

6 October 2009

## REFERRAL RESPONSE - HERITAGE

**FILE NO:** DA 441/2009/1  
**ADDRESS:** 1 New Beach Road DARLING POINT 2027  
**PROPOSAL:** Marina redevelopment  
**FROM:** Mario D'Alessio  
**TO:** Mr P Kauter

### Application documents

The following documentation provided by the applicant has been examined for this referral response:

- Architectural Drawing set by prepared by Allen Jack + Cottier, numbered:
  - DA 1001, issue 4, dated 22 July 2009
  - DA 1001B, issue 4, dated 22 July 2009
  - DA 1002, issue 7, dated 24 July 2009
  - DA 1003, issue 4, dated 24 August 2009
  - DA 1004, issue 2, dated 24 August 2009
  - DA 1100, issue 6, dated 22 July 2009
  - DA 2000, issue 11, dated 24 August 2009
  - DA 2100, issue 10, dated 24 August 2009
  - DA 3100, issue 8, dated 24 August 2009
  - DA 3101, issue 2, dated 22 July 2009
  - DA 3200, issue 8, dated 24 August 2009
  - DA 4200, issue 2, dated 22 July 2009
  - DA-L-001, revision E dated 21 July 2009
- Environmental Impact Statement for Cruising Yacht Club of Australia prepared by Urbis August 2009
- Heritage Impact Statement by Urbis dated July 2009
- Demolition Report by Urbis dated July 2009

### Research

The following research was undertaken in the preparation of this assessment:

- Site inspection - date: 17 March & 7 October 2009 Interior inspected: Yes

### Statutory and policy documents

The following statutory and policy documents are relevant to the application:

- Sydney REP (Sydney Harbour Catchment) 2005
- Woollahra LEP 1995
- Woollahra Residential DCP 2003

### Heritage status

Heritage item: Yes – part, that portion of the proposed reclamation extending into Sydney Harbour. Heritage Act - s.170 NSW State agency heritage register.

Vicinity of heritage item: yes SREP. Described as:

1. Item No. 42, located No. 9 New Beach Road, Darling Point HMAS Rushcutter slipways

Yes Woollahra LEP1995:

2. No. 27 - No. 28 New Beach Road Darling Point, Residential Flat Building, Front Garden and Retaining Wall.
3. No. 29 - No. 30 New Beach Road Darling Point, Residential Flat Building, Front Garden and Retaining Wall.
4. No. 31 - No. 32 New Beach Road Darling Point, Residential Flat Building, Front Garden and Retaining Wall.
5. No. 33 - No. 34 New Beach Road Darling Point, Residential Flat Building, Front Garden and Retaining Wall.
6. No. 35 - No. 36 New Beach Road Darling Point, Residential Flat Building, Front Garden and Retaining Wall.
7. No. 37 - No. 38 New Beach Road Darling Point, Residential Flat Building.
8. Loftus Rd, within road reserve, 2 American Cotton Palms.
9. 4 Loftus Road, Darling Point Residential Flat Building.
10. 36a Mona Rd, Darling Point Gwelo – former house and grounds.
11. Sir David Martin Reserve and the part of the plantation reserve adjoining portions 1141 and 1142 of the Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked 'Woollahra Local Environmental Plan 1995 (Amendment No 38)'

Heritage conservation area: no

Vicinity of Heritage conservation area: yes:

1. The Darling Point Inter-war Flat Buildings Heritage Conservation Area
2. Mona Road Heritage Conservation Area

State Heritage Register: no

Potential heritage item: no

## Significance of heritage item

### Sydney Harbour & Tributaries including Curtilage - Unincorporated Waterway:

This listing of Sydney Harbour includes all that area from the Heads, extending northerly and westerly to what are known as Middle Harbour and Inner Harbour at Sydney, to Parramatta River and tributaries, and curtilage. The statement of significance states:

