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3B.1 Introduction

Bayside has had a long history of human habitation dating back some 8000 years prior to the arrival of Europeans on the continent. The history and heritage of the Cadigal people, the original occupants of the Botany Bay region, is fundamentally important to Bayside. In conserving the City's post-European heritage, Council seeks to respect and conserve the heritage of all members of the City's diverse community.

It is important to conserve the heritage of Bayside because it is an asset, which reflects the history and development of the city and its cultural significance. In conserving our heritage, Council seeks to ensure that future generations will be able to understand and visualise Bayside's past through the physical evidence of important buildings, places and development patterns.

The majority of Bayside's heritage relates to the built environment and the conservation of its prominent wetland areas. This Part emphasises the management of buildings, while providing further direction with respect to matters of archaeological and Aboriginal heritage.

3B.1.1 Land to which this Part Applies

This Part specifically applies to Heritage Items, Heritage Conservation Areas, sites in the vicinity of Heritage Items and Heritage Conservation Areas and Aboriginal, Archaeological and Environmental Heritage. If you require further information on environmental heritage specifically relating to Botany's wetlands refer to **Part 3M - Natural Resources**.

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Advertising and Notification
- Part 3 - General Controls
- Part 4 - Residential Development
- Part 5 - Business Centres
- Part 6 - Employment Zones
- Part 7 - Other Development and Land Uses
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 – Technical Guidelines



3B.1.2 General Objectives

This Part generally adopts the principles contained within the ICOMOS Burra Charter for the conservation of places and items of cultural significance. The Burra Charter provides the guiding philosophy for the care of important places. It also defines the basic principles and procedures to be observed in the conservation of these places.

- O1** To conserve the urban character and heritage of Bayside in accordance with the principles contained within the Burra Charter, which stipulates the broad conservation principles adopted throughout Australia;
- O2** To consider the potential heritage significance of all properties identified as heritage in the Bayside Local Environmental Plan 2021 as a matter to be taken into account in the assessment of development applications affecting those properties;
- O3** To comply with all Federal and State statutory requirements with respect to conserving the nation's environmental and cultural heritage;
- O4** To undertake the conservation of all Heritage Items within the City in accordance with the objectives and controls contained within this DCP;
- O5** To provide conservation principles for the management of culturally significant buildings, places, and landscapes within the Bayside LGA;
- O6** To manage all aspects of future development for Heritage Items within Bayside;
- O7** To provide background information on the City's heritage and identify its built, natural, archaeological and Aboriginal heritage;
- O8** To provide urban design principles and controls for conserving the heritage significance of Heritage Items; and
- O9** To provide information to applicants on the submission requirements for Development Applications involving Heritage Items.



3B.1.3 Other Legislation and Documents

This Part has been compiled having regard to the following relevant Acts and documents:

- *Heritage Act 1977;*
- *National Parks And Wildlife Act 1974;*
- *Environment Protection and Biodiversity Conservation Act 1999;*
- Botany Heritage Study 1996; and
- The ICOMOS Burra Charter.

Heritage conservation is not aimed at forcing owners to return their buildings to their original condition. It is primarily concerned with conserving the underlying characteristics or features of buildings, landscapes, artefacts and places, which define the building's heritage significance.

The Burra Charter recommends a range of possible conservation actions in relation to heritage buildings depending on the circumstances of each case. Heritage conservation cannot be seen in isolation from the evolution of cities or society. All urban areas change over time. It is important to strike a balance between reasonable contemporary uses and the maintenance of the fundamental characteristics of a Heritage Item.

As a set of general rules¹:

- *'Do as much as necessary to care for the place and make it useable, but otherwise change it as little as possible and implement changes that do not compromise the cultural significance of the property or locality;*
- *Respect the design and the fabric (materials and their arrangement) and the relationship of buildings to their sites and to each other; and*
- *Do not alter a place so much that the original building or place can no longer be understood.'*

¹ The Burra Charter, 1999



3B.2 Development Applications

3B.2.1 When Development Consent is Required

Works to a Heritage Item or in a Heritage Conservation Area (HCA) generally requires Council's Development Consent. Under Bayside LEP 2021 Development Consent is required for:

- '(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.'*

When proposing to carry out any development works or alterations, additions or extensions to a Heritage Item; or a property within the vicinity of a Heritage Item or within a Heritage Conservation Area, an applicant should check with Council whether a development application is required.



3B.2.2 When Development Consent is Not Required

Under Clause 5.10(3) of Bayside LEP 2021, there are circumstances where consent is not required for certain minor works to a Heritage Item. Development consent is not required under this Clause where:

- '(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) the development is exempt development.'*

Note: In relation to sub clause (d) above, to determine whether development is exempt development refer to **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**.

3B.2.3 Development Application Requirements

If a Development Application is required, applicants should refer to Council's **Development Application Guide** and the relevant Development Application Checklist, which will assist in identifying the information to be submitted with a Development Application. Depending on the scope of works proposed and whether the site is listed as a local or State significant heritage item, either a Heritage Impact Statement or a Conservation Management Plan may be required as part of the development applications submission.

Heritage Impact Statements and Conservation Management Plans

Council requires that a Heritage Impact Statement (for local heritage items) or a Conservation Management Plan (for State listed items), be prepared by a *professional heritage consultant* or a similarly qualified person and be submitted with all Development Applications for Heritage Items or development within Heritage Conservation Areas. These documents are to be prepared in accordance with the guidelines for Heritage Impact Statements and Conservation Management Plans issued by the NSW Heritage Office.

Council has prepared a fact sheet on Heritage Impact Statements and Conservation Management Plans which is available from Council's Customer Service or on Bayside Council's website. A brief explanation of what should be included in each is also provided below.



Heritage Impact Statement (HIS)

A Heritage Impact Statement (HIS) is a report consisting of a statement, which demonstrates the heritage significance of a Heritage Item or Heritage Conservation Area, or of a building, work, archaeological site, tree or place within a Heritage Conservation Area.

Heritage Impact Statements should succinctly identify and address the following matters:

- A statement that analyses the proposed works in terms of a statement of heritage significance;
- The nature of the Heritage Item's significance;
- An historical account of the Heritage Item;
- An assessment on the impact of the proposed development on the existing heritage significance of the item in question;
- A statement to explain why alternative solutions, which may be more sympathetic are not viable; and
- An assessment of the proposed development against the Heritage Office Criterion.

Conservation Management Plan (CMP):

A Conservation Management Plan is a similar document to the Heritage Impact Statement, addressing the same matters; however it involves a higher level of detail.

Conservation Management Plans are required to be prepared for Heritage Items listed on the State Heritage Register, or where major alterations or additions are proposed to Heritage Items. Conservation Management Plans should be prepared in accordance with the principles contained within the document titled '*The Conservation Plan*' (prepared by James Semple Kerr, 2000).



3B.3 Heritage Items

This Part outlines the objectives and controls, to be addressed in order for appropriate development works to be carried to Heritage Items and applies to Heritage Items that are listed in Part 1 of Schedule 5 Environmental Heritage of Bayside LEP 2021.

3B.3.1 General Design

Objectives

- O1** To encourage development that allows reasonable change to Heritage Items to meet amenity or safety standards, provided the heritage significance of the item is preserved; and
- O2** To permit alterations and additions that are sympathetic to and do not dominate the Heritage Item.

Controls

General

- C1** The demolition of Heritage Items is not permitted.
Note: Poor structural condition or costs associated with renovating the item are not adequate justification for the removal of an item.
- C2** Architectural features or elements that contribute to the heritage significance of an item must be retained.
- C3** New work or additions to Heritage Items must be located away from highly significant or intact parts of the Item.
- C4** The building height of new development must not exceed that of the original Heritage Item and provide a transition in height to preserve and maintain an appropriate scale and the visual prominence of a Heritage Item.
- C5** New additions must be compatible (able to co-exist) in terms of materials, size, proportions, colour and plan configuration. Care must be taken when considering the design of alterations or extensions to a Heritage Item. New work is to be distinguishable from the old.
- C6** The replication of a historic detailing in new development is to be avoided. Good contemporary design is preferable to copying historic or period designs.
- C7** New buildings or structures, including landscaping must be located to minimise adverse impacts on the Heritage Item and its setting.

C8 Servicing, fire safety or BCA compliance upgrades for a new use must not impact on the heritage significance of the item.

Form and Scale

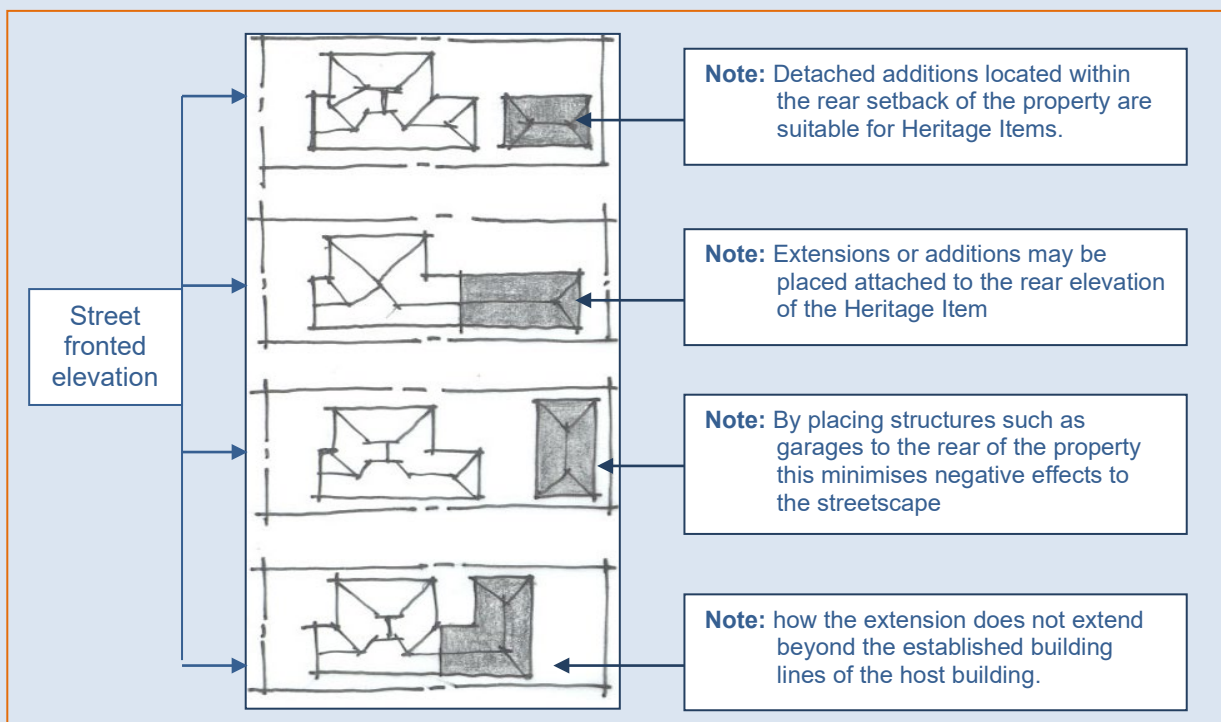
C9 The form, scale and massing of new work is to be consistent with the Heritage Item.

