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Acacia Park Upgrades – Historical Archaeological Assessment

City of Parramatta Council

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Executive Summary

Eco Logical Australia Pty Ltd (ELA) was commissioned by City of Parramatta Council to prepare an Archaeological Assessment for Acacia Park, Telopea, which contains Kishnaghur Archaeological Site, a locally listed item on the Parramatta Local Environmental Plan 2011. Acacia Park comprises 1.5 ha of recreation space which the Council has identified for major upgrades to accommodate future urban growth.

This report assesses the potential and significance of any archaeological resource that may survive on the site, identify statutory requirements and heritage management options including potential future approvals and legislative pathways and provide management and mitigation recommendations in regard to the proposed development.

RESULTS

Acacia Park is part of a larger (50-acre) original grant to John Ramsay in 1791. The property was purchased by Captain Thomas Henry Baylis in 1836 who constructed the house known as Kishnaghur just below the highest point of the property in the same year. Kishnaghur appears to have been a timber house with extensive sandstone cellars, high ceilings, cedar doors and faced south overlooking a large circular driveway, now the southern side of Tilley Street. The property was used for agricultural and pastoral activities until the turn of the 20th century. Henry Walters bought the property 1911 and it was used for orcharding and agistment while the house was tenanted until the late 1930s when it was demolished. The sandstone cellars were not filled in immediately and remained an open feature in the landscape for many years. The Perpetual Trustees became proprietor of the property in 1946 on Walters death and much of the surrounding land was subdivided for housing.

Artificial mounding and several rectangular depressions are evident in the central and southern parts of the site likely to be associated with the cellars of Kishnaghur. There are also three areas that remain lush and green throughout periods of drought which are likely to represent a former dam or be below ground water storage (Google Earth).

The site has high archaeological potential and the capacity to have local and state significance.

Archaeological features and deposits are afforded statutory protection by the ‘relics provision’ of the *Heritage Act (1977)* whether the site is listed or not. Archaeological relics cannot be disturbed or destroyed without prior consent from the Heritage Council of NSW or its delegate (Heritage NSW). Any future proposed excavation in areas of high or moderate potential will require an excavation permit under section 139 of the Heritage Act supported by an archaeological research design.

PROPOSED WORKS

The proposed upgrades to Acacia Park will include access pathway and signage, remove and upgrade existing play space, construction of a 280 m long main concrete circuit pathway, mature native tree planting, seating and lighting, construction of an amenities building, furniture installations including shelters and picnic settings, bins, drinking stations and formation of a 3.3m high viewing mound providing uninterrupted views of Parramatta CBD skyline.

RECOMMENDATIONS

The following measures are recommended:

- No permit or approval is required to excavate to 200 mm into existing ground in high archaeological potential areas;
- If excavation beyond 200 mm is required in high archaeological potential areas, then the existing ground must be raised to the required height to accommodate the depth of excavation;
- Any physical intervention that will result in the disturbance of relics will require application for an excavation permit under section 139 of the *Heritage Act 1977*.
- Heritage induction should be presented to all construction staff by a qualified Archaeologist to include mitigation strategy and identification of likely impacts.
- Due to the nature of archaeology, it is possible that some unrecorded and unidentified archaeological features and deposits may be present. If any unexpected Aboriginal objects, historical heritage items or human skeletal remains are uncovered in any future works at the site, the works must cease and the unexpected finds procedure (section 6.2.1 below) must be followed.
- An archaeologist should undertake a site visit during works to ensure no impacts to archaeology have occurred inadvertently.
- Council should consider opportunities for interpretation of Kishnaghur House (c. 1836).

1. Introduction

1.1 Background

Eco Logical Australia Pty Ltd (ELA) was commissioned by City of Parramatta Council (CoP) to prepare this Archaeological Assessment for Kishnaghur Archaeological Site located in Acacia Park, Telopea. The suburb of Telopea, in the local government area of the City of Parramatta, has been identified as a priority growth area for urban renewal, with Acacia Park being one of the most significant open spaces in the precinct. To keep up with the demand of the present population as well as future population growth, the Council are proposing major upgrades to the park. This technical study has been prepared to support a Review of Environmental Factors (REF) for the proposed upgrade works to Acacia Park.

The purpose of an archaeological assessment is to provide a careful analysis of the potential of the site to contain archaeological features or deposits and to identify whether the archaeological resource has heritage significance on either a local or State level. The identified values of the site and/or its ‘relics’ will help determine which management options are most appropriate. This report has been prepared to inform Council of the potential and significance of any archaeological resource within the study area and the statutory obligations under the *Heritage Act 1977* if future disturbance of the land is proposed.

1.2 Site Location

Acacia Park is located at 42A Evans Rod, Telopea, NSW on the boundary of Telopea and Dundas Valley. The park is approximately 23km to the north west of Sydney’s Central Business District (CBD) and 5.3km to the north east of central Parramatta. The site is bounded by Evans Road to the north, Lord Avenue to the east, Tilley Street to the south and Osborne Avenue to the west. Kissing Point Road and the Parramatta River are located to the south of the study area. The study area was formerly part of a larger land parcel known as Kishnaghur and was one of the earliest land grants in the area (1791).

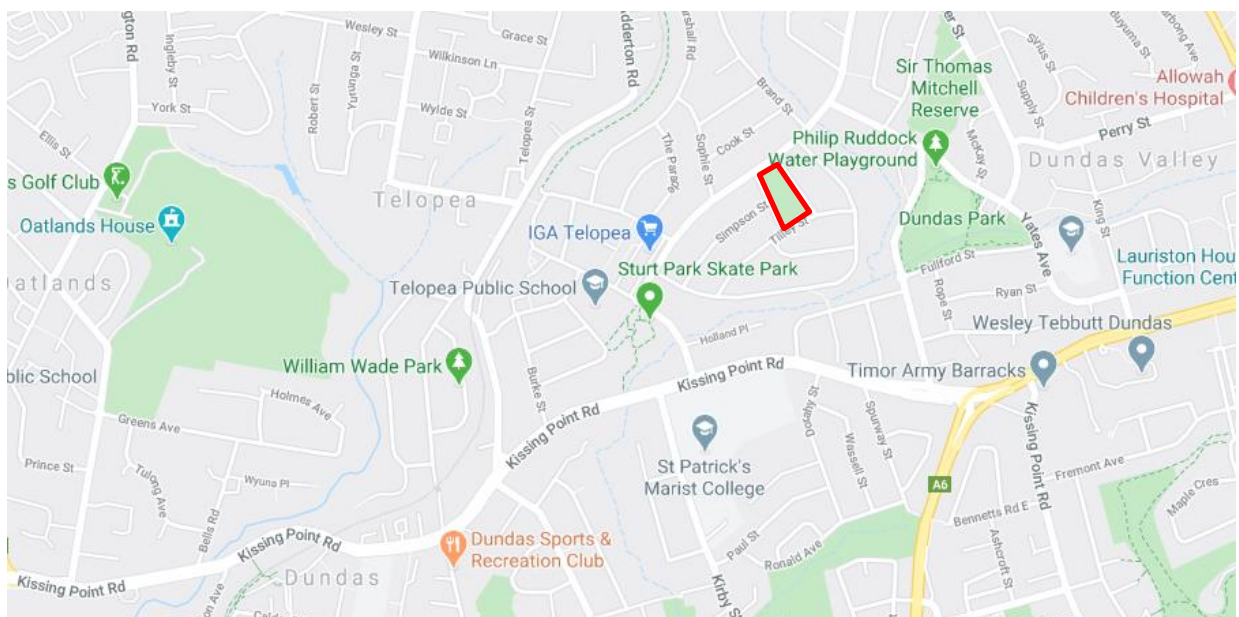


Figure 1: Location of the study area outlined red (Google Maps)

