



# Statement of Heritage Impact

Upgrades to Kingswood  
Public School


46-54 Second Avenue, Kingswood NSW 2747

Submitted to RP Infrastructure

On Behalf of New South Wales Department of Education (DoE)

FEBRUARY 2025

## REPORT REVISION HISTORY

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*This report has been reviewed and approved for issue in accordance with City Plan's quality assurance policy and procedures.*

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## TABLE OF CONTENTS

<b>1. Background .....</b>	<b>5</b>
1.1. Introduction .....	5
1.2. The Site .....	5
1.3. Heritage Listing .....	6
1.4. Proposal .....	6
1.5. Methodology .....	11
1.6. Constraints and limitations .....	12
1.7. Author Identification .....	12
<b>2. Site Context and Description .....</b>	<b>13</b>
2.1. Site Context .....	13
2.2. Site Description .....	14
<b>3. Historical Overview .....</b>	<b>20</b>
3.1. Brief Aboriginal History .....	20
3.2. Brief Suburb History .....	20
3.3. History of the Subject Site .....	22
<b>4. Assessment of Significance .....</b>	<b>28</b>
4.1. Understanding Heritage Significance .....	28
4.2. Established Statement of Significance .....	28
4.3. Established Statements of Significance of Heritage Items in the Vicinity .....	28
<b>5. Heritage Impact Assessment .....</b>	<b>29</b>
5.1. Statutory Controls .....	29
5.1.1. Environmental Planning and Assessment Act (EP&A Act) 1979 .....	29
5.1.2. Penrith Local Environmental Plan (LEP) 2010 .....	29
5.1.3. Penrith Development Control Plan (DCP) 2014 .....	29
5.1.4. State Environmental Planning Policy (Transport and Infrastructure) 2021 .....	34
5.2. Mitigation Measures .....	36
5.3. NSW Department of Planning and Environment Guidelines .....	37
5.3.1. General considerations when preparing a statement of heritage impact .....	37
5.3.2. Considerations for specific types of work .....	39
5.3.3. Matters for Consideration .....	41
<b>6. Evaluation of Environmental Impacts and Recommendations .....</b>	<b>43</b>
<b>7. Bibliography .....</b>	<b>44</b>

## FIGURES

Figure 1: Aerial image of Kingswood Public School (indicated in blue).	5
Figure 2: Heritage Map showing the subject site and its surrounding heritage context.	6
Figure 3: Part of the proposed demolition plan showing area affected by the proposal.	10
Figure 4: Part of the proposed site plan showing area affected by the proposal.	10
Figure 5: View of services to be installed (highlighted) to the rear of the heritage building (B).	11
Figure 6: General view at Second Avenue, looking north towards Champman Gardens Oval	13
Figure 7: General view facing east along Second Avenue, with University of Western Sydney Kingswood Campus on right.	13
Figure 8: General view facing south-east of the former teacher's residence (heritage item 670) which is adjacent to Kingswood Public School.	14
Figure 9: Site Plan for Kingswood Public School, with names of buildings within the school grounds.	15
Figure 10: Northern (front) elevation of Building B, the heritage item within the school grounds.	15
Figure 11: Southern (rear) elevation of Building B.	16
Figure 12: Left - western elevation of Building B. Right - eastern elevation of Building B.	16
Figure 13: View facing south underneath the Cola, facing towards Building S (right) and Building G (left).	17
Figure 14: View facing northwest towards Block D (toilets), demountable buildings and trees, where proposed new building is to be constructed.	17
Figure 15: View facing east towards demountable buildings and open playground. The new building is to be constructed on grass in the foreground.	18
Figure 16: View facing north-east from area where new building is to be constructed facing towards the heritage item (Building B).	18
Figure 17: View facing south towards open playground and mature trees within Kingswood Public School.	19
Figure 18: Undated map of Parish of Claremont, County of Cumberland showing the approximate location of the subject site within Samuel Foster's land grant issued in 1815.	22
Figure 19: 1881 subdivision plan showing the subject site (indicated in blue).	23
Figure 20: 1943 aerial image showing the subject site (indicated in yellow).	24
Figure 21: Enlarged 1943 aerial image of the site showing Block B and the teacher's residence (heritage item no 670), as well as some non-surviving outbuildings.	25
Figure 22: Photograph of Kingswood Public School from the 1950s, showing the northern and western elevations of the building. Also visible in the background left is the former teacher residence	25
Figure 23: 1956 aerial image of the part of the site showing new school block (circled in yellow) constructed to the south of Block B.	26
Figure 24: 1961 aerial image of the part of the site showing Block A constructed to the northeast of Block B and several new outbuildings.	26
Figure 25: 1965 aerial image, showing Buildings E and F constructed to the south of the former teacher's residence, as well as the brick toilet block (Building D).	27

## 1. BACKGROUND

### 1.1. Introduction

This Statement of Heritage Impact (SOHI) has been prepared City Plan Heritage (CPH) to accompany a Review of Environmental Factors (REF) for the NSW Department of Education (DoE) for upgrades to Kingswood Public School (the activity) under Part 5 of the *Environmental Planning and Assessment Act (EP&A Act)* 1979 and the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure)* 2021.

This document has been prepared in accordance with the *Guidelines for Division 5.1 assessments* (the Guidelines) by the Department of Planning, Housing and Infrastructure.

This report examines and takes into account the relevant environmental factors in the Guidelines and *Environmental Planning and Assessment Regulations* 2021 under Section 170, Section 171 and Section 171A of the *EP&A Regulation*.

The purpose of this report is to assess the potential heritage impacts of the proposed activity on the subject site's heritage values. All recommendations are made in accordance with statutory requirements and cultural heritage best practice.

### 1.2. The Site

The project site is located at 46-54 Second Avenue, Kingswood and is legally described as Lot 172 in Deposited Plan (DP) 839785. Kingswood Public School is located on the southern side of Second Avenue. For a more detailed description of the site and its context, see section 2 *Site Description and Context*.



Figure 1: Aerial image of Kingswood Public School (indicated in blue). Source: Neamap - 11.07.2024.



### 1.3. Heritage Listing

The subject site (Kingswood Public School) is listed as a heritage item under Part 1 of Schedule 5 of the Penrith Local Environmental Plan (LEP) 2010 as 'Kingswood Public School' (item no. 098).<sup>1</sup> The school is also listed on the NSW Department of Education (DoE) Section 170 Heritage Conservation Register as 'Kingswood Public School - Building B00B'.<sup>2</sup>

The subject site is in proximity to the following heritage item of local heritage significance.

#### **Environmental Planning and Assessment Act, 1979**

#### *Penrith Local Environmental Plan (LEP) 2010, Part 1 Heritage items*

'Teacher's residence (former)', 56 Second Avenue, item no. 670.<sup>3</sup>

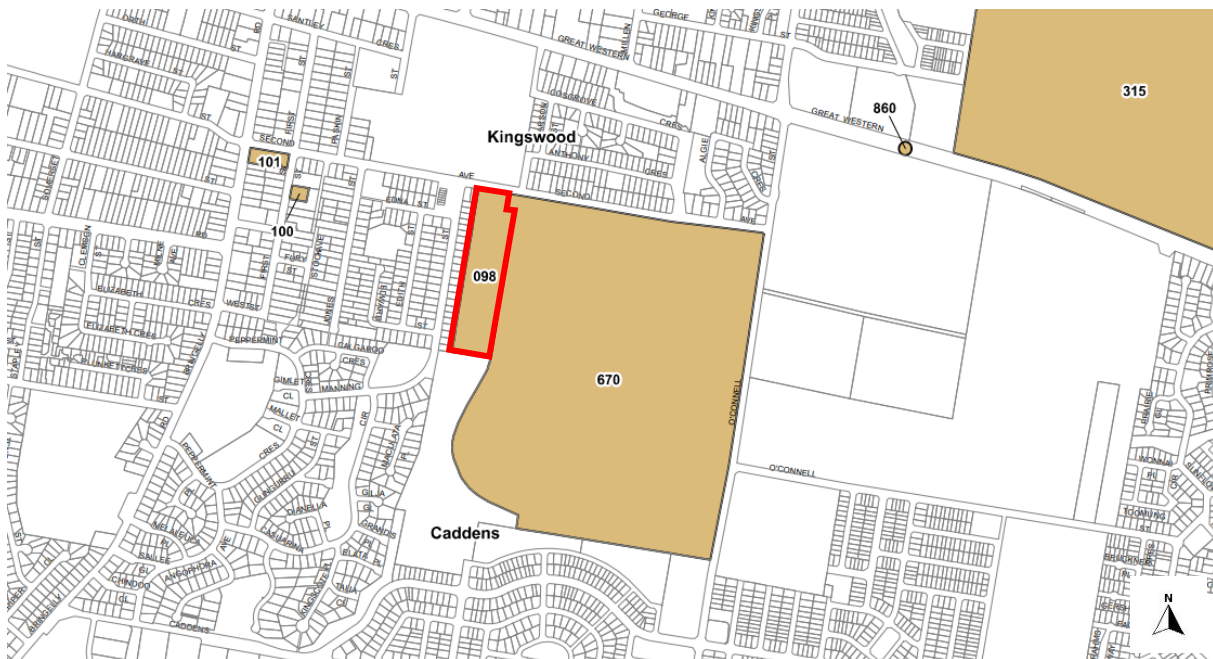


Figure 2: Heritage Map showing the subject site (indicated in red) and its surrounding heritage context. Source: Penrith LEP 2010, Heritage Map - Sheet HER\_013.

### 1.4. Proposal

The proposed activity for the upgrade of Kingswood Public School includes:

- One (1) new single storey classroom building comprising eight (8) general learning spaces (GLS), two (2) learning commons areas, two (2) multi-purposes spaces and a verandah along the eastern side of the building.
- The construction of a covered walkway that will provide a connection between the proposed classroom building and an existing covered outdoor learning area (Cola) to the north east of the proposed building.
- Removal of existing portable classroom buildings containing ten (10) classrooms.

<sup>1</sup> New South Wales State Heritage Inventory ('NSW SHI'), 'Kingswood Public School', Item ID. 2260098, available from: <https://hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2260098>.

<sup>2</sup> NSW SHI, 'Kingswood Public School - Building B00B', Item ID. 5065683, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5065683>.

<sup>3</sup> NSW SHI, 'Teacher's Residence, former', Item ID. 2260670, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2260670>.

Upgrades to existing services and the installation of a substation

- Removal of trees near proposed new classroom building

This SOHI has assessed the following information provided by Fulton Trotter Architects, Ground Ink Landscape Architects and NDY.

