



630–726 Princes Highway, Tempe

Archaeological Assessment and Research Design

Report prepared for Valad Property Group
August 2008

Report Register

The following report register documents the development and issue of the report entitled 630–726 Princes Highway, Tempe—Archaeological Assessment and Research Design, undertaken by Godden Mackay Logan Pty Ltd in accordance with its quality management system. Godden Mackay Logan operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2000.

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1.0 Introduction

1.1 Background

Godden Mackay Logan (GML) Pty Ltd has been engaged by Valad to prepare an Archaeological Assessment and Research Design for 630–726 Princes Highway, Tempe.

The report has been prepared to accompany the submission of a Concept Plan (Major Project) application to the Minister for Planning, pursuant to Section 75M of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The Concept Plan proposes development of the former Penfolds site (also known as the ATECO site), the Kennards Storage site, a portion of the former 'Tempe Tip' and the KAS Auto shop (hereafter referred to as 'the subject site' or 'site'). The site includes a number of heritage items that have different degrees of statutory protection under the *Marrickville Local Environmental Plan*.

This report addresses the archaeological issues associated with the proposed development of the site only and does not address the heritage impacts associated with the demolition of the existing buildings on the site or the design of the proposed redevelopment. These issues are discussed in a separate Heritage Impact Statement prepared by GML.

1.2 Site Location

The subject site is situated at 630–726 Princes Highway, Tempe and comprises part of the former Penfolds site (Lot A DP385209), the Kennard's Storage site (Lot B DP399884), a portion of the former 'Tempe Tip' (Lots 200 and 201 DP1097238) and the KAS Auto shop (Lot A DP399884) (Figures 1.1 and 1.2). The site is bounded by Bellevue Street to the east, Princes Highway to the north and Smith Street to the west. The land to the south of the site has been leased as container storage.

Tempe is a suburb of Sydney and is located roughly 8.5km south of Sydney CBD.

1.3 Description of the Proposal

The proposal would include:

- a new IKEA showroom and warehouse totalling approximately 37,400m² and carparking for approximately 1,775 car spaces;
- new Australian headquarters for IKEA, adaptively re-using the historically significant portion of the former Penfolds warehouse, occupying approximately 2,780m² of commercial office floor space, bulky goods and light industrial; and
- the creation of new open spaces off Princes Highway, totalling 6,200m².

Former use of the site as a tip is a significant constraint to its development. Only commercial and/or industrial development with limited excavation would be considered appropriate for the site.

The proximity of Sydney Airport also limits the scale and height of future built form and would result in significant noise exposure.

1.4 Statutory Context

1.4.1 The Environmental Planning and Assessment Act 1979

The EP&A Act is the overarching legislation that provides a statutory framework for planning processes required in association with development proposals. This Act sets out three specific statutory assessment processes:

- Part 3A: A single assessment and approval system for major development and infrastructure projects;
- Part 4: Development that requires consent under consideration of environmental planning instruments; and
- Part 5: An assessment process for activities undertaken by public authorities and for developments that do not require development consent but an approval under another mechanism.

Section 75B(2) of the EP&A Act enables the Minister, through an Order made under Section 75B(1) of the EP&A Act, to declare a development to be a Major Project.

Major Projects are identified in Section 75B(2) and include:

(a) major infrastructure or other development that, in the opinion of the Minister, is of State or regional environmental planning significance,

(b) major infrastructure or other development that is an activity for which the proponent is also the determining authority (within the meaning of Part 5) and that, in the opinion of the proponent, would (but for this Part) require an environmental impact statement to be obtained under that Part.

Part 3A of the Act essentially makes provision for a single assessment and approval process by incorporating relevant matters to be addressed within an assessment of the project, thereby removing the need to seek subsequent approvals, pursuant to the Minister for Planning's determination.

In regards to planning processes relevant to historical heritage, Section 75U of the Act states that an approval under Part 4 or an excavation permit under Section 139 and Section 60 of the *Heritage Act 1977* (NSW) are not required for projects assessed under Part 3A.

