



Miala, 410 Marshall Mount Road, Marshall Mount  
Heritage Assessment

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**Urbanco**

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## DOCUMENT TRACKING

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<b>Project Name</b>	Miala Heritage Assessment
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<b>Status</b>	Final
<b>Version Number</b>	V1
<b>Last saved on</b>	15 September 2021

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This report should be cited as 'Eco Logical Australia 2021. 410 Marshall Mount Road Heritage Assessment . Prepared for Urbanco.'

## ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd with support from Michael Rodger of Urbanco.

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# 1. Introduction

## 1.1 Background

Eco logical Australia (ELA) has been commissioned by Urbanco to undertake a peer review and heritage assessment of Miala House in Marshall Mount. In May 2021, AECOM prepared an Aboriginal and historic (European) heritage review to inform the preparation of a Neighbourhood Plan for the Duck Creek and Marshall Vale precincts of the West Dapto Release Area. As part of this assessment the unlisted house on the property named 'Miala', its outbuildings and associated cultural plantings was investigated. AECOM determined that the house had local heritage significance despite not being identified as a significant item in previous heritage studies and regardless of the fact that the house had undergone extensive modifications over time and much of its original fabric modified.

This report will review the justification for identifying the house on the Miala property as locally significant in accordance with the *Assessing Heritage Significance* guidelines (NSW Heritage Office 2001). The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999.

The management of the property has also been assessed in relation to the Wollongong Local Environmental Plan 2009 and the controls of the Wollongong Development Control Plan 2009.

## 1.2 Study area location

Miala is located at 410 Marshall Mount Road, Marshall Mount (Lot 12 DP790746), within the Wollongong Local Government Area. The property is located west of North Marshall Mount Road and accessed from Marshall Mount Road to the south. The house and outbuildings, including a variety of sheds, a concrete silo and modern water tanks are located in the southern part of the property just to the north of Duck Creek.

## 1.3 Author identification

This report has been prepared by Karyn McLeod, ELA Principal Heritage Consultant, (BA Hons [Archaeology] University of Sydney, MA [Cultural Heritage] Deakin University) who has 27 years of heritage management and compliance experience.



**Figure 1: Location of the study area north of Marshall Mount Road (outlined in red)**



**Figure 2 Miala house (AECOM 2021)**

## 2. Site context

### 2.1 Site history

The property known as Miala is located on a part of George Johnston's 1817 grant of 1500 acres (Portion 11) known as 'Macquarie's Gift'. The adjoining property to the west was granted to Johnston's son David area was granted to George's son, David, (Portion 9 and 10) of 1300 acres. After George Johnston died David took over the property. Between 1845 and 1862 Johnston temporarily exchanged part of his property with neighbours Edward Henry Weston and Henry Osborne. These large properties were predominantly used for cattle grazing and dairying, by the 1870s, the death of major owners and pressure to apportion the inheritance amongst numerous claimants meant that a number of the large estates required subdivision. The land exchanged hands multiple times throughout the 19<sup>th</sup> Century and by the time the house was built, was in the possession of the English Scottish and Australian Bank. AECOM (2021:39) refer to a 1897 plan for the southern portion of the property shows a 'homestead' and ancillary buildings present on the site suggesting its construction in, or prior to, 1897. The property was leased until 1939 when it was purchased by dairy farmer James Stevenson. In 1957 the property was purchased by Gordon Ronald Duncan and remains in the Duncan family.

Multiple changes to the house, outbuildings, water tanks and the surrounding paths, fences and plantings have occurred over time. The large fig tree adjacent to the north east corner of the building is not present in the 1948 aerial image (Figure 3). Between 1948 and 1990 outbuildings were extended or removed, the concrete surface adjacent to the rear of the house was added, the silo was constructed and fence lines altered (Figures 4 & 5). Between 1993 and 1997 the house was completely reconstructed, the roof form and footprint enlarged and the original terracotta tiles replaced with corrugated iron (Figure 6). AECOM (2021:46) state that the family lived in the large shed at the rear of the house during the renovation of the house which suggests fairly major work was undertaken. During this period a dam was constructed to the north of the house. By 2002 the large shed had been replaced by a smaller one.

