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HAWKESBURY-NEPEAN VALLEY FLOOD EVACUATION ROAD RESILIENCE PROGRAM

IMPROVEMENTS ON THE NORTHERN ROAD AND LONDONDERRY ROAD FLOOD EVACUATION ROUTES

HERITAGE WORKING PAPER

FINAL REPORT

SMEC AUSTRALIA PTY LTD

16 June 2024



OFFICIAL

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EXECUTIVE SUMMARY

Austral Archaeology Pty Ltd (Austral) has been commissioned by SMEC Australia Pty Ltd on behalf of Transport for NSW (Transport) [the proponent] to undertake a Heritage Working Paper (HWP) for the proposed upgrades to the Hawkesbury-Nepean Valley Flood Evacuation Roads Resilience Improvements – State Roads. This report will form part of a Review of Environmental Factors (REF) being assessed in accordance with Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The proposal area generally includes the road corridors of The Northern Road, Londonderry Road, Andrews Road and Vincent Road as follows:

- The Northern Road between the intersection with Richmond Road/Blacktown Road, Bligh Park in the north, and Borrowdale Way, Cranebrook in the south;
- Londonderry Road from 270 metres south of Southee Road, Hobartville to the intersection with The Northern Road, Llandilo excluding approximately 270 metres north and 300 metres south of the existing intersection at The Driftway, Londonderry;
- Route A9 (The Northern Road/Richmond Road) from 130 metres north of Andrews Road, Cranebrook to Boomerang Place, Cambridge Gardens in the south;
- Andrews Road, Cranebrook from The Northern Road to the Andrews Road Baseball Complex west of Greygums Road, Cranebrook;
- Vincent Road, Cranebrook, for approximately 70 metres west from The Northern Road;
- Identified isolated areas along Route A9 (Richmond Road/Parker Street) between Gascoigne Street and Great Western Highway, Kingswood for the installation of flood evacuation signage.

The proposal area includes a buffer from the outer edge of the designed works to facilitate construction work. The buffer is generally 10 metres in width but is reduced to 6 metres or less in specific areas to minimise impacts on sensitive areas. This differentiates it from the project boundary, where works are to occur. It is noted that the wider study area for this HWP, based on an initial consideration of the complete length of the road corridors, includes portions of the proposal boundary for the Review of Environmental Factors (REF) where no works are currently proposed (c.f. Figure 1.1, Figure 1.2, Figure 1.3, Figure 1.4 and Figure 1.5).

The study area is located within the parishes of Castlereagh, Londonderry and Ham Common, and is situated in the Penrith City Council and Hawkesbury City Council Local Government Areas (LGAs).

The purpose of this HWP is to assess the potential impact from the development on the significance of any built or archaeological values that may be present within or in the vicinity of the study area. The report will provide suitable management recommendations should impacts to heritage values be anticipated.

PROGRAM OVERVIEW

The NSW and Australian Governments have committed \$33 million towards planning for more than 100 improvements that will make the Hawkesbury-Nepean Valley flood evacuation road network more resilient to flooding. Road infrastructure improvements have been identified across four Western Sydney Local Government areas: Penrith, Hawkesbury, Blacktown, and The Hills. The proposed improvements include road shoulder widening, culvert upgrades, new bridge structure, road raising, pinch point upgrades and drainage improvements. These improvements will make evacuation routes better able to withstand local flash flooding which can cause early closure of evacuation routes.

The Hawkesbury-Nepean Valley has the highest flood risk in NSW due to its unique landscape and large existing population. Floods in the Hawkesbury-Nepean Valley can and have had a significant impact on people's lives, livelihoods, and homes.

The key objective of Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program is to improve drainage on the road network to better withstand local flash flooding and to increase capacity to evacuate by road during major flood events.

The Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program has 2 components – State Road Improvements (on the Transport for NSW managed roads of The Northern Road and Londonderry Road) and Regional/Local Road Improvements (on the mostly local council managed road network), this proposal refers to the State Road Improvements only, being The Northern Road and Londonderry Road flood evacuation routes.

PROPOSAL AREA

The proposal area for the State Roads component generally includes the road corridors of The Northern Road, Londonderry Road, Andrews Road and Vincent Road as follows:

- The Northern Road between the intersection with Richmond Road/Blacktown Road, Bligh Park in the north, and Borrowdale Way, Cranebrook in the south;
- Londonderry Road from 270 metres south of Southee Road, Hobartville to the intersection with The Northern Road, Llandilo excluding approximately 270 metres north and 300 metres south of the existing intersection at The Driftway, Londonderry;
- Route A9 (The Northern Road/Richmond Road) from 130 metres north of Andrews Road, Cranebrook to Boomerang Place, Cambridge Gardens in the south;
- Andrews Road, Cranebrook from The Northern Road to the Andrews Road Baseball Complex west of Greygums Road, Cranebrook;
- Vincent Road, Cranebrook, for approximately 70 metres west from The Northern Road;
- Identified isolated areas along Route A9 (Richmond Road/Parker Street) between Gascoigne Street and Great Western Highway, Kingswood for the installation of flood evacuation signage.

The proposal area includes a buffer from the outer edge of the designed works to facilitate construction work. The buffer is generally 10 metres in width but is reduced to 6 metres or less in specific areas, to minimise impacts on sensitive areas.

IDENTIFIED HERITAGE VALUES

No part of the study area is recorded as a heritage item on the Commonwealth Heritage Register, the National Heritage Register, the State Heritage Register nor on the Section 170 Heritage and Conservation Register maintained by Transport.

However, it has been identified that there are 2 areas of heritage value and archaeological potential relating to the items 'Cottage' (Penrith LEP Item No. 175) and 'Londonderry Cemetery' (Penrith LEP Item No. 115) located in proximity to the proposed works.

The road alignments within the study area represent the formalisation of an early 19th century stock route linking the settlements of Cowpastures in the south with Richmond in the north. Grants of land were initially made of land either side of the road in the early to mid-19th century, with varying degrees of uptake and success, with further portions of land offered for sale or grant during the mid-19th century supplemented by construction of a new alignment of road running from Cranebrook Road to Richmond Road. However, the area either side of the road alignment remained undeveloped through much of the 20th century, with the road itself only modernised in the intervening years through the undertaking of road widenings, upgrades and maintenance. Any historical evidence relating to earlier use of land adjacent to the present road alignment or the road itself is likely to have been destroyed throughout this process.

The proposed works are therefore not considered to have any adverse impact on the heritage significance of the study area. The works will not obstruct any views to the listed heritage items adjacent to the road corridor. No further heritage investigation is required.

It is concluded that there are no historical heritage values or archaeological potential within the study area. While there are buildings present within various parts of the study area as indicated on the 1947 aerial imagery, these structures have not been identified as being of significance at either a local or State level.

As the proposed works will be confined to the existing road corridor in the vicinity of the 2 identified local heritage items being 'Cottage' (Penrith LEP Item No. 175) and 'Londonderry Cemetery' (Penrith LEP Item No. 115), there will be no impacts to the heritage or archaeological values associated with these heritage items by the proposed works.

RECOMMENDATIONS

As a result of the findings in this assessment, it is recommended that:

- 1) No further heritage assessments need to be undertaken in regards to the proposed works as all proposed works are to be undertaken in areas assessed as either containing no heritage values or low archaeological potential (Figure 5.1).
- 2) As works will not be undertaken within the curtilage of any identified or potential heritage item, the requirements to obtain a permit in accordance with Section 60 or Section 140 of the *NSW Heritage Act 1977* will not be triggered.
- 3) The unexpected finds procedure outlined in Chapter 6 of the Transport for NSW *Unexpected Heritage Items Procedure* (Transport for NSW 2024a) should be implemented in the event that any heritage items or archaeological material is identified during the proposed works.
- 4) Should the actual development be altered significantly from the proposed concept design, then a reassessment of the heritage/archaeological impact may be required. This includes any impacts not explicitly stated in Section 7.
- 5) A copy of this assessment should be lodged by the proponent in the local history section of the local library, and in the library maintained by Heritage NSW.

CONTENTS

EXECUTIVE SUMMARY	IV
CONTENTS	VII
1. INTRODUCTION	1
1.1 PROGRAM OVERVIEW	2
1.2 METHODOLOGY	2
1.3 ASSESSMENT OBJECTIVES	2
1.4 PROJECT TEAM AND ACKNOWLEDGEMENTS	3
1.5 LIMITATIONS OF THE REPORT	9
1.6 ABBREVIATIONS	9
2. STATUTORY CONTEXT	10
2.1 ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999	10
2.2 NSW HERITAGE ACT 1977	10
2.3 ENVIRONMENTAL PLANNING INSTRUMENTS	13
2.4 SUMMARY OF HERITAGE LISTINGS	14
3. HISTORICAL CONTEXT	19
3.1 HISTORY OF THE UPPER HAWKESBURY-NEPEAN RIVER AREA	19
3.1.1 PHASE 1: 1789 – 1830	19
3.1.2 PHASE 2: 1830 – 1870s	22
3.1.3 PHASE 3: 1870s – PRESENT	25
3.2 CHRONOLOGY OF THE STUDY AREA	31
4. SITE INSPECTION	33
5. HISTORICAL LAND USE MAPPING	42
5.1 HISTORICAL LAND USE AND SENSITIVITY MAPPING	42
6. ASSESSMENT OF SIGNIFICANCE	44
6.1 BASIS FOR ASSESSMENT	44
6.2 LEVELS OF SIGNIFICANCE	45
6.3 SIGNIFICANCE ASSESSMENT	45
6.4 STATEMENT OF SIGNIFICANCE	47
7. STATEMENT OF HERITAGE IMPACT	48
7.1 PROPOSED WORKS	48
7.2 ASSESSED IMPACTS	48
7.3 CONSIDERATION OF HERITAGE VALUES IN THE DESIGN PROCESS	54
8. CONCLUSIONS AND RECOMMENDATIONS	56

8.1	CONCLUSIONS	56
8.2	RECOMMENDATIONS	56
9.	REFERENCES	57
	APPENDIX A – AMONG THE TOMBS	59
FIGURES		
Figure 1.1	Location of the study area in a regional context	4
Figure 1.2	Detailed aerial of the study area – overview	5
Figure 1.3	Detailed aerial of the northern portion of the study area	6
Figure 1.4	Detailed aerial of the central portion of the study area	7
Figure 1.5	Detailed aerial of the southern portion of the study area	8
Figure 2.1	Location of RNE heritage sites	15
Figure 2.2	Location of NSW LEP heritage - overview	16
Figure 2.3	NSW LEP heritage items in the northern portion of the study area	17
Figure 2.4	NSW LEP heritage items in the southern portion of the study area	18
Figure 3.1	Early land grants in the vicinity of the study area, inset showing deviation in alignment at southern end.	20
Figure 3.2	Additional land grants in the vicinity of the study area made by the mid-19 th century	23
Figure 3.3	Crown Plan R545.1603 showing the proposed north-eastern extension of The Northern Road.	24
Figure 3.4	1947 Aerial imagery showing the southern part of the study area, with structures marked	27
Figure 3.5	1947 Aerial imagery showing the middle part of the study area, with structures marked	28
Figure 3.6	1947 Aerial imagery showing the eastern part of the study area	29
Figure 3.7	1947 Aerial imagery showing the northern part of the study area, with structures marked.	30
Figure 4.1	South-west facing view of ‘Cottage’ (Penrith LEP Item No. 175) along Parker Street, Penrith.	34
Figure 4.2	North-east facing view showing northern portion of ‘Londonderry Cemetery’ (Penrith LEP Item No. 115).	35
Figure 4.3	South-west facing view showing landscape context at start of The Northern Road at junction with Richmond Road.	35
Figure 4.4	South facing view of study area along Parker Street, Penrith in the general vicinity of the Cottage (Penrith LEP Item No. 175).	36
Figure 4.5	View facing south showing ‘Cottage’ (Penrith LEP Item No. 175) in relation to the road.	36
Figure 4.6	North facing view showing disturbed landscape along the Northern Road.	37
Figure 4.7	North facing view of general landscape along the edge of Londonderry Road.	37
Figure 4.8	North-east facing view showing southern portion of ‘Londonderry Cemetery’ (Penrith LEP Item No. 115).	38

Figure 4.9	North-east facing view showing Londonderry Cemetery in relation to Londonderry Road.	38
Figure 4.10	South-west facing view showing headstones, fence, and cleared area between road alignment and trees.	39
Figure 4.11	South facing view showing general landscape context at the northern boundary of study area along Londonderry Road.	40
Figure 4.12	View towards limit of RNE heritage listing 'University of Western Sydney Hawkesbury Native Vegetation' (RNE Place ID: 16583) on the western side of Londonderry Road.	40
Figure 5.1	Archaeological sensitivity mapping	43
Figure 7.1	Proposed works in relation to extent of moderate archaeological potential	52
Figure 7.2	Proposed works in relation to extent of high archaeological potential.	53
Figure 7.3	Cross-section showing depth of impact from proposed works in relation to existing services in the vicinity of the Londonderry Cemetery (provided by SMEC).	54

TABLES

Table 2.1	Summary of archaeological exceptions under section 139(4) of the Heritage Act	12
Table 2.2	Summary of heritage register listings for the subject study area	14
Table 3.1	Summary of chronological events relating to the study area	32
Table 6.1	Assessment of significance for study area.	45
Table 7.1	Assessment against <i>Statements of Heritage Impact questions</i> (Heritage Office and Department of Urban Affairs & Planning 1996).	55

1.INTRODUCTION

Austral Archaeology Pty Ltd (Austral) has been commissioned by SMEC Australia Pty Ltd on behalf of Transport for New South Wales (Transport) [the proponent] to prepare a Heritage Working Paper (HWP) for the proposed upgrades for the Hawkesbury-Nepean Valley Flood Evacuation Roads Resilience Improvements – State Roads, which includes sections of road corridors of The Northern Road, Londonderry Road, Andrews Road and Vincent Road, Western Sydney, New South Wales (NSW). This report will form part of a Review of Environmental Factors (REF) being assessed in accordance with Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The proposal area generally includes the road corridors of The Northern Road, Londonderry Road, Andrews Road and Vincent Road as follows:

- The Northern Road between the intersection with Richmond Road/Blacktown Road, Bligh Park in the north, and Borrowdale Way, Cranebrook in the south;
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- Andrews Road, Cranebrook from The Northern Road to the Andrews Road Baseball Complex west of Greygums Road, Cranebrook;
- Vincent Road, Cranebrook, for approximately 70 metres west from The Northern Road;
- Identified isolated areas along Route A9 (Richmond Road/Parker Street) between Gascoigne Street and Great Western Highway, Kingswood for the installation of flood evacuation signage.

The following terminology is used to locate the temporary ancillary facilities which will be used to support the construction works detailed in this HWP:

- Site 1 – Road reserve adjacent to the Francis Greenway Correctional Complex, Berkshire Park;
- Site 2 – Road reserve adjacent to 245 The Northern Road, Berkshire Park;
- Site 3 – 557 The Northern Road, Berkshire Park;
- Site 4 – Road reserve adjacent to 107 Fifth Avenue, Llandilo;
- Site 5 – Road reserve adjacent to 902 The Northern Road, Llandilo;
- Site 6 – 1042 The Northern Road, Llandilo;
- Site 7 – Council reserve, Greenwood Parkway, Jordan Springs;
- Site 8 – Part of the Richmond Race Club, Londonderry Road, Londonderry;
- Site 9 – Council reserve, Andrews Road, Penrith; and,
- Site 10 – Council reserve, Parker Street, Penrith.

The proposal area includes a buffer from the outer edge of the designed works to facilitate construction work. The buffer is generally 10 metres in width but is reduced to 6 metres or less in specific areas, to minimise impacts on sensitive areas. This differentiates it from the project boundary, where works are to occur. It is noted that the wider study area for this HWP, based on an initial consideration of the complete length of the road corridors, includes portions of the proposal boundary for the Review of Environmental Factors (REF) where no works are currently proposed.

The study area is located within the parishes of Castlereagh, Londonderry and Ham Common, and is situated in the Penrith City Council and Hawkesbury City Council Local Government Areas (LGAs).

The location of the study area is shown in Figure 1.1, Figure 1.2, Figure 1.3, Figure 1.4 and Figure 1.5.

1.1 PROGRAM OVERVIEW

The NSW and Australian Governments have committed \$33 million towards planning for more than 100 improvements that will make the Hawkesbury-Nepean Valley flood evacuation road network more resilient to flooding. Road infrastructure improvements have been identified across four Western Sydney Local Government areas: Penrith, Hawkesbury, Blacktown, and The Hills. The proposed improvements include road shoulder widening, culvert upgrades, new bridge structure, road raising, pinch point upgrades and drainage improvements. These improvements will make evacuation routes better able to withstand local flash flooding which can cause early closure of evacuation routes.

The Hawkesbury-Nepean Valley has the highest flood risk in NSW due to its unique landscape and large existing population. Floods in the Hawkesbury-Nepean Valley can and have had a significant impact on people's lives, livelihoods, and homes.

The key objective of Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program is to improve drainage on the road network to better withstand local flash flooding and to increase capacity to evacuate by road during major flood events.

The Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program has 2 components – State Road Improvements (on the Transport for NSW managed roads of The Northern Road and Londonderry Road) and Regional/Local Road Improvements (on the mostly local council managed road network), this proposal refers to the State Road Improvements only, being The Northern Road and Londonderry Road flood evacuation routes.

Full details relating to the scope of works are included in Section 7.

1.2 METHODOLOGY

The methodology supporting this report involved a period of research to locate additional background material and to prepare a synthesis of this in order to reflect better and understand the historical context of the study area.

The report is underpinned by the philosophy of the International Council on Monuments and Sites (ICOMOS) and the *Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter), the practices and guidelines of Heritage NSW and the requirements of the *Penrith Local Environmental Plan 2010* (Penrith LEP), the *Hawkesbury Local Environmental Plan 2012* (Hawkesbury LEP), the *Penrith Development Control Plan 2014* (Penrith DCP) and the *Hawkesbury Development Control Plan 2023* (Hawkesbury DCP).

1.3 ASSESSMENT OBJECTIVES

The purpose of this historical heritage assessment is to assess the potential impact from the development on the significance of any heritage values that may be present within or in the vicinity of the study area. The report will provide suitable management recommendations should impacts to heritage values be anticipated.

The objectives of this report are to:

- Identify any potential historical heritage values (including listed items and sites) within or in the vicinity of the study area;
- Produce an archaeological predictive model and sensitivity map to guide any management decisions regarding the study area;
- Make a statement of significance regarding any historical heritage values that may be impacted by the proposed development;
- Assess the impact of the proposed works on any identified heritage values; and
- Make appropriate management and mitigation recommendations.

1.4 PROJECT TEAM AND ACKNOWLEDGEMENTS

The project team has been led by Peta Rice (Archaeologist Austral) who has managed the project and provided input into the assessment approach and management recommendations. The assessment was also authored by Peta Rice. The site survey was undertaken by Peta Rice and Lindsay Costigan (Team Leader, Austral). All GIS mapping was prepared by Adam Hansford (GIS Operator, Austral). David Marcus (Director, Austral) reviewed the draft report for quality assurance and technical adequacy.

