

STATEMENT OF HERITAGE IMPACT

Proposed works at
28 - 32 Evan Street, Penrith



Job No. 8342
April 2019

Heritage 21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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Cover page: Subject sites at 28-32 Evan Street, Penrith. (Source: Heritage 21, 5.12.2018)

Acknowledgement of Country

Heritage 21 wishes to acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders both past and present.

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Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft Report (D1)	10.12.2018	SB	MN	SB
2	Draft Report (D2)	11.12.2018	SB	-	SB
3	Report for Issue (R1)	26.02.2019	SB	-	SB
4	Report for Issue (R12)	04.04.19	SB	PR	SB
5	Report for Issue (R13)	30.04.2019	SB	PR	SB

1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact ('SOHI' or 'report') has been prepared on behalf of Morson Group, who has been engaged by the owner of the site to submit a development application for a new development at the site.

1.2 Site Identification

The subject site consists of three properties located at 28-32 Evan Street, Penrith, which falls within the boundaries of the Penrith local government area and comprises Lot A/DP324069 (28 Evans Street), Lot A/DP355720 (30 Evan Street) and Lot 1/DP510281 (32 Evan Street). For clarity, this report will refer to the separate allotments as 'the subject site' or 'the site' collectively. As depicted in Figure 1, the site is located on the eastern side of Evan Street, near the intersection of Lethbridge Street. The setting and topography of the site will be more fully described in **Section 3**.



Figure 1. Aerial view of the subject site highlighted in blue. The adjacent heritage item is highlighted in red. (Source: NSW Land and Property Information, 'SIX Maps', n.d., <http://maps.six.nsw.gov.au>).

1.3 Heritage Context

1.3.1 Heritage Listings

The site is **not listed** as an item of environmental heritage in the Penrith Local Environmental Plan 2010 ('PLEP'). The site is **not listed** on any other statutory or non-statutory registers of heritage items.

1.3.2 Heritage Conservation Area

As depicted in Figure 2, the site is **not located** within a Heritage Conservation Area ('HCA').



Figure 2. Detail from Heritage Map HER_013; the subject site is indicated by the blue box and heritage items, some of which are within the vicinity of the site, are marked brown. (Source: NSW Legislation Online,).

1.3.3 Heritage Items in the Vicinity

The following heritage items, noted on the Heritage Map in Figure 2, are situated in the vicinity of the site:

Listed Site/HCA	Address	Significance	Item
St Stephen's Anglican Church, Hall and Cemetery	258-280 High Street	Local	I206
Cottage	288 High Street	Local	I723

1.3.4 Summary of Heritage Considerations

As indicated in **Section 5.0** of this report, the proposed works entail the demolition of the existing dwellings on site and the construction of a new residential flat development. The proposed works would not impact on any views between the heritage items listed above. Further, Heritage 21 has identified that the proposed development would not be visible from the heritage item (I723) listed above. St Stephen's Anglican Church, Hall and Cemetery is located to the rear of the site and could share a partial visual relationship with the new development. Accordingly, the discussion in **Section 6.0** of this SOHI of the potential heritage impact of the proposal on heritage items in the vicinity is limited to St. Stephens Anglican Church, Hall and Cemetery (I206).

1.4 Purpose

The subject site is located in the vicinity of a heritage item which is listed under Schedule 5 of the Penrith LEP ('PLEP'). Sections 5.10(4) and 5.10(5) of the PLEP require Penrith Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to **Section 6.0**), on the heritage significance of the abovementioned heritage item and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of the heritage item. This assessment is carried out in **Section 6.0** below.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

1.5 Methodology

The methodology used in this SOHI is consistent with *Statements of Heritage Impact and Assessing Heritage Significance* published by the Heritage Division of the NSW Office of Environment and Heritage and has been prepared in accordance with the principles contained in the most recent edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

1.6 Authors

This Statement of Heritage Impact ('SOHI' or 'report') has been prepared by Sophie Barbera and overseen by Paul Rappoport of Heritage 21, Heritage Consultants.

1.7 Limitations

- This SOHI is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.

- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

2.0 HISTORICAL CONTEXT

2.1 Local History

2.1.1 Indigenous Occupation

There are about 29 clan groups of the Sydney metropolitan area, referred to collectively as the Eora Nation. There has been extensive debate about which group or nation these 29 clans belong to. It is generally acknowledged that the Eora are the coastal people of the Sydney area, with the Dharug (Darug) people occupying the inland area from Parramatta to the Blue Mountains. The Dharawal people's lands are mostly confined to the area south of Botany Bay, extending as far south as the Nowra area, across to the Georges River in Sydney's west. It is thought that the Guringai (Kuring-gai) people occupied the area north of Port Jackson along the coast.¹

2.1.2 Penrith History

The following history has been extracted from Penrith: Australian History:²

In 1770 Captain Cook landed on the shores of Sydney's Botany Bay. Eighteen years later in 1788, Captain Phillip established the first European settlement at Sydney Cove.

In the following year 1789, Captain Watkin Tench of the Royal Marines lead a party west of Parramatta to the foothills of the Blue Mountains. They came across a river described as being "as broad as the Thames at Putney and apparently of great depth, the current running very slowly in a northerly direction".



Figure 3. Penrith from the ridge. C.1914. (Source: Blue Mountains Library. HS2003. Retrieved from: library.bmcc.nsw.gov.au/client/en_AU/search/asset/1015783/0)

¹ City of Sydney Council. 'Sydney's Aboriginal History. 2013. Retrieved from: <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

² PenrithAustralia. History. Retrieved from: <https://www.penrithaustralia.com.au/info/history/>

The river was named the Nepean River after Evan Nepean (the Under Secretary of the Home Office in Britain who was involved in the organisation of the first fleet). Following settlement, the district became known as Evan and rapidly developed in agriculture to produce food for the Sydney Colony.

The area across the river, today known as Emu Plains was originally restricted to the general public. It was in Emu Plains a government farm was established by Governor Macquarie. After the impassable Blue Mountains barrier was first crossed by Blaxland, Wentworth and Lawson in 1813, public access was soon permitted across the Nepean River in 1815 following the building of the road across the Blue Mountains. Emu Plains was apparently named after the sighting of Emus roaming the area, however, there are no emus to be seen today.

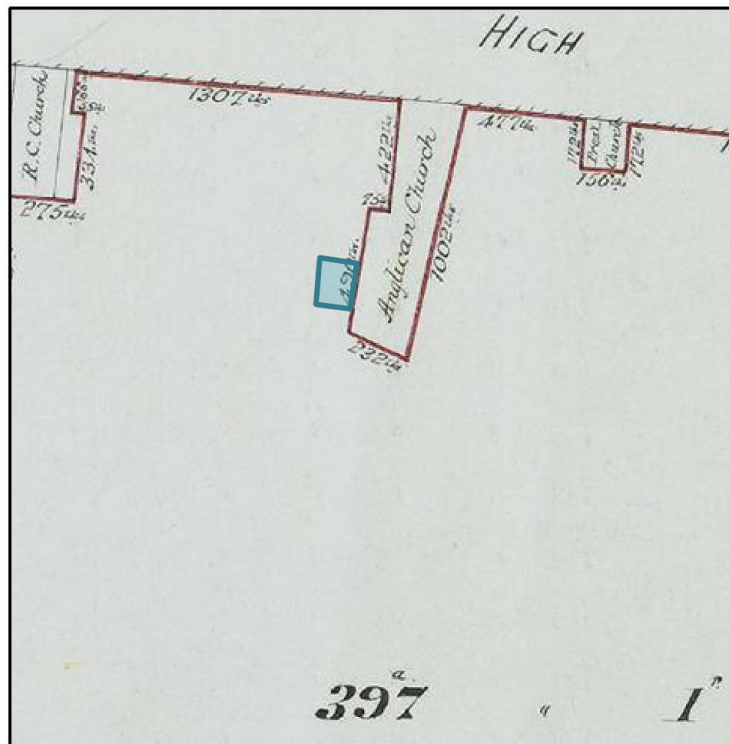


Figure 4. 1884 map of subject locality. Approximate location marked in blue. (Source: Land and Property Information. 684-233. Dated 1884. <http://hlrv.nswlrs.com.au/pixel.htm>)

While Castlereagh was declared by Governor Macquarie in 1810 to become one of the primary areas for development, due to the new route west to the Blue Mountains, the focus shifted south along the river to Penrith.

