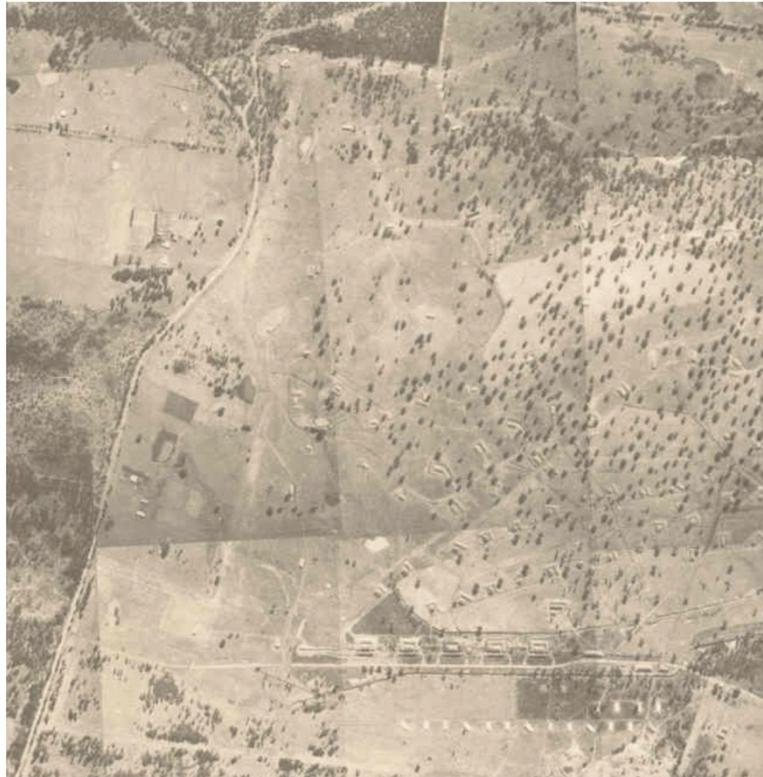


**ARCHAEOLOGICAL ASSESSMENT
WESTERN PRECINCT
ST MARYS DEVELOPMENT
ST MARYS**



(Western Precinct c1943)

for

Maryland Development Company

September 2008

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Report Register

The following report register documents the development of the report *Archaeological Assessment, Western Precinct, St Marys Development, St Marys*.

Issue No.	Notes/Description	Date of Issue	Author	Reviewed
Draft 1	Full report	26 May 2008	MTC	AKL
Draft 2	Full Report	27 May 2008	MTC	AKL
Draft 3	Full Report	25 June 2008	MTC	
Final	Full report inc. correction 25/7/08	18 July 2008	Mary Casey	Tony Lowe
Final	Amended plan	9/9/08	Mary Casey	
Final v2	Amended Precinct plan	16/4/2009	Mary Casey	

EXECUTIVE SUMMARY

BACKGROUND AND AIMS OF REPORT

This report presents a archaeological assessment of non-indigenous heritage issues associated with the Western Precinct, St Marys Development. The focus of the assessment is the four archaeological sites identified in the SREP 30. These four sites were identified as part of the original 1994 survey work. This report is designed to comply with requirements of the Heritage Branch, Department of Planning and requirements under SREP 30.

RESULTS

1. The Western Precinct contains four of the non-indigenous archaeological sites identified in SREP 30.
2. All four of these sites will be impacted by the proposed development of the Western Precinct.
3. The archaeological remains at two of these sites were disturbed by decontamination activities in 1994 while Site 9 was not and Site 16 appears to have been less disturbed.
4. **Sites 15 and 14** are considered to have no heritage significance and warrant no further archaeological investigation.
5. **Sites 9 and 16** are assessed as being of Local heritage significance and require further archaeological investigation.

RECOMMENDATIONS

Sites 14 and 15

1. The archaeological remains at Sites 14 and 15 do not constrain the development process due to their disturbed nature.
2. The potential presence of archaeological relics at these two sites requires approval under S139 of the *Heritage Act, 1977*. An Exemption application under S139(4) should be applied for these two sites. This typically takes 10 days to process. If it is preferred an application for these two sites can be part of the S140 application made for Sites 9 and 16.
3. Typically processing a S139(4) Exemption takes 10 days. An application can be lodged after the Precinct Plan is approved.
4. No archaeological recording is required because these sites are considered to have no heritage significance.
5. The Canary Island palm tree at Site 14 should be retained as a planting and interpreted as belonging to twentieth-century plantings. It may be relocated if necessary.

Sites 9 and 16

1. Sites 9 and 16 can be removed as part of the development of the Western Precinct as long as they are appropriately recorded prior to the commencement of development-related works.
2. Sites 9 and 16 should be the subject of archaeological testing. This testing will determine if archaeological remains survive and meet the Local significance criteria.
3. If the testing identifies that no significant remains survive a brief report to this effect will be required.
4. If the testing program identifies significant archaeological remains then these two sites should be archaeological excavated and recorded as part of an open area excavation program.
5. Archaeological works will need to be undertaken in accordance with the attached Management Guidelines and Research Design, Sections 8 and 9 of this report.
6. A S140 excavation permit application should be made to the Heritage Branch, Department of Planning which allows for both archaeological testing and then if remains are found excavation and recording of these remains. This will reduce the time need for approvals and streamline the process. Processing of an S140 approval can take up to 8 weeks. An application can be lodged after the Precinct Plan is approved.

7. The archaeological works needs to be integrated into the development program so as not to become a critical path activity.
8. The results from the archaeological program should be considered by NPWS as part of any future interpretation plan that it prepares in relation to the Regional Park.
9. Any artefacts recovered from the site will need to be stored by the proponent.

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Appendix 1: Theoretical Context to Research Design

1.0 Introduction

1.1 Background

The former Australian Defence Industries (ADI) site at St Marys was endorsed by the NSW Government for inclusion on the Urban Development Program (UDP) in 1993. The site is presently owned by Maryland Development and is being jointly developed by ComLand Limited and Delfin Lend Lease Development Pty Limited through their joint venture company, Maryland Development Company.

The site is located approximately 45 km west of the Sydney CBD, 5 km northeast of the Penrith City Centre and 12 km west of the Blacktown City Centre. The main western railway line is located approximately 2.5km south of the site. The Great Western Highway is located another 1 km south and the M4 Motorway a further 1.5 km south.

The overall site, which has been rezoned for a variety of uses, comprises six development ‘precincts’, namely the Western Precinct, Central Precinct, North and South Dunheved Precincts, Ropes Creek Precinct and Eastern Precinct. The boundaries of the precincts within the site that are available for development are shown on Figure 1.1.

Because the St Marys site straddles the boundary between two local government areas (i.e. Blacktown and Penrith), the State Government decided that a regional environmental plan should be prepared to guide and control future development of the land. Technical investigations into the environmental values and development capability of the land were commenced in 1994, and Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30) was subsequently gazetted in January 2001.



Figure 3.1: St Marys Development precincts.

SREP 30 is the main statutory planning framework document for the St Marys site. It contains planning principles, objectives and provisions to control development. The overarching aim of SREP 30 is to provide a framework for the sustainable development and management of the site. It is supported by a “Structure Plan” which identifies indicative locations for retail centres, drainage basins, designated road corridors through regional park areas, and areas in which land filling is potentially permitted.

SREP 30 is accompanied by the St Marys EPS which identifies the aims for the future use and management of the site and sets out specific performance objectives and strategies to address key planning issues, including: conservation, cultural heritage, water and soils, transport, urban form, energy and waste, human services, employment and remnant contamination risk.

The St Marys EPS identifies actions to be undertaken by local and State governments, as well as the obligations of developers. A Deed of Agreement was entered into in December 2002 between the joint venture developer and the NSW Government setting out the developer’s and State Government’s responsibilities in providing services and infrastructure.

SREP 30 requires the development control strategies contained within the St Marys EPS to be taken into account in any development proposals for the St Marys site.

It also requires that a Precinct Plan be adopted by Council prior to any development taking place. Planning for any precinct is to address all of the relevant issues in SREP 30 and the St Marys EPS, including preparation of management plans for a range of key issues.

On 29 September 2006 the Minister for Planning declared the Western, Central and Ropes Creek Precinct Plans to be release areas, paving the way for the preparation of a ‘Precinct Plan’ for these areas. This report has been prepared in support of the Central Precinct Plan.

In 1994 Casey & Lowe surveyed the former St Marys munitions factory site to identify pre-munitions period structures and archaeological sites, *Historical Archaeological Survey St Marys Munitions Factory* 1994. During this process 17 sites were identified, including standing structures. In 1998/99 a further study for a State Regional Environmental Plan (SREP) was undertaken. As part of this work all pre-munitions period heritage sites were surveyed as well as the munitions-period railway station which by then had fallen under the relics provisions of the *Heritage Act 1977* (amended). All these sites were identified in SREP 30. As a result of the SREP component the important site of Dunheved (Site 1), the home of the King family, was excluded from the development area and is to be retained *in situ* in the new regional park. Other historic sites are also included within the regional park.

The aim of this current report is to assess the four identified archaeological sites within the Western Precinct and to identify requirements in light of proposed development impacts. All sites discussed in this report were briefly inspected in 1994, in 2001 and three of them on March 3, 2008 for this report. There have been no changes to the sites since the original reporting in 1994.

1.2 Study Area

The Western Precinct includes four sites identified by Casey & Lowe in 1994:

- Site 9 House site, western part of portion 104
- Site 14 Dumble’s new house and outbuildings site
- Site 15 Dumble’s old house site
- Site 16 Mrs Smith’s house site

These sites were identified by survey for the SREP 30 map of historic sites (Fig. 1.2).

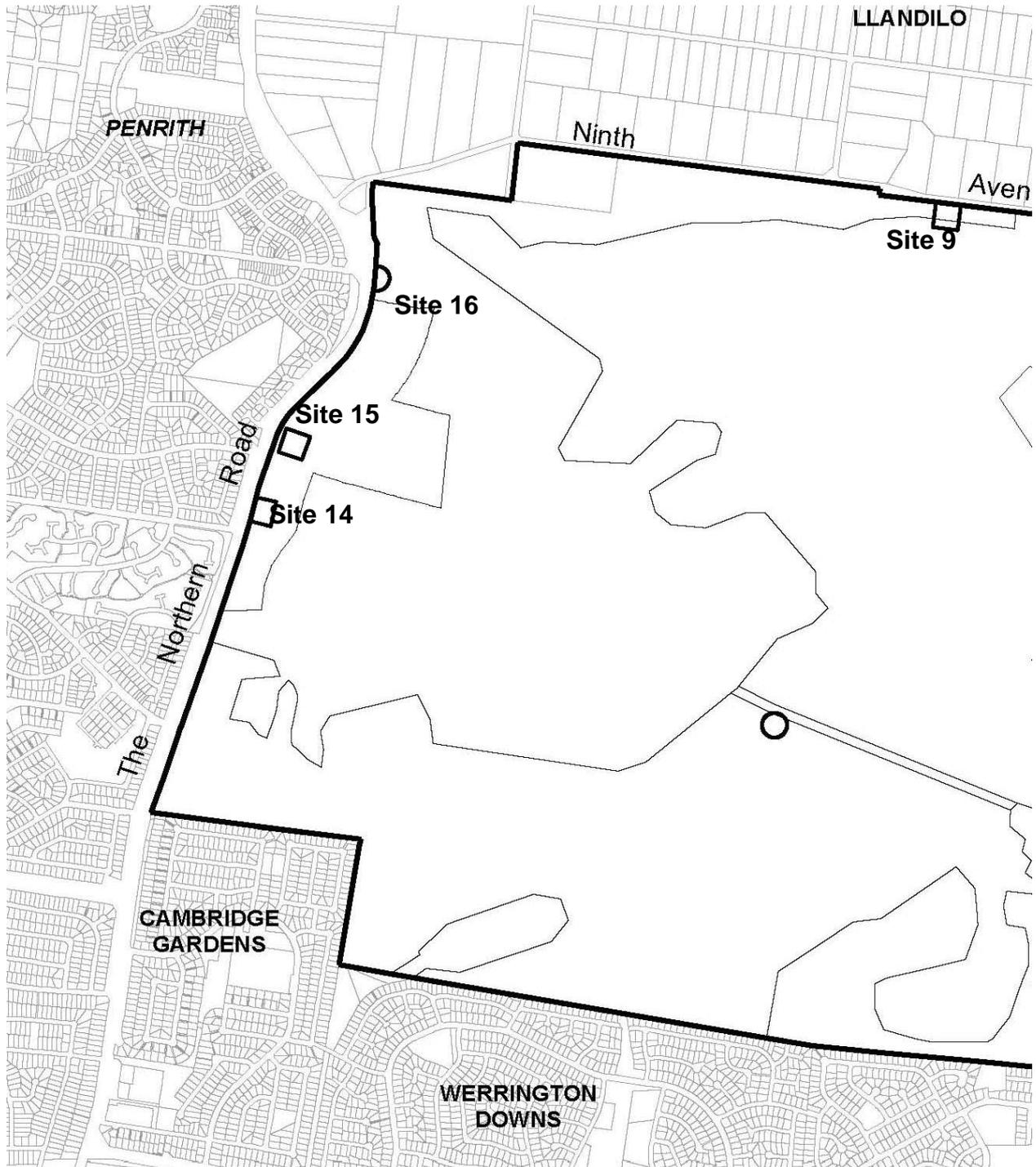


Figure 1.2: Plan showing the location of listed heritage sites within the Western Precinct, SREP 30.

1.3 Methodology

This report is an assessment of previously identified sites within the Western Precinct (Casey & Lowe 1994). The methodology employed for this report is based on the *Archaeological Assessment Guidelines* (1996) and the *State Heritage Manual* (1996) and recent amendments to the significance assessment criteria of the *State Heritage Manual* (November 2000).

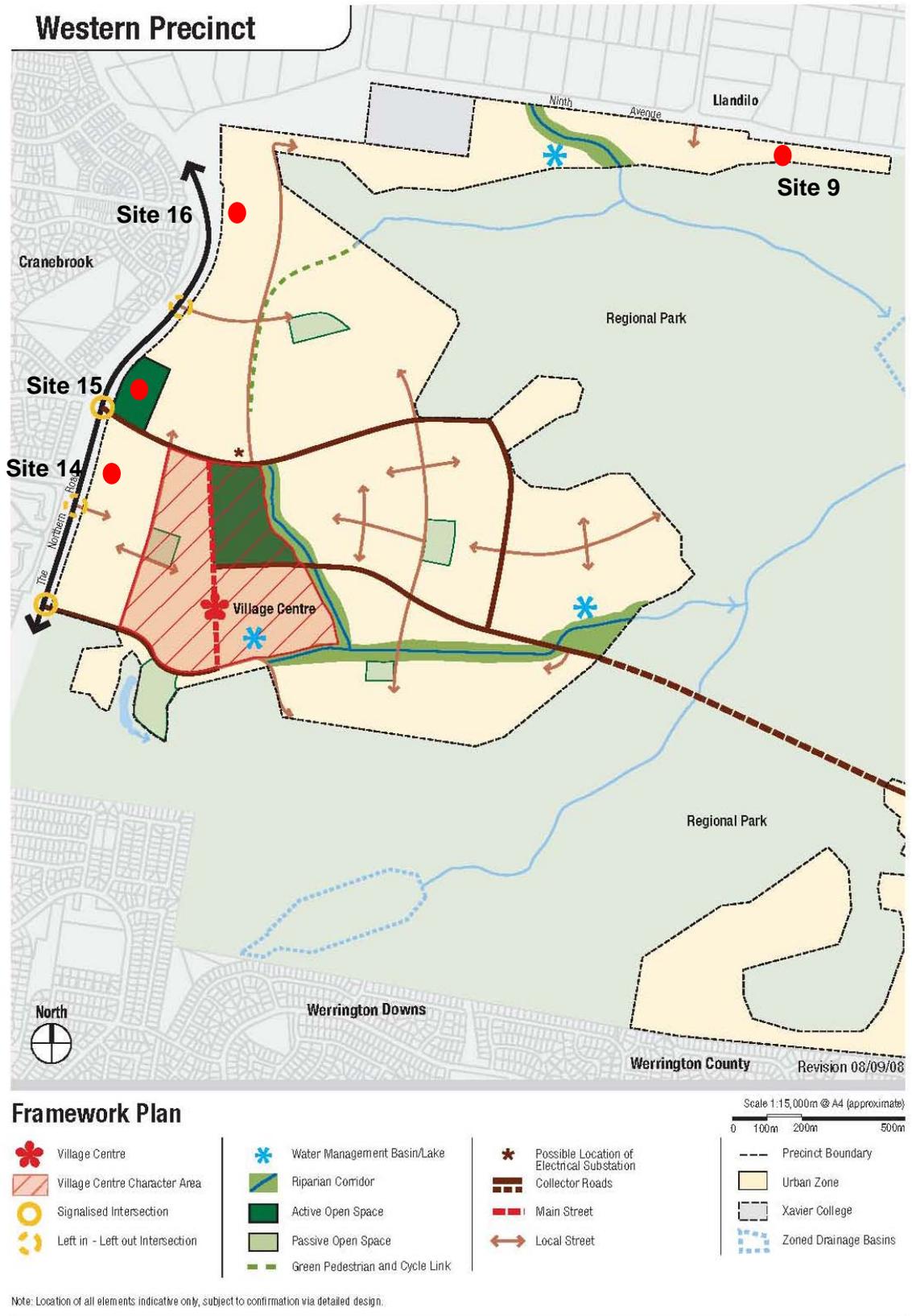


Figure 1.3: Western Precinct Framework Plan. The sites discussed in this report are all within proposed residential neighbourhoods and will be impacted by the proposed development. Site 9 is also partially within the Regional Park.

