

EXTENT

**HERITAGE ADVISORS
TO AUSTRALIA AND
THE ASIA PACIFIC**

Incorporating AHMS and Futurepast

106 Anambah Road, Anambah

Statement of Heritage Impact

Final

Stevens Holdings Pty Ltd

February 2017



Extent Heritage Pty Ltd

ABN 24 608 666 306

ACN 608 666 306

www.extent.com.au

info@extent.com.au

MELBOURNE

13/240 Sydney Rd

Coburg VIC 3058

P 03 9388 0622

PERTH

25/108 St Georges Tce

Perth WA 6000

P 08 9381 5206

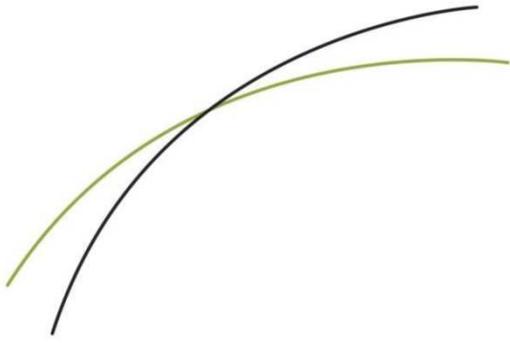
SYDNEY

3/73 Union St

Pymont NSW 2009

P 02 9555 4000

F 02 9555 7005



Document Control Page

CLIENT: Stevens Holdings Pty Ltd

PROJECT NAME: 106 Anambah Rd, Anambah, Statement of Heritage Impact

REAL PROPERTY DESCRIPTION: Lot 90 DP 785244

EXTENT PTY LTD INTERNAL REVIEW/SIGN OFF				
WRITTEN BY	DATE	VERSION	REVIEWED	APPROVED
Ruth Berendt Kim Watson Anita Yousif	20.02.17	Draft	T Brassil	T Brassil
Ruth Berendt Kim Watson Anita Yousif	22.02.17	Final	T Brassil	T Brassil

Copyright and Moral Rights

Historical sources and reference materials used in the preparation of this report are acknowledged and referenced in figure captions or in text citations. Reasonable effort has been made to identify, contact, acknowledge and obtain permission to use material from the relevant copyright owners.

Unless otherwise specified in the contract terms for this project EXTENT HERITAGE PTY LTD:

- Vests copyright of all material produced by EXTENT HERITAGE PTY LTD (but excluding pre-existing material and material in which copyright is held by a third party) in the client for this project (and the client's successors in title);
- Retains the use of all material produced by EXTENT HERITAGE PTY LTD for this project for EXTENT HERITAGE PTY LTD ongoing business and for professional presentations, academic papers or publications.

A MERGER OF



CONTENTS

STATEMENT OF HERITAGE IMPACT	I
1 INTRODUCTION.....	5
1.1 Project Background.....	5
1.2 Approach and Methodology	5
1.3 Site Identification.....	5
1.4 Key Sources & Previous Reports.....	8
1.5 Limitations	8
1.6 Author Identification	8
1.7 Acknowledgments	8
1.8 Ownership	8
1.9 Terminology.....	9
2 HERITAGE CONTEXT	10
2.1 Statutory & Non-Statutory Listings.....	10
2.2 Heritage Items in the Vicinity.....	10
3 HISTORIC CONTEXT.....	11
3.1 Introduction.....	11
3.2 Early Establishment of Maitland.....	11
3.3 Early Subdivision.....	11
4 PHYSICAL DESCRIPTION	20
4.1 Subject Site	20
4.2 Anambah House	23
5 HERITAGE SIGNIFICANCE – ANAMBAH HOUSE.....	29
5.1 Assessment of Heritage Significance	29
6 VIEW ANALYSIS – ANAMBAH HOUSE.....	31
6.1 View Capture.....	31
6.2 Historic and Current Viewsheds.....	31
6.3 Grading of Significant Views	38
7 CURTILAGE ANALYSIS – ANAMBAH HOUSE.....	40
7.1 Heritage Curtilage	40
7.2 Types of Heritage Curtilage	40
7.3 Current Heritage Curtilage	41
7.4 Curtilage Analysis	43
8 ARCHAEOLOGICAL POTENTIAL AND SIGNIFICANCE	54
8.1 Introduction.....	54
8.2 Assessment of Historical Archaeological Potential.....	54
8.3 Historical Archaeological Significance	54

9	PROPOSED WORKS	56
9.1	Description of Proposal.....	56
10	ASSESSMENT OF HERITAGE IMPACT	58
10.1	Built Heritage.....	58
10.2	Archaeology	61
11	STATUTORY CONTROLS	62
11.1	Heritage Act 1977	62
11.2	Environmental Planning and Assessment Act 1979	62
11.3	Compliance with Heritage Management Provisions	63
12	RECOMMENDATIONS	65
12.1	Built Heritage.....	65
13	REFERENCES	66

1 INTRODUCTION

1.1 Project Background

Extent Heritage Pty Ltd has been commissioned by Stevens Holdings Pty Ltd to prepare a Statement of Heritage Impact (SOHI) for Lot 90 DP 785244, Anambah Road, Anambah (hereafter the 'subject site') in advance of the proposed re-zoning and subsequent redevelopment of the subject site. The purpose of the report is to analyse the proposal and its potential impacts on the heritage significance of the nearby State Heritage Register (SHR) listed Anambah House. The report also provides the assessment of the subject site's potential to contain historical archaeological remains and their significance.

1.2 Approach and Methodology

The methodology used in the preparation of this Statement of Heritage Impact is in accordance with the principles and definitions as set out in the guidelines to *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* and the latest version of the Statement of Heritage Impact Guidelines (2002), produced by the NSW Office of Environment and Heritage.

This SOHI will review the relevant statutory heritage controls, assess the impact of the proposal on the subject property and heritage items in the vicinity and make recommendations to mitigate potential impacts.

1.3 Site Identification

The subject site is located at 106 Anambah Road and is known as Lot 90 DP78244. It is located to the north-west of Maitland and within the Maitland City Council LGA (Figure 1).

A portion of the site in the south-west corner has been identified for development (Figure 2). This portion of the site is currently a cleared open space. The land is mostly flat with minor undulations and also slopes downwards to the north. It currently is in use as animal paddocks.

The subject site is located approximately one kilometre south of Anambah House, 200 Anambah Road, Anambah 2320, which comprises Lot 721 DP 1191240 (Figure 4). The subject site has a visual relationship to Anambah House over the mostly cleared and open land between them (Figure 3).

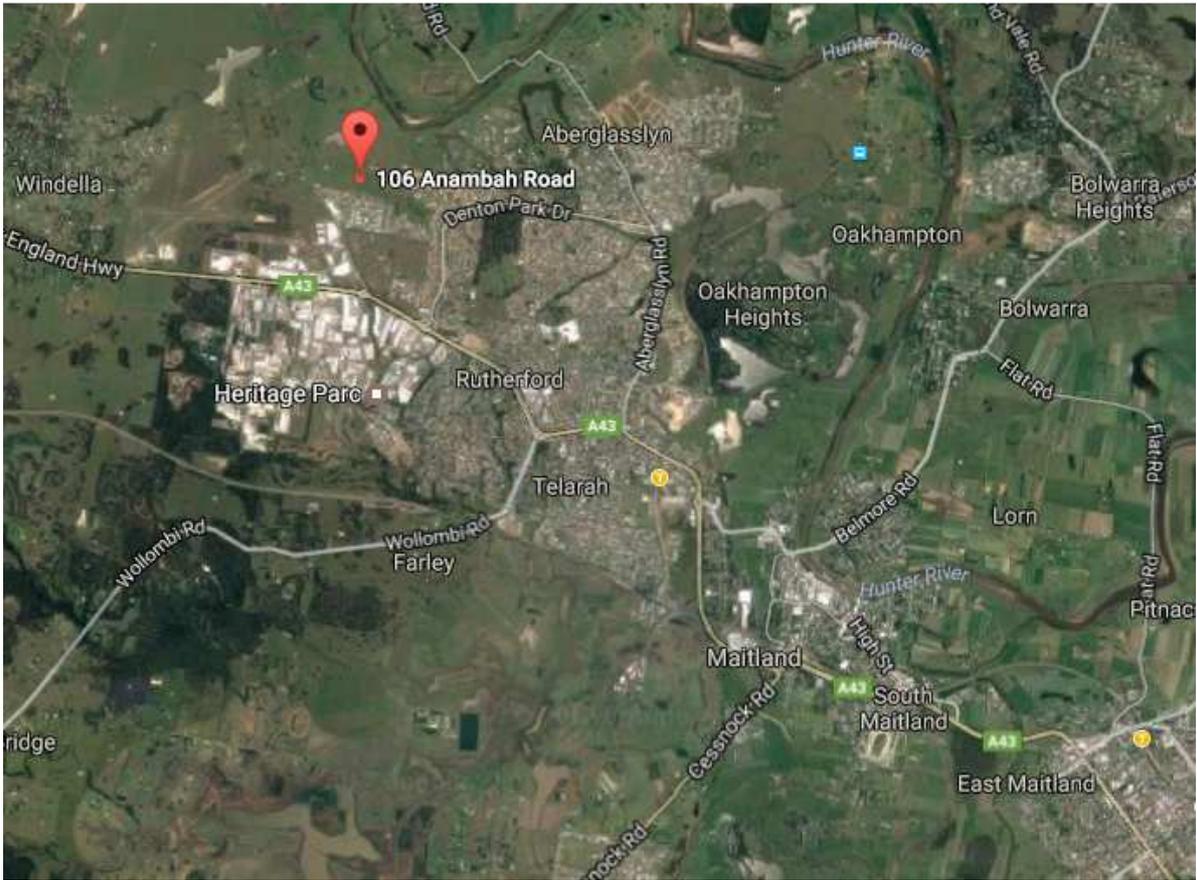


Figure 1 Subject site location map (Source: Google Maps)



Figure 2 Subject site outlines in red showing development area (hatched).

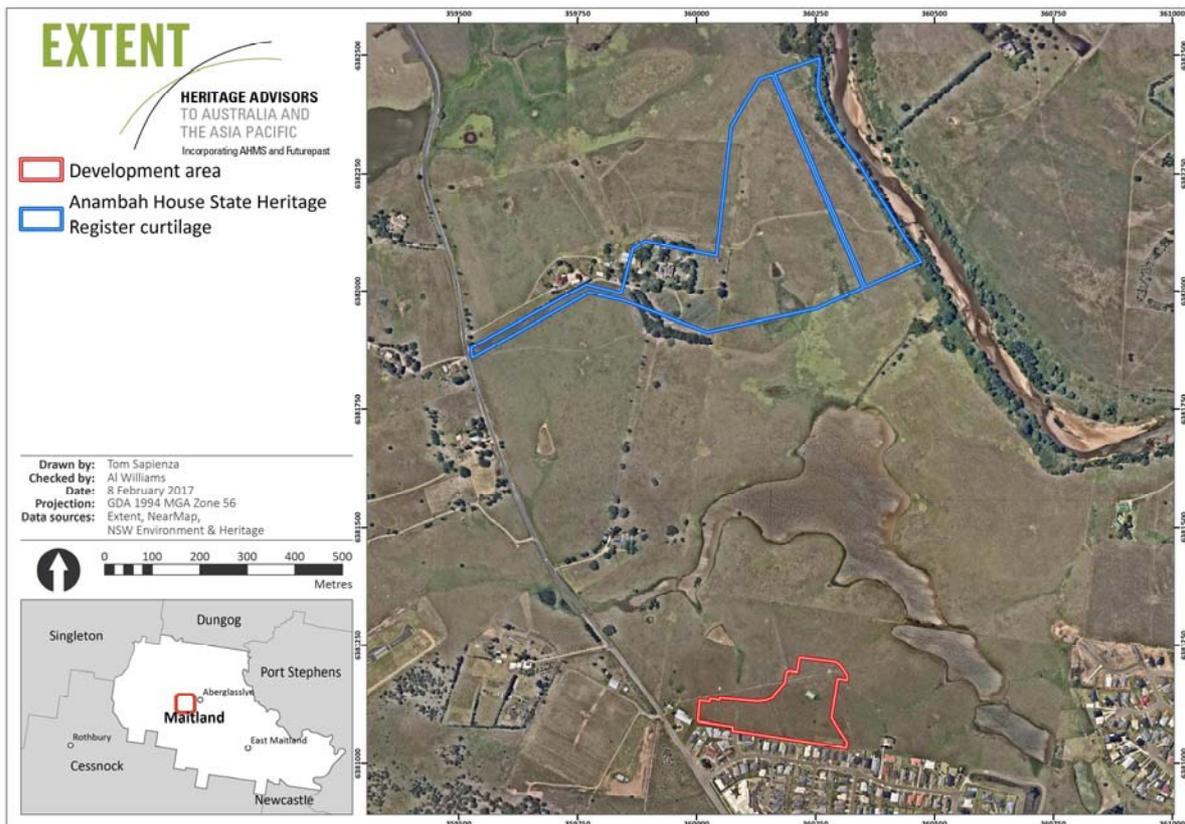


Figure 3 Map showing Anambah House property (in blue) in relation to development area of subject site (in red).



Figure 4 Aerial photograph of Anambah House, showing current property boundary of Lot 721/DP 1191240.

1.4 Key Sources & Previous Reports

Key sources of information relied on in this report are listed below. Other sources are referenced throughout the document.

Key Sources:

- Listing Sheet for the property from www.environment.nsw.gov.au/heritage
- Listing Sheet for property from National Trust Australia (NSW)
- Heather Berry, *Anambah - A Brief History 1823-2011* (May 2016) Bulletin of Maitland and District Historical Society Inc. Vol. 23, No.2
- Sue Singleton, *Historical Heritage Study: Farley Investigation Area*, Unpublished Report by Nexus Archaeology and Heritage on behalf of Farley Landowners Group.
- Wendy Thorpe, (1994) *Maitland Heritage Survey Review: Thematic History*, Unpublished Report for Maitland Council
- *Hunter Estates: A Comparative Heritage Study of pre-1850s Homestead Complexes in the Hunter Region* (2013). Clive Lucas, Stapleton and Partners for the Heritage Council of NSW

1.5 Limitations

This report is limited to an assessment of potential development impacts on the significant views and extended curtilage of the adjoining Anambah House site and historical archaeological resources within the development area of the subject site. The report does not deal with any built heritage issues of Anambah House.