Penrith became a stop over and starting point for travellers west bound. The name Penrith, first recorded in 1822, may have been named after Penrith in Cumbria England, although details are a little sketchy. This town is also set on a river with a backdrop of hills.

Penrith really came alive with the introduction of the railway line in 1863 serving as a major railway town until the First World War. The town experienced major expansion during the Second World War with the establishment of several military depots in the area.

Penrith rapidly expanded during the 1970's with a major building boom, continuing to the present day to a population of over 185,000 (Census 2011) people. Penrith is now a major city being the CBD for the Hawkesbury Valley and Blue Mountains areas.

2.2 Site History

The history of the subject site can be traced back to the original land grant to John Best on the 24th January 1817. John Best was recorded as the superintendent of convicts and received 470 acres and would call the collectively allotment 'Best's farm.'³ The adjacent heritage item, St. Stephens Church, was constructed in 1839,⁴ within an allotment that remains today. As depicted in Figures 4 to 7, the current three allotments of the subject site were once part of a larger estate, which was subdivided by 1897.

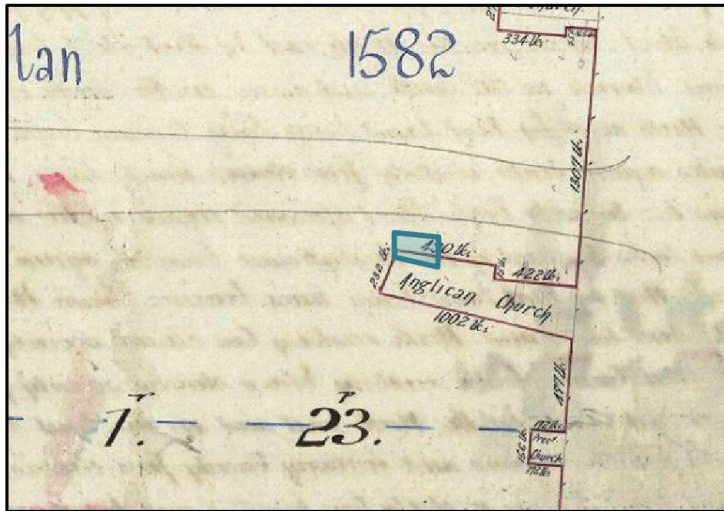


Figure 4. 1890 map of subject locality. Approximate location marked in blue. (Source: Land and Property Information. 992-182. Dated 1890. <http://hlrv.nswlrs.com.au/pixel.htm>)

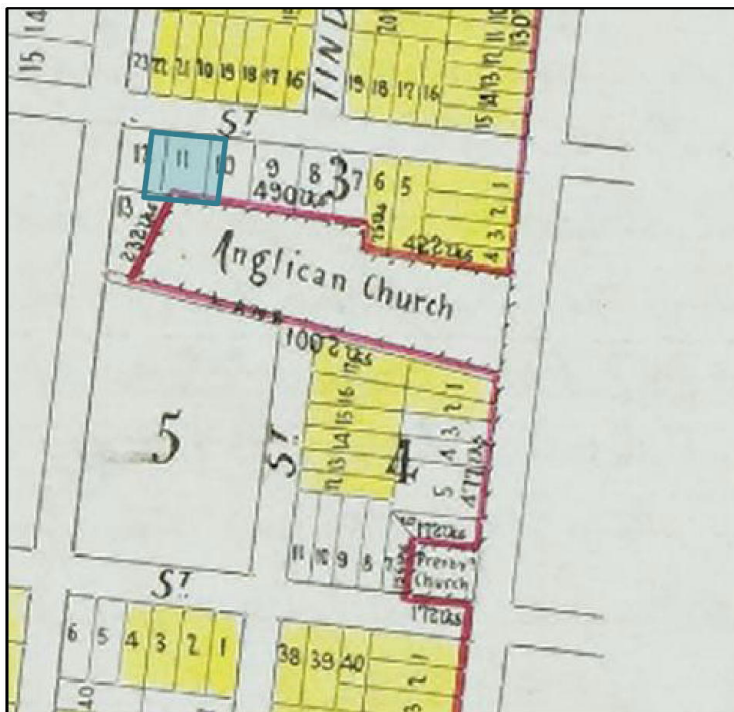


Figure 5. 1897 map of subject locality. Approximate location marked in blue. (Source: Land and Property Information. 1216-23. Dated 1897. <http://hlrv.nswlrs.com.au/pixel.htm>)

³ Penrith City Local History. Land Grants. Retrieved from: <https://penrithhistory.com/land-grants/>

⁴ St Stephen's Anglican Church, Hall & Cemetery. NSW Government Office of Environment & Heritage. Retrieved from: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2260206>

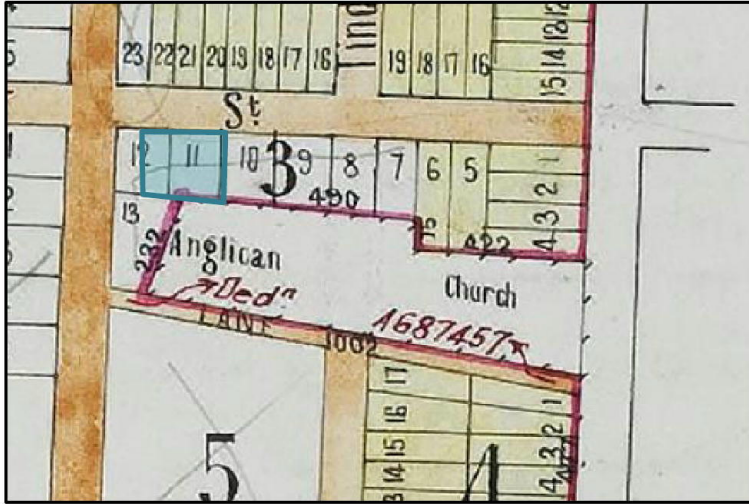


Figure 6 .1909 map of subject locality. Approximate location marked in blue. (Source: Land and Property Information. 1915-221. Dated 1909.<http://hlrv.nswlrs.com.au/pixel.htm>)

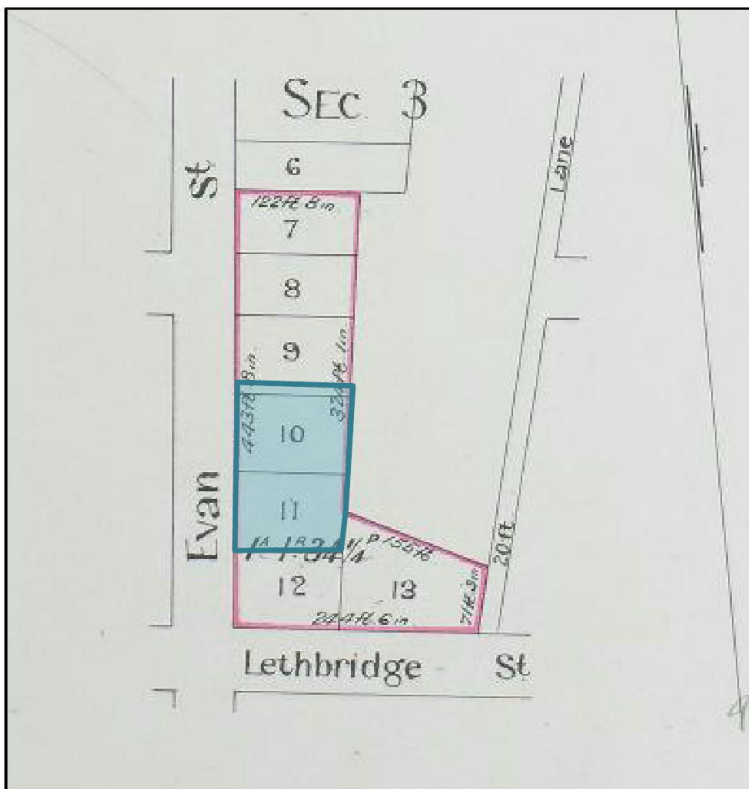


Figure 7 .1915 map of subject locality. Approximate location marked in blue. (Source: Land and Property Information. 2579-129. Dated 1915.<http://hlrv.nswlrs.com.au/pixel.htm>)



Figure 8. 1943 Aerial Map of Sydney. Subject site has been outlined in blue. (Source: SixMaps)

2.2.1 28 Evan Street, Penrith

The dwelling appears to have been constructed between 1937 – 1943, as indicated by the subdivision of the land (Figure 9) and the later aerial imagery seen in Figure 8. The subject dwelling appears to have undergone considerable modifications to the rear since initial construction. Sarah Gertrude Seddon purchased the land off Charles Auckland in 1929 (this land title included number 26 Evans Street at the time) which was later subdivided on the purchase made by John Duncan in 1937.