Notwithstanding this, matters and issues relevant to the Heritage Act are addressed during development planning for a project subject to determination under Part 3A of the EP&A Act to ensure that unacceptable and/or adverse environmental impacts do not occur. Until a project is approved under Part 3A, all relevant permits and approvals under the Heritage Act are still required.

1.4.2 Heritage Act 1977 (NSW)

The Heritage Act, is a statutory tool designed to conserve New South Wales's environmental heritage.¹ It is used to regulate development impacts on the state's heritage assets. The Act defines a heritage item as 'a place, building, work, relic, moveable object or precinct'. A number of heritage items types are defined further in the following manner:

- 'building' includes a part of a building, a structure or a part of a structure;
- 'moveable object' means a movable object that is not a relic;

- 'place' means an area of land, with or without improvements;
- 'precinct' means an area, a part of an area, or any other part of the State; and
- 'relic' means 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.

To assist management of the state's heritage assets, the Act distinguishes between items of Local and State heritage significance.

'State heritage significance' means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item; and

'Local heritage significance', means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

Various Sections of the Act can protect items of local and/or state heritage significance when under threat by development. Under Section 24, the Minister can authorise councils to make Interim Heritage Orders (IHO) for items of State or Local heritage significance. An IHO essentially protects a place, building, work, relic, movable object or precinct from harm for 12 months or for the period specified by the Order. An item can also be listed on the State Heritage Register (SHR). Various procedures must be followed by the Heritage Council and Minister under Part 3A of the Act to list an item on the SHR.

When an IHO applies to an item, or the item is listed on the SHR, a person must not do any of the following without approval:

- *demolish the building or work,*
- *damage or despoil the place, precinct or land, or any part of the place, precinct or land,*
- *move, damage or destroy the relic or moveable object,*
- *excavate any land for the purpose of exposing or moving the relic,*
- *carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct,*
- *alter the building, work, relic or moveable object,*
- *display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,*
- *damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land. (Section 57 [1])*

Archaeological features and deposits are afforded statutory protection by the 'relics' provision of the Act (as amended in 1999). Section 139[1] states that:

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.

An excavation permit, however, may only be required in certain cases, which provides the Heritage Council with discretionary power to determine when a permit is required. As permitted by Section 139[4] of the Act, the Heritage Council has created a number of exceptions for an excavation permit. The most relevant to the current study are:

- a) *where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or*
- b) *where the excavation or disturbance of land will have a minor impact on archaeological relics; or*
- c) *where the excavation or disturbance of land involves only the removal of unstratified fill which has been deposited on the land.*

The subject site does not contain any heritage items listed on the State Heritage Register, nor is it subject to an Interim Heritage Order. However, the site has potential for subsurface deposits and features that would be considered 'relics' under the Heritage Act (as discussed in detail in Section 3.0).

1.4.3 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 would normally apply in regard to a development application pursuant to Part 4 of the EP&A Act. 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.

1.4.4 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 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.

1.5 Limitations

This report deals specifically with items of potential historical archaeological significance within the study area. Issues associated with the built elements of the site and the proposed redevelopment of the site, including impacts on heritage items in the vicinity of the site, are addressed in a separate Heritage Impact Statement.

This report does not include a detailed assessment of potential Indigenous heritage sites or values associated with the study area.

1.6 Methodology

This report has been prepared in accordance with guidelines set out in the *NSW Heritage Manual 1996*, produced by the NSW Department of Urban Affairs and Planning and the NSW Heritage Office, including Archaeological Assessments and Assessing Heritage Significance.

The report also incorporates relevant principles and processes of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999*. In doing so, the report provides a basis for informed decisions that have regard to the assessed significance and specific values of individual historical sites and areas, subject to the limitations noted above.

