Appendix F

Statement of Heritage Impact
Pacific Highway Upgrade: Stage 3A

Lisarow to Ourimbah

STATEMENT OF HERITAGE IMPACT

May 2010

Narara
NEW SOUTH WALES
Pacific Highway Upgrade: Stage 3A Lisarow to Ourimbah: Statement of Heritage Impact

Prepared for:

Hyder Consulting Pty Ltd

By:

Chris Lewczak

May 2010

J09/02

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Executive Summary

Cosmos Archaeology has been commissioned by Hyder Consulting to undertake an Indigenous and non-Indigenous heritage assessment for the proposed Stage 3A upgrade of the Pacific Highway from Lisarow to Ourimbah. A Preliminary Environmental Investigation (PEI) for both the Indigenous and non-Indigenous components was completed previously by Environmental Assessments Pty Ltd in March 2008. The assessment identified no Indigenous constraints and three non-Indigenous heritage items with the potential to be impacted by the proposed upgrade works.

The indigenous heritage assessment completed in the PEI found no previously recorded Indigenous sites located within or immediately adjacent to the study area. A pedestrian survey of the proposed route was conducted between Glen Road Ourimbah to Dora Street Lisarow with a representative from the Darkinjung Local Aboriginal Land Council. The survey did not locate any additional unrecorded Indigenous heritage or archaeological sites within the study area. The Darkinjung LALC concluded that no further Indigenous heritage or archaeological work was required and they had no objections to the project continuing.

Cosmos Archaeology conducted an updated AHIMS database search to identify any additional sites that may have been included to the database since the conclusion of the PEI report 2008. No new Indigenous heritage or archaeological sites had been added to the register. As the proposed route had not altered since the completion of the PEI, the recommendations made by the Darkinjung LALC report are still relevant for this stage of the project.

Three non-Indigenous heritage sites were recorded in the PEI assessment as having the potential to be impacted from the proposed Stage 3 upgrade works. These sites included the Lisarow Store (Pryor Brothers Store); Lisarow Cemetery and the Ourimbah Thai Restaurant building. Since the PEI assessment, the design of the proposed upgrade works in the vicinity of the Ourimbah Thai Restaurant building have altered, and no impact to this building would occur. The Stage 3 upgrade works have been split into Stages 3A and 3B. Under Stage 3A there would also be no impact to the Lisarow Store (Pryor Brothers) building. This assessment has therefore focused on the potential impacts to the Lisarow Cemetery.

The Lisarow Cemetery began as a Church of England Reserve in c.1858 on the land grant of Robert Cox. The first recorded burial in the cemetery is dated to 1841, which indicates that the land was used as a cemetery before services were held on the site. Portions of the original land grant were subdivided, with the northern and western sections sold off for housing. There are reportedly 261 burials in unmarked graves that are known to be present within the current 17 rows of burials in the cemetery, as well as an additional 251 unmarked burials whose location were not recorded. The proposed Stage 3B works in the vicinity of the cemetery have the potential to uncover unmarked burials in the area between the current eastern cemetery boundary and the Pacific Highway.
A proposed extension to Lisarow Street through the cemetery that would link up with Dora Street was investigated by the RTA. However, due to the potential impacts to known and potential unmarked burials in this area, along with ecological impacts, the proposed extension will not be investigated further in this assessment, and is not likely to proceed.

As a result of this assessment, the following recommendations have been made;

**Recommendation 1** – No further Indigenous heritage or archaeological work is required for the proposed Pacific Highway Upgrade between Glen Street Ourimbah and Railway Crescent Lisarow. The proposed works can continued as proposed in the design plans in this report.

And;

**Recommendation 2** – In the event that unknown Indigenous items are uncovered during the excavation/construction phase, all works should stop in the immediate vicinity of the item and the Department of Environment, Climate Change and Water should be notified of the discovery.

In relation to the proposed Stage 3A Pacific Highway upgrade works that would occur between the current eastern boundary of the cemetery and the Pacific Highway

**Recommendation 3** – An archaeological test excavation should be conducted in the area between the eastern property boundary of the cemetery and the Pacific Highway to determine the presence or absence of unmarked graves. The work should be carried out by a suitably qualified archaeologist under an Exception Permit granted by the Heritage Branch, Department of Planning, under S. 139(4) of the Heritage Act (1977).

If unmarked graves are located within this area, further consultation with the Heritage Branch, Department of Planning, and other government authorities who manage burials in NSW will be required. Indirect impacts to any identified unmarked graves will impact to the archaeological resource and significance of the cemetery, and further archaeological work may be required.

In relation to the stone and metal 1934 fence present on the eastern boundary of the cemetery, the following recommendations are made:

**Recommendation 4** – The 1934 stone and metal gates situated on the eastern boundary of the cemetery that demark the former driveway an entrance from the Pacific highway should remain in their current position.

If impacts to the current stone and metal fence cannot be avoided, then

**Recommendation 5** – In the event that the stone and metal gates will be impacted, a suitable location as close as possible to the items current position should be taken. This is not a preferred option.

In relation to the proposed extension of Lisarow Street through to Dora Street, the proposed design is unlikely to proceed; however the following recommendation is made:
**Recommendation 6** – *In the event that the proposed extension of Lisarow Street is investigated at a later date, further heritage assessments would be required to assess the impact of the design to potential unmarked burials in the area.*

In relation to the remainder of the project, the following recommendation is made:

**Recommendation 7** – *In the event that unknown non-Indigenous archaeological items are uncovered during the excavation/construction phase, all works should stop in the immediate vicinity of the item and the Heritage Branch, Department of Planning, should be notified of the discovery.*
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1.0 INTRODUCTION

1.1 Background

The Roads and Traffic Authority (RTA) is proposing to upgrade the Pacific Highway between Lisarow and Ourimbah, NSW. A Preliminary Environmental Investigation for both the Indigenous and non-Indigenous components was completed in March 2008, which identified no Indigenous sites and three non-Indigenous heritage items with the potential to be impacted by the proposed upgrade works.¹

Cosmos Archaeology has been commissioned to undertake an Indigenous archaeological impact assessment and statements of heritage impact for three non-Indigenous (historical) heritage items near the Stage 3A Pacific Highway Upgrade between Lisarow and Ourimbah, NSW.

1.2 The development proposal

The RTA propose to upgrade a 1.9km section of the Pacific Highway between Lisarow and Ourimbah on the Central Coast. The current single lane in each direction would be upgraded to a dual carriageway, with two lanes in each direction.

The additional lanes to be constructed would be placed on the western side of the current Pacific Highway south of Cut Rock Creek Bridge (Figure 1.1, 1.2), crossing to the eastern side of the current Pacific Highway north of Cut Rock Creek Bridge (Figure 1.3). The widening works would also include a new bridge over Cut Rock Creek, the upgrading of kerbing, turning lanes, drainage and associated landscaping works.

1.3 The study area and objectives

The study area for this assessment consists of the road corridor for the proposed Pacific Highway upgrade between Glen Road, Ourimbah to Ourimbah Street, Lisarow as defined in Figure 1.1 to 1.3.

