



Kiama East Residential Planning: Historical Heritage Assessment

DRAFT REPORT

Prepared for Cardno

4 May 2018

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- Cardno

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Contents

Glossary.....	iv
Summary	v
1 Introduction	8
1.1 Project background	8
1.2 Location of the study area	8
1.3 Scope of assessment	8
1.4 Limitations	9
2 Statutory framework.....	12
2.1 Environmental Protection and Biodiversity Conservation Act 1999	12
2.2 NSW Heritage Act 1977.....	12
2.2.1 State Heritage Register	13
2.2.2 Archaeological relics	13
2.2.3 Section 170 Heritage and Conservation Registers.....	14
2.3 Environmental Planning and Assessment Act 1979	14
2.3.1 Local Environmental Plan.....	14
2.3.2 Kiama Development Control Plan 2012.....	14
2.4 Summary of heritage listings	15
3 Historical context	17
3.1 Exploration and early settlement (1770 to 1831)	17
3.2 Farming and Dairying.....	18
3.2.1 Dry Stone Walls.....	21
3.3 Research themes	23
4 Physical inspection.....	25
4.1.1 An overview of cultural landscapes	25
4.1.2 The study area as a cultural landscape	26
4.1.3 Views to and from the study area	26
4.2.1 Landscape features	29
4.3 Archaeological assessment	33
4.3.2 Integrity of sub-surface deposits	34
4.3.3 Research potential	34
5 Significance assessment	37
5.1 Levels of heritage significance	38
5.2 Evaluation of significance.....	38
6 Discussion	41
7 Recommendations	42
References.....	44

Tables

Table 1	Summary of heritage listing in the study area.....	15
Table 2	Summary of dry stone walls within the study area that have been assessed by Kiama Municipal Council.....	22
Table 3	Identified historical themes for the study area	24
Table 4	Ratings and criterion for the condition assessment of the dry stone walls within the study area	30
Table 5	Description of dry stone walls within the study area.....	30
Table 6	Assessment of archaeological potential	36

Figures

Figure 1	Location of the study area	10
Figure 2	Aerial overview of the study area	11
Figure 3	Location of heritage items within the study area and in the vicinity	16
Figure 4	An extract from the 1897 Kiama Parish map showing the extent of the study area outlined in red (Source: NSW Department of Lands).....	20
Figure 5	Terminology and features of a dry stone wall (Source: Brook 1994, 7).....	22

Plates

Plate 1	View north of the study area.....	27
Plate 2	View east of the study area and eastern boundary.	27
Plate 3	View south from the southern portion of the study area facing toward The Pine Homestead.	28
Plate 4	Dry stone walls and rolling hills of Spring Creek facing west.	29

Glossary

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

Summary

Biosis Pty Ltd was commissioned by April Hudson (Cardno) to undertake a historical heritage assessment for the proposed Backsaddle Planning Proposal, Kiama, NSW (Figure 1 and Figure 2), referred to as the 'study area' herein. Cardno are preparing a planning proposal for the rezoning of land on the western side of Kiama. This assessment has been completed to guide a planning proposal to amend the Kiama Local Environmental Plan 2011 (Kiama LEP) under Part 3 of the *Environmental Planning and Assessment Act, 1979 NSW* (EP&A Act).

The study area includes at Lots 156, 183, 185, 186, 188 and 189 DP 751279, Lot 99 DP 1042908, Lot 1320 DP 1060995, Lot 199 DP 1042913, Lot 300 DP 1059841, Lot 1 DP 1178500, Lot 1 DP 1003719 and Lot 1 DP 995058 and is bounded by Greyleigh Drive to the east and Old Saddleback Road to the south. This assessment approach has been undertaken to allow for the identification of any heritage constraints both within the study area and any additional areas in the broader vicinity which are likely to be affected, either indirectly or directly, by the planning proposal and any subsequent development within the study area.

Heritage values

Significant heritage values identified within the study area include one item of local significance and two items of local significance within close proximity to the study area:

- Dry stone walls, (Kiama LEP listed item No. 64), Kiama.
- The Pines Homestead, Lot 33, DP 709582 (Local, I135)
- Silver Hill, Lot 101 DP 1076509 (Local, I80)

This assessment has found that the dry stone walls that are within the study area are of local heritage significance due to their aesthetic significance and the early settlement of Kiama. Prior to the approval of any development within the study area the following is recommended.

Recommendations

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

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

Recommendation 1 Dry Stone Walls

The DCP controls that are outlined in the discussion should be followed in any development in, near or around the dry stone walls. It is also recommended that;

¹ Australia ICOMOS 2013

Minimum 6 metre setback from dry stone walls

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

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

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

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

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

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

Recommendation 2 Further assessments required

Completion of a Statement of Heritage Impact for the dry stone walls to support any Development Application

The proposed works in the study area have the potential to impact the dry stone walls. As such a Statement of Heritage Impact (SoHI) will need to be prepared prior to the approval and commencement of works to guide future management of the dry stone walls. The SoHI should be prepared in accordance with the following guidelines:

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

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

² Australia ICOMOS 2013

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

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

1 Introduction

1.1 Project background

Biosis Pty Ltd was commissioned by April Hudson (Cardno) to undertake a historical heritage assessment for the proposed Backsaddle Planning Proposal, Kiama, NSW at Lots 156, 183, 185, 186, 188 and 189 DP 751279, Lot 99 DP 1042908, Lot 1320 DP 1060995, Lot 199 DP 1042913, Lot 300 DP 1059841, Lot 1 DP 1178500, Lot 1 DP 1003719 and Lot 1 DP 995058 (Figure 1 and Figure 2), referred to as the 'study area' herein. Cardno are preparing a planning proposal for the rezoning of land on the western side of Kiama. This assessment has been completed to guide a planning proposal to amend the Kiama Local Environmental Plan 2011 (Kiama LEP) under Part 3 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 Kiama Local Government Area (LGA), Parish of Kiama, County of Camden (Figure 1). The study area includes Lots 156, 183, 185, 186, 188 and 189 DP 751279, Lot 99 DP 1042908, Lot 1320 DP 1060995, Lot 199 DP 1042913, Lot 300 DP 1059841, Lot 1 DP 1178500, Lot 1 DP 1003719 and Lot 1 DP 995058 and is bounded by Greyleigh Drive to the east and Old Saddleback Road to the south.