1.7 Author Identification

This report has been prepared by Tim Adams, Heritage Consultant and Fiona Leslie, Senior Heritage Consultant, with input from Amy Nhan, Consultant and Peter Romey, Partner, of Godden Mackay Logan. Mark Dunn, Historian, of Godden Mackay Logan prepared the historical outline of the site. This report has been reviewed by Peter Romey.

1.8 Acknowledgements

Godden Mackay Logan would like to acknowledge assistance provided by Arthur Manalac (Krikis Taylor Architects) during preparation of this report.

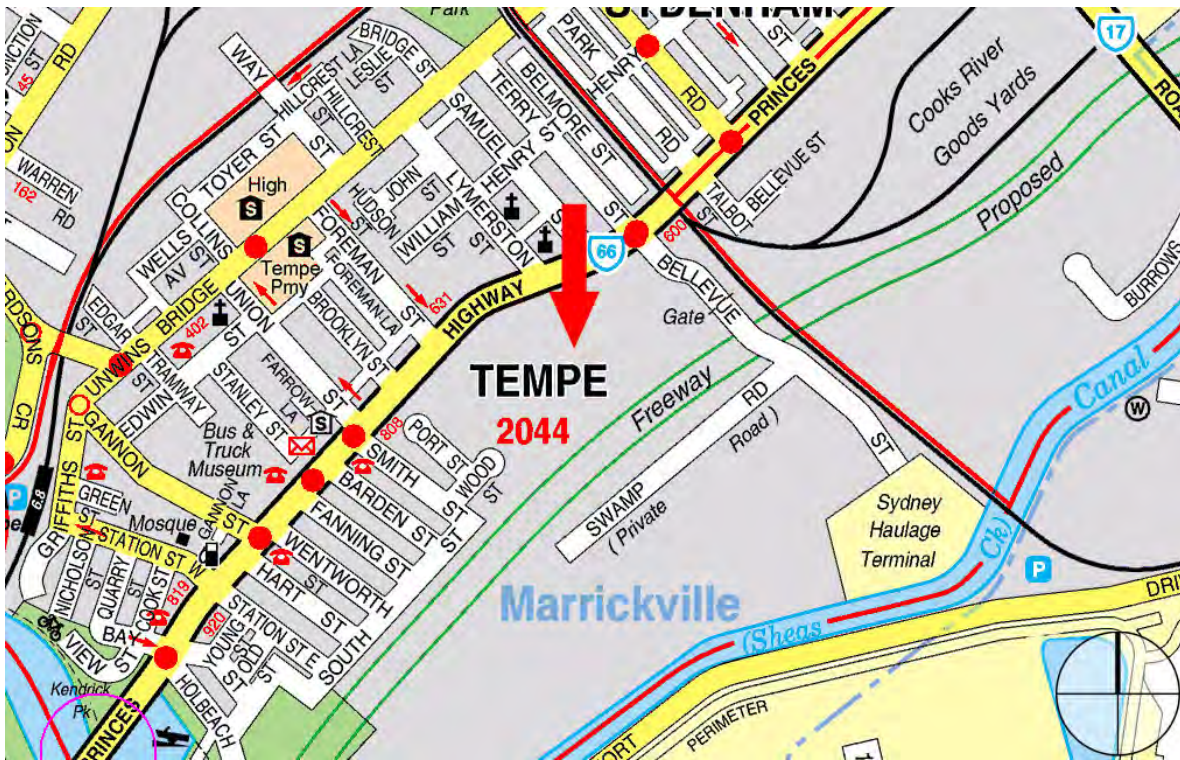


Figure 1.1 Location of the subject site at 632–634 Princes Highway, Tempe—shown arrowed. (Source: UBD, 2006)



Figure 1.2 2006 aerial photograph showing the site (the bold dashed line) consisting of several parcels of land including the ATECO site, the Kennards Storage site and the former container storage area. (Source: Department of Lands. Overlay: Godden Mackay Logan, 2007)

1.9 Endnotes

¹ NSW Heritage Act, <http://www.legislation.nsw.gov.au/>, p1