



# Memorial Avenue, Liverpool: Historical archaeological heritage assessment and statement of heritage impact

FINAL REPORT

Prepared for Allen Jack + Cottier on behalf of Il Capitano Investments Pty Ltd

23 November 2018

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## Glossary

<b>c.</b>	Circa
<b>CBD</b>	Central Business District
<b>CHL</b>	Commonwealth Heritage List
<b>DA</b>	Development Application
<b>DP</b>	Deposited Plan
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>LCC</b>	Liverpool City Council
<b>LDCP</b>	Liverpool Development Control Plan 2008 Part 4
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>NHL</b>	National Heritage List
<b>NSW</b>	New South Wales
<b>OEH</b>	NSW Office of Environment and Heritage
<b>SoHI</b>	Statement of Heritage Impact
<b>SHR</b>	State Heritage Register
<b>study area</b>	Lots 7-11 Castlereagh Street and 77-79 Bathurst Street, Liverpool NSW

## Summary

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Biosis Pty Ltd was commissioned by Allen Jack + Cottier on behalf of Il Capitano Investments Pty Ltd to undertake a heritage assessment and statement of heritage impact (SoHI) for the Memorial Avenue Liverpool mixed use development project located at Lots 7-11 Castlereagh Street and 77-79 Bathurst Street, Liverpool, New South Wales (NSW) (study area). The study area is located adjacent to the Liverpool central business district (CBD).

The study area, defined by the area of impact of the proposed works, is bounded by Memorial Avenue to the north, Castlereagh Street to the west, Bathurst Street to the east and commercial buildings to the south. This assessment approach has been undertaken to allow for assessment of both the study area as well as any additional areas in the broader study area which are likely to be affected by the proposal, either directly or indirectly.

### Heritage values

The study area does not contain any heritage items; however it is adjacent to:

- Plan of Town of Liverpool (early town centre street layout – Hoddle 1827) (Item No. 89). Streets in the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways). Locally listed and adjacent to the study area.

The study area is also in the vicinity of six heritage items, although five are located two streets away from the proposed development and will not sustain any impacts. One heritage item is located 60 metres south west of the study area:

- Dwelling (Item No. 77). 115 Castlereagh Street, Lot 4, SP 39972. Locally listed.

### Impact to heritage values

The proposed works will have a minimal impact upon the significance of Plan of Town of Liverpool. It will not visually dominate the heritage item and does not encroach on the curtilage of the early town centre street layout. The only probable impacts on surrounding heritage items is likely to be visual, particularly for the dwelling (Item No. 77) on Castlereagh Street. However, the current streetscape of Castlereagh Street consists of mature trees, which currently block any visual lines of sight to the study area. The retention of these trees will mitigate any visual impacts to the heritage item.

### 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.<sup>1</sup>

#### **Recommendation 1 No further heritage or archaeological assessment is required**

No further heritage work is required in the study area due to the entire study area assessed as having low archaeological potential and the proposed development may proceed with caution.

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<sup>1</sup> Australia ICOMOS 2013

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**Recommendation 2    Unexpected archaeological items**

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. 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.



# 1 Introduction

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## 1.1 Project background

Biosis Pty Ltd was commissioned by Allen Jack + Cottier on behalf of Il Capitano Investments Pty Ltd to undertake a historical heritage assessment and SoHI for the Memorial Avenue Liverpool mixed use development project located at Lots 7-11 Castlereagh Street and 77-79 Bathurst Street, Liverpool NSW, referred to as the study area herein. This assessment will support a development application (DA) to Liverpool City Council (LCC). The proposed development will be assessed in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979 NSW* (EP&A Act).

## 1.2 Location of the study area

The study area occupies Lot 7-11 DP 7541 and Lot 4 DP 800326 and is located with the suburb of Liverpool, Liverpool Local Government Area (LGA) (Figure 1). It is bounded by Memorial Avenue to the north, Castlereagh Street to the west, Bathurst Street to the east and residential and commercial buildings to the south (Figure 2). The study area is also located within the Parish of St. Luke and the County of Cumberland. It encompasses half a hectare of private land and adjacent road reserves.

## 1.3 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*<sup>2,3</sup>. 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.

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<sup>2</sup> Heritage Office 2001

<sup>3</sup> Australia ICOMOS 2013

## 1.4 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 assessments and reports. Together this information was utilised to present a history of the study area. The archaeological survey was constrained by the presence of built fabric and modified ground surfaces, 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.

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.

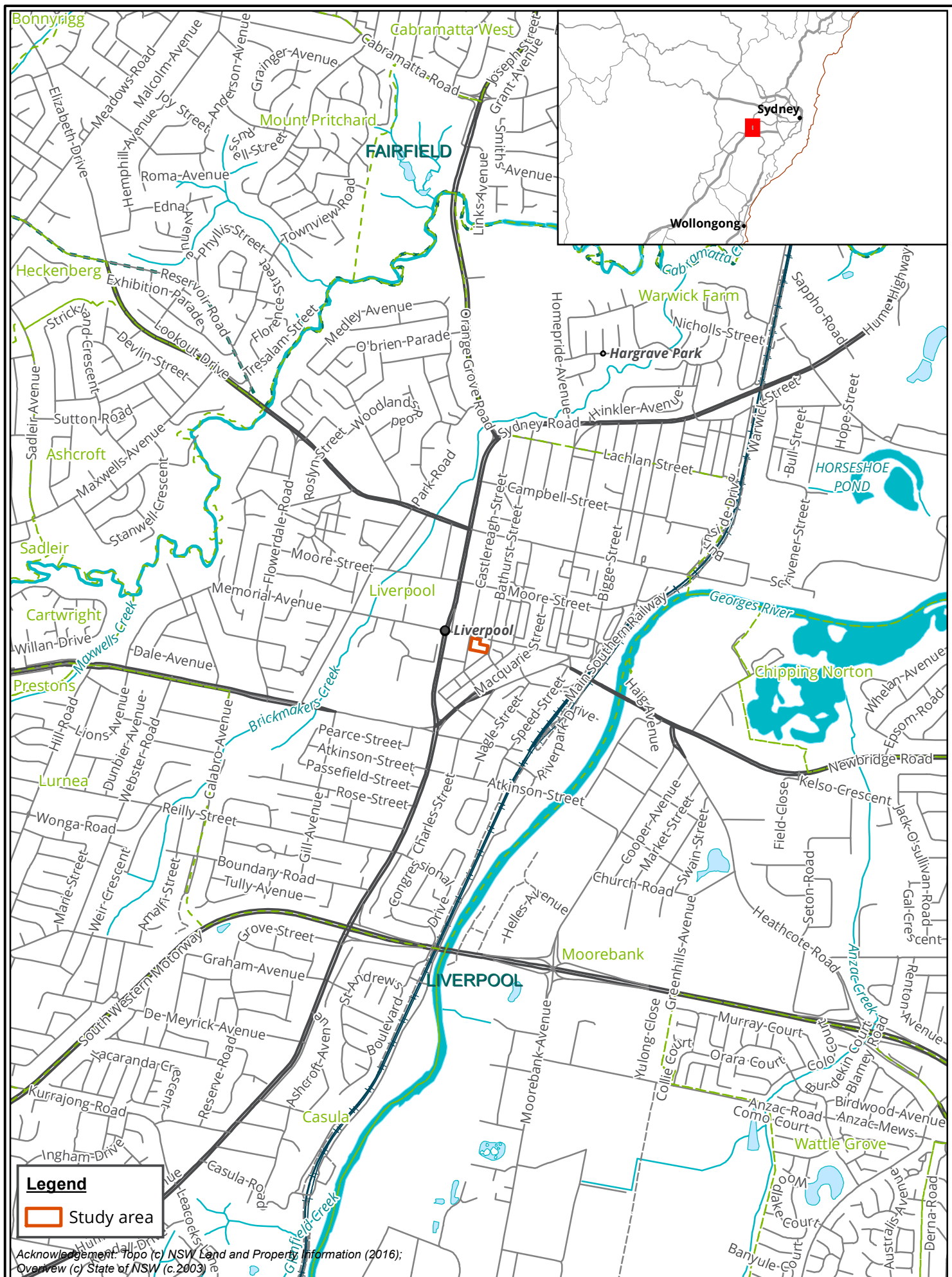


Figure 1: Location of the study area

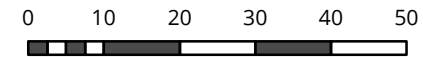




**Legend**

Study area

**Figure 2: Detail of the study area**



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

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## 2 Statutory framework

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This assessment will support a DA to Liverpool City Council and will be assessed in accordance with Part 4 of the EP&A Act. 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 Environment Protection and Biodiversity Conservation Act 1999

The *Environment 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 the 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'.<sup>4</sup>
- 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.<sup>5</sup>

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* (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 1977* 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 Heritage Council, under delegation by the Heritage Division, Office of Environment and Heritage (OEH). The *Heritage Act 1977* 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 1977* 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 *Heritage Act 1977*. The Register came into effect on 2 April 1999. The Register was 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 1977* 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.