### 2.2 Site description

The original house was a common, single storey timber clad house, simple in plan with a pyramidal hipped roof of terracotta tiles and attached rear kitchen (Figure 3). A single chimney is present on the southern side. The existing house has a corrugated iron roof, partially hipped but with various hipped and gabled extensions running off it. There are verandahs on the eastern (front) and southern sides (AECOM say the verandah is on the north, which is incorrect) and part of the eastern veranda has been enclosed forming a sun room which is a later addition. The timber posts and carved timber brackets are unlikely to be original. The external cladding of the house consists of a timber weatherboard of a variety of dates and materials. The timber cladding on the northern and western façade is degrading in places which is common for facades facing that direction. Windows are a combination of double hung sash windows and timber casement.

There is timber cladding (pine tongue – in – grove) in two bedrooms which have the least modifications however the two fireplaces have been renovated with their mantels, legs, plinths and hearths replaced

but their brickwork is likely original. The chimney has been removed and the fireplaces are not functional. The house has undergone obvious and significant modifications, both externally and internally, since its original construction and it is clear that less than half of the original building remains.

Other ancillary structures include a simple, rectangular timber and corrugated iron clad shed constructed on a concrete slab which AECOM (2021:46) claim to be a dairy. It would be unusual to construct a dairy in such close proximity to the house on a property off that size and internally there is no evidence of cattle stalls and associated milking equipment. Windows are present along the eastern facade, comprising both double casement and double hung, all of which appear to be modern installations. The building has been subject to significant modifications in the 1990s when the owner was living in it and very little of the structure's original fabric remains.

The concrete silo is a common structure produced by pouring concrete into corrugated iron formwork. The silo is present in the 1948 aerial. Vegetation consists of various native and exotic plantings of different periods. Due to the surrounding vegetation, there are no significant views to the house.



**Figure 3: 1948 aerial image showing arrangement of buildings**



**Figure 4: 1974 aerial image showing modifications to outbuildings**



**Figure 5: 1990 aerial image before modifications between 1993-1997**



**Figure 6: 2007 aerial image showing construction of dam and modification of house and outbuildings**

## 2.3 Archaeology

AECOM (2021:51) state the homestead contains research potential in the form of potential historical archaeological remains associated with the formation and running of the homestead and dairying complex. In accordance with the *Assessing Significance for Historical Archaeological Sites and 'Relics'* guidelines (Heritage Branch Department of Planning 2009) this statement is incorrect.

While many places can contain an archaeological resource, that resource is not necessarily significant. In order for archaeology to be significant, its further study may be expected to help answer questions about the history and development of the site (Bickford and Sullivan, 1984 pp 23–24). Archaeological research potential is the ability of archaeological evidence, through analysis and interpretation, 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 and its 'relics' (Heritage Branch Department of Planning 2009).

Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as: *any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.*

The potential archaeological resource associated with Miala will consist of remains of demolished buildings and below ground features such as a privy or rubbish pits post dating 1890.

Organic rubbish would have been fed to pigs and chickens or used for pasture enrichment, and rubbish would also have been incinerated as was common at the time. Furthermore, due to the size of the property, it is highly unlikely that rubbish would have been buried in close proximity to the areas of high activity and was simply disposed of elsewhere on the property or removed from the site altogether in the form of municipal rubbish collection. While the location of the privies are unknown, these were either simply holes in the ground or removable pans, neither of which will have resulted in extensive archaeological remains. The timber floors of the house were constructed of tongue-in-groove planks (common after 1870) which limits the potential for an underfloor deposit to accumulate.

Any archaeological remains associated with Miala will be common and information relating to post 1890 building techniques and farming practices are readily available from documentary resources and archaeological sites of similar date. Evidence of such features are unlikely to be able to provide substantial, valuable or important information about the property or the people who lived there. Furthermore, due to the volume of archaeological evidence relating to the occupation of Australia in the late 19<sup>th</sup> and early 20<sup>th</sup> century, in combination with mass production of building materials as well as everyday items, any surviving archaeological resource located within the site would be unlikely to meet the threshold for State or local significance historically, socially, aesthetically and scientifically, nor would it be rare.