*Sydney Harbour is one of the finest harbours in the world, with a diversity of colourful marine scenery, providing a magnificent setting for many nautical events. Together with its curtilage, ie harbour foreshores, it is of international significance for its historical, aesthetic, social, natural and archaeological significance.*

*Sydney Harbour's impressive size and aesthetic appeal has long attracted people to its shores. The diversity of settlement which has grown up around the harbour makes it possibly Australia's greatest cultural, recreational and commercial asset. (SREP23)<sup>1</sup>*

## Significance of any heritage item in the vicinity

### 1. The HMAS (former) Rushcutter slipways

The statement of significance for the HMAS (former) Rushcutter slipways states:

*Australia's oldest extant Naval base, which has important historic associations with the development of sea defence in New South Wales (Criterion A.4). The site has close associations with the Naval Brigade of New South Wales, as its base until it was disbanded in 1907 and the RAN Reserve, as its base on formation in 1911. The base housed, in the Administrative Building, the RAN Anti Submarine School while it played a great part in turning the tide against the U-boats in the Atlantic during World War Two (Criterion H.1). The Drill Hall, its two storey extension, the associated parade ground, cottage, boatshed and sail loft are of considerable significance as a group, for the evidence it provides of the way the base functioned during its initial period (Criterion B.2). The design and construction of the original buildings, in particular the choice of timber framing and corrugated iron cladding, is a reflection of the need for economy during the years of hardship in the 1890s (Criterion F.1). The Administrative Building, the former torpedo workshop, jetties and Sayonara slipway are important in demonstrating the later use of the base (Criterion B.2).<sup>2</sup>*

<sup>1</sup> NSW heritage Office Website Online Heritage Database - [http://www.heritage.nsw.gov.au/07\\_subnav\\_01\\_2.cfm?itemid=4920065](http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=4920065)

<sup>2</sup> Australian Government, Australian Heritage Database, [http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place\\_detail;search=street\\_name%3DNew%2520beach%3Bkeyword\\_PD%3Don%3Bkeyword\\_SS%3Don%3Bkeyword\\_PH%3Don%3Blatitude\\_1dir%3DS%3Blongitude\\_1dir%3DE%3Blongitude\\_2dir%3DE%3Blatitude\\_2dir%3DS%3Bin\\_region%3Dpart;place\\_id=18346](http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;search=street_name%3DNew%2520beach%3Bkeyword_PD%3Don%3Bkeyword_SS%3Don%3Bkeyword_PH%3Don%3Blatitude_1dir%3DS%3Blongitude_1dir%3DE%3Blongitude_2dir%3DE%3Blatitude_2dir%3DS%3Bin_region%3Dpart;place_id=18346)

- 1 – 7. No. 27 - No. 28; No. 29 - No. 30; No. 31 - No. 32 ; No. 33 – No. 34; No. 35 - No. 36 New Beach Road Darling Point, Residential Flat Building, Front Garden and Retaining Wall and No. 37 - No. 38 New Beach Road Darling Point, Residential Flat Building.**

This group of twelve residential buildings contain a uniform statement of significance:

*The site formed part of the original grant to Arthur Frederick Smart in 1888. This group of twelve residential buildings have aesthetic significance as a largely intact grouping of Federation Queen Anne style buildings which were constructed as a group for John Cameron in 1911. Although the buildings were modified as flats in the 1930s they have retained their style, form and scale of the exterior and are a rare cohesive group of buildings in identical styling to remain intact in the district. The buildings have high aesthetic significance as a group for the strong contribution they make to the streetscape of the immediate area even though they have undergone some modification throughout the years. The building have social significance for their association with the Cameron family throughout the twentieth century.<sup>3</sup>*

**8. Loftus Rd, within road reserve, 2 American Cotton Palms**

The heritage inventory sheet for the item is an older inventory sheet and is incomplete in relation to the current NSW Heritage Office guidelines and does contain a statement of significance.

The item is a pair of outstanding American Cotton Palms *Washingtonia robusta*. The statement of significance contained in the WMC significant tree register states that the palms are an important component of the historic ornamental and exotic species of Darling Point.

