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Our Reference: KA-230

Odette Ferreira
Planning & Development Manager
ooh!media
c/o Gyde Consulting
Debrah Barr
Level 6, 120 Sussex Street,
Sydney NSW 2000

5th March 2024

Dear Ms Barr,

**Re: Non-Indigenous Heritage Advice –Consent for new advertising signage on the existing billboard at
Great Western Highway, Huntingwood**

Kayandel has been engaged by Gyde Consulting to prepare this letter to assess the potential for non-Indigenous heritage to be impacted by new advertising signage (replacement of advertising skins) on an existing billboard structure situated along the Great Western Highway at Huntingwood (refer to Figure 1).

Kayandel's desktop review of background information has identified that while the Subject Area is not located within the identified curtilage of SHR #01911, it is within the curtilage of Item No I60 which the *State Environmental Planning Policy (Industry and Employment) 2021* and *Blacktown Local Environmental Plan 2015* identify as being a State heritage item (refer to Table 1 and Figure 3).

The installation of new advertising signage on an existing billboard structure will not impact the significance of the heritage item. It is recommended that the proposal can proceed with caution (refer to Section 6).

1. Subject Area

The Subject Area is located on the southern side of the Great Western Highway, approximately 340m northwest of Reservoir Road, Huntingwood, NSW. The site is located within Lot 19 DP 1024111 (refer to Figure 1).

The Subject Area consists of an existing billboard sign, oriented both east and west directions along the A44 Great Western Highway. The billboard is a freestanding advertising structure with one large metal pole in the centre of the structure that holds 2 billboard signs, having a width of 12.66m width and a height of 3.35m. The advertising content is static, not containing flashing or flickering motion, and is illuminated externally by 4 downward facing lights that extend from the top of the billboards.

Around the base of the signage structure is some low-lying shrubs and overgrown grass, with some existing trees located directly to the south. The structure itself is approximately 12m from the road boundary to the north (Great Western Highway) and about 5.5m from the road boundary to the south, an unnamed security

gated access road leading to industrial buildings. A metal fence surrounds the structure ensuring that public access cannot be gained from the roadside (see Plate 1 and Plate 2).

2. Proposal

oOh!media on behalf of Transport for New South Wales (TfNSW) is preparing a Development Application (DA) to the Department of Planning and Environment (DPE) for new advertising signage (replacement of advertising skins) on an existing billboard structure in-situ (see Figure 2).

The DA relates to the existing billboard structure and seeks approval for new advertising signage (replacement of advertising skins) on an existing billboard structure in-situ, previously approved by the Minister for Planning and Public Spaces under DA 6-1-2008 and DA 6-1-2008 MOD1 (Modification Application). This application is not proposing any modifications to the existing structure or signage.



Plate 1: Looking southwest towards the Subject Area from the Great Western Highway (c. September 2023) (source: Google 2024)

