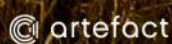


253 – 267 Aldington Road, Kemps Creek Industrial Precinct

Statement of Heritage Impact

Report to RP Infrastructure

October 2023



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EXECUTIVE SUMMARY

This non-Aboriginal Statement of Heritage Impact (SoHI) has been prepared by Artefact Heritage (Artefact) to accompany a State Significant Development Application (SSDA) for the staged construction and operation of an industrial estate comprising four warehouse buildings at 253-267 Aldington Road, Kemps Creek, NSW 2178 in the Penrith City Council Local Government Area (LGA). The site is legally described as Lot 9 in Deposited Plan 253503.

This report has been prepared to address the Secretary's Environmental Assessment Requirements (SEARs) issued for the project (SSD-23480429) dated 30 July 2021 and additional SEARs issued on 25 March 2022.

This report concludes that the proposed industrial estate is suitable and warrants approval subject to the implementation of the following mitigation measures as listed in recommendations.

The aim of this SoHI is to identify heritage items and archaeological remains which may be impacted by the proposed works, determine the level of heritage significance of each item, assess the potential impacts of the proposal to those items, recommend mitigation measures to reduce the level of heritage impact and identify other management or statutory obligations.

Overview of findings

This SoHI has made the following conclusions:

- There are no listed heritage items within the study area but there are two within 100 metres of the proposed site boundaries:
 - 'Gateposts to Colesbrook', listed on the Penrith LEP 2010 as an item of local heritage significance (item no. I105)
 - 'Brick Farmhouse', listed on the Penrith LEP 2010 as an item of local heritage significance (item no. I106)
- The study area has been assessed as demonstrating nil potential to contain significant non-Aboriginal archaeological remains and the project would result in no impacts to significant non-Aboriginal archaeological remains
- The proposal would result in the following heritage impacts:
 - Neutral physical and negligible visual impacts to the heritage significance of the 'Gateposts to Colesbrook' heritage item
 - Neutral physical and visual impacts to the heritage significance of the 'Brick Farmhouse' heritage item

Recommendations

The following recommendations will aid in mitigating the impact of the proposed development:

- An unexpected finds policy would be enacted during the works. This would involve the following activities:

- Excavation work in that area must cease and the contractor must notify the environmental manager for the project, and a qualified archaeologist must be notified.
- An archaeologist would attend site to assess the integrity and significance of the remains.
- Should the unexpected find constitute significant non-Aboriginal archaeological remains, further assessment and approval may be required prior to those works commencing

Following the implementation of the above mitigation measures, the remaining impacts are appropriate.

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1.0 INTRODUCTION AND BACKGROUND

1.1 Project background

This report has been prepared to accompany an SSDA for the construction and operation of an industrial estate comprising four warehouse buildings at 253-267 Aldington Road, Kemps Creek, NSW 2178 (SSD-23480429).

The application seeks consent for:

- Site Establishment:
 - Demolition and removal of existing rural residential structures including removal of farm dams.
 - Remediation as required
 - Bulk earthworks (193,100m³ of fill) and retaining walls.
- Staged construction and operation of an industrial estate with a total gross floor area of 45,530m², maximum FSR of 0.45:1, maximum height of 17.2m, split over four warehouses contained within three buildings with ancillary hardstand and office spaces:
 - Stage 1
 - Warehouse 1A: 8,700m² with 660m² office space (total GFA – 9,360m²)
 - Warehouse 1B: 9,130m² with 750m² office space (total GFA - 9,880m²)
 - Warehouse 1C: 8,405m² with 655m² office space (total GFA - 9,060m²)
 - Stage 2
 - Warehouse 2 (temperature controlled): 16,930m² with 790m² office space (total GFA - 17,230m²)
- Use of the buildings for warehouse and distribution purposes 24 hours per day 7 days per week.
- Ancillary development including:
 - Signage (A pylon estate sign approximately 5m high and individual tenant signage adjacent to each office)
 - Car parking (263 vehicular spaces)
 - Warehouse 1A: 65 spaces
 - Warehouse 1B/ 1C: 113 spaces
 - Warehouse 2: 85 spaces
 - Landscaping
 - Retaining walls
 - Utility infrastructure and services connection; and
 - Stormwater management including naturalised open channel drainage as well as below ground on-site detention of stormwater.
- Construction and dedication of new local roads and an interim intersection with Aldington Road.

- Subdivision of the site into two Torrens title allotments along with a road reserve lot for the widening of Aldington Road.

This report has been prepared to address the Secretary's Environmental Assessment Requirements (SEARs) issued for the project (SSD-23480429) dated 30 July 2021 and additional SEARs issued on 25 March 2022. It also addresses the Test of Adequacy comments received on 1 October 2021.

Specifically, this report has been prepared to respond to the SEARs requirement issued below.

Description of requirement	Section reference (this report)
Prepare a non-Aboriginal cultural heritage assessment (including both cultural and archaeological significance) which must detail potential impacts on heritage assets and any proposed management and mitigation measures.	This report

1.2 The Site

The site is known as 253 - 267 Aldington Road, Kemps Creek and is legally described as Lot 9 in Deposited Plan 253503. The site is rectangular in shape with an area of approximately 10 hectares.

The site has a primary frontage along its eastern boundary to Aldington Road of 160m and a depth of 630m. The site is currently occupied by a dwelling house, sheds and agricultural land as shown in the aerial photograph at Figure 7 below.

The site is undulating in parts but longitudinally falls slightly from Aldington Road at an RL 54.00 to the western boundary with an RL 44.00 which equates to an average grade of 1.5% or 1V in 65H. The site also falls across the site from north to south at 4.3% or 1V in 23H.

The site is burdened by a 60.96m wide Transgrid easement which runs north-south through the site. The easement is known as 'Dapto – Sydney West 330kV Easement' and there is presently no high voltage transmission line infrastructure present.

The site is approximately 5 kilometres (km) north-east of the future Western Sydney International (Nancy-Bird Walton) Airport, 14 km south-east of Penrith CBD and 38 km west of the Sydney CBD.

The site is located within the suburb of Kemps Creek, which falls within the Penrith Local Government Area (LGA). It is in the Mamre Road Precinct within the broader WSEA and is currently surrounded by rural residential land uses.

Multiple SSDs and Local DAs are currently being progressed for industrial and warehouse development within the Mamre Road Precinct which will substantially change the nature of the surrounding area. The regional context is shown below in Figure 1.

The surrounding land uses include:

- North: Pastoral/ farmland extends towards the elevated Bakers Lane. Several properties have been purchased by developers for industrial development these include Frasers and Fife Stockland.
- South: Farm and pastoral lands with rural residential properties scattered within the landscape. The Mamre Road precinct extends further beyond Abbots Road. A locally listed heritage item is located at 282 Aldington Road to the south east.
- East: The site is bound to the east by Aldington Road. On the opposite side of Aldington Road several properties have been purchased in seeking approval for industrial development. Land rises to the east which provides a natural screen to the residential E4 Environmental Living zone beyond.
- West: Farm and pastoral lands to Mamre Road and beyond. Sites on Mamre Road have been purchased for industrial uses.

All land in the immediate surrounding context to the north, east and south has now been zoned for industrial uses.

1.3 Responding to Test of Adequacy (ToA) comments

No specific comments were issued with regards to Non- Aboriginal Cultural Heritage during the process.

1.4 Authors

This report was prepared by John Sokalik (Heritage Consultant). Management input and review was provided by Duncan Jones (Principal).

Figure 1. The study area for the proposed development.



2.0 LEGISLATIVE CONTEXT

2.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legislative framework for the protection and management of matters of national environmental significance, that is, flora, fauna, ecological communities, and heritage places of national and international importance. Heritage items are protected through their inscription on the World Heritage List, Commonwealth Heritage List, or the National Heritage List.

The EPBC Act stipulates that a person who has proposed an action that will, or is likely to, have a significant impact on a World, National or Commonwealth Heritage site must refer the action to the Minister for Sustainability, Environment, Water, Population and Communities (hereafter Minister). The Minister will then determine if the action requires approval under the EPBC Act. If approval is required, an environmental assessment would need to be prepared. The Minister would approve or decline the action based on this assessment.

2.1.1 Commonwealth Heritage List

The Commonwealth Heritage List has been established to list heritage places that are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority. The Commonwealth Heritage List includes natural, Indigenous, and historic heritage places which the Minister for Sustainability, Environment, Water, Population and Communities is satisfied have one or more Commonwealth Heritage values.

No sites within the study area or within a 100m buffer zone of the study area are included on the Commonwealth Heritage List.

2.1.2 National Heritage List

The National Heritage List has been established to list places of outstanding heritage significance to Australia. It includes natural, historic, and Indigenous places that are of outstanding national heritage value to the Australian nation.

No sites within the study area or within a 100m buffer zone of the study area are included on the National Heritage List.

2.2 Heritage Act 1977

The Heritage Act is the primary item of State legislation affording protection to items of environmental heritage in NSW. The Heritage Act is designed to protect both listed heritage items, such as standing structures, and potential archaeological remains or relics. Under the Heritage Act, 'items of environmental heritage' include places, buildings, works, relics, moveable objects, and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items are listed on the NSW State Heritage Register (SHR) and are given automatic protection under the Heritage Act against any activities that may damage or affect its heritage significance.

2.2.1 The 2009 'Relics provisions'

The Heritage Act also provides protection for 'relics', which includes archaeological material or deposits. According to Section 139 (Division 9: Section 139, 140-146):

- (1) A person must not disturb or excavate any land knowingly or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, damaged or destroyed unless the disturbance is carried out in accordance with an excavation permit.
- (2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.
- (3) This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.
- (4) The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:
 - a. Any relic of a specified kind or description,
 - b. Any disturbance or excavation of a specified kind or description,
 - c. Any disturbance or excavation of land in a specified location or having specified features or attributes,
 - d. Any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates that there is little likelihood of there being any relics in the land.

Section 4 (1) of the Heritage Act (as amended in 2009) defines a relic as:

...any deposit, artefact, object, or material evidence that:

relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance

A relic has been further defined as:

Relevant case law and the general principles of statutory interpretation strongly indicate that a 'relic' is properly regarded as an object or chattel. A relic can, in some circumstances, become part of the land be regarded as a fixture (a chattel that becomes permanently affixed to land).¹

Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under Section 140 of the Heritage Act. An application for an excavation permit must be supported by an Archaeological Research Design and Archaeological Assessment prepared in accordance with the Heritage NSW, DPC archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under Section 139 (4) of the Heritage Act.

2.2.2 Works

The Heritage Act places 'works' in a separate category to archaeological 'relics'. 'Works' refer to remnants of historical structures which are not associated with artefactual material that may possess

¹ *Assessing Significance for Archaeological Sites and 'Relics'*, Heritage Branch, Department of Planning, 2009:7.

research value. 'Works' may be buried, and therefore archaeological in nature, however, exposure of a 'work' does not require approved archaeological excavation permits under the Act.