C10 Alterations and additions must be located to the rear of Heritage Items away from the principal elevation (refer to **Figure 1**).

C11 The massing of the rear addition must be behind and below the main roof ridge. It should also be smaller in scale than the existing building.

C12 Large second storey additions are not permitted.

Figure 1 - Additions and Extensions at the Rear of the Property





Unsympathetic Alterations

- C13** Where substantial changes are proposed to a Heritage Item, existing unsympathetic alterations should be removed as this will assist in improving the integrity of the Heritage Item.

Internal work

- C14** Development must retain significant interior elements (ie decorative ceilings, fireplaces and the like).
- C15** Modifications to the interior of a building must be minimal, so that the historic evolution of the building remains recognisable.

Materials and Finishes

- C16** Materials and finishes are to complement the period and style of the existing item.
- C17** The colours and materials used in a new development (whether an extension of an addition) are to be recessive (does not dominated) and complement the colours and materials of the heritage Item. The reinstatement of historical colour schemes of heritage items, based on photographic evidence and discrete paint scrapings is encouraged.
- C18** Rendering or painting original face brickwork is not permitted.



3B.3.2 Curtilage

In many cases, development of existing Heritage Items will be permitted in order to facilitate their conservation and continued use. This may involve subdivision and/or the erection of additional buildings on the site of a Heritage Item. Where such development is permitted, it is important to design and locate buildings in a manner that does not detract from the significance of the original building.

Curtilages are to be defined by evaluating the components of a site relative to the building. Key aspects of a property's curtilage include any gardens, entrances, fencing and outbuilding. The setting of a Heritage Item is important for establishing the context, which the existing item/building has in the environment. The setting is also known as the curtilage and generally comprises the block of land upon which the Heritage Item is located. It can also be the area surrounding an item as this land provides historical information on the property's development.

Objectives

- O1** To ensure that new development is carefully sited so as to avoid causing physical damage to any Heritage Item especially where sited within the same curtilage as the Heritage Item;
- O2** To ensure that new development, involving the development of alterations, additions, extensions, additional buildings or structures, are designed to minimise any potential impacts to adjoining Heritage Items;
- O3** To protect the heritage significance of Heritage Items;
- O4** To prevent the demolition of Heritage Items; and
- O5** To ensure that new development located on the same curtilage as a Heritage Item is in keeping with the context and setting of the Heritage Item.

Controls

- C1** The curtilage must maintain the relationship between any gardens, entrances, fencing and outbuildings etc. so as to allow the Heritage Item and its site to be understood.

These elements are to be used in determining a suitable curtilage for the Heritage Item and are to be retained.
- C2** New development within the curtilage of a Heritage Item must not block the sight lines of the Heritage Item from the public domain.
- C3** New development cannot be sited in front of the front building line of the existing Heritage Item or extend beyond the established side building lines of the Heritage Item.
- C4** Where new development within the curtilage of a Heritage Item occurs, the new development must be designed so that the Heritage Item retains its visual prominence. New development within the same curtilage as a Heritage Item must be smaller in scale and subservient in height to



the Heritage Item.

- C5** Where new development is proposed within the curtilage of a Heritage Item, a reasonable "buffer" space or setback must be provided between the original building and the new development.
- C6** Development proposals, which involve large scale redevelopment and alteration to the original character of the Heritage Item which will negatively impact on the heritage significance of the sites curtilage, will not be permitted.
- C7** New development within the curtilage must not adversely impact upon the significant fabric of a Heritage Item. The colours and materials used in a new development (whether an extension or addition) should be recessive (does not dominate) and complement the colours and materials of the Heritage Item.
- C8** Landscaping within the curtilage of a Heritage Item must comply with **Part 3L - Landscaping**.



3B.3.3 Garages, Carports and Driveways

The addition of garages and carports to existing Heritage Items can negatively impact on the setting of a Heritage Item and therefore its heritage significance. The introduction of such elements in front of the building line is likely to have a greater impact on the significance of Heritage Item.

Garages and carports should preferably be located at the rear of properties and should be designed in such a way that compliments the design of the Heritage Item where visible from the street.

Objectives

- O1** To ensure that garages, carports and hardstand areas are designed to compliment the character of the Heritage Item; ensuring they do not become the dominant feature on the site and detract from the quality and amenity of the public domain or streetscape;
- O2** To ensure that garages and carports are not sited in front of the building line of the Heritage Item;
- O3** To encourage low impact on-site parking solutions for Heritage Items;
- O4** To provide on-site parking where it can be incorporated satisfactorily with the design of buildings and the streetscape;
- O5** To ensure that garden settings are not disturbed or substantially reduced by on-site parking; and
- O6** To provide convenient, safe and accessible vehicle parking on sites of Heritage Items.

Controls

General

- C1** Garages and carports should be located at the rear of Heritage Items. Where sites have rear lane access this access must be used (refer to **Figure 2**).
- C2** Garages and carports in front of the front building setback are not permitted.
- C3** Where there is no rear or side access, provide a simple hardstand area in front of the building in preference to a garage or carport (refer to **Figure 3**).

Figure 2 - Examples of Minimising Impacts of New Carports/garages

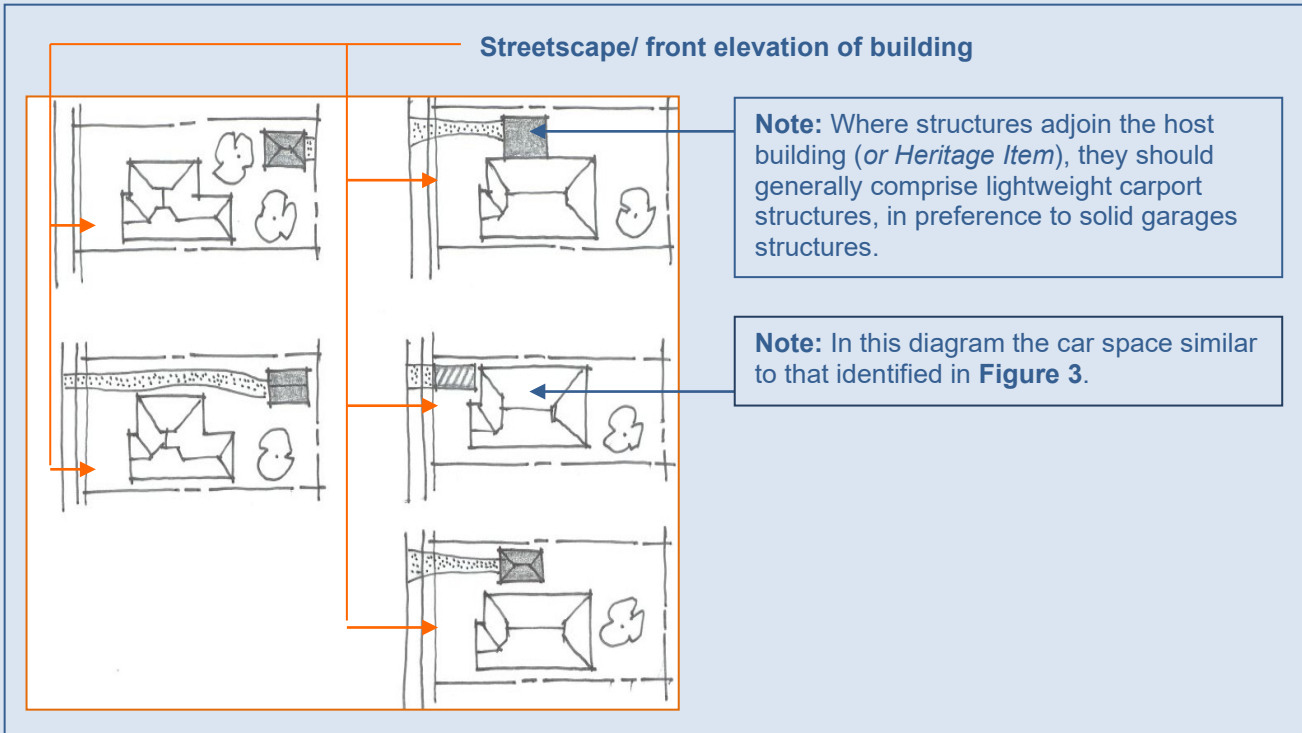


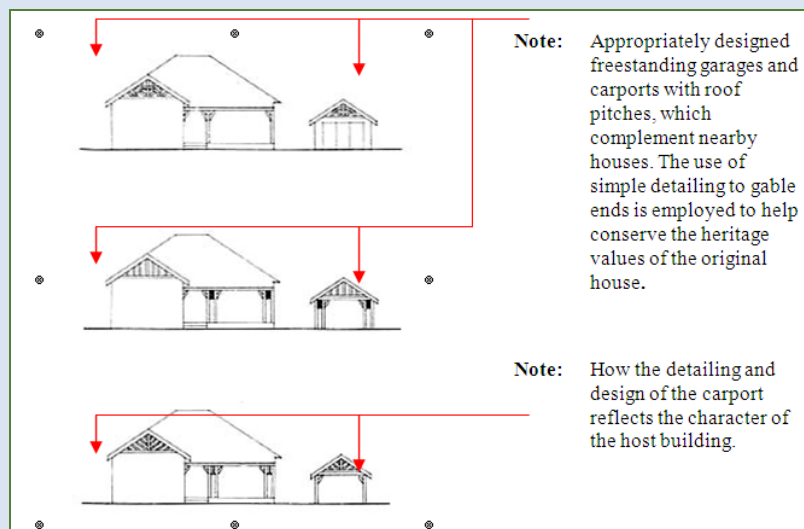
Figure 3 - A Simple Hardstand Area Used to Accommodate a Car



Design

- C4** Carports and garages are to be designed so they do not dominate or detract from the building.
 - C5** Carports and garages shall be sympathetically designed so as to complement design the character of/and take reference from the Heritage Item.
- Note:** Use design detailing, materials and colours from the Heritage Item (refer to **Figure 4**).
- C6** Garages and carports must incorporate suitable roof plans which complement the main building.
 - C7** Garages and carports are not permitted where they involve the loss of significant gardens, landscaping or protected trees.
 - C8** Garages and carports should not be the dominant feature of the building façade.

