



APPENDIX M STATEMENT OF HERITAGE IMPACT - PEEL INN



Hills of Gold Wind Farm Pty Ltd



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Hills of Gold Wind Farm

Amendment Report No. 2
Statement of Heritage Impact – Peel Inn

17 October 2022

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Hills of Gold Wind Farm

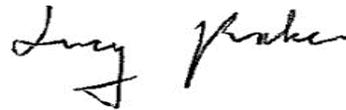
Amendment Report No. 2 Statement of Heritage Impact – Peel Inn



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Acronyms and Abbreviations

Name	Description
Burra Charter	The Australia International Council for Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance (2013)
CHL	Commonwealth Heritage List
EIS	Environmental Impact Statement
ERM	Environmental Resources Management Australia Pty Ltd
Heritage Act	Heritage Act 1977
ICOMOS	International Council on Monuments and Sites
IHO	Interim Heritage Order
LEP	Local Environmental Plan
LGA	Local Government Area
kV	Kilovolt
NHL	National Heritage List
NSW	New South Wales
RNE	Register of the National Estate
SEPPs	State Environmental Planning Policies
SoHI	Statement of Heritage Impact
SHR	State Heritage Register
SSD	State Significant Development
WHL	World Heritage List

EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned by Hills of Gold Wind Farm Pty Ltd to prepare this Statement of Heritage Impact (SoHI) to support the proposed amendments to the Hills of Gold Windfarm project (SSD-9679). The proposed works will involve the construction of a temporary transport route through allotments within the township of Nundle; the road will traverse the curtilage of the *Peel Inn*, listed as a heritage item on the Tamworth Regional Local Environmental Plan (LEP) 2010. A number of additional locally listed heritage items are also in the immediate vicinity of the Project Area. As such, the proposed works will need to consider the provisions of the NSW *Heritage Act 1977*.

It should be noted that there is a potential discrepancy in the boundary of the heritage curtilage for the *Peel Inn* as listed in the Tamworth Regional LEP 2010 (see Section 2.1.2). The NSW State Item 277 Heritage Inventory Sheet provides a map illustrating the heritage curtilage as limited to the main buildings fronting Jenkins Street (excluding the western portion within the Project Area). As such, this report has been prepared based on a precautionary principle.

This report has identified that the proposed works will have no impact to the heritage streetscape of Nundle. There will be a minor temporary impact to the aesthetic values of the *Peel Inn* within its listed curtilage. However, the proposed works will have a negligible impact on the heritage significance of the *Peel Inn* and other heritage items in their entirety.

The proposed works are also consistent with the Section 139(4) Excavation Permit Exceptions, which state that an excavation permit under the *Heritage Act 1977* is not required for disturbance or excavation of land, provided the proposal is for *minor works or activities that have minimal impact on archaeological relics of local heritage significance*.

The following are key recommendations that aim to mitigate the impact of the proposed works on the identified heritage values of the *Peel Inn*, and other heritage items in the vicinity:

Recommendation 1 – Avoidance of Ground Disturbance

Extensive ground disturbance for the construction of the temporary road is to be avoided. Consideration should be given for ‘building up’ the roadway within the block bound by Jenkins, Oakenville, Herring and Innes Streets, in preference to substantial excavation. Removal of top soil may be permitted, but cut and fill should be minimised.

Recommendation 2 – Heritage Induction

Prior to the commencement of works, all contractors should be briefed on the requirements of the *Heritage Act 1977*, and the Unexpected Finds Protocol (outlined in Section 6.2.5).

Recommendation 3 – Unexpected Finds Protocol

In the event that relics are unexpectedly exposed, works should cease immediately. The management of relics should be in accordance with NSW Heritage guidelines and policies, as outlined in the Unexpected Finds Protocol (Section 6.2.5).

Recommendation 4 – Ground Rectification

Following the use of the temporary road, the area should be returned to its pre-construction condition and made good (i.e. re-establishment of grass). The mature trees within the Project Area would not require re-planting.

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned by Hills of Gold Wind Farm Pty Ltd to prepare this Statement of Heritage Impact (SoHI) in support of the proposed amendments to the Hills of Gold Windfarm project (SSD-9679). The proposed works will involve the construction of a temporary transport route through allotments within the township of Nundle; the road will traverse the curtilage of the *Peel Inn*, listed on the Tamworth Regional Local Environmental Plan (LEP) 2010. A number of additional locally listed heritage items are also in the immediate vicinity of the Project Area. As such, the proposed works will need to consider the provisions of the NSW *Heritage Act 1977*.

1.1 Project Overview and Description of the Proposed Amendment

Hills of Gold Wind Farm Pty Ltd is seeking approval to construct and operate the Hills of Gold Wind Farm (SSD-9679) (the Project), located on the ridgeline between Hanging Rock and Crawney Pass in the Northern Tablelands region of New South Wales (NSW). The Project will supply renewable energy directly into the national electricity grid, through a proposed connection into the existing TransGrid Liddell to Tamworth 330 kV transmission line.

The Project includes the proposed Wind Farm and transmission line and proposed transport routes between Newcastle and the Project site through Nundle. Due to the size of components required to construct the wind farm, several road modifications will be required along the proposed route.

The proposed amendment that is the subject of this report will involve the installation of a temporary road through allotments within the Nundle township (the Project Area). The proposed transport corridor traverses the locally listed heritage item *Peel Inn*, and is in the immediate vicinity of other locally listed heritage items (detailed in Section 2.1.2.1). The road works may involve cutting and filling, grading, installation of road base and asphalt sealing.

1.2 Site Location and Description

The Project Area, the proposed temporary road, is located within Nundle NSW, in the Tamworth Local Government Area (LGA). The proposed road extends north-west to south-east from Oakenville Street to Jenkins Street, traversing Lots 11 and 12 DP 1124681, Lots 1, 2 and 4 DP 997480, Lots 5, 6 and 7 DP 758798, Lot 9 and 10 DP 1118984 and Lot 11 DP 1118980 (Figure 1.1).

1.3 Scope and Methodology

This report is consistent with the principles and guidelines of the *Burra Charter: The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 2013* (Burra Charter). The report has been prepared in accordance with current best practice guidelines as identified in the *NSW Heritage Manual* (1996), published by the Heritage Office and Department of Urban Affairs and Planning, and associated supplementary publications, including *Statements of Heritage Impact* (rev. 2002).

This SoHI aims to:

- identify the statutory requirements in relation to this project;
- identify the heritage values of the *Peel Inn* and other listed heritage items in the vicinity of the project;
- assess the potential impacts of the proposed road amendment on listed heritage values; and
- provide recommendations and mitigation measures, as required.

1.3.1 Background Documents

ERM has previously prepared a number of reports for the preparation of the Environmental Impact Statement (EIS) for the Hills of Gold Windfarm project (SSD-9679). This SoHI draws on the information contained in the following reports:

- *Hills of Gold Windfarm, Historic Heritage Assessment*, prepared by ERM in 2020 for Someva Renewables
- *Hills of Gold Windfarm, Statement of Heritage Impact*, prepared by ERM in 2020 for Wind Energy Partners;
- Hills of Gold Windfarm – Devil’s Elbow Section, Statement of Heritage Impact Addendum Report prepared by ERM in 2021 for Hills of Gold Wind Farm Pty Ltd.

These reports have been supplemented with additional historic research including background review of historic documentation including historic photographs and aerials.

1.3.2 Site Inspection

An inspection of the Peel Inn and surrounding area was undertaken on 6 October 2022 by ERM Heritage Consultant Lorien Perchard. All photographs in this report were taken at this time unless otherwise identified.

1.4 Authorship

ERM Heritage Consultant Victoria Cottle prepared this report. ERM Principal Heritage Consultant Erin Finnegan, completed technical review. ERM Partner, Lucy Baker, completed a quality control review



- Legend**
-  Transport Footprint
 -  Transport Route
 -  Major Road
 -  Minor Road

Source:
ESRI World Imagery

Project Area

Drawing No: 0550690s_HoG_AHER_G004_R0.mxd	Hills of Gold Wind Farm
Date: 12/10/2022	Drawing Size: A3
Drawn By: VN	Reviewed By: AA
Client: Hills of Gold Wind Farm Pty Ltd	
Coordinate System: GDA 1994 MGA Zone 56	
0 50 100m	N
This figure may be based on third party data or data which has not been verified by ERM and it may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and ERM does not warrant its accuracy.	

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2. STATUTORY FRAMEWORK AND HERITAGE CONTEXT

The following statutory and non-statutory lists and registers have been reviewed to identify the location and significance of historic heritage items and places in the vicinity of the Project Area:

- World Heritage List (WHL);
- National Heritage List (NHL);
- Commonwealth Heritage List (CHL);
- NSW State Heritage Register;
- Tamworth Regional LEP 2010;
- Register of the National Estate (RNE); and
- The National Trust of Australia (NSW).

