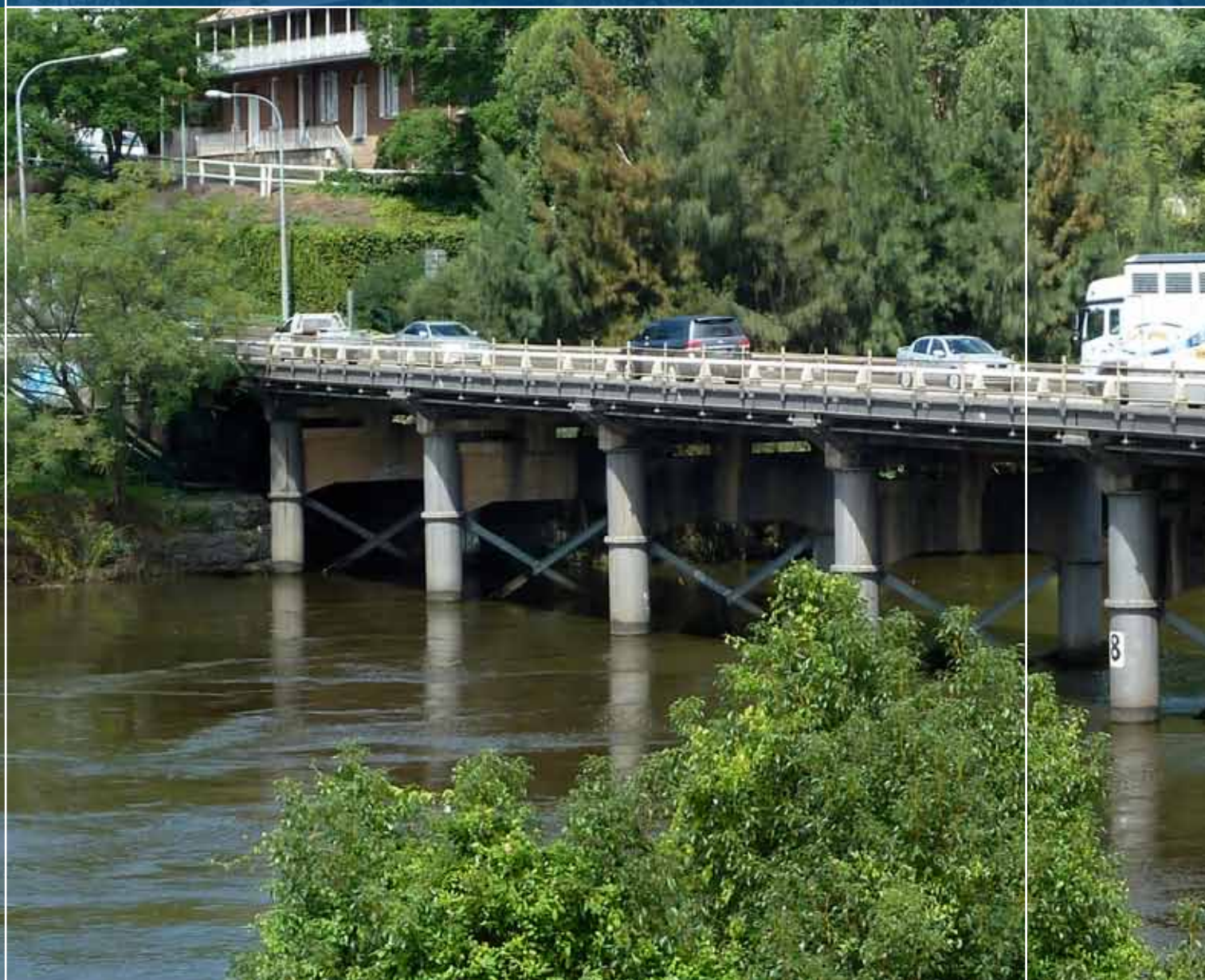




Transport
Roads & Traffic
Authority



Windsor Bridge over the Hawkesbury River

Built heritage and archaeological
landscape investigations

PUBLISHED AUGUST 2011



BUILT HERITAGE & ARCHAEOLOGICAL LANDSCAPE INVESTIGATION: WINDSOR BRIDGE OPTIONS PRELIMINARY ENVIRONMENTAL INVESTIGATION

FINAL DRAFT REPORT

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Job No: 9021

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EXECUTIVE SUMMARY

The Roads and Traffic Authority (RTA) is undertaking to upgrade or replace the existing Hawkesbury River Bridge at Windsor. Consequently, the potential options require investigation against heritage issues that may arise from the proposed construction works. The existing bridge was built in 1874 and as a result of increased usage and age, requires either significant rehabilitation or replacement. The Roads and Traffic Authority (RTA) is preparing a Preliminary Environmental Investigation (PEI) to inform the most appropriate method of maintaining access across the Hawkesbury River to service the towns of Windsor, Pitt Town and Wilberforce.

Nine options have been prepared by the RTA, which have been assessed against the relevant environmental constraints, and a preferred option will be chosen as informed by the technical reports that comprise the PEI. Upon selection of the preferred option, full assessment will be necessary to determine approvals and to ensure that the RTA's environmental obligations are met prior to the construction programme commencing.

Austral Archaeology Pty Ltd was engaged by the RTA to prepare a Built Heritage and Archaeological Landscape Assessment with regard to non-Aboriginal historical heritage constraints along each of the options.

A detailed analyses of the varying options for the Hawkesbury River Bridge construction works are presented in Sections 5.2.2 – 5.2.9. Each analyses takes into account the number of heritage listings and the likelihood that archaeological sites exist within the proposed area of impact. The information for each option is summarised below.

OPTIONS 1 & 2

Options 1 & 2 have the potential to affect 15 items listed on the State Heritage Register (SHR). One of these items '*Thompson Square Conservation Area*' includes 15 items within its listing (the *Former School of Arts* is not listed on the SHR individually but is included in the Thompson Square Conservation Area listing).

In addition, Options 1 & 2 have the potential to impact upon 2 known archaeological sites (a brick sewer & former punt wharf) and 3 potential archaeological sites, none of which are listed individually or within the Thompson Square Conservation Area but potentially occur within the SHR curtilage.

A total of 18 technical reports would be required for a total of 20 permit applications under the *Heritage Act 1977*. It may be possible to reduce the total number of applications and their associated technical reports but consultation with the Heritage Council would be required to ascertain this. Two notifications to Hawkesbury City Council under the provisions of the *State Environmental Planning Policy (SEPP) Infrastructure 2007 (ISEPP 2007)* accompanied by the relevant technical reports would also be required.

OPTION 3

Option 3 has the potential to affect a total of 16 SHR listed items. One of these items '*Thompson Square Conservation Area*' includes 15 items within its listing (the *Former School of Arts* is not listed on the SHR individually but is included in the Thompson Square Conservation Area listing).

In addition, Option 3 has the potential to impact 1 known archaeological site (a brick sewer) and 3 potential archaeological sites, none of which are listed individually or within the Thompson Square Conservation Area but potentially occur within the SHR curtilage.

A total of 17 technical reports would be required for a total of 19 permit applications under the *Heritage Act 1977*. It may be possible to reduce the total number of applications and their associated technical reports but consultation with the Heritage Council would be required to ascertain this. Two notifications to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical reports would also be required.

OPTION 4

Option 4 has the potential to affect 3 items listed in the *Hawkesbury Local Environmental Plan (LEP) 1989*. There are no SHR listed items that would be potentially directly affected.

In addition, Option 4 has the potential to impact upon 3 potential archaeological sites.

This option will require at least 1 report (and possibly up to 3 reports) to support archaeological permit applications under the *Heritage Act 1977*. Three notifications to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical reports would also be required.

OPTION 5

Option 5 has the potential to affect 5 items listed in the *Hawkesbury LEP 1989*. There are no SHR listed items that would be potentially directly affected.

In addition, Option 5 has the potential to impact upon 4 potential archaeological sites.

This option will require 4 reports to support Section 140 (S140) permit applications under the *Heritage Act 1977*. Up to five notifications to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical reports would also be required.

OPTION 6

Option 6 has the potential to affect 1 item listed on the SHR and the *Hawkesbury LEP 1989* and 1 archaeological site.

This option will require 2 reports to support permit applications under the *Heritage Act 1977*: one S140 application and one Section 60 (S60) application. Two notifications to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical reports would also be required.

OPTION 7

Option 7 has the potential to affect 6 items listed on the SHR (although one of those items has two separate components), 1 item listed on a Section 170 (S170) Register, 4 archaeological sites, and 4 sites and a conservation area listed in the *Hawkesbury LEP 1989*.

This option would require the preparation of a total of 9 reports to support permit applications under the *Heritage Act 1977*: 5 technical reports addressing physical and visual impacts to built heritage items and 4 archaeological assessments. Five notifications to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical reports would also be required.

OPTION 8

Option 8 has the potential to affect 2 items listed on the SHR, 1 item listed on the *Hawkesbury LEP 1989*, 1 item nominated to the National Heritage List and 2 (or possibly 3) archaeological sites.

This option would require the preparation of a total of up to 5 reports to support permit applications under the *Heritage Act 1977*: 2 technical reports addressing physical and visual impacts to built heritage items and 2 (or possibly 3) archaeological assessments. One notification to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical report would also be required.

In addition one report *may* be required as a referral under the *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) to the Department of Environment Water Heritage and the Arts (DEWHA) re the National Heritage List (NHL) nomination for the "Pitt Town Cultural Precinct".

OPTIONS 9A AND 9B

Both Options 9A and 9B would require 1 notification to the Heritage Council. A supporting report in the form of a Statement of Heritage Impact would be required. The Heritage Council have a period of 40 days to respond in the instance that is deemed to be of State heritage significance. One notification to Hawkesbury City Council under the provisions of the *ISEPP 2007* accompanied by the relevant technical report would also be required.

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1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION

The Roads and Traffic Authority (RTA) is undertaking to upgrade or replace the existing Hawkesbury River Bridge at Windsor. Consequently, the potential approaches require investigation against heritage issues that may arise from their construction. The existing bridge was built in 1874 and as a result of increased usage and age, requires either significant rehabilitation or replacement. The Roads and Traffic Authority (RTA) is preparing a Preliminary Environmental Investigation (PEI) to inform the most appropriate method of maintaining access across the Hawkesbury to service the towns of Windsor, Pitt Town and Wilberforce. Another bridge over the Hawkesbury River on the Kurrajong and Bells Line of Road alignments that connects Richmond to North Richmond is approximately 11 km (by road) from Windsor.

Nine options have been prepared by the RTA, all of which are to be investigated with regard to historical heritage constraints. These assessments will provide for stakeholders to reduce the number of options, before undertaking further, more detailed assessment, after which a preferred option will be chosen. Upon selection of the preferred option, it will be fully assessed to determine the necessary approvals and to ensure that the RTA's environmental obligations are met prior to the construction programme commencing.

The options are listed, with more detailed descriptions provided in Section 5.2 "Options Analysis":

- Option 1 High level - 35 metre downstream of existing bridge.
- Option 2 Low level - 35 metre downstream of existing bridge.
- Option 3 High level - 10 metre upstream of existing bridge.
- Option 4 - from Windsor Road, along Macquarie Street and then along Baker Street.
- Option 5 - from Windsor Road, along Macquarie Street and then along Kable Street.
- Option 6 - from Windsor Road, parallel to Pitt Street and then parallel to Palmer Street on a new green field route.
- Option 7 - from Windsor Road along Court and North Streets and then along Palmer Street.
- Option 8 - from Windsor Road along Pitt Town Road, Bathurst Street, Punt Road and then on a new greenfield route to cross the Hawkesbury River to meet King Road and then to Wilberforce Road.
- Option 9 - Refurbish existing bridge.

Austral Archaeology Pty Ltd was engaged to prepare this report with regard to historical non-Aboriginal heritage constraints along each of the options.

1.2 SITE DESCRIPTION

The study area (Figure 1.1) is comprised of seven separate routes within nine options. The locations affected by the current proposal are those within and around Windsor, Pitt Town and Wilberforce in the Hawkesbury Local Government Area (LGA). The overall study area is defined by the corner of Windsor and Pitt Town Roads at McGraths Hill to the corner of Freemans Reach and Wilberforce Roads at Freemans Reach on the south western extent. To the north east, the study area incorporates Pitt Town and Wilberforce. It incorporates sections of the Parishes of St Matthew, Pitt Town and Wilberforce in the County of Cumberland.

Located approximately 60 km from Sydney, the towns that make up the study area along the Hawkesbury stretch of the Hawkesbury-Nepean River on the Cumberland Plain were established early in the colonial occupation of Australia. The region has rich farming soils derived from fluvial deposits with areas of active floodplain and low, gently rolling hills. Farms

were established as early as 1794 in the Pitt Town Bottoms area along the banks of the Hawkesbury River and South Creek. This expansion by the colonial settlers, combined with a low level of development has resulted in an area that still retains a visible link to its colonial past.

Windsor has a temperate climate with mean maximum temperatures for January and June of 30°C and 18°C respectively, and minimum temperatures of 17.4°C and 4.8°C. Mean rainfall for these two months is 73.9 mm and 49.4 mm (Bureau of Meteorology 2009).

The characteristics of the place that made it so attractive to the colonial settlers would have been sought after by Aboriginal people. Resources from the river and the surrounding landscape would have been abundant and utilised by Aboriginal groups in the area. A report addressing Aboriginal cultural values of the study area is being prepared by Austral Archaeology as a separate volume (Austral Archaeology 2009 in draft).

Detailed descriptions of each option are included in the Section 5 “Assessment of Options”.

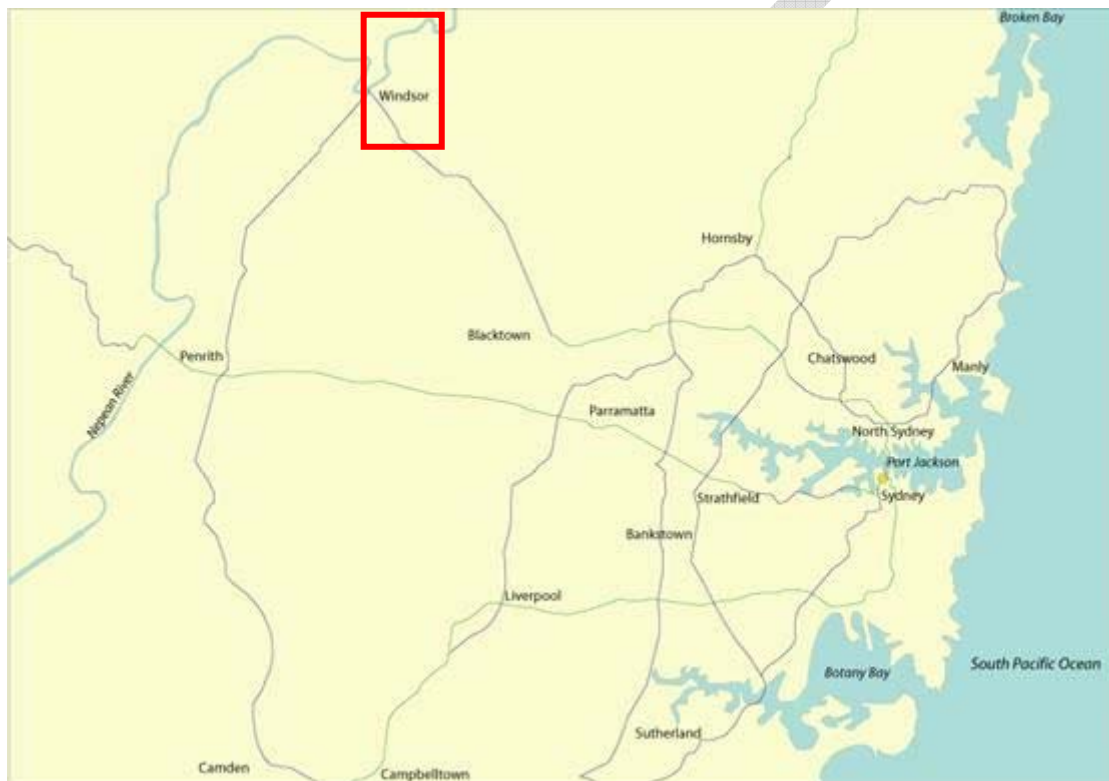


Figure 1.1: Location of the study area (in red) which includes the towns of Windsor, Pitt Town and Wilberforce.

1.3 STUDY AIMS

The main objective of this report is to prepare a “Built heritage and archaeological landscape assessment” to be utilised as part of a PEI for the proposal to rehabilitate or replace Windsor Bridge. The heritage investigation aims to:

- Address all heritage values – historic landscapes, built heritage, archaeological evidence;
- Ensure consistent and comparable assessment is used across all the route options;
- Provides preliminary assessment to assist in determining a preferred option.

