



**CUMBERLAND
COUNCIL**

Prospect Hill Plan of Management

March 2019

This page is left blank intentionally

in collaboration



phillipsmarler

PHILLIPSMARLER
ABN 43353 412 187

Suite 203
27-39 Abercrombie Street
Chippendale NSW 2008

Telephone 02 9698 5933

Nom. Architect:
D. Phillips Reg.
No. 4841

PO Box 247
Broadway NSW 2007

julie@phillipsmarler.com.au
www.phillipsmarler.com.au



Prospect Hill Plan of Management

March 2019

Prepared for

Cumberland Council



Adopted by Cumberland Council 20 March 2019

Prospect Hill

PLAN OF MANAGEMENT

Prepared For

Cumberland Council

By

Phillips Marler

in association with
Parkland Planners

March 2019

Adopted by Cumberland Council 20 March 2019

Issue	Date	Description	By
1	13.07.18	Draft for Review	JM/SH
2	28.09.18	Draft for Review	JM/SH
3	05.10.18	Draft for Review	JM/SH
4	26.10.18	Draft for Public Exhibition	JM/SH
5	28.02.19	Final for Adoption	JM/SH
6	20.03.19	Final Adopted Revision	JM/SH

WELCOME TO COUNTRY

I would like to welcome you all to the traditional land of the Darug people. I am Auntie Mavis Halvorson and I am a Darug Elder.

I am a direct descendent of Maria Locke, one of the first Darug women mentioned in the histories of the colonists. I have lived on Darug land for all of my life. So have most of the Darug people, some of whom are here today.

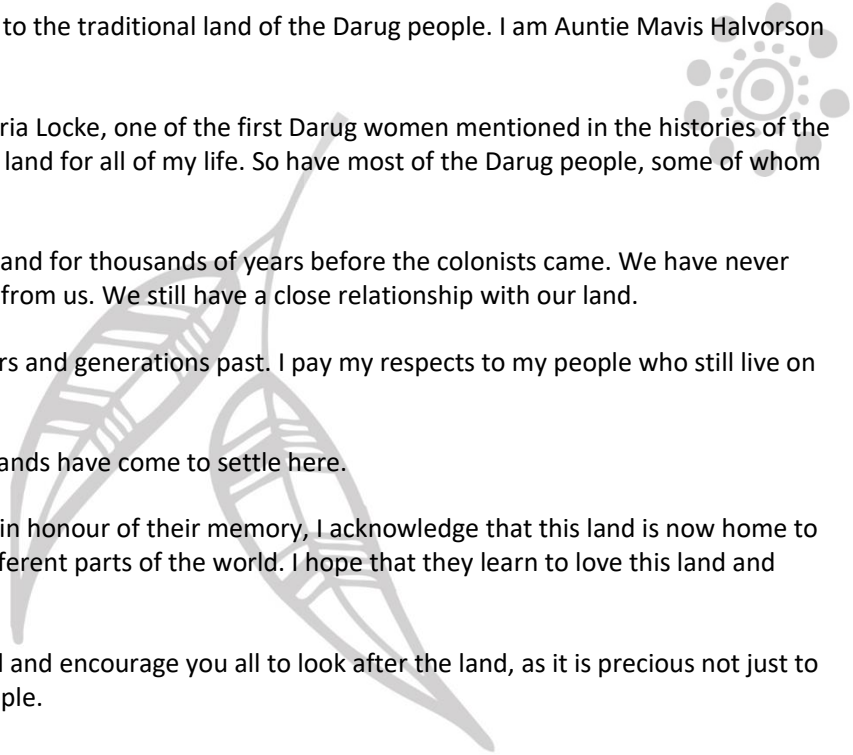
My people lived in and on this land for thousands of years before the colonists came. We have never given up our land. It was taken from us. We still have a close relationship with our land.

I pay my respect of my ancestors and generations past. I pay my respects to my people who still live on this land.

Now many people from many lands have come to settle here.

On behalf of my ancestors and in honour of their memory, I acknowledge that this land is now home to many different people from different parts of the world. I hope that they learn to love this land and respect it.

I welcome you all to Darug land and encourage you all to look after the land, as it is precious not just to the Darug people but to all people.



| This page is left blank intentionally

CONTENTS

WELCOME TO COUNTRY

ACKNOWLEDGEMENTS

ABBREVIATIONS

EXECUTIVE SUMMARY

1 INTRODUCTION 1

1.1 What Is A Plan Of Management?..... 1

1.2 Land To Which This Plan Of Management Applies 1

1.3 Significance of Prospect Hill 3

1.4 Background to this Plan of Management 4

1.5 Aims and objectives of this Plan of Management 4

1.6 Process of preparing this Plan of Management 5

1.7 Contents of this Plan of Management 7

2 DESCRIPTION OF PROSPECT HILL11

2.1 Location and context 11

2.2 Cultural history of Prospect Hill 13

2.3 Ownership and management 15

2.4 Physical description 19

2.5 Access and circulation..... 24

2.6 Structures..... 26

2.7 Activities at Prospect Hill 27

2.8 Maintenance 29

2.9 Financial management..... 29

3 PLANNING CONTEXT.....31

3.1 Introduction 31

3.2 Planning context 31

3.3 Legislation applying to Prospect Hill 31

3.4 Council plans and policies 37

4 BASIS FOR MANAGEMENT.....39

4.1 Introduction 39

4.2 Values and roles of Prospect Hill 39

4.3 Management objectives 44

4.4 Vision for Prospect Hill..... 46

4.5 Permitted uses and developments 47

4.6 Leases, licences and other estates over community land 56

4.7	Acquisition and dedication of land	59
5	ACTION PLAN	61
5.1	Landscape Masterplan	61
5.2	Action Plan	65
6	IMPLEMENTATION	77
6.1	Management.....	77
6.2	Funding sources	77
6.3	Implementation of this Plan of Management	78
6.4	Reporting.....	78
6.5	Review of this Plan of Management.....	78
	REFERENCES	79

Figures

Figure 1	Land included in this Plan of Management.....	2
Figure 2	Process of preparing this Plan of Management	6
Figure 3	Location and context of Prospect Hill.....	12
Figure 4	Land tenure – Prospect Hill	16
Figure 5	Quarried areas at Prospect Hill	21
Figure 6	Access and circulation	25
Figure 7	Categorisation of Prospect Hill.....	35
Figure 8	Zoning of Prospect Hill.....	38
Figure 9	Landscape Masterplan for Prospect Hill.....	62

Tables

Table 1	Contents of a Plan of Management for community land	7
Table 2	Elements of a Management Plan for an Aboriginal Place	8
Table 3	Property details of Prospect Hill.....	17
Table 4	Key stakeholders in Prospect Hill	18
Table 5	Built structures and condition	26
Table 6	Strategic planning context of Prospect Hill	32
Table 7	Roles of Prospect Hill.....	43
Table 8	Strategic goals and outcomes for Cumberland	44

Table 9	Objectives for management of Prospect Hill.....	46
Table 10	Permissible uses and developments of Public Recreation and Environmental Conservation zones.....	49
Table 11	Authorised uses and developments at Prospect Hill.....	50
Table 12	Actions related to cultural values.....	66
Table 13	Actions related to open space and recreation values	71
Table 14	Actions related to environmental values	74
Table 15	Management actions.....	76

Appendices

A	ABORIGINAL STAKEHOLDERS FORUM.....	81
B	COMMUNITY FORUM.....	91
C	PUBLIC HEARING REPORT	97
D	OFFICE OF ENVIRONMENT AND HERITAGE.....	102
E	HISTORY OF PROSPECT HILL.....	105
F	PLANNING CONTEXT	111

ACKNOWLEDGEMENTS

Cumberland Council

Adam Ford	Landscape Architect, Project Manager
Monica Cologna	Manager, Strategy
Mia Cox	Community Participation Co-ordinator
Christine Deaner	Manager Open Space Planning and Design
Martha Jabour	Public Art Co-ordinator
Susan Miles	Senior Landscape Architect
Teresa Russo	Crime Prevention Officer
Beatrice Sesay	Capacity Building Officer (ATSICC Co-ordinator)

Attending representatives from the Aboriginal and Torres Strait Islander Consultative Committee and the local Aboriginal community

Aunty Sandra Lee
Aunty Cleonie Quayle
Uncle David Williams
Jeanice Corso
Trudy Healey
Lyn Leeson
Raelene Locke-Billedo
Paul Mackey
Djon Mundine
Julie Nixon
Des Smith
Chris Tobin
Melissa Williams
Clr Greg Cummings - Mayor

ABBREVIATIONS

ATSICC	Aboriginal and Torres Strait Islander Consultative Committee
LEP	Local Environmental Plan
LGA	Local Government Area
OEH	Office of Environment and Heritage
SHR	State Heritage Register

EXECUTIVE SUMMARY

1 Introduction

This Plan of Management applies to land which includes part of the State Heritage Register (SHR) curtilage area for Prospect Hill, north of Butu Wargun Drive in Pemulwuy.

This Plan of Management applies to allotments currently classified as community land and road reserve under the jurisdiction of Cumberland Council, as well as portions of two privately owned adjacent properties which are within the State Heritage Registered curtilage area for Prospect Hill.

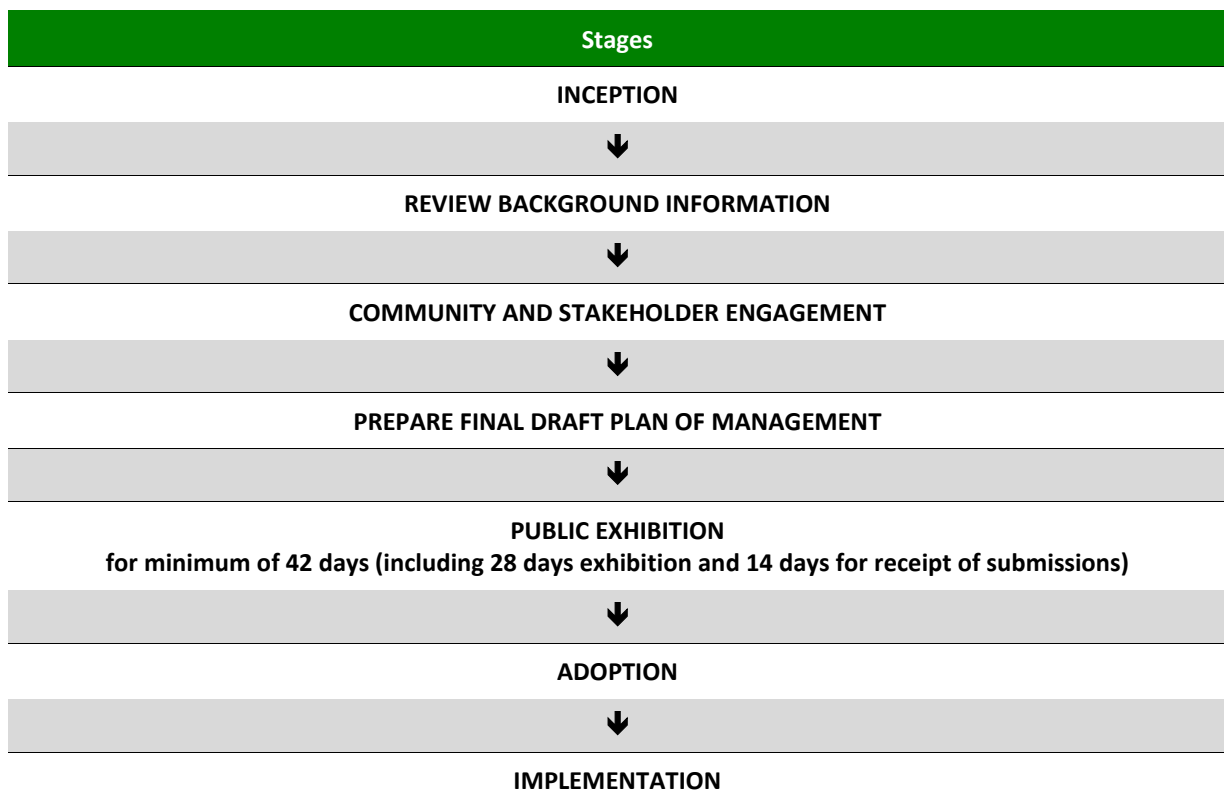
Prospect Hill is of significant cultural importance, especially to the people of the Darug nation.

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change.

Given its cultural and historic landscape importance, Prospect Hill – also known as Mar-Rong Reserve - was entered on the NSW State Heritage Register on 16 October 2003.

This Plan of Management will be an important supporting document for an application to the NSW Office of Environment and Heritage to declare Prospect Hill as an Aboriginal Place of Significance.

The process of preparing this Plan of Management is set out below.



2 Description of Prospect Hill

Key features of Prospect Hill are:

- is a place significant to the Cannemegal-Warmuli Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans
- the area of significant early interactions between Aboriginal people and European settlers

- a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains
- a unique 360-degree view of Sydney from the top of the hill
- extensive grasslands on the eastern slopes.

Prospect Hill is largely undeveloped with few built structures as follows.

Structure	Description	Condition
Two water tanks	Concrete, metal	To be assessed
Fencing and gates	Chain wire fencing Metal gates	New, excellent condition
Stairs and hand rail	Wooden stairs with hand rail to traverse steep sections of the informal path to the top of the hill	Good

Prospect Hill is visited by Aboriginal groups for education of school children, and local residents who like to walk there for exercise and to enjoy the view. Prospect Hill is a significant venue to the Aboriginal community for annual NAIDOC Week and Reconciliation Day (3 May) events which attract increasing numbers of people including dignitaries and school children, from all over Sydney and further afield. Several Aboriginal Heritage Tours led by Aboriginal elders have been held in recent years. Prospect Hill is a site of focus for local schools as teachers are required to teach Aboriginal culture as a core part of the primary and high school curriculum concerning Australian heritage.

3 Planning context

The legislation most affecting use and management of Prospect Hill is the *Local Government Act 1993*, and the *Environmental Planning and Assessment Act 1979*.

Due to the cultural significance of Prospect Hill, Cumberland Council supports its categorisation as Area of Cultural Significance (Section 36D of the *Local Government Act 1993*). The land proposed to be categorised as Area of Cultural Significance.

Several plans control development within the SHR curtilage area for Prospect Hill:

- Prospect Hill Conservation Management Plan 2005
- Prospect Hill Heritage Landscape Study and Plan 2008
- Prospect Hill Heritage Interpretation Plan 2009
- Holroyd Development Control Plan (DCP) Part P 2013.

Land covered by this Plan of Management at Prospect Hill is zoned RE1 Public Recreation and E2 Environmental Conservation under the Holroyd Local Environmental Plan 2013. The Clunies Ross Street road closure and the two privately owned lots to the west are unzoned as they are subject to the SEPP (Western Sydney Employment Area) 2009.

4 Basis for Management

Values and roles of Prospect Hill are listed below.

Value	Roles
Cultural	Place for cultural celebration
<ul style="list-style-type: none"> • Aboriginal • Aesthetic • Archaeological • Historical • Technical/research • Social 	Place for cultural education Meeting place Reminder about past land uses – farming, , quarrying, scientific research Landmark
Open space and recreation	Open space in an increasingly developed area Buffer between residential and commercial development Place for informal recreation
Environmental	Environmental conservation Fauna habitat

Council’s objectives for management of Prospect Hill by value are outlined below.

Value	Objectives ¹
Cultural	<ul style="list-style-type: none"> - Protect the integrity of the Prospect Hill State Heritage Registered Area - Manage Prospect Hill according to the Conservation Management Plan, Heritage Landscape Study, and Heritage Interpretation Plan. - Research and document the history of the Prospect Hill State Heritage Registered Area and its role in the history of Sydney. - Educate the community on the history and role of the site. - Utilise the history of the site as a theme in its development. - Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan, and the Prospect Hill Heritage Interpretation Plan. - Consult with local community groups to ensure that future development reflects the historical relevance of the past.
Open space and recreation	<ul style="list-style-type: none"> - Retain the open grass hill character as open space and preserve the distinctive ridgeline. - Improve the quality of open space area by replacing overhead transmission lines to underground cables or preferably to re-route electrical infrastructure around the outside of the open space area.
Environmental	<ul style="list-style-type: none"> - Maintain the prominence of Prospect Hill as a significant remnant geologic and topographic element. Site and design development at critical locations so that views of the ridgeline are maintained. - Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to built form when viewed from the top of Prospect Hill. - Ensure continuation of green corridors from existing conservation areas through the riparian corridor and up onto Prospect Hill.

¹ Holroyd Development Control Plan Part P August 2013

The vision for Prospect Hill is to:

- create Prospect Hill as a site of cultural significance and interpretation for future generations
- retain the prominence of Prospect Hill as a significant geological and topographical site
- enhance the site as a place for primarily reconciliation events
- create a safe place for the local community with green spaces and public facilities.
- be a place for local community – public safety, green space, facilities, activities and events
- interpret cultural heritage for future generations.

The primary considerations for future use of and development at Prospect Hill are its State Heritage Register listing, its categorisation of community land as Area of Cultural Significance under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, and its potential to be declared as an Aboriginal Place.

5 Action Plan

Issues and other considerations set out in the action plan are:

Cultural issues	Open space and recreation issues
Access to ceremonial site	Pedestrian link to Marrong Reserve
Reconciliation Stone	Pedestrian and cycle links to and from adjoining residential and employment areas
Formal gathering and events	Viewing opportunities
Prospect Hill community group	Seating
Aboriginal Place	Butu Wargun Drive road closure
Name of Prospect Hill	Children’s play opportunity
Anti-social behaviour	Environmental issues
Cultural centre	Planting and revegetation
Aboriginal community garden	Grassland
Vehicle access to cultural centre	Waste disposal
Community education and interpretation	Soil quality and contamination
Water tanks	Soil erosion
Caretaker’s residence	Fauna habitats and wildlife corridors
Public art	Water Sensitive Urban Design (WSUD)
Visual	Management issues
	Land acquisition and community land
	Authorised vehicle access
	Funding

Key proposed high priority and short-term actions and changes to Prospect Hill include to:

- make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the *National Parks and Wildlife Act 1974*.
- prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.
- erect a fence around the ceremonial site.
- relocate and place the Reconciliation Stone.
- obtain approval for construction of a cultural centre and associated gardens.
- establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.
- establish a walking track along the ridge line between the lookout at Prospect Hill, Warin Avenue and the Clunies Ross Street cul-de-sac.
- construct unobtrusive viewing areas at Prospect Hill, and south of the hill looking south-east using low maintenance materials.
- provide seating at entry points, along pathways and at viewing points.
- remove exotic vegetation such as pine trees and weeds.
- liaise with Aboriginal groups about planting of native species.
- provide bins for rubbish at entry points.
- negotiate with private land owners for Council to either manage or purchase by private treaty or compulsory acquisition Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814.

Landscape Masterplan

Legend

- Major Views
- New Trees
- Existing Trees
- Existing Tanks
- Bicycle Racks
- Bin
- Disabled Park
- General Carpark
- Bus Parking
- Building Beneath
- Property Boundaries
- Boundary Fence
- Safety Fence
- Gate
- Bollards
- Reconciliation Stone
- Flag Poles
- Moist Shale Woodland Revegetation
- Structural Mass Planting - Shrubs, Grasses and Groundcovers
- Boundary Buffer planting - Shrubs, Grasses and Groundcovers
- Bush Foods and Traditional Medicines
- Wheat, Rice and Traditional Flowering Grains
- Native Grasses for Weaving
- Playspace
- Turfed Area
- Pedestrian Paths (grades <1:14) 2.2m wide
- Pedestrian Shared Paths (grades >1:14) 3m wide
- Paths and Ramps with handrails
- Lightweight Raised Path 2.2m wide
- Lightweight Raised Ramp 2.2m wide
- Lightweight Pedestrian Bridge 2.5m wide
- Retaining Walls
- Granite Clad Retaining Wall with Parkland Name



Circulation & Elements Plan Prospect Hill Landscape Masterplan

Date: 20th March 2019



Formulate a Vision for the Precinct

- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect Hill as a significant geological and topographical site
- Enhance the site as a place for primarily Reconciliation events
- Create a safe place for the local community with green spaces and public facilities
- A place for local community – public safety, green space, facilities, activities and events
- Interpretation of cultural heritage for future generations

A. Topography, Geology and Soils

- Ensure the topography of the site both natural and cut remain- no further changes to landform to be considered
- The crest of the hill to be retained

Major Structures

1. Cultural Centre

- Consider the expressed wish of the Cumberland ATISC committee to create an Aboriginal Cultural Centre at Prospect Hill
- Investigate the design of a two-storey building in the gully between the ridgelines to the north of the hill
- Design to be visually unobtrusive, adopting sustainable principles
- Create spaces for education and talks
- Provide a space for Aboriginal artwork and artefacts
- Consider a visual and auditory sensory room
- Include kitchen facilities and toilet amenities
- Covered outdoor areas
- Parking for authorised vehicles

2. Caretakers Residence

- Consider the feasibility of a caretaker's residence at the Clunies Ross Street entry, approx. 80m²
- Provide a site compound & nursery, approx. 160m²

3. Cultural elements

- The Reconciliation stone is a significant artefact and will be located close to the cultural centre in the ceremonial plaza
- 3 flag poles to be located close to the Reconciliation Stone
- Existing water tanks to be retained on site as part of pre-CSIRO fabric of the site

4. Garden for Aboriginal agriculture and education

- Consider an interpretive, productive garden in association with the cultural centre
- The garden will be terraced on the slope
- Upper slopes – bush foods, traditional medicines
- Lower slopes – areas of wheat, rice, traditional flowering grains and native grasses for weaving

5. Pedestrian Bridge from Marrong Reserve to Prospect Hill

- Reconnect the significant landforms of Marrong Reserve and Prospect Hill with a cantilevered pedestrian bridge
- Explore the position and use of gates
- Make provision for wildlife movement on the bridge

6. Planting and Revegetation

- Tree planting to be retained on the southern fence line
- Mass, structural planting of grasses, shrubs, ground covers (up to 1m in height) around cultural centre
- Scattered trees, shrubs and ground cover plantings to western industrial boundary and eastern Durawi Street boundary
- Regeneration of Moist Shale Woodland planting association



Pedestrian Access and Circulation

- Enhancing pedestrian access to experience Prospect Hill is a key goal.
- Designing for universal access is a key goal
- Major pedestrian access should be formalised from Marrong Reserve and Clunies Ross Street to Prospect Hill
- Disabled accessible walkway/ramps from Reconciliation Rise connecting with ridge path to Marrong Reserve
- Connection of Reconciliation Rise and Clunies Ross Street via shared path along the western boundary of the site
- Minor access to local playspace along eastern boundary close to Warin Street and Durawi Street
- Access via steps to connect Durawi Walk Reserve with local playspace

Views

- Views to remain open and unchanged on the crest of Prospect Hill to experience the historic vistas
- Views to the cultural centre plaza to be retained from the southern area of the site
- Enhance views northwards from Marrong Reserve

Public Art

- Interpretive installations and public art should be limited on the site to locations within the proximity of the cultural centre and associated gardens and the playspace at the corner of Durawi Street
- Public art should reflect the cultural themes of the place, be low key and avoid locations in key vistas

7. Vehicle Access

- Link new cultural centre car park with vehicle access road from Clunies Ross Street
- Prioritise small bus drop off and disabled parking under the centre
- Design and construct off-road car parking in the Clunies Ross Street road reserve
- Continue vehicle access to park via maintenance gate on Warin Avenue
- Provide maintenance/emergency vehicle access to ceremonial plaza
- Utilise shared path on western boundary of site for maintenance access

8. Interpretation and Signage

- Historic events and stories will be told through tours with Aboriginal people and interpretive signage to be combined with directional signage at the start of tracks
- Signage can be intrusive and should be avoided on the top of the hill or significant spaces around the cultural centre

9. Boundary Fencing

- Discreet, continuous security palisade fencing (2.1m high) on the eastern slope of Prospect Hill should run at the base of the quarried cut along the top of the grassed slope along the top of the quarried cut and run towards the southern boundary
- Continuous security palisade fencing (2.1m high) to the north and west of the hill should follow the boundary at the Clunies Ross Street entry and run towards Reconciliation Drive
- A low safety fence is required along the eastern edge of the north/south ridgeline
- Gates across the hill should be open by day and closed at night
- A 0.9m high palisade fence to be installed along the Durawi Street/Warin Avenue boundary

10. Formal Gathering and Events

- The south-west quarried area is a natural amphitheatre for events and performances and should remain an open flexible space
- Above the cultural centre a ceremonial plaza with paving, flagpoles and a setting for the Reconciliation Stone will be for formal events and serve as a "break out" space from the building

11. Butu Wargun Road Closure

- Closure to continue to block vehicles entering from Reconciliation Drive
- Maintain pedestrian and cycle access through the road closure
- Plant additional trees to enhance the space

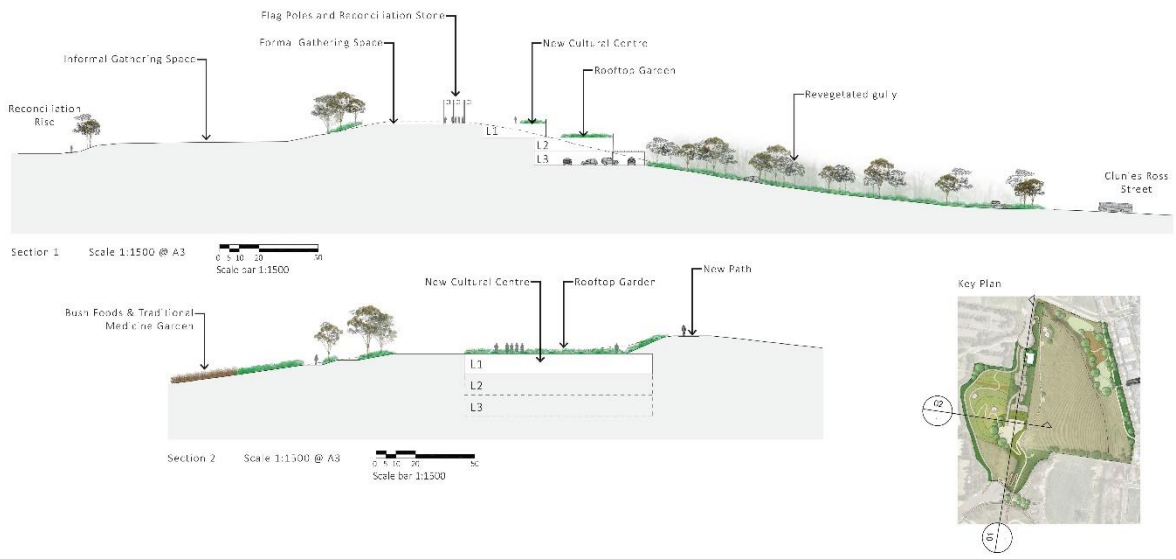
12. Recreation

- Childrens play and discovery is to be part of the Cultural Centre and gardens
- A local playspace for Pemulwuy residents will be located at the foot of the slope close to Durawi Street
- Encourage passive recreation and access to Prospect Hill
- Increase connections and legibility of surrounding sites and walks within the Prospect/Pemulwuy area

13. Amenities

- Public toilets can be considered as part of the cultural centre
- Picnic shelters can be considered in the Aboriginal gardens
- Small structures to be avoided near or on the crown of the hill
- Picnic tables and seating to be carefully placed on the Hill to provide rest points but not to clutter view lines

0 5 10 20 50
Scale bar 1:2000



1 INTRODUCTION

1.1 What Is A Plan Of Management?

A Plan of Management is a statutory document which provides the framework for managing community land, and outlines how that land is intended to be used, improved and maintained into the future.

