

STATEMENT OF HERITAGE IMPACT

26 Tupia Street, Botany

February 2023 Issue E



Front cover image

Aerial perspective of the Planning Proposal from the north
Source: *Cottee Parker Architects Pty Ltd*

26 TUPIA STREET, BOTANY

ISSUE	DESCRIPTION	DATE	ISSUED BY
A	Draft for Review	13/09/19	TG
B	Issued for PP submission	2/09/2020	GM
C	Issued for revised PP review	1/11/2022	GM
D	Issued for PP submission	22/12/2022	GM
E	Updated for PP submission	7/02/2023	GM

GBA Heritage Pty Ltd
Level 1, 71 York Street
Sydney NSW 2000, Australia
T: (61) 2 9299 8600
F: (61) 2 9299 8711
E: gba@gbaheritage.com
W: www.gbaheritage.com
ABN: 56 073 802 730
ACN: 073 802 730
Nominated Architect: Graham Leslie Brooks - NSW Architects Registration 3836

CONTENTS

1.0	INTRODUCTION	5
1.1	REPORT OVERVIEW	5
1.2	REPORT OBJECTIVES	5
1.3	METHODOLOGY AND STRUCTURE	5
1.4	SITE IDENTIFICATION	6
1.5	HERITAGE MANAGEMENT FRAMEWORK	6
1.6	AUTHORSHIP	6
1.7	REPORT LIMITATIONS	6
1.8	COPYRIGHT	6
2.0	SITE DESCRIPTION	8
2.1	URBAN CONTEXT	8
2.2	VIEWS TO AND FROM THE SITE	8
3.0	DESCRIPTION OF THE PROPOSAL	12
4.0	ASSESSMENT OF HERITAGE IMPACT	13
4.1	INTRODUCTION	13
4.2	ESTABLISHED SIGNIFICANCE OF THE HERITAGE ITEMS IN THE VICINITY	13
4.3	CONSIDERATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION	15
4.4	HERITAGE OBJECTIVES OF THE BAYSIDE LEP 2021	16
4.5	HERITAGE GUIDELINES OF THE BOTANY BAY DCP 2013	17
5.0	CONCLUSIONS AND RECOMMENDATIONS	19
5.1	CONCLUSIONS	19
5.2	RECOMMENDATIONS	19
6.0	BIBLIOGRAPHY	20

1.0

INTRODUCTION

1.1 REPORT OVERVIEW

This report has been prepared to accompany a Planning Proposal (PP) for 26 Tupia Street, Botany. The site is currently occupied by several light industrial buildings.

The report evaluates the proposal, designed by Cottee Parker Architects, and concludes that it will not only have an acceptable heritage impact, but provides a positive intervention into the area, including the adjacent heritage listed item, the *Sir Joseph Banks Park*.

It is also evident that there will not be any adverse impact on the State listed, *Sir Joseph Banks Hotel*, due to its distance from the subject site and with no visual connection.

1.2 REPORT OBJECTIVES

The main objective of this Statement of Heritage Impact is to determine the impact of the proposed development on the established significance of the heritage items in its vicinity. It also refers to a Bayside Council letter of 10/06/22, in response to a previous Planning Proposal for the subject site, as well as the Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guidelines*.

1.3 METHODOLOGY AND STRUCTURE

This Statement of Heritage Impact has been prepared in accordance with guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013*, known as *The Burra Charter*, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, *NSW Heritage Manual*.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*,



Figure 1.1
Location map showing the subject site highlighted in yellow
Source: NSW LRS SIX Maps website

