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## Appendix B     Heritage Report

Godden Mackay Logan

Heritage Consultants



# ATECO Site, 634–726 Princes Highway, Tempe

## Heritage Advice

Report prepared for Valad Property Group  
June 2007

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Appendix B

*Extract from Marrickville Heritage Study Review—Proposed Archaeological Site—'The Poffle', St Peters*

## 1.0 Introduction

### 1.1 Background

Godden Mackay Logan has been commissioned by Valad to provide preliminary heritage advice regarding the proposed development of the ATECO site at 634–726 Princes Highway, Tempe (see Figure 1.1). This report identifies the potential heritage issues that may arise in relation to the proposed development, in particular, any heritage listings, and the potential for remnant buildings/structures, trees and archaeological material to survive and to constrain the development.

### 1.2 Site Identification

The study area is located on the south side of the Princes Highway, Tempe, and is bounded by Bellevue Street to the east and Smith Street to the south. The natural gradient of the site slopes south to the rear, however, the site has been reshaped significantly over time, as a result of its past land uses.

### 1.3 Statutory Context

#### 1.3.1 Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) ('Heritage Act') includes a range of provisions for identifying and protecting items of environmental heritage. In addition to the establishment of the State Heritage Register (SHR), a list of items assessed as being of 'State' significance, these provisions include Interim Heritage Orders, Orders to Stop Work, Heritage Conservation Registers (Section 170) and 'relics' provisions.

The proposed development does not affect any item on the State Heritage Register or Heritage Conservation Registers, nor is it subject to an Interim Heritage Order.

#### Relics Provisions

The Heritage Act affords automatic statutory protection to 'relics' that form archaeological deposits or part thereof. The Act defines a 'relic' as:

*any deposit, object or material evidence which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and which is 50 or more years old.*

Sections 139 to 145 of the Heritage Act prevent the excavation or disturbance of land known or likely to contain 'relics' except in accordance with an excavation permit issued by the Heritage Council of NSW (or in accordance with a gazetted exception to this Section of the Heritage Act).

Section 139 of the Heritage Act requires that:

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.*

As all 'relics' are protected under the Heritage Act, an Excavation Permit under Section 140 of the Act needs to be obtained prior to any works that would disturb or destroy them. However, if the proposed works are only minor in nature, and will have minimal impact on the heritage significance of the place, they may be excepted from the provisions of Section 139. The relevant exceptions are:

*Excavation or disturbance of land of the kind specified below does not require an excavation permit under s.139 of the Heritage Act provided that the Director of the New South Wales Heritage Office (the Director) is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director is satisfied:*

*(a) where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of New South Wales 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;*

*(b) where the excavation or disturbance of land will have a minor impact on the archaeological resource;*

*(c) where the excavation or disturbance of land involves only the removal of fill, which has been deposited on the land.*

*A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director is satisfied that the proposed development meets the criteria set out in paragraph (a), (b) or (c) the Director shall notify the applicant.<sup>1</sup>*

The Heritage Council of NSW and delegate offices of the Heritage Office, Department of Planning are the approval authorities for issuing Excavation Permits and considering exceptions and exemptions under Sections 139 and 140 of the Heritage Act.

The study area has potential to contain subsurface deposits and features that would be considered relics under the Heritage Act (see Section 3.0 for discussion of potential archaeological remains at this site).

### **1.3.2 Marrickville Local Environmental Plan 2001**

Part 6 of the *Marrickville Local Environmental Plan 2001* (MLEP) sets out Marrickville Council's Heritage Conservation Controls. The study area is not situated within a Heritage Conservation Area, however the former Penfolds complex is jointly identified as a heritage item with the Westpac Stores (situated west of and adjacent to the study area) on Schedule 5 of the MLEP (SHI No. 2030200—Westpac Stores and Penfolds Wine Cellars). The listing is included as Appendix A.

As a consequence, the heritage provisions of the MLEP will apply in regard to any development application for the site. Clause 48 states that:

*(2) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area. This is to include but not to be limited to an assessment of the following:*

*(a) for heritage items:*

*(i) the heritage significance of the item as part of the environmental heritage of the Marrickville local government area,*

*(ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features,*

*(iii) the measures proposed to conserve the heritage significance of the item and its setting,*

*(iv) whether any archaeological site or potential archaeological site would be adversely affected,*

*(v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision,*

(3) *When determining whether or not to grant development consent required by this clause, the consent authority:*

(a) *must not grant such consent until it has considered:*

(i) *a heritage impact statement for heritage items, or*

(ii) *a heritage assessment for conservation areas,*

*which includes an assessment of matters specified in subclause (2) (a) or (b) (as appropriate), and*

(b) *may refuse to grant consent until it has considered a conservation management plan.*

### **1.3.3 Marrickville Tree Preservation Order 2007**

Marrickville Council does not currently maintain a register of significant trees. However, the Marrickville Tree Preservation Order (2007) sets out the requirements for the preservation of trees in the Marrickville Council local government area, regardless of whether that land is publicly or privately owned. Written consent from Marrickville Council is required in order to carry out a 'restricted act', as defined by clause 4 of this order, in relation to a 'designated tree', which is defined in clause 3(b) as follows:

(b) *For the purposes of this order, a "designated tree" is:*

(i) *a tree, other than a palm tree, the highest point of which is **five (5) metres or more** above ground level;*

(ii) *a palm tree with a clean stem length of **five (5) metres or more**;*

(iii) *a tree, other than a tree with more than one trunk, with a trunk diameter of **200 millimetres** as measured **one and a half (1.5) metres** above ground level; or*

(iv) *a tree with more than one trunk, where one or more of the trunks has a diameter exceeding **100 millimetres** at a height of **one (1) metre** above ground level.*

### **1.3.4 Marrickville Heritage Study Review**

The *Marrickville Heritage Study Review* (HSR) was prepared for Marrickville Council in 2001 by Tropman and Tropman Architects. The HSR proposed a number of additional heritage conservation areas and the addition of 30 new archaeological sites to the MLEP. One of the proposed archaeological sites was the 'The Poffle' at St Peters (included as Appendix B).

However, on consideration of the HSR and submissions received during public exhibition, Marrickville Council resolved not to proceed with the addition of the proposed archaeological sites, and consequently, these areas do not have any statutory planning status. Nevertheless, Part 6, Clause 53 of the MLEP provides for the protection of potential archaeological sites—requiring the preparation of a Heritage Impact Statement to assess the impact of any proposed development on any relic reasonably likely to be located at the site.

## **1.4 Assessment Methodology**

This report has been prepared in accordance with the above requirements and is also consistent with the relevant principles and guidelines of *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 1999*.



