

# Lot 3 DP 706194 and Lot 12 DP 866036 Moss Vale NSW: Historical Assessment and Statement of Heritage Impact

FINAL REPORT

Prepared for Aoyuan International

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## Glossary

<b>c.</b>	Circa
<b>CBD</b>	Central Business District
<b>CHL</b>	Commonwealth Heritage List
<b>DA</b>	Development Application
<b>DEE</b>	Department of the Environment and Energy
<b>DP</b>	Deposited Plan
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>HHA</b>	Historical heritage assessment
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>NHL</b>	National Heritage List
<b>NSW</b>	New South Wales
<b>OEH</b>	NSW Office of Environment and Heritage
<b>SoHI</b>	Statement of Heritage Impact
<b>SHR</b>	State Heritage Register
<b>SHI</b>	State Heritage Inventory
<b>study area</b>	The area of impact for the proposed works



## Summary

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Biosis Pty Ltd (Biosis) was commissioned by Aoyuan International (Aoyuan) to undertake a historical heritage assessment (HHA) and Statement of Heritage Impact (SoHI) for the proposed residential development located at Lot 3 DP 706194 and Lot 12 DP 866036, Moss Vale New South Wales (NSW) (study area). The study area is located approximately 1.8 kilometres south of Moss Vale and approximately 50 kilometres south west of the Wollongong Central Business District (CBD). It encompasses 128 hectares of private land and is currently zoned RU2 rural landscape.

This assessment approach has been undertaken to allow for assessment of both the study area as well as any additional areas in the broader study area which are likely to be affected by the proposal, either directly or indirectly.

The historical research undertaken as part of this assessment did not indicate any historical structures or buildings within the vicinity of the study area until the 1963 aerial image. From the time of European settlement onwards, the study area appears to have been extensively cleared and used primarily for grazing and agricultural purposes. Archaeological resources likely to be present within the study area would be associated with the original property boundaries and roads, and evidence of early farming practices.

This assessment has identified that there may be archaeological material present beneath the structures currently present within the study area related to the historical use of the land for farming and associated agricultural activities. Archaeological material may present as postholes, remnant posts and associated cuts, wall foundations or footings, wall cuts and fill deposits, compacted floor surfaces, and yard surfaces. These materials may have been disturbed or removed by the demolition of the old house between 1963 and 1974 and the construction of the new house sometime after 1974.

These possible archaeological materials have been assessed as not holding heritage significance. Any potential remains associated with the original house, garage, stables, shed, outbuilding, paddock shelters, and the new house are considered not to hold historical, cultural, social, aesthetic or associative significance, nor would these remains likely be considered rare, representative or hold research potential. As there are no items of heritage significance within the study area, the impacts resulting from the proposed works are considered acceptable, provided that an unexpected finds policy is implemented to identify and record any archaeological material that may be encountered during the proposed works.

### **Recommendation 1    No further archaeological assessment is required**

No further archaeological work is required in the study area as the study area has been assessed as having low archaeological potential. The proposed development may proceed with caution.

### **Recommendation 2    Unexpected archaeological items**

Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic. Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977*. Relics cannot be disturbed except with a permit or exception/exemption notification.

# 1 Introduction

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## 1.1 Project background

Biosis was commissioned by Aoyuan International to undertake a HHA and SoHI to support a development application for the proposed residential development located at Lot 3 DP 706194 and Lot 12 DP 866036, Moss Vale NSW (Figure 1 and Figure 2), referred to as the study area herein. The proposed development will be assessed in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979 NSW* (EP&A Act).

## 1.2 Location of the study area

The study area is located within the suburb of Moss Vale, which is part of the Wingecarribee Shire Local Government Area (LGA) (Figure 1). It encompasses 128 hectares of private land and is bounded by Yarrawa Road to the west and south, parklands and residential subdivisions to the north and largely undeveloped pastoral and farming land to the east. It is currently zoned RU2 rural landscape.

## 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*.<sup>1</sup> 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.
- 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

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<sup>1</sup> Heritage Office 2001, Australia ICOMOS 2013



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.

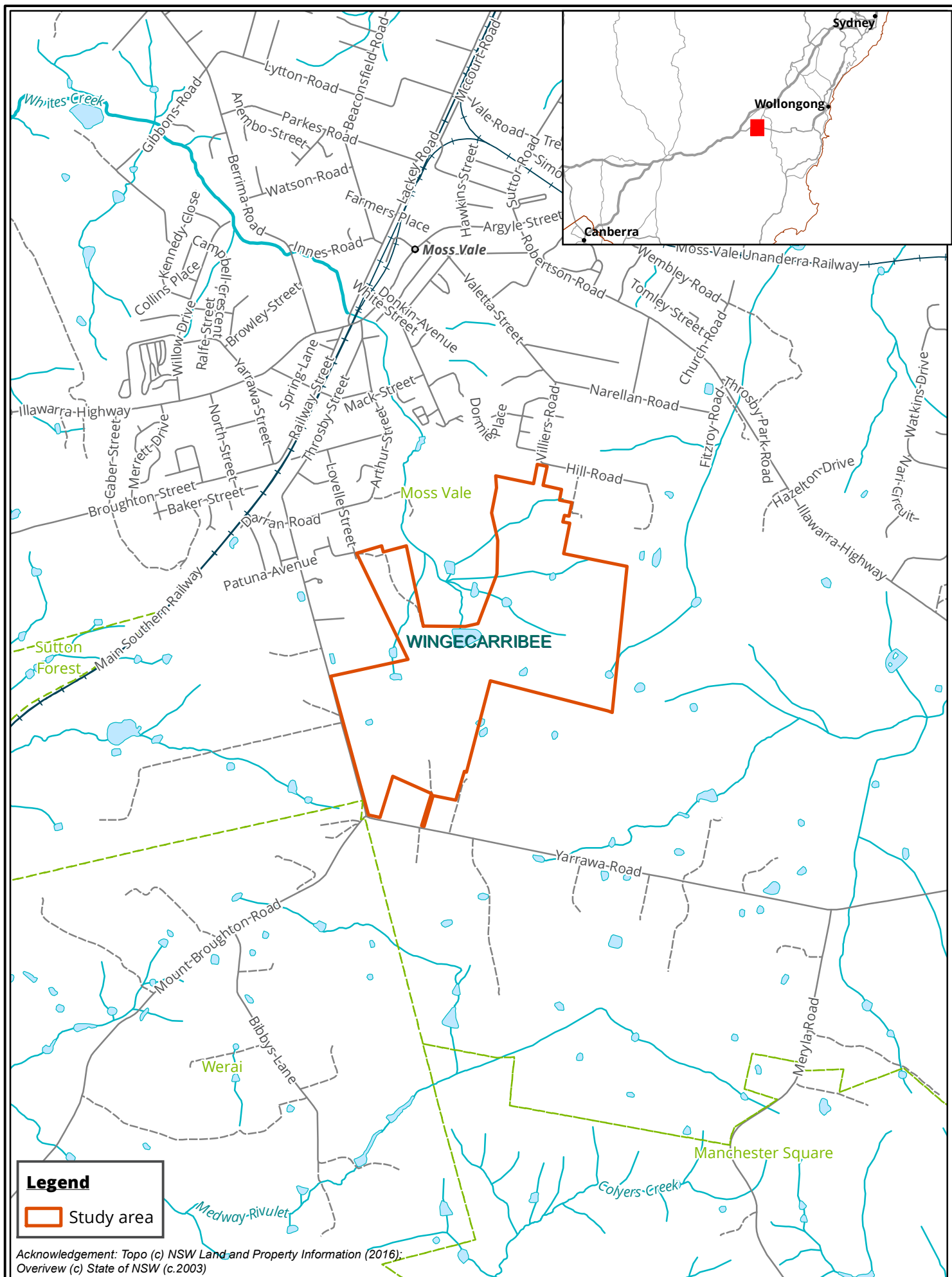
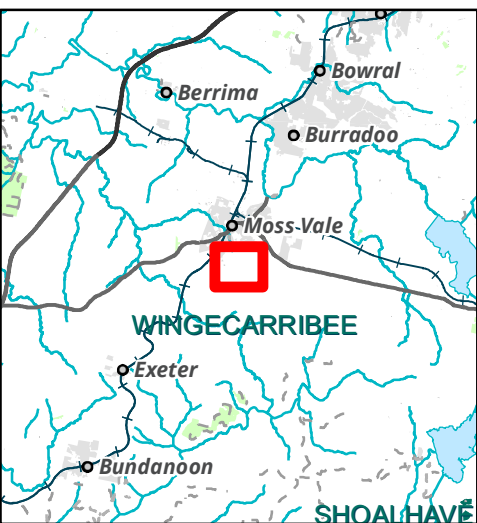


Figure 1 Study area in a regional context

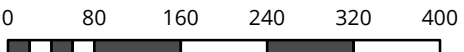




**Legend**

Study area

**Figure 2 Study area detail**



Metres  
 Scale: 1:7,000 @ A3  
 Coordinate System: GDA 1994 NSW Lambert

**biosis**

Biosis Pty Ltd

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## 2 Historical context

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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 Wingecarribee region.

