

HISTORIC-PERIOD ARCHEOLOGY

167 NORTHUMBERLAND STREET LIVERPOOL

Prepared for Karimbla Construction
Services (NSW) Pty Ltd

January 2020



ARCHAEOLOGICAL ASSESSMENT HISTORIC-PERIOD ARCHEOLOGY

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Liverpool

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1

Precis of the Report



1.1 Scope of Work

This report presents an analysis of the potential for archaeological evidence to be preserved within the site of 167 Northumberland Street, Liverpool. This assessment is concerned only with historic-period archaeological evidence. The work has been commissioned by Karimbla Construction Services (NSW) Pty Ltd as part of a suite of documents to support a development application to Liverpool City Council. The building that occupies the site is not a listed heritage item. This place has been identified in the Archaeological Zoning Plan for Liverpool as one with low potential for intact evidence.

1.2 Historical Context

The following conclusions may be made from the primary archival evidence for this site:

- The project area was included in one of the earliest nineteenth century grants in the town made to a prominent civil servant in 1818. However, there is no evidence that any improvement was made to it other than clearing and fencing.
- This grant (which includes the land to the north, south and west of the project area) was sold three times in the 1830s. It is likely that a prominent architect, Standish Harris used the land immediately adjoining the project area to the north to construct a house. The subsequent owner, John Edye Manning may have improved it with the addition of out-buildings. These structures remained on the site into the early decades of the twentieth century.
- The property was sold again in 1838 and between then and the end of the nineteenth century the paddock adjoining the house and including the project area was re-fenced, used to agist a horse and a cow and had one cow shed on it, its position unknown.
- The paddock began to be subdivided in 1891 and in the 1920s-1930s two houses were built on the land now encompassed with the project area.
- These allotments and the land that had been occupied by the 1830s house were acquired in 1981 and the present buildings constructed along the street frontage.

1.3 The Archaeological Profile

The probability of an intact and significant archaeological profile on the site of 167 Northumberland Street is minimal. Until the early decades of the twentieth century the land was only used as a paddock for animals with a single shed erected on it. It was redeveloped with two houses in the c. 1920s. The current development, undertaken in the 1980s is likely to have substantially removed any evidence of those buildings and service trenching has impacted the site. The research potential of this site is minimal at best and more likely non-existent.

1.4 Cultural Significance

The project area is located within the original town plan of Liverpool created in 1810, encompasses part of one of the original town sections (No 53) and a portion of an early nineteenth century grant made in 1818 to an important civil servant, John Thomas Campbell. Other than ownership he has no particular associations with the site. This is true for the following owners other than Standish Harris, a well-known early nineteenth century architect, the second Colonial Architect, who is likely to have constructed the first and only substantial nineteenth century improvement; a house and out-buildings (not within the project area) in the later 1830s.

Of the later nineteenth and early twentieth centuries the project area has particular associations with specific people and families who were responsible for its development or lived and worked here for particular periods. None are especially noteworthy or important in the local community of their time. The evolution of the site from a large and open nineteenth century property to the smaller suburban blocks of the first half of the twentieth century and the commercial development of the later twentieth century is typical of the development of the town.

The project area is unlikely to encompass an archaeological profile due to limited past use and impacts from the construction of the present building. The project area is assessed to have minimal or no technical potential or significance. It has minimal or no ability to demonstrate the past or express these periods of use or change.

1.5 The Development Proposal and Impacts

The application is for redevelopment of the entire property envelope with a new hotel building. It will have up to three basement levels. The excavations required would remove or disturb any archaeological evidence that may remain within this portion of the site. However, the assessment presented in this report concludes that it is very unlikely that any archaeological profile exists within the site. The impacts from the proposed work on the cultural values of this place as an archaeological resource are assessed to be little or none.

1.6 Recommendations

- The proponent of the development is advised to apply for an S139(1C) exception permit under the provisions of the NSW Heritage Act. This permit is applicable for circumstances where “*evidence relating to the history or nature of the site, such as its level of disturbance indicates that the site has little likelihood of relics or no archaeological research potential*”.
- Application for this permit requires submission of the S139 form accompanied by a statement documenting that the proposed excavation will only remove material with little or no archaeological potential and no heritage significance. This assessment fulfils that requirement). Submission also requires a schematic plan of the site or other documents to describe the development (1 hard copy and 1 electronic copy). The s139 application form may be downloaded from the following link:
<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/S139-S146Frm2013.pdf>
- There is an ongoing obligation that requires notification under the provisions of an unexpected find if a substantial and intact relic is uncovered by the excavation. An unexpected find is a relic, as that is defined by the Act, that has not been identified in existing assessments or permits and which has potential cultural values. In the event of an unexpected find being identified on the site the client/project manager must stop work around it and provide protection for the relic. Preliminary advice should be sought from a qualified archaeologist to determine in the item is a relic and, if so, notify Heritage (DPC). This can be managed at first by contacting the office directly and by submitting a S146 Notification of a Relic form. Submission of the form also requires it to be accompanied by a statement that describes the circumstances of the discovery and any assessment or mitigation measures undertaken prior to notification. Management of this find may require application for a permit. The form is available at the same link as the s139 exception form

2

The Project Scope



2.1 The Project Area

The subject of this archaeological assessment is the property located at 167 Northumberland Street, Liverpool. The cadastral identification for this site is Lot 6 in DP 628996. It has a frontage to Northumberland Street

The site is within the southern part of the block bound by Northumberland Street on the east, Moore Street to the south, Bathurst Street to the west and Elizabeth Street to the north. This is the original Section 53 of the Town of Liverpool. It is located within the parish of St Luke, County of Cumberland, City of Liverpool and the local Government Area of Liverpool City Council.

2.2 Project Context

This assessment has been prepared to inform and support a development application to be made for this site. The application is for redevelopment of the entire property. The current two-storey commercial building will be removed and a new hotel will be constructed on the site. The hotel will have two and possibly three basement levels. The excavations required for this basement could remove or disturb any archaeological evidence that may remain within the site. This potential impact is the reason for undertaking the archaeological assessment.

2.3 Project Scope and Objectives

This assessment only addresses the potential for historic-period archaeology within the project area. The objectives for the project may be defined as follows:

- To determine the presence or absence of an archaeological profile within the project area
- If present define the scope and probable integrity of the resource
- To evaluate the cultural significance of this resource
- To determine the impacts of the proposed work on the resource and its cultural values and whether there are archaeological issues relevant to historic-period archaeology to be addressed prior to or during the course of works to this site due to the exposure, removal or disturbance of relics through excavation or other works required for construction
- To define protocols or strategies to be implemented as part of any development to ensure the most effective management of the historic-period resource commensurate with its significance including the need for permits issued under the provisions of the NSW Heritage Act 1977

2.4 Methodology

The assessment has been written according to best-practice principles expressed in the following documents:

- NSW Department of Planning (1996): *Archaeological Assessments*
- NSW Department of Planning (2009): *Assessing Significance for Historical Archaeological Sites and Relics*

The following tasks have been undertaken to address the outcomes required of this assessment:

- Identification and review of all reports of relevance to the archaeology of the project area within its close proximity and statutory or other heritage listings
- Use of the historical analysis to determine specific sites or areas, characteristic works or processes that have influenced the development and survival of an archaeological profile.
- Site inspection, visual only: no physical intervention had been made into the site
- Determination of an historic period archaeological profile that may be preserved within the project area based on the evidence from the historical analysis, physical evidence and comparable sites
- An assessment of the cultural significance of the predicted profile based on standard evaluation criteria
- Determination of strategies and protocols for future management
- Preparation of a report that encompasses all aspects of the analysis and evaluation.

2.5 Statutory Identification and Obligations

This report addresses the project requirements for an historic-period archaeological assessment. It also addresses statutory obligations of both state and local legislation.

