



Heritage Impact Statement

353 - 355 Waterloo Road
Greenacre NSW

Project Address

Submitted to Canterbury-Bankstown Council
On Behalf of Henroth Investments Pty Ltd

March 2019

REPORT REVISION HISTORY

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Certification

This report has been authorised by City Plan Heritage P/L, with input from a number of other expert consultants. To the best of our knowledge the accuracy of the information contained herein is neither false nor misleading. The comments have been based upon information and facts that were correct at the time of writing.

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1. INTRODUCTION

1.1. History of Project

In 2011 City Plan Heritage (CPH) was engaged by Restifa & Partners Pty Ltd to prepare an Archaeological Assessment and HIS for proposed Chullora Marketplace shopping centre development at 355 Waterloo Road, Greenacre NSW. The proposed works included demolition of some sections of the existing Chullora Marketplace Shopping Centre building, land clearance and excavation of the southern component of the site adjacent to the Norfolk Road boundary.¹

The Archaeological Assessment concluded the following:

In conclusion, it is assessed by City Plan Heritage that the proposed works for the new alterations and additions for the Chullora Marketplace Shopping Centre will not have a negative impact on the archaeological item listed on the Bankstown LEP. It is noted that the subject site is listed on the LEP as forming part of the former Liebenritt Pottery site, which is historically significant as the location of a successful family run pottery established c.1863 and operating during the 19th and 20th centuries producing clay products for the building industry. Historically the site has been assessed as being of (at least) Local significance for this reason although the subject site itself was not the site of the pottery factory or in fact any structures associated with this use. It was part of the clay sources used in the manufacture of the pottery and tile products and as such is assessed as not having the potential to contain any archaeological relics from that phase.²

In May 2018 Henroth Pty Ltd submitted an application to Canterbury-Bankstown Council (Council) to prepare a Planning Proposal (PP) for the site at 353-355 Waterloo Road, Greenacre (the subject site). The PP included an amendment to the Bankstown Local Environmental Plan (LEP) by:

... increasing the maximum building height from 11 metres (three storeys) to 14–20 metres (four–six storeys), and rezone the site at 353 Waterloo Road (house site) from R2 Low Density Residential to B2 Local Centre. No change is proposed to the zoning of the current Chullora Market Place site at 355 Waterloo Street Greenacre, this site will remain zoned as B2 Local Centre.¹

The application included an indicative concept plan for the subject site, which proposed a mixed-use development (3–6 storeys) with shop top housing and associated parking (1,294 spaces) within podium levels.

Council's assessment indicated that the PP had strategic merit, however, identified the requirement for additional information as part of the Gateway process, including the preparation of an independent heritage study.³

¹ 'Chullora Marketplace Shopping Centre, Waterloo Road, Greenacre: Heritage Impact Statement and Archaeological Assessment Report', July 2011, CPH

² Ibid, p.36

³ 'Planning Proposal: 353-355 Waterloo Road in Greenacre', Ordinary Meeting of Council held on 11 December 2018, Canterbury-Bankstown Council, p.37

1.2. The Brief

City Plan Heritage (CPH) has been engaged by Henroth Pty Ltd to prepare the following Heritage Impact Statement (HIS) to accompany a PP for the redevelopment of 353-355 Waterloo Road, Greenacre NSW (the subject site).

Henroth Pty Ltd is currently investigating the potential for basement-level carparking on the site. As such, the brief outlines the following requirements:

- *assess whether the proposal will impact on the heritage significance of the site, consistent with relevant legislation requirements;*
- *discuss whether it is possible to accommodate basement car parking from a heritage perspective; and*
- *based on the above tasks, recommend necessary measures to mitigate any impacts.*

Although it is understood that the plans provided (see *Section 5*) in association with this PP are indicative only, and that the specific design and location of basement-level carparking would be determined in the subsequent DA phase, the proposed redevelopment and provision for basement-level carparking must be addressed in terms of their potential heritage impacts. This HIS will therefore assess the potential heritage impacts of the PP, both generally and in reference to the potential for basement-level carparking, and will make recommendations accordingly.

Note: As no physical works are proposed at this stage, aspects of the design including materials, form, detailing and massing will need to be assessed in the subsequent DA phase.

1.3. The Site

The subject site is located within the suburb of Greenacre, within the Local Government Area (LGA) of Canterbury-Bankstown Council and approximately 16 kilometres south-west of the Sydney CBD (Figure 1).

The subject site is bounded by Malek Fahd Islamic School at 405 Waterloo Road to the north, 81-105 Norfolk Road and 351 Waterloo Road to the south, Waterloo Road to the west and Norfolk Reserve to the east.

For a more detailed description of the site and its context, see section 2.0 Site Description and Context.

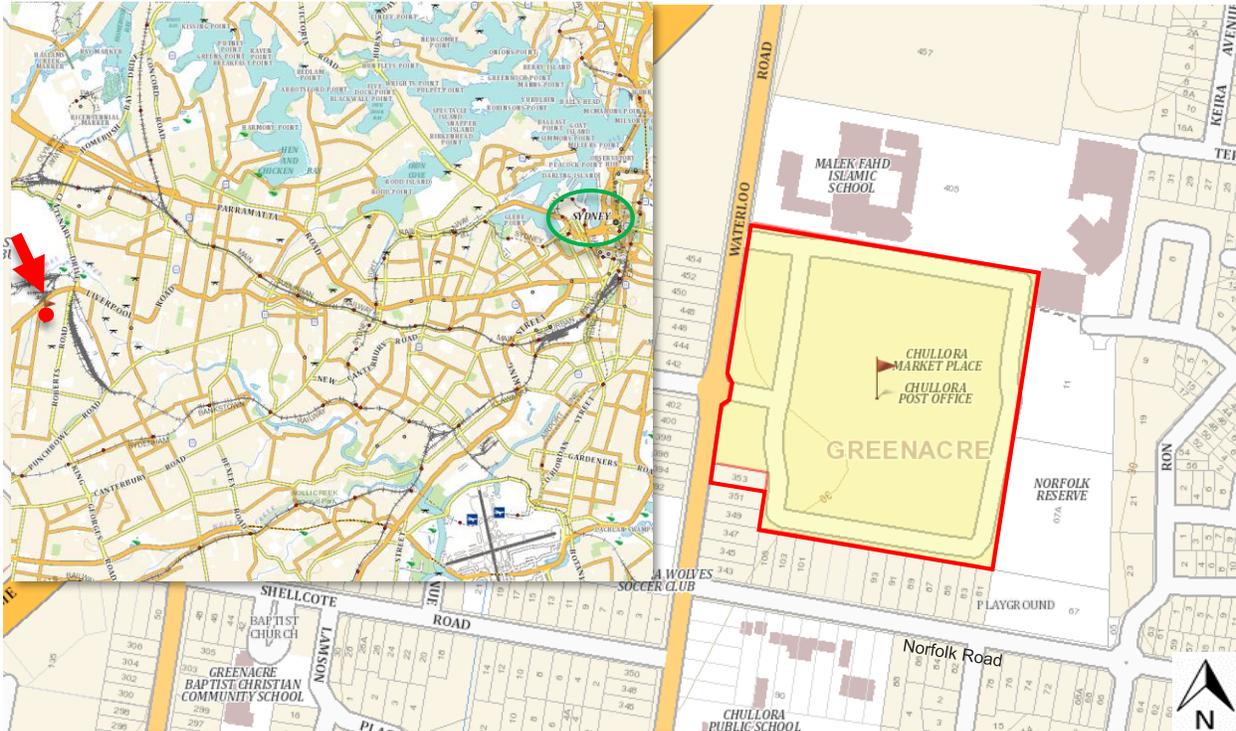


Figure 1: Location of subject site (indicated by arrow) within its urban context and in relation to the Sydney CBD (inset) (Source: SIX Maps 2019)

1.4. Legal Description

The subject site is comprised of the following allotments:

- Lot 41 Deposited Plan (DP) 1037863; and
- Lot 9 DP 10945.

The subject site contains the Chullora Market Place, a shopping centre on Waterloo Road which features a variety of stores large retail outlets and independent small businesses, and a large open-air carpark to the west.

1.5. Heritage listing

The subject site is listed as an archaeological item ‘Site of “Liebentritt Pottery”’ at 355 Waterloo Road, Greenacre (item no. A4) under Part 2 of Schedule 5 of the Bankstown LEP 2015.

1.6. Methodology

This HIS has been prepared in accordance with the NSW Heritage Division publications, *Statements of Heritage Impact, 2002* and *Assessing Heritage Significance, 2001*. It is also guided by the philosophy and processes included in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter).

The subject proposal has been assessed in relation to the relevant controls and provisions contained within the Bankstown LEP 2015 and the Bankstown Development Control Plan (DCP) 2015, as well as the provisions of the *NSW Heritage Act 1977*.

Research for this HIS has adopted a two-stepped approach. Step 1 comprised a desktop assessment and Step 2 was a site survey. This document provides the combined findings and recommendations resulting from this approach.

Step 1

Research into the early development of the site was undertaken to get a better understanding of the place. In addition, the Aboriginal Heritage Information Management System (AHIMS) was searched to establish the location and background information on any Aboriginal objects or Aboriginal Places that are known to have special significance with respect to Aboriginal culture. Further, the Bankstown LEP 2015 and the State Heritage Register (SHR) were examined to determine the known heritage values of the subject site and its surrounding context.

Step 2

A site survey of the subject site and its heritage context was carried out by Alexandra Ribeny (Heritage Consultant/ Archaeologist) on 15 February 2019 with the purpose of photographing and understanding the place. All results are presented in *Section 2 - Site Context and Description*.

1.7. Constraints and limitations

- This assessment does not include a heritage landscape assessment.
- This assessment does not form part of the building consent process.
- This assessment relates to the proposed works and documentation described in *Section 5 - The Proposal* and *Section 1.6 - Methodology*. It does not relate to any additional or revised documentation by any party.
- This assessment does not include an assessment of Aboriginal values. An assessment of the Aboriginal cultural significance of an area can only be made by Aboriginal communities.
- Only a visual assessment of the subject site was carried out. Intrusive methods were not employed.
- This assessment does not include for the provision of a title search for the subject site.

1.8. Author Identification

The following report has been prepared by Alexandra Ribeny (*Heritage Consultant/ Archaeologist*). Carole-Lynne Kerrigan (*Associate Director - Heritage*) has reviewed and endorsed its content.

2. SITE CONTEXT AND DESCRIPTION

2.1. Site Context

The subject site is located within the suburb of Greenacre, within the LGA of Canterbury-Bankstown Council and approximately 16 kilometres south-west of the Sydney CBD (Figure 2). The real property description for the site is Lot 41 DP 1037863 and Lot 9 DP 10945.

