


City Park Penrith

Non-Aboriginal Heritage Impact
Statement (HIS)

Report to JMD Design on behalf
Penrith City Council

January 2021



 artefact

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EXECUTIVE SUMMARY

Penrith City Council (Council) has proposed to establish a City Park at the corner of Station Street and Henry Street, Penrith (the proposal).

In July 2020, Artefact Heritage prepared a preliminary heritage assessment report outlining Aboriginal and non-Aboriginal archaeological potential and identifying the built heritage and heritage-listed items of the study area. The report also included brief identification of heritage constraints and opportunities as relevant to the project.

Artefact Heritage has been engaged by JMD Design on behalf of Council to provide a Heritage Impact Statement (HIS) for the proposal addressing non-Aboriginal heritage values within the study area. The aim of this HIS is to identify listed and non-listed heritage items and archaeological remains which may be impacted by the proposal; determine the level of heritage significance of each item; assess the potential impacts to those items; recommend mitigation measures to reduce the level of heritage impact and identify other management or statutory obligations.

Overview of findings

This HIS has made the following conclusions:

- There are three listed heritage items in the vicinity of the proposed works:
 - Penrith Council Chambers (former) (Penrith Local Environmental Plan [LEP] 2010 Item No. 189)
 - TAFE Building (Penrith LEP 2010 Item No. 689)
 - Prospect Electricity Building (former) (Penrith LEP 2010 Item No. 701)
- There is one unlisted potential heritage item in the vicinity of the proposed works:
 - John Price & Son Funeral Home (former) assessed as of local significance
- The study area has been assessed as having nil potential to contain locally significant archaeological remains dating to the first European occupation phase of the site (1789 – c1850s), low potential to contain archaeological remains of local significance relating to the mid-late nineteenth century commercial development and occupation of the site (Phase 2: c1850s - c1900) and moderate potential to contain archaeological remains of local significance relating to the early twentieth century commercial development and occupation of the site (Phase 3: c1900-1950). There is potential that these remains would be considered 'relics' under the *NSW Heritage Act 1977*.
- The proposal has been assessed as having a:
 - Neutral direct (physical) impact to the Penrith Council Chambers (former) heritage item
 - Minor indirect (visual) impact to the Penrith Council Chambers (former) heritage item
 - Neutral direct (physical) impact to the TAFE Building heritage item
 - Minor indirect (visual) impact to the TAFE Building heritage item
 - Neutral direct (physical) impact to the Prospect Electricity Building (former) heritage item

- Minor indirect (visual) impact to the Prospect Electricity Building (former) heritage item
- Major direct (physical) impact (demolition) to the John Price & Son Funeral Home unlisted heritage item
- Major visual impact (demolition) to the John Price & Son Funeral Home potential heritage item
- Potential impact to areas assessed as demonstrating potential for archaeological remains.

Recommendations

The following recommendations would be considered during further development of the proposal design:

General

- Comprehensive photographic archival recording of the interiors and exteriors of the John Price & Son funeral home in accordance with relevant Heritage Division's guidelines should be conducted prior to demolition of the building. The photographic archival recording of each item would be carried out prior to works commencing, and in some cases, during the construction program. It should be prepared in accordance with the NSW Heritage Office's *How to Prepare Archival Records of Heritage Items* (1998), and *Photographic Recording of Heritage Items Using Film or Digital Capture* (2006) by a suitably qualified heritage consultant using archival-quality material.
- A 3D scan or photogrammetry of the John Price & Son funeral home should be considered in addition to the photographic archival recording.
- The ornamental octagonal fountain from the John Price & Son funeral home will be retained *in situ* and protected during works, and form part of the park landscaping following the completion of works.
- The stained glass windows and Chromatex bricks from the John Price & Son funeral home should be salvaged during demolition works.
- Where feasible, the Chromatex bricks from the John Price & Son funeral home should be reused in the park landscaping following the completion of works. If any damage is sustained by the octagonal fountain during works, these bricks may be suitable as replacements.
- A salvage methodology would be prepared for the octagonal fountain, Chromatex bricks and stained glass windows of the John Price & Son funeral home, detailing the specific recommendations for the safety of the items during the demolition process and possible next steps e.g., donation to local historical societies. Structural engineers would be consulted as part of this preparation.
- Opportunities for providing historical interpretive displays in the proposal design would be explored.

- All relevant staff, contractors and subcontractors should be made aware of their statutory obligations for heritage under *NSW National Parks and Wildlife Act 1974* and *NSW Heritage Act 1977*. This may be implemented as a heritage induction.

Archaeology

- As the potential for historical relics has been identified within the study area and the detailed design is currently unknown, archaeological testing under a Section 139 (s139) (1B) Exception permit is recommended. This would inform future designs for the proposal and involve:
 - A s139 (1B) exception permit application would be prepared and submitted to Heritage NSW, DPC for approval prior to works commencing
 - The s139 (1B) application will require the preparation of an archaeological research design (ARD), with an archaeological excavation methodology, which would be submitted in support of the permit application. The ARD should include additional primary research where required to inform the excavation methodology, and an impact assessment once the demolition methodology has been prepared by the demolition contractor
 - A program of archaeological test excavation and monitoring would be undertaken in accordance with the s139 conditions and ARD in areas assessed as containing potential for locally significant archaeological remains
 - Results derived from archaeological test excavations would be used to inform future detailed designs for the project including areas that should be avoided by subsurface impacts where feasible.
- If archaeological remains are found during testing and impacts cannot be avoided, a Section 140 Excavation permit would be required from Heritage NSW:
 - A s140 excavation permit application would be prepared and submitted to Heritage NSW, DPC for approval prior to works commencing
 - This would require the preparation of an archaeological research design (ARD), with a historical archaeological excavation methodology, which would be submitted in support of the permit application
 - A program of archaeological salvage excavation would be undertaken in accordance with the s140 conditions and ARD.
- An Unexpected Finds Procedure would be prepared as part of the archaeological investigations. The NSW Heritage Division would be notified of the discovery of a relic in accordance with Section 146 of the NSW Heritage Act 1977.

Vibration impacts

- During construction and demolition works, monitoring of vibration impacts to the locally significant former Council Chambers (Penrith LEP 2010 Item No. 189), TAFE Building (Penrith LEP 2010 Item No. 689) and former Prospect Electricity Building (Penrith LEP 2010 Item No.

701) would be undertaken by structural engineers or a vibration specialist. Assessment and monitoring of vibration impacts would adhere to the:

- British Standard BS 7385: *Part 2: Evaluation and Measurement for Vibrations in Buildings – Part 2 Guide to Damage Levels from Ground-Borne Vibration*
 - German Standard DIN 4150 *Part 3: Structural Vibration in Buildings: Effects on Structures.*
- If vibration monitors are necessary for listed heritage items, non-invasive adhesive methods such as beeswax would be considered.
 - If it is identified that levels of vibration would result in damage to heritage fabric associated with the listed heritage items, works must cease and the construction methodology be reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts.

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ABBREVIATIONS AND GLOSSARY

Acronym	Description
Archaeological remains	Relics or work of local or state significance
CHL	Commonwealth Heritage List
DCP	Development Control Plan
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
HCA	Heritage Conservation Area
Heritage NSW, DPC	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
ICOMOS	International Council on Monuments and Sites
LEP	Local Environmental Plan
LGA	Local Government Area
NHL	National Heritage List
NSW	New South Wales
OEH	Office of Environment and Heritage
Relic	Any deposit, artefact, object or material evidence that relates to the settlement of the area that comprised New South Wales, not being Aboriginal settlement, and is of State or local significance
SHI	State Heritage Inventory
SHR	State Heritage Register
UNESCO	United Nations Educational, Scientific and Cultural Organisation
Works	Evidence of significant infrastructure that may be buried and archaeological in nature
WHL	World Heritage List

1.0 INTRODUCTION

1.1 Background

Penrith City Council (Council) has proposed to establish a City Park at the corner of Station Street and Henry Street, Penrith (the proposal). The City Park will be a vibrant green space that is a destination for residents, workers and visitors and a stimulant for the day- and night-time economy of the area.

In July 2020, Artefact Heritage prepared a preliminary heritage assessment report outlining Aboriginal and non-Aboriginal archaeological potential and identifying the built heritage and heritage-listed items of the study area. The report also included brief identification of heritage constraints and opportunities as relevant to the project. Artefact Heritage has been engaged by JMD Design on behalf of Council to provide a HIS for the proposal addressing non-Aboriginal (historic) heritage values within the study area.

The aim of this HIS is to identify listed and non-listed heritage items and archaeological remains which may be impacted by the proposal; determine the level of heritage significance of each item; assess the potential impacts to those items; recommend mitigation measures to reduce the level of heritage impact and identify other management or statutory obligations.

1.2 Study area

The study area is located at the corner of Station and Henry Streets, Penrith, within the City of Penrith Local Government Area (LGA), approximately 55 kilometres (km) west of the Sydney Central Business District (Figure 1). The study area comprises a 0.87 hectare portion of land currently occupied by car parking and twentieth century commercial development. The lots included within the study area comprise Lot 3 DP 1200790, Lot 1 DP 526304, Lot E DP 163176, Lot 2 DP 556075, Lot 10 DP 5536655, Lot 11 DP 5536655, Lot 1 DP 164798, Lot 1 DP 252457 and Lot 1 DP 254763.

The proposed site of the City Park (the study area) is shown in Figure 1.

1.3 Proposal

Council has proposed to create a City Park in the study area (Figure 1). The proposal would involve the demolition of all existing structures within the study area and remediation of the site.

Key features of the proposal are to provide:

- An irrigated central lawn
- Super advanced trees and mass planting
- Recycled brick paving
- Custom designed amenities building with storage
- Public art
- Sustainable water feature (or water features) with interactive elements
- Quality and durable fixtures, fittings, and furniture (i.e., seating, bubblers, display banner poles, lighting)
- Sustainability and smart park elements (technology / smart city innovation)
- Waste innovation (for properties adjacent to the park)
- Signage distinct to Penrith

- Performance space 'Urban canopy / built and natural shade'
- WSUD, upgrade kerb and gutters
- Construct and re-surfacing the impacted road pavement.

1.4 Design stage

The current design will be submitted to Council with a Development Application (DA) for the proposed City Park.

The design process has included the following consultation:

1. Community Consultation in December 2019 to inform on how people would like to use the park, and what features should be included (by Penrith City Council)
2. Consultation with Businesses and property owners in August 2020 to inform on the Concept design and confirm operational requirements for Businesses (by JOC consulting)
3. Community Consultation in November 2020 to seek feed-back on the preliminary DA Plans (by Penrith City Council)

1.5 Report structure

The structure and content of this report is as follows:

- **Chapter 1** (this chapter) – Project background and description
- **Chapter 2** – An overview of report methodology
- **Chapter 3** – The heritage management framework including the legislative and policy context, and relevant criteria applicable to the proposal
- **Chapter 4** – An overview of the historical context of the study area
- **Chapter 5** – A description of the site and findings from the site inspection
- **Chapter 6** – An assessment of archaeological potential and significance within the study area
- **Chapter 7** – An assessment of significance of heritage items within the study area
- **Chapter 8** – An overview of impacts to heritage items and archaeology arising from the proposal
- **Chapter 9** – Conclusions and recommended measures to mitigate and manage potential impacts
- **Chapter 10** – References of sources used in the preparation of this report.

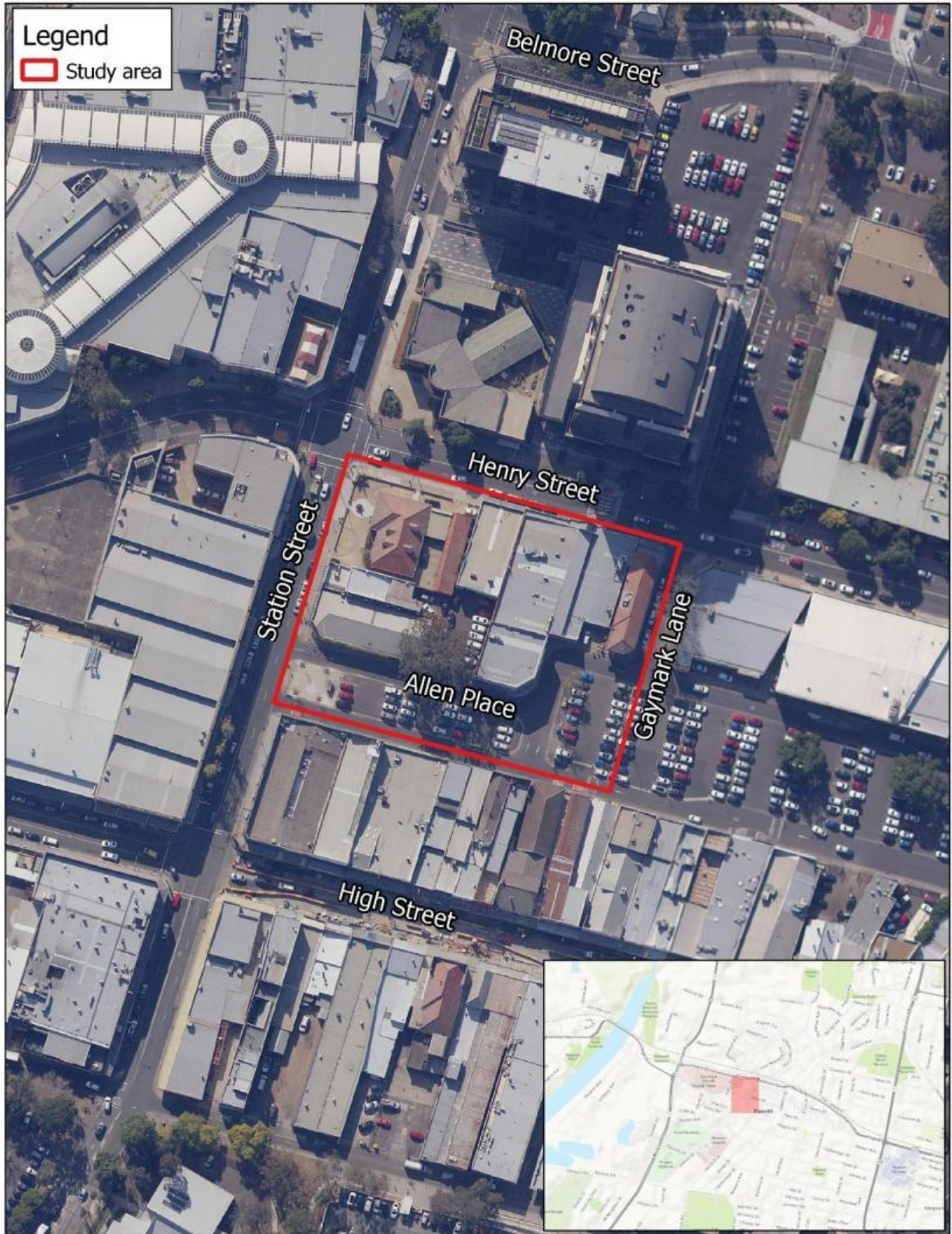
1.6 Limitations and constraints

This report has been informed by the previous draft Aboriginal and Non-Aboriginal Heritage Assessment of the study area prepared by Artefact Heritage (2020). The HIS builds upon the information within the preliminary report, with additional research and an additional site visit undertaken. This assessment has included a search of S170 items listed in the NSW State Heritage Inventory (SHI) only.


1.7 Authorship

This report was prepared by Darrienne Wyndham (Heritage Consultant, Artefact Heritage), Olivia Turner (Heritage Consultant, Artefact Heritage) and Jessica Horton (Heritage Consultant, Artefact Heritage).

Adele Zubrzycka (Senior Heritage Consultant, Artefact Heritage), Jenny Winnett (Principal, Artefact Heritage), Josh Symons (Technical Director, Artefact Heritage) and Dr Sandra Wallace (Managing Director, Artefact Heritage) provided input and review.



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 **Proposal location**
20017 Penrith City Park
LGA: City of Penrith

Scale: 1:1825
Size: A4
Date: 21-07-2020

0 30 60 m



Figure 1: Location of study area

2.0 METHODOLOGY

2.1 Identification of heritage listed items

Heritage listed items within and within 50 metres (m) of the study area were identified through a search of relevant state and federal statutory and non-statutory heritage registers:

- World Heritage List
- Commonwealth Heritage List
- National Heritage List
- State Heritage Register
- Penrith Local Environmental Plan (LEP) 2010
- Section 170 Heritage and Conservation Registers
- NSW State Heritage Inventory database.

Items listed on these registers have been previously assessed against the NSW Heritage Assessment guidelines (as outlined in Section 2.3.1). Statements of heritage significance, based on the NSW Heritage Assessment guidelines, as they appear in relevant heritage inventory sheets and documents, are provided in this assessment.

Where relevant Conservation Management Plans (CMPs) and other heritage management documents and guidelines have been utilised to provide additional information regarding heritage significance. Where used, these have been cited.

2.2 Identification of unlisted potential heritage items

During the preparation of the initial Aboriginal and Non-Aboriginal Heritage Assessment for the proposal, an unlisted structure with potential for heritage significance was identified by Artefact Heritage. This HIS provides an outline of the history of this structure, a local funeral home (c1954), and assesses the heritage significance of the potential heritage item against the NSW Heritage Assessment Criteria (see Section 7.1.4).

2.3 Assessment of archaeological potential

Historical archaeological potential is defined as the potential of a site to contain historical archaeological relics, as classified under the NSW *Heritage Act 1977*. 'Archaeological potential' refers to the likelihood that an area contains physical remains associated with an earlier phase of occupation, activity or development of that area. This is distinct from 'archaeological significance' and 'archaeological research potential'. These designations refer to the cultural value of potential archaeological remains and are the primary basis of the recommended management actions included in this document.

The assessment of historical archaeological potential is based on the identification of former land uses and evaluating whether subsequent actions (either natural or human) may have impacted on archaeological evidence for these former land uses. Knowledge of previous archaeological investigations, understanding of the types of archaeological remains likely to be associated with various land uses, and the results of site inspection are also taken into consideration when evaluating the potential of an area to contain archaeological remains.

Assessments of significance are preliminary in nature and, where possible, significance has been assessed against the NSW Heritage Assessment Criteria. The assessment is informed by the NSW

Heritage Division's 2009 guidelines *Assessing Significance for Historical Archaeological Sites and Relics*.

