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URBIS

HERITAGE IMPACT STATEMENT

Yiribana Logistics Estate, 754-
770 & 784-786 Mamre Road,
Kemps Creek

Prepared for
THE GPT GROUP
19 May 2021

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Aboriginal and Torres Strait Islander people make in
creating a strong and vibrant Australian society.**

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EXECUTIVE SUMMARY

Urbis Pty Ltd (Urbis) has been engaged by The GPT Group (the proponent) to produce a Heritage Impact Statement (HIS) for 754-770 & 784-786 Mamre Road, Kemps Creek (Lots 59 & 60 DP 259135) (hereafter referred to as the 'subject area') to accompany the State Significant Development Application (SSDA) for a warehousing and distribution centre within the subject area. This HIS was prepared in accordance with the following guidelines:

- *Statements of Heritage Impact* 2002 (Heritage Council).
- *Assessing Heritage Significance* 2009 (Heritage Council).
- *The Australia ICOMOS Charter for Places of Cultural Significance, the Burra Charter* 2013.

The subject area is within the City of Penrith Local Government (LGA) and covers approximately 330,000m² and is bounded by Mamre Road and Lot 61 DP 259135 to the west, Lot 1 DP 104958 to the north, Lots 56-58 DP 259135 to the south and Lots 34-37 DP258949 and Lot 40 DP 708347 to the east. The immediate surrounds comprise predominantly semi-rural properties.

The development is proposed to comprise a first stage of works, to be commenced by 2022. The first stage will comprise site preparation works, including bulk earthworks, services and associated landscaping, as well as the construction of two warehouses. Construction of a further three warehouses will be subject to future Development Applications (DAs).

The proposal has been assessed to have an acceptable impact on the vicinity items in the area. Key aspects of the proposal assessment are listed below:

- There are no heritage listed items or potential heritage items within the subject site. All extant buildings located within the subject site are dated to the mid- to late-20th century or early 21st century and have not been identified as potential heritage items.
- There are three heritage items within the vicinity of the subject site, listed as items of local significance on the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*:
 - Bayley Park – House (I2)
 - Gateposts to Colesbrook (I3)
 - Brick Farmhouse (I4)
- The proposal is located approximately 1 kilometre to the north of the afore mentioned heritage items. Furthermore, there are no direct views between the three heritage items and subject site on account of the existing sloping topography, extant structures, and the distance between the subject site and heritage items. Therefore, there would be no adverse visual impacts to the heritage significance of these items that would arise as a result of the proposal.
- The proposed development features considerable setbacks from the lot boundaries and from Mamre Road, which would be further buffered by landscaping. Furthermore, the proposed warehouses would feature low heights of a maximum two storeys, and would be recessive in design by utilising neutral colour schemes and matte finishes.
- There is nil archaeological potential associated with the subject site. An Unexpected Finds Policy is recommended and works should cease immediately in the event that previously unidentified archaeological remains are located during construction works.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective.

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1. INTRODUCTION

1.1. BACKGROUND

Urbis Pty Ltd (Urbis) has been engaged by The GPT Group (the proponent) to produce a Heritage Impact Statement (HIS) for 754-770 & 784-786 Mamre Road, Kemps Creek (Lots 59 & 60 DP 259135) (hereafter referred to as the 'subject site') to accompany the State Significant Development Application (SSDA) for a warehousing and distribution centre within the subject area.

1.2. RESPONSE TO SEARS

This Heritage Impact Statement has been guided by the Secretary's Environmental Assessment Requirements (SEARs) for SSD-10272349.

The SEARs require preparation of a HIS in accordance with the guidelines *Assessing Heritage Significance* and *Statements of Heritage Impact*. The specific requirements of the SEARs are identified in Table 1 with the corresponding sections of this HIS.

Table 1 – SEARs requirements for SSD-10272349 and relevant report sections

Requirement No.	Requirement	Report Section
-	Heritage – including: <i>An assessment of non-Aboriginal cultural heritage items and values of the site and surrounding area.</i>	Throughout report. Section 5 and Section 6.

1.3. METHODOLOGY

This HIS 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. SITE LOCATION

The subject area is located within the City of Penrith Local Government Area (LGA). The subject area covers approximately 330,000m² and is bounded by Mamre Road and 15 to the west, Lot 1 DP 104958 to the north, Lots 56-58 DP 259135 to the south and Lots 34-37 DP 258949 and Lot 40 DP 708347 to the east. The immediate surrounds comprise predominantly semi-rural properties. The subject site is illustrated in Figure 1.



Figure 1 – Location of the subject area

1.5. THE PROJECT

The proposed works would involve the establishment of an industrial estate within the subject site, to be known as the Yiribana Logistics Estate. The proposed masterplan for the site is provided in Figure 2. The proposed works would involve:

- Demolition of all structures on the subject site.
- Vegetation removal.
- Establishment of landscaped setback on Mamre Road.
- Land remediation works to infill existing dams.
- Bulk earthworks across the subject site.
- Construction of 5 warehouses on the subject site.
- Construction of localised internal road network which would adjoin the neighbouring Aspect Industrial Estate.
- Construction of Mamre Road entrance at northern boundary of the subject site.
- Construction of hardstand carparking associated with each warehouse.

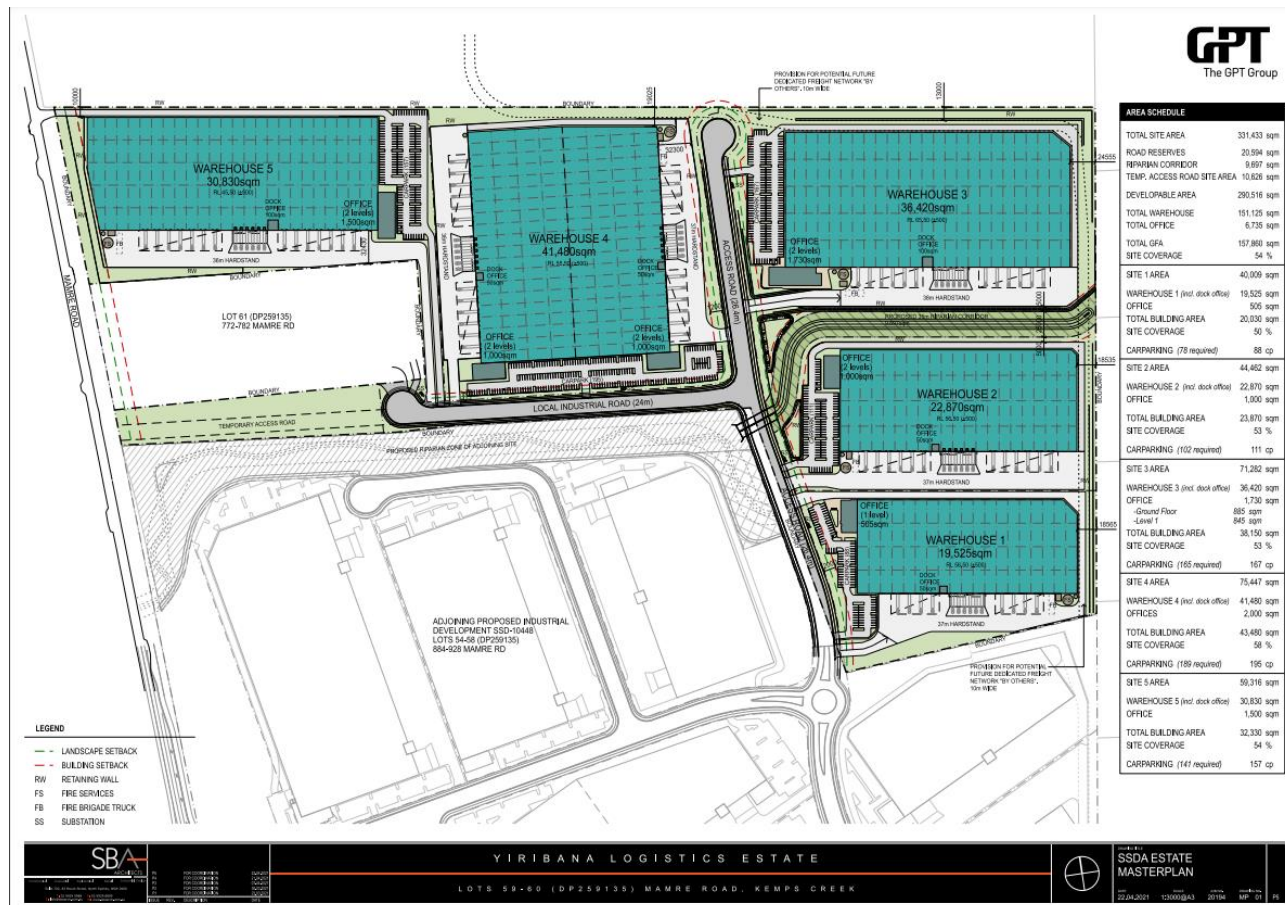


Figure 2 – Proposed masterplan for the Yiribana Logistics Estate.

Source: The GPT Group.

1.6. AUTHORSHIP

This HIS has been prepared by Sarah Hawkins (Heritage Consultant). Its content has been reviewed and endorsed by Balazs Hansel (Associate Director, Archaeology) and Ashleigh Persian (Associate Director, Heritage).

Sarah Hawkins holds a Bachelor of Arts (Honours, First Class) in Archaeology and Ancient History from the University of Sydney. She also holds a Master of Museum and Heritage Studies from the University of Sydney.