2.5.1 State Legislation

Three Acts in NSW provide protection for environmental heritage:

- *National Parks and Wildlife Act 1974* (NPW Act): this applies to Aboriginal objects and places
- *Heritage Act 1977*: applies to environmental heritage including buildings, works, relics, moveable objects and precincts of state and local significance
- *Environmental Planning and Assessment Act 1979* (EPA Act) which applies to Aboriginal and historic-period heritage

The NPW Act provides the primary means of statutory protection for Aboriginal “objects” and Aboriginal “places”. This Act and its implications and implementation for Aboriginal archaeology within the project area is discussed in the Aboriginal Due Diligence Assessment prepared separately for the project area.

The Heritage Act 1977 provides protection for those items of environmental heritage (Aboriginal and historic-period) that are of value to the state of New South Wales. They are assessed to be of significance for values that include historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic representation. Items of cultural value are identified on the State Heritage Register; (SHR). They are granted protection under s.60 of the Heritage Act of NSW 1977. The building that occupies the site is not listed on the SHR and neither is any potential archaeological resource.

2.5.2 Local Legislation

Liverpool LEP 2008 has provisions for heritage conservation including for archaeology, both historic-period and Aboriginal. Section 5.10 of the LEP defines the objectives of conservation including the conservation of archaeological sites, Aboriginal objects and places of heritage significance (*Section 5 (1) c-d*). Development consent is required, in the case of historic-period archaeology, “*where disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or*

excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed". This is also the case for the excavation of Aboriginal places of heritage significance (*Section 5 (2) c, d*). Development consent can only be granted if consideration has been given to the impact of proposed works on heritage items or values (*Section 5.4*).

Consent is not required if the applicant has advised the consent authority of the development and that authority has responded in writing of notification that the work would not adversely impact the significance of the archaeological site (*Section 5.3 ii*).

In this case the project area has been identified as one having the potential for an archaeological profile, although that potential was determined to be low (*refer Section 2.5.3*). This assessment fulfils the requirements to evaluate the impacts of work on that profile as well as informing both local and state legislative authorities of the nature of the archaeological evidence and the means of addressing it as part of a proposed development.

Liverpool City Council has advised the proponent of the development that it requires an historic-period archaeological assessment of the site.

2.5.3 Identification

The site of 167 Northumberland Street, Liverpool is not identified in Schedule 5 Environmental Heritage attached to Liverpool LEP 2008. However, an archaeological zoning and management plan was prepared for the Liverpool in 1996¹. The Zoning Plan identified the site of 167-173 Northumberland Street (Inventory No 53.6) as having a medium degree of potential with medium disturbance and considered the site to be of low significance. It was said to have remains of twentieth century housing.

2.6 Prior Studies

The project area has not been the subject of a dedicated analysis for archaeology. Its reference on the Archaeological Zoning Plan is the only specific archaeological analysis pertinent to the site. Very few archaeological programmes have been undertaken in Liverpool. None are within the vicinity of the project area.

2.7 Structure of the Report

The structure and content of this report reflects the research and analytical structure of the guideline documents described in Section 2.4 as follows:

- Section 2.0: Describes the project, its outcomes and the work undertaken to achieve those outcomes
- Section 3.0: Analyses primary archival evidence to define the establishment and evolution of 139 York Street and the profile of occupation on it at key phases of its development
- Section 4.0: Defines the archaeological profile that may exist within the project area and its cultural significance

¹ Casey and Lowe Associates and Ireland (1996); *Liverpool Archaeological Zoning and Management Plan*

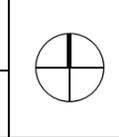
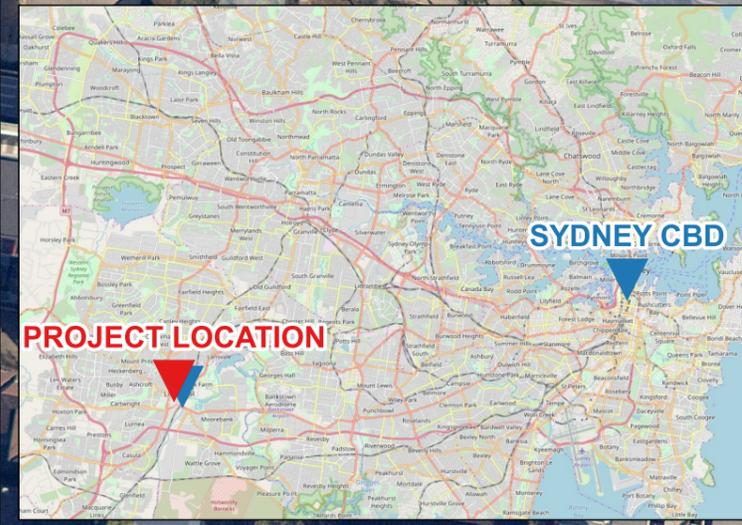
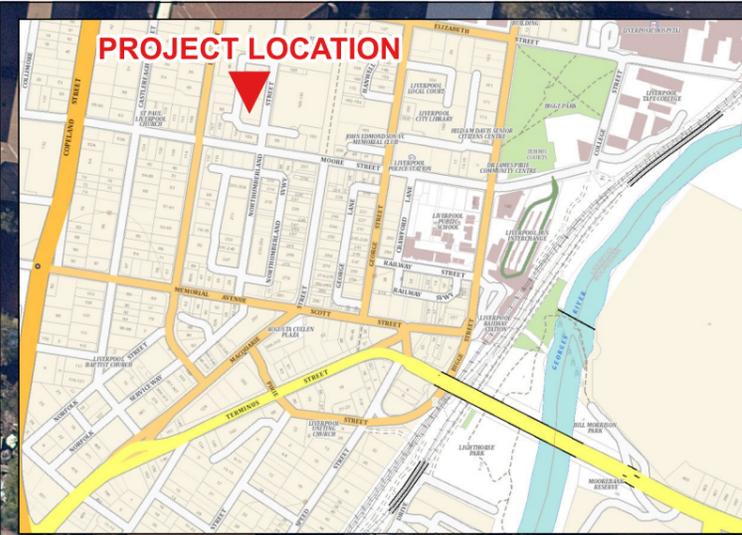
Section 5.0 Discusses the impact of the proposed work and the strategies and protocols required to address and manage archaeological resources within the project area

2.8 Authorship and Acknowledgements

The author of this report is Wendy Thorp (Cultural Resources Management). CRM is responsible for the original research for this analysis. Images and graphics have been prepared by Ireneusz Golka (CRM). The report was prepared for and on behalf of Karimbla Construction Services (NSW) Pty Ltd.

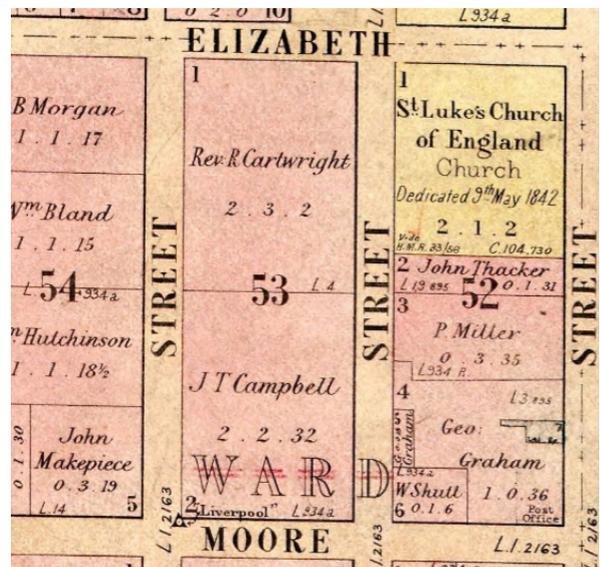
2.9 Abbreviations and Conventions Used in the Report

AHD	Australian Heritage Database
AZP	Archaeological Zoning Plan
CHL	Commonwealth Heritage List
CRM	Cultural Resources Management
DCP	Development Control Plan
LEP	Local Environmental Plan
NHL	National Heritage List
NLA	National Library Australia
REP	Regional Environmental Plan
SHR	State Heritage Register
SRO	State Records Office



3

Historical Analysis



3.1 The Context of European Settlement

Liverpool is one of the “Macquarie Towns”, those places specifically selected by Governor Lachlan Macquarie early in his administration as the site for new towns. The first of those town sites was that of Liverpool. The site was selected by the Governor in November 1810². In fact, the site of the proposed town was in an area which under earlier Governors had been surveyed and grants taken up particularly along the water frontages (Georges River and Cabramatta Creek). The Governor directed the surveyor James Meehan to mark out the site of the town with a square in the centre which would be the site of a church.

