

EVERICK HERITAGE

Dolls Point Café, Depena Reserve Redevelopment

Statement of Heritage Impact

Prepared for Sam Crawford Architects

September 2024

Bayside Council



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EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682

Head Office: Level 9, Matisse Tower

110 Mary Street Brisbane 4000

T: 07 3211 4478

Sydney Office: Level 2, 61 Renwick Street, Redfern 2016

E: info@everick.com.au

www.everick.com.au

Ver.	Author(s)	Date	Authorised
DRA	A. Conlon, S. Plummer	25.09.2024	K. Christian

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Statement of heritage impact - Summary

Name of Heritage Items in the Vicinity:

Cook Park (I219) and Primrose House (I246).

LEP Heritage Schedule item number and name:

I219 and I246 (*Bayside Local Environmental Plan 2021*, Schedule 5)

Address and Location:

General Holmes Drive and the Grand Parade, Rockdale NSW

Statement of Heritage impact for:

- Proposed redevelopment of the Dolls Point Café, which is within the vicinity of two local heritage items, Cook Park (I219) and Primrose House (I246).

Prepared by:

- Aidan Conlon, Heritage Consultant, BA.HistAn.
- Samuel Plummer, Graduate Archaeologist, BArch.

Prepared for:

Sam Crawford Architects (SCA)

Date:

25 September 2024

Issue:

Draft 1

Executive Summary

On behalf of Bayside Council, Sam Crawford Architects has engaged Everick Heritage Pty Ltd (Everick Heritage) to complete a Statement of Heritage Impact [SoHI] for the proposed redevelopment of the Dolls Point Cafe site (Project Area) which is located within Depena Reserve, 179-183 Russell Avenue, Dolls Point. The subject site is within the vicinity of two items of local heritage, Cook Park (I219) and Primrose House (I246), listed under Schedule 5 of the *Bayside LEP 2021*. Subject to the approval of a Development Application, Sam Crawford Architects proposes the demolition of the existing Dolls Point Cafe building (c1961) and the construction of a new café building in a contemporary architectural style.

The proposed compact, single storey building will not disrupt primary view lines to and from the heritage items in the vicinity. These two heritage items, Cook Park and Primrose House, will retain their integrity, intactness and heritage significance and continue to present as an outdoor recreational area and a Victorian-era house respectively.

The proposal incorporates sympathetic design considerations, including a muted colour scheme and timber cladding, that visually respond to the surrounding urban area, including the c. 1891 Primrose House, while remaining clearly distinguishable as a new build constructed in a contemporary style.

The significance of the Depena Reserve is not related to the existing Dolls Point Café, which is an unremarkable structure that presents as a highly altered, c.1961 cafe building constructed in the Late-Twentieth Century Organic Style. As such, the demolition of the existing café will not have a negative impact on heritage significance.

The proposed building construction is an acceptable action, with minimal heritage impact, that is intended to upgrade the park amenities to modern standards and encourage the continued use of the Depena Reserve as foreshore, urban park in the Botany Bay area.

As such, the proposed works will have no more than minimal impact on the heritage significance of Primrose House and Cook Park, which are both located within the vicinity of the subject site.

Checklist for Compliance with the Guidelines a Statement of Heritage Impact

Table 1-1: Matters for Consideration

General Considerations	Report Section
Heritage Advice	
If the document is not written by a heritage professional, has the advice of a heritage professional been obtained and were their recommendation implemented into the proposed work? If not, why?	Section 1.5 Author Identification
Site Description	
Is the location of the proposed works area clearly identified?	Section 1.2 Site Description
Significance Assessment	
Is the significance of the heritage item well documented and understood?	Section 4 Analysis and assessment of significance
Have all criteria of the heritage item's significance been considered?	Section 5 Statement of significance
Proposed Works	
The proposal	
Is there enough information available about the proposed works to determine how they may impact the heritage item and its significance?	Section 6.1 Proposed works
Matters for Consideration	
Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?	Section 8 Fabric and spatial relationships
Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?	Section 8.1.1 Setting, views and vistas
If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?	Section 8.3 DCP

Table 1-2: Considerations for Specific Types of Work

Considerations for Specific Types of Work	Report Section
Tree removal or replacement - Does the tree proposed to be removed contribute to the heritage significance of the heritage item? - Why is the tree being removed? - Has the advice of a qualified arborist, tree surgeon or horticultural specialist been sought and implemented? - Is the methodology for tree removal adequately understood? Will the proposed works impact on the significance of the heritage item? - Is the tree being replaced? Where will it be replaced and with what species? Why?	Section 8.1.1 Settings, views and vistas
Response to climate change - Are the proposed works in response to a threat posed to the heritage item from a changing climate? Will the proposed works impact on the significance of the heritage item? - Are the proposed works intended to improve the energy efficiency of the heritage item? If yes, will the proposed works impact the way in which the heritage item was designed to function climatically? - Will the proposed energy efficiency upgrade work impact on the significance of the heritage items? If yes, how have the impacts of the proposed works been minimised?	All Sections
Works adjacent to a heritage item of within the heritage conservation area (listed on a LEP) - Will the proposed works affect the heritage significance of the adjacent heritage item of the heritage conservation area? - Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated? - Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?	Section 8.1.1 Settings, views and vistas Section 8.1.2 Other Heritage Items in the Vicinity

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Abbreviations and definitions

The following definitions apply to the terms used in this report:

Abbreviation	Meaning
Burra Charter	The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013
Consent authority	the person or body whose approval that act, matter or thing may be done without whose approval that act, matter or thing may not be done
Conservation	all processes of looking after a place spa as to retain its cultural significance (as defined in the Burra Charter)
CMP	Cultural Management Plan
DA	Development Application
DCP	Development Control Plan
Everick Heritage	Everick Heritage Pty Ltd
Heritage Act	<i>Heritage Act 1977 (NSW)</i>
Heritage NSW	Heritage NSW, Environment and Heritage Group, Department of Planning and Environment
km	kilometre
LEP	Local Environmental Plan
LGA	Local Government Area
m	metre
NSW	New South Wales
Operational Guidelines	<i>Operational Guidelines for the Implementation of the World Heritage Convention</i>
the Proposal	Demolition of existing cafe building and construction of new a cafe building at Depena Reserve.
Setting	The area around an item, which may include the visual catchment

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Abbreviation	Meaning
SHI	State Heritage Inventory. An online database containing heritage items and conservation areas on statutory lists in NSW. This includes the State Heritage Register and local government items
SoHI	Statement of Heritage Impact

1. Introduction

1.1. Introduction

Everick Heritage Pty Ltd (Everick Heritage) has been engaged by Sam Crawford Architects to complete a Statement of Heritage Impact (SoHI) for the redevelopment of the Dolls Point Café, located at Depena Reserve, Dolls Point NSW 2219 (the subject site).

The lot and DP numbers of the site are as follows:

- Lot 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77, DP2237; and
- Lot 2 and 3, DP733218.

The subject site is within the vicinity of two heritage places listed under Schedule 5 of the *Bayside Local Environmental Plan 2021 (BLEP)*. This report has been prepared to assess impacts of proposal on the heritage item

The proposed works, subject to Development Approval (DA), are located within Depena Reserve, Dolls Point and include the following:

Demolition:

- Existing Café to be demolished
- Existing hardstands to be removed

Construction:

- Redevelopment of the Café building
- Café screw pile foundations raised to between 0.8-1 m off the ground
- New in-ground rainwater tank

Landscaping and civil works:

- Accessible pedestrian paths connecting new structure with existing paths.
- Removal of seven existing trees
- Replacement of mature trees
- Turf, shrubs and meadow planting to replace landscaping.

1.2. Site description

The subject site, located within Depena Reserve, is located in the suburb of Dolls Point which is in the Bayside Local Government Area (LGA). It is located within the Parish of St. George and the County of Cumberland. It is within the Metropolitan Local Aboriginal Land Council.

Depena Reserve is a medium-sized park on the foreshore of Botany Bay. The site comprises shrubs and trees, including Norfolk Island Pines, several park shelters and a heavily altered cafe building constructed in c.1961. The site is within the vicinity of two heritage items, Cook Park (I219) to the south and Primrose House (I246) to the northeast.



Figure 1-1: Aerial imagery of the subject site (approximately outlined in red) which is located within Cook Park (179-183 Russel Avenue Dolls Point, NSW 2219) (Source: SIX Maps)

1.3. Heritage Listing

The following table includes the statutory heritage listings within the vicinity of the subject site.

Table 1-1: Statutory heritage listings in the vicinity of the subject site.

Listing Type	Item name and document details	Listing number
Local heritage item	Primrose House <i>Bayside LEP 2021</i>	I246

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Listing Type	Item name and document details	Listing number
Local heritage item	Cook Park <i>Bayside LEP 2021</i>	I219

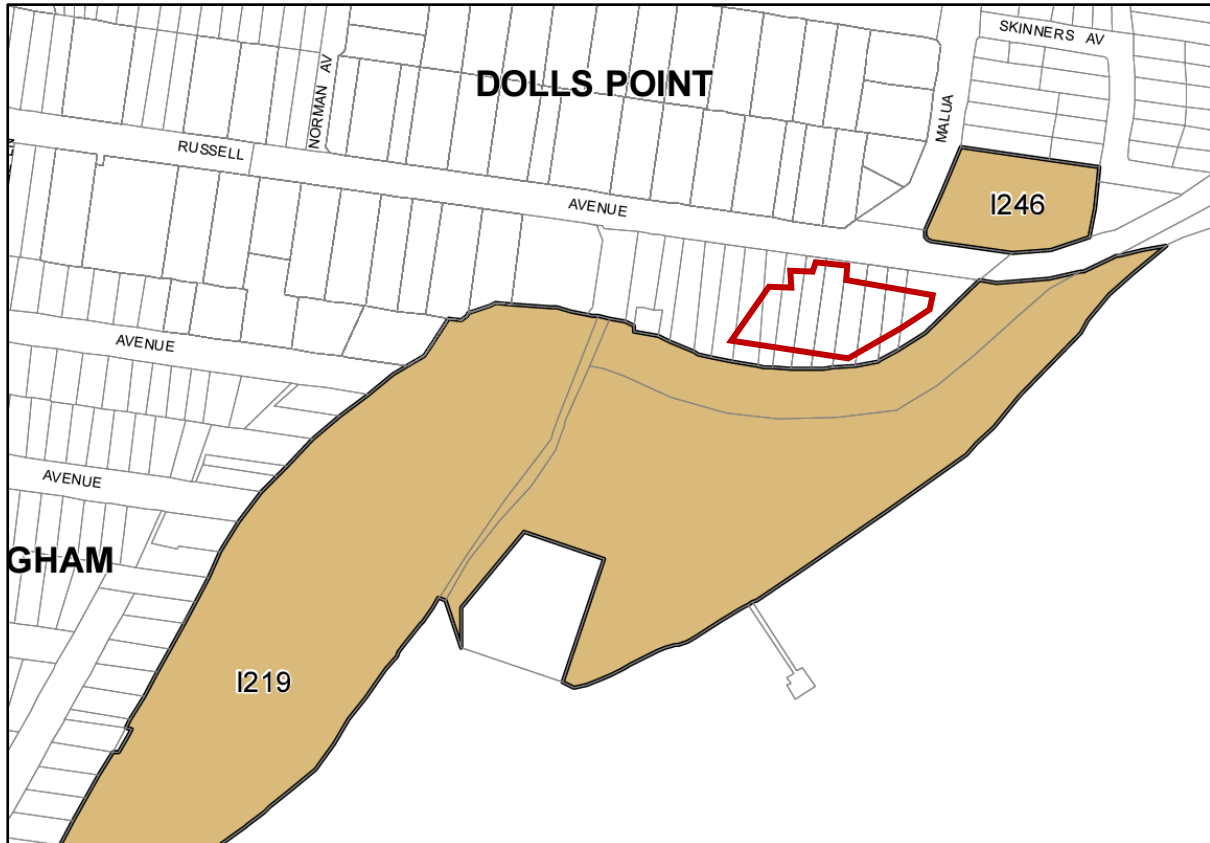


Figure 1-2: Heritage listing map showing the locally listed items, I219 and I246, situated within the vicinity of the subject site. The proposed work area outlined in red. [Bayside LEP 2021 Digital Mapping]

1.4. Methodology

A Statement of Heritage Impact (SoHI) is prepared to assist owners, custodians, and managers of heritage items to understand how proposed works to a heritage item, or in its vicinity may impact the heritage significance of the item. A SoHI can also assist a consent authority's consideration of an application through provision of mitigation measures to reduce or manage the potential impact to the significance of a heritage item. A SoHI is required to be submitted with an application to undertake works on a State Heritage Register item. Local councils and government agencies may require SoHIs for works undertaken to and within the vicinity of heritage items which address the Development Control Plans (DCP) and Local Environmental Plan (LEP) heritage provisions.