The subject site is bounded to the north by Malek Fahd Islamic School at 405 Waterloo Road, 81-105 Norfolk Road and 351 Waterloo Road to the south, Waterloo Road to the west and the Norfolk Reserve to the east.

The area which surrounds the subject site is characterised by a mixture of residential, commercial and light industrial development. Industrial uses extend northwards along the eastern side of Waterloo Road as far as the intersection with the Hume Highway. The area to the south and west of the subject site is predominantly residential. The eastern boundary of the subject site is common with Norfolk Reserve, beyond which is a residential precinct.

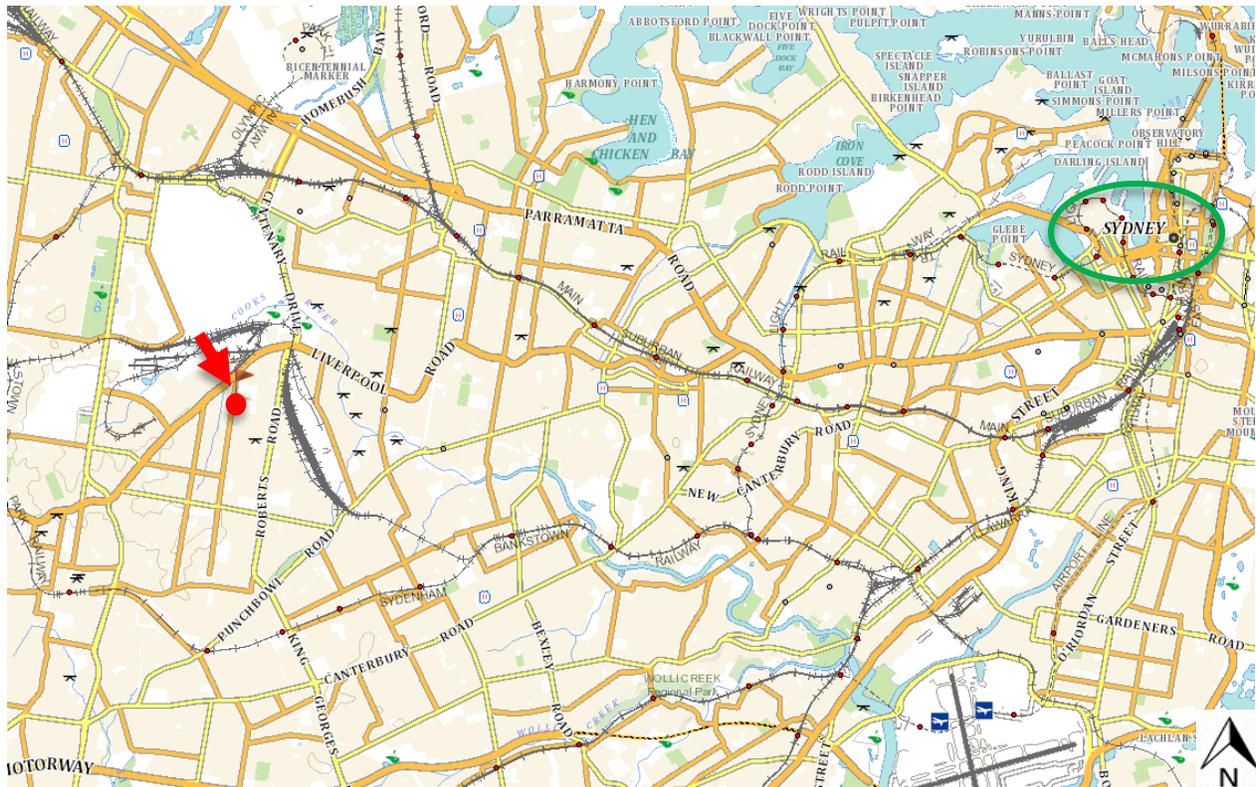


Figure 2: Location of the subject site (indicated with arrow) relative to the Sydney CBD (circled) (Source: SIX Maps 2019)

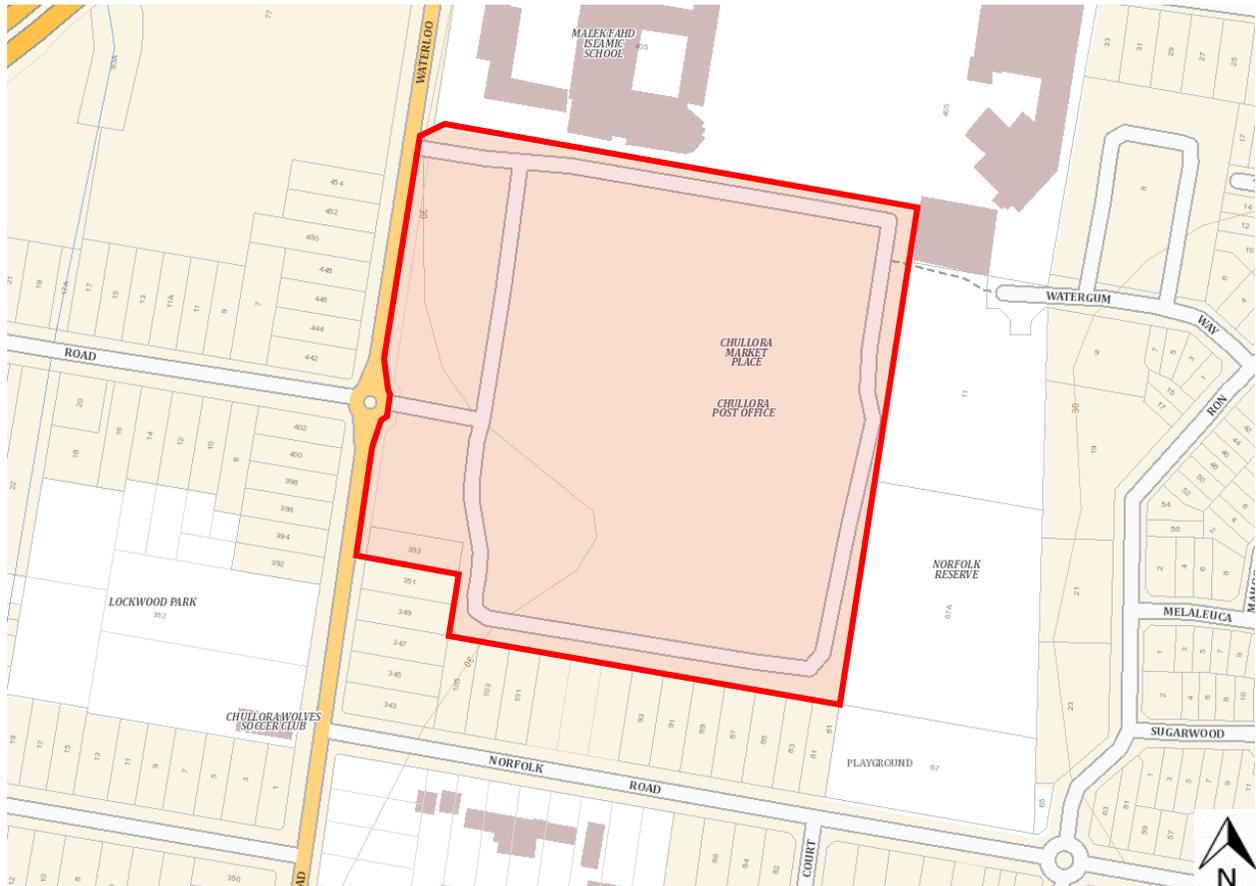


Figure 3: Location of the subject site (indicated in red) (Source: SIX Maps 2019)

2.2. Heritage Context

The subject site is listed as an archaeological item ‘Site of “Liebentritt Pottery”’ at 355 Waterloo Road, Greenacre (item no. A4) under Part 2 of Schedule 5 of the Bankstown LEP 2015 (Figure 4). The subject site is also located within the vicinity of archaeological item ‘Site of “Royal Arms Inn”’ at 2-2A Hume Highway, Greenacre (item no. A2), listed under Part 2 of Section 5 of the Bankstown LEP 2015.

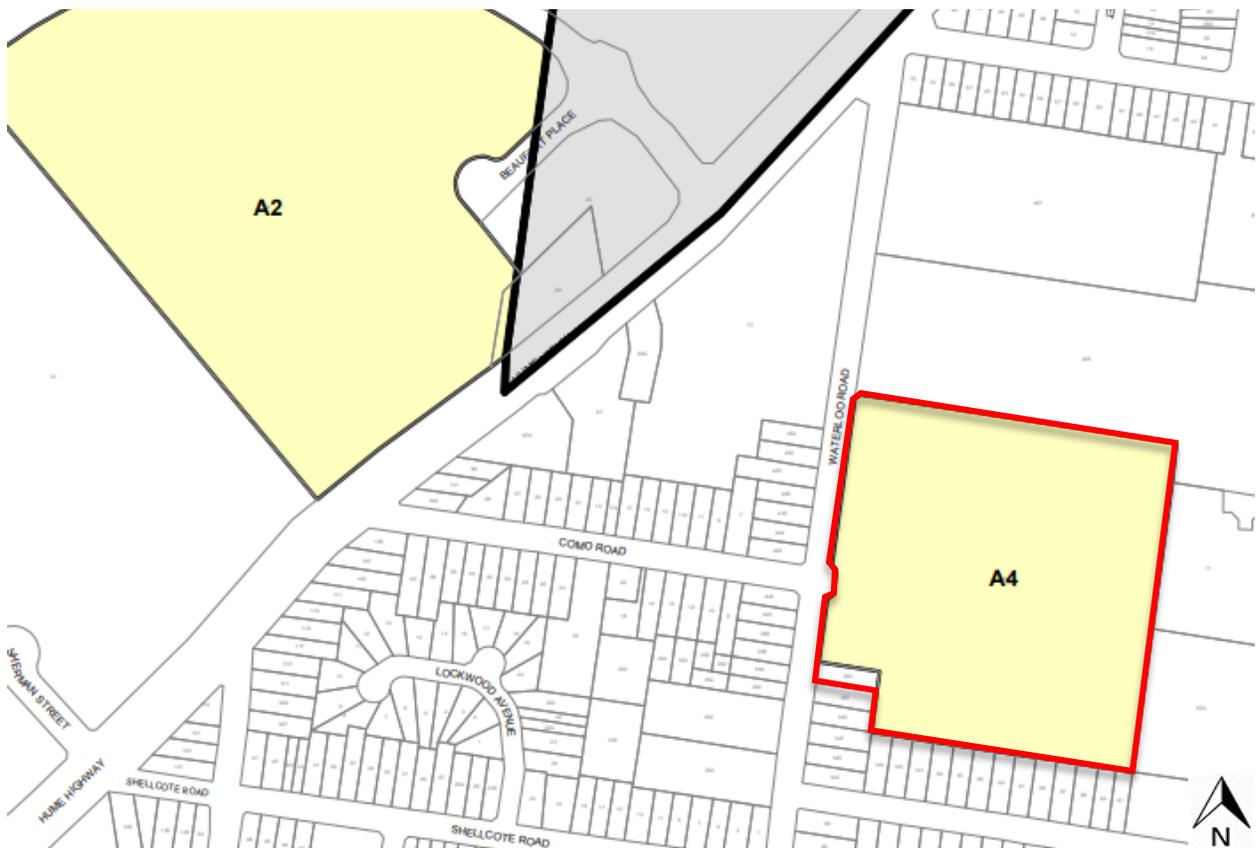


Figure 4: Location of subject site (indicated in red) relative to proximal heritage items (Source: Heritage Map Sheet HER_004, Bankstown LEP 2015)

2.3. Site Description

2.3.1. Surrounding Area

The subject site fronts Waterloo Road to the west (Figure 6). The central vehicular entrance to the site is an extension of Como Road which runs perpendicular to the west of the site. The western side of Waterloo Road consists of residential development and Lockwood Park to the south (Figure 7).

