



Kariong Sand and Soil Supplies (Lot 4 DP 227279) Historical Heritage Assessment and Statement of Heritage Impact

FINAL REPORT

Prepared for Jackson Environment and Planning Pty Ltd on behalf of Mr & Mrs Ray and Sue Davis

14 March 2018

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Glossary

c.	Circa
CBD	Central Business District
CHL	Commonwealth Heritage List
DA	Development Application
DEE	Department of Environment and Energy
DP	Deposited Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage Act	<i>Heritage Act 1977</i>
LEP	Local Environmental Plan
m	Metre
mm	Millimetre
NHL	National Heritage List
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
PAC	Planning Assessment Commission
SoHI	Statement of Heritage Impact
SHR	State Heritage Register
SSD	State Significant Development
Study area	The area of impact for the proposed works

Summary

Biosis Pty Ltd was commissioned by Jackson Environment and Planning Pty Ltd on behalf of Mr & Mrs Ray and Sue Davis to undertake a historical heritage assessment of the Kariong Sand and Soil Supplies project located at 90 Gindurra Road, Somersby, New South Wales (NSW), referred to as the 'study area' herein. Industrial development is proposed for the study area, including the installation of fencing, construction of roads, parking areas, stormwater run-off and drainage/treatment infrastructure, an office and maintenance workshop, hardstand areas and storage bays. The proposed development will be assessed as a State Significant Development (SSD) under Section 89(c) of the *Environmental Planning and Assessment Act 1979 NSW* and Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011. The project will be assessed by the Planning Assessment Commission (PAC) under delegation from the Minister of Planning.

Heritage values

Significant heritage values identified within and adjacent to the study area include:

- There were no items of built heritage identified within the study area.
- One conservation area – Mount Penang Parklands, listed on the state heritage register was identified directly adjacent to the southern boundary of the study area.
- The north eastern portion of the study area was identified as containing moderate archaeological potential relating the remains of the 1920s cottage and associated buildings.

The state listed Mount Penang Parklands are located on the southern boundary of the study area, separated only by a road. Part of the listing for the parklands includes the natural settings surrounding the site.

Impact to heritage values

Archaeological remains relating the 1920s cottage and associated buildings was assessed as not containing any significant fabric or research potential and as such there will be no impacts to heritage items within the study area. The conservation area identified on the southern boundary of the study area will not be impacted by the proposed development as the southern portion of the study area will not undergo any development.

Recommendations

These recommendations have been formulated to respond to Jackson Environment and Planning Pty Ltd on behalf of Mr and Mrs Ray and Sue Davis requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible in order to retain its cultural significance.¹

Recommendation 1 No further assessment required

It is the opinion of this assessment that no further work is required relating to the proposed development of the site. No heritage items of significance are located within the study area.

Recommendation 2 Unexpected find procedure

¹ Australia ICOMOS 2013

Should any unexpected finds be revealed during the earth works that this assessment has not addressed then an unexpected finds procedure should be implemented. Please see step following for procedure:

1. Discovery: If suspected archaeological remains are discovered activity in the vicinity of the discovery must stop to ensure minimal damage is caused; and the archaeological remains must be left in place, and protected from harm or damage.
2. Notification: Once the suspected archaeological remains have been isolated then an archaeologist should be consulted to ascertain the significance of the archaeological remains, if any and provide management measures should they be required.

Recommendation 3 Stop work provision for any potential discovery of human remains

If any suspected human remains are discovered during any activity works, all activity in the vicinity must cease immediately. The remains must be left in place and protected from harm or damage. The following contingency plan describes the immediate actions that must be taken in instances where human remains or suspected human remains are discovered. Any such discovery at the study area must follow these steps:

1. Discovery: If suspected human remains are discovered all activity in the vicinity must stop to ensure minimal damage is caused to the remains; and the remains must be left in place, and protected from harm or damage.
2. Notification: Once suspected human skeletal remains have been found the NSW Police must be notified immediately, they will subsequently inform the Coroner's Office. Following this, and if the human remains are likely to be Aboriginal in origin, the find will be reported to the Aboriginal parties and OEH NSW. If the find is likely to be non-Aboriginal in origin and more than 100 years in age, the Heritage Council of NSW will be notified of the find under s.146 of the *Heritage Act 1977*.

1 Introduction

1.1 Project background

Biosis Pty Ltd was commissioned by Jackson Environment and Planning Pty Ltd on behalf of Mr & Mrs Ray and Sue Davis to undertake a historical heritage assessment of the Kariong Sand and Soil Supplies project located at 90 Gindurra Road, Somersby, New South Wales (NSW) (Figure 1 and Figure 2), referred to as the 'study area' herein. Industrial development is proposed for the study area, including the installation of fencing, construction of roads, parking areas, stormwater run-off and drainage/treatment infrastructure, an office and maintenance workshop, hardstand areas and storage bays. The proposed development will be assessed as a State Significant Development (SSD) under Section 89(c) of the *Environmental Planning and Assessment Act 1979* NSW and Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011. The project will be assessed by the Planning Assessment Commission (PAC) under delegation from the Minister of Planning.

1.2 Location of the study area

The study area is located within the suburb of Somersby, in the Central Coast Local Government Area (LGA), Parish of Gosford, County of Northumberland (Figure 1). It encompasses approximately 10.8 hectares of private land. It is currently zoned as IN1 General Industrial.

1.3 Scope of assessment

This report was prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and "Relics"* and the *Burra Charter*.² This report provides a heritage assessment to identify if any heritage items or relics exist within or in the vicinity of the study area. The heritage significance of these heritage items has been investigated and assessed in order to determine the most appropriate management strategy.

The following is a summary of the major objectives of the assessment:

- Identify and assess the heritage values associated with the study area. The assessment aims to achieve this objective through providing a brief summary of the principle historical influences that have contributed to creating the present – day built environment of the study area using resources already available and some limited new research.
- Assess the impact of the proposed works on the cultural heritage significance of the study area.
- Identifying sites and features within the study area which are already recognised for their heritage value through statutory and non – statutory heritage listings.
- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

² NSW Heritage Office 2001; NSW Heritage Branch, Department of Planning 2009; Australia ICOMOS 2013

1.4 Limitations

This report is based on historical research and field inspections. It is possible that further historical research or the emergence of new historical sources may support different interpretations of the evidence in this report.

The historical research undertaken for the study area is based on local histories and original documentation such as maps, plans and Certificates of Title. Unfortunately there is little detail of structures recorded on the latter of these, which reduces the ability to identify locations of historical buildings which are no longer extant. Records relating the occupation of properties, such as rate books, are limited within the Central Coast LGA.

Although this report was undertaken to best archaeological practice and its conclusions are based on professional opinion, it does not warrant that there is no possibility that additional archaeological material will be located in subsequent works on the site. This is because limitations in historical documentation and archaeological methods make it difficult to accurately predict what is under the ground.

The significance assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.

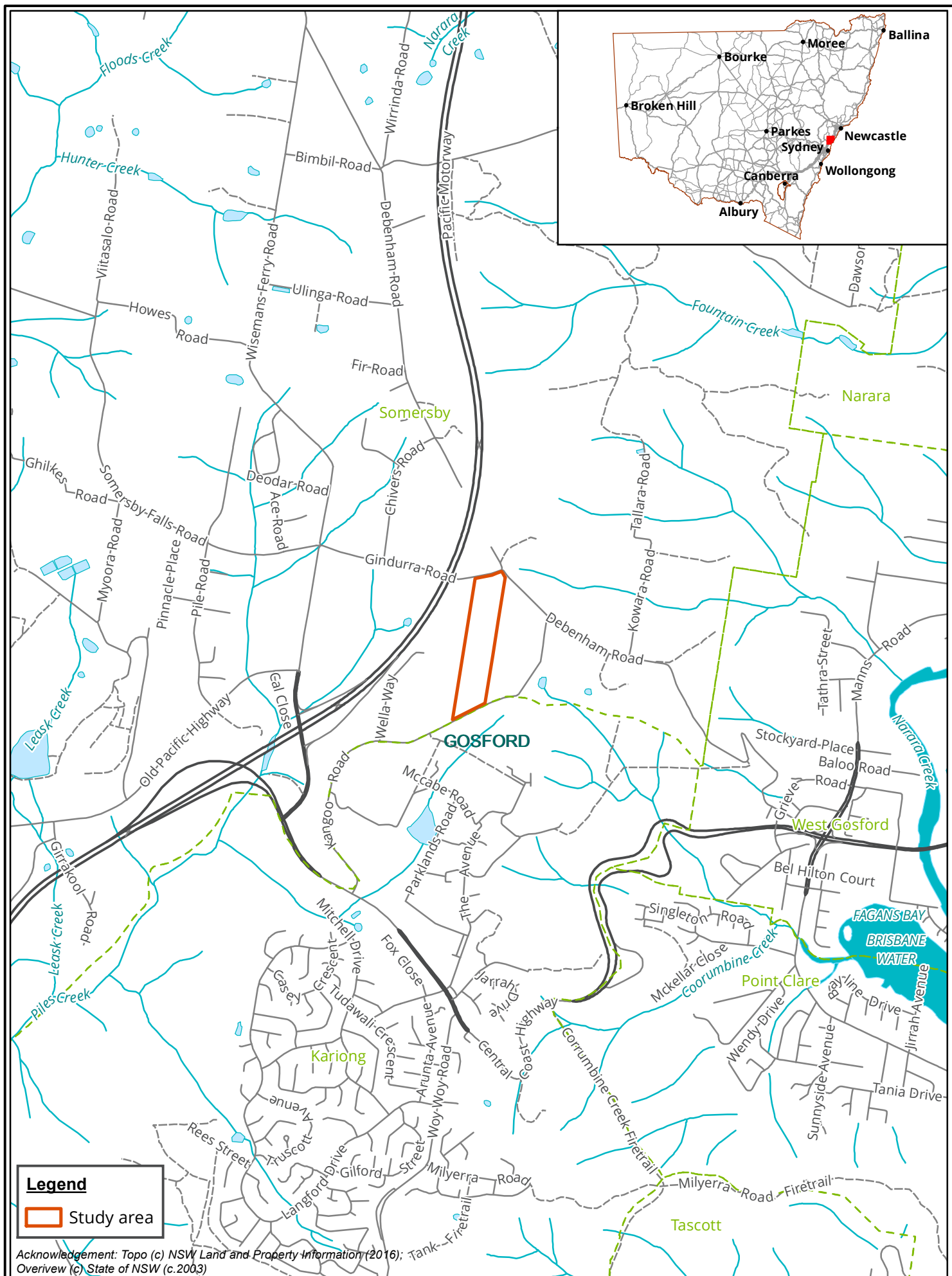
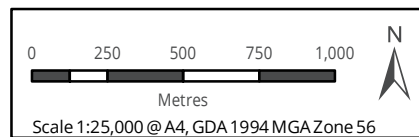


