



# Heritage Impact Statement

Nepean Green 164 Station Street, Penrith

July 2012

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# Executive Summary

This report has been prepared on behalf of Parkview Penrith Pty Ltd in association with a joint Concept Plan and Stage 1 Project Application for the proposed redevelopment of 164 Station Street, Penrith for a mixed-use development.

The renewal site comprises approximately 7.855 hectares of land in the southern portion of the Penrith Central Business District. The northern part of the site is occupied by a light industrial development comprising a number of older-style Post WW2 buildings and hardstand areas, while the balance of the southern part of the site is undeveloped. The site is surrounded by a range of development types, including retail, residential and recreation/sporting uses.

The Concept Plan application seeks approval for the staged construction of a mixed use development which will be delivered in stages, comprising the following key components:

- Non-residential: This component of the proposed development comprises the following:
  - Bulky goods, hardware and building supplies and garden centre and ancillary café.
  - Tavern with gross floor area of 1,800sqm, ancillary car parking and associated site works.
  - 995sqm neighbourhood shops and food and drink premises within the ground floor of the residential buildings.
  - Ancillary car parking will be provided both onsite and on street to meet the needs of the employees and visitors.
- Residential: The key features of the residential component are summarised as follows:
  - Approximately 570 residential dwellings with a gross floor area of approximately 60,000sqm.
  - The dwellings will be in the form of residential flat buildings, up to eight storeys in height.
  - Ancillary car parking for residents, visitors and car wash spaces.
  - Communal open space areas will be for the exclusive use of residents and their guests, with appropriate landscaping and site works to provide visual privacy and residential amenity.
  - Private open space will be provided in the form of courtyards (at ground floor) and balconies adjacent to the principal living areas.
- Public domain improvement works: construction of physical infrastructure to benefit the future residents of the site and the local and wider community, including:
  - Construction and dedication of public plaza adjacent to the tavern.
  - Construction and dedication of local roads that provide improved through-site connections and pedestrian permeability from the recreation/sporting facilities to the city centre, as well as access to the individual buildings within the proposed development.
  - Supplementary street tree planting along the proposed local road network to enhance the local landscape character and provide shading for on-street car parking.
  - Stormwater management works, including water quantity and quality treatment.

The Stage 1 Project Application comprises the construction of a Masters Home Improvement Store of 13,603sqm containing bulky goods, hardware and building supplies and garden centre uses. The Home Improvement Store includes the following:

- General sales area for hardware and building supplies comprising approximately 7,510qm.
- Garden centre of approximately 2,218sqm.
- Trade sales area of approximately 2,305sqm.
- 802sqm 'back-of-house' area to the north of the site for loading goods and materials.
- A small internal office area and a general amenities area of approximately 608sqm, located to the south of the main trade floor.
- A small ancillary café of approximately 160sqm to the south west of the general sales area.
- A total of 380 car parking spaces, landscaping and associated site works.

The Executive Director of Major Projects Assessment within the Department of Planning and Infrastructure, as a delegate of the Minister for Planning, authorised the preparation of a Concept Plan application on 7 July 2010. Environmental Assessment requirements were issued on 8 September 2010 and the supplementary Director-General's Requirements issued on 6 June 2012 and are addressed in the Environmental Assessment.

This Heritage Impact Statement was prepared to satisfy the Director General's Requirements for the Concept Plan Application for a mixed use development. A Heritage Impact Assessment is required for the site and this report includes consideration of the cumulative impacts of the proposed works on any nearby heritage items (and their curtilages) and conservation areas.

This Heritage Impact Statement has assessed the impact of the proposal on the two local heritage items on the adjoining site to the north, being the Centro development with associated uses. These items are Nos. 13 and 14 in the Penrith City Centre LEP 2008. The location of the two heritage items is separated from the subject site by two commercial buildings, two car parks and an entrance drive. The scale of these buildings and the distance to the proposed site provides a significant buffer zone to the items and the proposal will have no visual or environmental impact on the items.



# 1 Introduction

## 1.1 BACKGROUND

Urbis has been engaged by Parkview Penrith Pty Ltd to prepare the following Heritage Impact Statement.

This report was prepared to satisfy the Director General's Requirements for the Concept Plan Application for a mixed use development. A Heritage Impact Assessment is required for the site and is to include consideration of the cumulative impacts of the proposed works on any nearby heritage items (and their curtilages) and conservation areas.

## 1.2 SITE LOCATION

The site is located at 164 Station Street, Penrith (Figure 1).

