

365 & Part 297 Marshall Mount Road, Marshall Mount


Non-Aboriginal (Historical) Heritage
Impact Assessment

Report to Maker Engineering

Wollongong City Council Local
Government Area

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 artefact

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Overview

This Heritage Impact Assessment (HIA) has been prepared by Artefact Heritage Services (Artefact Heritage) on behalf of Maker Engineering to support a Concept Development Application (DA) to facilitate subdivision of land (the proposal) at 365 Marshall Mount Road, Marshall Mount, Lot 8 DP 626078 Wollongong City Council Local Government Area (LGA). The proposed development will be progressed via a Development Application to the Wollongong City Council.

The site is currently zoned C4 Environmental Living under the Wollongong Local Environmental Plan 2009 and is subject to a minimum Lot Size of 4,999m². By contrast the existing R2 Low Density Residential land to the west is subject to a Minimum Lot Size of 449m².

This report has been prepared to accompany a Planning Proposal and associated Neighbourhood Plan for the land holding which will deliver a broader range of housing which is site responsive and responds to servicing capabilities.

Generally, the Planning Proposal seeks to adopt an implied lot size of 1,000m² (mapped as 999m²) over the western portion of the and retain the current 4,999m² minimum lot size of the eastern portion of the land. This will deliver a transition in the lot size and housing arrangements.

The Neighbourhood Plan will address more detailed design outcomes as prescribed under the Wollongong DCP consistent with the lot sizes sought under the Planning Proposal.

This report provides an assessment of Non-Aboriginal (Historical) heritage values only. This report also provides assessment of part of 297 Marshall Mount Road, to inform potential future application at that location.

Conclusions

This report concludes the following:

- No listed heritage items are within, or within 1km of the study area.
- No unlisted heritage items were identified within 500m of the study area.
- The study area is in a location historically utilised for dairy and beef production.
- Historical documentary investigation has not identified any significant associations with the study area.
- Historical aerial imaging does not provide any evidence of structures in the study area prior to 1974.
- Site inspection confirmed that built structures in the study area post- date 1970, and that no evidence is present for historical remains.
- Assessment of heritage impacts has assumed that the proposed development will be residential in nature and will not exceed two storeys in height.
- The assessment of heritage impacts has found that the proposed development will not impact on listed or unlisted heritage items.

Recommendations

The following recommendations will aid in mitigating the heritage impact of the proposed works:

- No further assessment of historical heritage values at the study area is required for the proposal to proceed.
- Future development entailing ground disturbing works should have an Unexpected Finds Policy for non-Aboriginal and Aboriginal heritage in place prior to commencement of works to mitigate possible impacts on potential buried archaeological remains.
- Historical (non-Aboriginal) archaeological remains are protected under the Heritage Act 1977 and the protocols outlined in the project Unexpected Finds Policy must be immediately implemented if such remains are identified.
- Aboriginal archaeological remains are protected by the National Parks and Wildlife Act 1974 and the protocols outlined in the project Unexpected Finds Policy must be immediately implemented if such remains are identified.

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1.0 INTRODUCTION

This Heritage Impact Assessment (HIA) has been prepared by Artefact Heritage Services (Artefact Heritage) on behalf of Maker Engineering to support a Concept Development Application (DA) to facilitate subdivision of land (the proposal) at 365 Marshall Mount Road, Marshall Mount, Lot 8 DP 626078 Wollongong City Council Local Government Area (LGA). The proposed development will be progressed via a Development Application to the Wollongong City Council.

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This report has been prepared to accompany a Planning Proposal and associated Neighbourhood Plan for the land holding which will deliver a broader range of housing which is site responsive and responds to servicing capabilities.

Generally, the Planning Proposal seeks to adopt an implied lot size of 1,000m² (mapped as 999m²) over the western portion of the and retain the current 4,999m² minimum lot size of the eastern portion of the land. This will deliver a transition in the lot size and housing arrangements.

The Neighbourhood Plan will address more detailed design outcomes as prescribed under the Wollongong DCP consistent with the lot sizes sought under the Planning Proposal.

This report provides an assessment of Non-Aboriginal (Historical) heritage values only. This report also provides assessment of part of 297 Marshall Mount Road, to inform potential future application at that location.

1.1 Proposal

1.1.1 Purpose

The aim of this HIA is to identify heritage items which may be impacted by the proposed works, determine the level of heritage significance of each item, assess potential impacts to heritage items, recommend mitigation measures to reduce the level of heritage impact and identify management and statutory obligations.

1.1.1 Local context

The study area is situated on rises and foothills trending upwards towards Marshall Mount which is located 2.3 kilometres (km) to the west. The study area incorporates hillslopes and crests and several unnamed seasonal watercourses and agricultural dams. At its southern border the study area adjoins a tributary and a named extent of Marshall Mount Creek, which feeds into the Macquarie Rivulet and then into Lake Illawarra. Approximately 5 kilometres (km) west of the study area the Illawarra Plateau rises sharply. Lake Illawarra is located at closest 3km east of the study area, and the NSW coastline is located 9km east of the study area. The study area is situated in lands which were once almost wholly agricultural, but which are now zoned to allow the residential and commercial requirements of an expanding population.

1.1.1 Proposed subdivision

The study area will be the subject of an application for a Concept DA to facilitate subdivision of E4 zoned land. The proposed subdivision layout is shown in Figure 2Error! Reference source not found..

1.2 Report limitations

This report provides an assessment of Non-Aboriginal (Historical) heritage values only. An Archaeological Research Design (ARD) has not been prepared to accompany the HIA.

