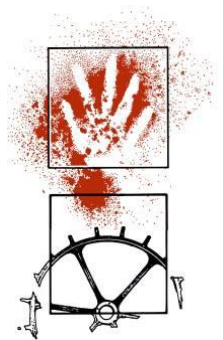


# ST BARTHOLOMEW'S CEMETERY EXPANSION LAND PROSPECT, NSW

## Heritage Assessment

June 2018



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# 1. INTRODUCTION

## 1.1 Background

The existing St Bartholomew's Church and Cemetery is located on a 3.17-hectares lot of Ponds Road, Prospect. The cemetery comprises approximately 3,600 occupied graves. In January 2016, Blacktown City Council (Council) received approximately 6 hectares of land east of St Bartholomew's Church from the New South Wales (NSW) State Government under a Land Transfer Agreement. In addition, Council intends to acquire approximately 2 hectares of land east of the existing cemetery. Further to this, Council is seeking to close St Bartholomew's Place (approximately 0.39 hectares), with the intention of including it in the expansion of the cemetery. This equates to a total of 11.56 hectares of land proposed to be used for the expanded cemetery.

A planning proposal (PP) is being prepared, which seeks to reactivate the existing church and cemetery on the 3.17-hectare land and to reclassify the Council-owned expansion lands from "community land" to "operational land" and to rezone the cemetery expansion lands from RE1 Public Recreation, RU4 Primary Production Small Lots and SP2 Classified Road, under BLEP2015 to SP1 Cemetery. In addition to the existing church and cemetery, the expanded cemetery is likely to include ancillary facilities such as an office, café, flower shop and potentially a chapel. They will most likely be in the vicinity of Tarlington Place. Details will be determined at the DA stage.

## 1.2 Existing Conditions

### 1.2.1 Land Use

The site is located on land between the Great Western Highway (GWH) to the north and M4 Western Motorway (M4) to the south and is bounded by the Prospect Highway to the west. The existing cemetery has an area of approximately 3.17 hectares, with the newly acquired land adding a further 6 hectares. A further 2.39 hectares of land is also intended to be acquired, including 2 hectares from other land owners and 0.39 hectares from the closure of St Bartholomew's Place, bringing the total area for the proposed cemetery site to 11.56 hectares. This is an increase of 8.39 hectares to the existing cemetery.

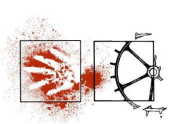
The existing cemetery is zoned SP1 Cemetery under Blacktown LEP 2015. The cemetery expansion land:

- Is predominantly zoned RE1 Public Recreation
- Includes land zoned RU4 Primary Production Small Lots (the site of the old Prospect Post Office)
- Includes land zoned SP2 Classified Road to the south of the existing cemetery.

The existing cemetery contains approximately 3,600 utilised graves. As the last church service was held on the site in 1967 and no new interment rights have been sold at the cemetery since 1972, the existing cemetery site does not regularly attract many visitors.

The cemetery expansion land has been largely vacant and unused since the former Prospect Village (along Tarlington Place) was disrupted and eventually vacated/demolished following the realignment of the Great Western Highway in 1968 and the construction of the M4 Western Motorway in 1990.

The location of the site and its surrounding environs is shown in Figure 1.1.



**LEGEND**

EXISTING ST BARTHOLOMEW'S CHURCH AND CEMETERY

PROPOSED CEMETERY LAND

LOT NOS

1/1192514

- NOTES:**
1. This Concept Plan shows the general intentions for a cemetery use of the land.
  2. A Master Plan showing details such as proposed internal roads, landscaping and areas for burials and ashes interment will be submitted with a Development Application for the cemetery - the next step if land is rezoned and reclassified.

**Figure 1.1 Subject Site and its Environs**



### **1.2.1.1 Access to the Site**

Access to and from Tarlington Place can be achieved through the Great Western Highway in the eastbound and westbound directions. Eastbound access is gained via a right turn bay. Access points to the existing cemetery are from Ponds Road, Prospect.

## **1.2.2 Road Network**

### **1.2.2.1 Adjoining Roads**

#### *Great Western Highway*

The GWH is classified as a Roads and Maritime State Road and is aligned in an east-west direction to the site's north. It is a two-way road with 3 westbound lanes and 4 eastbound lanes near the site, set within a 32 metre carriageway with an approximately 9 metre central median. Being an arterial road, no parking is permitted. The GWH has a posted speed limit of 80 km/h.

#### *Prospect Highway*

The Prospect Highway is classified as a Roads and Maritime State Road and is aligned in a north-south direction to the site's west. It is a two-way road with generally one lane in each direction, set within an approximately seven-metre carriageway. Kerbside parking is not permitted, and the road has a posted speed limit of 60 km/h.

#### *Ponds Road*

Ponds Road is classified as a Roads and Maritime State Road and is aligned in an east-west direction along with the site's north-western boundary. It is a two-way road with 1 lane in each direction, set within an approximately 7 metre carriageway. Ponds Road functions as an exit-ramp to the GWH and connects with the Prospect Highway to the west. It also provides access to the existing cemetery and St Bartholomew's Church. Ponds Road has a posted speed limit of 60 km/h.

#### *M4 Western Motorway*

The M4 is classified as a Roads and Maritime State Road and is aligned in an east-west direction to the site's south. It is a two-way road with generally 3 lanes in each direction, set over an approximately 22-metre-wide carriageway including a central separation barrier. The Western Motorway has a posted speed limit of 100km/h in the vicinity of the site, with off and on ramps provided to/from the Prospect Highway.

#### *Tarlington Place and St Bartholomew's Place*

Tarlington Place and St Bartholomew's Place are classified as Local Roads and are internal roads located within the subject site. St Bartholomew's Place is an unsealed road which runs along the eastern boundary of the existing cemetery while Tarlington Place is a sealed road and primarily functions as the access road to 23 Tarlington Place (the old Prospect Post Office).

Council is looking to close St Bartholomew's Place (0.39 hectares) and absorb it into the cemetery expansion lands. It could, however, still function as an access point and internal cemetery road.

Vehicle access to the site is proposed via the existing 2 driveways along Ponds Road (access 1 and access 2) and Tarlington Place (access three3 St Bartholomew's Place, whilst proposed to be closed, may also be used as an access point, depending on how the development is staged.

The internal road network will be determined at the Development Application stage. It is recommended that an internal link between the existing and expanded cemetery areas to be provided.



### 1.2.3 Future Conditions

### 1.2.4 Land Use

The proposal seeks to rezone 8.39 hectares of land to allow for the expansion of the existing St Bartholomew's Cemetery (Table 1.1). The cemetery expansion will be developed in stages. New burial space is expected to become available approximately 5 years after development consent is granted for the cemetery. The site plan is outlined above in Figure 1.1 .

The expanded cemetery is expected to ultimately include:

- Over 10,000 burial plots;
- Above ground crypts;
- Columbarium walls for ashes interment; and
- Ancillary facilities (such as an office, café, flower shop and potentially a chapel) with associated car parking, in the vicinity of Tarlington Place.

**Table 1.1 Area Schedule**

Use		Size
Existing Cemetery	Reactivation of existing church and cemetery <sup>[1]</sup>	3.17 hectares
Future Cemetery Expansion	Cemetery expansion and ancillary facilities <sup>[2]</sup>	8.39 hectares
<b>Total</b>		<b>11.56 hectares</b>

[1] It is assumed four staff will work at or maintain the existing church and cemetery.

[2] It is assumed 10 staff will work at or maintain the ancillary facilities which may include an office, café, flower shop and chapel.'

## 1.3 Executive Summary

This report documents the results of a desktop cultural heritage impact assessment of the proposed reclassification and rezoning of the St Bartholomew's Cemetery Expansion Lands. The report was commissioned by Blacktown City Council.

The findings and recommendations in relation to the planning proposal (to permit a cemetery use of the land) are:

- The cemetery use can be permitted, the planning proposal is required to be sympathetic to (and consistent with) the heritage values of the cemetery land (existing and expanded, including the old Prospect Post office).
- The area has been assessed as having a low likelihood of containing in-situ Aboriginal deposits or sites because:
  - : The study area has been heavily disturbed by past European land use
  - : Aboriginal sites are most likely to occur near water courses (of which there are none on the site)
  - : There is no Aboriginal heritage previously recorded in the St Bartholomew's Precinct

The detailed design of the of the cemetery (once the rezoning and reclassification has occurred) should consider the following:



- Do not reduce the landmark significance of the existing St Bartholomew's church and cemetery
- Do not obstruct existing view lines to St Bartholomew's church and cemetery and between the church/cemetery and the Old Prospect Post Office.
- Use landscaping to enhance/conservate heritage values and landscaping that is sympathetic to the open woodland nature of the site.
- Internal road widths should not dominate the site.
- The Tarlington Place road alignment should be retained.

The recommendations for development/operational stage:

- All heritage management policies outlined in the heritage assessment by GML in 2002, the St Bartholomew's Church and Cemetery 2010 CMP and Prospect Post Office (n.d.) CMP be followed for the cemetery expansion lands.
- A full impact assessment including a statement of heritage impact (SOHI) for the St Bartholomew's Church and Cemetery and Prospect Post Office should be undertaken based on those plans and the above management plans and assessments.
- Subsurface archaeological test excavation should be undertaken in the area of the Old Prospect town in order to determine the nature and extent of surviving archaeological features in the area. A s139 Excavation Exception Application is required for testing of land to verify the existence of relics without destroying or removing them.
- It should be noted that in the past clandestine burial sometimes occurred in the grounds outside of the consecrated cemetery grounds. A Ground Penetrating Radar (GPR) study has been conducted (onpointlocating 2018) that has indicated that there are unmarked graves within the current cemetery lands, no anomalies were reported on in the expansion lands. There is however moderate potential for there to be burials that did not show-up in the GPR survey. If graves are located they should be appropriately researched and marked, particularly Maria Lock's grave.
- Following any new development, the CMPs for both the St Bartholomew's Church and Cemetery and the Prospect Post Office should be revised.
- A protocol be developed for the unanticipated discovery of Aboriginal objects and be referred to as a part of any works on site. See Appendix 4 for an example protocol.

## 1.4 Study Aims

The aim of this study are to:

- examine the likely impacts of the planning proposal (i.e. to rezone and reclassify the land to permit a cemetery use) on the heritage values of the cemetery land (existing and expanded).
- guide/inform the next steps in planning for cemetery expansion (i.e. master plan, detailed design, DA documentation, preparation for on-site works).

## 1.5 This Report

### 1.5.1 Outline

This report:

- Describes the proposed project (Section 1);



- Describes the methodology employed in the study (Section 2);
- Describes the landscape setting of the cemetery expansion lands (Section 3);
- Provides information relevant to the Aboriginal cultural context of the cemetery expansion lands (Section 4);
- Provides a heritage context for the cemetery expansion lands (Sections 5);
- Provides a significance assessment of items within the cemetery expansion lands (Section 6); and
- Provides management recommendations based on the results of the investigation (Section 7).

### **1.5.2 Restricted Information**

Information in this report relating to the exact location of Aboriginal sites should not be published or promoted in the public domain. The following images and report sections should be restricted in a public version of this document:

- Figures 5.1; and
- Appendix 1 (AHIMS Searches)

No information provided by Aboriginal stakeholders in this report has been specifically identified as requiring access restrictions due to its cultural sensitivity.

### **1.5.3 Confidentiality**

No information in this report has been classified as confidential.



## 2 STUDY METHODOLOGY

### 2.1 Contributors

Archaeologist and Senior Heritage Specialist Nicola Hayes (BA/BSC, Grad Dip Arts) undertook this assessment.