1.4 Statutory Constraints

The main statutory constraints are the relics' provisions of the NSW *Heritage Act* 1977 and the provisions of Sydney REP No. 30, sections 10-11, 25 and 53-55.

1.4.1 Heritage Act 1977 (amended)

Division 9: Section 139, 140-146 - Relics Provisions - Excavation Permit

The main legislative constraint on archaeological remains is the relics' provisions of the *Heritage Act* 1977.

According to Section 139:

1. *A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.*
2. *A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.*

A 'relic' is an item of 'environmental heritage' defined by the *Heritage Act* 1977 (amended) as:

those buildings, works, relics or places of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance for the State.

A relic as further defined by the Act is:

*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 50 or more years old*

Any item identified as an historical archaeological site or relic cannot be impacted upon without an **excavation permit**. An excavation permit forms an approval from the Heritage Council for permission to 'disturb' a relic.

An application for an excavation permit must be made to the Heritage Council of NSW. This will usually take at least six weeks to be processed. The application for a permit must nominate a qualified archaeologist to manage the disturbance of the relics. There is a processing fee attached to each excavation permit application. A fee calculator can be found at: http://www.heritage.nsw.gov.au/03_subnav_01_1.htm. The fee is based on the cost of the development.

Exception to S139(4)

If a site and identified proposed impacts meets certain conditions the impacts may be managed under an Exception to the relics' provisions. Appropriate documentation needs to accompany such an application. An Exception typically takes 10 days to process and there is no processing fee. The types of exceptions and submission requirements are listed below:

TYPE OF EXCEPTION	SUBMISSION REQUIREMENTS
<p>(a) "where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that there is little likelihood of there being any relics in the land or that any relics in the land are unlikely to have State or local heritage significance;"</p> <p>Please tick if appropriate: <input type="checkbox"/> →</p>	<p>2 copies of the archaeological assessment (prepared in accordance with the Heritage Office's guideline, <i>Archaeological Assessments</i>).</p> <p>2 copies of a schematic plan or drawing of the site and/or other documents necessary to clearly describe the proposal.</p>
<p>(b) "where the excavation or disturbance of land will have a minor impact on the archaeological resource;"</p> <p>Please tick if appropriate: <input type="checkbox"/> →</p>	<p>2 copies of a brief statement documenting the expected level of impact on the archaeological resource.</p> <p>2 copies of a schematic plan or drawing of the site and/or other documents necessary to clearly describe the proposal.</p>
<p>(c) "where the excavation or disturbance of land involves only the removal of fill which has been deposited on the land."</p> <p>Please tick if appropriate: <input type="checkbox"/> →</p>	<p>2 copies of a brief statement documenting that the proposed excavation or disturbance will only involve the removal of unstratified fill material of low to little heritage significance.</p> <p>2 copies of a schematic plan or drawing of the site and/or other documents necessary to clearly describe the proposal</p>

1.4.2 Sydney Regional Environmental Plan No. 30 – St Marys

The requirements of the REP in no way impinge on the statutory requirements of Sections 139, and 140-146 of the NSW *Heritage Act* 1977 (amended). They are additional to the Heritage Council requirements.

Specific requirements identified in REP 30 which apply to the Western Precinct are:

Part 3 - Precinct Plan

Section 10 – Content of draft precinct plans

Draft precinct plan is to include proposals for, and information about:

- (k) any items of non-Aboriginal heritage significance or of archaeological significance on land to which this plan applies and any potential impacts on these,

Section 11 - Matters to be considered in assessing precinct plans

- (d) has considered any potential impacts on...land of archaeological significance to which this plan applies...

Part 5 – Performance Objectives

Section 25 - Heritage

1. Regard for, and education and understanding of, the identified items of environmental heritage...
2. Development is not to adversely affect the heritage significance of items of environmental heritage and their settings.

Part 7 - Development Controls

Section 53

Identifies 'items of environmental heritage on Heritage Map'. This is based on actual surveys undertaken in 1999 in which we were involved.

Section 54

Refers to the requirement to assess proposed impacts on 'items of environmental heritage' by the consent authority where impacts will affect the heritage significance of the item and its setting.

Section 55

Any proposed impacts on ‘items of environmental heritage’ – including building, place, work or relic - require the consent of the DA authority, i.e. Council. Impacts include: demolition, renovation or extension of buildings, damage or despoiling of a relic, excavation of land containing relics, erection of a building on or subdivision of land containing work or relic.

The lodging of a DA to affect an item of environmental heritage must include:

- significance assessment of the item,
- extent to which the item will be impacted by development,
- whether aspects of the item should be retained, including horticultural and archaeological elements,
- whether the item constitutes a danger to the public.

The consent authority needs to consider a statement of heritage impact or a conservation plan prior to granting of development.

Development consent may be granted on items of non-Aboriginal heritage by the consent authority only if it has considered a statement of heritage impact or a conservation plan relating to the item and the proposed development.

Section 56

This section specifically refers to additional requirements for Site 3 which is not in the Western Precinct.

1.4.3 Penrith City Council Sustainability Blueprint for Urban Release Areas

Penrith City Council Strategic Plan (2005-2009): ‘outlined an approach to new release areas which seeks to form cohesive communities based on sustainable, safe and satisfying living and working environments’.¹ The main concerns are to achieve a balance between economic, social and environmental sustainability. The blueprint in the case of advanced projects is to ‘articulate the aims and objectives of adopted LEPs and DCPs’.²

Principle 1: Value the Site Attributes – preserve ecosystems, protect biodiversity, air, water, and conserve heritage

This principle is the one most relevant to this report. The key strategy for managing this is:

- Conserve the natural attributes of the site (topography, orientation, soils, waterways, vegetation and wildlife habitat, environmental and archaeological heritage items).

This report is part of a series of archaeological and heritage reports written for the whole of the site. Many of the identified non-indigenous archaeological sites which were identified in 1994 and then listed on the REP are within the Regional Park. This has produced outcomes in accordance with the sustainability principles.

1.4.4 Australian Heritage Council

None of the sites within the Western Precinct were listed by the Australian Heritage Commission (now Council) in the 1990s when they visited the site and listed the natural environment and some of the other archaeological sites. Therefore these sites do not fall under the protection of Commonwealth legislation.

¹ Penrith City Council *Sustainability Blueprint for Urban Release Areas*, June 2006, p. 1.

² *Sustainability Blueprint*, p. 3.

1.5 Significance Assessment Criteria

1.5.1 Basis of Assessment of Heritage Significance – NSW Heritage Council Criteria

To identify the heritage significance of an archaeological site it is necessary to discuss and assess the significance of the study area. This process will allow for the analysis of a site's heritage values. These criteria are part of the system of assessment which is centred on the *Burra Charter* of Australia ICOMOS. The Burra Charter principles are important to the assessment, conservation and management of heritage buildings, sites and relics. The assessment of heritage significance is enshrined through legislation in the NSW *Heritage Act 1977* and implemented through the *NSW Heritage Manual* and the *Archaeological Assessment Guidelines*.³

The various nature of heritage values and the degree of this value will be appraised according to the following criteria:⁴

1.5.2 Significance Criteria:

Criterion (a): *Historic Significance - (evolution)*

An item is important in the course, or pattern, of NSW's cultural history OR the course or pattern of the local area's cultural or natural history.

Criterion (b): *Associative Significance – (association)*

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 an item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

Criterion (c): *Aesthetic Significance - (scenic qualities / creative accomplishments)*

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW OR An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.

Criterion (d): *Social Significance - (contemporary community esteem)*

An item has a strong or special association with a particular community or cultural group in NSW for social, spiritual or other reasons OR an item has a strong or special association with a particular community or cultural group in the area for social, spiritual or other reasons.

Criterion (e): *Technical/Research Significance - (archaeological, educational, research potential and scientific values)*

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history OR an item has potential that will contribute to an understanding of the area's cultural or natural history.

Criterion (f): *Rarity*

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history OR an item possesses uncommon, rare or endangered aspects of the area's cultural or natural history.

Criterion (g): *Representativeness*

³ NSW Heritage Office 1996:25-27.

⁴ NSW Heritage Office 2000.

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 an item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places or cultural or natural environments

To be assessed as having heritage significance an item must:

- meet at least one of the one of the seven significance criteria
- retain the integrity of its key attributes

Items may also be ranked according to their heritage significance as having:

- Local Significance
- State Significance

1.5.3 Research Potential

Research potential is the most relevant criterion for assessing archaeological sites. However, assessing research potential for archaeological sites can be difficult as the nature or extent of features is sometimes unknown, therefore judgements must be formed on the basis of expiated or potential attributes. One benefit of a detailed archaeological assessment is that the element of judgement can be made more rigorous by historical or other research.⁵

Assessment of Research Potential

Once the archaeological potential of a site has been determined, research themes and likely research questions identified, as addressed through archaeological investigation and analysis, the following inclusion guidelines should be applied:

Does the site:

- (a) *contribute knowledge which no other resource can?*
- (b) *contribute knowledge which no other site can?*
- (c) *is the knowledge relevant to general questions about human history or other substantive problems relating to Australian History, or does it contribute to other major research questions?⁶*

If the answer to these questions is yes then the site will have archaeological research potential.

1.6 Limitations

There were no specific limitations on this project. Sufficient time and funding was made available to complete this report to an appropriate standard.

1.7 Authorship

The historical components of this report were written by Assoc. Professor Carol Liston, University of Western Sydney (2001). All other sections were written by Dr Mary Casey, Director, Casey & Lowe. This report was reviewed by Tony Lowe, Director, Casey & Lowe.

⁵ NSW Heritage Office 1996:26.

⁶ Bickford, A. & S. Sullivan 1984:23.

1.8 Acknowledgments

Delfin Lend Lease, Dan Keary
 Carol Liston, historian
 Terry Agar, Penrith City Council

1.9 Abbreviations

ACL Archaeological Computing Lab, University of Sydney
 AHC Australian Heritage Council
 NAA National Archives Authority
 SREP Regional Environmental Plan

1.10 List of Illustrations

FIGURES

Figure 3.1: St Marys Development precincts.

Figure 1.2: Plan showing the location of listed heritage sites within the Western Precinct, SREP 30.

Figure 1.3: Western Precinct Framework Plan. The sites discussed in this report are all within proposed residential neighbourhoods and will be impacted by the proposed development. Site 9 is also partially within the Regional Park.

Figure 2.1: Area of land resumed in 1941 by the Commonwealth Government of Australia for the establishment of a munitions factory. CAG no. 167, 21st August, 1941.

Figure 2.2: Sketch plan showing location of cottages along the western and northern boundaries of the former ADI site, as identified as part of the early acquisition of the land. NAA SP857/8, PM/1941/223 Pt1, 24/9/41.

Figure 2.3: 1929 topographic survey plan showing the Western Precinct. Only Sites 9 and 15 is shown on this plan. Department of Geography, University of Sydney, provided by ACL.

Figure 2.4: Modern aerial photograph with the four sites located. The various roads associated with the munitions factory are visible throughout the area. Delfin Lend Lease.

Figure 3.1: Parish Plan of Londonderry (1902) showing the numbered portions with the identified sites which are the subject of this report.. Lands Department, PMapMN04/14015202.

Figure 4.1: The red dots are indicative of the likely locations of the four sites within the Castlereagh Common. Plan drawn by Philip Parker King in 1822 showing the location of his grants, others nearby and the Castlereagh Common. ML, King Family Papers, 1822, p.306.

Figure 4.2: Parish Plan of Londonderry, showing three of sites in Castlereagh Common, shaded in grey. Note the location of Richard Brooks grant to the east of the Common. Approximate location of sites indicated by red dots. Lands Department Parish Maps site, PMapMN04/14067701. Also AO Map 237, March 27, 183?

Figure 4.3: Parish Plan of Londonderry showing the subdivision of this part of the Castlereagh Common. Lands Department Parish Plans, PMapMN04/14061201. Also AO Map 319.

Figure 4.4: Sketch of 1956 aerial photo of the layout of Site 14.

Figure 4.5: 1941 sketch plan of Site 14. NAA Series SP857/8, PM/1941/232 27/10/42 (map).

Photographs

Photo 3.1: Photo of general area of Site 9 as visited in October 1994.

Photo 4.1: Site 14 in October 1994 showing the Canary Island palm tree and the area of disturbed ground that was remediated.

Photo 4.2: Site 14 in March 2001 showing the palm tree. The area of shorter grass is where the site was heavily remediated in 1994.

Photo 4.3: Site 14 in March 2008 showing the palm tree. The white post indicates a corner of the site.

Photo 4.4: View of Site 15 in October 1994. The bare earthen area was remediated just previous to the site visit.

Photo 4.5: Similar view to above, Site 15 taken in March 2001. The high grasses disguise the remediated area.

Photo 4.6: Similar view to above, 3 March 2008, Site 15. There has been no substantial change since the 1994 remediation.

Photo 5.1: Site 16 in October 1994 looking east from perimeter road.

Photo 5.2: View to west at Site 16, March 2001

Photo 5.3: An artefacts scatter of ceramics and a diamond frog brick were found underneath the tree in the above photograph. Seen during site visit in 2001.

Photo 5.4: Site 16, March 2008. There are no substantial changes since the visit in 2001, other than regrowth of trees. The artefacts seen in 1994 were no longer visible.

2.0 Overview

2.1 Background

The properties containing historic sites within the Western Precinct were all part of lands resumed by the Commonwealth Government for the establishment of the St Marys Munitions Factory. Most of these properties were resumed in 1941. Most of the buildings on these properties were soon demolished, except the 1940s house at Site 14 which continued to be used until the 1980s.

