEE PTY LIMITED OF SHOP 3, 45A BAY STREET DOUBLE BAY. EXPIRES: 9/9/2025. OPTION OF RENEWAL: 3 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

45A Bay Street, Double Bay

PRINTED ON 6/1/2023

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 95B(2) of the Real Property Act 1900.

16 February 2023

HERITAGE PEER REVIEW | 45A BAY STREET, DOUBLE BAY

I have been engaged to undertake a peer review of the Heritage Assessment report prepared by Zoltan Kovacs Architect for the existing building at 45A Bay Street, Double Bay (dated January 2023). The Heritage Assessment was prepared in the context of potential listing of the building as a heritage item by Woollahra Municipal Council under the Woollahra Local Environmental Plan 2014.

This peer review does not include historical research beyond what has been documented in the Heritage Assessment by Zoltan Kovacs Architect, however our review and conclusions have been informed by a site inspection carried out by Urbis in January 2023.

HISTORICAL OVERVIEW

The Kovacs report describes the historical development of Double Bay post-European settlement, from its early days as largely undeveloped marshlands, to stone buildings which appeared in the mid-19th century, to Chinese market gardens in the late-19th and early-20th centuries, and to the village (including street layout) of today.

The Heritage Assessment provides a thorough description of the historical development of the subject site itself, which underwent numerous improvements over the course of the 20th century. By 1904, the subdivision & street pattern had been largely established and a weatherboard cottage, known as "Claremont", erected on the site. This was demolished by 1929 and replaced with a 9-unit flat building known as "Remuera Flats". Following the widening of Knox Street in 1966, the site was purchased by In Shoppe Pty Ltd in 1969 who remain the current owners. The existing building was erected in 1975.

THE GRUZMAN CONNECTION

The Heritage Assessment provides a robust overview of the professional life of architect Neville Gruzman, who was commissioned by In Shoppe Pty Ltd to prepare an architectural scheme for a building on the subject site in the early 1970s. This followed Council's likely imminent refusal of an earlier scheme by Gergely and Pinter, Architects, lodged in 1969. Gruzman was engaged by In Shoppe as a result of his good working relationship with Woollahra Municipal Council, including his earlier approval for Gaden House at 24 Bay Street (alternatively 2A Cooper Street) in 1969, and was therefore considered likely to obtain an approval for development at the subject site.

Gruzman's work was – and remains – recognised for its marriage of Internationalist styles of the day with an innate understanding of site and context. In addition to his prolific body of work, Gruzman also lectured in architecture at the University of NSW and also served as a councillor – and later, as Mayor – of Woollahra Municipal Council.

A search of the NSW State Heritage Inventory indicates that 8 buildings designed by Neville Gruzman are listed as heritage items under local environmental planning instruments.¹ This includes one (1) building within the Woollahra local government area, Gaden House at 24 Bay Street, Double Bay.

The historical record as presented in the Kovacs Heritage Assessment indicates that the building designed by Gruzman for the development application – which was lodged in 1971 – differs substantially to the one which was completed in 1975, owing to a combination of financing considerations and Council-imposed amendments. Consequently, In Shoppe Pty Ltd re-commissioned Gergely & Pinter to value manage the approved Gruzman scheme and included such changes as:

- Replacement of original slender structural system to conventional concrete column & slab frame structure
- Reduced extent of the basement level
- Rearrangement / simplification of building entrance
- Change to western elevation to incorporate a stepped-back form
- Original external louvre / blade system – initially designed by Gruzman to run as continuous vertical elements between level 1 and the roof, reduced in the redesign to fit between each floor slab and separated by a concrete spandrel panel
- Changes to service areas at all levels
- Deletion of coffered ceilings from levels 1, 2 & 3
- Replacement of terrazzo at level 3 terrace with concrete block paving
- Deletion of roof overhang above level 3 terrace

The re-commissioning of Gergely & Pinter, importantly, also resulted in Gruzman no longer being involved in the project. A letter dated 13 August 1973, signed by Neville Gruzman:

assigned to In Shoppe Pty Limited the Applications approved and consents and plans, specifications and drawings lodged by me [Gruzman] on their behalf.²

While the question of intellectual property rights (and their transferral) is not specifically mentioned by Gruzman in his letter, the inference of his renouncing the project is clear. To this end, the subject building cannot be, in any meaningful sense, considered part of Gruzman's body of architectural work. A review of the Phillip Goad monograph on Gruzman confirms that the subject building does not appear on a thorough list of the architect's work.

PHYSICAL EVIDENCE

Urbis carried out a visual inspection of the building in January 2023 and concurs with the physical description as provided by the Kovacs Heritage Assessment, including the findings made regarding its relative absence of aesthetic merit. Our opinion is based on a review of the historical record (including a comparison of the Gruzman scheme and the eventual Gergely & Pinter scheme), the aforementioned inspection, and on a comparison of the nearby Gaden House, the listed commercial building in Double Bay which was designed by Gruzman prior to his involvement with 45A Bay Street.

¹ Heritage NSW, 2022, *State Heritage Inventory*

² Letter from Neville Gruzman to In Shoppe Pty Ltd, 13 August 1973. Received by Urbis February 2023.