The following grading of archaeological potential has guided the assessment of archaeological potential in this report.

Table 1: Grades of archaeological potential

Grading	Justification
Nil	No evidence of historical development or use, or where previous impacts such as deep basement structures would have removed all archaeological potential.
Nil to Low Potential	Where there has only been low intensity historical activity, such as land clearance or informal land use, with little to no archaeological 'signature' expected; or where previous impacts were extensive, such as large-scale bulk excavation which would leave isolated and highly fragmented deposits.
Low	Research indicates little or low intensity historical development, or where there have been substantial previous impacts, disturbance and truncation in locations where some archaeological remains such as deep subsurface features may survive.
Moderate	Analysis demonstrates known historical development and some previous impacts, but it is likely that archaeological remains survive with some localised truncation and disturbance.
High	Evidence of multiple phases of historical development and structures with minimal or localised twentieth century development impacts, and it is likely the archaeological resource would be largely intact.

2.3.1 NSW Heritage assessment guidelines

Determining the significance of heritage items or a potential archaeological resource is undertaken by utilising a system of assessment centred on the *Burra Charter* of Australia ICOMOS. The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is outlined through legislation in the Heritage Act and implemented through the *NSW Heritage Manual* and the *Archaeological Assessment Guidelines*.¹

If an item or archaeological resource meets one of the seven heritage criteria, and retains the integrity of its key attributes, it can be considered to have heritage significance. The significance of an item or potential archaeological site can then be assessed as being of local or state significance. If a potential archaeological resource does not reach the local or state significance threshold, then it is not classified as a relic under the Heritage Act.

'*State heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'*Local heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.²

The overall aim of assessing archaeological significance is to identify whether an archaeological resource, deposit, site or feature is of cultural value. The assessment will result in a succinct

¹ NSW Heritage Office 1996; 25-27

² This section is an extract based on the Heritage Office *Assessing Significance for Historical Archaeological Sites and Relics* 2009:6.

statement of heritage significance that summarises the values of the place, site, resource, deposit or feature. The heritage significance assessment criteria are as follows:

Table 2: NSW heritage assessment criteria

Criteria	Description
A – Historical Significance	An item is important in the course or pattern of the local area’s cultural or natural history.
B – Associative Significance	An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area’s cultural or natural history.
C – Aesthetic or Technical Significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
D – Social Significance	An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
E – Research Potential	An item has potential to yield information that will contribute to an understanding of the local area’s cultural or natural history.
F – Rarity	An item possesses uncommon, rare or endangered aspects of the local area’s cultural or natural history.
G - Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW’s cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).

2.3.2 Archaeological research potential

In 1984, Bickford and Sullivan examined the concept and assessment of archaeological research potential; that is, the extent to which archaeological resources can address research questions. They developed three questions which can be used to assess the research potential of an archaeological site:

- Can the site contribute knowledge that no other resource can?
- Can the site contribute knowledge that no other site can?
- Is this knowledge relevant to:
 - General questions about human history?
 - Other substantive questions relating to Australian history?
 - Other major research questions?

In the 2009 guidelines *Assessing Significance for Historical Archaeological Sites and ‘Relics’*, the NSW Heritage Division has since provided a broader approach to assessing the archaeological significance of sites, which includes consideration of a site’s intactness, rarity, representativeness, and whether many similar sites have already been recorded, as well as other factors. This document acknowledges the difficulty of assessing the significance of potential subsurface remains, because the assessment must rely on predicted rather than known attributes.³

A site can have high potential for archaeological remains, and yet still be of low research potential if those remains are unlikely to provide significant or useful information.

³ NSW Heritage Branch 2009

2.4 Assessment of heritage impact

This HIS has been prepared using the document *Statement of Heritage Impact 2002*, prepared by the NSW Heritage Office, contained within the *NSW Heritage Manual*, as a guideline.

Impacts on heritage are identified as either:

- Direct impacts, resulting in the demolition or alteration of fabric of heritage significance
- Indirect impacts, resulting in changes to the setting or curtilage of heritage items or places, historic streetscapes or views
- Potential direct impact, resulting in impacts from vibration and demolition of adjoining structures.

Specific terminology and corresponding definitions are used in this assessment to consistently identify the magnitude of the project's direct, indirect or potentially direct impacts on heritage items or archaeological remains. The terminology and definitions are based on those contained in guidelines produced by the International Council on Monuments and Sites (ICOMOS)⁴ and are shown in Table 3. It is assumed that all direct and potential direct impacts are a result of construction. Indirect impacts are assumed to be operational unless specified as temporary in which case they are related to construction.

Table 3: Terminology for assessing the magnitude of heritage impact.

Magnitude	Definition
Major	Actions that would have a long-term and substantial impact on the significance of a heritage item. Actions that would remove key historic building elements, key historic landscape features, or significant archaeological materials, thereby resulting in a change of historic character, or altering of a historical resource. These actions cannot be fully mitigated.
Moderate	This would include actions involving the modification of a heritage, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures. The impacts arising from such actions may be able to be partially mitigated.
Minor	Actions that would results in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item. The impacts arising from such actions can usually be mitigated.
Negligible	Actions that would results in very minor changes to heritage items.
Neutral	Actions that would have no heritage impact.

⁴ Including the document *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*, ICOMOS, January 2011.

3.0 HERITAGE MANAGEMENT FRAMEWORK

3.1 Introduction

There are several items of legislation relevant to the project. Heritage listed items within 50 m of the study area were identified through a search of the following relevant state and federal statutory and non-statutory heritage registers, the results are included in the relevant sections below:

- World Heritage List
- Commonwealth Heritage List
- National Heritage List
- State Heritage Register
- Penrith LEP 2010
- Section 170 registers.

Items listed on these registers have been previously assessed against the NSW Heritage Assessment guidelines, as summarised in Table 2. Statements of heritage significance based on the NSW Heritage Assessment guidelines as they appear in relevant heritage inventory sheets and documents are provided in this assessment.

3.2 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) provides a legislative framework for the protection and management of matters of national environmental significance, that is, flora, fauna, ecological communities and heritage places of national and international importance. Heritage items are protected through their inscription on the World Heritage List, Commonwealth Heritage List or the National Heritage List.

The EPBC Act stipulates that a person who has proposed an action that will, or is likely to, have a significant impact on a World, National or Commonwealth Heritage site must refer the action to the Minister for the Environment (hereafter Minister). The Minister will then determine if the action requires approval under the EPBC Act. If approval is required, an environmental assessment would need to be prepared. The Minister would approve or decline the action based on this assessment.

A significant impact is defined as “an impact which is important, notable, or of consequence, having regard to its context or intensity.” The significance of the action is based on the sensitivity, value and quality of the environment that is to be impacted, and the duration, magnitude and geographic extent of the impact. If the action is to be undertaken in accordance with an accredited management plan, approval is not needed and the matter does not need to be referred to the Minister.

3.2.1 Commonwealth Heritage List

The Commonwealth Heritage List (CHL) has been established to list heritage places that are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority. The CHL includes Indigenous, historic, and natural heritage places owned or controlled by the Australian Government that reflect Australia’s development as a nation.

There are no heritage items listed on the CHL located within, or 50 metres of, the study area.

3.2.2 National Heritage List

The National Heritage List (NHL) has been established to list places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places that are of outstanding national heritage value to the Australian nation.

There are no heritage items listed on the NHL located within, or 50 metres of, the study area.

3.3 NSW Heritage Act 1977

The *NSW Heritage Act 1977* (Heritage Act) is the primary piece of State legislation affording protection to heritage items (natural and cultural) in NSW. Under the Heritage Act, 'items of environmental heritage' include places, buildings, works, relics, moveable objects and precincts identified as significant. Significance is based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items can be listed on the NSW State Heritage Register (SHR) and are given automatic protection under the Heritage Act against any activities that may damage an item or affect its heritage significance. The Heritage Act also protects 'relics', which can include archaeological material, features and deposits.

Under the Heritage Act, all government agencies are required to identify, conserve and manage heritage items in their ownership or control. Section 170 of the Act requires all government agencies to maintain a Heritage and Conservation Register that lists all heritage assets and an assessment of the significance of each asset. They must also ensure that all items inscribed on its list are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Government on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of items and are based on NSW heritage legislation and guidelines.

3.3.1 State Heritage Register

The SHR was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is administered by the Heritage NSW, Department of Premier and Cabinet (Heritage NSW, DPC) and includes a diverse range of over 1500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW.

There are no heritage items listed on the SHR located within, or 50 metres of, the study area.

3.3.2 Section 170 registers

Under the Heritage Act all government agencies are required to identify, conserve and manage heritage items in their ownership or control. Section 170 (s170) requires all government agencies to maintain a Heritage and Conservation Register that lists all heritage assets and an assessment of the significance of each asset. They must ensure that all items inscribed on its list are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the government on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of items and are based on NSW heritage legislation and guidelines.

There are no heritage items listed on the s170 registers located within, or 50 metres of, the study area.

3.3.3 Relics provisions

The Heritage Act also provides protection for 'relics', which includes archaeological material or deposits. The primary aim of an archaeological significance assessment is to identify whether an archaeological resource, deposit, site or feature is of cultural value and therefore, considered to be a

'relic'.^[1] Historical archaeological sites typically contain a range of different elements as vestiges and remnants of the past. Such sites will include 'relics' of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be 'relics' ('works' – see Section 3.3.4).^[2]

According to Section 139 (Division 9: Section 139, 140-146):

-
1. *A person must not disturb or excavate any land knowingly or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, damaged or destroyed unless the disturbance is carried out in accordance with an excavation permit.*
 2. *A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.*
 3. *This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.*
 4. *The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:*
 - a) *Any relic of a specified kind or description,*
 - b) *Any disturbance or excavation of a specified kind or description,*
 - c) *Any disturbance or excavation of land in a specified location or having specified features or attributes,*
 - d) *Any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates that there is little likelihood of there being any relics in the land.*
-

Section 4 (1) of the Heritage Act (as amended in 2009) defines a relic as:

...any deposit, artefact, object or material evidence that:

relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance

A relic has been further defined as:

Relevant case law and the general principles of statutory interpretation strongly indicate that a 'relic' is properly regarded as an object or chattel. A relic can, in some circumstances, become part of the land be regarded as a fixture (a chattel that becomes permanently affixed to land).⁵

Excavation permits are issued by the Heritage Council of NSW, or its delegate, under Section 140 of the Heritage Act for relics not within an SHR curtilage or under Section 60 for significant

^[1] OEH, Heritage Division, 2009. Assessing Significance for Archaeological Sites and 'Relics', p. 4

^[2] OEH, Heritage Division, 2009. Assessing Significance for Archaeological Sites and 'Relics', p. 7

⁵ *Assessing Significance for Archaeological Sites and 'Relics'*, Heritage Branch, Department of Planning, 2009:7.

archaeological remains within an SHR curtilage. An application for an excavation permit must be supported by an Archaeological Research Design and Archaeological Assessment prepared in accordance with the Heritage NSW archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under Section 139 (4) or an exemption under Section 57 (2) of the Heritage Act.

3.3.4 Works

The Heritage Act defines 'works' as being in a separate category to archaeological 'relics'. 'Works' refer to remnants of historical structures which are not associated with artefactual material that may possess research value. 'Works' may be buried, and therefore archaeological in nature, however, exposure of a 'work' does not require approved archaeological excavation permits under the Act.

The following examples of remnant structures have been considered to be 'works' by the NSW Heritage Council:

- Former road surfaces or pavement and kerbing.
- Evidence of former drainage infrastructure, where there are no historical artefacts in association with the item.
- Building footings associated with former infrastructure facilities, where there are no historical artefacts in association with the item.
- Evidence of former rail track, sleepers or ballast.
- Evidence of former rail platforms and former platform copings.

Where buried remnants of historical structures are located in association with historical artefacts in controlled stratigraphic contexts (such as intact historic glass, ceramic or bone artefacts), which have the potential to inform research questions regarding the history of a site, the above items may not be characterised as 'works' and may be considered to be 'relics'. The classification of archaeological remains as a 'work' therefore is contingent on the predicted remains being associated with historical structures as well as there being no prediction of the recovery of intact artefactual deposits which may be of research interest.

3.4 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the framework for cultural heritage values to be formally assessed in the land use planning, development consent and environmental impact assessment processes. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act also requires that local governments prepare planning instruments (such as LEPs) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required.

The current study area falls within the boundaries of the Penrith City Council LGA and is subject to the Penrith LEP 2010.

The aim of the LEPs in relation to heritage is to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, views and archaeological sites. The LEP's list items of heritage significance within the LGA.

3.4.1 Penrith Local Environmental Plan 2010

The Penrith LEP aims to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; and to protect archaeological sites. The LEP lists sites assessed as being of local heritage significance and stipulate development

controls in relation to development proposed on or near heritage listed properties, archaeological sites, or Aboriginal places of heritage significance. Part 5 Clause 5.10 of the LEP lists the below objectives⁶:

(a) to conserve the environmental heritage of Penrith

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabrics, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

There are three LEP listed items within 50 metres of the study area:

- Penrith Council Chambers (former) (Penrith LEP 2010 Item No. 189)
- TAFE Building (Penrith LEP 2010 Item No. 689)
- Prospect Electricity building (former) (Penrith LEP 2010 Item No. 701).

3.4.2 Penrith Development Control Plan 2014

The Penrith DCP 2014 is a supporting document that compliments the provisions contained within the Penrith LEP 2010 and provides specific design detail in regard to sympathetic development on, or in the vicinity of, items listed on Schedule 5 of the Penrith LEP 2010.

Part C 7.1.4 and 7.1.5 of the DCP 2014 provides sympathetic considerations for development that is in the vicinity of a heritage listed item and the Heritage Conservation Area (HCA). These considerations include ensuring that the character, bulk, scale and height of new development does not unreasonably overshadow a nearby heritage item, that colouring and texture of new materials of a new development is sympathetic to a heritage item, and that views of a heritage item should not be obscured from the point of view of areas of public domain.

3.5 Non-statutory registers

3.5.1 Register of the National Estate

The Register of the National Estate is a list of natural, Aboriginal and historic heritage places throughout Australia. It was originally established under the *Australian Heritage Commission Act 1975*. Under that Act, the Australian Heritage Commission entered more than 13,000 places in the register. Following amendments to the *Australian Heritage Council Act 2003*, the Register of the National Estate (RNE) was frozen on 19 February 2007 and ceased to be a statutory register in February 2012. The RNE is now maintained on a non-statutory basis as a publicly available archive and educational resource.

There are no heritage items listed on the RNE located within, or 50 metres of, the study area.

3.5.2 Register of the National Trust

The National Trust of Australia is a community-based, non-government organisation committed to promoting and conserving Australia's Indigenous, natural and historic heritage. The Register of the National Trust (RNT) was established in 1949. It is a non-statutory register.

⁶ Penrith Local Environmental Plan, 2010. Penrith City Council Local Government Area.

There are no heritage items listed on the RNT located within, 50 metres of, the study area.

3.6 Unlisted potential heritage items

A single unlisted potential heritage item was identified by Artefact Heritage during the preparation of the preliminary Aboriginal and Non-Aboriginal Heritage Assessment for the proposal.⁷ This potential item of heritage significance comprises the former John Price & Son funeral home located within the study area. A significance assessment is included in Section 7.1.4 of this report.

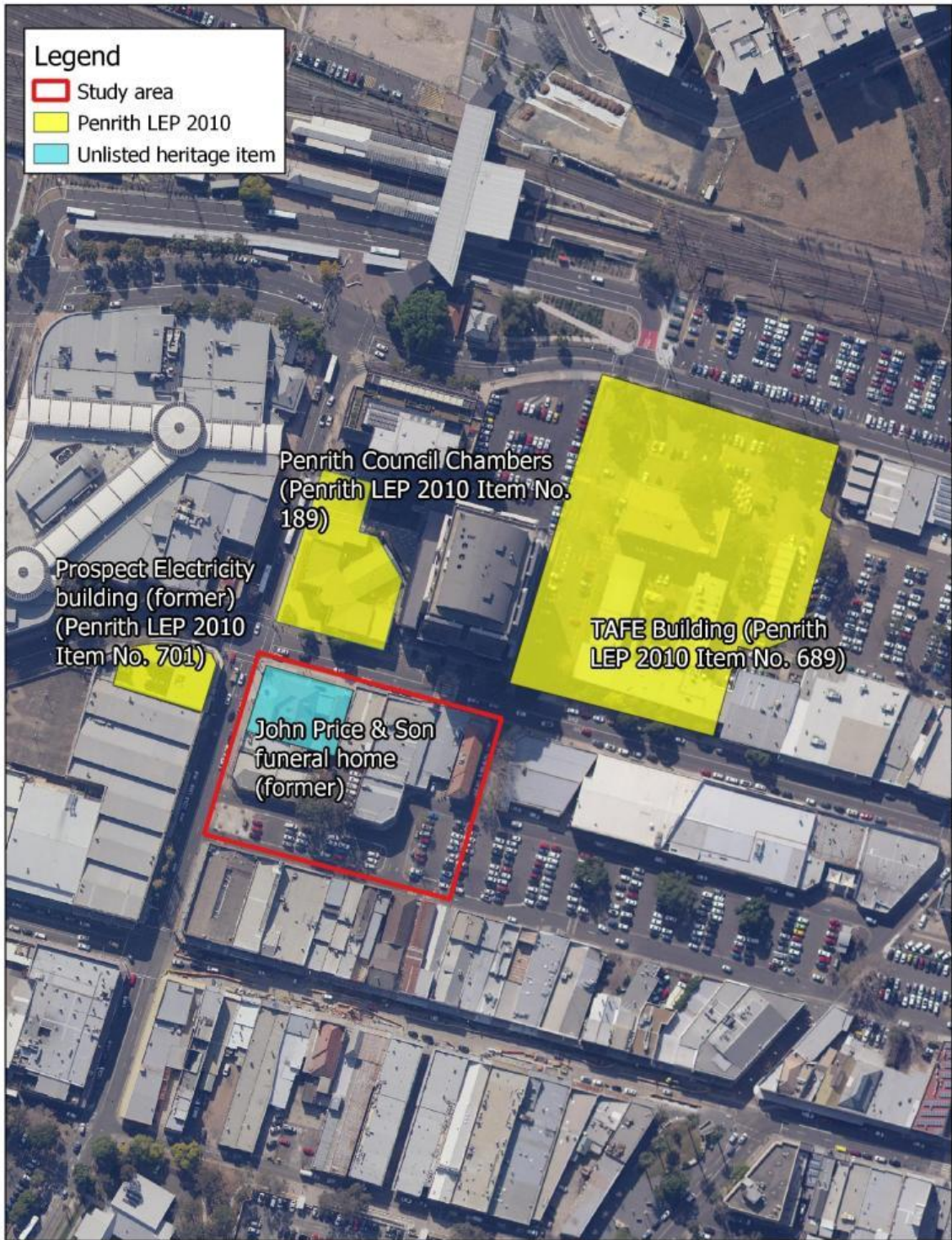
3.6.1 Summary of heritage listings

Table 4 provides a summary of heritage listed items within, or 50 metres of, the study area. These are illustrated in Figure 2.

