

Mr David Booth
Senior Assessment Officer
Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028

By email: David.Booth@woollahra.nsw.gov.au

Dear Mr Booth

**HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION**

Address: Nielsen Park, Greycliffe Avenue, Vaucluse
SHR item: Nielsen Park and the Hermitage Foreshore Reserve, SHR No. 01988
Proposal: Demolition of existing seawall and promenade at Shark Beach/Nielsen Park, their reconstruction, together with associated landscape works.
IDA application no: IDA/2020/084, received on 28 January 2021

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above amended integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following revised general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. Drawings, prepared by Oculus, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Nielsen Park Seawall Redevelopment, Development Application			
L - 100	Cover Sheet	18.08.20	D2
L - 101	Existing Condition Plan	18.08.20	D1
L-200	Demolition Plan	18.08.20	D2
L-201	Demolition Plan – Sheet 1 of 3	18.08.20	D2
L-202	Demolition Plan – Sheet 2 of 3	18.08.20	D2
L-203	Demolition Plan – Sheet 3 of 3	18.08.20	D2
L-300	General Arrangement Plan	18.08.20	D2
L-301	General Arrangement Plan Sheet 1 of 3	27.10.20	D3
L-302	General Arrangement Plan Sheet 2 of 3	18.08.20	D2
L-303	General Arrangement Plan Sheet 3 of 3	18.08.20	D2

L-500	Planting Plan	27.10.20	D3
L-501	Planting Plan – Sheet 1 of 3	18.08.20	D2
L-502	Planting Plan – Sheet 2 of 3	18.08.20	D2
L-503	Planting Plan – Sheet 3 of 3	18.08.20	D2
L-600	Sections	18.08.20	D2
L-601	Sections	18.08.20	D2
L-602	Sections	18.08.20	D2

b. Drawings, prepared by Oculus, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Nielsen Park Seawall Redevelopment, Landscape Development Application			
OC - L - 001	Table of contents	18.08.20	B
OC - L - 002	Introduction	18.08.20	B
OC - L - 003	Project Area	18.08.20	B
OC - L - 004	Beach Character Evolution: Sheet 1 of 3	18.08.20	B
OC - L - 005	Beach Character Evolution: Sheet 2 of 3	18.08.20	B
OC - L - 006	Beach Character Evolution: Sheet 3 of 3	18.08.20	B
OC - L - 007	Key Areas & Character Analysis: Sheet 1 of 2	18.08.20	B
OC - L - 008	Key Areas & Character Analysis: Sheet 2 of 2	18.08.20	B
OC - L - 009	Design Principles: Sheet 1 of 2	18.08.20	B
OC - L - 010	Design Principles: Sheet 2 of 2	18.08.20	B
OC - L - 011	Seawall Design Approach	18.08.20	B
OC - L - 012	Key Plan	18.08.20	B
OC - L - 013	Concept Plan	18.08.20	B
OC - L - 014	Concept Detail Plan: Sheet 1 of 3	18.08.20	B
OC - L - 015	Concept Detail Plan: Sheet 2 of 3	18.08.20	B
OC - L - 016	Concept Detail Plan: Sheet 3 of 3	18.08.20	B
OC - L - 017	Perspective: View # 1	18.08.20	B
OC - L - 018	Perspective: View # 2	18.08.20	B
OC - L - 019	Perspective: View # 3	18.08.20	B
OC - L - 020	Indicative Sections – AA & BB	18.08.20	B
OC - L - 021	Indicative Sections – CC & DD	18.08.20	B
OC - L - 022	Indicative Sections – EE	18.08.20	B
OC - L - 023	Indicative Elevations – FF & GG: Sheet 1 of 2	18.08.20	B
OC - L - 024	Indicative Elevations – FF & GG: Sheet 2 of 2	18.08.20	B
OC - L - 025	Indicative Plant Schedule & Palette	18.08.20	B
OC - L - 029	Indicative Demolition Plan: Sheet 1 of 2	18.08.20	B