### 2.1 Topography and resources

The study area is part of the Woronora Plateau, on the southern end of the Sydney basin. The Woronora Plateau is characterised by low angle slopes and marked benches leading up to steep-sided deep valleys which have formed upon Triassic medium to coarse grained quartz sandstone with minor shale and laminate lenses. Rocky outcrops are contained to ridgelines and creeks, and small deposits of nodular ironstone can be found upon the crests of ridgelines. The study area includes the Southern edge of Hawkesbury sandstone landscapes including alluvial and basalt rock. Topographically, the study area belongs to the Wingecarribee region, a plateau consisting of open and rolling landscapes.<sup>2</sup>

### 2.2 Aboriginal past

It is generally accepted that people have inhabited the Australian landmass for at least 65,000 years and possessed a distinctive stone tool assemblage.<sup>3</sup> Dates of the earliest occupation of the continent by Aboriginal people are subject to continued revision as more research is undertaken, however archaeological evidence clearly indicates that Aboriginal people have occupied coastal south-eastern Australia for up to 20,000 years. Our knowledge of the social organisation and languages of Aboriginal people prior to European contact is, to a large extent, reliant on documents written by European people. Such documents contain the inherent bias of the class and cultures of these authors; however, they can be used in conjunction with archaeological information in order to gain a picture of Aboriginal life in the region. The majority of this information was gathered during the late nineteenth century, taking place in already decimated communities where significant disruptions to the pre-existing societies had occurred.

There is some confusion relating to group names, which can be explained by the use of differing terminologies in early historical references. Language groups were not the main political or social units in Aboriginal life. Instead, land custodianship and ownership centred on the smaller named groups that comprised the broader language grouping. The study area resides in traditional Gundungurra (alternatively: Gun'dungur'ra, Gun' -dung-ur'ra) country. Attenbrow argues that before colonisation Gundungurra country was located on the southern edge of the Cumberland plain, to the west of Georges River.<sup>4</sup> According to Tindale, the surrounding language groups include Wodi Wodi, Wiradjuri, Ngunnawal and Dharawal.<sup>5</sup> It should be noted that these boundaries were not static entities but were subject to reformation from changing cultural and environmental contexts across Indigenous occupation and are considered to be indicative only.

After the arrival of European settlers the movement of Aboriginal hunter-gatherers became increasingly restricted. European expansion along the Cumberland Plain was swift and soon there had been considerable

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<sup>2</sup> Bowie, I 2006

<sup>3</sup> Clarkson et al. 2017

<sup>4</sup> Attenbrow 2010

<sup>5</sup> Tindale 1974

loss of land to agriculture. This led to violence and conflict between Europeans and Aboriginal people as both groups sought to compete for the same resources.<sup>6</sup> At the same time diseases such as small pox were having a devastating effect on the Aboriginal population. Death, starvation and disease were some of the disrupting factors that led to a reorganisation of the social practices of Aboriginal communities after European contact. The formation of new social groups and alliances were made as Aboriginal people sought to retain some semblance of their previous lifestyle.

## **2.3 Moss Vale and Wingecaribee region– historical development**

### **2.3.1 Early exploration of the Southern Highlands (1788 to 1821)**

Initial European occupation of NSW began in 1788 with the arrival of the first feet and the establishment of NSW as the first British colony of Australia. Early settlements in this colony mainly resided on rivers and coastal areas, to facilitate the transport of goods and services easily across river systems accessible by boat. Further settlements inland, such as those located in Sutton Forrest or Moss Vale, were founded due to a need for land expansion and resource procurement.

Little is known of the district between 1798 and 1814, although there were some minor explorations into the region throughout that time. The first expedition set out in 1798, consisting of John Wilson, the chief guide, John Price, a servant of the Governor, a man named Roe, four guards and four convicts. The aim of this exploration was to convince the convict community that China could not indeed be reached by a 150 mile journey overland, as there were multiple desertions with some convicts returning in starved condition while others were killed by the local Aboriginal tribes. The Irish convicts however quickly grew tired when faced with the prospect of climbing through rugged bush land near Picton. They returned to Sydney, along with the guards, while John Price, John Wilson and Roe continued on. They headed in a south westerly direction travelling from Cow Pastures at Mount Hunter to a spot about a mile above the junction of the Bargo and Nepean rivers. Wilson and Roe continued onwards through the Bargo district to Forest or Catherine Hill, Aylmerton, Mittagong, Bowral and to the head of Joadja Creek. From there they explored through to Bulli and finally reached a point near the junction of the Wingecaribee and Wollondilly rivers. Prices' journal reports the first sightings of a Lyre bird, wombat (on the mainland) and a koala, all observed on 26 January 1798.<sup>7</sup>

In 1826 Hamilton Hume recorded in a letter that he and his brother passed through the Wingecaribee district in the company of his uncle, John Kennedy in 1814, travelling as far as the Bungonia district.<sup>8</sup> Hume, an explorer, grazier and magistrate, was one of the first explorers in the Wingecaribee region, and in 1817 Governor Macquarie requested that Hume accompany Charles Throsby on an expedition to the area now known as Sutton Forest. In 1818, both Hume and Throsby returned to accompany Surveyor James Meehan, Joseph Wild and a number of other men on a secondary expedition, with the intention to discover if communications could be established from Sydney to Jervis Bay over land.<sup>9</sup>

Part way through the journey, Hume and Meehan separated from Throsby, heading to Lake Bathurst and the Goulburn plains.<sup>10</sup> Whilst at Lake Bathurst, Meehan traced the course of the Mulwaree River for some distance while Hume made an excursion to the Gourock range.<sup>11</sup> Throsby continued on the original course,

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<sup>6</sup> Brookes & Associates et al. 2003, 16

<sup>7</sup> Jervis 1986

<sup>8</sup> Hume 1966

<sup>9</sup> Parsons 1967

<sup>10</sup> Hume 1966

<sup>11</sup> Hume 1966

passing through what would eventually be known as Moss Vale, reaching Shoalhaven River and Jervis Bay in the same year.<sup>12</sup>

Throsby also discovered a pass between the Illawarra and Robertson districts, successfully driving a herd of cattle through it and was pivotal in the construction of the first road from Picton (Stone quarry) to the Goulburn plains between 1819 and 1821, also known as the Old South Road.<sup>13</sup> In 1820, for Throsby's services in exploration of the 'New Country', Governor Macquarie rewarded him with a grant of 1,000 acres (405 hectares) in any part of the new country he wished. Throsby, accompanied by nine other men also granted lands of up to 40 hectares each, chose to settle in an area that is now included in the Moss Vale district. Macquarie also gave him superintendence over the building of the road, which was placed under the direction of Throsby's servant Joseph Wild.<sup>14</sup> In 1820, Macquarie visited the work party, which had reached the Cookbundoon Range, and gave Throsby's estate in the new country the name of Throsby Park as another reward for his services to the state.<sup>15</sup>

### **2.3.2 Early development of Moss Vale (1820 to 1867)**

The land granted to Throsby in 1820 (portion 21, parish of Bong Bong) was laid out by surveyor William Harper in 1822, with Throsby settling on the land the year prior and constructing a small cottage on what became known as Throsby Estate. Throsby died in 1828, which resulted in his estates and lands passing to his nephew, Charles Throsby Jr. With his uncle, Throsby Jr managed cattle in the region. In 1834 Charles Jr was granted a further 1,000 acres (404.7 hectares) south of Throsby Park.

The establishment of Moss Vale as a township began with the planning of the railway station commencing in 1846.<sup>16</sup> According to the writings of Joseph Lansdowne, by 1853, Moss Vale possessed only five buildings, poorly constructed of 'bricks and slabs'.<sup>17</sup> Outside of these structures the land appeared to contain thick bush and fields of wheat. Lansdowne estimated the total population at this time to be 28 people.<sup>18</sup> A review of crown plan R48.1603 shows road existing on the western boundary of the study area but features no structures adjacent to these roads. It appears that the development of Moss Vale was gradual until the construction and completion of the railway line and station in 1867 by engineer John Whitton.