The site is assessed as having low archaeological potential and no archaeological significance. Therefore, any archaeology surviving on the site would not be considered a 'relic' as it would not be significant.



## 3. Heritage Impact Assessment

### 3.1 Listing

Miala is not listed as a heritage item under Schedule 5 of the Wollongong LEP 2009.

AECOM (2021:51) consider Miala to be of local historical, aesthetic and rarity significance. AECOM claim the homestead is one of the earliest remaining buildings from the Nineteenth Century in the area and despite significant internal and external modifications, retains its aesthetic style. AECOM also claim that the homestead also contains research potential in the form of potential historical archaeological remains.

### 3.2 Significance Assessment

Before making decisions to change a heritage item, it is important to understand its values. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise a place's heritage values – why it is important, why a statutory listing was made to protect these values.

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. The concept of heritage significance is based upon an idea that a building, relic, tree, landscape or place may have historic, aesthetic, scientific, and social significance for past, present and future generations. There are two levels of heritage significance used in NSW: State and local.

The following assessment of heritage significance has been prepared for Miala in accordance with the *Assessing Heritage Significance* guidelines (2001).

**Table 1 NSW Heritage Assessment Criteria**

CRITERIA	SIGNIFICANCE ASSESSMENT
<p>A – Historical Significance</p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p>	<p>Dairy farming is not evidence of a significant human activity, Miala has incidental connections with historically important activities or processes and the house has been so altered that it can no longer provide evidence of a particular association. The property no longer functions as a dairy and therefore does not maintain the continuity of a historical process or activity.</p>
<p>B – Associative Significance</p> <p><i>An item has strong or special associations with the life or works of a person, or group of</i></p>	<p>Miala is not associated with a significant event, person, or group of persons.</p>

CRITERIA	SIGNIFICANCE ASSESSMENT
<p><i>persons, of importance in the local area's cultural or natural history.</i></p>	
<p>C – Aesthetic Significance  <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>Miala is a highly modified common, simple, house. It is not a major work by an important designer or artist, does not have landmark or scenic qualities and is not aesthetically distinctive. The house does not exemplify a particular taste or style and there are no views to the property from Marshall Mount Road or North Macquarie Road</p>
<p>D – Social Significance  <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>Apart from the family who own the property, Miala is not important for its associations with an identifiable group nor is it especially valued by the community.</p>
<p>E – Research Potential  <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p>	<p>Miala was simply used as a dairy farm like many others in the surrounding region. It is not an early site, it has no research potential to provide valuable or new information and only contains information that is readily available from other resources or archaeological sites. Any archaeological material present would not meet the threshold to be locally significant.</p>
<p>F – Rarity  <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i></p>	<p>Miala is not rare, hundreds of small weatherboard houses are still extant in the LGA and across NSW, many much older than 1897. Miala is not of exceptional interest and does not provide evidence of a defunct custom, way of life or process activity that is in danger of being lost. Dairies are common in NSW and the property no longer functions as a dairy.</p>
<p>G – Representative  <i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):                      cultural or natural places; or                      cultural or natural environments.</i></p>	<p>Miala is highly modified and is not a fine example of its type. It does not represent well the characteristics that make up a significant variation of a type nor is it outstanding because of its setting, condition or size.</p>

### 3.3 Comparative analysis

Tamara Hynd (2005) prepared *Historic and Archaeological Map, Shellharbour City, 1830-1930*, for the Tongarra Heritage Society, and identified over 100 properties in the immediate area with historical and aesthetic significance. Miala is not one of them.

The Wollongong LEP 2009 lists 409 locally significant heritage items and 24 state listed items. In Avondale alone there are multiple locally listed late Victorian vernacular houses in a rural setting which include a number of former dairy outbuildings. These items are listed for a number of reasons including their good condition and high degree of integrity due to retention of significant original fabric and setting, their early construction, historical associations with important pioneering families of the Illawarra, contribution to the landscape and as fine examples of their type.