1.3 Scope of assessment

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

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

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

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

- Assess the potential impact from the planning proposal and any subsequent development of the study area.
- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

1.4 Limitations

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

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

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

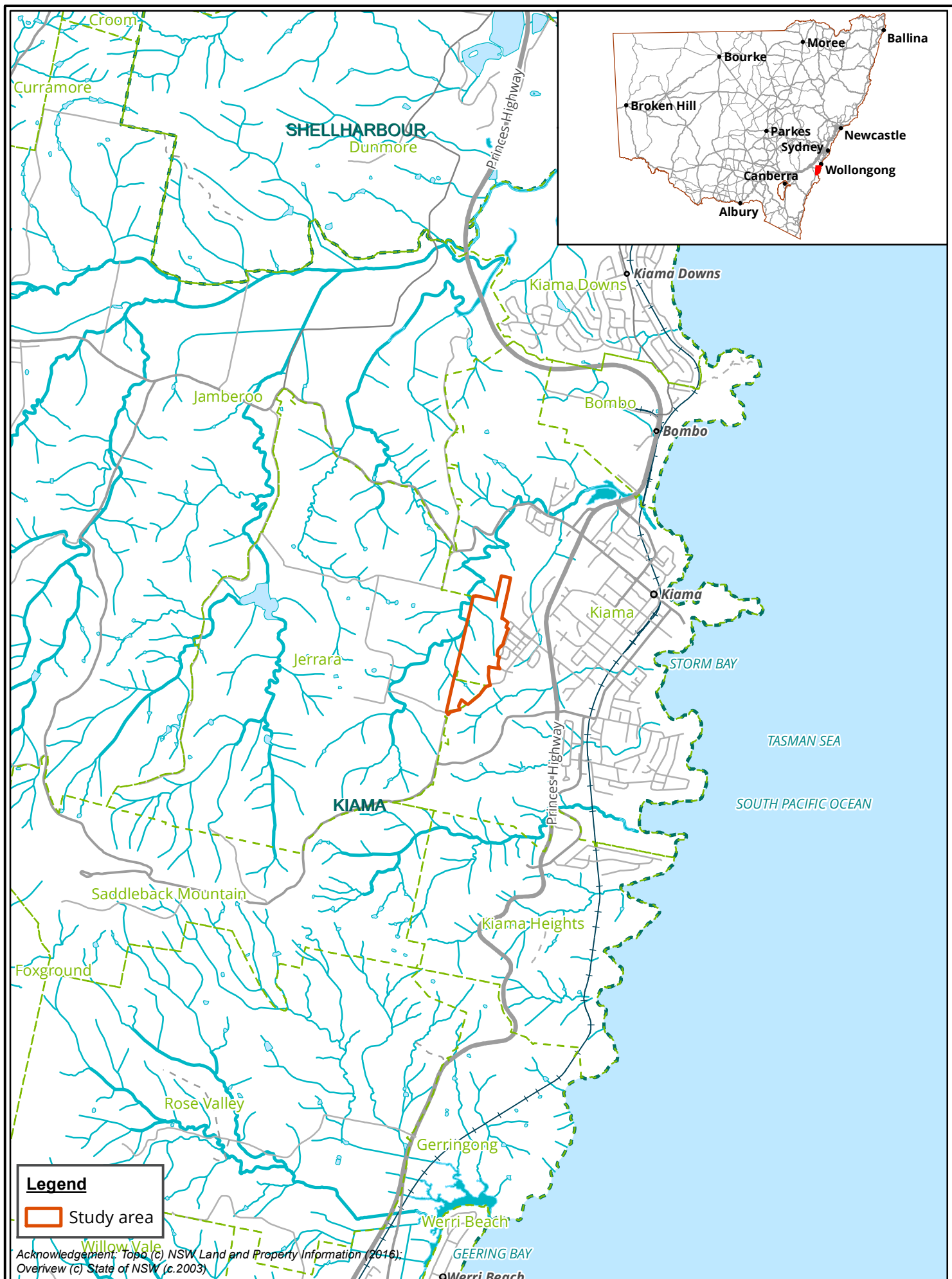
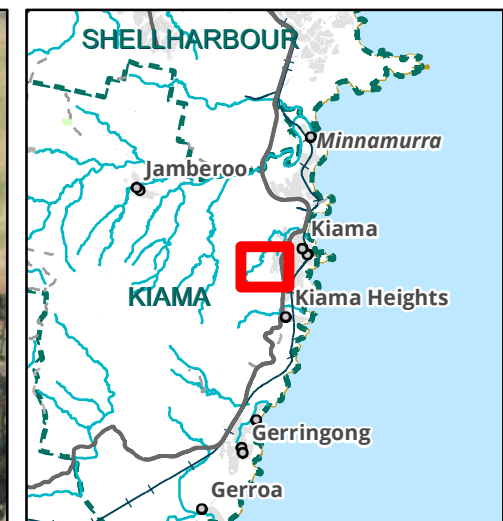


Figure 1: Study area in a regional context



Legend

Study area

Figure 2: Study area detail

0 60 120 180 240 300
Metres

Scale: 1:6,000 @ A3
Coordinate System: GDA 1994 NSW Lambert



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

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2 Statutory framework

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

2.1 Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

2.2 NSW Heritage Act 1977

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

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

⁵ "Commonwealth Heritage List Criteria" <http://www.environment.gov.au/heritage/about/commonwealth/criteria.html>

2.2.1 State Heritage Register

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

A permit under Section 60 of the Heritage Act is required for works on a site listed on the SHR, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of which minor works are exempted from the requirements to submit a Section 60 Application can be found in the Guideline "Standard Exemptions for Works requiring Heritage Council Approval". These exemptions came into force on 5 September 2008 and replace all previous exemptions.

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

2.2.2 Archaeological relics

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

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

"Any deposit, object or material evidence:

(a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) which is of State or Local significance"

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

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

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without

⁶ NSW Heritage Branch, Department of Planning 2009, 7

obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

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

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

2.2.3 Section 170 Heritage and Conservation Registers

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

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

2.3 Environmental Planning and Assessment Act 1979

2.3.1 Local Environmental Plan

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

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

- Dry stone walls, (Item No. 64), Kiama.
- The Pines Homestead, Lot 33, DP 709582 (Local, I135)
- Silver Hill, Lot 101 DP 1076509 (Local, I80)