1.3 Proposal

The proposed upgrades to Acacia Park will include the following:

- Proposed access pathway connections from Evans Road to park and boundary fencing with park signage to Evans Road.
- Re-line mark car parking spaces and provide two new central disabled parking spaces with shared zone and new kerb ramp.
- Remove existing plays pace and upgrade in generally the same location. Includes new play equipment, soft fall safety surfacing, seating, fencing between plays pace and Lord Avenue and irrigated garden beds planted with native grasses.
- Proposed 280 m long main concrete circuit pathway with painted walking distance track markers, mature native tree planting, seating and possible solar lighting.
- Retain and protect existing trees on site.
- Proposed tree-planted forest grove with crushed sandstone informal discovery pathways.
- Proposed amenities building (1 x ambulant and 1 x disabled cubicle) and irrigation control System.
- Proposed furniture installations including shelters and picnic settings, bins, drinking stations and seating opportunities.
- Proposed compliant accessible 3.3m high viewing mound providing uninterrupted views of Parramatta CBD skyline. Includes circular concrete viewing platform with seating, accessible concrete ramps, irrigated garden beds mass planted with native plants and children’s sandstone block rock-climb.
- Regraded lawn area south of new mound to provide flat, turfed open space for informal play.
- Mulch under existing trees and remove all deadwood. Crown raise canopies to minimum of 3 m to improve visual surveillance, safety and park identity.

If these works are to go ahead, the existing ground level in the southern and central portions of the study area must be raised to the required height to accommodate any potential impacts to the remains of Kishnaghur (See section 5).

1.4 Statutory Constraints

1.4.1 The Heritage Act 1977

The main legislative constraint concerning archaeological remains is the relics provisions of the *Heritage Act 1977*. According to Section 139:

1. *A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.*
2. *A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.*
4. *The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:*

- a. *any relic of a specified kind or description,*
- b. *any disturbance or excavation of a specified kind or description,*
- c. *any disturbance or excavation of land in a specified location or having specified features or attributes,*
- d. *any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates that there is little likelihood of there being any relics in the land.*

A 'relic' is an item of environmental heritage and defined by the Act as any deposit, 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 (see Section 4).

Any item identified as a historical archaeological site or relic cannot be impacted upon without an excavation permit. An application for a S139(4) Exception to applying for an excavation permit may be made where the impact is considered to be minor, where artefacts are unlikely to have State or local heritage significance, or the level of disturbance indicates that the site has little or no archaeological research potential.

1.4.2 Environmental Planning and Assessment Act 1979 (NSW) [EP&A Act]

The EP&A Act requires that consideration is given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under Part 5.1), requiring the approval of the Minister for Planning.
- Minor or routine development requiring local council consent, are usually undertaken under Part 4. In limited circumstances, projects may require the Minister's consent.
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

The works are to be assessed under Part 5 of the EP&A Act with the CoP as the determining authority.

The EP&A Act also controls the making of environmental planning instruments (EPis) such as Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs). LEPs commonly identify, and have provisions for the protection of, local heritage items and heritage conservation areas. Parramatta LEP 2011 is relevant to this site and the objectives of heritage conservation in Part 5.10 state:

- a. *to conserve the environmental heritage of Parramatta,*
- b. *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c. *to conserve archaeological sites,*
- d. *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

- e. *In regard to Archaeological sites, the consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies);*
- i *notify the Heritage Council of its intention to grant consent, and*
 - ii *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

1.5 Methodology

The management of heritage sites in NSW should conform to best practice conservation approaches as well as guidelines including;

- Australia ICOMOS *The Burra Charter*
- *Assessing Significance for Archaeological Sites and 'Relics'*, Heritage Branch, Department of Planning, 2009.
- *NSW Heritage Manual*, NSW Heritage Office, Department of Urban Affairs & Planning, 1996.
- *Historical Archaeological Investigations: A Code of Practice*, NSW Department of Planning, 2006.

This archaeological assessment has been prepared in accordance with the above as well as the relevant controls and provisions contained within the Parramatta LEP 2011 and the Parramatta DCP 2011.

1.6 Author Identification

The following report has been prepared by Karyn McLeod [BA Honours (Archaeology) University of Sydney, MA (Cultural Heritage) Deakin University] and reviewed by Jennifer Norfolk [BSc. (Marine Science) Syd University, MSc. (Marine Archaeology) Southampton University].

All site photos were taken by Jennifer Norfolk unless noted otherwise.

1.7 Limitations

This assessment only briefly discusses Aboriginal occupation and associations with the place. An Aboriginal due diligence assessment has been undertaken in a separate report (ELA 2020).



Figure 2 Concept Plan

2. History

2.1 Aboriginal Occupation

Aboriginal people inhabited the Sydney basin for thousands of years prior to the arrival of the First Fleet in 1788. Western Sydney was home to the Dharug clans, the traditional custodians of the land around the study area are the Wallamettagul (Walamedagal) clan, though the area borders land of the Burramattagal clan of the Darug Nation.

The Wallamettagul people lived primarily along the foreshores of the Parramatta River fishing and gathering shellfish as well as hunting and collecting plant resources from the hinterland of the area. Due to their resource rich environment, Aboriginal people had no need to travel far from their lands and trade with other tribal groups was well established. The arrival of foreign settlers in 1788 had a dramatic impact on all of the Sydney Aboriginal clans. Food resources were quickly diminished by the colonisers, who had little understanding of the local environment. In addition, the introduction of diseases from Europe and Asia, most notably smallpox, destroyed over half of the native population. The clearing of land for settlements and farms displaced local tribes and reduced the availability of natural food resources, leaving Aboriginal people reliant on imported food and clothing. The French surgeon and pharmacist Rene Primavere Lesson, who visited Sydney in 1824, wrote: "the tribes today are reduced to fragments scattered all around Port Jackson, on the land where their ancestors lived and which they do not wish to leave" (Aboriginal Heritage Office, 2011).

