

40 The Retreat, Bringelly

Historical Archaeological Assessment

Report to SCG Developments Pty Ltd

June 2024



 artefact

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EXECUTIVE SUMMARY

Project overview

Artefact Heritage and Environment have been engaged by SCG Developments Pty Ltd to prepare a Historical Archaeological Assessment for the proposed residential scheme development works at 40 The Retreat Bringelly (Lot 272 DP 803167) (the study area). The study area, currently occupied by a large residential building with outbuildings and a car yard, is largely surrounded by cleared land used for agricultural purposes and is located adjacent to the State Environmental Planning Policy (Precincts–Western Parkland City) 2021 listed item (no. I3) and the State Heritage Register listed item, Kelvin (no. 00046).¹ The study area is located within the Aerotropolis Core Precinct as part of the Western Sydney Aerotropolis Plan 2020,² and is zoned Mixed Use under the State Environmental Planning Policy (Precincts–Western Parkland City) 2021.³

This Historical Archaeological Assessment provides a detailed assessment of archaeological potential and significance, identifies potential development impact on significant archaeological resources and provides recommendations for their mitigation.

Summary of findings

Historical archaeological assessment of the study area has determined:

- The study area is not listed on any statutory or non-statutory heritage registers
- The study area is located within the Aerotropolis Core precinct of the Western Sydney Aerotropolis Plan 2020
- The study area is located adjacent to the State Environmental Planning Policy (Precincts–Western Parkland City) 2021 listed item (no. I3) and State Heritage Register listed item (no. 00046) Kelvin, and the former Bringelly RAAF Base
- The proposed works include a Mixed Use development as part of a residential scheme with ground floor retail space and basement level parking
- The study area has Nil potential to contain early European occupation of the site from Phase 2 (1788–1817)
- The study area has **Low** potential to contain archaeological remains associated with Phase 3 (1817–1896), Phase 4 (1896–1942), and Phase 5 (1942–1990s). If archaeological remains survive, they are likely to be associated with early farming and agricultural activities such as light-weight undocumented ephemeral timber structures associated with herd management, post holes associated with fencelines, structures associated with water management including cisterns, and evidence of land clearance and cultivation

¹ NSW Government, State Heritage Inventory, Kelvin, accessed <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5045191> (16 February 2024).

² NSW Government, Western Sydney Aerotropolis Plan, September 2020, accessed [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/00-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+\(Low+Res+Part+1+of+2\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/00-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+(Low+Res+Part+1+of+2).pdf) (6 February 2024).

³ NSW Government, NSW legislation, State Environmental Planning Policy (Precincts – Western Parkland City) 2021, accessed <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0728#sec.4.26> (11 January 2024).

- If substantially intact and *in situ* archaeological remains associated with Phases 3-5 are identified, then the archaeological resource may reach the threshold for Local significance
- If substantially intact and *in situ* archaeological remains definitively associated with Kelvin Farm are identified, then the archaeological resource may meet the criteria for State significance
- Post 1990s (Phase 6) development remains largely extant (not archaeological) within the study area and is unlikely to be associated with an archaeological resource
- Archaeological remains of Phases 2 and 6 have been assessed as having no archaeological significance
- The proposed works would not directly impact the potential archaeological resource within the State Heritage Register listed item Kelvin (no. 00046) adjacent to the study area
- Due to the Low potential for substantial and intact archaeological remains within the study area, it is assessed that the proposed works would result in **Neutral** impacts to significant historical archaeological remains.

Approval pathway

The proponent would be seeking development consent under the Environmental Planning and Assessment Act 1979 as a State Significant Development. The Secretary's Environmental Assessment Requirements issued on 18 January 2024 (SSD-65729209) outline that a Historical Archaeological Assessment would be required to inform the Environmental Impact Statement to support the State Significant Development application for the residential scheme development at 40 The Retreat, Bringelly. This report meets the Archaeological Assessment requirement as part of Condition 19 of the Secretary's Environmental Assessment Requirements:⁴

SEAR	Documentation	Response / Location in Report
<p>19. Environmental Heritage</p> <ul style="list-style-type: none"> • Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. 	<ul style="list-style-type: none"> • Statement of Heritage Impact • Archaeological Assessment 	<p>This report meets the Archaeological Assessment requirement as part of Condition 19 of the SEARs. This approval pathway has been addressed in Section 7.2 of the report.</p>

⁴ Planning Secretary's Environmental Assessment Requirements, Mixed-use Residential facilities, Application number: SSD-65729209, document provided by the client.

Recommendations and mitigation measures

It is recommended that the following mitigation measures are implemented prior to and during excavation works:

ID	Mitigation Measure
Heritage Management	
<i>Mitigation measure 1</i>	<p data-bbox="491 533 863 566">Unexpected Finds Procedure</p> <p data-bbox="491 600 1342 752">As the archaeological potential of the study area has been assessed as Low, it is recommended that potential archaeological resources be managed through an Unexpected Finds Procedure that is developed for the proposal. An example of an Unexpected Finds Procedure is outlined below:</p> <ul data-bbox="491 786 1342 1234" style="list-style-type: none"> <li data-bbox="491 786 1342 960">• If archaeological remains are identified during any stage of the project, works in the area must cease, the area adequately protected, and a suitably qualified archaeologist notified so as to carry out more detailed investigation and assessment <li data-bbox="491 972 1342 1234">• If the archaeological assessment determines that the remains are 'relics' in the meaning of the Heritage Act, the department of Climate Change, Energy, the Environment and Water must be notified about the discovery of relics in accordance with Section 146 of the Heritage Act. Further approval/s may be required to allow the works to proceed.
<i>Mitigation Measure 2</i>	<p data-bbox="491 1279 727 1312">Heritage induction</p> <ul data-bbox="491 1346 1361 1783" style="list-style-type: none"> <li data-bbox="491 1346 1361 1783">• All staff involved in the proposed works, including design professionals and tradespeople, must receive an archaeological heritage induction prior to the commencement of works. The archaeological heritage induction should cover the potential for the project to encounter significant archaeological remains, and the recommendations and mitigation methods included in this report including the procedure to follow in the event that an unexpected archaeological find is encountered. Clear lines of communication must be established for the reporting of any such finds and for procedures to be rapidly implemented.

General

Mitigation Measure 3

- Any additions or design modifications to the proposal, outside the scope of this assessment, would require additional heritage assessment to ensure consistency with this assessment
 - A copy of this report should be provided to the City of Liverpool Council and the Western Parkland City Authority to inform them of the proposal and the potential impacts to the study area located adjacent to the State Environment Planning Policy (Precincts–Western Parkland City) 2021 listed item (no. 13) and the State Heritage Register listed item (no. 00046), Kelvin.
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1.0 INTRODUCTION

1.1 Project background

Artefact Heritage and Environment (Artefact Heritage) have been engaged by SCG Developments Pty Ltd (SCG Developments) (the proponent) to prepare a Historical Archaeological Assessment (HAA) for the proposed residential scheme development at 40 The Retreat, Bringelly (Lot 272 DP 803167) (the study area). The study area is occupied by a large residential building with outbuildings, and is located adjacent to the State Environmental Planning Policy (SEPP) (Precincts–Western Parkland City) 2021 listed item (no. I3) and the State Heritage Register (SHR) listed item Kelvin (no. 00046). The proposal is to undertake a residential scheme development, as detailed in Section 1.3 below.

It is understood the proponent would be seeking development consent under the Environmental Planning and Assessment Act 1979 as a State Significant Development (SSD). The Secretary’s Environmental Assessment Requirements (SEARs) issued on 18 January 2024 (SSD-65729209) outline that a HAA would be required to inform the Environmental Impact Statement (EIS) to support the SSD application for the residential scheme development at 40 The Retreat, Bringelly. This report has been prepared to meet the requirements of Condition 19 of the SEARs:⁵

Table 1: Condition 19 of the project SEARs

SEAR	Documentation	Response / Location in Report
19. Environmental Heritage		
<ul style="list-style-type: none"> Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. 	<ul style="list-style-type: none"> Statement of Heritage Impact Archaeological Assessment 	<p>This report meets the Archaeological Assessment requirement as part of Condition 19 of the SEARs. This approval pathway has been addressed in Section 7.2 of the report.</p>

1.2 Study area

The study area is located at 40 The Retreat (Lot 272 DP 803167) within the Liverpool Local Government Area (LGA) and the Parish of Bringelly within the County of Cumberland. The site, currently occupied by a large residential building with outbuildings, measures approximately 21,000 square metres (m²) and is bound by open land on the north and west, and residential buildings to the south and east. The site is located within the Aerotropolis Core Precinct as part of the Western

⁵ Planning Secretary’s Environmental Assessment Requirements, Mixed-use Residential facilities, Application number: SSD-65729209, document provided by the client; Urbis has prepared the Statement of Heritage Impact.

Sydney Aerotropolis Plan (WSAP) 2020,⁶ and is zoned Mixed Use (MU) under the State Environmental Planning Policy (SEPP) (Precincts–Western Parkland City).⁷

The site is largely surrounded by cleared land used for agricultural and farming purposes and is located adjacent to the SHR listed item Kelvin (no. 00046) and the Bringelly RAAF Base. The location of the study area is illustrated in Figure 1 below.

1.3 Description of development

The proposal seeks to enable the development of 40 The Retreat as part of a residential scheme with ground floor retail space and basement level parking. The proposal for the site has been determined as Mixed Use under the State Environmental Planning Policy (Precincts–Western Parkland City) 2021 and would be managed as two separate stages, identified as Stage 1 to the north and Stage 2 to the south. The proposed development includes the following works:

- Overall site clearing and preparation works, including demolition of all existing development on the site
- Development includes basement carparking, internal road with pedestrian links, and deep soil landscaping
- The development of six buildings, identified as Buildings A-F. The buildings would range from four to twelve storeys.
- Installation of services and fit out

Design drawings for the proposal are illustrated below and a more detailed discussion of the proposed development is outlined in Section 6.2. Figure 2 shows the general layout of the ground level for the proposed development at 40 The Retreat, Bringelly. Figure 3 shows the general layout and planned development of the six buildings.

⁶ NSW Government, Western Sydney Aerotropolis Plan, September 2020, accessed [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/000-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+\(Low+Res+Part+1+of+2\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/000-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+(Low+Res+Part+1+of+2).pdf) (6 February 2024).

⁷ NSW Government, NSW legislation, State Environmental Planning Policy (Precincts – Western Parkland City) 2021, accessed <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0728#sec.4.26> (11 January 2024).



Figure 1: Location of the study area

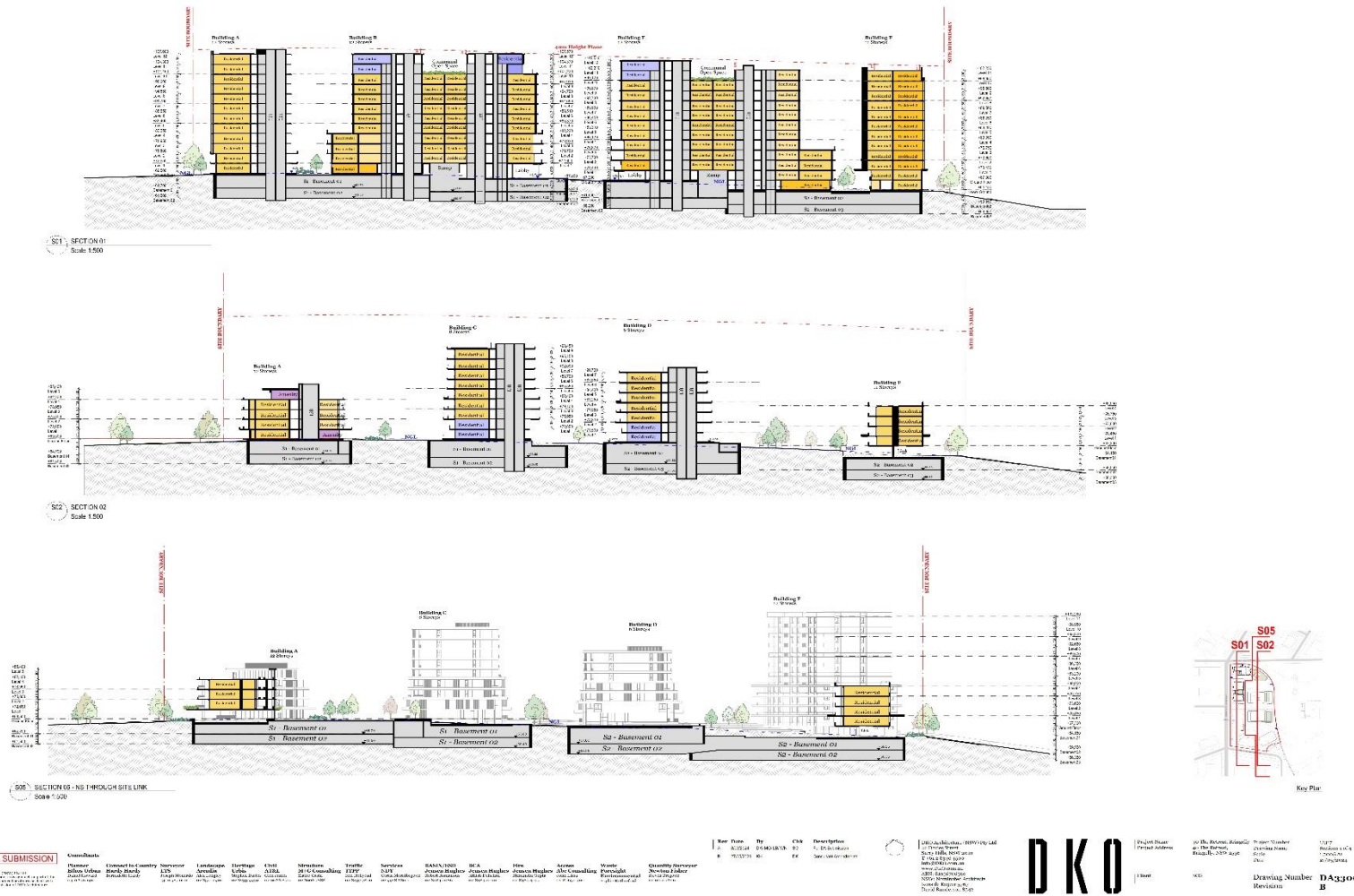


Figure 3: Section drawing showing the layout and planned development for each building (DKO 27 May 2024)⁹

⁹ Detailed drawing provided by the client in June 2024.

1.4 Statutory context

In relation to historical archaeology, the site/study area is subject to the following statutory and non-statutory controls:

- *Heritage Act 1977 (NSW)*¹⁰
- *Environmental Planning and Assessment Act 1979*¹¹
 - *Western Sydney Parkland SEPP*¹²
 - *Western Sydney Aerotropolis Development Control Plan (2022)*¹³

1.4.1 Heritage Act 1977

The NSW *Heritage Act 1977* (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 SHR and are given automatic protection under the Heritage Act against any activities that may damage or affect its heritage significance.

1.4.1.1 State Heritage Register (SHR)

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.

To manage activities within the curtilage of an SHR-listed item, approval must be sought under a Section 63 of the Act. In some circumstances where works are minor in nature and assessed to have minimal impact on the heritage significance of the SHR-listed item, they can be undertaken under a Section 57(2) Exemption¹⁴ or in accordance with agency or site-specific exemptions.

There are **no** items listed on the SHR within the study area.

A Summary of items listed within 100 m of the study area, as outlined in the SHR, is presented below:

- Kelvin: 30 The Retreat, Bringelly NSW (SHR no. 00046)

1.4.1.2 Conservation Management Plan (CMP)

Under Section 38A of the Heritage Act, a CMP should be prepared for items listed on the State Heritage Register. The CMP should identify the state heritage significance of the item, set out policies

¹⁰ NSW Heritage Act 1977 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1977-136>.

¹¹ *Environmental Planning and Assessment Act 1979* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203>.

¹² NSW Government, NSW legislation, State Environmental Planning Policy (Precincts – Western Parkland City) 2021, accessed <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0728#sec.4.26> (11 January 2024).

¹³ NSW Government, Department of Planning and Environment, Western Sydney Aerotropolis Development Control Plan 2022.

¹⁴ Heritage Council of New South Wales, 2021. *Standard Exemptions for Works Requiring Heritage Council Approval*.

and strategies for the retention of its significance and be prepared in accordance with the guidelines outlined by the Heritage Council.

As there are no SHR items within the study area, there have been **no** CMPs prepared for the study area.

A CMP was prepared for Kelvin Park, located adjacent to the study area at 30 The Retreat Bringelly, by Form Architects in November 2006. This CMP was prepared for the owner of the property, Kim Medich.¹⁵

1.4.1.3 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.

There are **no** items listed on Section 170 Heritage and Conservation registers within the study area.

1.4.1.4 'Relics' provision

The Heritage Act provides additional protection for archaeological remains through the operation of the 'relics' provisions. The primary aim of an archaeological significance assessment is to identify whether an archaeological resource, deposit, site or feature is of cultural value and therefore, considered to be a 'relic'.¹⁶

The Heritage 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 local or State significance*
-

The Heritage Council and Heritage NSW have also produced guidelines which defines relics as an object, artefact, or chattel. The Heritage Council of NSW defines chattel as:¹⁷

A relic can, in some circumstances, become part of the land and be regarded as a fixture (a chattel that becomes permanently affixed to land).

¹⁵ Form Architects (2006), Kelvin Park, 30 The Retreat Bringelly Liverpool: Maintenance and Conservation Plan, report prepared for Kim Medich, November 2006.

¹⁶ Office of Environment and Heritage (OEH) (former), Heritage Division, 2009. Assessing Significance for Archaeological Sites and 'Relics', 4.

¹⁷ Heritage Council of New South Wales, Assessing Significance for Historical Archaeological Sites and 'Relics', accessed <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/assess-significance-historical-archaeological-sites-relics.pdf> (6 December 2023).

In accordance with Section 139, it is an offence to disturb or excavate land, where this may affect a relic, without an excavation permit under section 140 of the Heritage Act, unless an excavation permit exception is issued for works that are minor in nature, require monitoring or test excavation.¹⁸

The discovery of unexpected relics, must be reported to Heritage Council under Section 146 of the Act:

(a) within a reasonable time after he or she first becomes aware or believes that he or she has discovered or located that relic, notify the Heritage Council of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware of the location of the relic, and

(b) within the period required by the Heritage Council, furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.

In addition to relics, remnants of historical structures may possess research value are considered to be 'works'. 'Works' may be buried, and therefore archaeological in nature, however, exposure of a 'work' does not necessarily trigger a requirement to obtain an excavation permit under the Heritage Act. Works are typically fixed to the land and are generally associated with structural remains.

Examples of 'works' include:

- Former road surfaces or pavement and kerbing.
- Evidence of former drainage infrastructure
- Building footings associated with former infrastructure facilities
- Evidence of former rail track, sleepers or ballast.
- Evidence of former rail platforms and former platform copings.

The Heritage Council of NSW, or its Delegate, issues Excavation Permits under Section 141 of the Heritage Act for relics not listed on the SHR, or Approvals under Section 63 for impacts to archaeology within SHR curtilages. An application for an Excavation Permit or Approval must be supported by an Archaeological Research Design (ARD) and Archaeological Assessment prepared in accordance with the NSW Heritage archaeological guidelines. Minor works that would have a minimal impact on archaeological relics may be granted an Exception under Section 139 (4) or an Exemption under Section 57 (2) of the Heritage Act. However, if the proposal is subject to Division 4.7 or Division 5.2 (SSD or State Significant Infrastructure) provisions of the EP&A Act, Excavation Permits or Approvals are 'turned off' for works. However, the reporting and notification provisions of the Heritage Act (Section 146) are still switched on.

