

# **HERITAGE IMPACT STATEMENT**

**2-10 BAY STREET & 294-  
298 NEW SOUTH HEAD  
ROAD, DOUBLE BAY NSW  
2028**

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# EXECUTIVE SUMMARY

Urbis has been engaged by Loftex to prepare the following Heritage Impact Statement (HIS) for the subject Planning Proposal.

The subject site is not a locally listed heritage item under the Woollahra Local Environmental Plan (LEP) 2014. The site is however, located within close proximity to a number of 'character buildings' as identified in the Woollahra Development Control Plan (DCP) 2015. The subject is also located opposite the state heritage listed item *Gardens to former "Overthorpe"* at 334-347 New South Head Road.

It is proposed to amend the underlying planning controls at the subject site through a Planning Proposal, to provide for future redevelopment of the site with a multi-storey mixed-use development. The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).

Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal. This HIS has been undertaken to determine the potential heritage impact of the Planning Proposal, and the future built form which would be facilitated by it, on the proximate heritage items and character items.

It is intended that the subject buildings will eventually be demolished and replaced. We have assessed the existing buildings in this report and have found that they have no heritage value, and are not required to be retained on heritage grounds.

Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The natural garden setting and character of this heritage item will not be compromised by potential future development on the subject site.

The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.

The indicative concept scheme provided demonstrates that potential built development across the subject site will have significant setbacks from Bay Street to reduce any potential visual impacts from the proposed increased scale. Further articulation of the ground floor plan and retail spaces will assist in reducing impacts to the low-scale streetscape character of Bay Street.

All character buildings identified in the Woollahra DCP will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.

There are no identified heritage constraints associated with the Planning Proposal, and it is therefore recommended to Council for approval.

*THIS PLAGE HAS BEEN LEFT INTENTIONALLY BLANK*

# 1. INTRODUCTION

## 1.1. BACKGROUND

Urbis has been engaged by Loftex to prepare the following Heritage Impact Statement (HIS) for the subject Planning Proposal.

The subject site is not a locally listed heritage item under the Woollahra Local Environmental Plan (LEP) 2014. The site is however, located within close proximity to a number of 'character buildings' as identified in the Woollahra Development Control Plan (DCP) 2015. The subject is also located opposite state heritage listed item *Gardens to former "Overthorpe"* at 334-347 New South Head Road.

It is proposed to amend the underlying planning controls at the subject site through a Planning Proposal, to provide for future redevelopment of the site with a multi-storey mixed-use development. The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).

Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal. This HIS has been undertaken to determine the potential heritage impact of the Planning Proposal, and the future built form which would be facilitated by it, on the proximate heritage items and character items.

## 1.2. SITE LOCATION

The subject property is a consolidation of five (5) adjoining properties located at the corner of New South Head Road and Bay Street in Double Bay.

Figure 1 – Locality diagram



Source: SIX Maps, 2017

## 1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance' (2001). The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Woollahra Local Environmental Plan 2014 and the Woollahra Development Control Plan 2015.

## 1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Ashleigh Persian (Senior Heritage Consultant). Stephen Davies (Director) has reviewed and endorsed its content. Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

## 1.5. HERITAGE LISTING

The subject property is not listed as a heritage item under the Woollahra Local Environmental Plan (LEP) 2014. However, the subject property is located within the vicinity of a number of locally listed heritage items, including:

- Item 2016 and also State Heritage Register Item 00246, “Gardens to former “Overthorpe”, including 3 Small-Leaved Figs, Coolamon or Watermelon Tree, Silver Quandong, 2 Moreton Bay Figs, Bunya Pine, Queen Palm, Cabbage Palms, 9 Canary Island Date Palms, service driveway, front retaining wall and fence, gates”; and
- Item 2017, “Vegetation associated with the gardens of the former house “Overthorpe”, including Silver Quandong, Norfolk Island Pine, Bunya Pine, rainforest specimen, Bangalow Palms, Queen Palms, Cabbage Palms”.

Figure 2 – Extract of heritage map showing subject property outlined in blue



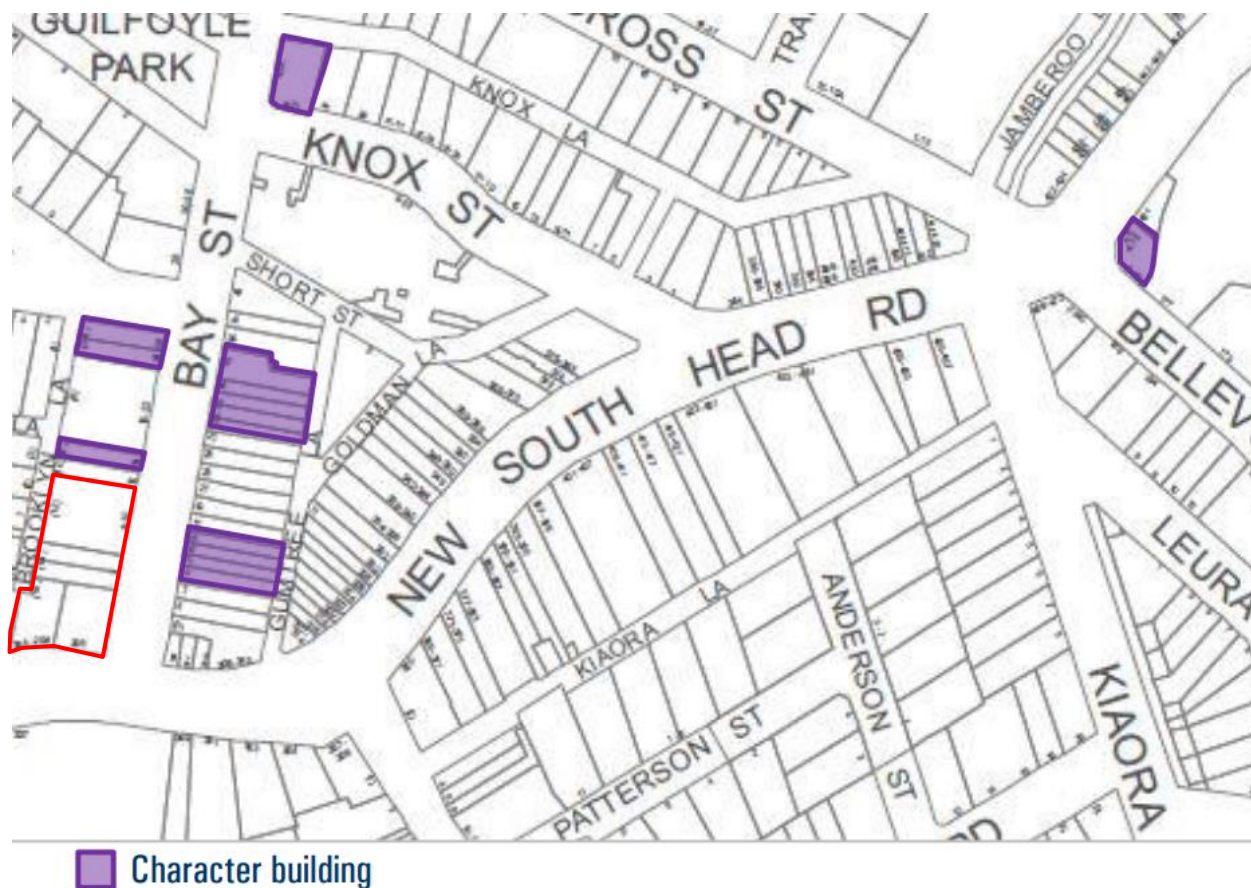
Source: Woollahra Council Local Environmental Plan 2014, Heritage Map HER\_003A

The site is also located within close proximity to a number of ‘character buildings’ as identified in the Woollahra Development Control Plan (DCP) 2015. A ‘character building’ as defined under the DCP, are buildings which “have high streetscape value because of their strong architectural character and the way in which they address the street”.<sup>1</sup> The character buildings within proximity of the subject site are shown on the following diagram.

