

Tim Ireson
Western Sydney Parklands Trust
Department of Premier and Cabinet
CARLINGFORD, NSW, 2118
Via email

Re: Fifteenth Avenue Business Hub (SSD 6407) – Heritage - response to Liverpool City Council's submission

Dear Tim

Please find here a response to the following heritage issues that have been raised by *Liverpool City Council* (LCC) in relation to the exhibition of SSD 6407 (as dated 11 December 2015) and the Aboriginal and historical archaeological assessment prepared for the FABH project by DSCA in May 2015.

Liverpool City Council Submission

LCC note the amended SEARs for the Application requires the Applicant:

Assess the potential impact on the heritage significance of any listed heritage items in the vicinity of the site including the adjoining Kirkpatrick-Boyland Park and nearby Sydney Water Channel.

In this respect, LCC identify that no comprehensive assessment of the proposed development in the vicinity of the heritage items has been provided. While it is noted that the proposal will be contained within the boundaries of the subject site and will not encroach into the physical curtilage of either heritage item in the vicinity (thus conserving significant fabric), the settings of both heritage items will be impacted by the proposal. In this regard, LCC further note that:

- a) *The planned widening of Fifteenth Avenue will dramatically reduce the size of the heritage listed park.*
- b) *The location of the proposed child care facility in conjunction with the future road widening will impact on the amenity of the park and the public's ability to appreciate and engage with the war memorial situated in the park.*

LCC recommend in order to manage the cumulative impacts of both the subject proposal and the road widening that the proposed child care facility be relocated to the north and should extend no further south than the northern boundary of the Kirkpatrick-Boyland Park and a vegetated buffer incorporated along the eastern boundary of the park. LCC recommend the car park could be extended towards the Kirkpatrick-Boyland Park boundary without impacting significance. LCC also recommend that the following conditions are applied to any consent issued for the works on the site:

1. *Should any Aboriginal 'objects' be discovered in any areas of the site than all excavation or disturbance to the areas is to stop immediately and the NSW Office of Environment and Heritage is to be informed in accordance with the National*

Parks and Wildlife Act 1974 (as amended). Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act. Subject to an assessment of the extent, integrity and significance of any exposed 'objects', applicants under the Parks and Wildlife Act 1974 may be required before work resumes.

- 2. Should any historical relics be unexpectedly discovered in any areas of the site then all excavation or disturbance to the areas is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the NSW Heritage Act 1977.*
- 3. Photographic Archival Recording of the extent of the dwelling at 185 Fifteenth Avenue, West Hoxton is to be undertaken in accordance with pertinent guidelines published by the Office of Environment and Heritage. Three copies of the recording are to be produced, one for Liverpool City Council archives, one for the Liverpool Heritage Library, and the third to be retained by the owner.*