Balazs Hansel holds a Masters (History) from the University of Szeged and a Masters (Archaeology and Museum Studies) from the University of Szeged. He is currently completing a PhD (Archaeology) at the University of Sydney.

Ashleigh Persian holds a Bachelor of Property Economics from the University of Technology Sydney and a Graduate Diploma in Heritage Conservation from the University of Sydney.

2. SITE DESCRIPTION

2.1. SITE SETTING

The subject site is situated on the eastern side of Mamre Road, at Kemps Creek, to the north of Elizabeth Drive and to the south of the Erskine Park industrial area and the Warragamba to Prospect Pipeline. The subject site is within a semi-rural area that comprises of several large acreage properties which have primarily been utilised as market gardens throughout the 20th century. Much of the architectural character of the area comprises of late 20th century housing and late 20th to early 21st century agricultural outbuildings.

2.2. SITE DESCRIPTION

The subject site is accessed via Mamre Road through 20th century contemporary farm gates which provide access to long bitumen driveways along the Lot boundaries. When viewed from Mamre Road, the subject site appears as a semi-rural landscape, with wide expanses of grasses and undulating hilled landscape. There are wire fences along Mamre Road that provide a boundary for the property. Overall, the land is largely cleared of vegetation with the exception of grasses utilised for grazing. Remnant vegetation within the subject site includes concentrations of plantings around the two houses located on the subject site, and around two of the three dams on the subject site. One of these dams, located at the east boundary of the property, has been formed artificially by damming part of Kemps Creek, which originally ran through the subject site on a northeast to southwest alignment.

Within the subject site there are three dams, one located at the northwest corner of the subject site, one located within the centre of Lot 60, and one located at the eastern boundary of the subject site. The eastern dam, converted from the creek, is the largest. Part of the Kemps Creek is still present at the east of the dam. The additional two dams at the north of the subject site are smaller and both appear to be artificial, rather than converted former water sources.

There are two houses situated within the subject site in addition to several sheds and outbuildings. The northern lot, Lot 60, features one house located at the eastern extent of the Lot, which was constructed in the 1990s. Lot 60 also features a large, gravelled surface which is utilised as a truck yard and turning circle. On the eastern side of the truck yard is a series of late 20th century outbuildings associated with the truck yard, largely constructed of corrugate irons, vertical cladding, and fibro. These buildings date to the late 20th century and the early 21st century and none were identified as having potential heritage significance. The house on site is a typical 1990s brick house. It was not identified as a potential heritage item.

The second house within the subject site is situated on Lot 59, situated at the northern boundary of the subject site. This house is situated on the top of a hillcrest within the subject site and provides expansive views over much of the subject site, particularly to the south. The house is accessed via a sealed concrete driveway accessed from Mamre Road at the southern extent of the subject site. The house features several plantings, including palm trees, in concentration around the house. The house is an orange-red brick structure which dates to c.1985 and is a relatively typical 1980s-1990s semi-rural house design seen in the Penrith and Liverpool LGAs. This house, and its associated landscape plantings, were not identified as having any potential heritage significance. The interiors of the two houses within the subject site were not inspected.



Figure 3 – The dam at the east of the subject site.



Figure 4 – Kemp's Creek leading into the east dam.



Figure 5 – Overview of the gravelled truck yard.



Figure 6 – Detail of 21st century warehouse.



Figure 7 – House and landscaping on Lot 60



Figure 8 – House and landscaping on Lot 59

3. HISTORICAL OVERVIEW

3.1. BACKGROUND

This historical overview has largely been adapted from the document *Lots 54-58 Mamre Road, Kemps Creek Non-Aboriginal Statement of Heritage Impact*, prepared by Artefact Heritage (2019).

3.2. HISTORY OF THE PLACE

3.2.1. Early European history

Following initial settlement by colonial Europeans at Sydney Cove in 1788, extensive inland exploration occurred, which sought to navigate and explore the new colony via major rivers. The Parramatta and the Georges Rivers were the first to be explored, however in 1789 Watkin Tench led a party west from the new settlement at Parramatta (originally Rose Hill) to the Blue Mountains. During this exploration Tench was the first European to encounter the Nepean River and traverse much of the Cumberland Plain and Nepean Valley. The exploration was largely strategic, as navigating rivers to find suitable transportation and trade routes was crucial in the early days of the colony.¹ Fertile soils situated nearby rivers were also of paramount for agricultural prosperity at this time.

In 1813 the area was again explored by Gregory Blaxland, William Charles Wentworth and William Lawson, who crossed the Blue Mountains and confirmed the presence of expansive plains beyond the Great Dividing Range. Shortly after, the Great Western Highway was surveyed and constructed, following the route walked by the explorers. The construction of the road encouraged extensive land subdivision and settlement throughout the Cumberland Plain, creating a diverse rural settlement. The region included wealthy free settlers such as Gregory Blaxland and Nicholas Bayly, military officers, missionaries such as Samuel Marsden, in addition to convicts and former convicts.² The area was rapidly converted for diverse agricultural land-use, becoming the foundation of pastoral industries in Australia. The area, particularly around the Hawkesbury and Nepean, supplied much of the colony with fruits, vegetables, meat, grains, and eventually the first wool and wine to be produced in Australia.³

The subject site is situated within the Parish of Melville (Figure 9), where notable land grants included those given to Nicholas Bayly and Richard Fitzgerald. The subject site includes portions of the land grants of Nicholas Bayly (1070 acres), Richard Fitzgerald (300 acres), and Ezekiel Wood (300 acres).

¹ Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 20.

² Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 101.

³ Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 101.

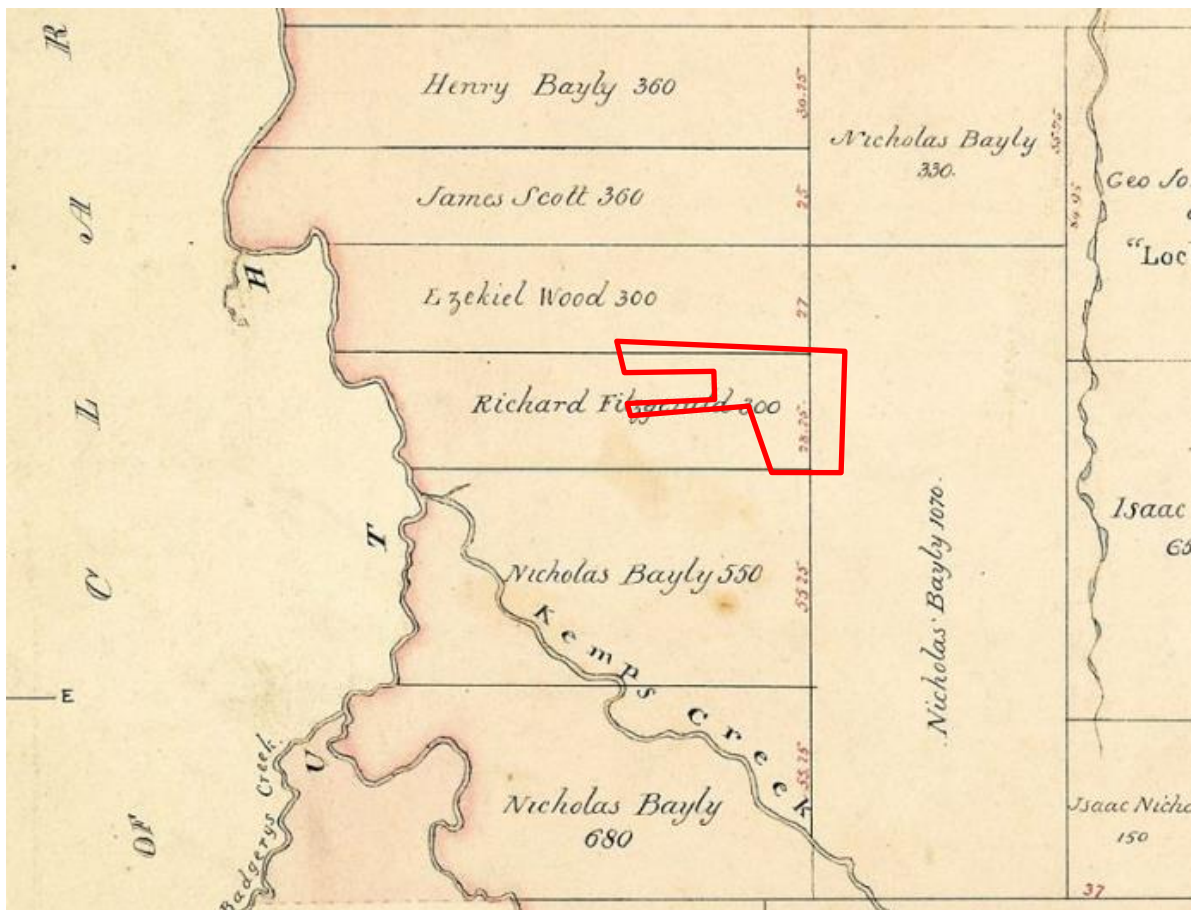


Figure 9 – Map of the Parish of Melville, c.1830s. Approximate location of subject site outlined in red.

Source: HLRV

3.2.2. Early land grants

3.2.2.1. Nicholas Bayly

Nicholas Bayly arrived in Sydney in 1797, as he had been a commander on the *Barwell*. He initially developed a controversial reputation, including illegal liquor possession, “undue severity” towards his convicts, for his involvement in the disposition of Governor Bligh, and a subsequent rift with John Macarthur.⁴ Bayly received several land grants in the Nepean region by Governor Paterson, which were subsequently confirmed by Governor Macquarie.

