

The URBIS logo consists of the word "URBIS" in a bold, white, sans-serif font. To the right of the text is a white square frame that is partially open on the right side. A white line extends from the top of this frame, runs horizontally across the top of the page, and then turns vertically down the left side of the page.

URBIS

HERITAGE IMPACT STATEMENT

Westfield Penrith

Prepared for
SCENTRE GROUP
15 April 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director Heritage	Alexandria Barnier, B Des (Architecture), Grad Cert Herit Cons, M.ICOMOS		
Senior Consultant Heritage	Keira Kucharska, B Arts, M Res, M Herit Cons		
Project Code	P0031151		
Report Number	01	02/03/2021	Issue 1
	02	15/04/2021	Issue 2

**Urbis acknowledges the important contribution that
Aboriginal and Torres Strait Islander people make in
creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices the Traditional
Owners on whose land we stand.**

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

Executive Summary	1
1. Introduction	3
1.1. Background	3
1.2. Site Location	3
1.3. Methodology.....	4
1.4. Author Identification	4
1.5. The Proposal.....	4
2. Site Description.....	8
3. Historical Overview	12
3.1. Area History	12
3.2. Site History.....	13
3.2.1. Red Cow Hotel.....	14
3.2.2. Station Street & Borec House	22
3.2.3. Little Jane Street.....	22
3.2.4. Site Chronology	23
4. Heritage Significance.....	29
4.1. What is Heritage Significance?	29
4.2. Heritage Listing	29
4.3. Statements of Significance.....	29
4.3.1. Red Cow Hotel.....	29
4.3.2. Penrith Railway Station.....	30
4.3.3. Penrith Council Chambers (former)	30
4.3.4. Prospect Electricity Building.....	30
5. Impact Assessment.....	31
5.1. Statutory Controls	31
5.1.1. Penrith Local Environmental Plan 2010	31
5.2. Penrith Development Control Plan 2014	33
5.3. Heritage NSW Guidelines	37
6. Conclusion and Recommendations	39
Disclaimer	40

FIGURES

Figure 1 – Locality map with the subject site outlined in red.....	3
Figure 2 – Borec House indicative building envelope	5
Figure 3 – The Hub indicative buildings envelope	5
Figure 4 – Overall FSR analysis with Indicative buildings envelopes of Borec House and The Hub indicated in pink.....	5
Figure 5 – Borec House concept perspective viewed from future City Park	6
Figure 6 – Borec House concept perspective viewed Henry Street looking east.....	6
Figure 7 – Concept perspective of The Hub looking north along Riley Street.	7
Figure 8 – Concept perspective of Borec House (left) and The Hub (right) viewed from Jane Street looking west.....	7
Figure 9 – Aerial view of subject site outlined in red. The two locations subject to this Planning Proposal are circled in blue.	8
Figure 10 – Former Penrith Council Chambers	9

Figure 11 – Prospect Electricity Building	9
Figure 12 – Looking north along Station Street from its intersection with Henry Street with Borec House at left	9
Figure 13 – Eastern façade of Borec House viewed from Station Street.....	9
Figure 14 – Looking south along Station Street with Borec House and Westfield Penrith facade	9
Figure 15 – Entrance to Westfield Penrith off Station Street	9
Figure 16 – Red Cow Hotel with Westfield Penrith at the left	10
Figure 17 – Red Cow Hotel viewed from Station Street	10
Figure 18 – Red Cow Hotel viewed from corner of Station Street and	10
Figure 19 – Looking south from intersection of Jane and Station Street, with Red Cow Hotel and Westfield Penrith at right	10
Figure 20 – Looking south toward Red Cow Hotel from Penrith Train Station.....	10
Figure 21 – Penrith Train Station viewed from intersection of Station and Jane Streets	10
Figure 22 – Multi-storey commercial development to the east of Westfield Penrith	11
Figure 23 – Looking west along Jane Street/Great Western Highway with Westfield Penrith at left.....	11
Figure 24 – Mulgoa Parish map, prior to 1882	13
Figure 25 – Aerial view of subject site with areas of development identified	13
Figure 26 – Red Cow Hotel, Station Street Penrith, c. 1880.....	15
Figure 27 – Red Cow Hotel, Station Street Penrith, c. 1893.....	17
Figure 28 – Penrith viewed from coal elevator, with Red Cow Hotel indicated in red, c1900	17
Figure 29 – Penrith subdivision of High and Station Streets, with lots of existing Westfield Penrith site outlined in red. Source: State Library New South Wales, Penrith subdivisions plans, Z/SP/P10	18
Figure 30 – Red Cow Hotel, Station Street Penrith, 1925	19
Figure 31 – Red Cow Hotel, Station Street Penrith, c1920-1934	19
Figure 32 – Red Cow Hotel, Station Street Penrith, c. 1970s.....	20
Figure 33 – Looking south across Penrith Station carpark with Red Cow in located at the right, 1970	20
Figure 41 – Red Cow Hotel, Station Street Penrith, 1992	21
Figure 42 – Looking south along Station Street with Red Cow Hotel and Borec House on the right and the old Penrith City Council building on the left, 1995	21
Figure 34 – 1930 aerial view with the approximate boundaries of the subject site outlined in red.....	23
Figure 35 – 1956 aerial view with the approximate boundaries of the subject site outlined in red.....	24
Figure 35 – Detail of DP 216074 showing the subdivision of the subject site in 1962.	24
Figure 36 – 1965 aerial view with the subject site outlined in red	25
Figure 37 – 1970 aerial view with the subject site outlined in red	25
Figure 38 – 1975 aerial view with the subject site outlined in red	26
Figure 39 – 1979 aerial view with the subject site outlined in red	26
Figure 40 – 1986 aerial view with the subject site outlined in red.....	27
Figure 43 – Aerial view, 2002. Prior to most recent extension of Penrith Plaza	27
Figure 44 – Aerial view, 2007, following completion of the extension to Penrith Plaza.....	28
Figure 45 – Aerial view, 2009, following completion of the extension to Penrith Plaza.....	28
Figure 46 – Heritage items located within and adjacent to subject site, outlined in red.	29

TABLES

Table 1 – Assessment against the Penrith Local Environmental Plan 2010	31
Table 2 – Assessment against the Penrith Development Control Plan 2014.....	33
Table 3 - Heritage NSW Guidelines.....	37

EXECUTIVE SUMMARY

Urbis has been engaged by Scentre Group to prepare the following Heritage Impact Statement (HIS) for Westfield Penrith located at 569 High Street Penrith (subject site).

The Westfield Penrith site is not listed as a heritage item in its entirety, however the Red Cow Hotel is located in the north-eastern corner of the site at the intersection of Riley Street and the Great Western Highway. The Red Cow Hotel is listed as an item of local heritage significance under the *Penrith Local Environmental Plan 2010* (Item no. 690). The site is also located in close proximity to the Penrith Railway Station (Item no. 187 & 188) to the north, the Penrith Council Chambers (former) to the east (Item no. 189) and Prospect Electricity building (former) to the south (Item no. 701).

It is proposed to undertake an amendment to the *Penrith Local Environmental Plan 2010* as applied to the site. The Planning Proposal seeks to diversify the existing land uses on the site, recognise the changing nature of the Penrith CBD as it evolves into a significant commercial centre and support the cultural, recreation and tourism industries of Great Penrith.

Specifically, the Planning Proposal seeks to amend *Penrith LEP 2010* to increase the maximum Floor Space Ratio (FSR) from 1.5:1 to 1.91:1 and increase the maximum Height of Buildings standard from 20m to part 56m and part 99m to accommodate two towers on the site comprising of retail, commercial and hotel land uses.

Further details of the proposed amendments are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the proposed amendments on the Red Cow Hotel and the surrounding heritage items.

A detailed impact assessment of the proposed changes to the controls has been undertaken in Section 5 of this report. In summary, the Planning Proposal is able to facilitate development which has no impact on the heritage significance of the Red Cow Hotel or the heritage items located in close proximity to the site including Penrith Railway Station, the former Penrith Council Chambers or the Prospect Electricity Building. The following is noted in relation to the proposed changes to the LEP controls:

- There is no change proposed to the listing of any items as items of environmental heritage on the Penrith LEP.
- Overall, the Planning Proposal provides for future densification of the Westfield Penrith site in line with the ongoing surrounding urban densification of the Penrith CBD. The increase in density will be in line with surrounding development including that directly opposite the Red Cow Hotel at 2-6 Station Street. The proposed increases to height and FSR at these key corners will add to the rejuvenation of the city and deliver new economic opportunities.
- There is no change to the FSR or height controls within the curtilage of the Red Cow Hotel or directly adjacent to the curtilage.

The Planning Proposal would facilitate development which is able to respect the heritage values of the Red Cow Hotel and the surrounding heritage items as demonstrated in the concept design accompanying this application. The following is specifically noted in relation to the concept design:

- The proposed increases to height and FSR are limited to two distinct areas in the south-east and north-west corners of the block defined by Jane, Station, Henry and Riley Streets. The potential built form of the two towers demonstrates that the proposed increase in FSR and height are able to result in an appropriate built form that is cognisant of both the context of the growing Penrith CBD and respects the heritage values of the surrounding heritage items through confining change to areas of no significance on the site.
- The potential built forms are not located within the curtilage of any heritage item and would not be located directly adjacent to any built heritage fabric. Instead, the proposed towers potential future physical impact would only be to fabric which dates from the 1960s include Borec House and Westfield Penrith which was constructed in 2005.
- The potential built forms are set within the wider Westfield Penrith development, with appropriate human scale podiums that will maintain the views from the public domain to the identified heritage items from street level. The towers would present as a wider backdrop, particularly to the Red Cow Hotel. No landscape or horticultural features of any heritage items are to be affected.

From a heritage perspective, the Planning Proposal provides for a reasonable and appropriate development of the place which will have no detrimental impact on the significance of the Red Cow Hotel and surrounding heritage items.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by Scentre Group to prepare the following Heritage Impact Statement (HIS) for Westfield Penrith located at 569 High Street, Penrith (subject site).

The Westfield Penrith site is not listed as a heritage item in its entirety, however the Red Cow Hotel is located in the north-eastern corner of the site at the intersection of Riley Street and the Great Western Highway. The Red Cow Hotel is listed as an item of local heritage significance under the *Penrith Local Environmental Plan 2010* (Item no. 690). The site is also located in close proximity to the Penrith Railway Station (Item no. 187 & 188) to the north, the Penrith Council Chambers (former) to the east (Item no. 189) and Prospect Electricity building (former) to the south (Item no. 701).

It is proposed to undertake an amendment to the *Penrith Local Environmental Plan 2010* as applied to the site. The Planning Proposal seeks to diversify the existing land uses on the site, recognise the changing nature of the Penrith CBD as it evolves into a significant commercial centre and support the cultural, recreation and tourism industries of Great Penrith. Specifically, the Planning Proposal seeks to amend *Penrith LEP 2010* to increase the maximum Floor Space Ratio (FSR) from 1.5:1 to 1.91:1 and increase the maximum Height of Buildings standard from 20m to part 56m and part 99m to accommodate two towers on the site comprising of retail, commercial and hotel land uses.

Further details of the proposed amendments are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the proposed amendments on the Red Cow Hotel and the surrounding heritage items.

1.2. SITE LOCATION

The subject site is located at 569 High Street, Penrith within the local government area (LGA) of Penrith. The site currently contained Westfield Penrith which is located in the Penrith Central Business District (CBD). The site is legally described as Lot 1 of Deposited Plan 1137699.

