



**STATEMENT
OF
ENVIRONMENTAL EFFECTS**

for

**Construction of
Part Boundary Fence
at
84-88 River Road, Emu Plains**

**Prepared by
Design and Projects
Penrith City Council**

Note: Statement of Heritage Impact contained within

Revision	Date	Approved by
B	23.09.2019	RMC

INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a Development Application for construction of part Boundary Fence at 84-88 River Road, Emu Plains also known as the Penrith Regional Gallery & Lewers Bequest.

The site is identified as a heritage item listed within Penrith Local Environment Plan 2010.

LIMITATIONS

The site was inspected in August 2018

This report was prepared in September 2019.

SITE

The subject site is identified as Lot 34 DP1114973, with a street address of 84-88 River Road, Emu Plains, Parish of Strathdon, County of Cook.



Aerial of 84-88 River Road , illustrating edge of boundary defined by solid structure.
Extract: NSW land Titles Six maps 23.9.2019

The site is rectangular in shape with an area of 6437sqm. The property is contained to the south 93 River Road, to the west by 10, 12,14,16 Beach Street, to the north by 83 River Road and east by River Road.

The site contains a number of buildings forming the gallery with on-site parking in the south west corner of the site.

The subject boundary wall is located in the south west corner of the site.

Buildings

Penrith Regional Art Gallery is a contained by of group of single storey structures spanning over a number of periods, linked nested within a garden setting.

The Lewers House:

The Lewers house, the earliest structure on the site is a relatively intact Edwardian farm house, with a former kitchen/service wing to the north and stone outhouse, modified whilst retaining the original features.

Regional Gallery

The Regional Gallery was constructed in 1980 and designed by David Tuner of Public Works NSW. The structure was designed as a single storey element with large flexible exhibition spaces. The building is linked to the other existing structures on the site with covered walkway.



Penrith Regional Gallery
Regional Gallery covered area
Source: www.ptw.com,
Date: unknown



Penrith Regional Gallery
Lewers House
Source: www.ptw.com,
Date: unknown

Carpark

The carpark and its location was part of the original Lewers Home following the opening of River Road.



Carpark
South east view – Succulents on western face of common wall with Lewers Courtyard.



Carpark
North view – Gallery carpark entrance



Carpark:
North west view – Carpark with Accessible park in background.



Carpark:
View of carpark from Gallery.

Boundary Wall

The subject site is bound by a masonry wall to all three boundaries, predominately concrete block with a section in the south west corner constructed of face brick. The brick section extends from the south west corner for 30m along the south boundary common with 93 River Road and 30m from the corner west corner common to 16 Beach Street.

A recent weather event has caused the brick sections to structurally fail, which has now been cleared and made safe.



Photograph:
South west corner of boundary
Western section - Collapse face brick
boundary wall



Photograph
Southern west corner of boundary
Southern section of collapsed wall removed,
western section supported – vegetation
covering wall.



Photograph:
South west corner of boundary
Southern section – concrete block remaining



Photograph:
South west corner of boundary
Western section – concrete block remaining

PROPOSED WORK

The proposal works aims to reinstate the damaged section of boundary fence in concrete block, maintaining a consist material and aesthetic look with the existing sound sections of boundary fence.

The works will include:

- Construction of 2000mm (nom) high concrete block wall (height to match existing) – to structural Engineers detail.

STATUTORY CONTEXT

Penrith Regional Art Gallery is identified as a heritage item is located within the Penrith City Local Government Area, due to its sitting and listing the following planning policies and controls apply:

PENRITH LOCAL ENVIRONMENT PLAN 2010

The proposed work has been reviewed against the Penrith Local Environment Plan 2010 for compliance.

COMPLIANCE TABLE			
Penrith Local Environment Plan 2010			
ITEM	DESCRIPTION	COMMENT	COMPLIANCE Y/N
Part 1	Preliminary	Na	Na
Part 2	Permitted or Prohibited developments	Na	Na
2.1	Land use zone R2 Low Density Residential	No change to existing	Y No change to existing
Land Use Table	<p>1. Objectives To provide for the housing needs of the community within a low density residential environment.</p> <ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens. • To enhance the essential character and identity of established residential areas. • To ensure a high level of residential amenity is achieved and maintained. 	No change to existing	Y No change to existing
	2. Permitted without consent Home occupation	Na No change to existing	Na

