



3 February 2025

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 489/2024/1

ADDRESS: 33 Cross Street DOUBLE BAY 2028

PROPOSAL: Demolition of an existing building and construction of a new mixed-use building above an existing 2 level basement

FROM: Tristan Ryan

TO: Mr B McIntyre

1. DOCUMENTATION

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

- Drawing set by Cox Architecture, dated October 2024, and numbered DA 0001 – DA 9700.
- Heritage Impact Statement and Demolition Report by Weir Phillips Heritage and Planning, dated October 2024.
- Statement of Environmental Effects by GSA Planning, dated November 2024.
- Letter explaining why Aboriginal Heritage Impact Assessment is not required by GSA Planning and separate letter by Weber Design Consulting Engineers, both dated 11 December 2024.

2. DESCRIPTION OF PROPOSED WORKS

The applications seeks consent to carry out Demolition of an existing building and construction of a new mixed-use building above an existing 2 level basement at the subject site.

3. SITE INSPECTION / RESEARCH

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

- The site was inspected on the 3 February 2025, including the interior of the ground floor lobby, the Transvaal Avenue Heritage Conservation Area, and the general locality.

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.
- 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

Statement of significance

The Intercontinental Hotel is not a heritage item. See below for an assessment of its significance.

The Transvaal Avenue Heritage Conservation Area statement of significance is on pp. 101-2 of the Woollahra DCP 2015 and reads:

The Transvaal Avenue retail strip provides a physical record of a significant historical phase in the evolution of the Double Bay Commercial Centre.

The group of buildings provides physical evidence of the working class residential boom at the end of the 19th century by a renowned local developer, Edward Knox Harkness, who was responsible for many fine Federation styled semi-detached cottages within the Double Bay area

The quality and distinction of the architectural decoration of the turn of the century buildings exemplifies the economic boom in that period and the expansion of residential development after the introduction of the tram service to the City in 1894 and from Rose Bay in 1898.

The area provides an historical record of the time through the naming of each of the properties and the avenue after the victories of the British force in the South African Boer War. Transvaal is the alternate name of the South African Republic.

The consistency and relative intactness of the cottages with their fine Federation but Gothic style brick and tile construction, stucco details and timber fretwork creates a distinctive and aesthetically pleasing character.

The uniformity of form and scale within the Harkness development of the single storey brick and tile semi-detached cottages contributes to the unique qualities of the housing group within the Double Bay commercial precinct.

The streetscape has high aesthetic value which is enhanced by the closed vistas and the carefully maintained street trees and landscape works at the northern end.

The area has social significance to the local community, demonstrated through the involvement of the local community during the 1980s when the area was granted heritage conservation area status after the number of objections raised to the proposed redevelopment of the group.

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. It is directly adjacent to the Transvaal Heritage Conservation Area.



The proposal includes the total demolition of the building apart from the basement level and an assessment of heritage significance was conducted by Weir Phillips on behalf of the applicant. This assessment concludes that the existing building is not significant.

Assessment of potential heritage significance against the NSW Heritage Criteria

Criterion (a) Historical

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)

- All prior historical buildings on the land were demolished for the construction of the existing hotel.
- Constructed in 1991, the Ritz Carlton (now Intercontinental) hotel is broadly representative of the commercial activity and popularity of Double Bay in the early 1990s.
- The place does not meet the threshold for listing under this criterion.

Criterion (b) Historical Association

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)

- The hotel is associated with a number of key figures of the late twentieth century, being the venue for the wedding of Prime Minister Bob Hawke and a hotel chosen by George Bush (with an entourage of 300) and Princess Diana (shortly after her divorce) among others. The hotel is also sadly associated with the death of INXS frontman Michael Hutchence, who was found dead on 22 November 1997 in room 524.
- With the possible exception of Hutchence, none of the important persons have a strong or special association with the hotel.
- The association with Hutchence is an association with his death, and not his life or works. The hotel is notable for being the location of his death, but not as a part of his life and work – that which makes him an important person.
- The place does not meet the threshold for listing under this criterion.