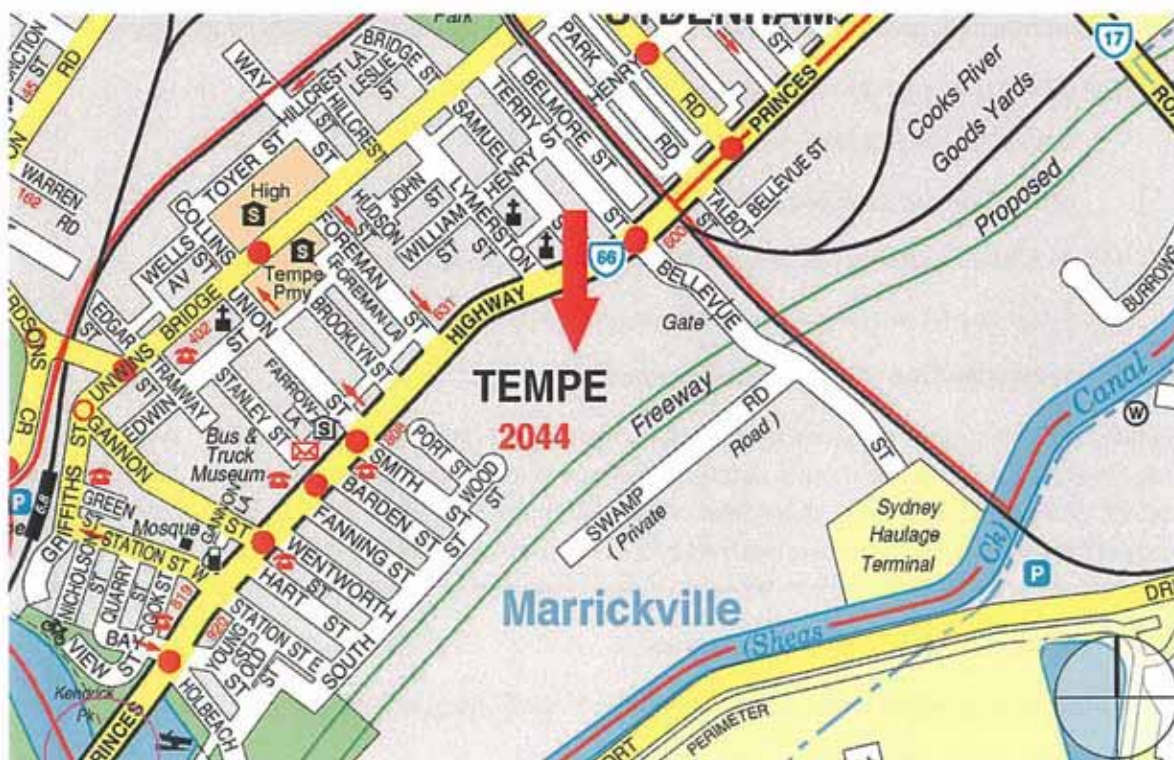


Figure 1.1 Location of ATECO site at 634–726 Princes Highway, Tempe—shown arrowed. (Source UBD, 2006)

## 1.5 End Notes

<sup>1</sup> Additional exceptions gazetted April 2004, downloaded from NSW Heritage Office Website, [http://www.heritage.nsw.gov.au/docs/additional\\_exceptions.pdf](http://www.heritage.nsw.gov.au/docs/additional_exceptions.pdf) on 09/03/05.

## 2.0 Historical Development

### 2.1 'The Poffle' 1837–1856 and Rugby School 1856–1864

The site at 634–726 Princes Highway, Tempe is within the boundary of an estate purchased by Lesslie Duguid in c1836 on which he built his house, 'The Poffle'. 'The Poffle', Gaelic for a small parcel of land was built as a country residence for Duguid and his family. Duguid had arrived in Sydney in 1822 from Scotland, and had originally been granted a large parcel of land in the Hunter Valley before beginning work with the newly formed Bank of Australia in 1826. In 1830 he married Ann Scargill after which they lived in Sydney. In c1834–35 the Duguids moved to Tempe where they lived in a cottage on the estate of Alexander Spark, who later built Tempe House. In 1837 the Duguids moved across the Cooks River to their new house, 'The Poffle'.<sup>1</sup>

'The Poffle' was built as a two-storey residence (reputedly the first two-storey dwelling in the St Peters area) surrounded by landscaped gardens on a 15 acre (6ha) site on Cooks River Road (now Princes Highway). A sketch plan, drawn by Duguid in a letter to his mother in Scotland, shows the house, two separate lodges marked as offices, a gatehouse lodge, large garden, formal paths and turning circle and stables to the rear (see Figure 2.1). In 1834 Duguid had been instrumental in the establishment of the Commercial Banking Company and he served as its managing director and cashier for thirteen years. Although Duguid managed to steer the bank through the economic depression of the early 1840s, by 1847 his good work had been largely undone as the bank was found to be over £10,000 in debt, of which £3,500 was attributed directly to Duguid. He was subsequently dismissed from the bank in 1847, and he filed for insolvency in August. As a result 'The Poffle' had to be sold and was subsequently taken over by the Australian Trust Company.<sup>2</sup>

Between 1847 and 1856 the house and land changed hands a number of times before being purchased by Reverend William Savigny in 1856. By the time of purchase by Savigny, the house and grounds had been reduced to four acres. Savigny converted the house to a collegiate school which he named Rugby, after the famous English school of the same name. Due to ill health, Savigny was replaced at the school in 1862 by Reverend William Scott, formerly the colonial astronomer. The school was closed in 1865 and the land around it was offered for subdivision in five sections, which included a number of proposed streets. The subdivision plan, reproduced as Figure 2.2, shows the house on a large block with a summer house in the yard to the front. To the rear of the house are shown a stable and coach house, a small hut (likely a caretakers hut) a saltwater bathing house with drains and a fresh-water enclosure with pumps. A gate lodge and another unknown structure are also indicated to the north of the main house. It does not appear that the sale of these lots proceeded, as no evidence is shown in later land developments.

### 2.2 Bayview Asylum 1868–1946

In 1868 the site was purchased by Dr George Alfred Tucker, formerly a partner and Superintendent of Cremorne Private Lunatic Asylum in Melbourne. Tucker renamed 'The Poffle' as Bayview House and established his own private asylum, under the Lunacy Act of 1867, on the site. He fitted out the house to accommodate 40 patients, but by 1869 had secured only nine, and so applied to the Government for assistance. The State Government duly transferred 25 patients to Bayview House, with this number rising to 100 by 1874.<sup>3</sup> The transfer of patients to privately registered asylums helped reduce overcrowding in state institutions, while keeping the private asylums viable.

Bayview House acquired a good reputation during its early years of operation, with favourable reports from ex-patients even appearing in the *Sydney Morning Herald*. A patient wrote in 1871 of the abundant fruit trees and shrubs, comfortable beds, large well-ventilated apartments and hot and cold baths, amongst other features of the establishment.<sup>4</sup> In 1879, a sketch in the *Illustrated Sydney News* shows a fine Georgian mansion, with classical columns and shuttered windows, facing a manicured lawn on which patients are playing croquet. To the rear are a number of outbuildings, one of which may be a chapel, while the grounds are dotted with ornamental trees and shrubs (see Figure 2.3).

By 1880 Tucker had increased the grounds to 23 acres, larger than the original Poffle estate of Duguid. In 1885, he sold the asylum and grounds to Dr Arthur Vause, who had been running the asylum while Tucker had travelled overseas on an inspection tour in 1882. However, in 1894, following complaints in regards to the treatment of patients, the Bayview Asylum was subject to a Royal Commission. The Commission focussed on Vause's running of the asylum and found that he was heavily in debt and likely to be practicing certain economies in order to save money. Despite some damning evidence, Vause survived the Commission, although it was recommended that all state patients be transferred (which they duly were). As part of the Royal Commission a site plan was produced which shows the old house now extended to include two wings surrounding an enclosed courtyard on the Cooks River Road frontage. The formal carriageway of the original house, the stables, and bathhouses all remain in place, with a new, more direct driveway to the house from Cooks River Road. A paling fence encloses a yard to the northeast of the house, with trees, some formally planted along the roads and some scattered (maybe natural remnants) across the site (see Figure 2.4). A second plan produced showed the proposed extensions to the site, which at that time included a new wing of dormitories, single rooms and amenities immediately adjacent to the original house site to the northeast (see Figure 2.5). Despite the loss of state patients, the planned extension went ahead.