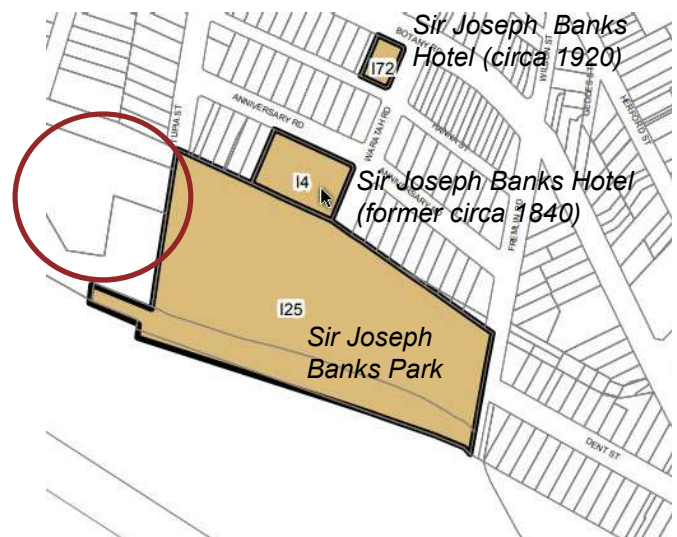


Figure 1.2
Extract from the LEP Heritage Map HER 005, from the *Botany Bay LEP 2013* showing the subject site circled in red and heritage listed items shaded in brown. Note the location of the subject site to the west of the listed items. This LEP map has been utilised here as the *Bayside LEP 2021* does not have an applicable heritage map for this area, that is HER 10.
Source: NSW Government Legislation website, *Botany Bay LEP 2013*

is as defined in Article 1 of *The Burra Charter*. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.4 SITE IDENTIFICATION

The subject site at 26 Tupia Street Botany, is located at the southern end of Tupia Street. Sir Joseph Banks Park bounds the site with a waterboard easement running along the northern boundary. Situated to the south-east corner of the site is a council depot. A public car park separates the south-east corner of the site from Sir Joseph Banks Park. NSW Land Registry Services describe the site as Lot X, DP32914.

1.5 HERITAGE MANAGEMENT FRAMEWORK

The subject property is **not** listed as an item of heritage significance in any statutory instrument.

However, it is located in the vicinity of the following items listed in Schedule 5 of the *Bayside Local Environmental Plan (LEP) 2021*, as items of Local and State heritage significance: (Figure 1.2)

- *Sir Joseph Banks Hotel (former circa 1840; I162)*; 23 Anniversary Street, Botany; State Heritage Register (SHR).
- *Sir Joseph Banks Park (I204)*; Fremlin Street, Botany.

There is also a *Sir Joseph Banks Hotel (circa 1920)* at 1354 Botany Road, Botany, which is listed as a Local heritage item (I74). However, its location is further away from the SHR listed item by two street blocks, thus more than twice the distance from the subject site (Figure 1.3). Its assessment would be superfluous given the intervening development.

26 Tupia Street, Botany is subject to the heritage provisions of the *Bayside LEP 2021* and the *Botany Bay Development Control Plan (DCP) 2013*, under the *Environmental Planning and Assessment Act 1979*. We note that there is a *Draft Bayside Development Control Plan 2022*, still under consideration, and this report makes reference to the 2013 DCP.

Bayside Council must take into consideration the potential impact of any proposed development on the heritage significance of the listed items in the vicinity of the subject site.

1.6 AUTHORSHIP

This report has been prepared by Garry McDonald Associate Directory of GBA Heritage, and reviewed by the Director, Graham Brooks. Unless otherwise noted, all of the photographs and drawings in this report are by GBA Heritage.

1.7 REPORT LIMITATIONS

While this report is limited to the investigation of European cultural heritage values, GBA Heritage recognises that for over forty thousand years or more Aboriginal people occupied the land that was later to be claimed as a European settlement.

Recommendations have been made on the basis of documentary evidence viewed and inspection of the existing site and precinct.

Archaeological assessment of the subject site is outside the scope of this report.

This report only addresses the relevant heritage planning provisions and does not address general planning or environmental management considerations.

1.8 COPYRIGHT

Copyright of this report remains with the author, GBA Heritage.



Figure 1.3

Aerial image of the subject site in relation to Botany Bay, coss-hatched in red and the *Sir Joseph Banks Hotel* circled in red.

Source: NSW LRS SIX Maps website



2.0

SITE DESCRIPTION

2.1 URBAN CONTEXT

The subject site is located approximately 500 meters south of Botany Road. The surrounding Botany area is a mix of light commercial/industrial, residential dwellings and new low-rise apartment developments. The site is at the end of Tupia Street, which terminates adjacent to the subject site entrance. From the end of Tupia Street there is a council-owned driveway to a parking lot that serves Sir Joseph Banks Park.