<sup>1</sup> Woollahra Development Control Plan 2015, D5 p.68, accessed at: [http://www.woollahra.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/150538/Chapter\\_D5\\_Double\\_Bay\\_Centre.pdf](http://www.woollahra.nsw.gov.au/__data/assets/pdf_file/0004/150538/Chapter_D5_Double_Bay_Centre.pdf)



Figure 3 – Extract of character building map showing subject property outlined in red



Source: Woollahra Council Development Control Plan 2015, D5, p.69

## 1.6. THE PROPOSAL

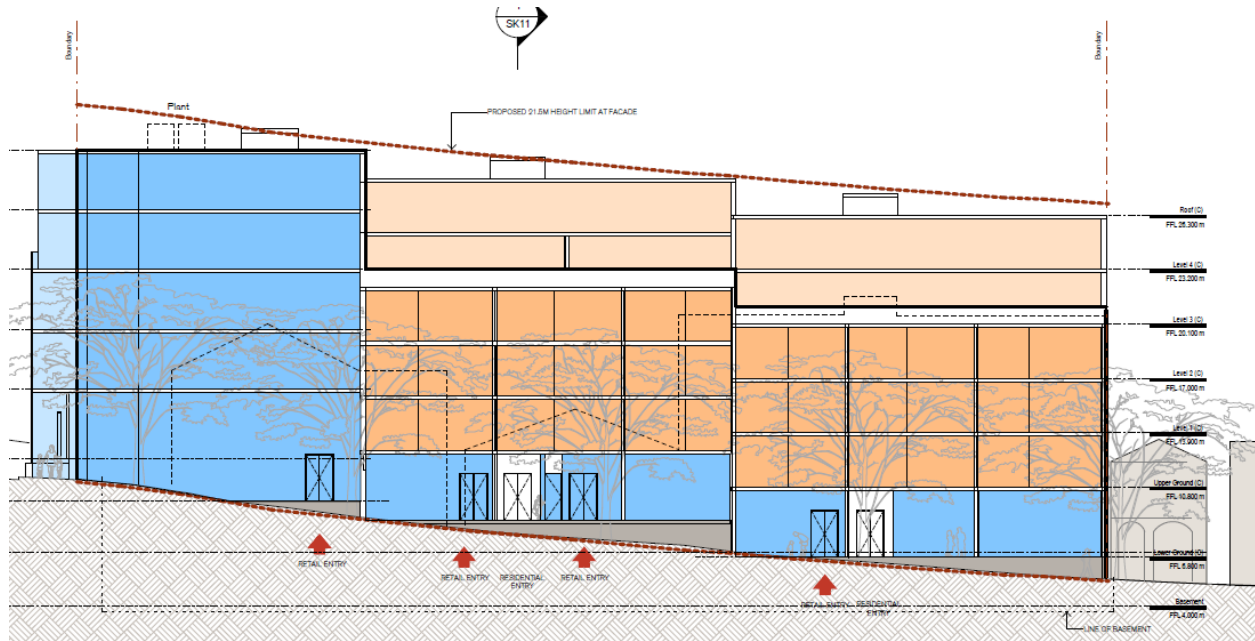
It is proposed to amend the underlying planning controls for the subject site, to facilitate the potential future redevelopment of the site into a multi-storey mixed-use development. The following planning controls are being proposed for amendment:

Table 1 – Planning control amendments

Control	Existing Control	Proposed Control
Floor Space Ratio (FSR)	2.5:1	3:1 (including 1.3:1 non-resi floor space)
Maximum height Limit	14.7 metres	21.5 metres

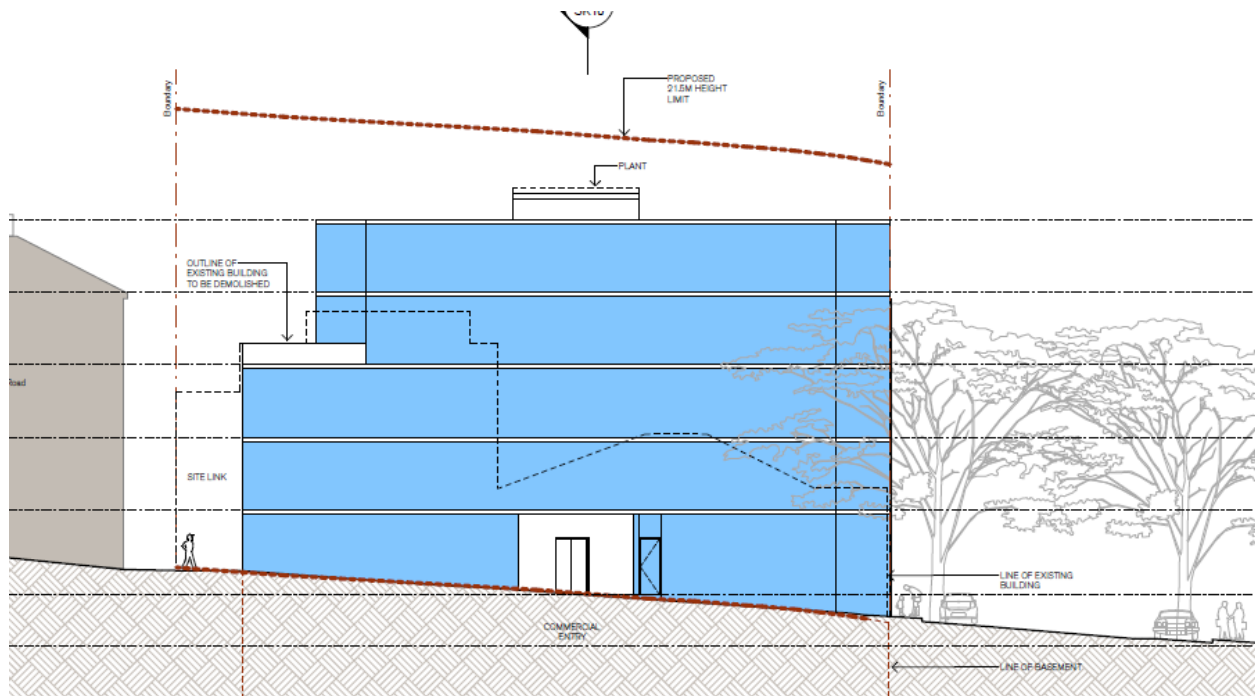
Tzannes have prepared an indicative overall envelope demonstrating the potential future built outcome achievable at the subject site through the proposed amended planning controls. This Planning Proposal does not seek consent for any built works, however the following indicative concept scheme has been relied on in our assessment of potential heritage impact.