In 1805 he was first granted 680-acres within the Parish of Melville, which he named Kings Down. He received an additional 1070 acres (including the subject site) in 1810, which he named Macquarie Place.⁵ In 1810 Bayly also received 550-acres adjoining his earlier land grants, which he named Bayly Park. Bayly Park became Bayly’s primary residence and estate, with a homestead established there by 1814. The estate included a “noble mansion with gardens and cultivated grounds.”⁶ The land was worked by convict gangs who cleared and worked the estate. This also included mechanics, stonemasons and carpenters.⁷ Over 40 acres of land were cleared for wheat crops, and additionally, livestock such as sheep and cattle were held at the property.⁸ Bayly lived at the property until 1823 when he passed away. It was then inherited by his son, Henry Bayly, who sold the property at auction. The sale advertisement described Bayly Park as “comprising

⁴ MacLaurin, E.C.B., 1966. ‘Fitzgerald, Richard (1772-1840).’ *Australian Dictionary of Biography*. Accessed online 10/5/2021 at: <https://adb.anu.edu.au/biography/fitzgerald-richard-2048>

⁵ Penrith History, n.d. ‘Kemps Creek.’ *Penrith City Local History*.

⁶ Heritage NSW, 2005. ‘Bayley Park – House.’ State Heritage Inventory.

⁷ Heritage NSW, 2005. ‘Bayley Park – House.’

⁸ Heritage NSW, 2005. ‘Bayley Park – House.’

a substantial Brick-built Dwelling house, with suitable offices and outhouses, together with about 2500 acres of land... and an orchard stocked with the choicest fruit trees.”⁹

The subject site comprises a small portion of Bayly’s Macquarie Park estate. There is no recorded land use at Macquarie Park by Bayly during this time period, however there may have been informal land use such as minor land clearance, establishment of boundary fences, and potentially establishment of secondary livestock paddocks. As Bayly Park was Bayly’s primary estate and he expended large finances and efforts into establishing a colonial gentleman’s estate here, it is assumed that there was very minor and informal land use – if any – at his surrounding grants. Bayly Park was later purchased by Richard Jones in 1826 and was renamed Fleurs.¹⁰ Fleurs became a major pastoral estate within Sydney, and he was a largely absent landowner, with Fleurs just one of his many agricultural estates throughout New South Wales. The estate was subdivided from the 1850s at auction,¹¹ and was eventually separated into two portions by the construction of Mamre Road in 1895. The estate was again sold in the 1930s

3.2.2.2. Richard Fitzgerald

Richard Fitzgerald arrived in Sydney as a convict in 1791, arriving on the *William and Anne*, which travelled as part of the Third Fleet.¹² On account of his experience with agriculture in England, Fitzgerald was frequently stationed on public farms, where he was largely successful. He was subsequently appointed as the superintendent of convicts and agriculture for the districts of Parramatta and Toongabbie.¹³ As part of his rise, he was granted several land parcels within Cabramatta and Rouse Hill, and in December 1805 he was granted 300 acres of land within the Parish of Melville, forming part of the subject site. This land was named Restitution Farm.

In 1826 reports in *The Monitor* including an advertisement for the sale of Livestock suggest that Fitzgerald was living in Windsor. In 1831 he received additional land grants, including one in the nearby Parish of Gidley, and two in Londonderry.¹⁴ Throughout his career Fitzgerald ran numerous properties throughout the colony. This included several estates in Wollar (near Bathurst and Lithgow), at Emu Plains, and the Macarthur Estate at Camden Park.¹⁵ He worked closely with Mrs Macquarie and was a close friend of Governor Macquarie. In 1936 he was granted an expansive two thousand acre grant at Dabee, which adjoined one belonging to Mrs Macquarie. He ran both properties and was described as “the legal representative of Mrs Macquarie, in this colony,” attesting to his respected position in society.¹⁶

There is no recorded historical evidence to suggest a homestead or additional structures were built at Restitution Farm, however there may have been some informal land use including establishment of boundary fences, minor land clearance, and some grazing of livestock. There appears to have been an informal conveyance of the property to Nicholas Bayly in 1810, with the estate later leased to Henry Bayly from 1836.¹⁷ The estate was potentially absorbed into the Fleurs Estate following Richard Jones’s purchase of the land.

3.2.2.3. Ezekiel Wood

The subject site bordered on and may have included a small portion of Ezekiel Wood’s land grant. There is limited information about Wood himself, however he appears to have served as an Assistant Clerk and then a Clerk for the Police Force. There is no record of Wood living at or building on his land grant here. There may have been some informal land use of the grant, including minor land clearance and establishment of boundaries. It can be assumed that land clearance, particularly at the boundaries of land grants occurred to

⁹ *The Sydney Gazette and New South Wales Advertiser*, 4 March 1824. ‘Classified Advertising.’ Accessed online via trove: <https://trove.nla.gov.au/newspaper/article/2182695>

¹⁰ Heritage NSW, 2005. ‘Bayley Park - House.’

¹¹ *Empire*, Sat 5 Jun 1852. ‘Advertising: The Princely Estate of Fleurs.’ Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/60135476>

¹² MacLaurin, E.C.B., 1966. ‘Fitzgerald, Richard (1772-1840). *Australian Dictionary of Biography*.

¹³ MacLaurin, E.C.B., 1966. ‘Fitzgerald, Richard (1772-1840). *Australian Dictionary of Biography*.

¹⁴ *The Sydney Gazette and New South Wales Advertiser*, 23 August 1836. ‘Government Gazette, Wednesday, August 17th 1836. Grants of Land.’ Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/2206175>

¹⁵ MacLaurin, E.C.B., 1966. ‘Fitzgerald, Richard.’ *Australian Dictionary of Biography*.

¹⁶ *The Sydney Gazette and the New South Wales Advertiser*, 23 August 1836. ‘Government Gazette, Wednesday August 17th 1836. Grants of Land.’

¹⁷ Biosis, 2018. *Mamre South State Significant Development Application Statement of Heritage Impact*, p. 18. Prepared for Frasers Property Industrial Constructions Pty Ltd and Altis Property Partners Pty Ltd.

some extent in the Macquarie era, as it was part of Macquarie's land improvement policies that all land grants were required to show improvement, such as clearance of vegetation and construction of formal boundary fences.

3.2.3. Fleurs

Following Nicholas Bayly's death in 1823, the Bayly Park Estate was purchased by Richard Jones for £3,400. The estate was renamed Fleurs. Jones had extensive livestock at the property, including dairy cattle, pigs and poultry. He was also involved in some of the colonies early experimental wine-making, with a six-acre vineyard established at the subject site.¹⁸ The property was maintained by a Superintendent, Mr Stevenson, suggesting Jones lived elsewhere.¹⁹ Bayly Park House may have been lived in by Stevenson as part of his role running the property. Jones sold the estate in 1840 following the collapse of the wool market.

Jones' sale advertisement described the land as "the best land in the country of Cumberland", with 1823 acres cleared.²⁰ Listed structures on the site included a stone dwelling, detached servants quarters, stone and brick outbuildings including a laundry and kitchen, a garden and vineyard. Additional buildings included a dairy, storeroom, butcher, wine room with cellar, coach house, tool storeroom, stables, labourers quarters, a blacksmiths shop, and a cottage for the estate's gardener.²¹ Specific locations of these buildings are not indicated on any known maps or plans of the site. It is likely however that these structures were situated in close proximity to the main homestead, as was typical of many homesteads within the Cumberland Plain.²²

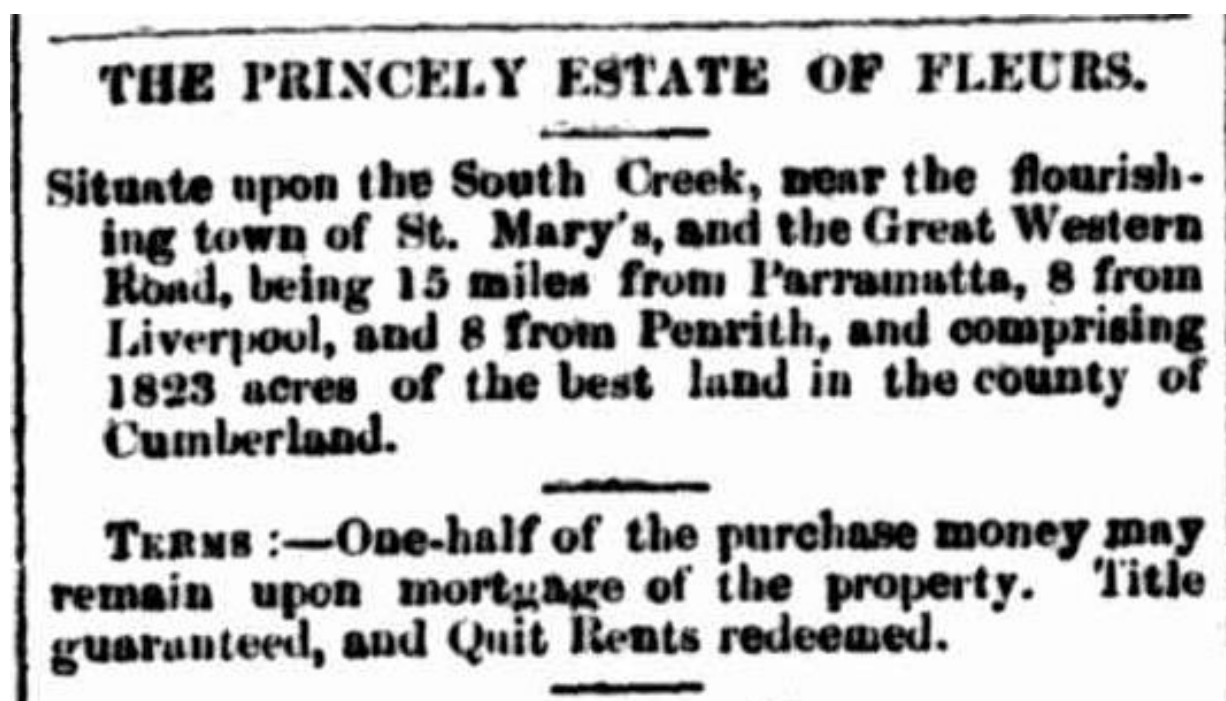


Figure 10 – Sale advertisement for Fleurs Estate, 1853.