This assessment is consistent with the principles and guidelines set forth in the *Australia ICOMOS Charter for Places of Cultural Significance* (the Burra Charter)¹. The report has been prepared in line with current best practice guidelines identified within the *Guidelines for preparing a statement of heritage impact*.²

1.5. Author identification

This report has been prepared by Aidan Conlon (Heritage Consultant, Sydney), with assistance from Samuel Plummer (Graduate Archaeologist, Sydney). Alice Steedman (Senior Heritage Architect) has provided technical review and input into this project.

The visual inspection was undertaken by Nestor Nicola, Archaeologist, on 20 September 2024. All photographs in this report were taken by Everick Heritage at this time unless otherwise specified.

1.6. Limitations

This report is limited to an assessment of impact on historic heritage and does not include any assessment or evaluation of Aboriginal Heritage as defined in the *National Park and Wildlife Act 1974* (NPW Act).

All inspections were carried out from ground level and did not involve any excavation or destructive investigations.

¹ *Australia ICOMOS, Charter for Places of Cultural Significance* (the Burra Charter), 2013.

² Department of Planning and Environment NSW, *Guidelines for preparing a statement of heritage impact*, 2023

2. Historical Context

2.1. Dolls Point

Settlement in South Sydney was delayed by several years after the initial settlement that was planned at Botany Bay was re-located to Sydney Cove. There was little settlement in Rockdale and South Sydney until Hannah Laycock was granted 500 acres of land, which was called the King Grove Farm.³ The track leading from King Grove Farm became a popular thoroughfare, and further encouraged settlers to move into the area. As the area grew in popularity, it became a destination for the more affluent Sydney-siders in the mid-1800's to build holiday homes or country estates. Its proximity to the Botany Bay foreshore was particularly valued.⁴

Thomas Holt, a noted Sydney merchant and businessman, purchased land on the western foreshore of Botany Bay and built a country estate for his wife, naming it San Souci. Mrs. Holt refused to move away from the city, so Holt sold the estate to William Rust.⁵ Rust turned the large estate into a hotel and named it the 'Prince of Wales Hotel' and the surrounding area Sandringham.⁶ The area became a notable holiday and tourist destination outside of the city and as the area increased with popularity amongst the gentry, more popular and notable figures holidayed around the western foreshore of Botany Bay.

³ Walker, Merideth, and Kass, Terry. 1991. 'Rockdale heritage study'. Rockdale Municipal Council, Sydney, 8

⁴ *Ibid*

⁵ Walker, Merideth, and Kass, Terry. 1991. *Rockdale heritage study*. Rockdale Municipal Council, Sydney, 9

⁶ Pentland, Karen. 2014. 'The Prince of Wales Hotel, Sandringham'. The Dictionary of Sydney. https://dictionaryofsydney.org/entry/the_prince_of_wales_hotel_sandringham . Accessed 6 September 2024



Figure 2-1. Excerpt from the pre-1889 NSW Parish Map of St George, showing the landowners around the areas of Sans Souci, Sandringham and Dolls Point. The approximate location of the subject site is highlighted in red.

2.2. Cook Park

The foreshore of Botany Bay was originally named Seven Mile Beach but was renamed 'Lady Robinson's Beach' by the Council in the 1870's following a comment by Lady Robinson on its suitedness for horse riding. Shortly after the renaming, speculators acquired and subsequently subdivided along to foreshore to sell as individual lots.

The Victorian-era championed the benefits of open, public space and parkland. As such, it was commonplace for parks and gardens to be included in the plans of prospective urban areas, such as Dolls Point and Sans Souci.⁷ Thomas Saywell, a tobacco grower in the Sydney region, was a noted advocate for the need for public spaces and amenities in the Sans Souci and Sandringham areas. Saywell bought a large portion of land and lobbied the State to provide him with the means to open a tramway from the newly opened Illawarra Railway in October 1884. A second tramway was opened in 1887 after

⁷ Dreher, Nan Hesse. 1993. *Public Parks in Urban Britain, 1870-1920: Creating a New Public Culture*. Publicly Accessible Penn Dissertations.

speculators again successfully lobbied the State to construct a tramway from Kogarah into Sans Souci. As a result of the new means of transportation, Saywell added more attractions to the area, with public baths, a picnic area and a pavilion. The area became known as 'New Brighton'.⁸ Saywell was assisted by private businessman Samuel Cook, who obtained several portions of land and established parks and pleasure grounds for general public use. One of the parks Cook advocated for was a strip of land between Sans Souci and the Cooks River.⁹ In 1885, after lobbying the Lands Minister, James Farnell, it was agreed that an area 100 yards from the high-water mark and extending four-and three-quarter miles along the beach front be resumed as a public park.¹⁰ The land was gazetted as Cook Park in 1886.

2.3. The Subject Site - Depena Reserve (179-183 Russell Avenue, Dolls Point)

The subject site was originally part of a large section of land granted to John Betts in 1840. Following a series of subdivisions, several smaller land portions were sold. The land containing subject site was purchased by William Edward Sparke in 1887. Sparke subdivided his land and sold a portion of it to Alfred George Caruthers. The land sold to Caruthers bordered Cooks Park and two other land holdings held by F. B. Freehill and A. Moloney to the north and a M. Allston to the south. As shown in Figure 2-2 this portion of the land makes the southern frontage of Russel Avenue.

The Caruthers property was subject to further subdivisions and was auctioned as individual lots intended for housing. The lots that comprise the subject site were individually sold and possibly developed at different points between the late 1880s and 1930. In May 1930, under the Local Government Act 1919, Rockdale Council resumed the land comprising the site and dedicated the land for recreational use. This resumption indicates that there was likely minimal, if any development on the land. Following the resumption, these lots were amalgamated into one address, 179-183 Russel Avenue, Dolls Point, however, the original allotment boundaries were retained.

From 1930 onwards, the area was used as open parkland and named 'Dolls Point Park'. At some point between 1930 and 1951, a small building was constructed on the parkland near Russel Avenue. This building became known as 'Sol's Fish Inn' and sold food, fishing bait and tackle for locals and visitors.

⁸ Walker, Merideth, and Kass, Terry. 1991. *Rockdale Heritage Study*. Rockdale Municipal Council, Sydney, 9, 10

⁹ *The Late Mr. Samuel Cook*. The Sydney Mail and New South Wales Advertiser, Wednesday 6 July, 1910. 42.

¹⁰ Walker, Merideth, and Kass, Terry. 1991. *Rockdale Heritage Study*. Rockdale Municipal Council, Sydney, 9, 10

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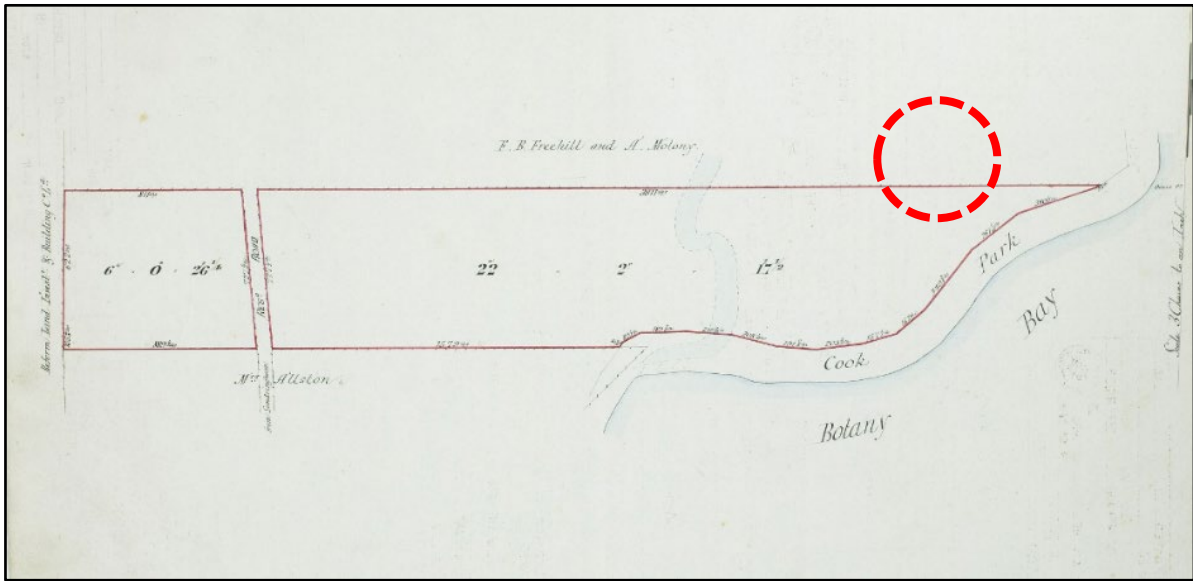


Figure 2-2. Image of the subdivision of the Betts property at Dolls Point.
(Source: HLRV, Vol - Fol: 846-223).

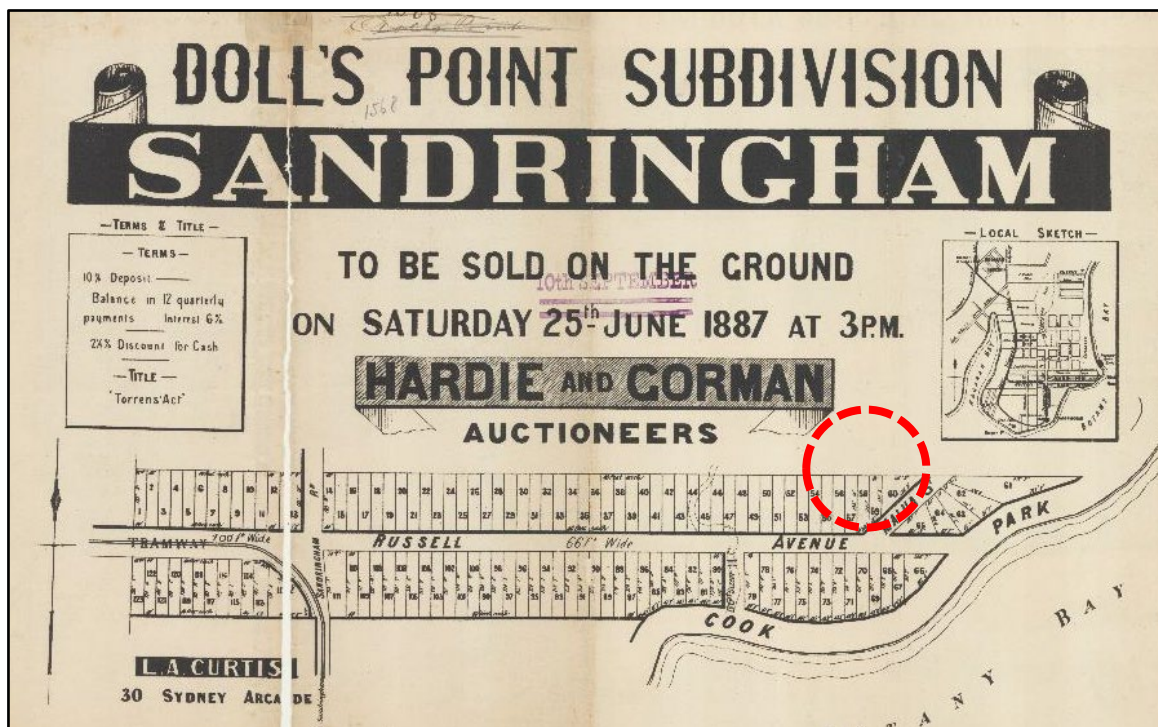


Figure 2-3. Image describing lots for sale during the subdivision of the Sparke property at Dolls Point. Approximate location of the site is outlined in red (Source: NSW State Library).

