



Statement of Heritage Impact

Community Facility and Centre of Excellence
Kellyville Park
8 Memorial Avenue
Kellyville

The Hills Shire LGA



March 2022

Report prepared for the Parramatta National Rugby
League Club

Project Summary

The Parramatta National Rugby League Club (PNRL) proposes to construct a Community Facility and Centre of Excellence at Kellyville Park. The project will be submitted for assessment as State Significant Development (SSD) under Division 4.7 of the *Environmental Planning and Assessment Act 1979*. The Planning Secretary's Environmental Assessment Requirements (SEARs) for the project require Aboriginal and historical heritage assessment. On behalf of PNRL, Mostyn Copper has engaged Coast History and Heritage (Coast) to prepare this Statement of Heritage Impact. Aboriginal heritage is addressed in a separate report.¹

Heritage listings and identified heritage values

There are no listed heritage items within or adjacent to the study area. There are two listed items in close proximity:

- Windsor Road from Baulkham Hills to Box Hill
- Avenue of trees leading to Castle Hill Country Club

The study area is not within the visual catchment of either of the two listed items. There are some historical associations with the 'Avenue of trees leading to Castle Hill Country Club', as both were at one stage included in properties owned by the Acres and Pearce families. However, there is no tangible evidence of these associations.

The study area itself does not appear to be of historical heritage significance, and the potential for the presence of historical archaeological relics is low. The study area was part of a property that was granted to John Tibbett in 1802, and was subsequently owned by the Kelly (Harresky), Acres and Pearce families. It is likely to have been cleared and used for pasture or agriculture during this period (1802-1926), but no indication of more substantial development has been found. In the early twentieth century, the larger property was subdivided into rural/residential lots. In this period (1926-1973), a house and outbuildings were built, an orchard was planted, and the remainder of the study area was used for market gardening. In the 1970s, the study area was acquired by Council, and incorporated into the existing park to the west. The park has been developed as a sporting facility, and elements within the study area have included an indoor soccer hall, tennis and netball courts, a caretaker's house, and carparking.

Potential historical heritage impact

The results of our assessment and the relevant guidelines indicate that the proposed development is unlikely to result in historical heritage impact. The study area itself is not a listed heritage item or within a heritage conservation area, and it is not of heritage significance. It is not adjacent to, or within the visual catchment of the two nearby listed heritage items.

¹ Coast 2021

Recommendations

The following recommendations are made:

1. No further historical heritage assessment or approval is required prior to commencement of the proposed development.
2. Historical archaeological relics are protected by the *Heritage Act 1977*. If any unexpected relics or potential relics are unearthed during the course of the development, work should cease in the vicinity, and Heritage NSW should be contacted for advice.
3. A copy of this report should be forwarded to the Heritage NSW Library, Department of Premier and Cabinet, and to The Hills Shire Library.

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1 Introduction to the project

The Parramatta National Rugby League Club (PNRL) proposes to construct a Community Facility and Centre of Excellence at Kellyville Park. The project will be submitted for assessment as State Significant Development under Division 4.7 of the *Environmental Planning and Assessment Act 1979*. The Planning Secretary's Environmental Assessment Requirements (SEARs) for the project require the following assessments in relation to heritage and archaeology:

- a statement of heritage significance and an assessment of the impact on the heritage significance of any heritage items, or conservation areas, on and adjacent to the site in accordance with the relevant guidelines
- an Aboriginal Cultural Heritage Assessment Report in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site, including archaeology.

On behalf of the PNRL, Mostyn Copper has engaged Coast History and Heritage (Coast) to prepare this Statement of Heritage Impact. Aboriginal heritage is addressed in a separate report.²

1.1 What the report contains

This report has been prepared to provide an assessment of the potential impact of the proposed development on the historical heritage values of the study area. It is intended to give the development consent authority sufficient information to make a determination on the proposal, informed by knowledge of the likely historical heritage impact of that decision.

Our statement of heritage impact has been prepared following guidelines issued by Heritage NSW, within the Department of Premier and Cabinet:

- *Statements of heritage impact* (Heritage Office 2002)
- *Assessing heritage significance* (Heritage Office 2001)
- *Assessing significance for historical archaeological sites and relics* (Heritage Branch 2009)
- *Historical archaeology code of practice* (Heritage Office 2006).

This report contains:

- Description of the study area, the proposal and the background (**Section 1**)
- Details of listed heritage items in the vicinity, an overview of the history of the study area and a description of the site inspection (**Section 2**)
- Appraisal of the historical heritage values of the study area (**Section 3**)
- Assessment of the potential historical heritage impact of the proposed development, an overview of the relevant management guidelines, and proposed heritage management measures (**Section 4**)
- Conclusions and recommendations (**Section 5**).

² Coast 2021

- References (**Section 6**).

1.2 Who contributed to the report

Authorship and acknowledgements

The report was written by Fenella Atkinson and reviewed by Dan Tuck. Coast would like to acknowledge the assistance of Sally Lynch and Matt Nilan (Mostyn Copper), and thank Steve Randall (Deerubbin Local Aboriginal Land Council) and Justine Coplin (Darug Custodian Aboriginal Corporation) for information about the recent history of the site.

1.3 What we are assessing

The property and proposal

The study area is located within Kellyville Memorial Park, at 8 Memorial Avenue, Kellyville. The Park comprises Lot 60 in Deposited Plan (DP) 10702; Lot 1 DP 167535; Lot 123 DP 1113073; Lot 1002 DP 1132811; and Lot 10 DP 258947. The proposed works extend across parts of the first two of these lots. The Park is within the Hills Shire Local Government Area, in the Parish of Castle Hill, County of Cumberland, and within the boundaries of the Deerubbin Local Aboriginal Land Council.