2.3.2 Kiama Development Control Plan 2012

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

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

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

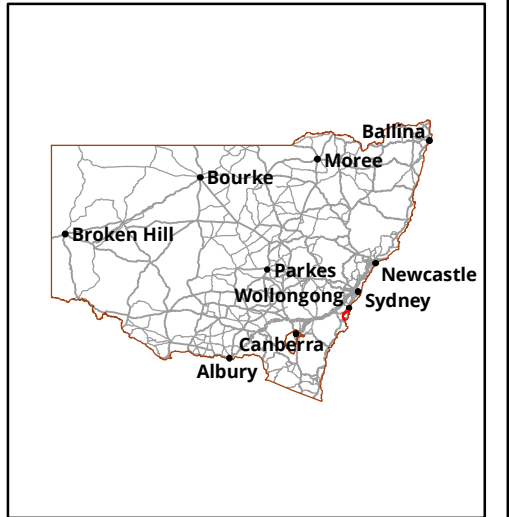
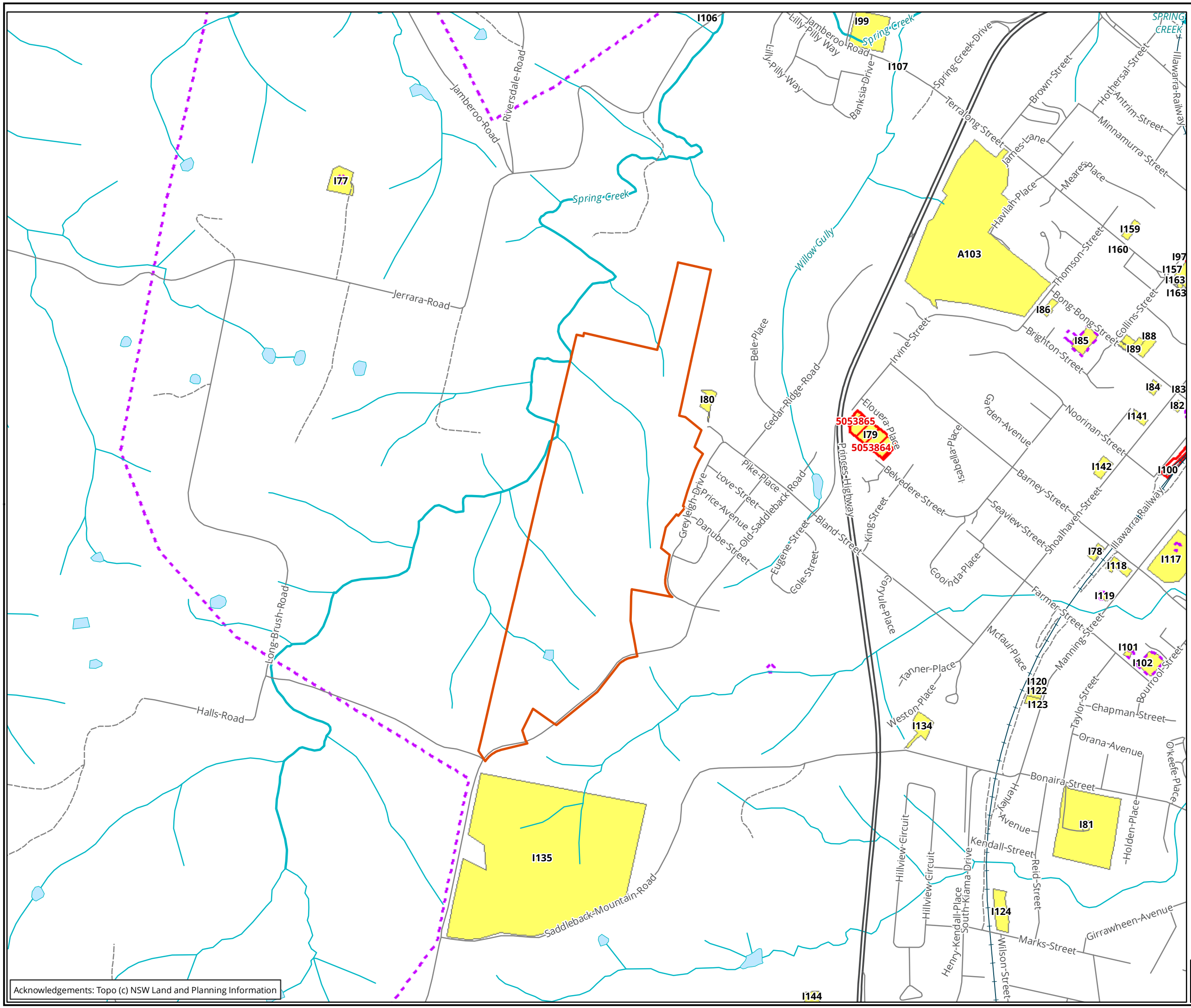
There are over 360 dry stone walls located within the Kiama Municipal Council area which have been mapped and have had their heritage value assessed. Council has inventory reports for a majority of the dry stone walls noted above which are available to the public. Dry stone walls are identified as items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

2.4 Summary of heritage listings

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

Table 1 Summary of heritage listing in the study area

Item name	Location	Heritage listing	Listing number	Significance
Dry stone walls	Kiama	Kiama LEP	64	Local
The Pines Homestead	Saddleback Mountain Road, Lot 33 DP709582	Kiama LEP	I135	Local
Silver Hill	115 Bland Street, Lot 101 DP1076509	Kiama LEP	I80	Local



Legend

- Study area
- RNE listed items
- SHR listed items
- LEP listed items

Figure 3: Listed historical heritage items in the vicinity of the study area

NOT TO BE MADE PUBLIC

0 100 200 300 400 500
Metres

Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 MGA Zone 55

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Ballarat, Brisbane, Canberra, Melbourne,
Sydney, Wangaratta & Wollongong

Acknowledgements: Topo (c) NSW Land and Planning Information

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3 Historical context

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

3.1 Exploration and early settlement (1770 to 1831)

The earliest settlements in the colony were generally located in areas such as near rivers and coastal areas which could be easily accessed by boat. Transport by water was vital for the development of the colony as passengers and goods could be moved with little requirement for capital works. The south coast of NSW was settled following this pattern with coastal or riverine locations chosen for the earliest settlements.⁷

The Illawarra district was first noted by James Cook in 1770 when he located the headland of Port Kembla, naming it 'Red Point'.⁸ He also identified Mount Kembla, initially known as Hat Hill in the early days of settlement due to its similarity to that of the crown of a hat.⁹ The next recorded Europeans to visit the Illawarra district were Bass and Flinders in 1796, which sailed along the south coast from Sydney in their small boat, the *Tom Thumb*.¹⁰ Following their landing near Tom Thumb Lagoon, they entered Lake Illawarra and made the first recorded contact with the Aboriginal people in the Illawarra.¹¹

In 1797 the *Sydney Cove* was wrecked in Bass Strait and survivors made their way through the area to find help, losing several members of their party to 'hostile natives' as they went.¹² Camping overnight at Coal Cliff, the survivors used coal found in a seam to keep warm. The survivors were eventually rescued and taken to Sydney, where their report of the coal led Bass to be sent back to the area to investigate.¹³ Bass located a coal seam 6 feet thick; however, this resource was not utilised for a further 80 years. During this visit Bass also located and named the Shoalhaven and the Shoalhaven River.¹⁴

The first settlement in the Illawarra region was established by Charles Throsby Smith (C.T. Smith), who cut a cattle track from Glenfield to just behind South Beach, Wollongong, where he constructed a stockman's hut and cattle yard in 1815.¹⁵ The following year, Surveyor-General John Oxley was sent to the Illawarra region to make a general survey of the area and to connect it to the known parts of the colony, as well as identify

⁷ Lindsay 1994, 1; McDonald 1966, 5

⁸ Lindsay 1994, 1; McDonald 1966, 5

⁹ McDonald 1966, 5

¹⁰ Lindsay 1994, 1

¹¹ McDonald 1966, 10

¹² McDonald 1966, 17; Hagen et al. 1997, 20

¹³ Lindsay 1994, 2

¹⁴ Lindsay 1994, 2

¹⁵ Osbourne 2000, 1

specific lands for prospective grantees.¹⁶ Both Smith and Oxley were the first Europeans to settle in the Illawarra, doing so by illegally squatting and pasturing cattle on Crown land.¹⁷