Table 4: Summary of listings for heritage items in and near the study area.

Item	Listing	Level of significance	Address	Distance from study area
Penrith Council Chambers (former)	Penrith LEP 2010 Item No. 189	Local	129–133 Henry Street, Penrith 2750	15 metres north of study area
TAFE Building	Penrith LEP 2010 Item No. 689	Local	115–119 Henry Street, Penrith 2750	15 metres northeast of study area
Prospect Electricity building (former)	Penrith LEP 2010 Item No. 701	Local	59 Station Street, Penrith 2750	10 metres east of study area
John Price & Son Funeral Home (former)	Non-listed	Local	42-44 Station Street, Penrith 2750	Within study area

⁷ Artefact Heritage, 2020. Penrith City Park – Aboriginal and Non-Aboriginal Preliminary Heritage Assessment. Report prepared for Penrith Council.



Heritage items
2017 Penrith City Park
LGA: City of Penrith

Scale: 1:2500
Size: A4
Date: 12-01-2021

0 50 100 m

Figure 2: Heritage items overview map

4.0 HISTORICAL CONTEXT

This section has been adapted from the history provided in Artefact Heritage's Aboriginal and Non-Aboriginal Heritage Assessment for Penrith City Park (2020).

4.1 Aboriginal history

Prior to the appropriation of their land by Europeans, Aboriginal people lived in small family or clan groups that were associated with particular territories or places. It seems that territorial boundaries were fairly fluid, although details are not known. The language group spoken on the Cumberland Plain is known as Darug (Dharruk – alternative spelling). This term was used for the first time in 1900⁸, as before the late 1800s language groups or dialects were not discussed in the literature.⁹ The Darug language group is thought to have extended from Appin in the south to the Hawkesbury River, west of the Georges River, Parramatta, the Lane Cove River and to Berowra Creek.¹⁰ This area was home to a number of different clan groups throughout the Cumberland Plain. It is thought that the Aboriginal people living in the Penrith area in the early nineteenth century belonged to the Darug language group.¹¹

The British initially thought that Aboriginal people did not live inland but were confined to the coast taking advantage of the abundant marine resources available. The first major expeditions into the interior did not witness any Aboriginal people, but evidence of their existence was noted. In 1789 Captain Watkin Tench led an expedition to the Nepean River.¹² He noted that;

Traces of the natives appeared at every step, sometimes in their hunting huts which consist of nothing more than a large piece of bark bent in the middle and opened at both ends, exactly resembling two cards set up to form an acute angle; sometimes in marks on trees which they had climbed; or in squirrel-traps.... We also met with two old damaged canoes hauled up on the beach.

It was not until rural settlement began in the western Cumberland Plain, around 1791 that the colonists and Aboriginal people came face to face. Relations quickly disintegrated, and tensions over land and resources spilled over. Governor King sanctioned the shooting of Aboriginal people in a General Order made in 1801.¹³ Intermittent killings on both sides continued for over 15 years, including the Appin massacre and attacks at South Creek in 1816.^{14 15}

British colonisation had a profound and devastating effect on the Aboriginal population of the Sydney region, including Darug speakers. In the early days of the colony Aboriginal people were disenfranchised from their land as the British claimed areas for settlement and agriculture. The colonists, often at the expense of the local Aboriginal groups, also claimed resources such as grassland, timber, fishing grounds and water sources. Overall, the devastation of the Aboriginal culture did not come about through war with the British, but instead through disease and forced

⁸ Mathews, R. H. and M. M. Everitt 1900 The Organisation, Language and Initiation Ceremonies of the Aborigines of the South-East Coast of N. S. Wales. *Journal and Proceedings of the Royal Society of New South Wales* 34:262–81.

⁹ Attenbrow 2010 Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records University of New South Wales Press Ltd, Sydney: 31

¹⁰ Attenbrow 2010: 34.

¹¹ Kohen, J.L. 1986. Prehistoric settlement in the western Cumberland Plain: Resources, environment and technology (Unpublished PhD thesis; Macquarie University): 3.

¹² Tench, W. 1789, 1793. Sydney's first four years: being a reprint of A narrative of the expedition to Botany Bay and A complete account of the settlement at Port Jackson. Reprinted in 1961. (Angus and Robertson in association with RAHS).

¹³ Kohen 1986. 24.

¹⁴ Karskens, G. 2010 The Colony: A History of Early Sydney. Allen and Unwin, Sydney: 225.

¹⁵ Kohen 1986.:23.

removal from traditional lands. It is thought that during the 1789 smallpox epidemic, over half of the Aboriginal people of the Sydney region died. The disease spread west to the Darug of the Cumberland Plain and north to the Hawkesbury. It may have in fact spread much further afield, over the Blue Mountains.¹⁶ This loss of life meant that some of the Aboriginal groups who lived away from the coastal settlement of Sydney may have disappeared entirely before Europeans could observe them or record their clan names.¹⁷

Descendants of Darug language speakers continued to live in Western Sydney along with Aboriginal people from other areas of NSW, and in the present-day, the study area falls within the area of the Deerubbin LALC.

4.2 Early development of Penrith

Exploration west of Parramatta, within the Nepean Region, began shortly after the arrival of the First Fleet, with the first expedition conducted by Captain Watkin Tench in 1789. The following year, Tench and Lieutenant William Dawes further explored the area, discovering the Nepean River which Tench described as being as 'broad as the Thames at Putney'.¹⁸

Land within the Penrith region was being granted by the early 1800s, the first of which was awarded to Captain Daniel Woodruffe in 1804 (1000 acres). Woodruffe's grant covered the majority of present-day Penrith (including the study area), straddling the parishes of Castlereagh and Mulgoa (Figure 3 - Figure 4).¹⁹ Woodruffe named the property Rodley Farm however it is likely that he never resided at the property as he left for England in the same year. The farm was leased to William Martin until 1821.

Arguably one of the most significant motivators in the development of Penrith were the transport and communication routes established from Sydney through Penrith and across the Blue Mountains. Following the expedition across the Blue Mountains by Gregory Blaxland, William Lawson and William Wentworth in 1813, Surveyor George Evans journeyed further west and surveyed a route extending from Penrith to the eventual site of Bathurst.²⁰ A government punt was established at this time to cross the Nepean River, which was operated by William Martin who provided refreshments, accommodation and goods for waiting travellers.²¹ A single-track railway line to Penrith was opened in 1863 (180 metres north of the study area). The railway line runs directly through the 1000-acre Woodruffe land grant (Figure 5). The line was duplicated in 1886, and with the extension over the Blue Mountains, Penrith became an important railway centre.²²

The Woodruffe property was leased to John and Sarah McHenry in 1821, who also owned the adjoining property. McHenry was critical of Martin's lack of enterprise at the property stating that it was 'in a state of nature'. The McHenrys hired clearing gangs from the Emu Plains convict farm to improve the productivity of the estate.²³ The estate was divided into two leases in 1830, one either side of the Great Western Road. John McHenry continued to lease the northern side (including the study area), whilst Jacob Josephson leased the southern side.

¹⁶ Butlin, N.G. 1983 *Our Original Aggression: Aboriginal Populations of Southeastern Australia 1788-1850* George Allen and Unwin, Sydney.

¹⁷ Karskens 2010: 452.

¹⁸ Captain Watkin Tench, 1793. *A Complete Account of the Settlement at Port Jackson in New South Wales*. London.

¹⁹ Pollon. *The Book of Sydney Suburbs*. 203-204.

²⁰ State Library of New South Wales, 2017. 'Crossing the Blue Mountains, Sydney.' Accessed online at: <https://www.sl.nsw.gov.au/blogs/crossing-blue-mountains-sydney> (December 2020).

²¹ Penrith Local History, 2011. 'The Woodruff Estate: Landlord and Tenant'. Accessed online at:

<https://penrithhistory.com/home/makings-of-a-city-history-conference/the-makings-of-a-city-history-conference-2011/2011-conference-the-woodruff-estate/> (December 2020).

²² Office of Environment and Heritage, 2009. 'Penrith Railway Station Group and Residence'. Accessed online at: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=4801032> (December 2020).

²³ Lorraine Stacker. *Chained to the Soil on the Plains of Emu: A History of the Emu Plains Government Agricultural Establishment 1819-1832*, Penrith, 2000, 21.

Upon Woodriffe's death, the farm was divided in two and inherited by Francis Henry Woodriffe and his brother Frederick Daniel Woodriffe.²⁴ When the McHenry and Josephson lease expired in 1851, the Woodriffe property was divided into farm and town lots and leased in 1852 to sixteen tenants. These tenants included Philpott Robbins, Edward Heavy, William Barlow and Henry Wilson.²⁵ By the late 1800s, Francis Henry Woodriffe had established 'Combewood' House (extant) off Castlereagh Road, north of the railway line; and his brother Frederick Daniel Woodriffe had completed work on 'Rodley' House (demolished) off Mulgoa Road, south of the railway line.

The Woodriffe Estate became known as Lower Penrith, and although it was low-lying and flood prone, farms, hotels, shops and houses were developed creating a community of workers, farmers and business people.²⁶ Notable developments within Penrith during these early years included the colony's first Georgian manor, Regentville House in 1824 (burned down in 1868); a post office opened in 1828; St Stephens Anglican Church consecrated in 1839; St Nicholas of Myra Catholic Church consecrated in 1850, the first bridge over the Nepean built in 1856 (washed away by flood 1857); and a school established in 1865. Penrith became a municipality in 1871, and an official city in 1959.²⁷

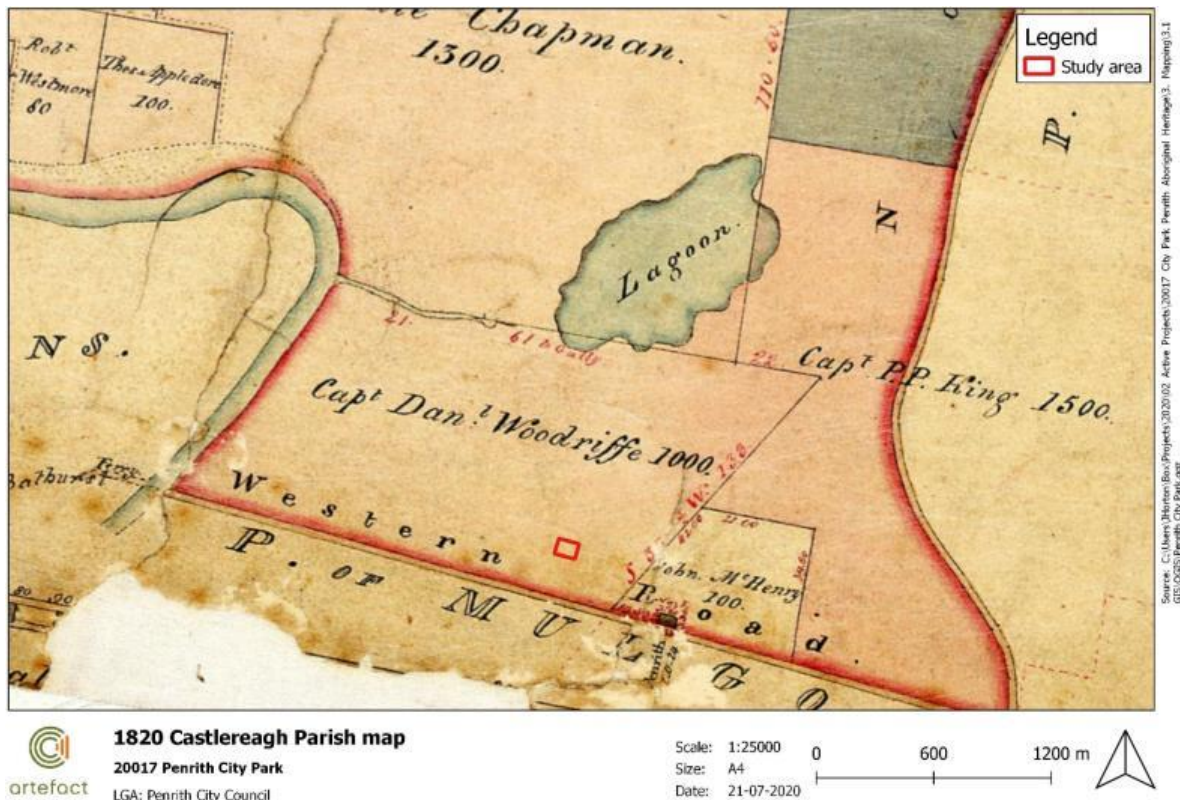


Figure 3: c1820s Castlereagh Parish map showing the study area within Captain Daniel Woodriffe's 1000-acre grant (Source: Land Registry Services)

²⁴ Office of Environment and Heritage, 2005. 'Combewood – House, Garden, Trees and Original Entrance Drive'. Accessed online at: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageltemDetails.aspx?ID=2260163> (December 2020).

²⁵ Penrith Local History, 2011. 'The Woodruff Estate: Landlord and Tenant'.

²⁶ Penrith Local History, 2011. 'The Woodruff Estate: Landlord and Tenant'.

²⁷ Penrith City Council, n.d. 'Penrith Local Suburb Profiles'. Accessed online at: <https://web.archive.org/web/20080614014522/http://www.penrithcity.nsw.gov.au/index.asp?id=436> (December 2020).

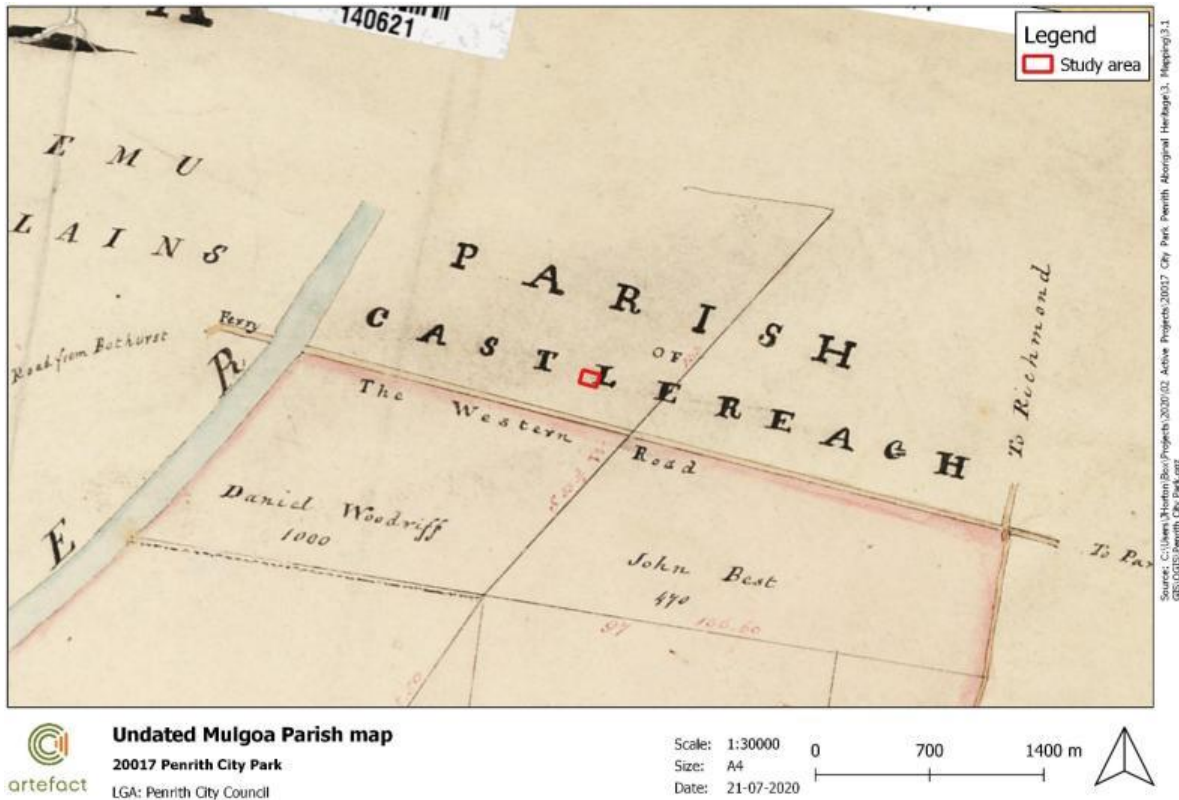


Figure 4: Undated Mulgoa Parish map showing the study area within Captain Daniel Woodruff's 1000-acre grant (Source: Land Registry Services)

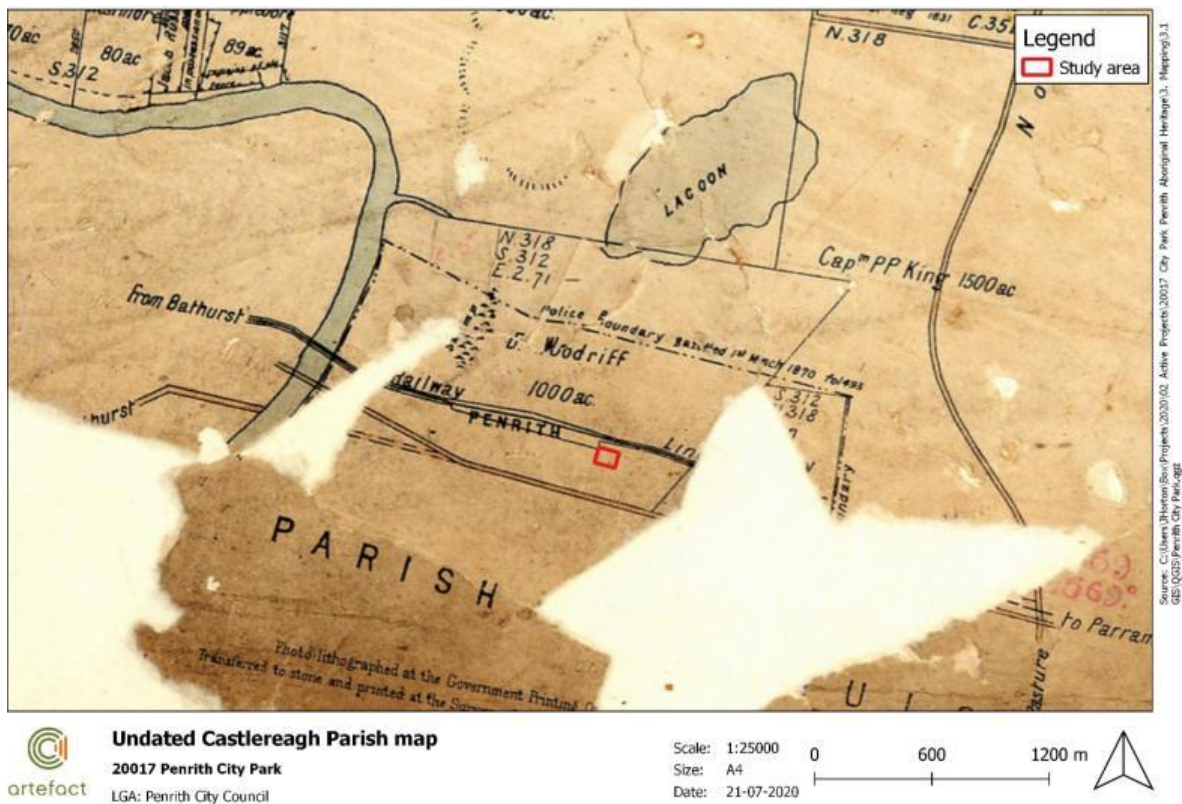


Figure 5: 1883 Castlereagh Parish map showing railway line through Captain Daniel Woodruff's 1000-acre grant (Source: Land Registry Services)

4.3 Development of the study area

The study area falls within the original 1000-acre land grant made to Captain Daniel Woodruffe in 1804. Following its lease to the McHenrys in 1821, the land was cleared and used for agricultural purposes. Though the exact nature of the agricultural/pastoral uses of the study area are unknown, it is likely that the land was cleared of vegetation and fenced. Following the establishment of the railway north of the study area in 1863, an orchard was established on the Woodruffe grant; however, this orchard was known to have been planted north of the railway line. An 1883 parish map shows the existence of the railway line, with an established road leading to Parramatta located south of the study area (Figure 5). There is no sign of any structures in the area at this time.

