

21 April 2010

## REFERRAL RESPONSE - HERITAGE

**FILE NO:** DA 602/2009/1

**ADDRESS:** 8 Castra Place DOUBLE BAY 2028

**PROPOSAL:** Replacement of existing fixed wharf structure with berthing for 40 vessels & moorings for 25 vessels with a new floating structure with berths for 45 vessels and moorings for 20 vessels.

**FROM:** Mario D'Alessio

**TO:** Mr P Kauter

### 1. Application documents

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

- Architectural plans by Mark Hurcum Design Practice Architects numbered:
  - DA100, issue B, dated 10 Nov 2009
  - DA120, issue B, dated 10 Nov 2009
  - DA130, issue B, dated 10 Nov 2009
  - DA140, issue B, dated 5 Nov 2009
  - DA150, issue B, dated 10 Nov 2009
  - DA160, issue C, dated 12 Nov 2009
  - DA170, issue B, dated 10 Nov 2009
- Environmental Impact Statement by Ingham Planning P/L Job No.09048, dated November 2009

### 1.1 Additional referral documents

The following additional documentation was provided:

- A copy of the letter titled RE: *DA 602/2009/1- 8 Castra Place, Double Bay – Re-development of Double Bay Marina* from Vincent Sicari, Manager Conservation Team, Heritage Branch, Department of Planning, dated 13 April 2010.

## 2. Research

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

- Site inspection - date: 30 March 2010
- Review of heritage referral response for DA 844/2007/1 titled *Redevelopment of Double Bay Marina* for the subject site, dated 28 February 2008 which was refused on the 20 May 2008.
- Review of the Judgment of Commissioner Roseth SC of the Land and Environment Court of New South Wales in appeal No. 10498 of 2008 *Double Bay Marina Pty Ltd v Woollahra Municipal Council (Respondent) Elizabeth Tudehope and others (Objectors)* which dismissed the appeal dated 9 January 2009.
- Review of aerial photography

## 3. Statutory and policy documents

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

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

## 4. Heritage status

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

Vicinity of heritage item: Yes - State Heritage Register, s.170 NSW State agency heritage register

- Double Bay Compressed Air Ejector Station
- 11 Gladswood Gardens Double Bay, *Gladswood House* - building

Yes – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP), described as:

- Item No. 52. Gladswood House private jetty 11 Gladswood Gardens, Double Bay.
- Item No. 66. Site of Public Wharf (now occupied by new wharf) Bay Street, Double Bay.

Yes Woollahra LEP1995:

- 11 Gladswood Gardens Double Bay, *Gladswood House* - building

- 21 Gladswood Gardens Double Bay, House, stone works

Heritage conservation area: no  
State Heritage Register: Yes

## **5. Significance of heritage item**

### **5.1 Sydney Harbour and Tributaries**

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 definition of Sydney Harbour contained in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 states:

*includes all tidal bays, rivers and their tributaries connected with or leading to Sydney Harbour, and all waters bounded by mean high water mark and lying to the west of a line running between the southernmost point of North Head and the northernmost point of South Head.*

The statement of significance of Sydney Harbour contained in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 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.<sup>1</sup>*

## **6. Significance of any heritage item in the vicinity**

### **6.1 Double Bay Compressed Air Ejector Station**

The listing of the Double Bay Compressed Air Ejector Station identifies Cross Street, Double Bay as the primary address. The curtilage includes the Double Bay stormwater channel that discharges into Sydney Harbour to the east of the subject site.

The statement of significance states:

<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)

*Double Bay Sewage Ejector Station No 1 remains is of historic and technical/research significance. Historically, it was the first low level sewage pumping station constructed to serve Sydney in 1898 and is the only surviving ejector station of the five originally built to serve Double Bay. It is also significant for its historically integral association with the Bondi Ocean Outfall Sewer which it served. It has high scientific significance, having educational potential to reveal information about the shone ejector principle of lifting sewage by means of compressed air, which was superseded by present day electrical pumps. The remnant fabric is now unique and of high archaeological value.*<sup>2</sup>

## **6.2 Gladswood House private jetty 11 Gladswood Gardens, Double Bay and 11 Gladswood Gardens Double Bay, Gladswood House - building**

The statement of significance for Gladswood House states:

*The fabric of the place is an element of the early subdivision of the "Point Piper Estate" and its development as a landmark harbour side estate (p3). It was once a landmark on the point of Double Bay (refer p. 8 & 10) and still retains a relationship with the harbour;*

*It represents an example of the popular picturesque harbour side "colonial Gothic taste" in building (pp5-8). It is one of the few surviving examples of the domestic work of the architect William Munro (p5);*

*It is associated with people of importance in cultural, political and commercial history of Australia and New South Wales including Sir Daniel Cooper, William Walker, Samuel Deane Gordon, Thomas Hussey Kelly, Thomas Herbert Kelly, John Spencer Brunton and RG Howard Joseland (pp 3, 5, 8, 10-13);*

*Its asymmetrical planning and sitting is representative of a variance to the pointed "Gothic Plan type" in response to its harbour side location (p5). The stained glass windows of the entry vestibule and stair well date from around 1875 and are excellent examples of the work of the firm of Lyon and Cottier (p18 & 22);*

*Major alterations and additions dating from around 1913 in refurbishing the building have provided joinery and plaster work of excellent quality and craftsmanship. Of particular note are the fireplaces in the Entry Hall, and Dining Room/Ballroom and the feature plaster ceilings contained within these areas (pp19-21);*

*The iconographical program undertaken in the 1913 interior refurbishment to Rooms G2, G3, G4, G9 and the stained glass and major joinery herein as described in the inventory of items provide a significant variant in their "Baronial program", to early twentieth century interior treatments (pp19, 21,*

<sup>2</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)

24).