There are no sites within the Project Area listed on the WHL, CHL, NHL, SHR, RNE, or National Trust of Australia (NSW).

2.1 NSW State Legislation

2.1.1 NSW Heritage Act 1977

The NSW *Heritage Act 1977* (Heritage Act) provides protection for heritage places, buildings, works, relics, moveable objects, precincts and archaeological sites; these include items of Aboriginal and non-Aboriginal (historic) heritage significance. The aim of the Act is to conserve the heritage of NSW. The aim of heritage management is not to prevent change and development, but to ensure that the heritage significance of recognised heritage items is not harmed by changes and developments.

Where these recorded heritage items have particular importance to the people of NSW, they are listed on the State Heritage Register (SHR), through gazettal in the NSW Government Gazette. Nominated items are considered by the NSW Heritage Council, which then makes a recommendation to the Minister for Environment and Heritage. The Heritage Council is empowered to place Interim Heritage Orders (IHO) on an item of potential state significance.

Part 4 Sections 57 to 69 of the Heritage Act address the statutory requirements for items and places listed on the SHR. Works which include demolition, damage or alteration of a heritage item or place require the approval of the Heritage Council of NSW or its delegates.

There are no items or conservation areas listed on the SHR within the Project Area.

Sections 139 to 146, Divisions 8 and 9 of Part 6 of the Act refer to the requirement that excavation or disturbance of land that is likely to contain, or is believed may contain, archaeological relics is undertaken in accordance with an excavation permit issued by the Heritage Council (or in accordance with a gazetted exception under Section 139(4) of the Act). An archaeological relic is defined as meaning *any deposit, artefact, object or material evidence that:*

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

(b) is of State or local heritage significance.

In particular Section 139 refers to the need for a permit in certain circumstances:

1. A person must not disturb or excavate any 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.

2. A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

2.1.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts, including those on cultural heritage, must be considered when making decisions about the future of a place.

The EP&A Act allows for the preparation of planning instruments to direct development within NSW. This includes Local Environment Plans (LEP), which are administered by local government; and State Environmental Planning Policies (SEPPs), covering areas or issues of State or regional environmental planning importance. LEPs commonly identify, and have provisions for the protection of local heritage items and heritage conservation areas; they principally determine land use and the process for development applications.

The Project Area is within the Tamworth Regional Council Local Government Area (LGA) and the Tamworth Regional LEP 2010 is relevant.

2.1.2.1 Tamworth Regional LEP 2010

Schedule 5 ‘Environmental Heritage’, Part 1 ‘Heritage Items’ in the Tamworth Regional LEP 2010 identifies the historic objects or places of heritage significance within the immediate vicinity of the Project Area. A portion of the Project Area is within the curtilage of the *Peel Inn* (Item 277) (Figure 2.1, also noting potential discrepancy between listed curtilages, as shown in Figure 2.2¹). The Inn is identified as having aesthetic and representative significance; the Statement of Significance is as follows:

The Peel Inn is important in the course of the cultural history of the area in that it was (and continues to be) a place for social outings. It is a supporting feature in the heritage streetscape of Nundle and representative of high quality hotel construction.

There are numerous other identified heritage listed items within 100m radius of the Project Area; their location and details are summarised in Table 2.1 and Figure 2.1.

Table 2.1 Heritage items within vicinity of Project Area

Item ID	Item	Address	Property Description	Listing
269	St Peter’s Catholic Church	15 Innes Street, Nundle	Lot 1, DP 786993	LEP
270	Former Courthouse/Museum and Police Station Residence	38-40 and 41-43 Jenkins Street, Nundle	Lot 701, DP 96508	LEP
271	Nundle Shire Office	58 Jenkins Street, Nundle	Lot 1 and Part Lot 2, Sec 21, DP 758798	LEP
273	Residence	79 Jenkins Street, Nundle	Lot 2, DP 591822; Lots 12 and 13, Sec 2, DP 758798	LEP
274	Odgers and Mclelland Exchange Stores	81 Jenkins Street	Lot 172, DP 1072542	LEP

¹ There are discrepancies between the listed Tamworth Regional LEP 2010 curtilage (see Figure 2.1), and the map provided in the NSW State Heritage Inventory Sheet for Item 277 (see Figure 2.2).

Item ID	Item	Address	Property Description	Listing
275	Jenkins St Antiques Odgers & McClelland General Store	83 Jenkins Street	Lot 101, DP 598667	LEP
276	Jenkins St Guest House – Former Bank of NSW	85 Jenkins Street	Lot 171, DP 1072542	LEP



- Legend**
-  Transport Footprint
 -  Transport Route
 -  Major Road
 -  Minor Road

Source:
ESRI World Imagery

Project Area

Drawing No: 0550690s_HoG_AHER_G004_R0.mxd	Hills of Gold Wind Farm
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3. UNDERSTANDING THE PLACE: CONTEXTUAL HISTORY

The following historical overview is based on the *Hills of Gold Windfarm, Historic Heritage Assessment* (ERM, 2020). This history has been supplemented with additional sources including historical maps and aerial imagery of the Project Area, to explore and assess the potential for the presence of historical archaeological resources.

3.1 Exploration of Inland NSW and Early Settlement

Initial European exploration into the Kamilaroi lands surrounding Tamworth and Nundle was undertaken by a party lead by Surveyor General John Oxley in 1818. Oxley had been tasked with exploring inland to find the inland sea that was thought to be the source of the rivers in NSW. In May 1818, Oxley and his party travelled north from Bathurst along the Macquarie River; after reaching yet more marshy ground at the end of the Macquarie River, Oxley headed east through the Warrumbungle ranges, and eventually discovered the Liverpool Plains. By September, Oxley had reached the site of present day Tamworth, from which his party headed east, discovering and following the Cockburn and MacDonald Rivers (Bayley 1953:16).

Although the lands around Tamworth had been identified by the early 1800s, there was not yet a safe a reliable way to access the Liverpool Plains, a factor that significantly hindered plans for settlement. Under instructions from Oxley, Henry Dangar made two expeditions into the Liverpool Plains in 1824 and 1825. The first was cut short by violent encounters with the Gamilaroi people; however, the second expedition lead to the discovery of an accessible pass over the Liverpool Range (the route now followed by the New England Highway). Dangar traversed the foothills of the Great Dividing Range heading east until he reached the Peel River, near Nundle. Dangar then crossed the mountains near Hanging Rock and returned along the Barnard River.

Major Thomas Mitchell also explored the Liverpool Plains area in 1831, following up Dark Brook and Kingdon Ponds to Murulla, passing over the range to Liverpool Plains to the Peel River (Bayley 1953:16). On Mitchell's *Map of the Colony* published in 1834, the ranges are shown south of the Peel River, though no names or signs of habitation are marked on its upper reaches. The course of Peel River was first traced by Assistant Surveyor G.B. White in late 1832, the report of this survey does not record any settlement along the banks of the Peel River at that time (Bayley 1953:17).

3.1.1 The Limits of Settlement

From the late 1820s, the Colonial Government attempted to restrict settlement to the nineteen counties established within a roughly 320 km radius of Sydney. Officially, no settlement beyond these limits was permitted; though many settlers moved beyond these limits, making claims to tracks of country, squatting illegally with their sheep and cattle. The valley of Peel River was well beyond the official limits of settlement; however, the reports of rich grazing land made by explorers such as Oxley and Mitchell drew many squatters to the district. Governor Gipps introduced a regulation requiring squatters to pay a licence fee of £10 a year to squat on Crown land, though it was not until 1837 that pasturage licences became compulsory. While the Government made attempts to stop squatters settling outside the nineteen counties, it welcomed all attempts to develop the region within the bounds of these approved settlement areas.

In November 1824, a group in England formed the Australian Agricultural Company, incorporated by Royal Charter, for the purpose of sheep raising. The Government granted the new Australian Agricultural Company with one million acres of land in the colony, free of all restriction and reservation (Bayley 1953:17). The Company's agent, Robert Dawson, selected a million acres of land extending north of Port Stephens. Dawson was later replaced by Sir Edward Parry, a famous explorer, as the Company's new commissioner.

Towards the end of 1831, Henry Dangar was again sent to the Liverpool Plains to inspect a suitable property for the Australian Agricultural Company, finding the Peel River was suitable for grazing.

Parry with his party then travelled overland south east up the Peel River, through the site of Nundle, crossing the Crawney Pass to examine the region on 5 March 1832 (Bayley 1953:17). As a result of this journey, the company selected Warrah and the Peel River grant, the latter containing 313,298 acres extending westward from Peel between the sites of Attunga and Nundle, incorporating the Forest Creek Catchment. By August 1833, the Company secured a grant for the land, despite it being beyond the limits set for the location of settlement in the colony. The new Peel River station became known as Goonoo Goonoo (pronounced Gunny Gunnoo) and received 1,400 convicts as labour (Bayley 1953:18). The Goonoo Goonoo Station became known for its fine wool and stock and the company's Peel River asset increased over time, from 6,000 head of sheep in 1834 to 130,000 sheep and 6,000 cattle by 1934 (Bayley 1953:18).