1.4.2 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

¹⁸ Refer to order published in the NSW Government Gazette
https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2022_2022-59.pdf.

(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.

When a project is approved as an SSD or SSI under s5 of the EP&A Act, the conditions and provisions of other state and local instruments are turned off and approved works may be undertaken in accordance with relevant Instruments of Approval.

- The project is expected to be progressed as State Significant Development (SSD) of the EP&A Act. For this reason, the conditions and provisions of other state and local instruments will be turned off and the approved works will be subject to conditions in the approval issued by the minister.

1.4.2.1 *Liverpool Local Environmental Plan 2008*¹⁹

Heritage items listed on the Liverpool Local Environmental Plan (LEP) 2010 are managed in accordance with the provisions of Section 5.10 Heritage conservation of the LEP. However, the LEP no longer applies to the study area and has been superseded by the SEPP (Precincts–Western Parkland City) 2021 which is part of the wider Western Sydney Aerotropolis Plan (WSAP) (2020).

There are **no** items listed on the Liverpool LEP 2008 within the study area or within 100 m of the study area.

1.4.2.2 *Western Sydney Aerotropolis Plan (2020)*²⁰

The first phase of the Western Sydney Aerotropolis Planning Package was finalised in September 2020, and includes the WSAP (2020). The Plan begins by establishing a vision, objectives and principles to give effect to these objectives. It identifies the intended land use planning outcomes for each of the 10 precincts and a sequenced approach to precinct planning that optimises investment in major infrastructure and creates the impetus to activate the Aerotropolis early.

The plan defines how the broader region's environment, waterways, strategic transport network, infrastructure and economy will combine to transform the Aerotropolis into a contemporary metropolitan city. Complementing Liverpool, Penrith and Campbelltown, the Aerotropolis will be part of the metropolitan city cluster at the heart of the Western Parkland City. The Plan introduces statutory mechanisms to implement the vision and objectives.²¹

The study area is located within one precinct within the WSAP:

- Aerotropolis Core

¹⁹ Liverpool Local Environmental Plan 2008, accessed <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0403#sec.5.10> (6 February 2024).

²⁰ NSW Government, Western Sydney Aerotropolis Plan, September 2020, accessed [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/000-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+\(Low+Res+Part+1+of+2\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/000-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+(Low+Res+Part+1+of+2).pdf) (6 February 2024).

²¹ NSW Government, Western Sydney Aerotropolis Plan, September 2020, accessed [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/000-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+\(Low+Res+Part+1+of+2\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00-Western+Sydney+Aerotropolis/000-Final+Planning+Package/Final+Documents/Western+Sydney+Aerotropolis+Plan+2020+(Low+Res+Part+1+of+2).pdf) (20 December 2023).

1.4.2.3 State Environmental Planning Policy (Precincts–Western Parkland City) 2021²²

The objectives of the SEPP (Precincts–Western Parkland City) in regard to historical heritage conservation are:²³

- a) to conserve the environmental heritage of the land to which this Policy applies, and
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, and
- c) to conserve archaeological sites.

The Western Sydney Parkland SEPP then specifies development consent is required for the following:

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)
 - (i) a heritage item
 - (ii) an Aboriginal object
 - (iii) a building, work, relic or tree within a heritage conservation area.
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 2 in relation to the item,
- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- d) disturbing or excavating an Aboriginal place of heritage significance,
- e) erecting a building on land –
 - (i) on which a heritage item is located or that is within a heritage conservation area.

The SEPP (Precincts–Western Parkland City) specifies development consent is not required for the following:

- a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area

²² NSW Government, NSW legislation, State Environmental Planning Policy (Precincts – Western Parkland City) 2021, accessed <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0728#sec.4.26> (11 February 2024).

²³ NSW Government, NSW legislation, State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Section 4.26, accessed <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0728#sec.4.26> (11 January 2024).

- d) the development is exempt development.

There are **no** items listed on Schedule 2 of the Western Sydney Parkland SEPP within the study area.

A summary of items listed within 100 m of the study area, as outlined in Schedule 2 of the Western Sydney Parkland SEPP, is presented below:

- Kelvin, 30 The Retreat (Item no. I3).

1.4.2.4 Western Sydney Aerotropolis Development Control Plan (2022)

The Western Sydney Aerotropolis Development Control Plan (WSA–DCP) supplements the WSAP and the Western Parkland City SEPP by providing detailed planning and design guidance for new development. The WSA–DCP is not a statutory document, but rather an additional set of planning guidelines. The DCP particularly mentions development controls in relation to archaeological resources that may exist within the locality, and also refers to the maintenance of historic views and vistas.

Section 2.2.2 of the WSA–DCP outlines the considerations and procedures relating to non-Aboriginal heritage. The objective is to provide appropriate conservation and management of non-Aboriginal heritage in the Western Sydney Aerotropolis Area. The design objectives are as follows:²⁴

01. Ensure that development in the vicinity of heritage items is designated and sited to protect the heritage significance of the item and its setting

02. Ensure adequate protection and appropriate management of archaeological resources

03. Ensure that as much archaeology of Local, State, and potential National heritage significance is retained on site and interpreted within the new developments

04. Ensure the continued relevance of historic values through long-term heritage conservation outcomes that reflect the history of the Aerotropolis area.

Appendix D of the WSA–DCP outlines the required supporting documentation for developments application in relation to Aboriginal and non-Aboriginal heritage. The required assessments are as follows:²⁵

D.1 Aboriginal and Historical Archaeological Assessment

An Aboriginal and Historical Archaeological Assessment is to be prepared in accordance with the NSW Office of Environment and Heritage Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW and the NSW Office of Environment and Heritage Aboriginal Cultural Heritage Consultation Requirements

²⁴ NSW Government, Department of Planning and Environment, Western Sydney Aerotropolis Development Control Plan 2022, Section 2.2.2: Non-Aboriginal and European Heritage.

²⁵ NSW Government, Department of Planning and Environment, Western Sydney Aerotropolis Development Control Plan 2022, Appendices, Appendix D, D1: Aboriginal and Historical Archaeological Assessment.

for Proponents 2010 and Guide to investigating, assessing, and reporting on Aboriginal cultural heritage in NSW (or as updated).

1.4.2.5 Western Sydney Aerotropolis Precinct Plan (2023)

The study area is within lands to which the Western Sydney Aerotropolis Precinct Plan (WSAPP) applies. The Precinct Plan is primarily used to assess development applications and provides further details on expectations for development in the Aerotropolis. In assessing a development application, the consent authority is to consider:²⁶

- Whether the application is accompanied by an assessment of consistency with the WSAP and this Precinct Plan, as required by clause 275C of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation); and
- If the application is not consistent with one or more Precinct Plan requirements, whether the application is accompanied by a statement to vary the Precinct Plan in accordance with the provisions of the Western Sydney Parkland SEPP.

Non-Aboriginal and European heritage objectives and requirements of the Precinct Plan are provided in Section 4.4 of the plan. Non-Aboriginal and European heritage objectives of the Precinct Plan are listed below in Table 2 and requirements are listed below in Table 3.

Table 2: Non-Aboriginal and European heritage objectives²⁷

Requirement Number	Detail
NAO1	Retain links to the history and cultural significance of the land through appropriate conservation and management of heritage items.
NAO2	Design and develop in the vicinity of heritage items to protect the heritage significance of the item and its setting.

Table 3: Non-Aboriginal and European heritage requirements²⁸

Requirement Number	Detail
NA1	Existing heritage items and their significant elements are to be retained and managed, including implementation of adaptive re-use and land uses which ensure the long term conservation viability of heritage items.
NA2	Position new development, including the design of subdivision and buildings, to maintain visual links, context and significance of the heritage item and its setting.

²⁶ NSW Government, Department of Planning and Environment, Western Sydney Aerotropolis Precinct Plan, May 2023, Section 1.3, accessed <https://www.planning.nsw.gov.au/sites/default/files/2023-03/western-sydney-aerotropolis-precinct-plan.pdf> (20 December 2023).

²⁷ NSW Government, Department of Planning and Environment, Western Sydney Aerotropolis Precinct Plan, May 2023, P. 28, accessed <https://www.planning.nsw.gov.au/sites/default/files/2023-03/western-sydney-aerotropolis-precinct-plan.pdf> (20 December 2023).

²⁸ *ibid.*

NA3

Investigate the significance of potential heritage items identified on Figure 4. Where investigations identify heritage values, a heritage management plan is to be prepared outlining the required measures to conserve these values.

1.4.2.6 State Significant Development (SSD)

As noted above, when a project is approved as a SSD under Division 4.7 of the EP&A Act, the conditions and provisions of most other State and local instruments are turned off and approved works are undertaken in accordance with relevant Instruments of Approval. However, the reporting and notification provisions of the Heritage Act (Section 146) are still switched on.

This project will be subject to SSD approval:²⁹

- Application number: SSD-65729209

1.4.3 The World Heritage Convention

The Convention Concerning the Protection of World Cultural and National Heritage (the World Heritage Convention) was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on 16 November 1972, and came into force on 17 December 1975. The World Heritage Convention aims to promote international cooperation to protect heritage that is of such outstanding universal value that its conservation is important for current and future generations. It sets out the criteria that a site must meet to be inscribed on the World Heritage List (WHL) and the role of State Parties in the protection and preservation of world and their own national heritage.

The concept of a buffer zone was first included in the *Operational Guidelines for the Implementation of the World Heritage Convention* in 1977 and recognises the value of the environment that surrounds a site.³⁰ The buffer zone acts as an additional layer of protection for World Heritage sites. It is a space that is itself not of outstanding universal value, but that influences the value of a World Heritage site.

1.4.3.1 World Heritage List

There are **no** items list on the WHL within 100 m of the study area.

1.4.4 National Heritage List

The NHL is a list of places with outstanding heritage value to our nation, including places overseas. So important are the heritage values of these places that they are protected under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). This means that a person cannot take an action that has, will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Australian Government Minister for the Environment.

There are **no** items listed on the NHL within the study area

²⁹ Planning Secretary's Environmental Assessment Requirements, Mixed-use Residential facilities, Application number: SSD-65729209, document provided by the client.

³⁰ The operational Guidelines for the implementation of the World Heritage Convention, 30 June 1977, World Heritage Committee, accessed <https://whc.unesco.org/en/guidelines/> (25 September 2023).

1.5 Non-Statutory Context

1.5.1 Register of the National Estate

The Register of the National Estate (RNE) is a list of natural, Aboriginal, and historic heritage places throughout Australia. It was originally established under the *Australian Heritage Commission Act 1975*. Under that Act, the Australian Heritage Commission entered more than 13,000 places in the register. Following amendments to the *Australian Heritage Council Act 2003*, the RNE was frozen on 19 February 2007 and ceased to be a statutory register in February 2012. The RNE is now maintained on a non-statutory basis as a publicly available archive and educational resource.³¹

There are **no** items listed on the RNE within the study area.

1.5.2 National Trust of Australia (NSW)

The National Trust (NT) of Australia maintains a register of places within Australia that are of cultural heritage significance. The NT Heritage Register is intended to promote the preservation and conservation of heritage significant places. Listing on the NT Heritage Register does not impose statutory obligations but is a good indication of the heritage significance held by the community.

There are **no** items listed on the NT within the study area.

1.5.3 Summary of heritage listings

A search of all relevant heritage registers was undertaken in February 2023. The study area is not located within the curtilage of any heritage listed items. However, the study area is located within 100 m of one heritage listing identified as Kelvin which is located at 30 The Retreat, Bringelly. This item is listed on the SHR and the Western Sydney Parkland SEPP (2021). The summary of the heritage listings within 100 m of the study area are outlined in Table 4 and shown in Figure 4.

Table 4: Summary of heritage listings within 100 m of the study area

Item name	Register	Listing ID	Significance	Distance from the study area	Statutory / Non
Kelvin	SHR and SEPP (Precincts– Western Parkland City)	SHR No. 00046 SEPP No. 13	State	Adjacent to study area	Statutory

1.6 Approach and methodology

This report was prepared in accordance with the principles and procedures established by the following documents:

- *Guidelines for preparing a statement of heritage impact*³²

³¹ Register of the National Estate – archive, Australian Heritage Database, Australian Government: Department of Climate Change, Energy, the Environment and Water.

³² NSW Heritage Office, Department of Planning and Environment 2023, *Guidelines for preparing a statement of heritage impact*.

- *Archaeological Assessments*³³
- *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*³⁴
- *Assessing heritage significance—Guidelines for assessing places and objects against the Heritage Council of NSW criteria*³⁵
- *Historical Archaeology Code of Practice*³⁶

1.7 Previous report and investigations

Two previous heritage reports have been prepared for the study area as part of the development program. The existing reports addressed built heritage constraints and Connecting with Country. The previous reports for this study area are presented below:

- *Heritage Opportunities and Constraints Report: 40 The Retreat, Bringelly*. Report prepared by Urbis, June 2023
- *Remembering Country, Cabrogal Dharug Ngurra*. Report prepared by Bernadette Hardy, 2023.

1.8 Limitations

This report provides an assessment of historical (non-Aboriginal) archaeological remains and their values only and does not assess Aboriginal cultural heritage or built heritage. For an assessment of potential Aboriginal archaeological remains within the study area please see the Archaeological Survey Report (ASR) and the Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Artefact Heritage.³⁷ For an assessment of built heritage within the study area please see the SoHI prepared by Urbis.³⁸

This report uses historical documentation prepared by third party heritage professionals. Desktop historical research has been undertaken to supplement this existing information.

1.9 Author identification and acknowledgements

This report was prepared by Jonny Love (Heritage Consultant). The Aboriginal historical background was prepared by Dr Stephan Gapps (Senior Associate–Historian), with mapping input provided by Mike Douglas (GIS Officer). Josh Symons (Technical Executive) managed Quality Assurance review.

³³ NSW Heritage Office, Department of Urban Affairs and Planning 1996. *Archaeological Assessments*.

³⁴ Australia ICOMOS 2013 *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*.

³⁵ NSW Government, Department of Planning and Environment, *Assessing Heritage significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria*, 2023.

³⁶ Heritage Office (former) 2006. *Historical Archaeology Code of Practice*.

³⁷ Artefact Heritage (2024), *40 The Retreat, Bringelly, Archaeological Survey Report*, Report prepared for SCG Developments Pty Ltd, March 2024; Artefact Heritage (2024), *40 The Retreat, Bringelly, Aboriginal Cultural Heritage Assessment Report*, Report prepared for SCG Developments Pty Ltd, March 2024.

³⁸ *Heritage Opportunities and Constraints Report: 40 The Retreat, Bringelly*. Report prepared by Urbis, June 2023.

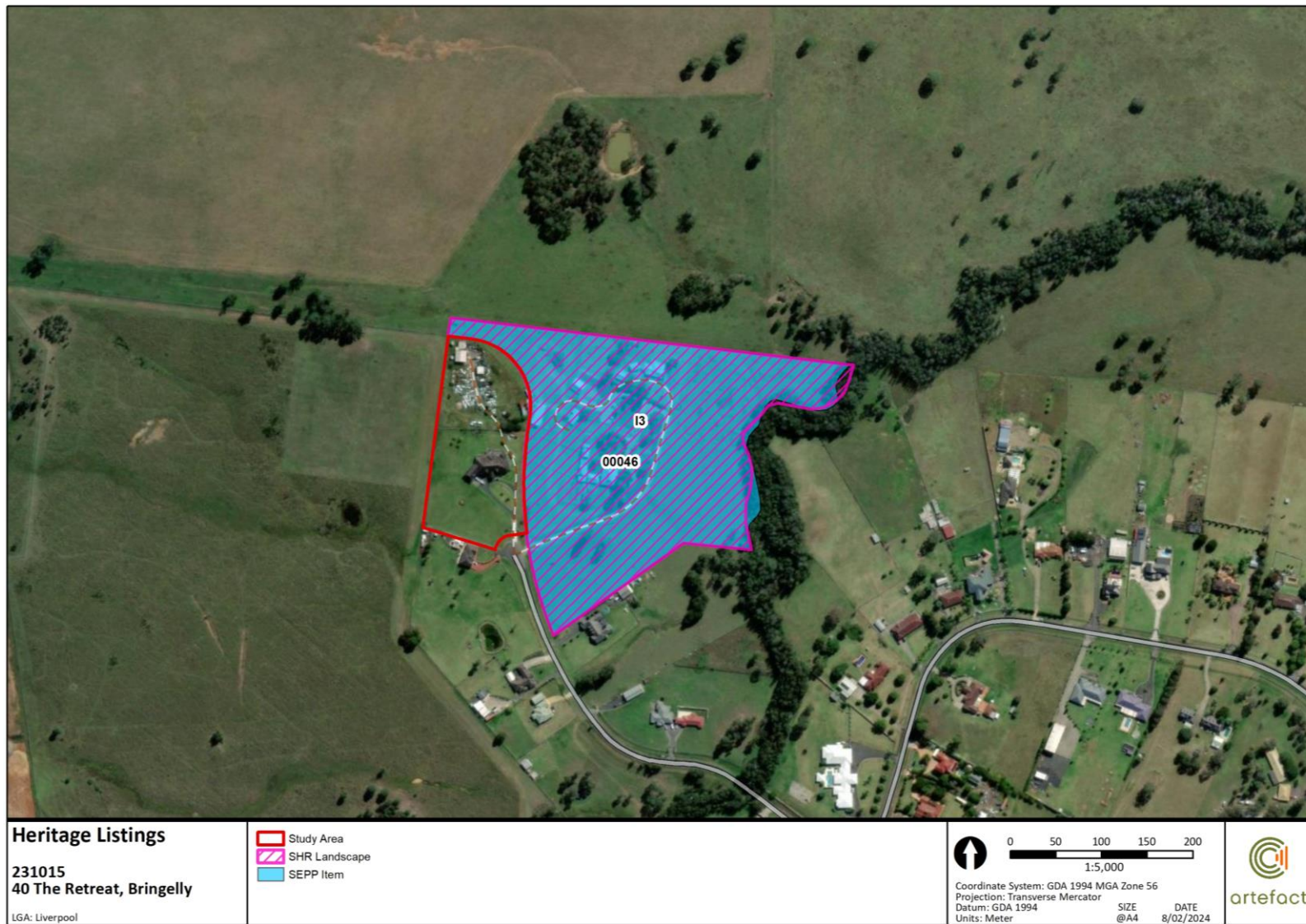


Figure 4: Heritage item curtilages within the vicinity of the study area

2.0 HISTORICAL CONTEXT

2.1 Aboriginal histories

2.1.1 Sydney region

Many Aboriginal people, like other Indigenous or First Nations people around the world, say they have been living on Country for ‘time immemorial’ – that they have always been here, and their origins lie in the creation of the land and animals. As Elder Aunty Jenny Munro expresses:

‘...from time immemorial, we believe as Aboriginal people, Australia has been here from the first sunrise, our people have been here along with the continent, with the first sunrise. We know our land was given to us by Baiami, we have a sacred duty to protect that land’

Over the last few decades, archaeologists’ knowledge of deep human time in Australia has expanded from just a few thousand years in the 1950s, to 25,000 years in the 1960s, then 40,000 years, to now around 60,000 years or more.³⁹

Archaeological evidence of Aboriginal people living in the Sydney region from Shaw’s Creek west of the Dyarubbin (Nepean) River is dated at around 14,000 years ago and numerous other sites in the area have been dated at around 15,000 ago. While Cranebrook Terrace, near Penrith in Western Sydney, has been dated to 41,700 years and a site near Parramatta at 30,000 years old, there is growing consensus among archaeologists and historians that people have lived across the Sydney region from around 50,000 years ago.⁴⁰

Given the devastating impact of violent dispossession and disease upon Aboriginal people in the Sydney region during colonization, the precise identification of language groups and historical traditional lands or Country for a given area is often difficult today. However, it is widely accepted that the south west area of the Sydney basin is Darug Country. Gandangara people were often referred to by early colonists as the ‘mountains tribe’ and lived mainly to the south and west of the Nepean River, though there is evidence for shared hunting and ceremonial occasions on the north and eastern side of the river.⁴¹

2.1.2 Bradfield, Bringelly, and Badgerys Creek region

Badgery’s Creek, Thompsons Creek, Kemp’s Creek, and Eastern Creek all flow into Wianamatta-South Creek, which flows north through St Marys and meets the Nepean River near Windsor. While not all the creek lines appear to have been directly associated with Darug groups, many people were certainly later described by Europeans such as the ‘South Creek Tribe’ or the ‘Mulgoa Tribe’. Prior to

³⁹ Belshaw, Nickel & Horton, 2020. ‘Histories of Indigenous Peoples and Canada’; Griffith, 2018, *Deep Time Dreaming*, p. 112; Karskens, *The Colony. A history of early Sydney*, 2009, p 25. Munro in Currie, *An Aboriginal history of Willoughby*, 2008, p. 4.

