

HERITAGE IMPACT STATEMENT



96-98 Lethbridge Street and 42-46 Evan Street, Penrith

December 2020 | J4253

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1.0 INTRODUCTION

1.1 Preamble

This Heritage Impact Statement has been prepared to accompany a Development Application for the demolition of the existing buildings at Nos. 92-96 Lethbridge Street and Nos. 42-46 Evan Street, Penrith, New South Wales, and their replacement with two residential flat buildings and new landscaping.

The site is located within the City of Penrith. The principal planning control for the site is the *Penrith Local Environmental Plan 2010 (LEP 2010)*. The site is not subject to any statutory heritage controls. It does, however, adjoin a heritage item and lie within the vicinity of other heritage items listed by Schedule 5 Part 1 of the *LEP 2010*. Under the provisions of Part 5.10 of the *LEP 2010*:

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The most appropriate heritage management document in this instance is a Heritage Impact Statement (HIS).

This statement has been prepared at the request of the owners of the site and accompanies architectural plans prepared by Urban Link and landscape plans prepared by NBR Architecture. Landscape.

1.2 Authorship

This HIS has been prepared by Alice Fuller, B.Appl.Sc.(CCM), M.Herit.Cons.(Hons.) and James Phillips, B.Sc.(Arch.), B.Arch., M.Herit.Cons.(Hons.), of Weir Phillips Heritage and Planning.

1.3 Limitations

A detailed history and assessment of the heritage items in the vicinity of the site was not provided for. The information provided by the State Heritage Inventory listing sheets and other readily available sources was relied upon. With the exception of the St. Stephens Church and Cemetery, these items were viewed from the public domain only.

Given that the site is not heritage listed, a history and assessment of the existing buildings on the site was not provided for. The site was viewed from the public domain only.

1.4 Methodology

This assessment has been prepared with reference to the *NSW Heritage Manual Assessing Heritage Significance* (update 2001) and *Statements of Heritage Impact* (update 2012), prepared by the predecessors of NSW Heritage.

1.4.1 Physical Evidence

A site visit was constructed in November 2020. Unless otherwise stated, the photographs contained in this assessment were taken by the authors on this occasion.

1.4.2 Documentary Evidence

1.4.2.1 Historic Plans and Photographs

- (*Aerial Photograph over Penrith*), 1943. SIX Maps.

1.4.4.2 NSW LPI

- Certificate of Titles: Volumes 1216 Folios 23; 1261-174; 4499-38; 5084-95; 6499-96; and 6941-130.

1.4.4.3 Heritage Listing Sheets

- *St Stephens Anglican Church, Hall and Cemetery*, No. 258-280 High Street, Penrith. State Heritage Inventory Database No.: 2260206.
- *St. Stephens Cemetery*, High Street, Penrith. State Heritage Inventory Database No.: 2260208.
- *St. Stephens Church Hall*, High Street, Penrith. State Heritage Inventory Database No.: 2260207.
- *Victorian Cottage*, No. 163 Derby Street, Penrith. State Heritage Inventory Database No.: 2260698.

1.4.4.4 Planning Documents

- *Penrith Development Control Plan 2014*.
- *Penrith Local Environmental Plan 2010*.

1.5 Site Location

Nos. 96-98 Lethbridge Street and Nos. 42-46 Evan Street, Penrith is located on the southern side of Lethbridge Street and on the eastern side of Evan Street (Figure 1).

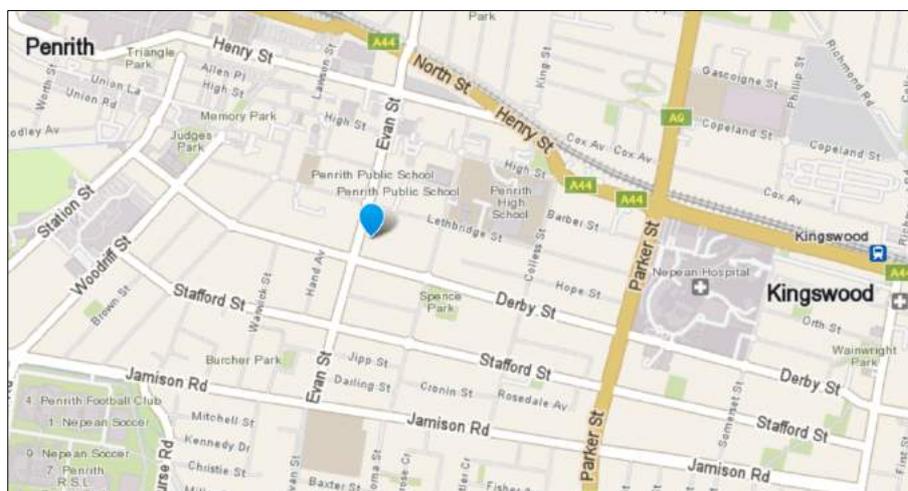


Figure 1: Site Location.
Whereis.

Figure 2 and Table 1 below identifies the lots comprising the site.



Figure 2: The lots comprising the site.

SIX Maps; annotations in red by WP Heritage and Planning.

No. in Fig. 2	Address	Property Identifier
1	No. 98 Lethbridge Street	Lot 6 D.P. 519556
2	No. 96 Lethbridge Street	Lot 72 D.P. 81076
3	No. 42 Evan Street	Lot 1 D.P. 18848
4	No. 44 Evan Street	Lot 2 D.P. 18848
5	No. 46 Evan Street	Lot A D.P. 376772; Lot 18b D.P. 407961; Lot 71 D.P. 810706; Lot X D.P. 389668

2.0 THE SITE

2.1 Summary of Heritage Listings

The site is:

- Not listed by the State Heritage Register under the *NSW Heritage Act 1977*.
- Not listed as a heritage item by Schedule 5 Part 1 of the *Penrith LEP 2010*.
- Not located within a Conservation Area defined by Schedule 5 Part 2 of the *Penrith LEP 2010*.
- Not listed as an archaeological site by Schedule 5 Part 2 of the *Penrith LEP 2010*.
- Not listed by any non-statutory heritage registers.

2.2 Site Description

The site is irregular in shape. It has a 31.09m frontage to the southern side of Lethbridge Street and a 56.845m frontage to the eastern side of Evan Street. The site is 6,860sqm in size. The topography is gently undulating.

There are a number of free standing single storey, brick and/or weatherboard clad dwellings on the site, as follows:

- No. 98 Lethbridge Street: The dwelling on this site is a free standing, single storey Post World War II period bungalow clad in fibre-cement sheeting. The roof forms are gabled and clad in tile. The dwelling is located on a small rectangular lot. It is set back from the street to provide for a small front yard and a larger rear yard.
- No. 96 Lethbridge Street: The dwelling on this site is a free standing, single storey Interwar period bungalow clad in timber weatherboards. The roof forms are gabled and clad in corrugated metal sheeting. The dwelling is located on a small rectangular lot. It is set back from the street to provide for a small front yard and larger rear yard.
- No. 42 Evan Street: The dwelling on this site is a free standing, single storey Post World War II brick dwelling with hipped, tiled, roof forms. It is located on a small rectangular lot and is set back slightly further from the street than its neighbours.
- No. 44 Evan Street: The dwelling on this site is a free standing single storey Hardiplank (or equivalent) clad Post World War II dwelling. The roof is hipped and clad in corrugated metal sheeting. The dwelling is located on a small rectangular lot. It is set back from the street to provide for a small front yard and larger rear yard.
- No. 46 Evan Street: The dwelling on this lot is a single storey Post World War II dwelling constructed of brick and weatherboard. It has pitched tiled roof forms. This lot is large and irregular in shape. The dwelling stands between No. 44 Evan Street and No. 163 Derby Street. The lot, however, extends behind No. 44 Evan Street to also have frontage to the street between No. 42 and 44 Evan Street.