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<sup>4</sup> 'About National Heritage' <http://www.environment.gov.au/heritage/about/national/index.html>

<sup>5</sup> 'Commonwealth Heritage List Criteria' <http://www.environment.gov.au/heritage/about/commonwealth/criteria.html>

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 or conservation areas listed on the SHR within the study area.

### 2.2.2 Archaeological relics

Section 139 of the *Heritage Act 1977* 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 SHR.

Amendments to the *Heritage Act 1977* 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 1977*. 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".'*<sup>6</sup>

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 1977* 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 1977*. 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.

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 1977*. Depending

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<sup>6</sup> NSW Heritage Branch, Department of Planning 2009, p.7

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 1977* 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 adjacent to 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 Local Environmental Plan**

The Liverpool Local Environmental Plan (LEP) 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 5.

The study area is situated within the vicinity of heritage items of local significance on the Liverpool LEP 2008 Schedule 5:

- Plan of Town of Liverpool (early town centre street layout – Hoddle 1827) (Item No. 89). Streets in the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways). Locally listed and adjacent to the study area.
- Dwelling (Item No. 77). 115 Castlereagh Street, Lot 4, SP 39972. Locally listed and located 60 metres south west of the study area.
- Commercial building (formerly Rural Bank and State Bank) (Item No. 91). Macquarie Street and Memorial Avenue, Lot 11, DP 20730. Locally listed and located 230 metres north east of the study area.
- Boer War Memorial, including memorial to Private A.E Smith (Item No. 92). Corner of Macquarie Street and Memorial Avenue (Macquarie Street public footpath adjacent to 297 Macquarie Street). Locally listed and located 200 metres east of the study area.
- Macquarie Monument (Item No. 93). Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street). Locally listed and located 204 metres east of the study area.
- Row of 3 palm trees (Item No. 94). Macquarie Street median strip, opposite 306 Macquarie Street, Lot 1, DP 119905. Locally listed and located 200 metres east of the study area.
- Memorial School of Arts (Item No. 99). 306 Macquarie Street, Lot 1, DP 119905. Locally listed and located 201 metres east of the study area.

### **2.3.2 Liverpool Development Control Plan 2008, Part 4**

The Liverpool Development Control Plan 2008 Part 4 (LDCP) outlines built form controls to guide development. The LDCP supplements the provisions of the Liverpool LEP.

The purpose of the LDCP is to provide addition, site specific controls for areas of sensitivity within the City Centre, which include heritage areas and sites requiring design excellence. The following controls are in addition to the general controls elsewhere in the LDCP and apply to the study area:

- Retain and enhance the significance of heritage items and their setting in any new development within Liverpool City Centre.
- Undertake an assessment for sites in the vicinity of heritage items or heritage conservation areas, of the impact of the proposal on the setting of nearby heritage items or heritage conservation areas.
- Establish the relevant criteria for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items and conservation areas as well as other factors.
- Infill building must not precisely imitate its neighbour but use recognisable tools such as spatial organisation, massing, scale, alignment, detailing, materials, roof forms and coursing lines to complement adjacent heritage items.
- New buildings must not obstruct important views and vistas of a heritage item.

## **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 3.



**Table 1 Summary of heritage listings to the study area**

Site number	Site name	Address/property description	Listings		Significance
			Individual item	As a Conservation Area	
89	Plan of Town of Liverpool (early town centre street layout – Hoddle 1827)	Streets in the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways)	Yes	No	Local
77	Dwelling	115 Castlereagh Street, Liverpool Lot 4, SP 39972	Yes	No	Local
91	Commercial building (formerly Rural Bank and State Bank)	Macquarie Street and Memorial Avenue, Liverpool Lot 11, DP 20730	Yes	No	Local
92	Boer War Memorial, including memorial to Private A.E Smith	Corner of Macquarie Street and Memorial Avenue (Macquarie Street public footpath adjacent to 297 Macquarie Street)	Yes	No	Local
93	Macquarie Monument	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)	Yes	No	Local
94	Row of 3 palm trees	Macquarie Street median strip, opposite 306 Macquarie Street, Liverpool Lot 1, DP 119905	Yes	No	Local
99	Memorial School of Arts	306 Macquarie Street, Liverpool Lot 1, DP 119905	Yes	No	Local







## 3 Historical context

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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 Liverpool and the Cumberland Plain.

### 3.1 Topography and resources

The project area lies within the Cumberland Lowland physiographic region, which is characterised by low-lying, gently undulating plains and low hills with a drainage network of mostly north flowing channels. The underlying geology is the Wianamatta Group shales (Ashfield and Bringelly shales); however, Minchinbury and/or Hawkesbury sandstone may also be present.<sup>7</sup>

The two main soil landscapes that overlay this geology are the Blacktown soil landscape, which occurs extensively on the Cumberland Plain, and the South Creek soil landscape, which occurs along drainage depressions that transect the plain. The study area is located within the Blacktown soil landscape, which consists of gently undulating rises, broad rounded crests and ridges with gentle slopes (<5%). Local relief is up to 30 metres. The soils are shallow to moderately deep (<100 cm). They can be hard setting and have moderate erodability. The A horizon (topsoil) consists of friable brownish black loam, with moderate to neutral acidity. Rounded iron indurated fine gravel shale fragments and charcoal fragments are sometimes present, and roots are common. The underlying A2 horizon is a hard-setting brown clay loam to silty clay loam of moderate to slight acidity. Iron indurated gravel shale fragments are common, with charcoal fragments and roots rarely present. The A horizons overlay subsoils of mottled clays which contain gravel shale fragments.<sup>8</sup>

### 3.2 Aboriginal past

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 and archaeological deposit at Parramatta, which was dated to 30,735 ± 407 BP.<sup>9</sup> Archaeological evidence of Aboriginal occupation of the Cumberland Plains indicates that the area was intensively occupied from approximately 4000 years BP.<sup>10</sup> Such 'young' 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 sub-surface archaeological investigations, rather than actual evidence of the Aboriginal people prior to this time.

There is some confusion relating to group names, which can be explained by the use of differing terminologies in early historical references. Language groups were not the main political or social units in Aboriginal life. Instead, land custodianship and ownership centred on the smaller named groups that comprised the broader language grouping. The study area is in the vicinity of three language groups,

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<sup>7</sup> Bannerman & Hazelton 2011, p.2

<sup>8</sup> *Ibid*

<sup>9</sup> Jo McDonald Cultural Heritage Management Pty Ltd 2005

<sup>10</sup> Dallas 1982

Dharawal, Gundungurra and the hinterland Darug. Attenbrow suggests:<sup>11</sup>

- The Gundungurra covered “the southern rim of the Cumberland Plain west of the Georges River, as well as the southern Blue Mountains”
- The Dharawal covered “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”
- The hinterland Darug covered 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. After the arrival of European settlers, the movement of Aboriginal hunter-gatherers became increasingly restricted. European expansion along the Cumberland Plain was swift and soon there had been considerable loss of land to agriculture. This led to violence and conflict between Europeans and Aboriginal people as both groups sought to compete for the same resources.<sup>12</sup> At the same time diseases such as small pox were having a devastating effect on the Aboriginal population. Death, starvation and disease were some of the disrupting factors that led to a reorganisation of the social practices of Aboriginal communities after European contact. The formation of new social groups and alliances were made as Aboriginal people sought to retain some semblance of their previous lifestyle.

### 3.3 Early exploration

The first Europeans to explore the Liverpool region were George Bass and Matthew Flinders in 1795 who, together with William Martin, sailed south to Botany Bay and into the Georges River to map and explore the river in a small boat. They partly covered much of the river that Governor Hunter has already mapped but extended their survey to the present day Casula. The exploration lasted nine days. Governor Hunter was pleased with reports of favourable countryside and named the area Banks Town, where he began to award grants of land.<sup>13</sup> On such grant was to Thomas Moore, a former government boat builder.<sup>14</sup> Moore received a large land grant of 750 acres on the banks of the Georges River, known as Moorebank, which made him the first settler in the Liverpool area (Plate 1).