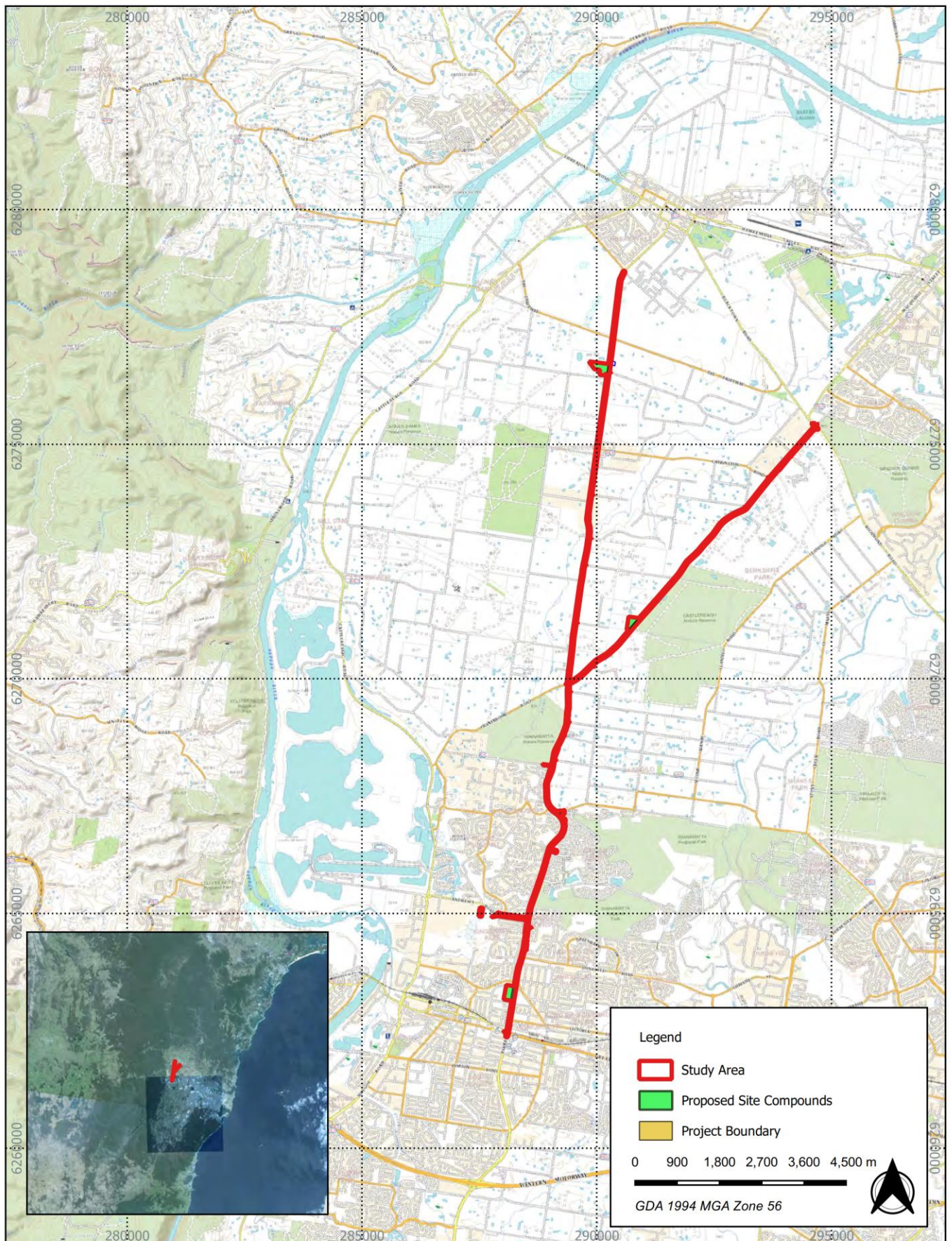


Figure 1.1 - Location of the study area in a regional context

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Basemap

Drawn by: DRM Date: 2024-06-07



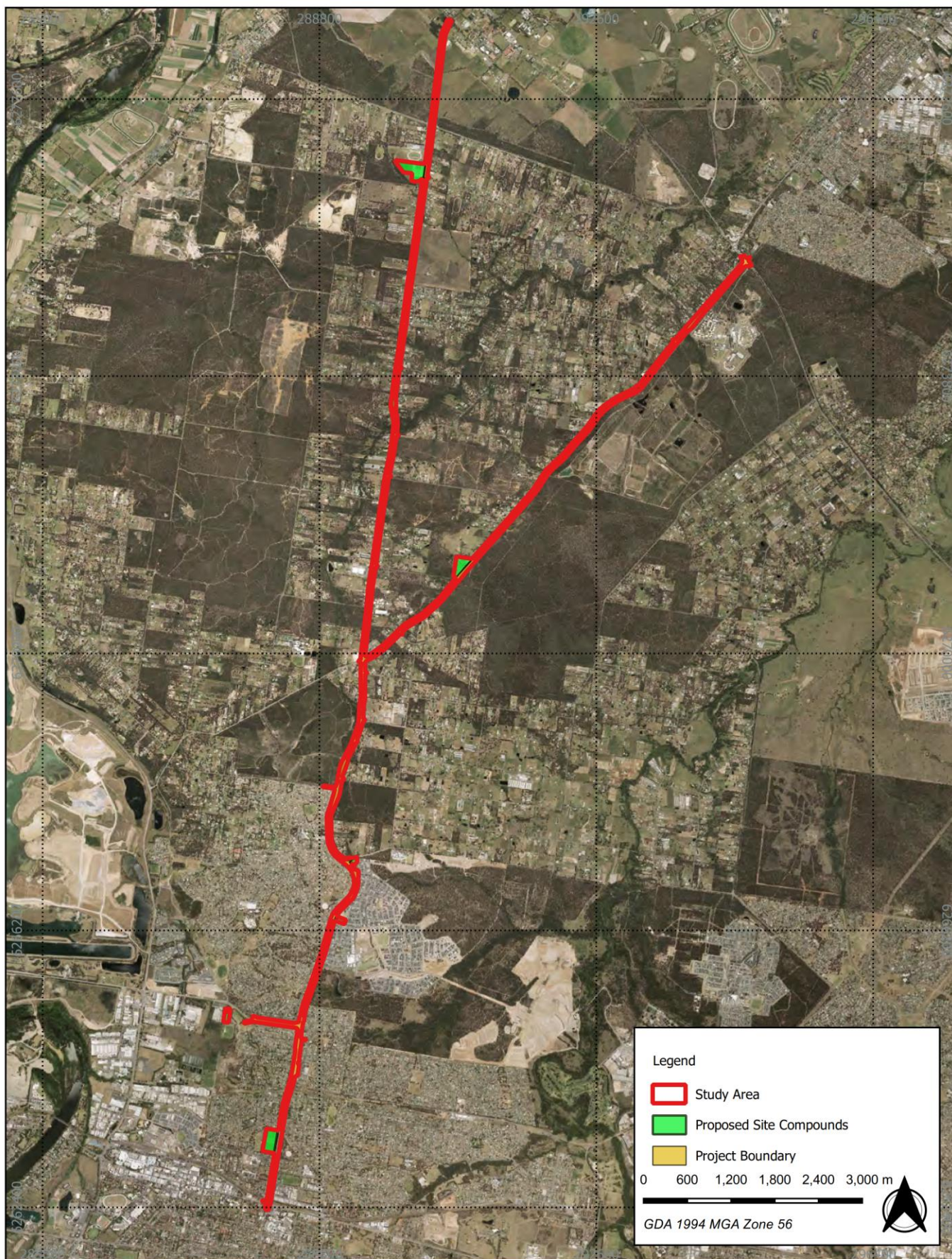


Figure 1.2 Detailed aerial of the study area - overview

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Basemap

Drawn by: DRM Date: 2024-06-07



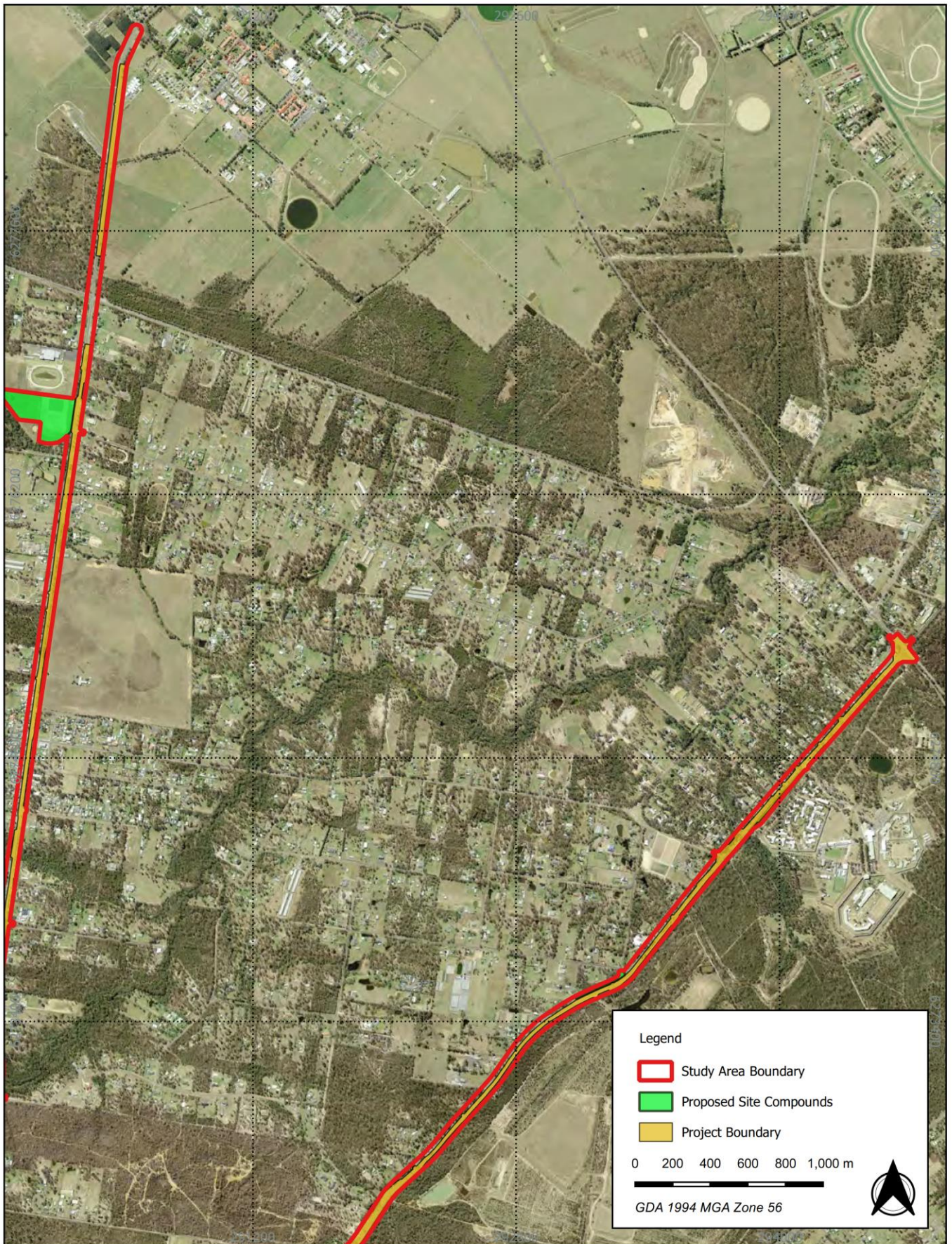


Figure 1.3 - Detailed aerial of the northern portion of the study area

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: DRM Date: 2024-06-07



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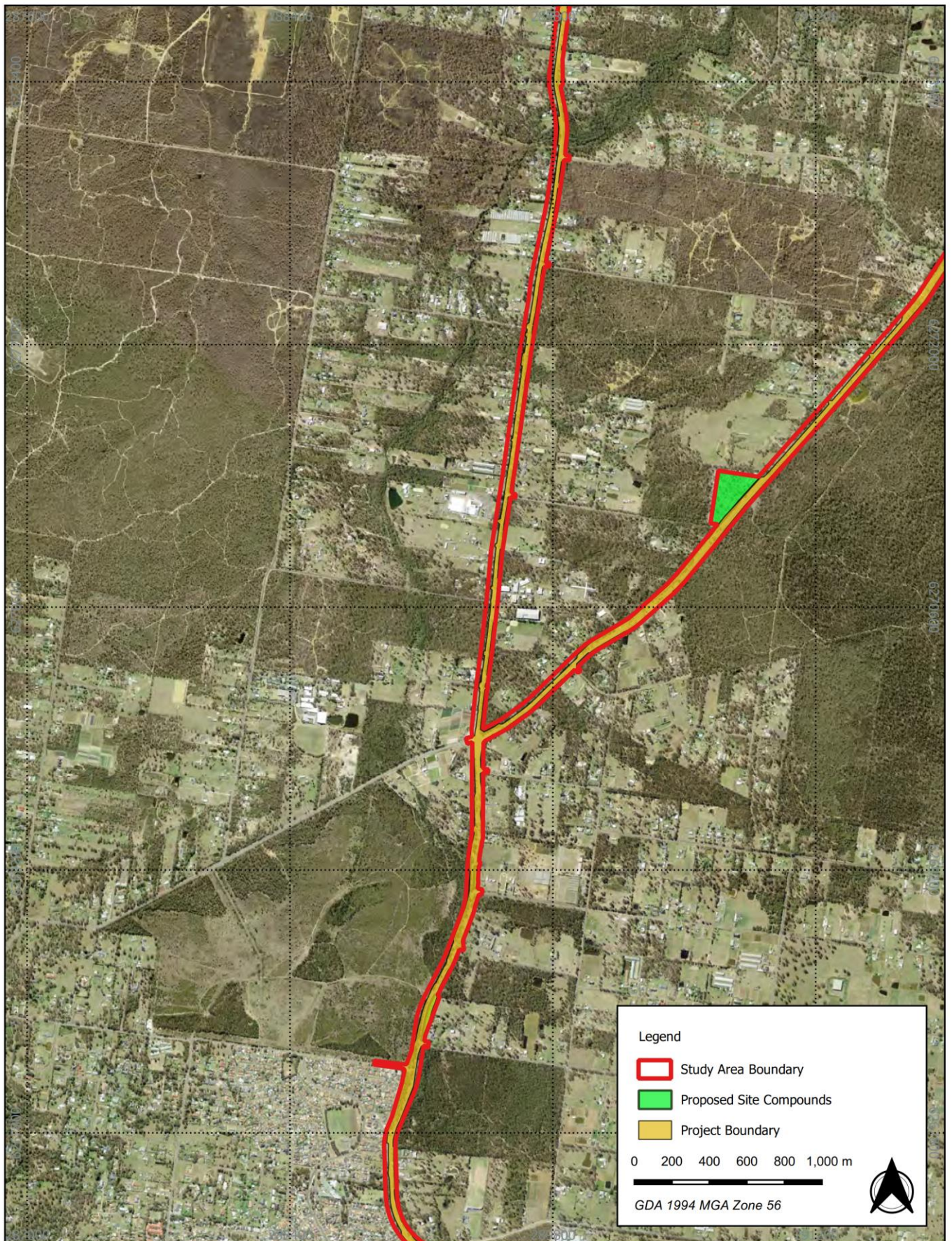


Figure 1.4 - Detailed aerial of the central portion of the study area

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: DRM Date: 2024-06-07



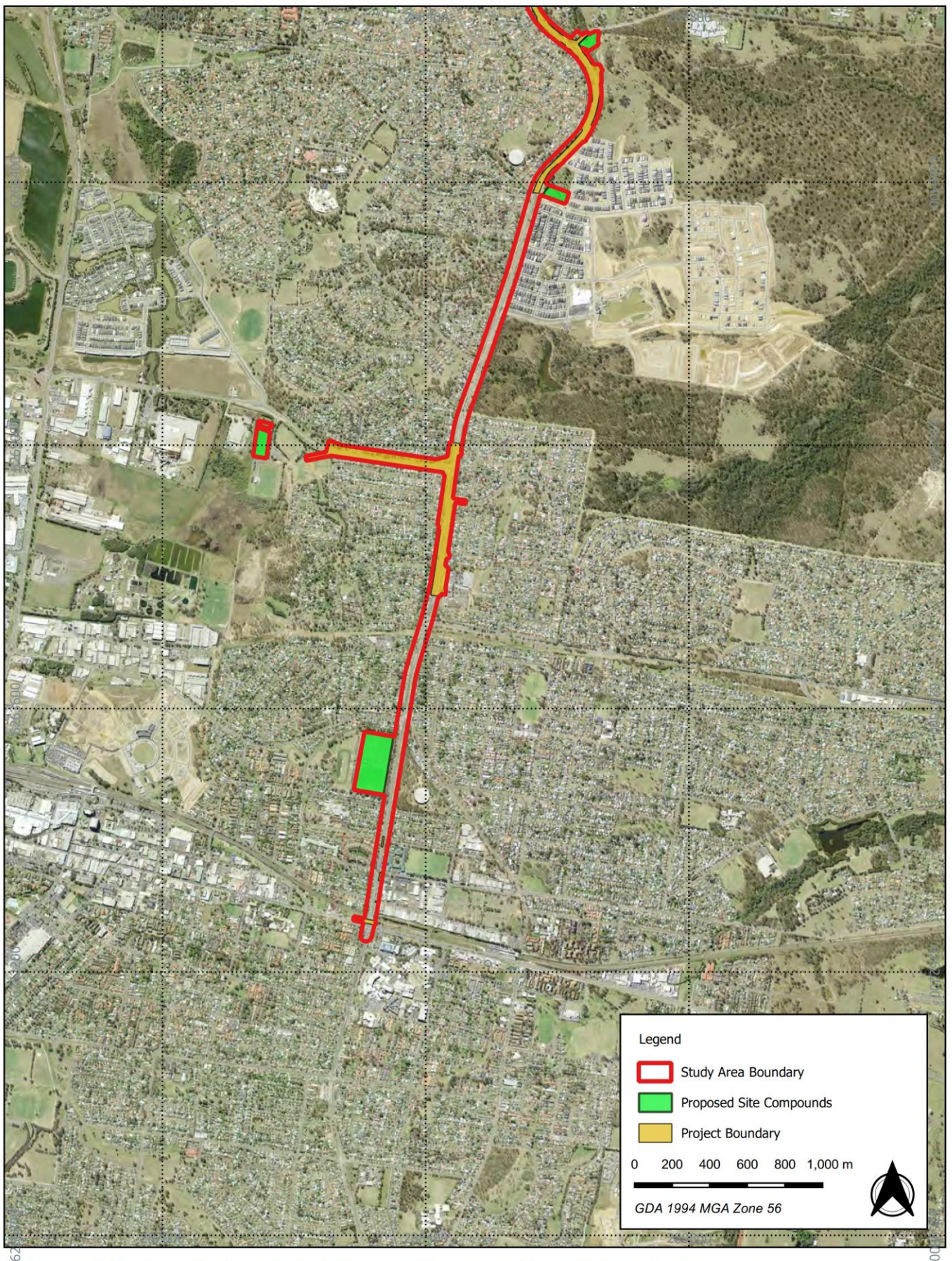


Figure 1.5 - Detailed aerial of the southern portion of the study area

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: DRM Date: 2024-06-07



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1.5 LIMITATIONS OF THE REPORT

This assessment includes an assessment of archaeological values to support the REF being prepared by the proponent. The report must be read in conjunction with the REF application as it refers to supporting documentation not included within this report. It does not include an assessment of Aboriginal cultural heritage that may be present within the study area.

The results, assessments and judgements contained in this report are constrained by the standard limitations of historical research and by the unpredictability inherent in archaeological zoning from the desktop. Whilst every effort has been made to gain insight to the historical values of the study area, Austral cannot be held accountable for errors or omissions arising from such constraining factors.