The subject site is an 'island' adjacent and west of, *Sir Joseph Banks Park* with an easement along its northern boundary, which separates the site from a series of typical detached houses, a red brick c1970 multi-storey apartment block, and recent townhouse development.

The State listed *Sir Joseph Banks Hotel* has its primary elevation on Anniversary Street, and is visually and physically separated from the subject site, by later development. The Sir Joseph Banks Park, which is to the rear of the Hotel, provides a contemporary interpretation of what would have been the location of the Sir Joseph Banks Pleasure Gardens.

2.2 VIEWS TO AND FROM THE SITE

As the proposed development is located to the far west corner of Sir Joseph Banks Park and separated from the park grounds by a substantial car park, views to and from the site and the surrounding heritage items are limited. The Sir Joseph Banks Hotel is also separated from the Sir Joseph Banks Park by new development to the rear of the State heritage item.



Figure 2.0

Current aerial image of the site within the *The Sir Joseph Banks Park*, with the references to the images on the following pages. Note the mature trees between the subject site and the Park, as well as the later development to the rear of the *Sir Joseph Banks Hotel* in line of sight
Source: NSW LRS SIX Maps website



Figure 2.1
View from the site looking northeast across Sir Joseph Banks Park to the rear of Sir Joseph Banks Hotel (indicated by the red arrow)



Figure 2.2
View looking across the car park directly in front of the site, in a northeast direction towards Sir Joseph Banks Hotel.



Figure 2.3
View from the south-west corner of the site looking across the car park to Sir Joseph Banks Park



Figure 2.4
View from the car park entry at the end of Tupia Street, across Sir Joseph Banks Park showing views of Sir Joseph Banks Hotel, indicated by the red arrow.



Figure 2.5
View from Sir Joseph Banks Park from the rear of the Sir Joseph Banks Hotel, looking in a south-west direction towards the subject site (indicated by arrow)



Figure 2.6
View from Sir Joseph Banks Park from the rear of Sir Joseph Banks Hotel looking west towards subject site (indicated by arrow)



Figure 2.7
The rear of Sir Joseph Banks Hotel, showing new three storey development adjoining Sir Joseph Banks Park.



Figure 2.8
The rear of Sir Joseph Banks Hotel looking in a south west direction towards the car park location indicated by the arrow.



Figure 2.9
South West corner of the subject site looking north towards Tupia Street.



Figure 2.10
The rear of the subject site from Sir Joseph Banks Park looking in a northerly direction towards Sir Joseph Banks Park.



Figure 2.11
Northeast corner of the subject site from Sir Joseph Banks Park looking west across the site towards from an elevated ridge.



Figure 2.12
North boundary from of the waterboard easement looking east towards Sir Joseph Banks Park, with the subject site on the right.



Figure 2.13
The main presentation of the Sir Joseph Banks Hotel to Anniversary Street. Note that this facade faces away from the Sir Joseph Banks Park and would not be evident in any way from the subject site



Figure 2.14
On the boundary with the subject site, looking in a north east direction across the carpark to Sir Joseph Banks Park. It is clear that the Sir Joseph Banks Hotel would not be evident from this point, nor in the opposite direction

3.0

DESCRIPTION OF THE PROPOSAL

The proposal, designed by Cottee Parker Architects Pty Ltd, is detailed in the plans and Planning Proposal Report that accompany this application. It includes:

- Demolition of the non-significant industrial buildings currently on the site.
- Construction of three new unit blocks of between 3-4 storeys in height, containing in total approximately 109 residential units.
- Construction of basement car park facilities for all proposed dwellings, with driveway access to the site from Tupia Street.
- A central community open space that merges with the adjacent parkland to the east.
- Associated landscaping screening around the site, in addition to the existing mature trees.

The aim of the proposal is to provide contemporary living spaces which offers the benefit of activation and passive surveillance within the vicinity of a local heritage listed public open space. Note the heritage items are located to the east of the subject site.

