



Mamre South State Significant Development Application Statement of Heritage Impact

FINAL REPORT

Prepared for Frasers Property Industrial Constructions Pty Ltd and Altis Property Partners Pty Ltd

20 March 2018

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Glossary

c.	Circa
CBD	Central Business District
CHL	Commonwealth Heritage List
DEE	Department of Environment and Energy
DP	Deposited Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage Act	<i>Heritage Act 1977</i>
LEP	Local Environmental Plan
NHL	National Heritage List
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
SoHI	Statement of Heritage Impact
SHR	State Heritage Register
Study area	Lot 34, DP 1118173, Lot 1, DP 1018318, Lot X, DP 421633, Lot Y, DP 421633 and Lot 22, DP 258414
SSD	State Significant Development
SEARs	Secretary's Environmental Assessment Requirements

Summary

Biosis Pty Ltd was commissioned by Altis Property Partners and Frasers Property Australia to undertake a historical heritage assessment and Statement of Heritage Impact (SoHI) of the Mamre South Precinct (Lot 34 DP 1118173, Lot 1 DP 1018318, Lot X DP 421633, Lot Y DP 421633 and Lot 22 DP 258414) located in Kemps Creek, New South Wales (NSW) (study area). The study area is located approximately 11 kilometres south-west of Penrith and approximately 40 kilometres north-west-west of the Sydney central business district (CBD).

This assessment has been formulated to support a State Significant Development (SSD) application under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The SSD application will be lodged for associated estate works consisting of vegetation clearing, bulk earthworks, subdivision and civil engineering works (for example road, stormwater, sewer and water supply works) and several buildings.

The historical research undertaken for this report indicates that the study area has been largely used for agricultural or pastoral purposes, with no formal structures identified on Crown plans or plans contained within Certificates of Title. This assessment has identified that there may be archaeological material present within the study area related to the historical use of the land, such as fencing post holes or footings for paddock or stockyard fencing and informal farm outbuildings, and historical ploughing. However, these archaeological materials have been assessed as not holding heritage significance. The impacts to the study area under the SSD application are considered acceptable, as there are no items of heritage significance with the study area that will be impacted by these activities, provided that the following recommendations are implemented.

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance.¹

Recommendation 1 No further assessment required

This assessment has identified no items of heritage significance or archaeological potential within the study area, and no negative heritage impacts to surrounding heritage items. As such, no further assessment is required prior to the approval of the SSD application. Prior to any ground disturbance occurring within the study area, an unexpected finds procedure should be implemented as outlined in Recommendation 2.

Recommendation 2 Development of an Unexpected Finds procedure

Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977*. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease

¹ Australia ICOMOS 2013

and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

1 Introduction

1.1 Project background

Biosis Pty Ltd was commissioned by Altis Property Partners and Frasers Property Australia to undertake a historical heritage assessment and SoHI of the Mamre South Precinct (Lot 34 DP 1118173, Lot 1 DP 1018318, Lot X DP 421633, Lot Y DP 421633 and Lot 22 DP 258414) located in Kemps Creek, New South Wales (NSW) (Figure 1 and Figure 2), referred to as the 'study area' herein. The assessment involved background research and an archaeological survey in order to identify any heritage items or areas of archaeological potential within the study area, and has been formulated to support an SSD application (Figure 3).

1.2 Location of the study area

The study area consists of five lots immediately to the south of the Warragamba water pipeline on the western side of Mamre Road, from 657-769 Mamre Road Kemps Creek NSW 2178 (Figure 1, Figure 2). It includes Lots X and Y DP 421633, Lot 1 DP 1018318, Lot 22 DP 258414, and Lot 34 DP 1118173. The study area is within the:

- Penrith City Council Local Government Area (LGA)
- Parish of Melville
- County of Cumberland.

1.3 Planning approvals

This assessment will support an SSD application under Part 4 of the EP&A Act. In preparing this assessment, Biosis has taken into account the Secretary's Environmental Assessment Requirements (SEARs) for the project (SSD 9522) relating to historical heritage, specifically that the Environmental Impact Statement (EIS) must include:

An assessment of European Heritage including potential impacts on the surrounding site and surrounding area, including any built landscape items, conservation areas, views and settings.

This assessment has taken into account all potential impacts within the study area, however it is noted that there are no listed heritage items in close proximity to the study area, and as such an in depth assessment of the potential impacts of the proposed works on surrounding heritage items was not necessary.

1.4 Scope of assessment

This report was prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and "Relics"* and the *Burra Charter*.² This report provides a heritage assessment to identify if any heritage items or relics exist within or in the vicinity of the study area. The heritage significance of these heritage items has been investigated and assessed in order to determine the most appropriate management strategy.

The following is a summary of the major objectives of the assessment:

- Identify and assess the heritage values associated with the study area. The assessment aims to achieve this objective through providing a brief summary of the principle historical influences that have contributed to creating the present – day built environment of the study area using resources already available and some limited new research.
- Assess the impact of the proposed works on the cultural heritage significance of the study area.
- Identifying sites and features within the study area which are already recognised for their heritage value through statutory and non – statutory heritage listings.
- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

1.5 Limitations

This report is based on historical research and field inspections. It is possible that further historical research or the emergence of new historical sources may support different interpretations of the evidence in this report.

The historical research undertaken for this report is based on primary documents including Crown and deposited plans, Certificates of Title and historical parish maps. This information was supplemented by existing studies and sources in order to present a history of the study area. Some issues were encountered with access to original Crown land grants for the study area, historical as well as details of the historical ownership of Lot 34, DP 1118173 until 1983; these impact the ability to identify any structures which may have been recorded on these plans. The archaeological survey was constrained by the presence of built fabric and modified ground surface areas in some locations, limiting the observations of ground surface and identification of potential archaeological resources.

Although this report was undertaken to best archaeological practice and its conclusions are based on professional opinion, it does not warrant that there is no possibility that additional archaeological material will be located in subsequent works on the site. This is because limitations in historical documentation and archaeological methods make it difficult to accurately predict what is under the ground.

² NSW Heritage Office 2001; NSW Heritage Branch, Department of Planning 2009; Australia ICOMOS 2013

The significance assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.