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<sup>11</sup> Attenbrow 2002, p.32

<sup>12</sup> Brookes & Associates 2003, p.13

<sup>13</sup> Kass 1992, p.3.12

<sup>14</sup> Loane 2018



**Plate 1** An 1819 sketch of Thomas Moore's property Moorebank by Joseph Lycett (Source: State Library of New South Wales)

### 3.4 Establishment and development of Liverpool

Alienation of land in the vicinity of Liverpool began in 1799, with the granting of properties along the Georges River.<sup>15</sup> Thomas Moore, who became a substantial local landholder in the first years of the 19th century, found a site that he felt was suitable for a town. On 7 November 1810, a small party set out on horseback from Parramatta to the newly settled district of Georges River. This group comprised Governor Lachlan Macquarie, his wife Elizabeth, Captain Antill and surveyor James Meehan.<sup>16</sup> After crossing the Georges River, they were joined by Thomas Moore and Dr William Redfern, where they 'set out in a boat ... to view and survey the ground intended for the new township'. Macquarie stated that:

*"having surveyed the Ground and found it in every respect eligible and fit for the purpose, I determined to erect a Township on it, and named it Liverpool in honor of the Earl of that Title -- now the Secretary of State for the Colonies. -- The Acting Surveyor Mr. Meehan was at the same [time] directed to mark out the Ground for the Town, with a Square in the Center thereof, for the purpose of having a Church hereafter erected within it."*<sup>17</sup>

As part of his tour of the colony, Macquarie also founded new towns at Windsor, Richmond, Castlereagh, Pitt-town and Wilberforce. In correspondence between the Earl of Liverpool (Robert Banks Jenkinson) and Governor Macquarie, Jenkinson writes about the suitability of the site for a town which was to bear his name:

<sup>15</sup> Kass 2010

<sup>16</sup> Keating 1996, p.7

<sup>17</sup> Macquarie, Lachlan & Public Library of New South Wales 1956, p.)

*His Excellency having extended his Views also to the situation of the Settlers on George's River, has deemed it expedient to mark out the situation for a Township on the west side (or left bank) of that River, in the District of Minto, to which he has given the Name of Liverpool. The Situation of this Town is admirably calculated for Trade and Navigation, being immediately on the Bank of the River where the Depth of Water is sufficient to float Vessels of very considerable burthen. At this Town it is intended very soon to erect a Church, a School-House, a Gaol, a Guard-House, &c. Leases of Commodious and adequate Allotments- for Houses and Gardens will be given to suit free Mechanics and Tradesmen as may feel disposed to form a permanent Residence there, on their giving regular and due security for their building comfortable and substantial Houses, conformably to a Plan that will be shewn them on application to Thomas Moore, Esq're, the Chief Magistrate in that District.<sup>18</sup>*

By the time Macquarie became Governor in 1810, he had been inundated with applications for land in the Liverpool area. The founding of the town was not an act of trail-blazing into totally unknown terrain but a recognition of the eleven years of land grants and settlement following the initial exploration into the area. Macquarie named the town after Jenkinson.<sup>19</sup>

The first school house was built in 1811 and consisted of a two storey building whose upper story served as a courthouse. Church services were conducted in the school house until St Luke's was built in 1818.<sup>20</sup> The road from Sydney to Liverpool Road was completed in 1814, which dramatically increased the number of people travelling to and from Liverpool, and the first map of the town was produced in 1819 by Governor Lachlan Macquarie and Surveyor James Meehan (Plate 2).

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<sup>18</sup> O'Hara 1818, pp.356–360

<sup>19</sup> Keating 1996, p.8

<sup>20</sup> The City of Liverpool and District Historical Society Inc. 2018



**Plate 2** 1819 plan of the Township of Liverpool, with the study area identified by a red arrow  
(Source: NSW State Archives Map No.SZ 293)

Governor Macquarie invested greatly in Liverpool's public works, and it quickly became a viable settlement (Plate 3). When Governor Macquarie returned to Britain in 1821, the new Governor Thomas Brisbane curtailed expenditure on the building program and development began to move into private hands, facilitated by convict labour.<sup>21</sup> By 1822, Liverpool became the gateway to the southern districts; however, the towns land boundaries had not yet been established. The street pattern had been laid out by Macquarie and Meehan in 1819 but it was colonial surveyor Robert Hoddle that compiled the first detailed survey of the town in 1827. This plan of Liverpool did not include the study area.<sup>22</sup>

<sup>21</sup> Archaeomar Cultural Heritage Specialists 2015, p.18

<sup>22</sup> *Ibid.*





**Plate 3 Coloured print by Joseph Lycett depicting the development of Liverpool in 1824**  
(Source: National Library of Australia, PIC Volume 1103#S433)

Liverpool had become a major agricultural centre known for its poultry farming and market gardening; however, the end of convict transportation in 1840 led to an economic slowdown. The town lost many of the functions for which it had been formed and had not spread far beyond the nucleus of dwellings established in the 1820s.<sup>23</sup> By the 1880s, the economic tide had turned with the establishment of the Collingwood Paper Mill, which led to the subdivision of land to the south of Scott Street, the most southerly street in the original township. The 1882 census recorded a population of 1768 with 211 dwellings, and by 1891, the population had reached 4093 with 7760 dwellings.<sup>24</sup> The coming of the railway in September 1856 and the electric telegraph in 1858, provided speedy, safe transport and communication and began the transformation of Liverpool into a major regional city.

### 3.5 The study area

The study area was originally part of a land grant of 100 acres to Thomas Chipp on 4 June 1804 (Plate 4). Thomas Chipp was a First Fleet Royal Marine Private in the 42nd (Plymouth) Company who joined the Royal Marines in 1775. In 1780, he transferred to the Royal NSW Corps and arrived into Sydney Cove aboard HMAS Friendship in 1788.<sup>25</sup> At the end of his marine service, Thomas became a settler and left Port Jackson on 26 October 1791 for Norfolk Island where he settled on 60 acres at Cascade Stream, Phillipsburg. He

<sup>23</sup> Kass 1992, p.3.16-3.25

<sup>24</sup> Havard & Harvard 1939, p.32

<sup>25</sup> *Colonial Secretary's Papers 1788-1825* 2015



married former convict Jane Langley on 15 November 1791 and by 1794, they had left Norfolk Island for Sydney.



**Plate 4 1831 plan of the Town of Liverpool showing Thomas Chipp's 100 acre grant, with the study area marked with a red arrow (Source: NSW State Archives Map No. X751)**

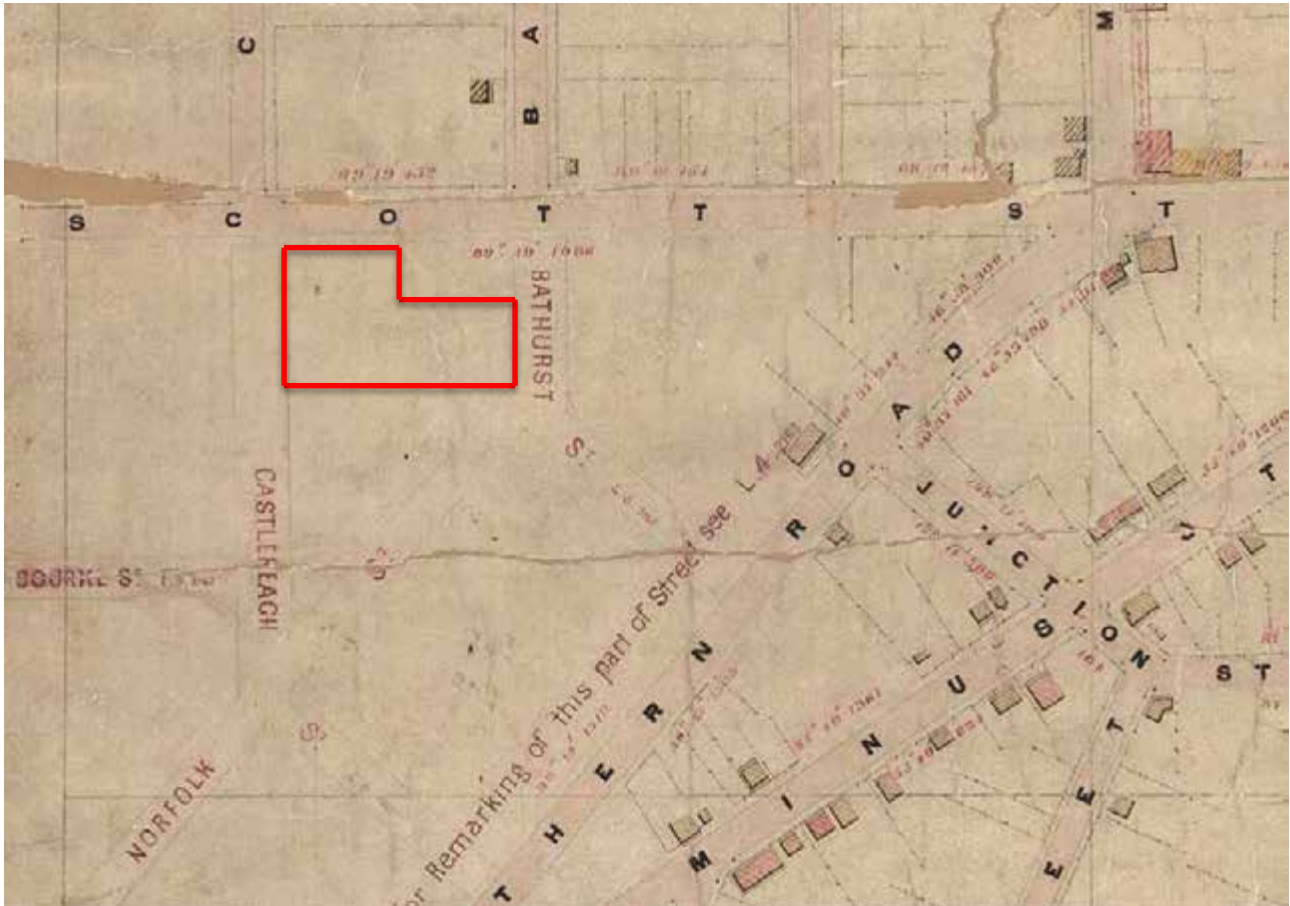
Upon his discharge from the NSW Corps in 1802, Chipp was granted 100 acres in the District of Banks Town and in 1810, another 100 acres at Upper Minto. There is no record in the Colonial Secretary Papers of Chipp receiving a land grant in Liverpool; however, the land grant is well documented in a number of survey plans, parish maps, and title deeds. An 1839 map of Liverpool by J.J. Galloway, clearly shows Chipp's 100 acre grant with the notation of 'Thomas Chipp 100 acres now Drummond now Hampton' at the top of the map (Plate 5). There is no record of a transfer to either Drummond or Hampton, and this conflicts with a notation on a later undated parish map Plate 6).