The proposal aims to supplement the neighbouring residential dwellings that are currently located to the north of Sir Joseph Banks Park. The proposal would contribute to the community benefit of the park facilities and neighbourhood, which is changing from industrial to residential use. The proposal would replace the current intrusive industrial structures on the lot with a more acceptable building form and increased landscaping.



Figure 3.1

The proposed ground floor footprint and the configuration of the communal open space and compare with Figure 1.2, and the heritage items. Note how the subject site 'opens' up to the adjacent heritage Park and presents a narrow pair of wings towards the east

Source: Cottee Parker Architects Pty Ltd

4.0

ASSESSMENT OF HERITAGE IMPACT

4.1 INTRODUCTION

This Statement of Heritage Impact has been prepared in relation to the following impact assessment criteria, the *Bayside Local Environmental Plan (LEP) 2021*, the *Botany Bay Development Control Plan (DCP) 2013*, the (DPE) *Local Environmental Plan Making Guidelines*, and the New South Wales Heritage Office (now the Heritage Division of the NSW Department of Premier and Cabinet) guidelines, *Altering Heritage Assets and Statements of Heritage Impact*

This section of the report provides a detailed analysis of the statutory controls applying to this site, concerning heritage.

4.2 ESTABLISHED SIGNIFICANCE OF THE HERITAGE ITEMS IN THE VICINITY

There are two individually listed heritage items in the vicinity of the subject site. These are listed as items of heritage significance on Schedule 5 of the *Bayside LEP 2021*.

The analysis in this report focuses on the impact of the proposed development (if any) on the State listed *Sir Joseph Banks Hotel (former, circa 1840)* at 23 Anniversary Street (I162), and Local listed *Sir Joseph Banks Park*, Fremlin Street (I204).

The NSW Heritage Inventory contains the following Statements of Significance for these items:

Sir Joseph Banks Hotel (former)

Address; 23 Anniversary Street
Database entry number S92/00062

Statement of Significance:

Large former bay side hotel of considerable historical and architectural worth, which remains virtually intact from early Victorian times. Building begun by Thomas Kellet and J Drew in 1840 had by the 1850s developed gardens, private zoo and provision for outdoor sports. Became a popular weekend and holiday pleasure ground. Bought

in 1884 by entrepreneur Frank Smith who set up famous running races from 1884-92, passed into hands of breweries who auctioned it to present owners in 1926.

Sir Joseph Banks Park

Fremlin Street

Database entry number : 1210025

The Sir Joseph Banks Park is a significant and complex cultural landscape to which each of its two main layers, the Pleasure Grounds of the 1844 Sir Joseph Banks Hotel, and the 1988 Park, contribute. The former gardens of the Sir Joseph Banks Hotel, now part of the Sir Joseph Banks Pleasure Gardens, was a location of considerable interaction between Aboriginal people and European settlers during the second part of the 19th Century and the site of a possible historical campsite (listed by the La Perouse Local Aboriginal Land Council and recorded in recent studies).

The Sir Joseph Banks Park is of historic, aesthetic, social, associational and scientific significance to the local area, and potentially the state, as the site of the original Pleasure Grounds associated with the 1844 Sir Joseph Banks Hotel, which was one of the earliest tourist destinations in the Colony, and one of New South Wales' most important recreational cultural landscapes of the 19th century.

The Pleasure Gardens formed the focus of the advertising and promotion of the Hotel, starting with an Emu Park, cricket oval and giant swing, and expanding to include a wide range of entertainments including football and cricket ovals; a running track; horse riding stables; and its major attraction, a zoological garden featuring exotic animals such as Bengal tiger, elephants, giraffe, gorillas, bears and camels. The facilities were abandoned and destroyed following the relocation of the Hotel to a more suburban venue on Botany road in 1924 and the sale of the original Hotel and its grounds.

It is also historically, aesthetically, socially and associationally significant as a contemporary cultural landscape that both interprets the significance of

the 1844 Hotel and demonstrates intrinsic values as an important local park designed by one of NSW's foremost landscape architects of the late 20th century, Bruce Mackenzie.

