



27 September 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 200/2024/1

ADDRESS: 19 Darling Point Road DARLING POINT 2027

PROPOSAL: Change of use and alterations and additions of the existing residential flat building for campus student accommodation

FROM: Eleanor Banaag

TO: Mrs L Holbert

1. DOCUMENTATION

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

- Drawing set by Tribe Studio Architects, dated 5 September 2024, Rev DA2, and numbered:
 - DA-00-001
 - DA-02-000
 - DA-02-001
 - DA-06-008
 - DA-06-011
 - DA-06-012
 - DA-06-013
 - DA-06-020
 - DA-10-002
 - DA-11-008
 - DA-11-011
 - DA-11-012
 - DA-11-013
 - DA-21-010
 - DA-21-012
 - DA-31-001
 - DA-31-002
 - DA-31-003
 - DA-82-000
 - DA-82-002
 - DA-84-001
 - DA-95-001
- Heritage Impact Statement by Hector Abrahams Architects, dated 29 November 2023, V1.6
- Schedule of Conservation Works by Hector Abrahams Architects, 4 October 2023, V1.0
- Visual Impact Assessment by Tribe Studio Architects, undated.
- Statement of Environmental Effects by Urbis, dated June 2024
- Landscape Plan by 360, Rev I, dated 10 September 2024
- Survey plan by Rygate, ref 79877, Rev F dated 14 September 2024
- Geotechnical Assessment by Crozier, Rev 2, dated 12 December 2023
- Aboriginal Heritage Impact Assessment by Unearthed Archaeology, dated July 2024



2. DESCRIPTION OF PROPOSED WORKS

The applications seeks consent to carry out Change of use and alterations and additions of the existing residential flat building for campus student accommodation at the subject site. Specifically, the works include:

- Excavation and extension of the ground level (and first floor above) to facilitate an in-house art room, gym and laundry, office, reception space and staff accommodation
- Installation of lift to provide access to all levels of the building
- Alterations and additions throughout the building and associated fit-out works to accommodate:
 - Student bedrooms, bathrooms, kitchenettes, study space and common rooms and outdoor terrace (the building will have a total capacity for 39 students)
 - Two on-site staff accommodation rooms
- Rooftop alterations, including occupation of attic space for bedrooms, and roof-top solar panels
- Removal of two trees within the rear yard of No. 19
- Additional landscaping within No. 19, including screen planting within boundaries, as well as new landscaping within the interface of the main Ascham campus (landscaping will involve replacing the 2 trees required to be removed with 18 new trees)
- Construction of a ramp/pedestrian access way to connect the rear of No. 19 to the existing campus
- Demolition of the existing chicken coup/shed within the existing campus to facilitate the access way
- Associated landscaping and minor civil works within the interface of No. 19 and the existing campus

3. SITE INSPECTION / RESEARCH

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

- The site was previously inspected from the external areas and surrounding public domain in April 2023 as part of a Pre-DA process.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Pre-DA minutes and previous referral responses, April and May 2023.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

4. STATUTORY AND POLICY CONTEXT

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

- National Parks & Wildlife Act 1974
- Woollahra LEP 2014
- Woollahra DCP 2015

5. SIGNIFICANCE OF SUBJECT PROPERTY



A Statement of Heritage Impact (SOHI) was prepared in support of the DA by Hector Abrahams Architects. The report is well-prepared and well-researched. A summary of the significance of the subject site is provided below, taken from information in the SOHI.

Site History

Darling Point had been reserved by the Colonial government but in 1831 it was surveyed and divided into thirteen allotments. 19 Darling Point Road is located on what was allotment number 13 and was purchased by Thomas Smith along with villa allotment 12 for £1168 on the 1st of May 1835. Smith built a single storey house, *Glenrock*, before his death in 1842. Glenrock is still extant and part of the Ascham School and directly due east of the subject site. The estate was handed down to Smith's son, Thomas Whistler Smith (TW Smith) who was a politician who served as a member of the Legislative Assembly 1857-59, he founded and directed several companies including the *Sydney Exchange Company*. Over time the estate changed hands within the Smith Family, until it was sold to John Marks. The estate was subdivided in 1866. The subject property was part of the Glanworth Estate, named after *Glanworth*, built in the 1850s. The first subdivision of the Glanworth Estate occurred in 1908 and the original house was demolished. 19 Darling Point Road was located on Lots 5 and 6 of the Glanworth Estate which was subdivided in 1910. The first owner of the property was recorded in 1911 as Fanny Hermann. In 1914 she transferred the property to Mrs Margaret Sinclair Frances and Miss Charlotte McKellar. The property was then transferred to Harold Longworth, a builder.



