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# FILE NOTE

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**PROPERTY:** Lot 34 DP 884345, 53-67 Railway Street, Griffith

**DATE:** 13 May 2013

**SUBJECT:** DA 190/2012: Review of Heritage Impact

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The purpose of this file note is to provide a review the Heritage Impact Statement prepared by *Graham Brooks & Associates Architects Group* and provide comments in respect to heritage conservation.

On 26 November 2012 Council received an application for a mixed use development comprising of serviced apartments, two retail units and the subdivision of land into three lots and associated parking and landscaping and involves the following:

- The erection of a four storey building comprising of service apartments
- The erection of two single storey buildings to be utilised for retail purposes
- Car parking for 140 vehicles and associated driveways and loading facilities.
- Edge treatment along the Railway Street frontage and landscaping.
- Generic signage locations.

The buildings are constructed of pre-cast concrete panels with a painted finish. Face brick work is used as part of the balustrade along with glazing. The feature wall/fence along the street edge is constructed of face brick as are the vertical columns used to break up the retail building façade. Timber battens are also used as decorative elements including the construction of the covered walkway.

The applicant understands that the development site contains is within the vicinity of a heritage listed in Schedule 6 of Griffith Local Environmental Plan 2002 (being the former Lyceum Theatre, the Commonwealth Bank and the Banna Avenue Conservation Area incorporating Memorial Park and the Courthouse) and addresses the provisions of Division 5 in their Statement of Environmental Effects.

The following report will address the legislative responsibilities of Council in assessing the development application, identify the significance of the heritage item and identify the impacts of the proposed development in accordance with the NSW Heritage Office's Manual for Assessing Heritage Significance.

## 1.0 LEGISLATIVE FRAMEWORK

The provisions of Section 79C(1) the Environmental Planning and Assessment Act, 1979 requires Council to take into consideration the provisions of any environmental planning instrument (s79C(1)(a)(i)) and the likely impact on the environment (s79C(1)(b)). With

regard to the provisions of any environmental planning instrument, the following is an extract from Griffith Local Environmental Plan 2002 with regard to heritage conservation and specifically to development within the vicinity of a heritage item:

**37 Development in the vicinity of a heritage item**

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.*
- (2) This clause extends to development:*
  - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
  - (b) that may undermine or otherwise cause physical damage to a heritage item, or*
  - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.*
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

The applicant has submitted a heritage impact statement in accordance with Clause 37(3) that enables Council to assessment the impact of the proposed development on the heritage significance, visual cartilage and setting of the affected heritage items. The heritage impact statement addresses the matters set out in Clause 37(4).

The following takes into account the applicant's heritage impact statement and the provisions set down in Clauses 37(1) and 37(2) of GLEP 2002.

**2.0 HERITAGE IMPACT ASSESSMENT**

**2.1 STATEMENT OF SIGNIFICANCE**

The site has been identified as being within the vicinity of a number of heritage items including the following:

- The Commonwealth Bank located at 246-250 Banna Avenue.
- The former Lyceum Theatre located at 300-306 Banna Avenue.
- The Banna Avenue Conservation Area (in particular the Cenotaph and the Courthouse)

### Commonwealth Bank

*"The Commonwealth bank is an example of an interwar period public building. Though the interior and ground floor street front have been extensively redeveloped, it has social and landmark value. The upper floor frontage is mostly intact."*

NSW Heritage Office Criteria	Applicable	Notes
a) Historic	No	
b) Association	No	
c) Aesthetic/Technical	Yes	The building exterior has landmark value. The ceramic tile mural depicting the founding and development of Griffith is a contributing heritage item.
d) Social	No	
e) Research	No	
f) Rarity	No	
g) Representative	Yes	Example of an interwar public building

### Former Lyceum Theatre

*"This former picture theatre is a local landmark that makes a contribution to Banna Avenue. It is associated with the 1930s picture show era and has aesthetic and social value. It is one of the three historic meeting places in Griffith, the other two being the Hanwood Hall and the Palais de Dance."*

NSW Heritage Office Criteria	Applicable	Notes
a) Historic	Yes	Associated with the 1930s picture show era.
b) Association	No	
c) Aesthetic/Technical	Yes	A local landmark that makes a contribution to Banna Avenue.
d) Social	No	
e) Research	No	
f) Rarity	Yes	One of the three historic meeting places in Griffith (the other two being Hanwood Hall and the Palais de Dance).
g) Representative	No	

### Cenotaph and Courthouse

The cenotaph is not listed as a heritage item however a *“good example of a First World War Memorial displaying Art Deco influences”* and makes a significant contribution to the streetscape due to its formal ceremonial and garden setting. It has a height of approximately 12.2 metres.

NSW Heritage Office Criteria	Applicable	Notes
a) Historic	No	
b) Association	No	
c) Aesthetic/Technical	Yes	Aesthetic qualities due to its scale and relationship with the formal ceremonial quality of the Memorial Gardens setting.
d) Social	No	
e) Research	No	
f) Rarity	No	
g) Representative	Yes	Good example of an First World War memorial displaying Art Deco influences, situated in an appropriate ceremonial and formal parkland setting.

The courthouse is not listed as a heritage item in Griffith LEP 2002, however is included in a non-statutory s.170 register (Heritage Act, 1977). It is a *“good example of interwar architecture and employs elements of the Georgian Revival style. The building is located on a prominent corner and contributes to the conservation area north of Banna Avenue”*.