The first five grants in the area were made in 1821 to absentee landlords, who ran cattle on their lands with a few stockmen present.¹⁸ The first five grants of land made in the Illawarra region were:

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

The Illawarra region was attractive not only for its rich pasture, but also for its red cedar, which was exploited by the early timber cutters. Between the cattlemen and the cedar cutters, passage into the Illawarra region was found.¹⁹ From 1817 to 1831 a total of 22 free land grants were issued by Governor Macquarie in the area. Control of these grants was largely dictated by four families: the Wentworth's, Johnsons, Terry/Hughes and the Osbourne's.²⁰ Grants continued to be made in the Illawarra region, comprising essentially free grants with easy terms, until August 1831, when land could only be purchased at auction.²¹

3.2 Farming and Dairying

The study area, made up of various land grants, was predominantly used for agricultural farming and Dairying practices. In the early forties and fifties the brush lands of the Illawarra were cleared to be converted into small farms. In many cases and as observed within the study area and surrounding fig trees and cabbage palms were allowed to remain. The survival of these trees indicated where the brush land once was.²² However, there are still vast portions of brush land located with the study area which surround Spring Creek. The colonial government encouraged settlers to clear and cultivate land, and from the 1840s to 1860s provided incentives to grantees by providing them with 30 acre (12 hectares) lots of uncleared land, rent free, under a five to seven year lease, under the condition that it be cleared and developed.²³ By the 1860s the use of the scheme had declined, at which point much of the region had undergone extensive clearing.

George Grey Senior, originally from Ireland arrived in Sydney in 1841 and found work in Wollongong. George then moved on and worked a clearing lease on James Robb's Riversdale Estate in Kiama. Two years after his arrival, George secured a block of land from the late James Robb. The block contained 1,280 acres and was

¹⁶ Osbourne 2000, 1

¹⁷ Dowd 1977, 2

¹⁸ McDonald McPhee Pty Ltd 1991, 21

¹⁹ Lindsay 1994, 4

²⁰ Kaul 1995, 5; Derbyshire et al. 1984, 31

²¹ *Ibid*, 32

²² Cousins, A1 948, 107

²³ Latona Masterman & Associates 1987, 13

home, living with their grandparents.³² For the next 50 years he had considerable success in the showing of his cattle not only at shows along the coast but also in Sydney, Melbourne and Adelaide.³³

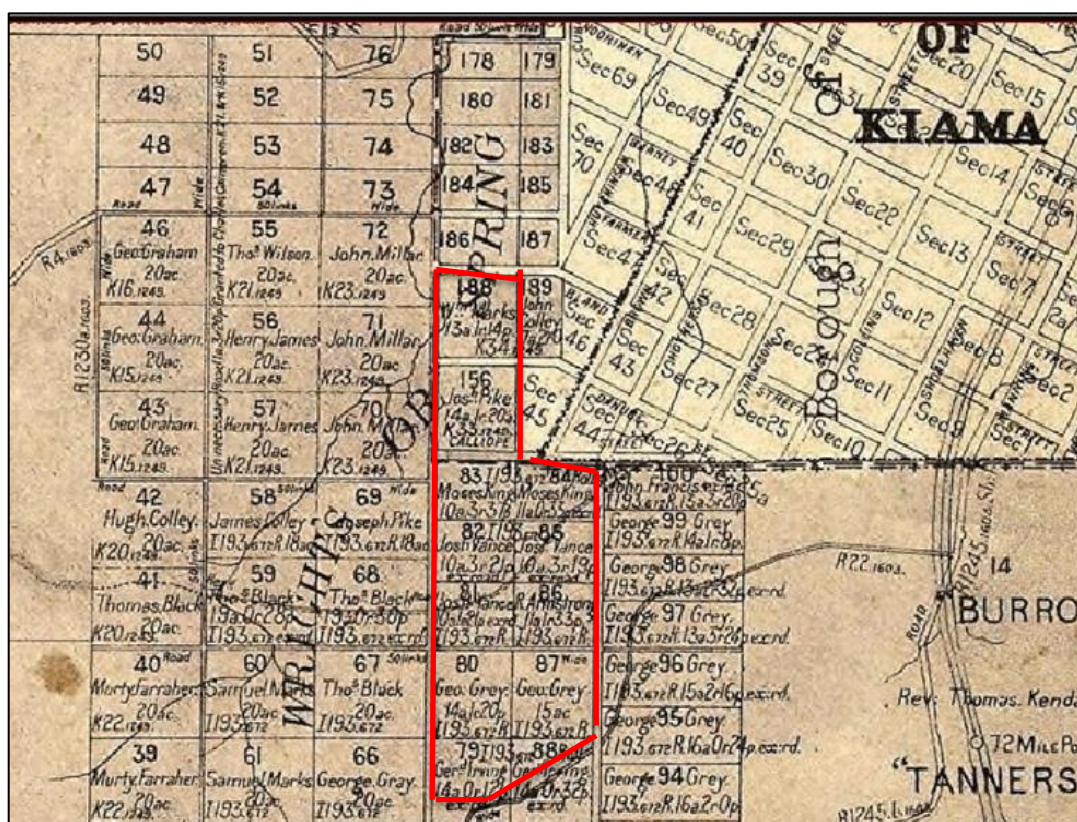


Figure 4 An extract from the 1897 Kiama Parish map showing the extent of the study area outlined in red (Source: NSW Department of Lands)

³² Cousins, A 1948

³³ 1952 "Mr. George Grey, M.B.E". *Kiama Independent* (NSW: 1947-1954) 7 June. P.2, <https://trove.nla.gov.au/newspaper/article/101644425?searchTerm=George%20Grey%2C%20kiama%20%20%20%20%20%20%20%20%20%20%20&searchLimits> Accessed 23 April 2018

3.2.1 Dry Stone Walls

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

Thomas Newing migrated to Australia from Kent in 1857.³⁵ He is known to have almost exclusively built double stone walls, also known as double-dyke stone walls.³⁶ Dry stone walls can be built as a 'single' wall, of one stone in thickness, or two stone walls (double stone wall) built parallel to each other. Most of the walls within the Kiama district are double walls. A double stone wall consists of two stone walls built from 'facing stones' built parallel to each other with the core in-filled with smaller 'hearting or packing' stones. Cover (top) stones span the full width of the dyke and are used to hold the two facing walls together (Figure 5).³⁷ This style of building produces a thick and substantial wall and is the most common style encountered on the Illawarra and south coast of NSW. Dry stone walls within the south coast can be divided into three separate functions paddock fences, roadside walls and yard walls.³⁸ Dry stone walls were generally used up until the 1880s when wooden and wire fencing became cheaper and more cost effective to implement.³⁹

