



Reference: 1987  
9 February 2021

Paulyn Chew  
Business Development Executive  
AV Jennings  
Level 6, 58 Norwest Boulevard  
Norwest NSW 2153

Dear Paulyn,

**RE: ABORIGINAL AND HISTORICAL HERITAGE ADVICE FOR 2514 ILLAWARRA HIGHWAY, CALDERWOOD, NEW SOUTH WALES**

Austral Archaeology Pty Ltd (Austral) has been engaged by AV Jennings to provide heritage advice in advance of the potential purchase of the property at 2514 Illawarra Highway, Calderwood, New South Wales (NSW) [the study area] (Figure 1). This heritage advice relates to potential Aboriginal and historical heritage values which would require management under the *National Parks and Wildlife Act 1974* (NPW Act), the *NSW Heritage Act 1977* (Heritage Act) and the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act) should the study area be purchased and redeveloped.

Austral has undertaken an assessment of heritage values associated with the study area which includes statutory register searches, preliminary background research and a site visit. These have been used to quantify heritage values and make recommendations for how these should be managed as part of forthcoming approvals. For the purposes of this report, Austral has assumed that the study area will be subject to a planning proposal and later development application made to Shellharbour City Council under the EP&A Act.

**1. STATUTORY REGISTER SEARCHES**

Austral has undertaken searches of the Aboriginal Heritage Information Management Systems (AHIMS) database, State Heritage Register (SHR), Commonwealth Heritage List (CHL), National Heritage List (NHL), Schedule 5 of the *Shellharbour Local Environmental Plan 2013* (Shellharbour LEP) and chapters 27 and 28 of the *Shellharbour Development Control Plan 2013* (Shellharbour DCP). These are summarised in Table 1 and Figure 2.

**Table 1 Results from registry searches.**

Registry	Within Study Area	Adjacent to Study Area	Relevant Legislation
AHIMS	None	AHIMS site #52-5-0627 – located within 25 metres of the study area.	Section 86 and 90, NPW Act
CHL	None	None	N/A
NHL	None	None	N/A
SHR	None	None	N/A
Shellharbour LEP	Riversford (Item No. I291)	Tullimbah Inn (Item No. 230)	Section 139, Heritage Act Part 5.10, Shellharbour LEP

Registry	Within Study Area	Adjacent to Study Area	Relevant Legislation
Shellharbour DCP	Chapter 27: Figure 27.1 zones the study area as a "Valley floor alluvium and estuarine infill" and states that landforms such as "locally elevated generally level landforms such as terrace edges, spurline crests, remnant dunes and banks of drainage lines and wetland basins" are of Aboriginal archaeological sensitivity. Chapter 28 outlines requirements associated with developing within or adjacent to a heritage item.	N/A	Chapter 27 and 28, Shellharbour DCP

The registry searches indicate that there are known heritage values associated with the study area, these are listed in Schedule 5 of the Shellharbour LEP as "Riversford" (Item No. I291). The State Heritage Inventory (SHI) listing for the item states that it is significant as

*"...a good and uncommon example of a Victorian styled cottage in a semi-rural setting. It has strong local associations with the Sawtell family, dairying in the Tongarra"* (State Heritage Inventory Database No. 2380291).

"Riversford" was listed in 2013 on the Shellharbour LEP based it being identified in the *Historic and Archaeological Map: Shellharbour City 1830-1930* (Hynd 2004).

An extensive search of the AHIMS database identified that whilst no sites are present within the study area, site AHIMS #52-5-0627 is an open site located within 25 metres of the eastern boundary of the study area near the confluence of Yellow Rock Creek and Macquarie Rivulet. The Shellharbour DCP identifies the study area as being within an archaeologically sensitive landform; this sensitivity mapping is based upon the *Shellharbour City Council Area Aboriginal Heritage Study* (Navin Officer 2000a).

## 2. BACKGROUND RESEARCH

Austral undertook a preliminary review of Aboriginal and historical sources to identify any previously unknown heritage values associated with the study area.

### ABORIGINAL CULTURAL HERITAGE

Limited accounts of Aboriginal groups by early settlers in the Illawarra were once the basis for all information on the Aboriginal population size and land use in the area. However, with the recent development of the Illawarra region, many archaeological investigations have been performed, increasing the physical evidence for occupation. Archaeological sites in Burrill Lake and Bass Point have been dated back to 20,000 and 18,000 years respectively (Kohen 1997, p.7).

The Department of Environment and Conservation's Illawarra Region Aboriginal Heritage Study (IRAHS) identified the Dharawal speaking Wodi Wodi group as the Aboriginal custodians of the Illawarra region. Dharawal is spoken from Botany Bay in the north, Campbelltown in the west and down to the Shoalhaven River and Jarvis Bay in the South (Department of Environment and Conservation 2005, p.6). However, there are examples of the language spreading even wider than this (Organ & Speechley 1997, p.7). Dharawal people are sub-divided into smaller groups based on the environment they live in, such as "fresh water", "bitter water" and "salt water" people (Department of Environment and Conservation 2005, p.6).