1.6 ABBREVIATIONS

The following are common abbreviations that are used within this report:

Burra Charter	<i>Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance 2013</i>
CBD	Central Business District
CHL	Commonwealth Heritage List
DCP	Development Control Plan
EPA Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environmental Protection and Biodiversity Act 1999</i>
EPI	Environmental Planning Instrument
Hawkesbury DCP	<i>Hawkesbury Development Control Plan 2023</i>
Hawkesbury LEP	<i>Hawkesbury Local Environmental Plan 2012</i>
Heritage Act	<i>NSW Heritage Act 1977</i>
HWP	Heritage Working Paper
ICOMOS	International Council on Monuments and Sites
IHO	Interim Heritage Order
LEP	Local Environmental Plan
LGA	Local Government Area
NHL	National Heritage List
NPW Act	<i>National Parks and Wildlife Act 1974</i>
Penrith DCP	<i>Penrith Development Control Plan 2014</i>
Penrith LEP	<i>Penrith Local Environmental Plan 2010</i>
The Proponent	Transport for New South Wales
REF	Review of Environmental Factors
RNE	Register of the National Estate
SHI	State Heritage Inventory
SHR	State Heritage Register
Study Area	Refer to Section 1
Transport	Transport for NSW

2. STATUTORY CONTEXT

The following section summarises the relevant statutory context, including heritage listings, acts, and environmental planning instruments which are relevant to the study area and its cultural heritage.

2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) established the Australian Heritage Council (formerly the Australian Heritage Commission) and provides for the protection of cultural heritage at a national level and items owned or managed by the Commonwealth. The EPBC Act has established two heritage registers:

- Commonwealth Heritage List (CHL): for significant items owned or managed by Commonwealth Government agencies;
- National Heritage List (NHL): for items assessed as being of national cultural significance.

A referral under the EPBC Act that is approved by the Australian Heritage Council is required for works to an item registered on either of these lists to ensure that the item's significance is not impacted upon.

No part of the study area appears on either the CHL or the NHL.

The Australian Heritage Council is also responsible for keeping the Register of the National Estate (RNE). In 2007 the RNE was frozen and no further sites were added to it. For Commonwealth properties, the RNE was superseded by the CHL and NHL lists. The RNE is now retained as an archive of information about more than 13,000 places throughout Australia.

The edge of current road alignments form the curtilages of several listings on the RNE. As such, the curtilages for the following sites may partially encroach into the study area (Figure 2.1). These items are:

- 'Castlereagh State Forest and Adjacent Area' (RNE Place ID: 16369);
- 'Riverstone Natural Area' (RNE Place ID: 16372);
- 'University of Western Sydney Hawkesbury Native Vegetation' (RNE Place ID: 16583);
- 'Western Sydney Shale Woodland St Marys' (Place ID: 19034);
- 'Castlereagh Jewel Beetle Habitat and Movement Corridor' (Place ID: 19182);

2.2 NSW HERITAGE ACT 1977

The *NSW Heritage Act 1977* (Heritage Act) is a set of legal requirements and pathways established with the goal of conserving the environmental heritage of NSW, that is:

...those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance...

In accordance with this, a list of heritage significant sites is kept under Part 3A of the Heritage Act which is known as the State Heritage Register (SHR) or protected by an Interim Heritage Order (IHO). The Heritage Council is the approval authority under the Heritage Act for works to an item on the SHR. Section 57(1) of the Heritage Act identifies the need for Heritage Council approval if the work involves the following tasks:

- Demolishing the building or work;
- Damaging or despoiling the place, precinct or land, or any part of the place, precinct or land;
- Moving, damaging or destroying the relic or moveable object;

- Excavating any land for the purpose of exposing or moving the relic;
- Carrying 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;
- Altering the building, work, relic or moveable object;
- Displaying any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct; and
- Damaging or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

Demolition of an SHR item (in whole) is prohibited under the Heritage Act, unless the item constitutes a danger to its occupants or the public. A component of an SHR item may only be demolished if it does not contribute to the significance of the item. Section 57(1) of the Heritage Act also applies to archaeological remains (such as relics) within an SHR site, and excavation can only proceed subject to approval of a permit application under section 60 of the Heritage Act (an s60 Permit) by Heritage NSW.

Heritage NSW has issued a set of Standard Exemptions to subsection 57(1) of the Heritage Act that allow for certain activities and works to occur to SHR items without the need for an approval under section 60. General Condition 6 of these exemptions does not permit the removal of relics (NSW Government Gazette [GG], No. 318, 13 November 2020). Therefore, any work or activity that may result in the removal of relics from an SHR site would need to proceed with an approval under section 60 of the Heritage Act.

No part of the study area appears on the SHR.

EXCAVATION PERMITS

Archaeological remains on sites not listed on the SHR are addressed under section 139 of the Heritage Act, which 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.

Relics are defined by the Heritage Act to be:

...any deposit, artefact, object or material evidence that:

- relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and*
- is of State or local heritage significance.*

An excavation permit is also required if a relic has been discovered in the course of excavation without a permit (section 139(2) of the Heritage Act). Section 139 of the Heritage Act applies to all relics which are not listed on the SHR or protected by an IHO; relics protected by an SHR listing or an IHO are subject to approval required by section 57(1) of the Heritage Act and require an S60 permit application. If an excavation permit is required by section 139 of the Heritage Act, an application is made under section 140 of the Heritage Act (an s140 permit).

To obtain an excavation permit, the section 140 application must include an archaeological assessment, a Statement of Heritage Impact (SoHI) and research design. The archaeological assessment establishes the archaeological sensitivity of the site and its significance, while the SoHI documents the likely impact of the proposed development. The research design outlines the method proposed to mitigate the impact of the development (such as monitoring, test excavation, sampling, or open area excavation). The research design also provides research questions that the archaeological resource has the potential to answer. An archaeological assessment, SoHI and research design need to be prepared under the Heritage Council's relevant guidelines, including those for historical archaeological sites, the code of practice for excavation, for assessing significance (NSW Department of Planning, Heritage Council of NSW 2006; Department of Planning and Environment 2023a; 2023b).

The Heritage Act also contains provisions for the unintentional disturbance of archaeological relics. Under section 146 of the Heritage Act, the Heritage Council must be immediately notified in the event of relics being unintentionally located or disturbed. Works may be required to cease, pending consultation and further research.

ARCHAEOLOGICAL EXCEPTIONS

A schedule of exceptions pursuant to subsection 139(4) of the Heritage Act were introduced on 1 March 2022. These exceptions allow for the disturbance or excavation of land without an excavation permit under subsections 139(1) or 139(2) of the Heritage Act (NSW Government Gazette, No. 59, 18 February 2022) provided that the works fall under one or more of the exceptions described in Clause 2 and which are summarised below in Table 2.1.

Table 2.1 Summary of archaeological exceptions under section 139(4) of the Heritage Act

Register/Listing	Inclusion within wider study area
A	Any disturbance or excavation of land that has limited archaeological research potential, as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last 5 years.
B	Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance, in accordance with 'Relics of local heritage significance: a guide for minor works with limited impact' (Heritage NSW 2022a).
C	Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance, in accordance with 'Relics of local heritage significance: a guide for minor works with limited impact' (Heritage NSW 2022a).
D	Any disturbance or excavation of land for archaeological test excavation of relics of local heritage significance completed in accordance with the guideline 'Relics of local heritage significance: a guide for archaeological test excavation' (Heritage NSW 2022b).
E	Any disturbance or excavation of land for archaeological monitoring of relics of local heritage significance completed in accordance with the guideline 'Relics of local heritage significance: a guide for archaeological monitoring' (Heritage NSW 2022c).
F	Any disturbance or excavation of land: <ul style="list-style-type: none"> i. for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics. ii. to carry out inspections or emergency maintenance or repair on underground utility services with due care taken to avoid effects on any other relics. iii. to maintain, repair, or replace underground utility services to buildings which will not affect any other relics. iv. to maintain or repair the foundations of an existing building which will not affect any associated relics. v. to expose survey marks for use in conducting a land survey.

In addition to the exceptions listed in clauses 2(a) to 2(f), the works must also be undertaken in compliance with the General Conditions proscribed under Clause 3. The General Conditions state that the exceptions detailed above do not apply to Aboriginal objects that are protected under the *National Parks and Wildlife Act 1974*, relics of State heritage significance or that are subject to an IHO. The General Conditions also state that the exceptions are self-assessed and therefore it is the responsibility of the proponent to ensure that the proposed activities and works fall under the proscribed activities. Adequate records of activities must be kept for auditing purposes and the activities that are completed must be undertaken by people with knowledge, skills and experience appropriate to the work, certain activities such as archaeological testing and monitoring are subject to certain levels of proscribed experience as set out in the guidelines (Heritage NSW 2022b).

Any activities or works that do not fit strictly within the exceptions outlined in the schedule of exemptions will need to be completed in accordance with an approval under section 140 of the Heritage Act.

HERITAGE AND CONSERVATION REGISTER (SECTION 170 REGISTER)

Under section 170 of the Heritage Act, Government instrumentalities must keep a Heritage and Conservation Register (an s170 Register) which contains items under the control or ownership of the agency, and which are, or could, be listed as heritage items (of State or local significance). Road reserves within the study area are owned by Transport.

No part of the study area appears on any s170 Heritage and Conservation registers.

2.3 ENVIRONMENTAL PLANNING INSTRUMENTS

An Environmental Planning Instrument (EPI) is made under the EPA Act. An EPI can be a Development Control Plan (DCP), Local Environmental Plan (LEP) or a State Environmental Planning Policy.

PENRITH LEP AND HAWKESBURY LEP

The current LEPs for the study area are the Penrith LEP and the Hawkesbury LEP. Part 5.10 of the Penrith and Hawkesbury LEPs deal with heritage conservation, and subsections (2) and (3) normally determine whether development consent needs to be granted by Penrith City Council or Hawkesbury City Council before any activities occurring which may impact cultural heritage. Heritage items are listed under Schedule 5, Part 1 of the Penrith and Hawkesbury LEPs.

The wider study area contains parts of the curtilage associated with 2 heritage items listed on Schedule 5 of the Penrith LEP. These items are:

- 'Londonderry Cemetery' (Penrith LEP Item No. 115); and,
- 'Cottage' (Penrith LEP Item No. 175).

However, there are no proposed works within the curtilage of these heritage items, and they lie outside of the smaller REF boundary (Figure 2.2).

PENRITH DCP AND HAWKESBURY DCP

The applicable DCP for the study area is the Penrith DCP and the Hawkesbury DCP. Part C of the Penrith DCP and the Hawkesbury DCP outline design controls to be implemented when dealing with heritage items in general. Part C section 7.1.6 of the Penrith DCP and Part C section 10.3.6 of the Hawkesbury DCP details requirements for the managing post-European archaeological sites. Part C section 7.1.5 of the Penrith DCP and Chapter 3, section 6.7 of the Hawkesbury DCP includes development controls in relation to development in the vicinity of a heritage item.

The Penrith DCP requires that a Heritage Impact Statement accompany a development application for works in the vicinity of heritage item.

This assessment meets the requirement of incorporating a Heritage Impact Statement.

The Hawkesbury DCP requires that works in the vicinity of a heritage item be designed and sited to minimise impacts the heritage significance of the item.

No heritage items located within the Hawkesbury DCP are in the vicinity of the proposed works.

2.4 SUMMARY OF HERITAGE LISTINGS

Table 2.2 lists the relevant statutory and non-statutory registers, listings and orders, and identifies those in which any part of land within the study area is listed. The location of heritage items in relation to the study area are outlined in Figure 2.1.

Table 2.2 Summary of heritage register listings for the subject study area

Register/Listing	Inclusion within wider study area	Inclusion within REF boundary	Statutory implications
NHL	No	No	No
CHL	No	No	No
RNE	Yes	No	No
SHR	No	No	No
Penrith LEP	Yes	No	No
Hawkesbury LEP	No	No	No
Penrith DCP	Yes	No	Yes
Hawkesbury DCP	No	No	No

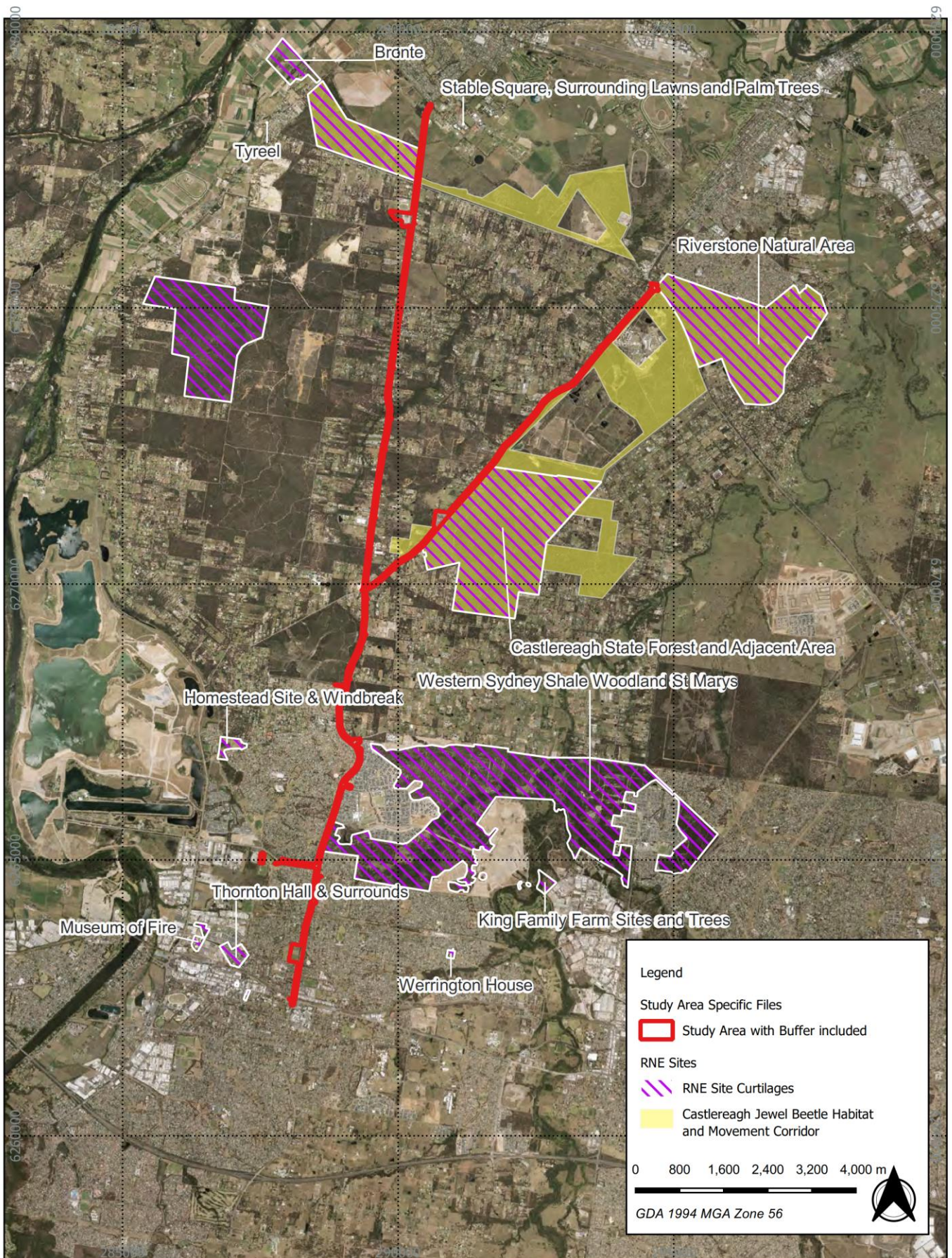


Figure 2.1 Location of RNE heritage sites

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07

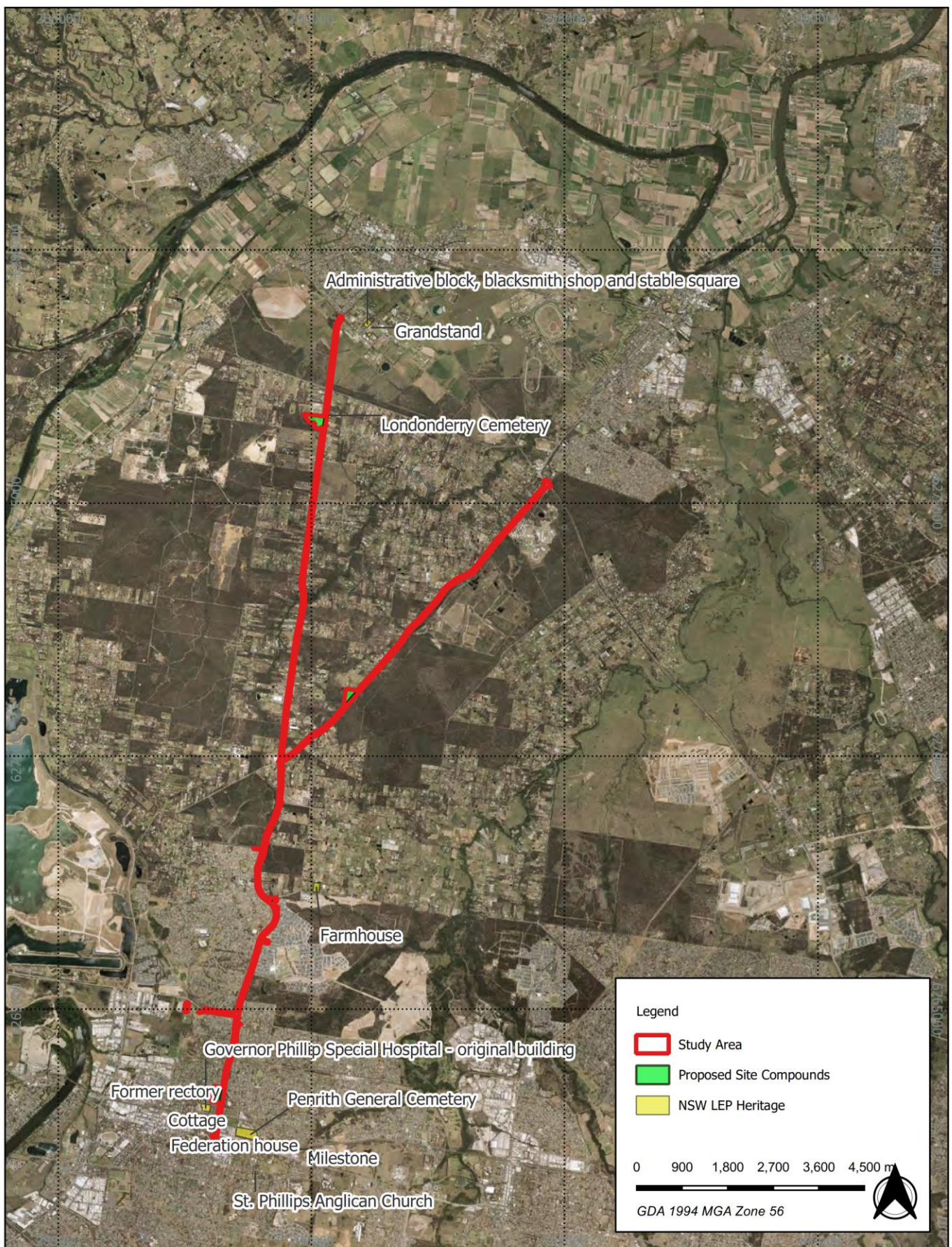


Figure 2.2 - Location of NSW LEP Heritage - overview
 23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07