Subdivision for the town began around 1864, with developments to the Moss Vale district including the subdivision of several large estates, as well as the inclusion of a general store, postal office and hotel to service the influx of railway workers and their families.<sup>19</sup> Further development of the town is also demonstrated by the leasing of Throsby Park as a summer residence for The Earl of Belmore in 1867. Similarly at this time, Richard Roberts declared Moss Vale as a centre of grazing with a high availability of paddocks. As the dense rainforest of the Yarrowa Brush surrounding the Moss Vale district, remained largely untouched by pastoralists prior to 1860, large areas were cleared for agricultural and pastoral endeavours for farmers in the Moss Vale district. The town raised cattle and grew potatoes throughout the region, eventually turning their efforts to dairying. Moss Vale also became a major district for facilitating the cattle industry for smaller, rural farming communities in the surrounding areas.<sup>20</sup>

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<sup>12</sup> Parsons 1967

<sup>13</sup> Parsons 1967

<sup>14</sup> Parsons 1967

<sup>15</sup> Parsons 1967

<sup>16</sup> Office of Environment and Heritage 2019, *Moss Vale Railway Precinct*, viewed 9 July 2019

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=4806253>

<sup>17</sup> The Southern Mail 28 May 1948 p. 6

<sup>18</sup> The Southern Mail 28 May 1948 p. 6

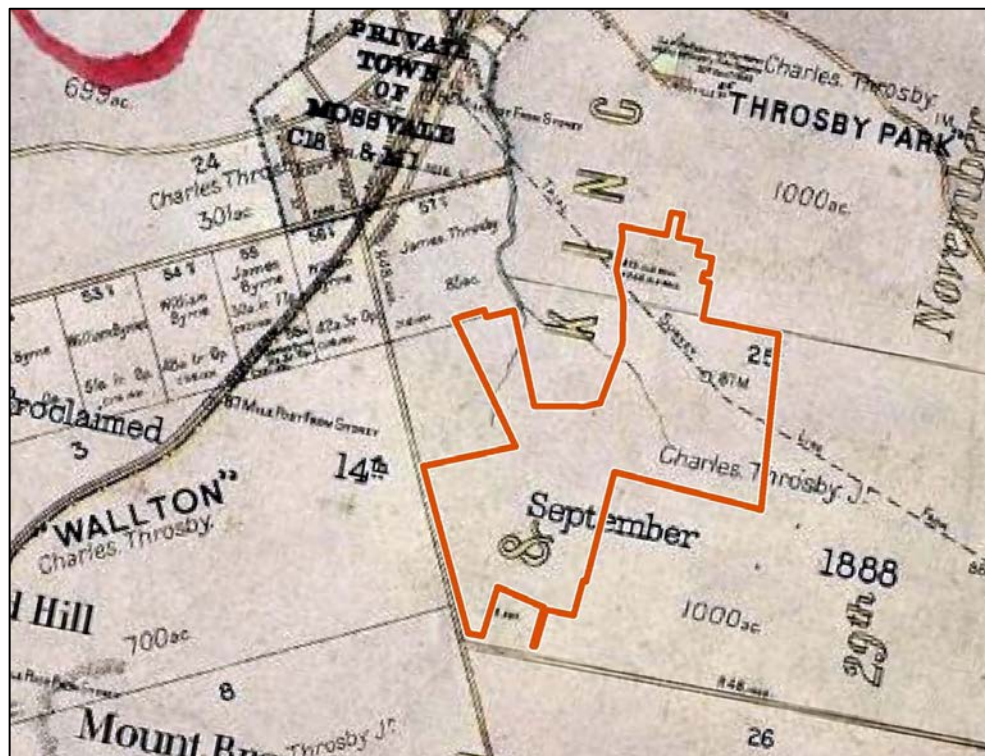
<sup>19</sup> L, Emery 2001

<sup>20</sup> JRC Planning Services 1993



### 2.3.3 Subdivisions and land grants of Moss Vale (1867 to 1936)

By 1888, further buildings had been erected throughout Moss Vale, with James Cathman constructing a church in the town centre. By 1891, Tudor House was constructed, originally designed by J. Horbury Hunt for use as a country house for Alick Osbourne.<sup>21</sup> Tudor House was later remodelled to accommodate schooling facilities.<sup>22</sup> Early parish maps dating to 1894 demonstrate the early subdivision plans of the district (Plate 1).



**Plate 1** 1894 parish map of the parish of Bong Bong, with Moss Vale and Throsby's land grants visible; study area is indicated in red (Source: NSW Land Registry Services)

The northern portion of the study area falls within Throsby Park, with 1894 and 1914 parish maps showing the change in land use and creation of subdivision land grants to the southern portion of Throsby Park, adjacent to the study area (Plate 1 and Plate 2). This subdivision was recorded in 1825<sup>23</sup>. An advertisement for the sale of six lots (five in the adjacent to the study area and one within) shows no development within James Throsby's lot, partially within and adjacent to the study area<sup>24</sup>. Similarly, the 1899 parish map shows the construction of roads with James Throsby's lot which borders the north-west portion of the study area. (Plate 2). A review of crown plans (R1468.3040) dating to 1909 shows no built structures within the study area.

<sup>21</sup> Office of Environment and Heritage 2019, *Tudor House School*, viewed 9 July 2019  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2680046>

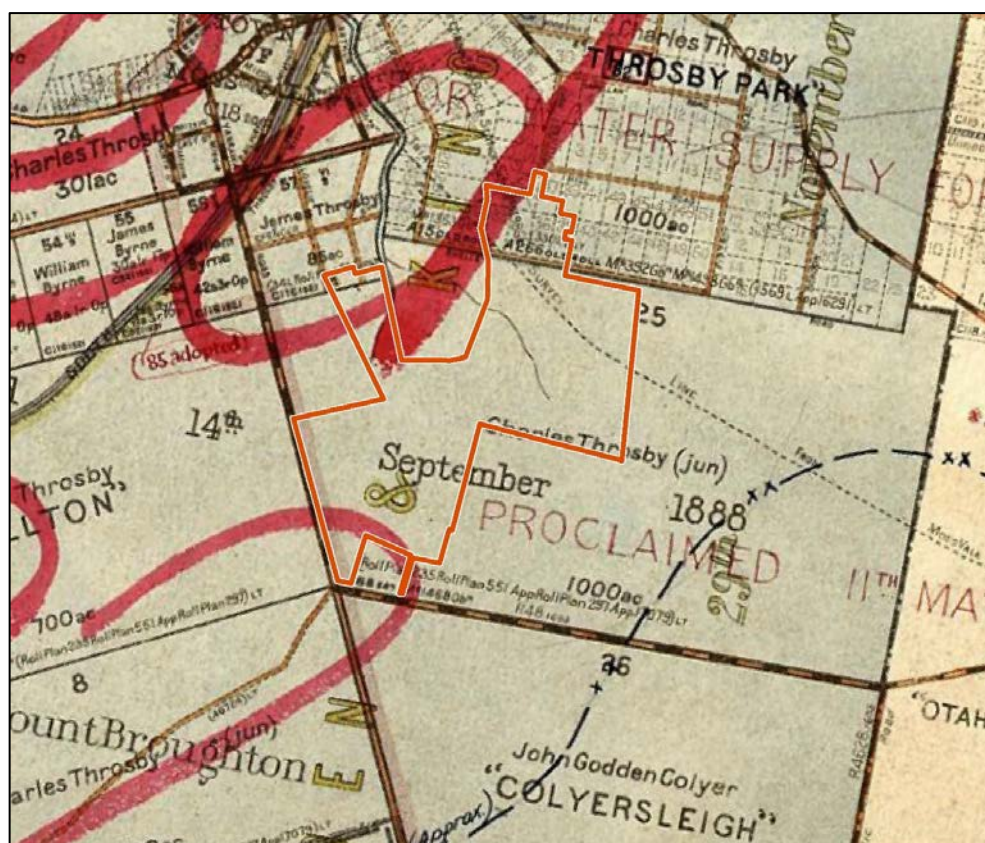
<sup>22</sup> JRC Planning Services 1993

<sup>23</sup> State Library of New South Wales 2019, *Moss Vale Subdivision Plans*, Viewed 12/08/2019

<sup>24</sup> NSW Land Registry Services 2019. *Sale at Berrima on the 6<sup>th</sup> September 1859*.

In 1913, this portion of the study area was transferred to William Oswald Gilchrist and subdivided into a number of separate lots (

Plate 2). Gilchrist was a merchant and businessman who had interests in several pastoral properties.<sup>25</sup> The lot that would come to contain the current residential dwelling and structures was then owned by Elizabeth Fraser through widow transfer in 1915.



