

# HERITAGE IMPACT STATEMENT

3 Frogmore Road, Orchard Hills 2748

Prepared for LEGACY PROPERTY 22 November 2022

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## **EXECUTIVE SUMMARY**

Urbis has been engaged by Legacy Property to prepare the following Heritage Impact Statement (HIS) for 3 Frogmore Road, Orchard Hills (subject site).

The subject site is not within the vicinity of any heritage items nor within any identified Heritage Conservation Areas (HCA). However, the subject site is identified as an item of local heritage significance as 'Orchard Hills Uniting Church', 1156, under Schedule 5 of the Penrith Local Environmental Plan 2010.

The site contains a single lot with a single storey Christian church building dating to the Federation period. The site is currently used as a functioning church known as 'Mt Hope Orchard Hills Uniting Church'. It is proposed to realign the northern property line of the subject allotment to facilitate the new east-west road of the Orchard Hills North Planning Proposal submitted by Legacy Property. The proposed realignment of the would alter the northern setback of the heritage listed church from 50.31m to 33.07m.

As such, Penrith City Council, in their assessment of the Planning Proposal, has requested the following information:

#### Impact of east-west road on Mt Hope Uniting Church and existing Orchard Hills Public School

Legacy Property has acknowledged that the current proposed alignment of the east-west road does impact on the north end of the properties containing the Mt Hope Uniting Church and the existing Orchard Hills Public School. Legacy Property has previously committed to considering re-alignment the east-road so as to avoid impact on these two properties. A further response to this matter is required from Legacy Property.

A change to the east-west road alignment would require a change to the draft LEP zoning and land reservation maps, as well as the draft DCP and draft 7.11 Plan.

A heritage impact assessment of the impact on the heritage item is also required to consider the impacts on the item from this east-west road.

Further details of the proposed works are included in Section 1.5. Accordingly, this report will assess the potential impact of the realignment of the east-west road on the significance of the subject site.

A detailed impact assessment of the proposed works has been undertaken in Section 5 of this report. The proposed development has been assessed to have no impact on the significance of the subject site as a local heritage item. Key aspects of the proposal assessment are listed below:

- The subject site is identified as a local heritage item under Schedule 5 of the Penrith Local Environmental Plan 2010. It is determined that the listing pertains to a Federation church on site. The proposal would not have any impacts on the heritage fabric of the church.
- The works would include alteration of the northern property line of the subject site and, subsequently, church's northern setback from 50.31m to 33.07m. The church, which presents to the north, has a deep front setback. Currently, the northern portion of the site is occupied by a contemporary hardstand area. It is assessed that the alteration of the northern setback would not detrimentally impact any identified landscaping associated with the subject site. Similarly, is it also acknowledged that the works would not impact any significant curtilage or settings related to the heritage building.
- Furthermore, the subject site is accessed via the adjacent school building to the east. However, historic imagery indicates that the church was originally accessed via a road north of the site. Therefore, the proposed works, which would facilitate the new east-west road, would improve both access and visibility to the heritage church.
- It is beyond the scope of this report to assess the potential archaeological significance. However, there are no physical works proposed at this stage. Therefore, it is recommended that a detailed archaeological assessment of the site is conducted during further stages of the development.
- The proposal will generally improve the presentation of the subject site and will have a positive impact on the character of the area generally and therefore the setting of the heritage items.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective having regard to the proposed recommendations below.

## **1. INTRODUCTION**

## 1.1. BACKGROUND

Urbis has been engaged by Legacy Property to prepare the following Heritage Impact Statement (HIS) for 3 Frogmore Road, Orchard Hills (subject site).

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The site contains a single lot with a single storey Christian church building dating to the Federation period. The site is currently used as a functioning church known as 'Mt Hope Orchard Hills Uniting Church'. It is proposed to realign the northern property line of the subject allotment as a part of the proposed Orchard Hills North Planning Proposal submitted by Legacy Property. As such, Penrith City Council, in their assessment of the Planning Proposal has requested the following information:

Impact of east-west road on Mt Hope Uniting Church and existing Orchard Hills Public School

Legacy Property has acknowledged that the current proposed alignment of the east-west road does impact on the north end of the properties containing the Mt Hope Uniting Church and the existing Orchard Hills Public School. Legacy Property has previously committed to considering re-alignment the east-road so as to avoid impact on these two properties. A further response to this matter is required from Legacy Property.

A change to the east-west road alignment would require a change to the draft LEP zoning and land reservation maps, as well as the draft DCP and draft 7.11 Plan.

A heritage impact assessment of the impact on the heritage item is also required to consider the impacts on the item from this east-west road.

As such this report will assess the potential impact of the realignment of the east road on the subject site (which contains a locally listed heritage item). Further details of the proposed works are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the proposed works on the significance of the heritage items in the vicinity.

### **1.2. SITE LOCATION**

The subject site is located at 3 Frogmore Road, Orchard Hills within the local government area (LGA) of City of Penrith. The site is legally described as Lot 101 of Deposited Plan 128254.



Figure 1 – Locality map with the subject site outlined in red.

Source: SIX Maps, 2022

## 1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines' Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Penrith Local Environmental Plan (LEP) 2010 and the Penrith Development Control Plan (DCP) 2014.

