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Abbreviations

Abbreviation	Description
AHD	Australian Heritage Database
CHL	Commonwealth Heritage List
CMP	Conservation Management Plan
DA	Development Application
DCP	Development Control Plan
DPC	Department of Premier and Cabinet
DPIE	Department of Planning, Industry and Environment
ELA	Eco Logical Australia
EP&A Act	Environmental Planning & Assessment Act 1979
LEP	Local Environmental Plan
LGA	Local Government Area
LPI	Land and Property Information
OEH	(Former) Office of Environment and Heritage
REF	Review of Environmental Factors
SoHI	Statement of Heritage Impact
SHR	State Heritage Register
s60	Section 60 of the Heritage Act 1977

1. Introduction

1.1 Background

Eco logical Australia (ELA) has been commissioned by Ethos Urban to prepare a Statement of Heritage Impact (SoHI) to support a State Significant Development Application (SSDA) submitted to the Minister for Planning and Public Spaces, pursuant to Part 4.7 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act). This SSDA seeks consent for the design, construction and operation of a new Cricket NSW Centre of Excellence at Wilson Park, within Sydney Olympic Park, NSW.

The study area is located adjacent to the State Heritage listed "Silverwater Prison Complex Conservation Area" (SHR 00813). The site is also located within the Parramatta Local Government Area (LGA), but it was previously located within the Auburn LGA, and the Auburn Local Environmental Plan (LEP) still applies to the study area.

Under clause 5.10 of the Auburn Local Environmental Plan (LEP) 2010, submission of a SoHI is required for works to heritage listed items, items, in conservation areas and items in the vicinity of heritage items.

This report will identify and assess any potential impacts to the heritage significance of the Silverwater Prison Complex Conservation Area as a result of the proposal. Where necessary mitigative measures and recommendations for the long-term conservation of heritage values will be provided.

1.2 Study area location

The site is located at Wilson Park, in the suburb of Sydney Olympic Park, within the Parramatta Local Government Area (LGA) and is situated at the north western corner of the Sydney Olympic Park (SOP) precinct.

The site is located in proximity to a number of regionally significant facilities and amenities including the Olympic Park Railway Station, ANZ Stadium, Qudos Bank Arena and Sydney Showground, which are all approximately 2.5km south east of the site. Further to this, the site is located approximately 2km west of Wentworth Point.

The site is irregular in shape and comprises a single allotment of land with an area of 121,082m² and a leased area where development will occur with a site area of 65,767m². The site is currently owned by the Sydney Olympic Park Authority (SOPA) and it is legally described as Lot C in DP 421320. The site is bounded by the Parramatta River to the north, Silverwater correctional facility to the east, industrial lands to the south and Silverwater Road to the west.

The site's locational context is shown in **Figure 1** below. An aerial image of the site is shown in **Figure 2**.



Figure 1: Locational context



Figure 2 : Site aerial (Source: Cox Architecture)

1.3 Proposal

Given the redevelopment and closure of Sydney Football Stadium and its associated cricket training facilities, Cricket NSW decided to relocate its facilities to Sydney Olympic Park. The Wilson Park site has therefore been selected as the appropriate location for the development. Wilson Park is a former gasworks site, today being used predominantly as playing fields and riverside grassed open space with mature trees generally located around the peripheries. The site has a landfill leachate treatment plant located to its north-east, sharing the same boundary with the site.

The proposal relates to a development application to facilitate the development of a Cricket Centre of Excellence for Cricket NSW at the Wilson Park site. Specifically, the works that are proposed for the DA include:

- A two storey cricket centre, including an internal atrium, gymnasium, community facilities, sports science and sports medicine facilities and business offices;
- An International Cricket Council compliant oval 136m long x 144m wide (16,040m²)(Oval 1) and associated seating;
- A second oval (Oval 2) that complies with the Cricket Australia community guidelines for community club cricket (with a minimum diameter of 100m (6365m²);
- Outdoor practice nets, 71 wickets with a minimum of 30m run ups;
- A double height (10.7m) indoor training facility with 15 wickets;
- A single storey shed for machinery and storage;
- Associated car parking, landscaping and public domain works; and
- Extension and augmentation of services and infrastructure as required.

