

22 January 2020

Bonnie Simeonov
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Dear Bonnie

Re: Historical heritage advice for Horsley Drive Business Park Stage 2 State Significant Development Application

Our Ref: Matter 31471

Biosis Pty Ltd has been commissioned by Charter Hall to provide historical heritage advice for the proposed Horsley Drive Business Park Stage 2 State Significant Development Application (SSD 10404) at 5-25 Trivet Street and 130-156 Cowpasture Road, Wetherill Park New South Wales (NSW) 2164 (the study area) (Lots 17-22 DP 13961 and Lot 2 DP 1212087) (Figure 1 and Figure 2). The project involves bulk earthworks across the entirety of the study area, and the construction of a large warehouse facility in the southern portion of it (Figure 3). Biosis was previously engaged in 2016 by the Western Sydney Parklands Trust (WSPT) in order to complete a Heritage Impact Statement (HIS) for the original SSD application (SSD 7664) for the project. The purpose of this advice is to supplement the original HIS completed by Biosis and provide advice relating to Lot 17 DP 13961, which was not included as a part of the original SSD application.

This letter of advice will present a summary of work completed to the within the study area, an updated search of relevant statutory registers including the State Heritage Register (SHR), Fairfield Local Environmental Plan 2013 (LEP) National Heritage List, Commonwealth Heritage List, and relevant Section 170 heritage registers to determine the presence or absence of registered heritage items within the study area, additional background research to determine the occupational history of Lot 17 DP 13961, a supplementary survey of Lot 17 DP 13961, and recommendations to guide the proposed SSD application.

Previous work undertaken in the study area

Biosis (2016) was engaged by WSPT to complete a HIS in advance of the proposed Horsley Drive Business Park Stage 2 SSD application (SSD 7764). Biosis' assessment was undertaken in accordance with the *NSW Heritage Manual* (Heritage Office & DUAP 1996) and included background research, archaeological survey, and an assessment of the impacts of the proposed works on nearby heritage items.

A search of statutory heritage registers undertaken for the HIS included the following:

- National Heritage List.
- Commonwealth Heritage List.
- SHR.
- Section 170 register.
- Fairfield LEP 2013.

- Fairfield Development Control Plan 2013.

A search of these registers did not identify any heritage items within the study area, however it did identify one heritage item immediately adjacent to the study area along its western boundary, the Upper Canal, listed as:

- Upper Canal System (Pheasants Nest Weir to Prospect Reservoir), SHR# 01373.
- Upper Nepean Scheme, Water NSW s170 register #4580004.

A search of non-statutory registers was also undertaken for the HIS and included the following:

- National Trust of Australia.
- Register of National Estate.

A search of the non-statutory registers did not identify any heritage items within the study area.

Background research of the study area identified that the study area forms part of a 2,000 acre grant originally granted to George Johnston in 1805 by Governor Phillip Gidley King. This was granted as a gift for his part in stopping the 1804 insurrection at Vinegar Hill (Yarwood A 1967). Table 1 details the ownership for the individual lots within the original study area. Overall the background research indicated that the study area was used for farming, grazing, and market gardening throughout the 20th century.

Table 1 Chain of ownership within the study area after subdivision

Property	Description
Lot 18 DP 13961	Purchased jointly by Alexander Wojciechowski and Joseph Sachaj in December 1950, with their profession being listed as farmer. The property appears to have remained within the family from this time, with John Scahaj listed as a joint tenant of the land in 2003.
Lot 19 DP 13961	Purchased by Jan and Ewdokia Zielonka in 1954, with the former's profession being listed as labourer. In 1966, the property was transferred to Joseph Galea, also a labourer, and Irene Galea.
Lot 20 DP 13961	Purchased by Boleslaw and Helena Wojciechowicz in February 1960, with the former's profession being listed as labourer. Property transferred to Peter Grimar, a machinist, and his wife Carmen in 1968. Acquired by the NSW Planning and Environment Commission in 1980.
Lot 21 DP 13961	Purchased by Giuseppe and Angelo Crestani, market gardeners, in 1954. Possession transferred solely to Angelo Crestani in 1967, and then to the NSW Planning and Environment Commission in 1977.
Lot 22 DP 13961	Purchased by Charles Copland in 1931, and transferred in 1947 to Louie Pretti, market gardener. Transferred to Francesco Panuccio in 1955, with Maria Panuccio being listed as the owner in 1987.
Lot 23 DP 13961	Purchased in 1938 by Augusto Pretti, market gardener, in 1938, and transferred to Giulio Mancini and Teodosio Bucciatio in 1956. Transferred to John Hillier, an engineer, in 1966.