By the late 1880s, development south of the railway line had increased rapidly. A c1880 subdivision plan of Penrith indicates that streets including Station, Henry and High Street were in place by this time, close to their current alignments (Figure 6). Development along High Street was flourishing, with structures including two 'stores', a 'shop' and a hotel clearly labelled on the subdivision map. It is likely that these businesses, the largest in the plan, would have included rear yards and possible outbuildings; however, these types of buildings were rarely included on subdivision plans. Outbuildings may have included privies, sheds and stables. Five structures, labelled as 'shops' on the subdivision plan, can be seen within the study area on Henry Street. These structures are significantly smaller than the High Street businesses.

As Penrith grew, more local businesses appeared in the study area. By 1886, Mr William G. Ransley and his business partner Mr. Dormer had opened a Livery and Bait Stables on the corner of Henry and Station Streets, in the northwest corner of the study area.²⁸ The business supplied buggies, waggonettes and saddle horses for hire alongside land and stables for residents to board their horses.²⁹ At some time after 1886, the business began operating under the name W.G. Ransley.³⁰

In July 1888, Ransley had gone into business with John Priddle and the pair were offering buggies and waggonettes to Riverstone as well as furniture removal services.³¹ However, by November 1889 the pair had dissolved their partnership and the business had been transferred to Priddle.³² Priddle and his wife Louisa resided at the property and subsequently expanded the business to include a blacksmith's shop and lolly shop.³³ The lolly shop was run by Louisa and occupied a building next door. It is likely that the small buildings seen in the c1880 subdivision plan (Figure 6) were demolished or modified to make way for the Priddle businesses.

In 1908, Louisa sold the businesses to Nelson Price, a local merchant and undertaker, following the John Priddle's death in 1897.³⁴ Though no images of High Street are available at the time, photographs of Station and High Streets in the c1910s show the general nature of the commercial structures south of the study area (Figure 7 and Figure 8). The majority of buildings along High Street were two-storey commercial premises with extensive verandahs. A photograph from c1919 shows the 'States Boot Manufacturing Company', a business that occupied the corner of Station and High Streets south of the study area (Figure 8). The large store included a shaded portico and balcony with iron lace detailing. It is likely that the yard areas and outbuildings associated with the High Street businesses, including the States Boot Manufacturing Company, extended into the southern portion of the study area.

²⁸ Nepean Times, Thu 8 Oct 1936, Penrith 50 Years Ago, p. 8. Accessed via Trove on 19/01/2020.

²⁹ Nepean Times, Sat 1 May 1886, Advertising, p. 5.

³⁰ Casey and Lowe, 2008. Archaeological Assessment Western Precinct St Marys Development, St Marys, p. 19.

³¹ Nepean Times, Sat 28 Jul 1888, Advertising, p. 3 and Nepean Times, Sat 10 Nov 1888, Advertising, p. 5.

³² Nepean Times, Sat 30 Nov 1889, Advertising, p. 5.

³³ Penrith City Local History, n. d. John Price & Son Funeral Home. Accessed online at: <https://penrithhistory.com/industries/john-price-son-funeral-home/> on 19/01/2021.

³⁴ Obituaries Australia, National Centre of Biography, Australian National University, n. d. 'Priddle, Louisa Winifred (1862–1943)'.

By the 1940s, development occupied the majority of the study area. An aerial photograph of Penrith from 1943 shows the study area occupied by medium-sized structures and outbuildings. At this time, the north-eastern corner of the study area remained relatively undeveloped, with a small structure and associated yard present in the aerial (Figure 9). The aerial also shows the development of a roadway/lane inside the study area, roughly following the present-day alignment of Allen Place. This may have been used as a night soil lane prior to the introduction of formalised sewerage systems in the twentieth century.

The Priddle businesses, now owned by Nelson Price, are discernible in the north-western portion of the study area. Multiple rear yards associated with the High Street businesses comprise the southern portions of the study area, with outbuildings of various sizes clearly visible. These businesses included a Commonwealth Employment Office at 505 High Street (1930s-1950s), Dry Cleaners and Dyers at 503 High St (1930-1950s), Hardware, Crockery and Appliance Store at 499 High Street, and Handleys Home Appliance specialists (1940-1950s). Though the exact nature of the outbuildings is unknown, it is likely that they were similar in nature and materials to a nearby rear yard in Henry Street (Figure 11). The outbuildings in the Henry Street yard were simply fashioned and made of timber and corrugated iron.

Following the Second World War, the study area underwent a large-scale demolition, with modern development occurring in the 1950s and 1960s. All buildings featured in the 1940s aerial were demolished during this time, with the John Price & Son funeral home and other mid-twentieth century shops built within the study area. A number of government and civic buildings were constructed adjacent to the study area during this period, including the former Penrith Council Chambers, TAFE Building and Prospect Electricity Building. The Allen Place car park was established in within the study area in 1964 to provide extra car parking.³⁵

A comparison of aerial imagery from 1980 - 2007 indicates that a multi-storey carpark was established along Allen Place by the 1980s, with an overpass to another multistorey carpark on Station Street (Figure 12 - Figure 16). The Allen Place multi -storey car park was demolished in 2017. The structures within the study area do not appear to change significantly throughout the late twentieth and early twenty-first century imagery, however it is likely that a number of internal and external modifications did take place.

³⁵ Penrith City Council, n.d. 'Allen Place'. Accessed online at: <https://penrithcity.spydus.com/cgi-bin/spydus.exe/ENQ/WPAC/ARCENQ?SETLVL=&RNI=293411> (December 2020).



Figure 6: Penrith subdivision plan, c1880s (Source: State Library NSW). Shops can be seen along Henry Street within the study area, while established structures labelled 'store' and 'shop' can be seen south of the study area along High Street. It is likely that outbuildings for the High Street businesses would have been present by this time.



Figure 7: View east along High Street from the Station Street intersection showing the nature of structures to the south of the study area (Source: Penrith City Council)



Figure 8: View east along High Street at the Station Street intersection, c1919. These commercial premises for the States Boot Manufacturing Company was located to the south of the study area, though outbuildings from this shop extended into the study area (Source: Penrith City Council)



Figure 9: c1940s aerial imagery showing development within the study area (Source: SixMaps)



Figure 10: Shop fronts along High Street, 1946, to the south of the study area (Source: Penrith City Council)



Figure 11: Rear of a home along Henry Street (Source: Penrith City Library).³⁶ This image provides an indication into the types of outbuildings that would have been present within the study area.



Figure 12: c1980s aerial imagery of Penrith, looking east (Source: Penrith City Council). Study area outlined in red.

³⁶ Penrith City Library, c1950s. 'Price family home, Henry Street'. Accessed online at: <https://penrithcity.spydus.com/cgi-bin/spydus.exe/FULL/WPAC/ALLENQ/335032/3098113,98> (December 2020).

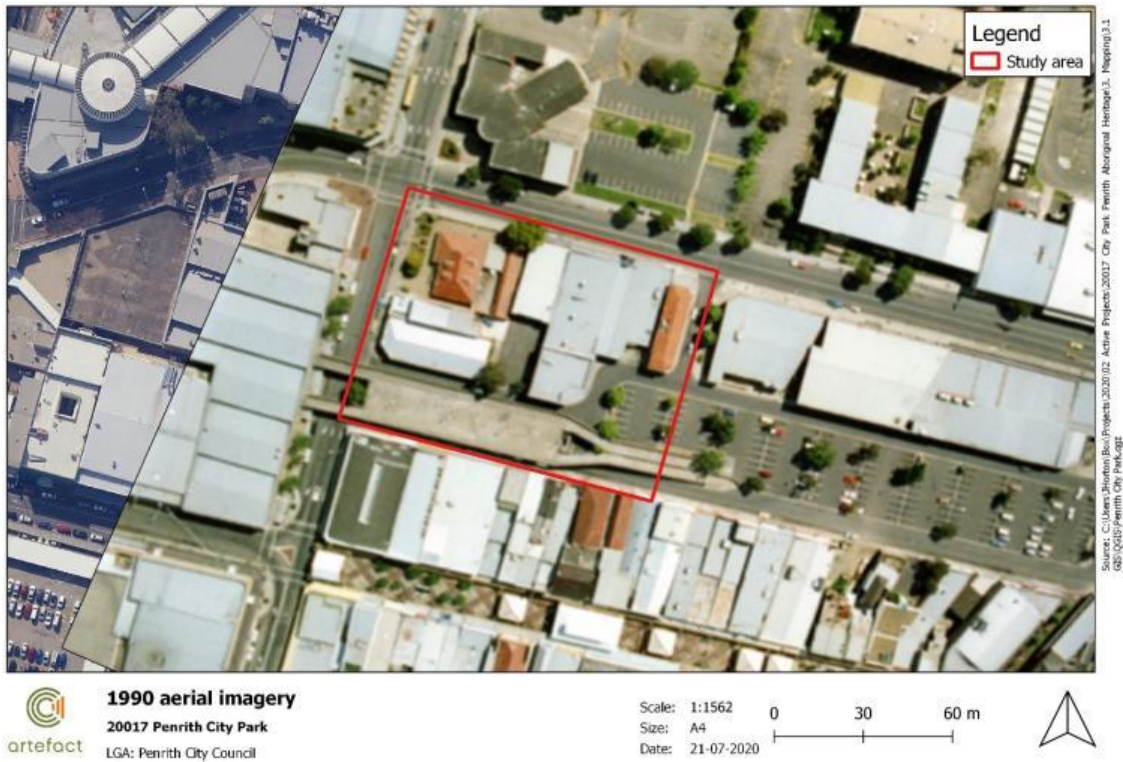


Figure 13: 1990 aerial imagery showing multi-storey carpark within study area (Source: Penrith City Council)




Figure 14: 1994 photograph showing Station Street and High Street intersection (Source: Penrith City Council). Showing existing development to the south of the study area.



Figure 15: 2001 image showing Station Street and High Street intersection and existing development to the south of the study area (Source: Penrith City Council). Access bridge to multi-storey carpark can be seen in the background, present-day development seen within foreground.



 **2007 aerial imagery**
20017 Penrith City Park
LGA: Penrith City Council

Scale: 1:1562
Size: A4
Date: 21-07-2020



Figure 16: 2007 aerial imagery showing multi-storey carpark along Allen Lane within the study area (Source: Google Earth)

4.3.1 John Price & Son Funeral Home

The corner of Station and Henry Streets (in the north-western corner of the study area) is known to have once been the site of a livery stable business, residence, lolly shop and blacksmith's shop, on land leased from the Woodriffe family. The original livery stables were operated by the Priddle family from the late 1800s until 1908, when Louisa Priddle sold the business to Nelson Price.³⁷ Price

³⁷ Penrith City Local History, n.d. 'John Price & Sons Funeral Home'. Accessed online at: <https://penrithhistory.com/industries/john-price-son-funeral-home/> (December 2020).; Death of Mrs. L. W. Priddle (1943, November 4). *Nepean Times (Penrith, NSW: 1882 - 1962)*, 1. Accessed online at: <http://nla.gov.au/nla.news-article117894072> (December 2020).

continued to operate the livery stables and blacksmith's shop, eventually purchasing the land from the Woodriffes in 1927 for 700 pounds. Price lived in the High Street residence from 1927.³⁸

John Price & Son, a funeral business, had been established in Penrith in 1855 by John Price, an undertaker and monumental mason. John Price and his family resided on a property along Henry Street, next door to the former Methodist Church (Figure 11). The Price family was heavily involved in the funeral industry of Penrith, with John's son working as the undertaker, a nephew working as a gravedigger and a rival funeral business set up by Nelson and Arthur Price.³⁹ The well-respected business offered funeral services and carved gravestones and monuments; in 1922, the firm was engaged to carve the Penrith Soldiers Memorial tablets.⁴⁰ Upon John's death in the 1890s, his wife Elizabeth ran John Price & Son until her own passing in 1920; during this time the business was referred to as Mrs John Price & Son. The business was run for a short time by a Mr Leo Price. Nelson Price took over the business in 1924 and ran it alongside the livery stables and blacksmiths shop. Price moved to a new house at 480 High Street in 1927, continuing to operate the funeral business from his home.⁴¹

In 1949, Nelson sold his properties to the Rural Bank of NSW, dying a few days later.⁴² The Rural Bank sold the property at the corner of Station and Henry Streets to William Frederick Smith of Penrith Motors in 1950, along with the business name of John Price & Son.⁴³ A funeral home was purpose-built on this site during Smith's period of ownership, likely in early 1954 (Figure 18). An article in the Nepean Times from November 1954 praised the 'architectural and structural beauty' of the new funeral home, stating:

*The new structure is a thing of beauty and is a very modern type that will enhance the appearance of Station Street. The chapel and other rooms are very modern.*⁴⁴

The funeral home was designed by Frederick Paskin of Penrith, and comprised a parlour, a large lounge, offices, ladies' retiring rooms, a chapel and clergy room.⁴⁵ A separate block at the rear of the property housed garages, workrooms, storerooms and amenities. The manager's residence was also incorporated into the funeral home, with bedrooms, a kitchenette, dining rooms and bathroom. The distinctive Flemish bond bricks were made from Chromatex bricks sourced from Heathcote. The ornamental garden in the front courtyard was laid by Mr. E Summons.⁴⁶ The designer of the unusual octagonal brick fountain in the front courtyard is unknown, but an image from 1957 shows the fountain in situ (Figure 18).

John Price & Son funeral home continued operation under various ownership up until 2014 when its name was changed to 'Supremacy Funerals'. Today, the business has officially moved from the building to another location on High Street south of the study area.⁴⁷

³⁸ The Late Mr. Nelson Price (1949, September 29). Nepean Times (Penrith, NSW: 1882 - 1962), 6. Accessed online at: <http://nla.gov.au/nla.news-article117914290> (December 2020).

³⁹ Penrith City Local History, n.d. 'John Price & Sons Funeral Home'.

⁴⁰ Penrith Soldiers' Memorial. (1922, April 22). Nepean Times (Penrith, NSW: 1882 - 1962), 2. Accessed online at: <http://nla.gov.au/nla.news-article104675530> (December 2020).

⁴¹ The Late Mr. Nelson Price (1949, September 29). Nepean Times (Penrith, NSW: 1882 - 1962), 6. Accessed online at: <http://nla.gov.au/nla.news-article117914290> (December 2020).

⁴² Ibid.

⁴³ Duns Gazette, Vol. 84 No. 18 (November 13, 1950). Accessed online at: <https://nla.gov.au/nla.obj-778926839/view?sectionId=nla.obj-796199619&partId=nla.obj-779014025#page/n4/mode/1up> (December 2020).

⁴⁴ Parlours Open Next Wednesday (1954, November 25). Nepean Times (Penrith, NSW: 1882 - 1962), 6. Accessed online at: <http://nla.gov.au/nla.news-article100987410> (December 2020).

⁴⁵ Modern Station Street Building (1954, May 20). Nepean Times (Penrith, NSW: 1882 - 1962), 1. Accessed online at: <http://nla.gov.au/nla.news-article100984879> (December 2020).

⁴⁶ Ibid.

⁴⁷ Penrith City Local History, n.d. 'John Price & Son Funeral Home'.



Figure 17. Advertisement for new location of John Price & Son funeral home, December 2, 1954. (Source: The Nepean Times via National Library of Australia)



Figure 18: John Price & Son funeral home, 1957. (Source: Blue Mountains Gazette.⁴⁸)

⁴⁸ Blue Mountains Gazette, 24 July 2019. 'Care and compassion is key at Supremacy Funerals'. Accessed online at: <https://www.bluemountainsgazette.com.au/story/6288980/care-compassion-the-key/> (December 2020).