**9. 4 Loftus Road, Darling Point Residential Flat Building**

The statement of significance from the heritage inventory sheet states:

*St. Martin's flats is a large imposing building constructed in a simplified Inter-War Mediterranean style and located on the eastern side of Loftus Road overlooking Rushcutters Bay Park. The building has architectural significance as a fine and largely intact example of the style used in a large block of flats. The building has significance for the largely intact interiors which have no recorded alterations during the buildings lifetime. The building has social significance for its part in the transition from single residence to apartment/flat building in the local area.<sup>4</sup>*

<sup>3</sup> NSW heritage Office Website Online Heritage Database - [http://www.heritage.nsw.gov.au/07\\_subnav\\_01\\_2.cfm?itemid=2710102](http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=2710102)

<sup>4</sup> NSW Heritage Office Website Online Database, [http://www.heritage.nsw.gov.au/07\\_subnav\\_01\\_2.cfm?itemid=2710076](http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=2710076)

**10. 36a Mona Rd, Darling Point Gwelo – former house and grounds**

The statement of significance from the heritage inventory sheet states:

*The subdivision and the building demonstrate a major historical phase in the development of Darling Point as a residential suburb in the early part of the 20th century. This phase saw the breaking up of the early large land grants and estates, in this case the Mona Estate, and the closer subdivision and development of the peninsular for good quality upper middle class housing. The building demonstrates the nature of housing built in the area at the time and the trend in the area to higher residential densities commencing in the 1920s with the widespread conversion of houses to duplexes and flats.*

*Built c.1913/14, the building is a good representative example of a good quality upper middle class Federation Queen Anne house designed in the 'Olde English' style, and provides evidence of the aesthetic tastes of the period. The building demonstrates many of the key characteristics of the style and a range of characteristic formal and decorative elements and finishes in its picturesque asymmetrical composition drawing on English rural vernacular forms, materials and detailing.*

**11. Sir David Martin Reserve and the part of the plantation reserve adjoining portions 1141 and 1142 of the Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked 'Woollahra Local Environmental Plan 1995 (Amendment No 38)' New Beach Road, Darling Point.**

The heritage inventory sheet is an older inventory sheet and does not contain a statement of significance. The Sir David Martin Reserve Plan of Management set out the key historical development of the reserve.

*In 1979, the RAN returned the Rushcutter site to the New South Wales State Government. In the agreement then made, the State Government leased back the site to the Commonwealth to enable RANRL to continue and for the CSC, RANSA and ASC to continue to use the boatshed and the wharves.*

*In 1979, the Commonwealth Government transferred the land to the State Government for it to be used for public recreation with the land dedicated as a Reserve for "public recreation and public maritime purpose" under the administration of a community trust board called the Rushcutters Bay Maritime Reserve Trust in 1987.*

*The name was changed in 1991 to Sir David Martin Reserve (as it is now known).*

*The Reserve was used, in conjunction with Rushcutters Bay Park and Yarranabbe Park, as the Olympic Sailing Shore Base at the Sydney 2000 Olympic and Paralympic Games and as a result of this, Olympic Legacy items are located adjacent to the Reserve. Such items include the hard stand area, two cranes and marina. Within the Reserve, Legacy Items include renovations*

*to the Drill Hall, Drill Hall extension and Soil Loft, The control of the Rushcutters Bay Maritime Reserve Trust was transferred to an administrator from Department of Land and Water Conservation prior to control being transferred to Council on 1 July 2001. Woollahra Municipal Council was entrusted with the care, control and management of Sir David Martin Reserve and appointed to manage the Reserve. The management of the Reserve under Woollahra Council occurred following the Olympic period and at the conclusion of the usage of the area as an Olympic site.<sup>5</sup>*

The outlined historical development identifies significant social and historical links with Sydney's maritime heritage.