Figure 1: Location of the study area



Biosis Pty Ltd
Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

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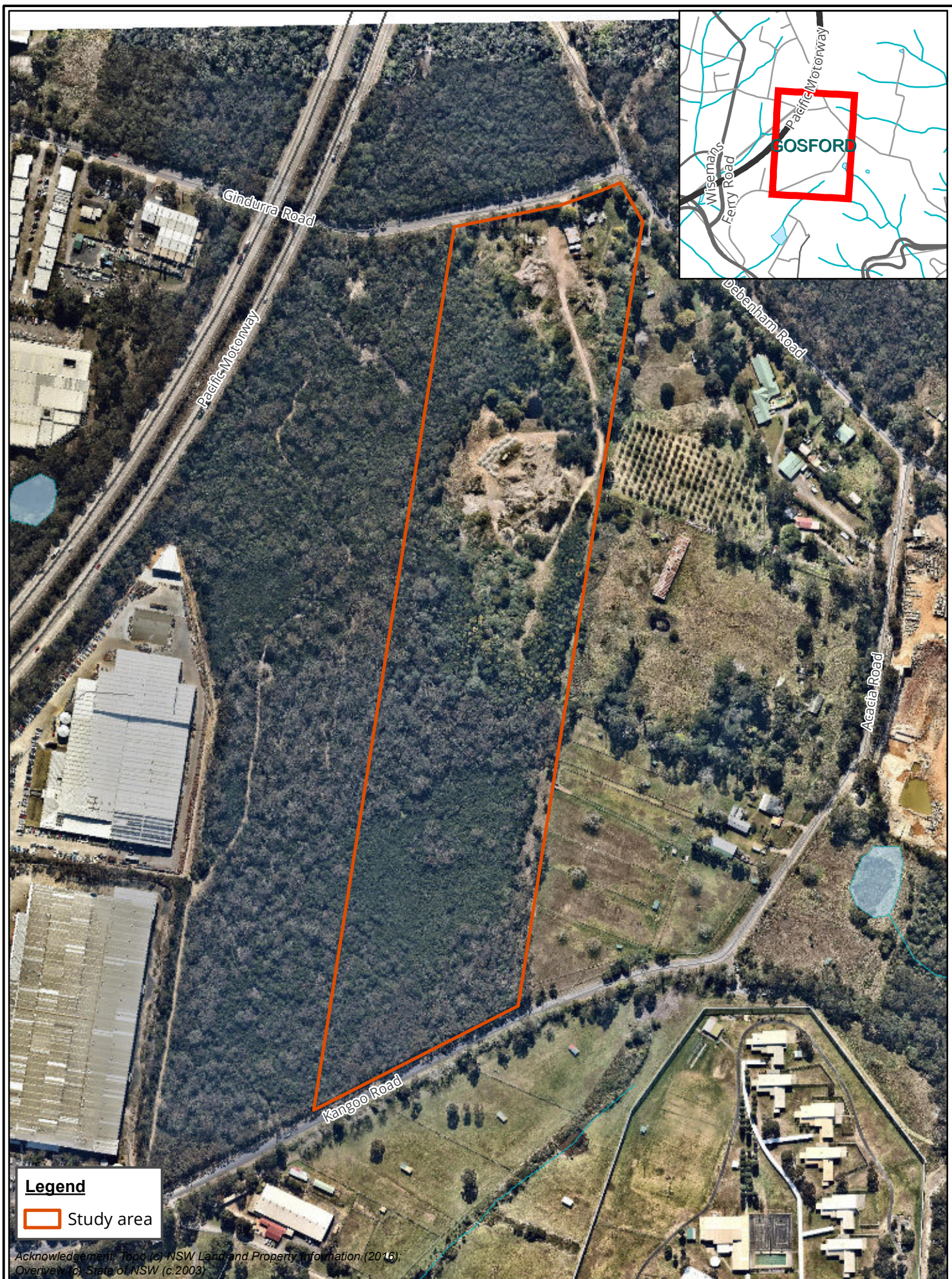


Figure 2: Study area detail

2 Statutory framework

This assessment will support a Development Application (DA) under Section 89(c) of the *Environmental Planning and Assessment Act 1979 NSW* and Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 and by the Planning Assessment Commission (PAC) under delegation from the Minister of Planning. In NSW cultural heritage is managed in a three-tiered system: national, state and local. Certain sites and items may require management under all three systems or only under one or two. The following discussion aims to outline the various levels of protection and approvals required to make changes to cultural heritage in the state.

2.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act) is the national Act protecting the natural and cultural environment. The EPBC Act is administered by the Department of Environment and Energy (DEE). The EPBC Act establishes two heritage lists for the management of the natural and cultural environment:

- The National Heritage List (NHL) contains items listed on the NHL that have been assessed to be of outstanding significance and define "critical moments in our development as a nation".³
- The Commonwealth Heritage List (CHL) contains items listed on the CHL that are natural and cultural heritage places that are on Commonwealth land, in Commonwealth waters or are owned or managed by the Commonwealth. A place or item on the CHL has been assessed as possessing "significant" heritage value.⁴

A search of the NHL and CHL did not yield any results associated with the study area.

2.2 NSW Heritage Act 1977

Heritage in NSW is principally protected by the *Heritage Act 1977* (Heritage Act) (as amended) which was passed for the purpose of conserving items of environmental heritage of NSW. Environmental heritage is broadly defined under Section 4 of the Heritage Act as consisting of the following items: "*those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance*". The Act is administered by the NSW Heritage Council, under delegation by the Heritage Division, Office of Environment and Heritage. The Heritage Act is designed to protect both known heritage items (such as standing structures) and items that may not be immediately obvious (such as potential archaeological remains or 'relics'). Different parts of the Heritage Act deal with different situations and types of heritage and the Act provides a number of mechanisms by which items and places of heritage significance may be protected.

2.2.1 State Heritage Register

Protection of items of State significance is by nomination and listing on the State Heritage Register (SHR) created under Part 3A of the NSW *Heritage Act*. The Register came into effect on 2 April 1999. The Register was established under the *Heritage Amendment Act 1998*. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance.

³ "About National Heritage" <http://www.environment.gov.au/heritage/about/national/index.html>

⁴ "Commonwealth Heritage List Criteria" <http://www.environment.gov.au/heritage/about/commonwealth/criteria.html>

A permit under Section 60 of the Heritage Act (NSW) is required for works on a site listed on the SHR, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of which minor works are exempted from the requirements to submit a Section 60 Application can be found in the Guideline "Standard Exemptions for Works requiring Heritage Council Approval". These exemptions came into force on 5 September 2008 and replace all previous exemptions.

There are no items/conservation areas listed on the SHR within the study area. However, the following heritage item is in the vicinity of the study area:

- Mount Penang Parklands, (Item No. 1667), Pacific Highway, Somersby, NSW 2250, Lot 702, DP 1128417, Lots 10, 12 and 16, DP 1149050, Lot 1 DP 715442, Lots 601, 602, 603 and 607, DP 823147, Lot 475, DP 823714, located immediately south of the study area.

2.2.2 Archaeological relics

Section 139 of the Heritage Act protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. This section applies to all land in NSW that is not included on the State Heritage Register.

Amendments to the Heritage Act made in 2009 changed the definition of an archaeological 'relic' under the Act. A 'relic' is defined by the Heritage Act as:

"Any deposit, object or material evidence:

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

(b) which is of State or Local significance"

It should be noted that not all remains that would be considered archaeological are relics under the NSW Heritage Act. Advice given in the Archaeological Significance Assessment Guidelines is that a "relic" would be viewed as a chattel and it is stated that *"In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include 'relics' of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be 'relics'."*⁵

If a relic, including shipwrecks in NSW waters (that is rivers, harbours, lakes and enclosed bays) is located, the discoverer is required to notify the NSW Heritage Council.

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

Exceptions under Section 139(4) to the standard Section 140 process exist for applications that meet the appropriate criterion. An application is still required to be made. The Section 139(4) permit is an exception from the requirement to obtain a Section 140 permit and reflects the nature of the impact and the significance of the relics or potential relics being impacted upon.

⁵ NSW Heritage Branch, Department of Planning 2009, 7

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of state or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with section 146 of the Heritage Act. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area.

2.2.3 Section 170 Heritage and Conservation Registers

Section 170 of the *Heritage Act* requires that culturally significant items or places managed or owned by Government agencies are listed on the departmental Heritage and Conservation Register. Information on these registers has been prepared in accordance with Heritage Division guidelines.

Statutory obligations for archaeological sites that are listed on a Section 170 Register include notification to the Heritage Council in addition to relic's provision obligations. There are no items within or adjacent to the study area that are entered on a State government instrumentality Section 170 Register.

2.3 Environmental Planning and Assessment Act 1979

2.3.1 Local Environmental Plan

The Gosford Local Environmental Plan LEP 2014 contains schedules of heritage items that are managed by the Council. As the project is being undertaken under Part 4 of the *EP&A Act*, the Council is responsible for approving controlled work via the development application system. Heritage items in the vicinity of the study area are identified in Figure 3.

The study area is not listed as an item of local significance on the Gosford LEP 2014 Schedule 5. The study area is situated within the vicinity of the following heritage items and conservation area of local and state significance:

- Remnant farm buildings—the barn, storage shed and dairy (Item No. 61), Central Coast Highway, Somersby, NSW 2250, Lot 521, DP 1017539. Local heritage item, immediately south of the study area.
- Eastern bushland (Item No. 76), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item south east of the study area.
- Dormitories—“Carinya”, “Sobraon”, “Walpole”, “Vernon” and “The Wood Building” (Item No. 62), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. State heritage item, located in the Mt Penang Parklands south of the study area.
- Administration and service buildings—maintenance store, cultural centre, admissions/operations annexe and theatre, school house, Girrakool House, occasional child care, flats (Item No. 63), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. State heritage item, located in the Mt Penang Parklands south of the study area.
- Residential buildings—six residential cottages, deputy superintendent’s cottage (Item No. 64), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. State heritage item, located in the Mt Penang Parklands south of the study area.
- Service and amenity buildings—art room and ablutions block, former officers’ dining room, dining room, main kitchen and laundry (Item No. 65), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.