Criterion (c) Aesthetic

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

- Designed by Hirsh Bedner Associates, the world's largest hospitality design firm with 22 offices worldwide, and renovated by Bates Smart in 2014, the hotel has some significant architectural pedigree. Despite this, it is a fairly pedestrian postmodern design typical of the period. The projecting balconies at the front and rear create some interest on these facades.
- There are far better examples of hotels of this period in central Sydney. The comparative analysis notes the exceptional examples of the Sir Stamford Hotel and the Skyline Four Seasons, both by Michael Dysart and Partners, which represent a higher degree of creative achievement in every respect.
- The place does not meet the threshold for listing under this criterion.

Criterion (d) Social

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

- As far as is known, the place has no known special association for a particular cultural or community group.
- The place does not meet the threshold for listing under this criterion.

Criterion (e) Technical/Research

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)



- The site is adjacent to an identified area of potential Aboriginal heritage sensitivity. It is possible (though given the substantial excavation not especially likely) that evidence of historical Aboriginal occupation can be found beneath the current building.
- It is unlikely that any evidence of the post-invasion occupation of the site remains.
- The building itself does not provide any information not readily available elsewhere.
- The place does not meet the threshold for listing under this criterion.

Criterion (f) Rarity

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)

- The place is not a rare example and does not meet the threshold for listing under this criterion.

Criterion (g) Representativeness

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.)*

- The place is broadly representative of the postmodern style and of luxury hotels of the late 20th century. It is not important in this regard.
- The place does not meet the threshold for listing under this criterion.

Integrity

- The place has a modest level of integrity.

Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal.

The Transvaal Heritage Conservation Area, which is directly adjacent to the proposed development, is likely to be moderately impacted. However, additional overshadowing is minimal, and the visual impact is likely to be similar to that currently experienced. Though the scale is larger than the existing, it is nevertheless broadly in keeping with the surrounding area.

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

National Parks and Wildlife Act 1974

The site is partially located in an area of Potential Aboriginal Heritage Sensitivity. The applicant has demonstrated that their excavation works will not enter the area identified as being potentially sensitive, and an AHIA was therefore not required.

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 3 February 2025 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 site.



The site contains landscape features (proximity to coast) that indicate the likely existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010.

The subject site is considered to be on 'disturbed land' as per the definition outlined in the Due Diligence Code, p. 18.

Appropriate conditions are provided to manage Aboriginal heritage, including unexpected finds, are provided.

Woollahra LEP 2014

Clause 1.2 Aims of Plan

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

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 does not unduly impact the heritage of Woollahra. It does not give rise to unacceptable impact on the adjacent Heritage Conservation Area.
- **Clause 5.10(1)(b):** The proposal does not unduly impact the heritage significance of the adjacent HCA, including the setting and views. The impacts are substantially similar to the existing.
- **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. The effect of the proposal on the heritage significance of the conservation area has been considered and the proposal is found to be acceptable on heritage grounds.
- **Clause 5.10(5):** A heritage management document was submitted with the development application and was found to be acceptable.
- **Clause 5.10(6):** A Conservation Management Plan was not required.
- **Clause 5.10(7) and (8):** The site is not identified as an archaeological site or a place of Aboriginal heritage significance.
- **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 D – Business Centres – D1 Neighbourhood Centres

CLAUSE D5 A1.1

Objectives O1, O2, O3

- The proposal does not directly affect any buildings in the Transvaal Avenue Heritage Conservation Area.
- The visual prominence of the buildings in the streetscape will not be notably more diminished as compared with the existing situation.
- The proposal does not meaningfully impact upon the significance of the HCA.



7. CONCLUSION

The proposal has been considered having regard to the applicable legislation and policy documents and, on balance, is considered to be acceptable.

8. RECOMMENDATION

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, is recommended.

Standard Conditions

3B Recording of buildings with little or no heritage significance that are to be demolished

8B Archaeological Features - Unexpected Findings

9B Skeletal Remains

10B Aboriginal Objects – Unexpected Findings

12B Aboriginal Heritage Due Diligence Responsibilities

13B Aboriginal Heritage Induction (LALC Required)

Tristan Ryan
Senior Strategic Heritage Officer

3 February 2025
Completion Date