**Archaeological Management Strategy** 

Warders' Cottages (FMR) 7-41 Henderson Street, Fremantle W.A.

For The State Heritage Office of Western Australia

August 2015 | John Marrell & Tony Bartlett



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# **INTRODUCTION**

The State Heritage Office (SHO) is currently undertaking renovations and conservation works to the Warders Cottages along Henderson Street in Fremantle (see Map 1). Although the works are focused primarily on the built structures a small amount of work may be carried out in the surrounding yard and/or verandah areas. These areas are likely to contain significant archaeological deposits accumulated over the course of the site's construction and occupation. As a result the SHO require an Archaeological Management Strategy (AMS) to guide any ground disturbing works which may occur as part of the revitalisation works currently being carried out. In July 2015 the SHO commissioned Gavin Jackson Cultural Resource Management (GJCRM) to prepare the AMS.

The objectives of the AMS are to:

- provide a brief overview of the study area and its history to identify possible avenues of archaeological study;
- identify areas of archaeological potential and assess their significance;
- develop an archaeological strategy to guide investigation and ensure adequate protection and management of the resource; and
- outline how any archaeological material recovered during ground disturbing works will be handled.

GJCRM have prepared the AMS using the relevant headings and sections specified in the Request for Verbal Quotation document provided by the SHO on the 9<sup>th</sup> of July, 2015.

#### Study Area

The Warders' Cottages comprise three separate blocks of two-storey, terraced, limestone housing located along Henderson Street in Fremantle. The three separate blocks of Warders' Cottages are located a short distance downhill from the Fremantle Prison Main Gate (see Map 1). The naming conventions for the Warders' Cottages are as follows\*:

Block ID	House No.	No. of Cottages	Date constructed
W1	19 – 29	6	1851
W2	33 – 41	3	1853
W3	7 – 17	6	1858

Table 1: Naming conventions for Warders' Cottages

(as established in the Conservation Management Plans, see Hoare et al 1990 and Kelsall Binet Architects 2011)

The Warders' Cottages were included in the initial Convict Establishment land allocation covering 4.86 hectares (Bavin 1993: p. 135) and an early plan of the Convict Grant drawn by James Manning and Henry Wray in 1857 shows blocks W1 and W2 in relation to the rest of the Establishment (see Figure 1). The W3 block was not built until the following year.

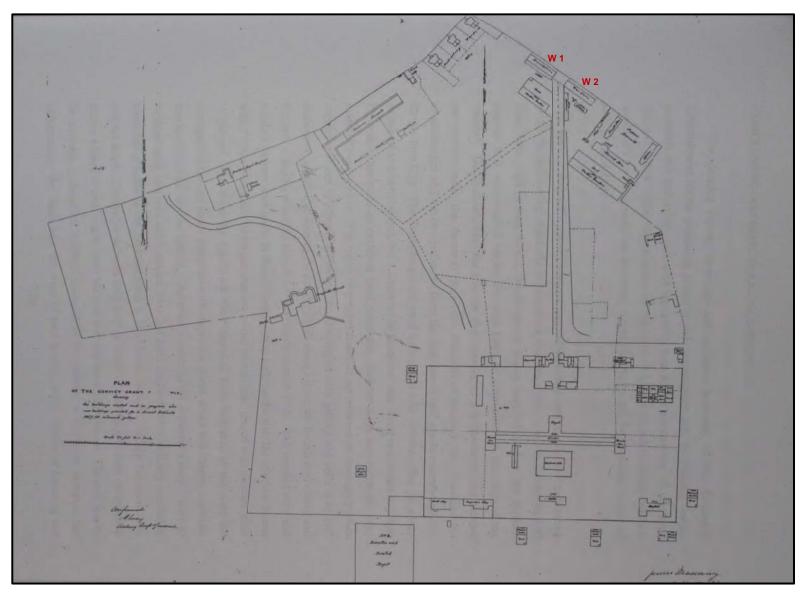


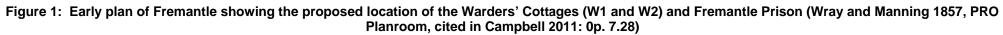


# Map 1: Warders' Cottages Fremantle Prison Precinct



Drawn: dbourdeau - Date: 14/08/2015





# Methods

The following methods were used during the development of the Archaeological Management Strategy:

- Desktop research, including the review of:
  - o Conservation management plans from 1990, 1998 and 2011
  - Archaeological reports (i.e. McIlroy 1990)
  - The Heritage Council of W.A. Register of Heritage Places entry and assessment documentation
  - o Other documentary sources relevant to the Warders' Cottages
- Site visit in order to observe current site conditions, assess potential areas that may have intact deposits and understand the extent and type of ground disturbance likely to occur during revitalisation works. A photographic record was taken during the site visit to demonstrate site conditions at the time of the visit (see Appendix 1)

The evaluation of archaeological potential and significance for the deposits around the Warders' Cottages and the management strategies developed as a result of the evaluation align with the principles and guidelines of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.* 

# **Developmental Approval Requirements**

The Warders' Cottages (as part of the broader Fremantle Prison Precinct) are listed on various local, national and international Heritage Lists. Some of these registers and/or lists impose legal obligations regarding maintenance and development works such as those proposed for the Warders' Cottages. The Warders' Cottages are listed in the following registers:

- City of Fremantle Municipal Heritage Inventory
  - The City of Fremantle considers the Warders' Cottages to be of exceptional significance and the Heritage Council of W.A. is notified of any proposed development for comment.
- City of Fremantle Local Planning Scheme Heritage List
  - Development and/or maintenance require Fremantle council approval.
- State Register of Heritage Places
  - The Register is maintained by the Heritage Council of W.A. under the *Heritage of Western Australia Act 1990* and is intended to recognise and protect places of cultural significance. Proposed development of places on the Register must be provided for comment to the Heritage Council.
- National Heritage List
  - Fremantle Prison was entered onto the National Heritage List in 2005 (Place 105762) and the Warders' Cottages are part of the place. Listed places are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. Approval must be obtained before any development works that could have a significant impact on the national heritage values of a listed place.

Other listings which do not carry any specific legal requirements are:

- The National Trust of Australia (WA)
- The Register of the National Estate

The above information regarding listings is found in the *Warders' Cottages (FMR) Conservation Plan* (Kelsall Binet 2011).



# **OVERVIEW OF THE SITE'S HISTORY**

#### The Convict Establishment Era 1850 - 1886

The first detachment of convicts sent to Western Australia arrived aboard the *Scindian* on the 1<sup>st</sup> of June, 1850. Royal Engineer Captain Edmund Yeomans Walcott Henderson had been appointed the first Comptroller-General of the Fremantle Convict Establishment and accompanied the prisoners and other administrative staff, along with the guards and their families on the voyage from Portsmouth to Fremantle. Additionally, there were 5 Instructing Warders drawn from the ranks of the Royal Engineers Sappers and Miners, a Prison Superintendent and a Clerk of Works (Campbell 2011). The *Scindian* arrived in Fremantle prior to the receipt of despatches notifying the Colonial Government of their departure and expected arrival date. As a result, there were no preparations made to receive the seventy-five convicts and the forty-seven Pensioner Guards who arrived on the *Scindian* (Campbell 2011).

Captain Henderson overcame this initial hurdle by leasing the premises of Captain Daniel Scott, which included a large woolshed, a stone store, two large wooden stores, a dwelling/house, two cottages, stables, gardens and a yard for parading and exercising the men (Campbell 2011: p. 1.5). The existing buildings were altered by a working party of 25 convicts and the Pensioner Guard to make them appropriate for the accommodation of the prisoners (Campbell 2011: p. 1.5). On October the 26<sup>th</sup> another convict vessel arrived with a further 100 convicts on board, along with 32 Pensioner Guards and their wives and families (Campbell 2011: p. 1.7). Henderson was able to adapt the temporary accommodation at Scott's warehouse to house the convicts and began to turn his attention to making suitable arrangements for permanent accommodation, particularly for the warders and Pensioner Guard and their families, writing in his end of year report that:

As soon as my present temporary arrangements are complete, I intend in the first instance to erect as soon as possible cottages on the proposed prison site for the accommodation of the Prison Officers and thereby diminish as rapidly as I can the expense of hiring houses for them, which at present form a large item in our expenditure (Henderson, cited in Campbell 2011: p. 1.8).

Ships bearing convicts and Pensioner Guards with their wives and children continued to arrive steadily and the pressure for accommodating them continued to grow. By the end of 1851 Henderson was able to report to the Governor that "the six Warders' Cottages mentioned as being in progress have been completed. The cottage barracks for the Pensioners are also complete" (Henderson, cited in Campbell 2011: p. 3.3).

The first range (W1) of Warders' Cottages has six cottages, each with two floors, and was completed in 1851. The cottages differed to the designs originally prepared and submitted by Henderson. Henderson's plans indicated each cottage would house two families each; however the actual construction and later comments suggest they were built for individual warders with large families (Campbell 2011 & Hoare et al 1990). Each of the six cottages had fireplaces on the ground floor only and the stairs were positioned in the middle of the living area downstairs, eliminating any hope of privacy. Additionally, Henderson seems to have appealed to the Convict Finance Board to build an additional block of housing since the cottages had been "appropriated by twice as many tenants as the houses were meant to have" (quoted in Hoare et al 1990: section 2.2.07). The Convict Finance Board was obviously unsympathetic and suggested the installation of fire places in the upstairs rooms would be a cheaper solution than an additional row of cottages (Hoare et al 1990: section 2.2.07).