## 1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Cecelia Heazlewood (Consultant). Kate Patterson (Director) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

### 1.5. THE PROPOSAL

As discussed above, it is proposed to realign the northern property line of the subject allotment as a part of the proposed Orchard Hills North Planning Proposal submitted by Legacy Property. The Planning Proposal (PP) seeks to rezone a 151.1-hectare (ha) parcel of land located at Caddens Road, Kingswood Road and Castle Road, Orchard Hills, within the Penrith Local Government Area (LGA), controlled in part by Legacy Property. The land subject to the proposed rezoning is known as Orchard Hills North.

The rezoning site comprises 54 existing lots (including the school and uniting church) within the proposed rezoning area, located at the following addresses:

- 80-154 Caddens Road, Orchard Hills
- 26-48 Kingswood Road, Orchard Hills
- 79-101 Kingswood Road, Orchard Hills (school)
- 117-149 Castle Road, Orchard Hills
- 53-105 Castle Road, Orchard Hills
- 182-226 Caddens Road, Orchard Hills
- 2-164 Castle Road, Orchard Hills
- 1-5 Castle Road, Claremont Meadows
- 7 Castle Road, Claremont Meadows
- 5, 9,13,19,23,29,33 and 35 Frogmore Road, Orchard Hills

Legacy Property nominated the Orchard Hills North site under Penrith City Council's Accelerated Housing Delivery Program (AHDP) in October 2017. In November 2017 the site was endorsed by Penrith City Council as a short-term rezoning opportunity to provide for housing delivery over the next 3-5 years. The Planning Proposal, as described by Penrith City Council, comprises of the following:

At present the rezoning area is zoned RU4 Primary Production Small Lots under Penrith Local Environmental Plan (PLEP) 2010 and is utilised predominantly for rural residential lifestyle properties.

This application proposes to rezone the site from RU4 Primary Production small lots to part R1 General Residential, B2 Local Centre, RE1 Public Recreation, C2 Environmental Conservation and C3 Environmental Management, as well as include delineation of a Transport Investigation Area. The application also proposes controls relating to minimum lot size, height of buildings, scenic and landscape values, maximum lot yield, additional permitted uses, urban release area nomination, provide for flexible boundaries between certain zones, local provisions, and land reservation acquisitions.

The rezoning of Orchard Hills North will provide around 1,729 new lots. It is expected that the site will provide a broad mix of housing types ranging from larger environmental living lots (min

of 2,000m2) to traditional detached residential lots (primarily 300-600m2) and smaller compact and attached housing lots (min of 220m2) that will be designated for integrated housing. The proposed village centre will provide around 6,000-8,000m2 of retail space supported by cycle and pedestrian links with approximately 8.51 ha of passive local open space and 7.26ha of active local open space, which includes playing fields, bushland and riparian corridors.

The location of parks and open space areas have been carefully selected to enhance the existing value of the natural landscape, such as hill tops and creek lines, and to retain the significant bushland areas, in order to provide the highest level of amenity for future residents. Legacy is also committed to providing a diverse range of housing choices including affordable housing in response to Penrith City Council's target of 3% affordable housing.

In June 2022, Penrith City Council announced that the Orchard Hills North Planning Proposal, and associated documents, is publicly exhibited. The public exhibition enabled the community and government agencies to provide comment on the proposal, which was noted to result in the potential need to amend the Planning Proposal and supporting documents in response to issues raised in submissions.

As such, Penrith City Council, in their assessment of the Planning Proposal has requested the following information:

Impact of east-west road on Mt Hope Uniting Church and existing Orchard Hills Public School

Legacy Property has acknowledged that the current proposed alignment of the east-west road does impact on the north end of the properties containing the Mt Hope Uniting Church and the existing Orchard Hills Public School. Legacy Property has previously committed to considering re-alignment the east-road so as to avoid impact on these two properties. A further response to this matter is required from Legacy Property.

A change to the east-west road alignment would require a change to the draft LEP zoning and land reservation maps, as well as the draft DCP and draft 7.11 Plan.

A heritage impact assessment of the impact on the heritage item is also required to consider the impacts on the item from this east-west road.

The proposed realignment of the east-west road as described above, would alter the northern setback of the heritage listed church from 50.31m to 33.07m (see Figure 3). Accordingly, this report will assess the potential impact of the realignment of the east road on the subject site (which contains a locally listed heritage item).



Figure 2 – Proposed Master Plan of Orchard Hills North Planning Proposal. Subject site is indicated in red.



Source: Design Plus Planning, 2022

Figure 3 – Detail of proposed realignment of east-west road and impact on the northern property line of the subject site.

Source: Legacy Property, 2022

## 2. SITE DESCRIPTION

## 2.1. SITE SETTING

The subject site is located at 3 Frogmore Road, Orchard Hills. The subject site contains a large rectangular allotment, legally described as Lot 101 of Deposited Plan 128254.

Orchard Hills is located south west of the Penrith city centre. The surrounding area is characterised by large allotments with a principal residential structure and several outbuildings. Immediately east of the site is a public school noted as 'Orchard Hills Public School'. Much of the landscaping in area has been cleared as a result of the continued use of the area for farming and orchards since the 19<sup>th</sup> century. There is an emerging pattern of residential subdivision developments in the north east of Orchard Hills.