The *Local Government Act 1993* requires Councils to prepare Plans of Management for all community land in their jurisdiction to ensure it is effectively managed.

This Plan of Management incorporates a Landscape Masterplan to illustrate proposed changes and to facilitate the establishment of facilities for the users of the land.

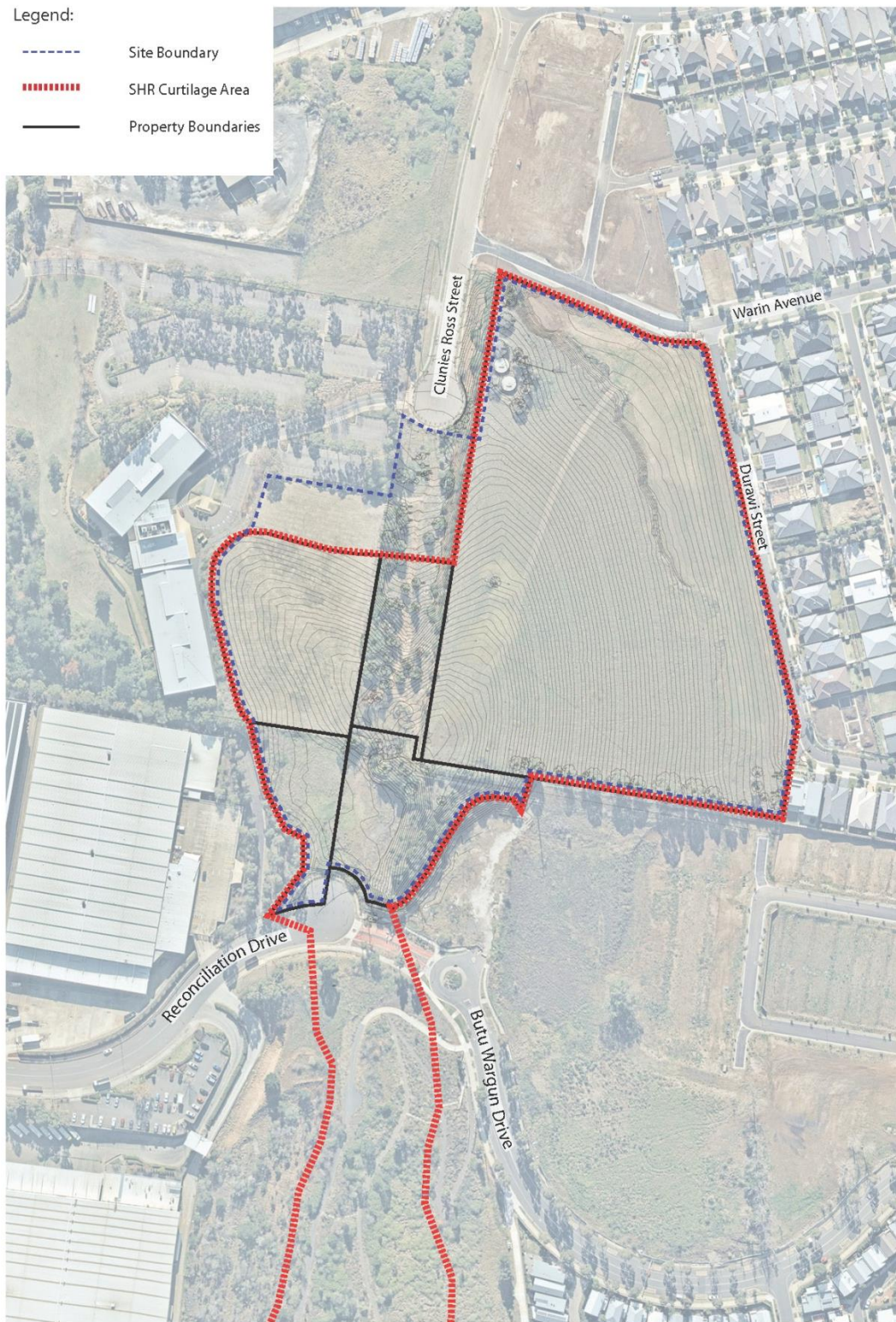
1.2 Land To Which This Plan Of Management Applies

This Plan of Management applies to land which includes part of the State Heritage Register (SHR) curtilage area for Prospect Hill, north of Butu Wargun Drive in Pemulwuy, as shown in Figure 1.

This Plan of Management applies to allotments currently classified as community land and road reserve under the jurisdiction of Cumberland Council, as well as portions of two adjacent properties which are within the State Heritage Registered curtilage area for Prospect Hill.



Figure 1 Land included in this Plan of Management



1.3 Significance of Prospect Hill

Prospect Hill is of significant cultural importance, especially to the people of the Darug nation.

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change.

Given its cultural and historic landscape importance, Prospect Hill – also known as Mar-Rong Reserve - was entered on the NSW State Heritage Register on 16 October 2003. The Statement of Significance reads:

The Prospect Hill area has state significance due to its unique combination of significant landscape features, potential archaeological site, and association with important historical phases. As a dolerite outcrop rising to a height of 117 metres above sea level, Prospect Hill is a rare geological and significant topographic feature providing expansive views across the Cumberland Plain (Ashton, 2000).

The site is significant as a major reference point for early explorers from 1788, and as the site of a number of the earliest farms in New South Wales, which were established in 1791 (Higginbotham, 2000). Prospect Hill is also associated with Aboriginal frontier warfare during the early days of the colony, and as the site of one of the first Aboriginal/ European reconciliation meetings held in 1805 involving Samuel Marsden and Prospect Aboriginal groups (Flynn 1997).

Through its ongoing pastoral and rural use, the site has the potential to provide archaeological evidence of early farming practice and settlement (Higginbotham 2000). The landscape of Prospect Hill is likely to be one of the only remaining areas of rural land within the local and regional area that has retained its long-term pastoral use since the earliest days of the colony.

Key features of Prospect Hill are:

- is a place significant to the Cannemegal-Warmuli Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans
- the area of significant early interactions between Aboriginal people and European settlers
- a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains
- a unique 360-degree view of Sydney from the top of the hill
- extensive grasslands on the eastern slopes.

1.4 Background to this Plan of Management

Given the significance of Prospect Hill to the Aboriginal community, Cumberland Council's Aboriginal and Torres Strait Islander Consultative Committee (known as the ATSIC Committee) has expressed a strong desire for Prospect Hill to be declared an Aboriginal Place of Significance. These places are important to Aboriginal people for social, spiritual, historic and commemorative reasons. The ATSIC Committee approved the preparation of a Plan of Management and Landscape Masterplan for Prospect Hill at their meeting on 2 November 2016. At that meeting the ATSIC Committee wanted the following processes to commence:

1. The ATSIC Committee to support the preparation of a Plan of Management, incorporating a Landscape Masterplan for Prospect Hill
2. Consultation for the preparation of a Plan of Management and Landscape Masterplan for Prospect Hill is expected to include:
 - a) Primary stakeholder workshops (ATSIC Committee and Council representatives)
 - b) Public exhibition of the draft Plan of Management incorporating Landscape Masterplan
 - c) Public hearing of the draft Plan of Management incorporating Landscape Masterplan
 - d) NSW Office of Environment and Heritage
 - e) The draft Plan of Management incorporating in the Action List, as a high priority item, that an application be made to the NSW Office of Environment and Heritage for Prospect Hill to be declared an Aboriginal Place
3. Adoption of the Plan of Management incorporating a Landscape Masterplan by Council
4. Apply to the NSW Office of Environment and Heritage for Prospect Hill to be declared an Aboriginal Place in consultation and as approved by Council's ATSIC Committee

This Plan of Management will be an important supporting document for an application to the NSW Office of Environment and Heritage to declare Prospect Hill as an Aboriginal Place of Significance.

This is the first Plan of Management to be prepared for Prospect Hill. It will complement the Draft Plan of Management for Marrong Reserve to the south which was prepared for Lend Lease in 2014, and the Lakewood Estate Riparian Corridor to the east adopted in 2018.

1.5 Aims and objectives of this Plan of Management

The primary objective of this Plan of Management is to guide the future management and development of Prospect Hill, while taking into account the cultural and physical significance of the site.

Cumberland Council's objectives and desired outcomes are to prepare a Plan of Management for Prospect Hill which:

- meets the requirements of the *Local Government Act 1993* for management of community land, and other relevant legislation.
- includes clear and achievable management strategies which reflects Council's corporate and planning goals and policies.
- reflects the values and desired outcomes of engagement with the Aboriginal community, local residents, and other stakeholders.

- identifies and considers cultural heritage, environmental, open space and recreational values, and the balancing of such values.
- determines priorities for future assets, embellishment works, and maintenance requirements.
- includes a Landscape Masterplan which shows spatial actions.

1.6 Process of preparing this Plan of Management

The process of preparing this Plan of Management, consultations with stakeholders and the community, and documents produced at each stage, are shown in Figure 2.



Engagement with the community is an important part of the preparation of this Plan of Management. It allows the community the opportunity to have a say in the planning process and to contribute to the range of values, issues and desires when preparing the Plan of Management.

Cumberland Council began the community consultation process for this Plan of Management in March 2018. The consultation process is outlined in Figure 2.

Members of the Cumberland ATSIC Committee, as well as other interested Aboriginal people, attended an Aboriginal Stakeholders Forum on 5 April 2018. The outcomes of the Aboriginal Stakeholders Forum are in Appendix A.

A Community Forum attended by local residents was held in Pemulwuy on 3 May 2018. The outcomes of the Community Forum are in Appendix B.

The report of the public hearing held on 13 December 2018 is in Appendix C.

Figure 2 Process of preparing this Plan of Management

CONSULTATIONS	STAGES	OUTPUTS
<ul style="list-style-type: none"> - Meeting with Council’s Project Manager - Site inspections with Council staff and ATSIC Committee members 	INCEPTION	
↓		
<ul style="list-style-type: none"> - Review background reports, plans - Meetings with Council staff 	REVIEW BACKGROUND INFORMATION	
↓		
<ul style="list-style-type: none"> - Council staff workshop - Council Advisory Committees: Aboriginal, Access - Aboriginal Stakeholders Forum 5 April 2018 - Community Forum 3 May 2018 - Office of Environment and Heritage 	COMMUNITY AND STAKEHOLDER ENGAGEMENT	<p>Presentations to Aboriginal Stakeholders Forum and Community Forum</p> <p>Minutes of Forums</p>
↓		
Review by Council staff	PREPARE DRAFT PLAN OF MANAGEMENT	Draft Plan of Management Draft Landscape Masterplan
↓		
<ul style="list-style-type: none"> - Copy to Chief Executive of Office of Environment and Heritage - Council letterhead and flyer posted to primary stakeholders, including Council’s Aboriginal and Torres Strait Islander Consultative Committee, Local Aboriginal Land Council, NSW Heritage Council, NSW Office of Environment and Heritage - Posters on site and at local shopping centre - Flyers to local residents and businesses within 400 metres radius of the study area - Letters/emails to community groups, residents and other stakeholders - Notices placed in local newspapers - Documents and plans on display at Council’s customer service centres and libraries, and on Council’s website - Facebook post - Public hearing / community meeting 13 Dec 18 	PUBLIC EXHIBITION for 56 days (including statutory 28 days exhibition and 14 days for receipt of submissions)	<p>Written submissions to Council</p> <p>Public hearing submissions and report</p>
↓		
Resolution by Cumberland Council with any proposed amendments as a result of Council’s consideration of submissions	ADOPTION	Council report Plan of Management and Landscape Masterplan for Prospect Hill
↓		
IMPLEMENTATION		

Feedback from the Office of Environment and Heritage on the Draft Plan of Management is in Appendix D.

The Draft Plan of Management and Landscape Masterplan for Prospect Hill was placed on public exhibition for public comment for 56 days, which is longer than the 28 days for exhibition and 14 days for receipt of comments required by the *Local Government Act 1993*. The public exhibition began on Wednesday 28 November 2018 and ended on Tuesday 22 January 2019. The Draft Plan of Management and Landscape Masterplan were on display at Council's customer service centres and libraries, and on Council's website.

The public exhibition was publicised by:

- Council letterhead and flyer posted to primary stakeholders, including Council's Aboriginal and Torres Strait Islander Consultative Committee, Local Aboriginal Land Council, NSW Heritage Council, NSW Office of Environment and Heritage
- Posters placed on site and at the Pemulwuy shopping centre
- Flyers distributed to local residents and businesses within 400 metres radius of the study area
- Letters/emails to community groups, residents and other stakeholders
- Notices placed in the Cumberland Council column in local newspapers: *Auburn Review* on 27 November 2018, and *Parramatta Advertiser* on 28 November 2018
- Facebook post on 5 December 2018
- News item in the *Parramatta Advertiser* on 9 January 2019.

A public hearing / community meeting was held on 13 December 2018 to receive submissions on the proposed categorisation of Prospect Hill as Area of Cultural Significance, and any other questions and comments about the Draft Plan of Management. The separate public hearing report contains the submissions and recommendation for categorisation as Area of Cultural Significance.

Submissions received from the public and organisations during the public exhibition and from the public hearing were considered, and appropriate changes made to finalise the Plan of Management following Council's resolution and consideration of submissions.

1.7 Contents of this Plan of Management

1.7.1 Local Government Act 1993

Requirements of the *Local Government Act 1993* for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 1.

Table 1 Contents of a Plan of Management for community land

Requirement of the Local Government Act	How this plan satisfies the Act
A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2

Requirement of the Local Government Act	How this plan satisfies the Act
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
Categorisation of community land	Section 3
Core objectives for management of the land.	Section 3
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Section 4
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Section 4
A description of the scale and intensity of any permitted use or development.	Section 4
Authorisation of leases, licences or other estates over community land.	Section 4
Objectives and performance targets.	Section 5
Means by which the plan's objectives and performance targets will be achieved.	Section 5
Means for assessing achievement of objectives and performance targets.	Section 5
<i>Section 36D of the Local Government Act 1993 further requires in a Plan of Management for community land comprising Area of Cultural Significance:</i>	
A statement that the land is an Area of Cultural Significance because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance.	Section 3
Categorisation as an Area of Cultural Significance	Section 3
Identify objectives, performance targets, and other matters that: <ul style="list-style-type: none"> - are designed to protect the area - take account of the features of the site identified by Council's resolution that declares the land is an Area of Cultural Significance 	Section 5

1.7.2 Management Plan for an Aboriginal Place

This Plan of Management also includes some elements of a formal Management Plan for a declared Aboriginal Place (Office of Environment and Heritage, 2017). Other elements would be completed after further engagement with the Aboriginal community and OEH either at the same time or after the Aboriginal Place is gazetted.

Table 2 Elements of a Management Plan for an Aboriginal Place

Element of a Management Plan	Where found in this Plan
1 A statement of cultural values of the Aboriginal Place, including whether it is a men's or women's site.	Section 4.2
2 Threats to the place, an assessment of risk of harm and ways in which significant threats will be treated.	- To be completed in a Management Plan if prepared
3 Other uses of the area ie. recreational, economic	Section 2.7

Element of a Management Plan	Where found in this Plan
4 Appropriate fire regimes	- To be completed in a Management Plan if prepared
5 Activities that may require Aboriginal Heritage Impact Permits issued under Part 6 of the National Parks and Wildlife Act 1974, and maps of where these activities are authorised under a permit.	- To be completed in a Management Plan if prepared
6 The treatment of culturally sensitive information in accordance with a section 161 notice.	- To be completed in a Management Plan if prepared
7 Ongoing management actions, who is responsible for doing them, and what consultation arrangements are needed.	Section 5.2 To be completed in a Management Plan if prepared
8 A process for periodic monitoring and recording of Aboriginal Place site conditions.	- To be completed in a Management Plan if prepared
9 Funding and resources	Section 6.2

This page is left blank intentionally

2 DESCRIPTION OF PROSPECT HILL

2.1 Location and context

Figure 3 shows the location of Prospect Hill at Pemulwuy in the Cumberland local government area. Prospect Hill is approximately 9 kilometres west of the Parramatta CBD, and 32 kilometres north-west of the Sydney CBD.

Land uses immediately adjoining Prospect Hill are Marrong Reserve to the south, employment lands to the west, and recent or pending residential development in Pemulwuy to the north and east.



East to Pemulwuy



Employment lands to the west



Marrong Reserve to the south



Looking north

Prospect Hill is part of an open space network that links into Prospect Creek and regional open space at Gipps Road and Hyland Road Regional Parklands.

Figure 3 Location and context of Prospect Hill



2.2 Cultural history of Prospect Hill

2.2.1 Indigenous context

The Cannemegal-Warmuli clan of the Darug nation has traditional ties to the land known as Prospect Hill.

Before 1788, Prospect Hill was an important marker, navigational element and vantage point in the landscape. Its Aboriginal name is recorded as Marrong or Mar-rong (Musecape Pty Ltd, 2009). Similarly, Conybeare Morrison (2005) suggested Prospect Hill was a major reference point for the Aboriginal people living on the Cumberland Plain, to whom it was known as Mar-rong or Mur-rong. Marrong can be partially interpreted as a pathway, route or way forward and may represent a landmark within a songline, or a significant way of passage across a landscape.



It is believed that indigenous groups remained for only short stays along the ridge, with more permanent camps occurring along Prospect Creek (Government Architects Office, 2008).

Traditionally, a peak or crest of a landform is culturally and spiritually a male centre of cultural activity associated with a vantage point, ceremonies and hunting; whereas a female centre of cultural activity is associated with watercourses, food gathering and the care of children. Some people, particularly traditional Aboriginal women, feel uncomfortable going to the top of Prospect Hill for cultural reasons.

The current significance of Prospect Hill as a place of reconciliation is signified by the Reconciliation Stone below.



2.2.2 European exploration and settlement

Historical events

A compilation of historical events relating to Prospect Hill since the first settlers discovered Prospect Hill in 1788 is in Appendix E.

Key events in the history of Prospect Hill are as follows:

- 1788: Governor Phillip and Surgeon John White lead an expedition party in search of fertile land, and on 26 April 1788 climb the hill. Phillip's account states that the exploration party saw from Prospect Hill 'for the first time since we landed Carmathen Hills (Blue Mountains) as likewise the hills to the southward.'
- 1791: Governor Phillip provided 30-acre grants around the base of Prospect Hill on the southern and eastern sides to 13 ticket-of-leave convicts. The land is cleared for agriculture, which provokes organised resistance from local Aboriginal people.
- June 1802: Aboriginal resistance leader Pemulwuy was shot and killed. Pemulwuy's son Tedbury continued the resistance.
- 3 May 1805: Reverend Samuel Marsden facilitated a meeting to reconcile the local Aboriginal clans and the soldiers and settlers, with Darug women and Prospect Hill settler John Kennedy acting as intermediaries.
- 1808: First major land grant to William Lawson. 550 acres to the west of Prospect Hill which increases to 3,000 acres.
- 1819: Lawson increases land holding and to 3000 acres buying surrounding grants
- 1821: W. Lawson builds Veteran Hall on Prospect Hill
- 1836-1837 Nelson Lawson inherits land and increases land holdings around the Prospect site. Builds Greystanes House on the slopes of Prospect Hill, just south of the SHR area.
- 1880: Creation of Prospect Reservoir subsumes the majority of William Lawson's land.
- Mid 1800s: quarrying of the basalt plug at Prospect Hill was under way.
- 1929 Veteran Hall demolished
- Early 1940s: Anecdotal reports indicate part of the site was used as a shooting range by allied soldiers during World War II.
- 1946: The Commonwealth acquired land for the CSIRO site, with further acquisition in 1963.
- Early 1950s: sheep were pastured for research purposes on the CSIRO site
- 2000: the CSIRO site is the primary research centre of the Division of Animal Production
- 1999: SEPP 59 was gazetted, which rezoned land on hill's eastern side for regional open space and housing, for employment land to the west.
- 2002: the former CSIRO site north of Nelson's Ridge was vacated and sold to Stockland.
- 2003: Prospect Hill was entered on the NSW State Heritage Register in October.
- 2016-17: following residential development in Pemulwuy, Stockland (2016) and Boral (2017) transferred land to Cumberland Council.

Historical sites and items

Two water tanks which were evident in the 1943 aerial photograph are on site.

2.3 Ownership and management

Figure 4 shows the land parcels included in this Plan of Management. Property details for these land parcels are listed in Table 3.

The total land area covered by this Plan of Management is approximately 6.7 hectares.

2.3.1 Council owned land

Cumberland Council owns three parcels of land in the study area: Lot 669 DP 1148337, Lot 202 DP 1028208, and the Clunies Ross Street Road Reserve. These Council-owned lots comprise some 83% of the study area.

2.3.2 Private land

SHR easement areas within adjacent allotments - Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814 - are privately owned. Council intends to acquire these parcels at some time in the future to consolidate jurisdiction and to ensure consistent management of the SHR area.

Figure 4 Land tenure – Prospect Hill

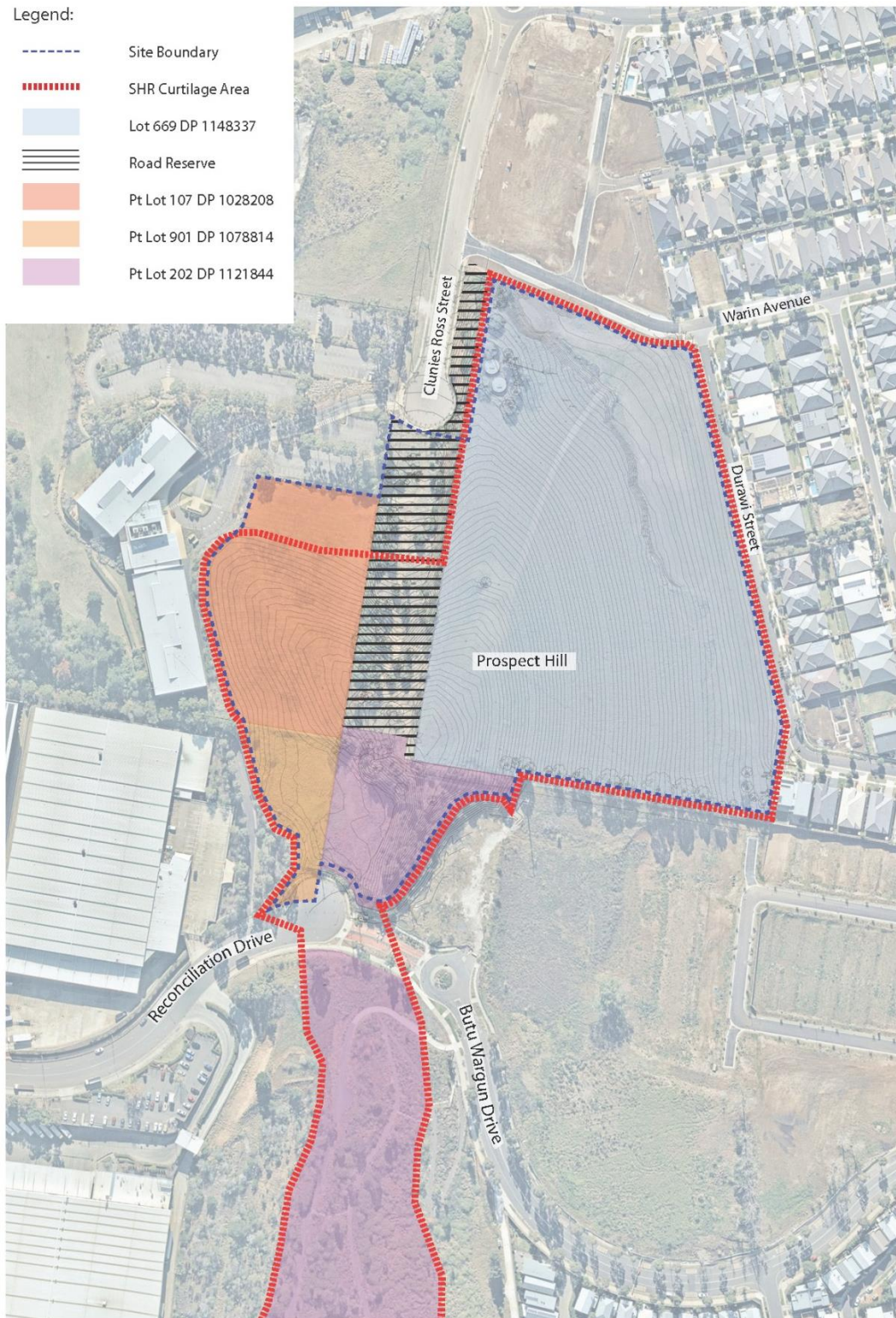


Table 3 Property details of Prospect Hill

Land parcel	Lot 669 DP 1148337	Part Lot 202 DP 1121844	Clunies Ross Street Road Reserve	Part Lot 107 DP 1028208	Part Lot 901 DP 1078814	
Owner	Cumberland Council	Cumberland Council	Cumberland Council	PGL No 1 Pty Ltd	The Trust Company Limited	
Subject approximate area (ha)	4.0980	0.5569	0.7879	0.9701	0.2707	
Zoning	RE1 Public Recreation	E2 Environmental Conservation	SEPP (Western Sydney Employment Area) 2009	SEPP (Western Sydney Employment Area) 2009	SEPP (Western Sydney Employment Area) 2009	
Easements		18m wide transmission line – P738713. 2m wide underground cables – DP 1058563.	Eastern side 18m wide 33 kv (overhead) transmission line.	1m wide underground cables – DP 1070244(P).		
Other encumbrances			Existing ø375 & ø450 stormwater drainage.	Restriction on the use of land associated with onsite detention of storm water - DP 1030744(J).	Restriction on the use of land “No clearing or construction allowed within the area designated without consent of the Authority benefited”. This authority is Heritage Council of New South Wales – DP 1030744(H,V,N).	
			Western side existing 11kv (overhead) transmission lines.	NSW Heritage Council has interest.	Right of carriageway variable width – DP 1040113(A).	

2.3.3 Road reserves

The study area includes land designated as road reserve incorporating part of Clunies Ross Street as shown in Figure 4. This area does not have an identifying lot and Deposited Plan (DP) number. Resource allocation is required for maintenance.

The categorisation and inclusion of road reserves in a Plan of Management is not required under the *Local Government Act 1993*. However as road reserves require resources to manage and maintain them in a similar manner as though they are classified as community land they are included in this Plan. This Plan of Management recommends changing the road reserve to a community land title.