The key objectives of the Indigenous assessment and Statement of Heritage Impact are to:

- Determine the location and extent of all previously recorded Indigenous archaeological sites within the study area;
- Compare the surveys completed for the PEI with the final design plan to determine the extent of further works required for the Indigenous assessment;
- Determine the location of the three identified historical heritage sites in relation to the proposed road works to assess if they will be impacted by the works;
- Determine the significance each heritage and archaeological item that will be impacted by the proposed road works;
- Assess of the impact of the upgrade works proposed for Pacific Highway would have on all identified Aboriginal and heritage sites within the study area, and;
- Provide mitigation options and recommendations relating to the potential impact.

¹ Environmental Assessments Pty. Ltd. (February 2008) Preliminary Environmental Investigation, Lisarow to F3 Stage: 13-14
1.4 Acknowledgements
Cosmos Archaeology would like to thank Angus Northey and Rokeya Sabur (Hyder Consulting Pty Ltd) for their assistance in the preparation of this report.

1.5 Abbreviations Used
AHIMS   Aboriginal Historic Information Management System
DECCW   Department of Environment and Climate Change and Water
DLALC   Darkinjung Local Aboriginal Land Council
DoP     Department of Planning
GPR     Ground Penetrating Radar
LEP     Local Environmental Plan
NLA     National Library of Australia
PEI     Preliminary Environmental Investigation
RTA     Roads & Traffic Authority (NSW)
SoHI    Statement of Heritage Impact
SHR     State Heritage Register
Figure 1.1 Proposed upgrade works for Pacific Highway Upgrade – Section between Glen Road Ourimbah and Ourimbah Street Lisarow Sheet 1 of 3 (Source: RTA)
Figure 1.2 Proposed upgrade works for Pacific Highway Upgrade – Section between Glen Road Ourimbah and Ourimbah Street Lisarow Sheet 2 of 3 (Source: RTA)
Figure 1.3 Proposed upgrade works for Pacific Highway Upgrade – Section between Glen Road Ourimbah and Ourimbah Street Lisarow Sheet 3 of 3 (Source: RTA)
2.0 Background Review

2.1 Indigenous Heritage Assessment

A Preliminary Environmental Impact (PEI) assessment was undertaken by Environmental Assessments Pty. Ltd. in February 2008. The PEI looked at both Indigenous and non-Indigenous heritage registers, including the Aboriginal Historic Information Management System (AHIMS) database (administered by the DECCW); as well as liaising with Gosford City Council’s heritage planners. The Indigenous heritage assessment included a 10 km radius AHIMS search centred on the township of Lisarow, to identify any previously recorded Aboriginal archaeological and heritage sites within or close to the study area, as well as, to gain an understanding of the types Indigenous heritage sites that have been previously recorded in the area.

The AHIMS search was conducted on 6th November 2007 and returned 59 previously recorded Indigenous heritage sites within the 10 km search area. The typology of the sites recorded was as follows:

<table>
<thead>
<tr>
<th>SITE TYPE</th>
<th>NUMBER OF RECORDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Axe-grinding grooves</td>
<td>24</td>
</tr>
<tr>
<td>Rock engravings</td>
<td>12</td>
</tr>
<tr>
<td>Shelter with art</td>
<td>6</td>
</tr>
<tr>
<td>Shelter with deposit</td>
<td>1</td>
</tr>
<tr>
<td>Middens</td>
<td>3</td>
</tr>
<tr>
<td>Open camp sites</td>
<td>3</td>
</tr>
<tr>
<td>Scarred Trees</td>
<td>3</td>
</tr>
<tr>
<td>Isolated Find</td>
<td>1</td>
</tr>
<tr>
<td>Spear-sharpening grooves</td>
<td>2</td>
</tr>
<tr>
<td>Stone arrangement</td>
<td>1</td>
</tr>
<tr>
<td>Cooking/grinding hole</td>
<td>1</td>
</tr>
</tbody>
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Table 1: Summary of Indigenous heritage sites presented in the PEI report based on AHIMS search conducted on 6th November 2007.

The AHIMS search showed there were no previously recorded Indigenous archaeological or heritage sites within or immediately adjacent to the study area. The assessment also determined the likelihood for axe-grinding grooves and rock engravings - the two dominant previously recorded site type in the greater area - were unlikely to exist in the study area due to the high level of disturbance that has occurred. The PEI also determined the present of stone artefact remains, both isolated and multiple (open camp sites) artefacts were not likely to be found in situ as the level of historic disturbance and urban density was also high.

An archaeological survey was conducted with Kevin Duncan, sites officer with the Darkinjung Local Aboriginal Land Council (DLALC). The pedestrian survey was carried out within the proposed corridor of the route option from Glen Road Ourimbah to Dora.

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3 Environmental Assessments Pty. Ltd., February 2008, p.41
4 ibid, p.42-43
Street Lisarow. The survey did not locate any additional unrecorded Indigenous archaeological or heritage sites within the study area.\footnote{\textit{Ibid.}, p.43}

An assessment report prepared by Kevin Duncan from the DLALC regarding the survey and the Indigenous archaeological potential concluded that

\begin{quote}
"...the Darkinjung Local Aboriginal Land Council shows no objection to the proposed road work developments along the Pacific Highway at Ourimbah. It is recommended though because of the heritage importance of Ourimbah by the Darkinjung community that a Sites Officer from Darkinjung Council be present during the initial road works."\footnote{Darkinjung Local Aboriginal Land Council, April 2008, Ourimbah Road Survey, Prepared for Environmental Assessments Pty. Ltd.:4}
\end{quote}

The Darkinjung LALC report is presented as Annex A in this report.

### 2.1.1 Updated Indigenous Heritage Assessment

Cosmos Archaeology undertook an updated AHIMS database search to identify any additional Indigenous archaeological or heritage sites that may have been added to the AHIMS database since the PEI report was completed. The AHIMS search conducted on the 16\textsuperscript{th} March 2009 covered a 7.5 km by 6 km search area. The smaller search area was set for the purpose of identifying any new sites close to the study area only.

The AHIMS search results returned a total 48 previously recorded Aboriginal archaeological and heritage sites. The site descriptions for some of these recorded sites detail multiple types of sites within the one area, taking the number of Indigenous sites to 55. The breakdown of these sites includes:

<table>
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<tr>
<th>SITE TYPE</th>
<th>NUMBER OF RECORDS</th>
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<td>Axe-grinding grooves</td>
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\textit{Table 2: Summary of Indigenous heritage sites located within 7.5 x 6 km search area around the study area.}

No previously recorded Aboriginal archaeological or heritage sites are present within or immediately adjacent to the study area (Figure 1)

As the proposed road upgrade route study area has not altered since the PEI assessment and the associated survey was conducted, the recommendations made by the Darkinjung LALC report are still relevant for this project.
* Figure removed for public display as per RTA policy.