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

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

³⁶ Abraham 1991, 10

³⁷ Abraham 1991, 11

³⁸ Abraham 1991, 13

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

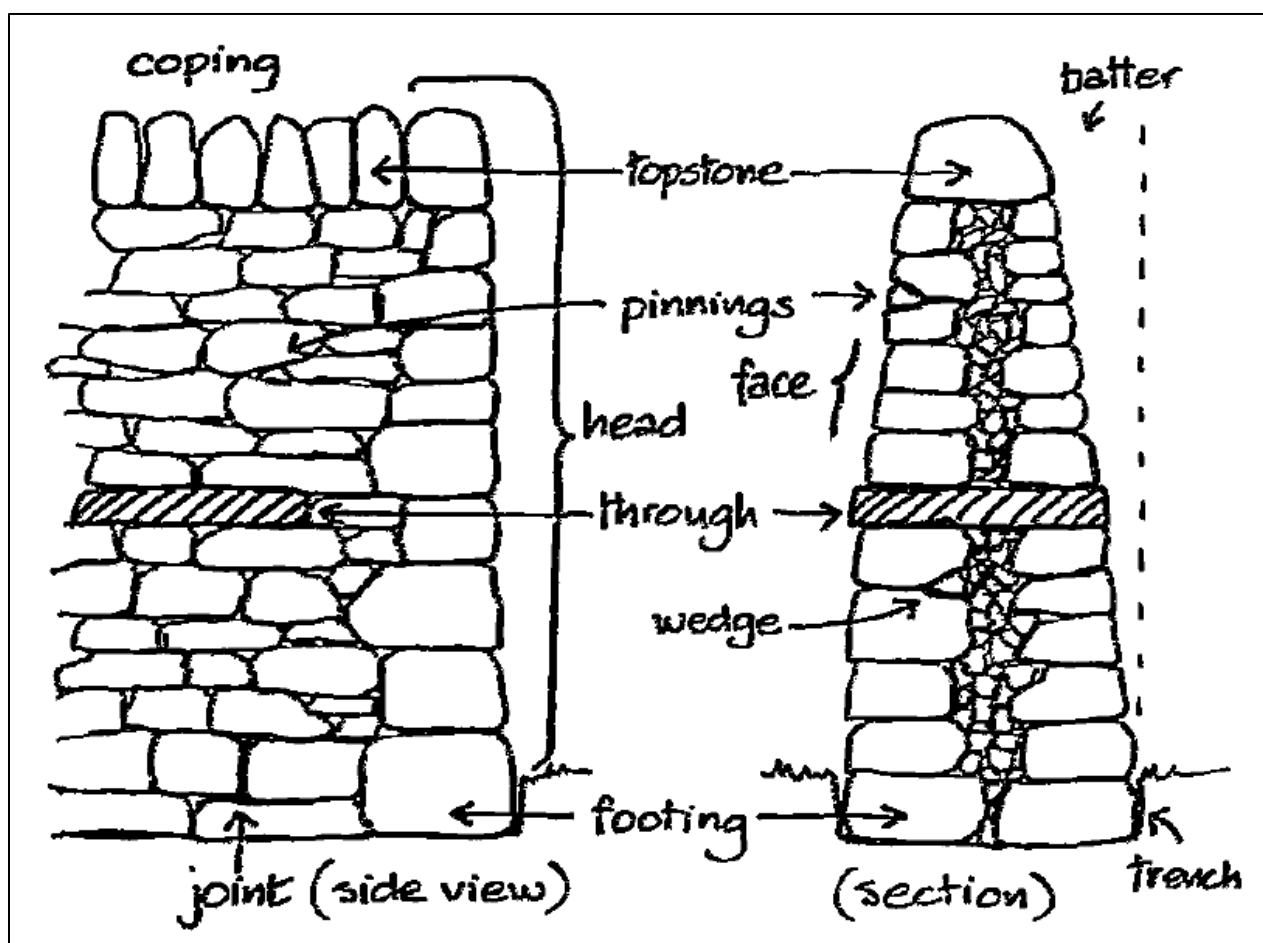


Figure 5 Terminology and features of a dry stone wall (Source: Brook 1994, 7)

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

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

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

Wall no.	Likely date of construction	Builder	Land use	Purpose of wall	Commissioning owner(s)
12	c.1860-80	Possibly Newing or E.King	Dairying	Property boundary	King Family
18	1870-80	Possibly Newing or E.King	Dairying	Property boundary	King Family
50	c.1880, rebuilt mid 1990's	Presumed Thomas Newing	Dairying	Property boundary/road edge	Grey Family

Wall no.	Likely date of construction	Builder	Land use	Purpose of wall	Commissioning owner(s)
53	c.1880, rebuilt mid 1990's	Presumed Thomas Newing	Dairying	Property boundary/road edge	Grey Family
54	c.1985	Ian Downes	Dairying	Eastern arm of entry driveway	Grey Family
71	c. 1850-60	Presumed land owner	Dairying	Holding pen	Grey Family
73	c.1860	Possibly Newing	Dairying	Paddock boundary	Grey Family
149	Late 1800s	Unknown	Dairying – hobby farm	Property boundary	King Family
153	1870-80	Unknown	Dairying	Property boundary	Partially by Milne family since 1908
156	N/A	N/A	N/A	N/A	N/A
207	c.1880	Unknown	Dairying	Paddock boundary	Milne Family Since 1908
209	1870-80	Unknown	Dairying	Paddock Boundary	Unknown
218	c.1860	Unknown	Dairying	Property boundary	Cornwall Family
220	c.1860-1870	Unknown	Dairying	Property boundary/semi-retaining	Grey Family
221	1860-80	Unknown – presumed land owner	Dairying	Paddock/holding pen boundary	Grey Family
222	c.1880	Unknown	Dairying	Holding pen/Paddock boundary	Grey Family
223	c.1880	Unknown	Dairying	Holding pen/paddock boundary	Grey Family
224	c.1860	Unknown	Dairying	Western edge of former holding pen	Grey Family
225	c.1860-70	Unknown	Dairying	Property boundary/semi retaining for original old road up to Silver Hill	Milne Family Since 1908

3.3 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts in order to gauge how typical or unique the history of a particular site actually is. This is usually ascertained by gaining an understanding of the history of a site in relation to the broad historical themes characterising

Australia at the time. Such themes have been established by the Australian Heritage Commission and the NSW Heritage Office and are outlined in synoptic form in NSW Historical Themes.⁴⁰

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

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

Table 3 Identified historical themes for the study area

Australian Theme	NSW Theme	Local Theme
3 Developing local, regional and national economies	Agriculture	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture
	Events	Activities and processes that mark the consequences of natural and cultural occurrences
	Pastoralism	Activities associated with the breeding, raising, processing and distribution of livestock for human use.
4 Building settlements, towns and cities	Land tenure	Activities and processes for identifying forms of ownership and occupancy of land and water, both Aboriginal and non-Aboriginal

⁴⁰ NSW Heritage Council 2001

4 Physical inspection

A physical inspection of the study area was undertaken on 20 April 2018, attended by Mathew Smith, , and Amy Butcher. The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items. Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential.