The second range (W2) of Warders' Cottages also has six cottages, each with two floors, and was completed in 1852/1853. These cottages were intended to house two families per unit, twelve in total. Henderson had obviously learned from the experience of W1 and included features to alleviate some of the difficulties faced by families in W1, such as adjusting the positioning of the stair case so that the family on the upper floor did not have to walk through the living space of the family on the lower floor and fireplaces on both floors instead of the ground floor only. These cottages also had a shared wash house in the rear yard (Kelsall Binet 2011).

The conditions in the Warders' Cottages were trying and complaints about the living arrangements were received from the outset. The cramped conditions and lack of privacy provided "a fertile field for bickerings and squabbles" (Dixon cited in Hoare et al 1990: section 2.2.06). As a result of the complaints and negotiations between Henderson and the Convict Finance Board the Governor decided that additional kitchens should be constructed in blocks W1 and W2. In 1856 plans for the kitchens were drawn up and each kitchen block was to be shared by two families (Hoare et al 1990 and Kelsall Binet 2011).

In 1856 Henderson returned to England and Lt. Henry Wray, the commander of the 20<sup>th</sup> Company of Royal Engineers, assumed the role of Acting Comptroller General. Wray allowed Sappers and Miners with families to move into some of the Warders' Cottages and it was not until Henderson returned in 1858 that he restored the cottages to use by prison warders only (Hoare et al 1990 and Kelsall Binet 2011).

In 1858 further accommodation was constructed for the warders at Henderson Street. The third range of terrace housing (W3) comprised another six cottages, again intended for two families each. These cottages differed slightly to the first two blocks as they had three rooms on each floor, comprising two bedrooms and a kitchen, with fireplaces in the kitchen and front bedroom of each floor (Kelsall Binet 2011: p. 15).

In 1866, as the transportation of Convicts to W.A. was winding down the number of prison staff was also declining, with some of the accommodation standing vacant. Only seventeen families were living in cottages intended for thirty-two families and not all of these were warders, with members of the Water Police and Police residing in some of the cottages (Hoare et al 1990: section 2.2.10).

In January 1868 the *Hougemont* arrived in W.A. to deliver the last batch of convicts, bringing to and end the era of transportation to W.A. (Campbell 2011 and Kelsall Binet 2011). Since 1850 a total of 9,636 convicts had been delivered to W.A. on thirty-seven ships (Campbell 2011: p. 14.1). The population of Fremantle Prison declined after transportation ceased and between 1875 and 1885 the Prison population mainly comprised short-term offenders only. The closure of Fremantle Prison was even considered in 1884 as a result of the very low inmate population (Bavin 1993: p. 143).

There appears to be few modifications or improvements to the cottages during the Convict Establishment period, with the majority of the work done on the W1 block, including new kitchens, moving the privies further from the cottages and converting the privies to earth closets (Kelsall Binet 2011). Furthermore, the occupancy rates of the cottages seem to have fluctuated in line with the Prison population and were not always reserved for the use of prison warders.

# The Fremantle Prison Era 1886 - 1991

In 1886 control of Fremantle Prison was handed from the British government to the colonial government. Inmate numbers in Fremantle began to increase again as prisoners were shifted from Perth Gaol. The Perth Gaol was overcrowded and conditions in the gaol were a major cause of concern. By 1888 the inmates had been moved to Fremantle, now the colony's primary place of incarceration, and Perth Gaol was closed. The inmate population in



Fremantle Prison went from around 50 male prisoners in 1885 to around 800 male prisoners by 1895 (Bavin 1993: p. 144 – 147). Along with the transfer of prisoners from other facilities incarceration rates went up significantly in the 1890s, with most contemporaries citing the influx of immigrants related to the gold rushes as a major cause (Bavin 1993: p. 143-144).

The increase in the population of Fremantle Prison once again put strain on the resources required to keep it running smoothly, including the employment and treatment of prison warders. The turnover of warders from the mid-1880s to the mid-1890s was relatively low as a result of a post 1886 pension system agreement between the colonial and the home (British) governments, which seems to have caused most warders to feel tied into the position (Stevenson 1983: p. 72). As institutions were handed to the colonial government and the services of employees in those institutions transferred to colonial jurisdiction, the main complaints from the warders during this period seem to relate to fair remuneration and working conditions. There appears to have been less focus on the upkeep of the Warders' Cottages.

In 1899 the pressure on the entire prison system led to a Royal Commission Inquiry into prisoner conditions at Fremantle Prison, including methods of punishment, sanitation, the handling of prisoner sentences and remissions and supplier contracts to the Prison. The primary focus of the Inquiry was to review the W.A. penal system and its treatment of prisoners. A large number of prisoners were invited to give evidence. The Inquiry largely ignored the conditions of the warders' employment and accommodations; their names seem to have been invoked only as a target for prisoner complaints of mistreatment (Thomas & Stewart 1978).

However, the turnover and recruitment of warders in the second half of the 1890s was high and by 1899 thirty-four of the thirty-eight permanent warders at Fremantle Prison had only been employed since 1894 (Stevenson 1983: p. 74). Therefore, they were relatively new to the service and it wasn't until the early 1900s that the warders began to find their voice too. The first decade of the twentieth century saw warders at Fremantle Prison begin to organise and agitate persistently for improved conditions. The warders' impression that they were held in lower regard then the prisoners whom they oversaw, motivated them to persist with their efforts for better conditions. This culminated in another Royal Commission in 1911. Captain C.E.D.F. Pennefather, the Comptroller-General of Prisons in Queensland, led the inquiry and reported that "a good deal of discontent was shown by some of the married officers in regard to the condition of and accommodation afforded in the quarters provided" (cited in Thomas & Stewart 1978: p. 86). Pennefather inspected the Warders' Cottages and with the exception of three houses agreed they left a lot to be desired (Thomas & Stewart 1978). Indeed he had the following to say:

There are six cottages enclosed in one undivided yard, the sanitary arrangements being all open to view and in common use by men, women, boys and girls. There is practically no privacy or decency and the effect of such a state of affairs must tend towards immodesty, if nothing worse. As to accommodation in one or two instances there are the husband and wife with family of six or seven children, ranging from infants up to people of both sexes of the ages of 18 and 19 years, all dwelling in one house with only two bedrooms; this speaks for itself. It is hardly necessary for me to add that an officer coming off duty to such a home, where he cannot get much rest or peace, is hardly fitted for his next duty at the prison, and this naturally causes irritation and discontent. The fact that some of the buildings are infested with vermin adds to the discomfort (Pennefather, cited in Stevenson 1983: p. 69).

Parliamentary complaints from warders did not end with the tabling of the Royal Commission report and they continued their attempts to unionise and secure better conditions (Thomas & Stewart 1978). As a result, the period from 1900 on appears to have seen more work undertaken to maintain and extend the Warders' Cottages (Kelsall Binet 2011). A more



detailed timeline of changes to the Warders' Cottages throughout this period is included below in the Development Sequence section, which shows a small number of attempted improvements, alterations, additions and general repairs seem to have been undertaken. However, the warders continued to suggest to the Prisons Department ways in which their accommodations could be improved (Hoare et al 1990). The dissatisfaction of the warders regarding their accommodations continued. This is not surprising as the records suggest that any efforts to maintain or improve the cottages were limited to the minimum amount of work required simply to keep them habitable.

Through the 1920s options for a new set of warders' quarters closer to the prison were planned but construction never eventuated and it was decided in 1923 that the 'dilapidated' Warders' Cottages needed a lot of work. However, very little was done to improve the state of the cottages during the 1920s and 1930s. The uncomfortable nature of the accommodation and the acknowledgement that they were generally in a poor state of repair prompted the Prison Department to acquiesce to the Gaol Officers' Association requests for warders to move out of the cottages. From 1941 the warders at Fremantle Prison were no longer compelled to reside at the cottages (Hoare et al 1990: section 2.2.17).

Warders did continue to be among the residents after this time and renovations were carried out after the Second World War in 1948 and again in 1978/79. After the Fremantle Prison closed in 1991 the Warders' Cottages came under the management of the Building Management Authority (now Department of Housing and Works) and Homeswest bought and leased the cottages to residential tenants. The Building Management Authority undertook major renovation and conservation works in 1992/93 (Kelsall Binet 2011).

In 2011 the Department of Housing and Works determined that the cottages were no longer suitable for tenants. The cottages are currently being revitalised via a State Government Heritage Revolving Fund so that they are once again suitable for sale or rental.



# **RESEARCH QUESTIONS FOR THE SITE**

There has been a significant amount of research completed relating to the Warders' Cottages, mainly in the context of creating Conservation Management Plans. The development sequence of the site (including the buildings and surrounds) has been firmly established, by thorough reviews, initially by the Building Management Authority, of historical maps and plans and of Public Works and Prison Department records (Hoare et al 1990 and Kelsall Binet 2011).

There has also been extensive information compiled about the warders themselves. Past research into Fremantle Prison and the convict era and penal system of W.A. often contains information about the working lives and conditions of the warders, gleaned from a large collection of primary sources such as: the Colonial Secretaries Office; reports and correspondence from individuals such as the Comptroller-General and Superintendent; written requests or complaints from warders themselves; Public Works Department and Prison Department records and newspaper and journal articles. As a result, the changes over time in warders' working lives and their attitudes, as well as attitudes toward them, are clearly apparent in much of the past research.

The primary sources are quite detailed and it is a simple matter to find out how much warders' were paid, the hours they were generally required to work and the duties and obligations they were expected to fulfil. Indeed, Barker (2003) has compiled detailed information for every warder employed by the penal system in W.A over a 50 year period during the nineteenth century (see *Warders and gaolers: a dictionary of Western Australian prison officers 1829 – 1879*). As with most sources, Barker's compendium generally only provides insight into the details of the warders working lives and work-related matters and rarely mentions family or home life. Unless something newsworthy happened to a warder, their family or at their quarters, details of their personal lives typically remain obscure.

