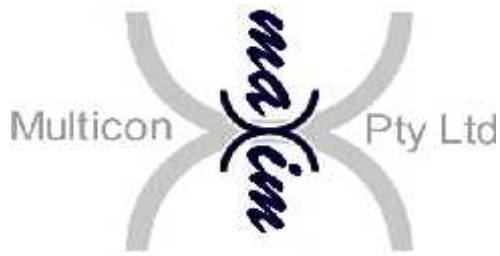


Appendix C

Historic Heritage Assessment



March 2016

**REVIEW OF HISTORICAL HERITAGE
VALUES OF LOTS 2, 3 & 4 IN DP
1160936, AT WYBONG, NSW:
PROPOSED DOLWENDEE QUARRY**

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REVIEW OF HISTORICAL HERITAGE VALUES OF LOTS 2, 3 AND 4 IN DP 1160936, AT WYBONG, NSW: PROPOSED DOLWENDEE QUARRY

Prepared for: **KMH Environmental**

by: **MAXIM Multicon Pty Ltd**

Project No 160101

Report written by: 	Reviewed by: 
Paul Rheinberger	Ross Gam
Principal Archaeologist	Senior Archaeologist
Date 19 March 2016	Date 19 March 2016

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GLOSSARY

Term/Abbreviation	Meaning
Act	NSW Heritage Act 1977
Burra Charter	Australia ICOMOS Charter for the Conservation of Places of Cultural Significance
Co	County, as the primary land division in State survey
Commonwealth Department	Department of Sustainability, Environment, Water, Population and Communities of the Australian Government
Division	The Heritage Division, OEH
EP&A Act	NSW Environmental Planning and Assessment Act (1979)
KMH	KMH Environmental
LGA	Local Government Area
LEP	Muswellbrook Local Environmental Plan, 2009
Maxim	Maxim Multicon Pty Ltd
mm, m & km	Millimetre(s), metre(s) and kilometre(s) respectively
OEH	NSW Office of Environment and Heritage
Par	Parish, as the secondary land division, within a County
UHH or the proponent	Upper Hunter Holdings, the proponent in this application

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EXECUTIVE SUMMARY

This report documents the review of the historical heritage potential of Lots 2, 3 and 4 in DP1160936, referred to as 'the study area': that is to say that the archaeological, historical and physical contexts of the study area have been studied in detail. The study followed the procedures, observed the criteria and revisited attitudes and assessments respectively of the Heritage Division, OEH, the Burra Charter, and the LEP.

Research of archaeological context revealed that no part of the study area has been listed on the LEP and does not appear to have been otherwise archaeologically addressed in the State Heritage Register or Inventory, the National Heritage List, the non-statutory Register of the National Estate Database or the non-official Register of the National Trust (NSW). The historical context was drawn from studies of mapping of Parishes Denman, Wybong, Yarraman and Myrabluan, Co Brisbane and Parish Belford, Co Northumberland, from records of the Registrar General, the ADB and Department of Lands, a range of digital resources and Maxim's holdings.

Historically, the study area is contained within land originally identified as Pors 1 and 2 of Par Denman, Co Brisbane. These portions were leased to John Pike in 1825 and granted to him in 1837. He also acquired connecting portions to the east of this holding, which he called *Pickering*. The property was subsequently acquired in 1859 by Archibald Bell (Jnr) as an addition to his existing local holdings. These men were adventurous and active settlers, favoured by the Governor at a time when wealthy freemen were granted large tracts of virgin land. There is no reason to doubt that firstly Pike and then Bell and his descendants personally lived on the grants, and administered and worked them. It is similarly patent that the farmstead was at *Pickering Homestead*, which was located about 4.2 km east of the study area. Until the late 1970s, both Portions 1 and 2 remained intact; it would not be until 1997 that a projected subdivision was the subject of a Deposited Plan¹. From the mid-19th Century Pors 1 and 2 were separated from the eastern sector of *Pickering* by a host of small portions following the Robertson Crown Lands Acts (1861) of which members of the Bell family held the majority.

Perusal of aerial photography of the study area supports the proposition that the study area has a light cover of upper storey, with heavier cover on the high ridge. The south-west corner of the general precinct carries a vineyard and former winery building of the *Hollydeen* estate. This is only visible evidence of any development in the immediate locality apart from modern fencing. Site survey was directed at identifying any evidence of former historical human activity, specifically:

- residual material evidence of ruined structural (ie: buildings, residential or otherwise) and non-structural improvements (fencing, yards, enclosures and work related items);
- residual non-material evidence, such as building platforms and earthen work floors; and
- residual natural improvements normally associated with residential or rural occupation, notably exotic or cultivated plants, shrubs and trees.

No such evidence has been identified.

In the result this report must observe that the study area does not appear to possess archaeological or historical heritage significance at either State or local level on historical, scientific, cultural, social,

¹ DP868878

archaeological, architectural or aesthetic criteria. While no management action appears presently necessary, any subsequent potential disturbance will be an outcome that is manageable in heritage terms by a process involving:

- briefing staff, contractors and all employed personnel of the implications of the Act; and
- ensuring that all personnel understand and strictly comply with the Act.

Within the framework of relevant articles of the Burra Charter, recommendations have been framed in Section 4 of this report. The adequacy and reliability of the report, its assessments and recommendations has been evaluated as satisfying the requirements of:

- the Act;
- Clause 5.10 of the LEP; and
- Articles 25, 27, 30, 31, 32 and 33 of the Burra Charter.

In all of the circumstances:

- [i.] on the bases of archaeology and heritages values, and
- [ii.] subject to the recommendations of the report...

...there should be no actual or foreshadowed constraint, on archaeological and heritage grounds, upon the development of the study area.

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1.0 INTRODUCTION

KMH commissioned Maxim to study and analyse the historical archaeology and heritage potential of a parcel of land located in the district of Wybong, near Denman, NSW (the study area). The study area is located in the Muswellbrook LGA. This report documents the study, review and analysis of the archaeology and heritage values of the study area, according to standardised criteria by reference to:

- the determination of any past and present archaeology and its history; and
- its collective values, if any, as a component of the historic heritage of the study area locality.

This report does not address the potential of the study area as a resource for Aboriginal cultural heritage, which has been separately addressed.

1.1 *Project Potential*

In broad terms, the study area defined below is intended to be engaged for:

- i) quarrying of an area of north-facing slope for sandstone and conglomerate material, which will cause surface and deep modification to this part of the study area; and
- ii) the construction of a haul road to connect the quarry site with the Golden Highway at Hollydeen in the Wybong district, which will result in the modification of the surface and shallow sub-surface of the haul road route.

The likelihood and extent of impact at physical and heritage level is addressed herein, in terms of the assessment of the heritage values of the study area.

1.2 *Objectives of the Study*

The study has been conditioned by the need, in the community interest, to locate and identify material evidence and/or historical connections in or on the study area that may be considered to import heritage values and to evaluate any consequent archaeological significance and heritage values.

Within this environment, historical material relating to the development and evolving use of the study area is diversely spread. This study integrated the results of investigation of the archaeological and historical records of the study area accompanied by field survey of the site. The principal objectives of the study were to identify, evaluate any archaeological or heritage values and, where relevant, to propose appropriate management protocols for any historical material evidence that may be identified and at some risk from direct or peripheral effects of the development.

Given the framework of this general objective, the study was undertaken on the basis that it may identify archaeological resources, if any, and provide insights into the development of the study area

and its occupational and social fabric that are not available from the historical record. In abstract, archaeological interpretation of the study area individually, and collectively/comparatively with other archaeological and historical studies, *may* have had the potential to advance the pursuit of such relevant themes as:

- the socio-economic development and use of land and resources in remote locations during and from the mid-1820s to the present (the period);
- the nature and condition of living and working in the study area environment during the period;
- the nature of the people in the landscape during the period, their origins, social integration, aspirations and pursuits;
- the relationship between the study area and the primary expansion and population forces in the broader locality; and
- in respect of the above, the different emphases and inferences that may attach to the historical phases of use/occupation/development of the study area.