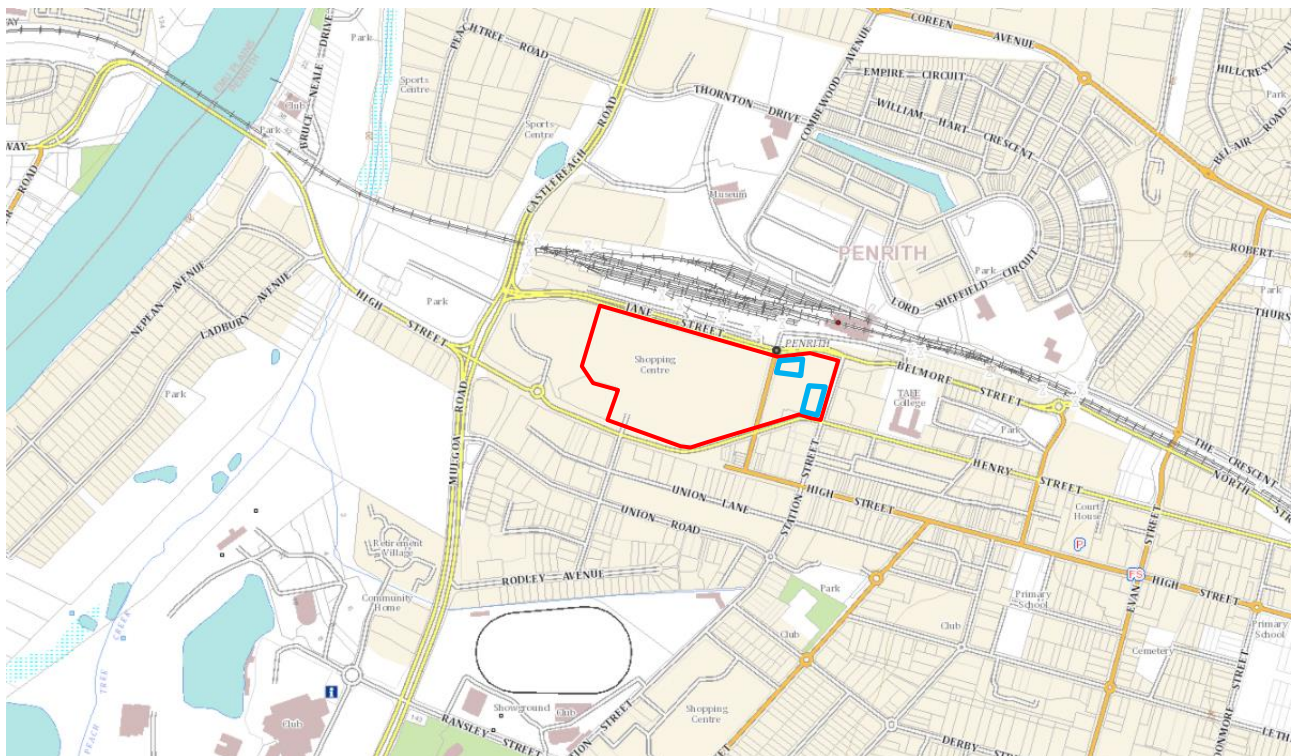


Figure 1 – Locality map with the subject site outlined in red. The two locations subject to this Planning Proposal are outlined in blue.

Source: SIX Maps, 2021

1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the *Penrith Local Environmental Plan (LEP) 2010* and the *Penrith Development Control Plan (DCP) 2014*.

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Keira Kucharska (Senior Heritage Consultant). Alexandria Barnier (Associate Director, Heritage) has reviewed and its content.

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

1.5. THE PROPOSAL

It is proposed to undertake an amendment to the *Penrith Local Environmental Plan 2010* as applied to the site. The Planning Proposal seeks to diversify the existing land uses on the site, recognise the changing nature of the Penrith CBD as it evolves into a significant commercial centre and support the cultural, recreation and tourism industries of Great Penrith.

The vision for the Penrith Westfield Living Centre is:

Penrith is a thriving regional city that is a stones throw from the Nancy-Bird Walton Airport. It is a rapidly transforming and flourishing city with a growing population and workforce, the heart of the New West.

Penrith City has outlined lofty aspirations that aim to bring quality of life, energy and prosperity to its local economy through the revitalisation of the city centre. Initiatives such as the High Street Redevelopment and City Park showcase the potential for Penrith to deliver a vibrant and active lifestyle that compliments its position as the Adventure capital of NSW

Penrith Westfield, occupying a large portion of the city economic centre, represents a key opportunity to delivery city shaping buildings that aspire to the vision of the Growth City. Two separate towers address key corners of the site.

The Hub is the opportunity to create an iconic gateway that addresses commuters from the historic Penrith Railway Station and Jane Street. The podium will contain a renewed retail and dining destination that addresses a new public forecourt. Above, 10,000m² of A-grade commercial office will attract commercial offices looking to expand and decentralise, and take advantage of the increase in business travel in the region as a result of the new Airport. To crown the tower, a 150 key hotel with sky lobby and dining will offer sprawling views across the Nepean River, Blue Mountains and the Dividing Range.

At the opposite corner facing the future City Park, Borec House will become a thriving commercial tower that extends the Justice and Health precincts that line Henry Street. A green building stepping up from the street, it will become an extension of the city park and create a welcoming corner extending along Station St and Henry St.

Together, Westfield Penrith Living Centre can act to unify a large portion of the Penrith City centre with continuous bands of quality public domain and provide new retail, dining and work destinations, and deliver new and exciting economic opportunities.

To facilitate the vision, it is intended to amend the *Penrith LEP 2010* as follows:

- Floor Space Ratio (FSR): introduce a new maximum allowable FSR from 1.5:1 to 1.91:1
- Height of Buildings: Introduce a new maximum allowable building height from 20m to part 56m and 99m

The Planning Proposal seeks to alter the development controls only and does not seek consent for any physical works including demolition or construction of new buildings. Physical building works will be subject to a future Development Application (DA)

Urbis has been provided with the Planning Proposal Design Report prepared by Scott Carver for Scentre Group (15 February 2021). Extracts of the proposed concept design have been included below for reference.

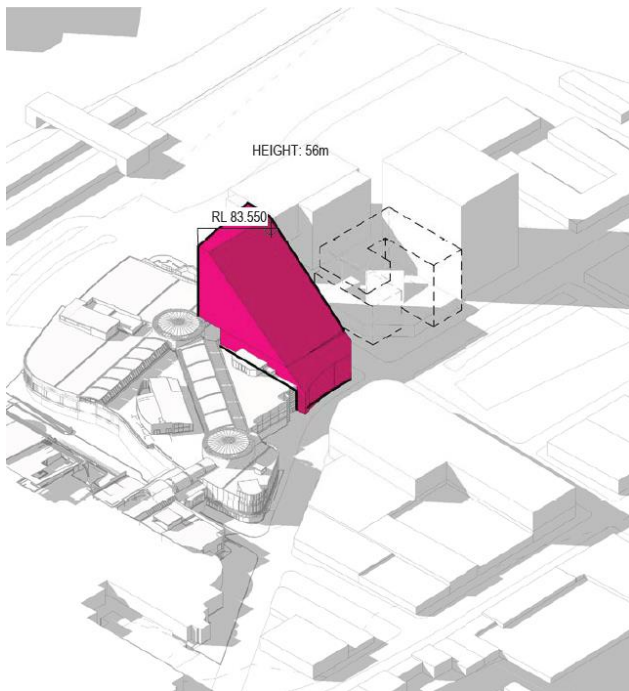


Figure 2 – Borec House indicative building envelope

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021

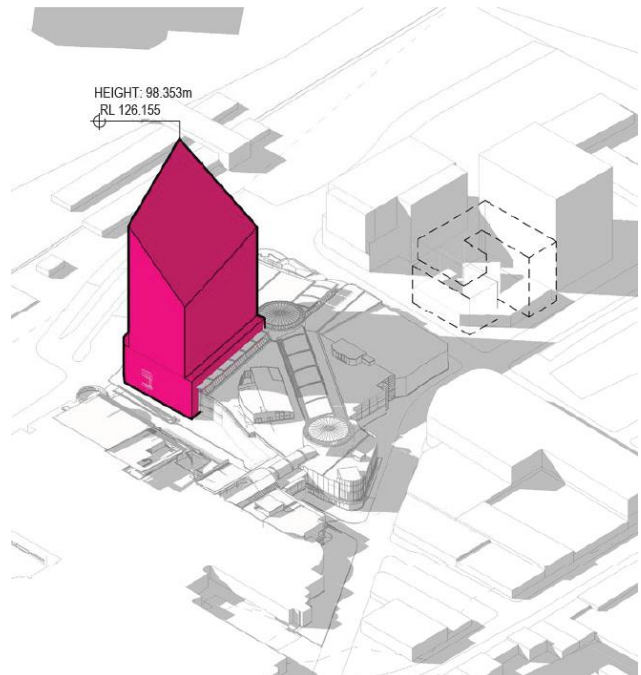


Figure 3 – The Hub indicative buildings envelope

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021

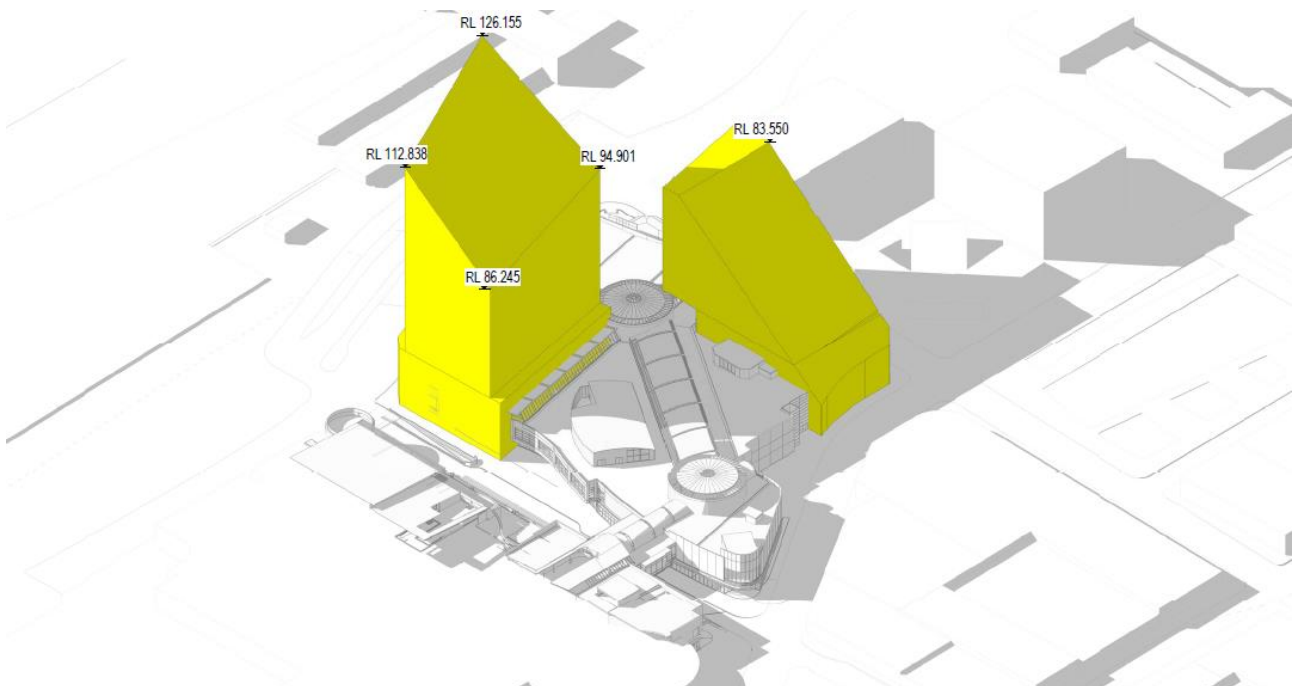


Figure 4 – Building envelope axonometric with Indicative buildings envelopes of Borec House and The Hub indicated.