Figure 1: Location of previously recorded Indigenous Heritage and Archaeological sites within a 7 x 6 km area around the proposed upgrade works (Source AHIMS DECCW)*
2.2 Non-Indigenous historical assessment

The non-Indigenous heritage study completed by Environmental Assessments Pty Ltd searched the LEP heritage schedules of Gosford and Wyong Councils for heritage items within the Pacific Highway upgrade study area. The report identified three heritage items likely to be impacted, these were:

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<th>NAME</th>
<th>DATE</th>
<th>LOCATION</th>
<th>LOT/DP</th>
<th>ITEM NO</th>
<th>STATE/ LOCAL SIGNIFICANCE</th>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Lisarow Store (Pryor Brothers)</td>
<td>1921</td>
<td>Lisarow PO Store on Railway Crescent, Lisarow</td>
<td>1/590606</td>
<td>144</td>
<td>Local Significance</td>
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<tr>
<td>Lisarow Anglican Cemetery</td>
<td>c.1858</td>
<td>Dora St/ Pacific Hwy, Lisarow</td>
<td>21/605640</td>
<td>169</td>
<td>Local Significance</td>
</tr>
<tr>
<td>Wyong Local Government Area</td>
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<td></td>
<td></td>
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<td>21, Pacific Highway, Ourimbah</td>
<td>5/20283</td>
<td>30</td>
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Table 3: Summary of results from the Preliminary non-Aboriginal Heritage Assessment (source: adapted from Environmental Assessments Pty Ltd 2008).

These sites were identified from a wide corridor which was established around the proposed route option to take into consideration any variation for the final design of the proposed road upgrade.

Since the completion of the PEI and the completion of the final design plan for the road upgrade, the Ourimbah Thai Restaurant building has been removed from the possible impacts to non-Indigenous heritage items as it has been determined that the road will not impact on the building. As a result, this site will not be assessed in this heritage assessment. The Stage 3 upgrade works have been split into Stages 3A and 3B. Under Stage 3A there would also be no impact to the Lisarow Store (Pryor Brothers) building. This assessment has therefore focused on the potential impacts to the Lisarow Cemetery.

2.3 History

A general history of the surrounding area has already been compiled in the preliminary heritage assessment, and will be summarised here with additional site specific history for the two individual sites assessed in this report.

2.3.1 General history of the locality

The Gosford and Wyong region was formally known as the Brisbane Waters (Brisbane Water District). The first expedition into this area was in 1788 when Governor Phillip surveyed the area of Broken Bay to look for suitable arable land for farming needed by the new colony. Two further explorations of the area were carried out in 1789. During the
second trip to the Brisbane Waters District, the fertile river flats around Windsor were discovered, and the Brisbane Waters area was ignored for the new area as it was easier to navigate to and was considered the better of the two options. Another reason for not settling the area earlier was the presence of the convict settlement to the north of the district at Newcastle, which the Governor decided to keep isolated from the rest of the settlement. As such, no settlement was allowed north of Sydney and south of Newcastle.

In 1821 the convict post of Newcastle was moved to Port Macquarie, which allowed for the lands between Newcastle and Sydney to be opened for settlement. The Brisbane Waters District was immediately exploited for the timber resource that was discovered in the area, particularly that of Cedar. Makeshift timber wharves where constructed around Norah Point and within Broken Bay that were used to ship timber and other resources from the area back to Sydney, where it was then sold. Over the next 11 years, 67 land owners occupied land around Broken Bay.

The early industries in the Gosford and Wyong areas were initially centred on the timber industry. By the 1830s it was thought that 150 people lived along the branches of Broken Bay in makeshift houses, most of them as timber getters. Cedar was not the only timber that was harvested. Ironbark trees were also targeted, and cut into shingles before being sent back to Sydney via ship. Land that was granted to settlers, ex-soldiers and emancipated convicts, were cleared for their timber resource, which then allowed the land to be cultivated or grazed. By the 1830s, 43 hectares were being cultivated, which included growing maize, wheat, onions and potatoes.

Shipbuilding began in the area in the early 1830s, because of the abundance of Cedar. Cedar was preferred as it was considered more workable; however, the localities of the resource were limited. For a period, outside of Sydney Harbour, the boat building industry within Brisbane Waters (Gosford and Wyong areas) was the biggest building industry in the colony outside or Port Jackson.

The first government reserve surveyed and set aside in the area was done so in the 1820s on Ourimbah Creek. The reserve was surveyed and held by the Governor for a future town to be laid out. Felton Matthew, the assistant surveyor for the colony, was sent in 1834 to survey out a township, including roads and allotments. The town was called Gosford by Governor Gipps and was formally settled in 1839. The first allotments for

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7 Strom 1982 Gosford/Wyong History and Heritage. Gosford District Historical Research and Heritage Association:6
10 Ibid., p.7
11 Ibid., p.9
12 Opp. Cit., Tanttari 1976
14 Opp. Cit., Strom 1982
Gosford were not sold until 1841, however, and the first school and post office were not built in the area until 1848.\textsuperscript{15}

At the same time as Felton Matthew was surveying Gosford, the private township of East Gosford was being built on a portion of Samuel Peak’s original land grant. The town grew much faster through private funding, with a church and other buildings being built as the first allotments of Gosford were being sold. Southeast from Gosford, another government reserve for the future township of Kincumber was being surveyed and developed in 1850. Surrounded by farming communities, the town already had a church, school and a wharf established through private enterprise by the time it was officially surveyed.\textsuperscript{16} Gosford’s role as the main township was confirmed when the railroad was built to Gosford in 1887.\textsuperscript{17}

Road infrastructure increased population size and the industry in the greater area. Up until the 1840s the quickest method for passenger and cargo transportation to the Gosford and surrounding areas was via ship. The main road north from Sydney, The Great North Road went via Windsor, across the Hawkesbury River at Wiseman’s Ferry. This made for a long journey into the central coast area. Other smaller unsurveyed roads were made between townships, such as that between Gosford and Ourimbah. These roads however were little more than rough cleared tracks. A more direct route was opened in 1844 with the establishment of the crossing of the Hawkesbury River at Peat’s Ferry.\textsuperscript{18}

As the population of the Gosford area increase, different industries thrived. Sawmills were in operation from the 1830s, however, by the 1850s sawmills were established in neighbouring towns. With the clearing of the land and the introduction of grazing, dairy factories and flour mills were established with the refined products shipped to Sydney.\textsuperscript{19}

The increase in population and farming in the area was aided in 1880s by the Crown Land Act and the arrival of the railway. By 1884 the Government had devised a strategy to allow the subdivision of larger land grants into subdivisions that were suited to smaller farming. The sizes of the subdivisions ranged from 40 acres, and payment options over five years were offered to those who could not afford the land outright. The arrival of the railway in 1887, which included a rail bridge over the Hawkesbury River, meant that a trip from Sydney to Gosford took only 3 hours.\textsuperscript{20} The rail link allowed for larger markets to open up for produce in the area such as timber and dairy goods. Citrus farming had reportedly begun as early as 1855, however, the construction of the rail link grew the industry immensely, from 3% percent of the state’s citrus crop in 1897 up to 34% by 1928.\textsuperscript{21}

Transportation developments continued in the early twentieth century. Newcastle had developed into the second largest city in NSW, mostly due to the coal industry. The uptake of the motor vehicles meant that changes had to be made to many of the roads. In 1925 the newly formed Main Roads Board was instructed to build a new shorter road between Sydney and Newcastle, which included a connection to Gosford. The road followed the existing route across the Hawkesbury River where Peat’s Ferry operated; which reinstated the ferry crossing with a mechanical ferry. In 1945 the ferry was replaced.

\begin{flushright}
\textnormal{\textsuperscript{15} Opp. Cit., Tanttari 1976; Strom 1982}
\textsuperscript{16} Opp. Cit., Strom 1982:12
\textsuperscript{17} Ibid., p21; Opp. Cit., Tanttari 1976
\textsuperscript{18} Opp. Cit., Strom 1982:21
\textsuperscript{19} Ibid., p14-21
\textsuperscript{20} Ibid., p.21
\textsuperscript{21} Gosford City Library Local History Records 2001
\end{flushright}
with the Hawkesbury River Bridge.\textsuperscript{22}

\subsection*{2.3.2 Lisarow Cemetery}

Lisarow Cemetery is positioned on the original land grant of Robert Cox. Cox was granted 1280 acres in 1838 when he started a timber business in the Brisbane Waters area. The commencement of the land being used as a cemetery is unknown. The first recorded use of the land as a church was in 1858 when a temporary building was erected on the site to hold “Devine Services” by Reverend A Glennie.\textsuperscript{23} The earliest recorded burial on the site, however, was James Smith, who was buried on 23 April 1841\textsuperscript{24}, only three years after the land was granted to Cox. It is likely that the land was used as the cemetery well before a church was built on the site; a church in Gosford or neighbouring town possibly being used for services.

