



270 Aldington Road, Kemps Creek: Statement of Heritage Impact

FINAL REPORT

Prepared for AT&L on behalf of Stockland Development Pty Ltd

31 October 2023

Biosis offices

NEW SOUTH WALES

Albury

Phone: (02) 6069 9200
Email: albury@biosis.com.au

Newcastle

Phone: (02) 4911 4040
Email: newcastle@biosis.com.au

Sydney

Phone: (02) 9101 8700
Email: sydney@biosis.com.au

Western Sydney

Phone: (02) 9101 8700
Email: sydney@biosis.com.au

Wollongong

Phone: (02) 4201 1090
Email: wollongong@biosis.com.au

VICTORIA

Ballarat

Phone: (03) 5304 4250
Email: ballarat@biosis.com.au

Melbourne

Phone: (03) 8686 4800
Email: melbourne@biosis.com.au

Wangaratta

Phone: (03) 5718 6900
Email: wangaratta@biosis.com.au

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Prepared by:	Bronte Baonza Crystal Garabedian
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Summary

Biosis Pty Ltd (Biosis) was commissioned by AT&L, on behalf of Stockland Development Pty Ltd (Stockland), to prepare a Statement of Heritage Impact (SoHI) of an area of land proposed for subdivision works at 244–280 Aldington Road, Kemps Creek (part of Lot 15, and all of 16 and 17 DP253503) (study area). The study area is located in farmland in the western Sydney suburb of Kemps Creek and approximately 53 kilometres west of the central business district (CBD).

The SoHI will inform design plans to be prepared by AT&L, on behalf of Stockland, as part of a Development Application (DA) to be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A search of heritage databases was conducted to identify any heritage listings within the study area. This included a search of the State Heritage Register (SHR), Commonwealth Heritage List (CHL), National Heritage List (NHL), Section 170 heritage registers, the *State Environmental Planning Policy (Industry and Employment) 2021* (SEPP) and the SEPP (*Western Sydney Aerotropolis*) 2020, and *Mamre Road Precinct Development Control Plan 2021* (MRP DCP). These searches identified that there are no heritage items located within the study area. There are two items of local heritage significance listed in Schedule 3 of the SEPP (I&E) located within 100 metres of the study area:

- Brick farmhouse (I4) located approximately 46 metres south of the study area.
- Gateposts to Colesbrook (I3) located approximately 20 metres to the west of the study area.

As part of the SoHI, background research and a physical inspection was undertaken (18 July 2023) to identify the previous land use of the study area and to determine whether items of historical significance have the potential to be impacted by the proposed works.

The study area formed a part of an initial land grant to Nicolas Bayly in 1810, which was then acquired by Richard Jones in 1826 following Bayly's death. The land was subdivided in 1891 but sales did not commence until the 1930s. The land was used for pastoral and agricultural uses in this time, and no residential structures were constructed within the study area until after the late-1970s.

The potential archaeological remains in the study area are associated with agriculture and domestic themes. Archaeological remains that may be present include fence post holes, agricultural marks, cut and fill deposits, foundations, footings, occupational deposits, building materials, demolition debris, construction debris, services. The level of disturbance from agriculture and residential development makes it unlikely these remains would still be present in the study area. Any potential archaeological remains would not contribute information that is not already available and are of low significance.

The proposed works will have no adverse physical or visual impact on the heritage items in the vicinity of the study area.

Recommendations

Recommendation 1 Works may proceed with caution

The proposed works will not impact the heritage items located in the vicinity of the study area, provided the mitigations measures presented in Recommendations 2 and 3 are implemented.

Recommendation 2 Heritage induction

To mitigate any unintentional adverse impacts of the proposed works to the heritage items during construction a heritage induction should be undertaken by all site workers prior to construction. This will ensure they are informed of the heritage values of the study area and their responsibilities.

Recommendation 3 Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during 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.

Contents

Summary	ii
Glossary.....	7
1 Introduction	8
1.1 Project background	8
1.2 Location of the study area	8
1.3 Proposed development.....	8
1.4 Scope of assessment	8
1.5 Limitations	9
2 Statutory framework.....	13
2.1 Environment Protection and Biodiversity Conservation Act 1999.....	13
2.2 NSW Heritage Act 1977.....	13
2.2.1 State Heritage Register	13
2.2.2 Archaeological relics	14
2.2.3 Section 170 Heritage and Conservation Registers.....	15
2.3 Environmental Planning and Assessment Act 1979	15
2.3.1 State Environment Planning Policy	15
2.3.2 Penrith Local Environment Plan 2010 (LEP)	15
2.3.3 <i>Mamre Road Precinct Development Control Plan 2021</i> (MRDCP).....	16
2.4 Summary of heritage listings	16
3 Historical context	18
3.1 Topography and resources	18
3.2 Aboriginal past.....	18
3.3 Kemps Creek—historical development	19
3.3.1 Exploration (1789–1830).....	19
3.3.2 Early development within Kemps Creek (1810 to 1900)	20
3.3.1 Ownerships of Macquarie Park	24
3.3.2 Modern development within the study area (1900s–present)	24
3.4 Chronology of the study area	31
3.5 Research themes	32
4 Physical inspection.....	33
4.1.1 Views to and from the study area	33
5 Archaeological assessment	37
5.1 Archaeological resource	37
5.2 Integrity of sub-surface deposits.....	37
5.3 Research potential	37
5.4 Summary of archaeological potential	38
5.5 Significance assessment.....	41

5.6	Evaluation of significance.....	42
6	Statement of heritage impact.....	44
6.1	Proposal details.....	44
6.2	Assessing impact to heritage item(s).....	44
6.2.1	Quantifying heritage impact(s).....	44
6.3	Assessment of impacts.....	45
6.4	Statement of heritage impact	47
7	Recommendations.....	48
	References.....	49
	Appendices.....	50
Appendix 1	Heritage inventory sheets.....	51

Tables

Table 1	Summary of heritage listings within and adjacent to the study area	16
Table 2	Summary of historical aerials.....	25
Table 3	Chronological development of the study area	31
Table 4	Identified historical themes for the study area	32
Table 5	Views across the study area	33
Table 6	Built structures in the study area	35
Table 7	Assessment of archaeological potential	39
Table 8	Evaluation and statements of significance for items within the study area	42
Table 9	Assessment of impacts to heritage items in the vicinity of the study area	46

Figures

Figure 1	Location of the study area	10
Figure 2	Study area detail	11
Figure 3	Proposed works	12
Figure 4	Location of heritage items within the study area and in the vicinity	17
Figure 5	Assessment of archaeological potential	40

Photos

Photo 1	Parish map dated to 1967, with the study area outlined in red (Source: NSW Land Registry Services 2023).....	21
Photo 2	Crown plan with the study area outlined in red (Source: Crown Plan R290 n.d.)	22
Photo 3	Bayly Park, Mamre Road, Kemps Creek, 1986 (Source: (Fox & Associates - Architects and Planners 1986).....	23
Photo 4	Fleurs Estate for auction, 1882–1962 (Source: <i>Nepean Times</i> 1934)	24

Photo 5	Aerial image dated to 1947, showing the Former Colesbrook Farmstead (I4), shed structures [1, 2] artificial dam [3], with the study area outlined in red (Source: NSW Spatial Services 2023).....	26
Photo 6	Aerial image dated to 1965, showing large shed [4], small shed [5], animal enclosures [6] and artificial dams [7], with the study area outlined in red (Source: NSW Spatial Services 2023).....	27
Photo 7	Aerial image dated to 1978, showing the residential building [8], with the study area outlined in red (Source: NSW Spatial Services 2023)	28
Photo 8	Aerial image dated to 1986, showing artificial dams [9], shed structures [10] and residential building [11], with the study area outlined in red (Source: NSW Spatial Services 2023).....	29
Photo 9	Aerial image dated to 1991, with the study area outlined in red (Source: NSW Spatial Services 2023).....	30
Photo 10	Aerial image dated to 2005 aerial, with the study area outlined in blue (Source: NSW Spatial Services 2023).....	31

Glossary

AGD	Australian Geodetic Datum
Biosis	Biosis Pty Ltd
c.	Circa
CBD	Central Business District
CHL	Commonwealth Heritage List
DA	Development Application
DCCEEW	Australian Government Department of Climate Change, Energy, the Environment and Water
DBH	Diameter at Breast Height
DP	Deposited Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage NSW	Heritage NSW, Department of Planning and Environment
Heritage Act	<i>Heritage Act 1977</i>
SEPP I&E	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>
LEP	Local Environmental Plan
LGA	Local Government Area
NHL	National Heritage List
NSW	New South Wales
MRDCP	<i>Mamre Road Precinct Development Control Plan 2021</i>
SEPP	State Environmental Planning Policy
SHI	State Heritage Inventory
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
study area	244–280 Aldington Road, Kemps Creek (Part of Lot 15, and Lots 16 and 17 DP253503) in NSW

1 Introduction

1.1 Project background

Biosis was commissioned by AT&L, on behalf of Stockland, to prepare a SoHI of a proposed industrial subdivision at 244–280 Aldington Road, Kemps Creek (part of Lot 15 DP253503 and all of Lots 16 and 17 DP253503) in NSW (the study area) (Figure 1 and Figure 2). The SoHI informs the design prepared by AT&L, on behalf of Stockland, that is being prepared as part of a DA. The DA is being submitted to Penrith Council and will be against Part 4 of the EP&A Act.

1.2 Location of the study area

The study area is located within the Penrith Local Government Area (LGA), Parish of Melville, and County of Cumberland (Figure 1). The study area encompasses 23 hectares of private land and incorporates Part of Lot 15, 16 and 17 DP253503. It is bounded by Aldington Road to the west, Lot 18 DP253503 to the north, Lot 15 DP253503 to the south and Lot 4132 DP857093 to the east (Figure 2).