1.4 Methodology

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impact' (2002) and 'Assessing Heritage Significance' (2001) guidelines. The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999.

The subject proposal has been assessed in relation to the Auburn Local Environmental Plan 2010. The study area is located within the Sydney Olympic Park area as delineated within the State Environmental Planning Policy (State Significant Precincts) 2005, but the Silverwater Correctional Complex is located outside, and there are no specific heritage controls which apply.

1.5 Author identification

This report has been prepared by Caitlin Marsh, ELA Archaeologist (BA Hons [Archaeology], University of Sydney and reviewed by Karyn McLeod, ELA Principal Heritage Consultant, (BA Hons [Archaeology] University of Sydney, MA [Cultural Heritage] Deakin University.

2. Site context

2.1 Site history

Aboriginal people have inhabited the greater Sydney region for in excess of 20,000 years prior to the First Fleet. At time of colonisation, the Homebush area was home to the Wangal clan, which formed part of the larger Darug language group. Due to the location of the study area on the banks of the Parramatta River, it is likely that people living on the estuarine foreshore would have had access to a wide range of plant and animal resources. The study area would have contained mudflat, saltmarsh or mangrove environments which would have been rich environments for resource gathering.

2.1.1 Newington Estate

The first land grants in the wider area were issued in 1797, with two 10 acre grants located on the Parramatta River. A 1290 acre grant was made to John Blaxland in 1807, which incorporated the study area and later subsumed the original grants in the area. The grant covered area bound on the north by the Parramatta River, on the east by Homebush Bay (known as The Flats) and Haslams Creek, Parramatta Road to the south and Duck River to the north west. It was awarded to Blaxland soon after his arrival in the country in 1807.

John Blaxland named this estate "Newington" after the Blaxland family estate in Kent. Over the next decade, Blaxland started a variety of industrial activities within the grant. He was involved in the cattle industry, where he bred, slaughtered and salted meat on the property. In order to produce sufficient quantities of salt for this process, Blaxland established the first colonial salt manufacturing centre. He utilised 40 acres of river front land to create salt pans to evaporate the salt water. The location of the salt pans is to the east of the Newington house, away from the study area.



Figure 3: "Newington House [New South Wales]" photograph by F. Boileau c. 1895 (Source National Library of Australia)

The original house is a typical Regency structure, externally with modified internal layout. Of particular note is the rustic character of the joinery which has reflects the workmanship of the day (SHI Silverwater Correctional Group Conservation Area). St Augustine's Chapel was also built during the Blaxland occupation of the site. Some landscape elements,

including mature tree plantings are also present, outlining the original formal carriage loop north of the house.

The Estate was acquired by clergyman John Manton in 1863 on behalf of the Methodist Church in order to establish a school for boys at the site. "Newington College" was utilised as a school, with the Chapel utilised as a schoolroom, until the school was moved to its current location in Stanmore in 1880.

The NSW Government purchased a portion of the land and converted it into an asylum for women. A dormitory block, and some administrative buildings were constructed during this time. The site was then converted into a State Hospital between 1911 and 1918 and Irwin House and the Engineer's Cottage were constructed at this time. A number of additional buildings were constructed during this phase of occupation.

The site transferred management to the Department of Corrective Services in 1968/9 and became the Silverwater Correctional Centre (SCC), which was a minimum security men's prison and Mulawa Correctional Centre, which was a women's prison. Significant development occurred at the Correctional Centre site over a 20 year period, but major re-development did not occur until 1985-6 (SHI Silverwater Correctional Conservation Area).

The site now comprises four separate facilities the Silverwater Correctional Centre (minimum security for males), Silverwater Women's Correctional Centre (maximum security for women), the Metropolitan Remand and Reception Centre (maximum security facility for males) and the Dawn de Loas Correctional Centre (minimum security and day release centre for males).