Roads and Maritime Services commissioned Waters Consultancy Pty Ltd to undertake an assessment of Aboriginal cultural heritage values in relation to the Albion Park Bypass (Waters Consultancy Pty Ltd 2015). This assessment identified areas of cultural significance including those associated with the Macquarie Rivulet, Duck Creek and an old growth fig tree. The Macquarie Rivulet was identified as possessing high significance to the local Aboriginal community due to the waterway's association with traditional patterns of movement and resource use. The watercourse embodies tangible evidence of Aboriginal occupation within the region and intangible story lines that link the coast to the escarpment and the tablelands (Artefact Pty Ltd 2015, p.45). Duck Creek contained exposed river cobbles that were associated with an intangible story relating to these

stones possessing the spirits of departed ancestors. The old growth fig tree was identified as possessing significance as a women's site and birthing tree.

The study area consists of the flats and terraces associated with the Macquarie Rivulet and Yellow Rock Creek, with the northern and southern boundaries of the site also containing elevated areas associated with the crests and slopes associated with the foothills of the Illawarra Escarpment. The study area is located within the Lake Illawarra Alluvial Plains and is made up of quaternary sand, silt and clay brought in by the floods of the streams entering Lake Illawarra. Again, the area has been mostly cleared for agriculture (Mitchell 2002, p.115), but the fertile soils that surround these creeks and rivers would have provided great sources of fresh water, flat, dry places to camp and ample flora and fauna to hunt, harvest and eat making this an ideal place for Indigenous people to live in the warmer and dry months of the year.

A multitude of studies have been undertaken that have established general criteria for predicting the location of Aboriginal sites in landforms associated with the Illawarra escarpment and the NSW coast as well (Kohen 1997, Navin Officer 2000b, McDonald. 2000, Biosis Pty Ltd 2018, Austral Archaeology Pty Ltd 2010). These studies have made a series of predictive statements that indicate the type and character of Aboriginal cultural heritage sites that are likely to exist within the study area and where they are more likely to be located. These predictive statements indicate that:

- Sites would most commonly be found near creeks and on high ground near water, as well as along ridge-lines and spurs with flat or gently sloping crests.
- Low levels of past disturbances within the study area mean that the general archaeological landscape is likely to be suitable for conservation.
- Stone artefact sites may be present on flat terrain adjacent to creeks, however disturbances including land clearance, ploughing, or flooding events may relocate these objects.
- Scarred trees are unlikely to be present within cleared and regrowth areas.
- Grinding grooves are unlikely to be present due to a lack of suitable requirements (i.e. exposed bedrock near to a water source).
- Ceremonial grounds are unlikely to be present due to their general rarity within New South Wales.
- Burials may be present due the present of deep sandy locations suitable for burial.
- Shell middens are unlikely to be present due to the distance from Lake Illawarra and the coast.
- Stone arrangements are unlikely to be present due to their general rarity within New South Wales.
- Aboriginal sites may be found in areas with moderate to high disturbance, such as cleared and ploughed fields, however it is unlikely that these sites will contain intact archaeological deposit.

Based upon the above, as the study area directly borders the Macquarie Rivulet at its confluence with Yellow Rock Creek, it is considered that the study area could be suitable for occupation. A review of the *Macquarie Rivulet Flood Study* indicates that a large portion of the alluvial flat on the southern side of the Macquarie Rivulet near its confluence with Yellow Rock Creek would be subject to flooding in a 1% Annual Exceedance Probability (AEP) event, or "1 in 100 year flood". This is also likely to have had an impact on the preservation of aboriginal cultural material to a certain degree, with a correlation between identified Aboriginal sites and the 1% AEP flood event data (Figure 3). An analysis of historic aerial images indicate that the study area has not changed significantly over time apart from the construction of a homestead complex and initial vegetation clearing. Disturbance is likely to be very low in sections on the study area. This combined with moderately deep soils give the area a good chance of containing intact soil profiles containing *in situ* aboriginal objects within sensitive landforms.

## HISTORICAL HERITAGE

The southern portion of the study area below the Macquarie Rivulet is located within a 1,300 acre grant made to John Paul, and the northern portion (above the Macquarie Rivulet) is within a 700 acre grant made to David Johnston, both of which were granted the land on 1 May 1833 (Primary Applications [PA] 2236, 2177 and 18911). John Paul's grant was by virtue of a promise grant made to him on 6 May 1823 (*Illawarra Mercury*, 16 March 1934, p.11). On 16 February 1828, John Paul conveyed his grant to Samuel Terry and it became part of Terry's Meadow Estate, although it was subject to protracted legal proceedings after Terry's death in 1838 due to it potentially not being included in his will (PA2177; *Illawarra Mercury* 24 October 1862, p.4). The 1863 "Plan of road from Shellharbour Road to Tangarra Creek with branch road to Calderwood" (now the Illawarra Highway) shows the study area as being occupied by two tenants, "E Hazelton" and "McGill", part under cultivation with "corn", and a building is also marked immediately adjacent to Yellow Rock Creek (Figure 4). There are references to farms and residences associated with both Hazelton and an "Andrew McGill" in contemporary newspapers (*Illawarra Mercury*, 4 March 1862, p.2; 13 November 1866, p.2). Andrew McGill was reported to having "arrived in Sydney in 1838... and shortly afterwards came to reside at Macquarie River, where ... he continued to live up to his death. He was the pioneer of this locality, being the first to undertake the clearing of the dense cabbage tree bush which abounded in the vicinity of Macquarie River" (*Illawarra Mercury*, 19 September 1876, p.2).