Within this context, this study was designed to review and make an evaluation of the cultural significance of any archaeological and heritage resource of the study area. After reviewing issues and options for management, recommendations are made about the need for and strategic processes for management of any archaeological and heritage values of the study area and its environs, and about the impact on heritage values of the project.

1.3 *Project Location*

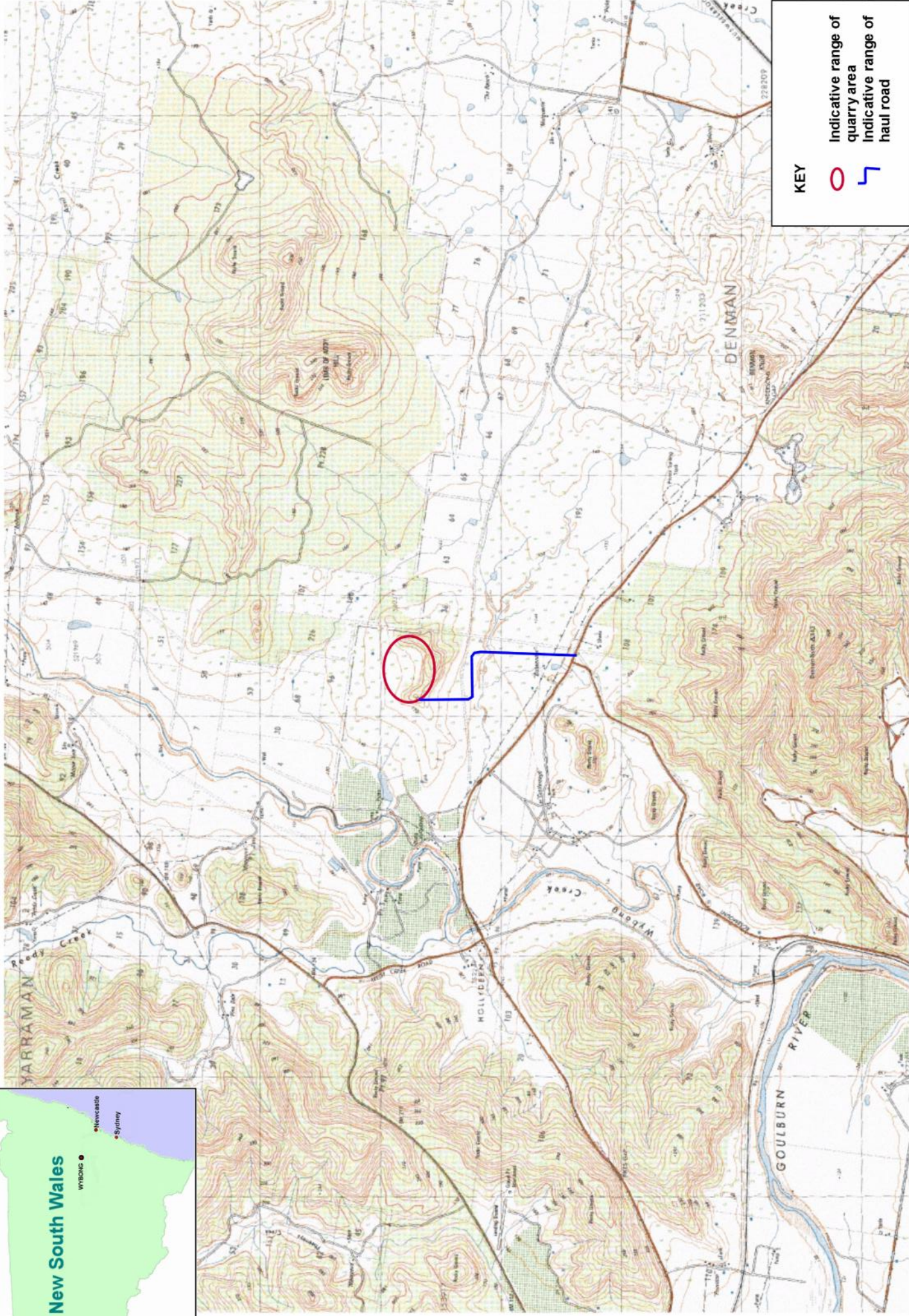
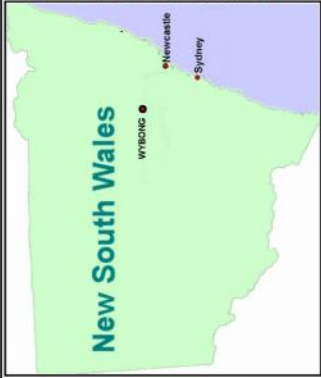
The study area was located northerly of the Golden Highway at a location commonly referred to as Hollydeen, in the locality of Wybong, approximately 7.0 kms north of Denman township.

Other relevant information about the location of the study area is shown in **Table 1.1**.

Table 1.1 - Location Data

Topographic Map Sheets:	9033N Sandy Hollow
Grid reference/ range:	352570.6309795 to 353110.6310695 at centres, ± 10m
Description:	Lots 2, 3 and 4 in DP 1160936, part of the former Portion 1 of Parish
Parish	Denman
County	Brisbane
Local Government Area	Muswellbrook

The regional location of the study area is shown in **Figure 1.1** and the detail of the study area is defined in **Figure 1.2**.