- McCabe Complex—two cottages, McCabe Conference Centre (Item No. 66), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. State heritage item, located in the Mt Penang Parklands south of the study area.
- Sports fields—three sports fields, sports oval (Item No. 67), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. State heritage item, located in the Mt Penang Parklands south of the study area.
- Built landscape elements—gazebo, stone walls, sculpture park (Item No. 68), Central Coast Highway, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Old pine tree group (Item No. 69), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Dam (Item No. 70), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.
- White poplar avenue (Item No. 71), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Mature cultural plantings (Item No. 72), Central Coast Highway, Lot 10, DP 1149050, Lot 702, DP 1128417. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Mature cultural plantings, including coral trees, brush box, camphor laurels, white poplars, hoop pines, an oak and a larch (Item No. 73), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050, Lot 702, DP 1128417. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Two groups of scribbly gums (Item No. 74), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Sports field perimeter brush box and eucalypt plantings (Item No. 75), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. Local heritage item, located in the Mt Penang Parklands south of the study area.
- Entry drive with perimeter brush box and eucalypt plantings (Item No. 77), Central Coast Highway, Somersby, NSW 2250, Lot 10, DP 1149050. State heritage item, located in the Mt Penang Parklands south of the study area.
- Mount Penang Parklands Heritage Conservation Area (Item No. C1), Central Coast Highway, Somersby, NSW 2250, Lot 702, DP 1128417, Lots 10, 12 and 16, DP 1149050, Lot 1 DP 715442, Lots 601, 602, 603 and 607, DP 823147, Lot 475, DP 823714. State listing located immediately south of the study area.

2.3.2 Gosford Development Control Plan 2013

The Gosford Development Control Plan 2013 (GDGP) outlines built form controls to guide development. The GDGP supplements the provisions of the Gosford LEP 2014.

The main principles for development of heritage sites or in their vicinity are to: facilitate the conservation and protection of items or conservation areas and their settings; reinforce special attributes and qualities of items by ensuring that development proposals have regard to the fabric and prevailing character of the item or area; and conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.

Proposed development of sites within the vicinity of a heritage item must be assessed in relation to the impact the proposal may have on the setting of nearby heritage items. Approval of any development of heritage items or sites will be assessed against set criteria. The scale and bulk of any new building work must be in scale with any original buildings, while new development must not obstruct important views or vistas of the item. Alteration of facades which are characteristic to street facades must be avoided, with new work best suited to the rear or side of heritage buildings. New work must respect existing architectural forms, such as roof form, and the proportion and location of windows and doors. Proposed architectural detailing changes must be sympathetic to existing styles; new work should ideally be uncomplicated interpretive forms and detailing. Existing materials should be reused where possible, while new materials and detailing must be compatible with the original, with consideration given to the colour, texture and type of materials and finishes. Where it is not possible to continue the use for which the building was originally intended, a use sympathetic to the layout of the building which requires minimal alterations will be more compatible. Alterations to original fabric must be minimised, repairing rather than replacing original elements where possible. Evidence of age and use which enhances the heritage character of an item or place, for example worn steps, must be retained wherever this does not represent a public safety risk. Curtilage of items or places will be considered in order to enhance or avoid impacting on the heritage item or place. Infill development adjacent to a heritage item must take into account the character of the item; where the infill is of similar mass and character then the proposed designs should be sympathetic to that of the heritage item, but not directly imitate its design.

2.4 Summary of heritage listings

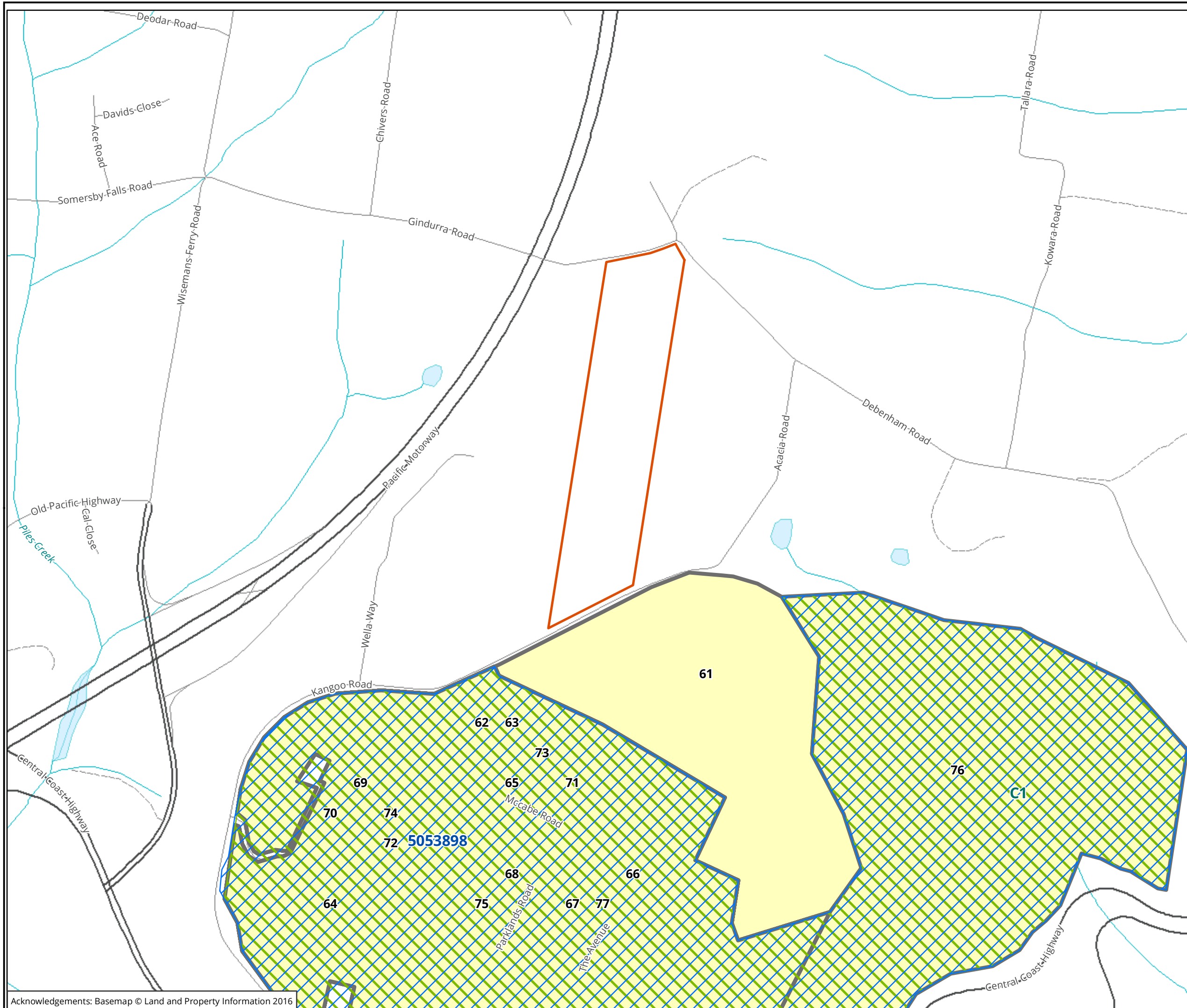
A summary of heritage listings in the vicinity of the study area is presented in Table 1 and Figure 3.

Table 1 Summary of heritage listings within and adjacent to the study area

Item number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
1667	Mount Penang Parklands	Pacific Highway, Somersby, NSW 2250. Parkland area containing heritage listed buildings and spaces	NSW <i>Heritage Act 1977</i>	Gosford LEP 2014	State
61	Remnant farm buildings—the barn, storage shed and dairy	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
76	Eastern bushland	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
62	Dormitories—“Carinya”, “Sobraon”, “Walpole”, “Vernon” and “The Wood Building”	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	State
63	Administration and service buildings—maintenance store, cultural centre, admissions/operations annexe and theatre, school house, Girrakool House, occasional child care, flats	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	State

Item number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
64	Residential buildings—six residential cottages, deputy superintendent's cottage	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	State
65	Service and amenity buildings—art room and ablutions block, former officers' dining room, dining room, main kitchen and laundry	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
66	McCabe Complex—two cottages, McCabe Conference Centre	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	State
67	Sports fields—three sports fields, sports oval	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	State
68	Built landscape elements—gazebo, stone walls, sculpture park	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
69	Old pine tree group	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
70	Dam	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local

Item number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
71	White poplar avenue	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
72	Mature cultural plantings	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
73	Mature cultural plantings, including coral trees, brush box, camphor laurels, white poplars, hoop pines, an oak and a larch	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
74	Two groups of scribbly gums	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
75	Sports field perimeter brush box and eucalypt plantings	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	Local
77	Entry drive with perimeter brush box and eucalypt plantings	Central Coast Highway, Somersby, NSW 2250	Gosford LEP 2014	-	State
C1	Mount Penang Parklands Heritage Conservation Area	Central Coast Highway, Somersby, NSW 2250	-	Gosford LEP 2014	State



Legend

- Study area
- State Heritage Items**
 - Mount Penang Parklands
- LEP Heritage Items**
 - Mount Penang Parklands Conservation Area
 - Item - General

Figure 3: Location of heritage items within the study area vicinity

0 60 120 180 240 300
Metres

Scale: 1:7,000 @ A3
Coordinate System: GDA 1994 MGA Zone 56



Biosis Pty Ltd
Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 26452
Date: 10 January 2018,
Checked by: CL, Drawn by: LH, Last edited by: Iharley
Location: \\bio-data-01\matters\26400s\26452\Mapping\26452_F3_HerItems

3 Historical context

Historical research has been undertaken to identify the land use history of the study area, to isolate key phases in its history and to identify the location of any built heritage or archaeological resources which may be associated with the study area. The historical research places the history of the study area into the broader context of the Gosford and Somersby area.

3.1 Topography and resources

The study area is located within Hawkesbury Sandstone geological unit. The Hawkesbury Sandstone geological unit consists of medium to coarse-grained quartz sandstone with minor shale and laminate lenses with a maximum thickness of 290 metres. This dominant pure quartzose sandstone produces sandy soils, particularly upon flat ridgelines. The Hawkesbury Sandstone unit was formed by alluvial to deltaic processes which are evident from current bedding. Red-brown concentric bands present within the sandstone unit have been formed post deposition, and have been produced by weathering. The Hawkesbury Sandstone unit is highly resistant to erosion, and vertical cliff formations within this geological unit are formed from vertical joint fractures where sandstone breaks off along softer thin horizontal layer of shales within the sandstone formation.

