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DISCOVERY POINT STAGE 1 PROJECT APPLICATION
TEMPE ESTATE, WOLLI CREEK
NEIGHBOURHOOD PARK, RESIDENTIAL TOWER & RETAIL SPACES

STATEMENT OF HERITAGE IMPACT



Prepared for
Australand

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Issue A

DISCOVERY POINT – STAGE 1 PROJECT APPLICATION
STATEMENT OF HERITAGE IMPACT

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1 INTRODUCTION

1.1 Background and purpose of the report

This Heritage Impact Statement has been prepared on behalf of Discovery Point Pty. Ltd. It has been prepared to accompany the Stage 1 Project Application to assess the impact of the proposals on the cultural significance of the adjoining heritage curtilage of Tempe House and St Magdalen's Chapel. The Stage 1 Project Application comprises construction of the following:

- Building 1B, which is a mixed use retail and residential 3 storey building with retail on the ground floor and basement car parking;
- Building 1C, which is a 13 residential tower with retail on the ground floor and basement parking;
- Water recycling facility in Building 1C basement;
- Neighbourhood Park and a temporary park fronting Magdalene Terrace;
- Temporary access to Wolli Creek Railway Station; and
- Landscaping and infrastructure works.

1.2 Methodology and terminology

This report follows the general guidelines for Statements of Heritage Impact, set out in the NSW Heritage Manual, Heritage Office and Department of Urban Affairs and Planning (1996).

This report also follows the methodology and terminology described in The Conservation Plan, Sydney, National Trust of Australia (NSW), 5th edition 2000 by Dr J. S. Kerr and in the Australia ICOMOS Burra Charter, 1999 as described below. The methodology of these documents is combined with the State Heritage Register criteria to formulate an assessment of cultural significance (refer Section 3).

J.S. Kerr's The Conservation Plan considers the concept of cultural significance according to three qualities: The ability of a place to demonstrate a process, event, custom or style; associational (historical) links for which there may be no surviving evidence; and formal or aesthetic qualities.

The process of assessment of culturally significant places set out in the Australia ICOMOS Burra Charter breaks the concept of significance into "historic", "aesthetic", "technical/scientific" and "social" categories.

1.3 Definitions

The terms and definitions used in this report are as set out in the Australia ICOMOS Burra Charter for the Conservation of Places of Cultural Significance (1999) as follows:

"Place" means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations.

Fabric means all the physical material of the place, including components, fixtures, contents, and objects.

Conservation means all the processes of looking after a place so as to retain its cultural significance.

Maintenance means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of materials [new or old] into the fabric.

Adaptation means modifying a place to suit the existing use or a proposed use.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

Compatible use means a use which respects the cultural significance of the place. Such a use involves no, or minimal, impact on cultural significance.

Setting means the area around a place, which may include the visual catchment.

Related place means a place that contributes to the cultural significance of another place.

Related object means an object that contributes to the cultural significance of a place but is not at the place.

Associations mean the special connections that exist between people and a place.

Meanings denote what a place signifies, indicates, evokes or expresses.

Interpretation means all the ways of presenting the cultural significance of a place".

1.4 Author identification

This document was prepared by Megan Jones and Vanessa Holtham of Tanner Architects.

1.5 Statutory considerations

NSW Heritage Office

Tempe House and St Magdalen's Chapel are listed as a "complex/group" heritage item on the State Heritage Register. The State Heritage Register curtilage, as defined by the Conservation Management Plan prepared by Tanner Architects in 2001 is included below. Discovery Point also contains one heritage item known as the "Tempe House Precinct" under Rockdale LEP 2000. The Tempe House Precinct is defined as essentially the same land within the SHR boundary. A copy of the Tempe house Precinct Diagram is provided as an appendix to this report.

The State Heritage Register listing provides the following description of Tempe House and St Magdalen's Chapel, which were informed by the Tanner Architects CMP prepared in 2001:

Tempe House

Tempe House is of exceptional historical significance as a remarkably intact 1830s villa still within its largely unaltered landscape setting. Tempe house stands amongst a scenic garden setting depicted as an ideal 'Arcadian' landscape, with a long looped carriageway. The Northeast elevation boasts bull nose edged verandahs and principally retains the form of the original verandah. There are two pairs of cedar French doors with fanlights above. The windows are symmetrically positioned on the facade, as are the semi circular verandahs with Tuscan timber columns situated either side of the central stairway. The entrance has a wide eight (8) panelled door.

The Southeast elevation incorporates a courtyard with simple detailing and one entry, that is the original six (6) panelled wide cedar door. The original hipped roof is visible from the courtyard as is a small portion of the original verandah; however, the roof has been modified. The interior of the house has many of the rooms retaining French

doors and there are early fireplaces, and six (6) panelled doors throughout most of the common areas. Every room has views out to the trees, and the house revolves around a central hallway. The cedar joinery is finely moulded, and is of a similar design throughout the intact areas of the house. The parlour and dining room both feature colonial marble fireplaces and French windows with large areas of glazing for optimal views of the river. There is evidence of the original floorboards in the rear rooms of the house.

St Magdalen's Chapel

The chapel was built approximately fifty (50) years after Tempe House and is constructed from good quality red brick with cream brick and sandstone detailing. The Chapel, like the house, represents the period of architectural style in which it was built. The Chapel is an example of Victorian Gothic architecture and measures approximately twenty (20) metres long, by ten (10) metres wide, and is a tall single story structure with a steeply sloping roof. The northeast elevation has stained glass windows with carved sandstone window sills and simply detailed gables capped with corbelled sandstone eaves, copper guttering and circular down pipes. The southeast elevation has a simple rose window high on the gable end. The interior of the chapel is plainly finished, and the detail of religious scenes in the stained glass windows is evident. The most striking feature is the vaulted cedar boarded ceiling supported by a series of arched ribs. The interior of the Chapel consists of mainly one large room, with the altar stretching the width of the building, and has an ornate balustrade of wrought iron and timber.¹

Conservation works were carried out to Tempe House and St Magdalen's Chapel and their curtilage as part of the original Master Plan for the development of Discovery Point. Their respective restorations were completed in 2007.

1.6 Heritage agreement between the NSW Government and the Land Owners

Schedule 2 of the Heritage Agreement between the NSW Government and the Land Owners of Discovery Point, outlines the following responsibilities of the land owners:

- a) *the conservation of the item;*
- b) *the financial, technical or other professional advice or assistance required for the conservation of the item to be undertaken by the owner;*
- c) *the restriction of the use of the item and the Land unless otherwise approved by the relevant Minister;*
- d) *requirements for the carrying out of specified works or works of a specified kind;*
- e) *the standards in accordance with which the Cyclical Maintenance Works are to be carried out;*
- f) *the restriction on the kind of works and development that may be carried out;*
- g) *the exemption of specified activities or activities of a specified kind from Part 4 (Effect of Interim heritage orders and listing on State Heritage Register;*
- h) *the public appreciation of the State Heritage significance of the item;*
- i) *the availability of the item for public inspection;*
- j) *Such other matters as the Minister considers, on this advice of the Heritage Council, will assist in the conservation of the item.*

This Heritage Impact Assessment addresses all of the relevant items outlined above.