The following examples of remnant structures have been considered to be 'works' by the NSW Heritage Council:

- Evidence of former infrastructure, where there are no historical artefacts in association with the item
- Historical building footings where there are no historical artefacts in association with the item.

Where buried remnants of historical structures are located in association with historical artefacts in controlled stratigraphic contexts (such as intact historic glass, ceramic or bone artefacts), which have the potential to inform research questions regarding the history of a site, the above items may not be characterised as 'works' and may be considered to be 'relics'. The classification of archaeological remains as a 'work' therefore is contingent on the predicted remains being associated with historical structures as well as there being no prediction of the recovery of intact artefactual deposits which may be of research interest.

2.2.3 State Heritage Register

The SHR was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is administered by the Heritage NSW. This includes a diverse range of over 1,500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW.

To carry out activities within the curtilage of an item listed on the SHR, approval must be gained from the Heritage Council by securing a Section 60 permit. In some circumstances, under Section 57(2) of the Heritage Act, a Section 60 permit may not be required if works are undertaken in accordance with the NSW Heritage branch document *Standard Exemptions for Works Requiring Heritage Council Approval*² or in accordance with agency specific exemptions. This includes works that are only minor in nature and will have minimal impact on the heritage significance of the place.

No sites within the study area or within a 100m buffer zone of the study area are included on the SHR.

2.2.4 Section 170 registers

Under the Heritage Act all government agencies are required to identify, conserve, and manage heritage items in their ownership or control. Section 170 requires all government agencies to maintain a Heritage and Conservation Register that lists all heritage assets and an assessment of the significance of each asset. They must ensure that all items inscribed on its list are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Government on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of items and are based on NSW heritage legislation and guidelines.

No sites within the study area or within a 100m buffer zone of the study area are included on s170 registers.

² Heritage Council of New South Wales 2009

2.3 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act requires that Local Governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the Act, to provide guidance on the level of environmental assessment required.

The current study area falls within the boundaries of the Penrith LGA and is subject to the Penrith LEP 2010. This includes a schedule of local heritage items and planning controls related to development in the vicinity of heritage items.

Division 4.7 of the EP&A Act provides that environmental planning instruments (such as local environmental plans and SEPPs) do not, with some exceptions, apply to State significant development projects. Notwithstanding, the environmental planning instruments that are relevant to the project have been considered for consistency and in accordance with provisions outlined in SEARs, as described below.

2.3.1 State Environmental Planning Policy (Sydney Region Growth Centres) 2009

The Western Sydney Growth Area SEPP was introduced in 2009 to provide businesses in the region with land for industry and employment, including transport and logistics, warehousing and office space. The current study area is located within land designated in the Western Sydney Employment Area.

No sites within the study area or within a 100m buffer zone of the study area are included on the Western Sydney Employment Area SEPP (2009)

2.3.2 The Penrith Local Environment Plan 2010

The Penrith Local Environment Plan (LEP) 2010 aims to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; and to protect archaeological sites. The LEP stipulates development controls in relation to development proposed on or near heritage listed properties, archaeological sites, or Aboriginal places of heritage significance. The Penrith Development Control Plan (DCP) 2010 details the standards, policies and guidelines related to construction and development for Penrith and is consistent with the Penrith LEP 2010.

The following clauses apply to places of heritage significance within the Penrith City Council LGA, under Part 5 Clause 5.10 of the Penrith LEP 2010:

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of Penrith,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabrics, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance

Before granting consent under this clause in respect of a heritage item or conservation area, the consent authority, the Penrith City Council, must consider the effect of the proposed development on the heritage significance of the item or area concerned (5.10(5)), notably if the development is on land:

(5) Heritage assessment

The consent authority may, before granting consent to any development;

(a) on land on which a heritage item is located; or

(b) on land that is within a heritage conservation area;

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b);

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.

No sites are heritage listed items within the study area. However, there are two sites that are within a 100m buffer zone of the study area that are included on the Penrith Local Environment Plan 2010.

2.3.3 Summary of heritage listings

There are no heritage listed items within the study area but there are two listings within a 100m buffer zone of the study area included on the Penrith LEP 2010.

These items are:

- “Gateposts to Colesbrook”, item no. I105
- “Brick Farmhouse”, item no. I106

2.4 Summary of heritage listings

Table 1 provides a summary of heritage listed items within and near to the study area. The location of these items is shown in Table 1. The heritage registers were searched on 27 October 2020.

Table 1: Summary of listings for the heritage items in and near the study area

Item	Address	Significance	Listing and item number	Relationship to study area
Gateposts to Colesbrook	269-285 Mamre Road	Local	Penrith LEP 2010 I105	Adjacent to study area (60 m south)
Brick Farmhouse	282 Aldington Road	Local	Penrith LEP 2010 I106	Visual buffer zone (85 m southeast)

Figure 2. The study area for the proposed development and surrounding listed heritage items



3.0 HISTORICAL CONTEXT

3.1 Aboriginal history

The Nepean River region is the traditional land of the Dharawal and Gundungurra peoples, who inhabited the land for many thousands of years. The Nepean was known as the “Dyarubbin” in one of the local indigenous languages, and was a highly valued force within their social, economic and cultural systems.³ The river provided fresh water and abundant variety of fish and creatures, and the fertile soils around the banks of the river grew a variety of edible plants which attracted bird and wildlife. The long custodianship and cultivation of this land by indigenous peoples is reflected in the variety of archaeological sites which survive throughout the region, including shell middens, stone artefacts, rock shelters, and other occupation sites.⁴ Following European settlement, Aboriginal populations were severely impacted by the smallpox epidemic which the settlers brought to Australia, leading to a disastrous decline in Indigenous populations and the incalculable loss of language and culture as entire clans were wiped out.

3.2 Early European history

3.2.1 European exploration and settlement in the Nepean Valley

In January 1788, European settlement in Australia commenced with Captain Arthur Phillip’s arrival at Botany Bay. Finding the Bay too shallow for a harbour and lacking quality water supply, the site of the European colony was moved to the Port Jackson Area, now known as Sydney.⁵ Inland exploration soon followed settlement in this area, with the major rivers explored for fertile land suitable for farms and settlement. These included the Parramatta, Georges, and Nepean Rivers, which were all encountered by European explorers in 1789. Safe harbours and rivers were thought to be desirable for their use to explore more inland regions.⁶ In addition, small European settlements along these rivers were established and grew due to the fertile soils and freshwater sources, which were utilised by the settlers for European agriculture.⁷

Inland explorations continued in the early eighteenth century with the endeavours of Gregory Blaxland, William Charles Wentworth, and William Lawson, who crossed the Blue Mountains in search of pastoral land to the west of the Great Dividing Range. The subsequent construction of the Great Western Highway followed the explorer’s route, leading from Sydney to Bathurst. The Great Western Highway enabled the growth of several town centres in the Nepean region, which soon developed into an important agricultural centre.⁸ Early European settlers in the Cumberland Plain represented a cross section of European society at the time, including convicts, military officers and soldiers, missionaries, and free settlers.⁹ Much of the colony’s early supplies of meat, grain, vegetables, fruit, and by the 1820s wool and wine, were sourced from these regions.¹⁰

³ G Karskens,., 2009. *The Colony. A History of Early Sydney*, p. 29.

⁴ Val Attenbrow, ‘Archaeological Evidence of Aboriginal Life in Sydney.’ Dictionary Entry in the *Dictionary of Sydney* (City of Sydney Council, 2012). Accessed online 3/02/2021 at: https://dictionaryofsydney.org/entry/archaeological_evidence_of_aboriginal_life_in_sydney; Bringing Them Home (Australian Government – Human Rights Commission), 2016, “Historical Context – Ancient History.” Accessed online 03/02/2021 at: <https://bth.humanrights.gov.au/significance/historical-context-ancient-history>

⁵ Butler, M., 2011. ‘Botany.’ *Dictionary of Sydney*. Accessed online 27/01/2021 at: <https://dictionaryofsydney.org/entry/botany>; Encyclopaedia Britannica, 2017. ‘Botany Bay.’ Accessed online 27/01/2021 at: <https://www.britannica.com/place/Botany-Bay>

⁶ Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 20.

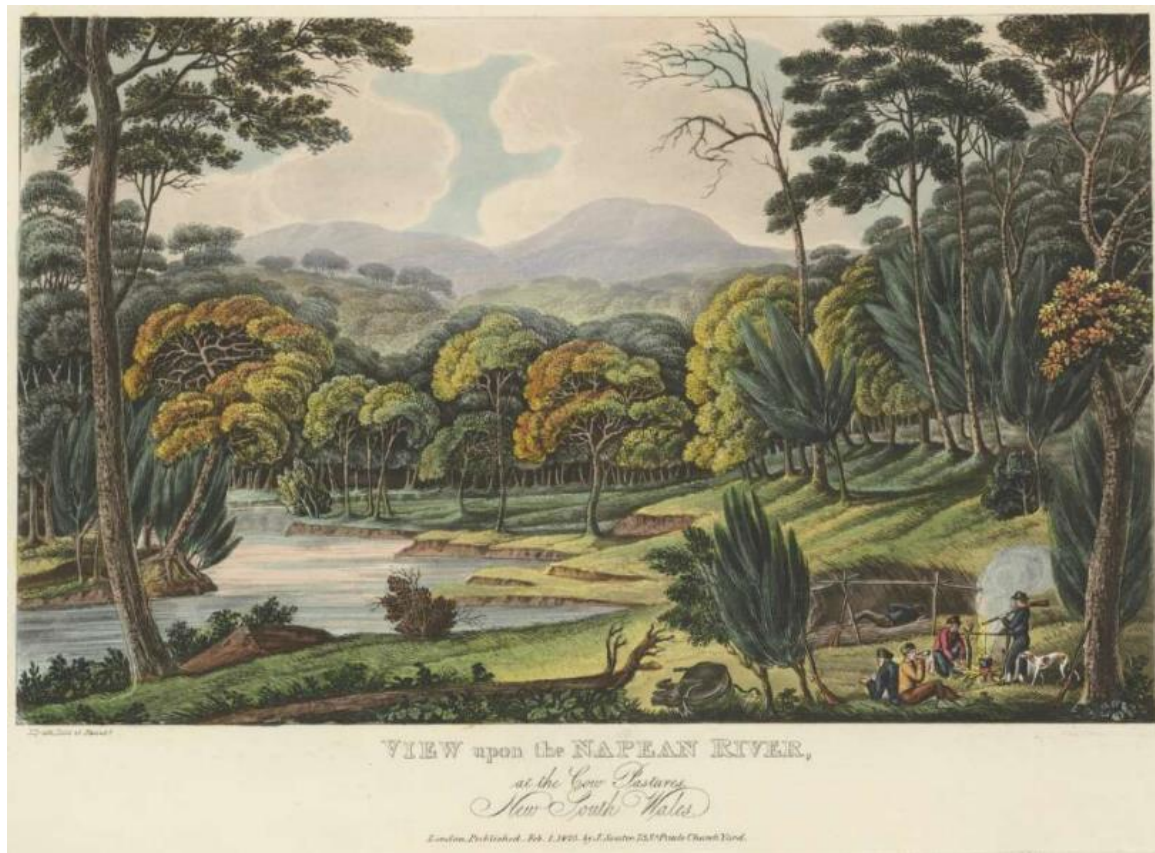
⁷ Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 20.