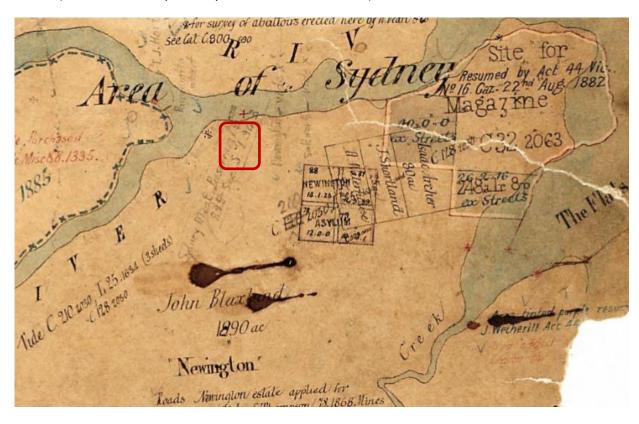


Figure 4: Undated St John Parish Map, County of Cumberland showing a portion of the original Newington Estate. The approximate study area is outlined in red (Source: NSW Land Registry Services)

2.1.2 The study area

The study area comprised of land which was acquired by Timbrol Limited in 1928, who were a chemical manufacturing company based in Rhodes. The company produced timber preservatives from coal tar oil. As at 1943, no development appears to have taken place within the study area (Figure 5). The site changed hands in 1953 and was purchased by the Petroleum and Chemical Corporation Australia Ltd (PACCAL) who operated at the site until 1974 producing town gas to supply to AGL. This process produced tar biproduct which was contained in three ponds adjacent to the Parramatta River.



Figure 5: 1943 aerial (Source: SIXMaps)

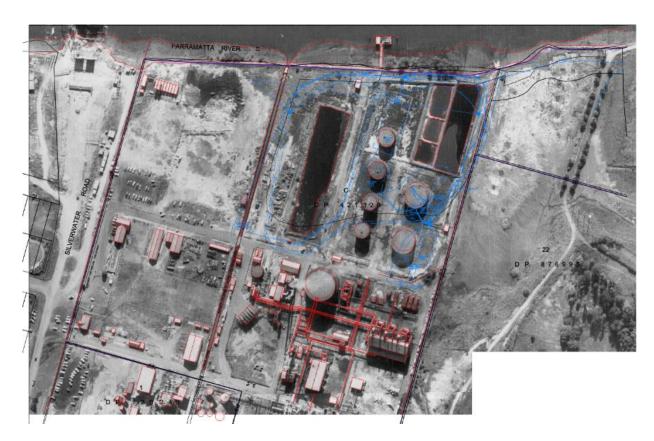


Figure 6: 1961 aerial photo showing the gasworks buildings which have since been demolished outlined in red. EPA leachate infrastructure overlay in blue (Source: Cox Architecture)

By 1983 the land under the ownership of Auburn Municipal Council and converted to Wilson Park (NSW Lands Records Viewer: Parish of St John map 1984). Twenty years later, pollution made its way to the surface, causing the Park to be closed. Further remediation to the contaminated land occurred in the lead up to the Sydney Olympic Games in 2000 and the park was re-opened to the public in 2003 (Dictionary of Sydney 2008). The land is still being monitored for leaching contaminates (EPA Notice 28040 2009).

2.2 Site description

A site visit was conducted by Daniel Claggett, ELA Archaeologist on 9 September 2019.

The site currently contains two full sized rugby fields, associated small scale seating and general amenities buildings. The site is in a regenerated bushland setting and the ground surface has been significantly modified during the remediation phase of the Park. Covered and capped fill are located below the current sports fields.

The north eastern portion of the study area contains restricted access Environmental Protection Agency controlled lands which contain three large in-ground storage ponds which were constructed as part of the rehabilitation and remediation of the site. Large mounds of fill are located adjacent to the Parramatta River within the EPA zone as part of the rehabilitation of the old gasworks site.

View to the outer walls of the Silverwater Correctional Complex are constrained, there are native trees planted along the boundary between the study area and the heritage curtilage. A large white wall is visible from the eastern portion of the study area. The wall was not able to be closely examined during

the site survey, due to operational restrictions from the active prison complex. The distance from the western outer wall of the prison to the proposed Centre for Excellence buildings is approximately 320 metres.