⁴⁰ Attenbrow, 2010, *Sydney’s Aboriginal past*, pp 18-20; Nanson, Young & Stockton, 1987, ‘Chronology and palaeoenvironment of the Cranebrook Terrace’, p. 77; Williams, et al., 2017, ‘The Cranebrook Terrace revisited’, pp 100-109; Attenbrow, 2012, ‘Archaeological evidence of Aboriginal life in Sydney’. See Williams et al., 2012, ‘A terminal Pleistocene open site on the Hawkesbury River’ for comparison of site ages along Dyarubbin. Karskens, Burnett & Ross are confident that ‘Aboriginal people were living on Dyarubbin/ the Nepean River as long as 50,000 years ago’ (2017, ‘Traces in a Lost Landscape’, p. 4).

⁴¹ This historical overview does not seek to contest traditional or current definitions of affiliation with Country and acknowledges that multiple interpretations of such identity may exist. Gapps, *Cabrogal to Fairfield* pp. 30-33; Murray and White, *Dharug & Dungaree*, p. 20.

colonization, Aboriginal people in the relatively resource rich Sydney region lived in extended family groups estimated at around 30 to 50 people. These groups were associated with certain territories or places that gave clan members particular social and economic rights and obligations. Each of the estimated 30 clans in the Sydney region had a name often associated with a place or resource such as the Cabro (Gabra) gal (people) at modern day Cabramatta.

Clan groups moved around a defined area in response to changing seasons and the availability of food and other resources. European observers mistakenly took this as a nomadic lifestyle, when in fact they moved around a 'limited and deeply known' area. There were also forms of more sedentary agriculture and aquaculture, and villages such as those described by early colonial diarists at Kamay-Botany Bay and later accounts of '70 huts' at Bent's Basin on the Nepean River west of Sydney.⁴²

People living inland across the Cumberland Plain focused on hunting small animals, gathering plants and catching freshwater fish and eels (Figure 5). Banksia flowers, wild honey, varieties of yam and burrawang nuts (macrozamia - a cycad palm with poisonous seeds that require processing to remove toxins) were recorded as important food sources. Xanthorrhoea, also known as the grass tree, had many uses - the nectar was eaten, the stalk used as a spear and the resin as a glue. Small animals such as bandicoots and wallabies were hunted with traps and snares. Watkin Tench noted the skill in cutting toeholds in trees to swiftly climb to hunt possums.⁴³

The landscape and environment before Europeans arrived was a finely managed one. In 1804 Henry Waterhouse described the land around Cowpastures as 'a beautiful park, totally divested of underwood, interspersed with rich, luxuriant grass ... except where recently burnt'.

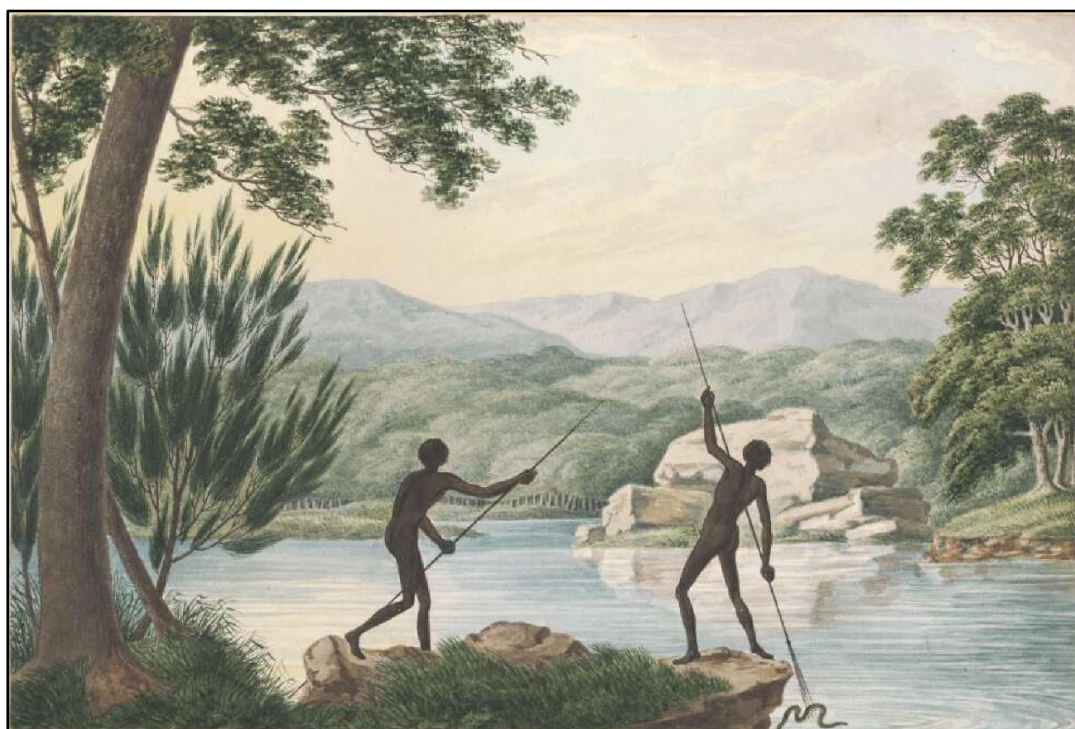


Figure 5: Sketch by Joseph Lycett of two Aboriginal men spearing eels, c. 1817⁴⁴

⁴² Gapps, 2010, *Cabrogal to Fairfield City*, pp 26-60; Attenbrow, 2010, *Sydney's Aboriginal past*, P. 78; Karskens, 2009, *The Colony*, p. 36; Gammage, 2012, *The biggest estate on earth*, P. 281-304.

⁴³ Tench, 1793 [2004], *A complete account of the settlement at Port Jackson*, p. 82, 230; Kohen, 1985, *Aborigines in the west*, p. 9; Attenbrow, 2010, *Sydney's Aboriginal past*, P. 41.

⁴⁴ Two Aboriginal Australian men fishing for eels, New South Wales, ca. 1817 [picture]/[Joseph Lycett], accessed <https://nla.gov.au/nla.obj-138499671/view>.

These forests that had been managed by many generations of Aboriginal people through such methods as what is known as 'firestick farming'. Fire was an important tool and also used to open up tracks, to 'clean country', drive animals into the paths of hunters, cooking, warmth, treating wood, cracking open stones and for a place to gather, dance and share stories and knowledge.⁴⁵

The Sydney region was a landscape rich with the imprints of activity, art and culture such as rock engravings and paintings, scarred and carved trees, ceremonial rock and mound structures, cooking ovens, villages of bark huts, stone tool quarries, grinding grooves and tool-making sites, burial and other shell middens, and other artefacts. All this activity had a lasting impact on the landscape, and many elements such as rock engravings, in particular, survive or have been kept intact or cared for by community members. Over time, many Aboriginal pathways were taken up by the colonists and made into roads, some still on the same routes today.⁴⁶

2.2 Early European settlement

2.2.1 Sydney region – a British Colony

The establishment of the British colony of New South Wales in 1788 marked the start of a penal settlement. Following the American War of Independence, Britain, grappling with social turmoil amid profound agricultural, industrial, and societal transformations, confronted the predicament of overcrowded prisons and prison ships. In the absence of a suitable destination for transporting convicts, the discovery and annexation of the east coast of Australia by Lieutenant James Cook in 1770 gained renewed significance. Sir Joseph Banks, a prominent botanist who had accompanied Cook on the voyage, ardently advocated for "Botany Bay" as an ideal location for a new British settlement and convict colony. Motivated by strategic and commercial considerations, the British government resolved to undertake this new settlement initiative.⁴⁷

The inaugural settlement, established in Sydney, comprised approximately 850 convicts, along with their Marine guards and officers, under the leadership of Governor Arthur Phillip. Arriving at Botany Bay in the "First Fleet" of nine transport ships accompanied by two small warships in January 1788, the settlers found the area unsuitable for habitation. For this reason, the British chose to establish the settlement at Sydney Cove (known as Port Jackson) where the first Governor's House was constructed (Figure 6 and Figure 7).

Soon after the British penal colony arrived at Sydney Cove, Governor Arthur Phillip led an expedition west towards the Blue Mountains with the expectation of finding a large river.⁴⁸ His prediction was confirmed by Captain Watkin Tench whose expedition reached the banks of the Nepean River the following year (Figure 8).⁴⁹ The Sydney Basin area traversed by these hoodlums was quickly recognised as an important agricultural and pastoral resource and large estates were soon being developed despite the local presence of the local Aboriginal people.

⁴⁵ Waterhouse quoted in *Historical records of New South Wales* Vol. 5 (Bladen, 1897, p. 359); White, 1790 [2003], 'Journal of a Voyage to New South Wales', p. 163; Gammage, 2012, *The biggest estate on earth*, pp 163-185; Griffith, 2018, *Deep time dreaming*, P. 240.

⁴⁶ Griffith, 2018, *Deep time dreaming*, P. 241; Gammage, 2012, *The biggest estate on earth*, p. xix; Attenbrow, 2012, *Sydney's Aboriginal past*.

⁴⁷ Parliament of New South Wales, '1788 to 1810' - Early European Settlement, accessed <https://www.parliament.nsw.gov.au/about/Pages/1788-to-1810-Early-European-Settlement.aspx#:~:text=The%20first%20settlement%2C%20at%20Sydney,warships%2C%20in%20January%2C%201788> (12 December 2023).

⁴⁸ Murray and White, 1988. *Dharug & dungaree: the history of Penrith and St Marys to 1860*.

⁴⁹ Power, 1983. *A history of Penrith*.

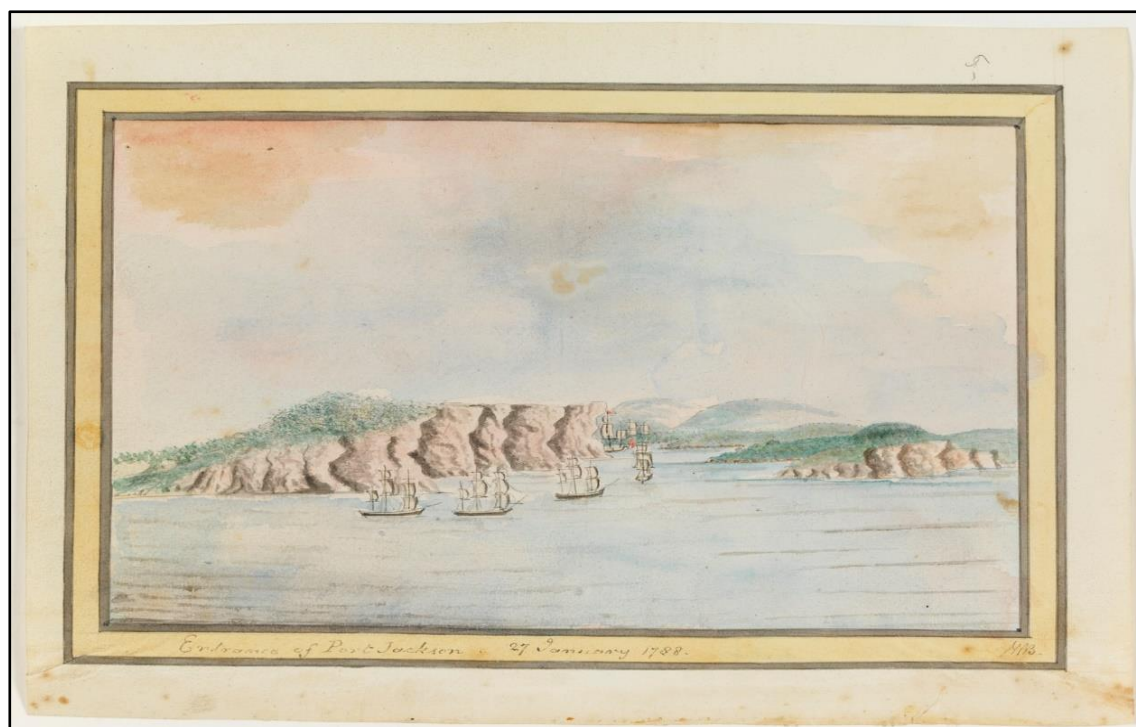


Figure 6: The British colony at the entrance of Port Jackson, 1788⁵⁰

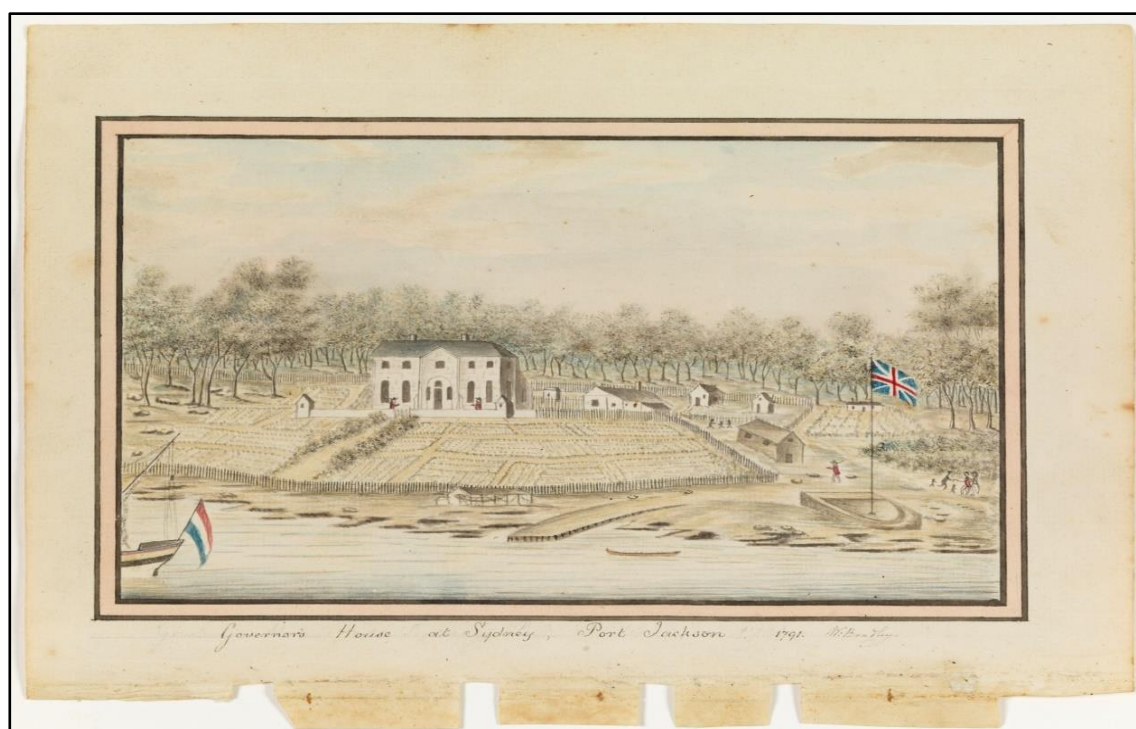


Figure 7: Governor's House at Sydney, 1791⁵¹

⁵⁰ State Library New South Wales, William Bradley drawings from his journal 'A Voyage to New South Wales', ca. 1802, accessed <https://archival.sl.nsw.gov.au/Details/archive/110316551> (18 December 2023).

⁵¹ State Library New South Wales, William Bradley drawings from his journal 'A Voyage to New South Wales', ca. 1802, accessed <https://archival.sl.nsw.gov.au/Details/archive/110316551> (18 December 2023).



Figure 8: Bents Basin at the Nepean River, located just west of Bringelly⁵²

2.2.2 Sydney region – Aboriginal land with a British colony

The local Aboriginal people were increasingly displaced from Country following this European settlement and devastated by violent clashes and new diseases including what Aboriginal people called smallpox or galgala. Despite the massive death and disruption to Aboriginal lives across Sydney from the smallpox disease, in 1794 resistance warfare against the colonizers began, firstly along the new settlements on the Dyarubbin (Hawkesbury) River and was to carry on through the 1790s, largely under the leadership of the famous warrior Pemulwuy. This ‘constant sort of war’ as one colonist described it, continued until Governor Macquarie ordered the now infamous military campaign across the Sydney region that ended in the Appin Massacre of April 17th, 1816.⁵³

Governor Macquarie arrived in New South Wales in 1809 – a time during which large areas of agricultural land had been destroyed by flooding.⁵⁴ In response, Macquarie founded towns and encouraged settlement in areas with arable soil suitable for agriculture. The Macquarie Towns included Castlereagh, just north of Penrith and situated on the eastern banks of the Nepean River, and Liverpool, located to the west of the Georges River. The history of the region in which the study area is located is still closely related to the initial agricultural settlements, estates, and small farms designated in the early 1800s.

Sydney Aboriginal society was not static and did not cease after contact with Europeans. Both material and cultural traditions of Aboriginal Sydney continued after the devastation to Aboriginal society, sometimes for example, by incorporating non-Aboriginal materials in traditional elements such as using glass and ceramics to make spear points and other tools. Twenty-nine engraved and pigment art sites have been dated to the period after European arrival. Some creation and other

⁵² Conrad Martens, c.1835. *Bents Basin, Nepean River*, Sydney Living Museums.

⁵³ Gapps, 2018, *The Sydney Wars*, pp 125-155, 226-255.