### 2.2 Literature and Database Review

A range of archaeological and historical data was reviewed for the St Bartholomew's cemetery expansion lands and their surrounds. This literature and data review was used to determine if known Aboriginal and historical sites were located within the area under investigation, to facilitate site prediction on the basis of known regional and local site patterns, and to place the area within an archaeological and heritage management context.

The review of documentary sources included heritage registers and schedules, local histories, and archaeological reports.

Aboriginal literature sources included the Aboriginal Heritage Information Management System (AHIMS) maintained by the NSW Office of Environment and Heritage (OEH) and associated files and catalogue of archaeological reports. Sources of historical information included regional and local histories, heritage studies and theses; parish maps; and where available, other maps, such as portion plans.

Searches were undertaken of the following statutory and non-statutory heritage registers and schedules:

- Statutory Listings:
  - : Aboriginal Heritage Information Management System (AHIMS) (NSW OEH);
  - : Atlas of Aboriginal Places (NSW OEH);
  - : World Heritage List;
  - : The National Heritage List (Australian Heritage Council);
  - : The Commonwealth Heritage List (Australian Heritage Council);
  - : The State Heritage Register  
(NSW Heritage Branch, Office of Environment and Heritage); and
  - : Heritage Schedule(s) from the Blacktown Local Environmental Plan (BLEP) 2015.
- Non-Statutory Listings:
  - : The State Heritage Inventory  
(NSW Heritage Branch, Office of Environment and Heritage);
  - : Register of the National Estate; and
  - : Register of the National Trust of Australia (NSW).



## 2.3 Statutory context

The above heritage registers and lists have the following related legislation:

<b>Listing</b>	<b>Related Legislation</b>
Aboriginal Heritage Information Management System	National Parks and Wildlife Amendment Bill 2010
World Heritage List	Australian Heritage Council Act 2003
The National Heritage List	Australian Heritage Council Act 2003
The Commonwealth Heritage List	Australian Heritage Council Act 2003
The State Heritage Register	NSW Heritage Act 1977 and Heritage Amendment Acts 1998 & 2009
Heritage Schedule(s) from the Blacktown LEP 2015	NSW Heritage Act 1977 and Heritage Amendment Acts 1998 & 2009

See Appendix 1 for more detail regarding each legislation.



### 3 LANDSCAPE CONTEXT

Prospect is located 32 kilometres west of the Sydney central business district in the local government area of the City of Blacktown. It is part of the Greater Western Sydney region.

The St Bartholomew's cemetery expansion lands at Prospect are located within the Sydney Basin, a large sedimentary basin that dominates the NSW central coast and its fluvial catchments. The Basin consists of various, approximately horizontally bedded sedimentary facies that accumulated during a marine transgression at the end of the Late Palaeozoic glaciation, and which was subsequently followed by a marine regression during the Late Permian and Triassic. The geological and structural division within the Basin that is relevant to the present investigation is the Cumberland Plain.

The cemetery expansion lands are located on the western section of the Cumberland Plain.

The Bringelly Shale formation of the Liverpool sub-group of the Triassic Wianamatta Group is the major geological formation underlying the western section of the Cumberland Plain and comprises quartz, shale, laminate, kaolinite, carbonaceous claystone and fine grained sandstone. The consistent and erodible nature of these sediments have created a predominantly low to moderately graded and predominantly undulating landscape with little outstanding relief and a medium drainage line density. Soils derived from Wianamatta shale weather to relatively heavy clay and loamy duplex soils.

The bedrock geology in the cemetery expansion lands comprises Wianamatta Group shales such as Ashfield shale, underlain by Minchinbury sandstone and Bringelly shale.

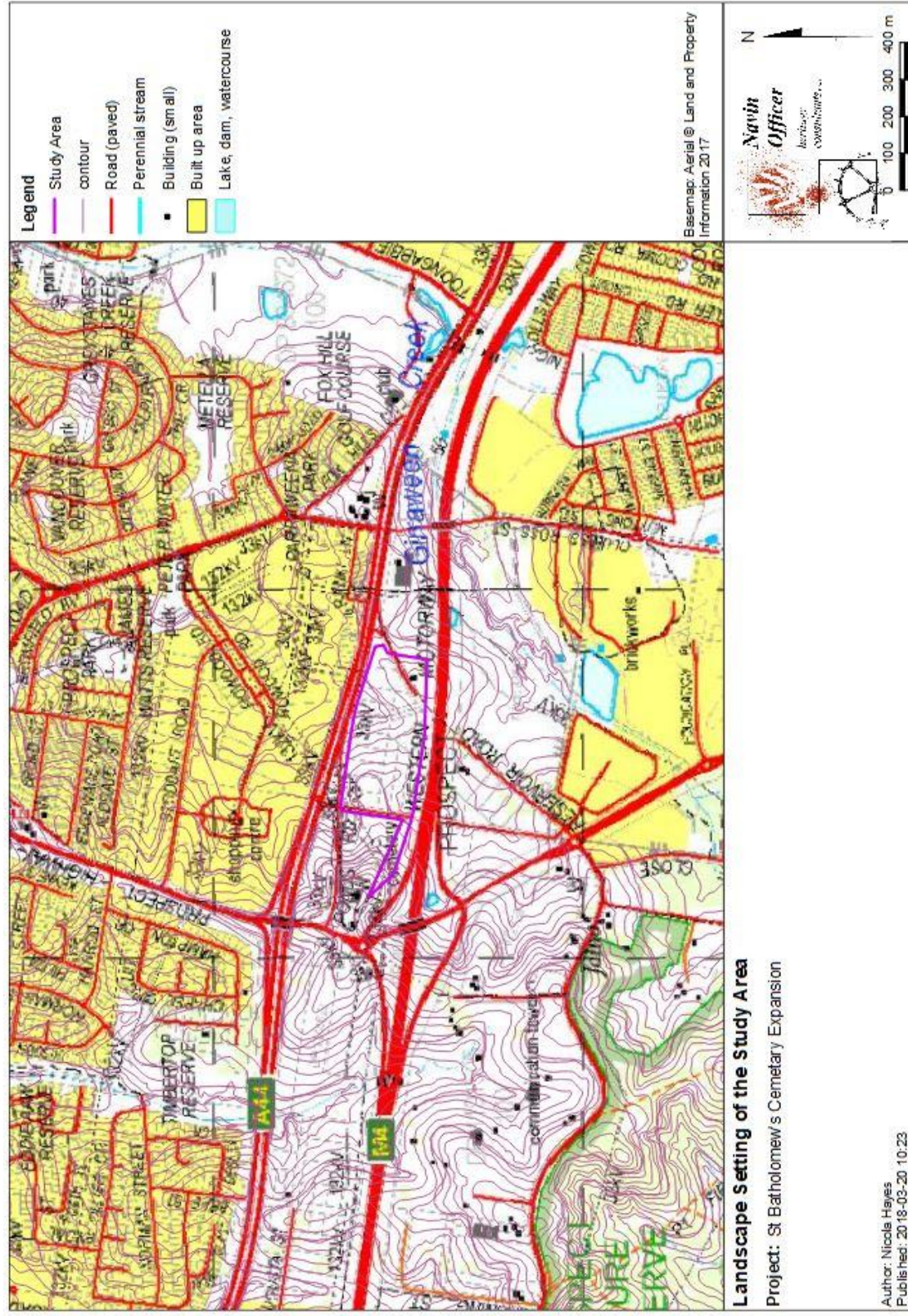
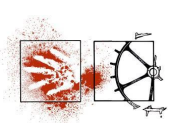
The original vegetation of most of the Cumberland Plain was open eucalypt woodland in which the trees were widely spaced and the ground cover dominated by grasses (Perry 1963). The native vegetation formerly present across the cemetery expansion lands has long since been cleared.

The cemetery expansion lands are situated between the catchments of Girraween Creek and Blacktown Creek. They are located on a gentle side spur crest that extends from the hill crest where the current St Bartholomew's Church is located. Local relief is up to 30 metres with slopes generally displaying gradients less than five per cent. A low saddle/drainage line extends through the centre of the cemetery expansion lands and a low hill crest is located on the eastern side of the cemetery expansion lands where the Old Prospect Post Office was located.

The cemetery expansion lands have been heavily disturbed by past European land use including the construction and later demolition of much of the old Prospect town. Additional disturbance has occurred though the construction of the M4 motorway to the south and the Great Western Highway to the north. A large powerline easement extends through the Cemetery site with two large transmission towers to the south of the current cemetery grounds. (Refer Figure 6.1).

#### 3.1 Use of the area by Aboriginal People in the past

Both Girraween Creek and Blacktown Creek would have provided a focus of occupation for Aboriginal people before European settlement. Both waterways would have provided reliable water and a variety of food resources. The project area location between these two creeks would have provided through access to both sources. The current locations of the Church and Post office would have been higher vantage points that would have allowed views to both Creek valleys.



**Figure 3.1 Topographic Setting of the Cemetery Expansion Lands**



## 4 ABORIGINAL CONTEXT

### 4.1 The St Bartholomew's Cemetery Expansion Lands

An archaeological context for the St Bartholomew's Cemetery Expansion Lands is provided in Appendix 2.

Godden Mackay Logan (GML) undertook an Aboriginal archaeological assessment of the Prospect Post Office Precinct in 2002. This assessment covered a majority of the current cemetery expansion lands. No Aboriginal sites or areas of Aboriginal archaeological potential were identified.

GML concluded that the area is heavily disturbed due to the ongoing European occupation and use and therefore it is highly unlikely that extensive intact and *in situ* archaeological deposits remain within the St Bartholomew's cemetery expansion lands.

Records indicate that a prominent Aboriginal woman from the 1800s is buried at St Bartholomew's. Maria Lock (c.1805-1878), Aboriginal landowner, was born at Richmond Bottoms, on the eastern floodplain of the Hawkesbury River, daughter of Yarramundi, 'Chief of the Richmond Tribes'. The family belonged to the Boorooberongal clan of the D(h)arug people. Maria petitioned Governor Darling for her deceased brother Coley's (Colebee) grant at Blacktown, opposite the Native Institution. She asserted that she and her husband were entitled to earn 'an honest livelihood, and provide a comfortable home for themselves, and their increasing family'. In 1831 forty acres (16.2 ha) 'as near to your present residence as suitable vacant land can be found' were granted to Robert on Maria's behalf, but Cartwright frustrated this claim, as he felt it was injurious to the established buildings on his adjoining allotment. Maria persisted, and in 1833 another forty acres was granted to her at Liverpool in Robert's name. She received Colebee's thirty-acre (12.1 ha) grant in 1843. Maria died on 6 June 1878 at Windsor and was buried beside Robert at St Bartholomew's Church of England, Prospect. Her burial registration, which read 'Last of the Aboriginals from Blacktown', wrongly gave her birth date as 1794. (<http://adb.anu.edu.au/biography/lock-maria-13050>)

### 4.2 AHIMS Search Results

Fifty-three Aboriginal site recordings are listed on the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) for the area around the St Bartholomew's cemetery expansion lands within the following map grid references (Figure 5.1):

Lat, Long From: -33.8303, 150.8798

Lat, Long To: -33.7806, 150.9584 with a Buffer of 50 meters.

Sites comprise 42 artefact scatters, 5 Potential Archaeological Deposits, 4 modified trees, 1 ceremonial place and one stone quarry.

A copy of the AHIMS search is provided in Appendix 3.

### 4.3 Predictive Model of Aboriginal Site Location

Several predictive models have been formulated to explain Aboriginal site location on the Cumberland Plain (eg Haglund 1980, Kohen 1986, Smith 1989). McDonald (2005a) considered that Aboriginal occupation was focussed on the major river systems and characterised by mobility between a small number of sites. As a result of various studies and the application of stream order analysis, McDonald framed the following predictive statements regarding the density and complexity of archaeological sites relative to their associated fluvial contexts:

- Fourth and Fifth order streamlines (typically permanent creeks and small rivers) will be associated with archaeological evidence that is more complex and possibly stratified, reflecting more permanent and repeated occupation.