No impacts to the heritage item itself are proposed. None of the significant features within the Conservation Area are visible from within the study area. There are therefore no views from within the heritage curtilage which will be impacted by the construction of the Centre for Excellence.

A separate Aboriginal Cultural Heritage Assessment is in preparation by ELA for the study area.



Figure 7: View from within the study area to the south east, showing the white perimeter fence of the Silverwater Correctional Facility (Source: ELA 2019)

3. Heritage Impact Assessment

3.1 Listing

The study area is located adjacent to the State Heritage listed "Silverwater Prison Complex Conservation Area" (SHR 00813, Figure 8). This site is also listed as a Conservation Area listed under Schedule 5 of the Auburn Local Environmental Plan 2010 (Area C00813). The site is located within the State Significant site in Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 - Sydney Olympic Park Precinct, but it is not listed on the heritage register for this precinct.



Figure 8: State Heritage Register Curtilage for Silverwater Prison Complex Conservation Area, a portion of the study area is outlined in blue (Source: Heritage Council NSW)

3.2 Statement of Significance

Silverwater Correctional Centre is of exceptional significance as: it is the core remaining part of John Blaxland's Newington Estate and of the State Hospital & Asylum for Women, for its subdivision and subsequent use for a variety of institutional functions, as an expression of a philosophy regarding the care of the aged. (NSW Department of Corrective Services Heritage and Conservation Register, 1995)(modified, Read, S., 2004).

3.3 Proposal

The proposal relates to a development application to facilitate the development of a Cricket Centre of Excellence for Cricket NSW at the Wilson Park site. Specifically, the works that are proposed for the DA include:

- A two storey cricket centre, including an internal atrium, gymnasium, community facilities, sports science and sports medicine facilities and business offices;
- An International Cricket Council compliant oval 136m long x 144m wide (16,040m²)(Oval 1) and associated seating;
- A second oval (Oval 2) that complies with the Cricket Australia community guidelines for community club cricket (with a minimum diameter of 100m (6365m²);
- Outdoor practice nets, 71 wickets with a minimum of 30m run ups;
- A double height (10.7m) indoor training facility with 15 wickets;
- A single storey shed for machinery and storage;
- Associated car parking, landscaping and public domain works; and
- Extension and augmentation of services and infrastructure as required.

3.4 Statutory Controls

3.4.1 Heritage Act 1977 (New South Wales)

The *Heritage Act 1977* (NSW) provides protection of the environmental heritage of the State which includes places, buildings, works, relics, movable objects or precincts that are of State or local heritage significance.

The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act. Listing on the SHR means that any proposed works or alterations (unless exempted) to listed items must be approved by the Heritage Council or its delegates under section 60.

Section 57(2) of the Heritage Act provides for a number of potential exemptions to Section 57(1) approval requirements to reduce the need for approval of minor or regular works such as maintenance. Exempted development does not require prior Heritage Council approval. Standard exemptions do not apply to the disturbance, destruction, removal or exposure of archaeological relics.

Archaeological features and deposits are afforded statutory protection by the 'relics provision'. Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as any deposit, artefact, object or material that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or Local heritage significance. The 'relics provision' requires that no archaeological relics be disturbed or destroyed without prior consent from the Heritage Council of NSW.

Archaeological sites that are not located within a state heritage curtilage are protected under Section 139-140 of the *Heritage Act 1977* (Heritage Act). A person must not disturb or excavate any land 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, damage or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

The Heritage Council must be notified on the discovery of a relic under Section 146 of the Heritage Act.

• The study area is not located within the curtilage of a state listed heritage item nor are there any known archaeological sites. No approvals are required from the Heritage Council.