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021



Figure 5 – Borec House concept perspective viewed from future City Park

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021



Figure 6 – Borec House and The Hub concept, aerial view looking north-east

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021



Figure 7 – Concept perspective of The Hub from Riley Street looking north.

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021



Figure 8 – Concept perspective of Borec House (left) and The Hub (right) viewed from Jane Street looking west.

Source: Scott Carver, Penrith Living Centre, Planning Proposal Design Report, 8 April 2021

2. SITE DESCRIPTION

The subject site is located at 569 High Street, Penrith within the local government area (LGA) of Penrith. The site currently contains Westfield Penrith which is located in the Penrith Central Business District (CBD). The Penrith CBD has evolved in recent years as a major employment hub for retail, government services in health and administration, food and accommodation. The city centre is bound by the Western Railway line to the north, Union Road to the south, Mulgoa/Castlereagh Roads to the west and Parker Street to the east. Westfield Penrith is located in the north-western portion of the CBD.

Westfield Penrith is located across two levels and two buildings which straddle Riley Street. Pedestrian links are provided across Riley Street and via an elevated walkway between the two portions of the centre. The subject Planning Proposal relates only to two locations in the eastern building of Westfield Penrith, these being the south-east corner of the site at the intersection of Station and Henry Streets and the north-west corner of the site at the intersection of Jane Street and Riley Street.

The eastern portion of Westfield Penrith is located in close proximity to a number of local and state listed heritage items. Directly to the north is Penrith Railway Station, to the east is the former Penrith Council Chambers and to the south is the Prospect Electricity Building. Development surrounding Westfield Penrith is generally low to mid-rise commercial developments. Directly to the east (adjacent to the former Penrith Council Chambers) are several recently constructed high-rise commercial developments.

The eastern portion of the centre is divided into three distinct buildings. Borec House, dating from the late 1960s, is a three and four storey commercial building constructed in blond brick and painted concrete, featuring vertically proportioned aluminium framed windows. At the north-east corner is the Red Cow Hotel, a Victorian Georgian style hotel originally constructed in 1865 and expanded in 1882. The Red Cow Hotel features brick and sandstone construction, with gable roof and decorative iron lacework to its verandahs. The main entrance to the Hotel at Station Street is embellished by a portico with Ionic columns. Directly to the north of the hotel is a beer garden with substantial mature trees and awning structures and umbrellas that block views to the hotel from the north and partially from the north-east. The remainder of the block is dominated by the remainder of Westfield Penrith, a two storey curvilinear building featuring a mix of brick, glazing and cladding across its multiple facades.



Figure 9 – Aerial view of subject site outlined in red. The two locations subject to this Planning Proposal are outlined in blue.

Source: Google Earth Pro, 2021 with Urbis overlay



Figure 10 – Former Penrith Council Chambers



Figure 11 – Prospect Electricity Building



Figure 12 – Looking north along Station Street from its intersection with Henry Street with Borec House at left



Figure 13 – Eastern façade of Borec House viewed from Station Street



Figure 14 – Looking south along Station Street with Borec House and Westfield Penrith facade



Figure 15 – Entrance to Westfield Penrith off Station Street



Figure 16 – Red Cow Hotel with Westfield Penrith at the left



Figure 17 – Red Cow Hotel viewed from Station Street



Figure 18 – Red Cow Hotel viewed from corner of Station Street and Jane Street



Figure 19 – Looking south from intersection of Jane and Station Street, with Red Cow Hotel and Westfield Penrith at right



Figure 20 – Looking south toward Red Cow Hotel from Penrith Train Station



Figure 21 – Penrith Train Station viewed from intersection of Station and Jane Streets

Source: Google Street View, August 2020



Figure 22 – Multi-storey commercial development to the east of Westfield Penrith



Figure 23 – Looking west along Jane Street/Great Western Highway with Westfield Penrith at left

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

The following history has been sourced from the *Pictorial History Penrith & St Marys* by Lorraine Stacker (2002).

On 26 June 1789, an exploration party set out westward from Rose Hill (Parramatta). Led by Captain Watkin Tench of the Royal Marines and accompanied by assistant surgeon, Dr Thomas Arndell, two unnamed marines and a convict, they travelled westward where no European had been before.

The expedition visited the area now being the city of Penrith. They paused at Prospect Hill, surveyed the lay of the land then set their course west by north. At the end of the day they camped by a small pond. The next morning, an hour after daylight, they reached the broad expanse of Nepean River, near to the present-day M4 Motorway Bridge. Tench wrote, 'we found ourselves on the banks of a river, nearly as broad as the Thames at Putney and apparently of great depth'. The party then travelled north along the eastern bank of the river, probably through Castlereagh, almost to Richmond. They observed traces of active Aboriginal life and noted the recent evidence of flooding.¹

The Nepean River and South Creek riverbanks were the first to be settled by Europeans. The land was well forested with iron barks, wattles, acacias and myrtles and timber-getting was the first industry to develop, followed by farming. Land grants were approved from 1803, but many small farmers had been squatting there in the hope of receiving official approval.²

After the Great Western Road had been completed between Parramatta and Emu Ford (where the road continued up the Blue Mountains), settlements began to form along the new road. This occurred especially in areas that could supply water for industry and livestock. Over the course of early nineteenth century, land grants were dispersed in the Windsor and Castlereagh areas and along the Hawkesbury River. Governor Hunter visited the settlers on the lower reaches of the Nepean where he found excellent land under cultivation.

Land grants in the Penrith area ranged from 10 to 3,000 acres and by the 1820s most of the land in the district had been distributed. Unlike Windsor, there was no land set aside for the Crown except at Emu Plains. In the early years, there was no hint that Penrith would be a gateway and main thoroughfare across the mountains. The entire Evan district was set aside for settlers.³

Early land grants in the area included 1,000 acres to Captain Daniel Woodriff in 1804 and 470 acres to John Best in 1814. After Woodriff's death, the Great Western Road was built through the centre of Woodriff's original estate, creating distinctive northern and southern areas. There was also a military depot built on his land that defined Penrith as a military and prison area during its early years.

By 1850, Penrith had approximately 70 houses and a population of less than 500 people. However, by 1901 the population had grown to 3,539. In 1860 the railway came to Penrith and by 1863 the town had become a busy rail depot. In 1871, the town of Penrith was proclaimed a municipality. The High Street changed little over the years, with the road being sealed in the late nineteenth century.

However, despite being a small country town, Penrith was the third country town to have electricity connected in 1890. In 1882, local politician, TR Smith, had obtained funding for the proper formation of the Great Western Road.

Penrith continued to grow and was proclaimed the City of Penrith in 1959. This population boom was encouraged through rapid industrialisation of the 1940s.

The Great Western Road that kick-started the growth of the area was replaced by the M4 in the late 20th century as the city of Penrith has continued to grow and the original road could no longer accommodate its heavy use.

¹ Lorraine Stacker, *Pictorial History: Penrith and St Marys* (2002) p. 11.

² Ibid, p. 14.

³ Ibid, p. 15.

3.2. SITE HISTORY

The following history of the subject site is based upon the report prepared by Casey and Lowe Red Cow Hotel & Penrith Plaza, Station, Jane & Riley Streets, Penrith (October 2005). This history has been adapted and further supplemented with additional information and illustrative material. This site history has primarily focused on the development of the eastern side of the subject site, where it is bound by Riley, Jane, Station and Henry Streets. The subject site once formed part of the 1000 acre grant given to Captain Daniel Woodriffe in February 1804 for his role in putting down the Castle Hill rebellion. The grant was called Rodley Farm. The land fronting onto Riley Street (at the west) was part of Section 3 of the Woodruff Estate and was subdivided in 1879 but was not built on until the 1890s.

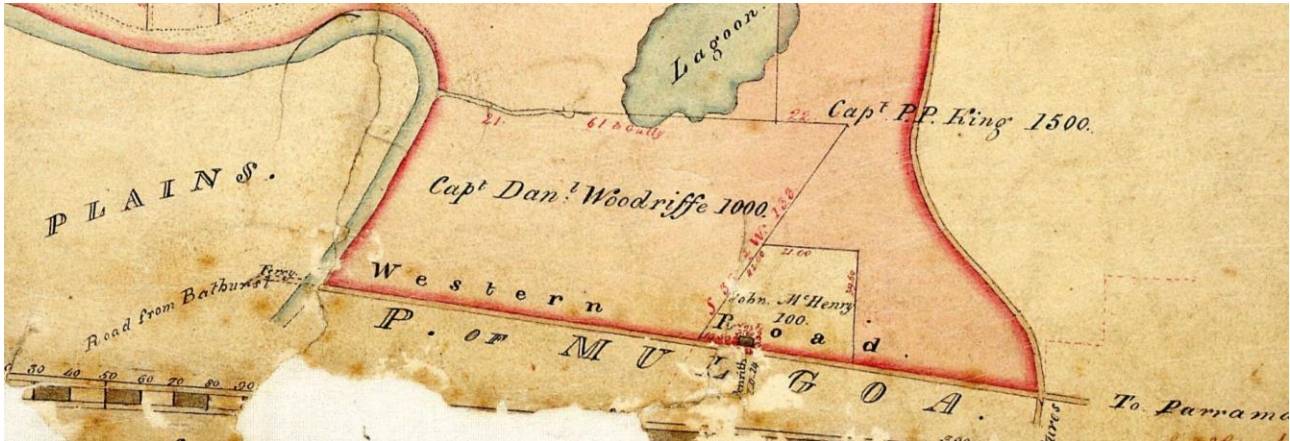


Figure 24 – Mulgoa Parish map, prior to 1882
Source: County of Cumberland, Parish of Castlereagh c 1883?

Those sections of the site fronting onto Station Street (at the east, including the Red Cow Hotel) were subdivided in 1901 by Thomas Smith who had acquired the land in 1865 from the Woodriffs. There were two separate subdivisions of these properties and the laneway (the former little Jane Street) which divided the block into two sections was at the back of these properties. The following historical overview is divided in four sections including the Red Cow Hotel, Station Street & Borec House, and Little Jane Street. The three sections of the site were developed at different times and were all joined together following the extension of Penrith Plaza in 2005.