Whilst there is limited survey data or information relating to the exact location for the homesteads associated with these individuals, with the exception of the building near Yellow Rock Creek, based on the above it is highly likely that tenant farms were present within the study area during this period. Between 1869 and 1870 the study area was subdivided as part of a subdivision of John Paul's estate. The study area formed part of lots 2 and 3 of the subdivision. In 1869, Lot 2 was sold to William Curtis, who quickly conveyed it to James McNiven (Volume 85 Folio 97; Volume 94 Folio 27). In 1870, James McNiven also purchased Lot 3 (Volume 94 Folio 27). In 1891, on McNiven's death, lots 2 and 3 were conveyed to John Fraser (Volume 97 Folio 163; Volume 94 Folio 27). Interestingly, in 1862, prior to purchasing the land, James McNiven had married Margaret, Andrew McGill's daughter, at his property in Albion Park (*Illawarra Mercury*, 11 November 1862, p.2). It is possible that the Riversford homestead or a precursor was constructed during the ownership of McGill or McNiven.

David Johnston was the son of Major George Johnston, of the Macquarie Gift estate and who, as part of the NSW Corps, played a prominent role in the Bligh Rebellion (Cousins 1948, p.41). The 700 acre grant to David Johnston was one of two grants that he received; this property became known as Johnston's Meadows and was managed from 1817 to 1852 by William Wilson, one of the first men to take cattle to the Illawarra. David Johnston owned the property until his death in 1866. On 26 January 1876, Johnston's Meadows was subdivided and sold at auction by Mr DL Dymock (Cousins 1948, p.41). The study area was part of Lot 9 of the Johnston's Meadow subdivision and was sold to William Swan on 11 April 1876; he later sold the property to Alexander Fraser on 27 December 1883 (PA 18911). An 1893 plan of the Tongarra road shows John Fraser as the owner of the south-eastern corner of the study area, but the building adjacent to Yellow Rock Creek on the 1863 plan is not present (Crown Plan S2.1966) [Figure 5].

The Fraser family were renowned dairymen and contributed much to the progress of dairying in Shellharbour and the district as a whole. Alexander Fraser was an alderman and served on the committee of the Dairy Farmers' Co-operative Milk Company for 20 years (*Illawarra Mercury*, 14 December 1923, p.5). His son, John, held multiple public positions including

*"... as an alderman of the Borough of Shellharbour for many years; as Mayor repeatedly; as a leading man connected with the Shellharbour Steam Navigation Company; as president of the Albion Park Agricultural Society over and over again; as one of the leading and most active spirits in establishing the Albion Park Dairy Factory and the more recent great Central Factory" (Illawarra Mercury, 27 November 1901, p.2).*

The Fraser's do not appear to have lived within the study area, instead occupying a property named Bushfarm, located north-west of the study area (Hynd 2004, p.93).



In 1902, the southern portion of the study area was conveyed from John Fraser to his sons, Andrew Fraser and Hector George Fraser. They subdivided and sold the south-western portion of the study area to Alfred Sawtell in 1913 (Volume 94 Folio 27; Volume 97 Folio 163). The remainder of the study area continued to be owned by the Fraser family, probably forming part of the larger Bushfarm property. The ownership of the properties can be seen in the 1939 survey for the proposed road widening of the Illawarra Highway. This widening appears to include the resumption of the location of the 1863 building (Figure 6). Alfred Sawtell was a successful dairy farmer and leased Lake View at Tongarra prior to purchasing Riversford, which was considered one of the

*“...finest farms along the Macquarie Rivulet at Tullimbar...where he entered into the more profitable city milk trade” (Illawarra Mercury, 16 May 1941, p.5).*

It is not clear whether Sawtell purchased the property with Riverford already constructed or whether he built it himself, however it was certainly present by 1919 (Figure 7). Sawtell's dairy farm at Riversford was so successful that he was able to retire and from 1928 the farm was leased to various tenants (Volume 2383 Folio 211). After Alfred Sawtell's death in 1941, the farm remained in the ownership of his family. The location of Riversford is visible on the 1946 historical aerial image of the study area (Figure 8)

The northern portion of the study area was owned by the Fraser family until 1921 when it was sold to Archibald Graham (Volume 3205 Folio 206). He then conveyed the property to Arthur, Raymond and Thomas Dudgeon in 1947 (Volume 5659 Folio 157). Both Riversford and the other portions of the study area were purchased by Improved Pastures Pty Ltd in the early 1970s (Volume 2383 Folio 211; Volume 9764 Folio 66). In 1981, the property purchased by Improved Pastures Pty Ltd was subdivided creating Lot 7 DP259137 which was purchased by John and Helen Pyers (Volume 14209 Folio 35). A review of aerial imagery indicates that by 2008, a new dwelling was constructed to the north of the original Riversford homestead. The original homestead was demolished between 2010 and 2011 (Figure 9 and Figure 10).