⁸ Penrith City Local History, n.d. ‘Kemps Creek.’

⁹ Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 101.

¹⁰ Karskens, G., 2009. *The Colony. A History of Early Sydney*, p. 101.

Figure 3. The Nepean River at the Cowpastures by Joseph Lycett, 1825. Source: National Library of Australia¹¹



3.2.2 Early land grants within the study area

The earliest land grants within the study area were granted to Nicholas Bayly, with the study area being contained partially in one of his grants from 1810, being 1070 acres, respectively (see Figure 4). The study area is located within the Parish of Melville, County of Cumberland and the first grants were granted from 1805 by Governor Philip Gidley King.¹²

Early parish maps show Nicholas Bayly was also granted two more substantial holdings to the west of the subject site from 1805-1810, bringing his total holding in the area to around 2500 acres. Each of Bayly's grants had a different name – the western grants were known as *Bayly Park* and *Kings Dawn*, while the eastern grants were known as *Razeville* and *Macquarie Place*, the latter being the location of the study area (see Figure 5).¹³ At different times it would appear *Bayly Park* was used to refer to the entire 2500 acre holding, however it is known that the 550 acre grant known as *Bayly Park* was the most developed grant during Bayly's initial tenure, containing the main homestead residence.

¹¹ Joseph Lycett, 1825. *View Upon the Nepean River at the Cow Pastures, New South Wales*. Accessed online 27/01/2021 via Trove/National Library of Australia at: <https://nla.gov.au/nla.obj-135702836/view>

¹² Penrith History, n.d. 'Kemps Creek.' *Penrith City Local History*. Accessed online 27/01/2021 at: <https://penrithhistory.com/suburb-profiles/kemps-creek/>

¹³ Penrith History, n.d. 'Kemps Creek.' *Penrith City Local History*.

Figure 4. Detail of Map of the Parish of Melville, County of Cumberland, pre 1890 with 1890 amendment. Yellow shading added to indicate Bayly's large connected series of grants. Source: HLRV

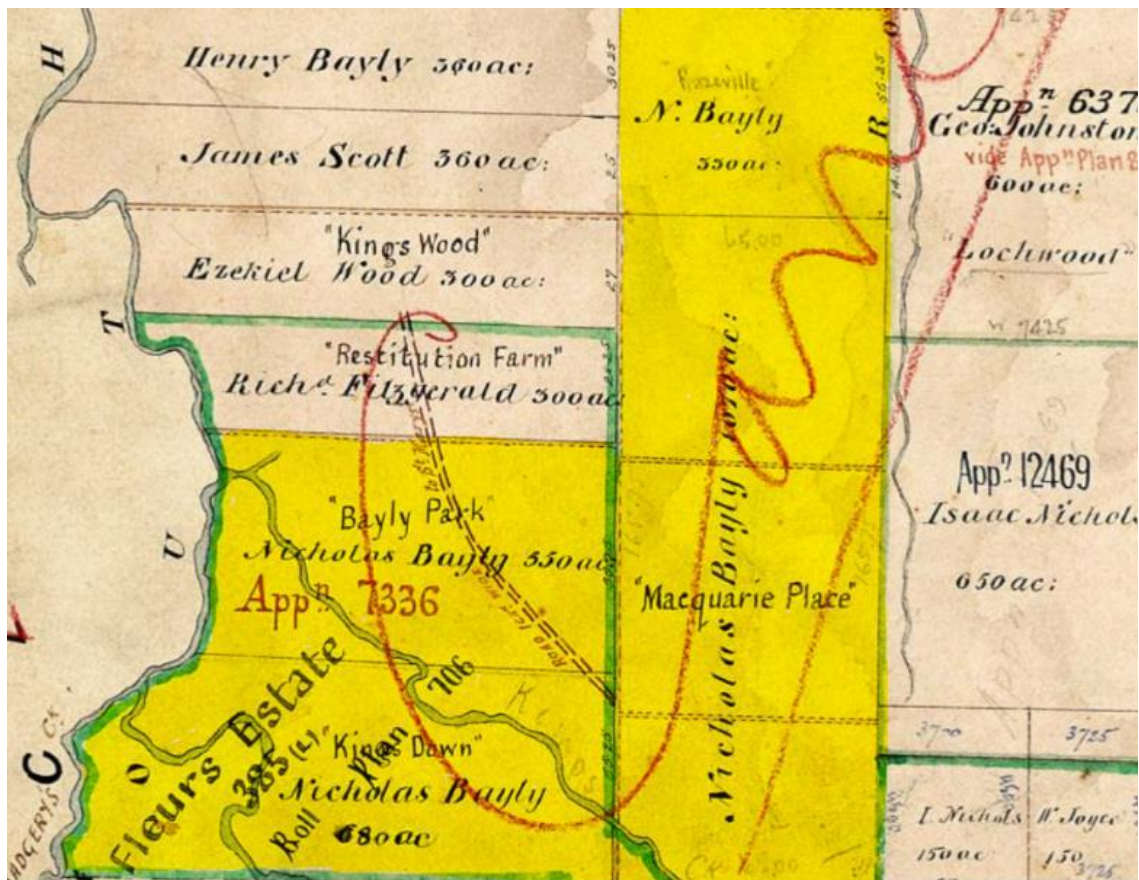
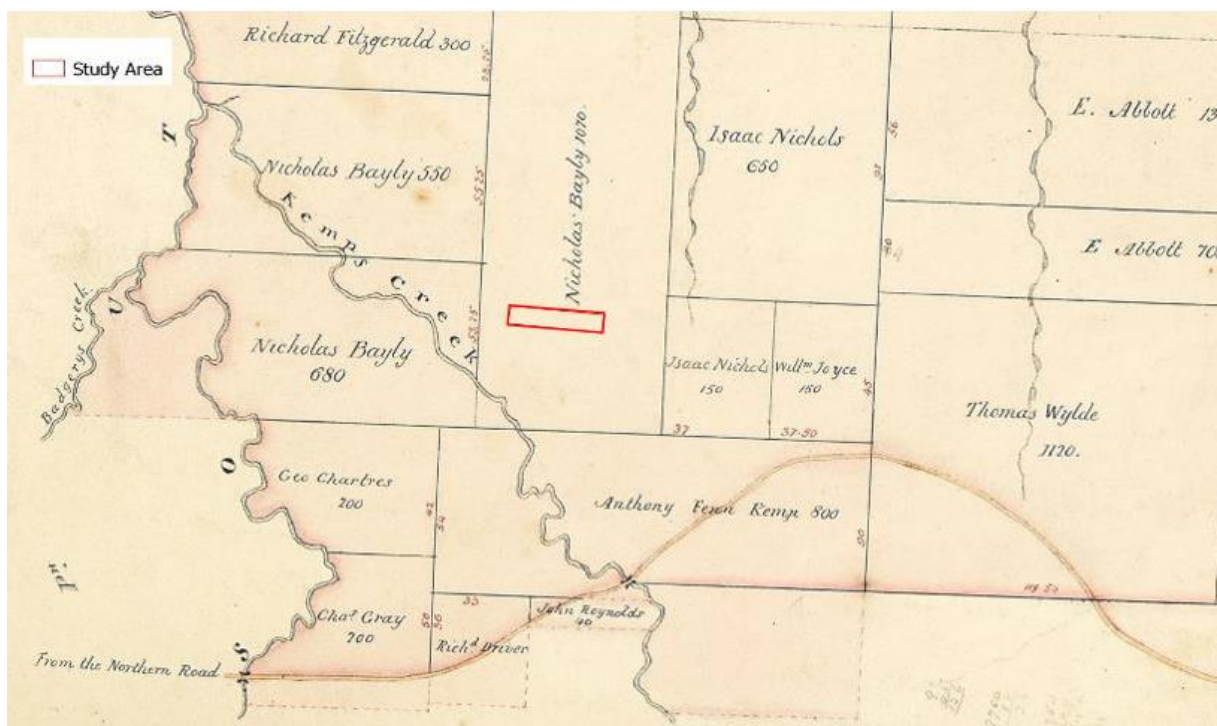


Figure 5. Map of the Parish of Melville, showing Bayly's land grant. The approximate location of study area is outlined in red. Source: Historic Land Records Viewer.



The study area on Aldington Road is in the southwestern part of the 1070-acre *Macquarie Place* (see Figure 5). There is no record suggesting that Bayly built or substantially developed *Macquarie Place* or *Razeville* or utilised these properties for early agricultural attempts, with all evidence suggesting that Bayly Park became Bayly's main country estate.

Bayly settled in New South Wales in 1797, arriving as a commander on the *Barwell*. Following his arrival in the colony he was involved in several controversies, including being court-martialled for illegal possession of liquor and for violence towards his convict servants. He was then involved in Rum Rebellion which brought about Governor Bligh's dismissal, considered a significant early political event in the colony.¹⁴ Bayly was granted several land parcels in the Nepean area by William Paterson, which were later confirmed by Governor Macquarie after the end of Paterson's administration. Bayly was dismissed from public office by Macquarie in 1816 and did not find a colonial appointment again until 1820 when he secured a position as secretary of the Bank of New South Wales.