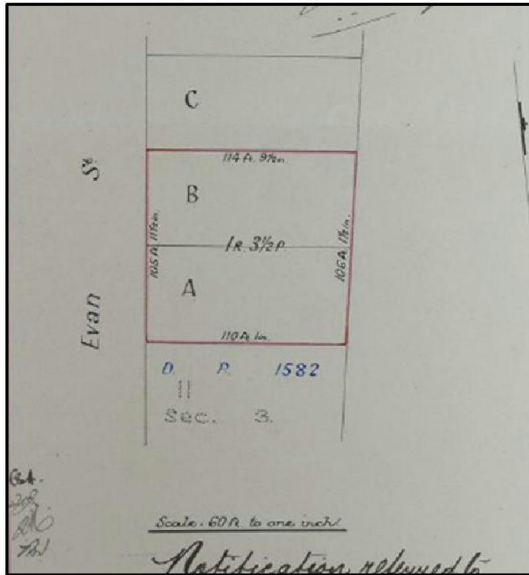


Figure 9: 1929 LPI map of subject locality. (Source: Land and Property Information. 4325-79. Land title of Sarah Gertrude Seddon. Dated 1929. <http://hlrv.nswlrs.com.au/pixel.htm>)

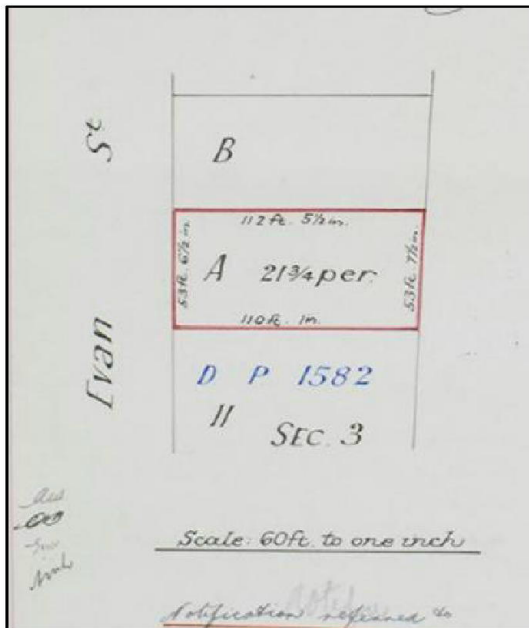


Figure 10: 1937 LPI map of subject locality. (Source: LPI. 4823-108. Land title of John Duncan. Dated 1937)

2.2.2 30 Evan Street, Penrith

The allotment of 30 Evan Street was subdivided in 1947 on sale of the land to William George Price (refer to Figure 11). It formed part of the earlier 1939 allotment of Walter Edwin Cattell (refer to Figure 12). In 1946, the subject dwelling was owned and occupied by Mrs Annie Bourke, the wife of a railway employee (Refer to Figure 13). The built form has undergone various internal and external modifications.

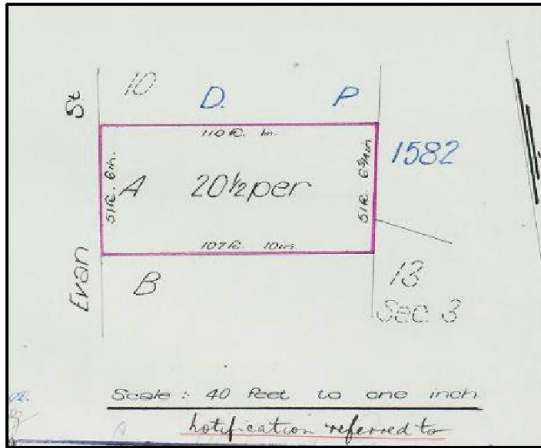


Figure 11. 1947 LPI map of subject locality. (Source: LPI. 5693-243. Land title of William George Price. Dated 1947)

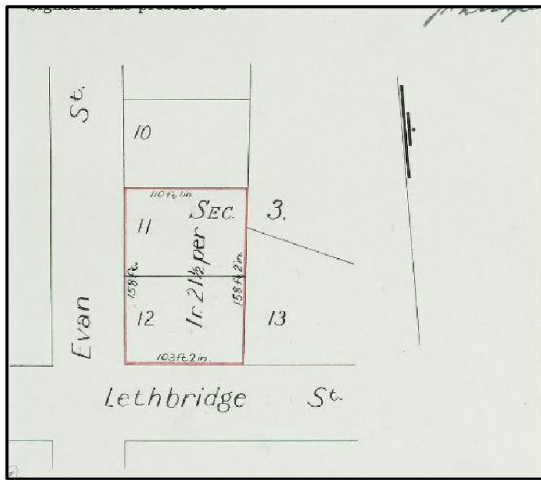


Figure 12. 1939 LPI map of subject locality. (Source: LPI. 5016-142. Land title of Walter Edwin Cattell. Dated 1939)



Figure 13. Obituary (1946, August 15). Nepean Times (Penrith, NSW : 1882 - 1962), p. 1. Retrieved December 6, 2018, from <http://nla.gov.au/nla.news-article117902248>

2.2.3 32 Evan Street, Penrith

As indicated in Figure 15 above, the allotment formed part of the Walter Cattell land title and was later sold to Oswald Roy Adams in 1947 (Refer to Figure 14). As depicted in Figure 8, the subject dwelling was constructed after 1943, and appears as a weatherboard, single level cottage fronting Evan Street.

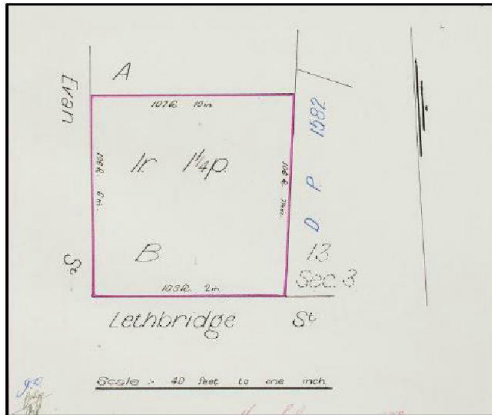


Figure 14. 1947 LPI map of subject locality. (Source: LPI. 5693-242. Land title of Oswald Roy Adams. Dated 1947)

2.2.4 St. Stephens Anglican Church

The following has been extracted from the NSW heritage inventory:⁵

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 Houson it was designed in the newly fashionable Gothic style. It was opened in 1839.



Figure 15. 1852 image of St. Stephens Church from Lemongrove Hill. (Source: 003\003067. Penrith in Pictures. Retrieved from: Penrith library)

St Stephen's Anglican Church was the first church built in Penrith. The local community contributed liberally towards the cost of its building including and local dignitaries including Sir John Jamison, Captain Phillip Parker King RN, L.K. Lethbridge. The church was consecrated by the Bishop of Australia,

⁵ St Stephen's Anglican Church, Hall & Cemetery. NSW Government Office of Environment & Heritage. Retrieved from: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2260206>

the Rev. William Broughton. The first rector was the Rev. Henry Fulton who had been minister of the chapel at Castlereagh since 1814.



Figure 16. 1900 image of Church Hall. (Source: AE00\AE00013. Penrith in Pictures. Retrieved from: Penrith library)

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 affected 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).

