

AUSTRAL ARCHAEOLOGY PTY LTD

ABN: 55 629 860 975

Info@australarch.com.au

www.australarchaeology.com.au



AUSTRAL  
ARCHAEOLOGY

# 884-928 MAMRE ROAD KEMPS CREEK NEW SOUTH WALES

## HERITAGE IMPACT STATEMENT

FINAL REPORT

PROJECT STRATEGY

16 July 2021



**DOCUMENT INFORMATION**

<b>Project:</b>	884-928 Mamre Road
<b>Services required:</b>	Heritage Impact Statement
<b>Client:</b>	Project Strategy
<b>Prepared by:</b>	William Andrews
<b>Project number:</b>	21083

**DOCUMENT HISTORY AND APPROVAL STATUS**

Version No.	Version Type	Issue Date	Authored by	Approved by	Date Approved
1	Draft	14/07/2021	WA	DM	13/07/21
2	Final	16/07/2021	WA	DM	16/07/2021

**DISTRIBUTION OF COPIES**

Version No.	Quantity	Issue date	Issued to
1	1	14/07/2021	Project Strategy
2	1	16/07/2021	Project Strategy

*Copyright and Moral Rights*

*No part of this document may be reproduced or distributed in any form or by any means without prior permission from a representative of Austral Archaeology Pty Ltd. Austral Archaeology Pty Ltd also reserves the right to use documents and materials produced for this project for future presentations or publications, if required.*

*In the preparation of this report historical sources and other reference materials are acknowledged in text citations and in a separate section at the end of the report. Reasonable effort has been made to acknowledge and obtain permission from the relevant copyright owners.*

# EXECUTIVE SUMMARY

---

Austral Archaeology (Austral) has been commissioned by Project Strategy on behalf of Altis Property Partners (the proponent) to undertake a Heritage Impact Statement (HIS) for the proposed development at 884-928 Mamre Road, Kemps Creek, New South Wales (NSW). The proposed development consists of an industrial subdivision of 16 lots and the construction of 2 roads. This report will form part of an Environmental Impact Statement (EIS) forming part of a State Significant Development (SSD) which is being prepared under Part 5 of the *Environmental Planning and Assessment Act 1979* (EPA Act) in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued for the project (SSD-17647189).

The study area consists of the entirety of lots 52 and 53, DP259135. The study area is located within the Penrith City Council Local Government Area (LGA). The study area is not listed on any heritage registers but is within the vicinity of 3 existing heritage items listed on the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA).

The purpose of this HIS is to assess the potential impact from the development on the significance of any heritage values that may be present within or in the vicinity of the study area. The report will provide suitable management recommendations should impacts to heritage values be anticipated.

## IDENTIFIED HERITAGE VALUES

It is concluded that there is no identified heritage values present within the study area owing to its likely use as a grazing paddock forming part of a larger estate for the last 200 years. As no historic material was uncovered that described any construction in, or significant use of the study area, there is unlikely to be any archaeological material contained within the proposed area of impact. If any archaeological material is identified, it will likely relate to the site's use as a grazing paddock and as such is expected to include discarded agricultural implements, fence post holes, or livestock carcasses. As the use of the paddock changed very little until the 1980s, it is unlikely that it will be possible to differentiate between different phases of use without extensive research into the artefacts uncovered. As the likely archaeological material is common in nature and well understood, the study area is deemed to have low heritage significance.

The proposed development consists of a range of activities that will impact on any the potential archaeological remains within the study area, but will not affect the heritage values associated with any of the surrounding heritage items. As such, works can proceed without the requirement for further investigations or mitigation.

## RECOMMENDATIONS

In order to mitigate against the harm documented in this assessment, it is recommended that:

- 1) No further heritage investigations or mitigation strategies are warranted in terms of historical heritage values in or surrounding the study area, and works can be undertaken as planned.
- 2) If historical archaeological relics not assessed or anticipated by this report are found during the works, all works in the immediate vicinity are to cease immediately and Heritage NSW are to be notified in accordance with the *NSW Heritage Act 1974*. A qualified archaeologist is to be contacted to assess the situation and consult with Heritage NSW regarding the most appropriate course of action.
- 3) Should the actual development be altered significantly from the design considered in this assessment then a reassessment of the heritage/archaeological impact may be required. This includes any impacts not explicitly stated in Section 8.
- 4) A copy of this assessment should be lodged by the proponent in the local history section of the local library, and in the library maintained by Heritage NSW.

# CONTENTS

---

<b>EXECUTIVE SUMMARY</b>	<b>III</b>
<b>CONTENTS</b>	<b>IV</b>
<b>1. INTRODUCTION</b>	<b>1</b>
1.1 <i>METHODOLOGY</i>	1
1.2 <i>ASSESSMENT OBJECTIVES</i>	1
1.3 <i>PROJECT TEAM AND ACKNOWLEDGEMENTS</i>	1
1.4 <i>LIMITATIONS OF THE REPORT</i>	5
1.5 <i>ABBREVIATIONS</i>	5
<b>2. STATUTORY CONTEXT</b>	<b>6</b>
2.1 <i>ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999</i>	6
2.2 <i>NSW HERITAGE ACT 1977</i>	6
2.3 <i>ENVIRONMENTAL PLANNING INSTRUMENTS</i>	7
2.4 <i>SUMMARY OF HERITAGE LISTINGS</i>	8
<b>3. HISTORICAL CONTEXT</b>	<b>10</b>
3.1 <i>HISTORY OF THE KEMPS CREEK AREA</i>	10
3.1.1 <i>PRE-EUROPEAN HISTORY</i>	10
3.1.2 <i>EARLY SETTLEMENT – 1805 TO 1920</i>	10
3.1.3 <i>GROWTH – 1920 TO 1980</i>	11
3.2 <i>HISTORICAL SKETCH OF THE STUDY AREA</i>	11
3.2.1 <i>PHASE 1 – BAYLY PARK - 1805 TO 1826</i>	11
3.2.2 <i>PHASE 2 – Fleurs ESTATE - 1826 TO 1876</i>	12
3.2.3 <i>PHASE 3 – ATTEMPTED SUBDIVISION - 1876 TO 1968</i>	12
3.2.4 <i>PHASE 4 – SUCCESSFUL SUBDIVISION - 1968 TO Present</i>	17
3.3 <i>CHRONOLOGY OF THE STUDY AREA</i>	17
<b>4. PREDICTIVE STATEMENTS</b>	<b>19</b>
<b>5. SITE INSPECTION</b>	<b>20</b>
<b>6. HISTORICAL LAND USE MAPPING</b>	<b>21</b>
6.1 <i>HISTORICAL LAND USE</i>	21
6.2 <i>ARCHAEOLOGICAL SENSITIVITY MAPPING</i>	21
<b>7. ASSESSMENT OF SIGNIFICANCE</b>	<b>23</b>
7.1 <i>BASIS FOR ASSESSMENT</i>	23
7.2 <i>LEVELS OF SIGNIFICANCE</i>	24
7.3 <i>SIGNIFICANCE ASSESSMENT</i>	24

7.4	<i>STATEMENT OF SIGNIFICANCE FOR HERITAGE ITEMS WITHIN THE VICINITY OF THE STUDY AREA</i>	25
<b>8.</b>	<b>STATEMENT OF HERITAGE IMPACT</b>	<b>26</b>
7.1	<i>PROPOSED WORKS</i>	26
7.2	<i>PREDICTED IMPACT ON THE POTENTIAL ARCHAEOLOGICAL RESOURCE</i>	26
7.3	<i>CONSIDERATION OF HERITAGE VALUES IN THE DESIGN PROCESS</i>	26
<b>9.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS</b>	<b>28</b>
8.1	<i>CONCLUSIONS</i>	28
8.2	<i>RECOMMENDATIONS</i>	28
<b>10.</b>	<b>REFERENCES</b>	<b>29</b>
<b>FIGURES</b>		
Figure 1.1	Topographic map showing study area and surrounding suburbs	2
Figure 1.2	Detailed aerial of the study area	3
Figure 1.3	Study area and neighbouring properties	4
Figure 2.1	Location of heritage items in relation to the study area	9
Figure 3.1	Layout of the 1895 Fleurs Estate subdivision	14
Figure 3.2	Crown Plan R4288.1603 in relation to the study area	15
Figure 3.3	1947 Historic aerial imagery of the study area	16
Figure 3.4	1985 Historic aerial imagery of the study area	18
Figure 5.1	North-east facing photograph of entrance to study area	20
Figure 5.2	North-east facing photograph from centre of study area	20
Figure 6.1	Summary of archaeological sensitivity	22
Figure 8.1	Proposed design in relation to the study area	27
<b>TABLES</b>		
Table 2.1	Summary of heritage register listings for the subject study area	8
Table 3.1	Summary of chronological events relating to the study area	17
Table 7.1	Assessment of significance	24
Table 7.2	Statements of Significance	25

# 1. INTRODUCTION

---

Austral Archaeology (Austral) has been commissioned by Project Strategy on behalf of Altis Property Partners (the proponent) to undertake a Heritage Impact Statement (HIS) for the proposed development at 884-928 Mamre Road, Kemps Creek, New South Wales (NSW). The proposed development consists of an industrial subdivision of 16 lots and the construction of 2 roads. This report will form part of an Environmental Impact Statement (EIS) forming part of a State Significant Development (SSD) which is being prepared under Part 5 of the *Environmental Planning and Assessment Act 1979* (EPA Act) in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued for the project (SSD-17647189).