	2. Permitted with consent Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Tank-based aquaculture	Na No change to existing	Na No change to existing
	4 Prohibited	Na	Na
Part 3	Exemption and Complying development	Na The proposed works are minor however due to the type of construction (masonry wall), height (greater than 1200mm high) and that the site is identified as a heritage item a Development Application will be required.	Na
Part 4	Principle development standards	Na	Na
Part 5	Miscellaneous Provisions		
	5.10 Heritage	The site is identified as a heritage item within Penrith LEP Schedule 5 heritage items.	Y A Statement of Heritage Impact is included as part of the Development Application.
	(1) Objectives	Objectives will be maintained Reinstate masonry wall to contain site.	Y
	(2) requirements for Consent	Consent is required Existing fabric to be demolished = face brick	Y

		wall Construction of new and change of material = concrete block wall.	
	(3) When consent not required	Discussion with Penrith Council Heritage Advisor recommended that consent would be required	Y Development application to be submitted
	(4) Effect of proposed development on heritage significance.	Discussion with Penrith Council Heritage Advisor has taken place	Y The former owner, Lewers sisters have advised that the brick wall was constructed in 1972 following Stocks and Holding purchasing the land to the west to redevelop the land for housing. The concrete block walls were built when the site was converted into a Gallery. .
	(5) Heritage assessment	A Statement of Heritage impact is being prepared and will be incorporated within the Statement of Environmental Impact.	Y
	(6) Heritage conservation management plans	The site has a CMP, an updated CMP is currently being prepared	Na
	(7) Archaeological sites	Site not identified as an Archaeological site.	Na
	(8) Aboriginal places of heritage significance	Site not identified as an Aboriginal Place	Na
	(9) Demolition of nominated State heritage items	Na Item is not a state heritage item.	Na
	(10) Conservation incentives	Na No incentives requested or offered.	Na
Part 6	Urban Release Areas	Na	Na
Part 7	Additional Local Provisions		
Part 8	Local Provisions - Penrith City centre	Na	Na
Part 9	Penrith Panthers Site	Na	Na

PENRITH DEVELOPMENT CONTROL PLAN 2014

The Penrith Development Control Plan 2014 was adopted by Council on 23 March 2015
The proposed work has been reviewed against the Penrith Development Control Plan 2014 for compliance.



COMPLIANCE TABLE PENRITH DEVELOPMENT CONTROL PLAN 2014			
ITEM	DESCRIPTION	COMMENT	COMPLIANCE Y/N
Part A	Introduction	Na	Na
Part B	Development Control Principles	Na	Na
Part C	City Wide Controls		
C1	Site planning and Design Principles	Replace existing boundary wall	Y
C2	Vegetation management	Existing vegetation removed from face brick wall, to be reinstated once wall reinstated.	Y
C3	Water management	Na	Na
C4	Land Management	The works will require soil erosion measures which will be incorporated into the works. Erosion sediment control plan included in DA submission.	Y
C5	Waste Management	During the works, construction waste will be separated and collected in a skip bin.	Y
C6	Landscape design	Existing vegetation removed from face brick wall, to be reinstated once wall reinstated.	Y
C7	Culture and Heritage	The subject site is a heritage item A Statement of Heritage Impact included within the Statement of Environmental Impact	Na
C8	Public Domain	Reinstating the boundary fence will create a safe environmental for the carpark uses and the neighbouring residence	Y
C9	Signage and Advertising	Na	Na
C10	Transport, Access and Parking	Once the boundary wall is reinstated the on site parking will be reopened.	Y
C11	Subdivision	Na	Na
C12	Noise and Vibration	Minor noise during construction only	Y
C13	Infrastructure services	Na	Na
D	Land use		
D1	Rural	Na	Na
D2	Residential	Na	Na
D3	Commercial and retail development	Existing commercial site in operation, Penrith Regional Gallery and Lewers bequest.	Na
D4	Industrial	Na	Na
D5	Other Land uses		
E	Key Precincts	Na	Na
F	Other Relevant Information	Na	Na

HISTORICAL DOCUMENTARY

Penrith Regional Art Gallery is also known as Penrith Regional Gallery & Lewers Bequest. A number of documents have been prepared including *Penrith Regional Gallery & Lewers Bequest Conservation Management Plan prepared by Tanner & Associates Pty Ltd Issue B/ May 1998*, and Penrith Regional Gallery & Lewers Bequest Landscape Conservation Management Plan, 2004, Volume 1 & Volume 2.

The following provides a timeline of specific dates that assist to define the heritage significance of the site, although little evidence of the subject brick wall.