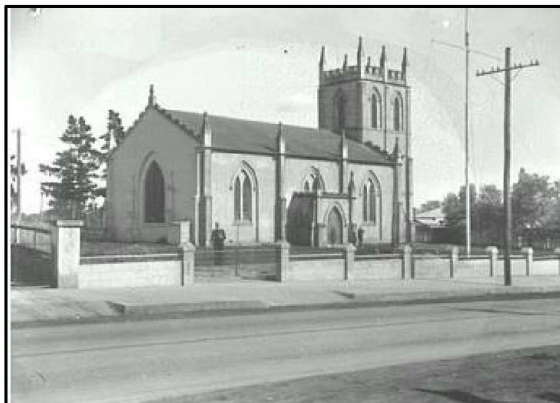


Figure 17. 1930s image of ST. Stephens Church. (Source: Penrith in Pictures. RC00\RC00034. Retrieved from: Penrith library)

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.

3.0 PHYSICAL EVIDENCE INCLUDING SETTING

3.1 Subject Site – 28-32 Evan Street

The subject site at 28 – 32 Evan Street, Penrith comprises three allotments that each feature a single storey residential building. All three dwellings were constructed during the early to mid-20th century and have each been modified over time. The heritage listed cemetery is located to the rear of the subject site, with the three allotments backing onto the cemetery boundary. The church and church hall are located further north towards High Street.

3.2 Heritage Item – St. Stephens Church, Hall and Cemetery

The following has been extracted from the NSW heritage inventory:⁶

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

⁶ St Stephen's Anglican Church, Hall & Cemetery. NSW Government Office of Environment & Heritage. Retrieved from: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2260206>

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.

3.3 Views

3.3.1 St. Stephen's Church

The heritage item is a visible building within the context of the surrounding streetscape. The primary view line towards the church is found towards the northern façade from High Street. Secondary view lines towards the steeple are made from the surrounding streetscape. However, it is of note that this feature is only partially visible from these secondary view lines (refer to Figure 25). Due to the typography of the surrounding landscape and the built forms that surround the heritage items, a visual relationship between the subject site and St. Stephen's Church could not be established. However, it is the opinion of Heritage 21 that the proposed works could be visible from the church steeple, due to the scale of the proposal.

3.3.2 Church Hall

The heritage item is primarily visible from the adjacent church carpark. No direct visual relationship between the subject site and this locally-listed item was found.

3.3.3 Church cemetery

The locally-listed item shares a secondary visual relationship with the cemetery churchyard. This view line is established between the rear of the subject site and the rear of the cemetery allotment. Further, this visual relationship is partially obscured by the boundary fencing.

3.3.4 Summary of view lines

The proposed works would be primarily visible from the immediate streetscape of the subject site (28-32 Evan Street). The proposed works would share a partial, secondary visual relationship from the locally-listed cemetery and could be visible from the locally-listed church steeple. Accordingly, the impact of the proposal on these places is discussed in the Assessment of Heritage Impact below.

3.4 Images

The following images, taken by Heritage 21 on 05.12.2018, provide a visual survey of the site and its setting.

3.4.1 Subject Site – 28-32 Evan Street



Figure 18. View towards 32 Evan Street



Figure 19. View towards 30 Evan Street



Figure 20. View towards 28 Evan Street



Figure 21. View from cemetery towards rear of 28-32 Evan Street dwellings

3.4.2 Heritage items in the vicinity



Figure 22. Heritage item in the vicinity of the subject site (St. Stephens Church and hall from rear)



Figure 23. View towards recent development adjacent to heritage listed church hall



Figure 24. View towards the rear of the subject site and adjacent heritage listed cemetery.



Figure 25. View towards heritage listed church steeple. Note partial view of steeple obtained from a closer vantage point than the location of the subject site.

4.0 HERITAGE SIGNIFICANCE

4.1 Established Significance

In order to make an assessment of whether or not the proposed development would have either a negative, neutral or positive impact upon the heritage listed site, it is necessary first to ascertain the nature of the significance of the heritage listed site. The following Statements of Significance have been extracted from the State Heritage Inventory:⁷

4.1.1 St. Stephens Church hall

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

4.1.2 St. Stephens Cemetery

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

4.1.3 St. Stephen's Anglican Church, Hall & 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.

⁷ St. Stephens Church, Hall and Cemetery. NSW Office of Environment and Heritage, 'State Heritage Inventory', Search for NSW Heritage, n.d., <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposed development would include:

- Demolition of the current properties located at 28-32 Evan Street; and
- The construction of a six-level residential flat building, with sub-terrain car parking levels

5.2 Drawings

The following drawings, produced by MasonGroup (dated 02.04.2019, received by Heritage 21 on 03.04.2019), show details of the proposed development. These have been included in this report for reference only; the complete set of full-size drawings accompanying the development application should be referred to for further details.

