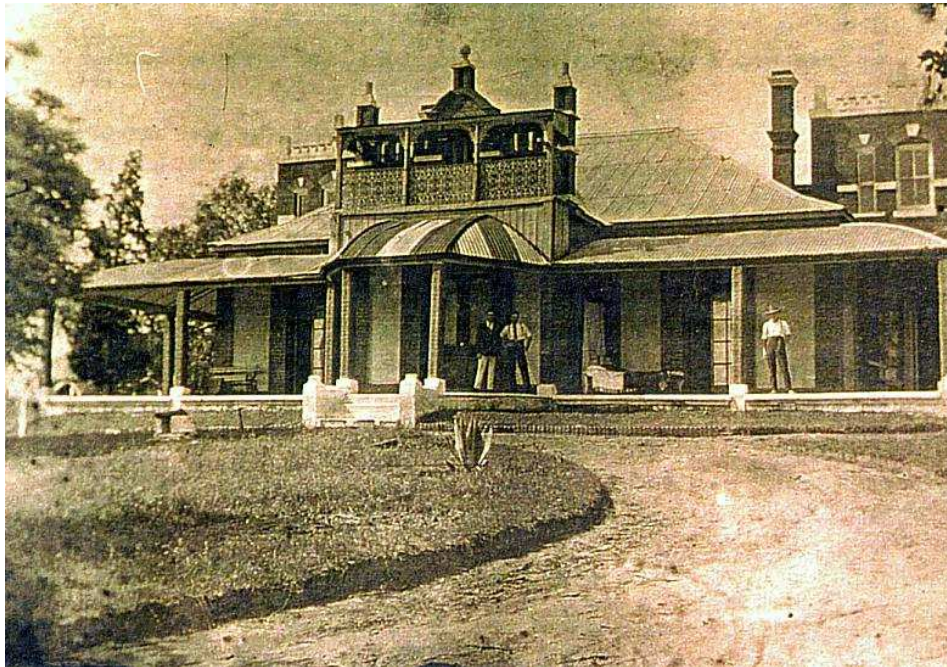


PO Box 660 52 Albion Street T +61 2 9281 4399
Darlinghurst Surry Hills F +61 2 9281 4337
NSW 1300 NSW 2010 info@tannerarchitects.com.au
Australia Australia www.tannerarchitects.com.au

tanner Architects

NORTH PENRITH ARMY LANDS
THORNTON HALL SUBDIVISION AND INFRASTRUCTURE WORKS
STAGE 2A WORKS

STATEMENT OF HERITAGE IMPACT



Prepared for
Landcom

June 2012
Issue A

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ISSUE STATUS

ISSUE	DATE	PURPOSE	WRITTEN	APPROVED
P1	12 June 2012	Draft issue for review	RL	CMJ
A	15 June 2012	Final Issue	RL	
B	26 June 2012	Revised Final Issue	RL	

1 INTRODUCTION

1.1 Background and purpose of the report

This concise report has been written to assess the impacts on the heritage significance of Thornton Hall that derive from the proposed Stage 2A Works associated with the North Penrith Army Lands.

Issue 10 of the DGRs for the Stage 2A Works relates to heritage:

A statement of significance and an assessment of the impact on the heritage significance of any heritage items and/or conservation areas should be undertaken in accordance with the guidelines in the NSW Heritage Manual, including Thornton Hall.

Tanner Architects previously prepared the Statement of Heritage Impact for the North Penrith Defence Site Part 3A – Concept Plan (Issue A, October 2010). The assessment of the impacts of the proposed works is based on the assessment included in this report.

1.2 Author identification

This document was prepared by Dr Roy Lumby, Senior Heritage Specialist of Tanner Architects. It was reviewed by Megan Jones, Director of Tanner Architects.

1.3 Development Application documents

The assessment is based on documents prepared by Brown Consulting and Place Design Group. The following documents have been used as the basis for the preparation of this document.

Brown Consulting:

- X12016 001 Issue 02 General Layout Plan;
- X12016 101 Issue 02 Roadworks Plan – Sheet 01 of 02;
- X12016 102 Issue 02 Roadworks Plan – Sheet 02 of 02;
- X12016 501 Issue 02 Drainage Plan – Sheet 01 of 02;
- X12016 502 Issue 02 Drainage Plan – Sheet 02 of 02;
- X12016 601 Issue 02 Site Regrading Plan – Sheet 01 of 02;
- X12016 602 Issue 02 Site Regrading Plan – Sheet 02 of 02;
- X12016 603 Issue 02 Site Regrading Section;
- X12016 901 Issue 02 Demolition Plan.