1.3 Proposed development

The proposed development will involve demolition, subdivision and subdivision works within Lot 15, 16 and Lot 17 DP253503 (Figure 3). This includes, but is not limited to:

- Bulk earthworks for landscaping including infilling of existing dams and modification of drainage lines.
- Installation of services and amenities including underground utilities such as electrical, telecommunication and wastewater services.
- Construction of roads and associated features.

1.4 Scope of assessment

This report was prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and 'Relics'*, *Guidelines for preparing a statement of heritage impact* (Guidelines for preparing a SoHI) and the Burra Charter.¹

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

- Identify and assess the heritage values associated with the study area and determine potential for historical archaeology.
- Identify sites and features within the study area which are already recognised for their heritage value through statutory and non-statutory heritage listings.
- Assess the impact of the proposed works on the heritage significance of the study area.

¹ Heritage Office 2001, Australia ICOMOS 2013, Department of Planning and Environment 2023

- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

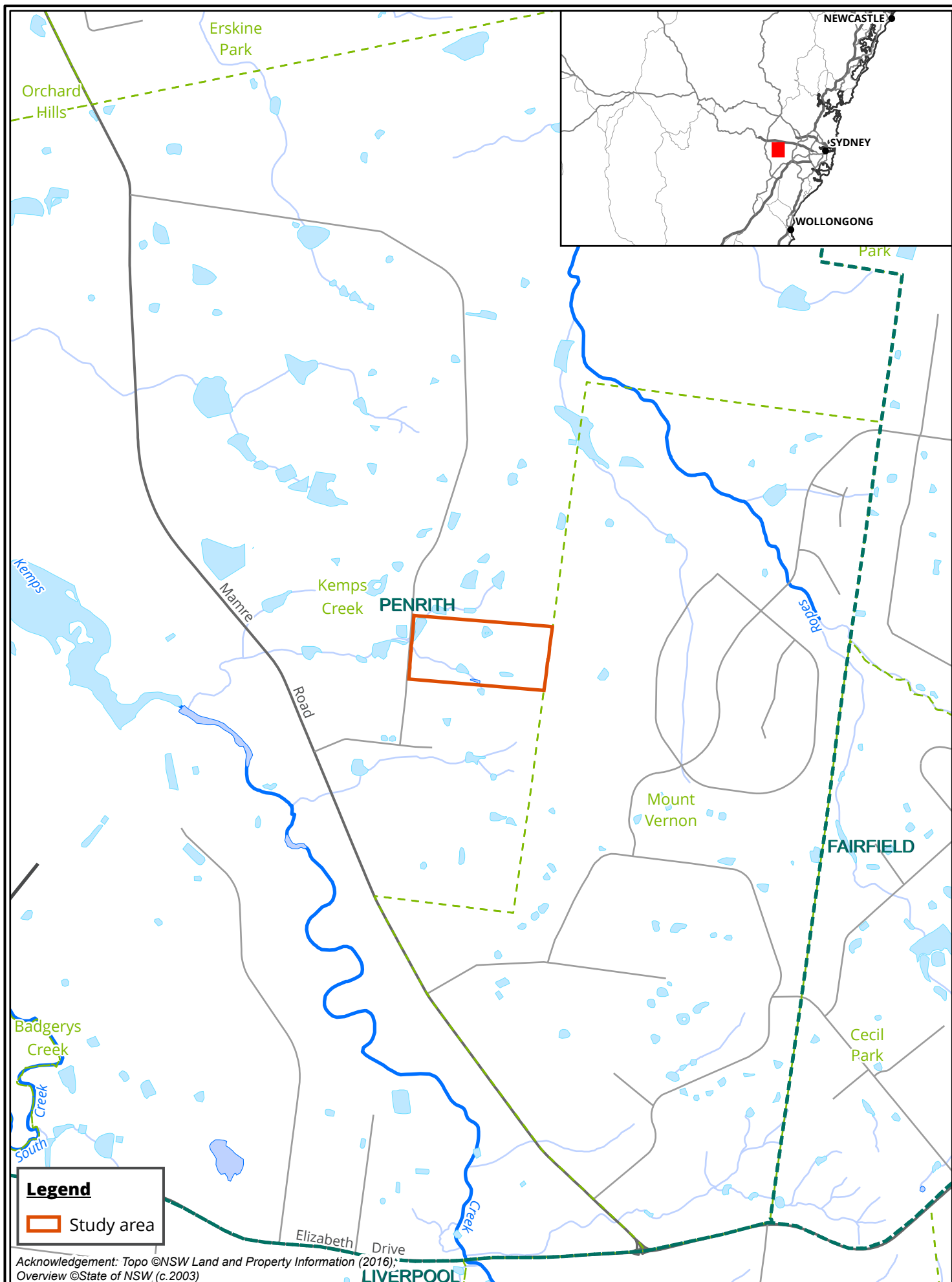
1.5 Limitations

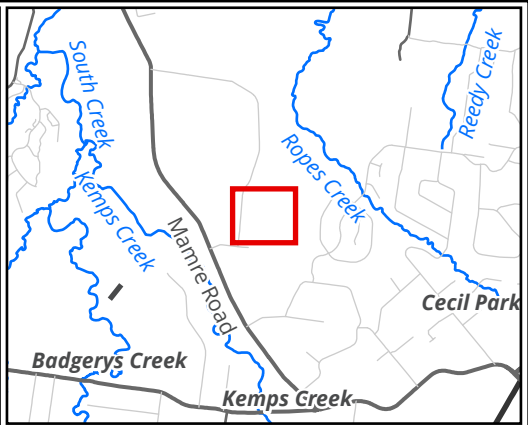
This report is based on historical research and field inspections. It is possible that further historical research or the emergence of new historical sources may support different interpretations of the evidence in this report. The earliest historical aerial that could be obtained for the study area was from 1947. On this aerial two structures were evident within the central portion of Lot 17 DP253503. The usage or the date of construction of either structure could not be determined from the background research or during the field investigation.

The physical inspection was limited due to access and safety concerns. The western portion of Lot 16 DP253503 could not be accessed due to unrestrained cattle. Photos were taken along the border of the study area into this area of Lot 16 DP253503.

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.

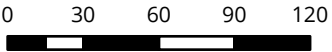
The significance assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.





- Legend**
-  Study area
 -  Lot

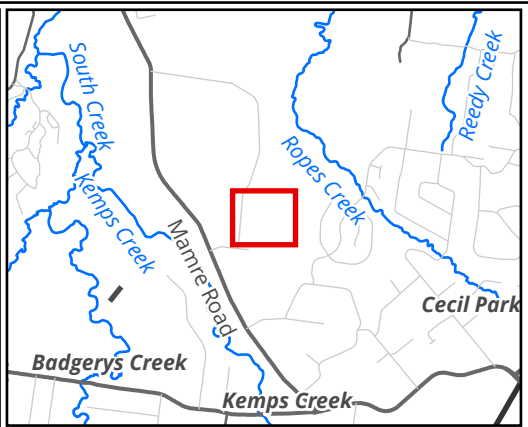
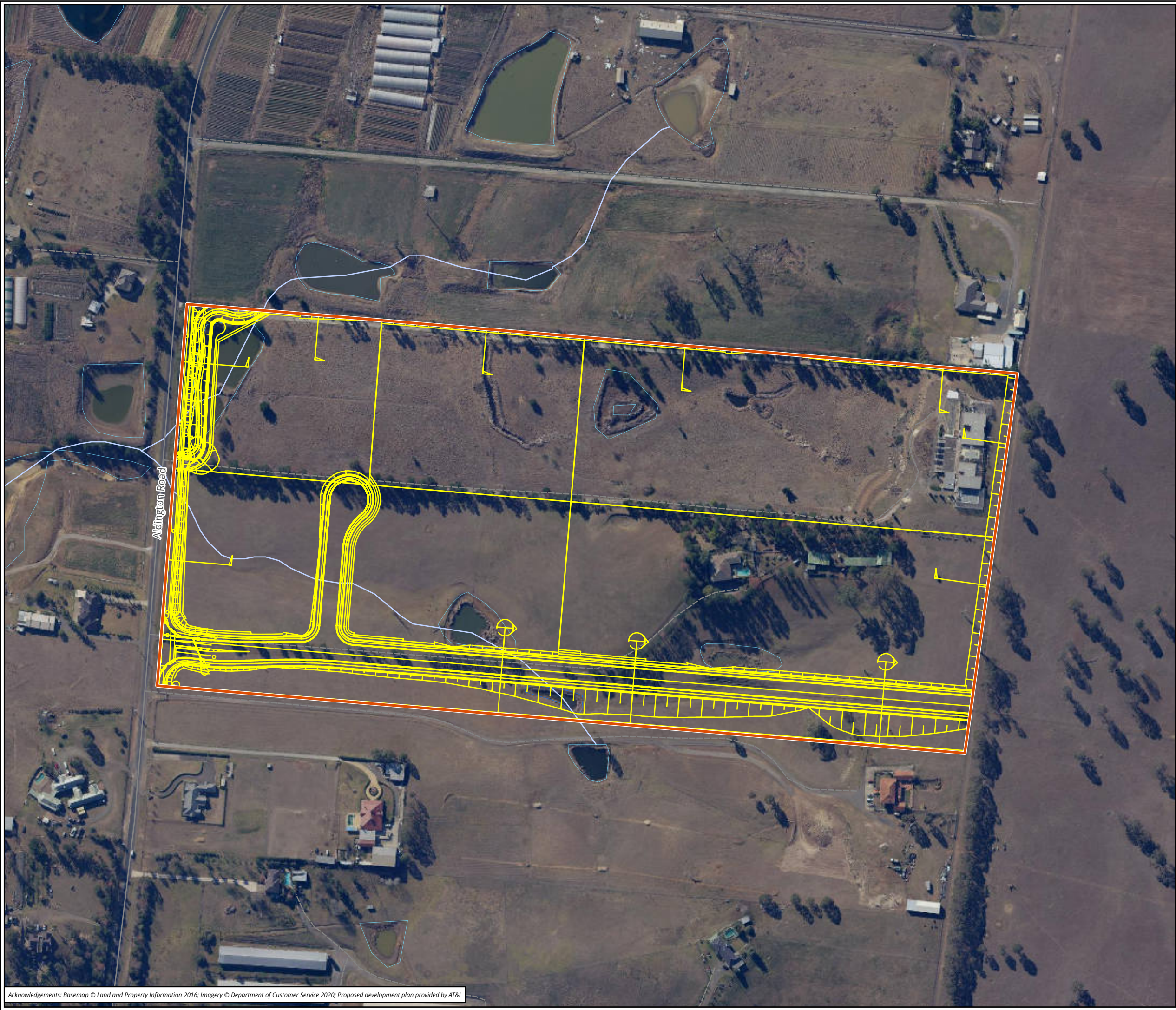
Figure 2 Study area detail