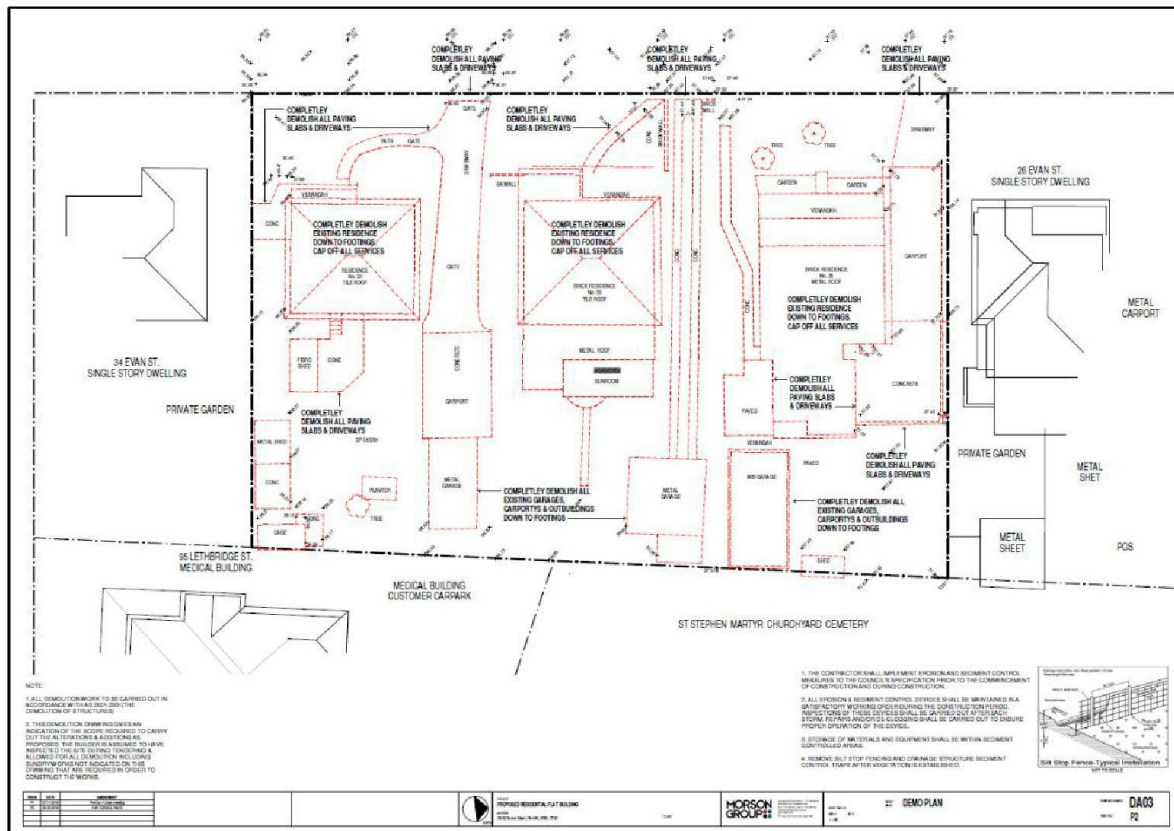


Figure 26. Proposed demolition plan

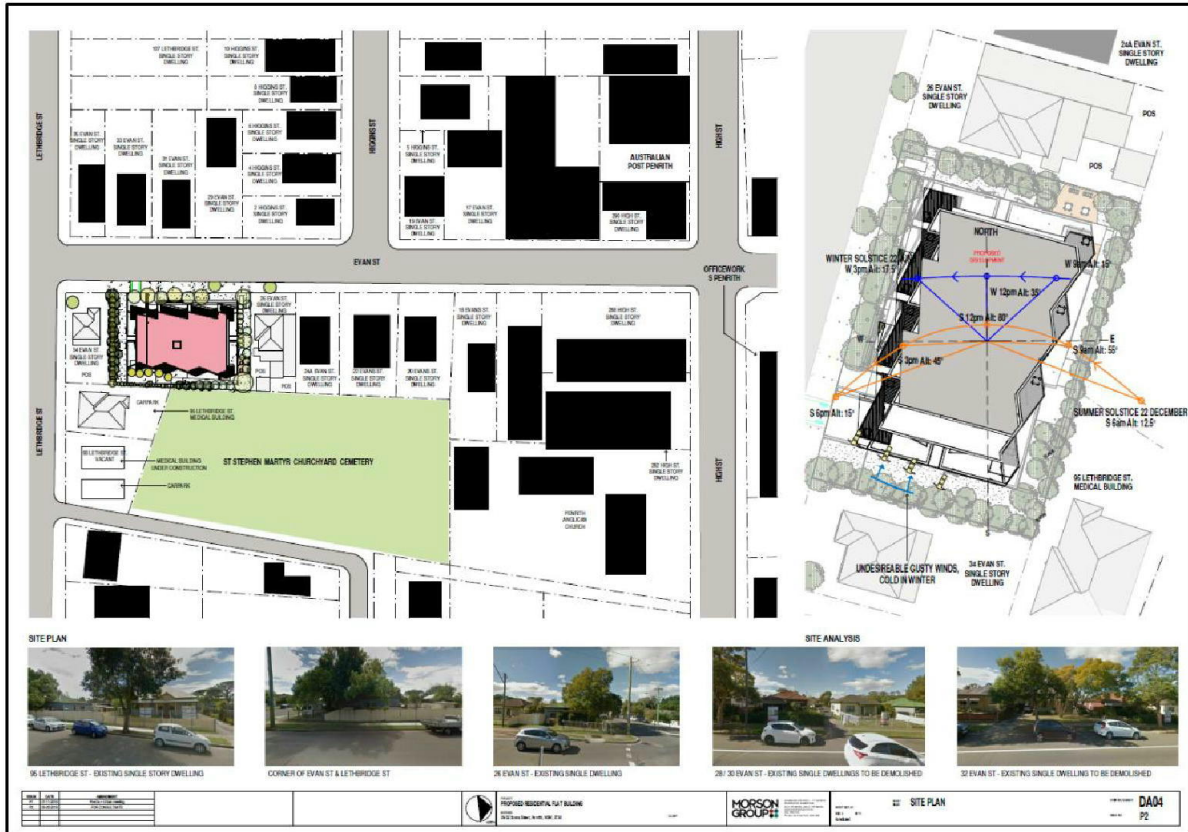


Figure 27. Proposed site plan.