The remains of open camps, middens and art sites have been recorded in the Parramatta area attesting to the association with area by Aboriginal people over thousands of years. Acacia Park has one registered Aboriginal Site (AHIMS # 45-6-2407). An Aboriginal archaeological assessment of the park has been undertaken by Eco Logical Australia (ELA 2020).

2.2 Regional history

The first land grants in the region were made in 1791 to eight marines, along the northern bank of the Parramatta River between Sydney and Parramatta. The area was named by Governor Phillip the 'Field of Mars'; Mars being the ancient Roman God of war, named to reflect the military association with these new settlers. Further grants between 30 – 100 acres were issued in the following years and by 1803 most of the accessible land had been granted (Dictionary of Sydney - Parramatta). Access to property in the early years was only possible by boat. Kissing Point Road runs along a ridgeline north of the river and the former track became the main road from Parramatta to Ryde by 1813, servicing the properties who did not have river frontage.

Notable residents of the area include William Cox who owned Brush Farm Estate, to the east of the study area. Cox established Kissing Point Road, and in the same year constructed the road over the Blue Mountains with a team of convicts. Reverend Samuel Marsden selected an area of 100 acres in the Field of Mars in 1796. He named his farm "Dundas Farm," in honour of Henry Dundas, Principal Secretary of State for the Home Department. The district now called Dundas continued to be known as the Field of Mars until 1890, when its present name was substituted. Later Cox's Brush Farm and many of the smaller farms in the area were bought by John Macarthur, Gregory Blaxland and Samuel Marsden consolidating

their large estates. The estates were slowly broken up into smaller land parcels, particularly after the 1870s creating many small farms (Dictionary of Sydney - Parramatta).

Teloepa Railway Station opened in 1925, however the district remained semi-rural predominantly featuring orchards, flower and vegetable farms and dairy properties until the 1950s. Extensive residential construction began in Teloepa after the Second World War, when the Housing Commission of New South Wales began developing the Dundas Valley. Social infrastructure to support the growing population following shortly after, with the construction of a small shopping centre in the late 1950s, establishment of Teloepa Public School 1958 and a Branch Library in 1960. The suburb's name derives from the New South Wales *Teloepa speciosissima* (Waratah), which was once abundant in the area (History of Teloepa).

2.3 History of the study area

Acacia Park is part of a larger (50-acre) original grant to John Ramsay in 1791. Ramsey was a convict on the First Fleet ship 'Scarborough' and was sentenced to seven years transportation for theft. William Hubbard and Matthew Everingham, fellow Scarborough convicts were granted land nearby. All three still had several years to serve as convicts when granted their properties. In December 1791 Watkin Tench described Ramsay's farm as growing 3.5 acres of corn and had a well laid out garden. It is possible that Ramsay and his wife lived on the grant, however there are no descriptions of their house. In 1794 Ramsay was granted an additional 20 acres of land adjoining his property at 'The Ponds'.

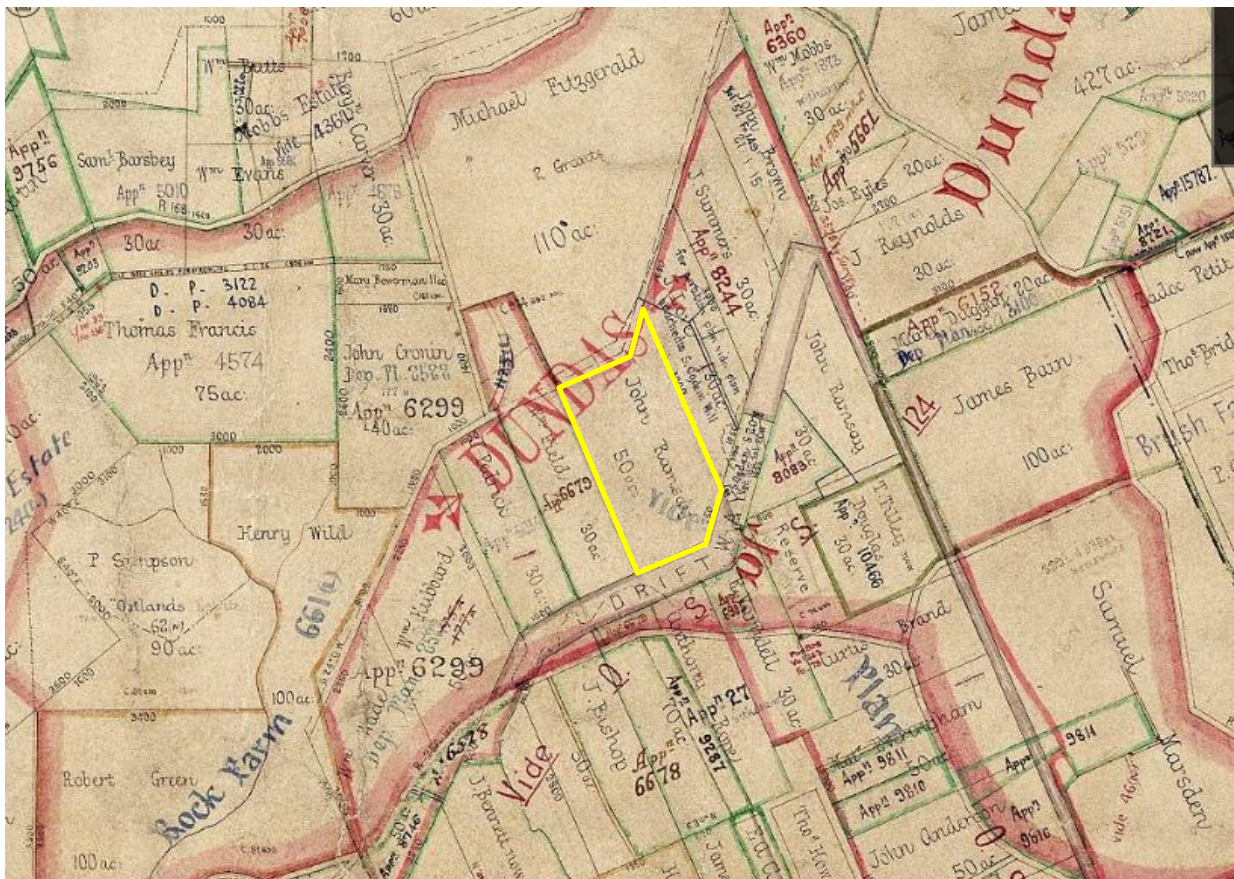


Figure 3 Location of John Ramsay's grant (Land and Property information Parish Maps 1890)

By 1816 Ramsay was a free man, had been granted land in Narrabeen and was no longer living at Kissing Point. Ramsey died in 1836 and the property was sold to Captain Thomas Henry Baylis who constructed the house known as Kishnaghur just below the highest point of the property in the same year. Bayliss may have retained any structures previously on the property, however it had been many years since Ramsay had occupied it. Early access to Kishnaghur was through neighbouring properties and later via large wrought iron gates and sandstone pillars constructed on Kissing Point Road.