Fulton Trotter Architects			
Date	Title	Drawing No	Revision
21.02.2025	Existing Site Plan	KIPS-FTA-00-00-DR-A-1001	04
21.02.2025	Demolition Site Plan	KIPS-FTA-00-00-DR-A-1002	06
21.02.2025	Proposed Site Plan	KIPS-FTA-00-00-DR-A-1101	04
21.02.2025	Site Section	KIPS-FTA-00-00-DR-A-1201	04
21.02.2025	External Works Plan	KIPS-FTA-00-00-DR-A-1401	06
21.02.2025	Staging Plan	KIPS-FTA-00-00-DR-A-1501	06
21.02.2025	Playscape Calculation	KIPS-FTA-00-00-DR-A-1601	02
21.02.2025	Existing Amenities Strategy	KIPS-FTA-00-00-DR-A-1602	03
21.02.2025	Access Strategy	KIPS-FTA-00-00-DR-A-1603	02
21.02.2025	Tree Removal Plan	KIPS-FTA-00-00-DR-A-1604	03
21.02.2025	Indigenous Artwork Strategy	KIPS-FTA-00-00-DR-A-1610	03
21.02.2025	External Material and Finishes	KIPS-FTA-00-00-DR-A-1630	05
21.02.2025	Shadow Diagram	KIPS-FTA-00-00-DR-A-1640	03
21.02.2025	Construction Management Strategy	KIPS-FTA-00-00-DR-A-1650	03
21.02.2025	Public Domain Works	KIPS-FTA-00-00-DR-A-1660	02
10.01.2025	Ground Floor Plan	KIPS-FTA-B00M-GF-DR-A-2101	06
14.01.2025	Reflected Ceiling Plan	KIPS-FTA-B00M-GF-DR-A-2201	06
10.01.2025	Roof Plan	KIPS-FTA-B00M-LR-DR-A-2102	06
10.01.2025	Elevations 01	KIPS-FTA-B00M-ZZ-DR-A-3001	04
10.01.2025	Elevations 02	KIPS-FTA-B00M-ZZ-DR-A-3002	03



Fulton Trotter Architects			
10.01.2025	Sections	KIPS-FTA-B00M-ZZ-DR-A-3101	04
10.01.2025	Wall Type Details _ Partition Details	KIPS-FTA-B00M-ZZ-DR-A-4001	04
10.01.2025	Wall Sections 01	KIPS-FTA-B00M-ZZ-DR-A-4201	04
10.01.2025	Wall Sections 02	KIPS-FTA-B00M-ZZ-DR-A-4202	03
10.01.2025	Typical Covered Walkway Details	KIPS-FTA-B00M-ZZ-DR-A-4801	03
10.01.2025	Typical Covered Fascia Details	KIPS-FTA-B00M-ZZ-DR-A-4901	03
10.01.2025	External Door and Window Schedule	KIPS-FTA-B00M-ZZ-DR-A-6001	03
10.01.2025	External Door and Window Schedule	KIPS-FTA-B00M-ZZ-DR-A-6001	03
10.01.2025	Perspectives 1	KIPS-FTA-B00M-ZZ-DR-A-9001	03
10.01.2025	Perspectives 2	KIPS-FTA-B00M-ZZ-DR-A-9002	03
14.01.2025	Cover Sheet + Drawing List	KIPS-FTA-XX-XX-DR-A-0000	04
10.01.2025	Specification Schedule & Material Selections	KIPS-FTA-XX-XX-DR-A-0001	03

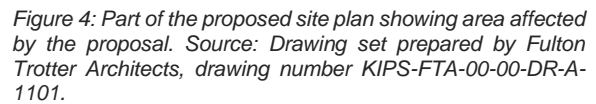
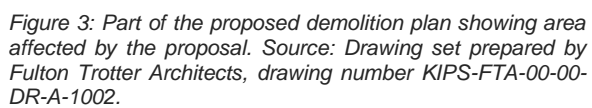
Ground Ink Landscape Architects			
Date	Title	Drawing No	Revision
18.12.2024	Cover Sheet	KIPS-GIL-00-00-DR-L-0001	C
23.01.2025	Landscape Plan 1	KIPS-GIL-00-00-DR-L-3001	J
23.01.2025	Landscape Plan 2	KIPS-GIL-00-00-DR-L-3002	B
18.12.2024	Landscape Sections	KIPS-FTA-00-00-DR-L-8001	H
18.12.2024	Landscape Details	KIPS-FTA-00-00-DR-L-9001	C

NDY			
Date	Title	Drawing No	Revision
18.12.2024	Electrical Services Site Plan	KIPS-NDY-00-00-DR-E-001011	4

### Relevant Reports

The following previous studies and reports were reviewed during production of this report. Relevant information has been included where necessary:

- City Plan Heritage, *European Heritage Summary Report of Initial Site Investigation - Kingswood Public School*, March 2024
- Apex Archaeology, *Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW*, February 2024
- Water Technology, *Environmental Services Biodiversity Preliminary Review Report, Kingswood Public School*, January 2024.
- Laurenceco, *Preliminary Arboricultural Report*, January 2024.



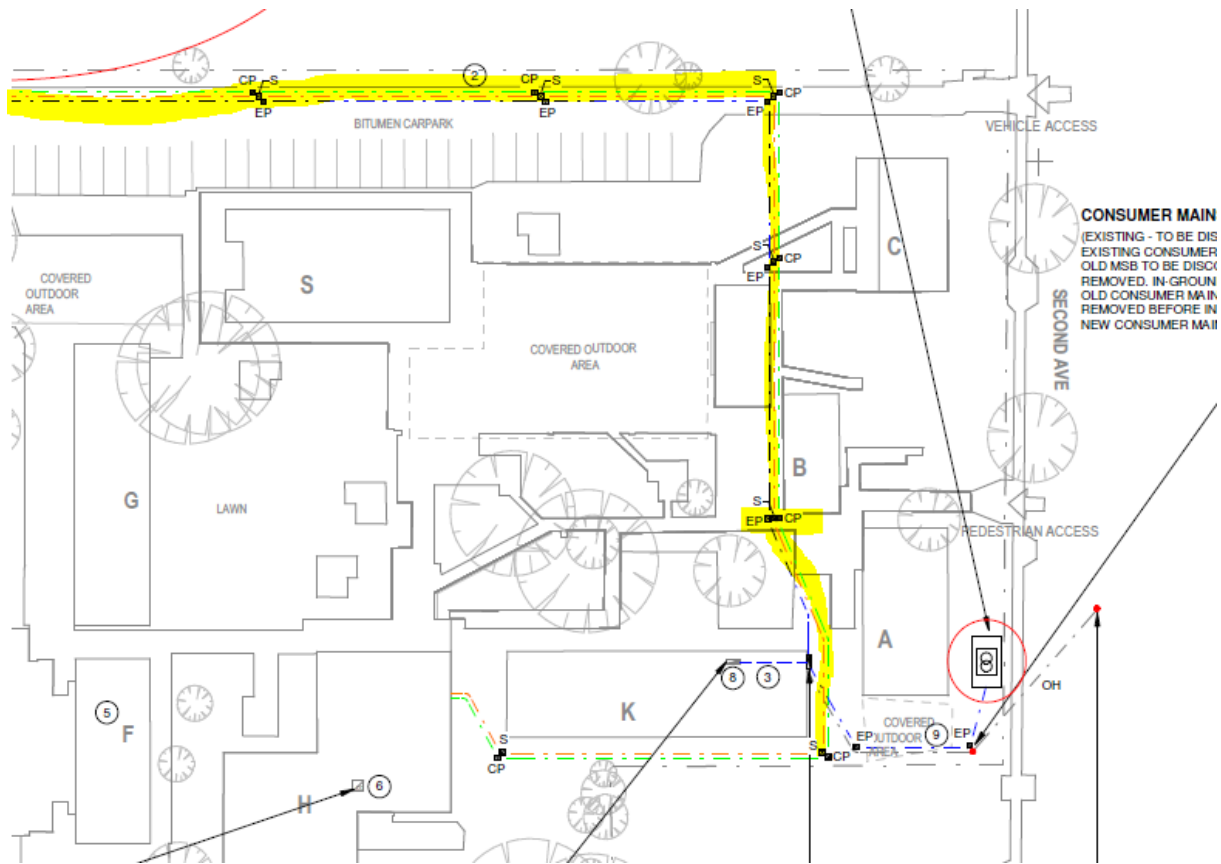


Figure 5: View of services to be installed (highlighted) to the rear of the heritage building (B). Source: NDY, KIPS-NDY-00-00-DR-E-001011.

## 1.5. Methodology

This SOHI relates to the upgrade of Kingswood Public School. It has been prepared in accordance with the Department of Planning and Environment (DPE) publications, *Guidelines for preparing a Statement of Heritage Impact, 2023* and *Assessing Heritage Significance, 2023*. It is also guided by the philosophy and processes included in The Burra Charter: *The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter).

The subject proposal has been assessed in relation to the relevant controls and provisions contained within the Penrith LEP 2010 and the Penrith Development Control Plan (DCP) 2014. It forms one of a collection of specialist reports.

Research for this SOHI has adopted a two-stepped approach. Step 1 comprised a desktop assessment, building upon the previous Summary Report of Initial Site Investigations (SRISI) prepared by CPH for the school in March 2024. Step 2 of this SOHI involved a site survey of the school. This document provides the combined findings and recommendations resulting from this approach.

### Step 1

Research into the early development of the site was undertaken in the SRISI to get a better understanding of the history of the place, with this SRISI informing the background information of this SOHI. In addition, the Aboriginal Heritage Information Management System (AHIMS) database was searched and the *Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW*, prepared by Apex Archaeology in February 2024, was reviewed to establish whether any Aboriginal objects or places of significance were situated within the school grounds. Further, the *Penrith LEP 2010* and the *State Heritage Inventory* were examined to determine the known heritage values of Kingswood Public School.

## Step 2

A site survey of Kingswood Public School was carried out by Kurt Dixon (Senior Heritage Consultant) on 13 September 2023 during the development of the European Heritage SRISI, with the purpose of photographing and understanding the place. All results are presented in *Section 2. Site Context and Description*.

### 1.6. Constraints and limitations

- Accurate measured drawings do not form part of this assessment
- This SOHI does not include a heritage landscape assessment
- This SOHI does not form part of the building consent process
- This assessment relates to the proposed works and documentation described in *Section 1.4 Proposal* and *Section 1.5 Methodology*. It does not relate to any additional or revised documentation by any party.
- This assessment does not include for an archaeological assessment; neither does it form part of a Section 140 Application for an *Excavation Permit* or Section 144 *Application for an Excavation Variation Permit*. The likely historical archaeological potential of the site has been considered through the phases of development across the subject site to inform assessment of the likely impact of the proposed activity.
- This assessment does not include an assessment of Aboriginal values. An assessment of the Aboriginal cultural significance of an area can only be made by Aboriginal communities. However, this assessment takes in consideration findings of *Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW* prepared by Apex Archaeology, February 2024.
- CPH were not involved in the design process.
- Only a visual assessment of the subject site was carried out. Intrusive methods were not employed.
- This assessment does not include for the provision of a title search for the subject site.

### 1.7. Author Identification

The following report has been prepared by:

- Kurt Dixon, Senior Heritage Consultant (BA-LLB (History)) - Draft report.
- Alexandra Gangan, Heritage Consultant (MSCE, BCE, CertIVBusAdmin)

The SOHI has been provided input, reviewed and endorsed respectively by:

- Carole-Lynne Kerrigan, Assistant Director - Heritage (MCultHeritage)(MICOMOS).
- Kerime Danis, Director - Heritage (MHeritCons (Hons), BArch, Associate RAIA, M.ICOMOS, ICOMOS AdCom).



## 2. SITE CONTEXT AND DESCRIPTION

### 2.1. Site Context

The subject site is located within the suburb of Kingswood, a suburb within the Penrith Local Government Area (LGA), which is approximately 52 kilometres northwest of the Sydney CBD. The suburb is categorised by medium density residential development with private and public schools, a major TAFE facility for Western Sydney, and the University of Western Sydney Kingswood Campus (which is adjacent to the east of Kingswood Public School). Also adjacent to the east of the school is the former teacher's residence, which is listed as a heritage item (item 670) on the *Penrith LEP 2010*.

The following photographs provide an overview of the site's context (Figure 6 - Figure 8).



Figure 6: General view at Second Avenue, looking north towards Chapman Gardens Oval (directly opposite Kingswood Public School).



Figure 7: General view facing east along Second Avenue, with University of Western Sydney Kingswood Campus on right.





Figure 8: General view facing south-east of the former teacher's residence (heritage item 670) which is adjacent to Kingswood Public School.