The southern boundary of the subject site is defined by residential dwellings (Figure 8) to the north of Norfolk Road, being a row of late-20th century single-storey dwellings and to the south is Chullora Public School.

Norfolk Reserve is located immediately to the east of the subject site (Figure 9). While the southern component of the reserve is accessible via a pedestrian way from Norfolk Road, the majority is contained behind a modern fenceline which defines the eastern boundary of the subject site (Figure 10).

The subject site is bounded to the north by Malek Fahd Islamic School at 405 Waterloo Road to the north (Figure 11). The school campus consists of a number of buildings contained behind a modern fence along its Waterloo Road frontage. A playing field is located within the school grounds to the west. Further north still, the area is characterised by light industrial structures.

At the northernmost point of Waterloo Road, where it meets the Hume Highway, is a commemorative marker and plaque for the Chullora Potteries (Figure 12 & Figure 13). The wording of the plaque states:

“Chullora Potteries which was originally known as Cumberland Pottery and Tile Works was established [here] by Mr. F. Liebenritt in 1863 and was known throughout New South Wales for fine quality pottery ware, specialising in architectural pottery. Although the Liebenritt family sold the pottery works in 1928, the pottery works continued operating on the same site until the 1970s. In early 1970 the Chullora Pottery was still making flower pots, ventilators, agricultural pipes, and supplying clay to schools and craft potters. The tall chimney built in 1863 was demolished in the 1970s. Fine examples of the work of the potteries are in the collection of the NSW Historic Houses Trust.”



Figure 5: Location of subject site (indicated in red) within its urban context (Source: SIX Maps 2019)



Figure 6: Waterloo Road forms the western boundary of the subject site. View south (left) and north (right)



Figure 7: Lockwood Park is located to the west of the subject site on the other side of Waterloo Road.



Figure 8: Norfolk Road dwellings define the southern boundary of the subject site. View east.



Figure 9: Norfolk Reserve defines the eastern boundary of the subject site. View north.



Figure 10: Norfolk Reserve defines the eastern boundary of the subject site. View north-east



Figure 11: Malek Fahd Islamic School defines the northern boundary of the subject site (indicated by arrow). The area further north along Waterloo Road is characterised by industrial development. View south.



Figure 12: A rock and commemorative plaque to the Chullora Potteries are located at the corner of Waterloo Road and the Hume Highway to the north of the subject site.

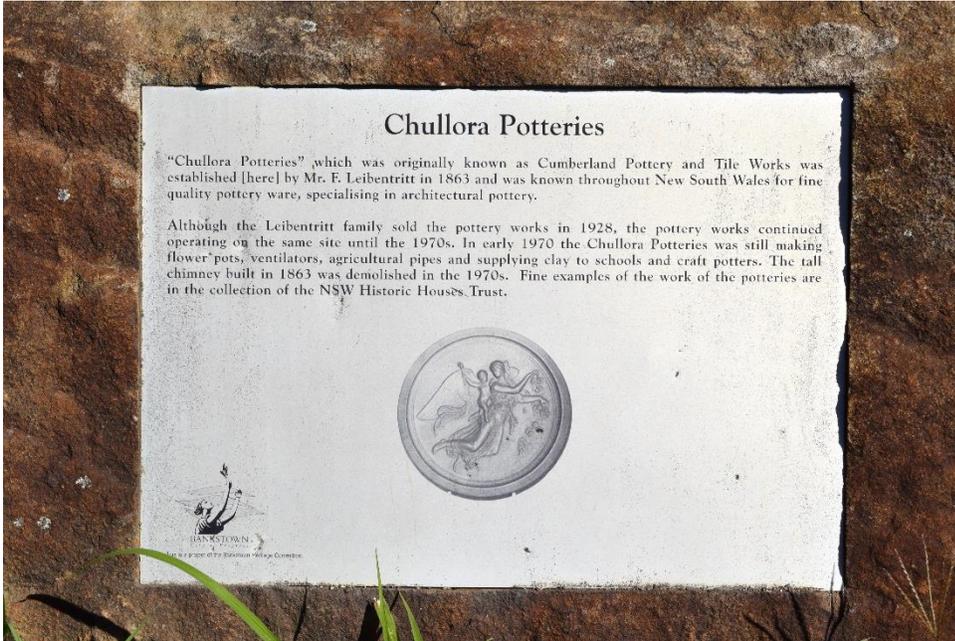


Figure 13: Detail of the commemorative plaque to the Chullora Potteries.

2.3.2. Subject Site

Exterior

The subject site is roughly square in shape, with a frontage to Waterloo Road to the north-west. The site is orientated north-west / south-east with the north-eastern and south-western boundaries adjoining neighbouring properties.

The primary vehicular entrance to the Chullora Marketplace shopping centre is an extension of Como Road, which runs perpendicular with Waterloo Road (Figure 15). On either side, to the north and south, is a raised open-air carpark (Figure 16 & Figure 17), which sits approximately 1-1.5 metres higher than the vehicular entrance. Further open-air carparking is located immediately to the west of the Chullora Marketplace building (Figure 18).

The existing Chullora Marketplace Shopping Centre building is located within the south-eastern component of the site, with its principal elevation facing north-west. A central walkway connects the open-air carpark with the primary entrance to the building (Figure 19).

Loading bays and staff parking are located to the north, east and south of the Chullora Marketplace building (Figure 20 & Figure 21).

The subject site also consists of a single-storey brick dwelling located within the south-western corner of the subject site at 353 Waterloo Road (Figure 22).



Figure 14: Main vehicular entrance of Chullora Marketplace shopping Centre. View north.



Figure 15: The main vehicular entrance of Chullora Marketplace shopping centre is an extension of Como Road View east (left) and west (right).



Figure 16: Open-air carpark on a raised level to the south of the main vehicular entrance. View south.



Figure 17: Open-air carpark on raised ground to the north of the main vehicular entrance. View north.



Figure 18: Open-air carpark outside the Chullora Marketplace shopping centre. View north-east (left) and south-east (right).



Figure 19: Entrance walkway to Chullora Marketplace shopping centre with canopy. View east (left) and west (right).



Figure 20: Chullora Marketplace shopping centre loading bays and staff parking area. View north (left) and west (right).



Figure 21: Chullora Marketplace shopping centre loading bays and staff parking area. View north-west.



Figure 22: The subject site also consists of a single-storey brick dwelling located at 353 Waterloo Road. View east.

Interior

The interior of the Chullora Marketplace shopping centre consists of a mixture of large retail outlets and small independent businesses (Figure 23 & Figure 24).



Figure 23: Interior of the Chullora Marketplace shopping centre. View west toward the entrance.



Figure 24: Interior of the Chullora Marketplace shopping centre. View north (left) and south (right)

3. HISTORICAL OVERVIEW

3.1. Aboriginal History

The Dharug and Eora people are the original inhabitants of the Bankstown area. The Dharug and Eora peoples spoke two dialects of the same language. The Eora are generally acknowledged as the coastal peoples of the Sydney area, whereas the Dharug inhabited the inland area from Parramatta to the Blue Mountains (Figure 25). The Dharug and Eora subsisted on fish and shellfish from the coasts and Georges Rivers, as well as kangaroo, emu, possum, wild honey, plants and roots.⁴ Evidence of their lengthy occupation of the Bankstown area is testified by a great many Aboriginal sites. These include shell middens, rock art sites, axe grinding grooves and rock shelters.

The arrival of Europeans post-1788 was devastating for the Dharug and Eora peoples. The introduction of Small Pox significantly reduced the population and a sustained campaign of land acquisition culminated in the extinguishment of their organised resistance by 1816.



Figure 25: Territory of the Dharug (left) and Eora (right) language groups (Source: 'Rediscovering Indigenous Languages', 2014, State Library of NSW, available from <https://indigenous.sl.nsw.gov.au/communities/dharug>)

3.2. Brief Suburb History

In 1798 the district was named Bankstown in honour of the botanist Sir Joseph Banks and scattered settlements were established. These settlements included a number of different villages all called 'Irish

⁴ 'Aboriginal History and Places of Significance', Canterbury-Bankstown Council, available from <https://www.cbccity.nsw.gov.au/community/cultural-services/aboriginal-torres-strait-islanders/aboriginal-history-places-of-significance>.

Town the Cooks River to the west and Prospect Creek to the east, between Chullora and Liverpool. The settlements later became Yagoona, Bass Hill and Bankstown (the top of Chapel Road).

3.3. History of the Subject Site

3.3.1. Ownership History

The Hume Highway, also known as the Liverpool Road, the Sydney Road or the High Road from Sydney and the Great South Road, was constructed at Governor Lachlan Macquarie's request in 1813. The engineer and convict supervisor responsible was William Roberts. Governor Macquarie granted Roberts 500 acres of land in the area which later became the Bark Huts Estate and later the land of the subject site. Roberts later purchased an additional 593 acres in 1837 adjacent to his original grant. The value of the land was not to do with farming but with hospitality for travellers and their horses. It was a five-day journey from Sydney to Liverpool at that time and after the line of the Hume Highway was established, more and more Inns or overnight rest rooms were being constructed, including a 75-room hotel located on the Bark Huts Estate. Roberts Street marked the boundary of William Roberts grant and became the boundary to Bankstown.