Metres
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Coordinate System:
GDA 1994 MGA Zone 56

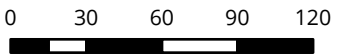


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Location: P:\39000s\39027\Mapping\
39027_270AldingtonRd_ACHA,
Layout: 39027_SoHIF2_StudyArea



- Legend**
- Study area
 - Proposed works

Figure 3 Proposed development



Metres
Scale: 1:3,000@ A3
Coordinate System:
GDA 1994 MGA Zone 56



Matter: 39027, Date: 11 October 2023,
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2 Statutory framework

This assessment will support a DA under 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 Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW). 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'.²
- 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.³

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

2.2 NSW Heritage Act 1977

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

² 'About National Heritage' <http://www.environment.gov.au/heritage/about/national/index.html>

³ 'Commonwealth Heritage List Criteria'

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

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 1 December 2020 and replace all previous exemptions.

There are no items/conservation areas listed on the SHR within or adjacent to the study area.

2.2.2 Archaeological relics

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

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

'Any deposit, object or material evidence:

- (a) Which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) Which is of State or Local significance'.*

It should be noted that not all remains that would be considered archaeological are relics under the NSW Heritage Act. Advice given in the Archaeological Significance Assessment Guidelines is that a 'relic' would be viewed as a chattel and it is stated that,

'In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include 'relics' of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be "relics".⁴

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

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

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

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

⁴ (NSW Heritage Branch, Department of Planning 2009, pp. 7)

2.2.3 Section 170 Heritage and Conservation Registers

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

Statutory obligations for archaeological sites that are listed on a Section 170 Register include notification to the Heritage Council in addition to relic's provision obligations.

A search of available registers did not yield any results for items within or adjacent to the study area.

2.3 Environmental Planning and Assessment Act 1979

2.3.1 State Environment Planning Policy

The *State Environmental Planning Policy (Industry and Employment) 2021* (SEPP I&E) contains schedules of heritage items by the controls in the instrument. These items contain state or regional environmental planning significance. There are no heritage items listed in the SEPP I&E Schedule 3 located within or adjacent to the study area.

There are two heritage items listed in Schedule 3 of the SEPP I&E located within 100 metres of the study area:

- Brick Farmhouse (Item No. I4/104), 282 Aldington Road, Kemps Creek, Lot 142 DP1033686. Heritage item of local significance located approximately 86 metres south of the study area.
- Gateposts to Colesbrook (Item No. I3/105), 269 Mamre Road, Kemps Creek, Lot 8 DP253503. Heritage item of local significance located approximately 20.5 metres south-west of the study area.

There is one heritage item listed in Schedule 3 of the ISEPP located in the broader vicinity of the study area:

- Bayley Park, house (Item No. I2/106), 919–929 Mamre Road, Kemps Creek, Lot 35 DP258414. Heritage item of local significance located approximately 972 metres west of the study area.

There is one heritage item listed in Schedule 2 of the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (WSEPP) located in the broader vicinity of the study area:

- The Fleurs Radio Telescope Site (Item No. I5), 885(a) Mamre Road, Kemps Creek, Lot 21, DP 258414. Heritage item of local significance located approximately 1.5 kilometres south-west of the study area.

Heritage items in the vicinity of the study area are identified within Figure 4.

2.3.2 Penrith Local Environment Plan 2010 (LEP)

The Penrith LEP contains schedules of heritage items that are managed by the controls in the instrument. Heritage items registered on the Penrith LEP in the vicinity of the study area are identified in Figure 4.

There are no heritage items or conservation areas listed in the Penrith LEP Schedule 5 located within or adjacent to the study area. The study area is situated within the broader vicinity of the following heritage item of local significance:

- The Fleurs Radio Telescope Site (Item No. I5), 885(a) Mamre Road, Kemps Creek, Lot 21, DP 258414. Heritage item of local significance located approximately 1.5 kilometres south-west of the study area.

While this item is located on the SHI and present on Penrith LEP heritage mapping, it has not been included as a heritage item on the Penrith LEP Schedule 5 since 1 October 2020.

2.3.3 Mamre Road Precinct Development Control Plan 2021 (MRDCP)

The MRDCP aims to ensure that non-Aboriginal heritage values are managed appropriately to produce conservation outcomes. This includes archaeological and culturally significant areas. The MRDCP states that a SoHI is required to accompany any development application for works proposed within the vicinity of a known heritage item that may impact upon an item's setting or physical remains.

As mentioned previously, there are two items within 100 metres of the study area. A review of the MRDCP identified that the study area does not contain any items of heritage significance and is not immediately adjacent to any heritage items.

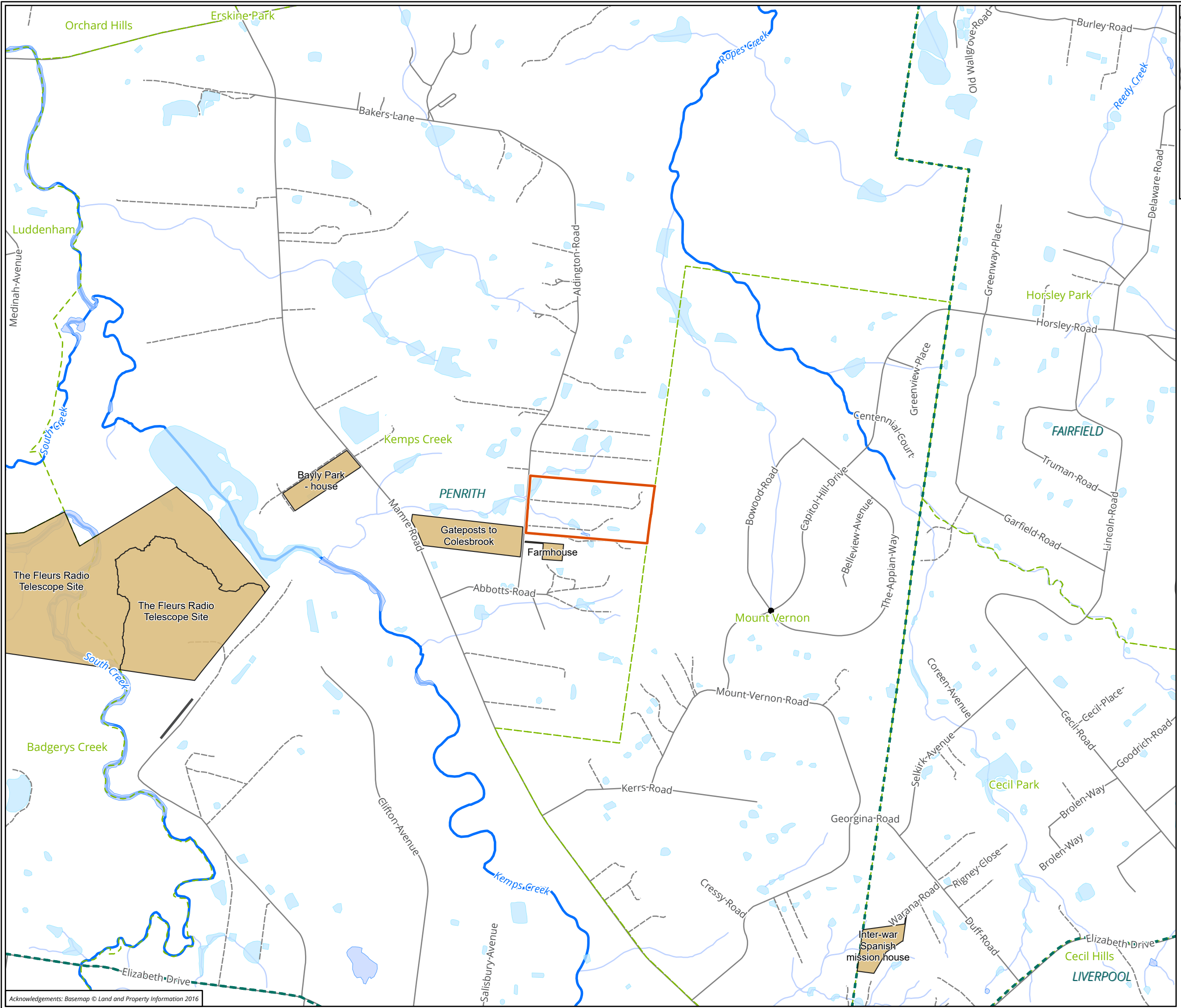
2.4 Summary of heritage listings

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

Table 1 Summary of heritage listings within and adjacent to the study area

Site number	Site name	Address/property description	Location from study area	Listings: Individual item	Significance
I3	Gateposts to Colesbrook	269 Mamre Road, Kemps Creek, Lot 8 DP253503	Approximately 20 metres to the west of the study area	SEPP I&E	Local
I4	Brick farmhouse	282 Aldington Road, Kemps Creek, Lot 142 DP1033686	Approximately 46 metres south of the study area	SEPP I&E	Local
I2	Bayley Park, house	919–929 Mamre Road, Kemps Creek, Lot 35 DP258414	Approximately 972 metres west of the study area	SEPP I&E	Local
I5	The Fleurs Radio Telescope site	885(a) Mamre Road, Kemps Creek, Lot 21 DP258414	Approximately 1.5 kilometres south-west of the study area	WSEPP	Local

The current inventory sheets for the heritage items within 100 metres of the study area, Gateposts to Colesbrook (I3) Brick Farmhouse (I4), could not be obtained from their listing on the SEPP I&E. Prior to their listing on the SEPP I&E, these items were listed on the Penrith LEP, and their inventory sheets are provided in Appendix 1. These inventory sheets may include some information that is no longer current.