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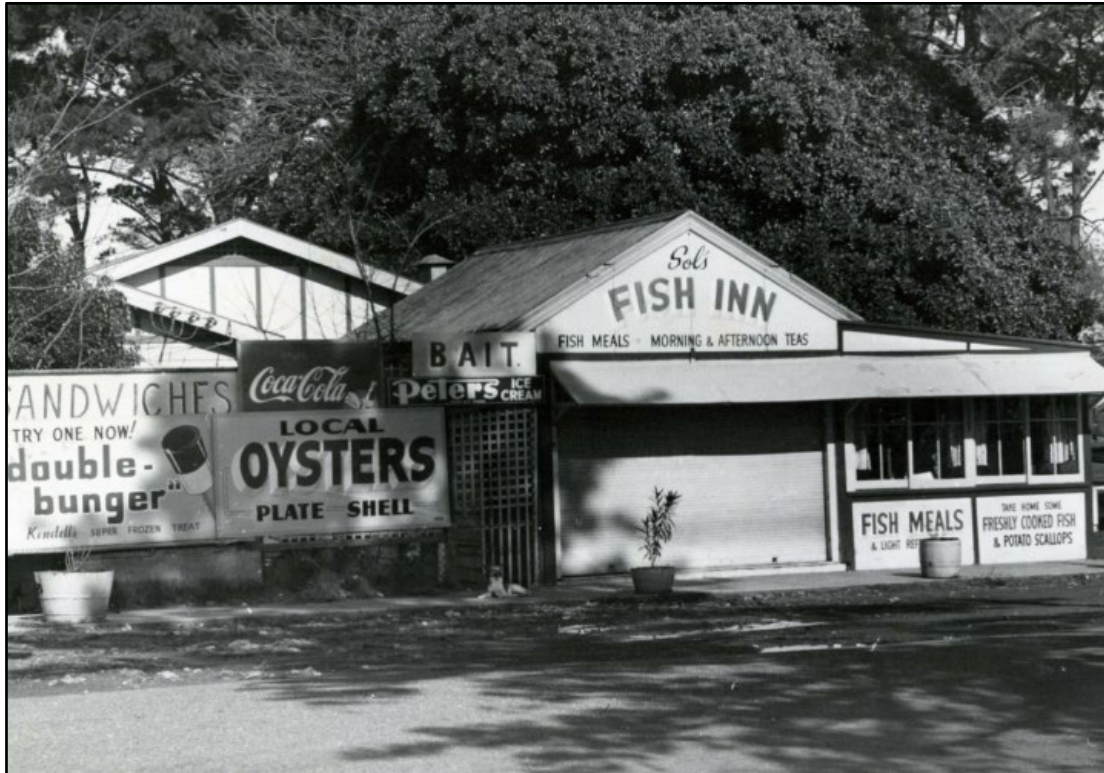


Figure 2-4. Sol's Refreshment Room and Fish Inn, c.1950s (Source: Bayside Library Services).

The building remained in the park until 1961 when the park was subject to a renewal program initiated by Rockdale Council. The park was renamed 'Depena Reserve' after the Council alderman Peter Depena, who lived nearby the park and was directly involved in the resumption of the land for parkland and recreational purposes in 1930.¹¹ The son of an African migrant from the Cape Verde Islands and an Irish domestic servant, Depena served as a councillor between 1928-1937 and was possibly Australia's first alderman of African heritage.¹²

¹¹ Bell, L. *Memorial: Simon Peter Depena J.P. (1889-1964)*. Leonie Bell (self-published) 2017. Winner of Rockdale Council Ron Rathbone Local History Prize, 2017.

¹² *Ibid*



Figure 2-5. Alderman Peter Depena of Rockdale Council, c. 1910 (Source: Bayside Library Services).

Sol's Fish Inn was demolished in 1961 and replaced with a larger kiosk and amenities building called the 'Doll's Point Kiosk'.¹³ The new kiosk had a distinctive tower, with a geometric design, erected atop its primary entrance awning on the building's northern façade. At some point in the 1980s, the eastern wing of the kiosk was extended.¹⁴ During these extensions, the geometric-design tower was removed and the roof was replaced. The kiosk has been occupied by several restaurants and cafés since its construction.

¹³ *Ibid*

¹⁴ *Ibid*

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Figure 2-6. Sol's Restaurant closed and boarded up in preparation for demolition, 1961 (Source: Bayside Library Services).



Figure 2-7. The Dolls Point Kiosk, including the tower with geometric design, under construction during 1961 (Source: Bayside Library Services).

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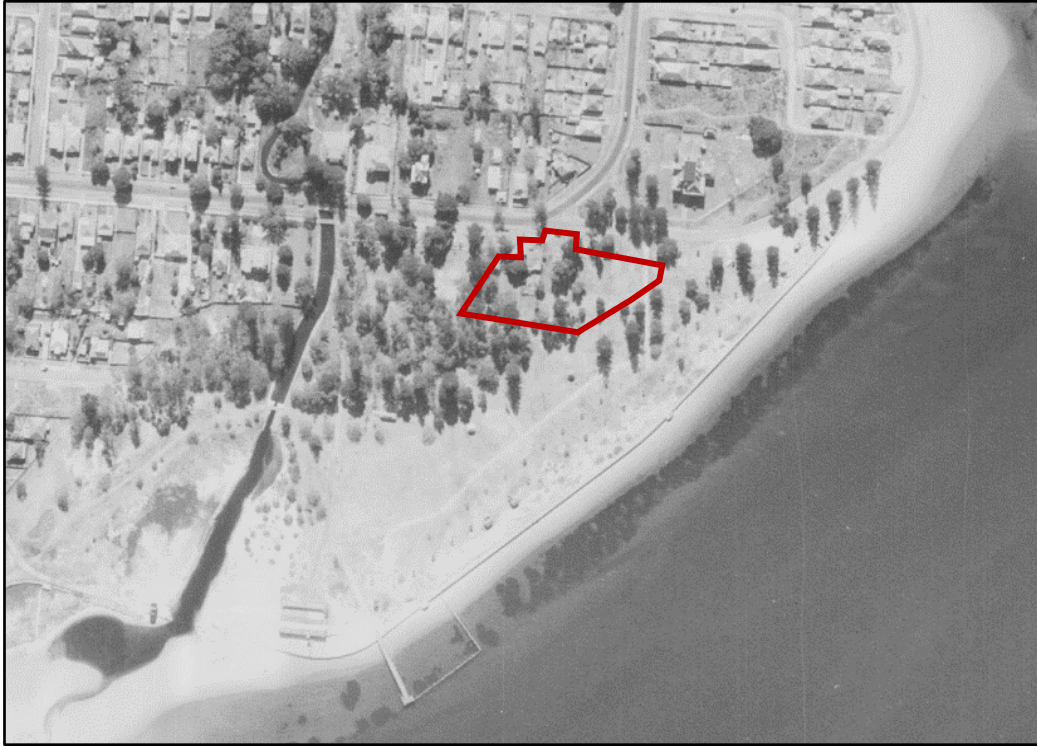


Figure 2-8. Historical aerial imagery of the subject site, outlined in red, 1951 (NSW Spatial Services).

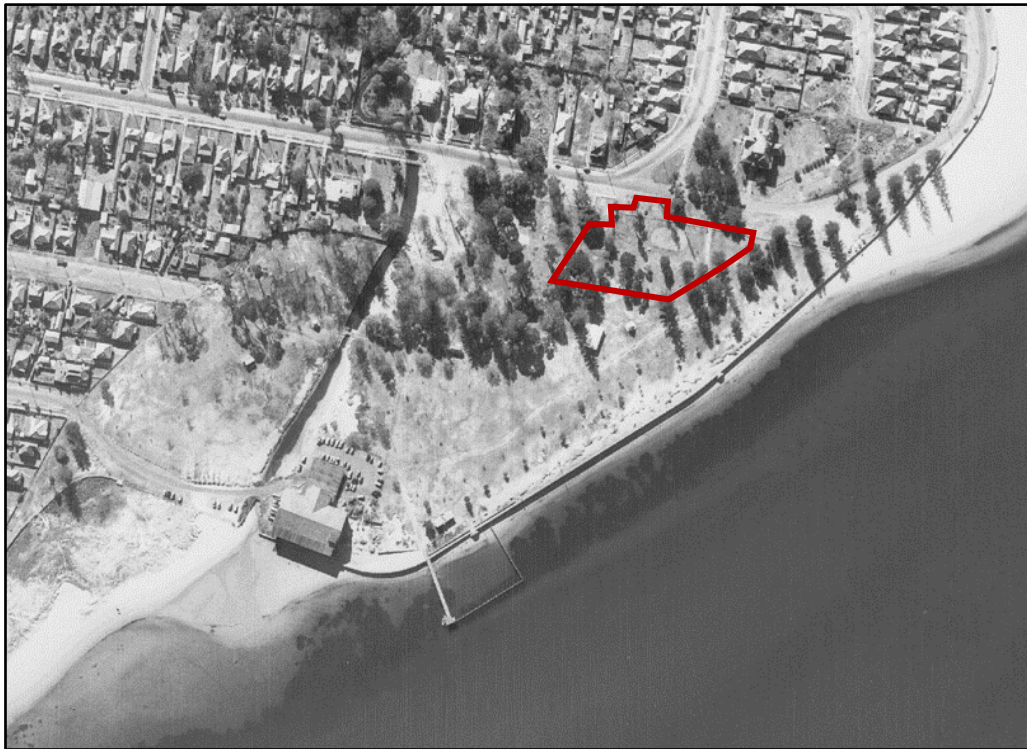


Figure 2-9. Historical aerial imagery of the subject site, outlined in red, 1961 (NSW Spatial Services).

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Figure 2-10. Historical aerial imagery of the subject site, outlined in red, 1965 (NSW Spatial Services).



Figure 2-11. Historical aerial imagery of the subject site, outlined in red, 1986 (NSW Spatial Services).

3. Physical Description

3.1. Setting

The subject site is located within Depena Reserve which is a medium-sized passive recreational area on the foreshore of Botany Bay. Depena Reserve consists of grassed parkland, trees, including several large Norfolk Island Pines, public amenities, a playground, several covered shelters, a carpark and the Dolls Point Café. The western boundary of the park is marked by Waradiel Creek, which runs from north to south and empties in the Georges River estuary. At the southern boundary of the reserve is the Georges River 16ft Sailing Club building and carpark.

Carparking and the Dolls Point Cafe is situated at the northern end of the reserve, along Russel Avenue and Caruthers Drive. Across Caruthers Drive, to the northeast, is an item of local heritage, 'Primrose House' (I246, *Bayside LEP 2021*). Constructed in c.1891, Primrose House presents as a large, two storey, brick and stucco building in the Victorian style.