Source: *Empire*, 5 June 1852. 'Advertising.'

¹⁸ Binney, K.R., 2005. *Horseman of the First Frontier (1788-1900) and the Serpent's Legacy*, 84.

¹⁹ *The Sydney Morning Herald*, 19 Nov 1841. 'Stolen or Strayed.' Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/12872357>

²⁰ *Empire*, 5 Jun 1852. 'Advertising. The Princely Estate of Fleurs.' Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/60135476>

²¹ *Empire*, 5 Jun 1852. 'Advertising. The Princely Estate of Fleurs.'

²² Morris, C., and Britton, G., 2000. *Colonial landscapes of the Cumberland Plain and Camden, NSW: A survey of selected pre-1860 cultural landscapes from Wollondilly to Hawkesbury LGAs*, p. 129.

In 1852 Fleurs was purchased by John Savery Rodd,²³ but was potentially inhabited or leased by Robert Cork.²⁴ The land was again advertised for sale by Rodd in 1866, however it does not appear to have been successfully sold at this time. The 1866 advertisement was similar to that included in 1852, with no new buildings listed in the sale notice, suggesting that no new buildings were constructed within the estate during Rodd's ownership.

Land titles records show that in 1870 the land was like inherited by a relative of Rodd, also a John Rodd. The land was sold in the following year, where it was purchased by Andrew Brown. The land was likely inhabited by Elizabeth Rettalick and Joseph Weston however.²⁵ The land had a string of owners in the 1870s and 1880s, before it eventually came into the control of the Penrith auctioneer, T.R. Smith. Smith subdivided the land in 1883, however it was sold to the land spectator Thomas Morse in 1887.²⁶ Morse subdivided the property in 1888 into 20-acre blocks, advertised as 'ready for the plough' and suitable for farms or orchards.²⁷



Figure 11 – Fleurs subdivision plan, 1895.

Source: National Library of Australia (Call No. MAP LFSP 2502, Folder 154)

²³ *The Sydney Morning Herald*, Tuesday 21 October 1862. 'Family Notices.' Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/13235867>

²⁴ *The Sydney Morning Herald*, 29 June 1912. 'An Old Document.' Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/100905177>

²⁵ Heritage NSW, 2005. 'Bayley Park – House.'

²⁶ Heritage NSW, 2005. 'Bayley Park – House.'

²⁷ *The Sydney Morning Herald*, June 21 1888. 'Advertising.' Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/13689648>

3.2.4. Twentieth century development

During the early twentieth century there is no recorded evidence of development across the subject site. There is some evidence of Federation era housing being constructed within the Fleurs estate, however these were situated out of the subject site. One example was located on the nearby Aldington Road and was extant in the late 1890s.²⁸

The estate was again subdivided in 1930 by Greenfields Limited, marketed as “eminently suited for subdivision into dairy farms...suitable for either sheep or cattle”²⁹ There are no recorded structures on the property at this time, however informal lightweight structures such as agricultural structures may have been present. As these new subdivided lots were sold, it is likely that additional land clearance and agricultural land use such as grazing would have occurred. Gradually, houses were constructed surrounding the subject site from the mid-20th century and in 1958 Mamre Road was widened.³⁰ During this period the land continued to be utilised for grazing. There is no evidence to suggest that orcharding – as was advertised in previous subdivision and auction sales – ever occurred in the subject site.

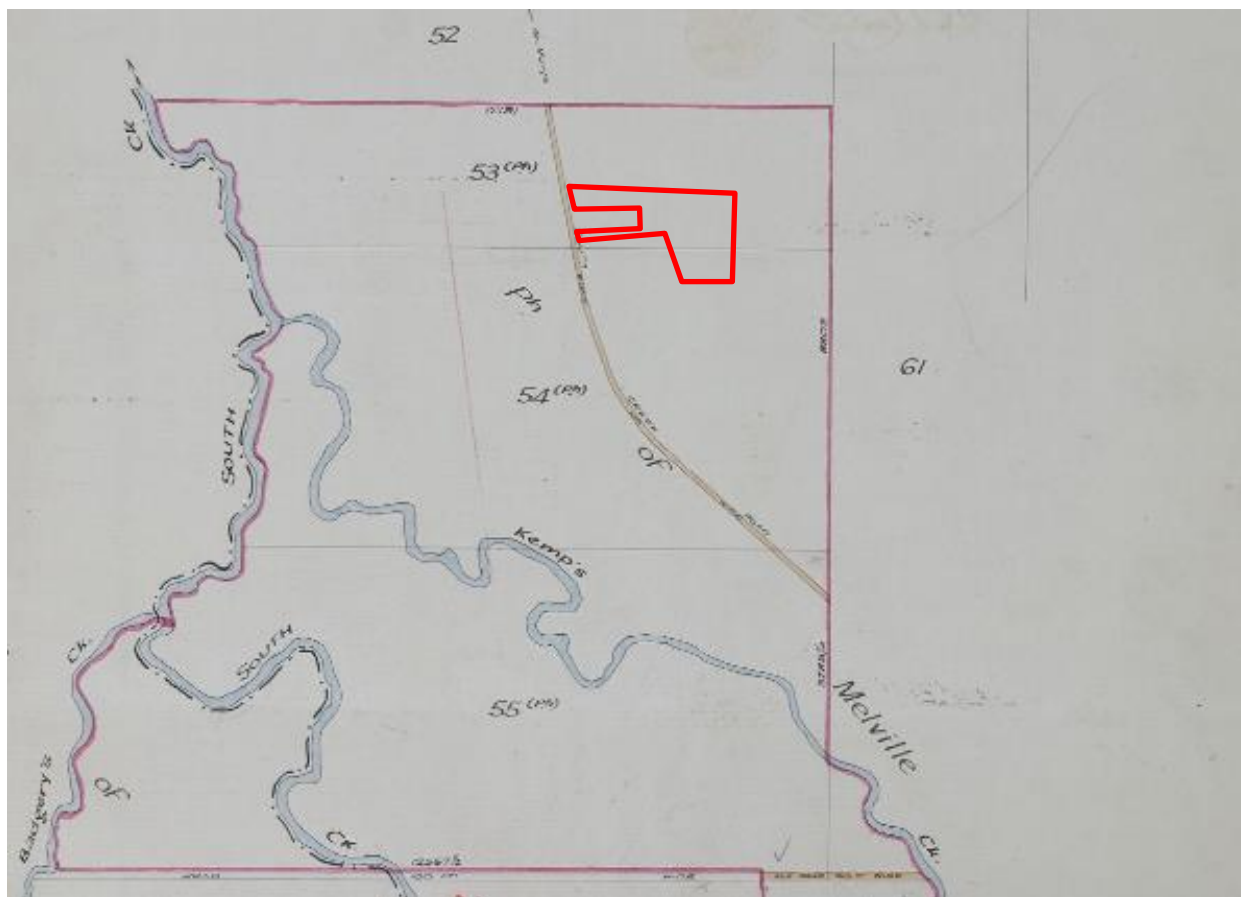


Figure 12 – Map of Kempls Creek showing the Fleurs Estate boundaries, Lot 54. Early 20th century. Approximate location of the subject site outlined in red.

Source: Land Registry Services.

²⁸ Penrith City Council, 1986. 'Farmhouse, Aldington Road, Kempls Creek.' Accessed online: <http://www.photosau.com.au/penrith/scripts/ExtSearch.asp?SearchTerm=KC005>

²⁹ *Nepean Times*, Sat 10 March 1934. 'Fleurs.' Accessed online via Trove: <https://trove.nla.gov.au/newspaper/article/101335875>

³⁰ Artefact Heritage, 2019. *Lots 54-58 Mamre Road, Kempls Creek, Non-Aboriginal Statement of Heritage Impact*, 17.