An assessment of the study area's Aboriginal cultural heritage and potential development impacts is provided in a separate report.

The historical overview provides sufficient historical background to provide an understanding of the subject site and Anambah House in order to assess the significance and provide relevant recommendations, however, it is not intended as an exhaustive history of the site.

1.6 Author Identification

The report has been prepared by Ruth Berendt, Heritage Advisor, and Anita Yousif, Historical Archaeological Team Leader with assistance from Kim Watson, Research Assistant, who compiled the historical background and Tom Sapienza, GIS Specialist, who prepared the mapping. The report has been reviewed by Tony Brassil, Senior Heritage Advisor.

1.7 Acknowledgments

We kindly acknowledge the assistance of Ms Jann Zappacosta, the current owner of Anambah House, who provided access to the property and communicated valuable historical information about the property and Mr Ben Johnson and Mr Phil Davis of Stevens Holdings.

1.8 Ownership

The Subject Site (106 Anambah Road) is owned by Steven Holdings Pty Ltd.

Anambah House (200 Anambah Road) is in private ownership.

1.9 Terminology

The terminology in this report follows definitions presented in The Burra Charter. Article 1 provides the following definitions:

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

Places may have a range of values for different individuals or groups.

Fabric means all the physical material of the place including components, fixtures, contents, and objects.

Conservation means all the processes of looking after a *place* so to retain its *cultural significance*.

Maintenance means the continuous protective care of the *fabric* and *setting* of a *place*, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Preservation means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.

Restoration means returning the existing *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning the *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material into the *fabric*.

Adaptation means modifying a *place* to suit the existing use or a proposed use.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

Compatible use means a use that respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.

Setting means the area around a *place*, which may include the visual catchment.

Related place means a place that contributes to the *cultural significance* of another place.

2 HERITAGE CONTEXT

2.1 Statutory & Non-Statutory Listings

No statutory or non-statutory heritage listings apply to the subject site (106 Anambah Road).

2.2 Heritage Items in the Vicinity

Within the vicinity and with a visual relationship to the subject site is Anambah House, which is subject to a number of heritage listings, outlined below.

Heritage Status

Anambah House is listed on the following statutory registers:

- NSW State Heritage Register (#00275)
- Maitland Local Council LEP Heritage Schedule (I3)

Anambah House is listed on the following non-statutory register:

- National Trust of Australia (NSW) Register

2.2.1 Statement of Significance

The Statement of Significance for Anambah House, as set out in the NSW SHR listing for the property, is as follows:

Anambah House with its house, billiard room, stables and gardens form a complete and intact example of a prosperous late 19th century graziers homestead. It is an important relic of the great agricultural heritage of the lower Hunter, now passing into history with the onset of the resources boom. The house is also significant as a major example of the work of J.W. Pender an important architect of the Hunter region.

3 HISTORIC CONTEXT

3.1 Introduction

The following history account of the subject site and adjoining Anambah House has been compiled from a number of readily available sources. No extensive additional research of primary sources has been undertaken for the purpose of this report, other than a search of parish maps and images via Trove and Department of Lands, and oral histories provided by Ms Jann Zappacosta and Heather Berry.

3.2 Early Establishment of Maitland

The first official survey of the Hunter region was conducted in 1801, under the direction of Governor King. The party, led by Lieutenant-Colonel Paterson, was instructed to examine and report back on the viability of the land along the Hunter River. While the 1801 survey documented the Parish of Gosforth as being thick with scrub and described as swampy, with the abundance of cedar, fertile soil and coal along the river, it was concluded that the area was ideal for settlement.¹ The land along the Hunter River was quickly reserved by the Government for these resources and, as a result, free settlement was slow to develop along these areas until 1820.

In 1818, Governor Macquarie relocated the Newcastle Penal settlement which had been established in in Maitland since 1801, to Port Macquarie. The need to expand the penal settlement enabled the development on the desirable and fertile land of Maitland. From 1820, Macquarie had begun to allocate large land grants to military personnel and prominent citizens based on their capital value and resources, conditional upon their improvements made to the land. This policy for subdivision was initiated by commissioner J.T Bigge and also included the use of convict labour on these estates.²

However, the introduction of these large estates to free settlers in 1822, primarily to military personnel and prominent citizens, established a strong mercantile and agricultural class. The accumulated wealth and success of the subsequent development in and around the Hunter region saw the gazettal of East and West Maitland in 1835. West Maitland encompassed an area referred to as Wallis Plains and includes the subject site and proposal.

3.3 Early Subdivision

3.3.1 Rutherford Estate

The subject site is located within the Parish of Gosforth in the County of Northumberland along the northern extent of the portion of land that was known as the Rutherford Estate, adjoined to the southern portion of Anambah Estate. The first recorded grantee for the Rutherford Estate was John Owen in 1822, however, after his death, Dr George Shaw Rutherford was granted the 2000 acres in 1828 (**Figure 5**). George Shaw Rutherford was the surgeon superintendent for the Royal Navy and worked on various convict ships to Australia between 1820 and 1830. In 1828, Rutherford applied to Governor Darling for a grant of land; the 2560 acres of land granted was officially gazetted in 1839.

For the most of his ownership of the grant, Rutherford was an absent landowner³. According to the 1851 UK census, he lived in Devonshire Street, Marylebone UK. Portions of the Rutherford Estate were

¹ Singleton 2010, 10; Thorpe 1994, 9.

² Singleton 2010, 10; Thorpe 1994, 9-15.

³ Singleton, 2010, 19.

leased out under 10 year contracts. Rutherford employed convict labour including a flax dresser, a painter etc., and, in 1832, he *'gave evidence at a parliamentary inquiry into the condition of convicts'*⁴.

The progressive subdivision of Rutherford's Estate is evident as early as 1844 (**Figure 6**). The economic recession of this period sought to attract tenant farmers to smaller land allotments of orchards, vineyards and poultry farms. Rutherford estate was rich in resources and illustrates the diverse nature of the development of West Maitland. There was a quarry to the south, paddocks, a race course and inn to the west and east. The 1844 map of Rutherford indicates the area which indicates the study area resides was set aside for cultivation abutting Anambah to the west and the Rutherford homestead complex built in 1834 to the east.

The success of the lease was conditional upon the tenant maintaining the buildings within the estate and the fence lines. In 1866, Rutherford sued the previous tenant, Jacob Gorrick for not complying with the terms of the agreement. Gorrick had been living at "Leitrim" (Rutherford Estate) from 1851, but had left the estate in such a dilapidated state that the current tenant, Robert Lindsay had to rebuild the homestead and outbuildings.

The Rutherford Estate remained largely run by tenant farmers until 1892 where a sale for the estate was advertised in the Maitland Mercury, highlighting the excellence of the land which the estate had to offer (**Figure 7**). Subdivision of the large estate encouraged small scale farming, predominantly in the southern portion of Rutherford which was subdivided into rural blocks utilising the land for maize crops, grazing and dairy⁵ (**Figure 8**). The northern portion focused on suburbanisation closer to Maitland's urban centre and continued to facilitate urban sprawl throughout the 20th century (**Figure 9**). These urban developments were underscored by their topographical features that made their land favourable.⁶

The land within the Parish of Gosforth was renowned for the rich alluvial plains and mineral resources. The first land divisions attracted small farmers of orchards, vineyards and poultry farms for their convenient sized blocks of farmable land. Later advertisements focused on the allure of country living in close proximity to a commercial area and developed township. Subdivision of the estate intensified along areas in close proximity to the railway line that intersected Maitland (**Figure 7**). The line connecting Maitland with Newcastle was opened in 1857. The railway line and main roads connected the commercial interests of the adjoining prosperous towns to Sydney.

⁴ Singleton 2010, 19.

⁵ Singleton 2010, 21.

⁶ Thorpe 1994, 21.

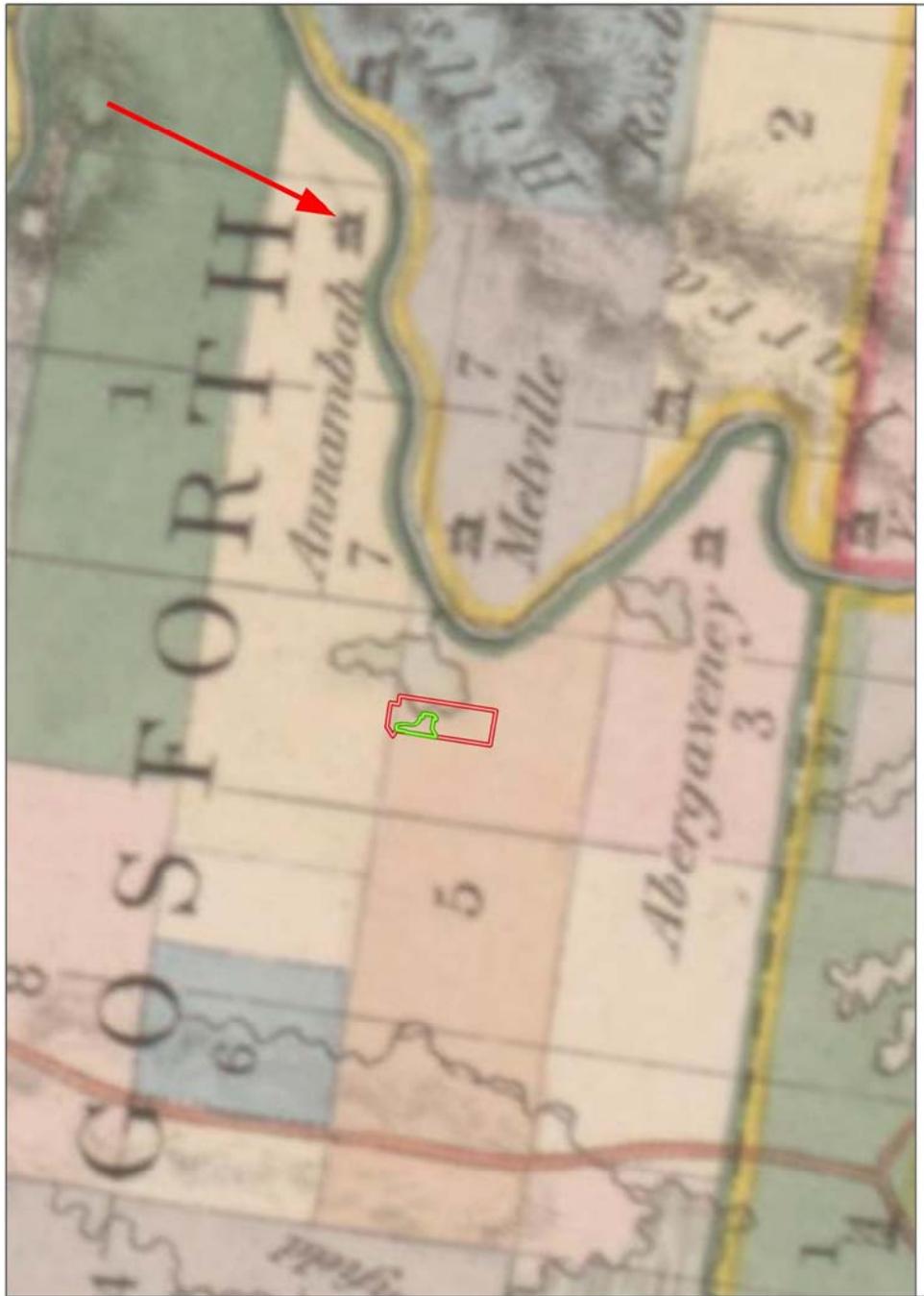


Figure 5 1828 map showing the subject site (outlined) and the original J Cobbs house (arrowed). (Source: "Map of the River Hunter, and its Branches". Trove. Accessed 13/02/2017)

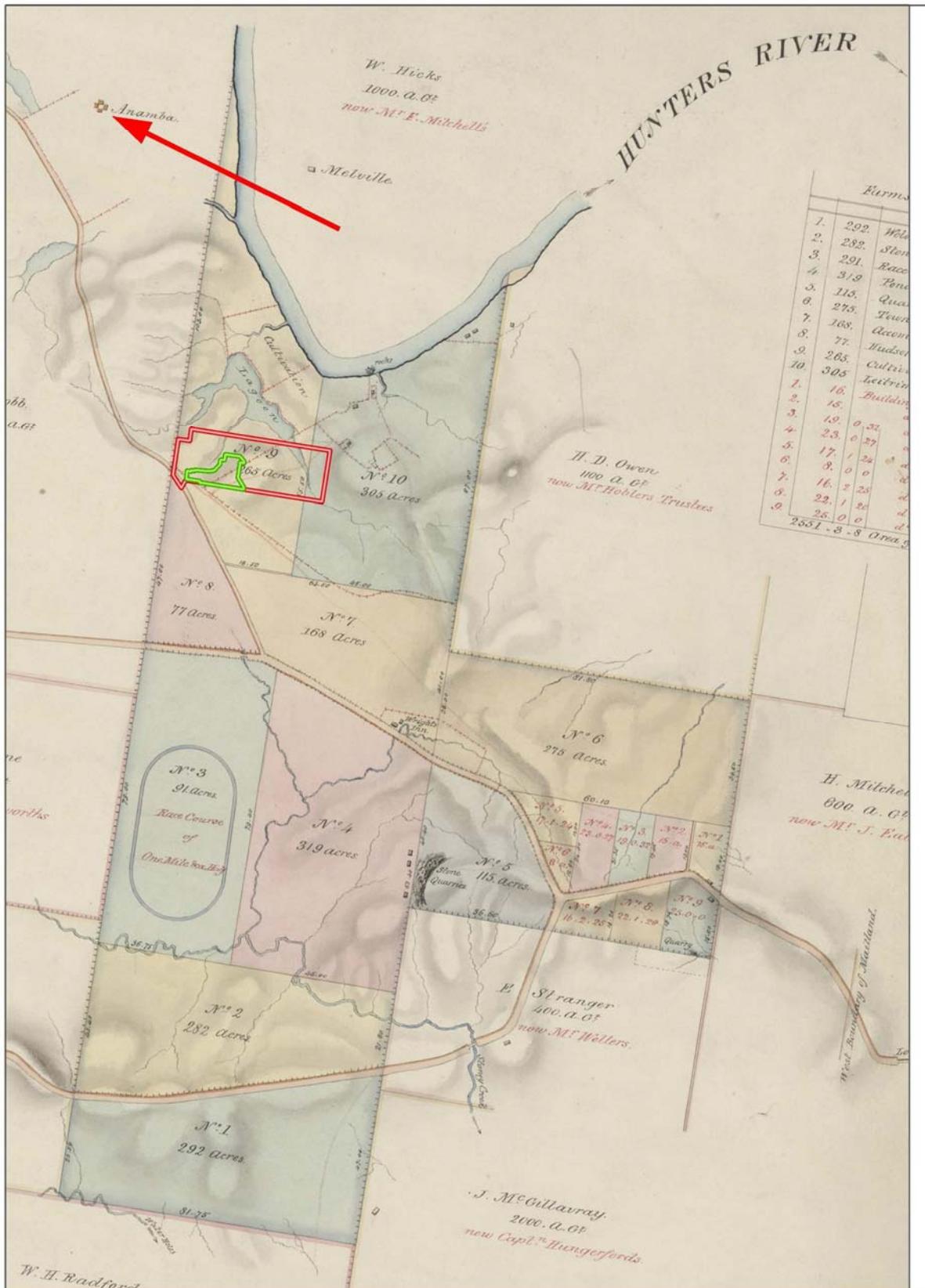


Figure 6 1844 Parish Map, showing the first subdivision of the Rutherford Estate. The location of the subject site within the large Rutherford Estate (shaded) is outlined in red. Immediately to the east of the study area is "Leitrim" (Rutherford Estate Homestead Complex). The original Cobb's House is visible (arrowed). The current Anambah House has not yet been built.
 (Source: "Leitrim Estate, Rutherford". Trove, accessed 13/02/2017)