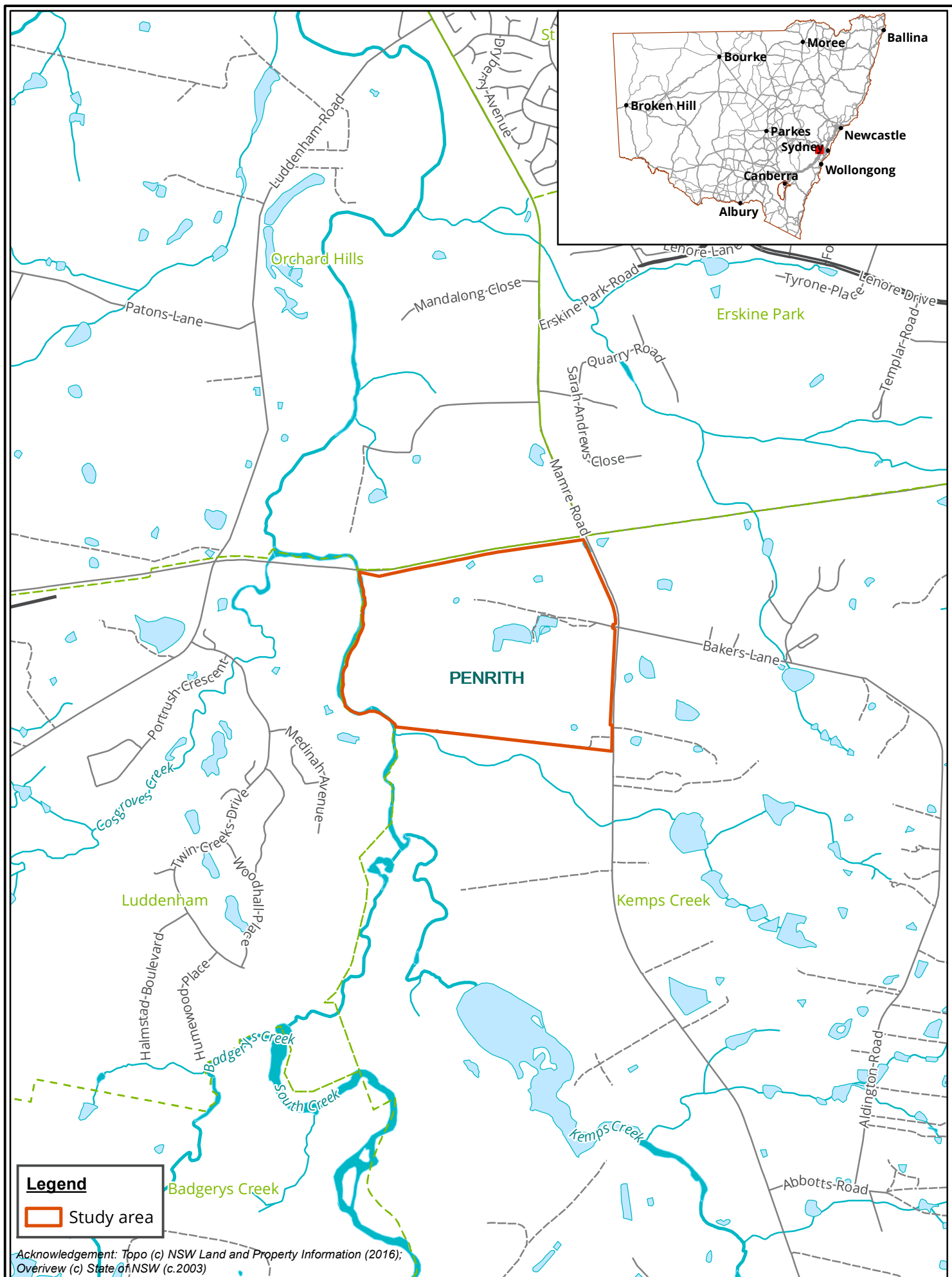


Figure 1: Location of the study area



Legend

 Study area

Figure 2: Study area detail

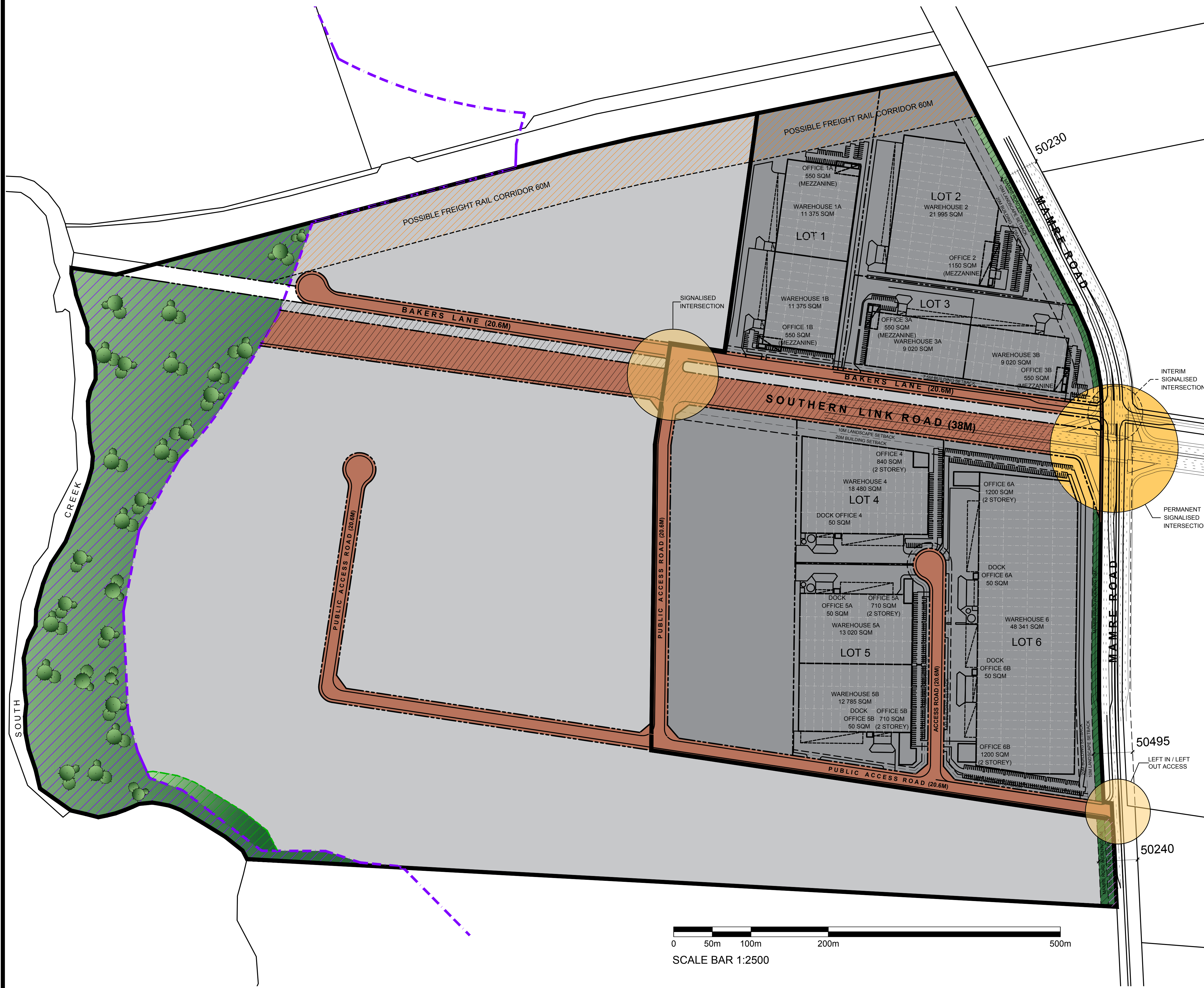
0 50 100 150 200 250
Metres

Scale: 1:5,000 @ A3
Coordinate System: GDA 1994 NSW Lambert



Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 27033
Date: 20 April 2018,
Checked by: CLA, Drawn by: LH, Last edited by: IWilson
Location: P:\27000s\27033\Mapping\27033_AR_F2_StudyArea

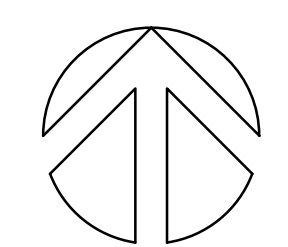


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REVISION	DESCRIPTION	DATE
A	DA ISSUE	04.05.18
B	DA ISSUE	13.06.18
D	DA ISSUE	14.09.18
F	DA ISSUE	05.12.18
G	DA ISSUE	19.12.18
H	DA ISSUE	29.03.19
I	DA ISSUE	08.05.19

DEVELOPMENT AREAS			
LOT 1		5.1591 ha	
WAREHOUSE	1A	11375 SQM	
OFFICE	1A	550 SQM	
WAREHOUSE	1B	11375 SQM	
OFFICE	1B	550 SQM	
		23850 SQM	
LOT 2		5.1304 ha	
WAREHOUSE	2	21995 SQM	
OFFICE	2	1150 SQM	
		23145 SQM	
LOT 3		3.8821 ha	
WAREHOUSE	3A	9020 SQM	
OFFICE	3A	550 SQM	
WAREHOUSE	3B	9020 SQM	
OFFICE	3B	550 SQM	
		19140 SQM	
LOT 4		3.2245 ha	
WAREHOUSE	4	18480 SQM	
OFFICE	4	840 SQM	
DOCK OFFICE	4	50 SQM	
		19370 SQM	
LOT 5		4.4970 ha	
WAREHOUSE	5A	13020 SQM	
OFFICE	5A	710 SQM	
DOCK OFFICE	5A	50 SQM	
WAREHOUSE	5B	12785 SQM	
OFFICE	5B	710 SQM	
DOCK OFFICE	5B	50 SQM	
		27325 SQM	
LOT 6		8.7377 ha	
WAREHOUSE	6	48341 SQM	
OFFICE	6A	1200 SQM	
DOCK OFFICE	6A	50 SQM	
OFFICE	6B	1200 SQM	
DOCK OFFICE	6B	50 SQM	
		50841 SQM	
TOTAL		30.63 ha	163671 SQM

- BULK EARTHWORKS
STAGE BOUNDARIES
- BE STAGE 1
- BE STAGE 2
- EXISTING FLOODPLAIN
- PROPOSED ROADS



ALTIS
PROPERTY PARTNERS



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PROJECT
STATE SIGNIFICANT DEVELOPMENT
APPLICATION PLAN FOR KEMPS CREEK
ADDRESS
MAMRE ROAD & BAKERS LANE
KEMPS CREEK
DRAWING TITLE
STATE BULK
EARTHWORKS &
BUILDING PLAN

SCALE 1:2500 @ A1
DRAWN MP
CHECKED JQ
DATE 08.05.19
JOB NUMBER 0000-00-000

DRAWING NUMBER
ISSUE
SSD-MRM-DA-001 I

ALL LEVELS ARE INDICATIVE AND SHOULD BE READ IN
CONJUNCTION WITH CIVIL ENGINEER'S DRAWINGS.
FOR FINAL LEVELS OF ALL EARTHWORKS.
ALL LEVELS ARE TO BE +/- 1000mm.

2 Statutory framework

In NSW cultural heritage is managed in a three-tiered system: national, state and local. Certain sites and items may require management under all three systems or only under one or two. The following discussion aims to outline the various levels of protection and approvals required to make changes to cultural heritage in the state.

2.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act) is the national Act protecting the natural and cultural environment. The EPBC Act is administered by the Department of Environment and Energy (DEE). The EPBC Act establishes two heritage lists for the management of the natural and cultural environment:

- The National Heritage List (NHL) contains items listed on the NHL have been assessed to be of outstanding significance and define "critical moments in our development as a nation".³
- The Commonwealth Heritage List (CHL) contains items listed on the CHL are natural and cultural heritage places that are on Commonwealth land, in Commonwealth waters or are owned or managed by the Commonwealth. A place or item on the CHL has been assessed as possessing "significant" heritage value.⁴

A search of the NHL and CHL did not yield any results associated with the study area.