4.1 Landscape character assessment

The purpose of this section is to provide an analysis and description of the study area as part of a cultural landscape. The cultural landscape concept emphasises the landscape-scale of history and the connectivity between people, places and heritage items. It recognises the present landscape is the product of long-term and complex relationships between people and the environment. For the purposes of this report cultural landscapes are defined as: '... those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes toward the land.'⁴¹

4.1.1 An overview of cultural landscapes

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

Three general landscape categories have been developed and applied by heritage organisations to assist in understanding different types of landscapes:⁴²

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

⁴¹ Context P/L et al. 2002

⁴² United Nations Educational, Scientific and Cultural Organisation 2012

4.1.2 The study area as a cultural landscape

The study area is located within a designed landscape which has been cleared and adapted for the purpose of dairying, an activity for which the property was associated for much of its occupation. The cultural landscape within the study area is identified as one landscape zone: the pastoral landscape.

The dairying landscape associated with the study area dates to the mid-nineteenth century shift from crop agriculture to dairying as the predominant industry within the area. The landscape was developed through the implementation of clearing leases and tenant farming instituted as part of the *Greyleigh Estate*. The dairying landscape associated with the study area, like many others in the area consists of internal and external boundaries. Natural boundaries which characterise the cultural landscape are primarily the result of Spring Creek and its associated tributaries. These dissect a landscape of gentle to steep hills. The study area retains its character as a partially intact example of the original pastoral *Greyleigh Estate*. The study area has predominantly remained intact due to the nature of the landscape.

The landscape of the study area typifies the exploitation of every suitable portion of land for dairying. The property appears to have remained unchanged for much of its history following its transition from crop farming to dairying in the mid-19th century. Boundary and yard fences constructed from stone, likely by Thomas Newing, create manmade barriers and prominent features within the landscape. These dry stone walls form not only property boundaries, but also holding pens which likely date to the earliest use of the property as a dairy during the mid to late nineteenth century.

4.1.3 Views to and from the study area

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

Significant views from the study area facing North, West and South are unobscured by trees, which maintain an uninterrupted view of the pastoral landscape which has dominated the area for the last 150 years. A small portion of the southern boundary is lined with plantings that separate the study area with a neighboring lot. A housing development that runs adjacent to the eastern boundary of the study area obscures the view of the ocean and surrounding area.



Plate 1 View north of the study area.



Plate 2 View east of the study area and eastern boundary.



Plate 3 View south from the southern portion of the study area facing toward The Pine Homestead.



Plate 4 Dry stone walls and rolling hills of Spring Creek facing west.

4.2 Built fabric assessment

The study area contains a moderate amount of built fabric that are remnant of eighteenth and nineteenth century agricultural practices. The study area contains a number of dry stone walls that were built between 1860 and 1985 and were used as property fence lines and holding pens. The dry stone walls occupy portions of the southern area of the study area. The physical inspection identified 19 dry stone walls that were largely in moderate condition, however a small majority of the walls were obscured by natural vegetation. A description of each dry stone wall can be found below in Table 5.

The study area contains a range of modern features such as posts and fence lines, watering troughs and plantings which based upon their built form and historical research are recent (post-1950s additions) and do not form significant elements of the site.

4.2.1 Landscape features

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

Fence lines

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

condition ratings are summarised in Table 4. The dry stone walls within the study area are summarised in Table 5.

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

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

Table 5 Description of dry stone walls within the study area

Kiama Dry Stone Walls Inventory No.	Description and condition
	Kiama Heritage Inventory sheet
12	<p>Good proportions: Standard 'double dyke model used</p> <p>Type of foundation stones: Large stones all the way up the wall face. Assumed good structural base</p> <p>Face stones well interlocked: Very tight engagement due to planar surfaces.</p> <p>Good coping stones: Coping layer has been predominantly removed</p> <p>Intactness as a percentage: Good 90%</p>
18	<p>Good proportions: Standard 'double dyke model used</p> <p>Type of foundation stones: Large blocks standard throughout wall</p> <p>Face stones well interlocked: Excellent interlocking on steepest slopes</p> <p>Good coping stones: Coping layer has been predominantly removed</p> <p>Intactness as a percentage: Good 75%</p>
50	<p>Good proportions: Correct overall proportions for stability</p> <p>Type of foundation stones: Often very large, irregularly shaped blocks</p> <p>Face stones well interlocked: Moderate engagement capacity</p> <p>Good coping stones: Moderate binding capacity in replaced layer</p> <p>Intactness as a percentage: Good 90-95%</p>

Kiama Dry Stone Walls Inventory No.	Description and condition
	Kiama Heritage Inventory sheet
53	<p>Good proportions: Correct overall proportions for stability</p> <p>Type of foundation stones: Often very large, irregularly shaped blocks</p> <p>Face stones well interlocked: Moderate engagement capacity</p> <p>Good coping stones: Moderate binding capacity in replaced layer</p> <p>Intactness as a percentage: Good 90-95%</p>
54	<p>Good proportions: Very good height to base course relationship</p> <p>Type of foundation stones: Irregular – whatever was present was utilised</p> <p>Face stones well interlocked: High engagement, but no consistency in wall</p> <p>Good coping stones: Very large, regular and well bound</p> <p>Intactness as a percentage: Good 100%</p>
71	<p>Good proportions: Unknown if original</p> <p>Type of foundation stones: Some very large, incorporating in-situ rock</p> <p>Face stones well interlocked: No faces remain in wall</p> <p>Good coping stones: No coping layer remains</p> <p>Intactness as a percentage: Poor 0-10 % - some stones may have been removed for a nearby property boundary construction</p>
73	<p>Due to vegetation coverage, the wall can only be experienced from a small visual catchment if cleared and re-extended to the east.</p> <p>Good proportions: Regular use of local stone</p> <p>Type of foundation stones: Standard use of planar stones in some areas</p> <p>Good coping stones: most of coping layer has been removed</p> <p>Intactness as a percentage: Average 70%- western end of walls is in better condition than eastern end</p>
149	<p>Good proportions: Excellent cross-section prop. For stability</p> <p>Type of foundation stones: Very large with use of in-situ rock</p> <p>Face stones well interlocked: Excellent positioning of face stones; high care</p> <p>Good coping stones: Generally very high</p> <p>Intactness as a percentage: Average 90%, Continued to east of creek onto next ridge but deteriorates into vegetation</p>