The Sydney Town Soil Landscape is present within the study area. It is topographically characterised by undulating to rolling hills and moderately inclined slopes on quartz sandstone along the edge of the Somersby Plateau. The slope gradient of this soil landscape ranges from 5-25%. Sandstone beaches occasionally occur and are often exposed along narrow incised drainage lines. The soils within the landscape are highly permeable, and strongly acidic with very low fertility, and are subject to permanent waterlogging and present a very high erosion hazard.

The study area would have originally been vegetated by low eucalypt open-woodland and scrub that has been extensively cleared throughout the soil landscape. Common remaining native species include the scribbly bark (*Eucalyptus haemastoma*), brown stringy bark (*E. capitellata*), red bloodwood (*E. gummifera*), smooth-barked apple (*Angophora costata*), Sydney peppermint (*E. piperita*) and old man banksia (*Banksia serrata*). Common understorey shrubs include grey spider flower (*Grevillea* spp.), flaky-barked tea-tree (*Leptospermum attenuatum*) and drumsticks (*Isopogon* spp.). Poorly drained areas support scrubland of heath banksia (*Banksia ericifolia*) and dagger hakea (*Hakea teretifolia*).

3.2 Gosford and Somersby – historical development

3.2.1 Exploration (1770 to 1789)

The first European exploration within the Central Coast region took place in 1770, when Captain James Cook and the *Endeavour* sailed into Broken Bay in 1770. These expeditions were to confirm the occupation status of NSW.⁶ It wasn't until the arrival of the First Fleet in 1788 that any further journeys were made, with Governor Arthur Phillip setting out with a small party from Sydney Cove several weeks after coming ashore. The group spent eight days investigating the inlets of Broken Bay for good soils for growing crops, including what was later called Brisbane Water, which Governor Phillip noted as swampy on the accessible areas of land in the upper part of the branch. The following year, Governor Phillip led another expedition in June, exploring the

⁶ Karskens 2009, 34; Strom 1982, 6

Broadwater at Kincumber, and sailing as far as the current site of Gosford, before moving further up the Hawkesbury River to Mullet and Mooney creeks further inland.⁷

The land around Broken Bay did not hold the fertile soils the colonial settlers were seeking, and the densely timbered areas of useable land and landscape forms ill-suited to agriculture deterred the early exploitation and settlement within the region. Furthermore, the lands north of the Hawkesbury River were restricted by the authorities in order to separate the penal colony at Newcastle from those places south of the river. However, once the convicts were relocated to Port Macquarie, settlers began moving north towards the Hunter River.⁸

3.2.2 Early development (1821 to 1870s)

European settlement of the Gosford district began in the 1820s, with the main points of entry being Brisbane Water in the east and Mangrove Creek (a tributary of the Hawkesbury River) in the west. Most of the development subsequently occurred in the eastern or coastal sector.⁹ The early settlement of the district can be divided into two phases:

- The pioneering era, 1821-1831, when the district's resources were exploited and little development took place.
- The developing era, 1832-1843, when considerable growth occurred in population and industry.¹⁰

In the pioneering period, the attractions of the Brisbane Water area were its proximity to Sydney and its wealth of timber resources. The shores of the waterways were occupied by small settlers (including ex-convicts and 'currency lads') whilst the timbered country on Erina and Narara Creeks was dominated by the gentry.¹¹

The earliest known settler in the eastern sector was James Webb, who arrived on the *Scarborough* in 1790 as a soldier in the 102nd Regiment. Webb was granted land in the district of Mulgrave Place on the Hawkesbury River following his discharge four years later. In October 1823, Webb began occupying 300 acres on the eastern side of the north-east (formerly the north-west) arm of Broken Bay, for the purposes of a cattle run, and later received a grant for the land.¹²

At the head of Brisbane Water, on land between Erina and Narara Creeks selected for settlement by Thomas Alison Scott, a government township was laid out in the 1830s. It was described as the Township at Point Frederick in honour of Frederick Hely, who was appointed Superintendent of Convicts in 1823 and who held a large property on Narara Creek. The town was finally surveyed in 1839 and named Gosford, with Scott compensated with land further south at the current location of Tascott.¹³ By this time, Samuel Peek had employed a private surveyor to establish a township on his land grant, now East Gosford, while Peter Fagan had also subdivided his land grant at the current Point Clare.¹⁴

During the 1830s and 1840s, timber-getters, lime-burners and ship-builders began arriving in Brisbane Water. Timber-getters worked in the hills to obtain forest oak and ironbark for roofing shingles. Red Cedar was in

⁷ Karskens 2009, 49–50, 106; Strom 1982, 6

⁸ Strom 1982, 8

⁹ Strom 1982, 8–10

¹⁰ SHR listing for Mount Penang Parklands,

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

¹¹ Strom 1982, 8–10

¹² Strom 1982, 8; Biosis Pty Ltd 2010, 16; Gosford City Council n.d.

¹³ Strom 1982, 9–10; Biosis Pty Ltd 2010, 17; SHR listing for Mount Penang Parklands,

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

¹⁴ Strom 1982, 10, 18

high demand for furniture manufacture. Cedar getting began in 1820, peaking in 1830. Lime-burners collected shells from the many Aboriginal middens (banks of empty shells which were remains of past feasts over countless years) or from large natural shell deposits around the shores. The shells were sent to Sydney to be burned to make lime for use in the building industry. Demand for shells gradually diminished as limestone became easier to quarry, and shell resources became exhausted. Ship building developed around Blackwall, Cockle Creek, Broadwater and Webbs Reef in the 1860s.¹⁵

Access to the Brisbane Water District was mostly limited to water transport in the early years due to the nature of the area's topography and crossing the Hawkesbury River. By 1832, three roads within the District had been recorded in the first Post Office Directory; Mangrove Road split from the Great North Road at Ten Mile Hollow and descended to Brisbane Water via two routes: by Dog Trap Road and the Narara Valley; and via the current Debenham Road to what is now West Gosford. This remained the main road access to Gosford from Sydney for just under a century.¹⁶ Other lines of road established by landholders George Peat, of Fairview (Mooney) Point, and Samuel Taylor, of Mangrove Creek, as well as a route used by Edward Kelly, of Popran Creek, were surveyed in 1844. Peat's line mostly follows the current route of the Old Pacific Highway.¹⁷

By 1841, the first allotments within the government township of Gosford were being sold off, while East Gosford was already quickly developing as rival town. A courthouse and lock-up were constructed in Gosford, with other public buildings, including a school, soon followed; most of the buildings were clustered near the public wharf at the southern end of the town.¹⁸ However, wider settlement of the Brisbane Water District was significantly impacted by the economic depression of the 1840s. The Sydney timber market stalled, which resulted in the decline of the timber-getting industry in the region, while many larger landholders went bankrupt and land sales dropped. The gold rush of the 1850s enabled a wider economic recovery, with settlement spreading to areas north of Gosford, including Wyong Creek and Tuggerah Lake, as 'country lots' were made available for purchase by the government, and small farms were encouraged.¹⁹

3.2.3 Growth, farming and industrial development (1880s to present)

The 1880s saw significant development of the region following a period of relative stagnation. The route for the Great Northern Railway, which was to link the Sydney and Newcastle railways, went through Gosford. The rail line from Gosford to Newcastle was opened in August 1887, while the section from the Hawkesbury River to Gosford opened in January 1888, with the Hawkesbury River Bridge completing the line in May 1889. The railway not only provided employment, but also encouraged the growth of the fishing and timber-getting, and the development of new industries, including dairying and agriculture, throughout the Gosford and Wyong districts. Tourists and weekenders also began to visit the region, travelling by train to Woy Woy, areas around Brisbane Water, Gosford, the Wyong district from the late 1880s onwards, and to beaches such as Avoca and Terrigal from the early 1900s.²⁰

¹⁵ Strom 1982, 9; Biosis Pty Ltd 2010, 17; 1893 "Cultivator and Grazier. Fruit Growing at Gosford." *Australian Town and Country Journal* (Sydney, NSW : 1870 - 1907), 18 November, p. 21, <http://nla.gov.au/nla.news-article71191967>, viewed 9 January 2018; SHR listing for Mount Penang Parklands,

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

¹⁶ Strom 1982, 12

¹⁷ Strom 1982, 12

¹⁸ Strom 1982, 10

¹⁹ Strom 1982, 14

²⁰ Strom 1982, 20–21, 23–27; 1893 "Cultivator and Grazier. Fruit Growing at Gosford." *Australian Town and Country Journal* (Sydney, NSW : 1870 - 1907), 18 November, p. 21, <http://nla.gov.au/nla.news-article71191967>, viewed 9 January 2018; Bottomley et al. 2001, 35; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

The *Crown Lands Act* 1884 opened up areas of land for purchase, which encouraged further small scale farms to be established within the Gosford region by speculators. These were generally portions of 40 acres (around 16.2 hectares). In addition to this, many large private estates began to be subdivided into small farming blocks and sold off, particularly along the Maitland Road and railway line. It was at this time that citrus orchards began to be established on lands alienated under the *Crown Lands Act* 1884 within the Somersby plateau, particularly because produce could now be transported to Sydney by rail from Gosford. Some of the early orchards were started by the Robinson and Hunter families, William Dodds and George Howe, who held lands west of the study area in Narara Parish.²¹

Charles Robinson named the area Somersby after the town of the same name in Lincolnshire, England, but had been known as Penang Mountain at the turn of the century.²² Where land was heavily wooded, clearing in advance of planting could cost as much as £30 an acre (0.4 hectares). Several news articles from the early 1890s note that apples and pears, vines, stone fruit (peaches, apricots, nectarines, plums), lemons, oranges and persimmons were being grown in the Narara and Mount Penang area and being sold in Sydney, as well as flowers and cereal crops, with some animal husbandry and bee farming also taking place.²³ In 1894, Dodds opened a receiving post office for Somersby at his home.²⁴ By 1897 the district produced 3% of the state's citrus crop, increasing to 21% by 1921 and 34% in 1928. Market gardens and passionfruit were also increasing in popularity in the district.²⁵

Many farmers moved to the Somersby Plateau from the Hills District in north-western Sydney from around 1912 to the 1930s, due to the subdivision and sale of farmland within that region. Further population increases can also be attributed to the migration of returned soldiers following World War I and World War II taking up land holdings in the area. Several co-operative organisations and packing houses were established in the 1920s as part of attempts to organise the industry, which led to increased production.²⁶

²¹ Strom 1982, 21; NSW Department of Lands, 1922 Narara Parish Map; 1922 "Obituary. Mr. Charles Robinson" *Gosford Times and Wyong District Advocate* (NSW : 1906 - 1954), 13 July, p. 10, <http://nla.gov.au/nla.news-article161551719>, viewed 9 January 2017; 1922 "Mr. Charles Robison. Veteran Hansard Leader." *Gosford Times and Wyong District Advocate* (NSW : 1906 - 1954), 20 July, p. 3, <http://nla.gov.au/nla.news-article161547792>, viewed 9 January 2017; Bottomley et al. 2001, 35