In 1914 Vause left the asylum, selling the establishment to Grace Wilson who continued to operate it until 1946. During this time a major expansion was carried out, with a 1943 aerial photograph showing three large buildings, including the original house and 1894 extensions, a number of domestic-style buildings (possibly for doctors on site), as well as an assortment of other buildings and structures. The stables from 'The Poffle' era are still standing and a number of other features, such as original paths and roads are still visible (see Figure 2.6).

## 2.3 Caxton House, Demolition and Penfolds 1946–present

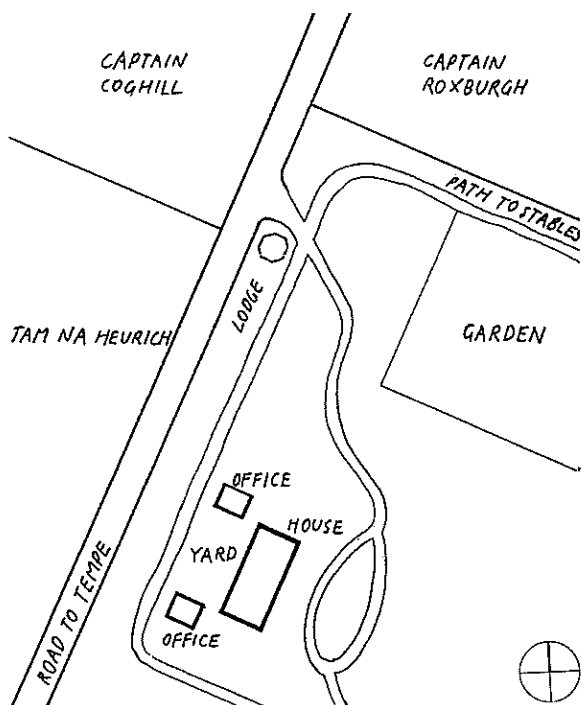
With the closure of the Asylum in 1946 the site was purchased by WD&HO Wills. The house was renamed Caxton House (probably to distance themselves from the memory of the asylum) and run as a hostel for young women moving to the city, administered for the company by the YMCA (see Figure 2.7). The hostel did not operate for very long, and the site was purchased and subdivided by Drug Houses of Australia and Penfolds Wines in c1953. Penfolds intended to develop its site as a warehouse and distribution centre, and began demolition of most of the buildings soon after purchase, leaving one two-storey building from the asylum for use as its administration offices. In their place, Penfolds constructed a new, modern industrial centre complete with prominent clocktower, to the design of architects Ross A Lightfoot & Stanton of Sydney. Opened in 1959, the new building cost £1,000,000 and featured in the November Issue of the journal *Building, Lighting, Engineering*.<sup>5</sup> A new warehouse was built on the adjacent allotment formerly occupied by the demolished Bayview House for Westpac, known as Westpac Stores (not within the study site area).<sup>6</sup>

## 2.4 St Peters/Tempe Brickworks Site

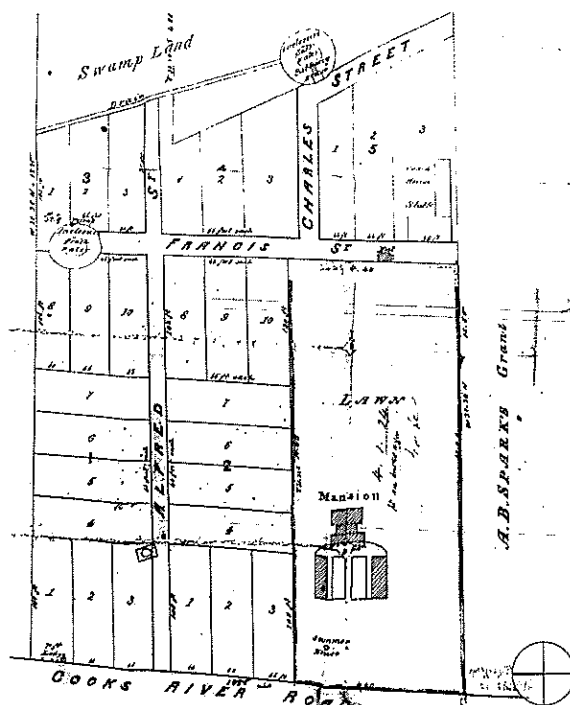
Adjacent to the asylum site, to the northeast, a large brickworks was established in the late-nineteenth century. Little historical information has been sourced for this study on the brickworks site, however it is likely to have operated throughout the early-twentieth century as a brickworks—and was one of at least eight in the area. Brick-making had been a major industry in the St Peters, Tempe and Marrickville areas since the 1860s—as large deposits of clay were exploited to fill the need for bricks in domestic construction. By the early 1920s most had closed except for those facing the Princes Highway and Euston Road at St Peters and at Tempe—the later of which is within the study area. The 1943 aerial photograph reproduced as Figure 2.6 shows the brickworks, with its kilns, chimneys and associated buildings on the highway, and the deep excavation to the rear. The operation possibly closed in 1942, after which time the then St Peters Council is reported to have utilised the quarry as a rubbish tip, dumping household rubbish, trade waste and some industrial waste (mainly ash from coal mills) into the vast hole. Following the amalgamation of a number of inner-city councils in 1949, Marrickville Council continued to utilise the site as a rubbish depot. The area utilised for rubbish disposal extended southwest into the rear section of the former Bayview Asylum site.

By 1961 aerial photographs show the quarry as having been filled (see Figures 2.8 and 2.9). From 1981 until 1986 the site was sealed and levelled. The excavated area extended back to Swamp Road and to the southwest behind the Penfolds site.<sup>7</sup> Since 1986, the entire area has been leased as container storage.

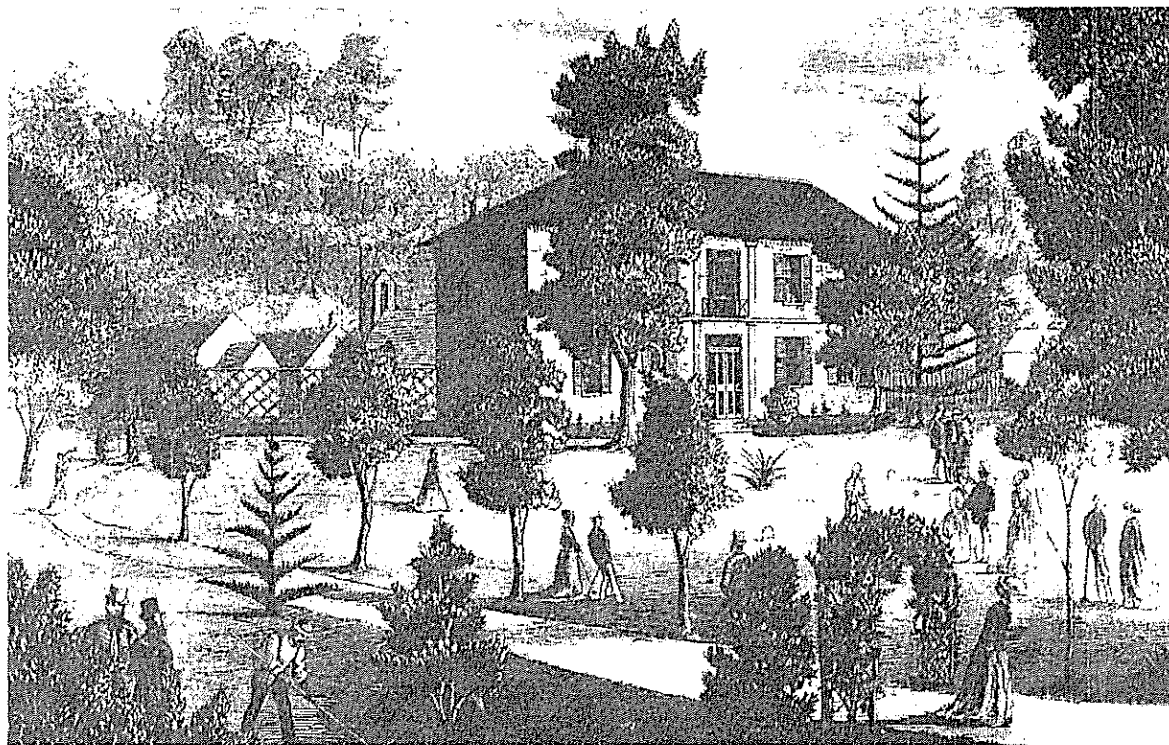
It should be noted that a Council letter reports the site being used as a rubbish depot until the 1980s. This letter sets out the history of the St Peter's Garbage Depot as having operated between 1942 and 1986. The aerial photograph as presented in Figures 2.8 and 2.9 however, show the quarry as having been filled by at least 1961. It may be that the Council report refers to another quarry site nearby, as a number of brickworks and associated quarries were in operation along the Princes Highway at St Peters and Tempe, which were used as rubbish and waste tips during this period.