Kiama Dry Stone Walls Inventory No.	Description and condition
	Kiama Heritage Inventory sheet
153	<p>Good proportions: Correct overall proportions for stability</p> <p>Type of foundation stones: Medium – large base course support</p> <p>Face stones well interlocked: Tight engagement of face rock</p> <p>Good coping stones: Most of coping remains intact at norther end</p> <p>Intactness as a percentage: Varies between 90% and 30% at parts of its southern end</p>
156	No information provided in inventory sheet
207	<p>Good proportions: Correct base width cross-section for stability</p> <p>Type of foundation stones: High base course support</p> <p>Face stones well interlocked: High engagement, where intact – good batter</p> <p>Good coping stones: No identified single coping layer remains</p> <p>Intactness as a percentage: Average – 30%</p>
209	<p>Good proportions: Wall not intact enough to assess former prop.</p> <p>Type of foundation stones: Very large blocks distinguishing under grass</p> <p>Face stones well interlocked: No face course remains to assess</p> <p>Good coping stones: No coping layer to assess</p> <p>Intactness as a percentage: Average – 20%</p>
218	<p>Good proportions: Original proportions are now not discernible</p> <p>Type of foundation stones: Foundation layer appears to be very large</p> <p>Face stones well interlocked: No face course remains to assess</p> <p>Good coping stones: No coping layer to assess</p> <p>Intactness as a percentage: Unclear to due vegetation cover Approximately 5-10%</p>
220	<p>Good proportions: Very secure 'A' frame visible on eastern face</p> <p>Type of foundation stones: Moderate size stone, but very deeply set</p> <p>Face stones well interlocked: high interlocking if not removed or collapsed</p> <p>Good coping stones: Most of coping has fallen due to severe slope</p> <p>Intactness as a percentage: Average 50% where visible</p>

Kiama Dry Stone Walls Inventory No.	Description and condition
	Kiama Heritage Inventory sheet
221	<p>Good proportions: Base remains appear to be very wide in parts</p> <p>Type of foundation stones: No foundation layer visible, presumed small</p> <p>Face stones well interlocked: High engagement of very small stones</p> <p>Good coping stones: No identifiable coping layer remains to assess</p> <p>Intactness as a percentage: Eastern end is more intact than the western portions. Approximately 10% for total length.</p>
222	<p>Good proportions: Small 'double dyke' proportions</p> <p>Type of foundation stones: Moderate sized base course layer support</p> <p>Face stones well interlocked: High engagement of very small stones</p> <p>Good coping stones: No coping layer remains to assess</p> <p>Intactness as a percentage: Approximately 40-45%</p>
223	<p>Good proportions: Predominately a vestigial form</p> <p>Type of foundation stones: Moderate sized base course layer support</p> <p>Face stones well interlocked: No significant face portion remains to assess</p> <p>Good coping stones: No coping layer remains to assess</p> <p>Intactness as a percentage: Less than 10% for most of its length</p>
224	<p>Good proportions: Base appears to have been very wide</p> <p>Type of foundation stones: Foundation layers no longer visible</p> <p>Face stones well interlocked: All of face lengths are broken down</p> <p>Good coping stones: No coping layer remains to assess</p> <p>Intactness as a percentage: 5% of original length; 10% of original height</p>
225	<p>Good proportions: Wall failure renders prop. Hard to assess</p> <p>Type of foundation stones: Very large, planar blocks where visible</p> <p>Face stones well interlocked: Small part remaining has high engagement</p> <p>Good coping stones: No coping layer remains to assess</p> <p>Intactness as a percentage: 5% of what original length may have been. This portion is 20%-30% intact.</p>

4.3 Archaeological assessment

The potential archaeological resource relates to the predicted level of preservation of archaeological resources within the study area. Archaeological potential is influenced by the geographical and topographical

location, the level of development, subsequent impacts, levels of onsite fill and the factors influencing preservation such as soil type. An assessment of archaeological potential has been derived from the historical analysis undertaken during the preparation of this report.

4.3.1 Archaeological resource

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

The historical context presented in this report indicates that the study area has remained largely undeveloped since it was initially granted to George Grey, Gerald Irvine, R. Armstrong, Joseph Vance and Moses King. Since the early 19th century the entire study area appears to have been given over to agricultural use. First for the cultivation of crops by George Grey Senior before being used for dairying from the mid-19th century. The research conducted for this assessment did not identify any evidence for early residential development within the study area, with no structures marked on early maps or aerial imagery of the study area, and the gradient of the slopes across the majority of the property are unlikely to have been practical for such development.

The majority of the study area is likely to contain low density archaeological evidence associated with the operation of the study area for cultivation or dairying. These archaeological remains are likely to be associated with timber storage buildings, cobble surfaces, post holes, and foundations of stone walls. Evidence of pre-dairying cultivation of the study area may be present in the form of ridge and furrow. These are likely to present as ephemeral features rather than substantial archaeological remains, as typically substantial footings are not associated with the building of agricultural outbuildings and associated infrastructure. .

4.3.2 Integrity of sub-surface deposits

This section discusses how the sequence of land use activities has impacted upon relics which may be present within the study area. To date no archaeological excavations have been conducted within the study area which makes an analysis of the preservation of archaeological resources difficult. Based upon the physical inspection and the lack of development within the vicinity of the study area it is likely that any archaeological remains dating from the early 19th to early 20th century occupation of the study area remain largely undisturbed. Evidence of dairying and cultivation associated with the early operation of the *Greyleigh Estate* may include the footings of early sheds, yards and dry stone walls which are likely to present as ephemeral archaeological features; however there is limited potential for substantial remains to be present. The vast majority of the study area would have been predominantly used for grazing of sheep and cattle as the locations of the dry stone walls indicate and the undulating nature of the landscape.

No evidence for subsurface disturbance was identified during the physical inspection of the study area, or in research conducted for the historical context.

4.3.3 Research potential

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

The research potential of a site is also affected by the integrity of the archaeological resource within a study area. If a site is disturbed, then vital contextual information that links material evidence to a stratigraphic

sequence may be missing and it may be impossible to relate material evidence to activities on a site. This is generally held to reduce the ability of an archaeological site to answer research questions.

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

Developing local, regional and national economies: agriculture

The study area consisted of several lots belonging to George Grey, Gerald Irvine, R. Armstrong, Joseph Vance and Moses King. Whilst the study area is unlikely to contain any substantial archaeological remains, should any features be encountered they would have the potential to answer questions relating to the agricultural development of the study area and East Kiama, George Grey, prominent landowner in the Kiama region, as well as the role of dry stone walls in structuring pastoral properties. Evidence of land formation practices and the alteration of the landscape within the study area may reflect agricultural developments and efforts made to adjust the Australian landscape to be more like a British pastoral landscape of the 19th Century. Whilst this information would assist in understanding the setting of East Kiama, it has limited potential to answer any significant research questions.

Building settlements, towns and cities: land tenure

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

Areas of little archaeological research interest

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

4.3.4 Summary of archaeological potential

Through an analysis of the above factors a number of assumptions have been made relating to the archaeological potential of the study area, these are presented in Table 6 and **Error! Reference source not found.**

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

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

- **Low archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is unlikely that archaeological significant remains relating to this period, theme or event will occur within the study area.