2.3.4 Easements

Part Lot 202 DP 1121844 is subject to a transmission line easement.

East and west side transmission line easements are required through the Clunies Ross Street road reserve to accommodate overhead power lines. They should be replaced by subgrade power cables or preferably re-routed around the outside of open space area and be addressed prior to the construction of a building, such as the proposed community centre, in order to align to the objectives of the open space area.

2.3.5 Covenants

The SHR area is dedicated for public park and reserve.

Covenants, encumbrances and other interests and restrictions on land use are listed in Table 3.

2.3.6 Key stakeholders

Several organisations have a responsibility and/or an interest in managing Prospect Hill as set out below.

Table 4 Key stakeholders in Prospect Hill

Stakeholder	Responsibility / interest in Prospect Hill
Aboriginal groups	
- Cannemegal-Warmuli Clan	- Traditional owners with cultural ties to the land
- Darug elders and people	- Management and use
- Cumberland ATSIC Committee	- Advice, management, approval
Cumberland Council	- Land owner
	- Management
	- Maintenance
	- Funding
	- Responsibility to acquire private land
Private land owners	- Land owners
Office of Environment and Heritage	- Administration and management of SHR Area
	- Support, review and approvals regarding SHR Areas and Aboriginal Places
	- Responsibility to acquire private land
Local residents	- Neighbours
	- Users

Stakeholder	Responsibility / interest in Prospect Hill
Heritage Council	- Land Responsibility
Upper Parramatta River Catchment Trust (Cumberland Council)	- Land Responsibility

2.4 Physical description

2.4.1 Climate

The long-term temperature and rainfall averages for Prospect Reservoir, the closest meteorological station to Prospect Hill, shows:

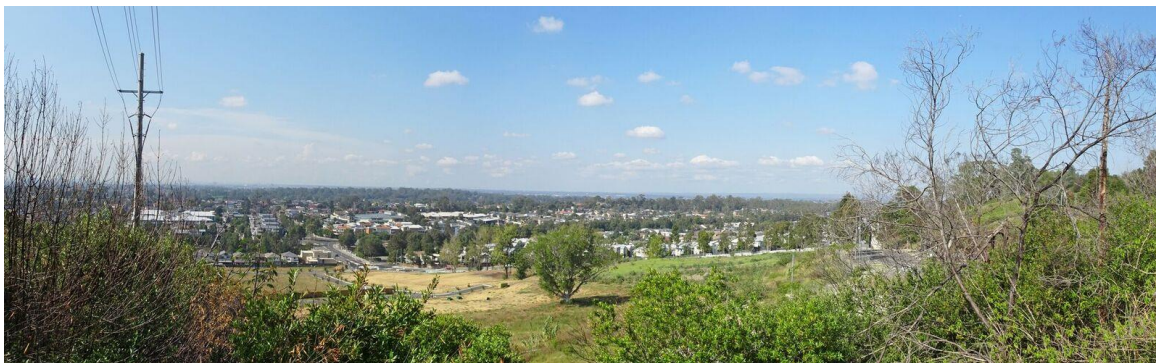
- a mean annual maximum temperature of 23.2°C, peaking above 27.0°C in December-February.
- mean annual minimum temperature of 12.3°C, with mean lowest temperatures below 10°C in May to September.
- mean annual rainfall of 872 mm with highest rainfall occurring in January to March.

2.4.2 Topography, geology and soils

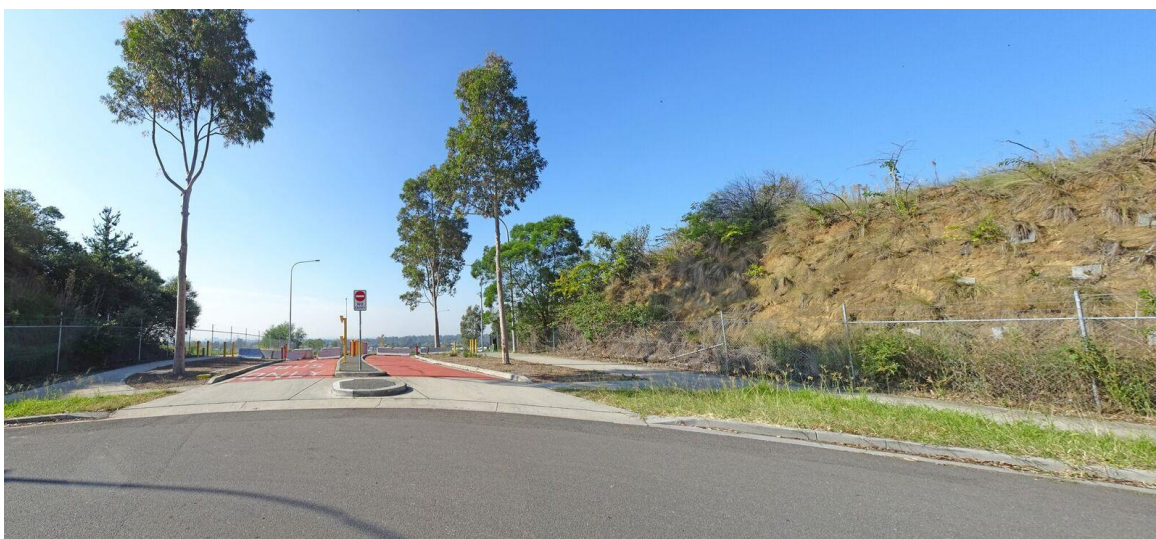
Prospect Hill rises 112 metres above sea level, lying centrally in the Cumberland Plain. Panoramic views from the top of the hill are available east to the Sydney CBD, North Sydney, St Leonards, Chatswood and Parramatta; and north-east to Bella Vista homestead. On a clear day the Blue Mountains to the west and the Southern Highlands to the south can be seen from the peak of the study area.

Prospect Hill is Sydney’s largest body of igneous rock. Conybeare Morrison (2005) identified that Prospect Hill is a Tertiary basalt or dolerite plug which produces rich black earths formed on the basaltic material of the chilled margin of the intrusion, with podsolised types formed on the Triassic series on the lower slopes. Soils on the Council-owned Lot 669 DP 1148337 and Lot 202 DP 1121844 are identified as ‘Moderate Salinity Potential’ in the Holroyd Local Environmental Plan 2013.





Prospect Hill is a free-standing knoll which is separated from Marrong Reserve to the south at a saddle by Butu Wargun Drive (Government Architects Office, 2008).



The topography has been drastically altered by quarrying activities. Prior quarrying carved out the Prospect Hill landform on several sides, with steep embankments and unstable slopes. Quarried areas are shown in Figure 5.

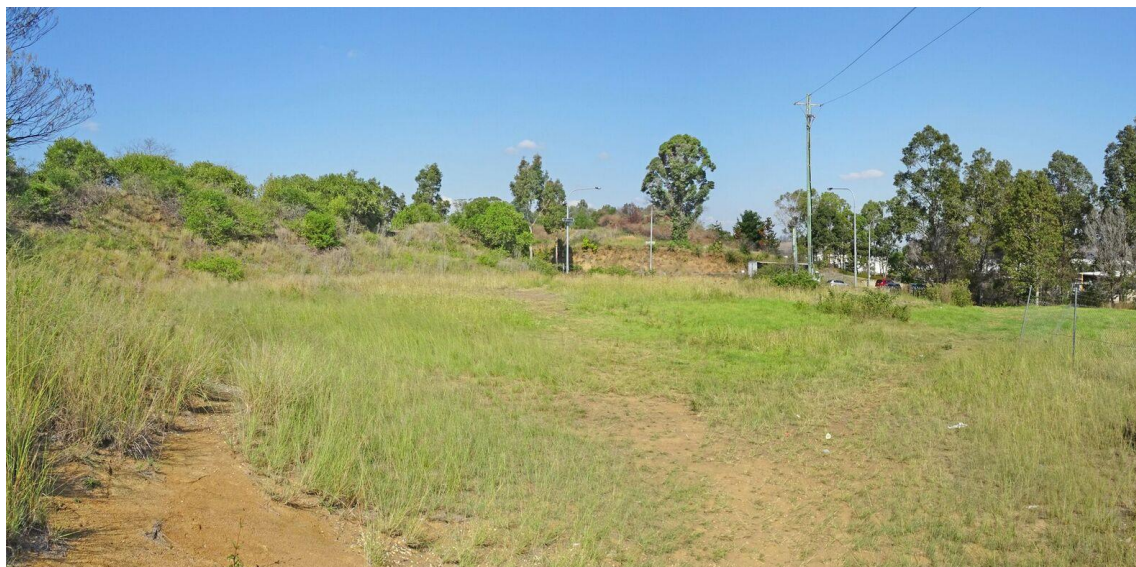
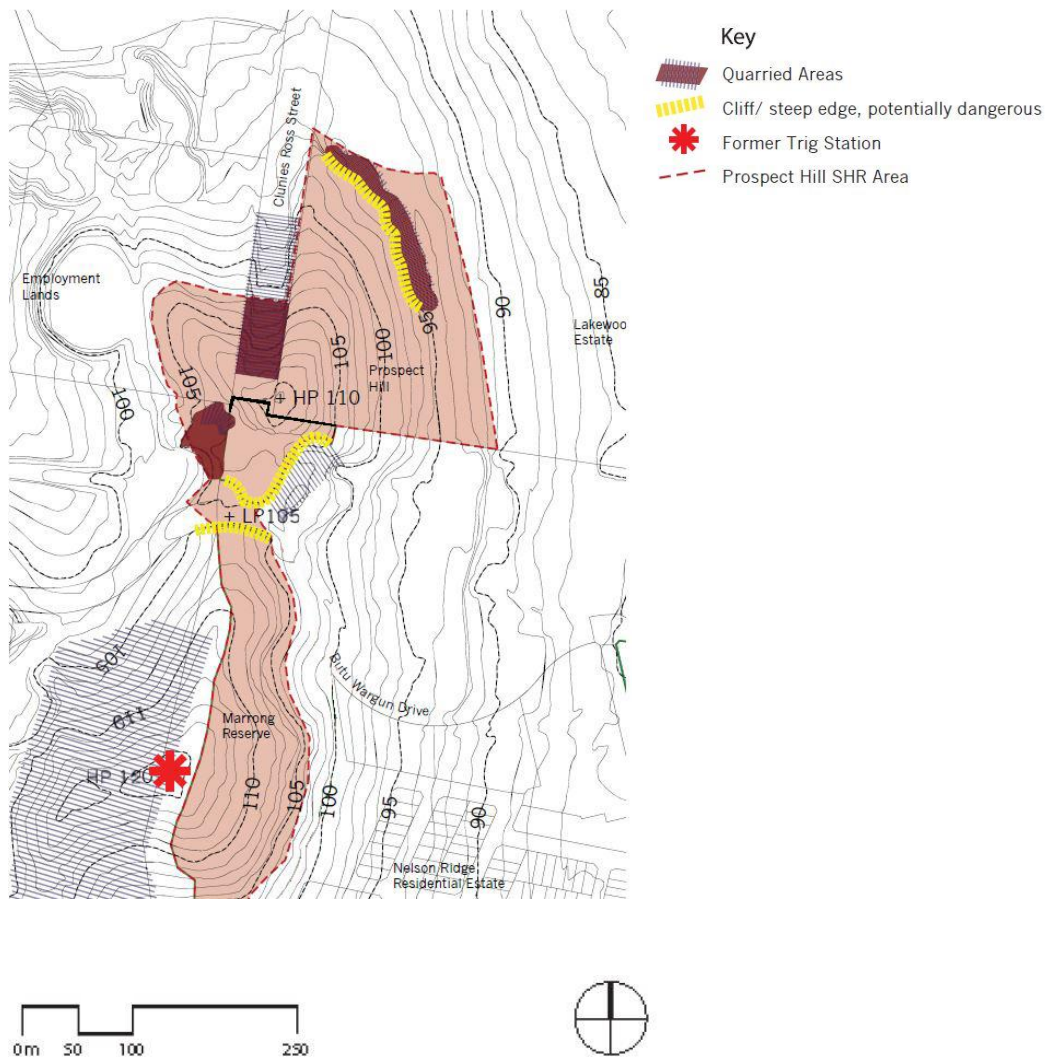


Figure 5 Quarried areas at Prospect Hill





Several ridgelines slope downhill from the crest of Prospect Hill, with the most significant ridgeline sloping in an approximately northerly direction at an average slope of 1:15. The average slope from the top of the hill to the eastern boundary is 1:10. Steep slopes have been formed by quarrying on the southern side of the hilltop. The western side of the study area is gently undulating to flat.

A preliminary site investigation of Lot 669 DP 1148337 was undertaken by Stockland Development Pty Ltd in 2016 and, with reference to the NSW Environment Protection Authority 'Guidelines for Consultants Reporting on Contaminated Sites' and Council's Contaminated Land Policy, the potential for contamination of Lot 669 was considered low without further need for investigation.

2.4.3 Hydrology and drainage

As the highest point in the vicinity, the north-south ridgeline of Prospect Hill diverts stormwater easterly and westerly respectively. Stormwater falling on Prospect Hill drains to the Greystanes Creek catchment which flows into the Parramatta River, the main tributary of Sydney Harbour.

2.4.4 Flora and fauna

Vegetation

The natural vegetation community within the Prospect Hill SHR Area is Moist Shale Woodland, which is a critically endangered ecological community under the Commonwealth *Environmental Protection and Biodiversity Act 1999* and an Endangered Ecological Community in the NSW *Biodiversity Conservation Act 2016*.

Moist Shale Woodland occurs where there is increased rainfall on clay soils derived from Wiannamatta Shale.

Canopy trees characteristic of Moist Shale Woodland include Spotted Gum (*Corymbia maculata*), Forest Red Gum (*Eucalyptus tereticornis*), and Grey Box (*Eucalyptus moluccana*), with smaller tree species including Hickory Wattle (*Acacia implexa*) and Sydney Green Wattle (*Acacia parramattensis subsp. parramattensis*).

The vegetation on Prospect Hill has been highly modified as a result of land clearing for previous agricultural, pastoral and quarrying activities. Today the vegetation is characterised by a row of planted trees adjacent to boundary lines, scattered shrubs, weeds, and extensive pasture grassland on the north-eastern slope.



Fauna

Kangaroos are frequently sighted at Prospect Hill and it is likely that other native species that have not been recorded are also present.

Introduced animals typical of urban environments are also known to inhabit Prospect Hill. Ongoing monitoring, treatment or control may occur from time to time in response to primary pests where possible, such as by implementing or extending fox abatement programs.

There are no known endangered fauna species associated with the site.

Fire regime

Fire is a natural and necessary part of the Australian landscape, particularly of the woodland forest and grassland typical of remnant vegetation in Prospect Hill.

Fires are an expression of anti-social behaviour by people who trespass on the site. The effects of a recent deliberately lit fire on vegetation at Prospect Hill is shown below. This behaviour is expected to diminish with the ongoing activation of the parkland area in line with proposed embellishments implemented as part of this plan and Landscape Masterplan.

There are currently no Asset Protection Zones defined within the Prospect Hill curtilage area associated with the development of adjacent properties as recommended by the NSW Rural Fire Service.



2.5 Access and circulation

Figure 6 shows the current access points and circulation routes within Prospect Hill.

Vehicle and pedestrian access to Prospect Hill is limited due to inter-allotment gates and fencing on the site, and the adjoining road network. A 1.8 metre high chain wire fence and vehicle access gate has recently been installed along Warin Avenue.

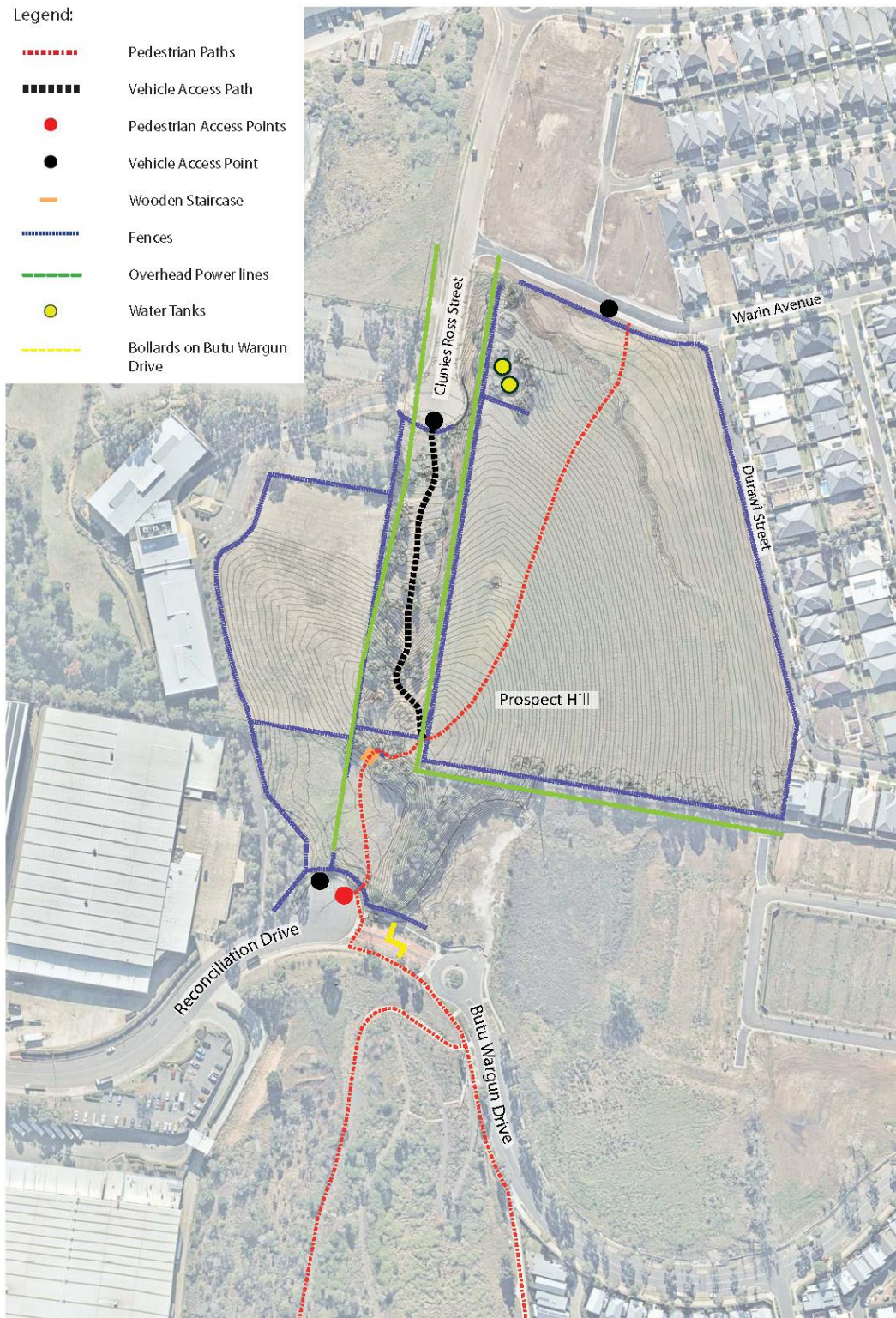
Unauthorised pedestrian access through the fencing at the top of the hill is available from Reconciliation Rise, and from Warin Avenue/Durawi Street at the foot of the hill.

Gated vehicle access to Prospect Hill is available from Reconciliation Rise, Clunies Ross Street and Warin Avenue. Vehicle access via Butu Wargun Drive was recently prevented by Council installing temporary barriers on the roadway to discourage people accessing the hill area for anti-social activities.

Unformed paths with a set of wooden steps extend between the Reconciliation Rise entry point to the top of Prospect Hill.

The Holroyd Bike Plan shows an existing cycle route along Butu Wargun Drive. The nearest implemented cycle routes are located along Butu Wargun Drive and Reconciliation Rise, and Clunies Ross Street from the Wombat Street intersection.

Figure 6 Access and circulation



2.6 Structures

Prospect Hill is largely undeveloped with few built structures as follows.

Table 5 Built structures and condition

Structure	Description	Condition	
Two water tanks	Concrete, metal	To be assessed	
Fencing and gates	Chain wire fencing Metal gates	New, excellent condition	
Stairs and hand rail	Wooden stairs with hand rail to traverse steep sections of the informal path to the top of the hill	Good	

The physical condition of Prospect Hill has declined through activities such as quarrying and anti-social activities such as littering. Anti-social use of the area is evident from broken fencing, fire pits, littering and some illegal dumping. The ongoing development of passive recreational facilities and increased activation of the open space area is expected to diminish this behaviour over time.

Electricity power lines are located on the western and southern edges of Lot 669 DP 1148337, and on the eastern and western side of the road reserve at the cul-de-sac end of Clunies Ross Street. The power lines and fencing divide the site and visually detract from the integrity of the Prospect Hill SHR Area. A high pressure gas pipeline sign is located within Lot 202 behind the western and southern corner of Lot 669.

There is no known water or sewer infrastructure installed at the site. Drainage pits are located as part of surrounding road infrastructure.

2.7 Activities at Prospect Hill

Previous uses of Prospect Hill include agriculture, quarrying, and scientific research.

Today Prospect Hill is visited by Aboriginal groups for education of school children, and local residents who like to walk there for exercise and to enjoy the view.

The Prospect Hill area is the site of the first Aboriginal – European reconciliation held in Sydney. On 3 May 1805, a group of Aboriginal women together with a young free settler, John Kennedy, facilitated a meeting on Prospect Hill between the Aboriginal leaders of the Darug clan and European settlers headed by Rev John Marsden. This was the first recorded act of reconciliation between Indigenous people and Europeans in Australia, and brought about an end to the ongoing conflict in Parramatta and Prospect. At the Council meeting on 3 May 2011, Council resolved that an annual commemoration be organised to recognise this event and since then this event has been commemorated on 3rd May each year in a ceremony on Prospect Hill.

Prospect Hill is a significant venue to the Aboriginal community for annual NAIDOC Week and Reconciliation Day (3 May) events which attract increasing numbers of people including dignitaries and school children, from all over Sydney and further afield. Reconciliation Day has been commemorated at Prospect on 3 May every year since 2010.





Reconciliation Day Event 3 May 2018



Cumberland Aboriginal Heritage Tour 11 April 2018

The Discover Cumberland Aboriginal Heritage Tour took place on Friday 14 July 2017 to celebrate Aboriginal culture and history. The tour was part of the Cumberland Locale Festival: Stories of the People and Places of Cumberland and NAIDOC Week Program. The tour provided participants with the opportunity to discover the stories and places of Aboriginal cultural significance and heritage in Cumberland, including the site of the First Act of Reconciliation in NSW. The guided bus and walking tour across Cumberland from Auburn to Prospect Hill was led by Aboriginal tour guides who shared insightful knowledge about the history and cultural heritage of some of the significant places of Cumberland. The importance of the Aboriginal tradition was expressed through a Welcome to Country, Smoking Ceremonies, a sit down bush tucker buffet cuisine and cultural performances.

The Sydney Sacred Music Festival launch held at Prospect Hill in 2016 was a cultural event created in consultation and partnership with the Darug elders.

A Cumberland Aboriginal Heritage Tour that took place on 11 April 2016 was guided by Uncle David Williams and Aunty Jacinta Tobin.

Prospect Hill is a site of focus for local schools as teachers are required to teach Aboriginal culture as a core part of the primary and high school curriculum concerning Australian heritage.

2.8 Maintenance

Maintenance of Prospect Hill currently includes replacement of damaged fences and gates, removal of litter, and mowing according to Council's Maintenance Service Levels.

2.9 Financial management

No income is currently derived from use of Prospect Hill.

General rate revenue is proportionally applied to the Capital Work Program over the long term.

Grant funding from the 2017/18 NSW Stronger Communities Fund is currently available to establish pathway access at Prospect Hill.

Funding is also available from developer contributions as part of the Section 94 Developer Contributions Plans, and grant funding as opportunities for grant funding arise.

Maintenance and capital costs are primarily part of operational service levels.

This page is left blank intentionally

3 PLANNING CONTEXT

3.1 Introduction

This section outlines the legislative and policy framework applying to Prospect Hill. Full versions of the legislation outlined below is found on-line at www.legislation.nsw.gov.au and www.austlii.edu.au.

Further information about Cumberland Council's corporate, strategic planning, and other plans and policies are available on Council's website at www.cumberland.nsw.gov.au.

3.2 Planning context

The planning context of Prospect Hill is shown in Table 6. The legislation most affecting use and management of Prospect Hill is the *Local Government Act 1993*, and the *Environmental Planning and Assessment Act 1979*.

Several plans control development within the SHR curtilage area for Prospect Hill:

- Prospect Hill Conservation Management Plan 2005
- Prospect Hill Heritage Landscape Study and Plan 2008
- Prospect Hill Heritage Interpretation Plan 2009
- Holroyd Development Control Plan (DCP) Part P 2013.

A summary of other relevant legislation and planning documents is in Appendix F.

This Plan of Management must be prepared in accordance with the provisions contained within other relevant legislation and policy guidelines, including but not limited to those listed in Table 6.

3.3 Legislation applying to Prospect Hill

3.3.1 Local Government Act 1993

Requirements of a Plan of Management for community land

Most of Prospect Hill is either owned by Cumberland Council or is dedicated for public park and reserve as a consequence of the positive covenant under the SHR listing. The Council-owned land is classified as community land under the *Local Government Act 1993*. Community land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. Community land:

- must have a Plan of Management prepared for it, which sets out guidelines for use and management of the land. Until a Plan of Management is adopted, the nature and use of the land must not change.
- must be kept for the use of the general community, and must not be sold.
- cannot be leased or licensed for a period of more than 21 years, or for 30 years with consent from the Minister.

Table 6 Strategic planning context of Prospect Hill

	Land use planning	Cultural heritage	Open space/ recreation planning	Environmental planning	Community planning	Access planning
Commonwealth		Native Title Act 1993 Australia ICOMOS Burra Charter		Environmental Protection and Biodiversity Conservation Act 1999		Disability Discrimination Act 1992
NSW	Environmental Planning and Assessment Act 1979 SEPP 19: Bushland in Urban Areas Local Government Act 1993 Dividing Fences Act 1991 Roads Act 1993 SEPP (Infrastructure)	National Parks and Wildlife Act 1974 Heritage Act 1977 OEH Aboriginal Places Policy 2011 Guidelines for Developing Management Plans for Declared Aboriginal Places 2012	Greener Places (Draft) 2017 Companion Animals Act 1998 and Regulation 2008	Biodiversity Conservation Act 2016 Contaminated Land Management Act 1997 Noxious Weeds Act 1993 Pesticides Act 1999 Pesticides Regulation 2009 Rural Fires Act 1997		Anti-Discrimination Act 1977
Sydney	Directions for a Greater Sydney 2017-2056					
Regional	Revised Draft Central City District Plan					
Cumberland LGA	Holroyd Local Environmental Plan 2013 Holroyd Development Control Plan – Part P 2013	Holroyd Local Environmental Plan 2013 – Schedule 5	Cumberland Open Space and Recreation Strategy 2018 (in prep.) Holroyd Bike Plan		Cumberland Community Strategic Plan 2017-2027; and Delivery Program, Operational Plan	Cumberland Disability Inclusion Action Plan 2017-2021

Land use planning	Cultural heritage	Open space/ recreation planning	Environmental planning	Community planning	Access planning
-------------------	-------------------	---------------------------------	------------------------	--------------------	-----------------

Holroyd Cultural Plan 2015
 Cumberland Culture and Activation Plan (in prep.)
 Cumberland Reconciliation Action Plan 2018-2021 (in prep.)
 Cumberland Public Art Guidelines

Prospect Hill	Prospect Hill Plan of Management				
	Heritage Interpretation Plan for Prospect Hill 2009	Prospect Hill Heritage Landscape Study and Plan 2008	Prospect Hill Conservation Management Plan 2005	Citywide Bushland Management Plan 2007	Bushland Management Plan: Northern Residential Lands: Greystanes Estate 2003

Categorisation

Due to the cultural significance of Prospect Hill, the Area of Cultural Significance category (Section 36D of the Local Government Act 1993) applies to Prospect Hill. This categorisation is confirmed by the recommendations of the public hearing report. The land categorised as Area of Cultural Significance is shown in Figure 7.