Place Design Group

- North Penrith Village – Stage 2A, Part 3A Project Application: Thornton Park Landscape Concept, April 2012

1.4 Description of the Proposal

The Stage 2A Works are associated with the creation of residential lots and include earthworks, construction of roads, infrastructure and servicing, creation of an allotment for Thornton Hall, creation of a superlot and public domain works associated with Thornton Hall.

1.5 Site location

The location of the proposed Stage 2A Works is indicated on the following diagram.



Figure 1-1 Location plan, not to scale.
Source: Brown Consulting



2 ASSESSMENT OF HERITAGE IMPACT

The proposed Stage 2A Works are evaluated against the Statement of Heritage Impact for the North Penrith Defence Site Part 3A – Concept Plan (Issue A, October 2010). The various components of Section 6 in that report are addressed.

2.1 Conservation Management Plan

The proposal has been assessed against the compliance statements to the relevant conservation policies extracted from the Thornton Hall, North Penrith, Conservation Management Plan (Graham Brooks & Associates, July 2001), The following policies and compliance comments have been extracted from the Statement of Heritage Impact for the Part 3A Concept Plan (October 2010).

Conservation Policy	Compliance Comments: SOHI October 2010	Compliance Comments: 2A Works
Retention of Significance Thornton Hall and its curtilage shall be retained and conserved in the context of ongoing use in a manner, which respects its architectural and spatial integrity. Conservation of the building shall focus on retaining fabric of high and medium significance and maintaining its relationship to the heritage rural landscape.	Thornton Hall and its curtilage are retained in the Concept Plan. The Concept Plan has incorporated devices to ensure that the relationships between the building and landscape are retained and integrated into future development.	<i>The curtilage for Thornton Hall included in the Concept Plan has been retained and is not modified.</i>
Curtilage, Views and Vista An appropriate curtilage to Thornton Hall should be identified and retained within any proposals for the redevelopment of the site. The identified curtilage should respect the 'rural' character of Thornton Hall, and retain significant views and vistas to and from the property.	The curtilage for Thornton Hall included in the Concept Plan conforms to recommendations outlined in the Non-Indigenous Heritage review undertaken by Tanner Architects. This curtilage has been developed from a detailed understanding of the heritage significance of the place ...	<i>The curtilage includes a street that interprets the original driveway to Thornton Hall. The alignment of the street and its reservation are in compliance with the curtilage requirements.</i>

As stated above, the 2A Works comply with curtilage recommendations included in the Recommended Curtilage for Thornton Hall (Source: Tanner Architects, Non-Indigenous Heritage Review North Penrith Defence Lands (Tanner Architects, Final Issue 7 April 2009, p.6). The recommended curtilage was included in the Statement of Heritage Impact that accompanied the Part 3A Application for the Concept Plan. The proposed works in the vicinity of Thornton Hall are compared with the diagram describing the recommended curtilage in the following diagram.

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Model Questions: New development adjacent to a heritage item	Compliance Comments: SOHI October 2010	Compliance Comments: 2A Works
	proposal and are included in an interpretation strategy for the site.	<i>road works to Mountain View Crescent, which will not impact negatively on the conservation area because of their physical character and location relative to it. Future development of residential allotments will be the subject of future applications and assessment.</i>
Why is the new development required to be adjacent to a heritage item?	The North Penrith Defence Site has been identified as a Major Project by the Minister for Planning. The Concept Plan has been prepared to secure statutory approval for the overall planning framework for the site and to resolve several outstanding issues. Thornton Hall, the oval and the remnant section of speedway have been identified as integral components of the proposal and as such have had considerable consideration of its heritage values.	<i>The 2A Works form part of the development of the approved Concept Plan and are designed in accordance with it. The Stage 2A Works are located on the section of the North Penrith Army Lands site that abuts the western edge of the Lemongrove Conservation Area.</i>
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?	The curtilage for Thornton Hall conforms to the curtilage recommendations contained in the Review of Interim Heritage Management Strategy undertaken by Tanner Architects (January 2010). The curtilage recommendations are intended to retain the rural character of Thornton Hall, protect and conserve surviving garden and landscape elements from the Victorian period, and establish a discrete setting for the house. The Concept Plan has integrated these curtilage recommendations in dealing with Thornton Hall. It provides a generous amount of open space that allows conservation of significant trees and the interpretation of Thornton Hall in its original context.	<i>The curtilage for Thornton Hall is maintained in accordance with the curtilage recommendations, which were incorporated into the Concept Plan Application. The curtilage of the Lemongrove Conservation Area is not specifically defined, though at a minimum it would extend to the rear boundaries of the allotments abutting the Stage 2A site works. Future development on the allotments adjoining the Conservation Area is stipulated as low density residential, which would be similar in scale and form to residential development in Lemongrove and is limited to two storeys in height.</i>