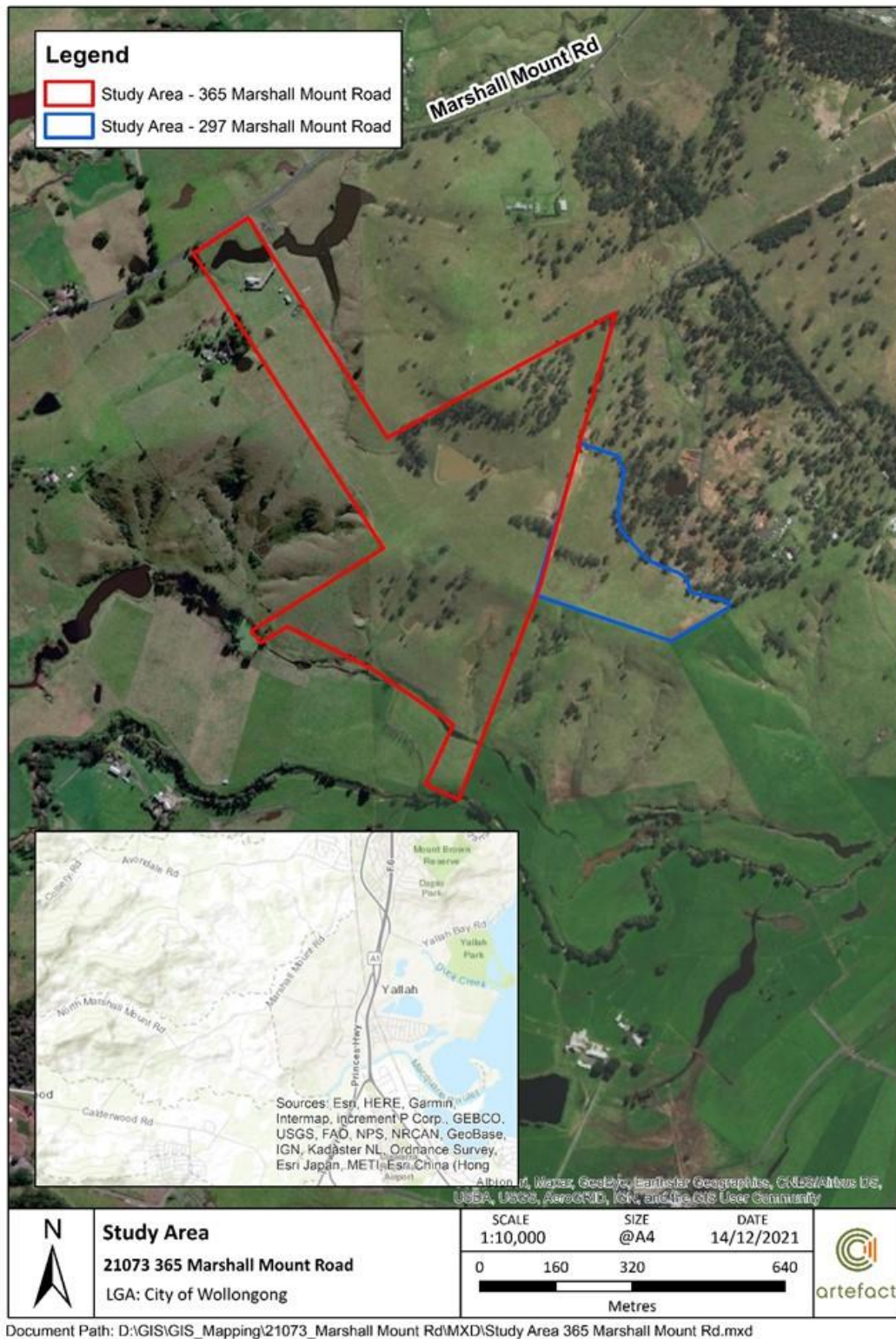


Figure 1. The study area location

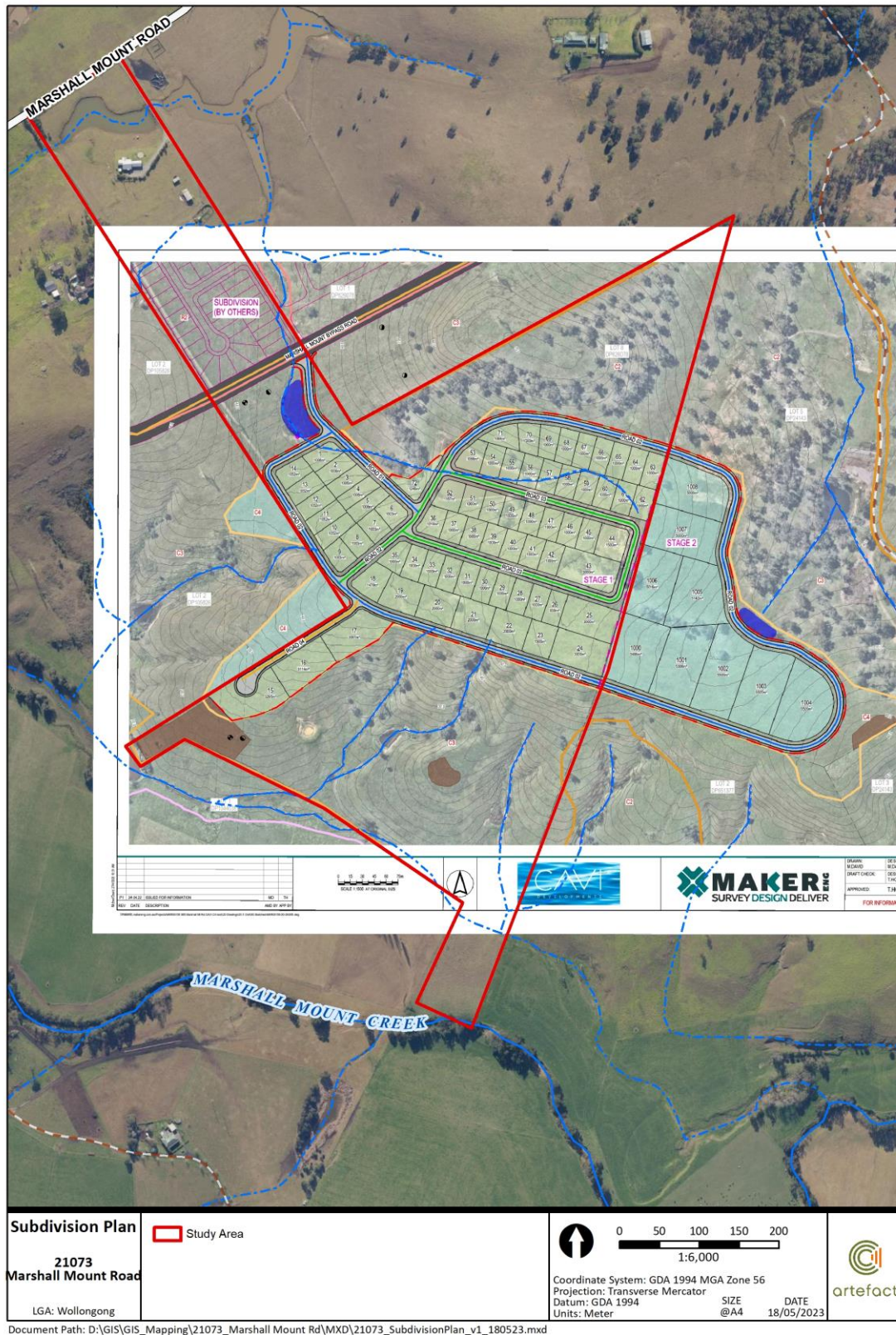


Figure 2: Study area showing proposed staged subdivision

2.0 LEGISLATIVE CONTEXT

2.1 Overview

This section discusses the heritage management framework, notably legislative and policy context, applicable to the study area.

2.2 Identification of heritage listed items

There are several items of legislation relevant to the study area. Heritage listed items within and adjacent to the study area were searched for using the following relevant state and federal statutory heritage registers:

- World Heritage List (WHL)
- Commonwealth Heritage List (CHL)
- National Heritage List (NHL)
- State Heritage Register (SHR)
- Sutherland Shire Local Environmental Plan (LEP) 2015
- Section 170 Heritage and Conservation Registers.

Non-Statutory registers were also searched, including:

- Register of the National Estate (RNE)
- The National Trust

Items listed on these registers have been previously assessed against the NSW *Archaeological Assessment Guidelines*.¹ Statements of heritage significance, based on the NSW Heritage Assessment guidelines, as they appear in relevant heritage inventory sheets and documents, are provided in this assessment.

2.3 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) provides a legislative framework for the protection and management of matters of national environmental significance, that is, flora, fauna, ecological communities and heritage places of national and international importance. Heritage items are protected through their inscription on the World Heritage List, Commonwealth Heritage List or the National Heritage List. The EPBC Act stipulates that a person who has proposed an action that will, or is likely to, have a significant impact on a World, National or Commonwealth Heritage site must refer the action to the Minister for Sustainability, Environment, Water, Population and Communities (hereafter Minister). The Minister will then determine if the action requires approval under the EPBC Act. If approval is required, an environmental assessment would need to be prepared. The Minister would approve or decline the action based on this assessment. A significant impact is defined as “an impact which is important, notable, or of consequence, having regard to its context or intensity.” The significance of the action is based on the sensitivity, value and quality of the environment that is to be impacted, and the

¹ i.e. NSW Heritage Office, 1996. *NSW Heritage Manual, the Archaeological Assessment Guidelines*; NSW Heritage Office, 2009. *Assessing Significance for Historical Archaeological Sites and 'Relics'*; NSW Heritage Office, 2009. *Guidelines for the Preparation of Archaeological Management Plans*.

duration, magnitude and geographic extent of the impact. If the action is to be undertaken in accordance with an accredited management plan, approval is not needed and the matter does not need to be referred to the Minister.

2.3.1 Commonwealth Heritage List

The Commonwealth Heritage List has been established to list places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places that are of outstanding national heritage value to the Australian nation.

There are no items listed on the Commonwealth Heritage List within the study area or within 500 metres (m) of the study area

2.3.2 National Heritage List

The National Heritage List has been established to list places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places that are of outstanding national heritage value to the Australian nation.

There are no items listed on the National Heritage List within the study area or within 500 metres (m) of the study area.

2.4 Heritage Act 1977

The NSW *Heritage Act 1977* is the primary item of State legislation affording protection to items of environmental heritage in NSW. The Heritage Act is designed to protect both listed heritage items, such as standing structures, and potential archaeological remains or relics.

Under the Heritage Act, 'items of environmental heritage' include places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items are listed on the NSW State Heritage Register (SHR) and are given automatic protection under the Heritage Act against any activities that may damage or affect its heritage significance.