PNRL proposes to build a complex including a community facility, grandstand, carparking and a centre of excellence. Details are provided in **Section 4.1**.

1.4 What we have considered

Legislative and policy requirements

In preparing this report and its recommendations, we are guided by the legal protections provided for historic heritage under the *Heritage Act 1977*. The Heritage Act is administered by Heritage NSW within the Department of Premier and Cabinet. It gives statutory protection to items listed on the State Heritage Register (SHR) and to all historical archaeological 'relics' in New South Wales. The Act defines a 'relic' as

any deposit, artefact, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- b) is of State or local heritage significance.*

Under the Heritage Act it is an offence to harm an item listed on the SHR or a relic. If a proposed activity will result in harm to a SHR-listed item (or relic), it is necessary to apply for an Approval under s60 of the Act, or a relevant Exemption under s57(2). Permits and Exemptions are issued by the Heritage Council of New South Wales, based on the assessment of a valid application and an accompanying statement of heritage impact and/or historical archaeological assessment.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) sets out the way the Heritage Act protections are considered in relation to proposed developments. There are three main parts of the EP&A Act which outline how historical heritage is considered:

- Part 3 governs the preparation of planning instruments such as Local Environmental Plans
- Part 4 relates to development assessment and consent
- Part 5 considers infrastructure and environmental impact assessment.

In this case, the proposed development will be assessed by the Department of Planning, Industry and Environment, in accordance with Part 4 Division 4.7 of the EP&A Act, and the Environmental Impact Statement will be prepared in accordance with the Secretary's Environmental Assessment Requirements, issued for the project by the Department.

In some cases, the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may also apply. The EPBC Act provides protection to nine matters of national environmental significance, one of which is national heritage. Properties listed on the World Heritage List, the National Heritage List and the Commonwealth Heritage List are protected by the Act. If a proposed action is likely to have a significant impact on the national heritage values of a national heritage place, then it must be referred to the environment minister. The minister will decide if the action requires further assessment and approval under the EPBC Act. The study area is not within, or adjacent to, a property that is listed on the National Heritage List, and the provisions of the EPBC Act are therefore unlikely to apply.



Figure 1. The location of the study area

2 Information we have considered

Description of the study area and its context

2.1 Heritage registers

There are several statutory and non-statutory heritage registers that list identified heritage items in New South Wales. The following registers were searched on 31 August 2021 for items within and in proximity to the study area:

- The State Heritage Inventory, including:
 - State Heritage Register
 - Schedule 5 (Environmental Heritage) of The Hornsby Local Environmental Plan (LEP) 2013
 - s170 NSW State Agency Heritage Registers
- The Australian Heritage Database, including:
 - World Heritage List
 - National Heritage List
 - Commonwealth Heritage List
 - Register of the National Estate.

There are no listed items within or adjacent to the study area. There are two listed items within about 200 metres of the Park (**Table 1** and **Figure 2**):

- **Windsor Road from Baulkham Hills to Box Hill**

Windsor Road was established as a track between Parramatta and the Green Hills/Hawkesbury area in 1794.³ The section between Parramatta and Kellyville was realigned in 1813, in order to avoid a hilly section of the original route and the Domain at Parramatta. This realignment created the listed section of Windsor Road, to the east of the study area. The 2005 Conservation Management Plan for Old Windsor Road and Windsor Road does not identify any specific items of heritage significance associated with this stretch of Windsor Road (**Figure 3**). However, the location of the former house Heywood is noted (see below).

- **Avenue of trees leading to Castle Hill Country Club**

This heritage listing covers the whole of the Castle Hill Country Club golf course, and a section of Spurway Drive leading to the clubhouse from Windsor Road. The golf course was established in 1951, on the former Heywood estate.⁴ Heywood had been built as the home of the Acres family and was later acquired by the Pearces (see **Section 2.2**). A review of historical aerial photographs indicates that Heywood was used as the clubhouse until it was demolished at some stage between 1986 and 1991, and replaced with the current clubhouse.

Spurway Drive and the entrance to the course follow the alignment of the carriageway to the former

³ Clive Lucas, Stapleton and Partners 2005

⁴ 'About Us', Castle Hill Country Club website

house,⁵ and it is likely that at least some of the bunya pines along this route survive from the earlier period of occupation. Distinctive trees, and bunya pines in particular, are characteristic elements of the early homesteads along Windsor Road.⁶ It is not clear why the heritage listing covers the whole of the golf course. The blanket listing may relate to other features from the Heywood estate that survive on the course, or to the heritage values of the golf course itself.

Table 1. Heritage listed items in proximity to the study area

Item	Register	ID
Windsor Road from Baulkham Hills to Box Hill Windsor Road, Baulkham Hills	The Hills LEP 2019	I 28
Avenue of trees leading to Castle Hill Country Club 47 Spurway Drive and Castle Hill Country Club, Baulkham Hills	The Hills LEP 2019	I 25