Figure 4 –Indicative concept scheme showing potential future built form which may be facilitated by the Planning proposal through future Development Applications – Bay Street Elevation



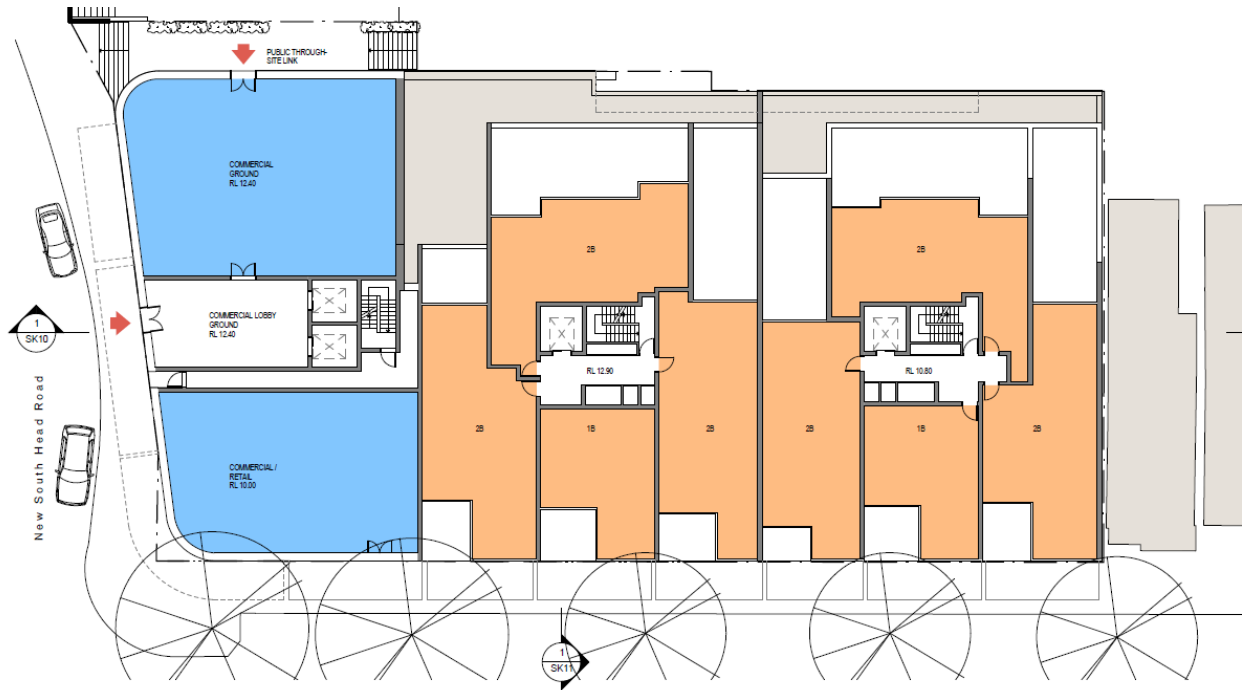
Source: Tzannes

Figure 5 –Indicative concept scheme showing potential future built form which may be facilitated by the Planning proposal through future Development Applications – New South Heath Road elevation



Source: Tzannes

Figure 6 –Indicative concept scheme showing potential future built form which may be facilitated by the Planning proposal through future Development Applications – Indicative Ground Floor



Source: Tzannes



## 2. SITE DESCRIPTION

### 2.1. AREA DESCRIPTION

The subject property is located on the corner of New South Head Road and Bay Street at Double Bay, approximately 3.0 kilometres south-east of the Sydney CBD. New South Head Road and Bay Street are the main commercial and retail precincts for Double Bay and comprise predominantly of terraced retail buildings, ancillary buildings including hotels, and residential dwellings (with a predominance of residential flat buildings).



Picture 1 – View looking east along New South Head Road



Picture 2 – View looking south along Bay Street

### 2.2. SUBJECT SITE DESCRIPTION

The subject site comprises a number of adjoining lots, with four buildings of various retail and commercial uses, as shown on the following aerial.

Figure 7 – Aerial diagram

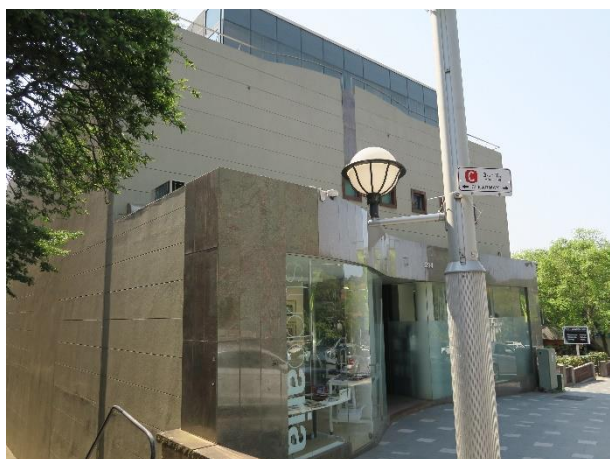


Source: Nearmap, 2017

The buildings are listed and described hereunder:

Table 2 – Building Descriptions

<b>294-296 New South Head Road</b>	The building at 294-296 New South Head Road comprises a four level commercial building with basement car parking and upper level office suites. The ground floor contains retail suites to New South Head Road. The building was constructed in the late twentieth century and is constructed of steel and concrete with aluminium framed glazing. The façade to New South Head Road has a ground floor curved podium with tiled façade and floor-to-ceiling showroom windows.
<b>298 New South Head Road</b>	The building at 298 New South Head Road comprises a two-storey brick building dating back to the early to mid twentieth century. The building was originally occupied as a residential flat building and retail tenancies, but was converted to a commercial office building. The building has rendered and painted external walls, a tiled roof and aluminium framed windows. A pebblecrete stair and balcony are later additions.
<b>2 Bay Street</b>	The building at 2 Bay Street comprises a single-storey brick building dating back to the early to mid twentieth century. The building has continued to operate as a retail tenancy since its construction. The building has brick external walls and a tiled roof. Modern alterations include a modified shopfront with floor to ceiling windows, a timber lined soffit awning and internal alterations to open the space. The property has rear access for vehicles to Brooklyn Lane.
<b>4-10 Bay Street</b>	The building at 4-10 Bay Street comprises a multi-level commercial building with basement car parking and ground floor retail suites. The building was constructed in the late twentieth century and is constructed of steel and concrete with aluminium framed glazing. The façade to Bay Street has a concrete columned loggia and with tiled façade.



Picture 3 – 294-296 New South Head Road



Picture 4 – 298 New South Head Road





Picture 5 – 2 Bay Street



Picture 6 – 4-10 Bay Street

## 2.3. VICINITY HERITAGE ITEMS

The subject property is not listed as a heritage item under the Woollahra Local Environmental Plan (LEP) 2014. However, the subject property is located within the vicinity of a number of locally listed heritage items, including:

- Item 2016, “Gardens to former “Overthorpe”, including 3 Small-Leaved Figs, Coolamon or Watermelon Tree, Silver Quandong, 2 Moreton Bay Figs, Bunya Pine, Queen Palm, Cabbage Palms, 9 Canary Island Date Palms, service driveway, front retaining wall and fence, gates”; and
- Item 2017, “Vegetation associated with the gardens of the former house “Overthorpe”, including Silver Quandong, Norfolk Island Pine, Bunya Pine, rainforest specimen, Bangalow Palms, Queen Palms, Cabbage Palms”.

The gardens of the former Overthorpe house now contain two Mirvac apartment buildings from the 1980s, constructed after the demolition of the Federation mansion. The gardens are located entirely on the southern alignment of New South Head Road, opposite the subject property.



Picture 7 – View of gardens



Picture 8 – View of gardens

The existing statement of significance for the gardens includes the following:

*“The gardens of Overthorpe are part of a large and significant botanical collection of rare and exotic Australian rainforest species. The collection of mature trees with their massive canopies has created a micro-environment indistinguishable from a natural sub-tropical rain forest and a truly unique environment unmatched in the Municipality of Woollahra. In spite of the relatively small size of the site, it contains an*

*historic collection of rain forest trees and palms of regional significance and importance second only to the collection in the Sydney Royal Botanic Gardens."*<sup>2</sup>

The subject site is also located within proximity to a number of character items in the Woollahra DCP (see Section 1.5).



Picture 9 – Character items



Picture 10 – Character items

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<sup>2</sup> NSW State Heritage Register, Former Overthorpe Gardens Inventory Sheet,  
<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045523>



## 3. HISTORICAL OVERVIEW

### 3.1. AREA HISTORY

The following area history is sourced directly from *A Brief History of Double Bay*, available at <http://www.beautifuldoublebay.com.au/2.html> and supplemented where required.