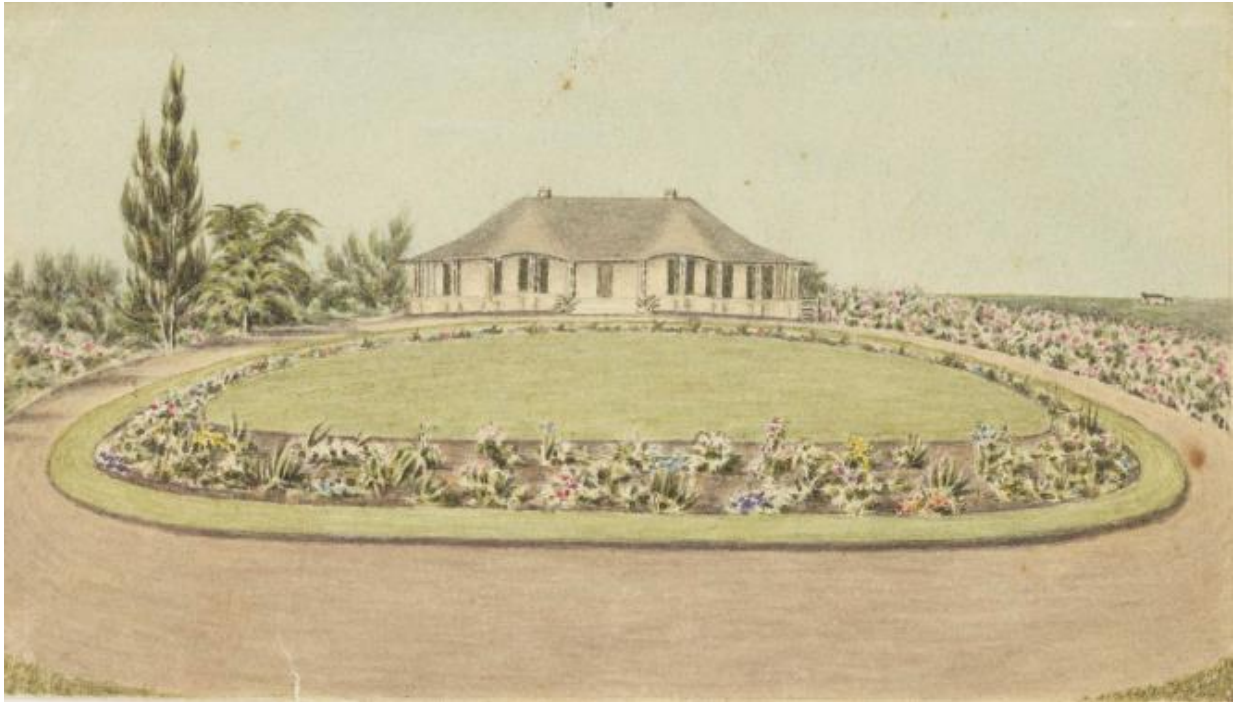


Figure 4 Illustration of Kishnaghur by Alice Allport post 1865 (Trove National Library of Australia)

Kishnaghur appears to have been a timber house with extensive sandstone cellars, high ceilings, cedar doors and faced south overlooking a large circular driveway or garden, now the southern side of Tilley Street. As Baylis transported goods along the Parramatta River, storage cellars are likely to have been essential for his occupation. A sketch of the house by one of its later occupants, Alice Alport, indicates bay windows or an unusual treatment of the roof (Figure 4). Captain Baylis was in active military service from 1810-1837 and notably fought in Napoleonic Wars. He married Julia Dorothea Bartels in Calcutta, India, where the name Kishnaghur originated (Friends of Galaringi – Kishnaghur brochure).

Baylis sold to Henry Gunton in 1844 and the property stayed in the Gunton family until 1865 when it was purchased by Bertha Allport. In 1890 George Stewart bought the property at which time Kishnaghur and Oatlands (to the west) were two of the largest estates in the area. Subdivision of many allotments in the area was occurring from the late 1870s (Kass, Liston & McClymont 1996 p. 228).

On Stewart's death in 1911, Henry Walters bought the property for £1600. Walters also owned the adjoining lot 110. The property was used for orcharding and agistment while the house was tenanted. Local anecdotal evidence states that an auction was held in the 1930s selling off items from the property, and the house was demolished in the mid to late 1930s. Figure 5 (below) demonstrates that there were small additions and a large water tank at the rear of the house and the circular drive was not in use.