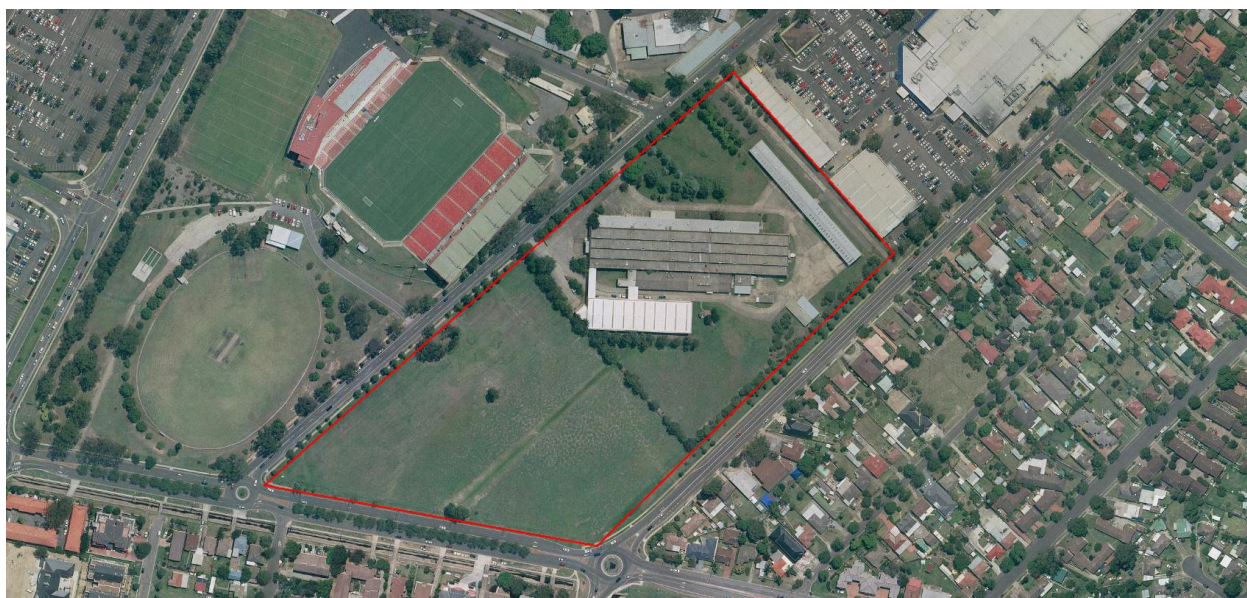


FIGURE 1 – SPATIAL INFORMATION EXCHANGE, 2012

[Source: Google Maps 2011]

## 1.3 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impact' (2002) and 'Assessing Heritage Significance' (2001) guidelines. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999.

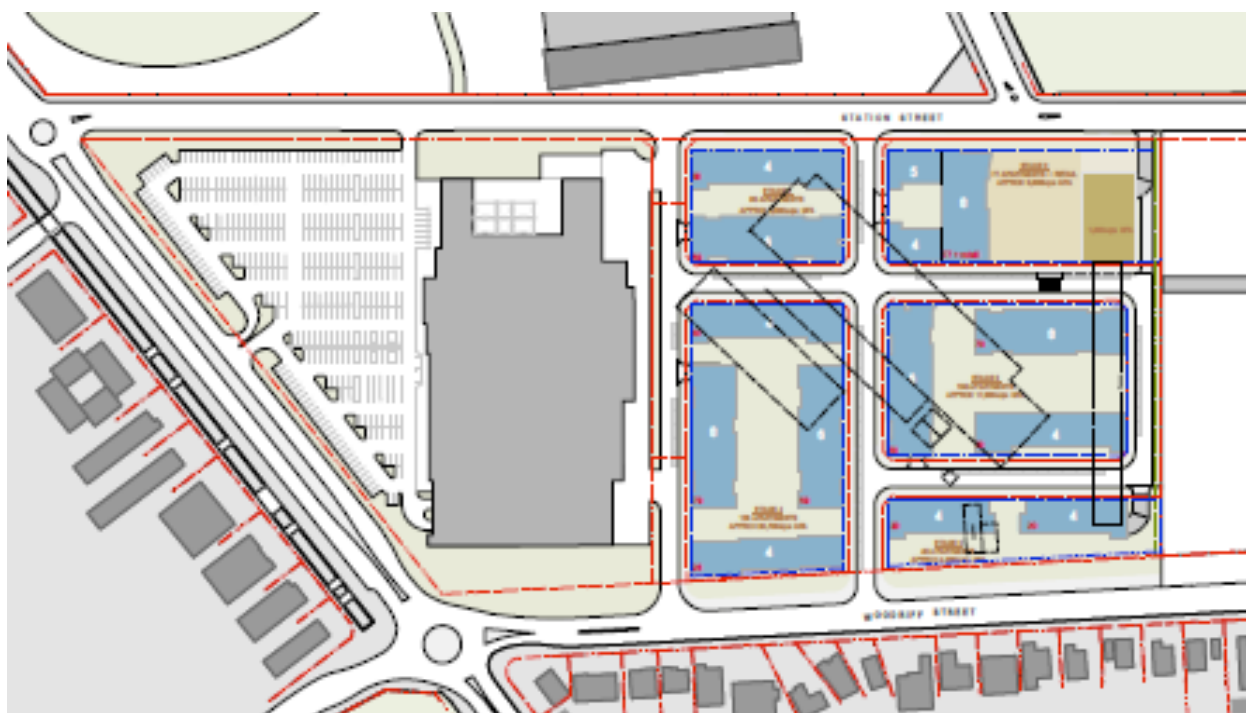
The subject proposal has been assessed in relation to the relevant controls and provisions contained within the Penrith Local Environmental Plans 199 and 2008 and draft LEP 2010 and the Penrith City Centre Development Control Plan 2007.