2.2 NSW Heritage Act 1977

Heritage in NSW is principally protected by the *Heritage Act 1977* (Heritage Act) (as amended) which was passed for the purpose of conserving items of environmental heritage of NSW. Environmental heritage is broadly defined under Section 4 of the Heritage Act as consisting of the following items: "*those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance*". The Act is administered by the NSW Heritage Council, under delegation by the Heritage Division, Office of Environment and Heritage. The Heritage Act is designed to protect both known heritage items (such as standing structures) and items that may not be immediately obvious (such as potential archaeological remains or 'relics'). Different parts of the Heritage Act deal with different situations and types of heritage and the Act provides a number of mechanisms by which items and places of heritage significance may be protected.

2.2.1 State Heritage Register

Protection of items of State significance is by nomination and listing on the State Heritage Register (SHR) created under Part 3A of the NSW *Heritage Act*. The Register came into effect on 2 April 1999. The Register was

³ "About National Heritage" <http://www.environment.gov.au/heritage/about/national/index.html>

⁴ "Commonwealth Heritage List Criteria"

<http://www.environment.gov.au/heritage/about/commonwealth/criteria.html>

established under the *Heritage Amendment Act* 1998. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance.

A permit under Section 60 of the Heritage Act (NSW) is required for works on a site listed on the SHR, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of which minor works are exempted from the requirements to submit a Section 60 Application can be found in the Guideline "Standard Exemptions for Works requiring Heritage Council Approval". These exemptions came into force on 5 September 2008 and replace all previous exemptions.

There are no items listed on the SHR within or in the vicinity of the study area.

2.2.2 Archaeological relics

Section 139 of the Heritage Act protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. This section applies to all land in NSW that is not included on the State Heritage Register.

Amendments to the Heritage Act made in 2009 changed the definition of an archaeological 'relic' under the Act. A 'relic' is defined by the Heritage Act as:

"Any deposit, object or material evidence:

(a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) which is of State or Local significance"

It should be noted that not all remains that would be considered archaeological are relics under the NSW Heritage Act. Advice given in the Archaeological Significance Assessment Guidelines is that a "relic" would be viewed as a chattel and it is stated that *"In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include 'relics' of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be 'relics'.⁵"*

If a relic, including shipwrecks in NSW waters (that is rivers, harbours, lakes and enclosed bays) is located, the discoverer is required to notify the NSW Heritage Council.

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

⁵ NSW Heritage Branch, Department of Planning 2009, 7

Exceptions under Section 139(4) to the standard Section 140 process exist for applications that meet the appropriate criterion. An application is still required to be made. The Section 139(4) permit is an exception from the requirement to obtain a Section 140 permit and reflects the nature of the impact and the significance of the relics or potential relics being impacted upon.

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of state or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with section 146 of the Heritage Act. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area.

2.2.3 Section 170 Heritage and Conservation Registers

Section 170 of the *Heritage Act* requires that culturally significant items or places managed or owned by Government agencies are listed on departmental Heritage and Conservation Register. Information on these registers has been prepared in accordance with Heritage Division guidelines.

Statutory obligations for archaeological sites that are listed on a Section 170 Register include notification to the Heritage Council in addition to relic's provision obligations. There are no items within or in the vicinity of the study area that are entered on a State government instrumentality Section 170 Register.

2.3 Environmental Planning and Assessment Act 1979

2.3.1 Penrith Local Environmental Plan 2010

The Penrith Local Environmental Plan (LEP) 2010 contains schedules of heritage items that are managed by the controls in the instrument. As the project is being undertaken under Part 4 of the *EP&A Act*, council is responsible for approving controlled work via the development application system. Heritage items in the vicinity of the study area are identified in Figure 4.

The study area is situated within the vicinity of heritage items of local significance:

- Brick farmhouse, (Item No. 106), 282 Aldington Road, Kemps Creek NSW, Lot 142, DP 1033686. Item of local heritage significance, approximately 2.4 kilometres south-east of the study area.
- Gateposts to Colesbrook, (Item No. 105), 269–285 Mamre Road, Kemps Creek NSW, Lot 8, DP 253503. Item of local heritage significance, approximately 1.9 kilometres south-south-east of the study area.
- The Fleurs Radio Telescope site, (Item No. 832), 885(a) Mamre Road, Kemps Creek NSW, Lot 21, DP 258414. Item of local heritage significance, approximately 1.7 kilometres south of the study area.
- “Bayley Park”, house, (Item No. 104), 919–929 Mamre Road, Kemps Creek NSW, Lot 35, DP 258414. Item of local heritage significance, approximately 1.4 kilometres south of the study area.
- Canine Council dwelling, (Item No. 846), 391–395 Mamre Road, Orchard Hills NSW, Lot 2, DP 547057. Item of local heritage significance, approximately 1.5 kilometres north of the study area.
- Luddenham Road Alignment, (Item No. 843), Luddenham Road, Luddenham NSW. Item of local heritage significance, approximately 788 metres west of the study area.

2.3.2 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (DCP) outlines built form controls to guide development. The PDCP supplements the provisions of the Penrith LEP 2010. As the study area neither contains nor is closely

located to any listed heritage items or conservation areas, controls relating to potential heritage items are summarised below.

The controls within the DCP ensure that any building, relic or structure that is more than 50 years old and which may have heritage significance, but is not listed in Schedule 5 – Environmental Heritage of the Penrith LEP 2010, is protected. Where it is proposed to develop or demolish a building, relic or structure not listed in Schedule 5 – Environmental Heritage of Penrith LEP 2010 that is older than fifty years, Council may require the submission of a Heritage Impact Statement that addresses the following items so as to enable it to fully consider the impact of the development upon the significance of the building, relic or structure:

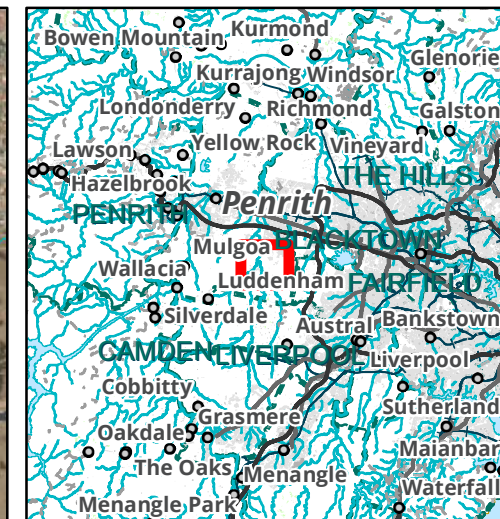
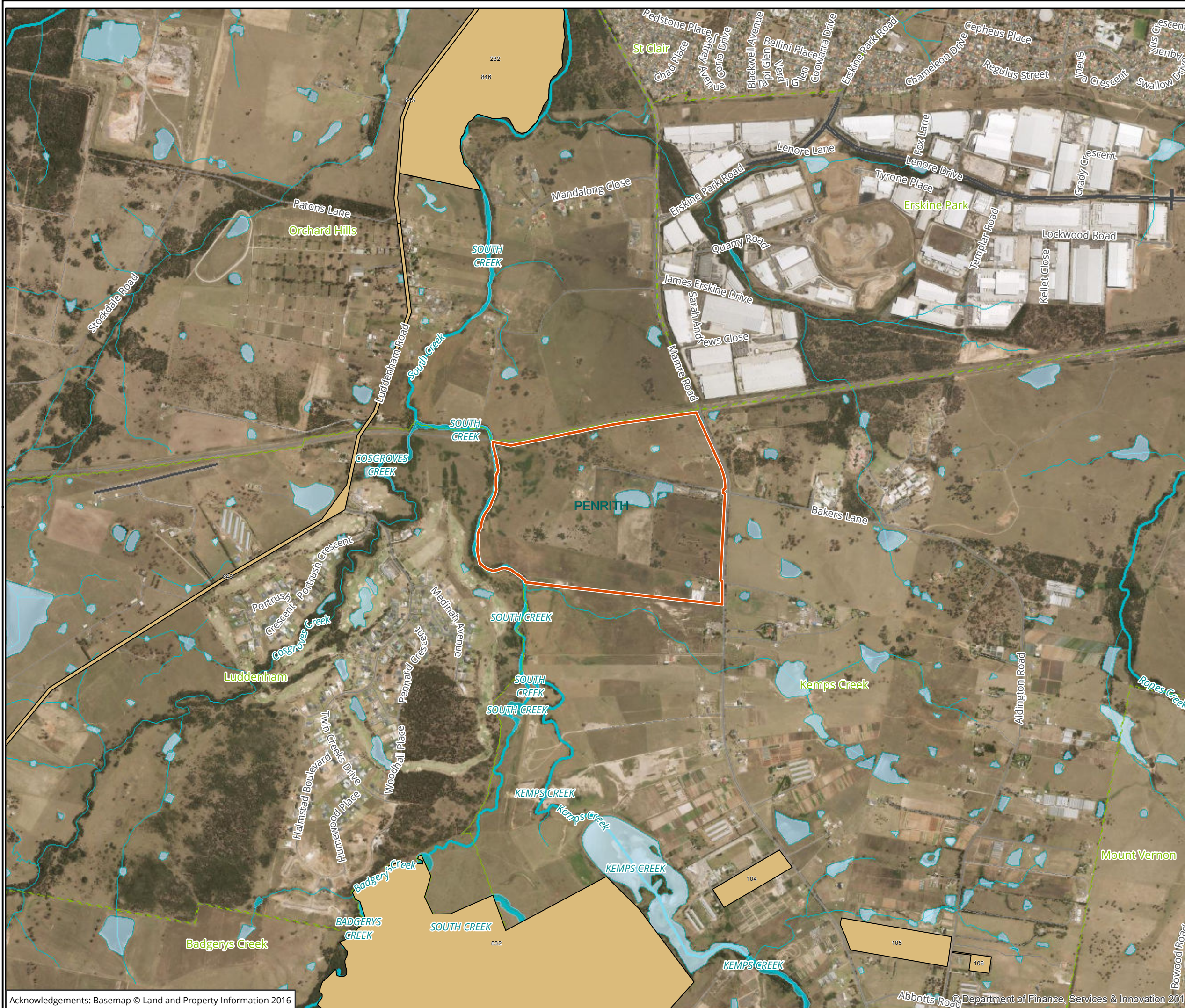
- The heritage significance of the building, relic or structure as part of the environmental heritage of Penrith.
- The impact that the proposed development will have on the heritage significance of the building, relic or structure and its setting, including any landscape or horticultural features.
- The measures proposed to conserve the heritage significance of the building, relic or structure and its setting.
- Whether any archaeological site would be adversely affected by the proposed development.
- The extent to which the carrying out of the proposed development would affect the form of any significant subdivision pattern.
- The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