Almost immediately an offer was made for free mechanics and tradesmen to acquire leases of town allotments. All the town allotments were to be of one acre. Specifications were made in respect of the type of buildings that were to be permitted on these allotments. The population was slow to grow. By 1814, 832 people were identified as living at Liverpool but most were not within the town³.

The growth of the town itself was slow with sites for public works still being selected several years after foundation. One traveller noted in 1815 that, at that date you could have passed through the town and not noticed it except for a board on a tree that identified the place⁴. By 1819, although the town was still heavily wooded street names had been assigned and the town allotments marked out.

The first European alienation of the project area belongs to this period of increased activity. Images of the town in the early 1820s show the substantial development that had occurred there in a relatively short period.



Joseph Lycett, Liverpool NSW c. 1824 [NLA, PIC Volume 1103 #S433/nla.obj-135702359]

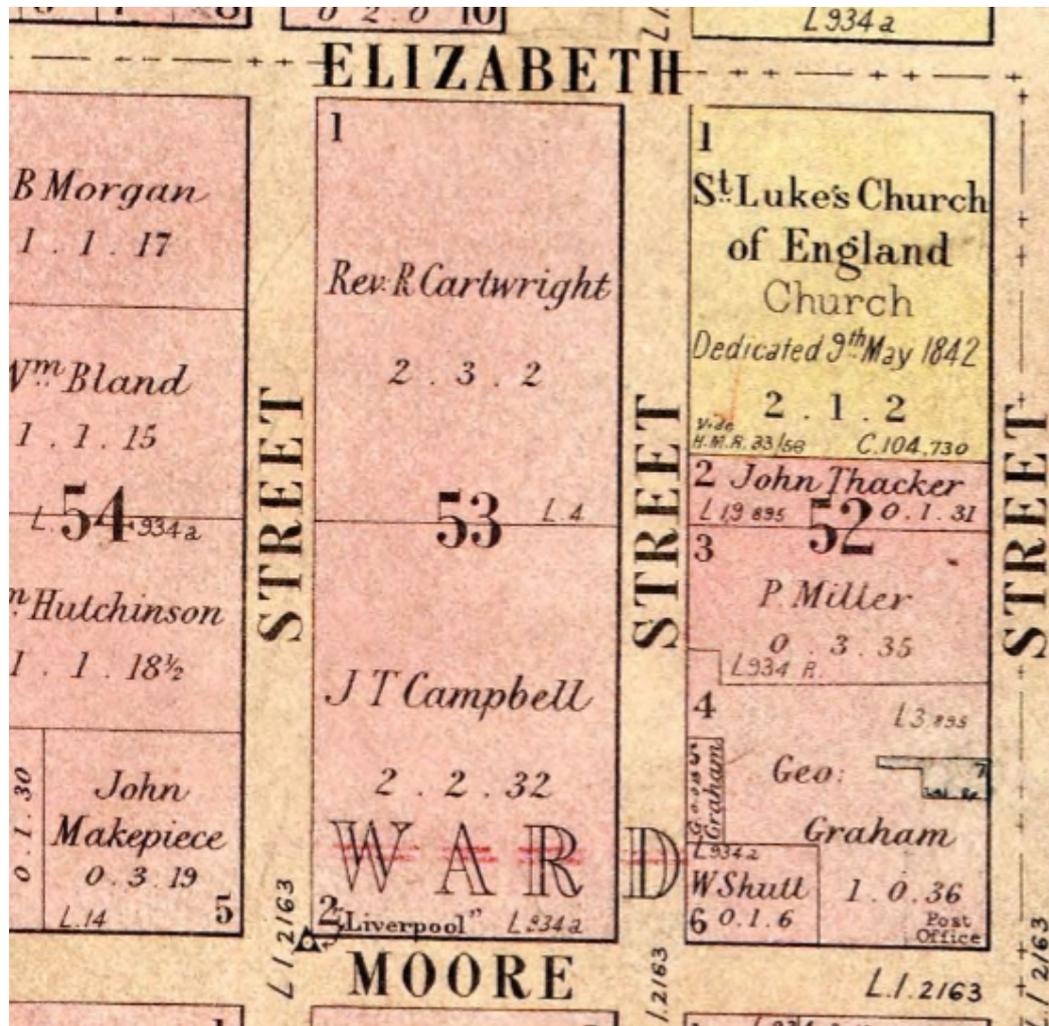
² Heritage Council NSW (2010); *Macquarie's Towns*: 15

³ *Ibid*; 18

⁴ Cited in *Ibid*: 21

3.2 Initial Grant, John Thomas Campbell: 1818 -1832

On 8 May 1818 a land grant of 2 acres 2 roods and 32 perches was made by Governor Lachlan Macquarie to John Thomas Campbell⁵. This was the first European alienation of the land that encompasses the project area.



Extent of John Campbell's land grant recorded on an undated parish plan [NSW Land Registry, Historical Plans Viewer]

John Thomas Campbell was a highly influential figure in the early settlement. He was the Vice-Regal Secretary to Governor Macquarie and remained so for eleven years. He was appointed Provost Marshall in 1819 and served in that appointment until 1825. In the later 1820s he was appointed to several senior positions in the public service and in 1829 he became a member of the Legislative Council. He was the first president of the Board of

⁵ LPI: Town Grants Register Volume 2, No 43

Directors of the Bank of NSW. Campbell owned extensive land holdings including 1550 acres at Bringelly. He died in 1830⁶.

There is no evidence to indicate that Campbell developed his town grant (one of two) in Liverpool other than to fence it. The town plan of 1827 shows the site to be vacant⁷.

After his death in 1830 his heir, an Irish relative, undertook to sell all Campbell's lands and estates. The Liverpool grants were put up for sale in 1832. "*Lot V. Two Town Allotments in the pleasant village of Liverpool at the rear of the church and containing in all about two acres and a half, fenced in*"⁸. The notice confirms that the land had only been cleared and fenced by its first owner. The new owner was Joshua John Moore.

3.3 Moore, Harris and Manning: 1833 - 1838

There is some evidence to suggest that Moore had actually acquired the land from Campbell almost immediately after it was granted in 1818⁹. However, there is clear evidence that the Liverpool town grant was purchased in January 1833 by Joshua John Moore for the sum of £70¹⁰, perhaps regularising an earlier arrangement.

Joshua John Moore was a lieutenant in the 14th Regiment of Foot which arrived in the colony in 1816. He was appointed to several civil positions including Clerk to the Judge Advocate. After his retirement from public life he settled on his farm at Cabramatta "Cumberland Cottage" from at least 1825. In the 1830s he replaced this with the still extant and state significant "Horningsea House"¹¹. He also owned several other properties. There is no evidence that he developed or occupied the land he had acquired in the Town of Liverpool that encompasses the project area. Moore only owned the property for one year selling in October 1834 to Standish Lawrence Harris for the same sum of £70¹². The price it was sold for was the same as that purchased; Moore clearly did not make any substantial changes to the property.