The following comparative analysis is sourced from the NSW State Heritage Inventory (<https://www.hms.heritage.nsw.gov.au>.) includes some of the listed houses / farms properties in the surrounding suburbs. There are also numerous listed archaeological sites, mines, churches and schools that date from the 1840s in the area.

**Table 2 Comparative analysis**

Property	Date	Significance
Linbrook 84 South Avondale Road Avondale NSW 2530	1886	The property is one of the farms derived from the break-up of the original "Avondale" Estate in 1893. Historically, aesthetically and architecturally significant with research potential. Significant landmark views to and from Linbrook are experienced along the approaching road corridors.
Avondale Homestead 301 Avondale Road Avondale NSW 2530	1893	Avondale is a well-detailed and almost intact mid nineteenth century homestead, which survives in its Victorian garden setting, and well demonstrates the tastes and lifestyle of a prosperous settler of the period. The presence of Colonial Georgian stylistic features in what is essentially a vernacular homestead gives it particular interest in demonstrating creative achievement and design ideas of the time. The property has historical associations with the Osborne's, a pioneering family of the Illawarra. It is one of few properties of such age and intactness to survive in the rural Illawarra. A fine architectural element in a rural setting, representative of the early agricultural development.
Mooreland 384 Avondale Road Avondale NSW 2530	1890s earlier house in same location	Mooreland is of significance as a good example of late Victorian vernacular architecture in a rural setting. The site, which includes a number of former dairy outbuildings, is also an intact example of a twentieth century dairy within the West Dapto region.
Cleveland Homestead 273 Cleveland Road Cleveland NSW 2530	1840s	The homestead Cleveland has significant historical value as one of the oldest surviving rural homesteads in the West Dapto area, a fine (representative in NSW and locally rare) example of Australian Colonial period architecture and representative of the NSW historical theme of settlement. Extensive deterioration and loss of significant original fabric have, to a degree, limited its ability to interpret its history to the general public.

Property	Date	Significance
Glen Avon 456 Cleveland Road Huntley NSW 2530	1900	The homestead Glen Avon is of significance for Wollongong area for historical and aesthetic reasons, and as a representative example of an early 20th century vernacular homestead and dairy. The site and residence are in good condition and has a high degree of integrity due to retention of significant original fabric and setting. This item has significant landmark status and is clearly visible from Cleveland Road contributing to the landscape aesthetics.
Daisy Bank 262-268 Princes Highway Dapto NSW 2530	pre 1855	The house at 262 Princes Highway is of significance for Wollongong for historical and aesthetic reasons, and as a representative example of large, Victorian period rural houses in the area. Viewed externally, the house presents as having a high degree of integrity and contributes to the wider area character. It also has associations with the Marshall and Osborne Family.
Green Valleys 2860 Illawarra Highway Tongarra NSW 2527	pre 1900	Green Valleys is one of the oldest buildings in Shellharbour City, reputedly built by convicts. It has local historic associations with early pioneering families, dairying, and aesthetically is representative of its era and rural setting.
Tongarra Mine Cottage 154-156 Tongarra Mine Road Tongarra NSW 2527	1860s	This Victorian era cottage is significant for its use of local Yellow Rock sandstone and its connection to the mining history of the area. Occupied by the Brownlee family who were farmers and then after discovery of coal on the property began mining.
Riversford 2514 Illawarra Highway Tullimbar NSW 2527	pre 1900	Riversford is a good and uncommon example of a Victorian styled cottage in a semi rural setting. It has strong local associations with the Sawtell family, dairying in the Tongarra.
Tulkeroo and Albion Park Butter Factory (Former) 23 Calderwood Road Albion Park NSW 2527	1885	<p>The former Albion Park Butter Factory and its manager's residence 'Tulkeroo', is evidence of the earliest cooperation amongst local dairy farmers, and of early perishable goods manufacturing practices in the Illawarra. The modest butter factory is rare. It is the only one of its type and contains evidence of early manufacturing.</p> <p>The butter factory has high technical value as the site of early innovative industry practices, near the Macquarie Rivulet water source. The buildings are excellent examples of Victorian era rural vernacular and aesthetic styles. Both are amongst the oldest surviving structures in Albion Park, and retain their trees, cultural landscape setting and inter relationship context.</p> <p>The site has local historic associations with early board members, including David Manson, for whom the nearby bridge is named, and John Fraser of 'Brushgrove' farm at Calderwood, who foresaw the factory system benefits.</p>

### 3.4 Summary

Miala does not make an important contribution to the individuality and character of the local area and is not an important part of the area's heritage. Miala is a simple, highly modified farming residence with associated outbuilding which are not in good condition and also highly modified. There are no views to the house, there is no archaeological research potential, and the property has no associations with significant events or people. The surrounding outbuildings, vegetation and setting do not contribute to the significance of the building.