- Legend**
- Study area
 - Local Environmental Plan**
 - Item - General

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

0 200 400 600 800 N
Metres
Scale: 1:20,000@ A3
Coordinate System:
GDA 1994 MGA Zone 56

3 Historical context

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

3.1 Topography and resources

The study area is located within the Cumberland Lowlands physiographic region that consists of low lying, gently undulating plains and low hills, with a dense drainage net of predominantly northward flowing channels. Topographically, the study area is situated within an undulating, moderately inclined slope which gradually descends from a crest in the east towards unnamed tributaries of Kemps Creek in the west.

The study area is situated within a complex hydrological system. The study area contains two modified first-order creeklines which converge approximately 28 metres west of the study area. These water courses are tributaries of fourth-order, perennial Kemps Creek, located approximately 914 metres to the south-west of the study area. Ropes Creek, a third-order perennial watercourse, is located 1.03 kilometres to the north-east of the study area.

The study area is located partly within the Blacktown and Luddenham soil landscapes. These soil landscapes support a range of flora and fauna species. Plant species likely to be available within the landscape include, Forest Red Gum *Eucalyptus tereticornis*, Narrow-leaved Ironbark *E. crebra*, and Grey Box *E. moluccana*. Spotted Gum *Corymbia maculata* are present on shale hills. Hard-leaved Scribbly Gum *E. sclerophylla*, Rough-Barked Apple *Angophora floribunda*, and Old-man Banksia *Banksia serrata* are identified on alluvial sands and gravels. Broad-leaved apple *Angophora subvelutina*, Cabbage Gum *E. amplifolia*, Forest Red Gum, and Swamp Oak *Casuarina glauca* are present on river flats. Tall Spike Rush *Eleocharis sphacelata* and *Juncus Juncus effuses* with Paramatta Red Gum *E. parramattaensis* are noted around lagoons and swamps.

This would have supported a range of animal species such as, Australian Wood Duck *Chenonetta jubata*, White-faced Heron *Egretta novaehollandiae*, Eastern Long-Necked Tortoise *Chelodina longicollis*, Eastern Water Skink *Eulamprus quoyii*, Garden Skink *Lampropholis guichenoti*, Welcome Swallow *Hirundo neoxena*, Western Swampheaven *Porphyrio porphyrio*, as well as arboreal fauna including owls *Strigiformes*, Ringtailed Possum *Pseudocheirus peregrinus* and Brushtailed Possums *Trichosurus vulpecula*, and gliders *Petauridae*.

3.2 Aboriginal past

Our knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly reliant on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can however be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Sydney region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century, pre-European Aboriginal groups had

been broken up and reconfigured by European settlement activity. The following information relating to Aboriginal people on the Cumberland Plains is based on such early records.

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. There is some variation in the terminology used to categorise these smaller groups; the terms used by Attenbrow will be used here.⁵

The study area is in the vicinity of three language groups, Dharawal, Gundungurra and the hinterland Darug. Attenbrow suggests:

- 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”.⁶

These areas are indicative only and would have changed through time.

After the arrival of European settlers, the movement of Aboriginal people became increasingly restricted. European expansion along the Cumberland Plain was swift and soon there had been considerable loss of land to agriculture. At the same time diseases such as smallpox 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 Kemps Creek—historical development

3.3.1 Exploration (1789–1830)

The earliest exploration of the Penrith region was in 1789 led by Captain Watkin Tench, an officer in the Marine Corps, accompanied by Mr Lowe (surgeon's mate of the *Sirius*), Mr Arndell (assistant surgeon to the Colony), two other marines, and a convict. The group reached the Nepean River on 28 June 1789.⁷ Later that year the Penrith Ford was crossed, and in 1791 the course of the Nepean had been explored from the ford to Grose River. By 1791 it had been confirmed that the Hawkesbury and Nepean rivers were the same watercourse, however each of the names were kept, transitioning from one to the other at the junction with the Grose River.⁸

From 1803 Charles Grimes and James Meehan surveyed areas of the eastern bank of the Nepean River following the sanctioning of settlement in this area by Governor Philip Gidley King, likely in part for the fertile soils associated with the Nepean River floodplain. The portions of land ranged from 40 to 200 acres

⁵ Attenbrow 2010

⁶ Attenbrow 2010, pp. 34

⁷ Oehm, A. 2006, Paul Davies Pty Ltd 2007, p.11

⁸ Thorpe 1986, pp. 12

(approximately 16.2 to 81 hectares), with several of 1,000 acres (404.6 hectares) and above. These were granted to officials, free settlers, and military staff.⁹

Over time around 1,699 Europeans had settled in the Nepean region, most of whom were of Irish and English heritage and were emancipists or convicts assigned to free settlers or those associated with the government or military.¹⁰ Until the establishment of the Great Western Road (Great Western Highway) around 1815, there was no official passage to the Nepean area. In the same year, Governor Lachlan Macquarie conducted his inspection tour of the region.¹¹ The Great Western Road had developed into a main route for travel and communication for the Nepean region by 1817, and in this year the government town of Penrith was also established. Penrith remained a small roadside settlement into the 1830s.¹²

3.3.2 Early development within Kemps Creek (1810 to 1900)

A review of Melville Parish maps and Crown Plans for Aldington Road indicates that the study area was previously part of a 1070 acre (433 hectares) plot of land granted to Nicholas Bayly in 1810, known as Macquarie Place (Photo 1 and Photo 2).¹³ Bayly was the son of a British politician and arrived in Australia as an ensign in the NSW Corps in 1798.¹⁴ Bayly had originally been granted a 330 acre (133.5 hectares) portion of land to the west of the study area that he called King Down in 1805.¹⁵ Following his resignation from the Corps, he was appointed Naval Officer in 1809 by Lieutenant-Governor William Paterson, and granted himself the 1070 acre (433 hectares) grant called Macquarie Place within which the study area falls (Photo 1), and a 550 acre (222.5 hectares) portion of land called Bayly Park, located to the west of the study area in 1810.¹⁶ Prior to his death in 1823, Bayly was cashier and secretary of the Bank of NSW.