## 1.4 AUTHOR IDENTIFICATION

The following report has been prepared by Stephen Davies (Director).

Unless otherwise stated, all photographs are the work of Urbis.

## 1.5 THE PROPOSAL



Picture 1 – Proposed Concept Plan and Project Application (Turner Architects 2012)

### CONCEPT PLAN APPLICATION

The Concept Plan application is for a staged mixed use development including residential, neighbourhood shops, bulky good, hardware and building supplies and garden centre, food and drink premises and tavern provided in six stages.

The proposal comprises the following key components:

- Stage 1: Bulky goods, hardware and building supplies and garden centre as described in detail within the Stage 1 Project Application.
- Stage 2: Approximately 9,300sqm of residential development (89 apartments):
  - Demolition of existing buildings and structures.
  - A four storey residential flat building containing approximately 30 apartments.
  - A six storey residential flat building containing approximately 59 apartments.
  - 96 car parking spaces including 89 residential, five visitor and two car wash spaces.
  - Communal open space shared between residents of the two buildings.
- Stage 3: Residential development of approximately 9,000sqm (77 apartments), neighbourhood shops, cafés and a tavern:
  - A four to eight storey residential flat building containing approximately 77 apartments with ground floor retail premises.



- 166 car parking spaces, including 77 residential, four visitor, two car wash, ten retail/commercial spaces (staff), 73 tavern/retail spaces (visitor).
- Neighbourhood shops/cafes of approximately 995sqm.
- Communal open space for the use of residents.
- Public open space in the form of a plaza of approximately 2,300sqm.
- A tavern of 1,800sqm.
- Stage 4: Approximately 20,700sqm of residential development (196 apartments) as follows:
  - One 4-storey residential flat buildings containing approximately 28 units each.
  - One 4-storey residential flat buildings containing approximately 30 units each.
  - An eight storey residential flat building containing approximately 79 units.
  - A six storey residential flat building containing approximately 59 units.
  - 210 car parking spaces including 196 resident, ten visitor and four car wash spaces.
  - Communal open space to be shared by the residents of the four buildings.
- Stage 5: approximately 17,600sqm of residential development (168 apartments) as follows:
  - A four storey residential flat building containing approximately 30 units.
  - A six storey residential flat building containing approximately 59 units.
  - An eight storey residential flat building containing approximately 79 units.
  - 181 car parking spaces including 168 resident, nine visitor and four car wash spaces.
  - Communal open space to be shared by the residents of the three buildings.
- Stage 6: Approximately 4,200sqm of residential development (40 apartments) as follows:
  - Two 4-storey residential buildings with 20 units each.
  - Communal open space to be shared by the residents of the two buildings.
  - 43 car parking spaces including 40 residential, two visitor and one car wash space.
- Construction of a local road network of approximately 12,300sqm, including two east-west streets providing through connection between Station Street and Woodriff Streets and internal local residential streets.
- Stormwater infrastructure works comprising of a major/minor drainage system designed to comply with relevant Council guidelines and DCP controls.

## STAGE 1 PROJECT APPLICATION

The proposal seeks Stage 1 Project Application approval for the construction of a Masters Home Improvement Store consisting of bulky goods, hardware and building supplies and garden centre uses. The Home Improvement Store and associated facilities and landscaping will occupy land of 34,985sqm.

The proposed building comprises approximately 13,603sqm gross floor area and is divided into four separate components:

- General sales area for hardware and building supplies comprising approximately 7,510qm. The general sales area will comprise the central portion of the building envelope, offering a range of home improvement goods, including:
  - Hardware (tools, plumbing, electrical etc.)
  - Timber and Building (building materials, doors, joinery etc.)
  - Décor / home decoration (paint, flooring etc.)
  - Kitchen and bathroom fittings
- Garden centre of approximately 2,218sqm. The garden centre will comprise the western portion of the building envelope, offering a range of gardening products including:
  - Plants.
  - Landscaping products.
  - Garden tools.
  - Outdoor living.

Part of the nursery area will have a shade sail on a fixed steel post grid to provide natural sunlight and ventilation to garden area within the building.

- Trade sales area of approximately 2,305sqm. The trade sales area will occupy the eastern portion of the building envelope and will accommodate a drive-in loading system, where products from both the general sales and nursery area will be available.
- 802sqm 'back-of-house' area to the north of the site for loading goods and materials.
- A small internal office area and a general amenities area of approximately 608sqm, located to the south of the main trade floor.
- A small ancillary café of approximately 160sqm to the south west of the general sales area. The café will include a food preparation area, serving area and seating area. It is proposed to serve meals and snacks, and hot and cold beverages and will provide an area for customers to sit and review catalogues, product samples, concept designs, etc. Fit out of the café will be subject to a future Development Application.