There are a number of ancillary structures, including free standing garages, inground swimming pools and a tennis court on the site. The site is well vegetated with a mature tree canopy and low scale planting. Planting includes native and exotic species. The arborist report, prepared by About Trees, that accompanies this application should be referred to for tree identification. As detailed by the survey, there is also a 3m wide concrete pipe running through the site within an easement.

Figures 3 to 9 illustrate the site. Refer also to the survey that accompanies this application.



Figure 3:
Aerial photograph over
the site.
SIX Maps.



Figure 4:
No. 98 Lethbridge Street.



Figure 5:
No. 96 Lethbridge Street.



Figure 6:
No. 42 Evan Street.



Figure 7:
No. 44 Evan Street.



Figure 8:
The dwelling at No. 46
Evan Street.



Figure 9:
Land part of No. 46 Evan
Street to the north of No.
42 Evan Street.

2.3 Setting of the Site

The setting of the site is described in Section 3.2 below in conjunction with the setting of the heritage items that lie within its vicinity.

3.0 HERITAGE ITEMS IN THE VICINITY OF THE SITE

3.1 Identifying Heritage Items in the Vicinity of the Site

For the following, 'in the vicinity' has been determined with reference to physical proximity to the site, existing and potential view corridors and the nature of the proposed works.

There are no heritage items/conservation area listed by the *NSW Heritage Act 1977* within the vicinity of the site.

For the following, refer to Figure 10, a detail of the *Penrith LEP 2010* Heritage Plan, which shows the location of heritage items and conservation areas adjoining and within the vicinity of the site listed by this plan. In this plan, heritage items listed by Schedule 5 Part 2 of the *LEP 2010* are coloured brown and numbered. Conservation Areas listed by Schedule 5 Part 2 of the *LEP 2010* are hatched in red and numbered. The subject site is outlined in blue.

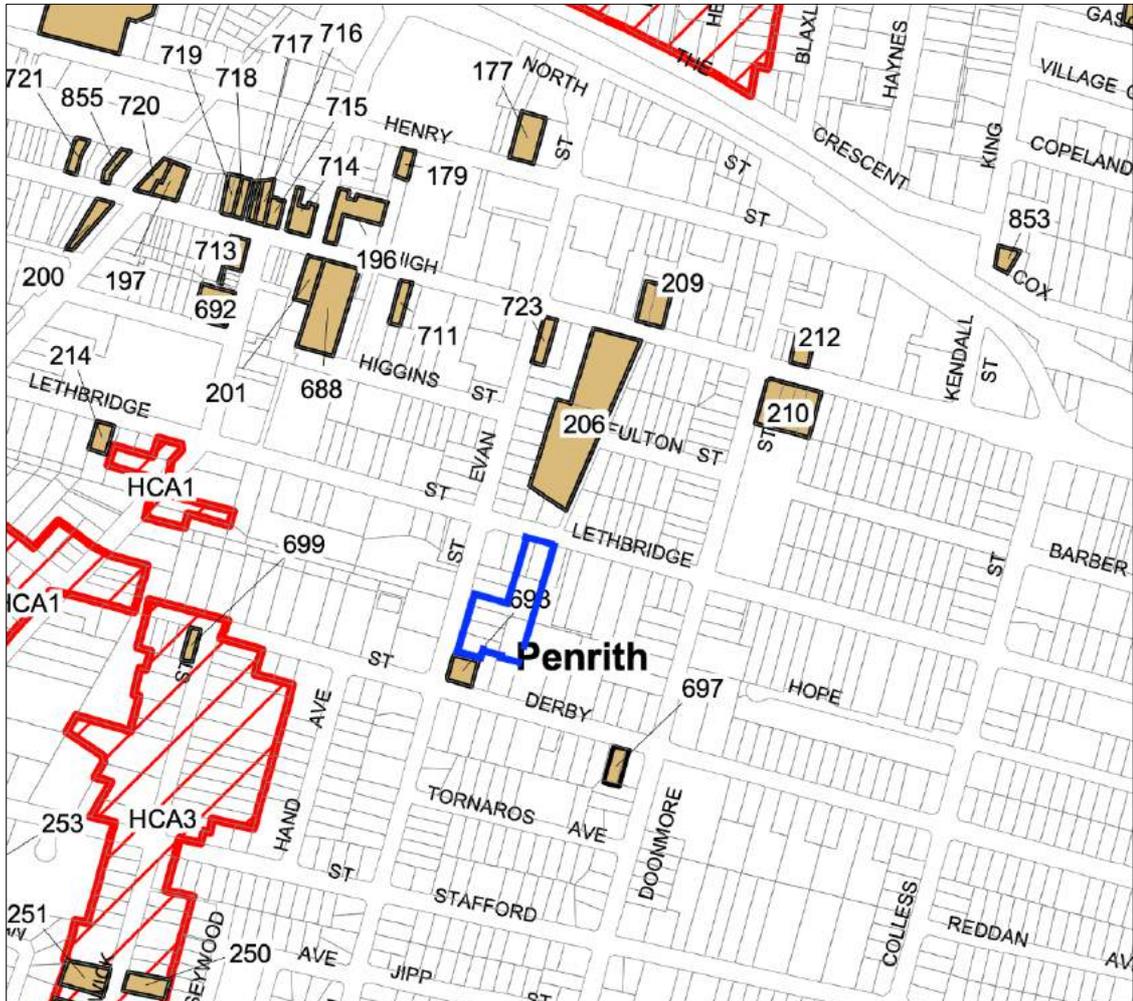


Figure 10: Identifying Heritage Items in the Vicinity of the Site.
Auburn LEP 2010; annotations by WP Heritage and Planning.

The following heritage items adjoin the site:

Item	Address	Listing Level
Victorian Cottage. Marked '1698' in Figure 10 above.	No. 163 Derby Street.	<i>Penrith LEP 2010</i> : Schedule 5 Part 1. Local.

Table 2: Heritage Items Adjoining the Site.

The significance of this item is assessed in Section 3.2 below.

The following heritage items lie within the immediate vicinity of the site:

Item	Address	Listing Level
St. Stephen's Anglican Church, Hall and Cemetery. Marked '206' in Figure 10 above.	No. 258-280 High Street.	<i>Penrith LEP 2010:</i> Schedule 5 Part 1. Local.

Table 3: Items in the Immediate Vicinity of the Site.

This item is assessed in Section 3.3 below.