The subject site is located on the north side of Frogmore Road and is chiefly accessible via the Orchard Hills Public School's entrance off Kingswood Road, which is east of the subject site. There is also an unnamed lane immediately north of the subject site, stemming east off Kingswood Road. This unnamed lane provides access to a cul-de-sac of residential dwellings. Kingswood Road is accessed via the Western Motorway to the south of the subject site. It is a major thoroughfare between Sydney's inner west and the westernmost suburbs of Sydney.



Figure 4 – Aerial view of subject site outlined in red.

Source: SIX Maps, 2022.

## 2.2. SITE DESCRIPTION

The subject site is located on a large rectangular allotment. The primary building on site, Mt Hope Orchard Hills Uniting Church, is located to the north of the allotment. There is also a large, shed building just east of the church. Both the church and the shed present to the north of the allotment.

As discussed above, the subject site is accessed via the adjacent school's entrance off Kingswood Road. The church building has a deep front setback that is defined by a carpark and entrance road. The hardstand area at the front extends to the rear, leading to another rear carpark. As evidenced in Section 3 below, historical imagery indicates that the church was originally accessible via the unnamed lane to the immediate north of the site, justifying the present alignment of the buildings on site.

The church building is the older of the two structures on site, constructed in approximately 1904. It is a simple brick construction comprising of a large main room with a smaller entrance vestibule to the north. The

pitched roof of the church has a timber structure with a corrugated metal cladding. The building has an even fenestration of stained-glass windows and a primary arched timber entrance door. There is also a contemporary metal door to the rear. The church building is a simple construction by no known architect. As the only church in Orchard Hills, the building still services the local community as a place of worship.

The shed building is located the rear, south east of the church, is a larger building and has a brick foundation and a main timber construction with fibre-cement sheet cladding. Similarly, the pitched roof has a metal sheet cladding. It has aluminium framed window and doors. The entire shed building is contemporary and likely dates from the 1980s. The building likely facilitates the church for functions, events and storage.

The south portion of the subject site is undeveloped. There is evidence of a dirt path running north-south of the site, extending to Frogmore Road. There are plantings of trees and shrubs to the south of the site. Other landscaping includes a manicured garden bed surrounding the church and a vegetable garden to the rear.

The adjacent school, features buildings dating from 1910<sup>1</sup> to the present era with several contemporary extensions to the earlier buildings. A large contemporary hardstand area is located to the north of the school allowing for temporary parking. It is clear that the church and school have a historic relationship. The hardstand area linking the school and the church to Kingswood Road was constructed in the last decade.

As discussed, there are several dwellings to the north west of the subject site that were likely constructed between the mid-late 20<sup>th</sup> century.



Figure 5 – Orchard Hills Uniting Church. The heritage item is setback from Kingswood Road. Orchard Hills Public School is located along the lot boundary, forward of the heritage item.



Figure 6 – Entrance to the site from Kingswood Road. The heritage item is not visible from this point and is setback behind Orchard Hills Public School.

Source: NBRS, 2018



Figure 8 – View of the subject site looking southwest from Castle Road. The heritage item is seen in the distance.

Source: NBRS, 2018

Source: NBRS, 2018



Figure 7 – View looking south along Kingswood Road. The entrance to the site is obscured by trees.

Source: NBRS, 2018

<sup>&</sup>lt;sup>1</sup> https://penrithhistory.com/orchard-hills/



Figure 9 – View of the heritage item in its surrounding context.

Source: NBRS, 2018

## 3. HISTORICAL OVERVIEW

### 3.1. SITE HISTORY

The following historical summaries has been extracted from the *Heritage Constraints and Opportunities – Orchard Hills* North prepared by NBRS Heritage on 21 March 2018.

#### 3.1.1. Orchard Hills

The area initially was settled by Europeans through land grants made from 1804. With its undulating landscape, creek lines and Ashfield and Bringelly shale derived soils the area was considered suitable for grazing stock and the land grants were accordingly large. Small agricultural grants were made in pockets of alluvial soil along the creek beds.

The first grants were made in August 1804 by Governor King to Rev. Samuel Marsden and Captain William Kent. Both grants were sited on South Creek. Rev. Marsden's grant of 1030 acres was later developed into Mamre (SM-28). Captain Kent was the nephew of Governor John Hunter and arrived in the colony in 1795. Kent's grant, of 500 acres was made in 1804 a year before Kent left the colony. By the 1830s this grant was owned by the King family.

The Rev. Samuel Marsden had arrived in the colony in 1794 as chaplain to the parish of St. John at Parramatta. By the late 1790s Marsden had acquired land at South Creek near its confluence with the Hawkesbury River. By 1802 Marsden's total land holdings at South Creek amounted to 333 acres. Marsden was interested in the development of a wool industry in the colony and the grant of 1030 acres of 1804 is associated with this development. In 1807 Marsden took to England wool produced at this estate, which was named Mamre after the Plains of Mamre in Genesis 13:18. Experimental crops of hemp and flax were also grown here. The extant homestead at Mamre was built between 1822 and 1832. On the death of Marsden in 1838 the property passed to his only surviving son, Charles, who had resided there since the late 1820s. Charles' nephew described it in the 1830s "as a two-storey brick building with a gravel drive in front. Beyond ... was a splendid orchard of twenty acres. The fruit surpassed any that I have seen ... The grapes, chiefly muscatel, were very fine. Peaches, apples, pears, oranges, apricots and nectarines were in abundance ... Large crops of wheat and oaten hay were produced on the farm. The horses bred at Mamre were very good and sold at high prices. The farm and orchard were worked by assigned servants (convicts), numbering ... from twenty to thirty hands".