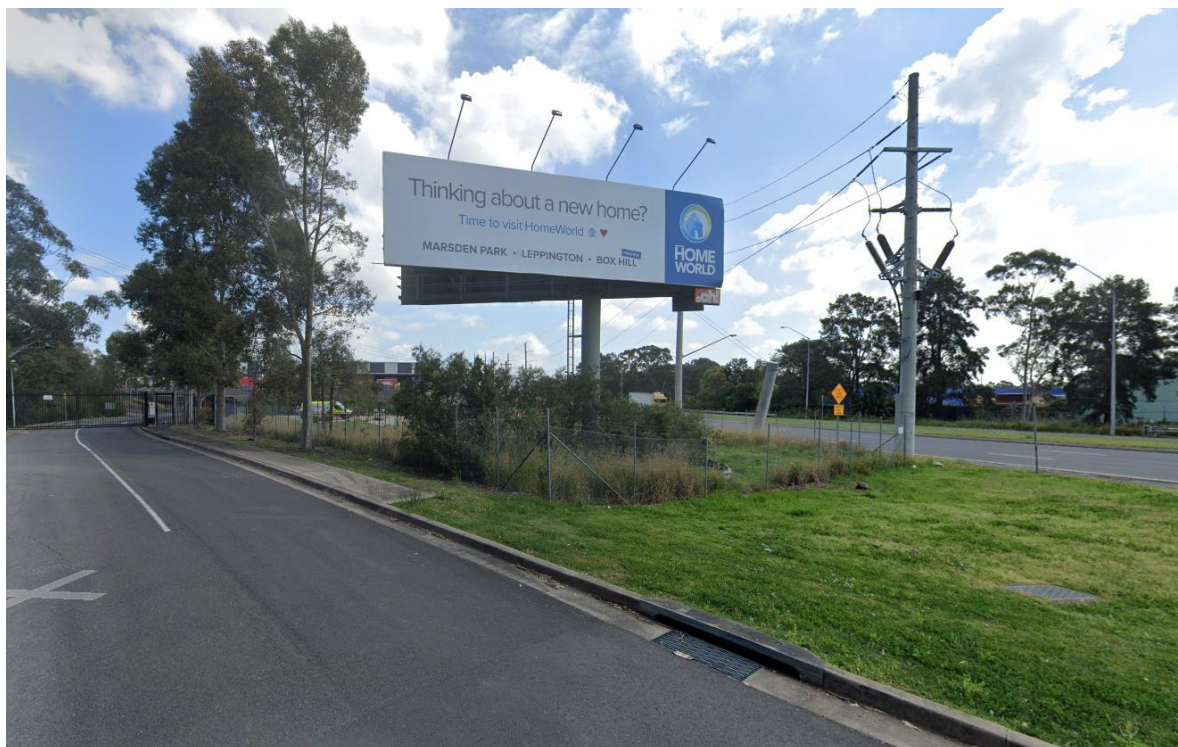


Plate 2: View of the Subject Area (c. September 2020) (source: Google 2024)