The basis for categorising land within Prospect Hill as Area of Cultural Significance is according to the guidelines set out in Clause 105 of the *Local Government (General) Regulation 2005* as follows:

Land should be categorised as an Area of Cultural Significance under section 36 (4) of the Act if the land is:

- (a) an area of Aboriginal significance, because the land:*
 - (i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or*
 - (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or*
 - (iii) is of significance or interest because of Aboriginal associations, or*
 - (iv) displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or*
 - (v) is associated with Aboriginal stories, or*
 - (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or*
- (b) an area of aesthetic significance, by virtue of:*
 - (i) having strong visual or sensory appeal or cohesion, or*
 - (ii) including a significant landmark, or*
 - (iii) having creative or technical qualities, such as architectural excellence, or*
- (c) an area of archaeological significance, because the area contains:*
 - (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or*
 - (ii) any other deposit, object or material that relates to the settlement of the land, or*
- (d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or*
- (e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or*
- (f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.*

Figure 7 Categorisation of Prospect Hill



Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land. Such activities should be compatible with any zoning or reservation; provide benefits, services or facilities for users of the land; and be authorised under the Plan of Management for the land. The terms and conditions of any authorisation should ensure proper management and maintenance of the area or facility, and that the interests of the Council and the public are protected.

A lease is normally required where exclusive control of all or part of an area is proposed. A licence may be granted where intermittent or short-term occupation of an area is proposed. The term “estate” is wide and includes many rights over land that can be granted. An estate is defined as an “interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity.”

There are restrictions on the ability of Council to grant leases, licences and other estates over community land. Council may only grant a lease, licence or other estate if:

- the Plan of Management expressly authorises the lease.
- the purpose of the lease is consistent with the core objectives for the category of land.
- the lease is for a permitted purpose listed in the *Local Government Act 1993*.

Refer to Section 4.7 for authorised leases, licences and other estates.

3.3.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through:

- State Environmental Planning Policies (SEPPs).
- Local Environmental Plans (LEPs). The Holroyd Local Environmental Plan 2013 applies to Prospect Hill.

The EPA Act requires that “environmental impacts” are considered in land use planning and decision making. Such environmental impacts include Aboriginal heritage. Parts 3, 4 and 5 of the EPA Act, together with associated regulations, schedules and guidelines are most relevant to Aboriginal heritage.

Parts 4 and 5 of the EPA Act also set out processes for approving development applications for structures and works on public and private land in the Cumberland local government area.

3.3.3 National Parks and Wildlife Act

All Aboriginal sites in NSW are protected under the *National Parks and Wildlife Act 1974*, which is administered by the NSW Office of Environment and Heritage (OEH).

Part 6 of the Act outlines specific protection for Aboriginal heritage as follows:

- s.84: the Minister for the Environment may declare any place that is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place.
- s.86: penalties for harming or desecrating Aboriginal objects and places.
- s.87: defences to prosecution and exemptions, including the process of due diligence.
- s.89A: requirement to notify the Director-General when finding a new site.
- s.90: issue and use of Aboriginal Heritage Impact Permits.
- s.90Q: the role of the Aboriginal Heritage Information Management System (AHIMS).

- Part 6: where harm to an Aboriginal object or place cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) can be issued by the Chief Executive of OEH.
- Part 6a, Division 1-3: the Director-General's right to issue stop-work orders, interim protection orders, and remediation directions.

Declaring an Aboriginal Place under Section 84 of the *National Parks and Wildlife Act 1974* is a way of recognising and legally protecting Aboriginal heritage on public and private land in NSW. The Office of Environment and Heritage assesses and recommends the declaration and gazettal of Aboriginal Places throughout NSW.

Given the inherent historical and cultural significance that characterises Prospect Hill, which includes the meeting of reconciliation in 1805, recognition under the State Heritage Register listing as well as the early planning and development by Cumberland Council, it has been anticipated that Prospect Hill would be the subject of an Aboriginal Place nomination.

Cumberland Council has prepared this Plan in consultation with Council's ATSI Committee and representatives from the Local Aboriginal community. Council supports endorsement of Prospect Hill as a declared Aboriginal Place as a subsequent action of this Plan of Management.

3.3.4 Heritage Act 1977

Prospect Hill is listed on the State Heritage Register as an item of State Heritage Significance. An item on the SHR cannot be altered unless the Heritage Council of NSW has issued an approval, or an exemption from the need to obtain an approval has been granted.

The Prospect Hill Conservation Management Plan and the Prospect Hill Heritage Landscape Study and Plan have been endorsed by the Heritage Council.

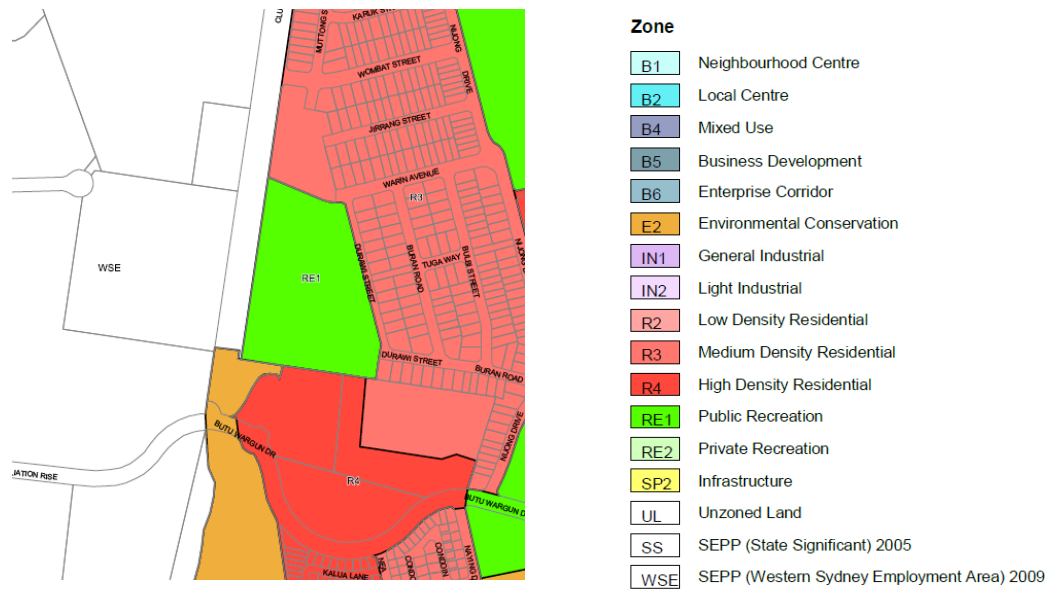
A Section 60 application for alterations, approvals or exemptions is required by the Heritage Council as the consent authority.

3.4 Council plans and policies

3.4.1 Holroyd Local Environmental Plan 2013

Land covered by this Plan of Management at Prospect Hill is zoned RE1 Public Recreation and E2 Environmental Conservation. The Clunies Ross Street road closure and the two privately owned lots to the west are unzoned as they are subject to the SEPP (Western Sydney Employment Area) 2009.

Figure 8 Zoning of Prospect Hill



The Holroyd LEP 2013 recognises the State heritage significance of Prospect Hill through its listing in Schedule 5 Environmental Heritage of the LEP. Council-owned lots 669 and 202 at Prospect Hill are listed as Heritage Item-General in the Holroyd LEP 2013.

3.4.2 Holroyd Development Control Plan (DCP) Part P 2013

Part P of the Holroyd Development Control Plan 2013 sets out Council’s objectives and design guidelines for the Prospect Hill State Heritage Registered Area (refer to Section 4.3).

4 BASIS FOR MANAGEMENT

4.1 Introduction

The Commonwealth, State, regional and local planning context applying to Prospect Hill was outlined in Section 3. This section draws on the previous section, and defines the specific roles and objectives for Prospect Hill, based on community values and management directions of Cumberland Council.

The needs and requirements of Cumberland Council (as land owners and managers), the Aboriginal community (as custodians of the land), residents (as neighbours and users of the land), and current and future visitors (as users of the land) are reflected in the recommended management actions in Section 5.

4.2 Values and roles of Prospect Hill

4.2.1 Introduction

The Cumberland and wider community value various aspects of Prospect Hill for different reasons. The Aboriginal community and local residents have expressed how the site is important and special to them by articulating their values during community engagement forums which have informed the preparation of this Plan of Management.

Using values as the basis of this Plan of Management ensures that this plan will be valid longer than one based on simply addressing issues. Issue-driven Plans of Management can quickly become out of date. Values change at a much slower pace than issues do. Values may remain constant for generations, therefore once values are documented, issues can easily be dealt with as they arise consistent with the values. New issues that arise over time very often cannot be dealt with easily unless a new Plan of Management is prepared.

By understanding the reasons why the community values Prospect Hill, the roles that the community expects the site to play in the future may be determined. This Plan of Management is based on protecting, conserving and enhancing the values of Prospect Hill. Desired outcomes, management strategies and actions which are consistent with these values have been developed.

4.2.2 Values of Prospect Hill

The stakeholder and community engagement process for this Plan of Management revealed a strong sense of connection with Prospect Hill, with the desire to ensure the protection of the site's cultural, open space, recreational and environmental values. Community values are also reflected in the description, history, and assessment of significance which accompany the State Heritage Area listing; and by stakeholder engagement conducted by the Government Architect's Office in 2008.

Aboriginal

These comments regarding aboriginal perspectives are based on consultation and communication with our local elder Aunty Sandra Lee (Darug) and as represented by Uncle David Williams (Bundjalung), during engagement with members of the Cumberland ATSIC Committee in 2018, and stakeholder engagement conducted by the Government Architect's Office in 2008.

There are numerous aspects to the Aboriginal cultural significance of Prospect Hill.

Prospect Hill is within the traditional area of the Cannemegal-Warmuli Clan, a tribe of the Darug nation.

Broadly Aboriginal people across Metropolitan Sydney and beyond see it as a destination and site for heritage preservation for all people, and want to have an ongoing say in its future. Indeed, first peoples internationally show interest in key sites of resistance. Our local ATSI elders have been leaders for many years in their work towards the site's preservation.

Prospect Hill is significant as a meeting place for Aboriginal people:

"It's a gathering place to acknowledge first people were present, what happened there, connect stories to there, and a gathering place for the locals and anybody else."

Melissa Williams, 2018

Members of Council's ATSI Committee explained that Prospect Hill, particularly the top of the hill, is a sacred Aboriginal spiritual and ceremonial place as a men's area. As typical to many cultures worldwide, the tops of landforms are highly significant as survey and vantage points. Members note that Prospect Hill has been geographically altered by the removal of the original peak through quarrying and the building of a road that now divides the hill between Butu Wargun Drive and Reconciliation Rise.

The Sydney Sacred Music Festival launch in 2016 was a cultural event created in consultation and partnership with Darug elders. Our local Darug Elder Aunty Sandra Lee supported culturally respectful performances by William Barton, a specialist and highly renowned didgeridoo (yidaki) player and his mother Delmae Barton, accompanying with operatic vocals, who shared both modern and traditional themes of their country and people, the Murri's from Queensland.



The Prospect Hill area is important for Aboriginal interpretation which is reflected in Jacqui Douglas' 'Pemulwuy Park – The Big Hand' (August 2002). It was not supported in its proposed form within the Prospect Hill Heritage Interpretation Plan (Musecape, 2009) however it could be adapted by amending its form to better suit site parameters within the Prospect Hill open space.

The lower part of the hill is significant because of the former agricultural use, and use by allied soldiers during World War II.

The presence of crows flying around and sitting on the fences is spiritually significant and is reflected in the naming of Butu Wargun Drive which leads up to Prospect Hill. Butu Wargun, the Darug name for Crow, is the totem for the Bidjigal warrior Pemulwuy who united the clans from La Perouse to Prospect as he led the resistance against European settlers.

Prospect Hill is an educational place to the Aboriginal community and honouring significant Aboriginal people such as Pemulwuy is important to the Aboriginal community. Aboriginal elders teach children about Pemulwuy and other Aboriginal people, to inspire the younger generations. They want to teach local Aboriginal history and values to both Aboriginal and non-Aboriginal people. Prospect Hill is also a site of focus for local schools due to Aboriginal culture being a core part of the primary and high school curriculum concerning Australian heritage.

Aboriginal people want to be caretakers and custodians of the land to preserve it for future generations. They have expressed an interest for more active cultural experiences and participation in activities that cultivate a greater awareness of local Aboriginal heritage. Prospect Hill and Marrong Reserve and their association with Pemulwuy and European settlement have the potential to deliver meaningful themes in context with this significant heritage site.

The Aboriginal significance of Prospect Hill should be interpreted in consultation with Aboriginal people. Interpretive motifs and media for Aboriginal elements should be in harmony with Aboriginal cultural traditions and incorporate the possum motif, which is a local Darug totem, where appropriate.



There is potential for interpretation to be expressed through cultural tours and school groups in line with the establishment of facilities at the site.

There is a great opportunity for further cultural and heritage interpretation of the site working with aboriginal artist facilitators and elders. Collaborative landscape design with artist planner involvement could be considered.

Prospect Hill should be rehabilitated and named an Aboriginal Place.

Prospect Hill should be connected to other Aboriginal sites and local parks such as Marrong Reserve, Lakewood Estate Riparian Corridor, Prospect Creek corridor, and Gipps Road and Hyland Road Regional Parklands.

Vegetation communities should be pre-European where possible.

Aesthetic

Prospect Hill is Sydney's largest body of igneous rock, which rises to a prominent height of 112 metres above sea level and provides expansive panoramic views across the Cumberland Plan in all directions. Sydney city to the east and the Blue Mountains to the west are clearly visible.

The landscape of Prospect Hill retains an essential rural character, which is increasingly rare in the locality.

Archaeological

No archaeological relics or cultural objects have been identified in the Prospect Hill SHR Area. However, Prospect Hill SHR Area has archaeological potential for Aboriginal and early European settlement which should be considered in its management.

Historical

Prospect Hill is associated with important historical events, including:

- an important orientation point for early explorers from 1788, including the first time the explorers saw the Blue Mountains
- land grants made at its base in 1791 for establishment of some of the earliest farms in NSW. The original boundaries of some Crown grants (Lisk and Rowe) at Prospect Hill are evident.
- Aboriginal frontier warfare against early settlers during the early days of the colony 1797-1802, culminating in the death of frontier leader Pemulwuy
- a place of attempted reconciliation between Reverend Samuel Marsden and Prospect Aboriginal groups on 3 May 1805. The conference led to the end of the conflict for the Aboriginal clans around Parramatta and Prospect (Karskens, 1991).

Pasture grasses and plough furrows evident from early farms on Prospect Hill are of high national significance.

Technical/research

Through its continual pastoral and rural use since 1791 Prospect Hill has the potential to provide archaeological evidence of early historical settlement or agricultural techniques used (Higginbotham, 2000).

Materials quarried from the Prospect Hill quarry were used in major construction and road building projects in Sydney, including Woronora Dam, Sydney Opera House, Overseas Passenger Terminal at Circular Quay and the Cahill Expressway.

The former CSIRO Division of Animal Production located at the foot of Prospect Hill was used continually for agricultural research purposes for the sheep and wool industry from the early 1950s to the early 2000s. Scientists associated with the CSIRO facility include Dr. Ian Clunies Ross, naturalist Charles Darwin on his visit in January 1836 to observe the geology, and Professor T.W. Edgeworth David.

The former quarries are an outdoor classroom for education in geology and soils.

Social

The former quarry and the CSIRO site has significance and value to the former employees and their families, and for the scientists who carried out work which is of importance to Australia’s cultural history (Perumal Murphy Wu, 2000).

Open space and recreation

Prospect Hill is a regional open space which is valued by the local community as a place to walk, reflect, and enjoy the views from the top of the hill.

Environmental

Prospect Hill and its distinctive ridgeline is:

- the headwater of the Greystanes Creek catchment
- a reminder of the original remnant Moist Shale Woodland vegetation
- an expanse of grassland.
- a place for nature-based recreation/ environmental studies.

The roles of Prospect Hill are its desired functions, and the ways in which the site may achieve the goals for areas of cultural significance and the open space system as a whole. The desired roles of Prospect Hill form the basis for making decisions about the future management of the site. The major roles of Prospect Hill are presented below.

Table 7 Roles of Prospect Hill

Value	Roles
Cultural	Place for cultural celebration Place for cultural education Meeting place Reminder about past land uses – farming, quarrying, scientific research Landmark
Open space and recreation	Open space in an increasingly developed area Buffer between residential and commercial development Place for Informal recreation
Environmental	Environmental conservation Fauna habitat

4.3 Management objectives

The objectives for Prospect Hill relate to Council’s management goals in the Cumberland Community Strategic Plan, zoning under the Holroyd Local Environmental Plan 2013, the core objectives for community land specified within the *Local Government Act 1993*, and Council’s objectives for Prospect Hill in the Holroyd Development Control Plan – Part P 2013.

4.3.1 Cumberland Council vision, goals and outcomes

Council’s vision for the future of Cumberland in its Community Strategic Plan 2017-27 is:

Welcome, Belong, Succeed

To achieve the vision, Council has set out strategic goals and outcomes relevant to Prospect Hill as follows:

Table 8 Strategic goals and outcomes for Cumberland

Strategic goal	Outcomes	Activities
1 A great place to live	We have positive connections within our local community through our local programs and services that reflect our unique identity	<ul style="list-style-type: none"> - Programs that provide access to arts and culture - Events and activities reflect our diverse mix of cultural backgrounds
	We have high quality community facilities and spaces that fit our purposes	<ul style="list-style-type: none"> - Council helps foster the creative arts and culture
	We live healthy and active lifestyles	<ul style="list-style-type: none"> - Facilities and services promote healthy lifestyles
2 A safe accessible community	We feel safe in all areas of Cumberland at all times	<ul style="list-style-type: none"> - Safety is maintained in public areas through infrastructure and programs - Continued strengthening of partner-ships with Council, local Police, RMS and community safety groups to address specific areas of safety
3 A clean and green community	We have great natural and green spaces that suit a variety of uses	<ul style="list-style-type: none"> - Green space is protected through policy there are strategies in place to ensure it is utilised in a sustainable way
	We value the environment and have measures in place to protect it	<ul style="list-style-type: none"> - Council embraces and champions sustainable practices for itself and in the community
	Our public places are clean and attractive	<ul style="list-style-type: none"> - Infrastructure in public places is well maintained to ensure community pride in them - Waste collection practices reflect a commitment to having clean public spaces

4.3.2 Zoning

The Council-owned lots in the study area are zoned RE1 Public Recreation and E2 Environmental Conservation. The objectives of each zone are as follows.

Objectives of RE1 Public Recreation zone are to:

- enable land to be used for public open space or recreational purposes.
- provide for a range of recreational settings and activities and compatible land uses.
- protect and enhance the natural environment for recreational purposes.

Objectives of the E2 Environmental Conservation zone are to:

- protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- promote cultural interpretation and scientific study of the natural environment.

4.3.3 Core objectives for community land categorised as Area of Cultural Significance

The *Local Government Act 1993* identifies core objectives for management of each category of community land. Council must manage the community land according to these core objectives. Any additional Council objectives for the land must comply with the core objectives established within the Act. The importance of the prescribed core objectives is to ensure that any activities or uses of the land are consistent with the core objectives for that category of land.

The core objectives for management of community land categorised as an Area of Cultural Significance (Section 36H of the *Local Government Act 1993*) are:

(1) The core objectives for management of community land categorised as an Area of Cultural Significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

(2) Those conservation methods may include any or all of the following methods:

(a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the Area of Cultural Significance,

(b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,

(c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,

(d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),

(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

4.3.4 Council objectives for Prospect Hill

Council's objectives for management of Prospect Hill by value are outlined below.

Table 9 Objectives for management of Prospect Hill

Value	Objectives ²
Cultural	<ul style="list-style-type: none"> - Protect the integrity of the Prospect Hill State Heritage Registered Area - Manage Prospect Hill according to the Conservation Management Plan, Heritage Landscape Study, and Heritage Interpretation Plan. - Research and document the history of the Prospect Hill State Heritage Registered Area and its role in the history of Sydney. - Educate the community on the history and role of the site. - Utilise the history of the site as a theme in its development. - Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan, and the Prospect Hill Heritage Interpretation Plan. - Consult with local community groups to ensure that future development reflects the historical relevance of the past.
Open space and recreation	<ul style="list-style-type: none"> - Retain the open grass hill character as open space and preserve the distinctive ridgeline. - Improve the quality of open space area by replacing overhead transmission lines to underground cables or preferably to re-route electrical infrastructure around the outside of the open space area.
Environmental	<ul style="list-style-type: none"> - Maintain the prominence of Prospect Hill as a significant remnant geologic and topographic element. Site and design development at critical locations so that views of the ridgeline are maintained. - Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to built form when viewed from the top of Prospect Hill. - Ensure continuation of green corridors from existing conservation areas through the riparian corridor and up onto Prospect Hill.

4.4 Vision for Prospect Hill

The following sections of this document outline specific strategies and actions to address management issues consistent with the goals and objectives for Prospect Hill outlined above, and consistent with community values.

The vision for Prospect Hill is to:

² Holroyd Development Control Plan Part P August 2013

- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect Hill as a significant geological and topographical site
- Enhance the site as a place for primarily reconciliation events
- Create a safe place for the local community with green spaces and public facilities.
- Be a place for local community – public safety, green space, facilities, activities and events
- Interpret cultural heritage for future generations.

4.5 Permitted uses and developments

4.5.1 Introduction

It is not possible to forecast every activity or structure that may occur at Prospect Hill in the future. New activities, elements and structures may be proposed in response to a proposal for use of the land, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan of Management.

In accordance with the *Local Government Act 1993*, Council must expressly authorise proposed activities and developments on community land. Such authorisation in a Plan of Management gives ‘in principle’ support for certain activities to proceed to the development assessment stage. However, this Plan does not in itself imply or grant consent for these activities.

4.5.2 Legislative requirements

Heritage and cultural significance

The primary considerations for future use of and development at Prospect Hill are its State Heritage Register listing, its categorisation of community land as Area of Cultural Significance under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, and its potential to be declared as an Aboriginal Place.

State Heritage Register listing

Future use and development at Prospect Hill should reflect its national to local cultural and historic landscape heritage significance.

The Minister for Planning granted Standard Exemptions for Works Requiring Heritage Council Approval³ under Section 57(1) of the *Heritage Act 1977* on 11 July 2008 to streamline approval for works to heritage items. However the General Conditions state that the Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which could affect traditional access by Aboriginal people.

The standard exemptions relevant to Prospect Hill apply to:

- excavation (No. 4)
- minor activities with little or no adverse impact on heritage significance (No. 7)

³ Heritage Council of NSW

- change of use (No. 9)
- new buildings (No. 10)
- temporary structures (No. 11)
- landscape maintenance (No. 12)
- signage (No. 13)
- safety and security (No. 16).

Categorisation of community land

According to the *Local Government Act 1993*, uses and structures on land classified as community land must be consistent with the guidelines for each relevant category and the core objectives of the relevant category. The guidelines and core objectives for the Area of Cultural Significance category which applies to Prospect Hill were outlined above.

All activities which are consistent with the guidelines for categorisation as an Area of Cultural Significance, and which meet the core objectives of that categorisation, are expressly authorised by this Plan.

Such activities would include:

- traditional indigenous practices
- ceremonies
- conservation methods to retain and enhance cultural significance, including protective care and maintenance, restoration, reconstruction, adaptive reuse, and preservation.
- interpretation
- education.

Other legislation

Permissible uses of and developments in Prospect Hill must also be in accordance with other relevant legislation, particularly:

- the zoning under the Holroyd Local Environmental Plan 2013.
- development controls in the Holroyd Development Control Plan 2013 – Part P.
- uses for which leases, licences and other estates may be granted on community land under the *Local Government Act 1993*.
- Complying development in accordance with SEPP (Infrastructure) 2007.
- Commonwealth legislation.

Zoning

All proposed uses, development and building works in this Plan of Management need to be permissible under the applicable zoning in the Holroyd Local Environmental Plan 2013, and assessed if required through a Development and Building Application process consistent with the *Environment Planning and Assessment Act 1979*.

Works permitted under the RE1 Public Recreation and E2 Environmental Conservation zones are listed in Table 10.

Table 10 Permissible uses and developments of Public Recreation and Environmental Conservation zones

	RE1 Public Recreation	E2 Environmental Conservation
Permissible without development consent	Environmental protection works	Environmental protection works
Permissible with development consent	Centre-based child care facilities Community facilities Environmental facilities Information and educational facilities Kiosks Recreation areas Recreation facilities (indoor) Recreation facilities (major) Recreation facilities (outdoor) Respite day care centres Roads Signage Water Recreation structures	Building identification signs Business identification signs Environmental facilities Information and educational facilities Recreation areas Roads
Prohibited	Any other development	Business premises Hotel or motel accommodation Industries Multi dwelling housing Recreation facilities (major) Residential flat buildings Restricted premises Retail premises Seniors housing Service stations Warehouse or distribution centres Any other development

Commonwealth legislation

Under the *Telecommunications Act 1997 (C'th)*, 'low impact' installations are permissible without Council approval.

4.5.3 Authorised uses and developments

The Holroyd Development Control Plan 2013 – Part P requires that future use, landscape interventions, heritage interpretation and vegetation management of the Prospect Hill State Heritage Registered Area is informed by and consistent with the following documents:

- Prospect Hill Conservation Management Plan (Conybeare Morrison, 2005)
- Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect's Office, 2008)
- Prospect Hill Heritage Interpretation Plan (MUSEcape, 2009).

Principles

The principles for use and development of Prospect Hill are based on the policies of the Prospect Hill Conservation Management Plan (Conybeare Morrison, 2005), the Prospect Hill Heritage Landscape Study and Plan (Government Architect’s Office, 2008), and from community engagement.