2.4.1 The 'Relics provisions' 2009

The Heritage Act also provides protection for 'relics', which includes archaeological material or deposits. According to Section 139 (Division 9: Section 139, 140-146):

- (1) *A person must not disturb or excavate any land knowingly or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, damaged or destroyed unless the disturbance is carried out in accordance with an excavation permit.*
- (2) *A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.*
- (3) *This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.*
- (4) *The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:*
 - a. *Any relic of a specified kind or description,*
 - b. *Any disturbance of excavation of a specified kind or description,*

- c. Any disturbance or excavation of land in a specified location or having specified features or attributes,
- d. Any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates that there is little likelihood of there being any relics in the land.

Section 4 (1) of the Heritage Act (as amended in 2009) defines a relic as:

...any deposit, artefact, object or material evidence that:

relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance

A relic has been further defined as:

Relevant case law and the general principles of statutory interpretation strongly indicate that a 'relic' is properly regarded as an object or chattel. A relic can, in some circumstances, become part of the land be regarded as a fixture (a chattel that becomes permanently affixed to land).²

Excavation permits are issued by the Heritage Council of NSW or its Delegate under Section 140 of the Heritage Act for relics outside of an SHR curtilage, or under Section 60 for significant archaeological remains within an SHR curtilage. An application for an excavation permit must be supported by an ARD and Archaeological Assessment prepared in accordance with the NSW Heritage Division archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under Section 139 (4) of the Heritage Act for areas not within an SHR curtilage or an exemption under Section 57 (2) of the Heritage Act for areas within an SHR curtilage.

The Heritage Act identifies 'works' as being in a separate category to archaeological 'relics.' 'Works' refer to past evidence of infrastructure. 'Works' may be buried, and therefore archaeological in nature, however, exposure of a 'work' does not trigger reporting obligations under the Heritage Act. 'Works', as items of environmental heritage, have the potential to provide information that contributes to our knowledge of past practices, and good environmental practice recognises this. For example, Transport for New South Wales (TfNSW) uses its *Unexpected Heritage Finds Guideline* to manage the discovery of such works.³

2.4.2 State Heritage Register (SHR)

The SHR was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is administered by Heritage NSW and includes a diverse range of over 1,500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW.

To carry out activities within the curtilage of an item listed on the SHR, approval must be gained from the Heritage Council by securing a Section 60 permit. In some circumstances, under Section 57(2) of

² Heritage Office, 2009. *Assessing Significance for Historical Archaeological Sites and 'Relics'*, p. 7.

³ Transport for NSW, 2015. *Unexpected Heritage Finds Guideline*
<https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/unexpected-heritage-finds-guideline-3tp-sd-115.pdf>

the Heritage Act, a Section 60 permit may not be required if works are undertaken in accordance with the NSW Heritage branch document *Standard Exemptions for Works Requiring Heritage Council Approval* or in accordance with agency specific exemptions or site specific exemptions included in an endorsed Conservation Management Plan (CMP) or as part of the gazettal of the item. This includes works that are only minor in nature and will have minimal impact on the heritage significance of the place.

There are no SHR listed items within the study area or within 3.5 kilometres (km) of the study area.

2.4.3 Section 170 registers

Under the Heritage Act all government agencies are required to identify, conserve and manage heritage items in their ownership or control. Section 170 requires all government agencies to maintain a Heritage and Conservation Register that lists all heritage assets and an assessment of the significance of each asset. They must ensure that all items inscribed on its list are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Government on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of items and are based on NSW heritage legislation and guidelines.

No s170 register listed items have been identified within the study area or within 500m of the study area.

2.5 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act requires that Local Governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the Act, to provide guidance on the level of environmental assessment required.

2.5.1 The Wollongong LEP 2009

The study area is located within the Wollongong City Council Local Government Area (LGA) and is administered under the Wollongong LEP. Each LGA is required to develop and maintain an LEP that includes Aboriginal and historical heritage items which are protected under the EP&A Act and the Heritage Act.

There are no listed items on the Wollongong LEP 2009 within the study area or within 1km of the study area

2.6 Summary of Heritage Listings

The search of heritage registers has not identified any listed heritage items within the study area or within 500m of the study area.

3.0 HISTORICAL CONTEXT

The study area is situated at Marshall Mount Road. The study area is situated on rises and foothills trending upwards towards Marshall Mount which is located 2.3 kilometres (km) to the west. The study area incorporates hillslopes and crests and several unnamed seasonal watercourses and agricultural dams. At its southern border the study area adjoins a tributary and a named extent of Marshall Mount Creek (Figure 1).

It is likely that the Wodi Wodi clan of the Dharawal people were the first to encounter European people in the region when the ship *Sydney Cove* was wrecked in Bass Strait in 1797. Seventeen crewmembers set out in a longboat to seek help. Landing in Gippsland, they struggled 1,300km overland along the coast towards Sydney. Only three of the crew survived this journey.⁴

The first formal land grants in the area were surveyed by Surveyor-General Oxley in 1816 and the first official use of the place name Dapto dates to 1829.⁵ The origin of the name Dapto is uncertain with some speculation that it derives from an Aboriginal term for plentiful water.⁶

Even before the arrival of colonial settlement, whalers and seal hunters wreaked violent havoc on Dharawal people. They were followed rapidly by timber cutters eager for the 'red gold' of local cedar (*Toona ciliata*), an easily worked timber with deep colour that suited the aesthetics of 19th century furniture.⁷ A '40 years war' of resistance was waged by Aboriginal people against the invaders of their Country, but by the 1840's the process of dispossession had largely been completed as reflected in the transfer of the Ship Inn, originally located in Mullet Creek, to Dapto in 1834. By then Dapto was considered sufficiently safe and an established part of the colony for the inn to be relocated there. The wider flats of the deep alluvial soils of the Dapto region were at first adapted for wheat farming, with bullocks used for ploughing. The image below, dated to 1847 shows a slab-hut farm in Dapto, against a background of uncleared timber and the looming Illawarra Plateau. The cabbage tree palms which are endemic to the region occupy the left-hand foreground.⁸

⁴ <http://vhd.heritage.vic.gov.au/shipwrecks/heritage/652>

⁵ McDonald, W.G. 1976. *Nineteenth-Century Dapto*. Illawarra Historical Society

⁶ McDonald *ibid*

⁷ Vader, J. 2002. *Red gold : the tree that built a nation*. NSW: New Holland

⁸ Angas, George French (1847). *Dapto, Illawarra, New South Wales* Retrieved May 5, 2021, from <http://nla.gov.au/nla.obj-135643814>

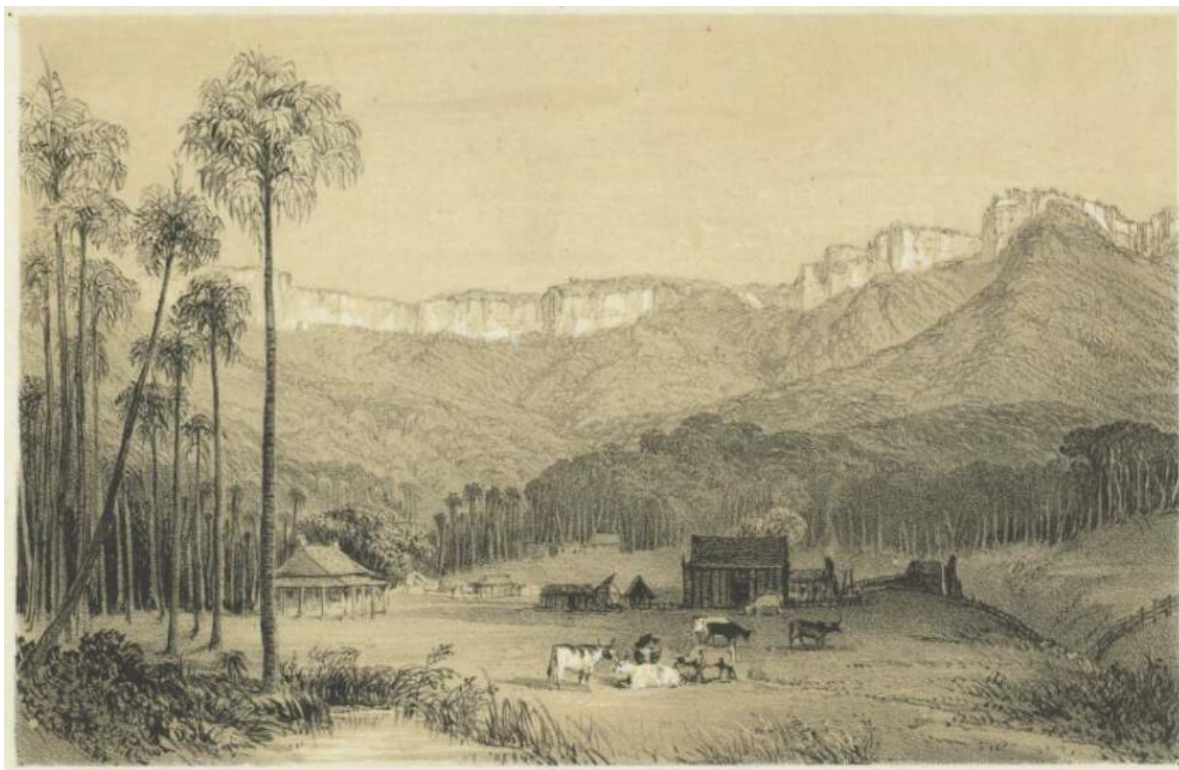


Figure 3: Angas, George French Dapto, Illawarra, New South Wales (1847).