The study area consists of Lot 52 and 53, DP259135 which comprise the entirety of the study area. The study area is located within the suburb of Kemps Creek and is within the Penrith City Council Local Government Area (LGA).

The location of the study area is shown in Figure 1.1, Figure 1.2 and Figure 1.3.

## 1.1 METHODOLOGY

The methodology supporting this report involved a period of research to locate additional background material and to prepare a synthesis of the historical research to reflect better and understand the historical context of the study area.

The report is underpinned by the philosophy of the International Council on Monuments and Sites (ICOMOS) and the Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance, 2013 (Burra Charter), the practices and guidelines of Heritage NSW and the requirements of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA) and the Draft Mamre Road Precinct Development Control Plan (Draft Mamre Road Precinct DCP).

## 1.2 ASSESSMENT OBJECTIVES

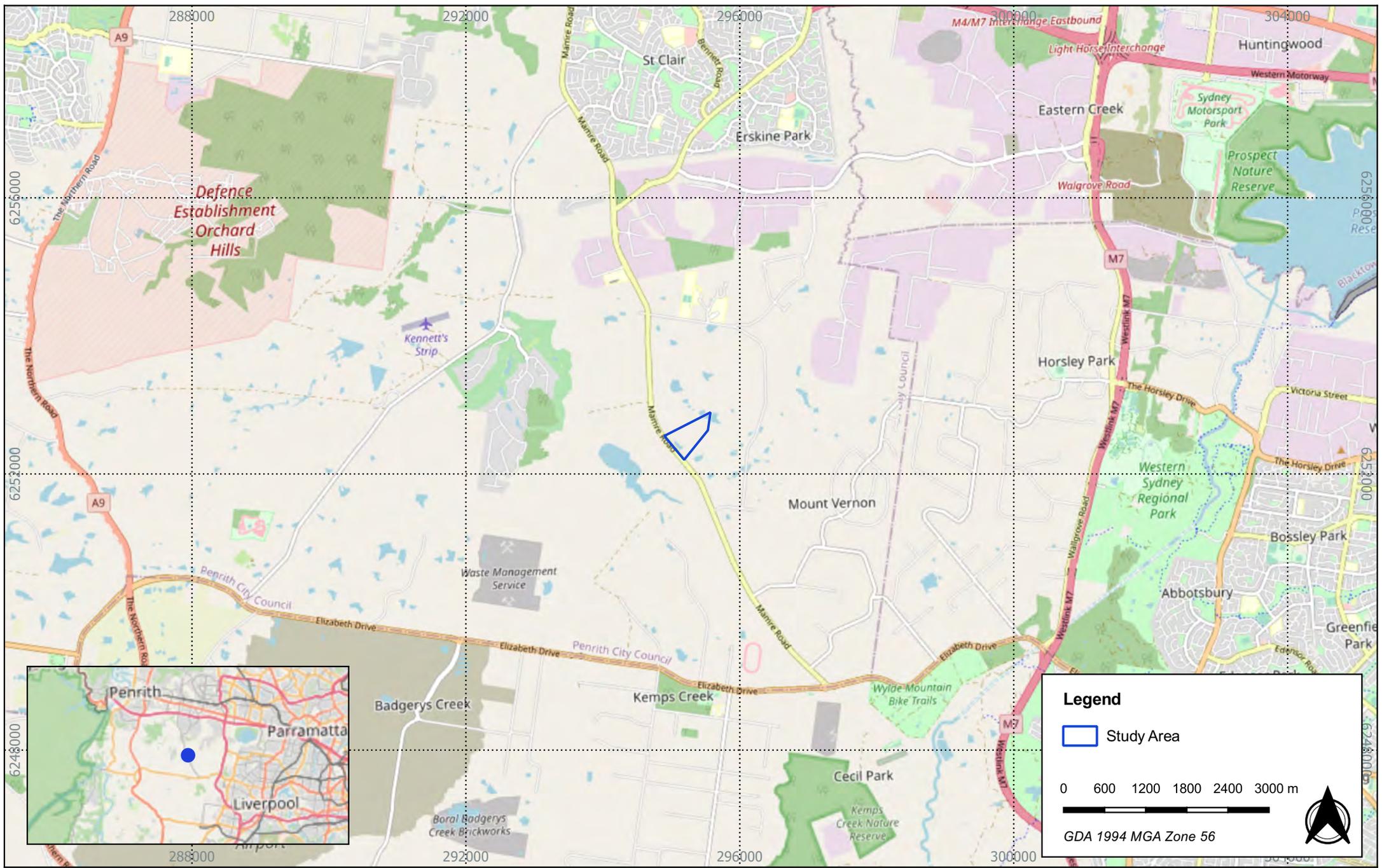
The purpose of this historical heritage assessment is to assess the potential impact from the development on the significance of any heritage values that may be present within or in the vicinity of the study area. The report will provide suitable management recommendations should impacts to heritage values be anticipated.

The objectives of this report are to:

- Identify any potential historical heritage values within or in the vicinity of the study area;
- Produce an archaeological predictive model and sensitivity map to guide any management decisions regarding the study area;
- Make a statement of significance regarding any historical heritage values that may be impacted by the proposed development;
- Assess the impact of the proposed works on any identified heritage values; and
- Make appropriate management and mitigation recommendations.

## 1.3 PROJECT TEAM AND ACKNOWLEDGEMENTS

The project team has been led by David Marcus (Director, Austral) who has managed the project and provided input into the assessment approach and management recommendations. The assessment was authored by William Andrews (Archaeologist, Austral) who also prepared all GIS mapping used in the report. David Marcus (Director, Austral) reviewed the draft report for quality assurance and technical adequacy.



**Figure 1.1 Location of the study area**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: OSM

Drawn by: WA Date: 2021-07-08



**AUSTRAL**  
ARCHAEOLOGY



**Figure 1.2 Detailed aerial of the study area**

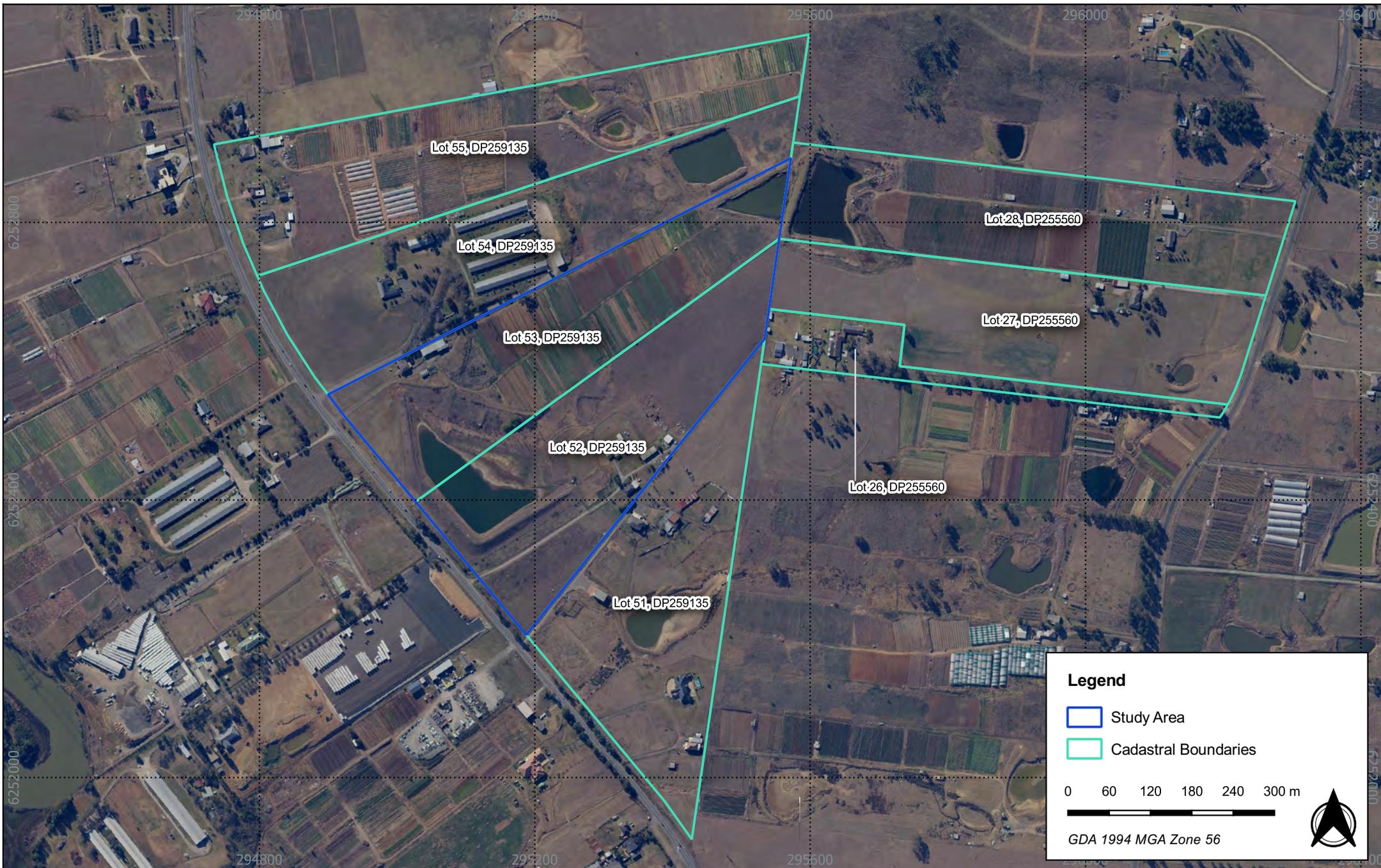
21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW LPI Aerial, Nearmap