Throughout the 1810s, Bayly spent much of his time at Bayly Park, and by 1814 a homestead was established on those grounds. The residence was described as a "noble mansion with gardens and cultivated grounds."¹⁵ The time of construction means the homestead and associated grounds, which are still extant (albeit altered) today, date to the first 30 years of the European colony in New South Wales, making them a rare and early example of rural settlement and enterprise in the colonial era.¹⁶

In 1822, the muster recorded those 40 acres of Bayly's property had been cleared for growing wheat, and that Bayly owned 34 cattle and 8 sheep.¹⁷ In 1823 Bayly commissioned government road gangs to clear his estate, presumably for agricultural use, and he was assigned several convict mechanics, stonemasons and carpenters.¹⁸ There were at least 19 convicts, and it is assumed that separate dwellings would have been present on the site. It is unclear whether their works were contained only to the 550-acre *Bayly Park* grant or if they may have cleared land within the other grants including those representing the study area. The location of the convict dwellings is uncertain; however, it is likely that they would have been located nearby the main homestead in Bayly Park, at a suitable distance where the quarters could be surveyed by Bayley or his Superintendent without encroaching on the main homestead. Nicholas Bayly lived at Bayly Park until his death in 1823, which was then inherited by his son Henry. In 1824, Bayly Park was listed for sale by auction and was described as "comprising 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."¹⁹

In 1836, Richard Fitzgerald leased his neighbouring property, Restitution Farm, to Nicholas Bayly's son Henry, following "what appears to have been an unregistered conveyance to Nicholas Bayly in 1810."²⁰ In 1837, Fitzgerald was located somewhere near Penrith, and formed part of the local Association for the Suppression of Horse, Cattle, & Sheep Stealing.²¹ There is no documentary evidence to suggest that a homestead or other structures were constructed on his property, however there may have been undocumented pastoral structures such as fencing for livestock or stockyards. It

¹⁴ B. H. Fletcher, 'Bayly, Nicholas (1770–1823)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/bayly-nicholas-1758/text1959>

¹⁵ Office of Environment and Heritage, 2005. 'Bayley Park – House.' NSW Government Office of Environment and Heritage. Accessed online 27/01/2021 at:

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2260104>

¹⁶ Ibid.

¹⁷ Office of Environment and Heritage, 2005. 'Bayley Park – House.'

¹⁸ Office of Environment and Heritage, 2005. 'Bayley Park – House.'

¹⁹ *The Sydney Gazette and New South Wales Advertiser*, Thu 4 March 1824. 'Classified Advertising.' Accessed online via Trove 27/01/2021 at: <https://trove.nla.gov.au/newspaper/article/2182695>

²⁰ Biosis, March 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.

²¹ *The Sydney Times*, Sat 29 Apr 1837. 'Advertising.' Accessed online 1/10/2019 at: <https://trove.nla.gov.au/newspaper/article/252652799>

is likely that land use during Fitzgerald's ownership was limited to land clearance and possibly grazing.

3.2.3 Fleurs and Richard Jones

Richard Jones purchased Bayly Park for £3400 in 1826, and the estate was renamed Fleurs.²² At the time, the estate comprised approximately 2500 acres. Here, Jones kept a dairy herd, pigs, poultry, and a six-acre vineyard.²³ Jones' pastoral "empire" was largely concentrated on estates west of the Blue Mountains and in the Hunter Valley.²⁴ It is uncertain whether Jones lived at Fleurs or on another estate given his large portfolio. An article in *The Sydney Morning Herald* from 1841, offering a reward for the return of five of Jones' bullocks, stated that the reward would be given by "Mr Stevenson, Superintendent on the Fleurs Estate, South Creek."²⁵ This may suggest that Jones was a largely absent landowner, leaving the property to be run by a superintendent and workers, rather than utilising Fleurs as a family home. The addition of a vineyard to the property may have required the construction of new infrastructure for the processing of the grapes, however this is not confirmed in any known documentary source.

Jones sold Fleurs to Samuel Lyons during the early 1840s due to the credit squeeze and collapse of the wool market. Lyons died in 1844, and his trustees described the property as "one of the best watered farms in the colony... with all the farming implements now on the spot."²⁶ Newspaper articles from the late 1840s suggest that Fleurs was utilised to house thoroughbred horses, and that there were "secure paddocks for the mares, and all care will be taken of them", indicating that workmen were located on the estate and that it was continuing in its use as a pastoral estate.²⁷ Again, it is unclear whether Jones' utilisation and occupancy were contained to the original *Bayly Park* or whether they traversed the other grants containing the subject site.

3.2.4 Subdivision of Fleurs estate

In 1852, Fleurs was put to auction and a sale advertisement provides extensive detail regarding the character of the estate and the extant structures at the time.²⁸ Described as a "princely estate" containing the "best land in the country of Cumberland", the advertisement states that 1573 of 1823 acres were cleared and stumped, and that the sale was for thirteen subdivided lots within the estate unless one buyer purchased the entire estate.²⁹ This means that following Jones' sale of the property in the 1840s, and its subsequent acquisition by a new owner (FO Durvell), part of the land (approximately 680 acres) had been sold off. The exact whereabouts of this land is once more unclear but given the closeness of this number of acres to one of the original grants (the 680-acre *Kings Down*) it seems likely that this was the land which had been transferred to a new owner.

The structures on the estate were listed as part of sale ads, including a stone dwelling house with detached servants' quarters, kitchen and laundry, a range of stone buildings, brick outbuildings, a vineyard and garden. Stone buildings in addition to the main home included an under-ground dairy

²² Office of Environment and Heritage, 2005. 'Bayley Park – House.'

²³ Binney, Keith Robert, 2005. *Horsemen of the First Frontier (1788-1900) and the Serpent's Legacy*. Volcanic Productions, Sydney. P. 84.

²⁴ Office of Environment and Heritage, 2005. 'Bayley Park – House.'

²⁵ *The Sydney Morning Herald*, Fri 19 Nov 1841. 'Stolen or Strayed.' Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/12872357>

²⁶ *Sydney Morning Herald*, 15 May 1844. 'For sale by auction,' p3.

²⁷ *The Sydney Morning Herald*, Wed 16 1846. 'To Stand at Fleurs.' Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/12895058>

²⁸ *Empire*, Sat 5 Jun 1852. 'Advertising.' The Princely Estate of Fleurs. Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/60135476>

²⁹ *Empire*, Sat 5 Jun 1852. 'Advertising.' The Princely Estate of Fleurs. Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/60135476>

featuring stone milk troughs, a large store, a butcher shop with a stone table and harness room, and a wine-room with a cellar beneath, presumably below ground.³⁰ The brick outbuildings included a large coach house, tool-room, two stables (one large and one small), four brick rooms for labourers, a blacksmith's shop, and a gardeners cottage.³¹ Additional structures on the estate included a large barn with threshing machine, four huts for workmen, a large Dutch barn, "extensive" cart sheds, loose boxes for horses, calf pens, pig-sties, fowl houses, milking yards and stock yards.³² Available cartographic and documentary resources do not provide specific locations of any outbuildings or structures other than the main house, which is still extant. Analysis of similar estates in the Cumberland Plain and Camden region suggests that Bayly Park may have been designed in what has been deemed the 'Lowland' estate model, in which nearby contemporary estates including Mamre and Werrington have been designed.³³ Estates in this model generally feature a strong contrast between the main homestead and the wider pastoral landscape, with structures located in a cluster and surrounded by formalised plantings and garden areas.³⁴ Using the Lowland model and data from extant contemporary estates such as Mamre, it is likely that the additional outbuildings and structures would have been located nearby the main house, likely within a 500 metre radius.

By 1860 Fleurs had been purchased by Robert Cork,³⁵ and was on sold to John Savery Rodd by 1862, indicated by marriage notices that list Rodd as the owner of Fleurs.³⁶ In 1866, Fleurs was listed for auction by Rodd, with the auction notice similar to the advertisement of 1852, though the land was described as 1840 acres in size.³⁷ No new buildings are listed in the 1866 advertisement, suggesting that Cork and Rodd did not make any major additions to the estate.

The property was in the ownership of Elizabeth Rettalick by 1872, and was occupied by Joseph Weston, who had re-instated an estate named Bayly Park at this time (though it is unclear whether this referred to the larger or smaller 550-acre holding).³⁸ In 1883 the land was subdivided and purchased by the Penrith auctioneer T.R. Smith, and was sold again to land spectators in 1887.³⁹ In 1888, the property was subdivided into 'farm and orchard blocks' of 20-acres. The rural allotments were described as "ready for the plough".⁴⁰ By 1895 Mamre Road had been constructed, effectively separating the smaller 550-acre *Bayly Park* estate in two portions.⁴¹ The original homestead was located to the west of Mamre Road. The subdivision advertisements do not reference the total amount of 20-acre lots to be sold, but it is assumed they were contained in the 550-acre *Bayly Park* estate given their "main road frontages" and the contemporaneous construction of Mamre road through the estate. The subdivision advertisement also shows that the land adjoining the Fleurs Estate – the former *Macquarie Place* grant representing part of the subject site – was at that time owned by a Mr McMinn and occupied by a Mr Griffiths.

³⁰ *Empire*, Sat 5 Jun 1852. 'Advertising.' The Princely Estate of Fleurs.

³¹ *Empire*, Sat 5 Jun 1852. 'Advertising.' The Princely Estate of Fleurs.

³² *Empire*, Sat 5 Jun 1852. 'Advertising.' The Princely Estate of Fleurs.

³³ 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.

³⁴ 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.

³⁵ *The Sydney Morning Herald*, 29 Jun 1912. 'An Old Document.' Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/100905177>; Office of Environment and Heritage, 2005. 'Bayley Park – House.'

³⁶ *The Sydney Morning Herald*, Tue 21 Oct 1862. 'Family Notices.' Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/13235867>

³⁷ *The Sydney Morning Herald*, Wed 18 April 1866. 'Advertising.' Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/13129712> =

³⁸ Office of Environment and Heritage, 2005. 'Bayley Park – House.'

³⁹ Office of Environment and Heritage, 2005. 'Bayley Park – House.'

⁴⁰ *The Sydney Morning Herald*, June 21 1888. 'Advertising.' Accessed online 27/01/2021 via Trove at: <https://trove.nla.gov.au/newspaper/article/13689648>

⁴¹ Richardson & Wrench, 1895. *Subdivision of farm, orchard & dairy lands on the famous Fleurs Estate St Mary's : for auction sale on the ground Saturday 23rd February at 1 o'clock / by Richardson and Wrench Ltd., auctioneers*. National Library of Australia, via Trove. Accessed online 17/10/2019 at: <https://nla.gov.au/nla.obj-230481253/view>

Subdivision of FARM, ORCHARD & DAIRY LANDS ON THE **FLEURS ESTATE** **ST MARY'S**

EDWARD WOOD 300 ac. G1
Cosgrove (100) M^c Cook (200)

LOTS UNSHARED
ARE FOR SALE.

NICHOLAS BAYLY 1070 ac. G1

FOR AUCTION SALE
ON THE GROUND
SATURDAY
23RD FEBRUARY
at 1 O'CLOCK.

Train leaves Sydney at 10.15
SEVERAL HAVE CREEK FRONTAGES.

**RICHARDSON
AND
WRENCH LTD.**
AUCTIONEERS.

**TORRENS'
TITLE**

James McHugh
JAMES BADGERY
640 ac.

Edgar McHugh
GEORGE CHARTRES
200 ac.

John Doyle
C. GRAY 200 ac.

Edgar McHugh
J. REYNOLDS 40 ac.

TERMS.

VERY LIBERAL. 10 per cent deposit.
15 per cent in 6 months, balance 2,3,
4 & 5 years only.
£4 per cent interest.