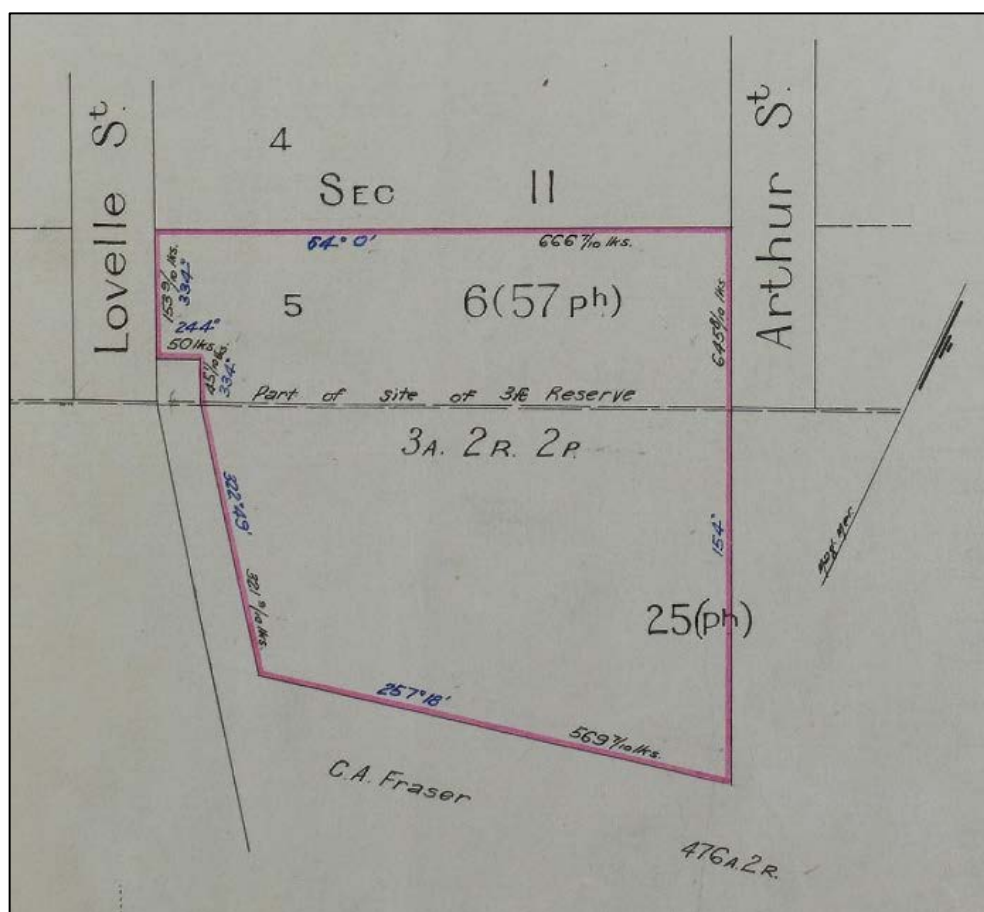
**Plate 2** 1914 parish map of Moss Vale, with the study area is indicated in red (Source: NSW Land Registry Services)

Elizabeth Fraser was a resident of Moss Vale and resided at Mt Broughton to the south west of the study area until her death in 1928.<sup>26</sup> The land was passed to her son Charles Fraser who was noted as a grazier on the certificate of title. The remaining portion of Charles Throsby Junior's original grant to the south was also transferred from William Oswald Gilchrist to Charles Fraser in 1922, but it wasn't until both parcels of land were acquired by the farmer Thomas Henry Wilson in 1927 and 1936 that they were merged into the single

<sup>25</sup> 1920 "Late W. O. Gilchrist" Sydney Morning Herald (NSW : 1842 - 1954), 21 February, p. 12, <http://nla.gov.au/nla.news-article28094398>, viewed 9 August 2019

<sup>26</sup> Obituary. (1928, November 21). *The Scrutineer and Berrima District Press* (NSW : 1892 - 1948), p. 2. Retrieved October 17, 2018, from <http://nla.gov.au/nla.news-article124181353>

estate (Plate 3 and Plate 4).<sup>27</sup> Wilson's ownership of the land is also documented in a certificate of title 1944.<sup>28</sup> Even in this later documentation, there is no evidence of buildings being constructed on the estate.



**Plate 3** Site plan from a 1915 Certificate of Title for a portion of the study area (Source: NSW Land Registry Services, Certificate of Title Volume 2609 Folio 18)

<sup>27</sup> NSW Land Registry Services, Certificate of Title Volume 2609 Folio 18, NSW Land Registry Services, Certificate of Title Volume 4783 Folio 190

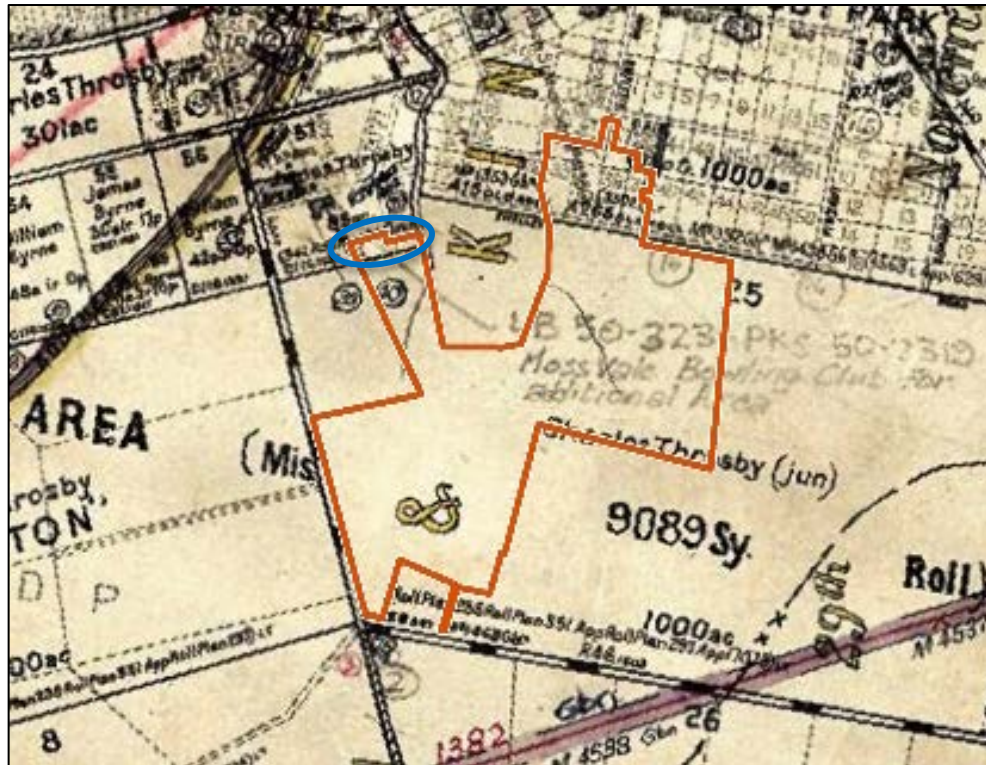
<sup>28</sup> NSW Land Registry Services, Certificate of Title Volume 5458 Folio 38.



**Plate 4** Site plan from 1936 Certificate of Title for a portion of the study area (Source: NSW Land Registry Services, Certificate of Title Volume 4783 Folio 190)

No development in the study area or the subdivisions contained within the study area was observed in Certificates of Title plans or parish maps until the 1942 Moss Vale District parish map, which indicates that a small portion of the far north-western part of the study area was acquired for housing purposes (Plate 5).





**Plate 5 1942 Bong Bong Parish Map with the study area outlined in red and the area acquired for housing purposes in blue (Source: NSW Land Registry Services)**

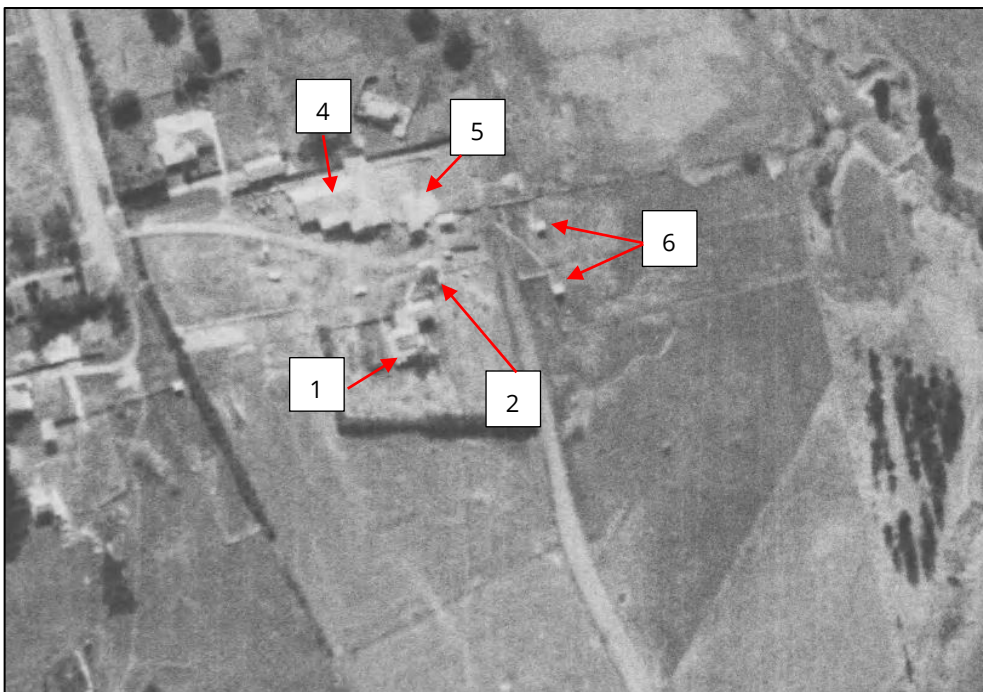
Since 1942, the study area has been primarily used for agricultural purposes, such as cropping and cattle grazing. Aerials dating to 1963 show seven structures contained within the study area in James Throsby's lot.<sup>29</sup> These include a house [1], garage [2], shed [4], outbuilding [5] and paddock shelters [6]. Historical research of the study area including a review of parish maps, certificates of title and newspaper articles prior to 1963 could not identify the owner of these structures. Before 1963 the land was held by Wilson according to a certificate of title dated to 1944.<sup>30</sup> Despite this, no built structures could be identified through this same research.