The name Bark Huts Estate originated from the 1813 construction of the Hume Highway. The construction was undertaken by convicts, under the supervision of William Roberts. The area of the Bark Huts Estate was relatively high and flat ground and suitable for the construction of simple bark huts, which the convicts lived in while working in the area. A small settlement grew in this area and the name Bark Huts was retained. Its earlier names were DrUITT Town, Enfield and then Chullora.

3.3.2. Liebenritt Pottery

The Liebenritt family – Paul his wife Henrietta Tappe and their four sons Frederick William, John Henry, George Christian Theodore and John Frederick migrated to Australia from Bremen in 1857. They established their first pottery opposite the Lion Tile Works on Liverpool Road at Enfield in 1858. Paul Liebenritt established The Cumberland Pottery and Tile Works in 1863-64 after the purchase of three lots of the Bark Huts Estate bound by Waterloo and Norfolk Streets and Roberts Road. His youngest son John Frederick, known as Frederick joined him after first working at Fowlers Pottery, which was located at Camperdown. In 1872 Paul sold the pottery to him.⁵ The Liebenritt Pottery operated during the period that Fowlers in Camperdown and Mashmans at Willoughby were also providing terracotta and tiles to these different parts of Sydney.

From the late 1860s through to the later 1890s the company, F. Liebenritt & Sons trading as Cumberland Pottery and Tile Works was awarded several medals for the excellence of their products including roofing and ridge tiles. Their other products included finials and brackets, relief decorative tiles, swags, oven tiles, urns, fountains, hanging baskets and statues and chemical wares. There are a number of examples of their work preserved in the Powerhouse Museum, as well a small model of a steam engine for his return flues liquid fuel boiler, the pump for which was patented in 1904. The original museum in Ultimo and the Sydney Technical College were one of the major contracts awarded to the company for the supply of terracotta elements.

⁵ His youngest son John Frederick (died at the pottery homestead in 1935 and is buried in the Lutheran cemetery Rookwood), John Henry died in 1870 and is buried at St Thomas; Enfield, George Christian Theodore died in 1912 and is buried in the Lutheran Cemetery Rookwood.

The proximity of the railway to the site would have enabled easy access for transport. The 1943 aerial photograph (Figure 30) of the pottery site still active at the time shows a large number of buildings clustered at the northern end of the site, near the intersection with the Hume Highway and across the road from the Chullora Railway goods yard. This is therefore identified as the main site for the pottery works. From 1912 portions of the Liebenritt holding began to be sold and subdivided for residential allotments. This process continued into the 1920s. Although still in the hands of the same family the name of the business was changed to Chullora Potteries Pty Ltd in the twentieth century. It continued to produce a traditional range of goods. An aerial view of the site in 1943 certainly confirms that by that date the pottery works with respect to building was confined to the Lawford Street end of the site. Much of the site was covered in trees or scrub, note photograph overleaf.

3.3.3. 20th Century Subdivisions

In 1921 John Frederick Liebenritt of Enfield, potter and his wife Henrietta were the owners of 29 acres, 3 roods and 26-1/4 perches of land shown below at Figure 26. This area encompasses the subject site. The plan accompanying this Land Title has been included as it shows one structure surveyed on the land (Figure 27). Between 1922 and 1931 the Liebenritts subdivided and sold parts of the land (Figure 27 & Figure 28).⁶ One portion, Lot 5, was sold to May Winnifred Moore, wife of John Moore of Chullora, Engine Driver on 20 March 1925. This area was on the Waterloo Road frontage, opposite Como Street, and the area forms part of the vehicle entry into the subject site of Chullora Marketplace Shopping Centre. The land known as Lot 5 of DP 10945 was 27.5 perches. The other area was Lot 4 of 601166 which was part of the E. Liebenritt land north of Lot 5.



Figure 26: C.1940s Parish Map showing the subject site (circled) as a part of the Bark Huts Estate (Source: No. 38955 c.1940s, Bankstown City Library)

⁶ Volume 3246 Folio 127 and 2 pages of transfers

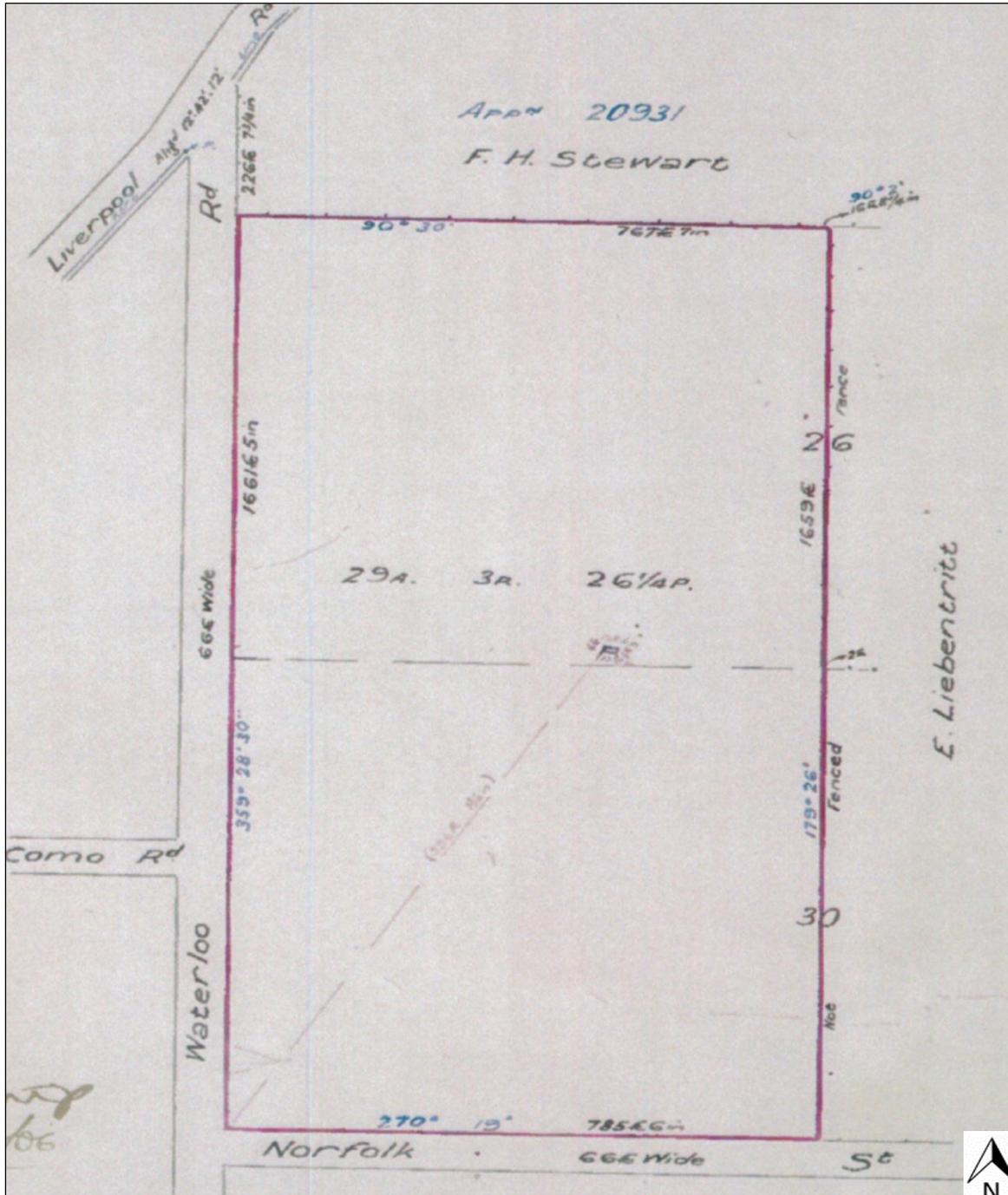


Figure 27: Surveyed plan of the land encompassing the subject site on the 1921 Land Title. Note the small structure indicated in the centre east of the site (Source: Plan drawn by surveyor (initials only) on Certificate of Title Application No. 22319, Volume 3246 Volume 127, dated 3.11.1921)

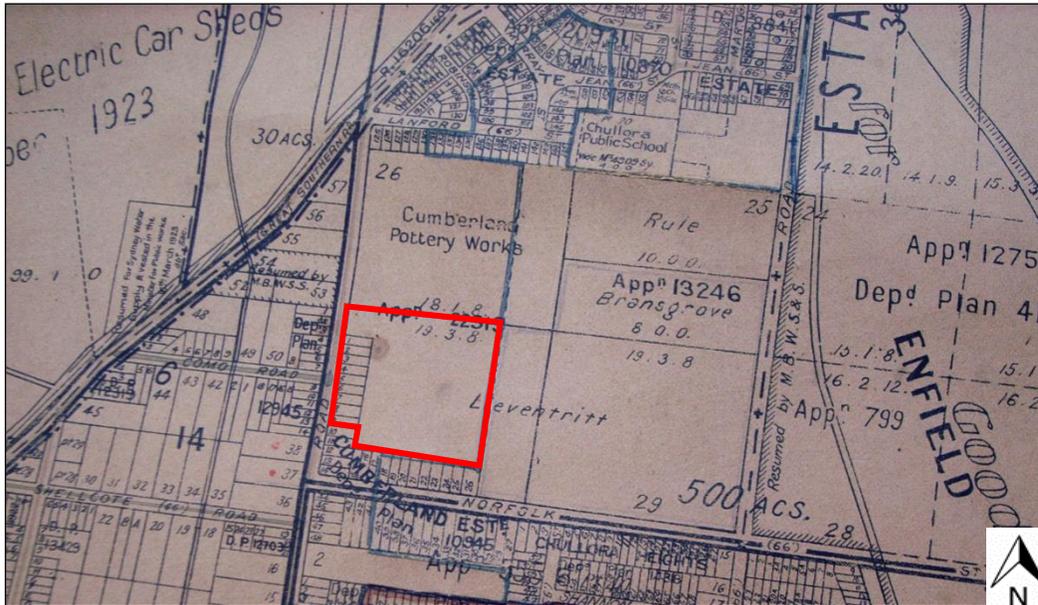


Figure 28: An undated map of the Municipal District of Bankstown, however it is dated by the Land Titles to the 1920s (Source: Drawn by H EC Robinson Ltd, George Street Sydney on linen, Bankstown City Library)