**Figure 2.1** Sketch plan of 'The Poffle' c1840 showing the house, two office wings, the gate lodge, as well as the paths and turning circle. The property across the road, called Tam Na Heurich meaning the knoll of yew wood, was also owned by Duguid. (Source: Cameron: JMHS 1989)

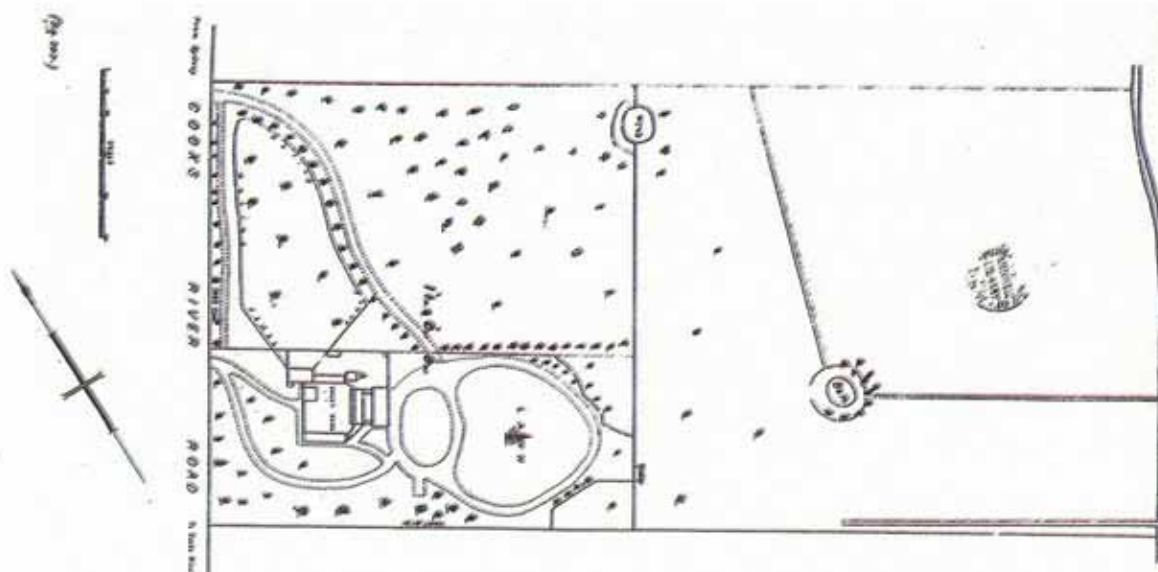


**Figure 2.2** c1865 subdivision sale plan of Rugby house and grounds. Notice the house on its own parcel, with its associated outbuildings, such as stables, coach house and gate lodge now on separate allotments. Of interest are the two water features, particularly the saltwater bathing house with the drains running from it. (Source: Marrickville Local Studies Collection)

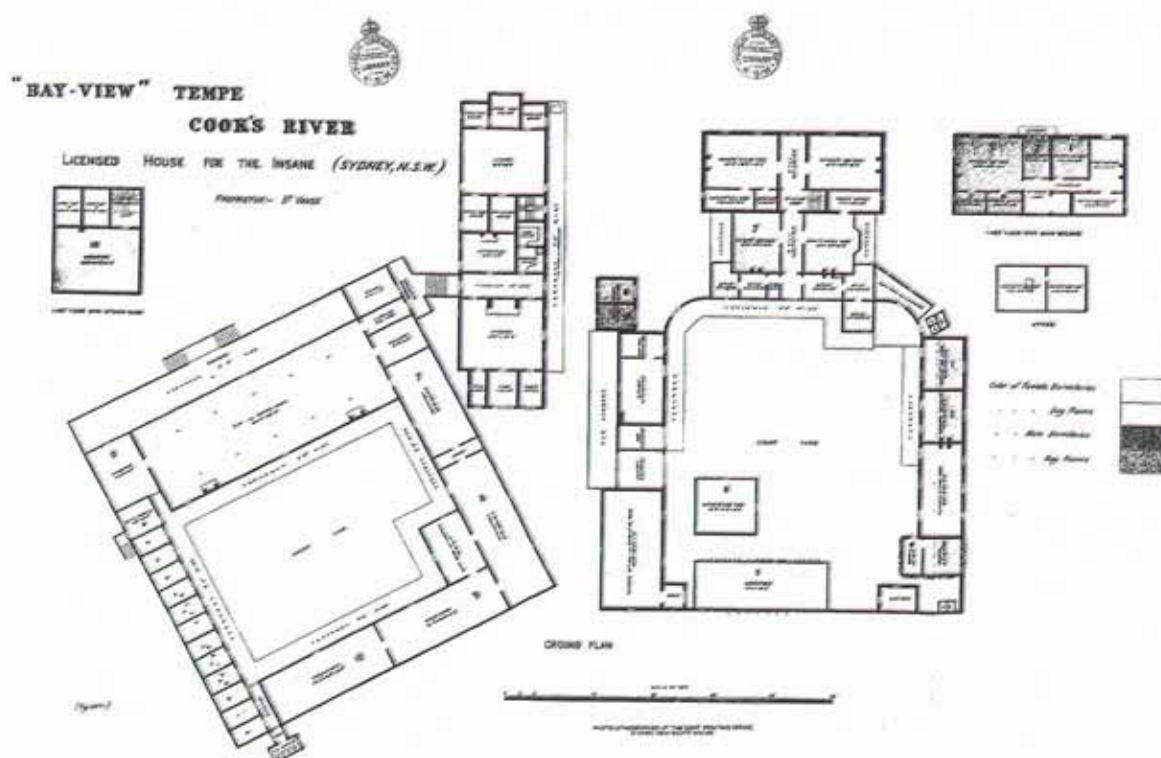


**Figure 2.3** Illustrated Sydney News, 23 December 1879, showing Bayview House with its associated outbuildings and grounds. This is likely to be close to the appearance of the site since the construction of 'The Poffle' in 1837. (Source: Thompson, op cit)