Return journeys to the district throughout the 1820s and 1830s frequently utilised either Crawney Pass or Hanging Rock to traverse the Range.

3.1.2 Early Transport Routes

For most of the nineteenth century, the two main transport routes through NSW originated from the major ports: Sydney and Newcastle. From these ports the wool, beef and materials that constituted the wealth of the colony were shipped to England. The overland track from the Hunter Valley leading across the Liverpool Ranges and through the Peel River Valley was a major route for supplying the stations and scattered settlements of north west NSW.

During the early days of settlement all supplies for the Peel River Valley and further north were carried by horse or bullock teams from the Hunter Valley over the steep road across the Liverpool Ranges at Nowlands Gap. Goods were shipped from Sydney to Newcastle then up river to Morpeth in the lower Hunter Valley. This was the terminus for shipping, and from there goods were transported overland to Tamworth. Located at the strategic crossing of the Peel River, Tamworth developed as an important transport hub.

Following the discovery of gold at Hanging Rock in 1852, Rocky River near Armidale in 1856, and Bingara and Bundarra in the 1860s, road traffic in the area greatly increased. This prompted the Government to extend the Great North Road from the Hunter Valley to the New England Tablelands. One of the major challenges of this project was cutting a route up the notorious Moonbi Range, the mountain barrier between Tamworth and the New England Tablelands. It was a daunting climb for heavily laden bullock teams and coaches. As bullock drays had no brakes, on steep hills logs were dragged behind the vehicle to slow their progress. The route from Maitland to Hanging Rock was said to be completed in four days on horseback, though the long steep pinches over the Crawney Pass were known to be dangerous. Travellers were advised that out of the two routes over the Pass, travellers should take the easier ascent which began furthest up the Isis River.

Improvements were made to some of the major roads in the Nundle district during the 1870s. In 1879, a new road was surveyed along the eastern side of the Peel River from Nundle to Bowling Alley Point, cutting into the hills that rise steeply from the river. In December 1874, a new road was completed to Hanging Rock, climbing over 500 m from Nundle to Hanging Rock village in just over 8 km and 900 m to the highest part of Hanging Rock. This road is still in use today, and has one of the steepest grades of any road in NSW.

3.1.3 First Settlers of the Nundle District

The word Nundul was derived from 'nuntul' meaning 'mouth' in the dialect of the local Aboriginal inhabitants, and over time the name evolved to Nundle. One of the earliest references to the word is in a survey of the area carried out in 1842 by Assistant Surveyor Burnett who showed it on a plan as Nundul.

The first record of white settlement within the present township of Nundle was in 1839, when Hamilton Collins Sempill took out a license to depasture stock at 'Nundul' Creek near its junction with the Peel River. Sempill is thought to have learnt of the good prospects for grazing on the Liverpool Plains from Sir Edward Parry, following his track over Crawney Pass to set up a series of stations in the newly explored country beyond the range. Other squatters also appeared in the district around this time, settling on stations beyond the limits of legal settlement.

3.1.3.1 Establishment of Pastoral Runs

In 1841, Armitage and Company are recorded as holding Wombramurra Station in the vicinity of the present town of Nundle, under pasture licence. Covering approximately 25,000 acres (Photograph 3.1). The boundaries of the run extended from the range at Crawney in the south, along Wombramurra Creek and the Peel River to the west and along spurs of the Great Dividing Range on the north and east. The township of Nundle was later laid out within the northern tip of Wombramurra run. In 1847, Dr Jenkins acquired Wombramurra in addition to his already extensive land holdings in the area, including Woolloomoon (25,600 acres), Wollombol (12,000 acres) and Piallimore (6,400 acres). When the boundaries of pastoral holdings were gazetted in 1848, Jenkins' 'Wombramurra' run had absorbed Sempill's earlier 'Nundul' station. According to recollections of early Nundle resident William Telfer, Dr. Jenkins:

*[...] made a fortune on the place working in connection with Dungowan and Wombramurra stations running about twenty-eight or thirty thousand sheep also fifteen hundred head of cattle also one hundred and fifty horses also carrying on a butchering establishment and store on the goldfields and having another business as a gold buyer on the field at Hanging Rock.
(Warner, R: 1990 pp. 27-93).*

In 1848 ex-convict Nathan Burrows, with a ticket of leave gained in 1832, was listed as a squatter holding a lease of 15,360 acres at Hanging Rock. Burrows ran some 500 head of cattle on his lease, known as the 'Hanging Rock Run'. Other runs established in the Nundle area by this time included Peter Brodie's run at Swamp Oak Creek (20,480 hectares) and Isaac Haig's run at Dungowan Creek (10,240 hectares). In the same year, the Governor at the time recognised the need for expansion of the district. Sir Charles Fitzroy, secured permission from Earl Grey in England to allow the development and to proclaim new counties. The County of Parry was proclaimed, named after the famous explorer and commissioner of the Australian Agricultural Company. The new County included the Liverpool Plains around the Peel River. It also contained the whole of the original Goonoo Goonoo lands and the greater parts of the lands within the present Shire of Nundle. Following this, the limits of settlement were widened, encouraging squatters to search for land even further from settled areas (Bayley 1953:17).



Photograph 3.1 Loading Wool Bales at the Wombramurra Station, 1906

(DAG Sheep Station 2014)

3.1.4 Discovery of Gold at Hanging Rock

The first discovery of gold at Hanging Rock is attributed to Nathan Burrows in August 1851. Before the end of February 1852, 27 cradles were operating at Hanging Rock and the number of diggers were increasing daily. Tiny settlements quickly sprang up to provide for the needs of prospectors who flocked to the Nundle district. Along Oakenville Creek, west of the foot of Hanging Rock, stores and public houses appeared quickly, and by June 1852 there were 300 diggers and their families camped along the valley in tents and bark huts. In February 1853 the Hanging Rock community was substantial enough that it was to be formed into a township.

By 1854, miners started to arrive from as far as China, Europe, California and Jamaica to try their luck on the goldfields. With the arrival of international prospectors, further shanty settlements sprang up along the Peel River and the creeks that flowed into it, including Happy Valley, Golden Point, Diamond Creek and Nuggety Creek.

The rush in Happy Valley began in 1854, though by 1859 most of the best alluvial gold had been taken out. In 1857 there were still high hopes for the Peel River diggings. The diggings were lucrative enough to support hundreds of miners until the mid-1860s when the easily won alluvial gold began to run out. As early as 1861, Happy Valley, which had been populated by hundreds of prospectors from all corners of the globe, was almost deserted, as miners moved onto richer fields. Chinese miners stayed on and made a small living of abandoned European claims for a few more years, though by 1872 there was very little gold mining activity at Hanging Rock.

Joseph Clark, a miner born in 1832 in England, established the Black Snake mine in 1876, over a decade after he arrived in the Nundle area. The Black Snake Mine is one of 10 mines which form the major gold reefs within the Nundle Goldfield; it extends over an area of about 15 km north-south by 5 km east-west and about 45 km south-south-east of Tamworth. Most of these mines are situated near the hamlet of Bowling Alley Point or between Nundle and Hanging Rock village. Clarke worked the mine with another miner, George Cairns until 1926. Using primitive equipment limited to hammers, picks and gunpowder, the two miners constructed 112 metres of tunnels by hand. The main tunnel, winding 80 m into the hillside, was built in the 1880s. They named the mine Black Snake because of the way the main reef of gold twisted and turned.

3.2 Establishment of Nundle Township

It is well known that Nundle had its origins in the early gold rushes of NSW. Before gold was discovered near Hanging Rock in 1851 it was merely a branching off point for the tracks followed by the bullock teams supplying nearby stations or the more remote properties further north. On 10 July 1852 Abraham Solomon made an application for allotments to be put up for sale in the locality of the Woolomin Reserve. This prompted the Government to consider the best location for a township to serve the newly discovered Peel River diggings. The surveyor commissioned to investigate the matter recommended Nundle as the most suitable site for a village.

Nundle was centrally located at the junction of the road from the diggings at Hanging Rock to Tamworth and the road from Hunter Valley via the Crawney Pass. Approval for the layout of the village was given on 18 October 1852. Assistant Surveyor J.V. Gorman completed the plan for the township in January 1853, laying out the principal street, Jenkins Street, parallel to Peel River. Jenkins Street was named after one of the earliest residents, Dr. R.L Jenkins. Two of the cross streets, Durbin and Innes Streets, were named in honour of the first two gold commissioners for the district (Figure 3.1). The site of the township was selected on a gentle slope on the eastern side of the Peel River, between the junction of Oakenville Creek and Nundle Creek, only ten miles from the source of the river (Bayley 1953:40).