The following heritage items are noted as being further removed from the subject site, however, given the massing and scale of the proposed works, potentially lying within its wider visual catchment:

- *Cottage*, No. 288 High Street ('1723' in Figure 10).
- *Presbyterian Manse*, No. 154 Derby Street ('1697' in Figure 10).
- *St. Aubyn's Terrace*, No. 255-265 High Street ('1209' in Figure 10).

3.2 Heritage Items Adjoining the Site: *Victorian Cottage*, No. 163 Derby Street

This item adjoins the south western corner of the site.

3.2.1 History

The State Heritage Inventory listing sheet provides the following historical information about this item:

'Forms part of the Lambridge Estate Village subdivision of the 1880s.'¹

The above information is incorrect. The item does not stand on the original land grant that later became known as Lambridge, but on a 470 acre grant made to emancipist John Best, on 24 January, 1817. No. 163 Derby Street stands on land part of a small lot subdivision of over 482 acres undertaken by the Permanent Trustee Company in 1897. This land was marketed as part of the Hornsey Wood Estate.²

The item stands on part of a parcel of 1 acre, 3 roods and 38 perches of land sold by the Permanent Trustee Company to Henry Field, of Lemongrove, Penrith in September 1898. This parcel of land extended further north and east of the current lot boundary. The Field family owned the property until 1956; newspaper notices indicate that they occupied it during at least part of this time. The family carried out at least two further subdivisions, the last in 1954. Stylistically, it is likely that the cottage was built in the late 1890s.³ It is now a dental surgery.

3.2.2 Description

The State Heritage Inventory listing sheet for the site describes this item as follows:

'The item is a cottage at the corner of Derby Road and Evan Street. The brick cottage symmetrical elevation to Evan Street with a centred door and flanking sashed windows with half-round heads. The hipped roof is sheeted in corrugated metal and a pair of brick chimneys with corbelled stringcourse and capital. The verandah with a bell-cast profiled roof which

¹ *Victorian Cottage*, No. 163 Derby Street, Penrith. State Heritage Inventory Database No.: 2260698.

² Volume 1216 Folio 23; 1261-174; 4499-38; 5084-95; 6499-96; and 6941-130. NSW LPI.

³ See Certificate of Titles: Volume 1216 Folio 23; 1261-174; 4499-38; 5084-95; 6499-96; and 6941-130. NSW LPI.

returns along the side and rear elevations. This large suburban allotment includes a mature tree which is a remnant of its early garden setting. The house is prominently sited at the intersection of two roads.⁴

The cottage lies in the south western corner of its lot, which is larger than the average lot within the immediate area. The street boundaries are not fenced. There is a solid Colobond fence along the eastern boundary and a dilapidated, vine covered timber paling fence along the northern boundary, being the common boundary with the site. There is no formal landscaping on the site. There is irregularly spaced planting along part of the Evan Street and Derby Street boundaries. The mature tree noted in the SHI description above is located within the north western part of the site. There is a jacaranda tree planted on northern boundary, being the common boundary with the site. There is a large gravel surfaced car park accessed off Derby Street in the south eastern corner of the site.

In addition to the cottage, there is a second small free standing single storey building on the site, set back from the Evan Street boundary and in the south western corner of the site. This building is clad in weatherboard and has a pitched roof clad in corrugated metal sheeting. There are double timber doors in the western elevation, indicating that it was originally a garage. There are metal frame windows in the southern elevation. Part of this elevation lies under a bull-nosed verandah. This building is visible in a 1943 aerial photograph of the area.⁵

Refer to Figures 11 to 15 and to the photographs in the following sections.



Figure 11: Front elevation of the cottage, addressing Evan Street.

⁴ *Victorian Cottage*, No. 163 Derby Street, Penrith. State Heritage Inventory Database No.: 2260698.

⁵ (*Aerial Photograph over Penrith*), 1943. sixmaps.com.au.



Figure 12:
The cottage from
Derby Street,
showing the
southern and
eastern elevations.



Figure 13:
The outbuilding/
garage from Evan
Street.



Figure 14:
The parking area
to the west of the
cottage from
Derby Street. The
white building to
the rear is No. 46
Evan Street.

3.2.3 The Setting

3.2.3.1 Existing Setting

For the following, refer to Figure 15, an aerial photograph over the subject site and nearby heritage items. This image is also referred to in later sections of this statement.

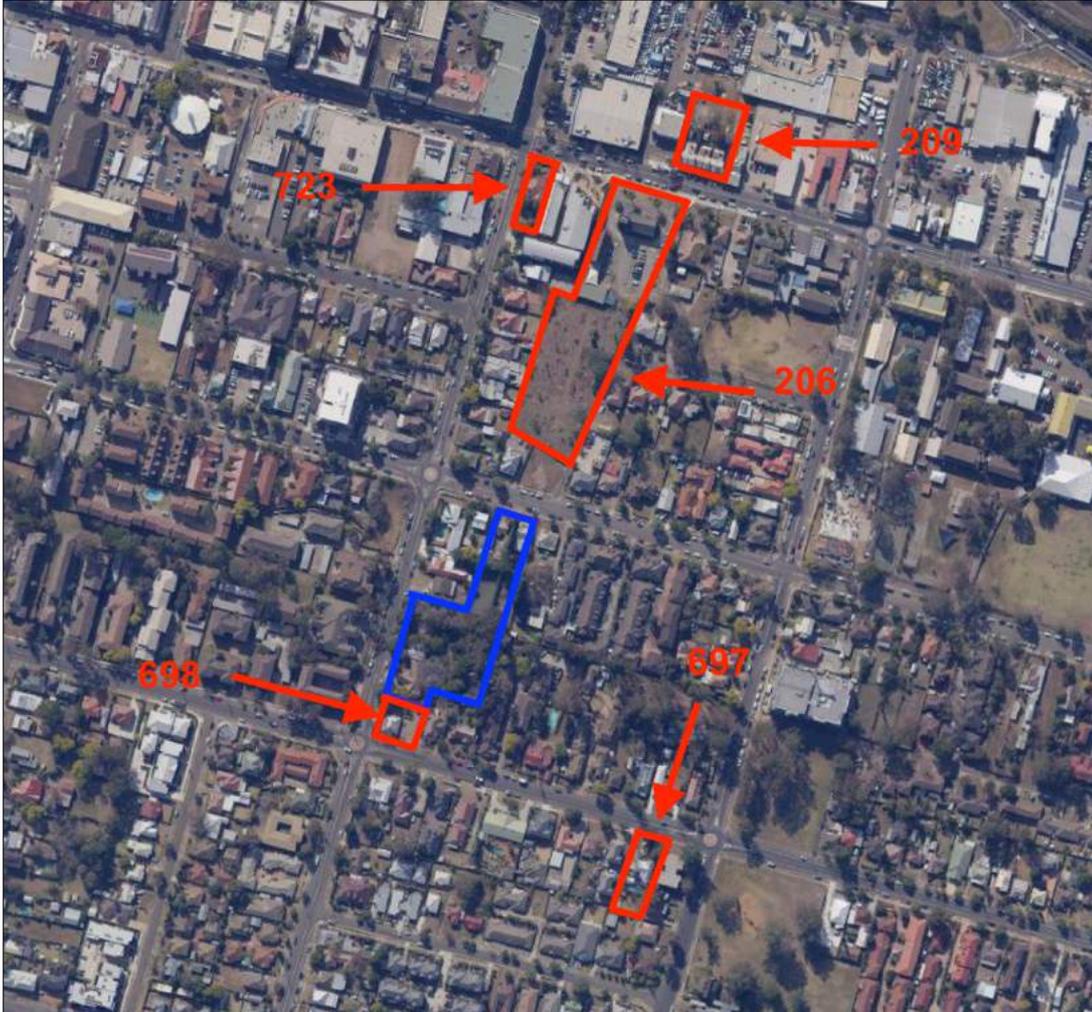


Figure 15: Aerial photograph over the subject site and heritage items in the vicinity.