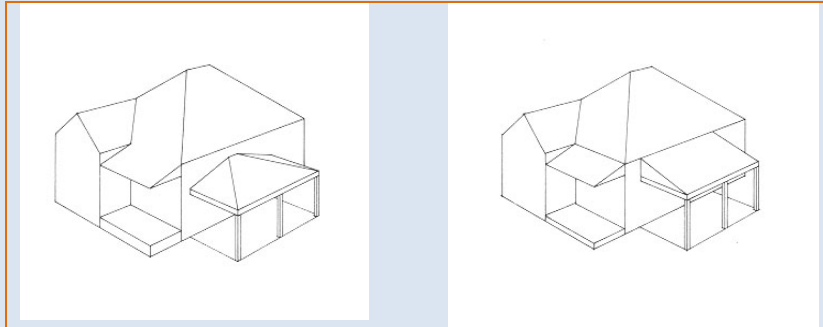
Figure 4 - Examples of Compatible Design Details



Carports

- C9** Carports may be attached as lean-to structures where they do not detract from the design of a dwelling (refer to **Figure 5**).
- C10** Carports can be positioned at the side of the dwelling; 1 metre behind the front building alignment, if it does not result in the removal of original features such as window hoods, porticos, porches and Council is satisfied that there is no impact on the heritage significance of the building.

Figure 5 - Carport Designs



Simple lean-to, skillion or hipped roof structures at the side or front of the building line suitable for conserving building and roof forms.

Garages

- C11** Where garages are sited away from the main dwelling, features such as side positioned parallel concrete strip driveways, should be retained where possible.



3B.3.4 Gardens, Trees and Landscaping

Front gardens are important elements and features that contribute to the character and setting of Heritage Items.

Gardens provide a setting for period buildings, evidence of the past and of social and cultural change. They also provide an opportunity to understand plants species, shrubs and trees. Individual gardens in relation to their houses are important as is the design, layout, plantings, paving, furniture, fencing, signs and other structures.

Objectives

- O1** To retain period garden designs and planting schemes for Heritage Items of State Significance;
- O2** To encourage the retention and re-introduction of period plantings for Heritage Items of local significance;
- O3** To restrict the introduction of excessive amounts of paved surfaces not typical to the period and style of a Heritage Item; and
- O4** To ensure the spatial relationship of buildings, by maintaining front setbacks and gardens.

Controls

- C1** If a Development Application proposes to remove gardens or the remains of original gardens of State or local Heritage Items, a Heritage Impact Statement or Conservation Management Plan is required.
- C2** The spatial relationship between front gardens and the building on which the building is sited are to be maintained. (ie. front setbacks are to be retained in their original manner).
- C3** The erection of trees, which will result in the screening and loss of significant views of important heritage buildings, is not permitted.
- C4** The removal of heritage protected trees is not permitted.
- C5** Significant trees and gardens must be retained and new developments should be designed in a way to accommodate them.
- C6** Original or early design, layout, plantings, fencing, paving, furniture, garden structures etc should be retained and conserved.
- C7** Planting of plant species that relate to the period of the Heritage Item is encouraged.

3B.3.5 Fences and Gates

Fences and gates have many functions. They have an ornamental role, they define the boundary line of a property, provide security and they can contribute to the heritage significance of a building or place. Front fences have the potential to contribute or dramatically affect the streetscape and the settings of Heritage Items. Front and side fences that are inappropriately designed, modified or removed will detract from the cohesiveness of the streetscape, the setting and the significance of Heritage Items.

Figure 6 - Original brick fence retained having modern picket fence above



Figure 7 - Maintain the height and style of front terrace fences.



Figure 8 - Original ironwork on brick wall forms an important character of front site.



Figure 9 - Decorative timber picket fencing contributes to the buildings character



Figure 10 - This fence is too tall the building behind and its solid conceals too much of the building.



Figure 11 - An example of a fence that is too high in front of the building line and of an unsuitable material.





Objectives

- O1** To ensure that original and significant fences and gates are retained;
- O2** To encourage the reinstatement of period fences and gates;
- O3** To retain and maintain the standard height of original period fences;
- O4** To ensure that new fences in front of Heritage Items do not obscure significant architectural views and details of Heritage Items; and
- O5** To ensure that new fences are constructed in a manner that is sympathetic to the significance of the Heritage Item.

Controls

General

- C1** Significant fences, gates and walls, which have been damaged or have deteriorated, should be repaired rather than replaced.

Note: The removal of fences, gates or walls on the site of a Heritage Item without prior permission from Council is not permitted.

Front Fences

- C2** Front fences are to match the period or architectural style of the existing Heritage Item (refer to **Figure 6** to **Figure 9**, **Figure 12** and **Table 1**). The following elements are to be considered:

- (i) Height;
- (ii) Materials, texture;
- (iii) Rhythm of bays and openings;
- (iv) Design; and
- (v) Colour

- C3** The height of front fences for Heritage Items should generally not exceed 1.2 metres with a minimum 50% transparency.

Note: Fences that are high and obscure heritage items are not permitted.

Note: Fences located along established streetscapes shall have the same height as adjoining properties. Reference shall be made to the height of fences of adjoining properties (refer to **Figure 7**).



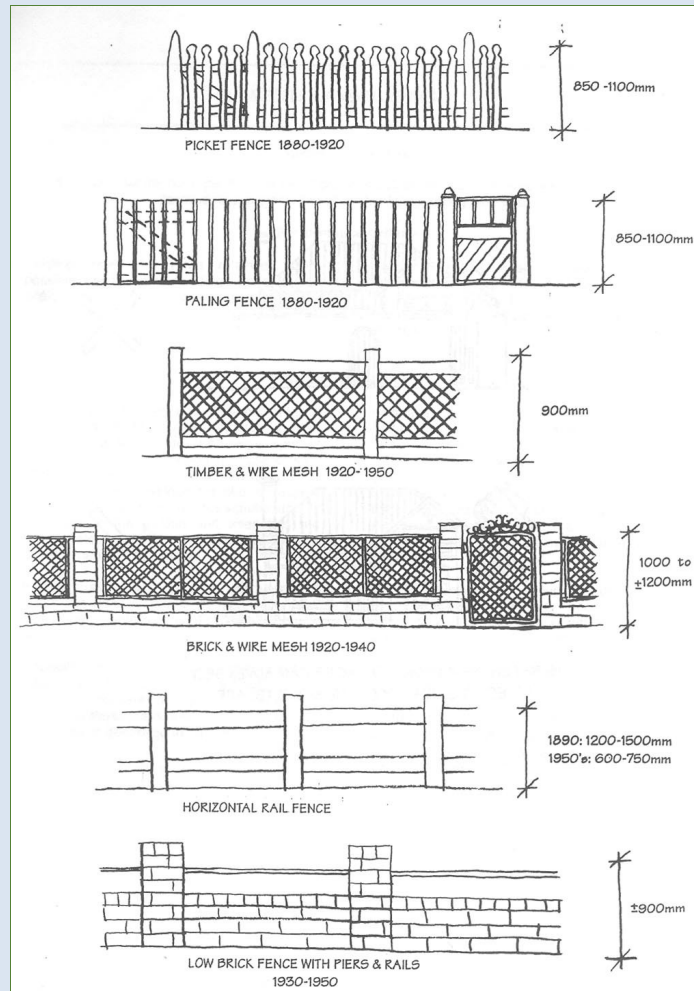
Side and Rear Fences

- C4** A maximum height of 1.8 metres is permitted for side or rear fences.
- C5** Side fences should not obscure architectural details.
- C6** Side fences of a height of 1.8 metres are not to extend beyond the front building line.
- C7** Side fences must taper to a height of 1.2 metres or less to the point where the front fence extends beyond the front building alignment (refer to **Figure 13**).

Materials

- C8** Solid metal panel fences (colorbond/corrugated steel) are not permitted along street frontages of a Heritage Item, which impacts on the public domain and because of its susceptibility to vandalism.
- C9** Tall blank walls (where the fences comprise a series of bays and openings) are not permitted within the front setback of Heritage Items as they restrict visibility of the item from the streetscape or the public domain.
- C10** The original masonry or sandstone fencing associated with a period building shall not be painted or rendered.

Figure 12 - Typical fencing of Heritage Item



Source: Hornsby Shire, Heritage Development Control Plan, 1995.

Figure 13 - An Example of Side Fencing

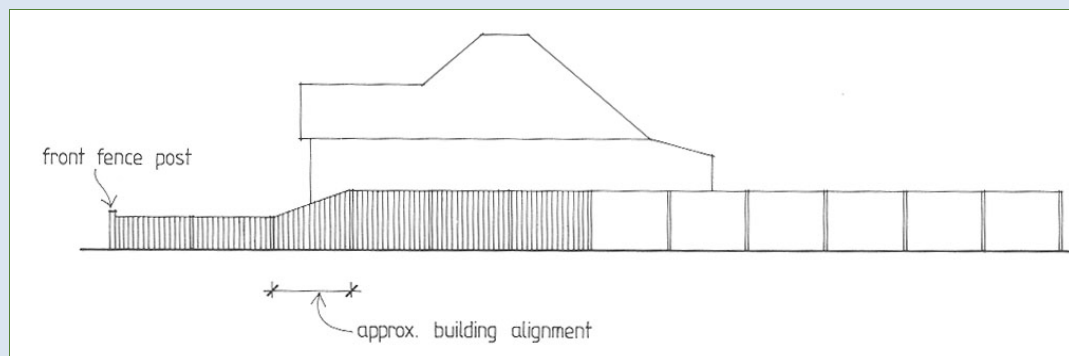




Table 1 - Appropriate Period Fencing for Heritage Items

Period	Building form	Style	Notes
Victorian	Terraces and Semi detached	Palisade Style	
	Detached Dwelling	Acorn style Timber Pickets	Not all dwellings of this period had front fences of this type, the use of palisade fencing may also be appropriate in some cases
Federation	Terraces and semi-detached	Brick base and piers possibly with lateral railings, timber picket or timber railings	
	Detached and semi-detached dwellings	Brick base and piers possibly with lateral railings, timber picket or timber railings	Not all dwellings of this period had front fences and they should not be provided in areas or streets where they do not currently exist.
Interwar	Cottages	Brick pier and metal rail for brick dwellings or timber post and mesh for dwellings located in Daceyville Garden Suburb	Not all dwellings of this period had front fences and they should not be provided in areas and streets where they do not currently exist.
	Social housing	Simply designed post and wire front fences and side fences.	Not all dwellings from this area had front fences and as such should not be provided in areas where they did not previously exist.
	Californian Bungalows	Brick Piers with metal rail or mesh	Not all dwellings of this period had front fences and they should not be provided in areas and streets where they do not currently exist.
Post War	Detached dwellings	Brick Piers or no fence	Not all dwellings of this period had front fences and they should not be provided in areas and streets where they do not currently exist.



3B.3.6 Subdivision

Objectives

- O1** To ensure that subdivision retains adequate curtilage and protects the setting of Heritage Items;
- O2** To require historical boundaries to be interpreted; and
- O3** To ensure that subdivision supports the ongoing use of Heritage Items.

Controls

- C1** Subdivision is to be consistent with the prevailing allotment pattern and must comply with **Part 3E - Subdivision and Amalgamation**.
- C2** Adequate area or curtilage must be retained around the Heritage Item to facilitate its ongoing use or allow the adaptive reuse of the item in a manner that is compatible with its heritage significance.