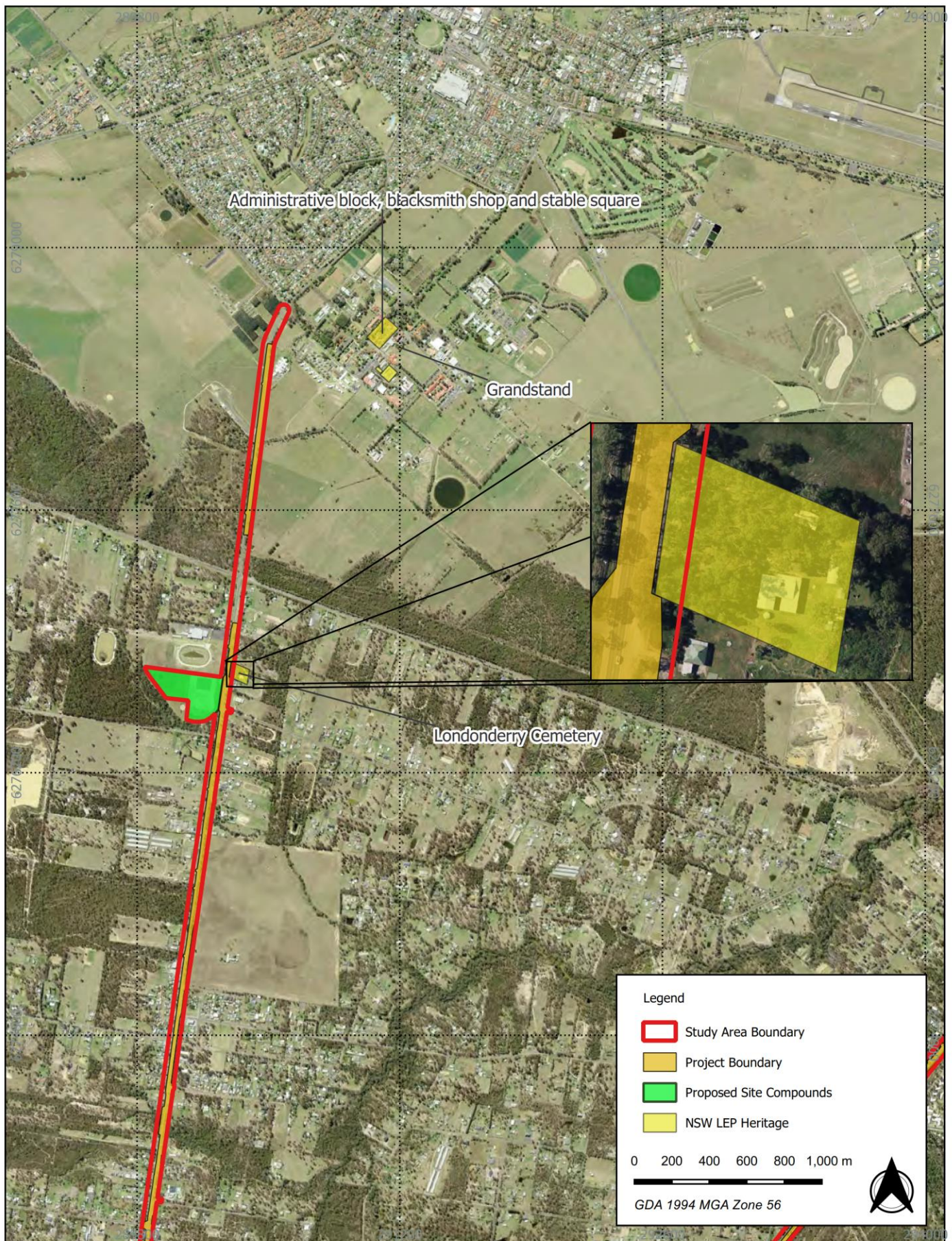


Figure 2.3 - NSW LEP heritage items in the northern portion of the study area

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-16



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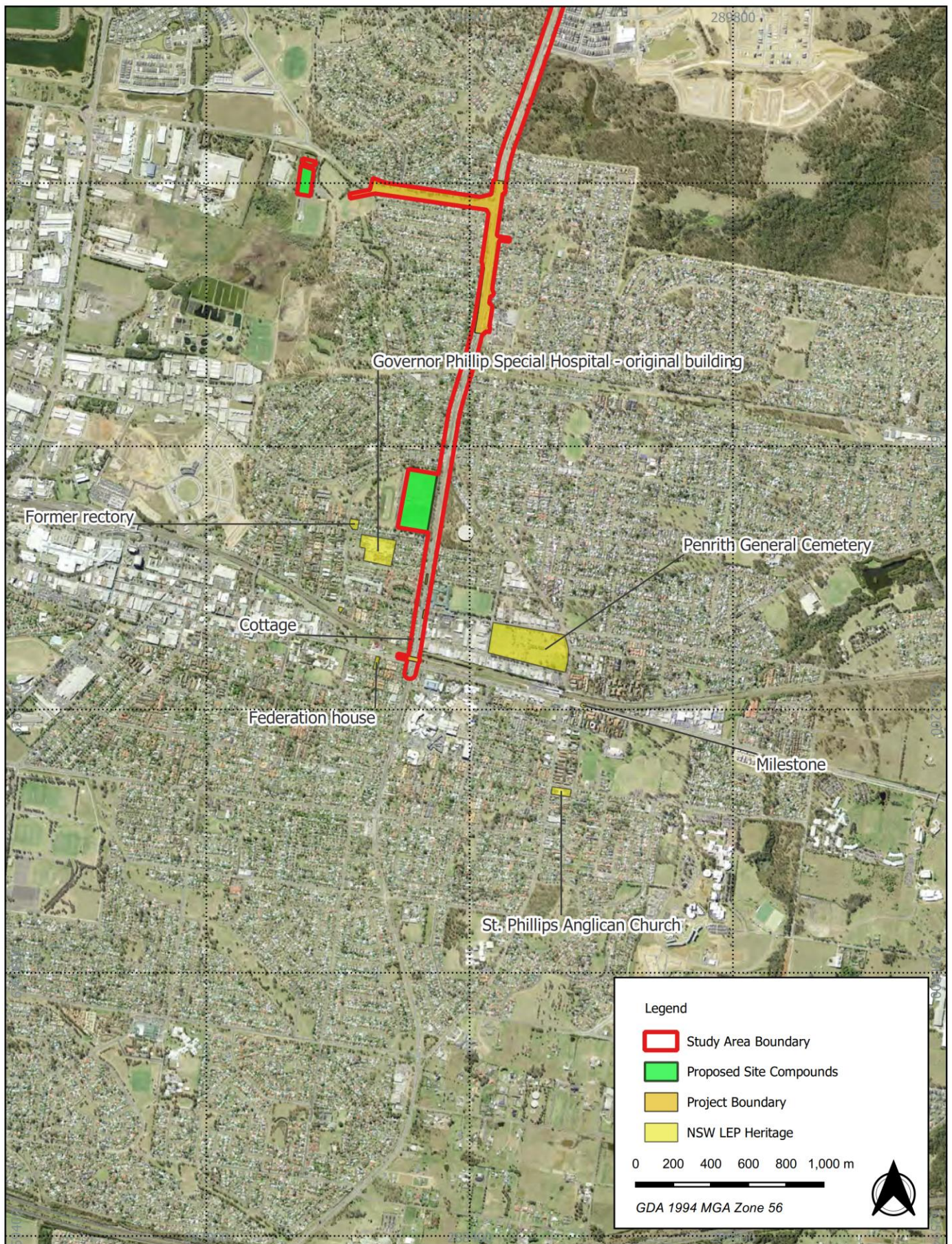


Figure 2.4 - NSW LEP heritage items in the southern portion of the study area

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07



3. HISTORICAL CONTEXT

The following historical background is designed to contextualise a site-specific history which will aid in the understanding of the heritage values of the study area. This work will provide a useful and concise summary of the history of the study area.

3.1 HISTORY OF THE UPPER HAWKESBURY-NEPEAN RIVER AREA

3.1.1 PHASE 1: 1789 – 1830

The information in this chapter provides a history of the Hawkesbury-Nepean region, with a main focus on the townships of Richmond and Penrith as these are the focus of settlement for the area in which the study area is located in.

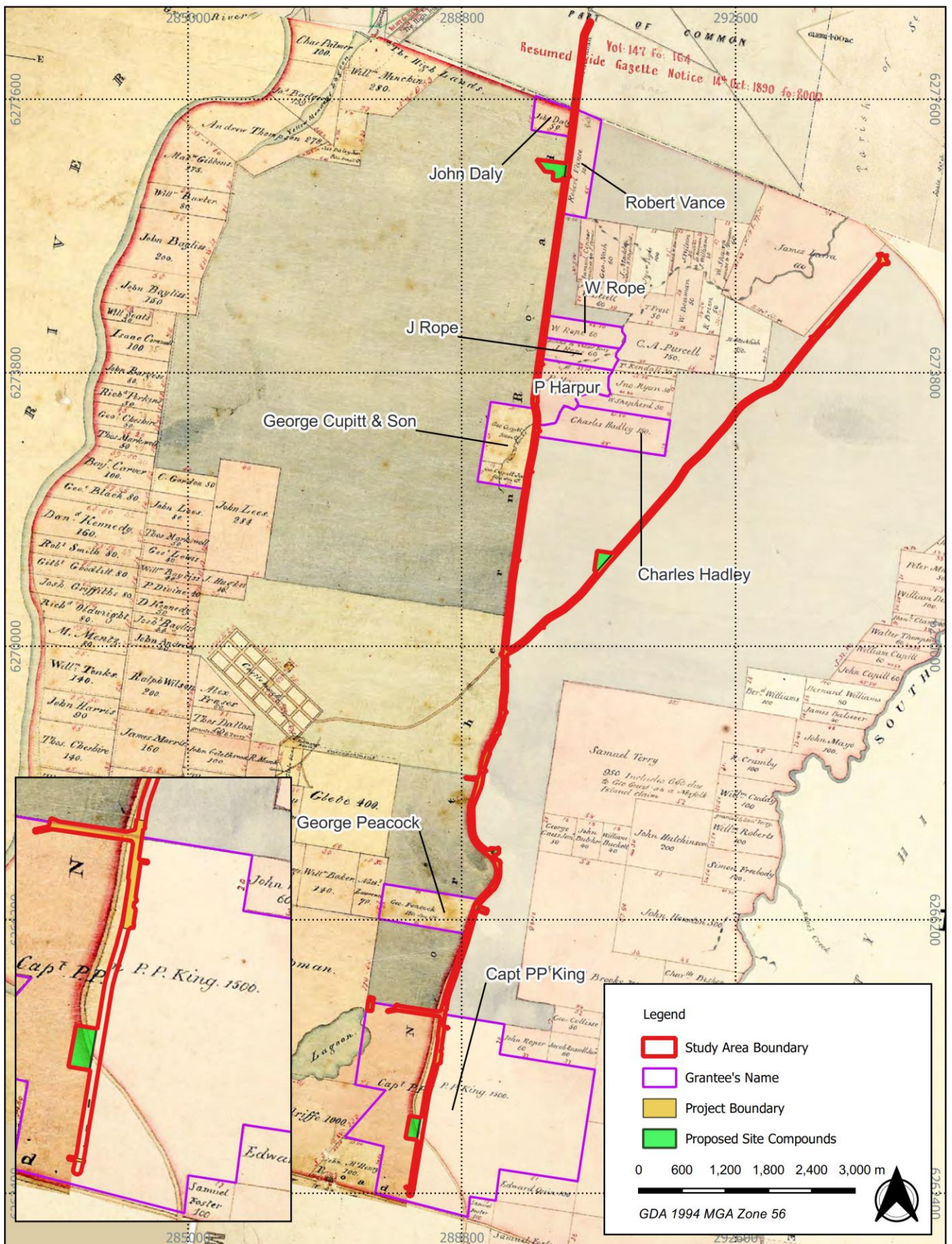
The Hawkesbury district was first surveyed by Governor Arthur Phillip and Captain Watkin Tench when their party travelled up the Hawkesbury River from Broken Bay to Richmond Hill in 1789 (Fox & Associates 1987, p. 17, Windsor Municipal Council 1980, p. 5). It was not until 1793 that land was granted to free settlers along the Hawkesbury River in a settlement named Green Hills (the present day site of Windsor). Among the first grantees in the vicinity of the study area were John Bowman, who was granted 100 acres (40 hectares) along the Hawkesbury River at Richmond in 1799 (Fletcher 1966), and Edward Luttrell who was awarded 400 acres (162 hectares) just south of Richmond in 1804 (Australian Dictionary of Biography 1967a), with both sites located at least 5 kilometres north of the study area.

A few years later, Governor Philip King sanctioned settlement south of the Hawkesbury River along the eastern side of the Nepean River (in the vicinity of present day Penrith). Subdivision surveys were then conducted by Surveyor Grimes and James Meehan from 1803 onward, with grants beginning after 1803 of land along the Hawkesbury River typically ranging between 40 and 200 acres (16-80 hectares). There were however, some larger portions of over 1,000 acres (405 hectares) granted to more substantial colonists such as Surgeon Thomas Jamison and his son Sir John Jamison, Simeon Lord, Phillip Parker King (son of Governor Philip G. King) William Neate Chapman and Captain Daniel Woodriff (Fox & Associates 1987, p.18).

On 6 December 1810, after his tour of the Colony, Governor Macquarie established 5 new townships in the Upper Hawkesbury-Nepean region, these being Windsor, Richmond, Castlereagh, Pitt Town and Wilberforce (Windsor Municipal Council 1980, p. 5). Castlereagh was located in an area chosen by Governor Macquarie and the town had a small school, chapel and graveyard established by Reverend Fulton; however, access to water was an issue and as a result no further buildings were constructed within the town boundaries (Fox & Associates 1987, p. 21).

The Penrith area remained fairly unpopulated throughout the early half the 19th century with mainly timbergetters and farmers occupying the district. After the first European settlers established themselves there, the Hawkesbury region quickly became recognised as the bread basket of the new Colony and the population grew steadily throughout the last years of the 18th century. The Hawkesbury district primarily focused on the production of wheat, maize, and the breeding of livestock such as pigs and cattle, although frequent floods inundated land close to rivers and creeks resulting in the loss of crops and livestock (Windsor Municipal Council 1980, p. 5).

The Northern Road dates to the earliest phase of occupation of the region, originally serving as a stock route linking Cowpastures in the south with Richmond in the north, reflected in its original name being “Richmond Road” before later changing to the “Norther Road” (NSW Heritage Office 2005, p.49). As such, the road alignment appears on the earliest parish maps, forming the border between the Parish of Londonderry to the east and the Parish of Castlereagh to the west (Figure 3.1). It is noted that the original road ran through to Richmond following the present day course of Londonderry Road, and the present day section of The Northern Road as a continuation of Cranebrook Road through to the present day Richmond Road, previously known as “Blacktown Road” or “New Richmond Road” is a later construction. However, by the early 19th century, the route of the road was essentially that of the present day, barring a small section at the southern end.



By the 1830s, only a few grants of land adjacent to the road had been given, with much of the land either side of The Northern Road being left as a common for the public grazing of livestock, most notably this includes the land in the northern part of the study area which lies in the Parish of Ham Common. Crown Land is shown on Figure 3.1 as being grey or dark green, with the early land grants also shown. At the southern end of the study area is a grant of 1,500 acres (607 hectares) awarded to Captain Philip P. King (son of Governor Philip Gidley King) between 1822 and 1836 (Museum of History New South Wales n.d.). This was a controversial grant, with prominent magistrates and stockholders in the area complaining that it reduced the size of Castlereagh Common, which Governor Macquarie had donated to the town of Castlereagh in 1813 after settlers in the township had advised him that the original site of the common given to the town was too sterile for livestock (Casey & Lowe Pty Ltd 2008a, p.23). Philip King was a well-regarded explorer, and he named his estate "Saint (or St) Stephens", with the property used primarily to graze cattle and horses while King's main property was located to the east of the study area at Dunheved House, near South Creek, and with another main residence at Rooty Hill (Australian Dictionary of Biography 1967b, Paul Davies Pty Ltd 2007, p.26, Casey & Lowe Pty Ltd 2008b). While the distance of the St Stephens land from his holdings along South Creek would likely necessitate the construction of various farm buildings for the workers who resided on the property, research undertaken for the purpose of this report has failed to identify their location. Where the original alignment of The Northern Road differs from its present alignment as it crossed through King's land, this may suggest that any residences or farm buildings lay closer to the original route than the present. The remaining land grants adjacent to the study area from this time formed smaller parcels of land which were, in many instances, designed to supplement existing agricultural holdings rather than represent a place to live. Such is the case with George Cupitt, who was granted 100 acres (40 hectares) in the Parish of Castlereagh on 6 June 1830 (Australian Royalty: Genealogy of the Colony of NSW n.d. [Australian Royalty]). Cupitt's son was then awarded a further 80 acres (32.3 hectares) directly south of this. Cupitt was a discharged soldier who travelled freely to the Colony of NSW on *The Ganges* in 1797, although his main residence lay at a smaller property he had purchased in Cornwallis (Australian Royalty: Genealogy of the Colony of NSW n.d., Paul Davies Pty Ltd 2007, pp.146–147). Upon receiving his grant of land, Cupitt named the land Cupitt's Farm, which produced wheat for the colony (Australian Royalty n.d.). The land remained in the Cupitt family until 1887 (Primary Application 13156) when it was sold to John Henry Kendle Brown, a farmer from Richmond.

Other original grantees that border the road alignment include George Peacock and Samuel Terry. Samuel Terry was an emancipated convict who went on to become the wealthiest man in the Colony of NSW (Dow 2006). Terry was granted land in 1809 near the Nepean River, and from this point forward went on to become an innkeeper, farmer, landlord and wealthy businessman. Terry built a homestead named "Mount Pleasant" in 1810 on land to the west of the study area (State Library of New South Wales n.d.). George Peacock was said to have established the "Kentish Arms Inn", located in the centre of Penrith (*Nepean Times*, Saturday 19 November 1932, pg. 2), as well as having been granted 150 acres (61 hectares) located alongside The Northern Road at Cranebrook. This grant was purchased by Martha F. Hosking (née Terry), and likely amalgamated this land into the Mount Pleasant estate that existed directly to the west of Peacock's land. Samuel Terry owned an additional 950 acres (385 hectares) in the Parish of Londonderry, which encompasses the present day suburb of Llandilo. In addition to these properties in the upper Hawkesbury-Nepean district, Terry owned property in Sydney, the Illawarra, Prospect, Yass, Bathurst and Liverpool (Dow 2006). Terry had also purchased a small 60 acre (24 hectares) property along the eastern side of Londonderry Road from its grantee, John Rope, and it is likely that Terry leased it to a smallholder for cultivation purposes.

The remaining early grantees with land adjacent to the study area include Patrick Harpur, a freed convict awarded 100 acres (40.5 hectares) in Londonderry (Paul Davies Pty Ltd 2007, p.147), as well as James (or John) Daly with his Tea Tree Grove farm, and Robert Vance's D'Aubigne property (Paul Davies Pty Ltd 2007, p.145). The remainder of land remained vacant Crown Land and was used as a common throughout this period.

The location of temporary ancillary sites 9 and 10 lie within King's grant and were not subject to development at this time. The remaining ancillary sites were either located within road alignments or on Crown Land which was also used as a common during this time period.

3.1.2 PHASE 2: 1830 – 1870S

The first half of the 19th century saw little in the way of substantive development either side of the study area (Figure 3.2), with the alignment of a new road linking Cranebrook Road and Richmond Road having been surveyed in 1867 (Crown Plan R545.1603) [Figure 3.3]. There are slight differences between the marked alignment on the plan and the present alignment of the road; however, it is unclear if this represents changes in the actual road alignment over time or whether it is an error in georeferencing of the plans.