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Thomas Chipp's land grant is also mentioned in *The Shipping Gazette and Sydney General Trade List* as 'a town allotment in Liverpool, being a grant from the Crown to Thomas Chipp, dated June, 1804, for £33'.<sup>26</sup> According to another newspaper, Chipp's grant was called Drummond Estate that consisted 'of 100 acres south of Scott Street'.<sup>27</sup> However, the primary application (no. 17653) associated with the study area states that the land was originally granted to William Mannix by Lachlan Macquarie on 25 August 1812.<sup>28</sup>

It is unclear when the land was subdivided but an 1876 crown plan of the alignment of streets in Liverpool shows that his area of Liverpool had begun to be subdivided (Plate 7).



**Plate 7** 1876 Crown Plan R011169 showing the subdivision in south Liverpool, with the study area marked in red (Source: NSW Land Registry Services)

By 1912, the portion of land bounded by Scott Street, Castlereagh Street, Bathurst Street, and Norfolk Street had been further divided as evidenced in a title deed to Laurence Murphy as 'being part of lots 45 to 52 inclusive of G.J. Thompson's subdivision' (Plate 8).<sup>29</sup> It seems likely that the subdivision occurred in 1904 as

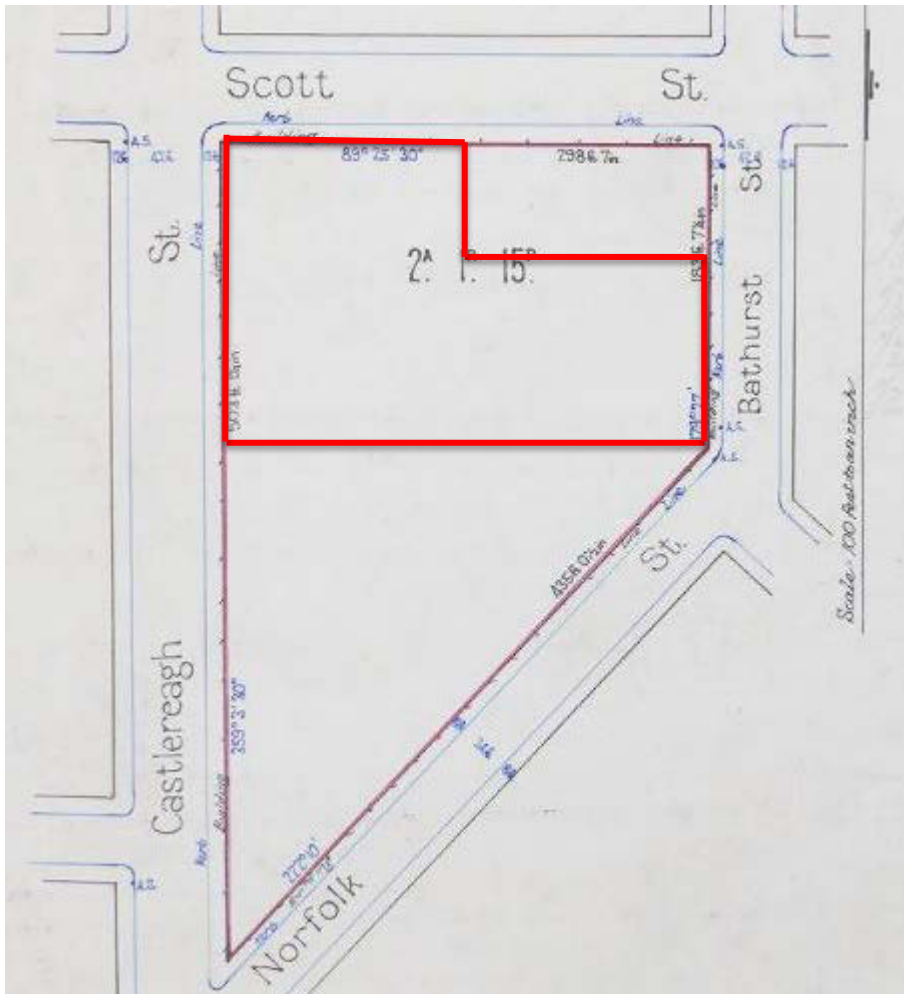
<sup>26</sup> 1853 'Commercial Intelligence, The Shipping Gazette and Sydney General Trade List (NSW: 1844-1860), 28 Nov, p.362, viewed 23 Oct 2018, <http://nla.gov.au/nla.news-article161108148>

<sup>27</sup> 1953 Historical Liverpool, The Biz (Fairfield, NSW: 1928-1972), 2 Jul, p.12, viewed 23 Oct 2018, <http://nla.gov.au/nla.news-article75602150>

<sup>28</sup> NSW Land Registry Services 2018a

<sup>29</sup> NSW Land Registry Services 2018b

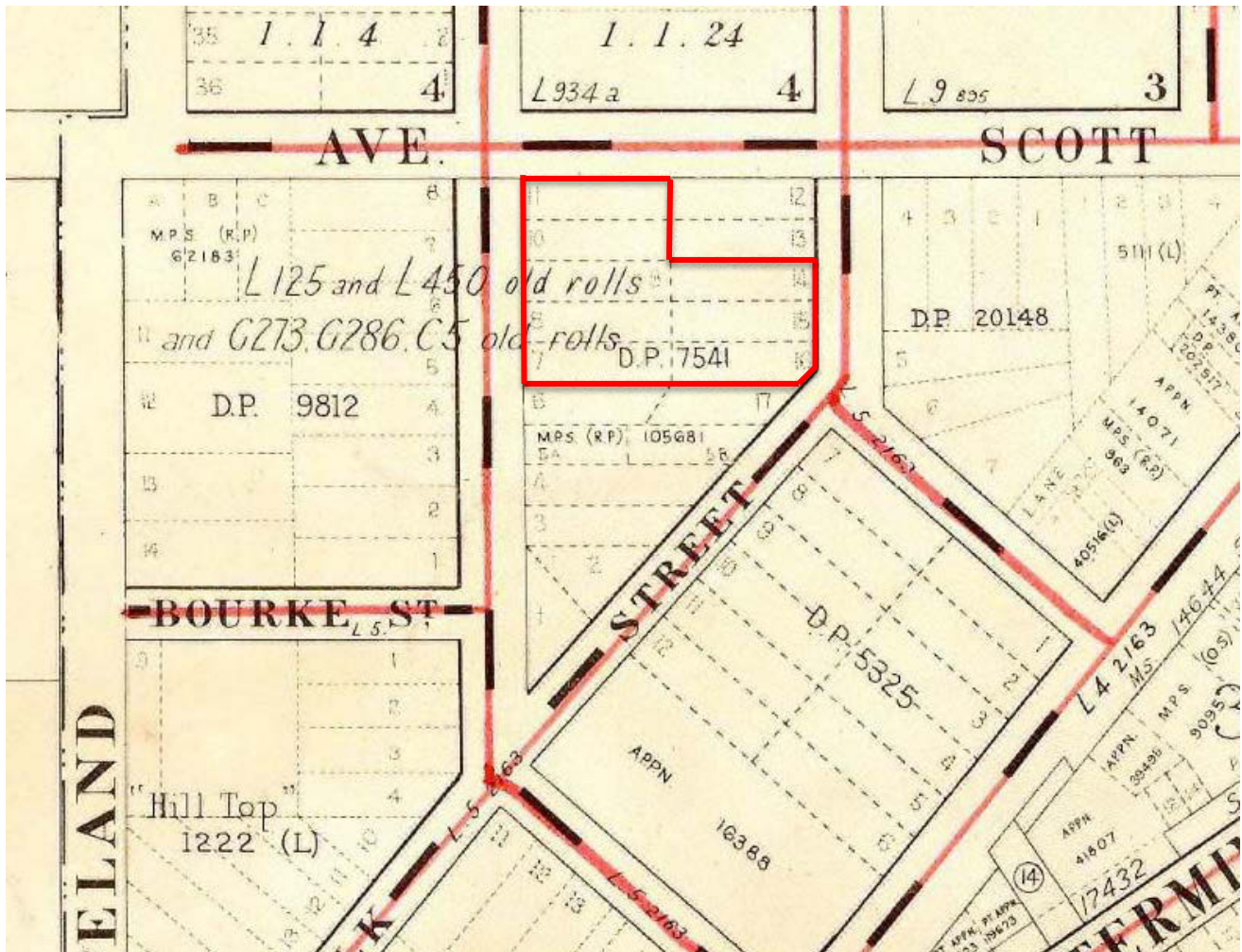
stated by a newspaper that 'Messrs. Christiansen and Co. have been appointed agents for the new subdivision at South Liverpool, and have already sold over £100 worth of allotments'.<sup>30</sup>