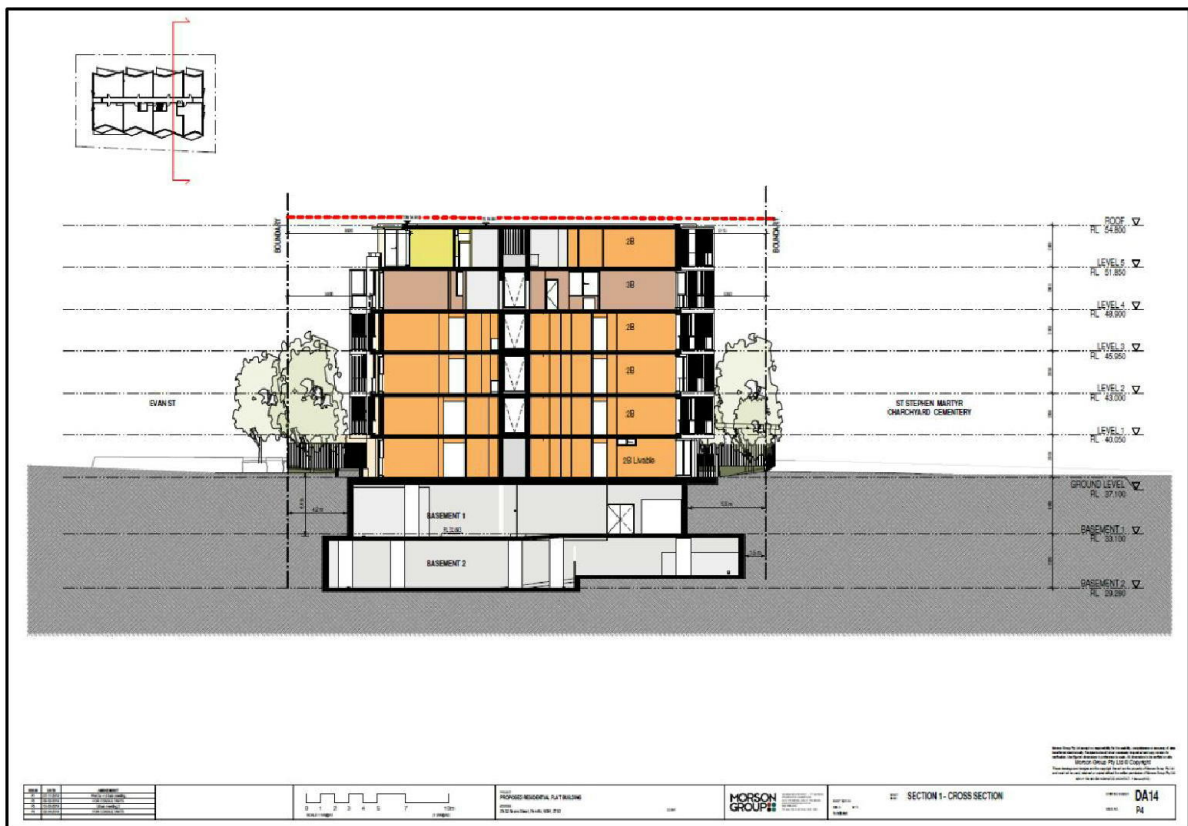


Figure 28. Proposed section 1 cross section

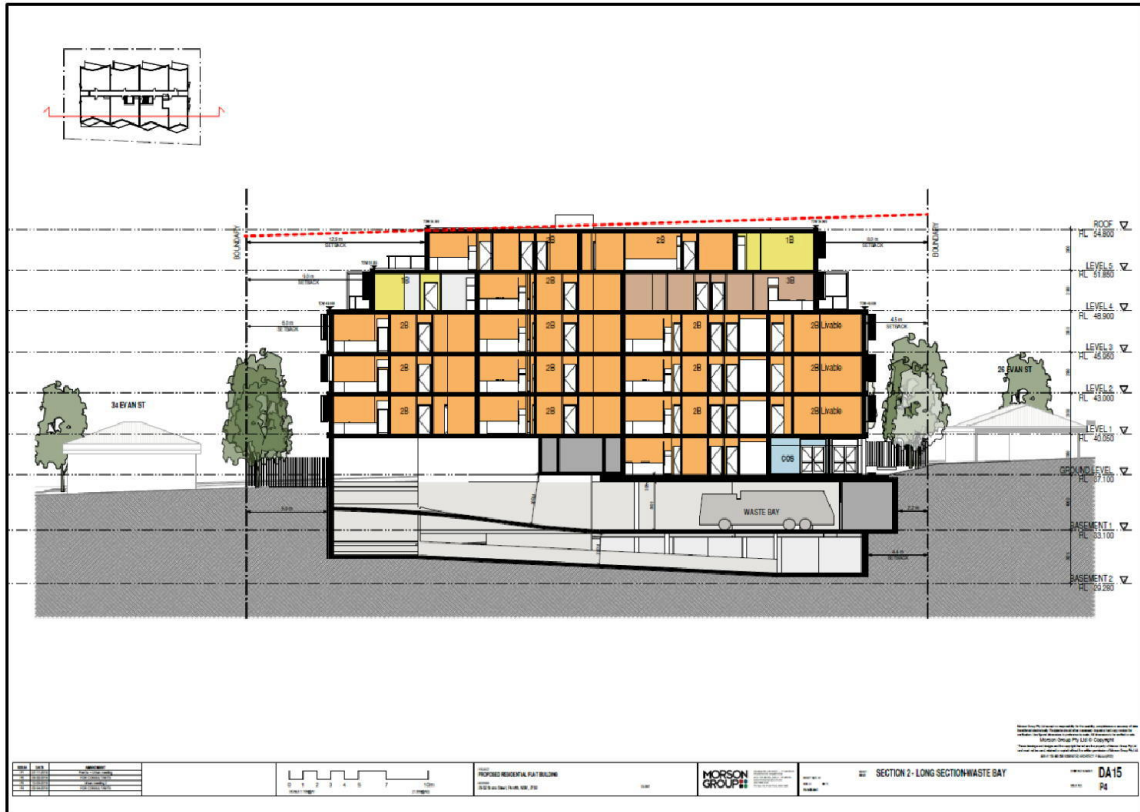


Figure 29. Proposed section 2 – long section – waste bay



Figure 30. Proposed section 3 - common open space

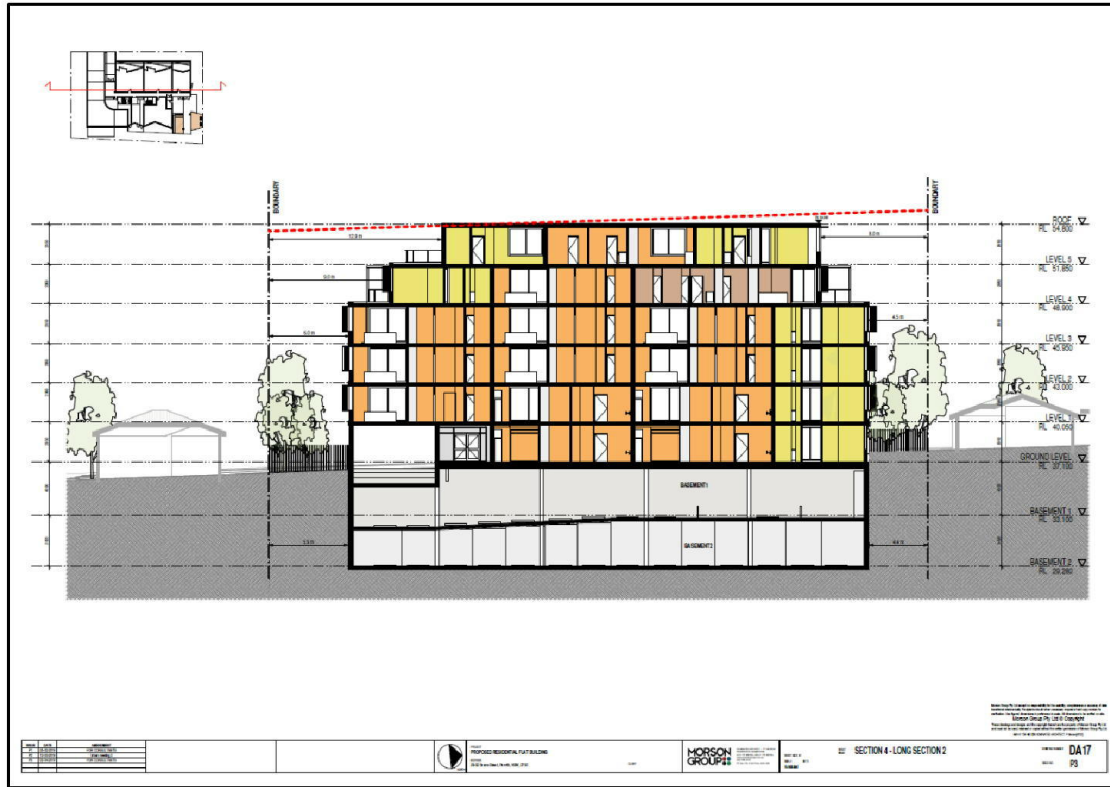


Figure 31. Proposed long section 2

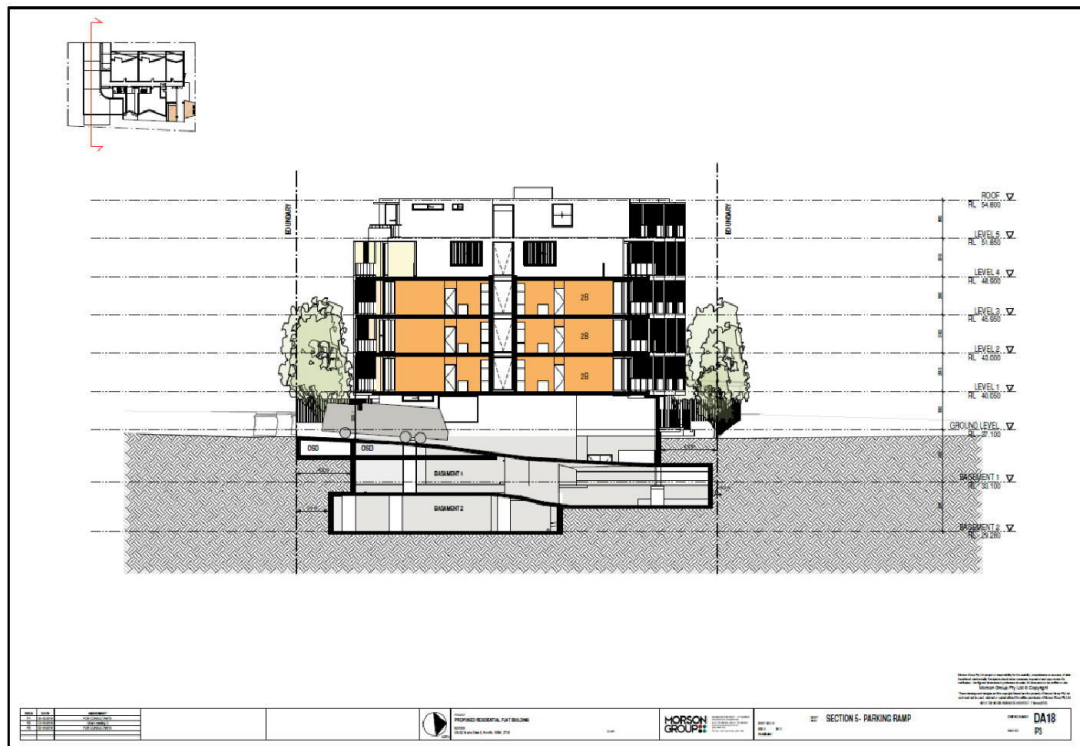


Figure 32. Proposed section 5 – parking ramp



Figure 33. Proposed western elevation

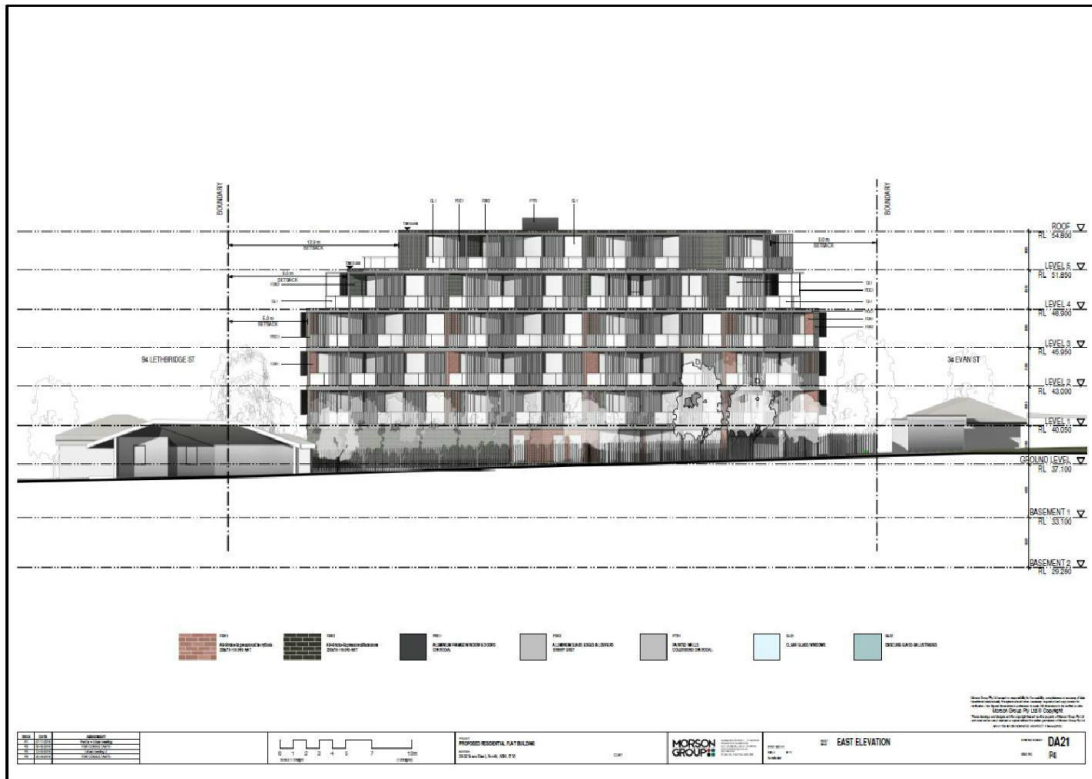


Figure 34. Proposed eastern elevation



Figure 35. Proposed views towards front and rear elevations

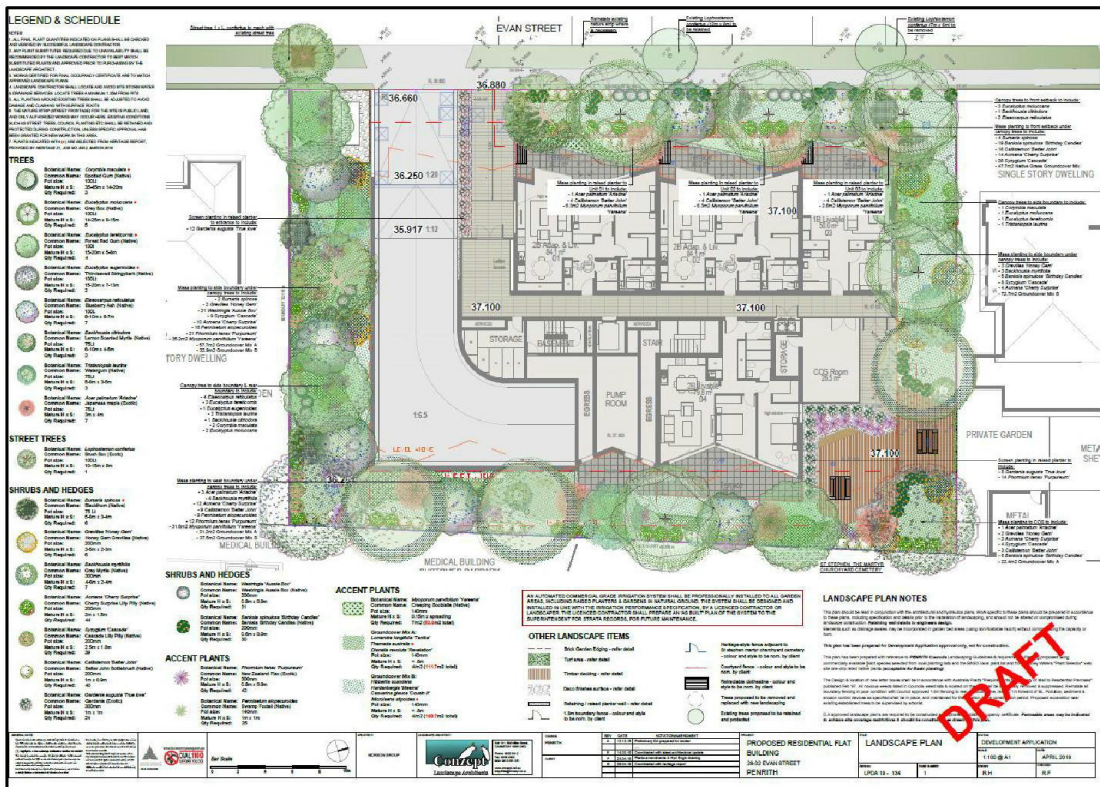


Figure 36. Proposed landscape plan

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in **Section 5.0** above. These constraints and requirements form the basis of this Heritage Impact Assessment.

6.1.1 Penrith Local Environmental Plan 2010

The statutory heritage conservation requirements contained in Section 5.10 of the Penrith LEP 2010 are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are:

- (1) Objectives
- (2) Requirement for consent
- (4) Effect of proposed development on heritage significance
- (5) Heritage assessment

6.1.2 Penrith Development Control Plan 2014

Our assessment of heritage impact also considers the heritage-related sections of the Penrith Development Control Plan ('PDCP') 2014 that are pertinent to the subject site and proposed development. These include:

Part C	City-wide controls
C7	Culture and Heritage

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site and the heritage items in the vicinity. This assessment is based upon the Historical Context (refer to **Section 2.0**), the Physical Evidence (refer to **Section 3.0**), the Heritage Significance (refer to **Section 4.0**), the Proposal (refer to **Section 5.0**), a review of the Heritage Management Framework (refer to Section 6.1) and the assessment of the impact of the proposal on the relevant heritage items situated in the vicinity of the site (refer to Sections 1.3 and 3.4).

6.2.1 Impact of proposed works on views to and from the surrounding heritage items and HCA

As detailed in **Section 3.0** above, the subject site is situated in the vicinity of a number of items of environmental heritage listed in Schedule 5 of the PLEP, however only the locally-listed cemetery shares secondary view lines to and from the proposed area of development. The impact of the proposed works on these view lines is assessed as follows:

- The visual relationship between locally-listed heritage items ('St. Stephens Church', 'Church Hall' and 'Cemetery') would not be affected by the proposed development;
- As noted in Section 3.4.4, Heritage 21 acknowledges that the proposed development could impact vistas to and from the church steeple located to the north east of the site due to the increased scale of the new structure. However, as these vistas are largely characterised by views to adjacent residential properties, the construction of a new residential dwelling on the subject site, which would exhibit sympathetic yet contemporary forms and detailing, would not be seen to overwhelm or obstruct the significance of the heritage items. Similarly, the primary views to the cemetery from the church carpark and Fulton Lane would not be impacted by the proposed development due to its sympathetic siting, form, and detailing.
- The proposed works would not impact the primary view lines towards the locally-listed heritage item ('St Stephen's Church, 'Church Hall' and 'Cemetery') from High Street, the church carpark and Fulton Lane respectively, and would not be seen to impact the contribution these items make to the streetscape; and
- The proposed works retain a legible distance from the heritage-listed items and exhibit an increased setback from the rear allotment boundary.

Heritage 21 has assessed that the proposed development would generate a neutral impact upon the view lines to and from the heritage item. Heritage 21 recognises that the proposed works have aimed to mitigate any negative impact upon the relationship between the subject site and the surrounding heritage items by incorporating a contemporary and complementary design in sympathy with the heritage items and surrounding landscape.