Perhaps there was little enough home life to be enjoyed by the warders. It certainly seems as though the conditions they worked under were demanding. In 1907 it was stated in the Legislative Assembly that warders worked 94.25 hours in one week and 84 in the next (Thomas & Stewart 1978: p. 79). Additionally, there were periods when the two weeks annual leave that warders were entitled to was often not approved, or approved only after much difficulty and not necessarily at the time desired (Stevenson 1983: p. 67-68). The Warders' Cottages were in sight of the main gate of the prison and essentially formed part of the institution where the warders "spent most of their living and working hours" (Stevenson 1983: p.66). Stevenson (1983: p.71) suggests that the long hours, limited leave and limited opportunity for interaction with the outside world resulted in warders potentially experiencing an inmate-like quality to their own lives and that it is possible to:

View staff living conditions in terms of its likeness to the life of the inmate of a highly encompassing institution. Accommodation close to the prison engendered this inmate-like way of life in a number of ways. The staff were strongly identified with the prison and enclosed in an institutional environment. The intention of this was for the staff to more efficiently pursue their work...all these factors combined to make an institutional way of life potentially more realistic than a household or family-based way of life for the staff.

As a result of the research into the available information outlined above, it appears that there is a gap in current knowledge pertaining to the home lives of the warders and their families who occupied the Warders' Cottages. The cottages have been used as residential accommodation since their construction in the 1850s and for the majority of that time served as accommodation for a specific group of people. Therefore, possible research questions that could be addressed through archaeological enquiry are:



Warders' Cottages Fremantle Archaeological Management Strategy

- What were the conditions of the warders' home lives? If there is an archaeological deposit does the assemblage support the notion of the inmate-like quality of the warders' lives or suggest something more?
- Are there any specific activities and/or activity areas represented in archaeological deposits?
- When constructed, the cottages represented basic, working class 19<sup>th</sup> century accommodation which perhaps reflected the warders' rank. Is the austerity and working class associations of the built heritage supported by the archaeological assemblage? Does this change over time?

Additionally, many of the warders during the convict era were recruited from the prison service within England and were paid less than they had been (and their counterparts continued to be) in England and less than other public servants in the colony (Stevenson 1983, Barker 2003 and Hoare et al 1990). They were also not especially well regarded by some of their superiors and the bureaucracy generally (Hoare et al 1990 and Thomas & Stewart 1978).

- With regard to the above comments, is there evidence in the archaeological record that the warders attempted to maintain the standard of living and the cultural behaviours and attitudes they were accustomed to back in England?
- Is there evidence in the archaeological record to suggest the warders attempted to retain a social identity constructed around notions of gentility and class aspirations?

Furthermore, the recovery of archaeological material from the deposits would lend itself to a comparative analysis with other 19<sup>th</sup> century colonial assemblages in order to address questions regarding similarities and differences in the lifeways of people embedded in the convict system, by considering factors such as rank, class and location. The Warders' Cottages on Henderson Street were originally intended for disciplinary warders, while instructing warders, principal warders and other higher ranking staff were housed elsewhere. The recovery of material from the Warders' Cottages would allow for comparisons between the lives of the differentially ranked Fremantle prison employees and their families. For example, the rear yard of number 14 The Terrace, alongside the prison, was excavated in 2012 and resulted in the recovery of over 3000 artefacts (Brass 2012). As a result of the protracted use of many convict sites through time, particularly the Henderson Street Warder's Cottages, comparisons regarding the lives of the workers can be made from early colonial society through the twentieth century to observe changes through time.



# PREVIOUS ARCHAEOLOGICAL WORK AT THE SITE

In 1989, as part of wider works related to the Conservation and Future Use of Fremantle Prison, Jack McIlroy was engaged by the Building Management Authority of Western Australia to carry out an archaeological assessment of the Henderson St Warders' Cottages and the site of the demolished cottages on Hampton Rd Reserve (McIlroy 1990). The archaeological works carried out at Henderson St were primarily focussed on W3 (referred to as 'Block K' in McIlroy's report), with minimal investigation to the rear of W1. To date no other archaeological assessments have been undertaken at the Warders' Cottages.

The archaeological assessment at Henderson St involved the excavation of a total of eight test pits. Five were excavated in the laneway between the current rear wall of W3 and the rear wall of Fremantle Markets, two were located in the rear gardens of W3 (see Figure 2) and one was situated in the laneway behind W1 (see Figure 3).

The seven test pits located to the rear of W3 were placed to locate and record the remains of four features that can be seen on a Public Works Department Plan from 1909 (PWD Plan No. 14285):

- A former communal laundry abutting the rear garden wall of W3 (now the rear wall of Fremantle Markets), investigated through Test Pits 120 and 150 in the current laneway;
- Two former communal closets, one on either side of the laundry, investigated through Test Pits 100, 160 and 180 in the current laneway; and
- A concrete surface drain that ran parallel to the rear of W3 for its entire length in the rear garden area, investigated through Test Pits 200 and 215 in the rear gardens of No.s 7 and 17.

The single test pit to the rear of W1 was located in the laneway abutting Fremantle Markets, directly behind No. 23 Henderson St. Test Pit 140 was excavated in order to assess this area for sub-surface archaeological potential and significance.

The test excavations carried out by McIlroy had the following results:

- The three test pits (Test Pits 100, 160 & 180) excavated to locate the closets confirmed that sub-surface foundations exist for these structures in the current laneway behind No. 9 and 15 Henderson St. Test Pit 100 revealed that the closet wall is located at a depth of c. 0.25 m below the present ground surface, while Test Pits 160 and 180 showed that the closet walls are both located at a depth of c. 0.30 m below the present ground surface.
- The two test pits (Test Pits 120 & 150) excavated in order to confirm the location of the boundary of the communal laundry proved negative for stone wall foundation remains. Test Pit 150 did however reveal a substantial concrete pad at a depth of c. 0.95 m below the present ground surface that was interpreted by McIlroy as a feature of the laundry foundation.
- The two test pits (Test Pits 200 & 215) excavated to locate the concrete surface drain identified on the PWD Plan 14285 proved negative for that feature, indicating that it must have been removed from the rear yard sometime in the past. The 2011 *Conservation Plan* records in their '1910 1916 stages of development' plan, that this drain had been demolished in 1916 when W3 was connected to the mains sewer (Kelsall Binet 2011: p. 124). Unexpected limestone foundations, located at a



depth of c. 0.25 m below the present ground surface, were revealed in Test Pit 200 at the rear of No. 17 Henderson St. McIlroy suggests the feature to be foundation remains of a kitchen or cottage extension that was undertaken in 1856 (Brass 2012: p. 12), however the block of cottages at W3 were constructed in 1858. Brass (2012: p. 12) further suggests that the foundations, from an assessment of ground floor site plans included in the 2011 *Conservation Plan*, may relate to a communal laundry built in 1909 (Kelsall Binet 2011: p. 122) which was later altered in 1915 for use as a summer kitchen (ibid: p. 124). However, the development phases of this structure do not appear to definitively relate to the foundations represent. Further investigation would be required to firmly establish their purpose.

• Test Pit 140, excavated in the laneway behind No. 23 of W1, revealed three sewerage pipes and nothing of archaeological significance. The sewerage pipes are located at a minimum depth of c. 0.30 m and a maximum depth of c. 0.75 m below the present ground surface.

McIlroy adopted a three zone system for rating archaeological significance taken from earlier archaeological investigations of the Arthur Head Area of Fremantle undertaken by Michael Pearson in 1984 (McIlroy 1990: section 3.2.1). Using this categorisation he rates the archaeological significance of the 'site' – that is the area of the rear gardens and right of way laneway behind W3 - as 'medium' or 'Zone B'. Essentially this means that the deposits at W3 are considered to contain remains of lesser potential than 'Zone A' but that prior to any development these areas should be investigated through test-pitting. This may then potentially result in the raising of the significance to 'high' or 'Zone A' depending on the outcome of such an assessment.

The finds assemblage is not discussed in detail in the excavation report and there is no catalogue or volume given. McIlroy lists the finds as including artefacts such as: glass bottle shards, a complete glass bottle, ceramic fragments of domestic wares, clay pipe fragments, nails and other metal fragments, buttons, plastic sheeting fragments and other plastic objects such as a brush, coal, animal bone etc.

McIlroy concludes with a management strategy for the Warders' Cottages stating that preservation *in situ* is the preferred option for the site, but that if development in the future should threaten the deposits then further archaeological assessment should be carried out prior to development.