*McGauran Soon Pty Ltd., 1994 (Conservative Study, Gladswood House, p 35).*  
3

### **6.3 Site of Public Wharf (now occupied by new wharf) Bay Street, Double Bay.**

The existing Double Bay ferry wharf is located on the site of an older wharf constructed for the Double Bay Village in 1869 for a ferry service offered by the then Watson's Bay ferry service.<sup>4</sup>

### **6.4 21 Gladswood Gardens Double Bay, House, stone works**

The site contains a residential dwelling that is the converted former stable building of the related *Gladswood House*. The former stable building displays rustic Gothic architectural styling.

## **7. Assessment of heritage impact**

### **7.1 Proposed development**

The proposed development is for an extension and modification to the existing marina berthing facilities of the Double Bay Marina.

### **7.2 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 and 27*  
*Woollahra Residential DCP 2003*

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

The planning principles for heritage conservation and the relevant provisions for assessing development in vicinity of heritage items are as follows:

#### **15 Heritage conservation**

- (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,*
- (c) *an appreciation of the role of Sydney Harbour in the history of Aboriginal and European settlement should be encouraged,*

<sup>3</sup> NSW heritage Office Website Online Heritage Database -  
[http://www.heritage.nsw.gov.au/07\\_subnav\\_01\\_2.cfm?itemid=5045709](http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=5045709)

<sup>4</sup> Double Bay - Thematic History, 2006 Rosemary Broomham Woollahra Local history Centre, pg 10

- (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.*

## **59 Development in vicinity of heritage items**

- (1) *Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.*
- (2) *This clause extends to development:*
  - (a) *that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
  - (b) *that may undermine or otherwise cause physical damage to a heritage item, or*
  - (c) *that will otherwise have any adverse impact on the heritage significance of a heritage item.*
- (3) *The consent authority may refuse to grant development consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*
- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

**Consideration:** The proposed development would have a negligible heritage impact on the heritage significance of Sydney Harbour and its setting and the views associated with the heritage significance of heritage items located in the vicinity to the Double Bay Marina.

The proposal is considered to comply with the planning principles for heritage conservation and the provision for development in the vicinity to heritage items. The proposed works do not impact on the heritage significance of the heritage items located in the vicinity of the subject marina.

The letter titled RE: *DA 602/2009/1- 8 Castra Place, Double Bay – Re-development of Double Bay Marina* from Vincent Sicari, Manager Conservation Team, Heritage Branch, Department of Planning and dated 13 April 2010 identifies that:

- a) "located in and around the area" of the Double Bay Marina in 1896 the ship *Ellen A Reid*, a 70.25m, 1790 tonne cargo ship caught fire and was beached.
- b) The possibility that any ship relics could be impacted should be considered and an appropriate mitigation strategy put in place should this occur including necessary permits under the NSW Heritage Act.

The applicant should be advised that there is a possibility that ship relics could be impacted upon during excavations. The applicant should engage an archaeologist to be present on-site should any archaeological object be found. Work shall cease until the significance of the evidence has been assessed by the archaeologist and presented to Council and the NSW Heritage Office. Work must not recommence until the archaeologist is satisfied that all obligations under the NSW Heritage Act have been met.

Accordingly, subject to a advising relating to archaeological supervision, the proposal is considered to comply with the planning principles for heritage conservation contained in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

**Consideration:** The proposal is considered to have a negligible heritage impact on the heritage significance of Sydney Harbour and the heritage items located in the vicinity of the marina.

#### **7.2.3 Woollahra Residential DCP 2003**

The relevant heritage conservation provisions of the WRDCP 2003 for assessing the proposed development are as follows:

#### **4.2 Double Bay**

**Objective:** O 4.2.11

## 5.11 Harbour Foreshore Development

### Objective: O 5.11.1

**Consideration:** The proposal accords and is satisfactory in relation to all applicable heritage conservation provisions of the WRDCP 2003.

## 8. Conclusion

The application is acceptable as it complies with the relevant heritage conservation provisions of these statutory and policy documents associated with the site and would have a satisfactory heritage impact.

## 9. Recommendation

Consent, subject to the following special advising:

### 1. Archaeological potential *Ellen A Reid*

The NSW Heritage Office has advised that a search of the NSW Shipwrecks Database identified that, located in and around the area of the Double Bay Marina in 1896 the ship *Ellen A Reid*, a 70.25m, 1790 tonne cargo ship caught fire and was beached.

The possibility that any ship relics could be impacted should be considered and an appropriate mitigation strategy put in place should this occur including necessary permits under the NSW Heritage Act.

The applicant is to engage an archaeologist to be present on-site should any archaeological object be found. Work shall cease until the significance of the evidence has been assessed by the archaeologist and presented to Council and the NSW Heritage Office. Work must not recommence until the archaeologist is satisfied that all obligations under the NSW Heritage Act have been met.

This advising is attached in order to comply with the planning principles for heritage conservation relating to potential archaeological sites contained in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.



Mario D'Alessio  
Heritage Officer