In 1840 Mamre was sold to Richard Rouse of Rouse Hill. Rouse gave the farm to his daughter, Elizabeth Henrietta, upon her marriage to Robert Fitzgerald in 1841. Fitzgerald's descendants owned the property until 1975, when it was purchased by the former NSW Planning and Environment Commission. Within these years the house and garden setting were gradually left in disrepair. Janes Fairfax noted the house in the late 1920s with its relics of a drive and one or two trees of the old orchard.

The second round of land grants was made in 1809 by acting governor Paterson. These grants were also large, the largest, 2,000 acres, was made to Gregory Blaxland. Simeon Lord also received a grant 1170 acres. Lord's grant, named Lords Folly, and another grant of 1000 acres to the west by Governor Macquarie were acquired by Sir John Jamison in 1816 and absorbed into the Regentville estate. Blaxland's grant was named Lee Holme. Blaxland also acquired in 1809 a grant of 280 acres which had been promised to Lieutenant C. Villiers of the 102nd Regiment but was assigned to Blaxland prior to issue. Blaxland's grants had frontage to South Creek, but the main use of the estate was grazing. A farmhouse was established, and it was from here that Blaxland in the company of Henry Lawson and Charles Wentworth set out in May 181 3 to cross the Blue Mountains, an event later commemorated by placement of a memorial (SM-30).

The other grants in the locality were authorised by Governor Macquarie and characteristically are a mix of small and large made to free settlers, public servants and emancipists. Large grants went to John Wood (1650 acres in two parcels, the largest named Chipping), a free settler who arrived in 1818. A member of Agricultural Society of NSW, Wood developed a large pastoral empire west of the Blue Mountains, and by 1828 had 4,840 acres in the colony running large stocks of cattle and sheep. 184 Rev. Henry Fulton, chaplain at Castlereagh and local magistrate received 400 acres. Francis Oakes, the chief constable of Parramatta and superintendent of the Female Factory, received 200 acres.

The smaller grants are clustered at the head of Blaxland Creek. These included Parramatta publican Andrew Snowden's 50 acres, Andrew Nash's 50 acres, Janes Smith's 50 acres and Charlotte Rutter's 100 acres. These grants were enclosed by the larger landholders and had no frontage to a public road, circumstances which do not encourage settlement. However, Snowden, who had arrived in the colony in 1792 to serve seven years' transportation, was resident at his farm in 1822 and had cleared seven acres, with 16 head of

cattle and a hog. Similarly to the east on South Creek, Mary Crooke received a small grant of 30 acres. By 1828 she held 90 acres known Mount Pleasant, 60 acres of which were cleared and 40 acres under cultivation. Inexplicably given the size the grant she also had 800 sheep and 150 cattle. She received a convict mechanic in 1824.

With the exception of Marsden's Mamre and Blaxland's land the northern half of the locality was absorbed into the Regentville estate. Sir John Jamison's Regentville (R3) was established in 1811 by a grant of 1,000 acres (442 hectares) to his father Thomas, which was enlarged to an area of 3,890 hectares by 1834. The eastern lands of the estate, which provided frontage to South Creek, were acquired by Jamieson as follows.

- Simeon Lord's 2170 acres in October 1816
- William Bradley's 400 acres in June 1821
- Reverend Henry Fulton's 400 acres in January 1823
- Kent's 500 acres in December 1834 from Parker King

Within Simeon Lord's grant, Captain William Russell established a homestead on land give to him on his marriage to Jamison's daughter Jane in 1841. Russell was still resident in the region in 1860.

With the breakup of the Regentville estate, the eastern Division, also known as Frogmore, was put up for sale in 1844 and again in 1861 (Figure 7).

A substantial part of the Regentville estate and other large grants were acquired by the York family, Father William and sons James T and Charles, and was evidently used for grazing cattle; William York being one of the largest cattle dealers in the colony while son Charles ran a large carcass butchering enterprise. Known as the Yorks Estates, the land holding comprised the grants:

- Frogmore, being Simeon Lord's grant of 1170 acres and later being Captain Richard's 'The Homestead' estate with 1300 acres.
- Garswood
- Enfield
- Chipping, being John Wood's grant of 500 acres
- Filly Paddock, being Michael Henderson's grant of 500 acres
- Claremont, being 700 acres of George Panton's grant of 1000 acres

The whole of the York Estates was acquired in 1888 by the Metropolitan Mutual Permanent Building & Investment Association Limited for the purpose of subdivision into farms of various sizes for the reputed sum of 245,000. Part of this area was re-subdivided in the 1889 as the York's Estate Farrrs (DP2197), 195 and the estates Penrith Hall (DPI 344) and Frog more would seem to be contemporary.