The external site improvements will include:

- A 380 space car park within the southern part of the site, including 17 accessible parking spaces located near the customer entry and six trailer spaces.
- 30 bicycle racks located adjacent to the nursery.
- Landscaping along the boundaries and within the car park.
- Servicing area including waste and recycling collection along the northern boundary of the site.
- Separate customer and general servicing entries to the site:
  - Main customer access from Jamison Road, which provides a left turn into and out of the site

- Two way secondary customer access to and from Station Street, which provides a left and right turn into and out of the site into Station Street.
- A service entry from Woodriff Street into the proposed road adjacent to the northern boundary of the Masters site in a forward direction, exiting onto the new proposed road onto Station Street.
- Sprinkler storage tanks for fire sprinkler system and pump room are proposed near the north western corner of the site.
- One main entry sign and two trade and garden identification signage located on the southern elevation of the building.
- 2.4m wall along the northern boundary to create visual separation between future residential development to the north.
- Rainwater tanks for on-site water use are proposed on the north-eastern corner of the site.

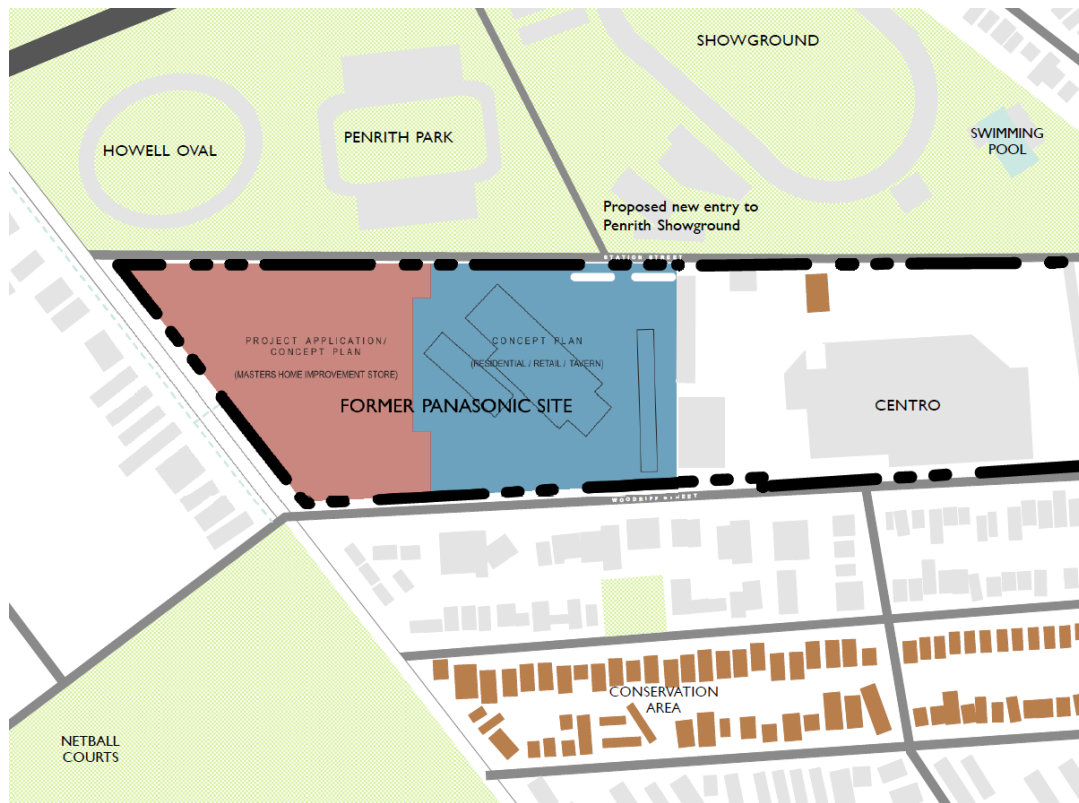
The building will be articulated along its main southern façade, with a main customer entry. The building will be constructed from a variety of materials including concrete panels, glazing, alucabond panels and coloured panels. The building includes operational facilities such as a back-of-house area for receiving and dispatching goods located along the northern boundary.

Separate entry will be provided to the trade area from the customer car park and each entry will be distinctly legible from the exterior of the building. Internal access between operation areas will be available at several points within the building envelope.

## 2 Site Description

The street address of the property is 164 Station Street, Penrith and is commonly known as the former 'Panasonic Site'. The legal description of the property is Lot 12 in Deposited Plan 234581.

FIGURE 2 – THE SITE (TURNER ARCHITECTS PTY LTD, 2012)



The key features of the site are described below:

- Total site area of 7.855 hectares.
- The site topography is generally flat.
- The site has relatively few trees, most being located at the northern end of the site scattered around the existing buildings.
- Three street frontages, including Station Street to the west, Woodriff Street to the east and Jamison Road to the south.
- There are a number of single storey industrial / warehouse style buildings on the northern portion of the site which are being used for a variety of light industrial purposes. The southern part of the site is undeveloped.
- Vehicle access is provided by way of two driveway crossings in Station Street towards the northern end of the site.