2.4 Summary of heritage listings

A summary of heritage listings within and in the vicinity of the study area is presented in Table 1 and Figure 4.

Table 1 Summary of heritage listings in the vicinity of the study area

Site number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
106	Brick farmhouse	282 Aldington Road, Kemps Creek NSW, Lot 142, DP 1033686	Penrith LEP 2010	-	Local
105	Gateposts to Colesbrook	269–285 Mamre Road, Kemps Creek NSW, Lot 8, DP 253503	Penrith LEP 2010	-	Local
832	The Fleurs Radio Telescope site	885(a) Mamre Road, Kemps Creek NSW, Lot 21, DP 258414	Penrith LEP 2010	-	Local
104	“Bayley Park”, house	919–929 Mamre Road, Kemps Creek NSW, Lot 35, DP 258414	Penrith LEP 2010	-	Local
846	Canine Council dwelling	391–395 Mamre Road, Orchard Hills NSW, Lot 2, DP 547057	Penrith LEP 2010	-	Local
843	Luddenham Road Alignment	Luddenham Road, Luddenham NSW	Penrith LEP 2010	-	Local



Legend

- Study area
- Item - General

Figure 4: Location of heritage items in the vicinity of the study area

0 200 400 600 800 1,000
Metres

Scale: 1:20,000 @ A3
Coordinate System: GDA 1994 NSW Lambert



Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 27033
Date: 20 April 2018,
Checked by: JAC, Drawn by: LW, Last edited by: lwilson
Location: \\bio-data-01\matters\27000s\27033\Mapping\27033_SoH1_F4_HeritageItems

3 Historical context

Historical research has been undertaken to identify the land use history of the study area, to isolate key phases in its history and to identify the location of any built heritage or archaeological resources which may be associated with the study area. The historical research places the history of the study area into the broader context of Kemps Creek.

3.1 Topography and resources

Topographically, the entire project area is located on a broad area of alluvial flats, with riparian corridors surrounding creeklines present (Figure 2), and generally appears to slope very gently down toward South Creek. The *Alluvial plain* landform pattern is defined as having extremely low relief. Shallow to deep alluvial stream channels are sparse to widely spaced, forming a unidirectional, integrated network. There may be frequently active erosion and aggradation by channelled and overbank stream flow, or the landforms can be relicts from these processes. Typical landform elements associated with the alluvial plain landform pattern present within the study area include stream channels, levees, backswamp, and channel fill. The *Stream channel* is linear, generally sinuous open depression, in parts eroded, built up and aggraded by channelled stream flow; it comprises stream bed and banks.⁶ *Levee* is very long, low, narrow, nearly level, sinuous ridge immediately adjacent to a stream channel built up by overbank flow; it is created on both sides of the stream channel as a result of periodic flooding and depositional events. During large floods the stream flows out of the channel and over the floodplain, resulting in both erosion and burial of cultural material. Old, abandoned channel form an oxbow lake or *backswamp*, and are present where deposits of fine silts and clays settle after a flood.⁷

Current aerial photography shows that beyond the riparian corridor, the project area has been extensively cleared (Figure 2), except for a few small stands of remnant vegetation throughout the area. The remnant vegetation would be a mixture of the native vegetation associated with the Blacktown and South Creek soil landscapes and introduced species. The original woodland and open forest associated with the Blacktown soil landscape were dominated by Forest Red Gum, Narrow-leaved Ironbark and Spotted Gum.⁸ The stream banks and alluvial plains of the South Creek soil landscape were dominated by species including Swamp Oak and Melaleuca.⁹

⁶ Speight 2009: 43

⁷ Rapp and Hill 2006: 69

⁸ Bannerman & Hazleton 1990, p. 29

⁹ Bannerman & Hazleton 1990, p. 68-69

3.2 Aboriginal past

It is generally accepted that people have inhabited the Australian landmass for at least 65,000 years.¹⁰ Dates of the earliest occupation of the continent by Aboriginal people are subject to continued revision as more research is undertaken. The timing for the human occupation of the Sydney Basin is still uncertain. While there is some possible evidence for occupation of the region around 40,000 years ago, the earliest known radiocarbon date for the Aboriginal occupation of the Sydney Basin is associated with a cultural / archaeological deposit at Parramatta, which was dated to 30,735 ± 407 BP.¹¹

Archaeological evidence of Aboriginal occupation of the Cumberland Plains indicates that the area was intensively occupied from approximately 4000 years BP.¹² These relatively recent dates are probably more a reflection of the conditions associated with the preservation of this evidence and the areas that have been subject to surface and subsurface archaeological investigations, rather than actual evidence of the Aboriginal people prior to this time.

The study area is in the vicinity of three language groups: the Dharawal, Gundungurra and the hinterland Darug. It is believed the Gundungurra covered “the southern rim of the Cumberland Plain west of the Georges River, as well as the southern Blue Mountains”, the Dharawal “the south side of Botany Bay, extending as far as the Shoalhaven River; from the coast to the Georges River and Appin, possibly as far west as Camden”, with the hinterland Darug covering the area “from Appin in the south to the Hawkesbury River in the north; west of the Georges River, Parramatta, the Lane Cove River and Berowra Creek”. These areas are considered to be indicative only and would have changed through time.¹³

3.3 Historical development

3.3.1 Exploration (1789 to 1791)

The earliest exploration of the Penrith region occurred in 1789. An exploration party was led by Captain Watkin Tench, an officer in the Marine Corps, and also included Mr Lowe (surgeon's mate of the *Sirius*), Mr Arndell (assistant surgeon to the Colony), two other marines and a convict. The group reached the Nepean River on 28 June.¹⁴ Later that year, the Penrith Ford was crossed, and in 1791 the course of the Nepean had been explored from the ford to Grose River. By 1791, it had been confirmed that the Hawkesbury and Nepean rivers were the same watercourse; however, each of the names were kept, transitioning from one to the other at the junction with the Grose River.¹⁵

¹⁰ Clarkson et al. 2015

¹¹ Jo McDonald Cultural Heritage Management 2005; Jo McDonald Cultural Heritage Management 2005b

¹² Dallas 1982

¹³ Attenbrow 2002, 34

¹⁴ Oehm 2006; Paul Davies Pty Ltd 2007, 11

¹⁵ Thorp 1986, 12

3.3.2 Early development (1803 to 1817)

From 1803, Charles Grimes and James Meehan surveyed areas of the eastern bank of the Nepean following the sanctioning of settlement in this area by Governor Philip Gidley King, likely in part for the fertile soils associated with the Nepean River floodplain. The portions of land ranged from 40 to 200 acres (approximately 16.2 to 81 hectares), with several of 1,000 acres (404.6 hectares) and above. These were granted to officials, free settlers and military staff.¹⁶

In December 1805, Edward Wood received a grant of 300 acres (approximately 121 hectares), while Richard Fitzgerald also received a grant within the same month. The study area also contains a land grant of 360 acres (approximately 146 hectares) made to James Scott (Figure 5).¹⁷ Melville parish maps note these farms as Kings Wood and Restitution Farm, respectively; however, Wood's grant is noted as belonging to Ezekiel Wood. Over time, around 1,699 Europeans had settled in the Nepean region, most of whom were of Irish and English heritage and were emancipists or convicts assigned to free settlers or those associated with the government or military.¹⁸

