



South Kiama Residential Development: Historical Heritage Assessment

FINAL REPORT

Prepared for Unicomb Development Services Pty Ltd on behalf of White Constructions Pty Ltd

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Glossary

approx.	Approximately
c.	Circa
CHL	Commonwealth Heritage List
CMP	Conservation Management Plan
DEE	Department of Environment and Energy
DP	Deposited Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage Act	<i>Heritage Act 1977</i>
KDCP	Kiama Development Control Plan
KLEP	Kiama Local Environment Plan
m	Metre
mm	Millimetre
NHL	National Heritage List
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
Rev.	Reverend
SHI	State Heritage Inventory
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
Study area	The area of impact for the proposed works

Summary

Biosis Pty Ltd was commissioned by Unicomb Development Services Pty Ltd on behalf of White Constructions Pty Ltd to undertake a historical heritage assessment of the South Kiama Residential project located in South Kiama, New South Wales (NSW), referred to as the 'study area' herein. White Constructions is preparing a planning proposal to rezone the study area from RU2 rural landscape to R2 low density residential. This assessment has been completed to guide a planning proposal to amend the Kiama Local Environmental Plan 2011 (Kiama LEP) under Section 55 of the *Environmental Planning and Assessment Act 1979 NSW* (EP&A Act).

The study area includes Lot 1 DP707300, Lot 5 DP740252 and Lot 101 DP1077617 and lies to the west of and abutting the Kiama Bypass. It is bounded to the north by Saddleback Mountain Road, to the south by Weir Street except for part of Lot 102 DP1077617 which is south of Weir Street, and to the west by a dry stone wall. This assessment approach has been undertaken to allow for the identification of any heritage constraints both within the study area and any additional areas in the broader vicinity which are likely to be affected, either indirectly or directly, by the planning proposal and any subsequent development within the study area.

Biosis was originally engaged in 2017 to complete this assessment for Lot 1 DP707300, Lot 5 DP740252, Lot 101 DP1077617 and part Lot 102 DP1077617. In 2020, Biosis was engaged to update this assessment to include part Lot 102 DP 1077617 and Lot 8 DP 258605.

Heritage values

Significant heritage values identified within the study area include two items of local significance:

- Kendalls Cemetery, (Kiama LEP listed item No. 144), South Kiama Drive, Lot 3 DP258605.
- Dry stone walls, (Kiama LEP listed item No. 64), Kiama.

This assessment has found that both heritage items listed within the study area are of local heritage significance due to their aesthetic significance and close association with the Kendall family and the early settlement of Kiama. Kendalls Cemetery also holds a high degree of spiritual significance. Prior to the approval of any development within the study area the following is recommended.

Recommendations

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance.¹

For rezoning and planning purposes, the following recommendations are proposed:

Recommendation 1 Setbacks

Minimum 20 metre setback from Kendalls Cemetery

Any rezoning and planning proposals for the study area should allow for a setback of at least 20 metres from Kendalls Cemetery to ensure the conservation and protection of the cemetery. This setback area may include road reserves, but an appropriate amount of open areas and space must be allocated to accommodate verges and pathways, for example.

Minimum 6 metre setback from dry stone walls

¹ Australia ICOMOS 2013

Any rezoning and planning proposals for the study area should allow for a setback of at least 6 metres from dry stone walls to avoid impacting their condition. While this setback does not include road reserves, an appropriate amount of space can be allocated for verges and pathways, for example.

Recommendation 2 Treatment of dry stone walls

Retain portions of dry stone walls assessed as being in average to good condition

Any rezoning and planning proposals for the study area should accommodate those portions of dry stone walls which have been assessed as being in average to good condition. Where possible, efforts should be made to conserve or improve the condition of those walls (may require seeking consent from Council depending on scale of improvement works), in accordance with the guidelines contained within *The Burra Charter*.²

Establish acceptable impacts to portions of walls assessed as being in poor condition

Any rezoning and planning proposals for the study area should establish what impacts are acceptable to portions of walls which have been assessed as being in poor condition, based on their assessed heritage significance. Impacts to walls of high significance should be mitigated where possible, and efforts made to conserve or improve the condition of those areas of highly significant walls assessed as being in poor condition, in line with Recommendation 3. Stone walls assessed as holding moderate significance should be retained where possible, including those walls assessed as being in poor condition. Where impacts to walls of moderate or little significance cannot be mitigated (for example, breaks in walls for roads or driveways), efforts should be made to relocate the portion of wall or repurpose the impacted materials. Walls assessed as being in very poor condition are the most viable option for removal to facilitate roads, driveways and other infrastructure or services, but restoration of these walls should be considered where possible.

Should a development application be prepared, the following recommendations are proposed:

Recommendation 3 Further assessment

Preparation of a Conservation Management Plan for Kendalls Cemetery and dry stone walls to support any Development Application

If any development is to take place within the study area in the vicinity of Kendalls Cemetery or a dry stone wall a Conservation Management Plan (CMP) for the Kendall Cemetery and the dry stone walls must be prepared to inform and manage any potential impacts. The CMP should be formulated in accordance with the following guidelines:

- *Assessing Heritage Significance* (Heritage Office 2001).
- *Conservation Management Documents* (Heritage Office 1996, revised 2002).
- *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013).
- *The Conservation Management Plan* (National Trust of Australia [NSW] 2000).

Completion of a Statement of Heritage Impact for Kendalls Cemetery and dry stone walls to support any Development Application

If any works have the potential to impact Kendalls Cemetery or dry stone walls a Statement of Heritage Impact (SoHI) will need to be prepared prior to the approval and commencement of works. The SoHI should be prepared in accordance with the following guidelines:

² Australia ICOMOS 2013

-
- *Statements of Heritage Impact* (Heritage Office 1996, revised 2002).
 - *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013).

1 Introduction

1.1 Project background

Biosis Pty Ltd was commissioned by Unicom Development Services Pty Ltd on behalf of White Constructions Pty Ltd to undertake a historical heritage assessment of the South Kiama Residential project located in South Kiama, NSW (Figure 1 and Figure 2), referred to as the 'study area' herein. White Constructions is preparing a planning proposal to rezone the study area from RU2 rural landscape to R2 low density residential. This assessment has been completed to guide a planning proposal to amend the Kiama Local Environmental Plan 2011 (Kiama LEP) under Section 55 of the EP&A Act.

1.2 Location of the study area

The study area is located within the Kiama Local Government Area (LGA), Parish of Kiama, County of Camden (Figure 1). The study area includes Lot 1 DP707300, Lot 5 DP740252 Lot 101 DP1077617, Lot 102 DP 1077617 and Lot 8 DP 258605. It is bounded by residential properties to the west. The study area also lies west of and abuts the Kiama Bypass. It is bounded to the north by Saddleback Mountain Road, to the south by Weir Street except for part of Lot 102 DP1077617 and Lot 8 DP 258605 which is south of Weir Street, and to the west by a dry stone wall.

Biosis was originally engaged in 2017 to complete this assessment for Lot 1 DP707300, Lot 5 DP740252, Lot 101 DP1077617 and part Lot 102 DP1077617. In 2020, Biosis was engaged to update this assessment to include part Lot 102 DP 1077617 and Lot 8 DP 258605.

1.3 Scope of assessment

This report was prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and "Relics"* and the *Burra Charter*.³ This report provides a heritage assessment to identify if any heritage items or relics exist within or in the vicinity of the study area. The heritage significance of these heritage items has been investigated and assessed in order to determine the most appropriate management strategy.

The following is a summary of the major objectives of the assessment:

- Identify and assess the heritage values associated with the study area. The assessment aims to achieve this objective through providing a brief summary of the principle historical influences that have contributed to creating the present-day built environment of the study area using resources already available and some limited new research.
- Assess the impact of the proposed works on the cultural heritage significance of the study area.
- Identifying sites and features within the study area which are already recognised for their heritage value through statutory and non-statutory heritage listings.
- Assess the potential impact from the planning proposal and any subsequent development of the study area.

³ NSW Heritage Office 2001; NSW Heritage Branch, Department of Planning 2009; Australia ICOMOS 2013

- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

1.4 Limitations

This report is based on historical research and field inspections. It is possible that further historical research or the emergence of new historical sources may support different interpretations of the evidence in this report.

Although this report was undertaken to best archaeological practice and its conclusions are based on professional opinion, it does not warrant that there is no possibility that additional archaeological material will be located in subsequent works on the site. This is because limitations in historical documentation and archaeological methods make it difficult to accurately predict what is under the ground.

The significance assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.

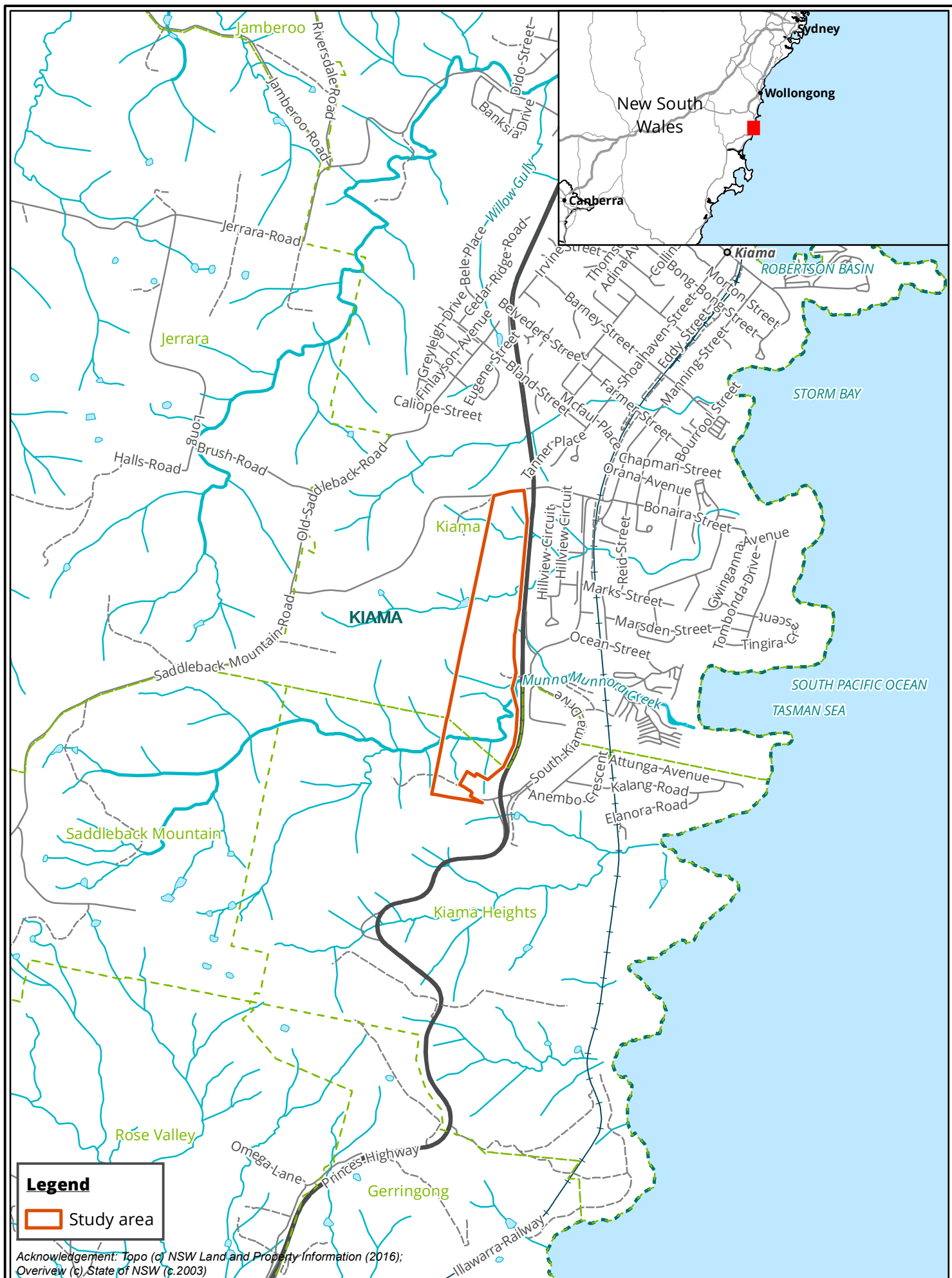


Figure 1 Location of the study area



Figure 2 Aerial overview of the study area

2 Statutory framework

This assessment will support planning proposal to Kiama Municipal Council for the rezoning of the above properties from RU2 rural landscape to R2 low density residential under the Kiama LEP. In NSW cultural heritage is managed in a three-tiered system: national, state and local. Certain sites and items may require management under all three systems or only under one or two. The following discussion aims to outline the various levels of protection and approvals required to make changes to cultural heritage in the state.

2.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act) is the national Act protecting the natural and cultural environment. The EPBC Act is administered by the Department of Environment and Energy. The EPBC Act establishes two heritage lists for the management of the natural and cultural environment:

- The National Heritage List (NHL) contains items which have been assessed to be of outstanding significance and define "critical moments in our development as a nation".⁴
- The Commonwealth Heritage List (CHL) contains natural and cultural heritage places that are on Commonwealth land, in Commonwealth waters or are owned or managed by the Commonwealth. A place or item on the CHL has been assessed as possessing "significant" heritage value.⁵

A search of the NHL and CHL did not yield any results associated with the study area.

2.2 NSW Heritage Act 1977

Heritage in NSW is principally protected by the *Heritage Act 1977* (Heritage Act) (as amended) which was passed for the purpose of conserving items of environmental heritage of NSW. Environmental heritage is broadly defined under Section 4 of the Heritage Act as consisting of the following items: "*those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance*". The Act is administered by the NSW Heritage Council, under delegation by the Heritage Division, Office of Environment and Heritage. The Heritage Act is designed to protect both known heritage items (such as standing structures) and items that may not be immediately obvious (such as potential archaeological remains or 'relics'). Different parts of the Heritage Act deal with different situations and types of heritage and the Act provides a number of mechanisms by which items and places of heritage significance may be protected.

2.2.1 State Heritage Register

Protection of items of State significance is by nomination and listing on the State Heritage Register (SHR) created under Part 3A of the Heritage Act. The Register came into effect on 2 April 1999. The Register was established under the *Heritage Amendment Act 1998*. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance.

A permit under Section 60 of the Heritage Act is required for works on a site listed on the SHR, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of which minor works are exempted from the requirements to submit a Section 60 Application can be found in

⁴ "About National Heritage" <http://www.environment.gov.au/heritage/about/national/index.html>

⁵ "Commonwealth Heritage List Criteria"

<http://www.environment.gov.au/heritage/about/commonwealth/criteria.html>

the Guideline “Standard Exemptions for Works requiring Heritage Council Approval”. These exemptions came into force on 5 September 2008 and replace all previous exemptions.