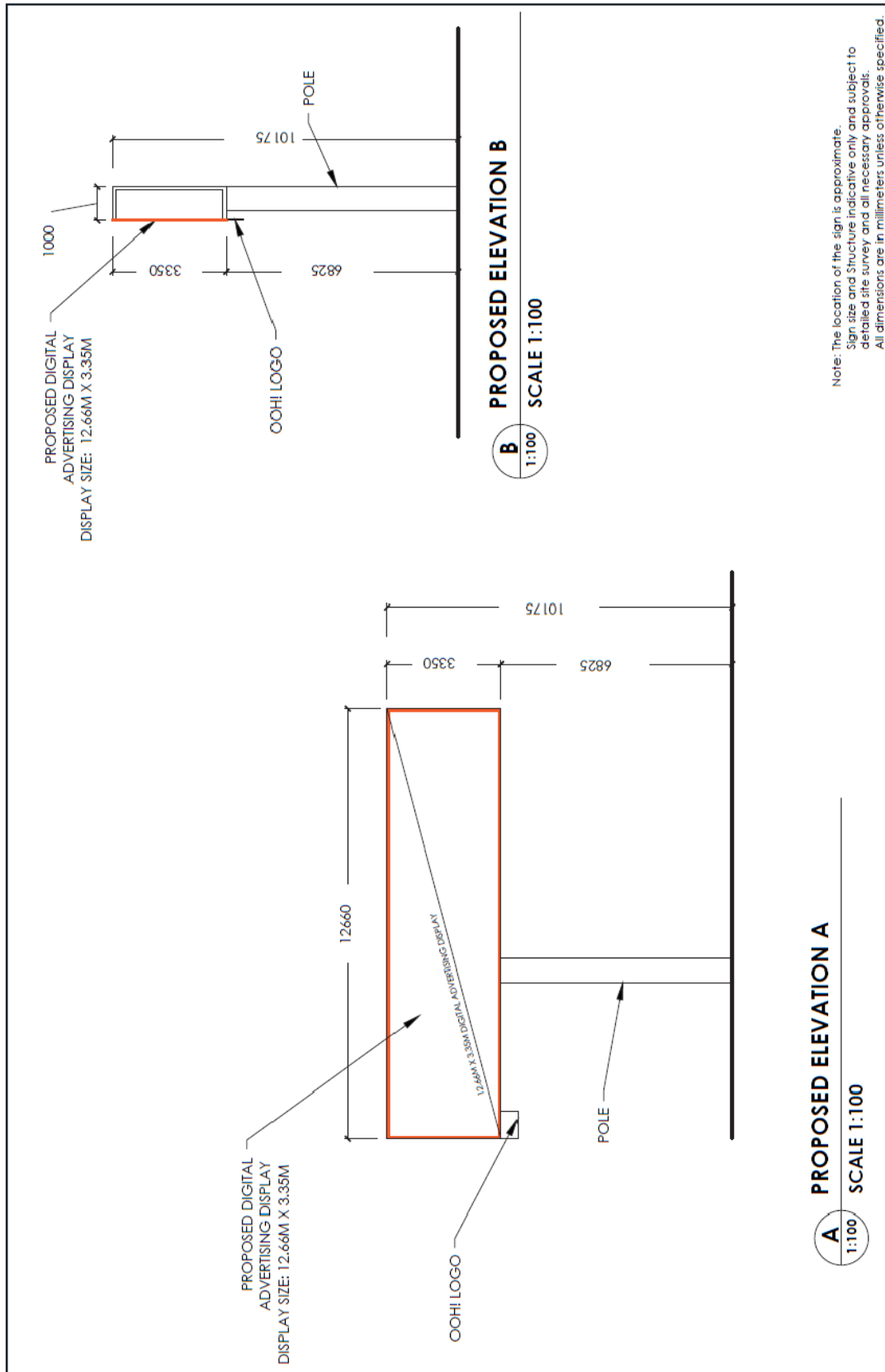


Figure 2: Proposed elevation of the billboard and advertising signage structure (source: oOh!media)

3. Legislative Context

The *NSW Heritage Act 1977* (*Heritage Act*) provides protection for items of 'environmental heritage' in NSW. 'Environmental heritage' includes places, buildings, works, relics, movable objects, or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic values. Items considered to be significant to the State are listed on the State Heritage Register (SHR) and cannot be demolished, altered, moved, or damaged, or their significance altered without approval from the Heritage NSW.

The *Heritage Act* does not apply to Aboriginal "relics" (any deposit, object, or material evidence). These items are protected under the *National Parks and Wildlife Act 1974*; however, some aspects of Aboriginal cultural heritage management and protection are covered by provisions of the *Heritage Act*.

Protection of items of State significance is by nomination and listing on the SHR created under Part 3A of the *Heritage Act*. The Register came into effect on 2 April 1999. The Register was established under the *Heritage Amendment Act 1998*. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance.

A permit under Section 60 of the *Heritage Act* is required for works on a site listed on the SHR, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of which minor works are exempted from the requirements to submit a Section 60 Application can be found in the Guideline 'Standard Exemptions for Works requiring Heritage Council Approval'. These exemptions came into force on 5 September 2008 and replace all previous exemptions.

Section 139 of the *Heritage Act* protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. This section applies to all land in NSW that is not included on the SHR.

Under Section 41(1) of the *Heritage Act* and the *Heritage Amendment Act 2009* (No. 34) a 'relic' is defined as:

Any deposit artefact, object, or material evidence that:

(a) Relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) Is of State or local significance.

It should be noted that not all remains that would be considered archaeological are relics under the *Heritage Act*. Advice given in the Archaeological Significance Assessment Guideline is that a 'relic' would be viewed as a chattel, and it is stated that:

In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include 'relics' of significance in the

form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be "relics".

If a relic, including shipwrecks in NSW waters (that is rivers, harbours, lakes and enclosed bays) is located, the discoverer is required to notify the NSW Heritage Council.