²² Gosford City Council n.d.; Bottomley et al. 2001, 36

²³ 1891 "Gosford." *Sydney Mail and New South Wales Advertiser* (NSW : 1871 - 1912), 28 February, p. 496, <http://nla.gov.au/nla.news-article163655279>, viewed 9 January 2018; 1893 "Cultivator and Grazier. Fruit Growing at Gosford." *Australian Town and Country Journal* (Sydney, NSW : 1870 - 1907), 18 November, p. 21, <http://nla.gov.au/nla.news-article71191967>, viewed 9 January 2018; Bottomley et al. 2001, 35

²⁴ 1894 "Local & General Items." *Maitland Daily Mercury* (NSW : 1894 - 1939), 22 May, p. 3, <http://nla.gov.au/nla.news-article124720438>, viewed 9 January 2018

²⁵ Biosis Pty Ltd 2010, 17; Bottomley et al. 2001, 11

²⁶ Bottomley et al. 2001, 11



Plate 1 c.1930s photograph of "Allambie", an orchard property on Wiseman's Ferry Road, Somersby (Source: Gosford Library)



Plate 2 View of orchard properties at Mangrove Mountain, north west of the study area, c.1953 (Source: Gosford Library)

The study area is contained within a portion of land (portion no. 88) granted to Horace John Weeks of Chatswood on 21 March 1910 as a conditional purchase, being formerly a homestead selection. Prior to this, the study area was Crown land, likely to have been leased by Weeks (Figure 4). On 11 February 1918, the property was transferred to Gordon George Johnston, gentleman of Sydney. The plans within the Certificates of Title do not record any structures within the parcel of land.²⁷ During 1920 there were attempts to subdivide and sell off the 'Brayton Estate'. An auction advertisement records a building [1] in the north eastern corner of the property, at the junction of what is now Gindurra Road and Debenham Road South, and is described as 'Weather Board, Iron roof, 9 Rooms, Hall, Kitchen, Offices, 8 foot verandah on 3 sides', given the name 'Brayton', and surrounded by orchards (Figure 5). These areas are located within the study area. A newspaper notice regarding the auction on 17 April describes the lots as orchard and poultry blocks.²⁸ Another newspaper notice describes the weatherboard cottage [1] as large.²⁹



Figure 4 Extract from the 1929 Gosford Parish map, with the study area highlighted (Source: NSW Department of Lands)

²⁷ NSW Department of Lands, Certificate of Title Volume 2830 Folio 173

²⁸ 1920 "Auctions." *Daily Telegraph* (Sydney, NSW : 1883 - 1923), 3 April, p. 15, <http://nla.gov.au/nla.news-article239629984>, viewed 9 January 2018

²⁹ 1920 "Real Estate World" *Smith's Weekly* (Sydney, NSW : 1919 - 1950), 10 April, p. 13, <http://nla.gov.au/nla.news-article234223975>, viewed 9 January 2017

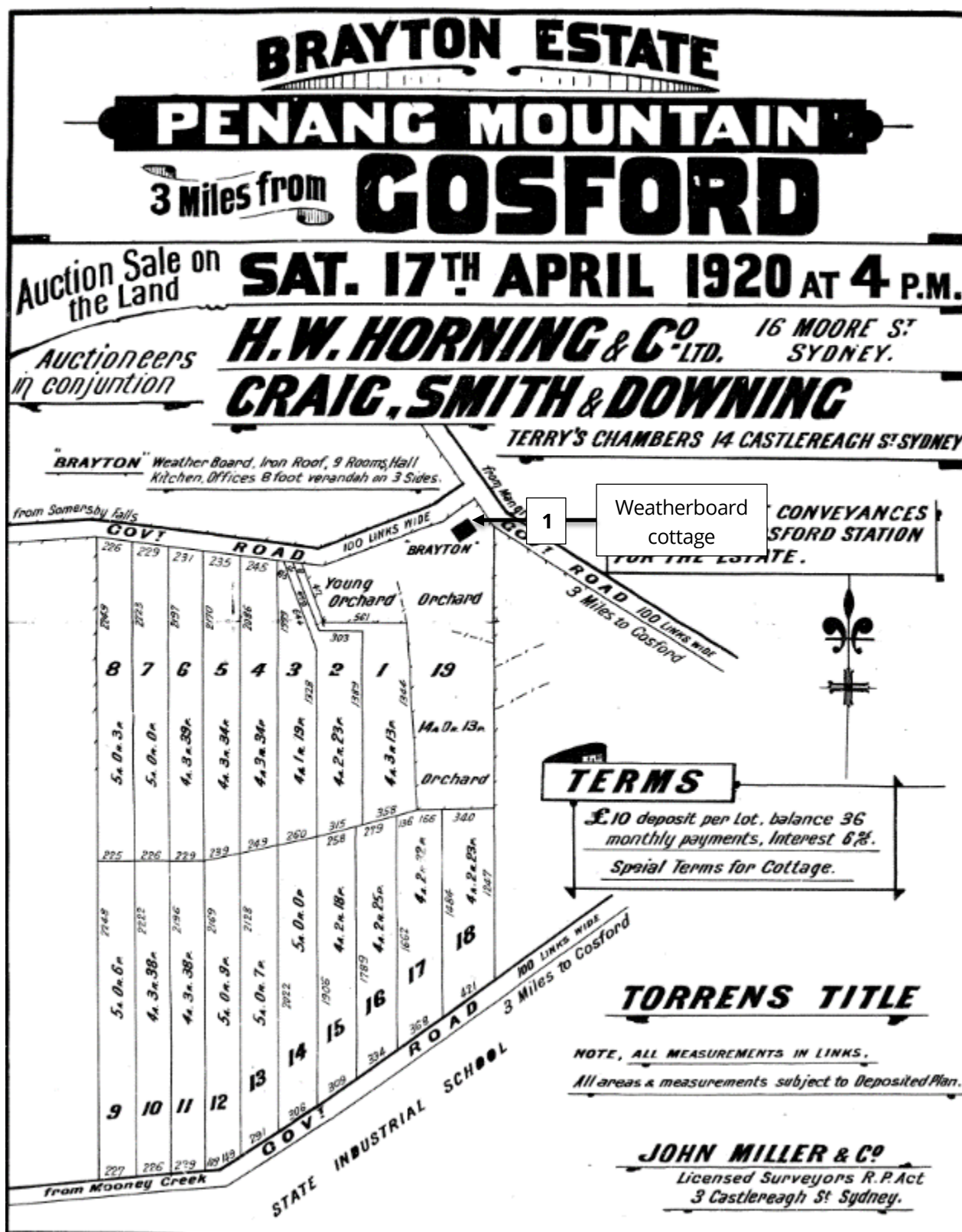


Figure 5 Auction advertisement for the sale of subdivided lots within the Brayton Estate (Source: Central Coast Library)

It appears that the attempted sale of the farmlet lots was not immediately successful. However, in 1921, the northern section of the land was acquired by Thomas Rae on 11 July, while Johnston continued to own the southern portion until 24 July 1928, when it was transferred to the Permanent Trustee Company of New South Wales Limited and Sydney Toogood Jones, a solicitor of Sydney, as joint tenants.³⁰ Rae transferred the northern portion to Douglas Pursall Lewis, an Engineer of Paddington, on 30 September 1941.³¹ Lewis also acquired the southern section of the property on 27 February 1951.³² Both halves were then acquired by Ettie Harrison of Wetherill Park on 13 September 1951. In 1958, the whole property was transferred to Albert George Oshwell and Vincent James Carroll as tenants in common on 18 February.³³ Around five months later, Oshwell and Carrol became separate proprietors of the property, each owning an undivided one half share on 7 July.³⁴ Both half shares were transferred to Albert and Clarice Eileen Arthur-Smith, who owned an animal boarding establishment, as joint tenants on 12 December 1958, becoming proprietors of the property on 9 April 1959.³⁵ In 1964, Clarice Eileen Arthur-Smith is then named as the sole proprietor of the land, following the death of Albert.³⁶ The following year, the property is subdivided into four separated lots, with Lot 4 forming the study area. The subdivision plan shows the weatherboard cottage [1] recorded on the 1920 subdivision action advertisement was still present in the north-eastern corner, while a septic tank [2] and shed [3] are also noted on the 1965 subdivision plan.³⁷

³⁰ NSW Department of Lands, Certificate of Title Volume 2830 Folio 173; NSW Department of Lands, Certificate of Title Volume 3253 Folio 138; NSW Department of Lands, Certificate of Title Volume 3253 Folio 159

³¹ NSW Department of Lands, Certificate of Title Volume 3253 Folio 138

³² NSW Department of Lands, Certificate of Title Volume 3253 Folio 159

³³ NSW Department of Lands, Certificate of Title Volume 3253 Folio 138; NSW Department of Lands, Certificate of Title Volume 3253 Folio 159

³⁴ NSW Department of Lands, Certificate of Title Volume 7526 Folio 69; NSW Department of Lands, Certificate of Title Volume 7526 Folio 70

³⁵ NSW Department of Lands, Certificate of Title Volume 7526 Folio 69; NSW Department of Lands, Certificate of Title Volume 7526 Folio 70; NSW Department of Lands, Certificate of Title Volume 7671 Folio 250