FIGURE 3 – HERITAGE ITEMS IN THE VICINITY



PICTURE 2 – “KENTUCKY” 146 STATION STREET, ITEM NO.13 (LEP 2008)



PICTURE 3 – VICTORIAN HOUSE 148 STATION STREET. ITEM NO.14 (LEP 2008)

FIGURE 4 – NEIGHBOURING SITE TO THE NORTH



PICTURE 4 – HERITAGE ITEMS ( AS ABOVE) CENTRO SITE



PICTURE 5 – HUNGRY JACKS, PART OF CENTRO SITE.



FIGURE 5 – ADJACENT DEVELOPMENT



PICTURE 6 – COMMERCIAL PREMISES IMMEDIATELY ADJACENT TO THE SITE TO THE NORTH



PICTURE 7 – STADIUM OPPOSITE CENTRO

FIGURE 6 – SUBJECT SITE FROM STATION STREET



PICTURE 8 – FORMER PANASONIC OPERATIONS



PICTURE 9 – FORMER PANASONIC OPERATIONS

FIGURE 7 – SUBJECT SITE FROM STATION STREET



PICTURE 10 – FORMER PANASONIC SITE



PICTURE 11 – VACANT LAND

FIGURE 8 – SUBJECT SITE AND DEVELOPMENT IN VICINITY



PICTURE 12 – SUBJECT SITE FROM WOODRIF STREET, FROM EAST



PICTURE 13 – RESIDENTIAL DEVELOPMENT ON THE EASTERN SIDE OF WOODRIF STREET

## 3 Historical Overview

### 3.1 AREA HISTORY

The history of the area has been professionally detailed in the Casey and Lowe Archaeological Assessment.

### 3.2 SITE HISTORY

The history of the site has been professionally detailed in the Casey and Lowe Archaeological Assessment.

The site was originally used for grazing and dairy purposes and was eventually sold to Singer industries in 1963 and was later occupied by Panasonic.

### 3.3 DATE OF CONSTRUCTION

The only buildings to be erected on the site date to C1963.

## 4 Significance

### 4.1 WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, it is important to understand its values. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise a place's heritage values – why it is important, why a statutory listing was made to protect these values.

### 4.2 SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local.

The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' (2001) guides

CRITERIA	SIGNIFICANCE ASSESSMENT
<b>A – Historical Significance</b> <i>An item is important in the course or pattern of the local area's cultural or natural history.</i>	<p>The historic significance relates to the ownership for a long period of time by the Woodriff family - owned from the grant of 1804/5 until the 1920's. Woodriff Street is named after the family.</p> <p>There is no above ground evidence of buildings.</p> <p>There is evidence that a grand stand for the racecourse may have been erected on the western boundary on what is now Station Street- however there is no above ground physical evidence of that construction.</p>
<b>Guidelines for Inclusion</b> <ul style="list-style-type: none"> <li>shows evidence of a significant human activity <input type="checkbox"/></li> <li>is associated with a significant activity or historical phase <input checked="" type="checkbox"/></li> <li>maintains or shows the continuity of a historical process or activity <input type="checkbox"/></li> </ul>	<b>Guidelines for Exclusion</b> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/></li> <li>provides evidence of activities or processes that are of dubious historical importance <input checked="" type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>
<b>B – Associative Significance</b> <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i>	<p>The property is associated with the Woodriff family</p>
<b>Guidelines for Inclusion</b> <ul style="list-style-type: none"> <li>shows evidence of a significant human occupation <input type="checkbox"/></li> <li>is associated with a significant event, person, or group of persons <input checked="" type="checkbox"/></li> </ul>	<b>Guidelines for Exclusion</b> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/></li> <li>provides evidence of people or events that are of dubious historical importance <input type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/></li> </ul>
<b>C – Aesthetic Significance</b> <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or</i>	<p>The site was vacant until the 1960's except for the potential Grandstand on the western boundary.</p> <p>The commercial buildings on the site are not considered to</p>