Property	Description
Lot 24 DP 13961	Purchased by Giovanni Cossu, a retiree, in 1938. Transferred to Ernest Alfred Speerin in 1951, and again in 1952 to Tarsillo and Livio Crestani, labourers. In 1959 Livio Crestani became the sole owner, with his profession being listed as farmer. Acquired by the NSW Planning and Environment Commission in 1979.

The Upper Canal is situated next to the study area, with section 11 of the Upper Canal adjacent to the study area. The Upper Canal was constructed between 1880 and 1888, and has functioned as a key part of Sydney's water supply for over a century (Biosis Pty Ltd 2016a, p.24). The Upper Canal is separated from the study area by a cycleway, which forms part of its curtilage on the SHR.

The archaeological survey did not identify any heritage items or areas of archaeological potential within the study area and determined that there were no heritage constraints with the study area. The proposed development did pose some indirect impacts on the adjacent Upper Canal. As the proposed development will remove a portion of the rural setting of the canal, Biosis recommended the following in order to mitigate any impacts on the Upper Canal:

- *"Ensuring that no physical impacts occur within the curtilage of the Upper Canal (Lot 1 DP 596354).*
- *Building envelope setbacks from the western edge of the lots to ensure that the current development and future applications do not have an adverse impact on the heritage significance of the Upper Canal.*
- *A landscaped area is developed along the canal as a soft barrier to protect its setting.*
- *If possible, effort should also be made to ensure that buildings along the frontage do not present blank high walls"* Biosis Pty Ltd 2016, p.40.

Statutory register searches

Heritage in NSW is principally protected by the *Heritage Act 1977* (as amended) which was passed for the purpose of conserving items of environmental heritage of NSW. Environmental heritage is broadly defined under Section 4 of the *Heritage Act 1977* as consisting of the following items: 'those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance'. The *Heritage Act 1977* is administered by the Heritage Council, under delegation by Heritage, Department of Premier and Cabinet (Heritage, DPC). The *Heritage Act 1977* is designed to protect both known heritage items (such as standing structures) and items that may not be immediately obvious (such as potential archaeological remains or 'relics'). Different parts of the *Heritage Act 1977* deal with different situations and types of heritage and the *Heritage Act 1977* provides a number of mechanisms by which items and places of heritage significance may be protected.

A review of relevant statutory heritage registers was undertaken to determine if any historical heritage items have been previously identified as falling within the study area. This included a review of the following:

- Commonwealth Heritage List.
- Fairfield LEP 2013.
- National Heritage List.

- SHR.
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP).
- WaterNSW section 170 heritage register.

A search of these registers did not identify any heritage items within the study area, however it did identify one heritage item immediately adjacent to the study area along its western boundary, the Upper Canal, listed as:

- Upper Canal System (Pheasants Nest Weir to Prospect Reservoir), SHR# 01373.
- Upper canal system, WSP SEPP I#7.
- Upper Nepean Scheme, Water NSW s170 register #4580004.

Background research

As no additional historical information was identified for Lot 17 DP 13961, refer to Biosis' previous heritage assessment for a comprehensive history of the study area (Biosis Pty Ltd 2016).

The ownership of Lot 17 DP 13961 is detailed in Table 2, and Table 3 outlines the change in the study area from the 1930, 1955, and 1970 aerials (Plate 1, Plate 2, Plate 3).

Table 2 Chain of ownership for Lot 17 DP 13961

Property	Description
Lot 17 DP 13961	Purchased by Guido Viller, from North Strathfield, builder in May 1963. The land was transferred to the New South Wales Planning and Environment Commission in November 1975.



Plate 1 1930 aerial of the study area (NSW LPI 2016)



Plate 2 1955 aerial of the study area (NSW LPI 2016)



Plate 3 1970 aerial of the study area (NSW LPI 2016)

Table 3 Progression of aerials from 1930 to 1970

Aerial	Description
1930	The 1930 aerial shows evidence of clearing, with no residential development.
1955	By 1955 Lot 17 DP 13961 has had more intense land clearing, with farming practices evident through ploughing. Residential housing is visible on the eastern portion of Lot 17 DP 13961.
1970	The 1970 aerial shows two buildings present in the centre of Lot 17 DP 13961, with little else changing.