⁵ Clive Lucas, Stapleton and Partners 2005: 36

⁶ Clive Lucas, Stapleton and Partners 2005:17



Figure 2. Listed heritage items in the vicinity of the study area

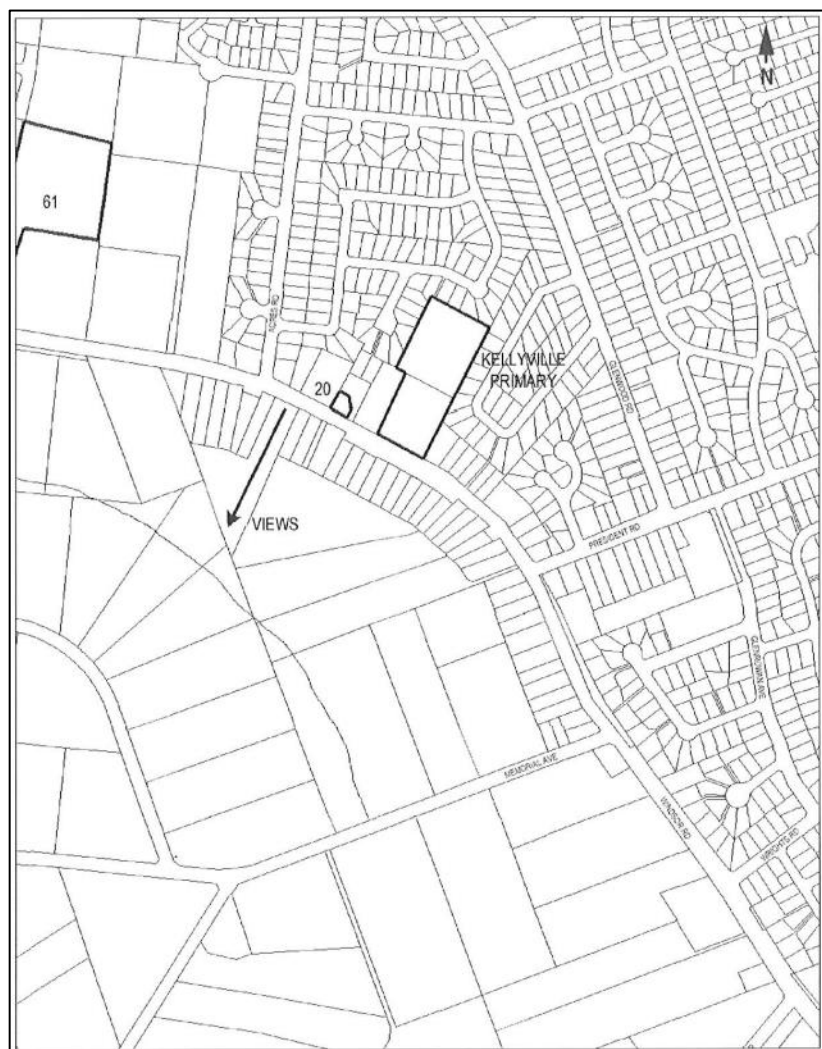


Figure 3. Specific items and viewlines of heritage significance identified along Windsor Road, adjacent to the study area

Source: Clive Lucas Stapleton and Partners 2005: W16 & W17

2.2 Historical context

The study area is almost entirely within Portion 73 of the Parish of Castle Hill, which was granted to John Tibbett (or Tivett) in 1802 (**Figure 4**). A small part of the eastern study area extends into Portion 74 of the Parish, which was granted to Thomas Bolton in 1802. Tibbett and his family had arrived free in the colony in 1801.⁷

The conveyance has not been found, but by 1812, Portion 73 was in the possession of Hugh Kelly. Kelly owned a substantial amount of land in the locality, and ran the Bird in Hand hotel on the eastern side of Windsor Road, not far from the study area.⁸ One of Kelly's daughters, Frances Anne, married James Harresky in about 1845, and it appears that the property passed into their ownership. By this time, their property included a number of additional portions. In 1872, the larger property was sold to Thomas Gough of Windsor Road (farmer), and then in 1878 to Edward Harte Acres of Baulkham Hills (**Figure 4**).

The Acres family already owned the adjoining property to the south, on which they had built their house: Heywood. This was one of the earliest substantial buildings in the locality, being recorded in 1832 as one of only six houses and three inns standing along Windsor Road between Windsor and Parramatta.⁹

By the 1880s, Acres had leased parts of the property to tenants. He died at home in 1892,¹⁰ and in 1894 the property was sold to Edward Henry Pearce of Seven Hills (gentleman). The Pearce family had taken up land in the district in the 1790s, and established an estate called Kings Langley in Seven Hills.¹¹ Members of the family continued to own and farm in the district until at least the 1950s.

In 1920, the land between the study area and Strangers Creek, to the west, was sold to Baulkham Hills Shire Council, to be used as a park. The remainder continued in the ownership of the Pearce family until 1923, when it was sold and subdivided. Most of the study area was included in Lot 60 of the subdivision, which was sold to Sydney Williams of Kellyville (labourer) in 1926.

A plan from 1925, updated in 1942, shows no structures in the study area, although Heywood and its carriageway, are shown to the south (**Figure 5**). There are a number of dams on the property, suggesting that it was used for agriculture or as pastureland. The plan shows Memorial Avenue running along the northern boundary of the study area, and crossing Strangers Creek by way of a ford, located to the west of the study area.

By 1947, there was an orchard in the northern part of Lot 60; ploughed areas in the centre and south (that may represent a market garden); and an entrance drive off Memorial Avenue leading part way down the eastern boundary (**Figure 6**). It is not clear in this photograph, but there was presumably a house at the southern end of the driveway. It seems likely that the property was occupied,

⁷ Colonial Secretary Index, 1788-1825, State Records NSW.