¹⁶ Paul Davies Pty Ltd 2007, 11; Thorp 1986, 12

¹⁷ NSW Land Registry Services, Primary Application 17335; NSW Land Registry Services, Primary Application 7336

¹⁸ Paul Davies Pty Ltd 2007b, 10

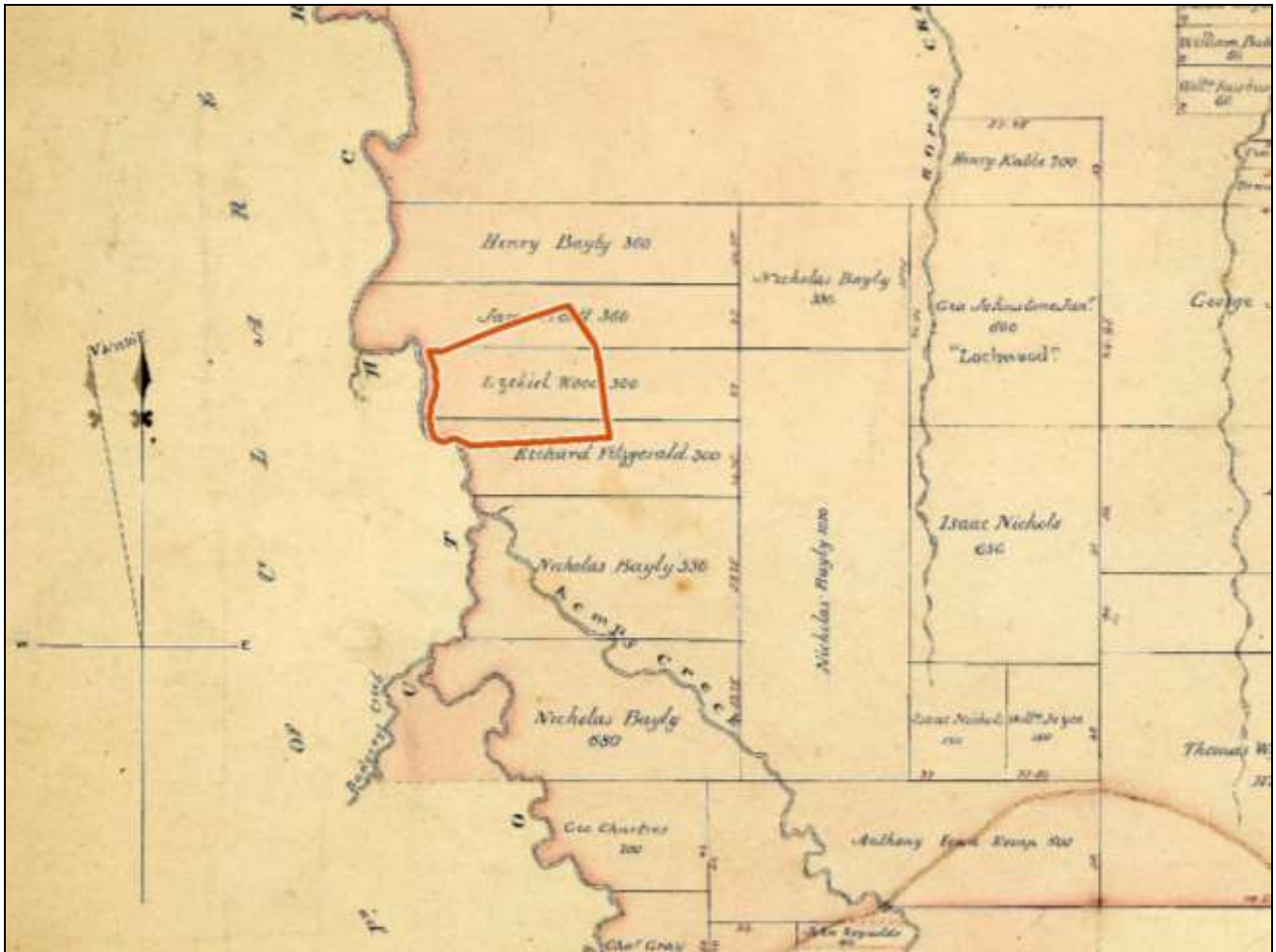


Figure 5 Extract of an early undated Melville Parish map, with the study area highlighted
(Source: NSW Land Registry Services)

Richard Fitzgerald arrived in Sydney in 1791, having been convicted and sentenced to transportation in 1787. His good conduct and behaviour, as well as existing agricultural knowledge and experience, earned him the position of superintendent of convicts at Toongabbie in 1792. This led to his being appointed superintendent of public agriculture in both Toongabbie and Parramatta in 1798, and inspector and director of all government farms and settlements. Prior to his grant in the parish of Melville, he had already received and purchased a number of grants, totalling 340 acres (approximately 138 hectares) by 1802, and by 1804 he had 90 acres (36 hectares) of wheat, 349 sheep and other livestock. Fitzgerald also became a close friend, colleague and mentor of Governor Lachlan Macquarie, who appointed Fitzgerald superintendent of agriculture at Emu Plains, near the study area.¹⁹

¹⁹ MacLaurin 1966

Until the establishment of the Great Western Road around 1815, there was no official passage to the Nepean area. In the same year, Governor Lachlan Macquarie conducted his inspection tour of the region.²⁰ The Great Western Road had developed into a main route for travel and communication for the Nepean region by 1817, and in this year the government town of Penrith was also established. Penrith remained a small, roadside settlement into the 1830s.²¹

3.3.3 Pastoral pursuits (1826 to 1913)

In May 1826, it appears that Wood's grant was transferred in three parts to Henry Bailey, Richard Jones and William Walker.²² Fitzgerald leased his land to Henry Bayly in 1836 following what appears to have been an unregistered conveyance to Nicholas Bayly in 1810.²³ Nicholas Bayly arrived in Sydney as an ensign in the NSW Corp, and was granted land in Hunter's Hill and Parramatta in 1799. Bayly was also granted land south of the study area, known as Bayly Park. His son Henry was charged with Bayly Park upon his death.²⁴ Richard Jones and William Walker belonged to a merchant partnership called Jones, Riley & Walker, one of the first merchant firms in NSW.²⁵ It may be that this acquisition was a pastoral venture for the business and several investors. Unfortunately, the ownership and occupation of Fitzgerald's land becomes unclear according to the record of ownership within the Primary Application made for his and other's land until it is acquired by Thomas Morse, Esquire, in 1889.²⁶

Wood's original grant was indentured in four parts In March 1847 to William Davies, William Salmon Deloitte and William Fanning (first part), Richard Jones (second part), William Walker (third part) and Charles York (fourth part). The following month, a further indenture was made between Charles York of one part and John Cosgrove of the other part.²⁷ This suggests that Jones and Walker were increasing their holdings in the area as part of their pastoral business venture. A deed dating 1879 records that the land in the most northern lot of the study area was owned by the Hamilton family.²⁸ It may be possible that the Hamiltons acquired this land some time prior to the date of this deed, but evidence of this has not been forthcoming.

The dairy industry had developed in the area of South Creek by the 1890s.²⁹ It is possible that Thomas Morse defaulted on his mortgage, as the New Oriental Bank Corporation became the owners of his land at some point between 1890 and 1895. However, in 1912, the Bank was going into liquidation, and the land was

²⁰ Thorp 1986, 12

²¹ Thorp 1986, 12

²² NSW Land Registry Services, Primary Application 17335

²³ NSW Land Registry Services, Primary Application 7336

²⁴ 1931 "Notable Parramattans." *Cumberland Argus and Fruitgrowers Advocate* (Parramatta, NSW : 1888 - 1950), 15 January, p. 16, <http://nla.gov.au/nla.news-article106843127>, viewed 13 May 2018

²⁵ Shinberg 1967; Parsons 1967

²⁶ NSW Land Registry Services, Primary Application 7336; NSW Land Registry Services, Certificate of Title Volume 912 Folio 55

²⁷ NSW Land Registry Services, Primary Application 17335

²⁸ NSW Land Registry Services, Book 679 No. 482

²⁹ Paul Davies Pty Ltd 2007, 24

Figure 6 Plan of the new road from the boundary of the St Mary's municipality to the Orphan School Road, dating to 1892, with the study area shown (Source: NSW Land Registry Services, Crown plan R4288.1603)

3.3.4 Amalgamation and ownership partnerships (1911 to present)

Over time, it appears that John Cosgrove had acquired most of the northern part of the study area. Following his death, the land remained in the Cosgrove family until 1911, when ownership was amalgamated with land from other grants made to William Cosgrove in 1812 and Mary Brookes in 1823. Ownership of this amalgamated land was covered by three parties: William Cosgrove of the first; John Charles Henry Cosgrove of the second; and William Cosgrove and James Hugh Montague of the third. The Cosgroves are all recorded as graziers, while Montague is noted as an auctioneer.³² In 1913, John Hamilton, a farmer, acquired the Cosgrove and Montague land.³³