The Woollahra Building Register shows that on the 1st of September 1918 an application was made by Harold Longworth for the erection of flats on lots 5 and 6, which was conditionally approved. As the owner of the property and a builder, it is most likely that Longworth built and designed 19 Darling Point Road. The completion date for construction is most likely 1920 with the flats first appearing in the Sands Directory in 1921 as *Rowallan Flats*.

Building description

The building is a face-brick, three-storey interwar residential flat building in a free-classical style, although it exhibits minor influences in Georgian Revival and Arts and Crafts styles. The façade is liver-coloured brickwork, accented by the white detailing in the windows, doors, entrance portico and eaves. It has a red terracotta roof. The built form is essentially cruciform in footprint,



symmetrical down the centre axis, with short protruding bays to the front corners and longer bays to the rear. The building sits elevated above the roadway, with the falling topography of Darling Point Road to New South Head Road allowing for street level garages, boundary wall and stair access, all in rough sandstone blocks, to the level platform of the building above.

Statement of significance

The SOHI provides the following assessment against the Heritage Significance criteria and guidelines.

<p>Criterion A: Historical <i>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).</i></p>	<p>The construction of 19 Darling Point Road demonstrates the transformation of Darling Point that saw the subdivision of large estates including Glanworth. The subdivision of 19 Darling Point Road resulted in the construction of flats that continue to be prominent in its streetscape. The arrival of flat buildings at Darling Point demonstrates changing socio-economic factors and changing patterns of domestic ways of life from large manor residences to multi-storeyed flat buildings.</p>
<p>Criterion B: Historical Association <i>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 the cultural or natural history of the local area).</i></p>	<p>19 Darling Point Road has some historical association the Smith family who owned the land as part of the Glenrock Estate. However, as the Smith family had sold the land and it was subdivided before the present flats were constructed the association is limited. The place is not considered to have associative value.</p>
<p>Criterion C: Aesthetic/creative/technical achievement <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).</i></p>	<p>19 Darling Point Road (c.1918) is a good example of a flat building that draws on a number of styles including Georgian Revival, Classical and Arts and Craft. It's form, composition, and detailing, includes a prominent sandstone base, liverbrick, classical door with Doric order pilaster and entablature, central pediment with half round window, decorative joinery, exposed eaves, well-detailed interior finishes, and stair hall demonstrate the distinctive aesthetic qualities of the Classical and Georgian Revival styles. Despite the infilling of balconies with aluminium windows, the building is intact.</p>
<p>Criterion D: Social, cultural and spiritual significance <i>An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.</i></p>	<p>19 Darling Point Road does not have social value.</p>
<p>Criterion E: Research Potential <i>An item has 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).</i></p>	<p>19 Darling Point Road does not have research value.</p>



Criterion F: Rare <i>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).</i>	19 Darling Point Road is not rare.
Criterion G: Representative <i>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).</i>	19 Darling Point Road (c. 1918) is representative of early flat buildings drawing on the Georgian Revival, classical and art deco style. Its form carried out in liver brick facing to the principal facades and composition with stone base, central pediment with half round window, and exposed eaves are highly typical of the later 1920s style.

Based on the historical research, assessment of significance, and including comparative analysis of similar buildings, the assessment appears accurate with regard to significance of the building.

Significance as per the Woollahra LEP 2014

The subject site is not a listed heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014 'Woollahra LEP 2014' and is not within a heritage conservation area.

Significance of items in the vicinity

The following listed heritage items/heritage conservation areas are located in proximity of the site:

- 'Duntrim - building and interiors (former house) and grounds including Norfolk Island Pine' at 37 Darling Point Road (No. I87). The heritage item abuts the rear of the subject site.
- 'Concrete balustrade', Darling Point Road from the intersection of New South Head Road (No. I114). The item is opposite the heritage item.