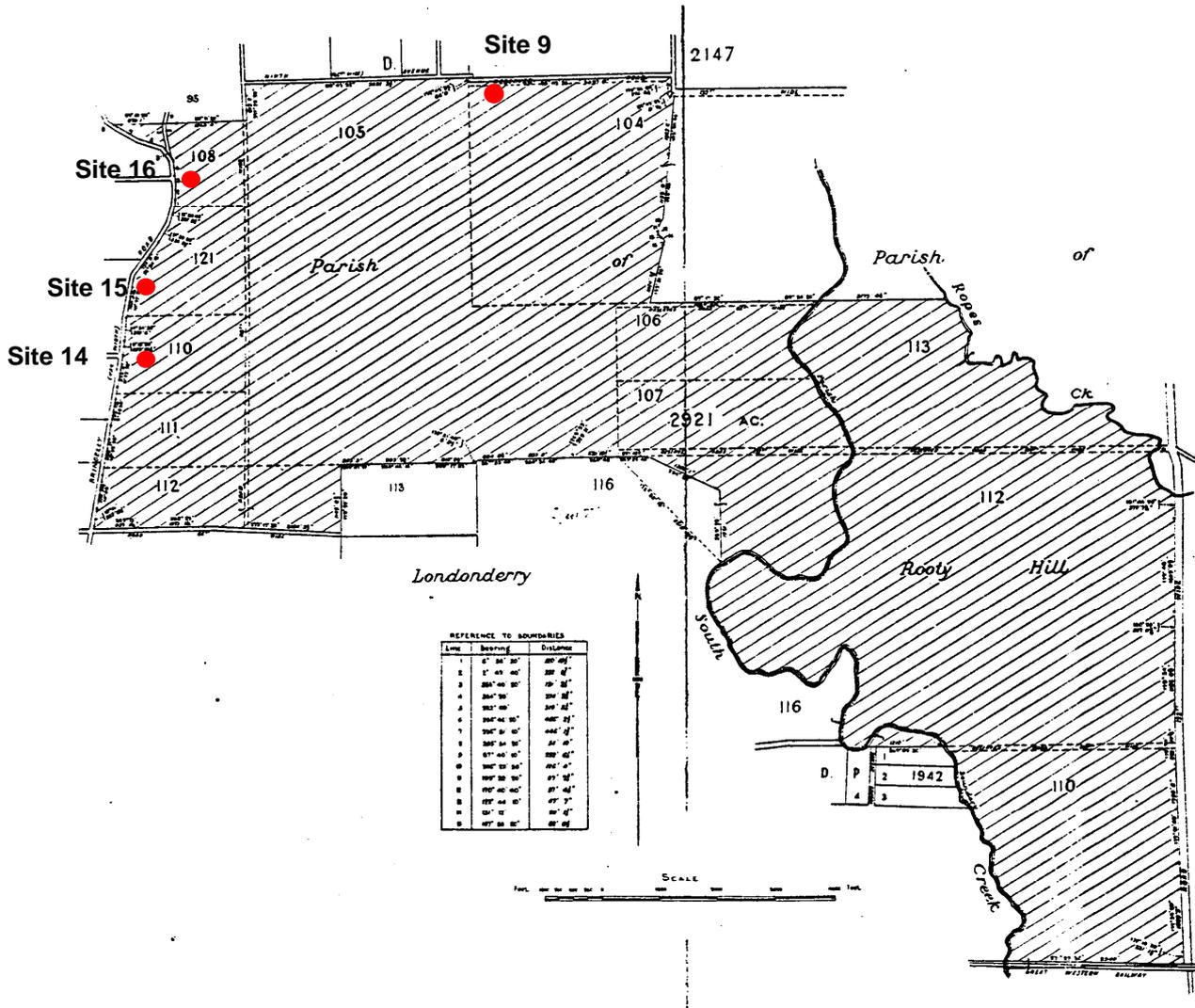


Figure 2.1: Area of land resumed in 1941 by the Commonwealth Government of Australia for the establishment of a munitions factory. CAG no. 167, 21st August, 1941.

Historical research has been undertaken for each of the main identified archaeological sites within the Western Precinct. This research was designed to fill out our very limited knowledge about the individual owners and occupiers of these properties. It is usually easier to identify the owner of a property rather than the occupants due to the nature of the historical resource but in most cases we have been able to identify some of the residents who lived at each of the houses over time.

The main archaeological sites within the Western Precinct are shown on a range of plans (Figs 1.1, 1.2, 2.1). The historical context for each of the individual assessments refers to Richmond Road which is the former name of the Northern Road, which forms the western boundary of the study area.

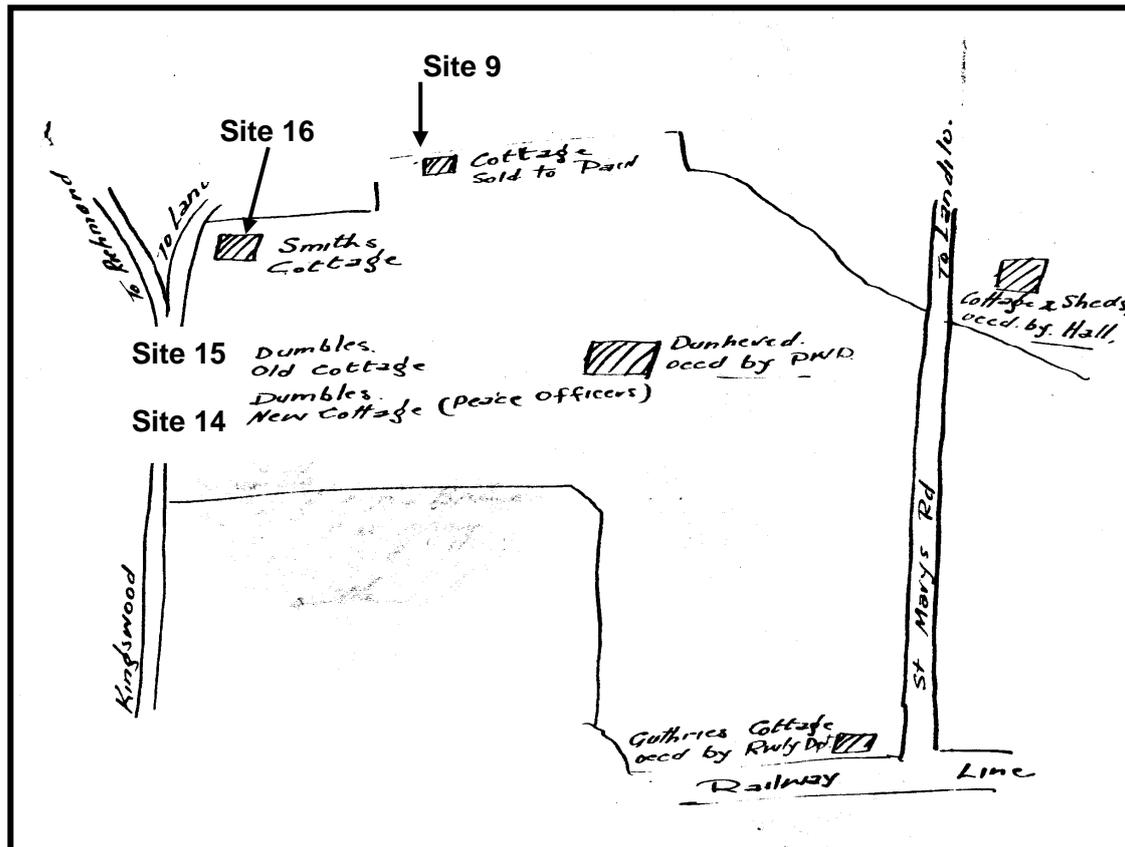


Figure 2.2: Sketch plan showing location of cottages along the western and northern boundaries of the former ADI site, as identified as part of the early acquisition of the land. NAA SP857/8, PM/1941/223 Pt1, 24/9/41.

2.2 Previous Reports

This report is one of a series of reports written on the heritage of the former ADI Site, St Marys. The first in the series of reports was by Glenda Gartrell and Peter Spearritt for Masterplan (1992) *History, Heritage and Archaeology of Proposal to Redevelop ADI's site at St Marys NSW*. The Gartrell and Spearritt report provided historical background on the munitions factory and provided some details on the pre-munitions subdivision and land use. The archaeological component of the report mostly dealt with potential for Aboriginal sites. In respect to historic sites it did identify the potential for Dunheved (Site 1) and Site 4, the site of a munitions-period building.

In 1994 Casey & Lowe wrote the *Historical Archaeological Survey St Marys Munitions Factory* for Brayshaw McDonald and Australian Defence Industries. The brief for this report was to identify pre-munitions period sites and structures. At the same time a report on the St Marys Munitions Factory was undertaken which addressed the significance of the munitions-period remains and made recommendations. Since then many of the munitions-period remains were demolished.

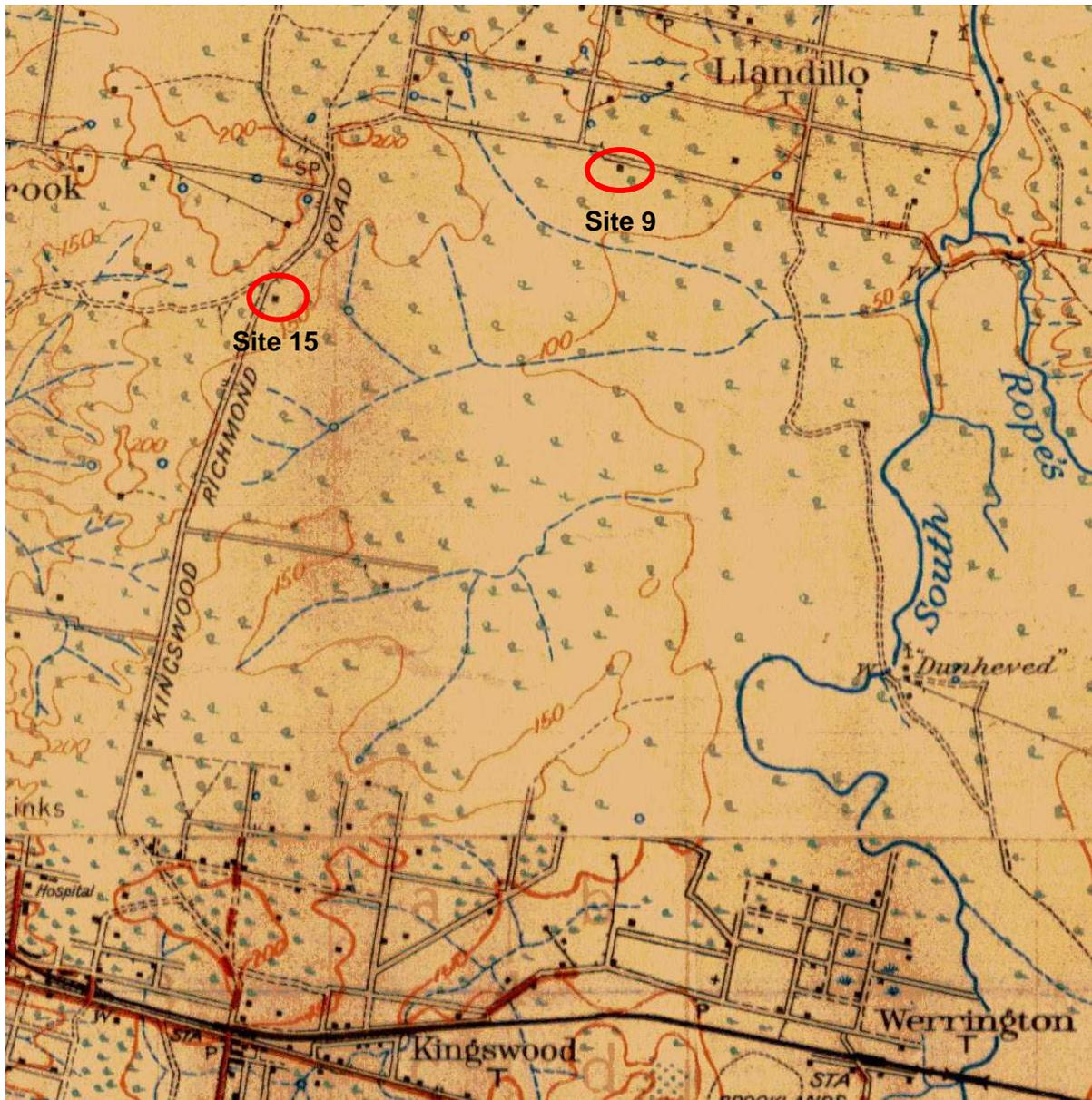


Figure 2.3: 1929 topographic survey plan showing the Western Precinct. Only Sites 9 and 15 is shown on this plan. Department of Geography, University of Sydney, provided by ACL.

2.3 Decontamination Process and Archaeological Sites

ADI commenced investigations to assess the nature, degree and location of any contamination at the St Marys site in 1990. These investigations were reported by ADI in 1991. Remediation Action Plans were developed and progressively implemented over the period 1993 to 1997 as the site facilities were decommissioned and buildings demolished.

The outcome of the Remediation Action Plans was the issue, by an independent auditor, of Site Audit Statements under the NSW Contaminated Land Management Act confirming that the land is suitable for urban development.

Decontamination works entailed the removal of metal items and potential unexploded munitions across the site. At heritage sites, this may have involved the removal of some archaeological evidence containing metals. In many cases, metal artefacts are very common on archaeological sites.

Mary Casey monitored the decontamination of Site 5 in 1997.⁷ For this work a metal detector was used and when metal objects were found they were dug out of the ground by hand. As this occurred within an historic site under the permission of an excavation permit approval all non-munitions artefacts were placed back in their original holes. This process was a small-scale decontamination of an archaeological site. At other sites, prior to archaeological involvement, machines would have been used to excavate all metal objects which would have had a much more invasive impact on any archaeological remains.

There were impacts on Sites 14 and 15 as part of the decontamination process which involved disturbance of the topsoil by some type of machine hoe as well as the removal of backfill from a well at Site 15. It is frequently found on rural sites that wells and cisterns can be backfilled with old rural machinery, usually metal.



Figure 2.4: Modern aerial photograph with the four sites located. The various roads associated with the munitions factory are visible throughout the area. Delfin Lend Lease.

⁷ Casey & Lowe 1997.

3.0 Site 9, Western Portion of Lot 104

3.1 Historical Background⁸

3.1.1 Site 9 - Lot 104 (along Ninth Ave Llandilo)

House site on western portion, demolished 1940, Parish of Londonderry, Portion No 104 (Figs 1.1, 2.1).

Date	Ownership
1805	Grant to Captain John Houston - 500 acres
1818-22?	Land swap between Houston and William Faithful
1828	Faithful listed in Richmond district for 1828 Census. Toby Ryan's family living on Faithful estate in late 1820s.
1887	William Pitt Faithfull to Henry Montague Faithfull. Known as <u>Jordan Hill</u>
1909	Executors of Henry Montague Faithful to Mrs M.E. Single (with portion 105)
1911	Mrs M.E. Single to F.W. Jackson (104 and 105)
1927	Jackson to Reginald Cumming Watt of <i>western</i> part of portion 104 and all 105, Jackson retaining <i>eastern</i> 104
1941	Watt holdings (<i>western</i> pt 104) sold to Frederick Charles Pye, then resumed by Commonwealth government.
1956	Miss E.E. Jackson and brother running cows, poultry and agistment on <i>eastern</i> portion. 243 acres resumed by Commonwealth Government

William Faithful (Faithfull) (1774-1847)

Faithful arrived in New South Wales in February 1792 as a private in Captain Foveaux's company of the New South Wales Corps. He was discharged from the army in 1799 and became manager of Foveaux's farms. When Foveaux left in 1801, Faithful started farming on his own account on land at Petersham and Liberty Plains (Auburn). He exchanged the land at Liberty Plains for better land at Jordan Hill near Richmond. He became a prominent settler in the Richmond district. Married three times, firstly in 1804 to Susannah Matcham Pitt, a relation of Lord Nelson, and lastly in 1843 to Maria Bell, a daughter of prominent Richmond settler Archibald Bell. He is buried at St Peter's cemetery Richmond. By 1827 his sons had established holdings on the Goulburn Plains and in Victoria, but their father remained at Richmond.⁹

The family of his first wife, Susannah Matcham Pitt, had land at Richmond and he seems to have gone to the Richmond district shortly after his marriage. His four children by Susannah were all born at Richmond. He was living at Richmond when he received a grant of 1,000 acres at Liberty Plains in 1808. Susannah died in 1820 and he remarried the following year at Liverpool. His two children by his second wife, Margaret née Thompson, were born at Richmond. In 1828 Faithful is recorded as holding 2,190 acres at Richmond. Margaret died at their home in Richmond in 1842 and the following year Faithful married Maria Bell. William Faithful died at his Richmond home, Lake Villie, in April 1847.¹⁰

The land at South Creek consisted of 500 acres granted to John Houston in 1805, which Faithful had acquired by exchange around 1820, and 700 acres granted to Richard Brooks in 1817 which was sold

⁸ This section written by Dr Carol Liston.