Drawn by: WA Date: 2021-07-08



**AUSTRAL**  
ARCHAEOLOGY



**Figure 1.3 Study area and neighbouring properties**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW LPI Aerial

Drawn by: WA Date: 2021-07-08



**AUSTRAL**  
ARCHAEOLOGY

## 1.4 LIMITATIONS OF THE REPORT

This assessment includes an assessment of archaeological values to support the EIS being prepared by the proponent. The report must be read in conjunction with overall EIS as it refers to supporting documentation not included within this report. This assessment does not include an assessment of Aboriginal cultural heritage that may be present within the study area.

The results, assessments and judgements contained in this report are constrained by the standard limitations of historical research and by the unpredictability inherent in archaeological zoning from the desktop. Whilst every effort has been made to gain insight to the historical values of the study area, Austral cannot be held accountable for errors or omissions arising from such constraining factors.

## 1.5 ABBREVIATIONS

The following are common abbreviations that are used within this report:

<b>Burra Charter</b>	Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance 2013
<b>CBD</b>	Central Business District
<b>CHL</b>	Commonwealth Heritage List
<b>CSIRO</b>	Commonwealth Scientific and Industrial Research Organisation
<b>DCP</b>	Development Control Plan
<b>DPC</b>	Department of Premier and Cabinet
<b>EPA Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPBC Act</b>	<i>Environmental Protection and Biodiversity Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>Heritage Act</b>	<i>NSW Heritage Act 1977</i>
<b>HIS</b>	Heritage Impact Statement
<b>ICOMOS</b>	International Council on Monuments and Sites
<b>IHO</b>	Interim Heritage Order
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>NHL</b>	National Heritage List
<b>NPW Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>Penrith DCP</b>	<i>Penrith Development Control Plan 2014</i>
<b>Penrith LEP</b>	<i>Penrith Local Environmental Plan 2010</i>
<b>The Proponent</b>	Project Strategy on behalf of Altis Property Partners
<b>RNE</b>	Register of the National Estate
<b>SEPP</b>	State Environmental Planning Policy
<b>SHI</b>	State Heritage Inventory
<b>SHR</b>	State Heritage Register
<b>SSD</b>	State Significant Development
<b>Study Area</b>	884-928 Mamre Road, Kemps Creek (Lot 52 & 53, DP259135)
<b>WSEA</b>	Western Sydney Employment Area

## 2. STATUTORY CONTEXT

---

The following section summarises the relevant statutory context, including heritage listings, acts, and environmental planning instruments which are relevant to the study area and its cultural heritage.

### 2.1 ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) established the Australian Heritage Council (formerly the Australian Heritage Commission) and provides for the protection of cultural heritage at a national level and items owned or managed by the Commonwealth. The EPBC Act has established two heritage registers:

- Commonwealth Heritage List (CHL): for significant items owned or managed by Commonwealth Government agencies;
- National Heritage List (NHL): for items assessed as being of national cultural significance.

A referral under the EPBC Act that is approved by the Australian Heritage Council is required for works to an item registered on either of these lists to ensure that the item's significance is not impacted upon.

**No part of the study area appears on either the CHL or the NHL.**

The Australian Heritage Council is also responsible for keeping the Register of the National Estate (RNE). In 2007 the RNE was frozen and no further sites were added to it. For Commonwealth properties, the RNE was superseded by the CHL and NHL lists. The RNE is now retained as an archive of information about more than 13,000 places throughout Australia.

**No part of the study area appears on the RNE.**

### 2.2 NSW HERITAGE ACT 1977

The Heritage Council is the approval authority under the Heritage Act for works to an item on the State Heritage Register (SHR). Section 57(1) of the Heritage Act identifies the need for Heritage Council approval if the work involves the following tasks:

- Demolishing the building or work;
- Damaging or despoiling the place, precinct or land, or any part of the place, precinct or land;
- Moving, damaging or destroying the relic or moveable object;
- Excavating any land for the purpose of exposing or moving the relic;
- Carrying out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct;
- Altering the building, work, relic or moveable object;
- Displaying any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct; and
- Damaging or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

Demolition of an SHR item (in whole) is prohibited under the Heritage Act, unless the item constitutes a danger to its occupants or the public. A component of an SHR item may only be demolished if it does not contribute to the significance of the item.

Section 57(1) of the Heritage Act also applies to archaeological remains (such as relics) within an SHR site, and excavation can only proceed subject to approval of a Section 60 application by Heritage NSW.

**No part of the study area appears on the SHR.**

### **HERITAGE AND CONSERVATION REGISTER (SECTION 170 REGISTER)**

Under Section 170 of the Heritage Act, government instrumentalities must keep a Heritage and Conservation Register (a Section 170 Register) which contains items under the control or ownership of the agency, and which are, or could, be listed as heritage items (of State or local significance). Road reserves within the study area are owned by the Department of Roads and Maritime Services.

**No part of the study area appears on any Section 170 registers.**

## **2.3 ENVIRONMENTAL PLANNING INSTRUMENTS**

An Environmental Planning Instrument (EPI) is made under the EPA Act. An EPI can be a Development Control Plan (DCP), Local Environmental Plan (LEP) or a State Environmental Planning Policy.

### **STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY EMPLOYMENT AREA) 2009**

The current SEPP for the study area is the Western Sydney Employment Area (WSEA) 2009. Clause 33J of SEPP WSEA deals with heritage conservation, and subsections (4) and (5) determine whether development consent needs to be granted by the consent authority before any activities occur which may impact cultural heritage. Heritage items are listed under Schedule 5, of the SEPP WSEA.

**No part of the study area is listed on Schedule 5 of the SEPP WSEA. However, there are 3 nearby heritage items listed on Schedule 5 of the SEPP WSEA in the vicinity of the study area:**

- “Bayly Park – House” (SEPP WSEA No. I2)
- “Gateposts to Colesbrook” (SEPP WSEA No. I3)
- “Brick Farmhouse” (SEPP WSEA No. I4)

### **DRAFT MAMRE ROAD DEVELOPMENT CONTROL PLAN 2020**

The applicable DCP for the study area is the Draft Mamre Road DCP. Part 2.3 of the Draft Mamre Road DCP outlines design controls to be implemented when dealing with non-indigenous heritage items in general. Control 1 details requirements for development in the vicinity of a heritage item. Control 1 requires a Heritage Impact Statement (HIS) to be prepared for the study area as it is within the vicinity of the three heritage items listed on the SEPP WSEA.

## 2.4 SUMMARY OF HERITAGE LISTINGS

Table 2.1 lists the relevant statutory and non-statutory registers, listings and orders, and identifies those in which any part of the site is listed. The location of heritage items in relation to the study area are outlined in Figure 2.1.

**Table 2.1 Summary of heritage register listings for the subject study area**

Register/Listing	Inclusion	Statutory implications
NHL	No	None
CHL	No	None
RNE	No	None
SHR	No	None
SEPP WSEA	No	None
Draft Mamre Road DCP	Yes	Creation of a HIS detailing the effect of the development on the nearby heritage items.



**Figure 2.1 Location of heritage items in relation to the study area**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW LPI Aerial, Heritage NSW

Drawn by: WA Date: 2021-07-08



**AUSTRAL**  
ARCHAEOLOGY

## 3. HISTORICAL CONTEXT

---

The following historical background is designed to contextualise a site-specific history which will aid in the understanding of the heritage values of the study area. This work will provide a useful and concise summary of the history of the study area.

### 3.1 HISTORY OF THE KEMPS CREEK AREA

#### 3.1.1 PRE-EUROPEAN HISTORY

While the earliest dates for Aboriginal occupation in Australia reach back to at least 65,000 years (Clarkson et al. 2017), the earliest known occupational site associated with the Cumberland Plain is located north of Pitt Town, on the southern bank of the Hawkesbury River, where cultural deposits were dated by optically stimulated luminescence (OSL) to 36,000+/-3,000 BP (Williams et al. 2012).