As evidenced in the aerial photographs, there is no evidence that any structures or specific activities occurred within the study area prior to its subdivision, and activities on the 20th century are primarily limited to farming activities, with some scattered residential development. Based on the additional background research, it has been determined that there are no heritage items located within the study area.

Archaeological survey

A visual inspection of Lot 17 DP 13961 was undertaken on 20 January 2020 by James Cole (Consultant Archaeologist, Biosis). The visual inspection consisted of a systematic survey of the study area to identify and record any heritage items or areas of archaeological potential which may be present within the study area. The archaeological survey was conducted on foot.

Generally, the study area displayed heavy disturbance as a result of recent land use activities, with the centre of Lot 17 DP 13961 having been utilised extensively for market gardening purposes (Plate 4). Around the perimeter of the lot, vehicle tracks were present resulting in areas of exposed ground surface, and along the western edge of the lot landscaping works had recently been undertaken (Plate 5).

Within the lot, the only built features present were a number of greenhouses associated with current market gardening activities, and a storage container presently being used as a shed. These items were not considered to hold any heritage value. Furthermore, no evidence of archaeological features was identified during the survey, nor was the presence of any features or deposits which could be considered 'relics' as defined by the *Heritage Act 1977* observed. As such, it is considered that Lot 17 DP 13961 does not hold any heritage items or areas of archaeological potential.

Lot 17 DP 13961 does border on the curtilage of the Upper Canal System, which is listed on the SHR. In this area, the site is separated from the Upper Canal by a low fence, with a cycling track on its opposite site, and then a low embankment. This means that the canal itself is not visible from Lot 17 DP 13961 (Plate 6, Plate 7).

The proposed works within Lot 17 DP 13961 are limited to the construction of a detention basin, which is unlikely to have any adverse impact on the heritage values of the Upper Canal System. It is understood that the proposed development as a whole and its footprint have changed since the original determination for SSD 7664 was made, and this is discussed in further detail below.

Historical heritage advice

Biosis' original HIS was formulated taking into account the available Conservation Management Plan (CMP) for the Upper Canal at the time (Higginbotham 2002). As no impacts were proposed within the Upper Canal itself, Biosis' assessment took into account the recommendations of the CMP relating to the historical landscape of the canal, which stated:

The largely intact rural or woodland character of the canal landscape – its traditional setting – should be retained and protected from potential encroachments of an inappropriate nature such as residential or industrial development (Higginbotham 2002, p.35).

Since the formulation of Biosis' HIS, updated guidelines relating to the Upper Canal have become available, in the form of an updated CMP authored by the Government Architect's Office (2016) and *Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines* (WaterNSW 2018). Section 5.5.8 of the CMP relates to development outside of the canal corridor, noting:

Development outside the Upper Canal corridor is generally outside the control of WaterNSW except where it impacts water quality within the Canal. WaterNSW's Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines deal with issues affecting the Canal and catchment such as erosion and sediment control, stormwater management, public safety, road and pedestrian crossings and land use (Government Architect's Office 2016, p.50).

WaterNSW's guidelines provide the following heritage related controls to development adjacent the Upper Canal:

The design, construction and operation of structures within or alongside the Upper Canal or Warragamba Pipelines should not impact the heritage significance.

Any development that could potentially affect the heritage significance of the Upper Canal requires a separate planning approval under section 60 of the Heritage Act 1977 from NSW Heritage Council.

The proponent will need to submit a heritage exemption notification to NSW Heritage Division for minor works.

The demolition and installation of boundary fencing will also require Heritage approval or exemption.

The consent of WaterNSW, as landowner, is required to submit a section 60 application or an exemption notification (WaterNSW 2018, pp.17–18).

The proposed works are being assessed as an SSD, and SSD approval would remove the legal requirement to obtain approval under section 60 of the *Heritage Act 1977*. Given the heritage significance of the Upper Canal however, appropriate management measures should be instituted to reduce the potential for the proposed works to negatively impact the heritage significance of the Upper Canal.

A review of the proposed works indicates that the building setback is likely to have increased when compared with the designs for SSD 7664. In the southern portion of the study area, it is proposed to have an excavated baulk leading to a large hardstand area to be utilised for vehicle movement and parking. Further detail is also available on the proposed levels of earthworks, indicating that along the western boundary of the study area, there will be a landscaped batter, and then bulk excavation up to 8 metres in depth to provide a level surface for the proposed hardstand area. Within Lot17 DP 13961, the proposed activities appear to be limited to the excavation of a detention basin, set back from the western boundary of the property.