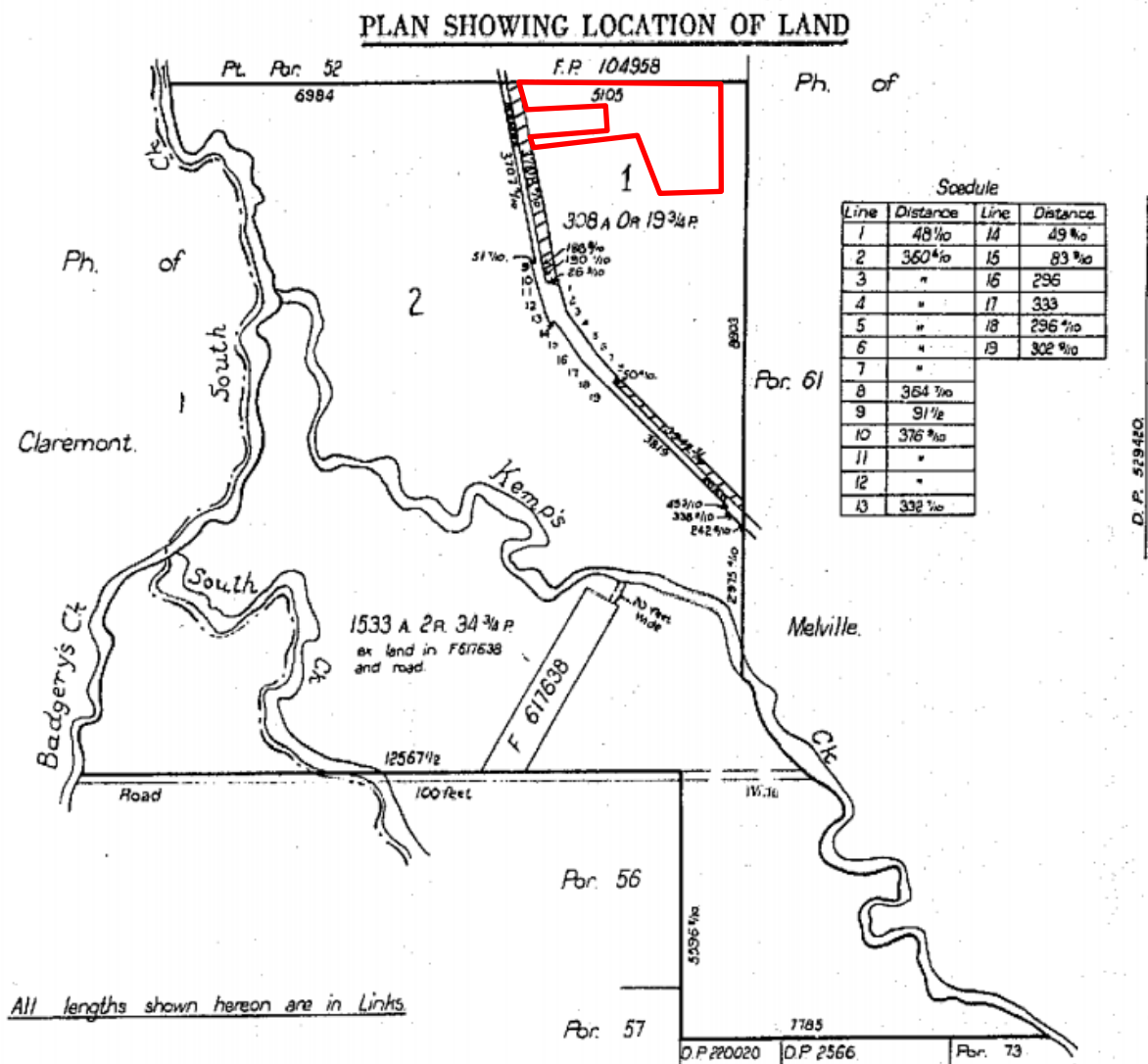


Figure 13 – Map of Kemp's Creek showing widening of Mamre Road within the subject site, 1968, with approximate outline of subject site outlined in red.

Source: Land Registry Services.

Aerial imagery of the subject site from 1965 shows the subject site largely undeveloped, with some remnant native vegetation – likely consisting of eucalyptus and Cumberland woodplain – present at the rear of the property, particularly concentrated around the dwindling creek line. Within the subject site, two small dams were present at the northern boundary. Two structures were present within the subject site, constructed at the western boundary of the subject site, adjoining Lot 61 (out of the subject site). These structures may have been early sheds, barns or other agricultural structures, as neither appears to be a house. At this time, the structures appear to have been associated with the house in Lot 61, forming part of a semi-rural agricultural buildings complex.



Figure 14 - Aerial imagery of the subject site, 1965, with outline of subject site in red.

Source: *Department of Customer Service, 2020. Historical Aerials Viewer.*



Figure 15 – Detail of the 1965 aerial imagery, showing the original homestead complex, partially within and partially without of the current subject site. Approximate line of the subject site marked by red line.

Source: Department of Customer Service, 2020. Historical Aerials Viewer.

By 1979 the Fleurs Estate had been subdivided to reflect the current cadastral boundaries. This resulted in the division of the former homestead group. Additional structures were built in the early and mid-1970s, as attested in the aerial imagery. The complex appeared to still operate as one group however, with no apparent division of the land, and with the agricultural buildings remaining to be connected to the house by dirt driveways. In c.1975, part of the creek at the eastern extent of the subject site was converted to an artificial dam.

By 1984, construction began on the extant house at the northern boundary of the subject site, situated on a hillcrest with views over much of the subject site. The house was access from a long driveway which ran along the southern side of the earlier housing, and which still provided access to the agricultural buildings. A pool was constructed with this house and by 1986 the driveway was partially sealed. No additional structures were built in close proximity to the house.



Figure 17 - Aerial imagery of the subject site, notably showing the establishment of the eastern dam, 1975, with outline of subject site in red.

Source: Department of Customer Service, 2020. Historical Aerials Viewer.



Figure 18 – The subject site in aerial imagery from 1978, with outline of subject site in red.

Source: Department of Customer Service, 2020. Historical Aerials Viewer.



Figure 19 – The subject site in aerial imagery from 1984, with outline of subject site in red.

Source: Department of Customer Service, 2020. *Historical Aerials Viewer*.



Figure 20 – The subject site in aerial imagery from 1986, notably showing the construction of the house in Lot 59, with outline of subject site in red.

Source: Department of Customer Service, 2020. Historical Aerials Viewer.

Between 1986 and 1991 the subject site appears to become used as three separate lots, each containing a separate house. The 1991 aerial imagery shows boundary fences built around Lot 60 of the subject site. By 1991, a house had been constructed at the rear of Lot 60, of considerable size and with a pool and pool house at the very rear of the lot. The house was accessed via a driveway along the southern edge of the lot. Approximately three sheds were also present within this lot in the 1991 aerial imagery. Lot 60 was cultivated at this time for market gardening, with the 1991 aerial imagery showing the land being cleared with large garden beds established. By 1998 much of Lot 60, extending from Mamre Road to the house at the rear of the block, was under cultivation. A shed was also constructed at the northern boundary of Lot 60.

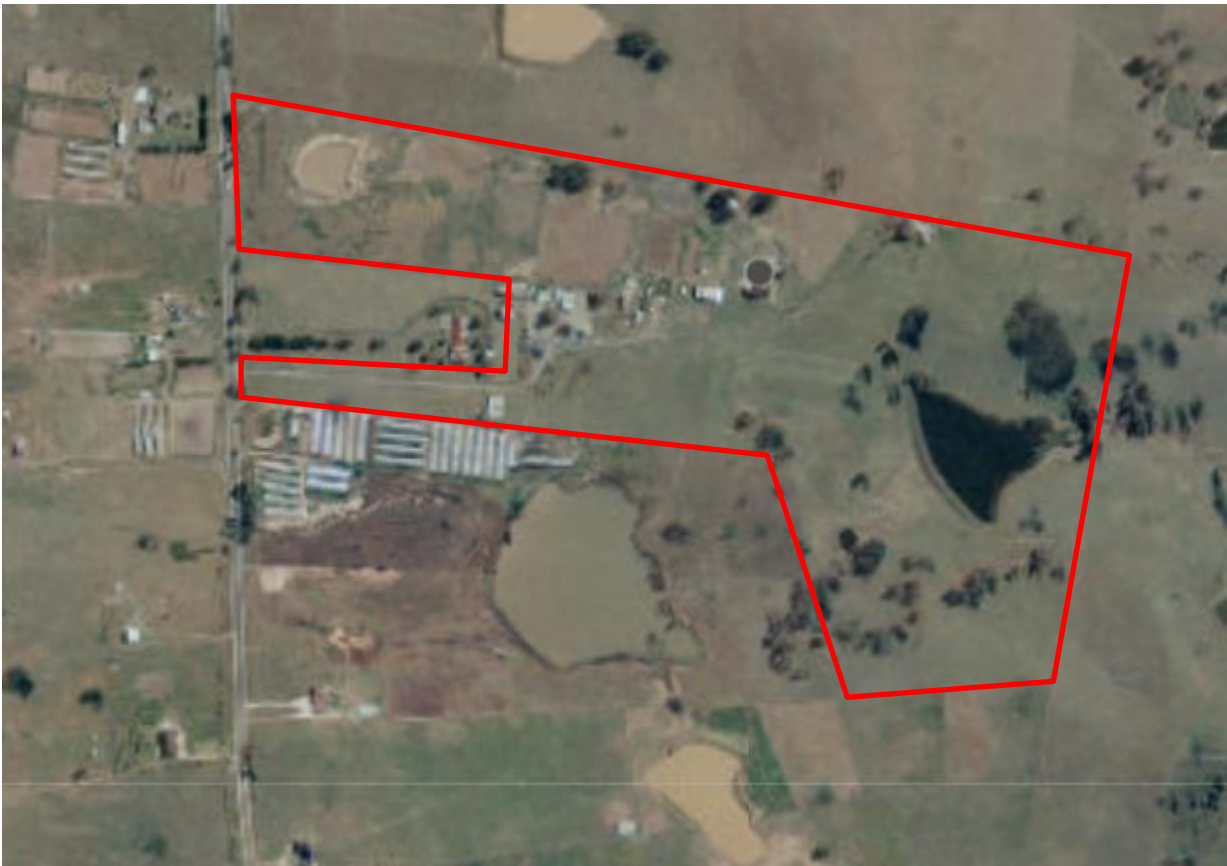


Figure 21 – The subject site in aerial imagery from 1991, notably showing the construction of the house in Lot 60, with outline of subject site in red.