⁵⁴ Parsons, G., 2010. ‘Lachlan Macquarie and the Idea of Newcastle.’ In *AQ: Australian Quarterly*, Vol. 82, No. 2 pp.38-40. Accessed 28/09/2021.

stories told to R. H. Mathews by Gandangarra people in 1901 were carried on for generations and survive today.⁵⁵

As the Cumberland Plain became more closely settled during the 1800s, Aboriginal people continued to live near their traditional Country where they could. From the 1880s, some moved to or were forced on to reserves such as Sackville in the northwest. Families such as the Locks, descendants of Maria Lock, continue to live near Blacktown and descendants of Lucy Leane at Liverpool. All carry knowledge of their ancestors and their Country down to this day. During the 1800s many Aboriginal women married European men. Some families knew of their heritage but often kept it hidden. Others only found out much later through family history work from the 1980s.⁵⁶

2.3 Kelvin and The Retreat

In 1817, Thomas Laycock received a 600-acre grant in Bringelly (location of the study area), which he named Cottage Vale (also known as the Retreat Farm, the Retreat, and Kelvin).⁵⁷ By January 1820, Laycock and his family were living at Cottage Vale.⁵⁸ He constructed a brick homestead, dairy, cellar, coach house and other buildings.⁵⁹ At Cottage Vale, various crops were grown and cattle was raised as Laycock was a large provider of meat to the colonial commissariat.⁶⁰ Major improvements were also undertaken from 1822, with twenty-two convicts – including carpenters and bricklayers - assigned to Laycock and led by William Mitchell.⁶¹ The presence of carpenters and bricklayers indicates that work on the second, more substantial brick house was occurring in this period. It is possible that the original home on Laycock's land was adapted into a kitchen or convict accommodation after the completion of the new house.⁶² To this day, the homestead at Kelvin Park maintains its colonial Georgian single-storey form and planning and is representative of a gentleman's rural residence of the 1820s.⁶³

William Hutchinson received two land grants, of 200 acres (81 hectares) and 700 acres (283 hectares), which subsequently became the site of the Bringelly town. Hutchinson's properties were separated into separate titles which were then sub-divided and let to tenant farmers.⁶⁴ A homestead was therefore never built on his holdings. Hutchinson eventually became Superintendent of convicts in 1809. On his return to Sydney, he was appointed principal superintendent of convicts and public works. In the 1828 Census, Hutchinson and his family were listed as living on George Street, Sydney, however, Hutchinson owned 1,915 acres (800 hectares) of land; 250 acres (101 hectares) of which were cleared and 80 were cultivated. In addition, he owned 103 horses and 873 cattle.⁶⁵

Charles Reid received a land grant of 600 acres on 26 November 1818 which was known as "Cottage Grove". This was then acquired by Thomas Laycock in November 1823. In 1824, Laycock's 1,200-

⁵⁵ Irish & Gowan, 2013, 'Where's the evidence? The archaeology of Sydney's Aboriginal history', p. 61. There are several sites in Western Sydney where flaked glass has been recorded, for example at Prospect and Oran Park (Artefact Heritage, 2022, 'Aspect Industrial Estate', p. 18). See also Goward, 2011, 'Aboriginal glass artefacts of the Sydney region'; Smith & Jennings, 2011, 'The petroglyphs of Gundungurra Country', P. 241.

⁵⁶ See for example Johnson, 2003, *Aunty Joan Cooper*. For family history work see Kohen, 2009, *Daruganora: Darug Country*. As Goodall & Cadzow 2009, *Rivers and resilience*, P. 41.

⁵⁷ Australian Museum Consulting, 2014, p. 22. Cited in: RPS, 2016. *Western Sydney Airport EIS European and other heritage technical report*, p. 27.

⁵⁸ Form Architects, 2006. *Kelvin Park, Bringelly Conservation Management Plan*, p. 15.

⁵⁹ RPS, 2016. *Western Sydney Airport EIS European and other heritage technical report*, p. 27.

⁶⁰ Form Architects, 2006. *Kelvin Park Bringelly Conservation Management Plan*, p. 15.

⁶¹ Form Architects, 2006. *Kelvin Park Bringelly Conservation Management Plan*, p. 15.

⁶² Form Architects, 2006. *Kelvin Park Bringelly Conservation Management Plan*, p. 16.

⁶³ NSW Government, State Heritage Inventory, Kelvin, Statement of Significance, accessed <https://www.hms.heritage.nsw.gov.au/App/Item/View/Item?itemId=5045191> (16 February 2024).

⁶⁴ Liverpool City Council, n.d. *History of our suburbs: Bringelly*.

⁶⁵ AMAC (Archaeological Management and Consulting Group), 2008. *Preliminary non-aboriginal heritage assessment, The Northern Road Upgrade, Camden NSW, Vol 1: Report*, report for the Roads and Traffic Authority of NSW.

acre property was sold to Edward Riley, and resold within a month to John Thomas Campbell (Governor Macquarie's secretary prior to 1819), who also tried to sell it. The advertisement to sell the land described the property as:

1200 acres, is all enclosed, has 200 acres and upwards (constituting a beautiful lawn) cleared and fenced in; the remainder of the estate is also divided into several paddocks. On this estate there is a handsome and roomy residence, fit for the immediate receptions of a gentleman's family.

In 1831, Campbell's brother Reverend C. Campbell, heir to the estate on John Campbell's death, inherited the farm which was then purchased in 1833 by Alfred Kennerley for only a reported £740 (Figure 9, Figure 10, Figure 11, and Figure 12). During his ownership of the property, Kennedy's property was described as containing several outbuildings including a brick kitchen and laundry, servants' room and cottages, and a brick stable. The property also contained styes and stockyards for the livestock kept on site.⁶⁶

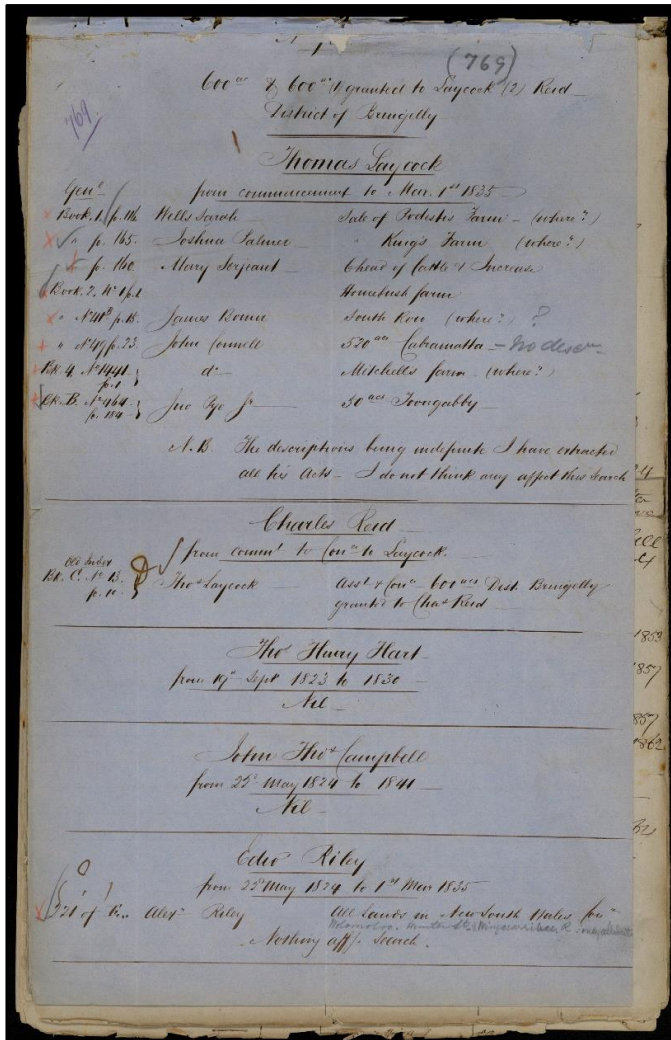


Figure 9: Primary Application documentation for the land owned by Thomas Laycock, Charles Reid, Edward Riley, and John Thomas Campbell⁶⁷

⁶⁶ Form Architects, 2006. *Kelvin Park Bringelly Conservation Management Plan*, P. 19.

⁶⁷ Historical Land Records Viewer, Primary Application Number: 769, Thomas Laycock.

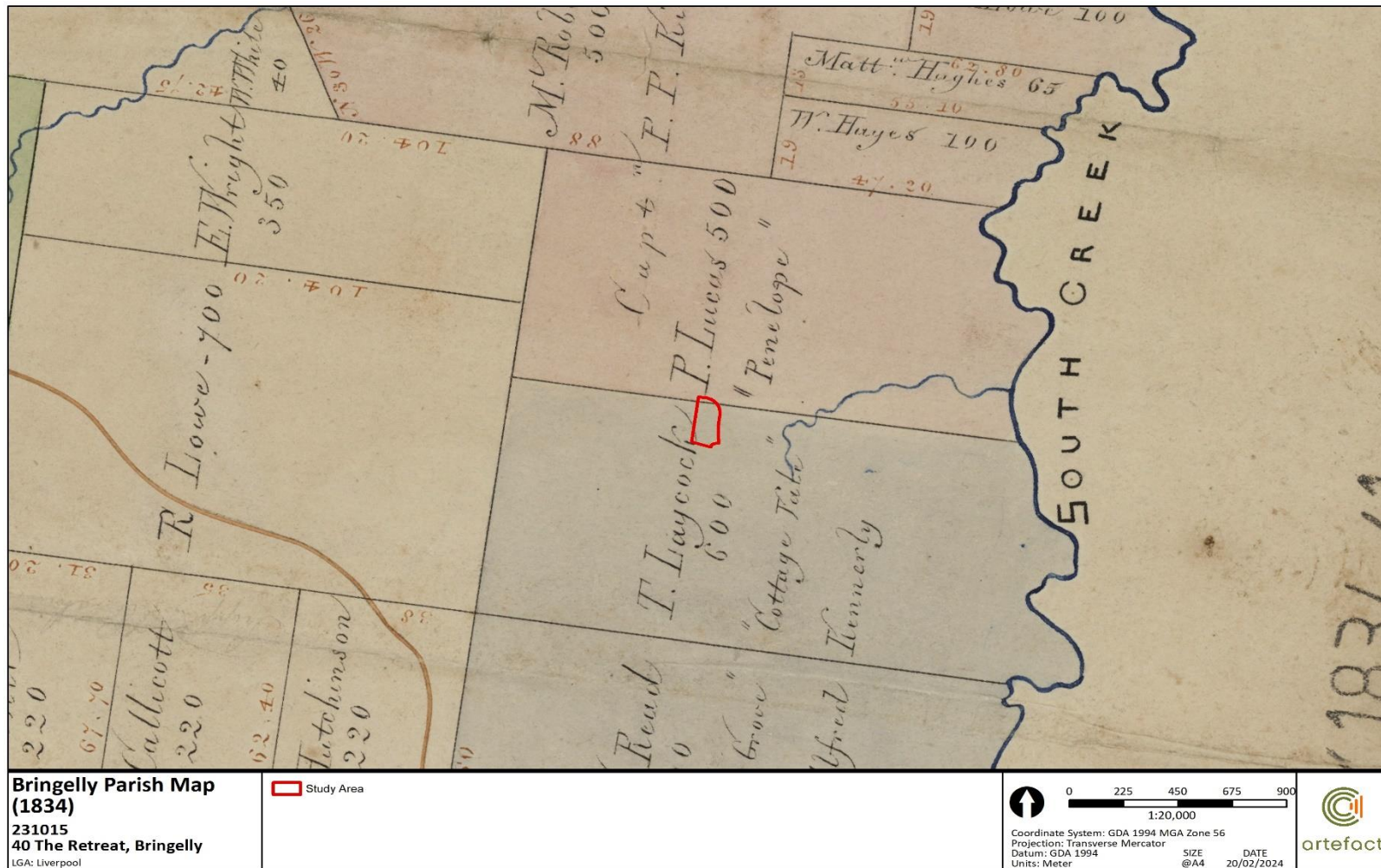


Figure 10: 1834 Bringelly Parish Map with the location of the study area outlined in red⁶⁸

⁶⁸ State Library New South Wales, Bringelly [cartographic material], 1834, Record Identifier: 74Vvk4GOzR8b, accessed <https://collection.sl.nsw.gov.au/record/74Vvk4GOzR8b#viewer> (20 February 2024).

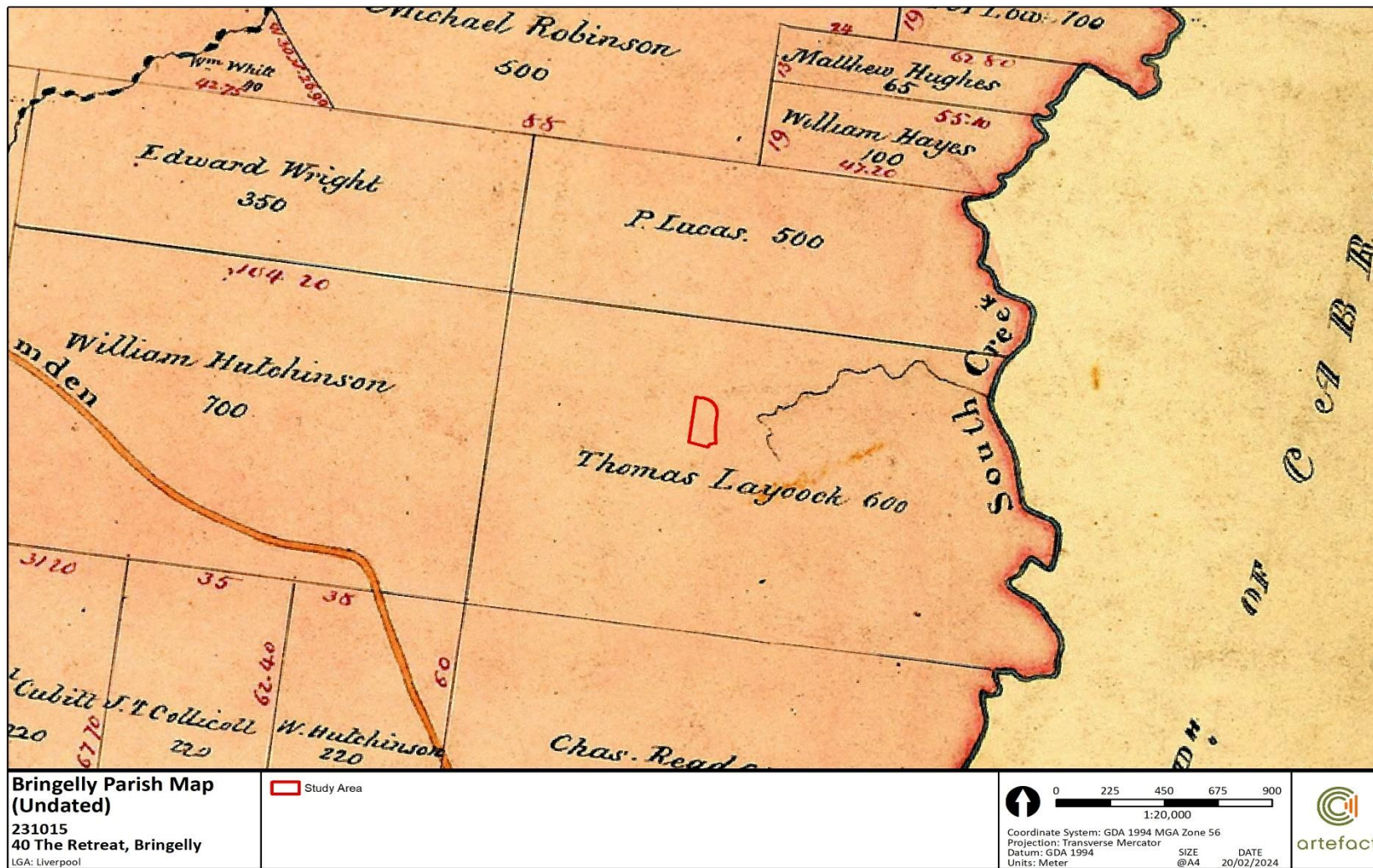


Figure 11: Bringelly Parish Map (undated) with the location of the study area outlined in red⁶⁹

⁶⁹ Historical Lands Record Viewer, Undated Parish of Bringelly Map, County Name: Cumberland, Sheet Reference 1.

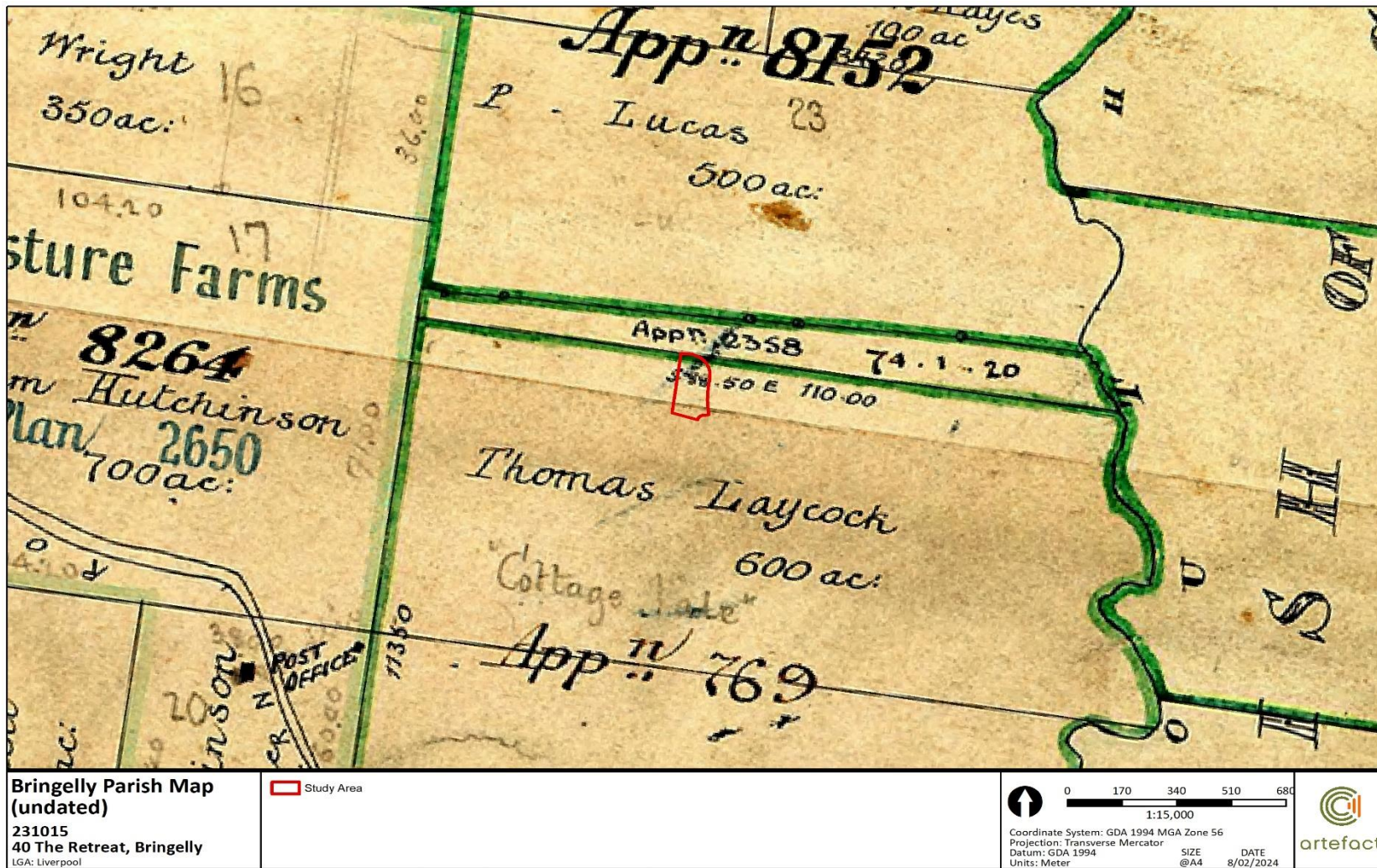


Figure 12: Bringelly Parish Map (undated) with the location of the study area outlined in red⁷⁰

⁷⁰ Historical Lands Record Viewer, Undated Parish of Bringelly Map, County Name: Cumberland, Sheet Reference: 2.

2.3.1 The Retreat: Nineteenth century subdivision, 1850s-1940s

During the second half of the nineteenth century many of the large landholders within the study area struggled to maintain their properties as viable concerns. Most grazing properties ceased sheep breeding and moved to agistment and fattening of cattle. In 1853, the "Retreat farm" was sold to David Bell which was later mortgaged in 1862 to Rowland Hassall. New ownership of the property was undertaken by William John Pearce in 1869 with the farm remaining intact at 1,325 acres (536 hectares). The early subdivision of the land occurred in 1896 when part of the property was resumed for urban development for the school and dwelling known as the Bringelly Post Office. In 1896, part of the land on the southern boundary of the farm was resumed for the construction of Bringelly Road with a portion of the property located on the southwest corner being resumed for the establishment of the Bringelly Public School.