Based on accounts from the anthropologist RH Matthews, the south-western Cumberland Plain area was populated by the Darug (Dharug) language group:

*The Dharukk speaking people adjoined the Thurralw on the north, extending along the coast to the Hawkesbury River, and inland to what are now Windsor, Penrith, Campbelltown, and intervening towns. (Attenbrow 2010, p.32)..*

Groups local to the study area are therefore likely to have belonged to the Darug language group, whom according to early records were semi-nomadic hunter-gatherers who exploited mostly terrestrial animals and plants. Resources hunted may have included wallabies, kangaroos, possums, flying foxes, birds and possibly freshwater yabbies and fish. Flora that has been recorded as being important resources include Banksia flowers, wild honey, Burrawong nut and wild yams (Artefact Heritage 2016, p.10). Occupation of the land is expressed through the extensive archaeological data and resources prevalent throughout the landscape in the Cumberland Plain.

By 1820, the Cumberland Plain had been heavily occupied with over 24,000 European colonists (Attenbrow 2010, p.15). Introduced disease, beginning with the smallpox epidemic of 1789 – 1790, and increased resource pressure imposed on Darug groups by the steady stream of colonists ensured that populations and traditional activities were affected almost immediately. Early resistance to colonial incursions on tribal lands, like that led by the Bediagal man Pemulwuy, quickly gave way to a pattern of avoidance and the pursuit of traditional lifeways away from centres of European activity.

Aboriginal groups had to change their economic, cultural, and political practices to cope with the social impacts of disease in the historic period. Hiscock argues that it is likely that similar drastic changes happened in the past in response to ‘altered cultural and environmental circumstances’ following the arrival of Europeans (Hiscock 2010, p.17).

The survival of Darug traditions and knowledge of the surrounding region to the present day is a story of resilience against this history of cultural disruption and geographic dispossession. Today, the study area is located within the boundary of the Deerubbin Local Aboriginal Land Council Area.

#### 3.1.2 EARLY SETTLEMENT – 1805 TO 1920

The following historical background is quoted directly from the relevant parts of the *Penrith Heritage Study* (Paul Davies Pty Ltd 2007).

For the greater part of the 19<sup>th</sup> century, the area of Kemps Creek was associated with the Fleurs Estate, which had originally been established as Bayly Park by Nicholas Bayly (or Bayley). The genesis of this estate are 2 grants made in 1805, a 680 acres (275 ha) made in December to Bayly and named ‘King’s Down’, and a second grant of 300 acres (121 ha) made to Richard Fitzgerald at the same time. Fitzgerald’s grant was named ‘Restitution Farm’ and had been sold to Bayly by the time of issuing the grant. Fitzgerald at the time was the superintendent of public agriculture. In later years, from 1819, he was the superintendent of Agriculture Farm at Emu Plains. Over the following decade Bayly increased his land holding through Crown grants issued by Governor Macquarie. The largest of these grants (1,070 acres)[433 ha] was made in 1810 and was named

'Macquarie Place'. When the property was later sold, the name was changed to Fleurs by Richard Jones (AMBS 2007, pp.18–19).

Other early land grants in this locality were made to Richard Driver (110 acres) [45 ha], Charles Gray, George Chartres (200 acres) [81 ha], Edward King (300 acres) [121 ha], George Johnson junior (600 acres) [243 ha], James Scott (360 acres) [146 ha] and Anthony Fenn Kemp (800 acres).[323 ha]. Kemp never lived on his estate, and this also seems to have been the case for Chartres, Gray, King and Scott. George Chartres arrived as a convict in 1811, but received a ticket of leave on arrival and worked as clerk to D'Arcy Wentworth until 1817 while also practicing as an attorney. Pardoned in 1816 he returned to England in 1817. Charles Gray arrived in 1800 as was a clerk in Naval Officers' Department. Edward King was an ensign in the 48<sup>th</sup> Regiment and later Barrack Master. James Scott was a storekeeper who worked as Commissariat at the Emu Plains Farm from 1823. Richard Driver, a free born farmer, however appears to have resided on his grant in the 1820s and evidently had some success in this venture for by the muster of 1828, he had 790 acres [320 ha] at Kemps Creek running 300 head of cattle. While a provisional public school operated through the 1870s, the area appears to have been sparsely populated in the 19<sup>th</sup> century. Greville's Directory of 1872 lists 3 residents at Kemps Creek, one of which was Thomas Ashton, the local teacher.

### 3.1.3 GROWTH – 1920 TO 1980

The following historical background is also quoted directly from the relevant parts of the *Penrith Heritage Study* (Paul Davies Pty Ltd 2007).

In 1920, about 500 acres (202 ha) of land at the north-east corner of the locality was purchased by individual farmers under the provisions of the *Soldiers' Settlement Land Act 1916*. Essentially rural and sparsely populated in the 19<sup>th</sup> century, local government representation was forced on the area in 1906 through the establishment of Nepean Shire. The post office opened in 1927.

In 1942/43 a diversionary airfield was built at Fleurs between the courses of Kemps Creek and South Creek, initially for use by the Royal Australian Air Force at Richmond. After the war, the land was retained by the Commonwealth. Although resumed in 1949 on the pretext of uses associated with the munitions factory at St Marys, the area became the field laboratory for the Commonwealth Scientific and Industrial Research Organisation's (CSIRO) Division of Radiophysics. Between 1954 and 1963 the CSIRO erected 3 cross-type radio telescopes, known as the Mills Cross, Shain Cross and Chris Cross. This research facility played an important role in the development of radio astronomy and 'was one of the world's leading radio astronomy field stations'. Following the establishment of the CSIRO's Parkes research station, the Fleurs facility was given to the University of Sydney where radio astronomy continued until 1988 and the transfer of the site to the University of Western Sydney.

## 3.2 HISTORICAL SKETCH OF THE STUDY AREA

The following section seeks to document the known development history of the site.

### 3.2.1 PHASE 1 – BAYLY PARK - 1805 TO 1826

The study area falls within the boundaries of 550 acres (223 ha) granted to Nicholas Bayly by Governor Macquarie on 18 December 1805. Bayly had previously received a similar grant of 680 acres (275 ha) directly to the south of the 550 acre grant. He continued to add land to the estate, with another 200 acre (81 ha) and 1,070 acre (433 ha) grants in added 1810 (Primary Application 7336). The following history is taken directly from the *Penrith Heritage Study*:

*Bayly (1770-1823), who had arrived in 1798 as an ensign in the New South Wales Corps, was the son of an English parliamentarian and related to the earl of Uxbridge and therefore had powerful contacts to advance his career, status and wealth. After a period at Norfolk Island, he resigned from the Corps in 1803. From this period until the appointment of Lachlan Macquarie as governor he held a number of positions in the public service. During this decade Bayly had developed a reputation as a troublesome and argumentative individual who was prone to mistreating his assigned convicts. He also played a central role in the disposition of Governor Bligh. Macquarie barred Bayly from public office during his tenure. From September 1820 until his death in May 1823 he was the cashier and secretary of the Bank of New South Wales. During 1810s Bayly spent most of his time with activities associated with estate at Kemps Creek. By 1814 a house described 'as a noble mansion with gardens and cultivated grounds' had been erected. Shortly before his death in 1823 Bayly engaged government road gangs to clear his*

*estate, and received a number of assigned convict mechanics (stonemasons, carpenters and the like). The muster of 1822 noted Bayly had 2,630 acres, only 40 of which had been cleared for growing wheat, and there were 34 cattle and eight sheep. Bayly died at Bayly Park in 1823 and the estate was put up for sale in that year when it was advertised as possessing 2,500 acres and a 'brick built house' (Paul Davies Pty Ltd 2007).*

### 3.2.2 PHASE 2 – FLEURS ESTATE - 1826 TO 1876

Bayly Park was eventually bought in 1826 by Richard Jones, a well-known magistrate, director of the Bank of Australia and member of the Legislative Council who had arrived in Australia in 1809. Jones subsequently renamed the estate Fleurs after purchase (AMBS 2007, pp.18–19). The following history of Fleurs and Jones is taken directly from the Penrith Heritage Study:

*Jones entered into partnerships with the Riley brothers (Alexander in 1815 and Edward in 1817), the only merchant house in Sydney at the time. In the early 1820s Jones returned to England, but on his return in 1825 entered into partnership with William Walker. Jones is best known for his pioneering efforts to develop a wool industry in Australia importing pure-bred Saxon sheep, which were kept at Fleurs. Like the Cox brothers in the Mulgoa Valley however, Jones' pastoral empire was centred on estates beyond the Great Dividing Range, in this instance the Hunter Valley. Jones' son, Nicholas Paget, established the noted Havilah pastoral station at Mudgee. Jones sold Fleurs in the 1840s due to the collapse in wool prices and credit squeeze (Paul Davies Pty Ltd 2007, pp.113–114).*

The estate was purchased by Frederick Ormes Darvall on 28 January 1845 (Primary Application 7336). Frederick was a city commissioner of Sydney before moving to Queensland to become the Auditor-General (State Library of New South Wales 2021). It is unclear what Darvall was doing with the property, most likely running the property as a farm, but it is unlikely he was living on it as his civic duties required him to be close to the city. It appears that the estate then passed through the hands of John Bayley Darvall and Edward Darvall, before being sold to John Savory Rodd in 1852. Rodd held onto the property for a much longer period of time before it was inherited by his son John Edward Tremayne Rodd in 1870.