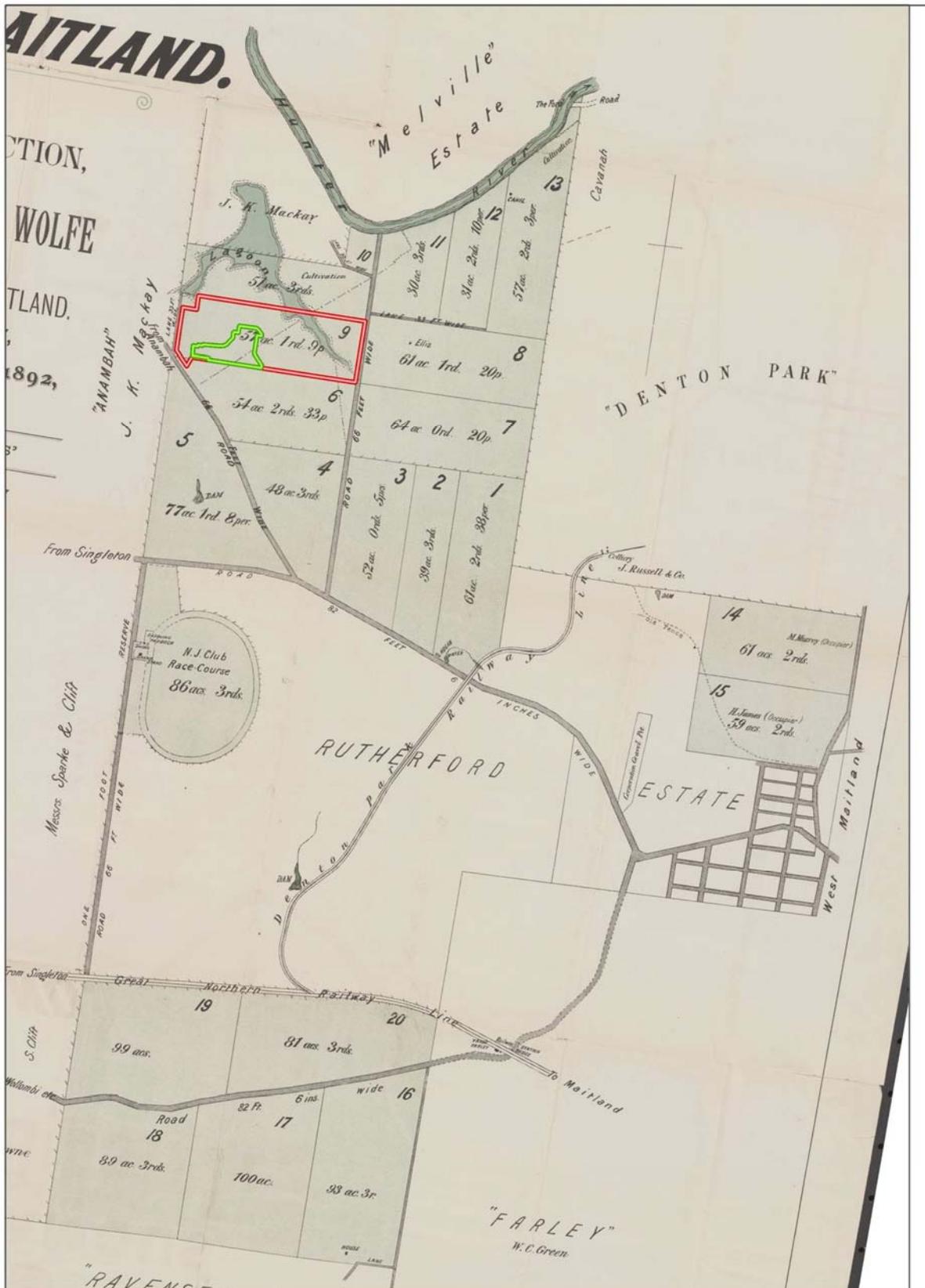


Figure 7 1892 advertisement for sale of subdivided Rutherford Estate in the Maitland Mercury. The subject site is indicated in red. The railway line connecting Maitland with Newcastle is located at the bottom of the image. (Source: "1892 Map of the Subdivision on Rutherford Estate, Trove. Accessed 13/02/2017)

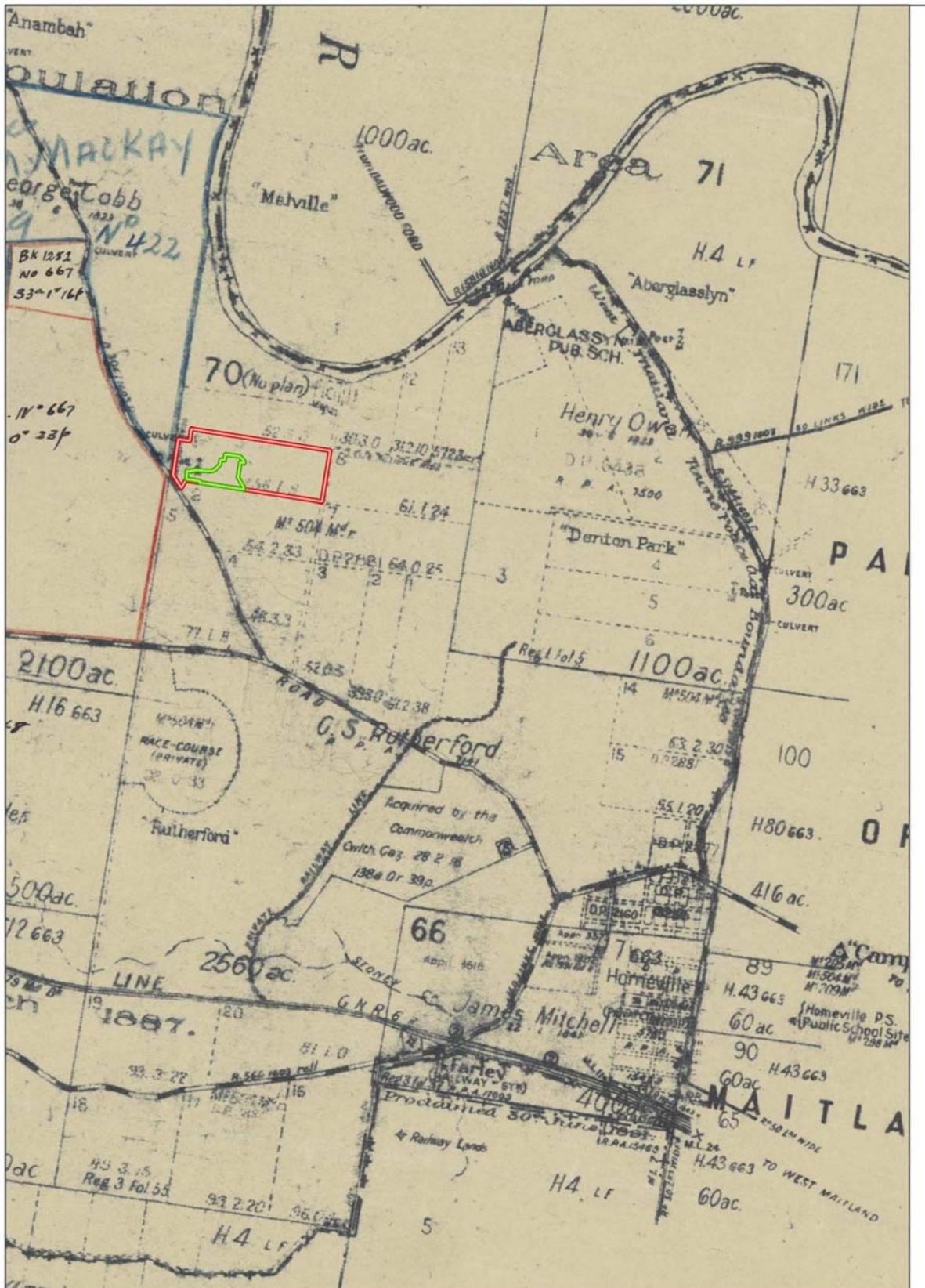


Figure 8 1926 map showing intensified development in the southern portion of Rutherford. The subject site is shown in red. (Source: Parish & Historical Maps, NSW Lands and Property Information, accessed 13/02/2017)



Figure 9 1958 aerial of Rutherford showing development south and north of the subject site. The subject site is indicated in red.

3.3.2 Anambah House

Anambah was the 2000 acres of land granted to George Cobb, upon his arrival from England aboard the ship, *Minstrel* in 1822. In a letter dated from July 31st 1821, the Colonial Secretary Office approves George Cobb's right to proceed as a free settler to any surveyed settlement of New South Wales.

The original Anambah House as occupied by Cobb was situated to the north of the current house site on a slight hill above a lagoon five kilometres north west of central Maitland. While the original grantee of Anambah was George Cobb, the property was left in the hands of his brother, John Cobb. John Cobb

was responsible for the improvements made to the land, which the grant was conditional upon. The former house is described by one newspaper advertising the estate in 1840 as:

The improvements made by the late Mr John Cobb, during his residence of twelve years on the property, are both extensive and useful. The building consists of a comfortable and neat verandah Cottage, containing eight rooms, with kitchen, laundry, nursery, dairy, barns, stable, couch-house, blacksmiths and carpenters shop, and other necessary buildings detached. Above one hundred acres of the ground is enclosed for tillage, and forty acres now in wheat. The remainder is grazing land of the best description, and well-watered; there is also a garden in the front of the house, stocked with choice fruit trees.⁷



Figure 10 Original Anambah House built by John Cobb. (Source: Heather Berry Personal Archives, 2017)

Anambah remained in the Cobb family until it was acquired by John Kenneth Mackay in 1871, the brother in-law of John Cobbs eldest son. Mackay, a wealthy grazier from Dungog, commissioned the architect JW Pender to design the homestead complex in 1889. Pender was a significant architect in the Hunter Region. The new homestead and associated out buildings and gardens were constructed on a rise to the south of the original building constructed by John Cobb.

Anambah House is a large two storey Victorian mansion of sandstone brick and hipped slate roof with verandahs on three sides, punctuated by two elaborately stuccoed bays. At the rear of the house is a courtyard enclosed on three sides by the main house, kitchen wing and servants room. The Courtyard is further enclosed in 1907 with a latter addition of a separate structure, the billiard room. The homestead complex also includes various other outbuildings, sheds, a garage, dairy and stables.

Mackay expanded Anambah's landholdings, mostly acquiring land to west of the original grant. By 1926 he had doubled the original landholdings. By c1890 he has also acquired the smaller parcel of land to the south-east of Anambah House where the lagoon is located.

⁷ "Anambah", The Colonist, Sydney, 17th September 1840. Accessed via Trove, 31/01/2017.

The use of the land for Anambah was primarily for grazing and cultivation. Anambah remained in Mackay family until 1930, where it then passed through a succession of owners and was subsequently subdivided many times.



Figure 11 Photograph of Anambah Homestead, 1908. Built by JW Pender. (Source: Heather Berry Personal Archives, 2017)



Figure 12 Anambah Stables, 1908. (Source: Heather Berry Personal Archives, 2017)

4 PHYSICAL DESCRIPTION

Extent Heritage carried out a physical assessment of both the subject site at 106 Anambah Road and Anambah House at 200 Anambah Road on 3rd February 2017. The analysis did not include a detailed investigation of all building fabric but involved a visual inspection of the properties and investigation into the general built form and landscape setting.

4.1 Subject Site

The Subject Site at 106 Anambah Road is a relatively flat, open, grassed area that slopes downward to the north. It is fenced in places and appears to be in use for grazing. It is adjacent to an existing residential development on the southern boundary and is above the lagoon to the north. A modern shed made of corrugated iron is roughly located in the centre of the subject site. The site shows evidence of recent disturbance in several isolated areas, for the purpose of geotechnical and environmental testing.



Figure 13 Subject Site looking west



Figure 14 Subject Site looking east



Figure 15 Subject Site looking south



Figure 16 *View to south-west from Subject Site*



Figure 17 *View to north west from Subject Site*



Figure 18 View to north from Subject Site

4.2 Anambah House

4.2.1 Buildings and Garden

The Anambah complex comprises the main homestead and a number of ancillary buildings, surrounded by gardens. The significant structures and features of the property are contained within the garden boundary. The diagram below provides an indicative layout of the key features as they were c1980 (Figure 19). This remains broadly accurate, with the main changes since then being to the pattern of site use, with the circular driveway no longer in use and entry now being from the west side, south of the stables.

The house is a large, two storey Victorian grazier's mansion of sandstock brick and hipped slate roof with verandahs on three sides, punctuated by two elaborately stuccoed bays. At the rear is a courtyard enclosed on three sides by the main house, kitchen wing and servants' rooms and on the fourth side by the later (1906) billiard room.