In 1916, MacIntyre acquired further land, adding it to his existing property. However, in the same year, MacIntyre sold the land to Henry Horton, a grazier.³⁴ John Hamilton leased his property to Griffiths Brothers Propriety Limited in 1917, and transferred ownership to John Andrew Hamilton, a cattle dealer, in 1918. In the same year, Dennis Hurley, a horse dealer, acquired John Andrew Hamilton's property, who then sold it to Griffiths Brothers Propriety Limited in 1919.³⁵

Horton leased his property to E. Killen & Sons Limited 1927 for seven years until 1934. In this time, however, the Perpetual Trustee Company (Limited) became the owners of Horton's land in 1930, and Greenfields Limited acquired the property in June 1934.³⁶ Joseph Cole purchased the northern portion of the study area owned by the Griffiths Brothers Propriety Limited in 1928. Following this, the land was owned by a series of farmers and carriers until 1941.³⁷ The most northern lot within the study area was subdivided in 1939, with the said lot being Lot D of DP 154739. No structures are recorded on the subdivision plan.³⁸ By the early 1940s, the Penrith district was being utilised for dairying, orcharding, mixed farming, poultry and grazing animals.³⁹

The northern part of the study area was again acquired in two parts in 1941 by Margaret Jane McQuilty Haynes of one part and George Grenfell, a farmer, of the other part. Three years in 1944 later the two parts were purchased by Margaret Jane McQuilty Haynes and George White, and in the same year transferred to Allan Douglas Jurd, a dairyman.⁴⁰ The southern portion of the study area was acquired by J.H. Bawn Pty.

³² NSW Land Registry Services, Primary Application 17335; NSW Land Registry Services, Certificate of Title Volume 2365 Folio 41; NSW Land Registry Services, Certificate of Title Volume 2365 Folio 40; NSW Land Registry Services, Certificate of Title Volume 2365 Folio 39

³³ NSW Land Registry Services, Certificate of Title Volume 2375 Folio 235

³⁴ NSW Land Registry Services, Certificate of Title Volume 2656 Folio 98

³⁵ NSW Land Registry Services, Certificate of Title Volume 2375 Folio 235

³⁶ NSW Land Registry Services, Certificate of Title Volume 2656 Folio 98

³⁷ NSW Land Registry Services, Certificate of Title Volume 2375 Folio 235

³⁸ NSW Land Registry Services, DP 154739

³⁹ Paul Davies Pty Ltd 2007b, 24

⁴⁰ NSW Land Registry Services, Certificate of Title Volume 5292 Folio 66; NSW Land Registry Services, Certificate of Title Volume 5292 Folio 65; NSW Land Registry Services, Certificate of Title Volume 5423 Folio 38

Limited in 1954.⁴¹ Mamre Road was widened in 1958, and as a result, small parts of the study area were resumed (Figure 7).⁴²

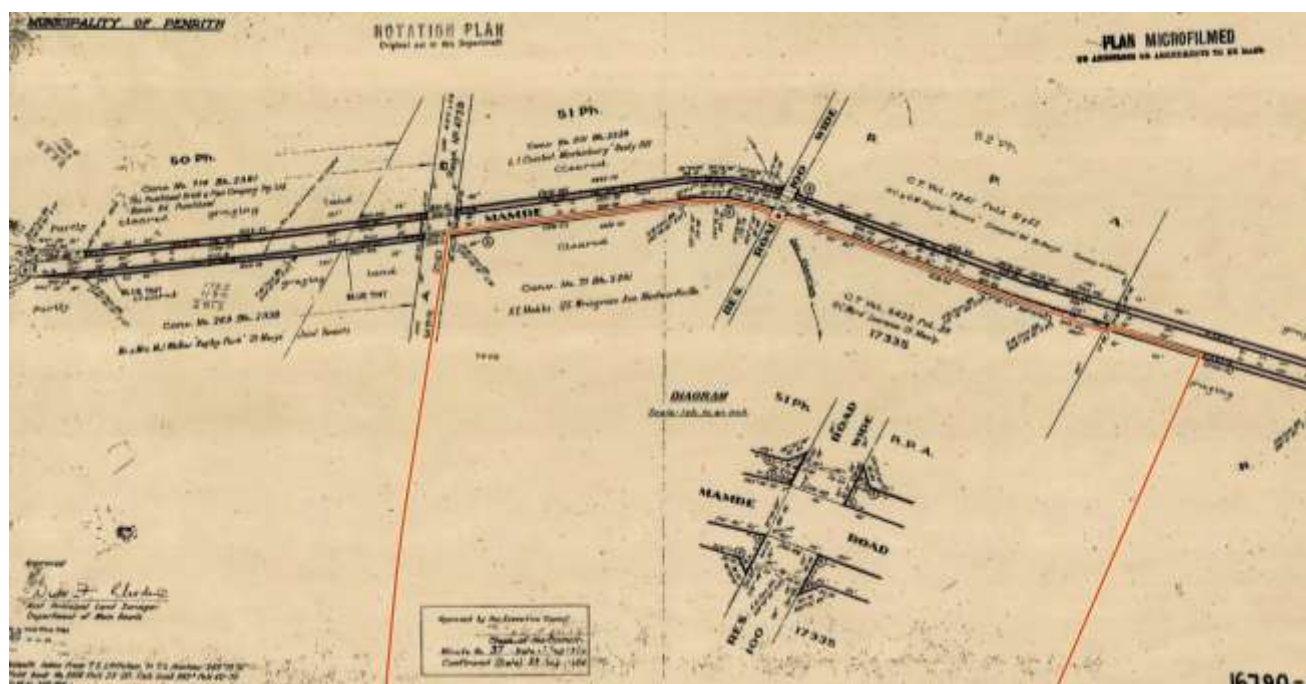


Figure 7 Road widening of Mamre Road in 1958, with the study area highlighted (Source: NSW Land Registry Services, Crown Plan 16790.3000)

The northern part of the study area remained a dairy property until the 1960s under various owners. That year, John J. Innes Pty. Limited acquired the land, but in 1962 it was yet again acquired with ownership established in four parts, to by Jakov Banovich, a gentleman, Maria Banovich, Valentine Nathew Peter Banovich, a mechanic, and George Abraham, a grazier.⁴³ In 1963, the Ex-Serviceman's Country Club Holdings Pty. Limited acquired part of the study area.⁴⁴ Number Two Fleurs Pty Limited became the owner of the southern portion of the study area in 1968, which at the time was Lot 2 of DP 529420.⁴⁵ The most northern part of the study area was acquired in 1983 as part of a larger grant by Keith Edgar Mobbs and Lantoo Pty. Limited.⁴⁶

⁴¹ NSW Land Registry Services, Certificate of Title Volume 6886 Folio 54

⁴² NSW Land Registry Services, Crown plan 16790.3000

⁴³ NSW Land Registry Services, Certificate of Title Volume 8372 Folio 139; NSW Land Registry Services, Certificate of Title Volume 8372 Folio 138; NSW Land Registry Services, Certificate of Title Volume 8372 Folio 137

⁴⁴ NSW Land Registry Services, Certificate of Title Volume 8444 Folio 193

⁴⁵ NSW Land Registry Services, Certificate of Title Volume 10884 Folio 224

⁴⁶ NSW Land Registry Services, Book 3562 Number 386

3.4 Chronology of the study area

Based upon the historical research presented it is possible to summarise the chronology of the study area, this is presented in Table 2. As no structures were identified within the study area as part of the historical context, this chronology is based on historical events and developments within the study area.

Table 2 Chronological development of the study area

Date	Historical event or development
1803	Charles Grimes and James Meehan survey areas of the eastern bank of the Nepean following the sanctioning of settlement by Governor Philip Gidley King.
1805	Edward Wood and Richard Fitzgerald both receive land grants of 300 acres (approximately 121 hectares) in December.
1826	Wood's grant is transferred to Henry Bayly, Richard Jones and William Walker in May.
1847	Bayly, Jones and Walker sell their land in four parts in March to William Davies, William Salmon Deloitte and William Fanning (first part), Richard Jones (second part), William Walker (third part) and Charles York (fourth part). An indenture is established between Charles York and John Cosgrove for part of the land in April. Cosgrove goes on to acquire large portions of the northern part of the study area over time.
1879	The Hamilton family currently owns part of the land originally granted to James Scott.
1889	Thomas Morse acquires the land formerly contained within Richard Fitzgerald's grant.
1890-1895	The New Oriental Bank Corporation takes ownership of Morse's land.
1892	A road between the municipal boundary of St Mary's to the Orphan School Road is established, which runs adjacent to the study area. Nathaniel McCook occupies Cosgrove's land at this time.
1911	The Cosgrove family land holdings are amalgamated with other portions of land and ownership is covered by three parties: William Cosgrove of the first; John Charles Henry Cosgrove of the second; and William Cosgrove and James Hugh Montague of the third.
1912	The Assets Realisation Company Limited acquires land formerly belonging to Morse.
1913	Donald Bruce MacIntyre acquires part of the study area from the Assets Realisation Company Limited. John Hamilton acquires the title of the portion of land owned by William Cosgrove and Montague.
1916	MacIntyre adds further land to his property, but later sells to Henry Horton.
1917	Griffiths Brothers Propriety Limited take out a lease from Hamilton.
1918	John Andrew Hamilton acquires ownership of John Hamilton's property.
1919	Griffiths Brothers Propriety Limited acquire John Andrew Hamilton's land.
1927	E. Killen & Sons Limited take out a seven year lease from Horton.
1928	Joseph Cole acquires the Griffiths Brothers Propriety Limited property.
1930	The Perpetual Trustee Company (Limited) takes ownership of Horton's land.
1934	Greenfields Limited acquire Horton's former property in June.
1939	The most northern lot within the study area is part of a subdivision