¹ NSW Heritage Register Listing – Tempe House and St Magdalene's Chapel

1.7 Director General's Requirements

In accordance with Section 75F of the Environmental Planning and Assessment Act 1979, the Director General's Requirements for the subject site are outlined for Discovery Point, in relation to Heritage, as follows:

The Environmental Assessment should provide an Heritage Impact Assessment of the site, and a Statement of Heritage Impact, that is to include:

- *Detailed evaluation on any impacts that the development would have on the heritage significance of the site, in particular the heritage significance and setting of Tempe House and St Magdalen's Chapel; and*
- *Consideration of the cumulative impacts on the proposed works on the heritage items and their curtilages.*

1.8 Tempe Estate Conservation Management Plan

The Tempe Estate Conservation Management Plan prepared by Tanner Architects in 2001 outlined the following General and Detailed Conservation Policies relevant for Future Use/Development of the site.

General Conservation Policies

The conservation of this site can best be achieved by:

- *The conservation and adaptive re-use of the significant buildings.*
- *The conservation of the setting of these buildings and the associated historic landscapes.*
- *The accommodation of a use or uses which will enhance public appreciation of the cultural significance of the place and ensure the conservation of the important buildings and landscape features.*
- *The control of the development of neighbouring sites within the area to safeguard the conservation of the site.*
- *The strict control of development within the Tempe Estate precinct to ensure the appreciation of the significance of the place.*
- *The control of the significant garden and waterfront setting and public access ways to ensure the cultural landscape is retained and conserved.*
- *The minimisation of intervention to significant fabric. Detrimental intervention should occur in areas of lower significance and the work should be reversible.*
- *The implementation of fire safety measures to comply with the intent of the Building Code of Australia, while not damaging significant fabric in any way.*
- *The implementation of a regular maintenance programme.*
- *The prevention of demolition or removal of items (apart from actions required to ensure public safety) before details of the conservation works have been determined.*
- *The undertaking of photographic recording prior to and during demolition of an element or structure of little significance is required.*
- *The archiving of all material relating to the Tempe Estate and the St. Magdalen's Retreat, to be retained at an appropriate repository and be made available to the public with secure access.*

1.9 Approved Discovery Point Concept Plan

The heritage impact statement prepared by Tanner Architects, which accompanied the Discovery Point Concept Plan application provided support for the overall configuration and building forms subject to minor recommendations. The proposed Stage 1 Project Application is consistent with this Concept Plan and has addressed the recommendations made in the Concept Plan Statement of Commitments.

1.10 Site location and description

The Discovery Point Concept Plan site is part of the Railway Precinct (Discovery Point) within the Wollongong Creek redevelopment area. The Concept Plan site is bound by the Illawarra Railway Line to the west, Princes Highway to the east, Magdalene Terrace to the south, Brodie Spark Drive to the east and the Cooks River to the north.

The Stage 1 Project Application precinct of the overall Concept Plan is located to the west of Brodie Spark Drive and the east of the Illawarra railway line. The precinct is located to the west of the heritage curtilage and distanced at a substantial away from this precinct. The approximate location of the proposed works as part of the Stage 1 Project Application is outlined on the aerial photograph below.

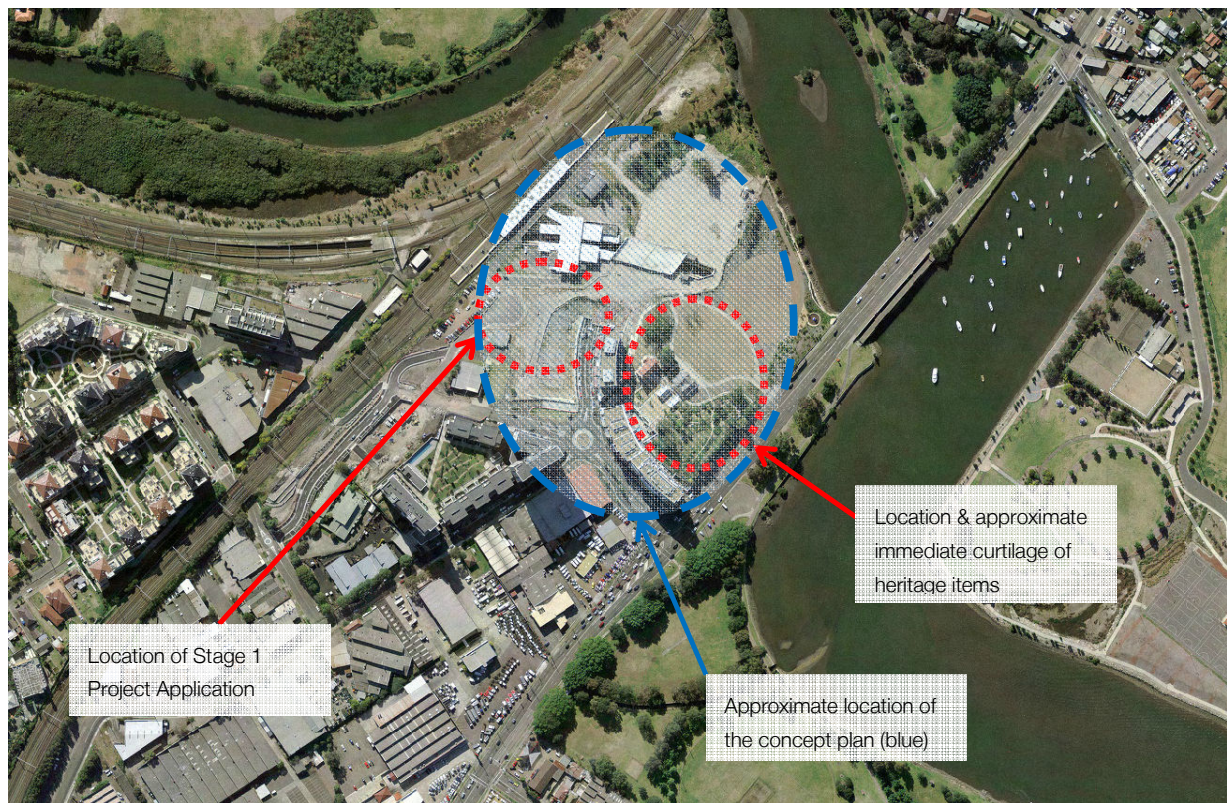


Figure 1 Location plan, not to scale (Source: Google Earth).



2 HISTORICAL OVERVIEW

Tempe estate was named after the 'Vale of Tempe' in Ancient Greece, due to its extensive gardens, designed to enhance the view of the Cooks River. The house was commissioned in 1831 by renowned architect John Verge and is a rare example of his architectural style. The land was first released in 1809 as a series of three land grants, the largest portion awarded to Sergeant William Packer and the remaining two grants were reissued in 1810 by Governor Macquarie. Sergeant Packer sold his land to the original owner of Tempe House, Alexander Brodie Spark in 1826 for 100 pounds. Records from the 1828 census indicate that there were six (6) people living and working on the estate at the time, and by the 1836 census, there were thirty-one (31) people recorded as living and working on the estate.