A separate study will investigate Aboriginal heritage issues on the route options.

1.4 LIMITATIONS OF THE REPORT

This report has been prepared as part of the PEI. Background research and analysis has been conducted to such a level as to inform the selection of a preferred option. Whilst the standard heritage registers have been consulted as part of the background research, the nature of archaeological sites is such that background research and survey may not be sufficient to definitively identify their existence. Thus the results, assessments and judgements contained in this report are constrained by the limitations of historical research and by survey limited to publicly accessible areas.

In addition, after cross-referencing the locations of the large number of heritage items within the study area, it is clear that there are inconsistencies between the information included in the heritage schedules and the cadastral information from Six Viewer (Department of Lands <<https://six.maps.nsw.gov.au/wps/portal/>>) and the information included in heritage schedules. Where this occurs, it has been mentioned in text. In some instances, where a single item has been described in various heritage lists, the address and/or Lot and DP information differs slightly from list to list. Some Lot and DP information in the *Hawkesbury LEP 1989* is incomplete. Clarification has been sought through consultation with Hawkesbury City Council, cross-referencing with Six Viewer (Department of Lands) and through site inspections. Whilst every effort has been made to gain insight to the historical heritage profile of the study area, Austral Archaeology Pty Ltd cannot be held accountable for errors or omissions arising from such constraining factors.

The historical images used in this report have been accessed from the internet. Permission to include them in a publicly accessible document has not been sought and should be a priority if this document is to be put on public exhibition.

1.5 PROJECT TEAM AND ACKNOWLEDGEMENTS

This report was prepared by Pamela Kottaras (Austral Archaeology Pty Ltd) with specialist input from Justin McCarthy (Austral Archaeology Pty Ltd) and Nick Jackson (Consultant). Krissy Moore (Austral Archaeology Pty Ltd) prepared the plans. The overall report was reviewed and edited by Justin McCarthy.

Austral Archaeology would like to acknowledge the assistance of Lyndall Thornhill (RTA) in the preparation of this report. In addition, Heather Smith (Windsor Police Station) assisted with access around the Windsor Police Station and historical research, which was greatly appreciated.

1.6 ABBREVIATIONS

The following abbreviations may have been used in this report.

AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AHPI	Australian Heritage Places Inventory
Burra Charter	<i>ICOMOS Australia Burra Charter 1999</i>
CHL	Commonwealth Heritage List
CMP	Conservation Management Plan
DECC	Department of Environment and Climate Change (also NSW DECC)
DEWHA	Department of Environment Water Heritage and the Arts
DoP	Department of Planning
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environmental Planning and Biodiversity Conservation Act 1979</i>
GDA94	Geocentric Datum of Australia 1994
Heritage Act 1977	<i>Heritage Act 1977 No. 136</i>

ISEPP 2007	<i>State Environmental Planning Policy (SEPP) Infrastructure 2007</i>
LEP	Local Environmental Plan
LGA	Local Government area
NHL	National Heritage List
NP&W Act	<i>National Parks and Wildlife Act 1974</i> , amended 2001
NSW DECC	New South Wales Department of Environment and Climate Change
NT	National Trust (NSW)
PEI	Preliminary Environmental Investigation
REP	Regional Environmental Plan
RNE	Register of the National Estate
RTA	Roads and Traffic Authority
SEPP	State Environmental Planning Policy
SHI	State Heritage Inventory
SHR	New South Wales Heritage Office State Heritage Register
S57	Section 57 of the <i>Heritage Act 1977</i>
S60	Section 60 of the <i>Heritage Act 1977</i> (permit to materially affect an item on the SHR).
S139	Section 139 of the <i>Heritage Act 1977</i>
S140	Section 140 of the <i>Heritage Act 1977</i> (excavation permit)
S170	Section 170 of the <i>Heritage Act 1977</i>
SREP	Sydney Regional Environmental Plan

2.0 METHODOLOGY

2.1 INTRODUCTION

The philosophical methodology employed in the preparation of this report is consistent with the guidelines of the ICOMOS *Burra Charter*, the NSW Heritage Manual and the experience of the authors of the report.

The aim of this report is to identify the historical heritage constraints associated with 9 options as provided by the RTA, for a Hawkesbury River crossing within the study area. This has been achieved through a combination of desk-top research and survey of each option from the road. Buildings were not accessed internally and all items, with the exception of one, were surveyed from public footpaths. The only private property that was accessed was 93 Bathurst Street, Pitt Town as it was a vacant block of land and the owner allowed access.

The report was prepared in three stages which are detailed below.

STAGE 1 DESKTOP STUDY

- **Liaison.**

Stage 1 involved liaison with the RTA in order to clarify the scope of the project. The RTA provided Austral Archaeology with the relevant shape-file and some of the previously prepared heritage reports for the area. Where representatives of other government agencies were contacted, consultation was undertaken in general terms. For instance, the Heritage Branch, Department of Planning was contacted to confirm the validity of the S170 listing for the former police stables. A council officer at Hawkesbury City Council was also contacted to clarify the addresses of some of the items on Schedule 1 of the *Hawkesbury LEP 1989*. Specific details of the project were not discussed in these instances.

- **Background research.**

Background research was undertaken and involved both broad historical research and a review of previous heritage reports that relate to the study area and its general vicinity. All documents consulted for this study are listed in the Bibliography.

- **Heritage Inventory Searches.**

A search of statutory and non-statutory heritage registers was undertaken to identify known historical archaeological and heritage sites/issues that may influence the decision making process in relation to the final option. The registers and inventories that were searched are listed below:

- State Heritage Register.
- Schedule 1 (Heritage items) *Hawkesbury LEP 1989*.
- *Sydney Regional Environmental Planning (SREP) Policy No. 20 Hawkesbury-Nepean 1997*.
- National Heritage List (NHL).
- Commonwealth Heritage List (CHL).
- RTA Heritage and Conservation Register S170 Register Online.
- Sydney Water S170 Register Online.
- National Trust (NSW) LGA Search.
- Register of the National Estate (RNE).

In addition to searching individual registers, a web-based search of the State Heritage Inventory (SHI) and the Australian Heritage Places Inventory (AHPI) was undertaken and the results cross-referenced with the relevant individual register. As a result it was noted that a number of items listed on the *Hawkesbury LEP 1989* have not yet been included on the Heritage Branch SHI.

It should be noted that only electronically accessible registers were searched thus the S170 listings for Windsor Court House and the stables at the rear of Windsor Police Station were recorded from the SHR data sheet and its current status was confirmed by discussion with a Heritage Officer at the Heritage Branch.

The results of the searches are provided in each individual Option analysis.

- **The development of desktop models of heritage and historical archaeological site placement and/or potential based upon the background research.**

The archaeological potential has been assessed at a preliminary level based on analysis of maps, plans and photographs and is discussed with its associated option in Section 5 of this report.

STAGE 2 FIELD INVESTIGATION AND INVENTORY

- **Field Survey.**

A site survey to ground-truth the documentary investigation and to identify potential heritage items and archaeological sites was conducted on Friday 17 July 2009 and again on Thursday 13 August 2009 to verify new information. Only one private property (93 Bathurst Street) was accessed as the property was not fenced and permission was granted by the owner.

In general, all options were surveyed on foot and photographed. Views to and from heritage items and across the landscape were also noted and photographed. The site survey concentrated on:

- Individual items and groups.
- Curtilages of heritage items.
- Curtilages of potential heritage items.
- Historical landscapes of significance.
- Potential heritage items (not previously identified) will be researched and a preliminary statement of significance prepared.

- **Inventory.**

The results of the field survey and background research have been collated into data sheets as required by the Brief. Item specific recommendations have been included on the relevant data sheet. As this report is a preliminary investigation, some data sheets are not comprehensive; however the information provided is sufficient to determine if more research is required.

The data sheets are included in Appendix C.

STAGE 3 ASSESSMENTS OF OPTIONS

- **Production of Maps and Plans.**

The production of maps and plans identifying known heritage and historical archaeological sites/constraints and potential values in respect to the study area were created using Manifold GIS and Adobe Illustrator, based on shape-files provided by the RTA, 1:25 000 scale topographic maps and cadastral information available from Six Viewer (Department of Lands). The representation of options at this stage is indicative and has been used only to inform the site survey and resultant recommendations.

- **Options Analysis.**

Each option analysis addresses:

- The predicted level of impact to heritage items and archaeological sites; that is, to the item and its curtilage.
- The route in its entirety as indicated in the option drawings against the landscape as a whole, as well as against individual items.
- Other impacts such as visual impacts across the historic landscape.

In addition, the results have been tabulated to facilitate comparisons. The information presented in a table format for each item includes:

- Item Number/ID.
- Name.
- Nature of the item.
- Applicable heritage listings.
- Significance (National/State/Local/<Local – without gradings such as high; moderate; low).
- SHR criteria that applies.
- Reliability of assessment (e.g. level of information available for analysis etc).
- Prediction on the degree of impact of each option.
- Recommendations related to the degree of impact of each option.

3.0 REGIONAL HISTORY

3.1 ABORIGINAL OCCUPATION

The study area is located in a resource-rich area. It is surrounded by the confluences of a number of major stream systems, including Rickabys Creek, the Killarney Chain of Ponds and South Creek, as well as being intersected by the Hawkesbury stretch of the Hawkesbury-Nepean River. Portions of the landscape have been described as active floodplain, which has unavoidable consequences for any archaeological remains, but gentle rises overlooking water are also present. The Cumberland Plain offered a range of plant and animal resources, and significant sources of raw stone such as the Rickabys Creek gravels and possibly Nepean River gravel deposits further south, are present in the immediate vicinity.

European land-use practices over the last 160 years have severely impacted on the native vegetation of the Cumberland Plain. When European settlers arrived over 200 years ago, the Plain was covered with iron and stringy barks, box, blue and other gums and thick grasslands (Benson & Howell 1990: 19). It must also be remembered that these woodlands were exploited and modified for thousands of years by Aboriginal people before the arrival of European settlers.

It is believed that in the past, the Aboriginal people whose homeland included the present study area spoke a *Darug* language dialect at contact. Accounts of early European explorers and settlers provide information on contact-era Aboriginal lifestyle and historic figures. There is no record of the Aboriginal name of the "Windsor Tribe" listed on the 1828 census and blanket returns (Kohen 1993 in Garling & McDonald 1998: 11). Captain-Lieutenant Watkin Tench, however, recorded meeting members of the neighbouring Boorooberongal tribe (whose territory was in Richmond) when being guided by Cadigal man Colebee along the Hawkesbury River, through the study area (Leslie & Douglas 2005).

The Aboriginal past of the study area has been addressed in a separate report by Austral Archaeology Pty Ltd (August 2009).

3.2 HISTORIC LAND USE

3.2.1 EXPLORATION

European exploration of the Hawkesbury River was undertaken by Governor Arthur Phillip during the winter of 1789, some eighteen months after he had sailed into Port Jackson and founded the penal colony at Sydney Cove. Phillip entered the Hawkesbury River from Broken Bay in July 1789 after having travelled as far west as Wisemans Ferry earlier in the month. On Phillip's second attempt he discovered the fertile river flats around present day Windsor. Phillip named the river Hawkesbury in honour of Baron Hawkesbury, Sir Charles Jenkinson. Phillip navigated the river in the company of marines and mariners commanded by Captain Collins, Captain Johnston and Captain Hunter, together with the surgeons John White and George Worgan. Around the same time (27th June 1789) the southern reaches of the river was discovered independently by Captain Watkin Tench; Tench named this section of the river after Evan Nepean, secretary of the Admiralty and brother of Captain Nicholas Nepean, then in the colony.

In April 1791 Governor Phillip in the company of Tench, David Collins, John White and William Dawes returned to the Hawkesbury to ascertain whether or not it and the Nepean were one and the same river. On this occasion, two Aboriginal men, Colbee and Boladerree, accompanied the party. Having encountered a local Aboriginal man named *Gom-bee-ree*, Phillip crossed Bardenarang Creek on 14th April 1789 and made contact with another Aboriginal man named *Yel-lo-mun-dee* and *Dee-im-ba*, a boy,¹ on the river flat today known as Pitt Town Bottoms between the courses of Little Water (Bardenarang) Creek and the mouth of South Creek.

¹ Tench in Fitzharding (ed) 1979.

Phillip realised the potential of the area for much needed agricultural development, but he was wary of permitting settlement owing to the abundant evidence of past flooding and the remoteness from the military centres at Sydney and Parramatta.

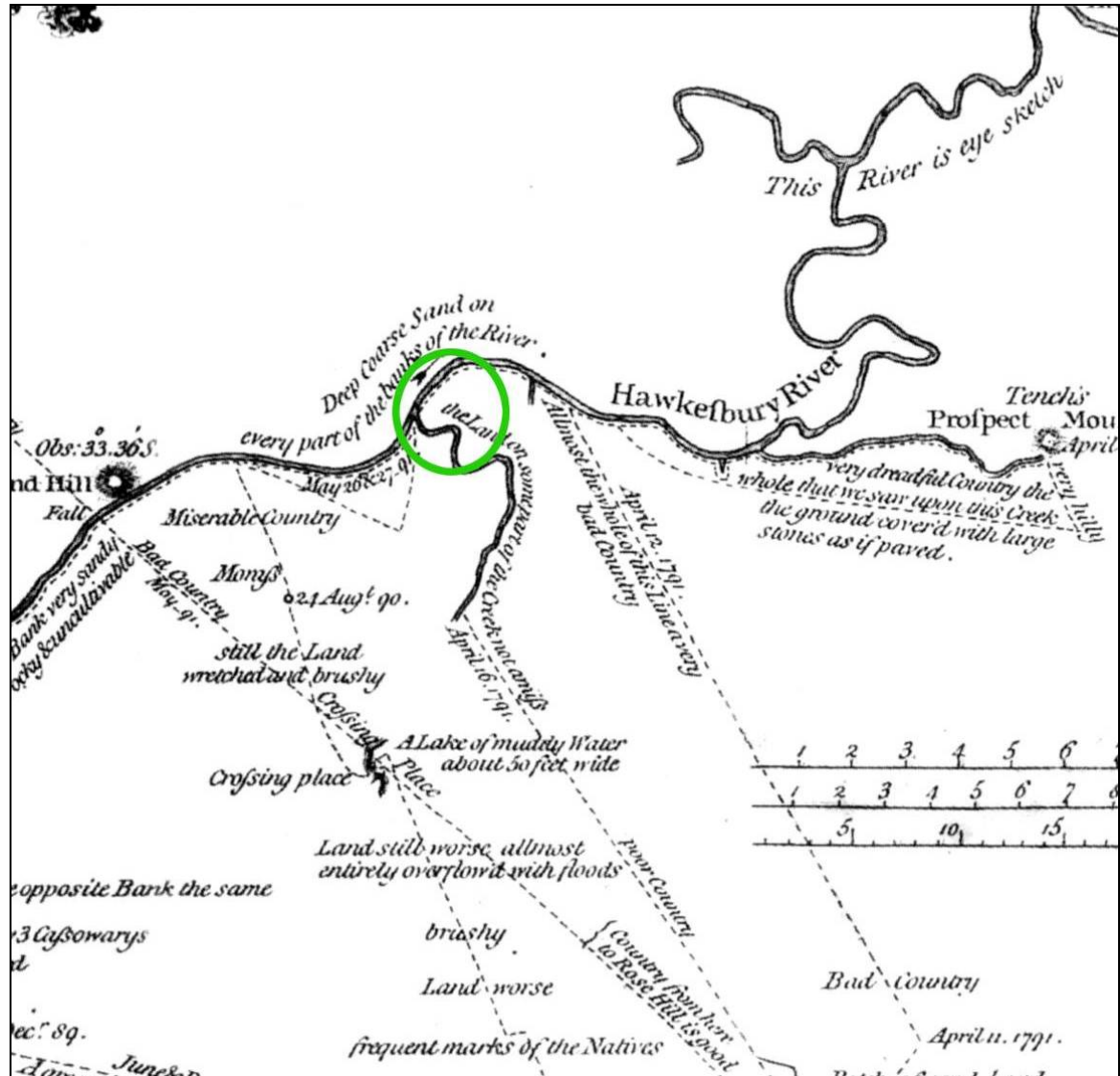


Figure 3.1: 'A Map of the hitherto explored country, contiguous to Port Jackson' of 1791 or 1792 with the junction of South Creek with the Hawkesbury circle. Reproduced in Ashton, P. and D. Waterson, *Sydney takes Shape: a history in maps*, HEMA Maps, Brisbane, 2000.