By the 1850s, the vast majority of remaining Crown Land either side of the study area had been allocated, either through grants or through the sale of land. However, many of the purchases appear to have been for the purpose of land banking or speculation, as there is little evidence of any individuals who obtained land here actually taking up residence on their properties. Land along the western side of the road, in the Parish of Castlereagh, was granted in allotments of between 50 acres (20 hectares) and 120 acres (48.5 hectares). Land along the eastern side of the road, in the Parish of Londonderry, was put up for sale in 1857, although the fact that there were relatively few purchasers was likely a reflection of the perceived remoteness of the location at this time. Another sale of land was offered in 1858 and, despite subsequent parish maps showing the outlines of intended lots, Castlereagh Common was still used for grazing through to the end of the 19th century (Casey & Lowe Pty Ltd 2008a, pp.23–24).

In comparison to the 2 earlier phases of land grants, the initial one being focused on the township of Castlereagh or fronting water sources such as Rickaby's Creek and the second phase shifting focus to land adjacent to The Northern Road, the mid-19th century saw the surveying of the land between The Northern Road in the west and Richmond Road in the east. This included the speculative placement of a town grid with 12 sections of land divided into lots of between 5 acres and 24 acres (2 hectares and 9.7 hectares). However, as with the earlier sale of land along The Northern Road, there appears to have been a slow take-up of land and many of the allotments remained unallocated, with the alignment of road plotted in 1867 running diagonally through many of these lots, bisecting them, while respecting the borders of properties with named grantees (Figure 3.3). Despite the new township being laid out and the ease of access which the new road provided, it disappeared from subsequent parish maps.

During this period, a small cemetery was established on the eastern side of Londonderry Road in the Parish of Londonderry on the land originally granted to Robert Vance. The cemetery was only in use for a short period of time starting in 1851. There is little information available about the cemetery other than it was only in use for a few decades, and was the burial place of several prominent local families of the Wesleyan faith (Paul Davies Pty Ltd 2007b, p.90; SHI Database 2260115). By 1904, at least 30 burials were known to have been present within the cemetery (*Hawkesbury Herald*, Friday 29 April 1904, pg. 10); although the SHI records that only 12 memorials remain (SHI Database 2260115).

The cemetery is notable for its relative isolation from an area of dense settlement (SHI Database 2260115), although the 1904 newspaper article, included as Appendix A of this report, suggests that the cemetery served the Wesleyan community of Richmond despite the distance from the town. While there are similarities in masonry techniques with the Wesleyan cemetery at Castlereagh (SHI Database 2260115), the reason for using this cemetery as the chosen location of internment for several individuals rather than the well-established cemetery at Castlereagh is unknown (Paul Davies Pty Ltd 2007, p.90) and a search for the names of many individuals listed in Appendix A has provided no contemporary newspaper accounts relating to their death or why this cemetery was chosen for their burial. A 1904 newspaper article does mention “a few buildings fast crumbling to decay” in the vicinity of the cemetery, although it is not specified where these buildings were located (*Hawkesbury Herald*, Friday 29 April 1904, pg. 10). There is no documentary evidence to suggest that these buildings lay within the study area, which covers the alignment of the road corridor, nor that any burials associated with the cemetery were located in close proximity to the road, with the present line of memorials lying approximately 10 metres east of the present day fenceline.

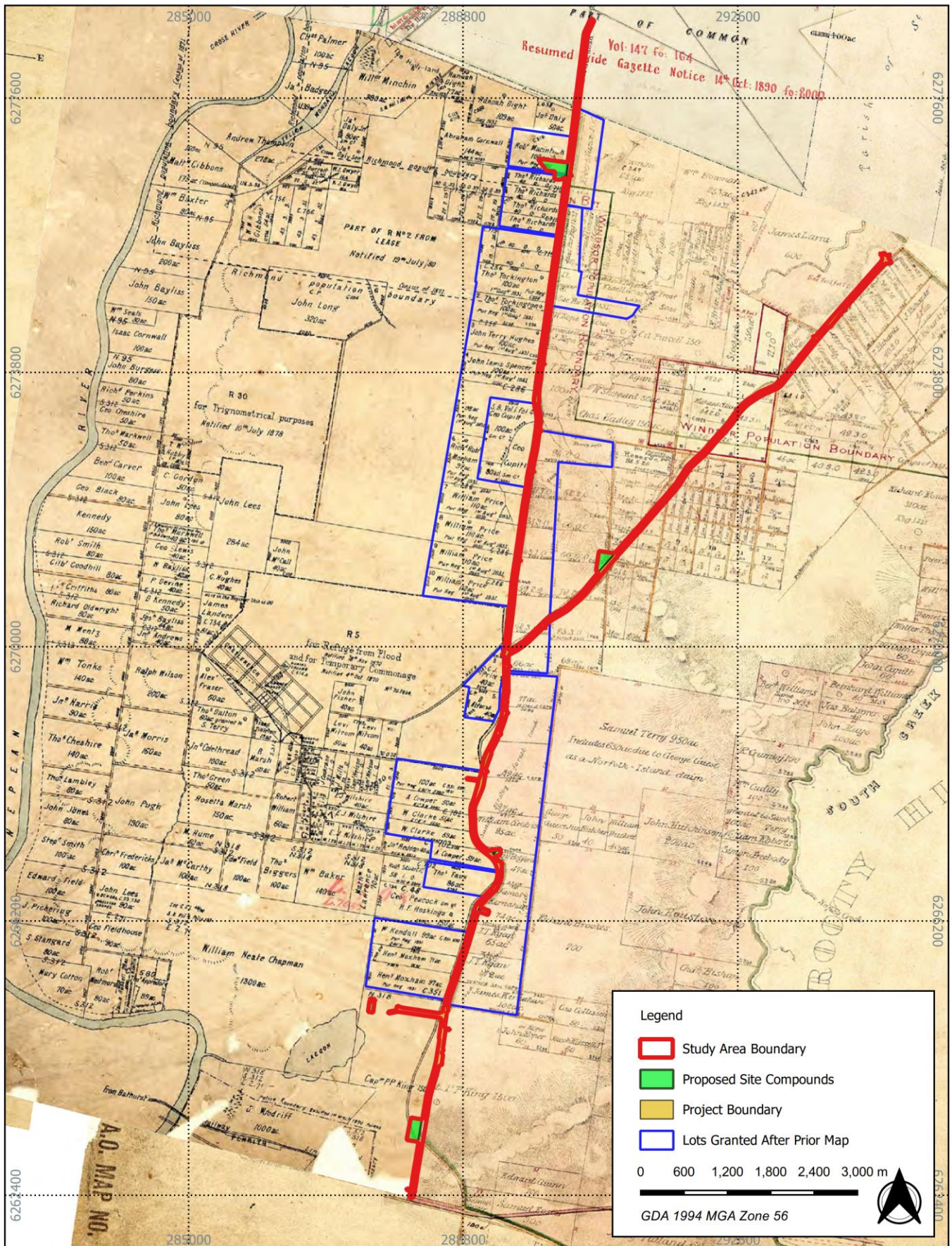


Figure 3.2 - Additional land grants in the vicinity of the study area made by the mid-19th century

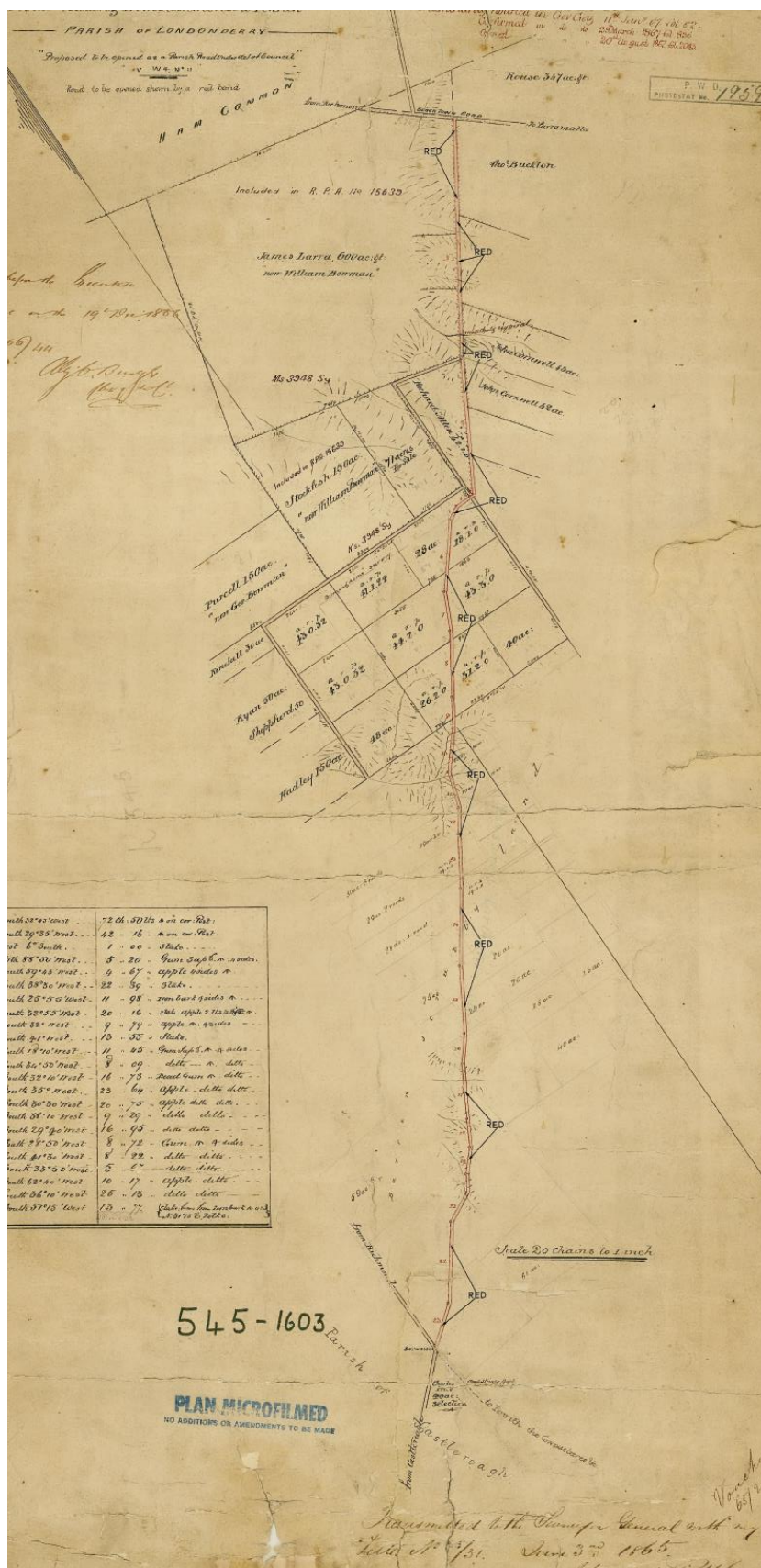
23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: HLRV

Drawn by: DRM Date: 2024-06-07



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Outside of the study area, railways began to be constructed in the early 1850s and came at an opportune time for the region. Though Government clearing gangs had been employed in clearing the country near the Nepean and South Creek, much of the Cumberland Plain was still Crown Land under a mantle of woodland by this time. In 1863, the Great Western Railway was extended from Blacktown to Penrith, which brought employment and means of transport to the district (Fox & Associates 1987, p.29). After the railway to Penrith was complete, an extension to the Blue Mountains was proposed. Due to the difficulty of ascending the eastern edge of the mountains, Penrith became the terminus of the line while construction proceeded westwards, causing the town to grow in population. Penrith's railway yards were the biggest outside the Sydney metropolitan area, and though the town still acted as a service centre for the surrounding farms, it became primarily a transport hub.

The Great Western Highway and the railway line now formed the basis of "a growth corridor" leading westwards out from Sydney, which in turn lent itself to the construction of areas of industrial development to support the increase in trade through the town. Penrith therefore was no longer seen as a rural outpost at the farthest reaches of the Cumberland Plain nor a satellite town for the overspill of Sydney's population; it was to be able to generate a healthy population and growth pattern of its own. However, this development was not equally shared along the length of The Northern Road. While Penrith was becoming urbanised, no such change was happening outside the reaches of the town.

In terms of the study area, the majority of it formed part of either earlier or newly developed road alignments. This included the location of Site 1, Site 2, Site 4 and Site 5, while sites 9 and 10 remained within King's larger portion.

Of the remaining sites, Site 3 lay on land on the western edge of the speculative town plan laid out along The Northern Road in the 1860s, which failed to sell and remained undeveloped through much of the 19th and 20th century.

Site 6 lay within part of the 47 acre (17 hectare) property purchased by Henry Belford as part of the 1857 sale of land. Belford had arrived in Australia with his wife in the first half of the 19th century while serving as a soldier, and later in his life he resided on this property, passing the land on to his daughter Caroline when he died in 1897 (Casey & Lowe Pty Ltd 2008a, pp.33–35). While Casey & Lowe were able to identify the likely location of Belford's residence, this is to the south of the proposed worksite location and will not be impacted by the proposed works (Casey & Lowe Pty Ltd 2008a, pp.12, 15 & 36).

Site 7 lies within a 74 acre (2939 hectare) portion of land which was purchased by James Kernahan in 1857. At the same sale, he also purchased another portion of land to the south, later buying the intervening lots from Toby Ryan and amalgamating his holdings into a single property. However, his primary residence was at Kissing Point and it is unlikely that Kernahan ever used the property for purpose other than grazing and it is unlikely that he constructed a house on the property (Casey & Lowe Pty Ltd 2008a, pp.26–27).

The final temporary facility location, Site 8, is located on land originally granted to Robert McIntosh in 1838. While the chain of ownership for this property can not be established, searches of archival resources have not identified any use of the land by McIntosh during this time period. It was subsequently transferred to Charles Septimus Guest (*The Sydney Morning Herald*, Tuesday 14 October 1933, pg. 1).

3.1.3 PHASE 3: 1870S – PRESENT

Despite being close to the railway line and Great Western Highway, which spurred the growth of Penrith as a settlement, the King family made no move to capitalise on the choice location of their grant. As such, even through to the start of the 20th century, large parts of the property remained undeveloped bushland to the east of the original alignment of The Northern Road, currently called Richmond Road, hence the name Kingswood being given to the area (Paul Davies Pty Ltd 2007, p.124). Meanwhile, land to the west of the new alignment of road known as Parker Street, which forms the present route of The Northern Road, was subdivided towards the end of the 19th century, which was when the cottage located at 71 Parker Street was likely built for a local workman (SHI Database 2260175).

Moving further north, the land to the west of the study area remained in use as common grazing land or formed part of sparsely distributed and small farms owing to the soil profile consisting of relatively infertile isolated pockets of aeolian sand overlying clay deposits (Paul Davies Pty Ltd 2007, pp.39, 138). The land on the eastern side of the road, forming the south-western corner of the Parish of Londonderry, passed through several owners during the late 19th and early 20th century, until being resumed by the Australian Defence Force in the 1940s (Casey & Lowe Pty Ltd 2008a, pp.26–28). The latter part of the 19th century saw many of the owners of portions land along the eastern part of the study area located within the Parish of Londonderry attempt to sell land in various subdivisions, although the majority were unsuccessful and the land remained generally undeveloped (Paul Davies Pty Ltd 2007, p.147). By the 1930s, the Lakes of Killarney estate, originally granted to William Rope, had been sold to pay unpaid rates. Another attempt was made at a subdivision of the property, this time in smaller lots of between 4 to 7 acres (1.6 to 2.8 hectares). The cheap terms on offer coupled with the wider effects of the Great Depression on society meant many families purchased lots despite, or perhaps because of, the remote location and a makeshift shanty town soon sprung up on the estate. The opening of a Sunday School soon led to the construction of a public school in 1934 and a post office the subsequent year (Paul Davies Pty Ltd 2007, p.148). This settlement eventually became the nucleus of a dispersed township under the name of Londonderry.

The remaining section of the study area, consisting of the alignment of The Northern Road as it crossed Ham Common, was not subject to development or settlement through the entirety of the 19th, and well into the 20th century. In contrast to Castlereagh Common, Ham Common had not been subject to a gradual encroachment onto its land and as such, it remained used primarily for grazing. The Hawkesbury Agricultural College was constructed on land to the north-east of the study area in 1892 (LandArc Pty Ltd 2009, pp.35–36), and this was the sole evidence of development in the vicinity of the study area through to the 1940s.

At Site 6, by the early 20th century the McGarritys, through Caroline's marriage into the family, were lightly farming Belford's property, growing maize and grapes while also maintaining a small orchard. In 1919 the property was sold, passing through several owners before being acquired by Dumble in 1939 and incorporated into his larger holdings (Casey & Lowe Pty Ltd 2008a, pp.33–35). While Casey & Lowe were able to identify the likely location of Belford's residence, this is to the south of the proposed worksite location and will not be impacted by the proposed works (Casey & Lowe Pty Ltd 2008a, pp.12, 15 & 36).

Similarly, at the location of Site 7, Kernahan's property had passed to his son, James Joseph Kernahan, who then sold the property to John Brown in 1882. As with Kernahan, it was also likely that Brown never resided within the study area, instead living at his primary residence near Emu Plains. The property changed hands several times until being purchased by Frederick Dumble in 1939, and then being resumed as part of the St Marys munitions factory in 1941 (Casey & Lowe Pty Ltd 2008a, pp.26–27). The location of the worksite is near to where Casey & Lowe identify an archaeological site, number 15 which is referred to in their report as "Dumble's Old House Site" despite the building pre-dating his ownership of the property and likely being from the late-19th or early 20th century (Casey & Lowe Pty Ltd 2008a, p.30).

The location of Site 10 was sold by Guest to the Richmond Trotting Club in 1912, with the course having been built around the same time (*The Daily Telegraph*, Wednesday 20 December 1911, pg. 15). The main grandstand was constructed on the northern section of the track, outside of the study area (c.f. Figure 3.7).

The earliest aerial image for the study area is dated 1947 and it demonstrates the low levels of historical development along the road alignments, and although the buildings themselves are not significant, Figure 3.4, Figure 3.5, Figure 3.6 and Figure 3.7 show the increase in development over time. At this time, the present urban sprawl of Penrith was still centred further westwards and apart while the present day alignment of streets were present, apart from the cottage noted above and a few other small structures fronting the southern section of Parker Street, the land adjacent to the study area remained generally undeveloped. It is noted that the present alignment of Parker Street between Richmond Road and Glebe Place was not yet constructed and The Northern Road instead still followed its original alignment (Figure 3.4). There is also a cluster of buildings present which front Parker Street to the south of Eton Road which are still present today. Much of the land to the north of Penrith was resumed in 1941 for the establishment of the St Marys Munition Factory (Casey & Lowe Pty Ltd 2008a, p.12), and was not subject to further development at this time.