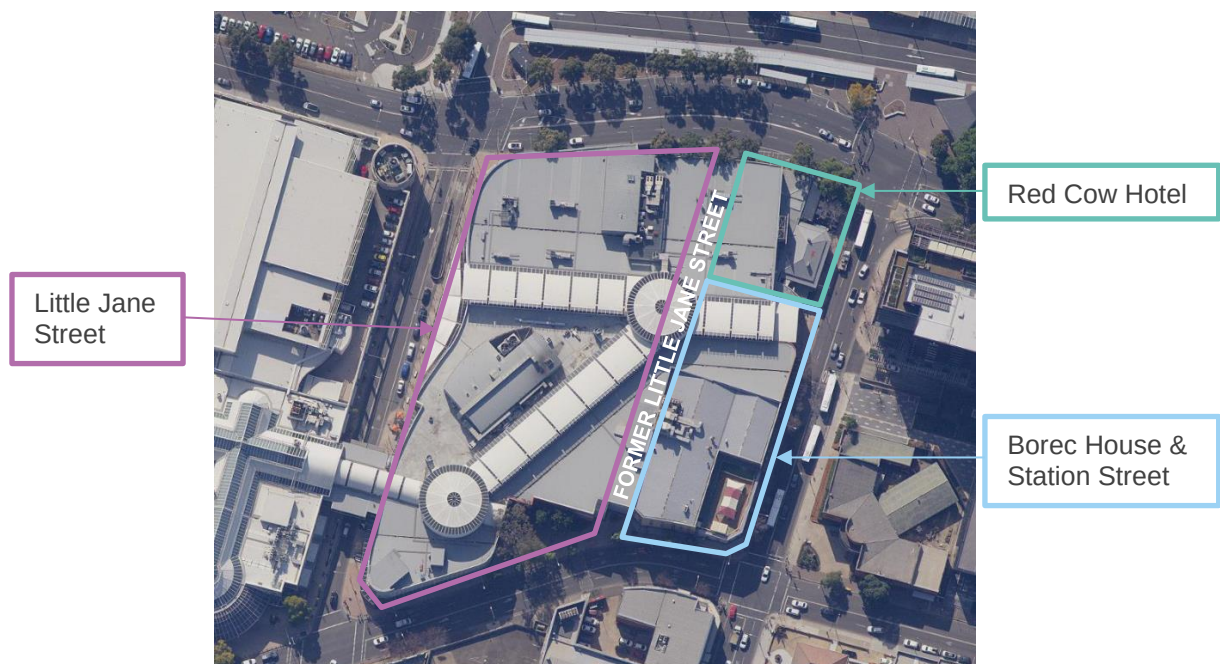


Figure 25 – Aerial view of subject site with areas of development identified
Source: SIX Maps, 2021 with Urbis overlay

3.2.1. Red Cow Hotel

The Red Cow Hotel appears to have been built in 1862 by Thomas Smith. Smith was one of the first elected aldermen of the newly established Penrith Municipal Council. Smith was a large landowner in the town of Penrith including the land on which the station was to be built. The coming of the railway to Penrith provided Smith with the opportunity to build his hostelry just opposite the station, thereby gaining custom by providing people with the opportunity to break their journey, whether briefly or overnight.

In 1862 Thomas Smith leased allotment five of the Penrith Town Estate from Daniel James Woodriff, the same year that the adjacent site was leased to the Commissioner for Railways, enabling the continuation of the Western Railway to Penrith. Smith's allotment was bounded to the north by land set aside for the railway, to the east by land to be used to form an access road (later Station Street) from High Street to the Railway Station, to the south by High Street and to the west by another allotment. Smith's lease included a special covenant requiring.

Any buildings that may be erected on the same allotment by the said Thomas Smith or by his sanction are to be constructed of the best brick fourteen-inch thick walls and roofed with shingles, corrugated iron or slate. One building of this sort to be erected during the first eighteen months of this term and to contain at least four rooms.

It is further agreed between these parties that the said Daniel James Woodriff will not consent agree or allow any other of his tenants (having leases or otherwise) residing between the Allotment hereby leased and Nathaniel Nicoll's Eastern and Brown's Western boundary fences and Andrew Heaney's and Robbins western boundary of Lease to open a Licensed Public House or any other Liquor Establishment.⁴

This is consistent with the construction of the Red Cow Hotel at Penrith in about 1862-63, coinciding with the opening of Penrith Railway Station on 18th January 1863, and the granting of a liquor license to Thomas Smith and the Red Cow Hotel at Penrith from 1864. Smith formalised his ownership of the land by purchasing the site from Woodriff on the 5th April 1866. At that stage it consisted of 2 acres 9 perches and was already occupied by the hotel.⁵

The Hotel was strategically located near the Railway terminus, and the departure point for coaches crossing the Blue Mountains. The hotel business thrived, especially over the next five-year period, until the Railway Line was extended to the Blue Mountains. The initial building was single storey and was not large enough to accommodate the large Smith family, who resided in rented accommodation in nearby Belmore Street until a second storey was added to the hotel.⁶ In 1882 Smith enlarged the hotel to meet the increasing demand for its services. It was described in the following terms in a paid advertisement in the Nepean Times, March 3rd 1882:

The Red Cow Inn adjoining the Penrith Railway Station is new, large and provided with every convenience for the comfort of visitors and tourists...It is a light and airy building in contrast to the exterior heaviness of the other five hotels in the district.

⁴ NSW LPI, Book 81, No 459, 1 July 1862

⁵ SNW LPI Vol. 22 Fol. 107, 13 December 1865

⁶ *Nepean Times*, 1 July 1899, p. 4.



Figure 26 – Red Cow Hotel, Station Street Penrith, c. 1880
Source: Penrith City Library, Reference Number 105

Seven years later, an article about the hotels of Penrith in the *Nepean Times*, 24 August 1889 gave a detailed description of the modified building as follows:

Situated just outside the railway station gates, The Red Cow Inn is at once conspicuously noticeable on the arrival of a visitor to the town, the object that will probably first catch the eye being the full length figure of Nelson arrayed in blue standing aloft just within a large iron gate...

The hotels exterior is a long two storeyed, plastered brick building with a verandah running all around, the continuity of the lower part being broken only by the rather heavy looking principal entrance, the porch standing out in a kind of box shape, the doorway resting on either side upon imposing looking fluted Corinthian columns on pedestals.

These it may be mentioned, came from Sir John Jamieson's hall at Regentville. The portal is surmounted by a horse's head, and a lamp projecting out from the balcony. On the ground floor on the left are two windows, and a smaller entrance, whilst on the right is the large frosted window of the bar. Seats are provided at either end of the verandah, close by that at the station end being the bar entrance.

On the right is a rather curiously built low stone wall, something after the castellated style (visible in Fig. 2-9)), runs down almost to the railway gates. A short distance within and parallel to it is a long iron-roofed walk leading up to the Billiard Room, a separate building abutting on the railway fence.

The garden is in the rear of this covered pathway where the statuary may be seen amongst tall cypress trees. There is a wide asphaltic pavement in front of the hotel, and on the left side of it another low wall runs up the street, and fronts a small paddock, and further along still are the gates leading to the stables.

Now passing in at the main entrance the first objects that attract attention, on either side are a couple of bronze figures on marble pedestals representing our first parents. These also belonged to Sir John Jamieson, and have been in this country over 70 years. A bookshelf on the left contains volumes of Parliamentary Notes & Proceedings, the stand for the umbrellas being ornamented with horns. On the right the door leads to the Bar.

Proceeding ahead at the end of the passage off the same side is the sitting room where some of the curios are collected...

Almost opposite on the other side of the hall is the Breakfast Room...and a door out of it leads into the private sitting room...a door at the front issues onto the balcony while one at the back gives into a bedroom.

At the end of the hall, the stairs ascend to a passage off which are a number of rooms and entering the Drawing Room we find it a spacious apartment, which is divided off by folding doors that are very massive...Perhaps the most curious object here is the arched stained glass window with a white border, the centre being red and contains a scroll bearing the rather original adaptation "I was glad when they said unto me, let us go unto the house of T. Smith". Large folding doors two inches thick give on to the balcony.

On this landing are five bedrooms at the end of the passage being a private sitting room upholstered in a somewhat lighter style than the rest of the hotel...Folding doors give access to the balcony and there is a bedroom at the back. Some of the double bedrooms on the floor also have additional accommodation for children so that anyone with a family could stay there.

Descending and passing through the first mentioned sitting room once more, we gain the verandah and observe on the left a building containing more bedrooms. There are comfortable awninged seats on the verandah and opposite the window leading out into the garden which comprises about one acre of ground, is a large bust of Dan O'Connor, close by being a trellised archway just outside the door climbed by a Passion fruit vine and there are several pine and camphor trees which rear their heads aloft beside those previously allured to.

The prominent statue of Nelson facing the iron gates, opening into the station yard.⁷ Was the figure head of the City of Newcastle and around lie the anchor, small cannon and various other appurtenances of a vessel, being the upper portion of a cabin. There is also a tall fountain in the garden.

Proceeding down the covered way we come to the Billiard Room...The top part of this room is a skylight taken off a cabin of the vessel named and the doors and figured windows also formed part of her and in fact she or a part of her was bought up by Mr Smith and when his ship came home he thus utilised her. There are seats all around the room which is well lit by day and night. Above is a kind of small promenade.

On the left of the hotel at the back are the stables containing four stalls and loose boxes as well, their being a coach house in the foreground...

Making our way around into the Bar we find there is nothing very particular there calling for remark. It is a good sized roomy one and also does duty for a cellar, the casks of beer and wine being stored here.

Thomas and Jane Smith, continued to operate the hotel up until June 1894 when the licence was transferred to their eldest son, Thomas Richard Smith, known as T. R. Smith to distinguish him from his father, Mayor of Penrith 1889-1890.⁸ T. R. Smith passed the license to his brother-in-law, William Player a few months later,⁹ and took over the license for the 'Commercial Hotel' in High Street Penrith, which he ran for a number of years.¹⁰ William Player married Sylvia Smith in 1883 and the couple for some time held the license for the 'Orient Hotel' at Emu Plains prior to taking over operations at the Red Cow.¹¹ Player was also Mayor of Penrith between 1898 and 1900.

⁷ The HRSNS Company's steamer 'City of Newcastle', 247 tons, T Summerbell (Master), lost during a fog by the vessel running on to rocks under Shepherd's Hill, 2 miles south of Newcastle, 12th September 1878. The cargo was valued at £25,000.

⁸ AO 10/242 - Record of Publicans Licenses in the Penrith Area 1893-1903.

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid



Figure 27 – Red Cow Hotel, Station Street Penrith, c. 1893.
Source: Penrith City Library, Reference Number AS62

Following the death of Thomas Smith in 1896,¹² the property passed to his fifth son, the Hon. Sydney Smith MLA, who subdivided the surrounding land into 18 lots,³⁰ and listed for auction sale on the 24 November 1900. The hotel's license was transferred to John Gough in 1899 and William Player took over the license for the 'Royal Hotel' in Henry Street Penrith. In 1901 Sydney Smith sold the Red Cow Hotel to John Talbot of Sydney, a commercial traveller and a few months later it was sold to Thomas John Taylor a Sydney publican. In August of the same year the license of the Red Cow Hotel was transferred to William Black who continued as licensee until February 1904.