Tempe Estate formed a deliberately modified natural element, identified as 'Mt Olympus', which included Australian shrubbery, and created a suitable backdrop for a house in a picturesque setting. The riverbanks were developed to lay extensive lawns, and as the property was only accessible by boat at the time, a wharf was constructed to accommodate guests; however, it was not completed until 1838. The house after completion was used extensively for entertainment purposes and the scenic gardens included up to fifty (50) differing varieties of grape vines from France, which also attracted horticultural awards.

The construction of a dam between 1839 and 1841, built from quarried stone in the surrounding cliffs by convict labour, served to enhance the Estate's already splendid views. The dam allowed the area to be linked to the city by road, leading Spark, in 1841, to construct a carriage drive, a new coach house, stables and grooms quarters [Tanner & Associates, 2001: pp.16-17]. The stables burnt down in 1844, and were replaced, where they then remained until 1960 [Anglin and Associates, Conservation Plan: Tempe Estate, 1988: p.13]. 1840 saw A.B. Spark begin to face extensive business problems, with his personal borrowings seemingly insurmountable. He attempted to rectify his position by planting saleable crops. However, he was eventually overcome and his insolvency was listed on the 23rd August 1843. He remained at Tempe Estate with his wife and children and attempted to sell twice. However, at the time of his death in 1856 his estate failed to meet his debts. Tempe Estate was subdivided, and the house was auctioned to brothers Patrick and Thomas Maguire on the 24th August 1859 for 2000 pounds. The brothers never resided at Tempe Estate in their twenty years of ownership. However, they leased the property out, most notably to Caroline Chisholm. In the years 1863 to 1865, Caroline Chisholm, seen as one of Australia's greatest philanthropists, ran an educational establishment for young ladies in Tempe House.

On November 23rd 1884, Tempe Estate was sold at Auction to Frederick Gannon for 4000 pounds who then sold it five (5) months later for the sizable sum of 6,750 pounds to the Trustees of the Good Samaritan Order, Mary Anne Adamson, otherwise known as Superior General Magdalen's and Margaret Mary Byrne. The Good Samaritan Order focused on unmarried mothers and women who were seen to be at risk of sin. By 1887, the sisters had raised enough money to build a penitentiary, laundries and accommodation. The new buildings accommodated forty (40) penitents and were renamed St Magdalen's refuge, also known as The Retreat. A new Chapel was constructed in 1888, adjacent to the house, and by 1900, over one hundred (100) people worked a daily routine in the laundry operations.

Renowned architects Sherrin and Hennessy were the principal architects employed to design the new penitentiary, laundries and accommodation for St Magdalen's Retreat. It is unclear who designed the Chapel, however, as it has a similar architectural style as the new buildings, the indication was that Sherrin and Hennessy were employed once again. Whilst further additions were made, the house remained largely unaltered until 1944-1945 [Tanner & Associates, 2001: pp.28-29]. By 1944, the Retreat began to develop more into a training centre for the rehabilitation of delinquent girls, who had ended up in the court system, and in the 1940's, there were 55 girls housed at the Estate [Tanner & Associates, 2001: p.32]. Facilities to aid education were added in 1954, a swimming pool in 1959 and a chaplains residence in 1972. External conservation work was undertaken to repair deterioration on the verandah bays that was completed by Hurst and Kennedy architects in 1977.

The building was refurbished by Tanner Architects in 2007.

3 STATEMENT OF SIGNIFICANCE

Tempe House is of exceptional historical significance as a remarkably intact 1830s villa still within its largely unaltered landscape setting. Designed by John Verge, Tempe House is an exceptional and rare example of Neo Classical Georgian architecture, self-consciously designed as an 'Arcadian villa' for a picturesque setting and the only such example in the Sydney Metropolitan area. The site's association with the historical figures of A.B. Spark, Tempe's original owner, and following occupants, Caroline Chisholm and the Sisters of The Good Samaritan Order is also of significance. The site's intact nature makes it a valuable technical and research resource. As the only remaining building from the long period of the Sisters of the Good Samaritan Order's ownership, the St. Magdalen's Chapel, is of high social significance and represents the philosophy and religious beliefs of what was a large and rare charitable institution operating throughout the late 19th and 20th century. Architecturally the St. Magdalen's Chapel is also noteworthy. Tempe Estate is of exceptional social significance in the local area and displays landmark qualities that can be appreciated from a wide surrounding area. The garden and grounds of Tempe House, on the Cooks River Arncliffe are of cultural significance on a State level for their siting and development by A.B. Spark according to Romantic Picturesque principles.

Tempe Estate is a rare example of an 1830s villa which is still able to be appreciated in its landscape setting. The grounds are of exceptional importance for their ability to demonstrate close adherence to early nineteenth century design principles, including the modified natural element Mt Olympus - an unusual example of a detached shrubbery, and for surviving early fabric - walling, gateposts and sundial. They are important for their association for one hundred years with the Sisters of the Good Samaritan and for their framework of mature plantings, particularly the early *Olea europaea* subsp. *Europaea*. The group of eucalypts on Mount Olympus has value in providing evidence of the natural vegetation on the site. Mount Olympus and the group of eucalypts which, as a group, are rare on a local level. These are an identifiable natural landmark on the Princes Highway. The potential archaeological remains within the study area have a high level of historic and archaeological significance and research potential. The archaeological excavation and analysis of the remains associated with Tempe House occupation are likely to further our understanding of the colonial occupation of the house, and the material culture and living standards of elite families, their staff and convict servants and colonial attitudes towards gardens and recreation.¹²

4 DESCRIPTION OF THE PROPOSAL

The proposal involves the construction associated with Stage 1 of the Project Plan application, including:

- Building 1B, which is a mixed used and residential 3 storey building including:
 - 9 residential apartments;
 - ground floor supermarket, with associated loading dock;
 - roof top courtyard on the Building 1B podium including residents' gym, community room and pool;
 - basement car parking;
- Building 1C, which is a 13 storey residential tower plus podium basement, including:
 - 121 residential apartments;
 - ground floor retail development;
 - basement car parking; and
 - basement water recycling plant;
- Neighbourhood Park and a temporary park fronting Magdalene Terrace;
- Temporary access to Wolli Creek Railway Station; and
- Landscaping and infrastructure works.