## 2.2. Site Description

The current site description of Kingswood Public School has been informed by the previous *European Heritage SRISI* prepared for the site (March 2024). The physical description is accurate as of 13 September 2024 when the site was visually inspected and photographed.

Kingswood Public School is approximately 4.2ha in size with frontage to Second Avenue. The school site contains 11 permanent buildings and 10 demountable buildings (9 concentrated within the northern end of the allotment and another demountable building located at Second Avenue). The buildings are mostly separated, connected by covered walkways. There are also several groups of mature trees scattered around the school grounds, particularly towards the rear of the site.

Building B is the oldest building within the school site and is listed as a heritage item (Figure 10 - Figure 12). This building is a simple rectangular, single storey classroom with a painted brick façade that features a shallow pitched gable roof of corrugated steel. The northern elevation features a series of vertical, double hung timber sash windows with painted brick sills (Figure 10). These are underneath a sun hood. The eastern elevation features similar double hung windows, though these have semi-arched brick lintels above (Figure 12). The southern elevation is less detailed, with two separate timber doors with aluminium screen doors (recent additions), a single timber sash double hung window and two transom windows beneath the roof ridge line (one enclosed, one with textured glazing) (Figure 11). The western elevation is featureless, though there appears to have been a prior entrance to the building which has since been infilled (Figure 12).

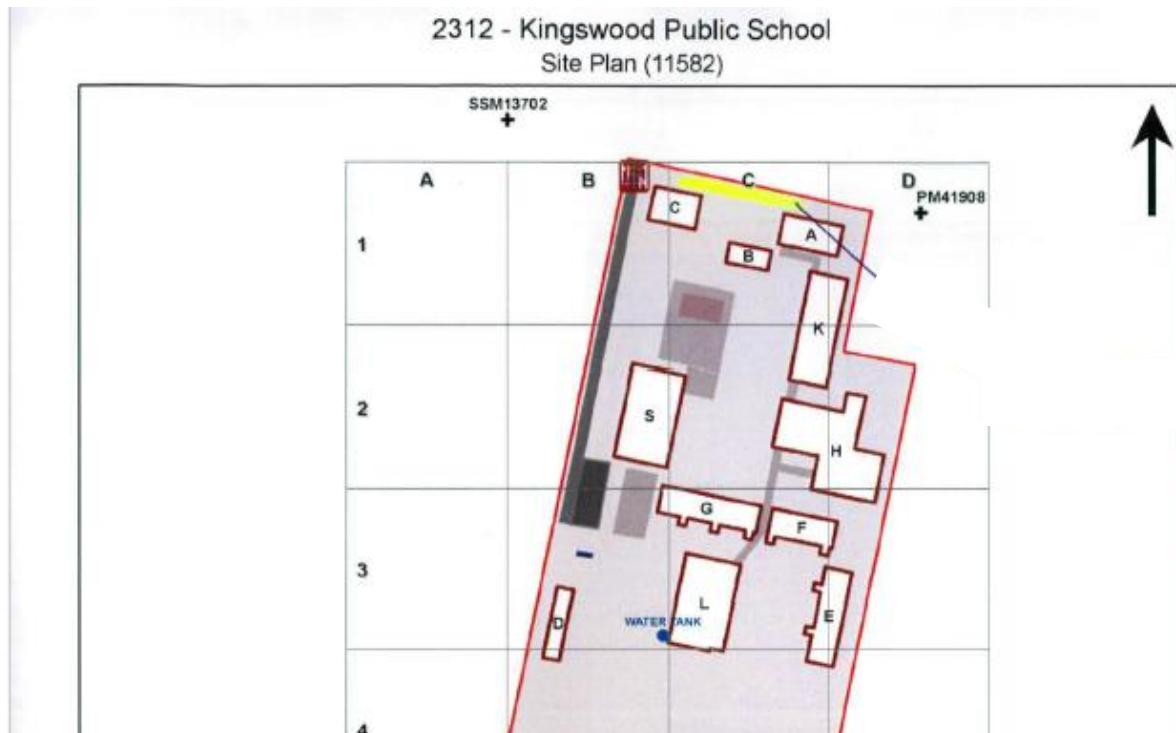


Figure 9: Site Plan for Kingswood Public School, with names of buildings within the school grounds.



Figure 10: Northern (front) elevation of Building B, the heritage item within the school grounds.





Figure 11: Southern (rear) elevation of Building B.



Figure 12: Left - western elevation of Building B. Right - eastern elevation of Building B.

The remaining buildings within the school site are not of heritage significance (Figure 13 - Figure 17). This includes the contemporary demountable buildings proposed to be removed, which are situated



near Buildings L and D (toilet block). There are no direct sightlines between the area for the proposed new classroom block and the heritage Building B that fronts Second Avenue (Figure 16).



Figure 13: View facing south underneath the Cola, facing towards Building S (right) and Building G (left).



Figure 14: View facing northwest towards Block D (toilets), demountable buildings and trees, where proposed new building is to be constructed.





*Figure 15: View facing east towards demountable buildings and open playground. The new building is to be constructed on grass in the foreground.*



*Figure 16: View facing north-east from area where new building is to be constructed facing towards the heritage item (Building B). No direct sightlines are visible between this space and the heritage item due to buildings and trees obstructing views.*





*Figure 17: View facing south towards open playground and mature trees within Kingswood Public School.*

### 3. HISTORICAL OVERVIEW

#### 3.1. Brief Aboriginal History

The following brief Aboriginal History of the subject site is extracted from the previous European Heritage SRISI prepared for the site. For a more in-depth and detailed historical account of Indigenous occupation of the subject site, refer to the *Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW*, prepared by Apex Archaeology in February 2024.

*The local government area of Penrith is located at the western edge of the Cumberland Plain, which commences west of Parramatta and ends at the Hawkesbury River. Penrith City Council forms part of the traditional lands of the Dharug People (also spelt Darug). Aboriginal groups lived in the Penrith City region, an area which was rich in resources, especially the Hawkesbury River and creeks like that of the nearby South Creek. The gravel beds of the Hawkesbury River were for example an important source of stone raw materials utilised in making stone tools for a wide range of uses, for example grinding, making hatchets and axes, spear points, scrapers and firestones (used to make fire). One of them was the Booroogorang sub-tribe of the Karingai nation.<sup>4</sup>*

#### 3.2. Brief Suburb History

The suburb of Kingswood is one of the oldest settled areas within the City of Penrith LGA, though it was not formally designated as a suburb of Penrith until 1970. The following history of the suburb of Kingswood has been extracted from the Penrith City Local History website.<sup>5</sup>

*Several land grants span the current suburb of Kingswood. John Best received a land grant of 470 acres in 1814, south of the Great Western Road. In the same year, Samuel Foster received 400 acres, east of Best's grant. Phillip Parker King received 1500 acres, north of Foster and Best's grants.*

*Samuel Foster had arrived as a free settler on the Sydney Cove in 1807. In the colony, Foster and Ann Single formed a relationship and had a daughter Mary. Foster had thought of returning to England, but remained in the colony, becoming a baker and publican in O'Connell Street Sydney. In 1815, he received two grants, one of 100 acres, north of the Great Western Road, later known as Lautly Farm, and, 300 acres south of the Great Western Road, known as Santly. In 1815, Foster purchased William Tunks Castlereagh grant. Two years later, Ann Single's son, John arrived in the colony. He received a grant of 240 acres south of Hornsey Wood shortly after his arrival in the colony. Foster and Ann Single appeared to have left the colony in 1818 and he died in Birmingham in July 1819. Upon his death, the Tunks grant was left to John Single.*

*During construction of the Great Western Road by Cox, Major Druitt inspected the work in 1817 at the intersection of the Northern Road (later known as Bringelly Road) with the Great Western Road. The Northern Road was an important transport route from Richmond to the Cowpastures, near Camden. Druitt named the area The Cross Roads, a name that the area would retain for several decades.*

*Few houses were built at the Cross Roads for the next 50 years. A general store, which later served as a post office, served the sparsely populated district. In 1885, local storekeeper William Ireland requested the government provide a postal service for the district. In his letter he stated that 'There is a railway siding with two sawmills, a blacksmith's shop, my store, two fruit stalls and about 25 dwellings about the crossroads, together with a number of farms and orchards'.*

*Locals named King's grant, King's Bush or King's Wood as the area was not cleared until it was subdivided in the late nineteenth century as Cambridge Park. The area was heavily timbered and attracted associated industries like timber getting, sawmilling and tanning. In 1882, 175 lots of*

<sup>4</sup> Penrith City Council, 'Treasures of Penrith's Past Exhibition - Celebrating the Bicentenary of Penrith 1815-2015', Penrith City Library, 2015, accessed October 2023 from: [https://www.penrithcity.nsw.gov.au/images/treasuresofpenrithspast\\_web.pdf](https://www.penrithcity.nsw.gov.au/images/treasuresofpenrithspast_web.pdf).

<sup>5</sup> Penrith City Local History, 'Kingswood History', accessed September 2023 from: <https://penrithhistory.com/kingswood-history/>.

land on either side of the railway line were sold as Penrith Park estate. It included the area of Joseph and Walter Streets on the north side and George and French Streets on the south side.

The roads were virtually dirt tracks between districts and in wet weather the large drays carting wood from Mulgoa, Greendale and Luddenham to Kingswood sawmills would make deep furrows into the Northern Road, making it impassable for general traffic.

Drovers herded their cattle through Kingswood from Camden and Campbelltown to Singleton and Maitland in the Hunter district. An amusing incident occurred in 1936 when a wayward cow broke away from a herd and rampaged through the hospital (now Governor Phillip Hospital). It climbed the step of the main hospital block and entered the men's medical ward. The animal broke a window and finally became wedged between a bed and the wall. The drover herded the animal out of the hospital while the nurses guarded the patients.

Land speculator, Andrew McCulloch purchased Mary O'Connell's Coallee grant, on the eastern edge of Kingswood, in 1856 and subdivided it into farming lots. One purchaser, Thomas Fisher, owned 111 acres where the University of Western Sydney now stands, south of the Great Western Highway. He was a boot and shoe merchant from Sydney who, upon his death in 1884, bequeathed £32,000 to the University of Sydney for the establishment of a university library, known today as Fisher Library.

Henry Nash, another purchaser, owned the far western blocks of Coallee where the Western Sydney Institute of TAFE is today. Bernard Molloy purchased this land in 1869 and named his farm, Claremont. After his death in 1885, the farm was divided between his children and in 1903, it was again divided into smaller blocks. In 1966, the Starline Drive-in Theatre was opened on Claremont land in O'Connell Street. It accommodated 400 cars on its 16 acre site. The screen, made in Adelaide, was 108 feet long and 56 feet deep. It closed in 1984 with the advent of home videos.

On 7 July 1862, the railway line from St Marys (South Creek) to Cross Roads was completed and a temporary platform, Cross Road Siding, was set up for Penrith residents, about half way between Kingswood and Penrith. It was removed when the line was completed to Penrith and the station opened in January 1863. In March 1887, a wooden railway platform was constructed at the intersection of Bringelly Road with the Great Western Road and was named Kingswood Siding, in recognition of the name given to the area by locals. Local residents had been campaigning to have the district's name changed from Cross Roads. At a public meeting they preferred the name Penrithville, but the name was changed to Kingswood, and a year later the name of the platform was shortened to Kingswood. A wooden bridge crossed over the railway line at Kingswood Station, where Bringelly Road changed to Richmond Road. Gates closed the road when the trains passed through.

William Millen, the last Kingswood tanner, established his tannery in 1895, while Fred Jones established his in 1897, north of the railway line. Millen closed his business in 1958.