Model Questions: New development adjacent to a heritage item	Compliance Comments: SOHI October 2010	Compliance Comments: 2A Works
<p>How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?</p>	<p>View corridors will be established between Thornton Hall and the Oval, and along the reconstructed/interpreted driveway leading to the house. These will allow views to the house from the site, and permit views from the house across the site. Thornton Hall occupies a high part of the site, so the provision of an appropriate curtilage and view corridors will minimise potential impacts arising from the Concept Plan.</p>	<p><i>The reconstructed/interpreted driveway, nominated as Mountain View Crescent, has been designed to maintain an axial alignment with Thornton Hall, which is in compliance with the adopted curtilage recommendations.</i></p> <p><i>The design of landscaping works in Thornton Park also provides a view corridor to Thornton Hall.</i></p> <p><i>There are no views to Thornton Hall available from Lemongrove. Conversely, there are no significant views to Lemongrove from the Stage 2A Works site.</i></p>
<p>Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?</p>	<p>The proposed application is for a concept plan and a residential subdivision, which considers only indicative building controls. Aboriginal and non-indigenous archaeology form the subjects of separate specialist consultants' reports.</p>	<p><i>Similar comments apply. It should be noted that the north eastern portion of the site contains one known Aboriginal item, which is recorded on the Aboriginal Heritage Information Sydney database. Landcom is retaining the item and surrounding trees to protect it and potential undiscovered items.</i></p>
<p>Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?</p>	<p>The heritage significance of the site is embodied in the fabric of Thornton Hall and the remnant section of speedway track along with the associations furnished by the oval. These significant items have informed the design of the urban form that is described in the Concept Plan. The proposed concept is considered to be sympathetic to Thornton Hall and its setting, providing a curtilage and controls over the type of development that will be permitted in the vicinity of the heritage item.</p>	<p><i>The proposed works are sympathetic to the heritage significance of the site in the following ways:</i></p> <ul style="list-style-type: none"> • <i>The curtilage of Thornton Hall is maintained;</i> • <i>View corridors to Thornton Hall are established in Thornton park and along Mountain View Crescent;</i> • <i>Interpretation of the speedway track is interpreted through the alignment of Speedway Circuit and interpretive devices in the associated pavement.</i> <p><i>The subdivision and landscape works are generally sympathetic to the Lemongrove Conservation Area. Their location relative to the Conservation Area effectively limits impacts on it. The proposed</i></p>

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Model Questions: New development adjacent to a heritage item	Compliance Comments: SOHI October 2010	Compliance Comments: 2A Works
		<i>allotments that are adjacent to the Conservation Area are deep enough to allow setbacks consistent with Design Guidelines included in the Draft North Penrith DCP.</i>
Will the additions visually dominate the heritage item? How has this been minimised?	The Part 3A Concept Plan will have no immediate impact on the heritage items within the site and adjacent to it. The impact of future development will be minimised by application of the controls recommended by the SEPP, Concept Plan and by the Development Control Plan for the site.	<i>The proposed works, which are related to earthworks, roads, infrastructure and landscaping, will not impact on Thornton Hall because of their location. The works will enhance interpretation of Thornton Hall through the establishment of view corridors and improvements to its setting and contribute to the interpretation of the heritage significance of the site.</i> <i>This Model Question is not applicable to the Lemongrove Conservation Area.</i>
Will the public, and users of the item, still be able to view and appreciate its significance?	Although it is intended to conserve Thornton Hall and retain residential uses, the building will not be accessible to members of the general public. However, view corridors between Thornton Hall and the Oval and along the driveway leading to Thornton Hall, will integrate the building into the site planning and thus provide an appreciation of the building's heritage significance. This will be supplemented by interpretive devices elsewhere on the site.	<i>Yes, through the establishment of view corridors along Mountain View Crescent West and Thornton Park, and by works associated with Speedway Circuit.</i> <i>The proposed works will have no impact on public and user perceptions of the Lemongrove Conservation Area and buildings within it.</i>