⁹ Faithful, *Australian Dictionary of Biography*, Vol 1.

¹⁰ Browning, *St Peters Richmond. The early people and burials 1791-1855*, pp 98-100.

by Brooks to Faithful in 1818 (Figs 2.1, 3.1). The two portions totalled 1,200 acres and Faithful owned at least another 1000 acres elsewhere in the district by 1828.

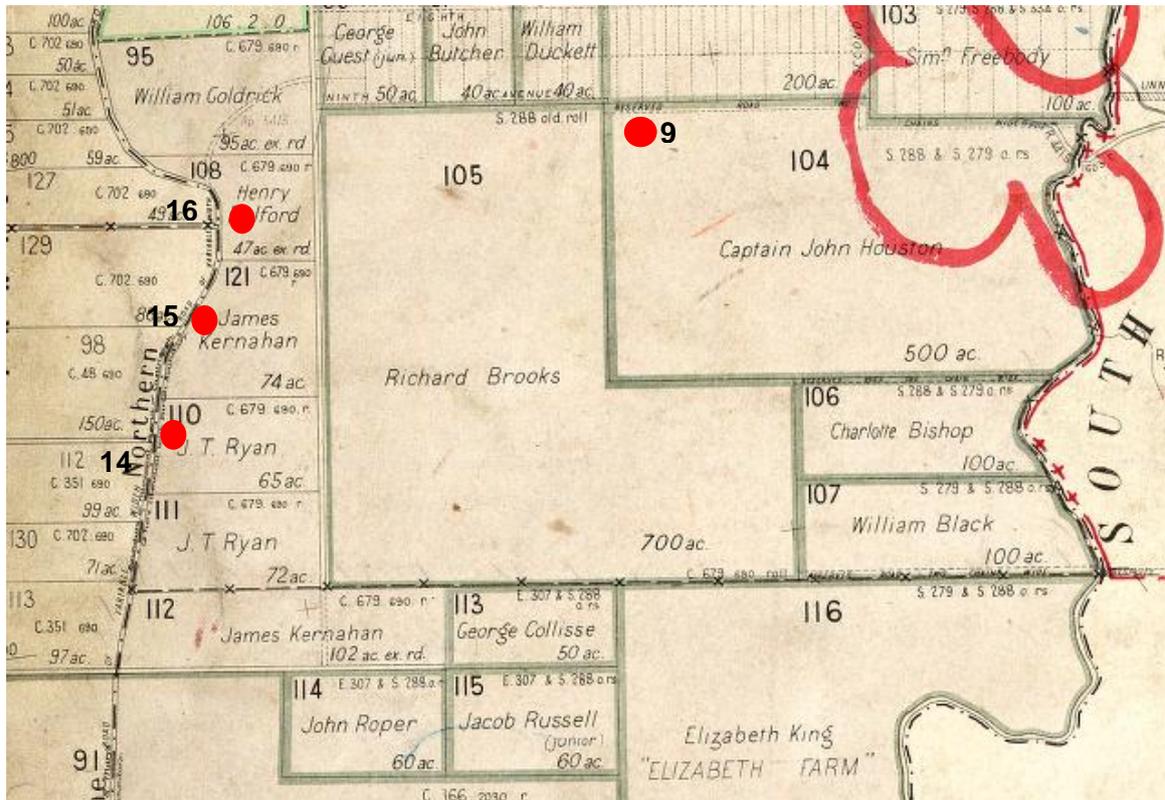


Figure 3.1: Parish Plan of Londonderry (1902) showing the numbered portions with the identified sites which are the subject of this report. Lands Department, PMapMN04/14015202.

William Pitt Faithfull and Henry Montague Faithfull (NB spelling change - father usually spelt name as...ful, son as full)

William Pitt Faithfull (1806-1896) was the eldest son of William Faithful. He worked in the mercantile office of his uncle and managed his aunt's estate before taking up his own land grant on the Goulburn Plains in 1827. Known as Springfield, under William Pitt Faithfull it developed into one of the most famous merino stud farms in the country, and is claimed as the oldest registered merino flock in Australia in the possession of one family. A justice of the peace and member of the Legislative Council until 1861, he held pastoral stations on the Murrumbidgee, in Victoria and the Southern Highlands as well as Sydney.

He married Mary Deane, daughter of Thomas Deane, in Sydney in 1844 and had nine children. In 1875 and 1882-3 William P. Faithfull of Goulburn was entitled to vote in the Nepean electorate because he was the owner of Jordan Hill estate but he was not a resident of the district.¹¹

W.P. Faithfull died in 1896, leaving Springfield stud at Goulburn to his youngest son.¹² He transferred land at Richmond to Henry Montague Faithful, his third son (born 1848) prior to his death.¹³

¹¹ NSW Electoral Roll 1875 - The Nepean, no 296; NSW Electoral Roll 1882-83 - The Nepean, no 439.

¹² Faithfull, *Australian Dictionary of Biography*, Vol 4.

¹³ 1788-1820 Association, Pioneer Register, vol 1.

H.M. Faithful was a Sydney solicitor, a partner in the firm of Icton and Faithfull. On his death in 1908 he left an estate valued at £102,909 to his daughters.¹⁴ Land taxes had been introduced in the mid 1890s and it was no longer viable for families to keep large estates that were only minimally productive. This, added to the division of the estate among daughters, left no option but to sell the estate.

Tenants on Jordan Hill, the Faithfull Estate at South Creek.

The Faithfull family did not use the estate as a residence. From at least the mid 1820s (and probably earlier), the Faithfull lands in the Richmond district were leased as small rural holdings. Most of the tenants were probably emancipists and their colonial-born children. In the early half of the nineteenth century there were probably several families on the South Creek farms. By the second half there was only one.

Early occupants of the Faithfull Estates

Toby Ryan, sometime auctioneer, bridge builder, racehorse owner and member of parliament, referred to the estate of William Faithfull in his memoirs. His maternal grandparents, First Fleeters Elizabeth Pulley and Anthony Rope, moved to live on William Faithfull's estate at South Creek (between Shanes Park and Dunhaved [sic]) sometime in the early 1820s. Ryan described this as about the period when 'the last trouble with the blacks in the County of Cumberland took place'.¹⁵ Toby and his parents also rented a 20 acre farm on the Faithfull estate at South Creek from 1826-1827. They lived sufficiently close to Dunhaved (sic) for young Toby to see the splendid horse stud and develop a life-long fascination for thoroughbreds.¹⁶ By this time old Mr Faithfull was living in Richmond, where Toby was often sent to pay the rent for his parents' lease.¹⁷ About 1835 his father was imprisoned for debt and his creditors forced the sale of their belongings, though 'young William Faithful' assisted Toby's mother in preserving a few items and some livestock and the family relocated to the Nepean.¹⁸ In later years Toby remembered that Faithfull's land was in two sections, close to Samuel Terry's Llandilo estate. There was a lagoon, with ducks, and pigeons and boats were used to cross South Creek to Shane's Park.¹⁹

As the Rope and Ryan leases were only 20 acres, there were certainly other tenants on the lands. The Ryan reminiscences make clear that the records of the leases and payments were kept by old William Faithful among his papers at his house at Richmond. These records have not been located.

The 1841 census household returns do not mention any member of the Faithfull family living in the Parish of Londonderry. The tenants cannot be identified at this stage.

The Ransley Family - long term tenants of Jordan Hill

For much of the second half of the nineteenth century the estate was leased by various members of the Ransley family.

William Ransley, farmer of Jordan Hills, married Eliza nee Shadlow in 1853 at St Mary Magdalene South Creek.²⁰ William had arrived in New South Wales as a 10-year old free immigrant in 1839, travelling with his parents, Richard and Harriet Ransley and sister Sarah aboard the *Roxburgh Castle*. Richard was a 40 year old farm labourer from Sussex, England.²¹ Shortly after the family arrived in

¹⁴ Evening News, 10 December 1908 in RAHS, Foster Press Cuttings, Vol 32, p.17.

¹⁵ J. T. Ryan, *Reminiscences of Australia*, Sydney, George Robertson, 1894, facsimile 1982 p.3.

¹⁶ Ryan, *Reminiscences*, p.14.

¹⁷ Ryan, *Reminiscences*, p.51.

¹⁸ Ryan, *Reminiscences*, p.73.

¹⁹ Ryan, *Reminiscences*, p.314.

²⁰ Early Church Registers Reel 5013, vol 39 - 1853, no 323; Reel 5014, vol 40 - 1854, no 3380.

²¹ Bounty Index, reel 36 - Ransley, R.

the colony, Harriet Ransley died at Parramatta in 1840.²² The family then moved to the Penrith district. William Ransley senior died at Penrith in 1896.²³

The children of William and Eliza Ransley included William George Ransley, born 1854 at St Marys and Thomas Richard, born 1856. By 1876 William George had married Caroline, and their first child was probably William James, born at Penrith in 1876.²⁴ William George Ransley died in 1929, aged 75 and was buried with his wife Caroline at Penrith General Cemetery.²⁵ Thomas Richard Ransley died in 1939 aged 83.²⁶

In 1875 William Ransley (senior?) was entitled to vote in the Nepean electorate because he lived at Jordan Hill.²⁷ At this time the area was sparsely settled. By 1882-3 a number of the Ransley family lived at Jordan Hill. William was qualified to vote because he leased land at South Creek and lived at Jordan Hill while Thomas Ransley was qualified because he lived at Jordan Hill, which was noted as being at South Creek.²⁸ Also living with the Ransleys at Jordan Hill was John Moore.²⁹

The 1885 parliamentary return of land holders listed the occupiers of land in the Windsor Police District. At Jordan Hill, St Marys William Ransley occupied 1,240 acres. This acreage would suggest that Ransley occupied both Portion 104 (granted to John Houston and bordered by South Creek) and the adjoining Portion 105 (granted to Richard Brooks). He grazed 9 horses, 41 cattle, 4 sheep and about 10 pigs.³⁰ Also at Jordan Hill was Thomas Ransley who occupied 3 acres and had 5 horses and 3 cattle.³¹ This would suggest there were at least two dwellings.

In 1886 William George Ransley opened a livery stables on the corner of Henry and Station Streets, Penrith. Briefly in partnership as Ransley and Dormer and then operating as W.G. Ransley, the livery stables hired out buggies, wagonettes and saddle horses, provided feed and forage for horses and offered vehicles, horses and drivers for wedding and picnic parties throughout the district. Probably the Jordan Hill land was used to graze these animals. In addition Ransley acted as a general carrier.³² The livery stables provided a living for more than one generation of the Ransley family. In 1909 the Nepean Times noted that Herbert J. Ransley of Newcastle, son of George Ransley, had recently been appointed to head a large livery stables near Brisbane.³³

In 1895-96, members of the Ransley family were still the main residents of Jordan Hill. William Ransley and William Ransley junior, both labourers, lived there as did Edwin Horace Ransley, a labourer, whilst Thomas Richard Ransley, labourer, gave his address nearby at Llandilo. James Smith gave his address as Jordan Hill, St Marys and he too was a labourer.³⁴

²² Pioneer Series, CD Index to NSW Births, Deaths and Marriages.

²³ Pioneer Series, CD Index to NSW Births, Deaths and Marriages.

²⁴ Pioneer Series, CD Index to NSW Births, Deaths and Marriages.

²⁵ Nepean Family History Society, Penrith General Cemetery Transcript and Burial Records - Church of England North.

²⁶ Nepean Family History Society, Penrith General Cemetery Transcript and Burial Records - Church of England North.

²⁷ NSW Electoral Roll 1875 - The Nepean, no 793.

²⁸ NSW Electoral Roll 1882-83 - The Nepean, no 1086, 1088.

²⁹ NSW Electoral Roll 1882-83 - The Nepean, no 939.

³⁰ NSW Parliamentary Return of Landholders, 1885. Ransley's holdings at Jordan Hill are listed in two places. One reference locates it at Penrith, the other as St Marys. One reference has 14 cattle and 10 pigs; the other 41 cattle and 12 pigs. The number of horses and sheep are stable.

³¹ NSW Parliamentary Return of Landholders, 1885.

³² Nepean Times 2 January 1886, 26 February 1887.

³³ Nepean Times, 12 June 1909.

³⁴ NSW Electoral Roll 1895-96 - The Nepean, no 1635, 1637, 1638, 1639, 1800.

In the 1901 Census T.R. Ransley was a householder at Llandilo with 5 males and 6 females living in his house. There were no other Ransleys listed, though it was noted that there were a number of empty houses at Llandilo.³⁵

New owners - Mrs M.E. Single

Mrs Mary Elizabeth Single purchased the Jordan Hill estate in 1909. The Single family is an old Nepean family. The exact connection of Mrs M.E. Single to the family has not yet been established but it is assumed she was married to one of the family members. She held the land only briefly, selling in 1911 to F.W. Jackson.

Frederick William Jackson

Frederick William Jackson of Pymble, gentleman, died c. 1927.³⁶ The Jackson family was an old name in the Nepean district. Whether F.W. Jackson was a member of the same family has not yet been established. The western portion was sold to a neighbouring grazier, R.B.C. Watt of Llandilo and the eastern portion retained by the Jackson family.

The Western Portion

The western half of Portion 104 was sold in 1927 to a neighbouring grazier, changing hands in the 1930s and eventually in 1941 purchased by Frederick Charles Pye of Sydney, grazier. Pye had also purchased all of the neighbouring King family estate on both sides of South Creek. The Commonwealth government later in 1941 resumed all of Pye's holdings.

C. J. Paul of Llandilo wrote to the Commonwealth government in July 1941 offering £5 for the 'old house at Llandilo' which was on the northern side of the government property.³⁷ The government property officer reported that the cottage on the northern boundary of Portion 104 was not required by government and would be demolished. It was of little value - 'thieves have removed windows and some doors. The garage has already disappeared and the tank taps had been left turned on apparently to drain the tanks with a view of removing them.' The government removed the tanks and recommended accepting Paul's offer of £5 as it would cost more than that to demolish it. Paul paid £5 to remove the materials in September 1941.³⁸

The general location of the cottage is on a plan of the various St Marys cottages held at National Archives of Australia SP857/8 PM/1941/223 Part 1 - attached.

The surviving information is not sufficient to identify the cottage with specific owners or occupiers but it would seem most likely if it was old, that it may be associated with the Ransley family tenancy of Jordan Hill.

The Eastern Portion - The Glen, home of Miss E.E. Jackson

It is unclear why the eastern portion of Portion 104 was not acquired by the Commonwealth in 1941 when land on three sides of it was acquired by the government in October 1941 and July 1942.³⁹ See Plan of St Marys Proposed Acquisitions.

³⁵ 1901 Census - No 62 - Penrith District, Sub-district I - Castlereagh Municipality, return 39.

³⁶ Inferred from conveyance to R.B.C.Watt, 12 Feb 1927. Casey & Lowe, *Historical Archaeological Survey St Marys Munitions Factory*, 1994, Chain of title. F.W. Jackson not listed in NSW Probate Index for 1920s-1940s, nor NSW Between the Wars Death Index.

³⁷ NAA SP857/8 PM/1941/223 Part 1, 28 July 1941.

³⁸ NAA SP857/8 PM/1941/223 Part 1, 28 July 1941.

³⁹ Incorrect chain of title noted for Portion 104 East on Casey & Lowe, *Historical Archaeological Survey St Marys Munitions Factory*, 1994.