**Figure 2.4** Site plan as reproduced in the 1894 Royal Commission papers. The plan shows the asylum retaining many of the features of 'The Poffle' and Rugby phases, including the stables, pathways and bath-houses. (Source: Royal Commission into the Conduct and Management of the Licensed House for the Insane at Cooks River, near Sydney known as Bayview House)



**Figure 2.5** 1894 plan showing the proposed extension and new building to be built at the Bayview Asylum. The new building was roughly the same size as the existing portion and included new dormitories, rooms and amenities with a two-storey kitchen block attached. (Source: Royal Commission papers)



**Figure 2.6** 1943 aerial photograph showing the asylum grounds with buildings and landscaping evident. At least 12 buildings are evident within the asylum precinct. To the rear the old stables can be seen, as can the outline of the former saltwater bath-house. Adjacent to the site is the brickworks, with deep excavation and the brickworks complex facing Princes Highway. (Source: RTA)



**Figure 2.7** c1950s photograph showing the former asylum site. Some buildings are already in the process of demolition or have been demolished, including the stables to the rear and Bayview House itself. The arrow indicates the building that was retained by Penfolds as their administration building. (Source: Marrickville Local Studies)





**Figure 2.8** 1961 aerial photograph showing the site soon after completion of the Penfolds warehouse and Westpac Stores building (note the Penfolds sign on the sawtoothed roof of the new factory). The remaining asylum building can be clearly seen between the two factories (note the fig tree in front of the building). Also note the former brickworks quarry site which has been filled. The outline of the extent of the former rubbish depot can be discerned extending behind the Penfolds warehouse. Compare this to Figure 2.9 and 2.10 for later developments. (Source: Department of Lands)



**Figure 2.9** 1970 aerial photograph showing some extensions to the factory at the rear (a new wing) with the brickwork buildings also still in place. (Source: Department of Lands)





**Figure 2.10** 2006 aerial photograph showing the site with Penfolds warehouses and adjacent container terminal covering the former brickworks area. The surviving asylum building (used as Penfolds administration offices), to the left of the Penfolds warehouse, is indicated with an arrow. (Source: Department of Lands)

## 2.5 Endnotes

<sup>1</sup> Cameron, RS, 1989, 'Lesslie and Ann Duguid of 'The Poffle', St Peters', in *Heritage: Journal of the Marrickville Heritage Society*, No. 5 1989, p 20.

<sup>2</sup> *ibid*, p 22.

<sup>3</sup> Thompson, R, 1991, 'Bayview House, Tempe', in *Heritage: Journal of the Marrickville Heritage Society*, No. 2, p 58.

<sup>4</sup> *ibid*, p 58.

<sup>5</sup> Penfolds Wine Pty Ltd: *The New Tempe Cellars, Building, Lighting, Engineering* November 1959 p 29–31, p 56.

<sup>6</sup> Marrickville Heritage Inventory, Westpac Stores and Penfolds Wine Cellars prepared 15 June 2005.

<sup>7</sup> Marrickville Council subject files—St Peter's Garbage Depot. Letter Marrickville Council to Ikea 15 January 2004 12700-04 WMC:JM.

### 3.0 Preliminary Historical Archaeological Assessment

#### 3.1 Areas of Historical Archaeological Potential

This preliminary assessment of the historical archaeological potential of the site at 634–726 Princes Highway, Tempe has been prepared on the basis of the information provided by the historical research discussed in Section 2.0 of this report and a preliminary assessment of current site conditions. A 1943 aerial photograph overlain onto a current survey plan of the site illustrates locations of early structures and features in relation to the current site conditions (see Figure 3.1). On the basis of the above information, a plan showing areas of potential historical archaeological remains is included as Figure 3.2.

The potential historical archaeological resource of the site includes:

- c1940s built stable and coach-house (and possible caretaker's hut) associated with 'The Poffle' (see Figures 2.2, 3.1 and 3.2). The likely location of these remains is currently covered in fill, the depth of which is unknown (see Figure 3.3).
- c1940s constructed salt water bath-house (and drains) associated with 'The Poffle' (see Figures 2.2, 3.1 and 3.2). The likely location of these remains is currently covered in fill, the depth of which is unknown (see Figure 3.3).
- c1894 constructed extensions and new wing to Bayview Asylum (see Figures 2.5, 3.1 and 3.2). These remains are likely to be located within the landscaped area to the northwest of the Penfolds Administration Building (see Figure 3.4).
- Late-nineteenth century brickworks, including chimneys, kilns and associated buildings (see Figures 2.6, 3.1 and 3.2). These remains are likely to be located beneath the Kennards Storage Depot (see Figure 3.5).
- c1840–1946 landscape elements, including a freshwater enclosure, formal gardens, drains and driveways (see Figures 2.1–2.4, 3.1 and 3.2). These remains may be located within the remaining areas of the site not impacted upon by later building footprints, excavation of the ground associated with the brickworks, or other episodes of disturbance.

As a result of the ephemeral nature of gardens, driveways etc and their sensitivity to disturbance, the archaeological potential of the c1840–1946 landscape elements is likely to be lower than that of the stables, bath-house, asylum buildings and brickworks.

By its very nature, archaeology relates to deposits and features that are contained below ground. Despite efforts to evaluate the potential of a site to contain archaeological evidence, there is an element of risk that the site may contain unexpected or unrecorded remains.

The historical archaeological potential of the site may need to be re-evaluated once further information is known relating to current site conditions (for example the extent of impact of extant structures and any information relating to geotechnical investigations and the nature of the large area of fill located across the western area of the site).

An archaeological assessment will be required as part of the documentation for any Development Application for the site that will have the potential to disturb surviving archaeological evidence of former occupations. The assessment may be prepared as a separate document or as part of a Heritage Impact Statement.

An assessment of Indigenous heritage issues associated with the site has not been undertaken as part of this preliminary historical archaeological assessment.





Figure 3.1 1943 aerial photograph overlain onto a current survey plan of the site illustrating locations of early structures and features within the study area.





Figure 3.2 Survey plan indicating areas of potential historical archaeological remains.







**Figure 3.3** View of the site, looking northwest, showing the area of fill to the rear of the Penfolds showroom/warehouse building. There is potential for archaeological remains of the stables and bath-house to be located beneath this fill.



**Figure 3.4** View of the site, looking southeast, showing the landscaped area located in front of the Penfolds administration building. There is the potential for archaeological remains of the c1894 constructed extensions and new wing to Bayview Asylum to be located in this area.





**Figure 3.5** View of the site, looking southwest, showing the Kennards Self Storage Depot located to the east of Penfolds Showroom/Warehouse building. There is potential for archaeological remains of the late-nineteenth century brickworks to be located in this area.

## 4.0 Built Heritage

### 4.1 Assessment of Built Heritage

This preliminary assessment of the built heritage of the site at 634–726 Princes Highway, Tempe has been prepared on the basis of the information provided by the historical research discussed in Section 2.0 of this report, inspections of the study area and review of the Marrickville Heritage Inventory.

### 4.2 Items of Heritage Significance

The former Penfolds complex is jointly identified as a heritage item with the Westpac Stores (situated to the southwest and adjacent to the study area) on Schedule 5 of the MLEP (SHI No. 2030200—Westpac Stores and Penfolds Wine Cellars). The listing is included as Appendix A. Figure 4.1 shows the buildings within the study area which are affected by this listing. These buildings include:

- the twentieth century (c1930) two-storey building with basement used as administration offices by Penfolds (formerly part of the Bayview Asylum);
- the c1959 Penfolds warehouse complex; and
- the c1959 residential building (situated to the western corner of the study area).