**Plate 8 1912 Certificate of Title showing Laurence Murphy's property boundary with the study area marked in red (Source: NSW Land Registry Services)**

The next recorded evidence of subdivision was in the late 1940s when Laurence Murphy's property was finally subdivided into 17 lots, with a number of sales transaction occurring until the mid-1950s (Plate 9). The study area encompasses Lots 7 to 11 and Lots 14-16.

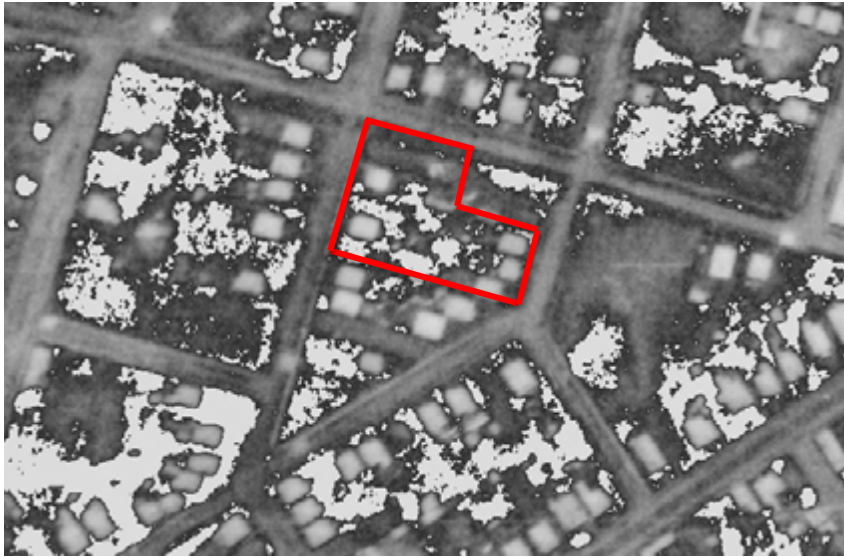
<sup>30</sup> 1904 Liverpool', The Cumberland Argus and Fruitgrowers Advocate (Parramatta, NSW: 1888-1950), 29 Oct, p.3, viewed 24 Oct 2018, <http://nla.gov.au/nla.news-article85907794>



**Plate 9** 1964 parish map showing the division of Laurence Murphy's land into 17 lots, the study area is marked in red (Source: NSW Land Registry Services)

The construction of residential dwellings appear to commence during the 1930s as evidenced by historical aerial imagery (Plate 10). This aerial shows five houses have been built within the study area. Further development occurred until the late 1940s, with the majority of lots being occupied (Plate 11 and Plate 12). The study area currently encompasses a service station and automotive repair centre, a car park, three storey residential complex, and a two storey function centre with adjoining car parking (Plate 13).





**Plate 10** 1930 aerial of the study area showing that some lots have been developed for residential housing (Source: NSW Land Registry Services)



**Plate 11** 1943 aerial of the study area shows a continuation of residential development (Source: NSW Land Registry Services)



**Plate 12** 1946 aerial of the study area shows a continuation of residential development (Source: NSW Land Registry Services)



**Plate 13** 2018 aerial of the study area show that the all the original houses have been demolished and commercial premises and multi-storey apartment blocks have been constructed (Source: NSW Land Registry Services)

### 3.6 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 (AHC) and the Heritage Office and are outlined in synoptic form in Historical Themes<sup>31</sup>.

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 Liverpool Heritage Study<sup>32</sup> has identified one historical theme which relates to the occupational history of the study area. This is summarised in Table 2.

**Table 2 Identified historical themes for the study area**

Australian theme	NSW theme	Local theme
<b>Developing settlements, towns and cities</b>	Towns, suburbs and villages	Located adjacent to the original town plan of Liverpool, the study area is associated with the historic planning and laying out of the town.
	Land tenure	The study area was originally part of a land grant in 1804 and is therefore associated with ownership and occupation within the study area.
	Accommodation	The domestic use of the study area is associated with the provision of accommodation.
<b>Developing Australia's cultural life</b>	Domestic life	The study area was predominantly associated with creating, maintaining and living in houses.

<sup>31</sup> NSW Heritage Council 2001

<sup>32</sup> Kass 1992

## 4 Physical inspection

A physical inspection of the study area was undertaken on 22 October 2018, attended by Alexander Beben. The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items or places. 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 immediately south of the Liverpool CBD within a gently undulating plains landform. The landscape surrounding the study area has been radically altered by commercial and multi-storey residential development, and the continued alterations and changes to road alignments. The study area currently encompasses a service station and automotive repair centre, a car park, three storey residential complex, and a two storey function centre with adjoining car parking.

It is important to analyse and describe views to and from components within a cultural landscape to help understand how it is experienced and to understand the nature of an evolving landscape. This enables a greater understanding of what aspects of the landscape need to be conserved and protected. Significant views to, from and within the study area are described in this section. Due to the heavily developed nature of the study area, the majority of views within the study area are obstructed by existing buildings (Plate 14 to Plate 17).



**Plate 14 South east facing photo showing the corner of Memorial Avenue and Castlereagh Street**





**Plate 15 North facing  
photo showing the  
corner of Norfolk  
Avenue and Bathurst  
Street**



**Plate 16 South facing  
photo down  
Castlereagh Street**



**Plate 17 South west  
facing photo down  
Norfolk Street**

## 4.2 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.

### 4.2.1 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.

From the time of European settlement onwards, the study area appears to have been extensively cleared and used primarily for grazing purposes. Archaeological resources likely to be present within the study area would be associated with the original property boundaries and evidence of early farming practices. Any remains from the property boundaries would be ephemeral structural evidence such as post holes, while evidence of farming practices are likely to be associated with small outbuildings, animal sheds, fences and pens. In addition, archaeological remains associated with the modern development of the study area are likely to include concrete footing and services.

Having said that, the historical research undertaken as part of this assessment did not indicate any historical structures or buildings within the vicinity of the study area until the construction of residential buildings during the 1930s. The construction of houses and their associated out buildings, along with subsequent development within the study area, have most likely removed all traces of the previous historical phases. These activities have heavily modified the study area's subsurface stratigraphy and removed any archaeological potential. The lack of historical occupation combined with the extensive disturbance across the majority of the study area suggests that the study area has low potential to contain archaeological resources (Figure 4).



The lack of historical occupation combined with the extensive disturbance across the majority of the study area suggests that the study area has low potential to contain archaeological resources. This is supported by Casey and Lowe (1996), who undertook a comprehensive archaeological zoning and management map for the city centre of Liverpool and listed the study area as low significance. For areas of low significance, they suggested that no further archaeological assessment was required before submission of a DA (Plate 18).