Figure 19. Aerial photograph of John Price & Son building from Station Street, showing the layout of the funeral home. (Source: Penrith City Library)

5.0 SITE INSPECTION

5.1 Introduction

An inspection of the study area was undertaken by Darrienne Wyndham (Heritage Consultant, Artefact Heritage) and Olivia Turner (Heritage Consultant, Artefact Heritage) on 13 January 2021. A previous site visit had been conducted by Jessica Horton (Heritage Consultant, Artefact Heritage) on 22 July 2020 during the preparation of the preliminary heritage assessment report. The aim of the inspection was to investigate the exterior and interior of the former John Price & Son funeral home and identify and assess potential impacts of the proposed works to surrounding heritage items, including impacts to potential archaeological deposits within the study area and historic views and vistas.

The inspection was undertaken on foot, using physical maps and GPS. A photographic record was made during the inspection.

Access was provided to the interior of the funeral home and the rear outbuildings. Upper storey access was not permitted due to asbestos contamination.

5.2 Description

The study area is focused on the junction of Station Street with Henry Street and Allen Place, and is located within the central business district of Penrith. The wider setting of the study area is characterised by its context, featuring a combination of commercial development and car parking facilities. The structures within the study area are predominantly commercial, comprising a number of low-rise Post-Second World War shop fronts. A large parking facility is present in the southern and south-eastern portions of the study area.

All of the listed heritage items identified in Table 4 were visible from the study area during the site inspection, with view lines intact.

The surrounding landscape comprises commercial development and carparking facilities to the north, south and east, the former Penrith Council Chambers to the north, the TAFE Buildings to the northeast and the former Prospect Electricity Building to the west, which is now occupied by a dental practice and various other businesses. The Council Chambers and former Prospect Electricity building have a close and uninterrupted visual link with the site, with the corner location of the funeral home being directly opposite both.

5.3 John Price & Son Funeral Home

John Price & Son, the Post-War unlisted heritage item, is situated within the north-western portion of the study area. The funeral home stands out in the commercial area as a unique post-war residential scale building in the centre of the business area, visually separated from the surrounding buildings due to a large courtyard. The funeral home appears externally intact and very similar to c1957 images of the building, with only changes to ephemeral aspects of the setting such as plantings.

The exterior of the building is in good condition with the exception of missing or broken fascia and soffit boards to the south-western corner of the roof. The provenance of the terracotta roof tiles used was visible during the site inspection – with stamps indicating tiles were mostly produced by Porter & Galbraith of Doonside, NSW, though one tile (possibly a replacement) read Cumberland, Bankstown, NSW. The specific moulded brick employed in the construction of the building was also evident during site inspection with the 'Chromatex' stamp clearly visible on exposed brick bases.

Internally, the building is in good condition and appears to substantially retain internal features, fittings and finishes. Floorboards are the main flooring throughout the building, with minor areas of damage evident in the front parlour. Internal features including cornices remained intact. It is likely that the utilitarian interior design of the building remains true to its original form and operation. Light fittings appeared to post-date the construction of the building, and window fittings and glass appeared original.

No evidence of basement or cellar space was observed during the site visit, with a Council representative onsite confirming that no basement exists. The rear yard of the main building is concreted and connects to the concrete bases of the garage and service areas. Landscaping to the front courtyard of the building consisted of concrete paths and gravel fill. There was no surface evidence of any archaeological remains or former development observed during the site inspection.

5.4 Images



Figure 20: View southwest along Gaymark Lane showing commercial development within the study area



Figure 21: View southwest from Gaymark Lane showing commercial development and carparking facilities within the study area



Figure 22: View northwest showing commercial development and carparking facilities within the study area



Figure 23: View southwest showing carparking facilities within the study area and surrounding commercial development



Figure 24: View northwest along Allen Place showing commercial development and carparking facilities within study area



Figure 25: View north within study area from Allen Place showing rear of commercial developments and carparking facilities



Figure 26: View northwest from the study area along Allen Place showing commercial development and multistorey carparking facilities



Figure 27: View northeast from Station Street showing commercial development at the junction with Allen Place within the study area



Figure 28: View east from Station Street showing commercial development and funeral home (left) within study area



Figure 29: View east from Station Street towards Henry Street showing funeral home (right) and former Council Chambers (left)



Figure 30: View southwest from Henry Street towards study area showing funeral home (right) and commercial development (left)



Figure 31: View south from Henry Street towards study area showing commercial development



Figure 32. View north-east from Henry Street towards former Council Chambers building (left) and modern development (right)



Figure 33. View north from former John Price & Son funeral home towards former Council Chambers building



Figure 34. View south from former Council Chambers building towards the study area and John Price & Son funeral home



Figure 35. View west from former John Price & Son funeral home towards the former Prospect Electricity building



Figure 36. View east from the former Prospect Electricity building towards the study area



Figure 37. View north-east from Henry Street within study area towards the TAFE Building heritage item



Figure 38. View south-west from the TAFE Building heritage item towards the John Price & Son funeral home within the study area



Figure 39. View south-east from the TAFE Building heritage item towards the study area

6.0 ARCHAEOLOGICAL ASSESSMENT

6.1 Known land use

As discussed in the historical background section of this report, the study area has been subject to a number of land use phases, with three historical development phases and one modern development phase.

The study area has been used for commercial and residential activities since the nineteenth century, with use before that likely consisting of land clearance as part of the early land grants in the region. For the purposes of this assessment, the potential archaeology of the study area has been divided into the following phases:

- Phase 1: Early Land Grants (1789 – c1850)
- Phase 2: Nineteenth Century Commercial Development (c1850 – c1899)
- Phase 3: Early Twentieth Century Commercial Development (c1900 – c1950)
- Phase 4: Post-War Demolitions and Redevelopment (c1950s – present).

The following discussion of archaeological potential is focused on those areas identified as having the potential to contain archaeological resources. A map showing the locations of the known historical structures that occupied the study area is included in Figure 40.

6.1.1 Phase 1: Early Land Grants (1789 – c1850)

Phase 1 is defined by the first land grant in the study area, made to Captain Daniel Woodriffe in 1804.

Woodriffe left for England in 1804 and is not known to have built upon the land. Historical plans and parish maps indicate that the area was sparsely developed until the late nineteenth century, likely due to its inaccessibility and isolated nature prior to the coming of the railway.

Woodriffe's property (including the study area) was leased to William Martin in 1804. Records show that the land was largely untouched until 1821 when John and Sarah McHenry took over the property. During McHenry's lease of the property, extensive land clearing activities took place. No residences or other structures are shown in the study area on maps during this time. Undocumented tracks and accessways to the property may have been present.

The removal of vegetation for timber getting, and preparation of the land for agricultural use, would likely have been the earliest land-use in the study area. Activities such as tree clearance, fence construction, the development of unsealed roads and agricultural planting leave little material evidence and are not likely to be identified.

Potential remains from this land use phase may include evidence of agricultural/pastoral practices such as postholes and tree boles, although these would be highly ephemeral.

6.1.2 Phase 2: Nineteenth Century Commercial Development (c1850-c1899)

Phase 2 is defined by the initial large subdivision of the Woodriffe Estate in 1852 to sixteen tenants, with subsequent re-subdivision and development to accommodate a growing township.

A railway line was constructed in Penrith in 1863. This line was located 180m north of the study area, with the Penrith Railway Station also established to the north, outside of the study area.

During the 1880s and 1890s, the study area and surrounds were subdivided into smaller allotments to accommodate tenant farmers, shopkeepers, mechanics and labourers. This marks the first known development in the study area. A subdivision plan from c.1880 shows no evidence of development on

Station Street between Henry Street and High Street (within the study area) by the late 1880s (Figure 6). However, it indicates that five small structures, most likely shops, were either present or intended to be located along Henry Street within in the north-western portion of the study area. Records indicate that by 1886, structures in the north-west corner of the study area are likely to have included a livery, stables and residence established by William Ransley in 1886 and eventually run by John and Louisa Priddle until the 1920s. The Priddles also established a blacksmiths shop and lolly shop on the property in the late 1880s. The establishment of the Priddle businesses in the northwest portion of the study area may have required the demolition/modification of earlier Henry Street shops, however there is not sufficient cartographic evidence available to confirm this.

The c.1880 plan also shows development along High Street to the south of the study area which is explicitly named as 'stores' or 'shops'. Outbuildings associated with these stores and shops may have extended into the southern portion of the study area at this time, though these would not have been included in subdivision plans. An aerial photograph taken in 1943 (Figure 9) does however confirm the presence of outbuildings within the southern portion of the study area. The location and configuration of these buildings suggests they represent development associated with High Street shops shown in Figure 6.

Potential archaeological remains from this land use phase may include evidence of drains, the Ransley/Priddle blacksmith's shop, livery stables/residence and lolly shop, including building footings and foundations, undocumented subsurface features such as cisterns, wells or cesspits and potential subsurface deposits associated with the businesses. Archaeological remains of the outbuildings associated with the High Street businesses may include building footings and undocumented subsurface features, such as cisterns, wells or cesspits, as well as yard scatters and postholes associated with the large yard spaces in the southern portion of the study area. There is potential for artefact-bearing deposits to be present within any undocumented subsurface features.

6.1.3 Phase 3: Early Twentieth Century Commercial Development (c1900 – c.1950)

Phase 3 is defined by the large-scale growth of the study area and surrounds into a commercial centre.

This included the State Boot Manufacturing Company located on the corner of Station and High Streets, a Commonwealth Employment Office at 505 High Street (1930s-1950s), a dry cleaners and dyers at 503 High St (1930-1950s), a hardware, crockery and appliance store at 499 High Street, and Handleys Home Appliance specialists (1940-1950s).

Outbuildings associated with the High Street businesses (shown in Figure 9) were demolished during the construction of the Allen Place carparking area in the 1960s.

A historical aerial photograph from 1943 (Figure 9) shows three large structures and four smaller outbuildings within the north-western portion of the study area, on land associated with the Ransley/Priddle blacksmiths shop and livery stables/residence (now run by Nelson Price). These structures may have been constructed on the site during Phase 2 in association with the livery stables, blacksmith and lolly shop activities on the site, or constructed during ongoing use of the site during Phase 3. Archaeological remains from these buildings may have been impacted by the construction of the John Price & Son funeral home during the subsequent land-use phase (Phase 4). As the extent of excavation undertaken during the construction of the funeral home is not known, the extent of these impacts is unknown.

6.1.4 Phase 4: Post-War Demolitions and Redevelopment (c1950-present)

Phase 3 is defined by the demolition of all Pre-War structures within the study area and large-scale Post-War redevelopment.

A comparison of historical imagery from c1940s and mid-late twentieth century imagery indicates that the majority of the structures in and around the study area at that time were demolished by the late 1950s-c1960s. The study area was entirely redeveloped with Post-War architecture including commercial premises and the John Price & Son funeral home. This funeral home was constructed in 1954, requiring the demolition of the Ransley/Priddle/Price livery stables/residence and blacksmith's shop that previously occupied the north-western portion of the study area. As no basement was part of the site, it is likely that minimal excavation took place during the construction of the funeral home and archaeological remains of the livery stables/residence and blacksmith's shop may be present. It is unknown whether the surrounding commercial premises have basement areas, though this is unlikely.

The Allen Place carpark in the southern and eastern portions of the study area was in place from 1962, with a multi-storey carpark and overpass developed during the c1980s. The multi-storey carpark was demolished by 2017, with a ground level car parking facility remaining.

Potential archaeological remains from this land use phase include demolition fill from the Pre-War structures.

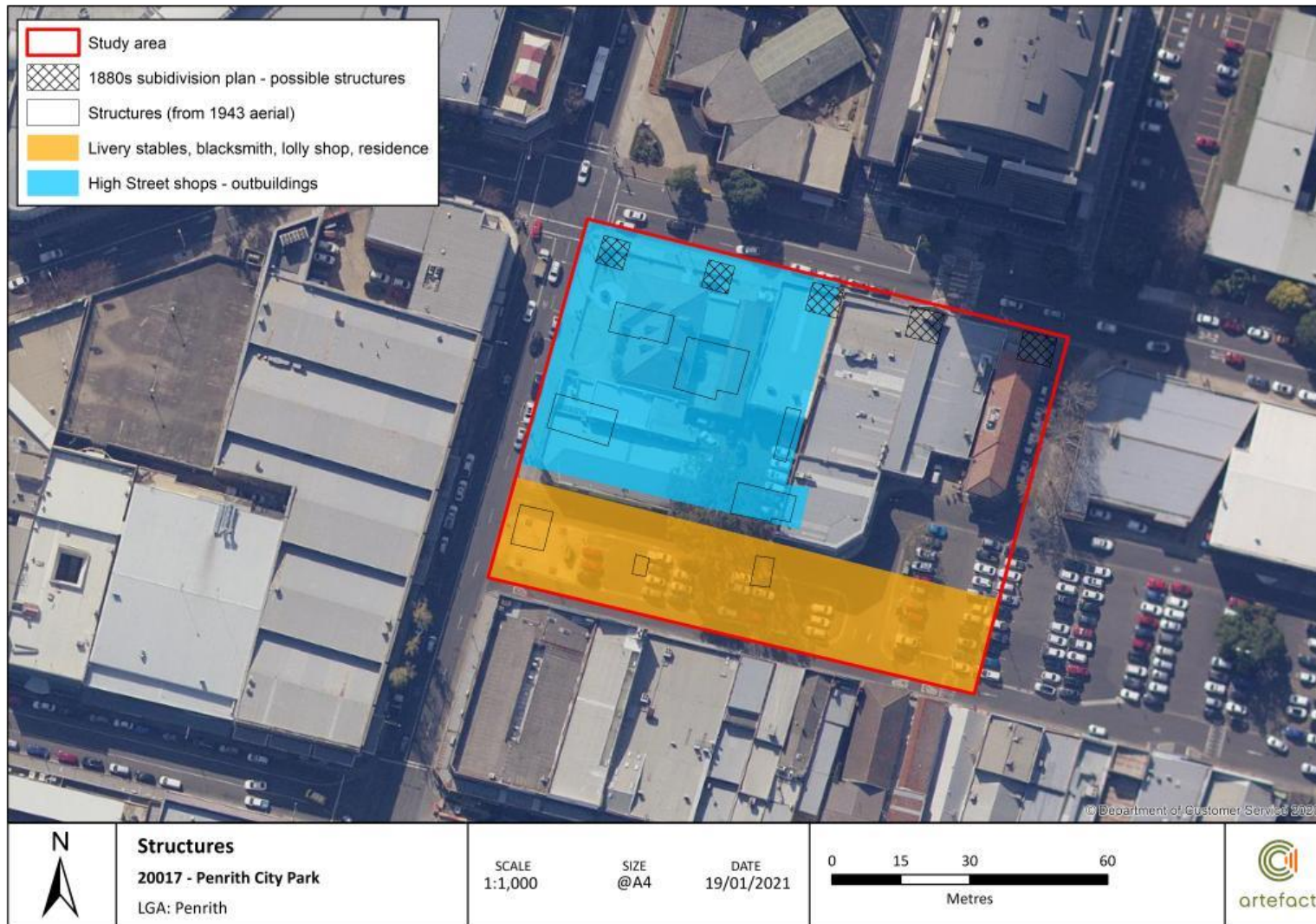


Figure 40. Known historical structures from Phases 2 and 3, using information taken from the 1888 subdivision plan and 1943 aerial of the study area. The Phase 2 outbuildings are undocumented; thus, the approximate area of these outbuildings is also included.

6.2 Known disturbance

As described in Section 2.3, ongoing land use and development have the potential to disturb, remove or truncate archaeological evidence of past occupation phases. The known disturbances to the study area include the larger scale demolitions of Pre-War structures (Phase 2) in the c1950s-1960s and the 1962 car parking development (Phase 4) in the southern portion of the study area.

These developments would have cleared the study area of all Phase 2 and some Phase 3 buildings including the Ransley/Priddle/Price stables, livery, blacksmith's shop and residence and Louisa Paddle's lolly shop. All Phase 2 outbuildings along the southern boundary of the study area (formerly associated with the High Street shops) were also cleared as part of these later developments. The laneway that ran between Henry and High Street also appears to have been modified or replaced by modern road corridors during Phase 4 occupation.

Although the extent of subsurface impacts associated with Phase 4 development is not known, it would have required some localised excavation and levelling to prepare the site for new buildings and utilities. However, no Phase 4 structures in the study area contain basements, suggesting no extensive excavation took place at this time. The construction of a multistorey parking facility, overpass and support structures in 1962 may have required shallow excavations for levelling as well as localised excavations for piles. It did not contain a basement level. The parking facility was demolished in 2017, with a single-level car park remaining in place.

These major impacts, especially to the southern portion of the study area, may have resulted in numerous localised impacts to potential archaeological remains associated with earlier land use phases. However, structural evidence of former buildings such as footing and foundations may survive, in addition to deep features such as cesspits and wells.

6.3 Assessment of archaeological potential

6.3.1 Phase 1: Early Land Grants (1789 – c1850)

Potential archaeological remains from this land use phase may include evidence of land clearing and agricultural/pastoral practices such as postholes demonstrating the location of former fence lines and tree boles. It is highly unlikely that any intact archaeological evidence of Phase 1 would be present within the study area. There is no evidence to suggest that any structures were present in the study area during this land use phase.

Development of the study area during subsequent phases, including the demolition of structures and redevelopment during the Post-War period, is likely to have significantly disturbed any potential archaeological remains from this phase. Therefore, there is **nil** archaeological potential for archaeological remains from Phase 1, including evidence of early land clearing such as postholes or tree boles.

There is nil potential for archaeological remains associated with Phase 1 to be present within the study area.

6.3.2 Phase 2: Nineteenth Century Commercial Development (c1850 – c1900)

Potential archaeological remains association with Phase 2 occupation may include evidence of the 1888 Henry Street shops, located in the northern portion of the study area. These comprise primarily of the Ransley/Priddle livery stables/residence, blacksmith's shop and lolly shop, which were run by Nelson Price from 1908 onwards. These remains may consist of drains, building footings and foundations, yard scatters, rubbish pits and undocumented subsurface structures such as cisterns, wells or cesspits. It is possible that deeper subsurface structures, like cesspits, wells or cisterns, may contain artefact-bearing deposits.

In the southern portion of the study area, archaeological evidence of the c.1880s outbuildings associated with the High Street businesses may be present. These would include building footings and undocumented subsurface features, as well as yard scatters, rubbish pits and postholes associated with the large yard spaces.