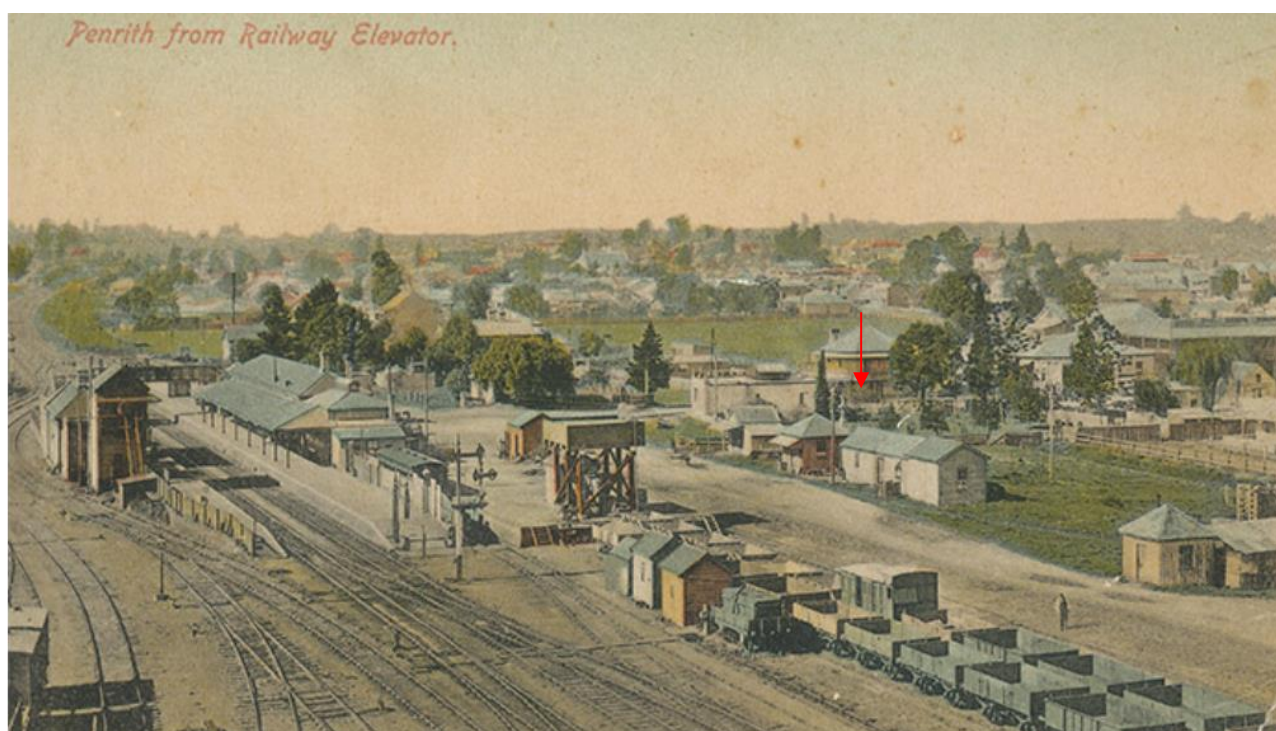


Figure 28 – Penrith viewed from coal elevator, with Red Cow Hotel indicated in red, c1900
Source: Penrith City Library, Reference Number JC401

¹² *Nepean Times*, 12 September 1896, p.3.

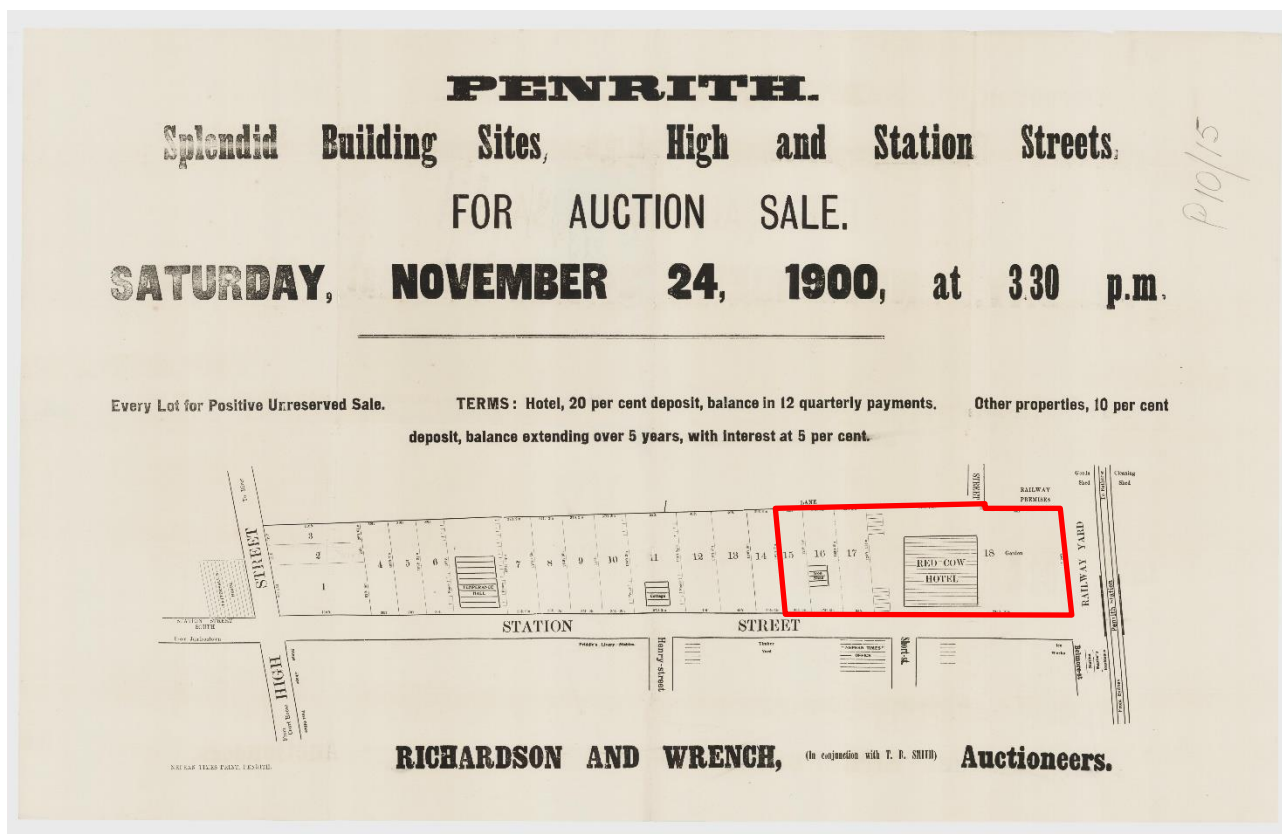


Figure 29 – Penrith subdivision of High and Station Streets, with lots of existing Westfield Penrith site outlined in red.
Source: State Library New South Wales, Penrith subdivisions plans, Z/SP/P10

It was in 1904 that the hotel's connection with Tooth & Co began when the company leased the premises and they have continued in a long 'tied' association with the hotel until recently.¹³ During the 1870s, Tooth & Co introduced the concept of the 'tied house', a practice common in Britain. Under this system Tooth & Co lent all or part of the capital for the hotel premises to publicans, conditional on the publican selling their products exclusively.

Following Taylor's death in 1906, the Hotel was sold to James McMahon and the hotel licence was transferred to Arthur Williamson who held it until his death in 1908. Williamson's wife, Sarah took over the license, relinquishing it to Robert Lack in 1911.¹⁴ The transfer of the hotel license in 1911 to Robert Lack began an association between the Hotel and the Lack Family that was to last over 40 years and led to the family purchasing the hotel in 1925. The Red Cow Hotel and its outbuildings remained largely intact until that time.

In 1925 Mrs Margaret Mary Lack, the widow of Robert Lack, purchased the Hotel, having already taken over the hotel licence following her husband's death in 1917. In August 1926 she applied for permission to make alterations to the hotel,¹⁵ which included a new wing, re-roofing, hot and cold water and sewerage connections plus modifications to the existing building.

¹³ LTO Vol 1377, Folio 228, Lease No. 387944, 27 June 1904 to Tooth & Co.

¹⁴ AO 10/242 – Record of Publicans Licenses held in the Penrith area, 1893-1903.

¹⁵ Register for Applications for Liquor Licences, AP10/246A.



Figure 30 – Red Cow Hotel, Station Street Penrith, 1925
Source: Penrith City Library, Reference Number 8664



Figure 31 – Red Cow Hotel, Station Street Penrith, c1920-1934
Source: Penrith City Library, Reference Number 1936

The hotel fell into a decline in the inter-war period because of the reduction in its importance due to its location away from the main road and the reduced significance of Penrith as a destination. In 1930 an order was made stating the owner had to make improvements to the hotel to maintain their license. The value of these works amounted to £1100. The works included fencing of the grounds, construction of a water shed, installation of a septic tank, a new iron roof and an additional 17 rooms. Electric light was installed and hot and cold water connected to the bathrooms.

By the 1970s, the Red Cow Hotel has undergone substantial modifications, including the removal of the original balconies, portico and various extensions to the building to the north, west and south. The Hotel remained in relatively the same state until the 2000s with the subject site was developed as part of the expansion of Penrith Plaza. It was at this time that the later accretions to the Hotel were demolished and removed and the original and early detailing including verandahs and portico were reinstated.



Figure 32 – Red Cow Hotel, Station Street Penrith, c. 1970s.
Source: Penrith City Library, Reference Number AS95



Figure 33 – Looking south across Penrith Station carpark with Red Cow in located at the right, 1970
Source: Penrith City Library, Reference Number 6162



Figure 34 – Red Cow Hotel, Station Street Penrith, 1992
Source: Penrith City Library, Reference Number 2114



Figure 35 – Looking south along Station Street with Red Cow Hotel and Borec House on the right and the old Penrith City Council building on the left, 1995
Source: Penrith City Library, Reference Number 7189

3.2.2. Station Street & Borec House

Directly the south of the Red Cow Hotel, following the subdivision of the Hotel site in 1901, two buildings were built to the south. There was a cottage on Lot 1 and an iron shed on Lot 16 at the time of the sale. These three lots continued to be owned by Thomas Smith, the owner of the Red Cow Hotel, but were leased to a blacksmith, Jesse Harrison. The blacksmith's shop was located at Lot 16.

The 1890 rate books mention the cottage and an office which was presumably the iron shed. About January 1904 Mr C. J. Harrison, blacksmith, opened a new business in a Station Street shop, opposite the Nepean Times newspaper office.¹⁶ He was in the Penrith area as early as November 1891 when he was said to have patented a new style of iron cutter which would cut through iron a quarter of inch thick.¹¹ Harrison was still at that address in 1908 and 1909 when he was advertising repairs of all kinds.¹⁷ The blacksmith's shop was described as a 'shed' in the 1909 rates but was valued at £308 suggesting it was more than just a shed and contained considerable capital investment.

By 1919 Lots 15 and 17 were still vacant, there was a single cottage on Lots 14 and 15 and the shed appears to have been demolished. Some of the housing shown on the 1956 aerial appears to not have been built until after 1919. By 1947 the blacksmith's shop was demolished and was occupied by a building that extended over two lots which replaced any earlier buildings. This structure was demolished by 1986 and remained largely vacant until the 2000s. The houses located at the southern end of the lot were demolished by 1965 and were replaced by Borec House by 1970. This portion of the subject site was redeveloped as part of the expansion of Penrith Plaza in 2005 and has remained in the same configuration since that time.

3.2.3. Little Jane Street

The subdivision of the houses along Riley Street and in the western part of Jane Street was mostly sold in the subdivision of Section 3 of the Woodriffe Estate in late 1879. By 1890 there were approximately 10 houses along Riley, four on Jane Street and three on Little Jane Street. Some of these houses were lived in by the owner-occupant and others were leased. Some of the residents were listed in the rates as labourers or railway employees. Many of these houses were still standing in the 1950s and 60s when Lend Lease Development purchased the land.

The eastern part of the site were purchased by Edward Ireland in 1893 for £70. This land continued to be within the ownership of the Ireland family and heirs until the northern section of Lots 17 and 18 were sold off in 1917. These two lots were occupied as one property with a large central building for the first part of the twentieth century. Following a later subdivision (1955) it became Lot 1, Lot 1 DP 216074 and came into the ownership of Thomas Nobel Soper, timber merchant. They had a series of three cottages in the southern part of Lots 17 and 18, to the south of the timber-lined pit but it may be associated with the northernmost of these houses. The northern part of the lots is occupied by a very large building with what appears to be extensive commercial complex.