- Third order streamlines will be associated with evidence of more frequent occupation such as knapping floors. Higher artefact densities will be found in the lower reaches of tributary creeks.
- Second order streamlines will be associated with sparse archaeological evidence which is most likely to indicate occasional use and/or occupation.
- First order streamlines (with only intermittent water flow, typically in headwater contexts) will be associated with sparse archaeological evidence, which may be indistinguishable from, or may define, a background level of artefact incidence.

The following findings from the Rouse Hill investigations are potentially applicable to similar upper catchment areas on the Cumberland Plain:

- most areas which were the subject of subsurface investigations contained subsurface material;
- site patterning could be related to gross environmental factors, however, the relationship between sites and the environment is complex - sites on permanent water are more complex than sites on ephemeral drainage lines. Major confluences are prime site locations;
- depositional environments e.g. alluvial terraces, contain the best potential for intact cultural material, although some hillslope zones may also have good potential;
- intact archaeological material may remain below the plough zone (i.e. top 25 centimetres of soil);
- minor gullies tend to have low density sites; and
- fewer sites were located on ridgetops possibly due to more disturbance in these areas.

#### **4.4 Conclusions**

The area has been assessed as having a low likelihood of containing in-situ Aboriginal deposits or sites because:

- The study area has been heavily disturbed by past European land use
- Aboriginal sites are most likely to occur near water courses (of which there are none on the site)
- There is no Aboriginal heritage previously recorded in the St Bartholomew's Precinct

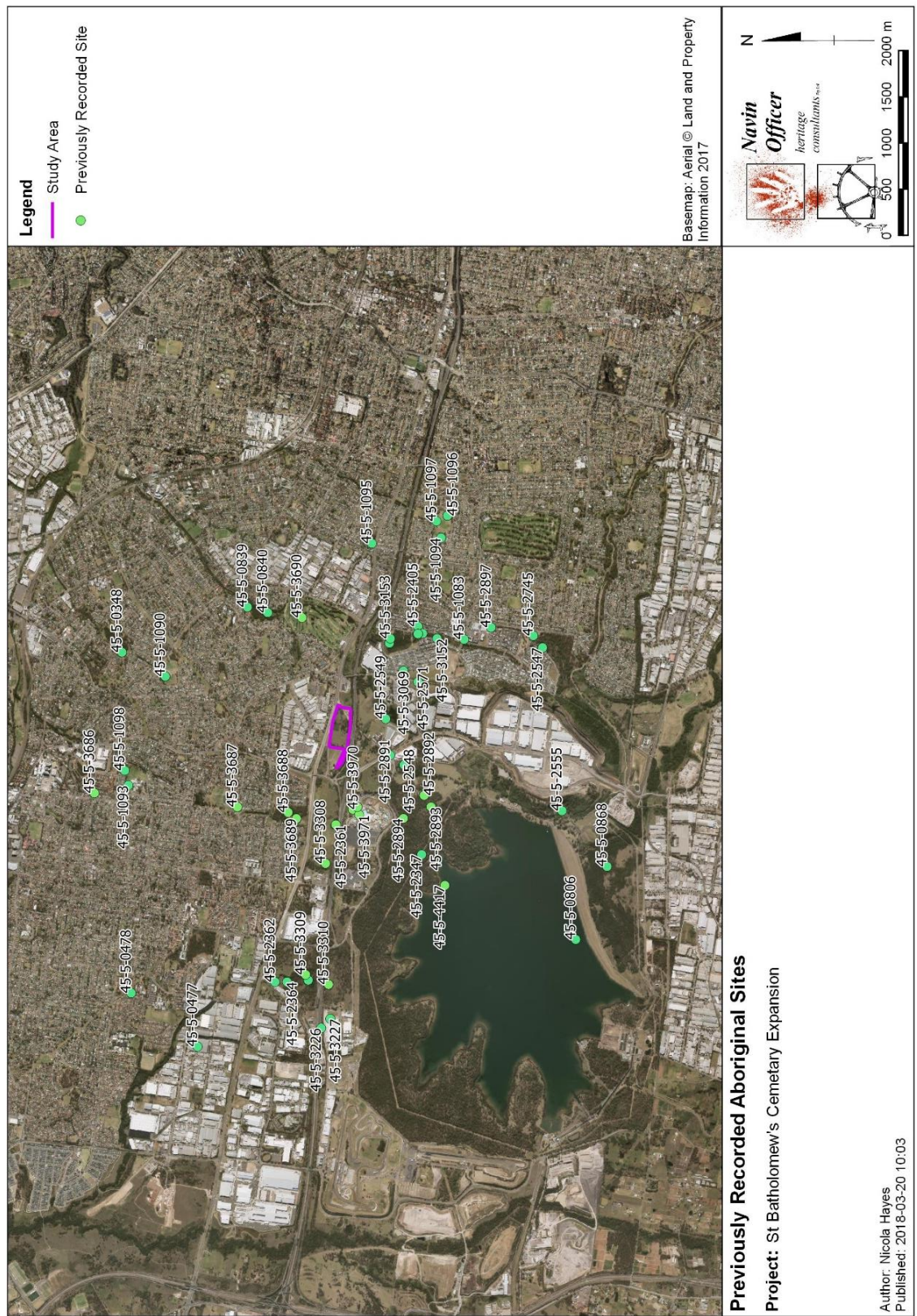
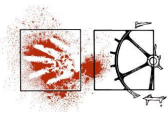


Figure 5.1 General locations of previously recorded Aboriginal sites relative to the cemetery expansion lands



## 5 HISTORICAL CONTEXT

### 5.1 Historical Overview

Prospect is one of the oldest suburbs in Sydney. The area was initially a settlement for emancipated convicts, and subsequently became a village (Crittenden 2003).

The following is from <http://www.prospectheritagetrust.org.au/village/St-Bartholomew/> :

St Bartholomew's Church, which opened in 1841, was the first church to be built in the Prospect area. Before this date church services were held in the home of the schoolmaster. In 1836 William Lawson started to interest the community in building a church at Prospect. On 23 February 1837, the *Sydney Herald* published a list of subscription towards the erection of the Prospect church that totalled three hundred and seventy six pounds and three shillings and contained many names of well know people. The list was marked 'to be continued'.

In 1838 William Lawson, through the *Australian* and the *Sydney Herald*, called for tenders for the building of the Church. On 2 October 1838 a contract to complete the church and tower within fifteen months was signed with James Atkinson of Mulgoa as the builder and William Lawson as Senior Trustee and Nelson Simmons Lawson and Robert Crawford as Trustees. The witness was Lawson's son-in-law, architect and civil engineer Edward Hallen. The building was not completed within the specified time. On 26 October 1840, the Trustees entered into another contract with James Atkinson to supply the furniture within six weeks. On 17 April 1841, the *Sydney Herald* stated 'On Wednesday last the Bishop of Australia laid the foundation of a Parochial Church at Prospect'. There is no foundation stone in St Bartholomew's; it is believed that this action of the Bishop signified the 'foundation' of the Church as a group of people.

The first baptisms recorded were of Margaret, Mary and James Goodin, on 2 May 1841. Sadly, Margaret's elder sister, Ann, and Margaret herself were the first burials on 18 July 1841.

The Church operated until New Years Eve at the end of 1967, when, due to a second attack of vandalism, it was closed. In 1972 Blacktown Municipal Council took out a fifty-year lease on the property from the Church of England Property Trust, Diocese of Sydney. On 4 November 1989 fire gutted the Church, destroying the 1850s organ and the 1908 furniture. During 2000 restoration work costing \$1,374,000 began under the supervision of Graham Edds and Associates, Heritage Architects. This work was funded by Blacktown City Council and the Commonwealth and State governments. In January 2001 Blacktown City Council purchased the property from the Anglican Property Trust. The building is now available for hire for civil wedding services, concerts, exhibitions or any other event that Council considers appropriate.

An extensive historical background for the area was prepared by GML in 2002 as part of the heritage assessment of the Prospect Post Office Precinct. Additionally, a Conservation Management Plan (CMP) was compiled for St Bartholomew's Church and Cemetery in 2010 by Graham Edds and Associates. A Conservation Plan has also been compiled for the former Prospect Post Office.

### 5.2 Heritage Listed Items

#### 5.2.1 Statutory Listings

St Bartholomew's Church and Cemetery and Old Prospect Post Office Cottage are both listed under the NSW Heritage Act.

Both are also listed as items of State significance under Blacktown LEP 2015

Tarlington Place is a heritage item of local significance under Blacktown LEP 2015 – Item I60 – Great Western highway (former alignment).



### 5.2.2 Non-Statutory Listings

St Bartholomew's Anglican Church (former) is a registered item on the Register of the National Estate.

St Bartholomew's Anglican Church and Cemetery have both been classified as heritage items on the Register of the National Trust Australia (NSW).

## 5.3 Previous Assessments

As indicated above GML (2002) undertook an archaeological assessment of the Prospect Post Office Precinct (Figure 6.1). This included a detailed site survey and assessment of archaeological potential.

### 5.3.1 Archaeological Potential

The cemetery expansion lands include the site of part of the village of Prospect, established from the end of the eighteenth century as one of the earliest European settlements.

GML (2002:16) assessed the integrity of the surviving remnants of the village as being high. This is due to the lack of significant disturbance of their study area since the removal of the structures associated with the village and subsequent construction of the M4 Motorway.

GML assessed that the areas of high archaeological potential are limited to the properties to either side of Tarlington Place. The only known, or identified, structures within their study area are located within the lots along Tarlington Place, an attribution which is supported by the few indications of European occupation noted during the 2002 field survey. These lots are determined to have a high degree of archaeological sensitivity based on the likelihood of discovering original fabric and material evidence, such as wall footings, underfloor deposits, and household debris, which can provide information concerning the activities of the village.

The lots to the rear are unlikely to contain remains associated with houses or businesses, but may have material associated with adjacent properties. This part of the St Bartholomew's cemetery expansion lands is determined as having a medium level of sensitivity and should be monitored during any ground-breaking activities. However should the monitoring program reveal significant remains, excavation would cease and the area would need to be reassessed in consultation with the Heritage Office.

Those areas toward the eastern and western boundaries of the cemetery expansion lands are unlikely to retain material evidence associated with the village and are determined as having a low archaeological sensitivity, requiring no further action.

Figure 6.2 and 6.3 show where structures previously existed in and around the cemetery expansion lands. Figure 6.4 shows the current aerial image of the cemetery expansion lands area.