⁹ Paul Davies Pty Ltd 2007a, pp. 11, Thorpe 1986, pp. 12

¹⁰ Paul Davies Pty Ltd 2007b

¹¹ Thorpe 1986, pp. 12

¹² Thorpe 1986, pp. 12

¹³ Paul Davies Pty Ltd 2007a, pp. 112–113

¹⁴ Fletcher 1966

¹⁵ Paul Davies Pty Ltd 2007a, p.112

¹⁶ Fletcher 1966

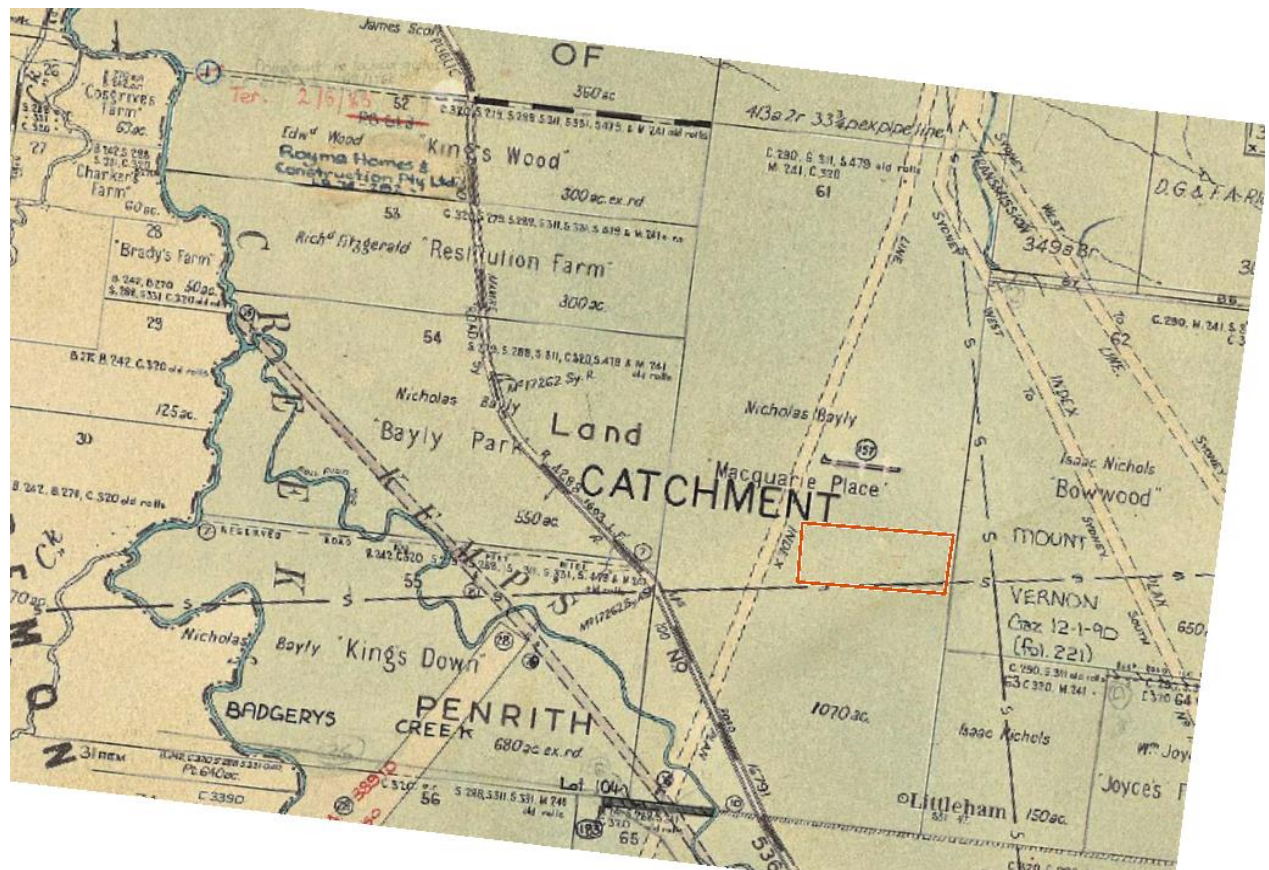


Photo 1 Parish map dated to 1967, with the study area outlined in red (Source: NSW Land Registry Services 2023)

According to one source a house was built by 1814, located within the Bayly Park Estate, west of the study area which was surrounded by gardens and cultivated grounds, and in 1823 Bayly engaged government road gangs to undertake extensive clearing across his estate.¹⁷ The location of this house is within the Bayly Park Estate, to the west of the study area. Whilst it was noted that Bayly had 2,630 acres (1,064.3 hectares), with only 40 acres (16.1 hectares) cleared for growing wheat and grazing for 34 cattle and eight sheep, it is unclear if the land within the study area was cleared at this point.

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Photo 3 Bayly Park, Mamre Road, Kemps Creek, 1986 (Source: (Fox & Associates - Architects and Planners 1986))

In 1819, 1050 acres (424.9 hectares) of the original 1070 acre (433 hectare) grant was purchased by Henry Brooks.¹⁸ Little information is available for Brooks; however the land was likely used for pastoral purposes as this was the primary occupation of the area at the time. Following Nicholas Bayly's death in 1823, Bayly's remaining 2,500 acres (1,011.7 hectares) was then acquired by Richard Jones in 1826 and became known as Fleurs Estate.¹⁹ Only a small portion of what was originally part of Bayly's 1070 acre (433 hectares) portion, not containing the study area, was a part of this Estate transfer.

In 1891, Fleurs Estate was subdivided into smaller 20 acre farms, however little land was sold, with over 2000 acres (8093.7 Hectares) placed on the market again in the 1930s.²⁰ The auction advertisement describes the land as suitable for farms, orchards, and dairies; but no structures were recorded on the plan.²¹ The sale of land was likely hampered by the depression within the 1890s caused by drought.

¹⁸ NSW Land Registry Services, Primary Application Number 48377

¹⁹ Paul Davies Pty Ltd 2007b, pp. 114

²⁰ NSW Land Registry Services, Certificate of Title Volume 912 Folio 55

²¹ Richardson & Wrench & McCarron, Stewart & Co & Chatfield & Brown 1895

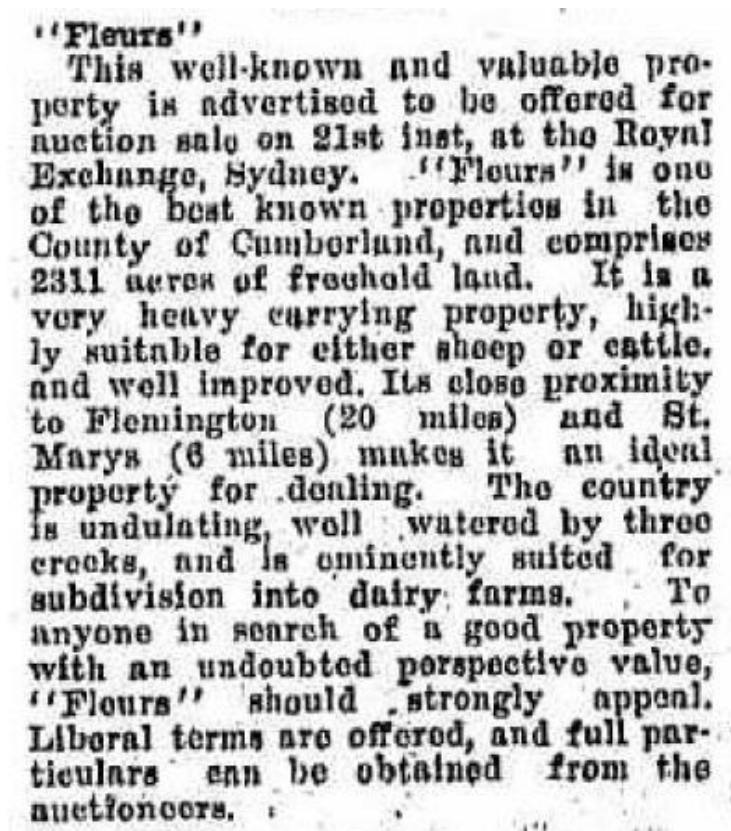


Photo 4 Fleurs Estate for auction, 1882–1962 (Source: *Nepean Times* 1934)

3.3.1 Ownerships of Macquarie Park

The Macquarie Park lot was sold 30 times between 1817 and 1971, remaining the same lot size until 1971 before it began being subdivided. Little information can be found on the study area. Vol 13277 Fol 14 shows Lot 16 DP 253503, half of our study area, being sold to Patrick Joseph Slattery and Anne Marie Slattery in 1977. It shows Macquarie Park as being divided into 19 separate lots...

3.3.2 Modern development within the study area (1900s–present)

Historical aerial photography provides a record of development within the study area during the 20th century. Table 2 summarises the development of the study area with reference to the historical aerals.

Table 2 Summary of historical aerals

Aerial	Description
1947 (Photo 5)	The 1947 aerial shows there has been extensive historical land clearing within the study area. Aldington Road has not yet been constructed. There are few areas of remaining trees located within the study area, and several tracks. The Colesbrook Farmhouse (also known as Brick Farmhouse) can be seen south of the study area.
1965 (Photo 6)	The 1965 aerial shows several changes from the 1947 aerial, including the construction of buildings in the study area. Further tree clearance is evident as well as further development of the dams in the study area and access tracks. The area surrounding the Farmhouse has also continued to develop significantly.
1978 (Photo 7)	The 1978 aerial shows several developments, including the construction of Aldington Road. The buildings animal enclosure in the central portion of the study area have been demolished. A new residence has been constructed in the east. This building remains at the time of writing this report. Aldington Road has been further developed, and a driveway connecting it to the new residential building has been established.
1986 (Photo 8)	The 1986 shows several changes to the study area, included an appeared subdivision between Lot 17 and 16 DP253503. Two dams have been constructed in the study area, as well as the construction of buildings, driveways, and access tracks. Vegetation has improved in between the two lots as well as the buildings in the southeast of the study area. The development of market gardens is evident in the surrounding area, with pastoral land still present.
1991 (Photo 9)	The structure within Lot 17 DP253503 has been further developed, and the driveway more defined. Construction appears to be occurring throughout, with stockpiling and excavation evident around the three dams in the northern portion and near the structure in the east. Within Lot 16 DP253503, a new dam and several shed structures have been created in the eastern portion.
2005 (Photo 10)	The 2005 aerial shows an increase in landscaping around the buildings in the study area and construction of additional dams. The Gateposts to Colesbrook are present, and the former Colesbrook Farmstead has been reconstructed (following the 1999 fire—also referred to as the Brick Farmhouse following reconstruction). ²²
Current (Figure 2)	No significant changes have occurred within the study area during this time.