The house and associated buildings are set within gardens. The front garden has a simplified late 19th century layout. It is defined by its enclosing hedges and is dominated by the carriage loop, mature silky oaks, jacarandas, araucarias and brachychitons. More recent additions are tallow trees. To the rear of the house are mature figs, stone pines and African olives.

The house is set at the top of a rise and, beyond the garden, the land falls away to the Hunter River in the east, the small tributary creek to the north (and hills beyond this) and the lagoon to the south. The natural landscapes and paddocks retain the house site in a rural agricultural context, reflecting Anambah's previous large land holdings.

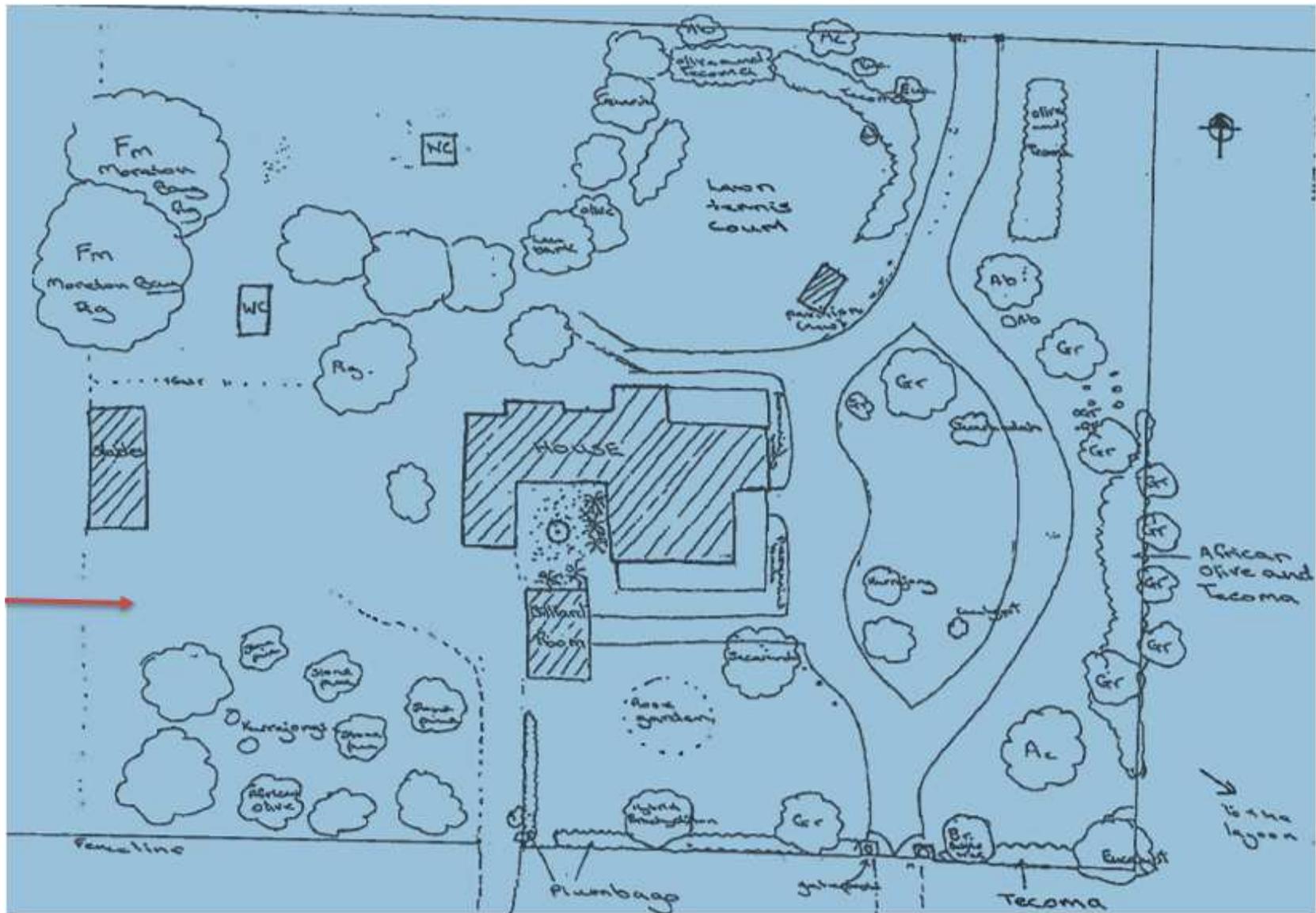


Figure 19 Sketch plan indicating layout of Anambah House and gardens. Red arrow indicates current access point (Source: National Trust listing, 1983)



Figure 20 *Anambah House (east elevation)*



Figure 21 *Anambah House (north elevation) and outhouses (centre) and stables building (far right)*



Figure 22 *Internal courtyard, billiards room (centre back) and servant's quarters (right)*



Figure 23 *Servants quarters (left), main house (centre) and billiards room (right)*



Figure 24 *Grounds and gardens to north-east of house*



Figure 25 *Hedge border and mature trees enclosing house*



Figure 26 *Rural setting to north of garden perimeter*



Figure 27 *Lagoon located to south-west of house*

5 HERITAGE SIGNIFICANCE – ANAMBAH HOUSE

5.1 Assessment of Heritage Significance

Heritage or 'cultural' significance is defined in the 'Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter)' as:

'Aesthetic, historic, scientific, social or spiritual value for past, present and future generations'.

Setting out the cultural significance of a place assists in identifying what aspects of the place contribute to that significance and the relative contribution of the various elements of the place to that significance. An understanding of the significance of the place is crucial to its management in providing guidance for future work and to ensure the significance is retained.

5.1.1 Previous Significance Assessments

The following statement of heritage significance is provided from the SHR listing for Anambah House.

Anambah House with its house, billiard room, stables and gardens form a complete and intact example of a prosperous late 19th century graziers homestead. It is an important relic of the great agricultural heritage of the lower Hunter, now passing into history with the onset of the resources boom. The house is also significant as a major example of the work of J.W.Pender an important architect of the Hunter region.

5.1.2 Assessment Criteria

The N.S.W. Heritage Manual (1996, amended 2001) was developed by the Heritage Office and former N.S.W. Department of Urban Affairs and Planning to provide the basis for an assessment of heritage significance of an item or place. This is achieved by evaluating the place or item's significance in reference to specific criteria, which can be applied at a national, state or local level. These eight criteria are provided below and are applied to Anambah House to identify and express the heritage significance of the site.

Criterion (a) An item is important in the course, or pattern, of the cultural or natural history of the Australian, NSW or local area.

Anambah is historically significant as part of the early wave of subdivision of the area along the Hunter River near Maitland in the 1820s. It reflects the government policies structured towards the agricultural development of the colony by private settlers in the Hunter region between 1820 and 1850. The house and gardens are significant as an intact example of a prosperous late 19th century grazier's homestead.

Criterion (b) An item has a strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history.

Anambah House is significant for its associations with John Wiltshire Pender, who was an important architect in Hunter region and who was responsible for a number of other buildings in the area.

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

The homestead is aesthetically significant as an example of late 19th century Victorian grazier's mansion, which displays elaborate detail in design, materials, finishes and features. Responsive to the local topography, the house site is set at the top of a rise and surrounded by well-established gardens and trees. It retains its rural setting with picturesque views.

Criterion (d) An item has a strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.

N/A

Criterion (e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history.

The Anambah House site has been in constant use since its development in the late nineteenth century, including various modifications such as introduction of a new driveway, expansion of the garden, establishment of the vineyard and upgrades of the residence. Ample records of the historical development of the Anambah House site exist – photographic, written and oral, and therefore any archaeological features that may still survive within the House complex would have limited research potential. However, archaeological remains of the original Anambah House site, built by John Cobbs and located north of the extant Anambah House complex, would have high research potential for their ability to provide important information about early European settlers of the Hunter region, their lifeways and practices. The level of preservation of surviving archaeological remains of the original J Cobb's House is presumably high and, as such, would allow for legible interpretation of its past that would contribute to a better understanding of the settlement pattern in the Hunter region.

Criterion (f) An item possesses uncommon, rare or endangered aspects of NSWs cultural or natural history.

Anambah has been identified as one of seventeen remaining pre-1850s estates within the Maitland region.⁸ (It is noted, however, that, while the Anambah subdivision dates to pre-1850s, the current homestead was not constructed until the 1890s).

Criterion (g) An item is important in demonstrating the principal characteristics of a class of Australia's, NSWs or a local area's: Cultural or natural places; or Cultural or natural environments.

The complex with its homestead in proximity to the river, outbuildings within the immediate vicinity of the homestead, gardens, marker trees and agricultural land, is representative of 19th century Hunter Region estates.

5.1.3 Statement of Significance

An updated Statement of Significance for Anambah is provided below:

Anambah is historically significant as part of the early European settlement and original subdivision of the Hunter Region in the 1820s and reflects the primary use of the land for agricultural purposes through the 19th century. The homestead is aesthetically significant for its grand design, materials and workmanship, as well as its siting that takes advantage of the surrounding topography and views. The garden contributes to the aesthetic values of the site and provides the immediate setting for the homestead within its wider context of rural farmlands. There are significant views from the house to the north and the east, as well as to the lagoon in the south-east. Anambah is associated with important local architect JW Pender, who designed the house for the wealthy grazier KM Mackay in the 1890s. Anambah, with its complex including gardens, servant's quarters and outbuildings, set within a rural agricultural landscape, is representative of 19th century Hunter Region estates.

⁸ *Hunter Estates – Comparative Heritage Study* (2013) Clive Lucas, Stapleton & Partners Pty Ltd

6 VIEW ANALYSIS – ANAMBAH HOUSE

6.1 View Capture

The view capture of Anambah is bounded by the surrounding natural topography. It is located on a rise within a basin that is visually bounded by the mountains to the north, the hills rising from the west side of the Hunter River, the gentle rise to the south after moving through the open area and the low point containing the lagoon. The south-west and western aspect is restricted to the immediate house surrounds by the associated outbuildings in this area and the neighbouring residence, as well as the mature vegetation and the flat topography of the land, resulting in no significant views in this direction.

6.2 Historic and Current Viewsheds

The house is sited and designed to capture views on three sides: to the mountains in the north, down to the lagoon and fields to the south and towards the river in the east (though the river itself is not visible). Architecturally designed, the grand house overlooking an expansive landholding reflects the original occupant's position of wealth and an industry based on land use. The two prominent bay windows, to the north and east, provided framed views across the surrounding lands, especially from the first floor, while the main balcony was positioned on the south and east sides, presumably to view arrivals approaching down the former driveway.

Reflecting the house design and natural view capture, three main historic long-range viewsheds have been identified. They are described below, with reference to both their historic and current states, and shown in Figure 28.

EXTENT

**HERITAGE ADVISORS
TO AUSTRALIA AND
THE ASIA PACIFIC**

Incorporating AHMS and Futurepast

-  Development area
-  Anambah House
-  Anambah House gardens
-  Viewshed 1
-  Viewshed 2
-  Viewshed 3
-  Compass directions

Drawn by: Tom Sapienza
Checked by: Ruth Berendt
Date: 10 February 2017
Projection: GDA 1994 MGA Zone 56
Data sources: Extent, NearMap

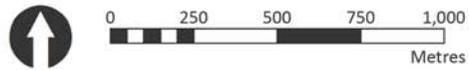


Figure 28 Anambah House – Historic Viewshed Diagram

Viewshed 1: From Anambah to the north-west, north and north-east

This outlook is one of the main vistas from Anambah. It is significant as the most impressive view from the property, with a long-range outlook that captures the grazing paddocks in the foreground along with the gentle mountains in the distance. The view is also important historically for reflecting the intent of the house design and garden layout and for overlooking Anambah's former extensive landholdings to the north and north-west. The view remains highly intact as a predominantly natural outlook with continued use for grazing and no built development visible. Views are accessed from inside the house on both levels, as well as from the garden and outside the garden perimeter.



Figure 29 *View to north from outside garden perimeter*



Figure 30 *View north-west from outside garden perimeter*



Figure 31 *View to north-east from outside garden perimeter*



Figure 32 *Vista to north-west from within garden, framed by mature fig trees*



Figure 33 *North façade of the house showing viewlines from the house to the north through openings in the garden plantings*

Viewshed 2: From Anambah to the east towards the Hunter River

This aspect forms another outlook of the house, historically important as indicated by the bay window, as well as being the arrival point from the former driveway. The views in this direction are partially enclosed by a row of mature tree plantings. Outside this tree boundary is a medium-range view as it is bounded by the rise on the west side of the Hunter River. While some rural residences are visible on the west side of the river, they do not significantly detract from the view, which remains largely intact as a rural vista of fenced paddocks marked by mature trees along the river and the rise beyond it.

While the area east towards the river was not part of the original Cobb landholdings, it was acquired by John Mackay by c1890 and so has been part of the Anambah property since the construction of the current homestead.



Figure 34 *View north-east from outside garden perimeter towards Hunter River*



Figure 35 *View east through ground floor bay window*



Figure 36 View south-east from first floor balcony, showing circular driveway and row of trees

Viewshed 3: From Anambah to the south-east and south

Another historic outlook is to the south-east and south, which takes in the cleared paddocks sloping down to a low point at the lagoon and rising again to some low hills on the other side. A verandah wraps around the south-east corner of the house, historically allowing views towards this aspect. This viewshed is historically significant for establishing the visual relationship between Anambah and the lagoon and as an oversight to the former driveway approach and entrance gates at the south side.

Most of this view area was originally part of the Rutherford Estate, with the Anambah property boundary originally running parallel to the former driveway and excluding the lagoon. Mackay did extend the landholdings to include a portion of the lagoon, though it is now no longer part of the Anambah grounds, having been subdivided and sold.

The integrity of the long-range views in this direction have been impacted by large areas of modern residential development to the south and south-east. As well, with subdivision of the land, the former driveway is no longer in use and the access has been relocated to a driveway in the west. This has altered the land use in this area, with the establishment of vineyards and, partially in response to the residential developments, vegetation screening has been established. This change in site use and corresponding tree plantings means that the view is no longer prominent in this direction from the house and gardens. Short-range views to the lagoon from the grounds are intact.