There are no items listed on the SHR within or in the vicinity of the study area.

2.2.2 Archaeological relics

Section 139 of the Heritage Act protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. This section applies to all land in NSW that is not included on the State Heritage Register.

Amendments to the Heritage Act made in 2009 changed the definition of an archaeological 'relic' under the Act. A 'relic' is defined by the Heritage Act as:

“Any deposit, object or material evidence:

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

It should be noted that not all remains that would be considered archaeological are relics under the NSW Heritage Act. Advice given in the Archaeological Significance Assessment Guidelines is that a “relic” would be viewed as a chattel and it is stated that *“In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include ‘relics’ of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be ‘relics’.”*⁶

If a relic, including shipwrecks in NSW waters (that is rivers, harbours, lakes and enclosed bays) is located, the discoverer is required to notify the NSW Heritage Council.

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

Exceptions under Section 139(4) to the standard Section 140 process exist for applications that meet the appropriate criterion. An application is still required to be made. The Section 139(4) permit is an exception from the requirement to obtain a Section 140 permit and reflects the nature of the impact and the significance of the relics or potential relics being impacted upon.

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of state or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with section 146 of the Heritage Act. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area.

⁶ NSW Heritage Branch, Department of Planning 2009, 7

2.2.3 Section 170 Heritage and Conservation Registers

Section 170 of the Heritage Act requires that culturally significant items or places managed or owned by Government agencies are listed on departmental Heritage and Conservation Register. Information on these registers has been prepared in accordance with Heritage Division guidelines.

Statutory obligations for archaeological sites that are listed on a Section 170 Register include notification to the Heritage Council in addition to relic's provision obligations. There are no items within or adjacent to the study area that are entered on a State government instrumentality Section 170 Register.

2.3 Environmental Planning and Assessment Act 1979

2.3.1 Local Environmental Plan

The Kiama LEP 2011 contains schedules of heritage items that are managed by the controls in the instrument. As the project is being undertaken under Section 55 of the *EP&A Act*, council is responsible for approving controlled work via the development application system. Heritage items in the vicinity of the study area are identified in Figure 3.

The study area encloses an item of local significance on the Kiama LEP 2011 Schedule 5:

- Kendalls Cemetery, (Item No. 144), South Kiama Drive, Lot 3 DP258605.
- Dry stone walls, (Item No. 64), Kiama.

2.3.2 Kiama Development Control Plan 2012

The Kiama Development Control Plan 2012 (DCP) outlines built form controls to guide development. The DCP supplements the provisions of the Kiama LEP and states the following:

Council must consider the effect the proposed development will have on heritage items located on the development site or on adjoining lands. To assist Council in assessing impacts, a heritage management document may be required to be submitted with the DA in the form of a Heritage Impact Statement and/or Conservation Management Plan. Developers and their consultants are advised to contact Council's Development Assessment Officers to confirm what heritage management documents are required to be submitted with a DA.

In regards to dry stone walls, Chapter 30, Section 4 of the KDCP details:

There are over 360 dry stone walls located within the Kiama Municipal Council area which have been mapped and have had their heritage value assessed. Council has inventory reports for a majority of the dry stone walls noted above which are available to the public. Dry stone walls are identified as items of environmental heritage in Kiama LEP 2011 and consequently any proposal to demolish, damage, alter (including making breaks), dismantle, or destroy these walls (in whole or in part) requires Council's consent. Development Applications (DA) must show the location of dry stone walls accurately plotted on a site analysis plans, engineering plans, layout plans and concept landscape plans, including any walls located on adjoining land, such as within the road reserve. The condition of the dry stone wall, and any proposed alterations to the wall (e.g. to provide access) should be addressed in a Statement of Environmental Effects submitted with the development application. Specialist advice may be necessary from an expert in dry stone walls.

2.4 Summary of heritage listings

A summary of heritage listings within the study area is presented in Table 1, and their locations are shown in Figure 3.

Table 1 Summary of heritage listing in the study area

Item name	Location	Heritage listing	Listing number	Significance
Kendalls Cemetery	South Kiama Drive, Lot 3 DP 258605	Kiama LEP	144	Local
Dry stone walls	Kiama	Kiama LEP	64	Local

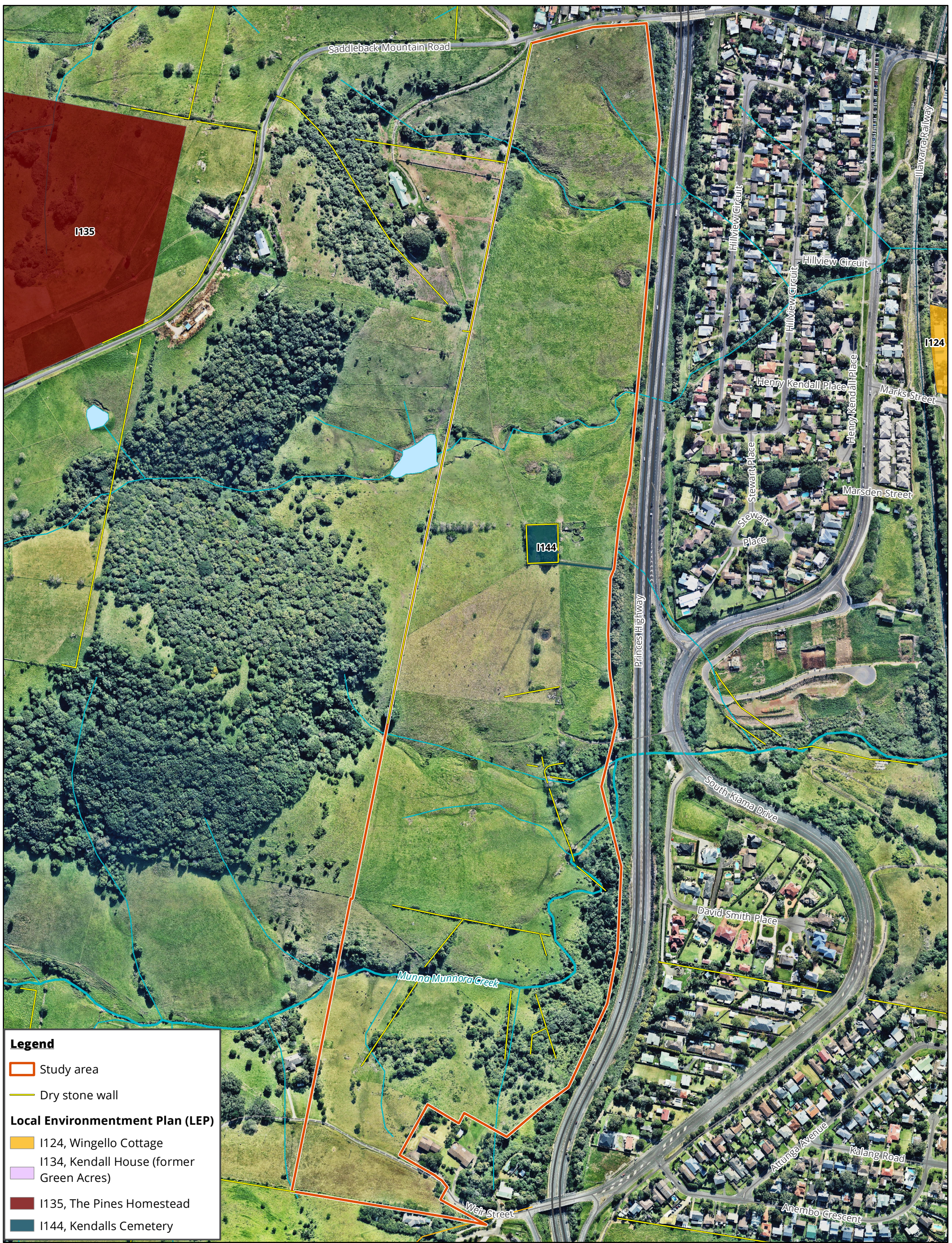


Figure 3 Location of heritage items within the study area and in the vicinity

3 Historical context

Historical research has been undertaken to identify the land use history of the study area, to isolate key phases in its history and to identify the location of any built heritage or archaeological resources which may be associated with the study area. The historical research places the history of the study area into the broader context of the Kiama region.

3.1 Exploration and early settlement (1770 to 1831)

The earliest settlements in the colony were generally located in areas such as near rivers and coastal areas which could be easily accessed by boat. Transport by water was vital for the development of the colony as passengers and goods could be moved with little requirement for capital works. The south coast of NSW was settled following this pattern with coastal or riverine locations chosen for the earliest settlements.

The Illawarra district was first noted by James Cook in 1770 when he located the headland of Port Kembla, naming it 'Red Point'.⁷ He also identified Mount Kembla, initially known as Hat Hill in the early days of settlement due to its similarity to that of the crown of a hat.⁸ The next recorded Europeans to visit the Illawarra district were Bass and Flinders in 1796, which sailed along the south coast from Sydney in their small boat, the *Tom Thumb*.⁹ Following their landing near Tom Thumb Lagoon, they entered Lake Illawarra and made the first recorded contact with the Aboriginal people in the Illawarra.¹⁰

In 1797 the *Sydney Cove* was wrecked in Bass Strait and survivors made their way through the area to find help, losing several members of their party to 'hostile natives' as they went.¹¹ Camping overnight at Coal Cliff, the survivors used coal found in a seam to keep warm. The survivors were eventually rescued and taken to Sydney, where their report of the coal led Bass to be sent back to the area to investigate.¹² Bass located a coal seam 6 feet thick; however, this resource was not utilised for a further 80 years. During this visit Bass also located and named the Shoalhaven and the Shoalhaven River.¹³

The first settlement in the Illawarra region was established by Charles Throsby Smith (C.T. Smith), who cut a cattle track from Glenfield to just behind South Beach, Wollongong, where he constructed a stockman's hut and cattle yard in 1815.¹⁴ The following year, Surveyor-General John Oxley was sent to the Illawarra region to make a general survey of the area and to connect it to the known parts of the colony, as well as identify specific lands for prospective grantees.¹⁵ Both Smith and Oxley were the first Europeans to settle in the Illawarra, doing so by illegally squatting and pasturing cattle on Crown land.¹⁶

The first five grants in the area were made in 1821 to absentee landlords, who ran cattle on their lands with a few stockmen present.¹⁷ The first five grants of land made in the Illawarra region were:

⁷ Lindsay 1994, 1; McDonald 1966, 5

⁸ McDonald 1966, 5

⁹ Lindsay 1994, 1

¹⁰ McDonald 1966, 10

¹¹ McDonald 1966, 17; Hagen et al. 1997, 20

¹² Lindsay 1994, 2

¹³ Lindsay 1994, 2

¹⁴ Osbourne 2000, 1

¹⁵ Osbourne 2000, 1

¹⁶ Dowd 1977, 2

¹⁷ McDonald McPhee Pty Ltd 1991, 21

- Richard Brooks, Exmouth, 1300 acres.
- George Johnston, Macquarie Gift, 1500 acres.
- Andrew Allen, Waterloo, 700 acres.
- Robert Jenkins, Berkeley, 1000 acres.
- David Allen, Illawarra Farm, 2200 acres.

The Illawarra region was attractive not only for its rich pasture, but also for its red cedar, which was exploited by the early timber cutters. Between the cattlemen and the cedar cutters, passage into the Illawarra region was found.¹⁸ From 1817 to 1831 a total of 22 free land grants were issued by Governor Macquarie in the area. Control of these grants was largely dictated by four families: the Wentworths, Johnsons, Terry/Hughes and Osbournes.¹⁹ Grants continued to be made in the Illawarra region, comprising essentially free grants with easy terms, until August 1831, when land could only be purchased at auction.²⁰

3.2 The Burroul and Bonaira Estates (1825 to present)

The northern portion of the study area is located within a 500 acre grant initially issued to Andrew Byrne in 1825, which enclosed Burroul and Tanners Hill. Over the next two years, the property was acquired by James Wright in 1826, and then by Reverend Thomas Kendall in 1827. The Kiama parish map from 1897 shows this grant extending from the western boundary of the current study area to the coastline at Kaleula and Marsden Heads (Figure 4). The Kendalls were one of the most notable pioneer families in the Kiama region following their immigration, intermarrying with many other prominent families of the area, with the founder of the Australian branch, the Reverend Thomas Kendall, well known throughout the Commonwealth for his role in the development of New Zealand and the documentation of the Maori language. Kendall eventually settled in Australia in 1825, where he took up a large land grant near Ulladulla prior to his acquisition of Wright's property.²¹

The southern portion of the study area is located within a 1,000 acre grant issued to William Montague Manning in 1839 called Bonaira (Figure 4). An extract from the 1897 Kiama Parish map showing the extent of Burroul and Tanners Hill, with the study area highlighted in red (Source: NSW Department of Lands). This land was originally a promise grant to James Farmer in 1825 who did not take up the land.²² Before sailing to Australia in 1837, Manning was a lawyer in London. After his arrival in Sydney he was soon appointed magistrate and commissioner of the Courts of Request, and later solicitor-general. He also acted on the Supreme Court bench and Attorney General in 1856.

In addition Bonaira, Manning had acquired 1,200 acres in Mulgoa and 50 town allotments at Kiama²³. With this land he became a partner in the Twofold Bay Pastoral Association, which was later dissolved in 1860 and financed the Maizena Co. at Merimbula. After this he became the director of the Moruya Silver Mining Company between 1866 to 1867, and the Australian Joint Stock Bank in 1868 to 1870. In 1865 Manning invited the Duke of Edinburgh to picnic at his home when the Duke was shot and Manning dived for the shooter's pistol saving his life. In 1876 Manning then became a puisne judge of the Supreme Court, resigning in 1887.