3.2.2 SETTLEMENT

On Phillip's departure for England in December 1792, Major Francis Grose, commander of the New South Wales Corps, was appointed acting governor. Under Phillip's administration a small number of land grants (72) had been made, generally clustered in accessible areas to the north of the Parramatta River. Under Grose, the number of grants was increased to open up the area between Sydney and Parramatta, partly to facilitate improved communications. Grose also initiated a major policy shift in regard to land settlement in the colony by allowing settlement on the Hawkesbury River. In April 1794 Grose reported in a dispatch to England that he had permitted settlement on the Hawkesbury at a place he named Mulgrave Place, after the British politician Baron Mulgrave, but today is formed in part by Pitt Town Bottoms. Grose reported:

I have settled on the banks of the Hawkesbury twenty-two settlers, who seem very much pleased with their farms. They describe the soil as particularly rich, and they inform me whatever they have planted has grown in the greatest luxuriance.²

The actual date of commencement of this settlement is not known, but it seems to have been shortly after the return of a survey of the whole length of the Hawkesbury River by Captain William Paterson in September 1793. Certainly by the time of David Collins' account of January 1794 a group of mainly ex-convicts had established a small farming community on the eastern (Sydney side) bank of the river from the mouth of South Creek to Canning Reach. Grose had made no prior visit to the area, no flood contingency plan seems to have been drawn up, and as no security was provided the settlers were both free from government supervision and effectively far removed from government security.

At Mulgrave Place each of the settlers received thirty acres (12ha), each with frontage to the Hawkesbury River. The settlers comprised nineteen ex-convicts, Private Giles Mower, a marine named John Howell, and a free settler, Thomas Webb who had arrived in NSW as a seaman on the *Scarborough* in 1790. As no prior survey was undertaken, the settlers chose their own allotments, which were strung along the riverbank in a remarkably orderly manner. The first official survey of their settlement was completed in April 1794 by Surveyor Augustus Alt, and the first grants were formally issued in November 1794. Alt's survey shows nineteen of the farms were clustered together around the mouth and north of South Creek with the remaining three up to ten kilometres away around Canning Reach. By the return of the muster of June 1795 there were 546 inhabitants at the Hawkesbury settlement, and by 1814 the Hawkesbury had the second highest resident population in the colony with 3,521 inhabitants.

The pioneer settlers came to the Hawkesbury to grow food. Initially, they received no government support in the way of tools and having no ploughs, prepared the ground by hand with a hoe. The land was cleared and huts were built for shelter. The first crop was maize, which was planted to prepare the soil for wheat. Other crops, such as barley and oats, were later planted by the settlers, together with vegetables to sustain their families. The seed was obtained from government supplies on credit with the grain subsequently being purchased by the government. The first local storehouse or granary was constructed in February 1795, but after being swept away by floodwaters was replaced in 1799 by two log granaries on higher ground at the Green Hills (Windsor in the area of Thompson Square).

These small land grants on the alluvial soils favoured intensive agriculture at the expense of pastoralism. The need for increased numbers of stock was keenly felt by Governor Philip Gidley King who in August 1804 dedicated common grazing land in the outlying settlements. In all three, large commons were dedicated for the Hawkesbury settlers: Nelson Common (later known as the Pitt Town Common), Ham Common (later known as the Richmond Common), and Wilberforce Common on the western bank of the Hawkesbury River. These commons practically encircled the small farmers on the Hawkesbury. All local landholders had pasturage rights to the common, although they soon came to be administered by a trust. Around the time of the dedication of the commons, a number of large Crown land grants were made to individuals with government connections. The size of grants (upwards of 380 acres in the instance of Commissariat John Palmer at Pitt Town with Palmer's agent, Biggers, also receiving a generous neighbouring grant of 280 acres in 1804) and their location suggests the land was released to foster stock grazing.

The administration of Governor William Bligh (1806-1808) brought further changes for the Hawkesbury settlers. While Grose had initiated the settlement, Bligh actively encouraged the settlers by introducing reforms aimed at alleviating their grievances in regard to the ruinous monopolies established by the military elite. Bligh distributed government cattle and raised the price of wheat taken into government stores. Bligh also established an estate amongst the Hawkesbury settlers with the aim of providing a model farm to demonstrate methods of good farm husbandry. The farm was variously known as Blighton or the Model Farm, and was established by Bligh's purchase of 270 acres in 1806. The farm establishment centred round a number of buildings erected during 1807 and 1808, which included (as at December 1807):

² Quoted in Barkley 1994, p.9.

- *One Brick Building (as out Offices) 54 feet long 15 Wide and 9 High Containing Kitchen, Servants Room and Court House, Kitchen flagged Window and door Frames Roofed but not Shingled.*
- *One Brick Barn 50 feet long 18 feet Wide and 13 feet High, Wall plates tie Beams and Rafters up, but not Shingled.*
- *One Shed 200 F. long Weather boarded and nearly shingled containing at the End Two Rooms for Stock Men &c. as Guards, with Double Brick Chimney Doors, Windows, &c. compleat, about the Centre a House for the Overseer to live in with Dairy, Store Room &c., this has also a Brick Chimney paved Floor with Doors Windows &c. compleat, also an open part for Milking in, another for the Sheep &c. with Pens for Calves, Styes for Pigs, Pailed and Nailed at top and bottom with Convenient Gates, Doors &c.*
- *A Six railed Fence forming different Paddocks or enclosures for Stock, well Nailed and Battened at each Joining post, containing about fifteen Acres.*
- *Six Pailed Yards Viz. a Barnyard 100 feet Square, a pigyard 80 feet Yard, All Nailed at Top and bottom with convenient Gates and fastenings to and from each other occasionally.*³

The farm was very efficiently managed by emancipist Andrew Thompson. Thompson had been transported to Sydney in 1792. Initially settled at Toongabbie, Thompson had been appointed constable for Green Hills (Windsor) by 1796. In 1804 Thompson was granted 130 acres situated in the area of present day McGraths Hill. Following Bligh's departure, Governor Macquarie appointed Thompson magistrate for the Hawkesbury district, the first emancipist to hold this office. Macquarie was to rely heavily on Thompson's extensive local knowledge to advise on the siting of the five Hawkesbury townships.

In 1807 English oak trees were planted on Bligh's farm on behalf of the governor's daughter, Mary Putland. By 1939 five of these trees were still standing, but were removed in 1947. Replacement trees have since been planted at the corner of Bathurst Road and Hall Street, Pitt Town.

³ Quoted in Graham Brooks and Associates 2002.

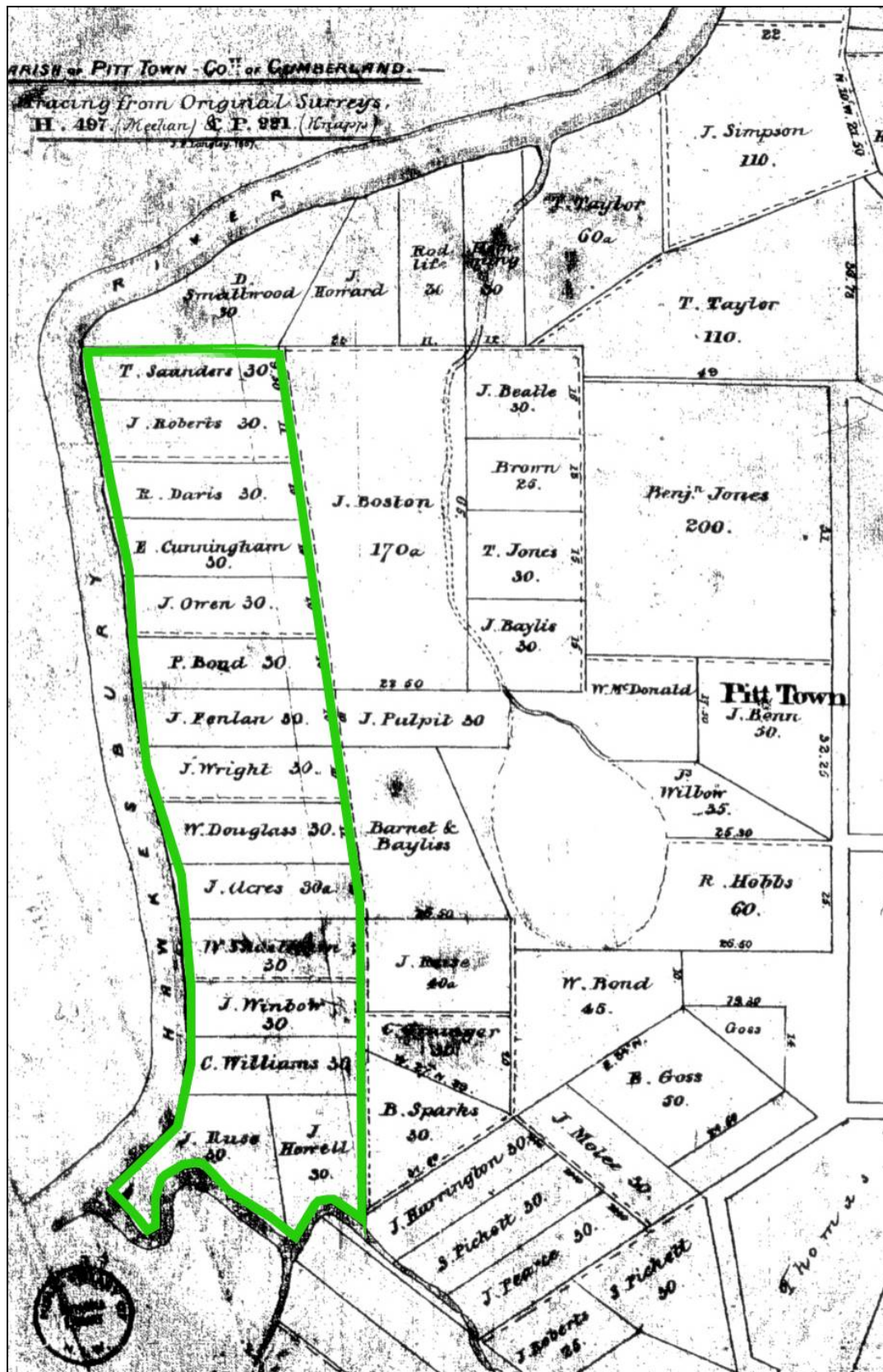


Figure 3.2: The early nineteenth century land grants at Pitt Town with the location of the first settlers of 1794 outlined in green. Source: Surveyor J. P. Langley, 'Pitt Town Parish 1867.' (Mitchell Library ZM2 811.11142/1867/1).



Figure 3.3: George William Evan's watercolour of Blighton Farm dated 1810. Source: National Gallery of Australia 94.1418.



Figure 3.4: Bligh's Oaks at Pitt Town, not date (Attributed to Kerry & Co. postcard of October 1932). Source: State Library of Victoria H23628 (Image Number: a09684).

3.2.3 RURAL DEVELOPMENT

By 1799 over fifty percent of all land under cultivation in the colony was located in the Hawkesbury. The successful crossing of the Blue Mountains in 1813, and the subsequent completion by William Cox of the road linking the Nepean region with Bathurst opened up new land for settlement, but by the 1828 census there were over 106,000 acres held in the Hawkesbury. With more than 32,000 acres cleared and more than half this figure under cultivation, the region represented the largest agriculturally productive area in New South Wales.

The status of the Hawkesbury as the granary of the colony continued until the 1860s. The great flood of 1867 followed by the onset of spotted rust disease⁴ within Cumberland County especially affected wheat production in the Hawkesbury over the 1870s: in 1870, 214,691 bushels of wheat were produced, but by 1879 wheat production had been reduced to nil. As the rate of wheat production declined alternative forms of agricultural production such as corn and maize, were developed. The production of maize increased from 5,464 bushels to 272,734 bushels over the 1870s. By the time the Hawkesbury had recovered from these biblical devastations the advance of the railways after 1869 into the plains beyond the Great Divide resulted in the rapid development of vast western wheat producing areas.

In the late nineteenth and early twentieth centuries the Hawkesbury district developed into the major source of fruit and vegetables for the Sydney market, a role facilitated by the coming of the railway to Windsor in 1864 that speedily transported the produce. The range of fruits grown in the Hawkesbury included apples, pears, apricots, and peaches, but the region was particularly associated with citrus. Despite an outbreak of fruit fly in the 1930s resulting in the closure of some orchards, by 1944 twenty percent of the State's fruit bearing trees were located in the Hawkesbury. The 1956 flood destroyed many orchards in the district, resulting in some farmers returning to vegetable production or moving away from horticulture altogether and developing their riverside properties for other purposes including water ski parks. At Pitt Town the sand deposits upon which many of the high level citrus orchards were sited were opened up for commercial mining in the 1980s, which resulted in the further loss of orchards.

Wine was also produced, some 10,240 litres in 1870 and over 63,000 litres in 1890. A pioneer in local viticulture was Dr Thomas Fiaschi, an Italian who came to the Hawkesbury in 1876. While his town practice was in Thompson Square in the so-called Doctors House until 1883, Fiaschi established the Tizzana Vineyard at Sackville Reach in 1882 that operated until the early 1950s.

Dairy farms were another late nineteenth century rural enterprise undertaken at Windsor, Wilberforce, Pitt Town and McGraths Hill and are discussed further in Section 3.2.5.

Coinciding with these horticultural ventures there was a break up of the large land holdings into smaller acreage farms. Information on closer settlement is available for the Pitt Town region where the Hall Estate to the north of Pitt Town village, comprising an area of 400 acres, was offered for sale as six allotments in November 1881.⁵ Most of these allotments were later developed as farms, today represented by Bona Vista situated on Johnston and Hall Streets. Similar development seems to have occurred around McGraths Hill with estates such as Lynwood and Wilberforce (Karoola).

Since the 1950s horticulture has declined in importance in the Hawkesbury, but it has not entirely been eclipsed by residential development and recreational uses of the River, as vegetables and turf continue to be cultivated. Turf farming, which is not overly susceptible to inundation, was introduced in the early 1970s and today represents a major primary industry in the lowlands of the Hawkesbury.

3.2.4 TOWN CENTRES

In 1810/11 a number of government reserves were set aside for townships under Governor Lachlan Macquarie's administration. Macquarie's instructions for the governing of the colony included the direction to establish townships for settlers, it having been found by *experience that the settling of planters (farmers) in townships hath very much rebounded to their advantage, not*

⁴ This is a disease that is caused by fungi, and leaves the wheat spotted and colours the grain ready-brown.

⁵ 'The Hall Estate, Pitt Town' Mitchell Library Subdivision Plans TP: P15/1.

only with respect to the assistance they have been able to afford each other in civil concerns, but likewise with regard to their security.

Macquarie was therefore instructed to cause a proper place in the most convenient part of the township to be marked out for the building of a town sufficient to contain such a number of families as you shall judge proper to settle there, with town and pasture lots convenient to each tenement, taking care that the said town be laid out upon or as near as conveniently may be to some navigable river or the sea coast; and you are also to reserve to us proper quantities of land in such township for the following purposes, viz, for erecting fortifications and barracks or for other military or naval services, and more particularly for the building a town-hall and such other public edifices as you shall deem necessary ...⁶

The townships in the Hawkesbury were established by Macquarie to provide the settlers with a place of abode free from flooding. Owing to the flood danger, Governor Phillip had forbidden settlement in the area, while Grose's permitting of settlement had drawn criticism from other colonists such as David Collins. In the years immediately following settlement there were a number of small floods and a major inundation in March 1799 with the river rising 15.25 m above the average river level. The Hawkesbury River flooded in 1800, 1801, thrice in 1806 and twice in 1809 rising to 14.64 m and 14.49 m. The floods of 1809 resulted in severe food shortages in the colony, which Macquarie immediately reported to London on his appointment as Governor in January 1810, noting the *very reduced state of His Majesty's Stores had been principally occasioned by the last dreadful and calamitous inundation of the Hawkesbury which had destroyed the whole of the crops of the fertile District.*

The choice of the town reserves in the Hawkesbury was undertaken by Macquarie in the company of the Reverend Robert Cartwright, William Cox, and surveyor James Meehan. Three of the townships (Pitt Town, Windsor and Richmond) were located on the eastern side of the river, with Wilberforce isolated on the western bank and dependent on punt access from either Windsor or Pitt Town. Another town reserve was set aside for the Nepean settlers at Castlereagh. The new reserve at Windsor was a development of the existing government outpost at the Green Hills (around present day Bridge Street) that had been settled since 1796.

Each of these town reserves was consistent in being sited at least sixteen metres above the flood plain on the ridge closest to the low land farming communities, and each contained reserves for school, church, burial ground and town square. Each had a grid street layout with the streets carefully aligned to form regular town blocks. Macquarie's identification of the ridges for the township sites is likely to have been influenced by the successful emancipist Andrew Thompson whose own 120 acre estate took in the ridge at McGraths Hill. Although Thompson had died by the time of Macquarie's visit, the governor had relied on Thompson's advice and the faith in his abilities and character is demonstrated by the appointments of high civic office. Macquarie also had knowledge of Bligh's Blighton Farm, on which Thompson had worked, located on the ridge above the Pitt Town Bottoms, having briefly visited it in early December 1810.⁷

WINDSOR

Windsor is the largest of the Macquarie towns in the Hawkesbury and also the oldest town settlement in the region as it incorporates the Green Hills, which dates from the mid 1790s and was the regional centre for government administration. It is a compact area at the northern summit of the ridge that today is bisected by Bridge Street. It was to the Green Hills that the track (the Old Windsor Road) from Toongabbie was initially formed in the 1790s.