³⁶ NSW Department of Lands, Certificate of Title Volume 7671 Folio 250

³⁷ NSW Department of Lands, DP 227279

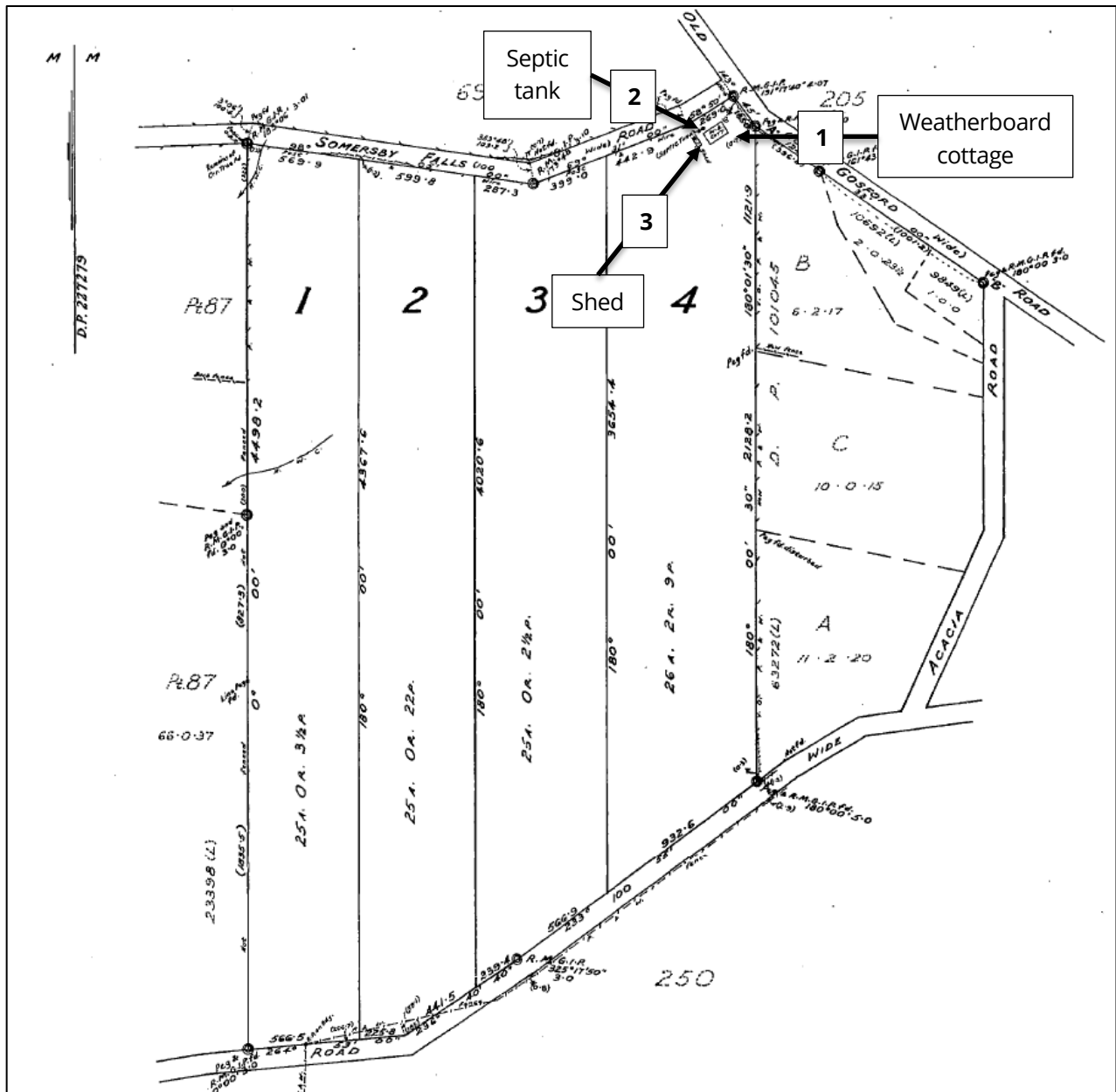


Figure 6 The 1965 subdivision plan, showing the study area in its current form (Source: NSW Department of Lands)

By 1986, the entirety of Somersby was rezoned for rural agriculture use. In 1992, the northern part of the study area was approved as a Sand and Metal Recycling Facility. At present the study area functions as a soil and sand recycling business. The southern portion of the property is not currently utilised by the recycling business and features bushland.³⁸

3.2.4 Mount Penang Parklands

The study area is located north of the state heritage listed Mount Penang Parklands. In 1905, the *Neglected Children and Juvenile Offenders Act* was passed, establishing the Gosford Farm Home for Boys. In 1912, a party

³⁸ Jackson Environment and Planning Pty Ltd 2017, 6; Bottomley et al. 2001, 37

of boys began clearing a site at Mount Penang near Gosford for the construction of the Farm.³⁹ The boys were initially accommodated in tents, while they worked on the buildings. Because of the difficulty of access to the site, construction materials that could be procured or made on site were preferred: local hardwood, sandstone and concrete. The first buildings to be constructed were dormitories, a dining room, staff quarters, offices, a kitchen, store rooms for supplies and equipment, and accommodation for the tradesmen and Clerk of Works. The boys also developed a sports ground, opened a mile-long drain, and sank a well.⁴⁰

The initial phase of construction, during which the principal buildings were completed, appears to have lasted from 1912 to 1922.⁴¹ However, construction continued, at a lesser pace, over the next forty years. This contributed to an improvement in the living conditions and amenities at the centre.⁴² Some of the older brick buildings on the site are likely to have been built in this period. There were two further periods of concentrated construction activity, during the early 1960s, and during the late 1970s and early 1980s. The gymnasium and demountable classrooms were built during the first of these, and the new admission building and new hospital were built during the second.⁴³

By 1914 Mount Penang was dealing with all boy delinquents who had been institutionalised in NSW through the Children's Courts.⁴⁴ In 1946, the name of the institution was changed from the 'Farm Home for Boys, Gosford', to 'Mount Penang Training School for Boys, Gosford'.⁴⁵ When the Juvenile Justice Centre at Mount Penang ceased operation at the end of 1999 operations were transferred to the newly constructed Frank Baxter Juvenile Justice Centre, located at one edge of the former site.⁴⁶

The site has since been renamed Mount Penang Parklands, and now contains an event park, sports park, retail/commercial park, future business park, Mount Penang Gardens and bushland.⁴⁷

³⁹ Godden Mackay Logan Pty Ltd 2001, 8; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴⁰ Godden Mackay Logan Pty Ltd 2001, 9; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴¹ Godden Mackay Logan Pty Ltd 2001, 67; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴² Godden Mackay Logan Pty Ltd 2001, 11; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴³ Godden Mackay Logan Pty Ltd 2001, 67; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴⁴ Godden Mackay Logan Pty Ltd 2001, 9; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴⁵ Godden Mackay Logan Pty Ltd 2001, 13; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴⁶ Godden Mackay Logan Pty Ltd 2001, 27; SHR listing for Mount Penang Parklands, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898>, viewed 8 January 2017

⁴⁷ Arup 2009, 2

3.3 Chronology of the study area

Based upon the historical research presented it is possible to summarise the chronology of the study area, this is presented in Table 2.

Table 2 Timeline of the study area and surrounds

Date	Historical development
1770	<i>Endeavour</i> sails into Broken Bay.
1788	Governor Arthur Phillip and a small party investigate the inlets of Broken Bay.
1789	Further exploratory expeditions by Governor Phillip and an exploration party.
1820s	European settlement of the Gosford district begins. Cedar-getting commences.
1823	James Webb establishes a cattle run on the shores of Broken Bay.
1830s	A government township begins to be laid out at the current site of Gosford. Timber-getters, lime-burners and ship-builders arrive in the area and commence developing local industries.
1832	Three roads are recorded within the Gosford district in the Post Office Directory.
1839	The town of Gosford is surveyed.
1840s	Economic depression impacts the local timber-getting industry.
1841	The first allotments in Gosford are sold.
1844	Lines of road and routes established by George Peat, Samuel Taylor and Edward Kelly are surveyed.
1850s	Economic recovery relating to the gold rush encourages growth of settlement and land purchases.
1887	The rail line from Gosford to Newcastle opens in August.
1888	The rail line from Hawkesbury River to Gosford opens in January.
1889	The Hawkesbury River Bridge opens in May.
1880s	Tourists begin to visit Woy Woy, Brisbane Water, Gosford and Wyong towards the end of the decade. Settlement spreads to the Somersby Plateau following the alienation of lands under the <i>Crown Lands Act 1884</i> .
1900s	Tourists begin to visit beach areas such as Avoca and Terrigal from the early years of the decade.
1890s	Orchards on the Somersby Plateau are growing citrus, stonefruit, flowers, cereal crops, with some animal husbandry and bee farming.
1894	A receiving post office opens in Somersby.
1897	The wider district produces 3% of the NSW citrus crop.
1910	Land containing the study area, Portion 88, is acquired by Horace John Weeks on 21 March.
1912	Farmers from the Hills District in north-west Sydney begin moving to the Somersby area and

Date	Historical development
	establishing further orchards.
1918	Portion 88 is acquired by Gordon George Johnston on 11 February.
1920s	Co-operative organisations and packing houses are established to organise the local citrus industry.
1920	Portion 88 is advertised for subdivision and sale of Brayton Estate farmlets in April, including a weatherboard cottage [1].
1921	The wider district produces 21% of the NSW citrus crop. The northern section of Portion 88 is acquired by Thomas Rae on 11 July; George Gordon Johnston retains the southern section.
1928	The wider district produces 34% of the NSW citrus crop. The southern section of Portion 88 is transferred to the Permanent Trustee Company of New South Wales Limited and Sydney Toogood Jones as joint tenants on 24 July.
1941	The northern section of Portion 88 is acquired by Douglas Purcell Lewis on 30 September.
1951	The southern section of Portion 88 is also acquired by Douglas Purcell Lewis on 27 February. Ettie Harrison takes ownership of Portion 88 on 13 September.
1958	Albert George Oshwell and Vincent James Carroll acquire Portion 88 as tenants in common on 18 February, becoming separate proprietors of the land on 7 July, each owning an undivided half share. Portion 88 is transferred to Albert and Clarice Eileen Arthur-Smith as joint tenants on 12 December.
1959	Albert and Clarice Eileen Arthur-Smith become proprietors of Portion 88 on 9 April.
1964	Clarice Eileen Arthur-Smith is named sole proprietor of Portion 88 following the death of Albert Arthur-Smith.
1965	Portion 88 is subdivided into four lots, with Lot 4 forming the study area. The weatherboard cottage [1] remains, while a septic tank [2] and shed [3] are also now present within the study area.
1986	Somersby is rezoned for rural agriculture.
1992	The northern part of the study area is approved for a soil and sand recycling business.

3.4 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts in order to gauge how typical or unique the history of a particular site actually is. This is usually ascertained by gaining an understanding of the history of a site in relation to the broad historical themes characterising Australia at the time. Such themes have been established by the Australian Heritage Commission and the NSW Heritage Office and are outlined in synoptic form in New South Wales Historical Themes.⁴⁸

⁴⁸ NSW Heritage Council 2001

There are 38 State Historical Themes, which have been developed for NSW, as well as nine National Historical Themes. These broader themes are usually referred to when developing sub-themes for a local area to ensure they complement the overall thematic framework for the broader region.

A review of the contextual history has identified one local historical theme which relates to the occupational history of the study area. Table 3 below shows the relationship between the local theme identified for the study area and the associated Australian and NSW themes.

Table 3 Identified historical themes for the study area (New South Wales Historical Themes NSW Heritage Council 2001)

Australian Theme	NSW Theme	Local Theme
Developing local, regional and national economies.	Agriculture.	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture.