¹⁸ Lindsay 1994, 4

¹⁹ Kaul 1995, 5; Derbyshire et al. 1984, 31

²⁰ *Ibid*, 32

²¹ Binney et al. 2005, 23–28; Binney 1990

²² (Lindsay 1994, 34)

²³ (Rutledge 2020)

and was reappointed to the Legislative Council. He also became the chancellor of the University of Sydney in 1878 where he gained the admission of women to all university privileges equal to men.²⁴

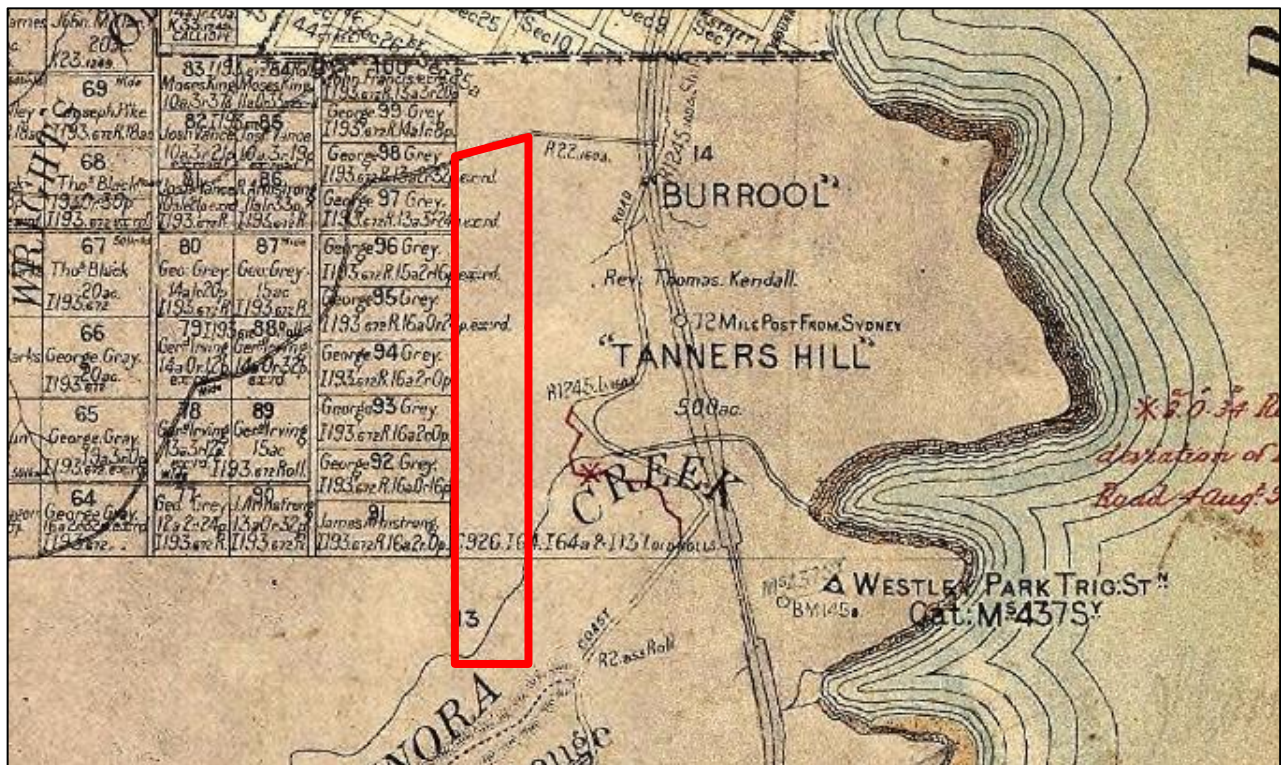


Figure 4 An extract from the 1897 Kiama Parish map showing the extent of Burroul and Tanners Hill, with the study area highlighted in red (Source: NSW Department of Lands)

The colonial government encouraged settlers to clear and cultivate land, and from the 1840s to 1860s provided incentives to grantees by providing them with 30 acre (12 hectares) lots of uncleared land, rent free, under a five to seven year lease, under the condition that it be cleared and developed.²⁵ By the 1860s the use of the scheme had declined, at which point much of the region had undergone extensive clearing. The *Burroul Estate* was cleared and fenced in the summer of 1831 in preparation for planting corn, but the land was later used for dairying.²⁶ To the north of the study area, the town of Kiama was subdivided and lots sold beginning in 1840.²⁷ This includes Bonaira, which was divided into smaller farms in 1844.²⁸ Thomas Surfleet formally took ownership of the *Burroul Estate* in 1843.²⁹

An 1857 survey map for Saddleback Mountain Road, which marks the northern perimeter of the study area, names Thomas Kendall as the owner of all 500 acres; the land surrounding the road is recorded as cleared clover paddocks, implying the land continued to be used for dairying at this date (Figure 5). North of the road

²⁴ (Rutledge 2020)

²⁵ Latona Masterman & Associates 1987, 13

²⁶ 1927 "A South Coast Pioneer. T. S. Kendall, of "Barroul." *Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 4 June, p. 5, <http://nla.gov.au/nla.news-article104784979>, viewed 9 October 2017

²⁷ Bayley 1976, 27

²⁸ (Young 1973)

²⁹ 1883 "Obituary." *Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 9 November, p. 2, <http://nla.gov.au/nla.news-article101638566>, viewed 9 October 2017; 1927 "A South Coast Pioneer. T. S. Kendall, of "Barroul." *Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 4 June, p. 5, <http://nla.gov.au/nla.news-article104784979>, viewed 9 October 2017

(outside of the study area), two structures are noted; these are related to Kendall House (KLEP 2011 heritage item I134 (formerly Green Acres)).

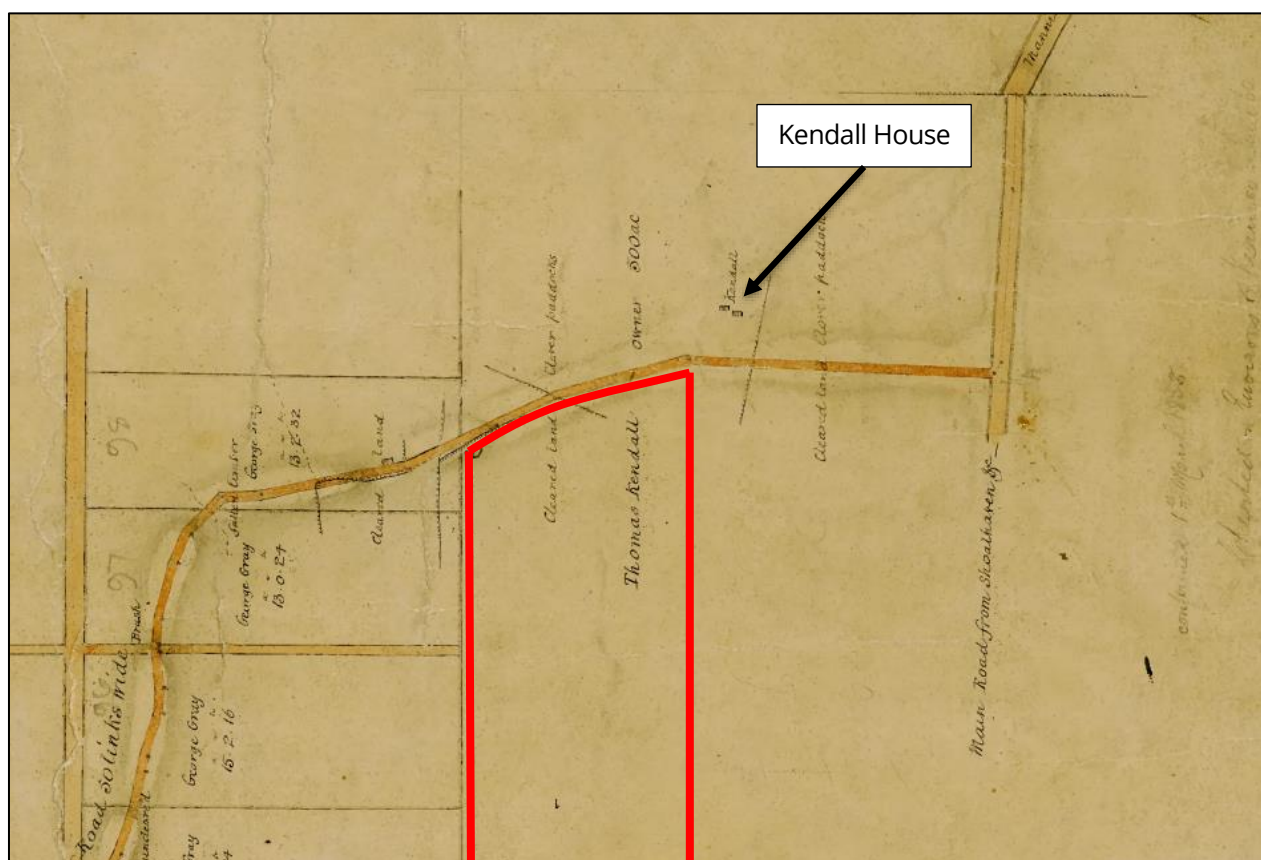


Figure 5 Extract from an 1857 plan of Saddleback Mountain Road, with approximate location of the study area shown in red (Source: NSW Department of Lands, reference 22-1603)

The Kendall family remain closely associated with the study area, with Kendalls Cemetery [1] located at its centre, which the Kiama Heritage Inventory notes was established as a non-denominational family burial ground. No grave or memorial is known for Reverend Thomas Kendall, who drowned in 1832, but his wife Jane (nee Quickfall) is buried within Kendalls Cemetery. Jane significantly outlived her husband, passing away at the age of 84 in 1866; she is the only member of the first generation of the Kendall family to be interred in the family cemetery.³⁰ The earliest date of death recorded on the memorial features within the cemetery is 1853, commemorating the death of Caroline Elizabeth Perry, wife to Samuel Augustus Perry, Deputy Surveyor General.³¹ This suggests that the cemetery was likely established around this time, and continued to be used into the 1940s (Table 6).

The northern portion of the study area, *Burroul Estate*, remained largely in the hands of the Kendall family until 1920, with descendants of the Kendall family still controlling portions of the estate beyond this date.³² While the southern portion of the study area, Bonaira was purchased by David Weir in 1909. The study area has retained its primarily agricultural use since this initial clearing. Both properties remained with the Weir

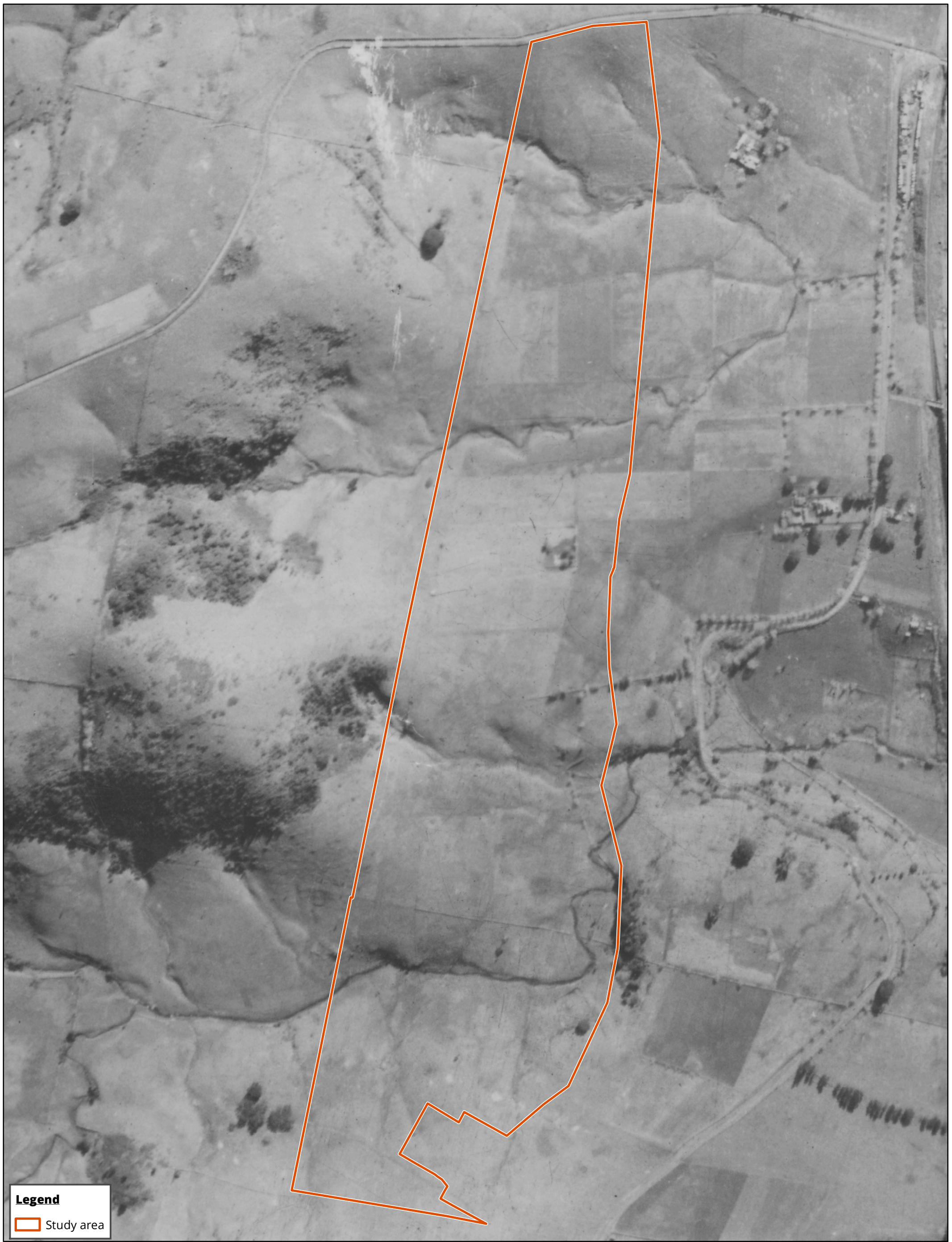
³⁰ Binney 1990

³¹ Australian Cemeteries Index n.d.

³² 1927 "A South Coast Pioneer. T. S. Kendall, of "Barroul." *Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 4 June, p. 5, <http://nla.gov.au/nla.news-article104784979>, viewed 9 October 2017

and Kendall families before passing into the control of the Kiama Dairy and Pastoral Co. Pty Ltd. in 1979 and farmers Alexander and Dianne Rendel in 1987 under primary application. Several easements for services were also made throughout the course of the 20th century.³³ Regarding the development of the study area, aerial imagery from 1949 (Figure 6) and 1970 (Figure 7) show the continued agricultural use of the study area, with paddock boundaries consistent with the location of mapped stone walls within the study area. No structures are present within the study area on these aerials.

³³ NSW Department of Lands Vol.1395 Fol.204, Vol.13951 Fol. 205, Vol.13951 Fol.206, Vol.13951 Fol. 207. Primary Application 54228, Primary Application 61263



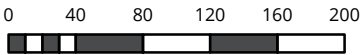
Legend

 Study area



Figure 6 1949 aerial photograph of Kiama with the study area shown (NSW LPI)

Matter: 31559
Date: 12 February 2020,
Checked by: JC, Drawn by: LW, Last edited by: lwilson
Location:P:\31500s\31559\Mapping\
31559_HA_F6_1949Aerial



Scale 1:4,500 @ A3
Coordinate System: GDA 1994 NSW Lambert



3.2.1 Dry Stone Walls

The prominence of dairying within the region led to the development of the distinctive dry stone wall pastoral landscape recognisable throughout Kiama and its surrounds. The study area contains a series of extant dry stone walls which may date to the period from 1857-1927, when Thomas Newing and his son were active in their construction of dry stone walls within the Kiama region. It has been claimed that the pair built around 95% of the walls in Shellharbour, Dunmore, Woodstock, Jamberoo, Kiama, Gerringong, Foxground and Berry.³⁴ As such, it is highly likely that the Newings constructed the stone walls present within the study area.