Standish Harris, a prominent architect and the second Colonial Architect, also owned this property for less than a year selling to John Edye Manning in May 1835 for £120¹³. The increase in price might indicate some improvements being made to the site at this time although later evidence would indicate that nothing substantial was undertaken here in this period.

Manning was appointed the Registrar of the Supreme Court in 1828 and he took an active part in public life becoming a member of various committees and Boards. He owned large land holdings in NSW and Victoria. In the 1840s his financial position became dire and he was the subject of legal proceedings over his dealings as a civil servant. He left the colony and died in England in 1870¹⁴. Prior to his troubles in the 1840s Manning had sold the Liverpool property to Thomas Parsons, a surgeon of Liverpool, for £315¹⁵.

⁶ Biography of J.T. Campbell <http://adb.anu.edu.au/biography/campbell-john-thomas-1873>

⁷ R. Hoddle (1827); *Plan of the Town of Liverpool*. SLNSW M# 811.1345/1827/1

⁸ *Sydney Gazette* 28 August 1832; 01

⁹ LPI Old Systems Book C No 431

¹⁰ LPI, Old Systems Book G No 431

¹¹ "Lieutenant Joshua John Moore": *Federal Capital Pioneer* 20 August 1920; 04

¹² LPI, Old Systems Book G No 481

¹³ LPI, Old System Book H No 230

¹⁴ Biography of John Edye Manning adb.anu.edu.au/biography/manning-john-edye-242

¹⁵ LPI Old Systems Book Q No 249

The difference in cost between the purchase price of £120 given by Manning and the sale price four years later in 1838 for £315 is best explained by Larmer's 1836 town plan of Liverpool. This records a substantial building on the allotment with a frontage to Northumberland Street. It had two large outbuildings behind forming a U-shaped arrangement. This building was at the northernmost end of Campbell's grant and north of the project area. The latter was recorded as undeveloped land associated with the structure in 1836. On the basis of later evidence (*Section 3.5*) the large structure recorded on the allotment in 1836 may be identified as a substantial house that had out-buildings behind it. At least in the latter decades of the nineteenth century it was called "Ercildoune"¹⁶.

The person responsible for the house could either have been Standish Harris or John Edye Manning. Given the escalation in price it is possible that Harris built the house and Manning made more improvements to it.

3.4 John Parsons: 1838 - 1856

John Parsons, having purchased the property in 1838 owned it until 1856. He certainly occupied the house at the northern end of the allotment but the ground to the south adjoining it to Moore Street (including the project area) was open ground used for animal agistment. In a statutory declaration made by a long-term resident in 1886 he stated of this ground:

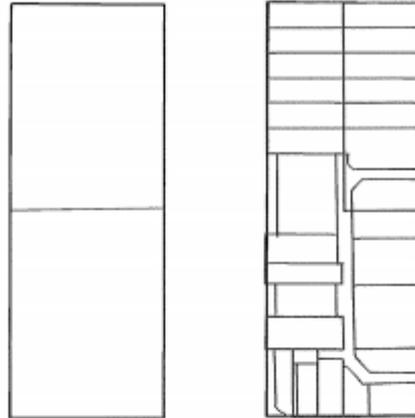
*"I knew the late Dr Parsons to occupy the land in the same way (as a later occupant) by keeping his horse and cow in there and remember his having it fenced with a three-railed fence upwards of forty years ago. The fence erected by him existed until some 8 or ten years ago when it was removed..."*¹⁷.

¹⁶ *Cumberland Argus* 25 September 1920; 05

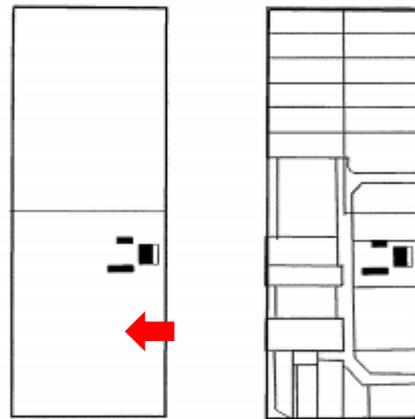
¹⁷ Statutory declaration Stephen Whiteman 1886 Primary Application 6550

Sec 53

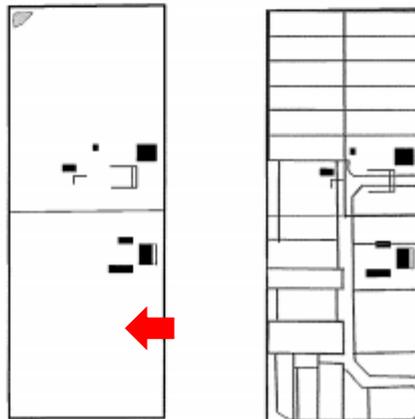
**Hodde
1827**



**Larmer
1836**



1840



Development of Section 53 based on the town plans showing what is likely to have been the house created by architect Standish Harris in the later 1830s adjoining the project area, the later indicated by the red arrow in an area recorded as vacant of major improvements. This is the ground used to agist the owners animals [Casey and Lowe and associated {1996}; *Liverpool Archaeological Zoning and Management Plan* Volume 3; 18 with CRM additions]

3.5 Kinnear Robertson and Family: 1856 - 1888

John Parsons sold the property including the house to Kinnear Robertson in 1856 for £750¹⁸. Kinnear Robertson Senior was Assistant Colonial Surgeon in Liverpool Hospital in the 1830s. He and his wife were living in Liverpool in the 1830s in Macquarie Street¹⁹. By the 1840s he was a magistrate at Bathurst²⁰

He lived in the house on this property until his death in 1858; the funeral procession left from the house²¹. In 1881 one his daughters described this as her present residence and family home²². The family retained this property until the 1880s. It was finally sold by them in 1888 to Peter Manning Hosking, a railway employee²³. He had married one of the Kinnear daughters.

There is one image of Northumberland Street in 1886 that shows the house and the vacant paddock adjoining it. It shows in the centre of the image (indicated by an arrow below) the Standish Harris house and out-buildings and adjoining that to Moore Street the enclosed paddock.



Panoramic Photograph, c1886 from St Luke's Church showing the house (arrowed) and paddock encompassing the project area (blue arrow) on Campbell's grant [Waterman panorama in C. Keating (1996); *On the Frontier A social History of Liverpool*; 100]