Given the bulk of the development and the degree of earthworks required to enable it, the proposed development has the potential to impact on the setting of the Upper Canal as it will detract from its associated rural landscape. Safeguards should be considered to protect the canal and its character from potential encroachments by this industrial development. These safeguards should include:

- Ensuring that no physical impacts occur within the curtilage of the Upper Canal (Lot 1 DP 596354).
- Building envelope setbacks from the western edge of the lots to ensure that the current development and future applications do not have an adverse impact on the heritage significance of the Upper Canal.
- Developing a landscaped area along the canal as a soft barrier to protect its setting.
- If possible, effort should also be made to ensure that buildings along the frontage do not present blank high walls.
- The proposed works should comply with the *Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines* (WaterNSW 2018).
- Further assessment of any alterations to the design to determine whether it would impact the Upper Canal.

Should any unanticipated heritage items or historical relics be identified during works, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find and assist in determining appropriate management measures. The Heritage Council will require notification if the find is assessed as a relic. Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977*.

Please contact me if you have any enquiries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John'.

James Cole
Consultant Archaeologist

References

Biosis Pty Ltd 2016, *Horsley Drive Business Park Stage 2 (SSD 7664) Heritage Impact Statement*, Report to Western Sydney Parklands Trust.

Government Architect's Office 2016, *Upper Canal Pheasants Nest to Prospect Reservoir Conservation Management Plan*, Report to WaterNSW.

Heritage Office & DUAP 1996, *NSW Heritage Manual*, Department of Urban Affairs and Planning, Sydney.

Higginbotham, E 2002, *Conservations Management Plan for the Upper Canal, Pheasants Nest to Prospect Reservoir NSW*, Report to the Sydney Catchment Authority.

WaterNSW 2018, *Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines*, <https://www.watarnsw.com.au/_data/assets/pdf_file/0011/55973/Guidelines-for-development-around-Warragamba-Pipelines-and-Upper-Canal.pdf>.

Yarwood A 1967. 'Johnston, George (1764–1823)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University. Accessed on 23 August 2016 <<http://adb.anu.edu.au/biography/johnston-george-2277/text2925>>.