⁸ Sharpe 2000: 40

⁹ Clive Lucas, Stapleton and Partners 2005: 16

¹⁰ The Sydney Morning Herald, 10 Nov 1892, p.1

¹¹ DPWS & OCP 2000: 36-37

developed and farmed by the Williams family following their purchase in the mid-1920s. In the 1940s, following Williams's death, the property changed hands several times. In 1949, it was sold to Victor Thomas Barry and Eleanor Elizabeth Barry, and remained in the ownership of their family until 1962, when it was sold to Lillian Mary Clark.

In 1973, the lot was sold to Baulkham Hills Shire Council. By 1975, the orchard had been removed, and the ploughed areas were no longer apparent. However, the entrance driveway remained, leading to a group of structures on the eastern boundary: probably the Williams's house and outbuildings. There was also a small dam on the western boundary, likely remaining from the earlier period of occupation.

By 1978, two tennis courts had been built on the western boundary, just to the north of the dam. By 1984 a large building (an indoor soccer hall) had been constructed to the north of the tennis courts, and paving for the basketball courts may have been laid. Much of the remainder of the northern part of the Lot was used for carparking but was unpaved (**Figure 7**). One cricket pitch is evident in the southern part of Lot 60, and two in the neighbouring lot. The 1986 image shows that the carpark to the north and west of the building had been paved with asphalt.

By 1991, the original group of buildings on the eastern boundary of Lot 60 had been removed, and a new house had been constructed in the north-western corner. The carparking area had also been expanded. Photographs from 1998 to 2005 show a similar layout. Since 2005, the indoor soccer hall and the house have been demolished. Very recently, in the last year or two, a large carpark has been built, adjacent to Stone Mason Drive.



Figure 4. The study area in relation to an 1884 plan, showing the original portions, and the larger property owned by Acres to the south

Source: NSW Spatial Services, Historical Land Records Viewer, Vol.698 Fol.195

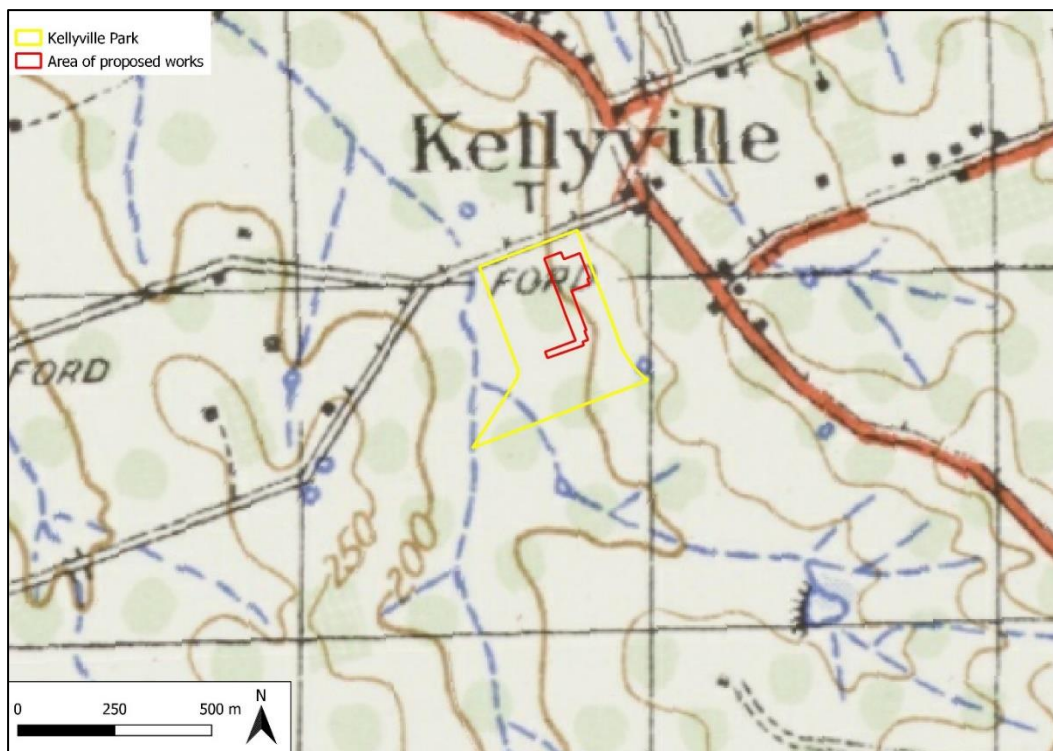


Figure 5. The general location of the study area in 1942

Source: Great Britain, War Office, General Staff, Australian Section. 1942. New South Wales no 416 zone 8. State Library NSW, Cc 94/3, accessed online, <https://collection.sl.nsw.gov.au/record/74VvqpNBGVVo>



Figure 6. The study area in 1947

Source: NSW Spatial Services, Historical Imagery



Figure 7. The study area in 1984

Source: NSW Spatial Services, Historical Imagery



Figure 8. The study area in 1991

Source: NSW Spatial Services, Historical Imagery

Table 2. Chain of title for the study area

Date	Summary	Reference
31 March 1802	Grant. To John Tivett (Tibbett) 100 acres being Portion 73 of Parish of Castle Hill	Reg.1 fol.133
18 March 1812	Hugh Kelly	
3 May 1872	Conveyance. James Harresky of the Windsor Road, squatter, to Thomas Gough of the Windsor Road, farmer 13 parcels of land	Bk 130 No.10
7 March 1875	Mortgage. Thomas Gough to John Thomas Neale	Bk 148 No.782
22 Oct 1877	Conveyance. John Thomas Neale of Sydney, gentleman, to John England of Sydney, gentleman	Bk 174 No.331
22 Oct 1877	Mortgage. John England to John Thomas Neale	Bk 174 No.332
1 April 1878	Conveyance. John England of Sydney, esquire, and John Thomas Neale of Sydney, esquire (mortgagee), to Edward Harte Acres of Baulkham Hills, esquire 14 parcels of land	Bk 179 No.658
11 June 1884	Certificate of title. Edward Harte Acres of Baulkham Hills, esquire 224 acres 3 roods 3 perches being part of Tivett's 100 acres and part of Bolton's 100 acres and part of Hillas' 100 acres	Vol.698 Fol.195
26 Sept 1881	Lease of part to Redden of Windsor Road, farmer, for seven years	Vol.698 Fol.195