² NSW Heritage Register Listing – Tempe House and St Magdalene's Chapel

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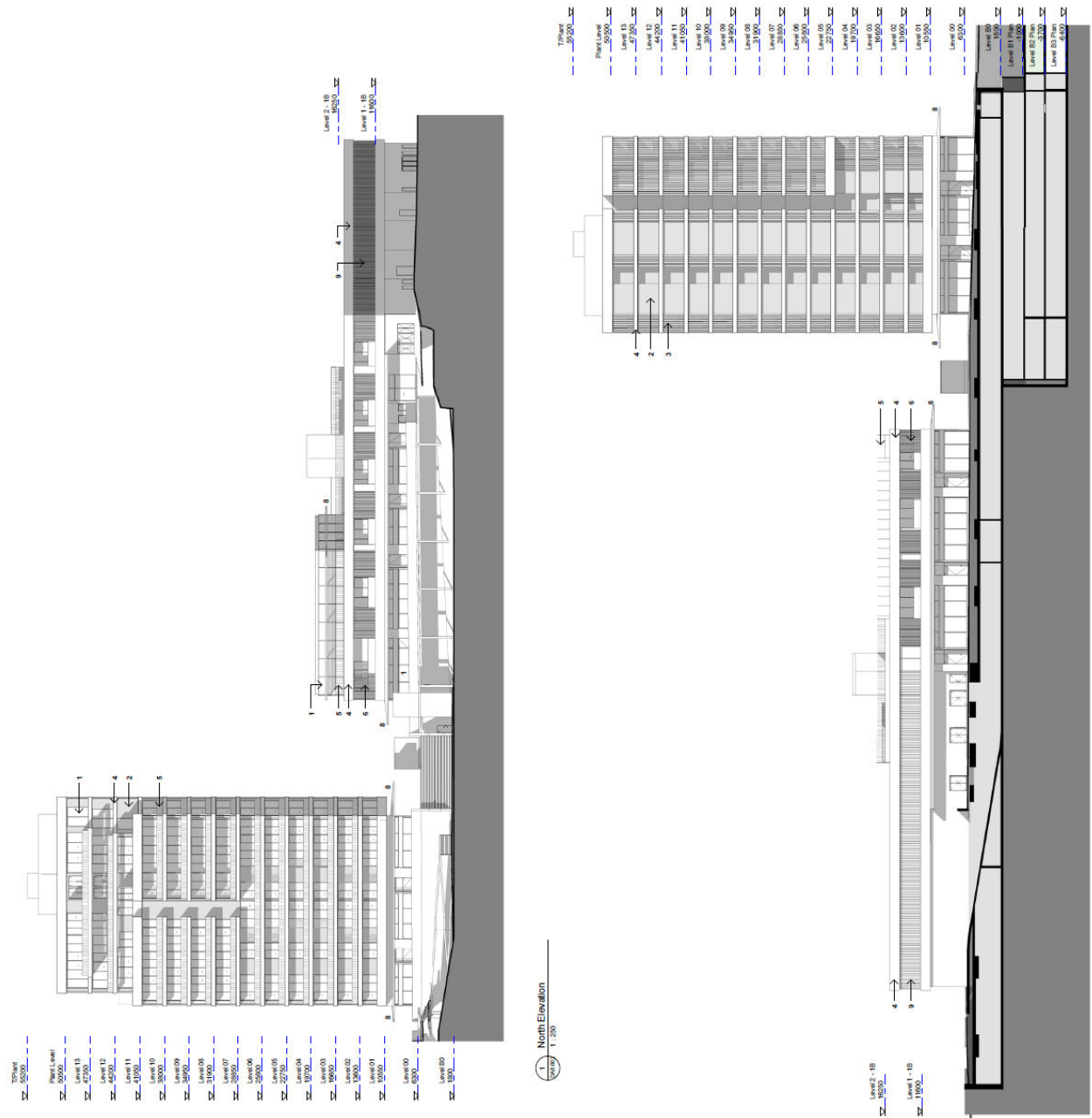


Figure 2 Proposed Stage 1 North Elevation (Source: Bates Smart)

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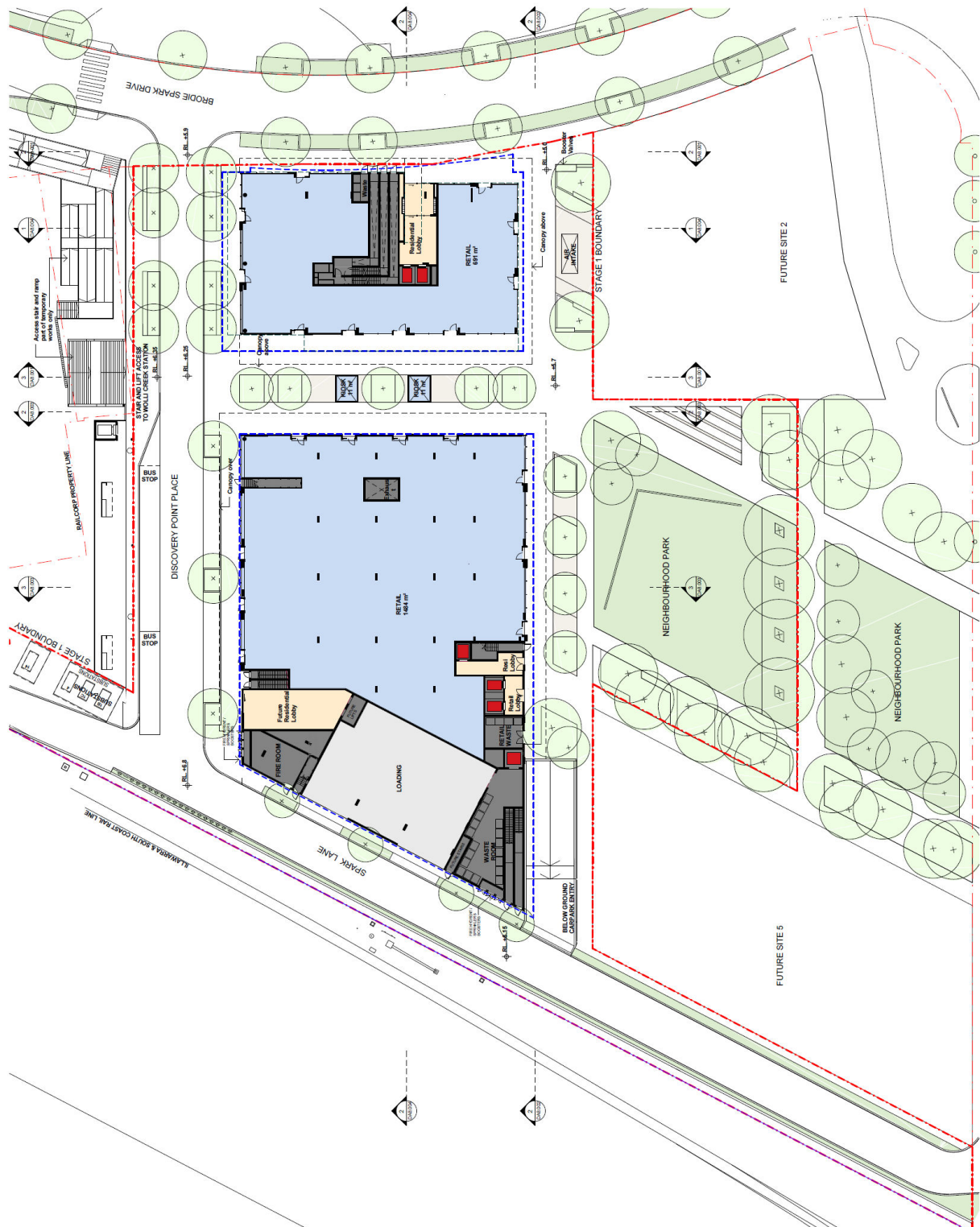


Figure 3 Proposed Stage 1 Ground Level Plan (Source: Bates Smart)