Source: *Department of Customer Service, 2020. Historical Aerials Viewer.*



Figure 22 – Aerial imagery from 1998, showing establishment of market gardens in Lot 60, with outline of subject site in red.

Source: Department of Customer Service, 2020. Historical Aerials Viewer.



Figure 23 – Aerial imagery of the subject site in 2004, with outline of subject site in red.

Source: Department of Customer Service, 2020. Historical Aerials Viewer.

From 2011 most of the market gardens in Lot 60 were removed. A large, gravelled surface was constructed across much of the central area of the Lot and a second driveway was constructed along the northern edge of the lot. Additional shed structures were built at this time, accommodating the new use of the land as part of a truck yard.



Figure 24 – Aerial imagery of the subject site in 2020, with outline of subject site in red.

Source: SixMaps

3.3. PREVIOUS LANDOWNERS

A list of previously recorded landowners of the subject site is provided in Table 2.

Table 2 – List of Previous Owners

Date	Owner
18 Dec 1805	Nicholas Bayly (550 acres) Richard Fitzgerald (300 acres)
May 1823	Henry Bayly
1818	Bank of New South Wales
17 May 1826	Richard Jones
9 November 1843	William Fanning, James Holt, William Dawes (off assess)
28 January 1845	Frederick Darvall
27 March 1850	Jacob Monlifore, Robert Graham, John Bayly Darvall

Date	Owner
30 December 1850	Edward Darvall
15 October 1852	John Savoy Rodd
26 January 1870	John (???)mayne Rodd
22 December 1871	Andrew Brown
20 January 1870	Catherine Rodd
31 October 1876	Thomas Walker
13 April 1879	John Sutton
25 November 1881	David Helcher
7 February 1882	Andrew McCauley James Greer
27 April 1885	Thomas Waters
12 April 1888	Thomas Morse
12 July 1895	William De Salis
12 February 1909	Alfred Johann Bollenhagen
1 April 1916	Donald Bruce McIntyre
6 October 1916	Henry Horton
2 August 1934	Greenfields Limited
13 February 1945	Joseph Henry Bawn

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 LISTINGS

There are no heritage listed items within the subject site. There are three heritage listed items within the vicinity of the subject site:

- 'Bayley Park – House' (919-929 Mamre Road), listed on the State Environmental Planning Policy (SEPP) (Western Sydney Employment Area) 2009 as I2.
- 'Gateposts to Colesbrook' (269-285 Mamre Road), listed on the State Environmental Planning Policy (SEPP) (Western Sydney Employment Area) 2009 as I3.
- 'Brick farmhouse' (282 Aldington Road), listed on the State Environmental Planning Policy (SEPP) (Western Sydney Employment Area) 2009 as I4.

The subject site once comprised part of the land owned by Nicholas Bayly, however, is not included within the statutory curtilage of the Bayley Park – House heritage listing. Please note that the heritage listings for Bayly Park have misspelled Nicholas Bayly's surname as Bayley.



Figure 25 – Heritage listed items within the vicinity of the subject site, with the subject site outlined in red.

Source: State Environmental Planning Policy (Western Sydney Employment Area) 2009.

4.3. STATEMENT OF SIGNIFICANCE

4.3.1. Bayley Park – House (I2)

The statement of significance for Bayley Park – House has been extracted from the State Heritage Inventory:

Under construction from the 1810s for Nicholas Bayley [sic], the property is unique in the south-eastern section of Penrith LGA for its historic associations with a settler family and colonial era rural enterprise. While the importance of the house requires investigation, the treed Creekside setting with foreground of pastureland provides a historic item and demonstrates nineteenth century pastoral and agricultural estate planning.³¹

4.3.2. Gateposts to Colesbrook (I3)

The statement of significance for Gateposts to Colesbrook has been extracted from the State Heritage Inventory:

Significant as evidence of the prosperity of the larger rural properties in the late 19th and early 20th Century, and the subsequent decline leading to the present day subdivision of the area into 10ha allotments.³²

4.3.3. Brick farmhouse (I4)

The statement of significance for Brick Farmhouse has been extracted from the State Heritage Inventory:

The farmhouse is of local significance and demonstrates the emergence of small farmsteads in the area following the subdivision of the Fleurs estate in the 1880s. Albeit altered the building remains a substantial and elaborate farmhouse of its era prominently set on a hillside overlooking the South Creek floodplain. The house and surrounding cleared hillside evoke a rural setting. The house is best of the late nineteenth century and early to mid twentieth century residences in this historically sparsely settled area. This significance is enhanced by its historic association with the Fleurs estate subdivision.

³¹ Heritage NSW, 2005. 'Bayley Park – House.'

³² Heritage NSW, 2000. 'Gateposts to Colesbrook.' State Heritage Inventory. Accessed online: <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2260105>

5. PRELIMINARY ARCHAEOLOGICAL ASSESSMENT

5.1. TERMS & DEFINITIONS

Historical archaeological potential is defined as:

*The degree of physical evidence present on an archaeological site, usually assessed on the basis of physical evaluation and historical research.*³³

Archaeological research potential of a site is the extent to which further study of relics likely to be found is expected to contribute to improved knowledge about NSW history which is not demonstrated by other sites, archaeological resources or available historical evidence. The potential for archaeological relics to survive in a particular place is significantly affected by later activities that may have caused ground disturbance. These processes include the physical development of the site (for example, phases of building construction) and the activities that occurred there. The archaeological potential of The Site is assessed based on the background information presented in Section 3, and graded as per:

- **Nil Potential:** the land use history demonstrates that high levels of ground disturbance have occurred that would have completely destroyed any archaeological remains. Alternatively, archaeological excavation has already occurred, and removed any potential resource;
- **Low Potential:** the land use history suggests limited development or use, or there is likely to be quite high impacts in these areas, however deeper sub-surface features such as wells, cesspits and their artefact bearing deposits may survive;
- **Moderate Potential:** the land use history suggests limited phases of low to moderate development intensity, or that there are impacts in the area. A variety of archaeological remains is likely to survive, including building footings and shallower remains, as well as deeper sub-surface features;
- **High Potential:** substantially intact archaeological deposits could survive in these areas.
- The potential for archaeological remains or 'relics' to survive in a particular place is significantly affected by land use activities that may have caused ground disturbance. These processes include the physical development of the site (for example, phases of building construction) and the activities that occurred there. The following definitions are used to consider the levels of disturbance:
- **Low Disturbance:** the area or feature has been subject to activities that may have had a minor effect on the integrity and survival of archaeological remains;
- **Moderate Disturbance:** the area or feature has been subject to activities that may have affected the integrity and survival of archaeological remains. Archaeological evidence may be present; however it may be disturbed;
- **High Disturbance:** the area or feature has been subject to activities that would have had a major effect on the integrity and survival of archaeological remains. Archaeological evidence may be greatly disturbed or destroyed.

5.2. ASSESSMENT OF HISTORICAL ARCHAEOLOGICAL POTENTIAL

The following table provides a succinct assessment of archaeological potential in association with each phase of development across the site.

³³ Heritage Office and Department of Urban Affairs and Planning 1996.

Table 3 – Assessment of archaeological potential

Phase	Land use	Potential remains	Integrity	Potential
Phase 1 – Original land grants (1805-1826)	<p>Phase 1 involves the original land grants given to Richard Fitzgerald and Nicholas Bayly in 1805. Fitzgerald's grant appears to have been informally conveyed to Bayly in the 1810s, where it formed part of the Bayly Park Estate. Bayly established Bayly Park on the southwest side of Mamre Road, outside of the subject site, and the main house remains extant today, although somewhat modified. The original land grants extended over either side of Mamre Road however, which was not constructed until 1895.</p> <p>Bayly established a traditional gentleman's estate at Bayly Park. He constructed the primary homestead in addition to several stone and brick outbuildings, as discussed in Section 3. Land use at this time also included the establishment of an orchard and garden, what crops, and grazing paddocks, which would have occurred after extensive land clearance. Many of these activities would have occurred within the areas immediately adjacent to the homestead, and therefore to the southwest of the subject site. Additionally, formal land boundaries would have been established, likely including timber post-and-rail fencing.</p>	<p>Recorded stone, brick and timber structures associated with Bayly Park were likely in close proximity to the extant homestead, which remains extant and is located approximately 1km southwest of the subject site.</p> <p>Boundary fences and informal lightweight agricultural structures of timber may have been present. Timber and post holes are highly ephemeral however may be present.</p> <p>Evidence of former landscaping, agricultural practices, and archaeobotanical remains.</p>	<p>Unlikely to survive with a high degree of spatial and physical integrity, due to extensive disturbance across the subject site in Phases 2, 3, and 4.</p> <p>Disturbance has included extensive grazing, market gardening, ploughing, and construction. Remains of any timber structures would be highly ephemeral and would likely be destroyed by subsequent phases of activity. Remains of boundary fences and post holes have likely been destroyed by the construction and widening of Mamre Road.</p>	Nil to very low