¹⁸ LPI Old Systems Book 41 -434

¹⁹ Birth notice *Sydney Monitor* 11 May 1838; 03

²⁰ *NSW Examiner* 9 April 1842; 03

²¹ *Sydney Morning Herald* 30 September 1858

²² Statutory declaration of Janet Hosking 1881 PA 6550

²³ LPI, CT Volume 886 Folio 65

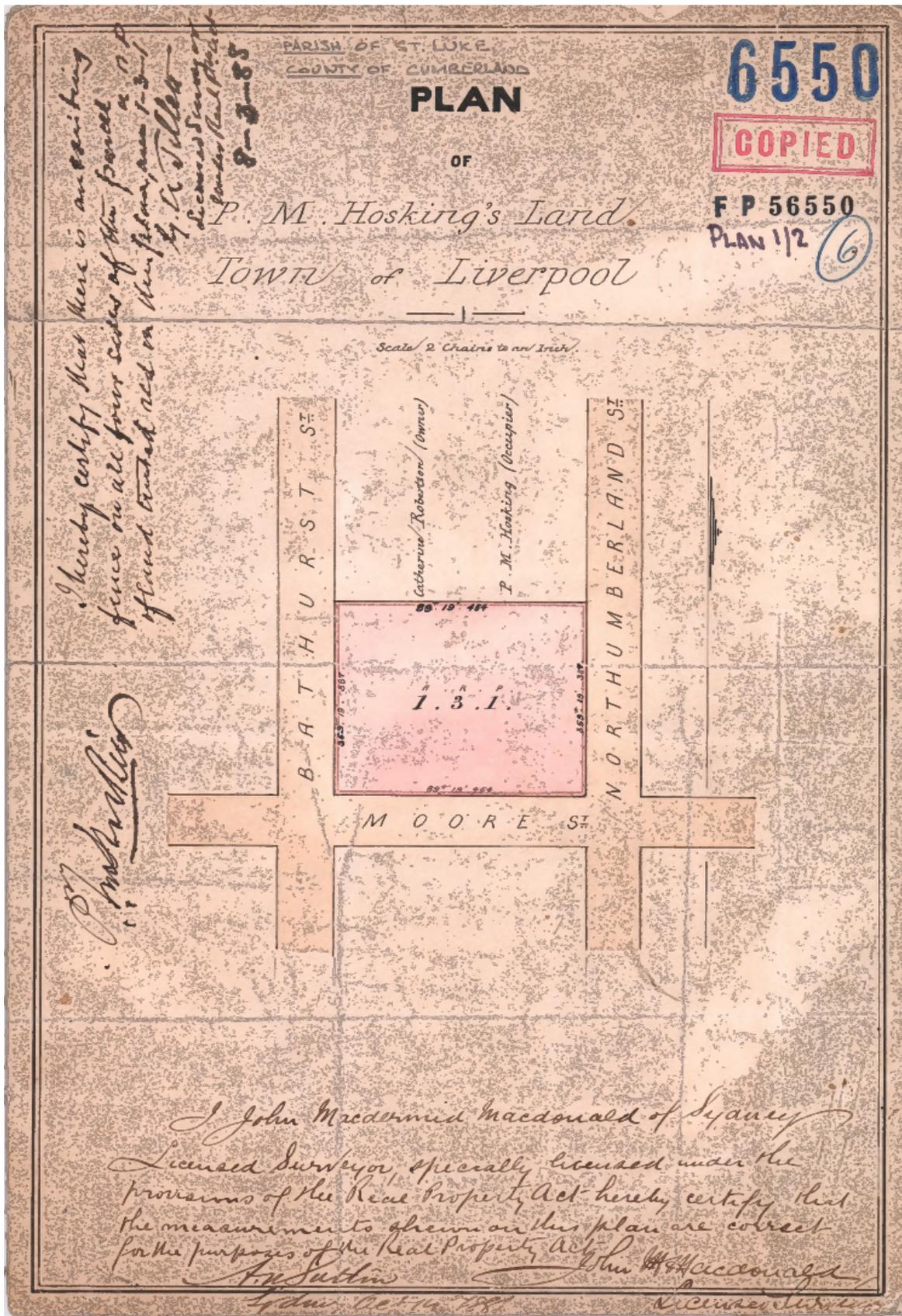
3.6 Peter Manning Hosking

It was Hosking who finally brought the Northumberland Street property under Torrens title making a primary application for this purpose in June 1888²⁴. Hosking occupied the house and in his application he sought to bring the land adjoining including the project area, a total of 1 acre, 3 rods and 1 perch under title. It was valued at the time at £300. He stated that he occupied the site. The survey made for the application in 1885 notes that *"I hereby certify that there is an existing fence on all four sides of the parcel of land"*. In a statutory declaration made in 1885 Hosking makes clear his use of this land which includes the project area:

"When the land first came into my possession it was enclosed with a three railed fence which I had removed some 8 or ten years ago and a new three railed fence erected in its place. I have ever since used and occupied this land as my own leaving my horse and cow upon it continuously and using it in every way for domestic and other purposes. I have erected upon it a cow shed which has been upon the land for some years and I have during the whole 25 years the exclusive and undisturbed possession thereof".²⁵

²⁴ Primary Application 6550

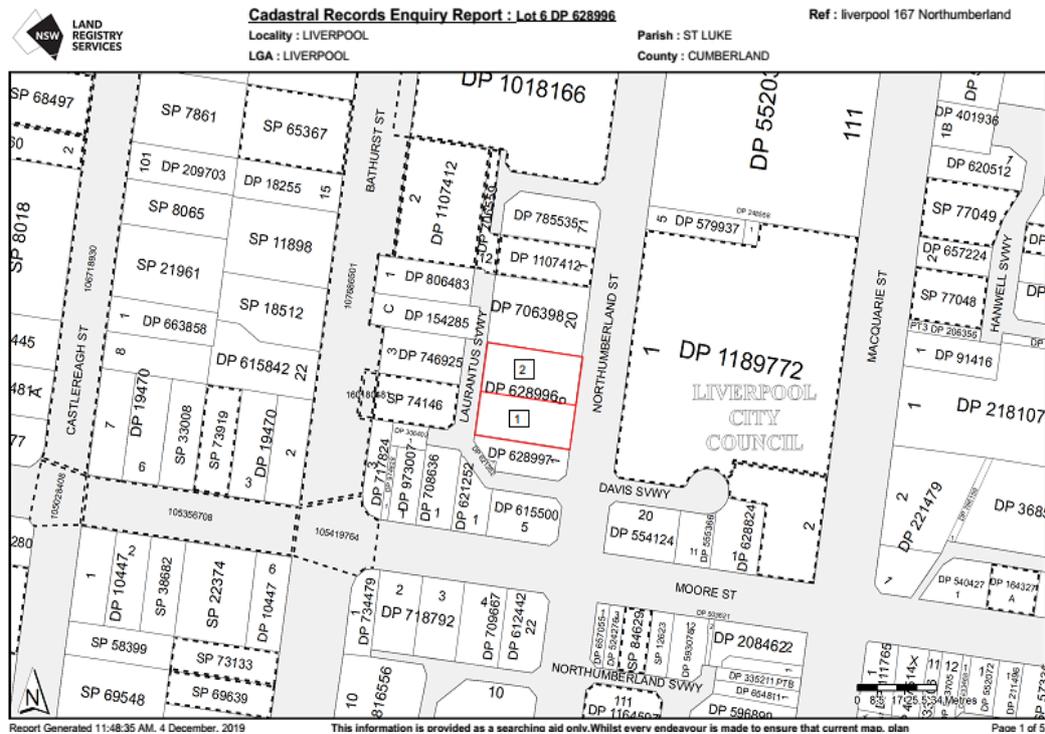
²⁵ Statutory Declaration Peter Hosking 1886 Primary Application 6550



The parcel of land that includes the project area surveyed for the primary application made in 1885 at which time it was stated that this land was fenced and had one cow shed upon it (LPI; FP 56550)

3.7 Subdivision

The parcel of land that encompasses the project area remained as a paddock into the early years of the twentieth century. It followed a pattern of development different to that of the portion of the allotment occupied by Hosking’s house. On the following plan this portion is shown as “1” and the house allotment as “2”.