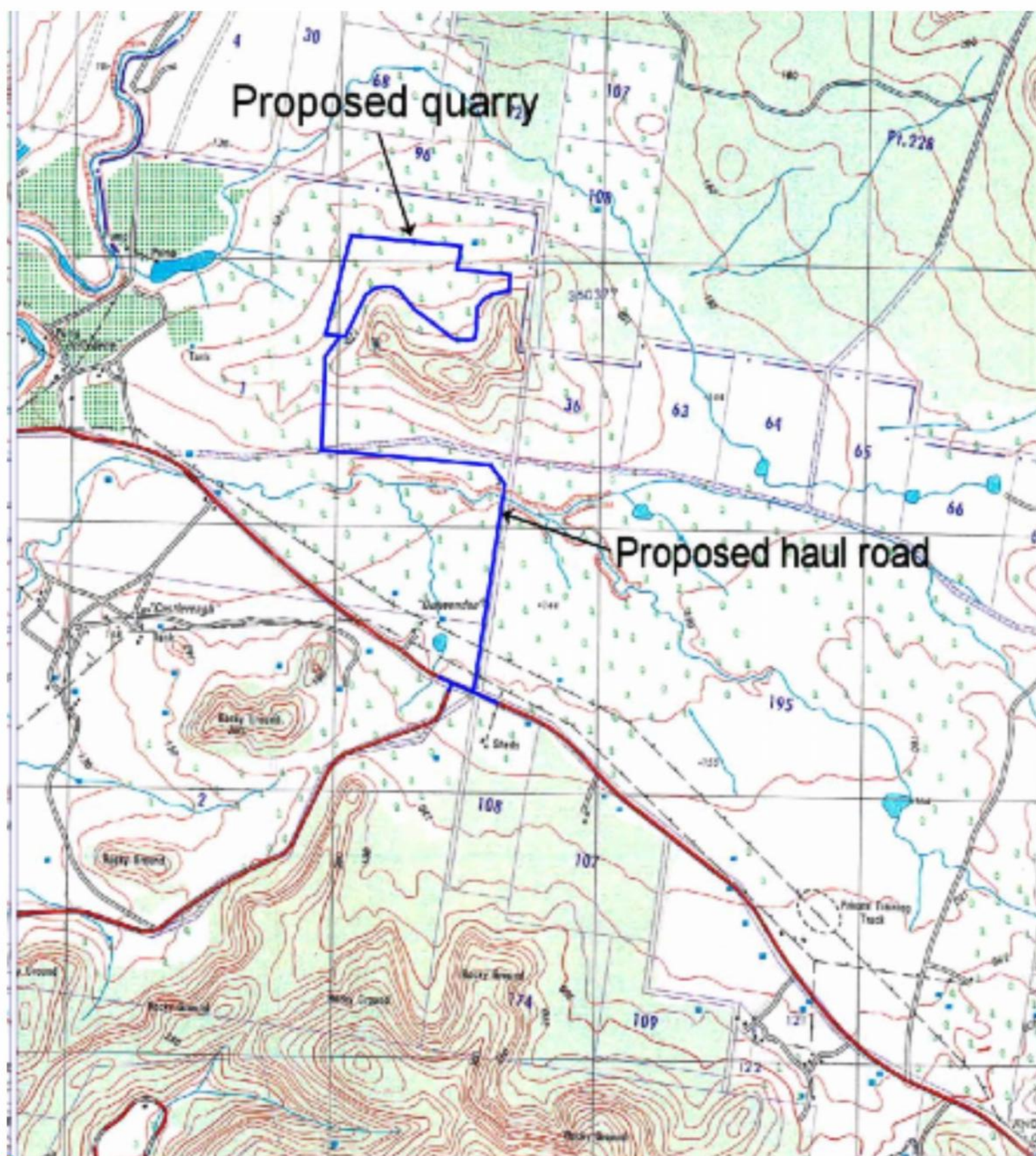


KEY

Indicative range of quarry area

Indicative range of haul road

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1.4 *Methodology and Reporting*

This study and analysis has been undertaken broadly within the framework of the *NSW Heritage Manual*. The sequential steps of the study have been as follows:

- ~ the relevant context of the study area has been researched and analysed, reported in **Section 2**. That is to say, the archaeological and historical records of the study area have been researched, with particular attention to dominant aspects of its post-contact occupation and apparent land use.
- ~ the physical context of the study area has been evaluated initially by review of recent aerial photography and by field study.
- the heritage values and potential of the study area have been addressed in **Section 3**, in the following terms:
 - ~ the cultural significance of the study area has been assessed and a formal statement of cultural significance prepared. No material evidence was identified, suspected or foreshadowed that might call for evaluation of condition and integrity or for further field assessment;
 - ~ where research themes might possibly have been addressed, in the absence of present or potential material evidence in the study area, such consideration has been discounted.
 - ~ in the absence of present or potential material evidence in the study area, a formal Statement of Heritage Impact has not been called for.
- management of any possible heritage values of the study area has been addressed in detail in **Section 4**, by reference to:
 - ~ issues that may have been raised for management;
 - ~ the options for management of any unexpected archaeological resource and its values;
 - ~ the research questions that should be directed to the study area in the course of management of the archaeological resource;
 - ~ recommendations for the management of any unexpected archaeological resource have been formulated.

1.5 *Study Personnel*

Paul Rheinberger, Principal Archaeologist, Maxim conducted the study of the archaeological and physical contexts and the review and research of the historical context for this assessment. He wrote this report, which has been reviewed by Ross Gam, Senior Archaeologist, Maxim.

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2.0 *CONTEXT OF THE STUDY AREA*

2.1 *The Concept of Context*

Archaeology exists within context: that is to say that a relic that is the subject of archaeological study can only be properly understood in terms of those factors that have contributed to its creation, introduction to a site, use or function, deposition, survival, stratigraphy and exposure. In this environment, a relic derives meaning particular to its site or location and similarly contributes enhanced meaning to and understanding of its site by complementing the oral or archival record. It is convenient to address the context of a study area in terms of its *archaeological context* (see **Section 2.2**), *historical context* (see **Section 2.3**), where the headings indicate documentary research and review of previous archaeological and historical studies. The latter refers to the attributes identified in the course of physical inspection of the site. In many cases, the *physical context* of a study area is examined in the course of field survey.

2.2 *Archaeological Context*

The archaeology and heritage of the precinct of the study area was undoubtedly reconnoitred for the purposes of the LEP. Without observing any heritage values in close proximity to the study area either along the Golden Highway or the Muswellbrook road, the LEP listed the following material only, in the general area of Hollydeen shop the study area:

Schedule 5 Environmental heritage
(Clause 5.10)
Part 1 Heritage items (All proximate)

Locality	Item name	Address	Property description	Significance	Item no
Denman	Pickering	221 Mangoola Road	Lots 89 and 90, DP 818690	Local	I13
Hollydeen	Hollydeen Shop	1010 Merriwa Road (corner of Ready Creek Road)	Lot 1, DP 382249	Local	I42
Denman	Army munitions base	495 Rosemount Road	Lot 1, DP 849276	Local	I35

The locations of these resources are shown in relation to the study area in **Figure 2.1**.

Research of the National Heritage List of the Commonwealth Department, the Register of the National Estate Database (non-statutory), State Heritage Register and Inventory maintained by the Division and the Register of the National Trust (NSW) revealed no other listings affecting or proximate to the study area or its curtilage.

2.3 *Historical Context*

The historical research of the use, occupation and development of the study area has been limited specifically to those contexts that have a direct relationship to archaeological study and the evaluation of historic heritage of the study area.

As has been observed above, the land in which the study area is located has been excised from land originally described as Portions 1, Parish Denman, Co Brisbane. The evolution of the study area commenced in 1826 when Portions 1 was among a series of parcels alienated from the Crown by lease in favour of Captain John Pike. This was a period when extensive grants were being made to senior Government employees, society figures and commercial magnates. Where Macquarie made smaller grants to ex-prisoners, Brisbane to some degree and Darling notably favoured the 'pure merinos'.

Pike had been born around 1780 and was commissioned as an ensign on 20 June 1805 and promoted to lieutenant 18 February 1807. He first came to NSW with Macquarie's 73rd Regiment, arriving on the *Boyd* (Captain Thompson). The vessel sailed from Cork, 10 March 1809, and arrived Sydney 14 August of that year. The *Sydney Gazette* reported the arrival of the vessel with '139 male prisoners and passengers Captain Cameron, Lieutenants Pike and Wright of the 73rd Regiment, together with 30 non-commissioned officers and privates'². Pike's military service in NSW included his promotion to Captain 10 August 1812, but closed in 1814 when, with other officers and ranks of the 73rd Regiment, he embarked on the *Earl Spencer* for Ceylon, arriving Colombo 25 March 1814. He served with the regiment at various posts until 1821 and sold his commission.³

In preparation for a return to NSW, he signalled his future aspirations by acquiring four rams, 10 Saxon ewes and 10 Merino ewes. He returned on the *Phoenix* (Captain) with second wife Justine and daughter Mary Elizabeth, arriving in February 1825. He received an immediate grant of 2000a and left Sydney shortly after arrival to visit the Hunter River. He travelled beyond the Lower Hunter, where desirable land (ie: large tracts with proximity to water) had already been largely taken up, and selected Portions 1 and 2 lying on the eastern bank of Wybong. When he returned to Sydney, at the same time as William Ogilvie⁴ and Peter Cunningham⁵, Pike immediately requested permission to purchase a further 4,000a adjoining the grant⁶. In fact, over a period of about 15 years, Pike took up (at least: our search has not been exhaustive):

- in Parish Denman, Pors 6 and 7, as well as the land contained in Pors 190 to 195 with Hunter River frontage and 22 small portions connecting the Wybong Creek and Hunter River frontages, total area ≈5,170a.;
- in Parish Yarraman, Por 3 of 1091a 0p adjoining Pors 1 and 2 Denman, across Wybong Creek and with a double frontage to Gungal Creek;
- in Parish Wybong, Pors 2 and 3 containing 1280a and straddling the Muswellbrook Road;
- in Parish Myrabluan, Por 12 of 660a at the junction of Wybong and Guan Gua Creeks⁷.

² *Sydney Gazette and New South Wales Advertiser*, 20 August 1809, 'Shipping'

³ Walsh, R

⁴ Who took up Por 4 Parish Denman on Hunter River abutting Denman on the southern boundary?

⁵ Whose selection was in the Lower Hunter between Jerrys Plains and Denman.

⁶ Willets, nd, 'John Pike'.