A general topographic map of Cox’s grant shows the land was occupied by the Church of England in 1898, though the property seems to have been owned by the Cox family at the time (see Figure 2). The first recorded conveyance of the property was recorded in 1889, to the “Trustees of the Church Property for the Diocese of Newcastle”, which officially shows the taking over of the property by the Anglican Church.\textsuperscript{25}

The land acquired by the Church of England was bound by Ourimbah Street to the north, Dora Street in the south, the Pacific highway to the east, and Wallarah Street to the west. The 1889 subdivision plan shows that the size of the cemetery was potentially reduced along its northern boundary by half, between Dora Street and Ourimbah Street. A parish map from 1929 shows that Lisarow Street has not been surveyed in, but the allotment appears to have been broken up, with subdivision having taken place at the intersection of Ourimbah and Wallarah Street (Figure 2). No Lands and Title information for this subdivision exists, suggesting the property was fenced and private church dwellings were constructed on the site. By 1945 Lisarow Street appears to have been constructed between the Pacific Highway and Wallarah Street (Figure 3).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure2.png}
\caption{Figure 2: Section of the 1929 Parish Map for Gosford showing the division of the Cemetery allotment (in red) (Source: LTO Parish Map 10887001)}
\end{figure}

\begin{footnotes}
\item[22] Opp. Cit., Strom 1982; p27-28
\item[23] Central Coast Family History Group, 1990, Lisarow Anglican Cemetery: Monumental Inscriptions selected photographs and records for unmarked graves. p.ii.
\item[24] Ibid. p.52.
\item[25] Primary Application 054892
\end{footnotes}
The next subdivision of the property occurs in 1980, where the remaining Anglican Church land was subdivided into three portions consisting of allotments 22, 23 and 24. The cancelled title information notes that the cemetery is located on Lots 22, and the other two lots are considered “vacant” (Figure 4).\(^{26}\) Lots 22 and 23 were then sold and further subdivided for residential development.

\(^{26}\) Cancelled Title Vol. 14408 Fol. 70
The last upgrade of the Pacific Highway resulted in the closure of the eastern (Pacific Highway) entrance into the Cemetery. The entrance to the Cemetery was moved to the end of Lisarow Street where the road terminates at the cemetery boundary.

Historical research on the Lisarow Cemetery undertaken by the Central Coast Family History Group has identified from church records that 251 unmarked burials exist within the Cemetery that do not have row or plot numbers associated to them. In addition, Church records for the cemetery have identified the names and locations of 268 unmarked burials, with the row and plot number locations.

2.4 Geophysical Studies

A geophysical survey of the Lisarow Cemetery was carried out by Geometria Pty Ltd in November 2007. The aim of the survey was to identify the presence of any unmarked graves within the area between the Pacific Highway and the first row of graves within the cemetery through the use of a Ground Penetrating Radar (GPR). The area to the south of the southernmost grave could not be surveyed and was excluded from the GPR study area.

The GPR survey identified six potential sites as being graves (Items 8 – 13 in Figure 5). Another two anomalies (Items 6 and 7 in Figure 5) may relate to tree roots or underlying geomorphologic erosion. These eight are located within the cemetery property boundary between the first row of graves and the eastern boundary fence, which suggests other graves may be located in the area.

The survey of the area between the road and the cemetery fence detected a service (Item 2 in Figure 5), which is likely to be the water supply or fibre optic cable present in the road corridor. Further to the south the GPR recorded a potential grave site, but the area had underlying metallic material (possibly road base) that caused interference with the signal, but could not discredit the possibility of another grave (Item 5 in Figure 5).

The report concluded that Items 6 to 13 warrant further archaeological investigation to determine their true nature. The report also stated that Item 5 had the potential for an unmarked grave, but could not be determined, and the area should be treated with caution.

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27 Central Coast Family History Group, 1990
29 Ibid, p.3
30 Ibid, p.9
31 Ibid, p.11
Figure 5: Location of anomalies recorded during the 2007 geophysical survey of Lisarow Cemetery (Source: Geometria Pty Ltd 2007).
3.0 CURRENT CONDITION OF THE STUDY AREA

A site inspection of the Lisarow Cemetery was undertaken on 18th May 2009 by Chris Lewczak (Archaeologist, Cosmos Archaeology). The survey of the Lisarow Cemetery was conducted at the front (eastern) section of the cemetery that is bound by the Pacific Highway, where works associated with the road upgrade would encroach on the cemetery. An additional survey was carried out on 3 August 2009 to survey potential additional impacts to the Lisarow Cemetery site.

3.1 Lisarow Cemetery

The cemetery is located on the western side of the Pacific Highway. Access to the cemetery is from Lisarow Street located on the northern boundary of the cemetery. A dirt track extends from the Lisarow Street entrance across the cemetery site, and beyond through to Dora Street (Figure 6). The northern and western boundaries of the Cemetery are recently established residential building developments. The southern boundary of the site has been formed by a naturally steep slope that falls away to the south towards Dora Street; and the western boundary of the Cemetery is the Pacific Highway that runs from the southwest up to the northeast (Figure 7).

Access to the cemetery was once from the Pacific Highway, with stone and metal gates with a plaque commemorating the new gates in 1934 and remnant post and rail fence still present on the site (Figure 8 & Figure 9). Relatively recent upgrade works to the Pacific Highway have closed off this access.

The cemetery is located on a slope that falls from the western boundary of the property down to the eastern (Pacific Highway) boundary. There are currently 17 rows of burials across the cemetery site, 16 rows between the Pacific Highway boundary and the dirt track that extends from the Lisarow Street entrance, and one row present on the western (upper) side of the dirt road (Figure 10). Each burial row has been benched into the slope, with each proceeding row cut below the last until they reach the eastern front of the cemetery (Figure 11). Behind the last western (upper most) row of burials is a densely vegetated area that extends for approximately 12 m between the last row of headstones and the back fences of the houses (Figure 12).

At the front (eastern) boundary of the site, the 1934 gates and remnant sections of the post and rail fence outline the original entrance boundary of the site. From the former gate, the closest burial row is approximately 12 m away from the former entrance gates. However, due to the direction that the Pacific Highway is orientated across this boundary, at the northern end there is approximately 25 metres to the front of the first burial row, and only 9 m from the southernmost burial to the highway (Figure 13).