The western part of the site was sold from the Woodriffe Estate in August 1879. The new owners, John and Susannah Barlow, purchased this vacant lot for £30. They sold it in nine months later in May 1880 to Nathaniel Millen, a butcher in Penrith. He died in 1920 and the land passed to his wife. Her heirs continued to own this property until 1967 when it was sold to Lend Lease. When Nathaniel Millen purchased the property it had no or few improvements as the land had increased in value by only £10. It would appear that Nathaniel Millen built the house on the property. The 1890 rates indicate that there were two cottages on this property, perhaps suggesting that the 'cottages' were semi-detached. Both these houses were occupied by members of the Millen family at this time, Robert and Matthew. Each cottage was rated at £26. In 1909 and 1919 only one house was mentioned rather than two, it was described as a cottage and was valued at £300. The property had a frontage of 50 feet (15.4m) and was 140 feet (43m) deep. This house and land was of considerably more value than the other houses on the same block. The next highest was £215 while the lowest was on a block half the size and valued at £85. This suggests that this house and its residents were financially better off than other residents on the same block. Many of these houses were still standing in the 1950s when Lend Lease Development purchased the land. All of the houses that were present on the site where demolished by the 1960s which the majority of the site remaining as vacant land and a car park throughout the 1960s-1980s. The south-western corner of the site saw some commercial development during the 1970s and 1990s. As with the remainder of the subject site, the developments along Little Jane

¹⁶ *Nepean Times*, 30 January 1904, p. 4.

¹⁷ *Nepean Times*, 4 January 1908, p.6; 11 January 1908, p. 3.

Street were redeveloped in 2005 for the expansion of Penrith Plaza. This also included the resumption of Little Jane Street effectively forming a new city block bound by Jane, Station, Henry and Riley Streets.

3.2.4. Site Chronology

The following historic aerals provide a visual overview of the development of the subject site from 1930 through to the 2000s. Since the redevelopment of the site in 2005, the site has largely remained the same.



Figure 36 – 1930 aerial view with the approximate boundaries of the subject site outlined in red
Source: LPI NSW, Historical Imagery Viewer



Figure 37 – 1956 aerial view with the approximate boundaries of the subject site outlined in red.
Source: LPI NSW, Historical Imagery Viewer

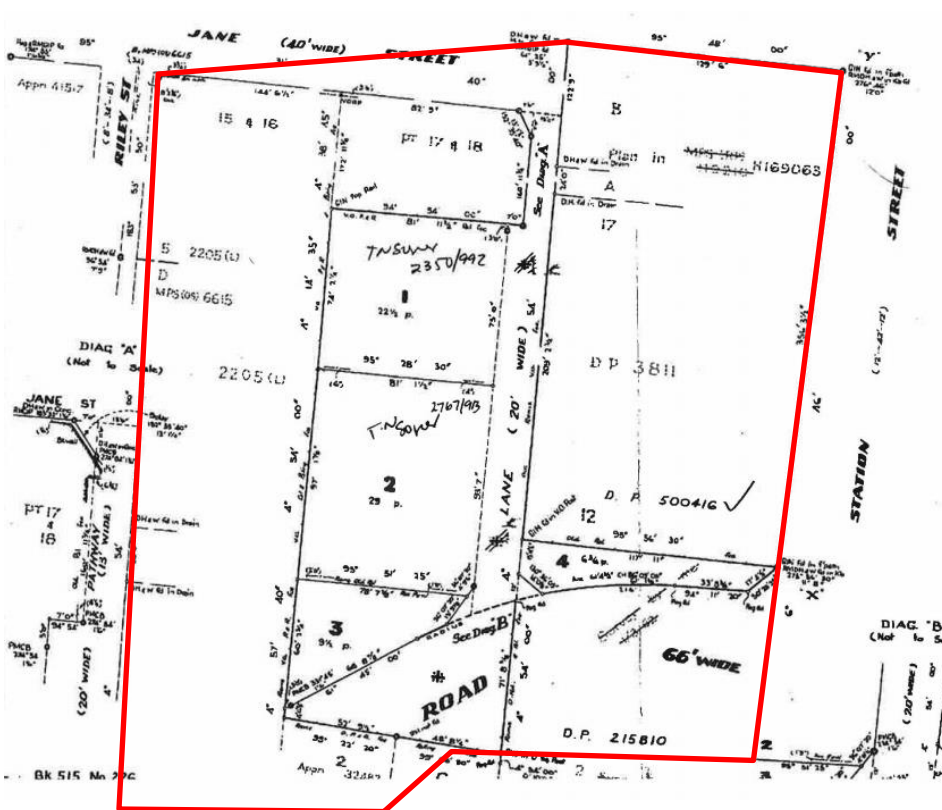


Figure 38 – Detail of DP 216074 showing the subdivision of the subject site in 1962.
Source: LTO, DP 216074



Figure 39 – 1965 aerial view with the subject site outlined in red
 Source: LPI NSW, Historical Imagery Viewer



Figure 40 – 1970 aerial view with the subject site outlined in red
 Source: LPI NSW, Historical Imagery Viewer



Figure 41 – 1975 aerial view with the subject site outlined in red
Source: LPI NSW, Historical Imagery Viewer

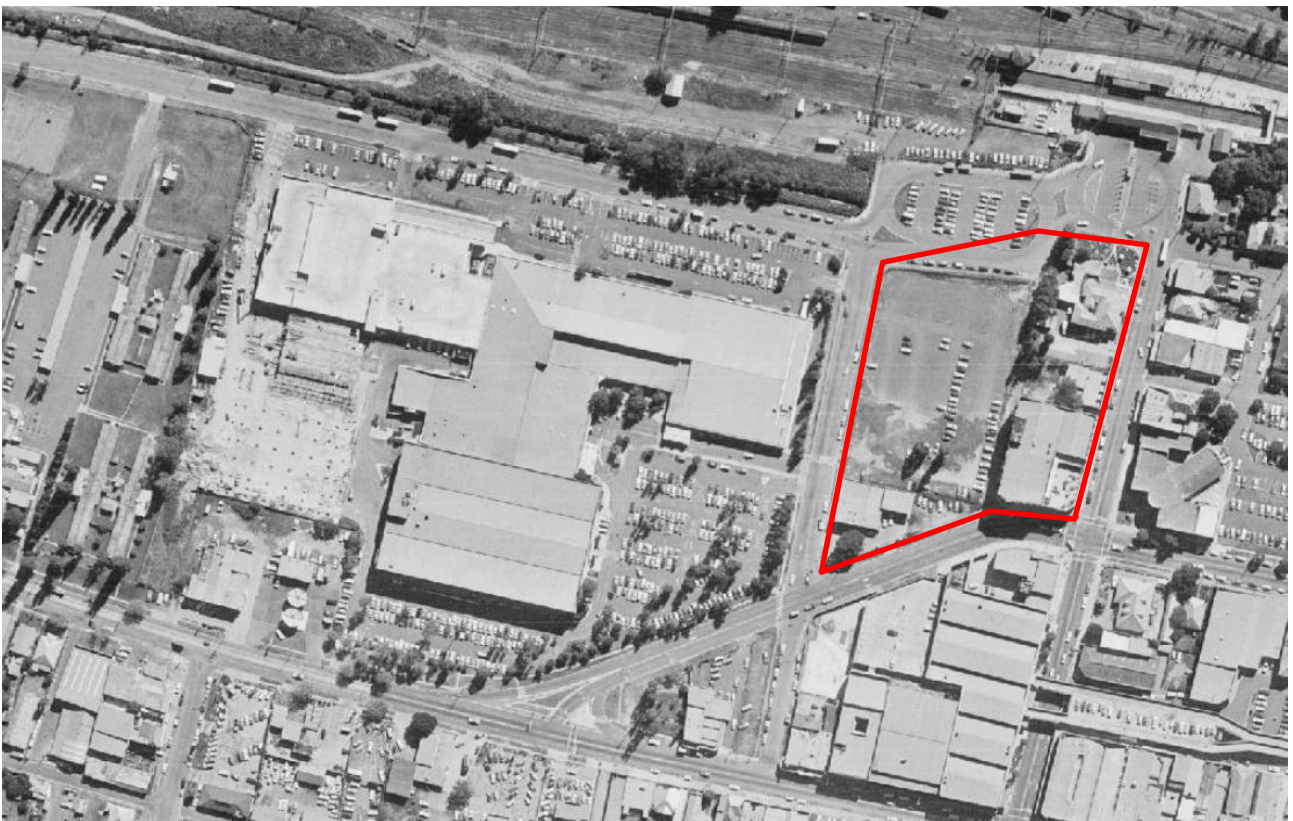


Figure 42 – 1979 aerial view with the subject site outlined in red
Source: LPI NSW, Historical Imagery Viewer



Figure 43 – 1986 aerial view with the subject site outlined in red.
Source: LPI NSW, Historical Imagery Viewer



Figure 44 – Aerial view, 2002. Prior to most recent extension of Penrith Plaza
Source: Google Earth Pro, 2021



Figure 45 – Aerial view, 2007, following completion of the extension to Penrith Plaza
Source: Google Earth Pro, 2021

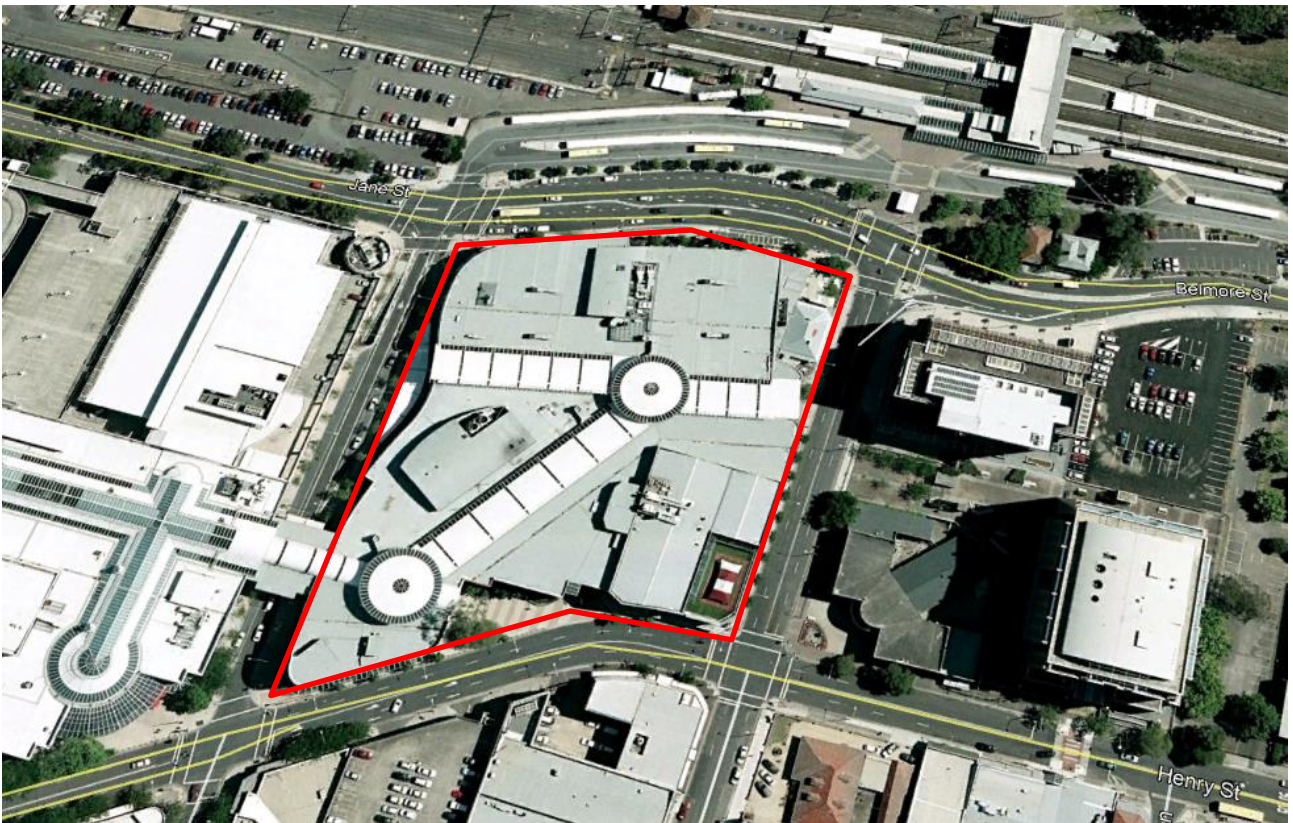


Figure 46 – Aerial view, 2009, following completion of the extension to Penrith Plaza
Source: Google Earth Pro, 2021

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTING

The Westfield Penrith site is not listed as a heritage item in its entirety, however the Red Cow Hotel is located in the north-eastern corner of the site at the intersection of Riley Street and the Great Western Highway. The Red Cow Hotel is listed as an item of local heritage significance under the *Penrith Local Environmental Plan 2010* (Item no. 690). The site is also located in close proximity to the Penrith Railway Station (Item no. 187 & 188) to the north, the Penrith Council Chambers (former) to the east (Item no. 189) and Prospect Electricity building (former) to the south (Item no. 701).