Section 139 of the *Heritage Act* requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the *Heritage Act*. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

Exceptions under Section 139(4) to the standard Section 140 process exist for applications that meet the appropriate criterion. An application is still required to be made. The Section 139(4) permit is an exception from the requirement to obtain a Section 140 permit and reflects the nature of the impact and the significance of the relics or potential relics being impacted upon.

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of state or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with section 146 of the *Heritage Act*. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area.

Section 2.42 of the *State Environmental Planning Policy (Industry and Employment) 2021* and Section 5.10 of the *Blacktown Local Environmental Plan 2015* deal with heritage. Point 3 of these Sections state:

(3) When consent not required However, development consent under this section is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

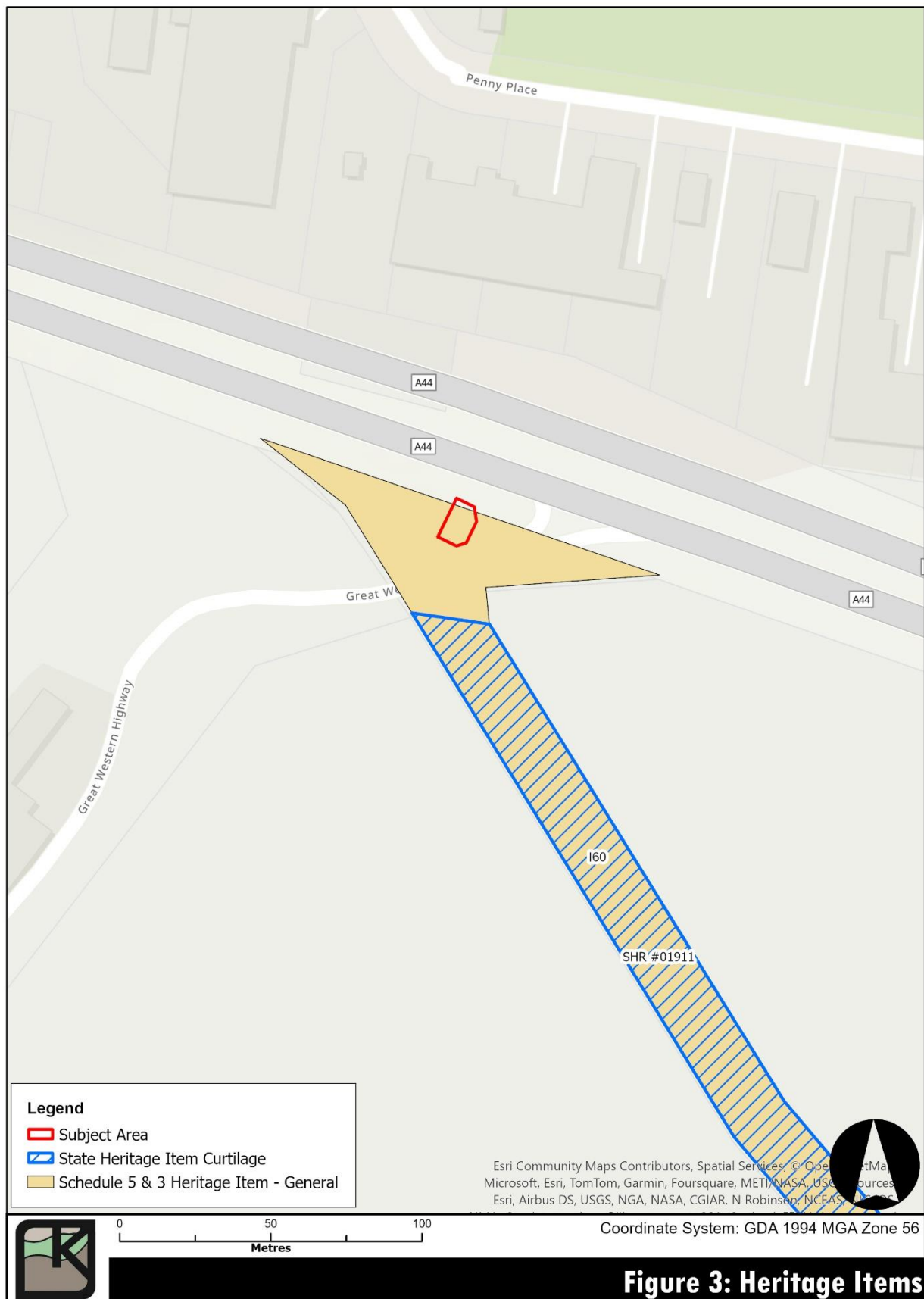
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