The area surrounding Depena Reserve is highly urbanised and consists of low-medium density residential and commercial development, including apartment buildings and shops. The site is opposite the junction of Russel Avenue and Caruthers Drive, both of which are meandering, sealed roads with grassy verges and concrete pathways on either side.

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Figure 3-1: View of the existing Dolls Point Café and surrounding landscaping, looking west, from the intersection of Caruthers Drive and Malua Street.



Figure 3-2: View of Depena Reserve, looking south, from Caruthers Drive.

3.2. Site Description

The subject site, including the existing Dolls Point Café, is situated within the Depena Reserve. The area surrounding the café building includes open, grassy areas, carparking and numerous trees, including mature Norfolk Island Pines.

The existing café building (c. 1961) is a single storey, rendered brick masonry building constructed in the Late-Twentieth Century Organic style. The building envelope is an irregular, parallelogram shape. The roof is clad in corrugated metal. A large, awning covers the primary entrance of the building on the northern façade. The awning is supported by two, timber posts which are decorated with two, large boards with a geometric design. This geometric feature was originally part of a decorative, geometric design, tower erected above the entrance's awning (Figure 2-7).

A small, raised skylight window is situated in the centre of the roof form. An extension of the eastern side of the building (c. 1980s) has a flat roof with a hipped roof reception entrance. The fenestration of the eastern façade includes large aluminium framed, tinted windows.



Figure 3-3: View of the existing Dolls Point Café and carpark, facing east, showing the primary entrance awning and the remnants of the geometric design feature included in the original building design.

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Figure 3-4: View of the existing Dolls Point Café, facing west, showing the c. 1980s extension in relation to the original primary entrance and awning.



Figure 3-5: View of the existing Dolls Point Café, facing southwest, showing the c. 1980s extension, including tinted, aluminium framed windows and flat roof.

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Figure 3-6: Northern facing view of the existing Dolls Point Café, showing the rear of the building. Including brick masonry walls and corrugated metal roof.

4. Analysis and assessment of significance

The subject site is not subject to any heritage listings, however, two items of local heritage, listed under Schedule 5 of the Bayside LEP 2021, are within its vicinity.

In order to address the heritage impact of the proposed works, the following sections will undertake a heritage assessment of the unlisted Depena Reserve, including the subject site, and establish its heritage value. The statements of significance for Cook Park (I219) and Primrose House (I246) are also provided. These sections will inform an understanding of the potential impact of the proposal on the significance of the Reserve and the heritage items in its vicinity.

4.1. Condition, authenticity and integrity

Varying elements of the existing Dolls Point Cafe are in Poor to Fair condition. The restaurant and kiosk building foundation and load bearing walls are in fair condition. The roof and external finishes are in poor condition. The Cafe exhibits the minor degradations, such as corrosion, common in oceanside structures. The surrounding parkland is well-kept. The carpark area has been subject to general wear and tear since its construction due to general use.

4.2. Significance criteria

The subject site is not a heritage listed site, however, in order to properly assess the impacts of the proposed works on the park, the heritage items in the vicinity and the broader urban area, a significance assessment has been undertaken to establish the heritage value of the site. The following assessment is in accordance with *Assessing Heritage Significance* (Department of Planning and Environment 2023a).

Table 4-1: Criteria for assessing heritage significance in NSW

Significance	Description
a) Historic significance 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).	Depena Reserve, including the subject site, is an example of a broader sociopolitical movement in the Victorian-era to secure land for public recreation and parkland. The resumption of the land from private ownership to parkland reflects the developing societal understanding of the importance of open, outdoor areas in the context of increasing urbanisation and industrialisation. The site has historic significance in demonstrating the development of the Dolls Point area and in reflecting initiatives of local government to provide recreational space in urban environments.

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Significance	Description
	The subject site meets the threshold for historic significance at the local level.
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).	Depena Reserve, including the subject site, is historically associated with Alderman Peter Depena, who was possibly Australia's first alderman of African heritage. Depena was directly and personally involved in the resumption of the land by Council in 1930. Alderman Depena, who referred to the land resumption project as 'my pet baby' in a 1961 interview, was a distinguished councilman and businessman known for his involvement in public health and infrastructural initiatives. Depena's political and public life was conducted in the era of the 'White Australia Policy', during which racial discrimination was commonplace. Depena Reserve, including the subject site, exemplifies Alderman Depena's success in improving public health and lifestyle through the creation of outdoor recreational spaces. Due to Depena's direct involvement in the establishment resuming the land for public use, Depena Reserve meets the threshold for associative value at a local level.
c) aesthetic/creative/technical achievement An item is important in demonstrating aesthetic characteristics and/ or a high degree of creative or technical achievement in NSW (or the local area).	Depena Reserve, including the subject site, is a typical urban park with typical landscaping and tall Norfolk Island Pine trees. The existing Dolls Point Cafe is an unremarkable structure which presents as a highly altered, 1960s cafe building constructed in the Late-Twentieth Century Organic style. The site does not meet the threshold for aesthetic, creative or technical significance at a local level.
d) Social, cultural, and spiritual 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.	Depena Reserve, including the subject site is not associated with any particular community or cultural group for social, cultural and spiritual reasons. The site does not meet the threshold for social, cultural and/or spiritual significance at the local level.
e) Research potential 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).	Depena Reserve, including the subject site, does not hold any fabric or features that would provide research material that might contribute to a deeper understanding of NSW's cultural or natural history. The site does meet the threshold for research potential at the local level.
f) Rare An item possesses uncommon, rare, or endangered aspects of NSW's cultural	Recreational parks located in urban residential and commercial areas are not considered rare in the St George LGA or in NSW.

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Significance	Description
or natural history (or the cultural or natural history of the local area).	However, the direct involvement of Alderman Depena in the resumption of the land and the creation of the reserve is rare. The Depena Reserve, including the subject site, is a rare exemplification of Alderman Depena's achievements in the discriminatory context of Australian governmental policies at the time. With this considered, the Depena Reserve is a rare example of the political achievement of a Council alderman of African heritage, in the context of the 'White Australia Policy'. The subject site holds rarity significance at the local level.
g) Representative 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).	Depena Reserve, including the subject site, is representative of a typical, coastal-urban reserve. As such, it does hold representational value at the local level.

5. Statement of significance

An item, place or archaeological site may be considered to be of State or local significance if it meets one or more of the following seven criteria for assessing heritage significance in NSW. The subject site has been assessed against all seven of the criteria to ascertain the level and breadth of significance relating to the fabric, setting, history and broader environment of the item. Heritage value and cultural significance are two terms that encompass the tangible and intangible values which may be attached to a place, heritage item or archaeological site. An assessment of significance supports a framework for developing management strategies to protect places for future generations.

5.1. Significance of the Subject Site

The significance of the Depena Reserve is not related to the existing Dolls Point Café, which is an unremarkable structure that presents as a highly altered, c.1961 cafe building constructed in the Late-Twentieth Century Organic Style.

Depena Reserve is an example of a broader sociopolitical movement to secure land for public recreation and parkland. The resumption of the land from private ownership to parkland reflects the developing understanding of the importance of open, outdoor areas in the rise of urbanisation, industrialisation and increasing population density.

Further, the direct involvement of Alderman Peter Depena, possibly Australia's first councillor and alderman of African heritage, contributes to the significance of the Reserve. Depena's successful political and public life was conducted in the era of the 'White Australia Policy', during which racial discrimination was common. The Depena Reserve is a rare exemplification of Alderman Depena's achievement of public health and outdoor recreation initiatives in the discriminatory context of Australian governmental policies, and broader Australian culture, during the early and mid-twentieth century.

The subject site reaches the threshold for significance at a local level for its historic, associative, rarity and representative values.

5.2. Heritage Items in the vicinity

The subject site is situated within the vicinity of two items of local heritage listed under Schedule 5 of the *Bayside LEP 2021*. The location of these heritage items, in relation to the subject site, is shown in Figure

1-2. The significance of these heritage items, 'Cook Park' (I246) and 'Primrose House' (I219), will be discussed in the subsequent sections.

5.2.1. Primrose House (I246)

The following statement of significance was extracted from the heritage inventory sheet contained in the State Heritage Inventory:

Originally built in 1891 as the Scarborough Hotel, Primrose House is historically significant as part of the development of the Botany Bay Pleasure grounds in Sans Souci. It also is significant for the role it played in its use as a hospital for the war wounded from 1913 until 1936. This villa is aesthetically significant as a major landmark located in its original garden setting of mature Phoenix Palm trees and Norfolk Island Pines in the Sans Souci area. Primrose House is a rare example of a surviving Victorian holiday hotel.¹⁵

5.2.2. Cook Park (I219)

The following statement of significance was extracted from the heritage inventory sheet contained in the State Heritage Inventory:

Cook Park is major open space on the edge of Botany Bay with distinctive Norfolk Island Pines and historical associations with early developers Saywell and Cook. Established in 1886 Cook Park provides evidence of the late 19th century development of the area as the creation of the park was in direct response to the expanding urbanisation. Aesthetically, the park is significant in its role as defining the character of the suburb and the edge of Botany Bay.¹⁶

¹⁵ 'Primrose House'. *Bayside LEP 2021*. NSW State Heritage Inventory, NSW Environment and Heritage, accessed 19 September 2024.

¹⁶ 'Cook Park'. *Bayside LEP 2021*. NSW State Heritage Inventory, NSW Environment and Heritage, accessed 18 September 2024.

6. Proposed Works

6.1. Proposed Works

The proposed works subject to Development Approval (DA) and are located within Depena Reserve, Dolls Point and includes the following:

Demolition:

- Existing Café to be demolished
- Existing hardstands to be removed

Construction:

- Redevelopment of the Café building
- Café screw pile foundations raised to between 0.8-1 m off the ground
- New in-ground rainwater tank

Landscaping and civil works:

- Accessible pedestrian paths connecting new structure with existing paths.
- Removal of seven existing trees
- Replacement of mature trees
- Turf, shrubs and meadow planting to replace damage landscaping.

Table 6-1: Assessed documentation of Proposed Works

Dwg No.	Architectural Drawings/ Site Plans	Date	Revision
A101	Site Analysis Plan	03/11/2023	A
A102	Site Plan	03/11/2023	A
A103	Demolition Plan	03/11/2023	A
A104	Ground Floor Plan	03/11/2023	A
A105	Roof Plan	03/11/2023	A
A201	North and South Elevations	03/11/2023	A
A202	East and West Elevations	03/11/2023	A
A301	Sections A and B	03/11/2023	A
A302	Section C	03/11/2023	A