Figure 37 *Historic view to south west showing the lagoon (1909)*



Figure 38 *View to south-west, from outside the garden perimeter, showing lagoon and modern residential developments*



Figure 39 *View to south-west and south, showing tree screening (right)*



Figure 40 View to the south-west and south from first level balcony



Figure 41 View to south-west showing current driveway and vegetation

6.3 Grading of Significant Views

Based on the analysis of the historic and current viewsheds above, areas within the viewsheds have been graded as Primary or Secondary Views.

Primary Views are of high significance and contribute directly to the heritage significance of Anambah House.

Secondary Views may also contribute to heritage significance, but are of Moderate or Low value.

The grading of views in this manner recognises that views cannot necessarily be bounded by a physical line; however, it attempts to capture the immediate vistas that make an essential contribution to the houses intended design, outlook and setting.

The grading of views is shown on Figure 42.

EXTENT

**HERITAGE ADVISORS
TO AUSTRALIA AND
THE ASIA PACIFIC**
Incorporating AHMS and Futurepast

- Subject site
- Development area
- Anambah House
- Anambah House gardens
- Viewshed 1
- Viewshed 2
- Viewshed 3
- Primary views
- Secondary views
- Compass directions

Drawn by: Tom Sapienza
 Checked by: Ruth Berendt
 Date: 20 February 2017
 Projection: GDA 1994 MGA Zone 56
 Data sources: Extent, NearMap

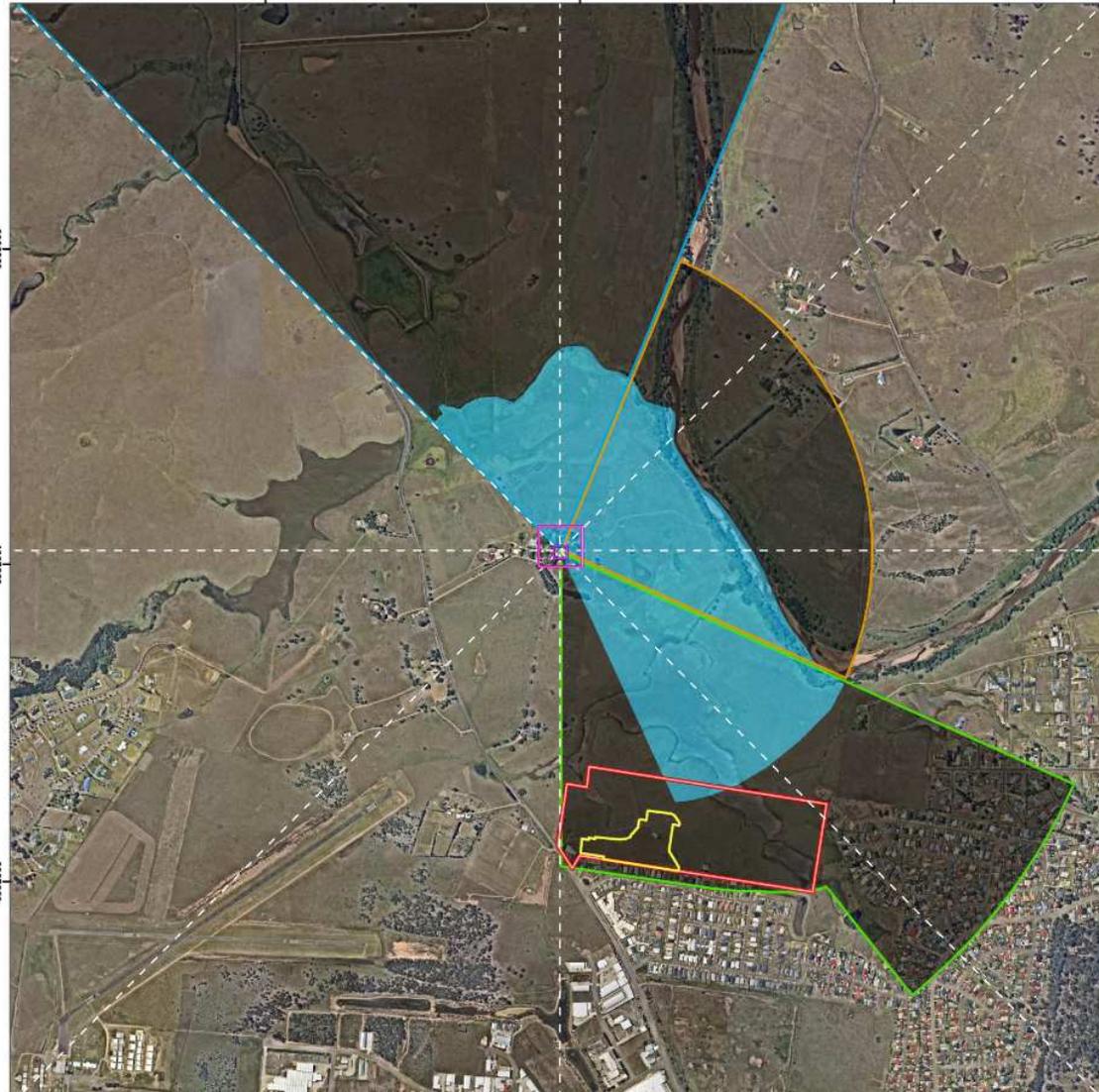
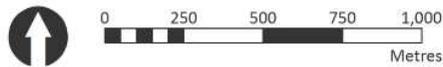


Figure 42 Plan showing Grading of Significant Views

7 CURTILAGE ANALYSIS – ANAMBAH HOUSE

7.1 Heritage Curtilage

Heritage curtilages are used to interpret the significance of heritage items. A curtilage should contain the significant physical evidence, as well as provide a visual and aesthetic context for the material.

Heritage curtilage is defined in the NSW Heritage Office's *Heritage Curtilages* as “the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance”.⁹

Therefore, defining a ‘curtilage’ for any heritage building or place must not only consider the physical needs of access and operation but, where visual qualities (either inward or outward) are important to the nature of heritage significance, the curtilage must include sufficient area of land to enable those visual qualities to be appreciated or understood.

7.2 Types of Heritage Curtilage

The NSW Heritage Office identifies four types of heritage curtilage:

1. Lot Boundary Heritage Curtilage

This is the most common type of heritage curtilage and comprises the boundary of the property containing the item/s.

2. Reduced Heritage Curtilage

Reduced heritage curtilage is *less than the lot boundary* of the property. It arises when the significance of the item may not relate to the total lot but to a lesser area and is often only defined when development occurs. The challenge is to identify the heritage curtilage which is sufficient to maintain the property's heritage significance.

3. Expanded Heritage Curtilage

There may be circumstances where the heritage curtilage may need to be *greater than the property boundary*. This is referred to as an expanded heritage curtilage. In defining an expanded heritage curtilage, the prominent observation points from which the item can be viewed, interpreted and appreciated are identified. Depending on the topography, an expanded curtilage may be required to protect the landscape setting or visual catchment of a heritage item.

4. Composite Heritage Curtilage

This type of curtilage is generally applied to a precinct or conservation area. It defines the boundaries of land required to identify and maintain the heritage significance of a historic district, village or suburban precinct.

⁹ *Heritage Curtilages* (1996) Heritage Office and Department of Urban Affairs & Planning.

7.3 Current Heritage Curtilage

Anambah has a number of existing heritage curtilages that have been established as part of the heritage listings for the site. The current statutory curtilages are described below and shown in Figure 43 along with the current lot boundary, which is labelled as Lot 721, DP1191240.

- **NSW State Heritage Register**

The SHR listing provides a curtilage map that defines the boundary of the listing. This boundary is smaller than the current lot boundary and is therefore a ‘reduced’ heritage curtilage. It also states the property to be defined as Part Lot 70, DP714785, which appears to be incorrect or out of date.

- **Maitland LEP 2011 – Heritage Schedule**

Maitland LEP lists the property as being: *Anambah House, 200 Anambah Road*. It also uses the apparently incorrect property description of Lot 70, DP 714785. The formal LEP listing map includes the area of the house and gardens only and does not include the surrounding land.

While not holding any statutory standing, the National Trust listing for Anambah also provides a suggested heritage curtilage:

- **National Trust of NSW (non-statutory)**

The National Trust listing provides a written curtilage description as follows:

To be bounded by the Hunter River on the east side, the lagoon and outlet on the south side, the road on the west side and the creek on the north side.

This is a curtilage that captures the house, gardens and an area of approximately 500m around the house in all directions, thereby being a curtilage that extends beyond the current property boundary, creating an ‘extended’ heritage curtilage.

EXTENT

**HERITAGE ADVISORS
TO AUSTRALIA AND
THE ASIA PACIFIC**
Incorporating AHMS and Futurepast

-  DP 1191240
-  Anambah House LEP curtilage
-  Anambah House State Heritage Register curtilage

Drawn by: Tom Sapienza
Checked by: Al Williams
Date: 8 February 2017
Projection: GDA 1994 MGA Zone 56
Data sources: Extent, Maitland City Council, NearMap,
NSW Environment & Heritage, NSW LPI

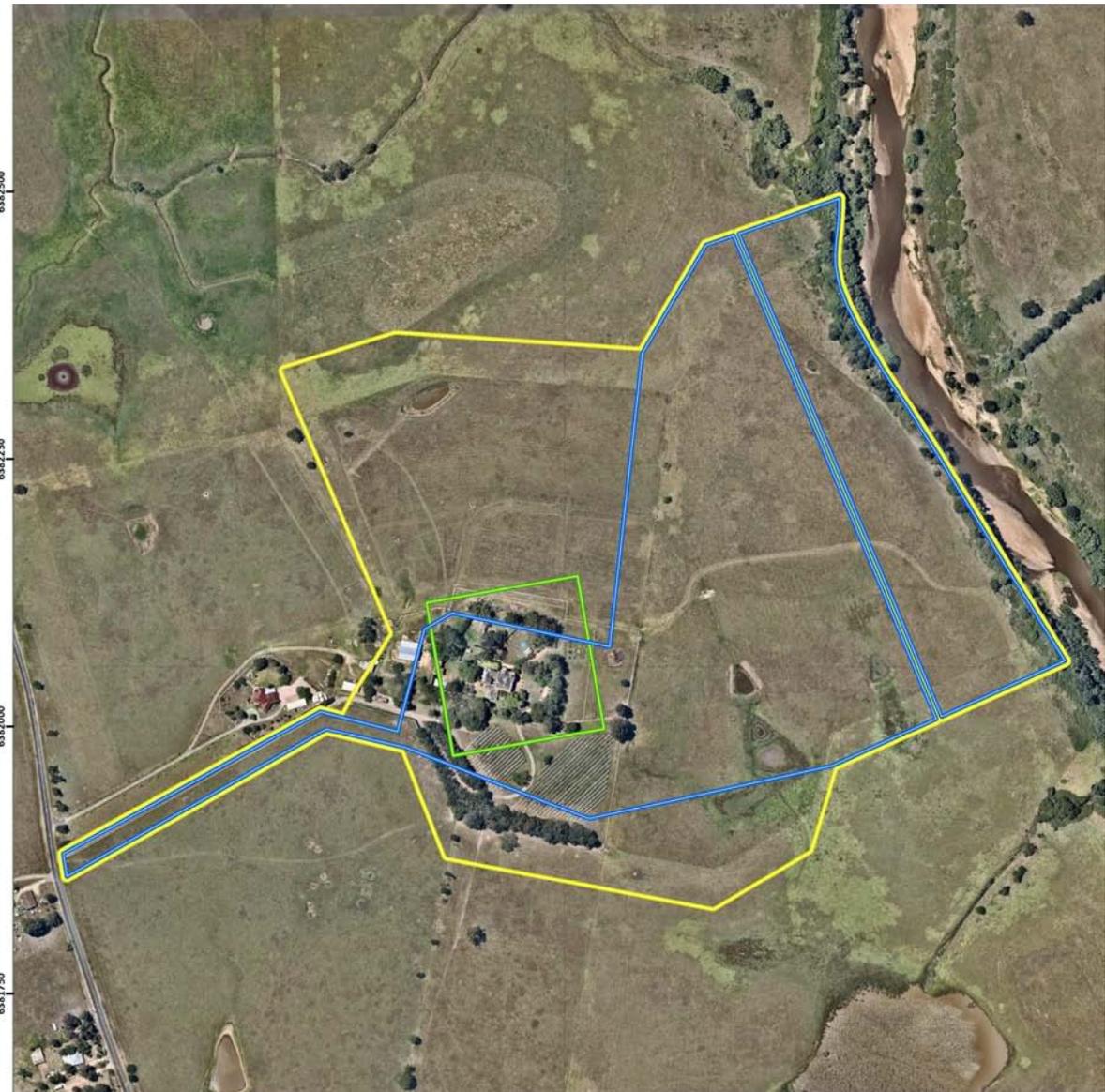


Figure 43 Plan showing existing lot boundary (yellow), LEP (green) and SHR (blue) listing boundaries.

7.4 Curtilage Analysis

7.4.1 Significant Features

The remaining significant features at Anambah are described in Section 4.2 of this report and include the homestead and associated structures, as well as the surrounding gardens.

While remains of the former driveway are physically indicated by tree plantings, it has been disconnected at both ends and subsequent changes to the site use pattern have resulted in a loss of relationship between this item and the house site.

7.4.2 Historical Design

The house was designed by prominent local architect JW Pender. It is set on a rise within the low-lying area west of the Hunter River, to take advantage of the surrounding picturesque views and to allow survey of the pastoral lands. The house has been designed to provide views on three sides, with large windows to the north and east sides, as well as verandas to all three sides, historically allowing views from the residence in these directions. While a garden layout is not shown in the original drawings, the house has been surrounded by a garden, which provides a feeling of enclosure and creates a barrier around the immediate house grounds.