CRITERIA	SIGNIFICANCE ASSESSMENT
<i>technical achievement in the local area.</i>	be of aesthetic significance.
<b>Guidelines for Inclusion</b> <ul style="list-style-type: none"> <li>shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/></li> <li>is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/></li> <li>is aesthetically distinctive <input type="checkbox"/></li> <li>has landmark qualities <input type="checkbox"/></li> <li>exemplifies a particular taste, style or technology <input type="checkbox"/></li> </ul>	<b>Guidelines for Exclusion</b> <ul style="list-style-type: none"> <li>is not a major work by an important designer or artist <input checked="" type="checkbox"/></li> <li>has lost its design or technical integrity <input type="checkbox"/></li> <li>its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/></li> <li>has only a loose association with a creative or technical achievement <input checked="" type="checkbox"/></li> </ul>
<b>D – Social Significance</b> <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i>	There is no known social significance associated with the site.
<b>Guidelines for Inclusion</b> <ul style="list-style-type: none"> <li>is important for its associations with an identifiable group <input type="checkbox"/></li> <li>is important to a community's sense of place <input type="checkbox"/></li> </ul>	<b>Guidelines for Exclusion</b> <ul style="list-style-type: none"> <li>is only important to the community for amenity reasons <input type="checkbox"/></li> <li>is retained only in preference to a proposed alternative <input checked="" type="checkbox"/></li> </ul>
<b>E – Research Potential</b> <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i>	There may be some archaeological value to the site for the former grandstand however there is no residential or commercial research potential that may not be gained from research sources.
<b>Guidelines for Inclusion</b> <ul style="list-style-type: none"> <li>has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/></li> <li>is an important benchmark or reference site or type <input type="checkbox"/></li> <li>provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/></li> </ul>	<b>Guidelines for Exclusion</b> <ul style="list-style-type: none"> <li>the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/></li> <li>has little archaeological or research potential <input type="checkbox"/></li> <li>only contains information that is readily available from other resources or archaeological sites <input checked="" type="checkbox"/></li> </ul>
<b>F – Rarity</b> <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i>	
<b>Guidelines for Inclusion</b> <ul style="list-style-type: none"> <li>provides evidence of a defunct custom, way of life or process <input type="checkbox"/></li> <li>demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/></li> <li>shows unusually accurate evidence of a significant human activity <input type="checkbox"/></li> <li>is the only example of its type <input type="checkbox"/></li> <li>demonstrates designs or techniques of exceptional interest <input type="checkbox"/></li> <li>shows rare evidence of a significant human activity important to a community <input type="checkbox"/></li> </ul>	<b>Guidelines for Exclusion</b> <ul style="list-style-type: none"> <li>is not rare <input checked="" type="checkbox"/></li> <li>is numerous but under threat <input type="checkbox"/></li> </ul>



CRITERIA	SIGNIFICANCE ASSESSMENT
<p><b>G – Representative</b></p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> <li>▪ <i>cultural or natural places; or</i></li> <li>▪ <i>cultural or natural environments.</i></li> </ul>	
<p><b>Guidelines for Inclusion</b></p> <ul style="list-style-type: none"> <li>▪ is a fine example of its type <input type="checkbox"/></li> <li>▪ has the principal characteristics of an important class or group of items <input type="checkbox"/></li> <li>▪ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/></li> <li>▪ is a significant variation to a class of items <input type="checkbox"/></li> <li>▪ is part of a group which collectively illustrates a representative type <input type="checkbox"/></li> <li>▪ is outstanding because of its setting, condition or size <input type="checkbox"/></li> <li>▪ is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/></li> </ul>	<p><b>Guidelines for Exclusion</b></p> <ul style="list-style-type: none"> <li>▪ is a poor example of its type <input type="checkbox"/></li> <li>▪ does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/></li> <li>▪ does not represent well the characteristics that make up a significant variation of a type <input checked="" type="checkbox"/></li> </ul>

### 4.3 STATEMENT OF SIGNIFICANCE

The site, granted in 1804, has some historical association with Daniel Woodriff and his descendants however there are no extant buildings on the site of historic, social, associative, research, rare or representative significance for the local area.

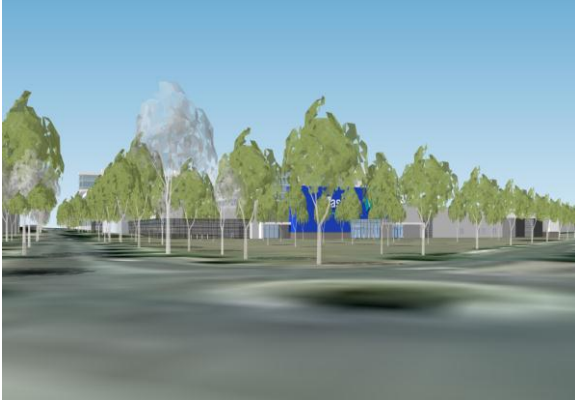
The site is not considered to be of heritage significance.

### 4.3.1 VIEW ANALYSIS

A view analysis has been prepared by the Project Architect.

Images have been created from a number of key viewpoints across the development to show how the proposed built form will appear as shown in **Figure 9**.

FIGURE 9 – VIEW ANALYSIS (TURNER + ASSOCIATES PTY LTD 2012)



PICTURE 14 – VIEW LOOKING NORTH EAST DOWN STATION STREET FROM JAMISON ROAD



PICTURE 15 – VIEW LOOKING SOUTH WEST DOWN STATION STREET ADJACENT TO CENTRO NEPEAN



PICTURE 16 – VIEW FROM WOODRIF STREET LOOKING SOUTH FROM THE NORTHERN BOUNDARY



PICTURE 17 – VIEW LOOKING NORTH WEST FROM WOODRIF STREET DOWN PROPOSED ROAD BETWEEN MASTERS AND RESIDENTIAL DEVELOPMENT

The views demonstrate the follow features:

- The scale of the development and the positive transition in terms of height and bulk.
- The proposed landscaping including the avenue of buffer trees which increase residential amenity and softening the appearance of the built form.
- The creation of space and a liveable precinct with quality landscaped spaces, with clear edge definition created by the building forms
- The lower buildings tend to be at the perimeter of the site as a transition to the existing context.
- The new streets network will both provide new pedestrian routes as well as giving scale to the overall site.
- The alignment, scale, articulation and separation of all building envelopes work together to reinforce streetscape, create perceptible urban spaces and bestow a variety of urban experiences.