Nundle was gazetted as a township on 23 February 1854, its official description being 'Nundle on the Peel River in the pastoral district of Liverpool Plains'. In this same year, the Peel River Land and Mineral Company laid out a township on the western side of the Peel River, offering its quarter acre allotments at first sale on July 1, 1854 (Bayley 1953:40).

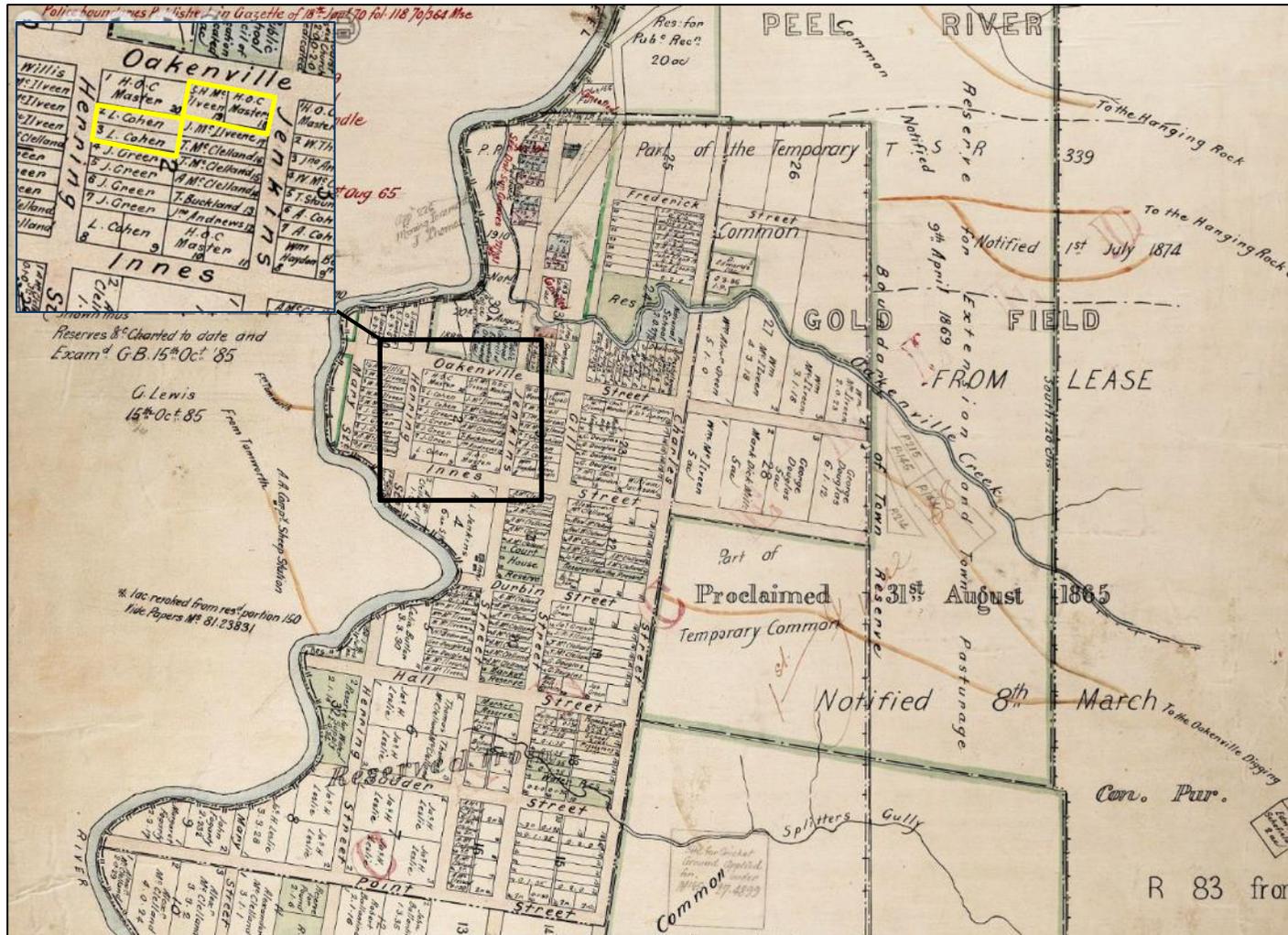


Figure 3.1 Detail of 'Design of the Town of Nundle, Parish of Nundle' (1885)

Showing Jenkins Street, Innes Street and Durbin Street. Portion 2 encompassing the Project Area is indicated. The LEP curtilage of the Peel Inn is boxed (NSW Land Registry Services - Historical Land Record Viewer).

The only existing buildings on the site of the government township of Nundle when the layout was completed were an Inn on six acres reserved for R.L Jenkins' improvements on the north west corner of Jenkins and Durbin Streets, and the police barracks on a bend in river, south of the junction of Oakenville Creek. The first auction of town allotments in Nundle was held in Tamworth on 9 February 1855 with the maximum price set as £8 per acre or £4 per half acre lot (Bayley 1853: 40). Once the first lots of land on the Government side of the Peel River were auctioned in 1855, the township of Nundle grew rapidly.

In 1857, Richard L. Jenkins purchased under pre-emptive right for an area set aside for him at Hanging Rock, previously Jenkins had the same deal for land in Nundle. The area at Hanging Rock was fourteen acres on which he established Gibbins' Inn, a store and other buildings.

Soon the township of Nundle started to take shape, a site was set aside for a courthouse on the north east corner of Jenkins and Durbin Street. By 1866 Nundle had a population of 500 and had five hotels, a post and money order office, court house, police barracks and a steam flour mill. The earlier settlements of Happy Valley, Oakenville Creek and Hanging Rock soon became suburbs of Nundle. The first school in Nundle was a Church of England denominational school which began in 1861, though attendance was poor and it closed in 1870. Local residents made an official application for a public school in Nundle on 20 September 1869 and by 1870 two acres of land at the corner of Jenkins and Oakenville Streets were reserved. A new brick school with single roof was built on the site, opening January 1872. By 1882 sites were set aside for a Wesleyan (later marked 'Primitive') Methodist Church, a Presbyterian Church, Manse and School, Roman Catholic School and Church (Photograph 3.2).



Photograph 3.2 The Lower View of Jenkins Street with Primitive Methodist Church, Erected 1882

(Bayley 1953:20).

3.2.1 Early Industry in Nundle

During the height of the gold rushes small farmers found a ready market for their fruit and vegetable on the diggings, and the sheep and cattle raised on the grazing runs kept the miners supplied with meat. Many miners who were unsuccessful in making their fortune on the diggings, including the Chinese, stayed in the district and also took up farming.

From the late nineteenth and into the early twentieth centuries Chinese market gardeners made significant contribution to the supply of fresh vegetables, and dominated the production and distribution of vegetables in NSW until the 1930s. Chinese farmers were also pioneers of tobacco growing in NSW, experimenting with tobacco during the 1880s in the Nundle district on the Peel River flats.

During the 1870s, several dairies were established along the Peel River flats. Although there was a move to build a dairy factory in Nundle in 1904, the proposal received little support and farmers continued to send their cream to the factory in Tamworth. Other thriving industries during the early years of the Nundle Township included pig raising for ham and bacon production, cattle and sheep, wheat and lucerne. Maize was also grown along the Peel River between Nundle and Dungowan. Potatoes were also grown at Hanging Rock, with the rainfall and fertile soil ideal conditions. Later member of Council J.W Newman (1914), who supported a submission for a railway line to Nundle commented:

The rich valleys of Dungowan Creek of Duncan's Creek on the east and all that valuable land just over the mountain on the west, owned by Peel River Land and Mineral Company [...] one acre of that rich soil would produce more loadings than five or six acres of wheat land [...] there is almost inexhaustible supply of nearly all kinds of hardwoods [...] if this line were built in would place thousands of acres of rich volcanic soil at Hanging Rock, and at the heads of Duncan's, Dungowan and Mullah Creeks within the workable distance where potatoes, turnips and all root crops could be grown to perfection (Telfer, W. in R. Milliss 1980, cited in Boileau 2007: 39).