The Sir Joseph Banks Park is an excellent example of the type of large public projects undertaken by Local Government organisations to commemorate the Bicentennial in 1988. The park is also a very good example of the transformation of reclaimed land into an aesthetically pleasing park for the local community, including ponds and wetlands as well as picnic facilities etc.

The Park's wetland landscape, formed by the reclamation of the sands of Botany Bay as part of the expansion of Port Botany has scientific and research significance for the information that it can provide of the environmental and ecological impacts of large-scale reclamation projects on extant and created ecosystems.

The following Table provides a summary of key heritage issues, to be addressed as a part of our heritage assessment:

Deliverable Description Outlined in DPE's LEP Making Guidelines	Statement of Heritage Impact Response
<i>Preliminary Heritage impact statement, which:</i>	
<ul style="list-style-type: none"> identifies all local, State, National or World listed heritage items, archaeological sites and/or conservation areas on or within the vicinity of the site (including ground truthing items) 	Complies: Identified under Section 1.5 and Figure 1.2 above
<ul style="list-style-type: none"> provides a high-level assessment of the potential impacts of the proposal including concept plan, building envelope or use in respect of a heritage item or conservation area on or within the vicinity of the site 	Within this SHI, it has been demonstrated that the two heritage listed items are not adversely impacted by the proposal, and that the proposed intervention would have a positive impact on the listed, <i>Sir Joseph Banks Park</i> to the east. The other heritage item, the <i>Sir Joseph Banks Hotel</i> , with its main public presentation facing in the opposite direction, is a considerable distance away from the subject site, largely screened by a later three storey apartment building, and substantial intervening tree plantings.
Key Issues/matters to address	
Council's 2022 Planning Proposal Prelodgement Advice: <ul style="list-style-type: none"> Demonstrate separation distances, siting and retention of perimeter tree plantings ensures impacts on nearby and surrounding heritage items acceptable. 	Complies: The proposed built configuration, relative to the Park, is located nearest to the most densely, existing tree plantings (compare Figures 2.1 and 3.1). The proposed communal open space between the two residential wings, allows for the existing Park to merge into an 'expanded' new landscape, thus reducing the apparent bulk of the built proposal. A significant part of the proposal is the retention of the substantial existing perimeter of tree plantings to mitigate heritage impacts.
<ul style="list-style-type: none"> Assess Impacts on any key views from the public domain to nearby and surrounding heritage items. 	Given the existing industrial nature of the subject site, which is west of both heritage items, there would be no adverse impact between the two items from the public domain. The proposal would be a visual benefit to the public domain, replacing an intrusive industrial site with an improved landscaped area, behind which would be a discernable building of more acceptable, if not better materials.

<p>Council's and LPP's 2021 Planning Proposal Assessment:</p> <ul style="list-style-type: none"> • Council and the LPP's expressed concern under the previous PP regarding the scale of the proposal being incompatible with heritage listed parklands adjacent and wider '1-3 storey residential' neighbourhood. Also, consideration of impacts on Sir Joseph Banks Hotel, which is listed as a 'state' heritage item. 	<p>The current proposal has a height similar to the residential flat building opposite and across the stormwater easement, which also provides quite a distance 'barrier' together with the tree plantings along the northern boundary. Given the clear separation of the proposal from the neighbourhood to the north, the substantial perimeter plantings, the modulation of the built proposal with the heritage Park to the east, and the obvious and obscured distance to the Sir Joseph Banks Hotel, we regard the expressed concerns to be unfounded (Figure 2.14).</p>
---	--

4.3 CONSIDERATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The NSW Heritage Office has published a series of criteria for the assessment of heritage impact. The relevant 'questions to be answered' in the *NSW Heritage Manual* 'Statements of Heritage Impact' guidelines relating to development adjacent to a heritage item have been considered in the preparation of the following commentary they are:

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The proposed development will have no physical impact on the heritage items in the vicinity of the site to its east.
- The proposal is in an area that will not impact any significant view lines to and from the heritage items in the vicinity.
- The proposal will not impact the visual connection between the State heritage item and the Local listed heritage item.
- The configuration of the apartment blocks locates the physical bulk away from the eastern perimeter of the site, placing the communal open space, and merging with, the adjacent heritage listed Park.
- The proposal removes an unsightly industrial group of buildings with an improved development that contributes to the visual 'expansion' of the Park with a communal open space.