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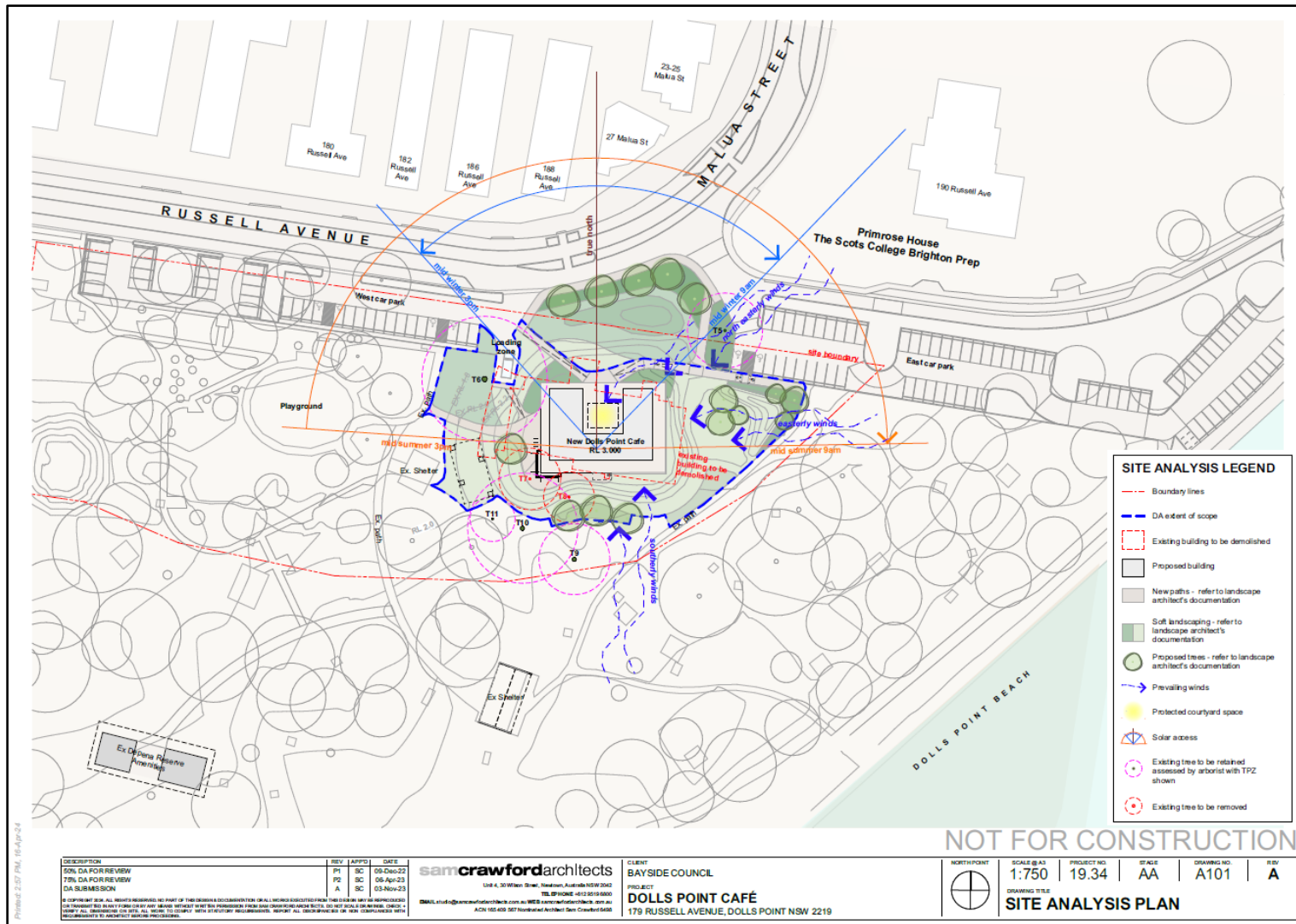


Figure 6-1. Site Analysis Plan (Source: SCA).

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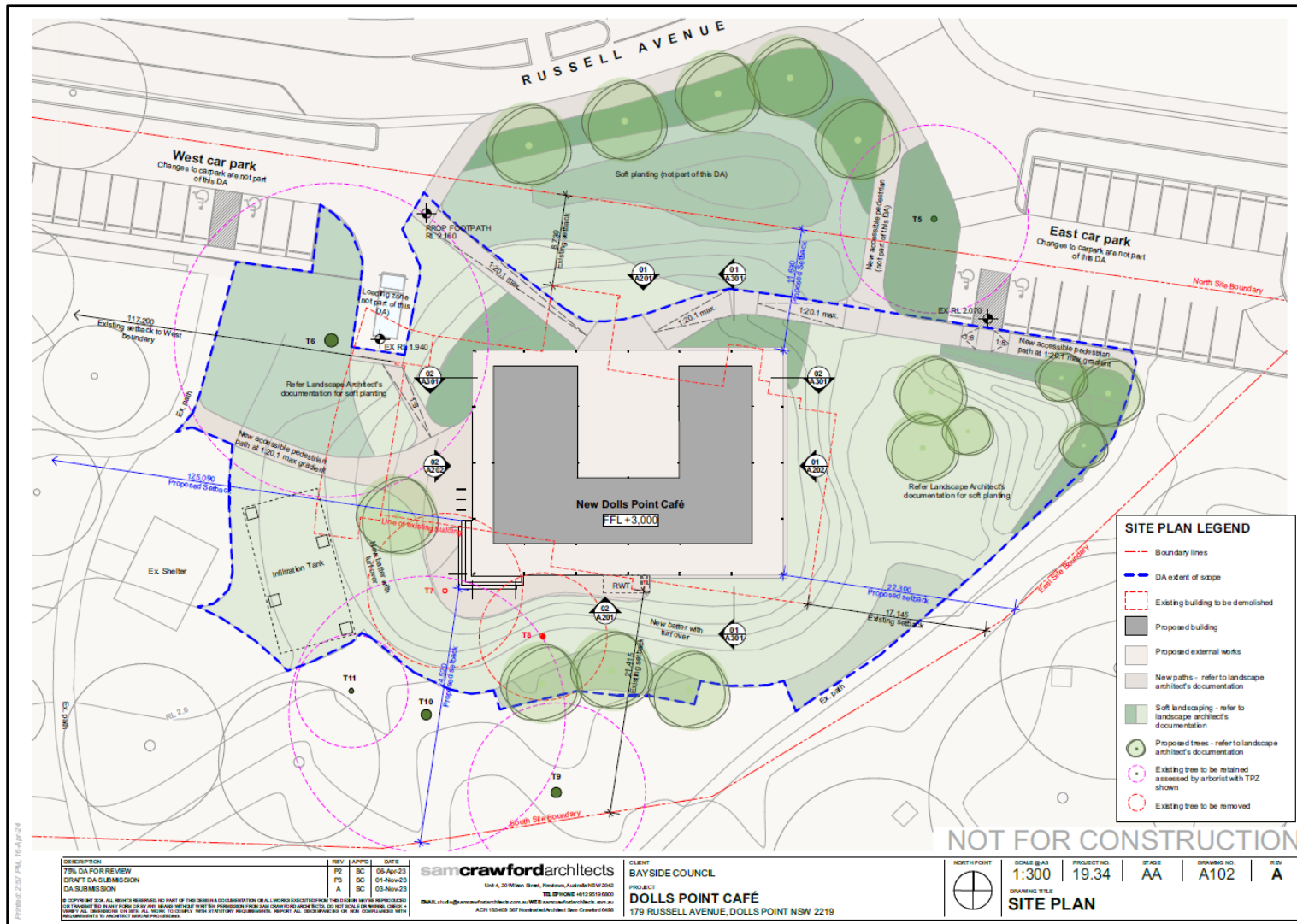


Figure 6-2. Site Plan (Source: SCA).

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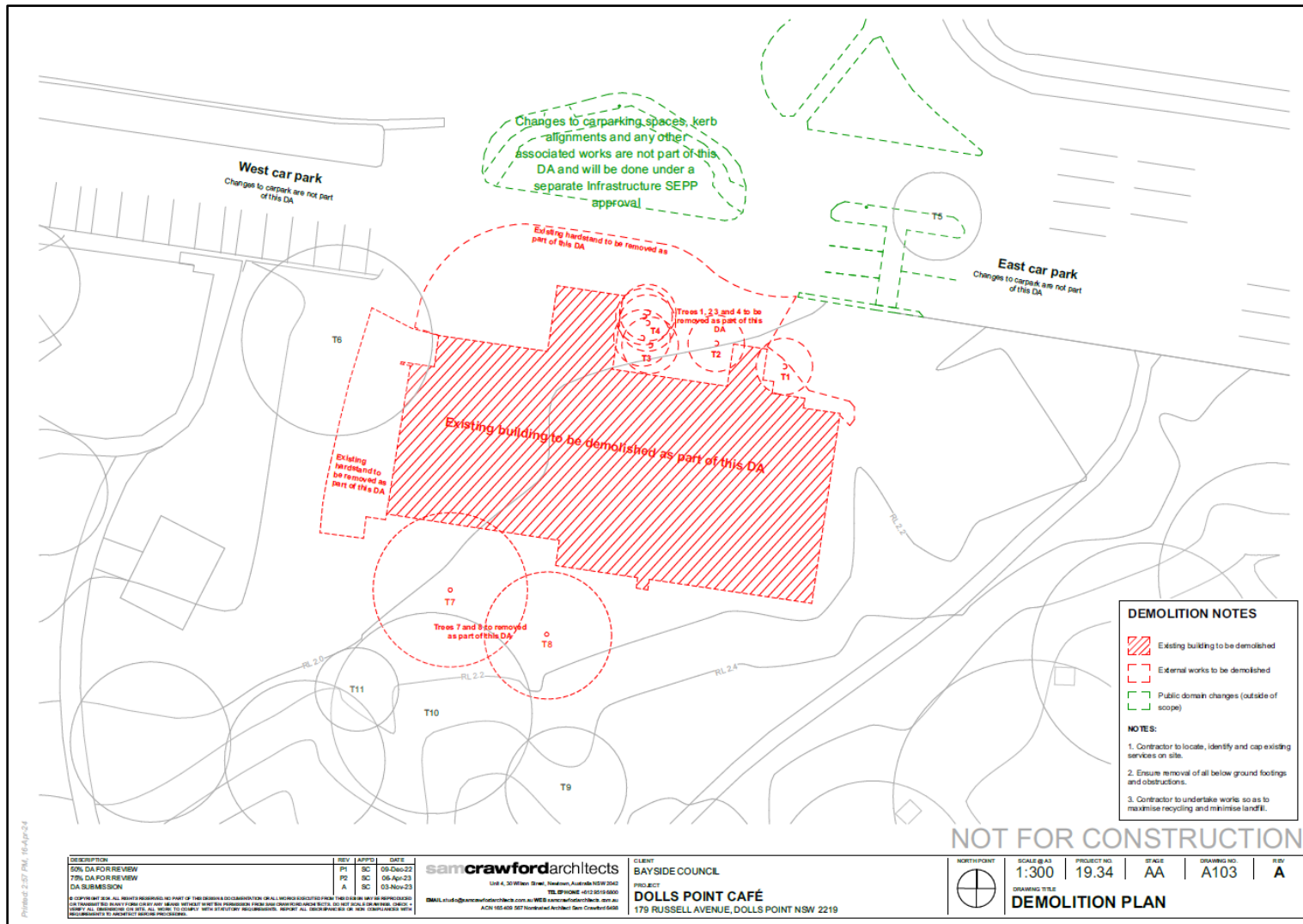


Figure 6-3. Demolition Plan (Source: SCA).