In 1955 the Commonwealth acquired additional land at St Marys for the new munitions facility. Miss E.E. Jackson's land, 237 acres, was compulsorily acquired when she refused to sell. She protested that it provided the only living for herself and her brother, a returned serviceman.⁴⁰ Her reluctance to sell was not simply sentimental. She had agreed to sell 100 acres at £31 per acre to a builder but the sale fell through when it became clear that the government was going to build the second munitions factory. This 100 acres (probably along the Llandilo Road frontage) consisted of 50 acres of old cultivate, 25 acres partially cleared and 25 acres of timber. The remaining 137 acres was timbered with box suitable for firewood, though Miss Jackson has rejected most offers to cut the firewood and only allowed one man regularly to cut small amounts of timber.⁴¹

She and her brother were elderly, earning a modest income from milk, eggs, poultry and stock agistment. They lived in an old fibro shack that was adequate for their needs. There was an abandoned old timber frame dwelling (possibly related to the tenancy of the Ransleys?), cow bails and a shed for hay and machinery. Water was supplied from three water tanks.⁴² Their home was called 'The Glen'.

Land and improvements were valued by the Commonwealth at £8,514. Miss Jackson disputed the valuation, pointing to the new trend of 5 acre subdivisions. Her valuer noted that the land had a frontage to South Creek and could be irrigated for farming. Adjacent 5 acre blocks on South Creek were selling for £1125. There were no outcrops of stone or ironstone on the land and 120 acres could be made enormously profitable as a lucerne farm.⁴³ Eventually in December 1956 she accepted an offer of £12,800 for The Glen and a two-year lease for £550 per annum. When the lease expired in July 1958 she sought an additional 6 months but was refused.⁴⁴ Her intransigence at leaving and her insistence on a further two-year lease suggest her attachment to the property.

3.2 Assessment of Archaeological Potential

During the original field survey on 6 October 1994 no physical remains of Site 9 were identified (Photo 3.1). Due to access problems we were not able to inspect this site in March 2001. This site was known from the historic archives (Fig. 2.2) and from an interview undertaken by Mary Casey in 1994 with George Luxford who worked for the munitions factory after the war. The house at this site was demolished in 1941. The date of construction is unclear but the house was probably built in the late nineteenth or the early twentieth centuries, perhaps by the Ransleys when there were two houses known to be on the property, including Jordan's Hill and a house at Llandilo (Site 9). The original house, Jordan's Hill, is thought to be Site 13, which is to the south and east of the Western Precinct and now within the Regional Park.

No known decontamination was undertaken on this site. It is likely that the remains at this site include footings associated with the house and outbuildings, possibly a cistern or well although there was a twentieth-century tank system for rainwater collection removed from the site. The archaeological remains may also include cultural deposits such as rubbish pits.

⁴⁰ NAA SP857/1 PA/1749 Box 252, 20 January 1955.

⁴¹ NAA SP857/1 PA/1749 Box 252, 18 March 1955.

⁴² NAA SP857/1 PA/1749 Box 252, 18 March 1955.

⁴³ NAA SP857/1 PA/1749 Box 252, 12 September 1955.

⁴⁴ NAA SP857/1 PA/1924.



Photo 3.1: Photo of general area of Site 9 as visited in October 1994.

3.3 Assessment of Heritage Significance

This is a late nineteenth- or early twentieth-century house site that was occupied until c. 1941 when it was acquired by the Commonwealth Government. The house was probably extant for more than 40 years. This property did not appear to have a strong association with known individuals other than the Ransleys, long-term residents of Jordan's Hill. This site has the potential to contain archaeological remains associated with its occupation by various residents. The archaeological remains should be representative of working-class residents of western Sydney in the late nineteenth to early twentieth centuries. This site is considered to have Local heritage significance.

3.4 Statutory Constraints

There is a strong likelihood that relics remain on the site. It therefore falls under the protection of the relics provisions of the NSW *Heritage Act 1977* (amended). Under REP 30, s.55, Penrith City Council is also a consent authority for any proposed impacts on this archaeological site as the relevant DA authority.

3.5 Proposed Development Impacts on Site 9

Site 9 is mostly located within an area zoned 'urban' but extends into the land that is part Regional Park. Therefore based on current proposals parts of this site will be impacted by the proposed development.

4.0 Sites 14 and 15, Dumble's Old and New Houses

4.1 Historical Background⁴⁵

Site 14 and 15 are within Portions 110 and 121 (on Northern Road), Parish of Londonderry (Fig. 2.1).

- Site 14 Dumble's new house - fibro – demolished (Portion 110)
- Site 15 Dumble's old house - weatherboard cottage (Portion 121)

Date	Ownership
pre 1857	Castlereagh Common
1857	Grant (by purchase) to James Tobias Ryan
1858	Ryan sold to James Kernahan, farmer of Parramatta
1881	James Kernahan gave it to his son James Joseph Kernahan
1882	James Joseph Kernahan to John Brown
1891	T.B. Brown, W.S. Deane and W. Clarke to William Fleming.
1896	William Fleming to Francis Greer
1901	Australian Joint Stock Bank to James Clayton
1903	Clayton to W.G. Ashford and J.W. Barwick
1903	Ashford and Barwick to P.S. Luscombe
1918	Luscombe to Catherine Slack
1922	Catherine Slack to J.A. Hamilton
1923	J.A. Hamilton to Mrs Ellen Mary Smith
1939	Mrs E.M. Smith to Frederick Dumble

4.1.1 Castlereagh Common

Portion 110 and 121, which contain the two house sites, 14 and 15, were part of the Castlereagh Common (Figs 2.1, 4.1, 4.2). The unallocated Crown land between Castlereagh and Cranebrook and the Northern Road was used by the small settlers of the region as a common. In the early 1820s the farmers of the Castlereagh district were incensed when Captain Philip Parker King, son of Governor King, took out a ticket of occupation over 2,000 acres of Crown land in their vicinity. The magistrates, settlers and stockholders protested in 1825 that the land formed the Castlereagh Common which had been given to them by Governor Macquarie in 1813 following protests from the Castlereagh settlers that the original common north of the township was too sterile. Since 1813 the local farmers had grazed on the common, which was safely away from the river. The area that Macquarie had allocated was east of Woodriffe and Chapman's grants (modern Penrith). On its eastern boundary it joined the grants of the King family at South Creek. King occupied the land, fenced it and eventually had it converted to freehold. The area is now known as Kingswood and Cambridge Park.⁴⁶

North of the land acquired by King, the Castlereagh Common survived throughout the nineteenth century, gradually reducing in size. Surveyor Birmingham measured Crown land north of King's 1500 acres and west of Brook's 700 acres in January 1856 and again in February 1857 (Fig. 4.3).⁴⁷ Twelve country lots in the County of Cumberland on the road from Penrith to Richmond were offered for auction in June 1857 at the standard starting price of £1 per acre.

Lands on the eastern side of the Northern Road were offered for sale at the Police Office in Penrith in September 1858 (Fig. 4.3). Despite the continuing Crown land sales, the Castlereagh Common

⁴⁵ The historical background was researched and written by Dr Carol Liston.

⁴⁶ Memorial from the District of Evan 26 April 1825, AONSW 4/5782, pp.299-301.

⁴⁷ Crown Plan 679-690.

survived beyond the end of the nineteenth century. In the 1890s elections were still being held among the commoners for trustees to manage the Castlereagh Common.⁴⁸

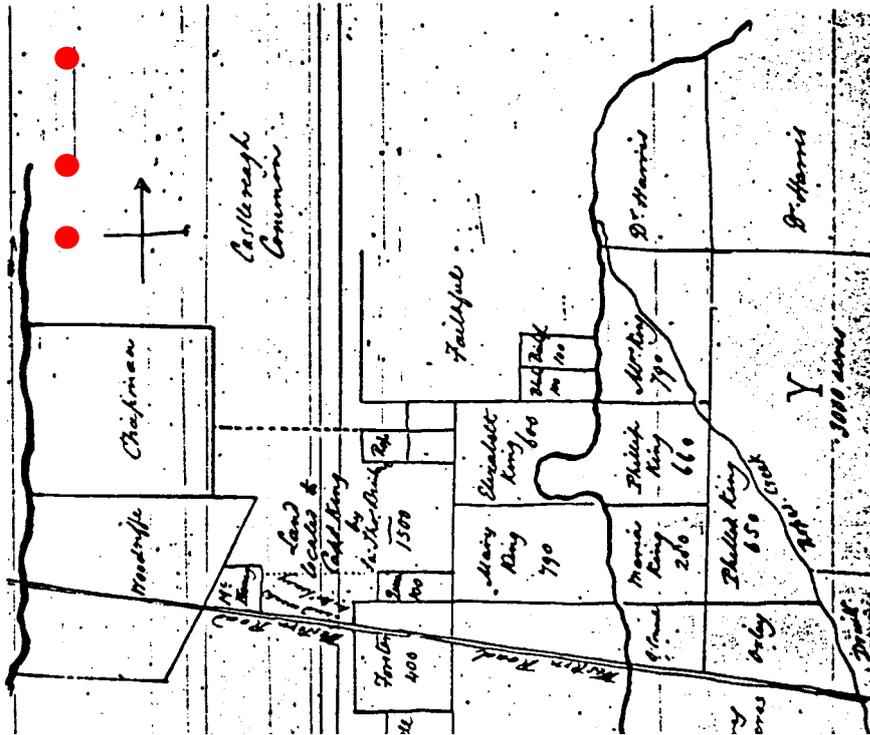


Figure 4.1: The red dots are indicative of the likely locations of the three sites within the Castlereagh Common. Plan drawn by Philip Parker King in 1822 showing the location of his grants, others nearby and the Castlereagh Common. ML, King Family Papers, 1822, p.306.

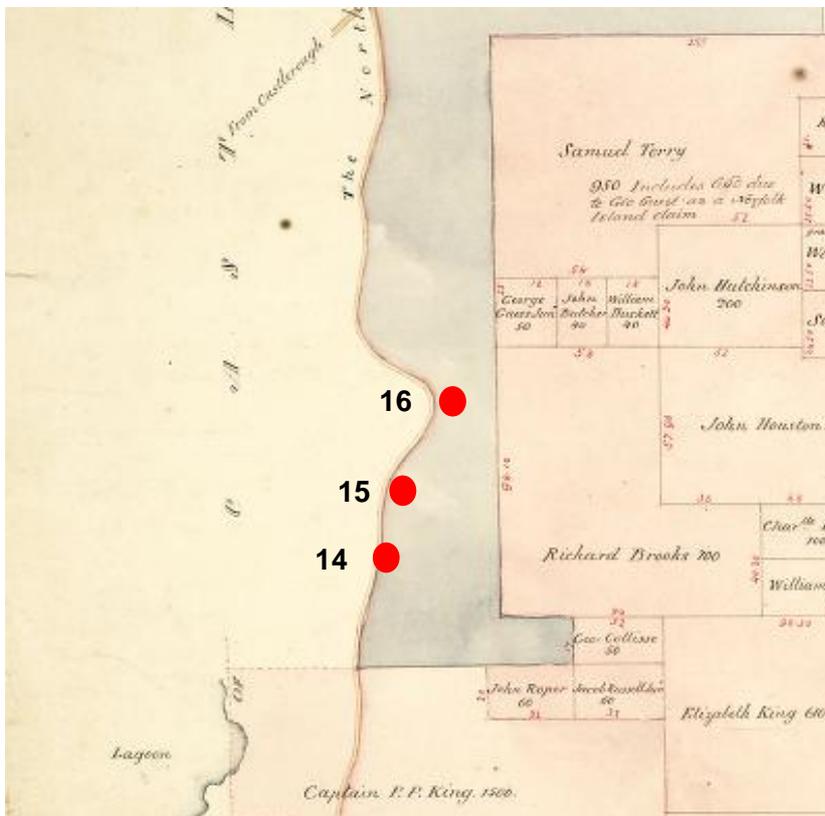


Figure 4.2: Parish Plan of Londonderry, showing three of sites in Castlereagh Common, shaded in grey. Note the location of Richard Brooks grant to the east of the Common. Approximate location of sites indicated by red dots. Lands Department Parish Maps site, PMapMN04/14067701. Also AO Map 237, March 27, 183?

⁴⁸ *Nepean Times*, 23 January 1892, 28 May 1892.

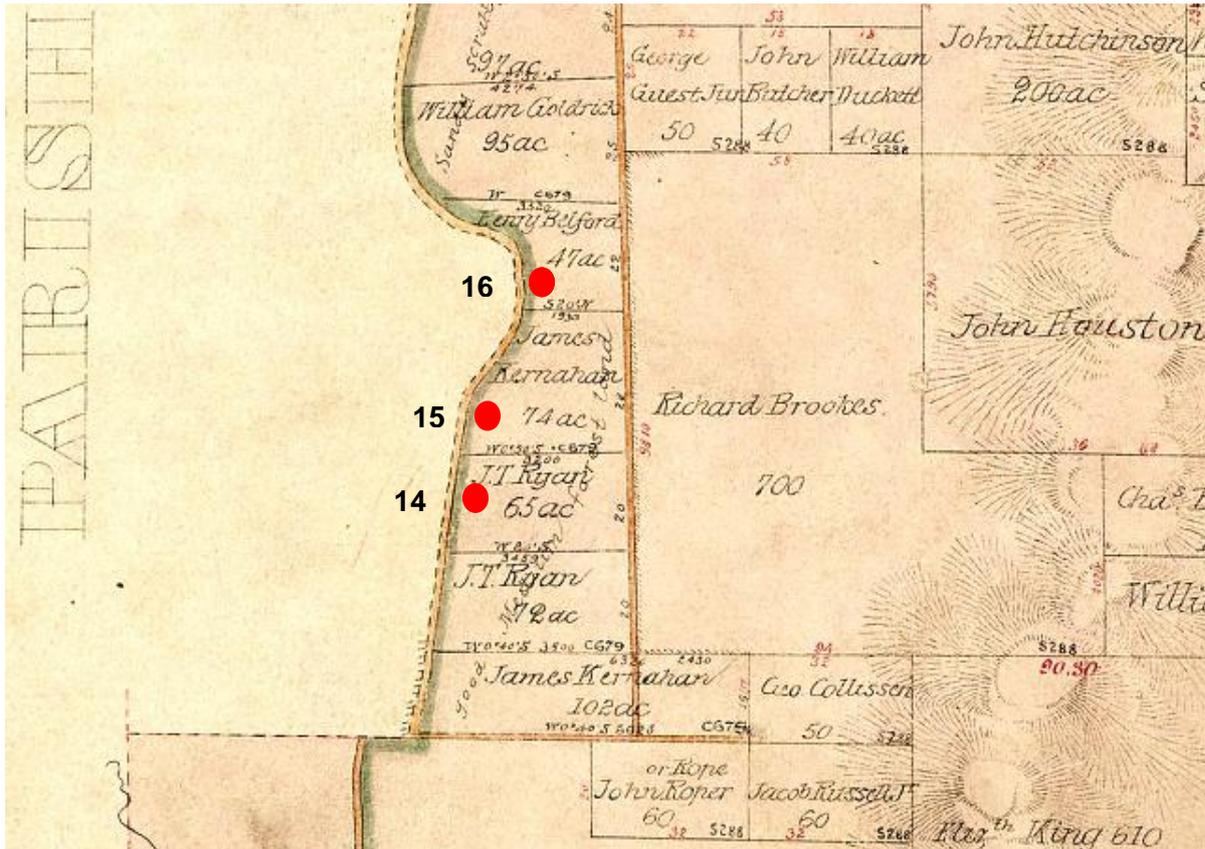


Figure 4.3: Parish Plan of Londonderry showing the subdivision of this part of the Castlereagh Common. Lands Department Parish Plans, PMapMN04/14061201. Also AO Map 319.

4.1.2 Series of Owners for Portions 110 and 121

James Tobias Ryan (1818-1899)

James (Toby) Ryan purchased **Portions 110 and 121** of the Parish of Londonderry at the Crown lands auction in 1857 (Figs 3.1, 4.3). The survey plan showed these portions as good medium forest land.⁴⁹ No doubt Ryan knew the land well, as he had been born nearby and his parents and grandparents had been tenants on the neighbouring Faithfull estate.