### 3.5 Proposal

Urbanco have prepared a Neighbourhood Plan for the Duck Creek and Marshall Vale precincts of the West Dapto Release Area. The central Collector Road as accommodated in the Neighbourhood Plan is a major local roadway connecting North Marshall Mount Road in the south with a planned extension of Yallah Road to the north. This roadway and alignment is identified in the West Dapto Structure Plan and as a Major Collector Road under the West Dapto DCP. The Council adopted Structure Plan has the alignment of this roadway traversing directly through the house at Miala.

Due to the higher order nature of the roadway and multiple connection points between land holdings, there is no opportunity to significantly alter the alignment to reduce impacts on the house. Also, the roadway has specific road geometry design considerations which restrict road curvature and vertical geometry.

AECOM state that opportunities for the retention of the house have been investigated, however, retention is not considered possible given topographic, layout, earthworks and bushfire protection constraints. As the neighbourhood plan cannot avoid impact to the house, AECOM provide mitigation measures which include archival photographic recording of the house, associated buildings and cultural planting be completed prior to any impact works. This is an entirely suitable and practical means of recording listed and unlisted items. Archaeological monitoring during demolition works would not be necessary as significant archaeological deposits or features are unlikely to be present.

### 3.6 Statutory Controls

#### 3.6.1 Heritage Act 1977 (New South Wales)

The *Heritage Act 1977* (NSW) provides protection of the environmental heritage of the State which includes places, buildings, works, relics, movable objects or precincts that are of State or local heritage significance.

The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act. Listing on the SHR means that any proposed works or alterations (unless exempted) to listed items must be approved by the Heritage Council or its delegates under section 60.

Section 57(2) of the Heritage Act provides for a number of potential exemptions to Section 57(1) approval requirements to reduce the need for approval of minor or regular works such as maintenance. Standard exemptions do not apply to the disturbance, destruction, removal or exposure of archaeological relics.

Archaeological features and deposits are afforded statutory protection by the 'relics provision'. Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as *any deposit, artefact, object or material that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or Local heritage significance*. The 'relics provision' requires that no archaeological relics be disturbed or destroyed without prior consent from the Heritage Council of NSW.

Archaeological sites that are not located within a state heritage curtilage are protected under Section 139-140 of the *Heritage Act 1977* (Heritage Act). A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

The Heritage Council must be notified on the discovery of a relic under Section 146 of the Heritage Act.

- Miala is not a state listed heritage item nor is there archaeological potential. No approvals are required from the Heritage Council and it would not be required to submit a s140 permit application for archaeological excavation to Heritage NSW prior to any works starting on the site.

### **3.6.2 Environmental Planning and Assessment Act 1979 (New South Wales)**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that consideration is given to environmental impacts as part of the land use planning process. In New South Wales, environmental impacts are interpreted as including cultural heritage impact. Under Section 5.5 of the EP&A Act, a determining authority has the duty to fully consider the environmental impact of an activity and is required to "take into account to the fullest extent possible all matters affecting, or likely to affect the environment" arising from the proposal.

The objectives of the Wollongong Local Environmental Plan 2009 are as follows:

- to conserve the environmental heritage of the City of Wollongong
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- to conserve archaeological sites,
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

The LEP clauses do not apply to Miala as the property is not;

- a heritage item,
- an Aboriginal object,
- a building, work, relic or tree within a heritage conservation area, or
- an archaeological site.