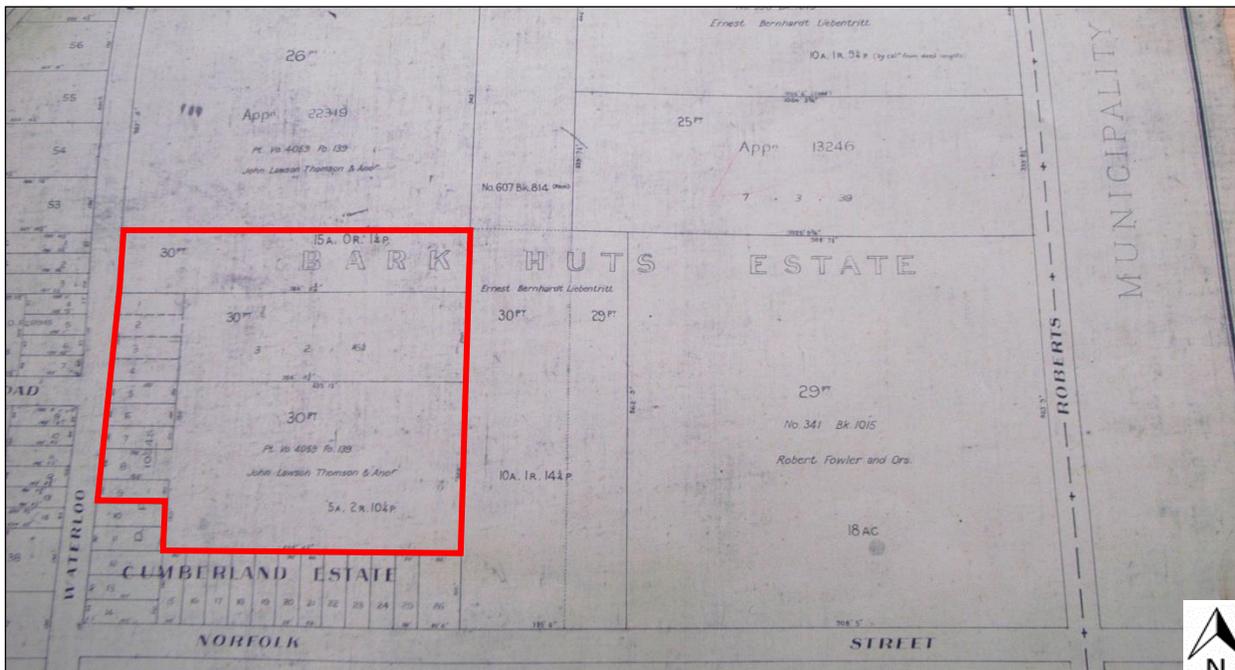


Figure 29: A 1936 plan of the local area of the subject site, dated June 1936 (Source: Bankstown Sheet 50 Plan, Bankstown City Library)

The 1943 aerial photograph (Figure 30) is the only plan available which shows the buildings of the Cumberland Pottery Works on the site. As previously stated, these buildings are located towards the north western part of the land, towards the Chullora Railway Goods yard and the Hume Highway, both important transport locations for shipping the pottery and tile goods. The area of the subject site, at the southern edge of the land may well have formed part of the clay pit in earlier times. In this view it is shown as scrubby land with a number of small buildings which appear to be residential and would date from the 1920s and 30s subdivisions. There are one or two structures visible on this aerial in the north eastern part of the subject site. They may be associated with the Liebentritt land use and pottery. If their remains exist on the subject site they are in an area presently covered by the Chullora Marketplace Shopping Centre but not the area for the proposed works, which is in the western section of the site.



Figure 30: 1943 aerial photograph of the subject site with the present and later roads – and the area of the subject site – indicated in yellow (Source: Department of Lands spatial information exchange 1943 aerial photo)

The photographs below (Figure 31) were obtained from the SHI inventory form. They are from a collection held in the Powerhouse Museum and described as being part of the Liebenritt Archive, which would relate to the subject site. No other photographs or plans have been located during the research for this project. The photographs are undated, and a comparison with the site shown above in 1943 suggests an earlier date for these images.



Figure 31: The photographs are undated but the captions are all attributed to the Liebenritt Archive in the Powerhouse Museum (Source: NSW Heritage Data Form photographs for site of Liebenritt Pottery from Powerhouse Museum)

3.3.4. Chullora Drive Inn and Cardboard Manufacturing

Part of the site was leased to the MGM Corporation for use as Twin Drive-In Theatres in 1955. It was to one of Sydney's first drive in theatres and opened as Chullora Twin Drive In, in December 1956. In 1969 the pottery ceased to manufacture but the remaining premises were used as a carton and cardboard manufacturing business. The theatre lease remained until 1976 and was offered for redevelopment.

The prospectus for the development site described it as follows.

Almost all the surface is re-contoured and bitumen paved to suit the drive-in theatre use; there are few trees and buildings and structures are minimal. There are no homes on the site... Beneath the bitumen surface is a mixed layer of clay, shales and soils varying in depth to 3m, then over the whole site shale to approximately 25m depth with hard sandstone beneath.



Figure 32: The Sydney Morning Herald ran a special one-page promotion for the Chullora Drive-In Theatre on Tuesday October 23, 1956 (Source: Local Studies collection, Bankstown city Library)

What was described as Lot 1 DP 537981 at the northern end of the Pottery site was sold by Chullora Properties to Fibre Containers Limited in November 1969. A large industrial building was occupying it by 1976. It was owned by Commonwealth Managed Investments Limited when the site was researched for heritage listing in 2008. In 2011 it is still a large industrial (shed-like) building operated by Raleigh Paper.

The promotional material for the site in the 1970s shows a large industrial building to the north of the Chullora Drive-In, which is situated on the land of the subject site (Figure 33).

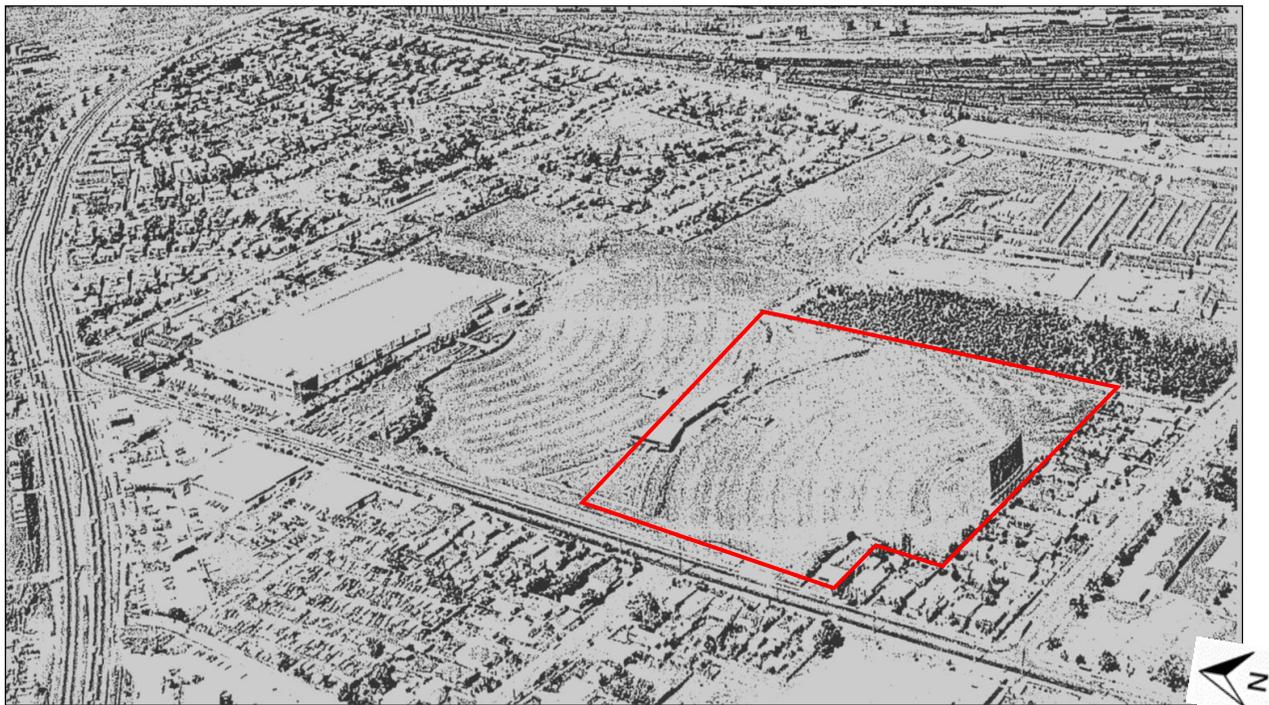


Figure 33: The 1970s view of the Chullora Drive In and the Fibre Containers Ltd building at the northern end near Lawford Street. The area of the subject site is indicated in red (Source: Cover shot of 'Magnificent Development Site Sydney, Australia' 1975 promotional booklet held at Local Studies Bankstown City Library)

The Chullora Drive-In was demolished in the 1970s. The land was part of a development site advertised in 1975 as comprising 8.106 hectares of land, which was zoned at the time for 'Extractive Industrial'. The sub strata for the site was described as follows:

Beneath the bitumen surface is a mixed layer of clay, shale and soil varying in depth to 3m, then over the whole site shale to approx.25m depth with hard sandstone beneath. For re-development there would be no excavation or foundation problems; there would be the prospect for multi-level basements.⁷

⁷ "Features of the site and neighbourhood related to re-development" page, *Magnificent Development Site Sydney, Australia* 1975 promotional booklet

4. ASSESSMENT OF SIGNIFICANCE

4.1. Understanding Heritage Significance

Each place is unique and has its own combination of values. Therefore, before making decisions about the future of a heritage item it is essential to understand its heritage values so that these will be retained when making future decisions about the place. The statement of heritage significance summarises an item's heritage values.

4.2. Statement of Significance

The subject site is listed as an archaeological item 'Site of "Liebentritt Pottery"' at 355 Waterloo Road, Greenacre (item no. A4) under Part 2 of Schedule 5 of the Bankstown LEP 2015. The following statement of significance is extracted from the State Heritage Inventory (SHI) form for the item:

The former Liebentritt Pottery site is historically significant as the location of one of metropolitan Sydney's foremost and influential potteries producing clay products for the building industry.

Historically the site is of state significance for this reason. Part of the site was the location of one of Sydney's first drive in theatres, which opened in December 1956.

The site is associated with the Liebentritt family, significant pottery manufacturers from the middle of the nineteenth century through to the second half of the twentieth century.

The site is almost certain to contain relics and evidence from the time of Liebentritt's pottery making activities. It is considered to be relatively rare in terms of its archaeological potential and is considered to have been representative of pottery manufacturing sites during the second half of the nineteenth century and into the twentieth century.⁸

⁸ New South Wales Heritage Data Form for the Site of Liebentritt Pottery, Bankstown Council

5. THE PROPOSAL

This HIS has assessed the following information provided by GMU Urban Design & Architecture Pty Ltd. To aid an understanding of the proposal, a 'snapshot' of the relevant plans and discussion of these has been included in Sections 5.1 and 5.2.