The ground defined as “1” is the majority of the former paddock associated with Hosking’s house (originally built by Standish Harris in the 1830s) which is located on the block defined as “2”|LPI Enquiry Report 2020|

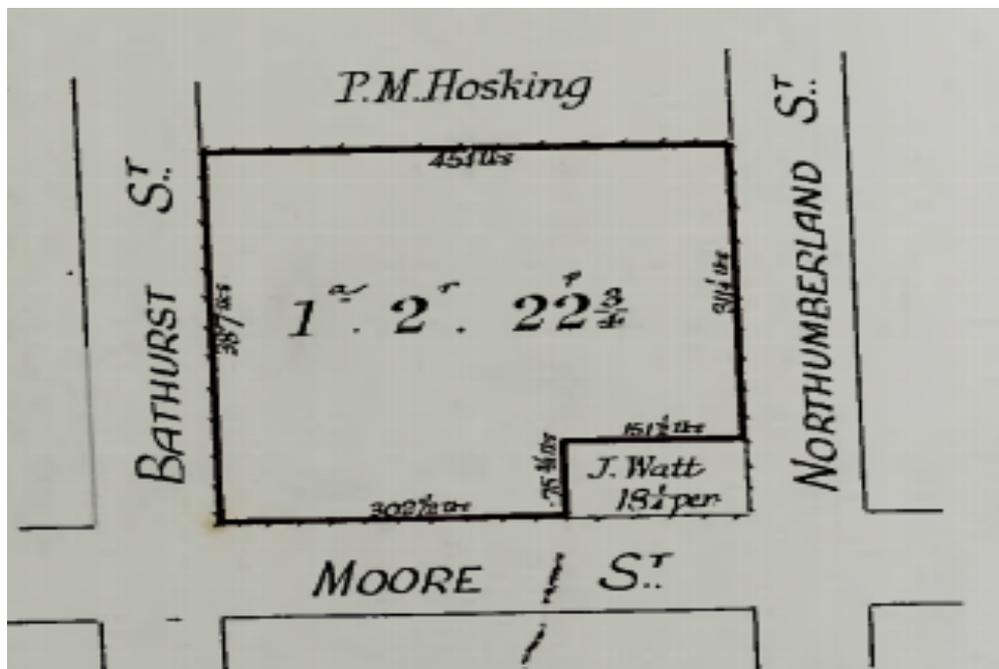
The first subdivision of the paddock was in 1891 at which time a small block was created at the intersection of Northumberland and Moore Streets (outside the project area). This was acquired by James Watt²⁶. This was the beginning of the gradual development in the early decades of the twentieth century of residential allotments on this ground. From 1916 through the 1920s other subdivisions were made on this allotment on Moore Street and between Bathurst and Northumberland Streets.

The change in ownership of the former paddock may be summarised as follows:

Date	Acquisition	Reference
13 May 1922	George Robert Prince	LPI CT 2686/107
8 January 1943 acquisition by inheritance	Mary Eva Prince (widow)	LPI CT 2686/107

²⁶ LPI, CT 1026 Folio 82

8 January 1943	George, Carl and Christian Killinger	LPI CT Volume 2686/107
7 January 1963	Carl and Christian Killinger	LPI CT 2686/107
7 January 1963	Elizabeth Killinger	LPI CIT 2686/107



J. Watt's allotment made in the paddock adjoining Hosking's house, the first subdivision made in 1891 of this land [LPI, CT Volume 1026 Folio 82]

On portion 2, occupied by the house and its out-buildings the following sales were made:

Date	Acquisition	Reference
7 November 1924 acquisition by inheritance	Janet Hosking widow	LPI CT 2099.74
9 May 1928	George Kinnera Hosking	LPI CT 3701/150
13 April 1937	George Innes	LPI CT 4152/169
9 March 1939	Ada Luck	LPI CT 4152/169
19 October 1945	Allen Luck	LPI CT 4152/169
8 March 1948	August Wych	LPI CT 4152/169
7 October 1965	August and Alice Wych	LPI CT 4152/169

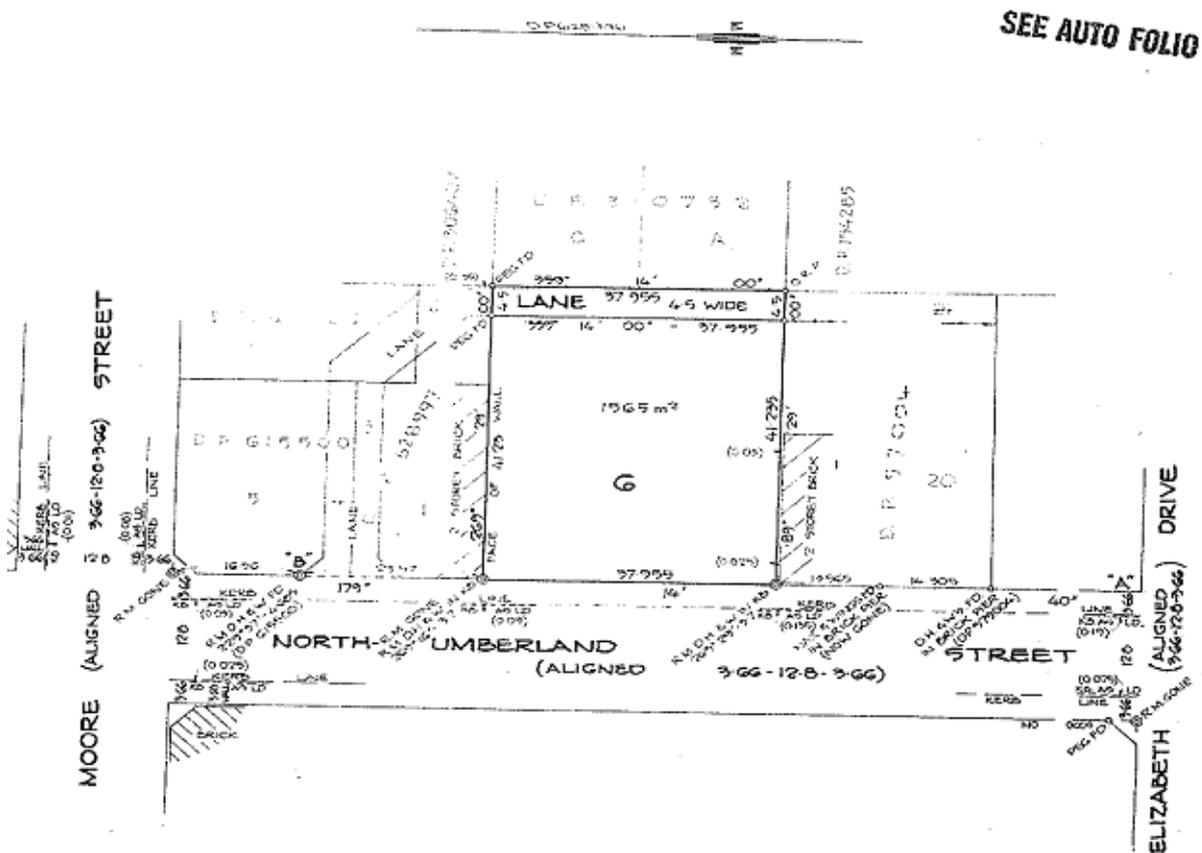
An aerial image of the block in 1943 shows the project area occupied by two houses set in suburban garden allotments and fenced round. The Standish house appears at that date to be still standing.



Aerial image of 1943 showing two houses on the project area (outlined in red) and the nineteenth century house adjoining them [Six Historical Records Viewer]

3.8 Commercial Redevelopment

In May 1981 Taveray Pty Ltd acquired section 2, the former house allotment²⁷. In April 1981 Sebano Pty Ltd acquired section 1 (with the project area) and then Section 2 in September 1981²⁸. The buildings that currently occupy this street frontage along the allotments including that at 167 Northumberland Street were built after this time.



²⁷ LPI CT 4152/169

²⁸ Ibid

3.9 Conclusions

The following conclusions may be made from the primary archival evidence for this site:

- The project area was included in one of the earliest nineteenth century grants in the town made to a prominent civil servant in 1818. However, there is no evidence that any improvement was made to it other than clearing and fencing.
- This grant (which includes the land to the north, south and west of the project area) was sold three times in the 1830s. It is likely that a prominent architect, Standish Harris used the land immediately adjoining the project area to the north to construct a house. The subsequent owner, John Edye Manning may have improved it with the addition of out-buildings. These buildings remained on the site into the early decades of the twentieth century. The ground adjoining it to the south to Moore Street was used to agist animals.
- The property was sold again in 1838 and between then and the end of the nineteenth century the paddock adjoining the house and including the project area was re-fenced, used to agist a horse and a cow and had one cow shed on it, its position unknown.
- The paddock began to be subdivided in 1891 and in the 1920s-1930s two houses were built on the land now encompassed by the project area.
- These allotments and the land occupied by the 1830s house and out-buildings were acquired in 1981 and the present buildings constructed along the street frontage.