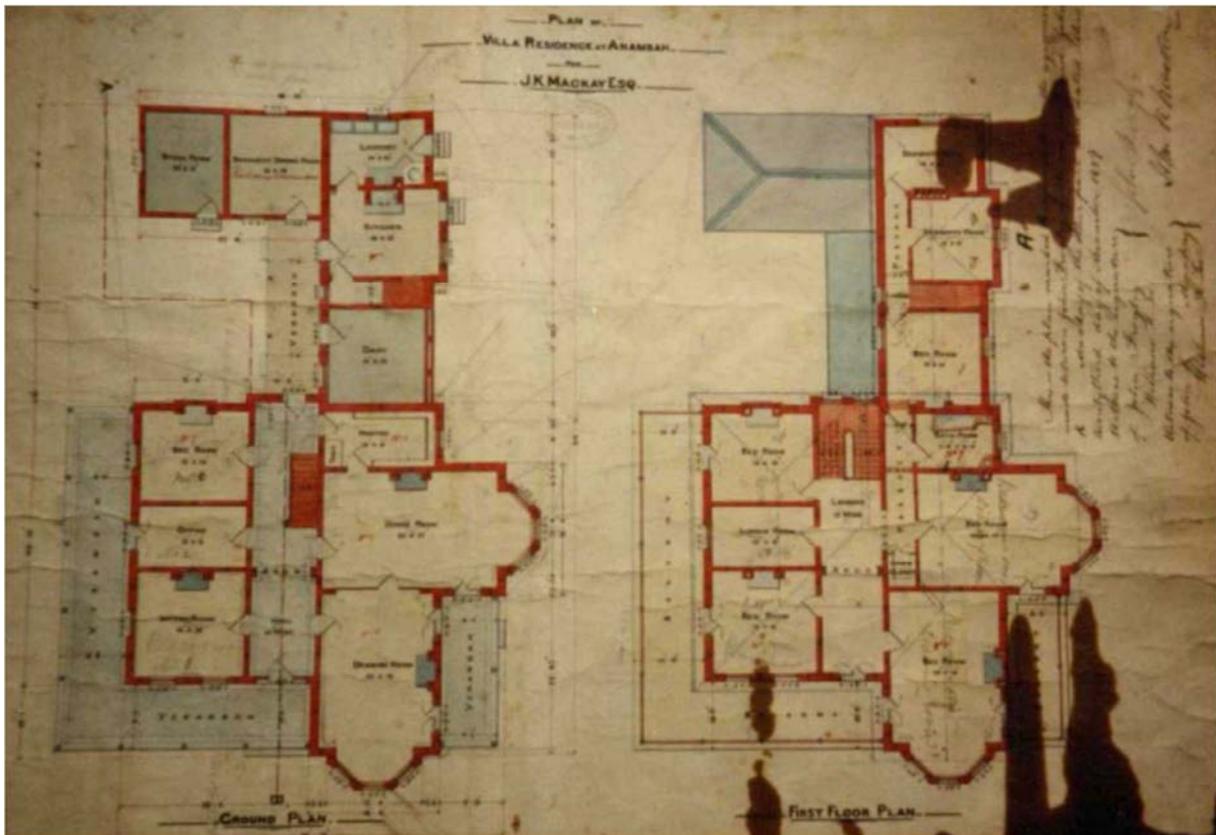


Figure 44 Plans for Anambah homestead, showing windows and balconies positioned for views to the south, east and north and servant's quarters to the west.



Figure 45 *Anambah House (c1909). East elevation.*



Figure 46 *Anambah House (c1909). North elevation.*



Figure 47 *Anambah House (c1909). East side showing carriage loop and gardens*

7.4.3 Context and Setting

Anambah's immediate setting is its garden, which provides a border around the house complex. Perimeter hedging and rows of mature trees provide a barrier around the house and form its most immediate context.

Beyond this (<500m), Anambah is located in a rural agricultural setting characterised by mostly open paddocks and cleared land. A new residence has been constructed to the west of the property along the driveway.

Anambah's wider context (500-1000m) includes the Hunter River towards the east, which forms a natural boundary to the property, a small creek to the north and the lagoon to the south. It remains mostly agricultural lands, though to the west is Anambah Road and some residential dwellings.

At its furthest extent, (1000-1500m) Anambah's setting is the surrounding hills to the north, east and south. Within this range however, modern residential development begins and is in view in the south-west. The north remains free of built structures and rises into small mountains and the vegetation thickens to bush.

The aerial photograph below (Figure 48) indicates the current context and setting of the homestead.

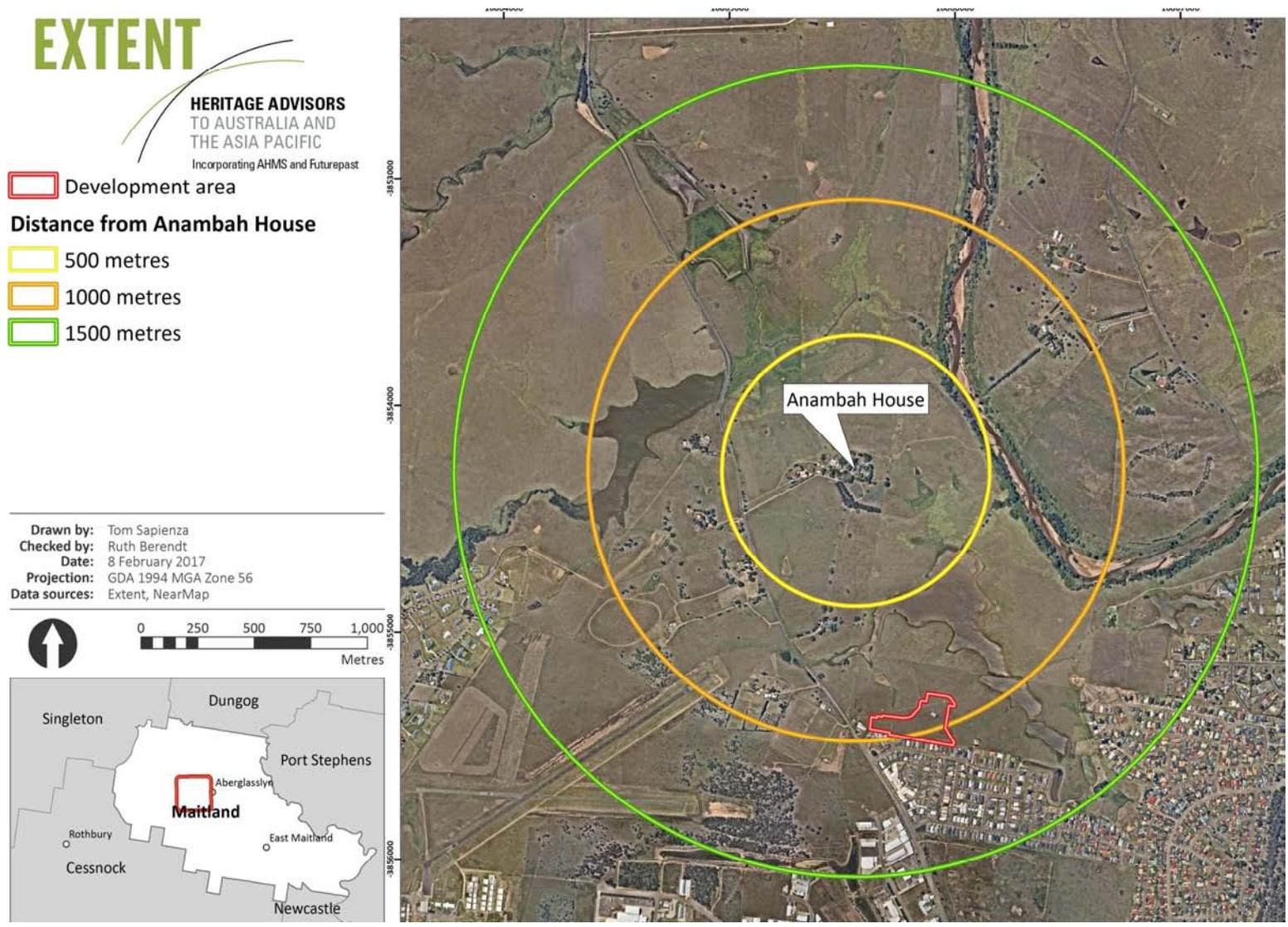


Figure 48 Aerial photograph (2017) of Anambah House showing nature of current context and setting

7.4.4 Views

Views from Anambah

Refer to *Section 6: View Analysis – Anambah House* of this report for discussion of significant views from Anambah.

Views to Anambah

Being situated on a rise, the site of the homestead is able to be seen for a long distance, from the south and north sides in particular. However, the homestead itself is not visible on the south side due to the surrounding mature and screening vegetation which, from a distance, while marking the location of the site, is not particularly visually distinctive. From the north, clearer views are available and afford visual appreciation of the grandeur of the homestead. Views from the east are somewhat obscured by vegetation and the topography which slopes downwards towards the river.



Figure 49 View to Anambah from the south, the house site indicated by the trees to the right on the ridgeline

7.4.5 Historic Development & Subdivision

Early settlers were accommodated on the land within the grid pattern laid down by survey in the early 1820s over the whole of the region. This resulted in a distinct uniformity in the shape of the Hunter Region land grants. The land was also divided to provide equality in frontage to the river.¹⁰

The original 1823 Anambah land grant to Cobb covered an area of 2100 acres.¹¹ This land was a long oblong shape running north-south between the Hunter River and the Main Northern Road. After the property was acquired by Mackay in 1871, the Anambah lands increased to some 5000 acres¹², with

¹⁰ *Hunter Estates – Comparative Heritage Study* (2013) Clive Lucas, Stapleton & Partners Pty Ltd

¹¹ *Anambah – A Brief History 1823-2011* (Heather Berry) Maitland and District Historical Society Inc, Bulletin: Vol. 23, no. 2, May 2016

¹² *Anambah – A Brief History 1823-2011* (Heather Berry) Maitland and District Historical Society Inc, Bulletin: Vol. 23, no. 2, May 2016

large areas of land progressively acquired to the west of the original grant, as well as a smaller portion to the south-east of Anambah House fronting the Hunter River (Figure 50).

Since Mackay's death in the c1920s, the Anambah lands have been progressively subdivided such that the area of land now owned in association with the house is substantially smaller. It does not represent the original Cobb grant and only a very small portion of the once extensive Mackay land (Figure 51).

However, despite the current ownership division, the land to the north, east and south retains a physical and visual connection to the house site and remains as a historic rural agricultural landscape.

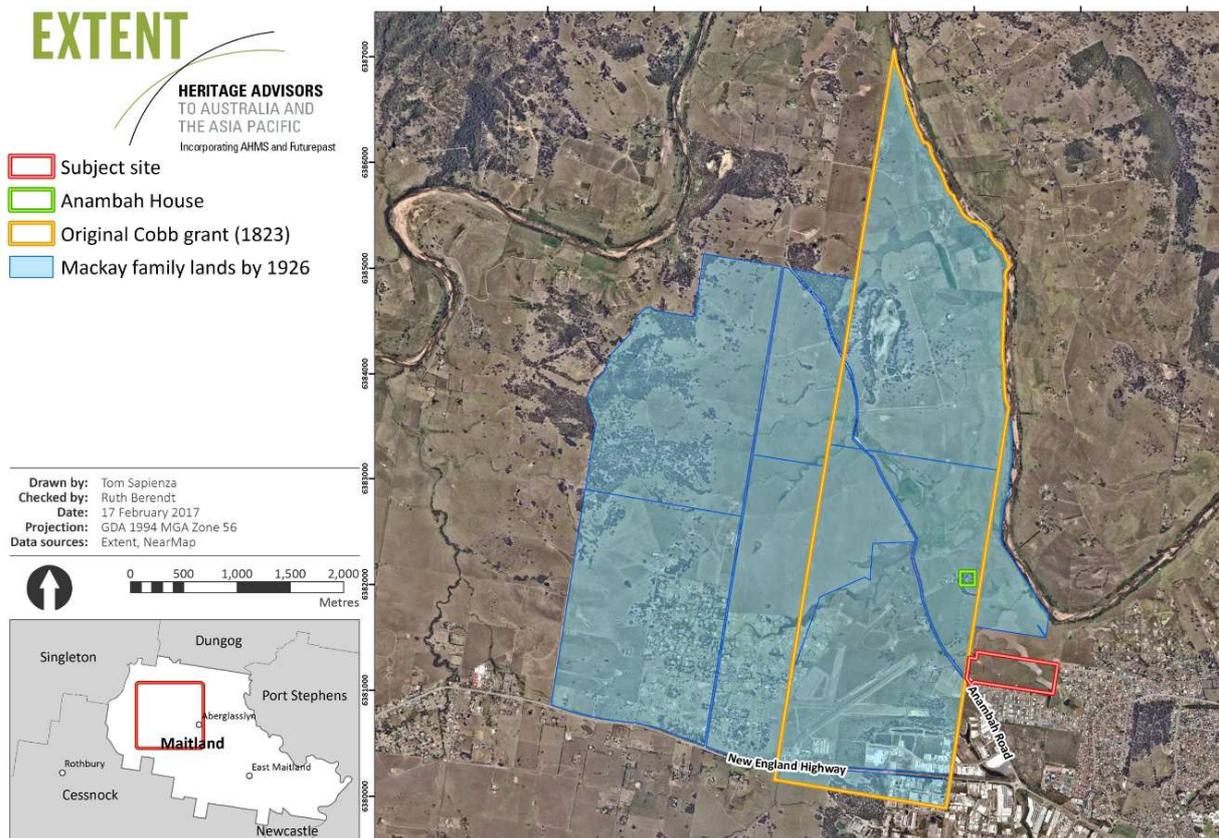


Figure 50 Map showing history of Anambah subdivision to 1926.