### 3. SITE VISIT

A site investigation was undertaken by Alexander Beben (Austral) and Tracy Henry (Illawarra Local Aboriginal Land Council) on 19 December 2019. The site visit did not identify any Aboriginal objects; however, it did note that there were several parts of the study area that were elevated above the alluvial plain that had the potential to contain sub-surface archaeological material (Figure 11). An inspection of the homestead location noted that the SHI entry for the item (Database No. 2380291) was significantly out of date as the original homestead is no longer present, with only a dairy shed and some mature plantings remaining (2). It is likely that archaeological relics are present at the old homestead site and that these may date from the late (or potentially mid-, depending on when Riverford was first constructed) 19th to early 20th century. Areas with the potential to possess Aboriginal and historical heritage value are identified in Figure 13.

### 4. CONCLUSION

This letter of advice has identified that the study area is listed as the locally significant heritage item “Riversford”. Historical research undertaken as part of this letter of advice has not identified a construction date for the original homestead, however the study area is known to have been subject to historical occupation from the early 19th century and was certainly tenanted during the early to mid-19th century, notably by Edward Hazelton and Andrew McGill, who both are reported to have resided within the “Macquarie River” area. It is possible that the original Riversford homestead was constructed during this time, or that earlier homesteads are located within the study area. This may be able to be clarified through additional research. The original homestead was demolished between 2010 and 2011, and the site investigation has confirmed that the only elements to survive a dairying building and some mature plantings around the former homestead location. As a result, the heritage value of the item has been significantly diminished. There may therefore be scope as part of any future development, in consultation with Shellharbour City Council, to reduce the curtilage of the item from its current boundary, which encompasses the entire study area, to a reduced curtilage that focuses on the remains of the former homestead.

This letter of advice has also identified that whilst the study area does not contain any known Aboriginal sites or places, there are known sites within close proximity and the study area has been identified as possessing Aboriginal archaeological sensitivity due to its proximity to the Macquarie Rivulet and Yellow Rock Creek. The background research indicates that the study area is mostly undisturbed, however large portions of the alluvial flats within the study area are subject to inundation that is likely to disturb Aboriginal cultural material in these areas. A review of topography and the site inspection has identified a number of elevated areas that may contain Aboriginal archaeological sites. These would need to be subject to further investigation as part of any future development.

## 5. RECOMMENDATIONS

Austral is able to provide the following advice in relation to the management of heritage values associated with the study area.

### PLANNING PROPOSAL

It is advised that Shellharbour City Council, the NSW Aboriginal heritage team, who form part of the NSW Environment, Energy and Science [EES] (formerly the Office of Environment and Heritage), and the NSW Historical heritage team of the Department of Premier and Cabinet (DPC) are likely to request the following documents as part of their review of any planning proposal to rezone:

1. An Aboriginal Technical Report (ATR) that confirms with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (Department of Environment, Climate Change and Water 2010) [The Code]. This would need to include consultation with the Illawarra Local Aboriginal Land Council and would include a detailed archaeological survey of the study area. The purpose of this would be to identify any Aboriginal objects within the study area and map areas of sensitivity that would need further investigation as part of later approvals (i.e. a development application).
2. A detailed Historical Heritage Assessment (HHA) that incorporates:
  - a. Further historical research into the history of the study area.
  - b. Assessment of the built and landscape values of “Riversford”.
  - c. An archaeological assessment that identifies the potential for relics to be present within the study area.
  - d. Assessment of significance for the study area and any identified heritage values.
  - e. Assessment of the item’s curtilage and how this is to be incorporated into the planning proposal.
  - f. Quantification of the potential impacts from the planning proposal and identifies further investigations and approvals.
3. With reference to point 2, whilst the original “Riversford” homestead has been removed, an optimal outcome for any proposed development would be to retain the original homestead location within either a large lot or recreational open space with associated interpretive media. This would be a key point of discussion with Shellharbour City Council. It is likely that the Council would be opposed to the removal of the remaining fabric associated with the item and are likely to want to have these preserved as part of any development.

### DEVELOPMENT APPLICATION

The following assessments would be required by Shellharbour City Council and EES to support a development application:

1. An Aboriginal Cultural Heritage Assessment Report (ACHAR) that conforms with in accordance to the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment and Heritage 2011) and The Code. The ACHAR will need to include consultation with Aboriginal stakeholders in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water NSW 2010) [Consultation Requirements].
2. The ACHAR would also need to include archaeological testing of areas of archaeological sensitivity, this will be required as part of a development application and prior to receiving development consent.
3. A Statement of Heritage Impact (SoHI) that assesses the historical heritage values of the study area, specifically the significance of "Riversford", its elements the potential impact of the development application on these. This would need to be prepared in accordance with the *NSW Heritage Manual* (Heritage Office & Department of Urban Affairs and Planning 1996) and its associated documents. The SoHI should include or be accompanied by a detailed historical archaeological assessment.

### POST-DEVELOPMENT CONSENT

The following assessments, management documents and approvals may be required as part of post-development consents:

1. Should Aboriginal objects be identified as part of the ACHAR process, an Aboriginal Heritage Impact Permit (AHIP) will need to be obtained to comply with development consent conditions. This would need to be obtained prior to a subdivision certificate or construction certificate being issued and prior to any ground disturbance occurring. The AHIP may require archaeological salvage of certain sites should they meet certain significance thresholds.
2. Depending on the outcome of the SoHI and design process, it is likely that a Conservation Management Plan or Strategy (CMP / CMS) may be required to ensure the management of identified values once any prospective development is in progress and has been completed.
3. Given the history of occupation within the study area, it is likely that the proponent will be required as part of a development consent to undertake a program of heritage interpretation during the undertaking of landscape works. This would include the installation of interpretive media at key locations within the development.
4. There is reasonable potential for historic relics to be encountered. An approval or exemption under Section 139 or 140 of the Heritage Act may be required should impacts to areas of historical archaeological potential be proposed (i.e. the original homestead). In this instance, a research design would need to be prepared that details a program of archaeological testing and salvage. The approval would be obtained after a development consent has been received and the works would take place prior to bulk earthworks.