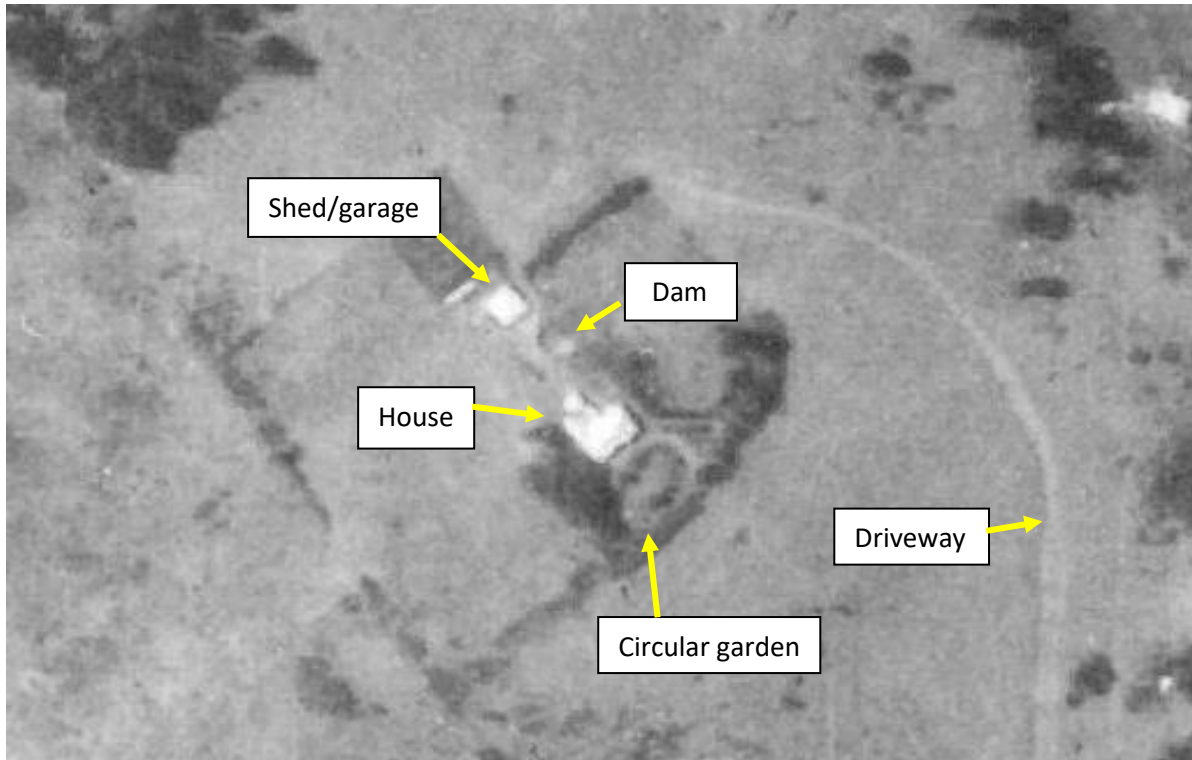


Figure 5 Aerial image of Kishnaghur in 1930 showing the layout of the structures, garden and driveway (Land and Property Information Six Maps)

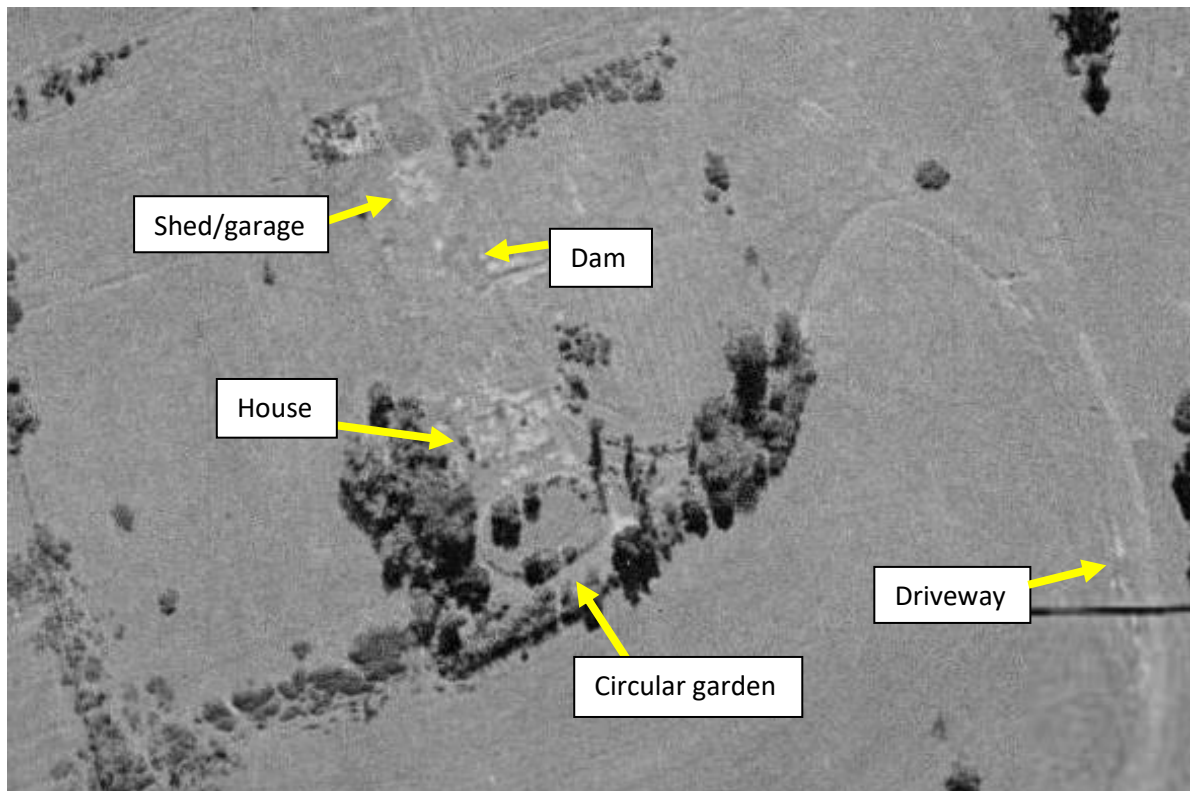


Figure 6 1943 aerial image showing the remains of Kishnaghur (Land and Property Information Six Maps)

The sandstone cellars were not filled in and remained a feature in the landscape for many years with several descriptions noting iron rings in the sandstone walls (Friends of Galaringi – Kishnaghur brochure). The Perpetual Trustees became proprietor of the property in 1946 on Walters death and much of the surrounding land was subdivided for housing. It is likely that the cellars were filled in at this time and the park has undergone several phases of upgrades.

2.4 Historical Phases

Phase 1. 1791-1836, small scale land clearance and Ramsay occupation

Phase 2. 1836-1946, construction, occupation and demolition of Kishnaghur, agricultural/pastoral use.

Phase 3. 1946 – present, subdivision, park construction and use as a public space.

2.5 Historic Themes

Historical themes can be used to understand the context of a place, such as what influences have shaped that place over time. The Heritage Council of NSW established historical themes relevant to the State of New South Wales. These themes correlate with National and Local historical themes. Historical themes that are relevant to the study area are provided in the table below. These themes could guide any future interpretation of the site.

Table 1 Historical themes

Australian theme	NSW Theme	Local theme	Example
2 Peopling Australia	Convict	Activities relating to incarceration, transport, reform, accommodation and working during the convict period in NSW (1788-1850).	Ramsay and his wife were convicts and worked their own land. Ramsay was freed from servitude after he had moved from the property.
3 Developing local, regional and national economies	Agriculture	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes.	Ramsay grew corn and had a small garden, the property was then subject to clearing fencing, ploughing, farming, dairying and orcharding during Baylis and subsequent ownership.
3 Developing local, regional and national economies	Environment - Cultural landscape	Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings.	The landscape appears to be extensively modified with mounding and slumping evident in the southern and central portions. Cellars were excavated, a circular driveway constructed, trees were planted along fence lines to define paddocks and it is possible drainage lines were dammed.
4 Building settlements, towns and cities	Accommodation	Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	The park may have contained structures dating to Ramsay's ownership dating to the 1790s although this is unlikely. Kishnaghur was constructed in 1836 and demolished 100 years later. The park is now an archaeological site containing the remains of Kishnaghur in the south west portion.

3. Site description

3.1 Landscape

Acacia Park is a 1.5-hectare rectangular park surrounded by post 1950 residential development. A site survey was undertaken on 12 June 2020 by Jennifer Norfolk (ELA Archaeologist).