Phase	Land use	Potential remains	Integrity	Potential
Phase 2 – Fleurs (1826-1883)	<p>Following Bayly's death, the land was purchased by Richard Jones and renamed Fleurs. Additional structures such as blacksmith's stores, store rooms, dairies, a stable and wine cellars may have been constructed during this time, with Fleurs forming part of Jones' agricultural network throughout the colony. These structures however were likely constructed in close proximity to the main household and therefore to the southwest of the subject site.</p> <p>The subject site may have been utilised as an extension of grazing paddocks at this time, potentially with timber fences established to denote paddocks and enclosures. Loose boxes, calf pens, or stock yards, or more substantial structures such as barns are not likely to have been situated at this distance from the main house.</p>	<p>Recorded stone, brick and timber structures associated with Bayly Park/Fleurs were likely in close proximity to the extant homestead, which remains extant and is located approximately 1km southwest of the subject site.</p> <p>Boundary fences and informal lightweight agricultural structures of timber may have been present. Timber and post holes are highly ephemeral however may be present.</p> <p>Evidence of former landscaping, agricultural practices, and archaeobotanical remains.</p>	<p>Unlikely to survive with a high degree of spatial and physical integrity, due to extensive disturbance across the subject site in Phases 3 and 4.</p> <p>Disturbance has included extensive grazing, market gardening, ploughing, and construction. Remains of any timber structures would be highly ephemeral and would likely be destroyed by subsequent phases of activity. Remains of boundary fences and post holes have likely been destroyed by the construction and widening of Mamre Road.</p>	Nil to very low
Phase 3 - Subdivision (1883-1930s)	<p>The Fleurs Estate was subdivided by the Penrith based auctioneer T.R. Smith in 1883, with several 20-acre lots established. Mamre Road was also established in 1895, resulting in the division of the estate. New boundary fences would have been established as part of the subdivision, including along Mamre Road. Additional land clearance would likely have occurred as a result of the subdivision into smaller lots, particularly at the western end of the subject</p>	<p>Potential archaeological remains associated with Phase 3 may include boundary fences, undocumented timber agricultural structures, and evidence of agricultural cultivation.</p>	<p>Unlikely to survive with a high degree of spatial and physical integrity, due to extensive disturbance across the subject site in Phases 3 and 4.</p> <p>Disturbance has included extensive grazing, market gardening, ploughing, and construction. Remains of any timber structures would be</p>	Nil to very low

Phase	Land use	Potential remains	Integrity	Potential
	<p>site alongside Mamre Road. While the Lots were successfully sold, there is no evidence of houses being constructed within the subject site at this time. As the area continued to be used for pastoral enterprises, grazing, minor earthworks, and the establishment of irrigation networks likely occurred during this time. Some lightweight agricultural structures such as paddock enclosures may have been established however there is no positive evidence to confirm the presence of these structures.</p>		<p>highly ephemeral and would likely be destroyed by subsequent phases of activity. Remains of boundary fences and post holes have likely been destroyed by the construction and widening of Mamre Road.</p>	
Phase 4 – Rural farming and residential use (1930s-present)	<p>The Fleurs Estate was again subdivided in c.1930, this time into smaller lots of 10-acres. The land continued to be utilised for small-scale grazing under private ownership. Historic aerial imagery shows that this may have continued until the 1990s, when market gardening was introduced at the southern portions of the subject site.</p> <p>The sheds currently located within Lot 59 DP 259135 were constructed in the early 1970s, as attested by historic aerial images. The house within this lot, located at the northern boundary of the subject site was constructed in c.1985 and remains extant. At this time, the long driveway which provides access to the house from Mamre Road was also constructed. The large dam at the east of the subject site was originally present and has</p>	<p>Structures associated with Phase 4 are extant and would not be considered archaeological.</p>	N/A	N/A

Phase	Land use	Potential remains	Integrity	Potential
	<p>been formed as part of the former creekline which ran through the subject site towards Mamre Road on an approximately southwest alignment, however this was enlarged in the early 1970s. The dam at the western boundary of the subject site does not appear to have been an original water source, first appearing in aerial imagery from 1991. It appears to be an entirely artificial dam constructed in c.1991.</p> <p>The house within Lot 60 (the northern lot) was constructed in c.1991.</p> <p>Much of the subject site, particularly at the north of the subject site, was utilised as market gardens throughout the 1990s to the early 2000s. From c.2011, portions of the market gardens were gradually removed and a large gravelled surface was constructed for a truck yard area.</p>			

5.3. SUMMARY OF ARCHAEOLOGICAL POTENTIAL

The historic land use associated with Phase 1 is largely related to the original land grants given to Richard Fitzgerald and Nicholas Bayly in 1805, with Phase 2 associated with the Fleurs Estate. Potential archaeological remains would therefore be associated with these land grants, particularly early land clearance, establishment of formalised land boundaries, and early agricultural practices. Historical documentation lists a variety of outbuildings, both domestic and agricultural, that were established at Bayly Park in the early 1800s. These features, including stone, brick, and timber outbuildings, were likely located in close proximity to the main homestead of Bayly Park, which remains extant and outside of the subject site. Analysis of Cumberland Plain homesteads suggests that all outbuildings would be within a 500m radius of the primary homestead, suggesting that there is nil potential for outbuildings or structures associated with Bayly Park to be present within the subject site.

It is somewhat likely at this time that timber post and rail boundaries would have been established within the subject site, to mark the formalised land grants. This was particularly important during the Macquarie era, where evidence of land improvement was required, including land clearance and established of boundary fences. Evidence of timber posts, or post holes is not likely to remain present within the subject site due to extensive land disturbance associated with later phases of land use. Agricultural activities such as ploughing would likely have disturbed intact soils which may have preserved ephemeral evidence such as post holes. There is therefore nil potential for evidence associated with timber boundary fences to be present within the subject site.

The subject site may have been utilised for agricultural purposes during phases 1 and 2. It was likely not used as cultivated land, however some grazing may have occurred within the subject site. Land clearance may have also occurred, which is some intact sites may be evident through the presence of tree boles. In intact and well preserved soil profiles, archaeobotanical evidence of early crops can also be retained and may be analysed, providing information regarding early agricultural crops present. Due to the high disturbance of the subject site in Phases 3 and 4, it is likely that intact soil profiles have been disturbed and redistributed across the subject site, removing potential for archaeobotanical evidence or evidence of tree boles and land clearance. There is therefore nil potential for these archaeological remains associated with Phase 1 and 2 within the subject site.

In the early 1880s the Fleurs Estate was first subdivided into 20-acre blocks of land. Potential archaeological remains associated with Phase 3 may include boundary fences, undocumented timber agricultural structures, and evidence of agricultural cultivation. Following the subdivision of Fleurs and the purchase of these smaller land parcels, additional boundary fences would have been constructed. Ephemeral remains of post holes may be present in intact soil profiles, however due to the extensive and continued land disturbance across the subject site, associated with ongoing agricultural land use, and construction of houses, sheds, and driveways, it is likely that post holes or remnant timber posts dating to Phase 3 have been destroyed.

As with Phases 1 and 2, archaeobotanical evidence or evidence of land clearance has likely been disturbed in association with land disturbance across the subject site.

Land use activities associated with Phase 4 remain extant and would therefore not be considered archaeological.

There is nil to very low archaeological potential within the subject site. As there is no archaeological potential, an archaeological significance assessment is not required.

6. BUILT HERITAGE IMPACT ASSESSMENT

6.1. INTRODUCTION

The impact assessment below assesses the proposed development against the relevant heritage-related statutory and non-statutory planning controls which are applicable to the site. The assessment will ascertain the level of impact the proposed works will have on the heritage significance of the subject site.

6.2. STATUTORY CONTROLS

6.2.1. State Environmental Planning Policy (Western Sydney Employment Area) 2009

The table below provides an assessment of the proposal against the relevant provisions of the SEPP (Western Sydney Employment Area) 2009.

Table 4 – Assessment against the SEPP (Western Sydney Employment Area) 2009

Clause	Discussion
33J Heritage Conservation	
<p>Objectives</p> <p><i>The objectives of this clause are as follows:</i></p> <p><i>To conserve the environmental heritage of Penrith,</i></p> <p><i>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views</i></p> <p><i>To conserve archaeological sites</i></p> <p><i>To conserve Aboriginal objects and Aboriginal places of heritage significance</i></p>	<p>The proposed works are in line with the objectives set out in the SEPP (Western Sydney Employment Area) 2009, as discussed below.</p>
<p>Requirement for consent</p> <p><i>Development consent is required for any of the following:</i></p> <p><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></p> <p><i>a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building work, relic or tree within a heritage conservation area</i></p> <p><i>altering a heritage item that is a building by making structural changes to its interior or by</i></p>	<p>There are no heritage items within the subject site. There are three heritage items within vicinity to the subject site, 'Bayley Park – House', 'Gateposts to Colesbrook', and 'Brick Farmhouse' listed on the SEPP (Western Sydney Employment Area) 2009 as an item of local significance. There would be no impact to these heritage items as a result of the proposed works.</p> <p>This HIS is therefore required to assess the potential heritage impact of the proposal on the heritage significance of the site and the proximate heritage item.</p>

Clause	Discussion
33J Heritage Conservation	
<i>making changes to anything inside the item that is specified in Schedule 5 in relation to the item...</i>	
<p>Effect of proposed development on heritage significance</p> <p><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).</i></p>	Refer to Section 6.2 for a detailed discussion of the heritage impact of the proposed development.
<p>Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development:</i></p> <p><i>on land on which a heritage item is located, or</i></p> <p><i>on land that is within a heritage conservation area, or</i></p> <p><i>on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><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></p>	This HIS has been prepared to assist the consent authority in their determination and to assess the potential heritage impact of the proposal.

6.2.2. Penrith Development Control Plan 2014

The table below provides an assessment of the proposal against the relevant provisions of Section C7 of the Penrith DCP 2014 for heritage.