### 3.6.3 Development Control Plans (DCP) -Chapter D16: West Dapto Release Area

Impacts to heritage significance are a key consideration for development of the release area at each planning stage. Land use changes should retain, integrate and enhance heritage values. The principles for West Dapto aim to promote heritage conservation and meaningful consideration of the significance of place to ensure future development enhances the heritage values of West Dapto.

The Principals of the DCP include the conservation of heritage items inclusive of local heritage items listed in Schedule 5 of the Wollongong LEP 2009, sites of Aboriginal Cultural Heritage significance as well as areas of potential archaeological significance and views and vistas.

- Miala is not a heritage item, there is no significant archaeology or Aboriginal sites and there are no views and vistas.

### 3.6.4 Chapter E11: Heritage Conservation

This Chapter of the DCP applies to any land within Wollongong LGA where an item of environmental heritage as listed under Schedule 5 of the Wollongong LEP 2009 is contained. The principals and development controls for heritage conservation only concern heritage listed items or conservation areas.

- Miala is not listed in Schedule 5 of the Wollongong LEP 2009 and is not located in a conservation area.

## 4. Conclusion and Recommendations

### Conclusion

Miala is simple, highly modified farming residence with associated outbuilding which are not in good condition and also highly modified. There are no views to the house and the property has no associations with significant events or people. The surrounding outbuildings, vegetation and setting do not contribute to the significance of the building.

The retention of Miala based on AECOM's significance assessment is considered to be erroneous and unwarranted.

- Miala is not one of the earliest remaining building from the 19<sup>th</sup> Century in the area.
- Retention of some original fabric in a small part of the building does not meet the threshold to list the building as locally significant. A 'pretty' façade does not make the building significant.
- The property is unlikely to contain historical archaeological remains that would provide substantial, valuable or important information about the property or the people who lived there. Any archaeology surviving on the site would not be assessed as significant.
- A s140 permit application to Heritage NSW is not required for archaeological excavation or monitoring.
- No additional approvals or permits are required.

### Recommendations

Miala will be impacted by the current Neighbourhood Plan and subsequent detailed designs as part of the future development. Opportunities for the retention of Miala house have been investigated, however, retention of the house is not considered possible given topographic, layout, earthworks and bushfire protection constraints.

Miala is not a locally listed item nor does it meet the NSW Heritage Assessment Criteria for local significance. The appropriate mitigation measures are as follows;

- Archival photographic recording of the house, associated buildings and cultural planting be completed prior to any impact works. This would be undertaken in accordance with Heritage NSW's guidelines *How to Prepare Archival Records of Heritage Items (1998)* and *Photographic Recording of Heritage Items using Film or Digital Capture (2006)*.

A standard unexpected finds process should be adopted during works as follows.

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



- Aboriginal objects (archaeological remains i.e.: stone tools),
  - Historic (non-Aboriginal) heritage items (archaeological remains (i.e.: artefacts) or movable objects),
  - Human skeletal remains.
- Should any unexpected historical archaeology be uncovered during any future excavation works, the following procedure must be adhered to:
    - Stop all work in the immediate area of the item and notify the Project Manager.
    - Establish a 'no-go zone' around the item. Use high visibility fencing, where practical. Inform all site personnel about the no-go zone.
    - No work is to be undertaken within this zone until further investigations are completed.
    - Engage a suitably qualified and experienced Archaeologist to assess the finds.
    - The Heritage Council must be notified if the finds are of local or state significance. Additional approvals will be required before works can recommence on site.
    - If the item is assessed as not a 'relic', a 'heritage item' or an 'Aboriginal object' by the Archaeologist, work can proceed with advice provided in writing.
  - Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, Heritage NSW must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.
  - In the extremely unlikely event that human remains are found, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, Heritage NSW may also be contacted at this time to assist in determining appropriate management.

## 5. References

AECOM, 2021. *Duck Creek / Marshall Vale Neighbourhood Plan Heritage Review* prepared for West DL Pty Ltd

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Land and Property Department Six Maps: <https://maps.six.nsw.gov.au/>

State Heritage Inventory: <https://www.heritage.nsw.gov.au/search-for-heritage/state-heritage-inventory/>

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Wollongong DCP 2009: <https://www.wollongong.nsw.gov.au/development/development-policies-guidelines/development-control-plans>

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