The construction of the 1954 John Price & Son funeral home is likely to have impacted to a certain extent any archaeological remains in the north-western portion of the study area, with the Priddle/Price livery stables/residence and blacksmith's shop demolished and the site levelled. As no excavation for a basement took place during the funeral home's construction, it is likely that remains of building footings and deeper subsurface features have survived while surface features such as rubbish pits and yard scatters were removed or disturbed. Therefore, there is **moderate** potential for archaeological remains such as building foundations, footings and deeper subsurface features such as cisterns, cesspits or wells associated with the Price/Priddle businesses to be located in the north-western portion of the study area.

The construction of the Allen Place car parking facility in 1962 and subsequent expansion into a multistorey carpark in the 1980s are likely to have majorly impacted archaeological evidence in the southern portion of the study area. The construction would have involved large-scale levelling, with some excavation for supports likely to have been installed in the 1980s multistorey car park. Further excavation for the carp park, and its impacts on the archaeological resource, is unknown. As no subterranean levels exist in the car park, impacts may be localised and subsurface features may have survived. Therefore, there is **low** potential for remains of footings or foundations associated with the High Street outbuildings and undocumented subsurface structures such as cisterns.

There is moderate potential for archaeological remains associated with Phase 2 to be present within the north-western portion of the study area, and low potential for archaeological remains associated with Phase 2 to be present within the southern portion of the study area.

6.3.3 Phase 3: Early Twentieth Century Commercial Development (c1900 – c1950)

Archaeological remains associated with Phase 3 land use would primarily be associated with the ongoing use and modification of Phase 2 shops, residences and outbuildings in the study area. Evidence of these activities may have been disturbed or removed for construction activities associated with Phase 4 development, as discussed in Section 6.3.2 above. However, there is potential for structural and deep subsurface evidence of this occupation to survive.

There is moderate potential for archaeological remains associated with Phase 3 to be present within the north-western portion of the study area, and low potential for archaeological remains associated with Phase 3 to be present within the southern portion of the study area.

6.3.4 Phase 4: Post-War Demolitions and Redevelopment (c1950-present)

The construction activities occurring in Phase 4 are likely to have majorly impacted archaeological evidence from previous phases of occupation, notably the Allen Place carpark and the John Price & Son funeral home. Potential archaeological remains associated with Phase 4 would be limited to demolition fills associated with the Post-War redevelopment. This includes the demolition of the Priddle/Price livery stables/residence and blacksmith's shop in the north-western portion of the study area and the demolition of the outbuildings associated with the High Street shops.

There is moderate potential for archaeological remains associated with Phase 4 to be present within the study area.

6.4 Assessment of archaeological significance

This section assesses the heritage significance of the known or potential archaeological remains outlined in Section 6.2. Similar to other types of heritage items, archaeological remains should be managed in accordance with their significance. Assessing the heritage value of archaeological remains is complicated by the fact that their extent and nature is often unknown. Judgement must therefore be based on expected or potential attributes.

The significance of the potential archaeological resource has been assessed using the NSW heritage assessment criteria and is outlined in Table 5.

Table 5. Assessment of archaeological significance against the NSW Heritage assessment criteria

Criterion	Discussion
A) Historical	<p>Any intact archaeological remains identified at the property have the potential to contribute to our understanding of the early development of the Penrith business district and its evolution from a farming landscape to a commercial centre. Archaeological resources associated with Phase 1 would contribute to our knowledge about early farming Penrith, though remains associated with Phase 1 are unlikely to be located within the study area.</p> <p>Nineteenth-century building footings, undocumented subsurface features, remains of outbuildings associated with Phase 2 and evidence of continued use/modification during Phase 3 have potential to contribute to the knowledge of building materials and construction techniques in use in Penrith at the time, which was originally located at a considerable distance from the township of Sydney and its readily available building materials and craftsmen. Early twentieth century building footings and remains of outbuildings from Phase 3 may show the development of building techniques in Penrith as it became wealthier and more connected to Sydney via the railway.</p> <p>Artefact bearing deposits found in yard scatters, rubbish pits or undocumented cesspits, cisterns or wells have potential to contribute to our knowledge about the early residents and businesses in the study area. These deposits could be associated with the Phase 2 Henry Street shops and High Street outbuildings, as well as the Phase 2 Price/Priddle business and High Street outbuildings. It is likely that artefact-bearing deposits will date from the late nineteenth to mid-twentieth century, when Penrith was undergoing rapid development.</p> <p>If found to be intact, archaeological remains associated Phase 2 and ongoing use of those structures during Phase 3 have the potential to reach the local significance threshold under this criterion.</p> <p>Archaeological evidence associated with Phase 3 and Phase 4 development of the study area is unlikely to reach the local significance threshold. The demolition and subsequent redevelopment of the Penrith commercial district is well documented, and archaeological evidence is unlikely to further contribute to knowledge of the Post-War history of the area.</p>
B) Associative	<p>Archaeological remains of the Phase 2 livery stables/blacksmiths shop within the study area would be associated business owners and residents of Penrith, particularly the Price and Priddle families. The Priddles were a well-known family in business in Penrith during the nineteenth century, while the Prices were associated with John Price & Son, a funeral business that had operated out of Penrith since 1855.</p> <p>Archaeological evidence associated with the businesses and activities of the Priddle and Price families has the potential to reach the local significance threshold under this criterion.</p>
C) Aesthetic or Technical	<p>Archaeological remains have the potential to be intact and highly legible. These remains may have distinctive/attractive visual qualities, that are considered to be 'important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.' Potential archaeological remains including nineteenth century</p>

Criterion	Discussion
	<p>building footings, undocumented structures, cisterns, wells or rubbish pits and the livery stables/blacksmith's shop in Phase 2 and evidence of continued use/modification of those structures during Phase 3 would represent building techniques and farming practices in the nineteenth and early twentieth century but would be unlikely to demonstrate any outstanding aesthetic or technical achievement.</p> <p>Artefact bearing deposits found in yard scatters, rubbish pits or undocumented cesspits, cisterns or wells may contribute to the knowledge of the activities conducted in the area, such as the livery stables/residence or blacksmith's shop from Phase 2 but are unlikely to possess any aesthetic or technical merit.</p> <p>Archaeological evidence is unlikely to reach the local significance threshold under this criterion.</p>
<p>D) Social</p>	<p>Potential archaeological remains associated with the early development of the study area are likely to have social significance amongst members of the surrounding community, as well as individuals or associations such as historical societies interested in the nineteenth century development of Penrith.</p> <p>Archaeological remains associated with Phase 2 showing the nineteenth century expansion of Penrith have the potential to reach the local significance threshold under this criterion.</p>
<p>E) Research Potential</p>	<p>The study area has the potential to contain artefact-bearing deposits associated with the outbuildings from Phase 2 and 3 and the livery stables/blacksmith's shop from Phase 2. Archaeological analysis of deposits of this type can recover data that may be utilised in the analysis of business owners and working families in the nineteenth and early twentieth century. This is especially pertinent to the livery stables/residence, as a known dwelling in the study area. Artefacts from these deposits have the potential to provide information relating to the taste, function, and habits of these classes, which are typically under-represented in the historical record.</p> <p>Potential intact archaeological remains, especially intact artefact bearing deposits associated with the occupation of the study area in Phase 2 would reach the local significance threshold under this criterion.</p> <p>It is unlikely that remains of the Phase 4 Post-War demolition and redevelopment would provide any new information about construction techniques in the twentieth century, a topic that is already well documented and extant. It is also unlikely that nineteenth century building remains or subsurface features would offer further knowledge concerning Victorian construction techniques. Archaeological evidence of this type would not reach the local significance threshold.</p>
<p>F) Rarity</p>	<p>There is no evidence to suggest archaeological remains associated with occupation within the study area would be considered unusual or unique. Artefact-bearing deposits from the nineteenth and early twentieth century and the artefacts they contain tend to be of standard types and are well-represented in the archaeological record. Though Penrith was located a great distance from Sydney in the late eighteenth and early nineteenth century and may have developed unique construction techniques or materials during this time, it is unlikely that these would be demonstrated through demolition fills, building footings or undocumented subsurface structures, all standard features of colonial architecture.</p> <p>Archaeological evidence is unlikely to reach the local significance threshold under this criterion.</p>
<p>G) Representativeness</p>	<p>It is expected that potential archaeological remains, including sandstone or brick footings of outbuildings associated with Phase 2 and Phase 3 would be representative of Victorian era commercial structures and that potential artefact bearing deposits would contain somewhat typical artefacts, including glass, metal and ceramic artefacts.</p> <p>If found to be intact, archaeological remains associated with the nineteenth century development of Penrith have the potential to reach the local significance threshold under this criterion.</p>

Criterion	Discussion
	Though archaeological remains of the Post-War demolition and redevelopment would be representative of mid-twentieth century commercial expansion in the Penrith region, archaeological remains from this period are unlikely to be fine examples of their type. Archaeological evidence of this type is unlikely to reach the local significance threshold under this criterion.

6.5 Statement of archaeological significance

Residential occupation of the site by the Priddle family occurred between 1888 and 1908. As the residence was established prior to the introduction of municipal stormwater and waste removal services starting in 1890, the study area has the potential to contain artefact-bearing deposits associated with discard practises (i.e. within rubbish pits and/or artefact scatters incorporated into yard surfaces) and opportunistic discard within abandoned wells, cisterns and/or privies/cesspits.

Should artefact-rich soil deposits be identified, based on archaeological results obtained from similar sites, analysis is likely to provide data which can contribute to our understanding of the preferences, socio-economic standing, gender and ethnicity of the occupants of the site. Artefacts obtained from the secure deposits therefore have the ability to respond to research agendas and provide useful information regarding the former occupants of the site. As the residential history of the study area is well documented, remains have the potential to be directly associated with the Priddle family, who contributed to the early development of Penrith.

The study area, therefore, has the potential to contain archaeological 'relics,' as protected by relic provisions of the *Heritage Act 1977* in the form of artefact-bearing deposits associated with the occupation of the study area by the Priddle family between 1888-1908.

6.6 Summary of archaeological potential and significance

Overall, portions of the study area have **low-moderate** potential to contain an archaeological resource associated with Phase 2 occupation and continued use in Phase 3 that would reach the local significance threshold and be considered 'relics' under the Heritage Act (amended 2009) (see Section 3.3.3 and Figure 40).

The north-western portion of the study area has **moderate** potential to contain remains associated with the Phase 2 Ransley/ Priddle/Price livery stables/residence, lolly shop and blacksmith's shop and ongoing use of these buildings during Phase 3 occupation.

The southern portion of the study area is likely to have been subject to varying levels of disturbance associated with the extensive car parking facilities established in the 1960s and modified in the 1980s and 2017. This portion has **low** potential to contain archaeological resources associated with Phase 2 development (outbuildings) and ongoing use of this development during Phase 3 occupation.

A summary of the archaeological potential and significance of the study area is outlined in Table 6. A map showing the areas of archaeological potential within the study area is provided in Figure 41.

Table 6: Overview of archaeological potential and significance

Phase	Potential remains	Potential	Significance
Phase 1: Early Land Grants (1789 – c1850)	Postholes demonstrating the location of former fence lines	Nil	Local (if present and intact)
	Evidence of land clearance (tree boles)	Nil	
Phase 2: Nineteenth Century Commercial Development (c1850 – c1900)	Documented building foundations and footings associated with the Ransley/Price/Priddle livery stables/residence/blacksmith's shop and additional c1880 Henry Street shops	Moderate	Local (relics)
	Undocumented subsurface features i.e., drains, basements, cesspits, cisterns and wells associated with the Price/Priddle livery stables/residence/blacksmith's shop	Moderate	
	Building foundations and footings associated with the High Street outbuildings	Low	
	Undocumented subsurface features i.e., basements, cesspits, cisterns and wells associated with the High Street outbuildings	Low	
	In situ artefact bearing deposits		
Phase 3: Early Twentieth Century Commercial Development (c1900 – c1950)	Ongoing use of the Ransley/Price/Priddle livery stables/residence/blacksmith's shop		Local (ongoing use of Phase 2 buildings only) Not significant (all post-Phase 2 development)
	Ongoing use of undocumented subsurface features i.e., basements, cesspits, cisterns and wells associated with the Price/Priddle livery stables/residence/blacksmith's shop	Moderate	
	Ongoing use of building foundations and footings associated with the High Street outbuildings	Moderate	
	Ongoing use of undocumented subsurface features i.e., basements, cesspits, cisterns and wells associated with the High Street outbuildings	Low	
	Ongoing use of building foundations and footings associated with the High Street outbuildings	Low	

Phase	Potential remains	Potential	Significance
Phase 3: Post-War Demolitions and Redevelopment (c1950 – present)	Demolition fills associated with Post-War redevelopment	Moderate	Not significant

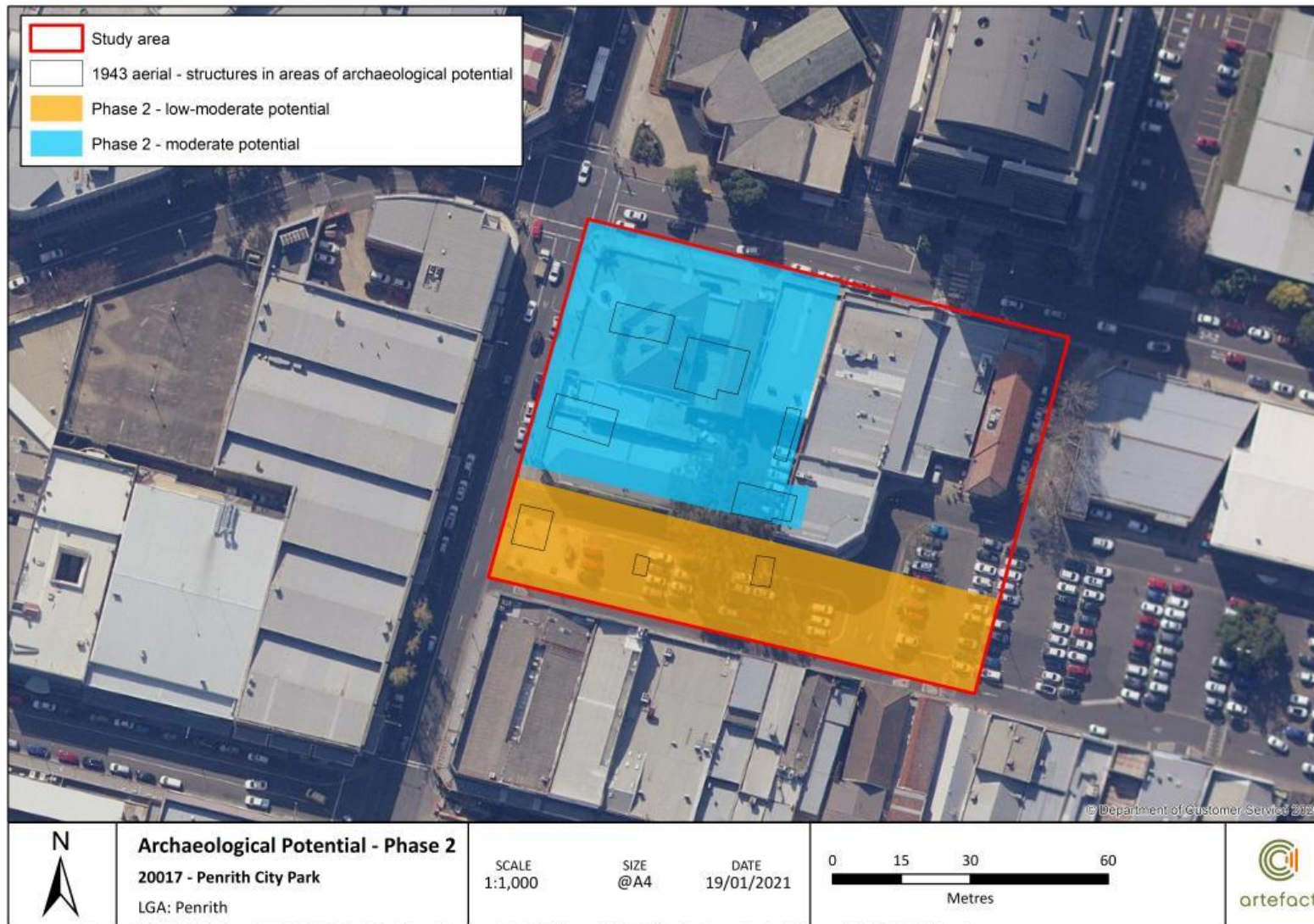


Figure 41. Phase 2 archaeological potential for the study area

7.0 BUILT HERITAGE ASSESSMENT

7.1 Assessment of significance

This section contains the descriptions, significance assessments and statements of significance for the listed and unlisted heritage items within and around the study area. The significance assessment and statement of significance for all listed items has been extracted from the relevant SHI entry for each item.

7.1.1 Penrith Council Chambers (former) (Penrith LEP 2010 Item No. 189)

7.1.1.1 Description

Constructed from 1959 and designed by A. Hodgson in the Inter-War Moderne / Functionalist style of architecture, the former Penrith City Council chambers features a central double storey reception hall with a figurative decorative terrazzo floor incorporating the council's coat of arms. The building comprises red brick with a textured surface, steel framed windows and doors and a roof hidden behind a parapet. The main entrance is set back from the street, behind a landscaped forecourt with water feature. Internally, the structure features meeting halls and offices, whilst a caretakers flat / office on the eastern wing was a later addition.

7.1.1.2 Assessment of significance

The assessment of significance for the Penrith Council Chambers (former) item (Penrith LEP 2010 Item No. 189) is shown below.