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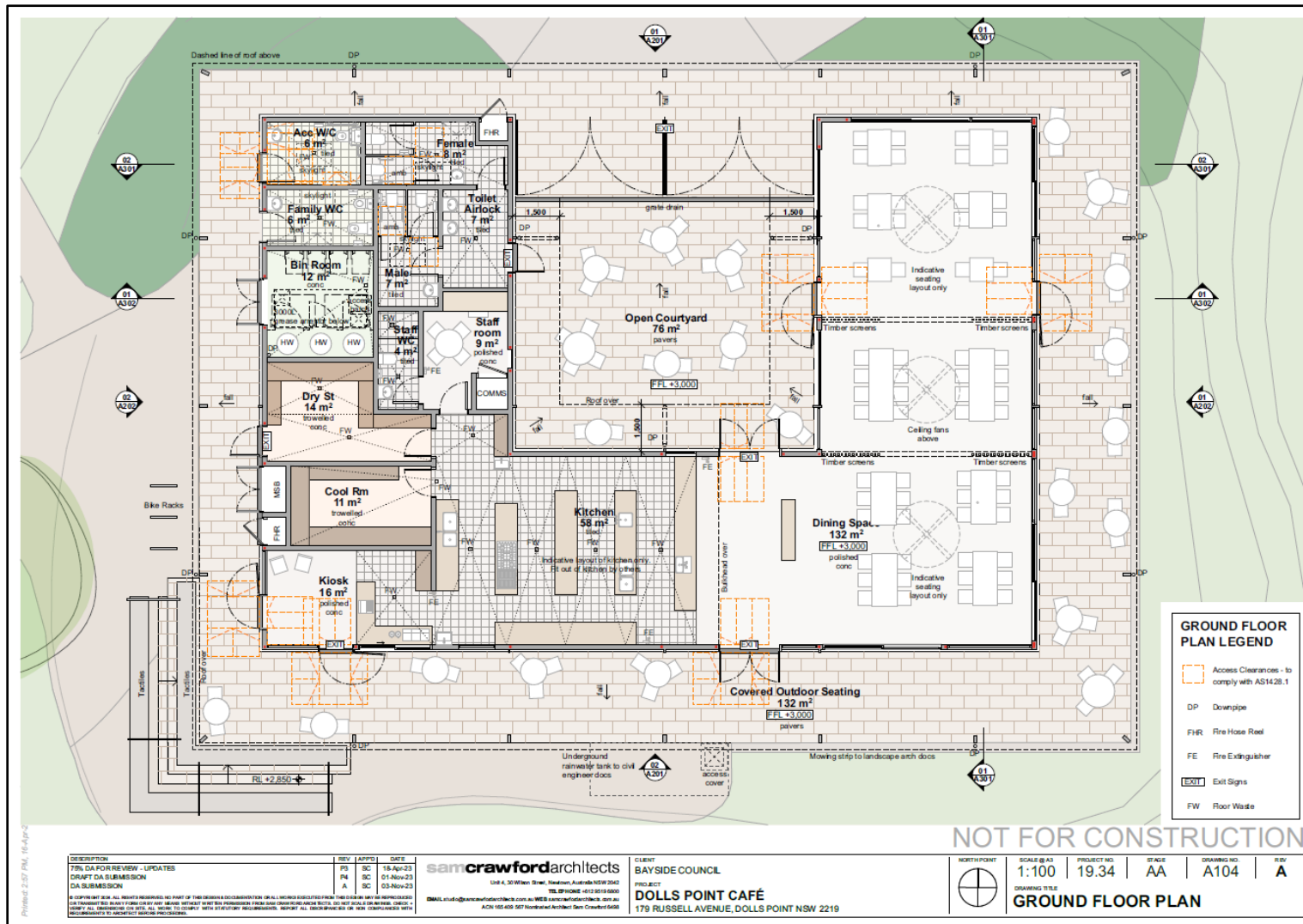


Figure 6-4. Ground Floor Plan (Source: SCA).

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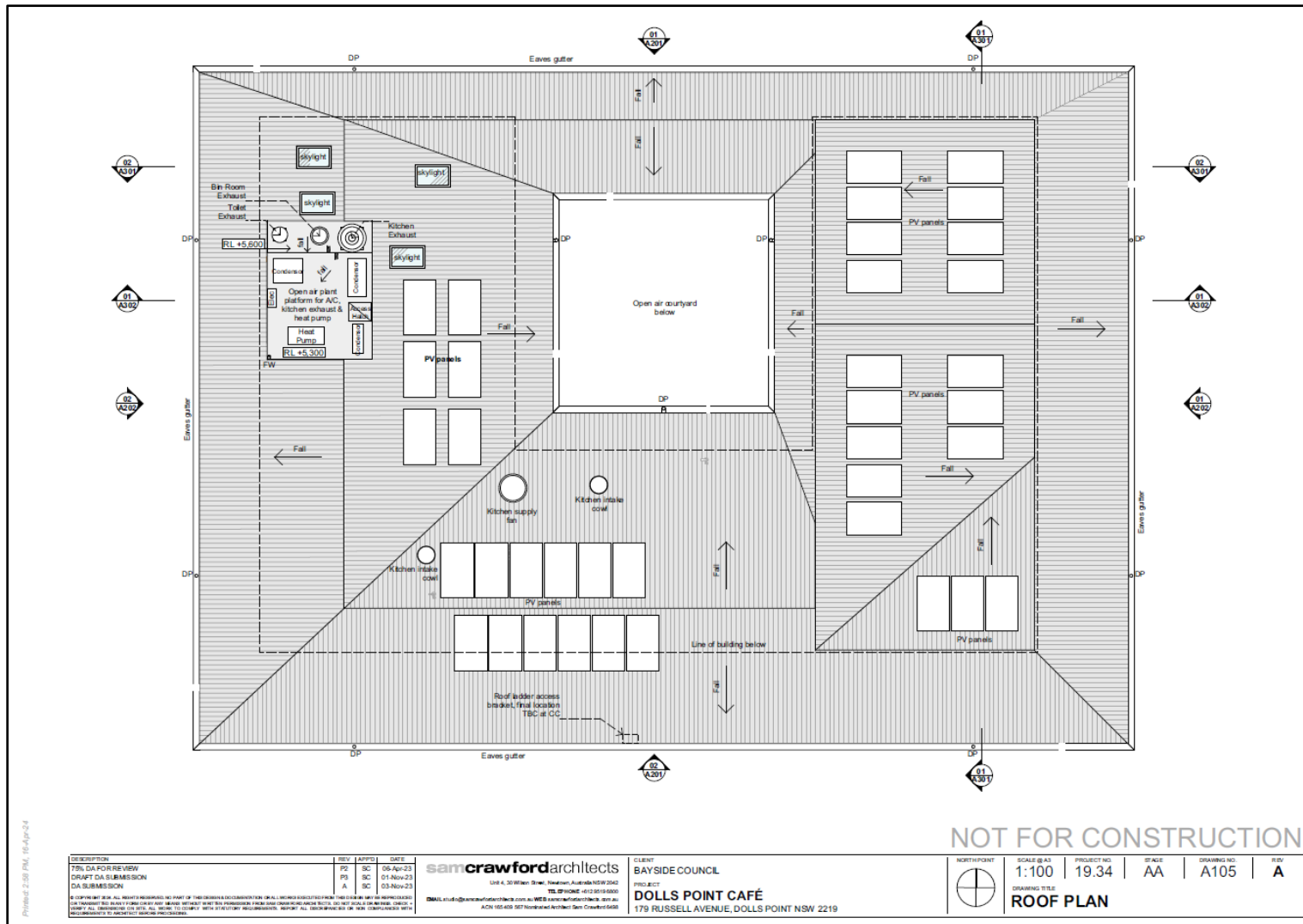


Figure 6-5. Roof Plan (Source: SCA).

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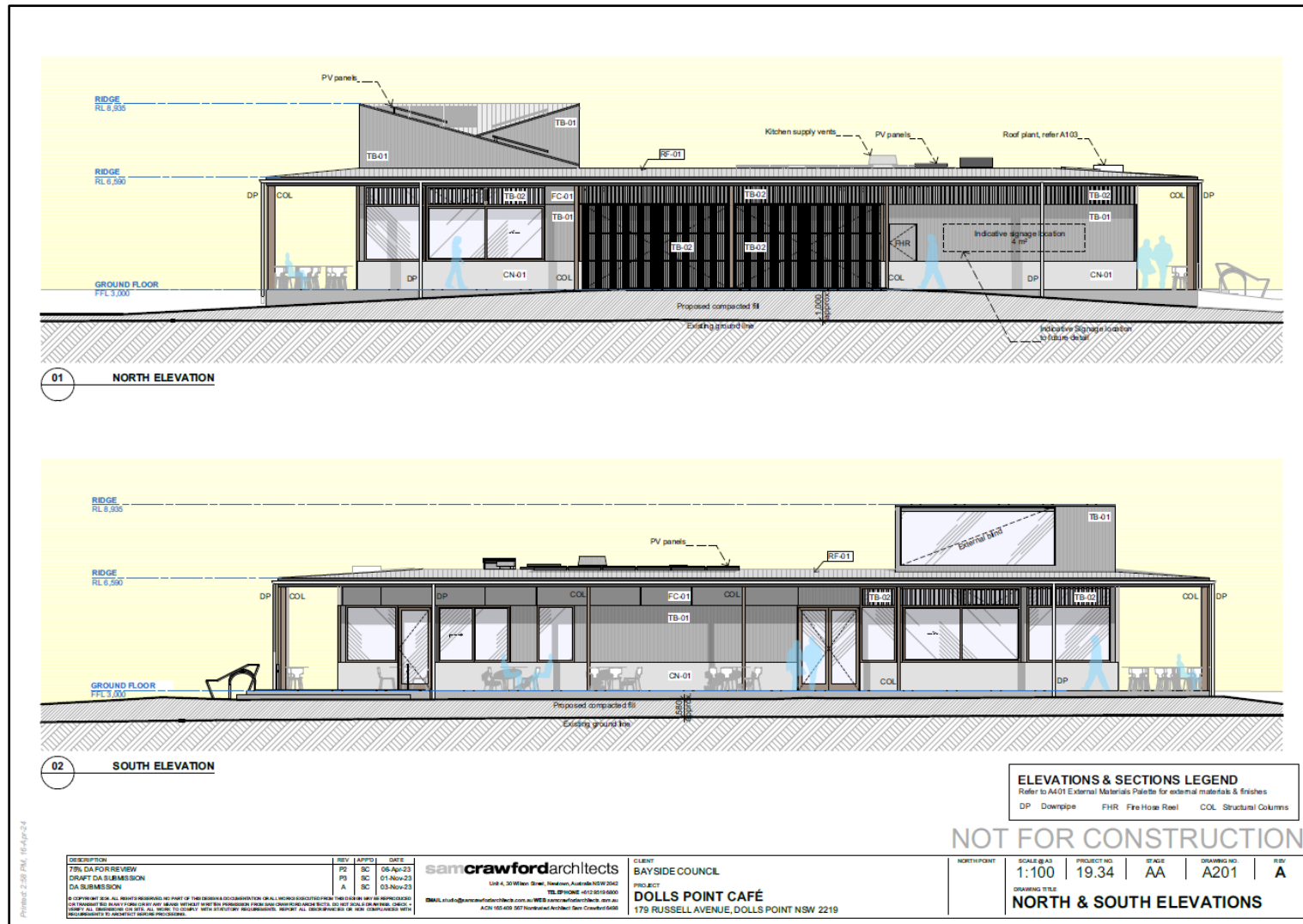


Figure 6-6. North and South Elevations (Source: SCA).