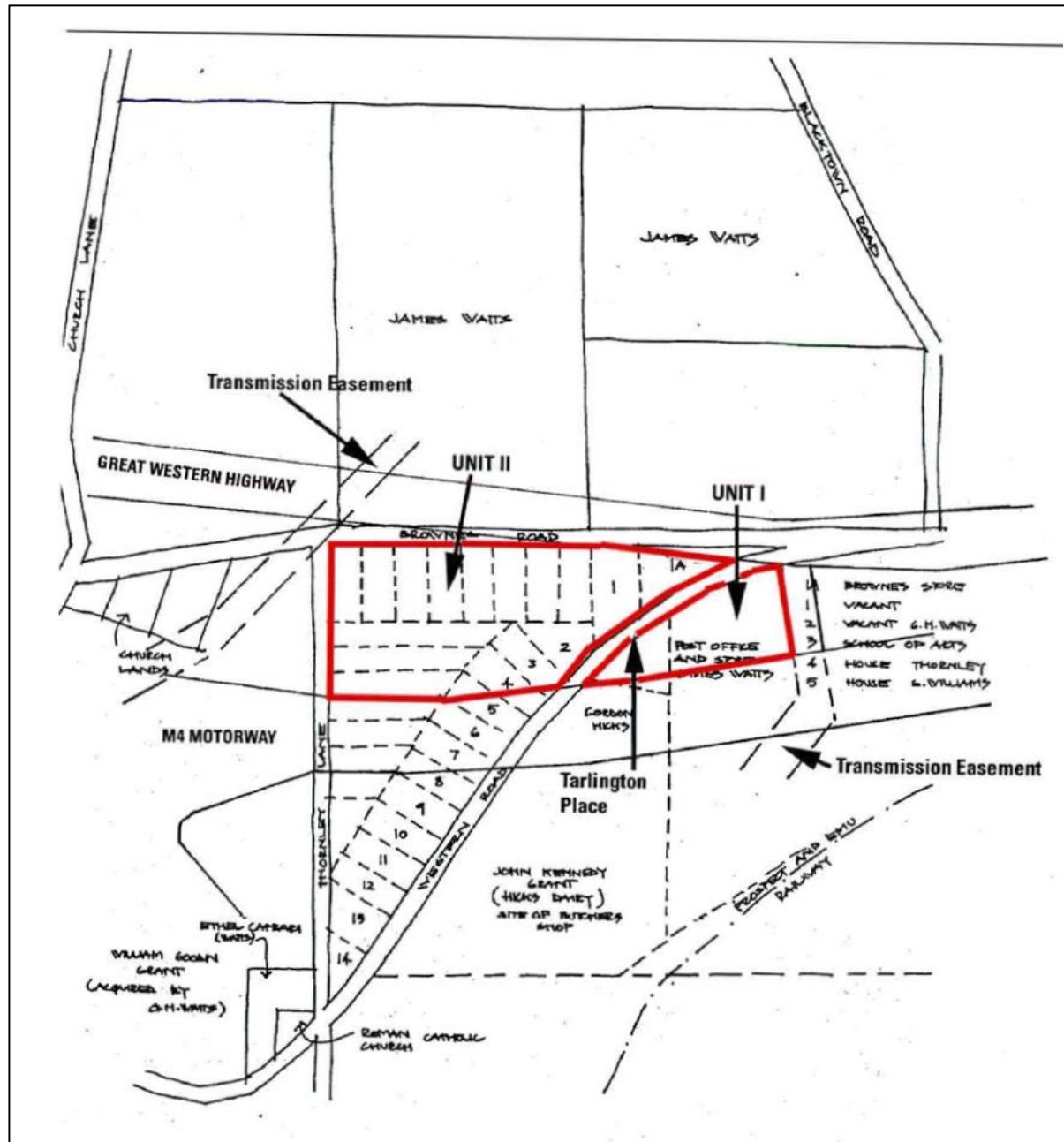


Figure 6.1 Plan of Prospect village based on the 1923 Parish map showing GML 2002 survey units (GML 2002:17)

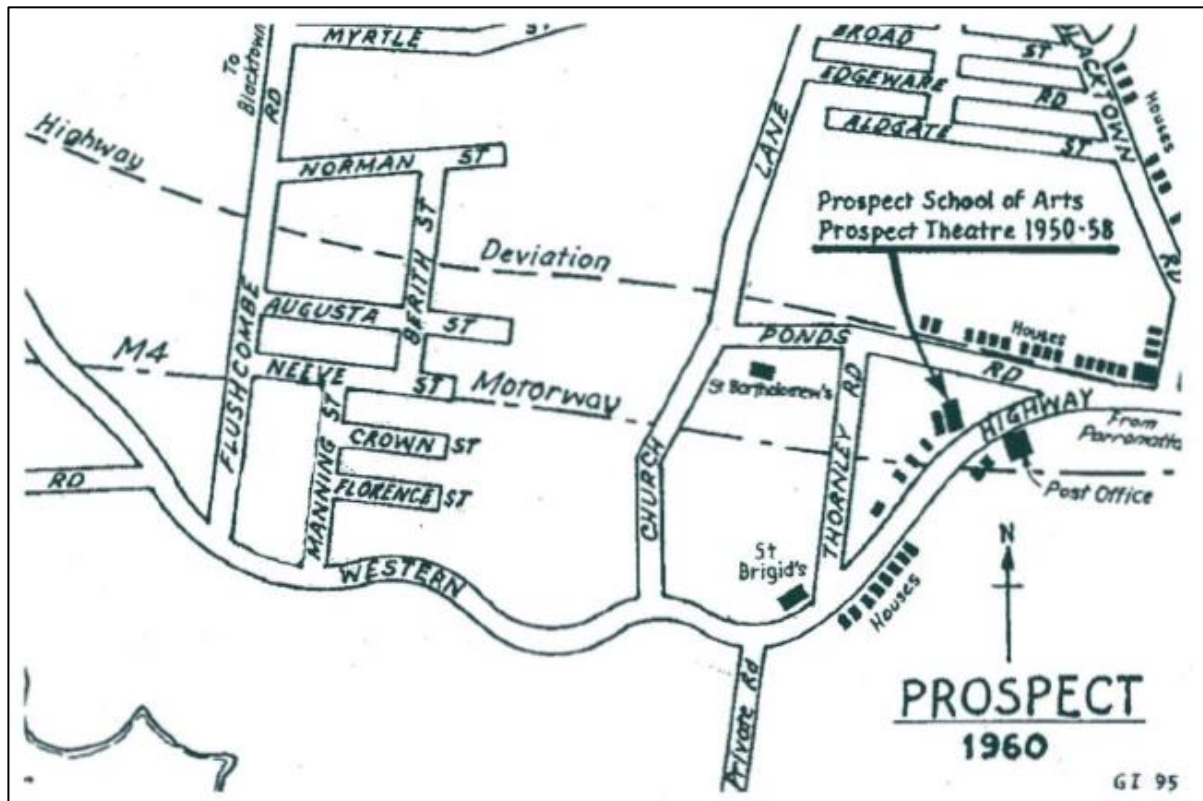
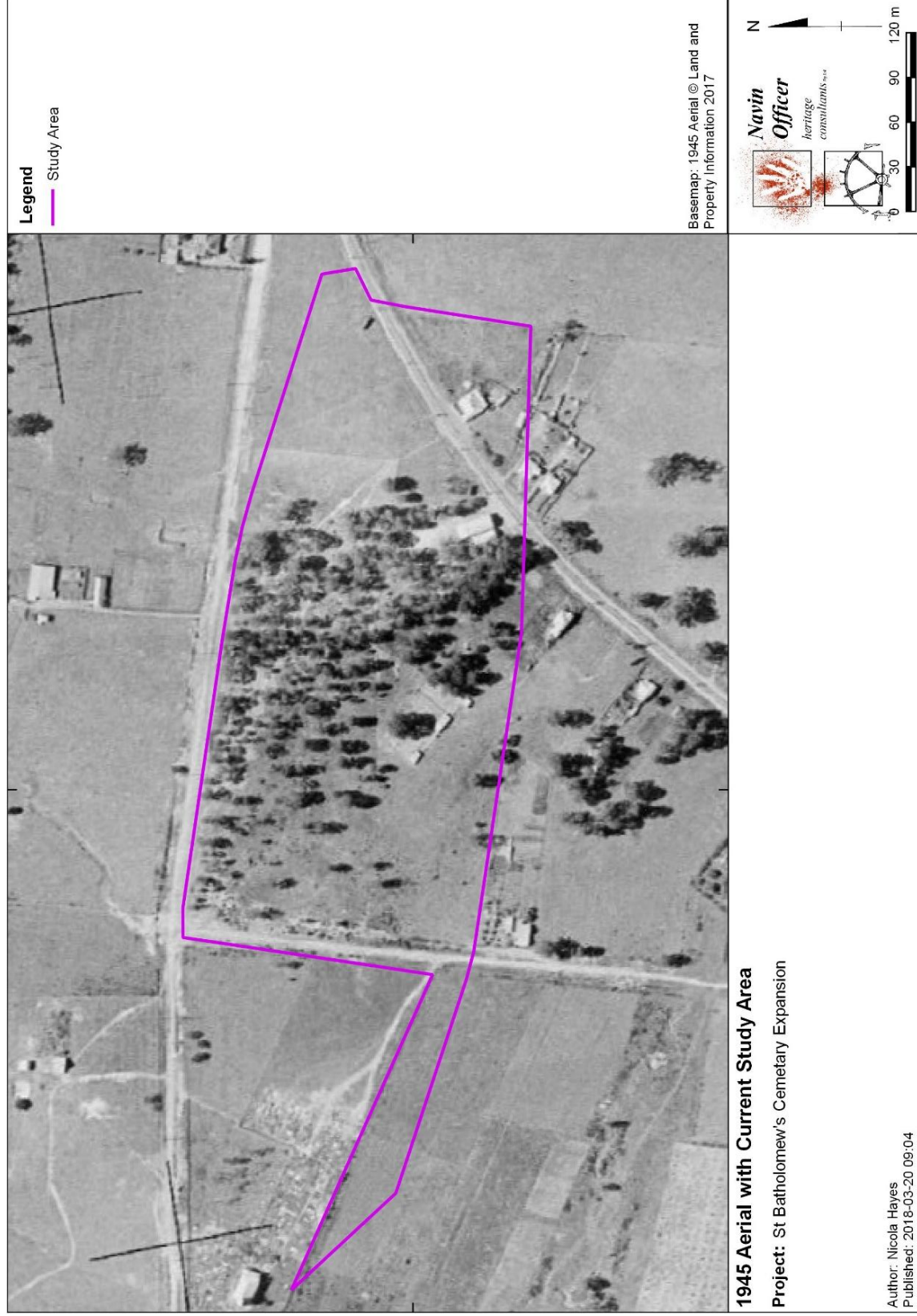
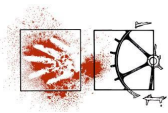
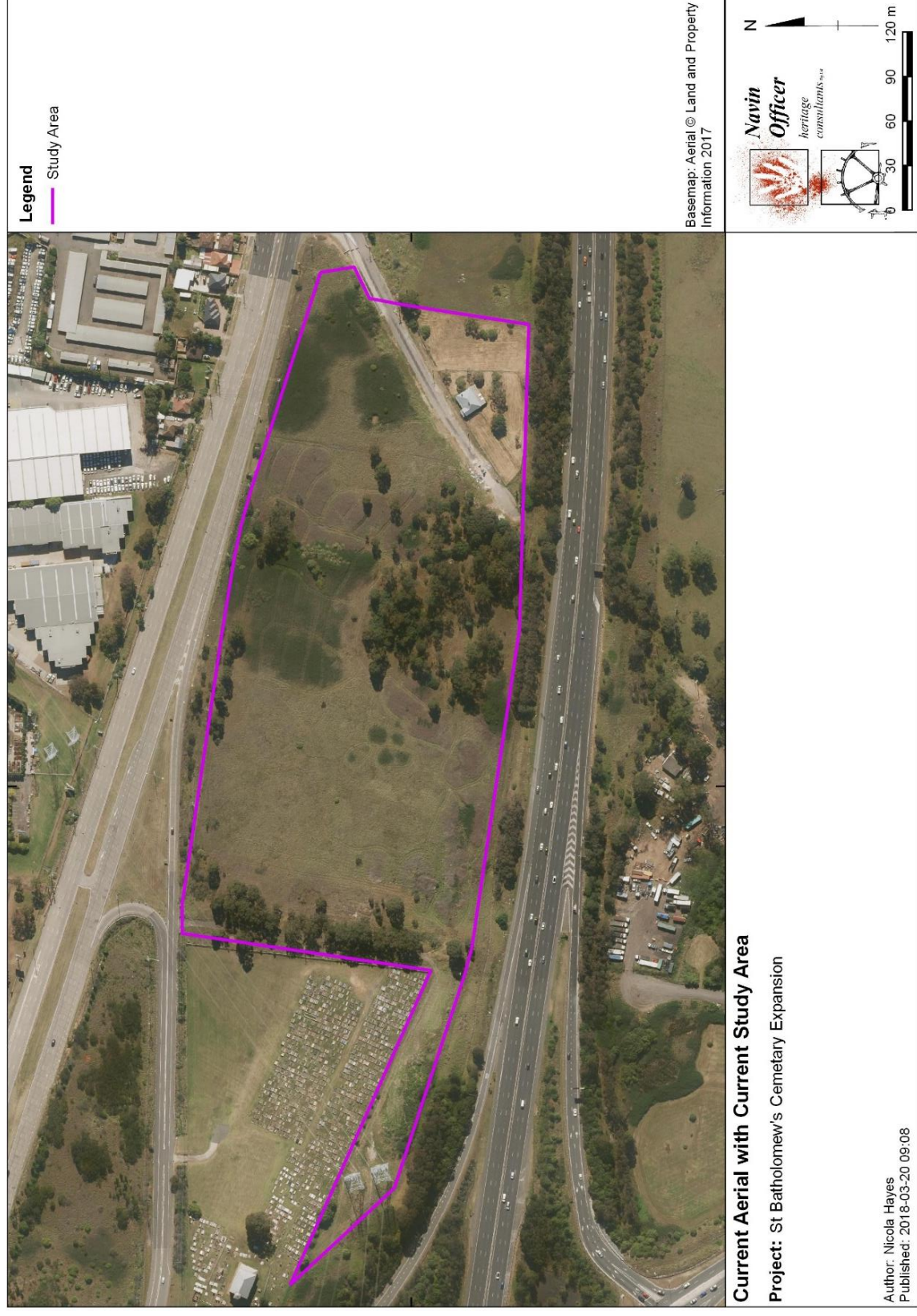
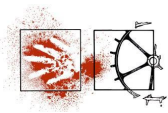