The key principles for future uses and development of Prospect Hill emphasised by the Aboriginal community are:

- respect for the cultural significance of Prospect Hill
- minimal structures and uncluttered in keeping with the cultural significance of Prospect Hill
- uses related to cultural events, education and interpretation.

The local community said:

- allow access to and use by local residents
- minimise impacts of activities at Prospect Hill on local residents.

Objectives in the Prospect Hill Heritage Landscape Study and Plan (Government Architect’s Office, 2008) are to:

- protect the integrity of Prospect Hill’s crown and ridgeline
- minimise earthworks to protect remnant vegetation and seed bank

Relevant policies in the Conservation Management Plan are:

- development (built or landscaped) should be sympathetic and visually sensitive to the significance of the Prospect Hill SHR Area. (CMP Policy 74, 75)
- structures (e.g. signs, furniture, bins, lights) or fabric introduced within the SHR Area should minimise visual intrusion, conform to a high standard of design and be based on a well-considered system. (CMP Policy 76)
- new fabric built or landscaped in the Prospect Hill SHR Area must be (a) sympathetic to its significance, (b) readily identifiable as such and (c) totally reversible where possible. (CMP Policy 94, 95).

Authorised uses and developments

This Plan of Management authorises the following uses and developments at Prospect Hill:

Table 11 Authorised uses and developments at Prospect Hill

Uses / activities	Developments / structures
Art, including painting, sculpture	Art work – temporary and permanent
Barbecues – within the curtilage of the cultural centre only	Bicycle related storage facilities including bicycle racks
Bush fire hazard reduction	Bins and other waste receptacles
Bush regeneration and rehabilitation	Bridges (walking, cycling, access for people with disabilities)
Ceremonies such as Welcome to Country	Children’s play equipment
Conservation methods to retain and enhance cultural significance, including protective care and maintenance, restoration, reconstruction, adaptive reuse, and preservation	Community facilities
	Community gardens
	Cultural centre

Children's play	Drainage works: only where complementary to the natural drainage patterns on the land, and where essential to protect tracks, roads, services, or other facilities on the land.
Cultivation and collection of bush foods and medicines	Educational facilities
Cultural events	Environmental facilities
Cycling	Fencing
Delivering a public address or speech	Food preparation and related facilities
Dog exercise (on-leash at all times with waste picked up and disposed of off-site)	Flagpoles or smart poles
Earthworks	Information boards and other facilities
Easements to private property: temporary or permanent access across the site where appropriate and in compliance with the requirements of the <i>Local Government Act 1993</i> and other relevant legislation and policy. Strict controls on vegetation and land management may be imposed.	Irrigation and drainage structures and systems
Education (cultural, environmental and the like)	Landscaping, including landscape structures or features
Entry during the day	Lighting: where essential for public safety and the protection of assets while not affecting nocturnal animal habitat. Consider solar lighting options to improve sustainability and reduce energy costs.
Environmental protection works	Picnic tables and barbecues
Environmental management and monitoring	Recreation areas
Filming , subject to Council approval	Recreation facilities (outdoor)
Filling or draining of land	Refreshment kiosk/small cafe (but not restaurants)
Fire trails	Roads
Flora, fauna and archaeological surveys	Seating: selective placement of seating only along walking tracks and in lookout areas where suitable for rest points and views.
Interpretation	Shelters and shade structures
Lighting fires for Aboriginal ceremonies	Signage – directional, interpretive, regulatory
Motorised vehicle access (except maintenance and emergency vehicles)	Toilets or rest rooms
Nature study including birdwatching	Vehicle access and parking (emergency and authorised vehicles only)
Pest control (invertebrate and vertebrate)	Viewing area / platform
Photography	Walking tracks and paths, boardwalks, ramps, stairways, gates
Picnics	Water tanks
Running / jogging	Work sheds or storage required in connection with the maintenance of the land
Traditional Aboriginal practices	
Walking	

Other uses/activities and developments/structures are permitted if they are consistent with this Plan of Management.

Proposed cultural centre

Members of the Cumberland ATSIC Committee have expressed their desire for an Aboriginal cultural centre to be established at Prospect Hill. Refer to the Landscape Masterplan for the proposed location and footprint of the centre.

The desired features of the cultural centre are:

- located below the ridge line, in the gully between the ridgelines to the north of hill, away from the sacred crest of the hill, and where the spirits line up.
- a low-slung two-storey building with materials of colours which are visually unobtrusive from the top of the hill
- spaces for educational classes and talks

- spaces to display Aboriginal artefacts and artwork
- a visual and auditory sensory room
- food preparation area / kitchenette / refreshment kiosk / small cafe
- amenities for visitors
- covered outdoor areas
- parking for authorised vehicles.

A caretaker's residence could be possible adjacent to a new carpark in Lot 107 DP 1028208. The resident caretaker, who would ensure that the site is protected from wilful damage and treated with cultural respect, would contact Council's security contractor or Police should the need arise.

A garden for Aboriginal agriculture and education would complement the cultural centre building. The garden would be large enough to grow plants such as wheat, rice, traditional flowering grains, bush foods, traditional medicine plants, and native grasses for weaving.

Development approval

Proposed development and building works at Prospect Hill which are consistent with this Plan of Management (excluding activities permitted without development consent) would be subject to development and building applications in accordance with the *Environmental Planning and Assessment Act 1979* and the Holroyd Local Environmental Plan 2013. This Plan of Management would form an important part of the required development and building applications and approvals for the proposed activities and works.

Approvals for development works at Prospect Hill will be granted where endorsed by Council and the wider community, and when necessary approvals from other organisations have been obtained.

Development within the vicinity of the Prospect Hill State Heritage Register Area may require a Heritage Impact Assessment to accompany development applications⁴. The need for a heritage assessment is at the discretion of Council. If required, the Heritage Assessment shall be in accordance with the Prospect Hill Conservation Management Plan (Conybeare Morrison, 2005), Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect's Office, 2008), and Prospect Hill Heritage Interpretation Plan (MUSEcape, 2009).

Where a broad Heritage Assessment of the interface between the Prospect Hill State Heritage Register Area and the adjoining sites has been undertaken, a Statement of Environmental Effects addressing this Heritage Assessment must be submitted with all Development Applications.

All approved activities requiring development consent would be subject to Council's standard conditions, approval processes, Pricing Policy and Fees and Charges if relevant. A temporary licence would need to be issued by Council as part of the approval process prior to Prospect Hill being used for such activities.

Discovery of cultural objects

Interested Aboriginal people would be invited to monitor clearing and preliminary ground work at Prospect Hill in the event that cultural objects are exposed during the works. If Aboriginal cultural material is unearthed, works are to be postponed to await archaeologist advice with any material archived as finally determined by ATSIACC in consultation with the NSW Office of Environment and Heritage.

⁴ Holroyd Development Control Plan 2013 – Part P

In the event that European archaeological evidence is unearthed during any works an archaeologist should visit the site to advise on potential significance and appropriate management procedures, and the Heritage Council should be notified under Section 146 of the *Heritage Act 1977*.

4.5.4 Restricted and prohibited activities

Activities that are prohibited or restricted within Prospect Hill include, but are not limited to:

- camping
- circuses and carnivals
- clearing of native vegetation for views or for any other purpose
- clearing or construction on Part Lot 901 DP 1078814 without consent of the Heritage Council of New South Wales
- collection of rocks, soil, timber (alive or dead), or leaf litter without approval
- consumption of alcohol where indicated by ordinance regulations
- discharging of firearms
- dumping of any waste
- entry to the fenced area after sunset unless associated with an activity organised by an Aboriginal Trust group
- exercising dogs off the leash
- fireworks
- helicopter landings
- horse riding
- hunting
- lighting of fires, except for Aboriginal Welcome to Country and other ceremonies, and bush fire mitigation
- playing golf or golf practice
- radio and telecommunications devices: prohibit installation if possible, and consult with authorities on design, siting and installation of low impact facilities if required
- remote control vehicle operation including aircraft, cars and drones
- restriction on the use of Part Lot 107 DP 1028208 associated with onsite detention of storm water
- sporting activities including field archery
- unauthorised entry and use of motorised vehicles.

4.5.5 Scale and intensity of future uses and development

The scale and intensity of future uses and development at Prospect Hill is dependent on:

- the nature of the approved future uses and developments.
- the Landscape Masterplan for Prospect Hill (Figure 9).
- the carrying capacity of Prospect Hill.
- approved development applications.

The benchmarks for the scale and intensity of future uses and developments permissible at Prospect Hill will be cultural considerations, and physical disturbance and damage to the site.

Members of the Darug nation, the Cumberland ATSIC Committee and the Deerubbin Local Aboriginal Land Council would be invited to monitor use of the site and bring any concerns to the attention of Council.

The physical impacts of activities and uses should be regularly monitored. Review of permissible activities and developments will occur if site monitoring shows any deterioration from the present condition of Prospect Hill resulting from those activities or developments.

Any works undertaken at Prospect Hill shall be undertaken to minimise disturbance to the site. Such measures include:

- using materials which are visually sympathetic to the natural environment.
- incorporating pollution control measures into drainage systems to minimise debris, nutrients and other chemicals entering waterways.
- using and retaining on-site resources wherever possible.
- leaving acid sulfate soils undisturbed wherever possible.
- disposing of waste material off site and in a manner not affecting the natural vegetation or that encourages the spread of weeds.
- restoring areas following works to the maximum extent.
- encouraging service and utility suppliers to comply with the guidelines of this Plan, and to undertake community engagement where essential services are required.

It is intended that part of the site is fenced with palisade fencing with access gates to protect the culturally significant area at the top of the hill. Public access to the fenced area would be available during the day, with the gates closed at night except during cultural events and ceremonies.

Events such as the annual Reconciliation Day ceremony have the potential to attract hundreds of people. Such events will require an event management plan to be prepared and approved by Council.

Design considerations

Access

Access to new facilities on the site and any refurbishment of those structures will be provided according to Australian Standard 1428 (Parts 1 – 4) Design for Access and Mobility.

Access and seating for people with disabilities should comply with the Disability Discrimination Act and the Building Code of Australia.

Council recognises in the Holroyd Development Control Plan 2013 – Part P that difficult grades on Prospect Hill means that a desired maximum grade of 15% for walking tracks will not be achieved at Prospect Hill. As such, walking tracks up to Prospect Hill will only be provided to link with strategically located lookout points. The design and location of this path(s) is to be in accordance with the Prospect Hill Conservation Management Plan, Heritage Landscape Plan, and Heritage Interpretation Plan.

Access pathways will be constructed at grade as close to 1:20 as possible. Pedestrian paths will be a minimum 1.8 metres wide to allow two motorised wheelchairs to pass safely.

Structures

Minimal structures are permitted at the top of Prospect Hill to minimise visual and physical clutter and to protect the cultural significance.

Building envelopes should be consistent with the Holroyd Development Control Plan 2013.

Design, materials used and construction of proposed structures would be consistent with the guidelines in the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).

Amenities

Public toilets can be considered as part of the cultural centre

Picnic shelters can be considered in the Aboriginal gardens.

Small structures to be avoided near or on the crown of the hill.

Picnic tables and seating to be carefully placed on the Hill to provide rest points but not to clutter viewlines.

Structures will require regular inspections and maintenance to keep them in a functional condition and to protect the safety of users.

Sustainable development

All facilities and infrastructure (new and renewed), and maintenance of the site will integrate sustainability principles in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).

All new buildings and/or refurbishments of the site will be low-scale, and of architecture and built form appropriate to the heritage significance of the site and the local climate.

Landscaping

Landscaping will be consistent with the Holroyd Development Control Plan 2013 and the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).

Public art

Public art should be expressed in a culturally respectful way. It should reflect the cultural themes of the place, be low key, and avoid locations in key vistas.

Interpretive installations and public art should be limited on the site to locations within the proximity of the cultural centre and associated gardens and the playspace at the corner of Warin Avenue and Durawi Street.

In terms of interpretation there is a clear sightline from the peak of the hill to an open area at the corner of Baraba Crescent and Nijong Drive, which is in close proximity to an archaeological artefact which has the potential as a site for artwork expression of female cultural values. This sightline has the potential to facilitate Aboriginal Heritage Tour interpretation.

Interpretation and Signage

Historic events and stories will be told through tours with Aboriginal people and interpretive signage to be combined with directional signage at the start of tracks.

Signage can be intrusive and should be avoided on the top of the hill or significant spaces around the cultural centre.

Boundary fencing

Discreet boundary fencing on the eastern slope of Prospect Hill should run at the base of the grassed slope along the top of the quarried cut and run towards the southern boundary.

Fencing to the north and west of the hill should follow the boundary at the Clunies Ross Street entry and run towards Reconciliation Drive.

A low safety fence is required along the eastern edge of the north/south ridgeline.

Gates across the hill should be open by day and closed at night.

4.6 Leases, licences and other estates over community land

4.6.1 What are leases and licences?

A lease will be typically required where exclusive use or control of all or part of Prospect Hill is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in the reserve justify such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the reserve is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

The definition of “estate”, under Section 21 of the *Interpretation Act, 1987*, includes other rights over land, such as easements, including “interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity”.

Leases and licences can be entered into by Council for public or private purposes, providing they are consistent with the major objectives of this Plan of Management.

4.6.2 Existing leases, licences and other estates

No leases or licenses currently apply to community land in Prospect Hill.

An easement for transmission lines applies to Part Lot 202 DP 1121844.

4.6.3 Future leases and licences

The *Local Government Act 1993* requires that any lease, licence or other estate over community land is authorised by a Plan of Management. Leases, licences and other estates formalise the use of community land. Activities must be compatible with the zoning and categorisation of the land; and provide benefits, services, or facilities for users of the land. Terms and conditions of a lease, licence or other estate should reflect the interest of the Council, protect the public, and ensure proper management and maintenance.

Any future leases, licences or other estates of Prospect Hill are authorised by this Plan of Management, provided the proposed use is consistent with the permissible uses and structures listed in Section 4.6.

Leasing and licensing will be in accordance with Council’s objectives and principles as outlined in its Community Strategic Plan. Depending on the nature of the proposed lease or licence, Council would develop specific objectives and requirements tailored to the proposed use.

Occupation of community land by leases, licences and other estates that apply to Prospect Hill are set out in Sections 46 and 47 of the *Local Government Act 1993*. In respect of community land in general and a natural area in particular, a lease, licence or other estate may only be granted over Prospect Hill for:

- a purpose expressly authorised in this Plan of Management.
- purposes which are consistent with the guidelines and core objectives for the Area of Cultural Significance category of the community land.
- activities appropriate to the current and future needs of the community in relation to a number of wide public purposes, including public recreation and physical and cultural development.
- for short-term casual purposes, including the playing of a musical instrument or singing for a fee or reward, engaging in a trade or business, delivering a public address, and filming for cinema or television. However, the use or occupation of community land for these short-term casual purposes is only permitted if the activity does not involve erecting a permanent building or structure.
- for the purpose of providing underground pipes, conduits or other connections to connect premises adjoining the community land to a Council facility or other public utility provider located on the land.

4.6.4 Lease and licence periods

The maximum period for leases and licences on community land allowable under the *Local Government Act* is 21 years, or 30 years if consent from the Minister is obtained (including any period for which the lease or licence could be renewed by the exercise of an option) for purposes consistent with the categorisation and core objectives of the particular area of community land. Community land may only be leased or licensed if public notice is given according to the requirements of the *Local Government Act*.

Under Section 47, Council may grant a lease, licence or other estate exceeding five years if it gives public notice of the proposal to the owner, the public and all stakeholders, and invites and considers public submissions. If an objection to the proposal is made, Council may not grant a lease, licence or other estate without consent of the Minister for Local Government.

For proposed leases, licences and other estates of five years or less, Council must publicly advertise the proposal in the same way as for leases, licences and other estates over 5 years. Final approval of the lease rests with Council, but the Minister for Local Government has the discretion to call in a proposed lease and determine the matter in place of Council. However, some short-term and other types of leases, licences and other estates, such as providing underground pipes and connections, are exempt from the need to advertise.

4.6.5 Sub-leasing

Where a lease arrangement has been entered into with Council for community land, sub-leasing of the land must be in accordance with the requirements of Section 47C of the *Local Government Act*. Under Section 47C, community land which is subject to a lease cannot be sub-let for a purpose other than:

- the purpose for which the land was to be used under the lease.
- refreshment kiosks, dances and private parties in the case where land is leased to a sporting club.

4.6.6 Commercial uses

Commercial activities at Prospect Hill may operate with Council approval if they:

- complement the cultural values of Prospect Hill.
- do not impact on other values.

- support the use of Prospect Hill for low-key cultural and environmental education activities, such as guided walks, mobile food / beverage vans at special events.
- support or complement other permissible activities and developments.
- do not unduly impact on other users or on local residents.
- pose no threat to public safety.

Proposals for commercial activities should be considered on their specific merits. Conditions should apply in each case to ensure the above requirements are met.

Any proposed commercial uses must be approved by the Cumberland ATSIC Committee.

4.6.7 Short-term casual hire

All short-term casual hire of Prospect Hill will be in accordance with Section 24 and 25 of the *Local Government (General) Regulation 2005*. To be considered as casual hire, activities must not:

- involve the erection of any building or structure of a permanent nature.
- continue for more than three consecutive days.
- continue to recur for a period of more than 12 months in the case of uses occurring more than once. Each occurrence must be no more than 3 consecutive days, not including Saturday and Sunday.

Fees for short term, casual bookings will be in accordance with the fees and charges as published in Cumberland Council's current fees and charges schedule.

4.6.8 Emergency purposes

Community land may be used for emergency purposes, including training, when the need arises.

4.6.9 Leases and licences by tender

Section 46A of the Act requires that Plans of Management must specify purposes for which a lease, licence or other estate may be granted only by tender. A lease or licence for a term exceeding five years may be granted only by tender, unless it is granted to a non-profit organisation. However, Council may apply a tender process in respect to granting any particular lease, licence or estate.

Leases and licences applying to Prospect Hill for which tenders must be called are for:

- commercial activities.
- a period of five years or more.

4.6.10 Private purposes

Section 46 of the *Local Government Act 1993* generally prevents Councils from granting leases, licences or other estates over community land for private purposes. However, the Act does enable short-term casual licences to be issued by Councils for purposes prescribed by the Regulation. The purpose of the lease, licence or other estate must still be consistent with the core objectives for the Area of Cultural Significance category of community land.

4.6.11 Exclusive occupation

Exclusive use of any area of community land is not desirable, as Prospect Hill should be available for use by anyone in the community. Exceptions are uses where the exclusion of the public is desirable for cultural reasons, security and public safety. Express authorisation is granted for a caretaker to live in a residence on the site.

The exclusive occupation or use of Prospect Hill is only permitted for the purposes of:

- a lease, licence or other estate to which Sections 47 and 47A of the Act applies.
- a sub-lease or other title derived from the holder of such a lease, licence or other estate.

4.7 Acquisition and dedication of land

This Plan of Management applies to Prospect Hill within the boundary as shown in Figure 1. Additions to the boundaries of Prospect Hill may be possible through dedication of land or acquisition of suitable adjoining properties.

Cumberland Council has identified privately owned Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814 for possible future acquisition because they are part of the Prospect Hill SHR Area.

Acquisition of part of all of any other adjoining properties will be considered, subject to appropriate allocation of funding.

Dedication of adjoining land to add to Prospect Hill may be accepted if the land:

- supports the cultural heritage values and objectives outlined in this Plan.
- is at least in good condition.
- is accessible.

Ongoing maintenance requirements of land dedications must also be considered.

This page is left blank intentionally

5 ACTION PLAN

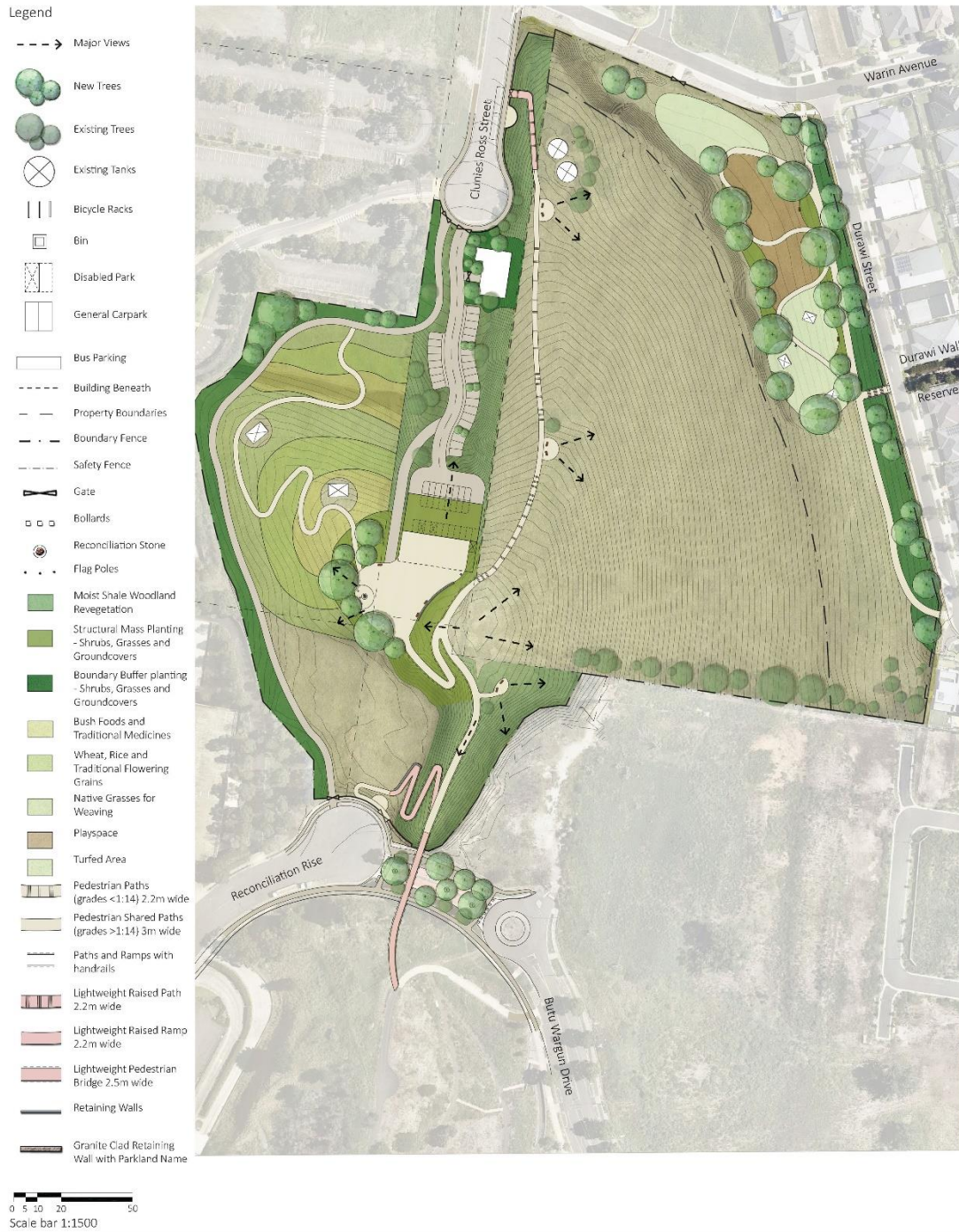
5.1 Landscape Masterplan

The Landscape Masterplan for Prospect Hill is in Figure 9. The Masterplan illustrates the works and actions in the following Action Plan that are proposed to be implemented to achieve the objectives and desired outcomes for Prospect Hill.

Key proposed high priority and short-term actions and changes to Prospect Hill include to:

- make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the *National Parks and Wildlife Act 1974*.
- prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.
- obtain approval for construction of a cultural centre and associated gardens.
- implement access path and lookout from Reconciliation Rise to the peak of Prospect Hill as located within the Landscape Masterplan.