⁷ All from relevant parish maps and charting maps between 1890 and 1938. An historical plan used by Willets suggests that Pike's holdings in Par Marabluan exceeded 3,400a.



142-Hollydeen
shop

191-Pickering
homestead
group

study area
range

135-army
munitions base

SCALE



Scale:
See Bar Scale

Client: **KMH**
Environmental
Reference: **160101**

Source:
Muswellbrook
LEP Map HER 005

Title: **Detail:**
Nearest Listed
Heritage Items

FIGURE
2.1

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It appears that upon his return, Pike took no time to gather his wife and daughter, together with four assigned servants⁸, into a dray with basic necessities and presumably his little mob of sheep and removed to the selection he called *Pickering*⁹. Wood¹⁰ commented on the Pike family journey:

Captain Pike was the first to take a dray to that part of the country and his track, which others followed, was called Captain Pike's Road. He took a keg of rum to conciliate his convict servants, but in July three had taken to the bush. Mrs. Justine Pike was the first white woman and Mary Elizabeth was the first white girl to go to the Upper Hunter.

By 1826, Pike had completed a slab dwelling. The convicts, of whom three apparently absconded, will have built their own huts, as was the custom. This slab built was still standing in the homestead curtilage recently but as a residence, it was replaced by a more commanding dwelling which was the *Pickering* homestead and became the administrative centre for the undertaking. The slab building may have been converted into a kitchen and to have continued in use as an adjunct to the home. The precinct also included a stone schoolhouse, which remains. The homestead was located about five kilometres almost due north of Denman and appears to have been on what became Por 150, approximately 4.2km east of the study area.

Pike appears not to have been, like so many of his contemporary 'settlers', an absentee landholder. He lived at *Pickering* and took an active part in the developing local community. In 1828, he was already a magistrate¹¹:

...when any of Captain Pike's men were for trial (not a very unusual circumstance, as almost anything and everything constituted a crime), Mr. Ogilvie presided and vice versa. And when men from other farms were to be dealt with, both these gentlemen presided together...

He was still listed as a magistrate in 1851¹². In 1843, he was a councillor of the Merton and Muswellbrook District¹³. In the meantime, his daughter Mary Elizabeth had married James Arndell at *Pickering*.

The large holding demanded a substantial workforce: in 1828, he was reported as having 20 assigned convicts engaged¹⁴, two of whom were tailors, one a baker and another a printer. Martin Cash observed (critically as might be expected of another convict) in 1828:

*Captain (John) Pike had then about forty assigned servants, all of whom on the night of my arrival had been served with a ration of Indian corn (quite soft and green), which they had to dry before grinding it in an old steel mill, and as it was the only one on the premises all hands were obliged to take their turn in succession.*¹⁵

In 1837, the number of assignees was at least 14. Pike does not appear to have suffered seriously during the 1840s Depression. At this stage it was clear that assigned men and women would become a thing of the past and Pike commenced engaging free immigrants, Ewen McPhee on 2 January 1839 and Alexander Bain on 11 February 1839¹⁶. During the 1840s he continued his land accumulations, his most ambitious being in 1848: on 12 August he was reported to have applied for the lease of 100,000a outside the limits of location and on 29 August for a pre-emptive right to lease land at

⁸ Edward Duffy, Alexander McBean, John Sadler and William Duggan – see later.

⁹ Willet, *op cit*.

¹⁰ Wood, 1972.

¹¹ Cash, 1961 reprint.

¹² Maitland Mercury, 29 October 1851.

¹³ Colonial Observer, 6 September 1843.

¹⁴ Sainty & Johnson (eds), 2008, although Martin Cash suggested there were 40.

¹⁵ Cash, *op cit*.

¹⁶ State Records Shipping Lists, 1839: January/February.

Wybong Creek¹⁷. During the whole of his life on *Pickering*, he appears to have experienced the common problem of absconder the most serious being in 1834 when Joseph Sullivan (*Portland*) took to the bush, became a bushranger, was captured and hanged in Newcastle in 1834¹⁸

The homestead was located on the eastern aspect of the *Pickering* property, ≈5.0Km from Denman, now reached along Mangoola Road at its intersection with Wybong Road. This appears to place the homestead on the former Por 150 Par Denman. The homestead precinct was located ≈4.2km east of the study area by direct line. Although Pike subsequently acquired a residential parcel in Denman, *Pickering*, remained the family home until 1859, when he sold the property to his good friend Archibald Bell (Jnr)¹⁹. Pike left Australia on the grand tour and died at Tours in France, 9 March 1863.

Archibald Bell had been born in Cheshunt, Hertfordshire in 1804. His father Archibald was commissioned as an ensign with the N.S.W. Corps, and arrived in Australia with his wife and family of nine children in 1807. Deeply involved in Governor Bligh's overthrow, he took a 500a town grant at Richmond which he called *Belmont*. He was appointed a magistrate at Windsor under Major Johnston and military commander at the Hawkesbury. His service in the Hawkesbury, particularly during two disastrous floods, earned him another grant of 1,000a, and he built a house on *Belmont* for his family before he returned to England for Johnston's trial.



Archibald Bell, in middle years, nd

In 1823 Archibald (Jnr), having grown up on *Belmont*, explored an alternative route across the Blue Mountains from Richmond to Cox's River, *Bell's Line of Road*. Upon his return, he set out for the Hunter following Howe and Singleton's route to Patricks Plains where he found Ben Singleton dying of starvation. For his expeditions, was rewarded with a grant order of 1000a. He took up Por 63, Par Belford, Co Northumberland near Singleton calling his first property *Corinda*. Concurrently with his ownership of *Corinda* in 1828 he was a tenant and employed as an overseer at St. Heliers, Colonel Henry Dumaesq's estate near Scone. Convicts were assigned to him at St. Heliers as well as at *Corinda* where he built a substantial two story stone house. He married the daughter of Windsor magistrate North in 1833.

He was an early cattle breeder in that district, and introduced and championed the use of horse teams. On *Corinda* he bred fine horses, mostly coachers and hacks, and dominated the Sydney market for many years. Bell was active in Singleton public life, attending meetings of community and sporting interest and serving as a Trustee of the Singleton Church. He was nominated for district council and was a Steward at the Patrick Plains Races.

¹⁷ *Maitland Mercury*, issues of those dates.

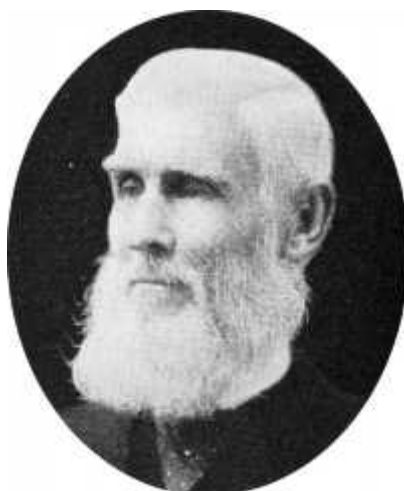
¹⁸ Newcastle Gaol Discharge Book, no903

¹⁹ Walker, 2005.

Displaying at least as great an acquisitiveness as Pike, Bell left the day-to-day management of the property to others and undertook explorations of the main tributaries of the Hunter, using his observations to extend his holdings in the Hunter valley, and in 1849, sold *Corinda* to James Milller. Bell moved his family to one of his later acquisitions, *Milgarra*, near Bunnan between Scone and Merriwa, because of the droughts and depression of the 1840s. His wife Frances died there in 1852 and when Bell purchased *Pickering*, he took up residence there immediately. *Milgarra* later passed to his eldest son George Douglas who had married Sir John Robertson's daughter Agnes and both were buried on the property, Agnes in 1902 and George in 1918²⁰.

For some time previous to 1859, Bell had been working to develop a distinctive stud strain of Shorthorn cattle and he brought this undertaking with him to *Pickering*. This became one of the principal directions of his grazing program on the estate. After his sons, George's younger brothers Frederick and Henry, finished their schooling at the Kings School, both returned to *Pickering* to assist their father and worked with him. Frederick distinguished himself during an outbreak of bovine pleurisy by being one of the first to inoculate *Pickering* cattle. In the process he faced criticism from conservative cattlemen.