Discovery Point Stage 1 Landscape Plan

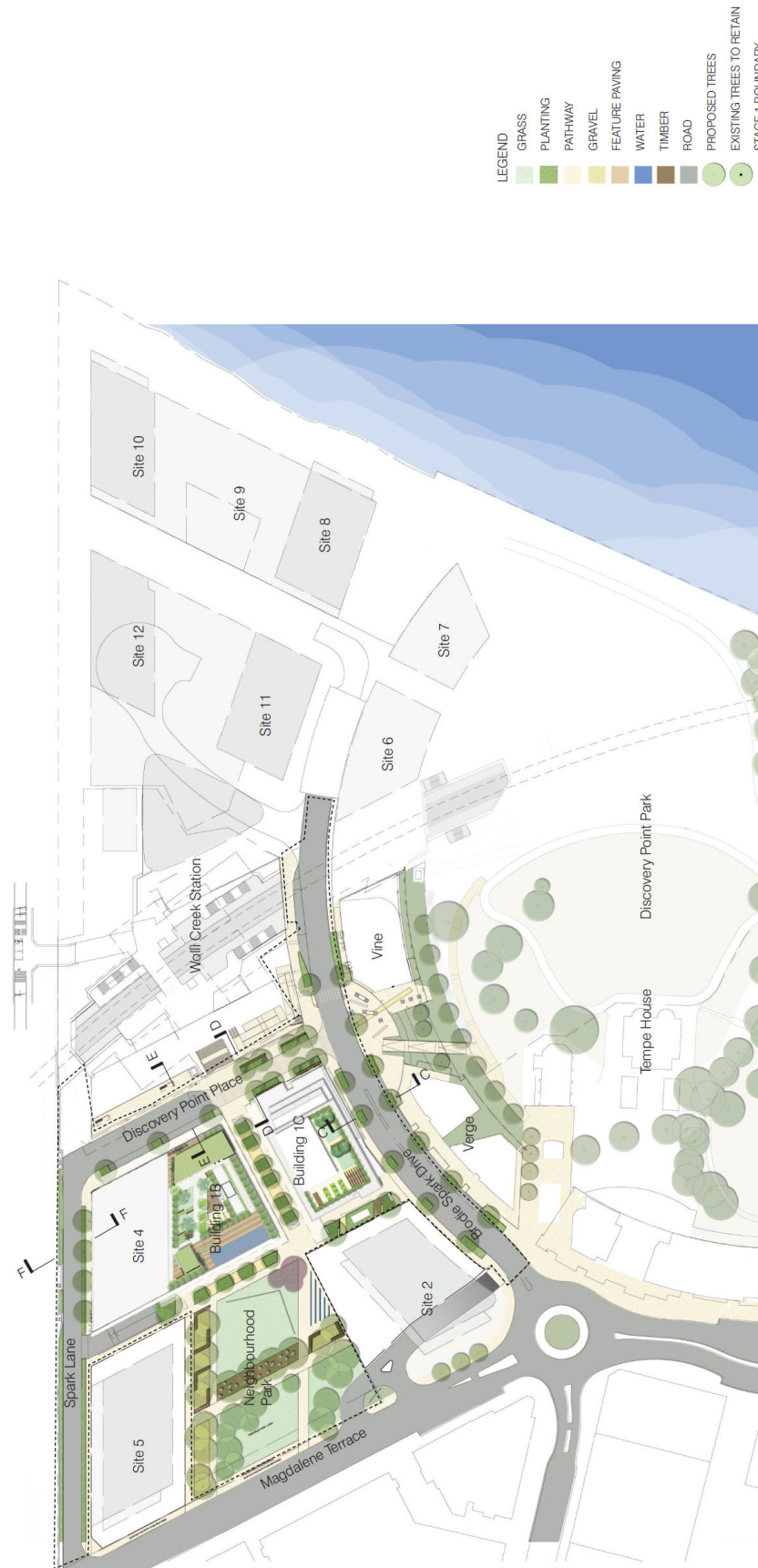


Figure 4 Landscape proposal for the Stage 1 Project Application (Source: Turf Design)

5 ASSESSMENT OF HERITAGE IMPACT

5.1 Director General's Requirements

<i>Detailed evaluation on any impacts that the development would have on the heritage significance of the site, in particular the heritage significance and setting of Tempe House and St Magdalen's Chapel</i>	This Statement of Heritage Impact provides an evaluation of any impacts that the development may have on the significance of the site. The findings of this assessment conclude that the proposed Stage 1 Project Application is considered to respect the curtilage of the heritage item and to not adversely impact on the significance of Tempe House, St Magdalen's Chapel or their setting.
<i>Consideration of the cumulative impacts on the proposed works on the heritage items and their curtilages</i>	This Statement of Heritage Impact has considered any cumulative impacts that the proposed works may have on the heritage items and their curtilage. This report finds that the proposed Stage 1 Project Application plan is consistent with the policies of the Conservation Management Plan and will not result in any cumulative impacts on the significance of the site.

5.2 Conservation Management Plan

The Proposed Stage 1 Project Application has been assessed against the following relevant conservation policies from the Conservation Management Plan. The relevant Conservation Policies for the Management of Tempe Estate as outlined in the Conservation Management Plan have been addressed as follows:

<i>General Conservation Policies</i>	
<i>The conservation of this site can best be achieved by:</i>	
<i>The conservation and adaptive re-use of the significant buildings</i>	<i>The proposed Stage 1 Project Application ensures the conservation of the significant buildings. No further works to the heritage buildings are proposed.</i>
<i>The conservation of the setting of these buildings and the associated historic landscapes.</i>	<i>The proposed Stage 1 Project Application supports the ongoing conservation of the setting of Tempe House and St Magdalen's Chapel. The proposal is not adjacent to the heritage buildings and hence does not impact on their respective settings.</i>
<i>The accommodation of a use or uses which will enhance public appreciation of the cultural significance of the place and ensure the conservation of the important buildings and landscape features.</i>	<i>The proposed Stage 1 Project Application will ensure that important buildings and landscape features continue to be retained and conserved.</i>
<i>The control of the development of neighbouring sites within the area to safeguard the conservation of the sites</i>	<i>The proposed Stage 1 Project Application has been undertaken in accordance with the principles of the relevant statutory and non-statutory controls that ensure that protection of the significant elements of the adjoining heritage precinct. The proposal is not adjacent to the heritage buildings and hence does not impact on their respective settings.</i>
<i>The strict control of development within the Tempe Estate precinct to ensure the appreciation of the significance of the place.</i>	<i>Proposed Building 1B and 1C will not be within the vicinity of the heritage precinct and will not involve development within the Tempe Estate precinct.</i>