Figure 6.2 Sketch map of Prospect in 1960  
showing the approximate locations of buildings (GML 2002:11)



**Figure 6.3 1945 Aerial photograph showing proposed St Bartholomew's cemetery expansion lands**





## 6 SIGNIFICANCE ASSESSMENT

### 6.1 Aboriginal Heritage

#### 6.1.1 Assessment Criteria

The Burra Charter of Australia defines cultural significance as 'aesthetic, historical, scientific or social value for past, present and future generations' (Aust. ICOMOS 1987). The assessment of the cultural significance of a place is based on this definition but often varies in the precise criteria used according to the analytical discipline and the nature of the site, object or place.

In general, Aboriginal archaeological sites are assessed using five potential categories of significance:

- significance to contemporary aboriginal people;
- scientific or archaeological significance;
- aesthetic value;
- representativeness; and
- value as an educational and/or recreational resource.

Many sites will be significant according to several categories and the exact criteria used will vary according to the nature and purpose of the evaluation. Cultural significance is a relative value based on variable references within social and scientific practice. The cultural significance of a place is therefore not a fixed assessment and may vary with changes in knowledge and social perceptions.

Cultural significance can be defined as the cultural values of a place held by and manifest within the local and wider contemporary Aboriginal community. Places of significance may be landscape features as well as archaeologically definable traces of past human activity. The significance of a place can be the result of several factors including: continuity of tradition, occupation or action; historical association; custodianship or concern for the protection and maintenance of places; and the value of sites as tangible and meaningful links with the lifestyle and values of community ancestors. Aboriginal cultural significance may or may not parallel the archaeological significance of a site.

Scientific significance can be defined as the present and future research potential of the artefactual material occurring within a place or site. This is also known as archaeological significance.

There are two major criteria used in assessing scientific significance:

1. The potential of a place to provide information which is of value in scientific analysis and the resolution of potential research questions. Sites may fall into this category because they: contain undisturbed artefactual material, occur within a context which enables the testing of certain propositions, are very old or contain significant time depth, contain large artefactual assemblages or material diversity, have unusual characteristics, are of good preservation, or are a constituent of a larger significant structure such as a site complex.
2. The representativeness of a place. Representativeness is a measure of the degree to which a place is characteristic of other places of its type, content, context or location. Under this criteria a place may be significant because it is very rare or because it provides a characteristic example or reference.

The value of an Aboriginal place as an educational resource is dependent on: the potential for interpretation to a general visitor audience, compatible Aboriginal values, a resistant site fabric, and feasible site access and management resources.

The principal aim of cultural resource management is the conservation of a representative sample of site types and variation from differing social and environmental contexts. Sites with inherently unique



features, or which are poorly represented elsewhere in similar environment types, are considered to have relatively high cultural significance.

The cultural significance of a place can be usefully classified according to a comparative scale which combines a relative value with a geographic context. In this way a site can be of low, moderate or high significance within a local, regional or national context. This system provides a means of comparison, between and across places. However it does not necessarily imply that a place with a limited sphere of significance is of lesser value than one of greater reference.

The following assessments are made with full reference to the scientific, aesthetic, representative and educational criteria outlined above. Reference to Aboriginal cultural values has also been made where these values have been communicated to the consultants. It should be noted that Aboriginal cultural significance can only be determined by the Aboriginal community, and that confirmation of this significance component is dependent on written submissions by the appropriate representative organisations.

### **6.1.2 The Cemetery expansion lands**

There is no Aboriginal heritage previously recorded in the St Bartholomew's cemetery expansion lands.

## **6.2 Historical Heritage**

### **6.2.1 Assessment Criteria**

The NSW Heritage Branch has defined a methodology and set of criteria for the assessment of cultural heritage significance for items and places, where these do not include Aboriginal heritage from the pre-contact period (NSW Heritage Office & DUAP 1996, NSW Heritage Office 2000). The assessments provided in this report follow the Heritage Branch methodology.

The following heritage assessment criteria are those set out for Listing on the State Heritage Register. In many cases items will be significant under only one or two criteria. The State Heritage Register was established under Part 3A of the Heritage Act (as amended in 1999) for listing of items of environmental heritage that are of state heritage significance. Environmental heritage means those places, buildings, works, relics, moveable objects, and precincts, of state or local heritage significance (section 4, Heritage Act 1977).

An item will be considered to be of State (or local) heritage significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the following criteria:

- Criterion (a)** an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of 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 cultural or natural history of 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 (or the local area) for social, cultural or spiritual reasons;
- Criterion (e)** an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
- Criterion (f)** an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);



- 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 a class of the local area's
  - : cultural or natural places; or
  - : cultural or natural environments.)

An item is not to be excluded from the Register on the ground that items with similar characteristics have already been listed on the Register. Only particularly complex items or places will be significant under all criteria.

In using these criteria it is important to assess the values first, then the local or State context in which they may be significant.

Different components of a place may make a different relative contribution to its heritage value. For example, loss of integrity or condition may diminish significance. In some cases it is constructive to note the relative contribution of an item or its components. Table 8.1 provides a guide to ascribing relative value.

**Table 6.1 Guide to ascribing relative heritage value**

<b>Grading</b>	<b>Justification</b>	<b>Status</b>
Exceptional	Rare or outstanding item of local or State significance. High degree of intactness Item can be interpreted relatively easily.	Fulfils criteria for local or State listing.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.
Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.

### 6.2.2 The Cemetery expansion lands

St Bartholomew's Church and Cemetery and Old Prospect Post Office Cottage are both listed under the NSW Heritage Act. Both are also listed under the Blacktown LEP 2015.



The CMP for St Bartholomew's Church and Cemetery assess the item as significant against criterion a, b, c, g, e, and f.

GML (2002) assessed the Prospect Post Office Precinct:

The significance of the Prospect Post Office Precinct is embodied in the identified heritage significance of the former Prospect Post Office building, the heritage significance of the adjacent St Bartholomew's Church and Cemetery, and the archaeological potential that is associated with the extant remnant of the village of Prospect. The integrity of the archaeological potential of the village of Prospect is likely to be high with the retention of original fabric associated with the village. This high degree of integrity arises from the lack of significant disturbance to the site since the removal of the last structures associated with the village and the construction of the M4 Motorway. This original fabric is likely to provide information on the developmental history of the village community through the archaeological features and deposits associated with structures and the detritus of everyday life. The inclusion of the School of Arts building within the St Bartholomew's cemetery expansion lands has the potential to provide a more broad-based understanding of this development to include aspects of leisure and entertainment.

Our understanding of the development of rural communities has not been enhanced by the investigation of the associated archaeological resource to the extent to which it has been enhanced within the cities of Sydney and Parramatta. The investigation of the Prospect village site has the potential to provide the local and broader communities with a better understanding of an aspect of the development of Australian communities.

The Prospect Post Office Precinct is a significant historic site which has heritage value to the Local community. The archaeological resource contained within the Prospect village site has the potential to further enhance this significance.

Tarlington Place is listed as a local heritage item under Blacktown LEP 2015: Item No. I60 – Great Western Highway (former alignment).



## **7 IMPACT ASSESSMENT AND RECOMMENDATIONS**

### **7.1 Impact Assessment**

The area has been assessed as having low likelihood of containing in-situ deposits or sites. However, it is known that Maria Lock (a prominent Aboriginal woman from the 1800s) is buried at St Bartholomew's Cemetery and there is a likelihood that other Aboriginal people are buried in unmarked graves.

The St Bartholomew's Cemetery Expansion has the potential to directly impact the heritage significance of Tarlington Place, the Prospect Post Office Precinct and to indirectly impact the St Bartholomew's Church and Cemetery.

### **7.2 Constraints and opportunities**

GML (2002) identified the following constraints and opportunities:

- The Precinct is a place of heritage significance, which should be managed in accordance with accepted conservation principles and practice.
- The need to recognise the role of the former Post Office building as an integral element of the Post Office Precinct as a whole.
- The need to recognise the heritage significance of the site and its association with the former Post Office building and the St Bartholomew's Church Precinct.
- The need to conserve and interpret the evidence of the period of occupation of the Prospect Post Office Precinct as the Prospect village.
- Decisions about works to the place, maintenance, repairs or more extensive adaptation works must always take into account the impact on the significance of the place, both as a whole and on individual elements.
- Ensure that new uses for existing significant elements are compatible with the retention of significance of the site as a whole.
- Minimise change to significant elements, such as the alteration of their appearance and detail, where these are of significance.
- The significance of the site should be interpreted to the public as part of any future proposed development.

### **7.3 Management and Mitigation Measures**

As detailed above an extensive heritage assessment has been prepared by GML in 2002 for the Prospect post office precinct. Additionally, a Conservation Management Plan (CMP) has been compiled for St Bartholomew's Church and Cemetery in 2010 by Graham Edds and Associates and a Conservation Plan has also been compiled for the former Prospect Post Office (Davies n.d.).

These documents outline the management measures that should be applied when considering impacts to these items.

#### **7.3.1 St Bartholomew's Church and Cemetery**

St Bartholomew's Church building itself is a landmark overlooking the cemetery and the site beyond, acting as a focal point for view corridors in all directions. This landmark quality should be retained as a contributing factor in the understanding of the local and regional environment of the cemetery



expansion lands and the relationships of the adjacent heritage items. Any proposed development of the cemetery expansion lands needs to take into consideration the relationship of the site with heritage items within its vicinity. Of particular significance are the view corridors between the cemetery expansion lands and St Bartholomew's Church and Prospect Hill which need to be recognised and promoted (GML 2002).