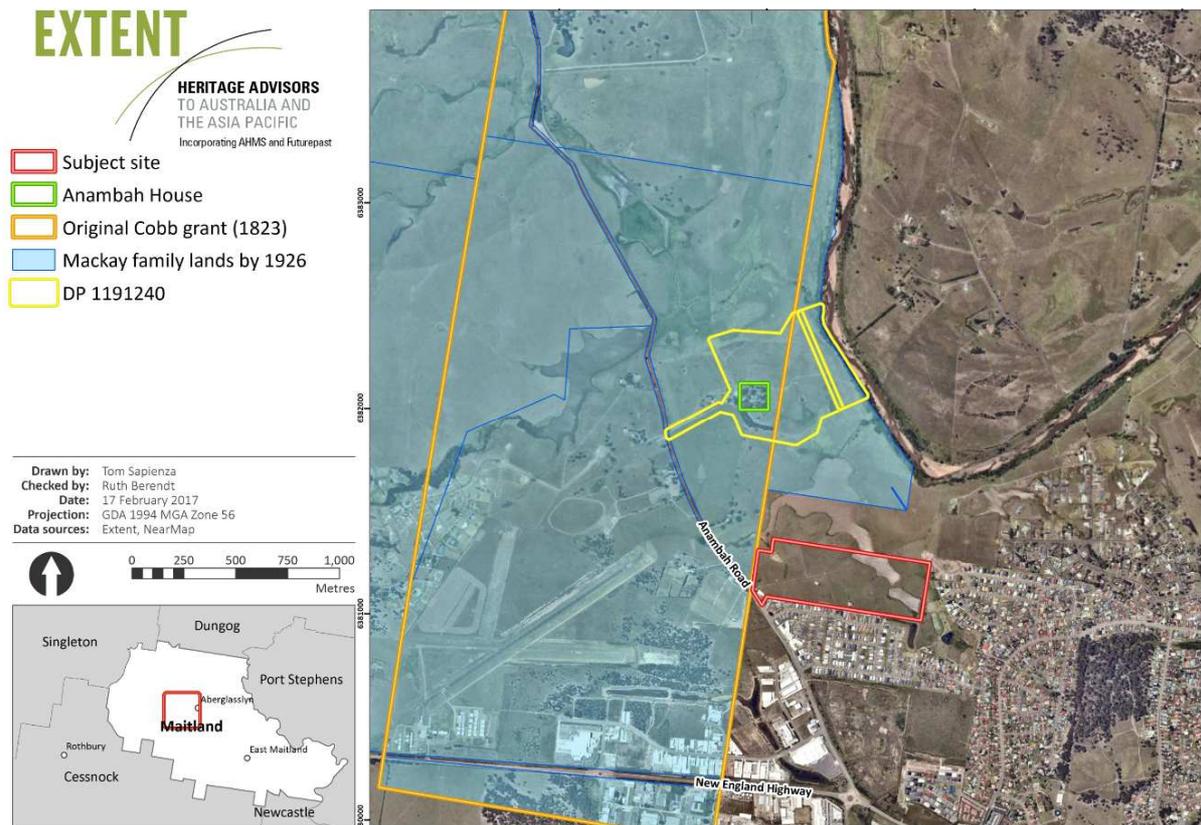


Figure 51 Map showing historic land ownership with current Anambah property boundary

7.4.6 Functional Uses and Relationships

The former driveway to Anambah House from Anambah Road was located approximately 200m south of the current driveway. It travelled in a north-west direction from Anambah Road to the homestead, in a mostly straight alignment. The driveway was lined with tree plantings, some of which still remain and provide a physical marker of the previous driveway location. Arriving at the house along the driveway from this approach meant travelling alongside the lagoon, with views of it to the east, and approaching from the south side of the house through the formal entry gates and into the carriage loop and gardens located on the east side of the house.

Due to subdivision of the property, this former driveway is no longer in use for access to Anambah. Instead, a more direct east-west alignment has been established from the main road further north. While the entry gates, circular carriageway and eastern garden remain, the house is now approached informally from the new driveway on the west side.

While there is an indication of the alignment of the former driveway, it has lost its physical links to the property with a new residence at the southern end and landscaping, including mature trees and vineyards, at the northern end. This part of the property has also been subdivided and so is no longer associated by ownership.



Figure 52 Aerial photograph of Anambah property (1958), red arrow indicating the location of the original driveway, lined with trees.



Figure 53 Current aerial photograph (2017) showing former driveway alignment and plantings (red line), now isolated by new residence at south end and vegetation at north end.



Figure 54 Former arrival gates and driveway (right)

7.4.7 Summary of Findings

The curtilage analysis has made the following findings:

- The current heritage curtilages as defined by the SHR listing and LEP are not the same. They both reference out of date property descriptions. Neither represents the current property lot boundary but form reduced curtilages.
- The key significant features of the site are gathered within the area of the homestead and bounded by the gardens. Significant features include the homestead, associated buildings and gardens.
- The gardens which enclose the house form the primary and immediate house setting, with the rural agricultural lands surrounding the house and gardens contributing to its wider context and historical setting.
- The original Cobb lands and later the Mackay acquisitions fall mostly to the west and north of the house site. The area of the Subject Site was part of the Rutherford Estate and has not historically formed part of the Anambah lands.
- The current Anambah subdivision is considerably reduced and distorted in form from the original land holdings. It does, however, partially reflect the historic subdivision of the Mackay era by retaining the frontage to the Hunter River in the east and a portion of the agricultural land to the north.
- The primary historic views from Anambah are to the north, east and south. The house site has been positioned on the rise to take advantage of the views over the farmlands within the surrounding visual catchment. The house has been designed to take in significant vistas through large windows, as well as from the balcony and the surrounding gardens and grounds.
- Current views from the house are now partially enclosed by the perimeter garden plantings and trees, especially to the south where active tree screen planting has occurred.

- Significant views to the north and east remain intact as rural farmland vistas surrounded by hills.
- Long-range views to the south and south-west have been significantly impacted by subdivision and residential developments.
- The house does retain a visual and physical link to the lagoon to the south-east of the house site, a portion of which formed part of Anambah lands from c1890.
- Being situated on a rise, the site of the homestead is able to be seen for a long distance, from the south and north sides in particular. The homestead itself is not visible from the south due to the surrounding mature and screening vegetation, which from a distance, while marking the location of the site, is not particularly visually distinctive. Clearer views to the house are available from the north and partial views from the east.
- The former driveway, while forming part of the historic use pattern of the site, is no longer in use and is presently disconnected from the house complex.
- The former Cobb homestead remains may be of archaeological importance. They should be assessed and, if deemed significant, should be subject to a separate listing and curtilage.

7.4.8 Recommended Curtilage

Anambah is a grand two-storey house, with well-established gardens and mature trees, that takes advantage of the topography in its siting on a rise among its surrounding pastoral lands. From this site the house historically took in views across the surrounding landscapes to the north, east and south, evoking a sense of the former isolation by distance from surrounding rural properties. The sizable scale of the buildings and former lands reflect the wealth of the original owners and the former era of large land holdings that were required to sustain 19th century agricultural industry.

In light of the above findings of the Curtilage Analysis, an extended curtilage for Anambah has been developed for the purposes of this study. This curtilage that takes into account the nature and design of the house, its largely intact historical context and setting and its significant views.

The recommended curtilage is as follows and is shown in Figure 55:

1. A 'Lot Boundary Heritage Curtilage' (indicated in red) that comprises the current lot boundary of Anambah, as indicated by Lot 721, DP 1191240.
2. An 'Extended Heritage Curtilage' (indicated in blue shading) that comprises the intact historic landscape, vistas and rural agricultural setting of the house.

EXTENT

**HERITAGE ADVISORS
TO AUSTRALIA AND
THE ASIA PACIFIC**
Incorporating AHMS and Futurepast

-  Current Anambah House Lot/DP boundary
-  Viewshed 1
-  Viewshed 2
-  Viewshed 3
-  Primary views
-  Secondary views

Drawn by: Tom Sapienza
Checked by: Ruth Berendt
Date: 20 February 2017
Projection: GDA 1994 MGA Zone 56
Data sources: Extent, NearMap

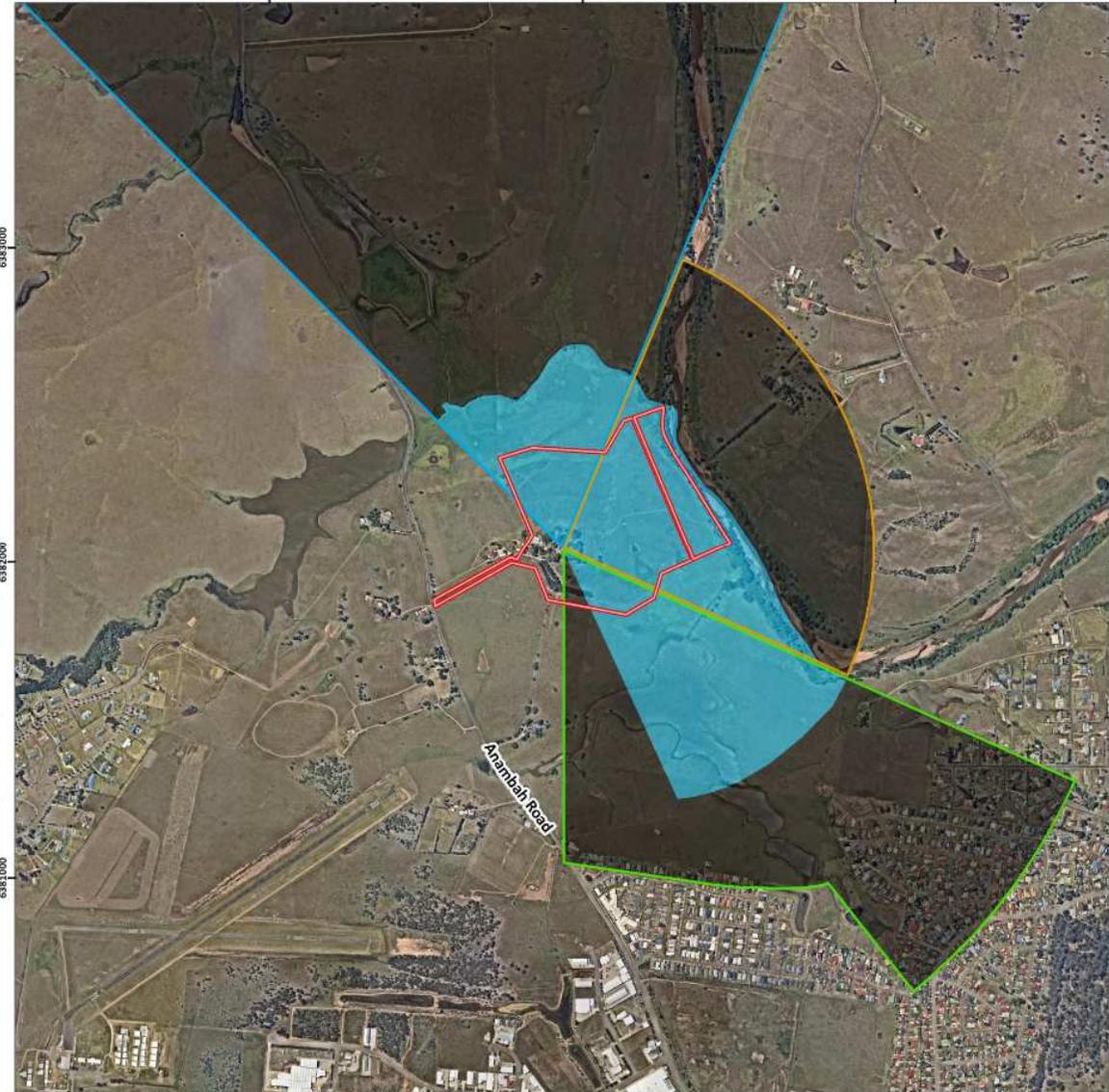
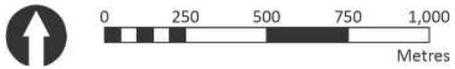


Figure 55 Map showing recommended Expanded Curtilage for Anambah House as indicated by the blue shaded area

8 ARCHAEOLOGICAL POTENTIAL AND SIGNIFICANCE

8.1 Introduction

This section provides an evaluation of the site's potential to contain historical archaeological remains and assesses the significance of such remains.

The assessment of potential historical archaeological resource within the subject site is based on information obtained from the readily available historical resources including historical maps and aerials, written records, previous reports and a site inspection carried out by the Extent Heritage team in January 2017.

The assessment includes the analysis of the site's potential to contain archaeological remains, description of the potential remains that may still survive and identification of archeologically sensitive areas. The ability of the archaeological resource to address research questions and provide useful information primarily depends on its nature and intactness. Accordingly, this section of the report identifies where archaeological resources of a higher level of integrity are likely to be located within the study area.

8.2 Assessment of Historical Archaeological Potential

Documentary research suggests that the site has been subject to limited activities that would result in historical archaeological remains to be present. Following the death of the original grantee, John Owen, the site formed part of the 2000 acres granted to Rutherford in 1828. Rutherford never lived on the property but leased it out to various tenant farmers under 10 year contracts. The Rutherford homestead complex, named Leitrim, was built in 1834 to the east of the subject site. Subsequent subdivisions of the Rutherford Estate, in 1844 and 1892, mainly included areas south and north of the subject site.

The site appears to have remained undeveloped and generally used for rural purposes, such as land cultivation and grazing. This may be explained by the site's location adjacent to a natural lagoon, situated in the flood prone area of the Hunter River. Therefore, the only potential historical archaeological resource that could be present at the site would include evidence of cultivation (ie palynological or palaeobotanical remains such as pollen, spores, seeds etc), evidence of a fence line from the period of the first subdivision (1844) (Figure 6) and isolated artefacts at best, accidentally deposited or lost. The site inspection however did not identify any visible evidence of such remains.

8.2.1 Summary of Historical Archaeological Potential

Based on the lack of any substantial development throughout the European phase of the site occupation, it is considered to have low or nil potential to contain historical archaeological remains.

8.3 Historical Archaeological Significance

Archaeological significance refers to the heritage significance of known or potential archaeological remains. While they remain an integral component of the overall significance of a place, it is necessary to assess the archaeological resources of a site independently from aboveground and other heritage elements. Assessment of archaeological significance is more complex as the extent and nature of the archaeological features is often unknown and significance is usually formulated on the basis of expected or potential attributes.

To facilitate significance assessment of historical archaeological remains, the NSW Heritage Division prepared a set of criteria in the publication 'Assessing Significance for Historical Archaeological Sites

and 'Relics', prepared by the Heritage Branch, formerly Department of Planning (NSW) (now the Heritage Division, Office of Heritage and Environment) in December 2009. The NSW heritage criteria for assessing significance related to archaeological sites and relics include:

- *Archaeological Research Potential (current NSW Heritage Criterion E).*
- *Associations with individuals, events or groups of historical importance (NSW Heritage Criteria A, B & D).*
- *Aesthetic or technical significance (NSW Heritage Criterion C).*
- *Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F & G).*

They are augmented by three questions formulated by Bickford and Sullivan that place emphasis on the research contribution of the identified archaeological resource to the field of Australian history and archaeology. They include:

- *Can the site contribute knowledge that no other resource can?*
- *Can the site contribute knowledge that no other site can?*
- *Is this knowledge relevant to general questions about human history or other substantive questions relating to Australian history, or does it contribute to other major research questions?*

The subject site has been assessed as having low to nil potential to contain historical archaeological remains associated with any phase of its historical development. Any evidence of the early subdivision fence line elements (ie post holes and timber post fragments) or scattered/isolated artefacts would not have any notable research potential. The subdivision line is documented on the 1844 plan, and any fabric identified within a fence line posthole/s would not be considered significant enough to provide any new information on the construction techniques or materials used.