- ***How is the impact of the new development on the heritage significance of the item or area to be minimised?***

Comment:

The proposal is located in the part of the non-listed area of Sir Joseph Banks Park, behind the community car park, which provides a degree of distance between the Park and the proposed buildings.

Both the development site and car park are surrounded by mature trees, screening them from the open parkland space. These trees that are on Council land will be maintained, minimising the potential visual impact of the proposed development to the adjoining park.

The proposal has arranged the buildings into two quite separate wings, as viewed from the important east vista, thus reducing an overall bulky presentation to the adjacent Park. The design also adopts a stepped terrace design to the top floor, which assists in reducing the visual bulk as seen from the surrounding Park.

The State listed Sir Joseph Banks Hotel fronts Anniversary Street and as such is physically and visually separated from the proposal by residential streets, intervening development and topography. The Local listed Sir Joseph Banks Park was established to protect the rear curtilage of the Sir Joseph Banks Hotel, and as such there will be no adverse impact on the State listed item, given the distance between the subject site and the Hotel, of over 100 metres.

- ***Why is the new development required to be adjacent to the heritage item***

Comment:

The proposed development has been prompted by this Planning Proposal rezoning of the site for residential use and to provide high-quality residential accommodation.

The removal of the intrusive current industrial site will allow for a more sympathetic contribution to the surrounding residential urban context and parklands.

The proposal creates a more appropriate visual transition to the Sir Joseph Banks Park, which was the historic location of the Sir Joseph Banks Pleasure Gardens, allowing a greater public appreciation of the historical significance of the area.

- ***Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?***
- ***Will the additions visually dominate the heritage item? How has this been minimised?***

Comment:

Although this is for a planning proposal, the intention is for a contemporary design. However, it will be in keeping with the general scale and residential character of the Tupia Street streetscape and the large parklands that surround it. As this is a PP, it is expected there will be scope for further design development with the next DA stage when articulation and materials are to be refined to ensure a sympathetic outcome.

There will be no adverse impact on the heritage items in the vicinity, and the public will still be able to view and appreciate the significance of the adjacent heritage items.

The proposal has included a further setback of the height by transitioning back from the main line of the facades, which is adjacent to Sir Joseph Banks Park. The perimeter on the west of the site is bound by a steep embankment reducing further impact from this view-line across the parklands.

- ***How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?***

Comment

The CMP has indicated the land to the south of the Sir Joseph Banks Hotel as the most probable location of the Pleasure Gardens though nothing of significance has remained. The local listed Sir Joseph Banks Park has in part been created to ensure the curtilage to the rear of Sir Joseph Banks Hotel is maintained as community parkland using various contemporary interpretation strategies to draw attention to the multiple historical layers of the site and the surrounding area.

The proposal has little impact on this established curtilage being visually and physically separated from the development by the community car park and the mature trees further separating the car park from the park.

There will be no changes to the existing curtilage around the heritage items in the vicinity, however the visual curtilage of the Park to the west would be improved by the proposed communal open space of the proposed development.

- ***How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?***

Comment

Due to the physical separation of the proposal from the heritage items by the car park and the mature trees, the proposal will have little impact on views to and from the heritage items.

The local topography also means the proposal lies in an area that undulates away from the local heritage item of the Park, ensuring views to and from the heritage item are minor and of little impact.

Although the proposed development will be seen in some views from Sir Joseph Banks Park, these will be minor with little adverse impact on the urban/landscape context. Furthermore, the proposal includes a communal landscape area facing east, towards the Park, which assists in integrating the proposal into the visual catchment of the adjacent heritage item of the Park.

The significant views of the State listed Sir Joseph Banks Hotel are best appreciated from Anniversary Street, and to some extent, from Waratah Road that is physically distant from the site. The rear of the Sir Joseph Banks Hotel has been substantially developed with contemporary three-level townhouses ensuring that views to and from the proposal to the Sir Joseph Banks Hotel are not evident.

- ***Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?***

Archaeological assessment is outside the scope of this report.