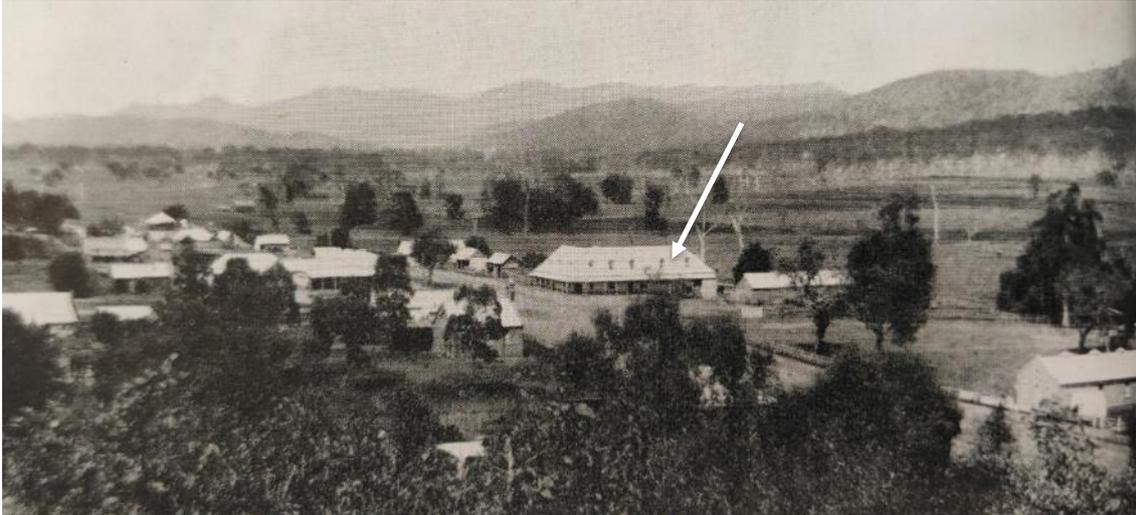
The heavily forested ranges to the east of Hanging Rock were first exploited in 1874, when a zigzag road was completed up Hanging Rock Mountain. These ranges included good reserves of valuable timber, including stringybark, messmate, manna gum and ribbon gum. Widespread clearing of forests in NSW continued up until the 1890s and into the twentieth century. Following the *Forestry Act 1909* and the establishment of the Forestry Commission of NSW in 1916, wholesale clearing of leasehold lands in central and eastern NSW was brought under some control through the declaration of State forests and timber reserves. The Nundle State Forest was dedicated in 1917 and in 1918 the Hanging Rock State Forest was created.

3.2.2 Local Public Houses and Inns

Informal shops were among the first businesses established in the flourishing tent cities that sprang up on the gold diggings, to satisfy the thirsts of the miners. Within two months of the discovery of gold at Hanging Rock in 1851, an informal seller was reported to be operating there and licensed public houses were established soon afterwards. In 1852, the Golden Nugget Inn was opened by John Gibbons at Hanging Rock, and an inn at Nundle was opened by Dr Richard L Jenkins. Jenkins also established the Gibbons Inn at Hanging Rock in 1857, along with a store and other buildings. By the end of 1855 there were three inns in Oakenville, and a public house and two stores were operating at Happy Valley (to the north of Nundle) (Boileau, 2007: 52).

3.2.2.1 Establishment of the Peel Inn

The sandstock brick Peel Inn, constructed in 1861 at the corner of Jenkins and Oakenville Streets in Nundle, was built by a Mr William McIlveen. The original hotel was a two-storey building with shingle roof and attic rooms with dormer windows (Photograph 3.3 and Photograph 3.4). Historic photographs illustrate a lack of substantial development at the rear of the Peel Inn (Photograph 3.5). John Schofield acquired the Inn a few years later in c.1863 as a result of winning a card game. By 1864, the Peel Inn was one of five inns within the township of Nundle, and another 10 inns were located at the gold fields (The Maitland Mercury and Hunter River General Advertiser, 1864: 3).



Photograph 3.3 Panoramic view of Nundle c.1880-1890s showing Peel Inn (arrowed) (Bayley 1953: 20).



Photograph 3.4 The Peel Inn c.1890, as a two-storey building (photograph mounted on interior wall Peel Inn, 2022).

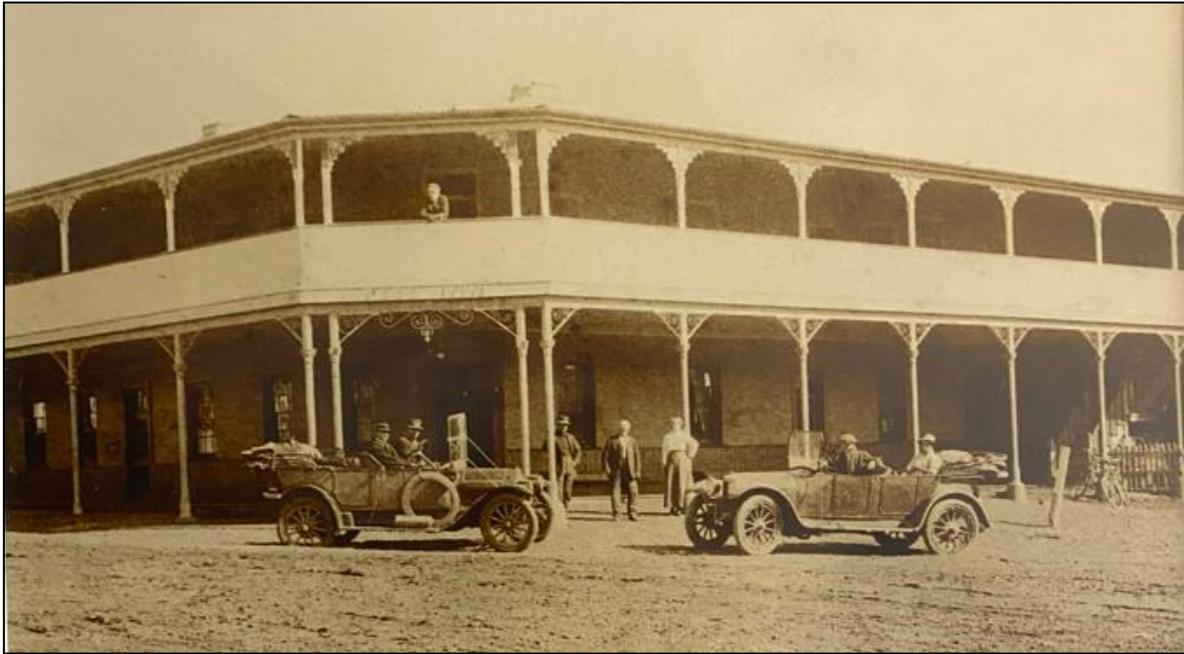


Photograph 3.5 View east of Peel Inn c.1880, showing vegetation and streetscape (photograph mounted on interior wall, Peel Inn, 2022).

Schofield substantially renovated the hotel in the 1890s by raising the roof and replacing the second storey built entirely of Wunderlich tin. In c.1912 the ground floor and first floor verandahs were extended to a width of over 6m; the works cost an estimated £700 (Photograph 3.6 and Photograph 3.7) (The Tamworth Daily Observer, 1913: 2). In 1922 the Peel Inn was sold to Annie Prisk, following the death of John Schofield. In 1924 the Inn was described as having ‘a large dining room, two bathrooms and 15 bedrooms (12 accessible to the public and 3 for staff)’ (Australian National University, 2020, N60-YC-1951). The Peel Inn was the focus of social life in Nundle. The large assembly room was utilised for many public meetings, dances and balls, and was also a venue for billiards and skating.



Photograph 3.6 The Peel Inn (June 1924) showing the second storey addition ([Open Research: Peel Inn Hotel Nundle card 1 side 2 \(anu.edu.au\)](https://anu.edu.au)).



Photograph 3.7 The Peel Inn (c.mid-1920s) showing second storey addition including verandahs (photograph mounted on interior wall Peel Inn, 2022).

The Inn property contained stables; a 1924 article in the *North West Champion* documented that:

'...when the grand old Schofields kept the Peel Inn at Nundle...no one was permitted to have more than two drinks in succession there, no one under the influence would be served or tolerated, everything was spotlessly clean, the meals were beautiful, and the proprietor himself saw that every horse was properly fed and thoroughly groomed' (1924: 3).

The Sun reported that the stables were blown away in a 1933 storm, along with fences; this indicates that the stables were likely a light structure (of corrugated iron or timber) (*The Sun*, 1933: 7).

The area to the rear of the Peel Inn (encompassing the Project Area) was subject to flooding from the Peel River; effluent was also pumped onto this area from the inn prior to connection of sewerage systems (pers. comm. Robert Schofield, 2022). Aerial photographs indicate that the block encompassing the Project Area appears to have remained largely undeveloped into the late twentieth century (Figure 3.2).

Jeff and Guy Schofield (descendants of John Schofield) purchased the Inn in c1950 from Doug Stortenbecker (who likely purchased in the Inn in the mid-1940s). The Inn currently remains in the ownership of Robert Schofield, who took over the license in 1967 (Boileau, 2007: 53).



Figure 3.2 **1969 Aerial of Nundle**

Showing the block encompassing the Project Area (boxed) as largely undeveloped to the rear of the buildings along Jenkins Street ([Historical Imagery \(nsw.gov.au\)](https://www.nsw.gov.au/historical-imagery))

4. CONTEXT OF THE PROPOSAL

4.1 Physical Analysis

The Project Area, the footprint of the proposed temporary road, is located within the block bounded by Oakenville Street to the north, Jenkins Street to the east, Innes Street to the south and Herring Street to the west. The Peel Inn (LEP Item 277) stands on the corner of Oakenville and Jenkins Streets, and to the south there are several locally listed heritage buildings fronting Jenkins Street. The Jenkins Street Guesthouse (LEP Item 276) at 85 Jenkins Street is a two-storey, English Bond brick Inter-War Georgian Revival original bank building. The Jenkins St Antiques and Odgers & McClelland General Store (LEP Item 275) at 83 Jenkins Street is an Inter-War period stone shop with awning over the footpath and decorative pediment. The Odgers and McClelland Exchange Stores (LEP Item 274) at 81 Jenkins Street is a weatherboard and iron building with timber verandah and cantilevered awning. The Residence (LEP Item 273) at 79 Jenkins Street is a single-storey, horizontal timber clad house with corrugated iron gable roof (Photograph 4.1 to Photograph 4.4).