These subdivisions proved popular and by 1902 nearly 100 people were registered in the Commonwealth electoral roll with a York estate address (which continues into present day South Penrith.) The families included Abbott, Andrews, Bell, Bennett, Boat, Bradley, Brown, Carey, Carroll, Collam, Easterbrook, Edwards, Evans, Frager, Garret, Giddy, Haines, Han-on, Harvey, Hemming, Holier, Hollin, Howard, How left, Jones, Kernahan, Kerry, Lancaster, Lavender, Merz, Messer, Miller, Neville, Page, Pitcher, Reed, Richmond, Riley, Roots, Snelley, Smith, Staggs, Starling, Stewart, Sutton, Symes, Venn, Wilson, Winder. While a number of the residents were farmers (15 no.), a dairyman, and orchardist, a fair number (11 no) were railway employees. While no village area developed to service this community, a public school was opened in 1910, and a Methodist Church in 1904 (0H-03). These institutions were initially named after the late nineteenth subdivision estates. The name Orchard Hills was adopted in 1911. This area today retains largely agricultural and its many creek lines have proved suitable for market garden and orchards. Vineyards have also been established in areas, and the area is associated with the Basedow family of German migrant vinedressers.

The southern half of the locality developed quite differently to the north, for prior to Commonwealth acquisition for the establishment of the RAAF's No. 1 Central Ammunition Depot, the area was held in two titles. Blaxland's Lee Holme (2000 acres) and Villier (280 acres) were owned by the Wentworth family throughout the nineteenth century and leased, in 1879 by John Lackey. The land to the south of this formed part of Sir Daniel Cooper's estate of 4,000 acres centred on Panton's Claremont estate. This estate extended into the present-day locality of Luddenham.

The RAAF established its No. 1 Central Ammunition Depot in the 1950s and was developed simultaneously with the completion of the new filling factory at St. Marys and was opened in January 1960. In 1967 it became known as ICAD but was originally called ICR (Central Reserve). The depot had initially been used by the RAAF and RAN in a limited capacity in the mid-1940s. While excess ordnance was transferred to a new long term storage facility at Bogan Gate in 1993, the depot continues to store munitions and maintains facilities for the development of expertise in handling and storage of munitions and a training centre for engineers and armorers. It is now known as "Defence establishment Orchard Hills".

This area and the York Estate to the north were within the proposed Mulgoa irrigation scheme. The scheme was promoted by George Chaffey, the Californian irrigator who had successfully completed the irrigation scheme at Mildura, Henry Gorman of Gorman and Hardie, estate agent and property speculator, and probably also Arthur Winbourn Stephen of Mulgoa. The private parliamentary authorising act for the irrigation scheme, the Mulgoa Irrigation Act, was passed in December 1890 which permitted the promoters to acquire land, erect plant, and use and distribute the waters of the Warragamba River through to South Creek as far north as St. Marys. The proposal was contemporary with the Wentworth irrigation scheme. An area of 18,610 acres was proposed to be acquired and subdivided into orchard and township lots.

Post 1960 developments in the area include the completion of the Warragamba water pipeline (the first of the pipe pair was completed in 1943), the Water Board's Orchard Hills water filtration plant (1990s), and the Western freeway (PC-06) (1970s). The water filtration plant supplies water to the Penrith area, St Marys and the lower Blue Mountains as far as Springwood. The water is drawn from the Warragamba/Prospect pipeline. The treated water is distributed to 22 local reservoirs.

#### 3.1.2. History of the Subject Site

The study site is located within the 1170 acres granted to Simeon Lord in 1809. Lord was subsequently granted a further 1080 acres to the west. The two land grants were acquired by Sir John Jamison in 1816 and consolidated into the Regentville Estate, which also included Bradley's 400 acres, Fulton's 400 acres and Kent's 500 acres.

#### 3.1.2.1. Regentville (DP 1344)

The Eastern Division of Regentville Penrith (known as Frogmore) was subdivided into 37 large allotments which were advertised for auction sale by order of the mortgage on 9 April 1861. William James and Charles York, cattle dealers and butchers, acquired large portions of this estate, consolidating the Regentville estate and several land grants as the Yorks Estates.

The northern portion of the study area, bounded by Kingswood Road, Caddens Road, Hermitage Court and Castle Road, formed part of a re-subdivision of Lots 4 to 8 inclusive and a (miniscule) part of Lot 2 of the Eastern Division of Regentville (Frogmore Estate). In March 1882, Thomas John Fuller Cadden and William Beacroft conveyed 259 acres 2 roods and 28 perches of land to Robert Barclay Wallace of Newcastle. He lodged an application the same year to convert the land to Torrens title. At this date, the land (including all improvements) was valued at £1170 and was in the occupation of W Heaton as a yearly tenant. The accompanying survey plan is reproduced at Figure 10 below.



Figure 10 – Penrith, Mr Wallace's Application and being lots 4,5,6,7,8 and part of Lot 2 of the Frogmore Estate Parish of Claremont, 188?

Source: NSW Land Registry Services, DP 55525

In 1884, Wallace re-subdivided his land into 48 orchard allotments as the Penrith Hill Estate (DP 1344 - Figure 9). Sales in the estate commenced in October the same year. In some instances, several buyers purchased multiple allotments, and yet others bought single lots. Since that date, these parcels of land have been further re-subdivided resulting in the present lot boundary layout (Figure 12, Figure 13 and Figure 16).