NSW Heritage Office Criteria	Applicable	Notes
a) Historic	No	
b) Association	No	
c) Aesthetic/Technical	Yes	Aesthetic, social and landmark value. Makes an important contribution to the City centre.
d) Social	No	
e) Research	No	
f) Rarity	No	
g) Representative	Yes	Fine example of an interwar period public building

### 3.0 HERITAGE IMPACT

Clause 37(1) and (2) of GLEP 2002 states:

*(1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.*

*(2) This clause extends to development:*

- (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
- (b) that may undermine or otherwise cause physical damage to a heritage item, or*
- (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.*

To assess the impact of the proposed development one must turn to the NSW Heritage Manual 'Statements of Heritage Impact' guidelines relating to development adjacent to items and consider the following:

- (a) How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- (b) Why is the new development required to be adjacent to a heritage item?*
- (c) How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- (d) How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- (e) Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- (f) Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- (g) Will the additions visually dominate the heritage item? How has this been minimised?*
- (h) Will the public, and users of the item, still be able to view and appreciate its significance?*

The physical separation between the proposed development from the Commonwealth Bank and the former Lyceum Theatre is sufficient so as not to affect views to and from these items or from overshadowing. Furthermore construction works associated with the development are not likely to undermine the structural stability of these buildings.

The significance of these two items are aesthetic/technical (both), historic and rarity (the Lyceum) and representative (the bank) and none of these factors contributing to the significance of the items will be affected by the proposed development. In addition the public and users of the heritage items will still be able to view and appreciate their significance.

The Banna Avenue Conservation Area does not have a statement of heritage significance, rather its significance is in the sum of its parts, which includes the Courthouse and the Cenotaph which stands in Memorial Gardens. Both these structures significance is based on exemplary aesthetic/technical qualities and representativeness. The setting of these buildings within the conservation area will not be affected by the proposal, due by and large the physical separation Railway Street provides.

The applicant's statement that the new development will better frame the this area to the north is subjective, however it is agreed that existing landscaped setting (Memorial Gardens) in what could be considered as the forecourt of the development would contribute to the proposed development.

Although not considered to be within the immediate vicinity of the site, the applicant has also examined the impact the proposed development would have on views to and from St Alban's Cathedral to the north-west of the site. Council can be satisfied with the applicant's interpretation that the views presently available are not an established view corridor but the result of the demolition of railway structures and infrastructure that has occurred over the past 20 years.

It is noted that the subject site was formerly part of the Griffith railway yards, and that the site of the proposed development included railway sidings, sheds and a turntable which all have since been removed. The removal of any railway artefacts would have occurred at the time demolition of the buildings occurred, however that is not to say that some relics may still be found.

The overall approach to the development is one of symmetry with the single storey retail structures flanking the proposed four storey serviced apartment building. The separation between the buildings (for the car parking areas) provides a visual corridor which aides in reducing the scale of the development. It is also noted that the proposed serviced apartment building is articulated, stepping back at each side as a means of reducing its visual prominence.

Buildings along Banna Avenue a typically one and two storeys, with the single storey buildings often incorporating high parapets which give the impression of a two storey scaled building. There are notable exceptions within the conservation area, including the former Lyceum Theatre. The building is one of the dominant features of the streetscape and has the presence of a three to four storey buildings which is accentuated by its central position within the block.

Ideally the proposed development should be limited to three storeys in height and then it could be genuinely argued that the development is complimentary to the built character of the Griffith CBD. If the development were on a site in Banna Avenue, there would be a strong argument no to support the design because of its height. In this instance however the physical separation of the development from nearby heritage items and the isolation of the site lends some favour to permitted a more imposing structure and in this regard a redesign cannot be readily justified.

The proposed materials used in the construction of the development, including painted masonry walls, face brickwork, aluminium framed windows, metal clad roofing are all consistent with buildings in the CBD. A final colour palette should be submitted to Council for its records.

The proposed subdivision of the land is acceptable and will not result in any impact on the historic street pattern designed by Walter Burley-Griffin.

#### **4.0 CONCLUSION AND RECOMMENDATIONS**

It is considered that the proposed development is satisfactory with regard to the provisions of Division 5 of Griffith Local Environmental Plan 2002. The development generally respects the heritage significance of nearby heritage items or the conservation area for the following reasons:

- The proposed development will not result in any negative impact on the Commonwealth Bank or the former Lyceum Theatre nor on iconic structures within the conservation area, namely the Courthouse and the Cenotaph.
- The scale of the building, in particular its height, is acceptable on the basis that the physical separation and relative isolation of the development site from other buildings within the streetscape allows for a more imposing building.
- The development is located outside the established conservation area and provides an acceptable transition along the edge of a conservation area.

It is recommended that:

- The applicant is to provide Council a detailed materials/samples board and colour palette for the development prior to the lodgement of the construction certificate.
- That should any unexpected relics be disturbed during excavation of the site they are to be managed in accordance with the provisions of the NSW Heritage Act, 1977.

**Steven Parisotto**  
**SENIOR DEVELOPMENT ASSESSMENT PLANNER**

**References/Reading:**

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| Graham Brooks & Associates                     | <i>53 Railway Street, Griffith – Statement of Heritage Impact</i> , November 2012   |
| Griffith City Council<br>Griffith City Council | <i>Griffith Local Environmental Plan 2002</i><br><i>Heritage Inventory</i> , 2003   |
| Kabaila, P                                     | <i>Griffith Heritage Study: A Community-Based Heritage Study for Griffith City Council and NSW Heritage Office</i> , 2004 |
| NSW Heritage Office                            | <i>NSW Heritage Manual: Heritage Assessments</i> , DUAP, 1996   |
| NSW Heritage Office                            | <i>NSW Heritage Manual: Assessing Heritage Significance</i> , DoP, 2001   |
| NSW Land & Environment Court                   | <i>Planning Principles: Views</i><br><i>Tenacity Consulting Pty Ltd v Warringah Council</i>                               |