Note: The allotment containing the heritage item must have sufficient area to provide a visual setting proportional to the size and design of the Heritage Item. A Heritage Impact Statement or Conservation Management Plan will be required to support the proposed subdivision.
- C3** Subdivision must minimise interference with the visual setting of the Heritage Item.
- C4** Subdivision must not adversely impact on significant gardens.
- C5** A Development Application shall submit a Staging Plan confirming that any proposed conservation works will occur prior to the issue of a subdivision certificate.
- C6** Subdivision of land is not to adversely impact on, or obscure the delineation of the allotment boundaries and configuration where the lot is part of a significant subdivision pattern or estate, ie. within the Daceyville Garden Suburb Heritage Conservation Area.



3B.3.7 Heritage Items in Business Zones

Figure 14 - 1005 Botany Road, Mascot



Figure 15 - 1114 Botany Road - Captain Cook Hotel



Historic Shopfronts

Historic shopfronts generally comprise the elements or features in **Figure 16**. A large glazed display window rests above a stall board. There is either a side or centrally placed door. The detailing employed in their design includes splay glazed windows, moulded glazing bars, a moulded stall board and with a panelled or part-glazed door set back from the street behind a tiled threshold as illustrated in **Figure 16**. Very often shopfronts were erected as a group of two or three similar buildings and as such they retain similar features and detailing.

Figure 16 - Architectural Elements to be Retained



- No 1:** Awning above shopfront for protection from weather.
- No 2:** Top-hammer used for advertising purposes
- No 3:** Splayed shop display window resting on brick and rendered stall board for support
- No 4:** Recessed shop door to side having raised threshold entrance.
- No 5:** Original brickwork surrounding shopfront with appropriate colour scheme.



Objectives

- O1** To require development to maintain traditional features and shopfronts;
- O2** To ensure that development is compatible with and sympathetic to the Heritage Item;
- O3** To encourage minimal signage that compliments rather than dominates Heritage Items;
- O4** To protect the distinctive and characteristic elements of commercial buildings and ensure the integration of these features into subsequent uses; and
- O5** To ensure infill or new development respects the character of adjoining, adjacent or nearby Heritage Items.

Controls

- C1** New development must maintain traditional shopfronts and respect the form, scale and detailing of the existing building.

Note: The removal or reconfiguration of the external appearance of heritage listed shops, banks and public house frontages is not permitted without prior Consent from Council.

Note: The structural alteration of interior features of heritage protected commercial buildings is not permitted without prior consent from Council.
- C2** All original, early or significant verandahs, awnings and frontages (shop, bank or pub) should be retained and conserved.
- C3** Infilling of original verandahs is not permitted.
- C4** Colour schemes for repainting must be based on historical evidence.
- C5** Signs must be located on parts of the building that have been traditionally used for signs and comply with **Part 3D - Signage**.
- C6** Where commercial buildings have a history of being publicly accessible, new uses should continue such accessibility.
- C7** Rehabilitation of obsolete commercial buildings is promoted.
- C8** Where original commercial buildings exist, retention of these buildings in their original configuration is promoted.
- C9** Sympathetic refurbishment and conversion of commercial buildings, whereby significant architectural features such as ground floor frontages, detailing and windows etc. are retained is promoted (refer to **Figure 19**). For instance:

- (i) Corner splays to commercial buildings must be retained;
- (ii) Parapet walls, inscriptions, and historic detailing must be retained;
- (iii) Recessed porches, and verandahs are important elements;
- (iv) Retain upper floor windows where significant;
- (v) Awnings are important features, which should not be removed from commercial buildings; and
- (vi) Public house frontages (similar to shops, banks etc) are important elements and should be retained.

C10 Ornamental parapet detailing (such as pediments, urns and finials) are important elements of commercial Heritage Items as they help to establish what period they were erected in, and as such their removal negatively impacts on the architectural significance of commercial buildings and is not permitted (refer to **Figure 18** and **Figure 19**). Applicants are advised that such elements not only assist in the identification of the period of the building but also contribute to the integrity of the architectural style, aesthetic and sensory appeal and heritage characteristics of the building and streetscape.

Figure 17 - Example of Decorative Parapet (1) Detailing and Façade (2) Treatment



Figure 18 - Decorative Parapet Detailing, which is Found on Two Buildings



Figure 19 - Architectural Elements of a Pub Front to be Retained



No 1: Corner splays to commercial buildings should be retained.

No 2: Parapet walls, inscriptions, and detailing should be retained.

No 3: Recessed porches, and verandahs are important elements

No 4: Retain upper floor windows where significant

No 5: Awnings are important features, which should not be removed from commercial buildings.

No 6: Public house frontages (similar to shops, banks etc.) are important elements and should be retained.



3B. 3.8 Industrial Heritage Items (Buildings and Structures)

Figure 20 - Pumping Station, Coward Street



Figure 21 - Industrial machinery, No. 7 Tenderden Road



As a result of the Industrial revolution large-scale industries developed which had a profound effect on society and the landscape. Industry is not confined to manufacturing which is the processing and conversion of raw materials into usable products. It also includes mining and quarrying. It led to the provision of public utilities such as water, sewerage, gas and electricity. Transport was essential to industry and as a result, harbours, canals, railways, and airports were built to carry people, raw materials and finished goods.

In essence, industrial heritage comprises the surviving physical remains of these various types of industry. They can range from landscapes, abandoned sites, overgrown buildings and rusty machinery. Industrial buildings in LGA range from leather firms and tanneries, wool industries, food processing industries and paper printing industries.

Manufacturing Industries

Manufacturing industries generally involves the processing of raw materials into usable forms. Botany Bay has a long history of industrial development and as such regard for this part of Botany's Bay's heritage must be addressed.

Public Utility Industries

Public utility industries generally involve the production of power, whether gas or electricity or they involve the provision of sanitary services. Examples of power producing public utility services include electricity sub-stations. While sanitary services involve wells, hand pumps and sewage pumping stations.

Transport Industries

Transport related Industrial heritage involves the movement of materials and people. Examples of industrial transport heritage include roads, bridges, canals, railways and airfields.

Communications Industries

Communication related industrial heritage involves the transmission of information such as post, telegraph, telephone, radio etc. Examples of communication related industrial heritage are post boxes, post offices, telegraph offices.



Objectives

- O1** To ensure appropriate treatment is given to historic industrial buildings and structures;
- O2** To ensure the appropriate management of an historic industrial building once its significance has been established; and
- O3** To retain and preserve industrial heritage whether monuments or places in situ whenever possible.

Controls

- C1** Retention of significant industrial heritage in situ (in its original place) is promoted.
Note: Depending on the building and industrial processes carried out within the building or site, Council may require a photographic record, process documentation and donation of items to the Botany Historical Trust as a condition of Development Consent.
Note: Removal or alteration of industrial heritage is not permitted without previous consent from Council.
- C2** Industrial Heritage Items are to be retained and conserved.
Note: The re-use of redundant industrial heritage in Bayside is promoted.
- C3** Historic features, such as machinery should be conserved where possible.
- C4** Repair and maintenance of industrial transport heritage including roads, bridges, canals, railways and airfields is promoted.



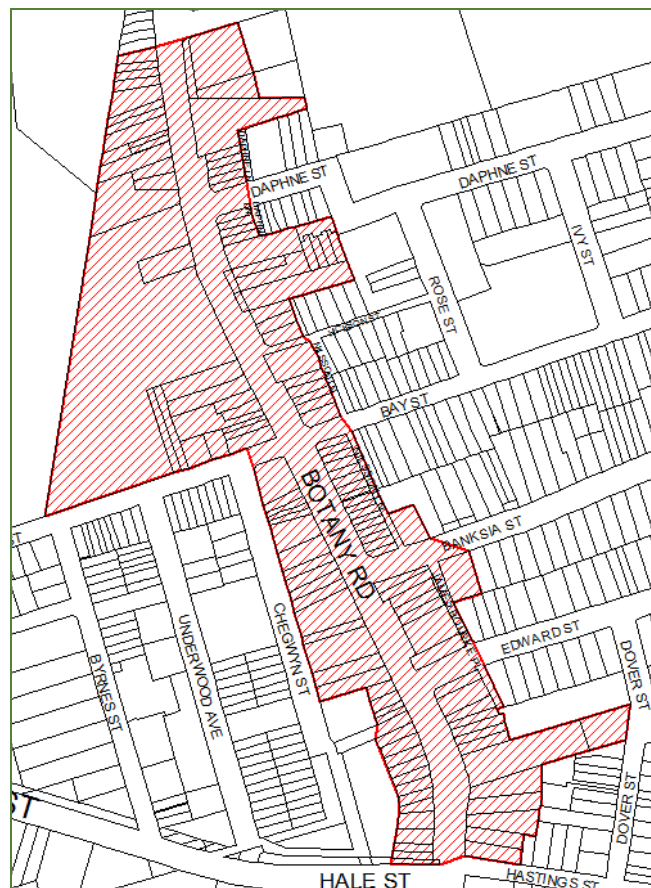
3B.4 Heritage Conservation Areas

This section applies to the Heritage Conservation Areas (HCA's) listed in Part 2 of Schedule 5 Environmental Heritage of Bayside LEP 2021, which includes:

- Botany Township Heritage Conservation Area; and
- Daceyville Garden Suburb Heritage Conservation Area.

3B.4.1 Botany Township Heritage Conservation Area

Figure 22 - Botany Township Heritage Conservation Area



Description of Botany Township Heritage Conservation Area

Botany Local Centre is located along Botany Road on a flat section of land. It is a medium size Local Centre with over 70 shops including a small local supermarket servicing the surrounding community. The shops are located within the Botany Township Heritage Conservation Area and therefore is characterised by a considerable number of heritage buildings and traditional shopfronts/facades. The Botany Town Hall is a Heritage Item which forms a focal point at the southern end of the shops.



Statement of Significance

The suburb of Botany was created in the 1830's with the creation of parishes in Sydney. The suburb evolved as subdivisions were approved. The area in the 1860's had a variety of landholdings but it wasn't until 1882 when the tramway came down Botany Road that the area expanded.

The easy availability of water in the Botany area encouraged industrial uses and the area expanded in the 1904-1914 period. Shops developed to cater for the factory staff that moved into the area as industry expanded.

3B.4.1.1 Character and Form

Objectives

- O1** To ensure development in a Heritage Conservation Area (*HCA*) is sympathetic to, and does not detract from, the form and character of traditional shopfronts within the HCA or any Heritage Items;
- O2** To protect the distinctive and characteristic elements of commercial buildings and ensure the integration of these features into subsequent uses;
- O3** To ensure that new development within the business zone reinforces the 'main street' character;
- O4** To ensure that the original characteristics and traditional features of the retail buildings are retained and enhanced; and
- O5** To encourage minimal signage that compliments rather than dominates the Heritage Conservation Area.