²² NSW Government 2006

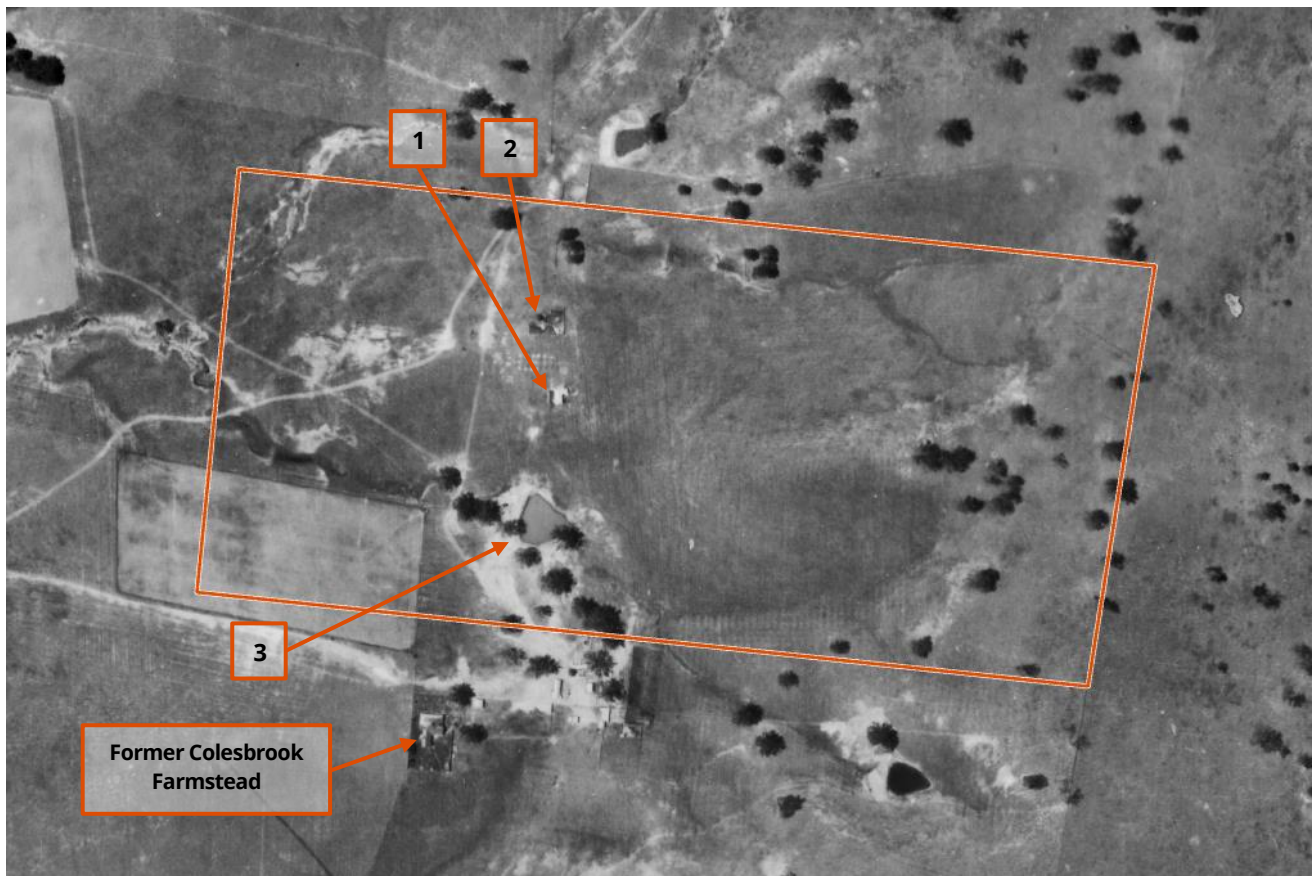


Photo 5 Aerial image dated to 1947, showing the Former Colesbrook Farmstead (14), shed structures [1, 2] artificial dam [3], with the study area outlined in red (Source: NSW Spatial Services 2023)

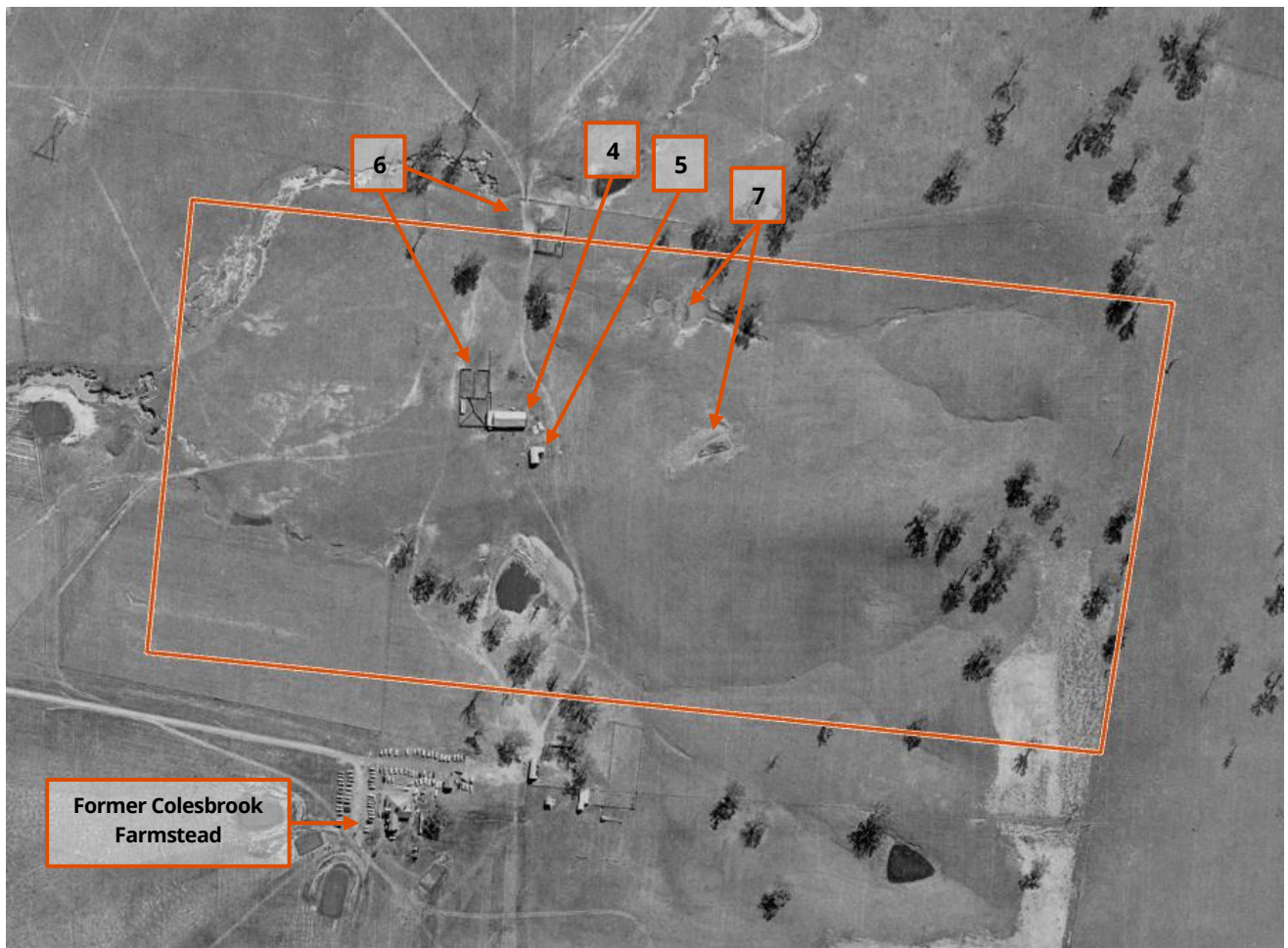


Photo 6 Aerial image dated to 1965, showing large shed [4], small shed [5], animal enclosures [6] and artificial dams [7], with the study area outlined in red (Source: NSW Spatial Services 2023)



Photo 7 Aerial image dated to 1978, showing the residential building [8], with the study area outlined in red (Source: NSW Spatial Services 2023)



Photo 8 Aerial image dated to 1986, showing artificial dams [9], shed structures [10] and residential building [11], with the study area outlined in red (Source: NSW Spatial Services 2023)



Photo 9 Aerial image dated to 1991, with the study area outlined in red (Source: NSW Spatial Services 2023)



Photo 10 Aerial image dated to 2005 aerial, with the study area outlined in blue (Source: NSW Spatial Services 2023)

3.4 Chronology of the study area

Based upon the historical research presented it is possible to summarise the chronology of the study area, this is presented in Table 3.

Table 3 Chronological development of the study area

No.	Building and development	Date
-	Former Colesbrook Farmstead	c. 1890-1910s to pre-1978
1	Shed	Pre-1947
2	Shed	Pre-1947
3	Artificial dam	Pre-1947
4	Large shed	Pre-1965-post 1947
5	Small shed	Pre-1965-post 1947
6	Animal enclosures	Pre-1965-post 1947
7	Artificial dams	Pre-1965-post 1947

No.	Building and development	Date
8	Residential building	Pre-1978-post 1965
9	Artificial dams	Pre-1986-post 1978
10	Sheds	Pre-1986-post 1978
11	Residential building	Pre-1986-post 1978

3.5 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts 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.²³

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

A review of the contextual history in conjunction with the local historical thematic history has identified two historical themes which relate to the occupational history of the study area. This is summarised in Table 4.

Table 4 Identified historical themes for the study area

Australian theme	NSW theme	Local theme
Developing local, regional, and national economies	Agriculture	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture.
Developing Australia's cultural life	Domestic life	Activities associated with creating, maintaining, living in, and working around houses and institutions.

²³ (NSW Heritage Council 2001)

4 Physical inspection

A physical inspection of the study area was undertaken on 18 July 2023, attended by Crystal Garabedian (Biosis, Heritage Consultant), Bronte Baonza (Biosis, Graduate Heritage Consultant) and Dominic Wilkins (Darug Custodian Aboriginal Corporation, Cultural Site Officer). The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items. Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential.

4.1 Site setting

The study area consists of 270 Aldington Road and the associated road reserves, part of Lot 15 DP253503, and all of Lot 16 and 17 DP253503. The study area is private land primarily used for grazing as well as residential developments. The study area is located across a series of undulating moderately inclined slopes and crests which gradually descends towards unnamed tributaries of Ropes Creek in the north-east and Kemps Creek in the south.

4.1.1 Views to and from the study area

It is important to analyse and describe views to and from components within a 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 and shown in Table 5.

Table 5 Views across the study area

Orientation	Description	Photo
North-east	Views along the study area, showing fencing along Aldington Road	

Orientation	Description	Photo
East	Views along the study area, showing vehicle tracks along the northern border	
South-west	Views along the study area, showing residential development and construction from the north-east corner of the study area	
North-west	Views along the study area, showing fencing along Aldington Road	

4.2 Built fabric assessment

Within the study area, there were several structures and built elements present. These included residential buildings, fencing, sheds and building materials. Construction materials ranged from timber, brick, concrete and metal. These structures are described and shown in Table 6.