4.4 HERITAGE OBJECTIVES OF THE BAYSIDE LEP 2021

The proposed development is considered to be acceptable, from a heritage perspective, for the following reasons:

- Retains views to and from the adjacent heritage items.
- It replaces an intrusive industrial element in the landscape with a residential development that will have an improved impact on the adjacent heritage item.

The proposal is therefore, considered to be consistent with the relevant heritage objectives of the *Bayside LEP 2021*, which are:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Bayside ,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

4.5 HERITAGE GUIDELINES OF THE BOTANY BAY DCP 2013

The proposed development is generally consistent with the applicable guidelines of the *Botany Bay DCP 2013* that relate to development adjacent to heritage items as assessed below:

4.5.1 OBJECTIVES	COMMENT
<i>O1 To ensure infill or new development respects the character of an adjoining, adjacent or nearby Heritage Item or Heritage Conservation Area;</i>	The proposal has used the topography of the surrounding area to ensure the bulk of the proposed envelope is set away from the boundary adjoining the Sir Joseph Bank Park, minimising any adverse impact to the setting of the heritage item.
<i>O3 To ensure that new development, or additions and alterations to existing development reflect the scale, height, proportion, and setbacks of adjoining Heritage Items or the Heritage Conservation Areas;</i>	The dense vegetation on the perimeter of the site and the adjoining parkland mitigates the proposal from the Sir Joseph Banks Park. The location of the site at the southern end of Tupia Street is consistent with the adjacent residential form and scale, which is a mix of medium-density apartments, two and three-level townhouses, and single-storey residences.
<i>O5 To ensure that new development, or alterations and additions are located so that they do not impact on the setting, streetscape or views associated with any Heritage Item or item within a Heritage Conservation Area;</i>	The proposal is physically and visually separated from the State listed Sir Joseph Banks Hotel and thus will not overwhelm this heritage item, and is largely obscured from the subject site.
<i>O6 To ensure that the introduction of fencing for new and/or infill development does not detract from the heritage significance of adjoining Heritage Items or Heritage Conservation Areas;</i>	
<i>O7 To ensure that a new development is compatible with and does not overwhelm the Heritage Item or Heritage Conservation Area; and</i>	
<i>O8 To ensure that the bulk, scale, proportion and detailing of facades of new and infill development are compatible with adjoining Heritage Items or Heritage Conservation Area.</i>	

4.5.2 CONTROLS	
GENERAL	
<p><i>C4 The design and siting of new work must compliment the form, orientation, scale and style of a Heritage Item or Conservation Area in the vicinity of the site.</i></p> <p><i>C5 Adequate space must be provided around the Heritage Item or Heritage Conservation Area in order to maintain significant or historic public domain views to and from the Heritage Item or Heritage Conservation Area.</i></p> <p><i>C6 Original or significant landscape features that are associated with the Heritage Item or Heritage Conservation Area and which contribute to the setting must be retained.</i></p>	<p>The siting of the proposal is in a location that is visually and physically separated from the heritage items in the vicinity, as there is substantial mature plantings to the perimeter of the subject site. Therefore there will be little adverse impact on the surrounding landscape of the Sir Joseph Banks Park, and the more distant Sir Joseph Banks Hotel.</p> <p>The proposed development has a setback of at least nine metres from the site boundary to the nearest unit block, and has a similar footprint plan to the existing industrial buildings. Thus any views will remain unaffected by the proposal. The existing 'Council' landscape along the perimeter of the site is to remain, and will be augmented by additional vegetation within the site.</p>
HEIGHT	
<p><i>C10 Notwithstanding the maximum height limit under Botany Bay LEP 2013, new or infill development shall not exceed the height of an adjoining, adjacent or nearby Heritage Item.</i></p> <p><i>C11 Where the Heritage Item is single-storey or where buildings in the Heritage Conservation Area are predominantly single-storey, new development must also be single-storey.</i></p> <p><i>C12 Where a Heritage Item or a majority of buildings in the Heritage Conservation Area are two storey, new or infill development in the vicinity may also be two-storeys.</i></p> <p><i>C13 Any new development or additions, which have a negative impact on the character of the streetscape or a Heritage Item, will not be permitted.</i></p>	<p>As the subject site is in the vicinity of a heritage landscape item, the height limits of this Control are not applicable to the Sir Joseph Banks Park. In the case of the Sir Joseph Banks Hotel, the subject site is not adjoining or adjacent to the State listed item, and is sufficiently distant as to not be visually evident.</p> <p>The site is substantially removed from the surrounding residential development and streetscape, which consists of one to three storeys, including a four storey block of flats opposite, across an stormwater easment corridor.</p> <p>The proposed removal of a group of industrial buildings and replacement with a considered contemporary residential building would have a positive impact on the adjoining landscape heritage item and the precinct in general.</p>
LANDSCAPING	
<p><i>C18 New landscaping shall be compatible with the character of surrounding heritage buildings. Planting of indigenous species is required.</i></p> <p><i>C19 Landscaping must be designed to minimise the visual appearance of new development to reduce its impact of the Heritage Item or Heritage Conservation Area.</i></p>	<p>The proposal intends to maintain all the mature landscaping that currently surrounds and adjoins Sir Joseph Banks Park.</p> <p>The proposal is capable of introducing additional landscaping to the perimeter of the site, further minimising the visual impact on the adjacent heritage item of Sir Joseph Banks Park.</p> <p>The proposed footprint provides a communal open space facing the heritage item of the Park, thus reducing the visual impact of a wall of buildings across the site at its eastern boundary.</p>