Date	Historical event or development
1941	Margaret Jane McQuilty Haynes and George Grenfell acquire a northern part of the study area in two parts.
1944	Haynes buys out Grenfell with George White. Haynes and White sell a northern part of the study area to Allan Douglas Jurd.
1954	J.H. Bawn Pty. Limited acquires a southern portion of the study area.
1958	Mamre Road is widened in several places, including the study area.
1944-1960s	The northern part of the property is owned by a series of dairy farmers.
1960	John J. Innes acquires the northern part of the study area.
1962	The northern part of the study area is acquired by four parties, Jakov Banovich, Maria Banovich, Valentine Nathew Peter Banovich and George Abraham.
1963	The Ex-Serviceman's Country Club Holdings Pty. Limited acquired part of the study area.
1968	Number Two Fleurs Pty Limited became the owner of the southern portion of the study area in 1968, which at the time was Lot 2 of DP 529420.
1983	Keith Edgar Mobbs and Lantoo Pty. Limited are granted land which contains the most northern Lot within the study area.

3.5 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts in order to gauge how typical or unique the history of a particular site actually is. This is usually ascertained by gaining an understanding of the history of a site in relation to the broad historical themes characterising Australia at the time. Such themes have been established by the Australian Heritage Commission and the NSW Heritage Office and are outlined in synoptic form in New South Wales Historical Themes.⁴⁷

There are 38 State Historical Themes, which have been developed for NSW, as well as nine National Historical Themes. These broader themes are usually referred to when developing sub-themes for a local area to ensure they complement the overall thematic framework for the broader region.

A review of the contextual history in conjunction with the local historical thematic history has identified one historical theme which relates to the occupational history of the study area.⁴⁸ This is summarised in Table 3.

Table 3 Identified historical themes for the study area

Australian Theme	NSW Theme	Local Theme
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⁴⁷ NSW Heritage Council 2001

⁴⁸ Paul Davies Pty Ltd 2007b

Developing local, regional and national economies	Agriculture	Country estates
	Pastoralism	Rural settlement

4 Physical inspection

A physical inspection of the study area was undertaken on 30 April 2018, attended by Dr Amanda Markham (Senior Archaeologist, Biosis), James Cole (Archaeologist, Biosis) and Steve Randall (Sites Officer, Deerubbin Local Aboriginal Land Council). The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items (Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential).

4.1 Site Setting

The study area is located within a semi-rural landscape, and consists of Lot 34 DP 1118173, Lot 1 DP 1018318, Lot X DP 421633, Lot Y DP 421633 and Lot 22 DP 258414. The study area is bounded by Mamre Road on its eastern side, an unnamed lane contained within Lot A, DP 229770 on its northern side, South Creek on its western side and Lot 23, DP 258414 on its southern side. The majority of the study area consists of cleared paddocks, some of which feature evidence of historical and more recent ploughing, with some areas of scattered trees and a series of man-made dams (Plate 1, Plate 2, Plate 3 and Plate 4). There are also several clusters of residential and industrial structures and occupation areas (Plate 1 and Plate 2).



Plate 1 Typical view of cleared paddock areas, with a man-made dam and residential structures in the distance, facing south-west



Plate 2 Typical view of areas cleared paddocks and residential and industrial structures, facing east



Plate 3 Typical view of scattered trees within the study area



Plate 4 Example of historical ploughing in the north-eastern corner of the study area, facing east

4.2 Built fabric assessment

Few structures or elements of the built environment were present. Several modern residential dwellings and were located in the eastern portion of the study area along Mamre Road, and one in the central-northern portion of the study area. Associated with these were driveways and landscaped garden areas, as well as several farm-related outbuildings and structures. There was also an industrial area featuring warehouses and yard spaces, likely used as part of the agricultural management of the property, and several dump areas containing discard materials and items.

4.3 Archaeological assessment

The potential archaeological resource relates to the predicted level of preservation of archaeological resources within the study area. Archaeological potential is influenced by the geographical and topographical location, the level of development, subsequent impacts, levels of onsite fill and the factors influencing preservation such as soil type. An assessment of archaeological potential has been derived from the historical analysis undertaken during the preparation of this report.

4.3.1 Archaeological resource

This section discusses the archaeological resource within the study area. The purpose of the analysis is to outline what archaeological deposits or structures are likely to be present within the study area and how these relate to the history of land use associated with the study area.

The historical context presented in this report indicates that the study area has been largely used for agricultural or pastoral purposes with no formal structures identified on Crown plans or plans contained within Certificates of Title. There could potentially be archaeological resources related to this land use, such as

postholes or footings for paddock and stockyard fencing and informal farm outbuildings. There may also be evidence of historical ploughing in the form of ridges and furrows within the soil profile.

4.3.2 Integrity of sub-surface deposits

There is evidence of both historical and more recent ploughing throughout the study area, which may have disturbed subsurface deposits in these areas. The establishment of the residential and industrial complexes, including construction of buildings, roads and driveways would also have impacted the integrity of any sub-surface archaeological remains, as would the installation of infrastructure and services to those properties.

4.3.3 Research potential

Archaeological research potential refers to the ability of archaeological evidence to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site. Archaeological research potential differs from archaeological potential in that the presence of an archaeological resource (i.e. archaeological potential) does not mean that it can provide any additional information that increases our understanding of a site or the past (i.e. archaeological research potential).

The research potential of a site is also affected by the integrity of the archaeological resource within a study area. If a site is disturbed, then vital contextual information that links material evidence to a stratigraphic sequence may be missing and it may be impossible to relate material evidence to activities on a site. This is generally held to reduce the ability of an archaeological site to answer research questions.

Assessment of the research potential of a site also relates to the level of existing documentation of a site and of the nature of the research done so far (the research framework), to produce a 'knowledge' pool to which research into archaeological remains can add.

Developing local, regional and national economies - Agriculture and Pastoralism - Country estates and rural settlement

The study area has been likely utilised for both agricultural and pastoral purposes since the land was granted to Edward Wood and Richard Fitzgerald in 1805. However, while there may be both disturbed and undisturbed archaeological material associated with these activities within the study area, it is unlikely that any remains would provide further information regarding agriculture, pastoralism, country estates or rural settlement that cannot be ascertained from historical documentation.

4.3.4 Summary of archaeological potential

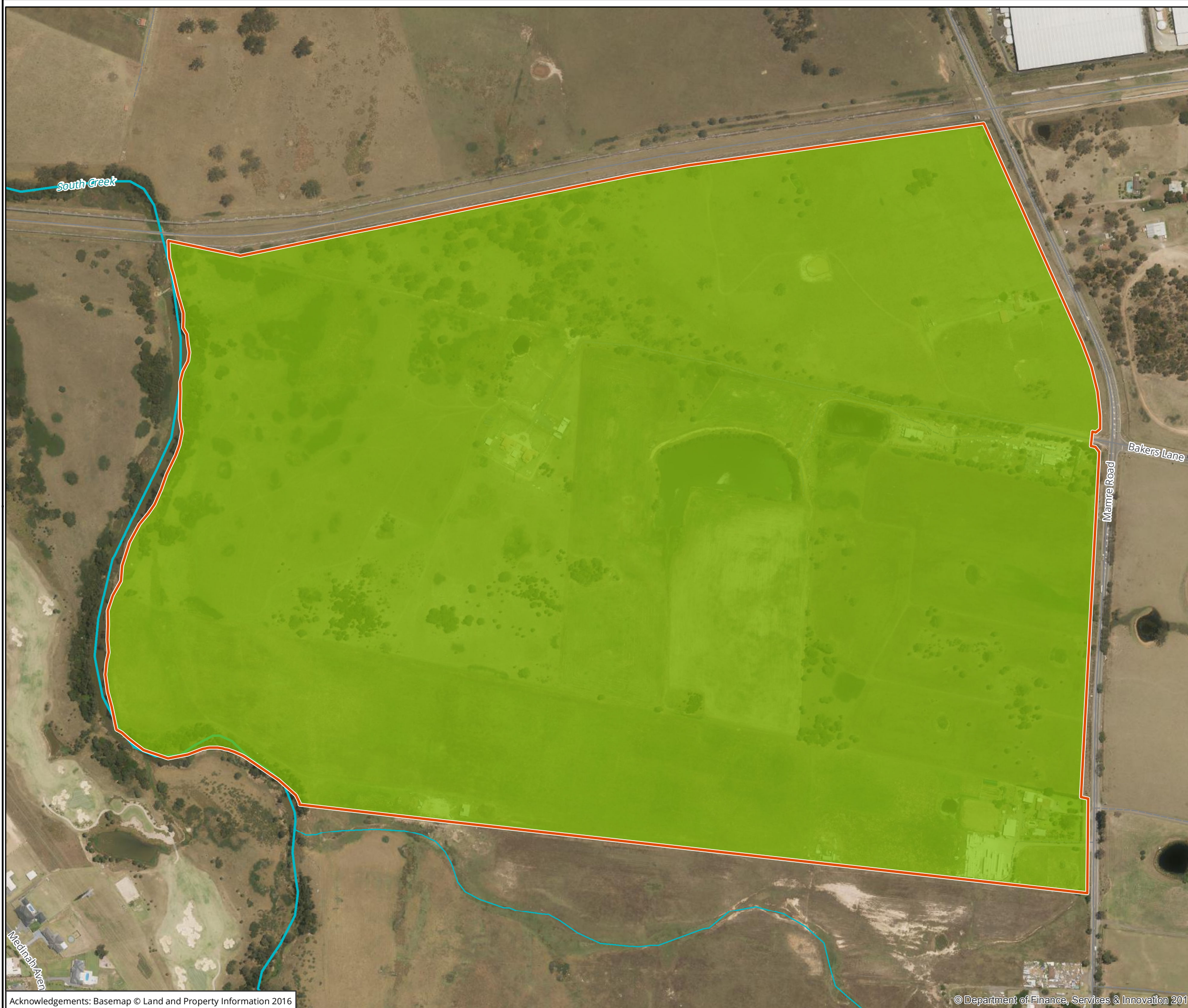
Through an analysis of the above factors a number of assumptions have been made relating to the archaeological potential of the study area, these are presented in Table 4 and Figure 8.