The CMP for St Bartholomew's Church and Cemetery (2010), outlines the following conservation policies in regard to views and the setting of the site:

- 2.9 Consider retaining the undeveloped green field space around the site including views and vistas to and from the site, with appropriate site controls so as not to reduce the landmark significance of the site.
- 5.2.8 Any new building should be located on the west portion of the site within the forecourt and should consider both the siting of the Church and the views to and from the Church

#### Policy No.6: Future Development

Both the Cemetery Conservation Management Plan and the Master Plan for the Church and Cemetery recommended or individually recommended:

- The re-activation of non-denominational burials on the eastern sloping land together with the establishment of columbarium walls and garden ash burials
- Establishment of a water feature within the north-eastern corner where the low lying ground is a catchment area for ground water runoff;
- Closure and rehabilitation of the north-western vehicle access to the church forecourt;
- Establishment of a new vehicle access to the church forecourt further to the east along Ponds Road;
- Establishment of additional hard paved and soft paved vehicle parking areas for the church and cemetery;
- Establishment of walking paths through the cemetery to link the vehicle parking areas, the church and cemetery;
- Establishment of permanent caretaker accommodation in conjunction with function/meeting rooms, kitchen and toilet facilities.

#### 7.3.2 Prospect Post Office Precinct

The Conservation Plan for the Prospect Post Office (Davies n.d.) outlines the following conservation policies:

##### POLICY 1: EXTERNAL BUILDING FABRIC AND SITE ELEMENTS

- i. Retain the external building fabric, in principle, in the c. 1880 form.
- ii. Replace missing elements from the main facades to recreate the c. 1880 form of the building including replacement of later materials with materials matching original materials.
- iii. Reconstruct missing elements from the site that provide the context and setting for the building that are identified to contribute to the significance of the place.

##### POLICY 2: INTERNAL BUILDING FABRIC



- i. the surviving internal fabric relating to the time of construction of the building should in principle be retained, this should include joinery and ceiling and floor materials.
- ii. removed material can be reinstated if required for future use to match where evidence exists of the former item or in similar form indicative of the period.
- iii. change to the interior fabric is acceptable where it:
  - doesn't involve a loss of significant material
  - allows the layout and functioning of the planned use of the building to be seen

#### POLICY 3: FUTURE ADDITIONS TO THE BUILDINGS

- i. If additions are required to the exterior of the building for future uses, they should be confined to:
  - areas currently built on and
  - areas where new construction will not detrimentally affect views of and vistas to the building from the road alignment or the overall intact form of the group.
- ii. Additions should be in forms that either:
  - extend existing forms in the case of minor additions,
  - are neutral or preferably contribute to the quality of the buildings and spaces around them.
- iii. New work should not obscure the form or detail of the existing significant building and should respect the integrity and intactness of the building forms.
- iv. Proposed work on the site of previous structures will require an archaeological watching brief to be established to monitor ground disturbance.

#### POLICY 4: RECORDING, MANAGEMENT AND REVIEW

- i. Changes to the site are to be recorded as part of the ongoing management process. Recording is to take the form of drawings, photographs and written documentation of the site prior to and after an approved change takes place. Copies of recording are to be maintained with the conservation plan for future reference.
- ii. The policy is to be reviewed on a regular basis, but particularly when changes are proposed of a major nature. New information is to be incorporated in the policy.

The following processes are recommended as the basis for management of the archaeological resource within the Prospect Post Office Precinct (GML 2002):

1. Statutory consent should be sought prior to any on-site works. This process should include the preparation of an Archaeological Research Design for the site, detailing a research framework and excavation methodology to guide on-site works.
2. A program of test trenching should be undertaken to determine the nature and extent of surviving archaeological features. Should test trenching reveal significant intact archaeological deposits



within the cemetery expansion lands, open-area archaeological excavation of these deposits may be proposed.

3. An open-area excavation in areas of high sensitivity should take place which would be designed to provide information regarding the physical development of the site and the material culture of its occupants. Areas of medium sensitivity should be monitored during ground disturbance.
4. Early negotiations should commence with relevant authorities regarding the long-term curation and storage of any material recovered during excavation.
5. Consideration should be given to public relations opportunities associated with the archaeological work. Media interest in archaeological projects such as this can be substantial. Provision can be made for interpretative signage, media releases and information leaflets to coincide with the archaeology. Consideration should also be given to post-excavation interpretative and research opportunities.
6. Options for in situ conservation within the cemetery expansion lands should be considered once site clearing and archaeological investigations have taken place.
7. Consideration should be given for the inclusion of artefacts and any documentation, as appropriate, derived from the archaeological investigation of the site, to be included in an interpretation of the historical development site.

### 7.3.3 Important Views

Several important view lines have been identified both through the CMPs described above. They include the views and vistas to and from the site (Figures 7.1 to 7.4):

- The view from St Bartholomew's Church to the Prospect Post Office
- The views from the Prospect Post office to St Bartholomew's
- The views from Great Western Highway and M4 motorway to St Bartholomew's



**Figure 7.1 View from St Bartholomew's Church to the Prospect Post Office**



**Figure 7.2 View from the Prospect office Post/Tarlington Place to St Bartholomew's**



**Figure 7.3 View from Great Western Highway to St Bartholomew's**



**Figure 7.4 View M4 motorway to St Bartholomew's**

## **7.4 Recommendations**

The findings and recommendations in relation to the planning proposal (to permit a cemetery use of the land) are:

- The cemetery use can be permitted, the planning proposal is required to be sympathetic to (and consistent with) the heritage values of the cemetery land (existing and expanded, including the old Prospect Post office).
- The area has been assessed as having a low likelihood of containing in-situ Aboriginal deposits or sites because:
  - : The study area has been heavily disturbed by past European land use
  - : Aboriginal sites are most likely to occur near water courses (of which there are none on the site)
  - : There is no Aboriginal heritage previously recorded in the St Bartholomew's Precinct

The detailed design of the of the cemetery (once the rezoning and reclassification has occurred) should consider the following:

- Do not reduce the landmark significance of the existing St Bartholomew's church and cemetery
- Do not obstruct existing view lines to St Bartholomew's church and cemetery and between the church/cemetery and the Old Prospect Post Office.
- Use landscaping to enhance/conservate heritage values and landscaping that is sympathetic to the open woodland nature of the site.
- Internal road widths should not dominate the site.



- The Tarlington Place road alignment should be retained.

The recommendations for development/operational stage:

- All heritage management policies outlined in the heritage assessment by GML in 2002, the St Bartholomew's Church and Cemetery 2010 CMP and Prospect Post Office (n.d.) CMP be followed for the cemetery expansion lands.
- A full impact assessment including a statement of heritage impact (SOHI) for the St Bartholomew's Church and Cemetery and Prospect Post Office should be undertaken based on the detailed site plans and the above management plans and assessments.
- Subsurface archaeological test excavation should be undertaken in the area of the Old Prospect town in order to determine the nature and extent of surviving archaeological features in the area. A s139 Excavation Exception Application is required for testing of land to verify the existence of relics without destroying or removing them.
- It should be noted that in the past clandestine burial sometimes occurred in the grounds outside of the consecrated cemetery grounds. A Ground Penetrating Radar (GPR) study has been conducted (onpointlocating 2018) that has indicated that there are unmarked graves within the current cemetery lands, no anomalies were reported on in the expansion lands. There is however moderate potential for there to be burials that did not show-up in the GPR survey. If graves are located they should be appropriately researched and marked, particularly Maria Lock's grave.
- Following any new development, the CMPs for both the St Bartholomew's Church and Cemetery and the Prospect Post Office should be revised.
- A protocol be developed for the unanticipated discovery of Aboriginal objects and be referred to as a part of any works on site. See Appendix 4 for an example protocol.



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## **APPENDIX 1**

### **STATUTORY AND POLICY CONTEXT<sup>1</sup>**

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<sup>1</sup> The following information is provided as a guide only.

Readers are advised to seek qualified legal advice relative to legislative matters.



## National Parks and Wildlife Amendment Bill 2010

The National Parks and Wildlife Amendment Bill 2010 (also known as the Omnibus Bill), was implemented on 1 October 2010 to amend the *National Parks and Wildlife Act 1974* (NPW Act). Existing offences relating to Aboriginal objects and places were replaced with new offences, including a strict liability offence, along with offence exemptions and defences.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging or moving an object from the land. There are a number of defences and exemptions to the offence of harming an Aboriginal object or place. One of the defences is that the harm was carried out under an Aboriginal Heritage Impact Permit (AHIP).

In practice, archaeologists use a methodology that groups 'Aboriginal objects' into various site classifications according to the nature, occurrence and exposure of archaeological material evidence. The archaeological definition of a site may vary according to survey objectives; however a site is not recognised or defined as a legal entity in the Act.

It should be noted that even single and isolated artefacts are protected as Aboriginal objects under the Act.

In 2010 the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* was adopted by clause 3A of the National Parks and Wildlife Regulation 2009 (NPW Regulation). The code allows for the subsurface test excavation of Aboriginal objects without the need for an AHIP. The code establishes the requirements for undertaking test excavation without an AHIP and establishes the requirements that must be followed when carrying out archaeological investigation in NSW where an application for an AHIP is likely to be made.

Additional amendments that commenced on 1 October 2010 include the introduction of new processes for Aboriginal Heritage Impact Permit (AHIP) applications, consultation guidelines to support the Aboriginal Heritage Impact Permits (AHIP) application process, and mechanical provisions such as the transfer and variations of conditions of AHIPs.

## NSW Heritage Act 1977 and Heritage Amendment Acts 1998 & 2009

The purpose of these Acts is to ensure that the heritage of New South Wales is adequately identified and conserved. In practice the Acts have focused on items and places of non-indigenous heritage to avoid overlap with the NP&W Act, which has primary responsibilities for nature conservation and the protection of Aboriginal relics and places in NSW.

The *Heritage Amendment Act 1998* came into effect in April 1999. The Act instigated changes to the NSW heritage system, which were the result of a substantial review begun in 1992. A central feature of the amendments was the clarification and strengthening of shared responsibility for heritage management between local government authorities, responsible for items of local significance, and the NSW Heritage Council. The Council retained its consent powers for alterations to heritage items of State significance.

The *Heritage Amendment Act 2009* came into effect in October 2009. The Act includes greater fairness and rigour in the heritage listing process while retaining key elements of the current system, including local and State listings, and the Heritage Council.

One of the changes to the former Heritage Act has been the move from the arbitrary 50 year age-based definition for archaeology, to one based on significance where relics have to demonstrate local or State significance.

Under the *Heritage Act 1977* a 'relic' had been defined as any deposit which related to the European settlement of NSW and was 50 years old or more. This broad definition captured too many items – many of which would not generally be considered part of the State's archaeological heritage. This approach brings archaeological heritage management more consistently within the management of



other heritage items, which is based on an assessment of significance. The previous definition of archaeological relic encompassed a significant number of items over 50 years of age that had no heritage value.

The Heritage Act is concerned with all aspects of conservation ranging from the most basic protection against damage and demolition, to restoration and enhancement. It recognises two levels of heritage significance – State and Local significance across a broad range of values.

Some key provisions of the Act are:

- The establishment and functions of the Heritage Council (Part 2);
- Interim heritage orders (Part 3), the State Heritage Register (Part 3A);
- Heritage Agreements (Part 3B);
- Environmental planning instruments (Part 5);
- The protection of archaeological deposits and relics (Part 6); and
- The establishment of Heritage and Conservation Registers for state government owned and managed items (Part 7).

Generally this Act provides protection to items that have been identified, assessed and listed on various registers including State government section 170 registers, local government Local Environmental Plans and the State Heritage Register. The Interim Heritage Order provisions allow the minister or his delegates (local government may have delegated authority) to provide emergency protection to threatened places which have not been previously identified.

In addition, the Act includes provisions which relate to the definition and protection of relics.