Local businessman Fred Jones owned an area known as King's Bush, bounded by Parker Street, Jamison and Bringelly Road and the Great Western Road, where the Nepean Hospital now stands. He used the area as a trotting track for his racehorses. In the 1930s, he divided this land up and gave twenty blocks away for homes for the unemployed. Parker Street was just a bush track for many years until the early 1960s when Kingswood railway crossing was closed and the Parker Street overpass built. Houses along the street were moved about 30 feet back and Parker Street developed into a six-lane main road.

In 1938, the Jones site was purchased for £500 by the State government for a new hospital. Some wrangling over the site, and the war, intervened and it was not until May 1952 that the foundation stone was laid for the new Nepean District Hospital, completed in 1956 at a cost of £650 000. The government soon realised that the 100-bed hospital would be insufficient for the growing district. In 1993, the hospital was redeveloped and upgraded at a cost of \$92 million.

In September 1903, a new 15-acre cemetery was gazetted in Copeland Avenue. It was expected to be sufficient for 100 years. The first burial was on 16 August 1910 for Doris Vivian, the five-year-old daughter of Kingswood Public School's head master. In 1914, the northern section of the St Stephens estate was subdivided.



Along the Great Western Highway at Kingswood a large park known as Chapman Gardens provided recreational and open space for the people of Kingswood. The park was dedicated in 1976 to William Chapman, a community leader, who was Mayor of Penrith from 1949 to 1956 and again from 1961 to 1968.

In 1960, St Dominic's College was officially opened followed in 1963 by St Joseph's School Church. The Nepean College of Advanced Education was established in 1973 and the administrators lived in a homestead on the property in Second Avenue, which had once been a vineyard. The College was granted university status and in 1988 became the University of Western Sydney.

### 3.3. History of the Subject Site

The subject site where Kingswood Public School would be established occupies part of a 400-acre allotment (Portion 16) originally granted to Samuel Foster in 1815 (Serial 8 Page No 46) (Figure 18). The land was subdivided and changed hands several times and in 1843 became the property of Mr John Smith. In 1881, the parcel of land containing 269 acres 3 roods and 8 perches was transferred to auctioneers William Pritchard and Thomas Richard Smith (Book 213 No 845). The land was further subdivided and sold by public auction to different purchasers (Figure 19). In 1884, a large portion of land (including the subject site) was sold to Joseph Moore (Book 298 No 502). In 1892, Joseph Moore sold Lot 17 of Section 10 (the subject site) for school purposes (Book 486 No 540). That same year, Kingswood Public School officially opened.

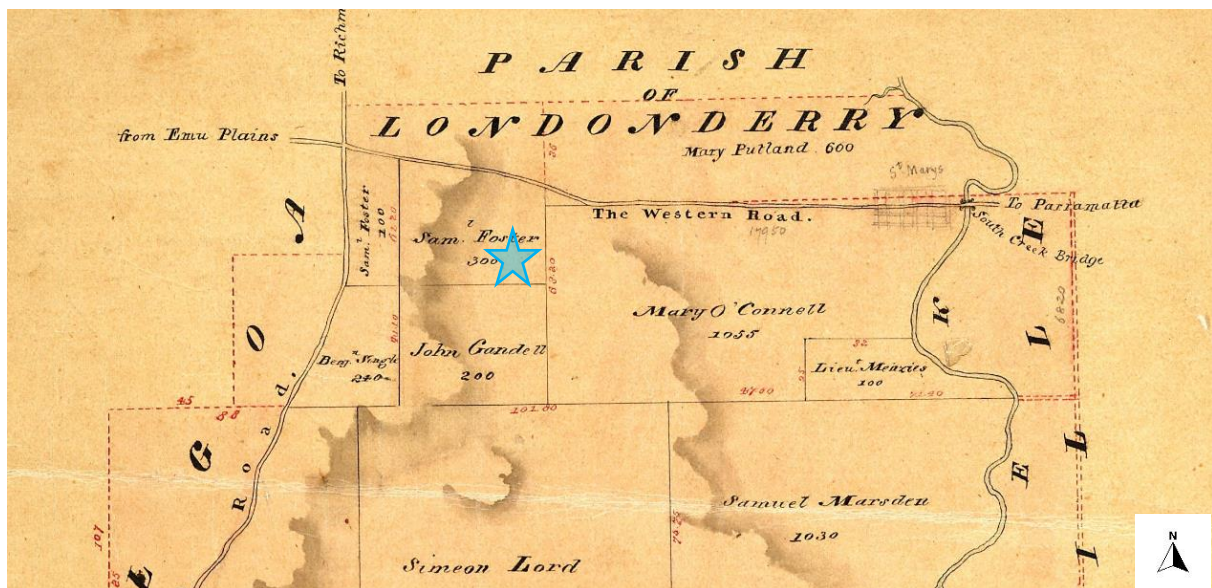


Figure 18: Undated map of Parish of Claremont, County of Cumberland showing the approximate location of the subject site (indicated with blue star) within Samuel Foster's land grant issued in 1815. Source: NSW Land Registry Services Historical Land Records Viewer, AO Map No.206.



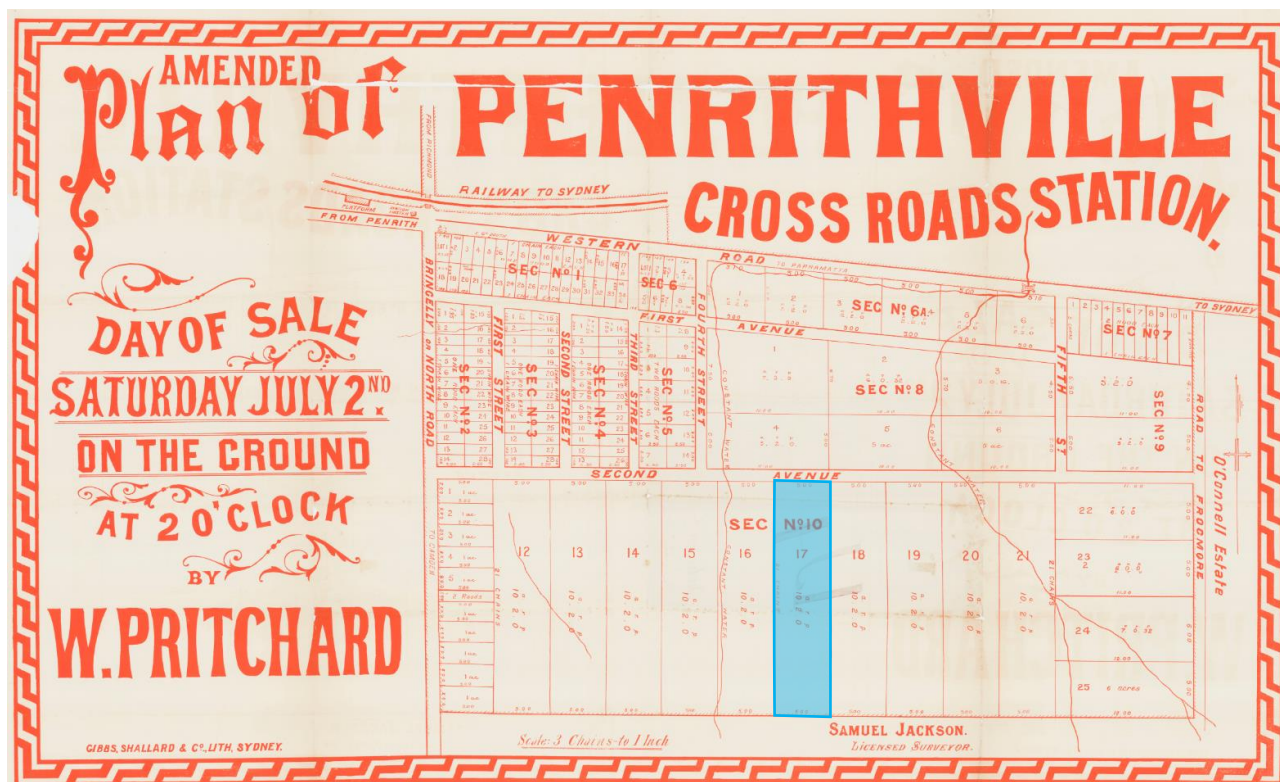


Figure 19: 1881 subdivision plan showing the subject site (indicated in blue). Source: State Library NSW, Amended plan of Penrithville - Western Rd, First Ave, Second Ave, Bringelly or North Rd, First St, Second St, Third St, Fourth St, Fifth St, Z/SP/K6/6.

The establishment of the school was pushed for by the local Kingswood community in the years prior to 1892. An article in the *Nepean Times* in January 1890 identified that the people of Kingswood needed to "persevere in their push for a school", suggesting it was something the community had been campaigning for a while.<sup>6</sup> Another article around the same time identified that 80 children were likely to attend the new school, with 30 of these residing over two miles away.<sup>7</sup> As a result, upgrades and improvements were required for the Kingswood Railway Station in order to accommodate this extra usage.

It appears that action was not taken towards a new school until 1891, when the Inspector of Schools, Mr C Hookings, visited the Kingswood community to ascertain the necessity for a public school at Kingswood.<sup>8</sup> It appears that the visit was successful as the land was acquired by the Crown in March 1892 and by September 1892, the school at Kingswood was built and officially opened.<sup>9</sup> Only the school was built in 1892, with the local community petitioning the Department of Education for a teacher's residence to be erected throughout the 1890s. This would subsequently be built in 1902 and is the current building next to the school at 56 Second Avenue and listed as item 670 on the *Penrith LEP*. According to the Kingswood Public School SHI form (item 098), the school and residence were designed by the architect of the Department of School Education William Kemp, who was responsible for the design of many other school classrooms across the state at this time.

Within its early years, the original school building (Building B) was not enough to house the number of students enrolled at the school. By 1895, it was identified that the school had 67 enrolled pupils, with an average attendance of 52.<sup>10</sup> The Department of Public Instruction approved the erection of a verandah

<sup>6</sup> *Nepean Times*, 'Here and There', 11 January 1890, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/101007937>.

<sup>7</sup> *Nepean Times*, 'Kingswood Wants', 18 January 1890, p. 4, available from: <https://trove.nla.gov.au/newspaper/article/101007981>.

<sup>8</sup> *Nepean Times*, 'Local News', 21 February 1891, p. 4, available from: <https://trove.nla.gov.au/newspaper/article/101074747>.

<sup>9</sup> *Nepean Times*, 'Local and General', 10 September 1892, p. 4, available from: <https://trove.nla.gov.au/newspaper/article/101078402>.

<sup>10</sup> *Nepean Times*, 'Novelty Fair at Kingswood', 14 December 1895, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/108686626>.

at Kingswood Public School in October 1896, with Mr C. A. Willis the accepted tenderer.<sup>11</sup> Additions were also requested in 1902,<sup>12</sup> with Mr J. Gersback's tender approved in January 1903.<sup>13</sup>

The earliest aerial image of the subject site dates back to 1943 (Figure 20). This image shows Block B and a few outbuildings constructed on the northern part of the allotment along with teacher's residence to the east (Figure 21). This imagery shows most of the site was populated by trees, particularly within the centre of the allotment. This concentration of trees would be expanded in 1955 with an official tree planting of 23 trees, the gift of Mr R. S. Fielding of Orchard Hills.<sup>14</sup> In June 1954, the school celebrated Empire Day around the time a new school building was constructed. From the article recounting the event:

*A very pleasant little function was held in Kingswood Public School grounds on Friday morning, when Empire Day was celebrated with special importance as the school had just gone into occupation of a new building in the spacious schools grounds, to the rear of the old brick structure. The old brick building has done service for local education since its opening in 1892, but the district is growing and, of course, school must grow with it. The new building, comprising two class rooms, is quite a fine structure of weatherboard lined with Masonite, with elevated verandah.*<sup>15</sup>

This new school block was erected to the south of Block B and is visible in 1956 aerial imagery (Figure 23). By 1961, Block A was erected along with several other buildings within the site (Figure 24). A photograph of the Block B building from the 1950s is available from the Penrith City Library, showing the northern and western elevations of the building (Figure 22). Visible in the background is the former teacher's residence (with chimneys), however Block A cannot be seen (building with no chimneys), thus this photo likely dates from the early-mid 1950s, before Block A was built by 1956.