Timeline:	
1789	European settlers discovered Lower Nepean River between Penrith and Hawkesbury River.
1803	Official land grants began to be issued along the eastern Nepean River bank for farming, while the western bank remain free for cattle.
1788	Major Johnson granted 2000 acres to his son, land to be known later as Emu Plains. Grant rejected by Governor Macquarie.
1813	Blue Mountain crossing
1814	Government stockyard established at Emu Plains
1819	Government Agricultural established with Superintendent and 25-30 accommodation huts.
1826	Village well established within stockyard
1830	Government Agricultural establishment closed
1832	Emu Plains area subdivided and advertised for sale of small allotments, except original Government stockyard which was used for Police purposes.
1845	Government stockyard and land along Nepean River sold into two parts.
1845	First part lot 48-52 advertised for sale as suburban lots, Lot 48 and improvements sold to John Dargin of Bathurst, remainder of lots sold to Charles Purcell, local residence. Lot 48 was to be part of Lewers Family estate.
1847	Lot 48 sold from Dargin to Purcell.
1850	Purcell consolidated all his allotments
1896	Purcell died in 1892, shortly after the Courts permitted his trustee to sell the land.
1899	All of the Purcell land had been sold.
1899	Original Purcell land Lot 141 and Lot 142, where sold to Henry William Forbes.
1905	Lot 141 and Lot 142 where sold to Herbert Joseph Williamson of Redfern.
1907	Land sold, to Herbert Henry Gurrier Jones, value increased – assumed improvements (4 room cottage with central courtyard – residence later to be known as Melrose)
1914	Gurrier sold land to John Flint
1916	Flint sold land to Allan Bransdon
1921	Brandson sold land to Laurence Stanley Boggs
1929	Boggs formalised a lease with Norman Augusts Hunter for lot 141 and lot 142 requiring the orchards to be maintained
1933	Gerald Lewers and Margo Plate married
1934	Norman Augusts Hunter lease expired
1937	New lease established to Frank Hilton Watson which included Lot 141 and part Lot 142.
1939	River Road – established by the Council of the Shire of Blue Mountains
1942	Land sold to Gerald Francis Lewers
1943	Aerial view of property extracted from NSW Land Title Six maps, below. No evidence of subject boundary wall.

		
<p>1942 1950</p>	<p>Property used as weekender</p>	
<p>1950- 1970</p>	<p>Lewers became fulltime residence – work began on the garden and residence, including Anchor House service courtyard.</p>	
<p>1955</p>	<p>Extension to residence designed by Sydney Anchor, extension to living room and two bedrooms. Sydney Anchor known as a pioneer of modern architecture in Sydney immediately after post war years.</p>	
<p>1956</p>	<p>Land subdivided (west of residence) and sold to Luigi Muffatti, this land was further subdivided in 1971 for residential allotments</p>	
<p>1961</p>	<p>Remaining land subdivided and Architect Sydney Anchor was invited to design self contained home for Margo's mother on the land.</p>	
<p>1962</p>	<p>Gerald Lewers died (1905-1962)</p>	
<p>1971</p>	<p>Gerald's 1950's studio converted into self contained studio for visiting artist.</p>	
<p>1978</p>	<p>Lewers subdivided remaining land into two lots, (Lot B and Lot C)</p>	
<p>1980- 1981</p>	<p>Margo Lewers (nee Plate) died (1908-1978)</p>	
<p>1980- 1981</p>	<p>Entrance from Ancher house garden to service courtyard removed. Artwork on northern wall removed and area used as access for public toilet amenities</p>	
<p>1981</p>	<p>Gallery opened by Premier of New South Wales, Neville Wran, 21 August 1981.</p>	
<p>2019</p>	<p>Aerial view of property extracted from Nearmap , below. Evidence of boundary structure.</p>	
		

ANALYSIS OF EVIDENCE AND SIGNIFICANCE

The New South Wales heritage assessment criteria encompass the four values established by the Australian ICOMOS Burra Charter and were gazetted following amendments to the Heritage Act which came into force in April 1999. These values Heritage, Social, Scientific and Social are expressed in more detailed form (a, b, c, d, e, f, and g) in the current State Heritage Inventory methodology for assessment of significance. These criteria are similar to the criteria used by the Australian Heritage Council and are broadly in line with the standard criteria adopted by other agencies.

The following has been extracted from the Penrith City Council Heritage Inventory SHI number 2260069 appended:

Criterion A - Evolutional significance.

The place is of historical significance at a regional level as the former home and workshop of Gerald and Margot Lewers, important artist of the mid twentieth century

Criterion B - Associational Significance

The buildings are associated with Gerald and Margot Lewers, artist of note in the history of the State.

Criterion C - Aesthetic and Technical

The place is of aesthetic significance at a State level as the buildings and gardens areas provide a carefully designed setting for the display of artworks by Gerald and Margot Lewers. The works themselves, their immediate surroundings and wider site context display a high degree of creative accomplishment and are considered rare.