Accordingly, the proposed built form is considered appropriate with clear linkages with surrounding sites and providing appropriate environmental and residential amenity.

## 5 Impact Assessment

### 5.1 HERITAGE LISTING

The subject property is subject to the Penrith Local Environmental Plan 2008 and Draft 2010. The site contains no heritage listed items and is within the vicinity of a number of heritage items.

### 5.2 STATUTORY CONTROLS

#### 5.2.1 LOCAL ENVIRONMENTAL PLAN

The proposed works are addressed in the table below in relation to the relevant clauses in the LEP.

TABLE 1 – RELEVANT LEP CLAUSES

CLAUSE	DISCUSSION
<p><b>Penrith City Centre Local Environmental Plan 2008</b></p> <p><b>54 Heritage conservation</b></p> <p><b>1) Objectives</b> The objectives of this clause are as follows: (a) to conserve the environmental heritage of the North Penrith site, ) to conserve the heritage significance of heritage items, including associated fabric, settings and views.</p> <p><b>(2) Requirement for consent</b> Development consent is required for any of the following: (a) demolishing or moving a heritage item or altering the exterior of a heritage item (including, in the case of a building, making changes to its detail, fabric, finish or appearance), (b) altering a heritage item that is a building by making structural changes to its interior, (c) erecting a building on land on which a heritage item is located,  subdividing land on which a heritage item is located.</p> <p><b>(3) When consent not required</b> However, development consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development: (i) is of a minor nature or is for the maintenance of the heritage item, and (ii) would not adversely affect the heritage significance of the heritage item, or (b) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or ) the development is exempt development.</p>	<p>There are no heritage items on the subject site.</p> <p>There are two heritage items, being items I13 and I14, in the vicinity which will be assessed below.</p> <p>Consent Is not required under this clause however is required by the Director General's Requirements.</p> <p>Not applicable</p>

<p><b>(4) Effect of proposed development on heritage significance</b> The consent authority must, before granting consent under this clause in respect of a heritage item, consider the effect of the proposed development on the heritage significance of the item 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).</p> <p><b>(5) Heritage assessment</b> The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within the vicinity of land referred to in paragraph (a), 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 concerned.</p> <p><b>(6) Heritage conservation management plans</b> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p> <p><b>(7) Conservation incentives</b></p>	<p>Not applicable</p> <p>This Heritage Impact Statement has been prepared to satisfy this clause.</p> <p>A Heritage CMP Is not considered necessary for this site due to the lack of heritage significance attached to the site.</p> <p>Not applicable</p>
<p><b>Penrith Local Environmental Plan 2010</b></p> <p><b>5.10 Heritage conservation</b></p> <p><b>(1) Objectives</b> The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Penrith,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p><b>(2) Requirement for consent</b> Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in</p>	<p>Not applicable</p>

a relic being discovered, exposed, moved, damaged or destroyed,  
(d) disturbing or excavating an Aboriginal place of heritage significance,  
(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or  
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,  
(f) subdividing land:  
(i) on which a heritage item is located or that is within a heritage conservation area, or  
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

### **(3) When consent not required**

However, development consent under this clause is not required if:

the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

the development is in a cemetery or burial ground and the proposed development:

is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

the development is exempt development.