Figure 7: Playground in the north western corner of the park



Figure 8: Artificial mounding in the centre of the park



Figure 9: Rectangular slumping in the centre of the park



Figure 10: Rectangular slumping near Tilley Street



Figure 11: Slumping at location of the former Kishnaghur



Figure 12: Uneven ground in the southern portion of the park in the former location of Kishnaghur

The study area is located on a crest landform surrounded by post 1950s residential buildings and roads. A children’s playground is located in the north east corner and several seats are scattered around the perimeter. A footpath runs east to west on the northern boundary with a bus shelter located halfway. The park is part of a larger property that was progressively cleared and occupied since 1791. No original vegetation has survived, and current vegetation comprises introduced grasses, non-native shrubs and predominately native tree species, remnants of those from the Kishnaghur property or more recent landscaping. The trees are concentrated at the corners of the park and minor landscaping has been undertaken at the southern end.

The landform slopes down toward the south and west and is mostly grassed with localised ground exposures around the trees and near the roads. The area is heavily disturbed from vegetation clearance, previous land use, construction and excavation work for the adjacent roads and footpath and formation of the park itself.

Artificial mounding and several rectangular depressions are evident in the central and southern parts of the site likely to be associated with the cellars of Kishnaghur. There are also three areas that remain lush and green throughout periods of drought which are likely to represent a former dam, the cellars or below ground water storage (Google Earth).



Figure 13 Google Earth image from 2017 demonstrating lush grass growth in three locations in the park during dry conditions

4. Archaeological Assessment

Historical archaeology is the study of human activity in the past using physical evidence in conjunction with historical sources. It focuses on the objects used by people in the past and the places where they lived and worked. It can tell us about the way things were made and used and how people lived their daily lives. Archaeology is not just about objects and remains; it is also about landscapes and links between sites.

4.1 Previous studies

Eco Logical Australia, 2009. *Ponds Subiaco Masterplan* prepared for Parramatta City Council

This report identified and prioritised actions to rehabilitate the ecology and geomorphology of the riparian corridor, while maintaining its heritage values and improving its recreational facilities. It covered the Ponds Subiaco catchment across the suburbs of Dundas, Rydalmere, Ermington, Telopea, Dundas Valley and Carlingford. An assessment of European heritage was conducted by Paul Davies who did not identify the archaeology in the park as it was not within the riparian corridor.

Urbis. 2017. *Telopea Master Plan Heritage Assessment* prepared for NSW Land and Housing Corporation

This document intended to provide an overview of opportunities and constraints associated with built heritage and archaeology within the master planning area. The report noted Acacia Park is registered as an historical archaeological site and future works to the park must consider the potential impacts to any archaeological resource that may be present.

4.2 Historical Archaeological Potential

Archaeological Potential is defined as:

The degree of physical evidence present on an archaeological site, usually assessed on the basis of physical evaluation and historical research. Common units for describing archaeological potential are:

- known archaeological features/sites (high archaeological potential)
- potential archaeological features/sites (medium archaeological potential)
- no archaeological features/sites (low archaeological potential) (OEH 2011).

4.3 Levels of Potential

The following describes the archaeological resource and the level of potential that may be expected to survive on the site based on historical research, results of previous reports and assessment (Section 4.1) and in combination with our observation of the surviving site. The uneven ground in the central and southern part of the park displays rectangular depressions and artificial mounding in locations that are likely to have once accommodated structures. Aerial images dating back to 2003 (Google Earth) demonstrate that the depressions held water for long periods, even through drought. While the 1930 and 1943 aerial images establish the location of structures (Figure 4), the exact function of the out building is not clear. It is evident that the circular driveway became a garden and access to Kissing Point Road followed an unusual alignment to the east of the property.

Acacia Park is considered to have high historical archaeological potential. The park has high potential to contain the remains of the sandstone cellars of Kishnaghur as well as below ground remains of outbuildings and deep features such as wells/cisterns, cess pits and /or rubbish dumps.

Table 2: Levels of archaeological potential

Phase	Archaeological remains	Potential
Ramsay Occupation	Occupation-related artefact deposits and structural features relating to clearing and the earliest phase of occupation by Ramsay	Low
Baylis and subsequent occupation	Below ground structural remains of Kishnaghur, at least one outbuilding	High
Baylis and subsequent occupation	Yard deposits, wells and cess pits, refuse dumps.	Moderate
Landscape features	Garden terracing, dam construction, remnant planting, paddock layout, fencing and circular driveway.	Low to Moderate
Farming	Land clearing, agricultural remains and pastoral evidence.	Low

The northern third of Acacia Park which currently contains the playground, grassed area and trees is unlikely to contain an archaeological resource as historical imagery from 1943 demonstrates that the area contained only ploughed fields with no evidence of structures, tracks, land modification or trees.

The southern two thirds of the park contain the remains of Kishnaghur, particularly its cellars, outbuildings and water storage (Figures 5 & 6).

4.4 Significance

In NSW, the process of finding out whether an item is important is called assessing significance. It is essential to understand how and why the values of something is important. This leads to decisions that will retain and protect these values in the future.

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. These include Historic, Social, Associative, Aesthetic, Scientific/Technical, Rarity and Representative. Significance is thus an expression of the cultural value afforded a place, site or item.

In addition, the Heritage Council of NSW recognises four levels of heritage significance in NSW: Local, State, National and World. The level indicates the context in which a heritage place/item is important. Items that are important to the local area or region are considered as locally significant. Heritage places that are rare, exceptional or outstanding beyond the local area or region may be of State significance.

Archaeological sites, which contain ‘relics’ as defined in the NSW Heritage Act, are managed like any other significant item of environmental heritage whether they are listed or not. They are treated in the same way as any other surviving physical evidence of the past such as buildings, works, precincts, landscapes or other places and items with potential or known heritage value.