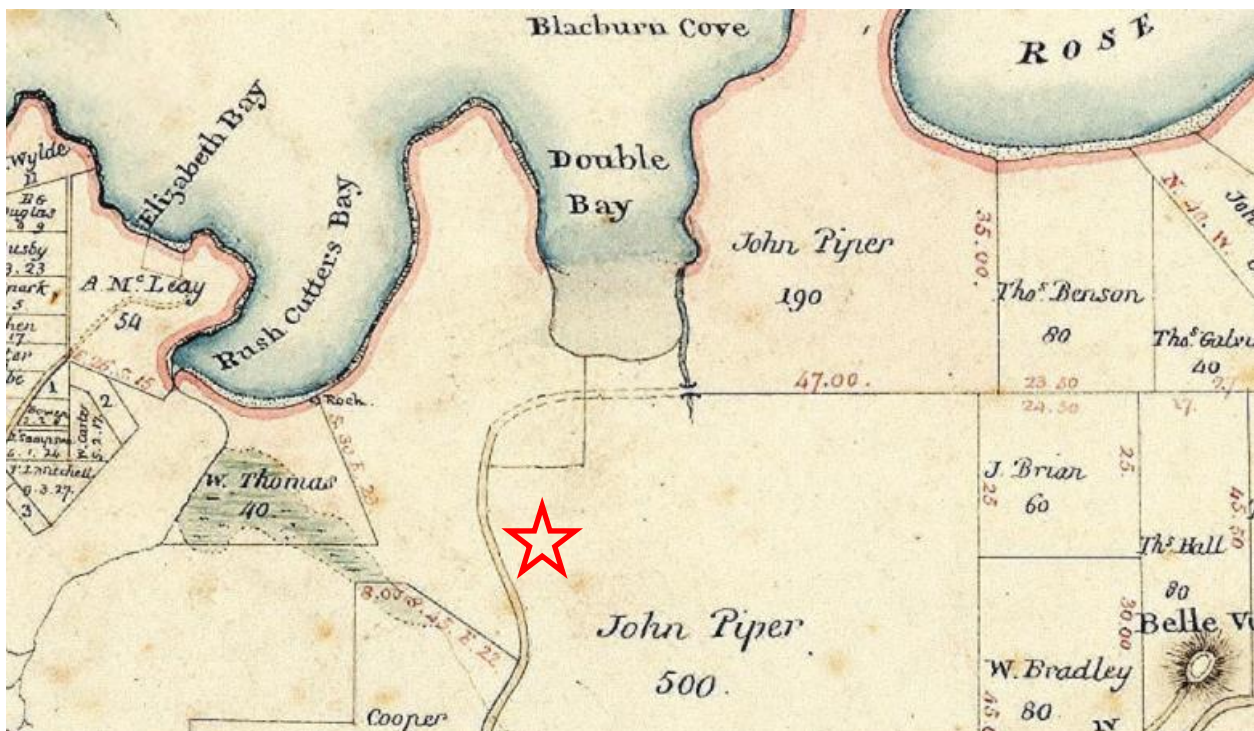
In November 1831 Surveyor-General Mitchell reported that "Double Bay affords a very favourable situation for a village, there being already a road through it, with bridges across, a fine stream of fresh water, and an extensive sandy beach." Governor Richard Bourke agreed with the idea and plans for the village were approved, including Bay Street, Cross Street, Ocean Street, Lillian Street and Swamp Street (later renamed Guilfoyle Avenue after botanist Michael Guilfoyle). The village grew slowly, with most residents being either fishermen, or market gardeners and Aborigines continued to live in the area well into the latter part of the 1800s.

The 1850s saw the development of the Double Bay wharf and the establishment of Michael Guilfoyle's 'Exotic Nursery' which covered a large area extending from Double Bay to Darling Point and centred on a drained swamp now known as Guilfoyle Avenue. Michael and his family lived in Mort Cottage (named after Thomas Sutcliffe Mort). Guilfoyle introduced many trees and shrubs into Australia including the Camellia. He was also responsible for successfully overcoming difficulties previously encountered in propagating the Jacaranda.

The 1870s saw the establishment of the Royal Oak Hotel and also the public area that was to become Steyne Park, and in 1875 Michael Guilfoyle sold the land that was to be used as the site for Double Bay Public School. By the 1890s, trams were travelling through Double Bay from the City to Watson's Bay, bringing more life to the area and gradually turning it from a quiet backwater to the busy village that we now know.

The development of Double Bay intensified and shifted toward New South Head Road around the time of the tramline extension past Edgecliff in 1898, and development between the wars concentrated along the New South Head Road corridor. During the 1960s and 1970s, the commercial area expanded into the adjoining predominantly residential areas of Bay, Cross, Knox and Patterson Streets.

Figure 8 – Parish of Alexandria map, undated, indicating the approximate location of the subject property



Source: Land and Property Information, Historical Land Records Viewer, A.O. Map No. 185



## 3.2. SUBJECT SITE HISTORY

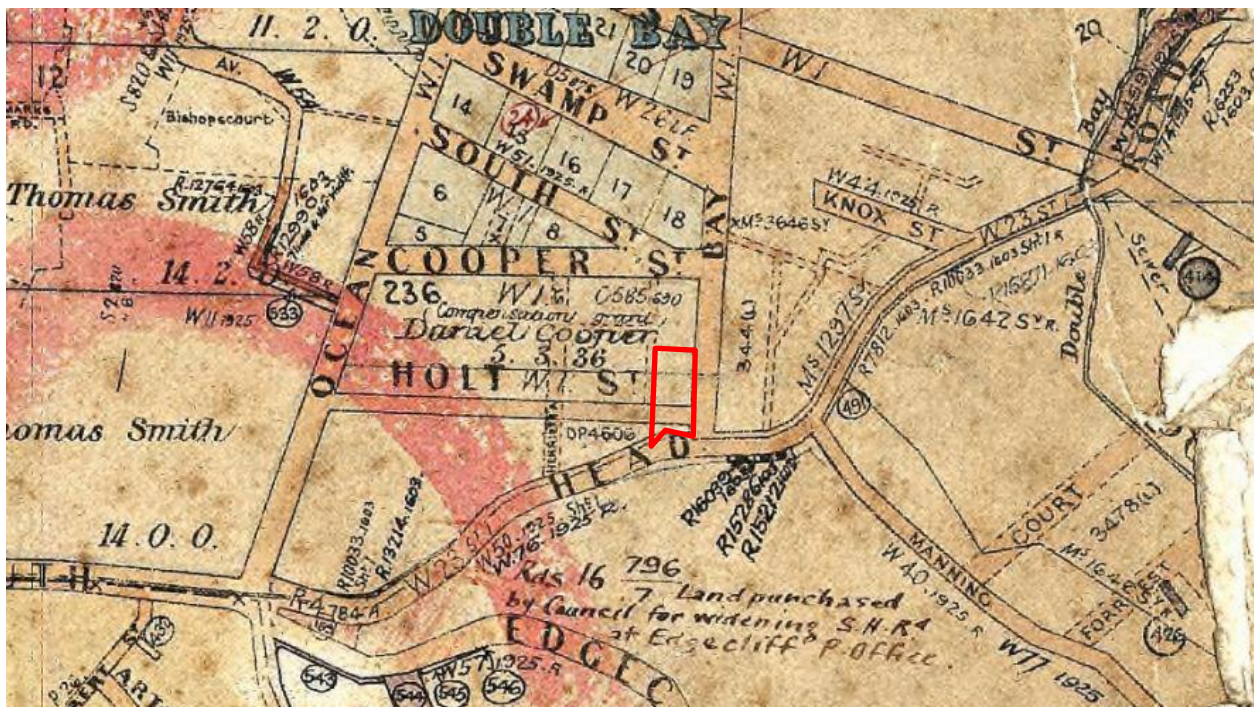
The subject site formed part of John Piper's original 500-acre land grant at Double Bay. The locality remained generally undeveloped until the late 1800s. The immediate street alignment of New South Head Road and Bay Street was in place by 1900 (refer Figure 9). Holt Street, at this stage, extended all the way east to Bay Street, however the current development on the site confirms that this changed in the early twentieth century, with Holt Street terminating at Henrietta Street (Henrietta Street not shown on 1900 map at Figure 9, but visible as an intended road in the later, undated map at Figure 10).