### 3.2.3 PHASE 3 – ATTEMPTED SUBDIVISION - 1876 TO 1968

The property then went through multiple quick changes of hands to Thomas Walker, John Bligh Sutton, and David Dale followed by Thomas Walker in 1876, 1879, 1881 and 1885 respectively. The property was purchased by Thomas Morse on 23 April 1888, and it appears as though Morse and the previous 4 owners were property speculators, although Morse was the first to subdivide the estate into rural lots and attempt to sell them to the public for the next 10 years (Primary Application 7336). The proposed layout of the subdivision can be seen in Figure 3.1. However, the section that contained the study was not actively put up for sale. Crown plan R4288.1603 from 1891 shows the alignment of Mamre Road and includes the study area (Figure 3.2). The property is described as owned by Morse, and noted as being subdivided, however none of the property boundaries are shown. The study area is labelled as undulating land and shows no evidence of buildings present (LPI CP R4288.1603). The subdivision sale was very unsuccessful as no further mentions of any of the lots are shown or mentioned in the subsequent land titles related to the property (NSW LPI Vol. 912 Fol. 55). As such, it is safe to assume that no structures were constructed within the study area at this time.

It appears that by 1916, the days of attempting to sell the subdivided land were nearly over, with Donald Bruce MacIntyre, a grazier from Westmoreland in Queensland, purchasing the entire estate. However, MacIntyre sold the land again 5 months later to Henry Horton, a grazier from Dulwich Hill. Henry held the property until his death, and the land was subsequently passed to the Perpetual Trustee Company in 1930. The land was sold again in 1934 to Greenfields Limited, and it appears that property speculators were back in the game. However, no further subdivision occurred and the land was sold to 2 butchers in partnership Joseph Henry Bawn and Richard Sefton Stone, in 1945. Stone sold his share of the estate to Bawn in 1954 (NSW LPI Vol. 2656 Fol. 98).

Aerial imagery from 1947 shows the study area to be completely devoid of any structures, however, there is a related building which is likely a small homestead for a manager or worker on the property outside of and 100 metres to the east of the study area (Figure 3.3). As such, it is unlikely there were any structures previously located within the boundaries of the study area as it unlikely that two residences would be constructed within such proximity of each other on the same property.

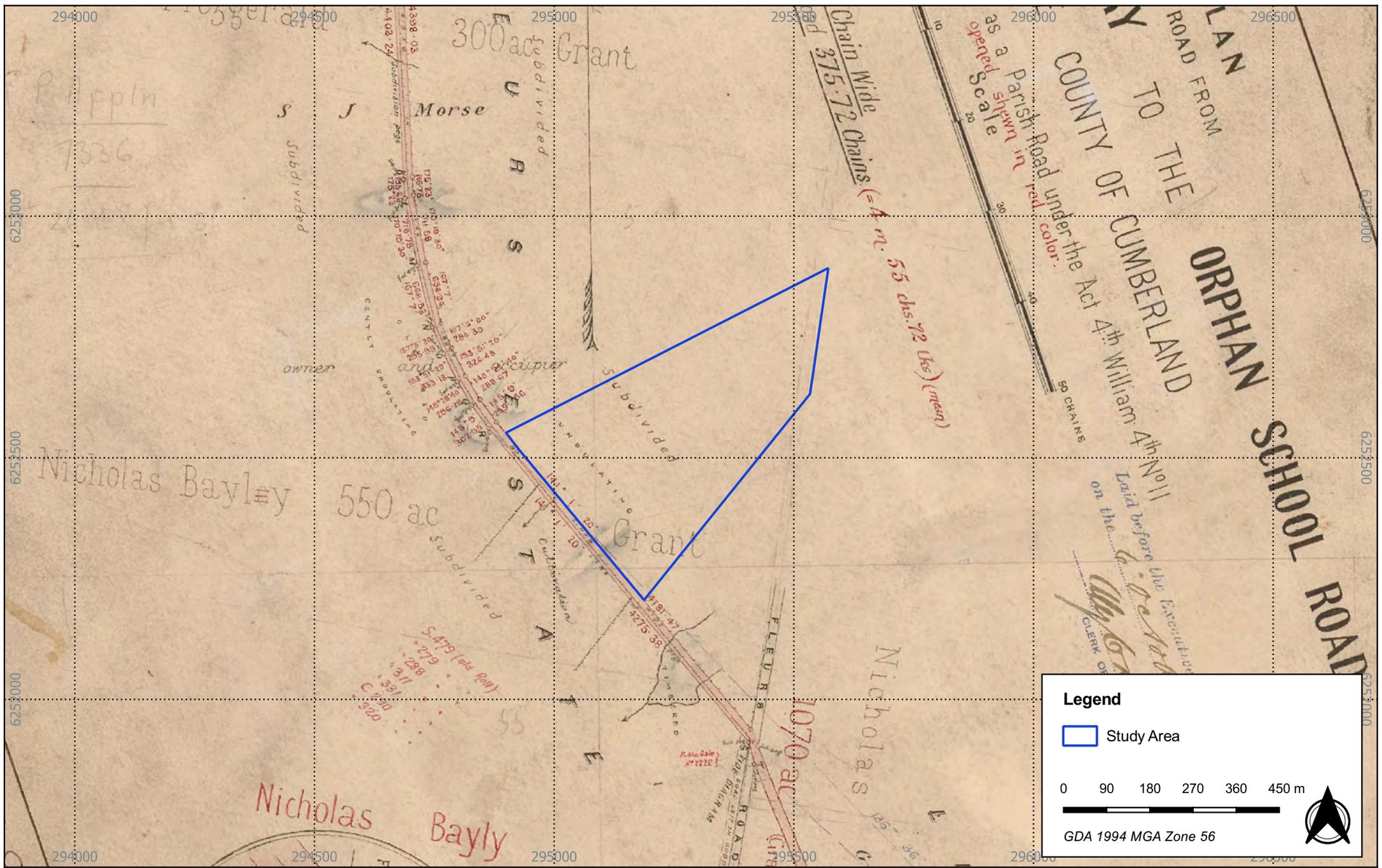
Furthermore, it is not expected that a structure could have been present in the study area, abandoned, and completely removed with no remnants of it remaining by the mid-20<sup>th</sup> century considering the relatively late date of subdivision of the site. It is therefore likely that the homestead structure to the east was the only building in the surrounding area and nothing was constructed within the study area.



**Figure 3.1** Layout of the 1895 Fleurs Estate subdivision

21083 884-928 Mamre Road, Kemps Creek HIS





**Figure 3.2 Crown Plan R4288.1603 in relation to the study area**

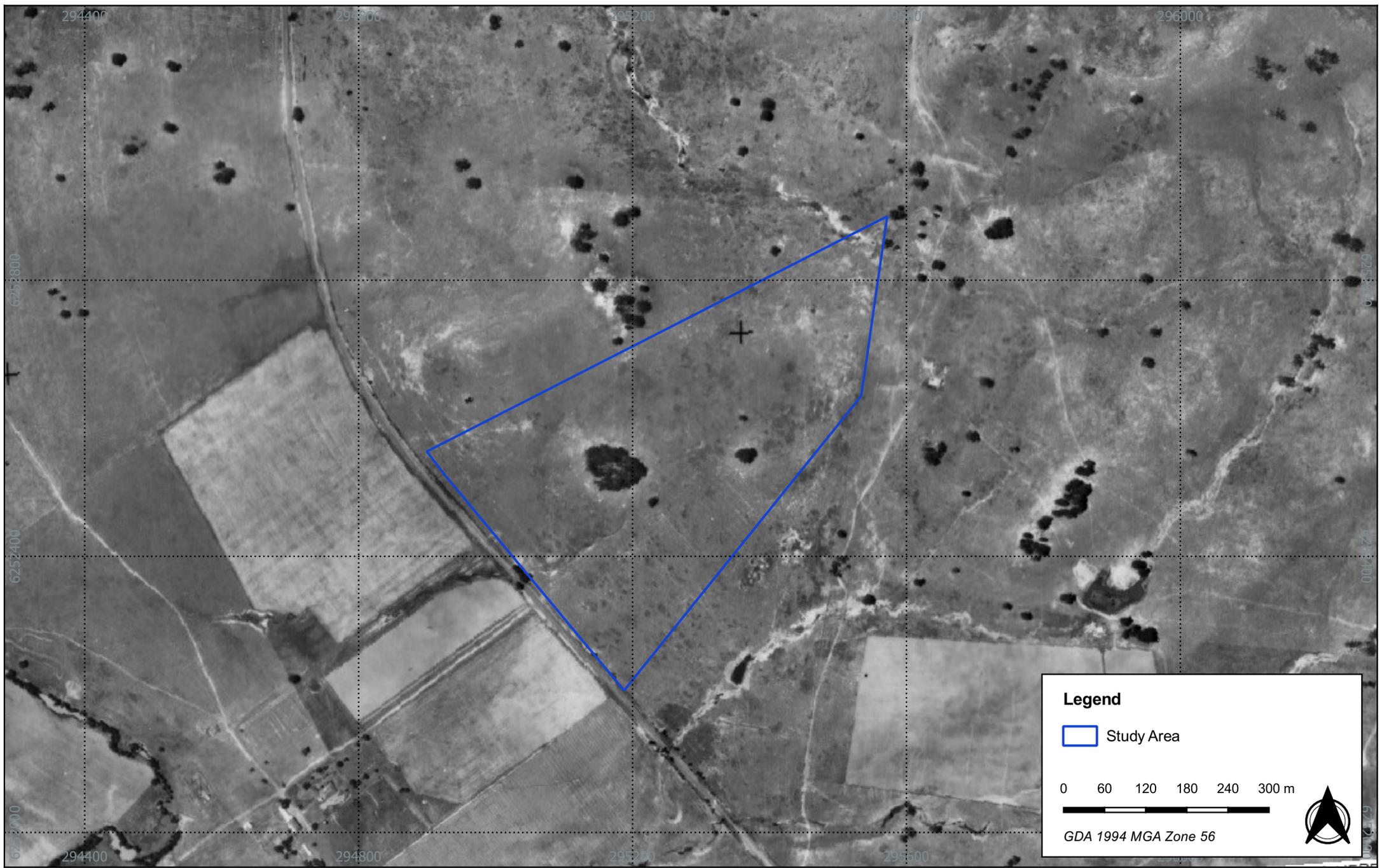
21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW LPI CP R4288.1603