Model Questions: Subdivision	Compliance Comments: SOHI October 2010	Compliance Comments: 2A Works
How is the proposed curtilage allowed around the heritage item appropriate?	The curtilage around Thornton Hall is appropriate because it will provide an open landscape setting that enables interpretation of the historic role of the building as a dwelling on a large open estate. The curtilage will permit views to	<i>The proposed works are consistent with the SOHI 2010 comments.</i> <i>There will be no immediate impacts on the Lemongrove Conservation Area. Future development resulting from the</i>

	the house from other parts of the site and from the house over the site ...	<i>subdivision will need to be assessed as and when it is proposed.</i>
Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?	No. The Concept Plan clearly identifies the type of development that will be permitted in the vicinity of Thornton Hall ... It establishes a generous curtilage for Thornton Hall ... and integrates view corridors relating to Thornton Hall into the overall site planning. Development that is adjacent to the remnant section of speedway is also controlled by mechanisms contained in the Concept Plan.	<i>The proposed works are consistent with the SOHI 2010 comments. Future development resulting from the subdivision will need to be assessed as and when it is proposed.</i>
Q. Could future development that results from this subdivision affect views to, and from, the heritage item? How are negative impacts to be minimised?	Views to Thornton Hall ... are presently screened by groves of shrubs and trees. Views to Thornton Hall will be improved and enhanced as a result of the Concept Plan, because it will establish defined view corridors that will link the house to the site and allow interpretation of its relationships with the site.	<i>The proposed works are consistent with the SOHI 2010 comments Future development resulting from the subdivision will need to be assessed as and when it is proposed.</i>

2.3 City of Penrith

The lodgement of this Development Application by Landcom follows from the approval of the North Penrith Development Concept Plan and Stage 1 Project Application in November 2011. The North Penrith site was subsequently rezoned for residential, local centre, employment generating and public recreational uses. A Modification Application for the Concept Plan, lodged in February 2012, is currently under assessment.

Under recent amendments to the EP&A Act, which replace former Part 3A provisions, certain classes of development are included in Schedules 1 and 2 of the State Environmental Planning Policy (State and Regional Development) 2011 as State Significant Development. The North Penrith site is listed in Schedule 2 of the SEPP. Schedule 2, Clause 11 establishes criteria for State Significant Development. The Stage 2A Development Application satisfies criteria within Schedule 2

The Stage 2A Works have been assessed against the relevant sections of City of Penrith planning instruments.

2.3.1 Penrith City Centre Local Environmental Plan 2008

Thornton Hall is listed as an item of local heritage significance (Item 17) in the table appended to Clause 54 Heritage Conservation, which is included in Part 7 of the LEP. Part 7 contains provisions relating specifically to North Penrith. Compliance with the relevant provisions of Clause 54 is outlined below.

Heritage provisions	Compliance comments
<p>54(1) Objectives The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of the North Penrith site,</p> <p>(b) to conserve the heritage significance of heritage items, including associated fabric, settings and views.</p>	<p>The Stage 2A Works comply with the LEP objectives. Positive benefits will be provided by the establishment of view corridors to Thornton Hall, interpretation of aspects of the site's heritage significance and upgrading of the landscaped setting in the vicinity of Thornton Hall.</p>
<p>54(2) Requirement for consent Development consent is required for any of the following:</p> <p>(d) subdividing land on which a heritage item is located.</p>	<p>This Heritage Impact Statement is provided to assist the Consent Authority in its consideration of the proposed Stage 2A Works.</p> <p>Refer to the response to the NSW Heritage Office Model Questions.</p>
<p>(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).</p>	<p>The proposed development will have a beneficial impact on Thornton Hall because it will establish the recommended curtilage for Thornton Hall, provide view corridors to the place and enhance its setting.</p> <p>Other actions, including the art walls in Thornton park and the naming of Speedway Circuit, will enhance interpretation of the site.</p> <p>The works will not result in negative impacts on the adjacent Lemongrove Conservation Area.</p>
<p>(5) Heritage assessment 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),</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 concerned.</p>	<p>This Statement of Heritage Impact assesses the impacts of the Stage 2A Works on the significance of potentially affected heritage items - Thornton Hall and the Lemongrove Conservation Area.</p>
<p>(6) Heritage conservation management plans 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>This clause is not applicable. A conservation management plan has been prepared for Thornton Hall. Compliance with relevant policies within it is addressed in Section 2.1 above.</p>