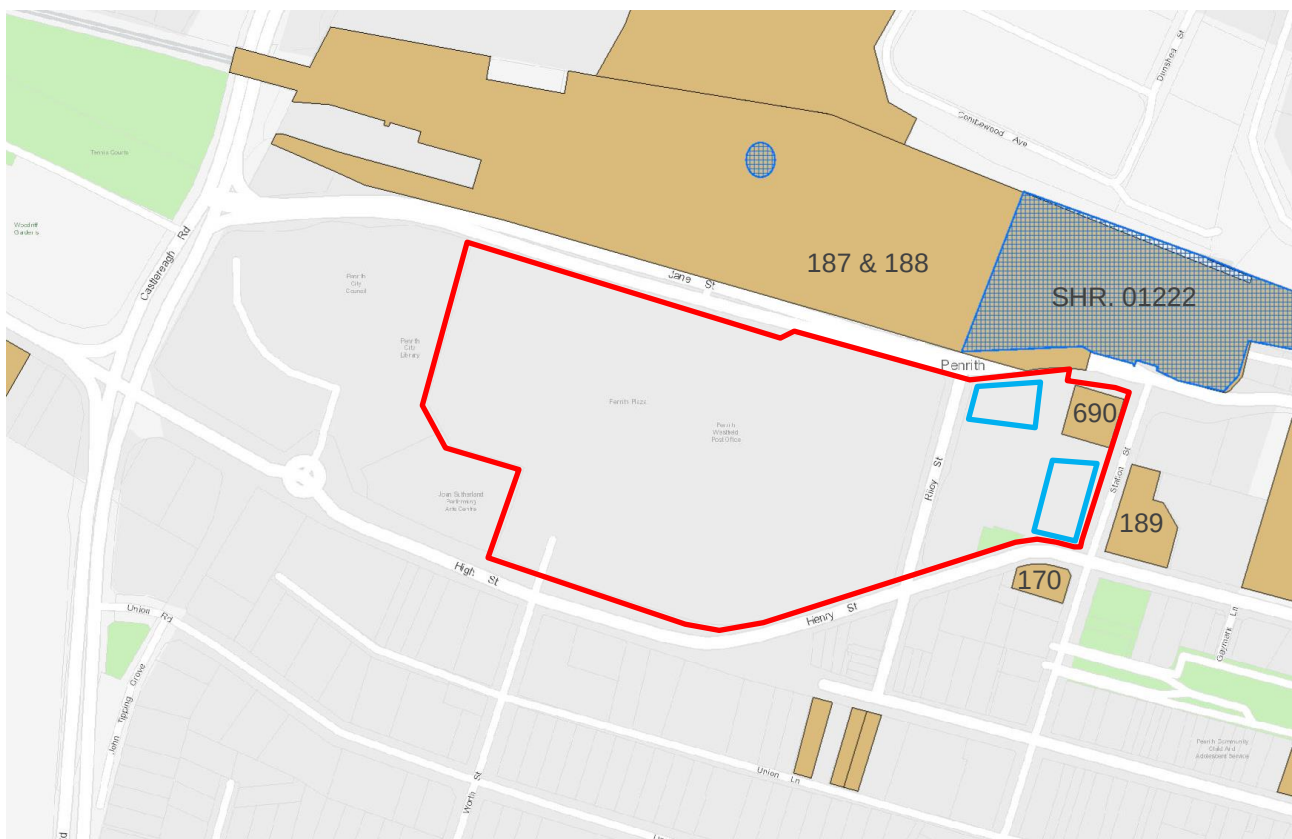


Figure 47 – Heritage items located within and adjacent to subject site, outlined in red. The two locations subject to this Planning Proposal are circled in blue.

Source: NSW Planning Portal, ePlanning Spatial Viewer

4.3. STATEMENTS OF SIGNIFICANCE

As noted above, Westfield Penrith is not listed as a heritage item. The statements of significance for the Red Cow Hotel and the other applicable heritage items located in close proximity to the site are included below.

4.3.1. Red Cow Hotel

The following statement of significance for the Red Cow Hotel has been extracted from the State Heritage Inventory form for the site:

Completed around 1865, the Red Cow Inn is rare in Penrith LGA for its historic association with a family of note in the region and in eloquently demonstrating the impact of the coming of the railway had on the development of commerce. The building is unique in Penrith as an extant inn of the mid nineteenth century. The building forms part of a precinct of buildings with historic associations with the railway station.¹⁸

4.3.2. Penrith Railway Station

The following statement of significance for the Penrith Train Station has been extracted from the State Heritage Inventory form for the site:

Completed in 1863 and subsequently upgraded, the railway station demonstrates phases in the development of Penrith associated with the coming of the railway and the need to improve facilities to satisfy increasing demand and/or regional development. The historic buildings and structures are excellent examples of Victorian railway architecture that exemplify Victorian attitudes to railway construction. The complex is unique in the LGA and western Sydney in consideration of its scale and diversity. It continues to provide the traditional rail based gateway to the town. The station group is important in the historic townscape of Penrith and is attractively set against the backdrop of the Blue Mountains and open paddock lands to the north which offer distant views to historic places such as Combewood.¹⁹

4.3.3. Penrith Council Chambers (former)

The following statement of significance for the Penrith Council Chambers (former) has been extracted from the State Heritage Inventory form for the site:

The former Penrith City Council chambers completed in 1959 was the first chambers of the newly incorporated City of Penrith Council, and formed the focus for the planning and administration of post war expansion in the Nepean region. The former chambers demonstrate a phase in the development of the Nepean region following the amalgamation of numerous rural councils and marked a return to a form of centralised government on which Penrith had been founded in the early nineteenth century. The building is an example of the inter-war Moderne /Functionalist style of architecture set within a landscaped forecourt.²⁰

4.3.4. Prospect Electricity Building

The following statement of significance for the Prospect Electricity Building has been extracted from the State Heritage Inventory form for the site:

The former Prospect County Council building is a post 1960 modern civic building erected in Penrith and exemplifies at the onset of the growth of the town into a regional city. The building is a representative example of the International style which is unique in Penrith LGA. The building is located opposite the old Council Chambers and the pair form a precinct of former centres of local and county levels of government administration.²¹

¹⁸ State Heritage Inventory form for Red Cow Hotel accessed via

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2260690>

¹⁹ State Heritage Inventory form for Penrith Railway Station accessed via

<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260188>

²⁰ State Heritage Inventory form for Penrith Council Chambers (former) accessed via

<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260189>

²¹ State Heritage Inventory form for Prospect Electricity Building accessed via

<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260701>

5. IMPACT ASSESSMENT

Below, the potential impact of the proposal is assessed against the applicable heritage-related statutory and non-statutory planning controls which relate to the site and the proposed development.

5.1. STATUTORY CONTROLS

5.1.1. Penrith Local Environmental Plan 2010

The table below provides an assessment of the proposal against the relevant provision for heritage conservation as found in the Penrith LEP 2010.

Table 1 – Assessment against the Penrith Local Environmental Plan 2010

Clause	Response
(1) Objectives <i>The objectives of this clause are as follows:</i> (a) <i>to conserve the environmental heritage of the Penrith,</i> (b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> (c) <i>to conserve archaeological sites,</i> (d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance</i>	The subject Planning Proposal seeks to alter the underlying planning provisions of the <i>Penrith LEP 2010</i> as they relate to the subject site. No built works are proposed at this stage. However, it is acknowledged that should the Planning Proposal be approved, this will facilitate future built development on the site in accordance with the amended planning controls. Accordingly, our impact assessment has had specific regard to the indicative concept plan prepared by Scott Carver which demonstrates the potential built form outcomes of the Planning Proposal. Future built works will be subject to future Development Applications.
(2) Requirement for consent <i>Development consent is required for any of the following:</i> (a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i> (i) <i>a heritage item,</i> (ii) <i>an Aboriginal object,</i> (iii) <i>a building, work, relic or tree within a heritage conservation area,</i> (b) <i>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i> (e) <i>erecting a building on land:</i>	Consent is required for the subject Planning Proposal as it seeks to alter the underlying planning controls for a property which contains a heritage item (the Red Cow Hotel) and is located in close proximity to a number of other heritage items listed under the <i>Penrith LEP 2010</i> and on the State Heritage Register under the <i>Heritage Act 1977</i> as noted in Section 4.3. Consent will be required for future built works to the site in accordance with the amended planning controls.

Clause	Response
<i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i> <i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i>	
(4) Effect of proposed development on heritage significance <i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i>	The effects of the proposed Planning Proposal on the Red Cow Hotel and the heritage items located in close proximity to the site have been assessed in this section of the HIS.
(5) Heritage assessment <i>The consent authority may, before granting consent to any development:</i> <i>(a) on land on which a heritage item is located, or</i> <i>(b) on land that is within a heritage conservation area, or</i> <i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i> <i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i>	A detailed impact statement satisfies this clause and has been undertaken to assist the consent authority in their determination. This heritage impact statement assesses the potential heritage impact of the Planning Proposal including having regard for the potential future built works which will be facilitated by the amended planning controls.

5.2. PENRITH DEVELOPMENT CONTROL PLAN 2014

The table below assesses the proposal against the relevant objective and provisions for heritage conservation as found in the *Penrith DCP 2014*.