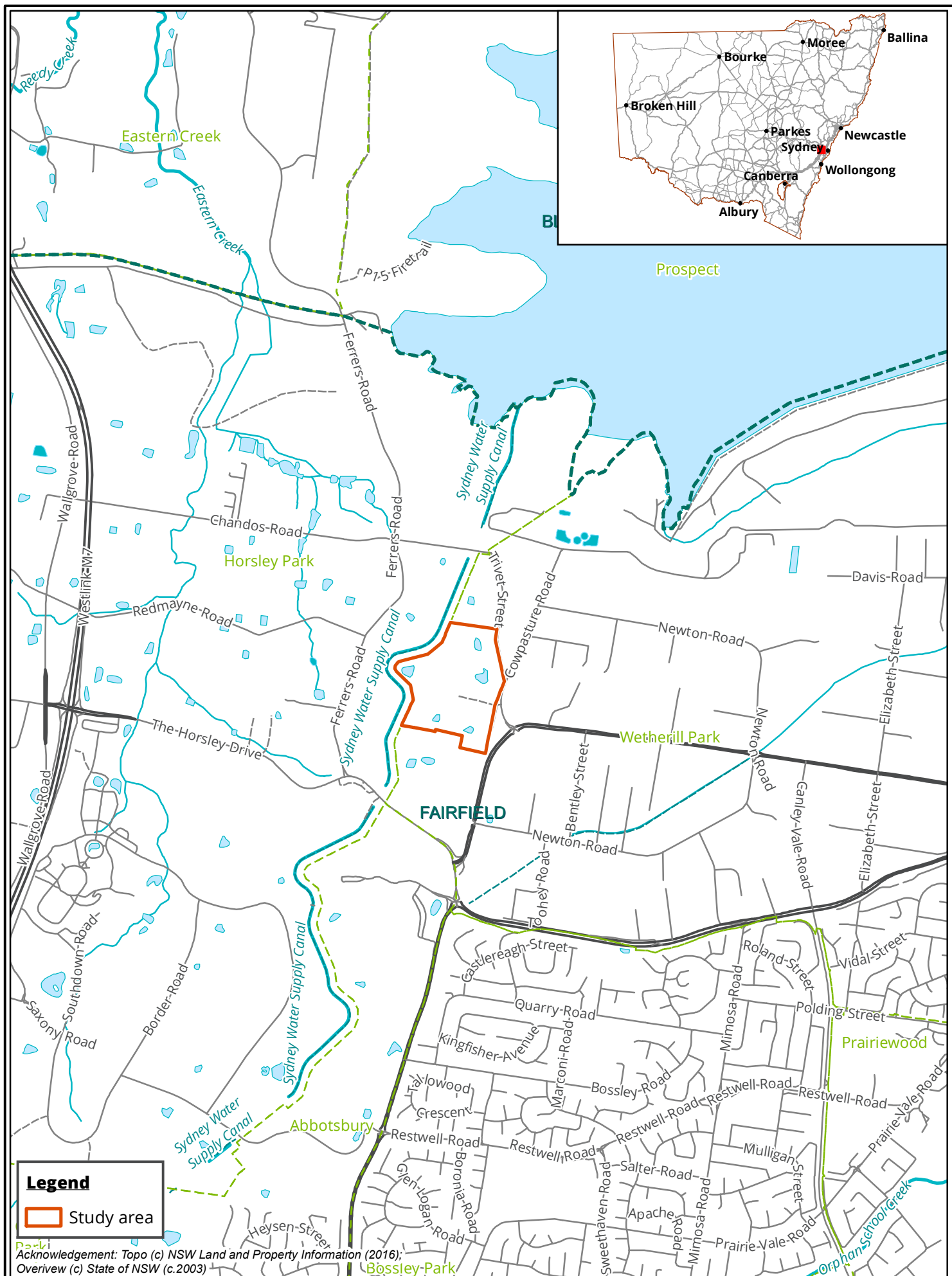
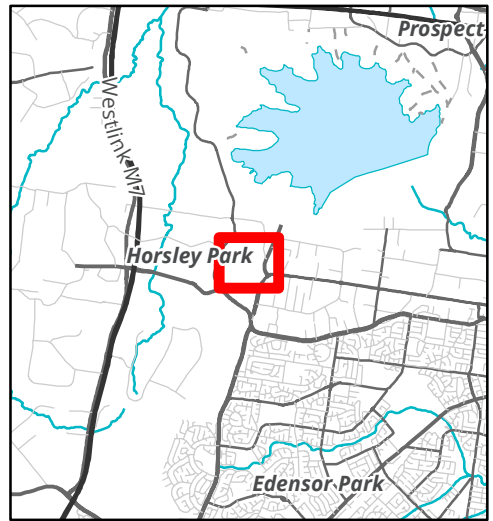