Key: Blue: the site; 698: No. 163 Derby Street; 697: No. 154 Derby Street; 206: St. Stephens Church, Hall and Cemetery; 723: No. 288 High Street; 209: St. Aubyn's Terrace. SIX Maps; annotations by WP Heritage and Planning.

No. 163 Derby Street is located within a predominately residential area. It lies just outside of the Penrith City Centre. The street pattern is a grid pattern. Lot sizes vary considerably. The area is comprised of a combination of one and two storey dwellings, dating predominately from the Interwar period to the present day, set on small lots. These properties are interspersed with c.1970s and later residential flat buildings of up to four storeys in height set on larger lots. More recently, residential flat buildings of up to 18m have been constructed or are under constructed. Vegetation density within the area varies considerably. The site of the proposed works is more heavily vegetated than many lots within this area.

Evan Street, in the vicinity of No. 163 Derby Street (and the site of the proposed works), rises gently to the south. The street is wide and carries traffic in both directions. There are concrete kerbs, gutters and footpaths and nature strips to both sides of the street.

There are irregularly spaced street trees, including trees outside of the site of the proposed works and the item.

To the north of the item lies No. 46 Evan Street, part of the site of the proposed works. As described above, this is a large irregularly shaped allotment. The dwelling on this site (Figure 8) lies close to its common boundary with the item, addressing Evan Street. There is screening planting on the site of No. 46 Evan Street between the dwelling and its common boundary with the item.

To the west of this item, on the opposite side of Evan Street, are four storey residential flat buildings constructed in the c.1990s or later (No. 165 Derby Street on the corner of Derby Street and No. 41-45 Evan Street).

Refer to Figure 16 below.



Figure 16:
Evan Street
opposite the item
and the site of
the proposed
works.

Derby Street, in the vicinity of No. 163 Derby Street, is level. The street is wide and carries traffic in both directions. There are concrete kerbs, gutters and footpaths and nature strips to both sides of the street and irregularly spaced street trees. There are no street streets directly outside of the item. To the east of the item lies No. 161 Derby Street, a free standing Post World War II dwelling with a high hipped tiled roof that lies close to its common boundary with the site. Continuing east, the dwellings along this side of Derby Street are mostly single storey dwellings of the Interwar and Post War II periods set on small lots. Opposite the site lies No. 172 Derby Street, a much-altered Interwar period dwelling that is currently boarded up.

As noted above, there is a four storey residential flat building opposite the site at No. 165 Derby Street on the north western corner of Derby and Evan Street. There is a single storey brick dwelling with hipped tiled roof on the south western corner of Derby and Evan Street, at No. 174 Evan Street.

Figures 18 to 20 illustrate the setting of No. 163 Derby Street in Derby Street. Refer also to the photographs in Section 3.2.4 below.



Figure 17:
No. 161 Derby Street
to the east of the
site.



Figure 18:
No. 172 Derby
Street, opposite the
site, on the south
eastern corner of
Evan Street.



Figure 19:
North western
corner of Derby
Street and Evan
Street.



Figure 20: South western corner of Derby Street and Evan Street.

3.2.3.2 Desired Future Setting

This part of Penrith, and hence the setting of this heritage item, will change significantly as non-heritage listed buildings are demolished and replaced with buildings of a significantly larger scale in line with the controls provided by the *Penrith LEP 2010*. The area to the north, east and west of No. 163 Derby Street, including the site of the proposed works, is zoned for High Density Residential (R4). This zoning provides for buildings of up to 18 m in height. The area to the south, on the opposite side of Derby Street, is zoned for Medium Density (R3), which provides for buildings of up to 8.5m in height. See Figure 21 below.

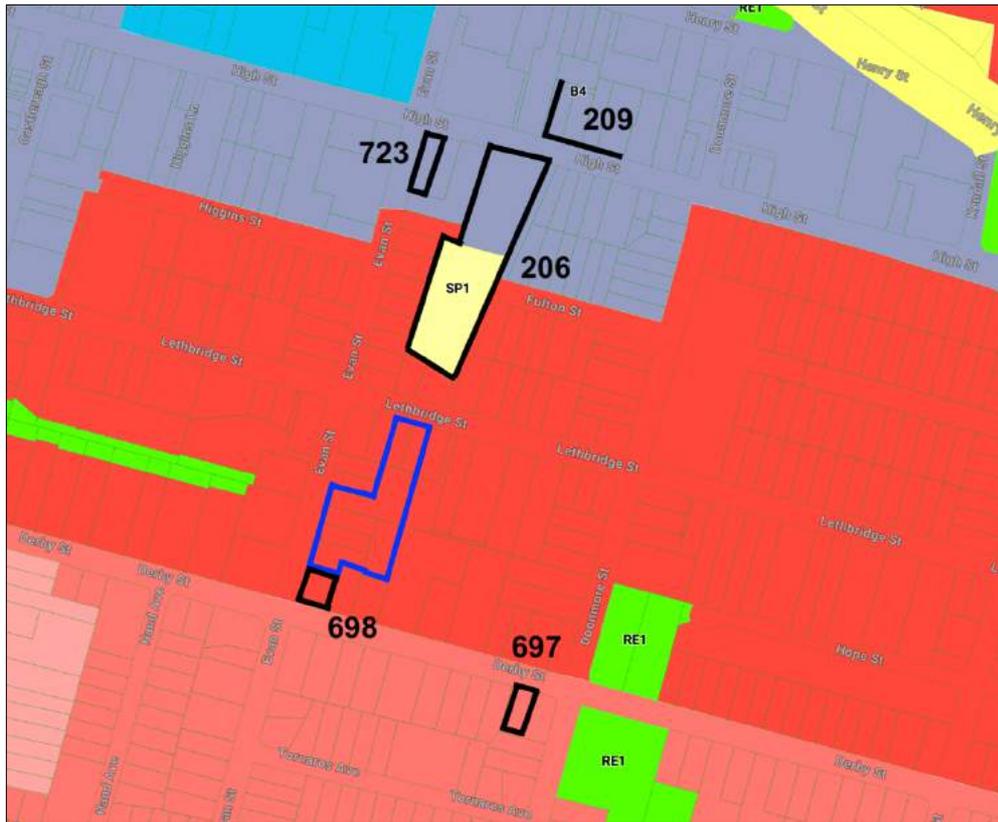


Figure 21: Zoning under the Penrith LEP 2010 within the immediately surrounding area.
Key: Blue outline: the site; '698': No. 163 Derby Street; '697': No. 154 Derby Street; '206': St. Stephens Church, Hall and Cemetery; '723': No. 288 High Street; '209': St. Aubyn's Terrace. Red shading: areas zoned R4 High Density Residential; Dark pink shading: area zoned R3 Medium Density Residential; Yellow shading: areas zoned Special Activities; Purple shading: areas zoned B4 Mixed Use.
 Meccone Moasic; annotations by WP Heritage and Planning.