In the northeast corner of the site, where there is approximately 25 metres between the highway and the front of the first row of burials, the ground drops away from the edge of the front burial row in a wide shallow swale before rising slightly back up towards the Pacific Highway. The width of this wide shallow depression narrows as it leads south towards the former entrance to the cemetery (Figure 14). At the south-eastern corner of the cemetery the first row of burials are located on a slight rise above the other burials in the same alignment.
Figure 6: Entrance to the Lisarow Cemetery from Lisarow Street. The dirt track extends through to Dora Street to the south (Photo: Cosmos Archaeology).

Figure 7: Aerial view of Lisarow Cemetery (source GoogleEarth)
Figure 8: 1934 stone and brick fence denoting the former entrance to the cemetery from the Pacific Highway. (Photo: Cosmos Archaeology).

Figure 9: Stone and Brick Fence denoting the former entrance to the cemetery from the Pacific Highway. (Photo: Cosmos Archaeology).
Figure 10: General view of the topography and arrangement of Lisarow Cemetery. (View to east) (Photo: Cosmos Archaeology).

Figure 11: General view of the topography and arrangement of Lisarow Cemetery. (Photo: Cosmos Archaeology).
Figure 12: Densely vegetated area behind the western most row and the western property fence (View to South) (Photo: Cosmos Archaeology).

Within the area between the first row of burials and the eastern property boundary, there are no visible signs of shallow isolated depressions that usually indicate possible unmarked graves. It is possible the area of the shallow wide swale was landscaped to provide drainage options for the cemetery and the current Pacific Highway, potentially removing evidence of unmarked graves in this area.

The ground between the road and the eastern boundary of the cemetery, is flat and grassed, and is approximately 0.30 m above the surface of the Pacific Highway. There is a drainage ditch/gutter between the grassy area in front of the cemetery and the Pacific Highway (Figure 14).

To the south of the current boundary of the cemetery and the remainder of the property to Dora Street, the area remains vegetated, with a combination of native and other weed species. The dirt track that extends from the end of Lisarow Street through the cemetery continues past the cemetery and joins with Dora Street near the intersection of Dora Street and Railway Terrace (Figure 15 & Figure 16). Other than on the track, the ground visibility in this area was low as the ground cover was thick with weeds and other species that inhibited the survey. No evidence of burials remains or other structures were visible within this section (Figure 17).
Figure 13: Vacant area between the first row of burials and the Pacific Highway at the northeast corner of the site. (View to north) (Photo: Cosmos Archaeology).

Figure 14: Area between the Pacific Highway and the eastern boundary of the Lisarow Cemetery. (Photo: Cosmos Archaeology).
Figure 15: Dirt Track that extends from the end of Lisarow Street through to Dora Street – view from immediately inside the Lisarow Street entrance. (View to south) (Photo: Cosmos Archaeology).

Figure 16: The extension of the dirt track from Lisarow Street through to Dora Street. (View to south) (Photo: Cosmos Archaeology)
3.3 Site formation and archaeological potential

3.3.1 Lisarow Cemetery

The area that was defined as the Church of England reserve appears to have been established shortly after the land was granted to Robert Cox in 1838. The first recorded burial in the cemetery was in 1841, and the first temporary church that was placed within the Church of England Reserve was built around 1858. It is unlikely that structures or other features were present on the site prior to the granting of the Reserve. The original Church Reserve extended from Ourimbah Street to Dora Street; and from Wallarah Street to the Pacific Highway. It is not known if the boundary of the current cemetery is the same as the historic boundary. Within the current layout of the Cemetery, there are reportedly 261 burials unmarked graves that are known to be present within the current 17 rows of burials in the cemetery, as well as an additional 251 unmarked burials whose location are not recorded other than in Lisarow Cemetery. The size of the current boundary of the cemetery and the limited amount of vacant space suggests either the boundary of the cemetery was once larger than it appears currently, or the location of burials have been lost and recent burials have been placed on top of the older unmarked burial sites.

The vacant area between the first row of burials and the Pacific Highway in the northeast corner of the site is wide enough to potentially have formal burials present. The area may have potentially been landscaped for drainage purposes, however, it is not known if or when this work may have been done. The geophysical survey that was completed for the site located potential burials within this area. The survey of the area between the current Pacific Highway and the boundary of the cemetery did not detect the presence of any burials, however, metallic material within this area interfered with the results of the GPR work.
It is unlikely that burials are present immediately to the south of the current boundary of the cemetery, as this area contains large stands of mature trees before the ground drops down steeply to the Pacific Highway. The GPR was not able to survey this area due to the vegetation coverage and stones that obscured the ground.

In the south-western section of the allotment near Dora Street, this area also contains large stands of mature trees with dense weed ground coverage. No evidence of burials, buildings or other structural remains could be seen in this area, however, the ground visibility did not allow for a thorough examination of this area.
4.0 ASSESSMENT OF CULTURAL SIGNIFICANCE

4.1 Assessment Criteria

An assessment of cultural significance or heritage significance seeks to understand and establish the importance or value that a place, site or item may have to select communities and the general community at large. The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter 1979, most recently revised in 1999), the standard adopted by most heritage practitioners in Australia when assessing significance, defines cultural significance as;

“Aesthetic, historic, scientific or social value for past, present or future generations.” 32

This value may be contained in the fabric of the item, its setting and relationship to other items, the response that the item stimulates in those who value it now, or the meaning of that item to contemporary society.

Accurate assessment of the cultural significance of sites, places and items is an essential component of the NSW heritage assessment and planning process. A clear determination of a site’s significance allows informed planning decisions to be made for place, in addition to ensuring that their heritage values are maintained, enhanced, or at least minimally affected by development.

Assessments of significance are made by applying standard evaluation criteria.

**European Cultural Heritage Significance Criteria (NSW Heritage Office Guidelines)**

a. An item is important in the course or pattern of NSW’s cultural or natural history (or the cultural or natural history of the local area);

b. An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history (or the cultural or natural history of the local area);

c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);

d. An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;

e. An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area);

f. An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area);

g. An item is important in demonstrating the principal characteristics of a class of NSW’s cultural or natural places; or cultural and natural environments. 33


4.2 Evaluation

4.2.1 Lisarow Cemetery

A statement of significance has recently been completed for the Lisarow Cemetery, as part of the Gosford Heritage Study prepared by Graham Brooks and Associates. This assessment will incorporate and expand on some of the criteria made for the site in the Gosford Heritage Study.

**Criterion a)**  *An item is important in the course or pattern of NSW’s cultural or natural history (or the cultural or natural history of the local area);*

The Lisarow Cemetery was originally part of the Church of England Reserve that had recorded the first burial on the site in 1841, and had begun church services on the site in 1858.

The burials within the cemetery are associated with the early population of the town, early land grantees and other entrepreneurs such as the Wamsley, Cottrell, Jaques, Chasling, Foott, Robley and Goldie families. These represent a cross section of the community that made up the Lisarow and surrounding area from the 19th century onwards.

The relics associated with these burials, including the gravestones, which range from 1841 up until recently are highly significant and rare at a local level, especially in relation to the historical themes of death and the treatment of death.

- By the standards of this criterion the Lisarow cemetery can be considered to be of Local significance.

**Criterion b)**  *An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW’ cultural or natural history (or the cultural or natural history of the local area);*

Lisarow Cemetery does not have a strong or special association with the life or works of a person or group of persons of importance in the local area.