Figure 9 Landscape Masterplan for Prospect Hill



Formulate a Vision for the Precinct

- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect Hill as a significant geological and topographical site
- Enhance the site as a place for primarily Reconciliation events
- Create a safe place for the local community with green spaces and public facilities
- A place for local community – public safety, green space, facilities, activities and events
- Interpretation of cultural heritage for future generations

A. Topography, Geology and Soils

- Ensure the topography of the site both natural and cut remain- no further changes to landform to be considered
- The crest of the hill to be retained

Major Structures

1. Cultural Centre

- Consider the expressed wish of the Cumberland ATSC committee to create an Aboriginal Cultural Centre at Prospect Hill
- Investigate the design of a two-storey building in the gully between the ridgelines to the north of the hill
- Design to be visually unobtrusive, adopting sustainable principles
- Create spaces for education and talks
- Provide a space for Aboriginal artwork and artefacts
- Consider a visual and auditory sensory room
- Include kitchen facilities and toilet amenities
- Covered outdoor areas
- Parking for authorised vehicles

2. Caretakers Residence

- Consider the feasibility of a caretaker's residence at the Clunies Ross Street entry, approx. 80m²
- Provide a site compound & nursery, approx. 160m²

3. Cultural elements

- The Reconciliation stone is a significant artefact and will be located close to the cultural centre in the ceremonial plaza
- 3 flag poles to be located close to the Reconciliation Stone
- Existing water tanks to be retained on site as part of pre-CSIRO fabric of the site

4. Garden for Aboriginal agriculture and education

- Consider an interpretive, productive garden in association with the cultural centre
- The garden will be terraced on the slope
- Upper slopes – bush foods, traditional medicines
- Lower slopes – areas of wheat, rice, traditional flowering grains and native grasses for weaving

5. Pedestrian Bridge from Marrong Reserve to Prospect Hill

- Reconnect the significant landforms of Marrong Reserve and Prospect Hill with a cantilevered pedestrian bridge
- Explore the position and use of gates
- Make provision for wildlife movement on the bridge

6. Planting and Revegetation

- Tree planting to be retained on the southern fence line
- Mass, structural planting of grasses, shrubs, ground covers (up to 1m in height) around cultural centre
- Scattered trees, shrubs and ground cover plantings to western industrial boundary and eastern Durawi Street boundary
- Regeneration of Moist Shale Woodland planting association



Pedestrian Access and Circulation

- Enhancing pedestrian access to experience Prospect Hill is a key goal.
- Designing for universal access is a key goal
- Major pedestrian access should be formalised from Marrong Reserve and Clunies Ross Street to Prospect Hill
- Disabled accessible walkway/ramps from Reconciliation Rise connecting with ridge path to Marrong Reserve
- Connection of Reconciliation Rise and Clunies Ross Street via shared path along the western boundary of the site
- Minor access to local playspace along eastern boundary close to Warin Street and Durawi Street
- Access via steps to connect Durawi Walk Reserve with local playspace

Views

- Views to remain open and unchanged on the crest of Prospect Hill to experience the historic vistas
- Views to the cultural centre plaza to be retained from the southern area of the site
- Enhance views northwards from Marrong Reserve

Public Art

- Interpretive installations and public art should be limited on the site to locations within the proximity of the cultural centre and associated gardens and the playspace at the corner of Durawi Street
- Public art should reflect the cultural themes of the place, be low key and avoid locations in key vistas

7. Vehicle Access

- Link new cultural centre car park with vehicle access road from Clunies Ross Street
- Prioritise small bus drop off and disabled parking under the centre
- Design and construct off-road car parking in the Clunies Ross Street road reserve
- Continue vehicle access to park via maintenance gate on Warin Avenue
- Provide maintenance/emergency vehicle access to ceremonial plaza
- Utilise shared path on western boundary of site for maintenance access

8. Interpretation and Signage

- Historic events and stories will be told through tours with Aboriginal people and interpretive signage to be combined with directional signage at the start of tracks
- Signage can be intrusive and should be avoided on the top of the hill or significant spaces around the cultural centre

9. Boundary Fencing

- Discreet continuous security palisade fencing (2.1m high) on the eastern slope of Prospect Hill should run at the base of the grassed slope along the top of the quarried cut and run towards the southern boundary
- Continuous security palisade fencing (2.1m high) to the north and west of the hill should follow the boundary at the Clunies Ross Street entry and run towards Reconciliation Drive
- A low safety fence is required along the eastern edge of the north/south ridgeline
- Gates across the hill should be open by day and closed at night
- A 0.9m high palisade fence to be installed along the Durawi Street/ Warin Avenue boundary

10. Formal Gathering and Events

- The south-west quarried area is a natural amphitheatre for events and performances and should remain an open flexible space
- Above the cultural centre a ceremonial plaza with paving, flagpoles and a setting for the Reconciliation Stone will be for formal events and serve as a 'break out' space from the building

11. Butu Wargun Road Closure

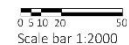
- Closure to continue to block vehicles entering from Reconciliation Drive
- Maintain pedestrian and cycle access through the road closure
- Plant additional trees to enhance the space

12. Recreation

- Childrens play and discovery is to be part of the Cultural Centre and gardens
- A local playspace for Penulwuy residents will be located at the foot of the slope close to Durawi Street
- Encourage passive recreation and access to Prospect Hill
- Increase connections and legibility of surrounding sites and walks within the Prospect/Penulwuy area

13. Amenities

- Public toilets can be considered as part of the cultural centre
- Picnic shelters can be considered in the Aboriginal gardens
- Small structures to be avoided near or on the crown of the hill
- Picnic tables and seating to be carefully placed on the Hill to provide rest points but not to clutter view lines

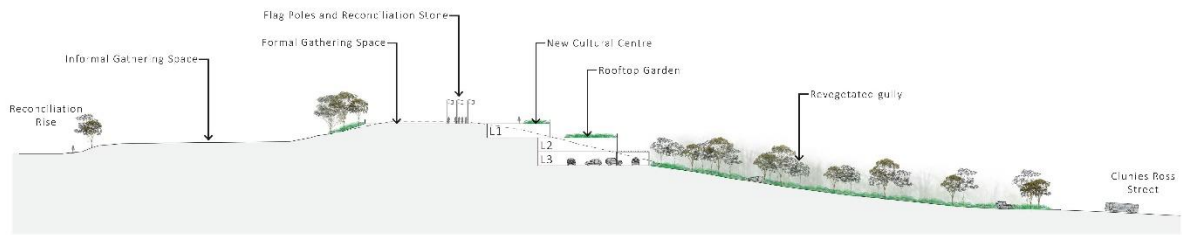


Scale bar 1:2000

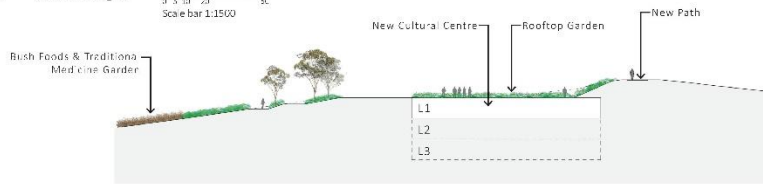


Masterplan Objectives
Prospect Hill
Landscape Masterplan





Section 1 Scale 1:1500 @ A3
Scale bar 1:1500



Section 2 Scale 1:1500 @ A3
Scale bar 1:1500



5.2 Action Plan

5.2.1 Introduction

Actions required to realise the vision and to resolve management issues at Prospect Hill (consistent with the community's values for Prospect Hill) are presented in the following tables. Table headings are explained as follows:

Issue	Consideration or problem to be addressed.
Objective	Reflects the value of Prospect Hill, and provides direction for the action.
No.	Actions numbered according to value, and management actions C Cultural O Open Space and Recreation E Environmental M Management
Action	Specific task or action required to address issues, consistent with the strategy.
Priority	Importance or urgency of the action: High Short-term actions to be completed Medium Mid-term actions to be completed Low Long-term actions to be completed Ongoing A continuing responsibility Annually Action to be undertaken on a yearly basis
Responsibility	Section within Council, or another organisation responsible for implementing the action. The Council Section or external organisation listed first in the Action Plans has the primary responsibility for implementing the action. Responsibilities within Council for implementing actions are: CD Community Development EP Environment and Planning FG Finance and Governance PP People and Performance WI Works and Infrastructure Other organisations responsible for certain actions are: ATSICC Aboriginal and Torres Strait Islander Consultative Committee OEH Office of Environment and Heritage
Performance Target	The desired outcome in implementing and achieving the action.
Monitoring Method	How Council intends to measure its performance in implementing and achieving the action over time.

5.2.2 Actions for cultural values

Table 12 Actions related to cultural values

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Access to ceremonial site	Protect the Aboriginal heritage significance of Prospect Hill.	C.1	Remove existing chain-link boundary fences and gates.	High	Council WI	Existing fences and gates removed	Capital works program
	Restrict undesirable pedestrian and vehicle access to Prospect Hill.	C.2	Erect a palisade fence including gates around the ceremony site as shown on the Landscape Masterplan.	High	Council WI	Palisade fence and gates erected	Capital works program
		C.3	Open gates during the day, and close gates at night (except for authorised special events)	Ongoing	Council WI ATSICC	No damage to the site	Inspections
Reconciliation Stone	Relocate the Reconciliation Stone to Prospect Hill.	C.4	Relocate and place the Reconciliation Stone at Prospect Hill following the implementation of palisade fencing.	High	Council WI, CD ATSICC	Reconciliation Stone is relocated to desired location.	Agreement by ATSICC
Formal gathering and events	Provide for cultural gatherings and events	C.5	Establish a ceremonial plaza above the cultural centre site with paving, flagpoles and a setting for the Reconciliation Stone. This space will be for formal events and serve as a 'break out' space from the cultural centre after construction.	High	Council WI, CD ATSICC	Ceremonial plaza established	Ceremonies and events held
Prospect Hill community group	Establish a community group for stakeholders with an	C.6	Establish a Prospect Hill Elders Trust or similar interest group under Section 355 of the Local Government Act to liaise with the ATSICC through Council.	High	Council CD	Group is established	Council processes followed

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
	interest in Prospect Hill.	C.7	If this group is established, support supervision of educational work programs and rehabilitation schemes under the guidance of the Elders Trust.	Ongoing	Council CD	Education, work and rehabilitation programs are undertaken	Elders Trust feedback to ATSICC and Council
Aboriginal Place	Further recognise the significance of Prospect Hill to Aboriginal people.	C.8	Make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974 in consultation with and as approved by Council's ATSIC Committee.	High	Council EP ATSICC	Prospect Hill is declared as an Aboriginal Place.	Written advice and gazettal of declaration from OEH
		C.9	Prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.	High	Council EP ATSICC OEH	Management Plan completed.	Council and ATSICC agreement. OEH approval
Name of Prospect Hill	Consider a dual name for Prospect Hill	C.10	Consult with all stakeholders about the possibility of changing the name of Prospect Hill to a dual name.	Medium	Council CD ATSICC	Consultation completed	Decision about dual name
		C.11	If agreed, apply to the Geographical Names Board to register the new name.	Medium	Council CD, WI	Dual name registered	Advice in writing from GNM
Anti-social behaviour	Restrict anti-social behaviour at Prospect Hill	C.12	Designate Prospect Hill as an alcohol-free zone.	Medium	Council CD	No consumption of alcohol at Prospect Hill	Reports to Council. Security patrols
Cultural centre	Establish a cultural centre to honour Pemulwuy; and tell the story of the site,	C.13	Obtain approvals to construct the cultural centre.	Medium	Council EP, WI, CD OEH	Development consent	Report to Council

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
	Aboriginal people and reconciliation.	C.14	Design and construct a cultural centre consistent with the Landscape Masterplan.	Medium	Council WI, CD	Construction complete	Construction certificate issued
Aboriginal community garden	Reflect traditional Aboriginal activities	C.15	Establish an Aboriginal community garden in association with the cultural centre as shown on the Landscape Masterplan. The garden will be terraced on the upper slopes for bush foods and traditional medicines. Wheat, rice, traditional flowering grains and native grasses for weaving would be grown on the lower slopes.	Medium	Council CD ATSICC	Garden established	Planting healthy and established
		C.16	Place interpretive signage at the garden.	Medium	Council CD ATSICC	Signage installed	Observation
Vehicle access to cultural centre	Cater for authorised vehicle access to Prospect Hill	C.17	Link the new cultural centre car park with a vehicle access road from Clunies Ross Street	Medium	Council WI	Vehicle access from Clunies Ross Street	Capital works program
		C.18	Provide small bus drop off and parking for people with disabilities under the centre and bus parking bays on Clunies Ross Street	Medium	Council WI	Bus parking constructed	Capital works program
		C.19	Design and construct off- road car parking at the Clunies Ross Street entry.	Medium	Council WI	Parking on the edge of the site	Capital works program
	Ensure adequate parking for people with disabilities is provided on site	C.20	Provide parking spaces for people with disabilities at the cultural centre and with access to the pedestrian bridge.	Medium	Council WI	Access for people with disabilities to the cultural centre and pedestrian bridge	Capital works program

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
	Minimise parking conflicts on local residents from visitors to Prospect Hill	C.21	Install signs to direct visitors to parking spaces in Clunies Ross Street and in Butu Wargun Drive west.	Medium	Council WI	Signs installed	Minimal visitor parking on local streets in Pemulwuy
Community education and interpretation	Provide a framework for interpretation Connect Prospect Hill with other culturally important places	C.22	Prepare an integrated interpretation plan covering Prospect Hill, Marrong Reserve, Lakewood Estate Riparian Corridor and further links through Prospect and Girraween Creeks as an integrated landscape and cultural experience.	Medium	Council CD ATSICC	Interpretation Plan prepared	Report to Council
		C.23	Consider reinterpreting the Pemulwuy Park motif to fit and align with the bush food and medicine area of the cultural centre and/or the community accessible area of the park at lower Durawi Street.	Medium	Council CD ATSICC	Decision about reinterpretation of the Pemulwuy Park motif	Agreement among stakeholders
		C.24	Name the community area at Durawi Street Pemulwuy Park.	Medium	Council CD ATSICC	Name agreed	Agreement among stakeholders
		C.25	Install interpretive signage at Prospect Hill, the Butu Wargun Drive west entry point, and at the Warin Avenue entry point.	Medium	Council CD, WI	Signage installed	Capital works program
		C.26	Interpret the abandoned 19 th century quarry on the hillside of the former CSIRO site, the other former quarries on the site, and the WWII rifle target used by Allied soldiers.	Medium	Council CD, WI	Interpretation plan prepared and implemented	Agreement among stakeholders

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Water tanks	Retain historic items on site	C.27	Retain the water tanks on the site as part of the pre-CSIRO fabric of the site.	Low	Council WI	Water tanks remain on site	Observations
Caretaker's residence	Maximise the security of the cultural centre and garden	C.28	Consider the feasibility of a caretaker's residence at the Clunies Ross Street entry.	Low	Council CD, WI, EP ATSICC	Decision made about proceeding with caretaker's residence	Report to Council
Public art	Provide opportunities for indigenous cultural art	C.29	Seek opportunities for artists to work with Darug elders on permanent and temporary art, and performances.	Ongoing	Council CD ATSICC	Opportunities for permanent and temporary art, and performances	Art and performance activities
	Cultivate purpose and inclusion for indigenous detainees within corrective services and juvenile justice	C.30	Incorporate reconciliation imagery as desired by the Aboriginal community	Ongoing	Council CD ATSICC	Reconciliation imagery agreed and incorporated	Positive feedback from stakeholders
		C.31	Incorporate opportunities to participate in artwork programs that express the themes of reconciliation appropriate to Prospect Hill	Ongoing	Council CD ATSICC	Artwork programs held	Positive feedback from stakeholders
Visual	Protect the physical and visual curtilage to and from Prospect Hill SHR Area, including the skyline.	C.32	Place power poles and electricity lines underground.	Low	Council WI Electricity provider	Unimpeded view of the ridge line from the lower slopes.	Observations

5.2.3 Actions for open space and recreation values

Table 13 Actions related to open space and recreation values

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Pedestrian link to Marrong Reserve	Reconnect the significant landforms of Prospect Hill and Marrong Reserve for pedestrians, people with disabilities and wildlife	O.1	Establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.	High	Council WI	Walking track constructed	Capital works program
		O.2	Construct a steel pedestrian bridge over Butu Wargun Drive between Prospect Hill and Marrong Reserve.	Low	Council WI	Pedestrian bridge constructed	Capital works program
Pedestrian and cycle links to and from adjoining residential and employment areas	Encourage pedestrian and bicycle access to experience Prospect Hill.	O.3	Establish a walking track along the ridge line between the lookout at Prospect Hill, Warin Avenue and the Clunies Ross Street cul-de-sac. The design and location of this path is to be in accordance with the Prospect Hill Conservation Management Plan, Heritage Landscape Plan and Heritage Interpretation Plan.	High	Council WI	Walking track constructed	Capital works program
		O.4	Define shareway connections from the existing shareway routes through the Prospect Hill open space	Medium	Council WI	Shareway connections defined	Capital works program
	Design for universal access.	O.5	Provide bicycle parking rails or stands at the southern entry point at Reconciliation Rise and at the northern entry point at Clunies Ross Street.	Medium	Council WI	Bike parking provided	Use of bike parking

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Viewing opportunities	<p>Optimise opportunities to experience the view from Prospect Hill while not impeding views from lower ground</p> <p>Views to remain open and unchanged on the crest of Prospect Hill to experience the historic vistas</p> <p>Retain views to the cultural centre plaza to from the southern area of the site.</p> <p>Enhance views north from Marrong Reserve.</p>	O.6	Construct unobtrusive viewing areas at Prospect Hill, and south of the hill looking south-east using low maintenance materials recommended in the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).	High	Council WI	Viewing areas constructed	Capital works program
Seating	Provide opportunities for visitors to Prospect Hill to enjoy views, rest and reflect	O.7	Provide seating at entry points, along pathways and at viewing points.	High	Council WI ATSICC	Seating installed	Capital works program

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Butu Wargun Drive road closure	Rejuvenate the closed crossover section between Butu Wargun Drive and Reconciliation Rise	O.8	Replace concrete road barriers with feature barriers or removable bollards	Medium	Council WI	Concrete road barriers replaced	Positive feedback from community
		O.9	Upgrade crossover section with plaza style paving	Medium	Council WI	Paving installed	Positive feedback from community
		Maintain pedestrian, cycle access through the road closure	O.10	Plant additional trees to enhance the space.	Medium	Council WI	Trees planted and thriving
Children's play opportunity	Provide opportunities for play and discovery for local and visiting children at Prospect Hill.	O.11	Engage with the local and Aboriginal community about a theme and design for a local indigenous/natural children's playground at the foot of the slope close to Durawi Road.	Medium	Council WI, CD ATSICC	Agreement on theme design for playground	Playground design
		O.12	Construct the playground close to Durawi Road.	Medium	Council WI	Playground constructed	Positive feedback from local community
		O.13	Include play and discovery opportunities at the cultural centre and garden.	Medium	Council WI, CD	Play and discovery opportunities at cultural centre and garden	Positive feedback from cultural centre visitors

5.2.4 Actions for environmental values

Table 14 Actions related to environmental values

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Planting and revegetation	Regenerate Moist Shale Woodland species to resemble the natural landscape prior to European settlement while maintaining views.	E.1	Retain remnant species of Moist Shale Woodland.	Ongoing	Council EP	Moist Shale Woodland species retained	Inspections
		E.2	Retain tree planting on the southern fence line.	Ongoing	Council EP	Trees on southern fenceline retained	Inspections
	Regenerate existing and plant Moist Shale Woodland species ranging from canopy trees to grass species as shown on the Landscape Masterplan, consistent with the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).	E.3	Remove exotic vegetation such as pine trees and weeds.	High	Council EP	Exotic vegetation removed	Council works program
		E.4	Liaise with Aboriginal groups about planting of native species.	High	Council EP ATSICC	Agreement about native species planting	Species list and planting plan
		E.5	Mass, structural planting of grasses, shrubs, ground covers (up to 1 m in height) around the cultural centre.	Medium	Council EP ATSICC	Plantings at cultural centre thriving	Council works program
		E.6	Plant scattered trees, shrubs and ground cover on western industrial boundary and eastern Durawi Street boundary.	Medium	Council EP ATSICC	Boundary plantings thriving	Council works program
		E.7	Boundary buffer planting on the western boundary and to the carpark.	Medium	Council EP ATSICC	Boundary plantings thriving	Council works program
		E.8	Involve the local and Aboriginal community in Bushcare activities.	Ongoing	Council EP ATSICC	Participation in Bushcare activities	Feedback from Aboriginal people

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Grassland	Retain the rural character of the grassland at Prospect Hill	E.9	Erect rural safety fencing along the boundary of the SHR Area which is not palisade fenced.	Medium	Council WI	Rural safety fencing erected	Capital works program
Waste disposal	Minimise litter	E.10	Provide bins for rubbish at entry points	High	Council WI	Bins installed	Capital works program
	Provide opportunities for disposal of rubbish	E.11	Place temporary bins during events.	Ongoing	Council CD, WI	No litter left on site after events	Inspections
Soil quality and contamination	Understand the extent of any soil contamination on the site	E.12	Undertake a geotechnical investigation into contamination of the site.	Medium	Council WI, EP	Geotechnical status of the site established	Geotechnical report
Soil erosion	Minimise soil erosion	E.13	Rehabilitate eroded areas.	Medium	Council WI, EP	Eroded areas rehabilitated	Report from soil scientist
Fauna habitats and wildlife corridors	Connect fauna habitats and wildlife corridors between Prospect Hill and adjoining areas	E.14	Integrate fauna access and crossings in all fencing and bridge works.	Medium	Council WI, EP	Fauna movement facilitated	Fauna movement monitoring
Water Sensitive Urban Design (WSUD)	Embrace Water Sensitive Urban Design principles on the site	E.15	Use Water Sensitive Urban Design principles in the design and operation of the cultural centre.	Medium	Council WI ATSICC	WSUD included in cultural centre design	Sustainability star rating of building
		E.16	Assess the structural integrity of the water tanks and whether they are suitable for future use for water storage.	Medium	Council WI	Condition and function of water tanks established	Report to Council

5.2.3 Management actions

Table 15 Management actions

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Land acquisition and community land	Bring privately owned land in the Prospect Hill open space area into public ownership	M.1	Negotiate with private land owners for Council to either manage or purchase by private treaty or compulsory acquisition Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814.	High	Council EP	Private land in the study area becomes public land	Land title documents
		M.2	Place notices in the NSW Government Gazette dedicating all lands to community land as required.	Medium	Council EP	Dedication to community land	Gazette notices
	M.3	Register the untitled Road Reserve.	Low	Council EP	Road reserve has land title	Land title documents	
	M.4	Establish an easement for the electrical transmission and gas line.	Low	Council EP	Easement established	Land title documents	
	M.5	Remove the need for easements by re-routing essential infrastructure in consultation with essential service providers or if necessary, replace overhead transmission lines with subgrade cables, considered prior to the construction of a building.	Low	Council EP, IW	Infrastructure re-routed or replaced	Council works program	
Authorised vehicle access	Facilitate authorised vehicle access	M.6	Provide access points for maintenance and emergency vehicles off Clunies Ross Street and Reconciliation Rise.	Medium	Council IW	Access for maintenance and emergency vehicles	Positive feedback from authorised vehicle drivers
Funding	Maximise funding available to implement the Plan of Management	M.7	Apply to sources of grant funding to implement recommended actions.	Ongoing	Council IW, CD, EP ATSICC	Funding received	Record of grant funding

6 IMPLEMENTATION

6.1 Management

Cumberland Council will continue to manage Prospect Hill, in partnership with key stakeholders, including the Aboriginal community and the wider Cumberland and local Pemulwuy community.

Aboriginal people want to be caretakers and custodians of the land to preserve it for future generations. Inclusive participation of the Aboriginal community in the care, management and maintenance of Prospect Hill will be encouraged. Such participation may be in the form of a Section 355 Committee, with expansion of an elders trust entity and potential for educational work programs.

6.2 Funding sources

6.2.1 Introduction

Funding is integral to implementing this Plan of Management. There are several approaches that Cumberland Council can take in funding the implementation of this Plan of Management. Council as land owner and manager is likely to fund most of the proposed improvements.

6.2.2 Council funding

General

The implementation of this Plan of Management is achieved through its linkage with Council's Community Strategic Plan, operational budgets, and capital works programs.

Funding arrangements for Prospect Hill need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Council currently funds management and maintenance costs through its annual budget allocation, and uses capital funds and Section 94 funding for capital and non-recurrent works.

Staging of works will be necessary so Council can fulfil its overall funding obligations across the Cumberland local government area within the resources available to Council. Actions listed in the Action Plans have been prioritised, which will assist in preparing forward open space work programs and annual budgets. This Plan will therefore provide direction for future works at Prospect Hill.

Section 94 contributions

Council currently enters into planning agreements, or levies contributions or works in kind from developers towards the cost of upgrading facilities, including open space, to meet the needs of new development.

Partnerships

There is an opportunity to develop further partnerships with the Aboriginal community, residents, local community groups and interested people in relation to improvements and ongoing management, such as through a Bushcare program and by sponsorship from local businesses.

6.2.3 Grants

Commonwealth and State government grants are available to assist with capital works and improvement project costs at Prospect Hill. Council considers submitting applications for grants as funding opportunities from various agencies arise.

6.3 Implementation of this Plan of Management

Once Cumberland Council adopts this Plan of Management it is Council's responsibility to implement this Plan of Management. Council must only allow uses or developments that are in accordance with the principles and objectives of this Plan of Management.

Implementation of this Plan of Management will be monitored with the preparation of capital works programs and budgets scheduled in response to community expectations, user requirements, the availability of funding, and other circumstances as they arise. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Resourcing Plan.

Funding for management of Prospect Hill will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

6.4 Reporting

Council will report on the progress of implementing this Plan of Management in the following ways:

- council's Integrated Planning and Reporting framework
- achieved and proposed actions in its quarterly and annual reports.
- through the preparation of capital works and maintenance budgets.

6.5 Review of this Plan of Management

Review of this Plan of Management will be undertaken in line with the establishment of facilities, taking into account community expectations and the strategic planning objectives of Cumberland Council.

In accordance with the Local Government Act, updates to the Plan of Management will include consultation with the community, with their comments incorporated into the review process.

The Action Plan tables should be reviewed and revised within the framework of Council's budget, Capital Works Program, annual report, changing priorities, and availability of funding.

REFERENCES

- Conybeare Morrison (2005) *Prospect Hill Conservation Management Plan*.
- Cumberland Council (2016) *Holroyd Cultural Plan*.
- Cumberland Council (2017) *Cumberland Community Strategic Plan 2017-2027*.
- Cumberland Council (2017) *Cumberland Disability Inclusion Action Plan 2017-2021*.
- Government Architect NSW (2017) *Greener Places (Draft)*.
- Government Architect's Office (2008) *Prospect Hill Heritage Landscape Study and Plan*.
- Greater Sydney Commission (2017) *Directions for a Greater Sydney 2017-2056*.
- Greater Sydney Commission (2017) *Revised Draft Central City District Plan*.
- Higginbotham, E. (2000) *Historical and Archaeological Assessment of CSIRO Site*.
- Holroyd City Council (2016) *Re:New Holroyd – A Cultural Plan for Holroyd City 2016-2026*.
- Karskens, G. (1991) *Holroyd – A Social History of Western Sydney*.
- Musecape (2009) *Heritage Interpretation Plan for Prospect Hill*. Prepared for Holroyd City Council on behalf of land owners.
- Office of Environment and Heritage (2011) *Aboriginal Places Policy*.
- Office of Environment and Heritage (2017) *Declared Aboriginal Places: Guidelines for Developing Management Plans*.
- Perumal Murphy Wu (2000) *Architectural Assessment – CSIRO Division of Animal Production*.
- Spackman and Mossop and Ian Perkins Consultancy Services (2003) *Bushland Management Plan: Northern Residential Lands: Greystanes Estate*.
- Sturt Noble and Associates and Lend Lease (2015) *Draft Plan of Management for Marrong Reserve Pemulwuy*.
- Total Earth Care (2007) *Citywide Bushland Management Plan*. Prepared for Holroyd City Council.
- Transport and Urban Planning (2009) *Holroyd Bike Plan*.
- Whelans Insites (2010) *Statement of Environmental Effects – Mar-Rong Reserve Pemulwuy*.

This page is left blank intentionally

A ABORIGINAL STAKEHOLDERS FORUM



CUMBERLAND
COUNCIL

phillips|marler



Aboriginal Stakeholders Forum

Thursday 5 April 2018, 5:30pm -7:30pm

Cumberland Council, Merrylands Service Centre, Memorial Avenue, Merrylands

Attendance

Name	Organisation
Aunty Sandra Lee	Senior Local Darug Elder
Aunty Cleonie Quayle	Local Aboriginal Elder
Uncle David Williams	ATSICC - Chairperson - Local Aboriginal Elder
Jeanice Corso	ATSICC
Chris Haberecht	ATSICC
Trudy Healey	Western Sydney University
Lyn Leeson	ATSICC - Western Sydney Reconciliation
Raelene Locke-Billedo	ATSICC
Paul Mackey	Local Community Member
Djon Mundine	Local Aboriginal Community
Julie Nixon	ATSICC
Des Smith	Fairfield City Council - Aboriginal Project Officer
Chris Tobin	Local Darug Elder
Melissa Williams	Local Aboriginal Community - Western Sydney University
Clr Greg Cummings	Cumberland Council – Councillor – Mayor – ATSICC
Christine Deaner	Cumberland Council – Manager Open Space Planning and Design
Susan Miles	Cumberland Council – Senior Landscape Architect
Adam Ford	Cumberland Council – Landscape Architect
Beatrice Sesay	Cumberland Council – Capacity Building Officer
Julie Marler	Phillips Marler
Daniel Hughes	Phillips Marler
Sandy Hoy	Parkland Planners
APOLOGIES	
Uncle Rex Sorby	ATSICC
Joanne Buckskin	Local Government NSW - Senior Policy Officer (Aboriginal)
Aroha Grover	Blacktown City Council
Steve Randall	Deerubbin Local Aboriginal Land Council
Steven Ross	Parramatta City Council - Aboriginal and Torres Strait Islander Community Capacity Building Officer

Smoking ceremony – Chris Tobin

Welcome to Country – Aunty Sandra Lee

Explanatory notes

Grateful thanks are extended to everyone who attended the forum for sharing their beliefs, thoughts and ideas.