Figure 14 Aerial image and areas archaeological potential within the study area

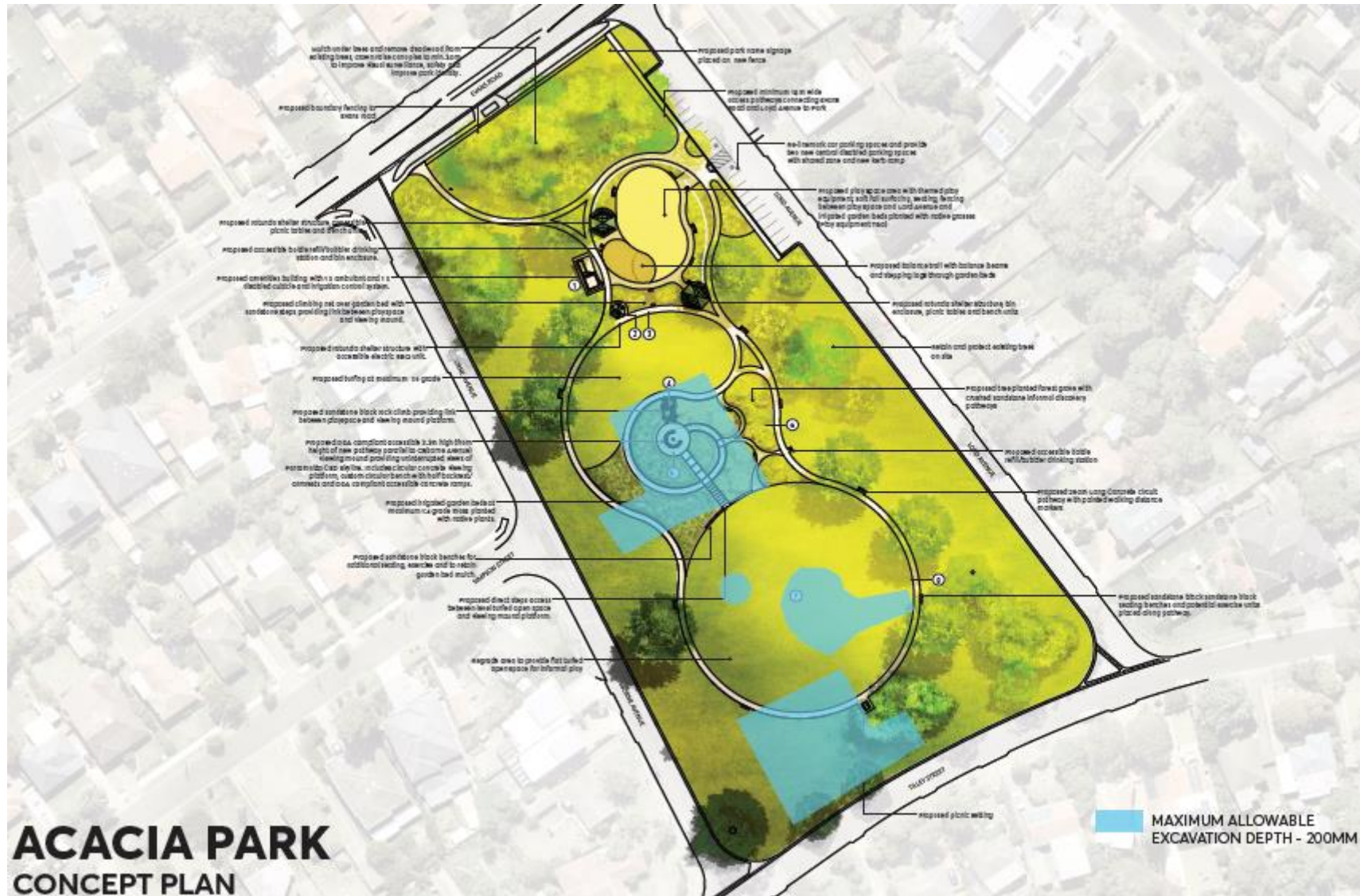


Figure 15 Location of potential archaeology overlaid onto concept plan footprint (Courtesy City of Parramatta Council)

4.5 Significance Assessment

The following assessment of significance is sourced from the State Heritage Inventory.

Kishnaghur archaeological site, on the corner of Tilley and Osborne Streets in Dundas Valley, is of significance for the people of Parramatta for historical reasons, for its associations with Captain Thomas Baylis, and for its archaeological research potential. The site and grounds may retain evidence of the former use and contribute further to the understanding of the history of the area.

The archaeological resource remaining in the park would have Historic Significance (Criterion a) – as one of the earliest land grants in the colony and as a property that functioned as an agricultural and pastoral property until its subdivision in the late 1940s.

The archaeological resource remaining in the park may have Associative Significance (Criterion b) – for its association with Captain Baylis who built Kishnaghur.

The archaeological resource remaining in the park is likely to have Scientific/Technical Significance (Criterion e) for its research potential and ability to yield new information that will contribute to an understanding of NSW's cultural or natural history, or the local area.

The archaeological resource remaining in the park dates to 1836 and possibly earlier. Archaeological sites such as this are rare (Criterion f) and may contain uncommon aspects of NSW's cultural or natural history, or the local area.

The archaeological resource remaining in the park may display the principal characteristics of early farm buildings and site lay out (Criterion g).

4.6 Levels of significance

Different components of a place may contribute in different ways to its heritage value. New criteria were developed in 2009 to identify whether the archaeological resource is of Local or State significance. The potential archaeological remains of Kishnaghur are likely to be occupation-related artefact deposits, the remains of structural features relating to the cellars, the main house and other structures on the site. The following table lists the potential archaeological remains and their assessed significance.

Table 3 Significance of archaeological remains

Phase	Archaeological remains	Significance
Ramsay Occupation	Occupation-related artefact deposits and structural features relating to clearing and the earliest phase of occupation by Ramsay is early and rare	State
Baylis occupation	Below ground structural remains of Kishnaghur, at least one outbuilding may have the ability to yield new information that will contribute to an understanding of the development of the area and its associations with Baylis	Local/State
Baylis occupation	Yard deposits, wells and cess pits, refuse dumps from early phases of occupation has the ability to yield new information that will contribute to an understanding of the development of the area and its associations with Baylis.	Local/State
Landscape features	Garden terracing, dam construction, remnant planting, paddock layout, fencing and circular driveway.	Local
Farming	Land clearing, agricultural remains and pastoral evidence.	Local

5. Archaeological Impacts

5.1 Below Ground Impacts

Council has not provided engineering plans and therefore precise impacts cannot be assessed; however, we assume the following;

- Construction of paths, services, amenities, plantings, earthworks associated with levelling the southern lawn area and installation of park furniture will require a minimum excavation of 600 mm and is has potential to impact on any structures built at the rear of Kishnaghur house, the dam and yard/rubbish/cess pit deposits.
- The support for play equipment and the foundations for a retaining wall to support the raised mound could require excavation of 1,000 mm (or more). Creation of the mound is likely to impact on the remains of an outbuilding to the north of Kishnaghur house.

Table 4 Assessed impacts to archaeology

Phase	Possible impact	Degree of impact
Ramsay Occupation	There is little likelihood that remains predating the construction of Kishnaghur survive within the park.	Low/none
Baylis occupation	Below ground structural remains of Kishnaghur and at least one outbuilding appear to be present. Construction of the proposal at current ground levels is likely to impact cellars and building foundations.	High
Baylis occupation	Yard deposits, wells and cess pits and possibly refuse dumps from early phases of occupation have potential to have survived toward the rear of the house. Construction of the proposal at current ground levels are likely to impact below ground deposits.	High
Landscape features	The remains of a dam or water storage facility appear to be present as the ground in this location retains moisture. Construction of the proposal at current ground levels will impact evidence of ground modifications.	High
Farming	There is little likelihood that remains of land clearing, agricultural remains and pastoral evidence remain in the park.	Low

5.2 Geotechnical Investigation

Ideal Geotech (2020) undertook the testing of six boreholes throughout the site on 14 July 2020. The deposits throughout the park were fairly consistent comprising 20-30 cm of brown silty clay and gravel, above 60-80 cm of silty brown clay or residual soil and shale at 80 cm-1.3 m. The bore logs did not provide conclusive evidence as to whether deposits such as brick, stone, glass and ceramics, which would have been evidence of the spread of cultural material associated with Kishnaghur, were present within the soil profile. No stone obstructions were recorded within the bore logs as no bores were positioned in the location of the cellars.