<sup>29</sup> Biosis Pty Ltd, 2018. P.4

<sup>30</sup> NSW Land Registry Services, Certificate of Title Volume 5458 Folio 38



**Plate 6** 1963 aerial of the study area (Source: Spatial Services, Department of Finance, Services & Innovation)

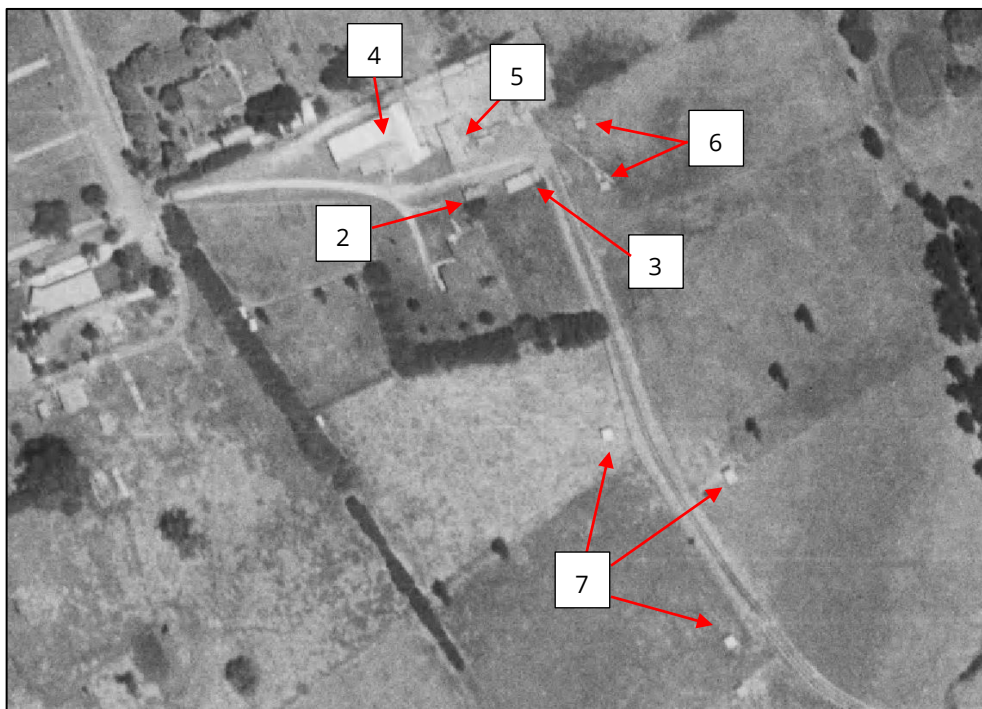


**Plate 7** Detail of 1963 aerial focusing on the building structures within the study area. The garage [3] has not been constructed (Source: Spatial Services, Department of Finance, Services & Innovation)





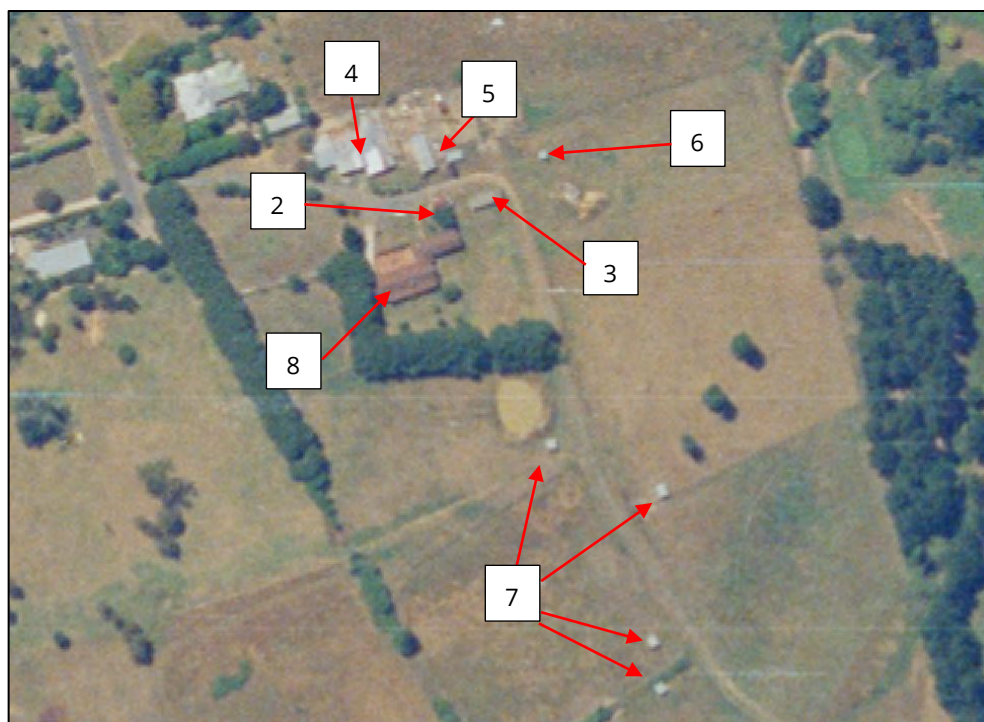
**Plate 8** 1974 aerial of the study area (Source: Spatial Services, Department of Finance, Services & Innovation)



**Plate 9** Detail of 1974 aerial focusing on the building structures within the study area. It appears the original house [1] has been demolished and new paddock shelters have been constructed [7] (Source: Spatial Services, Department of Finance, Services & Innovation)



**Plate 10** 1997 aerial of the study area (Source: Spatial Services, Department of Finance, Services & Innovation)



**Plate 11** Detail of 1997 aerial focusing on the building structures within the study area. A new house [7] has been construction in the same position of the original house [1]

## 2.4 Chronology of the study area

**Table 1** Chronological development of the study area

No.	Building	Date
1	Original house	Pre-1963
2	Garage	1963-1974
3	Stables	Pre-1963
4	Shed	Pre-1963
5	Outbuilding	Pre-1963
6	Old paddock shelter	Pre-1963
7	New paddock shelters	1963-1974
8	New house	Post-1974

## 2.5 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 Heritage Office and are outlined in synoptic form in Historical Themes.<sup>31</sup>

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 in conjunction with the local historical thematic history has identified three historical themes which relate to the occupational history of the study area.<sup>32</sup> This is summarised in Table 2.

**Table 2 Identified historical themes for the study area**

Australian theme	NSW theme	Local theme
<b>Developing Local, regional and national economies</b>	Agriculture	Activities relating to the cultivation and rearing of plant and animal species.
	Exploration	Activities associated with making places previously unknown to a cultural group known to them.
	Pastoralism	Activities associated with the breeding, raising, processing and distribution of livestock for human use.

<sup>31</sup> NSW Heritage Council 2001

<sup>32</sup> Heritage council of NSW *New South Wales Historical themes*. 2001



## 3 Physical inspection

A physical inspection of the study area was undertaken on 12 September 2018, attended by Mathew Smith. 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).

### 3.1 Site setting

The study area is located a rolling hills landform pattern with rounded peaks with deep channel incisions. The house and associated buildings are located in the north-west corner of the study area on the crest of a hill that looks towards the south. This area is surrounded by mature pine trees along the boundary and grazing paddocks to the east and south. The Moss Vale Golf Course is located adjacent to the study area.

#### 3.1.1 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 Table 3.

**Table 3 Key view points associated with the study area**

View	Physical and visual qualities	View
1	South facing view towards Moss Vale Golf Course, on the left.	

View	Physical and visual qualities	View
2	West facing view towards the house.	
3	West east facing view towards Lovelle Street.	



View	Physical and visual qualities	View
4	East facing view towards Moss Vale Golf Course.	

### 3.2 Built fabric assessment

The study area is located on the southern outskirts of Moss Vale, NSW. It encompasses pastoral lands and features a number of built items. The identified built items consist of a range of buildings including a residential dwelling [8], garage [2], stable [3], timber shed [4], outbuilding associated with dairying [5] and several livestock shelters [6].

The house [8] located at the entrance to the property consist of a single story timber framed weatherboard building, with open gable, tiled roofs that transition to a lower pitch over verandah (Plate 12). The house is set on brick foundations and concrete slab foundation and there are two brick chimneys, one internal on southern side of building and one external on northern side. Timber framed double hung windows are located on all building faces and open verandahs are on northern and southern sides. The building is in good condition and is currently utilised as a residential dwelling.



**Plate 12 North facing façade of the house, facing east**

The garage is located adjacent and to the north of the house [8] and consists of a rectangular medium pitched gable roof building with corrugated iron roofing and masonry block walls (Plate 13). The garage sits on top of a concrete slab foundation and the rear of building features a concrete walled open face storage area, with corrugated iron skillion roof. One swing up fiberboard garage door is located on the west face and a set of louvre windows on southern face. The building appears to be in good condition.