The village of Bringelly emerged very gradually after the establishment of the post office and school. Bringelly had the potential to develop as a regional service town. It was located at the intersection of The Northern Road and Bringelly Road. However, subdivisions were only partially successful, and few lots were taken up and the village of Bringelly failed to develop. By 1900, the second generation of large landowners had subdivided most of their properties. Many of the smaller lots had been purchased by local families that had been former tenants. The principal agricultural activities undertaken within the district included dairying, orcharding, pig-raising, potato-growing, grazing and grain production. Industrial activities were mainly associated with the processing of agricultural products.

In May 1901, George Albert Church, a grazier of Campbelltown, purchased the property and land containing the study area. The property was heavily mortgaged and sold by the mortgagee in 1911 to Arthur Owen Ryder, a gentleman from North Sydney, who in turn sold it to Charles Tyson of Aberdeen, a grazier, who renamed the property "Kelvin". In May 1918, Hugh Peter MacDonald, a grazier from Yandra, Nimmitabel, purchased "Kelvin" and the title was transferred to Lorna Jessie MacDonald in June 1921, with records indicating that sheep were still being grazed on the property. During this period, the study area was identified as a rural area which remained undeveloped, except for limited development within the greater vicinity (Figure 13, Figure 14, and Figure 15).

2.3.2 Kelvin

Tyson's tenure was short-lived, and in March 1914, Philip Staughton, a grazier from Dalapool, Narrandera, became the owner of Kelvin. Staughton expanded the property in October 1914 by acquiring Lots 12 to 17 of Section 4, a portion of Hutchinson's former grant, thereby granting "Kelvin" access to Clyde Road to the east, later known as Badgery's Creek Road. In May 1918, Hugh Peter MacDonald, a grazier from Yandra, Nimmitabel, purchased Kelvin, eventually transferring the title to Lorna Jessie MacDonald, a spinster, in June 1921. Records suggest that sheep were the primary livestock grazed on the property during this period. Wells (water cisterns) and water management systems were also present on the farm.⁷¹

Apart from changes in ownership, the earliest documented activity on the property during this era can be found in the National Archives, indicating its lease to the Commonwealth of Australia from March 19, 1942, to February 28, 1945. During this period, the land was repurposed as a 'Dispersal Aerodrome' by the RAAF. A Compensation Report from January 13, 1944, lauded the property as capably owner-operated for sheep marketing, wool production, and fattening, with well-improved grazing areas and essential infrastructure. It's possible that Lorna MacDonald managed Kelvin alongside other properties owned by her family in Nimmitabel.

⁷¹ Form Architects, 2006. *Kelvin Park Bringelly Conservation Management Plan*, P. 57.

The Commonwealth's interest in the property during World War II was driven by a flat area along South Creek suitable for an airstrip. The construction of defence positions in strategic locations around Sydney, such as Penrith and Bringelly, underscores the wartime preparations prompted by threats to Australia from the Pacific region.

Various Commonwealth authorities prepared reports assessing the property's acquisition, offering detailed descriptions of the landscape since 1884, including the first documented account of its natural features. In one such report, "Kelvin" was described as comprising 1230 acres of grey to reddish loam flats and gentle slopes, with significant portions cleared for grazing and ample shade and shelter provided by trees. The residential buildings were described as substantial, including a brick homestead with a Galvanized Iron roof and cement-rendered outside walls, along with ancillary structures like a detached kitchen, maid's quarters, stables, coach house, and farm buildings such as a shearing shed and yards. "Kelvin" is listed as a SHR item due to its significance and ability to demonstrate the principles of 19th century farm estate architecture, planning and design.⁷²

2.4 Bringelly RAAF Base

In 1949, the Commonwealth Government purchased the land to the north of Kelvin for the Bringelly RAAF Base and the establishment of the Overseas Telecommunications Commission (OTC) Site, which was constructed between 1952 and 1955 as a high frequency radio transmission base.⁷³ From 1954, the Government began negotiating the purpose of the current site of the Bringelly RAAF Base, however the process was delayed until 1959.⁷⁴ Construction of the site commenced in the same year, with its main purpose to receive high radio frequency transmissions in coordination with RAAF bases at Glenbrook and Londonderry.⁷⁵

By 1961, the main receiving station, several supporting buildings, three staff houses (at least), and several transmission masts were located across the site. Throughout the 1960s the site grew further, with six additional staff residences established.⁷⁶ By 1978, the structural layout of the site was at its largest, however new transmission masts continued to be established across the land until the 1980s.

In 1990, the importance of RAAF Bringelly was increased by the introduction of microwave technology, which enabled Glenbrook and Bringelly to connect directly without going through Londonderry, however the site also became increasingly automated by the new technology.⁷⁷ In the early 2000s, residential development in Bringelly increased, making the possibility of high frequency transmissions unsafe through residential areas.⁷⁸ Simultaneously, RAAF transmissions were being increasingly transferred out of NSW to Queensland, the Northern Territory, and Western Australia.⁷⁹ The site was decommissioned in c.2002 and by 2005 some of the staff buildings had been removed.

⁷² State Heritage Inventory, "Kelvin", accessed <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5045191> (8 February 2024).

⁷³ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 17.

⁷⁴ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 17.

⁷⁵ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 17.

⁷⁶ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 17.

⁷⁷ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 18.

⁷⁸ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 18.

⁷⁹ ERM, April 2011. *RAAF Bringelly Receiving Station NSW Heritage Assessment*, p. 18.

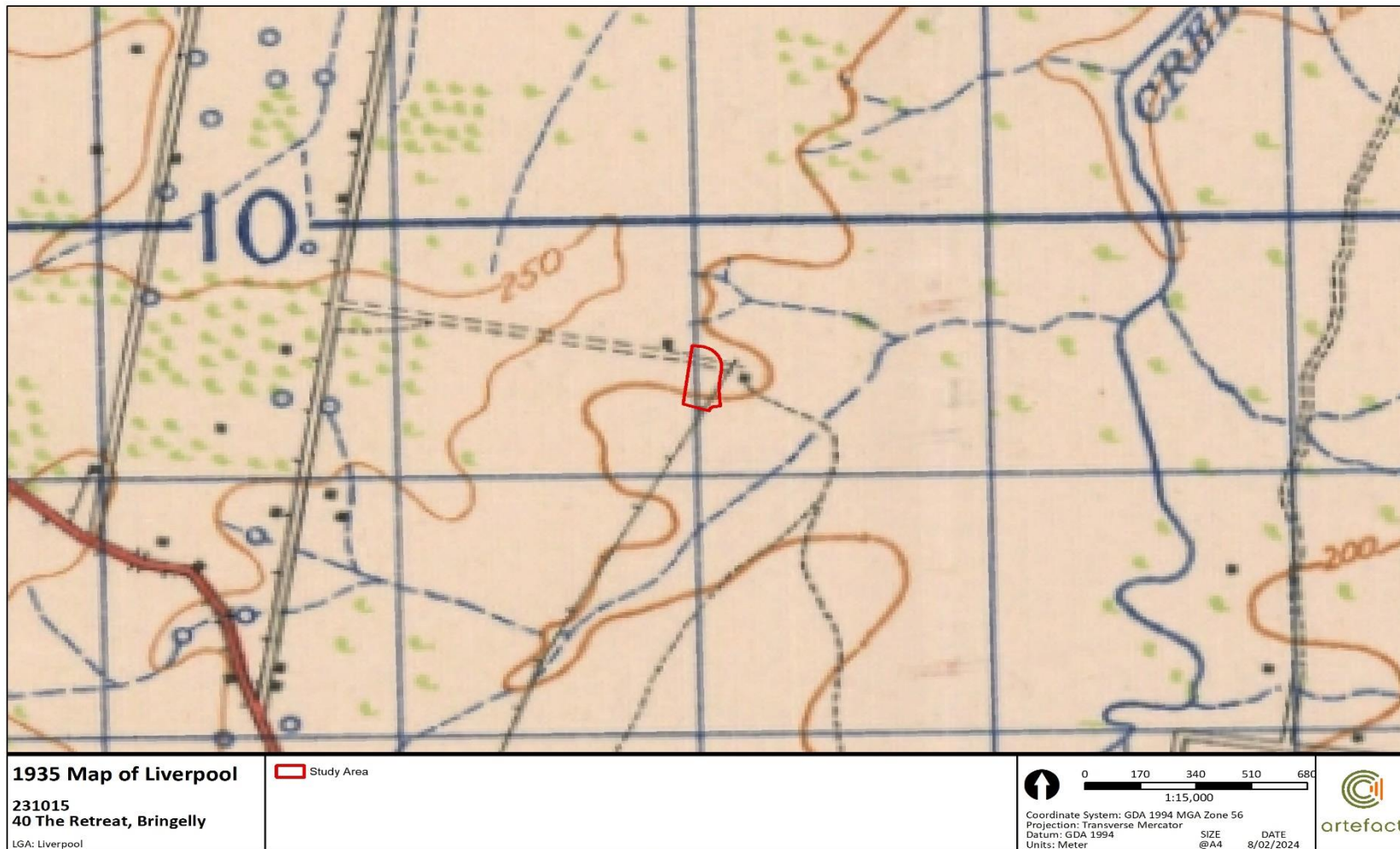


Figure 13: 1935 Map of Liverpool with the study area outlined in red⁸⁰

⁸⁰ Great Britain. War Office. General Staff. Australian Section, cartographer & Australia. Army. Royal Australian Engineers. Survey Section, surveyor. (1935). *Liverpool, New South Wales*, accessed <http://nla.gov.au/nla.obj-446266912> (8 February 2024).



Figure 14: 1947 aerial imagery with the study area outlined in red⁸¹

⁸¹ NSW Government, Spatial Map Viewer, accessed <https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers> (8 February 2024).

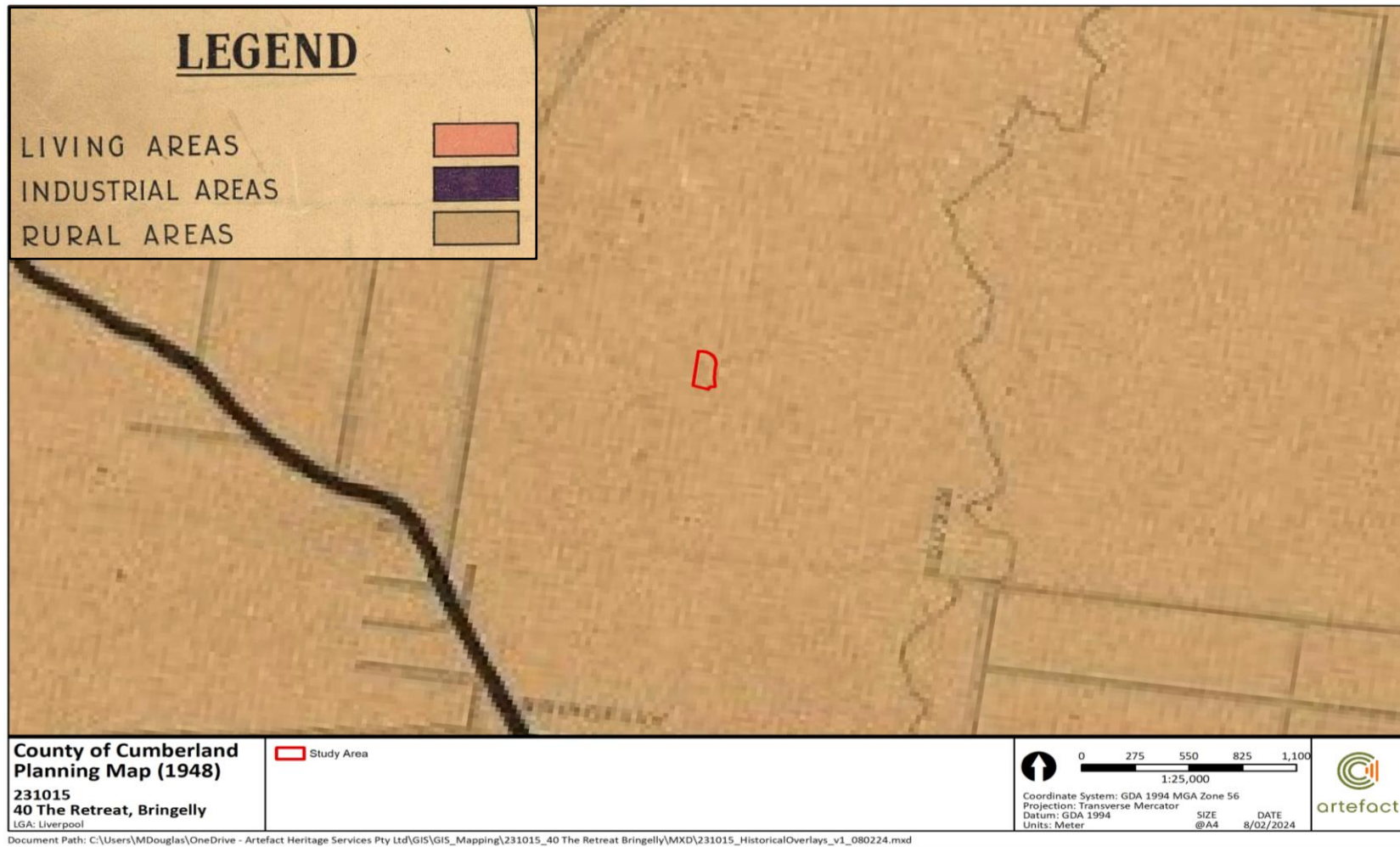


Figure 15: 1948 County of Cumberland Planning Map with the study area outlined in red⁸²

⁸² County of Cumberland Planning Scheme map 1948, State Library of New South Wales, accessed <https://dictionaryofsydney.org/media/2210> (8 February 2024).

2.5 Development of townships

Throughout the late twentieth century, much of the private land in Bringelly continued in its original use as farming land for a variety of resources. Dairy and poultry farms remained common, while other properties were involved in wine production, bee keeping, timber getting, and market gardening.⁸³

From the 1980s, the potential of constructing a second Sydney Airport between Badgerys Creek and Luddenham was discussed.⁸⁴ As extensions to Sydney Kingsford Smith occurred in the early 1990s the proposal was delayed but was revisited upon the Howard Government's election.⁸⁵ A process of land acquisition occurred throughout the late 1990s and early 2000s.

2.5.1 Twenty-first century development

Into the twenty-first century much of the area around Luddenham, Badgerys Creek and Bringelly maintained its rural character and continued to be an important agricultural area for dairy, vineyards, poultry farms and orcharding. The surrounding townships of Penrith, Campbelltown and Liverpool had become major urban towns, and rapid subdivision and suburban development had occurred as far south as Camden. Some suburban development had occurred at Bringelly and Luddenham, however much of the area maintained its rural nature and continued to be utilised for small-scale farming.

The confirmation of the Western Sydney International location at Badgerys Creek resulted in a major change for the area throughout the mid-2010s, as private residents and businesses relocated. Vicary's Winery closed in 2015, and at the time was the longest consistently operating winery in Australia. In preparation for the opening of the airport, several infrastructure projects have been investigated or approved in the region, including the upgrades of Elizabeth Drive, The Northern Road, Bringelly Road, and the development of the M12 Motorway, connecting the M7 to the Western Sydney International. Construction of the airport officially began in September 2018. In March 2019, it was announced that the Western Sydney International would be named after Nancy-Bird Walton, one of Australia's pioneering female pilots who was instrumental in the development of the Royal Flying Doctors. Additionally, in 2022 development for the Sydney Metro Western Sydney Airport (SM WSA) project involved the removal of the surviving RAAF buildings for the project.

2.5.1 40 The Retreat, Bringelly

The study area at 40 The Retreat appears to have remained undeveloped throughout the twentieth century, and was subdivided from the larger "Kelvin" estate in 1991 (Figure 16, Figure 17, Figure 18, and Figure 19). During the early 2000s, the extant large residual building was constructed on the study area with the northern portion of the study area utilised as a car yard (Figure 20).

⁸³ Australian Museum Consulting, 2014. *Badgerys Creek Initial Environmental Survey: Historic Heritage*, p. 28

⁸⁴ Australian Museum Consulting, 2014. *Badgerys Creek Initial Environmental Survey: Historic Heritage*, p.29.

⁸⁵ Australian Museum Consulting, 2014. *Badgerys Creek Initial Environmental Survey: Historic Heritage*, p. 29.

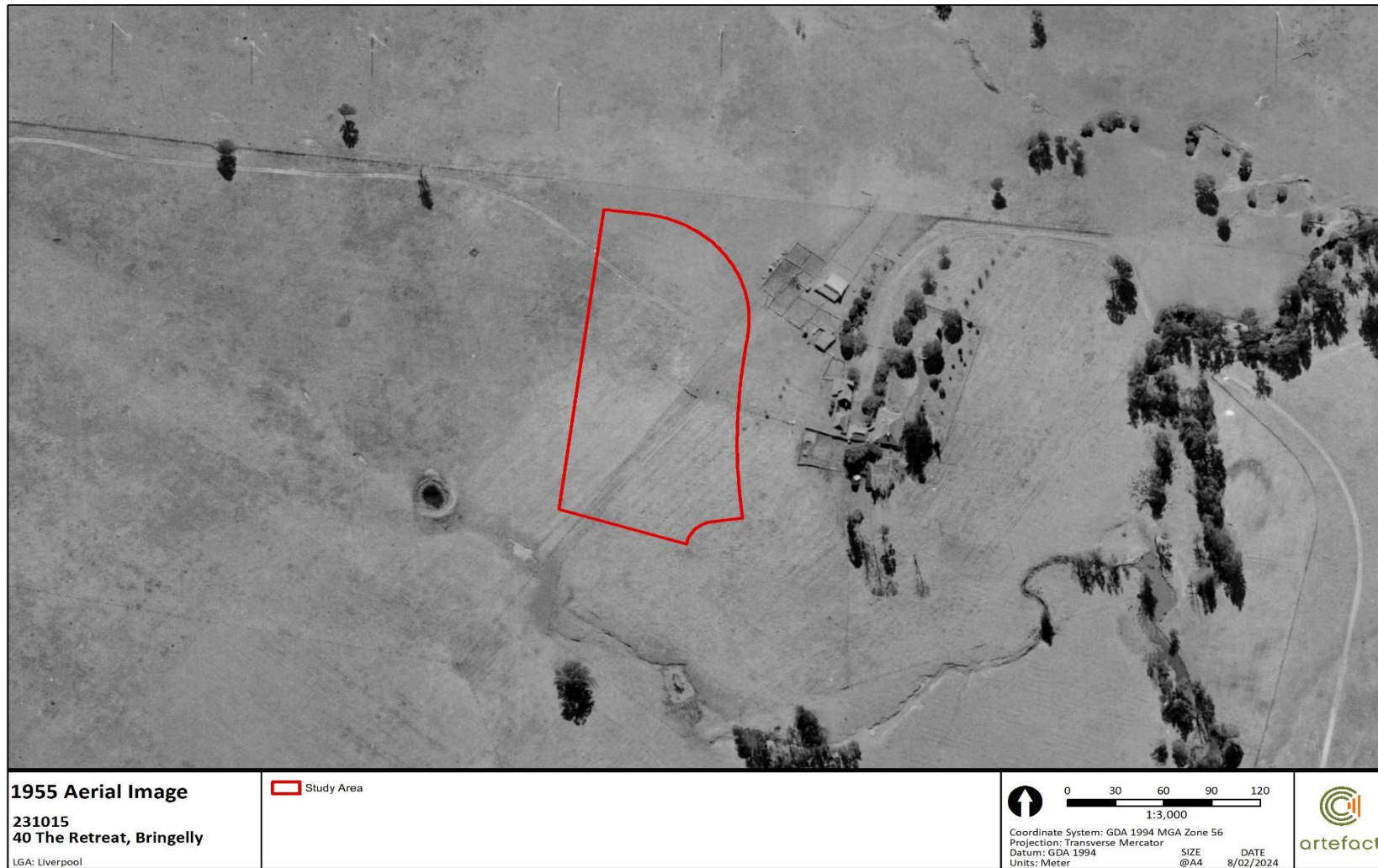


Figure 16: 1955 aerial imagery with the study area outlined in red⁸⁶

⁸⁶ NSW Government, Spatial Map Viewer, accessed <https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers> (8 February 2024).