4 Physical inspection

A physical inspection of the study area was undertaken on 2 February 2018, attended by field archaeologist, Mathew Smith. The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items (Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential).

4.1 Landscape character assessment

The purpose of this section is to provide an analysis and description of the study area as part of a cultural landscape. The cultural landscape concept emphasises the landscape-scale of history and the connectivity between people, places and heritage items. It recognises the present landscape is the product of long-term and complex relationships between people and the environment. For the purposes of this report cultural landscapes are defined as: '... those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes toward the land.'⁴⁹

4.1.1 An overview of cultural landscapes

In order to fully understand the heritage significance of the study area it is necessary to consider the character of the landscape within which it is situated. The heritage value of a landscape may be related to its aesthetic, archaeological, historical, scientific, social, or architectural values, each or all of these values can - exist at any one time. The identification of these values is important in discussing the study area and its constituent elements heritage significance.

Three general landscape categories have been developed and applied by heritage organisations to assist in understanding different types of landscapes:⁵⁰

- **Designed landscapes:** Those that are created intentionally such as gardens, parks, garden suburbs, city landscapes, ornamental lakes, water storages and campuses.
- **Evolved landscapes:** Those that display an evolved land use in their form and features. They may be 'relict' such as former mining or rural landscapes. They may be 'continuing' such as modern active farms, vineyards, plantations or mines.
- **Associative cultural landscapes:** Those are landscape features that represent religious, artistic, sacred or other cultural associations to individuals or communities.

The Mount Penang Parklands is listed as a conservation area of state significance. Cultural landscapes include homesteads and farmlands, as well as remnant native vegetation, Aboriginal sites and places, wetlands, early settlements, disused cemeteries, defunct industrial complexes and so on. These cultural landscapes preserve cultural values and ecological diversity, while offering economic gain through continued agriculture and tourism and considerable scenic and amenity value to local areas and daily life.⁵¹ The elements that represent the significant values associated with the parklands derive from its bushland setting, originally separated from suburban development; its location on a broad, ridgetop plateau with gentle slopes suitable for farming;

⁴⁹ Context P/L et al. 2002

⁵⁰ United Nations Educational, Scientific and Cultural Organisation 2012

⁵¹ Coleman 2003

availability of water supply through its central drainage swale and underground stream; the curving configuration of the eastern side of the ridge, with its steep rock benches downslope, creating a broad, amphitheatre effect; the excellent views outwards from the site from northeast, through east, to southwest; the diverse but pleasant views across and within the site created by the curving roadway, the spines of old buildings, the man-made dam and the grazing paddocks; the pastoral, almost Arcadian, rural landscape with old buildings and mature trees; direct access to an almost intact Hawkesbury sandstone plant community, with a good range of shrubs and herbaceous plants as understorey; the boundary or perimeter plantings of mature pines, poplars, coral trees and brush box; the remnant stands or scattered specimens of ancient scribbly gums; the unexpected, but pleasant, informal 'courtyards' created by the progressive placement of buildings over time; and the spaciousness around the buildings created by the numerous playing fields.⁵²

4.1.2 Views to and from the study area

It is important to analyse and describe views to and from components within a cultural landscape to help understand how it is experienced and to understand the nature of an evolving landscape. This enables a greater understanding of what aspects of the landscape need to be conserved and protected. Significant views to, from and within the study area are described in this section and shown in Plate 3, Plate 4, Plate 5 and Plate 6.

The study area is characterised by heavy vegetation in most areas with views to and from the western boundary hindered by this vegetation. The northern portion of the study area is partially cleared and can be viewed from Gindurra Road. The eastern and southern boundary overlooks the former Mount Penang Juvenile Justice Center precinct (SHR #01667) which consists of six key areas: Event Park, Retail/Commercial Park, Mt Penang Gardens, Sports Park, Future Business Park and Bushland. The study area and the state listed Mount Penang Parklands (adjacent to the study area) can be characterised by its bushland setting.

⁵² <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053898> viewed 19/02/2018



Plate 3 Northern aspect of the study area entrance from Gindurra Road.



Plate 4 Northern aspect of the study area just inside the Gindurra Road access.



Plate 5 Southern aspect of the study area from Kangoo Road.



Plate 6 South western aspect of the study area from Kangoo Road.

4.2 Built fabric assessment

The study area contains limited built fabric in the northern section of the study area, including sheds, a demountable office building, and fence lines.

Historical research identified one residence in the north eastern corner of the property, at the junction of what is now Gindurra Road and Debenham Road South. It was built in the 1920s and was described as 'Weather Board, Iron roof, 9 Rooms, Hall, Kitchen, Offices, 8 foot verandah on 3 sides', was given the name 'Brayton', and was surrounded by orchards. The 1965 subdivision plan also showed the weatherboard cottage was still present, as well as the addition of a septic tank and shed. The physical inspection did not identify the 1920s, 9 bedroom, weatherboard residential building or septic tank in the study area nor any of the associated orchards.

Built fabric identified in the study areas consisted of a corrugated iron shed and storage area built in 1965, a small storage building with particle board walls and a corrugated iron gable roof built after 1965, and a flat roofed portable building on raised foundations, with a corrugated iron skillion roof protruding from the north facing wall.



Plate 7 Corrugated iron shed and storage area with the particle board storage shed in the northern portion of the study area.



Plate 8 Portable building on raised foundations and small wooden storage shed.

4.3 Archaeological assessment

The potential archaeological resource relates to the predicted level of preservation of archaeological resources within the study area. Archaeological potential is influenced by the geographical and topographical location, the level of development, subsequent impacts, levels of onsite fill and the factors influencing preservation such as soil type. An assessment of archaeological potential has been derived from the historical analysis undertaken during the preparation of this report.

4.3.1 Archaeological resource

This section discusses the archaeological resource within the study area. The purpose of the analysis is to outline what archaeological deposits or structures are likely to be present within the study area and how these relate to the history of land use associated with the study area.

The historical context presented in this report indicates that the north eastern corner of the study area is likely to contain the archaeological remains of the 1920s residential weatherboard cottage, shed and septic tank. These remains would likely take the form of footings associated with the residential cottage and associated outbuilding. The footings are likely constructed of either sandstone or brick with possible intact subfloor deposits, containing material associated with the residential occupation of the cottage. The septic tank could possibly have been filled in after it went out of use. The deposit contained within is also likely to contain artefactual material relating to its period of use.

4.3.2 Integrity of sub-surface deposits

This section discusses how the sequence of land use activities has impacted upon relics which may be present within the study area. To date no archaeological excavations have been conducted in the study area which makes an analysis of the preservation of archaeological resources difficult. Based upon the physical inspection and use of the study area as a sand and soil recycling centre, the study area has been heavily disturbed and intact sub-surface deposits are not likely to be present, however the north eastern portion of the study area where the former residential cottage was located has not undergone as much disturbance. Therefore this small section of the study area has the potential to contain intact archaeological deposits.

4.3.3 Research potential

Archaeological research potential refers to the ability of archaeological evidence to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site. Archaeological research potential differs from archaeological potential in that the presence of an archaeological resource (i.e. archaeological potential) does not mean that it can provide any additional information that increases our understanding of a site or the past (i.e. archaeological research potential).

The research potential of a site is also affected by the integrity of the archaeological resource within a study area. If a site is disturbed, then vital contextual information that links material evidence to a stratigraphic sequence may be missing and it may be impossible to relate material evidence to activities on a site. This is generally held to reduce the ability of an archaeological site to answer research questions.

Assessment of the research potential of a site also relates to the level of existing documentation of a site and of the nature of the research done so far (the research framework), to produce a 'knowledge' pool to which research into archaeological remains can add.

Research theme: Agriculture

The likely archaeological remains contained within the north eastern portion of the study area would consist of foundations of the residential cottage, shed and septic tank. The research theme associated with these former buildings relates to the cultivation and rearing of plants for commercial purposes. The study area, and surrounds have historically been used as orchards. The *Crown Lands Act 1884* opened up areas of land for purchase, which encouraged small scale farms to be established within the Gosford region. In addition to this, many large private estates began to be subdivided into small farming blocks and sold off, particularly along the Maitland Road and railway line. It was at this time that citrus orchards began to be established within the Somersby plateau, particularly because produce could now be transported to Sydney by rail from Gosford. The study area is a typical example of small scale orchard farming within the area and any archaeological features relating to the former structures would relate to the 'Agricultural' research theme. The potential for these remains to add further insight into this theme are low however. The configuration, architectural style and building method of the buildings are not rare or unique and the harvest produced within the region is well documented.

4.3.4 Summary of archaeological potential

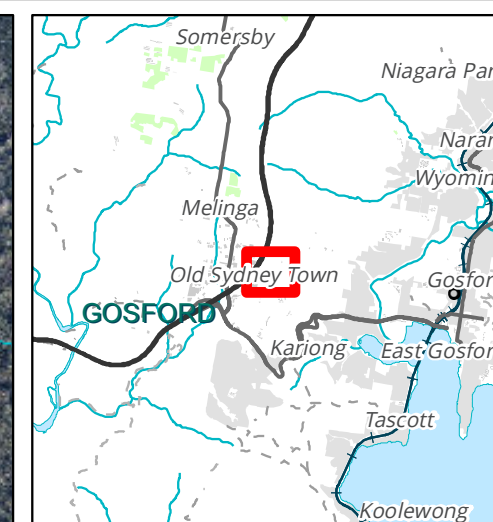
Through an analysis of the above factors a number of assumptions have been made relating to the archaeological potential of the study area, these are presented in Table 4 and Figure 7.

The assessment of archaeological potential has been divided into three categories:

- **High archaeological potential** – based upon the historical context and documentary evidence presented within this report there is a high degree of certainty that archaeologically significant remains relating to this period, theme or event will occur within the study area.
- **Moderate archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is probable that archaeological significant remains relating to this period, theme or event could be present within the study area,
- **Low archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is unlikely that archaeological significant remains relating to this period, theme or event will occur within the study area.

Table 4 Assessment of archaeological potential

Designation	Description	Probable feature(s)	Possible construction date	Archaeological potential
1, 2, 3	Footings for the residential structure – likely to consist of either brick or sandstone. Intact subfloor deposits – likely to contact artefactual material associated with the occupation of the cottage. Remains of the septic tank, if backfilled then possibly containing material from the date of closure.	1920's residential weatherboard cottage, shed and septic tank.	1920s	Moderate archaeological potential



Legend

Study area

Archaeological potential

Moderate

Figure 7: Assessment of archaeological potential

0 30 60 90 120 150
Metres

Scale: 1:3,000 @ A3
Coordinate System: GDA 1994 MGA Zone 56



Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 26452
Date: 13 February 2018,
Checked by: CLA, Drawn by: GD, Last edited by: gdavies
Location: P:\26400s\26452\Mapping\26452_F7_Potential

5 Significance assessment

An assessment of heritage significance encompasses a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations'⁵³. This means a place can have different levels of heritage value and significance to different groups of people.