Results of Heritage Search

While the Subject Area is not located within the identified curtilage of SHR #01911, it is within the curtilage of Item No I60 which the *State Environmental Planning Policy (Industry and Employment) 2021* and *Blacktown Local Environmental Plan 2015* identify as being a State heritage item.

Site types	Heritage Items Containing the Subject Area	Heritage Items Adjacent to the Subject Area
State Heritage Inventory	-	Former Great Western Road, Prospect (SHR #01911) – State Reservoir Road PROSPECT
<i>State Environmental Planning Policy (Industry and Employment) 2021 – Schedule 3 (Environmental Heritage)</i>	Great Western Highway (former alignment) (Item No I60) - State Reservoir Road/Tarlington Place/Yallock Place/Honeman Close	-
<i>Blacktown Local Environmental Plan 2015 – Schedule 5 (Heritage Items)</i>	Great Western Highway (former alignment) (Item No I60) – State Reservoir Road/Tarlington Place/Yallock Place/Honeman Close	-

Table 1: Heritage Items Containing or Adjacent to the Subject Area



4. Established Statement of Significance

The Subject Area is located within Item No I60 on the *State Environmental Planning Policy (Industry and Employment) 2021* and *Blacktown Local Environmental Plan 2015* (see Table 1 and Figure 3). The following Statements of Significance and Physical Description have been sourced from the NSW Heritage Inventory (Heritage NSW, 2024).

Statement of Significance

The Former Great Western Road, Prospect has exceptional state significance as the only surviving original alignment of the 1818 Great Western Road that itself most likely followed an earlier Aboriginal track for a route over Prospect Hill. The road has the potential to retain highly significant archaeology of the convict and colonial eras. The Great Western Road was one of the three Great Roads built in the colony between 1815 and the 1840s. The others were the Great North Road (1826-36) and the Great South Road (1819-mid 1840s).

SHR Criteria a) Historical Significance	<p><i>The Prospect Hill area has strong social and spiritual significance for Aboriginal people as a place regularly visited in pre-European times, as a meeting and trading place, as a place representative of early conflict between Aboriginal peoples and European settlers, and for its associations with the 1805 meeting which marked the beginning of the long road to reconciliation. (Prospect Hill, Heritage Landscape Study and Plan 2008).</i></p> <p><i>The Former Great Western Road, Prospect demonstrates exceptional historical significance as a remnant surviving section of one of the three Great Roads (along with the Great North and Great South Roads) which were constructed between the 1820s and the 1840s by convict labour to open up the interior of the colony to agricultural and pastoral production and European settlement.</i></p>
SHR Criteria b) Historical Association	<p><i>[Associative significance]</i></p> <p><i>The Former Great Western Road at Prospect has state significance for its associations with Aboriginal people and with significant persons of the early colony of NSW.</i></p> <p><i>[Associative significance]</i></p> <p><i>The Former Great Western Road at Prospect has state significance for its associations with Aboriginal people and with significant persons of the early colony of NSW.</i></p>
SHR Criteria c) Aesthetic Significance	<p><i>The Former Great Western Road, Prospect has aesthetic and landmark significance at state level for its capacity to demonstrate the experience of travel with views of historical significance on a remnant section of the 1818 road that remains largely undeveloped and on its original 1818 alignment as it follows a ridge line and winds up and over the flanks of Prospect Hill in a semi-rural landscape with views of historical significance across to the Blue Mountains from the road's highest point close to Watch House Lane.</i></p> <p><i>The views to the west to the Blue Mountains and to the north to the Blacktown hills still convey the sense of promise and anticipation to travellers, not felt on any other road out Sydney, as described by Helen Proudfoot.</i></p>