- By the standards of this criterion the Lisarow Cemetery can be considered to be of Minimal significance.

**Criterion c)**  *An item is important in demonstrating aesthetic characteristics and / or a high degree of creative or technical achievement in NSW (or the local area);*

Lisarow Cemetery does not demonstrate aesthetic characteristics and / or a high degree of creative or technical achievement in the local area.

- By the standards of this criterion the Lisarow Cemetery can be considered to be of Minimal significance.

**Criterion d)**  *An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;*

Lisarow Cemetery has both a strong and special association with a number of individuals and families important in the establishment and development of Lisarow. The cemetery contains a direct link to the history of the surrounding area. The cemetery also is

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considered to contain significant values for their cultural and spiritual associations with the early Lisarow population.

- By the standards of this criterion the Lisarow cemetery can be considered to be of **Local** significance.

**Criterion e)**  *An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area);*

The Lisarow Cemetery has limited potential to yield information that would contribute to an understanding of the cultural history of the local area.

- By the standards of this criterion the Lisarow Cemetery can be considered to be of **Minimal** significance.

**Criterion f)**  *An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area);*

The site of the Lisarow Cemetery is highly significant at a local level because it was the first burial grounds in the area, established soon after the first land grants were made. The cemetery is a rare capsule containing a cross section of the population of the local Church of England, and later of the Anglican Church. The cemetery is considered to be historically and socially rare at a **Local** significance level.\(^{35}\)

- By the standards of this criterion the Lisarow cemetery can be considered to be of **Local** significance.

**Criterion g)**  *An item is important in demonstrating the principal characteristics of a class of NSW’s cultural or natural places; or cultural and natural environments;*

The Lisarow cemetery is not considered to be demonstrative of a principal characteristic of a class of cultural or natural places or environments in NSW at a local level.

- By the standards of this criterion the Lisarow Cemetery can be considered to be of **Minimal** significance.

### 4.2.4 Statement of cultural significance

The Lisarow Cemetery at the corner of the Pacific Highway and Eagle Close, Lisarow, has rare local historic and social significance as a mid-19\(^{th}\) century cemetery associated with the early settlement of the district. Set above the Pacific Highway, the cemetery is an important feature of the landscape.\(^{36}\)

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\(^{35}\) *Ibid,* p. Lisarow Cemetery Inventory Sheet.

5.0 PROPOSED DEVELOPMENT

5.1 Summary of the proposed upgrade of Pacific Highway

The RTA propose to upgrade a section of the Pacific Highway between Lisarow and Ourimbah on the Central Coast. The current single lane in each direction would be upgraded to a dual carriageway, with two lanes in each direction.

The Stage 3A section of the Project begins just south of the intersection of Ourimbah Street in Lisarow, where it would tie into Stage 3B. The Project proceeds north along the Pacific Highway for 1.9 km and finishes just south of the Glen Road intersection.

The additional lanes to be constructed would be placed on the western side of the current Pacific Highway south of Cut Rock Creek Bridge, crossing to the eastern side of the current Pacific Highway north of Cut Rock Creek Bridge.

Features of the Stage 3A upgrade include:

(i) 1.9 km long four-lane carriageway with median separation.
(ii) Cycleway/footpath (shared path) on the western side.
(iii) New signalised intersections at Ourimbah Street, Teralba Street and Walmsley Road.
(iv) Bridge works including new bridge structures and extension of an existing culvert at Cut Rock Creek.
(v) Upgrading of kerbing, turning lanes, drainage and associated landscaping works.

5.2 Proposed works and impacts in relation to Lisarow Cemetery

5.2.1 Highway Upgrade

The proposed Stage 3A works that will occur in the vicinity of the Lisarow Cemetery have been designed to have minimal impact to the current cemetery. The Pacific Highway will be widened with a shared pathway added to the north-western side of the road (Figure 18).

The proposed works will impact the area between the current Pacific Highway boundary and the current boundary of the Cemetery (Figure 18). There are no visible burials within this area. The boundary of the Cemetery was established by a stone and iron gate and fence that was built on the site in 1934. It is not certain that this boundary was the original boundary of the Church of England Reserve, and the cemetery, or whether the boundary was further to the east where the original Pacific Highway alignment was.

There is the potential for unmarked burials to be present within the area between the first row of graves that front the Pacific Highway and eastern property boundary of the cemetery; however the potential for graves to be present between the edge of the current road and the cemetery gates is considered to be low. The Ground Penetrating Radar (GPR) located potential burial locations between the first row of burials in the cemetery and the property boundary (see Figure 5). The GPR also located what is believed to be a service located between the current road boundary and the cemetery boundary. The location of the metallic service inhibits the potential to read results in the area as the metallic material skews the results in this area. The proposed works at this location involve building up the current road level slightly and batter the edge of the road (Figure
18). These works will include the removal of the current road surface and spoil that is present immediately adjacent to the road. No other excavation is required in this area. The extent of the works will not proceed further than the current boundary of the cemetery.

The works that are proposed on the southern side of the current cemetery may also impact on unknown and unmarked burials located in that area. The area could not be definitively surveyed as the ground visibility was low due to vegetation ground cover and metallic material present in the surface soils.

Figure 18: Section of the proposed Stage 3A Pacific Highway Upgrade in the vicinity of the Lisarow Cemetery (Source: RTA). The proposed works would not extend past the front fence of the cemetery.

5.2.2 Extension of Lisarow Street

The project has also considered extending Lisarow Street through to Dora Street to improve access to Dora Street in the case that it is closed at Railway Crescent.

Lisarow Street currently ends to the northern entrance to the cemetery. The proposed road extension would continue through the cemetery, on an alignment between the western property boundary and the western-most burials (Figure 19). The proposed road would have had a direct impact on known burials near the Lisarow Street entrance, from the associated battering that is required for the new road.

There is also the possibility of unmarked burials to be present in this top western section. There are reportedly 261 burials unmarked graves that are known to be present within the current 17 rows of burials in the cemetery, as well as an additional 251 unmarked burials whose location are not recorded. The original extent of the Church of England grant was much larger, and the original boundary for the cemetery component is unknown. The area immediately surrounding the currently known cemetery boundary has the potential to contain unmarked burials.

Due to these potential impacts, along with ecological impacts, the proposed extension will not be investigated further, and is not likely to proceed.
Figure 19: Plan of proposed option for Lisarow Street to Dora Street (Source: RTA).
6.0 STATUTORY ISSUES

6.1 Cultural Heritage Statutory Protection - Introduction

Cultural heritage in New South Wales is protected and managed under a hierarchy of legislation. The following summarises relevant regulations regarding the study area.

6.1.1 NSW Heritage Act 1977 (amended 1999)

The NSW Heritage Act 1977 is the primary piece of State legislation affording protection to all items of environmental heritage (natural and cultural) in New South Wales. Under the Act, “items of environmental heritage” include places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Items of identified heritage at a level of State significance are listed on the NSW State Heritage Register and are afforded automatic protection against any activities that may damage an item or affect its heritage significance under the Act.

Relics provision & protection

In addition to buildings and items listed on the State Heritage Register, various cultural heritage sites, items and archaeological features and deposits are afforded automatic statutory protection by the relic’s provisions of the NSW Heritage Act 1977. The Act defines ‘relics’ as:

"any deposit, object or material evidence relating to the settlement of the area that comprises NSW, not being an aboriginal settlement, and which is fifty or more years old."