Please do not hesitate to contact me on 0490 190 290 if you wish to discuss any aspect of this submission.

Yours sincerely,



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## 6. REFERENCES

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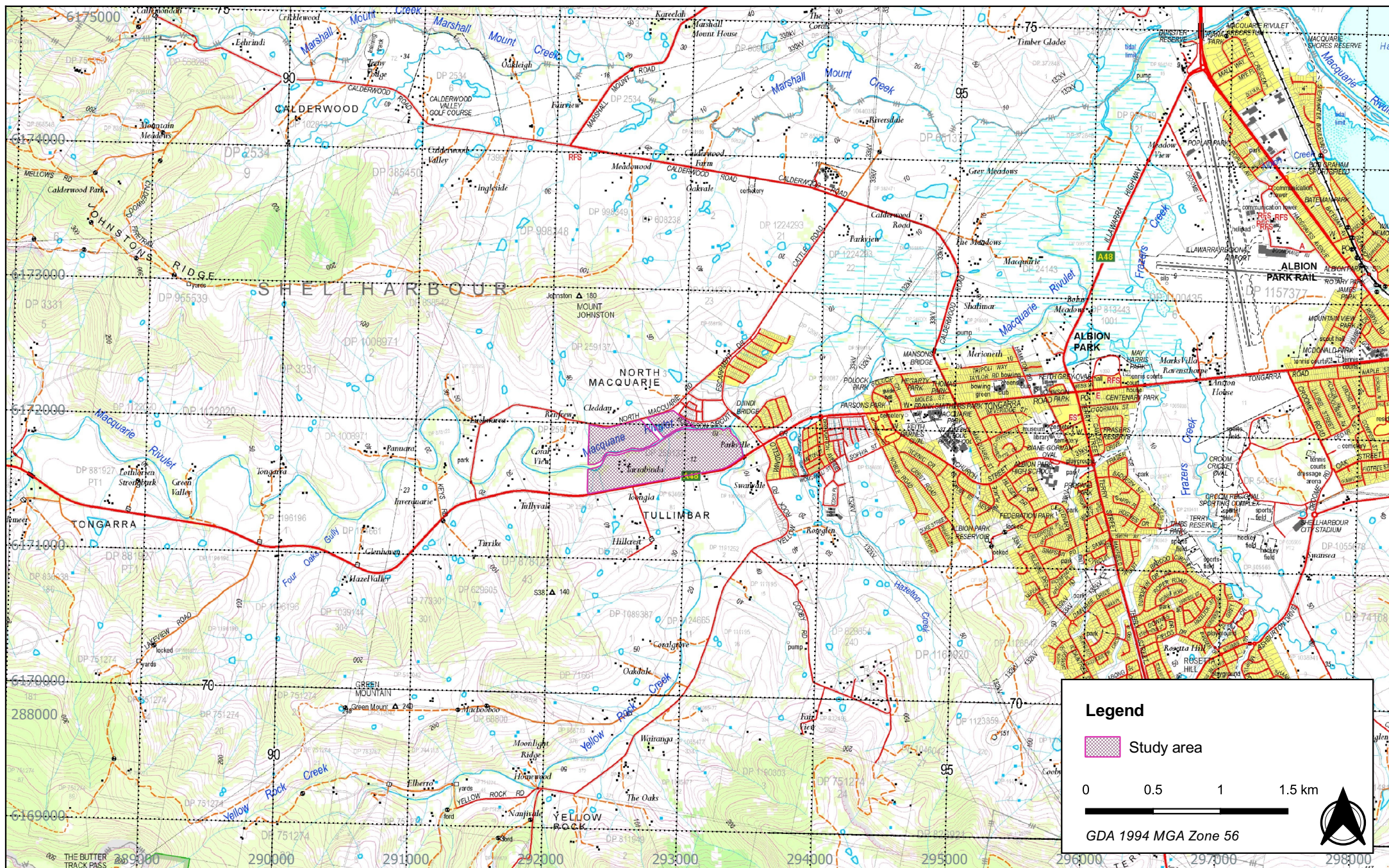
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**Figure 1 Location of study area**