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<i>The control of the significant garden and waterfront setting and public access ways to ensure the cultural landscape is retained and conserved.</i>	<i>The Stage 1 Project Application does not involve works within the heritage curtilage and will ensure that the significant garden and waterfront setting is conserved.</i>
<i>The minimisation of intervention to significant fabric. Detrimental intervention should occur in areas of lower significance and the work should be reversible.</i>	<i>The Stage 1 Project Application does not involve works to either Tempe House or St Magdalen's Chapel and hence excludes intervention with any significant fabric.</i>
<i>The implementation of fire safety measures to comply with the intent of the Building Code of Australia, while not damaging significant fabric in any way.</i>	<i>The proposal does not involve works to the heritage items and hence this clause does not apply.</i>
<i>The implementation of a regular maintenance programme.</i>	<i>A maintenance programme has previously been adopted for the precinct and is not included as part of the Stage 1 Project Application.</i>
<i>The prevention of demolition or removal of items (apart from actions required to ensure public safety) before details of the conservation works have been determined</i>	<i>Conservation and restoration works to Tempe House and St Magdalen's Chapel have been previously undertaken. The Stage 1 Project Application does not involve any demolition works within the heritage precinct.</i>
<i>The undertaking of photographic recording prior to and during demolition of an element or structure of little significance is required.</i>	<i>The proposal does not involve works to the heritage items and hence this clause does not apply.</i>
<i>The archiving of all material relating to the Tempe Estate and the St. Magdalen's Retreat, to be retained at an appropriate repository and be made available to the public with secure access.</i>	<i>Material regarding the significance of the Tempe Estate, including photographic records and the Conservation Management Plan is available and can be made publicly accessible through Rockdale Council.</i>
<i>Detailed Conservation Policies (Policy 1.28)</i>	
<i>The preferred uses of site areas designated capable of redevelopment are uses which respect the significance and setting of the heritage items, that is the area to the west and south west of the house and Chapel, an area of previous building development (which has since been demolished).</i>	<i>The Stage 1 Project Application proposes building envelopes that are consistent with those proposed as part of the Concept Plan Application, and hence are respectful to the setting of the heritage items and the arc that has been previously established to the south of the precinct, reinforced by Brodie Sparks Drive. The proposed development will encourage visitors to the area and promote the significance of Tempe House and St Magdalen's Chapel.</i>

5.3 NSW Heritage Office Model Questions

The assessment of heritage impacts has been undertaken in reference to the model questions given in the NSW Heritage Office's publication 'Statements of Heritage Impacts'.

Table 5.1 – Model Questions

Demolition of a building or structure	×
Minor partial demolition	×
Major partial demolition	×
Change of use	×
Minor additions	×
Major additions	×
New development adjacent to a heritage item	✓
Subdivision	×
Repainting	×
Re-roofing/re-cladding	×
New services	×
Fire upgrading	×
New landscape works and features	✓
Tree removal or replacement	×
New signage	×

New development adjacent to a heritage item

The proposal involves construction of Building 1B, a mixed use retail and residential building, Building 1C, which is a residential tower with ground floor retail and associated landscaping and site works.

Q. How is the impact of the new development on the heritage significance of the item or area to be minimised?

A. *The proposed Building 1B and 1C are respectful of the established scale and form of the existing buildings located on the arc. The height of Building 1C is limited to 13 levels and height of Building 1B is limited to 3 Storeys, which is consistent with the existing buildings. Any impacts on the heritage items have been minimised through appropriately scaled building height proportionate to their proximity to the heritage precinct.*

Q. Why is the new development required to be adjacent to a heritage item?

A. *The Discovery Point development was the driving factor that directly supports the conservation of the Tempe Estate. Tempe House, St. Magdalen's Chapel and the parkland between the buildings and the Cooks River have been comprehensively conserved and restored as a result of the existing Discovery Point development to date and will continue to be preserved and respected under the proposed Concept Plan.*

Q. How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

A. The arc of development, documented in original Discovery Point Concept Plan and continued as part of the Part 3A Concept Plan and Stage 1 Project Plan Application is supported by the Rockdale Development Control Plan 45 – Railway Precinct and the Rockdale Local Environmental Plan 2000. This arc ensures that an appropriate curtilage is maintained to protect the heritage items and their setting within the Tempe Estate.

Q. How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

A. The proposed new buildings as part of the Stage 1 Project Application ensure that the principal views of the heritage items within their setting of Discovery Point, which are gained from the north and east over the Cooks River, are maintained. There are no aspects of this proposal that adversely impact on the views of the heritage items within their curtilage.

Q. Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

A. Potentially, approval has previously been granted to construct a basement car park across the site. The site selected for the new buildings as part of the Stage 1 Project Application have the potential to yield European and pre-European archaeological significance. Notwithstanding, European and Indigenous Archaeology reports have been prepared for the Stage 1 Project Application and should be referred to separately. The developer should ensure that all excavation works for the building will be regularly monitored by the archaeologists and localised stop work will be implemented upon discovery of remains for recording.

Q. Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

A. Yes, the proposed Stage 1 Project Application is considered to be sympathetic to the heritage items and their setting, continuing with appropriate form, materials and pattern of development within the Discovery Point Precinct and ensure that the curtilage previously identified as appropriate for the items, is respected.

Q. Will the additions visually dominate the heritage item? How has this been minimised?

A. No, Building 1C is a 13 storey residential tower that has been designed to minimise the amount of footprint that extends for this height. The height of the larger of the two building footprint, Building 1B has been limited to 3 storeys. Of the two buildings, Building 1C will be more visually dominant, however is not considered to adversely impact on the heritage items. Existing developments 'Verge' and 'Vine' separate the heritage items from the Stage 1 Project Application site.

Q. Will the public, and users of the item, still be able to view and appreciate its significance?

A. Yes, the retention and restoration of Tempe House, St. Magdalen's Chapel, and the majority of the landscape within the heritage curtilage as a result of the Discovery Point development, will ensure that the public can experience and appreciate the heritage items. Their relationship to each other and to the Cooks River will be maintained, which will ensure that the public can understand the essence of their original location. Open days will ensure that the significance of the heritage items can continue to be interpreted.

New landscape works and features

The landscape works proposed as part of the Stage 1 Project Application include public and private domain components. The public domain components comprise the creation of Neighbourhood Park and access to the railway station. As per the Concept Plan proposal, the works within the private domain comprise residential podiums and green roofs.

Q. How has the impact of the new work on the heritage significance of the existing landscape been minimised?

A. *The new landscape works and roads are considered to be consistent with the urban design parameters established for Discovery Point. The landscape works are considered to be an essential component of the proposed Concept Plan and complementary to the proposed Stage 1 Project Application. The works will be carried out in a manner that is sympathetic and complementary to the existing heritage items and the new building proposed. The proposed works are located away from the heritage items and existing developments 'Verge' and 'Vine' separate the heritage items from the Stage 1 Project Application landscaping works.*

Q. Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?

A. *Previous landscaping works within the heritage curtilage already carried out in conjunction with the restoration of the heritage items have re-instated historical landscaping within this curtilage. The proposed Stage 1 Project Application does not seek to alter this.*

Q. Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?

A. *The Stage 1 Project Application does not involve any works to heritage landscaping.*

Q. Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?