The Peel Inn is a two-storey sandstock brick hotel, built in the Federation Filigree architectural style. Steel columns support the second storey balcony. The original decorative pressed metal finishes lining the wide verandahs and many of the attic-style rooms have been retained. An unsealed open car parking area and several carports exist at the rear of the building, accessed off Oakenville Street. Extensive gardens and a courtyard lead off the restaurant at the rear of the building; the western boundary of the courtyard is delineated by a substantial stone retaining wall. A set of metal stairs is attached to the rear of the building, providing access from the second storey to the car parking area. The interior of the building contains a bar and dining area, kitchen, and a billiard room, as well as a cedar staircase leading to 12 publicly accessible rooms on the second floor. A large brick cellar exists beneath the building.

The Project Area is located to the west of the Peel Inn and the other heritage items fronting Jenkins Street. This is a large open, grassed area with several trees standing in the area to the rear of 89-83 Jenkins Street. A wire fence demarcates the western boundaries of 87-75 Jenkins Street. Vegetation at the rear of 89-79 Jenkins Street acts a visual barrier between the heritage buildings and the Project Area, as demonstrated in Photograph 4.5 to Photograph 4.8.



Photograph 4.1 North-eastern elevation of the façade of Peel Inn.



Photograph 4.2 Northern elevation of the Peel Inn.



Photograph 4.3 View south of the eastern elevations of the heritage buildings at 83-89 Jenkins St.



Photograph 4.4 View north of the eastern elevations of the heritage buildings at 79-83 Jenkins St.



Photograph 4.5 View east from Project Area, towards rear of Peel Inn, 89 Jenkins St.



Photograph 4.6 View east from Project Area, towards rear of 85 Jenkins St (LEP Item 276).



Photograph 4.7 View east from Project Area, towards rear of 81-83 Jenkins St (LEP Items 274 & 275).



Photograph 4.8 View east from Project Area, towards rear of 79 Jenkins St (LEP Item 273).

4.2 Evaluation of the Potential Historical Archaeological Resource

4.2.1 Comparative Archaeological Sites

Archaeological excavations that have been undertaken at sites similar to the Peel Inn include:

- Red Cow Inn and Penrith Plaza Station, Jane & Riley Streets, Penrith, excavated in 2004 by Casey & Lowe Pty Ltd; and
- Pilgrim Inn Site, Blaxland, excavated in 1989 by Wendy Thorp (preliminary site exploration).

4.2.1.1 Red Cow Inn and Penrith Plaza Station, Penrith

Casey & Lowe undertook salvage excavations in 2004 in the northern part of the block between Jane, Station and Riley Streets, Penrith, ahead of the Penrith Plaza development. The main archaeological features on the site encompassed the Red Cow Inn (1862) (Photograph 4.9), a building functioning as a blacksmith's shop on Station Street, a cistern on Riley Street and a second well discovered during monitoring in 2005 adjoining the beer garden to the north of the inn.

The archaeological remains associated with the Red Cow Inn were part of the original construction of the inn in 1862, that was later renovated and then rebuilt in the early twentieth century (Figure 4.1). Two earlier wings of the hotel were found, as well as a cobbled yard surface in between these wings, and a timber lined well or long-drop cess pit. The North Wing represented the original building and consisted of two rooms with footings built with river cobbles; the southern part of Room 2 had three small spaces with a chimney, and were suggested to have functioned as a kitchen.

The South Wing appeared to post-date the Northern Wing (serving as a replacement kitchen) and comprised two more rooms with footings built of sandstone blocks as well as dry pressed bricks. A regular fireplace was located in Room 4, whilst Room 3 contained a double fireplace. A timber lined well or long-drop cess pit in the centre of Room 3, that was associated with an earlier period of occupation; it was filled with a dark humus material and contained artefactual material consisting mainly of glass and ceramics.

Areas west of the inn were also excavated revealing early stages of the building associated with water drainage from the cobbled yard surface.



Photograph 4.9 1905 photograph of the two-storey Red Cow Inn
(Casey & Lowe, 2005: 25, Figure 2.10).

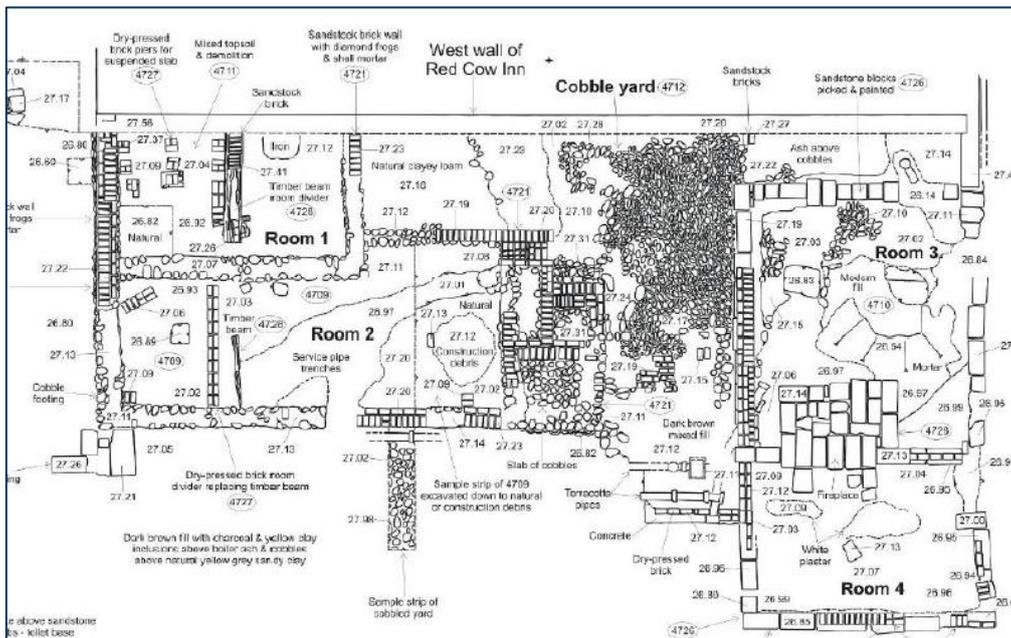


Figure 4.1 Detail of Area D plan, showing archaeological remains of Red Cow Inn
(Casey & Lowe, 2005: 4, Plan 3.4).

4.2.1.2 Pilgrim Inn Site, Blaxland

The junction of Layton Avenue and the Great Western Highway at Blaxland was excavated by Wendy Thorp in 1989. Development began on the site in 1825 with the construction of a weatherboard hut, and was later extended and functioned as an inn in 1828. Outbuildings including stables and stores were constructed on the site in 1832 (Figure 4.2). By 1839 a second inn had been built nearby; these buildings are often confused in historical documentation. In 1852, the building became known as the Pilgrim Inn, and underwent renovations until falling into disrepair in the early twentieth century before being destroyed in a fire in 1969. At the height of development of the inn, it consisted of fourteen rooms, substantial outbuildings, sheds and gardens.

Three rough stone walls were extant on the site at the time of investigation, and sandstone paving to a covered cellar associated with the inn was located in close proximity. Foundations of the former weatherboard cottage were also visible. A rubbish pit at the south of the former inn appeared to have utilised a former well. No structural remains of the outbuildings were recovered, which may have been attributed to a neighbourhood clean-up following the fire at the site. It was suggested that the foundation stones of these buildings were reused in the neighbourhood.

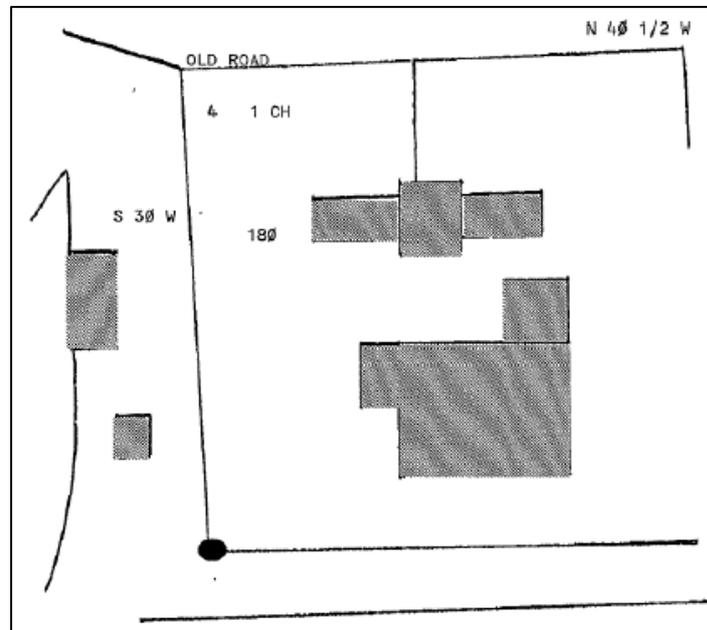


Figure 4.2 Pilgrim Inn Site (1832) (Thorp, 1989: 12, Figure 2).