From the evidence provided by primary archival records it may be concluded that the project area was largely used from its alienation for European purposes in 1818 until the early decades of the twentieth century as a paddock used to accommodate the animals of the house associated with this land. It was cleared, fenced and had one cow shed on it. It was redeveloped with two houses in the post-war era and then redeveloped with the present buildings in 1981.

4

The Archaeological Profile



4.1 The Site

4.1.1 Structures

The project area is occupied by a two-storey commercial building constructed in 1981 or later. This brick-built structure has no basements. The structure occupies the street frontage; behind is an open, ground-level car park enclosed with a fence.



View north of the street frontage of 167 Northumberland Street, Liverpool [CRM 2020]



View of the street level enclosed car park behind 167 Northumberland Street [CRM 2020]

4.1.2 Services

There are a number of services known to exist within the site including:

- A large service pipe crosses the site from the northern end of the street frontage to the lane at the southern end and then to Moore Street
- There are a number of connections of the boundaries for electrical services
- There are Telstra duct services



Location of major impact to project area from the provision of services |DBYD request 2020|

4.1.3 Landform

The landform has not been substantially changed from the pre-existing topography evidenced by nineteenth century images. It is essentially a level and flat ground surface with only minimal falls.

4.2 Boundaries

The present site boundaries have been geo-referenced to a series of nineteenth and early twentieth century surveys. It may be demonstrated that the present boundary of 167 Northumberland Street closely matches the boundaries of the original grant.

4.3 Physical Evidence

There is nothing visible within the site that indicates the survival of an archaeological profile. There has been no specific geo-technical investigation undertaken on the site nor any close by of a comparable nature. There is no comparable evidence from archaeological investigation in the near vicinity.

4.4 The Archaeological Profile

The probability of an intact and significant archaeological profile on the site of 167 Northumberland Street is minimal. Until the early decades of the twentieth century the land was only used as a paddock for animals with a single shed. It was redeveloped with two houses in the c. 1920s. The current development, undertaken in the 1980s is likely to have substantially removed any evidence of those buildings and service trenching has impacted the site.

The research potential of this site is minimal at best and more likely non-existent.

4.5 Contextual Values

Placing a site within a larger context contributes to evaluating its significance in a regional or national scale. The contextual perspective is made by evaluating the known historical development and associations of a place against themes that have been determined to be characteristic of the evolution of the country and of NSW. The themes are defined in *New South Wales Historical Themes* (NSW Heritage Office 2001). The following table discusses the evaluated profile of the project area in relation to those themes relevant to the project area.

Australian Themes	NSW Theme	Local: the Project Area
4.1 Building settlements, towns and cities	Towns, suburbs and villages	The project area is within the original settlement of Liverpool established by Governor Macquarie in 1810. It is part of a large grant made by him in 1818. It preserves part of this allotment but not its entirety. The property changed hands several times in both the nineteenth and twentieth centuries and the occupation of it in these periods is representative of the growing urbanisation of the town.
4.4 Building settlements, towns and cities	Accommodation	The principal site of the early nineteenth century house built on the 1818 grant is outside the project area. The latter encompasses some of the land associated with the house used as a home paddock for the animals owned by the residents. The twentieth century houses built on the site were typical of the development of the town at that time.

4.6 Cultural Significance

4.6.1 Defining Significance

The primary objective of this report is to determine whether the project area has the potential to encompass an archaeological profile. The analysis of archival and physical evidence indicates that is highly that an historic-period archaeology profile exists here due to the limited historic use of the place and the impacts of later twentieth century development.

Assessing the significance of this potential resource, which for the purposes of this analysis, is assumed to be of the scope and integrity outlined in the discussion, determines the cultural values that this physical resource may have for the community by means of aspects such as social, aesthetic and historic values and for research purposes.

This assessment of the cultural value of the predictive resource for the project area has been written to conform to the guidelines established by the NSW Heritage Branch (2009), "*Assessing Significance for Historical Archaeological Sites and Relics*".

Apart from specific research value archaeological evidence is one component of the cumulative significance of a place; this can be expressed in standing buildings, landscape components and other values as well as the physical evidence preserved in the ground. Evaluating the significance of a place defines the parameters in which may be established the cultural significance of the archaeological resource.

Assessment of heritage significance is legislated for in the NSW Heritage Act and is fundamental to determining strategies for management. The process of evaluation of cultural significance is defined in the following documents:

- *Archaeological Assessment Guidelines* (NSW Heritage Office 2001)
- *Assessing Significance for Historical Archaeological Sites and Relics* (NSW Heritage Branch 2009)

4.6.2 Existing Assessments

The building that currently occupies the site has not been identified as one of individual significance. The site has not been subject to any earlier assessments in respect of the archaeological profile other than its recognition within the zoning plan for Liverpool undertaken in 1996. That assessment (Inventory No 53.6) concluded that the significance of this site was low.

4.6.3 Evaluation Criteria

The evaluation criteria used to assess cultural significance relate to the value of an item either to the cultural or natural history of a local community or for the state. The criteria may be summarised as follows:

Criterion	Type	Explanation
Criterion A	Historic	Evolution of an item
Criterion B	Associative	Strong association with a person or group of people
Criterion C	Aesthetic	Scenic qualities, creative accomplishments
Criterion D	Social	Esteem of the contemporary community or cultural group for social, cultural or spiritual reasons
Criterion E	Technical/research values	Archaeological, educational, research and scientific values
Criterion F	Rarity	Uncommon, rare or endangered aspects
Criterion G	Representativeness	Demonstrates principal characteristics of a class of items

To be assessed as having heritage significance or cultural value an item must:

- meet at least one of the seven criteria of significance
- retain the integrity of its key attributes

4.6.4 State and Local Significance

Items must be assessed according to their potential value for either the local community or a wider value for the state. An item is assessed to be of state significance if it meets the definition of more than one of the criteria and in the case of relics, its research potential. The NSW Heritage Act 1977 defines the level of state significance as follows:

“State heritage significance, in relation to a place, building, work, relic or 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 significance is defined in exactly the same terms except for its value to the local community rather than state.

In 2009 new criteria were developed to identify whether an archaeological resource is of local or state significance. The following four criteria were created:

- Archaeological research potential (NSW Heritage Criterion E)
- Associations with individuals, events or groups of historical importance (NSW Heritage Criteria A, B and D)
- Aesthetic and technical significance (NSW Heritage Criterion C)
- Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F and G).

4.6.5 Specific Archaeological Values

The value of archaeological evidence is most usually defined by the specific information that can be acquired from this physical resource beyond other resources. This is termed its research potential. This evaluation is generally made before the resource is revealed or investigated so the more detailed the assessment process the better informed is this predictive evaluation. Physical investigation may alter the initial assessment.

Relics must be ranked according to their heritage significance as those of either local significance or state significance. If a potential relic does not reach the threshold for either category then it is not considered a relic under the provisions of the NSW Heritage Act 1977. The significance of archaeological evidence may be linked to other categories of significance, beyond its research potential. However, to define the value of the research capabilities several inclusion guidelines have been developed as follows:

Does the site:

(a) Contribute knowledge that no other resource can?

(b) Contribute knowledge that no other site can?

(c) Is the knowledge relevant to general questions about human history or other substantive problems relating to Australian history, or does it contribute to other major research questions?

If the evaluation of the specific place or site is positive in relation to these questions it is deemed to have research potential.