3.4.2 Environmental Planning and Assessment Act 1979 (New South Wales)

The Environmental Planning and Assessment Act 1979 (EP&A Act) requires that consideration is given to environmental impacts as part of the land use planning process. In New South Wales, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under Part 5.1) require the approval of the Minister for Planning;
- Minor or routine developments requiring local council consent are usually undertaken under Part 4 activities which, in limited circumstances, may require the Minister's consent; and
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

Notwithstanding this, under Section 5.5 of the EP&A Act, a determining authority has the duty to fully consider the environmental impact of an activity and is required to "take into account to the fullest extent possible all matters affecting, or likely to affect the environment" arising from the proposal. This is facilitated through the current assessment, the purpose of which is to identify, assess, and determine the significance of potential heritage impacts, as well as mitigating actions and responsibilities that can be taken to minimise potential impacts.

- The site is located within the Sydney Olympic Park precinct, which is identified as a State Significant site in Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011. As the proposed development will have a capital investment exceeding \$10 million, it is declared to be State Significant Development (SSD) for the purposes of the EP&A Act, with the Minister for Planning and Public Spaces as the consent authority for the project.
- The site is not listed on the Sydney Olympic Park Schedule 5 heritage register. There are no specific controls relating to the study area under the SEPP Schedule 3 Part 23 subclause 31 relating to Wilson Park.

3.4.3 Auburn Local Environmental Plan (LEP) 2010

The study area is located within the boundary area of the City of Parramatta Council, but prior to the 2016 amalgamation of portions of Parramatta City Council, Auburn Council north of the M4 Western Motorway, small portions of Hornsby, Holroyd and The Hills Shire, the study area was located within Auburn City Council. As no new LEP has been drafted for the new amalgamated area, the previous Auburn LEP 2010 applies to the study area.

Table 1 Section 5.10 LEP clauses

Clause Discussion

Objectives

The objectives of this clause are as follows:

to conserve the environmental heritage of Auburn

to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

to conserve archaeological sites,

to conserve Aboriginal objects and Aboriginal places of heritage significance.

2) Requirement for consent

Development consent is required for any of the following: 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,

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 5 in relation to the item,

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, disturbing or excavating an Aboriginal place of heritage significance,

erecting a building on land:

- i on which a heritage item is located or that is within a heritage conservation area, or
- ii on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
 - subdividing land:

on which a heritage item is located or that is within (i) a heritage conservation area, or; (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage

The study area is located adjacent to a State Heritage listed item

– The Silverwater Prison Conservation Area. Consent is required from the determining authority prior to works being carried out.

No impacts to the heritage item itself are proposed, the works will occur outside of the heritage curtilage. No changes to views will occur due to the height of fences surround the Prison Complex.

The study area is currently utilised as Wilson Park sports fields and recreation areas. The use of the area will not generally change, although the site will be utilised for specifically for

Clause	Discussion
conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	cricket and include new cricket specific facilities. Publicly accessible land will be reduced. No views to the Prison Complex will be impacted, as the core heritage buildings are located at the centre of the prison, and as such are not visible from outside the perimeter fence.
(5) Heritage assessment The consent authority may, before granting consent to any development:	This document fulfils this requirement as the study area adjacent to a State heritage listed item
a) on land on which a heritage item is located, or	
b) on land that is within a heritage conservation area, or	
c) on land that is within the vicinity of land referred to in paragraph (a) or (b),	
Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	

3.5 Heritage office guidelines

The proposed works are addressed in relation to relevant questions posed in the Heritage Office's 'Statement of Heritage Impact' guidelines.

Table 2 Heritage Office guidelines

Question	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	The proposal sympathetic with the existing park layout and approximately 302 m to the west of the Correctional Centre. Trees will be maintained along the boundary of the park and Correction Centre where possible.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	New buildings are proposed in the centre of the study area and along the western boundary, as well as additional outdoor practice wickets. In order to maintain the site as a sporting facility, these new buildings are required. Native plantings around the sports fields, and along the study area perimeter will partially screen the new development.
The following sympathetic solutions have been considered and discounted for the following reasons:	This is a sympathetic solution as at retains the current use of the site as a sporting facility, and none of the proposed buildings will over shadow the Prison Complex.
New development adjacent to a heritage item How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects? How is the impact of the new development on the heritage significance of the item or area to be minimised?	The proposed development will have no direct impact to the views to and from the heritage items within the Silverwater Prison Complex. The heritage items are surrounded on all four sides by other buildings and a large perimeter fence as it is an active correctional facility. The proposed development has no impact on the heritage significance of the Silverwater Prison Facility. The new buildings planned for construction are located on the western

Question

Why is the new development required to be adjacent to a heritage item?