5.0

CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS

- 26 Tupia Street is **not** listed as an item of heritage significance in any statutory instrument.
- It is located in the vicinity of the listed heritage items, *Sir Joseph Banks Hotel (former)* at 23 Anniversary Street, and *Sir Joseph Banks Park*.
- Sir Joseph Banks Hotel is a State listed item and is separated from the subject site by intervening development, distance, topography and public domain, and has no direct visual connection to the site.
- The Planning Proposal will have little potential visual impact on the Sir Joseph Banks Park, given the screening vegetation that currently exists, as well as the capacity for augmenting the landscape.
- The Planning Proposed for 26 Tupia Street would not generate any adverse impact, as existing views and the setting of the heritage items in the vicinity are retained, and would be improved by the replacement of an industrial site.
- The Planning Proposal envelope at 26 Tupia Street, Botany has been designed to reduce visual dominance with any of the heritage items in the vicinity, mitigated by the inclusion of a communal open space within the subject site, facing the listed Park.
- The planning proposal is consistent with the heritage requirements and guidelines of the *Bayside LEP 2021* and the *Botany Bay DCP 2013*.
- As this is a Planning Proposal, further detailed design of the building and the landscape would be developed at the DA stage of the project

5.2 RECOMMENDATIONS

- Council should have no hesitation, from a heritage perspective, in approving the application.

6.0

BIBLIOGRAPHY

ARCHIVAL SOURCES

NSW Land and Property Information, Real Property Register

Bayside Council Archives

Mascot Library Archives

BOOKS AND WEBSITES

Botany Bay, Development Control Plan 2013, Sydney, Bayside Council

Bayside Council, *Bayside Local Environmental Plan 2021*, Sydney, Bayside Council

ICOMOS Australia, *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)*, Australia ICOMOS, 2013

Mayne-Wilson W, *Heritage Curtilages*, NSW Heritage Office and the Department of Urban Affairs and Planning, NSW, 1996

NSW Heritage Office and Department of Infrastructure Planning and Natural Resources, *NSW Heritage Manual*, Sydney, 2001

NSW Heritage Office, *Interpreting Heritage Places and Items Guidelines*, NSW Heritage Office, 2005

Historic Houses Trust – Pictures Catalogue, <http://collection.hht.net.au/firstthtpictures/quickSearch.jsp>

National Library of Australia - Trove, <http://trove.nla.gov.au>

Nearmap, <http://maps.au.nearmap.com>

NSW Government Legislation, www.legislation.nsw.gov.au

NSW LPI Parish and Historical Maps, <http://parishmaps.lands.nsw.gov.au/pmap.html>

NSW LPI SIX Maps, www.six.nsw.gov.au