4.2.2 Archaeological Potential of the Peel Inn

The historical context of the Peel Inn indicates that it has a long period of occupation, dating from its construction in 1861 by William McIlveen. The discussion of excavation programmes summarised above in Section 4.2.1 demonstrate the nature of archaeological resources associated with nineteenth century inn sites.

The area to the rear of the Peel Inn contained stables (which were blown away in a 1933 storm); this suggests that they were likely a light structure constructed of timber or corrugated iron. As such, there is low potential for substantial remains of this structure to be present. Nineteenth century photographs of the Peel Inn do not indicate obvious structures within the Project Area (Photograph 3.3). However, connection to the water and sewerage systems in the local area likely occurred in the early twentieth century; as such, there would have likely been a cesspit², and a well in the locality. It is likely that the cesspit would have been located within close proximity to the Peel Inn, for ease of convenience and also so as to be safe from the risk of flood events along the Peel River. At the time of sewerage reticulation, cesspits were backfilled (as they were no longer required); these deposits often contain artefactual material. The potential location of a well is not known; it may have been shared among the properties within the block, and may not necessarily have been located at the rear of the Peel Inn.

It should be noted that the potential nineteenth century structures associated with the Peel Inn are likely to be located within the immediate vicinity of the building, and to the rear of the building (within the lots to the north of the listed LEP heritage curtilage). As such, the listed heritage curtilage may encompass archaeological resources associated with the other nineteenth century properties located at 81-85 Jenkins Street.

² In association with former privy.

It is also possible that other discrete or ephemeral features could be located within the Project Area. These may include rubbish pits, associated with early rubbish disposal prior to the introduction of Council rubbish removal, as well as post holes associated with light structures, or demarcating former fence lines.

The integrity of the potential archaeological resource within the Project Area is likely to be low due to the low-lying nature of the site; the resource has likely been compromised by disturbance as a result of flood events throughout antiquity and the disposal of effluent in this area prior to the connection of sewerage systems (Table 4.1). As such, the Project Area is considered to be of low archaeological sensitivity.

Table 4.1 Summary of Archaeological Potential

Potential Archaeological Resource and Likely Location	Integrity of Archaeological Resource	Archaeological Potential within the Project Area	Potential significance level (Research Value)
<p>Evidence of former (nineteenth-century) structures including cesspit and/or well.</p> <p>A cesspit would have likely been present close to the Peel Inn, and therefore would be outside the Project Area.</p> <p>The potential location of a well is not known; it may have been shared among the properties within the block, and may not necessarily have been located at the rear of the Peel Inn.</p>	<p>These resources may be present with integrity; however, there is no clear indication that they would be present within the Project Area.</p>	Low	<p>Local significance – if present with good integrity.</p> <p>However, there is no clear indication that resource would be present within the Project Area.</p>
<p>Occupation deposits (including rubbish pits).</p>	<p>The integrity of the potential archaeological resource within the Project Area is likely to be low due to the low-lying nature (and drainage depression) of the site; the resource has likely been compromised by disturbance as a result of flood events throughout antiquity and the disposal of effluent in this area prior to the connection of sewerage systems.</p>	Low	<p>Resource unlikely to be present with good integrity – as such, low research value.</p>
<p>Discrete or ephemeral features including post holes (light structures such as stables, or fence lines).</p>	<p>The integrity of the potential archaeological resource within the Project Area is likely to be low due to the low-lying nature of the site; the resource has likely been compromised by disturbance as a result of flood events throughout antiquity and the disposal of effluent in this area prior to the connection of sewerage systems.</p>	Low	<p>Resource unlikely to be present with good integrity – as such, low research value.</p>

4.2.2.1 Research Potential

If archaeological resources are present within the Project Area, they would most likely be ephemeral or discrete (including post holes). If these resources were present with good integrity, they may meet the threshold for local significance. However, the above assessment has identified that these resources are unlikely to be present with good integrity within the Project Area. As such, the archaeological resource has limited potential to provide a new understanding of the history of the local area that is not available from other sources.

5. ASSESSMENT OF HERITAGE IMPACT

The impacts of the proposed construction of the temporary road within the Project Area on the local heritage values of the *Peel Inn* and other items in the vicinity is assessed below, in accordance with *Statements of Heritage Impact* (rev. 2002).

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

The proposed works will not enhance the heritage significance of the *Peel Inn* or surrounding heritage items. However, the proposed works will be limited to the Project Area, and will not have a direct impact on the identified heritage values of the Peel Inn.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

The archaeological potential of the Project Area has been assessed as low. The proposed works are unlikely to disturb archaeological deposits with good integrity. However, extensive ground disturbance for the construction of the temporary road should still be avoided where possible. Consideration should be given for ‘building up’ the roadway across the curtilage of the Peel Inn, in preference to substantial excavation.

The existing vegetation at the rear of the heritage items, act as a visual barrier to the east of the Project Area, and this screening should remain unaffected by the Project. As such, the proposed construction of the temporary road will have a minor temporary impact on the visual amenity of the Peel Inn, to its rear, but will have no impact on the historic streetscape of Nundle. However, as this impact would be limited to the Project Area, the works will not have an adverse impact on the listed heritage significance of the Peel Inn, or the broader built heritage environment.

The following sympathetic solutions have been considered and discounted for the following reasons:

The ‘Do Nothing’ approach has been discounted as the road construction will be required to transport large components for the construction of the Hills of Gold Wind Farm.

The nature of the proposed road is temporary; as such, following the use of the road, the area should be returned to its pre-construction condition and made good where possible so as to minimise long-lasting impacts to the visual amenity of the area.

5.1 Statement of Heritage Impact

The proposed construction of the temporary road will have no impact to the heritage streetscape of Nundle. There will be a minor temporary impact to the aesthetic values of the *Peel Inn* within its listed curtilage. Mitigation of this impact on the visual amenity of the area should be provided through the restoration of the area to its pre-construction condition, following the use of the temporary road. The proposed works will have a negligible impact on the heritage significance of the *Peel Inn* or the broader built heritage environment in their entirety.

The Project Area is considered to be of low archaeological sensitivity and of little research value. Whilst the proposed works are unlikely to disturb archaeological deposits with good integrity, consideration should be given to minimise substantial excavation where possible.

6. CONCLUSION AND RECOMMENDATIONS

This report has identified that the proposed amendment to the Hills of Gold Windfarm project (SSD-9679), involving the construction of a temporary transport route through allotments within the township of Nundle, will have no impact to the heritage streetscape of Nundle. There will be a minor temporary impact to the aesthetic values of the Peel Inn within its listed curtilage. However, the proposed works will have a negligible impact on the heritage significance of the items in their entirety.

6.1 Statutory Requirements

This SoHI has identified that the proposed works will not have an adverse effect or impact on locally significant heritage items within and in the vicinity of the Project Area. The proposed works are consistent with the Section 139(4) Excavation Permit Exceptions, which state that an excavation permit under the *Heritage Act 1977* is not required for disturbance or excavation of land, provided the proposal is for *minor works or activities that have minimal impact on archaeological relics of local heritage significance*. The proposed works meet the following criteria provided in Clause 2 'Exceptions' of the *NSW Government Gazette 59*:

The following disturbance or excavation of land does not require an excavation permit under subsections 139(1) or (2) of the Heritage Act 1977 provided that it falls within one or more of the exceptions described at clauses 2(a) to (f) below, and is undertaken in compliance with the General Conditions prescribed at clause 3 further below:

(a) Any disturbance or excavation of land that has limited archaeological research potential, as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years.

The use of exceptions under Section 139(4) is self-assessed, and is based on the current understanding of the Project and Project's adherence to the management and mitigation as set out below. The Section 139(4) Exception Record of Use Form is appended to this report as *Appendix A*.

6.2 Recommended Management and Mitigation Strategies

The following are key recommendations that aim to mitigate the impact of the proposed works on the identified heritage values of the Peel Inn, and other heritage items in the vicinity:

6.2.1 Recommendation 1 – Avoidance of Ground Disturbance

Extensive ground disturbance for the construction of the temporary road is to be avoided. Consideration should be given for 'building up' the roadway within the block bound by Jenkins, Oakenville, Herring and Innes Streets, in preference to substantial excavation. Removal of top soil may be permitted, but cut and fill should be minimised.