At the Green Hills, clustered high above the known flood limit, were the granary, commissariat store, barracks and schoolhouse/chapel that serviced the local settlers. The hill is also likely to have provided a vantage point for looking west across the river and north to the farming settlement around South Creek (Pitt Town Bottoms area). Macquarie retained the basic plan of Green Hills but provided a small town square named by Macquarie himself in memory of Andrew Thompson. When Macquarie laid out the new town he noted in his journal that he:

⁶ Quoted in Proudfoot 1987b.

⁷ Macquarie (1979).

*Walked out to survey the grounds belonging to the Crown in and near the present village on the Green Hills and also the adjoining Public Common marked out for this part of the country in the time of Governor King; a convenient part of which it is now my intention to appropriate for a large town and township for the accommodation of the settlers inhabiting the south side of the River Hawkesbury, whose farms are liable to be flooded in any inundation of the river, and to connect the present village of the Green Hills with the intended new town and township.*⁸

The new town is sited to the south and was connected with the Green Hills by the continuation of George and Macquarie Streets across two thirty acre grants made to Daniel Smallbrook and William Baker shown on some editions of the parish map. Within the new town, Macquarie dedicated a second town square (McQuade Park) and a market square (west of Christie Street and later rededicated in part for a public school). Macquarie renamed the settlement Windsor after the royal centre on the outskirts of London above the Thames River.

During Governor Macquarie's administration the civic and commercial roles of Windsor flourished as the town developed into the regional centre for the Hawkesbury district, with the primary military and judicial functions continuing at the northern edge between Bridge and Arndell Streets. A so-called Government House was erected in 1796 on the ridge overlooking the river for the residence of the commanding officer of the military guard. This timber framed and weatherboarded building became the residence for the local commander of the NSW Corps garrisoned at Windsor until 1829 when it was occupied by the police magistrate. The residence with its riverside garden is plotted on a plan prepared in 1842.⁹ The military barracks was built on the other side of the hill in the block between Bridge and Arndell Streets in 1817-18 by Richard Fitzgerald. By 1814, the garrison at Windsor numbered 79.

The region's gaol was built by William Cox in 1812 and was significantly altered and upgraded, again by Cox, in 1820. A new prison was built in 1859 on the corner of Court and Pitt Streets and this too was demolished (in 1936) with the land being sold for housing. The region's courthouse, designed by Francis Greenway in May 1820, was also erected by Cox in 1821-22. William Cox, the builder of the road across the Blue Mountains, was a magistrate for the Hawkesbury at the time (1810-1836). The first combined schoolhouse/chapel, developed from 1802 and with a brick building erected in 1805, was also sited within this precinct. Of this group only the courthouse stands, although the police service retains its local station, erected in 1928, at the corner of Bridge and Court Streets on the site of the military barracks.

The former School of Arts erected in 1861 on the site of the military hospital at the corner of George and Bridge Streets, served another civic related role indicative of the mid-Victorian era in serving the needs of an increasingly literate society in its provision of literary, cultural and social activities.

The northern end of Windsor is also the traditional commercial centre of the town because of the wharf and granary. This area, bounded by Bridge and Baker Streets, includes Thompson Square dedicated to the memory of Andrew Thompson by Macquarie in the following terms in 1811:

*The square in the present town I have named Thompson Square in honour of the memory of the good and worthy late Andrew Thompson Esq Justice of Peace & Principal Magistrate for this district, and who may justly be said to be the father and founder of the village hitherto known by the name of Green Hills; there being hardly a vestige of a single building here, except the Government Granary, when he first came to reside on the Green Hills ten years ago*¹⁰.

Thompson was granted a one acre lease in the Green Hills in 1799 (in the area north of Thompson Square on Bridge Street where the 1950s weatherboard cottage stands¹¹) and established a town house and store. The granary was erected in March 1795 and supervised by William Baker, a marine who had arrived with the First Fleet; he was the government storekeeper at Green Hills until his dismissal by Macquarie in 1810.

⁸ Quoted in Proudfoot 1987b, p.7.

⁹ Armstrong, J. 'Allotments comprising the Peninsular farm: adjoining the town of Windsor to be sold by auction on 5th Feb. 1842 by Mr. Saban White at Windsor, ZM2 811.11222/1842/1.

¹⁰ Quoted in Jack 1990, p108.

¹¹ Bowd 1996, p.89.

A plan of 1842¹² shows a cluster of buildings located in the Bridge and Baker Streets area, of which a small number overlooking Thompson Square remain standing. The oldest is the Macquarie Arms, which was built by the well-to-do emancipist Richard Fitzgerald and opened by Governor Macquarie in mid 1815. The inn was built on an allotment Macquarie had granted Fitzgerald on the proviso he erect a brick or stone two-storey inn. The enclosed yard of the inn incorporates bricks intended for use in the first attempt (1818) to build St Matthew's Church. The neighbouring buildings date from the 1840s and 1850s on prior occupied sites.

The area to the south of Thompson Square was subsequently developed as the commercial precinct of Windsor. George Street is the principal historic thoroughfare; it and the intersecting Baker, Kable, Fitzgerald, Johnston, New and Catherine Streets retain a number of historic buildings dating from the 1840s (and earlier [1834] in the instance of Loder House at 126 George Street) some of which are potentially affected by the RTA proposal. The area retains a number of late Victorian commercial business premises.

In the area west of Christie Street, the regularly aligned blocks bounded by Cox and Mileham Streets and terminated by Ham Street reveal the underlying Macquarie town plan. Macquarie set aside another town square (McQuade Park) for this part of the town. Located near the reserve, across Moses Street, is Macquarie's "new" church for Windsor, St Matthew's. The foundation stone for the church was first laid in 1817 but this structure was never completed for Francis Greenway designed the present building that was completed in 1820. The rectory was completed a little later in 1825. Curiously, the church graveyard predates both the church and the town plan for it includes Andrew Thompson's grave dug in October 1810. In the vicinity of McQuade Park is the Catholic Church (completed in 1840). This section of Windsor was bisected in 1863 by the railway line.

The Macquarie town of Windsor has been extended over time. From the 1950s it has been extended further south along the ridge inclusive of new suburban precincts such as Bligh Park (1980s). The extension north was undertaken much earlier, in 1842, with the sale and subdivision of the Peninsular Farm estate. This subdivision released 123 town allotments and 22 farmstead blocks located between Arndell Street and South Creek.¹³ The group of early Victorian buildings between Arndell and Palmer Streets were built between 1842 and the 1860s, inclusive of the former Peninsular Hotel (37-39 North Street). The group was purchased by the National Trust of Australia (NSW) in the 1970s for restoration and is considered to be the most intact section of residential streetscape preserved in Windsor.¹⁴ The area north of Livingstone Street is mostly low-lying and flood prone and was sold in 1842 as small farmlets of between five and eighteen acres. The home and observatory of the remarkable astronomer John Tebbutt (the first to discover the Great Comet of 1861) are located on one of these blocks, which his father purchased. The house was built by his father in 1845, but the observatories, built in 1874, 1879 and 1894 (and another built in 1863 and removed in the 1930s) are Tebbutt's doing.

The area across the river to the west of the town is farmland that was initially settled in the 1790s. Some of the earliest grantees were William Cuckow, Thomas Gosper, Thomas Reibey, John Cobcroft and Thomas Rose. Historic photographs indicate this area has remained agricultural and sparsely settled over generations.

¹² Armstrong, J. 'Allotments comprising the Peninsular farm: adjoining the town of Windsor to be sold by auction on 5th Feb. 1842 by Mr. Saban White at Windsor, ZM2 811.11222/1842/1.

¹³ Armstrong, J. 'Allotments comprising the Peninsular farm: adjoining the town of Windsor to be sold by auction on 5th Feb. 1842 by Mr. Saban White at Windsor. Mitchell Library ZM2 811.11222/1842/1.

¹⁴ Jack 1990, p.104.



Figure 3.5: *George William Evan's watercolour of the settlement at the Green Hills, dated 1809. Reproduced in: Barkley, J. and M. Nicholls, Hawkesbury 1794-1994: The First 200 Years of the Second Colonisation, Hawkesbury City Council, Windsor, 1994.*

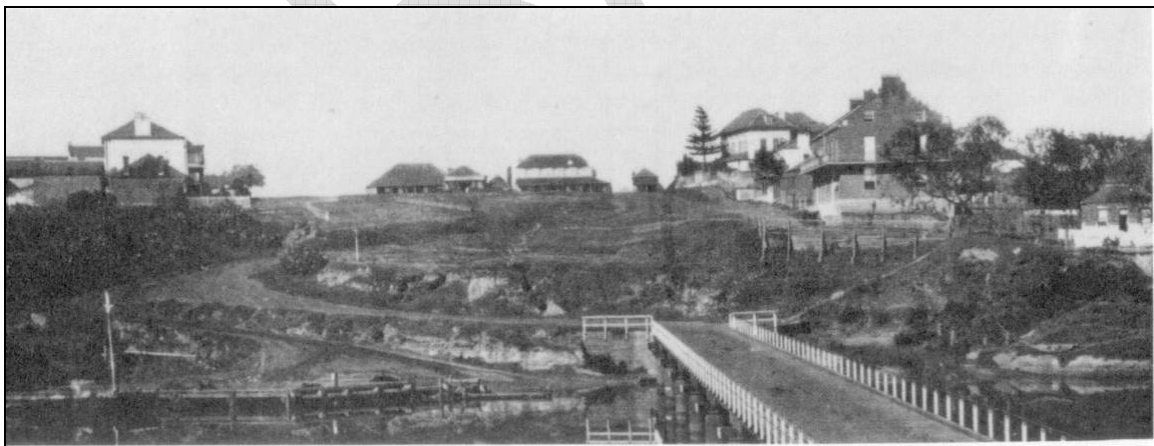


Figure 3.6: *Thompson Square and the bridge approach to Windsor in 1879. Reproduced in Proudfoot, H., The Historic Buildings of Windsor and Richmond, Kangaroo Press, Kenthurst, 1987.*

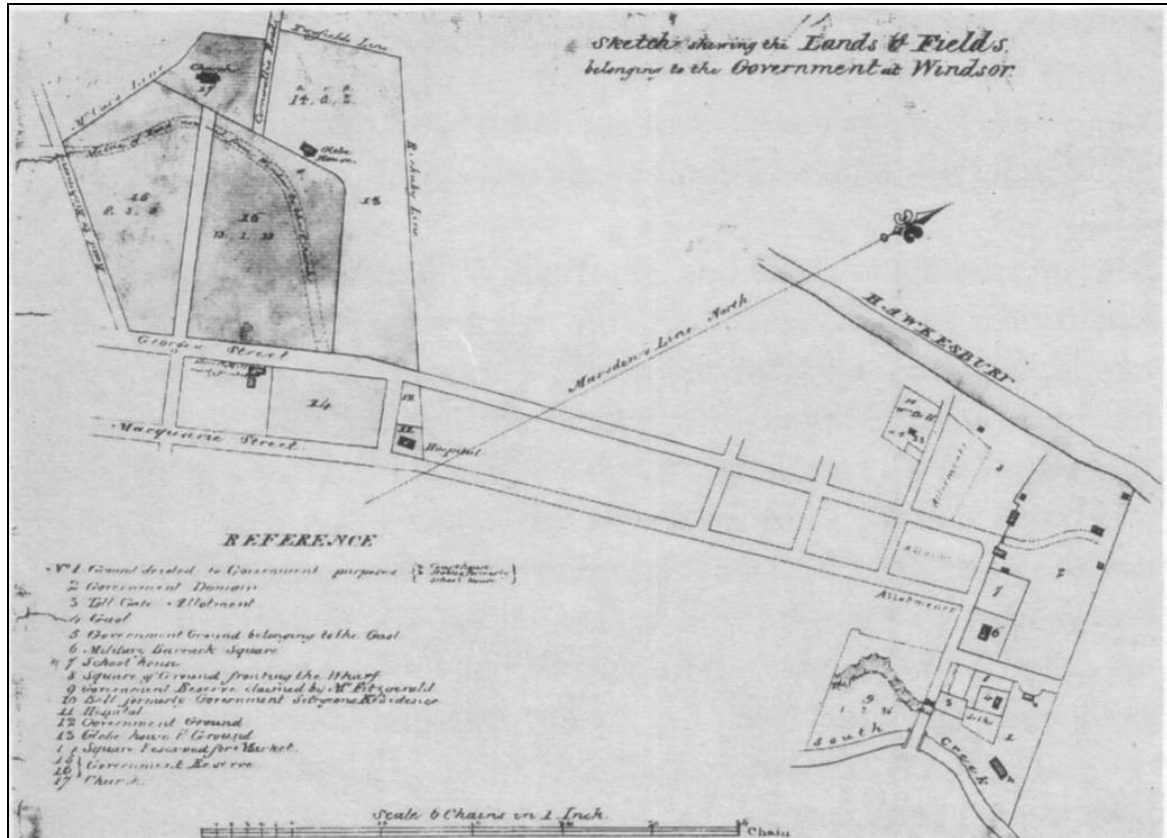


Figure 3.7: 'Lands and Fields Belonging to the Government at Windsor,' ca.1825. Reproduced in Proudfoot, H., *Exploring Sydney's West*, Kenthurst, Kangaroo Press, 1987.

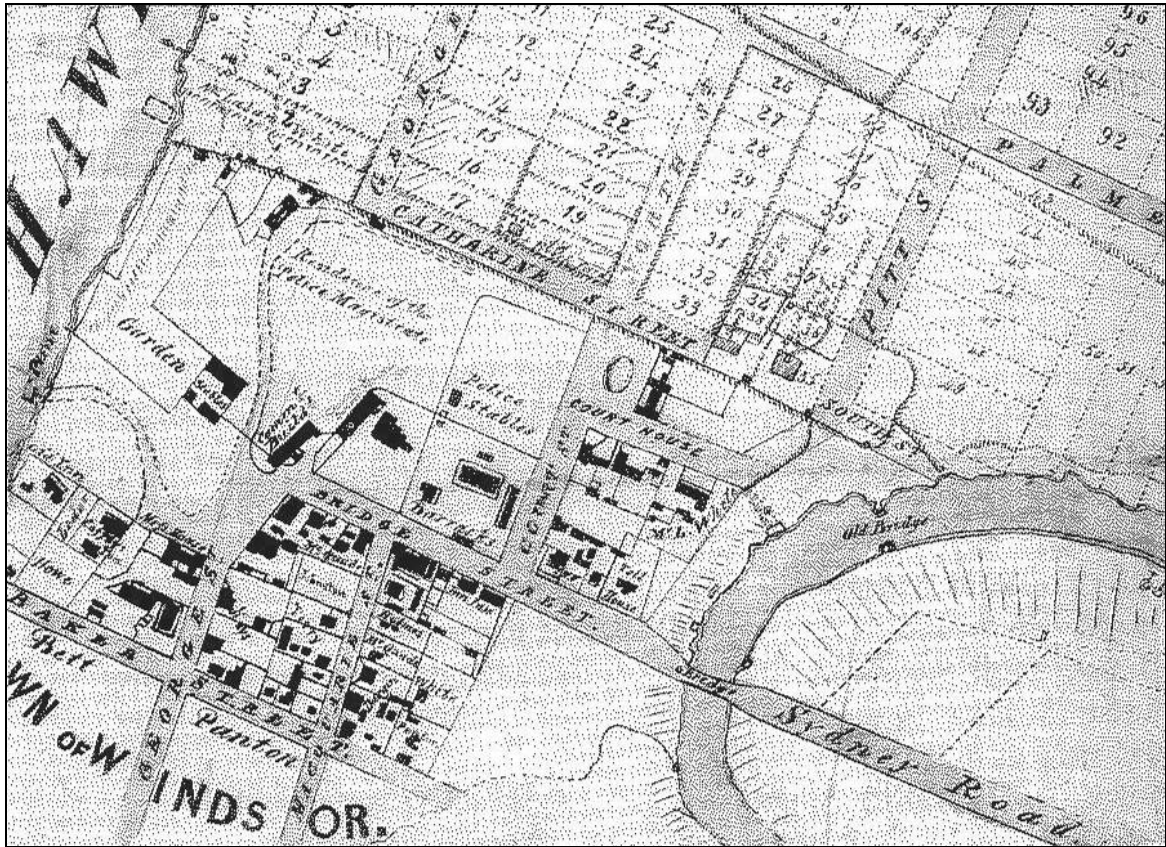


Figure 3.8: 'Allotments comprising the Peninsular Farm: adjoining the town of Windsor to be sold by auction on 5th Feb. 1842 by Mr. Saban White at Windsor. Plan prepared by Surveyor J. Armstrong. Source: Mitchell Library - ZM2 811.11222/1842/1.