Figure 17: 1978 aerial imagery with the study area outlined in red⁸⁷

⁸⁷ NSW Government, Spatial Map Viewer, accessed <https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers> (8 February 2024).



Figure 18: 1986 aerial imagery with the study area outlined in red⁸⁸

⁸⁸ NSW Government, Spatial Map Viewer, accessed <https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers> (8 February 2024).



Figure 19: 1998 aerial imagery with the study area outlined in red⁸⁹

⁸⁹ NSW Government, Spatial Map Viewer, accessed <https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers> (8 February 2024).



Figure 20: 2005 aerial imagery with the study area outlined in red⁹⁰

⁹⁰ NSW Government, Spatial Map Viewer, accessed <https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers> (8 February 2024).

2.6 Phases of historical development and land use

The land use of the study area has been divided into six general phases of historical activity, which are outlined in Table 5 below.

Table 5: Phases of historical development

Phase	Description
Phase 1 (pre–1788)	Aboriginal occupation
Phase 2 (1788–1817)	Early European agricultural settlement and land use, Aboriginal resistance against the colonizers, and the establishment of Bringelly town
Phase 3 (1817–1896)	Thomas Laycock and the establishment of the Retreat Farm (Kelvin)
Phase 4 (1896–1942)	Initial subdivision of the farm and urban development
Phase 5 (1942–1990s)	Agricultural activities and the establishment of the RAAF base
Phase 6 (1990s–present)	Subdivision and intensified residential development

3.0 PHYSICAL DESCRIPTION

3.1 Site inspection

A physical inspection of the study area was undertaken by Jonny Love (Heritage Consultant) on 14 February 2024 and 6 March 2024 to record the current site condition from a historical heritage perspective. Emma Jones (Heritage Consultant) and Bronwyn Partell (Senior Archaeologist – Gandangara Local Aboriginal Land Council) also attended the site inspection to record the site from an Aboriginal heritage perspective on 14 February and 6 March 2024 to record the current site condition. The aim of the site inspection was to inspect the area of proposed impacts and inform a preliminary assessment of archaeological potential. The inspection was undertaken on foot and a photographic record was made.

3.1.1 Site

The study area is approximately 2.1 hectares which represents the entire land within Lot 272 DP 803167. The study area is bounded by open cleared land used for agricultural purposes on the north and west that forms part of the WSAP footprint, residential buildings and roadways to the south, and the heritage listed item of Kelvin to the east. The land within the study area can be divided into two separate components, identified as the northern and southern portion of the site.

The southern portion of the site contains a large residential building that is surrounded by short trimmed grass, a concrete slab driveway, and a fence line along the perimeter of the property. Some exposed ground surfaces were identified, although these showed evidence of vehicle disturbance and erosion scouring. Overall, the landform was characterised by sloping, and in some instances uneven, developed ground.

The northern portion of the site contains a number of abandoned cars and ancillary farm structures. For example, two flat roofed, tin sheeted farm structures used for storage. Some exposed ground surfaces were identified interspersed among the overgrown grass, although these exposed surfaces showed evidence of vehicle disturbance and erosion scouring. A gravel road had been laid between the residential building and the farm structures to ease movement of the animals and plant.

3.1.2 Extant features

The study area contains a number of extant features on display in the front yard including farm machine equipment made from cast iron. For example, an antique tractor with a hay rake, two horse drawn hay rakes, and a seed and fertilizer drill were present on site. The brown rusted cast iron seed and fertilizer drill was manufactured by H.V. McKay Pty. Ltd (H.V. McKay) as indicated by its end panel. The machine was likely built by H.V McKay at their agricultural machinery manufacturing plant in Sunshine Victoria. The extant agricultural equipment likely operated on the property during the early-twentieth century.

The study area also contained a number of subsurface surfaces associated with water, sewage, and electrical services. For example, two concrete cisterns – one large and one small – were present on site. The water management features were extant and still actively used by the property owners.



Figure 21: Front lawn and large residential building, view north



Figure 22: Study area characterised by short trimmed grass, view west



Figure 23: Study area characterised by short, trimmed grass, view north



Figure 24: Study area with large residential building and short trimmed grass, view east



Figure 25: Large residential building, view south



Figure 26: View of the heritage listed item 'Kelvin' from the study area, view east



Figure 27: Open ground with residential building, view southeast



Figure 28: property with boundary fence and abandoned cars, view south



Figure 29: Abandoned cars, view southeast



Figure 30: Farm structure, view southeast



Figure 31: Farm structure, view west



Figure 32: Gravel road with abandoned cars and residential building



Figure 33: Extant antique tractor with hay rake, view southeast



Figure 34: Extant horse drawn hay rake, view east



Figure 35: Extant seed and fertilizer drill



Figure 36: Large extant concrete cistern, view northeast



Figure 37: Detail of small extant concrete cistern



Figure 38: Small extant concrete cistern, view southwest

4.0 ASSESSMENT OF ARCHAEOLOGICAL POTENTIAL

4.1 Introduction

The potential for the survival of archaeological remains is significantly affected by development activities that required ground disturbance. This assessment is therefore based on consideration of current ground conditions, and analysis of the historical development of the study area.

'Archaeological potential' refers to the likelihood that an area contains physical remains associated with an earlier phase of occupation, activity or development of that area. This is distinct from 'archaeological significance' and 'archaeological research potential'. These designations refer to the cultural value of potential archaeological remains and are the primary basis of the recommended management actions included in this document.

The archaeological potential of a site is presented in terms of the likelihood of the presence of archaeological remains, considering the land use history and previous impacts at the site. This evaluation is presented in Table 6 using the following grades of archaeological potential:

Table 6: Grading of archaeological potential

Grade	Definition
High	Evidence of multiple phases of historical development and structures with minimal or localised twentieth century development impacts, and it is likely the archaeological resource would be largely intact
Moderate	Analysis demonstrates known historical development and some previous impacts, but it is likely that archaeological remains survive with some localised truncation and disturbance
Low	Research indicates little historical development, or where there have been substantial previous disturbance and/or truncation which may not have removed deep subsurface features entirely
Nil	No evidence of historical development or use, or where previous impacts would have removed all archaeological evidence

4.2 Previous relevant heritage investigations

4.2.1 Within study area

No identified archaeological excavations have been undertaken within the study area. The study area has been subject to previous heritage assessment as part of the Heritage Opportunities and Constraints Report prepared by Urbis in June 2023 and the Remembering Country report prepared by Bernadette Hardy in 2023. The study area has also been subject to wider heritage assessment as part of the Western Sydney Aerotropolis Aboriginal and Non-Aboriginal Cultural Heritage Assessment prepared by Extent Heritage in October 2020 and the WSAPP prepared by the Department of Planning and Environment in May 2023.⁹¹

⁹¹ Extent Heritage (2020), Western Sydney Aerotropolis Initial Precincts: Draft Aboriginal and non-Aboriginal Cultural Heritage Assessment, Report prepared for Western Sydney Planning Partnership October 2020.

Urbis (2023), Heritage Opportunities and Constraints Report, 40 The Retreat Bringelly⁹²

As part of the proposed residential and retail development associated with the property at 40 The Retreat Bringelly, a Statement of Heritage Impact (SoHI) was prepared as part of the requirements for the SSD application.

The historical archaeological assessment component has been extracted, in part, from the 2023 report due to its direct relevance to the study area:⁹³

The subject site previously formed part of the original land grant and agricultural land which was operated as part of Kelvin in its various iterations and under its many owners.

Extent Heritage (2020), Western Sydney Aerotropolis Aboriginal and Non-Aboriginal Cultural Heritage Assessment⁹⁴

The report was prepared to assess the built, Aboriginal, and historical archaeological heritage components for the Western Sydney Aerotropolis project site, which included providing a high-level list of identified and potential archaeological sites in the area that includes Kelvin Park, RAAF Bringelly, and the study area. Although the investigation did not identify the study area as a site with archaeological potential, a brief assessment of the archaeological potential for Kelvin Park and the RAAF was prepared.

The Extent report notes that 30 The Retreat Bringelly to the east of the study area and within the SHR property is a potential archaeological site (Site ID: 401), with this area being a site that potentially contains archaeological remains associated with the Kelvin House Estate. That site is located approximately 75 m to the east of the study area. The report also notes that the RAAF Bringelly site to the west of the study area is a potential archaeological site (Site ID: 404), with this area potentially containing archaeological remains associated with the former RAAF Base. That site is located to the southwest of the study area (Figure 39).

The Extent report did not identify any archaeological potential in the study area.

Department of Planning and Environment (2023), Western Sydney Aerotropolis Precinct Plan⁹⁵

The study area is within lands to which the WSAPP applies. The WSAPP is primarily used to assess development applications and provides further details on expectations for development in the Aerotropolis. As part of the WSAPP, non-Aboriginal and European potential archaeological sites were assessed. That investigation did not identify any areas of archaeological potential within the study area.

⁹² Urbis (2023), Heritage Opportunities and Constraints Report, 40 The Retreat Bringelly, Report prepared for SCG Developments, June 2023.

⁹³ Urbis (2023), Heritage Opportunities and Constraints Report, 40 The Retreat Bringelly, Report prepared for SCG Developments, June 2023, P. 69.

⁹⁴ Extent Heritage (2020), Western Sydney Aerotropolis Initial Precincts: Draft Aboriginal and non-Aboriginal Cultural Heritage Assessment, Report prepared for Western Sydney Planning Partnership October 2020.

⁹⁵ NSW Government, Department of Planning and Environment, Western Sydney Aerotropolis Precinct Plan, May 2023, Section 1.3, accessed <https://www.planning.nsw.gov.au/sites/default/files/2023-03/western-sydney-aerotropolis-precinct-plan.pdf> (1 March 2024).

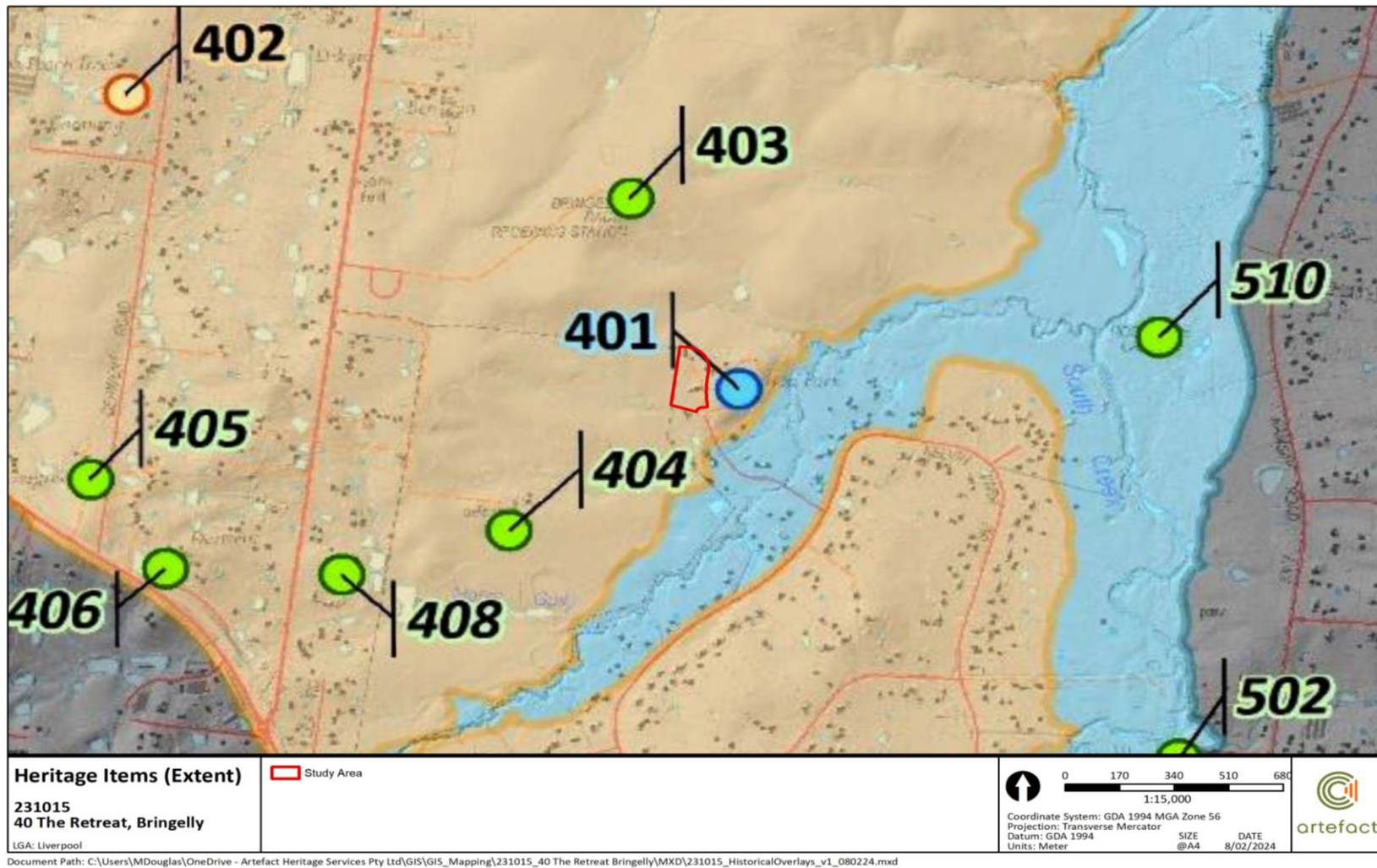


Figure 39: The study area relative to heritage items – indicated by the blue and green dots⁹⁶

⁹⁶ Extent Heritage (2020), Western Sydney Aerotropolis: Initial Precincts, Draft Aboriginal and Non-Aboriginal Cultural Heritage Assessment, report prepared for Western Sydney Planning Partnership, October 2020, Figure 78.

4.2.2 Outside study area

A number of historical archaeological assessments and investigations have been completed in the vicinity of the study area including:

- Kelvin Park, 30 The Retreat Bringelly: Maintenance and Conservation Plan⁹⁷
- 230 Martin Road, Badgerys Creek: Statement of Heritage Impact Assessment Report⁹⁸
- Elizabeth Enterprise Precinct, Stage 2: Non-Aboriginal Statement of Heritage Impact⁹⁹
- 30-40 Martin Road, Badgerys Creek: Statement of Heritage Impact¹⁰⁰
- Western Sydney Zero Emissions Buses – Bradfield Layover: Non-Aboriginal Statement of Heritage Impact¹⁰¹
- Bradfield City Centre Master Plan Application: Statement of Heritage Impact¹⁰²

The archaeological assessments prepared for Elizabeth Enterprise Stage 2, 230 Martin Road, 30-40 Martin Road, Kelvin Park and Bradfield City Centre are presented below due to their close proximity and similar landform to the study area, and as an indicator of the levels of archaeological preservation and potential that can be observed within the region.

Form Architects (2006), Kelvin Park 30 The Retreat Bringelly: Maintenance and Conservation Plan¹⁰³

As part of a proposed development and subdivision associated with the State heritage listed property of Kelvin Park located at 30 The Retreat Bringelly, a Maintenance and Conservation Plan (CMP) was prepared for the State heritage listed item of Kelvin Park located at 30 The Retreat Bringelly. The assessment took place immediately to the east of the study area. Although the CMP did not investigate potential historical archaeological remains, the assessment did note remnant farm machinery located on the site:

Remnants of farm machinery are located on the west side of the shed #1 and include part of a 'horse sweep' – agricultural equipment once used to power machines for threshing or hay baling.

Artefact Heritage and Environment (2023), 230 Martin Road Badgerys Creek: Statement of Heritage Impact¹⁰⁴

⁹⁷ Form Architects (2006), Kelvin Park, 30 The Retreat Bringelly Liverpool: Maintenance and Conservation Plan, report prepared for Kim Medich, November 2006.

⁹⁸ Artefact Heritage and Environment (2023), '230 Martin Road, Badgerys Creek: Statement of Heritage Impact', Report prepared for EKMC, December 2023.

⁹⁹ Artefact Heritage and Environment (2024), Elizabeth Enterprise Precinct, Stage 2: Non-Aboriginal Statement of Heritage Impact, Report prepared for Mirvac Projects Pty Ltd, January 2024.

¹⁰⁰ Artefact Heritage and Environment (2023), '30-40 Martin Road, Badgerys Creek: Statement of Heritage Impact, Report prepared for SOILCO Developments Pty Ltd, June 2023.

¹⁰¹ Artefact Heritage (2023), Western Sydney Zero Emissions Buses – Bradfield Layover: Non-Aboriginal Statement of Heritage Impact, Report to WSP Australia Pty Ltd on behalf of TfNSW, August 2023.

¹⁰² Extent Heritage (2023), Bradfield City Centre Master Plan: Statement of Heritage Impact, Report Prepared for Western Parkland Authority.

¹⁰³ Form Architects (2006), Kelvin Park, 30 The Retreat Bringelly Liverpool: Maintenance and Conservation Plan, report prepared for Kim Medich, November 2006.

¹⁰⁴ Artefact Heritage and Environment (2023), '230 Martin Road, Badgerys Creek: Statement of Heritage Impact', Report prepared for EKMC, December 2023.

As part of a new development associated with the property at 230 Martin Road Badgerys Creek, a SoHI was prepared for the project as part of the requirements for the SSD application. The assessment took place approximately 2.47 km southwest of the study area.

The archaeological assessment component of the SoHI assessed the following archaeological potential within the site:

- Nil to low archaeological potential for historical archaeological remains due to the continued pastoral activity dating from the early nineteenth century within the study area. This continued pastoral activity over time significantly reduces the likelihood for archaeological remains to survive
- Potential remains associated with early pastoralism may include timber posts, postholes, tree boles, isolated artefacts that may have been lost or discarded, undocumented timber outbuildings and water management infrastructure.

Artefact Heritage and Environment (2024), Elizabeth Enterprise Precinct, Stage 2: Non-Aboriginal Statement of Heritage Impact¹⁰⁵

As part of a new development associated with the property at 1669A Elizabeth Drive Badgerys Creek, a SoHI was prepared for the project as part of the requirements for the SSD application. The assessment took place approximately 2.47 km southwest of the study area.

The archaeological assessment component of the SoHI assessed the following archaeological potential within the site:

- Low archaeological potential for historical remains within the study area. This assessed level of potential is consistent with early land grants, historical mapping, and aerial imagery which demonstrate the study area was used for agricultural and farming activities since the nineteenth century to the present
- Potential archaeological remains associated with early pastoralism may include postholes from fencing and/or stockyards and tree boles, undocumented timber structures associated with herd management such as stockyards or calf pens, isolated artefact or deposits that may have been lost or discarded, rubbish scatters, evidence of land clearance and cultivation of land, manipulation and use of early watercourse.