Drawing / Section Title	Document	Revision	Date	Author
Revised Concept Master Plan		-	23/07/18	GMU
Land Uses - Ground Level		-	23/07/18	GMU
Land Uses - Level 1		-	23/07/18	GMU
3.2 Preferred Concept Master Plan	Chullora Planning Proposal: Concept Plan A	-	05/02/19	GMU
3.3 Indicative Land Uses and Traffic Circulation	Chullora Planning Proposal: Concept Plan B	-	05/02/19	GMU
3.5 Section Study	Chullora Planning Proposal: Concept Plan C	-	05/02/19	GMU

5.1. General

As stated in the Introduction (*Section 1*), the client has applied to amend the building height controls for the site at 353–355 Waterloo Road in Greenacre, known as the Chullora Marketplace (the subject site). The Planning Proposal is summarised as follows:

The application seeks to amend Bankstown Local Environmental Plan 2015 by increasing the maximum building height from 11 metres (three storeys) to 14–20 metres (four–six storeys), and rezone the site at 353 Waterloo Road (house site) from R2 Low Density Residential to B2 Local Centre. No change is proposed to the zoning of the current Chullora Market Place site at 355 Waterloo Street Greenacre, this site will remain zoned as B2 Local Centre.⁹

The application includes an indicative concept plan, which proposes mixed use development (3–6 storeys) with shop top housing and associated parking (1,294 spaces) within podium levels (refer to Figures 3 and 4). The key feature is a central roadway and plaza area with active frontages to enhance a 'sense of place' and provide community space.¹⁰

Based on preliminary built form testing and ongoing discussions with Council, it is understood that Option 1 was nominated as the preferred concept Master Plan for the subject development (Figure 34).

⁹ 'Planning Proposal: 353-355 Waterloo Road in Greenacre', Ordinary Meeting of Council held on 11 December 2018, Canterbury-Bankstown Council, p.37

¹⁰ Ibid, p.42



Figure 34: Application's indicative concept plan showing the new central piazza from Waterloo Road

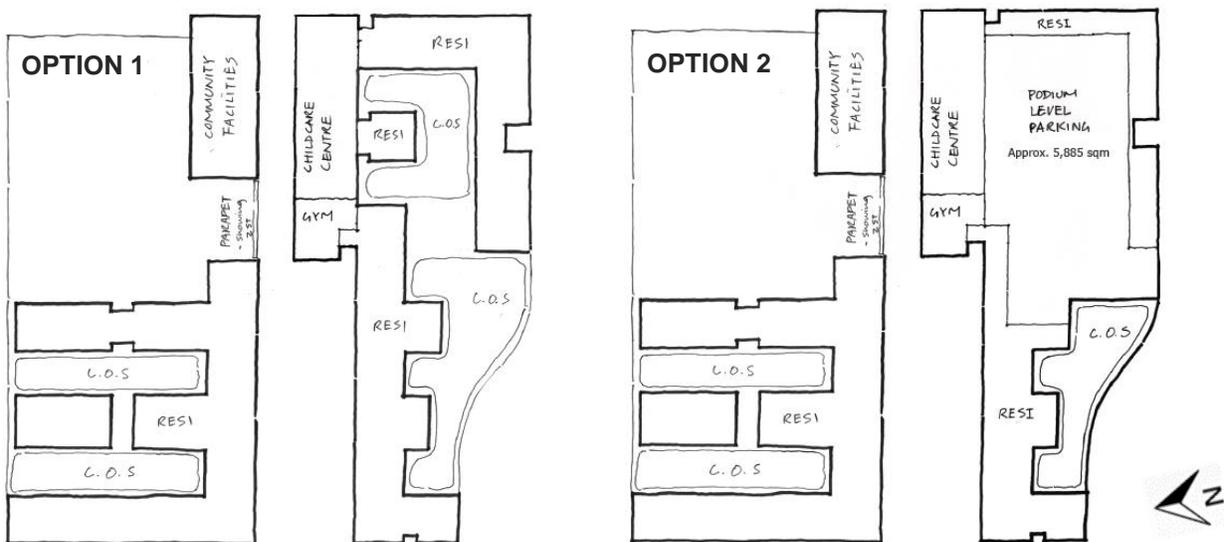


Figure 35: Following preliminary built form testing and ongoing discussions with Council, Option 1 (left) was selected as the preferred concept Master Plan (Source: 'Land uses - Level 1', 23/07/2018, GMU)

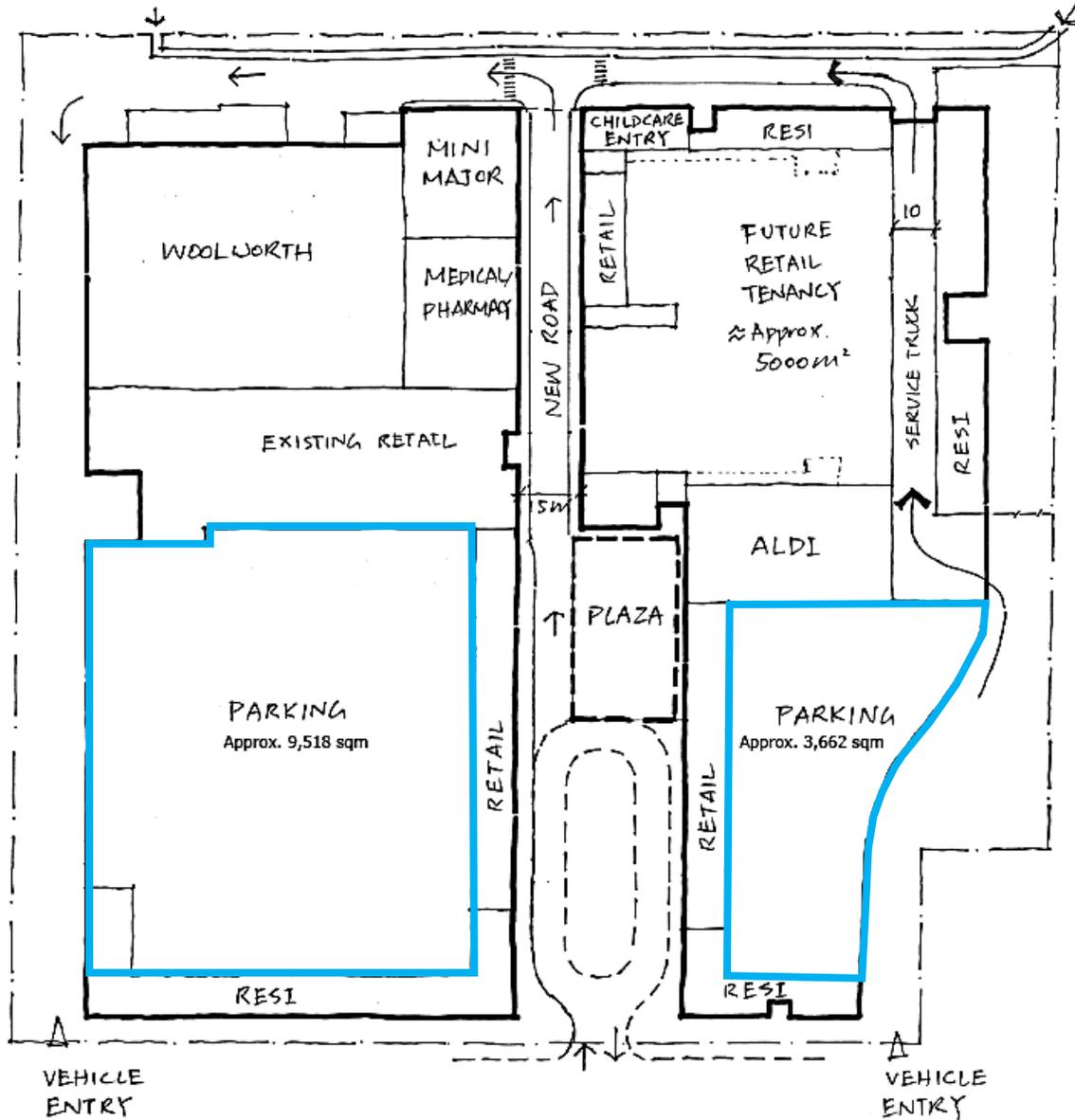


Figure 36: Ground Floor plan with indicative land uses. Extent of proposed basement-level carpark outlined in blue (Source: 'Chullora alternate possible master plan option: Land Uses - Ground Level, 23 July 2018, GMU)

5.2. Basement-level Carpark

In relation to the proposed basement-level carpark, the following statement is extracted from the *Chullora Planning Proposal*:

As shown in Figure 37, the proposed development aims to minimise the extent of excavation by encapsulating the majority of the required parking spaces in the podium design above ground level. The proposed basement level is at RL 31.26m at the lowest level to ensure a direct connection to the shopping centre and existing ALDI parking as well as providing a safe and secured residential parking area. The proposal plans to locate the residential parking at the lower ground and basement levels with commercial/retail parking above.¹¹

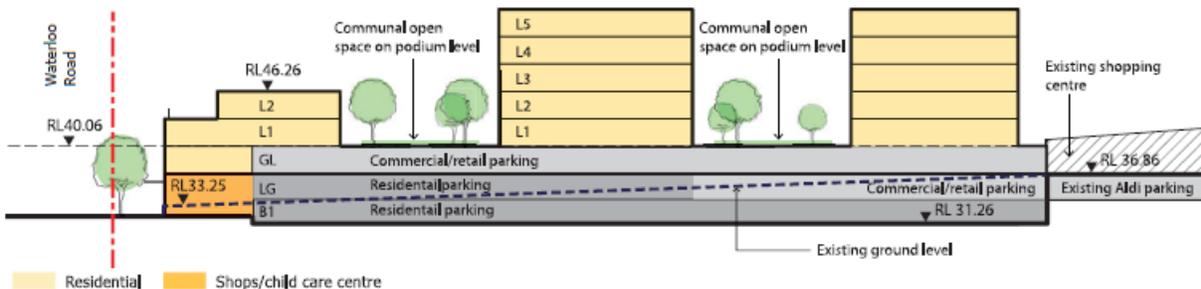


Figure 37: Detailed section indicating the proposed connection through carpark to the existing shopping centre (Source: 'Chullora Planning Proposal', Concept Plan C, 05 February 2019, GMU, p.20)

¹¹ 'Chullora Planning Proposal', Concept Plan C, 05 February 2019, GMU, p.20

6. HERITAGE IMPACT ASSESSMENT

6.1. Archaeological Significance

Archaeological significance must be distinguished from archaeological potential. For example, whereas there may be a high potentiality for the presence of archaeological remains, these may be of low significance.