**Plate 13** West facing façade of the garage, facing north east

The stables consist of a rectangular masonry block building with corrugated iron skillion roof and timber eaves, which is set on a concrete slab foundation (Plate 14). There is a timber half door on northern face and a row of eight single pane fixed-light windows on northern face. The building appears to be in good condition.



**Plate 14** North facing façade of the stables, facing south east

The shed, located near the entrance to the study area, consists of a gable roofed timber framed structure with corrugated iron roofs and wall lining that sits on a partial concrete slab foundation with a section of the shed containing an earthen floor (Plate 15). The eastern section of shed contains livestock pens made of timber fencing. The shed is in poor condition as the corrugated iron roofing and walls are loose in places and the eastern section of shed roof has begun to collapse.





**Plate 15 East facing façade of the shed, facing west**

The outbuilding consists of a rectangular brick and masonry block building with corrugated iron open gable roof (Plate 16). It is a mixture of timber and iron roof supports set on a concrete slab foundation. Two timber doors are located on the on eastern face. The building appears to be in good condition.



**Plate 16 East facing façade of the outbuilding, facing south**

The study area also contains a number of paddock shelters (Plate 17). These are square timber and corrugated iron structures with flat corrugated iron roofs, earthen floors and all open to the east. They range in condition from good to poor.



**Plate 17 West photo  
of one of the  
paddock shelter**

### **3.3 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.

#### **3.3.1 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.

From the time of European settlement onwards, the study area appears to have been extensively cleared and used primarily for grazing and agricultural purposes. Archaeological resources likely to be present within the study area would be associated with the original property boundaries and roads, and evidence of early farming practices. Any remains from the property boundaries would be ephemeral structural evidence such as post holes, while evidence of farming practices are likely to be associated with small outbuildings, animal sheds, fences and pens. The historical research undertaken as part of this assessment did not indicate any historical structures or buildings within the vicinity of the study area until the 1963 aerial, which shows the original house [1], garage [2], shed [4], outbuilding [5] and paddock shelters [6].

#### **3.3.2 Integrity of sub-surface deposits**

Sub-surface deposits can be disturbed or damaged by later development or taphonomic processes. Due to the lack of development within the complex of structures, any sub-surface archaeological remains are likely to be in good condition. The installation of services within and in the vicinity of the main house [1] and [8] may have disturbed underfloor occupation deposits and truncated any deposits, stone foundations or building footings. In addition, it appears that the original house was demolished and new one constructed after 1974. This would have most likely removed all traces of the previous historical phases through the process of

demolition, cut and fill, and heavily modified the subsurface stratigraphy and removed any archaeological potential in this area.

### 3.3.3 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.

In terms of research potential, the study area's history suggests that any archaeological material present is most likely to be associated with original property boundaries and evidence of early farming practices dating from the early 18th century. Such material has been well documented elsewhere, and is unlikely to contribute to any further knowledge about the study area. Archaeological remains associated with the later buildings (from 1962 onwards) will most likely consist of footings or foundations, structural postholes and associated remnant timber posts, cuts and fill deposits, and compacted floor surfaces. These types of remains are also well documented elsewhere, and is unlikely to contribute to any further knowledge about the study area.

### 3.3.4 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 4 and Figure 3.

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 archaeological 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 archaeological significant remains relating to this period, theme or event will occur within the study area.

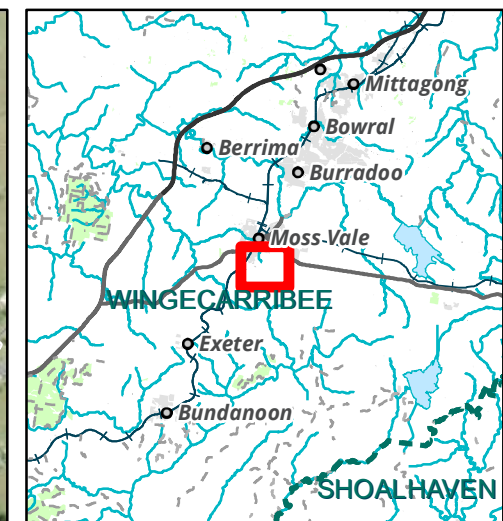
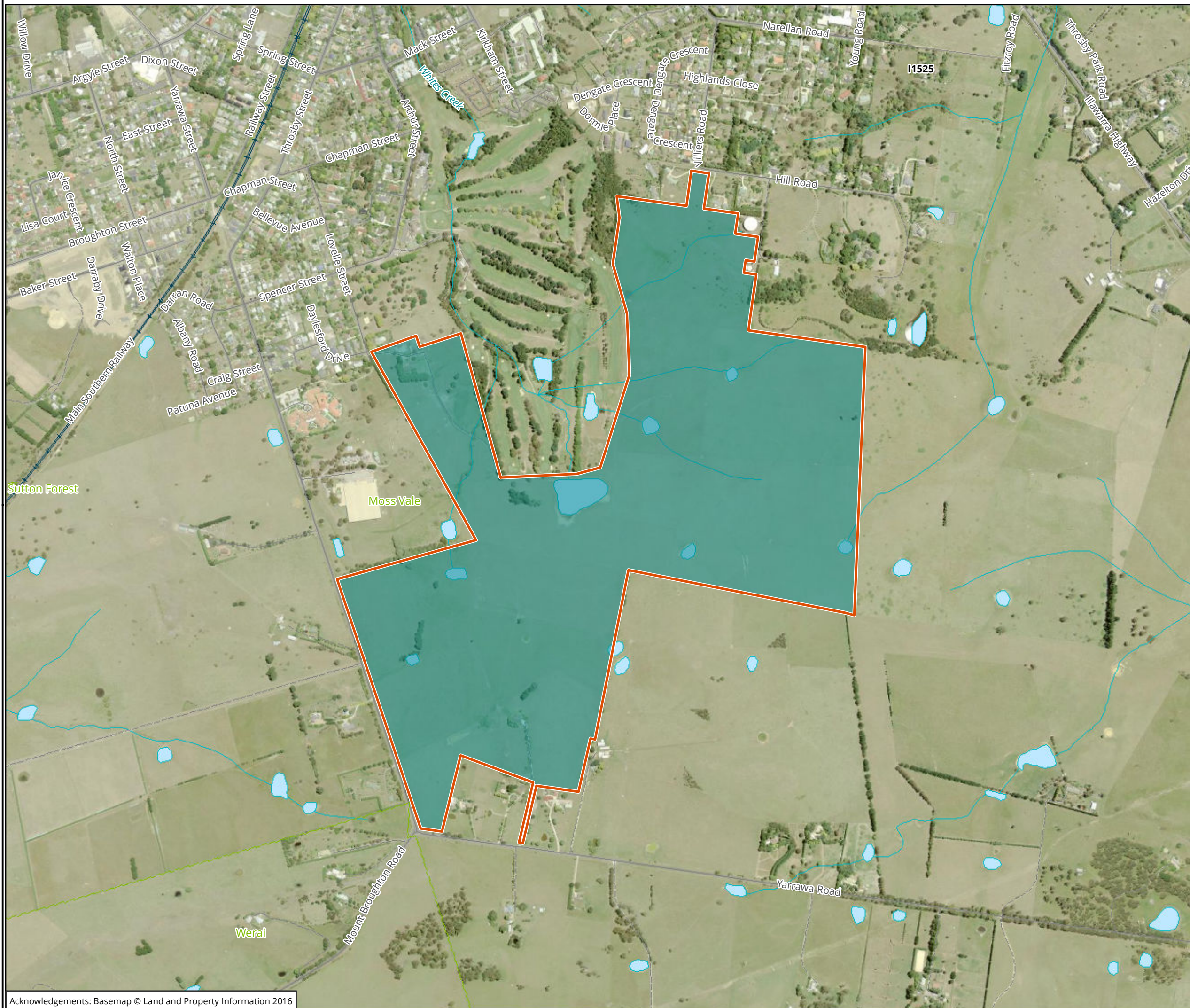
**Table 4 Assessment of archaeological potential**

Designation	Description	Probable feature(s)	Possible construction date	Archaeological potential
1	Original house	Building footings or foundations, cut and fill deposits, secondary deposits	Pre-1963	Low – likely destroyed by



Designation	Description	Probable feature(s)	Possible construction date	Archaeological potential
		(rubbish pits, cesspits, cisterns, privies), underfloor occupation deposits, yard surfaces, and fencing post holes.		new house
<b>2</b>	Garage	Building footings or foundations, structural postholes and associated remnant timber posts, cuts and fill deposits, and compacted floor surfaces.	1963-1974	Low
<b>3</b>	Stables	Building footings or foundations, structural postholes and associated remnant timber posts, cuts and fill deposits, and compacted floor surfaces.	Pre-1963	Low
<b>4</b>	Shed	Building footings or foundations, structural postholes and associated remnant timber posts, cuts and fill deposits, and compacted floor surfaces.	Pre-1963	Low
<b>5</b>	Outbuilding	Building footings or foundations, structural postholes and associated remnant timber posts, cuts and fill deposits, and compacted floor surfaces.	Pre-1963	Low
<b>6</b>	Old paddock shelter	Cut and fill deposits, fencing or structural postholes and associated remnant timber posts.	Pre-1963	Low
<b>7</b>	New paddock shelters	Cut and fill deposits.	1963-1974	Low
<b>8</b>	New house	Building footings or foundations, cut and fill deposits, and underfloor occupation deposits.	1974-1997	Low





#### Legend

Study area

#### Archaeological potential

Low

**Figure 3 Assessment of archaeological potential**

0 130 260 390 520  
Metres

Scale: 1:10,000 @ A3  
Coordinate System: GDA 1994 MGA Zone 56



Albury, Ballarat, Melbourne,  
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 28011  
Date: 23 July 2019,  
Checked by: SJK, Drawn by: AEDM, Last edited by: amurray  
Location: P:\28000s\28011\Mapping\28011\_SoH1\_F3\_ArchPotential



## 4 Significance assessment

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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'<sup>33</sup>. This means a place can have different levels of heritage value and significance to different groups of people.