Artefact Heritage and Environment (2023), 30-40 Martin Road Badgerys Creek: Statement of Heritage Impact¹⁰⁶

As part of a new development associated with the property at 30-40 Martin Road Badgerys Creek, a SoHI was prepared for the project as part of the requirements for the SSD application. The assessment took place approximately 970 m southeast of the study area.

The archaeological assessment component of the SoHI assessed the following archaeological potential within the site:

¹⁰⁵ Artefact Heritage and Environment (2024), Elizabeth Enterprise Precinct, Stage 2: Non-Aboriginal Statement of Heritage Impact, Report prepared for Mirvac Projects Pty Ltd, January 2024.

¹⁰⁶ Artefact Heritage (2023), 30-40 Martin Road Badgerys Creek: Statement of Heritage Impact, Report to SOILCO Developments PTY Ltd, P. 33-34.

- Nil to low archaeological potential for historical archaeological remains due to the continued pastoral activity dating from the early nineteenth century within the study area. This continued pastoral activity over time significantly reduces the likelihood for archaeological remains to survive
- Potential remains associated with early pastoralism may include timber posts, postholes, tree boles, evidence of burning, palynological evidence of native flora, and sporadic or isolated artefacts that may have been lost or discarded.

Artefact Heritage and Environment (2023), Western Sydney Zero Emissions Buses – Bradfield Layover: Non-Aboriginal Statement of Heritage Impact¹⁰⁷

As part of the Bradfield Bus Layover site, which forms part of the Bradfield City Centre Masterplan and the Zero Emission Buses Transition Plan, a SoHI was prepared to provide an assessment of potential impacts of the proposed development on historical (non-Indigenous) heritage. The assessment took place approximately 6.2 km southwest of the current study area.

The archaeological assessment component of the SoHI assessed the following archaeological potential contained within the site:

- Nil to low archaeological potential for historical archaeological remains due to land clearance, continued pastoral activities, and limited structural development within the study area from the nineteenth century
- Potential archaeological remains within that study area may include fence lines, remnant timber post holes, and isolated artefacts that may have been lost or discarded.

The summary of archaeological potential has been extracted, in part, from the 2023 SoHI due to the site's similar location and landform to the current study area which includes undeveloped heavily vegetated land:¹⁰⁸

Potential archaeological remains... would be linked to the initial establishment of land grants and with early agricultural activity. The following activities may have occurred within the study area during this period: land clearance, the erection of fencing, and agricultural activities, primarily the growing of grain crops. It is possible that undocumented outbuildings or evidence of water management were also constructed during this period.

Extent Heritage (2023), Bradfield City Centre Master Plan Application: Statement of Heritage Impact¹⁰⁹

Extent Heritage was engaged by Western Parkland City Authority (WPCA) to prepare a SoHI for the Advanced Manufacturing Research Facility (AMRF) – the Bradfield City Centre. The assessment took place immediately to the southwest of the study area (Figure 40).

¹⁰⁷ Artefact Heritage (2023), Western Sydney Zero Emissions Buses – Bradfield Layover: Non-Aboriginal Statement of Heritage Impact, Report to WSP Australia Pty Ltd on behalf of TfNSW, August 2023.

¹⁰⁸ Artefact Heritage (2023), Western Sydney Zero Emissions Buses – Bradfield Layover: Non-Aboriginal Statement of Heritage Impact, Report to WSP Australia Pty Ltd on behalf of TfNSW, August 2023, P. 31.

¹⁰⁹ Extent Heritage (2023), Bradfield City Centre Master Plan: Statement of Heritage Impact, Report Prepared for Western Parkland Authority.

The archaeological assessment component of the SoHI assessed the following archaeological potential within the site:

- Nil to low archaeological potential for historical remains associated with Phases 1-5, beginning with British exploration and survey from 1788-184 to early to mid-twentieth century development (1900-1945). This assessed level of potential is due to limited structural development and continued pastoral activity within the study area.
- Potential archaeological remains within the study area may include postholes, fence lines, tracks, and isolated artefact that may have been lost or discarded



Figure 40: Location of the Bradfield City Centre Master Plan site with the study area indicated by the black arrow

4.2.3 Summary

Previous investigations have identified no potential archaeological remains within the study area. They have also identified that only a relatively limited archaeological resource remains in the vicinity of the study area due to its continued use for farming and agricultural activities from the early nineteenth century. The buildings associated with Kelvin Park were constructed to the east and not within the study area.

4.3 Discussion of disturbance according to the phases of development

The historical occupation of the study area has been divided into 7 phases of historical activity, as identified in Section 2.6 above. Table 7 presents a discussion of archaeological potential and land disturbance, arranged by historical phases of development.

Table 7: Land use summary

Phase	Discussion
Phase 1: Aboriginal occupation (pre–1788)	<ul style="list-style-type: none"> This report does not provide a detailed assessment for Aboriginal occupation during this phase
Phase 2: Early European agricultural settlement and land use, Aboriginal resistance against the colonizers, and the establishment of Bringelly town (1788–1817)	<ul style="list-style-type: none"> Potential archaeological remains associated with Phase 2 would be linked to early agricultural activities including land clearance and cultivation of land Few, if any, structures would have been extant at this time. Subsequent land use phases, including residential and agricultural use of the study area, is likely to have removed any archaeological evidence of this phase
<p>Historical activities</p> <ul style="list-style-type: none"> Thomas Laycock granted 600 acres of land later known as Kelvin Early use of the study area consisted of land-clearance and cultivation of native vegetation to provide pasturage and land for grazing of livestock. The landscape was modified during this period Construction of the colonial Georgian building outside the study area. A number of outbuildings were built alongside the Georgian building including a brick kitchen and laundry, servants' room and cottages, a brick stab, styes and stockyards. However, these structural developments were likely to the east of the study area and within the heritage listed item (Kelvin) at 30 The Retreat Bringelly. 	
Phase 3: Thomas Laycock and the establishment of the Retreat Farm (Kelvin) (1817–1896)	<p>Potential archaeological remains</p> <ul style="list-style-type: none"> Remains associated with the initial establishment of land grants. This may include the establishment of light-weight undocumented ephemeral timber structures associated with herd management such as stockyards or calf pens Postholes associated with fence lines Rubbish scatters Evidence of land clearance and cultivation of land, manipulation and use of early watercourse Structures typically located in yards such as wells, cisterns, or cesspits Evidence of former masonry buildings or structures (brick or stone footings, associated deposits). However, these structural developments were likely not built within the study area; rather they were built to the east of the study area and within the heritage listed item (Kelvin) at 30 The Retreat Bringelly

Phase	Discussion
Phase 4: Initial subdivision of the farm and urban development (1896–1942)	<p>Historical activities</p> <ul style="list-style-type: none"> • Early subdivision of the land • The principal agricultural activities undertaken in the area included dairying, sheep gazing, and grain production • Land sold to George Albert Church in 1901 and Lorna Jessie MacDonald in 1921 <p>Potential archaeological remains</p> <ul style="list-style-type: none"> • Same as for Phase 3
	<p>Historical activities</p> <ul style="list-style-type: none"> • The principal agricultural activities undertaken in the study area included dairying, sheep gazing, and grain production • The wider region (not the study area) was purchased by the Commonwealth Government in 1940s and repurposed as a ‘Dispersal Aerodrome’ and base for the RAAF • A number of ancillary RAAF buildings were constructed during this period. However, these structural developments were not built within the study area; rather, they were built to the southwest of the study area and within the RAAF Base curtilage <p>Potential archaeological remains</p> <ul style="list-style-type: none"> • The establishment of light-weight undocumented ephemeral timber structures associated with herd management such as stockyards or calf pens • Post holes associated with fence lines • Evidence of land clearance and cultivation of land, manipulation and use of early watercourse • Structures typically associated with water management including wells, cisterns, or cesspits
Phase 6: Subdivision and intensified residential development (1990s–Present)	<ul style="list-style-type: none"> • Land was subdivided into its current land boundaries during this time • Buildings associated with this phase are extant (not archaeological)

4.4 Summary of archaeological potential

Based on the review of the information obtained from historical sources, previous archaeological works in the surrounding area and the current condition of the site, it can be concluded that the study area has **Low** potential to contain historical archaeological remains.

The study area is located within the original land grant of Thomas Laycock that was later named Kelvin Farm. Although structural development was undertaken within Kelvin Farm from the early-nineteenth century, the earliest detected historical plans and sources for the region indicate that this development was undertaken to the east of the study area and within the site boundaries of the heritage listed item Kelvin. There is no documented evidence to suggest that significant structures associated with Kelvin Farm were constructed within the study area during the nineteenth century. Additionally, no previous heritage assessments which overlapped with the study area identified archaeological potential.

The study area is located within a zone that has historically been characterised as rural in nature. The dominant activities within the study area would have been a mix of agricultural activities, including

pastoralism and farming associated with the Kelvin Estate. Ploughing works would typically impact the soil profile to at least a depth of approximately 300 millimetres. Although there is no documented evidence to suggest that any structures were established within the study area during the nineteenth century, early ground disturbance may have been present in the form of land clearing by tree felling and burning, construction of fencing, excavation for water features including dams and cisterns, and potentially the establishment of undocumented timber structures associated with herd management such as stockyards and calf pens.

While there was a significant amount of development within the land which comprised the Kelvin Park Estate (housing and other structures), there appears to have been no development within the study area until the construction of the extant residential property in the early 2000s. The extant residential structure observed during site inspection appear to be the only improvement made on the land. Land clearing and pastoral activities have resulted in minimal alteration of the landform. Ongoing development to the southwest of the study area associated with the Western Sydney International Airport and the Bradfield City Centre has involved bulk earthworks; however, those works are located outside the study area.

Summary

The assessed level of potential for historical archaeological remains within the study area is **Low**. This assessed level of potential is consistent with early land grants, historical mapping and sources, previous heritage assessments, and aerial imagery which demonstrate the study area was used for agricultural and farming activities including sheep grazing, dairying and grain production since the early nineteenth century. It was assessed that there is Low potential for the study area to contain structural development associated with the Kelvin Estate as the core development was located within the heritage listed item of Kelvin to the east. The assessed level of potential is consistent with previous heritage investigations (Section 4.2) managed within the surrounding area which identifies this region as containing limited development due to its continued use for agricultural activities.

Table 8 below provides a summary of the type of potential archaeological remains and their likelihood of survival relative to the phase of historical development they are associated with. The graphic representation of the site's archaeological potential is presented in Figure 41.

Table 8: Historical archaeological potential summary

Phase	Feature or activity	Description of potential remains	Degree of survival
Phase 1: Natural environment and Aboriginal occupation (pre-1788)		This report does not provide a detailed assessment for Aboriginal occupation during this phase	
Phase 2: Early European agricultural settlement and land use, Aboriginal resistance against the colonizers, and the establishment of Bringelly town (1788-1817)	Land clearing and cultivation, grazing or farming	Evidence of land clearance and cultivation of land	Nil

Phase	Feature or activity	Description of potential remains	Degree of survival
Phase 3: Thomas Laycock and the establishment of the Retreat Farm (Kelvin) (1817–1896)	Land clearing and cultivation, grazing or farming, undocumented lightweight structural development	Remains associated with the initial establishment of land grants, including the establishment of light-weight undocumented ephemeral timber structures associated with herd management such as stockyards or calf pens. Postholes associated with fence lines. Rubbish scatters. Evidence of land clearance and cultivation of land. Structures typically located in yards such as wells, cisterns, or cesspits. Evidence of former masonry buildings or structures (brick or stone footings, associated deposits). However, those structural developments were likely built to the east of the study area and within the heritage listed item (Kelvin) at 30 The Retreat Bringelly	Low
Phase 4: Initial subdivision of the farm and urban development (1896–1942)	Early land subdivision, Land clearing and cultivation, grazing or farming,	Same as for Phase 3	Low
Phase 5: Agricultural activities and the establishment of the RAAF base (1942–1990s)	Farming and the establishment of the RAAF Base	The establishment of light-weight undocumented ephemeral timber structures associated with herd management such as stockyards or calf pens. Postholes associated with fence lines. Evidence of land clearance and cultivation of land, manipulation and use of early watercourse. Structures typically associated with water management including wells, cisterns or cesspits	Low
Phase 6: Subdivision and intensified residential development (1990s– Present)	Subdivision and residential development	Buildings associated with this phase are extant (not archaeological)	Extant (not archaeological)



Figure 41: Summary of archaeological potential within the study area

5.0 ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE

5.1 Basis for assessment

Heritage or 'cultural' significance is defined in the *'Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter)'*¹¹⁰ as: 'Aesthetic, historic, scientific, social or spiritual value for past, present and future generations'.

Determining the cultural significance of a place or an item assists in identifying what characteristics of the place contribute to that significance. The assessed significance forms the basis for identification of appropriate management measures associated with any work that may impact heritage and archaeological items of significance.

Assessing heritage significance (NSW Heritage Office, as amended 2001) was developed as part of the *NSW Heritage Manual* to provide the basis for an assessment of heritage significance of an item or place. The seven heritage criteria are presented in Table 9.

Table 9: Heritage criteria for assessing significance

Heritage criterion	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).

The specific nature of archaeological resource necessitates that they be assessed independently from aboveground and other heritage elements because of the challenges associated with the often unknown nature and extent of buried archaeological remains and judgment is usually formulated based on anticipated attributes. To facilitate assessment of archaeological significance, the NSW Heritage Branch (now Heritage NSW) arranged the seven heritage criteria into four groups

- Archaeological research potential (NSW Criterion E)
- Association with individuals, events or groups of historical importance (Criteria A, B, & D)
- Aesthetic of technical significance (Criterion C)

¹¹⁰ Australia ICOMOS 2013 The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance.

- Ability to demonstrate the past through archaeological remains (Criteria A, C, F & G)

The following significance assessment of the study area's potential archaeological remains is guided by 'Assessing Significance for Historical Archaeological Sites and 'Relics'.¹¹¹ A summary of the criteria is included in Table 10.

Table 10: Overview of NSW Heritage Office archaeological significance criteria

Heritage Branch archaeological significance criteria	Meaning
Archaeological Research Potential (NSW Heritage Criterion E)	Archaeological research potential is the ability of the archaeological evidence, through analysis and interpretation, to provide information about a site that could not be derived from any other source, written or otherwise, and which contributes to the archaeological significance of the site and its 'relics'. The integrity of a site, the state of preservation of archaeological material and deposits will also be relevant.
Association with individuals or groups of historical importance (NSW Heritage Criteria A, B, and D)	Archaeological remains may have particular associations with individuals, groups and events which may transform mundane places or objects into significant items through the association with important historical occurrences.
Aesthetic or technical significance (NSW Heritage Criterion C)	Whilst the technical value of archaeology is usually considered as 'research potential' aesthetic values are not usually considered to be relevant to archaeological sites. This is often because until a site has been excavated, its actual features and attributes may remain unknown. It is also because aesthetic is often interpreted to mean attractive, as opposed to the broader sense of sensory perception or 'feeling' as expressed in the <i>Burra Charter</i> . Nevertheless, archaeological excavations which reveal highly intact and legible remains in the form of aesthetically attractive artefacts, aged and worn fabric and remnant structures, may allow both professionals and the community to connect with the past through tangible physical evidence.
Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F, and G)	Archaeological remains have an ability to demonstrate how a site was used, what processes occurred, how work was undertaken and the scale of an industrial practice of other historic occupation. They can demonstrate the principal characteristics of a place or process that may be rare or common. A site may best demonstrate these aspects at the time of excavation. It may also be possible to explain the nature of the site and demonstrate past practises via public interpretation with before, during, or after excavation.

The following assessment of archaeological significance for the study area responds to these guidelines.

¹¹¹ Heritage Branch, Department of Planning 2009. Assessing significance for Historical Archaeological sites and 'Relics'.

5.2 NSW Heritage criteria for assessing significance related to archaeological sites and relics

5.2.1 Archaeological research potential (NSW Criterion E)

Potential archaeological remains associated with Kelvin Park would have research potential. However, as noted in Section 4.4, historical sources and documentary evidence associated with the Kelvin Farm Estate were located to the east of the study area and there is no documented evidence of significant structures within this portion of the farm.

Potential archaeological remains of undocumented timber structures associated with herd management and ephemeral remains of land clearing, fencing, and agricultural activities may have research potential for their ability to yield information regarding European land settlement within Western Sydney and agricultural activities associated with Kelvin Farm.

If substantially intact and *in situ* archaeological remains associated with Phases 3-5 are identified, then the archaeological resource **may** reach the threshold for local significance.

If substantially intact and *in situ* archaeological remains definitively associated with Kelvin Farm are identified, then the archaeological resource **may** meet the criteria for State significance.

5.2.2 Association with individuals, events or groups of historical importance (Criteria A, B & D)

Potential archaeological remains associated with early agricultural activities and Kelvin Farm would have historical significance for its ability to provide information relating to the early European settlement and land use with Bringelly from 1817 onwards. The farming area was established and occupied by Thomas Laycock, and later owners, John Thomas Campbell and Alfred Kennerley who used the land for farming and agricultural activities. They were well known figures within the colony during this period and continue to be remembered amongst members of the wider Sydney region today. By the mid-nineteenth century Kelvin was established as a notable farm in the region.

Potential archaeological remains associated with these early agricultural activities and Kelvin Farm, if found substantially intact and *in situ*, may contain social significance amongst members of the surrounding community, as well as individuals or associations interested in the early colonial history of Bringelly and NSW. It is also likely that potential remains would hold significance amongst descendants of the Laycock family and other individuals who lived on the property before the twenty first century.

Archaeological resources associated with the early land grants for the property, if found significantly intact, **would** meet the criteria of local significance.

If substantially intact and *in situ* archaeological remains definitively associated with Kelvin Farm are identified, then the archaeological resource **may** meet the criteria for State significance.

5.2.3 Aesthetic of technical significance (Criterion C)

The potential archaeological resource is unlikely to be highly intact and/or legible. The study area is unlikely to contain an aesthetically significant artefact assemblage, with only limited potential to contain archaeological remains associated with undocumented timber structures used for temporary settlement on the farm. Although it is recognised that exposed *in situ* archaeological remains may have distinctive/attractive visual qualities, only rarely are these considered 'important in

demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW'.

The potential archaeological resource **would not** reach the threshold of local significance under this criteria.

5.2.4 Ability to demonstrate the past through archaeological remains (Criteria A, C, F & G)

Potential archaeological remains associated with early agriculture within the study area is unlikely to be highly intact and/or legible and therefore would not demonstrate past pastoral and agricultural activities that took place within the first decades of European settlement within NSW.

The potential archaeological resource associated with early agricultural activities **would not** meet the criteria for local significance.

5.3 Bickford and Sullivan's questions

Historical archaeological assessment also necessitates a discussion of research potential, as distinct from the potential of remains to be present. The significance of an archaeological site is intrinsically linked to the level of scientific research potential it retains. Bickford and Sullivan state:¹¹²

"A site or resource is said to be scientifically significant when its further study may be expected to help answer questions. That is scientific significance is defined as research potential"

To guide the assessment of research potential for archaeological sites, Bickford and Sullivan posed a series of questions, which now form part of the standard assessment of archaeological significance in NSW. Due to the low levels of archaeological potential assessed within the study area, only one of these questions have been addressed below.

5.3.1 Is this knowledge relevant to general questions about human history or other substantive questions relating to Australian history, or does it contribute to other major research questions?

The potential archaeological resource within the study area has the potential to contribute information relating to the early lifeways and the development of agricultural practices and pastoral activities. The resource also has potential to contribute information associated with early European settlement and land-use within this region.