**Plate 18** Liverpool City Centre with shaded areas that indicated sites that require further archaeological assessment (Source: Casey and Lowe 1996)

#### 4.2.2 Research potential

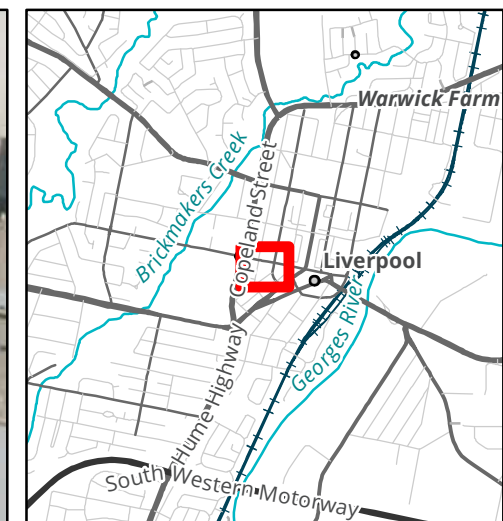
Archaeological research potential refers to the ability of archaeological evidence to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site. Archaeological research potential differs from archaeological potential 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.

In terms of research potential, the study area's history suggests that any archaeological material present is most likely to be associated with original property boundaries and evidence of early farming practices dating from the early 18th century. Such material has been well documented elsewhere, and is unlikely to contribute to any further knowledge about the study area. Furthermore, any 20th century remains likely to encountered are of limited interest and unlikely to hold any research potential.





#### Legend

Study area

#### Archaeological potential

Low

**Figure 5: Assessment of archaeological potential**

0 10 20 30 40 50  
Metres

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



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

Matter: 28573  
Date: 25 October 2018,  
Checked by: SJK, Drawn by: LW, Last edited by: IWilson  
Location: P:\28500s\28573\Mapping\28573\_F5\_ArchPotential



## 5 Significance assessment

The significance of the archaeological remains associated with the study area has been assessed in accordance with the guidelines for *Assessing Heritage Significance* and *Assessing Significance for Historical Archaeological Sites and "Relics"*.<sup>33</sup> These guidelines are based upon the premise that 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 and as such the guidelines outline seven criteria to characterise the nature of significance. The level of significance can be defined as follows:

- **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 important 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, 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 New South Wales and must have some connection or association with the State in its widest sense.

The following evaluation attempts to identify the cultural significance of potential archaeological relics with the study area and their contribution to the overall significance of the study area. The study area does not contain any listed build heritage items; therefore, the following assessment considers archaeological remains only. Each criteria is addressed in Table 3.

**Table 3 Assessment of significance**

Criterion	Statement
<b>Criterion A:</b> 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)	Whilst the study area is adjacent to a heritage item that represents a key period of the development of Liverpool, the built and archaeological remains within the study area have been assessed as being unlikely to be important in the course or pattern of NSW's or Liverpool's cultural or natural history. The study area <b>does not</b> meet this criterion at a State or local level.
<b>Criterion B:</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)	The archaeological remains within the study area do not have a strong or special association with the life or works of a person or group of persons of importance in NSW or Liverpool's cultural or natural history. The study area <b>does not</b> meet this criterion at a State or local level.

<sup>33</sup> NSW Heritage Office 2001

Criterion	Statement
<b>Criterion (c):</b> 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)	<p>The archaeological remains within the study area are not important in demonstrating the aesthetic characteristics and/or high degree of creative or technical achievements in NSW or Liverpool.</p> <p>The study area <b>does not</b> meet this criterion at a State or local level.</p>
<b>Criterion D:</b> 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	<p>The archaeological remains within the study area do not have a strong or special association with a particular community or cultural group in NSW or Liverpool for social, cultural or spiritual reasons.</p> <p>The study area <b>does not</b> meet this criterion at a State or local level.</p>
<b>Criterion E:</b> 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)	<p>Considering the high level of disturbance during the successive phases of development, it is extremely unlikely that the study area could yield information that contributes to an understanding of NSW's or Liverpool's cultural or natural history.</p> <p>The study area <b>does not</b> meet this criterion at a State or local level.</p>
<b>Criterion F:</b> An item possess uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	<p>The archaeological remains within the study area are not considered to be uncommon, rare or endangered aspects of NSW's or Liverpool's cultural or natural history.</p> <p>The study area <b>does not</b> meet this criterion at a State or local level.</p>
<b>Criterion G:</b> 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)	<p>Whilst the study area is adjacent to a heritage item that represents a key period of the development of Liverpool, the archaeological remains which it may contain are not considered to be important in demonstrating the principal characteristics of a class of NSW's or Liverpool's cultural or natural places.</p> <p>The study area <b>does not</b> meet this criterion at a State or local level.</p>
<b>Statement of significance</b>	<p>The built structures and archaeological remains <b>do not</b> contribute to the significance of the study area at a State or local level.</p>

## Statement of significance

## 6 Statement of heritage impact

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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. This section of the report has been prepared in accordance with the Heritage Manual guideline *Statements of Heritage Impact*.<sup>34</sup>

### 6.1 Proposal details

The proposed development will include:

- Existing buildings are to be demolished
- Construction a mixed use development comprising:
  - commercial and retail tenancies on the podium level, and residential apartments on the towers
  - parking facilities for residential units on basement levels
  - loading and parking facilities for commercial and retail tenancies
  - two towers with communal open space
  - café and outdoor dining.

Details of the proposed development are outlined in Appendix 1.

### 6.2 Assessing impact to heritage item(s)

#### 6.2.1 Discussion of heritage impact(s)

The discussion of impacts to heritage can be centred upon a series of questions which must be answered as part of a SoHI which frame the nature of impact to a heritage item. The Heritage Manual guideline *Statements of Heritage Impact* includes a series of questions in relation to indicate the criterion which must be answered.<sup>35</sup>

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *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?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

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<sup>34</sup> Heritage Office & DUAP 1996

<sup>35</sup> Heritage Office & DUAP 1996



- *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?*

### **6.2.2 Quantifying heritage impact(s)**

Based upon the discussion of impacts to heritage items, impact to these items can be quantified under three main categories: direct impacts, indirect impacts and no impact. These kinds of impacts are dependent on the proposed impacts, nature of the heritage item and its associated curtilage.

#### **Direct impacts**

Direct impacts are where the completion of the proposed development will result in a physical loss or alteration to a heritage item which will impact the heritage value or significance of the place. Direct impacts can be divided into whole or partial impacts. Whole impacts essentially will result in the removal of a heritage item as a result of the development whereas partial impacts normally constitute impacts to a curtilage or partial removal of heritage values. For the purposes of this assessment direct impacts to heritage items have been placed into the following categories:

- Physical impact - whole: where the development will have a whole impact on a heritage item resulting in the complete physical loss of significance attributed to the item.
- Physical impact - partial: where the project will have a partial impact on an item which could result in the loss or reduction in heritage significance. The degree of impact through partial impacts is dependent on the nature and setting of a heritage item. This typically these impacts are minor impacts to a small proportion of a curtilage of an item or works occurring within the curtilage of a heritage item which may impact on its setting (i.e. gardens and plantings).

#### **Indirect impacts**

Indirect impacts to a heritage item relate to alterations to the environment or setting of a heritage item which will result in a loss of heritage value. This may include permanent or temporary visual, noise or vibration impacts caused during construction and after the completion of the development. Indirect impacts diminish the significance of an item through altering its relationship to its surroundings; this in turn impacts its ability to be appreciated for its historical, functional or aesthetic values. For the purposes of this assessment impacts to heritage items have been placed into the following categories:

- visual impact
- noise impact
- vibration impact.

#### **Cumulative impacts**

Cumulative impacts relate to minimal or gradual impacts from a single or multiple developments upon heritage values. A cumulative impact would constitute a minimal impact being caused by the proposed development which over time may result in the partial or total loss of heritage value to the study area or associated heritage item. Cumulative impacts may need to be managed carefully over the prolonged period of time.

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**No impact**

This is where the project does not constitute a measurable direct or indirect impact to the heritage item.

**6.3 Assessment of impacts**

A discussion, assessment and mitigation of impacts to heritage items located within or adjacent to the study area is presented in Table 4.

**Table 4 Assessment of impacts to heritage items either within or adjacent to the study area**

Heritage item	Significance	Discussion	Assessment	Mitigation measures
<b>Plan of Town of Liverpool (early town centre street layout – Hoddle 1827)</b>	Local	The development is located outside of the curtilage associated with the Plan of Town of Liverpool; however, temporary vibration and noise impacts to the heritage item may occur during construction. These will be resolved upon completion of the project and not result in any lasting impacts to the heritage item.	Vibration and noise impact	Ensure that the development does not encroach into the curtilage of the heritage item. Due to the ephemeral nature of the heritage item, the curtilage can be defined as the edge of the street layout.
<b>Dwelling</b>	Local	The development is located outside of the curtilage associated with the dwelling on Castlereagh Street with any perceived impacts from the development being visual in nature. A visual inspection of lines of sight associated with the heritage item revealed that the visual appreciation of the heritage item may be effected. The current streetscape of Castlereagh Street consists of mature trees, which currently block any visual lines of sight to the study area. Temporary noise impacts to the heritage item will occur during construction; however this will be resolved upon completion of the project and not result in any lasting impacts to the heritage item.	Visual impact	The retention of mature trees on Castlereagh Street will mitigate any visual impacts to the heritage item. Also, consideration of LDCP 2008, section 4.6, control no. 6.