2.3.2 Penrith Development Control Plan 2010

Section C7 of the DCP contains provisions for Culture and Heritage. Section 7.1 relates to European Heritage. The proposed works comply with the relevant provisions in the following ways.

Provisions	Compliance comments
7.1.1. Determining the Impact on Heritage Significance	
a) Where a proposed development could affect the heritage significance of a heritage item, heritage conservation area the applicant is required to lodge a Heritage Impact Statement or Conservation Management Plan (as required).	This Statement of Heritage Impact has been undertaken to evaluate impacts of the proposed works on Thornton Hall.
b) A proposed development could affect the heritage significance of a heritage item, heritage conservation area or place of potential heritage significance if it is either in that item, place or conservation area or it is in the vicinity of that item, place or conservation area.	Refer to the comment above.
c) Impact on a heritage item, place or conservation area can include, but is not limited to: <ul style="list-style-type: none"> • Affecting the item, place or area itself; • Affecting a significant view to or from the item; • Affecting the setting or heritage curtilage, including any landscape or horticultural features of the item; • Overshadowing of the item; • Affecting the form of any historic subdivision pattern; • Undermining or otherwise causing physical damage to the item; or • Otherwise having an adverse impact on its heritage significance. 	Refer to the comment above and comments in Section 2.2 above.
d) A Heritage Impact Statement or Conservation Management Plan must be prepared by a qualified Heritage Consultant.	This report has been undertaken by Tanner Architects, experienced and recognised heritage consultants.
7.1.3 heritage Items	
C. Controls	The relevant subclauses of this provision have been addressed in the Statement of Heritage Impact for the North Penrith Defence Site Part 3A – Concept Plan (Issue A, October 2010) and this Statement of Heritage Impact.
1. Development Application	
a) Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):	
i) The heritage significance of the item as part of the environmental heritage of Penrith;	
ii) The impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features;	

Provisions	Compliance comments
<p>iii) The measures proposed to conserve the heritage significance of the item and its setting;</p> <p>iv) Whether any archaeological site or potential archaeological site would be adversely affected by the proposed development;</p> <p>v) The extent to which the carrying out of the proposed development would affect the form of any significant subdivision pattern; and</p> <p>vi) The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.</p>	
<p>b) Development of a heritage item must:</p> <p>i) Be consistent with an appropriate Heritage Impact Statement or Conservation Management Plan;</p> <p>ii) Be consistent with the Heritage Inventory Assessment Report;</p> <p>iii) Protect the setting of the heritage item;</p> <p>d) If there is any likelihood of an impact on any significant archaeological relics from a period prior to the current building, development must ensure that the impact is managed according to the assessed level of significance of those relics.</p>	<p>Refer to comments above.</p> <p>The relevant subclauses of this provision have been addressed in the Statement of Heritage Impact for the North Penrith Defence Site Part 3A – Concept Plan (Issue A, October 2010), with which the proposed Stage 2A Works conform.</p>
<p>7.1.5 design Guidelines: Part C. Controls</p>	
<p>3. Subdivision and Site Analysis</p> <p>a) Proposals for subdivision should define an appropriate setting or 'curtilage' for the heritage building as part of the heritage impact statement or conservation management plan.</p> <p>c) New development shall be of a scale and form that does not detract from the historical significance, appearance and setting of the heritage item. In this way, the following elements require specific consideration:</p> <p>ii) Views and vistas to the heritage item from roads and other prominent areas are key elements in the landscape and shall be retained;</p> <p>iv) Curtilages shall be retained around all listed items sufficient to ensure that views to them and their relationship with adjacent settings are maintained.</p>	<p>The proposed subdivision is similar to that included in the Part 3A Concept Plan. The subdivision complies with the curtilage established for Thornton Hall.</p> <p>New development consists of earthworks, infrastructure, road works and landscape works that conform to the principles established in the Concept Plan.</p> <p>The curtilage that has been established for Thornton Hall has been retained.</p> <p>View corridors to Thornton Hall are reinforced by the design of the road works associated with Mountain View Crescent West and the design of Thornton Park</p>
<p>7.1.7. Development in the Vicinity of a Heritage Item or Conservation Area</p>	
<p>C. Controls</p> <p>a) A heritage impact statement shall be lodged with a development application for buildings or works in the vicinity of a heritage item or heritage conservation</p>	<p>This Statement of Heritage Impact addresses the impacts of the proposed works on Thornton Hall and on the Lemongrove Conservation Area (refer to Section 2.2 above).</p>