There will be no impact on the heritage items in the vicinity.

Significance as per the Woollahra DCP 2015

As the site is not a heritage item, not within a heritage conservation area, and not considered a contributory item, there is no identified heritage significance as per the Woollahra DCP.

The subject property is located within the Darling Point residential precinct as noted in Part B1 of the DCP. Part B1 does not have specific controls for the Darling Point precinct but does outline objectives. The desired future character objectives aim to:

- *ensure that development reflects the desired future character of the precinct;*
- *preserve significant features contributing to the character of precincts;*
- *ensure that new development responds to the surrounding built form and natural features;*
- *limit impacts on the amenity of surrounding developments;*
- *retain and preserve significant view corridors;*
- *retain and reinforce tree canopies; and*
- *ensure that the streetscape and scenic quality is preserved.*



6. ASSESSMENT OF HERITAGE IMPACT - Compliance with the relevant legislative framework and planning controls

National Parks and Wildlife Act 1974

The site is in an area of Potential Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was required as part of the DA to ascertain whether potential Aboriginal cultural heritage will be impacted by the proposal.

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 1 October 2024 from the Office of Environment & Heritage NSW (OEH) website has revealed that there are 0 recorded Aboriginal sites recorded within a 200m buffer in or near the above location and 0 Aboriginal sites within a 0m buffer in or near the above location.

An Aboriginal Heritage Impact Assessment (AHIA) was prepared by Unearthed Archaeology, dated 10 July 2024. A site inspection to inform the AHIA was attended by a qualified archaeologist. An attempt was made to engage with the La Perouse LALC (LALC), as the knowledge holders for Aboriginal cultural heritage in the area, to attend the site inspection. However no response was obtained from the LALC. The site inspection was completed without the attendance of the LALC on 22 August 2023.

At the site inspection, the following conditions were observed in the AHIA:

- *No Aboriginal objects or sites were recorded during the site inspection.*
- *There are no exposed areas of sandstone.*
- *The study area is situated on a band of sand extending from Bondi Beach which overlies Hawkesbury Sandstone. The study area is located on the steep slope of the Darling Point peninsula, on the isthmus.*
- *The 1833 survey plan by surveyor Thomas Mitchell shows the study area on the steep slope below the ridgeline.*
- *The property has undergone significant modification as a result of the construction of the existing residential unit building that presently occupies the site. The building sits much higher than the present level of Darling Point Road. There are three garages constructed at street level at the front of the property and a small grassed garden is situated on the roof of the garages leading into the entrance of the unit building. At the rear of the building, a small concrete courtyard area is situated at the same level as the unit building. Behind this a steep slope formed into a garden bed with a central set of stairs leads up to a flat grassed garden area on the eastern boundary of the property. At the southern end of the flat, grassed area is a small brick outbuilding/shed.*
- *During the site inspection, a large amount of shell was observed on the sloped garden bed at the rear of the building. At first glance, it appeared that midden material may have been eroding out of the slope. However, on closer inspection, it was determined that the garden bed was full of highly weathered snail shells and small pieces of chicken eggshell, which had likely been placed there by one of the tenants to benefit the garden. No marine species were observed among the shell material. It was determined that the shell was all fairly recent and not of Aboriginal origin.*
- *Given the historic topography of the study area and the modification of the property that has been undertaken in association with the construction of the existing residential unit building, garages and landscaping, it is not anticipated that the proposed works will impact on any Aboriginal archaeological deposits.*

The AHIA makes the conclusion that “it is highly unlikely that subsurface archaeological deposits remain within the study area.” It offers recommended mitigations including the following:



1. There is no objection to the proposed redevelopment of 19 Darling Point Road, Darling Point on Aboriginal archaeological grounds and no further archaeological investigation is required.
2. No Aboriginal objects were recorded during the site inspection and it is not expected that any sites or subsurface deposits will be harmed during the proposed works, therefore an Aboriginal Heritage Impact Permit under Part 6 of the National Parks and Wildlife Act 1974 (as amended).
3. The study area is shown on the Woollahra Municipal Council's Aboriginal Heritage Sensitivity Map as in an area of Potential Aboriginal Heritage Sensitivity. The Aboriginal Heritage Sensitivity Map does not need to be updated as a result of this assessment.
4. If during the proposed works any unexpected Aboriginal objects, midden (shell) material, rock engravings or any other evidence of Aboriginal occupation is uncovered, all work must cease in the vicinity of the suspected Aboriginal objects or evidence of occupation, and further advice should be sought from a qualified archaeologist.
5. If, in the unlikely event, any skeletal material is uncovered during the proposed works, all work must cease and the following steps be immediately undertaken:
 - a. You must not further disturb or move these remains.
 - b. You must immediately cease all work at the particular location.
 - c. You must notify NSW Police.
 - d. You must notify Heritage NSW's Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location.
 - e. You must not recommence any work at the particular location unless authorised in writing by Heritage NSW.
 - f. Any Aboriginal skeletal remains must be recorded and reported under the direct supervision of a specialist physical anthropologist.
6. A copy of this report will be submitted to the Aboriginal Heritage Information Management System (AHIMS) and the La Perouse Local Aboriginal Land Council.

While the assessment has been prepared by a qualified archaeologist, the lack of meaningful consultation with the LALC, as the knowledge holders of their own cultural heritage, had not initially been provided. Consultation is a requirement of the Woollahra DA Guide, Attachment 10 for the preparation of Aboriginal Heritage Impact Assessments. As per the *Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010)*, it states that "community consultation must be an open and honest two-way communication process between the proponent and Aboriginal people who have cultural heritage knowledge relevant to a proposed project area."

Subsequent to this first draft of the report and Council's feedback regarding consultation, the archaeologist returned to site accompanied by representatives of the La Perouse LALC in November 2024. Onsite, the LALC site officers intimated they would like to provide a heritage induction for staff at the commencement of works, and that an unexpected finds procedure should be in place for the project. Otherwise, they had no objections to the proposal. The AHIA was re-submitted to the LALC for comment, and a report from the LALC demonstrating concurrence with the AHIA recommendations is currently being prepared.

In the meantime, as the LALC have provide verbal support of a heritage induction and an unexpected finds procedure, conditions of consent that align with these requirements have been added below.



Woollahra LEP 2014

Clause 1.2 Aims of Plan

Subclause 1.2. (2) (f) – to conserve and enhance built and natural environmental heritage

The proposal seeks to predominantly retain the building and undertake substantial alterations to the building. The alterations have been designed to be discreet and sympathetic to the wider built environment and historic character of Darling Point. As such, the proposal is considered to meet the objectives of this Clause.

Clause 5.10 Heritage Conservation

The proposal has been considered having regard to the provisions of Clause 5.10 of the Woollahra LEP. The following commentary is provided:

- **Clause 5.10(1)(a):** The proposed development conserves the heritage of Woollahra as it would not give rise to unacceptable impact on the heritage significance of the item and its setting, including views to and within the item.
- **Clause 5.10(1)(b):** The proposed works conserve the heritage of Darling Point and Woollahra as it retains the building and will continue to be used as accommodation for the community. It would not give rise to unacceptable adverse impacts upon the heritage significance of the item, its setting and the broader visual catchment within and beyond Darling Point. A Schedule of Conservation Works has been provided that demonstrates the conservation of original fabric where it is being retained. This is an adequate mitigation of the impacts of the removal of fabric to the rear.
- **Clause 5.10(2) and (3):** Consent is required for the proposed works
- **Clause 5.10(4):** This referral constitutes an assessment under this clause. Refer to comments for Clause (1)(a) and (b) above.
- **Clause 5.10(5):** A heritage management document (a Statement of Heritage Impact, and a Schedule of Conservation Works) was submitted with the development application and was found to be acceptable in relation to built heritage.
- **Clause 5.10(6):** A Conservation Management Plan was not required.
- **Clause 5.10(7) and (8):** The site is identified as a place of Aboriginal heritage significance based on Council's mapping and a search of AHIMS. A referral was sent to the La Perouse Local Aboriginal Land Council on 26 June 2024 and no return correspondence was received within 28 days. An Aboriginal Heritage Impact Assessment was prepared however consultation with the La Perouse Local Area Land Council was not provided. A subsequent inspection involving the LALC was undertaken in November 2024. The LALC verbally intimated support of a heritage induction and an Unexpected Finds Procedure. The AHIA was resubmitted to the LALC for review and comment, with a final response and recommendation currently being prepared.
- **Clause 5.10(9):** Demolition of a nominated State heritage item is not proposed.
- **Clause 5.10(10):** Conservation incentives are not being sought as part of this application.