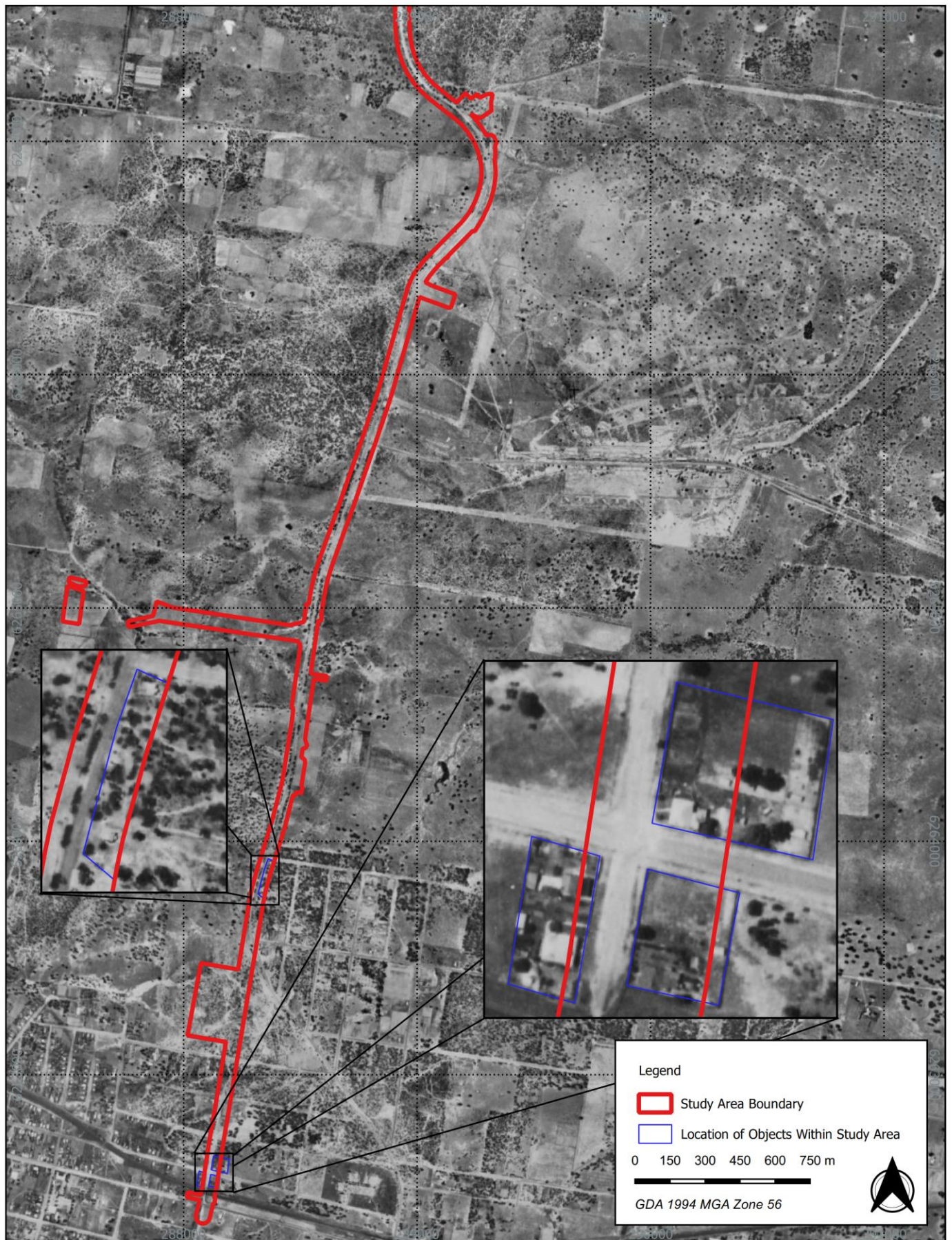


Figure 3.4 1947 Aerial imagery showing the southern part of the study area, with structures marked

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: DRM Date: 2024-06-07



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ARCHAEOLOGY

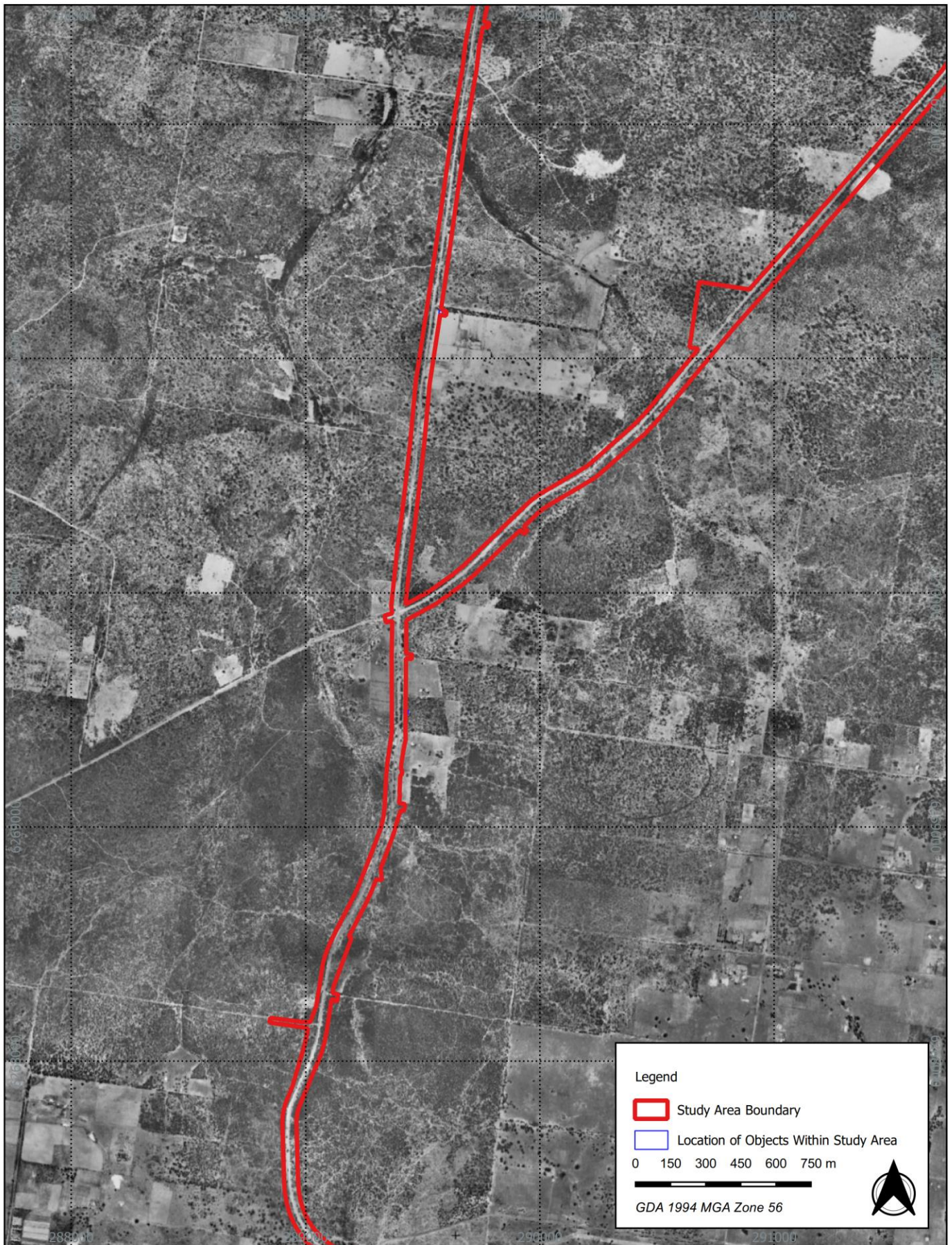


Figure 3.5 1947 Aerial imagery showing the middle part of the study area, with structures marked

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07



AUSTRAL
ARCHAEOLOGY

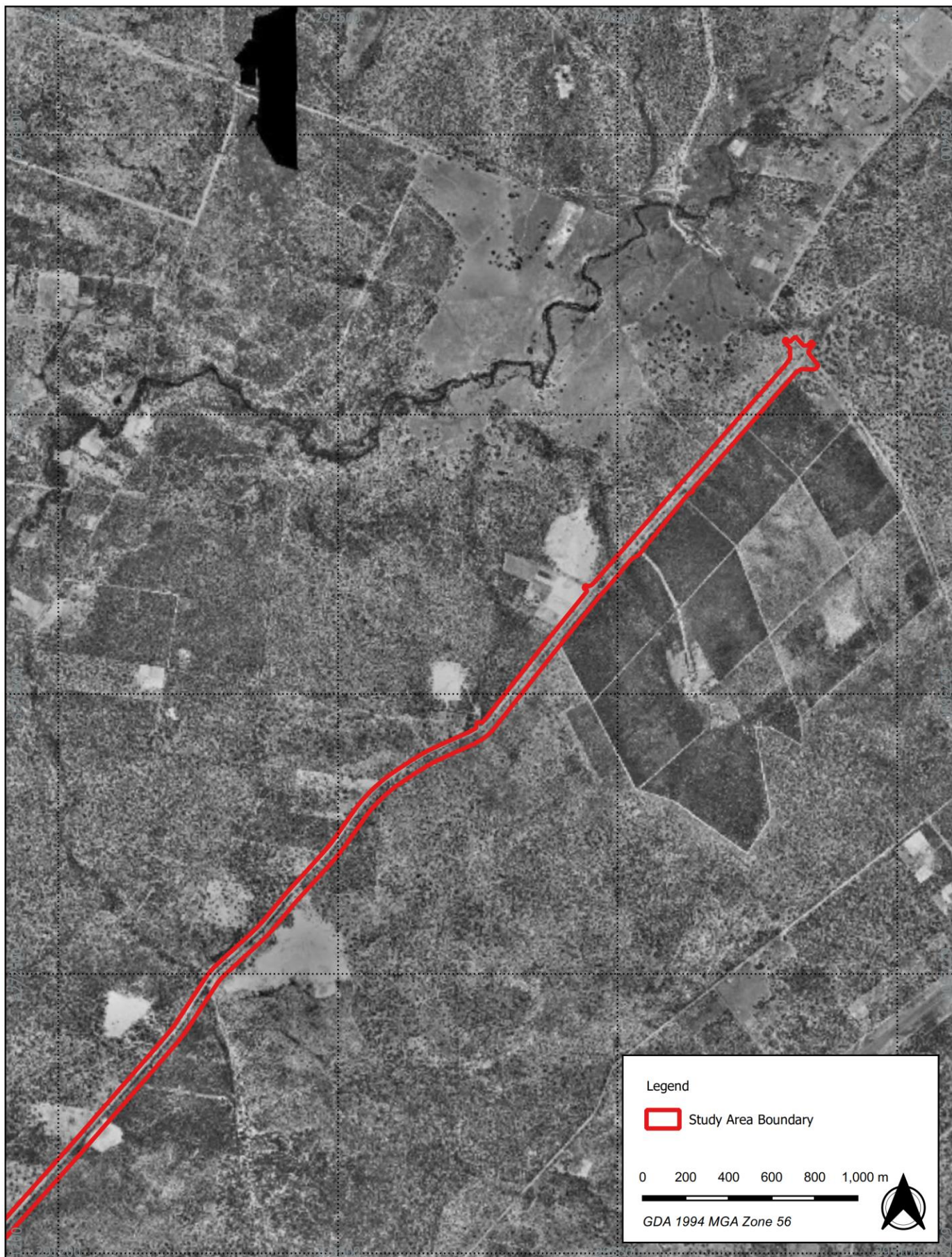


Figure 3.6 1947 Aerial imagery showing the eastern part of the study area

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07



AUSTRAL
ARCHAEOLOGY

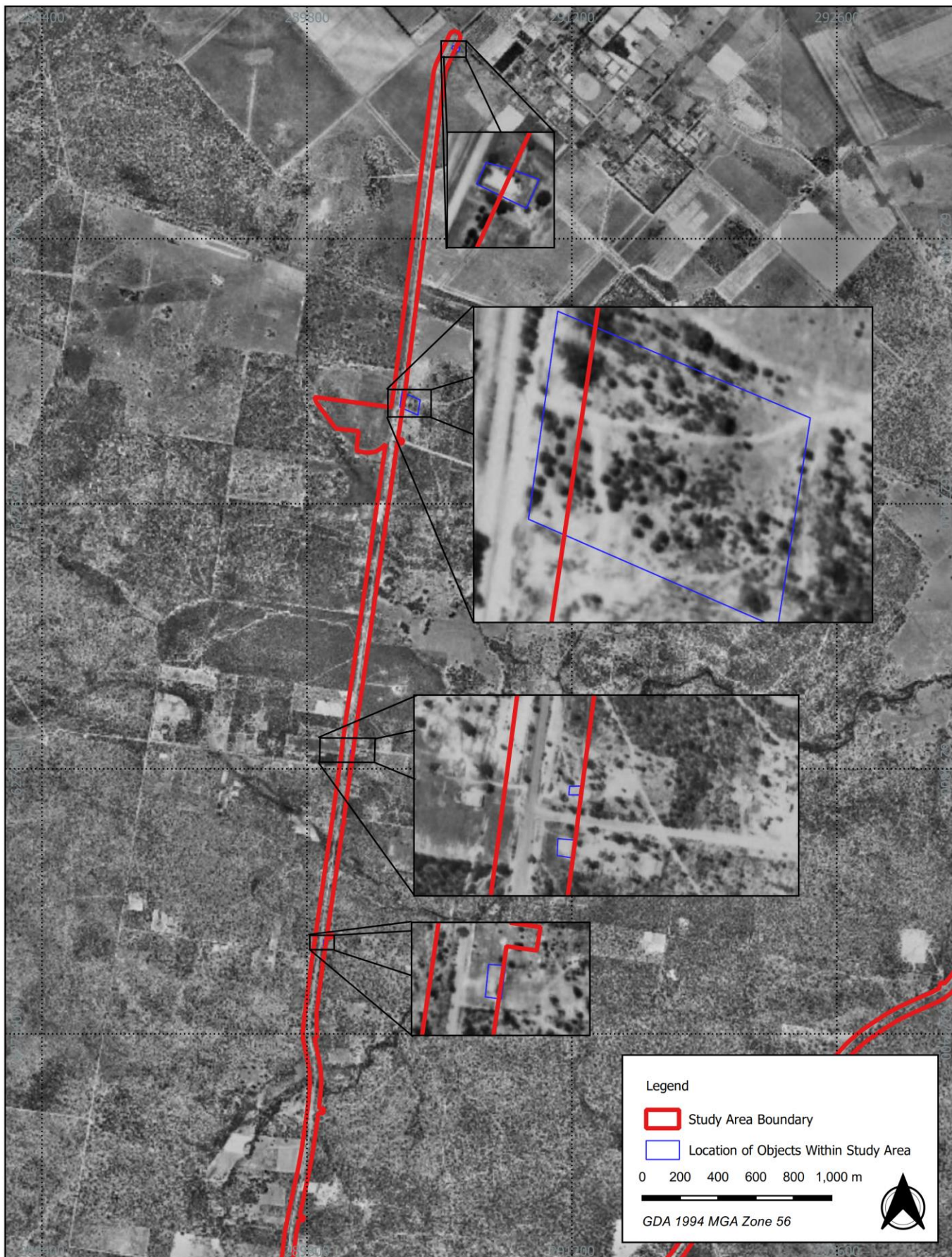


Figure 3.7 1947 Aerial imagery showing the northern part of the study area, with objects marked

23010 - Hawkesbury-Nepean Valley Flood Evacuation State Roads HWP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07



AUSTRAL
ARCHAEOLOGY

The middle section of the study area remained relatively undeveloped by the 1940s, although there were a number of small farms present near the intersection of The Northern Road with Londonderry Road and Cranebrook Road (Figure 3.5). Similarly, while there is evidence of extensive agricultural activities being undertaken at the intersection with Richmond Road, there are only occasional scattered farms and clearings adjacent to the later alignment of The Northern Road (Figure 3.6), demonstrating the limited take-up of Government land in this area from the mid-19th century onwards. The alignment of present day Londonderry Road heading northwards from its intersection with Cranebrook Road contains several objects present within the study area, although much of the land either side of the road was again only being sparsely farmed, with large swathes of land still uncleared (Figure 4.2). Of note is that while the Depression-era camp at Londonderry was already established by the 1940s, there is little evidence of it present on the ground at this time. The extent of the cemetery at Londonderry is also unclear from the aerial imagery, as neither graves, headstone nor fencing are visible.

The main changes present within the study area since the mid-20th century have involved the clearance of large swathes of bushland either side of the study area, and varying levels of urbanisation ranging from intensive development on the outer edges of Penrith through to lower density semi-rural development along Londonderry Road and parts of The Northern Road (c.f. Figure 1.3, Figure 1.4 and Figure 1.5). Much of the study area is therefore now considered to be disturbed, except for patches of remnant bushland which still survive, predominantly to the south of The Northern Road and to the west of The Northern Road near the junction with Cranebrook Road, and the land in the immediate vicinity of the Londonderry Cemetery. The road itself was subject to improvement during the intervening years, being upgraded from compacted earth to bitumen and asphalt, with the construction of drainage culverts, bridges, and other associated infrastructure.

To summarise, the road alignment within the study area represents the formalisation of an early 19th century stock route linking the settlements of Cowpastures in the south with Richmond in the north. Grants of land were initially made of land either side of the road in the early to mid-19th century, with varying degrees of uptake and success, with further portions of land offered for sale or grant during the mid-19th century supplemented by construction of a new alignment of road running from Cranebrook Road to Richmond Road. However, the area either side of the road alignment remained undeveloped through much of the 20th century, with the road itself only modernised in the intervening years through the undertaking of road widenings, upgrades and maintenance. Any historical evidence relating to earlier use of land adjacent to the present road alignment or the road itself is likely to have been destroyed throughout this process.

3.2 CHRONOLOGY OF THE STUDY AREA

Based on the historical background presented, it is possible to summarise the chronology of the study area. This is presented in Table 3.1.

Table 3.1 Summary of chronological events relating to the study area

Phase	Summary	Date range
Phase 1	<p>In 1810, Governor Lachlan Macquarie orders the establishment of 5 new townships in the Hawkesbury-Nepean region, these being Windsor, Richmond, Castlereagh, Pitt Town and Wilberforce.</p> <p>The Northern Road at this time is a stock track linking Cowpastures in the south and Richmond in the north.</p> <p>An initial phase of land grants are awarded over parts of the study area, focused on Castlereagh Common in the south, and Rickaby's Creek in the centre and north.</p> <p>There is limited evidence for uptake of the grants or their development.</p>	1789-1830
Phase 2	<p>Additional land either side of the study area is surveyed for subdivision through either auction or land grants, with ownership being established over much of the land either side of the original alignment of The Northern Road.</p> <p>A new road is plotted linking Cranebrook Road and Richmond Road, with further land surveyed for sale either side; there is little evidence of purchase or clearance of this land.</p> <p>Small cemetery established north of the present day settlement of Londonderry, with at least 30 burials known to have been made throughout the 19th century.</p>	1830s – 1870s
Phase 3	<p>Undertaking of private subdivisions in the late 19th century, with varying degrees of success. Land within King's estate closer to Penrith sold and cottages present by the late 1880s. Further north, several failed subdivision lead to foreclosure on estates in the early 20th century.</p> <p>Onset of the Great Depression leads to the establishment of a small informal settlement at Londonderry, which becomes the nucleus of the present town.</p> <p>Resumption of land for military purposes during WW2 leads to later construction of large housing developments, combined with ongoing growth of Penrith in the south. The remainder of the study area consists of low density rural occupation by the end of the 20th century.</p>	1870s – Present

4. SITE INSPECTION

In order to ground-truth the desktop assessment, a site inspection of the study area was conducted by Peta Rice (Archaeologist, Austral) and Lindsay Costigan (Team Leader, Austral) on 18 August 2023. The study area consists of the road alignments along Londonderry Road from Southee Road, Richmond, to the intersection at The Northern Road and Cranebrook Road, Cranebrook, and The Northern Road from Richmond Road, Bligh Park, to the Great Western Highway, Penrith. The study area is situated within the parishes of Castlereagh, Londonderry and Ham Common, and within the LGAs of the Penrith City Council and the Hawkesbury City Council.

There are multiple heritage listed items within the vicinity of the study area, with the curtilage of 2 Penrith LEP heritage items and 5 RNE heritage items existing directly abutting the study area. The Penrith LEP items include the item 'Cottage' (Item No. 175) situated along Parker Street near the intersection with the Great Western Highway, Penrith and the 'Londonderry Cemetery' (Item No. 115), situated on the eastern side of the study area at 325-331 Londonderry Road, Londonderry. Both of these items have a direct visual relationship with the study area (Figure 4.1 and Figure 4.2).