13 Dec 1880	Lease of part to William Chittens of Washington Street, Sydney, for 5 years	Vol.698 Fol.195
26 April 1894	Transfer. From the Commercial Banking Company of Sydney Limited (mortgagees) to Edward Henry Pearce	Vol.698 Fol.195
18 May 1894	Certificate of title. Edward Henry Pearce of Seven Hills, gentleman 194 acres 1 rood 19 perches being part of Tivett's 100 acres and part of Bolton's 100 acres	Vol.1128 Fol.77
8 Aug 1912	Transmission. Edward William Charles Archdall Pearce of Seven Hills, orchardist, Henry Mervyn Archdall Pearce of Kiama, clerk in holy orders, and William Thomas Louis Archdall Pearce of Newtown, clerk in holy orders	Vol.1128 Fol.77
8 Nov 1915	Transfer. To Henry Morgan Archdall Pearce	Vol.1128 Fol.77
19 March 1920	Transmission. To William Thomas Louis Archdall Pearce of Naremburn, clerk in holy orders	Vol.1128 Fol.77
13 Nov 1923	Transfer. To James Burns, George Dyson and Francis Gartrell	Vol.1128 Fol.77
24 Jan 1924	Certificate of title. James Burns, gentleman, George Dyson, agent, and Francis Gartrell, master baker, all of Sydney Lots 48-50 & 52-55 & 60, 63, 64 in plan 10702 (part of Portion 73), and parts of Portions 74, 47, 49, 52, 53	Vol.3552 Fol.239

		Vol.1128 Fol.77
21 Aug 1920	Certificate of Title. George Dyson of Sydney, gentleman, James Burns of Woollahra, gentleman, and Francis Gartrell of Sydney, gentleman 10 acres	Vol.3090 Fol.63
31 Aug 1920	Transfer to the Council of the Shire of Baulkham Hills, for the purposes of a Park	Vol.3090 Fol.63
		1/167535

4 May 1926	Transfer. From James Burns, George Dyson and Francis Gartrell to Sydney Williams Lot 60 DP 10702	Vol.3552 Fol.239
20 May 1926	Certificate of title. Sydney Williams of Kellyville, labourer 8 acres 2 roods 11¼ perches being Lot 60 DP 10702	Vol.3867 Fol.47
19 Aug 1942	Transmission. To the Public Trustee	Vol.3867 Fol.47
18 Sept 1942	Transfer. From Public Trustee to Mary Esther King of Castle Hill, spinster	Vol.3867 Fol.47
10 Dec 1943	Transfer. From Mary Esther King to Leslie Charles Williamson of Parramatta, lyre builder	Vol.3867 Fol.47
31 March 1947	Transfer. From Leslie Charles Williamson to Miriam White, wife of Roy Edward White of Tempe, painter	Vol.3867 Fol.47
1 Sept 1949	Transfer. From Miriam White to Victor Thomas Barry of Strathfield, steel worker, and Eleanor Elizabeth Barry, his wife	Vol.3867 Fol.47
2 July 1957	Eleanor Elizabeth Barry	Vol.3867 Fol.47
22 Aug 1962	Lillian Mary Clark of Kellyville, married woman	Vol.3867 Fol.47
22 Aug 1973	Transfer The Council of the Shire of Baulkham Hills	Vol.3867 Fol.47
		60/10702

2.3 Site inspection

The study area was inspected on 1 September 2021 by Fenella Atkinson and Rebecca Bryant (Coast), Steve Randall (Deerubbin Local Aboriginal Land Council) and Justine Coplin (Darug Custodian Aboriginal Corporation).

At the time of the site inspection, the northern part of the study area was in use as a compound for the ongoing upgrades to Memorial Avenue. The southern part included a large carpark, and part of the temporary building being used by the Parramatta NRL Club. The open-space areas were being used for public recreation, including ball games and dog walking.

In general, the study area slopes down from the east towards Strangers Creek in the west. However, the slope has been modified for construction. A substantial line of cut-and-fill, for terracing, is evident along the eastern boundary, between the carpark and Stone Mason Drive (**Figure 9**), with another between the carpark and the playing fields (**Figure 10**). The carpark itself is a level, asphalt paved area, with garden beds between rows of parking, and lamp-posts throughout (**Figure 11**). The carpark covers the location of the former cricket pitch. To the west of the carpark is the temporary Parramatta Eels facility (**Figure 12**).

At the north-eastern corner of the carpark is a transmission tower. To the north of the carpark, the ground slopes down to the location of the former tennis and netball courts. The asphalt surface of the netball courts is still present, but at the time of the site inspection was fenced off for use as part of the construction compound (**Figure 13**). The easternmost of the two tennis courts appears to remain, but was also in use as a compound, and was covered with temporary buildings (**Figure 14**).