Figure 9 – Parish of Alexandria map, 1900, indicating the location of the subject property



Source: Land and Property Information, Historical Land Records Viewer, A.O. Map No. 24497

Figure 10 – Parish of Alexandria map, undated, indicating the location of the subject property



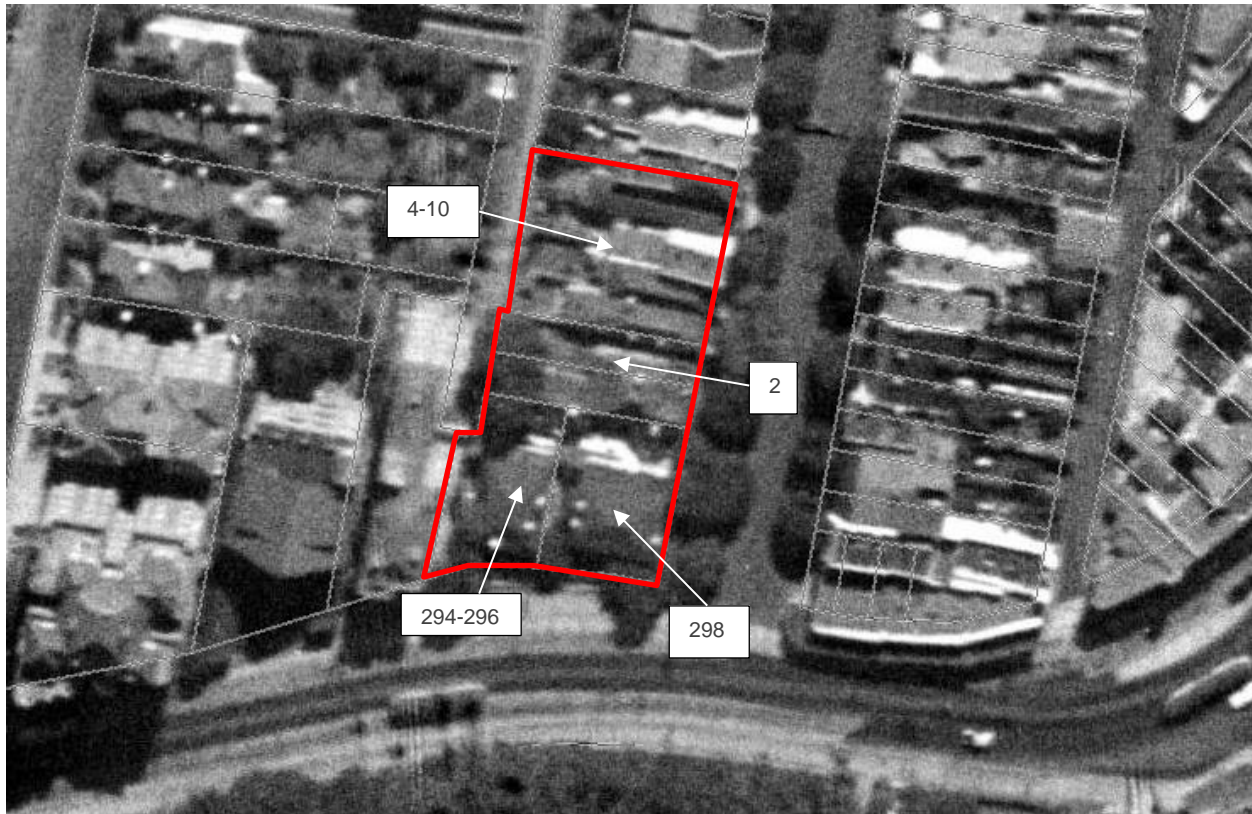
Source: Land and Property Information, Historical Land Records Viewer, A.O. Map No. 52501



In 1941, the two adjoining properties on New South Head Road, at the corner of Bay Street, were put up for sale by auction. By this time, the current street numbers were applied (294-296 and 298), where as in 1920, the properties were known as 120 and 122 New South Head Road, respectively.<sup>3</sup> The 1941 advertisement appearing in The Sydney Morning Herald described the properties as follows:<sup>4</sup>

- 294-296 New South Head Road: “Rockwell Flats”, brick building comprising 2 self-contained flats.
- 298-300 New South Head Road: “Bellecourt”, two-storey brick residence, containing 8 rooms and offices.

Figure 11 – Extract of historical aerial, 1943



Source: SIX Maps, 2017

The 1943 aerial (Figure 11) confirms that the whole of the subject site was developed at this point. In 1943, it appears that terraced retail buildings occupied Bay Street along between numbers 2 and 10. The buildings at 2 Bay Street were in existence by at least 1943, however they have been substantially altered, and present as substantially contemporary retail shopfronts. The earlier buildings at 4-10 Bay Street as seen in the 1943 aerial were replaced in the late twentieth century by a multi-storey retail and commercial building.

The building at 298 New South Head Road appears to be the same building as the one seen in the 1943 aerial. The overall morphology of the building has not changed, however, from our on-site inspection, the building appears to be a substantially modified mid-twentieth century commercial building. This is likely the same building advertised as 298-300 New South Head Road in the 1941 advertisement.<sup>5</sup>

The current building at 294-296 New South Head Road is a contemporary multi-tenanted commercial building and replaces the earlier building identified in the 1943 aerial on this site.

<sup>3</sup> Sands Directory, 1920, p.853

<sup>4</sup> 1941 'Advertising', The Sydney Morning Herald (NSW: 1842 - 1954), 1 October, p. 3., viewed 22 Sep 2017, <http://nla.gov.au/nla.news-article17766488>

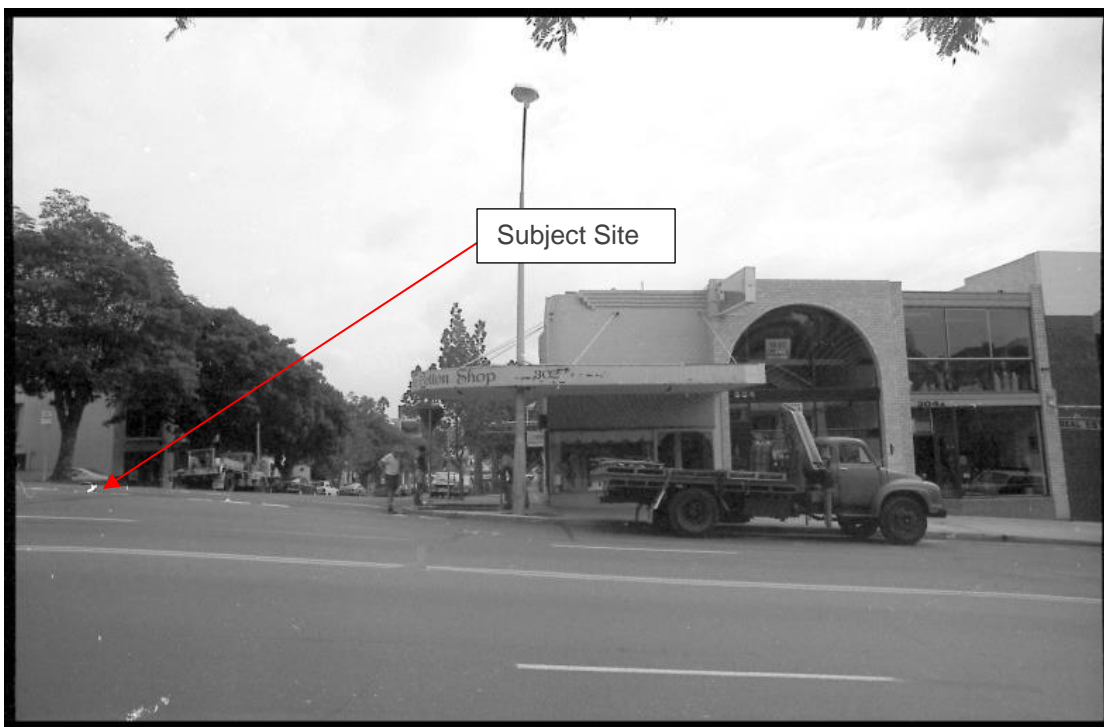
<sup>5</sup> Ibid.