2514 Illawarra Highway, Calderwood NSW - Aboriginal and Historical Heritage Advice

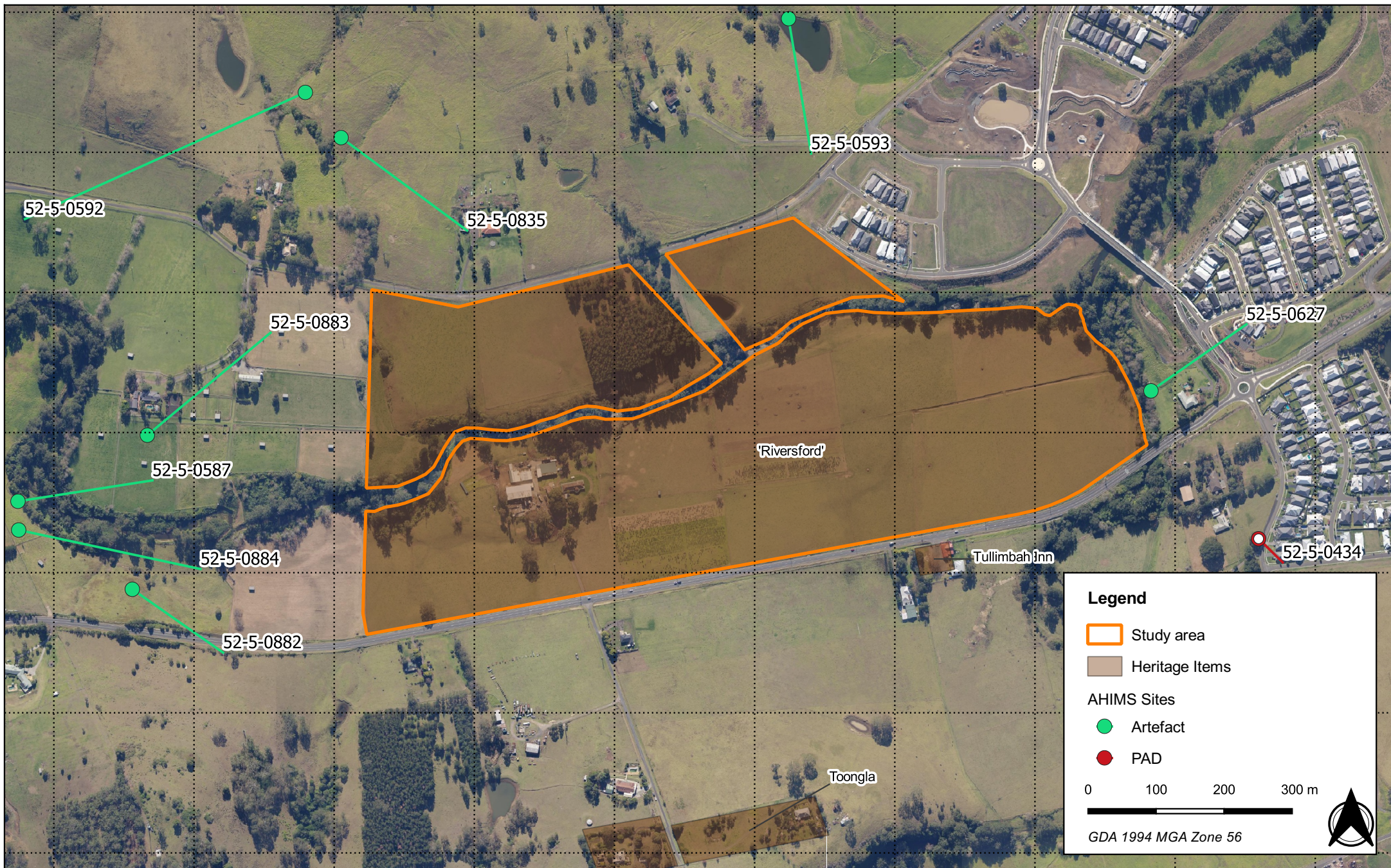
Source: NSW Department of Lands Base Map