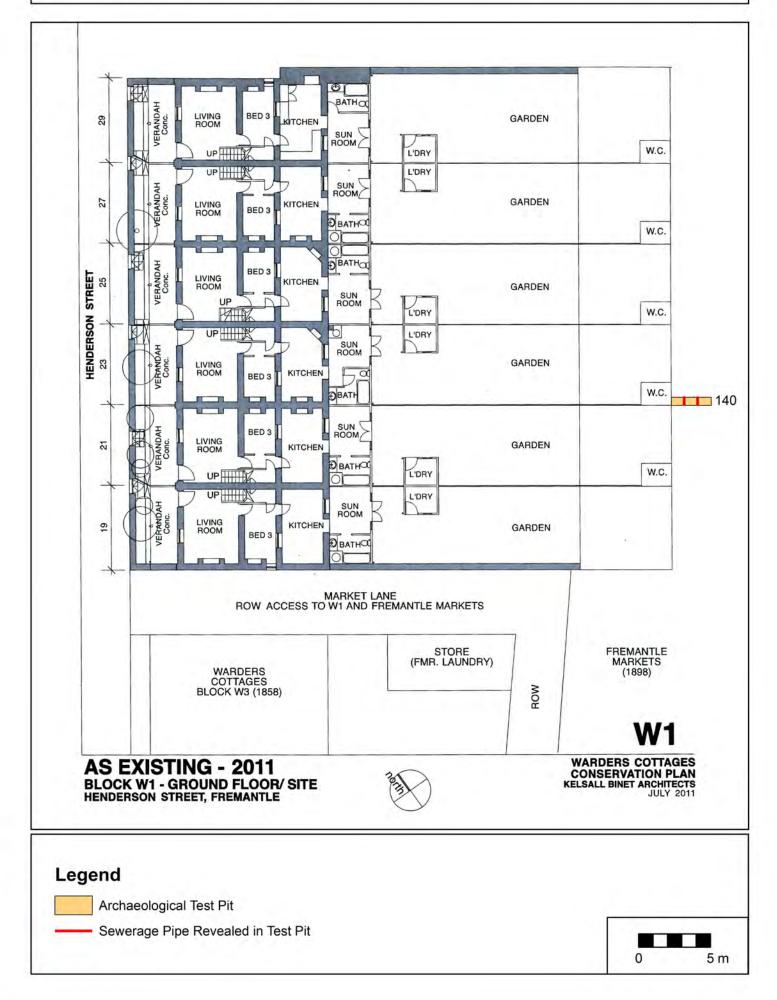


Gavin Jackson Cultural Resource Management
W3 current layout showing locations of Archaeological Test Pits and previous structures





# W1 current layout showing location of Archaeological Test Pit



# **TYPES OF ARCHAEOLOGICAL EVIDENCE**

There are no Aboriginal sites registered as being present within, or in close proximity to, the site (see Appendix 2). In addition, as part of the *Conservation Plan* undertaken by Kelsall Binet Architects (2011: p. 184) they state that "No evidence has come to light during the preparation of this report that would suggest an increased likelihood of finding artefacts on this site that are linked to earlier Aboriginal occupation of the area". If any Indigenous archaeology did exist prior to the construction of the cottages this evidence has most likely been removed by the building works and subsequent changes that have occurred over time. In support of this are the results of the only archaeological excavations that have taken place at the site, within the laneway behind W1 and in the right of way and rear gardens of W3, which did not yield any evidence of Indigenous archaeology (McIlroy 1990). There is however the possibility, albeit remote, that residual Indigenous artefacts, features or deposits have survived within the site, and any future archaeological works conducted should be mindful of this.

The site dates to the middle of the nineteenth century (W1 constructed in 1851) and has been in more or less continuous use since then. The archaeology at the site will naturally reflect this timeline and is expected to contain deposits, features and artefacts relating to this period and after. The most significant archaeological evidence will comprise features and objects associated with the Convict Era and the original construction and use of the cottages from the middle to late decades of the nineteenth century. As regards artefacts that may be present at the site, it is worth considering the recent excavations carried out within the rear yard of No.14, The Terrace by Eureka Archaeological Research and Consulting on behalf of Fremantle Prison. A substantial assemblage of over 3,000 artefacts was retrieved from the excavation of an 1855 outdoor pit toilet (Brass 2012: p. 11). Occupational debris in pits, old privies/toilets and wells etc. can yield important evidence of the diets, everyday lives and status of the occupants of the cottages through time.

As previously identified (ibid: p. 2) there are three key areas of archaeological potential at the Henderson St Warders' Cottages. These are the internal underfloor spaces, the front verandah and yards and the rear yards. The main types of archaeological evidence that may be encountered include:

# The Existing Archaeology

• It has been clearly confirmed by McIlroy in his 1989 excavations that there are substantial sub-surface remains in the rear garden area and the right of way behind W3 (formerly part of the rear yards), consisting of the limestone foundation levels of two earth closets and a possible concrete foundation of the communal laundry. He has also revealed previously unknown limestone foundations of an enigmatic feature in the rear garden of No. 17. What has been demonstrated here also is that artefacts relating to these features and their use-life also occur in the deposits.

# The Potential Archaeology

• The sub-surface remains of the 1857 privies, a limestone wall constructed in 1853 and later locations of a bath house (1910) and partial footprints of later laundries (1915), potentially survive in the rear gardens of W1 (see Figure 4). The majority of the footprints of the 1915 laundries are located beneath what is currently in use as bathrooms and sunrooms. In addition, a W.C. installed in the rear of No. 19 of W1 is no longer extant and sub-surface remains associated with this feature may still survive (see Figure 4).



- The original wash houses to the rear of W2 (see Figure 5), demolished sometime around 1911, appear to have had a robust limestone construction and the foundation courses of these structures potentially still survive sub-surface in this area.
- Of particular note are the wells shown on the Convict Grant Plan [PWD Plan 105] at the rear of W1 and W2 (Brass 2012: p. 8-9). This plan is not sufficiently detailed to extrapolate accurate locations of the wells. The location of the well at W2 appears on the 2011 *Conservation Plan* (Kelsall Binet 2011: p. 102) but the location of the well at W1 does not. The location of the well to the rear of W2 (ibid: p. 102) is reproduced here in Figure 5. It is easier to cap a well rather than completely dig it out and destroy it, and at least one of the wells was stone-lined, so there is potential for the wells to have survived at W1 and W2. Wells traditionally have the potential for organic and other materials to have remained in a good state of preservation and these may contain significant deposits if they have survived sub-surface.
- The original foundation remains of the wash house located in the rear garden of No. 17 of W3 (see Figure 6), potentially survive sub-surface. This structure has undergone a number of alterations, most notably the partial demolition undergone when the rear garden area of W3 was reduced after it was appropriated for a right of way between the cottages and Fremantle Markets.
- At W1 and W2 the original privies were moved away from the immediate rear of the cottages in 1857, as proximity had been causing problems for the inhabitants. Although the original privies to the rear of W1 are cartographically represented in the *Conservation Plan* (Kelsall Binet 2011: p. 100), no plan of the privies to the rear of W2 exists. The privies at W1 were located in what was originally an enclosed yard area immediately outside the rear doors of the cottages. This area was subsequently remodelled and is currently in use as kitchens within what is now the built fabric of the cottages. The privies at W2 do not appear cartographically in any of the plans associated with site. The immediate area outside the rear doors of the cottages at W2 is currently in use as verandahs and laundries. Although it seems reasonable to consider that the privies were removed in their entirety because of the problems they were causing due to their proximity to the cottages, it is possible that they still survive sub-surface at the site.
- Artefact caches beneath the floorboards of the cottages, similar to that discovered in 2012 in No.23 of W1 (Brass 2012: p. 8-9) may potentially be encountered in any future works that lead to disturbance of the floors. These artefacts may result from deliberate discard or loss over time by the occupants of the cottages, or alternatively they may reflect the same by the convicts who built the cottages initially and/or the warders who supervised them.
- There is the potential to encounter as yet unknown structural remains, similar to the unidentified sub-surface limestone foundations that McIlroy exposed in the rear garden of No.17 at W3 (McIlroy 1990, section 3.4.61). These remains are not directly attributable to any phase of construction represented in the plans for the site, or indeed in any documentary references, and such remains may potentially exist elsewhere at the site.
- Unknown sub-surface occupational debris pits, middens and other buried features are likely to occur at the site. As previously mentioned, the Warder's Cottages have been a 'living' archaeological site and their continued use throughout most of their lifetime has the potential to yield features, deposits and artefacts that at present are unknown.
- General discard of domestic archaeological artefacts most likely exists in the rear and front yards at the cottages. Although they may not be attributable to specific



stratified contexts or deposits, they can still be related with reasonable accuracy to events or sequences at the site and are a valuable resource in their own right.

 Based on McIlroy's excavations at W3 and the function of the site, the types of artefacts to be expected from the deposits are likely to be domestic, utilitarian items such as ceramics, glass bottles and tin cans. Other common artefacts from similar historical sites include clothing-related items such as buttons, belt buckles and boot heels, clay pipes and animal bone. Since the cottages, at times, had large families residing in them there may be potential for artefacts representing particular demographics, such as children's toys or perfume bottles. The warders were generally low-paid and given their conditions the deposits may also contain artefacts that were modified and re-used for multiple, entirely different purposes during the course of their use-life.



# **DEVELOPMENT SEQUENCE OF THE SITE**

This discussion on the development sequence at the Warders' Cottages is limited to the archaeological resource, and relates specifically to the front and rear external garden areas of the cottages and the internal underfloor areas (see Figure 4, Figure 5 and Figure 6). It does not deal with the extant architectural resource at the site and is meant to be a brief summary of the events, cultural or environmental, that created and affected the archaeological site after its formation.

The Warders' Cottages at Henderson St have had a number of uses over time. Their primary function was to act as accommodation for employees of Fremantle Prison from 1851 to 1990. Most recently, from 1991 to 2011, they have been used for public accommodation.

There is a comprehensive record of the major structural changes and alterations that have taken place over time in all three blocks, for example additions or subtractions of built fabric in garden areas (Brass 2012, Hoare et al 1990 and Kelsall Binet 2011). The changes that have occurred to the external layout have been minimal in most cases but the most significant impact to the site's formation has been the alterations to the rear garden area of W3 in 1911 when a right of way was made between the block and Fremantle Markets (see below). No major changes have happened to the internal floor spaces within the cottages and they remain essentially intact since initial construction.

What are less quantifiable are the more subtle changes that have occurred. For example in the rear garden areas there may have been disturbance of the sub-surface deposits through time in the form of planting, emplacement of garden sheds, pits, trenches for vegetable gardens etc. The Warders' Cottages have been, and continue to be, a 'living' archaeological site and their continued use will have affected formation processes. These interactions with the site environment can be described as 'potential unknown disturbances'.