Figure 12 – Extract of aerial, 1949, showing the subject site



Source: City of Sydney Historical Atlas, Aerial Photographic Survey, 1949, Map 25

Figure 13 – Photo of New South Head Road, Double Bay, facing north towards Bay Street, 1975 (subject side to the far left, with part of the 2 Bay Street building visible)



Source: Woollahra Libraries, Local History Digital Archive, Accession Number pf006360/0152

### 3.3. DATE OF CONSTRUCTION

From the limited historical records available for the subject site, and our physical investigations, the approximate construction dates for the buildings across the subject site are considered to range from the mid-twentieth century (2 Bay Street and 298 New South Head Road) to the late twentieth century (294-296 New South Head Road and 4-10 Bay Street). All of the buildings across the site have been modified with contemporary additions and alterations.

### 3.4. ALTERATIONS AND ADDITIONS

The following alterations and additions have been sourced from Woollahra Council development application histories for the site.

Table 3 – Development Applications 294-296 New South Head Road

DA Number	Date	Status	Description
991/2001	11 Dec 2002	Approved	Change of use – office change of approved uses to retail and offices
723/2003	7 Nov 2003	Approved	New advertising structure, temporary advertising banner
640/2004	16 Feb 2005	Approved	Office – new external windows and internal alterations to the existing building

Table 4 – Development Applications 4-10 Bay Street

DA Number	Date	Status	Description
662/2006	1 Nov 2006	Approved	Shop change of use to a beauty salon
729/2006	25 Oct 2006	Rejected	Chop change of use to Chinese Acupuncture
763/2006	12 Dec 2006	Approved	Shop Change of use from clothes shop to Chinese herbal medicine, acupuncture and remedy massage
386/2010	1 Oct 2010	Approved	Shop and Shop fit out. Change of use and fit out for a hand and nail spa
61/2014	27 Mar 2014	Approved	Shop fit out. Change of use to a hairdressing salon with hours from 9am to 8pm

No development application records have been found for 298 New South Head Road, however from our physical inspection, it appears that building has undergone substantial alteration in the late twentieth century, including a new fence, new stairs, new windows and internal alterations.

Similarly, no development application records have been found for 2 Bay Street, however from our physical inspection, it appears that building has undergone substantial alteration in the late twentieth century, including a new shopfront, new awning and internal alterations.



## 4. HERITAGE SIGNIFICANCE

### 4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place; why it is important, why a statutory listing was made to protect these values.

### 4.2. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' (2001) guides.

Criteria	Significance Assessment
<b>A – Historical Significance</b>  <i>An item is important in the course or pattern of the local area's cultural or natural history.</i>	<p>The subject property comprises a mix of buildings ranging from the mid-twentieth century to the late-twentieth century. The buildings are typical retail and commercial buildings, with the building at 298 New South Head Road likely having a former residential use. The buildings are not considered to have historic value.</p>
<i>Guidelines for Inclusion</i> <ul style="list-style-type: none"> <li>shows evidence of a significant human activity <input type="checkbox"/></li> <li>is associated with a significant activity or historical phase <input type="checkbox"/></li> <li>maintains or shows the continuity of a historical process or activity <input type="checkbox"/></li> </ul>	<i>Guidelines for Exclusion</i> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/></li> <li>provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>
<b>B – Associative Significance</b>  <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i>	<p>The buildings on the site are not associated with any significant person or community. The architects of the existing buildings are not known. The earlier of the buildings have been substantially modified and do not contain any significant associations with the former use or design of the building.</p>
<i>Guidelines for Inclusion</i> <ul style="list-style-type: none"> <li>shows evidence of a significant human occupation <input type="checkbox"/></li> <li>is associated with a significant event, person, or group of persons <input type="checkbox"/></li> </ul>	<i>Guidelines for Exclusion</i> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/></li> <li>provides evidence of people or events that are of dubious historical importance <input type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>

Criteria	Significance Assessment
<b>C – Aesthetic Significance</b>  <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i>	<p>The building at 294-296 New South Head Road is a generic late twentieth century commercial building with no distinctive aesthetic detailing, and is not considered to meet the threshold for this criterion.</p> <p>The building at 298 New South Head Road is a heavily modified mid twentieth century, former flat building. The building has been converted to offices and has been substantially modernised. The building is not considered to meet the threshold for this criterion.</p> <p>The building at 2 Bay Street is a heavily modified mid twentieth century building. The building has been substantially modernised. The building is not considered to meet the threshold for this criterion.</p> <p>The building at 4-10 Bay Street is a late twentieth century commercial and retail building with limited aesthetic merit, and is not considered to meet the threshold for this criterion.</p>
<i>Guidelines for Inclusion</i> <ul style="list-style-type: none"> <li>• shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/></li> <li>• is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/></li> <li>• is aesthetically distinctive <input type="checkbox"/></li> <li>• has landmark qualities <input type="checkbox"/></li> <li>• exemplifies a particular taste, style or technology <input type="checkbox"/></li> </ul>	<i>Guidelines for Exclusion</i> <ul style="list-style-type: none"> <li>• is not a major work by an important designer or artist <input checked="" type="checkbox"/></li> <li>• has lost its design or technical integrity <input checked="" type="checkbox"/></li> <li>• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/></li> <li>• has only a loose association with a creative or technical achievement <input type="checkbox"/></li> </ul>
<b>D – Social Significance</b>  <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i>	<p>There is no identified social significance with the subject site,</p>
<i>Guidelines for Inclusion</i> <ul style="list-style-type: none"> <li>• is important for its associations with an identifiable group <input type="checkbox"/></li> <li>• is important to a community's sense of place <input type="checkbox"/></li> </ul>	<i>Guidelines for Exclusion</i> <ul style="list-style-type: none"> <li>• is only important to the community for amenity reasons <input checked="" type="checkbox"/></li> <li>• is retained only in preference to a proposed alternative <input checked="" type="checkbox"/></li> </ul>