Drawn by: WA Date: 2021-07-14



**AUSTRAL**  
ARCHAEOLOGY



**Figure 3.3 1947 Historic aerial imagery of the study area**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW Spatial Services

Drawn by: WA Date: 2021-07-12



**AUSTRAL**  
ARCHAEOLOGY

### 3.2.4 PHASE 4 – SUCCESSFUL SUBDIVISION - 1968 TO PRESENT

In 1968, the land was officially subdivided into 2 lots, with Lot 1, DP529420 (containing the study area) being all the land to the east of Mamre Road and Lot 2, DP529420 covering all the land to the west of Mamre Road. These were purchased by 2 separate but related companies named Number 1 Fleurs and Number 2 Fleurs (NSW LPI Vol. 10884-223). There is little change from 1947 until 1975, when a very large dam was constructed running almost parallel to Mamre Road, again though, no structures are present within the study area.

The property remained as large rural blocks of land until 1980 when a successful subdivision was finally sold off. Lot 1 included 60 rural blocks, of which 2 form the study area today. Lot 52, DP529420 was purchased by butchers Marko and Milka Matanovic. Lot 53, DP529420 was purchased by market gardeners Percival and Mary Bartolo (NSW LPI Vol. 13940 Fol. 182 and Vol. 13940 Fol. 183). Both owners constructed houses within the study area on their respective lots, along with market gardens that can be seen in the 1985 historic aerial imagery (Figure 3.4).

The study area has remained as 2 small rural subdivisions to the present, with market gardens still present on one of the properties.

## 3.3 CHRONOLOGY OF THE STUDY AREA

Based on the historical background presented, it is possible to summarise the chronology of the study area. This is presented in Table 3.1.

**Table 3.1 Summary of chronological events relating to the study area**

Phase	Summary	Date range
1	Initial Grant and Occupation by Nicholas Bayly	1805-1826
2	Richard Jones purchases the Bayly estate	1826-1845
2	Frederick Orvie Darwall purchases the estate	1845-1852
2	John Savoy Rodd purchases the estate	1852-1870
2	John Edward Tremayne Rodd inherits the estate	1870-1876
2	Thomas Walker purchases the estate	1876-1879
3	John Bligh Sutton purchases the estate	1879-1881
3	David Dale purchases the estate	1881-1885
3	Thomas Walters purchases the estate	1885-1888
3	Thomas Morse purchases the estate	1888-1916
3	Donald Bruce MacIntyre purchases the estate	1916-1916
3	Henry Horton purchases the estate	1916-1930
3	Perpetual Trustee Company is transferred the estate in application by transmission	1930-1934
3	Greenfields Limited purchases the estate	1934-1945
3	Joseph Henry Bawn and Richard Sefton Stone purchase the estate	1945-1954
3	Bawn purchases Stone's share of the property	1954-1968
4	Estate is subdivided into two lots, south and north of Kemps Creek	1968
4	Lot 1, which holds the study area is purchased by Number One Fleurs Pty Ltd	1968-1980
4	Land in Lot 1 is subdivided into 60+ small rural lots (Lots 52 & 53 within study area)	1980
4	Mark and Milka Matanovic purchase lot 52	1980
4	Percival and Mary Bartolo purchase lot 53	1980



**Legend**

Study Area

0 60 120 180 240 300 m

GDA 1994 MGA Zone 56



**Figure 3.4 1985 Historic aerial imagery of the study area**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW Spatial Services

Drawn by: WA Date: 2021-07-12



**A U S T R A L**  
**ARCHAEOLOGY**

## 4. PREDICTIVE STATEMENTS

---

An assessment of archaeological potential usually considers the historic sequence of occupation in comparison to the structures that are currently extant, as well as the impact that the more recent constructions and works would have had on the earlier occupation phases and, as such, the likely intactness of the archaeological resource. This, in turn, is tied in with the extent to which a site may contribute knowledge not available from other sources to current themes in historical archaeology and related disciplines.

Regarding the assessment of the study area, the archaeological potential depends upon the anticipated likelihood for the survival of buried structural fabric and cultural deposits as well as an estimation of archaeological integrity. Structural fabric refers to what is generally regarded as building or civil engineering remnants. Cultural deposits refer to archaeological deposits, i.e. deposited sediments containing artefacts *et cetera*.

Having analysed the historical evidence in the previous chapters, the following section presents a summary of the potential for a physical archaeological resource to be present in the study area, that is, its archaeological sensitivity/potential.

The following predictive model draws on the areas of known archaeological sensitivity. As a general rule of archaeology, sites first redeveloped in either the 19<sup>th</sup> or early 20<sup>th</sup> century can also retain evidence of occupation from previous periods. It is also widespread that such evidence can be recovered even when sites have been redeveloped or disturbed by modern construction activity. Based on the detailed background history, the following general predictive statements can be made:

### **BAYLY PARK (1805-1826)**

The study area formed a small part of the larger estate granted to and owned by Nicholas Bayly from 1805-1826. Bayly built his grand homestead 400 metres to the south-west of the study area on the opposite side of Mamre Road. As only 40 acres (16 ha) of Bayly's estate was cleared land at the time of his ownership it is unlikely that the cleared area fell within the study area. Therefore, it is doubtful that there will be any remnants of his estate present within the study area. However, if land clearance did occur within the study area, relics of this period may take the form of fence post holes, discarded agricultural tools, furrows and the carcasses of dead livestock.

### **FLEURS ESTATE (1826-1879)**

Fleurs Estate was the name for Bayly Park under the ownership of Richard Jones following his purchase of it in 1826. The property was mostly used as part of Jones' large pastoral ownerships that related to sheep and wool. Again, the main locus of activity in this period would have been around Bayly House, where the manager would have likely resided; there may have been other smaller huts located around the large estate, however, none of these were recorded as being located within the study area. As such, predictive remains for this period of the study area are very similar to the previous period. Relics of this period may take the form of fence post holes, discarded agricultural tools, furrows and the carcasses of dead livestock.

### **CONTINUED PASTORAL USE (1879-1980)**

The estate passed through many owners after Richard Jones, with multiple attempts made to subdivide the property into smaller rural blocks; however, the public interest in the area must have been minimal as no properties appear to have been sold within this time and the estate remained largely whole. As such, it is likely that the property was hired out for agistment to livestock owners, or run as a larger farm by appointed managers. Again, no known development occurred within the study area until the 1970s when a large dam was constructed. However, no further construction occurred until 1980 when 2 houses and market gardens were built within the study area. Again, the relics of this period may take the form of fence post holes, discarded agricultural tools, furrows and the carcasses of dead livestock.

## 5. SITE INSPECTION

---

The site inspection was conducted by Alexander Beben (Director, Austral) on 25 September 2019. No areas of historical potential were identified on the site, with a large degree of disturbance noted from both the construction of the dam and modern households. Judging by the lack of evidence, it was clear that no large structures had been erected within the study area, which backed up the historical research and aerial imagery. See Figure 5.1 and Figure 5.2 for views of the study area.



**Figure 5.1** North-east facing photograph of entrance to study area



**Figure 5.2** North-east facing photograph from centre of study area

## 6. HISTORICAL LAND USE MAPPING

---

### 6.1 HISTORICAL LAND USE

The earliest known historical land use of the present study area began in 1805 when Nicholas Bayly was granted multiple properties forming the larger Bayly Park estate. The homestead on the property was not built until 1814, when a large house of brick was built approximately 400 metres to the south-west of the study area.