Thomas Newing migrated to Australia from Kent in 1857.³⁵ He is known to have almost exclusively built double stone walls, also known as double-dyke stone walls.³⁶ Dry stone walls can be built as a 'single' wall, of one stone in thickness, or two stone walls (double stone wall) built parallel to each other. Most of the walls within the Kiama district are double walls. A double stone wall consists of two stone walls built from 'facing stones' built parallel to each other with the core in-filled with smaller 'hearting or packing' stones. Cover (top) stones span the full width of the dyke and are used to hold the two facing walls together (Figure 8).³⁷ This style of building produces a thick and substantial wall and is the most common style encountered on the Illawarra and south coast of NSW. Dry stone walls within the south coast can be divided into three separate functions paddock fences, roadside walls and yard walls.³⁸ Dry stone walls were generally used up until the 1880s when wooden and wire fencing became cheaper and more cost effective to implement.³⁹

³⁴ 1936 'LETTERS', *The Sydney Morning Herald* (NSW: 1842 - 1954), 1 April, p. 10, <http://nla.gov.au/nla.news-article17336935>, viewed 07 Jul 2016,

³⁵ 1927 'A Veteran Passes.' *The Kiama Reporter and Illawarra Journal* (NSW : 1899 - 1947), 24 August, p. 2. , viewed 07 Jul 2016, <http://nla.gov.au/nla.news-article103268963>

³⁶ Abraham 1991, 10

³⁷ Abraham 1991, 11

³⁸ Abraham 1991, 13

³⁹ 1936 'STONE WALLS.' *The Sydney Morning Herald* (NSW : 1842 - 1954), 11 April, p. 9. , viewed 07 Jul 2016, <http://nla.gov.au/nla.news-article17338386>; Warwick Mayne-Wilson Associates 2000; Mayne-Wilson & Associates 1998, 2

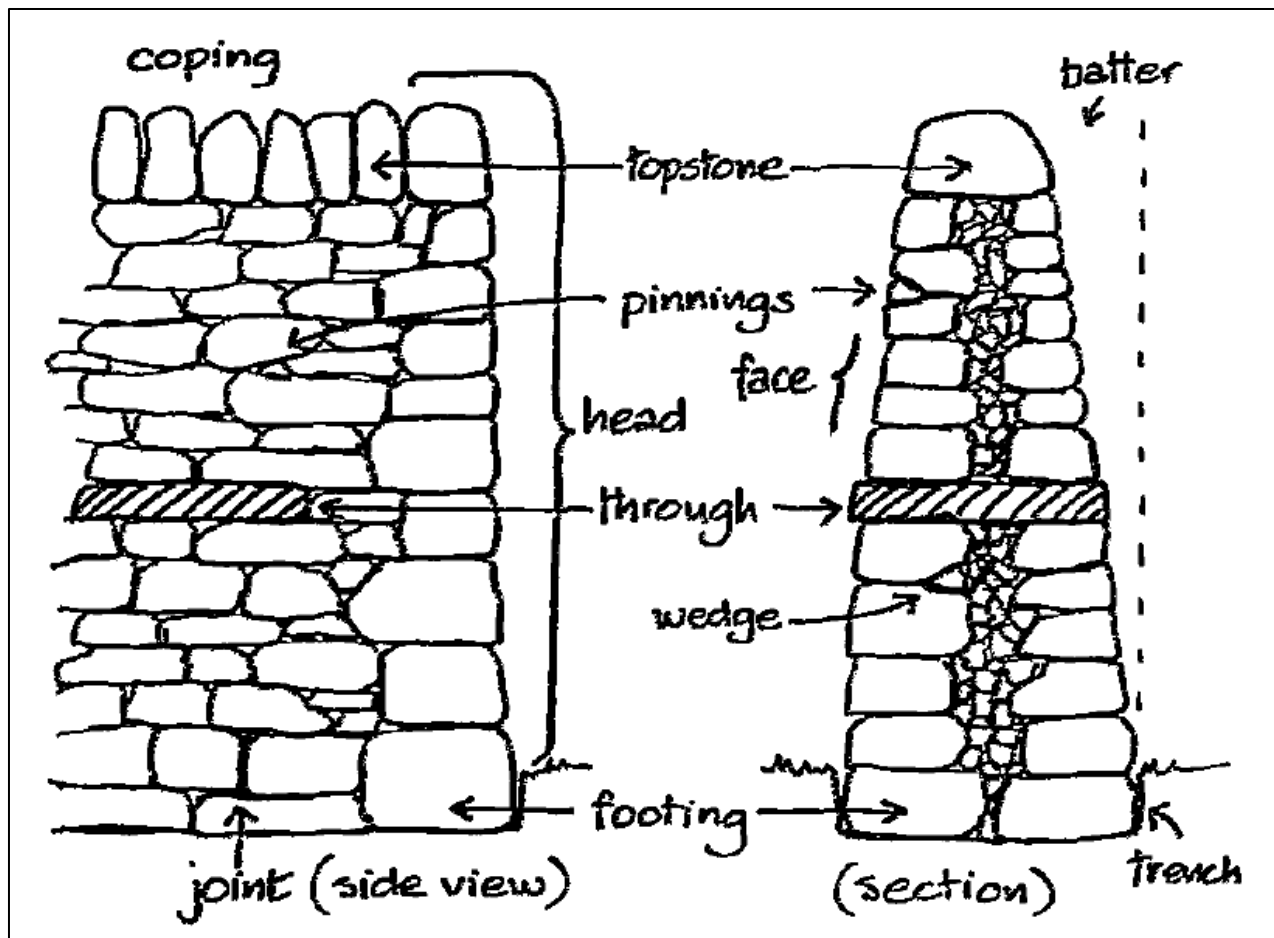


Figure 8 Terminology and features of a dry stone wall (Source: Brook 1994, 7)

Documentary evidence was reviewed in an attempt to determine the construction dates of the walls located within the study area. While plans related to ownership, subdivision and reservation or resumption of the land contained within or adjacent to the study area exist, few provide details of the walls themselves.

A Crown plan for the deviation of the Main South Coast Road at Mt Terry identifies several stone walls [2] [3] on the Kendall property (Figure 9); the plan was surveyed on 19 December 1878.⁴⁰ A Crown plan for a further deviation of the road dated to 1891 also notes the continued presence of the wall (albeit outside of the study area) on the older road alignment.⁴¹

⁴⁰ NSW Department of Lands, CP R1245-1603

⁴¹ NSW Department of Lands, CP Ms863-3000

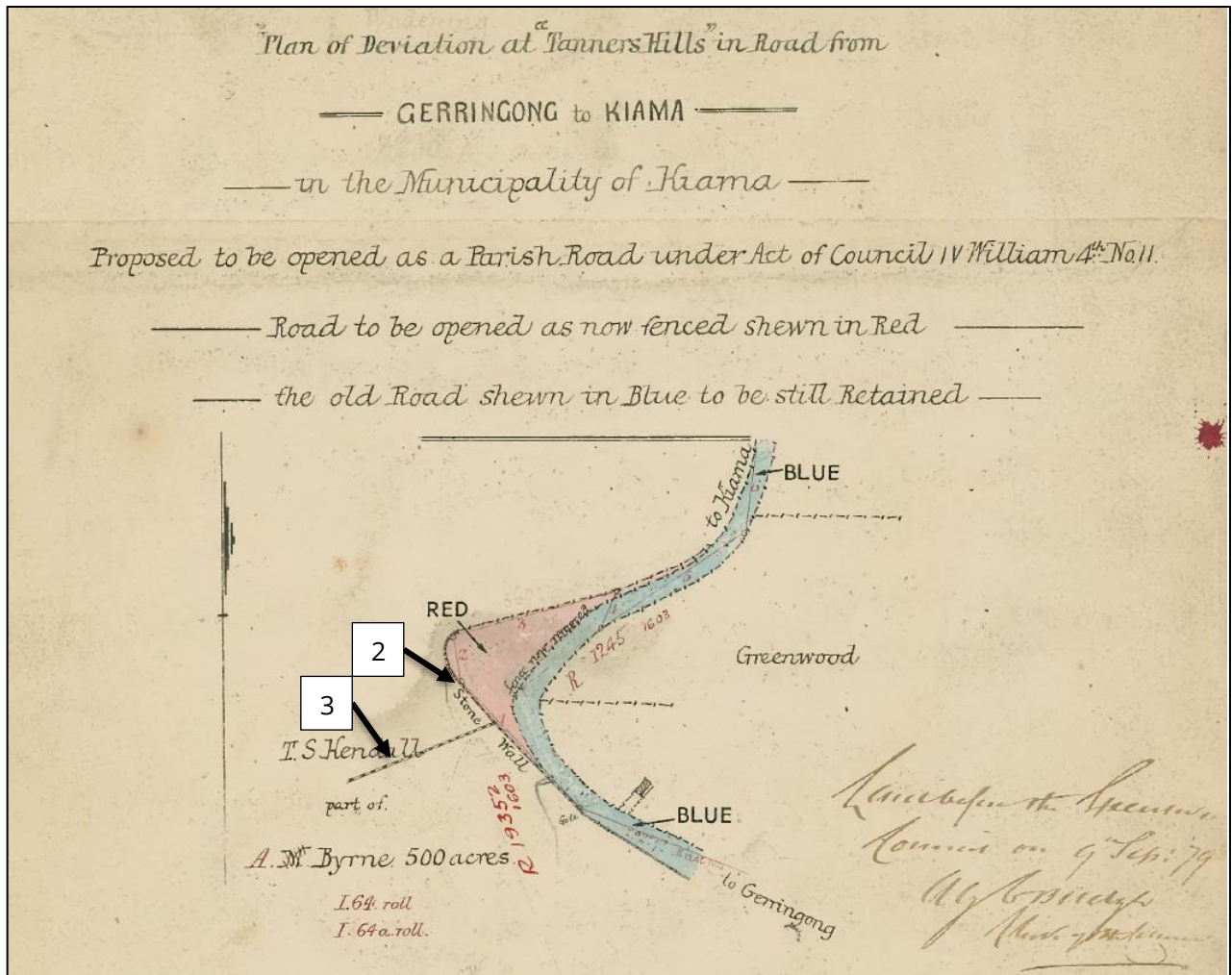


Figure 9 Extract from an 1878 Crown plan for the deviation of the Main South Coast Road, which records two stone walls within Kendall's property (Source: NSW Department of Lands, CP R1245-1603)

A Certificate of Title issued on 5 March 1969 identifies several stone walls within the study area (Figure 10 and Figure 11). These are: an 'old stone wall' [4] on the western boundary of the study area running north-south, ceasing south of the cemetery and transitioning to an 'old post and wire fence over 50 years old'; an 'old stone wall' [5] cutting into the southern portion of the study area running roughly east-west; and the 'stone wall' [6] surrounding Kendalls Cemetery [1].⁴² The stone wall marking the western boundary of the study area is also noted on a 1979 plan. The wall continues to extend along the majority of the lot boundary.⁴³

⁴² NSW Department of Lands, Certificate of Title Volume 11000 Folio 15

⁴³ NSW Department of Lands, DP 258605

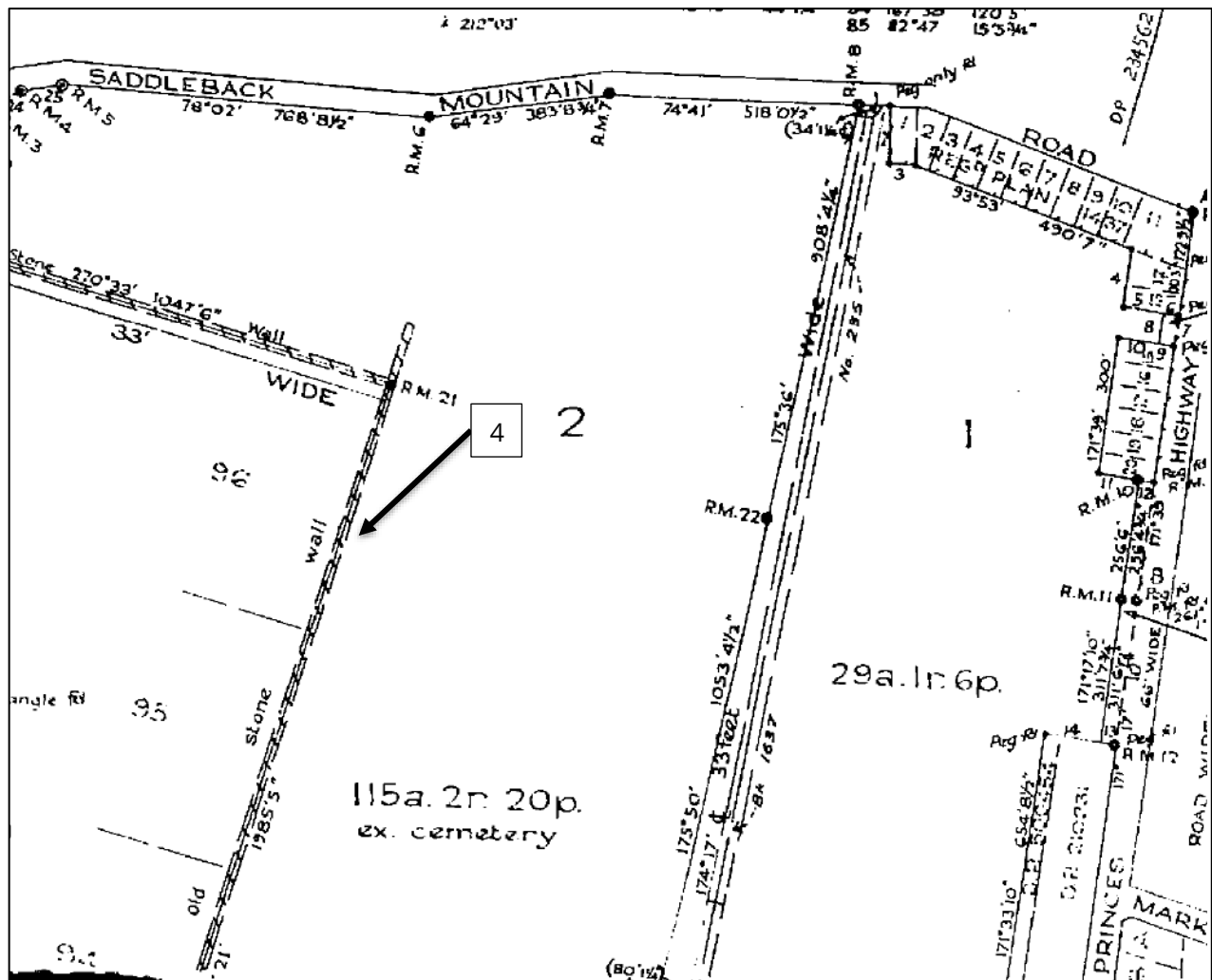


Figure 10 An extract from one part of a 1969 Certificate of Title plan, highlighting the recorded locations of stone walls within the study area (Source: NSW Department of Lands)

Kiama Council have identified and assessed the majority of walls within the study area. Table 2 provides a summary of the assessed walls. Figure 12 identifies the location of the assessed walls.