### **Environment and Heritage Legislation Amendment Act (No 1) 2003**

### **Australian Heritage Council Act 2003**

### **Australian Heritage Council (Consequential and Transitional Provisions) Act 2003**

These three Acts replace the previous Commonwealth heritage regime instigated by the *Australian Heritage Commission Act 1975*. The Acts establish the following provisions:

#### **The National Heritage List**

The National Heritage List is a schedule of places which the Minister for the Environment and Heritage considers to have 'National Heritage Value' based on prescribed 'National Heritage Criteria'. The List may include places outside of Australia if agreed to by the Country concerned. There is a public nomination process and provision for public consultation on nominations. Expert advice regarding nominations is provided to the Minister by the Australian Heritage Council.

A nominated place considered to be at risk can be placed on an emergency list while its heritage value is assessed.

The listing of a place is defined as a 'matter of national environmental significance' under the EPBC Act. As a consequence, the Minister must grant approval prior to the conduct of any proposed actions which will, or are likely to have, a significant impact on the National Heritage values of a listed place.

The Minister is to ensure that there are approved management plans for most listed places owned or controlled by the Commonwealth or a Commonwealth agency, and that Commonwealths actions are in accord with such plans.



The Commonwealth or its agencies cannot sell or lease a listed place unless the protection of its National Heritage values is specified in a covenant, or such an action is found to be unnecessary, unreasonable or impractical. All Commonwealth agencies which own or control places which have or may have National Heritage values, must take all reasonable steps to assist the Minister and Australian Heritage Council to identify and assess those values.

### **The Commonwealth Heritage List**

The Commonwealth Heritage List is a schedule of places owned or controlled by the Commonwealth, which the Minister for the Environment and Heritage considers to have 'Commonwealth Heritage Value'. The list may include places outside of Australia. The processes of nomination and assessment are similar to those for the National Heritage List. Like the National Heritage List, there is a provision for emergency listing.

The Act places a range of obligations on the Commonwealth Agencies with regard to places included on the Commonwealth Heritage List. These include:

- Development of a heritage strategy applicable to all listed places controlled by the agency;
- Preparation of a management plan for each listed place;
- Conduct of a program to identify Commonwealth Heritage values on lands controlled by the agency and maintaining a register of such values;
- Ensuring that no action is taken which has, will have, or is likely to have an adverse impact on the National Heritage values of a National Heritage Place, or the Commonwealth Heritage values of a Commonwealth Heritage Place, unless there is no feasible or prudent alternative and all reasonable measures to mitigate impact have been taken; and
- Including a covenant in any sale or lease contract for land which includes a Commonwealth Heritage place which stipulates the protection of the Commonwealth Heritage values of that place, unless such an action is found by the agency to be unnecessary, unreasonable or impractical.

### **The Australian Heritage Council**

The Australian Heritage Council provides expert advice to the Minister on heritage issues and nominations for the listing of places on the National Heritage List and the Commonwealth Heritage List. The Council replaces the former Australian Heritage Commission.

### **The Register of the National Estate**

The register of the National Estate was established under the now repealed *Australian Heritage Commission Act 1975*. The National Estate was defined under this Act as 'those places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historical, scientific or social significance or other special value for future generations as well as for the present community'. Under the new Commonwealth Acts, the Register will be retained and maintained by Australian Heritage Council as a publicly accessible database for public education and the promotion of heritage conservation. Nominations will be assessed by the Australian Heritage Council. The Minister must consider the information in the Register when making decisions under the EPBC Act. A transitional provision allows for the Minister to determine which of the places on the Register and within Commonwealth areas should be transferred to the Commonwealth Heritage List.



## **APPENDIX 2**

### **ABORIGINAL ARCHAEOLOGICAL CONTEXT**



## Regional Overview

The St Bartholomew's cemetery expansion lands are located in the Sydney Basin.

The Sydney region has been the subject of increasingly detailed archaeological survey and assessment since the passing of legislation protecting Aboriginal sites in 1974. The focus of this assessment has shifted in the last three decades to Western Sydney, and in particular to the new urban and industrial developments across the Cumberland Plain.

This research has resulted in thousands of site recordings and the identification of a wide range of site types and features. The most prevalent recordings comprise surface occurrences of stone artefacts (ranging from single to thousands of artefacts), shell middens, rock shelters containing occupation evidence (including deposits and rock art), grinding groove sites, and open context engraving sites. Rare site types include culturally modified trees, quarry and procurement sites, burials, stone arrangements, and traditional story or other ceremonial places.

Archaeological studies in the Sydney region have generated hundreds of reports and monographs and a number of academic theses. Studies generally fall into four categories - projects which have been carried out within a research-oriented academic framework, larger scale planning and management studies, archaeological surveys carried out by interested amateurs, and impact assessment studies which have been carried out by professionals within a commercial contracting framework. The latter mostly deal with specific localities subject to development proposals and constitute a large proportion of the archaeological research conducted to date.

There are now thousands of sites in the Sydney region from which evidence of Aboriginal occupation has been dated using radiocarbon age determinations. This body of evidence reveals a steady increase in site use from around 6000 years ago, with almost 80 per cent of determinations occurring within the last 5000 years. The number of dated sites peaks in the second millennium. Twenty eight per cent of the Sydney region dates fall between 1000 and 2000 years BP [**B**efore **P**resent] (McDonald 1994). Aboriginal occupation of the Sydney region has been dated back to the Late Pleistocene during the last glacial period, when sea levels were lower and the climate was colder and drier.

The stone technologies used by Aborigines within the Sydney Basin have not remained static and a relatively consistent sequence of broad scale changes through time has allowed the development of a model of technical change. This is known as the Eastern Regional Sequence and can be applied with various degrees of success and allowances for regional differences to sites throughout the eastern seaboard of Australia.

## The Cumberland Plain

The St Bartholomew's cemetery expansion lands are located on the western section of the Cumberland Plain.

Surface scatters of stone artefacts (open campsites) are the most common Aboriginal site type to be identified on the Cumberland Plain. They can vary greatly in size from small, sparse scatters to large concentrations of artefacts, with the larger, denser sites tending to occur in close proximity to stone source localities and permanent water sources.

Stone materials used in artefact manufacture at the sites reflect this proximity. Sites adjacent to the Hawkesbury/Nepean River contain higher proportions of chert and other fine-grained rocks found in the river gravels, while sites further east and south contain higher proportions of silcrete. Other known site types include scarred trees, raw material extraction/procurement sites, stratified deposits and grinding grooves where there are exposures of Minchinbury sandstone in the Wianamatta shales and clays.

Prior to 1993, relatively few open context sites had been excavated on the Cumberland Plain. There is now a substantial and increasing corpus of information from excavated contexts, revealing a substantial time depth and previously hidden richness in artefact density and diversity.



Excavations on the Cumberland Plain have demonstrated that surface sites are generally an inaccurate representation of subsurface deposits (McDonald & Rich 1993, Rich & McDonald 1995). The results of test excavations have confirmed that sites occur widely across the landscape including areas such as hilltops and slopes, and near creeks. Larger sites with higher artefact densities are more likely to be located near permanent water. Excavations of a site at West Hoxton, southeast of Badgerys Creek, provided evidence of artefacts present up to 80 metres from a creek line, extending onto adjacent lower slopes (Rich & McDonald 1995).

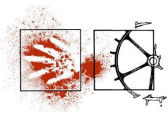
Excavations at Plumpton Ridge, a major source of silcrete as a raw material, revealed evidence of extraction activity at least 2200 years ago (McDonald 1986). The stratified Power Street bridge site on Eastern Creek at Doonside yielded a date of 5,957±74 BP [**B**efore **P**resent] (NZA-3112) (McDonald 1993:21).

The Pleistocene aged date of 30,700 years BP for tuff artefacts within a Parramatta River sand sheet presents an argument for very early occupation of the Plain (JMCHM 2005b and 2005c, 2006).



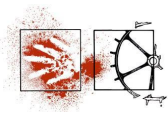
## **APPENDIX 3**

### **AHIMS HERITAGE REGISTER SEARCH RESULTS**



SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2571	Prospect Hill	AGD	56	308000	6256500	Open site	Valid	Aboriginal Ceremony and Dreaming :-		98283,102196
45-5-2555	Contact Prospect Hill 7	Recorders AGD	Mrs.Robynne Mills 56	306604	6254939	Open site	Valid	Permits Artefact :- Modified Tree (Carved or Scarred) :- Potential Archaeological Deposit (PAD) :-	Open Camp Site Site-Scarred Tree	98283,98743,102196
45-5-2547	Contact Prospect Hill 2,3,4	Recorders AGD	Mrs.Angela Besant 56	308370	6255150	Open site	Valid	Permits Artefact :-	Open Camp Site	98283,102196
45-5-2548	Contact Prospect Hill 5	Recorders AGD	Mrs.Angela Besant 56	307100	6256650	Open site	Valid	Permits Artefact :-	Open Camp Site	98283
45-5-2549	Contact Prospect Hill 6	Recorders AGD	Mrs.Angela Besant 56	307600	6256850	Open site	Valid	Permits Artefact :-	Open Camp Site	1018
45-5-0477	Contact South Blacktown 8 Blacktown	Recorders AGD	Jim Kohlen 56	304050	6258890	Open site	Valid	Permits Artefact :-	Open Camp Site	1018
45-5-0478	Contact South Blacktown 10 Blacktown	Recorders AGD	Jim Kohlen 56	304630	6259610	Open site	Valid	Permits Artefact :-	Open Camp Site	1919,98743
45-5-0806	Contact PA2;Prospect Reservoir;	Recorders AGD	Ms.Jillian Comber 56	305210	6254790	Open site	Valid	Permits Artefact :-	Open Camp Site	102196
45-5-2405	Contact CSIRO 2;	Recorders AGD	Stephanie Garling 56	308600	6256500	Open site	Valid	Permits Artefact :-	Open Camp Site	2866
45-5-2347	Contact PRN1	Recorders AGD	Elizabeth Rich,Tony Kondek 56	306130	6256460	Open site	Valid	Permits Artefact :-	Open Camp Site	98283,102196
45-5-1081	Contact CSIRO/ISF2;	Recorders AGD	Stephanie Garling 56	308420	6256810	Open site	Valid	Permits Artefact :-	Open Camp Site	98283,102196
45-5-1082	Contact CSIRO/ISF1;	Recorders AGD	Stephanie Garling 56	308525	6256450	Open site	Valid	Permits Artefact :-	Open Camp Site	1434,1804,1929,2005
45-5-1083	Contact CSIRO 1;	Recorders AGD	Stephanie Garling 56	308460	6256000	Open site	Valid	Permits Artefact :-	Open Camp Site	1434,1804,1929,2005
45-5-1090	Contact Grantham Reserve;	Recorders AGD	Stephanie Garling 56	308060	6259240	Open site	Valid	Permits Artefact :-	Open Camp Site	102196
45-5-0348	Contact Grantham Creek 1 Grantham Poultry Research Station	Recorders AGD	Michael Guider 56	308320	6259710	Open site	Valid	Permits Artefact :-	Open Camp Site	260,1018

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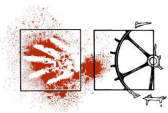
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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : SHBarts  
Client Service ID : 332154