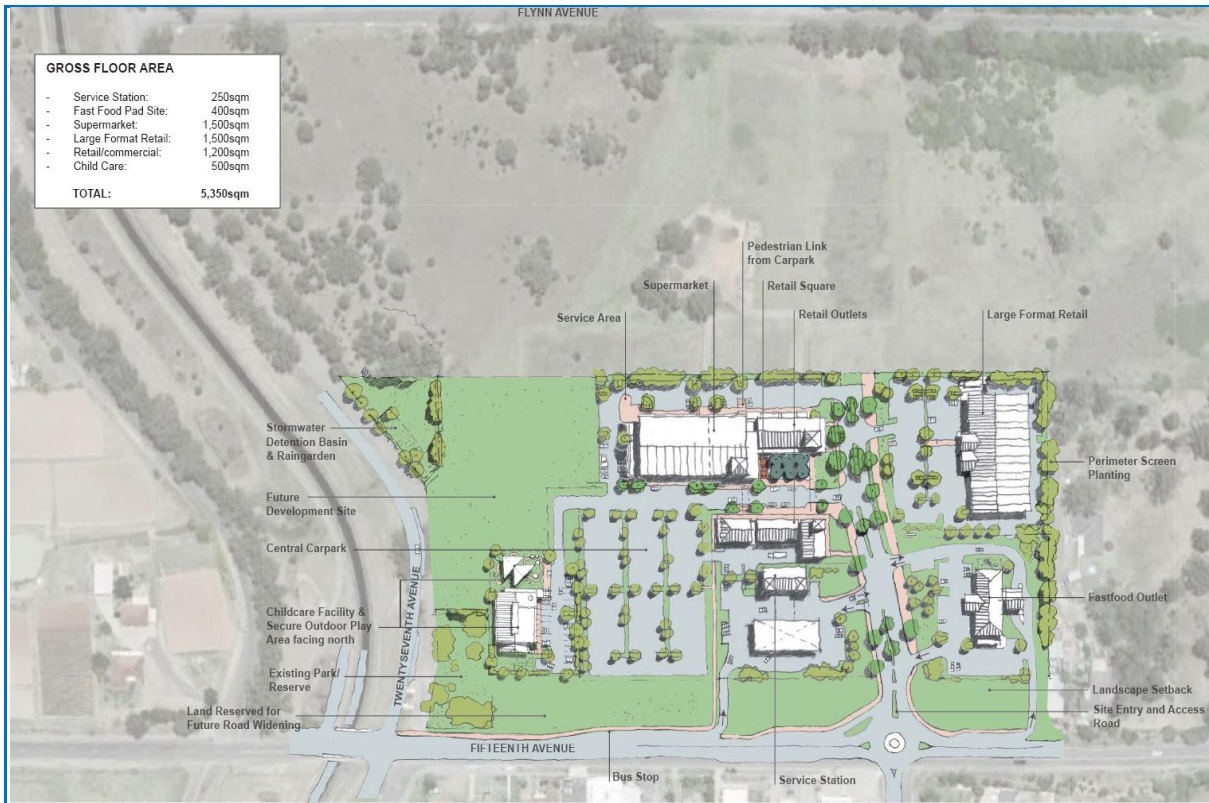
[Heritage items potentially affected by the FABH proposal](#)

The first three images below show the relationship of the proposed development (primarily the proposed child care facility) to Kirkpatrick-Boylard Park and the adjacent Sydney Water Supply Canal located at the corner of Fifteenth Avenue and Twenty Seventh Avenue. The images to follow show various street views of the locality to illustrate the existing setting of the place that will be affected by the proposal and future road widening.

Existing condition of the FABH study area



Proposed FABH site layout. The setting of Kirkpatrick-Boyland Park will be affected by the current proposal that locates a child care facility towards the corner of Fifteenth and Twenty Seventh Avenues and future road widening



Curtilage (Lot 1, DP 307334) and existing condition of Kirkpatrick-Boyland Park



Looking west towards the existing informal and unsealed car park on Fifteenth Avenue and Kirkpatrick-Boyland Park in the background behind the tree line



Looking north east towards Kirkpatrick-Boyland Park



Looking southwest towards Kirkpatrick-Boyland Park



Looking north to Kirkpatrick-Boyland Park



The two heritage items that may be impacted by the FABH proposal and future road widening comprise a section of the SHR listed 1880s Sydney Water Supply Canal situated to the west of the Twenty Seventh Avenue, and Boyland-Kirkpatrick Park which adjoins the FABH site and contains two World War One (WW1) memorial stones and is an item of local heritage significance listed on Liverpool LEP.

Research indicates that the then Nepean Shire Council donated memorial stones to families of soldiers who died in WW1 to be installed at various locations determined by the families of each of the soldiers. Of the estimated 15 to 20 memorial stones that were issued by the former Nepean Shire Council in the current Liverpool LGA, only 3 are known to exist and comprise those of W. Brown (Military Medal) which is located at the Council depot and awaiting action, and the two dedicated to H. Boyland and S. Kirkpatrick that are located in Boyland-Kirkpatrick Park.

Minutes of the meeting of the State Heritage Register (SHR) Committee (5 December 2007 - online) report in late 2006 *Liverpool City Council* nominated thirteen items for listing on the State Heritage Register (SHR). They were assessed by LCC as being of State significance in its Comprehensive LEP. Boyland-Kirkpatrick Park was included in the nomination list for accession onto the SHR. However, the committee found no evidence or comparative analysis with regard to the importance of such memorials in relation to the State, and based on the submitted nomination, was of the view that the item possessed local heritage significance but there was insufficient evidence to justify a finding of State significance.