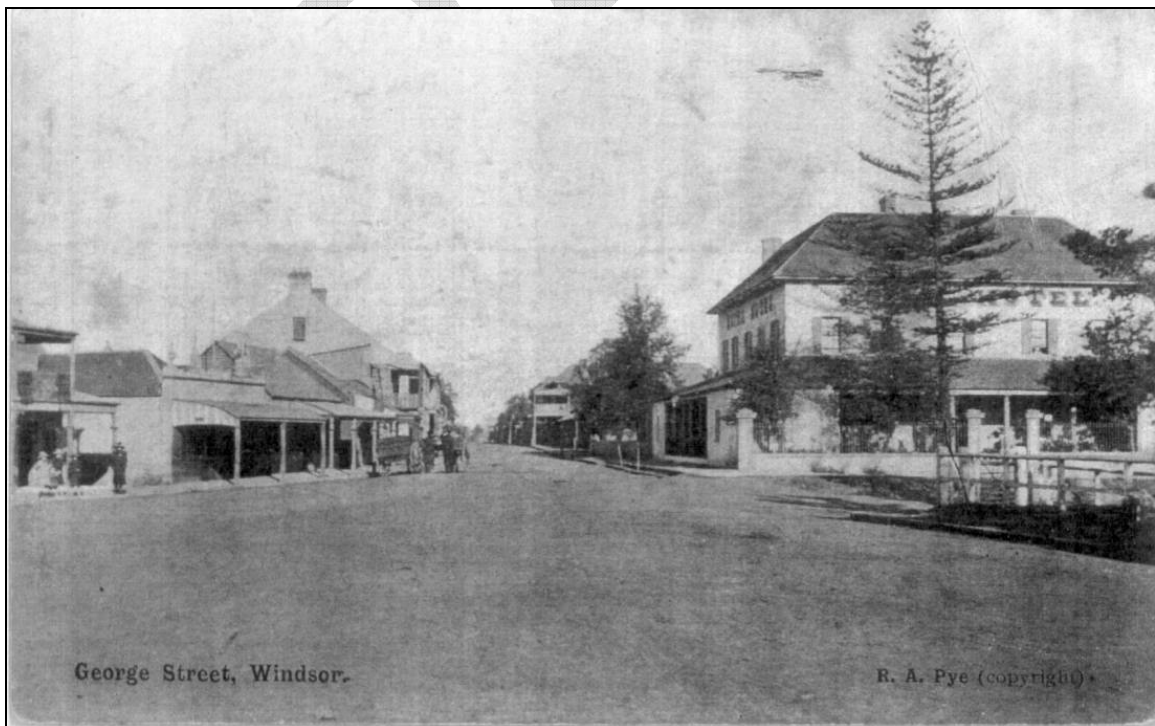


Figure 3.9: R.A. Pye postcard view of the Thompson Square entry to George Street, not dated. Source: Mitchell Library Small Picture File – Windsor.

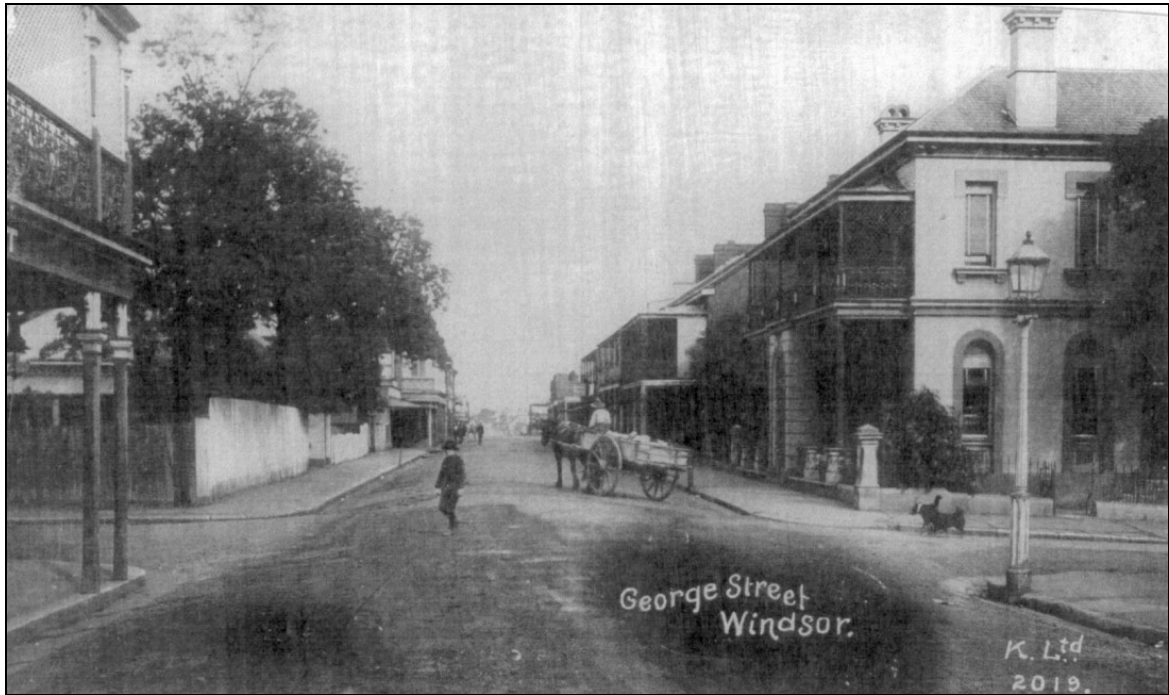


Figure 3.10: Kerry & Co. postcard view of the intersection of George Street with Baker Street, not dated. Source: Mitchell Library Small Picture File – Windsor.



Figure 3.11: Kerry & Co. postcard view of Bridge Street above South Creek, not dated. Source: Mitchell Library Small Picture File – Windsor.



Figure 3.12: *Matthew James MacNally's watercolour of the Court House Hotel in North Street, dated 1931. Source: Mitchell Library Small Picture File – Windsor.*



Figure 3.13: Windsor Bridge and the western bank of the Hawkesbury River, not dated. Source: State Library of NSW (Work and Play – 04404).



Figure 3.14: The Wilberforce side approach to Windsor Bridge, March 1933. (Attributed to Kerry & Co. postcard). Source: State Library of Victoria H18483 Image Number: b51338.

PITT TOWN

Pitt Town is unusual among Macquarie's Hawkesbury towns in that the first location chosen failed and necessitated the dedication of a second site shortly after. The first Pitt Town site was pegged out by Macquarie on the afternoon of 11th January 1811 having spent the morning setting out the Wilberforce town reserve and lunching at Blighton. Macquarie noted the proceedings of the day in his journal as: *I proceeded ... to explore the ground marked out for the township of Pitt-Town in the Nelson District. This ground is not so good or so conveniently situated for the settlers in general as might be wished, it being not less than 3 ½ miles from some few of the front farms; but no better is to be had and therefore there is no alternative left but to place the town on these heights, and which I have accordingly determined on.* Macquarie named Pitt Town in honour of the immortal memory of the late great William Pitt, the Minister who originally planned this Colony.¹⁵

Macquarie's concern that the site was *not so good or so conveniently situated* proved to be correct, for it would seem that the only thing ever erected on the original site of the town were the surveyor's pegs. No plan of this town has survived and its location was not recorded on any map.

In October 1815 the town reserve was relocated to the high ground above the Pitt Town or 'Bardonarang' lagoon. This new township, also designed by Macquarie, is dissimilar to the other Macquarie towns in having a triangular plan with the main streets and allotments fitted within the boundaries of a grant of 60 acres originally made to William McDonald in 1803. The core of the township is defined by Buckingham, Bathurst and Liverpool Streets. A triangular shaped public space was reserved at the southern entry to the town.

Within the second town a number of inns were established in the 1820s, including the Johnston family's Macquarie Arms Inn from 1820 and Daniel Birdwood's Bird in Hand Inn (1821). In 1828 a combined brick Church of England (Anglican) schoolhouse and chapel was erected in Bathurst Street at the north-west corner of the township. On this site the extant stone building, St James' Church, was completed in 1857. Prior to the completion of Scots' Church in 1862, the Presbyterians of the area either worshipped at Ebenezer (opened in 1809 and the oldest extant church building in Australia), or attended services in family homes. There was no provision for Roman Catholics to openly worship in the town.

New development not located within the government reserve was generally sited to the south of the village, spreading in a very irregular manner along Bathurst Street and Wellesley Street. The genesis of this sprawling development was probably the early 1820s for it is shown in Knapp's survey of 1828.¹⁶ Subsequent survey of the town undertaken in 1843¹⁷ reinforces the pattern of growth being confined to the village centre and south along Bathurst Street. Subdivision for residential development to the north of the town around Hall Street (Vermont Estate) was undertaken in the late nineteenth century but it seems not to have been taken up to any great degree.

¹⁵ Quoted in Proudfoot 1987b.

¹⁶ Surveyor Knapp's survey of the township of Pitt Town (State Records MAP SZ405).

¹⁷ Surveyor James Galloway's survey of the township of Pitt Town (State Records MAP 4746).

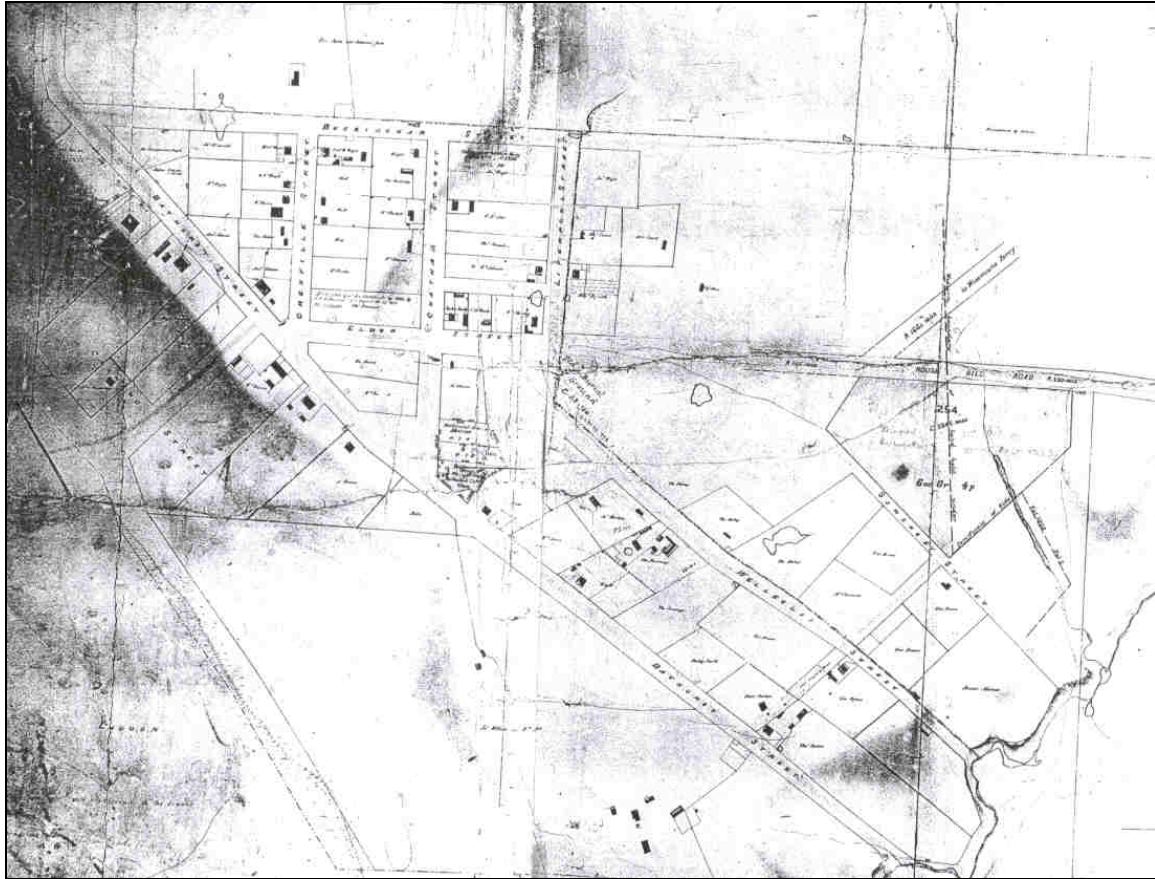


Figure 3.15: Surveyor James Galloway's survey of the township of Pitt Town was prepared in September 1843 to gazette the town boundaries. The well-detailed survey provides invaluable insight into the sparsely populated nature of the early township and the drift of the settlement southwards. Source: State Records NSW- MAP 4746.



Figure 3.16: Presbyterian Church, Pitt Town, October 1932. (Attributed to Kerry & Co. postcard). Source: State Library of Victoria H18468 Image Number: b52155.



Figure 3.17: Church of England Pitt Town, not dated. (Attributed to Kerry & Co. postcard, dated 1933). Source: State Library of Victoria H23631 Image Number: a09687.

WILBERFORCE

Wilberforce is located on the western bank of the Hawkesbury River, unlike the other four towns, which are all located on the Sydney side. Macquarie set out the town on the morning of 11th January 1811 having crossed the river by boat from Bligh's former farm Blighton. The original survey drawing has not survived, but a sketch was prepared in 1820.¹⁸ The town was laid out primarily as three long rows of allotments, each comprising five rectangular blocks with the central block dedicated as the town square and the neighbouring block to the north-west set aside as church and school reserve with the burial ground behind. Macquarie's town is bounded by present day King Road, Clergy Street and Hanover Street, and the eastern end by the terminations of George Street, etc. The town square is today's Wilberforce Park. Despite development from the 1980s, the Macquarie town grid has been retained.

Of all the combined schoolhouse/chapels erected in the Hawkesbury towns in the Macquarie era, the only extant example is to be found in Wilberforce. The brick building, constructed in 1819-20, is located within the town's church reserve in Church Street. As with Pitt Town across the river, a new stone Church of England (Anglican) church, St John's, was completed in the late 1850s (1859).

Under the *Shires Act* of 1905 rural areas of the State were provided with local government representation. The Colo district was incorporated in 1906 and its Council chambers were erected in 1910 in George Street, Wilberforce. The Council amalgamated with Windsor in 1981 to form Hawkesbury Shire Council.

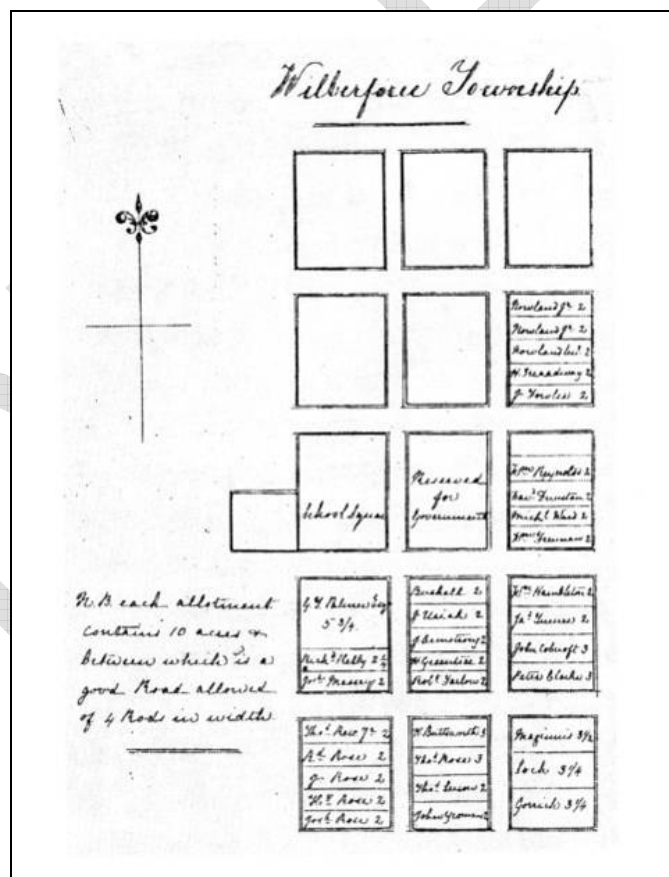


Figure 3.18: The town plan of Wilberforce, ca. 1820. From Bigge Appendix, Bonwick Transcripts, Mitchell Library. Reproduced in Proudfoot, H., *Exploring Sydney's West*, Kangaroo Press, Kenthurst, 1987.

¹⁸ The town plan of Wilberforce, from Bigge Appendix, Bonwick Transcripts, Mitchell Library reproduced in Proudfoot 1987a.