Table 6 Built structures in the study area

Structure no.	Building description	Photo
[9]	Single storey corrugated iron shed and fencing in the eastern portion of Lot 16 DP253503, facing north-west.	
[7]	Brick veneer dwelling with tiled gable roof in the central area of Lot 16 DP253503, facing north-east	

Structure no.	Building description	Photo
[9]	Modern construction in the north-east portion of the study area, facing north-east	
-	Fencing in the western portion of the study area, facing east	

5 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.

5.1 Archaeological resource

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

The historical context presented in this report indicates that the first substantial development in the study area was residential buildings and artificial dams, before Aldington Road was constructed. Background research undertaken for the project identified two locally listed heritage items that are in the vicinity of the study area; Brick Farmhouse (I4) and the Gateposts to Colesbrook (I3). The study area does not impact upon the curtilage of either item. Potential archaeological remains within the curtilage of these items include road surfaces and features associated with the curtilages of the two heritage items, such as the fabric of the former Colesbrook drive and cut and fill deposits. The main houses associated with these items are not within the study area and hence archaeological remains of these will also not be present.

A review of Crown Plans and historical aerial imagery indicated that no physical structures were recorded in the study area pre-1947, with the primary use up until then being low-intensity agricultural use. Mamre Road was constructed in 1892, with Aldington and Abbots Roads constructed between 1965 and 1978. This indicates that within the study area, the potential archaeological resources predating the late-1940s would be associated with agriculture and transport. This may consist of fence lines, post holes, agricultural marks such as plough lines, and cut and fill deposits.

5.2 Integrity of sub-surface deposits

The study area has been used primarily as agricultural and residential land, with residential buildings and subsurface infrastructure later constructed from the mid-20th century onwards. The construction and maintenance of these buildings and associated subsurface infrastructure would have disturbed sub-surface deposits. This would have resulted in large areas of ground disturbance and removal of potential archaeological resources associated with agriculture or domestic life.

5.3 Research potential

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

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

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

Research theme

Developing local, regional, and national economies—Agriculture

Based upon the historical context and documentary evidence presented within this assessment, it has determined that if present, archaeological remains will likely consist of fence lines, post holes and agricultural marks. These are likely to have been disturbed by agriculture and phases of residential development throughout the study area. It is unlikely that archaeologically significant remains associated agriculture will occur in intact deposits within the study area. Agricultural practices in the western Sydney region are well documented and thoroughly researched. There is no research potential for this theme within the study area, as any remains present would not add to current knowledge that could not already be gained from existing documentary sources.

Developing Australia's cultural life—Domestic life

Based upon the historical context and documentary evidence presented within this assessment, it has determined that if present, archaeological remains will likely consist of domestic refuse or remnants of building fabric. These are likely to have been disturbed by agriculture and phases of residential development throughout the study area. Any remains associated with domestic life are unlikely to pre-date the 1940s and so are unlikely to be archaeologically significant. Domestic life from 1940s onwards throughout the western Sydney region is well documented and thoroughly researched. There is no research potential for this theme within the study area, as any remains present would not add to current knowledge that could not already be gained from existing documentary sources.

5.4 Summary of archaeological potential

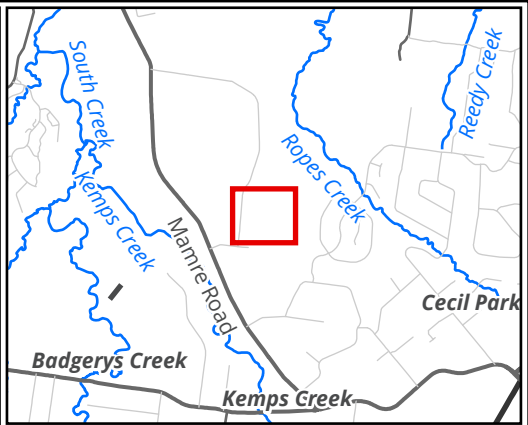
Through an analysis of the above factors a number of assumptions have been made relating to the archaeological potential of the study area, these are presented in Table 7 and Figure 5.

The assessment of archaeological potential has been divided into three categories (if present):

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

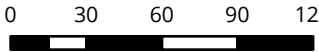
Table 7 Assessment of archaeological potential

No.	Building and development	Probable feature(s)	Date	Archaeological potential
-	Former Colesbrook Farmstead	Foundations, footings, occupational deposits, building materials, demolition debris, construction debris, services	c. 1890-1910s to pre-1978	Moderate
-	Low intensity agricultural land use	Fence lines, post holes and agricultural marks	Pre-1947	Low
1	Shed	Foundations, footings, building materials, demolition debris, construction debris	Pre-1947	Low
2	Shed	Foundations, footings, building materials, demolition debris, construction debris	Pre-1947	Low
3	Artificial dam	Cuts and fills	Pre-1947	Low
4	Large shed	Foundations, footings, building materials, demolition debris, construction debris	Pre-1965-post 1947	Low
5	Small shed	Foundations, footings, building materials, demolition debris, construction debris	Pre-1965-post 1947	Low
6	Animal enclosures	Post holes, fence lines	Pre-1965-post 1947	Low
7	Artificial dams	Cuts and fills	Pre-1965-post 1947	Low
8	Residential building	Foundations, footings, occupational deposits, building materials, demolition debris, construction debris, services	Pre-1978-post 1965	Low
9	Artificial dams	Cuts and fills	Pre-1986-post 1978	Low
10	Sheds	Foundations, footings, building materials, demolition debris, construction debris	Pre-1986-post 1978	Low
11	Residential building	Foundations, footings, occupational deposits, building materials, demolition debris, construction debris, services	Pre-1986-post 1978	Low



- Legend**
-  Study area
 - Archaeological potential**
 -  Low

Figure 5 Archaeological potential



Metres
Scale: 1:3,000@ A3
Coordinate System:
GDA 1994 MGA Zone 56



Matter: 39027, Date: 27 July 2023,
Drawn by: AM, Checked by: CMG, Last edited by: amackegard
Location: P:\39000s\39027\Mapping\
39027_270AldingtonRd_SoH,
Layout: 39027_SoH_F5_Potential

5.5 Significance assessment

An assessment of heritage significance encompasses a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations'.²⁴ This means a place can have different levels of heritage value and significance to different groups of people.

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

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

- Historical significance (evolution and association).
- Aesthetic significance (scenic/architectural qualities and creative accomplishment).
- Scientific significance (archaeological, industrial, educational, research potential and scientific significance values).
- Social significance (contemporary community esteem).

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

- Criterion (a)—an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (b)—an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (c)—an item is important in demonstrating the aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- Criterion (d)—an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.
- Criterion (e)—an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (f)—an item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (g)—an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments; or a class of the local area's cultural or natural places; or cultural or natural environments.

²⁴ Heritage Office 2001

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.

5.6 Evaluation of significance

An evaluation and statement of significance for items within the study area is provided in Table 8.

Table 8 Evaluation and statements of significance for items within the study area

Site name	Significance assessment criteria							Statement of significance
	A	B	C	D	E	F	G	
Sheds [1, 2, 4, 5, 10], artificial dams [3, 7, 9] and animal enclosures [6]								The potential archaeological materials associated with sheds [1, 2, 4, 5, 10] include foundations, footings, building materials, demolition debris, construction debris; with artificial dams [3, 7, 9] include cuts and fills and with animal enclosures [6] include post holes and fence lines. These remains are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Kemps Creek area, nor do they hold associations with the life or works of a person(s) of importance. The potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Kemps Creek area, and they do not hold a strong or special association with a community or cultural group in NSW or the Kemps Creek area for social, cultural, or spiritual reasons. The potential archaeological materials are not considered to possess uncommon, rare, or endangered aspects of NSW or the Kemps Creek area's cultural history, nor do they demonstrate the principal characteristics of a class of NSW or the Kemps Creek area's cultural places or environments. The potential archaeological materials associated with sheds [1, 2, 4, 5, 10], artificial dams [3, 7, 9] and animal enclosures [6] do not hold heritage significance at a local or state level.

Site name	Significance assessment criteria							Statement of significance
	A	B	C	D	E	F	G	
Residential buildings [9, 11]								While the official date of construction of the residential buildings and their associated structures cannot be definitively determined, the background research and physical inspection has concluded that residential building [9] was constructed after 1965 but prior to 1978 and residential building [11] was constructed after 1978 but prior to 1986. Neither structure is a historically significant building, nor did readily available historical information identify a strong or special association with the life or works of a person or group of persons with historical importance. The residential buildings are considered common throughout the Western Sydney area and do not demonstrate aesthetic characteristics of creative or technical achievement either at the time of construction or today. Based on a field investigation of the residential building and its associated structures, the materials used and construction techniques are well understood and common throughout NSW during this time. They are considered generally representative of these types of structures built during the early-mid twentieth century. The potential archaeological materials associated with residential buildings [9, 11] do not hold heritage significance at a local or state level.

6 Statement of heritage impact

This SoHI has been prepared to assess potential impacts resulting from the proposed development within the study area. The study area is located at 244–280 Aldington Road, Kemps Creek (part of lot 15 DP253502 and all of Lots 16 and 17 DP253503) in NSW. It is in the vicinity of two heritage items Brick Farmhouse (I4) (located approximately 46 metres to the south) and Gateposts to Colesbrook (I3) (located approximately 20 metres to the west).

Both items are of local heritage significance and are listed under the SEPP I&E. The Brick Farmhouse holds local heritage significance for its historical, aesthetic/technical, social/cultural, and representative values. The Gateposts to Colesbrook are locally significant for social/cultural, and representative values.

The SoHI assesses the potential impact arising from the proposed development and where relevant discusses mitigation measures, which must be taken to avoid or reduce impacts. This section of the report has been prepared in accordance with the Guidelines for preparing a SoHI).²⁵

6.1 Proposal details

The proposed development will involve the demolition, subdivision and subdivision works within Lot 15, 16 and 17 DP253503 (Figure 3). This includes, but is not limited to:

- Bulk earthworks for landscaping including infilling of existing dams and modification of drainage lines.
- Installation of services and amenities including underground utilities such as electrical, telecommunication and wastewater services.
- Construction of roads and associated features.