The RNE heritage listings include the 'Western Sydney Shale Woodland St Marys' (RNE Place ID: 19034) located on the eastern side of The Northern Road at Jordan Springs; the 'Castlereagh Jewel Beetle Habitat and Movement Corridor' (RNE Place ID: 19182) which exists on either side of the eastern portion of The Northern Road and also on the eastern side of Londonderry Road to the north; the 'University of Western Sydney Hawkesbury Native Vegetation' (RNE Place ID: 16583) which is located on the western side of Londonderry Road in the northern portion of the study area; 'Castlereagh State Forest and Adjacent Area' (RNE Place ID: 16369) situated on the southern side of The Northern Road going east; and 'Riverstone Natural Area' (RNE Place ID: 16372) situated directly east from the eastern entrance to the study area at The Northern Road and Richmond Road. All of these items were listed for ecological rather than historical heritage values, but all have a direct visual relationship with the study area.

The site inspection consisted of a systematic visual inspection along the road corridors which form the study area in order to determine the potential for historical archaeological material to be present and to understand the potential for works to affect heritage items. The site inspection was mostly conducted vehicularly due to the lack of pedestrian footpaths along portions of the road alignment; however, where it was safe, the inspection was conducted on foot.

The site inspection began at the eastern portion of the study area at the intersection of The Northern Road and Richmond Road, travelling south-west (Figure 4.3). This portion of the study area consisted mostly of dense bushland. Either side of the road was noted drainage channels associated with the road infrastructure which will have caused prior impacts to any archaeological material which may be present. After travelling south-west on The Northern Road, the site inspection continued south along Route A9 (The Northern Road/Richmond Road) through to the southern boundary of the study area (Figure 4.4). Upon reaching the southern boundary of the study area, the site inspection noted the presence and condition of heritage item 'Cottage' (Penrith LEP Item No. 175) which is located on Parker Street, north of the railway line. This portion of the survey was conducted on foot in order to inspect the cottage. The item looks to have been completely restored with modern materials which imitate the original design of the house (c.f. Figure 4.1). The property boundary for the cottage is located approximately 3 metres from the road alignment of Parker Street, and at a lower depth than the current road surface (Figure 4.5). This is indicative of the degree of landscaping works relating to the construction of the road.

The site inspection then continued north along Richmond Road and The Northern Road, with both sides of the land adjacent to the road alignment displaying evidence of deep ground disturbance, as a result of the installation of underground drainage and associated infrastructure such as fencing, road signs, traffic lights and foot paths (Figure 4.6). The portion of the study area either side of Londonderry Road appeared to be the least disturbed. The section was mostly surrounded by residential houses on individual acreage and with patches of dense bushland still present (Figure 4.7).

The only notable feature in this portion of the study area is the Londonderry Cemetery. The cemetery currently consists of 12 sandstone memorials, mostly dating to the 1860s (Figure 4.2 and Figure 4.8). It is bound by a barbed wire property boundary fence, which is in a derelict state. The line of existing headstones is located about 33 metres east of the Londonderry Road corridor, or 22 metres east of the limit of works in this area (Figure 4.9). The extant headstones form a defined line, and due to their proximity to the road alignment, it would be expected that any additional burials would be located either in the same alignment or to the east. The land between the headstones and the road consists of a defined line of trees roughly aligned with the western fenceline of the property, which appears to historically demarcate the edge of the cemetery, and a cleared and levelled area which gives way to a shallow drainage channel lining the edge of the road (Figure 4.10). It should be noted that although there are marked burials in this cemetery, it is known that there are also unmarked burials and the survey was unable to confirm the full extent of the cemetery.

Finally, the survey continued to the northern border of the study area at the intersection of Londonderry Road and Southee Road. Adjacent to this portion of the road is the historic Hawkesbury Agricultural College (currently housing the campus of the Western Sydney University Hawkesbury Campus). No heritage listed items associated with the Hawkesbury Agricultural College were identified within the study area (Figure 4.11), and as previously noted, the RNE heritage items that exist either side of this portion of the study area are ecologically themed and do not contain any heritage features (Figure 4.12). The survey was then concluded by driving south on Londonderry Road and back north-east along The Northern Road towards Windsor.



Figure 4.1 South-west facing view of ‘Cottage’ (Penrith LEP Item No. 175) along Parker Street, Penrith.



Figure 4.2 North-east facing view showing northern portion of ‘Londonderry Cemetery’ (Penrith LEP Item No. 115).



Figure 4.3 South-west facing view showing landscape context at start of The Northern Road at junction with Richmond Road.



Figure 4.4 South facing view of study area along Parker Street, Penrith in the general vicinity of the Cottage (Penrith LEP Item No. 175).



Figure 4.5 View facing south showing 'Cottage' (Penrith LEP Item No. 175) in relation to the road.



Figure 4.6 North facing view showing disturbed landscape along the Northern Road.



Figure 4.7 North facing view of general landscape along the edge of Londonderry Road.



Figure 4.8 North-east facing view showing southern portion of 'Londonderry Cemetery' (Penrith LEP Item No. 115).



Figure 4.9 North-east facing view showing Londonderry Cemetery in relation to Londonderry Road.



Figure 4.10 South-west facing view showing headstones, fence, and cleared area between road alignment and trees.



Figure 4.11 South facing view showing general landscape context at the northern boundary of study area along Londonderry Road.



Figure 4.12 View towards limit of RNE heritage listing 'University of Western Sydney Hawkesbury Native Vegetation' (RNE Place ID: 16583) on the western side of Londonderry Road.

To summarise, the study area is highly disturbed as a result of modernisation, widening, upgrades and maintenance to the road, predominantly undertaken over the previous 50 years. Construction of associated infrastructure such as drainage ditches either side of the main road as well as footpaths and underground cables. The survey did not identify any previously unidentified heritage items or areas of archaeological potential.

5. HISTORICAL LAND USE MAPPING

5.1 HISTORICAL LAND USE AND SENSITIVITY MAPPING

The road alignments within the study area are the result of the consolidation of an early 19th century stock route and a later 19th century road alignment. The course bushland between Penrith and Richmond lay at the western limits of the Cumberland Plain and was as remote as possible from the increasingly dense urban sprawl of Sydney. As such, there was a slow take-up of land around the study area, and it is likely that little was done to formalise the roads throughout much of the 19th century beyond the construction of any necessary creek crossing. The area remained sparsely populated through to the mid-20th century, and the increase in population density necessitated undertaking modernisation works to The Northern Road and Londonderry Road which included milling the earlier road surface, laying compacted road base and construction of the new asphalt road surface. Excavation for drainage gullies, culverts and electrical services either side of the road.

The 2 Penrith LEP heritage items adjacent to the study area (the 'Cottage' along Parker Street and Londonderry Cemetery) are assessed as having moderate and high archaeological potential respectively. The remainder of the study area, including the location of all proposed works within the project boundary, has been assessed as having low archaeological potential due to the previous works to the roadway.

It is noted that while there may be potential for unmarked burials to be present within the cemetery area, it is considered that these are unlikely to lie within the boundary of the proposed works in the vicinity of the cemetery. The cemetery was small, and designed to service the need of a predominantly rural group of individuals. It is likely that the present alignment of headstones reflects the westernmost edge of the cemetery, which would provide a reasonable distance from the road such that it would be buffered from the noise and disturbance of those passing by. If burials were to be present within the area of proposed works then this means that they would have been placed hard against the (then and existing) road, with headstones at risk of damage from passing wagons or other vehicles. Furthermore, the proposed works are limited to the verge and shoulder of the present road alignment, where prior utility services are known to be present (refer to Section 7). Excavation of these services are of a depth which is considerably greater than that which is to be undertaken as part of the proposed works.

The results of Section 3 and 4 are depicted in an archaeological sensitivity map below in Figure 5.1. The figure shows the degree of predicted archaeological potential within the study area following site development and forms the basis for the conclusions and management recommendations outlined in Section 8. However, one key point to note is that potential is not equal to significance, and areas of even moderate or high archaeological potential may not actually contain archaeological material which is considered significant (Section 6).

Figure 5.1 Archaeological sensitivity mapping

6. ASSESSMENT OF SIGNIFICANCE

An assessment of cultural significance seeks to establish the importance that a place has to the community. The concept of cultural significance is intrinsically tied to the fabric of the place, its history, setting and its relationship to other items in its surrounds and the response it evokes from the community. Significance can also be embodied through ties to important individuals, to aspects of technical or aesthetic importance, or items which are either rare or representative of their class.

The assessment of cultural significance with respect to archaeological sites can present difficulties because the nature and extent of the "relics" are often indeterminate and value judgements therefore need to be made based on potential attributes. The element of judgement can be greatly reduced by historical or other research, as has been completed for the current study. Archaeological deposits and features provide important evidence of the history and settlement of New South Wales. These heritage items may include deposits containing material culture (artefacts) that can be analysed to yield information regarding early urban development that is unavailable from other sources. Archaeological investigations can reveal much about technology, industry, past economic and social conditions and people's lives.

Sites that contain these elements therefore have scientific value that may be of considerable significance when analysed in association with documentary evidence. It is through this potential to reveal information about the past use of a place that archaeological sites have heritage significance.

6.1 BASIS FOR ASSESSMENT

The Burra Charter of Australia ICOMOS was formulated in 1979 (revised 1999 and 2013) [Australia ICOMOS 2013], based largely on the Venice Charter (for International Heritage) of 1966. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Charter divides significance into four categories for the purpose of assessment. They are: Aesthetic, Historical, Scientific/Technical, and Social significance.

The Heritage Council of NSW has established a set of seven criteria to be used in assessing cultural heritage significance in NSW, and specific guidelines have been produced to assist archaeologists in assessing significance for subsurface deposits (Heritage Council of New South Wales 2009; NSW Heritage Office 2001). The Heritage Council's criteria incorporate those of the Burra Charter, but are expanded to include rarity, representative, and associative value.

In order to determine the significance of a historical site, the Heritage Council have determined that the following seven criteria are to be considered (NSW Heritage Office 2001):

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

These criteria were designed for use on known or built heritage items, where above ground heritage is both tangible and easily identified. Due to the nature of archaeology being that it is invisible until disturbed, the presence and attributes of archaeological material must be assumed based on the recorded levels of disturbance, known site history and the creation of predictive statements. Ultimately, the actual presence of archaeological material can only ever be framed in terms of the potential for it to be present. The following assessment therefore deals with the built and archaeological potential within the study area in a consolidated manner.

6.2 LEVELS OF SIGNIFICANCE

The Heritage Act allows for the protection of heritage items of State or local significance. The levels of significance can be defined as:

- Items of State significance are of special interest in a State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection of association to the State.
- Items of local significance are of special interest to the local area. They important to the local community and often form an important part of the local identity. Collectively, such items reflect the cultural or natural history of the given area.

6.3 SIGNIFICANCE ASSESSMENT

The following section addresses the significance of the potential heritage resource within the study area in accordance with the criteria adopted in the Heritage Council's significance guidelines for archaeological deposits (Heritage Council of New South Wales 2009, pp.11–13), using selected questions from the guidelines.

Table 6.1 Assessment of significance for study area.

Criteria	Assessment	Level of Significance
A	The road alignments within the study area represent the formalisation of an earlier stock route which linked 2 of the earliest areas of European agricultural pursuits in the Cumberland Plain outside of Sydney; Cowpastures and Richmond. However, the roads have undergone substantial phases of modernisation over the intervening years and there are no tangible links connecting the earlier stock route to the present roads. While there are heritage items in the vicinity of the roadway, these items do not cross into the REF boundary and will not be directly affected by the proposed works.	None
B	The study area does not have a specific association with the life or works of a person, and does not exhibit characteristics that are important in NSW's cultural or natural history.	None
C	Neither the roads present in the study area nor the heritage items in the immediate vicinity do not exhibit any aesthetic, creative or technical achievements beyond those of standard 21 st century construction techniques.	None
D	The study area does not have a specific association with a particular community or cultural group in NSW or the local area.	None
E	As the roads within the study area have been heavily disturbed and modified over time, the road is unlikely to yield information that will contribute to a deeper understanding of the local areas cultural or natural history. The development and occupation usage of land either side of the road was slow and limited prior to the 20 th century, and is therefore also unlikely to provide an area of research potential related to the study area.	None
F	The study area is unlikely to possess uncommon, rare or endangered aspects of the local area or NSW's cultural or natural history.	None

Criteria	Assessment	Level of Significance
G	As the study area encompasses man-made road corridors, it is not considered to possess any characteristics of the local area's cultural or natural places or natural environments.	None

6.4 STATEMENT OF SIGNIFICANCE

The study area encompasses major road alignments that connect several historic townships, as well as two LGAs. The road corridors within the study area are significant in that they represent the formalisation of earlier stock tracks; however, neither the roads in their current configuration nor the surrounding lands are representative of the significance that they once held through being evidence of attempts to utilise European methods of agriculture in an Australian setting. This is also noted in the heritage study prepared by Paul Davies Pty Ltd, which notes that while the road alignment was initially nominated for heritage listing as being an early colonial road, “the road has undergone upgrades removing much of its early form” with “little of demonstrated historical significance” (Paul Davies Pty Ltd 2007, pp.22, 26, 31, 104). While there are buildings present within various parts of the study area as indicated on the 1947 aerial imagery, these structures have not been identified as being of significance at either a local or State level.

While the wider study area incorporates parts of the curtilages of two heritage items from the Penrith LEP, namely the Cottage (LEP Item No. 175) and the Londonderry Cemetery (LEP Item No. 115), research has not identified any values associated with these items that extend beyond either the cadastral boundary of the site in terms of the Cottage (LEP Item No. 175), or into the area of proposed works in terms of the Londonderry Cemetery (LEP Item No. 115).

As such, while both the Cottage and Londonderry Cemetery in themselves demonstrate levels of heritage significance in their own regard, these portions of the heritage sites are only inside the boundary of the wider study area, and not the project boundary. As such, the project boundary is not considered to meet any of the Heritage Significance Criteria at either a State or local level.

7. STATEMENT OF HERITAGE IMPACT

The purpose of this section is to present a comprehensive assessment of the impacts to the identified archaeological values associated with the study area from the proposed works.

7.1 PROPOSED WORKS

Transport are proposing to upgrade the roads within the study area to improve their capacity as flood evacuation routes in order to:

- Improve the flood immunity and efficiency of priority existing evacuation routes;
- Minimise the potential for disruption to flood evacuation routes during floods and to lower flood risk within the Hawkesbury-Nepean valley; and,
- Support continued future development.

7.2 ASSESSED IMPACTS

The key features of the proposal include:

- Widening of the southbound shoulder pavement on the following roads, a total of approximately 20 kilometres, to provide a second outbound lane reserved for drivers to use during emergency flood evacuations. This will include culvert and drainage extensions to accommodate a wider road corridor, and connecting drainage along:
 - Londonderry Road between 270 metres south of Southee Road and The Northern Road, Londonderry; and,
 - The Northern Road between Richmond Road and Borrowdale Way, in Londonderry, Berkshire Park, Cranebrook, Llandilo, and Jordan Springs.
- Drainage improvements including upgrades to culvert crossings, drainage channels, and pit and pipe networks at identified locations to improve resilience in localised flooding events. Work would include:
 - Culvert upgrades, and associated drainage channel work:
 - Along sections of The Northern Road associated with raising of low points as outlined below;
 - On Carrington Road at the intersection with The Northern Road, Londonderry;
 - At 2 locations on The Northern Road approximately 50 metres and 130 metres north of the intersection of Carrington Road, Londonderry;
 - On The Northern Road approximately 250 metres north of Toorah Road, Londonderry;
 - On Vincent Road at the intersection with The Northern Road, Cranebrook; and,
 - On Fifth Avenue at the intersection with The Northern Road, Llandilo.
 - New roadside drainage channels (including vegetated and concrete of various widths):
 - Along Londonderry Road (adjacent to the southbound shoulder), from 270 metres south of Southee Road, Hobartville to the intersection with The Northern Road, Llandilo;
 - Along The Northern Road (adjacent to the southbound shoulder), from the intersection with Blacktown Road/Richmond Road, Bligh Park to Ninth Avenue, Llandilo; and,
 - Along The Northern Road (adjacent to the northbound shoulder) at road raising areas (described in further detail below).

- Underground drainage network upgrades:
 - Along The Northern Road (southbound), Cleeve Place and Star Crescent, Cambridge Gardens from Trinity Drive to Boomerang Place, including approximately 60 metres along Trinity Drive, Cambridge Gardens;
 - Along The Northern Road, Cranebrook (northbound) from approximately 115 metres north of Andrews Road, Cranebrook to Trinity Drive, Cambridge Gardens including new drainage crossings underneath The Northern Road;
 - Along Andrews Road from The Northern Road up to the Andrews Road Baseball Complex in Cranebrook.
- Raising of low points along sections of The Northern Road, affecting all road lanes located:
 - Starting from around 120 metres North of Whitegates Road, Londonderry heading northwards (about 345 metres length);
 - Starting from around 200 metres North of Spinks Road, Llandilo heading northwards (about 920 metres length);
 - Starting from around 270 metres north of Fifth Avenue to around 435 metres south of Fifth Avenue, Llandilo;
 - Starting from around 185 metres north of Vincent Road to around 105 metres south of Vincent Road, Cranebrook; and,
 - Starting from around 50 metres south of Ninth Avenue, Cranebrook to about 365 metres south of Ninth Avenue, Cranebrook.
- Extend, replace or add new culverts at selected locations along Londonderry Road and The Northern Road to maintain property access (eg driveways) as required.
- Realignment of The Northern Road, Cranebrook (within the road corridor), between around 330 metres north of Seventh Avenue, Llandilo to around 280 metres south of Vincent Road, Cranebrook to reduce project impacts on adjacent sensitive receivers and improve road safety.
- Adjustments to the following intersections to facilitate a secondary outbound lane for drivers to use during a flood evacuation event. These may include changes to existing median, traffic islands, kerbs and line marking at:
 - The Northern Road and Richmond Road and Blacktown Road, Bligh Park;
 - Londonderry Road and The Northern Road and Cranebrook Road, Cranebrook;
 - The Northern Road and Vincent Road, Cranebrook;
 - The Northern Road and Ninth Avenue, Jordan Springs;
- Installation of new signage to be displayed during emergency flood evacuations to facilitate a second left turn at the existing Parker Street/Great Western Highway intersection in Penrith under traffic control.
- Adjustments as required to connect Londonderry Road and The Northern Road to local roadways, side roads and access roads.
- Relocation and/or adjustments of various road furniture (such as signage, road safety barriers, street lighting, kerb and island adjustment etc) throughout the proposal area.
- Relocation of bus stops at:
 - The Northern Road (northbound) approximately 30 metres south of Vincent Road. To relocate this bus stop approximately 130 metres to the south; and,
 - The Northern Road (southbound) approximately 210 metres south of Ninth Avenue. To relocate this bus stop approximately 20 metres to the north.
- Utility and driveway adjustments as required within the proposal area.

- Landscaping as required.
- Provision of temporary ancillary facilities to support the construction works including office and staff amenities, site compound and laydown areas:
 - Road reserve adjacent to the Francis Greenway Correctional Complex, Berkshire Park (site 1);
 - Road reserve adjacent to 245 The Northern Road, Berkshire Park (site 2);
 - 557 The Northern Road, Berkshire Park (site 3);
 - Road reserve adjacent to 107 Fifth Avenue, Llandilo (site 4);
 - Road reserve adjacent to 902 The Northern Road, Llandilo (site 5);
 - 1042 The Northern Road, Llandilo (site 6);
 - Council reserve, Greenwood Parkway, Jordan Springs (site 7);
 - Part of the Richmond Race Club, Londonderry Road, Londonderry (site 8);
 - Council reserve, Andrews Road, Penrith (site 9); and,
 - Council reserve, Parker Street, Penrith (site 10).