Successive seasons of inclement weather and then wheat-rust infestation saw wheat farming abandoned in the region by the mid to late 1850's. Dairy farming rose as the chief form of agriculture, in particular the production of butter which was transported by steamer up the coast for sale in Sydney. With the opening of the Dapto Railway Station in 1887, dairy produce was more efficiently transported to the Sydney markets and widescale clearance of land increased to provide pasture for dairy herds. With this change in local agriculture, the former Dapto Mill fell out of use and became repurposed as a cheese making factory. The mill is shown in the image below in 1853, likely while still in use for grain (Figure 4).



Figure 4: Angas, George French, Dapto Mill 1853

3.1 Marshall Mount Road

Marshall Mount Road consistently and frequently appears in local newspaper reports through the 19th century as a point of contention and debate over its construction and maintenance, in particular the hazards of crossing the 'Duck Holes' at Duck Creek ⁹

The most precise historical mention of the surrounds of the study area appears to be that provided by McDonald¹⁰:

Marshall Mount Road. Marshall Mount Road, "formerly a bye-road used by Henry Osborne by Weston's permission, for which Osborne used to write annually" was by 1886 a public road and a bone of contention between Central Illawarra and Shellharbour Councils - the contention being no' to own, but to disown the creek crossing at the municipal boundary, said to be "extremely difficult and dangerous", more than one fatal accident having occurred there. The road from Marshall Mount

⁹ Narrow Escape from Drowning. (1878, February 12). *The Kiama Independent, and Shoalhaven Advertiser* (NSW : 1863 - 1947), p. 3. Retrieved May 6, 2021, from <http://nla.gov.au/nla.news-article114193839>

to Yallah was an afterthought, a by-product of the building in 1887 of a railway platform (originally called Albion Park) at the South Coast Road level crossing.¹⁰

By 1893 it would seem that most of land in the region had already been cleared, as indicated by the number of large land holdings containing the descriptor 'meadows' in their title. Figure 5 below indicates the approximate location of the study area in 1893 mapping.

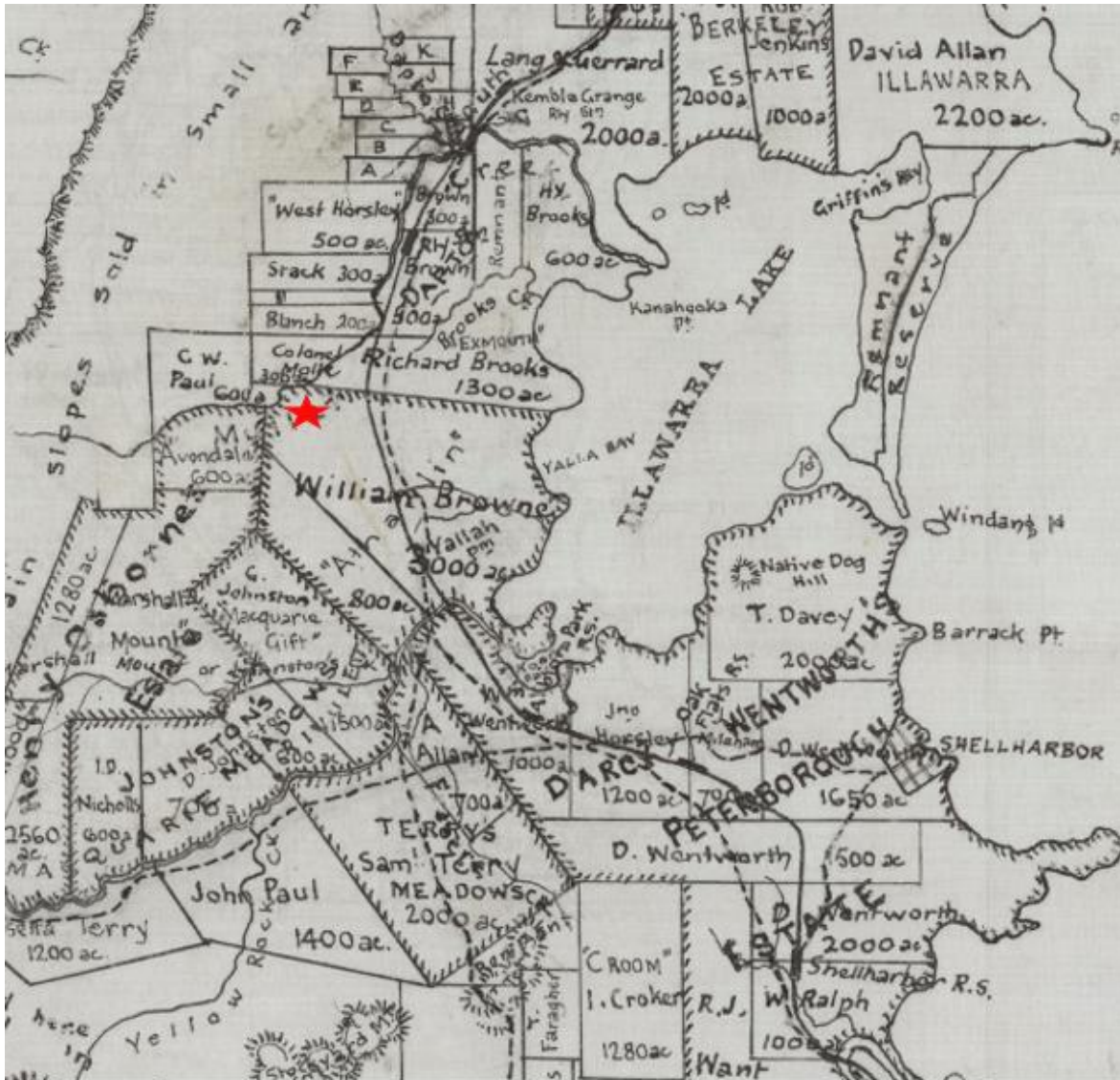


Figure 5: Excerpt from *Map of the Illawarra district* showing the location of the free grants and the large purchase grants 1893. (State Library of NSW)

3.2 Aerial imaging

The earliest available aerial imaging of the study area dates from 1948-1951 and continues into the 20th century (Figure 6, Figure 7, Figure 8, Figure 9). These images provide evidence of little change having occurred in the study area through this time, showing the north eastern portion of the study area as densely wooded. It is likely that this wooded area reflects the natural woodland environment of the

¹⁰ McDonald 1976 p41

region. The current residence and associated structures in the 365 Marshall Mount Road first on appear aerial imaging dated to 1986-1987 (Figure 9). At some point between 1986 (Figure 9) and 2006 (Figure 10) the north east portion of the study area was comprehensively deforested, and a large agricultural dam was formed. This deforestation would have resulted in large scale soil disturbance including grubbing and removal of tree roots, and probably widespread movement of earth to restore the ground surface.