	<i>The experience of the road and the surrounding landscape is intensified as the traveller realises that, elsewhere along the road, development has changed and will continue to change and alienate open land. The setting in the vicinity of the subject road at Prospect still retains a bucolic character with its early to mid-twentieth century subdivision pattern, built form, paddock enclosure and tree cover bordering the road. This survival is in contrast to the more intensive development elsewhere along the former Western Road which features road widening to six lanes and substantial traffic infrastructure flanked by suburban, industrial and logistics infrastructure.</i>
<i>SHR Criteria e) Research Significance</i>	<i>The Former Great Western Road, Prospect has the potential for state significant archaeology.</i>
<i>SHR Criteria f) Rare Assessment</i>	<i>[Rarity] The Former Great Western Road, Prospect is the only surviving section of Governor Macquarie's Great Western Road (completed in 1818) that follows its original alignment, is still in use and (at March 2012) remains relatively undeveloped.</i>
<i>SHR Criteria g) Representative Assessment</i>	<i>The Former Great Western Road, Prospect has state significance for its capacity to demonstrate the characteristics of the Great Roads network of the early colonial period.</i>

Physical Description

The alignment of the Former Great Western Road, Prospect, is laid onto the undulating ground to the north of Prospect Hill and to the north of Prospect Reservoir. This alignment (which was by-passed in 1968 for the present day alignment of the Great Western Highway) lies between the junction of Tarlington Place and the Great Western Highway in the east and travels almost 4 kms south west, west and north west to the northern end of Honeman Close at its western extent. The alignment is now not continuous, but is cut by the M4 Motorway between Tarlington Place and Reservoir Road in the east and Yallock Place and Boiler Close in the west.

The alignment of the Former Great Western Road now includes four separately named sections of road. From east to west, the first section commences south of the Great Western Highway at Tarlington Place which terminates north of the M4 Motorway. The Former Great Western Road recommences south of the M4 as Reservoir Road and travels in a westerly direction through the intersection of the Prospect Highway along the boundary of the Prospect Reservoir until its junction with Yallock Place. It then travels north-west to the southern edge of the M4, where it is cut again by the motorway. It recommences north of the M4 as Boiler Close where it crosses the modern section of Reservoir Road to become Honeman Close, terminating south of the Great Western Highway.

A modern extension of Reservoir Road has been constructed from the junction of Reservoir Road and Yallock Place. It extends beneath the M4 Motorway and across the Great Western Highway into Blacktown. This modern section of Reservoir Road is not part of the nominated Former Great Western Road, Prospect.

The subject length of the former Great Western Road as it travels through Prospect contrasts with the straightness of most of the rest of the road from Parramatta to Penrith. The road winds gently up and over the low northern ridge and spurs of Prospect Hill, winding alongside the boundary of the Prospect Reservoir. Beyond the M4 Motorway, the last quarter of the alignment travels north-west down the slope towards the Great Western Highway.

The Road has been generally maintained with patching and repairing after the realignment of the Great Western Highway in 1968, meaning that the road width, character, topography and alignment has remained generally unaltered since that time. The road is now subject to some change from Reservoir Road to Yallock place with the development around Wet and Wild and a link road to the M7 employment Lands. Further development and reworking of the Honeman Close and Boiler Close area is envisaged with the development of the Huntingwood Employment area.

However at present the road continues to maintain its topographic and rural character, and has the potential to continue to do so with the land to the south of the road protected as part of the Prospect Reservoir Reserve.

5. Historic Aerial Photographs

Historical aerals and satellite images dating 1965-2010 were reviewed as part of preparing this non-Indigenous heritage advice letter (see Plate 1 to Plate 7). These aerals provide a summary of development at the site and within the surrounding area (refer to Table 2). Overall, disturbance in the Subject Area is assessed as being high.