McIlroy's excavations at the rear of W3 revealed that the demolished remains of the previous phases have remained largely intact sub-surface, indicating that there have been no major negative impacts on the site in that location (McIlroy 1990).

The general timeline of events relating to the Warders' Cottages and changes over time has been well established in the various Conservation Plans prepared for the Warders' Cottages (see Hoare et al 1990 and Kelsall Binet 2011) and these sources have informed the following breakdown of the relevant major changes that have occurred and which have affected site formation:

**1851**: W1 constructed.

**1852/53**: W2 constructed.

**1857**: At W1 and W2 the original privies were moved away from the immediate rear of the cottages as proximity had been causing problems for the inhabitants.

1858: W3 constructed.

**1875**: The privies were converted to earth closets.

**1877**: Open drains at the rear of W1 and W3 were removed. Cess pits were also added at this time and the yards were metalled and graded.

**1898**: Post and rail fences replaced by low stone walls at W1 and W2. Right of way established between W1 and W3 for access to Fremantle Markets. Wooden stables



constructed at the rear of W3 for markets. Two blocks of six privies each to replace original earth closets at rear of W3.

1900: Front verandah added to W3.

1902: Toilets at W1, W2 and W3 upgraded.

**1906**: Fences were built to divide rear gardens of W1.

**1909**: Bathrooms constructed, rear verandah added and original shared wash houses converted into separate laundries at W2. Communal laundry built at centre rear boundary of W3, relacing stables. New wash house built at rear of No.17 at W3. Twelve flights of steps added to rear verandahs of W3.

**1910**: Bathrooms and kitchens constructed and rear yards divided at W1. Front verandah and yards added to W1 and W2. Rear verandahs converted to bathrooms at W3 and six of the twelve flights of steps removed.

**1911**: At W3 the rear garden area was reduced after it was appropriated for a right of way between the cottages and Fremantle Markets. New wash houses and earth closets at W3 – near previous ones as a result of creating right of way. No.17 wash house at W3 remodelled at eastern end and partly demolished for right of way. New dividing fences between each of the W3 cottages and rear fencing added. Rear verandahs at W2 converted into bathrooms. Rear freestanding laundries demolished and replaced with new at W2.

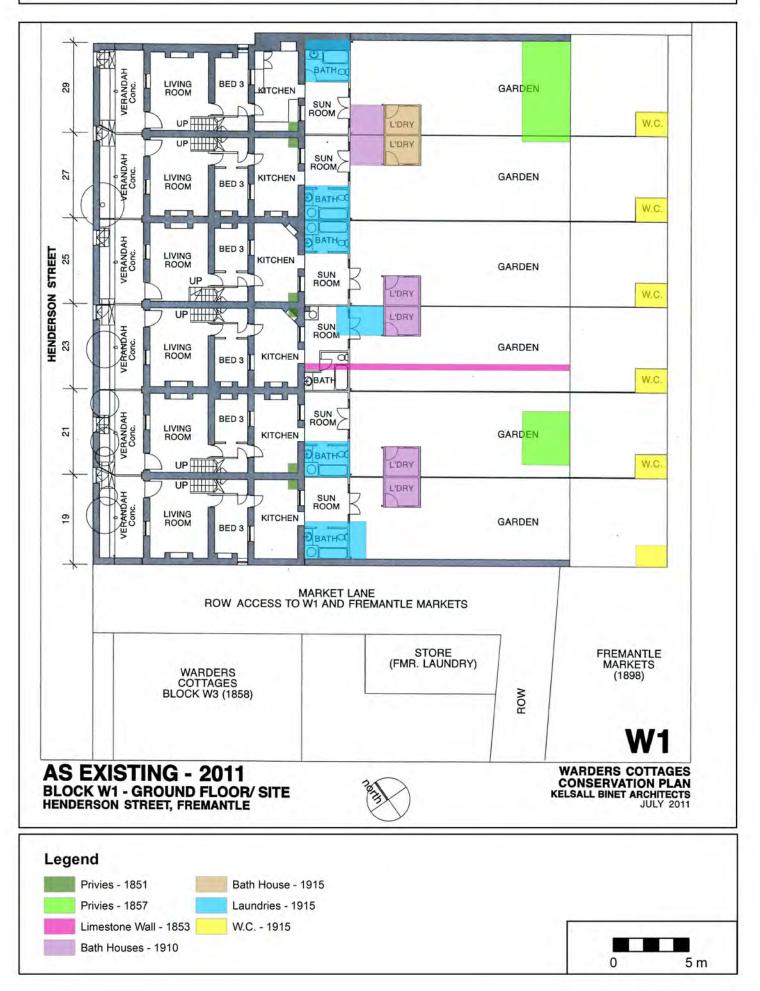
**1916**: Cottages at W1, W2 and W3 were linked to sewerage and closets installed in the yards of W3. Laundries enlarged, dividing fences erected between each cottage and old closets removed and replaced with single toilets at rear of each yard at W1.

**1978-79**: Removal of bathrooms at W2 and building of two new additions at the rear of the building housing three new bathrooms and laundries. At W2 the right of way was altered which reduced the size of the site.



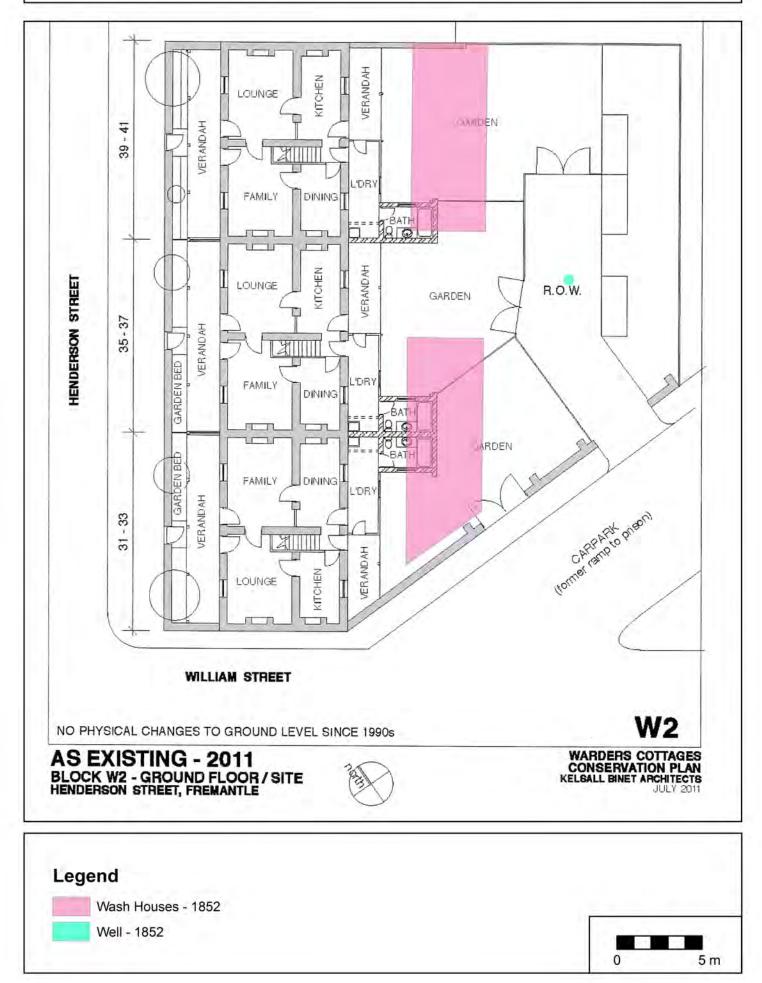


# W1 current layout showing locations of previous structures





# W2 current layout showing locations of previous structures





W3 current layout showing locations of previous structures



# **EVALUATION OF ARCHAEOLOGICAL POTENTIAL & SIGNIFICANCE**

The cultural significance of the Warders' Cottages has been evaluated in accordance with the *Burra Charter* guidelines and the Heritage Council of W.A. guidelines in the *Conservation Plan* developed by Kelsall Binet Architects in 2011. Generally, those features of the cottages associated with the Convict Era are considered to have exceptional cultural significance and the significance rating diminishes with the passing of time i.e. the colonial government era, the pre-WWI and pre-WWII eras and the latter stages of the 20<sup>th</sup> century. The evaluation of cultural significance naturally includes archaeological significance in the context of 'scientific...value for past, present of future generations (Burra Charter 2013)' however a specific assessment of archaeological potential and significance is presented below. The archaeological potential and significance assessments deal only with the archaeological deposits associated with the Warders' Cottages and not the built heritage. For the purposes of this AMS the deposits are considered to comprise the rear yards and front verandah and yards and the internal underfloor areas of the cottages.

In considering the archaeological potential and significance of the Warders' Cottages deposits an important factor is the intactness of the deposits. There have been subtle changes to the rear yards and front verandah and yards of the cottages over the years, i.e. concrete paving and/or brick paving, garden beds and bituminised areas added. It is not possible to determine the impact these activities have had, if any, on the integrity of the subsurface deposits, without investigating the deposits. However, these activities appear to be fairly superficial and we consider it unlikely that they have disturbed the deposits to too great an extent, particularly the deeper convict and colonial era deposits.

# Archaeological Potential

Archaeological potential as discussed here relates specifically to the possibility and/or likelihood of encountering archaeological material associated with the people and the use of the place in deposits contained within the Warders' Cottages site.