Table 2 Summary of dry stone walls within the study area that have been assessed by Kiama Municipal Council

Wall no.	Likely date of construction	Builder	Land use	Purpose of wall	Commissioning owner(s)
196 [4]	c.1880-1890	Unknown	Dairying	Paddock and property boundary	Original owners of all lands along the length of the wall are unknown
198 [6]	1885	Possibly Newing	Dairying	Cemetery boundary	Thomas Surfleet Kendall
231 [7]	Not recorded	Not recorded	Not recorded	Not recorded	Not recorded
232 [5]	c.1860-1870	Unknown	Dairying	Paddock boundary	Original owner unknown
233 [8]	Not recorded	Not recorded	Not recorded	Not recorded	Not recorded
234 [9]	c.1860-1870	Unknown	Dairying	Paddock boundary	Original owner unknown
235 [10]	Not recorded	Not recorded	Not recorded	Not recorded	Not recorded
236 [11]	c.1860-1870	Unknown	Dairying	Former holding yard boundary	Original owner unknown
237 [12]	c.1880	Unknown	Dairying	Paddock boundary	Original owner unknown
238 [13]	c.1860s	Unknown	Dairying	Paddock boundary	Original owner unknown
239 [14]	c.1880	Presumed original land owner	Dairying	Possible side of original holding pen	Original owner unknown
240 [15]	c.1880	Presumed original land owner	Dairying	Possible side of original holding pen	Original owner unknown
241 [16]					
242 [17]	c.1870-1880	Unknown – probably original property owner	Dairying	Small embankment wall for cattle movement	Original owner unknown
226 [18]	1860	Unknown	Dairying	Paddock boundary	Original owner unknown

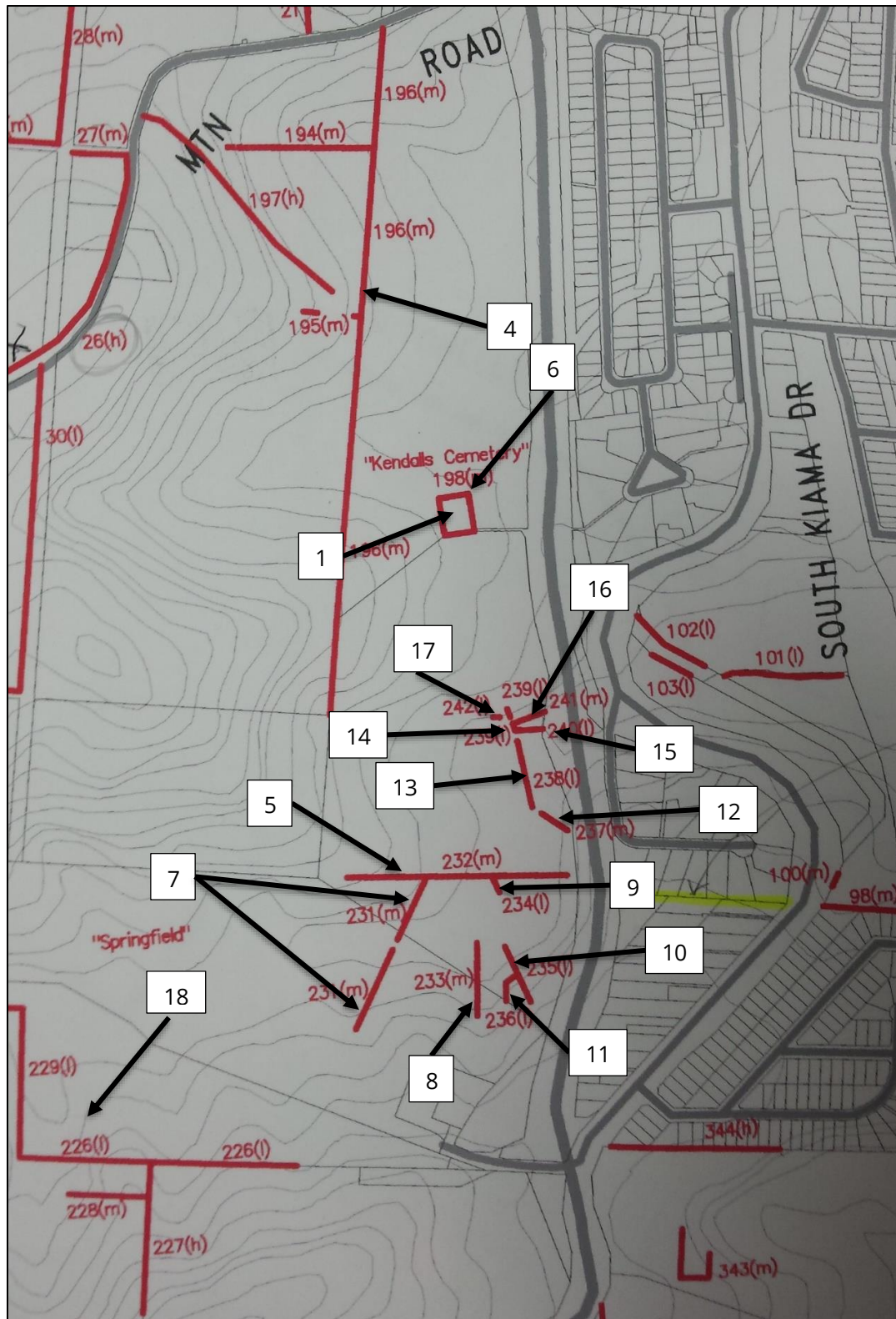


Figure 12 Plan featuring the dry stone walls assessed by Kiama Council as summarised in Table 2 above; note that Wall 231 [7] is composed of two sections, with the northern wall measuring 71 metres and the southern wall 130 metres (Source: Kiama Municipal Council)

3.3 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts in order to gauge how typical or unique the history of a particular site actually is. This is usually ascertained by gaining an understanding of the history of a site in relation to the broad historical themes characterising Australia at the time. Such themes have been established by the Australian Heritage Commission and the NSW Heritage Office and are outlined in synoptic form in NSW Historical Themes.⁴⁴

There are 38 State Historical Themes, which have been developed for NSW, as well as nine National Historical Themes. These broader themes are usually referred to when developing sub-themes for a local area to ensure they complement the overall thematic framework for the broader region.

A review of the contextual history has identified four historical themes which relates to the occupational history of the study area. This is summarised in Table 3.

Table 3 Identified historical themes for the study area

Australian Theme	NSW Theme	Local Theme
3 Developing local, regional and national economies	Agriculture	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture
4 Building settlements, towns and cities	Land tenure	Activities and processes for identifying forms of ownership and occupancy of land and water, both Aboriginal and non-Aboriginal
9 Marking the phases of life	Birth and death	Activities associated with the initial stages of human life and the bearing of children, and with the final stages of human life and disposal of the dead.
	Persons	Activities of, and associations with identifiable individuals, families and communal groups

⁴⁴ NSW Heritage Council 2001

4 Physical inspection

A physical inspection of the study area was undertaken on 6 July 2017, attended by Alexander Beben, Principal Archaeologist, and James Cole, Archaeologist. An additional inspection of the southern portion of the study area (part Lot 102 DP 1077617 and Lot 8 DP 258605) was undertaken on 28 January 2020 by Samantha Keats, Consultant Archaeologist. The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items. Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential.

4.1 Landscape character assessment

The purpose of this section is to provide an analysis and description of the study area as part of a cultural landscape. The cultural landscape concept emphasises the landscape-scale of history and the connectivity between people, places and heritage items. It recognises the present landscape is the product of long-term and complex relationships between people and the environment. For the purposes of this report cultural landscapes are defined as: '... those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes toward the land.'⁴⁵

4.1.1 An overview of cultural landscapes

In order to fully understand the heritage significance of the study area it is necessary to consider the character of the landscape within which it is situated. The heritage value of a landscape may be related to its aesthetic, archaeological, historical, scientific, social, or architectural values, each or all of these values can - exist at any one time. The identification of these values is important in discussing the study area and its constituent elements heritage significance.

Three general landscape categories have been developed and applied by heritage organisations to assist in understanding different types of landscapes:⁴⁶

- **Designed landscapes:** Those that are created intentionally such as gardens, parks, garden suburbs, city landscapes, ornamental lakes, water storages and campuses.
- **Evolved landscapes:** Those that display an evolved land use in their form and features. They may be 'relict' such as former mining or rural landscapes. They may be 'continuing' such as modern active farms, vineyards, plantations or mines.
- **Associative cultural landscapes:** Those are landscape features that represent religious, artistic, sacred or other cultural associations to individuals or communities.

4.1.2 The study area as a cultural landscape

The study area is located within a designed landscape which has been cleared and adapted for the purpose of dairying, an activity for which the property was associated for much of its occupation. The cultural landscape within the study area can be divided into two landscape zones: the pastoral landscape; and Kendalls Cemetery.

⁴⁵ Context P/L et al. 2002

⁴⁶ United Nations Educational, Scientific and Cultural Organisation 2012

The dairying landscape associated with the study area dates to the mid-nineteenth century shift from crop agriculture to dairying as the predominant industry within the area. The landscape was developed through the implementation of clearing leases and tenant farming instituted as part of the *Burroul Estate*. The dairying landscape associated with the study area, like many others in the area consists of internal and external boundaries. Natural boundaries which characterise the cultural landscape are primarily the result of the Munna Munnora Creek River and its associated tributaries. These dissect a landscape of gentle to steep hills. The study area retains its character as a partially intact example of the original pastoral *Burroul Estate*, originally associated with the mid-nineteenth century Kiama LEP listed Kendall House, to the east of the study area. The study area remains the last intact example of the *Burroul Estate*, the eastern portion of which has undergone significant subdivision and development during the 20th century.

The landscape of the study area typifies the exploitation of every suitable portion of land for dairying. The property appears to have remained unchanged for much of its history following its transition from crop farming to dairying in the mid-19th century. Boundary and yard fences constructed from stone, likely by Thomas Newing, create man made barriers and prominent features within the landscape. These dry stone walls form not only property boundaries, but also holding pens which likely date to the earliest use of the property as a dairy during the mid to late nineteenth century. Of particular note is the long, western dry stone wall which likely marked the original boundary of the Kendall's *Burroul Estate* with the small holdings to the west.

The Kendalls Family Cemetery is situated on a broad crest at the centre of the property that overlooks the surrounding pastoral landscape. The cemetery is delineated from the surrounding agricultural land by dry stone walls, with landscaping including mature trees and plantings creating a formal backdrop. Prior to the planting of screening vegetation along the Princes Highway, the cemetery likely held an outlook east to the coastline and Pacific Ocean. Of note also is the visual connectivity between the cemetery and Kendall's House.

4.1.3 Views to and from the study area

It is important to analyse and describe views to and from components within a cultural landscape to help understand how it is experienced and to understand the nature of an evolving landscape. This enables a greater understanding of what aspects of the landscape need to be conserved and protected. Significant views to, from and within the study area are described in this section and shown in Plate 1 to Plate 4.

Significant views within the study area are primarily related to the Kendalls Cemetery, particularly the norther and southern aspect, unobscured by trees, which maintain an uninterrupted view over the pastoral landscape which has dominated the area for the last 150 years. Plantings of trees along the eastern edge of the cemetery and the adjacent highway appear to obscure view of the ocean as well. It has not been confirmed if these plantings are original.



Plate 1 View north-west from Kendalls Cemetery.



Plate 2 View east from Kendalls Cemetery.



Plate 3 View south from the southern portion of the study area.



Plate 4 Dry stone walls and rolling hills to the south of Munna Munnora Creek, view south.

4.2 Built fabric assessment

The study area contains a range of built fabric. This can be summarised as a remnant of a nineteenth century agricultural homestead complex, retaining agricultural features and a family cemetery. The study area contains a range of modern features such as colourbond sheds, posts and fence lines, watering troughs and plantings which based upon their built form and historical research are recent (post-1950s additions) and do not form significant elements of the site.

4.2.1 Landscape features

The following features have been identified as landscape features within the study area associated with the functioning of the land as a dairy farm. The position and fencing on the property are representative of the planning and functioning of the dairy farm. The fencing has been used to control and direct the cattle, as well as to separate the agricultural and spiritual functions that co-existed within the study area, as well as to define the use of various areas. Fencing and landscaping have been used to define the entrance and boundaries of Kendalls Cemetery.

Fence lines

A significant component to the heritage value of the study area are the dry stone walls that form part of the property boundary and yard walls. The condition of the walls were assessed as part of the field survey; the condition ratings are summarised in Table 4. The dry stone walls within the study area are summarised in Table 5.