Archibald died at *Pickering* on 9th August 1883²¹. Frederick and Henry inherited *Pickering* and jointly took over the running of the 8,000a estate, continuing their father's work in developing the Shorthorn stud. The brothers continued working together on the property and earned considerable accolade for their stud development as well as respect for their relationship and community involvement²². A grand collaboration came to an end in 1926, when Frederick died 26 May²³ and Henry followed but two months later on 26 July²⁴. With their passing, the *Pickering* estate passed to Frederick's family: Henry died unmarried.



Frederick Samuel Bell, nd.



Henry Wyatt Bell, nd.

The family held and worked the estate for about another 50 years²⁵, apparently carrying on the traditional grazing practices of the earlier Bells and Pike. The area surrounding the study area was not re-surveyed until by Surveyor GR Bailey in October 1954²⁶. These surveys were definition surveys for the Lands Department and did not effect any modification of either Pors 1 or 2 of Parish Denman.

²⁰ Obituaries Australia, *Bell, George Douglas*

²¹ Heydon, 1966.

²² NLA, deposit of photographs.

²³ Obituaries Australia, *Bell, Frederick Samuel*.

²⁴ Obituaries Australia, *Bell, Henry Wyatt*.

²⁵ Walker, *op cit*.

²⁶ DP750924 and DP750969.

The first survey to effect such a modification was the subdivision survey of Michael O'Sullivan (Harper Somers Pty Ltd) over part of Por 1 of parish, March 1997. Portions 1 and 2 achieved their present form by the subdivision survey of Surveyor in Ross Peasley (Boardman Peasley Pty Ltd) in June 2009.

The rationale that emerges from all of the above is that,

- a.) the land in which the study area lies remained intact from the time of grant until 1997; and
- b.) from the time of grant until the late 1970s, was held in only two ownership chains, that of Pike until 1859 and thereafter the Bell family connection;
- c.) in Pike's ownership, the estate was in development and the early stages of cattle grazing. Pike established *Pickering* homestead as the central feature of a farmstead in the typical 18th Century style²⁷, where the homestead was the focal point of all supporting structures: barns, storage and working shed, yards and, in his unique position, accommodation of assigned servants;
- d.) in the use of the estate for cattle grazing, no rational justification exists for development of any structural or concentrated human activity other than the passive grazing of cattle in the area around and on the study area. In the early years of sheep grazing, there may have been justification for temporary occupation by a shepherd and hutkeeper, but the hut would be expected to be a bough or canvas shelter. At a range of more than 150 years, no trace of either rude structure or artefact might be expected to survive;
- e.) the study area is a tiny fragment of the original holding and remote from its administrative focus.

2.4 *Physical Context*

2.4.1 *Methodology*

The assessment of physical context results from observations made in the course of a physical archaeological surface survey of the study area. The various components of the study area were readily accessible from the Golden Highway. The survey was directed to identify and make a preliminary interpretation of any material evidence of a former operation and/or occupation of the study area and particularly to validate the possible survival, location, condition and heritage values of material indicated by the historical review, in particular historical mapping.

In the course of all field investigations, attention was directed to identifying:

- structures and/or the remains of structures or demolition material;
- signs of ground disturbance that might be associated with historical settlement and/or rural activity, such as site levelling for buildings or infrastructure and the like;
- artefacts or the indication of the possible presence of artefacts that might have an association with former occupation, use or application at discrete location(s) in the study area;
- non-building structural modifications on the ground or their residue;

²⁷ Cf: Edinglassie, Lake Innes House, Belltrees, Saumarez, Ravensworth et al.

- features of landscape and vegetation that may have an operational or spatial relationship with known or suspected non-indigenous activity on the study area; and
- in respect of all of these investigations, to prepare a representative photographic identification of the study area and any salient feature(s).

2.4.2 Results of Field Surveys

At the outset, it is observed that perusal of aerial photography of the study area suggested that the study area was lightly to moderately timbered, with heavier cover on the crescent ridge. The south-west corner of the general precinct was occupied by a vineyard and the former winery building of the *Hollydeen* estate. The surface exposure at the study area was archaeologically surveyed by the following process:

- a.) Survey commenced at the commencement of the site of proposed haul road at the northern alignment of the Golden Highway and proceeded north, along an existing property road that was well marked and appeared probably to have been slashed. Apart from the evidence of vehicle use, apparent slashing and fencing, no other sign of notable human intervention was observed: see **Figure 2.2**.
- b.) At the northerly extent of a relatively long straight passage, the track crossed Lynch's Gully. This area had been substantially disturbed, partly by water movement in the gully and consequent small washaways, and by vehicle movement over exposed wet ground. No other evidence was sighted: see **Figure 2.3**.
- c.) Shortly after Lynch's Crossing, the route swung left to travel westerly a relatively short distance. The ground here was marked by grass to a height averaging $\approx 150\text{mm}$ although the actual ground coverage was not complete. There was some evidence of vehicle use but no marked track or signs of heavy use. No archaeological evidence was seen. **Figure 2.4** is a view east along the survey route.
- d.) At the westerly extent of transect c.), the route again swung northerly through more complex ground, rising with some large rock exposures and boulder as shown in **Figure 2.5**. The track reappeared as worn patches in more rank grass on a sandy exposure but no meaningful evidence could be identified.
- e.) At the end of this transect, the track entered the site of the proposed quarry. The area was surveyed in walked transects and relatively modern fencing was encountered but no other evidence was seen. The survey in this area was recorded only by three broad views, in **Figures 2.6, 2.7 and 2.8**.

In essence, field archaeological survey identified no topographical, material or artefactual evidence of former human activity in the historical period that imported archaeological or heritage issues. Given the archaeological and historical contexts discussed above, this was considered consistent.

2.5 *Summary*

Careful assessment of the archaeological, historical and physical contexts of the study area provided no basis to suggest that the study area is overtly possessed of, or has the potential to possess, either primary heritage values on its own account or as a contributor to the listed heritage resources of the local area or the State.



Figure 2.2

View N along the site of proposed haul road, noting its existing use as a property track.



Figure 2.3

Heavily disturbed ground at the Lynch's Gully crossing, Looking N.



Figure 2.4

Panoramic view east along the step in the haul road

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Figure 2.5

The existing track looking S and the approach to the rocky ridge at the SE boundary of proposed quarry.



Figure 2.6

View N across present access track and across the study area.



Figure 2.7

This view of the western aspect of the proposed quarry site looks NW. The distinctive tree in Fig 2.6 can be seen photograph left middle to background.

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Figure 2.8

Looking N across the E aspect of the proposed quarry site.

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3.0 THE HERITAGE VALUES OF THE STUDY AREA

3.1 Introduction

Fundamental to any consideration of the cultural heritage values of a non-indigenous item is an appreciation of the impact of the *Heritage Act*, 1977 (NSW – the Act) which defines environmental heritage to be:

...those places, buildings, works, relics, moveable objects, and precincts, of State or local **heritage significance**.²⁸ [Our emphasis]

Where:

"**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.
and

"**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.²⁹

and **a relic**, falling for specific protection pursuant to Parts 4.2 and 4.3, and Part 6.9, to be:

... *any deposit, artefact, object or a 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.*³⁰

Essentially, the evaluation of the heritage values of a relic depend upon the assessment of its significance, the level of its condition and integrity and, as a corollary, the potential it may possess to expand the existing level of knowledge. An appreciation of these factors qualifies the proper estimation of the impact that any disturbance, damage or destruction may have on such heritage values.

These aspects are dealt with in this section as follows:

- the significance of the study area and its components is explained and assessed in **Section 3.2**;
- the condition and integrity of the study area and its components is evaluated at **Section 3.3**;
- the research themes that are relevant to the study area and its components are defined at **Section 3.4**;
- the physical impacts that are foreseen to affect the Study area and the consequent heritage impacts are determined in the Heritage Impact Statement contained in **Section 3.5**

²⁸ The Act, s4(1).