Date	Description
1965	This is the earliest aerial of the Subject Area. The site is on the northern side of the original alignment of the Great Western Highway. The location of the Subject Area is vegetated and appears to be undeveloped.
1978	The alignment of the Great Western Highway has been altered, and part of the original road has been removed to allow for the construction of new roads. The location of the Subject Area is vegetated and appears to be undeveloped.
1986	The Subject Area is unchanged from earlier aerial photographs.
1998	The Subject Area is unchanged from earlier aerial photographs.
2010	The billboard structure has been erected, and there appears to be landscaping at the base of the structure.

Table 2: Summary of Historic Aerial Photographs



Plate 3: 1965 aerial photograph of the Subject Area (approximate location is circled) (source: NSW Historical Imagery)



Plate 4: 1978 aerial photograph of the Subject Area (approximate location is circled) (source: NSW Historical Imagery)



Plate 5: 1986 aerial photograph of the Subject Area (approximate location is circled) (source: NSW Historical Imagery)



Plate 6: 1998 aerial photograph of the Subject Area (approximate location is circled) (source: NSW Historical Imagery)



Plate 7: 2010 aerial photograph of the Subject Area (source: Nearmap)

6. Heritage Impact Assessment

As part of preparing this non-Indigenous heritage advice, we have assessed the proposal in relation to relevant ‘considerations for specific types of work’ in Heritage NSW’s *Guidelines for preparing a statement of heritage impact* (Department of Planning and Environment, 2023) relating to “new signage”.

Questions to be answered	This proposal relates to these matters as follows:
How has the impact of the new signage on the significance of the heritage item been minimised?	The new advertising signage will replace the advertising skins on the existing billboard structure (refer to Plate 1 and Plate 2). The new signage will have no additional impacts to SHR #01911 or Item No I60.
Have alternative signage forms been considered (e.g. free-standing)? Why were these alternatives rejected?	The installation of new advertising signage makes use to the existing billboard structure, this means that there are no new physical impacts to Item No I60. The use of the existing billboard also means that the visual impacts to the heritage items are neutral.
Is the signage in accordance with required local planning provisions?	The new signage will be established on an existing billboard structure that was previously approved by the Minister for Planning and Public Spaces under DA 6-1-2008 and DA 6-1-2008 MOD1 (Modification Application).
Will the signage visually dominate or obscure the heritage item or streetscape of a heritage area?	The Former Great Western Highway is currently obscured from view by existing vegetation (see Plate 8). The use of the existing billboard for the installation of new advertising will not impact this vegetation (refer to Figure 2); as a result, the visual impacts to the heritage items will be neutral.

Questions to be answered

This proposal relates to these matters as follows:



Plate 8: Looking towards the Former Great Western Highway from the Subject Area (c. September 2020) (source: Google 2024)

7. Conclusion

There will be no new physical impacts to the heritage items as no modifications are being proposed to the existing structure. As noted in Section 2, the proposal will not disturb the ground surface. The location was disturbed as part of installing the existing billboard.

It has been assessed that the replacement of the existing advertising skin will have a neutral impact to the heritage significance of SHR #01911 and Item No I60, as it will be established on an existing billboard structure.

It is recommended that:

1. No additional European heritage assessments for the replacement of the existing advertising skin is required; and,
2. Should the design and/or extent of the proposal be altered, additional heritage impact assessment and approval under the *Heritage Act 1977* may be required.



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Should you have any further questions regarding this matter, please do not hesitate to contact me on (02) 4637 8622.

Yours sincerely,

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Grad Cert. Arts (Arch)
MGIS&RemoteSens
Associate Member International Council on Monuments and Sites

References

Department of Planning and Environment. (2023). *Guidelines for preparing a statement of heritage impact*. Parramatta: Department of Planning and Environment

Heritage NSW. (2024). Former Great Western Highway Alignment. *State Heritage Inventory*. Retrieved from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1140283>