Table 4 Ratings and criterion for the condition assessment of the dry stone walls within the study area

Rating	Criterion
Good	More than 75% complete, i.e. form of the wall is distinct
Average	50-75% complete, i.e. partially complete, form is clear
Poor	<50% complete

Table 5 Description of dry stone walls within the study area

Kiama Dry Stone Walls Inventory No.	Description and condition	
	Kiama Heritage Inventory sheet	Current Biosis assessment
196 [4]	<p>Good proportions: Correct overall proportions stability</p> <p>Type of foundation stones: Foundation layer is not visible to assess</p> <p>Face stones well interlocked: Moderate level of face stone engagement</p> <p>Good coping stones: Large, but inconsistent - most have fallen</p> <p>Intactness as a percentage: Average 70-80%</p>	<p>Double stone wall that runs along the western boundary of the study area. The wall varies in condition along its length from good to poor. Some topstones are missing and the wall is overgrown by weeds at some points. The condition of the wall deteriorates towards its northern end where it is in poor condition.</p> <p>Length: approx. 900 metres</p>
198 [6]	<p>Good proportions: Uneven face batter, but good proportions</p> <p>Type of foundation stones: Moderate-high base course support</p> <p>Face stones well interlocked: Especially along middle part of western arm</p> <p>Good coping stones: Generally coping layer has been removed</p> <p>Intactness as a percentage: Average 70-80% around the four arms of the wall</p>	<p>Double stone wall that forms the northern boundary of Kendalls Cemetery. The wall is in poor condition and heavily degraded at its western end.</p> <p>Length: approx. 50 metres</p>
198 [6]	<p>Good proportions: Uneven face batter, but good proportions</p> <p>Type of foundation stones: Moderate-high base course support</p> <p>Face stones well interlocked: Especially along middle part of western arm</p> <p>Good coping stones: Generally coping layer has been removed</p> <p>Intactness as a percentage: Average 70-80% around the four arms of the wall</p>	<p>Double stone wall that forms the eastern boundary of Kendalls Cemetery. The wall is in poor condition and mostly overgrown by hedges.</p> <p>Length: approx. 50 metres</p>

Kiama Dry Stone Walls Inventory No.	Description and condition	
	Kiama Heritage Inventory sheet	Current Biosis assessment
198 [6]	<p>Good proportions: Uneven face batter, but good proportions</p> <p>Type of foundation stones: Moderate-high base course support</p> <p>Face stones well interlocked: Especially along middle part of western arm</p> <p>Good coping stones: Generally coping layer has been removed</p> <p>Intactness as a percentage: Average 70-80% around the four arms of the wall</p>	<p>Double stone wall that forms the western boundary of Kendalls Cemetery. The wall is in moderate condition with topstones missing in some sections and some impacts from vegetation growth.</p> <p>Length: approx. 50 metres</p>
198 [6]	<p>Good proportions: Uneven face batter, but good proportions</p> <p>Type of foundation stones: Moderate-high base course support</p> <p>Face stones well interlocked: Especially along middle part of western arm</p> <p>Good coping stones: Generally coping layer has been removed</p> <p>Intactness as a percentage: Average 70-80% around the four arms of the wall</p>	<p>Double stone wall that forms the southern boundary of Kendalls Cemetery. The wall is in moderate condition with topstones missing in some places.</p> <p>Length: approx. 50 metres</p>
Newly identified [3]	Not listed.	<p>Double stone wall in poor condition, with only footings and some lower courses of stones surviving.</p> <p>Length: approx. 70 metres</p>

Kiama Dry Stone Walls Inventory No.	Description and condition	
	Kiama Heritage Inventory sheet	Current Biosis assessment
239/241 [14] [16]	<p>Wall 239</p> <p>Good proportions: Not for the standard 'A' frame model</p> <p>Type of foundation stones: Very large, deeply set and very rectangular</p> <p>Face stones well interlocked: Relatively high considering scale of blocks</p> <p>Good coping stones: No identifiable coping distinct from face rock</p> <p>Intactness as a percentage: Average 90%, where visible and accessible</p> <p>Wall 241</p> <p>Not available.</p>	<p>Curving double stone wall in good to moderate condition to the north of Minna Munnora Creek. Weeds and trees grow along the length of the wall with the eastern extent obscured by vegetation.</p> <p>Length: 45 metres</p>
240 [15]	<p>Good proportions: Not for the standard 'A' frame model</p> <p>Type of foundation stones: Very large, deeply set and very rectangular</p> <p>Face stones well interlocked: Large gaps across entire wall face</p> <p>Good coping stones: No identifiable coping layer present</p>	<p>Double stone wall in good to poor condition and lined with plantings on its northern side.</p> <p>Length: approx. 30 metres</p>
237 [12]	<p>Good proportions: Wide base course and good angled batter</p> <p>Type of foundation stones: Not visible, but presumed large</p> <p>Face stones well interlocked: High face rock engagement</p> <p>Good coping stones: Large, uniform blocks showing good binding</p>	<p>Double stone wall in poor to average condition with no topstones surviving. The wall is overgrown by weeds for most of its length.</p> <p>Length: approx. 30 metres</p>

Kiama Dry Stone Walls Inventory No.	Description and condition	
	Kiama Heritage Inventory sheet	Current Biosis assessment
232 [5]	<p>Good proportions: Very vertical southern face at the western end</p> <p>Type of foundation stones: Moderate and deeply set from wall subsidence</p> <p>Face stones well interlocked: Very good engagement, where intact</p> <p>Good coping stones: Limited amount of coping layer remains</p>	<p>Double stone wall in poor to moderate condition. The longest extent of the wall is heavily overgrown as assessed as being in bad condition.</p> <p>Length: approx. 220 metres</p>
231 [7]	No information provided in inventory sheet	<p>Double stone wall in poor to good condition, with well-preserved sections in its southern half. The wall is heavily obscured by lantana in some areas.</p> <p>Length: approx. 80 metres</p>
231 [7]	No information provided in inventory sheet	<p>Double stone wall in poor condition, heavily overgrown by vegetation obscuring most of its length.</p> <p>Length: approx. 130 metres</p>
233 [8]	No information provided in inventory sheet	<p>Double stone wall in poor to average condition. The length of the wall is heavily overgrown by weeds, but the condition of the wall is particularly poor at its southern extent where it is largely obscured by vegetation.</p> <p>Length: approx. 95 metres</p>
236 [11]	<p>Good proportions: Large base course width, where intact</p> <p>Type of foundation stones: Very large and planar shapes utilised</p> <p>Face stones well interlocked: Quite tight engagement for a paddock division</p> <p>Good coping stones: No identifiable coping layer remains</p>	Wall unable to be assessed as it is inaccessible.

Kiama Dry Stone Walls Inventory No.	Description and condition	
	Kiama Heritage Inventory sheet	Current Biosis assessment
234 [9]	<p>Good proportions: Good, small, solid 'A' frame shape</p> <p>Type of foundation stones: Moderate scale, but mostly not visible</p> <p>Face stones well interlocked: Quite tight engagement for a paddock division</p> <p>Good coping stones: Some very large coping blocks adjoining wall</p>	Wall unable to be assessed as it is inaccessible.
235 [10]	No information provided in inventory sheet	Wall unable to be assessed as it is inaccessible.
238 [13]	<p>Good proportions: Wide base course width suggests good footing</p> <p>Type of foundation stones: Mostly not visible, but presumed large</p> <p>Face stones well interlocked: Irregular face rock engagement</p> <p>Good coping stones: Majority of coping layer has disappeared</p>	Wall unable to be assessed as it is inaccessible.
242 [17]	<p>Good proportions: Not for the standard 'A' frame model</p> <p>Type of foundation stones: Very large, deeply set and some in-situ used</p> <p>Face stones well interlocked: Large gaps across entire exposed wall face</p> <p>Good coping stones: No identifiable coping layer present</p>	Wall unable to be assessed as it is inaccessible.
226 [18]	<p>Good proportions: Correct base course widths for stability</p> <p>Type of foundation stones: Large sized stones with in-situ rock used</p> <p>Face stones well interlocked: High overall face rock engagement</p> <p>Good coping stones: Most of coping layer has deteriorated</p>	<p>Double stone wall in poor to average condition. The length of the wall is heavily overgrown by weeds, with isolated areas appearing to be heavily degraded.</p> <p>Length: approx. 140 metres</p>

4.2.2 Kendalls Cemetery Complex

Kendalls Cemetery [1] appears to have been in use from the 1850s to 1940s. It occupies a broad flat crest within the wider landscape of rolling to steep hills and is delineated from its agricultural surroundings by dry stone walls. The physical inspection identified 33 grave markers, with the earliest identifiable monument belonging to Caroline Elizabeth Perry (1795-1853) and the latest commemorating Charles Hartwell King (1879-1948).

Grave markers within the cemetery take a number of forms and styles, including upright stelae, horizontal slabs, crosses and plaques made from sandstone, marble and granite. Markers exhibit both gothic and neoclassical stylistic elements. Boundaries of graves and family plots within the cemetery are indicated by raised slabs, stone kerbing and low fencelines (Plate 5 to Plate 10). The pedestal and column grave marker of John Black is of particular note both for its elaborateness and masonic iconography (Plate 11).

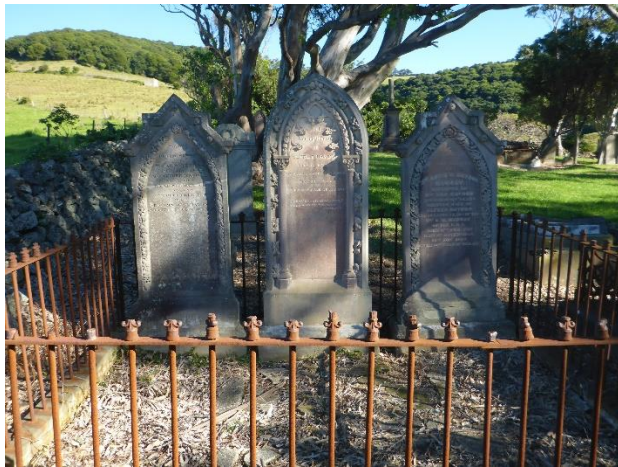


Plate 5 Headstone memorials surrounded by low fencelines



Plate 6 Raised horizontal slab memorials surrounded by derelict low fencelines



Plate 7 Raised horizontal slab with crucifix, memorial plaque with stone kerbing and crucifix memorial with stone kerbing



Plate 8 Horizontal slab and memorial plaque with stone kerbing



Plate 9 Memorial headstones with stone kerbing



Plate 10 Memorial headstone with stone kerbing and stone plot outline



Plate 11 Grave marker of John Black, former mayor of Kiama, view west.

A list of burials and memorials identified within Kendalls Cemetery during the physical inspection is provided in Table 6. Where exact lettering could not be determined an asterisk is used as a place holder for the

unknown letter. A complete list of memorials has been recorded in the Australian Cemeteries Index (Table 6), details of which have been used to supplement the details in Table 6.

Table 6 List of burials and memorials identified within Kendalls Cemetery, supplemented with details from the Australian Cemeteries Index

Name	Age (birth-death)	Biographical details (where known)
*[F]lora Lucy Geary	3 years, 2 months (c.1860-1863)	Daughter of John and Harriet
Ada Susannah Kendall	15 (c.1857-1872)	Daughter of John and Catherine
Alfred Haydon	56 (c.1819-1875)	Son of Thomas Tilbury and Ann
Anne Haydon Tilbury	78 (1792-1871)	Daughter of John and Margaret, born in England, wife of Thomas Tilbury
Annie W. Haydon	80 (1819-1899)	Daughter of Thomas and Ann Hayden, wife of Alfred Hayden and Archibald W
Archibald McSperrren	7 years 9 months (c.1853-1860)	Son of George and Sarah
Caroline Blake Kendall	81 (c.1810-1891)	Wife of Thomas Surfleet
Caroline Elizabeth Perry	58 (1795-1853)	Wife of Samuel Augustus
Catherine Newell Chapman	48 (c.1812-1860)	Wife of Thomas Chapman
Charlotte Elizabeth Black (Kendall)	81 (c.1838-1919)	Wife of John Black, daughter of Thomas Surfleet and Caroline Blake
Edwin Surfleet Fuller	29 (c.1876-1905)	Son of Thomas James and Mary Cecelia (Kendall)
Emma Kendall (Hunt)	81 (c.1854-1935)	Daughter of George and Mary Ann Hunt, wife of Robert Oscar Kendall
George Hunt	75 (c.1827-1902)	Husband of Mary Ann Hunt
George Oscar Surfleet ***** Kendall	2 years 8 months (1875-1878)	Son of Robert Oscar and Emma (Hunt) Kendall
Greta Dora Hunt	11 months (c.1896-1897)	Daughter of James and Emma Hunt
James (Bedad) Armstrong	Unknown (death 1880)	Son of Robert and Isabella Armstrong, born in Pettigoe, on the Tarmon River, Ulster, Fermanagh [Fermanagh], Ireland, husband of Jane (Johnston) and Alice McReedy)
Jane (Johnson) Armstrong	Unknown (death 1862)	Daughter of Thomas and Kitty Johnson, born County Fermanagh [Fermanagh], Ireland, wife of James (Bedad) Armstrong
Jane (Quickfall) Kendall	86 (c.1780-1866)	Wife of Reverend Thomas Kendall

Name	Age (birth-death)	Biographical details (where known)
John Black	50 (c.1831-1881)	Former mayor of Kiama, husband of Charlotte Elizabeth Kendall ⁴⁷
Margaret Ann Kendall	73 (c.1863-1909)	Mother of Private Louis Stanley Kendall, wife of Thomas Robert Kendall ⁴⁸
Margaret K. (Marks) Bailey	65 (c.1856-1921)	Daughter of Robert and Jane Catherine (Kendall) Marks, wife of Alfred Bailey
Mary Ann Hunt	19 (c.1863-1882)	Daughter of George and Mary Ann Hunt
Mary Ann Hunt	66 (c.1828-1894)	Wife of George Hunt
Mary Anne Denning	69 (c.1812-1881)	N/A
Mary Cecelia (Kendall) Fuller	50 (c.1845-1895)	Daughter of Thomas Surfleet and Caroline (Blake) Kendall, wife of Thomas James Fuller
Private Louis Stanley Kendall	39 (1878-1917)	Private Louis Stanley Kendall, killed in action in Belgium 23 October 1917 ⁴⁹ , son of Thomas Robert and Margaret Ann Kendall
Robert Oscar Kendall	80 (1840-1920)	Son of Thomas Surfleet and Caroline Blake (Rutter) Kendall, husband of Emma (Hunt) Kendall
Samuel Augustus Perry	62 (1791-1854)	Husband of Caroline Elizabeth Perry
T. S. Kendall	76 (c.1807-1883)	Thomas Surfleet, eldest son of Rev. Thomas and Jane (Quickfall) Kendall, spouse of Caroline Blake
Thomas Chapman	79 (c.1795-1874)	Husband of Catherine Newell Chapman, born in England
Thomas Robert Kendall	73 (c.1832-1905)	Father of Private Louis Stanley Kendall, husband of Margaret Ann Kendall ⁵⁰

4.3 Archaeological assessment

The potential archaeological resource relates to the predicted level of preservation of archaeological resources within the study area. Archaeological potential is influenced by the geographical and topographical location, the level of development, subsequent impacts, levels of onsite fill and the factors influencing preservation such as soil type. An assessment of archaeological potential has been derived from the historical analysis undertaken during the preparation of this report.

⁴⁷ 1881 "Obituary." *The Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 5 August, p. 2, <http://trove.nla.gov.au/newspaper/article/113838665>, viewed 11 October 2017

⁴⁸ 1918 "The Late PTE L. S. Kendall." *The Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 13 March, p. 2, <http://nla.gov.au/nla.news-article102745784>, viewed 11 October 2017

⁴⁹ 1918 "The Late PTE L. S. Kendall." *The Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 13 March, p. 2, <http://nla.gov.au/nla.news-article102745784>, viewed 11 October 2017

⁵⁰ 1918 "The Late PTE L. S. Kendall." *The Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), 13 March, p. 2, <http://nla.gov.au/nla.news-article102745784>, viewed 11 October 2017

4.3.1 Archaeological resource

This section discusses the archaeological resource within the study area. The purpose of the analysis is to outline what archaeological deposits or structures are likely to be present within the study area and how these relate to the history of land use associated with the study area.