Parish of Cabramatta

3.2.5 Twentieth century history of the subject site

Fleurs Estate retained its rural and agricultural nature through the twentieth century, with the gradual emergence and distinction of the Kemp's Creek region, proximate to the hubs of St Mary's and Penrith. Kems Creek continued to be predominately associated with pastoral grazing, with the later rise of turf farming, market gardening and other speciality crops.⁴² The suburb was named after an early settler of the southern part of the suburb – Antony Fenn Kemp – a soldier, merchant and a significant key participant in the Rum Rebellion of 1808 against Governor William Bligh.⁴³

Earlier efforts to subdivide and split up the estate into smaller farms appear to have largely failed, or to have been deemed less desirable than the sole ownership of the vast property. The 1890s economic depression likely contributed to this failure, as well as the general isolation of the area at the time. It is known that sometime between the 1890s and 1910s, another farmhouse was erected on the eastern side of Mamre Road and was most likely the Federation style Colesbrook farmhouse located 60-80 m south of the study area.⁴⁴ Apart from this, no other substantial development or taking-up of the subdivision is documented.

Continuing into the twentieth century, in 1906, 1324 acres of the Fleurs Estate, cleared and fenced, were offered for sale.⁴⁵ Similarly in 1908, 1290 acres of the estate were offered for sale in 7 smaller blocks of 78 to 228 acres, "in view of the strong and growing desire to go on the land."⁴⁶ Their proximity to an "almost suburban transit facility" was a noted feature of the estate. These attempts once more seem to have been in vain, as by 1930, the Fleurs Estate was offered for sale and noted to be comprised of a vast 2311 acres of "highly improved country."⁴⁷ The size of this holding suggests the subject site was still contained within a much larger landholding at the time, with no evidence for any separation, lease or transfer of the land, or any substantial development. A subsequent 1934 advertisement described the property as "highly suitable for either sheep or cattle" or "eminently suited for subdivision into dairy farms."⁴⁸

It is known that by 1938, the northern portion of the property (previously *Razeville*) had been acquired by A R Poolman, who owned other farms such as Lenore Estate (near Erskine Park).⁴⁹ In the 1940s, that portion was acquired by Arthur Henry Stockman, a chaff merchant, suggesting part of the land may have been used for the cultivation of corn.⁵⁰

As part of the Fleurs estate appeared to come under new control, it would appear the remnant Fleurs Estate was still prominent in the area and the centre of much significant local activity, with a diversionary airstrip opening at the site in 1942, and a field laboratory for the CSIRO's Division of

⁴² Biosis, 2020, '106-228 Aldington Road, Kems Creek Historical Heritage Assessment,' p18.

⁴³ M. C. and T. B. Kemp, 'Captain Anthony Fenn Kemp', *Journal of the Royal Australian Historical Society*, 51 (1965). Accessed online 28/01/2021 at <https://adb.anu.edu.au/biography/kemp-anthony-fenn-2294>

⁴⁴ NB: The house was substantially reconstructed after a fire occurring in the 1990s. Office of Environment and Heritage, 2005. 'Brick farmhouse.' Accessed online 29/01/2021 at:

<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=2260106>; Heritage Study of the City of Penrith (1986), Volume 3: Inventory Sheets, 'Farmhouse.' Accessible online via NSW Heritage Library.

⁴⁵ *Sydney Morning Herald*, 23 June 1906, 'Advertising.' Accessed online 28/01/2021 at:

<https://trove.nla.gov.au/newspaper/article/14781553>

⁴⁶ *The Sydney Stock and Station Journal*, 4 September 1908. 'Advertising.' Accessed online 28/01/2020 at:

<https://trove.nla.gov.au/newspaper/article/124363465>

⁴⁷ Office of Environment and Heritage, 2005. 'Bayley Park – House.' *Nepean Times*, 20 September 1930. 'For sale by public auction.'

⁴⁸ *Nepean Times*, Sat 10 March 1934. 'Fleurs.' Accessed online 27/01/2021 at:

<https://trove.nla.gov.au/newspaper/article/101335875>

⁴⁹ *Nepean News*, 5 November 2020, 'WWI Soldier Settlement at "Lenore Estate."' Accessed online 28/01/2021 at https://issuu.com/nepeannews/docs/nepeannews_5november2020_digital; 1939 Parish Map in HLRV.

⁵⁰ *The Sydney Morning Herald*, 3 October 1944, 'NSW Position.' Accessed online 28/01/2020 at: <https://trove.nla.gov.au/newspaper/article/17922969>

Radiophysics from 1949, housing several significant radio telescopes.⁵¹ The earliest aerial imagery of the site dates to 1947 (see Figure 7) and clearly indicates that the land around and within the study area had been significantly cleared of native vegetation forming paddocks, with no signs of any present or former substantial development, cultivation, or construction activities. As mentioned above the study area may have been used for grazing.

By 1965 the aerial imagery demonstrates that the pre-existing stream had been heavily modified with portions being significantly widened particularly in the northeast of the study area and the creation of four dams (see Figure 8). The land appears to have been utilised at this point for pastoral purposes. Imagery from 1975 suggests that the land was dominated by open paddock most likely still utilised for pastoral purposes however, two of the four dams had been filled in. By 1984 the land appears much the same however, a large third dam had been installed within the eastern portion the study area (see Figure 9). These three dams remain today in the study area and were recorded during the site inspection.

A residence was erected on 253-267 Aldington Road between 1987 and 1991, as aerials from those years depict the emergence of a house (see Figure 10). Two buildings existed within the study area prior to the above dates. A small structure that was most likely a shed was constructed in 1978 approximately 60 m west of where the property now stands and by 1984 another shed was constructed approximately 15 m to the east of where the property now stands.

Today the land within the study area is shown to be largely comprised of low-midslopes dominating most of the northern, north-western, and eastern portions of the study area with the latter being a heavily modified low slope. The southern and southwestern portions of the study area have been shown to be quite flat. There is a small concentration of trees to the northeast of the study area along the stream. The remainder of the study area has been mostly cleared of all trees and has been dominated by market gardens since 1991 (see Figure 10).

Figure 7. 1947 aerial photograph showing undeveloped land within the study area (Lot 9) and surrounding properties. Source. Spatial Lands Viewer.



⁵¹ Penrith City Library, 2010, 'Penrith City Local History Places – Kemp's Creek.' Accessed online 28/01/21 at: <https://penrithhistory.com/suburb-profiles/kemps-creek/>

Figure 8. 1965 aerial photograph showing undeveloped land within the study area (Lot 9) and surrounding properties. Source. Spatial Lands Viewer.



Figure 9. 1984 aerial photograph showing undeveloped land within the study area (Lot 9) and surrounding properties. Source. Spatial Lands Viewer.



Figure 10. 1991 aerial photograph showing undeveloped land within the study area (Lot 9) and surrounding properties. Source. Spatial Lands Viewer.



4.0 SITE INSPECTION

4.1 Description of the study area

The study area is situated at 253-267 Aldington Road, abutting Aldington Road on the eastern side and Mamre Road on the western side of the study area. No heritage items are located within the study area, and two heritage items were visible from the site during the inspection. The Gatepost to Colesbrook (LEP 2010- I105) is located immediately southwest of the study area at 269-285 Mamre Road and is visible from Mamre Road looking east. The other heritage item is the Brick Farmhouse (LEP 2010-I106) located at 282 Aldington Road 90 m to the southeast of the study area.

The study area was inspected on 19 May 2021. The survey was undertaken by Julia McLachlan and John Sokalik (Artefact Heritage). The inspection was undertaken on foot, using handheld GPS, physical maps, and digital cameras. Photographs were taken to record views from the study area towards identified heritage items, built elements of potential heritage significance, levels of ground disturbance and any areas of archaeological sensitivity.

4.1.1 Lot: 9, 253-267, Aldington Road, Kemps Creek

Lot 9 contains a c1980s brick residence with tiled hipped roof. The house is located on approximately 10.15 hectares of land. The house is currently occupied, and the property is utilised for various market gardens. There is evidence of cutting and levelling of the pre-existing sloped landscapes on which the house is located (see Figure 16). There are three large artificial dams on the property, one being in the eastern portion, the second approximately around the centre and one being on the western end of the study area. The site contains little natural vegetation, with some trees remaining in the north-eastern quadrant of the study area surrounding the creek while all other examples of natural flora include reeds that hug the creek line and dams as well as tall grass that heavily cover the southern portion of the study area (see Figure 21).

There appears to be many signs of disturbance to most of the site. The construction of the three dams would have most likely involved the walls being leveed, requiring the substantial movement of earth to maximise the dam's capacity. The eastern portion the study area has appears to have been heavily modified by cutting away the natural low slope as well as levelling of the landscape to build the current residence (see Figure 14). The remainder of the study area is or has been recently dominated by market gardens, which often involves ground disturbance of up to 500 mm (see Figure 16).

No evidence of significant surface or subsurface remains was observed during the site visit. Present fencing appears contemporaneous with the houses on the property and does not appear to be associated with an earlier phase of the property's ownership. Some ground disturbance may have occurred from the likely historic usage of the property for grazing (Figure 7).

Figure 11. Photo of 253-267 Aldington Road, Kemps Creek, showing built up nature of house site.



Figure 12. Photo of 253-267 Aldington Road, Kemps Creek, showing built up nature of house site.



Figure 13. General view of gravel road running east-west. Looking east.



Figure 14. View of dam bank to the east, levelled landscape southwards to the house.



Figure 15. General view of market gardens looking southwest.



Figure 16. View of site vegetation and market gardens looking northwest



Figure 17. View of market gardens and irrigation channel looking north.



Figure 18. View of southward mid-slope, informal road, and market gardens. View east.



Figure 19. General view of creek and vegetation. Northeast of study area.



Figure 20. General view of artificial dam in eastern portion of the study area.



Figure 21. General view of artificial dam in central portion of the study area.



Figure 22. General view of artificial dam in western portion of the study area.



Figure 23. View of 'Brick Farmhouse' (Penrith LEP 2010) from 253-267 Aldington Road.



Figure 24. View from Lot 9 towards 'Gateposts to Colesbrook' (Penrith LEP 2010).



5.0 BUILT HERITAGE ASSESSMENT

5.1 Methodology

Determining the significance of heritage items or a potential archaeological resource is undertaken by utilising a system of assessment centred on the *Burra Charter* (Australia ICOMOS 2013). The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is outlined through legislation in the Heritage Act and implemented through the *NSW Heritage Manual*, the *Archaeological Assessment Guidelines*⁵² and the 2009 *Assessing Significance for Historical Archaeological Sites and 'Relics'*.⁵³

If an item meets one of the seven heritage criteria, and retains the integrity of its key attributes, it can be considered to have heritage significance (see Table 2). The significance of an item or potential archaeological site can then be assessed as being of local or state significance. If a potential archaeological resource does not reach the local or state significance threshold, then it is not classified as a 'relic' under the Heritage Act.