The land within the study area was likely still naturally vegetated and was not cleared until 1822, when Bayly put a government road gang to work on clearing his property. Bayly passed away soon after in 1823. As such, it is not likely that the study area was used heavily whilst Bayly Park was in operation.

The property was then purchased by Richard Jones, who made the estate part of his property portfolio. The property was then used as an agricultural estate for many years. Whilst in the interim, rural subdivisions were planned, none came to fruition and the property remained a large livestock-based farm until the 1980s. Through the background research, there appears to be no evidence of any historical buildings being constructed within the current study area. The only change that occurred during this period apart from the clearance of natural vegetation was the construction of a dam along Mamre Road.

A successful subdivision occurred in 1980 and 2 houses were constructed within the study area, along with planting of 2 market gardens and the continued use of the area for livestock.

### 6.2 ARCHAEOLOGICAL SENSITIVITY MAPPING

The results of Section 4 are depicted in an archaeological sensitivity map below (Figure 6.1). The figure shows the degree of predicted archaeological potential within the study area following site development and forms the basis for the conclusions and management recommendations outlined in Section 9. However, one key point to note is that potential is not equal to significance, and areas of even moderate or high archaeological potential may not actually contain archaeological material which is considered significant (see Section 7).



**Figure 6.1 Summary of archaeological sensitivity**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW LPI Aerial

Drawn by: WA Date: 2021-07-12



**AUSTRAL**  
ARCHAEOLOGY

## 7. ASSESSMENT OF SIGNIFICANCE

---

An assessment of cultural significance seeks to establish the importance that a place has to the community. The concept of cultural significance is intrinsically tied to the fabric of the place, its history, setting and its relationship to other items in its surrounds and the response it evokes from the community.

The assessment of cultural significance with respect to archaeological sites can present difficulties because the nature and extent of the "relics" are often indeterminate and value judgements therefore need to be made based on potential attributes. The element of judgement can be greatly reduced by historical or other research, as has been completed for the current study. Archaeological deposits and features provide important evidence of the history and settlement of New South Wales. These heritage items may include deposits containing material culture (artefacts) that can be analysed to yield information regarding early urban development that is unavailable from other sources. Archaeological investigations can reveal much about technology, industry, past economic and social conditions and people's lives.

Sites that contain these elements therefore have scientific value that may be of considerable significance when analysed in association with documentary evidence. It is through this potential to reveal information about the past use of a place that archaeological sites have heritage significance.

### 7.1 BASIS FOR ASSESSMENT

The Burra Charter of Australia ICOMOS was formulated in 1979 (revised 1999 and 2013) [Australia ICOMOS 2013], based largely on the Venice Charter (for International Heritage) of 1966. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Charter divides significance into four categories for the purpose of assessment. They are: Aesthetic, Historical, Scientific/Technical, and Social significance.

The Heritage Council of NSW has established a set of seven criteria to be used in assessing cultural heritage significance in NSW, and specific guidelines have been produced to assist archaeologists in assessing significance for subsurface deposits (Heritage Council of New South Wales 2009; NSW Heritage Office 2001). The Heritage Council's criteria incorporate those of the Burra Charter, but are expanded to include rarity, representative value, and associative value.

In order to determine the significance of a historical site, the Heritage Council have determined that the following seven criteria are to be considered (NSW Heritage Office 2001):

- **Criterion (a):** an item is important in the course, or pattern, of NSW's cultural or natural history (or the local area);
- **Criterion (b):** an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the local area);
- **Criterion (c):** an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
- **Criterion (d):** an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (or the local area);
- **Criterion (e):** an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the local area);
- **Criterion (f):** an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the local area); and
- **Criterion (g):** an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or the local area).

These criteria were designed for use on known or built heritage items, where above ground heritage is both tangible and easily identified. Due to the nature of archaeology being that it is invisible until disturbed, the presence and attributes of archaeological material must be assumed based on the recorded levels of disturbance, known site history and the creation of predictive statements. Ultimately, the actual presence of archaeological material can only ever be framed in terms of the potential for it to be present. The following assessment therefore deals with the built and archaeological potential within the study area in a consolidated manner.

## 7.2 LEVELS OF SIGNIFICANCE

The Heritage Act allows for the protection of heritage items of State or local significance. The levels of significance can be defined as:

- Items of State significance are of special interest in a State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection of association to the State.
- Items of local significance are of special interest to the LGA. They important to the local community and often form an important part of the local identity. Collectively, such items reflect the cultural or natural history of the given area.

## 7.3 SIGNIFICANCE ASSESSMENT

The following section addresses the significance of the potential archaeological resource in accordance with the criteria adopted in the Heritage Council's significance guidelines for archaeological deposits (Heritage Council of New South Wales 2009, pp.11–13), using selected questions from the guidelines.

The assessment has not identified any additional information that alters the significance of items in the vicinity and as a result the heritage values of these items do not require reassessment. The existing statements of significance for those items are summarised in Section 7.4. Table 7.1 presents an assessment of the study area against the seven Heritage NSW criteria.

**Table 7.1 Assessment of significance**

Criteria	Assessment
A	<p>The site was used as a grazing paddock with no specific importance to the surrounding estate for the majority of its European history. As such, it is not important in the course, or pattern, of NSW's cultural or natural history (or that of the local area).</p> <p>Therefore, the study area <b>does not</b> satisfy heritage criterion A.</p>
B	<p>The site is associated with Nicholas Bayly as it formed part of the original grant given to him in 1805. However, whilst he owned a very large portion of land in the area, he did not fully utilise it as very little of it was cleared for agricultural use. The larger property also formed part of Richard Jones' famed wool enterprise; however, it was not a major centre of his operation which were mainly concentrated to the west of the Blue Mountains and in the Hunter region. After this, the property changed hands many times, with very few people holding onto it for more than a few years. Therefore, the study area does not have a strong or special association with the life or works of a person or group of persons.</p> <p>As such, the study area <b>does not</b> satisfy heritage criterion B.</p>
C	<p>As no structures were constructed within the study area, the study area does not demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW (or the local area).</p> <p>As such, the study area <b>does not</b> satisfy heritage criterion C.</p>

Criteria	Assessment
D	The study area holds no strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons. As such, the study area <b>does not</b> satisfy heritage criterion D.
E	As the study area was used primarily as a grazing paddock for the majority of its European history, it is unlikely to hold any potential to yield information that will contribute to an understanding of NSW's cultural or natural history. As such, the study area <b>does not</b> satisfy heritage criterion E.
F	The study area does not possess uncommon, rare or endangered aspects of NSW's cultural or natural history. As such, the study area <b>does not</b> satisfy heritage criterion F.
G	The study area is not important in demonstrating the principal characteristics of a class of NSW's cultural places or natural environments. As such, the study area <b>does not</b> satisfy heritage criterion G.

#### 7.4 STATEMENT OF SIGNIFICANCE FOR HERITAGE ITEMS WITHIN THE VICINITY OF THE STUDY AREA

The following section contains statements of significance for the study area and any heritage items in the vicinity of the study area. These are outlined below in Table 7.2, the statements of significance for heritage items in the vicinity are quoted directly from the Penrith Heritage Study (Paul Davies Pty Ltd 2007).

**Table 7.2** Statements of Significance

Criteria	Assessment
Study area	The study area was part of 2 very large and well known estates that were owned by important people and shaped the development of the area. However, the study area itself was only a small portion of the estate used as a grazing paddock for livestock for the most part of the last 200 years. No historical records were found mentioning the area, and it appears that all construction occurred outside of the area of impact. As such, the study area is deemed to have low significance.
Bayly Park House (SEPP WSEA I2) [SHI 2260104]	<i>The genesis of Bayly Park is Nicholas Bayly's house of around 1814 which has subsequently been developed to the present time. The house is generally recognised as being very altered, and the reason for listing is the historical association with early settlement and pioneering sheep breeding.</i>
Gateposts to Colesbrook (SEPP WSEA I3) [SHI 2260105]	<i>The listing of these gateposts reflects the belief they are associated with the farmhouse to the east (I4) and thus provide insight into the scale of rural estates in the late 19<sup>th</sup> century.</i>
Farmhouse - Possibly Colesbrook (SEPP WSEA I4) [SHI 2260106]	<i>This farmhouse was listed for being a good representative example of a large brick farmhouse of the early 20<sup>th</sup> century. It was damaged by fire in 1997 and has since been partly rebuilt.</i>

## 8. STATEMENT OF HERITAGE IMPACT

---

The purpose of this section is to present a comprehensive assessment of the impacts to the identified archaeological values associated with the study area from the proposed works.

### 8.1 PROPOSED WORKS

The proposed works involve the development of the study area into an industrial subdivision. As such, the construction will involve clearing of existing vegetation on the site, bulk earthworks to level the site along with filling the dam, trenching for underground services, construction of footings, warehouses, roadways and drainage.

A map showing the proposed design of the development can be seen in Figure 8.1.

### 8.2 PREDICTED IMPACT ON THE POTENTIAL ARCHAEOLOGICAL RESOURCE

The following section provides an assessment of each element of the proposed works and whether the task has potential to impact on the identified archaeological resource.