McGRATHS HILL

McGraths Hill is located within 30 acres of Andrew Thompson's 120 acre West Hill Farm purchased by contractor James McGrath around 1815. The land holding was subsequently increased to 160 acres by 1819. The property south of Pitt Town Road remained in the McGrath family's ownership over generations. The estate was subdivided in 1977 to form the McGraths Hill residential area.

A number of licensed hotels have graced the hill, sited around the important junction of the roads to Windsor and Pitt Town. While the locations of the early hotels are not precisely known, the licensing records note the operation of the Shamrock from 1846 and the Royal Oak from 1847. The survey of Windsor Road of 1885 plots the location of Edward Raper's Killarney Hotel (first licensed in 1878) on the west side of the road as the only hotel in the precinct.¹⁹ The standing Australian Hotel was probably erected in 1895 (some, such as Helen Proudfoot, say 1878) by Thomas Maguire. The neighbouring general store was demolished in 1938 (probably owing to road widening) and the hotel was extended. The 1885 road survey also plots three cottages fronting the road to the north of the present day hotel in the occupation and ownership of W. Douglas, Thomas Aitkens and M. Vaughan.²⁰

It seems probable that subdivision for residential development was undertaken in the late nineteenth century at McGraths Hill between Wolseley Street and the Old Hawkesbury Road and demonstrated today by a handful of buildings of this era, the street names and their regular layout.

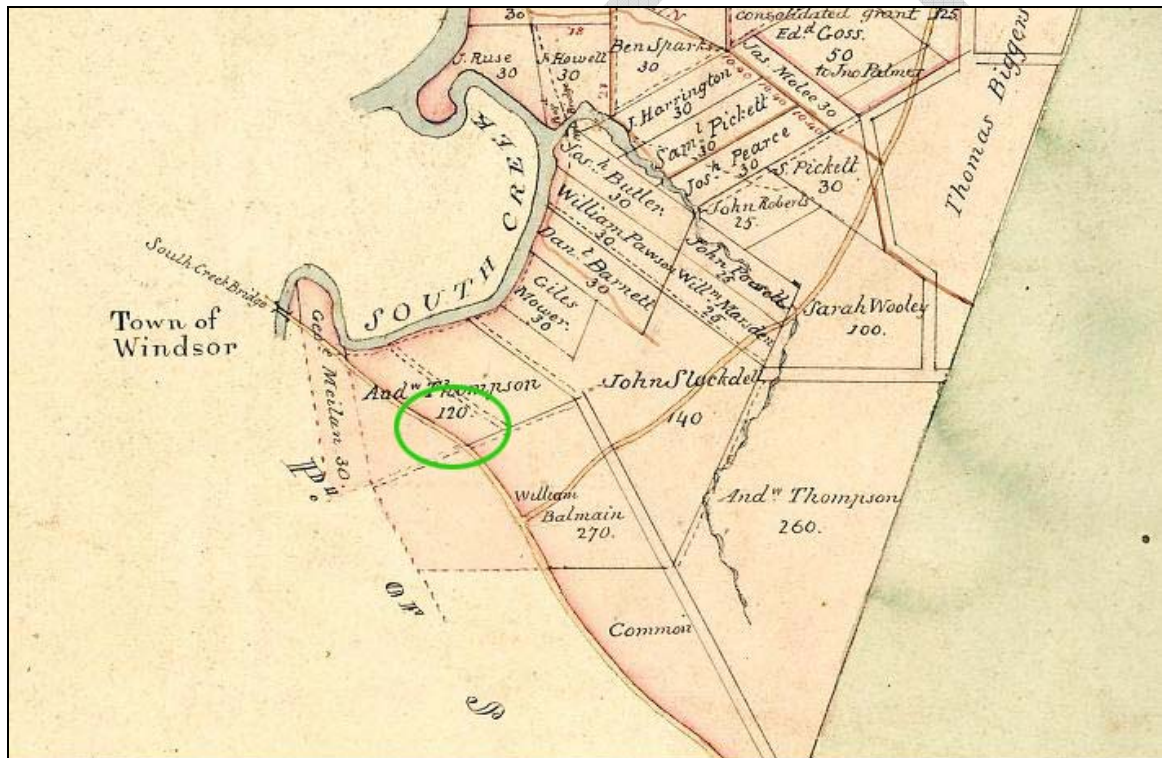


Figure 3.19: Map of Parish of Pitt Town, March 1835. Note the western end of Pitt Town Road is on a different alignment to that today (as indicated by green circle). Source: Lands Department Parish Maps CD (SRNSW MAP 263).

¹⁹ Surveyor Roderick Baylis Mackenzie's 'Survey and re-marking of the Old Road leading from Parramatta to Windsor' 1885 (Crown Plan 3172-1603 Sheet 8).

²⁰ *ibid.*

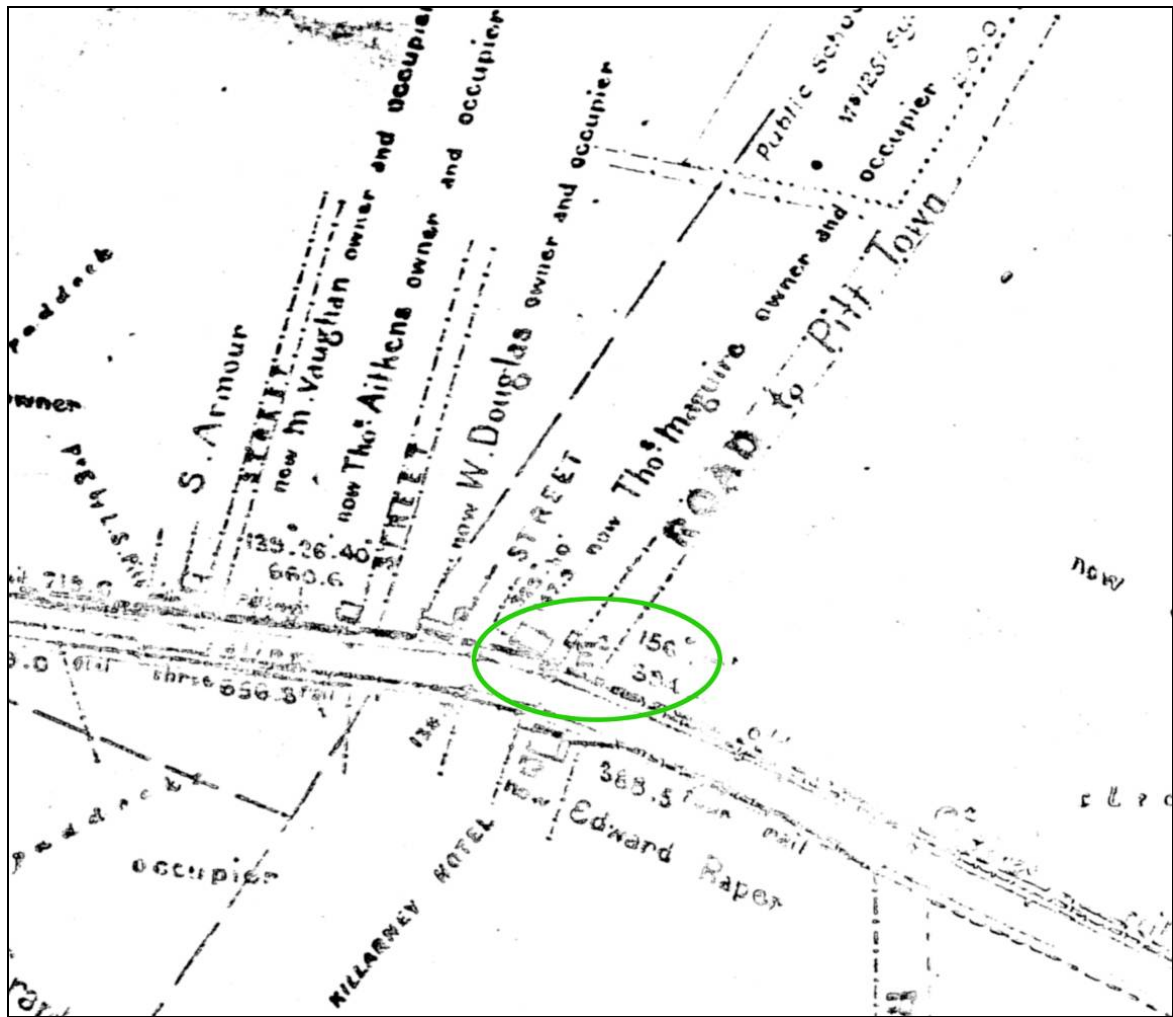


Figure 3.20: Surveyor Roderick Baylis Mackenzie's 'Survey and re-marking of the Old Road leading from Parramatta to Windsor' 1885 (as indicated by green circle). Source: Lands Department Crown Plan 3172-1603 Sheet 8.

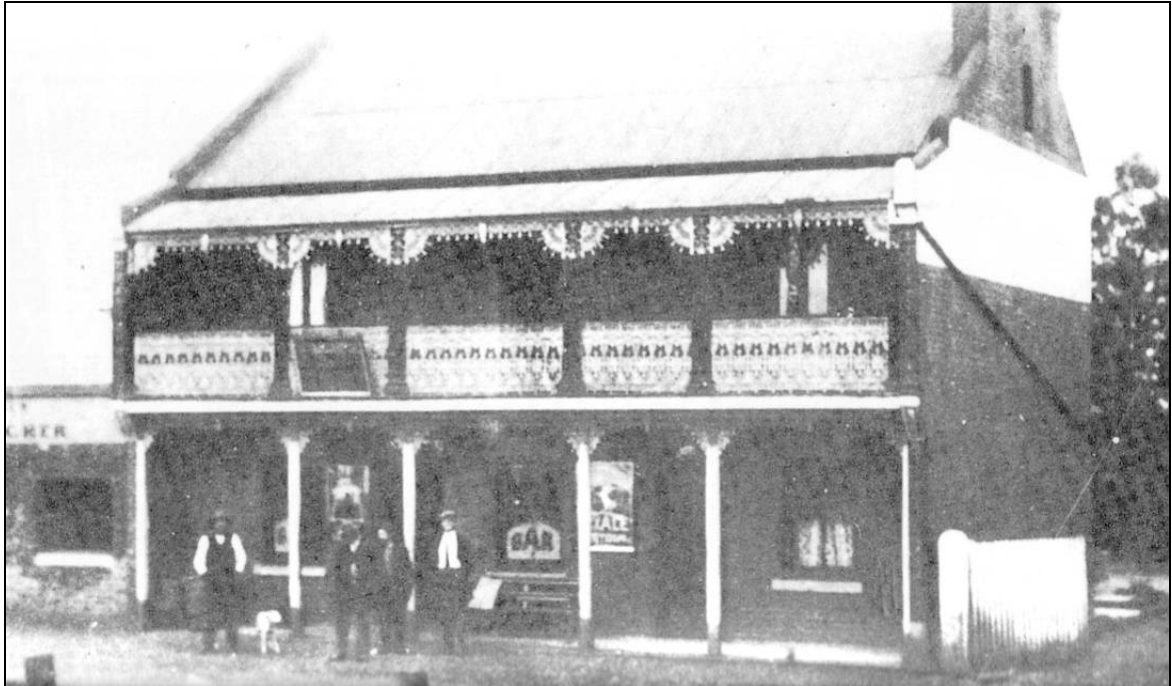


Figure 3.21: *The Australian Hotel, not dated. The date must be before the turn of the 20th century as the butcher shop is still extant. It was replaced around 1900 by the structure that exists today. Reproduced in Bowd, D. G., Up the Windsor Road from Baulkham Hills, Library of Australian History, Sydney, 1986.*



Figure 3.22: *Windsor Road looking toward McGraths Hill, July 1926. State Library of NSW (Government Printing Office Disk 1 – 02954).*

3.2.5 INDUSTRY

The development of both an agricultural economy in the region and populated town centres brought industrial enterprises, mainly in Windsor but also Pitt Town.

In an era when fresh water was not necessarily always available and plentiful, the brewing of alcoholic beverages was a profitable venture for the local entrepreneur. The ever resourceful Andrew Thompson was one of the first brewers in the area for he constructed, in around 1806, a three storey brick brewery on the west bank of South Creek to the north of the bridge crossing. The premises were described in 1810 as comprising a malt kiln, granary, and cooperage. It was later purchased by the government and used as a military hospital. Henry Kable and Richard Woodbury carried on a brewing business in Macquarie Street in the 1810s, the site being described in 1816 as complete with brick granary and brewery. There were other breweries, four in 1833, with the most enduring being founded by John Odell and Thomas Cadell. Cadell's brewery was completed in 1844 within a site bounded by The Terrace, Fitzgerald and Kable Streets. It comprised several three-storey brick buildings. Seriously damaged in the 1867 flood, the buildings were gradually removed as the site was sold off from 1874 although the malt house was still standing in 1916. Odell's brewery was in Macquarie Street near Fitzgerald Street. It seems to have been removed in the late 1860s.

The demand for non-alcoholic beverages was satisfied by cordials and soft drinks and a number of local manufactories were opened in the nineteenth century. One was opened in 1910 by Michael Noon, trading as the Noon Cordial Factory, on a site at the corner of Kable and Macquarie Streets (Barkley *et al* 1994: 110).

Settlement in the Hawkesbury was driven by the need to produce food, the staple diet at the time being flour and maize. Flour is produced by grinding (or milling) the grain. While most of the grain grown in the Hawkesbury was shipped to Sydney, by 1815 a horse driven mill at Windsor had been erected by Laurence May. John Teale also operated a mill over the 1830s, initially horse driven and then steam powered from 1836. The first steam driven mill in the Hawkesbury was erected by Henry Buttsworth in Wilberforce in 1835. This sandstone building, formerly located in Buttsworth Lane, closed in 1907 for want of locally sourced grain, and was later demolished. There were also a number of water driven mills but not in the immediate area of Windsor.

The commercial tanning industry processed animal hides and skins to make leather. As it demands both copious quantities of water and tannin in the manufacturing process, colonial tanneries were usually located near creeks and where native trees such as wattle could be sourced for the tannin. Tanning is a noxious trade and tended to be located in less populated areas. The industry was established in the Hawkesbury by Andrew Thompson by 1808, evidently within his 120 acres West Hill Farm located between South Creek and McGraths Hill. By the end of the nineteenth century there were at least six tanneries in Windsor. One of the largest was Anschau's on the eastern bank of South Creek, which was in operation over the first half of the twentieth century.

Another rural enterprise of the late nineteenth century was dairying and in the early 1890s a number of milk and butter factories were opened in Windsor (1892) and Pitt Town (1893). The Pitt Town factory manufactured condensed milk from 1901 until its closure in 1910. The Hawkesbury Dairy and Ice Society erected a factory in Windsor in 1922 which closed in the 1960s.



Figure 3.33: *Cadell's brewery was located between Kable and Fitzgerald Streets, undated photograph but built some time after construction of the water tower was commenced. Reproduced in Barkley, J. and M. Nicholls, Hawkesbury 1794-1994: The First 200 Years of the Second Colonisation, Hawkesbury City Council, Windsor, 1994.*



Figure 3.34: *The Condensed Milk Factory, Pitt Town, undated (attributed Kerry & Co. postcard dated 1932). Source: State Library of NSW (Government Printing Office Disk 1 – 07463).*

3.2.6 TRANSPORT LINKS

Windsor was an early beneficiary of advances in transport technology in the nineteenth century in that it has been well served by road, river and rail linkages.

WHARVES AND RIVER TRAFFIC

For many years the main means of communication between the Hawkesbury settlers and Sydney was by boat, navigating the Hawkesbury River to Broken Bay and then onto Sydney. The forty-one ton schooner *Francis* brought the first settlers to the Hawkesbury in 1793, and would later ferry supplies and produce between the settlement and Sydney. In May 1795 David Collins recorded that the *Francis* delivered eleven hundred bushels of fine Indian corn from the store at the Hawkesbury to Sydney.

At the time of settlement there were strict regulations on the use and ownership of boats in private ownership and their movement was controlled and monitored. Under Governor King's administration (from 1800) boat building was encouraged and a number were built in the Hawkesbury in addition to plying the route to Sydney. A number of the first settlers, such as John Grono and Andrew Thompson, were actively engaged in boat building.

The date of the first wharf at Windsor is not known. David Collins mentions a 'store-wharf' at the Hawkesbury but it was not necessarily located at Windsor. While one had been built by the time of the flood of 1807 it is not depicted in George Evans' watercolour of the village of around 1810. In July 1816 another wharf was under construction by John Howe and James McGrath when it too was destroyed by floods. Undeterred, Governor Macquarie contracted Howe and McGrath to resume work which included the grading of Thompson Square down to the wharf and laying a brick sewer which was completed in 1820. The wharf was described in 1820 as having a timber structure that was capable of receiving boats of up to 100 tons. The location of this wharf, known as King's Wharf, was close to the present day bridge (if the plan of 1842 is correct) and accessed by a sweeping and graded road through Thompson Square.²¹ Time and legend has seen the drain grow into a tunnel that connects the Macquarie Arms to the wharf and a place where rum smugglers conducted their business but there is no basis for this story (Bowd 1986: 52).