'*State heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'*Local heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.⁵⁴

Table 2: NSW heritage assessment criteria

Criteria	Description
A – Historical Significance	An item is important in the course or pattern of the local area's cultural or natural history.
B – Associative Significance	An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.
C – Aesthetic or Technical Significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
D – Social Significance	An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
E – Research Potential	An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.
F – Rarity	An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.
G - Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).

⁵² NSW Heritage Office 1996; 25-27

⁵³ NSW Heritage Branch, 2009.

⁵⁴ This section is an extract based on the Heritage Office Assessing Significance for Historical Archaeological Sites and Relics 2009:6.

5.2 Listed heritage items

The following section provides an overview description and assessment of the significance of heritage items that are adjacent or within 100 m of the proposed works. Information for the item has been extracted from its Council Heritage Inventory database listings on their website and any other relevant heritage resources.

There is one heritage listed item adjacent to the study area:

- “Gateposts to Colesbrook”– Penrith LEP 2010 – I105

There is one heritage listed item within 100 m of the study area:

- “Brick Farmhouse” – Penrith LEP 2010 – I106

5.2.1 Gateposts to Colesbrook

The item is located 60 m south of the study area in the adjacent Lot 8 DP253503 at 269-285 Mamre Road. All that remains of the item is a square sandstone gatepost visible from Mamre Road looking east (see Figure 25 & Figure 26). The design appears to be Victorian in style and is inscribed with the name Colesbrook. Although very little remains of the structure it is believed that gateposts served as an entry to a large pre-existing Federation farmhouse further to the east.

5.2.1.1 Statement of significance

The Penrith LEP Heritage Inventory provides the following statement of significance for ‘Gateposts to Colesbrook’:⁵⁵

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

5.2.1.2 Significance assessment

The significance assessment for ‘Gateposts to Colesbrook’ has been provided in Table 3. This assessment of significance has been developed and expanded from heritage inventory information for the item.

⁵⁵ Gateposts to Colesbrook | Heritage NSW, 2021)

Table 3. Significance assessment for 'Gateposts to Colesbrook'.

Criterion	Description
A) Historical Significance	<p>The sandstone <i>Gateposts to Colesbrook</i> demonstrates the emergence of large federation style farmhouses in the area following the attempted subdivision of the Fleurs estate in the 1895.</p> <p>The Gateposts to Colesbrook meets this criterion at the local level.</p>
B) Associative Significance	<p>The <i>Gateposts to Colesbrook</i> heritage item has not been associated with any specific individual or family within the Kemps Creek area.</p> <p>The Gateposts to Colesbrook would not meet the threshold of local significance under this criterion.</p>
C) Aesthetic/Technical Significance	<p>The aesthetic significance of the heritage item is associated with its historic federation style, pastoral setting, and rural view lines. The views from <i>Gateposts to Colesbrook</i> retain a rural character, however, is impacted by lack of intactness as only the single gatepost survives. No visible archaeological evidence of the farmhouse or its original construction.</p> <p>The Gateposts to Colesbrook would meet the threshold of local significance under this criterion.</p>
D) Social Significance	<p>The <i>Gateposts to Colesbrook</i> heritage item is not associated with any specific community or social group.</p> <p>The Gateposts to Colesbrook would not meet the threshold of local significance under this criterion.</p>
E) Research Potential	<p>The potential for intact and in-situ archaeological remains associated with the farmhouse is considered moderate-high due to relatively low ground disturbance of the western side of Lot 8. This may provide insight into late 19th century farmhouse construction techniques. Any areas of archaeological interest are located outside of the study area for the current assessment.</p> <p>The bypassed section of road may meet this criterion at a local level.</p>
F) Rarity	<p>A rare example of the prosperity of the larger rural properties in the federation style in the late 19th and early 20th Century within the Kemps Creek area prior to present day subdivisions.</p> <p>The Gateposts to Colesbrook meets this criterion at a local level.</p>
G) Representativeness	<p>The <i>Gateposts to Colesbrook</i> heritage item demonstrate little significant fabric and only this small portion of the of the pre-existing structure remains.</p> <p>The bypassed section of road would not meet the threshold of local significance under this criterion.</p>

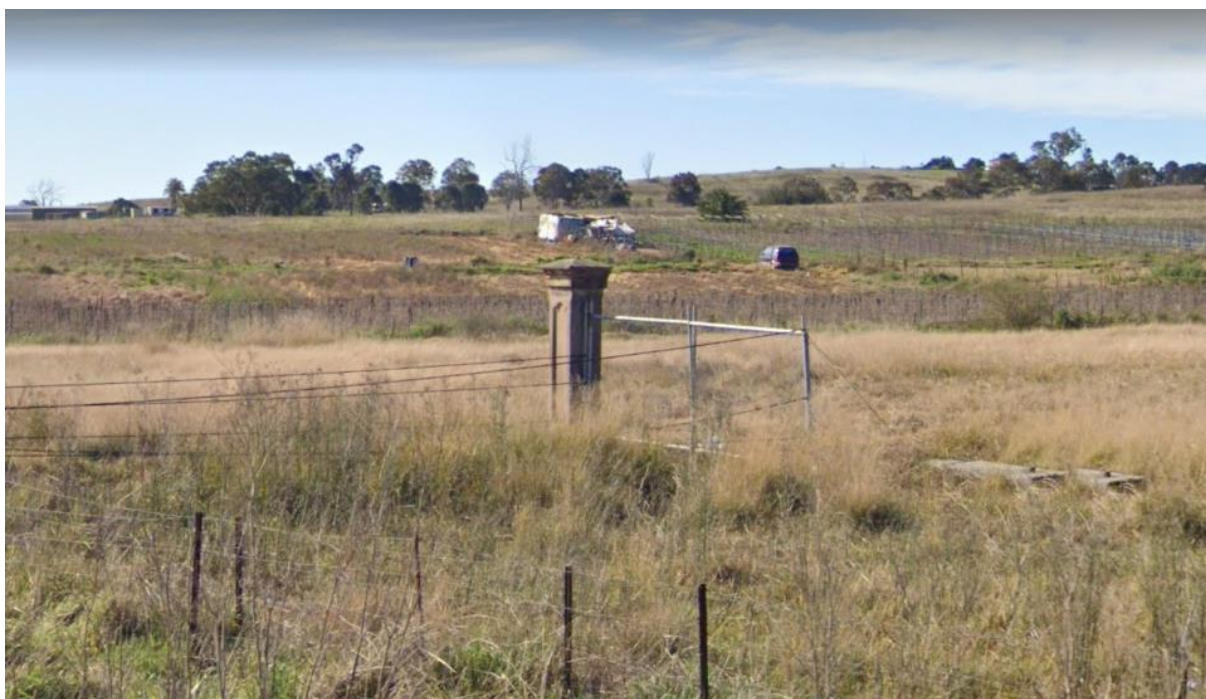
Figure 25. Photograph of heritage item 'Gateposts to Colesbrook' view east from Mamre Road.
Source: Penrith city council, 1986.



Figure 26. Photograph of heritage item 'Gateposts to Colesbrook' view east from Mamre Road.



Figure 27. Photograph of heritage item ‘Gateposts to Colesbrook’ view northeast from Mamre Road.



5.2.2 Brick Farmhouse

The item is located 85 m southeast of the study area in Lot 142 DP1033686 at 282 Aldington Road. The heritage item consists of a pale brick farmhouse most likely constructed in the late 19th-early 20th century (see Figure 28). Containing a low pitched tiled hipped roof, decorative turned timber posts along the veranda and tall brick masonry chimneys with corbelled capitals.⁵⁶ The farmhouse was reconstructed in 1999 due to fire damage.

5.2.2.1 Statement of significance

The Penrith LEP Heritage Inventory provides the following statement of significance for ‘Brick Farmhouse’:

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.⁵⁷

5.2.2.2 Significance assessment

The significance assessment for ‘Brick Farmhouse’ has been provided in Table 4. This assessment of significance has been developed and expanded from heritage inventory information for the item.

⁵⁶ Brick Farmhouse| Heritage NSW, 2021)

⁵⁷ Ibid

Table 4. Significance assessment for 'Brick Farmhouse'.

Criterion	Description
A) Historical Significance	<p>The farmhouse demonstrates the emergence of small farmsteads in the area following the subdivision of the Fleurs estate in the 1880s.</p> <p>The Brick Farmhouse meets this criterion at the local level.</p>
B) Associative Significance	<p>The Brick Farmhouse does not meet the threshold of local significance under this criterion.</p>
C) Aesthetic/Technical Significance	<p>The building is a substantial and elaborate farmhouse of its era prominently set on a hillside. The house and surrounding cleared hillside evoke a rural setting.</p> <p>The Brick Farmhouse does meet the threshold of local significance under this criterion.</p>
D) Social Significance	<p>The <i>Brick Farmhouse</i> heritage item is not associated with any specific community or social group.</p> <p>The Brick Farmhouse would not meet the threshold of local significance under this criterion.</p>
E) Research Potential	<p>The Brick Farmhouse may meet this criterion at a local level.</p>
F) Rarity	<p>The house is the 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.</p> <p>The Brick Farmhouse meets this criterion at a local level.</p>
G) Representativeness	<p>The Brick Farmhouse would not meet the threshold of local significance under this criterion.</p>

Figure 28. Photograph of heritage item 'Brick Farmhouse' view southeast from Aldington Road.



6.0 ARCHAEOLOGICAL ASSESSMENT

6.1 Historical phasing within the study area

6.1.1 Original land grants: 1810-1826

The first land grants within the study area were granted to Nicholas Bayly in 1810, being the 550 acre *Razeville* and the 1070 acre *Macquarie Place*. These grants were located to the east of South Creek, adjoining Bayly's other 550 and 680 acre grants (*Bayly Park* and *Kings Dawn*) which fronted the Creek. The subject site was contained within a holding of over 2500 acres at this time, and for more than a century after.

During this time intensive construction was undertaken at *Bayly Park*, and a homestead and several outbuildings are known to have been constructed, however it is unlikely that construction of significant structures occurred within the study area. The study area may have undergone land clearance and stumping and may have been utilised for grazing. It is unclear whether Bayly would have fenced the boundary between his two grants *Razeville* and *Macquarie Place*. If he did, the fence would have most likely been a timber post and rail construction and contained within the subject site.

6.1.2 Fleurs estate: 1826 – 1883

During Richard Jones ownership of Bayly Park, the estate was renamed *Fleurs*. Extensive structures are listed in a real estate advertisement for the property during this phase, although it is possible some were constructed during Bayly's period of ownership. It is likely that most of the structures and outbuildings were located on the western side of Mamre Road and outside the study area.

