



18 January 2021

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications/ 223/2020/1

ADDRESS: Vaocluse Road VAUCLUSE 2030

PROPOSAL: The demolition of the existing seawall/bleachers, the construction of new seawall/bleachers, the demolition of the northern 1m section of the promenade associated site works, landscaping and stormwater management works at Shark Beach

FROM: Shona Lindsay - Heritage Officer

TO: Mr D Booth

DOCUMENTATION

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

- Drawing set by Oculus, dated 18 August 2020 and 27 October 2020
- Landscape development application by Oculus, dated 18 August 2020
- Heritage Impact Statement by Curio Projects, dated 25 June 2020
- Demolition Plan Letter by Curio Projects, dated 25 June 2020
- Statement of Environmental Effects by Helen Mulcahy Urban Planning, dated June 2020
- Survey plan by Bee and Lethbridge, dated 12 October 2016
- Aboriginal Cultural Heritage Assessment by Coast History and Heritage, dated 18 June 2020
- Heritage NSW referral response

RESEARCH

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

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.
- Review of building and development applications for the subject site
- 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

STATUTORY AND POLICY DOCUMENTS

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

- National Parks & Wildlife Act 1974
- Heritage Act 1977 (as amended)
- Woollahra LEP 2014



- Woollahra DCP 2015

ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

SIGNIFICANCE OF SUBJECT PROPERTY

The subject property is a listed SHR and LEP heritage item. The full heritage listing statements of significance are included in the HIS.

The following statement of significance is taken from the HIS prepared by Curio Projects:

The heritage significance of the Nielsen Park Seawall predominantly relates to the historical, social and representative significance of Nielsen Park Beach as part of the 20th Century public recreation landscape of Nielsen Park. While the fabric of the Seawall has been modified, altered, reconstructed and repaired since its initial construction in the c1920s, the presence and alignment of the Seawall in this location is what has facilitated the public use of the Beach, serving as a supporting structure to the beach promenade (Notting Parade), facilitating safe access to the sand, and helping to protect the Bay itself from additional storm damage. The overall presence and alignment of the Nielsen Park Seawall in its current location is of high heritage significance.

The western sandstone sections of the Wall (i.e. Sections One and Two as described in the physical analysis section above), predate the main concrete bleachers section (i.e. Section Three, c.1930s), and are likely part of the first (or earlier) Seawall constructed at the site, around 1918. The eastern sandstone section of the Seawall (i.e. Section Four) also likely predates the concrete bleachers, however it is likely that this section of the wall has been modified, reconstructed and/or rebuilt over time, particularly during integration with the 1930s concrete bleachers and works to the SLSC/Toilet block. While there is the possibility that some of the sandstone blocks of Section Four remain in situ from the earliest Seawall, it is also possible that the fabric of the original wall has been repurposed in this section of wall, and/or supplemented during later modifications and repairs.

Therefore, the fabric of Sections One and Two of the Seawall has moderate to high heritage significance as most likely being remnant fabric from the earliest Seawall constructed in this location. Further, the western sections of the wall (i.e. Sections One and Two) are potentially associated with the 1916 construction of the ferry wharf and jetty (demolished in 1979). While the fabric of the eastern section of the Seawall (i.e. Section Four) potentially dates to the earliest iterations of the Seawall in this location, it has likely been repurposed and modified over time, and therefore this fabric is considered to be of moderate significance.

Conversely, while Section Three of the Seawall (i.e. 1930s concrete bleachers) has heritage significance for its aesthetic form, orientation and function as part of the Nielsen Park Seawall and public beach facilities, the physical fabric of this section of the wall is of low heritage significance.

National Parks and Wildlife Act 1974

An Aboriginal Cultural Heritage Assessment was prepared by Coast History and Heritage.

The report found:

- There are no registered Aboriginal sites within the study area and we have been able to establish that no registered sites in surrounding areas will be affected by the proposal.
- The existing seawall sits largely in front of the original dune which was once present along the back



- of Shark Beach, although this has been impacted by wave damage and later construction
- None of this sandy material has the potential to contain *in situ* Aboriginal archaeological remains.
- However, it is possible that this sandy fill contains sparse and discontinuous remains such as shells or stone artefacts that may have been excavated out of nearby sites during original construction works in the 1920s and 1930s.

The report recommended that an ACHAR be prepared and an AHIP applied for to cover any unexpected finds.

Heritage NSW reviewed the application. Heritage NSW has issued an Aboriginal Heritage Impact Permit (AHIP) for the proposed Nielsen Park Seawall Project. The AHIP (No. 4670) was issued to the National Parks and Wildlife Service on 10 November 2020 for a period of two years.

Heritage NSW provided general terms of approval. Appropriate conditions of consent will be applied accordingly.