By the 1850s, Ryan was a successful Penrith businessman, principally as a butcher and auctioneer. He had a fine house at Emu Plains and financed the construction of the bridge over the Nepean at Penrith. In 1860 he became the local Member of Parliament and held the seat until 1872 when financial crises (caused in part by his passion for horse-racing) forced him to dispose of most of his holdings.⁵⁰

At the auction for Portions 110 and 111 in 1857, Ryan paid well above the minimum price. He paid £165.15 for Portion 110 of 65 acres (the minimum price for the block was only £65) and £180 for the 72 acres of Portion 111, suggesting that the land was particularly desirable. Perhaps he wanted it to graze his stock prior to slaughter? The following year in June 1858 Ryan sold both blocks to his neighbour James Kernahan for £365.15, making a small profit of £20 on the transactions.⁵¹

⁴⁹ Crown Plan 679-690.

⁵⁰ James Tobias Ryan, Australian Dictionary of Biography, Vol 6.

⁵¹ Grants Serial 134, p. 2014, 2015; Government Gazette 2 June 1857; Land Title Deed Bk 55, No 778.

James Kernahan

James Kernahan of Parramatta purchased a number of portions along the Richmond Road at the Crown land sales in 1857 and consolidated his holdings by purchasing the intervening lots from Toby Ryan the following year. Kernahan initially acquired Portions 121 and 112 (Fig. 2.1).

James Kernahan, labourer of the Field of Mars, married Mary MacGoldrick in a Presbyterian service at Parramatta in 1841.⁵² In 1856 James Kernahan was listed as a leaseholder in the Field of Mars (Ryde district).⁵³ It is not clear how he acquired the finance to purchase so many portions along the Northern Road in 1857-1858.

In 1875 James Kernahan was entitled to vote in the Nepean electorate because he owned property along the Richmond Road, but he probably never lived in the area. His residence then was at Kissing Point (Ryde) and he was living at Ryde when he died on 12 March 1887.⁵⁴

Members of the Kernahan family lived in the Penrith district at various times. Edward Kernahan, probably a son, lived on the Richmond Road property in 1875⁵⁵ but did not remain in the area, being listed as a fruit grower in Quarry Street, Ryde in 1894.⁵⁶

James Joseph Kernahan

In 1881 James Kernahan transferred the Richmond Road land to his son, James Joseph Kernahan. J.J. Kernahan's entitlement to vote in 1882-3 arose from his ownership of the land on the Richmond Road. However, he did not live there but in Penrith.⁵⁷

James Joseph Kernahan and his wife Margaret, nee Reddan, lived at Penrith, where their numerous children were born following their marriage in 1875.⁵⁸ J.J. Kernahan, baker, butcher and wholesaler was active in Penrith during the 1880s and was a prominent member of the Roman Catholic community, being secretary of the St Nicholas' Branch of the AHC Guild.⁵⁹ Margaret Kernahan of Penrith died on 5 April 1888.⁶⁰ The members of the AHC Guild attended her funeral, noting in the local press the death of the wife of 'our beloved warden, Mr J.J. Kernahan'.⁶¹ James Joseph Kernahan in 1902 was a fruit grower on the York estate south of Penrith. He stood at the council elections for that year but was not elected.⁶²

John Brown

Kernahan sold his father's land on the Richmond Road within a year of its transfer to him (1882). The purchaser, John Brown, was a wealthy pastoralist. His principal station was Canonbar in the western districts. He also held Nyngan Back Station between 1866 and 1879.⁶³

It seemed likely that Brown had retired from pastoral activities to the foot of the mountains. He purchased Emu Hall, the residence of Toby Ryan at Emu Plains near the approaches to the Penrith Bridge in 1881. He became a local Justice of the Peace, a trustee of Emu Park and invested in other property in the Penrith area. In 1887 he erected two five-bedroom family terrace houses in High

⁵² Old Church Registers Reel 5028, vol 75 - 1841, no 1081.

⁵³ Electoral Roll, Cumberland - North Riding, 1856. State Records Fiche 775.

⁵⁴ NSW Electoral Roll 1875 - The Nepean, no 522; NSW Probate Index.

⁵⁵ NSW Electoral Roll 1875 - The Nepean, no 523.

⁵⁶ Sands Sydney Directory 1894.

⁵⁷ NSW Electoral Roll 1882-83 - The Nepean, no 736.

⁵⁸ NSW Pioneers Index to Births Deaths and Marriages.

⁵⁹ Nepean Times, 26 February 1887.

⁶⁰ NSW Probate Index.

⁶¹ Nepean Times, 7 & 14 April 1888.

⁶² Nepean Times 8 & 15 February 1902.

⁶³ J. Jervis, 'The Exploration and Settlement of the Western Plains, Part 2', *JRAHS* Vol 42, Pt 2, p. 74.

Street Penrith, offering them for rent.⁶⁴ Brown died in 1888.⁶⁵ His trustees were his son Thomas Brisbane Brown and W.S. Deane.

A succession of owners

With Brown's death, the properties along the Richmond Road changed hands frequently. One of the investors, William Fleming of St Marys appeared to be a local real estate agent, dealing in various properties in the district. Mrs Mary Ellen Smith of Kensington, later of Fairfield, acquired the property in 1923, and the three adjoining lots: 111, 112, 121.⁶⁶ Later she acquired Lot 108 (Site 16) to the north.

Frederick Dumble

Frederick Dumble was a farmer of Bossley Park. He acquired the land in 1939 and established a dairy and commercial flower operation on part of the land. His investments included a 4-horse power diesel engine and pump and a quantity of galvanised piping which he installed for irrigation.⁶⁷ His land was resumed by the Commonwealth in 1941. A relative, W. Dumble, purchased the engine and pump in 1942 to install on a farm he owned in the Wellington district to grow vegetables on contract to the government.⁶⁸

The old cottage on the site (Site 15), described as a 5-room weatherboard house with an iron roof - attracted a number of local people to bid for the value of the building materials. George Luxford of Llandilo noted that the cottage on the western boundary near the flower gardens had not been used for some years and was in a state of ruin.⁶⁹ It was sold to J. Matson of Llandilo in November 1941 for £15.5 to remove it and the associated cow bails within 14 days. By February 1942 he had taken the useful materials and abandoned the rest.⁷⁰

Another house (Site 14), referred to in September 1941 as 'the nice cottage now occupied by Mrs Dumbell', lay to the south of the old cottage. It was retained by the Commonwealth and in November 1941 was occupied by peace officers, presumably guarding the munitions estate then under development (Fig 2.2).⁷¹

4.2 Assessment of Archaeological Potential

Site 14 Dumble's new house

This site is located on Portion 110. The location of this house is known from a 1960s aerial photograph which was traced to provide a plan of the property (Fig. 4.4). A sketch plan was drawn in 1941 showing the arrangement of the house and outbuildings (Fig. 4.5).

⁶⁴ Nepean Times, 26 February 1887.

⁶⁵ Penrith LCVF - Houses - Emu Hall.

⁶⁶ Casey & Lowe, *Historical Archaeological Survey St Marys Munitions Factory*, 1994, Chain of title.

⁶⁷ NAA SP857/8, PM/1941/223 Part 1 - 29 June 1942; 20 March 1944.

⁶⁸ NAA SP857/8, PM/1941/223 Part 1 - 29 June 1942.

⁶⁹ NAA SP857/8, PM/1941/223 Part 1 - 23 September 1941.

⁷⁰ NAA SP857/8, PM/1941/223 Part 1 - 7 November 1941.

⁷¹ NAA SP857/8, PM/1941/223 Part 1 - 6 November 1941.

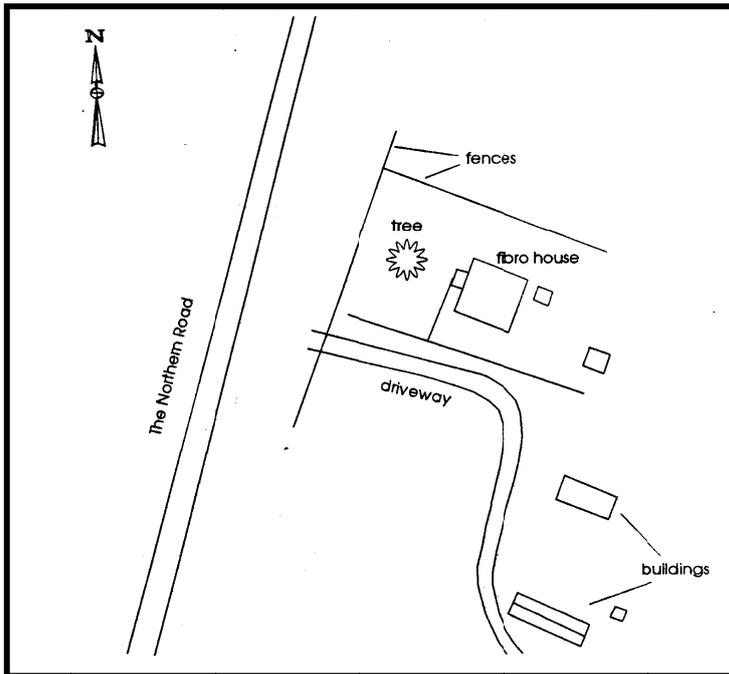


Figure 4.4: Sketch of 1956 aerial photo of the layout of Site 14.



Figure 4.5: 1941 sketch plan of Site 14. NAA Series SP857/8, PM/1941/232 27/10/42 (map).

Photo 4.1 shows the general area in 1994 and Photo 4.2 of Site 14 in March 2001. The only visible remains of this property is the Canary Island palm tree which is a typical planting of the 1930s. The position of the palm tree in relation to the built structures is visible on Figure 4.4. The house was to the southeast of the palm tree and the outbuildings were further south again. Therefore the remediation was within the general area of the house site.

This house was a fibro house built in the late 1930s, probably by Frederick Dumble, and demolished in the 1980s.⁷² It was built on concrete piers, and had an iron verandah with concrete pillars. It contained a 'Hall, Living Room, three bedrooms, large Kitchen and Dining Room combined, Bathroom...detached laundry of fibro with Wood base, iron roof, with tubs and copper installed'. The outbuildings included a new dairy 'of the most up-to-date type fitted with Milking Machinery and all necessary adjuncts. Substantial Yarding accommodation, and a large Feeding and Storage Shed of iron conveniently placed'.⁷³..It is likely that the house was built after January 1939 when Dumble purchased the property and established a dairy and commercial flower garden. The property also contained two dams, various other underground tanks, as well as an elevated 3,000 gallon tank from which water was pumped by a diesel engine into reticulated pipes for all the property, including the flower garden. The government valuation of the house and outbuildings in November 1941 was £2,755 while Mr Dumble's valuation was £3,166.10.0.⁷⁴

⁷² Casey & Lowe 1994.

⁷³ AA Series SP857/8, PM/1941/204, 23/5/41.

⁷⁴ AA Series SP857/8, PM/1941/204, 23/11/41.



Photo 4.1: Site 14 in October 1994 showing the Canary Island palm tree and the area of disturbed ground that was remediated.



Photo 4.2: Site 14 in March 2001 showing the palm tree. The area of shorter grass is where the site was heavily remediated in 1994.



Photo 4.3: Site 14 in March 2008 showing the palm tree. The white post indicates a corner of the site.

The description of the property in May 1941 is interesting:

this land comprises very gentle slopes of grey to brown loam shallow soil over clayed gravel subsoil. Originally timbered with box, gum, apple, ironbark and ti-tree, all timber has been killed and burnt off for grazing, except for shade trees. About 70 acres carries a growth of thorn bush and some seedling growth. About 35 acres had been grubbed for plough at the date of purchased ...1939, and the holding was watered by two dams. It is grassed with blue couch, umbrella and spear grasses.⁷⁵

This brief description describes some remnant vegetation within the property but it was also highly disturbed by ploughing and weed infestation within Mr Dumble's new purchase.

This site may contain archaeological remains associated with the house such as remains of footings and possibly other archaeological deposits such as rubbish pits. Decontamination of this site will have disturbed the archaeological remains at this site. This site has a moderate to low level of archaeological potential.

Site 15 – Dumble's Old House Site

The location of this house site is known from the October 1994 site visit when the area had just been remediated and the person taking us around mentioned that a well had been 'decontaminated'. At that time there were scatters of artefacts – ceramics and sandstock bricks, some with diamond frogs. These are now hidden by the long grass (Photos 4.4, 4.5).

Site 15 was the site of a weatherboard house as described in the resumption archives. It had an iron roof and detached shed for farm equipment.⁷⁶ The date of construction of this house is unknown but post-dates Ryan's 1857 purchase of part of the Castlereagh Common. It was probably built in the late nineteenth or early twentieth century. It appears to have been a typical rural weatherboard house and would have had some outbuildings and a well. The date of diamond frog bricks (possibly from the well) in rural areas is generally accepted as being from c. 1860s. The decontamination of the site will have considerably disturbed the surviving archaeological remains. This site has a moderate to low level of archaeological potential.



Photo 4.4: View of Site 15 in October 1994. The bare earthen area was remediated just previous to the site visit.

⁷⁵ AA Series SP857/8, PM/1941/204, 15/5/1941.

⁷⁶ AA Series SP857/8, PM/1941/204, 23/5/41.



Photo 4.5: Similar view to above, Site 15 taken in March 2001. The high grasses disguise the remediated area.



Photo 4.6: Similar view to above, 3 March 2008, Site 15. There has been no substantial change since the 1994 remediation.

4.3 Assessment of Significance

Site 14 – Dumble’s New House Site

Site 14 is the site of fibro house occupied between the 1930s to the 1980s. Remediation of this area in 1994 is likely to have removed much of the archaeological evidence. Any surviving archaeological remains will be associated with the twentieth-century occupation of the site which generally has a low level of research potential. This site is seen as being typical of late 1930s housing. This disturbed twentieth-century archaeological site does not reach the appropriate level to achieve Local heritage significance.

Site 15 – Dumble’s Old House site

Site 15 is the site of a house occupied from around the 1860s to c. 1939 when Mr Dumble purchased the property and erected his new fibro house (Site 14). Its various occupants are unknown and it therefore has no strong known associations with any individuals. The site has some potential to contain archaeological remains but there has been disturbance of the sub-surface remains by

remediation. This site still has some limited archaeological potential for late nineteenth-century and early twentieth-century remains. Because of the disturbance the archaeological significance of the site has been reduced but the type of remains expected to be found would be typical of other sites within the study area and nearby. This disturbed mid-nineteenth to early twentieth-century archaeological site does not reach the appropriate level to achieve Local heritage significance.

4.4 Statutory Constraints

Neither Site 14 or Site 15 were listed by the Australian Heritage Commission (now Council) in the 1990s and there are not protected under current Commonwealth legislation. There is a likelihood that some relics remain on these two sites and therefore they fall under the protection of the relics' provision of the NSW *Heritage Act* 1977 (amended). Under REP 30, s.55, Penrith City Council is also a consent authority for any proposed impacts on these archaeological sites as the relevant DA authority.

4.5 Proposed Development Impacts at Site 14 and Site 15

Both Sites 14 and 15 are within areas zoned 'Employment' under SREP 30 but it is proposed to rezone them 'Urban' under the current SREP 30 amendment (Fig. 1.2). Therefore they are likely to be impacted by the proposed development.

5.0 Site 16, Mrs Smith's house site

5.1 Historical Background

Site 16 - Lot 108 (Northern Rd)

Mrs Smith's house site – five-room weatherboard occupied by Yapp in 1941.

Parish of Londonderry Portion 108

Date	Ownership
Pre 1857	Castlereagh Common
1857	Grant (by purchase) to Henry Bedford (Belford). Known as <u>Summer Hill</u> .
1872	Henry Belford in residence on Richmond Road
1897	Property passed to daughter Caroline Belford McGarrity
1919	Sold to William Belford McGarrity (son)
1921	W.B. McGarrity to Mrs A.M. Ashbury
1930	Alice Mary Ashbury to Mrs Ellen Mary Smith - 47 acres
1941	Government purchased from Mrs Smith
1942	Occupied by tenant Mr Yapp
1969	Area known as McGarrity's Hill

5.1.1 Castlereagh Common

See Section 4.1.1 above for the background relating to the Castlereagh Common.