A. *As stated previously, the various sites selected for the new buildings have the potential to yield European and pre-European archaeological significance, however approval has already been granted for the proposed building envelopes. Archaeological heritage impact statements have been prepared in accordance with the Director General's Requirements and accompany the Environmental Assessment.*

Q. How does the work impact on views to, and from, adjacent heritage items?

A. *The proposed landscaping will provide an appropriate setting for new buildings and soften their appearance in relation to the heritage items. When viewed from the north and east, over the Cooks River, there will be no visual impacts on the heritage items, nor their setting within Tempe Park with the appropriately reinstated landscaping retained as part of the Stage 1 Project Application. The proposed landscaping will have no impact on the integrity of neither the heritage items nor their setting.*

Summary assessment of heritage impacts

The following aspects of the proposal respect or enhance the heritage significance of the item:

- *The location and footprint of Building 1B and 1C in relation to the alignment of the already established built form, ensures that an appropriate pattern of development is continued;*
- *The scale and form of the buildings has been proposed in response to the relationship of the new buildings to the heritage items and are consistent with the proposed Concept Plan ;*

The following aspects of the proposal could impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

- *An appropriate curtilage has been established previously, and reinforced by the arc of Brodie Sparks Drive, which ensures the items and their settings are protected. The new buildings are located to the west of the heritage curtilage so as not to obscure the items from their principal view point, over the Cooks River.*

5.4 Rockdale Local Environmental Plan 2000

The Minister for Planning is not bound by the provisions of Local Environmental Plans in relation to a major project in accordance with section 75R(3) of the Environmental Planning and Assessment Act 1979. The Minister may however take into account the provisions of an environmental planning instrument that would otherwise apply. Despite this, the Director General's Requirements require the proposal to address the planning provisions of the Rockdale Local Environmental Plan 2000.

The proposal has been assessed against the relevant heritage requirements of the RLEP 2000 as follows:

ROCKDALE LEP 2000 REQUIREMENTS	COMPLIANCE COMMENTS
<p>57 Protection of heritage items, heritage conservation areas and relics</p> <p>(1) The following development may be carried out only with development consent:</p> <p>(a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,</p> <p>(b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior,</p> <p>(c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its</p> <p>ongoing protective care which does not adversely affect its heritage significance,</p> <p>(d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or</p> <p>(e) Erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.</p> <p>(3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.</p> <p>(4) A development consent required by this clause is not to be granted unless the consent authority has considered, in the case of proposed development involving a heritage item of State or regional significance, a conservation plan that assesses the impact of the proposal on the heritage significance of the item and its setting.</p>	<p><i>This Heritage Impact Statement is provided to assist the Consent Authority in its consideration of the proposed Stage 1 Project Application.</i></p> <p><i>Refer to the response to the NSW Heritage Office Model Questions.</i></p>

ROCKDALE LEP 2000 REQUIREMENTS	COMPLIANCE COMMENTS
<p>59 Development of known or potential archaeological sites</p> <p>(1) The consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the <i>National Parks and Wildlife Act 1974</i>) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:</p> <p>(a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and</p> <p>(b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and</p> <p>(c) it is satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.</p> <p>(2) The consent authority may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal significance only if:</p> <p>(a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council,</p> <p>(b) it is satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.</p>	<p><i>This Heritage Impact Statement is provided to assist the Consent Authority in its consideration of the proposed Stage 1 Project Application. Approval has been previously granted for basement car parking across the majority of the Concept Plan site, including the site nominated to the Stage 1 Project Application, with the exception of the Discovery Point Park area.</i></p> <p><i>As demonstrated through previous archaeological investigations, the Discovery Point precinct has the potential to yield archaeological significance. Archaeological impact Reports accompany the Stage 1 Project Application.</i></p> <p><i>The depth of excavation proposed as part of the Stage 1 Project Plan application is consistent with that already approved for the nominated site under the existing Masterplan and proposed Concept Plan.</i></p> <p><i>In the instance where relics are uncovered during excavation of the site, works will cease and a nominated archaeologist be contacted to investigate the area further. Additional archaeological investigations may be required prior to works continuing in the affected and surrounding areas, to the discretion of the archaeologist.</i></p> <p><i>Refer to the response to the NSW Heritage Office Model Questions.</i></p>
<p>62 Development of the land within the Tempe House precinct</p> <p>(1) This clause applies to all of the land within the Tempe House precinct.¹</p> <p>(2) In this clause:</p> <p>Tempe House precinct means the heritage item referred to as the “Tempe House precinct”, being the land shown edged heavy black in Diagram 1 in Part 2 of Schedule 1.</p>	<p><i>This Heritage Impact Statement is provided to assist the Consent Authority in its consideration of the proposed Stage 1 Project Application.</i></p> <p><i>No works are proposed to Tempe House and St Magdalen’s Chapel as part of the Stage 1 Project Application. Furthermore, the</i></p>

ROCKDALE LEP 2000 REQUIREMENTS	COMPLIANCE COMMENTS
<p><i>Tempe House view corridor</i> means the area of land between Tempe House and the Cooks River foreshores located within view lines identified in Diagram 3 in Division 1 of Part 1 of Schedule 2.</p> <p>(3) Consent must not be granted for any development on land to which this clause applies unless:</p> <p>(a) the consent authority is satisfied that the development will not be incompatible with the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item or its setting, and</p> <p>(b) the consent is given subject to conditions requiring:</p> <p>(i) the preservation and restoration of any heritage item situated on the land, and</p> <p>(ii) the preservation and restoration (or, where in the opinion of the consent authority this is not possible, the detailed recording) of any other building, work, relic, vegetation or landscape feature situated on the land which in the opinion of the consent authority is of heritage significance,</p> <p>(iii) the retention and embellishment of the Tempe House view corridor, to the extent (if any) that the view corridor may be affected by the proposed development.</p>	<p><i>proposed Stage 1 Project Application maintains the Tempe House view corridor.</i></p> <p><i>Refer to the response to the NSW Heritage Office Model Questions</i></p>

5.5 Rockdale Development Control Plan 45 Railway Precinct

The Minister for Planning is not bound by the provisions of Development Control Plans in relation to a major project in accordance with section 75R(3) of the Environmental Planning and Assessment Act 1979. The Minister may however take into account the provisions of an environmental planning instrument that would otherwise apply. Despite this, the Director General's Requirements require the proposal to address the planning provisions of Development Control Plan 45 - Railway Precinct (Discovery Point).

Development Control Plan 45 – Railway Precinct (Discovery Point) has been prepared as a guiding document for all development within the Discovery Point precinct. Section 6.0 Heritage Management, outlines the specific provisions that should be considered in relation to the management of development having regard to the site's heritage values.