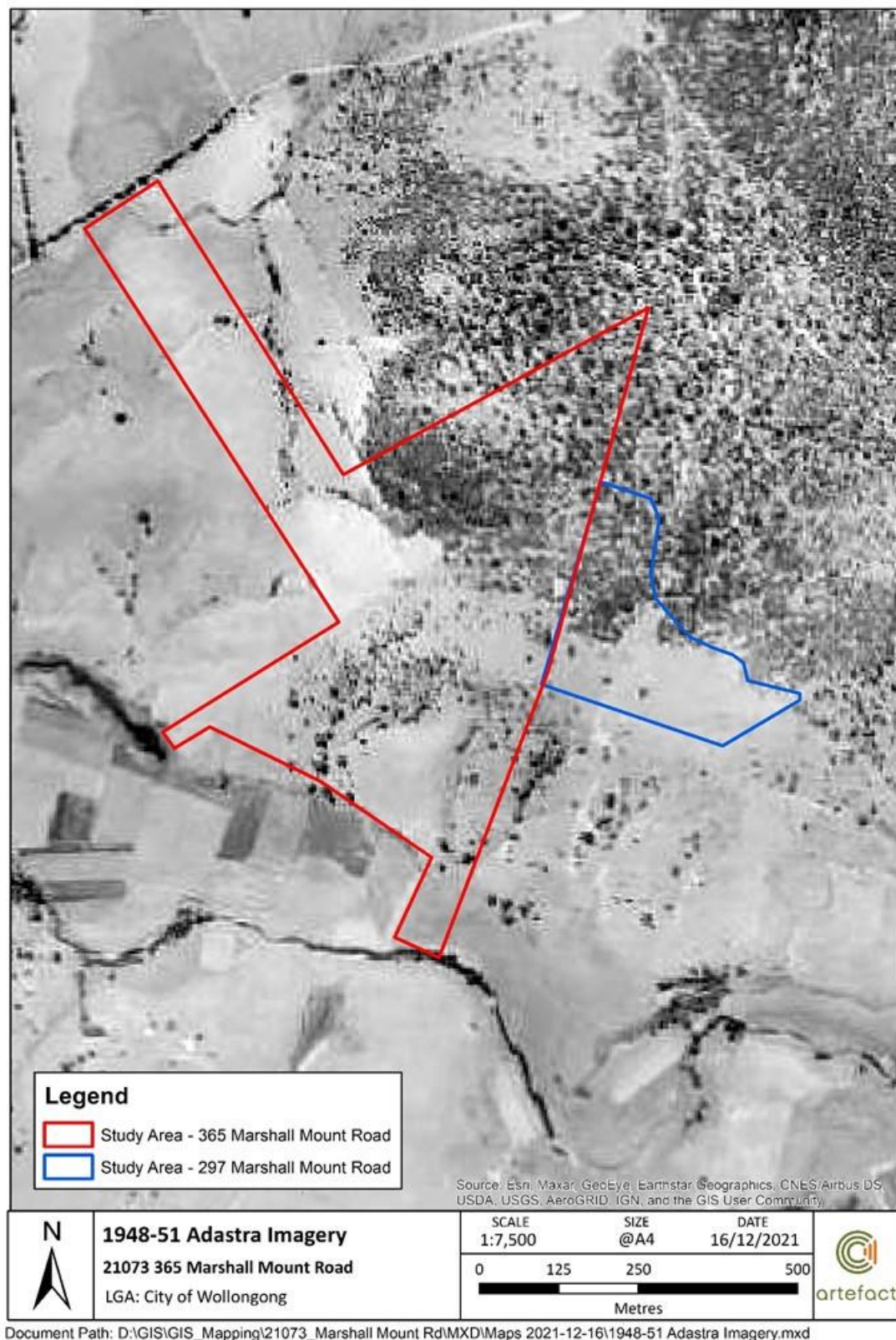


Figure 6: Study area 1948-1951, Adastra Air

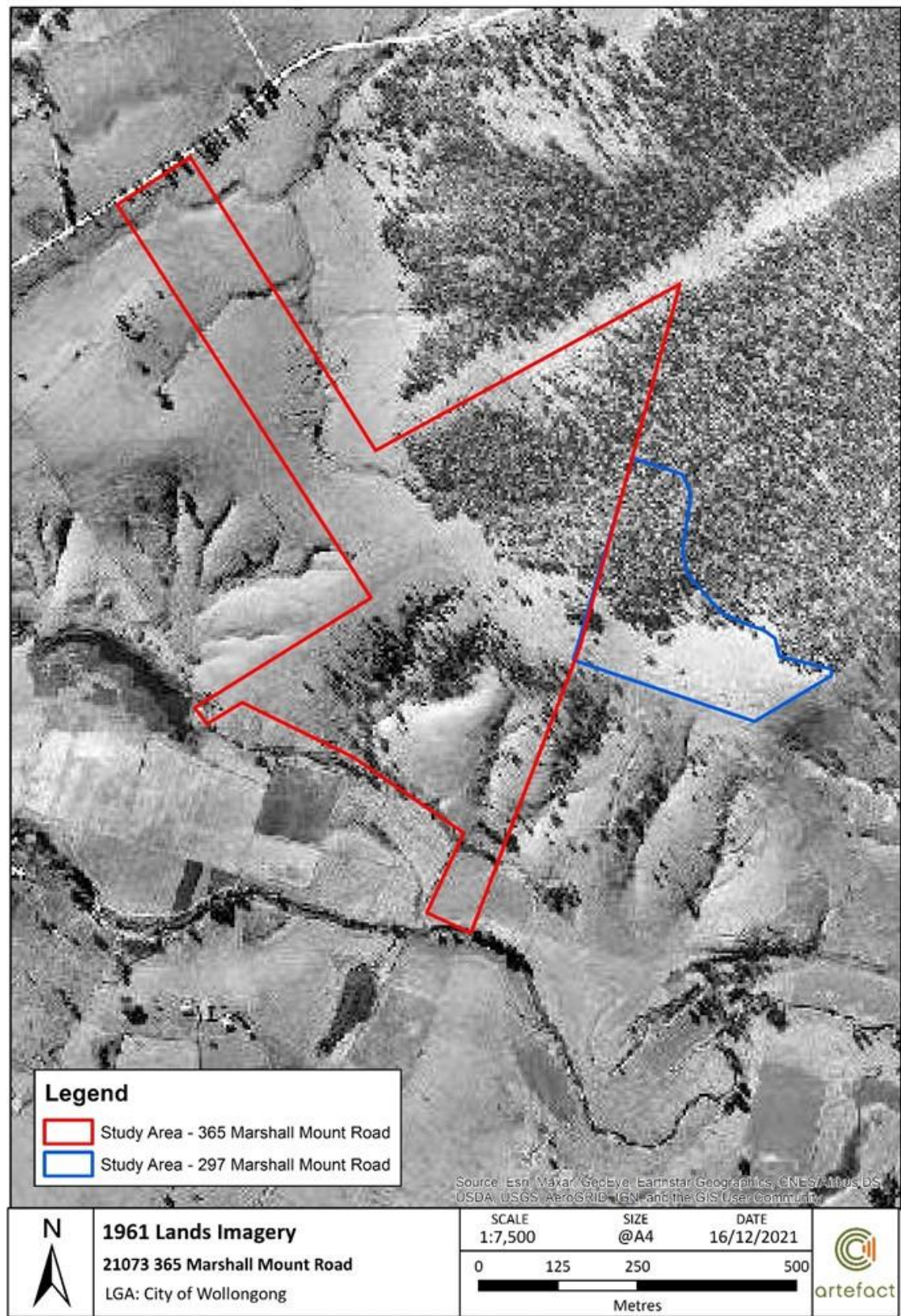


Figure 7: Study area 1961 - NSW Lands

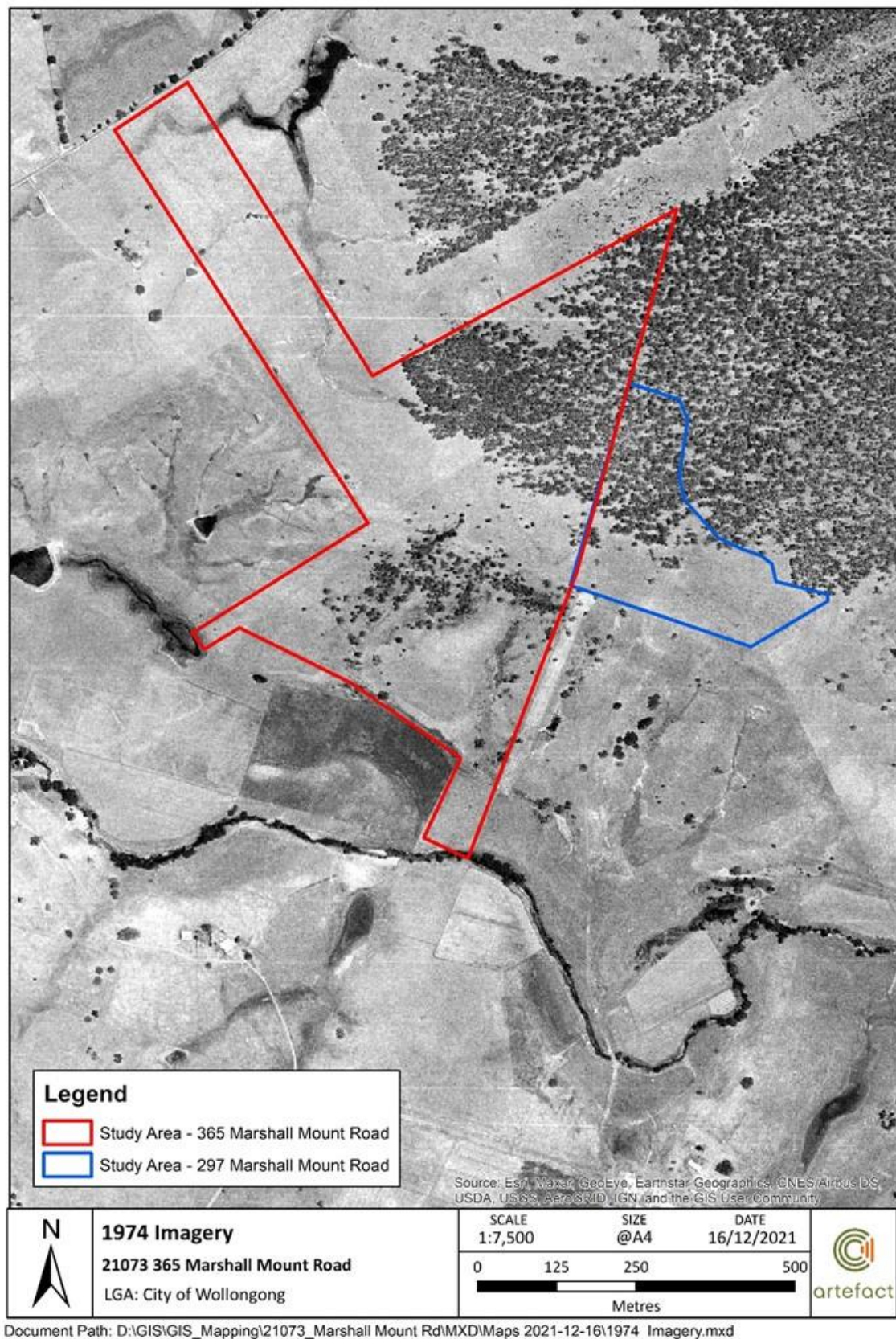


Figure 8: Study area 1974

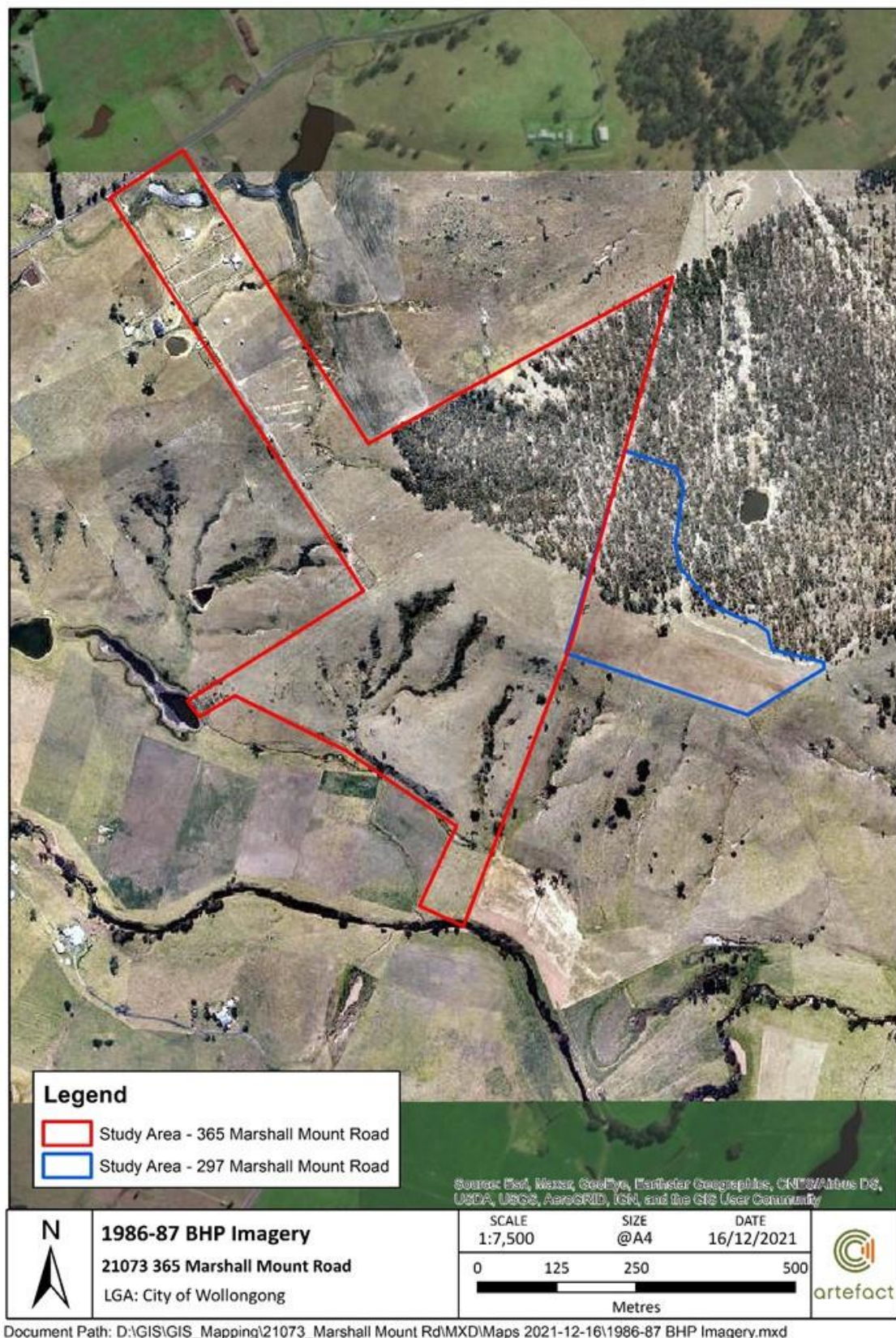


Figure 9: Study Area 1986-1987, BHP Aerials

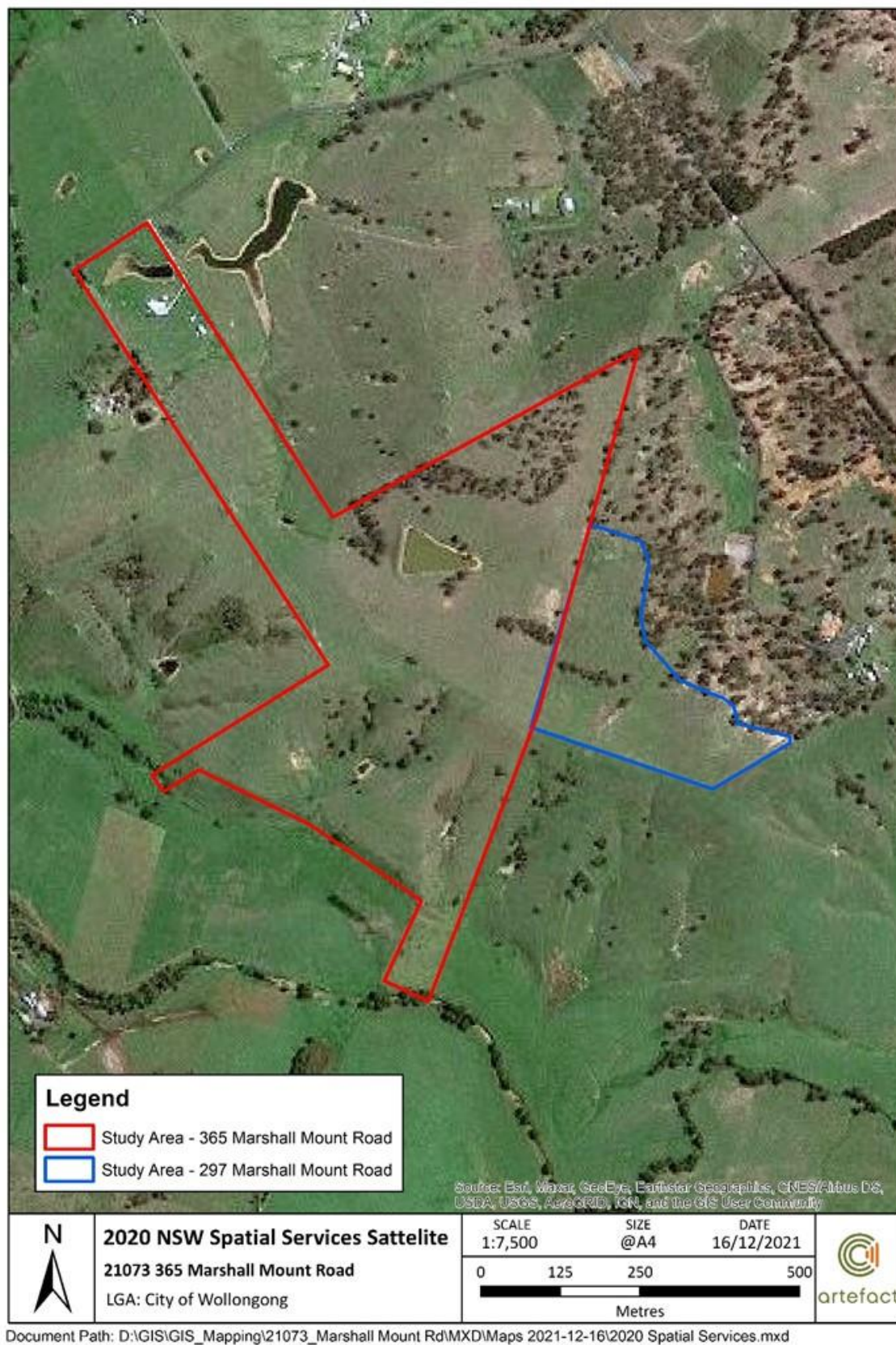


Figure 10: Study area 2020 (NSW Spatial Services)

4.0 SITE INSPECTION

4.1 Limitations

The site inspection was confined to the study area and neighbouring properties as viewed from roadway, the public domain, and from within the study area.

4.2 Results

The property at 365 Marshall Mount Road was inspected fully by Michael Lever and Brye Marshall (Heritage Consultants, Artefact Heritage) on 27 and 28 May 2021. No items of potential historical heritage value were identified during this inspection. The subject parts of 297 Marshall Mount Road were inspected by Michael Lever and Peter Griffin (Heritage Consultants, Artefact Heritage) on 3 December 2021.

The properties at 365 Marshall Mount Road and 297 Marshall Mount Road are within surrounds that are characteristic of the Dapto dairy farming landscape. The history of this local dairy industry dates to at least the late 1850's, and is characterised by farms on extensively cleared lands, frequently fronting waterways. The study area is steeply sloped and also incised in locations. No dairy infrastructure was visible and all cattle were beef stock. This may possibly result from the hilly nature of the local landscape and the impracticalities of herding cattle on a daily basis across this terrain.

4.2.1 365 Marshall Mount Road

4.2.1.1 Built structure

The only residence within the study area is at 365 Marshall Mount Road. This is of wholly modern construction, likely dating from the 1970's onwards (Figure 11). Agricultural sheds constituted the remaining structures on site at 365 Marshall Mount Road. These were built of a combination of modern and older materials of no heritage significance (Figure 12). No evidence was observed of previous or historical structures, nor of detritus such as historical artefacts that might indicate historical occupation of the site. No items of built heritage significance were identified during site inspection.

4.2.1.2 Viewlines