SIGNIFICANCE ASSESSMENT

I have reviewed the significance assessment undertaken for the building in the Kovacs report. I confirm that the assessment has been carried out in accordance with the relevant guidelines provided by the Heritage Council of NSW and conforms with the principles of the Australia ICOMOS Burra Charter.

I concur with the analysis and conclusions made regarding the building's inability to demonstrate historical significance (criterion (a)), associative significance (criterion (b)), aesthetic significance (criterion (c)), social significance (criterion (d)), research potential (criterion (e)), and rarity value (criterion (f)).

The Kovacs report does find, however, that the site partially meets the criterion for representative value (criterion (g)) "as the item lacks the ability to demonstrate the principal characteristics of the local area on its own, but it forms part of a representative group." In light of the building's diminished integrity with respect to its originally intended architectural expression – as a result of a significant process of value management – I would posit instead that it is a poor example of a Modernist building and is, therefore, unable to meet the criterion of representative value in any meaningful sense.

COMPARATIVE ANALYSIS

The Kovacs report provides a detailed comparison of the subject building and the nearby Gaden House, concluding that *"the building at 45A Bay Street is a compromised example of [Gruzman's] work and it falls short culturally of the significance expressed by Gaden House."*

I note that Urbis is currently engaged as the nominated heritage consultant on the refurbishment of Gaden House, and my office has prepared a suite of documentation for this development in recent years (including a Heritage Impact Statement, a Schedule of Conservation Works, a Heritage Interpretation Plan, and an Archival Recording). I am, as such, intimately familiar with Gaden House and am therefore in a position to definitively concur with the analysis and conclusions of the comparative analysis contained in the Kovacs report. It is evident, through both a review of the historical record and following Urbis' own inspection, that the building at 45A Bay Street is not, in relative terms, as historically or aesthetically important as Gaden House, nor does it demonstrate key components of Modernist architectural expression (nor, indeed, of Gruzman's body of work) in any significant way. Additionally, the building's associations with Neville Gruzman have been irreversibly and undoubtedly compromised by Gruzman's own formal disassociation with the building, and by the overlay of design revisions by Gergely & Pinter.

STATEMENT OF SIGNIFICANCE & RECOMMENDATION

The Kovacs report includes a statement of significance which summaries the key points of the significance assessment. The statement finds that the building does not demonstrate any of the criteria which are used to assess heritage significance in NSW. I concur with the statement of significance.

The report concludes by recommending that Council not proceed with its heritage listing of the subject building, owing to its inability to fulfil the significance assessment criteria. I agree with this recommendation.

CONCLUSION

On the basis of the historical evidence associated with the place – which includes Neville Gruzman's formal renouncement of his association with the project – the physical evidence of the building itself, and of a comparison with the nearby Gaden House, I agree with the findings and recommendations contained in the Kovacs report.

In my opinion, the listing of the subject building as a heritage item is not warranted as it does not fulfil the relevant criteria.

I trust that this peer review assists in the progress of this matter.

Yours faithfully,



Stephen Davies
Director

[Redacted]
[Redacted]

Weir Phillips Heritage and Planning

3rd March 2023

J6088 02

Woollahra Council
New South Head Road
Double Bay, 2029, NSW

**RE: Peer Review of the Heritage Assessment Report for No.45a Bay Street,
Double Bay, Sydney.**

To whom it may concern,

Weir Phillips heritage and Planning (WPHP) carried out a Peer Review of the Heritage Assessment of No.45a Bay Street, Double Bay prepared by Zoltan Kovacs Architect (*KovacsHAR*), dated January 2023. The Peer Review was undertaken to evaluate if the conclusions reached in the Heritage Assessment Report on the significance of the site, if any, are soundly based on appropriate heritage guidelines.

The WPHP Peer Review was prepared in accordance with the guidelines set out in the Australia ICOMOS Charter for Places of Cultural Significance, 2013, known as The Burra Charter, and the New South Wales Heritage Office (now Heritage NSW) publication, Assessing Heritage Significance. These are the two primary reference documents which are recognised as providing a sound basis for the assessment of significance in NSW.

WPHP agree with the conclusions made in the *KovacsHAR* and are satisfied that the conclusions on the significance of the site are soundly based on appropriate heritage guidelines.



Yours faithfully,

Patricia Sims | Director

Joahna Doolan

From: Kirk Bendall [REDACTED]
Sent: Monday, 4 September 2023 9:23 PM
To: Records
Subject: Local Heritage Listing for Four Sites in Double Bay - reference SC7228

The General Manager
Woollahra Council

Dear Sir/Madam,
I support the Heritage listing proposed for four buildings in Double Bay.

Each building adds to the character, improves the public domain, and reflects different periods in Double Bay's history.

The four buildings are:

- Shopping building and arcade at 21-25 Knox Street, Double Bay (Lot 1, DP 208922).
- Cooper's Corner at 475-479 New South Head Road, Double Bay (Lot 1 DP 13051).
- Royal Oak Hotel at 28 Bay Street, Double Bay (Lot 1 DP 60445).
- Former In Shoppe Building at 45A Bay Street, Double Bay (Lot 1 DP 208325)

Yours sincerely,
Kirk Bendall.