SiteID	SiteName Contact	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-1093	Mitchell High School; Contact	Recorders AGD	56	306880	6259640	Open site	Valid	Artefact :- Permits	Open Camp Site	
45-5-1094	Beresford Road Public School; Contact	Recorders AGD	56	309560	6256250	Open site	Valid	Artefact :- Permits	Open Camp Site	102196
45-5-1095	Pendle Hill Park; Contact	Recorders AGD	56	309500	6257000	Open site	Valid	Artefact :- Permits	Open Camp Site	102196
45-5-1096	Darling Street Park_1; Contact	Recorders AGD	56	309800	6256180	Open site	Valid	Artefact :- Permits	Open Camp Site	102196
45-5-1097	Darling Street Park_2; Contact	Recorders AGD	56	309740	6256300	Open site	Valid	Artefact :- Permits	Open Camp Site	102196
45-5-1098	Blacktown Creek; Contact	Recorders AGD	56	307040	6259680	Open site	Valid	Artefact :- Stone Quarry :- Permits	Open Camp Site,Quarry	
45-5-0868	PP1;Prospect Reservoir; Contact	Recorders AGD	56	306000	6254450	Open site	Valid	Artefact :- Permits	Open Camp Site	2225.98283.98 743.102196
45-5-2361	EC 1(5); Contact	Recorders GDA	Ms.Jillian Comber,L Grey	56	306557	6257582	Valid	Artefact :- Permits	340 Open Camp Site	
45-5-2362	EC 2(5); Contact	Recorders AGD	Mary Dallas Consulting Archaeologists,Kerry Navin,Ms.Tamika Goward	56	304750	6258050	Valid	Artefact :- Permits	Open Camp Site	
45-5-2363	EC 3(5); Contact	Recorders AGD	Kerry Navin	56	304770	6257690	Valid	Artefact :- Permits	Open Camp Site	
45-5-2364	EC 4(5); Contact	Recorders AGD	Kerry Navin	56	304750	6257920	Valid	Modified Tree (Carved or Scarred) :- Permits	Scarred Tree	
45-5-0839	Greystanes Creek 1;Toongabbie; Contact	Recorders AGD	Kerry Navin	56	308810	6258350	Valid	Artefact :- Permits	Open Camp Site	
45-5-0840	Greystanes Creek 2;Toongabbie; Contact	Recorders AGD	Doctor Jo McDonald,Elizabeth Rich,Michael Guider	56	308750	6258130	Valid	Artefact :- Permits	Open Camp Site	
45-5-2745	PH3 Contact	Recorders AGD	Michael Guider	56	308500	6255250	Valid	Modified Tree (Carved or Scarred) :- Permits		102196
45-5-2891	site REL 1 Contact	Recorders AGD	Environmental Resources Management Pty Ltd - Sydney	56	307206	6256803	Partially Destroyed	Artefact :- Permits		

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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : StBarts  
Client Service ID : 332154

SiteID	SiteName	Datum	Zone	Easting	Northing	Contact	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2892	Contact	Recorders	Andrew Knight	Mr. Andrew Costello	Open site	Valid	Artefact: -	Permits		
	site REL 2	GDA	56	306875	6256625	Open site	Valid	Artefact: -		
45-5-2893	Contact	Recorders	Andrew Knight					Permits		
	site REL 3	GDA	56	306750	6256550	Open site	Valid	Artefact: -		
45-5-2894	Contact	Recorders	Andrew Knight					Permits		
	site REL 4	GDA	56	306625	6256850	Open site	Valid	Artefact: -		
45-5-2895	Contact	Recorders	Andrew Knight	Mr. Paul Irish	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits	1804.1805	102196
	PAD2 Prospect	AGD	56	308520	6256500	Open site	Valid	Potential Archaeological Deposit (PAD) :-		102196
45-5-2896	Contact	Recorders	ERM Australia Pty Ltd- Sydney CBD					Permits		
	PAD3 Prospect	AGD	56	308520	6256500	Open site	Valid	Potential Archaeological Deposit (PAD) :-	1804.1929,2005	102196
45-5-2897	Contact	Recorders	Doctor: Jo McDonald					Permits		
	PAD4 Prospect	AGD	56	308590	6255708	Open site	Valid	Potential Archaeological Deposit (PAD) :-	1804.1929,2005	102196
45-5-3069	Contact	Recorders	Doctor: Jo McDonald					Permits		
	CSIRO 4	AGD	56	308118	6256658	Open site	Destroyed	Potential Archaeological Deposit (PAD) :-	1804.1929,2005	102196
45-5-3152	Contact	Recorders	ERM Australia Pty Ltd- Sydney CBD					Permits	3161.3313	
	CSIRO 3	AGD	56	308469	6256293	Open site	Valid	Artefact: 20		102196
45-5-3153	Contact	Recorders	Doctor: Tim Owen					Permits		
	CSIRO 2/3 Complex	AGD	56	308469	6256800	Open site	Valid	Artefact: -		102196
45-5-3226	Contact	Recorders	Doctor: Tim Owen					Permits		
	PB-2 (not a site)	AGD	56	304250	6257550	Open site	Not a Site	Modified Tree (Carved or Scarred) :-		
45-5-3227	Contact	Recorders	Andrew Knight					Permits		
	PB-1	AGD	56	304350	6257450	Open site	Valid	Artefact: -		100563,103760
45-5-3308	Contact	Recorders	Andrew Knight					Permits	2498.2552	
	HE IF1	GDA	56	306138	6257694	Open site	Valid	Artefact: 1		
45-5-3309	Contact	Recorders	Mary Dallas Consulting Archaeologists, Mr. Paul Irish, Ms. Tamika Goward					Permits		
	NBP1	GDA	56	304933	6257910	Open site	Valid	Artefact: 5		100503

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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : StBarts  
Client Service ID : 332154

SiteID	SiteName	Contact	Searle	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-S-3310	NBP2	Contact	Searle	Reorderers	Mr.Paul Irish	56 304827	6257662	Open site	Valid	Artefact : 3	Permits	100503
45-S-3686	Blacktown Ck 3	Contact	Searle	Reorderers	Jim Kohlen-Kellaher	56 306900	6260200	Open site	Valid	Artefact :-	Permits	
45-S-3687	Blacktown Ck 4	Contact		Reorderers	Michael Guider	56 306750	6258650	Open site	Valid	Artefact :-	Permits	
45-S-3688	Blacktown Ck 5	Contact		Reorderers	Michael Guider	56 306690	6258100	Open site	Valid	Artefact :-	Permits	
45-S-3689	Blacktown Ck 6	Contact		Reorderers	Michael Guider	56 306624	6258010	Open site	Valid	Artefact :-	Permits	
45-S-3690	Greystones Ck 3	Contact		Reorderers	Mary Dallas Consulting Archaeologists, Michael Guider, Mr. Tamika Goward	56 308800	6257950	Open site	Valid	Artefact :-	Permits	
45-S-3970	BC1 (Prospect)	Contact		Reorderers	Michael Guider	56 306723	6257399	Open site	Valid	Artefact :-	Permits	
45-S-3971	BC2 (Prospect)	Contact		Reorderers	Mary Dallas Consulting Archaeologists, Mr. Paul Irish	56 306664	6257329	Open site	Valid	Artefact : 1	Permits	
45-S-3972	BCFAD1	Contact		Reorderers	Mary Dallas Consulting Archaeologists, Mr. Paul Irish	56 306750	6257350	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits	
45-S-4417	Prospect Artefact 1	Contact		Reorderers	Mary Dallas Consulting Archaeologists, Mr. Paul Irish	56 305900	6256400	Open site	Valid	Artefact :-	Permits	

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## **APPENDIX 4**

### **UNANTICIPATED DISCOVERY PROTOCOLS**



## **Protocol to follow if Aboriginal object(s) (other than human remains) are encountered and no AHIP has been approved**

In the event that object(s) which are suspected of being Aboriginal object(s) or relic(s) are encountered during development works, then the following protocol will be followed:

1. Cease any further excavation or ground disturbance, in the area of the find(s);
  - a. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be temporarily halted; and
  - b. The site supervisor and the Principal will be informed of the find(s).
2. Do not remove any find(s) or unnecessarily disturb the area of the find(s);
3. Ensure that the area of the find(s) is adequately marked as a no-go area for machinery or further disturbance, and that the potential for accidental impact is avoided;
4. Note the location and nature of the finds, and report the find to:
  - a. Relevant project personnel responsible for project and construction direction and management, and
  - b. Report the find to the Office of Environment and Heritage (OEH) via Enviroline: 131 555.
5. Where feasible, ensure that any excavation remains open so that the finds can be recorded and verified. An excavation may be backfilled if this is necessary to comply with work safety requirements, and where this action has been approved by the OEH. An excavation that remains open should only be left unattended if it is safe and adequate protective fencing is installed around it.
6. Following consultation with the relevant statutory authority (OEH), and, where advised, any other relevant stakeholder groups, the significance of the finds should be assessed and an appropriate management strategy followed. Depending on project resources and the nature of the find(s), this process may require input from a consulting heritage specialist.
7. Development works in the area of the find(s) may re-commence, if and when outlined by the management strategy, developed in consultation with, and approved by the relevant statutory authority.
8. If human skeletal material is encountered, the protocol for the discovery of human remains should be followed (refer attached).



## **Protocol to follow in the event of the discovery of suspected human remains**

The following protocol will be actioned if suspected human material is revealed during development activities or excavations:

1. All works must halt in the immediate area of the find(s) and any further disturbance to the area of the find(s) prevented.
  - a. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted; and
  - b. The site supervisor and the Principal/Project manager will be informed of the find(s).
2. If there is substantial doubt regarding a human origin for the remains, then consider if it is possible to gain a qualified opinion within a short period of time. If feasible, gain a qualified opinion (this can circumvent proceeding further along the protocol for remains which are not human). If conducted, this opinion must be gained without further disturbance to the find(s) or the immediate area of the find(s). (Be aware that the site may be considered a crime scene that retains forensic evidence). If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.
3. Immediately notify the following of the discovery:
  - a. The local Police (this is required by law);
  - b. OEH via Enviroline: 131 555;
  - c. Representative(s) from the Local Aboriginal Land Council; and
  - d. The project archaeologist (if not already notified).
4. Co-operate and be advised by the Police and/or coroner with regard to further actions and requirements concerning the find area. If required, facilitate the definitive identification of the material by a qualified person (if not already completed).
5. In the event that the Police or coroner instigate an investigation, construction works are not to resume in the designated area until approval in writing is gained from the NSW Police.
6. In the event that the Police and/or Coroner advise that they do not have a continuing or statutory role in the management of the finds then proceed with the following steps:
7. If the finds are not human in origin but are considered to be archaeological material relating to Aboriginal occupation then proceed with Protocol for the discovery of Aboriginal objects (other than human remains).
8. If the finds are Aboriginal or probably Aboriginal in origin:
  - a. Ascertain the requirements of OEH, the Heritage Branch, the Project Manager, and the views of the AFG, and the project archaeologist.
  - b. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:
    - i. Avoiding further disturbance to the find and conserving the remains *in situ*;
    - ii. Conducting archaeological salvage of the finds following receipt of any required statutory approvals;



- iii. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;
  - iv. Recovering samples for dating and other analyses; and/or
  - v. Subsequent reburial at another place and in an appropriate manner determined by the AFG.
9. If the finds are non-Aboriginal in origin:
- a. Ascertain the requirements of the Heritage Branch, Project Manager, and the views of any relevant community stakeholders and the project archaeologist.
  - b. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:
    - i. Avoiding further disturbance to the find and conserving the remains *in situ*;
    - ii. Conducting archaeological salvage of the finds following receipt of any required statutory approvals;
    - iii. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;
    - iv. Recovering samples for dating and other analyses; and/or
    - v. Subsequent reburial at another place and in an appropriate manner determined in consultation with the Heritage Office and other relevant stakeholders.
10. Construction related works in the area of the remains (designated area) may not resume until the proponent receives written approval in writing from the relevant statutory authority:
- from the Police or Coroner in the event of an investigation;
  - from OEH in the case of Aboriginal remains outside of the jurisdiction of the Police or Coroner; or
  - from the Heritage Branch in the case of non-Aboriginal remains outside of the jurisdiction of the Police or Coroner.

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