The northern part of the study area comprises a paved area, used for carparking and temporary buildings (**Figure 15**). This has been constructed recently, and creation of the level parking area appears to have involved excavation along the eastern boundary. At the time of the inspection, it was in use as a compound for the upgrade works on Memorial Avenue. The entrance to the compound is an asphalted driveway off Stone Mason Drive. This is the approximate location of the former 1920s house. There are some exotic trees in the vicinity of the driveway that may relate to the occupation of the former house (**Figure 16**). The new compound extends across the location of the former indoor soccer hall and the caretaker's house (**Figure 17**).

The land surrounding Kellyville Park has been subdivided for residential development. Memorial Avenue forms the northern boundary of the study area, and leads east to join Windsor Road, one of the two heritage listed items in the vicinity. Due to the slope of the ground, there are no lines of sight between the study area and Windsor Road (**Figure 18** and **Figure 19**). To the south of the study area, there is another ridgeline set between the study area and the second heritage listed item, Castle Hill Country Club. The study area is not visible from the northern boundary of the golf course, however, the canopy of the trees on the course can be seen from the study area (**Figure 20** and **Figure 21**).



Figure 9. The cutting between the carpark and Stone Mason Drive, looking north



Figure 10. The embankment between the playing fields and the carpark, looking north



Figure 11. The carpark, looking north-west



Figure 12. Looking west towards the Parramatta Eels facility, from the southern end of the carpark



Figure 13. The former netball courts, looking east towards Stone Mason Drive



Figure 14. Looking south towards the carpark, with the tennis courts on the right, and the netball courts on the left



Figure 15. The road works compound in the north of the study area, looking west



Figure 16. Two small trees to the north of the driveway to the compound, looking west



Figure 17. Looking west across the northern end of the study area, showing the location of the former caretaker's house



Figure 18. Looking east along Memorial Avenue, from the study area towards Windsor Road



Figure 19. Looking west along Memorial Avenue, from Windsor Road towards the study area



Figure 20. Looking north along Stone Mason Drive, from the northern boundary of Castle Hill Country Club, towards the study area



Figure 21. Looking south across the carpark towards the Castle Hill Country Club, with the tree canopy visible in the background

3 Our assessment of heritage significance

The management of a heritage place is based on an understanding of the values of that place. The NSW Heritage Council has adopted seven criteria for the assessment of heritage significance.¹² There are two levels of significance in the NSW heritage management system: local and state. In the following section, we consider the heritage values and historical archaeological potential of the study area, and any possible associations with the two listed heritage items that are located nearby.

The historical occupation and development of the study area can be divided into three phases:

1. Tibbett, Harresky, Acres and Pearce, 1802-1926

No specific features are known from this phase. The study area is likely to have been cleared of vegetation, and used for agricultural purposes, possibly by tenant farmers. The owners of the property in this phase are notable in the history of the local area, but no indication has been found of any specific association beyond ownership.

2. Williams and Barry families, 1926-1973

In this phase, the study area was part of a subdivision of the larger estate and its subsequent development as small rural/residential lots. Features from this phase include:

- House and outbuildings, probably built in the mid 1920s; demolished post-1986
- Orchard
- Dam
- Possible market garden.

These features have all been removed as a result of subsequent development, which has involved substantial earthworks. It is likely that the remains of the earlier features have been entirely, or almost entirely, removed. The possible exception are the exotic trees on the eastern boundary of the study area, which may be associated with this phase. These trees do not appear to be of heritage significance; they are not significant landscape elements, are not associated with individuals or groups of importance in the history of the local area, and do not appear to be characteristic of the locality.

3. Kellyville Memorial Park, 1973 to present

In this phase, the study area was acquired by Council, and incorporated into the existing parkland (to the west). The park was developed as a sporting facility. Features from this phase include:

- Tennis courts, constructed between 1975 and 1978
- Indoor soccer hall, constructed between 1978 and 1984
- Netball courts, constructed between 1978 and 1984
- Cricket pitch, constructed between 1978 and 1984

¹² Heritage Office and Heritage Council 2001

- Caretaker's house, constructed between 1984 and 1986, and recently demolished.

The netball courts and part of the tennis courts remain, but the other items have been demolished.

In summary, the first two phases of historical occupation and development of the study area, from 1802 to 1973, are characteristic of the history of the locality more generally, and are associated through ownership with individuals and families of importance in that history. However, these associations are unlikely to be represented in any tangible form. There is little potential for the presence of archaeological remains, and the landscape and context of the remaining built features have been substantially changed by subsequent development.

The third phase is associated with the provision of facilities by Council to the growing local population. This is represented in the remnant tennis and netball courts, dating to the late 1970s and early 1980s. These features are not archaeological remains, and are not considered to be of heritage significance. The changing nature of the facilities is of interest, in relation to the recent sporting history of the locality, but is well documented.

In addition, there are two listed heritage items within about 200 metres of the study area:

- Windsor Road from Baulkham Hills to Box Hill
- Avenue of trees leading to Castle Hill Country Club

The results of the site inspection indicate that the study area is not within the visual catchment of either of these two items. There are historical associations between the study area and the avenue of trees leading to the location of the former house Heywood, because both properties were for a time under the same ownership, first the Acres then the Pearces. However, again, these on-paper associations do not appear to be represented in any tangible form.