DISCOVERY POINT – STAGE 1 PROJECT APPLICATION
STATEMENT OF HERITAGE IMPACT

DCP 45 REQUIREMENTS		COMPLIANCE COMMENTS
6.1 Preservation of Tempe House and the Chapel		
Objectives	Provisions	
To consolidate knowledge of Tempe House and the Chapel.	On-site research and recording and the preparation of a Conservation Management Plan in accord with the model as recommended by the Heritage Council of NSW must be undertaken.	<i>Tanner Architects have had involvement with the development of Discovery Point and the conservation and restoration of Tempe House and the Chapel for about ten years. During this time, appropriate research and recording has been undertaken. The proposal is considered to be consistent with the conservation policies established by the CMP prepared by Tanner Architects in 2001.</i>
To ensure that any works undertaken to Tempe House and the Chapel and their immediate environs are adequately guided towards appropriate outcomes.	A Heritage Impact Statement clearly cross referenced to the Conservation Management Plan, to be submitted with any Development Application for work or development within the area of the Permanent Conservation Order.	<i>The Stage 1 Project Application does not involve any work within the heritage curtilage.</i>
To understand below-ground remains.	An evaluation of Aboriginal and archaeological potential and its significance is to be carried out prior to Development Approval being granted.	<i>This has been previously carried out and all works to Tempe House and the Chapel are complete.</i>
To conserve Tempe House and the Chapel through the removal of unsympathetic later works and the maintenance of original fabric. A programme of conservation and restoration is required to secure the heritage items, and to enable a fuller appreciation by future generations.	Restoration of the buildings must include the conservation of original structures, finishes, and fittings as guided by the Conservation Management Plan. Practical performance factors such as damp and termite eradication, upgrading of electrical and plumbing and drainage systems to be integrated with the conservation works.	<i>Restoration of Tempe House and the Chapel has been previously carried out by Tanner Architects, as part of the establishment of the original Concept Plan for Discovery Point.</i> <i>The proposed Stage 1 Project Application does not involve any works to the heritage items and only very minor landscaping works within the heritage curtilage.</i>
To achieve a conservation result meeting current heritage standards.	The involvement of an architect, a builder and craftsmen skilled in heritage conservation is required to complete conservation works.	<i>Tanner Architects were previously involved in the Concept Plan for Discovery Point and have ensured the conservation of the significant items within the precinct.</i>

DISCOVERY POINT – STAGE 1 PROJECT APPLICATION
STATEMENT OF HERITAGE IMPACT

DCP 45 REQUIREMENTS		COMPLIANCE COMMENTS
To interpret Tempe House and the Chapel for future generations.	Preparation and implementation of a suitable interpretation strategy is to occur prior to completion of the works.	<i>Tanner Architects were previously involved in the works at Discovery Point and have ensured appropriate interpretation of the significant items, mainly through their retention.</i>
6.2 Use of Tempe House and the Chapel Sites		
Objectives	Provisions	
Ensure ongoing well-being and maintenance of Tempe House and the careful protection of its special finishes.	Uses for the House must be relatively passive, with appropriate controls and management to ensure an understated, quasi-domestic outcome.	<i>The Stage 1 Project Application does not seek any change to the use of Tempe House or St Magdalen's Chapel</i>
Allow the public to appreciate the historic building(s).	Occasional controlled public access to Tempe House and the Chapel must be allowed for, e.g. during Heritage Week. Tempe House and the Chapel should be visible from public places in the Railway Precinct.	<i>Open days will be held throughout the year to ensure that the public can continue to access the site and understand its heritage significance.</i>
Determine appropriate economic use for the Chapel to ensure well-being, maintenance, and the careful protection of its special features..	The Chapel should be controlled and managed to allow more intensive uses and greater public access.	N/A
Achieve resolution of appropriate management and maintenance policies for Heritage Precinct.	A Management Agreement to provide a suitable framework for decision making and actions must be prepared prior to new uses being introduced to the buildings.	N/A
6.3 Views/Open Space Linkages within Tempe Precinct		
Objectives	Provisions	
To consolidate knowledge of the historic Tempe House grounds.	On-site research and recording and preparation of a Conservation Management Plan, prepared to the model as recommended by the Heritage Council of NSW, must be undertaken.	<i>Tanner Architects have had involvement with the development of Discovery Point and the conservation and restoration of Tempe House and the Chapel for about ten years. During this time, appropriate research and recording has been undertaken.</i>

DISCOVERY POINT – STAGE 1 PROJECT APPLICATION
STATEMENT OF HERITAGE IMPACT

DCP 45 REQUIREMENTS		COMPLIANCE COMMENTS
		<i>The proposal is considered to be consistent with the conservation policies established by the CMP prepared by Tanner Architects in 2001.</i>
To ensure that any works undertaken to the grounds within the Permanent Conservation Order (P.C.O.) are adequately guided toward appropriate outcomes.	A Heritage Impact Statement, clearly cross referenced to the Conservation Management Plan, must be submitted with any Development Application for work or Development within the area of the Permanent Conservation Order.	<i>This heritage impact statement appropriately addresses the provisions of the Conservation Management Plan as well as the requirements of the relevant local and state heritage planning parameters.</i>
Preservation and enhancement of the 'Vale of Temple', the margin with the Cook's River, and of Mount Olympus.	A Conservation Management Plan must be prepared to ensure careful management, thoughtful conservation, and redesign of the grounds to regain the original character and concept while accepting new uses. Practical performance factors such as soil improvement and an irrigation system shall be integrated with the conservation works.	<i>The Stage 1 Project Application has been developed in accordance with the Conservation Policies detailed in the endorsed Tempe Estate Conservation Management Plan (Tanner & Associates, April 2001). This CMP has informed the State Heritage Listing of the items and the preparation of the Rockdale Development Control Plan 45 – Railway Precinct.</i>
To achieve conservation and design result meeting current heritage and landscape design standards, with suitable maintenance and management into the future.	A Landscape Concept and Management Plan must be prepared for the heritage area using appropriately qualified experts.	<i>Tanner Architects were previously involved in the works at Discovery Point and have ensured appropriate heritage landscaping.</i>
Resolution of appropriate management and maintenance policies for the area covered by the Permanent Conservation Order.	A Management Agreement is to be prepared between Council, the Heritage Council and the owners of Tempe House site to provide a suitable framework for decision making and actions.	<i>Tanner Architects were previously involved in the Concept Plan for Discovery Point and have ensured the conservation of the significant items within the precinct.</i>
Preservation of vistas and views.	Views and landscape frameworks must be controlled and preserved by incorporation in the future Community Title Management Plan and must be controlled and preserved through the Management Agreement.	<i>Views will be preserved as part of the Stage 1 Project Application.</i>
To interpret the grounds for future generations.	A suitable interpretation strategy must be prepared prior to completion of the works.	<i>Tanner Architects were previously involved in the works at Discovery Point and have ensured appropriate interpretation of the significant items, mainly through their retention.</i>

6 CONCLUSION

This report concludes that the proposed Stage 1 Project Application for Discovery Point is consistent with the Heritage Act 1977, the State Heritage Register Listing, the Conservation Policies of the Tempe Estate Conservation Management Plan 2001 and the Director General's Requirements for the Part 3A application including the site specific Development Control Plan 45 – Railway Precinct (Discovery Point) and the heritage provisions of the Rockdale Local Environmental Plan 2000. The Stage 1 Project Application is also consistent with the Concept Plan heritage impact statement prepared by Tanner Architects in July 2010.

The proposal is not considered to adversely impact on the significance of Tempe House, St Magdalen's Chapel nor the Discovery Point Precinct as set in the Conservation Management Plan prepared by Tanner Architects in 2001 and as re-iterated by the State Heritage Register. Further details about the colours and materials will be provided prior to Construction Certificate.

Consistent with the proposed Concept Plan, the proposed Stage 1 Project Application presents two building envelopes, landscaping and site works, which are considered to be sympathetic with the heritage items, their curtilage and are appropriate from a heritage perspective.