Table 7. Assessment of significance against the NSW Heritage assessment criteria

Criterion	Discussion
A) Historical	<i>The building demonstrates a phase in the development of the Nepean region following the amalgamation of numerous rural councils. The completion of the building coincides with the incorporation of Penrith City Council in 1959 and marked a return to a form of centralised government on which Penrith had been founded in the early nineteenth century.</i>
B) Associative	<i>This item does not reach the local significance threshold under this criterion.</i>
C) Aesthetic or Technical	<i>The building is an example of the inter-war Moderne /Functionalist style of architecture set within a landscaped forecourt.</i>
D) Social	<i>This item does not reach the local significance threshold under this criterion.</i>
E) Research Potential	<i>This item does not reach the local significance threshold under this criterion.</i>
F) Rarity	<i>The building was the first chambers of the newly incorporated City of Penrith Council, and formed the focus for the planning and administration of post war expansion in the Nepean region. The scale and style of the building is unique in the LGA.</i>
G) Representativeness	<i>The building is representative of a style of architecture developed and popularised in the 1930s and early 1940s.</i>

7.1.1.3 Statement of significance

The statement of significance for the Penrith Council Chambers (former) item (Penrith LEP 2010 Item No. 189) is as follows:

The former Penrith City Council chambers, completed in 1959, was the first chambers of the newly incorporated City of Penrith Council, and formed the focus for the planning and administration of Post-War expansion in the Nepean region. The former chambers demonstrate a phase in the development of the Nepean region following the amalgamation of numerous rural councils and marked a return to a form of centralised government on which Penrith had been founded in the early nineteenth century. The building is an example of the Inter-War Moderne / Functionalist style of architecture set within a landscaped forecourt.⁴⁹⁵⁰

7.1.2 TAFE Building (Penrith LEP 2010 Item No. 689)

7.1.2.1 Description

The TAFE Building was designed by E.H. Farmer (NSW Government Architect) and opened on 5 June 1961. The structure is a two-storey building with reinforced concrete frame, stoned coursed wall treatment and aluminium framed glazed walls. It comprises a public foyer with reinforced concrete staircase and is set back slightly from the street behind a narrow, landscaped courtyard and low brick wall. In addition, the low-lying nature of the building is accentuated by the strongly defined horizontal roof line.

7.1.2.2 Assessment of significance

The assessment of significance for the for the TAFE Building item (Penrith LEP 2010 Item No. 689) is shown below.

Table 8. Assessment of significance against the NSW Heritage assessment criteria

Criterion	Discussion
A) Historical	<i>The building demonstrates a phase in the development of the Nepean region following the amalgamation of numerous rural councils. The completion of the building coincides with the incorporation of Penrith City Council in 1959 and marked upgrade of government services following the County Cumberland Plan of 1955. The role of the building in providing instruction in trades and services coincides with the importance of Penrith as a place of industry.</i>
B) Associative	<i>This item does not reach the local significance threshold under this criterion.</i>
C) Aesthetic or Technical	<i>The building is an excellent example of the International style of architecture favoured by the NSW Government Architect at the time.</i>
D) Social	<i>This item does not reach the local significance threshold under this criterion.</i>
E) Research Potential	<i>This item does not reach the local significance threshold under this criterion.</i>
F) Rarity	<i>The building in its role and architectural design is unique in Penrith LGA.</i>
G) Representativeness	<i>The building is representative of the output of the NSW Government Architect.</i>

⁴⁹ Office of Environment and Heritage, 2005. 'Penrith Council Chambers (former)'. Accessed online December 2020: <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260189>

⁵⁰ 'It is noted that the Penrith Former Council Chambers site is currently under investigation to establish the redevelopment potential of the site, including progressing through an Architectural Design Excellence Competition process. Any proposed changes to the Former Council Chambers building will be subject to a thorough merit based assessment, including further heritage impact assessment' (Penrith Council, *pers comm* 27 January 2021)

7.1.2.3 Statement of significance

The statement of significance for the TAFE Building item (Penrith LEP 2010 Item No. 689) is as follows:

The TAFE Building is one of the first post-1960s modern civic buildings erected in Penrith designed in the International architectural style, at the onset of the growth of the town into a regional city. The building is an excellent example of the work of the NSW Government Architect (E. H. Farmer) at the time and is rare within the LGA. The building is located within a precinct of former centres of local and county levels of government administration, this building demonstrating a layer of State Government administration. The role of the building in providing instruction in trades and services coincides with the importance of Penrith as a place of industry.⁵¹

7.1.3 Prospect Electricity Building (former) (Penrith LEP 2010 Item No. 701)

7.1.3.1 Description

The former Prospect Electricity Building was designed by Leslie J Buckland and Druce in the c1960s. The structure is a three-storey office block at the corner of Station and Henry Streets, Penrith, directly opposite the former Penrith City Council Chambers. It comprises reinforced concrete with expressed grid posts and beams with glazed panelled infill. The lower and upper areas of the façade have been altered.

7.1.3.2 Assessment of significance

The assessment of significance for the former Prospect Electricity Building item (Penrith LEP 2010 Item No. 701) is shown below.

Table 9. Assessment of significance against the NSW Heritage assessment criteria

Criterion	Discussion
A) Historical	<i>The building demonstrates a phase in the development of the Penrith with the formation of regional electricity supply. The completion of the building coincides with the marked upgrade of government services following the County Cumberland Plan of 1955 and the onset of Penrith's accelerated industrial, commercial and residential development of the 1960s.</i>
B) Associative	<i>This item does not reach the local significance threshold under this criterion.</i>
C) Aesthetic or Technical	<i>The building is a representative example of the International style of architecture. The façade of the building contributes to the townscape values of Penrith CBD.</i>
D) Social	<i>This item does not reach the local significance threshold under this criterion.</i>
E) Research Potential	<i>This item does not reach the local significance threshold under this criterion.</i>
F) Rarity	<i>The building in its role, scale and architectural design is unique in Penrith LGA.</i>
G) Representativeness	<i>This item does not reach the local significance threshold under this criterion.</i>

⁵¹ Office of Environment and Heritage, 2005. 'TAFE Building'. Accessed online December 2020: <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260689>

7.1.3.3 Statement of significance

The statement of significance for the former Prospect Electricity Building item (Penrith LEP 2010 Item No. 701) is as follows:

The former Prospect Electricity Building is a post-1960 modern civic building erected in Penrith and exemplifies the growth of the town into a regional city. The building is a representative example of the International style of architecture which is unique in the Penrith LGA. The building is located opposite the former Penrith Council Chambers and the pair form a precinct of former centres of local and county levels of government administration.⁵²

7.1.4 John Price & Son Funeral Home (former) (unlisted potential heritage item)

7.1.4.1 Description

The former John Price & Son funeral home was built by William Frederick Smith in c1954, beginning operations in November of that year. The structure is a single-storey Flemish bond brick Post-War structure with ornamental brick detailing. A courtyard-style parking bay is positioned in the rear yard of the property.

The Station Street elevation comprises a double-faced Flemish bond brick façade with double hipped roof constructed with terracotta-coloured tiles. Two double-hung timber sash dormer windows are positioned on the southern portion of the roof, with a single timber bay window and three double-hung sash windows on the ground floor. Two bow windows flank the glass front doors, with a single ornamental brick diamond set between the doors and the northern bow window. Further ornamental brick detailing in a triangular design is present underneath the bay window.

The Henry Street elevation comprises a single-faced Flemish bond brick facade with two attached garages on the northern end; the northernmost garage extends to the rear of the property and features a sloped terracotta tile roof, while the second garage extends approximately 5m to the rear of the property and features a flat corrugated iron roof. One narrow and one wide timber double-hung sash window are positioned on the southern end of the elevation, with two unusual pointed-arch stained glass windows flanking the wooden double doors. The windows, which indicate the presence of an interior chapel, are made of red and yellow stained glass and feature a stylised cross design.

Internally, the building is in good condition and appears to substantially retain internal features such as cornices, window fittings and finishes. Floorboards are the main flooring throughout the building, with minor areas of damage evident in the front parlour. It is likely that the utilitarian interior design of the building remains true to its original form and operation. Light fittings appeared to post-date the construction of the building.

The structure is set slightly back from the street with a low brick wall with ornamental detailing and crushed-gravel courtyard. An unusual brick fountain with an octagonal brick base is positioned in front of the Station Street entrance.

⁵² Office of Environment and Heritage, 2005. 'Prospect Electricity Building'. Accessed online December 2020: <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260701>



Figure 42. View of Station Street elevation of the former John Price & Son funeral home.
(Source: Google Maps)



Figure 43. View of the Henry Street elevation of the former John Price & Son funeral home.
(Source: Google Maps)



Figure 44. View of the octagonal brick fountain in the Station Street courtyard of the former Price & Son funeral home. (Source: JMD Design)

7.1.4.2 Assessment of significance

The following assessment of significance of the 'John Price & Son funeral home (former)' unlisted heritage item is based on historical research and a site inspection and is presented in Table 10 below.

Table 10: Significance assessment for 'John Price & Son funeral home (former)'

Criterion	Explanation
A – Historical Significance	<p>The former funeral home has historical significance at a local level. John Price & Son is historically associated with the development of Penrith and the local area's funeral industry. The building, constructed 100 years after the founding of the Price & Son business, shows the growth of funerary practices and customs in the area.</p> <p>The building represents the Post-War evolution of Penrith's commercial district. The long-term occupation of the building by John Price & Son and its continuous use as a funeral home is rare in the Penrith area, with many buildings surrounding the study area dated to the late twentieth century. The importance of the funeral home and its role in the evolution of Perth's commercial district during the twentieth century contributes to its historical significance.</p> <p>The item has local significance under this criterion.</p>
B – Associative Significance	<p>The former funeral home is associated with John Price & Son, a local funeral business that has operated in the Penrith area for over 150 years. Moving from its original position in High Street to the current property in the 1950s, the structure was purpose-built for local funerals arranged by John Price & Son until 2014. This long association with a single business is of great significance to the local community.</p> <p>The item has local significance under this criterion.</p>
C – Aesthetic or Technical Significance	<p>The former funeral home displays a high level of aesthetic significance, with an eclectic mixture of architectural features from a number of period styles including Post-War, Interwar, Art Deco and Federation. The building's purpose as a funeral home is indicated by aspects of religious architecture to the chapel, including pointed-arch stained glass windows with stylised cross elements. The structure is constructed in multi-coloured "Chromatex" brick, including moulded and curved varieties, which were a new and popular material at the time. Both externally and internally the building appears to be substantially intact, with the relatively modest interiors indicative of the restrained and utilitarian nature of the space excepting the chapel room. A highly unusual octagonal brick fountain in the Station Street courtyard is contributory to the item's aesthetic significance.</p> <p>The item has local significance under this criterion.</p>
D – Social Significance	<p>The former funeral home has the potential to contribute to the local community's sense of place and can provide a connection to the local community's past. As a locally-recognised name in the funerary industry, John Price & Son has conducted the funerals of local residents since its establishment in 1855. The business operated within this purpose-built funeral home from 1954-2014. A strong association is present between the structure, the business, residents of the local area and other stakeholders such as local historical societies.</p> <p>The item has local significance under this criterion.</p>
E – Research Potential	<p>The former funeral home is unlikely to provide further knowledge about funerary techniques or practices in the twentieth century; this topic is already well-documented in the historical record.</p> <p>The item does not meet the threshold for significance under this criterion.</p>
F – Rarity	<p>The unusual combination of architectural styles present within the structure are unique for a Post-War building. The bay and dormer style windows are reminiscent of earlier Federation/Interwar style architecture, while the pointed-arch stained glass windows are more typical of religious buildings. These window styles, combined with a highly</p>

Criterion	Explanation
	ornamental "Chromatex" brick and Flemish bond, produce a rare and eclectic building that is highly contributory to the streetscape. The item has local significance under this criterion.
G – Representativeness	The former funeral home is representative of the increasing professionalisation of funerary practices in Australia following the Second World War, as funerals moved away from the domestic sphere and became a recognised industry. The item has local significance under this criterion.

7.1.4.3 Statement of significance

The former John Price & Son funeral home is of local heritage significance.

The funeral home, completed in 1954, is the oldest continuously-used purpose-built funeral home in Penrith, showing the changing attitudes towards funerary practices and customs in the area. The funeral home is associated with a local funeral business founded by John Price in Penrith in 1855, which moved from High Street to its current location in the 1950s. The Post-War building features an eclectic mixture of architectural styles, including Interwar, Art Deco and Federation features such as bay and dormer windows. The religious aspect of funerals is also shown in the religious architectural features of the Station Street elevation, which include pointed-arch stained glass windows with stylised cross elements. This combination of architectural styles makes the building unique in the Penrith LGA and a distinctive item in the streetscape. A highly unusual octagonal brick fountain in the Station Street courtyard is contributory to the item's aesthetic significance.

7.1.4.4 Grading of heritage significance

The different elements of a structure or place contribute to its overall heritage value. The loss of one or more of these components may diminish the overall significance of the item. Specifying the contribution that a component makes to the overall heritage significance of a structure or place provides a useful framework for its management.


The NSW Heritage Office's publication *Assessing Heritage Significance* (2001) outlines appropriate terminology and justification for grading individual components, and the implications that this grading has to an item or landscape's significance (Table 11).

Table 11. Standard grades of significance.

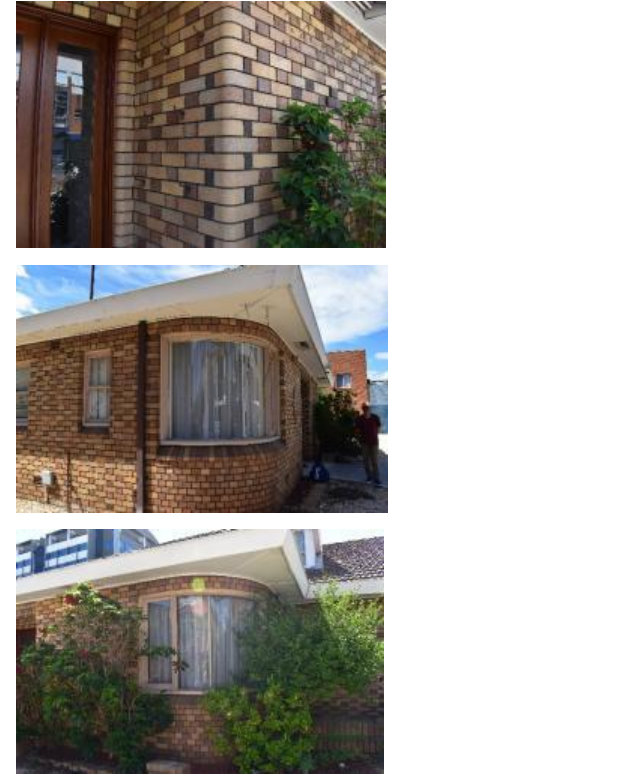
Grading	Justification	Status
Exceptional (E)	Rare or outstanding element directly contributing to an item's local and State significance.	Fulfils criteria for Local or State listing.
High (H)	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for Local or State listing.
Moderate (M)	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for Local or State listing.
Little (L)	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for Local or State listing.
Intrusive (I)	Damaging to the item's heritage significance.	Does not fulfil criteria for Local or State listing.


7.1.4.4.1 John Price & Son funeral home grading of significance - exterior


Table 12: Heritage significant fabric at former John Price & Son funeral home - Exterior


Area	Element/ Significance of fabric	Image
Roof and high-level elements	Terracotta tiles – High Timber and steel roof structure (assumed) – High Timber fascia and eaves – Moderate Windows (dormer) – High Aerials - little	



Area	Element/ Significance of fabric	Image
External Walls	Chromatex brick – High Doors (front and French doors) - Moderate Windows (Bay, dormer and bow) – High	


Area	Element/ Significance of fabric	Image
	<p>Chromatex Brick – High Doors - High Windows (Stained glass, sash and bow) – High Garage and outbuilding - High</p>	 <p>The image column contains three photographs. The top photograph shows a close-up of a dark brown door with a small number '1' on it, set in a wall of light-colored brick. There are two arched windows on either side of the door. The middle photograph shows a side view of a brick building with a gravel driveway and a street in the background. The bottom photograph shows a garage with a white roller door, also constructed from brick, with a car partially visible on the left.</p>


Area	Element/ Significance of fabric	Image
	<p>Chromatex Brick – High Doors - High Windows – Moderate Garage and outbuilding – High Rear courtyard - Moderate</p>	 <p>The image column contains three photographs of a brick building. The top photo shows a close-up of two white doors and a window on a brick wall. The middle photo shows a window with a white frame and a metal railing in front of it. The bottom photo shows a wider view of the building's facade, including a garage area and a courtyard.</p>


Area	Element/ Significance of fabric	Image
Courtyard and landscaping – Ground floor	Concrete (ground floor)– Little Brick fence – High Iron gate - High Brick columns - Moderate Octagonal fountain – High	 <p>The image column contains three photographs. The top photo shows a brick fence and an iron gate leading to a courtyard. The middle photo shows an octagonal brick fountain in the center of a paved courtyard. The bottom photo is a close-up of a brick column with a decorative pattern.</p>

7.1.4.4.2 John Price & Son funeral home grading of significance - interior

Table 13: Significant fabric located at former John Price & Son funeral home - Interior

Area	Element/ Significance of fabric	Image
Chapel	Ceiling -Little Cornices - Little Walls – High Timber turned columns - High Wooden flooring- Moderate Carpet flooring - Little Skirting boards - Little Stained glass windows - High Light fittings - Little	

Area	Element/ Significance of fabric	Image
Residence	Ceiling -Little Cornices - Little Walls - High Wooden flooring- Moderate Skirting boards - Little Timber sash window, bay window, dormer window – High Blinds and curtains - Little Light fixtures – Little	 <p>The image column contains three photographs. The top photo shows a ceiling with a light fixture and a window with blinds. The middle photo is a close-up of a decorative wall sconce. The bottom photo shows a room with wooden flooring, a window with blinds, and a doorway.</p>

Area	Element/ Significance of fabric	Image
Outbuildings	Ceiling -Little Walls - Moderate Tile and concrete flooring- Little Timber sash windows – High Built-in cupboards and storage – Little Light fixtures – Little	

8.0 IMPACT ASSESSMENT

8.1 Introduction

The following section provides an assessment of the impacts that proposed development will have on heritage listed items, one unlisted item and potential archaeological remains within and around the study area.

This assessment has been prepared in accordance with the guidelines provided by the NSW Heritage Council and seeks to evaluate and explain how the proposed works may impact the heritage significance of the place, and comment on the necessity of negative impacts and mitigation measures (see Section 2.4).

8.2 Proposal

Council has proposed to establish a City Park at the corner of Station Street and Henry Street, Penrith. The City Park will be a vibrant green space that is a destination for residents, workers and visitors and a stimulant for the day- and night-time economy of the area. The proposal would involve the demolition of all existing structures within the study area and remediation of the site.

The properties affected by the proposal are:

- Lot 3 DP 1200790
- Lot 1 DP 526304
- Lot E DP 163176
- Lot 2 DP 556075
- Lot 10 DP 5536655
- Lot 11 DP 5536655
- Lot 1 DP 164798
- Lot 1 DP 252457
- Lot 1 DP 254763.