### **(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).

Refer to (5) below



<p><b>(5) Heritage assessment</b> The consent authority may, before granting consent to any development:</p> <p>(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),</p> <p>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.</p> <p>(</p>	<p>The subject site is not considered to have built heritage significance, however there is some potential for archaeological significance.</p> <p>There are two heritage items in the vicinity, known as Items 13 and 14 on Schedule 5 of the Penrith City Centre LEP 2008. These items, being 146 and 148 Station Street, respectively, are representative examples of late Victorian cottages, however are not common in the immediate area.</p> <p>The setting of the cottages has been significantly diminished by the development surrounding them. This includes the adjacent car parks, Centro, Hungry Jacks, the Jax Tyre centre and entrance drive to the shopping centre.</p> <p>The location of these items in relation to the proposed development is well illustrated in the View Analysis at 4.3.1 and in particular Picture 15 – ‘View looking South West Down Station Street adjacent to Centro Nepean’. The proposed development will be significantly separated from the subject items and the associated landscaping and street trees will ensure that the new development will not impact in terms of height or bulk on the appreciation of these buildings. These buildings now have their own setting, albeit degraded, and the ability to appreciate them or view them in their setting will not be impacted upon by the subject proposal.</p> <p>In the Picture 15 view the subject heritage items are set back further north (left) than the building to the left of the view- so the setting is not affected as the distance includes the Jax tyre centre , a car park, an entrance driveway, Hungry Jacks building , a car park and then the items. The buildings have been able to be used and appreciated in the context of the Centro development plus being opposite the large stadium complex and their significance is such that all this development has not resulted in a change of their status. The subject proposal will have no negative impact on the manner in which they are viewed and appreciated.</p>
<p><b>6) Heritage conservation management plans</b> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>Not applicable</p>
<p><b>(7) Archaeological sites</b> The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <a href="#">Heritage Act 1977</a> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>A Non- Aboriginal Archaeological Assessment has been prepared by Casey + Lowe to examine the land use history of the site and the potential for non-indigenous archaeological remains. This assessment indicates that:</p> <ul style="list-style-type: none"> <li>▪ The site is unimproved farmland without evidence for buildings except for those extant in the northern half of the site and the site of a grandstand fronting Station Street.</li> <li>▪ The 1880s grandstand and an adjacent kiosk or toilet block is the only potential archaeological site identified. Remains are likely to be restricted to the bases of brick piers or timber posts and probably a toilet block. The area is considered to have a low level of archaeological potential.</li> <li>▪ The potential archaeological remains on the property</li> </ul>

<p><b>Aboriginal places of heritage significance</b> The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p><b>Demolition of nominated State heritage items</b> <b>Conservation incentives</b></p>	<p>are of little heritage significance.</p> <p>Based on these results, no additional historic research or archaeological monitoring is regarded as being necessary.</p> <p>A report has been prepared by Archaeological and Heritage Management Solutions (AHMS) and is attached to the Submission of Environmental Assessment.</p> <p>Not applicable Not applicable</p>
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## 5.2.2 DEVELOPMENT CONTROL PLAN PENRITH CITY CENTRE PLAN 2007

The proposed works are addressed in the table below in relation to the relevant provisions in the DCP.

TABLE 2 – DEVELOPMENT CONTROL PLAN

PROVISION	DISCUSSION
<p>7. CONTROL FOR SPECIAL AREAS 7.1 HERITAGE ITEMS Development of Heritage Items Generally</p>	<p>The only provision related to the subject proposal involves sites in the vicinity of heritage items and this has been discussed above under the LEP 2008 provisions.</p>
<p>7.3.3 Precinct 3- “Centro”</p>	<p>This precinct control does not specifically relate to the subject site however is adjacent. There are no provisions for adjacent sites and the provision provide for the integration of heritage listed buildings into the design of the new retail and residential development on that site in the future.</p>

## 5.3 HERITAGE OFFICE GUIDELINES

The proposed works are addressed in relation to relevant questions posed in the Heritage Office's 'Statement of Heritage Impact' guidelines

TABLE 3 – RELEVANT QUESTIONS

QUESTION	DISCUSSION
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	The development presents no issues with the heritage items in the vicinity, as discussed above.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	The distance between the heritage items and the proposal is such that the proposal cannot detrimentally impact on the items.
The following sympathetic solutions have been considered and discounted for the following reasons:	Not applicable
<p><b>New development adjacent to a heritage item</b></p> <p>How does the new development affect views to, and from, the heritage item?</p> <p>What has been done to minimise negative effects?</p> <p>How is the impact of the new development on the heritage significance of the item or area to be minimised?</p> <p>Why is the new development required to be adjacent to a heritage item?</p> <p>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</p> <p>Is the development sited on any known or potentially significant archaeological deposits?</p> <p>If so, have alternative sites been considered? Why were they rejected?</p> <p>Is the new development sympathetic to the heritage item?</p> <p>In what way (e.g. form, siting, proportions, design)?</p> <p>Will the additions visually dominate the heritage item?</p> <p>How has this been minimised?</p> <p>Will the public and users of the item, still be able to view and appreciate its significance?</p>	<p>No views to or from the heritage item will be affected as the items are discrete elements on the adjoining site to the north and they are well separated for the proposed site.</p> <p>The proposal has been designed to mitigate any impacts on adjoining properties and the scale and form of the proposal has been resolved to have low impact on the Centro site.</p> <p>The heritage items are located in the city centre area and for part of the Centro retail area. The items currently coexist on that site with large scale retail and are well separated by buildings and car parks from the subject site. The scale of the building on the Centro site makes the visual relationship to the proposed site difficult.</p> <p>A separate archaeological report has been prepared by Casey and Lowe.</p> <p>The design and scale of the proposal with regard to the heritage items is not an issue for the reasons outlined above and there will be no heritage impacts. The public and users of the heritage items will still be able to view and appreciate them and they are not the responsibility of the applicant.</p>

## 6 Conclusion and Recommendations

The subject proposal has been assessed under the relevant existing and Draft LEP's and DCP and it is concluded that there will be no detrimental impact on the heritage items in terms of fabric or views. The significance of the two items has been retained within the commercial development to the north and the distance and buildings between the items and the proposal are such that no detrimental impact is able to be discerned from the proposal.

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[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]





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