Criteria	Significance Assessment
<b>E – Research Potential</b>  <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i>	<p>From the historical analysis included herein, we can confirm that earlier retail and residential structures were located on the subject site prior to the construction of the new buildings. However, it is beyond the scope of this report to assess the archaeological potential of the property. Notwithstanding, any archaeological remains associated with earlier retail or residential flat buildings are not considered likely to yield significant or new information which is not easily found elsewhere,</p>
<p><i>Guidelines for Inclusion</i></p> <ul style="list-style-type: none"> <li>• <i>has the potential to yield new or further substantial scientific and/or archaeological information</i> <input type="checkbox"/></li> <li>• <i>is an important benchmark or reference site or type</i> <input type="checkbox"/></li> <li>• <i>provides evidence of past human cultures that is unavailable elsewhere</i> <input type="checkbox"/></li> </ul>	<p><i>Guidelines for Exclusion</i></p> <ul style="list-style-type: none"> <li>• <i>the knowledge gained would be irrelevant to research on science, human history or culture</i> <input checked="" type="checkbox"/></li> <li>• <i>has little archaeological or research potential</i> <input type="checkbox"/></li> <li>• <i>only contains information that is readily available from other resources or archaeological sites</i> <input checked="" type="checkbox"/></li> </ul>
<b>F – Rarity</b>  <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i>	<p>The subject improvements are modified or contemporary versions of their typologies, and are not considered to be rare.</p>
<p><i>Guidelines for Inclusion</i></p> <ul style="list-style-type: none"> <li>• <i>provides evidence of a defunct custom, way of life or process</i> <input type="checkbox"/></li> <li>• <i>demonstrates a process, custom or other human activity that is in danger of being lost</i> <input type="checkbox"/></li> <li>• <i>shows unusually accurate evidence of a significant human activity</i> <input type="checkbox"/></li> <li>• <i>is the only example of its type</i> <input type="checkbox"/></li> <li>• <i>demonstrates designs or techniques of exceptional interest</i> <input type="checkbox"/></li> <li>• <i>shows rare evidence of a significant human activity important to a community</i> <input type="checkbox"/></li> </ul>	<p><i>Guidelines for Exclusion</i></p> <ul style="list-style-type: none"> <li>• <i>is not rare</i> <input checked="" type="checkbox"/></li> <li>• <i>is numerous but under threat</i> <input type="checkbox"/></li> </ul>
<b>G – Representative</b>  <i>An item is important in demonstrating the principal characteristics of a class of NSW's (or the local area's):</i> <ul style="list-style-type: none"> <li>• <i>cultural or natural places; or</i></li> <li>• <i>cultural or natural environments</i></li> </ul>	<p>The subject improvements are modified or contemporary versions of their typologies, and are not considered to retain enough intact or distinctive features which demonstrate a particular type of architecture or typology.</p>

Criteria	Significance Assessment
<i>Guidelines for Inclusion</i>	<i>Guidelines for Exclusion</i>
<ul style="list-style-type: none"> <li>• is a fine example of its type <input type="checkbox"/></li> <li>• has the principal characteristics of an important class or group of items <input type="checkbox"/></li> <li>• has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/></li> <li>• is a significant variation to a class of items <input type="checkbox"/></li> <li>• is part of a group which collectively illustrates a representative type <input type="checkbox"/></li> <li>• is outstanding because of its setting, condition or size <input type="checkbox"/></li> <li>• is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/></li> </ul>	<ul style="list-style-type: none"> <li>• is a poor example of its type <input checked="" type="checkbox"/></li> <li>• does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/></li> <li>• does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/></li> </ul>

### 4.3. STATEMENT OF SIGNIFICANCE – SUBJECT SITE

The subject properties do not meet the threshold for listing at either a local or state level.

### 4.4. STATEMENT OF SIGNIFICANCE – OVERTHORPE HERITAGE ITEM

The following Statement of Significance for the former Overthorpe gardens is taken from the current State Heritage Register inventory:<sup>6</sup>

*The gardens of Overthorpe are part of a large and significant botanical collection of rare and exotic Australian rainforest species. The collection of mature trees with their massive canopies has created a micro-environment indistinguishable from a natural sub-tropical rain forest and a truly unique environment unmatched in the Municipality of Woollahra. In spite of the relatively small size of the site, it contains an historic collection of rain forest trees and palms of regional significance and importance second only to the collection in the Sydney Royal Botanic Gardens.*

*The site was Sir John Hay's 'garden' an unusual listing in the 1880s Sands Directory at the time he resided at Rose Bay Lodge Rose Bay. This garden contained a gardener's cottage and is believed to have been the site of an Experimental Nursery. The selection of mature species suggests a possible link with William Guilfoyle's work. The magnificent specimens of great age and scale are testament to the 19th century passion for collecting and displaying rare and exotic trees.*

*This 'rain forest' supports a fine and large collection of palms, easily eclipsing the significant palm grove in Vaucluse House gardens and creating in places a dominant 'palm jungle' quality similar to the naturally occurring concentrations of Bangalow palms along the east coast of New South Wales. Much of the 'palm jungle' remains totally concealed to public view contained within the tree canopy. Although some trees may have been removed with the unit development on the site all those remaining have benefitted from the installation of irrigation and the high level of maintenance of these gardens.*

*Located below the ridgeline and Edgecliff Road, the site's elevated position visually presents a lush-vegetated hill slope dominated by massive rainforest canopies and emergent araucarias. This very sheltered location with deep sandy soils and a north easterly aspect has one of the finest and most*

<sup>6</sup> <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=5045523>



equitable micro-climates in the Municipality allowing maximum development of sub-tropical and even tropical species. The original vegetation would have more likely also included a local rainforest component and a number of these remnant species are still present.

From New South head Road, Double Bay, near the intersection with Manning Road, the dominant canopy is from an exceptional holm oak (*Quercus ilex*) and one massive and rare fig, possibly the small-leaved fig (*Ficus obliqua*). This fig, typical of the lush Australian rain forest plantings on this site, is botanically of great significance in being one of only a few specimens of this species in the Municipality. All but one of these occurs on this site. Another feature grouping of two closely planted specimens in the front garden display magnificent buttressing and a mass of coalesced aerial roots. Although *F.obliqua* occurs naturally as far south as the Shoalhaven area, it is unlikely that any of these trees are indigenous remnants. In addition to these figs, two Moreton Bay figs, one in particular of magnificent proportions, totally dominate the south-eastern corner of the property. In spite of their size and historical significance the trees are hemmed in on all sides by unit development making them less visually significant.

Apart from the generally larger figs and the dominant palm groves, the property contains many individual component and mature specimens of great botanical significance, including a large chir pine (*Pinus roxburghii*) and bull bay/evergreen magnolia (*M.grandiflora*). It is this general massing of many rare species to form a rain forest environment which makes this site very special. Large trees such as the sub-tropical and locally rare coolamon or watermelon tree (*Syzygium moorei*) in the western garden and silver quandong (*Elaeocarpus kirtonii*) in the eastern garden are both superb specimens, originally from the rain forests of north-eastern NSW and south-eastern Queensland. More commonly cultivated rainforest species such as Bunya pine (*Araucaria bidwillii*), Illawarra flame tree (*Brachychiton acerifolium*) and black bean (*Castanospermum australe*) are all present in these gardens. The red cedar (*Toona ciliata*) formerly identified as significant on the site is no longer prominent. (Morris, C. Conservation Management Strategy Overthorpe, gardens and grounds, 2010)

## 5. IMPACT ASSESSMENT

### 5.1. STATUTORY CONTROLS

#### 5.1.1. Woollahra Local Environmental Plan 2014

The proposed works are addressed in the table below in relation to the relevant clauses in the LEP.

Table 5 – Woollahra Local Environmental Plan, relevant clause impact assessment

Clause	Discussion
<p><b>(2) Requirement for consent</b></p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	<p>The subject property is not a listed heritage item under Schedule 5 of the Woollahra LEP 2014. It is, however, located in the vicinity of locally and state listed heritage items and character items as identified in the Woollahra DCP.</p> <p>It is proposed to amend the underlying planning controls at the subject site through a Planning Proposal, to provide for future redevelopment of the site with a multi-storey mixed-use development. The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).</p> <p>Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal.</p>
<p><b>(4) Effect of proposed development on heritage significance</b></p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>It is noted that the Planning Proposal will facilitate the future redevelopment of the subject site (including demolition of the subject dwellings), and hence the setting of the heritage items opposite will change. However, the individual values of the items, in particular the significance of the former Overthorpe Gardens as an important garden setting, would be retained and conserved even in the context of the potential future redevelopment of the subject site; the proximate heritage items do not rely on the retention of the subject site to retain their significance, and there will be no physical or detrimental visual impacts on the heritage items as a result of any future redevelopment of the subject site.</p> <p>A detailed heritage impact assessment is included in the following sections of the report.</p>

Clause	Discussion
<p><b>(5) Heritage assessment</b></p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>This HIS satisfies this clause. This HIS has been undertaken to determine the potential heritage impact of the Planning Proposal, and the future built form which would be facilitated by it, on the proximate heritage items and character items, and to assist the consent authority in their assessment of the Planning Proposal.</p>
<p><b>(6) Heritage conservation management plans</b></p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>A Conservation Management Plan is not considered necessary for the proposed works as they do not affect any listed heritage items.</p>

### 5.1.2. Woollahra Development Control Plan 2015

The proposed works are addressed in the table below in relation to the relevant provisions in the DCP.