Figure 11 – At Regentville Penrith Parish of Claremont County of Cumberland, 1884. The reserved road at right is now Ulm Street. The reserved road to the left is Kingswood Road.

Source: NSW Land Registry Services, DP 1344



Figure 12 – Plan of subdivision of Lots 18-21 incl 27-30 incl DP1344, 1964. Lots 1-6 in DP 220496 outlined in red therein.

Source: NSW Land Registry Services



Figure 13 – Plan of subdivision of Lot 1 in DP 220496, 1973. Lot 1 thereon is presently 182-188 Caddens Road.

Source: NSW Land Registry Services, DP 583439

#### 3.1.2.2. Aberfeldy (IE) Estate

In 1894, the Metropolitan Mutual Permanent Building and Investment Association Limited sold 200 acres 0 roods and 15 perches of land in Castle Road to Henry Charles Lennox Anderson of Sydney, public librarian. He soon after acquired an additional parcel of land adjoining to the south. He consolidated both parcels of land on a single certificate of title the following year comprising 261 acres 2 roods and 17 perches. The following year, HCL Anderson advertised the availability of agistment at Aberfeldy, Castle Road, York Estate, Kingswood. Anderson installed a manager on the property thereafter, the last known being JH Johnson in 1907. The following year, Anderson sold Aberfeldy to Edward Charles Adams of St Marys, farmer. Two years later, it changed hands to Daniel Francis Cleary of Penrith, grazier. He invited tenders in May 1911 for "pulling down of a four-room cottage and rebuilding a barn...at Aberfeldy". Three months later, the newspaper reported that there was a new residence under construction on the farm.

Cleary conveyed Aberfeldy in 1920 to Alfred Sloan of Summer Hill, manufacturer (Union Meat Company). He continued to operate the property as a dairy farm and piggery supplying meat to his meat preserving business. Three years later, Sloan subdivided Aberfeldy (also spelt Aberfeldie) Estate into seven farms ranging in size from 30 acres to 80 acres. The estate was offered for sale on 17 November.

The Estate consists of rich red loomy soil equal to the best vineyard and farm land at Orchard Hills. It is gently undulating and practically all cultivatable. It is highly adapted for peas, beans, oats and maize which are very productive. A good homestead with elaborate piggeries, sheds, stables, dairy and bails – water laid on to every stye. Extensive dam – also cottage.

A second advertisement notes that "the homestead block of 79 acres contains up-to-date pig-farming equipment, including 36 styes and yards, and several pig paddocks – with water laid-on- boiler and engine and every equipment, capable of accommodating 750 pigs – also dairy, bails and sheds – large and small dams – also on Farm 2 there is a W.B. cottage and 6 cemented styes." For unknown reasons, Sloan did not sell any allotments in the Aberfeldie Estate and continued to operate the piggery and dairy thereon to supply meat for his meat canning business in the city.



Figure 14 – Plan of subdivision of land comprised in Certificate of Title Vol 1172 Fol 164, 1923. *Source: NSW Land Registry Services, DP 12338* 

Between 1946 and 1953, Sloan sold the various farm allotments in his 1923 subdivision as follows:

- Lots 1 & 2 to John Camillo (January 1947)
- Lot 3 to Francis Joseph O'Brien (October 1947)
- Lots 4 & 5 to Eunice Irene Fitzgerald (July 1953)
- Lots 6 & 7 to Edward Reginald Silk (November 1946)

Lots 1 to 6 in DP 12338 were in part resumed for the Great Western Motorway and the residue resubdivided as per the plan at Figure 15. The subject site includes Lots 1 to 9 thereof, featuring a mix of variously sized farms. Note the group of four poultry sheds sited on Lot 7. Simultaneously, in January 1947 Sloan advertised the clearance sale of dairy herd, horses, farm and dairy plant.





Source: NSW Land Registry Services, DP 12338



Figure 16 – Plan of subdivision of Lot 2 DP 584439, Lots 22-26 DP 1344 & Lots 2-6 DP 220496, 1996. Lot 2 is outside study area. Lot 1 thereon is known as 190-226 Caddens Road.

Source: NSW Land Registry Services, DP 863335

### 3.1.3. Historic Aerials of the Subject Site



Figure 17 – 1955 aerial image of the subject site.

Source: NSW Historic Imagery Viewer.



Figure 18 - 1970 aerial image of the subject site.

Source: NSW Historic Imagery Viewer.



Figure 19 – 1986 aerial image of the subject site. Noting the shed is constructed at this time.

Source: NSW Historic Imagery Viewer.



Source: NSW Historic Imagery Viewer.

## 4. HERITAGE SIGNIFICANCE

## 4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

### 4.2. HERITAGE LISTING

The subject site is not within the vicinity of any heritage items nor within any identified Heritage Conservation Areas (HCA). However, the subject site is identified as an item of local heritage significance as 'Orchard Hills Uniting Church', 1156, under Schedule 5 of the Penrith Local Environmental Plan 2010.



Figure 21 – Heritage Map showing the location of the subject site outlined in red. *Source: Penrith Local Environmental Plan 2012, heritage map HER\_013* 

### 4.3. STATEMENT OF SIGNIFICANCE

The following statement of significance for the subject site has been extracted from the NSW State Heritage Inventory:  $^{2}$ 

Located on the crest of the highest high hill in the locality, the former Mount Hope Methodist Church (now Uniting) completed in 1904 is unique in the local area and represents the principal focus for development of community services for Orchard Hills. The church demonstrates the building of a rural community following farmstead subdivision of the 1880s. The church is the only early extant church in Orchard Hills. It is a good example of a modest rural church of its era.