²⁹ The Act, s4A.

³⁰ The Act, s4(1).

3.2 *Assessment of Significance*

In the context of this report, significance is the measure of the value and importance of elements of the archaeological record to cultural heritage. While the fabric of the archaeological record is the subject of the assessment of heritage significance, the assessment itself is conditioned by the environmental and historical context of the site at the time of the assessment. In this environment, significance can be seen as a variable quality. It follows that the evaluation of heritage significance is not static quality, but rather is evolutionary as a function of changing community perspectives and cultural values.

The concept of significance derives from:

3.2.1 *... Australia ICOMOS (The Burra Charter) under the Act*

The approach to the assessment of heritage significance affirmed by the Division adopts as a foundation the four values of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter). These values are broadly accepted Australia-wide, as **historical**, **aesthetic**, **scientific** and **social classifications** of significance. The implications of these classifications are as follows:

3.2.1.1 *Classification Criteria*

The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) adopts as the foundation of classification the four value types of **historical**, **aesthetic**, **scientific** and **social** significance. The implications of these classifications are as follows:

- **Historical significance** considers the evolutionary or associative qualities of an item with aesthetics, science and society, identifying significance in the connection between an item and cultural development and change.
- **Aesthetic significance** addresses the scenic and architectural values of an item and/or the creative achievement that it evidences. Thus, an item achieves aesthetic significance if it has visual or sensory appeal and/or landmark qualities and/or creative or technical excellence.
- **Social significance** is perhaps the most overtly evolutionary of all classifications in that it rests upon the contemporary community appreciation of the cultural record. Evaluation within this classification depends upon the social spiritual or cultural relationship of the item with a recognisable community.
- **Scientific significance** involves the evaluation of an item in technical and/or research terms, considering the archaeological, industrial, educational and/or research potential. Within this classification items have significance value in terms of their ability to contribute to the better understanding of cultural history or environment and their ability to communicate, particularly to a broad audience within a community³¹.

³¹ Marquis-Kyle, P and M Walker, 1992: 21-23.

3.2.1.2 *Value Criteria*

As a component of the holistic concept of significance, archaeological significance has been described as a measure by which a site may contribute knowledge, not available from other sources, to current research themes in historical archaeology and related disciplines³². Archaeology is concerned with a relic and the archaeological record may provide information not available from historical sources. An archaeological study focuses on the identification and interpretation of a relic to explain how and where people lived, what they did and the events that influenced their lives.

Considerations material to the study of the archaeology of a relic include:

- whether a site, or the fabric contained within a site, contributes knowledge or has the potential to do so. If it does, the availability of comparative sites and the extent of the historical record should be considered in assessing the strategies that are appropriate for the management of the site.
- the degree and level at which a relic contributes knowledge in terms of ‘current research themes in historical archaeology and related disciplines’.

In relation to ‘current research themes in historical archaeology and related disciplines’ (see **Section 4.1**), the assessment of cultural significance is conditioned by considerations of historical, scientific, cultural, social, architectural, aesthetic and natural values:

- **Historical value** lies at the root of many of the other values by providing a temporal context and continuity, thereby providing an integrating medium for the assessment of social, cultural and archaeological significance.
- **Scientific value** depends upon the ability of an item to provide knowledge contributing to research in a particular subject or a range of different subjects.
- **Cultural value** attaches to a relic that embodies or reflects the beliefs, customs and values of a society or a component of a society and/or have the potential to contribute to an understanding of the nature and process of change and its motivation.
- **Social value** derives from the way people work(ed) and live(d) and from an ability to understand the nature, process of change and its motivation. Social significance is closely related to cultural significance, in its concern with the practicalities of socio-cultural identification.
- **Architectural value** depends on considerations of technical design (architectural style, age, layout, interior design and detail), the personal consideration (ie. the work of a particular architect, engineer, designer or builder) and technical achievement (construction material, construction technique, finish).
- **Aesthetic value** addresses the manner in which an item comprises or represents creative achievement, epitomising or challenging accepted concepts or standards.
- **Natural value** attaches to items that either support or manifest existing natural processes and/or systems or provide insights into natural processes and/or systems.

³² Bickford, A and S Sullivan, 1984: 19-26

3.2.1.3 *Degree Criteria*

In order to provide a ready reference to the **degree of significance or the distinctiveness** of an item in general terms, the item may be described as being either 'Rare' or 'Representative' within its community/cultural/geographical level.

3.2.1.4 *Level Criteria*

The final denominator of significance is the **level of significance** of an item. *Level* is nominally assessable in two classifications, depending upon the breadth of its identifiable cultural, community, historical or geographical context. Thus, within a New South Wales context, a relic may be recognised at the:

- **Local level** identifies the item as being significant within an identifiable local and/or regional cultural and/or community group and/or historical/geographical heritage context;
- **State level** identifies the item as being significant within an identifiable State-wide cultural and/or community group and/or historical/geographical heritage context;
- On a broader front, by derivation, a relic may be recognised at the:
- **National level** identifies the item as being significant within an identifiable national cultural and/or community group and/or historical/geographical heritage context;
- **International level** identifies the item as having implications of significance for an identifiable cultural and/or community group both nationally and abroad and/or a world-wide historical/geographical heritage context.

By the simple application of the principles outlined above, a subjective element was present in the significance assessment regime that opened the potential for skewed assessment. As a counter to this potential, the OEH has adopted a set of standardised assessment criteria.

3.2.2 *OEH Standard Criteria*

The OEH³³ defined a series of criteria that will be used by the Heritage Council of NSW as an assessment format within NSW. The seven criteria address:

Criterion (a) the importance of an item in the course or pattern of the cultural or natural history of NSW or a local area [ie: *historical*].

Criterion (b) the existence of a strong or special association between an item and the life or works of a person or group of persons important in NSW or local cultural or natural history [ie: *historical*].

Criterion (c) the importance of an item in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or a local area [ie: *aesthetic*].

³³ NSW Heritage Office, 2001, 9.

Criterion (d) the existence of a strong or special association between an item and the social, cultural or spiritual essence of a particular community or cultural group within NSW or a local area [ie: *social*].

Criterion (e) the potential of an item to provide information that will contribute to an understanding of the cultural or natural history of NSW or a local area [ie: *scientific*].

Criterion (f) the quality of an item to possess uncommon, rare or endangered aspects of the cultural or natural history of NSW or a local area [ie: *rare* degree of significance].

Criterion (g) the demonstration by an item of the principal characteristics of a class of cultural or natural place or cultural or natural environment within NSW or a local area. [ie: *representative* degree of significance].

Within the framework of the same criteria, where this is relevant, the individual contribution of separate elements or components of a relic may be evaluated according to a five-stage grading system, where:

Exceptional indicates that is a rare or outstanding element, contributing directly to the assessment of an item's significance at the appropriate level;

High indicates that an element exhibits an advanced degree of original fabric and is a key element in the assessment of an item's significance at the appropriate level;

Moderate indicates that an element has been modified or has degraded, with little individual heritage value, but that makes an interpretive contribution in the assessment an item's significance at the appropriate level;

Little indicates that an element has been modified or has degraded to a degree that detracts from the assessment of an item's significance at the appropriate level;

Intrusive indicates that an element is damaging in the assessment of an item's significance at the appropriate level;

3.2.3 *General Statement of the Significance of the Study Area*

In this section, the heritage significance of the study area is assessed upon the basis of the range of criteria discussed above. The following general statement of significance is supported by a statement specified against relevant criteria.

In general terms, the study area has demonstrated no basis for any assessment of cultural significance on its own account or contributing to the heritage values of the State, Muswellbrook LGA or the locality of Wybong.