The above items are discussed in greater detail below.

The extent to which Marrickville Council will allow demolition or substantial alteration of these buildings will be determined by their individual significance and contribution to the significance of the site as a whole. Generally, minor demolition is acceptable for items identified as 'high' significance, while more extensive demolition is acceptable for items identified as 'low' significance. It is unlikely that Council will permit the demolition of the buildings until further research and a detailed heritage assessment is undertaken—particularly as the MLEP provisions make the preparation of a Heritage Impact Statement (HIS) a mandatory requirement, and also provides that a Conservation Management Plan (CMP) may be required with any Development Application (DA).

Although the buildings are not on any other heritage registers, it is possible that the Royal Australian Institute of Architects (and possibly the National Trust) will take an interest in the buildings.

*development*



**Figure 4.1** Front view of early-twentieth century Penfolds administration offices (formerly part of Bayview Asylum).



**Figure 4.2** Rear view of early-twentieth century Penfolds administration offices (formerly part of Bayview Asylum)—note the second floor extension to the right.



**Figure 4.3** View of residential building (most likely used as a caretaker's house by Penfolds).



**Figure 4.4** Front view of the main warehouse with clock tower fronting the Pacific Highway.





**Figure 4.5** Side (northwest) view of the main warehouse with clock tower fronting the Pacific Highway.



**Figure 4.6** Brick wall in the northern corner of the study area—possibly part of the former St Peters/Tempe Brickworks.



**Figure 4.7** View of Kennards Storage Depot.



**Figure 4.8** KAS Autopower building—the central section of this building is possibly part of the former St Peters/Tempe Brickworks.

#### 4.2.1 Penfolds Warehouse Complex

Completed c1959, the former Penfolds complex comprises a very large warehouse and showroom building, a residential building (most likely a caretaker's house), and other external works. Historically significant for its association with Penfolds Wines, the complex is also of aesthetic significance as an example of mid twentieth century modern architecture. In particular, the main section fronting the Princes Highway has a distinct horizontal form and a tall, square clock tower which has become an important local landmark.

Constructed in face brick and reinforced concrete, and designed by the architects Ross A Lightfoot & Stanton of Sydney, the warehouse complex is significant as a rare and intact example of Post-War industrial buildings—withstanding some minor modifications.

#### 4.2.2 Penfolds Administration Office

The two-storey building, which originally formed part of the Bayview Asylum, is incorrectly identified in the MLEP heritage listing as the remnants of the c1837 Bayview House (formerly known as 'The Poffle'). Constructed in the early twentieth century (c1930), the building is a much later structure and can be identified in aerial photographs by 1930.

The building is a substantial brick structure, and many of the internal walls are double brick. Most of the original fabric of the building remains intact, although the building has undergone extensions externally and has been altered significantly internally. Nevertheless, the building is in good condition, and has some significance as the last remaining structure associated with the early use of the site as the privately run Bayview Asylum (1868–1946).

### 4.3 Items of Potential Heritage Significance

There are a number of other built elements which are not listed as heritage items on the MLEP within the study area, including:

- the brick wall (in the northern corner of the study area);
- Kennards Storage Depot buildings; and
- KAS Autopower building.

Preliminary assessment of these elements indicates that the Kennards Storage Depot buildings are of no heritage significance, however the brick wall and part of the KAS Autopower building may be of heritage significance as it is

possible that they form part of the former St Peters/Tempe Brickworks which was established at the site in the late nineteenth century. An aerial photograph taken in 1961 shows a wall and a building within the same footprint as the brick wall and part of the KAS Autopower building (see Figure 2.8), however further research is required to confirm any association of the building and the wall with the brickworks.





Figure 4.9 Survey plan indicating buildings within the study area affected by MLEP heritage listing.



## **5.0 Landscape Elements**

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### **5.1 Assessment of Landscape Elements**

This preliminary assessment of landscape elements of the site at 634–726 Princes Highway, Tempe has been prepared on the basis of inspections of the study area and review of early aerial photographs of the site. The landscape elements of the site are concentrated in the southwest corner of the study area.

#### **5.1.1 Landscape elements relating to the use of the site as Bayview Asylum**

Although none of the tree plantings remain from the early period of development of the site, some of the mature trees appear to have been planted during the late nineteenth or early twentieth century Bayview Asylum period. In particular, the two large fig trees situated at the front of the Penfolds administration offices (see Figure 5.1), may be of heritage significance by association with the asylum use of the site. The trees can also be observed in the aerial photographs taken in 1930 and c2006 (see Figures 5.2 and 5.3).

#### **5.1.2 Landscape elements relating to the use of the site by Penfolds**

The landscaped area between the Penfolds administration offices and the Princes Highway comprise a number of eucalypts and two Norfolk Island pines as well as a driveway which provides direct access to the Penfolds administration offices from the Pacific Highway. The trees and the driveway (which was once unsealed) can be observed as early as 1961 in an aerial photograph (see Figure 2.8 and 5.3).

The large fig tree adjacent to the rearmost Penfolds warehouse and the fig trees which mark the southwestern boundary of the study area can be observed as early as 1971 in an aerial photograph (see Figures 5.3–5.5).

These plantings are considerably younger than the mature figs, and are likely to be of less significance.

### **5.2 Impact of Tree Preservation Orders and MLEP Listing**

Although Marrickville Council does not have a register of significant trees, it does have a Tree Preservation Order (2007) (see Section 1.3.2). All the trees discussed in the above section are designated trees, as defined by the order, and therefore approval is required for their removal.

In addition, as the trees and the driveway are situated within the MLEP listing for the Westpac Stores and Penfolds Wine Cellars (see Appendix A and Section 4.2), the heritage values of these landscape elements will be considered by Marrickville Council during any approvals process for their removal.





**Figure 5.1** View looking down driveway towards the Penfolds administration offices (formerly part of Bayview Asylum). The two early fig trees are shown arrowed.



**Figure 5.2** 1930 aerial photograph showing the two fig trees which remain today (shown circled)—which date back to the period when the site was used as Bayview Asylum. (Source: Department of Lands)





**Figure 5.3** c2006 aerial photograph showing the two fig trees which remain today.



**Figure 5.4** View of fig trees along the southwest boundary of the study area.





**Figure 5.5** View of the fig tree adjacent to the rearmost Penfolds warehouse.

## 6.0 Conclusions and Recommendations

### 6.1 Conclusion

There are a number of potential heritage issues relating to built heritage, archaeology and landscape elements that arise in relation to the proposed development of the ATECO site at 634–726 Princes Highway, Tempe.

Part of the study area is jointly identified as a heritage item in the MLEP (SHI No. 2030200—Westpac Stores and Penfolds Wine Cellars), which has implications for the demolition of elements within the area covered by the listing. The MLEP provisions require that a Heritage Impact Statement (HIS) be prepared as part of any Development Application (DA) that would impact upon a site listed as a heritage item, and may require the preparation of a Conservation Management Plan (CMP). The Marrickville Heritage Inventory report for the site reaffirms this stance in its management recommendation, which 'requires further research and detailed heritage assessment' of the site and for a CMP to accompany any DA. Most of the trees within the site are also designated trees, as defined by the Marrickville Tree Preservation Order (2007), and therefore approval from Marrickville Council is required for their removal.