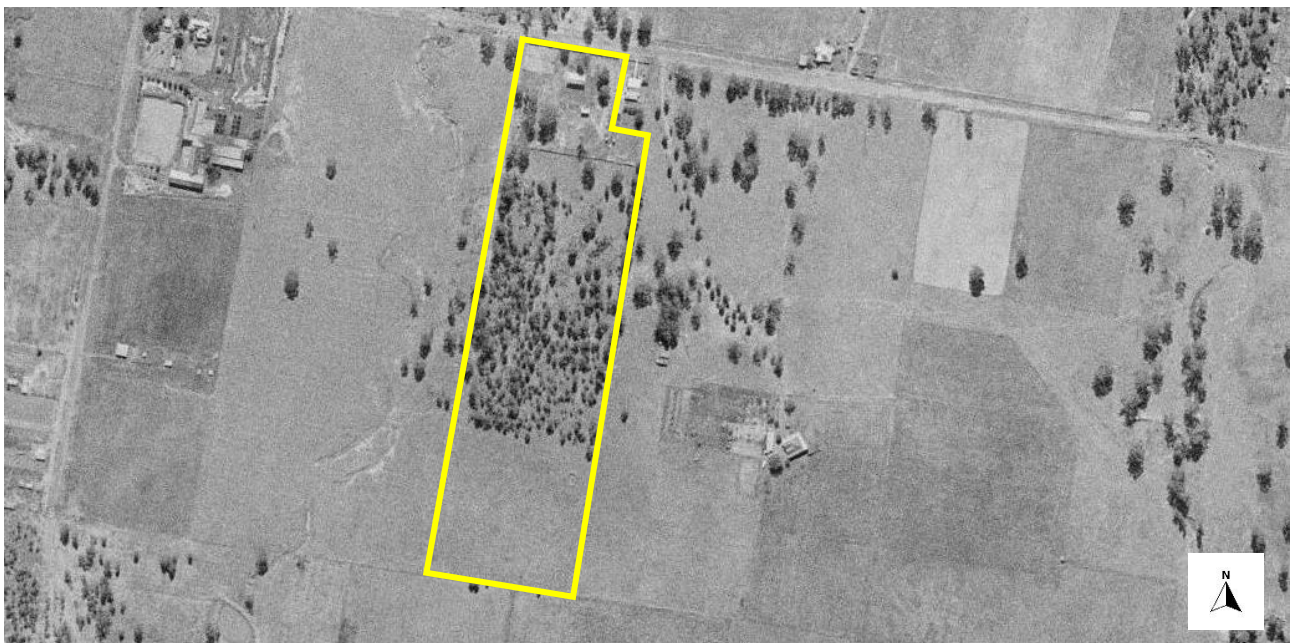


Figure 20: 1943 aerial image showing the subject site (indicated in yellow). Source: SIX Maps, 1943.

<sup>11</sup> *Nepean Times*, 'Official Correspondence', 31 October 1896, p. 4, available from: <https://trove.nla.gov.au/newspaper/article/108712764>.

<sup>12</sup> *Nepean Times*, 'Official Correspondence', 25 October 1902, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/100913942>.

<sup>13</sup> *Hawkesbury Herald*, 'Who wants a Bookkeeper', 16 January 1903, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/66353262>.

<sup>14</sup> *Nepean Times*, 'Kingswood Public School', 16 June 1955, p. 1, available from: <https://trove.nla.gov.au/newspaper/article/100989799>.

<sup>15</sup> *Nepean Times*, 'Kingswood Public School', 3 June 1954, p. 7, available from: <https://trove.nla.gov.au/newspaper/article/100985063>.





Figure 21: Enlarged 1943 aerial image of the site showing Block B and the teacher's residence (heritage item no 670), as well as some non-surviving outbuildings. Source: SIX Maps, 1943.



Figure 22: Photograph of Kingswood Public School from the 1950s, showing the northern and western elevations of the building. Also visible in the background left is the former teacher residence. Source: Penrith City Library, 'Kingswood Public School', 1950s, Ref No 002718, available from: <https://penrithcity.spydus.com/cgi-bin/spydus.exe/FULL/WPAC/ALLENQ/20071341/3089303,3>.

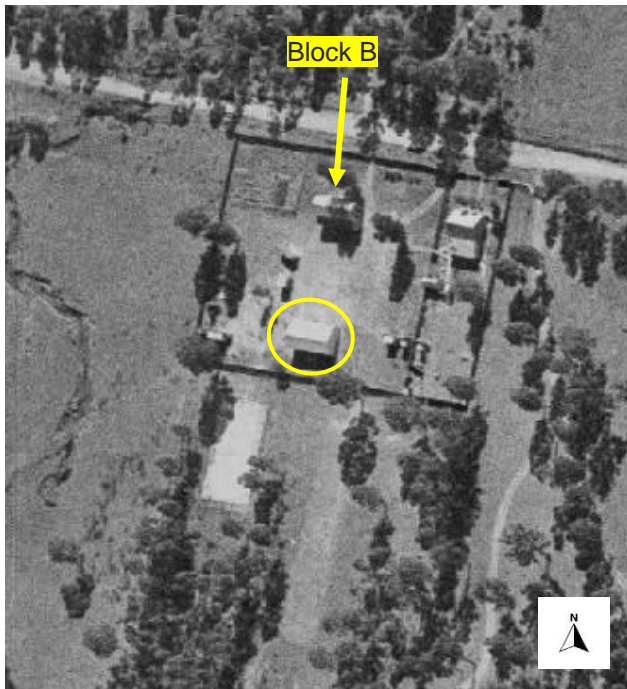


Figure 23: 1956 aerial image of the part of the site showing new school block (circled in yellow) constructed to the south of Block B. Source: NSW Government Historical Aerial Imagery, 1956.

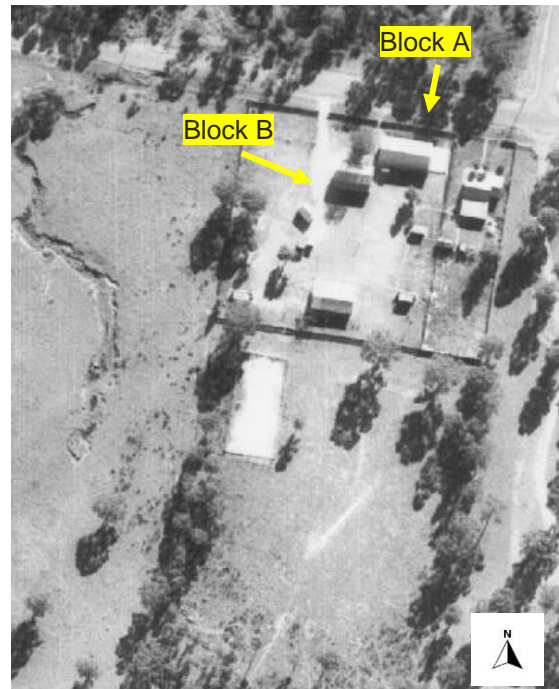
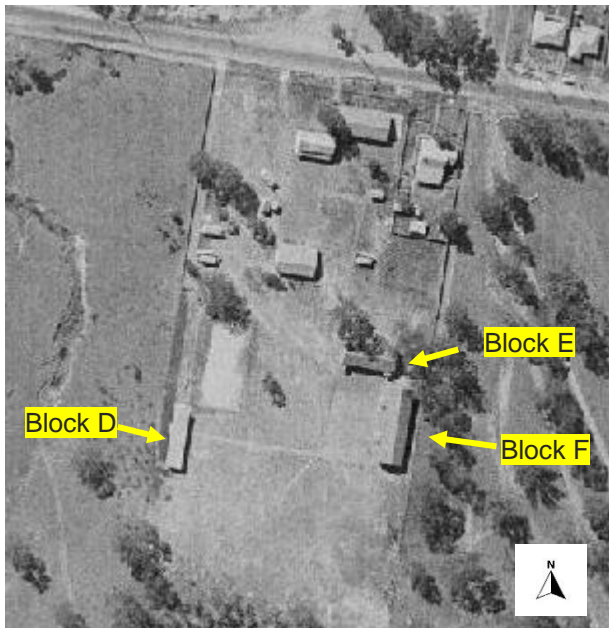


Figure 24: 1961 aerial image of the part of the site showing Block A constructed to the northeast of Block B and several new outbuildings. Source: NSW Government Historical Aerial Imagery, 1961.

Two additional brick veneer classrooms were approved for construction at Kingswood Public School in August 1961, with them to be started “as soon as departmental resources permitted.”<sup>16</sup> These were likely Buildings E and F, which were built by 1965 (situated south of the former teacher’s residence) (Figure 25). Also visible in this image is the toilet block (Building D), which was likely built at or around the same time as the other classrooms (E & F). The remainder of the school would be developed over the coming decades, although these later buildings do not have any heritage significance.

<sup>16</sup> *Nepean Times*, ‘Kingswood School Additions’, 31 August 1961, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/100982054>.



*Figure 25: 1965 aerial image, showing Buildings E and F constructed to the south of the former teacher's residence, as well as the brick toilet block (Building D). Source: NSW Government Historical Aerial Imagery, 1965.*

## 4. ASSESSMENT OF SIGNIFICANCE

### 4.1. Understanding Heritage Significance

Each place is unique and has its own combination of values. Therefore, before making decisions about the future of a heritage item, it is essential to understand its heritage values so that these will be retained when making future decisions about the place.

The 'Statement of Significance' indicates what heritage values of a place should be conserved and is used as a basis for the formulation of specific guidelines for the development of conservation policies of a place. *The Conservation Plan* by J. S. Kerr (seventh edition, 2013, published online by Australia ICOMOS), considers the following three criteria as a useful starting point in assessing the nature of significance:

- Ability to demonstrate a process, a custom or style.
- Associational (historic) links for which there is or is not surviving physical evidence.
- Formal or aesthetic qualities.

### 4.2. Established Statement of Significance

Kingswood Public School is listed as a heritage item under Part 1 of Schedule 5 of the *Penrith LEP 2010* identified as 'Kingswood Public School', 46-54 Second Avenue, item no. 098. The school is also listed on the Department of Education Section 170 Register as 'Kingswood Public School - Building B00B'.

The Statement of Significance for the *LEP* listing of 'Kingswood Public School' is extracted below from the heritage item's NSW State Heritage Inventory (SHI) form:

*The school complex provides the focus for appreciating the development of a village centre at Kingswood over the late nineteenth century with the construction of public buildings to serve the dispersed rural community and emerging suburban development following the release of suburban blocks in the 1880s. The classroom block and teacher's residence are good representative examples of standard rural school building designed by William Kemp, the architect of the Department of School Education. The complex demonstrates the consolidation of public education within the LGA following the Public Instruction Act of 1880.*

The statement of significance of 'Kingswood Public School - Building B00B' (the Section 170 listing of the site) could not be accessed during the preparation of the SOHI or previous European Heritage SRISI. Regardless, the existing significance of the site is well understood and informed by the above extracted SHI form.