Due to the highly undulating nature of the surrounding landscape the study area does not have view lines to neighbouring structures (none of which are listed on any heritage databases or registers). The location of the residential and shed complex relative to surrounding landscape (view north east) is shown in Figure 13. Subject to final design constraints governing the height of the development, the proposed development would similarly have nil to little effect on viewlines of the surrounding area.



Figure 11: Residence at 365 Marshall Mount Road. View south west



Figure 12: Agricultural sheds. View north



Figure 13: 365 Marshall Mount Road residence and shed complex marked with arrow. View north east.

4.2.2 297 Marshall Mount Road

4.2.2.1 Built structure

No items of built structure were identified within 297 Marshall Mount Road during inspection.

4.2.2.2 Viewlines

The south east boundary of 297 Marshall Mount Road is the only location within this part of the study area that has external viewlines. This boundary enjoys commanding views to the south east, over Marshall Mount Creek. No listed heritage items are within 1km of this viewpoint. The remainder of the study area at 297 Marshall Mount Road is within a valley that trends south west to north east.



Figure 14: View south east from south east boundary of 297 Marshall Mount Road.



Figure 15: View north west from south east boundary, into valley of 297 Marshall Mount Road

4.2.3 Conclusions

No items of heritage significance were identified through desktop or site survey of either 365 Marshall Mount Road or the studied part of 297 Marshall Mount Road. No items of heritage significance have been identified in proximity to either 365 Marshall Mount Road or the studied part of 297 Marshall Mount Road, nor have any viewlines to items of heritage significance been identified.

5.0 ASSESSMENT OF HERITAGE SIGNIFICANCE

5.1 Definition and approach

Heritage items and a potential archaeological resource should be managed in terms of significance. Determining heritage and archaeological significance is undertaken by utilising a system of assessment centred on the *Burra Charter* (Australia ICOMOS 2013). The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is outlined through legislation in the *Heritage Act 1977* and implemented through the *NSW Heritage Manual, the Archaeological Assessment Guidelines* (1996)¹¹ and *Assessing Significance for Historical Archaeological Sites and 'Relics'* (2009).¹²