5.1.2 Series of Owners for Portions 108

Henry Bedford (Belford)

The correct name for the purchaser of this portion of land was Henry Belford (it was miswritten on the original deed as Bedford).

Henry Belford came to the colony as a soldier and was part of the mounted guard at Government House, Parramatta. He was riding behind the governor's carriage when it overturned, killing Lady Fitzroy, in December 1847.⁷⁷ His wife, Lydia Kelly, came with him to New South Wales. In 1849 when their daughter Caroline was born in Sydney, Belford gave his occupation as policeman, though he does not appear on the surviving police salary lists for that period.⁷⁸

Belford remained in the colony and purchased land on the Richmond Road when it was first offered for sale in 1857. He supplied building timber such as ironbark from his property at Llandilo.⁷⁹ Lydia Belford died at Penrith in 1875.

Henry Belford was listed as residing on property that he owned on the Windsor Road in 1872, 1875 and in 1882-3.⁸⁰ In the 1885 parliamentary return of landholders, Henry Belford of the Richmond Road, Penrith is listed as occupying 47 acres and owning 1 horse and 1 pig.⁸¹

⁷⁷ *Nepean Times*, 14 August 1897, p.6.

⁷⁸ Old Church Registers, Reel 5018, vol 50 - 1849, no 363.

⁷⁹ Penrith LCVF - Buildings - Penrith – 13.

⁸⁰ NSW Electoral Roll 1875 - The Nepean, no 66; NSW Electoral Roll 1882-83 - The Nepean, no 91. *Greville's Post office Directory* 1872, <http://www.penrithcity.nsw.gov.au/index.asp?id=2784>.

⁸¹ 1885 Parliamentary Return of Landholders.

Henry Belford, ‘an old soldier’ and ‘a very old resident of the district’, died at his home on Richmond Road on 7 August 1897.⁸² The Probate Index gives his place of death as Summer Hill, suggesting that may have been the family name for the property but it does not seem to have been used generally in the district.⁸³

Belford’s daughter Caroline married Andrew McGarrity at Penrith in 1876.⁸⁴ The McGarrity family lived at Luddenham.⁸⁵ In the 1882-3 Electoral Roll Andrew McGarrity junior was entitled to vote because of his residence at Richmond Road, presumably living with his father-in-law.⁸⁶ More than a decade later, Andrew McGarrity was still living at Richmond Road but Henry Belford was not in the district. McGarrity was not farming the land as his main employment, which was contracting.⁸⁷

The children of Caroline and Andrew McGarrity included Henry Andrew (b.1877, d.1933), Mary (b.1878), Robert D (b.1881), Belford (b.1885), Amelia C (b.1887) and Selina (d.1902).⁸⁸ In the census of 1901, Andrew McGarrity was listed as resident on the Richmond Road property. His household consisted of 5 males and 4 females.⁸⁹

Yewen’s Directory of the Landholders of New South Wales for 1900 shows that Andrew McGarrity and his son Robert were farming on the Richmond Road. Andrew McGarrity was growing grapes and had an orchard, whilst Robert was growing maize.⁹⁰ The Commonwealth Electoral Roll for 1903 noted that Andrew McGarrity of Richmond Road was a contractor, with his wife Caroline doing domestic duties.⁹¹ This would suggest that he combined fruit growing with general contracting work. None of their children were listed at Richmond Road in the electoral roll.

Andrew McGarrity died at Penrith in 1911.⁹² Caroline McGarrity died at Penrith in 1921.⁹³ In 1919 Caroline had transferred the land to her son William Belford McGarrity. He sold the land when his mother died to Mrs A.M Ashbury.⁹⁴

No name was used for Belford’s residence or McGarrity’s during their period of residency. Their land at Londonderry included a hill at the head of Rickaby’s Creek. The Geographical Names Board named the hill McGarrity’s Hill in 1969, even though the family had left the district some 50 years earlier. In 1969 there was a radio tower on the hill, almost certainly erected by the Commonwealth government. It was located opposite Boundary Road which at that time intersected with the Northern (Richmond) Road.⁹⁵

Mrs Ellen Mary Smith

Mrs Ellen Mary Smith was the wife of Cornelius Smith of South Kensington, contactor in 1930 when she purchased Portion 108 from Mrs Ashbury. She already owned the nearby lands at Portions 110, 111, 112 and 121.⁹⁶ By 1939, when she sold those lands to Frederick Dumble, she was a widow of

⁸² *Nepean Times* 14 August 1897, p.6.

⁸³ NSW Probate Index 1911-1918.

⁸⁴ NSW Pioneers CD index of Births, Deaths and Marriages.

⁸⁵ NSW Electoral Roll 1875 - The Nepean, no 607.

⁸⁶ NSW Electoral Roll 1882-83 - The Nepean, no 838.

⁸⁷ NSW Electoral Roll 1895-96 - The Nepean, no 1302.

⁸⁸ NSW Pioneers CD Index of Births, Marriages and Deaths.

⁸⁹ 1901 Census - No 62 - Penrith District, Sub-district I - Castlereagh Municipality, return 43.

⁹⁰ *Yewen’s Directory of the Landholders of NSW*, 1900 - Penrith Post Office.

⁹¹ Commonwealth Electoral Roll 1903, Parramatta Division, Penrith Polling Place.

⁹² NSW Federation CD Index of Births, Marriages and Deaths.

⁹³ NSW Between the Ward, CD Index of marriages and deaths.

⁹⁴ LTO Bk 1188 No. 366.

⁹⁵ Penrith LCVF - Londonderry – History.

⁹⁶ Casey & Lowe, *Historical Archaeological Survey St Marys Munitions Factory*, 1994, Chain of title.

Fairfield.⁹⁷ It seems likely during these years that she had tenants on her land. Certainly there was a tenant, Mr Yapp, occupying the cottage in 1941.⁹⁸

The old cottage on her property was shown on the plan of the St Marys cottages in 1941 (Fig. 2.2).⁹⁹ It is likely that it was the old Belford/McGarrity house. Mrs Smith's old cottage was sold for materials to T. Horan of Llandilo for £15 for the house and £5 for the shed and was removed at the end of 1941.¹⁰⁰

5.2 Assessment of Archaeological Potential

Site 16 is the site of a 'very old weatherboard cottage' which in 1941 was 'in a dilapidated condition'.¹⁰¹ While there is no clear date of construction for the house it was built after the land was granted from the Castlereagh Common (1857) and was clearly built by 1885 when Belford was a resident on his property at Richmond Road. The house was probably therefore built in the second-half of the nineteenth century. The house was apparently occupied by Belford and also by his daughter Caroline and her husband, Andrew McGarrity. The McGarrity's appear to live on the property for many years and were farming there in 1903. The sale of the property in 1921 was the first time that it passed out of the hands of Belford and his descendants. It is unclear who occupied the house after the sale.

When the property was resumed by the Commonwealth Government in 1941 the house was leased by Mr Yapp from Mrs Smith.¹⁰² At that time it was described as 'the main holding which comprises... gentle rise of grayish loam to gravelly soil over clayey and gravelly shale subsoil. The holding is grassed with spear grass, umbrella and sprinkling of blue couch'. It was said to be used 'as a weekend residence'. The valuation indicated that the land was developed for dairying (£252) and included 'buildings' (£88) and fencing (£23).¹⁰³ Presumably the outbuildings included a dairy.



Photo 5.1: Site 16 in October 1994 looking east from perimeter road.

⁹⁷ Casey & Lowe, *Historical Archaeological Survey St Marys Munitions Factory*, 1994, Chain of title.

⁹⁸ Casey & Lowe, *Historical Archaeological Survey St Marys Munitions Factory*, 1994, p.15.

⁹⁹ NAA SP857/8, PM/1941/223 Part 1 - 6 November 1941.

¹⁰⁰ NAA SP857/8, PM/1941/223 Part 1 - 7 November 1941.

¹⁰¹ NAA SP857/8, PM/1941/304, 23/5/41.

¹⁰² NAA SP857/8, PM/1941/206, 25/3/42.

¹⁰³ NAA SP857/8, PM/1941/204, 15/5/1941.



Photo 5.2: View to west at Site 16, March 2001.



Photo 5.3: An artefacts scatter of ceramics and a diamond frog brick were found underneath the tree in the above photograph. Seen during site visit in 2001.



Photo 5.4: Site 16, March 2008. There are no substantial changes since the visit in 2001, other than regrowth of trees. The artefacts seen in 1994 were no longer visible.

During site inspection in October 1994 the only evidence for this house site were artefact scatters through the ploughed or remediated areas (Photo 5.1). Among the scatter of artefacts were ceramics and sandstock bricks (Photo 5.3). During site inspection in March 2001 evidence for the artefacts was still visible adjacent to the dirt road on the western boundary (Photos 5.2, 5.3). Since 1994 trees appear to have been planted along the western boundary road and there has been regrowth within the site.

The archaeological potential for this site presumably consists of remains associated with the five-roomed weatherboard house, its occupation since the second-half of the nineteenth century and evidence for dairying. These potential remains include building footings, underfloor deposits, and rubbish pits. It is likely that the artefacts found on the surface of the site were disturbed during decontamination from archaeological features such as rubbish pits, wells or cisterns. The decontamination of the site will have caused some disturbance to these remains. The degree of disturbance cannot be determined at this stage. This site has a moderate to low level of archaeological potential.

5.3 Assessment of Significance

Statement of Significance

Site 16 is the site of a house and farm outbuildings built after 1857 and prior to 1872. The house was presumably built by Henry Belford and was lived in by him and his daughter and son-in-law by 1872. Following Henry Belford's death his daughter Caroline McGarrity and her husband also appear to have lived there for some years and carried out farming. This property remained in the family until 1921. The site of the house was probably disturbed by decontamination in 1994 but this was not visible at the time. The presence of artefacts suggests that this site does have some research potential. It may contain remains associated with the occupation of the house after 1857 and associated farming activities. This site is similar to Site 9 and Site 15 and the site of other houses on small holdings in the area of Penrith and the surrounding environs of Sydney and is therefore representative of these types of sites. Due to the long occupation by a single family and two generations of this family, the lesser disturbance of this area during remediation this site is considered to reach the threshold of significance and is considered to have a Local level of heritage significance.

5.4 Statutory Constraints

Site 16 was not listed by the Australian Heritage Commission (now Council) in the 1990s and is not protected under current Commonwealth legislation. There is a strong likelihood that some relics remain on this site and therefore it is protected under the protection of the relics' provision of the NSW *Heritage Act* 1977 (amended). Under REP 30, s.55, Penrith City Council is also a consent authority for any proposed impacts on this archaeological site as the relevant DA authority.

5.5 Proposed Development Impacts within Site 16

The plan for the Western Precinct provides preliminary details of impacts in the vicinity of the identified sites (Fig. 1.2). Site 16 is part of an area zoned 'urban' which is predominantly residential. It is likely to be impacted by the construction works for residential development.

6.0 Results and Recommendations

6.1 Results

1. The Western Precinct contains four of the non-indigenous archaeological sites identified in SREP 30.
2. All four of these sites will be impacted by the proposed development of the Western Precinct.
3. The archaeological remains at two of these sites were disturbed by decontamination activities in 1994 while Site 9 was not and Site 16 appears to have been less disturbed.
4. **Sites 15 and 14** are considered to have no heritage significance and warrant no further archaeological investigation.
5. **Sites 9 and 16** are assessed as being of Local heritage significance and require further archaeological investigation.

6.2 Recommendations

Sites 14 and 15

1. The archaeological remains at Sites 14 and 15 do not constrain the development process due to their disturbed nature.
2. The potential presence of archaeological relics requires approval under S139 of the *Heritage Act, 1977*. An Exemption application under S139(4) should be applied for these two sites. This typically takes 10 days to process. If it is preferred an application for these two sites can be part of the S140 application made for Sites 9 and 16.
3. Typically processing a S139(4) Exemption takes 10 days. An application can be lodged after the Precinct Plan is approved.
4. No archaeological recording is required because these sites are considered to have no heritage significance.
5. The Canary Island palm tree at Site 14 should be retained as a planting and interpreted as belonging to twentieth-century plantings. It may be relocated if necessary.

Sites 9 and 16

1. Sites 9 and 16 can be removed as part of the development of the Western Precinct as long as they are appropriately recorded prior to the commencement of development-related works.
2. Sites 9 and 16 should be the subject of archaeological testing. This testing will determine if archaeological remains survive and meet the Local significance criteria.
3. If the testing identifies that no significant remains survive a brief report to this effect will be required.
4. If the testing program identifies significant archaeological remains then these two sites should be archaeological excavated and recorded as part of an open area excavation program.
5. Archaeological works will need to be undertaken in accordance with the attached Management Guidelines and Research Design, Sections 8 and 9 of this report.
6. A S140 excavation permit application should be made to the Heritage Branch, Department of Planning which allows for both archaeological testing and then if remains are found excavation and recording of these remains. This will reduce the time need for approvals and streamline the process. Processing of an S140 approval can take up to 8 weeks. An application can be lodged after the Precinct Plan is approved.
7. The archaeological works needs to be integrated into the development program so as not to become a critical path activity.
8. The results from the archaeological program should be considered by NPWS as part of any future interpretation plan that it prepares in relation to the Regional Park.
9. Any artefacts recovered from the site will need to be stored by the proponent.

7.0 Management Guidelines

The following guidelines are designed to assist the client and the archaeologist to undertake appropriate archaeological works as identified in the recommendations of this report. These policy guidelines are based on the known types of consent conditions likely to be imposed by the NSW Heritage Council, based on the NSW *Heritage Act 1977* (amended) requirements, drawn from the *Burra Charter of Australia ICOMOS*, and based on best practice archaeological principles.

General Guidelines

- 1.1 The assessment stage of a project should be completed prior to granting of DA consent so that the significance of the archaeological resource can be identified and where necessary appropriate action undertaken to conserve items of State significance.
- 1.2 No works, building, development or impacts of any kind that may disturb the archaeological resources may be undertaken on an identified archaeological site without an excavation permit or exemption approval.
- 1.3 An excavation permit must be obtained from the Heritage Council of New South Wales and/or its delegate Heritage Branch, Department of Planning, prior to the commencement of development or archaeological works.
- 1.4 An excavation permit requires the completion of a report that identifies appropriate fieldwork methodology, a research design, and who will undertake the archaeological work.
- 1.5 All archaeological work must be undertaken by a qualified archaeologist with appropriate experience.
- 1.6 Sufficient funding, time and staff must be made available to the archaeological program to realise its heritage significance and research potential.

Archaeological Program

- 2.1 All archaeological work on an identified archaeological site should be undertaken within an overall archaeological program.
- 2.2 An archaeological program must be designed to address the significant areas of the site identified in an archaeological assessment report and/or archaeological testing.
- 2.3 Where appropriate public and student access to the archaeological works should be made available either through the use of volunteers to assist with the excavation process or through the holding of open days.
- 2.4 The client may choose to use the archaeological program as an opportunity to publicise their involvement and funding of archaeological works that should have long-term benefits to the community.
- 2.5 If archaeological remains associated with Aboriginal occupation of the area are discovered then the NSW National Parks and Wildlife Service and the local Aboriginal Land Council will need to be informed. All work will need to stop in this area until consultation has been undertaken.

Research Design

- 3.1 The research design must be cognisant of current research themes and theories in archaeology generally and in historical archaeology particularly.
- 3.2 The research design should be aware of archaeological results undertaken at nearby sites and the nature of the research design employed on those sites.
- 3.3 The research undertaken at a site should be done in such a manner as to be able to be used for comparative analysis with other sites.
- 3.4 The research design should inform all stages of the archaeological program, the choices of excavation methodology, the nature of the post-excavation analysis and

cataloguing, the choice of computer database, the writing of the excavation report and the interpretation of the archaeological evidence to the public.