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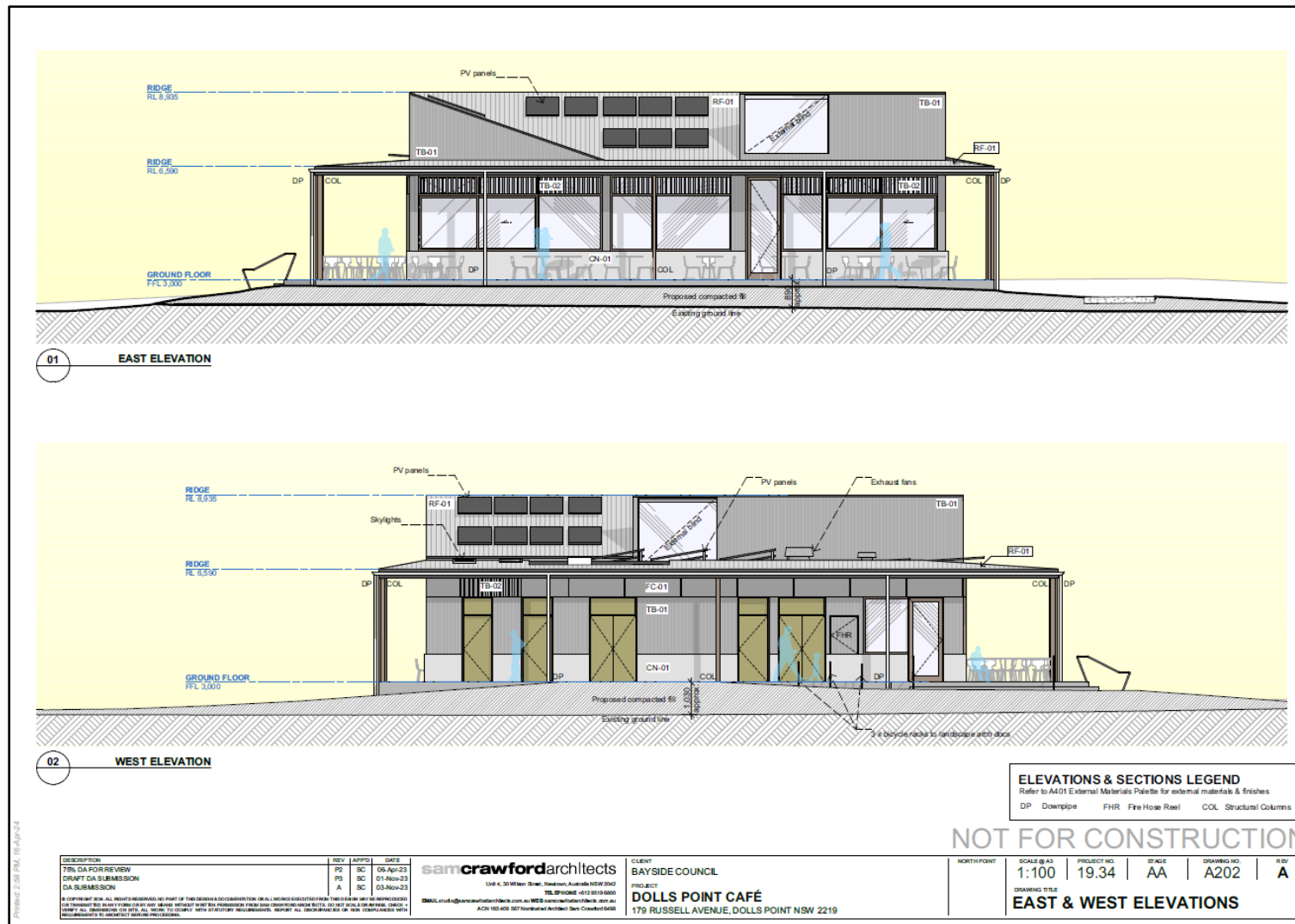


Figure 6-7. East and West Elevations (Source: SCA).

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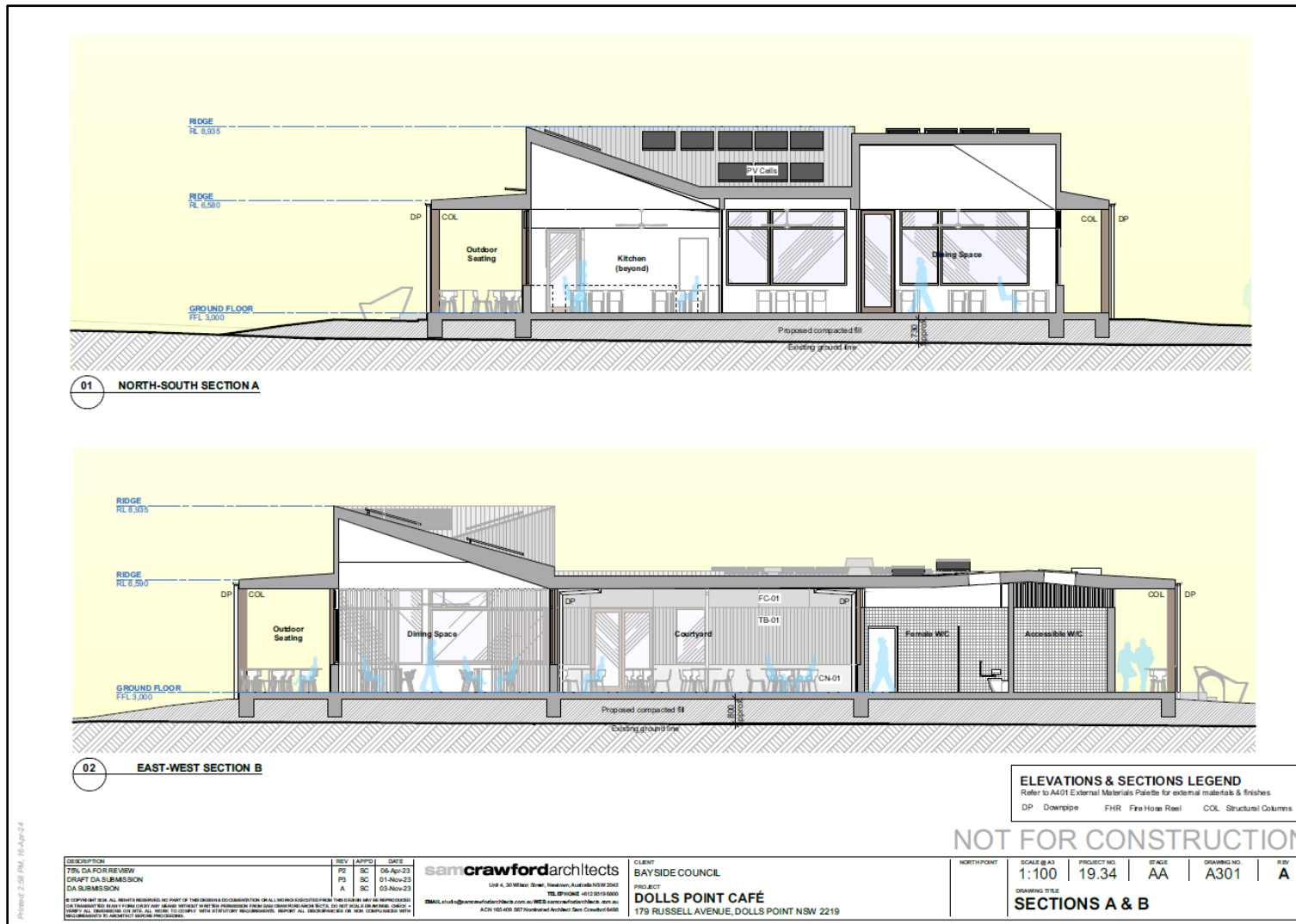


Figure 6-8. Sections A and B (Source: SCA).

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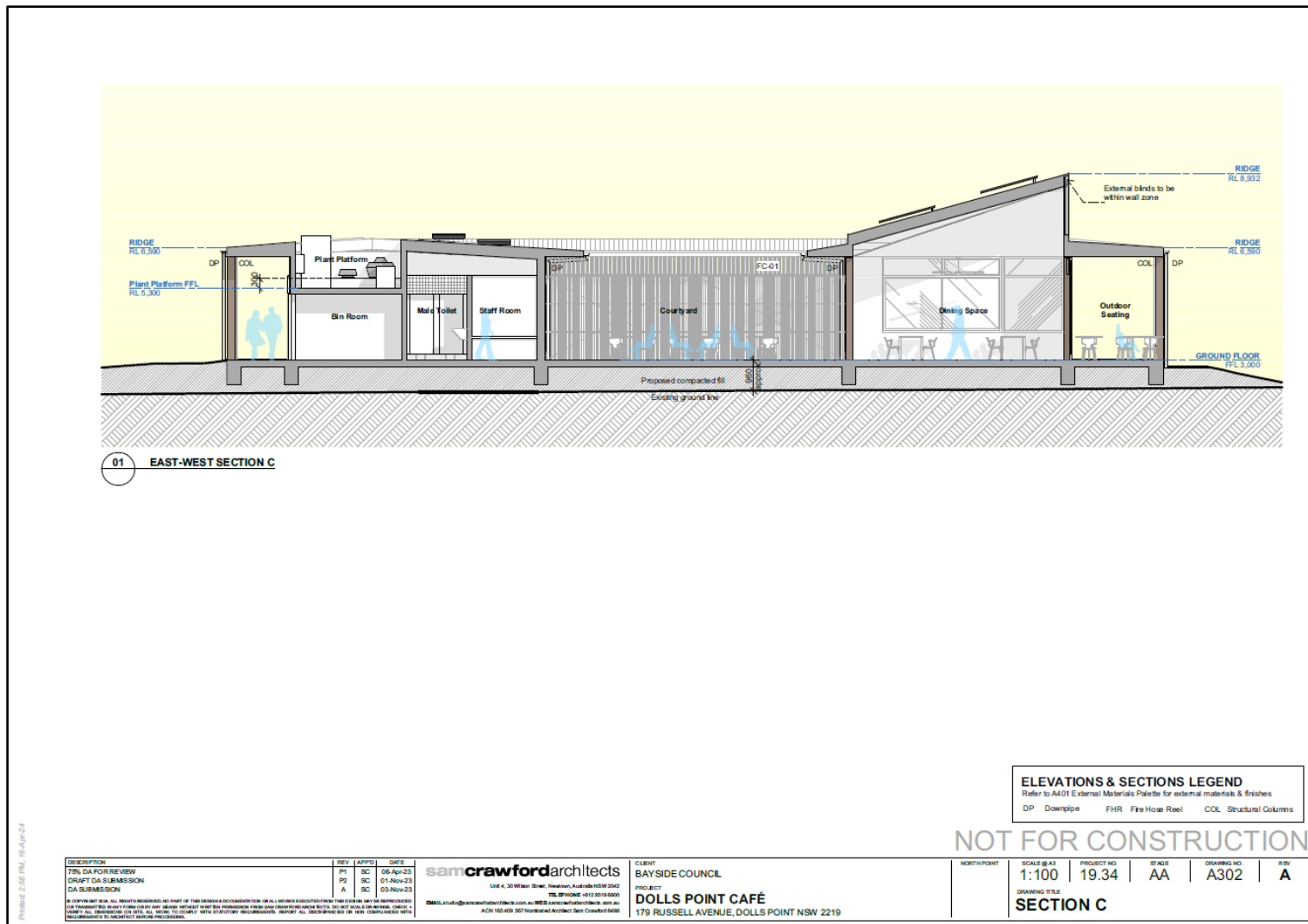


Figure 6-9. Section C (Source: SCA).

7. Statutory and non-statutory heritage context

Heritage items, and their conservation and management take place within a framework of relevant Commonwealth, State, and local government legislation. Additionally, non-statutory registers, conservation policies and community attitudes and expectations can also have an impact on the management, use and development of heritage items.

The following is a description of each of the heritage lists and the protection afforded places listed on them.

7.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) includes 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL). World Heritage is protected by the EPBC Act in accordance with the *Operational Guidelines for the implementation of the World Heritage Convention* (Operational Guidelines) (World Heritage Committee UNESCO 2021).

7.2. State legislation

7.2.1. Environmental Planning and Assessment Act 1979 (NSW)

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) requires that environmental impacts are considered in land-use planning, including impacts on Aboriginal and non-Aboriginal heritage. The EP&A Act requires councils to consider environmental effects when assessing new developments. Heritage is one of the matters for consideration. Sites of environmental heritage (including historic heritage sites and sometimes Aboriginal heritage sites) are protected by gazetted LEPs and Development Control Plans (DCP) which specify the constraints on development in the vicinity of these sites. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under 5.1) require approval of the Minister for Planning
- Minor or routine development requiring local council consent are usually undertaken under Part 4 activities which, in limited circumstance may require the Minister's consent.

- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

Under Section 5.5 of the EP&A Act, a determining authority has the duty to fully consider the environmental impact (including historical or Aboriginal heritage) of an activity and is required to 'take into account the fullest extent possible all matters affecting, or likely to affect the environment' arising from the proposal. This is facilitated through the current assessment which has the purpose of identifying, assessing and determining the significance of potential heritage impacts, as well as mitigating actions and responsibilities that can be taken to minimise the potential impacts.