Section 4(1) of the *Heritage Act 1977* (as amended 2009) defines 'relic' as follows:

relic means any deposit, artefact, object or material evidence that:

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

(b) is of State or local heritage significance.

If an item meets one of the seven heritage criteria, and retains the integrity of its key attributes, it can be considered to have heritage significance (Table 1). The significance of an item or potential archaeological site can then be assessed as being of local or State significance. The following definitions have been provided by the NSW Heritage Office:¹³

'*State heritage significance*' – in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'*Local heritage significance*' – in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

If a potential archaeological resource does not reach the local or State significance threshold, then it is not classified as a 'relic' under the Heritage Act.

Archaeological research potential is distinct from archaeological potential. Consideration of archaeological research potential is also required when undertaking a significance assessment of an historical archaeological site. In *Assessing the Research Significance of Historic Sites* (1984), Bickford and Sullivan developed three questions to gauge significance:¹⁴

- Can the site contribute knowledge that no other site can?
- Can the site contribute knowledge that no other resource can?

¹¹ NSW Heritage Office, 1996. *NSW Heritage Manual, the Archaeological Assessment Guidelines*, p. 25-27.

¹² NSW Heritage Office, 2009. *Assessing Significance for Historical Archaeological Sites and 'Relics'*.

¹³ NSW Heritage Office, 2009. *Assessing Significance for Historical Archaeological Sites and 'Relics'*, p. 6.

¹⁴ Bickford, A. & S. Sullivan, 1984. *Assessing the Research Significance of Historic Sites*. In: Sullivan S. & S. Bowdler (eds.) *Site Surveys and Significance Assessment in Australian Archaeology* (Proceedings of the 1981 Springwood Conference on Australian Prehistory), Department of Prehistory, Research School of Pacific Studies, The Australian National University, Canberra, p. 23–24.

- Is this knowledge relevant to general questions about human history or other substantive questions relating to Australian history, or does it contribute to other major research questions?