A number of buildings have already been constructed in line with these zonings or are under construction. Urban Link have prepared a image showing the height and massing of buildings that could be built within the setting of the heritage item and the subject site under the current zonings. Refer to Figure 22.



Figure 22: Image showing character of the area if non heritage listed sites are redeveloped in line with Council controls. The heritage item is circled in blue. Urban Link; annotation in blue by WP Heritage and Planning.

3.2.4 View Corridors

The principal view corridors towards No. 163 Derby Street are obtained from directly outside of it on Evan Street and Derby Street and from the intersection of the two streets. Views from outside of the site on Evan Street are the more significant because they are of the front elevation of the cottage. Views from both streets are partially disrupted by vegetation. Refer back to Figures 11 and 12 above. As shown by Figure 14 above, the site of the proposed works is visible behind the item when standing outside of it on Derby Street.

The item is largely concealed on approach along Evan Street from the north, unless viewed from a wide angle, by the adjoining dwellings and by vegetation, particularly the vegetation on the common boundary with the site of the proposed works. The view on approach from the south is more open because of the item's corner location. The site of the proposed works forms part of these view corridors.

The item is visible on approach in either direction along Derby Street, depending on the angle. The site of the proposed works forms part of these view corridors.

The principal views out of the heritage listed item are to the west across Evan Street and south across Derby Street.

Refer to Figures 23 to 29 below.



Figure 23: View towards the item on approach along Evan Street from the north. The street tree and vegetation on the site of the proposed works (at No. 46 Evan Street) conceals the item from this view point. The proposed works will be visible within the foreground on approach from this direction.



Figure 24: View towards the heritage item from closer on Evan Street. No. 46 Evan Street, part of the site of the proposed works is visible on the left hand side. Vegetation completely conceals the heritage item from this view.



Figure 25: View towards the heritage item from Evan Street when close to the site. The view opens up when close to the site and beyond No. 46 Evan Street. This is the tree noted in the SHI description of the site.



Figure 26: View towards the item on approach from Evan Street from the south. The roof of the item is visible through vegetation. The proposed works will be visible within the tree line within this view corridor.



Figure 27: View towards the item on approach along Derby Street from the east. The roof of the item is visible through vegetation. The proposed works will be visible to the north of the item within the tree line within this view corridor.



Figure 28: View towards the item on approach from the east, closer to the site than the above.



Figure 29: View towards the site on approach from the west along Derby Street. The proposed works will be visible within the trees to the north of this item within this view corridor.

3.2.5 Integrity

The boundaries of this item have altered over time. When first erected, the dwelling stood on over an acre of land and included part of the site of proposed works. The existing boundaries date from the mid 1950s. There is little remnant of the planting and garden layout suggested by Figure 30, an aerial photograph over the area in 1943. The dwelling appears to demonstrate a high degree of external integrity. When the rear verandah was first partially enclosed is not known. The setting associated with the dwelling has clearly changed over time. As demonstrated by Figure 30, it has become far more densely developed since World War II.

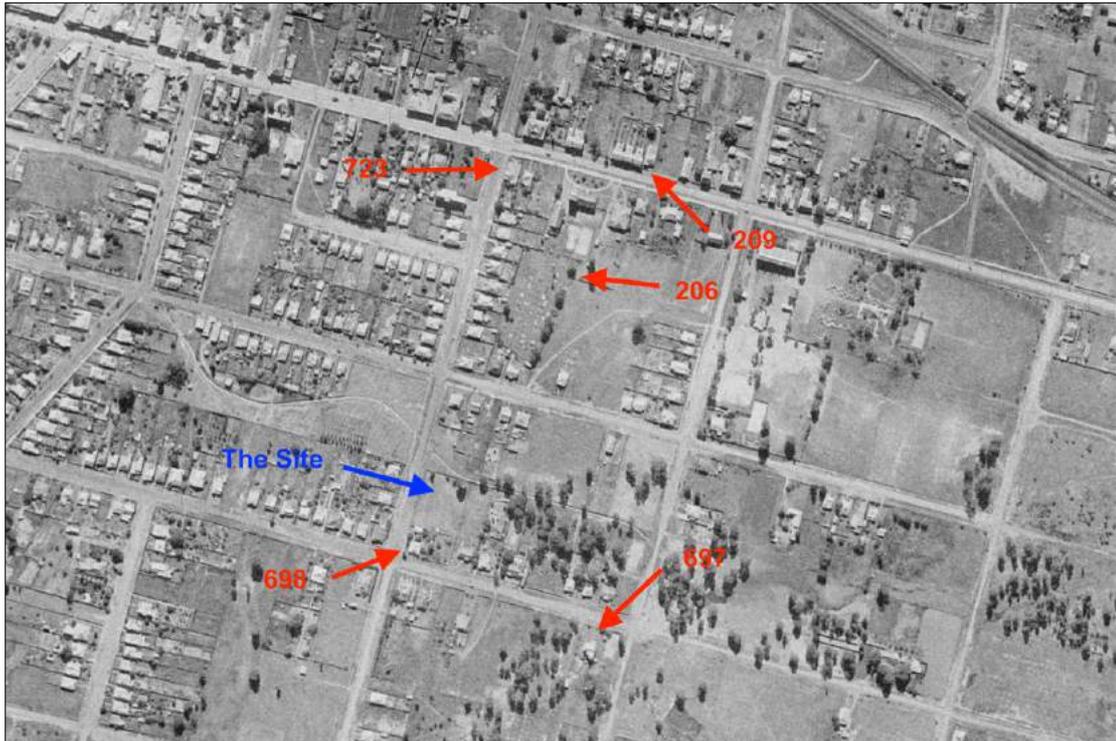


Figure 30: Aerial photograph over the site and the surrounding area.

Key: Blue arrow: the site; 698: No. 163 Derby Street; 697: No. 154 Derby Street; 206: St. Stephens Church, Hall and Cemetery; 723: No. 288 High Street; 209: St. Aubyn's Terrace.
SIX Maps.

3.2.6 Significance

The State Heritage Inventory listing sheet provides the following statement of significance for this item:

'A very good example of a Victorian style of residence that displays a high level of intactness of original detail and retains key features of its remnant garden setting. The dwelling exemplifies the range of building styles from the 1880's to the 1960's in Warwick Street Conservation Area.'⁶

The following revised statement is provided on the basis of the research carried out for this assessment:

No. 163 Derby Street, Penrith has local historic and aesthetic significance as a good and intact (externally) example of a late Victorian period cottage on a larger lot. Constructed in the late 1890s on the Hornsey Wood Estate subdivision, it was owned by the Field family until the 1950s. It is one of a small number of Victorian cottages surviving in the central Penrith area.