## 6.4 Statement of heritage impact

Historical research indicates that the study area contained no structures or buildings and appears to have been extensively cleared and used primarily for grazing purposes. Any archaeological resources that may have been present are likely to be associated with the original property boundaries and evidence of early farming practices. These remains would have been ephemeral in nature such as post holes, while evidence of farming practices are likely to be associated with small outbuildings, animal sheds, fences and pens. However, the construction of houses and their associated outbuildings, along with subsequent development within the study area, have most likely removed all traces of the previous historical phases. These activities have heavily modified the study area's subsurface stratigraphy and removed any archaeological potential. Also, the modern nature of the buildings currently located within the study area are not considered significant from a heritage perspective and do not contain any heritage values.

The Plan of Town of Liverpool (Item No. 89) is located adjacent to the development. The Office of Environment and Heritage has the following significance assessment for the item:

*Liverpool town centre is one of a small number of townships in the Sydney Region initially planned and developed in the Macquarie period. It is likely that a considerable quantity of archaeological evidence may survive below ground on sites within the historic town boundaries. Further archaeological, architectural and documentary research would contribute substantially to knowledge and understanding of the town's establishment, functions, development and living conditions. The township has significant archaeological potential to reveal information about life in the Colonial period and the occupation of Liverpool in particular.*

However, this item cannot be visually identified and the works associated with the development will not visually dominate the heritage item. Furthermore, the proposed development does not encroach on the curtilage of the heritage item and will have minimal impact upon the significance of the early town centre street layout. The street grid is ephemeral in nature, and any archaeological remains are likely to have been removed over time from the development within the area.

The only probable impacts on surrounding heritage items is likely to be visual, particularly for the dwelling (Item No. 77) on Castlereagh Street. The LDCP listed one of their planning controls as 'new buildings must not obstruct important views and vistas of a heritage item'. The current streetscape of Castlereagh Street consists of mature trees, which currently block any visual lines of sight to the study area. The retention of these trees will mitigate any visual impacts to the heritage item.

The lack of historical occupation combined with the extensive disturbance across the majority of the study area suggests that the study area has low potential to contain archaeological resources. This is supported by Casey and Lowe (1996), who undertook a comprehensive archaeological zoning and management map for the city centre of Liverpool and listed the study area as low significance. For areas of low significance, they suggested that no further archaeological assessment was required before submission of a DA.

If the appropriate mitigation measures are employed (Table 4), it is considered that these works are acceptable from a heritage perspective, and that any loss of heritage significance through the proposed works will be appropriately managed.

## 7 Recommendations

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### 7.1 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.<sup>36</sup>

#### **Recommendation 1    No further heritage or archaeological assessment is required**

No further archaeological work is required in the study area due to the entire study area assessed as having low archaeological potential and the proposed development may proceed with caution.

#### **Recommendation 2    Unexpected archaeological items**

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. 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.

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<sup>36</sup> Australia ICOMOS 2013

## References

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Archaeomar Cultural Heritage Specialists 2015, *Statement of Heritage Impact: 7-13 Norfolk Street, Liverpool NSW 2170*.

Attenbrow, V 2002, *Sydney's Aboriginal Past: Investigating the archaeological and historical records*, University of New South Wales Press Ltd, Sydney.

Australia ICOMOS 2013, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, Australia ICOMOS, Burwood, VIC.

Bannerman, SM & Hazelton, PA 2011, *Soil Landscapes of the Penrith 1:100,000 Sheet Interactive CD-ROM*, NSW Office of Environment and Heritage, Sydney.

Brookes & Associates 2003, *Sandon Point Bulli/Thirroul COI - European Heritage. Report prepared for Stockland*.

Casey & Lowe Associates 1996, *Liverpool Archaeological Zoning & Management Plan*.

*Colonial Secretary's Papers 1788-1825* 2015, viewed 23 October 2018, <<https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/colonial-secretarys-papers>>.

Dallas, M 1982, 'An Archaeological Survey at Riverstone, Schofields and Quakers Hill, NSW. Prepared for the Land Commission of NSW.'

Havard, W & Harvard, O 1939, *Liverpool: The Story of a Historic Town (1810-1939)*, Cumberland Newspapers Ltd, Parramatta.

Heritage Office 2001, 'Assessing Heritage Significance'.

Heritage Office & DUAP 1996, 'Statements of Heritage Impact'.

Jo McDonald Cultural Heritage Management Pty Ltd 2005, *Archaeological Salvage Excavation of Site RTA-G1 109-113 George Street Parramatta, NSW*, Report to Landcom.

Kass, T 1992, 'Final Report Liverpool Heritage Study', in, *Final Report Liverpool Heritage Study*, Neustein & Associates.

Kass, T 2010, *A Thematic History of the City of Wollongong*, Wollongong City Council, Wollongong.

Keating, C 1996, *On the frontier: A social history of Liverpool*, Hale & Iremonger, Sydney.

Loane, M 2018, *Biography - Thomas Moore - Australian Dictionary of Biography*, viewed 23 October 2018, <<http://adb.anu.edu.au/biography/moore-thomas-2476>>.

Macquarie, Lachlan & Public Library of New South Wales 1956, *Lachlan Macquarie, Governor of New South Wales: journals of his tours in New South Wales and Van Diemen's Land, 1810-1822.*, Trustees of the Public Library of New South Wales, Sydney.



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NSW Heritage Branch, Department of Planning 2009, *'Assessing Significance for Historical Archaeological Sites and "Relics"'*.

NSW Heritage Council 2001, 'New South Wales Historical Themes'.

NSW Heritage Office 2001, 'Assessing heritage significance', viewed 1 May 2016,  
<<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/listings/assessingheritagesignificance.pdf>>.

NSW Land Registry Services 2018a, 'Primary Application no. 17653'.

NSW Land Registry Services 2018b, 'Certificate of Title, vol. 2307, folio 89'.

O'Hara, J 1818, *The history of New South Wales*, 2nd edn, Printed for J. Hatchard, Bookseller to the Queen, London.

The City of Liverpool and District Historical Society Inc 2018, *Our History*, viewed 23 October 2018,  
<<http://www.liverpoolnswhistory.org.au/about%20us.html>>.

## Appendix 1

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– WINTER

– SUMMER

MEMORIAL AVE

CASTLEREAGH ST

NOISY COMMERCIAL STREET

CARPARK LIFT

MEMORIAL AVE



### 9 AM WIND ROSE



### 3 PM WIND ROSE

BOURKE ST

CASTLEREAGH ST

QUIET RESIDENTIAL STREET

NORFOLK ST

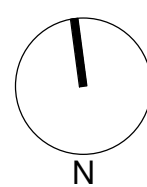
SIGNIFICANT  
APPROACH VIEW

BATHURST ST

MACQUARIE ST

Revisions				
No.	Date	Description	Ver	App'd
1	22-02-19	ISSUED FOR D.A. SUBMISSION.		

Ver App'd



Key
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	Client
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	Project
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MEMORIAL AVENUE, LIVERPOOL