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

Is the development sited on any known, or potentially significant archaeological deposits?

If so, have alternative sites been considered? Why were they rejected?

Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

Will the additions visually dominate the heritage item?

How has this been minimised?

Will the public, and users of the item, still be able to view and appreciate its significance?

Discussion

half of the study area, near Silverwater Road. The new buildings will be separated from the perimeter fence of the heritage item by approximately 320 metres.

The new development is an upgrade of the existing sports facility within Wilson Park. The site is located within the Sydney Olympic Park which has been identified within Schedule 2 of the SEPP (State and Regional Development) 2011 as a State Significant site. Works to facilitate the use of the site as a sporting facility are in keeping with the general character of the area.

No known or unknown archaeological deposits are likely to be present within the study area due to twentieth century disturbance from the gasworks formally occupying the site.

No alternative sites have been considered, this site is the most pragmatic and sympathetic use of the current site.

There is proposed vegetation screening along the eastern boundary of the sports field, but the dominate visual feature is the fence for the Correctional Facility.

The Public have already been prevented from viewing the significant heritage features of the Silverwater Correctional Conservation Area due to their location inside the prison facility. Users of the Correctional Facility will not be impacted by the construction of the proposed Centre for Excellence.

3.6 Summary

The study area is located adjacent to a State heritage listed conservation area. It is also located within the Sydney Olympic Park SEPP area, although there are no specific heritage controls relating to the Silverwater Correctional Centre, as that is located outside of the Sydney Olympic Park area.

The proposed construction of the Cricket NSW Centre for Excellence will not have any impact to the heritage significance of the Silverwater Prison Complex Conservation Area as the significant features are located behind a perimeter fence, preventing external view.

Archaeological relics associated with Newington Estate are not likely to be located within the study area due to the extensive amount of ground disturbance resulting from the construction and subsequent decommissioning of the PACCAL Gasworks.

4. Conclusion and Recommendations

The study area is located directly adjacent to the State heritage listed Silverwater Prison Complex Conservation Area (SHR 00815). The Conservation Area is significant as it retains the core buildings from John Blaxland's Newington Estate, as well as the State Hospital & Asylum for Women. These significant elements are not visible from the study area or anywhere outside of the Prison Complex.

The Cricket NSW Centre for Excellence includes the construction of new two storey "Centre for Excellence" located away from the heritage conservation area as well as the construction of cricket specific sporting infrastructure such as cricket training nets. These features will be screened from the perimeter fence by the retention of existing mature vegetation plantings. The general use and sports field character of the study area will not be changed as part of the proposed development.

There will be no direct or indirect impacts to the heritage significance of the Correctional Centre resulting from the construction of a new Cricket NSW Centre for Excellence within the study area and as such no further heritage assessments or approvals are required for the development to proceed.

RECOMMENDATIONS

In the event that any suspected historical archaeological relics be uncovered during construction works, a suitably qualified archaeologist should be called to assess the finds. If deemed to be relics, the Heritage Council must be notified of the discovery under Section 146 of the Heritage Act 1977 and appropriate assessment and management determined and put in place.

5. References

Australia ICOMOS 1999, The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Burwood (revised 2013).

Graham Brooks and Associates 2004, Silverwater Correctional Complex: Conservation Management Plan

Heritage Office and Department of Urban Affairs & Planning 1996, NSW Heritage Manual, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office 2001, Assessing Heritage Significance, Heritage Office, Parramatta.

Heritage Office 2002, Statements of Heritage Impact, Heritage Office, Parramatta.

Land and Property Department Six Maps: (https://maps.six.nsw.gov.au/)

State Heritage Inventory: Silverwater Prison Conservation Area https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045306

Appendix A Proposed Site Plan