In 1881, 468 boats berthed at the wharf but by 1888 the number was down to around 40 owing to silting of the river. However, silting did not bring an end to commercial navigation entirely, for the Hawkesbury Steam Navigation Company was formed prior to 1886 and its SS *Hawkesbury* was one of the first steam vessels to trade on a regular basis carrying both cargo and up to fifty passengers. The steamships discharged their cargo at the new railhead opened at Brooklyn in 1886 and the ships navigated upstream to Lower Portland with lighters transshipping the cargo.

²¹ Armstrong, J. 'Allotments comprising the Peninsular farm: adjoining the town of Windsor to be sold by auction on 5th Feb. 1842 by Mr. Saban White at Windsor. Source: Mitchell Library ZM2 811.11222/1842/1.

and 'punt house' (as indicated by the arrow) on Bridge Street from Thompson's 3000.

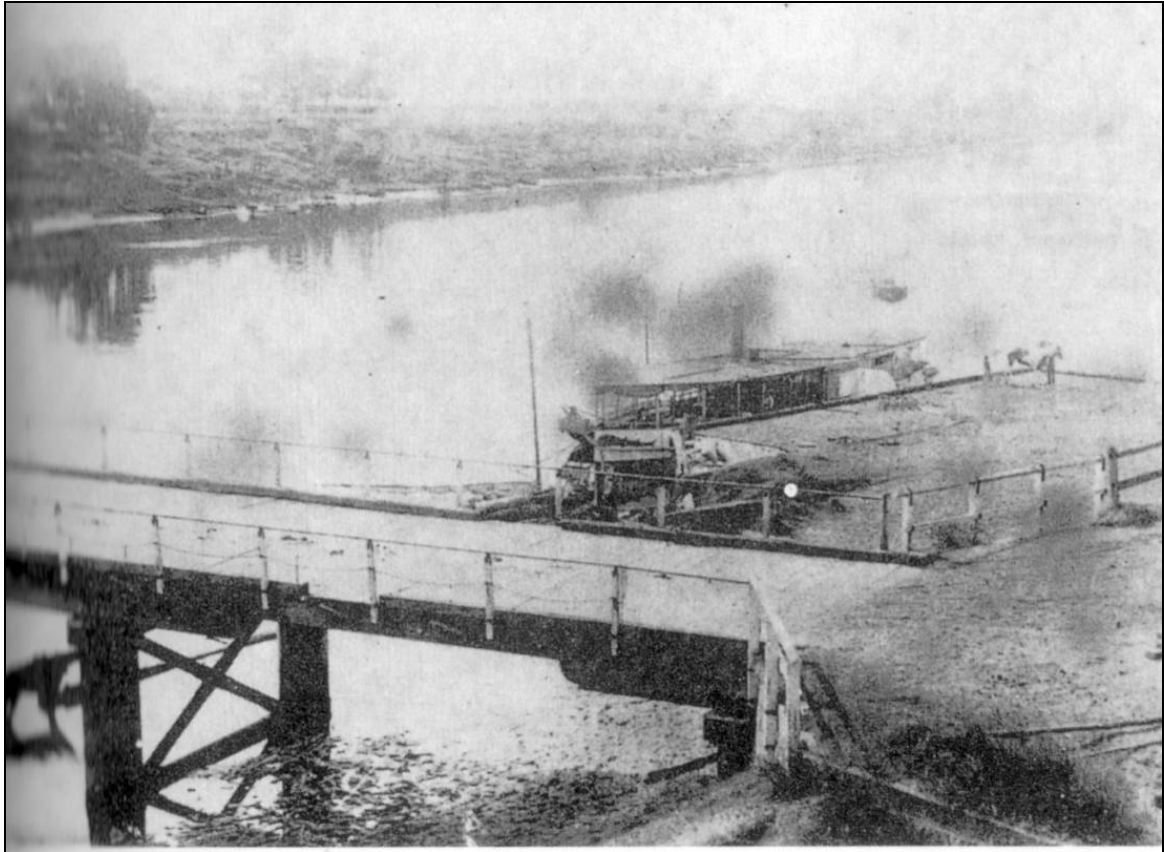


Figure 3.36: *The wharf beside the Windsor Bridge, not dated. Reproduced in Bowd, D. G., Up the Windsor Road from Baulkham Hills, Library of Australian History, Sydney, 1986.*

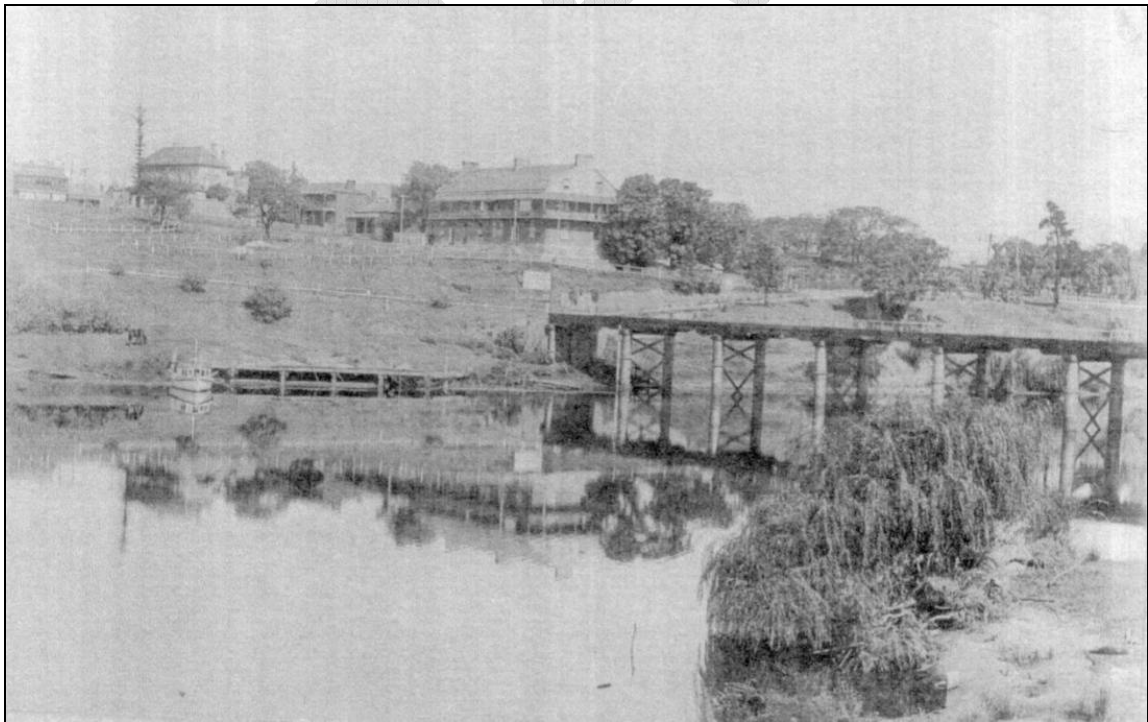


Figure 3.37: *The wharf beside the Windsor Bridge, not dated. Source: Mitchell Library Small Picture File – Windsor.*



Figure 3.38: *The wharf beside the Windsor Bridge, 1905. Source: Mitchell Library Small Picture File – Windsor.*

PUNTS, BRIDGES AND ROAD TRAFFIC

The other means of communication between the Hawkesbury settlers and Sydney was the Old Windsor Road (initially known as the Hawkesbury Road), which was marked out in 1792 and was reported complete by August 1794. At the time it was little more than a track, but in 1797 Governor Hunter directed the road be remade to a width of six feet. This work was supervised by Surveyor Grimes and the work was carried out by local landholders and their employees. Hunter's Road subsequently became the principal road link between Toongabbie (Parramatta) and the farming district along the Hawkesbury. Its route at the Hawkesbury was to the north of the present road and is traced by the present day Old Hawkesbury Road.

In the early years of Macquarie's governorship the road was remade in 1813 to allow for carriage traffic at a width of 32 feet, but it was not until the early 1830s with periodic upgrades by the convict road gangs that regular passage of such traffic was possible. The financing of the maintenance of the road was achieved through collecting a toll. A toll gate, replaced by a toll house by 1842, was located on the north side of Bridge Street. Tolls were abolished in 1887.

The Windsor Road crossed South Creek just to the east of the Windsor township at a location/s not clearly defined. The crossing was initially by punt with the first bridge at the existing crossing point being a 'floating bridge' built by Andrew Thompson in 1802, which was rebuilt in 1813 by John Howe and known as Howe's Bridge, and rebuilt again in 1838. A timber-truss bridge was erected in 1853 at the existing crossing and an iron bridge, named "The Fitzroy" after the governor, was erected in 1881. The existing bridge was constructed in 1976. Bridge Street was widened at this time and the footings of the barracks guardhouse were revealed by archaeological excavation in the 1980s.²²

The crossing of the Hawkesbury River at Windsor was made by ferry for many years. Approval for John Howe to operate a ferry across the Hawkesbury River from Windsor was granted in October

²² Jack 1990, p.102.

1814 and Howe's service was taken over by the government in 1832. This service would have ceased on completion of the bridge in 1874. A survey of the river bank prepared in 1894 shows a 'punt house' high on the embankment to the south of the bridge.²³ The existing bridge is the first bridge over the river at Hawkesbury. It was designed by the Public Works Department and constructed, between 1872-1874, by contractors Andrew Turnbull and William K. Dixon. The hardwood superstructure was replaced by reinforced concrete in 1922.

The date of the commencement of the punt crossing of the Hawkesbury River to Wilberforce is 1812. By 1823 a new punt service had been inaugurated by James Davison, who is believed to have erected what was to become Dr John McGarvie's manse, the minister of the Presbyterian Church at Ebenezer. On maps prepared in the 1830s, the location of the crossing is shown to the west of the existing crossing. While a new punt was placed into service in the early 1860s,²⁴ the date of the existing crossing is earlier as it is shown on a plan of 1841.²⁵

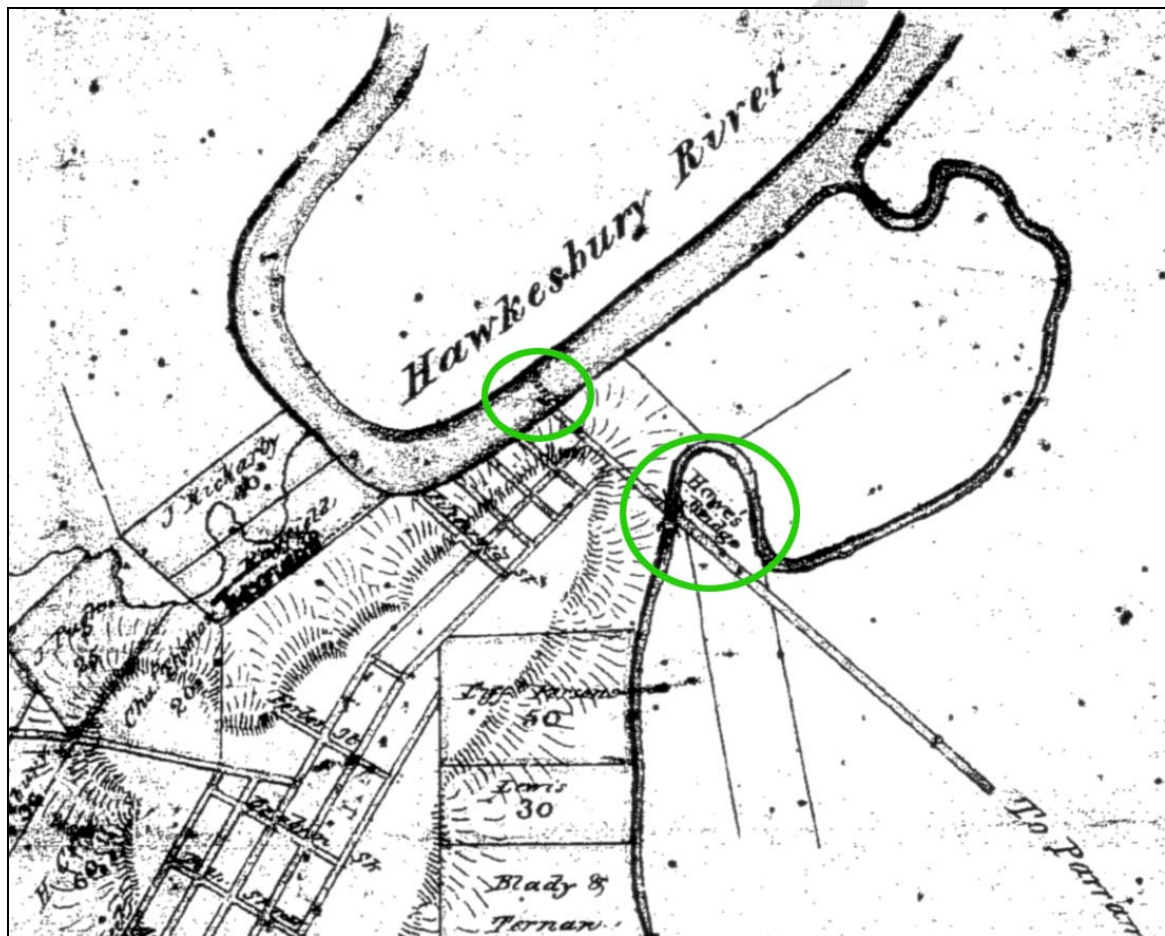


Figure 3.39: John Armstrong's Plan of New and Old Glebe adjoining the Township of Windsor, dated 1837, with the bridge at South Creek and punt at Hawkesbury River (as indicated by green circle areas). Source: Mitchell Library ZM2 811.1122/1837/1.

²³ 'Plan of Thompson Square situated at Windsor, December 1894, Crown Plan 1009-3000.

²⁴ *Sydney Mail*, 16/9/1865.

²⁵ Map of Blighton in the County of Cumberland, dated 1841. National Gallery of Australia Map f797.



Figure 3.40: The Fitzroy iron bridge over South Creek, March 1933. (Attributed to Kerry & Co. postcard). Source: State Library of Victoria H18478 Image Number: b52704.

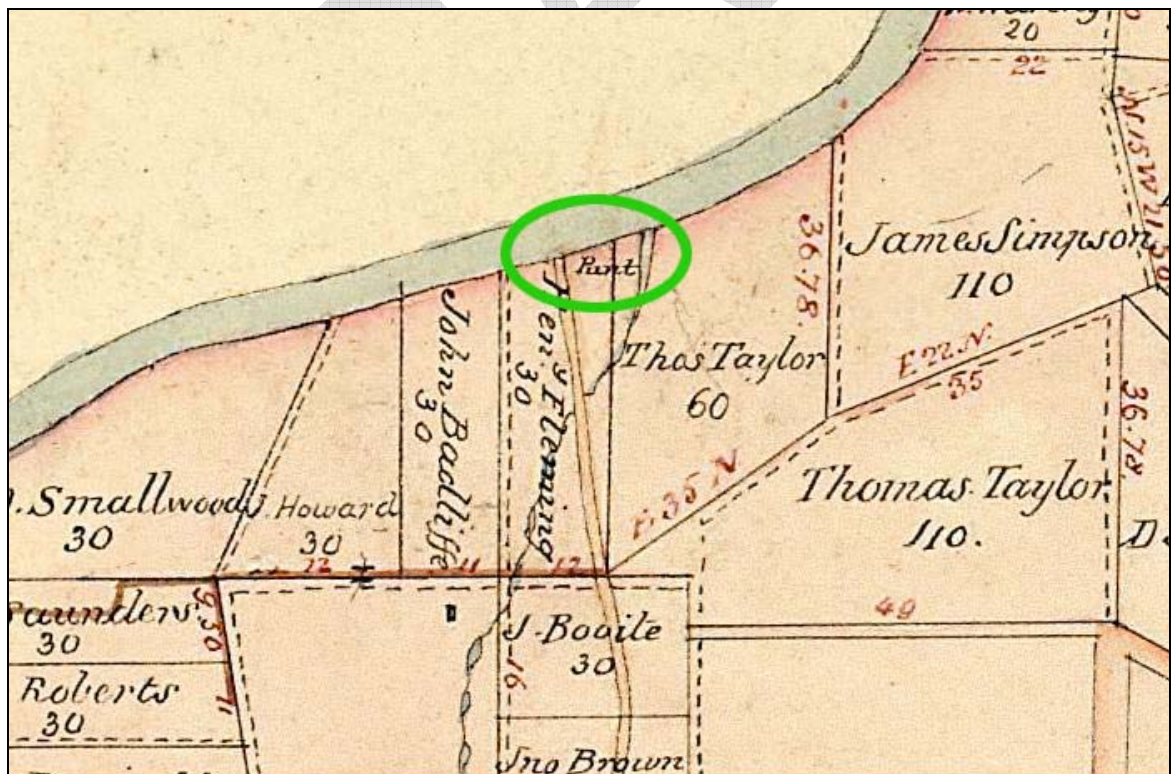


Figure 3.41: Map of Parish of Pitt Town, dated March 1835, with the location of the punt (as indicated by green circle) and then road access situated to the west of Little Water Creek. Source: Lands Department Parish Maps CD (SRNSW MAP 263).