### 4.3. Established Statements of Significance of Heritage Items in the Vicinity

The following statement of significance for the 'Teacher's residence (former)' heritage item (item no. 670, *Penrith LEP 2010*) has been extracted from SHI form. This has been extracted to understand any potential impacts the proposal would have on this heritage item in proximity.

*Associated with the public school and thus is integral to that item's demonstration of the role of public education in Kingswood, the item unique in the suburb as a former teacher's residence. The quality of build and accommodation demonstrating the status of the teacher in the rural community*



## 5. HERITAGE IMPACT ASSESSMENT

### 5.1. Statutory Controls

The subject site is listed as a heritage item on Part 1 of Schedule 5 of the *Penrith LEP* 2010 as 'Kingswood Public School' (item 098) and is located in close proximity to the heritage item 'Teachers residence (former)' (item 670). As such, the heritage provisions and controls contained within the *Penrith LEP* 2010 and the *Penrith DCP* 2014 have been considered.

#### 5.1.1. Environmental Planning and Assessment Act (EP&A Act) 1979

The following provisions contained within the *EP&A Act* are relevant to the subject proposal due to the site's heritage listing and thus have been considered below.

Subdivision 2 Duty of determining authorities to consider environmental impact of activities	
5.5 Duty to consider environmental impact	
<p><i>(1) For the purposes of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.</i></p>	<ul style="list-style-type: none"> <li>▪ The existing Kingswood Public School contains the heritage item 'Kingswood Public School', which is listed as a heritage item of local heritage significance under Part 1 of Schedule 5 of the <i>Penrith LEP</i> 2010 (item 098). The proposal involves the erection of a new school building and associated covered walkway and landscaping works within the heritage curtilage of Kingswood Public School. As such, an assessment of the impact of the proposal on the heritage item is required, which is undertaken in this SOHI.</li> <li>▪ Due to the scope of works and the nature of the subject site, the development will be undertaken through a Review of Environmental Factors (REF) pathway under Division 5.1 of the <i>Environmental Planning and Assessment Act 1979</i>. The likely environmental impacts of the proposed development under the provisions of relevant Acts have been considered in the following Sections of this SOHI.</li> </ul>

#### 5.1.2. Penrith Local Environmental Plan (LEP) 2010

As noted earlier, the subject proposal will be assessed under Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* and the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021* and therefore requirements of *Penrith LEP* 2010 are not applicable. However, it is concluded by CPH, that the proposed works, if they were to be assessed under the *Penrith LEP* 2010, they would be consistent with the relevant heritage provisions of the *LEP*.

#### 5.1.3. Penrith Development Control Plan (DCP) 2014

The following table addresses the relevant heritage controls within the DCP. It is noted that as this is going through an internal REF pathway, these controls are not binding on the proposal. Regardless,

they have been addressed to show how the proposed activity is appropriate and respectful to the site's heritage significance.

C7 Culture and Heritage	This proposal relates to these matters as follows:
<p><b>Clause 7.1.2 Heritage Items</b></p> <p>(1) <i>Development Application</i></p> <p>(a) <i>Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):</i></p> <p>(a) <i>the heritage significance of the item as part of the environmental heritage of Penrith</i></p> <p>(b) <i>the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features.</i></p> <p>(c) <i>the measures proposed to conserve the heritage significance of the item and its setting</i></p> <p>(d) <i>Whether any archaeological site would be adversely affected by the proposed development.</i></p> <p>...</p> <p>(b) <i>Development of a heritage item must:</i></p> <p>(a) <i>be consistent with an appropriate SOHI / CMP</i></p>	
	<ul style="list-style-type: none"> <li>▪ The heritage significance and setting of the Kingswood Public School heritage item is well understood and documented at Section 4 of this SOHI. The potential impact on this significance is considered to be minor due to the location of the proposed new building in an area where there is no sightline or visual relationship with the heritage item. The setting of the heritage item will be improved as it will re-establish a significant view towards the heritage building (B00B) from the north-west.</li> <li>▪ In terms of Aboriginal Archaeology, the <i>Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW</i>, prepared by Apex Archaeology, found the subject site to be highly disturbed from past and current land use practices.</li> <li>▪ <i>"There are no areas within the study area considered likely to have Aboriginal cultural heritage values. No further Aboriginal archaeological assessment is necessary for development within the site."</i></li> <li>▪ In terms of historic archaeology, the site is not listed as an archaeological site under Part 3 of Schedule 5 of the Penrith LEP. The historical research to date did not indicate any pre-existing structures within the subject site prior to the construction of Building B in 1892. Historical land title records indicate that the land was within large farming estates from the early 19th Century, before it was subdivided into its current allotment and sold to the Crown for school purposes in 1892. Based on a review of these historical phases of development of the site, there is likely low potential for historical archaeology to be affected in the proposed works.</li> <li>▪ Notwithstanding, should any unexpected archaeological finds be uncovered during any ground works, the 'unexpected finds' procedure will be applied to allow for the inspection of an appropriately qualified archaeologist in order to advise on the required management and consultation with Heritage NSW.</li> </ul> <p>(b) There is no existing SOHI or CMP available for the site to which this assessment could consider. Regardless, the proposed activity generally will protect the significant setting of the heritage item by improving views to Building B from Second Avenue. The demountable classroom, which is</p>

C7 Culture and Heritage	This proposal relates to these matters as follows:
<p><i>(b) be consistent with the information on the SHI for that heritage item</i></p> <p><i>(c) protect the setting of the heritage item</i></p> <p>...</p> <p><i>(f) remove unsympathetic alterations and additions</i></p>	<p>proposed for removal, in its position on Second Avenue is considered generally as an unsympathetic addition to the school for the obstruction of significant views it causes; however with its removal the setting and amenity of the heritage item will be improved.</p> <ul style="list-style-type: none"> <li>▪ The removal of trees to accommodate the new classroom does not adversely impact the setting of the heritage item, particularly as there is no visual relationship between the trees proposed for removal and the heritage building.</li> <li>▪ The proposal also includes construction of a new single storey classroom building. The impact on heritage significance of the subject site and heritage items in vicinity is minimised by positioning of the new classroom building at the rear of the school grounds and away from the heritage building (B). Additionally, due to the scale and bulk of the new building it will not visually overwhelm the heritage item and will fit within the existing scale of the school buildings at Kingswood Public School.</li> </ul>
<b>Clause 7.1.4 Design Guidelines</b>	
<p><i>(1) Site Planning</i></p> <p><i>Any new development should be positioned to ensure that the visual prominence, context and significance of the existing heritage item and its setting are maintained.</i></p> <p><i>Front and side boundary setbacks are a major contributor to the character and significance of a heritage item... Existing patterns should be maintained in new development to continue the established rhythm of buildings and spaces.</i></p> <p><i>(a) development should conform to the predominant front setbacks in the streetscape.</i></p> <p><i>(b) Development should respect side setbacks and rear alignments or setbacks of surrounding development.</i></p> <p><i>(c) Front and rear setbacks should be adequate to ensure the retention of the existing landscape character of the heritage item or conservation area and important landscape features.</i></p>	<ul style="list-style-type: none"> <li>▪ The positing of the new classroom building to the rear of the school grounds and away from the heritage building (B) ensures that the prominence of this heritage item is maintained.</li> <li>▪ The significant setback of the heritage building will be reinforced with the removal of a demountable structure on Second Avenue. This removal will enable the heritage building to be seen and appreciated from all angles along Second Avenue.</li> </ul>
<p><i>(3) Subdivision and Site Analysis</i></p> <p><i>The setting of a heritage building is often referred to as the curtilage and may include the immediate garden, mature trees, original</i></p>	<ul style="list-style-type: none"> <li>▪ The setting of the heritage item 'Kingswood Public School' is considered to be the immediate area surrounding the original school building (Building B), which is located near the northern boundary of the site. The building is slightly setback from the</li> </ul>

C7 Culture and Heritage	This proposal relates to these matters as follows:
<p><i>allotment boundaries, paddocks, fencing, outbuildings, archaeological sites, views/vistas or any other feature or space which allows a greater understanding of its historical context. The curtilage is therefore essential for retaining and interpreting the heritage significance of that building.</i></p> <p><i>(b) In determining the curtilage of a heritage building, consideration is to be given to the following:</i></p> <p><i>i) The original form and function of the heritage building...</i></p> <p>...</p> <p><i>iii) Gardens, trees, fencing, gates and archaeological sites: Features that are considered valuable in interpreting the history and in maintaining the setting of a building should be identified and, where possible, retained within the curtilage.</i></p> <p><i>(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:</i></p> <p><i>i) The height of new development near heritage items shall be less than the subject item. Increases in height shall be proportional to increased distance from the items and will be considered on merit;</i></p> <p><i>ii) Views and vistas to the heritage item from roads and other prominent areas are key elements in the landscape and shall be retained;</i></p> <p><i>iii) If the development site can be viewed from a heritage item(s), any new development will need to be designed and sited so that it is not obtrusive when it is viewed from the heritage item(s); and</i></p> <p><i>iv) Curtilages shall be retained around all listed items sufficient to ensure that views to them and their relationship with adjacent settings are maintained.</i></p>	<p>school boundary, with mature trees in the background contributing to its setting and amenity. This immediate setting of the heritage item helps demonstrate the original function of the school, being a single small building which provided education from 1892.</p> <ul style="list-style-type: none"> <li>▪ The proposed new building does not compromise any historic curtilage or setting of the heritage item, instead improving it by removing an unsympathetic and contemporary demountable building which currently obstructs significant views to and from the heritage building.</li> <li>▪ The new development within the school grounds is well away from this setting of the heritage item, being in a location where there are no direct sightlines to and from the historic Building B. Regardless of the lack of sightlines, the new school building will be single storey to not visually overwhelm the heritage item and fit within the existing scale of school buildings at Kingswood Public School.</li> <li>▪ The proposed location for the new on-site kiosk substation in front of Building A on Second Avenue will not physically or visually impact the heritage values of the school. Though the substation is proposed to be located on the street elevation of the school, it will be concealed by the existing hedges, with landscape works to make good any disturbance brought about by the installation of the substation. The substation is also not visible from the identified heritage building (Building B), being visually obstructed by Building A. It will therefore not impact any significant views of the heritage item, particularly those afforded of the building from Second Avenue.</li> <li>▪ New conduits and cabling associated with the substation are to be installed underground, with cabling proposed to be upgraded just outside the heritage building's footprint (see Figure 5). This will be achieved through trenching works, with depths of up to ~500mm necessary. As noted earlier, based on the historical phases of development, there is unlikely to be historic archaeology surviving within the school grounds. Notwithstanding, an 'unexpected finds' procedure should be followed if any deposits are found during these works. Additionally, a mitigation measure to erect protective hoarding along the rear elevation of Building B is made to ensure the protection of heritage fabric during the trenching works.</li> <li>▪ Due to the heritage status of Building B, temporary protection measures should be put in place during the works to ensure significant built heritage fabric</li> </ul>