4.6.6 Evaluation of Cultural Significance

The criteria and values discussed in the preceding section are used here to evaluate the cultural significance of the potential archaeological historic-period resource within the project area. The potential of the project area to address significant Aboriginal cultural and archaeological values is assessed in a separate cultural heritage assessment prepared for this project.

Criterion A: Historic Significance

The project area is located within the original town plan of Liverpool created in 1810, encompasses part of one of the original town sections (No 53) and a portion of an early nineteenth century grant made in 1818 to an important civil servant, John Thomas Campbell. Other than ownership he has no particular associations with the site. This is true for the following owners other than Standish Harris, a well-known early nineteenth century architect and second Colonial Architect who is likely to have constructed the first and only substantial nineteenth century improvement; a house. Out-buildings may have been added by the next owner in the later 1830s (not within the project area).

The later nineteenth century ownership and that of the early years of the twentieth century were by local residents who have no particular historical profile in the history of the town. This is true for subsequent owners.

The evolution of the site from a large and open nineteenth century property to the smaller suburban blocks of the first half of the twentieth century and the commercial development of the later twentieth century is typical of the development of the town.

Criterion B: Associative Significance

The project area has particular associations with specific people and families who were responsible for its development or lived and worked here for particular periods. None are especially noteworthy or important in the local community of their time. The more significant figures such as John Thomas Campbell have minimal associations. The most significant association of the nineteenth century is that of the architect Standish Harris who is likely to have constructed the house that was the focus of this property until the twentieth century. He arrived in Sydney in 1822 and served a short period (1822-1824) as the Colonial Architect. It was noteworthy only for the degree of contention around his work.

Criterion C: Aesthetic Significance

The potential archaeological profile has no identifiable aesthetic significance.

Criterion D: Social Significance

The archaeological profile has no specific demonstrated social significance other than the generic interest of the community in its past demonstrated by archaeological evidence. Given the likely paucity of an archaeological resource it could be inferred that the site has no social significance in respect of its archaeological profile.

Criterion E: Technical Research Significance

The project area is unlikely to encompass an archaeological profile due to limited past use and impacts from the construction of the present building. The project area is assessed to have minimal or no technical potential or significance.

Reference to the contextual analysis of the potential profile in *Section 4.5* of this report demonstrates that while the site and its history is representative of particular periods of growth the site is very unlikely to make substantial contributions to themes considered to be of importance to the state of NSW.

In terms of the 2009 criteria for the assessment of archaeological potential:

- The project area has minimal or no research potential

- It has no substantial associations with individuals of importance
- It has minimal or no ability to demonstrate the past

Criterion F: Rarity

There are no aspects of this profile as it is evaluated that could be assessed to be rare.

Criterion G; Representativeness

The development of the project area is typical of the evolution of town blocks in Liverpool but any archaeological profile is highly unlikely to be able to demonstrate or express these periods of use or change.

4.6.7 Integrity

Based on the evidence available at this time the integrity of this profile in terms of preservation of any archaeological features and deposits is likely to be minimal at best.

4.6.8 Thresholds of Significance

The historical development of this site has local significance; it is representative of the broad patterns of use that characterised the town of Liverpool in the nineteenth and early twentieth centuries. However, the archaeological profile is unlikely to illustrate or narrate this significance or aspects of it.

4.7 Statement of Cultural Significance

The project area is located within the original town plan of Liverpool created in 1810, encompasses part of one of the original town sections (No 53) and a portion of an early nineteenth century grant made in 1818 to an important civil servant, John Thomas Campbell. Other than ownership he has no particular associations with the site. This is true for the following owners other than Standish Harris, a well-known early nineteenth century architect, the second Colonial Architect, who is likely to have constructed the first and only substantial nineteenth century improvement; a house. Out-buildings (not within the project area) may have been added by the next owner in the later part of the 1830s. Of the later nineteenth and early twentieth centuries the project area has particular associations with specific people and families who were responsible for its development or lived and worked here for particular periods. None are especially noteworthy or important in the local community of their time.

The evolution of the site from a large and open nineteenth century property to the smaller suburban blocks of the first half of the twentieth century and the commercial development of the later twentieth century is typical of the development of the town.

The project area is unlikely to encompass an archaeological profile due to limited past use and impacts from the construction of the present building. The project area is assessed to have minimal or no technical potential or significance. Any archaeological profile is highly unlikely to be able to demonstrate or express these periods of use or change.

5

Management



5.1 The Development Proposal and Its Impacts

The application is for redevelopment of the entire property envelope with a new hotel building. It will have up to three basement levels. The excavations required would remove or disturb any archaeological evidence that may remain within this portion of the site. However, the assessment presented in this report concludes that it is very unlikely that any archaeological profile exists within the site. The impacts from the proposed work on the cultural values of this place as an archaeological resource are assessed to be little or none.

5.2 Obligation under the Provisions of the NSW Heritage Act

Archaeological evidence is afforded statutory protection by means of the relics' provisions of the Heritage Act NSW (1977). Specifically Division 9 Section 139 (1) states:

"A person must not disturb or excavate land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit".

A "relic" is defined as follows:

"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 significance" (Part 1, 4)

This assessment has concluded that there are unlikely to be relics within the project area and any disturbed fragments will have no archaeological research value.

5.3 Recommendations

- The proponent of the development is advised to apply for an S139(1C) exception permit under the provisions of the NSW Heritage Act. This permit is applicable for circumstances where *"evidence relating to the history or nature of the site, such as its level of disturbance indicates that the site has little likelihood of relics or no archaeological research potential"*.
- Application for this permit requires submission of the S139 form accompanied by a statement documenting that the proposed excavation will only remove material with little or no archaeological potential and no heritage significance. This assessment fulfils that requirement (one hard copy and one electronic copy are required for submission). Submission also requires a schematic plan of the site or other documents to describe the development (1 hard copy and 1 electronic copy). The s139 application form may be downloaded from the following link:

<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/S139-S146Frm2013.pdf>

- There is an ongoing obligation that requires notification under the provisions of an unexpected find if a substantial and intact relic is uncovered by the excavation. An unexpected find is a relic, as that is defined by the Act, that has not been identified in existing assessments or permits and which has potential cultural values. In the event of an unexpected find being identified on the site the client/project manager must stop work around it and provide protection for the relic. Preliminary advice should be sought from a qualified archaeologist to determine if the item is a relic and, if so, notify Heritage (DPC). This can be managed at first by contacting the

office directly and by submitting a S146 Notification of a Relic form. Submission of the form also requires it to be accompanied by a statement that describes the circumstances of the discovery and any assessment or mitigation measures undertaken prior to notification. Management of this find may require application for a permit. The form is available at the same link as the s139 exception form

REFERENCES

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- Heritage Council NSW (2010) *Macquarie's Towns*. Heritage Council NSW

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- LPI: Town Grants Register Volume 2, No 43
- LPI Old Systems Book C No 431, Book G No 431, Book H No 230, Book G No 481, Book Q No 249, Book 41 No 434
- LPI Primary Application 6550
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Maps and Plans

- R. Hoddle (1827) *Plan of the Town of Liverpool*. SLNSW M# 811.1345/1827/1
- LPI FP 56550

Images

- Joseph Lycett (1824) Liverpool NSW c. 1824 [NLA, PIC Volume 1103 #S433/nla.obj-135702359]
- Panoramic Photograph, c1886 from St Luke's Church showing the house (arrowed) and paddock encompassing the project area (blue arrow) on Campbell's grant [Waterman panorama in C. Keating (1996); On the Frontier A social History of Liverpool; 100]

Newspaper Archives

"Lieutenant Joshua John Moore": *Federal Capital Pioneer* 20 August 1920; 04

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E-Resources

Biography of J.T. Campbell <http://adb.anu.edu.au/biography/campbell-john-thomas-1873>

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