77-79 Bathurst Street &  
86-94 Castlereagh Street  
LIVERPOOL NSW 2170

Proj. No. 18005

	Drawing Title
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## SITE PLAN

Sheet Status  
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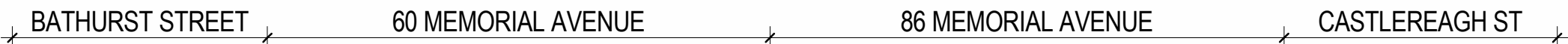
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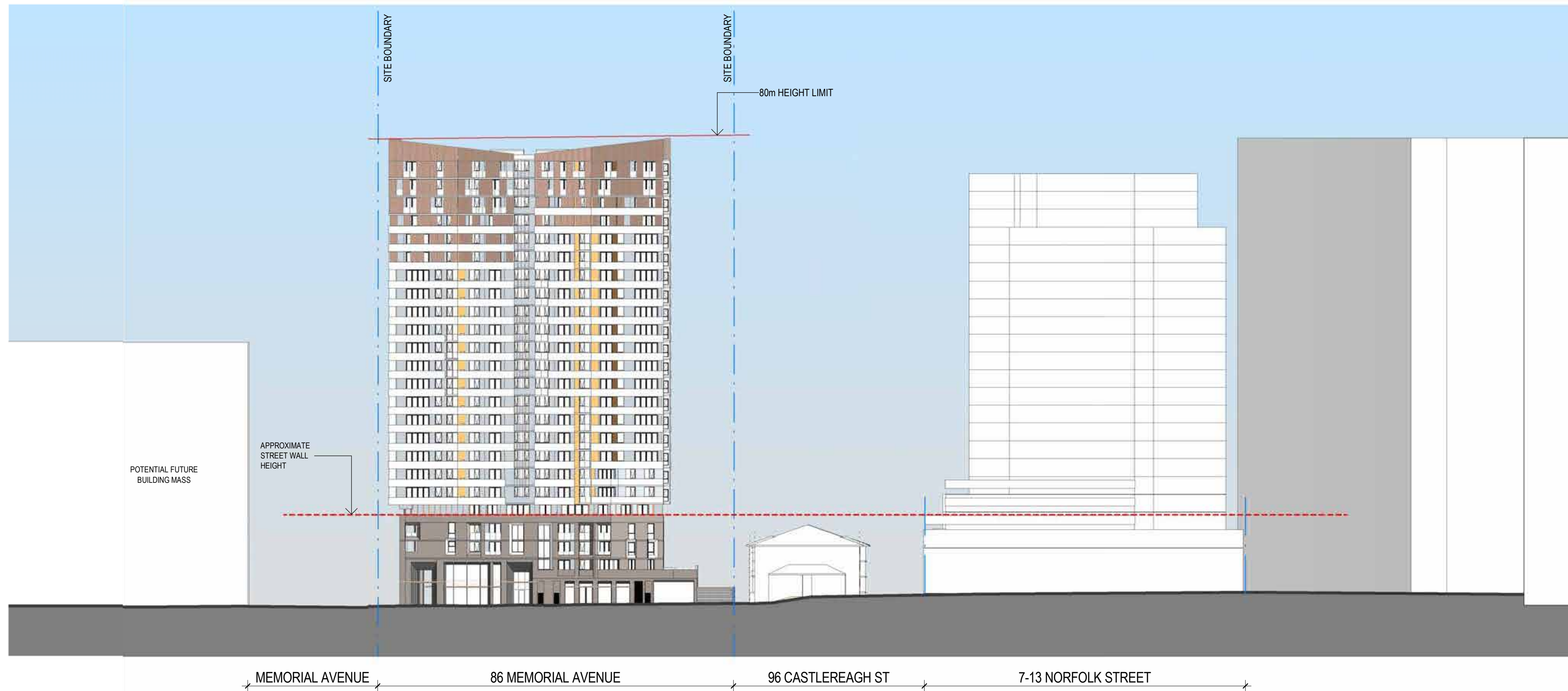
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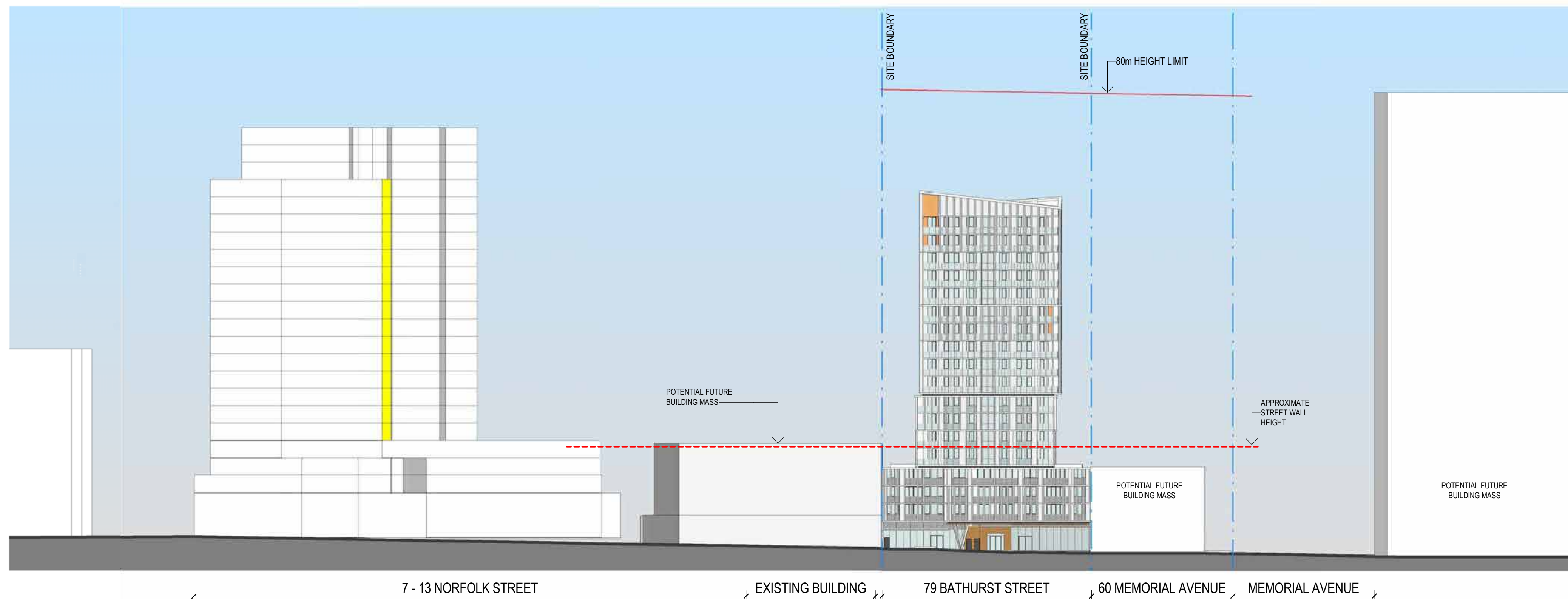








2 WEST ELEVATION STREETSCAPE  
1:500



1 NORFOLK STREET ELEVATION  
1:500

Revisions No.	Date	Description	Ver	App'd
1	22-02-19	ISSUED FOR D.A. SUBMISSION.		

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77-79 Bathurst Street &  
86-94 Castlereagh Street  
LIVERPOOL NSW 2170  
Proj. No. 18005

Drawing Title  
**EAST & WEST  
STREETSCAPES**

Sheet Status  
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Issue



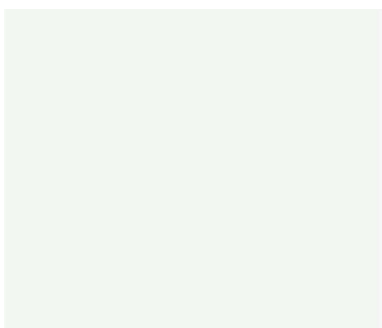




DULUX MILTON MOON  
- EXTERIOR WALL  
PC1



GLASS BALUSTRADE  
BAL



DULUX DURALLOY  
CLASSIC PEARL WHITE  
- ALUMINIUM WHITE FINIS  
AL1



PRECAST CONCRETE PANEL WITH  
SHADOW LINE PAINTED PC3  
PC



PRECAST CONCRETE PANEL WITH  
SHADOW LINE PAINTED PC3  
PC



DULUX GOLD TREASURE  
- LOUVRE SCREENS  
LS



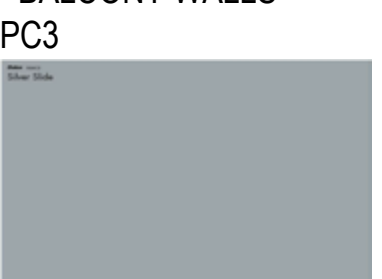
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- WINDOW AND DOOR FRAMES  
AL2



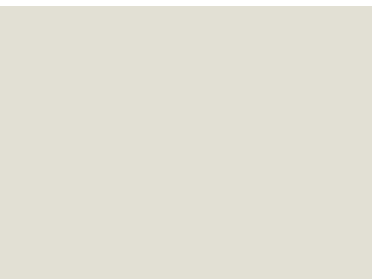
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- BLADE WALLS TO BALCONIES  
PC2



DULUX SNOWY MOUNTAINS  
QUARTER  
- BALCONY WALLS  
PC3



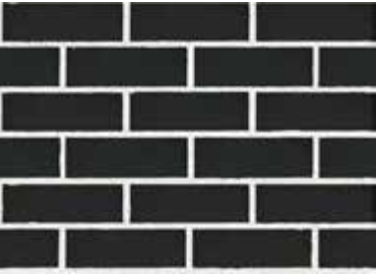
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- EXTERIOR WALLS  
PC3



DULUX DURALLOY SHOJI WHITE  
- BALCONY FRAMES  
AL3



BOWRAL DRY PRESSED  
BOWRAL BLUE  
FB1



BURLESQUE  
CHARMING BLACK - ENTRANCE  
FB2

Revisions No.	Date	Description	Ver	App'd
1	22-02-19	ISSUED FOR D.A. SUBMISSION.		

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Issue