C7 Culture and Heritage	This proposal relates to these matters as follows:
<p>(4) <i>Gardens, Landscaping and Fencing</i></p> <p>(a) <i>In order to preserve and maintain an appropriate scale and the visual prominence of a heritage item, the building height of new development shall generally not exceed that of the original heritage item. New development or large additions or alterations must provide a transition in height from the heritage item.</i></p> <p>...</p> <p>(c) <i>The colours and materials used in a new development (whether an extension or addition) should complement the colours and materials of the heritage item. New development within the curtilage must not adversely impact upon the significant fabric of a heritage item.</i></p> <p>...</p> <p>(g) <i>New development within the same curtilage as a heritage item shall generally not be larger in scale than the heritage item. Reference shall be made to the building height of the heritage item as the maximum permissible building height of alterations or additions.</i></p> <p>(h) <i>Vegetation around a heritage item shall be assessed for its value to the item and retained where required.</i></p>	<p>is not impacted by the services works (see mitigation measure at section 5.2 of this SOHI).</p> <ul style="list-style-type: none"> <li>▪ The new classroom building is single storey, which in turn fits within the existing building form and scale of the built context of the site. This single storey height also does not exceed the single storey height of the heritage item on site (Building B), therefore it is considered an appropriate and sympathetic scale.</li> <li>▪ The proposed materials and colours of the new classroom building is appropriate for the context of the school and will not impact the heritage setting of the site. The new building will utilise neutral coloured rendering and brick panels, which is similar to many of the other facebrick and rendered buildings within the school grounds.</li> <li>▪ The trees requiring removal to accommodate the new development are not considered significant from a heritage perspective. The <i>Preliminary Arboricultural Report</i> has assessed these trees as having moderate landscape significance, however from a heritage perspective, as there is no visual relationship between the trees and the heritage building, there is not considered to be an impact on the site's heritage setting or curtilage with the removal of these trees.</li> </ul>
<b>7.1.5 Development in the Vicinity of a Heritage Item or Conservation Area</b>	
<p>(1) <i>A SOHI shall be lodged with a development application for buildings or works in the vicinity of a heritage item or HCA. This clause extends to development that:</i></p> <p>(a) <i>may have an impact on the setting of a heritage item or HCA, for example, by affecting a significant view to or from the item by overshadowing it, or</i></p> <p>(b) <i>may undermine or otherwise cause physical damage to a heritage item, or</i></p> <p>(c) <i>will otherwise have any adverse impact on the heritage significance of a heritage item or HCA within which it is situated.</i></p>	<ul style="list-style-type: none"> <li>▪ The subject site where the activity is proposed is adjacent to the heritage item 'Teachers residence (former)', listed as item 670 on the Penrith LEP 2010. As such, the activity has been considered for its potential heritage impact on the heritage item in the vicinity. It is noted that the heritage item itself is the building which is near the Second Avenue boundary of 56 Second Avenue, which is east of the subject site.</li> <li>▪ Due to the location of the proposed activity being primarily on the western boundary of the school and setback considerably from the northern boundary of Second Avenue, there is no potential visual impacts to the proximate heritage item. There is no sightline between the heritage item to the east and the proposed site for the new classroom and external covered walkway to the west as the existing building stock within Kingswood Public School is between the two sites.</li> </ul>

C7 Culture and Heritage	This proposal relates to these matters as follows:
	As such, there is no assessed heritage impact on the proximate heritage item. Likewise, the existing Building A and the school's eastern fencing will obstruct any views between the adjacent heritage item and the proposed substation near the Second Avenue boundary.
<p><i>(2) The following issues must be addressed in the SOHI:</i></p> <p><i>(a) the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item</i></p> <p><i>(b) details of the size, shape and scale of, setbacks for, and the materials to be used in any proposed building or works</i></p> <p><i>(c) details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.</i></p>	<ul style="list-style-type: none"> <li>The proposed activity will not impact the heritage significance, visual curtilage or setting of the adjacent heritage item due to the physical distance between the two sites and the lack of clear sightlines between them. Regardless of the lack of sightlines, the scale, material, form and colour scheme of the proposed new classrooms is generally sympathetic to the adjacent heritage item (see discussion of each above).</li> </ul>

#### 5.1.4. State Environmental Planning Policy (Transport and Infrastructure) 2021

The following tables assesses the proposed upgrade of Kingswood Public School against the relevant clauses within the *SEPP (Transport and Infrastructure) 2021*.

Under Part 3.4 'Schools - specific development controls' of the *SEPP (Transport and Infrastructure) 2021*, there are various consent requirements for development works (including exempt development, complying development, development permitted with consent and development permitted without consent). Only the identified planning pathway requirements for this proposal are considered below.

Part 3.4 Schools - specific development controls	This proposal relates to these matters as follows:
<b>3.9 Consultation with councils—development with impacts on local heritage</b>	
<p><i>(1) This section applies to development carried out by or on behalf of a public authority if the development—</i></p> <p><i>(a) is likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item in a way that is more than minimal, and</i></p> <p><i>(b) is development that this Chapter provides may be carried out without development consent.</i></p> <p><i>(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies unless the authority or the person has—</i></p>	<ul style="list-style-type: none"> <li>The proposed works for the site qualify as development permitted without consent under section 3.37 of the <i>SEPP</i> (see below).</li> <li>The proposed works will have little to no impacts on the established heritage values of 'Kingswood Public School' (item no. 098 on the LEP). The proposal will continue to maintain the characteristics of the school and not have any adverse effect on the appreciation and usage of the heritage item on site, nor on its amenity or visual setting. This is due to the lack of direct sightlines between the area proposed for work and the heritage school building. The proposal will ultimately improve significant views of the heritage item with the removal of the demountable building.</li> <li>This SOHI which accompanies an internal REF is considered to be an assessment of the potential heritage impact for the purposes of 3.9 (2) (a).</li> </ul>

Part 3.4 Schools - specific development controls	This proposal relates to these matters as follows:
<p>(a) had an assessment of the impact prepared, and</p> <p>(b) given written notice of the intention to carry out the development, with a copy of the assessment and a scope of works, to the council for the area in which the local heritage item or heritage conservation area (or the relevant part of such an area) is located, and</p> <p>(c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.</p>	<ul style="list-style-type: none"> <li>Based on the assessed little to no impact of the proposal as indicated earlier, Penrith City Council will need to be given written notice of the intention to undertake the proposed activity at the school only pursuant to s3.38 due to being an activity under s3.37(1)(a) of the SEPP 2021. The DoE will need to take into consideration any response received from Council within 21 days of giving the written notice.</li> </ul>
<b>3.37 Existing or approved government schools— development permitted without consent</b>	
<p>(1) Development for any of the following purposes may be carried out by or on behalf of a public authority without development consent on land within the boundaries of an existing or approved government school—</p> <p>(a) construction, operation or maintenance of any of the following—</p> <p>...</p> <p>(iii) a permanent classroom,</p> <p>(b) minor alterations or additions, such as—</p> <p>(i) internal fitouts, or</p> <p>(ii) alterations or additions to address work health and safety requirements or to provide access for people with a disability, or</p> <p>(iii) alterations or additions to the external facade of a building that do not increase the building envelope (for example, porticos, balcony enclosures or covered walkways),</p> <p>(c) restoration, replacement or repair of damaged buildings or structures,</p> <p>(d) security measures, including fencing, lighting and security cameras,</p> <p>(e) demolition of structures or buildings (unless a State heritage item or local heritage item).</p>	<ul style="list-style-type: none"> <li>Under this clause, the construction of a permanent classroom no more than 2 storeys tall to replace existing demountable classrooms is a development identified that does not require consent. Additional works like installing new covered walkways and landscaping works would also qualify as development which is permissible without consent.</li> <li>The proposed activity does not involve any demolition of structures or buildings that are a heritage item; Building B will be retained as existing. The demountable classrooms that are proposed to be removed are not significant buildings within the context of the school and do not contribute to the site's heritage significance.</li> <li>As a result, the activity is considered to qualify as development permitted without consent and therefore Section 3.9 of the SEPP is applicable (see discussion above).</li> </ul>
<b>3.38 Notification of carrying out of certain development without consent</b>	
<p>1. This section applies to development to which section 3.37(1)(a) applies.</p>	<ul style="list-style-type: none"> <li>Written notice of an intention to carry out the development will be provided to Penrith City</li> </ul>



Part 3.4 Schools - specific development controls	This proposal relates to these matters as follows:
<p>2. Before development to which this section applies is carried out, the proponent of the development must—</p> <p>(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the proponent is that council) and to the occupiers of adjoining land, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>	<p>Council. Any response provided within 21 days to this notice will be taken into consideration.</p>

## 5.2. Mitigation Measures

As a result of the above assessment of the potential heritage impact of the proposed activity, mitigation measures are recommended to ensure the heritage significance of the site is respected and no harm to the significant fabric or unexpected finds occur during the construction works.

Mitigation Name	Aspect	Mitigation Measure	Reason for Mitigation Measure
Protective Hoarding	Prior commencement to of trenching works	Erect protecting hoarding around the rear elevation of Building B to ensure significant fabric is not damaged during trenching works	Prevent damage to heritage fabric
Unexpected Finds procedure	During trenching works	<p>The <i>Heritage Act 1977</i> protects non-Aboriginal heritage items which are defined as “any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local heritage significance”.</p> <p>Should any unexpected finds be uncovered during trenching works, the 'unexpected finds protocol' should be implemented and works stopped immediately. Allow for the inspection of the relic by appropriately qualified archaeologist in order to advise on the required management and consultation with Heritage NSW.</p>	Prevent damage to archaeological relics

### 5.3. NSW Department of Planning and Environment Guidelines

The following questions to be answered have been extracted from the NSW Department of Planning and Environment's, *Guidelines for Preparing a Statement of Heritage Impact, 2023*. Responses have been provided in relation to the proposed development.

#### 5.3.1. General considerations when preparing a statement of heritage impact

General considerations	This proposal relates to these matters as follows:
<b>Section 1 - The Heritage Item</b>	
1.1 Site description <ul style="list-style-type: none"> <li>Is the location of the proposed works area clearly identified?</li> </ul>	<ul style="list-style-type: none"> <li>The area of the activity is clearly identified as within Kingswood Public School, which is legally identified as Lot 172 DP 839785. The majority of the works will be undertaken to the rear of the school buildings, on the site's western boundary.</li> </ul>
<b>Section 2 - Significance Assessment</b>	
2.1 Statement of significance <ul style="list-style-type: none"> <li>Is the significance of the heritage item well documented and understood?</li> <li>Have all the criteria of the heritage item's significance been considered?</li> </ul>	<ul style="list-style-type: none"> <li>The significance of Kingswood Public School (item 098 on the <i>Penrith LEP 2010</i>) is well understood and documented in this SOHI at Section 4.2. The heritage significance of the adjacent heritage item (no. 670) is also well understood.</li> <li>The existing statement of significance extracted from the SHI form adequately conveys the site's heritage significance and so an additional assessment against the Heritage Council's significance criteria is not required at this time.</li> </ul>
<b>Section 3 - Proposed Works</b>	
3.1 The proposal <ul style="list-style-type: none"> <li>Is there enough information available about the proposed works to determine how they may impact the heritage item and its significance?</li> </ul>	<ul style="list-style-type: none"> <li>There is enough information about the proposed upgrade works to identify and assess its potential heritage impacts. The proposal includes diagrams and an itemised list of the changes to the school that would be undertaken for the upgrade works, with these utilised in this SOHI to understand the potential heritage impacts they would cause.</li> </ul>
3.2 Background <ul style="list-style-type: none"> <li>Will the proposed works be the best conservation solution for the heritage item?</li> <li>Will the works promote the ongoing use and upkeep of the item?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed activity does not impact the use and enjoyment of the heritage item on site (Building B) as there are no physical works proposed to this building. The ongoing use of the heritage building will be maintained in the upgrade works.</li> <li>The proposal involves the removal of a demountable building on the Second Avenue boundary of the school, which will ultimately benefit the heritage item as it will reinstate views towards this significant building.</li> </ul>
<b>Section 4 - Heritage Impact Assessment</b>	
4.1 Matters for consideration <ul style="list-style-type: none"> <li>Do the proposed works include removal of unsympathetic alterations and</li> </ul>	<ul style="list-style-type: none"> <li>The proposal involves the removal of uncharacteristic temporary demountable buildings from the site, including one on the Second Avenue boundary of the school next to the heritage item.</li> </ul>