6.2.2 Assessment against Penrith Local Environmental Plan 2010

The statutory heritage conservation requirements contained in Section 5.10 of the PLEP are pertinent to any heritage impact assessment for future development on the subject site. Clause 5.10(1) of the PLEP stipulates the requirement to "conserve the environmental heritage of Penrith", through the conservation of "the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views". It is the assessment of Heritage 21 that the proposal would comply with these requirements, as the proposal does not entail any works to fabric or elements which are associated with the established significance of the surrounding heritage item, nor would the visual relationship and setting of the heritage items be negatively impacted for the reasons noted in Section 6.2.3 of this report.

6.2.3 Assessment against Penrith Development Control Plan 2014

As acknowledged in **Section 5.0**, the proposed works include the demolition of the existing structures and the development of a six-level residential flat building, with sub-terrain car parking levels. Due to the location of the site in the vicinity of a heritage item listed in Schedule 5 of the PLEP, Heritage 21 has identified objectives from the PDCP against which these proposed works can be assessed. Heritage 21 finds the following:

- The proposal does not entail any impact to fabric which is assessed as contributing to the significance of the locally-listed heritage item, which is located to the rear of the subject site;
- As depicted in Section 5.2 of this report, the proposal displays a predominant front setback from the Evans Street streetscape. Further, the rear and side setbacks demonstrate an adequate setback to ensure the retention of the surrounding landscape and respond sympathetically to the existing side and rear setbacks of the surrounding streetscape;
- The proposal demonstrates the original subdivision pattern of the streetscape through defined and articulated elevations that produce a legible interpretation of the subdivision pattern towards the primary Evans Street façade;
- The proposal is generally subservient to the surrounding streetscape, due to the siting and articulated form of the proposed development which breaks up the bulk and scale of the development through the introduction of recessive balconies, light-weight materials and an articulated primary façade. Further, to the rear of the site and facing the locally-listed items, the design appears to stepdown towards the heritage item through a modular effect which is created through the utilisation of recessive materials to this façade.
- The proposed works retain a legible distance from the heritage-listed item and exhibit an increased setback from the rear allotment boundary, demonstrating a keen understanding of the significance of this area whilst displaying a sympathetic yet contemporary façade that responds to the significant fabric of the locally-listed item;
- The proportions of the proposed fenestration are viewed as a contemporary response to the contributory fenestration of the locally-listed church and hall;
- The proposed development would see the introduction of contemporary yet complementary colours and materials to the built form. It is the opinion of Heritage 21 that the proposed colour scheme and materials noted in Section 5.2 of this report sympathetically reflects the range of diverse materials and colours of the heritage items in the vicinity and the surrounding streetscape;
- As outlined above in Section 6.2.1, it is the opinion of Heritage 21 that the proposed works would not impact on the visual relationships between heritage items in the vicinity; and
- The proposed works are seen as a contemporary and complementary response to the original and current use of the subject site as residential allotments.