It is unclear whether structures would have been located in the study area. If there was a boundary fence, it is unlikely a substantial structure would be located there. If the boundary was unfenced, there is a chance the study area could have contained structures such as loose boxes for horses, calf pens, pigsties, milking yards, stock yards or potentially even infrastructure relating to a vineyard on the eastern side of Mamre Road. However, it is more likely that the vineyard was located closer to the fertile soils of Kemp's Creek further west.

During this phase it is most likely that the study area continued to be utilised for grazing and pastoral purposes, with a chance of minor cultivation of the land for vineyards. Additional fencing structures may have been constructed, likely using timber post and rail fencing. However historic plans do not provide any positive evidence for former structures within this area.

6.1.3 Subdivision: 1883 - c.1930s

In 1883 the Fleurs estate was subdivided into 20-acre lots by the Penrith-based Auctioneer T,R Smith. At the same time, Mamre Road was established, resulting in the division of Bayly Park. No sale maps or plans indicate the subdivision included this part of the land comprised of the *Macquarie Place* grant, so the study area is unlikely to have been subdivided at the time. Later aerials from the mid-twentieth century confirm the study area had not been fenced or built upon at the time.

It is likely that the study area continued to be used for grazing and pastoral purposes, but unlikely any substantial activity or development took place on it, given its distance from major roads and the homestead.

6.1.4 Rural farming and residential use: 1930s – present

In 1930 subdivision of Fleurs was again attempted. It is likely that the study area continued to be used for grazing and pastoral purposes, 1940s aerials confirm that the study area had been significantly cleared of native vegetation forming paddocks, with no signs of any present or former substantial development, cultivation, or construction activities. Aerials from the 1960s demonstrates that the pre-existing stream had been heavily modified with portions being significantly widened particularly in the northeast of the study area and the creation of four dams (Figure 8). Earthworks would have been utilised to raise and create the levels of dams within the study area at this time.

The study area most likely came into being, following the creation of Aldington Road around 1976, confirmed by aerials from 1978. A residence was erected on 253-267 Aldington Road between 1987 and 1991 (Figure 10), with associated outbuildings (sheds) being constructed in 1978 and 1984 approximately 60 m west and 15 m east of the where the property now stands (Figure 9).

Today the land within the study area is shown to be largely comprised of low-midslopes dominating most of the northern, north-western, and eastern portions of the study area with the latter being a heavily modified low slope. The southern and southwestern portions of the study area have been shown to be quite flat. There is a small concentration of trees to the northeast of the study area along the stream. The remainder of the study area has been mostly cleared of all trees and has been dominated by market gardens since 1991 (see Figure 10).

The creation of Aldington Road may have impacted previous fencing or other evidence associated with the larger pastoral landholding. Earthworks would have been utilised to raise and create the levels of dams within the study area. Other large bulk earthworks appear to have taken place to create flat or raised land for the residences or outbuildings.

6.2 Previous ground disturbance

Significant ground disturbance appears to have taken place within the study area over a long period of time. The study area is located within a zone that has historically been characterised as rural in nature. The dominant activities within the vicinity from the nineteenth century onwards have been a mixed agricultural activity, including pastoralism and utilisation of market gardens.

Ploughing works, associated with pastoralism, would typically impact the soil profile to at least a depth of approximately 300 mm. From 1991 onwards most of the study area has been dominated by market gardens, with clear signs of artificial irrigation channels visible during the site inspection (Figure 17). The construction of four dams and later expansion works into the current three dams would have most likely involved the walls being leveed, requiring the substantial movement of earth to maximise the dam's capacity.

The eastern portion the study area appears to have been heavily modified by cutting away the natural low slope as well as levelling of the landscape to build the current residence (Figure 12). Additionally, disturbance would have occurred with the construction of the property in the 1980s providing access, developing formal and informal driveways as well as connecting utilities such as electricity, sewerage, and water. Further disturbance may also have occurred along the eastern boundary of the study area with the construction of Aldington Road in the 1970s. This disturbance is likely to have impacted archaeological remains however, no structures have ever been recorded within this area of the former historic property.

6.3 Assessment of Archaeological Potential

6.3.1 Phase 1: Original land grants (1805 - 1826)

Potential archaeological remains associated with phase 1 would be linked to the initial establishment of land grants, the clearance of land, and the construction of timber yard structures.

Potential remains associated with the construction of boundary fence lines between land grants and paddocks would likely take the form of remnant timber and post holes. Large areas of land clearance may have occurred within this phase, and there may be evidence of backfilled tree boles as a result of the land clearance. While these undocumented former structures may have existed, these are archaeologically ephemeral and are unlikely to have been preserved due to the heavy degree of ground disturbance present within the study area.

There is **nil** potential for archaeological remains associated with Phase 1 to be present within the study area.

6.3.2 Phase 2: The Fleurs estate (1826 - 1883)

Archaeological remains associated with Phase 2 would be linked to the development of the Fleurs Estate and would largely be consistent with Phase 1. Potential remains may include remains of timber post and rail fences, timber post holes, or tree boles from land clearance. There is also low potential to uncover tree boles from land clearance and archaeobotanical remains associated with agricultural cultivation. There is limited potential for timber yard structures or undocumented structures, including footings, foundations, or floor surfaces. As with Phase 1, it is likely that subsequent ground disturbance has disturbed and removed any archaeological remains associated with Phase 2.

There is **nil** potential for archaeological remains associated with Phase 2 to be present within the study area.

6.3.3 Phase 3: Subdivision of the Fleurs estate (1883 – c.1930s)

Potential archaeological remains associated with Phase 3 may be related to the failed subdivision of Fleurs Estate, particularly the establishment of undocumented agricultural structures, agricultural cultivation, and boundary fences. Similar to archaeological evidence of earlier agricultural phases, there is no positive evidence for the presence of these possible but undocumented remains; these remains are archaeologically ephemeral and the heavy ground disturbance across the site would have removed any physical remnants of the land use during this period.

There is **nil** potential for archaeological remains associated with Phase 3 to be present within the study area.

6.3.4 Phase 4: Semi-rural residencies (c.1930s – present)

Potential archaeological remains from Phase 4 would be associated with the construction of agricultural structures on the site, although no significant structures were visible from 1947 aerials. Potential remains may include timber or metal remains from undocumented structures, however the high degree of ground disturbance for the construction of market gardens from the 1980s onward would have likely removed all identifiable evidence of any undocumented structures had they been present.

Therefore, there is **nil potential** that buried archaeological remains associated with Phase 4 would be present.

6.4 Assessment of archaeological significance

As there are no predicted non-Aboriginal archaeological remains within the study area, no assessment of archaeological significance is required.

6.5 Overview of archaeological potential and significance

Overall, the study area no potential for the identification of significance non-Aboriginal archaeological remains.

7.0 IMPACT ASSESSMENT

The objective of a SOHI is to evaluate and explain how the proposed development, rehabilitation or land use change will affect the heritage value of the site and/or place. A SoHI should also address how the heritage value of the site/place can be conserved or maintained, or preferably enhanced by the proposed works.

7.1 Proposal description

Icon Oceania Kemps Development are proposing to develop Lot 9 DP253503, being 253-267 Aldington Rd, Kemps Creek for use as a warehouse and distribution centre.

The concept plan for the proposed development of the site is illustrated Figure 29. The development will involve:

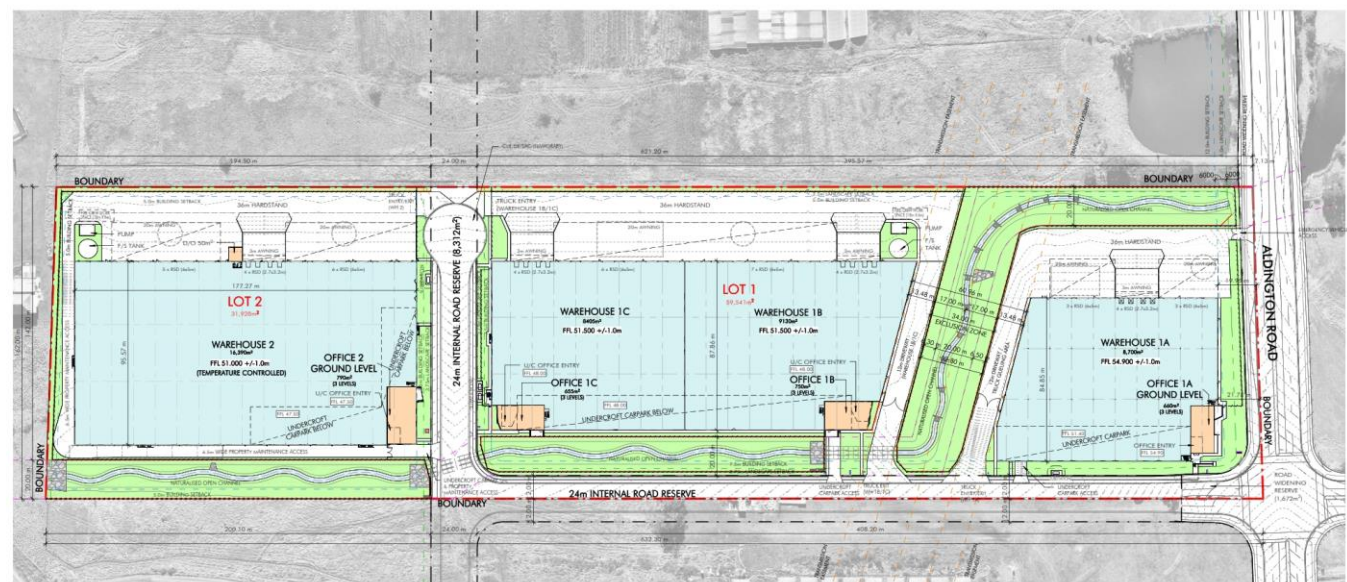
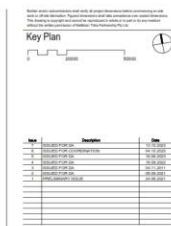
- Re-development of the entirety of lot 9 into three industrial warehouses and a distribution centre with all necessary earthworks, services infrastructure, roadworks, and construction and fit out of proposed industrial warehouses.
- Clearing of all the existing built form (existing residential property), dams decommissioned and filled.
- Earthworks to be undertaken across the site to provide for flat benched platforms.
- Road and associated infrastructure are proposed to be constructed to service the developed platforms.

Items to be constructed outside Lot 9

- External services infrastructure will be required to service the site and include lead-in electrical from either the ESR development just to the south or the FKC development in the north, along Aldington Road. This would involve the construction of a short lead-in and sewer via a trunk main to be built along the southern boundary of the Site

Figure 29. Proposed works in Study Area. Source: Icon Oceania Kemps Development.