Permission was sought from and granted by people attending to take photographs to recognise the significance of the coming together of the people at this forum.

Permission was sought from and granted by people attending to undertake an audio recording of the forum to reflect what was said as accurately as possible.

The summary notes from the meeting below list the key points made by people attending the forum. More detail can be obtained from the full transcript of the meeting.

Key points made about Prospect Hill

Name	Comment	Action/ outcome
Clr Greg Cummings	Prospect Hill is of national significance because of the meeting that took place on Prospect Hill-Marrong between the first nations people and the first settlers on 3 May 1805 to resolve the conflict between them.	All to note
Julie Nixon	The Prospect Hill Heritage Landscape Study and Plan should be a base for information about the site, because it is detailed, a lot of consultation and Council work went into the plan, and the Aboriginal community expected the actions contained in the Plan would be followed through.	The document is available in the Council library for reference. Adam Ford to distribute report to the ATSICC members
Uncle David Williams	Soil contamination of the hill is likely as shown by core samples for the CSIRO site, and chemicals used on the Boral site. Julie Nixon added that asbestos had been cleaned up recently.	All to note
Uncle David Williams	Uncle David has considered some safe locations for the reconciliation stone. He suggested all those interested go up to the hill to have a look, and Uncle David would point out those spots. As the hill is an Aboriginal spiritual place the stone should be located without “bricks and mortar” structures. The stone needs to be secured on the side closest to residents for surveillance so it won’t be damaged.	Beatrice to organise a site visit
Clr Greg Cummings	This group should decide where the reconciliation stone should be located.	All to note
Clr Greg Cummings	The event on 3 May 1805 has been commemorated by Council since 2010. As a ceremonial place, the bottom border of the site should be palisade fenced so it could be open during the day and secured at night. The site needs to be secured because it is such a unique site. On special occasions it could be opened up for night viewing if the local Aboriginal community think that is appropriate. Viewing platforms could be considered if appropriate.	All to note
Clr Greg Cummings	It is an Aboriginal place and should be classified as such. The Darug women meeting with John Kennedy as a go-between for the white settlers and	All to note

Name	Comment	Action/ outcome
	Reverend Marsden was a major turning point. The colonial war which Pemulwuy led lasted for 12 years, after which his son Tedbury continued the war. The Darug paid a penalty where over a three day conference it was agreed that 6 Darug warriors would be handed in to the white settlers. The warriors were identified, hunted down and exterminated.	
Lyn Leeson	The reconciliation imagery has to include the treaty, because some Aboriginal people ask why do we have to reconcile, it's a white man's crime.	All to note
Clr Greg Cummings	Darug People walked from Parramatta to Marrong.	All to note
Uncle David Williams	Prospect Hill is an educational place. Uncle David explains to school children that Pemulwuy was Australia's first gang leader, which they understand. Uncle David takes children from Juvenile Justice to the hill to explain that they have their own heroes, and that has turned their lives around because they have something to go on.	All to note
Uncle David Williams	The crows coming back to sit on the fence and fly around is spiritual.	All to note
Chris Tobin	The "reconciliation" is one-sided and hasn't happened yet. We don't manage our country, and pay rent to live here. It would be a mistake to name the hill something like Reconciliation Hill, put the stone in the middle, and make it about reconciliation because it hasn't happened yet.	All to note
Chris Tobin	Chris learned from an elderly lady that her husband remembers engravings on a rock before the hill was quarried.	All to note
Clr Greg Cummings	The hill is now at least 20 metres lower due to the quarry. The highest point is One Tree Hill (south of the study area) which has two trees on it. There would have plenty of Aboriginal engravings on the basalt.	All to note
Chris Tobin	Part community and mixed use of the hill, such as bike riding, would be disappointing. Because it's a high place I would not like to see rock concerts and other things there. Leave aboriginal cultural heritage as it is, and don't do shared uses, make money out of it, or build on it.	All to note
Uncle David Williams	People can get to the top of the hill as they have done to the highest point at the centre hill in Marrong. The top of the hill is all about ceremony and spiritual. We want to decide who does what there when the site is secure. We want Aboriginal people as caretakers, and for kids to learn about what happened. Aboriginal people are part of it and are connected to it.	All to note
Clr Greg Cummings	The lower part of the hill isn't very significant. The CSIRO grew crops and ran sheep on the lower part, and the American service personnel had a rifle range there during World War II.	All to note
	The local community, which has small backyards, could get involved with setting up an indigenous community garden on the lower part separate to the sacred area. It's up to the Darug to decide what happens, when it happens and how it happens on the hill.	
Julie Nixon	A cultural centre could be considered to tell the story of reconciliation and the history.	All to note
Clr Greg Cummings	A cultural centre could be below the ridge line and set in the gully to leave the sacred part of the hill sacred.	All to note

Name	Comment	Action/ outcome
Uncle David Williams	The location of the cultural centre has to consider the high ground, line of vision, and the spirits have to line up, which would need to be physically shown.	All to note
Uncle David Williams	All the infrastructure, such as disability access, needs to be put in place. Build a steel bridge between Prospect Hill and Marrong for pedestrians and people using wheelchairs. Make sure anything vertical on the hill is not an eyesore. The bridge should be high enough for B-doubles to pass under.	All to note
Julie Nixon	Fencing should be protection from those seeking to do harm. The school fencing would be hard to drive vehicles through.	All to note
Chris Tobin	A caretaker is a good idea.	All to note
Julie Nixon	If vandals are slowed down that would help protect the place. Vandalism may be less likely with community ownership of the lower section, and education of school children.	All to note
Uncle David Williams	The ceremony site is most important. Uncle David indicated the desirable location of a fence around the ceremony site. Amenities blocks etc. can go on that level too.	All to note
Clr Greg Cummings	Butu Wargun Drive and Reconciliation Rise will not be open to through traffic due to resident complaints about anti-social behaviour. The height of the bridge could be low enough to allow emergency vehicles to pass through. Fire vehicles attend fires on Prospect Hill. If it is open during the day and closed at night, and secured for special ceremonies at night, you would have quite a significant site.	All to note
Lyn Leeson	A garden for aboriginal agriculture that included wheat and rice, and traditional flowering grains, would be wonderful. That would require people with knowledge of agriculture. The garden would be educational.	All to note
Aunty Sandra Lee	An aboriginal garden in full bloom is at the Grantham Estate at Seven Hills. It is an Aboriginal flag done in a circle in the middle and then the plants are growing all the way around it.	All to note
Chris Tobin	Themed talks on agriculture and the colonial wars could be held at the cultural centre.	All to note
Clr Greg Cummings	On one side of the hill is the catchment for Toongabbie Creek and the Parramatta River. On the other side is the catchment for Prospect Creek which flows into the Cooks River and Botany Bay.	All to note
Uncle David Williams	The hand theme was in the original interpretation plan and signified reconciliation. It would be under the flight path to attract visitors.	All to note
Julie Nixon	The size of the demonstration garden could be up to 3 times the size of this room, large enough for people to walk around and engage with the spaces.	All to note
Aunty Cleonie Quayle and Lyn Leeson	Weavers need grasses that could be grown in the garden. Weaving and gardening could be related to the cultural centre. Resources for aboriginal enterprises are seasonal and can be scarce.	All to note

Name	Comment	Action/ outcome
Uncle David Williams	A live-in caretaker is necessary, because the site is being opened up and people have phones, the spot is significant and a spiritual place as a men's area.	All to note
Uncle David Williams	The cultural centre would have instructional rooms and visual aids.	All to note
Aunty Cleonie Quayle	The cultural centre would be large enough to run educational programs.	All to note
Uncle David Williams	Partner with primary schools to give them tasks to do for a year, and then give other schools a turn. School children would learn why it was called Blackstown and the true enactment history.	All to note
Uncle David Williams and Julie Nixon	The cultural centre would be state of the art and include indoor areas and outdoor (garden, covered areas) areas.	All to note
Melissa Williams and Aunty Cleonie Quayle	The cultural centre needs to be a hybrid. Examples are the Karijini Visitor Centre in Tom Price WA mixed with something like the Campbelltown Arts Centre, and Tjapukai Aboriginal Cultural Park in Cairns which showcases the culture and they have a restaurant that cooks bush tucker.	All to note
Aunty Cleonie Quayle	Aboriginal people need a place to gather, and to just sit and yarn to hand down cultural knowledge such as teaching children to play the didgeridoo.	All to note
Julie Nixon and Melissa Williams	Want to display artefacts and artwork. Museum meets Library.	All to note
Julie Nixon	The list of landscape values in the document that the Government Architects Office prepared is very relevant. It says to use Prospect Hill as a cultural park, and involve all interested parties in the process, and provide framework for interpretation opportunities for indigenous public art. That section in particular is extremely important towards the cultural centre so please refer to that.	All to note
Julie Nixon	The cultural centre should have an aboriginal related sensory room, like the small sensory room at the National Maritime Museum which is a simple, relaxing, low-light area with lounge chairs and a screen showing fish swimming. The space allows people to take a quiet break.	All to note
Chris Tobin	It's useful for the plan of management to know that we still consider the whole country ours, it's just we don't get a say. We teach our kids to respect other peoples' beliefs. The process is to do all the planning and talking with other stakeholders. That's why that little special area will be appropriate for the rest of the community to allow us to have our way on that one.	All to note
Melissa Williams	Aboriginal people are giving over knowledge. When the knowledge is being given over, we need in the legal requirement that we have a co-creation set of rules in terms of ownership. When we talk about collecting information and we look at potentially a knowledge bank of that information, we need to make sure we've got rights built in, in terms of the ownership of that knowledge and it's in trust to the care takers of that knowledge being the local aboriginal elders. Those rules need to be built around this whole process. Taking a photograph of the aboriginal people in	Council and consultants to acknowledge in documents produced for the Plan of Management and Landscape

Name	Comment	Action/ outcome
	<p>the room, and them giving me their story and intellectual property in that photograph, means that under arts law they don't own the photo, the photographer owns it. It needs to say in the release forms of those to take pictures that it is co-created with the aboriginal person. Because this is quite new in terms of the English side of things getting into the legal instrument, we still need to build those rules and that language into this process so it's truly partnering with the aboriginal community.</p>	<p>Master Plan that the photographs taken during and after the meeting are co-created with each Aboriginal person in the photo.</p>
<p>Uncle David Williams</p>	<p>The fence is to keep people out, and to control that particular section of it. The original idea was for Parramatta Council to finish their walkways and paths up the tributaries. Come up Toongabbie Creek, across Prospect Hill, down Prospect Creek, and back at La Perouse.</p>	<p>All to note</p>
<p>Melissa Williams</p>	<p>It's very important that we talk about clan and country. We talk about the country Darug. The clan is a different concept. The Cannemegal-Warmuli Clan is the clan which this land is on. No clan can speak on behalf of another. They've got their own law structures, and we need to be mindful about how we approach the protocols in this process. There are also traditional owners versus members versus community members. All of that needs to be structured out in the language.</p>	<p>Council to resolve protocols about engaging with the Cannemegal-Warmuli Clan of the Darug Nation.</p>
<p>Chris Tobin</p>	<p>It was decided to show that reconciliation is progressing in our neighbourhood which is the former Holroyd. There were dual names on the specific areas and other things we got in our neighbourhood to show that's what that means, which shows that we're in partnership or reconciliation or reconciled. And Those things were taken from the Darug history and local clans and passed by this committee. When you're going somewhere like in the Americas you'll see the local red Indian name and also the English translation. Probably Marrong - Prospect Hill might be the name.</p>	<p>All to note</p>
<p>Melissa Williams</p>	<p>Suggestions for a name should be taken back to our consultation groups rather than coming up with a name now on the spot. We will then come back with a response.</p>	<p>People attending the meeting to consult with their</p>
<p>Uncle David Williams</p>	<p>Everyone here tonight will talk to people they know and ask what they think. If they don't agree they may ring Beatrice and her community development team, or someone else.</p>	<p>consultation groups about the matters raised at the meeting, and report back to the ATSICC meeting on 1 May 2018</p>
<p>Melissa Williams</p>	<p>We're in a very disenfranchised area. There's a lot of different aboriginals from bloodline countries but who are community people. The borders still aren't sorted.</p>	<p>All to note</p>
<p>Melissa Williams</p>	<p>We need a process about how we are going to carry out the cultural protocols. That needs to be clearly articulated because it's very important when milestones happen that people are very clear who was spoken to,</p>	<p>Council to resolve protocols about</p>

Name	Comment	Action/ outcome
	<p>how they were spoken to, and what happened. That's how in aboriginal affairs we need to make sure it is clearly mapped. The ATSIC Committee will drive how it consults.</p>	<p>engaging with the Aboriginal community and the ATSIC Committee for the Plan of Management and Landscape Master Plan</p>
<p>Uncle David Williams</p>	<p>After discussion of points for and against, the senior elders of this country must agree to an idea or it doesn't go ahead. Local talent that's from country is preferred but if the talent can't be found we go further afield.</p>	<p>All to note</p>
<p>Djon Mundine</p>	<p>You have an incredible opportunity to do something different here. Honouring aboriginal people and honouring Pemulwuy would be something different to start with. You have a real opportunity where you've got a space that's untouched. When things are untouched in the rest of Sydney that means there will be a big housing development or blocks of units on it. You've got the time here to do something here that's really good. The idea of the Aboriginal cultural centre is amazing. The garden could be a large area of grown wild grasses or native grasses for weaving, weaving materials which needs to be on a reasonably large scale. It's a beautiful thing when you sit in an area of native in native grasses for both foods and for weaving materials. You have an incredible opportunity that's different to other places in Sydney where they've come up with false names for this aboriginal person and that aboriginal person around the harbour.</p>	<p>All to note</p>
<p>Chris Tobin</p>	<p>It would help people to understand that the first shots fired on Australian soil were at Prospect Hill. Settlers on the early farms were given a gun between the two of them. A mob of aboriginal arrived back home, the settlers got scared, shot at them, and then they burnt their huts which was a traditional sign of no, you've come along without asking. Governor Phillip had given 30 acres, and then 30 acre woodland and then the 30 acres for settlement. After the trouble with the settlers, he gave orders to cut down the bush for security reasons, so they could see the aboriginal people. That kind of story could be relayed at the cultural centre. It's also for other communities to know why this place is important as an aboriginal cultural place.</p>	<p>All to note</p>
<p>Uncle David Williams</p>	<p>Feedback about what has been discussed at this meeting will come back through the advisory group.</p>	<p>Provide feedback for the ATSIC Committee meeting on Tuesday 1 May</p>
<p>Melissa Williams</p>	<p>It is a special place. First and foremost, there's a spiritual connection and the honouring needs to take place as the prime. Commercial is second to that. It's a gathering place to acknowledge first people were present, what happened there, connect stories into there, and a gathering place for the locals and anybody else. And then from there, it's an opportunity to commercialise as well.</p>	<p>All to note</p>

Name	Comment	Action/ outcome
Paul Mackey	It's very important that you get the cultural garden in. It's a big yard and it's got to be the grasses. You have to do the signage as far as the bush is what the natives used them for, like the ones you can actually rub on for mosquito repellent. There's bush tomatoes, placards, displays that can actually teach us poor simple white folk who don't know much about it, so that gives a bit of education to them and it's a cultural walk for them along the way. You've got a lot of cultural signs and points and a bit of the local language and turn it into English so that people can understand and get a feeling for the land. I hear a few of you say my land, but the land owns you, you don't own the land.	All to note
Uncle David Williams	The women did most of the gardens. It was supposed to come up along Parramatta River, all the way up Toongabbie Creek, across the top. Our seniors told the white fellas what was what. They formulated their first pharmaceutical companies, powdered or liquefied it, and we got to buy it back. Once you get an idea, and that will be a base. When I stood on the top of the Grand Canyon and realised again how insignificant we all are. I've been to Ayers Rock, I've been to Katherine Gorge, all these places. And you get a message if you're not supposed to be there. That's how I want people to see the vision. We'll give Mount Rushmore a run for their money. I don't think small, I think big because this is a national picture.	All to note
Uncle David Williams	If you go to any sort of aboriginal place of significance, mother nature does all the work, we respect that.	All to note

The photograph below was co-created with people who attended the Aboriginal Stakeholder Forum:



Standing, left to right:

Daniel Hughes, Paul Healey, Julie Marler, Des Smith, Beatrice Sesay, Raelene Billedo, Jeanice Corso, Trudy Healey, Christopher Haberecht, Uncle David Williams, Susan Miles, Djon Mundine, Adam Ford.

Seated, left to right:

Julie Nixon, Aunty Sandra Lee, Melissa Williams, Aunty Cleonie Quayle

B COMMUNITY FORUM



Meeting notes from Community Forum

Prospect Hill Plan of Management and Landscape Masterplan

Date: 03/05/18 6:00pm to 7:30pm

Location: Allan G. Ezzy Community Centre Hall, 1 Newport Street Pemulwuy

Attendance:

10 community members attended the Community Forum.

People attending from Cumberland Council and the consultant team:

Name	Organisation
Christine Deaner	Cumberland Council
Adam Ford	Cumberland Council
Susan Miles	Cumberland Council
Teresa Russo	Cumberland Council
Martha Jabour	Cumberland Council
Julie Marler	Phillips Marler
Georgia McDonald	Phillips Marler
Sandy Hoy	Parkland Planners

Introductions

Christine Deaner welcomed those attending on behalf of Cumberland Council.

Christine acknowledged the meeting was being held on Darug country.

Christine introduced Council staff and the consultant team.

Christine noted that 3 May is the anniversary of the first recorded attempt at reconciliation between the Darug people and settlers at Prospect Hill.

Sandy Hoy asked community members to introduce themselves.

Most people attending the Community Forum are local residents living in Pemulwuy. They have been residents of Pemulwuy ranging from 6 months, to one person whose family bought land in the 1940s and was raised in the area.

Initial concerns were raised about vandalism and safety.

Purpose of the Forum

Julie Marler explained that the purpose of the Forum is to establish the values and culture of Prospect Hill. Council is keen to consider all ideas and aspirations for Prospect Hill.

Agenda

Sandy outlined the agenda for the Forum.

Site Area

Julie Marler described Prospect Hill, with the main points:

- The boundary area was shown on a map
- Relationship between Marrong – Butu Wargun Drive – Prospect Hill
- Vegetation includes weeds
- Quarrying and man-made interventions over time
- Road blocked off
- Improved pedestrian access
- Plans are not prescribed just yet

Statement of Significance

Julie read the Statement of Significance for Prospect Hill in the State Heritage Register listing. Prospect Hill is significant for many reasons including:

- Views and topography
- Site of Aboriginal use for generations
- Death of Pemulwuy happened on this site.

The Statement of Significance will influence the Plan of Management.

Contents of the Plan of Management

Sandy outlined the contents of the Plan of Management. The contents include values (what is important or special about an area) and the categorisation of community land.

Teresa Russo explained the background to anti-social activities at Prospect Hill and Marrong Reserve, and actions undertaken by Council in response:

- In the last 6-7 years Council has been working intensively to limit people loitering and starting fires.
- Council closed the road with bollards which are not permanent. Approval from Council's Traffic section is required to make the closure permanent.
- CCTV cameras were installed, but after 1 week were pulled down. The cameras are still there but will need to be relocated when the road is closed. The camera on Reconciliation Rise will be turned towards the gate to get footage of any entry.
- The gate at the Clunies Ross Street entrance has also been damaged. Council is working closely with property owners.
- Lighting has deterred young people.
- Issues on Driftway Drive have occurred since, so CCTV is needed there.

- Use for barbecues seems to have quietened down.
- Police are doing extra patrols.
- Council is working with residents and has found this very helpful. Teresa left her business cards and asked the community members to get in touch with her if needed.

Community members are aware of anti-social behaviour at the top of the hill, but were not told when the bollards were installed. They asked that Council communicates with local residents about the road closure and anti-social behaviour.

Process of preparing the Plan of Management and Landscape Masterplan

Julie outlined the process of preparing the Plan of Management and Landscape Masterplan.

Discussion

Points for discussion were:

- Values of Prospect Hill
- What's important or special about Prospect Hill?
- What does Prospect Hill mean to a local resident?
- Vision for Prospect Hill
- Opportunities for the site and for the Pemulwuy community
- Other issues

Comments and questions from community members, and *responses from Council staff and the consultants* are as follows.

Site significance

- Appreciate the site is significant. Would like to see it as a place of reflection.
- A natural area representing the previous rural Cumberland Plain. Not much of the Cumberland Plain Woodland is left. Protect the site and link it to Prospect Reservoir.
- Make a place for local fauna. It could be brilliant if it was done right.
- Does any heritage significance apply off the hill?

Public access

- What would being open to the public look like? There are no plans just yet – Council wants to know how you want to use the site.
- It is a significant place for all people. The location is amazing, particularly the view. Being able to share it with others is special.
- Worried about the site being opened up for people's enjoyment. How to protect it being tarnished by people who don't respect it?
- We have seen fires being started in Marrong Reserve. Fortunately, a house has not been lost to fire yet.

Parkland vision

- Protect, manage and treat the space like a parkland.
- Want to take the kids there for walks.
- Appreciate the open space.
- The walk up the hill could be hazardous.
- Stockland told us it was going to be a park when we bought our property.
- The site is zoned as public recreation for open space/parkland.*

Day/night access

- Put fencing and gates around the site.
- Agree that it should be open to the public during the day, but would like to see it closed after dark.
- Perfect place for gathering for fireworks.

Open character/minimal structures on the hill top

- The Reconciliation Day was great. Aboriginal elders don't want clutter.
- Such a magnificent view up the top of the hill, which is better than at Marrong.
- Doesn't want overuse with buildings, picnic tables, barbecues etc.
- Keep the site as open as possible with minimal structures.
- Somewhere to sit down with information about the past and the significance of the site, and to admire the view.
- Any development should be subtle to preserve the significance.
- Would want shade at the top.

Vegetation

- Some park vegetation blocks the view.
- Concerns about plants on the hill regarding erosion. Smaller vegetation/trees to prevent erosion. Shrubs would not stop views.

Access to Prospect Hill

- Neighbours don't want the hill opened to the whole world.
- Allow visitation to the hill while not impacting neighbours
- Preserving but allowing access for locals, and protecting their privacy in their residences.
- Concerns about how people in adjacent streets would access the hill.
- Encourage people to walk to the site instead of drive.
- Funnelling off to different sides of the site so visitors and vehicles don't disturb the residents in side streets.
- Parking should be on the Clunies Ross side on employment lands, not on the residential side.
- What council has learnt from surrounding areas should be considered
- Would be nice to have green space, but need paths and roads to allow for use of space
- Consider parking in the masterplan.
- Would help to extend parking – people currently leave long vehicles in the street.

Cultural centre

- Attended Reconciliation Day today, and walked up there with Uncle David. He mentioned that they have plans to display Aboriginal heritage in a building. How will people access that building? Will it open the road there? Would rather it not be accessed via Butu Wargun Drive.
- We have been talking to Uncle David and others about a building, but haven't worked out the details. What council decides to do with the road closure will help determine what we do.*

Playground

- As views are mostly to the east, and much of the hill has overgrown vegetation and weeds, could a playground fit in?
- A playground could be considered on the lower reaches of the hill. Not on top of the hill, but maybe lower down.*
- What about the other side of the ridge? Could be a playground be on the western/north side near the cultural centre as this would not impact the views.
- Picnicking and the information centre will not block views to/from the hill.

- Consider a natural playground, picnic tables etc. on the western side, which would not disturb the view.

Connection to Marrong Reserve

- Support for a connection to Marrong Reserve.
- A pedestrian bridge between Marrong Reserve and Prospect Hill was suggested by ATSIICC. Access for people with disabilities and prams etc. could be via an access circuit, ramps. There are lots of ways to get up the hill and to navigate to/around the site. We don't want the community to be cut off. Edges should merge into the streets and connections.*

Grassland

- The grassland would be peaceful and pretty, especially looking down from the top of the hill.
- Too much – we would lose calmness.
- The lower parts of the site should also be protected.

Cultural connections

- Great walks – connecting into larger cultural picture
- Different councils are talking about wider cultural connections*

Closure of Butu Wargun Drive

- Why is the road there? Why can't the connections be blocked off?
- Its appearance makes people think there is no ownership. The connection is challenging. Marrong Reserve is a good comparison, especially in terms of vegetation. A structure won't be built on top of the hill. There may be a solution with treatment of the road as a more natural connection.*
- The end of Marrong roadway could be extended for a Prospect Hill link.
- Temporary, removable bollards or bollards that sink into the road would allow Butu Wargun Drive to be closed to restrict night time access. Then the road would look less in your face or like a war zone.
- We are considering an 'elegant' road closure as part of considering arrival at the site.*

Alcohol-free zone

- An alcohol-free zone would be worth talking about to combat antisocial behaviour. Alcohol is not desirable if it is a culturally significant site.

Timeframe for public exhibition

- When is the timeframe for public exhibition?
- We are aiming for September, but there is a process to go through.*

With no further comments or questions, the meeting finished at 7:20pm.

C PUBLIC HEARING REPORT

The public hearing report was submitted to Cumberland Council on 28 February 2019.

An extract of the submissions made, and the assessment and recommendations made by the chair of the public hearing are set out below.

CONSIDERATION OF SUBMISSIONS

Introduction

Ten local residents and community members attended the public hearing, and five written submissions from local residents and community members were made during the public exhibition period.

Most people who attended the public hearing and/or made a written submission which mentioned the proposed categorisation of community land either supported the proposal to categorise community land at Prospect Hill as Area of Cultural Significance, or did not have any objections.

The questions raised and submissions made are set out below.

Submissions

Submissions about categorisation of Prospect Hill

Support categorisation of Prospect Hill as Area of Cultural Significance

- I support the proposed community land classification
- The site is nationally significant
- No-one would disagree with the Area of Cultural Significance category
- It (categorisation as Area of Cultural Significance) should have been done sooner
- The Park category for the play space area is possible, but support the Area of Cultural Significance category to help with grant funding
- Will the Area of Cultural Significance categorisation help Council acquire the remaining land at Prospect Hill?

Support categorisation of Prospect Hill as Park

- There is potential for the lower open space area adjacent to Warin Avenue and Durawi Street to be categorised as Park.