(NSW Heritage Act, 1977, Part 4 – Definitions)

Sections 139 to 145 of the Act prevent the disturbance or excavation of any land if there is a reasonable cause to suspect that a relic will be discovered, exposed, moved, damaged or destroyed, unless an excavation permit has been issued by the Heritage Council of NSW. The type of permit that is required depends on whether the relic or relics have been listed on the State Heritage Register.

Infrastructure still in use today that has been identified as a heritage item is known as a work. These items are not defined as a relic, and development affecting them can be carried out under a list of Standard Exemptions (State Significant) or Exceptions (locally Significant) published by the Heritage Council. The significance of the item and the level of impact determines the requirement to undertake a heritage assessment and proposed suitable mitigation works; however, a permit application is not required.

Management of heritage assets by NSW Government agencies

The NSW Heritage Act 1977 also requires all government agencies to identify and manage heritage assets in their ownership and control. Under Section 170 of the Act, government instrumentalities must establish and keep a register entitled the “Heritage & Conservation Register” which includes all items of environmental heritage listed on the State Heritage Register, an environmental planning instrument or which may be subject to an interim heritage order, that are owned, occupied or managed by that government instrumentality.

Under Section 170A of the *Heritage Act 1977*, all government agencies must also ensure that all items entered on its Heritage & Conservation Register are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the NSW Minister for Infrastructure & Planning on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of identified sites, items and objects and are based on relevant NSW heritage legislation and statutory guidelines.

The NSW RTA has also produced a specific set of heritage guidelines based on the State Owned Heritage Management Principles and relevant NSW legislation to ensure that the RTA manages heritage items in accordance with all relevant statutory requirements.

### 6.1.2 Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places and archaeological sites and deposits. The Act also requires that Local Governments prepare planning instruments (such as Local Environmental Plans, Development Control Plans) in accordance with the Act to provide guidance on the level of environmental assessment required.

The current study area falls within the boundaries of the Gosford *Local Environmental Plan (1981)*.

**Gosford Local Environmental Plan No, 22 (1981 [amended 2008])**

Part 3 of the Gosford *Local Environmental Plan (LEP) (1981)* contains provisions for the protection of cultural heritage and archaeological sites, items and values. Under the LEP (Part 3 s.16A(1)), the council has included the protection of heritage items within the Gosford area to:

- (a) to conserve the environmental heritage of the area of the City of Gosford, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

And require

“The consent authority may, before granting consent to any development on land on which a heritage item is situated or that is within a heritage conservation area, require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.”

(Part 3 s.16A(4))

In relation to a cemetery, consent is not required if the proposed work:

“would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance.”

(Part 3 s.16A(3ii))

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38 NSW Heritage Office (2005)
6.2 Statutory Heritage Register Search

In NSW, there are three types of statutory listings for cultural heritage sites/objects/places:

- local listing on the heritage schedule of a council’s environmental planning instrument - Local Environmental Plan (LEP), Regional Environmental Plan (REP),
- State listing on the NSW Heritage Office State Heritage Register, and;
- National listing on the Australian Government National Heritage List.

Statutory registers provide legal protection for heritage items; this protection generally comes from the NSW Heritage Act 1977, Environmental Planning and Assessment Act 1979 and Commonwealth Environment Protection & Biodiversity Conservation Act 1999.

6.2.1 National Heritage List

The National Heritage List is a register of natural and cultural places with outstanding heritage significance to the Australian nation. Each entry to the National Heritage List is assessed by the Australian Heritage Council as having exceptional heritage value and is protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The Act requires that approval is obtained from the Australian Government Minister for the Environment and Water Resources before any action takes place that has, will have, or is likely to have, a significant impact on the national heritage values of a listed place.

Lisarow Cemetery is not listed on the National Heritage List

6.2.2 NSW State Heritage Register

The State Heritage Register is a statutory list of places and items of State heritage significance. The Register lists a diverse range of places, including archaeological sites, that are important to the State and which enrich our understanding of the history of NSW.

Places and items listed on the Register are legally protected under the NSW Heritage Act 1977 and approval is required from the Heritage Council of NSW prior to undertaking work that results in their alteration or modification.

Lisarow Cemetery is listed as an archaeological and terrestrial item. The heritage item listing is based on the listing of the cemetery on the Gosford LEP.

6.2.3 Gosford Local Environmental Plan, No. 22 (1981 [amended 2008])

Identified items of cultural heritage significance within Gosford LGA are listed in the Gosford Local Environmental Plan (1981) and Gosford Draft Local Environmental Plan 2009. Each item in this list is subject to protection under the controls of the LEP.

Lisarow Cemetery is listed on the Gosford LEP as Locally Significant sites.

6.2.4 NSW Section 170 Heritage & Conservation Register

The RTA Heritage & Conservation Register is established in accordance with Section 170 of the NSW Heritage Act in order to record heritage items in their ownership or control, and to assist asset management by providing information on RTA assets with identified heritage significance. The Register has been prepared in accordance with the NSW Heritage Office guidelines and corresponds with information in the State Heritage Inventory, as managed by the NSW Heritage Office.

Lisarow Cemetery is not listed in the RTA’s Section 170 Register.
7.0 MEASURES TO BE TAKEN TO MINIMISE IMPACT

7.1 Conclusion & Summary of Key Findings

The key findings of the assessments are as follows:

- The PEI report identified no Indigenous heritage or archaeological items, and three potential non-indigenous heritage items that may be impacted from the proposed road upgrade to the Pacific Highway between Lisarow and Ourimbah.
- The Indigenous heritage assessment determined that no additional heritage or archaeological sites were present within the proposed route option study area and recommended that no further heritage work was required in relation to the Indigenous heritage assessment.
- The Darkinjung Local Aboriginal Land Council recommended that a representative from the DLALC be present when the proposed road works commence. This is not a recommendation made by this assessment, but is made directly by the DLALC.
- Of the three non-Indigenous heritage items that were identified as potentially to be impacted, the Ourimbah Takeaway building and Pryor Brothers Store would not be impacted from the proposed final road design, and therefore were not required to be assessed in this report.
- The Lisarow Anglican Cemetery has been assessed as to be of Local Significance. The proposed Pacific Highway upgrade has the potential to impact the immediate front of the cemetery between the current Pacific Highway boundary and the present day cemetery boundary. The GPR results in this area were affected by the presence of a current service in the area that contained a metallic material. The proposed works in front of the cemetery will not involve any excavation of material below the current surface.

7.2 Proposed Mitigation Measures & Management Recommendations

Based on the findings of this Statement of Heritage Impact, best heritage practices and specific heritage asset management guidelines prepared by the NSW Heritage Office, the following recommendations area provided –

7.2.1 Indigenous Heritage assessment

**Recommendation 1** – No further Indigenous heritage or archaeological work is required for the proposed Pacific Highway Upgrade between Glen Street Ourimbah and Railway Crescent Lisarow. The proposed works can continued as proposed in the design plans in this report.