#### **Heritage significance of within vicinity The Darling Point Inter-war Flat Buildings Heritage Conservation Area.**

The statement of significance for The Darling Point Inter-war Flat Buildings Heritage Conservation Area states:

*The Darling Point Inter-war Flat Buildings Heritage Conservation Area consists of a small group of residential flat buildings of similar scale, bulk, design, materials built on steep land subdivided from the grounds of the Victorian Regency styled house 'Mona' which visually forms part of the group. The group is largely intact and have retained their garden terraces, and the sandstone retaining walls. The buildings were designed in the Inter war Mediterranean style by prominent architectural firms of the time, Peddle Thorpe & Walker and Crane & Scott The flats are generously sized and some originally included maids quarters in the basement areas. The group is significant in demonstrating the trend towards closer subdivision and development of fashionable flats in Darling Point during the 1920s and 30s as a response to the changing planning regulations.*

#### **Heritage significance of within vicinity Mona Road Heritage Conservation Area**

The statement of significance contained in the WRDCP 2003 states:

*The Mona Road Heritage Conservation Area is a cohesive group of substantial but speculative housing built within the first decade of the 20th century on part of the Mona Estate that demonstrates the closer residential development pattern of Darling Point. The group comprises dwelling houses, semi-detached houses and apartments that demonstrate the important characteristics of the Federation Arts and Crafts and Queen Anne styles.*

#### **Assessment of heritage impact**

##### **Significance and description of subject property.**

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<sup>5</sup> Sir David Martin Reserve Plan of Management WMC December 2004.

The subject site arises from initial land reclamation for construction of the New Beach Road, Darling Point roadway during the early 1880's. The land reclamation allowed for the establishment of the NSW Naval Brigade and creation of Yarrabee Park.<sup>6</sup>

Further reclamation and construction of a later sandstone block sea wall in the 1890s replacing an earlier rough stone dyke wall allowed for the formation of ten small lots (Lots 1133 – 1142), the subject site comprises five of these lots ((Lots 1133 – 1137).

The subject lots have been continuously used for maritime activities and contained various maritime structures including boatshed, jetties, pontoons and slipways.

The submitted Heritage Impact Statement Demolition Report by Urbis dated July 2009 contains detailed historical research of the subject site including a chronology of photographs and maps that show the line of the 1890s sea wall has been broken and altered by the construction by various successive jetties, pontoons and slipway structures associated with the sites continual maritime use. The original sandstone block sea wall of the 1890s has been additionally altered through patchwork reconstruction.

The existing site's buildings are a series of principally utilitarian buildings dating between the 1960's to 1990's. The buildings are not individually aesthetically or technically significant.

The CYC site has significance for its social and historical links with Sydney Harbours Maritime heritage.

To the eastern side of the site exists a parcel of land known as "*Plantation reserve*" it is constructed with pedestrian footpath and a narrow nature strip. A significant portion of "*Plantation reserve*" is now surfaced with bitumen and used for vehicle parking which compromises the original intent.

#### ***Relevant statutory and policy documents***

The assessment is made using the following statutory and policy heritage conservation provisions:

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  
Woollahra LEP 1995 Part 1 clauses 2(1)(g) and 2(2)(g); Part 4 clauses 26; 27  
Woollahra Residential DCP 2003

#### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

##### **15 Heritage conservation**

The planning principles for heritage conservation are as follows:

- (a) *Sydney Harbour and its islands and foreshores should be recognised and protected as places of exceptional heritage significance,*
- (b) *the heritage significance of particular heritage items in and around Sydney Harbour should be recognised and conserved,*

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<sup>6</sup> Demolition report by Urbis dated July 2009, pgs 29 - 30

- (c) *an appreciation of the role of Sydney Harbour in the history of Aboriginal and European settlement should be encouraged,*
- (d) *the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area should be protected,*
- (e) *significant fabric, settings, relics and views associated with the heritage significance of heritage items should be conserved,*
- (f) *archaeological sites and places of Aboriginal heritage significance should be conserved.*