OC - L - 030	Indicative Demolition Plan: Sheet 2 of 2	18.08.20	B
OC - L - 027	Draft Construction Management Plan	18.08.20	B
OC - L - 028	Draft Construction Management Plan	18.08.20	B
OC - L - 026	Indicative Material's Pallet	18.08.20	B

- c. Civil drawings, prepared by Robert Bird Group, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Nielsen Park Sea Wall, Nielsen Park, Vaucluse New South Wales 2030			
19587-RBG-ZZ-XX-DR-CV-80-000	Cover Sheet, Sheet List and Locality Map	29.06.2020	P03
19587-RBG-ZZ-XX-DR-CV-80-005	Site Layout Plan	29.06.2020	P03
19587-RBG-ZZ-XX-DR-CV-83-015	Typical Site Sections – Sheet 1	24.06.2020	P02
19587-RBG-ZZ-XX-DR-CV-83-001	General Arrangement Plan – Sheet 1 of 3	29.06.2020	P03
19587-RBG-ZZ-XX-DR-CV-83-002	General Arrangement Plan – Sheet 2 of 3	29.06.2020	P03
19587-RBG-ZZ-XX-DR-CV-83-003	General Arrangement Plan – Sheet 3 of 3	29.06.2020	P03
19587-RBG-ZZ-XX-DR-CV-83-010	CML Details	24.06.2020	P02
19587-RBG-ZZ-XX-DR-CV-86-010	Stormwater Details	24.06.2020	P02
19587-RBG-ZZ-XX-DR-CV-81-001	Erosion and Sediment Control Plan	24.06.2020	P02
19587-RBG-ZZ-XX-DR-CV-83-000	General Arrangement Index Plan	29.06.2020	P03

Where any inconsistency exists between the Civil Drawings and the amended General Arrangement Plans referenced above, the latter prevails.

- d. Report titled *Nielsen Park Seawall Upgrade Revised Final Heritage Impact*, prepared by Curio Projects, dated 25 June 2020.
- e. Report titled *Statement of Environmental Effects, Reconstruction of Existing Seawall & Promenade, Nielsen Park Vaucluse*, prepared by Helen Mulcahy Urban Planning, dated June 2020.
- f. Report titled *Structural Design Report Nielsen Park Seawall, Issue D – Structural Typical Section Updated*, prepared by Robert Bird Group, dated 29 June 2020.
- g. Email, *Nielsen Park Seawall DA* dated 28 January 2021 by James Lawton, Senior Project Officer, NSW National Parks & Wildlife Service.

EXCEPT AS AMENDED by the following general terms of approval:

FURTHER INFORMATION

2. Details of the fixing methodology of the eastern DDA ramp to the heritage fabric of the eastern sandstone wall shall be submitted for approval to the Heritage Council (or its delegate) with the section 60 application.

Reason: To ensure that works have minimal visual and physical impact on the wall.

3. Proposed location for the additional stormwater drainage outlet at the western end of the beach shall be amended to avoid impact on significant fabric. Amended drawings showing alternate location shall be submitted for approval to the Heritage Council (or its delegate) with the section 60 application.

Reason: To minimise impact on significant fabric and views.

4. Details of the modified/replacement pylon to support the shark net structure shall be submitted for approval to the Heritage Council (or its delegate) with the section 60 application.

Reason: To ensure the works have minimal visual impact.

5. New replacement plantings following removal of the existing *Tuckeroo* plantings along the foreshore must be of the same species as existing.

Reason: To ensure that the significant character of the foreshore plantings is maintained.

HERITAGE CONSULTANT

6. 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.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

7. 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.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

8. 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.

Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

9. A photographic archival recording of the affected areas must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS AND MARITIME RELICS (INCLUDING HISTORIC SHIPWRECKS)

10. 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.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

11. 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*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

12. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

13. 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.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions regarding these general terms of approval, please contact Shikha Jhaldiyal, Senior Heritage Assessment Officer, at Heritage NSW, on 9873 8545 or Shikha.Jhaldiyal@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steven Meredith', with a small star-like mark above the 'i'.

Steven Meredith

Regional Manager, South
Heritage NSW, Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

1 February 2021