Key features of the proposal include the following:

- Demolition of all existing structures within the study area
- Remediation of the study area and earthworks
- Construction and re-surfacing of the impacted road pavement
- Installation of an irrigated central lawn
- Installation of WSUD, upgrade kerb and gutters
- Recycled brick paving
- Landscaping including the planting of super advanced trees and mass planting
- Installation of smart park elements
- Waste innovation (for properties adjacent to the park)
- Installation of custom designed amenities building with storage, a performance space and pergola

- Design and installation of sustainable water feature (or water features) with interactive elements
- Public art
- Quality and durable fixtures, fittings, and furniture (i.e., seating, bubblers, display banner poles, lighting)
- Installation of signage distinct to Penrith.

An overview of the current design plan for the proposal is included in Figure 45, with artists impressions of the park provided as Figure 46 and Figure 47.

The impacts of the key elements of the proposed works described above are assessed in Section 8.5. Impacts are separated into potential direct (physical) impacts and potential indirect (visual) impacts to items as a result of the proposal, with assessment terminology used as outlined in Table 3.

8.3 Design development

The current design will be submitted to Council with a Development Application (DA) for the proposed City Park.

8.4 Project justification

The construction of a City Park has been considered an important component in the transformation of Penrith City Centre since 2006. It was identified in the Penrith Progression Action Plan as a key project for promoting growth, development, activation and to create more vibrancy in the city centre.

City Park will be approximately 7,000sqm on the corner of Station Street and Henry Street, Penrith. The location of City Park is a prime central location for an iconic City Park, a short walk from Penrith Train Station and Westfield, and immediately opposite the former Council Chambers. The City Park location is perfectly situated to support and compliment future city centre investment and development.

The park will provide benefits during the day for city centre workers and shoppers and in the evening, activating the city's restaurants and other social opportunities. City Park will attract visitors to the city centre and encourage residents and workers to get outside, exercise and connect with one another.

City Park is identified in Councils Operational Plan as priority project. As such, the concept design has been completed to enable the project to move to the detailed design stage in January 2021. Construction of City Park will begin in late 2021 and will be completed in early 2023.



Figure 45. Current design plans for the proposal. (Source: JMD Design)



Figure 46. Supplied by JMD Design – Artists Impression of City Park in Spring, trees 6 months after installation



Figure 47. Supplied by JMD Design – Artists impression of Penrith City Park in Spring, trees at 15-20 year maturity

8.5 Assessment of heritage impact

The following assessment of heritage impacts has focused on those aspects of the proposed works with the potential to impact on listed and unlisted heritage items within and around the study area.

8.5.1 Impact on listed items

There are three listed heritage items of local significance in the vicinity of the study area. The Penrith Council Chambers (former) (Penrith LEP 2010 Item No.189) is located approximately 15 m north of the study area, the TAFE Building (Penrith LEP 2010 Item No.689) is located approximately 15 m northeast of the study area and the Prospect Electricity Building (former) (Penrith LEP 2010 Item No. 701) is located approximately 16 m west of the study area.

8.5.1.1 Direct (physical) impacts

The proposed works associated with the Penrith City Park project involve large-scale demolition of all properties within the study area to facilitate the construction of a city park. The listed heritage items are positioned outside the study area at a distance of more than 10 m and will not be physically altered as a result of the demolition works.

However, there is some potential for the three heritage listed items to experience vibration levels above the cosmetic damage screening criteria during the bulk demolition and remediation works. Further assessment (including a vibration risk assessment) and vibration monitoring (if required) is recommended.

Assuming vibration impacts would be mitigated during the works period, the proposed works would result in an overall **neutral** direct (physical) impact to the three locally significant listed items.

8.5.1.2 Indirect (visual) impacts

The proposed works associated with the Penrith City Park project involve the demolition of all existing structures within the study area. All listed heritage items have direct views towards the study area's Post-War commercial development, including the John Price & Son funeral home. The heritage items were constructed in the late 1950s-1960s, a decade after the construction of the majority of the buildings within the study area. The demolition of these structures would alter the wider setting of all three heritage items, removing the existing views and altering the visual character of the area.

However, the proposed works do not involve the construction of new vertical elements or large obtrusive structures, and instead involve the development of a city park with green spaces. Any new structures would be low-rise and set back from the street as to maintain the current view lines to and from heritage items. The views from the listed heritage items, therefore, would not be further obscured by modern structures and may be opened up by the presence of an open space. As the development will not significantly obscure the views with permanent vertical structures, the visual impact of the works is minimized.

The proposed works would result in an overall **minor** indirect (visual) impact to the three locally significant heritage items.

8.5.2 Impact on unlisted potential heritage item

There is one unlisted potential heritage item located within the north-western portion of the study area at the corner of Station and Henry Streets (John Price & Son Funeral Home [former]). This item will be demolished as part of the proposal.

8.5.2.1 Direct impacts

The proposed works associated with the Penrith City Park project involve the complete demolition of the former John Price & Son funeral home. This would remove all significant fabric of the funeral

home, courtyard and associated outbuildings and would remove all significance associated with the property as assessed in Section 7.1.4.

Overall, the proposed works would result in a **major** direct (physical) impact to the John Price & Son Funeral Home (former) and would result in total loss of significance of the property.

8.5.2.2 Indirect (visual) impacts

The proposed works associated with the Penrith City Park project involve the complete demolition of the former John Price & Son funeral home. This would remove all visual characteristics of the funeral home, courtyard and associated outbuildings as well as views to and from the property. The demolition would remove all aesthetic heritage values associated with the property as assessed in Section 7.1.4.

Overall, the proposed works would result in a **major** indirect (visual) impact to the John Price & Son Funeral Home (former) and would result in total loss of significance of the property.

8.6 Archaeological impact assessment

The demolition methodology will be confirmed by the Demolition and Remediation consultant at a later stage of the project. The methodology for removal of extant structures and the degree of bulk earthworks following removal is therefore unknown at this stage.

An updated archaeological impact assessment should be prepared as part of the archaeological research design (ARD) process once the demolition methodology has been prepared and/or further information on the extent of bulk earthworks and other ground-disturbing activities during the demolition process is known.

8.6.1 Penrith Development Control Plan 2014

The Penrith DCP 2014 contains controls and recommendations for the conservation of heritage items and development within the vicinity of heritage items and conservation areas. The objectives of the controls are to ensure that the development of land or a building in the vicinity of a heritage item or heritage conservation area is undertaken in a manner that complements the heritage significance of the site or area. The controls also aim to introduce detailed urban design controls and guidelines which aim to retain the built forms of the streetscape and help guide new development within the existing streetscape.

The report recommends that any future works comply with the controls set within the DCP. These design controls and their assessment against the proposal are outlined in Table 14.

Table 14: Penrith DCP 2014 controls

Control	Assessment
a) To conserve and maintain established setbacks to streets	The proposal would be set back from the street as to not impose upon view lines to and from heritage items. Any new additions would be low-rise as to maintain the current Post-War setting of the surrounding area. The proposed use of the study area would open view lines between and towards surrounding heritage items.
b) To ensure adequate curtilage and landscape setting for the item	The proposal would not encroach upon the heritage curtilages of heritage listed items within the vicinity of the study area.

Control	Assessment
c) To ensure the integrity of the heritage item and its setting, or the conservation area, is retained	The proposal would take into consideration the Post-War architectural style of the surrounding area and endeavour to maintain current view lines to and from heritage items. The proposed use of the study area would potentially open view lines between and towards surrounding heritage items.
d) by the careful siting of new buildings and alterations and additions to existing buildings	There would be no direct (physical) impact to listed heritage items as a result of the proposal. Any new structures would be low-rise and set back from the street as to maintain the current view lines associated with the listed heritage items.
e) To ensure that the subdivision of land on which a heritage building is located does not isolate the building from its setting or context, or adversely affect its amenity or privacy	The proposal would not encroach upon the heritage curtilage of heritage listed items within the vicinity of the study area.
f) To ensure that the development of land or a building in the vicinity of a heritage item is undertaken in a manner that complements the heritage significance of the site	The proposal would take into consideration the Post-War architectural style of the surrounding area and, where possible, consider brickwork within the proposal (i.e., brick paving) to tie in with the Post-War aesthetic character of the surrounding area and heritage item.
g) 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	The proposal would not encroach upon the heritage curtilage of heritage listed items within the vicinity of the study area.
h) To ensure that new development, including alterations, additions, extensions, additional buildings or structures, are designed to minimise any potential impacts to adjoining heritage items	The proposed use of the study area is in keeping with the surrounding area and final design would aim to minimise impacts to adjoining heritage items.
i) To protect the heritage significance of heritage items and items within heritage conservation areas	The proposal would not encroach upon the heritage curtilage of listed heritage items within the vicinity of the study area. The proposal is not expected to cause a heritage impact level above minor to heritage items within the vicinity of the study area.
j) To conserve and protect significant items of European heritage that are located in the industrial areas of the City	The proposal would not encroach upon the curtilage of listed heritage items and is not expected to cause a heritage impact level above minor to heritage items within the vicinity of the study area.
k) To prevent the demolition of heritage items or items within heritage conservations areas	The proposal would not result in the demolition of heritage listed structures, though one unlisted item of local heritage significance will be demolished. The unlisted heritage item will be majorly impacted, resulting in total loss. The proposal is not expected to cause a heritage impact level above minor to listed heritage items within the vicinity of the study area.

Control	Assessment
l) To ensure that new development located within the curtilage of a heritage item is in keeping with the context and setting of the heritage item	The proposal would take into consideration the Post-War architectural style of the surrounding area. New structures should be low-scale and set back from the street as to not impose upon view lines to and from heritage items. In addition, brickwork should be considered in the proposal (i.e., brick paving) to tie in with the Post-War aesthetic character of the surrounding area and heritage items.

8.7 Statement of heritage impact

A statement of heritage impact has been prepared in accordance with the model provided in the NSW Heritage Division (now Heritage NSW) guidelines which delineates a statement of heritage impact into five key component questions Table 15.⁵³

Table 15. Statement of Heritage Impact for the proposed works for the Penrith City Park project

Impact	Discussion
<p>What aspects of the proposal respect or enhance the heritage significance of the study area?</p>	<p>The proposal would not involve the alteration of any listed heritage items surrounding the study area or impinge on their curtilages.</p> <p>The design of the Penrith City Park would take into consideration the Post-War character of the study area, maintaining aesthetic consistency for the three locally significant heritage items where feasible. New structures would not impose upon view lines to and from the heritage items, with the majority of the proposal involving the creation of green space and any structures planned to be low-rise and set back from the street.</p> <p>Additionally, material such as the Chromatex bricks will be considered in the landscaping as visual references to the Post-War aesthetic character of the surrounding area. The retention of the octagonal ornamental fountain, <i>in situ</i> if feasible, ensures that a significant aspect of the unlisted heritage item, the John Price & Son Funeral Home, will be protected and incorporated into the development.</p>
<p>What aspects of the proposal could have a detrimental impact on the heritage significance of the study area?</p>	<p>The proposal would result in neutral direct (physical) impacts to the three locally significant heritage items, as the heritage items are located outside of the study area. However, the proposal will demolish all structures within the study area, resulting in the total loss of an unlisted heritage item, the former John Price & Son Funeral Home. This can be partially mitigated by the salvage of significant material, including the Chromatex bricks and stained glass windows, for future use. The octagonal ornamental fountain would also be protected and retained <i>in situ</i>.</p> <p>The visual characteristics and settings of the listed heritage items will also be altered by the large-scale demolition; however, as no medium- or high-rise vertical structures are being considered views are not likely to be significantly obscured.</p>

⁵³ NSW Heritage Division, *Statements of Heritage Impact*. Accessed online <https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

Have more sympathetic options been considered and discounted?

The proposal has been designed to avoid the curtilages of listed heritage items surrounding the study area and will demolish a single unlisted potential heritage item. This has been assessed as the most sympathetic option for the proposed works.

An alternative design option, comprising of the complete demolition of the John Price & Son Funeral Home and ornamental fountain was considered. This option would have discarded all significant fabric, including the Chromatex bricks and stained glass windows. This alternative design option was discounted as it would have resulted in the total loss of all significant fabric associated with the unlisted heritage item.

An alternative design option, comprising a large built entrance structure to the park at the intersection of Henry Street and Station Street was considered. However, that option was discounted once the decision was made to keep the ornamental fount, with the built structure replaced with a large Fig tree in order to better reflect the 'domestic scale' of the preserved ornamental fountain.

9.0 CONCLUSIONS AND RECOMMENDATIONS

9.1 Conclusions

This HIS has made the following conclusions:

- There are three listed heritage items in the vicinity of the proposed works:
 - Penrith Council Chambers (former) (Penrith LEP 2010 Item No. 189)
 - TAFE Building (Penrith LEP 2010 Item No. 689)
 - Prospect Electricity Building (former) (Penrith LEP 2010 Item No. 701)
- There is one unlisted potential heritage item in the vicinity of the proposed works:
 - John Price & Son Funeral Home (former), assessed as of local significance
- The study area has been assessed as having nil potential to contain locally significant archaeological remains dating to the first European occupation phase of the site (1789 – c1850s), low potential to contain archaeological remains of local significance relating to the mid-late nineteenth century commercial development and occupation of the site (Phase 2: c1850s - c1900) and moderate potential to contain archaeological remains of local significance relating to the early twentieth century commercial development and occupation of the site (Phase 3: c1900-1950). There is potential that these remains would be considered 'relics' under the *NSW Heritage Act 1977*.
- The proposal has been assessed as having a:
 - Neutral direct (physical) impact to the Penrith Council Chambers (former) heritage item
 - Minor indirect (visual) impact to the Penrith Council Chambers (former) heritage item
 - Neutral direct (physical) impact to the TAFE Building heritage item
 - Minor indirect (visual) impact to the TAFE Building heritage item
 - Neutral direct (physical) impact to the Prospect Electricity Building (former) heritage item
 - Minor indirect (visual) impact to the Prospect Electricity Building (former) heritage item
 - Major direct (physical) impact (demolition) to the John Price & Son Funeral Home unlisted heritage item
 - Major indirect (visual) impact (demolition) to the John Price & Son Funeral Home unlisted potential heritage item
 - Potential impact to areas assessed as demonstrating potential for archaeological remains.

9.2 Recommendations

The following recommendations would be considered during further development of the proposal design.

General

- Comprehensive photographic archival recording of the interiors and exteriors of the John Price & Son funeral home in accordance with relevant Heritage Division's guidelines should be conducted prior to demolition of the building. The photographic archival recording of each item would be carried out prior to works commencing, and in some cases, during the construction program. It should be prepared in accordance with the NSW Heritage Office's *How to Prepare Archival Records of Heritage Items* (1998), and *Photographic Recording of Heritage Items Using Film or Digital Capture* (2006) by a suitably qualified heritage consultant using archival-quality material.
- A 3D scan or photogrammetry of the John Price & Son funeral home should be considered in addition to the photographic archival recording.
- The ornamental octagonal fountain from the John Price & Son funeral home will be retained *in situ* and protected during works, and form part of the park landscaping following the completion of works.
- The stained glass windows and Chromatex bricks from the John Price & Son funeral home should be salvaged during demolition works.
- Where feasible, the Chromatex bricks from the John Price & Son funeral home should be reused in the park landscaping following the completion of works. If any damage is sustained by the octagonal fountain during works, these bricks may be suitable as replacements.
- A salvage methodology would be prepared for the octagonal fountain, Chromatex bricks and stained glass windows of the John Price & Son funeral home, detailing the specific recommendations for the safety of the items during the demolition process and possible next steps e.g., donation to local historical societies. Structural engineers would be consulted as part of this preparation.
- Opportunities for providing historical interpretive displays in the proposal design would be explored.
- All relevant staff, contractors and subcontractors should be made aware of their statutory obligations for heritage under *NSW National Parks and Wildlife Act 1974* and *NSW Heritage Act 1977*. This may be implemented as a heritage induction.

Archaeology

- As the potential for historical relics has been identified within the study area and the detailed design is currently unknown, archaeological testing under a Section 139 (s139) (1B) Exception permit is recommended. This would inform future designs for the proposal and involve:
 - A s139 (1B) exception permit application would be prepared and submitted to Heritage NSW, DPC for approval prior to works commencing

- The s139 (1B) application will require the preparation of an archaeological research design (ARD), with an archaeological excavation methodology, which would be submitted in support of the permit application. The ARD should include additional primary research where required to inform the excavation methodology, and an impact assessment once the demolition methodology has been prepared by the demolition contractor
- A program of archaeological test excavation and monitoring would be undertaken in accordance with the s139 conditions and ARD in areas assessed as containing potential for locally significant archaeological remains
- Results derived from archaeological test excavations would be used to inform future detailed designs for the project including areas that should be avoided by subsurface impacts where feasible.
- If archaeological remains are found during testing and impacts cannot be avoided, a Section 140 Excavation permit would be required from Heritage NSW:
 - A s140 excavation permit application would be prepared and submitted to Heritage NSW, DPC for approval prior to works commencing
 - This would require the preparation of an archaeological research design (ARD), with a historical archaeological excavation methodology, which would be submitted in support of the permit application
 - A program of archaeological salvage excavation would be undertaken in accordance with the s140 conditions and ARD.
- An Unexpected Finds Procedure would be prepared as part of the archaeological investigations. The NSW Heritage Division would be notified of the discovery of a relic in accordance with Section 146 of the NSW Heritage Act 1977.

Vibration impacts

- During construction and demolition works, monitoring of vibration impacts to the locally significant former Council Chambers (Penrith LEP 2010 Item No. 189), TAFE Building (Penrith LEP 2010 Item No. 689) and former Prospect Electricity Building (Penrith LEP 2010 Item No. 701) would be undertaken by structural engineers or a vibration specialist. Assessment and monitoring of vibration impacts would adhere to the:
 - British Standard BS 7385: *Part 2: Evaluation and Measurement for Vibrations in Buildings – Part 2 Guide to Damage Levels from Ground-Borne Vibration*
 - German Standard DIN 4150 *Part 3: Structural Vibration in Buildings: Effects on Structures.*
- If vibration monitors are necessary for listed heritage items, non-invasive adhesive methods such as beeswax would be considered.
- If it is identified that levels of vibration would result in damage to heritage fabric associated with the listed heritage items, works must cease and the construction methodology be

reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts.

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