McIlroy (1990) carried out excavations at the Henderson St Warders' Cottages in 1989 as part of an archaeological assessment related to the Conservation and Future Use of Fremantle Prison report developed by the Building Management Authority. As discussed previously the archaeological works were primarily located at W3 (referred to as 'Block K' in McIlroy's report). The finds assemblage is not discussed in detail in the excavation report and there is no catalogue or volume given. McIlroy (1990) lists the finds as including artefacts such as: glass bottle shards, a complete glass bottle, ceramic fragments of domestic wares, clay pipe fragments, nails and other metal fragments, buttons, plastic sheeting fragments and other plastic objects such as a brush, coal and animal bone. To date no other archaeological assessments have been undertaken at the Warders' Cottages.

The Warders' Cottages have also been almost continuously occupied as residential accommodation, sometimes by large groups of people, since their construction in the 1850s. As demonstrated by McIlroy's excavation in 1989 the likelihood of recovering archaeological material associated with the occupants of the cottages, and encountering archaeological features in the deposits surrounding the cottages is high. In addition, as demonstrated by the artefact cache discovered in 2012 beneath the floorboards of No.23 of W1 (Brass 2012: p. 8-9), the potential of recovering archaeological material associated with the occupants of the cottages in these areas is high.

The historical record also provides robust evidence for the function, occupation and ongoing maintenance of the site. Therefore, the archaeological potential of the Warders' Cottages, comprising the front and rear areas and the internal underfloor areas, is considered to be **High** (see Figure 7, Figure 8 and Figure 8).



# Archaeological Significance

McIlroy (1990: section 3.2) proposed archaeological significance zones for the areas he excavated at W3 of 'Zone A, B or C', he defined the Zones in the following way:

- Zone A represents 'areas of high archaeological sensitivity containing or suspected to contain remains of historical value, archaeological research value, or future public display and interpretive value'
- Zone B represents 'areas of medium archaeological sensitivity containing or suspected to contain remains of a lesser potential than in a Zone A area'; and
- Zone C represents area of little or no archaeological sensitivity containing or suspected of containing no remains or remains of minimal significance

Using this categorisation McIlroy rates the rear yards and right of way laneway behind W3 as 'Zone B' or of medium significance. We agree with the explanations regarding significance provided by McIlroy and given the results at W3 and the well documented history of the site we consider it reasonable to allocate the same significance to the deposits around W1 and W2 that has been allocated to W3, although we term the significance going forward as 'moderate' (see below).

However, to expand upon the above significance definitions further, we consider that the historical, archaeological and public values which inform the significance assessments are largely determined by the representativeness of the site and the material that could reasonably be expected to occur within the deposits. When assessing site representativeness we suggest that there are two factors which need to be considered; site type frequency and extent of disturbance (intactness). The site is then considered and its significance assessed in terms of its representativeness, being a measure of how frequently similar sites of similar condition and integrity are represented in the known archaeological record.

The Warders' Cottages are a comparatively intact example of basic terrace housing and represent some of the earliest accommodation of this type in Western Australia. They also represent what remains of the early accommodation for warders in Fremantle as other similar sites have been demolished and redeveloped over the years. For example:

- The six instructing warders' cottages built in 1851 were demolished in the 1890s for construction of the Fremantle markets (Hoare et al 1990)
- The Pensioner Guard Village in North Fremantle built in the 1850s lies under the railway reserve (North Fremantle Convict Depot Site 2003)
- The Sappers' Barracks on Henderson Street constructed in the early 1850s were demolished in the late nineteenth century to make way for the existing courthouse and police complex (Gibbs 2001: p. 66)
- The Pensioner barracks constructed in 1854 along South Terrace in Fremantle were demolished after WWII
- Two detached warders quarters constructed in Fremantle in 1860 have since been destroyed, one by fire in 1888 and the other sometime after the war (Hoare et al 1990)



- A block of Warders' Cottages constructed (probably in the early nineteenth century) opposite the courthouse on Henderson Street were demolished in the 1970s to make way for the Queensgate car park complex
- The largest Pensioner barracks were built in Perth in the 1860s and was capable of housing 60 families. In 1966 the two wings of the barracks were demolished and only the entrance arch way was preserved. Construction of the Kwinana Freeway through Perth destroyed the archaeological potential of that site
- Further afield, very few Pensioner cottages have survived in other locations. Indeed Gibbs (2001: p. 67) states that "of the settlements close to Perth and Fremantle, no structures can be located at Freshwater Bay (Claremont), Perth or South Perth, while a single cottage is preserved at West Guildford".

# As the majority of the sites listed above have been destroyed and built over, the potential for surviving archaeological sub-surface material is considered to be low. However, some other places in WA associated with convictism which may have good comparative archaeological value and/or similar types of deposits are the main Convict Hiring Depot sites listed below in

Table 2 (Gibbs 2001: 62 & Brass 2012). There were also a number of road and work stations established in locations further from the main depots where work teams stayed on a short-term of semi-permanent basis only (Gibbs 2001). These places are not discussed in detail as part of this document but they may also hold some comparative value.

Depot Location	tion Built heritage Subsurface archaeological potential	
Albany	Commissariat buildings	Moderate, some areas preserved
Bunbury	No standing structures surviving	Low but requires further work
Guildford	Commissariat buildings	Moderate, some impact from development
Lynton	Magistrates quarters / several walls	High, limited disturbance
Mt Eliza, Perth	No standing structures surviving	Moderate but requires further work
North Fremantle	No standing structures surviving	Low but requires further work
Toodyay	No standing structures surviving	High, limited disturbance
York	No standing structures surviving	High, no disturbance
Rottnest	Thompson Bay cottages	Moderate, some impact from development
Kojonup	Elverd Cottage	Moderate but requires further work
Greenough	Gray's Store	Moderate but requires further work

#### Table 2: Surviving structures and archaeological potential of Convict Hiring Depot Sites in WA

In terms of representativeness, therefore, the Warders' Cottages provide one of several remaining convict sites with potential for intact archaeological resources related specifically to the home lives of workers engaged in the Western Australian convict system. Material collected from the site could also be compared to other domestic site types outside of the convict system, such as farming or mining accommodations.

The material contained within deposits is likely to be common in a  $19^{th}$  and  $20^{th}$  century Western Australian context and we suggest that the majority of the remaining rear yards and verandah areas of the Warders' Cottages (W1, W2 and W3 or 7 – 41 Henderson St) are considered to hold **Moderate** archaeological significance (see Figure 7, Figure 8, Figure 9).



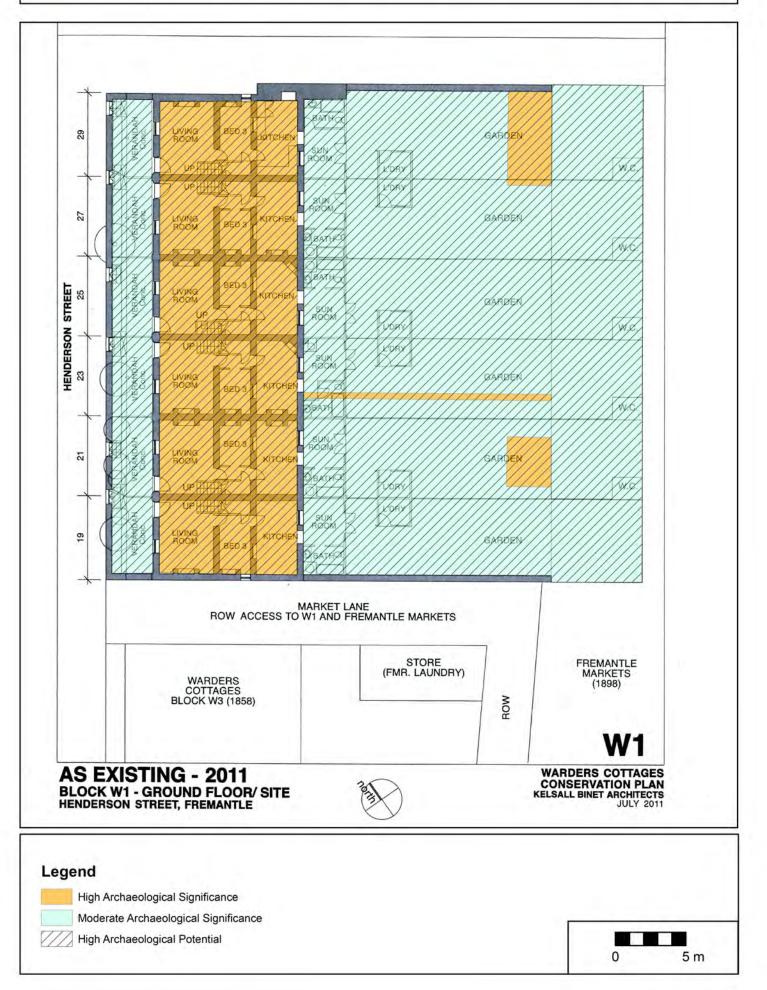
However, the previously extant Convict Era features that potentially survive as sub-surface deposits within the rear yards of the Warders' Cottages are considered to be of particular importance. The areas of the deposits that contain these previous features are considered to hold **High** archaeological significance (see Figure 7, Figure 8 and Figure 9) and any future development should avoid these areas. In addition we consider the internal underfloor areas of the cottages, associated as they are with the Convict Era sequence of the site, to hold **High** archaeological significance (see Figure 7, Figure 8 and Figure 9).

It should be noted that these determinations are given using the currently available information and could change based on results of any future work undertaken at the site i.e. the significance could be reassessed to high or low depending on the outcome of further investigations.