Drawn by: AJB Date: 20/01/2020



**A U S T R A L**  
A R C H A E O L O G Y





**Figure 2 Location of AHIMS sites and Heritage Items associated with study area.**

2514 Illawarra Highway, Calderwood NSW - Aboriginal and Historical Heritage Advice

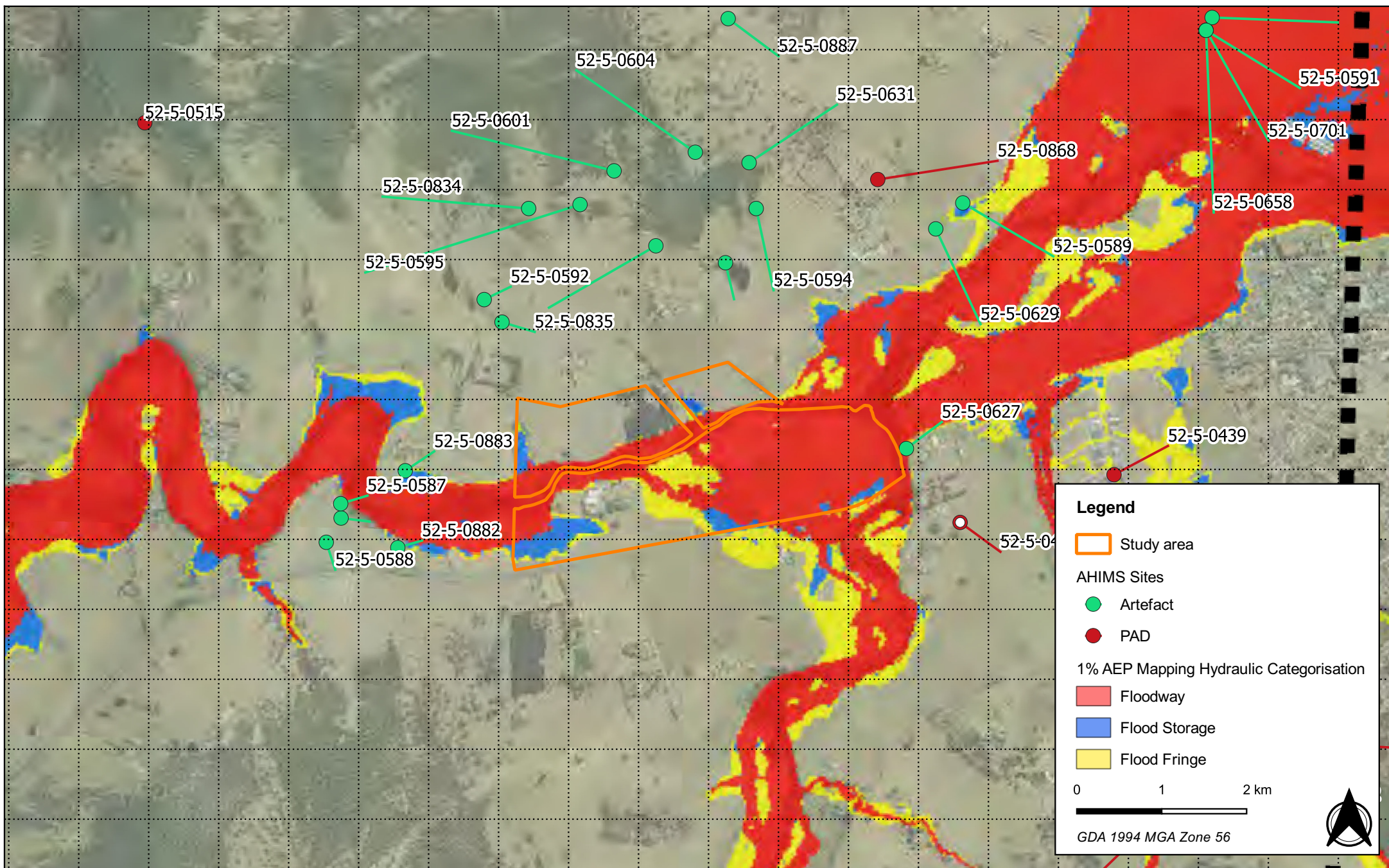
Source: NSW Department of Lands Aerials

Drawn by: AJB Date: 20/01/2020



**A U S T R A L**  
A R C H A E O L O G Y





**Figure 3 Comparison of AHIMS Sites and 1% AEP Flood Mapping**

2514 Illawarra Highway, Calderwood NSW - Aboriginal and Historical Heritage Advice

Source: WMA Water 2017

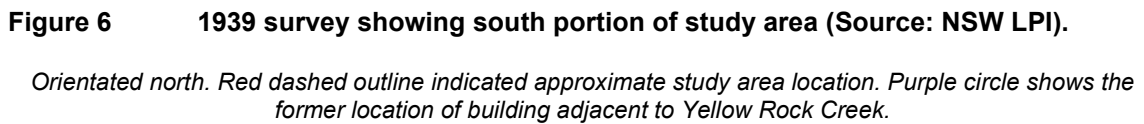
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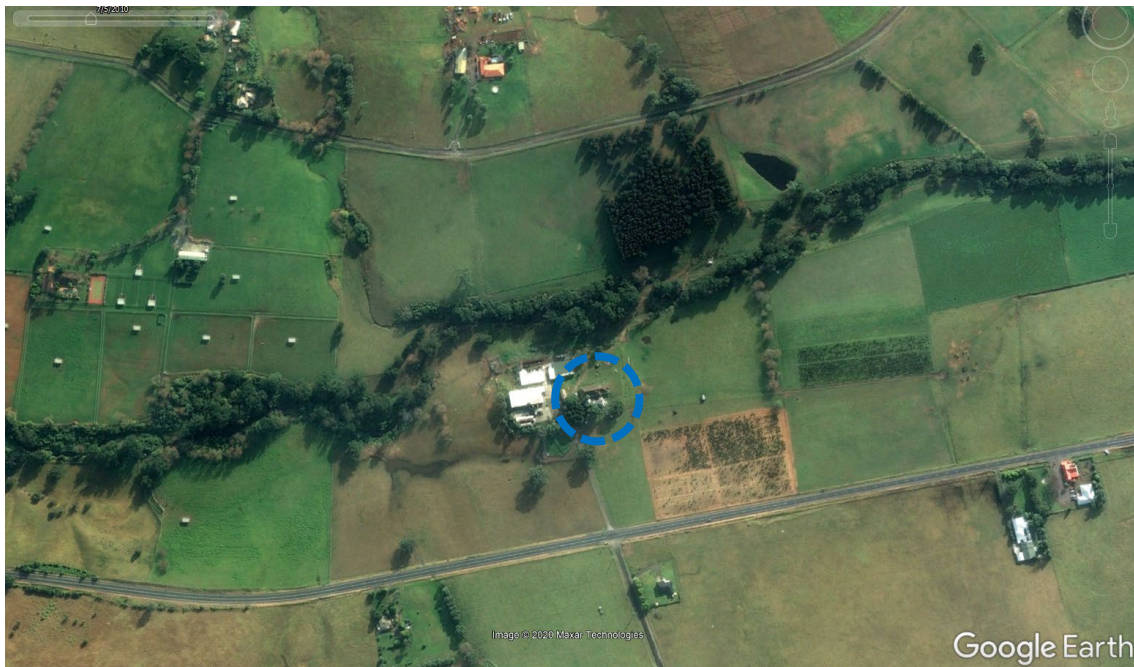