Heritage Act 1977

The subject site is listed as a heritage item on the State Heritage Register, *Nielsen Park and the Hermitage Foreshore Reserve*, SHR Item No. 1988.

A HIS has been prepared by Curio Projects. The proposal has been assessed to have a neutral heritage impact.

The subject site is not likely to contain relics as per the Heritage Act 1977 definition.

The proposed works require approval under Section 57 of the *Heritage Act 1977* by the Heritage Council of NSW. An application under Section 60 is to be made.

Heritage NSW reviewed the application and provided general terms of approval. Appropriate conditions of consent will be applied accordingly.

Woollahra LEP 2014 Part 5.10 Heritage Conservation

The subject site is a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is not within a heritage conservation area.

Significance of items in the vicinity

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

The subject property is a listed LEP item, *Shark Beach promenade and Amenities*, LEP Item No. 391.

A HIS has been prepared by Curio Projects. The proposal has been designed to minimise impacts on significant fabric, with works mostly concentrated on areas of low significance (1930s concrete bleachers). The proposal will not adversely impact significant views to and from the heritage item. The proposal will have a positive heritage outcome by allowing the area to be accessible and to ensure the continued use of the area, enabling more people to appreciate the heritage item.

The HIS has assessed the potential impact of the proposal and has concluded that the overall impact will



have a neutral heritage impact. The assessment is deemed to be accurate.

Overall, the proposal will not have an adverse impact on the heritage significance of *Shark Beach promenade and Amenities*, LEP Item No. 391, and will not impact on significant views or the setting of the heritage item.

CONCLUSION

National Parks & Wildlife Service Act, 1979

Refer to General Terms of Approval dated 27 November 2020 under the National Parks and Wildlife Service Act 1979 by the Heritage NSW. Heritage NSW has issued an Aboriginal Heritage Impact Permit (AHIP) for the proposed Nielsen Park Seawall Project. The AHIP (No. 4670) was issued to the National Parks and Wildlife Service on 10 November 2020 for a period of two years.

Appropriate conditions of consent to manage Aboriginal heritage will be provided below.

Heritage Act, 1977

Refer to General Terms of Approval dated 4 September 2020 under S. 57 of the Heritage Act 1977 by the Heritage Council of NSW.

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does conserve the built heritage of Woollahra.

Part 5.10

- Clause 1(a) The development does conserve the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the conservation area will be neutral.
- Clause 4 This referral constitutes an assessment under this clause.

RECOMMENDATION

The proposal is generally acceptable, subject to conditions, as it complies with the relevant statutory and policy documents and would have a satisfactory impact.

Consent, subject to conditions.

Built heritage

1. The terms of approval by the Heritage Council of NSW dated 4 December 2020 are to be adhered to.
2. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.
3. New replacement plantings following removal of the existing *Tuckeroo* plantings along the foreshore must be of the same species as existing.
4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must



be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

5. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.
6. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.
7. Existing interpretation on site shall be updated to reflect the history and evolution of Shark Beach, sea wall and the promenade as part of *Nielsen Park and the Hermitage Foreshore Reserve*. The updated interpretation strategies shall be submitted for approval to the Council's heritage officer, prior to the issue of a Construction Certificate/ Government certification.
8. The approved updated interpretation strategies must be implemented prior to the issue of an Occupation Certificate.
9. **Recording of Significant or Contributory Buildings Prior to any Demolition or Alteration**

A full archival record of the building and landscape elements to be altered 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 Office of Environment and Heritage 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 former NSW Department of Planning Heritage Branch.

There should be one digital set of the photographic report. The following table summarises the lodgement details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	1 copy of photographic report including images	<u>Woollahra Council</u> Report and images (digital version)

The photographic archival recording is to be submitted in a digital format and is to include the following:

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Floorplans of the internal layout and directional details of photographs taken.
- a) Coloured photographs of:
 - each elevation,
 - each structure and landscape feature,



- internal images of each room and significant architectural detailing, and
- views to the subject property from each street and laneway or public space.

Note: Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf

Standard Condition: B2 (Autotext BB2)

Historical archaeology and Maritime Shipwrecks

1. The applicant must ensure that if unexpected archaeological deposits or relics (including Shipwrecks as defined by the *Heritage Act 1977*) not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Aboriginal Heritage

1. All works must be in accordance with Aboriginal Heritage Impact Permit No. 4670 issued on 10 November 2020.
2. No harm to Aboriginal objects may occur through the proposed works unless they are covered by a valid Aboriginal Heritage Impact Permit.
3. If human skeletal remains that are likely to be Aboriginal Ancestral remains are identified the find must be reported immediately to Heritage NSW by telephone: 131 555 or email: info@environment.nsw.gov.au.
4. **Aboriginal Heritage – Induction**

Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.

Standard Condition: B11

5. Aboriginal Objects – Unexpected Findings

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Shona Lindsay - Heritage Officer