The final construction staging of the proposal would be determined by Transport and the construction contractor. However, it is anticipated that the permanent works would be carried out in stages, with an early works component. Subject to funding availability, the construction is expected to commence in 2026 and completed in 2030.

For further details of the proposed works, refer to Chapter 3 of the REF (Transport for NSW 2024b).

In general, these works will not impact on heritage values associated with the study area, as this assessment determined that there are only limited heritage values present within the area of proposed works.

While there are 2 locations within the study area which embody both heritage values and archaeological potential are in the vicinity of the Cottage (Penrith LEP Item No. 175) and the Londonderry Cemetery (Penrith LEP Item No. 115). Looking first at the Cottage, there are no proposed works and therefore no impacts which will directly affect the curtilage of the heritage item (Figure 7.1). There is to be the installation of new signage placed on the opposite corner of the road from the Cottage. However, with the cottage fronting a main road, there is already existing signage in front of the building as well as an existing street sign on the corner of the road to the north. The proposed location of the new sign is on the opposite side of the road and will not obscure views to or from the property nor substantially alter the surrounding vista.

For the Londonderry Cemetery (Penrith LEP Item No. 115), proposed impacts in the vicinity of the site include the construction of a widened shoulder and a new drainage channel to the east of the existing road shoulder. A culvert will also be replaced under a driveway in the road corridor that provides access to the cemetery. These works are to occur in the space between the road corridor and the cleared land adjacent to the extant treeline (c.f. Figure 4.10), and will not extend into either the cadastral lot or the area to the east of the fenceline where known burials are present (Figure 7.2). As discussed in Section 5, it is considered unlikely that burials are present in the area to be impacted on the basis that it would be unusual for graves and their associated headstones to be located within proximity of the existing road alignment, especially when there is limited evidence for its alignment having altered. Furthermore, extensive trenching has already been undertaken in the space between the existing road alignment and the cadastral boundary of the property for communication conduits and a sewer line (Figure 7.3). Excavation works associated with the installation of these various services would have adversely affected any graves which may have existed in this location. As such, the proposed works are considered unlikely to impact on previously unknown grave locations.

Figure 7.1 **Proposed works in vicinity of cottage**

Figure 7.2 **Proposed works in relation to extent of high archaeological potential.**

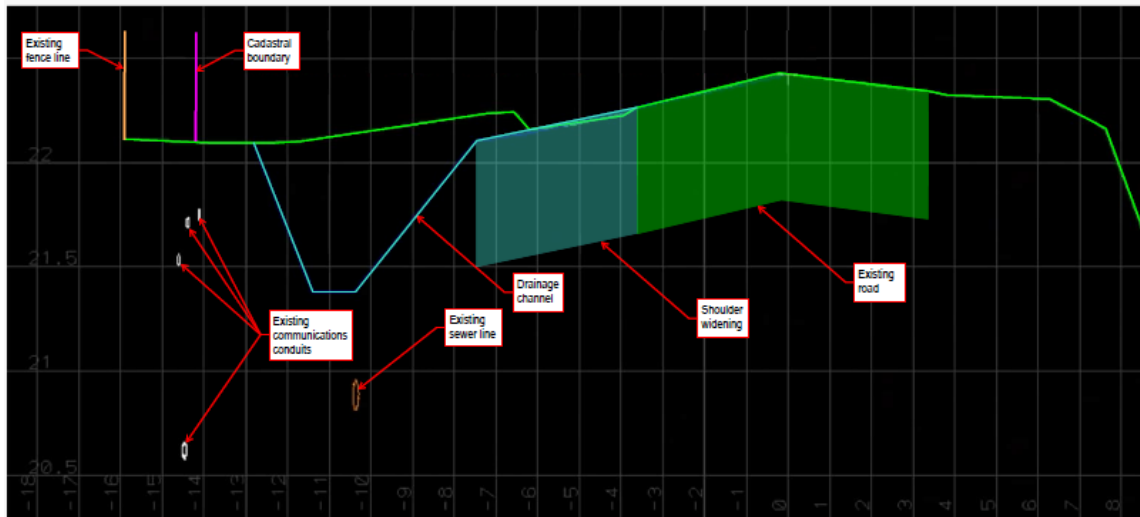


Figure 7.3 Cross-section showing depth of impact from proposed works in relation to existing services in the vicinity of the Londonderry Cemetery (provided by SMEC).

In summary, as all proposed works will be conducted within the existing road corridor and outside of areas identified as containing historical heritage values or archaeological potential, this assessment has determined that while there may be temporary visual harm in the vicinity of heritage items adjacent to the study area. Once works are completed, there will be no long-term impacts to the heritage values relating to the items discussed in Section 2.

7.3 CONSIDERATION OF HERITAGE VALUES IN THE DESIGN PROCESS

Heritage NSW requires that certain questions be addressed for development in the vicinity of a heritage item. It is noted that this project commenced in mid-2023 with initial drafts of the report prepared in accordance with key aspects of the *Statements of Heritage Impact* (Heritage Office and Department of Urban Affairs & Planning 1996). While new guidelines for the preparation of SoHIs were issued by Heritage NSW in June 2023 (Department of Planning and Environment 2023), this report was completed in its initial form prior to their formal adoption in October 2023. As such, the format for responding to key questions in regards to the proposed works are answered in Table 7.1 below using the earlier template (Heritage Office and Department of Urban Affairs & Planning 1996).

Table 7.1 **Assessment against *Statements of Heritage Impact questions* (Heritage Office and Department of Urban Affairs & Planning 1996).**

Question	Assessment
How is the impact of the new proposed use on the heritage significance of the item or area going to be minimised?	The proposed works require upgrading infrastructure associated with the existing use of the road alignment and there are no proposed changes to its function. Works will avoid direct impacts to areas of heritage significance, and will only result in a minor visual intrusion in the vicinity of the Cottage (Penrith LEP Item No. 175). Works will be shielded from direct intrusion into the viewshed of the Londonderry Cemetery (Penrith LEP Item No. 115) by the retention of existing vegetation.
Why is the new development required to be adjacent to a heritage item?	The proposed works is an upgrade to the existing road alignment and can not be moved.
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?	All existing curtilages are to be respected and will not be intruded upon.
How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?	The viewshed of the Cottage (Penrith LEP Item No. 175) will be subject to a minor impact through the placement of a new signpost on an opposite corner of the road. However, the viewshed from this heritage item already incorporates several similar signs due to its location near a major road intersection. Views to and from the Londonderry Cemetery (Penrith LEP Item No. 115) will be slightly impacted through the eastwards expansion of the road. However, the existing vegetation will continue to provide a visual break between the cemetery and the road alignment.
Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?	The assessment has not identified any archaeological deposits as likely to be present where works are proposed.
Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?	The proposed works involve the upgrade of the existing road alignment. While not sympathetic, it only represents a slight visual intrusion into the viewsheds of the heritage items.
Will the additions visually dominate the heritage item? How has this been minimised?	New additions will not visually dominate the heritage items.
Will the public, and users of the item, still be able to view and appreciate its significance?	There will be no change to the access, use of, or views to the heritage items by the general public.

8. CONCLUSIONS AND RECOMMENDATIONS

8.1 CONCLUSIONS

Road alignment within the study area represent the formalisation of an early 19th century stock route linking the settlements of Cowpastures in the south with Richmond in the north. Grants of land were initially made of land either side of the road in the early to mid-19th century, with varying degrees of uptake and success, with further portions of land offered for sale or grant during the mid-19th century supplemented by construction of a new alignment of road running from Cranebrook Road to Richmond Road. However, the area either side of the road alignment remained undeveloped through much of the 20th century, with the road itself only modernised in the intervening years through the undertaking of road widenings, upgrades and maintenance. Any historical evidence relating to earlier use of land adjacent to the present road alignment or the road itself is likely to have been destroyed throughout this process.

There are 2 previously identified heritage items in the vicinity of the study area; a Cottage (Penrith LEP Item No. 175) and the Londonderry Cemetery (vLEP Item No. 115). This assessment has determined that while works are to be undertaken in the vicinity of these heritage items, neither one will either be directly or indirectly impacted by the proposed works.

The proposed works are therefore not considered to have any adverse impact on the heritage significance of the study area. The works will not obstruct any views to the listed heritage items adjacent to the road corridor. No further heritage investigation is required.

8.2 RECOMMENDATIONS

As a result of the findings in this assessment, it is recommended that:

- 1) No further heritage assessments need to be undertaken in regards to the proposed works as all proposed works are to be undertaken in areas assessed as either containing no heritage values or low archaeological potential (Figure 5.1).
- 2) As works will not be undertaken within the curtilage of any identified or potential heritage item, the requirements to obtain a permit in accordance with section 60 or section 140 of the *NSW Heritage Act 1977* will not be triggered.
- 3) The unexpected finds procedure outlined in Chapter 6 of the Transport for NSW *Unexpected Heritage Items Procedure* (Transport for NSW 2024a) should be implemented in the event that any heritage items or archaeological material is identified during the proposed works.
- 4) Should the actual development be altered significantly from the proposed concept design, then a reassessment of the heritage/archaeological impact may be required. This includes any impacts not explicitly stated in Section 7.
- 5) A copy of this assessment should be lodged by the proponent in the local history section of the local library, and in the library maintained by Heritage NSW.

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APPENDIX A – AMONG THE TOMBS

Quoted from the *Hawkesbury Herald*, Friday 29 April 1904, pg. 10 (*sic* throughout).

Among the Tombs.

THE WESLEYAN CEMETRY,
RICHMOND.

(By R. Farlow.)

Some time ago I found myself among the unemployed- for a few days, anyhow-owing to the paucity of hard cash among those who drive their stylish vehicles. Thus I was enabled to enjoy a taste of my favorite hobby-collecting epitaphs and presenting them to the general public in readable form, and for the benefit of generations to come who may desire to turn up some page in our local history. Thus one sunny morning I decided to take a stroll through the cemetery in question, and see what it was able to tell us.

I take shanks's pony for it, as I am still in the flower of youth, and enjoy a walk. Also, too, I kill other birds with the same stone-collect plants, insects, or anything of interest in connection with the crust of our terrestrial ball. And if my example in these respect should ever incite other young men to enquire into the phenomena of Nature more than they have been wont to do, and be led to a grander and greater conception of the Divine Being, I shall feel that I have done something for the benefit of my fellow creatures during my sojourn here. But I am inclined to get away from my main object, and must return.

Visitors to the town of Richmond will be disappointed if they expect to find the cemetery within the borough of Richmond. To reach it they must needs travel some two miles-I don't say I am mathematically correct along the Londonderry road, and across the boundary of the Castlereagh municipality. There, in the quietude of a primeval forest, they find the small God's acre, fenced in with a good substantial fence, the Western boundary being contiguous to the main road.

Opposite the place of sepulture may be seen a few buildings fast crumbling to decay. The locality is certainly suggestive of the rest belonging to the departed, though if sentiment stand for aught, it is not a very respectable place for those who have played a prominent part in the early history of Richmond to sleep-for death; after all, is but a sleep.

Anyhow, the consecrated place is no disgrace to the Wesleyan community of Richmond, for I have seen many a cemetery within a borough in much greater disrepair. A few ornamental trees had been planted, which, I suspect, was the thought and handiwork of my valued friend, Mr. Arthur Price. However, while custom still clings to depositing the body in mother earth this cemetery will assuredly escape the anathemas of the public, for it is not likely to prove a menace to the health of any individual -and this is saying a great deal-not till a century or so has passed, and Richmond has become a great city, with its electric trams, factories, and vast populace. The burials are not numerous, and this enables me to quote in toto.

The stones indicate that many of the old hands attained their three score and ten, and over. Here is one:

*In memory of
Mabella,
beloved wife of
Richard Kidd,
who departed this life
January 17th, 1863,
aged 44 years.*

*Also
Sarah Ann,
daughter of the above,
who departed this life
September 28th, 1862,
Aged 9 years.*

*These, of course parted with this world long are they attained the allotted span; but the next
on the stone tells us this: Also*

*Richard Kidd,
late of Christchurch, New Zealand,
who departed this life
July 6th, 1882,
aged 76 years.*

*The Kidd family I remember pretty well, more particularly old "Ned" the blacksmith. I was
often sent with a colter, or something else, to be repaired. I remember him well when he
worked for old "Bob" Eggleton when that gentleman commanded a good business at the
top end of Richmond, opposite the R.C. church-the time when Jim Donohoe (now many
years in the employ of Dr. Cameron) was "bumping" for him. Here Jim and the writer
became acquainted, and we have been firm and fast friends ever since-and likely to remain
so.*

*Poor old "Ned" has gone, I believe, some time ago- gone to where, according to a saying,
all good smithies and painters go. Anyhow, relics of his handiwork still remain. It was but
yesterday, so to speak, I was working on an old-fashioned wheel colter which was laid the
last time by old "Ned" Kidd. Here is one to another Kidd;*

*Sacred
to the memory of
Namoi Kidd,
died December 3rd, 1869,
aged 59 years.*

*Crisford! Yes, the name is a very, familiar one about Richmond, and methinks the one
buried here is a relative of our good old friend Caleb, whom I have not seen for a long time.
Here is what it says:*

*Sacred
to the memory of
John Crisford,
who departed this life
November 2nd, 18-,
aged 38 years.*

*The year in which he died and the number of years he attained is any-thing but legible, and
the 38 years is my supposition. Here is the resting place of another old identity who will be
remembered by the older school in Richmond – a Mrs Ward:*

*In memory of
Elizabeth Ward,
died February 8th, 1868,
aged 70 years.*

*Ward! Yes, I had an uncle, Jim Ward; and can it be I am standing beside the grave of his
mother? It is not improbable. I am inclined to think so, anyway. The well-known Ducker
family are represented. They were among the pioneers of the Wesleyan church, and right
royal supporters of it also. Here are the epitaphs:*

*In memory of
John Ducker,
born January 3rd, 1804,
died April 10th, 1879.
*The memory of the just is blessed."
Mary Ducker,
born July 16th, 1801,
died October 21st, 1809.
"She hath done what she could."
Also
Margaret,
dearly loved wife of E. H. Ducker,
died May 3rd, 1897,
interred at Richmond.*

This will lead people to believe that she died away from Richmond. And they will be right in so doing. I re-member the good lady's funeral very well, and I know her husband, who is still in the flesh. It is a long while since I saw him, but the last time I met him he was hale, hearty, and active, and looked good for many years to come. Anyhow, I am not likely to forget him, as every time I run along the shelves of the little library in my den I catch a glimpse of a present from him in the form of a book-one of the first batch of "In His Steps," by Sheldon. This book I prize, as it is reminiscent of thought and good wishes for my welfare on the part of the donor. Here is one to the Huxley family:

*In memory of
Ann,
wife of James Huxley,
born October 14th, 1814,
died May 18th, 1883.
Happy spirit, thou art sleeping
On thy Saviour's breast;
Thou art gone from pain and weeping
To thy Lord's eternal rest.*

Thus it will be remembered that Ann and James Huxley lived for many years on a farm at the Grose river. I remember the good old lady passing away and being buried out there. On more than one occasion I visited their home, and was well received. The old man Huxley I remember much better than his wife. He and I got along famously. I remember him making his exit, and I felt somewhat hurt to think his name has never been engraved on the stone. Anyhow he is buried there. The wheel of time brings some strange things about; it now left me standing by the resting place of a relative by marriage. I thought I had all the Kidds, but I alight on another, reading thus :

*In memory of
Mary Ann Kidd,
died 1st September, 1882,
aged 42 years.
We watched her fading day by day,
And saw her pass away
We nursed her with such tender care
But could not make her stay.*

It is true that all that was done to save the life but indicated that it has been appointed unto men once to die, and when that time arrives all our earthly aid is of no avail. Still it is consolation to the bereaved ones to know that they have done their duty -and done it nobly and well. The family of the squire of " Osier Banks," East Richmond, is well represented in this manner:

*Sacred to the memory
of
Thomas Henry Sullivan,
who departed this life
I April 21st, 1859,
aged 6 years.
Also
Charles James Sullivan,
who departed this life
December 17th, 1861,
aged 2 years and 8 months.
Also
Charles James Sullivan,
who departed this life
february 21st, 1868,
age 16 months.*

On a recumbent stone hard by I find what I believe to be the names of his parents. They read in this wise:

*In memoriam
Fanny Sullivan,
who died
September 8th, 1862,
aged 56 years.
Also
Thomas Patrick Sullivan,
who died
October 23rd, 1878,
aged 68 years.
" There is sweet rest in heaven."*

Here is another:

*Sacred to the memory of
John Moore,
Died October 8th, 1862,
aged 87 years.*

On another stone hard by I find the following:

*Sacred to the memory of
John Moore,
who departed this life
January 10th, 1851,
aged 64 years.
Also
Sydney Page Leslie,
infant son of
William and Mary Moore,
who departed this life
December 3rd, 1864,
aged 3 months.*

Here we have familiar names to old hands in Richmond. There was a family of this name related to the Duckers, and it is just possible that here we have their remains. I am inclined to think so. Here is a simple inscription:

*Sacred to the memory of
James Wilton,
who departed this life
January 25th, 1864,
age 35 years.*

Here are some to members of the Price family:

*In memory of
Benjamin Arthur Price,
who departed this life
November 5th, 1854,
aged 20 years,
(verse obliterated.)
Also
Ann Price,
born January 21st, 1801,
died May 10th, 1856.
Also
William Price,
born December 25th, 1792,
died May 28th, 1877.
"Tis Jesus, the first and the last
Whose spirit shall guide us safe home;
We'll praise him for all that is past,
And trust him fr all that's to come
Also
Rebecca,
sixth daughter of the above,
who died July 21st, 1880,
aged 87 years.*

In an enclosure of the most up-to date masonry to be found in the cemetery I find a few names familiar to me:

*William Thomas Price,
died 20th April, 1895,
aged 75 years.
" Dear Father."
Caroline,
beloved wife of
William Thomas Price,
died 3rd December, 1878,
aged 54 years
" Dear Mother."
Albert,
youngest son of
William Thomas Price,
died 4th April, 1876,
aged 10 years.
William Robert Price,
beloved husband of
Elizabeth (nee Young),
eldest son of W. T. and Caroline
Price,
died 30th January, 1889,
aged 47 years.*

Mr. William Price here mentioned as " Dear Father" was the father of our intellectual and progressive citizen, Mr. Arthur Price. I remember the old gentleman very well, and he and I were the best of friends. Many a morning I met him in Cox's Lane as early as half-past five, and always received a friendly "good morning Robert!" from him. Later in life I knew him more intimately, and we I had many a pleasant chat together. William Robert Price, who carried on a blacksmithing establishment in Richmond for many years, I knew also, and many a time I have been to his shop with some portion of a farming implement when I was a boy. I knew him later as an Oddfellow, and claimed him as a brother, and we all regretted his death while still in the prime of life. He died at Penrith, but I was pleased to see they brought him over and laid him to rest with his parents, and that he was accorded an Oddfellows' funeral. As I stood with their grave at my feet I thought of the times when we foregathered under pleasant circumstances; thought of the good days when a few pounds were nothing to us; thought, too, of the attention that my valued friend. Mr Arthur Price, has given to their resting place. In this attention he has set a noble example, and proves that their memory is still dear to him. He has enclosed their resting place with a unique and ornamental masonry of Waratah blue stone, which works up admirably, and is very much superior to the majority of freestone available for monumental work. The corner stones weigh one ton each, and the other sections are proportionately substantial, while in the centre stands an ornament of the same material, the remaining portion being covered with beautiful bronze gravel. It must be conceded that this class of copy-hunting is lugubrious, but I am satisfied with it all the same; satisfied with my morning's work; satisfied, too, if I have turned my material to good account, and made it interesting reading to the general public