<sup>&</sup>lt;sup>2</sup> NSW State Heritage Inventory: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2260156

## 5. IMPACT ASSESSMENT

Below, the potential impact of the proposal is assessed against the applicable heritage-related statutory and non-statutory planning controls which relate to the site and the proposed development.

## 5.1. STATUTORY CONTROLS

#### 5.1.1. Penrith Local Environmental Plan 2010

The table below provides and assessment of the proposal against the relevant provision for heritage conservation as found in the *Penrith LEP 2010.* 

Table 1 Assessment against the Penrith Local Environmental Plan 2010

Clause	Response
(1) Objectives	1) The proposed works are in line with the objectives set out in the Penrith LEP 2010, as discussed below.
The objectives of this clause are as follows:	The subject site is identified as a heritage item. However,
(a) to conserve the environmental heritage of the City of Penrith,	it is determined that the proposal would not impact the significant setting, context or built fabric of this item.
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	See below sections for a detailed assessment of heritage impact.
(c) to conserve archaeological sites,	
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance	
(2) Requirement for consent	2) The subject site (containing a Federation church)
Development consent is required for any of the following:	pertains to a local heritage listing. Therefore, consent is sought from the Penrith City Council for the proposed
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):	development, which would entail works to an identified heritage item. This Heritage Impact Statement has been prepared to accompany a Planning Proposal to assess the potential impacts of the works on the heritage item on the subject site.
(i) a heritage item,	
(ii) an Aboriginal object,	
(iii) a building, work, relic or tree within a heritage conservation area,	
(4) Effect of proposed development on heritage	4) and 5) This HIS has been prepared to assess the
significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage	potential impact of the proposed development on the heritage significance of the subject site. Refer to the sections below for a detailed assessment.
conservation area, consider the effect of the proposed development on the heritage significance of the item or	The heritage listing of the subject site relates specifically to the Federation church on site which presents to the
area concerned. This subclause applies regardless of	north and is deeply set back from the northern property
whether a heritage management document is prepared	line. The proposal, which includes the alteration of the

Clause	Response
under subclause (5), or a heritage conservation management plan is submitted under subclause (6).	would alter the northern setback from 50.31m to 33.07m, would not impact on the significant fabric or setting of the church. The northern portion of the subject site currently
(5) Heritage assessment	contains contemporary hardstand area linking to the
The consent authority may, before granting consent to any development:	adjacent school. Accordingly, alteration of this area would not impact any significant features of the church.
(a) on land on which a heritage item is located, or	Additionally, the church is only partially visible from Kingsford Road nor the unnamed lane to the north, owing
(b) on land that is within a heritage conservation area, or	to the deep front setback. Furthermore, historic records indicate that the church was originally accessible from a
(c) on land that is within the vicinity of land referred to in	northern road. Therefore, the proposed realignment of
paragraph (a) or (b),	the east-west road would improve views and access to
require a heritage management document to be prepared	the heritage church.
that assesses the extent to which the carrying out of the	It is therefore assessed that the proposed works would
proposed development would affect the heritage	not impact on the heritage items in the vicinity.
significance of the heritage item or heritage conservation	
area concerned.	

## 5.2. PENRITH DEVELOPMENT CONTROL PLAN 2014

The table below assesses the proposal against the relevant objective and provisions for heritage conservation as found in the *Penrith DCP 2014*.

Table 2 Assessment against the Penrith Development Control Plan 2014

Provision	Response
Section C7 Culture and Heritage	
7.1 European Heritage	
7.1.1. Determining the Impact on European Heritage	
C. Controls	
1) Development Application	1) This Heritage Impact Statement has been prepared to accompany the PP assesses the potential impacts of the
a) Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):	proposed works as outlined in section 1.5. Additionally, the subject site is identified as a local heritage item under Schedule 5 of the Penrith Local Environmental Plan
i. The heritage significance of the item as part of the environmental heritage of Penrith;	2010. The statement of significance is included in Section 4.3. It is assessed that the site does not meet sufficient criteria to be considered of heritage
<ul> <li>The impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features;</li> </ul>	significance. Options for development are limited by the available space on site. Alteration of the northern property line of the subject site and, subsequently, church's northern setback. It is assessed that the reduced northern setback on the subject site would not impact any identified