3.2.7 Curtilage

This item has a lot boundary curtilage, being Lot Y, D.P. 389668.

3.2.8 Relationship to the Site

The site has little visual relationship to this item because of the dense screening along its common boundary, particularly at its western end. The tree canopy of the subject site, however, forms part of the setting of the item as it is viewed on approach from the south, east and west.

⁶ *Victorian Cottage*, No. 163 Derby Street, Penrith. State Heritage Inventory Database No.: 2260698.

3.3 St. Stephens Anglican Church, Hall and Cemetery

This item primarily addresses High Street. The Cemetery, however, extends south towards Lethbridge Street. It is separated from the street by dwellings fronting the northern side of Lethbridge Street. The subject site's northern boundary is approximately 45m away from the Cemetery and approximately 200m from the Church.

3.3.1 History

The State Heritage Inventory listing sheet for this item provides the following historical information:

'With the passing of Governor Bourke's Churches Act in 1836 land for a church at Penrith was donated by local landowner John Tindale, who had acquired John Best's grant. The foundation stone for the church was laid in November 1837. Designed by Parramatta builder turned architect James Houison it was designed in the newly fashionable Gothic style. It was opened in 1839. St Stephen's Anglican Church was the first church built in Penrith. The local community contributed liberally towards the cost of its building including local dignitaries including Sir John Jamison, Captain Phillip Parker King RN, L.K. Lethbridge. The church was consecrated by the Bishop of Australia, the Rev. William Broughton. The first rector was the Rev. Henry Fulton who had been minister of the chapel at Castlereagh since 1814. Built of local bricks, the exterior of the church began to crumble over the course of the nineteenth century and both the interior and exterior walls were subsequently cement rendered in 1906. The original box pews were removed and replaced by open pews in the 1860s, while the present arrangement of the centre aisle was effected in 1952. The bell, said to have been cast on the site, is dated 1838 and is still in use. The nineteenth century rectors of the parish were: Henry Fulton (1838-1840), Thomas Makinson (1840-1841), Robert K. Sconce (1842-1843), Ben L. Watson (1844-1853), Elijah Smith (1853-1868), John Vaughn (1868-1880), George Brown (1881-1899), and Edward Hargrave (1899-1902).

Stained glass windows in the church are in memory of a number of prominent early parishioners. A marble table listing the names of the many parishioners who served in the 1914 - 18 War including those who were killed, is mounted on the inside wall of the Church. Some of the original furnishings of the Church are either in use or on display. The pipe organ in the Church was made by C.J. Jackson a renowned organ builder of Sydney, in 1874. It was installed in 1906 after a short service in a Sydney Church. (Pinfold 1988)

The cemetery dates from 1838 when the church was built. The cemetery was in use throughout the nineteenth century, but by the 1890s it had fallen into disrepair and the local council attempted to close it. A cemetery trust was established in 1917, while the opening of the new general cemetery at Kingswood had relieved pressure for new burials, although burials continued intermittently until 1943. A columbarium was established in the late 1970s between the church and rectory. The most notable burial site is that of Sir John Jamison's of 1844.⁷

⁷ *St Stephen's Anglican Church, Hall and Cemetery*, No. 258-280 High Street, Penrith. State Heritage Inventory Database No.: 2260206.

3.3.2 Description

The State Heritage Inventory listing sheet for this item provides the following site description:

'The church is set on a slight rise to the east of the town's centre and is near the police station and courthouse site which marks the oldest European settlement site in the village. The church is orientated on an east/west axis with the tower at the west end facing the Blue Mountains. The elevation of the church and height of the tower provide an item that is visible from the railway line when approaching the town, and is visible from the historic Lemongrove estate to the north. The church has sandstone footings, walls of locally sun dried bricks and including a bell tower. The roof is of cement tiles.

The church is set within landscaped grounds that are characterised by the open landscaped nature and discreet location of rectory and parish hall. The forecourt of the church on High Street has a concrete paved drive, memorial garden beds, and regularly spaced palm trees. The High Street boundary has good modern period detailed timber picket fence.

To the east of the church is the c1910s Bungalow style rectory which has brick and cement roughcast walls and a tiled hipped roof extending over encompassing verandahs. The verandah has brick and cement roughcast balustrade and piers, and has been partially enclosed. There is a front projecting bay with gabled roof. To the west and set back from the church is a brick parish hall c1917. The building is a five bay Edwardian style face brick structure with timber framed casement windows and highlights in each bay. The main entry porch is located on the central axis at the north end of the hall. On either side of the porch is a tall casement window. A second porch is located on the east side of the hall, and like the north porch, it has a gable roof.

The cemetery is located to the north of the church and is accessed from Fulton Lane off Lethbridge Street. It is a slightly graded and irregularly shaped block. The lane boundary is enclosed by a modern high post and rail fence and gate, the other boundaries are defined by high paling and chain mesh fences. The rear of properties fronting Evan Street are visible from the cemetery. The memorial stones utilise sandstone and imported granite and occasionally enclosed by wrought iron palisade fences. Some family plots have sandstone pillars with wrought-iron chain. The ground is maintained through regular mowing and retains elements relating to former landscaped design with central grassed path on line with the church tower, and remnant mature plantings of pine cypress and olive.⁸

The Church Hall, which is not described above, is located to the rear of the Church. It is a single storey free standing Federation Style face brick building with a high pitched roof clad in asbestos cement tiles. The side elevations are divided into bays by engaged piers. The building has timber framed casement windows with top lights. Glazing is cleared and coloured. There are projecting gabled roofed porches on the northern and eastern sides and a skillion to the rear.

There are a number of later, non-significant buildings on the site.

Refer to Figures 31 to 33.

⁸ *St Stephen's Anglican Church, Hall and Cemetery*, No. 258-280 High Street, Penrith. State Heritage Inventory Database No.: 2260206.



Figure 31:
The Church from
High Street.



Figure 32:
Church hall to the
south of the Church
from within the
Church site.



Figure 33:
The Cemetery,
looking north
towards the Church
and Church Hall,
showing its general
character.

3.3.3 The Setting

3.3.3.1 Existing Setting

For the following, refer to Figure 15 above, which shows the Church site within its setting. To the north lies High Street, the principal commercial street in Penrith. This section of High Street rises to the east. The Church lies close to the high point in the street.

To the east of the Church site lies buildings originally constructed as dwellings and now used as commercial premises. The set back of buildings to the east varies. No. 250 High Street, to the immediate east, is a single storey Interwar period dwelling with painted brick walls and a hipped tiled roof form. Also adjoining the Church site to the east is a large playing field at No. 1 Fulton Road and, opposite the Cemetery, on the opposite side of Fulton Lane, the sides of single storey dwellings fronting Fulton Street and Lethbridge Street.

To the west of the Church site and fronting High Street, is a four storey mixed use building (c.1990s-2000s). This building lies close to its common boundary with the Church site and conceals the heritage listed Federation period dwelling at No. 288 High Street from the Church. The western side of the Cemetery adjoins the rear yards of single storey dwellings fronting Evan Street.