Other submissions about the Draft Plan of Management

Other verbal and written submissions made in the public hearing or in response to the public exhibition of the Draft Plan of Management that do not relate to the categorisation of Prospect Hill are listed below for Council's information:

- Congratulate Council and stakeholders on their progress so far on negotiating and planning for this significant and prominent public asset, which is as historically, culturally and environmentally significant as Rookwood Cemetery at the eastern gateway of Cumberland Council's area

- When will implementation of the Plan of Management occur? What is the priority of actions?
- How can people access the play space on the lower section of the hill? Concern about potential vehicle access. Unless the grass is slashed it is not easy to walk across.
- Has the impact of increasing demand for parking associated with increasing use of Prospect Hill on local residents been considered? Has a traffic management plan been prepared?
- Concern about above-ground parking on site. The site is a special place which has traditionally been accessed on foot. It is wrong to allocate the site for parking. Parking should occur on Clunies Ross Street and Reconciliation Rise. There is no justification in the Draft Plan of Management for parking. Look at alternative ways of providing parking.
- Object strongly to wasting a small part of the site for exposed car parking, which can be provided inexpensively off site in nearby road reserves (I do not object to limited accessible parking under the proposed cultural building). Visitors without special needs should continue to approach the site on foot, as they have always done. Parking is not the best use of available funding cultural site.
- There is not enough car parking space in Clunies Ross Street. Underground car parking is a brilliant concept.
- Batu Wargun Drive Should be open. Our community needs more artery roads as we have thousands living in Pemulwuy with only 3 roads open. With the surrounding areas using Pemulwuy Marketplace and the roads as a shortcut, we need more open roads diverting traffic away from the three current streets open at the moment. Batu Wargun has been closed to the public and we cannot get our families up the hill. One is a very old lady and another has a disability. What is happening here?
- Concern about losing the bus link between Reconciliation Rise and Butu Wargun Drive.
- Suggest that the future 'ridgeline' pedestrian bridge be subject to a design/arts competition to encourage the best cultural/artistic/functional design for this prominent 'gateway/bridge'.
- Where will the footpath at the bottom of Durawi Street be placed?
- Will the proposed park for children have swings?
- Access to the playground should be only during daylight hours because of the fence and gate. If the play space is open after dark residents are concerned about parking and anti-social behaviour and drinking of people hanging out there at night.
- Concern is of breach of privacy from the park area proposed adjacent to Durawi Street. Patrons of the park will have direct view from an elevated height of properties on Durawi Street. It is noted that these properties have bedrooms and living areas facing the street.
- This breach of privacy will be accompanied with security concerns due to the proposed 24 hour access to the park.
- There will be increased traffic to Durawi Street, including parking on the street at all hours due to the proposed park. Durawi Street is a narrow one way street, and already there are significant breaches of drivers travelling the wrong way and/or speeding on the street.
- Based on this, the submission is that the proposed park adjacent to Durawi Street be relocated to the Clunies Ross side of the hill, or scrapped altogether.
- Will the park be lit at night?
- How will grass fires be managed?
- Concern about the impacts of the informal spaces on the western side on residents in terms of parking and anti-social behaviour.
- What is the need to acquire lands currently under private ownership at Prospect Hill?
- Should Marrong Reserve also be categorised as Area of Cultural Significance?

Assessment of submissions about proposed categorisation

The State Heritage Area listing of Prospect Hill, supported by background information in the *Prospect Hill Conservation Management Plan*, affords an important cultural significance to Prospect Hill. For these reasons Prospect Hill was proposed to be categorised as Area of Cultural Significance in the Draft Plan of Management.

The verbal and written submissions received from local residents and community members at the public hearing and during the public exhibition demonstrated support for the categorisation of Area of Cultural Significance.

One community member suggested that the proposed playspace area on the lower open space area adjacent to Warin Avenue and Durawi Street could be categorised as Park. This is a valid suggestion, given the guideline for categorisation of community land as Park in the *Local Government (General) Regulation 2005* is:

Land which is, or proposed to be, improved by landscaping, gardens or the provision of non sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.

Further, the core objectives for management of the Park category of community land are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.
- provide for passive recreational activities or pastimes and for the casual playing of games.
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

In addition, Cumberland Council recognises that open space for passive recreation by the local community is limited on the northern side of Pemulwuy, and so a local park with playspace at this location and another on the Driftway Drive side of the Lakewood open space will provide an ideal distribution of play amenity within the locality.

On balance, the Area of Cultural Significance category is the appropriate category for the whole study area of Prospect Hill because:

- the whole study area is listed on the State Heritage Register. Any “encroachment” of other management objectives applying to parts of Prospect Hill dilutes its State Heritage Area significance.
- the local community recognises its historic and cultural significance.
- the categorisation of the proposed playspace area as Area of Cultural Significance would not preclude a playspace perhaps with an Aboriginal theme, with design and other cultural input from the local community, and otherwise in keeping with an area of cultural significance.

RECOMMENDATIONS

Based on the representations and written submissions to the public hearing on 13 December 2018 and written submissions made to Council by 22 January 2019, there is no compelling reason to change the categorisation of Area of Cultural Significance which was proposed in the Draft Prospect Hill Plan of Management 2018.

My recommendations to Cumberland Council regarding the proposed categorisation of community land in Prospect Hill are that Council:

- note the verbal and written submissions made in Section 4.

- categorise the community land in Prospect Hill as Area of Cultural Significance as shown in Figure 7 of the publicly exhibited Draft Prospect Hill Plan of Management 2018, and shown in Figure 8 below.

Figure 8 Proposed categorisation of Prospect Hill



Source: Prospect Hill Draft Plan of Management 2018

This page is left blank intentionally



3/05/2019

Mr Adam Ford
Landscape Architect
Cumberland Council
adam.ford@cumberland.nsw.gov.au

Dear Mr Ford,

Prospect Hill Draft Plan of Management – Heritage Division Response

Thank you for the opportunity to review and comment on the Prospect Hill Draft Plan of Management produced by Cumberland Council for areas included in State Heritage Register item No: 01662.

The Office of Environment and Heritage (OEH) welcomes Aboriginal Place proposals from community members. The Aboriginal Place Program helps protect and promote the cultural values of significant areas.

OEH highlights the following points for consideration for an Aboriginal Place proposal:

- OEH will review an Aboriginal Place proposal as per the *OEH Aboriginal Places Policy*;
- This process involves OEH conducting an initial preliminary investigation into the values and significance of the proposal, followed by an assessment report;
- It is essential that all appropriate stakeholders are involved during the assessment process preceding any recommendation to the Minister that an area should be declared as an Aboriginal Place;
- A provisional Plan of Management is required to be developed for Aboriginal Place proposals before declaration;
- The proposed future uses and aspirations for the proposed area could require an Aboriginal Heritage Impact Permit (AHIP) if an Aboriginal Place is gazetted;
- Once an Aboriginal Place is gazetted, the landowner or proponent will need to assess their proposed uses/activities within the Aboriginal Place and determine whether they would harm or desecrate the Aboriginal Place as per Section 86(A) of the *National Parks and Wildlife Act 1974*. If they are likely to harm an Aboriginal Place, this would need to be authorised by an AHIP.
- AHIP applications are assessed by OEH Communities and Greater Sydney Division.

OEH highlights the following points for consideration in relation to Prospect Hill SHR item No. 01662:

- If the values of a proposed Aboriginal Place are similar to the significance for which the SHR item is listed, then consideration needs to be given to the broader heritage values i.e. sightlines, views from highpoint, and historic associations in relation to the proposed works.
- The development of active and passive recreational space should take into consideration the historic values and significance for which the site is listed on the SHR, in the proposed works.
- Consideration needs to be given to the appropriate boundary of an Aboriginal Place within the context of the proposed works, as it would not be appropriate to have a carpark or function

PO Box 3720 Parramatta NSW 2124
10 Valentine Ave Parramatta NSW 2150
Tel: (02) 9895 6211 Fax:
ABN 30 841 387 271
www.environment.nsw.gov.au

centre within and Aboriginal Place due to the level of protection and provisions under the *National Parks and Wildlife Act 1974*.

- The proposed works in the masterplan, not being considered minor in nature would require a section 60 application under the *Heritage Act 1977* to be submitted to Heritage Division for review to avoid any unacceptable adverse heritage impact on the aesthetic values of the State listed item from the proposed development of the site.
- OEH are highlighting the broader issues of the proposed works on an SHR item and potential Aboriginal Place proposal, not providing approval for these works in this letter.

If you have any queries in relation to the above, please contact Tim Olliver, Heritage Operations Officer, on 02 4927 3203.

Yours sincerely,



3/05/2019
MIRANDA FIRMAN
Senior Team Leader
Regional Heritage Operations, Metro North
Heritage Division

This page is left blank intentionally

E HISTORY OF PROSPECT HILL

Prospect Hill is the site of the first Aboriginal – European reconciliation held in Sydney. On 3 May 1805, a group of Aboriginal women together with a young free settler, John Kennedy, facilitated a meeting on Prospect Hill between the Aboriginal leaders of the Darug clan and European settlers headed by Rev John Marsden. This was the first recorded act of reconciliation between Indigenous people and Europeans in Australia, and brought about an end to the ongoing conflict in Parramatta and Prospect. At the Council meeting on the 3rd May 2011, Council resolved that an annual commemoration be organised to recognise this event and since then this event has been commemorated on 3rd May each year in a ceremony on Prospect Hill.

Refer Chapter 1.3 Background Development from Prospect Hill Heritage Landscape Study and Plan, Government Architect's Office, April 2008.

Extract follows this page.

1.3 Background / Development History

The following is a summary of the development history of Prospect Hill and surrounding lands outlining the changes to the landscape, use and ownership over time. Historical moments have been grouped under broad categories which include; Aboriginal Occupation and Early European Land Explorations, Land Tenure, Industrial and Agricultural Development and Today. This historical summary has been collated from the CMP which should be referred to for greater detail. A timeline of key dates have been included at the end of this section as a quick reference source.

Aboriginal Occupation and Early European Land Explorations

Prospect Hill was used as a vantage point and navigational element for the Aborigines who moved through the area, referring to the place as 'Marrong'. It is believed that Indigenous groups remained for only short stays along the ridge; more permanent camps would have occurred along Prospect Creek.

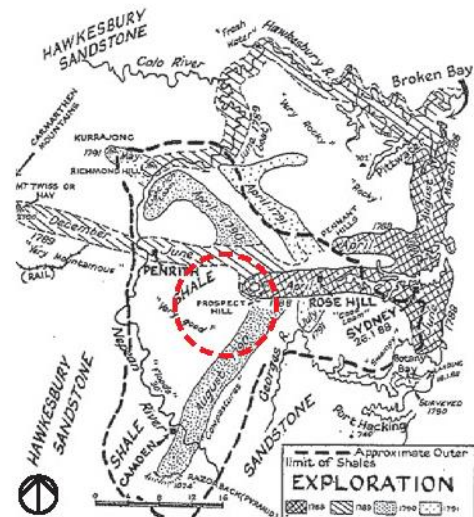
With the arrival of the First Fleet in 1788, an early expedition party led by Captain Arthur Phillip came across Prospect Hill en route to the Blue Mountains in search of more fertile land. Prospect Hill quickly became a landmark reference point for the Europeans and the favourable conditions for agriculture and the presence of stone outcrops noted.

Land Tenure

In 1791, Governor Phillip began to offer 30 acre grants to time-expired convicts to settle, clear and farm the fertile land around the Prospect Hill SHR Area (south and east).

Organised Aboriginal resistance followed resulting in the death of Pemulwuy, a renowned Aboriginal resistance leader in 1802. This led to one of the first reconciliation conferences in 1805, ending fierce conflicts between settlers and Aborigines who were now protected by the Government and permitted to move freely through the land.

The first major land grant of 550 acres was given to William Lawson in 1808 to the west of the Prospect Hill SHR Area which he increased to 3000 acres in subsequent years through the acquisition and consolidation of surrounding smaller land grants. Today the property lies predominantly under Prospect Reservoir; the house (Veteran Hall) and gardens have been demolished (1929).



Aboriginal occupation and Early European land Explorations. Map from 1791 by Dawes, showing order of early exploration with Prospect Hill noted

Ref: Conybeare Morrison, 2005, Prospect Hill CMP



Land Tenure
Land Grants 1868 overlaid on aerial 2004

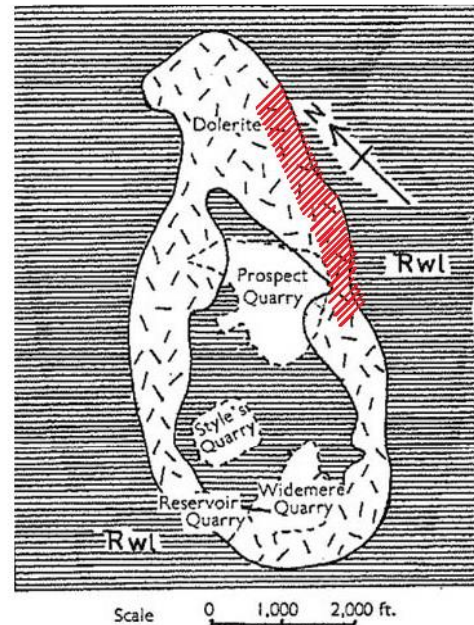
Ref: Conybeare Morrison, 2005, Prospect Hill CMP

In 1836, Nelson Simmons Lawson inherited 75 acres to the east of Veteran Hall from his father, William Lawson. He too increased his land holdings to 475 acres by buying surrounding grants and named the estate Greystanes. 'Grey Stanes' is a Scottish term meaning 'grey stones' in response to the basalt outcrops found on Prospect Hill and reflecting Lawson's heritage. He built Greystanes House on the slopes of Prospect Hill just south of the SHR Area which was demolished in 1946, however the estates entry gates remain today. Between 1849-1936 the Greystanes Estate passed through the ownership and occupancy of several pioneering families

Industrial Development

It wasn't until the construction of Prospect Reservoir to the west of SHR Area in 1880 that the first major excavation of stone (basalt) began, although dolerite had previously been extracted to pave roads. Given the underlying geology of Prospect Hill in conjunction with the advancement of quarrying technology and access (rail and roads) a number of quarries were established, drastically changing the landscape in the area. Quarries and mining companies were bought and sold, company names changed and mergers occurred over the ensuing years between the four main established quarries including: Prospect, Widemere, Styles and Reservoir.

Some mining companies leased land from Government while others purchased the property from which they quarried, such as NSW Blue Metal Company (becomes BMI – Blue Metal Industries in 1978) who in 1936 bought Greystanes Estate. This company flourished as one of the largest quarries within the region, supplying aggregate and bituminous pavements for roads and other major structures around Sydney. In 1982 Boral Ltd acquired BMI which proved a significant move for its growth and future development, attaining the leading market position in building and construction materials. As the quarry neared the end of its economic growth after 100 years, Boral conducted an Asset Review of its landholdings (330 hectares) in 1998 with a view for future development of its site.



 Prospect Hill SHR Area

Industrial Development
Location of the four Quarries at Prospect

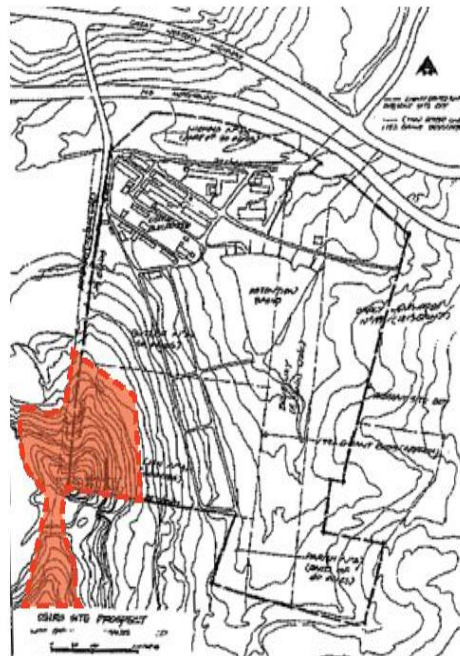
Ref: Conybeare Morrison 2005, Prospect Hill, CMP

Agricultural Development

In addition to the quarry activities in the area, Prospect had also been used for agricultural and pastoral purposes since the early land grants given to ex-convicts. The Council for Scientific and Industrial Research Organisation (CSIRO) who were established in 1926 and responsible for research into the fields of primary, secondary and tertiary industry were in need of a rural laboratory complex and field station. Suitable land (48 hectares) was chosen at Prospect including the North Eastern corner of the SHR Area to conduct research into sheep, wool and improving the productivity / fertility of animals. Prior to the Commonwealth purchasing the site in 1947, the land had passed through various ownerships, from the original land grants, to surviving family members, quarry companies and the United States Military who briefly established a military camp in the closing years of WWII. In 2000, CSIRO decided to relocate all their research activities to other sites they owned. During CSIRO's 50 years of operation and ownership at Prospect, numerous scientific achievements were achieved in addition to the erection of 40 buildings (offices and laboratories) to the north western portion of the site and the creation of an artificial lake from the damming of Greystanes Creek.

Today

In 1999, the State Government adopted State Environment Planning Policy 59 which rezoned a number of land holdings across Western Sydney for employment and residential purposes including the Greystanes Estate owned by Boral and the CSIRO lands. The Prospect Hill SHR Area was predominantly designated as public open space as part of the precinct plans for the development of the SEPP 59 lands and is listed as an item of State Significance (NSW Heritage Act 1977). The redevelopment of these sites is currently in progress, the extent to which will be discussed in the following pages.



Agricultural Development
Outline of original Land Grants at the Former
CSIRO site

Ref: Conybeare Morrison, 2005, Prospect Hill CMP

 Prospect Hill SHR Area

Development History Timeline of Prospect Hill

- Pre-Euro Aborigines use Prospect Hill (Marrong) as a vantage point and navigational element in the landscape.
- 1788 Expedition party led by Captain Arthur Phillip come across Prospect Hill en route to the Blue Mountains in search of more fertile land. Prospect Hill becomes a landmark reference point.
- 1791 Governor Phillip begins to settle time-expired convicts on 30 acre grants encircling Prospect Hill (east and south). Natural vegetation begins to be cleared for farming. Organised Aboriginal resistance to settlers commences.
- 1802 Aboriginal resistance leader, Pemulwuy of the Bediagal clan shot and killed.
- 1805 Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal clans now under government protection.
- 1808 First major land grant of 550 acres to the west of the Prospect Hill SHR Area given to William Lawson
- 1819 W. Lawson increases land ownership to 3000 acres, buys surrounding grants.
- 1821 W. Lawson builds a villa naming it Veteran Hall on Prospect Hill.
- 1836 Nelson Simmons Lawson inherits 75 acres to the east of Veteran Hall from father, W. Lawson
- 1837 N.S. Lawson increases land holdings to 475 acres, buys surrounding land grants. Builds Greystanes House on the slopes of Prospect Hill, just south of the SHR Area. Land holdings become known as Greystanes Estate.
- 1880 Creation of Prospect Reservoir subsumes the majority of William Lawson's land.
- 1901 Modern quarrying begins (steam operated plant) at Prospect by a public company called The Emu and Prospect Gravel and Road Metal Company.
- 1929 Veteran Hall demolished.
- 1936 NSW Blue Metal Company buys Greystanes Estate.
- 1940's Greystanes property taken over by the Commonwealth during World War II. American and Australian Army set up camp.
- 1946 Greystanes House demolished after Australian and American servicemen vandalise beyond repair. The main gates of the estate remain on Greystanes Road today.
- 1947 Commonwealth purchases 48 hectares of land at Prospect including the North Eastern corner of the SHR Area for a rural laboratory complex and field station for CSIRO.
- 1951 Dam created on the Greystanes Creek tributary within CSIRO's land.
- 1952 Blue Metal Industries (later called BMI in 1978) produce bituminous pavement from Greystanes Estate which they own.
- 1961 Potential gold deposits proved false
- 1967 Prospect and Widemere quarries coalesced to form one large quarry
- 1977 Prospect Hill listed as an item of State Significance on the NSW State Heritage Register (NSW Heritage Act 1977).
- 1978 BMI Limited (Blue Metal Industries Limited) flourish as one of the largest quarries within the region, supplying aggregate and bituminous pavements for roads and other major structures around Sydney.
- 1982 Boral Limited acquire BMI, which proves a significant move for its growth and future development, attaining the leading market position in building and construction materials.
- 1990 A portion of CSIRO's site (north) resumed for the construction of the M4 motorway.
- 1991 Prospect Hill listed on the Holroyd Local Environment Plan (Schedule 1 Heritage Items, Item No.69) and Holroyd Development Control Plan (No. 39 Heritage)
- 1998 Boral conducts an Asset Review of its landholdings (330 hectares) with a view to future redevelopment of the site as the quarry nears the end of its economic life after 100 years.
- 1999 State Government adopts State Environmental Planning Policy No. 59 which rezones Greystanes Estate owned by Boral and CSIRO lands for Employment and Residential Redevelopment.
- 2000 CSIRO relocate research activities to other sites and sell their land holdings to Stockland Corporation who commence residential redevelopment.
- 2001 Boral Ltd. sell part of their Greystanes employment redevelopment project to Macquarie Goodman (13 hectares) and National Australia Bank Super Fund (5 hectares). Begin residential redevelopment in conjunction with Delfin Lend Lease (DLL). Deed of agreement between Boral and DLL signed August 2002.
- 2003 Amendment to SEPP 59 which rezoned western portion of CSIRO land from Employment Lands to Residential lands

This page is left blank intentionally

F PLANNING CONTEXT

F.1 Commonwealth legislation

Native Title Act 1993

Native title may exist in places where native and indigenous people continue to follow their traditional laws and customs and have maintained a link to their country, and where it has not been extinguished or refused recognition because of acts done or allowed by government.

Native title may exist on vacant Crown land, or beaches, oceans, seas, reefs, rivers, creeks, swamps and other waters that are not privately owned.

This Act provides for the recognition and protection of native title, and establishes a mechanism for determining claims for native title.

Where a development is proposed native title should be investigated before the proposal proceeds.

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is a legal framework to protect and manage nationally and internationally important flora and fauna, ecological communities and heritage places that are defined in the Act as matters of national environmental significance.

The Cumberland Plain Moist Shale Woodlands and Shale-Gravel Transition Forest is listed as a threatened ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Under this legislation any works and activities within Prospect Hill that have, may have or are likely to have a significant impact on matters of national significance are subject to strict controls. Any such works and activities require approval from the Federal Minister for the Environment, separate from and in addition to any State approvals required.

Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* is a Commonwealth Act that aims to eliminate, as far as possible, discrimination against people with disabilities in many areas, including access to premises. The Act also aims to promote recognition and acceptance in the community that people with disabilities have the same fundamental rights as the rest of the community.

The Act covers a range of areas including sport and recreation, and access to premises. The Act requires that people be able to access any building which the public is entitled to enter or use through the primary entrance used by the general public. It further requires that people should have access to any services and facilities provided in those buildings.

The NSW *Anti-Discrimination Act 1997* also makes it unlawful to discriminate on the ground of disability.

F.2 State government legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through State Environmental Planning

Policies (SEPPs), Regional Environmental Plans (REPs) – now deemed SEPPS – and Local Environmental Plans (LEPs). The EPA Act also sets out processes for approving development applications for structures and works on public and private land in the Cumberland local government area.

State Environmental Planning Policy 19 – Bushland in Urban Areas

The *Environmental Planning and Assessment Act 1979* made provision for the preparation of the State Environmental Planning Policy No. 19-Bushland in Urban Areas, in 1986.

While large tracts of land have been set aside on the outskirts of Sydney in National Parks, concern has been expressed at the decline in both quality and quantity of bushland in the Sydney Metropolitan Area. It is fortunate that a small portion of Sydney's natural bushland has been retained on public open space. SEPP 19 was designed to ensure that these areas are protected and preserved, and further urban bushland areas are retained in the Sydney Region. The Policy does not apply to land administered by the National Parks and Wildlife Service, State Forests of NSW, other statutory authorities, or privately owned bushland.

Under SEPP 19, bushland means land on which there is vegetation that is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation. Section 8 of SEPP 19 applies to bushland zoned or reserved for public open space.

SEPP 19 generally aims to protect and preserve bushland in urban areas because of its natural heritage value, aesthetic value, and value as a recreational, educational and scientific resource.

The specific aims of SEPP 19 are to:

- protect the remnants of plant communities which were once characteristic of land now within an urban area.
- Retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term.
- Protect rare and endangered flora and fauna species.
- Protect habitats for native flora and fauna.
- Protect wildlife corridors and vegetation links with other nearby bushland.
- Protect bushland as a natural stabiliser of the soil surface.
- Protect bushland for its scenic value and to retain the unique visual identity of the landscape.
- Protect significant geological features.
- Protect existing landforms, such as natural drainage lines, watercourses and foreshores.
- Protect archaeological relics.
- Protect the recreational potential of bushland.
- Protect the educational potential of bushland.
- Maintain bushland in locations which are readily accessible to the community.
- Promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

SEPP 19 states that Plans of Management shall be consistent with the aims of the Policy. In respect of the bushland to which it applies, a Plan of Management should describe and analyse the bushland, and specify measures to be taken to:

- implement the specific aims of the Policy.
- enable recreational use of the bushland.
- reduce hazard from bushfire.

- prevent degradation of bushland.
- restore and regenerate degraded areas of bushland.

SEPP 19 also sets out matters that a consent authority must consider when assessing development within areas zoned for urban bushland or in an adjoining area.

State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017

The SEPP – Vegetation in Non-Rural Areas 2017 regulates clearing of native vegetation in urban local government areas, as well as urban environmental zones across the state, where clearing does not otherwise require development consent under the EPA Act.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Clause 19 states that as part of the study area is included in the Former CSIRO Site, Pemulwuy Employment Land Precinct Plan 2005 Cumberland Council as the consent authority must take the precinct plan into consideration when granting consent for development on land to which the SEPP applies.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* ensures a balanced approach to land management and biodiversity conservation in NSW, including ways to assess and manage the biodiversity impacts of development, a new State Environmental Planning Policy for impacts on native vegetation in urban areas, and a risk-based system for regulating human and business interactions with native plants and animals.

Protection of the Environment Operations Act 1997

This act aims to protect the environment in New South Wales from air, water and noise pollution through implementation of policies, licences, audits, notices and conditions.

Companion Animals Act 1998

The *Companion Animals Act 1998* aims to promote responsible animal ownership in NSW. Under the Act, dogs in public places must be on a lead under the effective control of a competent person, except in a declared off-leash area. Dogs are prohibited within 10 metres of children's play areas, food preparation / consumption areas, and recreation areas where dogs are prohibited by the local authority. If a dog defecates in a public place, the dog owner must remove and dispose of it in a rubbish receptacle. The Act also outlines restrictions on domestic cats.

Noxious Weeds Act 1993

The *Noxious Weeds Act 1993* allows for an invasive plant which has a detrimental impact on human or animal health, the environment, or agriculture to be declared noxious. The main intent of the Act is to restrict the spread of weeds and to protect landholders from weed invasion.

Weeds may be declared noxious within a specific local government area, or across New South Wales. The decision to declare a plant as a weed can be revised as weed categories change over time.

Under the Act Cumberland Council is authorised to require land occupiers to control noxious weeds on a property. When an occupier fails to control weeds, Council may issue a notice for control of the weed. If an occupier fails to comply with the notice, Council may enter the property and destroy the weeds. Council may also issue a penalty notice or prosecution for offences under the Act.



CUMBERLAND
COUNCIL

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160

T 8757 9000 F 9840 9734 W cumberland.nsw.gov.au E council@cumberland.nsw.gov.au

 CUMBERLANDSYD |  CUMBERLANDCOUNCILSYDNEY