Controls

- C1** Preservation, reinstatement and maintenance of original façades and shopfronts *are* required. The removal or alteration of original shopfronts in not permitted.
- C2** To achieve appropriate development to the original façades and shopfronts within the Heritage Conservation Area proposals must satisfy the following:
 - (i) Preserve and maintain original parapets, with existing detailing, unpainted and free of hoarding and signs;
 - (ii) Restore and maintain original upper level windows, with alternatives, being sympathetic in scale and proportion; and
 - (iii) Retention of continuous awning at unified heights and fascia to each shop.
- C3** Signage must comply with **Part 3D - Signage**.



- C4** New shopfronts must reflect original details and proportions including the siting of recessed entrance doors.
- C5** First floor balconies should remain open as important functional and architectural elements of the front façade. Enclosure of balconies will only be permitted if compatibility with original window types can be demonstrated.
- C6** Rear elevations and structures are to be treated and maintained in a manner that is of quality and character appropriate to the Heritage Conservation Area and its controls.
- C7** The profile of the front parapet wall should be maintained as a silhouette against the sky.
- C8** The removal of first floor windows that have altered the profile of former openings is encouraged, with the original window to be restored.
- C9** The level of overhead awnings above footpath level should match existing.
- C10** Overhead awnings shall be of a uniform depth and form to match that *which is* predominantly within the group, with timber fascia and gutter to be maintained or reinstated on buildings that originally featured a timber fascia where appropriate.
- C11** Contemporary designs for shopfronts must relate to the building type, streetscape and precinct. They must incorporate traditional features such as the division of frontages and the configuration of windows must use appropriate materials.

Note: Where non-contributory or intrusive fabric exists in significant shopfront locations, it may be replaced by a modern shopfront if the design is consistent with historical context in terms of materials, proportions, details, colour and signage.

- C12** Shopfronts must not be amalgamated. Where properties are amalgamated, the original building elements and shopfronts must be conserved.



3B.4.1.2 Pubs

Objective

- O1** To ensure that the original characteristics of pubs in the Heritage Conservation Area are retained and enhanced.

Controls

- C1** Original façades including areas of tiling are to be retained and conserved.
- C2** Original pub names must be retained.
- C3** Significant interior features and spaces must be retained.
- C4** Original public areas and former pub accommodation areas, including their form, details, materials and finishes, should be retained.



3B.4.1.3 Religious, Institutional and Public Buildings

Bayside's churches and schools are among the area's most identifiable landmarks.

Objective

- O1 To ensure that any new work is carried out with due regard to the significance of the building and its setting.

Control

- C1 Work to a significant religious, institutional or public building must be compatible with the existing building.



3B.4.1.4 Public Domain

Objective

- O1** To ensure the public domain is consistent and sympathetic to the heritage significance of the Heritage Conservation Area.

Controls

Parks

- C1** The formal layout of existing parks should be retained or reinstated so that placement of built elements, path location and cultural planting reflect the key development period of the park.
- C2** Structures such as toilet blocks, playgrounds, shade structures and shelters should be located to protect and enhance public vistas and designed (in terms of their character scale, massing, form, colour and materials) to enhance the character of the Heritage Conservation Area.

Steps

- C3** Original stone steps and retaining walls should be retained and conserved in place using appropriate conservation methods.
- C4** New steps should be designed:
 - (i) So that their scale and proportion relates to the surrounding built form;
 - (ii) For pedestrian comfort and safety; and
 - (iii) In accordance with the relevant Australian Standards.
- C5** Materials for new steps should be concrete or sandstone, depending on the historical background and significance of their location.

Seats

- C6** Seats should be provided at bus stops and for the appreciation of vistas and views.
- C7** The area around seats should be suitably treated so that seats are accessible to wheelchair users.
- C8** The location of seats should take into account shade, wind and rain protection and the proximity to pollution and noise.



Street Furniture

- C9** The design of new street furniture items should have regard to the following parameters:
- (i) Functionality (design for ergonomic comfort and ease of use, consideration of social *and* Interactive behaviour patterns) suitability to the HCA context;
 - (ii) Safety;
 - (iii) Durability, robustness and resistance to vandalism;
 - (iv) Maintenance;
 - (v) Compliance with relevant Australian Standards;
 - (vi) Affordability;
 - (vii) An integrated street furniture range for Bayside that is contemporary in spirit; and
 - (viii) Designed to complement the unique location and heritage of the HCA.

Rubbish Bins

- C10** Rubbish bins should be non-intrusive and contemporary in design.
- C11** Rubbish bins should be located only within commercial or recreational areas or at bus stops.

Bus Shelters

- C12** Shelters should be designed to be transparent and well lit to promote user safety.
- C13** New bus shelters should be contemporary in design.

Drinking Fountains

- C14** Drinking fountains should be designed to be easily useable by people of all ages, including those with disabilities.
- C15** Placement of drinking fountains should not inhibit pedestrian or wheelchair access along the footpaths.



Footpath Paving Treatments

- C16** A continuity of surface treatments throughout street blocks should be maintained or provided in cases where replacement of surfaces is necessary.
- C17** A homogeneity of colour and texture in paving materials should be maintained.

Kerbs and Gutters

- C18** All original sandstone kerbs and gutters should be retained.
- C19** All original sandstone and trachyte kerbs and gutters should be retained where possible. If stone kerbs and gutters are required to be removed they should be stockpiled for reuse in new works.
- C20** Damaged original stone kerbs and gutters should be restored where possible or replaced with new stone kerbs and gutters and detailed to match existing.
- C21** New crossovers and chicanes will not be permitted as they interrupt the original line of the streets and stone kerbing.
- C22** The kerb alignment should be retained parallel to the building line to preserve the character of streets.
- C23** Where footpaths are widened, original stone or fly-ash kerbs should be left in their original position so that the earlier street form can be understood.
- C24** The profile of all new kerbs should reflect the traditional kerb detail.
- C25** Where concrete kerbs are to be used, precast segmental elements are preferred.
- C26** All street name inlays in kerbs and gutters are to be retained.

Parking Areas

- C27** Public off-street car parking areas should be planted with appropriate species to soften visual impact, provide shade and screen parking from adjacent residential development.



Traffic Management Devices

- C28** Traffic and transport investigations are to be undertaken prior to the introduction of new traffic management devices. These investigations should, depending on their scope, include public participation and must include consideration of access issues generally for all people and the impact on heritage significance resulting from traffic management options to enable the least possible impact on significance.
- C29** The design and location of traffic management devices (such as traffic signals, speed humps, roundabouts and road signage) should not obscure public views and should minimise visual impact on significant items and the streetscape.

Signage

- C30** Signage should be discreet, of slender appearance and of contemporary design consistent with other street furniture.
- C31** Street name signs should, where possible, be attached to buildings.
- C32** Interpretive signs should incorporate brief historical information to assist in the comprehension of specific areas.
- C33** Parking and traffic control signs should be rationalised and minimised.
- C34** Corporate and advertising signs are not permitted within the public domain.

Views and Vistas

- C35** New development in the public domain and street tree planting should respect existing view corridors and should be designed and located to minimise the impact on existing vistas and, where possible, improve existing vistas in the Heritage Conservation Area.

Services

- C36** Future substations should be recessed within a wall rather than freestanding.
- C37** Existing substations should be screened or treated so that their impact is minimised.
- C38** Overhead power lines and telecommunication lines should be located underground in order to protect significant vistas.
- C39** New excavation for the installation or repair of underground services should not damage significant stone guttering or footpaths. Stone kerbs and guttering must be carefully replaced in



their original locations.

C40 New services should be located so as not to conflict with substantial existing street trees.

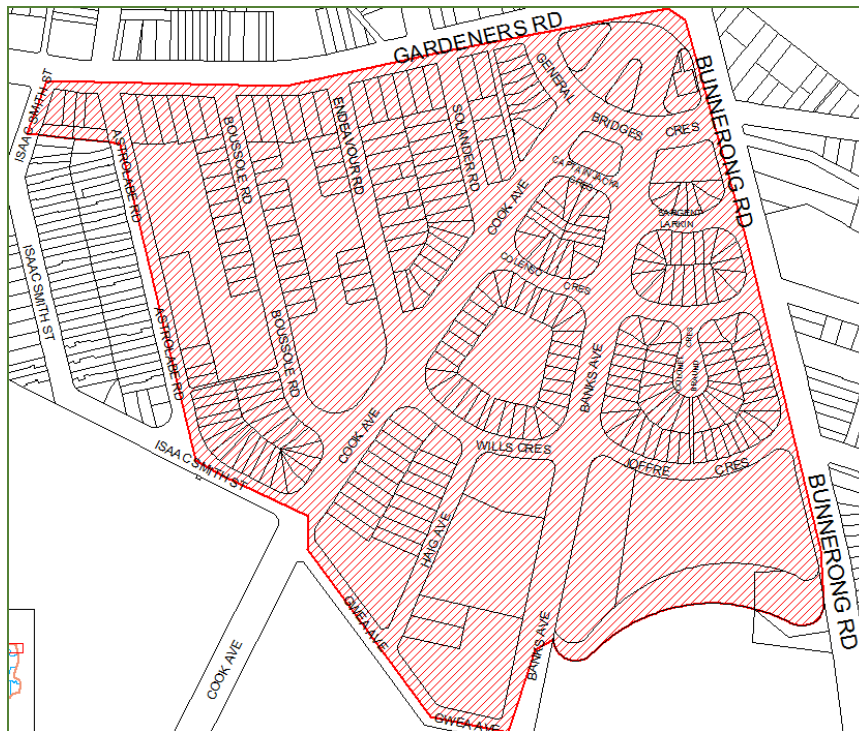
Street Lighting

- C41** New lighting fixtures should be of simple and sophisticated design to compliment the Heritage Conservation Area.
- C42** Public lighting should be provided to ensure legibility and visual orientation for pedestrians and enhance the sense of place.
- C43** Lighting should be energy efficient. For example: Lighting should incorporate solar-powered lighting systems and economy measures for usage during daylight saving periods where appropriate.



3B. 4.2 Daceyville Garden Suburb Heritage Conservation Area

Figure 23 - Daceyville Garden Suburb Heritage Conservation Area



Description of Daceyville Garden Suburb Heritage Conservation Area

Daceyville is one of the most important urban areas in Australia. The suburb was the first attempt by a State Government to comprehensively design and develop a “Garden Suburb”. Daceyville was the first garden suburb to be designed and developed in Australia and as such it represents an important stage in the design and development of Australia’s Cities and suburbs.

In order to retain the heritage significance of the Daceyville HCA it is important that alterations, additions and new buildings, do not adversely affect the heritage significance of adjoining heritage items or obscure the view of the item from the public domain.

Buildings in the HCA have been constructed in a variety of external materials, finishes and colours characteristic of particular architectural styles, building types or periods of construction. The use of modern materials and finishes may be appropriate for new development, alterations and additions provided it does not compromise a cohesive relationship between new and existing urban fabric.