Provisions	Compliance comments
<p>area. This clause extends to development that:</p> <p>i) May have an impact on the setting of a heritage item or conservation area, for example, by affecting a significant view to or from the item or by overshadowing; or</p> <p>ii) May undermine or otherwise cause physical damage to a heritage item; or</p> <p>iii) Will otherwise have any adverse impact on the heritage significance of a heritage item or any heritage conservation area within which it is situated.</p> <p>b) The following issues must be addressed in the heritage impact statement:</p> <p>i) The impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.</p>	

2.4 Draft North Penrith Development Control Plan 2010

Section 5.0 of the DCP contains provisions relating to Thornton Hall. Their objectives include conservation of the building's heritage significance including its setting and its relationship with its surroundings. The proposed works comply with the relevant provisions in the following ways.

Provisions	Compliance comments
<p>5.1 Built Form Controls: Controls</p> <p>5.1(2) New development is to maintain an appropriate curtilage around Thornton Hall and be consistent with the following principles and Figure 24:</p> <p>maintain screening provided by existing trees. Some thinning of trees may assist in reinforcing the view corridor between Thornton hall and the rest of the site.</p> <p>(4) Any new landscape design should enhance the setting of Thornton Hall and reinforce view corridors. ...</p> <p>(5) The existing trees along the existing entry road into Thornton Hall are to be retained and protected.</p>	<p>Note: Figure 24 is similar to Figure 2.1 above.</p> <p>The proposed development complies with the principles of Clause 5.1(2) and Figure 24.</p> <p>The landscape design of Thornton Park and Mountain View Crescent establishes view corridors and consolidates the setting already provided by existing trees.</p> <p>The provision of a divided carriageway rather than a single carriageway along Mountain View Crescent has been agreed to. Whilst the associated works will result in the removal of a number of existing trees, it will provide upgraded vehicular access and consolidate the view corridor to the house. Replacement planting consists of species that interpret nineteenth century planting and the early driveway that led to the house.</p>

2.5 Recommendations in the Part 3A Concept Plan Statement of Heritage Impact

The proposed works comply with the following recommendations included in Section 8.2 of the Statement of Heritage Impact for the North Penrith Defence Site Part 3A – Concept Plan (Issue A, October 2010).

Recommendation	Compliance comments
Establish and maintain view corridors between Thornton Hall and the rest of the site so that its associations with the site can be interpreted;	View corridors are established in the design of Thornton Park and the reservation and alignment of Mountain View Crescent West.
Maintain appropriate curtilages for Thornton Hall and Combewood.	The curtilage for Thornton Hall that was established in the Concept Plan has been retained in the Stage 2A Works. Combewood is not affected by the proposed development.
Implement an interpretation strategy for the entire site that is integrated into the fabric of future development.	Interpretation included in the Concept Plan has been incorporated into the Stage 2 Works. It includes the walls within Thornton Park, the alignment of Speedway Circuit and Mountain View Crescent West, and artworks in the pavement associated with Speedway Circuit.

3 CONCLUSION

The Stage 2A Works will have no impact on the heritage significance of Thornton Hall and will in fact enhance the building because of the establishment of view corridors, upgrading of its overall setting by landscaping in Thornton Park and the alignment and reservation of Mountain View Crescent West.

There will be no impacts on the allotments along Lemongrove Road that bound the eastern edge of the site and are included in the Lemongrove Conservation Area.

The heritage significance of the site will be enhanced by the various interpretive devices included in the Works.