And;

**Recommendation 2** – In the event that unknown Indigenous items are uncovered during the excavation/construction phase, all works should stop in the immediate vicinity of the item and the Department of Environment, Climate Change and Water should be notified of the discovery.
7.2.2 Non-Indigenous Heritage assessment

In relation to the proposed Pacific Highway upgrade works that will occur between the current eastern boundary of the cemetery and the Pacific Highway

Recommendation 3 – An archaeological test excavation should be conducted in the area between the eastern property boundary of the cemetery and the Pacific Highway to determine the presence or absence of unmarked graves. The work should be carried out by a suitably qualified archaeologist under an Exception Permit granted by the Heritage Branch, Department of Planning, under S. 139(4) of the Heritage Act (1977).

If unmarked graves are located within this area, further consultation with the Heritage Branch, Department of Planning, and other government authorities who manage burials in NSW will be required. Indirect impacts to any identified unmarked graves will impact to the archaeological resource and significance of the cemetery, and further archaeological work may be required.

In relation to the stone and metal 1934 fence present on the eastern boundary of the cemetery, the following recommendations are made:

Recommendation 4 – The 1934 stone and metal gates situated on the eastern boundary of the cemetery that demark the former driveway an entrance from the Pacific highway should remain in their current position.

If impacts to the current stone and metal fence cannot be avoided, then

Recommendation 5 – In the event that the stone and metal gates will be impacted, a suitable location as close as possible to the items current position should be taken. This is not a preferred option.

In relation to the proposed extension of Lisarow Street through to Dora Street, the proposed design and works have been abandoned; however the following recommendation is made:

Recommendation 6 – In the event that the proposed extension of Lisarow Street is investigated at a later date, further heritage assessments would be required to assess the impact of the design to potential unmarked burials in the area.

In relation to the remainder of the project, the following recommendation is made:

Recommendation 7 – In the event that unknown non-Indigenous archaeological items are uncovered during the excavation/construction phase, all works should stop in the immediate vicinity of the item and the Heritage Branch, Department of Planning, should be notified of the discovery.
REFERENCES


Gwen Dundon, 1997, *The shipbuilders of Brisbane Water, New South Wales: including 500 named vessels built between 1829 and 1953.* East Gosford, N.S.W.

Heritage Concepts 2006 *Pacific Highway Upgrade Stage 2 Lisarow to F3 (Glen Road to Burns Road) Heritage and Archaeological Assessment & Statement of Heritage Impact.* Report Prepared for the RTA

NSW Heritage Branch, 2000, *Schedule of General exceptions;*


NSW Heritage Branch 2006, *Schedule of Additional Exceptions*

NSW Heritage Branch 2006, *Standard Exemptions for Works Requiring Heritage Council Approval*

Strom 1982 *Gosford/Wyong History and Heritage.* Gosford District Historical Research and Heritage Association

Strom, Beryl 1988, *Central Coast Heritage Inventory: Built Environment Vol 5.* Pryor Brothers Store Inventory Sheet.

Tantari 1976 *The historical development of Gosford.* Unpublished thesis, Department of Town Planning, UNSW.
Maps
Cancelled Title Vol.14408 Fol.70
Cancelled Title Vol.13414 Fol.143
Cancelled Title Vol.9365 Fol.49
Cancelled Title Vol.3318 Fol.231
Cancelled Title Vol.1684 Fol. 113
Cancelled Title Vol. 944 Fol.145
Primary Application 054892
LTO Parish Map 10884801
LTO Parish Map 10887001

Websites
http://www.cricinfo.com/australia/content/player/7148.html
http://gsb.id.au/gen/i443.htm#i11345
http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=amandataylor&id=l9181

Annex A

Darkinjung Local Aboriginal Land Council Report
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1. INTRODUCTION

This is not an Archaeological Report; this is an Aboriginal Heritage Site Report. This report was prepared in accordance with requirements under the Environmental Planning Assessment Act (1979) and Gosford City Council and Wyong Shire Council requirements to undertake assessment of Aboriginal Heritage in areas proposed for development by the Roads & Traffic Authority.

Danny O’Brien from the Environmental Assessments P/L had contacted Darkinjung Local Aboriginal Land Council to have an Aboriginal Heritage Report conducted between Glen Road, Ourimbah & Dora St, Lisarow, on the proposed Pacific Highway widening.

2. AIM OF SURVEY

The aim of the survey was to locate any Aboriginal Heritage Sites and Relics, if any, before the proposed development of road works along the Pacific Hwy Ourimbah. If any Aboriginal Heritage Sites are found they must be reported and registered with National Parks & Wildlife Service for preservation or consent to destroy under the NPWLS Act 1974.

If any Aboriginal Heritage Relics are found must report to Darkinjung Local Aboriginal Land Council and give the appropriate authority.

3. SURVEY CONDUCTED BY

Kevin Duncan Aboriginal Heritage Officer from Darkinjung LALC conducted the survey and was accompanied by Mr. Danny O’Brien from Environmental P/L.

4. SURVEY LOCATION

The location of the survey is approximately 10kms North of Gosford CBD along the Pacific Highway and 8kms South of Wyong CBD to Pacific Highway.
5. ENVIRONMENTAL SETTING

The vegetation surrounding the area is made of, Bracken Fens, and Grasses, Small wetland areas some Turpentine and introduced Lantana, Frvolt, and tree species.

This area has been extensively logged and developed during the early days. Ourimbah was known as a "timber town" altering the terrain significantly.

6. DESCRIPTION OF SURVEY AREA

The description of the survey area is along the existing Pacific Highway which runs through the Ourimbah township.

7. ABORIGINAL OCCUPATION

The survey area is within the Traditional boundaries of the Darkinjung people they have occupied the area of which is now known as the Central Coast for thousands of years. This is evident through the location of Aboriginal heritage sites throughout the region. Ourimbah was a significant area to the Darkinjung peoples important ceremonial sites were located on the western and eastern sides further in the ridge areas. Ourimbah means the sacred circles or belt, a place of initiation it was a central gathering of the clan groups who made up the Darkinjung peoples.

8. ABORIGINAL HERITAGE SITES

There are numerous Aboriginal Heritage Sites within a 5km radius of the area these are some types to be found:

Shelters with Art of charcoal and ochre.
Shelters with Middens, Rock Ledges with Rock Art Engravings and Axe Grinding Grooves. Axe Grinding Grooves are at the heads and in the creek beds of some of the creeks.
Midden deposits of shells from various shellfish, fish bones, animal vertebrate and sometimes stone artifacts can be found in or around some rock shelters and prior.
Camp Sites.
Open Artifacts scatters have also been found scattered around the rock shelters and the engraving areas.
Stone arrangements that are connected with Aboriginal Mythology and Rituals can also be found.

Aboriginal Heritage Site Report
9. METHOD OF SURVEY

Foot and Vehicle along the outer boundaries of the survey areas along
the Pacific Highway and Vegetation locations.

I did not locate any Aboriginal Heritage Sites or Artifacts on these
inspections.

10. RECOMMENDATIONS

As Requirements under the Environmental Planning Assessment
(EPA) 1979 and the National Parks and Wildlife Act 1974, if there is no
evidence of any Aboriginal Heritage sites found in the prescribed
survey areas I recommend that Darkinjung Local Aboriginal Land
Council shows no objection to the proposed road work developments
along the Pacific Highway at Ourimbah. It is recommended though
because of the heritage importance of Ourimbah by the Darkinjung
community that a Sites Officer from Darkinjung Council be present
during initial road construction.

Darkinjung Local Aboriginal Land Council
Kevin Dunstan

Aboriginal Heritage Site Report