Construction work on the Sydney Water Supply Canal commenced in 1880 and maintenance workers were for a time housed in cottages along the Canal that were owned and maintained by the Water Board. The current bridge at Fifteenth Avenue crossing the Canal was constructed during WW1. Physical (archaeological) evidence associated with the construction of the Canal therefore may theoretically occur on either side of the culvert within the SHR curtilage (but there is no historical evidence for that in this locality), but the heritage item itself (its fabric) and its

potential archaeological resources contained with the SHR heritage curtilage of the item will not be affected directly by the FABH proposal or future road widening.

Heritage impact and mitigation measures

The images above of Boyland-Kirkpatrick Park above in particular illustrate that the aesthetics and amenity of the place and its setting can be improved. The road edges particularly at the twenty Seventh Avenue access to the memorial park are in poor condition and would be improved by future road upgrades in the locality. The current entry to the park, with its small allocation of car parking bays and ad-hoc 'turning circle' on Twenty Seventh Avenue is comparatively unsafe and also visually uninviting. The definition of the boundaries of the park are also insubstantial and unattractive (barbed wire fences) and could be given greater mass and softened by planting along the 'edges' it shares with the FABH site. The features and facilities in park (shade trees, seating etc) excluding the memorial stones themselves are basic and unobtrusive in nature and scale. This is to the extent that without local knowledge people passing by are unlikely to be aware that this place is a WW1 place of commemoration. The locality presently has a distinctly 'temporary' or 'forgotten' feel about it. Disruption to the views to and from the park as a result of the proposed redevelopment, which are neither significant in a broad heritage context nor long-established, will affect 'sightlines' that are present diminished by the unsympathetic nature of the local streetscape setting at the junction of Fifteenth and Twenty Seventh Avenues.

LCC's recommendations to manage the cumulative impacts of the FABH proposal and road widening will help mitigate visual and amenity impacts to the setting of the park by relocating the proposed child care facility further to the north (only as far south as the northern boundary of the park) with a new vegetated buffer incorporated along the park's eastern boundary. LCC's recommendation that the car park be extended towards the Kirkpatrick-Boyland Park boundary would also be acceptable on archaeological grounds. There are no expectations the areas concerned (which are heavily disturbed) will contain or retain any archaeological features or deposits of significance.

The same heritage impact mitigation considerations and measures apply to the Sydney Water Supply Canal. The FABH redevelopment and proposed road upgrades in the locality will have mainly (minor) visual impacts but no direct impacts to any elements of the heritage listed item. The only view of the Canal (except when crossing it) is gained from an elevated position, and no recognised heritage views from street level (or otherwise) which is topographically low-lying will be unacceptably disrupted by the proposal. There is low potential for archaeological remains associated with any former (early) road surfaces of significance to be located within the road widening impact corridor. However, since the roads were unlikely to have significantly surfaced or edges prior to the twentieth century, this evidence if it survives is likely to be limited and ephemeral. At present, Twenty Seventh Avenue in particular continues to have a distinct semi-rural character, and is flanked by small farms and its only where drainage crosses the road that there appears to have been any discernible improvement to the road easement in the second half of the twentieth century outside of surface replacements and patching.

No areas of potential archaeological sensitivity have been identified relative to proposed future road works or those proposed for the FABH to adjoin Kirkpatrick-Boylard Park. The heritage 'risk' is low that future works under either circumstance will expose significant (or any) 'relics' according to the *NSW Heritage Act 1977* or any Aboriginal objects according to the *National Parks and Wildlife Act 1974*. However, the setting of the place will change as a result of the works but the cumulative results are likely to improve the aesthetics and amenity of the place rather than adversely diminish these values.

It is recommended that procedures and protocols comparable to those developed by the RMS for managing 'unexpected heritage items' (both Aboriginal and non-Aboriginal) during future construction activities should be adopted for the FABH. This approach is consistent with LCC's recommendations in this regard noted above. This would include the Applicants heritage notification obligations under the two Acts (and the *Coroner's Act 2009*) where an 'unexpected heritage item' means any unanticipated discovery of an actual or potential heritage item, for which the Applicant does not have approval to disturb or a safeguard in place (apart from the unexpected find procedure) to manage the disturbance. These discoveries are often categorised as either: (a) Aboriginal objects (b) historic (or non-Aboriginal) heritage items and (c) human skeletal remains. The relevant legislation that applies to each of these categories has been previously reported (DSCA May 2015).

Yours Sincerely,



Dominic Steele.

Managing Director

Dominic Steele Consulting Archaeology