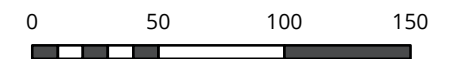
Figure 1 Location of the study area



Legend

- Study area
- Lot

Figure 2 Study area detail

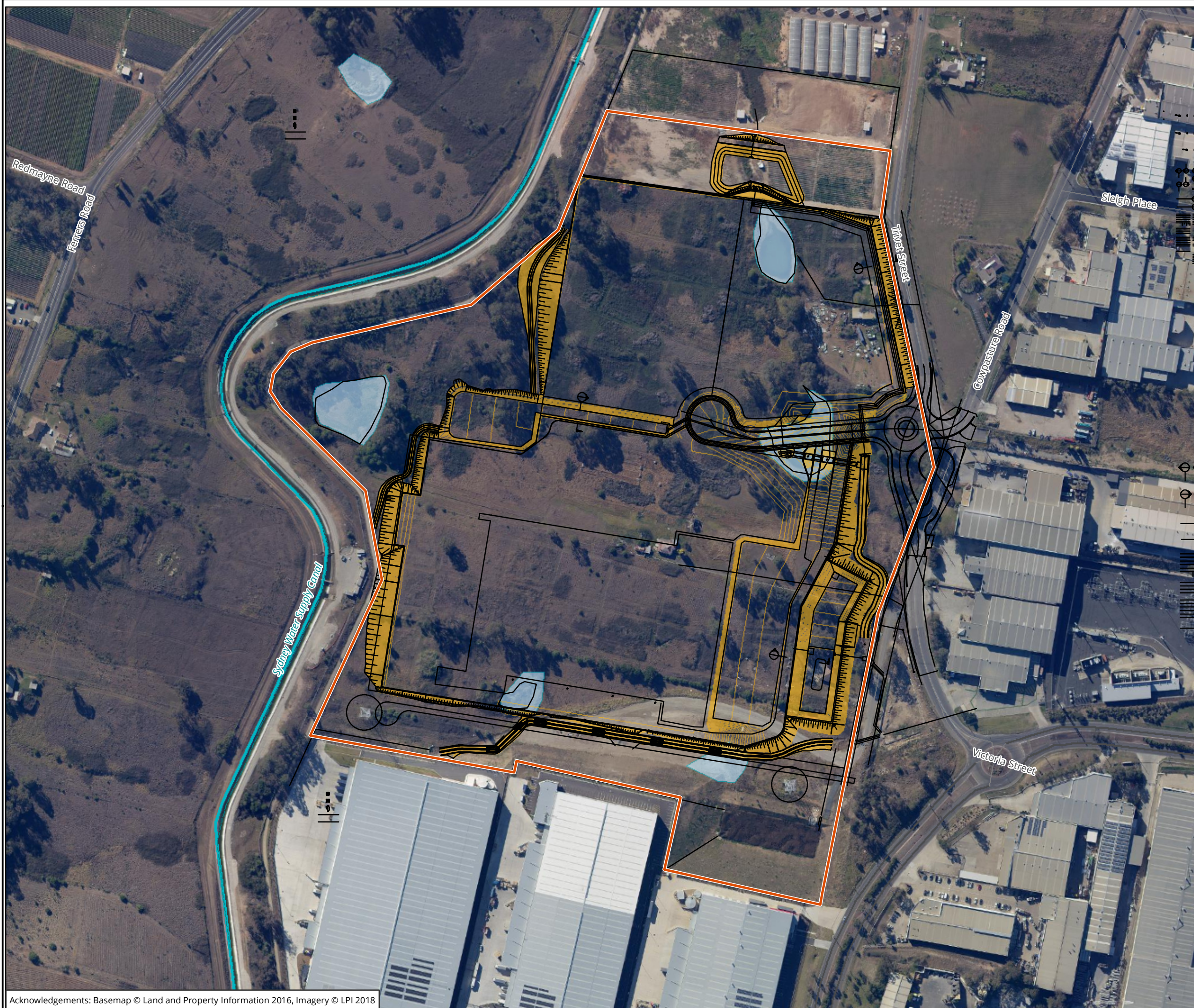


Metres
Scale: 1:3,000 @ A3
Coordinate System: GDA 1994 MGA Zone 56



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Date: 22 January 2020,
Checked by: JAC, Drawn by: AEDM, Last edited by: amurray
Location: P:\31400s\31471\Mapping\31471_F2_StudyArea



Legend

- Study area
- Proposed works
- Proposed earthworks

Figure 3 Proposed development

0 50 100 150

Metres

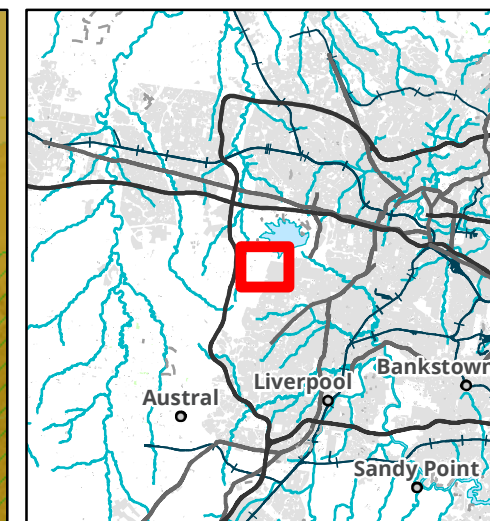
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Legend

- Study area
- State heritage item
- Local heritage item**
 - Item - General
 - Item - Landscape

Figure 4 Heritage items in the vicinity of the study area

0 100 200 300 400 500
Metres
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Plate 4 General landscape of the study area, view west-south-west



Plate 5 Area of exposure associated with vehicle tracks and landscaping, view south-west



Plate 6 Upper Canal curtilage along the western boundary of Lot 17 DP 13961, view south



Plate 7 Upper Canal curtilage along the western boundary of Lot 17 DP 13961, view north