As outlined in the Statement of Significance for archaeological item 'Site of "Liebentritt Pottery"' (item no. A4) (Section 4.2), the archaeological significance of the item principally relates to its historical significance as the site of the former Liebentritt's Pottery and later Chullora Drive-in. The subject site has been significantly disturbed, with the establishment of the Chullora Marketplace shopping centre and associated carpark. The degree to which the significance of 'Site of "Liebentritt Pottery"' (item no. A4) will be impacted by the proposal therefore relates to the potential for disturbance of sub-surface archaeological relics which are associated with either of these historical phases. This potential will be further discussed in Section 6.2.

6.2. Archaeological Potential

Archaeological potential refers to the probability of archaeological relics to survive at a site. An assessment of the potential for a site to contain archaeological remains is made on the basis of previous scholarship, an understanding of the formation processes of the site and available historical information.

For the purpose of this assessment, reference will principally be made to the Archaeological Assessment which was prepared for the subject site in 2011¹² (Section 6.2.1). Discussion of the findings of the 2011 report in reference to the potential impacts of basement-level carparking is provided in Section 6.2.3.

6.2.1. Archaeological Assessment, CPH 2011

The summary of archaeological potential, as outlined in the following table, has been extracted from the 2011 Archaeological Assessment prepared by CPH.¹³

Phase	Discussion	Archaeological Potential
Pre-Pottery land use (1788-1863)	The Bark Huts Estate was established on the 500 acres of land granted to William Roberts and the subject site forms a small part of this initial development. The bark huts were literally that and it is unlikely that their remains would have survived the later developments. In addition, the location of the huts is largely unknown.	Low potential: The potential for indigenous cultural remains to exist is extremely low. The potential for any cultural remains from this period on the site is extremely low.

¹² 'Chullora Marketplace Shopping Centre, Waterloo Road, Greenacre: Heritage Impact Statement and Archaeological Assessment Report', July 2011, CPH

¹³ Ibid

<p>Pottery Industry (1863)</p>	<p>The Liebenritt Pottery was established here by Paul Liebenritt in 1863. By 1868 he was being awarded by the Horticultural Society for his roofing and ridge tiles, so that pottery would have been in production not long after establishment. The pottery continued to win awards into the 1880s and continued to concentrate on architectural items and garden pots. The pottery remained active until 1970. The archaeology of the pottery site would consist of remains of kilns, possibly the chimney, different sheds, houses, the well. These items appear to have been concentrated in one area, which would make sense from a manufacturing perspective. That area is not part of the subject site. The SHI data form notes the subject site is on the site of the clay pit, however the sources for clay would appear to cover the extent of the whole area including the subject site.</p>	<p>Low potential: The potential for archaeological cultural remains from the establishment period is extremely low and would relate to the clay pit and possibly access tracks rather than structures.</p>
<p>Land Subdivisions</p>	<p>The pottery land was subdivided by the Liebenritts from the 1900s onwards, but the general area and pottery production continued until 1970. The land subdivisions shown on the plans at Figure 29 and Figure 32 relate to the residential allotments still located south and southwest of the subject site. Therefore, the subdivisions and residential development do not affect the land of the subject site.</p>	<p>No potential: The potential for archaeological, structural or cultural remains associated with the subdivision phase is non-existent for the subject site.</p>
<p>Chullora Drive-in (1950s-late 1970s)</p>	<p>The site was cleared in the 1950s for the construction of one of the first Sydney drive-ins.</p>	<p>Low potential: The potential for archaeological structural remains associated with the structure is low.</p> <p>Medium potential: The potential for archaeological cultural remains associated with the workers is medium.</p>
<p>Clearance (1970s) & Building Program (1980s)</p>	<p>The Drive-in structures on the site were demolished in the late 1970s and the new large Chullora marketplace shopping centre and car parks were constructed on much of the subject site. These structures comprising concrete construction would not appear to require deep excavation, however the area of the subject site was the site of the Drive-In structures, rather than the earlier Pottery developments. Remnants of structural debris from the demolition of the Drive In are clearly visible along the boundary gardens of the car park on the south western side of the site. The higher area of the site here is also a result of demolition fill. The present buildings are not assessed as being of heritage or archaeological significance.</p>	<p>No potential: There is no potential for archaeological structural remains associated with this period.</p> <p>High potential: The potential for archaeological remains of the earlier identified periods is high to moderate across the site.</p>

6.2.2. Site Disturbance

The 2011 Archaeological Assessment for the subject site indicates that the site has been subject to extensive demolition, excavation and contouring works. Significant land clearance took place with the establishment of the Chullora Drive-in in the 1950s. This would have required that the claypits be infilled and the land levelled. In the 1970s the Drive-in structures were demolished, the site levelled and the new Chullora Marketplace shopping centre and carpark constructed. Note: the assertion in the 2011 report that the site was infilled with demolition fill (*Section 6.2.1*) is inaccurate. It is understood that infill was imported.¹⁴

In 2011 a section of retail floor space, the loading dock and additional ancillary areas to the south-east of the shopping centre were demolished, as well as a section of carpark adjacent to the southern elevation of the building. Up to 2.85 metres was then excavated adjacent to the southern and western elevations of the building.¹⁵ The subject site has therefore been subject to significant disturbance. Upper profiles are likely to be comprised primarily of imported fill and disturbed soil profiles.

6.2.3. Discussion of Potential Impacts

As summarised in Section 6.2.1, the 2011 Archaeological Assessment established that there is:

- *no potential* for the presence of archaeological relics which relate to
 - the subdivision of land from the 1900s onwards;
 - 1970s land clearance; and
 - 1980s building program;
- *low potential* for the presence of archaeological relics which relate to
 - the pre-pottery period of land use (1788 - 1863);
 - the pottery industry (1863 - 1970); and
 - structures associated with the Chullora Drive-in (1950s - late 1970s);
- *medium potential* for the presence of archaeological relics which relate to the workers of the Chullora Drive-in; and
- *high to moderate potential* for the presence of archaeological relics associated with earlier identified historical periods (Note: this statement contradicts the degree of archaeological potential identified for each historical phase (see Section 6.2.1) and has not therefore been considered).

Those historical phases for which some archaeological potential was identified will be discussed below in relation to the proposed development.

Pre-pottery Period of Land Use (1788-1863)

The 2011 Archaeological Assessment established that during this period the subject site was contained within the Bark Huts Estate. As the name indicates, the estate was comprised of a number of bark huts, which were constructed by convict labour. The location of these was not established. The Archaeological Assessment did not rule out the potential for remnants of these dwellings or associated infrastructure, such as privies, postholes, casual finds and other associated infrastructure. It cannot be determined where these might be located relative to the proposal.

¹⁴ Email Communication, 25 February 2019, Henroth Group

¹⁵ Statement of Environment Effects, June 2011

The Pottery Industry (1863-1970)

In relation to this historical phase, the Archaeological Assessment determined that the subject site, though part of the former pottery industrial complex, was located to the south of the principal structures associated with its former operations. The subject site was instead used for clay extraction, which was used in the manufacture of the pottery and tile products. The report determined that archaeological features associated with this phase would therefore consist of cuts or claypits, which are of little archaeological significance. It is of note, however, that the cuts and claypits associated with the site's former use have been infilled and any associated relics may therefore be located at a comparable depth. A 1943 aerial (Figure 38) indicates the former presence of a number of extant ancillary structures, which may have had some association with the pottery works, still in operation at this time. There is therefore some potential for the presence of remnants ancillary structures, tools, infrastructure and brick and tile material associated with this period.

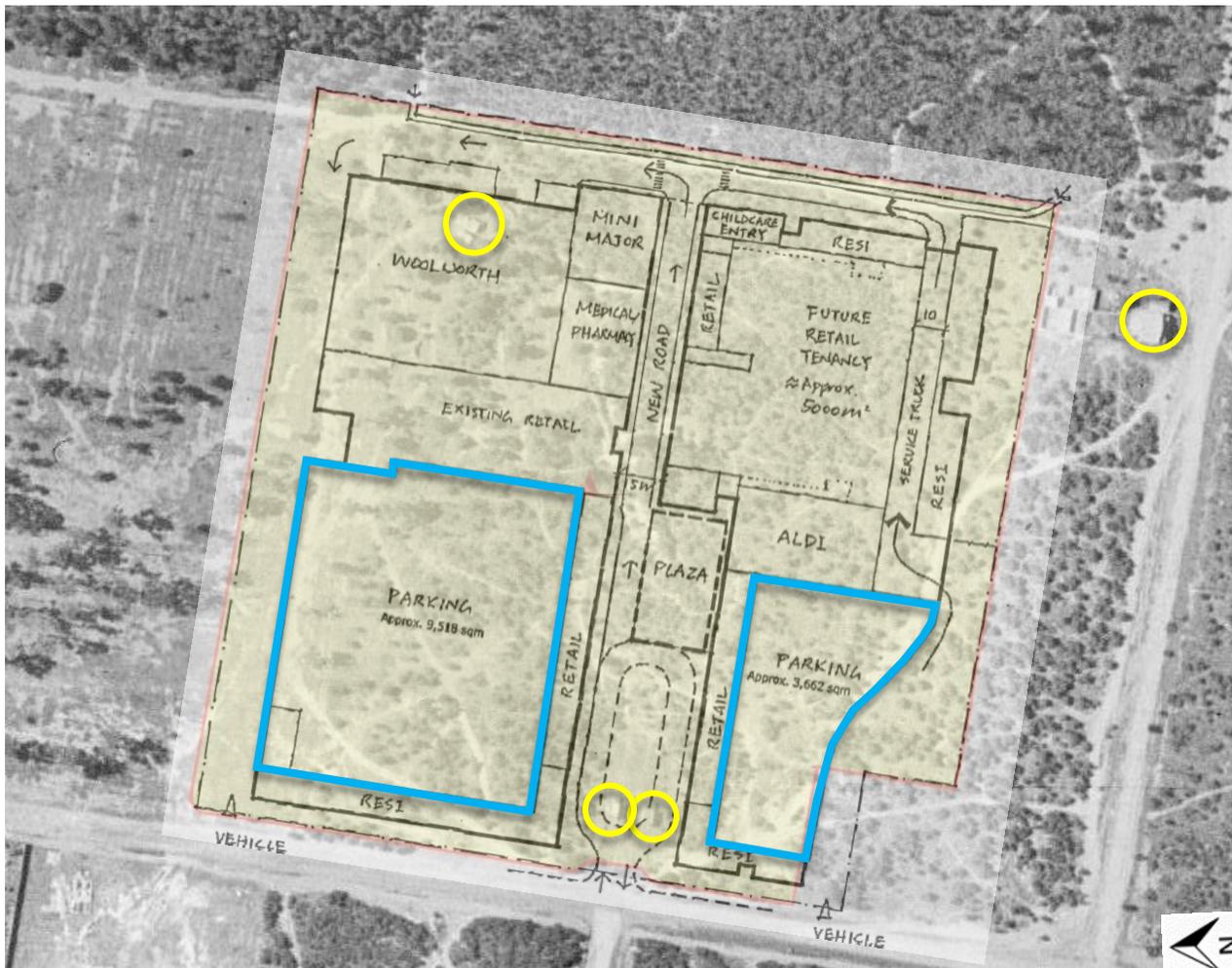


Figure 38: 1943 aerial with overlay of proposed concept plan. Extent of proposed basement-level carparks indicated in blue. Location of extant structures at this time indicated in yellow (Source: 1943 aerial photograph - SIX Maps 2019; Overlay - 'Chullora alternate possible master plan option: Land Uses - Ground Level, 23 July 2018, GMU)