The more recent NSW Heritage guidelines mentioned above, *Assessing Significance for Historical Archaeological Sites and 'Relics'*¹⁵, call for broader consideration of multiple values of archaeological sites beyond their research potential. This report implements both above approaches.

Table 1. NSW Heritage Assessment Criteria

Criteria	Description
A – Historical Significance	An item is important in the course or pattern of the local area's cultural or natural history.
B – Associative Significance	An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.
C – Aesthetic or Technical Significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
D – Social Significance	An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
E – Research Potential	An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.
F – Rarity	An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.
G – Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).

5.2 Listed heritage items

There are no listed heritage items within the study area or within 1km of the study area.

5.3 Unlisted heritage items – complete after site visit

There are no listed heritage items within the study area, within 500m of the study area or within view lines of the study area.

5.3.1 Historical themes

Historical themes are a way of describing important processes or activities which have significantly contributed to Australian history at a national and state level. The Heritage Council of NSW has prepared a list of state historic themes relevant to the demographic, economic and cultural development of NSW.¹⁶ These themes provide historical context to allow heritage items to be

¹⁵ NSW Heritage Office, 2009. *Assessing Significance for Historical Archaeological Sites and 'Relics'*.

¹⁶ Heritage Council, 2001. *New South Wales Historical Themes*. Accessed online at <https://webarchive.nla.gov.au/awa/20030417122253/http://www.heritage.nsw.gov.au/docs/themes.pdf> - accessed 21 July 2021

understood in a wider historical context. The study area did not contain heritage items that could be related to a historical theme.

Table 2: Historical themes assessment

Australian Theme	NSW Theme	Discussion
No identified items	No identified items	No identified items

5.3.2 Fulfilment of the NSW Heritage Assessment criteria – after site visit

The heritage values of the study area have been assessed in terms of heritage value as presented in Table 3.

Table 3. Significance assessment of the heritage values in the study area

Criteria	Description *LEP listing in italics ¹⁷
A – Historical Significance	No criterion listing.
B – Associative Significance	No criterion listing.
C – Aesthetic or Technical Significance	No criterion listing.
D – Social Significance	No criterion listing.
E – Research Potential	No criterion listing.
F – Rarity	No criterion listing.
G – Representativeness	No criterion listing.

5.4 Statement of significance – complete after site visit

There are no items within the study area or within 500m of the study area or within view lines of the study area that would reach the threshold of local heritage significance.

6.0 IMPACT STATEMENT

6.1 Overview

This section assesses the heritage impact of the proposed works at the study area.

Within this approach, the objective of an HIA is to evaluate and explain how the proposed works, rehabilitation or land use change will affect the heritage value of the study area and/or place. An HIA should also address how the heritage value of the site/place can be conserved or maintained, or preferably enhanced by the proposed works.

6.2 Proposed works

The study area will be the subject of an application for a Concept DA to facilitate subdivision of E4 zoned land. The proposed subdivision is shown in Figure 2.

6.3 Assessment of heritage impact

The assessment of heritage impact by the proposed development cannot be precisely determined prior to issuing of the final design of the proposed development and development heights within the study area. It has been assumed that in the assessment of view line impacts above, that development will be for residential purposes, that heights will not exceed two storeys. In the event that development is permitted for purposes other than residential &/ to heights greater than two storeys, further assessment of view line impacts to heritage items may be required.

6.3.1 Impacts to listed heritage items

There are no listed heritage items within the study area or within 1km of the study area. No currently listed heritage items will be impacted by the proposed works:

6.3.1.1 Physical impacts

- The proposed works will not result in the removal of any heritage listed item.

6.3.1.2 Visual impacts

- The proposed works will not result in visual impacts to any heritage listed item

6.3.1.3 Physical impacts

- The proposed works will not result in the removal any unlisted heritage item

6.3.1.4 Visual impacts

- The proposed works will not result in visual impacts to any heritage listed item

6.4 Statement of Heritage Impact – after site visit

No heritage values have been identified within the study area or within 1km of the study area. The proposed works will not result in impacts to any identified heritage values. This is summarised in the tabulated Statement of Heritage Impact in Table 4 below.

Table 4. Statement of Heritage Impact

Impact	Discussion
What aspects of the proposal respect or enhance the heritage significance of the study area?	No specific heritage values have been identified for the study area or the immediate surrounds. The study area is within a rural setting that is changing to low density residential in response to current demographic pressures. The proposal is for low density residential development with significant areas of preserved undeveloped land, thus maintaining the historic rural character of the study area and surrounds.
What aspects of the proposal could have a detrimental impact on the heritage significance of the study area?	No specific heritage values have been identified for the study area or the immediate surrounds.
Have more sympathetic options been considered and discounted?	The proposed development is currently at concept design stage and will likely change in response to information gathered through the pre-submission process, including this report and Aboriginal cultural heritage assessment reporting.

7.0 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

This report concludes the following:

- No listed heritage items are within, or within 1km of the study area.
- No unlisted heritage items were identified within 500m of the study area.
- The study area is in a location historically utilised for dairy and beef production.
- Historical documentary investigation has not identified any significant associations with the study area.
- Historical aerial imaging does not provide any evidence of structures in the study area prior to the period between 1974-1987.
- Site inspection confirmed that built structures in the study area post-date 1970, and that no evidence is present for historical remains.
- Assessment of heritage impacts has assumed that the proposed development will be residential in nature and will not exceed two storeys in height.
- The assessment of heritage impacts has found that the proposed development will not impact on listed or unlisted heritage items.

7.2 Recommendations

The following recommendations will aid in mitigating the heritage impact of the proposed works:

- No further assessment of historical heritage values at the study area is required for the proposal to proceed.
- Future development entailing ground disturbing works should have an Unexpected Finds Policy for non-Aboriginal and Aboriginal heritage in place prior to commencement of works to mitigate possible impacts on potential buried archaeological remains.
- Historical (non-Aboriginal) archaeological remains are protected under the Heritage Act 1977 and the protocols outlined in the project Unexpected Finds Policy must be immediately implemented if such remains are identified.
- Aboriginal archaeological remains are protected by the National Parks and Wildlife Act 1974 and the protocols outlined in the project Unexpected Finds Policy must be immediately implemented if such remains are identified.

8.0 REFERENCES

- Angas, George French (1847). *Dapto, Illawarra, New South Wales* Retrieved May 5, 2021, from <http://nla.gov.au/nla.obj-135643814>
- Bickford, A. & S. Sullivan, 1984. Assessing the Research Significance of Historic Sites. In: Sullivan S. & S. Bowdler (eds.) *Site Surveys and Significance Assessment in Australian Archaeology (Proceedings of the 1981 Springwood Conference on Australian Prehistory)*. Department of Prehistory, Research School of Pacific Studies, The Australian National University, Canberra.
- Environment Protection and Biodiversity Conservation Act 1999*,
<https://www.environment.gov.au/epbc>
- Historic Land Register View, <https://hlrv.nswlrs.com.au/>
- Kiama Independent, and Shoalhaven Advertiser (NSW : 1863 - 1947)*, p. 3. Narrow Escape from Drowning. (1878, February 12). Retrieved May 6, 2021, from <http://nla.gov.au/nla.news-article114193839>
- McDonald, W. (1976). *Nineteenth-Century Dapto*. Wollongong: Illawarra Historical Publications.
- NSW *Environmental Planning and Assessment Act 1979*,
<https://legislation.nsw.gov.au/#/view/act/1979/203>
- NSW Heritage Act 1977, <https://www.legislation.nsw.gov.au/#/view/act/1977/136>
- NSW Heritage Office, 1996. *NSW Heritage Manual, the Archaeological Assessment Guidelines*.
- NSW Heritage Office, 2001. *New South Wales Historical Themes*.
- NSW Heritage Office, 2002. *Local Government Heritage Guidelines*.
- NSW Heritage Office, 2009. *Assessing Significance for Historical Archaeological Sites and 'Relics'*.
- NSW Heritage Office, 2009. *Guidelines for the Preparation of Archaeological Management Plans*.
- Transport for NSW, 2015. *Unexpected Heritage Finds Guideline*
<https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/unexpected-heritage-finds-guideline-3tp-sd-115.pdf>
- Vader, J. 2002. *Red gold : the tree that built a nation*. NSW: New Holland



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