General considerations	This proposal relates to these matters as follows:
<p>additions? How does this benefit or impact the heritage item and its significance?</p>	<p>The removal of this demountable building will improve the visual setting and amenity of the school by enhancing views and vistas towards the heritage building (B00B).</p>
<ul style="list-style-type: none"> <li>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</li> </ul>	<ul style="list-style-type: none"> <li>The setting of the heritage item is improved with the removal of the demountable building on Second Avenue. This is because it reinstates views to the heritage building from Second Avenue that were previously obstructed by the demountable.</li> <li>The new building is sited to the south of the heritage building. This one storey building will be visually obstructed by existing trees and buildings which are situated between itself and the heritage building, meaning that any significant views and vistas to and from the heritage item will not be impacted.</li> <li>The new substation is situated in a location where there is no visual relationship between it and the heritage building. Regardless, the substation will be shielded by the existing hedges and subsequent make good plantings.</li> </ul>
<ul style="list-style-type: none"> <li>Are the proposed works part of a broader scope of works?</li> <li>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</li> </ul>	<ul style="list-style-type: none"> <li>These upgrade works are limited to Kingswood Public School with no other additional works are known to be undertaken.</li> </ul>
<ul style="list-style-type: none"> <li>Are the proposed works to a heritage item that is also significance for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?</li> <li>Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?</li> </ul>	<ul style="list-style-type: none"> <li>No. A separate <i>Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW</i>, prepared by Apex Archaeology in February 2024 concluded: <ul style="list-style-type: none"> <li><i>There are no areas within the study area considered likely to have Aboriginal cultural heritage values. No further Aboriginal archaeological assessment is necessary for development within the site.</i></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable. The site will continue usage as a school.</li> </ul>
<ul style="list-style-type: none"> <li>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</li> </ul>	<ul style="list-style-type: none"> <li>The requirements of the <i>Penrith DCP 2014</i> have been considered in this report (see Section 5.1.3), though not binding as the school is undergoing an REF pathway.</li> </ul>



General considerations	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> <li>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed activity will not result in adverse impacts to the heritage item on site. No physical works are proposed to Building B. The removal of a demountable building that fronts onto Second Avenue will visually benefit the heritage building as it will better reveal the building from the street and enable more views of this heritage item.</li> <li>The construction of the new school building to the south is sufficiently distanced away from the heritage item with no direct sightlines between the two. The proposal will involve the removal of some trees, however this is deemed acceptable from a heritage perspective as the trees proposed for removal do not specifically contribute to the heritage item's significance. As such, there will be no adverse impact on the heritage item.</li> <li>Based on a review of the historical phases of development across the site, there is unlikely to be potential archaeological deposits impacted by the proposal. If any unexpected finds are uncovered, the 'unexpected finds protocol' should be followed.</li> </ul>

### 5.3.2. Considerations for specific types of work

#### Alterations and Additions

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to alterations and additions.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> <li>Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 - new work (Australia ICOMOS 2013b)?</li> </ul>	<ul style="list-style-type: none"> <li>The proposal complies with Article 22 of the Burra Charter as the new addition to the school does not impact, distort or obscure the significance of the original school building (B) within Kingswood Public School. The new classroom and external walkways will be readily identifiable as new work to the site and do not attempt to imitate or mimic the architectural details and qualities of the original school building.</li> </ul>
<ul style="list-style-type: none"> <li>Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed additions to the school are considered sympathetic to the heritage item. This is because they are located primarily away from the street elevation of Second Avenue and away from the heritage building (Building B). The new classroom is proposed to be single storey and employ sympathetic materials and colours that reflect the built context of the school grounds (neutral coloured rendering, facebrick etc.).</li> </ul>
<ul style="list-style-type: none"> <li>Will the proposed works impact on significant fabric, design or layout, significant garden setting, landscape and</li> </ul>	<ul style="list-style-type: none"> <li>The proposal does not impact on any significant fabric, design, layout, landscape or trees within the school site. The proposal will require the removal</li> </ul>

Questions to be answered	This proposal relates to these matters as follows:
trees or on the heritage item's setting or any significant views?	of trees that have been assessed as having moderate landscape value, however these are not deemed to be significant from a heritage perspective as there are no clear sightlines between these trees and the heritage building on site. As there is no visual relationship between the two, the removal of trees will not impact the setting, appreciation and use of the heritage item.
<ul style="list-style-type: none"> <li>How have the impact of the alterations/additions on the heritage item been minimised?</li> </ul>	<ul style="list-style-type: none"> <li>Any potential heritage impacts on the heritage item have been minimised through the siting of the works away from the heritage building and through the design of the new building. This new building which follows DoE hub layouts will not become a dominant feature within the school, instead blending in with the existing built context through its single storey scale and use of appropriate colours and materials.</li> </ul>
<ul style="list-style-type: none"> <li>Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?</li> </ul>	<ul style="list-style-type: none"> <li>As noted earlier, there is unlikely to be potential archaeological deposits impacted by the proposal. If any unexpected finds are uncovered, the 'unexpected finds protocol' should be followed.</li> <li>The <i>Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW</i>, prepared by Apex Archaeology in February 2024, indicated that there was unlikely to be any Aboriginal archaeological deposits surviving within the site.</li> </ul>

### Tree Removal

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to tree removal or replacement.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> <li>Does the tree proposed to be removed contribute to the heritage significance of the heritage item?</li> </ul>	<ul style="list-style-type: none"> <li>The trees proposed for removal do not contribute to the heritage significance of the site due to the lack of visual relationship with the original school building.</li> </ul>
<ul style="list-style-type: none"> <li>Why is the tree being removed?</li> </ul>	<ul style="list-style-type: none"> <li>The trees are being removed so that covered walkways to the new building can connect with the school's existing walkway network.</li> </ul>
<ul style="list-style-type: none"> <li>Has the advice of a qualified arborist, tree surgeon or horticultural specialist been sought and implemented?</li> </ul>	<ul style="list-style-type: none"> <li>An arborist was engaged (Laurenceco) and the <i>Preliminary Arboricultural Report</i> found the trees to have moderate landscape value.</li> </ul>
<ul style="list-style-type: none"> <li>Is the methodology for tree removal adequately understood? Will the proposed works impact on the significance of the heritage item?</li> </ul>	<ul style="list-style-type: none"> <li>The tree removal methodology will not impact the significance or physical integrity of the heritage item as the tree is not near the historic building.</li> </ul>

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> <li>Is the tree being replaced? Where will it be replaced and with what species? Why?</li> </ul>	<ul style="list-style-type: none"> <li>Landscaping works are proposed for the site to replace the trees requiring removal.</li> </ul>

### 5.3.3. Matters for Consideration

The subheadings below should be used to accurately assess the impacts of the proposed works on heritage significance of the heritage items or the heritage conservation areas. Describe what measures the proposed works implement to avoid, minimise or mitigate any adverse impacts on the heritage significance of the item.

#### **Fabric and Spatial Arrangements**

The significant fabric and spatial arrangements of the heritage item 'Kingswood Public School' (item 098 on the *Penrith LEP* 2010) is concerned specifically Building B within the site. This building's fabric or spatial arrangements will not be impacted as there are no physical works to the building.

#### **Settings, views and vistas**

The setting of the heritage item will be improved with the removal of the unsympathetic demountable structure on Second Avenue which currently obstructs views of the heritage item (Building B). By removing this structure, the heritage item can be seen from the north-west along Second Avenue, and the original historic setback of the building can be appreciated.

#### **Landscape**

The proposal involves the removal of some trees near the area for the new covered walkway and classroom building, with this being identified as having moderate landscape value in the *Preliminary Arboricultural Report* prepared for the school. However, due to the lack of any visual sightlines between these trees and the heritage building on site, these trees are not considered to have heritage significance. As such, their removal will not adversely impact the heritage item and its setting.

#### **Use**

The use of the school will not be altered with the proposed activity.

#### **Demolition**

There is no demolition proposed, with the exception of temporary demountable structures to be removed from site.

#### **Curtilage**

The activity does not impact the curtilage of the heritage item.

#### **Moveable heritage**

There is no moveable heritage identified within the site.

#### **Aboriginal cultural heritage**

As per the *Preliminary Indigenous Heritage Assessment and Impact Report for Kingswood Public School, Kingswood NSW*, there are no areas within the school considered likely to have Aboriginal cultural heritage values.

#### **Historical archaeology**

In terms of historic archaeology, the site is not listed as an archaeological site under Part 3 of Schedule 5 of the *Penrith LEP*. Based on a review of the site's historical phases of development, there is assessed low potential for historical archaeology to be affected by the proposed works. Notwithstanding, should any unexpected archaeological finds be uncovered during any ground works, the 'unexpected finds'



protocol will be applied to allow for the inspection of an appropriately qualified archaeologist in order to advise on the required management and consultation with Heritage NSW.

**Natural heritage**

Not applicable as the site has no identified natural heritage values.

**Conservation areas**

Not applicable as the site is not within a heritage conservation area.

**Cumulative impacts**

There is no assessed cumulative impact of the proposal on the heritage environment of the site. This is due to the design being sympathetic to the site's heritage values by being away from the front elevation and the heritage building, and being designed in a sympathetic manner that responds to its surrounding built context.

**The conservation management plan**

There is no conservation management plan for the heritage item on site.

**Other heritage items in the vicinity**

The heritage item adjacent to the east ('Teachers residence (former)', listed as item 670 on the Penrith LEP 2010) will not be impacted by the proposal. The new classroom and covered walkways are located well away from this heritage item on Kingswood Public School's western boundary, where there are no direct sightlines to the heritage item. There are also no sightlines between the new substation and the heritage item as it will be blocked by plantings and Building A.

**Commonwealth / National heritage significance**

Not applicable, the site has no National heritage significance.

**World heritage significance**

Not applicable, the site has no World heritage significance.

## **6. EVALUATION OF ENVIRONMENTAL IMPACTS AND RECOMMENDATIONS**

In conclusion, it is considered by City Plan Heritage that the proposed upgrade works to Kingswood Public School, involving the construction of a new teaching block and associated landscaping and covered walkway works will have minor to no physical or visual impacts on the established heritage significance of the 'Kingswood Public School' heritage item (item no. 098 on the *Penrith LEP* 2010) and 'Kingswood Public School - Building B00B' (DoE Section 170 Conservation Register item). It will also have no significant impact on the heritage items in proximity and established character of the area.

The construction of the new block away from the heritage-listed Block B building ensures there are no visual impacts to the heritage item. Due to the existence of trees and other school buildings between the new building and the heritage building, there will also be no impacts on the setting of the heritage item. No significant views of Block B from Second Avenue will be obstructed by the proposal, with all proposed works sited away from these school boundaries. The significant view of this heritage item will actually be improved with the removal of the unsympathetic demountable building which fronts onto Second Avenue.

Though identified as having moderate significance from an Arboricultural perspective, the trees proposed for removal to accommodate the new building and associated covered walkways would not have an adverse impact on the site's heritage values. The trees proposed for removal do not contribute to the significance of the original Block B building, particularly as there is no visual relationship between the two.

Recommended mitigation measures:

- CPH recommends that protective hoarding is installed around the rear elevation of Building B during the trenching works to ensure that significant heritage fabric is not damaged during the works.
- Should any unexpected archaeological finds be uncovered during any ground works, the 'unexpected finds' procedure should be applied to allow for the inspection of an appropriately qualified archaeologist in order to advise on the required management and consultation with Heritage NSW

CITY PLAN HERITAGE

FEBRUARY 2025

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