Table 2 – Assessment against the Penrith Development Control Plan 2014

Provision	Response
Section C7 Culture and Heritage	
7.1.1 European Heritage	
<i>Determining the Impact on Heritage Significance</i>	
<i>a) Where a proposed development could affect the heritage significance of a heritage item or heritage conservation area, the applicant is required to lodge a Heritage Impact Statement or Conservation Management Plan (as required).</i>	a) This HIS has been prepared to assess the potential impact of the potential future built works which will be facilitated by the amended planning controls.
<i>b) A proposed development could affect the heritage significance of a heritage item or heritage conservation area if it is either in that item, place or conservation area or it is in the vicinity of that item, place or conservation area.</i>	b) The proposed amendments to the planning controls are located within the site defined as 569 High Street Penrith, or otherwise Lot 1 of Deposited Plan 1137699 which includes the whole of Westfield Penrith. The whole of the site is not listed as a heritage item, however the site does contain a heritage item, the Red Cow Hotel, located in the far north-east corner of the site. The proposed amendments to the planning controls are limited to two locations within the eastern portion of the overall site and do not include any changes to the planning controls for the Red Cow Hotel. Within close proximity to the location of the proposed amendments to FSR and height controls are three heritage items, including the Penrith Railway Station, the former Penrith Council Chambers and the Prospect Electricity Building. This HIS assesses the potential impact on these heritage items in relation to the impact of the potential future built works which would be facilitated by the amended planning controls.
<i>c) Impact on a heritage item, place or conservation area can include, but is not limited to:</i>	c) i) The proposed amendments to the planning controls will not materially affect the Red Cow Hotel or the heritage items located within the vicinity of the site. No changes are proposed to the height or FSR within the curtilage of any heritage items.
<i>i) Affecting the item, place or area itself;</i>	
<i>ii) Affecting a significant view to or from the item;</i>	ii) The potential future built works will not negatively affect any significant views to or from either the Red Cow Hotel or the other heritage items located in the vicinity of the site. Significant views to and from the Red Cow Hotel are predominant from the intersection of Henry and

Provision

Response

Janes Streets. The setting of the Red Cow Hotel will be minimally altered by the potential future towers, however, the existing blank concrete walls of the eastern façade of Westfield Penrith will continue to serve as the buildings main backdrop, when viewed from the public domain. Give the substantial setbacks of the towers from the curtilage of the Red Cow Hotel, the proposed potential towers will have no negative impact on the item.



For items within the vicinity of the site, the Penrith Railway Station platforms are located on the northern side of Jane Street across a four lane roadway, forecourt and bus lanes. The former stations master's residence is located further to the east along Jane Street and is visually separated from the subject site by both distance and substantial mature trees that shield views to and from the subject site and the residence.

The former Council Chambers and the Prospect Electricity Building are located to the east and south (respectively) of the potential tower at Borec House. Given that Borec House is a four storey building that is built to the site boundaries, the potential new tower will not impact any views to or from these items, however will alter their setting due to the proposed increase in height and FSR in this portion of the site. However, this is not considered to have a negative impact on their setting, given that the potential tower is demonstrably able to incorporate a four storey podium, similar to the scale and bulk of the existing Borec House and would thus not alters the immediate streetscape setting as perceived from the public domain at ground level. Furthermore, the setting of the former Council Chambers already contains other multistorey commercial developments within its own block that act a merely a backdrop to the building.

iii) Affecting the setting or heritage curtilage, including any landscape or horticultural features of the item;

iii) As discussed above, the setting of each of the heritage items will be altered by the proposed addition of the potential towers, however, this is not considered to have a negative effect on any of the heritage items. Instead, the towers are able to be set within the wider

Provision	Response
<i>iv) Overshadowing of the item;</i> <i>v) Affecting the form of any historic subdivision pattern;</i> <i>vi) Undermining or otherwise causing physical damage to the item; or</i> <i>vii) Otherwise having an adverse impact on its heritage significance.</i> <i>d) A Heritage Impact Statement or Conservation Management Plan must be prepared by a qualified Heritage Consultant.</i> <i>e) A Heritage Impact Statement must address the issues set out in this section of the DCP and the Submission Requirements for applications in Appendix F3 of this DCP.</i>	Westfield Penrith development, with appropriate human scale podiums that can maintain the views from street level, with the towers acting primarily as a wider backdrop, particularly to the Red Cow Hotel. No increase in height or FSR is proposed within the curtilage of any heritage item. iv) Refer to SEE. v) The historic subdivision pattern of the subject site's block is located has been substantially changed during the course of the twentieth century. The proposed amendments to the height and FSR will not make any changes to the existing subdivision patterns. vi) The potential towers facilitated by this Planning Proposal are not located within the curtilage of any heritage item and the potential towers would not be located directly adjacent to any built heritage fabric. Instead, the proposed towers potential future physical impact would only be to fabric which dates from the 1960s include Borec House and Westfield Penrith which was constructed in 2005. vii) As discussed above, the potential towers would not have an adverse impact on the heritage significance of any heritage items located on the site or in close proximity to the site. d) This HIS has been prepared by a qualified Heritage Consultants of Urbis. e) This HIS addresses the issue set out in Section C7 of the Penrith DCP and fulfills the requirements for the application for Heritage Impact Statements as defined in Appendix F3, Section 4.14.
7.1.5 Development in the Vicinity of a Heritage Item or Conservation Area <i>1) A Heritage Impact Statement shall be lodged with a development application for buildings or works in the vicinity of a heritage item or heritage conservation area. This clause extends to development that:</i> <i>a) May have an impact on the setting of a heritage item or conservation area, for example, by affecting a</i>	1) This HIS has been prepared to accompany a Planning Proposal for proposed amendments to planning controls of two locations at 569 High Street, Penrith which is located within the vicinity of a number of heritage items. a) As described previously, no significant views to or from the surrounding heritage items will be negatively

Provision	Response
<i>significant view to or from the item or by overshadowing; or</i> <i>b) May undermine or otherwise cause physical damage to a heritage item; or</i> <i>c) Will otherwise have any adverse impact on the heritage significance of a heritage item or any heritage conservation area within which it is situated.</i>	affected by the potential towers. Instead, they will act as a backdrop, particularly to the Red Cow Hotel. The setting of the items will be altered by the addition of the potential towers, however, appropriately scaled podiums are able to be incorporated that conform with the predominant bulk and scale of development within the immediate streetscape. The appreciation of the streetscape at street level will not be affected by the addition of the proposed towers and thus will not negatively impact the setting of the vicinity heritage items. This will be assessed in detail at DA stage. b) The proposed locations of increase in FSR and height are not located directly adjacent to any heritage item and are instead located directly adjacent to structures constructed since the 1960s. No physical damage would be imparted on any heritage items located in the vicinity. c) The subject site is located within the centre of the Penrith CBD which over the coming years is proposed to be revitalised. The developed of higher density development with the CBD is consistent with the future vision for Penrith. The existing low to mid- rise development that surround each of the heritage is slowly changing as new development occurs across the city. The potential towers would respond to the changing context and the concept drawings provided with this Planning Proposal demonstrate that they are able to be sympathetic to the setting of the heritage items, while also facilitating new potential development for commercial, retail and hotel uses which will generally uplift the area around the heritage items. The potential towers incorporate appropriate setbacks, heights and modulation of bulk to ensure that the vicinity heritage items and the wider Penrith CBD are not negatively impacted by the proposed increase in FSR and height.
<i>2) The following issues must be addressed in the Heritage Impact Statement:</i> <i>a) The impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item;</i> <i>b) Details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works; and</i>	2) a) Refer to previous discussions above b) A concept plan of two towers had been developed by Scott Carver which demonstrates the potential built form outcomes of the Planning Proposal. The proposed overall height, scale, shape and setbacks are indicated and are considered to not have a negative impact on the surrounding heritage items, as discussed previously. The final size, shape, scale, setback and materials of the two

Provision	Response
c) <i>Details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.</i>	towers will be the subject of future Development Applications. c) The potential towers are not considered to have a negative impact on the surrounding heritage items. It is thus not considered necessary to provide any details of proposed modifications that would reduce the impact of the potential proposed towers.

5.3. HERITAGE NSW GUIDELINES

The proposed works are addressed in relation to relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 3 - Heritage NSW Guidelines

Clause	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	The Planning Proposal will have no impact on the heritage significance of the Red Cow Hotel or the heritage items located in close proximity to the site including Penrith Railway Station, the former Penrith Council Chambers and the Prospect Electricity Building. There will be no physical works to any heritage items. The Planning Proposal respects the heritage values of the Red Cow Hotel and the surrounding heritage items as follows: ▪ The proposed increases to height and FSR are limited to two distinct areas in the south-east and north-west corners of the block defined by Jane, Station, Henry and Riley Streets. The potential built form of the two towers demonstrate that the proposed increase in FSR and height would result in an appropriate built form that is cognisant of both the context of the growing Penrith CBD and respects the heritage values of the surrounding heritage items. ▪ The proposed potential towers are not located within the curtilage of any heritage item and the potential towers would not be located directly adjacent to any built heritage fabric. Instead, the proposed towers potential future physical impact would only be to fabric which dates from the 1960s include Borec House and Westfield Penrith which was constructed in 2005. ▪ The setting of each of the heritage items will be altered by the proposed addition of the potential towers, however, this is not considered to have a

Clause	Discussion
	negative effect on any of the heritage items. Instead, the towers will be still be set within the wider Westfield Penrith development, with appropriate human scale podiums that will maintain the views from street level, with the towers acting primarily as a wider backdrop, particularly to the Red Cow Hotel. No landscape or horticultural features of any heritage items are to be affected. Overall, the Planning Proposal provides for future densification of the Westfield Penrith site in line with the surrounding urban densification of the Penrith CBD. The proposed increases to height and FSR at these key corners will add to the rejuvenation of the city and deliver new and exciting economic opportunities. From a heritage perspective, the Planning Proposal provides for a reasonable and appropriate development of the place which will have no detrimental impact on the significance of the Red Cow Hotel and surrounding heritage items.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	There are no potential negative heritage impacts as a result of the Planning Proposal. The eventual design of future built form will be subject to further detailing and additional development applications, and provides further opportunity for the development to respond to the identified heritage values of the Red Cow Hotel and surrounding heritage items.
The following sympathetic solutions have been considered and discounted for the following reasons:	No further sympathetic solutions have been considered or discounted.

6. CONCLUSION AND RECOMMENDATIONS

A detailed impact assessment of the proposed changes to the controls has been undertaken in Section 5 of this report. In summary, the Planning Proposal is able to facilitate development which has no impact on the heritage significance of the Red Cow Hotel or the heritage items located in close proximity to the site including Penrith Railway Station, the former Penrith Council Chambers or the Prospect Electricity Building. The following is noted in relation to the proposed changes to the LEP controls:

- There is no change proposed to the listing of any items as items of environmental heritage on the Penrith LEP.
- Overall, the Planning Proposal provides for future densification of the Westfield Penrith site in line with the ongoing surrounding urban densification of the Penrith CBD. The increase in density will be in line with surrounding development including that directly opposite the Red Cow Hotel at 2-6 Station Street. The proposed increases to height and FSR at these key corners will add to the rejuvenation of the city and deliver new economic opportunities.
- There is no change to the FSR or height controls within the curtilage of the Red Cow Hotel or directly adjacent to the curtilage.

The Planning Proposal would facilitate development which is able to respect the heritage values of the Red Cow Hotel and the surrounding heritage items as demonstrated in the concept design accompanying this application. The following is specifically noted in relation to the concept design:

- The proposed increases to height and FSR are limited to two distinct areas in the south-east and north-west corners of the block defined by Jane, Station, Henry and Riley Streets. The potential built form of the two towers demonstrates that the proposed increase in FSR and height are able to result in an appropriate built form that is cognisant of both the context of the growing Penrith CBD and respects the heritage values of the surrounding heritage items through confining change to areas of no significance on the site.
- The potential built forms are not located within the curtilage of any heritage item and would not be located directly adjacent to any built heritage fabric. Instead, the proposed towers potential future physical impact would only be to fabric which dates from the 1960s include Borec House and Westfield Penrith which was constructed in 2005.
- The potential built forms are set within the wider Westfield Penrith development, with appropriate human scale podiums that will maintain the views from the public domain to the identified heritage items from street level. The towers would present as a wider backdrop, particularly to the Red Cow Hotel. No landscape or horticultural features of any heritage items are to be affected.

From a heritage perspective, the Planning Proposal provides for a reasonable and appropriate development of the place which will have no detrimental impact on the significance of the Red Cow Hotel and surrounding heritage items.

DISCLAIMER

This report is dated 15 April 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Scentre Group (**Instructing Party**) for the purpose of a Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