Significance of Daceyville Garden Suburb Heritage Conservation Area

Daceyville is culturally significant and is an important example of the Garden Suburb as developed in Australia. Its significance is summarised as follows:

- (i) Daceyville is the first example of a Garden Suburb developed in New South Wales;
- (ii) Daceyville is an important part in the evolution of the development of the Garden Suburb in Australia;
- (iii) Daceyville is able to demonstrate “modern” design philosophy in response to the physical and social conditions of the 19th Century inner cities in Australia;
- (iv) Daceyville is an important step in the development of Garden Suburb Principles and their application in the development of Australian cities and suburbs;
- (v) Daceyville is a relatively homogenous federation period of social housing development;
- (vi) Daceyville contains the first cul-de-sac layout designed by a public authority in Australia;
- (vii) Daceyville provides important evidence on the development of Bayside; and
- (viii) Daceyville was designed as a serviced suburb, having community facilities located within distance of residential amenities.

The Daceyville Garden Suburb is considered to be one of the most important urban areas in Australia. The report *'Daceyville Garden Suburb a report for Daceyville Heritage Conservation Area within its Historical Context'* dated 2002 contains additional information on the history of Daceyville and is available from Council.

Objectives

- O1** To retain the significance of the Heritage Conservation Area;
- O2** To retain the historically based subdivision patterns of the Heritage Conservation Area; and
- O3** To ensure that subdivisions or site amalgamations will not lead to adverse impacts on the curtilages or settings of significant buildings.

Controls

- C1** Development is to be designed so that it has no adverse impact on a Heritage Conservation Area or its setting or curtilage.
- C2** The predominant historical pattern of subdivision and lot sizes is to be retained. Subdivision or amalgamation will not be permitted where the setting or curtilage of buildings on or adjoining the site would be compromised. A Heritage Impact Statement or a Conservation Management Plan will be required to be lodged with the Development Application for subdivision.
- C3** Where lots are amalgamated, the demolition of significant items on the original lots will not be permitted.
- C4** Public lanes and public pedestrian passageways are not to be amalgamated with private land.



3B.4.2.1 Building Location and Built Form

This section applies to additions and to infill or replacement development, hereafter nominated as new development.

The siting and alignment of buildings are important characteristics of Daceyville. In most streetscapes there is a consistent pattern of similar setbacks from the street and from side boundaries. Good development results in new structures that complement and enhance the existing character of the area.

Compared with significant items, there is greater scope for design flexibility with new buildings or additions to non-contributory buildings provided the proposed work would not detract from the significance or character of the streetscape or the Heritage Conservation Area generally. Where alterations or additions are not visible from the street or other public places, the style is less important; for example, a contemporary design may be appropriate for a new detached pavilion to the rear of an existing house.

The height, bulk and scale of new development have the potential to adversely affect the amenity of private and public lands. The controls are designed to ensure that the scale and bulk of new building is compatible with site conditions and the desired future character of the Heritage Conservation Area.

Objectives

- O1** To ensure that the siting, levels, and front, side and rear building setbacks of additions and infill development continue the established historical pattern of development;
- O2** To locate front, side and rear building alignments of infill development to ensure good aspect and orientation of indoor and outdoor living areas and the retention of existing trees;
- O3** To encourage the retention or creation of useful open space at the rear of sites;
- O4** To protect existing significant trees;
- O5** To retain the patterns of height, bulk and scale distinctive to individual streetscapes and the HCA;
- O6** To protect existing views and vistas from streets and other public places;
- O7** To provide additional views and vistas from streets and other public places when opportunities arise;
- O8** To minimise over-shadowing of private and public open spaces; and
- O9** To achieve external materials, finishes and colour schemes appropriate to the context.



Controls

Building Location

- C1** Where there are uniform levels or setbacks within the streetscape, infill development is to be consistent with the levels and setbacks of the adjoining buildings.
- C2** Where front building setbacks vary:
- (i) If there is a dominant pattern adjoining, new development is to align with that pattern;
 - (ii) If there is an existing stepped pattern, new development is to align with that pattern;
 - (iii) Transitional front setback between adjoining properties;
 - (iv) If there is no predominant pattern, new development is to align with the existing adjoining development;
 - (v) The proposed development is to be compatible in scale to that of surrounding development;
 - (vi) A transitional setback between the properties on either side; or
 - (vii) If new development occurs on a corner site, it is to be built up to the street alignments to define the corner unless this interferes with views to or from the public domain or is inconsistent with the streetscape or precinct, or inhibits the visibility of and for pedestrians or vehicles.
- C3** Where adjoining buildings have been aligned to face a view rather than the street, new development is to adopt this orientation.
- C4** The proportion of site cover is to be no greater than that of adjoining properties.

Carpports and Hardstands

- C5** Suitably designed lightweight, carports are permitted to the side of early Garden Suburb housing, provided they are located behind the front building setback and only where they are designed and constructed so as to not have a negative impact on the character of the early Garden Suburb house.
- C6** Hardstands are only permitted in front of the front building setback where Council deems that they are designed with minimal negative impact on early garden suburb design features that may be found in the front yard. For example, tinted paths, plinths, and trees.



Building Height, Form, Bulk, Scale and Character

- C7** The character of new development is to be consistent with the height, bulk, scale, dominant roof forms, ridge line and building envelope of the HCA.
- C8** The bulk of new buildings should be distributed to minimise overshadowing of adjoining properties. In circumstances where the infill site adjoins a prominent building or a building of excessive height or intrusive design, conformity is not appropriate.
- C9** Storey heights must conform to those of adjacent significant buildings and comply with BBLEP 2013.

Materials, Finishes and Colours

- C10** Materials, finishes, textures and colours must be appropriate to the building type and style and HCA.

Note: They must be similar to, but should not copy, the characteristic materials, finishes, textures and colours of the significant buildings within the streetscape. Contemporary materials may be used where their proportions, detailing and quantities are consistent with the existing and Desired Future Character of the precinct.

- C11** External detailing, colour and finishes must minimise the apparent bulk of new development.



3B.4.2.2 Fences, Gates and Retaining Walls

Carefully designed fences and walls help to integrate developments into the existing streetscape. Tall blank fences facing the street are particularly unsympathetic as they separate the house from the public domain and have an adverse impact on the streetscape and the Heritage Conservation Area.

Objectives

- O1** To protect against the introduction of front fencing;
- O2** To promote the re-instatement of appropriate side post and wire mesh fences;
- O3** To prohibit out-of-scale or inappropriately designed fencing; and
- O4** To maintain the existing design and character of post boxes.

Controls

Fences

- C1** The introduction of front fences is not permitted.

Note: Front timber and mesh wire fences are permitted along Gardeners Road and must maintain a consistent height.

- C2** Existing timber and mesh wire fences (front, rear and side fences) must be retained.

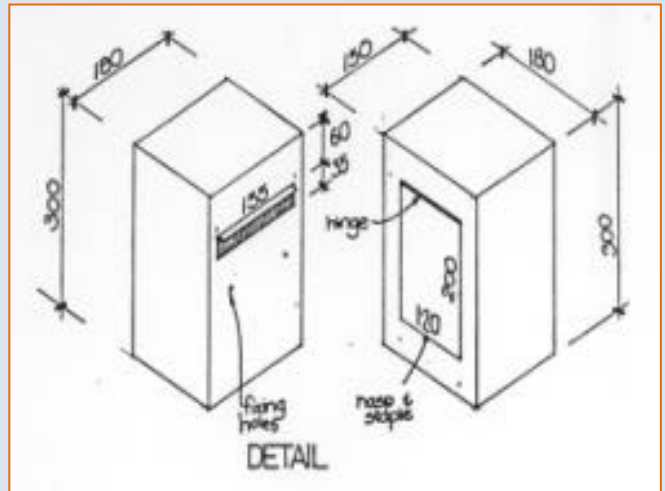
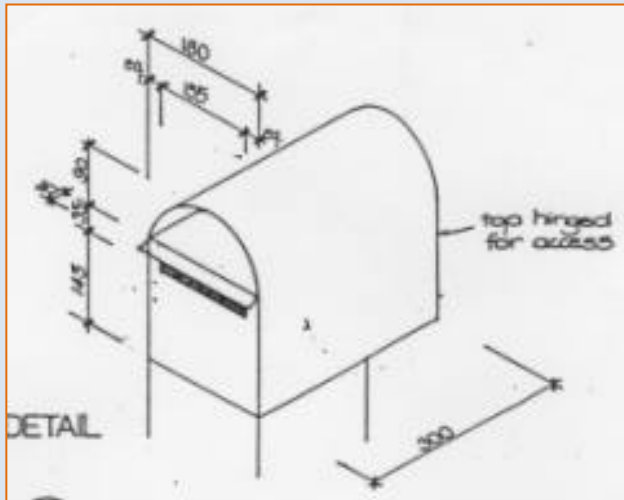
- C3** The replacement or re-instatement of rear fences must be consistent with the scale and materials of adjoining properties.

Note: Such fences typically consist of paling style fence of timber materials with a maximum height of 1.8 metres.

Letterbox

- C4** The introduction of various styles of letterboxes is not permitted.
- C5** Designs must be similar to **Figure 24**.

Figure 24 - Examples of Original Letterboxes





3B.5 Ground Floor Additions to Dwelling Houses

This section applies to ground floor additions to dwelling houses on a Heritage Item or in a Heritage Conservation Area.

Maintaining the character of the streetscape is important in maintaining the integrity of a Heritage Item and a Heritage Conservation Area. Maintaining the scale of development relative to the street and adjoining properties is one way of maintaining heritage values. Appropriate additions can be achieved for single-storey dwellings through additions at the rear or side at ground level.

Objectives

- O1** To establish suitable building envelopes for additions to single-storey whether row, semi-detached, terraced buildings;
- O2** To ensure that the front elevations, façades and roof forms are not disturbed by inappropriate ground floor additions; and
- O3** To maintain key rooflines.

Controls

- C1** Design features and materials on the front and side elevations, which are visible from the street must not be disturbed.
- C2** Ground floor additions must be sited to the rear or to any non street-fronted elevations.
Note: Extensions, alterations and additions to the front elevations of Heritage Items are discouraged, as they disrupt the established pattern of development within the street.
- C3** Ground floor additions must not project beyond the established building lines of the building.
- C4** Ground floor additions must be consistent with the existing scale and form of the building and surrounding area (refer to **Figure 25** to **Figure 30**).
- C5** The form, character, treatment and materials must be incorporated into the design of the ground floor addition.
Note: Complementary designed alterations/extensions shall be permitted.
- C6** Wing additions to the side or rear of a property should avoid disrupting street elevations.
Note: Wing additions should complement the main rooflines, and not dominate the existing roof. Relief may be achieved by setting back the extension or by projecting it forward.
- C7** A verandah addition should be used to sympathetically relate a new addition to an existing house, whilst also relieving bulk.