Table 6 – Woollahra Development Control Plan 2015, relevant clause impact assessment

Clause	Discussion
<b>D5 – DOUBLE BAY CENTRE</b>	
<p><u>Objectives</u> (relevant)</p> <p>O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.</p> <p>O5 To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre.</p> <p>O6 To preserve and enhance the diversity of uses in the Double Bay Centre.</p> <p>O7 To ensure that new development is compatible with the existing built form, and streetscape and village character.</p> <p>O8 To encourage view sharing and individual privacy.</p> <p>O9 To ensure new development is designed to be compatible with the heritage significance of listed heritage items.</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p> <p>This street contains a number of lower-scale buildings which have been identified in the Woollahra DCP as character buildings. The Planning Proposal allows for potential future development on the site which is of a scale higher than currently exists along Bay Street. While future development may be of a higher scale than previously contained on the Bay Street portion of the site, existing development here is already four-storeys (2-10 Bay St), and the Planning Proposal provides for an increase of two-storeys, an increase which is not considered to dramatically alter the built form currently existing on the site.</p> <p>Further, future development will 'step-up' towards New South Head Road in defined sections, meaning that the height of development increases further towards New South Head Road, but this is mostly due to the natural topography of the site. This is appropriate as higher scale development should be located further towards the arterial New South Head Road end of Bay Street, where existing development is already at four-storeys.</p> <p>Potential impacts of scale along Bay Street can be addressed through future DA stages with detailed design and building modulation and articulation. The existing proposed scheme is indicative and provides a concept envelope within which future development may be located. The indicative scheme also shows that future development along Bay Street will have significant setbacks to reduce the visual impact of the increased scale.</p> <p>There are no listed heritage items in the vicinity of the subject site and the character buildings are generally located opposite to the subject site and will not be impacted by future development facilitated by the Planning Proposal. The streetscape provides an existing mixture of traditional and contemporary built form, and through detailed design and future DA stages, the subject proposal will respond to this mixed character and diverse scale.</p>

Clause	Discussion
<p><b><u>D5.4.4 Bay Street (South)</u></b></p> <p><u>Objectives</u></p> <p>a) Retain the existing modest, lot related building widths and retail frontages.</p> <p>b) Provide setback areas at ground level that can be used for outdoor eating or public circulation.</p> <p>c) Retain the character buildings along Bay Street.</p> <p>d) Maintain the avenue of trees.</p>	<p>a) The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.</p> <p>b) The indicative concept scheme provided demonstrates that potential built development across the subject site will have significant setbacks from Bay Street to reduce any potential visual impacts from the proposed increased scale. Further articulation of the ground floor plan and retail spaces will assist in reducing impacts to the low-scale streetscape character of Bay Street.</p> <p>c) As discussed, all character buildings will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.</p> <p>d) The Planning Proposal and future DAs will have no impact on the existing trees along Bay Street.</p>
<p><b><u>5.6.3. Heritage items and character buildings</u></b></p> <p><u>Controls</u> (relevant)</p> <p>C1 All new developments and works to existing developments are to be designed to be compatible with the significance of listed heritage items, conservation areas and nominated character buildings.</p> <p>C3 Development to a character building is to respect the building and complement and enhance the key characteristics of the building including: a) street edge definition; b) its material, detailing and character; c) its holistic building character related to articulation, massing, and patterns and distribution of wall opening.</p> <p>C4 Variations to the building envelope will only be considered where it can be demonstrated that the variations support the sensitive</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p> <p>As discussed, all character buildings will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.</p>

Clause	Discussion
<p>adaptive reuse of heritage items relating to the building's massing.</p> <p>C5 Where a character building is proposed to be replaced, the architectural quality and streetscape contribution of the proposed building must be at least equal to the quality of the building's material, character and detailing.</p> <p>C6 Modifications to character buildings must retain or enhance the architectural streetscape value of the existing building.</p>	

## 5.2 HERITAGE DIVISION GUIDELINES

The proposed works are addressed in relation to relevant questions posed in the Heritage Office's 'Statement of Heritage Impact' guidelines.

Table 7 – Heritage Division Guidelines, relevant guideline impact assessment

Guideline	Discussion
<p>The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:</p>	<p>The Planning Proposal will facilitate the future redevelopment of the subject site (including demolition of the subject dwellings), and hence the setting of the heritage items opposite will change. However, the individual values of the items, in particular the significance of the former Overthorpe Gardens as an important garden setting, would be retained and conserved even in the context of the potential future redevelopment of the subject site; the proximate heritage items do not rely on the retention of the subject site to retain their significance, and there will be no physical or detrimental visual impacts on the heritage items as a result of any future redevelopment of the subject site.</p> <p>The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.</p> <p>The indicative concept scheme provided demonstrates that potential built development across the subject site will have significant setbacks from Bay Street to reduce any potential visual impacts from the proposed increased scale. Further articulation of the ground floor plan and retail spaces will assist in reducing impacts to the low-scale streetscape character of Bay Street.</p> <p>As discussed, all character buildings will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.</p>
<p>The following aspects of the proposal could detrimentally impact on heritage significance.</p> <p>The reasons are explained as well as the measures to be taken to minimise impacts:</p>	<p>There are no identified impact to the heritage significant of any proximate heritage items.</p>

Guideline	Discussion
<p><b>Demolition of a building or structure</b></p> <p>Have all options for retention and adaptive re-use been explored?</p> <p>Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?</p> <p>Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?</p> <p>Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?</p>	<p>The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).</p> <p>Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal.</p> <p>It is intended that the subject buildings will eventually be demolished and replaced. We have assessed the existing buildings in this report and have found that they have no heritage value, and are not required to be retained on heritage grounds.</p>



Guideline	Discussion
<p><b>New development adjacent to a heritage item</b></p> <p>How does the new development affect views to, and from, the heritage item?</p> <p>What has been done to minimise negative effects?</p> <p>How is the impact of the new development on the heritage significance of the item or area to be minimised?</p> <p>Why is the new development required to be adjacent to a heritage item?</p> <p>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</p> <p>Is the development sited on any known, or potentially significant archaeological deposits?</p> <p>If so, have alternative sites been considered? Why were they rejected?</p> <p>Is the new development sympathetic to the heritage item?</p> <p>In what way (e.g. form, siting, proportions, design)?</p> <p>Will the additions visually dominate the heritage item?</p> <p>How has this been minimised?</p> <p>Will the public, and users of the item, still be able to view and appreciate its significance?</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p>

## 6. CONCLUSION AND RECOMMENDATIONS

The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).

Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal.

It is intended that the subject buildings will eventually be demolished and replaced. We have assessed the existing buildings in this report and have found that they have no heritage value, and are not required to be retained on heritage grounds.

Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The natural garden setting and character of this heritage item will not be compromised by potential future development on the subject site.

The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.

The indicative concept scheme provided demonstrates that potential built development across the subject site will have significant setbacks from Bay Street to reduce any potential visual impacts from the proposed increased scale. Further articulation of the ground floor plan and retail spaces will assist in reducing impacts to the low-scale streetscape character of Bay Street.

All character buildings identified in the Woollahra DCP will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.

There are no identified heritage constraints associated with the Planning Proposal, and it is therefore recommended to Council for approval.

## 7. BIBLIOGRAPHY AND REFERENCES

### 7.1. BIBLIOGRAPHY

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*[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]*

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### **BRISBANE**

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