6.2.2 Recommendation 2 – Heritage Induction

Prior to the commencement of works, all contractors should be briefed on the requirements of the *Heritage Act 1977*, and the Unexpected Finds Protocol (outlined in Section 6.2.5).

6.2.3 Recommendation 3 – Unexpected Finds Protocol

In the event that relics are unexpectedly exposed, works should cease immediately. The management of relics should be in accordance with NSW Heritage guidelines and policies, as outlined in the Unexpected Finds Protocol (Section 6.2.5).

6.2.4 Recommendation 4 – Ground Rectification

Following the use of the temporary road, the area should be returned to its pre-construction condition and made good (i.e. re-establishment of grass). The mature trees within the Project Area would not require re-planting.

6.2.5 Unexpected Finds Protocol

This SoHI has identified that the archaeological potential of the Project Area is low. However, in the event that relics are unexpectedly recovered during the proposed works, all works should cease immediately and the Unexpected Finds Protocol should be followed. The following steps are provided below in the event that unexpected heritage items are identified during the proposed works:

- where a potential historic heritage item is found during works, all works within the vicinity of the item, or with the potential to impact the item should cease and a temporary exclusion zone established;
- an appropriately qualified heritage consultant should examine the item to assess its significance and further archaeological potential;
- where a relic is found, the NSW Heritage Council should be notified (in accordance with Section 146 of the *Heritage Act 1977*) and approval will likely be required prior to the continuation of works. Other archaeological deposits should be recorded and assessed for significance and potential salvage by an appropriately qualified heritage consultant; and
- Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area.

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APPENDIX A SECTION 139(4) EXCEPTION RECORD OF USE FORM



Section 139(4) Exception Record of Use Form

Instructions

This template is a tool that may be used to assist you when recording the use of exceptions under section 139(4) of the *Heritage Act 1977*. You should retain a copy of the completed form and any other relevant information for your records and to comply with the general conditions of use for exceptions. Some fields may not be necessary or relevant each time.

This form should **not** be used for items listed on the State Heritage Register.

Important note

Use of exceptions under section 139(4) is self-assessed. In completing this form, you acknowledge that:

- you have read the specific conditions of the exceptions to subsections 139(1) and (2) of the *Heritage Act 1977* and any relevant associated guidelines (noting that the guidelines may specify documentation or record-keeping requirements other than this record of use)
- this record is not for assessment purposes
- this record does not represent an endorsement from the Heritage Council for the work or use of the exception
- this form may be requested as part of an audit or compliance investigation
- this form cannot be relied on as a defence to prosecution.

Affected relic

Name of relic:

Location of relic (either street address, coordinates, or survey data. Attach a map):

Local Government Area relic is in: Choose an item.

Local Environmental Plan item number (if applicable):

Description of relics:

(Include at a minimum what the relic may be and the location).

Significance

(Include a statement of significance, including confirmation of local significance).

Relevant exception

Exception (only one exception should be relevant for each project)	Check
2a) Any disturbance or excavation of land that has limited archaeological research potential, as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years.	<input type="checkbox"/>
2b) Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance, in accordance with 'Relics of local heritage significance: a guide for minor works with limited impact' published by Heritage NSW.	<input type="checkbox"/>
2c) Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years.	<input type="checkbox"/>
2d) Any disturbance or excavation of land for archaeological test excavation of relics of local heritage significance completed in accordance with the guideline 'Relics of local heritage significance: a guide for archaeological test excavation' published by Heritage NSW.	<input type="checkbox"/>
2e) Any disturbance or excavation of land for archaeological monitoring of relics of local heritage significance completed in accordance with the guideline 'Relics of local heritage significance: a guide for archaeological monitoring' published by Heritage NSW.	
2f) Any disturbance or excavation of land:	<input type="checkbox"/>
i) for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;	<input type="checkbox"/>
ii) to carry out inspections or emergency maintenance or repair on underground utility services with due care taken to avoid effects on any other relics;	<input type="checkbox"/>
iii) to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;	<input type="checkbox"/>
iv) to maintain or repair the foundations of an existing building which will not affect any associated relics; or	<input type="checkbox"/>
v) to expose survey marks for use in conducting a land survey.	<input type="checkbox"/>

Activity/works proposal

Description of works:

(Include at a minimum what the activity/work is, how it will be carried out, what parts of the relic it affects. These exceptions **do not** apply to relics of State heritage significance or to any relic that is State Heritage Register listed or subject to an interim heritage order.).

Section 139(4) Exception record of use

Was professional advice sought to use the exception (even if it was not required by the guidelines)?

Yes: No:

If yes to either of the above questions on professional advice, complete the table below (add additional rows if required):

Name of company/person	Date of advice	Title of any advice document (attach the document to this record)

Cost of works:

\$

Start date:

Click or tap to enter a date.

Completion date:

Click or tap to enter a date.

Heritage controls: What measures were put in place to minimise or avoid impact from the activity/ work to relics?

Contact information

Name	<input type="text"/>
Role/organisation	<input type="text"/>
Postal Address:	<input type="text"/>
Email:	<input type="text"/>
Phone number:	<input type="text"/>

Relics landowner (if different to project manager)

Attachments:

Document Title	Author	Date

(List the names of any other documents or files that were used, in addition to this form).

APPENDIX B STATEMENT OF LIMITATIONS

STATEMENT OF LIMITATIONS

This report is based solely on the scope of work described in Section 2 (Scope of Work) and performed by Environmental Resources Management Australia Pty Ltd (ERM) as commissioned by Hills of Gold Windfarm Pty Ltd (the Client). The Scope of Work was governed by a contract between ERM and the Client (Contract).

No limitation, qualification or caveat set out below is intended to derogate from the rights and obligations of ERM and the Client under the Contract.

The findings of this report are solely based on, and the information provided in this report is strictly limited to that required by the Scope of Work. Except to the extent stated otherwise, in preparing this report ERM has not considered any question, nor provides any information, beyond that required by the Scope of Work.

This report was prepared in October 2022 and is based on conditions encountered and information reviewed at the time of preparation. The report does not, and cannot, take into account changes in law, factual circumstances, applicable regulatory instruments or any other future matter. ERM does not, and will not, provide any on-going advice on the impact of any future matters unless it has agreed with the Client to amend the Scope of Work or has entered into a new engagement to provide a further report.

Unless this report expressly states to the contrary, ERM's Scope of Work was limited strictly to identifying typical environmental conditions associated with the subject site(s) and does not evaluate the condition of any structure on the subject site nor any other issues. Although normal standards of professional practice have been applied, the absence of any identified hazardous or toxic materials or any identified impacted soil or groundwater on the site(s) should not be interpreted as a guarantee that such materials or impacts do not exist.

This report is based on information provided by the Client or third parties (including regulatory agencies). All conclusions and recommendations made in the report are the professional opinions of the ERM personnel involved. Whilst normal checking of data accuracy was undertaken, except to the extent expressly set out in this report, ERM:

- Did not, nor was able to, make further enquiries to assess the reliability of the information or independently verify information provided by;
- Assumes no responsibility or liability for errors in data obtained from the Client, any third parties or external sources (including regulatory agencies).

Although the data that has been used in compiling this report is generally based on actual circumstances, if the report refers to hypothetical examples those examples may, or may not, represent actual existing circumstances.

Only the environmental conditions and or potential contaminants specifically referred to in this report have been considered. To the extent permitted by law and except as is specifically stated in this report, ERM makes no warranty or representation about:

- The suitability of the site(s) for any purpose or the permissibility of any use;
- The presence, absence or otherwise of any environmental conditions or contaminants at the site(s) or elsewhere; or
- The presence, absence or otherwise of asbestos, asbestos containing materials or any hazardous materials on the site(s).
- Use of the site for any purpose may require planning and other approvals and, in some cases, environmental regulator and accredited site auditor approvals. ERM offers no opinion as to the likelihood of obtaining any such approvals, or the conditions and obligations which such approvals may impose, which may include the requirement for additional environment works.

The ongoing use of the site or use of the site for a different purpose may require the management of or remediation of site conditions, such as contamination and other conditions, including but not limited to conditions referred to in this report.

This report should be read in full and no excerpts are to be taken as representative of the whole report. No responsibility or liability is accepted by ERM for use of any part of this report in any other context.

Except to the extent that ERM has agreed otherwise with the Client in the Scope of Work or the Contract, this report:

- Has been prepared and is intended only for the exclusive use of the Client;
- Must not to be relied upon or used by any other party;
- Has not been prepared nor is intended for the purpose of advertising, sales, promoting or endorsing any Client interests including raising investment capital, recommending investment decisions, or other publicity purposes;
- Does not purport to recommend or induce a decision to make (or not make) any purchase, disposal, investment, divestment, financial commitment or otherwise in or in relation to the site(s);
and
- Does not purport to provide, nor should be construed as, legal advice.

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