#### PREDICTED IMPACTS WITH POTENTIAL TO HARM THE ARCHAEOLOGICAL RESOURCE

As no potential archaeological resource has been identified within the study area, there is minimal harm likely to come from this development.

### 8.3 CONSIDERATION OF HERITAGE VALUES IN THE DESIGN PROCESS

The following questions are taken from the Heritage Division's guidelines to preparing statements of heritage impact (Heritage Office and Department of Urban Affairs & Planning 1996).

#### WHAT ASPECTS OF THE PROPOSAL RESPECT OR ENHANCE THE HERITAGE SIGNIFICANCE OF THE STUDY AREA?

The study area has been shown to have low heritage significance in relation to its European heritage. As such, the proposed design is unlikely to effect the significance of the site.

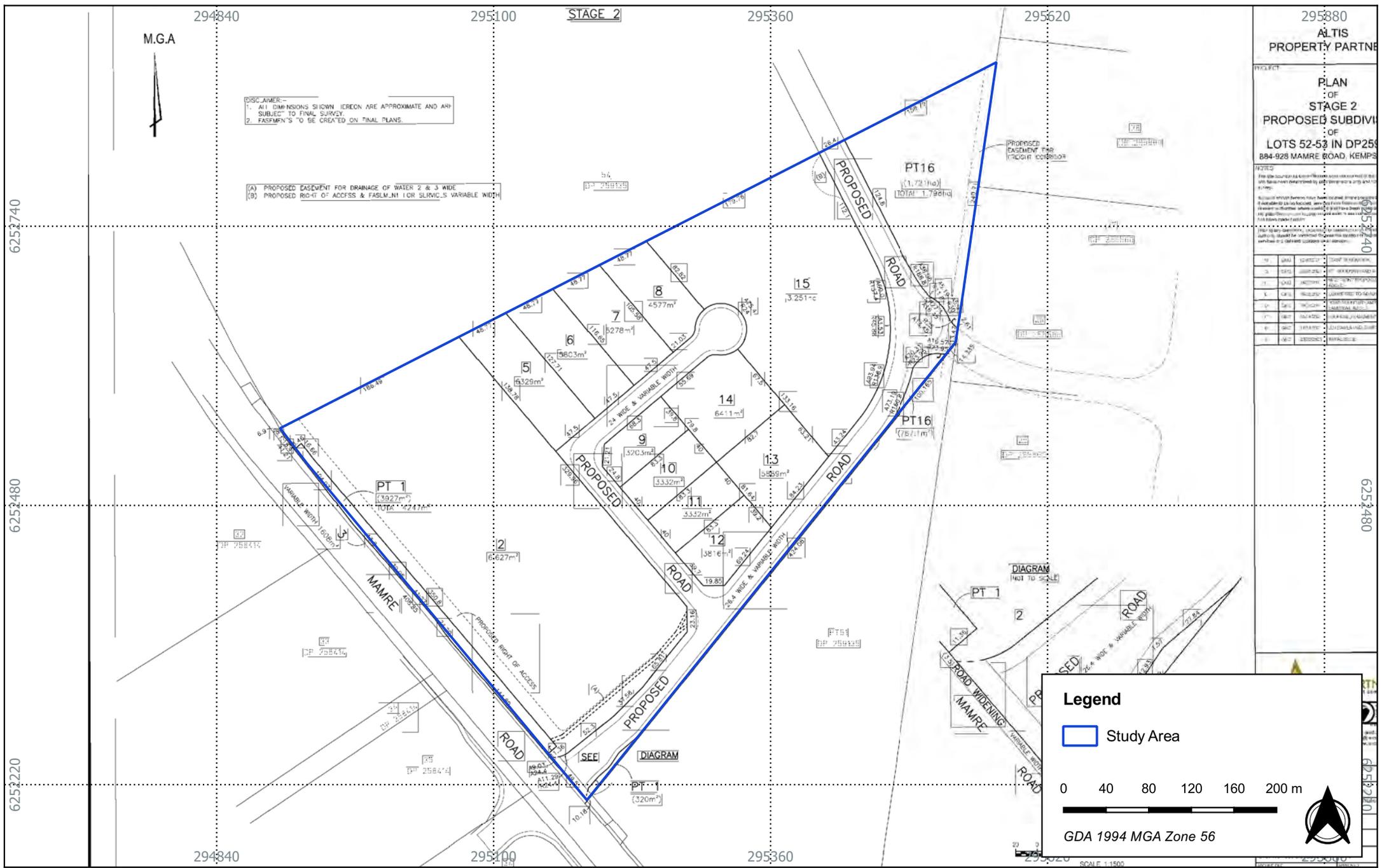
#### WHAT ASPECTS OF THE PROPOSAL COULD HAVE A DETRIMENTAL EFFECT ON THE HERITAGE SIGNIFICANCE OF THE STUDY AREA?

There has been no heritage identified within the study area so no detrimental effects are likely to occur from the proposed design.

The outlook from the heritage items in proximity to the development may have their character changed by the nature of the developments surrounding them. However, the character of Bayly Park has already been altered by the construction of a large industrial estate across the road, as such the proposed development is only likely to have a minimal detrimental effect on the heritage item.

#### HAVE MORE SYMPATHETIC OPTIONS BEEN CONSIDERED AND DISCOUNTED?

As no heritage has been identified within the study area, there is no need to consider more sympathetic options in regard to the historic heritage of the study area.



**Figure 8.1 Proposed design in relation to the study area**

21083 - 884-928 Mamre Road, Kemps Creek HIS

Source: NSW LPI Aerial, Project Strategy

Drawn by: WA Date: 2021-07-13



## 9. CONCLUSIONS AND RECOMMENDATIONS

---

### 9.1 CONCLUSIONS

It is concluded that there are no identified heritage values present within the study area owing to its likely use as a grazing paddock forming part of a larger estate for the last 200 years. As no historic material was uncovered that described any construction in, or significant use of the study area, there is unlikely to be any archaeological material contained within the proposed area of impact. If any archaeological material is identified, it will likely relate to the site's use as a grazing paddock and as such is expected to include discarded agricultural implements, fence post holes, or livestock carcasses. As the use of the paddock changed very little until the 1980s, it is unlikely that it will be possible to differentiate between different phases of use without extensive research into the artefacts uncovered. As the likely archaeological material is common in nature and well understood, the study area is deemed to have low heritage significance.

The proposed development consists of a range of activities that will impact on any the potential archaeological remains within the study area but will not affect the heritage values associated with any of the surrounding heritage items. As such, works can proceed without the requirement for further investigations or mitigation.

### 9.2 RECOMMENDATIONS

To mitigate the harm documented in this assessment, it is recommended that:

- 1) No further heritage investigations or mitigation strategies are warranted in terms of historical heritage values in or surrounding the study area, and works can be undertaken as planned.
- 2) If historical archaeological relics not assessed or anticipated by this report are found during the works, all works in the immediate vicinity are to cease immediately and Heritage NSW are to be notified in accordance with the *NSW Heritage Act 1974*. A qualified archaeologist is to be contacted to assess the situation and consult with Heritage NSW regarding the most appropriate course of action.
- 3) Should the actual development be altered significantly from the design considered in this assessment then a reassessment of the heritage/archaeological impact may be required. This includes any impacts not explicitly stated in Section 8.
- 4) A copy of this assessment should be lodged by the proponent in the local history section of the local library, and in the library maintained by Heritage NSW.

## 10. REFERENCES

---

AMBS 2007, Historical Archaeological Assessment and Heritage Management Strategy: Oakdale Concept Plan Kemps Creek, NSW. Report Prepared for Goodman International Limited.

Artefact Heritage 2016, 747 Camden Valley Way, Catherine Field Aboriginal Archaeological Survey Report. Report to City Plan Services.

Attenbrow, V 2010, Sydney's Aboriginal Past, UNSW Publishing, Sydney.

Australia ICOMOS 2013, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Burwood, VIC.

Clarkson, C et al. 2017, 'Human Occupation of Northern Australia by 65, 000 Years Ago', Nature, vol. 547, pp. 306–310.

Heritage Council of New South Wales 2009, Assessing significances for historical archaeological sites and 'relics', Heritage Branch, NSW Dept. of Planning, Parramatta, N.S.W., viewed 30 January 2019, <[http://www.heritage.nsw.gov.au/03\\_index.htm](http://www.heritage.nsw.gov.au/03_index.htm)>.

Heritage Office and Department of Urban Affairs & Planning 1996, 'Statements of Heritage Impact', <<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>>.

Hiscock, P 2010, Archaeology of Ancient Australia, Routledge, New York.

NSW Heritage Office 2001, 'Assessing heritage significance', viewed 1 May 2016, <<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/listings/assessingheritagesignificance.pdf>>.

Paul Davies Pty Ltd 2007, 'Penrith Heritage Study'.

State Library of New South Wales 2021, 'Darvall, Frederick', Dictionary of Sydney.

Williams, A et al. 2012, 'A Terminal Pleistocene open site on the Hawkesbury River, Pitt Town, NSW', Australian Archaeology, vol. 74, pp. 29–38.