In addition, preliminary research shows that the site may have significant historical archaeological potential. This is reinforced by the Marrickville Heritage Study Review which nominates the 'The Poffle' at St Peters as an archaeological site. Although the Council resolved not to proceed with the addition of the site on the MLEP, Part 6, Clause 53 of the MLEP provides for the protection of potential archaeological sites—requiring the preparation of an archaeological assessment as part of a HIS. The provisions of the *Heritage Act 1977* (NSW) ('Heritage Act') also affords automatic statutory protection to 'relics' that form archaeological deposits or part thereof. Sections 139 to 145 of the Heritage Act prevent the excavation or disturbance of land known or likely to contain 'relics' except in accordance with an excavation permit issued by the Heritage Council of NSW. An excavation permit is likely to be a requirement of the DA process.

Experience with sites such as the ATECO site suggest that Council's decision on any proposed development will be affected by the developer being able to demonstrate a committed approach to conserving the most significant heritage items on the site. Therefore, in terms of heritage impact and consequent probability of approval, the approach will need to provide for meaningful retention of at least those elements that are most individually significant, and which make a substantial contribution to the heritage significance of the site as a whole.

### 6.2 Recommendations

It would be prudent at an early stage to meet with Council's planning staff to discuss their expectations in regard to the scope of conservation of existing elements, and the required amount of documentation for the DA. At the very least, Council will require that a HIS (incorporating an archaeological assessment) be prepared as part of the DA documentation.

#### 6.2.1 Built heritage

- The development proposal should incorporate those elements of built heritage that are most individually significant and which make a substantial contribution to the significance of the site as a whole.
- The main Penfolds warehouse complex comprises a number of components of varying significance. The key component however, is the main section fronting the Princes Highway,

comprising a two-storey building and clock tower. The development of the site should seek to conserve the major part of this section at the least, and ensure that its landmark qualities are retained.

- Although the two-storey building formerly used as Penfolds administration offices is not Bayview House, it is the last remnant building which formed part of the use of the site as an asylum between 1868 and 1946, and therefore the Council may consider the building as being of high significance. The case for demolition would have to be made on the basis of the building being a late addition to the asylum complex, and having been substantially altered.
- An HIS (addressing both built heritage and landscape elements and incorporating the archaeological assessment) will need to be prepared and submitted to Council as part of the DA documentation.
- It is likely that a condition of consent for the development would be a requirement to record any buildings or the other structures to be removed or altered.
- The preparation of the HIS (and the CMP if required by Council) should be done in consultation with the design team so as to guide the design development process.

### 6.2.2 Archaeology

- A comprehensive archaeological assessment (addressing both Aboriginal and historical archaeological potential) should be prepared and submitted to Council as part of a HIS for the site.
- The archaeological assessment should be done in consultation with the design team so as to guide the design development process.
- If there are likely to be impacts to the potential historical archaeological resource of the site as a result of the proposed redevelopment, an Excavation Permit Application (and supporting Archaeological Research Design) under Section 140 of the Heritage Act is likely to be required and approved by the NSW Heritage Council prior to the excavation or disturbance of the site.
- It is unlikely that the potential for archaeological relics to survive in the site would limit the scope or extent of the development. The intent of the archaeological assessment and Excavation Permit is to bring greater certainty to the process, and to allow for the necessary allowance for any on-site investigations to be built into the critical path for the project.

### 6.2.3 Landscape elements

- Council may determine that the two early fig trees (in front of the Penfolds administration building), which are associated with the use of site as an asylum, are significant and may need to be retained. Council may also require the retention of the plantings associated with the Penfolds use of the site, however there is a lower likelihood of this happening. Notwithstanding this, the removal of these trees may be possible, if it can be shown that this approach would result in a more positive overall heritage outcome with respect to the conservation of other significant heritage items within the site, and the extent to which the development responds to the retained heritage element(s).
- It is likely that a condition of consent for the development would be a requirement to record any landscape elements to be removed.

## **7.0 Appendices**

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### **Appendix A**

Marrickville Heritage Inventory—Westpac Stores and Penfolds Wine Cellars

### **Appendix B**

Extract from Marrickville Heritage Study Review—Proposed Archaeological Site—‘The Poffle’, St Peters



## Appendix A

Marrickville Heritage Inventory—Westpac Stores and Penfolds Wine Cellars





# Marrickville Heritage Inventory

<b>Item Name</b> <b>Westpac Stores &amp; Penfolds Wine Cellars</b>		<b>SHI Number</b> <b>2030200</b>
<b>Other Names/s</b> Westpac Stores and Penfolds and Ateco		<b>Study Number</b> <b>4.32</b>
<b>Group Name</b>		<b>Local Government Area/s</b>
<b>Location</b> 634 - 808 Princes Highway St Peters		<b>Marrickville</b>
<b>Corner location</b>		<b>Assessed Significance</b> <b>Local</b>

<b>Item Type</b> Built  <b>Sub Type</b> Other - Manufacturing & Processir <b>State Theme/s</b>  <b>Study Theme/s</b> Villa estates, Post World War Two in	<b>Statement of Significance</b>  A modern industrial precinct of better quality than many of the other recent industrial developments in the Municipality. The Penfolds site has already become a local landmark.  Heritage significance includes all phases of site use including the firm that cause the building to be designed, ie c1956-1990 by Penfold Wines.  Possibly of higher than local significance due to archaeological potential, the history of Penfolds Wines and the architectural significance (history needs researching and heritage assessment).
<b>Property description</b> DP 385209 Lot A, DP 385210 Lot E, DP 803493 Lot 2  <b>Owner</b> Private - Corporate  <b>Current Use</b> Ateco "Suzuki" is occupying one building. Westpac the other.  <b>Former Use</b> Industrial / Warehouse	

<b>Years</b> 1956      1958      Circa      Yes  <b>Designer</b> Ross A Lightfoot & Stanton of Bligh St, Sydney  <b>Builder</b>  <b>Physical Condition and/or Archaeological Potential</b> The buildings are in a good condition.  <b>Modification Dates</b> There are minor modifications to the buildings. Vehicle doors have been replaced with roller doors. Solid pillar sign from ground level differs to that shown in inventory review photo circa 21/10/1997 - 18/06/1999.  <b>Further Information</b> Both Westpac and Penfolds business records should be consulted in any further research. More research required on Bayview House.  The 2001 Heritage Assessment does not adequately deal with the geometry of various elements	<b>Physical Description</b>  These two large non-symmetrical brick buildings have strong, rectangular lines with flat parapets. The Westpac facade is broken by deep set, sunscreened windows with strong vertical lines, while the Ateco building has a tall, square clock tower which has become an important local landmark.  According to heritage assessment by David Ives in 2001, there is a strong design reliance on 'architectural model of horizontal form with concrete blade detailing and strong vertical clock tower as centre piece of the composition' and that 'Wunderlick was advertising and producing windows of the type used in the building'. Noted in Building Magazine, November 1959, including reference to the windows.  According to Council's Heritage Advisor in 2001, the windows are original fabric and a deliberate part of the original design and integrity. The glazing bars defined the horizontal as does the bottom sill plinth and the between floors element. The green horizontal line and within the clock tower, as shown in the proposal to continue, further defines the horizontality of the building. Documentary evidence of the window framing also being green with possible physical evidence on the internal rear windows overlooking the warehouse area.  <b>Historical Notes</b>  This site was one of the early villa estates subdivided from Smyths Farm in c. 1831. The remnants of Bayview House (c1840) form part of the administrative centre on the Penfolds site. This section of the Princes Highway underwent new industrial/warehouse development in the 1950s - 1960s.  Drug Houses of Australia bought both sites completing the building now known as Westpac in 1956 while Penfolds completed its building in 1958.  The Penfolds building was built in c1956 to the designs of architects, Ross A Lightfoot & Stanton of Bligh St, Sydney.  Both Westpac and Penfolds business records should be consulted in any further research. More research required on Bayview House.  A CMP was prepared by Rod Howard in 2003 (DA200300330) which needs consulting for complete history and heritage assessment of the site.
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**Marrickville Council**