To the north of the Church site, on the opposite side of High Street, lie two storey Post 1980s commercial buildings and the two storey Victorian period terrace row, *St. Aubyn's Terrace*, which is listed as a heritage item by Schedule 5 Part 1 of the *Penrith LEP 2010*.

To the south of the Church site (i.e. the Cemetery) lies a single storey Interwar period dwelling fronting Evan Street (now used for commercial uses) and a recently constructed single storey commercial building with car park.

Refer to Figures 34 to 37.



Figure 34: Single storey dwellings to the east of the Cemetery, with high rise construction within the middle distance.



Figure 35: Buildings in Lethbridge Street bordering the Cemetery to the south and separating it from the street. These buildings lie directly opposite the site of the proposed works.



Figure 36: New commercial building in Lethbridge Street separating the Cemetery from the street. This building lies directly opposite the site of the proposed works.

3.3.3.3 Desired Future Setting

As stated above, this part of Penrith, and hence the setting of this heritage item, will change significantly as non-heritage listed buildings are demolished and replaced with buildings of a significantly larger scale in line with the controls provided by the *Penrith LEP 2010*. As shown by Figure 21 above, the southern part the heritage listed Church site is surrounded by land zoned R4 High Density, which has a 18m height limit. The northern part of the site is zoned B4 Mixed Use, which has a 12m height limit.

3.3.4 View Corridors

The principal view corridors towards the Church site from the public domain are obtained from High Street. Refer, for example, to Figure 31 above. The view is of the Church and Rectory. The Hall and Cemetery are concealed from High Street and are only visible from within the Church site. The site of the proposed works is not visible in conjunction with the Church from High Street.

The primary views towards the Cemetery from the public domain are obtained from Fulton Lane. Views towards the Cemetery from Lethbridge Street are now almost completely concealed from the street by buildings and fences. There is a minor slot view from the corner of Lethbridge Street and Fulton Lane.

The only open view corridors out of the Church site are to the north over High Street. Views out of the Church site to the south, and towards the site of the proposed works, are of fences, the backs of buildings, the tree line and the sky line. The proposed works will be visible within the tree line of these view corridors south out of the Church site.

Refer to Figures 38 to 42 below.



Figure 37: View from the rear of the car park behind the Church and Church Hall across the Cemetery towards the site. The proposed works will be visible over the top of the dwellings lining the northern side of Lethbridge Street and within the tree line in this view corridor.



Figure 38: View towards the Cemetery from Lethbridge Street. The Church tower and top of the Church Hall gable are visible. The monuments in the Cemetery are concealed by the fence.



Figure 39: View towards the Cemetery from Lethbridge Street, opposite the entrance into Fulton Lane. The fence largely conceals it. This is the most visible that the Cemetery is from Lethbridge Street.



Figure 40:View across the Cemetery from Fulton Lane towards the site of the proposed works. The proposed works will be visible within the tree line in this view corridor.



Figure 41: View out of the Cemetery towards the site of the proposed works. The proposed works will be visible within this view.

3.3.5 Integrity

As demonstrated by the 1943 aerial photograph, Figure 30 above, additional buildings have been erected on the Church site over time and vegetation patterns have changed. The Church and Church Hall appear substantially intact (externally). The basic Cemetery layout is intact; a number of trees appear to have been removed.

3.3.6 Significance

The State Heritage Inventory listing sheet provides the following statement of significance for the Church, Hall and Cemetery:

'This Church is significant because of its excellent representation of early colonial buildings in the Gothic style. It is the 16th oldest surviving Church in NSW and has provided a place for continuous worship since 1839. The Church is a recognised landmark in the Penrith area. The graveyard has historic importance as the oldest cemetery in Penrith township and is of aesthetic significance for demonstrating a wide range of monument types, styles and materials and retains evidence for formal landscaped scheme.'⁹

The separate listing sheet for the Church Hall provides the following statement of significance:

'Significant as an attachment to the church as part of the only colonial precinct remaining within the town.'¹⁰

The separate listing sheet for the Cemetery provides the following statement of significance:

'Significant as part of the only colonial precinct remaining within the town.'¹¹

These statements are adopted for the purposes of this assessment.

3.3.7 Curtilage

This item has a site boundary curtilage, comprising the individual lots listed by Schedule 5 Part 1 of the *Penrith LEP 2010*, being Lots 101 and 102, D.P. 597910.

3.3.8 Relationship to the Site

There is little visual relationship between the subject site and the heritage item. The Cemetery is largely screened by Lethbridge Street; the Church tower is just visible from some view point.

4.0 SCOPE OF WORKS

The following should be read in conjunction with the architectural plans prepared by Urban Link and the landscape plans prepared by NBRS Architecture. Landscape that accompany this application.

It is proposed to demolish the existing structures on the site and to construct two residential flat buildings with two levels of basement car parking. The building addressing Lethbridge Street, Building B, will be five storeys in height and set back 5.5m from the street. The fifth storey will be set back an addition 3m. The building addressing Evan Street, Building A, will be six storeys in height and setback 6m from the

⁹ *St. Stephen's Anglican Church Hall and Cemetery*, 258-280 High Street, Penrith. State Heritage Inventory Database No.: 2260206.

¹⁰ *St. Stephens Church Hall*, High Street, Penrith. State Heritage Inventory Database No.: 2260207.

¹¹ *St. Stephens Cemetery*, High Street, Penrith. State Heritage Inventory Database No.: 2260208.

street. It will be set back 6m from its common boundary with the heritage item at No. 163 Derby Street over the first four storeys and at least 15m for the levels above.

The building finishes painted Hebel blocks, with a sandstone base and for planters, metal framed doors and windows and a Colorbond for the roof.

A number of the trees on the site are retained and a comprehensive new landscape plan and native planting schedule provided. The two trees in the south western corner of the site, on the common boundary with the heritage item at No. 163 Derby Street, are retained and new trees are proposed along common boundary. Built landscape elements include: communal space at ground level and Levels 4 and 5, meandering paths, a nature play area, lawn, seating areas and a BBQ area. Finishes include natural stone paving, feature stone paving, gravel, sandstone stepping stones, sandstone walls, mulch and timber elements including decking, seating and pergolas.

5.0 METHOD OF ASSESSMENT

The following takes into consideration the heritage objectives and controls provided by the *Penrith LEP 2010* and *Penrith Development Control Plan 2014 (DCP 2014)*, in particularly C7.1.5 Development in the Vicinity of a Heritage Item or Conservation Area. The Heritage NSW Publication *Design in Context* has also been reviewed.

The Heritage NSW publication *Statements of Heritage Impact* (2002 update) provides the following questions to be answered in the case of new buildings adjacent to heritage items. Each of these questions is considered in the assessment below.

- Why is the new development required to be adjacent to a heritage item?
- How is the impact of the new development on the heritage significance of the item or area to be minimised?
- How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?
- How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?
- Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?
- Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?
- Will the additions visually dominate the heritage item? How has this been minimised?
- Will the public, and users of the item, still be able to view and appreciate its significance?

The following is a merit based assessment. It does not consider compliance or otherwise with numerical controls, unless non-compliance will result in a heritage impact.

6.0 HERITAGE IMPACT

6.1 Victorian Cottage, No. 163 Derby Street

One of the questions raised above is, why is the new development required to be adjacent to a heritage item?