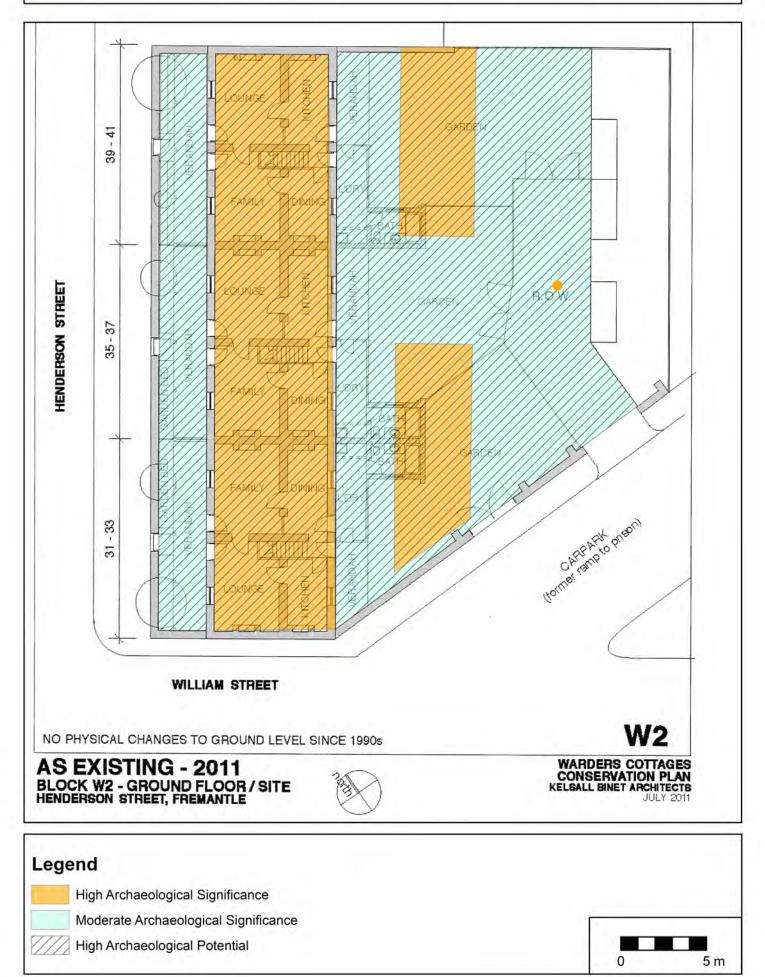


W1 Archaeological Potential and Significance



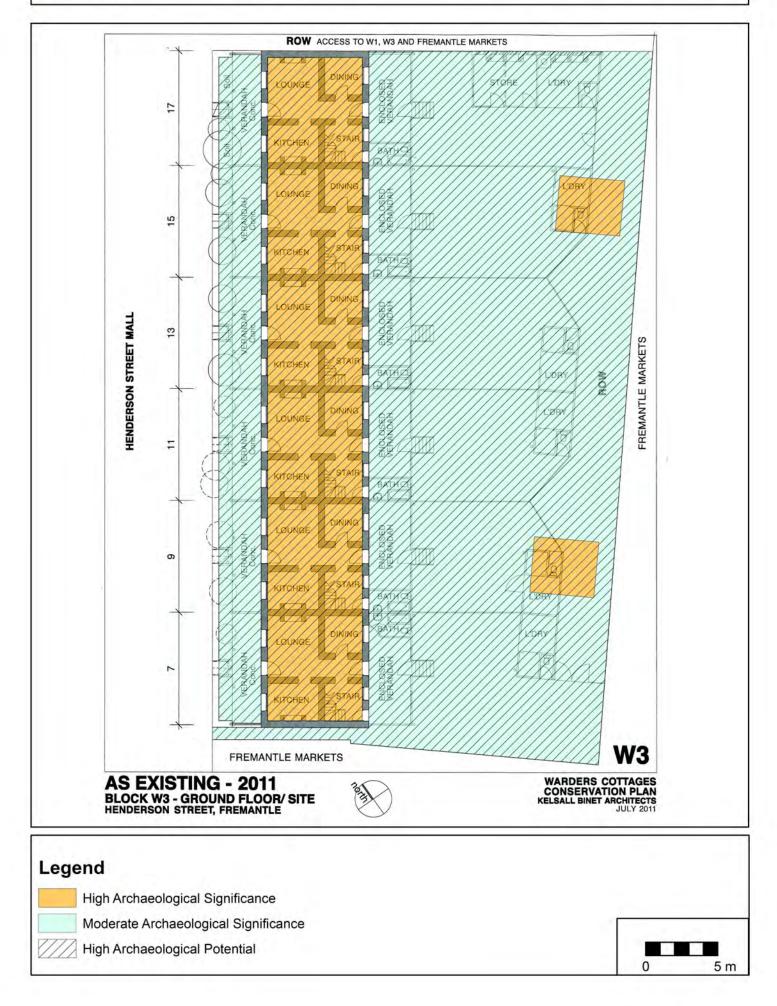


W2 Archaeological Potential and Significance





W3 Archaeological Potential and Significance



# **MANAGEMENT STRATEGIES**

In the previous section the deposits associated with the Warders' Cottages were categorised as having high archaeological potential and moderate to high archaeological significance. They are an important part of the fabric of the overall site and these determinations should be used as a guide for managing future works at the site.

It is the preferred option that all archaeological features and deposits be preserved *in situ*, as per the guidelines for the protection and conservation of the archaeological resource as set out in the *Burra Charter*. Preservation is classified as "...maintaining a place in its existing state and retarding deterioration" (Burra Charter, Article 1.6). Further investigation and disturbance of the deposits should not occur unless they are at risk of destruction through development or other activities.

If there are no management strategies and/or archaeological mitigation implemented during ground disturbing works at the site, it is likely that archaeological features and artefacts will be impacted or destroyed entirely without proper archaeological recording taking place.

Therefore, if there is ground disturbing works undertaken at the site we recommend that the management strategies outlined below be considered.

# Consultation

A suitably qualified archaeologist should be involved in consultation with the construction contractor and their relevant sub-contractors in order to determine the method and program of work being proposed. Consultation between the archaeologist and the contractor should remain an ongoing process during the construction works in order to react to any changes that may occur in the development plan and mitigate any impacts on the archaeology of the site.

For ground disturbing work being undertaken the relevant developer should submit, as part of the planning and consultation process, detailed construction plans that clearly show the location and extent of the proposed development footprint and how it will impact the site. This should include:

- Ground plans of the proposed development; and
- Cross sections of proposed foundations for planned structures. These drawings are of particular importance in order to assess the depths of the proposed foundations and how they may impact on known sub-surface archaeological features (for example the closet foundations in the rear area of W3 as identified by McIlroy 1990).

If ground disturbance is to be minimal and/or informal i.e. a small, shallow shovel test pit, the developer should still notify the State Heritage Office (SHO) and provide details regarding the activity in order to seek further advice and/or obtain approval for the activity.

The most appropriate framework for managing ground disturbing activities and identifying, assessing and treating unanticipated finds recovered during those works consists of three strategies: Ground Penetrating Radar (GPR) survey, Pre-development testing and/or Monitoring.

# **Geophysical Survey**

Geophysical techniques such as Ground Penetrating Radar and/or Electrical Resistivity can be used to detect a number of possible archaeological features, including voids, masonry/walls and ditches, while depth information can also be provided. The instrumentation is well suited to urban areas and can identify potential buried features



beneath bitumen or concrete, for example under roads or within buildings. The results of a geophysical survey could be used to guide further works such as pre-development testing and monitoring at the site. Before any geophysical survey is considered or undertaken an expert in geophysical techniques, and use of the various equipment, should be consulted for project specific advice.

There are a number of key questions that could be addressed by undertaking a GPR survey of the rear yard areas of the Warders' Cottages, namely:

- To establish the location, depth and extent of previous structures and features (see Figure 4, Figure 5 and Figure 6) that may survive as sub-surface remains to the rear of W1, W2 and W3.
- The exact locations of the original wells at W1 and W2. This could be done by (1) using the Convict Grant Plan (PWD Plan 105) as a potential guide as regards the possible location of both wells, and (2) using the location of the well at W2 as represented in the *Conservation Plan* (Kelsall Binet 2011: p. 102) and Figure 5 and Figure 8 of this report, as a guide for investigation.
- The cess pits added to the rear of W1 and W2 in 1877 do not appear cartographically in any of the plans associated with site. A GPR survey could potentially identify the locations of the cess pits.
- At W1 and W2 the original privies were moved away from the immediate rear of the cottages in 1857, as proximity had been causing problems for the inhabitants. The location of the original privies at W1 is currently in use as kitchens within what is now the built fabric of the cottages. The location of the original privies at W2 is currently in use as verandahs and laundries. If in the future there are any plans to disturb any of these areas then a GPR survey could be used to locate the sub-surface remains of the privies there.
- To establish the nature and extent of the enigmatic foundation remains revealed by McIlroy in Test Pit 200 at the rear of W3.

# **Pre-development Testing**

If proposed developments which are substantial in nature have the potential to impact subsurface deposits then a suitably qualified archaeologist should be engaged to carry out predevelopment testing, within the proposed development area.

This should be undertaken by targeted test-pitting at strategic locations in order to determine the location and existence of sub-surface archaeological material. This should be done by careful examination of:

- 1. Previous reports associated with the site, with particular reference to the cartographic evidence
- 2. The results discussed in the 'Development Sequence of the Site' and 'Types of Archaeological Evidence' sections of this AMS (see above).
- 3. The results of a GPR survey if one is undertaken, in order to confirm the location, nature and extent of any features identified.

If archaeological remains are located they should be adequately recorded to best practice and mitigation should be put in place for the management of those features, deposits or artefacts, such as;



• Preservation in-situ

This can also be described as 'Preservation by Avoidance'. Should significant archaeological remains be uncovered where the proposed development will have a negative impact then every effort should be made, where practicable, to preserve the archaeology through avoidance. This should be arrived at through consultation with the relevant parties culminating in mitigation strategies such as changes to the development layout.