Any collection of palynological or palaeobotanical evidence would not be considered warranted as such information would not provide any additional information about the types of crops used in early land cultivation of the area other than that provided in the historical resources.

Therefore, the range of potential archaeological items identified in this report would not satisfy any of the above heritage criteria and, as such, would not be considered to be 'relics'.

However, should any legible evidence still survive, including evidence of undocumented farm structures and/or any associated artefact bearing deposits, they would be able to satisfy criterion E and, as such, considered to be significant at a local level.

9 PROPOSED WORKS

9.1 Description of Proposal

The proposal is to subdivide Lot 90 DP 785244 Anambah Road, Anambah, NSW, with a view to developing the area.

This is a ~21 hectare site situated in southeast Anambah, not far from the Hunter River, with a small portion of ridgeline in the southwest and swamps/lake areas in the north and east of the property.

Future development is proposed to be constrained to the ridgeline area in the southwest.

The development footprint is limited to the north by the water body and flood prone lands in this direction.

While details of the built form of the development are not yet established, the following plans show the indicative layout of the subdivision and development proposal.



REVISION	DESCRIPTION	ISSUED	VERD	APPROV	DATE	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE	JOB NUMBER	DRAWING NUMBER	REVISION
1	ISSUED FOR INFORMATION	AS	JH	AB	22/11/16	STEVENS GROUP		PROPOSED SUBDIVISION MARLOWE AVENUE ANAMBAAH, NSW	PRELIM SUBDIVISION PLAN - 2	NL166237	CSK02	4
2	ISSUED FOR INFORMATION	AS	JH	AB	11/11/16							
3	ISSUED FOR INFORMATION	AS	JH	AB	30/11/16							
4	ISSUED FOR INFORMATION	WE	JH	AB	17/12/16							

<p>ALL RIGHTS TO ARCHITECT'S DRAWINGS RESERVED TO BE VIEWED WITH THE ARCHITECT AND ON SITE FOR THE PURPOSES OF OBTAINING CONSENT TO WORK. ARCHITECT ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY, COMPLETENESS OR SCALE OF DRAWINGS OR ANY OTHER INFORMATION.</p>	<p>PLANS 1:250 0 12.5 25 37.5 50 62.5m</p>	<p>NORTHROP Newcastle Suite 4, 210 Pacific Hwy, Charlestown NSW 2280 P.O. Box 100, Charlestown NSW 2280 PH (081) 8842 1111 Fax (081) 8842 1877 Email: northrop@northrop.com.au</p>	<p>PROJECT PROPOSED SUBDIVISION MARLOWE AVENUE ANAMBAAH, NSW</p>	<p>NOT FOR CONSTRUCTION</p>	<p>DRAWING NUMBER CSK02</p>	<p>REVISION 4</p>
---	--	---	--	-----------------------------	---------------------------------	-----------------------

Figure 56 Preliminary Subdivision Plan

10 ASSESSMENT OF HERITAGE IMPACT

10.1 Built Heritage

10.1.1 Identification of Potential Heritage Impacts

It is proposed to subdivide and develop an area of land at 106 Anambah Road, Anambah. While there are no heritage matters associated with identified heritage items at the Subject Site itself, the site does have a physical and visual relationship with the nearby Anambah House, an item of historic heritage listed on the NSW State Heritage Register. As such, the proposal has the potential to have impacts on the visual catchment of the Anambah House property and its historic views.

10.1.2 Impacts on Significant Views

Significant views from Anambah are to the north, east and south-east. Historically views to the direct south may have held more importance as overseeing the former driveway, however, with changes to the site layout along with the deliberate screening vegetation established, the significance of this view is diminished in the current site layout. As well, long-range views to the south and south-east have been corrupted by modern residential developments, reducing their integrity. The short and mid-range views in these directions remain intact.

Significant historic and intact views to the north (Viewshed 1) and east (Viewshed 2) will not be impacted by the proposal, nor will the proposal have any impacts on direct views to the lagoon in the south-east. The proposal will not impact on the Primary Views identified in this report.

The proposal is not likely to substantially impact views to the south from the house and within the gardens, due to the changes in the site use pattern and the mature screening vegetation. However, the proposal will be in sight to the south from outside the garden perimeter, but within the property boundary, and therefore there will be some visual impacts from this vantage point. Given this is not a primary or significant vista, it is largely screened from view from the house and gardens, and that the view has already been impacted by modern residential development, the impacts of the proposal on Anambah's views will be minor.

The extent of the visual impact of the proposal on the property will be also be determined by the design of the built form of the development, which is discussed further in Section 12 Recommendations.



Figure 57 Map showing view lines to the Subject Site from Anambah



Figure 58 View from inside Anambah gardens towards Subject Site (indicated with red arrows)



Figure 59 View from outside Anambah garden towards Subject Site (indicated with red line)

10.1.3 Impacts on Setting

The primary setting of Anambah is its garden, which surrounds the building complex. Beyond this, the rural agricultural lands typified by mostly cleared and fenced paddocks with occasional trees reflect the place's historic industry and form part of its context and setting. This setting is complemented by views to the north and to the lagoon. The proposal will have no direct impacts on the essential setting of Anambah. There are some indirect impacts in terms of the addition of further modern residential development of to the south, which will make a minor contribution to the reduction in rural agricultural property in the surrounding area.

10.1.4 Subdivision

The proposal will not impact on the historic landholdings and subdivision of Anambah. The Subject Site was part of the Rutherford Estate and is not historically associated with Anambah by ownership. Most of the land associated with Anambah was located to the north and west of the house.

10.1.5 Impacts on Heritage Curtilage

The proposed new subdivision does not have any direct impacts on the current SHR listing curtilage boundary or LEP curtilage. Should an extended curtilage be developed that takes into account significant views, the proposal would have a minor impact on significant views.

10.1.6 Findings and Conclusions

Overall, though somewhat contingent on the design detail of the development, the impacts of the proposal on Anambah are considered to be minor. The main potential impact is the visual impacts arising from new development on a currently unbuilt area. However, this area has not been identified as contributing to the significant views of the property and these impacts will be largely mitigated by the existing Anambah site layout and screening vegetation. In saying that, while not easily viewed from the house or garden, the site will be seen from within the Anambah grounds and measures should be taken to mitigate these impacts through design. This is further discussed in 12.1 Recommendations.

While not directly impacting Anambah's essential setting, the development will contribute to an increasing sense of encroachment by modern development of a once open expanse of rural farming land. However, this has already been impacted by the existing built development in this direction; the addition is relatively small in size; and it represents the furthest extent of development possible in this direction due to flood levels.

The proposal does not impact on the current statutory curtilages for the property, nor will it impact on the expanded curtilage recommended in this report.

The proposal does not impact on Anambah's historic subdivision, the Subject Site not forming part of the former estate.

10.2 Archaeology

The subject site has been assessed of having low to nil potential to contain significant historical archaeological relics associate with the development and landuse of the nineteenth century Rutherford Estate.

The proposed development works are unlikely to cause impact on the subject site's historical archaeological resources.

11 STATUTORY CONTROLS

11.1 Heritage Act 1977

The NSW Heritage Act provides for the conservation of environmental heritage items in NSW.

The Subject Site (106 Anambah Road) is not a listed heritage site and is not protected by the Act.

The nearby property Anambah House (200 Anambah Road) is included on the NSW State Heritage Register and is therefore afforded protection under the heritage act.

The Heritage Act legislation is applied such that any work within the physical curtilage boundary of an SHR listed item requires approval from the NSW Heritage Council.

The proposal does not fall within the current SHR listing boundary for Anambah House.

Section 139 of the Heritage Act prevents the excavation or disturbance of land known or likely to contain 'relics' except in accordance with an excavation permit issued by the Heritage Council of NSW or in accordance with a gazetted exception to this section of the Heritage Act.

Section 4(1) of the Heritage Act 9Asammended 2009) defines a 'relic" as:

Any deposit, artefact, object of material evidence that

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement,*
- and*
- (b) is of State or local heritage significance*

The assessment of the subject site's archaeological significance has found that no potential archaeological items, as assessed in this report, would satisfy the threshold of archaeological significance at a state or local level.

11.2 Environmental Planning and Assessment Act 1979

11.2.1 Maitland Council Local Environmental Plan

The site is subject to the Maitland Council Local Environmental Plan. Anambah House is listed as an item of environmental heritage in Schedule 5 of the LEP and is therefore subject to the heritage provisions of the LEP.

Section 5.10 of the LEP describes the provisions for Heritage Conservation. One of the objectives of this clause is:

- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*

The LEP also requires that:

- The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.*

11.2.2 Maitland Council Development Control Plan

A DCP provides detailed planning and design guidelines to support the planning controls in the LEP. The proposal is subject to the requirements of the DCP. In particular, the following sections of the DCP are discussed with regards to the proposal:

Part C: Design Guidelines (C.4 Heritage Conservation)

The design guidelines are intended to be applied to work in immediate proximity of heritage items and within conservation areas and does not deal specifically with the issues relevant to this proposal.

Part D: Locality Plan (D10 West Rutherford)

This section of the DCP discusses development in vicinity of the subject site.

This defines the northern area of the development site to the 100-year flood contour, with all development to be confined to flood free land.

The following is stated with regard to development:

Development in the area will comprise a range of housing forms including single dwellings on individual lots, small lot housing and medium density housing to meet the needs of all sectors of the community. Medium density housing should be focused in areas of flat topography, with good solar orientation, in close proximity to the areas of high amenity such as adjacent to parks and bus routes.

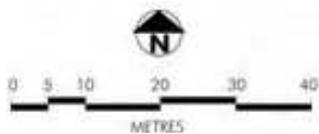
The plan is focused on the amenity of the new development and does not prescribe any measures with consideration of impacts from the development on Anambah House.

Part F8: Urban Release Areas 2011 Anambah Road

This part of the DCP covers an area within the lot adjacent to the Subject Site to the north and in the area of land between the Subject Site and Anambah House. While it does not include the Subject Site, some of the provisions may be relevant to the development. Where relevant, these have been incorporated into the Recommendations in Section 12 of the report.

11.3 Compliance with Heritage Management Provisions

There are currently no known established heritage management provisions for Anambah House.



WEST RUTHERFORD
Precinct Plan

Figure 60 West Rutherford Precinct Plan. Indicative subject site location shown in red. (Source: Maitland Council DCP 2011)

12 RECOMMENDATIONS

12.1 Built Heritage

Following the analysis set out in this report, the following recommendations are made.

12.1.1 Design Guidelines

While the overall impacts of the proposal have been assessed to be minor, this is partially contingent on the development of sympathetic design to mitigate visual impacts. The primary opportunities to reduce these impacts are through selective roofing and fencing colours and materials, landscaping and screening vegetation and minimising dwelling scale and mass. The following recommendations are therefore made:

1. The new dwellings should be in keeping with and relational to the existing development in this area.
2. Use should be made of the natural downward-sloping topography at the Subject Site to reduce the mass of dwellings as viewed from Anambah.
3. Use of lightly coloured and/or reflective roofing and fencing materials is to be avoided. Whites, creams and bright colours are to be avoided.
4. Fencing should be sensitive to the adjoining rural lands that contribute to Anambah's setting. Consider the use of timber fencing or fencing materials, farm-style designs and natural earthy tones, including browns and greens.
5. Development must take into account any design requirements as set out in the Maitland Council DCP.

12.1.2 Archaeology

This report concludes that the subject site has low to nil potential to contain historical archaeological relics, owing to the lack of evidence for any significant development.

Therefore, as no historical archaeological constraints are apparent, the proposed development may proceed, subject to recognition of the following considerations:

- In the event that substantial intact subsurface elements are uncovered during development works, a stop work protocol should be implemented and an experienced historical archaeological consultant should be engaged to assess the remains' level of significance. If the remains are deemed to have no heritage significance, no further action would be required. If remains are assessed to be of archaeological significance at either local or State level, the NSW Heritage Council should be notified in accordance with Section 146 of the *Heritage Act 1977*. Further approvals under s139/140 of the Heritage Act may be required to allow any ground disturbance works to proceed in the affected area.
- Any discovery of Aboriginal objects should be managed in accordance with recommendations provided in the Aboriginal Cultural Heritage Assessment prepared for the site by Extent Heritage in February 2017.

13 REFERENCES

Berry H, Anambah- A Brief History 1823-2011” (May 2016) Bulletin of Maitland and District Historical Society Inc. Vol. 23, No.2

Clive Lucas, Stapleton and Partners (2013) *Hunter Estates: A Comparative Heritage Study of pre-1850s Homestead Complexes in the Hunter Region*, prepared for the Heritage Council of NSW.

Singleton S, (2010) *Historical Heritage Study: Farley Investigation Area*, Unpublished Report by Nexus Archaeology and Heritage prepared for Farley Landowners Group.

Thorpe W, (1994) *Maitland Heritage Survey Review: Thematic History*, Unpublished Report for Maitland Council

Willetts J, *Free Settler or Felony*, accessed via <http://www.jenwillets.com/> (13/02/2017)

“Anambah”, *The Colonist*, Sydney (17th September 1840). Accessed via Trove. 13/02/2017 (<http://trove.nla.gov.au/newspaper/article/31725627?searchTerm=Anambah&searchLimits=-decade=184|||-title=66>)

“Grants of Land”, *New South Wales Gazette* (Saturday 19th January 1839), Accessed via Trove. 13/02/2017 (<http://trove.nla.gov.au/newspaper/article/230382578/12580815>)

“Subdivision of Rutherford Estate” 1844, Accessed via Trove. 13/02/2017 (<http://trove.nla.gov.au/work/35526011?q=Rutherford+subdivision&c=map&versionId=44198750>)

“Maitland Circuit Court”, *Maitland Mercury and Hunter River General Advertiser* (Tuesday 30th October 1866), Accessed via Trove. 13/02/2017 (<http://trove.nla.gov.au/newspaper/article/18728173?searchTerm=%20Leitrim%20Rutherford%20estate&searchLimits>)