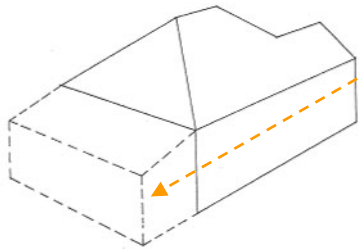


Figure 25 - Skillion addition located to the rear of a single-storey dwelling.

- Common type of addition with its own lower distinctive roof plan.
- Maintains similar building height, where it adjoins host building.
- Does not go beyond the established building lines.
- Suitable for all lot types.

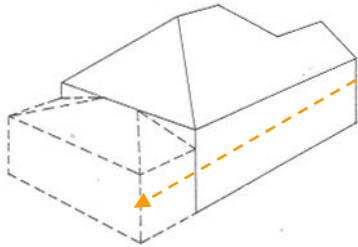


Figure 26 - Hipped addition located to rear or side of dwelling.

- Common form of rear addition.
- Retains lower independent hipped roof plan.
- Lower wall height to host building.
- Maintains established building line.
- Suitable for detached buildings, or corner lots.

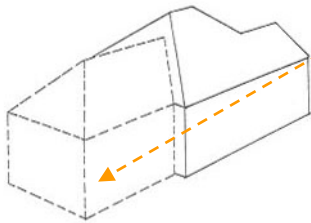


Figure 27 - Hipped addition located to rear or side of dwelling.

- Common form of rear addition.
- Retains lower independent hipped roof plan.
- Lower wall height to host building.
- Maintains established building line.
- Suitable for detached buildings, or corner lots.

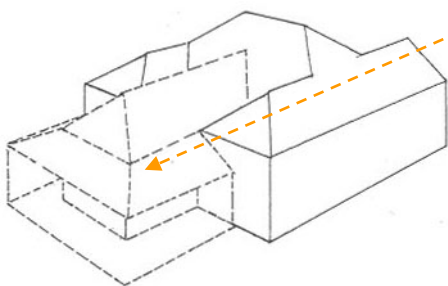


Figure 28 - More complex rear addition

- Complex half-hipped roof plan, can only be facilitated where the addition does not negatively impact on the elevations to which it is attached.
- Where possible impacts arise, Figures 25 to 27 should be considered.

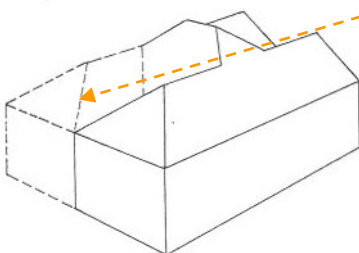
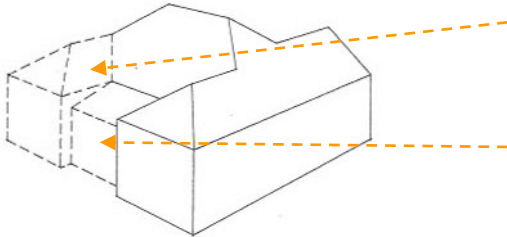


Figure 29 - More complex rear addition

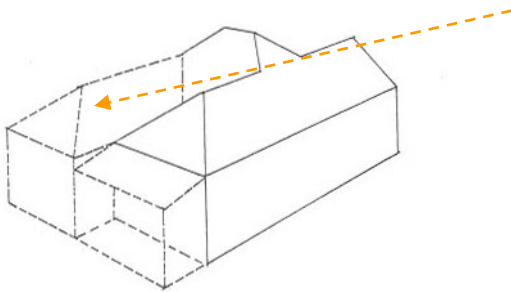
- Maintains established building alignment.
- Care must be taken that this does not occur to the front or street facing elevation.
- Roof ridge height must not exceed ridge height of host building.
- Can be located on corner lots.

Figure 30 - Multiple additions, which can be facilitated to rear or side elevation



- This addition brings uniformity of character to the host building as it mirrors an existing projection within the building plan.
- Typical skillion addition, which is subservient in scale to the heritage building.
- Must not impact on significant elevations

Figure 31- Multiple additions, which will only permitted where it does not impact on the heritage significance of the building.



- This addition extends beyond the established building line and will only be permitted under exceptional circumstances.

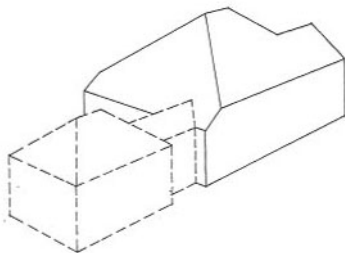


Figure 32 - Links can be used to connect the host building to the additions

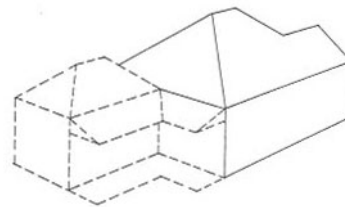


Figure 33 - A ground floor addition having skillion verandah attached.



3B.6 First Floor Additions to Dwelling Houses

This section applies to first floor additions to dwelling houses on a Heritage Item or in a Heritage Conservation Area.

There are many two-storey Heritage Items within Bayside, which include residential and commercial properties. First floor additions to single-storey Heritage Items pose special design problems. First floor additions and extensions will only be considered by Council in streets that currently have a mix of one and two storey developments. First floor additions should be undertaken at the rear of properties and by conserving existing rooflines and roof patterns.

Objectives

- O1** To ensure that first floor additions and extensions are designed and sited appropriately so as to complement the architectural merit and heritage significance of the dwelling and surrounding area;
- O2** To conserve and maintain the main roof-plan characteristics through conserving rooflines, roof forms and roof volumes; and
- O3** To conserve the character of streetscapes by maintaining the single-storey nature of residential areas and only permitting first floor additions in those areas that have a pre-existing mix of one and two-storey developments.

Controls

- C1** First floor additions are only permitted in areas or streets that have a pre-existing mix of single and two-storey developments.
- C2** New additions must maintain the perceived scale and character of the building and the immediate streetscape.
- C3** First floor additions must be located at the rear or side of properties.
- C4** Additions shall always be located behind the main gable or hipped roof feature of the street frontage.
- C5** First floor additions are only permitted where they incorporate a transition (in the form of a link) from the single-storey scale of the original building (host building) to the two-storey scale of the new structure at the rear (refer to **Figure 34**).

Note: Transitions between single and two-storey extensions may be achieved through using the roof plan, which steps up progressively, or spaces or voids, which help to separate building elements with different height.

Note: Alternatively, additions should be sited within the roof space.



C6 The height of an addition or extension must be below the ridgeline of the roof of the existing building.

Note: The height of the wall of an extension, alteration or addition to the rear of a two or three-storey terrace must be below the gutter line of the main roof of the existing building.

C7 First floor additions must adopt the roof pitch of the original building and be in the form of a gable end.

C8 First floor additions must:

- (i) Not dominate or otherwise adversely compete with the form, height, proportions and the scale of that part of the building, which is to be retained;
- (ii) Not reproduce or match a building which in terms of its height, bulk, scale and detailing is inappropriate to the heritage character of the area;
- (iii) Retain traditional solid to void ratios on elevations visible from the public domain;
- (iv) Not employ large areas of glass on the upper level;
- (v) Be designed to minimise or avoid an adverse impact on neighbouring properties in terms of overlooking, loss of sunlight and ventilation; and
- (vi) Not extend beyond the established building lines in a group or row of terraces.

C9 Dormer windows are not permitted in the primary roof fronting the street for single storey terraces and row houses unless it forms part of the original design of the building typology.

C10 Where suitable roof space is available, additional floor space can be accommodated as attic rooms providing the dwelling meets with relevant habitation requirements.

Terraces, Row Houses and Semi Detached Dwellings

C11 First floor additions are unsuitable for single-storey terraces or row houses. Additions to these buildings should be undertaken at the rear of properties or within roof spaces.

C12 Extensions, alterations and additions to a terrace, which is one building within a terrace, shall be designed with regard to the overall balance of the group in terms of height, alignment, form, scale and architectural character.

C13 Any alteration and addition to an identical semi or terrace building must recognise it as being one pair or group of similar, identical or complementary buildings and be carefully integrated with the building to which it is attached, both in its present form and on the assumption that the owner may wish to undertake extensions in the future.

C14 First floor additions to semi-detached dwellings or terraces, which have not been appropriately setback, will not be permitted due to the negative impact it creates on both buildings and the streetscape character.

Note: Single-storey extensions sited to the rear of the property shall be considered a more



appropriate development option for such buildings.

Workers Cottages

Inter-War workers cottages located on small lot subdivisions.

C15 First floor additions are permitted to the rear of worker cottages if the addition is appropriately set back from the street.

Note: Good design techniques must be employed to ensure that the addition does not dominate the original building.

Figure 34 - Example of First Floor Addition



Note: How a first floor addition has been placed to the rear of the building, below the ridgeline of the original roof. A dormer window has also been inserted to the front plane of the roof plan. This is deemed inappropriate and will not be permitted for elevations, which front the street.

Figure 35 - Example of Unsuitable First Floor Additions





3B.7 Development in the Vicinity of Heritage Items or Heritage Conservation Areas

This section applies to sites that adjoin or are in the vicinity of a Heritage Item or a Heritage Conservation Area. It provides controls to ensure that new work is sympathetic to the heritage significance of nearby Heritage Items or an adjoining Heritage Conservation Area.

The following objectives and controls aim to ensure that new and infill development complements and is sympathetic to Heritage Items by establishing urban design principles that need to be taken into account for protecting the settings of Heritage Items and the character of the streets in which they are located.

3B.7.1 General Requirements

Various terms such as, massing, scale, proportion, rhythm, symmetry and articulation are used to describe a building's architectural style and form. Buildings with consistent massing, scale and siting play an important part in the definition of streetscapes and the underlying character of an area.

The heritage significance of Heritage Items and Heritage Conservation Areas can be affected by inappropriate development on adjoining lots or in the *vicinity* of a Heritage Item where there are changes in the pattern and scale of development within a street. According to the NSW Heritage Office's definition *vicinity* may be understood to mean *surroundings, context, environment or vicinity of a Heritage Item*.

Where new or infill development is proposed, and it is in the vicinity of a Heritage Item, consideration must be given to the potential impact of that development on the Heritage Item.

Objectives

- O1** To ensure infill or new development respects the character of an adjoining, adjacent or nearby Heritage Item or Heritage Conservation Area;
- O2** To encourage simple roof forms consistent with maintaining the context of Heritage Items and Heritage Conservation Areas;
- 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;
- O4** To conserve and maintain established setbacks of streets on which Heritage Items and Heritage Conservation Areas are located, by ensuring that adjoining developments maintain similar front and side setbacks;
- 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;
- 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;



- O7 To ensure that a new development is compatible with and does not overwhelm the Heritage Item or Heritage Conservation Area; and
- 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.