• Preservation by record

If it is not possible within the development constraints, after consultation with the relevant parties, to preserve archaeological features or deposits identified during pre-development testing then full excavation should be undertaken by a suitably qualified archaeologist.

#### Monitoring

Ground disturbance works should be monitored by a suitably qualified archaeologist. The results of test-pitting may be used to inform which areas may require more intensive monitoring and/or where intermittent monitoring may be deemed to be sufficient. If it has been decided during the consultation process that test-pitting will not be undertaken then <u>all</u> ground disturbance works should be monitored by a suitably qualified archaeologist. It is imperative that where archaeological remains are encountered, machine excavation should cease to allow the remains to be investigated further and recorded to the satisfaction of the archaeologist. Best practice archaeological methods should be put in place for uncovering, assessing and recording any artefacts, deposits and sub-surface features of significance.

Although the depths of the archaeological features encountered by McIlroy in W3 have been established, these depths should only be used as a guide and not as a reference, since there is no way of assessing the depth of archaeological sub-surface features or deposits (other than those revealed by McIlroy) without undertaking test-pitting or conducting a ground penetrating radar survey of the site.

The objectives of the archaeological monitoring are to:

- Monitor development-led topsoil/overburden stripping and other earthwork excavations in the front and rear yards of the Warders' Cottages
- Monitor development-led disturbance of the interior ground floor and first floor floorboards of the Warders'Cottages
- Identify deposits, features or objects of archaeological potential
- Establish the character, condition and extent of any deposits, features or objects of archaeological potential
- Isolate and preserve where possible any identified deposits, features or objects of archaeological potential
- Report the discovery and extent of identified archaeological remains and outline the impact of the development on these remains
- To manage any significant archaeological remains that may be encountered and to liaise with the SHO and the developer in order to mitigate for:
  - o the recording of the revealed features or deposits; and
  - the preservation of the remains *in situ* if possible;



## Reporting

A full written report should be prepared detailing the methods used during the archaeological works and the results obtained and this should be provided to all parties agreed under the initial Scope of Work or Request for Quotation.

### Finds

Any archaeological material retrieved during pre-development testing and/or monitoring at the site should be suitably catalogued, labelled, bagged and boxed. Any analysis of material will depend on the specific conditions in each Scope of Work and whether research objectives are included as part of those agreements. Additionally, fragile artefacts or those in a particular state of preservation, which require conservation, may be recovered. Any such material should be deposited with an institution which has the capacity to adequately manage and preserve the collection.

Since the Warders' Cottages form part of the Fremantle Prison precinct it is recommended that all recovered archaeological material should be handed over to Fremantle Prison for sorting, conserving and long term storage and/or display. The Heritage Department and/or Curator at Fremantle Prison should be contacted in the event of any work being carried out at the Warders' Cottages to discuss the management and receipt of finds.



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- Thomas, J.E. & Stewart, A. 1978, *Imprisonment in Western Australia: Evolution, Theory and Practice,* University of Western Australia Press, Perth, W.A.

**APPENDIX ONE** 

**Current Site Conditions (Photographic Record)** 





Plate 1: View NE of concrete front verandah, block W2, house 39/41

Plate 2: View E of rear yard, block W2, house 39/41







Plate 3: View of W of rear yard and façade of cottage, block W2, house 35/37

Plate 4: View W/NW of laneway leading to the Fremantle Market ROW, blockW1, house 19







Plate 5: View NW of rear yard, block W1, house 23

Plate 6: View E of laneway along the rear of block W1 cottages w/- John Marrell







Plate 7: View NE of ROW between the rear of the W3 cottages and Fremantle Market

Plate 8: View NW of rear yard and façade of cottage, block W3, house 11



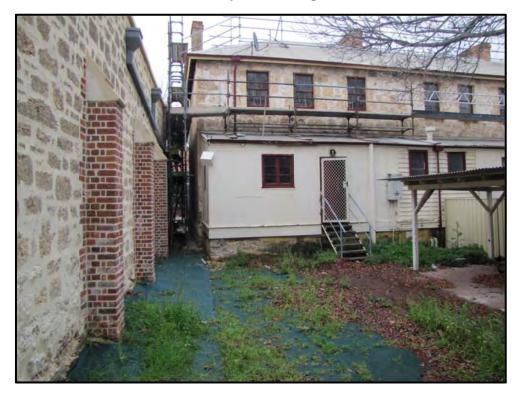


Plate 9: View NW of rear yard of cottage, block W3, house 7

Plate 10: View E/NE of concrete front verandah, block W1, house 19







Plate 11: View SW along concrete front verandahs of block W3

Plate 12: View S/SW along all the front of all three Warders' Cottages (7-41 Henderson Street)





## **APPENDIX TWO**

Department of Aboriginal Affairs Register Search





#### **Search Criteria**

0 Other Heritage Places in Coordinates search area (5); 381858.00mE, 6452825.00mN z50 (MGA94) : 382068.00mE, 6452823.00mN z50 (MGA94) : 382068.00mE, 6452638.00mN z50 (MGA94) : 381859.00mE, 6452638.00mN z50 (MGA94)

### Disclaimer

The Aboriginal Heritage Act 1972 preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Aboriginal Affairs by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at <u>heritageenquiries@daa.wa.gov.au</u> and we will make every effort to rectify it as soon as possible.

### South West Settlement ILUA Disclaimer

If your heritage enquiry is on land within the South West of Western Australia, then you need to be aware of the following information:

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance in how to assess this risk.

Likewise, from 8 June 2015 the Department of Mines and Petroleum (DMP) in granting Mining, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If your heritage enquiry is on land within the South West Settlement Indigenous Land Use Agreement Areas and you are a State Government Department, Agency or Instrumentality, or have a condition placed on your mining or petroleum title by DMP, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at https://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx.

Further advice can also be sought from the Department of Aboriginal Affairs (DAA) at heritageenquiries@daa.wa.gov.au.

### Copyright

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### **Coordinate Accuracy**

Accuracy is shown as a code in brackets following the coordinates. Map coordinates (Latitude/Longitude and Easting/Northing) are based on the GDA 94 Datum. The Easting/Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map, i.e. '500000mE:Z50' means Easting=500000, Zone=50.

### Terminology (NB that some terminology has varied over the life of the legislation)

Place ID/Site ID: This a unique ID assigned by the Department of Aboriginal Affairs to the place Status:

- o Registered Site: The place has been assessed as meeting Section 5 of the Aboriginal Heritage Act 1972
- Other Heritage Place which includes:

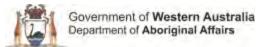
Government of Western Australia Department of Aboriginal Affairs

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- Lodged: Information has been received in relation to the place, but an assessment has not been completed at this stage to determine if it meets Section 5 of the Aboriginal Heritage Act 1972

### Access and Restrictions:

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  - Male Access Only: Only males can view restricted information.
  - Female Access Only: Only females can view restricted information

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place. This has been replaced by the Place ID / Site ID.



## **Aboriginal Heritage Inquiry System**

Aboriginal Sites Database

## List of Other Heritage Places with Map

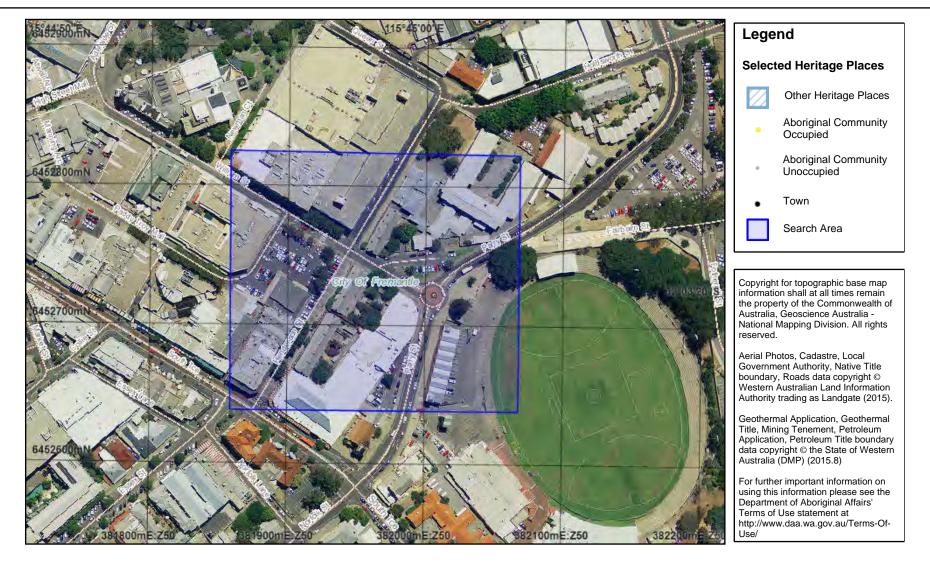
No Results



Government of Western Australia Department of Aboriginal Affairs

## **Aboriginal Heritage Inquiry System**

Aboriginal Sites Database





#### **Search Criteria**

0 Registered Aboriginal Sites in Coordinates search area (4); 381858.00mE, 6452825.00mN z50 (MGA94) : 382068.00mE, 6452823.00mN z50 (MGA94) : 381859.00mE, 6452638.00mE, 6452638.00mN z50 (MGA94) : 381859.00mE, 6452638.00mN z50 (MGA94)

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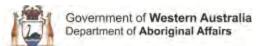
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# Aboriginal Heritage Inquiry System

Aboriginal Sites Database

## List of Registered Aboriginal Sites with Map

No Results



## **Aboriginal Heritage Inquiry System**

Aboriginal Sites Database