Table 3. Heritage significance criteria

Criterion	Explanation
A	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);
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 cultural or natural history of the local area)
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)
D	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
E	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
F	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

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 a class of the local area's • cultural or natural places; or • cultural or natural environments.)
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Figure 22. The location of the main former structures on the study area, in relation to a recent aerial photograph

4 Heritage impact

4.1 *What work is proposed in the study area?*

PNRL proposes to redevelop the study area, with the following main components:

- 1. Community Facility, including grandstand; change rooms and amenities; first aid / medical room, gymnasium, café / kiosk, and function room.
- 2. Centre of Excellence, including a gymnasium; medical and rehabilitation facilities; pools; areas for lectures, meetings, education, and study; administration offices; and a change room and amenities.
- 4. Car parking (40 spaces), to operate in conjunction with the existing car parking
- 5. Landscaping
- 7. Rainwater tanks
- 9. Spectator mound
- 11. Proposed refuse area
- 12. Meeting place and landscaping

An overview of the proposed works is presented at **Figure 23** (components numbered as above) and section drawings of the two main buildings, the Community Facility and Centre of Excellence, at **Figure 24** and **Figure 25**. These will both be two-level structures, with the lower levels being part basement levels, cut into the existing terracing or slope.

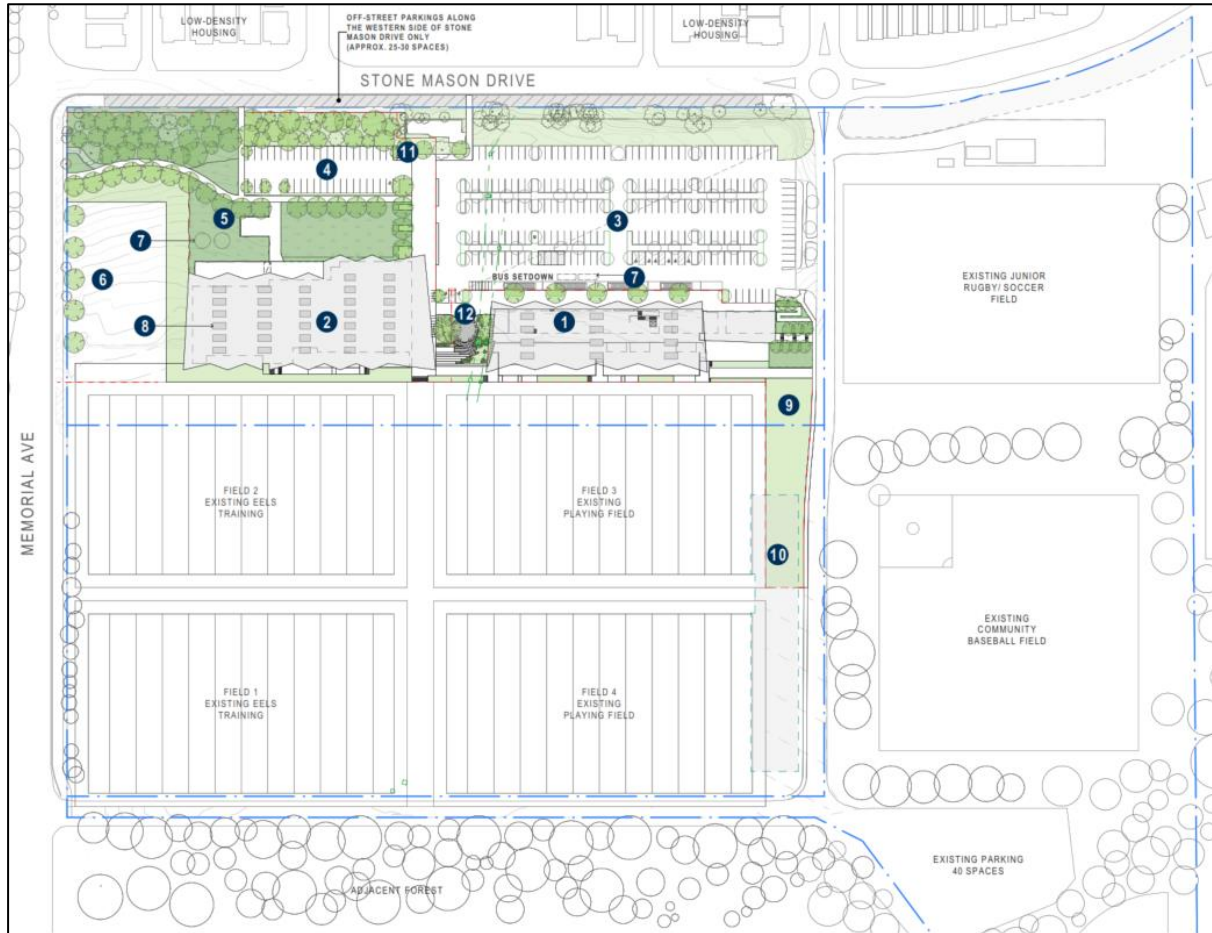


Figure 23. An overview of the proposed development

Source: HB Arch. 24/03/2022. Kellyville Park PNRL Eels – Centre of Excellence & Community Facility: New Site Works Plan.