## **55 Protection of heritage items**

- (4) *Before granting development consent as required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.*
- (5) *The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues):*
  - (a) *the heritage significance of the item as part of the environmental heritage of the land to which this Part applies, and*
  - (b) *the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and*
  - (c) *the measures proposed to conserve the heritage significance of the item and its setting, and*
  - (d) *whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and*
  - (e) *the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.*

**Comments:** The proposal includes reclamation of a portion of Sydney Harbour and construction of a new sea wall.

Notwithstanding that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 prohibits reclamation works, the proposed reclamation will not result in an adverse heritage impact in this instance as:

1. The line of the 1890s sea wall has been broken and altered by the construction by various successive jetties, pontoons and slipway structures associated with the sites continual maritime use.
2. The proposal realignment of the sea wall includes improved public access walkway.

## **Woollahra LEP 1995 Part 1 clauses 2(1)(g) and 2(2)(g); Part 4 clauses 26; 27**

**Comment:** The subject site forms part of the visual setting of surrounding heritage items, including public views from the harbour. The proposal maintains the maritime use of the site and will assist in rationalising the existing extent of disparate design of the structures on the site. The proposed works will have no adverse impact on the in vicinity heritage items and conservation areas.



The proposal meets the relevant aims and objectives of the Woollahra LEP 1995 in relation to heritage conservation.

The existing structures to be demolished are principally utilitarian buildings dating between the 1960's to 1990's. The buildings are not individually aesthetically or technically significant.

### **Woollahra Residential DCP 2003**

#### **Desired Future Character Objectives - Darling Point Precinct**

*O 4.1.11 To maintain the heritage significance and significant items of the HCA's within the precinct*

**Comment:** The proposed works will have no adverse impacts to the in-vicinity heritage items and conservation areas. The proposal accords with objective O4.1.11 in relation to heritage conservation.

#### **Conclusion**

The application is generally acceptable as it complies with the provisions of the relevant statutory and policy documents with the exception of those outlined in the above assessment. The non-compliance is acceptable, in this case, and no changes are considered necessary because the proposed reclamation will not result in an adverse heritage impact.

#### **Recommendation**

Consent subject to conditions.

#### **1.1 Recording of significant or contributory buildings prior to any demolition**

A full archival record of the building, slipways, decks, pontoons, sheds, marine structures and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of any work and prior to the issue of a Construction Certificate.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Department of Planning Heritage Branch or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the NSW Department of Planning Heritage Branch.

There should be three sets of the photographic report and film materials or digital materials. The following table summarises the lodgment details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

<b>Material</b>	<b>Minimum Requirement</b>	<b>Repository</b>
Digital Materials	3 copies of photographic report – paper copy 3 CD-Rs or DVD 1 set of 10.5x14.8cm prints	<u>Woollahra Council</u> Report (paper) + CD-R or DVD + prints <u>Local History Centre</u> Report (paper) + CD-R or DVD <u>Owner/client</u> Report (paper) + CD-R or DVD
Black & White Film (plus any supplementary colour film)	3 copies of photographic report 1 set of negatives 1 sets of proof sheets and catalogue	<u>Woollahra Council</u> Report + negatives + 1st set of proof sheets <u>Local History Centre</u> Report + 2nd set of proof sheets <u>Owner/client</u> Report + 3rd set of proof sheets
Colour Transparencies or Slides	3 copies of photographic report 1 set of original transparencies and two sets of duplicates OR 3 sets of original images taken concurrently	<u>Woollahra Council</u> Report + original transparencies <u>Local History Centre</u> Report + duplicate/concurrent transparencies: <u>Owner/client</u> Report + duplicate/concurrent transparencies

Refer to the NSW Department of Planning Heritage Branch website,  
[www.heritage.nsw.gov.au/docs/info\\_photographicrecording2006.pdf](http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf)

Standard Condition: B3

Mario D'Alessio  
Heritage Officer