The historical context presented in this report indicates that, excepting Kendalls Cemetery at its centre, the study area has remained largely undeveloped since it was initially granted to Andrew Byrne in 1825. Since the early 19th century the portion of the *Burroul Estate* in which the study area is located appears to have been given over to agricultural use. First for the cultivation of crops such as corn by Thomas Surfleet, before being used for dairying from the mid-19th century. The research conducted for this assessment did not identify any evidence for early residential development within the study area, with no structures marked on early maps or aerial imagery of the study area, and the gradient of the slopes across the majority of the property are unlikely have been practical for such development.

The majority of the study area is likely to contain low density archaeological evidence associated with the operation of the study area for cultivation or dairying. These archaeological remains are likely to be associated with timber storage buildings, cobble surfaces, post holes, and foundations of stone walls. Evidence of pre-dairying cultivation of the study area may be present in the form of ridge and furrow. These are likely to present as ephemeral features rather than substantial archaeological remains.

The historical context identified that, with the exception of the memorial to Private Louis Stanley Kendall, the grave markers within Kendalls Cemetery are likely associated with burials. The historical context could not discount the potential for further, unmarked burials within the cemetery complex. These burials likely contain coffins, as well as the remains of the deceased and any personal effects they may have been interred with.

4.3.2 Integrity of sub-surface deposits

This section discusses how the sequence of land use activities has impacted upon relics which may be present within the study area. To date no archaeological excavations have been conducted within the study area which makes an analysis of the preservation of archaeological resources difficult. Based upon the physical inspection and the lack of development within the vicinity of the study area it is likely that any archaeological remains dating from the early 19th to early 20th century occupation of the study area remain largely undisturbed in areas which have not been subject to subsurface disturbance from the cemetery. Evidence of dairying and cultivation associated with the early operation of the *Burroul Estate* may include the footings of early sheds, yards and dry stone walls which are likely to present as ephemeral archaeological features. The level of preservation associated with these is unknown; however it is doubtful that substantial remains beyond post holes and footing stones survive.

No evidence for subsurface disturbance beyond the initial excavation of grave plots was identified during the physical inspection of Kendalls Cemetery, or in research conducted for the historical context. It is likely that the burials within the cemetery survive intact, and there is the potential for further, undisturbed and unmarked graves to be located within the cemetery.

4.3.3 Research potential

Archaeological research potential refers to the ability of archaeological evidence to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site. Archaeological research potential differs from archaeological potential in that the presence of an archaeological resource (i.e. archaeological potential) does not mean that it can provide any additional information that increases our understanding of a site or the past (i.e. archaeological research potential).

The research potential of a site is also affected by the integrity of the archaeological resource within a study area. If a site is disturbed, then vital contextual information that links material evidence to a stratigraphic sequence may be missing and it may be impossible to relate material evidence to activities on a site. This is generally held to reduce the ability of an archaeological site to answer research questions.

Assessment of the research potential of a site also relates to the level of existing documentation of a site and of the nature of the research done so far (the research framework), to produce a 'knowledge' pool to which research into archaeological remains can add.

Developing local, regional and national economies: agriculture

The study area formed the western portion of the *Burroul Estate*, most notably worked by the Kendall family from the early 19th to 20th centuries. Whilst the study area is unlikely to contain any substantial archaeological remains, should any features be encountered they would have the potential to answer questions relating to the agricultural development of the *Burroul Estate* by Thomas Surfleet Kendall or his father Rev. Thomas Kendall, prominent landowners in the Kiama region, as well as the role of dry stone walls in structuring pastoral properties. Evidence of land formation practices and the alteration of the landscape within the estate may reflect agricultural developments and efforts made to adjust the Australian landscape to be more like a British pastoral landscape of the 19th Century. Whilst this information would assist in understanding the setting of Kendall House, it has limited potential to answer any significant research questions.

Building settlements, towns and cities: land tenure

The distribution of dry stone walls within the study area reflects the boundaries of landholdings within and surrounding the *Burroul Estate*. The dry stone wall at the western perimeter of the study area appears to be a remnant of original attempts to demarcate the estate from the properties of smaller land owners to the west and there is the potential for the footings of other dry stone walls to be located within the study area. Whilst this information would assist in understanding the setting of Kendall House and the processes used to display ownership and occupancy of land in the Kiama area, it has limited potential to answer any significant research questions which cannot be better answered by documentary sources.

Marking the phases of life: birth and death

The central portion of the study area contains the well preserved remains of Kendalls Cemetery which has the potential to significantly advance our knowledge of genealogy, kinship links and practices regarding the disposal of the dead in the Kiama region. The grouping of graves and details of birth, death and marriage present on grave markers within the cemetery can shed further light on the lives and relationships between some of Kiama's earliest settlers. The grave markers contain the potential to further broaden our understanding of changing economic fortunes and trends in the memorialisation of the dead during the 19th and early 20th centuries.

When undertaken, the excavation of burials can provide a wealth of knowledge regarding the lives and deaths of the deceased and their community. The analysis of human remains, style of burial and any grave goods with which an individual is buried can provide details pertaining to cause of death, health, social status, religious beliefs, movements during life and genetic background which can greatly augment written sources of the period. The excavation and analysis of the cemetery complex as a whole can shed further light on the demographics of early Kiama, as well as potentially allow for the identification of patterns in relationships, health, socio-economic status and cultural trends among its inhabitants.

Marking the phases of life: persons

The cemetery within the central portion of the study area is closely associated with the Kendall family, who, as

discussed in the historical context, were significant early landholders in the Kiama area. Members of the Black, Haydon, McSperrin, Perry, Newell, Fuller, Hunt, Armstrong, Bailey, Chapman and Denning families are also buried within the cemetery, with many of these families having intermarried with the Kendall family during the second half of the 19th and early 20th centuries. The study and excavation of the cemetery has the potential to significantly advance research regarding the lives and ancestry of members of these families, providing details not otherwise found in historical records. This potential research is valuable not only to the descendants of those buried within the cemetery but to the wider Kiama community, with individuals buried within the cemetery including some of the town's most notable early inhabitants, including Thomas Surfleet Kendall, Jane Kendall (wife of Rev. Thomas Kendall) and former mayor John Black.

Areas of little archaeological research interest

The archaeological remains relating to un-stratified relics, ephemeral evidence of dairying or cultivation such as former fence lines and holding pens or the later occupation of the study area have a limited potential to answer research questions relating to the development and nature of occupation of the study area which would not be better answered by documentary sources.

4.3.4 Summary of archaeological potential

Through an analysis of the above factors a number of assumptions have been made relating to the archaeological potential of the study area, these are presented in Table 7 and Figure 13.

The assessment of archaeological potential has been divided into three categories:

- **High archaeological potential** – based upon the historical context and documentary evidence presented within this report there is a high degree of certainty that archaeologically significant remains relating to this period, theme or event will occur within the study area.
- **Moderate archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is probable that archaeologically significant remains relating to this period, theme or event could be present within the study area,
- **Low archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is unlikely that archaeologically significant remains relating to this period, theme or event will occur within the study area.

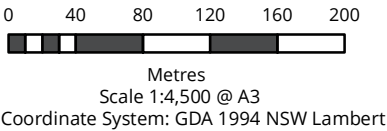
Table 7 Assessment of archaeological potential

Probable Archaeological Features	Feature(s)	Established Dates	Archaeological Potential
Evidence of dairying including holding pens, work surfaces and post holes.	Compacted deposits, metalling, kerbing, post holes, drainage features.	c.1840 - present	Low
Evidence of land formation practices and alteration of the landscape	Fence lines, postholes, landscaping.	c.1827 - present	Low
Kendalls Cemetery	Grave markers, backfilled graves, human remains, artefacts associated with the deceased, landscaping.	1853 - 1935	High



Figure 13 Areas of non-Aboriginal archaeological potential within the study area

Acknowledgements: Imagery (c) Nearmap 2017
Topography (c) NSW Land and Planning Information 2012
Matter: 31559
Date: 12 February 2020,
Checked by: JC, Drawn by: LW, Last edited by: lwilson
Location: P:\31500s\31559\Mapping\31559_HA_F13_ArchPotential



5 Significance assessment

An assessment of heritage significance encompasses a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations'⁵¹. This means a place can have different levels of heritage value and significance to different groups of people.

The heritage significance of an item is commonly assessed in terms of historical, aesthetic, scientific, and social values, particularly by what a site can tell us about past lifestyles and people. There is an accepted procedure for determining the level of significance of a heritage item.

A detailed set of criteria for assessing the State's cultural heritage was published by the (then) NSW Heritage Office. These criteria are divided into two categories: nature of significance, and comparative significance.

Heritage assessment criteria in NSW fall broadly within the four significance values outlined in the Burra Charter. The Burra Charter has been adopted by State and Commonwealth heritage agencies as the recognised document for guiding best practice for heritage practitioners in Australia. The four significance values are:

- **Historical** significance (evolution and association).
- **Aesthetic** significance (scenic/architectural qualities and creative accomplishment).
- **Scientific** significance (archaeological, industrial, educational, research potential and scientific significance values).
- **Social** significance (contemporary community esteem).

The NSW Heritage Office issued a more detailed set of assessment criteria to provide consistency with heritage agencies in other States and to avoid ambiguity and misinterpretation. These criteria are based on the Burra Charter. The following SHR criteria were gazetted following amendments to the Heritage Act that came into effect in April 1999:

- **Criterion (a)** - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (b)** - an item has 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 (or the cultural or natural history of the local area).
- **Criterion (c)** - an item is important in demonstrating the aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- **Criterion (d)** - an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- **Criterion (e)** - an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (f)** - an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

⁵¹ NSW Heritage Office, 2001

- **Criterion (g)** - an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments; or a class of the local area's cultural or natural places; or cultural or natural environments.

5.1 Levels of heritage significance

Items, places, buildings, works, relics, movable objects or precincts can be of either local or State heritage significance, or have both local and State heritage significance. Places can have different values to different people or groups.

Local heritage items

Local heritage items are those of significance to the local government area. In other words, they contribute to the individuality and streetscape, townscape, landscape or natural character of an area and are irreplaceable parts of its environmental heritage. They may have greater value to members of the local community, who regularly engage with these places and/or consider them to be an important part of their day-to-day life and their identity. Collectively, such items reflect the socio-economic and natural history of a local area. Items of local heritage significance form an integral part of the State's environmental heritage.

State heritage items

State heritage items, places, buildings, works, relics, movable objects or precincts of State heritage significance include those items of special interest in the State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection or association with the State in its widest sense.

The following evaluation attempts to identify the cultural significance of the study area. This significance is based on the assumption that the site contains intact or partially intact archaeological deposits.

5.2 Evaluation of significance

Criteria A: *An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).*

Dry stone walls: The dry stone walls are representative of the history of agriculture in the Kiama area, and of dairying within the study area specifically. They also represent early means of marking boundaries in the local area, such as the initial land grants in Kiama. The walls satisfy this criterion at a local level..

Kendall Family Cemetery: The cemetery contributes to the recording of local history. The Kendall Family Cemetery satisfies this criterion at local level.

Criterion B: *An item has 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 (or the cultural or natural history of the local area).*

Dry stone walls: The dry stone walls were likely constructed by Thomas Newing or his son during the 19th century, making them works of Kiama's primary dry stone wall maker, who is acknowledged as having built the majority of the dry stone walls in the area. The dry stone walls satisfy this criterion at local level.

Kendall Family Cemetery: The cemetery has associations with Thomas Surfleet Kendall of Barroul and the Kendall family, prominent early citizens of Kiama. The Kendall Family Cemetery satisfies this criterion at local level.

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

Dry stone walls: The dry stone walls within the study area are exemplar of dry stone walls surviving within the Kiama region and form an integral part of the aesthetic characteristics of the dairying landscape within the study area and Kiama more broadly. Their construction and degree of intactness demonstrate the skill and craftsmanship of their constructors. The dry stone walls satisfy this criterion at local level.

Kendall Family Cemetery: The cemetery has aesthetic significance for the craftsmanship of the monuments and its setting in a drystone walled compound on the slopes of Saddleback Mountain. The Kendall Family Cemetery satisfies this criterion at local level.

Criterion D: *An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

Dry stone walls: The dry stone walls do not satisfy this criterion.

Kendall Family Cemetery: The cemetery has social and spiritual significance as a burial ground and religious association with the Church of England. The Kendall Family Cemetery satisfies this criterion at local level.

Criterion E: *An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).*

Dry stone walls: The dry stone walls do not satisfy this criterion.

Kendall Family Cemetery: The cemetery does not satisfy this criterion.

Criterion F: *An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (or the cultural or natural history of the local area).*

Dry stone walls: The dry stone walls present within the study area are common to the Kiama region but rare in NSW. The dry stone wall running the western perimeter of the study area is notable for its length and degree of intactness and along inventory no. 232 in the southern portion of the study area represent rare surviving examples of the boundary walls of the *Burroul Estate*. The dry stone walls satisfy this criteria at a local level.

Kendall Family Cemetery: The cemetery is a rare example of an early colonial family cemetery in NSW. The Kendall Family Cemetery satisfies this criterion at local level.

Criterion G: An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments. (or a class of the local area's cultural or natural places, or cultural or natural environments).

Dry stone walls: The dry stone walls present within the study area are common to the Kiama region but rare in NSW. Given how extensive they are within the study area, and the degree of intactness that many of them have, they are representative of the principal characteristics of this type of item in the Kiama area. The dry stone walls satisfy this criterion at local level.

Kendall Family Cemetery: The cemetery is a good example of an early colonial cemetery, and is important in representing the principal characteristics of this type of item in NSW. The Kendall Family Cemetery satisfies this criterion at local level.

5.3 Evaluation of elements which comprise the study area

A five-tier system has been adopted to clarify the significance of elements within the site and is based upon the grading listed in "Assessing Heritage Significance"⁵². In this context, an element is a specific heritage item that contributes to the overall heritage significance of the site. The term interpretation or interpretability is used in the sense of the ability to explain the meaning of the place/item, so as the significance of the place understood. The five tier system is outlined in Table 8.

Table 8 Grading of significance

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local or State listing.	Fulfills criteria for local and State significance.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfills criteria for local or State listing.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfills criteria for local or State listing.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfill criteria for local or State listing.
Intrusive	Damaging to the item's heritage significance.	Does not fulfill criteria for local or State listing.

This five tier system has been used to evaluate the elements which comprise the study area, a significance grading for the dry stone walls contained within the study area is presented in Table 9.