Criterion D - Social Significance

The place is of social significance at a regional level because its function as a regional Art Gallery.

Criterion E - Archaeological / Research

n/a

Criterion F - Comparative Cultural History

The cottage is a rare at a local level given its integrity, age and riverside setting. The gallery is rare at a State level for the quality of the grounds and buildings housing the collection and use as a regional art gallery.

Criterion G - Comparative Place.

The complex is one of a number of structures in Emu Plains erected over the nineteenth century and early part of the twentieth century which collectively demonstrated the pattern of a village settlement at this important location at the foothills of the Blue Mountains. Collectively these structures imbue the area with high historic and aesthetic value.

Conservation Management Plan Penrith Regional Gallery & Lewers Bequest

The property has a Conservation Management Plan for the site. The report was prepared in 1998 by Tanner & Associates. This report assesses the site, building and its fabric. An updated Conservation Management Plan has been commissioned, however its findings were not available in the preparation of this statement.

A Landscape Conservation Management Plan Penrith Regional Gallery & Lewers Bequest

The property has a Landscape Conservation Management Plan Vol 1 & Vol 2 for the site. The report was prepared in 2004 by Michael Lehany & Meredith Walker in association with Gina Plate. This report assesses the site, the land, and the plantings. An updated Landscape Conservation Management Plan has been commissioned, however its findings were not available in the preparation of this statement.

Neither of the Conservation Management Plans noted above identify the significance of the boundary wall nor the brick portion. The reports does however reference the carpark area (moderate- significance) which is contained by the boundary walls. The significance of the carpark is based on its relationship with the setting and its used by the Lewers as main entry for the Lewers and the Gallery.

The boundary wall as such reinforces the significance of the carpark. The significance of the brick section as a material is not known however the containment of the site is established and reinforced with the continuation of a boundary and its alignment.

The reconstruction of the brick section into concrete block will not alter the significance of the carpark, nor the setting or the relationship with Gallery of the site but will reinforce the importance of the site boundary and setting within.

STATEMENT OF SIGNIFICANCE

This Statement of Significance has been extracted from Penrith City Council Heritage Inventory.

The place is of historic significance at a regional level and workshop of Gerald and Margot Lewers, important artist of the mid twentieth century period in Australia.

The place is of aesthetic significance at a State level as the buildings and garden areas provide a carefully designed setting for the display of artwork by Gerald and Margot Lewers. The work themselves, their immediate surroundings and wider site context display a higher degree of creative accomplishment and are considered rare.

The place is of social significance at a regional level because its function as a regional Art Gallery provides an important and valued resource for the community.

The carpark area has moderate-low significance. The construction of the damaged section of wall as a concrete block wall will not alter the significance of the carpark nor the site.

ASSESSMENT OF IMPACT AND MEASURES TO MITIGATE IMPACT

Setting – Carpark

The existing carpark will be retained. The construction of the new concrete block wall to the boundary will not alter the setting or function of the carpark.

The proposed work will have a no impact on the setting or how it interacts with its surroundings.

Boundary

The existing boundary was predominately a concrete block wall with the south west corner in face brick. The reconstruction of the face brick boundary fence in concrete block to match the remainder of the boundary fence will have no impact to the boundary between the neighbouring properties.

Streetscape and Design

The proposed works are set back and cannot be seen from the street.

The proposed works will be built to match the remaining sound concrete block boundary wall.

The works will not impact the streetscape, while the design of the new works will match the existing sound section of the concrete block boundary wall.

Privacy, Views and Overshadowing

The proposed works will be located in the south western corner of the subject property. The new works will provide privacy to and from 86 River Road to the residential neighbours at 93 River Road and 16 Beach Street.

Reinstating the wall will reinstate the level of privacy, views and existing shadow to from the neighbours.

Social and Economic Effects

The proposed works will provide a safe environment to the neighbours and the visitors to the site.

Flora and Fauna

The boundary fence is covered in vegetation. The construction of the new boundary wall and the regrowth of the vegetation will reinstate the visual character of the boundary as viewed from the heritage item.

The proposed works will have no visual impact on the heritage item or its significance.

RECOMMENDATIONS

The following recommendations should be considered:

- Construct a concrete block wall, height to match existing
- Allow vegetation to re- establish

CONCLUSION

In my opinion the proposed work – construction of part of boundary wall in concrete block will not physically nor visually impact the heritage item its significance or its visual curtilage.

The works will positively impact the access and safety of the pedestrians using the Penrith Regional gallery & Lewers Bequest



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