5.4 Summary statement of archaeological significance

Phases 1-2

The earliest phases of the study area have been assessed as containing nil potential to contain historical archaeological remains due to them representing either Aboriginal occupation of the area (phase 1) or early European settlement in the region during a time in which the study area was not occupied by the colonisers.

¹¹² Bickford and Sullivan 1984, P. 22-24.

Phases 3-5

The study area has been assessed as containing Low potential to contain historical archaeological remains from Phases 3-5, spanning from 1817 to the 1990s. These phases of occupation are associated with the establishment of land grants including Thomas Laycock, Kelvin Farm, property transfer, dairying, livestock grazing, and general agricultural and farming activities. If considerably intact and *in situ* archaeological remains from Phases 3-5 are identified, these would likely reach the threshold for significance at a local level. If considerably intact and *in situ* archaeological remains from Phase 3 are identified and definitively associated with the Kelvin Farm, these may reach the threshold for State significance.

Should substantial archaeological remains from these phases survive they may have research potential for their ability to yield information regarding early European land settlement within Western Sydney and agricultural activities associated with Kelvin Farm.

Phase 6

The later Phase 6 is represented by extant development (not archaeological) including a house and farm sheds, which do not meet the threshold for archaeological significance.

5.5 Summary of historical archaeological potential and significance

This archaeological assessment has identified **Low** potential for historical archaeological remains of local significance to be present within the study area. The summary for archaeological potential and significance is outlined in Table 11.

Table 11: Historical archaeological potential and significance

Phase of development	Archaeological Potential	Archaeological Significance
Phase 1: Natural environment and Aboriginal occupation (pre-1788)		
Phase 2: Early European agricultural settlement and land use, Aboriginal resistance against the colonizers, and the establishment of Bringelly town (1788–1817)	Nil	Nil
Phase 3: Thomas Laycock and the establishment of the Retreat Farm (Kelvin) (1817–1896)	Low	Local or State (if definitively associated with Kelvin)
Phase 4: Initial subdivision of the farm and urban development (1896–1942)	Low	Local
Phase 5: Agricultural activities and the establishment of the RAAF base (1942–1990s)	Low	Local
Phase 6: Subdivision and intensified residential development (1990s– Present)	Extant (not archaeological)	No significance

6.0 ASSESSMENT OF DEVELOPMENT IMPACT

6.1 Methodology

This section assesses the heritage impact of the proposed works on the potential archaeological resource within the study area. This report has been prepared using the Statement of Heritage Impact 2023,¹¹³ prepared by the NSW Heritage Office, contained within the NSW Heritage Manual, as a guideline.

Justifications for heritage impacts including information on optioneering have been included where available in accordance with the Statement of Heritage Impact 2023 document.¹¹⁴

6.1.1 Grading of impacts

Specific terminology and definitions are used in this assessment to consistently identify the magnitude of the project's impact on heritage. Terminology and definitions are based on those contained in guidelines prepared by the International Council on Monuments and Sites (ICOMOS) and are outlined in Table 12.

Table 12: Terminology for assessing the magnitude of heritage impact

Magnitude	Definition
Major	<p>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.</p> <p>These actions cannot be fully mitigated.</p>
Moderate	<p>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.</p> <p>The impacts arising from such actions may be able to be partially mitigated.</p>
Minor	<p>Actions that would results in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item.</p> <p>The impacts arising from such actions can usually be mitigated.</p>
Negligible	<p>Actions that would result in very minor changes to heritage items.</p>
Neutral	<p>Actions that would have no heritage impact.</p>

¹¹³ NSW Heritage Office, Department of Planning and Environment 2023, Guidelines for preparing a statement of heritage impact.

¹¹⁴ NSW Heritage Office, Department of Planning and Environment 2023, Guidelines for preparing a statement of heritage impact.

6.2 Proposed development

This State Significant Development Application seeks consent for the detailed design and delivery (including construction and use) of a new mixed use residential development, to be developed in two (2) stages. Specifically, development consent is sought for:

Stage 1

- Overall site clearing and preparation works, including demolition of all existing development on the Site;
- The redevelopment of the northern portion of the Site, comprising:
 - Temporary Site access to the northern portion of the Site from The Retreat;
 - Temporary bin enclosure adjacent the temporary access;
 - Excavation works and construction of a shared two (2) storey basement to a maximum depth of RL 60.60, with capacity for 311 vehicle car spaces;
 - Construction of three (3) individual mixed use buildings, comprising:
 - Maximum building heights between 30.4m and 39.8m;
 - A total Gross Floor Area (GFA) of 26, 204sqm, comprising 25,744 sqm of residential GFA, 248 sqm of non-residential GFA and 212 sqm of retail GFA, distributed across the three buildings;
 - 254 residential units, distributed across the three buildings.
 - Associated landscaping, communal open space and embellishment works; and
 - Delivery and augmentation of services.

Stage 2

- The redevelopment of the southern portion of the Site, comprising:
 - Removal of the Stage 1 temporary access from The Retreat;
 - Connection and access of the Stage 1 basement to the western boundary (to become a future Collector Road);
 - Excavation works and construction of a shared three (3) storey basement to a depth of RL 56.35, with capacity for 336 vehicle car spaces;
 - Site and basement access from the western boundary (to become a future Collector Road);
 - Construction of three (3) individual mixed use buildings, comprising:
 - Maximum building heights between 23.8m and 39.9m;
 - A total Gross Floor Area (GFA) of 29,126 sqm, comprising 28,540 sqm of residential GFA, 212 sqm of retail GFA and 374 sqm of non-residential GFA, distributed across the three buildings;
 - 279 residential units, distributed across the three buildings.
 - Associated landscaping, communal open space and embellishment works; and
 - Delivery and augmentation of services.

A detailed description of the proposed development is detailed in Section 3.0 of the EIS prepared by Ethos Urban.

6.2.1 Impacts to archaeological resources

The proposed development would result in substantial impact to the ground surface of the study area. However, the study area has been assessed as having Low potential to contain significant historical archaeological remains that would reach the threshold for Local significance. As a result, it is expected that the proposed works would likely not encounter or impact the potential archaeological resource within the study area.

No impacts to State significant archaeology are expected during the proposed works.

Archaeological impact: Neutral

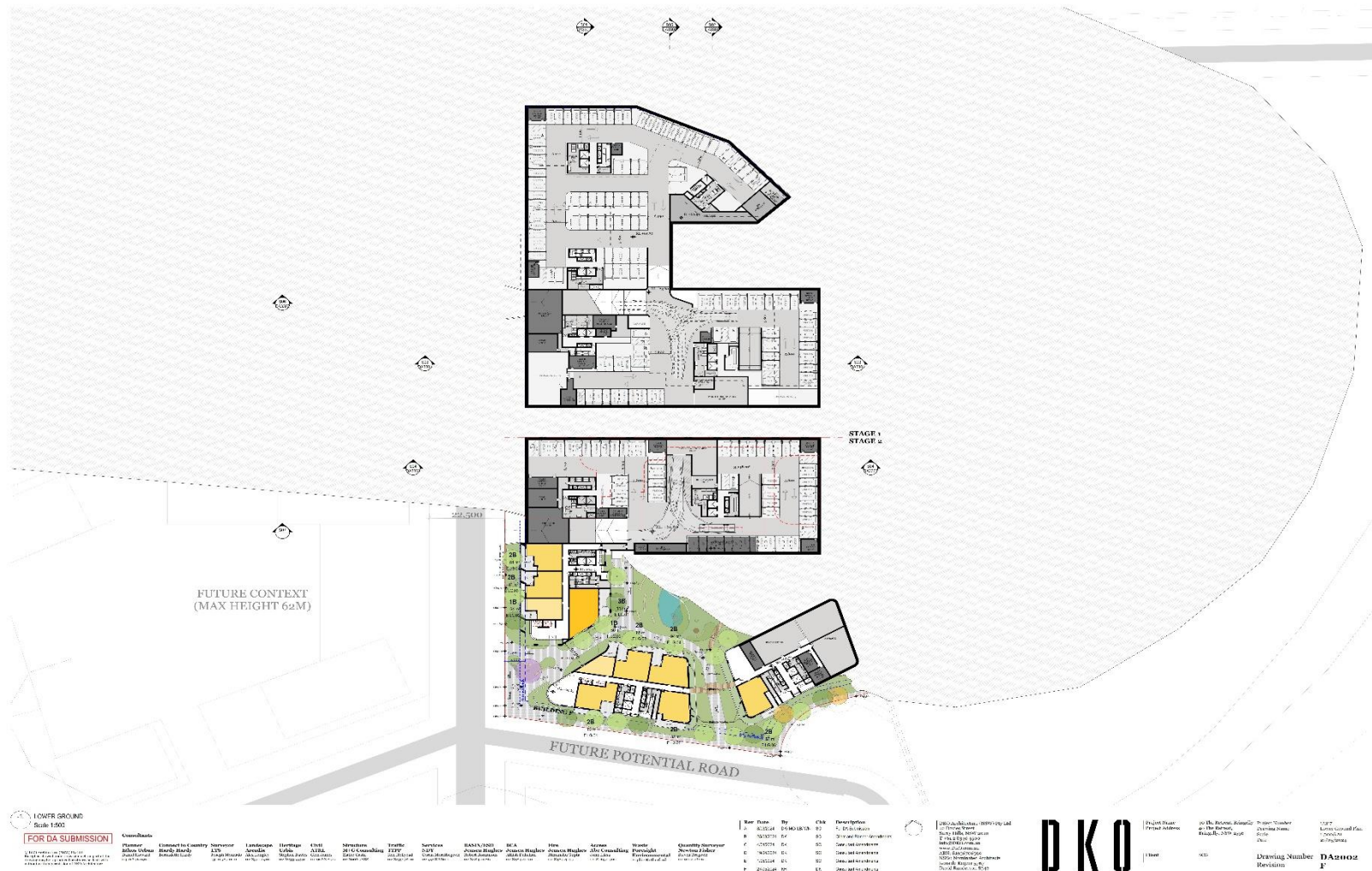


Figure 42: Area plan for the Lower Ground Floor of the proposed development (DKO 27 May 2024)¹¹⁵

¹¹⁵ Detailed drawing provided by the client in June 2024.

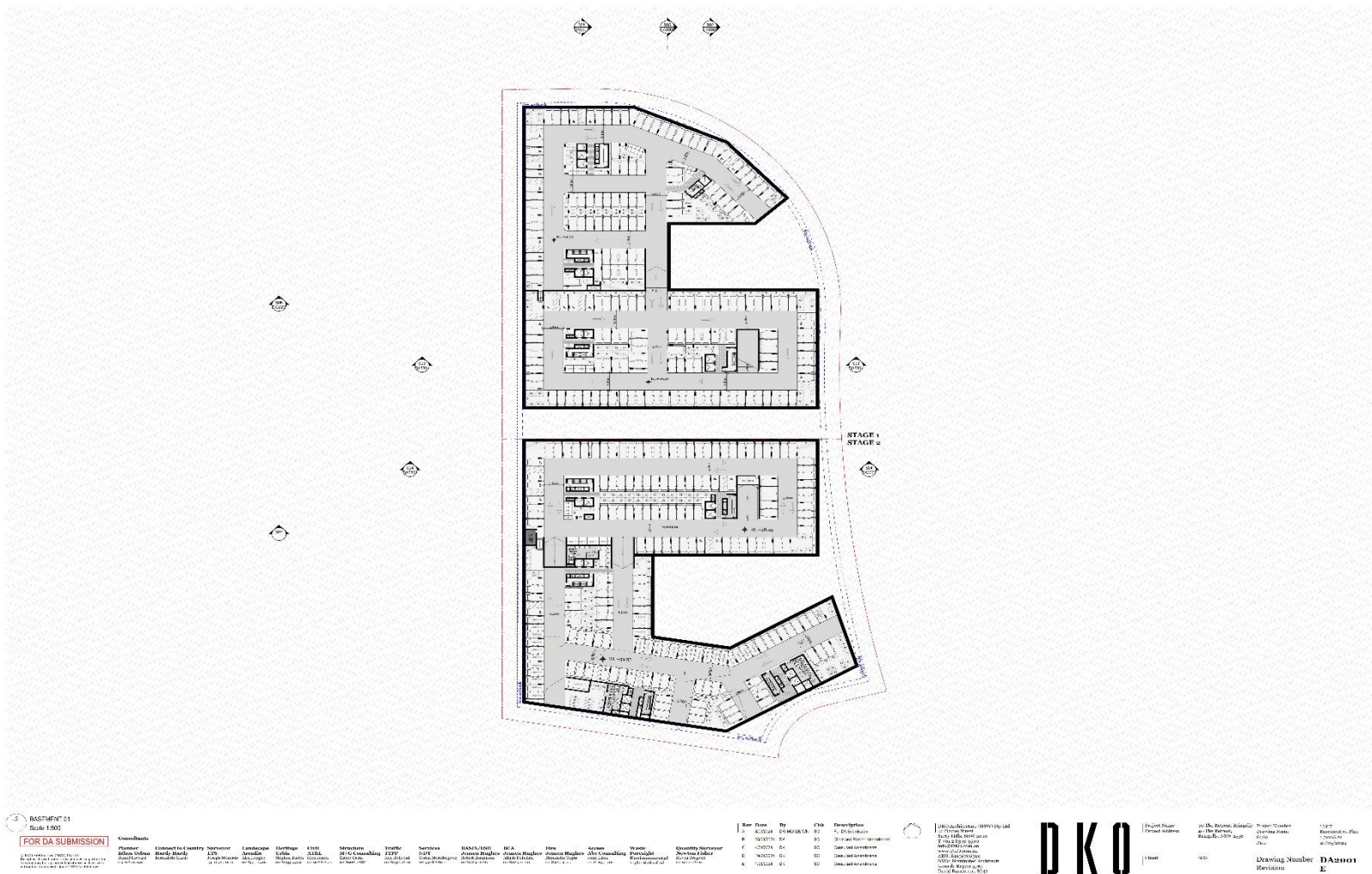


Figure 43: Area plan for the Basement Level 01 for the proposed development (DKO 27 May 2024)¹¹⁶

¹¹⁶ Detailed drawing provided by the client in June 2024.

6.2.2 Assessment against relevant policy, Western Sydney Aerotropolis Development Control Plan (2022)

Table 13 assesses the impacts of the proposal against the relevant heritage policies in the WSA-DCP.

Table 13: Assessment of development against the relevant heritage policies in the WSA-DCP

Required Performance Outcome	Benchmark Solution	Response
P04) Archaeological sites are conserved, and significant archaeological remains are protected and interpreted	1. Any work that may impact a known or potential archaeological site must have an archaeological assessment undertaken to determine the archaeological significance of the site and appropriate management procedures	<p>This report has concluded that there is Low potential to encounter archaeological remains associated with Phases 3-5 (1817-1990s) of the site.</p> <p>As a result, no impacts to significant archaeological remains are expected, and Unexpected Finds Procedure would be sufficient to manage the works.</p>

7.0 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusion – summary of findings

Historical archaeological assessment of the study area has determined:

- The study area is not listed on any statutory or non-statutory heritage registers
- The study area is located within the Aerotropolis Core precinct of the Western Sydney Aerotropolis Plan 2020
- The study area is located adjacent to the SEPP (Precincts–Western Parkland City) 2021 listed item (no. I3) and State Heritage Register listed item (no. 00046), Kelvin and the former Bringelly RAAF Base
- The proposed works include a Mixed Use development as part of a residential scheme with ground floor retail space and basement level parking
- The study area has Nil potential to contain early European occupation of the site from Phase 2 (1788–1817)
- The study area has **Low** potential to contain archaeological remains associated with Phase 3 (1817–1896), Phase 4 (1896–1942), and Phase 5 (1942–1990s). If archaeological remains survive, they are likely to be associated with early farming and agricultural activities such as light-weight undocumented ephemeral timber structures associated with herd management, post holes associated with fencelines, structures associated with water management including cisterns, and evidence of land clearance and cultivation
- If substantially intact and *in situ* archaeological remains associated with Phases 3-5 are identified, then the archaeological resource may reach the threshold for Local significance
- If substantially intact and *in situ* archaeological remains definitively associated with Kelvin Farm are identified, then the archaeological resource may meet the criteria for State significance
- Post 1990s (Phase 6) development remains largely extant within the study area and is unlikely to be associated with an archaeological resource
- Archaeological remains of Phases 2 and 6 have been assessed as having no archaeological significance
- The proposed works would not directly impact the potential archaeological resource within the SHR item Kelvin (no. 00046) adjacent to the study area
- Due to the Low potential for substantial and intact archaeological remains within the study area, it is assessed that the proposed works would result in **Neutral** impacts to significant historical archaeological remains.

7.2 Approval pathway

The proponent would be seeking development consent under the Environmental Planning and Assessment Act 1979 as a State Significant Development (SSD). The Secretary's Environmental Assessment Requirements (SEARs) issued on 18 January 2024 (SSD-65729209) outline that a HAA would be required to inform the Environmental Impact Statement (EIS) to support the SSD application for the residential scheme development at 40 The Retreat, Bringelly. This report meets the Archaeological Assessment requirement as part of Condition 19 of the SEARS:¹¹⁷

Table 14: Condition 19 of the project SEARs

SEAR	Documentation	Response / Location in Report
19. Environmental Heritage		
<ul style="list-style-type: none"> Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. 	<ul style="list-style-type: none"> Statement of Heritage Impact Archaeological Assessment 	<p>This report meets the Archaeological Assessment requirement as part of Condition 19 of the SEARs. This approval pathway has been addressed in Section 7.2 of the report.</p>

¹¹⁷ Planning Secretary's Environmental Assessment Requirements, Mixed-use Residential facilities, Application number: SSD-65729209, document provided by the client.

7.3 Recommendations and mitigations measures

It is recommended that the following mitigation measures are implemented prior to and during excavation works:

Table 15: Recommended mitigation measures for the project

ID	Mitigation Measure
Heritage Management	
<i>Mitigation measure 1</i>	<p>Unexpected Finds Procedure</p> <p>As the archaeological potential of the study area has been assessed as Low, it is recommended that potential archaeological resources be managed through an Unexpected Finds Procedure that is developed for the proposal. An example of an Unexpected Finds Procedure is outlined below:</p> <ul style="list-style-type: none"> • If archaeological remains are identified during any stage of the project, works in the area must cease, the area adequately protected, and a suitably qualified archaeologist notified so as to carry out more detailed investigation and assessment • If the archaeological assessment determines that the remains are 'relics' in the meaning of the Heritage Act, the department of Climate Change, Energy, the Environment and Water must be notified about the discovery of relics in accordance with Section 146 of the Heritage Act. Further approval/s may be required to allow the works to proceed.
<i>Mitigation Measure 2</i>	<p>Heritage induction</p> <ul style="list-style-type: none"> • All staff involved in the proposed works, including design professionals and tradespeople, must receive an archaeological heritage induction prior to the commencement of works. The archaeological heritage induction should cover the potential for the project to encounter significant archaeological remains, and the recommendations and mitigation methods included in this report including the procedure to follow in the event that an unexpected archaeological find is encountered. Clear lines of communication must be established for the reporting of any such finds and for procedures to be rapidly implemented.

General

Mitigation Measure 3

- Any additions or design modifications to the proposal, outside the scope of this assessment, would require additional heritage assessment to ensure consistency with this assessment
 - A copy of this report should be provided to the City of Liverpool Council and the Western Parkland City Authority to inform them of the proposal and the potential impacts to the study area located adjacent to the State Environment Planning Policy (Precincts–Western Parkland City) 2021 listed item (no. I3) and the State Heritage Register listed item (no. 00046), Kelvin.
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