The archaeological significance of a site is commonly assessed in terms of historical and scientific 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 an archaeological site.

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 1977* (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).

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<sup>33</sup> (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.

## 4.1 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.

## 4.2 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"<sup>34</sup>. 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 5.

**Table 5 Grading of significance**

Grading	Justification	Status
<b>Exceptional</b>	Rare or outstanding element directly contributing to an item's local or State listing.	Fulfills criteria for local and State significance.
<b>High</b>	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.
<b>Moderate</b>	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.

<sup>34</sup> NSW Heritage Office 2001



Grading	Justification	Status
<b>Little</b>	Alterations detract from significance. Difficult to interpret.	Does not fulfill criteria for local or State listing.
<b>Intrusive</b>	Damaging to the item's heritage significance.	Does not fulfill criteria for local or State listing.

The following evaluation attempts to identify the cultural significance of the study area. Table 6 presents an evaluation and subsequent statements of significance for the items identified within the study area.

**Table 6 Evaluation and statements of significance for archaeological items within the study area**

Site name	Significance assessment criteria							Statement of significance
	A	B	C	D	E	F	G	
<b>Original house [1]</b>								The potential archaeological materials associated with the house [1] including building footings or foundations, cut and fill deposits, secondary deposits, underfloor occupation deposits, yard surfaces, and fencing post holes are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class of NSW or the Moss Vale district's cultural places or environments. The potential archaeological materials associated with the house [1] do not hold heritage significance as they were likely destroyed during construction of the new house after 1974.
<b>Garage [2]</b>								The garage [2] and its potential archaeological materials, such as footings or foundations, and cut and fill deposits, are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The garage [2] and its potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The garage [2] and its potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class. The garage [2] and its potential archaeological materials do not hold heritage significance.

Site name	Significance assessment criteria							Statement of significance
	A	B	C	D	E	F	G	
<b>Stables [3]</b>								The stables [3] and its potential archaeological materials, such as footings or foundations, fencing or structural postholes and associated remnant timber posts, are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The stables [3] and its potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The stables [3] and its potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class. The stables [3] and its potential archaeological materials do not hold heritage significance.
<b>Shed [4]</b>								The shed [4] and its potential archaeological materials, such as footings or foundations, fencing or structural postholes and associated remnant timber posts, are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The shed [4] and its potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The shed [4] and its potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class. The shed [4] and its potential archaeological materials do not hold heritage significance.

Site name	Significance assessment criteria							Statement of significance
	A	B	C	D	E	F	G	
<b>Outbuilding [5]</b>								The outbuilding [5] and its potential archaeological materials, such as footings or foundations, fencing or structural postholes and associated remnant timber posts, are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The outbuilding [5] and its potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The outbuilding [5] and its potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class. The outbuilding [5] and its potential archaeological materials do not hold heritage significance.
<b>Old paddock shelter [6]</b>								The old paddock shelters [6] and their potential archaeological materials, such as structural postholes and associated remnant timber posts, are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The old paddock shelters [6] and their potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The old paddock shelters [6] and their potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class. The old paddock shelters [6] and their potential archaeological materials do not hold heritage significance.



Site name	Significance assessment criteria							Statement of significance
	A	B	C	D	E	F	G	
<b>New paddock shelters [7]</b>								The new paddock shelters [6] and their potential archaeological materials, such as structural postholes and associated remnant timber posts, are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The new paddock shelters [6] and their potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The new paddock shelters [6] and their potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class. The new paddock shelters [6] and their potential archaeological materials do not hold heritage significance.
<b>New house [8]</b>								The new house [8] and its potential archaeological materials, such as footings or foundations, cut and fill deposits, secondary deposits, underfloor occupation deposits, yard surfaces, and fencing post holes are not considered an important component of or will yield information that will contribute to an understanding of the cultural history of NSW or the Moss Vale district, nor do they hold associations with the life or works of a person(s) of importance in. The new house [8] and its potential archaeological materials are unlikely to demonstrate aesthetic characteristics or a high degree of creative or technical achievement in NSW or the Moss Vale district, and they do not hold a strong or special association with a community or cultural group in NSW or the Moss Vale district for social, cultural or spiritual reasons. The new house [8] and its potential archaeological materials are not considered to possess uncommon, rare or endangered aspects of NSW or the Moss Vale district's cultural history, nor do they demonstrate the principal characteristics of a class of NSW or the Moss Vale district's cultural places or environments. The new house [8] and its potential archaeological materials do not hold heritage significance due to the late construction date after 1974.

## 5 Statement of heritage impact

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This SoHI has been prepared to address impacts resulting from the proposed redevelopment of the study area. The SoHI identifies the level of impact arising from the proposed development and discusses mitigation measures which must be taken to avoid or reduce those impacts. This section of the report has been prepared in accordance with the Heritage Manual guideline *Statements of Heritage Impact*<sup>35</sup>.

### 5.1 Proposal details

As previously outlined, the project proposes to subdivide Lot 3 DP 706194 and Lot 12 DP 866036 Moss Vale for residential purposes of land contiguous with the township of Moss Vale NSW. The development is likely to involve civil works to facilitate the construction of infrastructure to support a residential land development, which will consist of landscaping, excavation and installation of services, footings and roads. However, the exact nature of these activities are unknown.

### 5.2 Assessing heritage impacts

#### 5.2.1 Quantifying heritage impact(s)

Based upon the discussion of impacts to heritage items, impact to these items can be quantified under three main categories: direct impacts, indirect impacts and no impact. These kinds of impacts are dependent on the proposed impacts, nature of the heritage item and its associated curtilage.

#### Direct impacts

Direct impacts are where the completion of the proposed development will result in a physical loss or alteration to a heritage item which will impact the heritage value or significance of the place. Direct impacts can be divided into whole or partial impacts. Whole impacts essentially will result in the removal of a heritage item as a result of the development where as partial impacts normally constitute impacts to a curtilage or partial removal of heritage values. For the purposes of this assessment direct impacts to heritage items have been placed into the following categories:

- Physical impact - whole: where the development will have a whole impact on a heritage item resulting in the complete physical loss of significance attributed to the item.
- Physical impact - partial: where the project will have a partial impact on an item which could result in the loss or reduction in heritage significance. The degree of impact through partial impacts is dependent on the nature and setting of a heritage item. This typically these impacts are minor impacts to a small proportion of a curtilage of an item or works occurring within the curtilage of a heritage item which may impact on its setting (i.e. gardens and plantings).

#### Indirect impacts

Indirect impacts to a heritage item relate to alterations to the environment or setting of a heritage item which will result in a loss of heritage value. This may include permanent or temporary visual, noise or vibration impacts caused during construction and after the completion of the development. Indirect impacts diminish

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<sup>35</sup> (Heritage Office et al. 1996)

the significance of an item through altering its relationship to its surroundings; this in turn impacts its ability to be appreciated for its historical, functional or aesthetic values.

### **Cumulative impacts**

Cumulative impacts relate to minimal or gradual impacts from a single or multiple developments upon heritage values. A cumulative impact would constitute a minimal impact being caused by the proposed development which over time may result in the partial or total loss of heritage value to the study area or associated heritage item. Cumulative impacts may need to be managed carefully over the prolonged period of time.

### **No impact**

This is where the project does not constitute a measurable direct or indirect impact to the heritage item.

## **5.3 Statement of heritage impact**

From the time of European settlement onwards, the study area appears to have been extensively cleared and used primarily for grazing and agricultural purposes. Archaeological resources likely to be present within the study area would be associated with the original property boundaries and roads, and evidence of early farming practices.