Provis	sion	Response
iii. iv. v. vi.	The measures proposed to conserve the heritage significance of the item 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; and The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.	<ul> <li>heritage fabric or associated landscaping features.</li> <li>Furthermore, the proposed east-west road to the north of the subject site would improve views and access to the heritage church building.</li> <li>It is beyond the scope of this report to assess the potential archaeological significance. However, there are no physical works proposed at this stage. Therefore, it is recommended that a detailed archaeological assessment of the site is conducted during further stages of the development.</li> </ul>
7.1.4 C	Design Controls	
Any ne that the	trols Planning w development should be positioned to ensure e visual prominence, context and significance of sting heritage item and its setting are maintained.	1) As discussed above, the proposal involves the alteration of the would alter the northern setback of the church building from 50.31m to 33.07m to accommodate the proposed east-west road.
Front and side boundary setbacks are a major contributor to the character and significance of a heritage item or heritage conservation area. Existing patterns should be maintained in new development to continue the established rhythm of buildings and spaces. a) Development should conform to the predominant front setbacks in the streetscape.		The significance of the site pertains to the historic Federation church on site. The church, which presents to the north, has a deep front, northern, setback defined by a contemporary hardstand area. Additionally, is it assessed that there are no significant landscaping features to the north. Therefore, the proposed alteration at the northern boundary would not impact any significant features on site.
b) Dev	elopment should respect side setbacks and rear ents or setbacks of surrounding development.	Furthermore, the subject site is only accessible via the adjacent school building. Historical imagery has identified
c) From the rete heritag	at and rear setbacks should be adequate to ensure ention of the existing landscape character of the e item or conservation area and important ape features.	that the subject site was originally accessed via a northern road. Therefore, the proposed works would facilitate the new east-west road, to the north of the site, which would in turn improve the visibility and access to the heritage church on site.
sizes is involvir not cor	significant historical pattern of subdivision and lot s to be retained. Subdivision or site amalgamation ng heritage items or contributory buildings should npromise the setting or curtilage of buildings on or ng the site.	It is beyond the scope of this report to assess the archaeological potential of the subject site. Notwithstanding, it is recommended that a detailed archaeological assessment of the site is conducted during further stages of the development.
		In light of the above, the proposed alterations to the subject site's setbacks would not detrimentally impact any significant heritage settings, curtilage or physical features on the subject site or adjacent site.

## 5.3. HERITAGE NSW GUIDELINES

The proposed works are addressed in relation to relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 3 Heritage NSW Guidelines

Clause	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	<ul> <li>The subject site is identified as a local heritage item under Schedule 5 of the Penrith Local Environmental Plan 2010. It is determined that the listing pertains to a Federation church on site. The proposal would not have any impacts on the heritage fabric of the church.</li> </ul>
	The works would include alteration of the northern property line of the subject site and, subsequently, church's northern setback from 50.31m to 33.07m. The church, which presents to the north, has a deep front setback. Currently, the northern portion of the site is occupied by a contemporary hardstand area. It is assessed that the alteration of the northern setback would not detrimentally impact any identified landscaping associated with the subject site. Similarly, is it also acknowledged that the works would not impact any significant curtilage or settings related to the heritage building.
	Furthermore, the subject site is accessed via the adjacent school building to the east. However, historic imagery indicates that the church was originally accessed via a road north of the site. Therefore, the proposed works, which would facilitate the new east- west road, would improve both access and visibility to the heritage church.
	<ul> <li>It is beyond the scope of this report to assess the potential archaeological significance. However, there are no physical works proposed at this stage. Therefore, it is recommended that a detailed archaeological assessment of the site is conducted during further stages of the development.</li> </ul>
	<ul> <li>The proposal will generally improve the presentation of the subject site and will have a positive impact on the character of the area generally and therefore the setting of the heritage items.</li> </ul>
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:	The proposal includes reduction of the northern front setback of a heritage listed site. Urbis has assessed that the heritage listing of the site pertains to the Federation church which is deeply setback from the northern boundary. Therefore, the works would allow for the

Clause	Discussion
	retention of significant curtilage and setting of the heritage building.
The following sympathetic solutions have been considered and discounted for the following reasons:	Urbis has been engaged to provide heritage services to the design team to ensure the proposal would not engender a significant detrimental heritage impact.

## 6. CONCLUSION AND RECOMMENDATIONS

A detailed impact assessment of the proposed works has been undertaken in Section 5 of this report. The proposed development has been assessed to have no heritage impact on the significance of the subject site as a local heritage item. Key aspects of the proposal assessment are listed below:

- The subject site is identified as a local heritage item under Schedule 5 of the Penrith Local Environmental Plan 2010. It is determined that the listing pertains to a Federation church on site. The proposal would not have any impacts on the heritage fabric of the church.
- The works would include alteration of the northern property line of the subject site and, subsequently, church's northern setback from 50.31m to 33.07m. The church, which presents to the north, has a deep front setback. Currently, the northern portion of the site is occupied by a contemporary hardstand area. It is assessed that the alteration of the northern setback would not detrimentally impact any identified landscaping associated with the subject site. Similarly, is it also acknowledged that the works would not impact any significant curtilage or settings related to the heritage building.
- Furthermore, the subject site is accessed via the adjacent school building to the east. However, historic
  imagery indicates that the church was originally accessed via a road north of the site. Therefore, the
  proposed works, which would facilitate the new east-west road, would improve both access and visibility
  to the heritage church.
- It is beyond the scope of this report to assess the potential archaeological significance. However, there are no physical works proposed at this stage. Therefore, it is recommended that a detailed archaeological assessment of the site is conducted during further stages of the development.
- The proposal will generally improve the presentation of the subject site and will have a positive impact on the character of the area generally and therefore the setting of the heritage items.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective having regard to the proposed recommendations below.

## 7. **BIBLIOGRAPHY AND REFERENCES**

## 7.1. **BIBLIOGRAPHY**

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## 8. **DISCLAIMER**

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