Table 6 Assessment of archaeological potential

Probable Archaeological Features	Feature(s)	Established Dates	Archaeological Potential
Evidence of dairying including holding pens, work surfaces and post holes.	Compacted deposits, metalling, kerbing, post holes, drainage features.	c.1840 - present	Moderate
Evidence of land formation practices and alteration of the landscape	Fence lines, postholes, landscaping.	c.1827 - present	Moderate

5 Significance assessment

An assessment of heritage significance encompasses a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations'⁴³. This means a place can have different levels of heritage value and significance to different groups of people.

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

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

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

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

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

- **Criterion (a)** - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (b)** - an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (c)** - an item is important in demonstrating the aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

⁴³ NSW Heritage Office, 2001

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

5.1 Levels of heritage significance

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

Local heritage items

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

State heritage items

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

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

5.2 Evaluation of significance

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

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

The walls satisfy this criterion at a local level.

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

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

The dry stone walls satisfy this criterion at a local level.

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

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

The dry stone walls satisfy this criterion at a local level.

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

Dry stone walls: The dry stone walls do not have social, cultural or spiritual associations with a particular community or cultural group.

The dry stone walls do not satisfy this criterion.

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

Dry stone walls: The dry stone walls have been thoroughly researched and much is known about their construction and the local builder and or builders. The local council holds individual inventory lists which contain information about each wall within the region. Any further research of the dry stone walls would not yield information that would contribute to an understanding

The dry stone walls do not satisfy this criterion.

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

Dry stone walls: The dry stone walls present within the study area are common to the Kiama region but rare in NSW.

The dry stone walls satisfy this criteria at a local level.

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

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

The dry stone walls satisfy this criterion at local level.

5.1 Statement of Significance – Dry stone walls

The dry stone walls within the study area are exemplar of the dry stone walls constructed by Newing during the late 19th and early 20th centuries and important to the aesthetic characteristics of the dairying landscape within the study area and wider Kiama region. The dry stone walls are a rare feature across NSW and are only found in Kiama and Lismore. The walls represent the delineation of space between paddocks, property boundaries, and agricultural and spiritual spaces within the study area and are examples of the skill and craftsmanship of their constructor. These dry stone walls are strongly associated with the earliest of land grants in the Kiama region.

The building of dry stone walls was a practice that was greatly intensified during the late 18th and early 19th centuries throughout Britain, Ireland and Europe. This practice for defining boundaries continued in Australia by British settlers. However, the wall types that feature throughout Kiama are the closest to those that were built across Ireland and parts of Britain.

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

6 Discussion

The proposed development of Lots 156, 183, 185, 186, 188 and 189 DP 751279, Lot 99 DP 1042908, Lot 1320 DP 1060995, Lot 199 DP 1042913, Lot 300 DP 1059841, Lot 1 DP 1178500, Lot 1 DP 1003719 and Lot 1 DP 995058 will alter the current cultural landscape of the study area, should residential development proceed. Any rezoning and subsequent development planning would need to take into account the conditions set out in the KDCP regarding the heritage items contained within the study area.

The Kiama DCP lists nine controls relating to any development which may impact dry stone walls.

- C44 Consent must be gained from Council regarding the alteration, demolition or rebuilding of dry stone walls; non-compliance is an offence under the EP&A Act 1979.
- C45 Removal of invasive vegetation by hand and the replacement of dislodged or occasional missing stones is considered routine maintenance. Burning of vegetation alongside or protruding into walls, or blasting vegetation off by water hoses and the like is not permitted.
- C46 Development applications which require the alteration, demolition or rebuilding of dry stone walls will have regards to the heritage significance of the wall and general amenity benefits to the community in retaining walls intact especially where they form site boundaries or are located within roads.
- C47 Council may restrict openings in walls to locations where existing breaks or past damage provide a natural opportunity to use for said openings, allowing for walls to remain generally intact.
- C48 Restrictions may be placed on the Section 88B Instrument at Subdivision Certificate approval stage to assist conservation.
- C49 Where a dry stone wall is located on the front or rear lot boundary this is adjacent to a road, all buildings and domestic structures must be located at least 6 metres away from the wall. Screening must also be provided to obscure clothing drying areas.
- C50 Where a dry stone wall is located on a side boundary that is adjacent to a road, all buildings and domestic structures must be located at least 3.5 metres away from the wall. Screening must also be provided to obscure clothing drying areas.
- C51 Council may consider some breaks or the relocation of stone walls where parts of stone walls which are of relatively minor significance, and where this is considered justifiable in the circumstances of the case.
- C52 The non-disclosure of the existence of a dry stone wall, or the non-detection and therefore non-recording and assessment by Council, does not constitute a legal reason for undertaking its alteration, demolition or rebuilding without Council consent.

Any residential development that may occur within the study area will have extensive aesthetic impacts to the dry stone walls and the study area. Although there are no physical impacts to the heritage items, there is potential for cumulative impacts to occur over time that would lessen the significance of the items themselves and moreover to the landscape in which they are situated. As discussed throughout the document, the dry stone walls are highly significant to the Kiama region and are a focal point of Kiama's history. Should development of the study area occur this could lead to opportunities to enhance the appreciation of the heritage elements within the study area which are currently present but not readily accessible to the public.

7 Recommendations

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance.⁴⁴

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.⁴⁵

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

Recommendation 1 Dry Stone Walls

The DCP controls that are outlined in the discussion should be followed in any development in, near or around the dry stone walls. It is also recommended that;

Minimum 6 metre setback from dry stone walls

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

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

Any rezoning and planning proposals for the study area should accommodate those portions of dry stone walls which have been assessed as being in average to good condition. Where possible, efforts should be made to conserve or improve the condition of those walls (may require seeking consent from Council depending on scale of improvement works), in accordance with the guidelines contained within *The Burra Charter*.⁴⁶

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

Any rezoning and planning proposals for the study area should establish what impacts are acceptable to portions of walls which have been assessed as being in poor condition, based on their assessed heritage significance. Impacts to walls of high significance should be mitigated where possible, and efforts made to conserve or improve the condition of those areas of highly significant walls assessed as being in poor condition, in line with Recommendation 3. Stone walls assessed as holding moderate significance should be retained where possible, including those walls assessed as being in poor condition. Where impacts to walls of moderate or little significance cannot be mitigated (for example, breaks in walls for roads or driveways),

⁴⁴ Australia ICOMOS 2013

⁴⁵ Australia ICOMOS 2013

⁴⁶ Australia ICOMOS 2013

efforts should be made to relocate the portion of wall or repurpose the impacted materials. Walls assessed as being in very poor condition are the most viable option for removal to facilitate roads, driveways and other infrastructure or services, but restoration of these walls should be considered where possible.

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

Recommendation 2 Further assessments required

Completion of a Statement of Heritage Impact for the dry stone walls to support any Development Application

The proposed works in the study area have the potential to impact the dry stone walls. As such a Statement of Heritage Impact (SoHI) will need to be prepared prior to the approval and commencement of works to guide future management of the dry stone walls. The SoHI should be prepared in accordance with the following guidelines:

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

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

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

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

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