3.2.4 *Statement of Significance by Criteria*

The study area is formally assessed as lacking cultural heritage significance because:

Criterion (a) - - while acknowledging that the *Pickering* station may have some local history

[Historical]	values, in its claim to be the first settled in the Upper Hunter, the property has apparently now been totally subdivided. The study area is a tiny fragment of the original holding, which, has been assessed as possessing no archaeological material evidence and must be regarded as incapable of demonstrating any historical significance under this criterion.
Criterion (b) [Historical]	- although demonstrating historical connections with John Pike, said to have been the first settler in the Upper Hunter, and Archibald Bell (Jnr) and his family, the study area carries no archaeological material evidence in this connection and demonstrates no historical significance under this criterion.
Criterion (c) [Aesthetic]	- at any aesthetic level, must be regarded as incapable of demonstrating any degree of technical achievement in a heritage sense.
Criterion (d) [Social]	- has not demonstrated any association with the social, cultural or spiritual essence of any particular community or cultural group within NSW, the Muswellbrook LGA or the locality of Wybong.
Criterion (e) [Scientific]	- is assessed as containing no surface evidence of any determinable historical activities importing heritage significance.
Criterion (f) [Rarity]	- in the absence of material evidence, is not rare.
Criterion (g) [Representativeness]	- in the absence of material evidence, is not representative.

3.3 *Condition and Integrity*

The heritage values of individual heritage elements and precincts may derive significance as the result of what they contribute to the cultural essence of, and/or the reflection or consequence cast on them by, their context and environment. Consideration of heritage values in this perspective involves an appreciation of the underlying historical influences that have shaped and continue to shape the context and environment. Historical themes have been developed to allow categorisation of the major forces or processes that have historically been involved in the development of a heritage context or environment and provide a framework within which the heritage significance of an item can be addressed.

In the absence of archaeological data or a relic importing historical cultural heritage values, the question of historical themes does not arise for consideration.

3.4 *Historical Themes*

The heritage values of individual heritage elements and precincts may derive significance as the result of what they contribute to the cultural essence of, and/or the reflection or consequence cast on them by, their context and environment. Consideration of heritage values in this perspective involves an appreciation of the underlying historical influences that have shaped and continue to shape the context and environment. Historical themes have been developed to allow categorisation of the major forces or processes that have historically been involved in the development of a heritage context or environment and provide a framework within which the heritage significance of an item can be addressed.

In the absence of archaeological data or a relic importing historical cultural heritage values, the question of historical themes does not arise for consideration.

3.5 Physical and Heritage Impact

In the quarrying process, physical impact on the study area can be projected to involve the following individual elements:

- removal of vegetation over projected quarry areas;
- opening of the surface and bulk excavation and removal of any overburden and thereafter of product;
- grading and emplacement of fill and roadbase to create haul and access roadways and hardstand areas,
- opening of excavations for building footings and floors, trenches for reticulation of water, sewerage and stormwater drainage, electricity, gas and communication services, fencing and paving;
- construction and/or placement of site operational compound(s), temporary/removable structures and services, including mechanical services and fuel supplies;
- the development of on-site storage, movement across the exposed surface of the study area by machinery, vehicles and workers in the preparation, quarrying and remediation processes.

3.5.1 Statement of Heritage Impact

This Statement of Heritage Impact forms part of this report and is made in respect of the study area defined in **Section 1** of this report. The statement addresses the study area and its components in terms of the assessment of its/their research potential, its/their significance and condition and integrity, against the implications of the projected physical impact. The Statement of Heritage Impact has been prepared, in common with this report, by Paul Rheinberger, for the Principal

In general terms, the following observations are made concerning the planning and proposed realisation of the development:

Having regard to the assessment of cultural significance and the practical impact of the proposed development, it appears that there will be no noticeable impact upon the heritage values of the study area

On the basis of all of the above, the following statements are made:

- **The following aspects of the proposal respect or enhance the heritage significance of the study area for the following reasons:**

Project works:

- ~ will neither respect nor enhance the heritage significance of the study and local area; and

-
- ~ no potential for material evidence has been identified and no heritage values are known to attach to the study area.

4.0 HERITAGE MANAGEMENT

4.1 Heritage Management Issues

Ideally, culturally significant archaeological resources might be conserved *in situ* within the framework of the Burra Charter. Such a course is frequently impossible or impractical and questions are posed by the conflicting claims of cultural heritage on the one hand and progress and development on the other. Relevant to the concurrent questions of site conservation and site management/usage are the following matters:

- **heritage legislation**, the major implications of which are summarised in **Table 4.1**. In particular this summary addresses the implications of the Act and the EPA Act;

Table 4.1 - A Summary of Statutory Provisions (NSW)

The <i>Heritage Act</i> , 1977 (NSW – the Act)...	...provides for the protection of historic heritage and provides the process and criteria for listing of heritage deposits and/or relics that are of State significance on the State Heritage Register and those that are of Local significance on the State Heritage Inventory. Archaeological sensitivity and the potential for heritage value may be indicated by historical research and/or site-based archaeological study. Where historical research and/or archaeological study indicates sensitivity, the discovery of relics is highly likely if the ground surface is disturbed. Definitions in ss4 and 4A of the Act that are relevant for present considerations have been stated in Section 3.1 above. The Act further provides statutory protection from disturbance/destruction of relics in a range of descriptions (ss.24-34, 35A-55B, 130, 136-7, 139) and for their registration or listing (ss.26(2)(b), 35A,36,37, 44). In particular, the Act provides nominally that no disturbance or excavation may proceed that may expose or discover relics except with an excavation permit, and that an excavation permit is required, if a relic is: – listed on the State Heritage Register, pursuant to s60; and – not listed on the State Heritage Register, pursuant to s140.
The <i>Environmental Planning and Assessment Act</i> 1979 (NSW – the EPA Act)...	contains similar protective measures to those contained in the <i>Heritage Act</i> . The act also provides for sites to be listed in Local and Regional Environmental Plans, as sites in development control plans or subject to development controls and/or as subject to planning controls or additional conservation provisions (ss.24-72, 76).
Made under the provisions of the EP&A Act, <i>Cl.5.10(2) of Part 5 in the LEP provides that:</i>	Development consent is required for any of the following: demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): [i.] a heritage item, [ii.] an Aboriginal object, [iii.] a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) 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, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land: [i] on which a heritage item is located or that is within a heritage conservation area, or [ii] on which an Aboriginal object is located or that is within an(f) Aboriginal place of heritage significance,

Table 4.1 – A Summary of Statutory Provisions (NSW) [cont.]

...Cl.5.10(2) of Part 5 in the LEP (cont):	(f) subdividing land: [i] on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (g) development within the visual curtilage of a heritage item.
...Cl.5.10(4-5) of Part 5 in the LEP provides that:	(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6). (5) Heritage assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

- **the Burra Charter:** in the consideration of the needs of heritage management, the heritage values attaching to the resources within the study area and the physical and heritage impacts of the project, decision-making is conditioned by the criteria of the Burra Charter (the Charter). The principles of the Charter are broadly stated in **Article 2:**

Article 2. Conservation and management

2.1 Places of cultural significance should be conserved.

2.2 The aim of conservation is to retain the cultural significance of a place.

2.3 Conservation is an integral part of good management of places of cultural significance.

2.4 Places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state.

Nonetheless, the Charter acknowledges that in some circumstances, change will become necessary or unavoidable and addresses this situation at **Article 28:**

Article 28. Disturbance of fabric

28.1 Disturbance of significant fabric for study, or to obtain evidence, should be minimised. Study of a place by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the conservation of the place, or to obtain important evidence about to be lost or made inaccessible.

28.2 Investigation of a place which requires disturbance of the fabric, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

While the Charter has holistically conditioned the preparation of this report and in particular the Research Design that follows at **Section 4.5**, the following **Articles** (viz: **25**, **27** and **30 to 33**) are particularly in point and have been used at the yardstick against which the effectiveness and reliability of management measures should be assessed:

Article 25. Interpretation

The cultural significance of many places is not readily apparent, and should be explained by interpretation. Interpretation should enhance understanding and enjoyment, and be culturally appropriate

Article 27. Managing change

27.1 *The impact of proposed changes on the cultural significance of a place should be analysed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes following analysis to better retain cultural significance.*

27.2 *Existing fabric, use, associations and meanings should be adequately recorded before any changes are made to the place.*

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Documenting evidence and decisions

A log of new evidence and additional decisions should be kept.