6.2 Assessing impact to heritage item(s)

6.2.1 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.

²⁵ Department of Planning and Environment 2023

- 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 an adverse impact to 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.

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 9.

Table 9 Assessment of impacts to heritage items in the vicinity of the study area

Heritage item	Significance	Discussion	Assessment	Mitigation measures
Brick farmhouse (I4)	Local	The proposed works will have no direct or indirect physical or visual impact on the item. The significant heritage elements of the items are set back from the location of the proposed works. As such, the proposed works will not impact the heritage elements of the significance of the item.	No adverse direct or indirect physical, or visual impacts.	Heritage induction Unexpected finds procedure
Gateposts to Colesbrook (I3)	Local	The proposed works will have no direct or indirect physical or visual impact on the item. The significant heritage elements of the items are set back from the location of the proposed works. As such, the proposed works will not impact the heritage elements of the significance of the item.	No adverse direct or indirect physical, or visual impacts.	Heritage induction Unexpected finds procedure

6.4 Statement of heritage impact

The study area is in the vicinity of two local heritage items listed on the SEPP I&E; Brick Farmhouse (I4) (located approximately 46 metres to the south) and Gateposts to Colesbrook (I3) (located approximately 20 metres to the west). The Brick Farmhouse holds heritage significance for its historical, aesthetic/technical, social/cultural, and representative values. The Gateposts to Colesbrook is significant for its social/cultural, and representative values.

Archaeological research potential was not identified as a contributing component of either of the items. Historical plans available did not identify the locations of any structures within the boundary of the proposed works. Any archaeological remains associated with the identified research themes of the study area, including agriculture and domestic life, are likely to have been heavily disturbed by the residential buildings and associated structures, artificial dams, fence lines, surface and subsurface infrastructure and farming throughout the study area. As such, it has been assessed that there is low potential for significant archaeological deposits to be present in the proposed works areas.

The proposed works will involve the subdivision and construction of infrastructure to support future industrial development within the study area. The proposed works will have no direct or indirect physical or visual impact on the heritage items located in the vicinity of the study area. The significant heritage elements of the items are set back from the location of the proposed works and the scale of the proposed works, and future development works, would not alter the heritage items immediate setting or values.

The study area was identified as containing low archaeological potential, and the research potential and significance of any archaeological remains was deemed low. Therefore, the proposed works will not adversely impact any items of known or potential heritage significance in the vicinity of the study area.

To mitigate any unintentional adverse impacts of the proposed works to the heritage items during construction, the following measures are recommended:

- Heritage induction to ensure that all site workers are informed of the heritage values of the study area and their responsibilities.
- Unexpected finds procedure to ensure that any archaeological material encountered during works are managed appropriately.

7 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.²⁶

Recommendation 1 Works may proceed with caution

The proposed works will not impact the heritage items located in the vicinity of the study area, provided the mitigations measures presented in Recommendations 2 and 3 are implemented.

Recommendation 2 Heritage induction

To mitigate any unintentional adverse impacts of the proposed works to the heritage items during construction a heritage induction should be undertaken by all site workers prior to construction. This will ensure they are informed of the heritage values of the study area and their responsibilities.

Recommendation 3 Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during 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.

²⁶ (Australia ICOMOS 2013)

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Appendices

Appendix 1 Heritage inventory sheets

Item Details

Name

Brick Farmhouse

SHR/LEP/S170

Brick Farmhouse

Address

282 Aldington Road KEMPS CREEK NSW 2178

Local Govt Area

Penrith

Local Aboriginal Land Council

Unknown



Item Type

Built

Group/Collection

Farming and Grazing

Category

House

All Addresses

Addresses

Records Retrieved: 1

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
282	Aldington Road	KEMPS CREEK/NSW/2178	Penrith	Unknown			Unknown	Primary Address

Significance

Statement Of Significance

The farmhouse is of local significance and demonstrates the emergence of small farmsteads in the area following the subdivision of the Fleurs estate in the 1880s. Albeit altered the building remains a substantial and elaborate farmhouse of its era prominently set on a hillside overlooking the South Creek floodplain. The house and surrounding cleared hillside evoke a rural setting. The house is best of the late nineteenth century and early to mid twentieth century residences in this historically sparsely settled area. This significance is enhanced by its historic association with the Fleurs estate subdivision.

Criteria a)

Historical Significance

The farmhouse demonstrates the emergence of small farmsteads in the area following the subdivision of the Fleurs estate in the 1880s.

Criteria c)

Aesthetic/Technical Significance

The building is a substantial and elaborate farmhouse of its era prominently set on a hillside. The house and surrounding cleared hillside evoke a rural setting.

Criteria f)

Rarity

The house is the best of the late nineteenth century and early to mid twentieth century residences in this historically sparsely settled area. This significance is enhanced by its historic association with the Fleurs estate subdivision.

Owners

Records Retrieved: 0

Organisation	Stakeholder Category	Date Ownership Updated
No Results Found		

Description

Designer	Builder/Maker
 	

Physical Description

The farmhouse is a brick farmhouse erected around the beginning of the twentieth century set on the crest of the hill overlooking Kemps Creek. The house is characterised by its low pitched tiled hipped roof which continues over front and side verandahs. The verandahs have decorative turned timber posts. A feature of the house is the set of tall brick masonry chimneys with corbelled capitals. The house suffered a fire in recent years and was re-constructed in 1999.

Updated

Physical Condition

Updated 12/20/1991

Modifications And Dates

Reconstructed after a fire in 1999

Further Comments

Current Use

Former Use

Listings

Listings

Records Retrieved: 4					
Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazzette Number	Gazzette Page
Heritage study		2260106	11/1/2007 12:00:00 AM		
Local Environmental Plan	Farmhouse	KC-5	12/20/1991 12:00:00 AM	180	
Local Environmental Plan	Penrith Local Environmental Plan 2010	106	9/22/2010 12:00:00 AM		
Heritage study	Farmhouse	KC-5	4/1/1987 12:00:00 AM		

Procedures/Exemptions

Records Retrieved: 0					
Section of Act	Description	Title	Comments	Action Date	Outcome
No Results Found					

History

Historical Notes or Provenance

Updated

Historic Themes

Records Retrieved: 4

National Theme	State Theme	Local Theme
4. Settlement	Accommodation	Unknown
3. Economy	Pastoralism	Unknown
Building settlements, towns and cities	Agriculture	Unknown
Developing local, regional and national economies	Science	Unknown

Recommended Management

Management Summary

Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Report/Study

Heritage Studies

Records Retrieved: 3

Report/Study Name	Report/Study Code	Report/Study Type	Report/Study Year	Organisation	Author
Penrith Heritage Study Review			2005		Pail Davies Pty Ltd
Penrith Heritage Study Review			2005		Paul Davies Pty Ltd
Penrith Heritage Study Review			2005		Paul Davies Pty. Ltd.

Reference & Internet Links

References

Records Retrieved: 0

Type	Author	Year	Title	Link
No Results Found				

Data Source

The information for this entry comes from the following source:

Data Source	Record Owner	Heritage Item ID
Local Government	Penrith City Council	2260106

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Item Details

Name

Gateposts to Colesbrook

SHR/LEP/S170

Gateposts to Colesbrook

Address

269-285 Mamre Road KEMPS CREEK NSW 2178

Local Govt Area

Penrith

Local Aboriginal Land Council

Unknown



Item Type

Built

Group/Collection

Farming and Grazing

Category

Gate

All Addresses

Addresses

Records Retrieved: 2

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
	Mamre Road	//	Penrith	Unknown			Unknown	Alternate Address
269-285	Mamre Road	KEMPS CREEK/NSW/2178	Penrith	Unknown			Unknown	Primary Address

Significance

Statement Of Significance

Significant as evidence of the prosperity of the larger rural properties in the late 19th and early 20th Century, and the subsequent decline leading to the present day subdivision of the area into 10ha allotments. (Fox * Associates 1987:KC-4)

Owners

Records Retrieved: 0		
Organisation	Stakeholder Category	Date Ownership Updated
No Results Found		

Description

Designer	Builder/Maker
Physical Description Updated Only one of these large, square sandstone gateposts is still standing. It appears to be Victorian in design and is inscribed with the name Colesbrook. It is likely that the gateposts were erected at the entry to the large Federation farmhouse to the east of this site. (Fox * Associates 1987:KC-4)	
Physical Condition Updated 12/20/1991	
Modifications And Dates	
Further Comments	
Current Use	
Former Use	

Listings

Listings

			Records Retrieved: 4		
Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage study		2260105	11/1/2007 12:00:00 AM		
Local Environmental Plan	Gateposts to Colesbrook	KC-4	12/20/1991 12:00:00 AM	180	
Local Environmental Plan	Penrith Local Environmental Plan 2010	105	9/22/2010 12:00:00 AM		
Heritage study		KC-4	4/1/1987 12:00:00 AM		

Procedures/Exemptions

Records Retrieved: 0					
Section of Act	Description	Title	Comments	Action Date	Outcome
No Results Found					

History

Historical Notes or Provenance

Updated

Historic Themes

Records Retrieved: 0		
National Theme	State Theme	Local Theme
No Results Found		

Recommended Management

Management Summary

Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Report/Study

Heritage Studies

Records Retrieved: 0

Report/Study Name	Report/Study Code	Report/Study Type	Report/Study Year	Organisation	Author
No Results Found					

Reference & Internet Links

References

Records Retrieved: 1

Type	Author	Year	Title	Link
Written		1991	Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation).	

Data Source

The information for this entry comes from the following source:

Data Source	Record Owner	Heritage Item ID
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