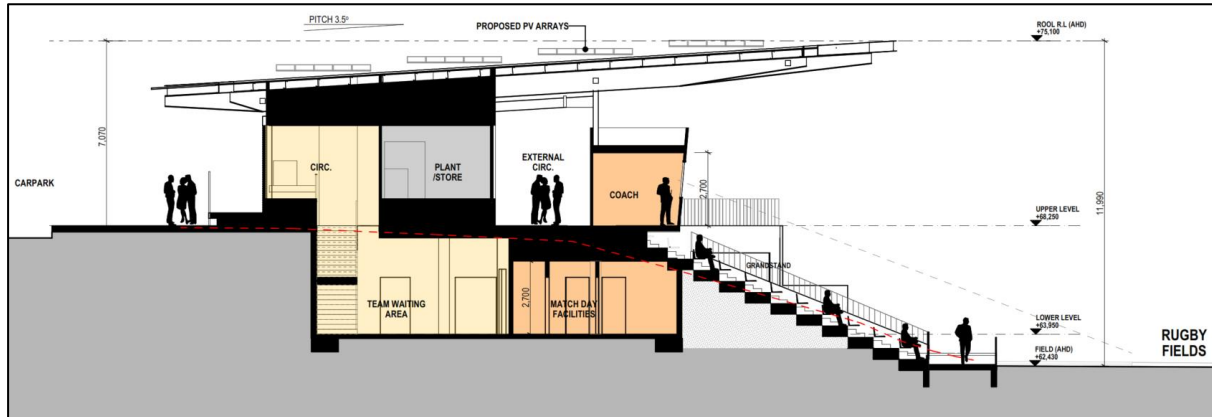


Figure 24. An east-west section drawing of the proposed community facility building

Source: HB Arch. 24/03/2022. Kellyville Park PNRL Eels - Centre of Excellence & Community Facility: Sections A+B+C

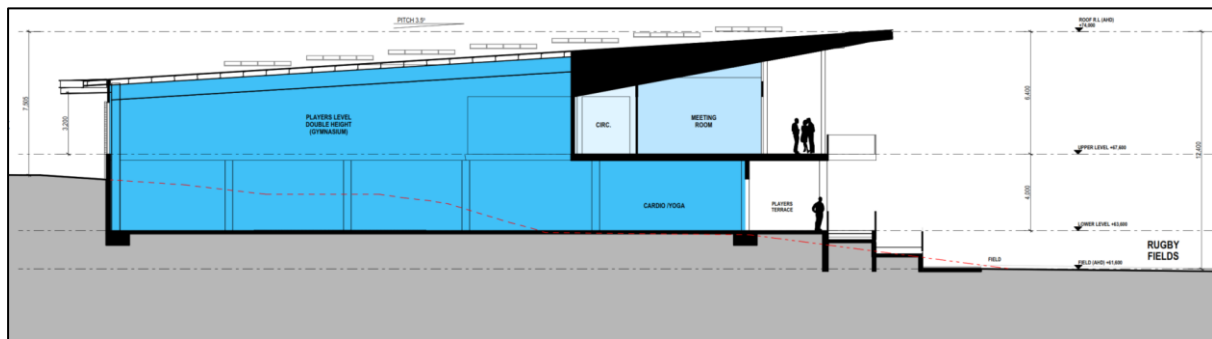


Figure 25. An east-west section drawing of the proposed centre of excellence building

Source: HB Arch. 24/03/2022. Kellyville Park PNRL Eels - Centre of Excellence & Community Facility: Sections D+F

4.2 What historical heritage impacts are possible?

The following management guidelines are relevant for assessing the potential impact of the proposed development:

- The Hills Development Control Plan (DCP) 2012, Part C Section 4 Heritage
- *Statements of heritage impact*¹³

The heritage controls in The Hills DCP 2012 apply to developments that will be assessed by Council as the consent authority, which is not the case with the current proposal. However, they provide a guide to appropriate development in the LGA. The controls apply to:

- *Heritage conservation areas and listed heritage items.* The study area is not within a conservation area and does not include any listed items.
- *Land in the vicinity of a conservation area or heritage item, that is, on an adjoining property or within the visual catchment.* There are two listed heritage items within about 200 metres of the study area. However, the study area is not on adjacent land, and the results of the site inspection show that it is not within the visual catchment of the two items.
- *A building, relic or structure that is older than 50 years and considered by Council to be of heritage significance.* There is little to no potential for the presence of historical archaeological relics within the study area. The remaining structures are less than half a century old and include the remnant tennis and netball courts, which are not of heritage significance.

The guidelines *Statements of Heritage Impact* are provided by Heritage NSW to assist in the assessment of work(s) that could impact a heritage item: on land containing a heritage item, within a conservation area, or in the vicinity of a heritage item. The guidelines do not define 'in the vicinity of', but for practical purposes the definition from The Hills DCP 2012 – within the visual catchment - may be applied here.

In summary, the relevant guidelines indicate that the proposed development is unlikely to result in heritage impact. The study area itself is not a listed heritage item or within a heritage conservation area, and our assessment indicates that it is not of heritage significance. It is not adjacent to, or within the visual catchment of the two nearby listed heritage items.

¹³ Heritage Office 2002

5 Our conclusions and recommendations

The results of our assessment and the relevant guidelines indicate that the proposed development is unlikely to result in historical heritage impact. The study area is not a listed heritage item or within a heritage conservation area, and it is not of heritage significance. Neither is it adjacent to, or within the visual catchment of the two nearby listed heritage items.

We have based our recommendations on:

- The research and conclusions of our assessment as outlined in this report
- The legal protections provided to historical archaeological relics under the *Heritage Act 1977*
- Current policy and regulatory requirements relating to the assessment of historical heritage, and in particular the guideline document *Statements of Heritage Impact*; and the requirements of The Hills LEP 2012 and The Hills DCP 2012.

The following recommendations are made:

1. No further historical heritage assessment, approval or oversight is required prior to commencement of the proposed development.
2. Historical archaeological relics are protected by the *Heritage Act 1977*. If any relics or potential relics are unexpectedly unearthed during the course of the development, work should cease in the vicinity, and Heritage NSW should be contacted for advice.
3. A copy of this report should be forwarded to the Heritage NSW Library, Department of Premier and Cabinet, and to The Hills Shire Library.

6 References

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