The geotechnical information demonstrates that 200 mm of topsoil is consistent across the site and can be removed without causing impact to potential archaeological relics. Excavation beyond 200 mm in areas of high potential (Figure 15), if required, are likely to impact on the remaining archaeological resource and will require an application for an excavation permit under section 139 of the Heritage Act.

5.3 Mitigation

Construction of the proposal at current ground levels are likely to impact most of the archaeological resource remaining in the park. The potential and significance of the archaeological resource remaining in Acacia Park is a major constraint to the current concept design. Three potential options were provided to Council as follows;

- Redesign the concept plan to avoid the potential archaeology, possibly losing the lookout to the Paramatta CBD.
- Retain the current concept design and raise the level of the ground in the location of the identified features to the depth required for construction (i.e. if path construction, installation of services or tree planting requires an excavation to a depth of 600 mm, then the ground level must be raised to at least that height to avoid impacts to the archaeological features).
- Modify the current concept plan and archaeologically excavate the site to expose below ground features and retain for interpretation. The archaeological remains are likely to be State Significant and the Heritage Council will not approve their removal. This may however result in an interesting outcome exposing and retaining archaeological features in the park that can be interpreted and promote the history and cultural significance of the local area.

Council confirmed that their preference is Option 2: Retain the current concept design and raise the level of the ground in the location of the identified features.

Prior to the proposal upgrades, the current levels of the park will require modification in the areas of high potential by raising the ground level, particularly in the southern portion of the site, to avoid impacting the archaeological remains of Kishnaghur and its outbuildings. If sufficiently covered by topsoil, the proposed works will not result in impacts to areas of high archaeological potential.

Raising the current ground level in the northern portion of the park in the northern portion of the park and location of the current play area is not necessary as it is unlikely to contain areas of archaeological potential (see Figure 15).

If footings services and excavation deeper than 200 mm are required in areas high archaeological potential, the existing ground must be raised to the required height to accommodate them.

6. Results and Recommendations

6.1 Results

Acacia Park is part of a 100-acre land grant to John Ramsay in 1791, one of the earliest grants in the area. The property was subsequently cleared for agricultural purposes, and in 1836 Captain Baylis constructed Kishnaghur which included extensive sandstone cellars. By the late 1930s the house had been demolished, but the land continued to be used for agricultural and pastoral activities until 1946 when much of the original grant was subdivided for residential housing.

There is high potential for archaeological remains of Kishnaghur, its outbuildings and associated below ground features to be present in Acacia Park. If the ground level in areas of archaeological potential are raised to a sufficient height to accommodate the depth of excavation, the proposed works are unlikely to impact on archaeological features and deposits that may be State significant.

If the ground level in areas of archaeological potential are not raised, all ground disturbance works in areas where impacts to archaeological features and deposits are present will require application for an archaeological excavation permit under Section 139 of the *Heritage Act 1977* supported by a research design detailing the method of excavation, recording and reporting and an archaeological excavation.

The following summarises the findings of this report and are the minimum requirements recommended to be applied to the subject site in the short term to ensure its long-term significance and conservation.

- The majority of the archaeological resource will remain *in situ* if buried and built over.
- Landscaping works in the northern part of the park including proposed access pathway connections from Evans Road, boundary fencing, provision of disabled parking spaces and removal of existing play space and upgrade are unlikely to cause significant impacts to local or state significant archaeological features and deposits.
- Construction of the viewing mound will protect some of the archaeology surviving in that part of the site, dependent on the means by which the mound is supported.
- Construction of paths, services, amenities, plantings, earthworks to the southern lawn area and installation of park furniture in the southern part of the park can avoid impacts on remaining archaeological features and deposits associated with Kishnaghur house, by raising the existing ground level to accommodate the depth of excavation.
- It is an offence under the Heritage Act 1979 to disturb or destroy significant archaeological relics without an approved permit from the Heritage Council or its Delegate.

6.2 Recommendations

- No permit or approval is required to excavate to 200 mm into existing ground in high archaeological potential areas;
- If excavation beyond 200 mm is required in high archaeological potential areas, then the existing ground must be raised to the required height to accommodate the depth of excavation;

- Any physical intervention that will result in the disturbance of relics will require application for an excavation permit under section 139 of the *Heritage Act 1977*.
- Heritage induction should be presented to all construction staff by a qualified Archaeologist to include mitigation strategy and identification of likely impacts.
- Due to the nature of archaeology, it is possible that some unrecorded and unidentified archaeological features and deposits may be present. If any unexpected Aboriginal objects, historical heritage items or human skeletal remains are uncovered in any future works at the site, the works must cease and the unexpected finds procedure (section 6.2.1 below) must be followed.
- An archaeologist should undertake a site visit during works to ensure no impacts to archaeology have occurred inadvertently.
- Council should consider opportunities for interpretation of Kishnaghur House (c. 1836).

6.2.1 Unexpected finds procedure

An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery, that has not been previously assessed or is not covered by an existing approval under the *Heritage Act 1977* (Heritage Act) or *National Parks and Wildlife Act 1974* (NPW Act). These discoveries are categorised as either:

- a. Aboriginal objects (archaeological remains ie stone tools),
- b. Historic (non-Aboriginal) heritage items (archaeological remains (ie artefacts or movable objects),
- c. Human skeletal remains.

Should any unexpected historical archaeology be uncovered during any future excavation works, the following procedure must be adhered to:

- Stop all work in the immediate area of the item and notify the Project Manager.
- Establish a 'no-go zone' around the item. Use high visibility fencing, where practical. Inform all site personnel about the no-go zone.
- No work is to be undertaken within this zone until further investigations are completed.
- Engage a suitably qualified and experienced Archaeologist to assess the finds.
- The Heritage Council must be notified if the finds are of local or state significance. Additional approvals will be required before works can recommence on site (s146 permit).

If the item is assessed as not a 'relic', a 'heritage item' or an 'Aboriginal object' by the Archaeologist, work can proceed with advice provided in writing.

Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, Heritage NSW must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.

In the extremely unlikely event that human remains are found, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, Heritage NSW may also be contacted at this time to assist in determining appropriate management.

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