**Date:** 18/05/2007      **Date First Entered:** 21/10/1997      **Date Updated:** 05/01/2006      **Data Entry Status:** 0      **Page:** 1

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# Marrickville Heritage Inventory

<b>Item Name</b> Westpac Stores & Penfolds Wine Cellars		<b>SHI Number</b> 2030200	
<b>Other Names/s</b> Westpac Stores and Penfolds and Aleco		<b>Study Number</b> 4.32	
<b>Group Name</b>		<b>Local Government Area/s</b>	
<b>Location</b> 634 - 808 Princes Highway St Peters		<b>Marrickville</b>	
<b>Corner location</b>		<b>Assessed Significance</b> Local	

<b>Images</b>		<b>Listings</b>																
		<b>Name</b> Local Environmental Plan Heritage study																
<b>Caption</b> Aleco building		<b>Number</b> 18/05/2001																
<b>Copyright:</b> Tropman & Tropman Architects <b>Image by:</b> Tropman & Tropman Architects <b>Date:</b> <b>Number:</b>		<b>References</b>																
		<table border="1"> <thead> <tr> <th>Author</th> <th>Title</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td>Article</td> <td>Building Magazine, November</td> <td>1959</td> </tr> <tr> <td>David Ives</td> <td>Heritage Impact Statement, July</td> <td>2001</td> </tr> <tr> <td>Penfolds company records - needs consulting</td> <td></td> <td></td> </tr> <tr> <td>Rod Howard</td> <td>750 Princes Highway CMP</td> <td>2003</td> </tr> </tbody> </table>		Author	Title	Year	Article	Building Magazine, November	1959	David Ives	Heritage Impact Statement, July	2001	Penfolds company records - needs consulting			Rod Howard	750 Princes Highway CMP	2003
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Tropman & Tropman Architects	Marrickville Heritage Study Review	2030200	1997															

<b>Assessment Degree Criteria</b>		<b>Assessment Criteria</b>	
<b>Rarity</b> Possibly rare at the local level as work of Lightfoot and Stanton and as fine example of post-war industrial building.		<b>Historical Significance</b> Local. Research with various 20th century authorities indicates that the building may be of higher than local significance. Post war industrial buildings are becoming increasingly less common, especially intact examples and those with such long standing and well recognised landmark values.	
<b>Representative</b> Local.		<b>Aesthetic Significance</b> Locally significant post-war industrial building. Designed by architects, Ross A Lightfoot & Stanton of Bligh St, Sydney.	
		Further assessment of architectural merit, streetscape and views required.	
<b>Intactness / Integrity</b> The industrial buildings are intact and retain their integrity		<b>Social Significance</b> Social significance is the landmark value to which the wider community continues to have a firm attachment and the fact that this landmark is within the mental maps of the many thousands who pass the site en route through Sydney.	
<b>Recommended management</b> General maintenance. Requires further research and detailed heritage assessment. Given the size of the site, archaeological potential and possible state significance, a CMP should be required for any DA. Re-use		<b>Technical/ Research Significance</b> Local. Includes rear building Bayview; listed on Council's archaeological map as governed by the Heritage Act.	

## Marrickville Council

Date: 18/05/2007

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## Appendix B

Extract from Marrickville Heritage Study Review—Proposed Archaeological Site—‘The Poffle’, St Peters





## AS 7

**"THE POFFLE", ST PETERS ■ 1836**  
(Extant)

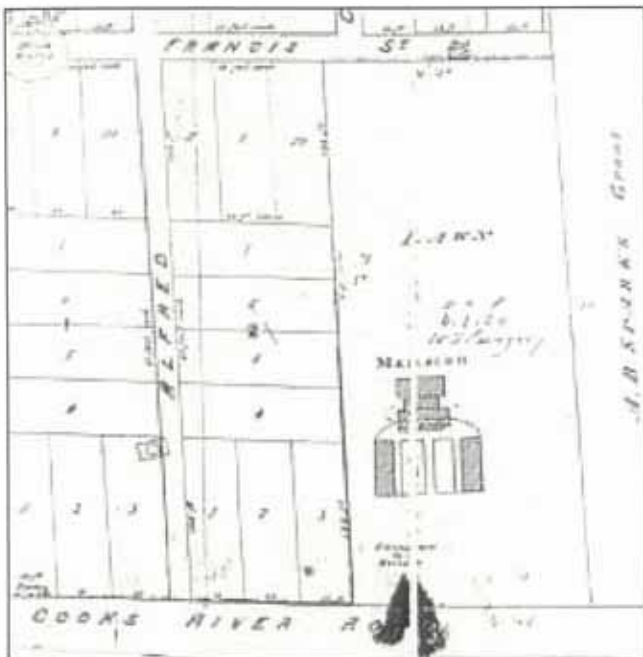
## HISTORY

"The Poffle" was built for Leslie Duguid in 1836-7 as a private residence. In 1856 it became a school, renamed "Rugby". In 1868 the building became an insane asylum accommodating about 40 people, and known as "Bayview House", lending its name to a nearby street. From 1946-1959 the building was renamed "Caxton House" and used as a YWCA hostel. In 1959 Penfolds wines acquired the property and the house served as its administrative offices until the 1990s.

## SIGNIFICANCE

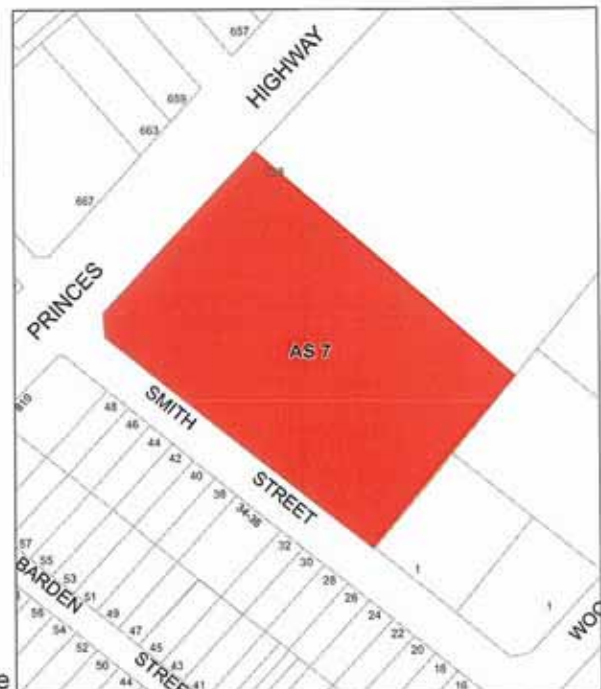
One of the earliest mansion developments in the Cooks River area, built during the early southern expansion from Sydney. Associated with Leslie Duguid, prominent Sydney merchant.

## IMAGES



## HISTORIC PLAN

"Rugby" c.1860. (Tempe -SP T3/7)



## PLANNING MAP

Proposed Archaeological Site