Archaeological Excavation Methodology

- 4.1 Appropriate archaeological methodology must be used on a site to recover the significance of the identified archaeological resource and to allow the archaeologist to address the research questions in a meaningful manner.
- 4.2 Where adverse environmental factors are known to affect potential archaeological areas, such as soil contamination, these must be taken into account when designing the appropriate archaeological methodology.
- 4.3 The choice of appropriate fieldwork methodology includes – detailed archaeological excavation, testing, monitoring, and sampling or other fieldwork technique.
- 4.4 Appropriate recording techniques must be used to record archaeological evidence to a suitable level of detail. Appropriate techniques include:
 - detailed archaeological planning,
 - GIS surveying and computer mapping
 - detailed planning of standing fabric,
 - photographic recording according to standards identified in the Heritage Office guidelines,
 - use of video recording,
 - survey grid,
 - use of appropriate sized gridding of relevant archaeological deposits including underfloor deposits,
 - recording in spits where appropriate such as in wells, cesspits, underfloor deposits,
 - palynological and soil sampling for environmental analysis.
- 4.5 The intention behind archaeological recording is to have a detailed record of what was found on the site in perpetuity, and therefore all archaeological recording should be on archivally stable products, where available or known.
- 4.6 All photographs, slides and plans from the excavation need to be archivally stored.

Post-Excavation Analysis

- 5.1 All artefacts recovered from the excavation must be cleaned, stabilised, identified, labelled, catalogued and stored in a way that allows them to be retrieved according to both type and provenance.
- 5.2 The choice of cataloguing system must be designed to address the identified research questions and should use a minimum vessel or item count rather than sherd counts as the main counting criteria.
- 5.3 The artefact catalogue should be entered into a commercially available relational database. The computer catalogue may need to be made available as either hard copy or as computer files to the client or other researchers.

Retention of *In situ* Archaeological Relics

- 6.1 Where remnant archaeological relics or fabric are retained within a development site they may require long-term conservation and management.
- 6.2 Conservation is based on respect for the existing fabric, use, associations and meanings. It requires a cautious approach to changing as much as necessary but as little as possible.¹⁰⁴

¹⁰⁴ *Burra Charter* 1999, Article 3.1.

- 6.3 A conservation management plan should to be written that provides guidelines for the long-term conservation and management of *in situ* relics. A materials conservator should be involved in designing the conservation program.
- 6.4 Any retained archaeological fabric should be treated in an appropriate manner and the significance of the fabric respected in any future reuse.
- 6.5 Any alternative use of the conserved archaeological fabric is acceptable only where it has minimal impact on the cultural significance of the retained archaeological fabric.¹⁰⁵
- 6.6 Any adaptation should involve minimal change to significant fabric. Adaptation should only happen after considering alternatives.¹⁰⁶

Excavation Reporting

- 7.1 An excavation report should include the following:
 - 1. A list of the research questions at the beginning of the excavation and how they evolved during excavation and reporting.
 - 2. A list of archaeological contexts or units with appropriate comments.
 - 3. A stratigraphic matrix and discussion of the site with phasing.
 - 4. A detailed description of the excavation results, excavation phase by phase and land use area by land use area.
 - 5. A computer database catalogue of the artefacts designed to respond to the research questions.
 - 6. Basic functional analysis of the artefacts within specific contexts and addressing of these results to the research questions.
 - 7. Synthesis of this material to allow for comparison with other sites and/or provision of some comparison with other sites.
 - 8. Further historical research to aid understanding of the archaeological evidence.
 - 9. An interpretation of the site in light of the results and the research questions.
 - 10. Appropriate acknowledgement of the client who funded the archaeological program.
- 7.2 Some of the significant artefacts should be photographed and/or drawn for the purposes of further research, comparative analysis and publication.
- 7.3 Copies of the excavation report should be lodged at appropriate research and local libraries.

Storage of Artefacts

- 8.1 The client is responsible for the long-term safe keeping of all artefacts recovered from the site during the archaeological program.
- 8.2 If another suitable repository is available the client may lodge the artefacts elsewhere but only with the consent of the Heritage Branch, Department of Planning of NSW.
- 8.3 If artefacts are removed from their archive boxes or bags during later research they need to be returned to their original bags and boxes. Under no circumstances should labels be separated from their artefacts.

¹⁰⁵ *Burra Charter* 1999, Article 21.1.

¹⁰⁶ *Burra Charter* 1999, Article 21.2.

Interpretation

- 9.1 Where appropriate an interpretation strategy/plan may need to be prepared for the archaeological remains.
- 9.2 Interpretation should enhance understanding and enjoyment, and be culturally appropriate.¹⁰⁷
- 9.3 Interpretation should explain the uses, associations and meanings of the place and incorporate the themes identified in the research design.
- 9.4 The interpretation strategy should help the public understand the history and significance of the site and should include recommendations regarding the display of selected artefacts and/or other relevant material.

¹⁰⁷ *Burra Charter* 1999, Article 25.

8.0 Archaeological Program and Research Design

8.1 Archaeological Program

The archaeological program for **Sites 9 and 16** may require a two stage program:

- Testing to determine if remains survive at these two sites. This involves the use of excavator with a flat bucket to remove topsoil and expose any potential remains surviving in the subsoil.
- If the testing finds substantial remains then it will be necessary to undertake detailed recording of surviving archaeological evidence. This is likely to require an open area stratigraphic excavation of surviving evidence at the two sites. Where detailed evidence survives it will be planned and recorded. In addition GIS surveying will be used to record the details of the sites within the landscape and assist in the accurate recording of the sites in relation to each other. If remnant soil samples are found, palynological (pollen) analysis of this material will be undertaken to record the range of indigenous and introduced species.

8.2 Research Design

8.2.1 Research Framework

The aim will be to address the results from the site and learn more about the history and archaeology of each site. The second aim will be to incorporate the evidence from each site into a comparative analysis. In this way the results from each site will be compared and contrasted to understand what different stories each site can tell us about the development of the area. It must be understood that the disturbed nature of these sites may mean that little archaeological evidence survives which means that the following research questions cannot be addressed in any meaningful way.

8.2.2 Research Questions

Material Culture and Consumption

The questions that fit within these theoretical frameworks are:

- The material culture of these nineteenth-century house sites may contain artefacts and structures whose analysis can provide us with socio-economic information about lower and middle-class living conditions, including patterns of consumption.
- The analysis of the intact archaeological deposits should be able to add to our knowledge about identification of socio-economic status, gender relations and other areas of substantive archaeological research.
 - The material culture may also inform us about working, accommodation and living conditions for Belford and McGarrity family (Site 16) and the residents at Site 9. One of the issues on these sites is that most of them appear to have been on marginal land probably only with subsistence standards of living. Is this perspective from history supported by the archaeological evidence?
 - Construction of gender identities is a major research interest in archaeology, where people are being put back into our stories of the past. The analysis of gender and how people constructed their gender identities can be analysed through appropriate archaeological material

While material culture studies and consumption both have separate theoretical backgrounds they both fit quite nicely in archaeological analysis of past societies, most especially in relation to cultural and social practices. The use of these two theoretical backgrounds allows for the analysis of a wide variety of archaeological evidence. Material culture studies have seen significant advancement in the last decade.

Methodology

The answering of the above research questions requires the detailed recording and analysis of archaeological remains associated each property. The type of remains most likely to help us address these questions include the underfloor deposits of the houses (if these survive), the evidence of structures, features and deposits associated with a house and outbuildings, potential rubbish deposits, and other types of deposits that may be found.

For theoretical context see Appendix 1.

Cultural Landscape¹⁰⁸

The main questions that relate to cultural landscape are:

- How did people orient and locate their houses and outbuildings within this landscape? Does this evidence reflect awareness of local conditions or were they builders and residents still holding onto British traditions?
- What was the nature of the original vegetation in this area and how was it modified.
- The evidence for farming or growing of crops on these properties was fairly unclear but where it existed it was probably at a subsistence level. Does the archaeological evidence (pollen) clarify this issue? If there is evidence for various agricultural practices do they exhibit a knowledge about the soils and appropriate agricultural techniques?
- Is their evidence for the modification of the landscape for recreation and aesthetic purposes?

Methodology

This means undertaking detailed pollen sampling and analysis to assist with the answering of these questions through the identification of local and introduced species. In addition it requires chemical analysis of soil samples to identify agricultural practices as well as detailed recording of structures within the landscape and analysis of this evidence.

¹⁰⁸ The theoretical background for this section is based on research Mary Casey undertook for her PhD.

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9.1 Bibliography

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Appendices

Appendix 1 Theoretical Context to Research Design

Material Culture Theory

The term material culture refers to the material evidence produced by a society that is embedded with cultural meaning. All types of material artefacts contain cultural meaning, including: buildings, objects, books, everyday consumer items. Material culture studies are centred in disciplines such as sociology, history and archaeology. While often material culture studies are focused on modern society and culture it is archaeology that allows us to study the past from a material culture perspective within a social and historical context. Material culture studies developed out of a desire to find and explain meaning in the archaeological record.

Ian Hodder was one of the first archaeologist to write about material culture as being recursive. He wrote that objectives and activities actively represent and act back on society.¹⁰⁹ This means that there is a two-way effect, the user/owner of the artefacts/building having an impact on the item but the item also having a 'recursive' effect on the user/owner and on society. As Little and Shackel puts it, 'Rather than simply reflecting the abstract, the material recycles culture, returning it to the concrete and empirical world where it may be experienced, learned and changed'.¹¹⁰

Hodder has suggested the cultural framework in which we act, in which we reproduce, in our actions, is historically derived and that each culture is a particular historical product.¹¹¹ In addition he considers that 'Each use of an artifact, through its previous associations and usage, has significance and meaning within society so that artefacts are an active force in social change'.¹¹² Theories of material culture inform all the other sets of theories briefly discussed in this section of the AMP. It is through material culture theory that archaeological evidence gains meaning within a social and cultural context and allows us to analyse and interpret human behaviour from archaeological remains.

Theories of Consumption¹¹³

The choices individuals or families or neighbourhoods or groups make about the items they choose to purchase are not isolated or separated from society and culture. According to Grant McCracken, 'the consumer goods on which the consumer lavishes time, attention and income are charged with cultural meaning'. He contends that people or consumers 'use the meaning of consumer goods to express cultural categories and principles, cultivate ideals, create and sustain life styles, construct notions of the self, and create (and survive) social change'. He defines consumption as the process by which consumer goods and services are created, bought and used'.¹¹⁴ Daniel Miller defines consumption as a process of objectification – it is 'a use of goods and services in which the object or activity becomes simultaneously a practice in the world and a form in which we construct our understandings of ourselves in the world'.¹¹⁵ Miller sees the act of modern consumption as 'an attempt by people to extract their own humanity through the use of consumption as a creation of specificity, which is held to negate the generality and alienatory scale of the institutions from which they receive the goods and services'.¹¹⁶

Miller observes that it is 'in the array of commodities as brought to life in the consumption practices of the household that moral, cosmological and ideological objectifications are constructed to create

¹⁰⁹ Hodder 1992:110

¹¹⁰ Little and Shackel 1992:1

¹¹¹ Hodder 1992:98

¹¹² Hodder 1992:110.

¹¹³ This section is based on personal research undertaken by Mary Casey.

¹¹⁴ Miller 1990:xi.

¹¹⁵ Miller 1995b:30.

¹¹⁶ Miller 1995b:31.

the images by which we understand who we have been, who we are, and who we might or should be in the future'.¹¹⁷

With regard to the concept of 'choice' Miller observed' that,

'it is revealed to be very far from some autonomous, independently generated act. Rather it is a limited condition that bears the burden of histories of social category formation in terms of class, gender and other parameters, the normative adjudication of families and peers, and the pressure of business attempts to ensure their particular profitability'.¹¹⁸

Much of the literature on consumption is focused on elite and middle-class practices and frequently verges on connoisseurship. Where it does deal with consumption of the working classes or poor groups they are usually generalised and portrayed as emulating the middling classes.

With regard to the meaning and significance of consumption Glennie observed,

Goods usually had multiple meanings, frequently combining utilitarian, ornamental and private associations, and these meanings connected to notions of identity and social ideology. Divisions between public display and private use were far from clear-cut...Meanings and uses were ascribed to objects as they were incorporated into practices, which might be ritualised or spontaneous, and whose character changed over time...Women, in particular, used consumer goods both to establish their families' abstract attributes (status, lineage), much as men used land, and to recognise and negotiate personal qualities of taste, sociability and worth.¹¹⁹

Glennie suggests that women have a personal attachment to objects as their wills 'consistently reveal a self-conscious, emotional involvement in household goods, clothing and personal effects'.¹²⁰

An important aspect of meaning of goods is that they can mean different things in different places. For example the adoption of tea drinking by the working classes led to the changes in the practice of tea-drinking, 'dropping most ceremonial and mannered aspects for more utilitarian considerations of caffeine and sugar stimulation'.¹²¹ The basis of this assumption is that because 'Consumer goods were acquired piecemeal, in a long series of *ad hoc* spending decisions, and mere ownership, especially in small numbers did not imply adherence to associated discourses'.¹²²

Cultural Landscapes

This archaeological interpretation of the European-period cultural landscapes should be informed by the theoretical perspectives on the meaning of landscapes as proposed by archaeologists and anthropologists such as Rubertone, Leone, Yamin, Bescherer, Yentsch, and Hall, as well as scholars from other disciplines which study cultural landscapes, such as, Cosgrove, Williamson and Bellamy and Samson. Cultural landscapes are not the product of chance or random events or that it was a static place. Rather, to use Patricia Rubertone's words, the:

landscape does not just mirror the organization of things or mediate taste – it 'is an active force in creating the social order, in legitimising it and bringing about changes in it'.

¹¹⁷ Miller 1995b:35.

¹¹⁸ Miller 1995b:36.

¹¹⁹ Glennie 1995:179, referring to Vickery 1993; Whitbread 1988.

¹²⁰ Glennie 1995:179.

¹²¹ Glennie 1995:180.

¹²² Glennie 1995:180 referring to Martin 1993.

Rubertone has observed that landscape is neither space in the geographical sense, nor is it environment as defined by naturalists. It does not exist separately from society, but is determined by it. The study of landscape is not limited to land use, that is, the ways in which people organised and arranged their economic activities in space because this approach does not address how households produced space to **define social relations, attain political ends, and express beliefs**.

Therefore we need to link our studies of buildings, or remains, with those of the spaces which surround them. Isaac and Leone have noted that the transformation of geography may be considered as a form of legitimisation through which the societal hierarchy was reproduced on the landscape.¹²³ By making the new geography look as if it were part of the **natural or existing landscape**, the social and economic order would seem to be inevitable and above challenge.¹²⁴

Hiller and Hanson observed that:

a society does more than simply exist in space...it arranges people in space...it locates them in relation to each other...engendering patterns of movement and encounter...it arranges space itself by means of buildings, boundaries, paths, markers, zones, and so on, so that the physical milieu of that society also takes on a definite pattern.¹²⁵

Cosgrove has argued 'that the landscape idea represents a way of seeing – a way in which some Europeans have represented to themselves and to others the world about them and their relationships with it, and through which they have commented on social relations'.¹²⁶ This analysis also incorporates the issue of multilocality as expressed by anthropologist Margaret Rodman which 'conveys the idea that a single place may be experienced quite differently [by different people]'.¹²⁷ And also a discursive framework to uncover multiple meanings embedded in the landscape which reveals a dialogue between power domination and resistance as proposed by Martin Hall.¹²⁸

¹²³ Rubertone 1986:52.

¹²⁴ Leone 1984:27.

¹²⁵ Hiller & Hanson 1984:26-27.

¹²⁶ Cosgrove 1984:1.

¹²⁷ Yamin & Bescherer 1996:xvi-xvii quoting Rodman 1992:647.

¹²⁸ Yamin & Bescherer 1996:xvii; Johnson 1992.