Controls

General

- C1 New development in the vicinity, (nearby, adjoining or adjacent) of a Heritage Item or a Heritage Conservation Area must be designed to maintain the setting and the character of the street in which it is located.
Note: A preferred approach is to design new buildings in a contemporary manner, which is sympathetic to the surrounding area, and to the Heritage Item or Heritage Conservation Area to which it is nearby, adjoining or adjacent to.
- C2 New development should be consistent in scale with the Heritage Item or Heritage Conservation Area.
Note: To prevent changes in the scale of development, the building height of the Heritage Item or Heritage Conservation Area should be used as a benchmark for the maximum achievable building height of the proposed new development.
- C3 Parking facilities and driveways must be designed and located so as not to dominate the character of the street.
- 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.
- 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.
- 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.

Design / Form

- C7 New development must adopt the same eave lines, height of floors, stringcourses and rooflines (pitches and eave overhangs) of the Heritage Item or Heritage Conservation Area in the vicinity.
Note: New or infill development must not match the existing Heritage Item, but rather sympathetically interpret the façade elements of the adjoining Heritage Item and the pattern of development within the street.



- C8** The proportion and spacing of door and window openings of new development shall relate to those of adjoining historic buildings.
- C9** The siting of new development shall not affect the structure of, or otherwise cause physical damage to any Heritage Item.

Height

- C10** Notwithstanding the maximum height limit under Bayside LEP 2021, new or infill development shall not exceed the height of an adjoining, adjacent or nearby Heritage Item.
- 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.
- 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.
- 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.

Colours

- C14** New development shall incorporate the use of colours and materials that are recessive (i.e. not as prominent) so that they do not visually dominate the Heritage Item or a Heritage Conservation Area.

Note: Darker colours and simple façade treatments can assist in minimising the visual impact of new development.

Roof

- C15** The roof shape and materials of new development or existing development shall relate to adjoining or nearby heritage buildings (refer to **Figure 36**).
- C16** New developments that utilise a variety of roof forms such as gabled or hipped roof plans are encouraged.
- C17** Materials and finishes used in the roof plans of new developments should be sympathetic in character to that of the Heritage Item or Heritage Conservation Area.

Landscaping



- C18** New landscaping shall be compatible with the character of surrounding heritage buildings. Planting of indigenous species is required.
- 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.

Setbacks and Orientation

- C20** New development must be sited to reflect the front and side setbacks and predominant orientation of Heritage Item or Heritage Conservation Area in the Vicinity and the established pattern of setbacks within a street or precinct.

Note: Where there is a variation in the front setbacks within a street, the prevalent pattern of setback along the entire length of the street should be used to determine the appropriate front setback.

- C21** Building encroachments within existing side setbacks defined by existing building lines are not permitted.
- C22** A reduction of front and side setbacks is not permitted for development adjoining a Heritage Item within an R2 Low density Residential zone.
- C23** New buildings or alterations and additions to existing buildings should be orientated to relate to existing Heritage Items and should not be oriented across sites contrary to the established pattern.

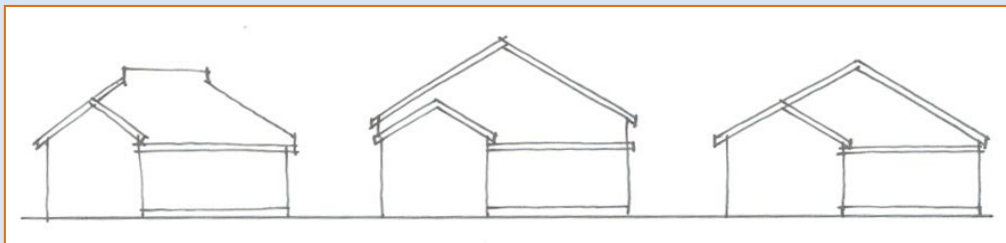
Fences

- C24** Fences and gates for new or infill development should be contemporary, simple and compatible in style and in materials by making reference to adjoining Heritage Items (refer to **Figure 37**).
- C25** All front fences for new or infill buildings shall not exceed a height of 1.2 metres, except where it is to continue an existing pattern of period fences.
- C26** The exact reproduction of traditional fence styles is not permitted for new or infill development.
- C27** Solid metal panel (colorbond / corrugated steel) is not permitted in any type of development which fronts the street.
- C28** Materials, height, colour, texture, design, rhythm of bays and openings should be considered in the design of fencing.
- C29** Where a property or neighbourhood typically did not have front fencing, new fencing should not be introduced.

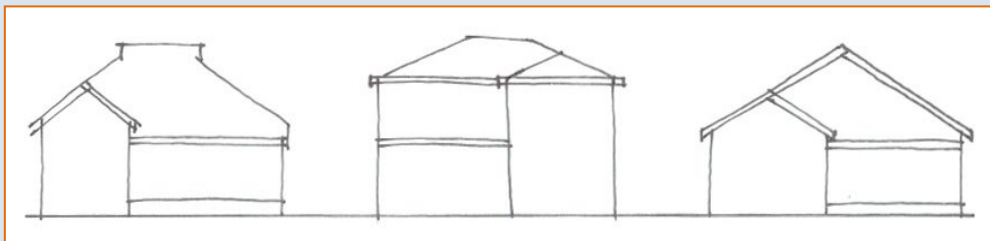
Figure 36 - Roof Profiles of Heritage Items and Items in Heritage Conservation Areas



Above: Buildings maintain a consistent roofline and building height.



Above: New additions should be placed within the roof and eave line of a Heritage Item as this maintains the items scale and conserves the setting.



Above: The two-storey house, located in the middle of the above diagram is not in scale with neighbouring Heritage items. This results in introducing different roof forms and dominates the street.

Figure 37 - Example of a Contemporary Fence Suitable for Use Next to Heritage items





3B.8 Aboriginal, Archaeological and Environmental Heritage

3B.8.1 Aboriginal Heritage

The *National Parks and Wildlife Act 1974* (NP&W ACT) and also the *National Parks and Wildlife Amendment Act 2001* provide for the protection of Aboriginal objects and Aboriginal places. Aboriginal heritage sites are part of the living culture of the Aboriginal people. They may include Aboriginal objects, burial sites, and places and landscapes, engraving sites, natural sacred sites features rock art or that are meaningful to Aboriginal people.

A place of Aboriginal heritage significance is a place that has the physical remains of pre-European occupation or is of contemporary significance to Aboriginal people.

When applying the development controls and objectives in this Part, you will need to identify if your proposal is for:

- Development on an identified or potential archaeological site;
- Development on an Aboriginal or potential Aboriginal Heritage site; or
- An environmentally significant habitat area that may be affected by the Environment Protection and Biodiversity Conservation Act 1999.

Objectives

- O1** To conserve places, landscapes, objects and relics with cultural significance to the Aboriginal people; and
- O2** To ensure that potential objects and relics with significance to the Aboriginal people are protected.

Controls

- C1** The Office of Environment and Heritage (OEH) is responsible for the Conservation of Aboriginal sites. All development affecting or potentially affecting any Aboriginal objects found during the development of land within the City must be referred to the Office of Environment and Heritage (OEH).
- C2** A Heritage Impact Statement considering the potential impact of development to a place of Aboriginal significance is to be submitted to Council prior to the granting of an approval to undertake any development of a known or potential Aboriginal place of heritage significance

Note: Refer to the Office of Environment and Heritage (OEH) regarding any sites or potential sites of Aboriginal or archaeological significance for information and advice on the procedures to follow.

Applicants need to be aware that places of social or cultural significance to Aboriginal people could be disturbed during the development of land. Should this occur, works should cease and



the Aboriginal Heritage Unit of the Office of Environment and Heritage (OEH) is to be notified immediately to preserve the find and investigate further the places' significance.

Where there is the potential for places of Aboriginal significance to be disturbed, applicants should consult the local Aboriginal community and refer to the OEH Aboriginal Heritage Information Management System (AHIMS) which records all known sites.

Because many aspects of Aboriginal heritage relates to Aboriginal objects and objects that may be buried, applicants are required to abide by the provision as set out in Part 6 of the *National Parks and Wildlife Act 1974*.



3B.8.2 Archaeological Heritage

Archaeological sites are important resources which may contain significant information about the past. They are important as they often provide physical evidence that match or help understand the documentary evidence about the past.

Archaeological relics and sites play an important part in understanding the history and heritage of Bayside. Under the provisions of the NP&W Act, individuals are required to conserve archaeological sites prior to their excavation and are also responsible for conserving any relics of archaeological significance that may be found during the development of land.

In Australia, historical archaeology is generally concerned with the period from 1788 onwards. Historical archaeological sites most commonly consist of the remains of domestic or industrial structures, bridges, old foundations, embankments, walls, drains, paths or roads. As historical archaeological sites can be located almost anywhere, controls and policies need to be place to retain and conserve these sites where possible.

The types of place or item studies by historical archaeologists include:

- Archaeological sites: below ground evidence including building foundations, occupation deposits, features and artefacts and above ground evidence, including buildings, works, industrial structures and relics that are intact or ruined.
- Cultural landscapes: areas of land that display evidence of human activity or occupation.
- Maritime sites: shipwrecks, deposits and structures associated with maritime activities. These sites are usually investigated by maritime archaeologists.

Objectives

- O1** To ensure the protection and conservation of archaeological or potential archaeological sites;
- O2** To conserve any relic discovered during the development of land within Bayside; and
- O3** To ensure the appropriate management of an archaeological site, once its significance has been established.

Controls

- C1** Where the development of a known or potential archaeological site involves the disturbance of the surface of the site, Council will notify the NSW Heritage Council for the purposes of seeking a comment on the development proposal.
- C2** Council is responsible for issuing building and development consent to proposals, and as such may require that an archaeological assessment of a site be carried out. Archaeological assessments can take the form of Environmental Impact Statements, Heritage Studies and Conservation Management Plans.



- C3** Where it can be reasonably expected that archaeological ruins may exist on a property, the significance of that site should be established prior to disturbance of the place.
- C4** Design and location of new works should not detract from on the inherent significance of the site.
- C5** Disturbance of below ground relics should be minimised.



3B.8.3 Environmental Heritage (Including Bio-Diversity)

Bayside has some of the most significant artificial environmental heritage areas in the Sydney Metropolitan Region, known as the Botany Wetlands. The Wetlands are the habitat of the Green and Golden Bell Frog, which is an endangered species.

Note: Should archaeological relics or remains be found during the course of excavation or construction works, all works must cease and Council must be notified, together with the NSW Heritage Office, such works will not resume until an assessment of the archaeological find is complete and a determination from the relevant bodies is received.

Objectives

- O1** To ensure that significant habitats and ecosystems are conserved; and
- O2** To ensure that all development takes account of State and Commonwealth requirements for protecting endangered species, ecological communities and Bio-diversity.

Controls

- C1** Compliance with the heritage provisions of the Bayside Local Environmental Plan 2021.
- C2** Any proposed development works must comply with the **Part 3M - Natural Resources**.

Note: Refer to **Part 3M - Natural Resources** for further information regarding the protection of environmental heritage (biodiversity).