⁵² NSW Heritage Office 2001

Table 9 Significance assessment for the individual dry stone walls within the study area

Wall no.	Statement of Significance rating ⁵³	Description	Condition	Revised assessment of significance
196 [4]	Medium	Double stone wall that runs along the western boundary of the study area. Length: approx. 900 metres.	Condition: Poor to good The wall varies in condition along its length from poor to good. Some topstones are missing and the wall is overgrown by weeds at some points. The condition of the wall deteriorates towards its northern end where it is in poor condition.	Significance: High The wall contains areas in average and good condition, likely dates to c.1880-1890, and formed the boundary for 19th century landholdings.
198 [6]	Medium	Double stone wall that forms the boundary of Kendalls Cemetery. Northern wall length: approx. 50 metres. Eastern wall length: approx. 50 metres. Western wall length: approx. 50 metres. Southern wall length: approx. 50 metres.	Condition: Poor to average The northern wall is in poor condition and heavily degraded at its western end. The eastern wall is in poor condition and mostly overgrown by hedges. The western wall is in average condition with topstones missing in some sections and some impacts from vegetation growth. The southern wall is in average condition with topstones missing in some places.	Significance: High The wall likely dates to 1885, was commissioned by Thomas Surfleet Kendall, may have been built by the Newings, and functions as the boundary wall for Kendalls Cemetery

⁵³ As assessed by Kiama Municipal Council

Wall no.	Statement of Significance rating ⁵³	Description	Condition	Revised assessment of significance
Newly identified [3]	N/A	Double stone wall. Length: approx. 70 metres.	Condition: Poor The wall is in poor condition, with only footings and some lower courses of stones surviving.	Significance: Little The wall is in poor condition, with much of the stone material removed. The date and purpose of the wall is unknown.
231 [7]	Medium	Double stone wall. Length: approx. 80 metres.	Condition: Poor to good The wall is in poor to good condition, with well-preserved sections in its southern half. The wall is heavily obscured by lantana in some areas.	Significance: Moderate The wall features well-preserved areas in good condition.
232 [5]	Medium	Double stone wall. Length: approx. 220 metres.	Condition: Poor to average The wall is in poor to average condition. The longest extent of the wall is heavily overgrown as assessed as being in bad condition.	Significance: Moderate The wall likely dates to c.1860-1870, and features areas in average condition.
233 [8]	Medium	Double stone wall. Length: approx. 95 metres	Condition: Poor to average The wall is in poor to average condition. The length of the wall is heavily overgrown by weeds, but the condition of the wall is particularly poor at its southern extent where it is largely obscured by vegetation.	Significance: Little The wall is in mostly poor condition. The date and purpose of the wall is unknown.

Wall no.	Statement of Significance rating ⁵³	Description	Condition	Revised assessment of significance
234 [9]	Low	Wall unable to be assessed as it is inaccessible.	Condition: Unknown Wall unable to be assessed as it is inaccessible.	Significance: Moderate While not able to be assessed, the likely date of the wall is c.1860-1870, and is evidence of paddock boundaries and pastoral activities.
235 [10]	Low	Wall unable to be assessed as it is inaccessible.	Condition: Unknown Wall unable to be assessed as it is inaccessible.	Significance: Unknown Wall not able to be assessed and no details of its date or function are recorded.
236 [11]	Low	Wall unable to be assessed as it is inaccessible.	Condition: Unknown Wall unable to be assessed as it is inaccessible.	Significance: Moderate While not able to be assessed, the likely date of the wall is c.1860-1870, and is evidence of holding yard boundaries and pastoral activities.
237 [12]	Medium	Double stone wall. Length: approx. 30 metres.	Condition: Poor to average The wall is in poor to average condition with no topstones surviving. The wall is overgrown by weeds for most of its length.	Significance: Moderate The wall likely dates to c1880 and is evidence of paddock boundaries and pastoral activities.
238 [13]	Low	Wall unable to be assessed as it is inaccessible.	Condition: Unknown Wall unable to be assessed as it is inaccessible.	Significance: Moderate While not able to be assessed, the likely date of the wall is c.1860s, and is evidence of holding yard boundaries and pastoral activities.

Wall no.	Statement of Significance rating ⁵³	Description	Condition	Revised assessment of significance
239 [14]	Low	Curving double stone wall. Length: 45 metres.	Condition: Average to good The wall is in average to good condition to the north of Minna Munnora Creek. Weeds and trees grow along the length of the wall with the eastern extent obscured by vegetation.	Significance: High The wall is in average to good condition and likely dates to c.1880, possibly functioning as the side of a holding pen.
240 [15]	Low	Double stone wall. Length: approx. 30 metres.	Condition: Poor to good The wall is in poor to good condition and lined with plantings on its northern side.	Significance: Moderate The condition of the wall ranges from poor to good condition, and likely dates to c1880, possibly functioning as the side of a holding pen.
241 [16]	Medium	Curving double stone wall. Length: 45 metres.	Condition: Average to good The wall is in average to good condition to the north of Minna Munnora Creek. Weeds and trees grow along the length of the wall with the eastern extent obscured by vegetation.	Significance: High The wall is in average to good condition and is linked to wall 239 [14], suggesting it may be of a similar date (c.1880) and function (side of a holding pen).
242 [17]	Low	Wall unable to be assessed as it is inaccessible.	Condition: Unknown Wall unable to be assessed as it is inaccessible.	Significance: Moderate While not able to be assessed, the wall likely dates to c.1870-1880 and functioned as a small embankment wall for cattle movement.

Wall no.	Statement of Significance rating ⁵³	Description	Condition	Revised assessment of significance
226 [18]	Medium	Double stone wall. Length approx. 140 metres.	<p>Condition : Poor to average</p> <p>The length of the wall is heavily overgrown by weeds, with isolated areas appearing to be heavily degraded.</p>	<p>Significance: Moderate.</p> <p>Wall likely dates to the 1860s, in poor to average condition and is evidence of paddock boundaries and pastoral activities.</p>

5.1 Statement of Significance – Dry stone walls

The dry stone walls within the study area are exemplar of the dry stone walls constructed by Newing during the late 19th and early 20th centuries and important to the aesthetic characteristics of the dairying landscape within the study area and wider Kiama region. The walls represent the delineation of space between paddocks, property boundaries, and agricultural and spiritual spaces within the study area and are examples of the skill and craftsmanship of their constructor.

The dry stone walls within the study area are considered to be significant at a local level.

5.2 Statement of Significance – Kendalls Cemetery

This assessment has uncovered information sufficient to revise the existing statement of significance for the cemetery. The existing statement of significance is presented below as it appears in the Kiama Heritage Inventory:

This burial site is significant for its association with early pioneers of the Kiama district including the Kendall, Hunt, Marks, and Haydon families dating from 1866. Intact monuments demonstrate the skills of the stonemasons. It has spiritual significance as a place of memory and contemplation reinforced by its visual quality defined by its natural setting and spectacular location.⁵⁴

An updated statement of significance has been prepared for Kendalls Cemetery:

Kendalls Cemetery is significant for its association with the Kendall family, as well as other prominent early pioneers of the Kiama district such as the Haydon, Black, Hunt and Perry families. It was originally located within the Kendall's *Burroul Estate* and associated with the LEP listed Kendall House. The cemetery was in use from the mid-19th century and into the 1940s, with the earliest grave in the cemetery dating from 1853, and prominent local residents interred within the cemetery include Thomas Surfleet Kendall, Jane Kendall (wife of the Rev. Thomas Kendall) and former mayor of Kiama John Black. The pastoral setting, landscaping and dry stone walls in which it is enclosed enhance the cemetery's aesthetic values, while the variety of funerary monuments demonstrate the skill of the craftsmen involved and the economic and social status of the deceased. The cemetery also holds spiritual significance as a place for the burial and memorialisation of past generations of the Kendall and associated families, and religious association with the Church of England. The cemetery is also of local significance for its rarity as an early colonial family cemetery, and its representativeness of this type of item in the area.

The Kendall Family Cemetery is considered to be significant at a local level.

⁵⁴ Kiama Heritage Inventory, SHI no. 1860196, study no. 80

6 Impacts of the rezoning

The proposed rezoning of Lot 1 DP707300, Lot 5 DP740252 and Lot 101 DP1077617 from RU2 rural landscape to R2 low density residential will alter the current cultural landscape of the study area, should residential development proceed. Any rezoning and subsequent development would need to take into account the conditions set out in the KDCP regarding the heritage items contained within the study area.

The significance assessment above has identified two items of high significance, two of moderate to high significance, five of moderate significance, six of little to moderate significance and one of little significance. Kendalls Cemetery has been assessed as being an item of high heritage significance, meeting criterion A-D under the Heritage Act at a local level. The cemetery also meets several heritage values of a cemetery as set out by the National Trust of Australia (NSW), including: historical values; social values; religious values; genealogical information; artistic, creative and technical elements; setting; and human remains.⁵⁵ Of the dry stone walls contained within the study area, one wall, 198, which surrounds Kendalls Cemetery, has been assessed as highly significant at a local level; this is due to its relationship with the cemetery itself and its condition. Two walls, 196 and 239, have been assessed as moderate to highly significant at a local level; this is due to their condition and historical functions as a property boundary and original holding pen (respectively). Six walls, 226, 232, 234, 236, 240 and 241, were assessed as holding moderate significance, due to the condition, date and/or historical function as a part of a holding pen or paddock boundary. Six walls, 231, 233, 235, 237, 238 and 242, were assessed as holding little to moderate significance, due to their deteriorating condition. The newly identified wall was assessed as holding little significance, due to its poor condition and intactness.

The Kiama DCP lists nine controls relating to any development which may impact dry stone walls. Consent must be gained from Council regarding the alteration, demolition or rebuilding of dry stone walls; non-compliance is an offence under the EP&A Act 1979. Restrictions may be placed on the Section 88B Instrument at Subdivision Certificate approval stage to assist conservation. All buildings and domestic structures must be located at least 6 metres away from a wall where it is located at the front or rear lot boundary adjacent to a road, and at least 3.5 metres where it is located on a side boundary adjacent to a road; screening must also be implemented to obscure drying clothes from view from said road. Removal of invasive vegetation by hand and the replacement of dislodged or occasional missing stones is considered routine maintenance. Burning of vegetation alongside or protruding into walls, or blasting vegetation off by water hoses and the like is not permitted. Council may restrict openings in walls to locations where existing breaks or past damage provide a natural opportunity to use for said openings, allowing for walls to remain generally intact. Council may consider some breaks or the relocation of walls or parts thereof which are of relatively minor significance, and where this is considered justifiable in the circumstances of the case. As a general principle, if other means of access and egress can be achieved without having to make a new break in an existing wall, then that course should be adopted. A succession of breaks in walls of heritage significance to provide access to driveways for each dwelling in a proposed subdivision would substantially reduce heritage value and generally will not be permitted. Alternative means of achieving such access, e.g. by having an internal collector road within a subdivision should be considered, as has been implemented previously in the municipality.

The Kiama DCP also lists controls for new developments and for alterations and additions to heritage items which apply to Kendalls Cemetery. In summary, new development in the vicinity or site of a heritage item must be appropriate and harmonise with its surroundings, be sympathetic to its historic and material character and visually respect and relate to the item, be sited to reflect the prevailing landscape, minimise

⁵⁵ National Trust of Australia (New South Wales) 2009, 4–11

adverse impacts on the setting and significant views to and from the item. Alterations and additions such as original landscape details including fencing, garden walls, paving and paths which contribute to the significance of the item should be retained.

The proposed subdivision and development of the study area also presents opportunities to enhance the appreciation of heritage elements within the study area which are currently present but not readily accessible to the public. In particular the cemetery, which is presently accessible, however poorly signposted. With the implementation of the recommendations of this assessment, an interpretation plan for the cemetery could be developed which would see the item form the centrepiece of a sympathetic development that aims to enhance its significance.

7 Recommendations

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance.⁵⁶

For rezoning and planning purposes, the following recommendations are proposed:

Recommendation 1 Setbacks

Minimum 20 metre setback from Kendalls Cemetery

Any rezoning and planning proposals for the study area should allow for a setback of at least 20 metres from Kendalls Cemetery to ensure the conservation and protection of the cemetery. This setback area may include road reserves, but an appropriate amount of open areas and space must be allocated to accommodate verges and pathways, for example.

Minimum 6 metre setback from dry stone walls

Any rezoning and planning proposals for the study area should allow for a setback of at least 6 metres from dry stone walls to avoid impacting their condition. While this setback does not include road reserves, an appropriate amount of space can be allocated for verges and pathways, for example.

Recommendation 2 Treatment of dry stone walls

Retain portions of dry stone walls assessed as being in average to good condition

Any rezoning and planning proposals for the study area should accommodate those portions of dry stone walls which have been assessed as being in average to good condition. Where possible, efforts should be made to conserve or improve the condition of those walls (may require seeking consent from Council depending on scale of improvement works), in accordance with the guidelines contained within *The Burra Charter*.⁵⁷

Establish acceptable impacts to portions of walls assessed as being in poor condition

Any rezoning and planning proposals for the study area should establish what impacts are acceptable to portions of walls which have been assessed as being in poor condition, based on their assessed heritage significance. Impacts to walls of high significance should be mitigated where possible, and efforts made to conserve or improve the condition of those areas of highly significant walls assessed as being in poor condition in line with Recommendation 3. Stone walls assessed as holding moderate significance should be retained where possible, including those walls assessed as being in poor condition. Where impacts to walls of moderate or little significance cannot be mitigated (for example, breaks in walls for roads or driveways), efforts should be made to relocate the portion of wall or repurpose the impacted materials. Walls assessed as being in very poor condition are the most viable option for removal to facilitate roads, driveways and other infrastructure or services, but restoration of these walls should be considered where possible.

Should a development application be prepared, the following recommendations are proposed:

⁵⁶ Australia ICOMOS 2013

⁵⁷ (Australia ICOMOS 2013)

Recommendation 3 Further assessment

Preparation of a Conservation Management Plan for Kendalls Cemetery and dry stone walls to support any Development Application

If any development is to take place within the study area in the vicinity of Kendalls Cemetery or a dry stone wall a Conservation Management Plan (CMP) for the Kendall Cemetery and the dry stone walls must be prepared to inform and manage any potential impacts. The CMP should be formulated in accordance with the following guidelines:

- *Assessing Heritage Significance* (Heritage Office 2001)
- *Conservation Management Documents* (Heritage Office 1996, revised 2002)
- *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013)
- *The Conservation Management Plan* (National Trust of Australia [NSW] 2000)

Completion of a Statement of Heritage Impact for Kendalls Cemetery and dry stone walls to support any Development Application

If any works have the potential to impact Kendalls Cemetery or dry stone walls a Statement of Heritage Impact (SoHI) will need to be prepared prior to the approval and commencement of works. The SoHI should be prepared in accordance with the following guidelines:

- *Statements of Heritage Impact* (Heritage Office 1996, revised 2002)
- *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013)

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