Woollahra DCP 2015

Part B1.2 Darling Point Residential Precinct.

Desired Future Character

O4 To maintain the heritage significance of heritage items and buildings in adjacent heritage conservation areas.



- The proposed works align with this objective as the proposal will retain the building, with discreet modifications to the rear that would not have a negative impact on the character of the Darling Point residential precinct.

O3 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials.

- The proposed alterations are distinctly contemporary but have a palette and materiality that is sympathetic with the original built form of the building.

O4 To maintain the heritage significance of heritage items and buildings in adjacent heritage conservation areas.

- The proposal has discreet connections to the heritage item to the rear. These connections will not have any visual impact to the character of the Darling Point precinct.

O6 To ensure that alterations and additions to period buildings, such as semi-detached dwellings and attached dwellings, do not detract from the character of these buildings and their presentation to the street.

- The proposed works have been designed in scale, siting and materiality such that they are discreet and have a minimal impact on the character of the building, and the surrounding streetscape. This is demonstrated in the Visual Impact Assessment.

O7 To ensure roof forms are articulated to provide attractive roofscapes and designed to minimise view loss.

- There is a proposed large eyelid dormer to the side elevation that is visible from Darling Point. However, the design has been set back and lowered to reduce the visible impact. Additionally, it has been designed with a materiality that is contemporary and sympathetic to the existing building's roof form that it is discreet.

O12 To retain and reinforce the stone and brick retaining walls that characterise the sloping streets of the precinct.

- The sandstone retaining walls along Darling Point Road will be retained.

Part B3.5 Built form and context

B3.5.1 Streetscape and local character

O1 To ensure that the built form is compatible with the streetscape and the desired future character of the area.

- The proposed alterations align with the values of the historic streetscape of this part of Darling Point Road, which includes other interwar period dwellings and flat buildings. .

7. CONCLUSION

The proposal has been considered having regard to the applicable legislation and policy documents and, on balance, is considered to be acceptable. The proposed alterations to the building have been designed with thoughtful consideration regarding the siting of new elements, the contemporary and discreet design, and the sympathetic materiality, to be complementary to the historic character of the building as well as the wider historic character of Darling Point Road.

Consultation with the LA Perouse LALC, including a site inspection by a LALC officer was completed and the draft AHIA provided to the LALC in November 2024. A response and feedback from the LALC following the site inspection and review of the AHIA is currently being prepared by the LALC. It was verbally intimated onsite that a heritage induction be provided by a LALC Officer, and that an Unexpected Finds Procedure be in place as a minimum, as conditions of consent for this DA.



8. RECOMMENDATION

1. No objections are raised to the proposal, subject to the conditions as recommended, as it complies with the relevant statutory and policy documents and would have an acceptable heritage impact.

Consent, subject to conditions:

B9 Skeletal Remains

B. 9	Skeletal Remains While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified: a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Details of the remains and their precise location are to be provided. Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Condition Reason: To ensure the appropriate management of skeletal remains.
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(Autotext 9B)

B10 Aboriginal Objects – Unexpected Findings

B. 10	Aboriginal Objects – Unexpected Findings While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must: a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the
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discovery.

Notes:

- The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Condition Reason: To protect Aboriginal objects

(Autotext 10B)

B12 Aboriginal Heritage Due Diligence Responsibilities

B. 12	Aboriginal Heritage Due Diligence Responsibilities
	<p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p>
	Condition Reason: To protect Aboriginal heritage.

(Autotext 12B)

B13 Aboriginal Heritage Induction

B. 13	Aboriginal Heritage Induction
	<p>Prior to any site works:</p> <ol style="list-style-type: none">a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974;b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; andc) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.
	Condition Reason: To protect Aboriginal heritage.



Woollahra
Municipal
Council

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Eleanor Banaag
Heritage Officer

1 October 2024
Completion Date

Draft