Further, in regard to the proposed landscape plan;

- Heritage 21 notes that the Minutes from the Design Review Panel (dated 20 March 2019) instructed the proposal to incorporate an irregular row of large canopy trees towards the southern boundary setback. As depicted in Section 5.2, this instruction has been executed to comply with the desired plan.
- Further, the DRP recommends the *“Canopy trees along the eastern setbacks facing the St Stevens yard should incorporate species and layout which should complement heritage values of the church yard”*. As stated in Section 4.1.3 of this report, the adjacent and locally-listed cemetery has *“aesthetic significance... evidence for formal landscaped scheme.”* This *“formal landscaped scheme”* is evident in the formalised pattern of burial plots (refer to Figures 1 and 2). The State Heritage Inventory also notes the *“remnant mature plantings of pine cypress*

*and olive*⁸ that are found within the cemetery grounds. As documented in Section 7.1.3 of this report, in March 2019, Heritage 21 recommended that this particular area of the allotment presents a more formalised design that responds to the straight lines of the church yard landscape and that the proposal incorporate dominant canopy species such as Grey Box (*Eucalyptus moluccana*) and Forest Red Gum (*E. tereticornis*), as well as less common but still complementary trees such as Narrow-leaved Ironbark (*E. crebra*), Spotted Gum (*Corymbia maculata*) and Thin-leaved Stringybark (*E. eugenioides*)⁹. In April 2019, Heritage 21 was sent a draft landscape plan (Concept Landscape Architects, April 2019) for the subject site that appears to comply with these recommendations whilst introducing a variety of sympathetic soft and hard landscape elements including accent plantings and features. As such, it is the opinion of Heritage 21 that the proposed works are supportable from a heritage perspective.

⁸ Penrith City Council Design Review Panel (dated 20 March 2019)

⁹ Cumberland Plain Woodland in the Sydney Basin Bioregion – profile. Office of Environment and Heritage. Retrieved from: <https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10191>

7.0 CONCLUSION

7.1 Impact Summary

The NSW Office of Environment & Heritage's guidelines require the following aspects of the proposal to be summarised.¹⁰

7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of the subject site and heritage items in the vicinity:

- The proposal would not entail works to any items which have been assessed as heritage items;
- The proposed works do not seek to replicate or dominate the adjacent heritage items;
- The history of the site and locality as a predominately residential area would be unchanged as a result of the proposal;
- The proposed works would not impact the primary view lines towards the locally-listed heritage item ('St Stephen's Church, 'Church Hall' and 'Cemetery') from High Street, the church carpark and Fulton Lane respectively, and would not be seen to impact the contribution these items make to the streetscape;
- The proposed subdivision retains the existing streetscape orientation of allotments;
- The proposed colour and material scheme sympathetically responds to rather than replicates the material and colours of the heritage items in the vicinity;
- The proposal displays a predominant and increased front setback from the Evan Street streetscape. Further, the rear and side setbacks demonstrate an adequate setback to ensure the retention of the surrounding landscape;
- The proposal demonstrates the original subdivision pattern of the streetscape through defined and articulated elevations that produce a legible subdivision pattern;
- The proposal is generally subservient to the surrounding streetscape, due to the siting and articulated form of the proposed development;
- The proposed works are seen as a contemporary and complementary response to the original and current use of the subject site.

7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

As outlined above, it is the opinion of Heritage 21 that the proposed development demonstrates a sympathetic yet contemporary response to the locally-listed items to the rear of the subject site. This respectful and complementary design demonstrates its understanding and respect of the heritage item found within its vicinity through various design undertones including the use of vertical proportions along the primary façade that emulate the existing subdivision pattern, the articulation of the built form that reduces the scale of the development through a contemporary and sympathetic

¹⁰ NSW Office of Environment and Heritage, 'Statements of Heritage Impact' (Heritage Office and Department of Urban Affairs & Planning, 1996), <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>.

modular design, and the introduction of contemporary yet sympathetic and recessive materials and colour scheme.

As such, it is the opinion of Heritage 21 that the proposed design is suitable and responsive to the heritage characteristics of the locally-listed items found to the rear of the subject site and would generate a neutral impact upon the significance of the heritage-listed item in the vicinity.

The neutral impacts of the proposal have been addressed above in Section 7.1.1.

7.1.3 Sympathetic alternative solutions which have been considered and discounted

Heritage 21 was not involved in the design process of the proposed development. However, in March 2019 we provided recommendations pertaining to the proposed landscape plan that had yet to be submitted. These recommendations included the following:

Heritage 21 has not received a complete landscape plan that depicts the species and exact placement of the proposed landscape elements to the site. We recommend a landscape plan be prepared prior to works being carried out at the site. Heritage 21 would further recommend that the following should be taken into consideration during the landscaping works at the site:

- *Any introduced species into the proposed development should respond to Council's recommendations found on the native species list. This includes the introduction of trees, shrubs, and groundcovers. Heritage 21 recommends that these elements be placed in an irregular formation along the north, east and southern boundaries as to respond sympathetically and submissively to the surrounding pattern of plantings within the surrounding streetscape;*
- *Additionally, Heritage 21 recommends the use of dominant canopy species such as Grey Box (*Eucalyptus moluccana*) and Forest Red Gum (*E. tereticornis*), as well as less common but still complementary trees such as Narrow-leaved Ironbark (*E. crebra*), Spotted Gum (*Corymbia maculata*) and Thin-leaved Stringybark (*E. eugenioides*)¹¹*
- *Shrub layers such as Blackthorn (*Bursaria spinosa*), Grass (*Themeda australis*) and Weeping Meadow Grass (*Microlaena stipoides* var. *stipoides*) should also be considered.¹²*

7.2 General Conclusion

Taking into consideration the numerous aspects of the proposal which respect the heritage items in the vicinity and the subject site's locality, Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would have a neutral impact on the heritage significance of the heritage items in the vicinity. We therefore recommend that Penrith Council view the application favourably on heritage grounds.

¹¹ Cumberland Plain Woodland in the Sydney Basin Bioregion – profile. Office of Environment and Heritage. Retrieved from: <https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10191>

¹² *ibid*

8.0 SOURCES

Australia ICOMOS. 'The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance'. Australia ICOMOS, 2013. <http://australia.icomos.org/publications/charters/>.

NSW Land and Property Information. 'SIX Maps', n.d. <http://maps.six.nsw.gov.au/>.

NSW Office of Environment and Heritage. 'Assessing Heritage Significance'. NSW Heritage Office, 2001. NSW Heritage Manual.

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/listings/assessingheritage/significance.pdf>.

NSW Office of Environment and Heritage. 'State Heritage Inventory'. Search for NSW Heritage, n.d. <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>.

NSW Office of Environment and Heritage. 'Statements of Heritage Impact'. Heritage Office and Department of Urban Affairs & Planning, 1996. NSW Heritage Manual. <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>.

Penrith Council. 'Penrith Development Control Plan', 2014.

<https://www.penrithcity.nsw.gov.au/Building-and-Development/Planning-and-Zoning/Planning-Controls/Development-Control-Plans/>

Penrith Council. 'Penrith Local Environment Plan', 2010.

<https://www.legislation.nsw.gov.au/#/view/EPI/2010/540/part7/cl7.2>