This assessment has identified that there may be archaeological material present beneath the structures currently present within the study area related to the historical use of the land for farming and associated agricultural activities. Archaeological material may present as postholes, remnant posts and associated cuts, wall foundations or footings, wall cuts and fill deposits, compacted floor surfaces, and yard surfaces. These materials may have been disturbed or removed by the demolition of the old house between 1963 and 1974 and the construction of the new house sometime after 1974.

However, these current structures and their possible archaeological materials have been assessed as not holding heritage significance. Any potential remains associated with the house [1], garage [2], stables [3], shed [4], outbuilding [5] paddock shelters [6] [7], and new house [8] are considered not to hold historical, cultural, social, aesthetic or associative significance, nor would these remains likely be considered rare, representative or hold research potential. As there are no items of heritage significance within the study area, the impacts resulting from the proposed works are considered acceptable, provided that an unexpected finds policy is implemented to identify and record any archaeological material that may be encountered during the proposed works.



## 6 Statutory framework

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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.

### 6.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment 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 the Environment and Energy (DEE). 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'.<sup>36</sup>
- 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.<sup>37</sup>

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

### 6.2 Heritage Act 1977

Heritage in NSW is principally protected by the *Heritage Act 1977* (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 1977* 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 Heritage Council, under delegation by the Heritage Division, Office of Environment and Heritage (OEH). The *Heritage Act 1977* 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 1977* 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.

#### 6.2.1 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 1977*. 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 1977* 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

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<sup>36</sup> 'About National Heritage' <http://www.environment.gov.au/heritage/about/national/index.html>

<sup>37</sup> 'Commonwealth Heritage List Criteria' <http://www.environment.gov.au/heritage/about/commonwealth/criteria.html>

found in 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 or conservation areas listed on the SHR within the study area.

### 6.2.2 Archaeological relics

Section 139 of the *Heritage Act 1977* 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 SHR.

Amendments to the *Heritage Act 1977* 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 1977*. 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".'<sup>38</sup>*

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 1977* 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 1977*. 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 1977*. Depending

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<sup>38</sup> (NSW Heritage Branch, Department of Planning 2009, 7)

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.

### **6.2.3 Section 170 Heritage and Conservation Registers**

Section 170 of the *Heritage Act 1977* 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.

## **6.3 Environmental Planning and Assessment Act 1979**

### **6.3.1 Wingecarribee Local Environmental Plan 2010**

The Wingecarribee LEP 2010 contains schedules of heritage items that are managed by the controls in the instrument. As the project is being undertaken under Part 4 of the EP&A Act, council is responsible for approving controlled work via the development application system. There are no heritage items within the study area; however, there is one listed heritage item within the vicinity:

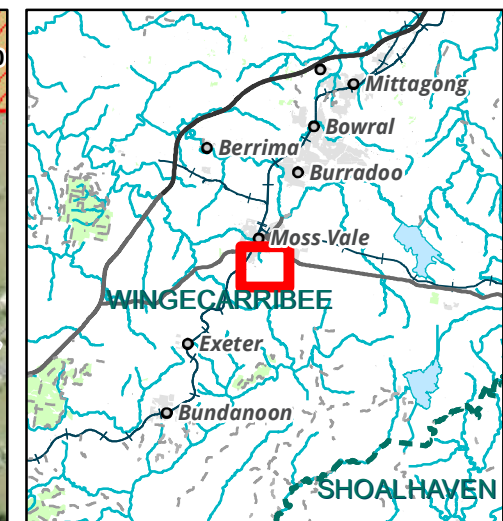
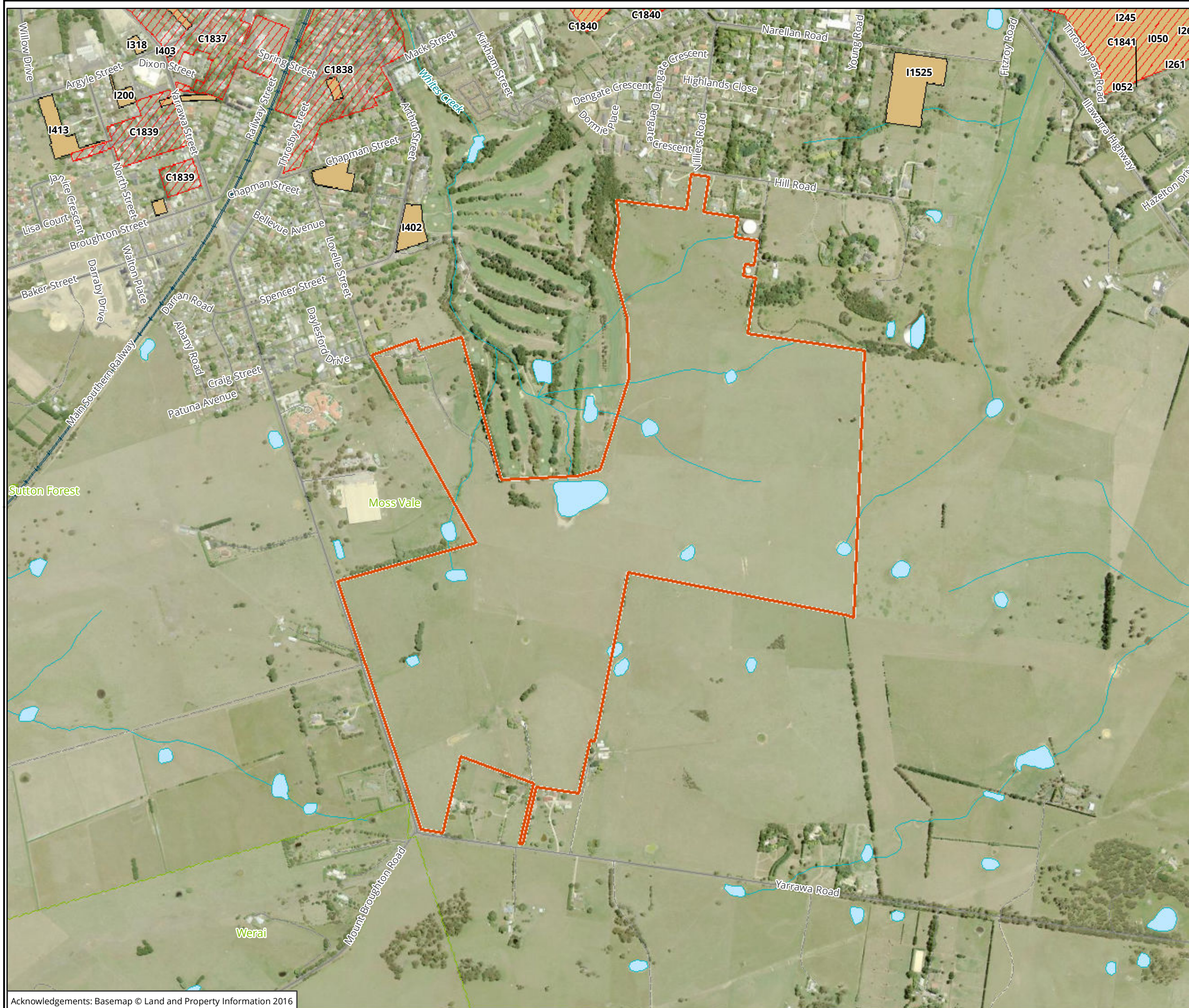
- Dormie House guest house (Item no. I402), Arthur Street, Moss Vale, Lot 1 DP 198551. Locally listed and located 300 metres north of the study area.
- Park Hill house (Item no. I1525), 48 Narellan Road, Moss Vale, Lot 12 and part of Lot 14, Section 4, DP 977031. Locally listed and located 290 metres north east of the study area.



**Table 7 Summary of heritage listings in the vicinity of the study area**

Site number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
<b>I402</b>	Dormie House guest house	Arthur Street, Moss Vale Lot 1 DP 198551, 260 m north of study area.	Wingecarribee LEP 2010	N/A	Local
<b>I1525</b>	Park Hill House	48 Narellan Road, Moss Vale Lot 12 and part of Lot 14, Section 4, DP 977031, 1.5 km north east of study area	Wingecarribee LEP 2010	N/A	Local





#### Legend

Study area

#### Heritage items

Conservation Area - General

Item - General

**Figure 4 Location of heritage items within the vicinity of the study area**

0 130 260 390 520  
Metres

Scale: 1:10,000 @ A3  
Coordinate System: GDA 1994 MGA Zone 56



Albury, Ballarat, Melbourne,  
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 28011  
Date: 23 July 2019,  
Checked by: SJK, Drawn by: AEDM, Last edited by: amurray  
Location: P:\28000s\28011\Mapping\28011\_SoH F4\_HerItems



## 7 Recommendations

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### 7.1 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.<sup>39</sup>

#### **Recommendation 1    No further archaeological assessment is required**

No further archaeological work is required in the study area as the study area has been assessed as having low archaeological potential. The proposed development may proceed with caution.

#### **Recommendation 2    Unexpected archaeological items**

Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic. Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977*. Relics cannot be disturbed except with a permit or exception/exemption notification.

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<sup>39</sup> (Australia ICOMOS 2013)

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