DEVELOPMENT SUMMARY		GFA SCHEDULE		PARKING SCHEDULE	
GROSS SITE AREA	101,453m ²	WAREHOUSE 1A	8,700m ²	TOTAL CARPARK REQUIRED	217 SPACES
ALDINGTON RD. ROAD WIDENING RESERVE (NON-DEVELOPABLE AREA)	(1,672m ²)	OFFICE 1A	640m ²		
		SUBTOTAL:	9,340m ²		
INTERNAL ROAD RESERVE	8,312m ²	WAREHOUSE 1B	9,130m ²		
LOT 1 SITE AREA	59,541m ²	OFFICE 1B	750m ²		
LOT 2 SITE AREA	31,928m ²	SUBTOTAL:	9,880m ²	TOTAL CARPARK PROPOSED	261 SPACES
		WAREHOUSE 1C	8,405m ²	WAREHOUSE 1A	65 SPACES
		OFFICE 1C	655m ²	WAREHOUSE 1B & 1C	117 SPACES
		SUBTOTAL:	9,060m ²	WAREHOUSE 2	79 SPACES
NON-DEVELOPABLE AREA	(1,672 m ²)	WAREHOUSE 2	16,390m ²	TOTAL BICYCLE PARKING REQUIRED	45 SPACES
NET DEVELOPABLE AREA	99,781m ²	OFFICE 2	790m ²		
LOT 1 SITE AREA (INCL. TRANSMISSION & TRUNK DRAINAGE EASEMENTS)	59,541m ²	DOCK OFFICE	50m ²		
TOTAL BUILDING AREA	28,300m ²	SUBTOTAL:	17,230m ²		
LANDSCAPED AREA (INCL. TRUNK DRAINAGE EASEMENT AREA)	APPRX. 15,000m ² (25%)	TOTAL WAREHOUSE AREA	42,625m ²	TOTAL BICYCLE PARKING PROPOSED	54 SPACES
LOT 2 SITE AREA (INCL. TRUNK DRAINAGE EASEMENT)	31,928m ²	TOTAL OFFICE AREA	2,905m ²	WAREHOUSE 1A	12 SPACES
TOTAL BUILDING AREA	17,230m ²	TOTAL BUILDING AREA (GFA)	45,530m ²	WAREHOUSE 1B	12 SPACES
LANDSCAPED AREA (INCL. TRUNK DRAINAGE EASEMENT AREA)	APPRX. 6,300m ² (20%)			WAREHOUSE 1C	12 SPACES
				WAREHOUSE 2	18 SPACES
TOTAL BUILDING AREA (GFA)	45,530m ²				
FLOOR SPACE RATIO (FSR) / GROSS SITE AREA	0.45 : 1				
FLOOR SPACE RATIO (FSR) / NET DEVELOPABLE AREA	0.46 : 1				



1 Master Plan
1:100

SSDA

ICON
OCEANIA

Project Name
PROPOSED WAREHOUSE & DISTRIBUTION CENTRE BUILDINGS

Project Address
253-267 ALDINGTON RD,
KEMPS CREEK, NSW

Master Plan

JM MC A1 1:500
12253_DA002 7

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7.2 Assessment of Heritage Impact

To consistently identify the potential impact of the proposed works, the terminology contained in Table 8 has been referenced throughout this document. This terminology, and corresponding definitions, are based on those contained within guidelines produced by the International Council on Monuments and Sites (ICOMOS).⁵⁸ The method of assessment has been undertaken in accordance with the 2009 guidelines *Statements of Heritage Impact*.⁵⁹

The following assessment considers both direct and indirect impacts. Direct impacts are defined as being physical alterations to fabric arising from the proposed works. Indirect, or visual, impacts are impacts to views, vistas and/or the setting of a heritage item resulting from the proposed works.

Table 5: Terminology for assessing the magnitude of heritage impact

Magnitude	Definition
Major	Actions that would have a long-term and substantial impact on the significance of a heritage item. Actions that would remove key historic building elements, key historic landscape features, or significant archaeological materials, thereby resulting in a change of historic character, or altering of a historical resource. These actions cannot be fully mitigated.
Moderate	This would include actions involving the modification of a heritage, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures. The impacts arising from such actions may be able to be partially mitigated.
Minor	Actions that would results in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item. The impacts arising from such actions can usually be mitigated.
Negligible	Actions that would results in very minor changes to heritage items.
Neutral	Actions that would have no heritage impact.

⁵⁸ ICOMOS, January 2011. *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*.

⁵⁹ NSW Office of Environment and Heritage (now Heritage NSW), 2002. *Statements of Heritage Impact*. Accessed at: <https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf> (13 August 2020).

There are no listed or unlisted heritage items or elements of significant fabric located within the study area. During the site inspection, no buildings, features or objects within the study area were determined to be unlisted heritage items or moveable heritage of significance at a local level or above.

There will be **nil** impact to any identified heritage items or heritage conservation areas within the study area. However, there are two listings within a 100m buffer zone of the study area included on the Penrith LEP 2010. Impacts to these items will be further discussed below.

7.2.1 'Gates to Colesbrook', Penrith LEP 2010 (I105)

7.2.1.1 *Direct (physical) impacts*

The Penrith LEP 2010 listed 'Gates to Colesbrook' is located directly to the south of the study area in the adjacent Lot 8 DP253503. Construction for the project would not occur inside the heritage curtilage of this item, nor alter or directly impact any element of significant fabric.

The proposal would not result in direct adverse impacts to any significant fabric of the 'Gates to Colesbrook' and would result in **neutral** physical impact to the item.

7.2.1.2 *Indirect (visual) impacts*

The proposal would involve bulk earthworks and the construction of warehouses in the study area (Lot 9) in the adjacent lot to the heritage listed 'Gates to Colesbrook'.

While the proposal would be visible from the curtilage of 'Gates to Colesbrook', the new development would not obstruct direct views of the item from Mamre Road looking east. From this view, development in the study area would be visible to the north. However the new development would not overshadow, obstruct or detract from views of the remaining gate post of the heritage item.

The proposed works would result in a **negligible** visual impact to the item.

7.2.1.3 *Archaeological impacts*

The proposed works are located to the north of the heritage item in the study area. The 'Gates to Colesbrook' is not within the vicinity of any proposed works. This would result in **neutral** impacts to archaeological remains associated with the item.

7.2.2 Brick Farmhouse-Penrith LEP 2010 (I106)

7.2.2.1 *Direct (physical) impacts*

The Penrith LEP 2010 listed 'Brick Farmhouse' is located 85 m southeast of the study area in Lot 142 DP1033686. Construction for the project would not occur inside the heritage curtilage of this item, nor alter or directly impact any element of significant fabric.

The proposal would not result in direct adverse impacts to any significant fabric of the 'Brick Farmhouse' and would result in **neutral** physical impact to the item.

7.2.2.2 *Indirect (visual) impacts*

The proposal would involve bulk earthworks and the construction of warehouses in the study area (Lot 9) 85 m northwest to the heritage listed 'Brick Farmhouse'.

The proposed works would be visible from the curtilage of 'Brick Farmhouse', the new development would be partially visible from the northwest from the item. Direct views looking west, north, east, and south would however, remain unobstructed and would not overshadow the heritage significant rural cleared hillside that the brick farmhouse is located on.

The proposed works would result in a **neutral** visual impact to the item.

7.2.2.3 Archaeological impacts

The proposed works are located to the northwest of the heritage item in the study area. The 'Brick Farmhouse' is not within the vicinity of any proposed works. This would result in **neutral** impacts to archaeological remains associated with the item.

7.3 Archaeological impact assessment for the study area

As there are no predicted non-Aboriginal archaeological remains in the study area, the proposed works would result in **neutral** archaeological impacts.

7.4 Summary of heritage impacts

Overall, the proposed works would not impact any heritage listed items within the study area due to the absence of any heritage items. The proposed works would result in **Negligible** direct (physical) and **minor** indirect (visual) impacts to the significance of nearby heritage items the Gates to Colesbrook and Brick Farmhouse. This is principally due to the addition of the three new warehouses and a distribution centre obscuring views to the locally significant heritage items. A summary of the overall impacts to the key elements of the station is provided in Table 6 below.

Table 6: Overview of direct (physical) and visual (indirect) impacts to nearby heritage listed items

Component	Direct impact to heritage item	Visual impacts to heritage item	Archaeological impacts
Gates to Colesbrook Penrith LEP 2010 (I105)	Neutral	Negligible	Neutral
Brick Farmhouse- Penrith LEP 2010 (I106)	Neutral	Neutral	Neutral

7.5 Statement of heritage impact

A statement of heritage impact has been prepared according to NSW Heritage Office guidelines⁶⁰ in Table 7 below.

⁶⁰ NSW Heritage Office 2002. *Statements of Heritage Impact*. Update to the NSW Heritage Manual.

Table 7: Statement of heritage impact

Statement	Response
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons	The works would not impact any significant archaeological remains, 'relics' features or structures. The works would respect the fabric and visual significance of the two nearby heritage items, as items of local significance.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	The proposed works have been assessed as resulting in no adverse direct impacts and negligible and neutral visual impacts to the significance of the nearby listed heritage items. The construction of the proposed warehouses would not obscure or noticeably detract from significant view lines and settings of nearby heritage items.
The following sympathetic solutions have been considered and discounted for the following reasons	The proposed design would not result in adverse heritage impacts to listed or unlisted heritage items, nor to any identified non-Aboriginal archaeological remains. As such, the design has not been modified to minimise heritage impacts.

8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions

This SoHI has made the following conclusions:

- There are no listed heritage items within the study area but there are two within 100 metres of the proposed site boundaries:
 - 'Gateposts to Colesbrook', listed on the Penrith LEP 2010 as an item of local heritage significance (item no. I105)
 - 'Brick Farmhouse', listed on the Penrith LEP 2010 as an item of local heritage significance (item no. I106)
- The study area has been assessed as demonstrating nil potential to contain significant non-Aboriginal archaeological remains and the project would result in no impacts to significant non-Aboriginal archaeological remains
- The proposal would result in the following heritage impacts:
 - Neutral physical and negligible visual impacts to the heritage significance of the 'Gateposts to Colesbrook' heritage item
 - Neutral physical and visual impacts to the heritage significance of the 'Brick Farmhouse' heritage item

8.2 Recommendations

The following recommendations will aid in mitigating the impact of the proposed development:

- An unexpected finds policy would be enacted during the works. This would involve the following activities:
 - Excavation work in that area must cease and the contractor must notify the environmental manager for the project, and a qualified archaeologist must be notified.
 - An archaeologist would attend site to assess the integrity and significance of the remains.
 - Should the unexpected find constitute significant non-Aboriginal archaeological remains, further assessment and approval may be required prior to those works commencing

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