Chullora Drive-in (1950s-late 1970s)

The 2011 Archaeological Assessment established remnants of the former Chullora Drive-in are unlikely to survive and that archaeological relics associated with this phase would be limited to bitumen surfacing and concrete structural remains.¹⁶

A 1975 image of the former Chullora Drive-in (Figure 39) indicates the former presence of a large curved structure in the north-eastern component of the subject site and, potentially, within the footprint of the proposed basement-level carpark. The Drive-in movie screen was formerly located in the southern component of the subject site at the rear of the properties at approximately 91-97 Norfolk Road. There remains some potential for the presence of footings and infrastructure associated with these former structures.



Figure 39: Source: 1975 image of the former Chullora Drive-in. Location of former structures associated with the Drive-in indicated in yellow. Approximate location of proposed basement-level carpark indicated in blue (Cover shot of 'Magnificent Development Site Sydney, Australia' 1975 promotional booklet held at Local Studies Bankstown City Library)

¹⁶ 'Chullora Marketplace Shopping Centre, Waterloo Road, Greenacre: Heritage Impact Statement and Archaeological Assessment Report', July 2011, CPH, p.37

6.2.4. Summary

The above discussion of potential impacts has established that:

- the subject site has been subject to significant disturbance, with the establishment of the Chullora Marketplace shopping Centre and associated carpark;
- in respect of the Liebenritt's Pottery period of use:
 - the subject site is located to the south of the operational component of the former pottery works and its principal structures and was used principally for clay extraction activities; and
 - although the subject site would consist primarily of cuts and clay pits, there is some potential for the presence of remnant ancillary structures, tools, infrastructure and brick and tile material; and
- in respect of the Chullora Drive-in period of use:
 - there is some potential for the presence of remnants of former structures and associated infrastructure.

6.3. Statutory Provisions

The subject site is listed as an archaeological item 'Site of "Liebenritt Pottery"' (item no. A4) under Part 2 of Schedule 5 of the Bankstown LEP 2015. The proposal is therefore subject to the archaeological provisions contained in the Bankstown LEP 2015 and the Bankstown DCP 2015.

6.3.1. Bankstown LEP 2015

The subject site encompasses a listed archaeological item under Part 2 of Schedule 5 of the Bankstown LEP 2015. The proposal is addressed below in relation to the relevant clauses of the LEP.

Clause [List relevant clause]	Discussion
<p><i>(2) Requirement for consent</i></p> <p><i>Development consent is required for any of the following:</i></p> <p><i>(c) disturbing or excavating an archaeological site while 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;</i></p> <p><i>(e) erecting a building on land:</i></p> <p><i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i></p> <p><i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance;</i></p>	<ul style="list-style-type: none"> ▪ The proposal includes the potential provision for basement-level carparking in the north-western component of the subject site, within the vicinity of Waterloo Road (Figure 36). This would involve significant excavation and ground disturbance. Potential impacts have been discussed in <i>Section 6.2.3 - Options Assessment</i>. ▪ A search of the Aboriginal Heritage Management System (AHIMS) was undertaken on 18 February 2019. Results (see Appendix A) indicate that there are no registered Aboriginal sites located within a 50-metre buffer of the subject site.

<p><i>(4) Effect of proposed development on heritage significance</i></p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<p>The heritage significance of archaeological item 'Site of "Liebentritt Pottery"' (item no. A4) relates to its historical incorporation within the former Liebentritt Pottery site and later Chullora Drive-in Theatre. The 2011 Archaeological Assessment¹⁷ determined that there is low potential for relics associated with these historical phases to be present (see Section 6.2.1) within the curtilage of the subject site as it is located to the south of the operational component of the former pottery works and its principal structures. The above assessment of archaeological potential (Section 6.2) has confirmed this position.</p>
<p><i>(5) Heritage assessment</i></p> <p><i>The consent authority may, before granting consent to any development:</i></p> <ul style="list-style-type: none"> <i>(a) on land on which a heritage item is located, or</i> <i>(b) on land that is within a heritage conservation area, or</i> <i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>This Heritage Impact Assessment (HIS) has been prepared in response to this clause.</p>
<p><i>(7) Archaeological sites</i></p> <p><i>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</i></p> <ul style="list-style-type: none"> <i>(a) notify the Heritage Council of its intention to grant consent, and</i> <i>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i> 	<p>Although the 2011 Archaeological Assessment established a low potentiality for the presence of sub-surface relics of archaeological significance, the site encompasses an archaeological item listed under Part 2 of Schedule 5 of the Bankstown LEP 2015. As such, any future development of the subject site will require that a Section 139(4) Excavation Exception be obtained from the Heritage Division, Office of Environment & Heritage.</p>

¹⁷ 'Chullora Marketplace Shopping Centre, Waterloo Road, Greenacre: Heritage Impact Statement and Archaeological Assessment Report', July 2011, CPH

6.3.2. Bankstown DCP 2015

The Bankstown DCP 2015 does not contain any provisions which relate to archaeology.

6.3.3. Heritage Act 1977

The Heritage Act 1977 (the Act) regulates the development impacts on the heritage assets of New South Wales. The Act defines a heritage item as 'a place, building, work, relic, moveable object or precinct'. These are further defined as follows:

'building' includes a part of a building, a structure or a part of a structure

'moveable object' means a moveable object that is not a relic

'place' means an area of land, with or without improvements

'precinct' means an area, a part of an area, or any other part of the State

'relic' means any deposit, object or material evidence:

- a) *which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and*
- b) *which is 50 years or more old.*

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

'A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an Excavation Permit.'

An Excavation Permit, however, is only required where one of the following exceptions, as outlined in Section 139(4) of the Act, does not apply:

- a) *where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or*
- b) *where the excavation or disturbance of land will have a minor impact on archaeological relics. This applies when:*
 - o *a site is suspected to exist, for example is identified and listed in an LEP or heritage study, but further assessment indicates it does not exist; or*
 - o *the scale or nature of the proposed excavation will not affect significant areas/deposits of a known archaeological site for example, the excavation would only affect peripheral areas of a significant archaeological site;¹⁸ or*
- c) *where the excavation or disturbance of land involves only the removal of unstratified fill which has been deposited on the land.*

¹⁸ General Conditions for Endorsement of an Exception: Note for Exception (1B), Section 139(4) Excavation Exception Application, Heritage Council of NSW, p.2

Whereas the Planning Proposal and provision for basement-level carparking would not result in any physical works, any future development of the subject site will require that an excavation permit exception (specifically Exception *b*) above) be obtained from the NSW Heritage Division under the terms of the Act.

6.4. Summary

The above heritage impact assessment has established that the significance of archaeological item 'Site of "Liebentritt Pottery"' (item no. A4) relates to its historical incorporation within the former Liebentritt's Pottery site and later Chullora Drive-in. Given the significantly disturbed nature of the subject site, the potential impacts of the Planning Proposal principally relate to the potential for disturbance of sub-surface archaeological relics which are associated with these historical phases.

The above heritage impact assessment has established that the future redevelopment of the subject site, particularly with the inclusion of a basement-level carpark, could result in an impact to sub-surface archaeological relics associated with these historical phases. Given this potentiality, and that the subject site encompasses an archaeological item listed under Part 2 of Schedule 5 of the Bankstown LEP 2015, any future development of the site will require that an excavation permit exemption be obtained from the NSW Heritage Division, Office of Environment & Heritage.

7. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is considered by City Plan Heritage that the current Planning Proposal, including a provision for basement-level carparking, would have a minor but acceptable impact on the significance of archaeological item 'Site of "Liebentritt Pottery"' (item no. A4).

The heritage significance of the item relates to its archaeological potential and historical use as the former site of Liebentritt's Pottery and the later Chullora Drive-in. The 2011 Archaeological Assessment established, however, that there is a low potentiality for the occurrence of archaeological relics which are associated with these historical phases. Consideration of the outcomes of the 2011 report, and analysis of historical maps, has indicated that there is some potential for archaeological relics to be impacted by the proposal. It is therefore essential that any future development of the subject site exercise due diligence in relation to the site's archaeological significance.

CPH therefore makes the following recommendations in relation to the future development of the site:

- **Application for Exemption:** Prior to any excavation work commencing, an application must be made to the NSW Heritage Office for an application permit under the terms of the Heritage Act 1977. The applicant shall allow sufficient time and resources for the determination of the application and for completion of the archaeological programme required.
- **Geotechnical Investigations:** Prior to any excavation works commencing, geotechnical investigations of areas of archaeological sensitivity, as identified in the 2011 Archaeological Assessment and present report (see Section 6.2), which might be affected by the proposal should be undertaken by a suitably qualified geotechnician.
- **Monitoring:** Any excavation works undertaken as part of the future development of the site should be monitored and recorded by an appropriately qualified archaeologist.
- **Unexpected finds:** Should any unexpected relics be uncovered during the works, all work must stop, appropriate conservation and protection measures be implemented by a qualified archaeologist and the Heritage Division be notified.
- **Salvage:** Prior to and during the undertaking of any future excavation works, brick and tile debris should be salvaged throughout the subject site and incorporated in the future design. Removal of any items to be carried out in accordance with specific salvage methodologies.
- **Heritage Interpretation:** An archaeologist or heritage specialist is to develop an interpretation plan for the subject site in accordance with the Heritage Division of the NSW Office of Environment & Heritage publications, *Interpreting Heritage Places and Items (2005)* and *Heritage Interpretation Policy (2005)*. Although heritage interpretation signage has been erected at the entrance of the Chullora Marketplace shopping centre, future development of the subject site should also incorporate interpretation media wherever possible (e.g. street names, incorporation of bricks and tiles, an installation which reflects the former location of the Drive-in movie screen, etc.)