7.2.2. Bayside Local Environmental Plan 2021

The Bayside Local Environmental Plan (LEP) 2021 establishes local environmental planning provisions in accordance with the relevant standard environmental planning instrument. It works to identify and conserve the distinct Aboriginal and European cultural heritage of the built forms and landscapes.

The subject site is situated within the vicinity of Cook Park (I219) and Primrose House (I246) which are locally listed heritage items on Bayside LEP 2021.

8. Heritage impact assessment

The subject site is located within the vicinity of heritage places which are included in Schedule 5 of the *Bayside LEP 2021*. The proposed development is therefore required to respond to the heritage significance of its site and setting to ensure heritage impacts are minimised in the proposed new development.

The following section provides an assessment of heritage impacts caused by the proposed demolition, civil works and landscaping within the vicinity of the heritage items. Analysis of heritage impact is consistent with the guidelines provided in the *Guidelines for preparing a statement of heritage impact*.¹⁷ It also assesses the proposed development against the heritage objectives and provisions of the Bayside LEP 2021 and Bayside DCP 2022. The relevant DCP objectives and provisions include heritage provisions contained in Section 3.4.5 of the DCP and address controls related to developments adjacent to or within the vicinity of heritage items.

The assessment utilises the 'heritage impact' definitions based on the Heritage NSW Materials Threshold Policy. These have been modified to include items of local, Commonwealth and National heritage significance relevant to the context of the subject site.

Table 8-1: Material Threshold Policy for assessing heritage impact

Impact	Definition
Total Loss of Significance	Major adverse impacts to the extent where the place would no longer meet the criteria for listing.
Adverse Impact	Major (that is, more than minor or moderate) adverse impacts. Moderate adverse impacts to the heritage significance of the item. Minor adverse impacts to heritage significance of the item.
Little to no Impact	An alteration to a significant heritage item that is so minor that it is considered negligible.
Positive Impact	Alterations to a significant item that enhance the ability to demonstrate its cultural heritage values.

¹⁷ Department of Planning and Environment NSW, *Guidelines for preparing a statement of heritage impact*, 2023

8.1. Matters for consideration

*Guidelines for preparing a statement of heritage impact*¹⁸ provide a series of matters for consideration when assessing the impact of a proposed work to the heritage values of an item or place. The following sections provide detailed assessment of matters as they are relevant to the subject site.

8.1.1. Setting Views and Vistas

Matters for Consideration	Discussion
<i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i>	The proposed single storey cafe building will be of modest bulk and scale, constructed within the approximate footprint of the existing cafe, and will include sympathetic contemporary materials and modern amenities intended to upgrade the park facilities to the modern standards of outdoor recreational areas. The building design incorporates a muted colour scheme and sympathetic materials, including timber cladding and timber door and window frames, that visually respond to the setting of the building. The proposed building will be distinguishable as new and contemporary and will not detract from or visually dominate the heritage items within its vicinity, including Primrose House, which will continue to present as an intact, Victorian House constructed in c. 1891. Cook Park is a very large area, covering most of the foreshore of Botany Bay and Dolls Point. Due to the nature of this listing, the relatively small, proposed café will not disrupt view lines to and from the heritage listed Cook Park. Further, the proposed building will not impact access to the park and will serve as park amenities and commercial spaces in the Depena Reserve.
<i>Tree removal or replacement</i> <i>Does the tree proposed to be removed contribute to the heritage significance of the heritage item?</i> <i>Why is the tree being removed?</i>	The trees proposed for removal are not situated within the curtilage of any heritage listings. Their removal will not negatively impact view lines to and from the heritage items in the vicinity and will not impact the setting of Depena Reserve, Cook Park or Primrose House.

¹⁸ Department of Planning and Environment NSW, *Guidelines for preparing a statement of heritage impact*, 2023

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Matters for Consideration	Discussion
<i>Has the advice of a qualified arborist, tree surgeon or horticultural specialist been sought and implemented?</i> <i>Is the methodology for tree removal adequately understood? Will the proposed works impact on the significance of the heritage item?</i> <i>Is the tree being replaced? Where will it be replaced and with what species? Why?</i>	The tree removal is an acceptable action intended to facilitate the construction of new amenities at Depena Reserve and upgrade the park to the modern standards of outdoor recreational areas. As such, the proposed tree removal will not have an adverse impact to heritage.
<i>Works adjacent to a heritage item of within the heritage conservation area (listed on a LEP)</i> <i>Will the proposed works affect the heritage significance of the adjacent heritage item of the heritage conservation area?</i> <i>Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?</i> <i>Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?</i>	The proposed cafe building will be constructed within the general footprint of the existing building and will be of modest bulk and scale and will not visually dominate or detract from the heritage items in the vicinity, Cook Park and Primrose House. The design of the proposed building incorporates sympathetic design considerations, including a muted colour scheme and timber materials, that visually respond to the setting, streetscape and the c.1891 Primrose House while remaining clearly distinguishable as a new build, designed in a contemporary architectural style. The compact, single storey building will not disrupt primary view lines to and from the heritage items in the vicinity. These two heritage items, Cook Park and Primrose House, will retain their integrity, intactness and heritage significance. The proposed building is complementary and sympathetic to the general proportions and materials of other buildings in the streetscape, including Primrose House, and will present as an in-keeping contemporary cafe building. The construction of the building is an acceptable action, with minimal heritage impact, intended to facilitate an upgrade of the park amenities to modern standards and encourage the continued use of the Depena Reserve as an outdoor, recreational area.

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Figure 8-1: View of the existing Dolls Point Café and carpark, facing southwest, from the primary entrance gates of Primrose House (I246).



Figure 8-2: View of Primrose House (I246), facing northeast, from Caruthers Drive, close to the existing Dolls Point Café.

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Figure 8-3: View of the Depena Reserve, facing east, from the existing Dolls Point Café. The Depena Reserve is partially listed as part of the Cook Park (I219) listing.



Figure 8-4: View of the Depena Reserve, including the eastern wing of the existing Dolls Point Café (right), facing southwest.

8.1.2. Other heritage items in the vicinity

Matters for Consideration	Discussion
<i>Works adjacent to a heritage item of within the heritage conservation area (listed on a LEP)</i> Will the proposed works affect the heritage significance of the adjacent heritage item of the heritage conservation area? Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated? Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?	The proposed works involve the demolition of the existing cafe building, the removal of several large trees and the subsequent construction of a new cafe building designed in a contemporary architectural style. The new building will be of modest bulk and scale, constructed within the approximate footprint of the existing cafe, and will include sympathetic contemporary materials and modern amenities intended to upgrade the park facilities to modern standards of outdoor recreational areas. The proposed colour scheme is muted and the incorporation of timber cladding and timber framed doors and windows complements the park, the foreshore environment and the materiality of the c.1891 Primrose House. The proposed building will not visually dominate the park, the streetscapes or the heritage items, in the vicinity, Primrose House and Cook Park, which will continue to present as a Victorian House and a foreshore park respectively. Primary view lines to and from Primrose House will remain undisrupted and the proposed building will not distract from or negatively impact the intact presentation of the house. Cook Park is a very large heritage listing, covering most of the foreshore of Botany Bay and Dolls Point. The view lines to and from the listing in the Depena Reserve area will remain undisrupted. The proposed building will not impact access to the park and will serve as park amenities and commercial spaces in the Depena Reserve.

8.2. Bayside Local Environmental Plan 2021

Every local government area in New South Wales is required to prepare a planning instrument which governed how local governments assess development applications in terms of their impact to local heritage. Section 5.10 pertains to heritage conservation. Section 5.10 sets out when consent from the local council is required:

- 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)—*

- i. *a heritage item,*
 - ii. *an Aboriginal object,*
 - iii. *a building, work, relic or tree within a heritage conservation area,*
- b. *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- c. *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- d. *disturbing or excavating an Aboriginal place of heritage significance,*
- e. *erecting a building on land—*
 - i. *on which a heritage item is located or that is within a heritage conservation area, or*
 - ii. *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- f. *subdividing land—*
 - i. *on which a heritage item is located or that is within a heritage conservation area, or*
 - ii. *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

The assessment contained in this Statement of Heritage Impact is required because the proposed works would be conducted within the vicinity of an item of local heritage listed under Schedule 5 of the Bayside LEP 2021. This assessment satisfies the requirement for an assessment of heritage impacts required under Clause 5.10(5).

8.3. Bayside Development Control Plan 2022

A supporting document to the LEP, is the Development Control Plan (DCP). The DCP is prepared in order to supply clear guidance for what is required when applying for a development application for works within or directly adjacent to a listed heritage item. The section of the Bayside DCP which deals with heritage conservation is Section 3.4.5.

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DCP Control	Discussion
<i>New development in the vicinity of heritage items or heritage conservation areas must respect the significance of the heritage item, its built character and architectural significance with regard to the following:</i> <i>a. building envelope</i> <i>b. proportions</i> <i>c. setbacks</i> <i>d. scale</i> <i>e. material and colours</i>	The proposed works involve the demolition of the existing cafe building, the removal of several large trees and the subsequent construction of a new cafe building designed in a contemporary architectural style. The new building will be of modest bulk and scale, constructed within the approximate footprint of the existing cafe, and will include sympathetic, contemporary materials and amenities intended to upgrade the park facilities to the modern standards of outdoor recreational areas. The building will be sympathetically proportionate and will not dominate the streetscape, the urban area or the heritage items in the vicinity. The proportions and sizing of the building will generally match the low to medium density buildings in the area. The proposed design includes a muted colour scheme and incorporates sympathetic materials such as timber cladding and timber framed doors and windows. These materials visually respond to the proposed buildings setting, including the foreshore environment, and complement the materiality of the c. 1891 Primrose House.
<i>Development in the vicinity of a heritage item or heritage conservation area must demonstrate that it:</i> <i>a. retains adequate space around the heritage item to enable its interpretation</i> <i>b. conserves significant landscape features including horticultural features, trees, rocky outcrops and outbuildings</i> <i>c. enables archaeological sites to be conserved in accordance with relevant approvals</i> <i>d. retains significant public domain views and lines of sight to the heritage item</i>	The proposed cafe building will be constructed in the same general footprint as the existing cafe building and will retain the existing spacing between the building and the heritage items in the vicinity. View lines to and from these heritage items will remain undisrupted and the proposed building will not detract from or visually dominate the items and their setting. Both Primrose House and Cook Park will remain interpretable as an intact Victorian house and a large, outdoor recreational area respectively.

9. Summary and Conclusion

The proposed single storey cafe building is of modest bulk and scale and will not visually dominate the streetscape or the heritage items in the vicinity, Cook Park and Primrose House. The proposal incorporates sympathetic design considerations, including a muted colour scheme and timber cladding, that visually respond to the surrounding urban area, including the c. 1891 Primrose House, while remaining clearly distinguishable as a new build constructed in a contemporary style.

The proposed development will not disrupt primary view lines to and from the heritage items in the vicinity. These two heritage items, Cook Park and Primrose House, will retain their integrity, intactness and heritage significance and continue to present as an outdoor recreational area and a Victorian-era house respectively.

The significance of Depena Reserve, assessed in this report, is not related to the existing Dolls Point Cafe, which is an unremarkable structure that presents as a highly altered, Late-Twentieth Century Organic Style cafe building constructed in c. 1961. Its demolition will not have an adverse heritage impact.

The proposed building construction is an acceptable action, with minimal heritage impact, that is intended to upgrade the park amenities to modern standards and encourage the continued use of the Depena Reserve, including the subject site, as foreshore park in Botany Bay. The continued use of the Depena Reserve as parkland honours Alderman Depena's intention when he led the Council resumption of the land in the mid-twentieth century.

In conclusion, the proposed works will no more than minimal impact on the heritage significance of Primrose House and Cook Park, which are both located within the vicinity of the subject site.

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