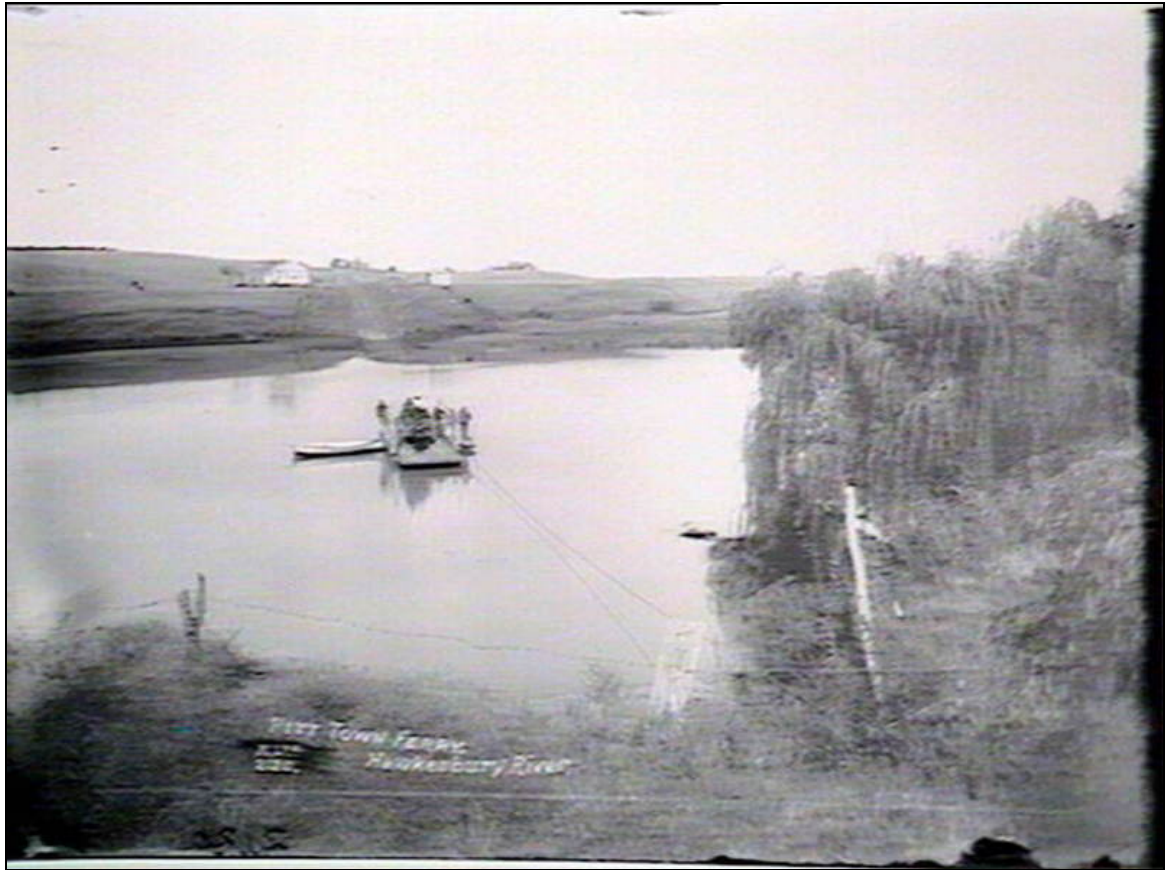


Figure 3.42: *The Pitt Town Ferry, Hawkesbury River, not dated. (Attributed to Kerry & Co. postcard of 1932). Source: State Library NSW (Government Printing Office Disk 1 – 07462).*

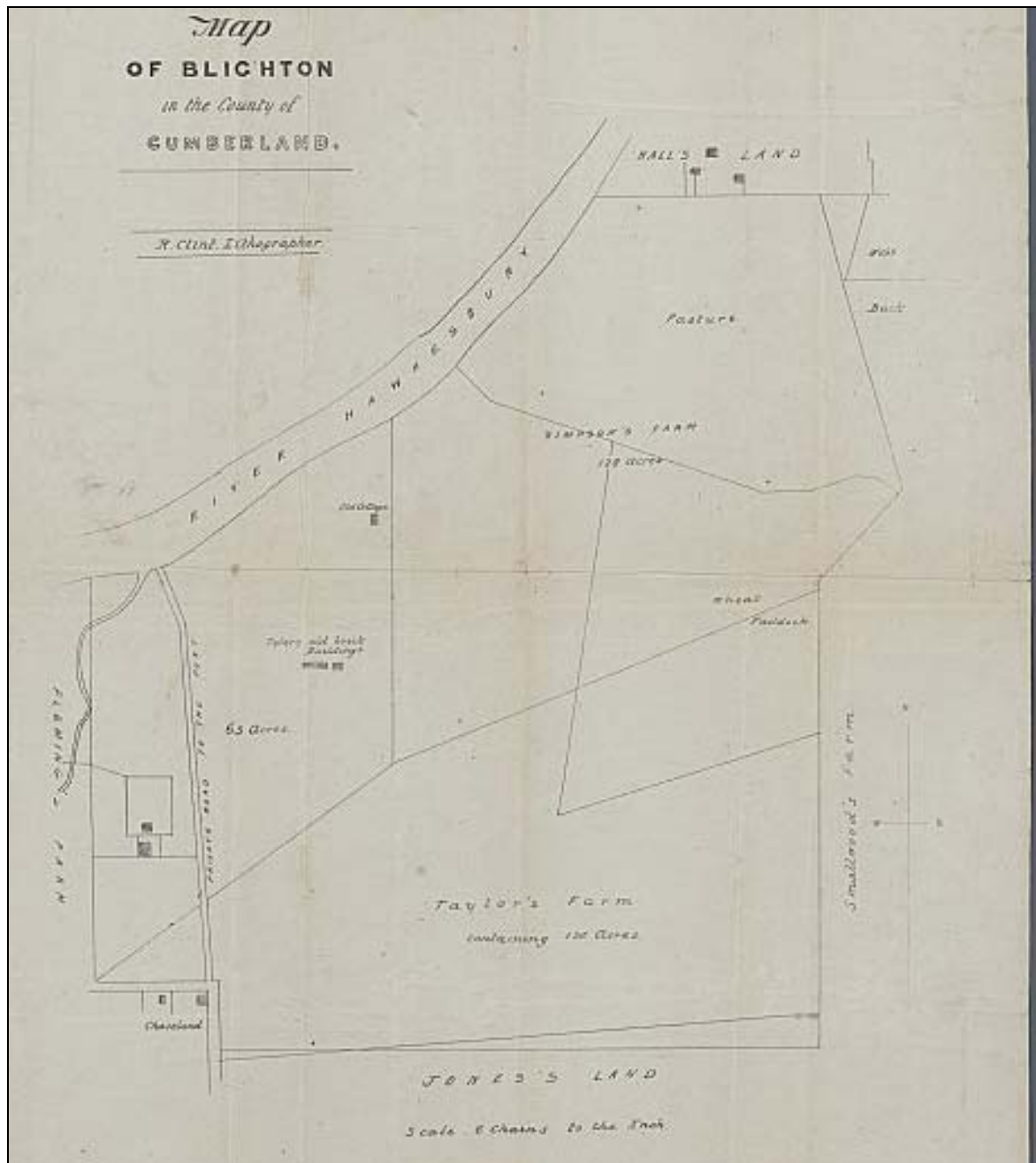


Figure 3.43: Map of Blighton in the County of Cumberland, dated 1841, with the location of the punt and road access situated to the east of Little Water Creek. Source: National Gallery of Australia Map f797.

STATIONS AND RAILWAYS

The initial proposal for a railway to Windsor was made in 1846, and the need for such an advanced transport mode at this early date reflects favourably on the agricultural importance of the area. With the completion of the first railway (the main line from the Sydney terminus at Redfern to Parramatta Junction, Clyde) in New South Wales in 1855, the push for a continuation into the Hawkesbury commenced in 1858 with the formation of a Parliamentary Select Committee. From Blacktown (opened in 1860) a line to Windsor was planned and in December 1862 the first contract for earthworks was let. The line was officially opened in November 1864. The only stations between Blacktown and Windsor at the time of the opening were Mulgrave and Riverstone. Mulgrave Station served the communities at McGraths Hill and Pitt Town by road connection. Between 1876 and 1886 the branch line was upgraded to allow for running heavier locomotives with the station at Windsor being rebuilt in 1883.

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4.0 HERITAGE LISTINGS & OBLIGATIONS

Historical archaeological sites, defined as “relics” in the *Heritage Act 1977* are protected by State and Federal legislation, regardless of their status on heritage registers or if the sites have previously been identified.

Items of built heritage, including dwellings, civic and industrial buildings as well as some infrastructure items are also protected by State and Federal legislation if included on heritage registers.

Principles for assessment and conservation management are provided by the non-statutory *ICOMOS Australia Burra Charter 1999* (the Burra Charter). The Burra Charter is the standard adopted by most heritage practitioners in Australia. Best heritage practice works within the framework provided by the Burra Charter.

4.1 COMMONWEALTH LISTINGS

4.1.1 THE *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999* (EPBC Act)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) has established two heritage registers:

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

Any actions that are likely to cause impacts that have the potential to be greater than “minor” to Commonwealth Heritage items or places require referral to the Minister for the Environment, Water, Heritage and the Arts.

- **There are NO sites in the study area that are listed on the Commonwealth Heritage List.**
- **There is 1 “nominated place” on the National Heritage List (105809 – “Pitt Town Cultural Precinct”) that has been identified in the study area.**

The Australian Heritage Council is also responsible for keeping the Register of the National Estate (RNE). The RNE can no longer be added to, and for Commonwealth properties, has been superseded by the Commonwealth and National Heritage Lists. The Register of the National Estate (RNE) now serves as an indicative list of significant places only, except for properties owned by the Commonwealth.

- **The study area passes alongside 1 “registered place” “ Pitt Town Nature Reserve Place ID 3188”**
- **There are 31 “registered places” that have been identified within the study area.**

4.2 STATE LISTINGS

4.2.1. *NSW HERITAGE ACT, 1977*

4.2.1.1 STATE HERITAGE REGISTER (SHR)

The Heritage Council is the approval authority under the *Heritage Act (NSW) 1977* for works to an SHR item. Section 57(1) of the *Act* identifies the works for which Heritage Council approval is required (S60 Application).

- **There are 27 items that are listed on the SHR within the study area.**

4.2.1.2 HERITAGE AND CONSERVATION REGISTER (SECTION 170 REGISTER)

Under Section 170 (S170) of the *Heritage Act*, government instrumentalities must keep a Heritage and Conservation Register (a S170 Register) which contains items under the control or ownership of the agency and which are, or could be, listed as heritage items (of State or Local significance). In this case, the government agency would have obligations for the items in its ownership, management or care.

- There are 2 items within the study area that are listed on Government Heritage and Conservation Registers (S170 Register).

4.2.1.3 PROTECTION OF ARCHAEOLOGICAL SITES

Archaeological sites in NSW are protected under the *Heritage Act 1977* regardless of their status on formal heritage lists such as the SHR or LEP heritage schedules. At the time of writing, the definition of a "relic" under Part 1, Section 4 of the *Heritage Act 1977* is:

Any deposit, object or material evidence:

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

As of October 2009, a modified definition of "relic" will come into force (Cameron White, Heritage Branch *pers. Comm.* 28.09.09). Under "Schedule 1 Amendment of *Heritage Act 1977* No 136" that definition will be:

relic means 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 heritage significance.*
- There are 6 potential archaeological sites that have been identified within the study area.
 - There are 4 known archaeological sites that have been identified within the study area.

4.2.2. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP 2007) was gazetted in 2007 to streamline the development of infrastructure projects undertaken by State agencies. In most instances, where there is a clash with other planning instruments, the ISEPP 2007 prevails. Section 14 applies to a number of infrastructure activities, of which that described in Section 94(2-c) is relevant to the current study.

- The prevailing Environmental Planning Instrument for this proposal is the *SEPP (Infrastructure) 2007*, therefore consultation with the affected councils is required prior to works commencing although approval under the *Hawkesbury LEP 1989* (clauses 26, 27 & 28) is not.

4.2.3 SYDNEY REGIONAL ENVIRONMENTAL PLAN (SREP) No. 20 – HAWKESBURY-NEPEAN RIVER (No. 2 1997)

The aim of the SREP is to protect the environment of the Hawkesbury-Nepean River by ensuring that development is controlled and understood on a regional level. Six items of heritage significance are listed on the SREP 20, none of which occur within the immediate study area. The only item within the vicinity is a slab barn on the corner of Liverpool and Buckingham Streets Pitt Town one block and 320 m from its closest point to Bathurst Street.

- There are no items within the study area that are listed on the SREP 20.

4.3 LOCAL LISTINGS

4.3.1. HAWKESBURY LOCAL ENVIRONMENTAL PLAN (LEP) 1989

The LEP contains provisions for the protection of heritage items and archaeological sites of Aboriginal and non-Aboriginal origin. Normally Council consent is required under:

Clause 26 Conservation Areas

Clause 27 Heritage Items

Clause 28 Development in the Vicinity of Heritage Items

- **There are 64 items that are listed in Schedule 1 (Heritage Items) on the *Hawkesbury LEP 1989*.**

4.4 OTHER STATUTORY DOCUMENTS, CODES AND POLICIES

The study area is not included in an Archaeological Zoning Plan.

4.5 NON-STATUTORY HERITAGE LISTINGS

A number of organisations maintain registers of buildings or sites which they have assessed and believe to be of cultural heritage significance. These registers have no statutory authority however the inclusion of a place on a non-statutory register suggests a certain degree of community esteem and appreciation. Non-statutory registers include the Register of the National Trust (NSW), the RAI 20th Century Register of Significant Buildings, and the Art Deco Society of NSW's Art Deco Building Register.

A search for National Trust (NT) classified items within the Hawkesbury LGA was conducted for this project.

- **There are 55 items within the study area that are classified by the National Trust either as groups or individual items.**

In addition some heritage items are recorded as being listed on the *Cumberland County Council List of Historic Buildings 1961 – 1967*. This list records significant items prior to the creation of the *Hawkesbury LEP 1989* and has no legal standing. However, the inclusion of items on this list is early acknowledgment of their heritage significance.

4.6 CLIENT OBLIGATIONS

Heritage items listed on Statutory Registers (SHR, NHL, RNE, LEP) invoke certain client obligations. In the case where heritage items will be physically or visually impacted or potential archaeological sites will be impacted, the following statutory responsibilities to the Client apply:

Section 15B of the *Environmental Protection and Biodiversity Conservation Act (EPBC Act) 1999* (No. 91) sets out the statutory responsibilities of a proponent who is undertaking an action that is predicted to have a significant impact on a listed item. It is prudent to consult with DEWHA (the Commonwealth department that administers the EPBC Act) for sites that are nominated to determine if a referral is necessary. It may also be prudent to make a referral if the level of impact is unknown as the need for a referral is determined by the Client or their experts.

Items listed on the RNE also require referral to the Minister for the DEWHA as it will continue as a statutory register until 2012 (<http://www.environment.gov.au/heritage/places/rne/index.html>).

Section 57 (S57) of the *Heritage Act 1977* protects all items on the SHR. In order to materially affect items on the SHR or affect the visual curtilage, a S60 application must be made for consideration by the Heritage Council. Applications under S60 require supporting documentation in the form of a technical report and proposal plans.

Section 139 (S139) of the *Heritage Act 1977* protects archaeological sites in NSW that are not listed on the SHR and are not related to Aboriginal settlement. In order to excavate to uncover a relic or within an area where there is reasonable cause to expect relics, an excavation permit (S140 Application) accompanied by supporting documentation in the form of a technical report (Archaeological Assessment) and proposal plans.

Division 1 "Consultation" Clause 14 of the *ISEPP 2007* is for development carried out by a public authority if the development is likely to have an impact *that is not minor or inconsequential on a heritage item* (on a local heritage item that is not also listed on the SHR). Under this clause of the *ISEPP 2007*, the Client is obliged to consult with the relevant council by notifying them, in writing with a copy of the relevant technical report (assessment). The Client then has 21 days to take into account the comments of the relevant Council to the notification.

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