Article 32. Records

32.1 *The records associated with the conservation of a place should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.*

32.2 *Records about the history of a place should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.*

Article 33. Removed fabric

Significant fabric which has been removed from a place including contents, fixtures and objects, should be catalogued, and protected in accordance with its cultural significance. Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

4.2 Options for Site Management

In the unlikely event that industrial intervention at a future time were to expose or potentially modify or destroy heritage a relic, the options for conservation management theoretically available to address the issues raised in the preceding sub-section might be expected to range between taking no conservation management action and preserving all elements of archaeological resource *in situ*:

Option 1: *Taking no heritage management action* would (theoretically) allow development to proceed unobstructed but, by definition, would almost certainly result in the irretrievable modification or destruction of the archaeological/heritage resource. In that the archaeological resource is non-renewable, such an option might result in the loss not only of the archaeological resource but also of the opportunity of recording and interpreting the resource and thereby preserving:

- for future study, an opportunity to incorporate data about the resource into further studies;
- the present and future, a tangible account of the heritage values of the study area.

In foreseeable future circumstances, this option would be considered inappropriate, because in the unlikely event that residual a relic were to be exposed, no strategic criteria would be in place for the appropriate management of the resource in the light of the requirements of the Act.

Option 2: *Preserving all elements of the archaeological resource* would, on the other hand, require notification of the exposure to the Division but would otherwise:

- require modification of the industrial program to protect the resource; and
- prevent any action that might cause the modification or destruction of the resource;

and thereby secure the archaeology at the expense of the project, in an environment where the existence and implications of any such resource would not be properly investigated, evaluated or recorded.

In foreseeable future circumstances, this option is would be considered inappropriate because, although the study area has now been assessed as possessing no identifiable heritage values and lacking the potential to demonstrate the same, any presently unforeseeable heritage a relic should be able to be appropriately managed without defeating future plans.

Option 3: **Alternative courses** lie in:

1. ***varying (where necessary) projected or future development*** to minimise impact on the archaeological resource, and/or
2. ***detailed archaeological investigation*** with or without excavation, of any part of the resource that has the potential to be disturbed, damaged or destroyed by development, and/or
3. ***archaeological monitoring*** concurrent with the development process, and/or
4. ***archival recording***, by plane survey, text, plan and elevation drawings, and photography, or
5. ***any appropriate combination of the above.***

The result of such alternative courses would be that either elements of the archaeological resource would be conserved or that those to be modified or destroyed would be managed in accordance with the **Recommendations** below and any nett loss in heritage values would be minimised.

In the present circumstances, the fifth alternative of this option would be considered the appropriate management action, involving the on-call combination of its second, third and fourth components, because the process would:

- insure compliance with the requirements of the Act and the LEP from time to time;
- in the unlikely event that there is a call for this action, allow discrete archaeological surface and sub-surface study of archaeological potential that would otherwise not receive attention before deteriorating to an incommunicative stage. Such studies would have the capacity to extract from the various resources such heritage data as might remain accessible;
- maximise the archaeological value of industrial intervention.
- have the potential to provide a body of reportable data contributing to an understanding and interpretation of the study area that would otherwise be unavailable.

4.3 *Research Questions*

In the unlikely event that investigation of the archaeology of the study area becomes necessary in the course of a future industrial intervention, attention should be directed to obtaining responses to the following research questions:

- [i.] What information can the archaeological data/a relic provide about:
 - a) the technology employed at various stages in the settlement, evolution and operation of the study area?
 - b) the social component of the operation of the landholding in terms of people living and at work, and people interacting with the land and natural forces?
- [ii.] Do footprints and structural details of archaeological data/a relic individually and collectively reveal specific details that complement or distinguish archival records and the historical context?
- [iii.] What can any archaeological data/a relic reveal of the work practices and techniques of people engaged in working in the study area?
- [iv.] Does archaeological data/a relic reflect the changing and/or evolving use within the various holdings of the study area and if so, how?
- [v.] Does evidence of people in the study area landscape differ from evidence of people in other occupations in the broader locality?
- [vi.] Can all, or any, different stages in the use of the study area and of individual precincts be determined from the archaeological data/a relic?

4.4 *Recommendations*

The following criteria for the management of the heritage values and/or further investigation of the study area have been made on the basis of:

- the requirements of the Act;
- the provisions of the LEP;
- the synthesis of archaeological, historical and physical contexts of the study area;
- consideration of the study area, its antecedents and properties;
- the assessment of the significance of the present study area;
- appreciation of the actual and heritage impacts of the proposed development;
- acknowledgement of the issues and options for management of the resource;

- the implications of relevant Articles of the Charter;
- the acknowledgements that:
 - ~ in that the study area has been formally assessed as possessing neither archaeological nor heritage properties and values, the project has no potential to expose, modify or destroy any heritage material...
 - ~ ...in the improbable event that such issue(s) subsequently arose in the study area by either suspicion and/or exposure, projected development of the quarry and haul road, with site services and infrastructure might be expected to have such a potential.

It is recommended that:

1. In general, in connection with the development, the attention of the developer and all contractors, sub-contractors and employees is directed to the provisions of the *Heritage Act 1977 (NSW)* and in particular to:
 - i. the definition of relic under that Act;
 - a. the provisions of sections 24-34, 35A-59, 130, 136-7 139 and 146 of that Act;
 - b. the requirement for, and the conditions that may attach to, any grant of an Excavation Permit under s60 of the Act in respect of a site that is registered on the State Heritage Register; and/or. s140 of the Act in respect of a site that is not so registered or to any exemption or exception allowed by the Division;
 - c. the basic requirements that if:
 - a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation;
 - any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

the developer must notify the Division or its delegate and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the Division have been satisfied.
2. Having regard to the implications of **Recommendation 1** and the present assessment of the significance and heritage potential of the study area, in the event of future industrial intervention within the study area precinct, no application is indicated for an Excavation Permit, exception or exemption pursuant to the Act.
3. In the unlikely event that there are reasonable grounds to suspect archaeological material evidence or heritage values, or these are discovered or exposed, that are likely to be disturbed, damaged or destroyed by excavation, or any relic in the course of excavation that will be disturbed, damaged or destroyed by further excavation in the precinct, any surface and/or sub-surface studies should proceed in manner following:

- i. the proponent, its contractors and any persons employed on the site should ensure that work in the immediate vicinity of the event site cease and not re-commence or continue until compliance with the following requirements;
 - ii. the Division should be immediately notified of the circumstances of suspicion, discovery, or exposure;
 - iii. an appropriately qualified archaeologist should be engaged to evaluate the event site and its contents and to formulate and despatch a detailed report to the Division;
 - iv. time and resources should be provided for the completion of any investigation, reporting to OEH, heritage study and recording, that may become necessary;
 - v. the proponent, its site administrators and contractors should ensure that the requirements of the Act are satisfied:
 - a) with attention directed to Parts 4 and 6 of the Act,
 - b) any requisite formal applications pursuant ss57, 60, 139 or 140 and notices under s 149 of the Act should be made to the Division, and
 - c) the requirements of the Division specified in any permit, exemption or exception should be strictly complied with.
5. Compliance with the above recommendations, based around the criteria:
- i. of the Act, is assessed as satisfying those requirements by determining the non-existence, and assessing the lack of potential presence, of heritage values and archaeological material evidence in the study area;
 - ii. of the LEP, is assessed as satisfying those requirements by addressing the need to provide an appropriate assessment and report of the heritage potential of the study area and to establish a responsive management regime in the unlikely event that heritage values are foreshadowed in the course of the project;
 - iii. of the Charter, is assessed to adequately and reliably satisfy the requirements of **Articles 25, 27, 30, 31, 32 and 33** of the Charter.
6. Otherwise than as above, on the grounds of the historical/industrial archaeology of the study area, there appears to be no reason for further constraint or modification upon future planning.

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