Table 5 – Assessment of the proposal against the provisions of the Penrith DCP 2014

Clause	Discussion
<p>7.1.1. Determining the impact on heritage significance</p> <p><i>a) Where a proposed development could affect the significance of a heritage item or heritage conservation area, the applicant is required to lodge a Heritage Impact Statement or Conservation Management Plan.</i></p>	<p>This Heritage Impact Statement would fulfill this provision and has assessed the potential impact of the development to vicinity heritage items.</p>
<p>7.1.5. Development in the Vicinity of a Heritage Item or Conservation Area</p> <p><i>B. Objectives</i></p> <p><i>To ensure that the development of land or a building in the vicinity of a heritage item or heritage conservation area is undertaken in a manner that complements the heritage significance of the site or area.</i></p>	<p>The proposed development would not have any adverse impact on Bayley Park – House. As an industrial site, the proposed works would not necessarily be sympathetic to the semi-rural significance of the setting of Bayley Park - House, however the subject site is situated at a considerable distance from Bayley Park – House, the Gateposts to Colesbrooke, and the Brick Farmhouse on Aldington Road and would not have adverse visual impacts on these heritage items.</p>
<p><i>C. Controls</i></p> <p><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></p> <p><i>a) may have an impact on the setting of a heritage item or conservation area, for example, by affecting a significant view to or from the item or by overshadowing; or</i></p>	<p>This Heritage Impact Statement will be lodged with the SSDA for the proposed works.</p> <p>The proposed development will not impact or obstruct significant views to or from Bayley Park, the Gateposts to Colesbrook, or the Brick Farmhouse on Aldington Road. The subject site is located at a considerable distance from these three heritage items and will not result in adverse visual impacts to these items or their settings. The proposed development will alter the settings to the north of these three heritage items, however due to the distance of the subject site from these items, these impacts would not adversely affect the significance of these items.</p> <p>Furthermore, there are several extant structures within the view lines between the subject site and the three listed heritage items, which provide a visual buffer between the proposed development. Furthermore, the undulating topography of the landscape also acts as a visual buffer, preventing</p>

Clause	Discussion
	several direct views between the heritage items and the subject site. The proposal is considered to have an acceptable impact on the heritage items and would not affect their significance.
<i>b) may undermine or otherwise cause physical damage to a heritage item; or</i>	There are no heritage items within the subject site and therefore the proposed works would not result in physical impacts to any heritage item.
<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>	The proposed works would not have an adverse impact on the heritage significance of the Bayley Park – House heritage item, the Gateposts to Colesbrook, or the Brick Farmhouse. There would be no visual impact to these heritage items, the proposed works would not obscure any significant views to or from the item, and there would be no physical impacts to the heritage item associated with the proposed works.
<p><i>2) the following issues must be addressed in the Heritage Impact Statement</i></p> <p><i>a) the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item;</i></p>	<p>The proposal is located to the north of three vicinity items, however none of these items will directly adjoin the subject site. Direct views from the subject site to each of these heritage items are not currently available on account of the topography of the landscape, extant structures located along the view lines, and as a result of the considerable distance from the subject site to each of these items. As a result, there is a sufficient visual buffer between the subject site and each heritage item.</p> <p>Furthermore, each heritage item will retain their current gazetted curtilages and settings, with no works proposed to the immediate surrounds of these items. The proposed works may contribute to the changing and evolving setting surrounding these items, however would have an acceptable impact on each item and would not affect their heritage significance.</p>
<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>	Warehouses 1-4 would be situated towards the rear (east) side of the subject site at a considerable setback from Mamre Road. Warehouse 5 would be located nearby to Mamre Road however would be setback from the road corridor and would include a grassed strip of landscaping along the setback. This proposed landscaping and the modest setbacks from Mamre Road would reduce the potential visual impacts resulting from the proposed works.

Clause	Discussion
	<p>Each warehouse would be two levels, with the exception of Warehouse 1, which would only consist of one level. The modest height of these warehouses would further minimise visual impacts.</p> <p>Materiality of the proposed warehouse structures has not been confirmed to date, however it is anticipated that materials would involve neutral colour schemes and matte finishes which would not detract from the surrounding environment and would overall be recessive in design.</p>
<p><i>c) Details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.</i></p>	<p>Detail of alternate design options has not been provided. The materiality, locations, landscaping and heights of the proposed structures have been designed to minimise impacts to the surrounding landscape and heritage items.</p>

6.3. HERITAGE NSW GUIDELINES

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

Table 6 – Assessment against Heritage NSW Guidelines

Clause	Discussion
<p>The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:</p>	<p>The subject site is not a listed heritage item and is not in a conservation area. The subject site is located in the vicinity of three heritage items of local significance, listed under the <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i>.</p> <p>The proposal provides a masterplan for the future development of the subject site, including the construction of five proposed warehouse buildings. The proposed construction methodology would involve the demolition of all extant structures, vegetation clearance, land remediation, bulk earthworks, and construction of five warehouses with associated internal roads, carparking, and landscaped areas.</p> <p>The subject site is located at a considerable distance of approximately 1km from each heritage item and there are no direct views between the subject site and the three heritage items. There are no proposed works within the curtilages of these items and construction works would not result in indirect impacts, such as those resulting from ground movement or vibration. While there may be some visual impacts associated with the changing setting surrounding these heritage items, the respectable setback from the subject site boundaries, low warehouse heights, landscaping, and neutral colour schemes and matte finishes would minimise any visual impacts resulting from the proposal.</p> <p>The proposed works would therefore respect the heritage significance of the three heritage items within the vicinity of the subject site.</p>
<p>The following aspects of the proposal could detrimentally impact on heritage significance.</p> <p>The reasons are explained as well as the measures to be taken to minimise impacts:</p>	<p>There are no aspects of the proposal which have been assessed to have an adverse heritage impact on the significance of the three vicinity heritage items. There are no direct views between the subject site and the heritage items, and no direct impacts would result from the proposal, as no</p>

Clause	Discussion
	<p>works are proposed within the curtilages of these three items.</p> <p>The proposed future development in the area may contribute to the altered setting of the area, however as each item would retain its curtilage and immediate settings, there would be no visual impacts associated with the proposal that would adversely impact the significance of the three heritage items.</p>
<p>New development adjacent to a heritage item</p> <p>How does the new development affect views to and from the heritage item?</p> <p>What has been done to minimise negative effects?</p> <p>Is the development sited on any known, or potentially significant archaeological deposits?</p>	<p>The proposed development is not located directly adjacent to any listed heritage items and there are no direct views between the subject site and the three heritage items. Therefore, the proposed development would not impact views to and from each heritage item.</p> <p>The proposed warehouse development features respectable setbacks from each lot boundary and from the Mamre Road streetscape. Landscaping would further buffer views towards the subject site and the proposed development. The warehouses furthermore feature low building heights of a maximum two storeys, and would be constructed using neutral colours and matte finishes to further minimise visual impacts.</p> <p>The proposed development is not located on any identified archaeological deposits of significance.</p>

7. CONCLUSIONS

Urbis Pty Ltd (Urbis) has been engaged by The GPT Group (the proponent) to produce a Heritage Impact Statement (HIS) for 754-770 & 784-786 Mamre Road, Kemps Creek (Lots 59 & 60 DP 259135) (hereafter referred to as the 'subject area') to accompany the State Significant Development Application (SSDA) for a warehousing and distribution centre within the subject area. This HIS was prepared in accordance with the following guidelines:

- *Statements of Heritage Impact* 2002 (Heritage Council)
- *Assessing Heritage Significance* 2009 (Heritage Council)
- *The Australia ICOMOS Charter for Places of Cultural Significance, the Burra Charter* 2013

The subject area is within the City of Penrith Local Government (LGA) and covers approximately 330,000m² and is bounded by Mamre Road and Lot 61 DP 259135 to the west, Lot 1 DP 104958 to the north, Lots 56-58 DP 259135 to the south and Lots 34-37 DP258949 and Lot 40 DP 708347 to the east. The immediate surrounds comprise predominantly semi-rural properties.

The development is proposed to comprise a first stage of works, to be commenced by 2022. The first stage will comprise site preparation works, including bulk earthworks, services and associated landscaping, as well as the construction of two warehouses. Construction of a further three warehouses will be subject to future Development Applications (DAs).

The proposal has been assessed to have an acceptable impact on the vicinity items in the area. Key aspects of the proposal assessment are listed below:

- There are no heritage listed items or potential heritage items within the subject site. All extant buildings located within the subject site are dated to the mid- to late-20th century or early 21st century and have not been identified as potential heritage items.
- There are three heritage items within the vicinity of the subject site, listed as items of local significance on the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*:
 - Bayley Park – House (I2)
 - Gateposts to Colesbrook (I3)
 - Brick Farmhouse (I4)
- The proposal is located approximately 1kilometre to the north of the afore mentioned heritage items. Furthermore, there are no direct views between the three heritage items and subject site on account of the existing sloping topography, extant structures, and the distance between the subject site and heritage items. Therefore, there would be no adverse visual impacts to the heritage significance of these items that would arise as a result of the proposal.
- The proposed development features considerable setbacks from the lot boundaries and from Mamre Road, which would be further buffered by landscaping. Furthermore, the proposed warehouses would feature low heights of a maximum two storeys, and would be recessive in design by utilising neutral colour schemes and matte finishes.
- There is nil archaeological potential associated with the subject site. An Unexpected Finds Policy is recommended and works should cease immediately in the event that previously unidentified archaeological remains are located during construction works.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective.

DISCLAIMER

This report is dated 19 May 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 THE GPT GROUP (**Instructing Party**) for the purpose of satisfying the SEARs for SSD-10272349 (**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.

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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.