The assessment of archaeological potential has been divided into three categories:

- **High archaeological potential** – based upon the historical context and documentary evidence presented within this report there is a high degree of certainty that archaeologically significant remains relating to this period, theme or event will occur within the study area.
- **Moderate archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is probable that archaeological significant remains relating to this period, theme or event could be present within the study area,
- **Low archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is unlikely that archaeological significant remains relating to this period, theme or event will occur within the study area.

Table 4 Assessment of archaeological potential

Description	Probable feature(s)	Possible construction date	Archaeological potential
Paddock and stockyard fencing, informal farm outbuildings	Postholes and associated cuts, remains of fencing posts, wiring	Mid-19th century	Low
Areas of historical ploughing	Ridges and furrows	Mid-19th century	Low



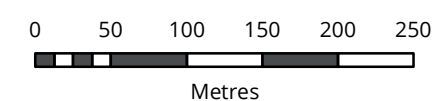
Legend

Study area

Archaeological potential

Low

Figure 8: Archaeological potential of the study area



Scale: 1:5,000 @ A3
Coordinate System: GDA 1994 NSW Lambert



Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 27033
Date: 14 May 2018,
Checked by: CLA, Drawn by: GD, Last edited by: gdavies
Location: \\bio-data-01\matters\27000s\27033\Mapping\27033_SoH1_F8_Potential

5 Significance assessment

An assessment of heritage significance encompasses a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations'.⁴⁹ This means a place can have different levels of heritage value and significance to different groups of people.

The archaeological significance of a site is commonly assessed in terms of historical and scientific values, particularly by what a site can tell us about past lifestyles and people. There is an accepted procedure for determining the level of significance of an archaeological site.

A detailed set of criteria for assessing the State's cultural heritage was published by the (then) NSW Heritage Office. These criteria are divided into two categories: nature of significance, and comparative significance.

Heritage assessment criteria in NSW fall broadly within the four significance values outlined in the Burra Charter. The Burra Charter has been adopted by State and Commonwealth heritage agencies as the recognised document for guiding best practice for heritage practitioners in Australia. The four significance values are:

- historical significance (evolution and association)
- aesthetic significance (scenic/architectural qualities and creative accomplishment)
- scientific significance (archaeological, industrial, educational, research potential and scientific significance values)
- social significance (contemporary community esteem).

The NSW Heritage Office issued a more detailed set of assessment criteria to provide consistency with heritage agencies in other States and to avoid ambiguity and misinterpretation. These criteria are based on the Burra Charter. The following SHR criteria were gazetted following amendments to the Heritage Act that came into effect in April 1999:

- criterion (a) - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
- criterion (b) - an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
- criterion (c) - an item is important in demonstrating the aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
- criterion (d) - an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

⁴⁹ NSW Heritage Office, 2001

- criterion (e) - an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
- criterion (f) - an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
- criterion (g) - an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments; or a class of the local area's cultural or natural places; or cultural or natural environments.

5.1 Levels of heritage significance

Items, places, buildings, works, relics, movable objects or precincts can be of either local or State heritage significance, or have both local and State heritage significance. Places can have different values to different people or groups.

Local heritage items

Local heritage items are those of significance to the local government area. In other words, they contribute to the individuality and streetscape, townscape, landscape or natural character of an area and are irreplaceable parts of its environmental heritage. They may have greater value to members of the local community, who regularly engage with these places and/or consider them to be an important part of their day-to-day life and their identity. Collectively, such items reflect the socio-economic and natural history of a local area. Items of local heritage significance form an integral part of the State's environmental heritage.

State heritage items

State heritage items, places, buildings, works, relics, movable objects or precincts of State heritage significance include those items of special interest in the State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection or association with the State in its widest sense.

The following evaluation attempts to identify the cultural significance of the study area. This significance is based on the assumption that the site contains intact or partially intact archaeological deposits.

5.2 Statement of significance

Table 5 presents an evaluation and subsequent statements of significance for the possible archaeological material within the study area.

Table 5 Evaluation and statement of significance for possible archaeological material within the study area

Item	Significance assessment criteria							Level of significance	Statement of significance
	A	B	C	D	E	F	G		
Paddock and stockyard fencing, informal farm outbuildings								Nil	<p>The possible archaeological material associated with the historical pastoral and agricultural activities within the study area, such as postholes or building footings, remains of fence posts and wiring, are not considered an important component of the cultural history of NSW or the Penrith district, and they are not associated with the life or works of a person(s) of importance in local or state cultural history. These possible materials will not yield information that will contribute to a greater understanding of the cultural history of NSW or the Penrith district, and they unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in the state or local area, They do not hold a strong or special association with a community or cultural group for social, cultural or spiritual reasons in NSW or the Penrith district. The possible archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Penrith district's cultural history, nor do they demonstrate the principal characteristics of a class of cultural places or environments within the state or local area.</p> <p>The possible archaeological materials associated with the historical pastoral and agricultural activities within the study area do not hold heritage significance.</p>

Item	Significance assessment criteria						Level of significance	Statement of significance
Areas of historical ploughing							Nil	<p>The possible archaeological material associated with historical agricultural activities within the study area, such as ridge and furrow, are not considered an important component of the cultural history of NSW or the Penrith district, and they are not associated with the life or works of a person(s) of importance in local or state cultural history. These possible archaeological materials will not yield information that will contribute to a greater understanding of the cultural history of NSW or the Penrith district, and they unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in the state or local area. They do not hold a strong or special association with a community or cultural group for social, cultural or spiritual reasons in NSW or the Penrith district. The possible archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Penrith district's cultural history, nor do they demonstrate the principal characteristics of a class of cultural places or environments within the state or local area.</p> <p>The possible archaeological materials associated with the historical agricultural activities within the study area do not hold heritage significance.</p>

6 Statement of heritage impact

This SoHI has been prepared to address impacts resulting from the proposed redevelopment of the study area. The SoHI identifies the level of impact arising from the proposed development and discusses mitigation measures which must be taken to avoid or reduce those impacts. The proposed impacts under the SSD includes estate works consisting of vegetation clearing, bulk earthworks, subdivision and civil engineering works (for example road, stormwater, sewer and water supply works) and several buildings.

This assessment has identified that there may be archaeological material present within the study area related to the historical use of the land for pastoral and agricultural purposes, such as paddock and stockyard fencing, informal farm outbuildings and historical ploughing. However, these archaeological materials have been assessed as not holding heritage significance. The impacts to the study area for the proposed works associated with the SSD application are considered acceptable, as there are no items of heritage significance with the study area that will be impacted by these activities, provided that an unexpected finds policy is implemented to identify and record any archaeological material that may be encountered during the proposed works.

7 Conclusions and recommendations

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance.⁵⁰

Recommendation 1 No further assessment required

This assessment has identified no items of heritage significance or archaeological potential within the study area, and no negative heritage impacts to surrounding heritage items. As such, no further assessment is required prior to the approval of the SSD application. Prior to any ground disturbance occurring within the study area, an unexpected finds procedure should be implemented as outlined in Recommendation 2.

Recommendation 2 Development of an Unexpected Finds procedure

Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977*. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

⁵⁰ Australia ICOMOS 2013

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