**Figure 8** 1946 aerial photograph showing configuration of Riversford (Source: Wollongong City Council).

*Orientated north. Blue circle shows the location of Riversford. Note plantings along driveway.*



**Figure 9** 2010 aerial photograph showing configuration of Riversford (Source: Google Earth).

*Orientated north. Green circle shows the location of Riversford. Note new dwelling to north and removal of plantings on driveway.*





**Figure 10** 2011 aerial photograph showing configuration of Riversford (Source: Google Earth).

*Orientated north. Green circle shows the location of Riversford. Note removal of original homestead.*



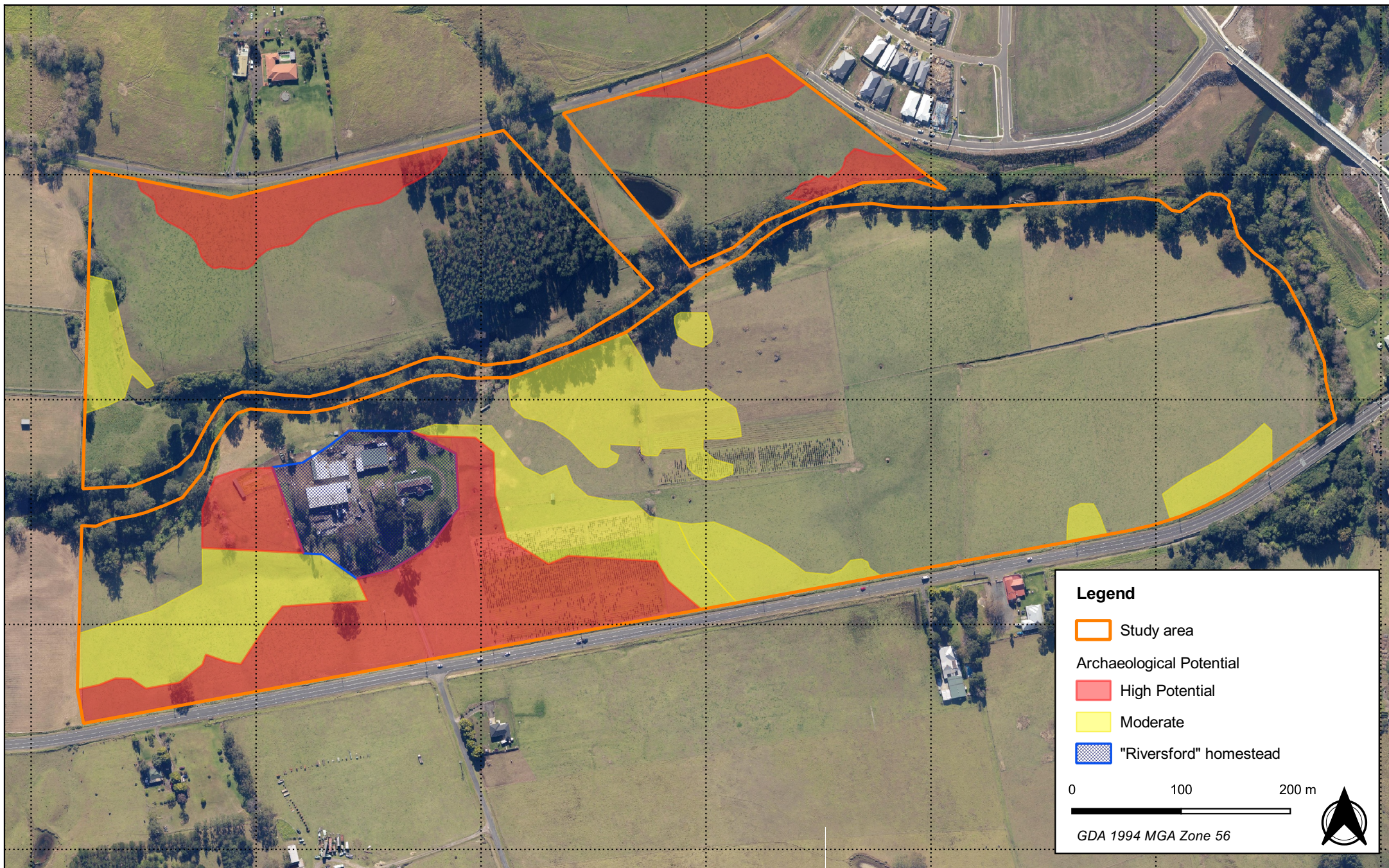
**Figure 11** Photograph of elevated area near homestead (Source: Austral).





**Figure 12**      **Photograph of old dairy building near homestead (Source: Austral).**





**Figure 13 Areas of Aboriginal sensitivity and identified historical values**

2514 Illawarra Highway, Calderwood NSW - Aboriginal and Historical Heritage Advice

Source: NSW Department of Lands Aerial

Drawn by: AJB Date: 20/01/2020



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