Council planning controls consider not only heritage objectives, but also broader planning objectives. The planning controls express a desire for increased height and density within the area. The proposed development is permissible (with consent) on this site.

There is an inherent impact when a building of considerably larger massing and scale is proposed to be erected in close proximity to a small-scale heritage item. This has presumably been taken into consideration when Council zoned the area immediately surrounding this item (and other items in the area) for high density development.

The proposed works are located outside of the curtilage of this item and will have no physical impact on its fabric. In answer to one of the questions above, the curtilage around the item is sufficient because it maintains the principal view corridors to/from it, which are obtained from Evan and Derby Streets, and the understanding that is a Victorian period cottage built on a township lot.

The proposed works will not block significant view corridors to/from the item. The public will still be able to appreciate and understand the item as a Late Victorian period cottage. The proposed works will, however, be visible within view corridors towards the item and will form part of its immediate setting. The impact is acceptable for the following reasons:

- With regard to the proposed setbacks:

The proposed new buildings, in particularly Building A, closest to the item, has been carefully located on the site to retain the maximum number of existing trees as possible. These trees, while screening No.163 Derby Street on approach from the north along Evan Street, contribute to the setting of the item. They form a 'backdrop' to the item in view corridors obtained on approach from the south, west and east. They are significant elements in the setting of the item at street level.

The proposed 6m setback of Building A from the heritage item provides for the retention of the two mature trees in the south western corner of the site that currently screen the heritage item from the subject site at street level and for additional new planting along this boundary which, over time, will reinforce this screening. It is noted that the set back of proposed new building from the southern boundary of the subject site is maintained or increased to the east of the heritage item, maintaining existing trees along this part of the boundary and providing for new planting. These trees form part of the setting of the item as it is approached along Derby Street from the east.

- With regard to form, massing and scale, details and finishes:

As encouraged by the planning controls, the proposed new buildings are considerably larger in massing and scale than the heritage items. The following assists in managing the impact on No. 163 Derby Street:

- The proposed new works are split into two well-separated buildings.
- Levels 4 and above of Building A are set back at least 15m from the common boundary with the subject site so that the proposed building steps down in height towards the item. It is noted that the ground level is set down 1.2-1.5m below the level of the heritage item, reducing the apparent four storey height adjacent to the heritage item to the equivalent of 3.5 storeys.
- The retention of existing mature trees will allow the buildings to sit within an established tree line, thereby helping to integrate the mass of the new buildings into the setting of the item. The canopy will be supplemented by new tree planting.
- It is appropriate that a building of considerably greater massing and scale than the heritage item and of a different typology (i.e. a residential flat building as opposed to a single residence) develop its own building form. Buildings replicating the squared forms and pitched roof of the heritage item would be, in the proposed scale, overwhelming. The flat roof forms manage massing and scale. The flat roofs and curving profile of the balconies will help to integrate the buildings into the tree line and hence the setting of the heritage item.
- The elevations are well articulated and simply detailed, with strong horizontal elements in the rendered balcony balustrades and glazed banding, and vertical

elements in the glazing bars. The material palette is limited, simplifying the backdrop to the heritage item. The painted finish will contrast to the brick of the heritage item, highlighting it in the streetscape. A brick building of this scale would overwhelm the smaller cottage.

- With regard to visibility within view corridors and existing visual relationships: There is no significant visual relationships between the subject site and the item. The existing tree canopy on the site contributes to the setting of the item, particularly at street level. Mature trees are retained on the site and supplemented by new planting to help integrate the new buildings into the setting of this item. The setting of this item will increasingly become one of buildings of the character of that proposed as the non-listed sites within its immediate vicinity are re-developed. The elevation behind the heritage item is simply articulated, with a limited material palette which, together with vegetation, will help to integrate the buildings into the setting of this item.

6.2 St. Stephen's Church, Hall and Cemetery

The proposed works are located outside of the curtilage of this item and will be no impact on the fabric of the heritage item or its curtilage. In answer to one of the questions above, the curtilage around the item is sufficient because it contains all the significant fabric associated with the Church and the significant view corridors to/from it.

The proposed works will not block view corridors towards the item from the public domain. There will be no impact on ability of the public to view and appreciate the item as a mid-nineteenth century suite of Church buildings and Cemetery.

The proposed works will be visible in some view corridors towards this item, in some view corridors out of this item and will form part of its immediate setting. The impact is minimal and acceptable for the following reasons:

- The site does not share a common boundary with the item. The Church and Church Hall are located on rising ground around 150m to the north and the southern boundary of the Cemetery around 45m north. The proposed buildings will not be visible above the Church as it is viewed from High Street. It is from High Street that the most significant view corridors towards the Church are obtained.
- The proposed buildings will be visible on the skyline from with the Church site. The impact is acceptable because they will read as well articulated buildings in the middle distance that lie within the existing tree line. The impact will be much the same as the impact on the building currently under construction within the vicinity of the Church visible in Figure 35 above.
- The proposed buildings are located to the south of the Cemetery. They will not overshadow the Cemetery, hence effecting the growth of the grass or plants on within the Cemetery.

6.3 More Distant Items

The proposed works will have no impact on the other heritage items identified in Section 3.1 above as being more distant from the subject site but potentially lying in its visual catchment.

The viewing angles towards No. 288 High Street from High Street and Evan Street and the terrace row Nos. 255-265 High Street from High Street do not readily include the skyline above the subject site. The proposed buildings are unlikely to be read in conjunction with these items.

The proposed new buildings are sufficiently removed from No. 154 Derby Street not to impact upon its immediate setting or on significant view corridors to/from it. This item does not lie directly in line with this site.

7.0 CONCLUSIONS

This HIS has considered the heritage impacts of a proposal to construct two new residential flat buildings, with new landscaping, at Nos. 96-98 Lethbridge Street and Nos. 42-46 Evan Street, Penrith. The site is not subject to any statutory heritage listings but is located adjoining to, or within the vicinity of, a number of heritage items.

The proposal is permissible on the site and fulfills Council's desired future character for the surrounding area. The impacts of the proposal on the setting of the adjoining Victorian period cottage at No. 163 Derby Street are managed by providing a setback from the common boundary that allows the retention of existing mature trees that contribute to the setting of the cottage and provides for the planting of new trees. The ground floor of the new building closest to the item lies below the level of the cottage and the upper floors are setback. The elevation addressing the heritage item uses a limited material palette and is well articulated. The retention of mature canopy trees across the subject site and the planting of new ones means that the building will sit within the tree canopy. The existing view corridors towards this item at street level are retained. The public will still be able to view and appreciate this item as a Late Victorian period cottage set on a suburban allotment.

The proposal will have no impact upon the ability to understand the historic and social significance of the St. Stephen Church site as a mid-nineteenth century Church and cemetery. The proposed works will not impact on significant view corridors towards the Church site from the public domain. The proposed works will be visible in the middle distance from within the Church site. Buildings of this massing and scale will increasingly form part of the setting of the Church site. The impact is manageable because mature trees are retained on the site; the proposed new buildings, which are well designed and articulated, will lie within the tree canopy visible from the Church.