The archaeological significance of a site is commonly assessed in terms of historical and scientific values, particularly by what a site can tell us about past lifestyles and people. There is an accepted procedure for determining the level of significance of an archaeological site.

A detailed set of criteria for assessing the State's cultural heritage was published by the (then) NSW Heritage Office. These criteria are divided into two categories: nature of significance, and comparative significance.

Heritage assessment criteria in NSW fall broadly within the four significance values outlined in the Burra Charter. The Burra Charter has been adopted by State and Commonwealth heritage agencies as the recognised document for guiding best practice for heritage practitioners in Australia. The four significance values are:

- Historical significance (evolution and association).
- Aesthetic significance (scenic/architectural qualities and creative accomplishment).
- Scientific significance (archaeological, industrial, educational, research potential and scientific significance values).
- Social significance (contemporary community esteem).

The NSW Heritage Office issued a more detailed set of assessment criteria to provide consistency with heritage agencies in other States and to avoid ambiguity and misinterpretation. These criteria are based on the Burra Charter. The following SHR criteria were gazetted following amendments to the Heritage Act that came into effect in April 1999:

- Criterion (a) - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (b) - an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (c) - an item is important in demonstrating the aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- Criterion (d) - an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- Criterion (e) - an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (f) - an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

⁵³ NSW Heritage Office, 2001

- Criterion (g) - an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments; or a class of the local area's cultural or natural places; or cultural or natural environments.

5.1 Levels of heritage significance

Items, places, buildings, works, relics, movable objects or precincts can be of either local or State heritage significance, or have both local and State heritage significance. Places can have different values to different people or groups.

Local heritage items

Local heritage items are those of significance to the local government area. In other words, they contribute to the individuality and streetscape, townscape, landscape or natural character of an area and are irreplaceable parts of its environmental heritage. They may have greater value to members of the local community, who regularly engage with these places and/or consider them to be an important part of their day-to-day life and their identity. Collectively, such items reflect the socio-economic and natural history of a local area. Items of local heritage significance form an integral part of the State's environmental heritage.

State heritage items

State heritage items, places, buildings, works, relics, movable objects or precincts of State heritage significance include those items of special interest in the State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection or association with the State in its widest sense.

The following evaluation attempts to identify the cultural significance of the study area. This significance is based on the assumption that the site contains intact or partially intact archaeological deposits.

5.2 Evaluation of significance

Criteria A: An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The study area does not contain any fabric, or the area in itself, that is considered important in the course or pattern of NSW's cultural history.

The study area does not satisfy this criterion at **local** or **state** level.

Criterion B: An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

There are no links with the life or works of a person, or group of persons of importance in NSW's cultural or natural history.

The study area does not satisfy this criterion at **local** or **state** level.

Criteria C: An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The remains possibly located within the study consist of 1920s foundations of the former cottage and associated structures. These former building do not represent any degree of creative or technical aesthetic characteristics in NSW.

The study area does not satisfy this criterion at **local** or **state** level.

Criterion D: An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

There are no special or strong links with the study area and a particular community for either social, cultural or spiritual reasons.

The study area does not satisfy this criterion at **local** or **state** level.

Criterion E: An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

The study area does not contain any fabric that could enhance the current information regarding the cultural or natural history of the local region or NSW.

The study area does not satisfy this criterion at **local** or **state** level.

Criterion F: An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (or the cultural or natural history of the local area).

The study area no longer contains any items of built heritage. The possible archaeological features present are not rare nor are they endangered aspects of the areas cultural or natural history.

The study area does not satisfy this criterion at **local** or **state** level.

Criterion G: An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments. (or a class of the local area's cultural or natural places, or cultural or natural environments).

The former buildings and possible archaeological features within the study area are not unique in presenting the characteristics of small farming practices within NSW.

The study area does not satisfy this criterion at **local** or **state** level.

5.1 Statement of Significance – Lot 4 DP 227279

The study area does not present with any fabric or possible archaeological features that would be considered significant, either at a local or state level. The former buildings date from the 1920s, a well-documented time frame for this region with much recorded on the small citrus farming industry. The potential archaeological remains would not therefore demonstrate any degree of rarity or aesthetic characteristics considered to be of high quality. Any artefactual material that may be present either within secure subfloor deposits or backfill from the septic tank would not present any new or informative material that could present new information. Therefore the study area is not considered to be significant at a **local** or **state** level.

5.2 Statement of Significance – Mount Penang Parklands (NSW Heritage listing)

The Mount Penang Juvenile Justice Centre is listed on the SHR (listing no. 01667). The following statement of significance is provided as part of the listing:

The Mount Penang Juvenile Justice Centre has been the most important juvenile detention centre in NSW for most of the twentieth century and is a direct continuation of the nineteenth-century system of reformatory training ships. The design of the early buildings, their configuration and the layout of the site itself, as well as its agricultural and pastoral features, its remnant dairy and its landscaping collectively and individually illustrate juvenile penal philosophies and practices of the period and their subsequent evolution over eighty-five years of operation. The location of the Centre is a feature in the historical expansion of the city of Sydney into its rural hinterland and its operations are an element in the development of Gosford and the Central Coast.

Mount Penang also has significance for the local Aboriginal people both pre and post-contact, and during the time when Mt Penang was used as a juvenile detention centre and accommodated a number of Aboriginal detainees for whom the site would have profound associations.

The Centre has notable aesthetic qualities associated with its site and the available views, and layout of the low-scale buildings and the landscaping. The earlier buildings are attractive, human-scaled structures, which, while of an institutional character, utilise colonial homestead architecture appropriate to their setting and construction techniques of particular interest. The earlier buildings reproduce these forms to reinforce the characteristic appearance of the complex, whilst the McCabe Cottages group is an excellent example of the Inter-War Functionalist architectural style.

The siting and relationship of buildings to each other and to the sports fields, paddocks and vistas are all components of the operational requirements and practices of the Centre. These provide technical information regarding juvenile detention and reformatory practices. Mount Penang is very important to the many boys and young men who were detained there over the course of nearly a century. For most detainees, Mt Penang is a place where the unforgettable occurred - experiences that strongly influenced the course of their lives. The place is significant to the many men and women who lived and worked at the former detention centre. For many of these people, it is a place of substantial personal and professional achievement. Mt Penang is also important to the local community as a landmark of historical and aesthetic importance. The place has functioned as a community meeting point, with many links between the wider community and the detainees and staff.

6 Statement of heritage impact

This SoHI has been prepared to address impacts resulting from the proposed redevelopment of the study area. The SoHI identifies the level of impact arising from the proposed development and discusses mitigation measures which must be taken to avoid or reduce those impacts. This section of the report has been prepared in accordance with the Heritage Manual guideline *Statements of Heritage Impact*.⁵⁴ This assessment has identified that there are no items of significance within the study area boundary, however there is a state listed conservation area (Mount Penang Parklands) directly to the south of the study area. The following section will outline any impacts from the proposed development in regards to this state heritage item.

6.1 Proposal details

A two-staged development is proposed to allow the KSSS site to be developed to receive, process and store up to 200,000 tonnes per annum of soil, sand and building materials. The complete development would require: installation of security fencing; construction of a hardstand area for processing material; construction of storage bays for processed material; construction of on-site roads suitable for large vehicles; construction of a truck parking area; construction of an office and maintenance workshop; and construction of stormwater run-off and drainage/treatment infrastructure.

Details of the proposed development are outlined in Appendix 1.

6.2 Assessing impact to heritage item(s)

6.2.1 Discussion of heritage impact(s)

The discussion of impacts to heritage can be centered upon a series of questions which must be answered as part of a SoHI which frame the nature of impact to a heritage item. The Heritage Manual guideline *Statements of Heritage Impact* includes a series of questions in relation to indicate the criterion which must be answered⁵⁵ The proposed development will be adjacent to a heritage item therefore the following questions are applicable:

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*

⁵⁴ Heritage Office and Department of Urban Affairs & Planning 1996

⁵⁵ *ibid*

- *Will the additions visually dominate the heritage item? How has this been minimised? • Will the public, and users of the item, still be able to view and appreciate its significance?*

6.2.2 Quantifying heritage impact(s)

Based upon the discussion of Impacts to heritage items, impact to these items can be quantified under three main categories: direct impacts, indirect impacts and no impact. These kinds of impacts are dependent on the proposed impacts, nature of the heritage item and its associated curtilage.

Direct impacts

Direct impacts are where the completion of the proposed development will result in a physical loss or alteration to a heritage item which will impact the heritage value or significance of the place. Direct impacts can be divided into whole or partial impacts. Whole impacts essentially will result in the removal of a heritage item as a result of the development where as partial impacts normally constitute impacts to a curtilage or partial removal of heritage values. For the purposes of this assessment direct impacts to heritage items have been placed into the following categories:

- Physical impact - whole: where the development will have a whole impact on a heritage item resulting in the complete physical loss of significance attributed to the item.
- Physical impact - partial: where the project will have a partial impact on an item which could result in the loss or reduction in heritage significance. The degree of impact through partial impacts is dependent on the nature and setting of a heritage item. Typically these impacts are minor impacts to a small proportion of a curtilage of an item or works occurring within the curtilage of a heritage item which may impact on its setting (i.e. gardens and plantings).

Indirect impacts

Indirect impacts to a heritage item relate to alterations to the environment or setting of a heritage item which will result in a loss of heritage value. This may include permanent or temporary visual, noise or vibration impacts caused during construction and after the completion of the development. Indirect impacts diminish the significance of an item through altering its relationship to its surroundings; this in turn impacts its ability to be appreciated for its historical, functional or aesthetic values. For the purposes of this assessment impacts to heritage items have been placed into the following categories:

- Visual impacts
- Noise impacts
- Vibration impacts

Cumulative impacts

Cumulative impacts relate to minimal or gradual impacts from a single or multiple developments upon heritage values. A cumulative impact would constitute a minimal impact being caused by the proposed development which over time may result in the partial or total loss of heritage value to the study area or associated heritage item. Cumulative impacts may need to be managed carefully over the prolonged period of time.

No impact

This is where the project does not constitute a measurable direct or indirect impact to the heritage item.

6.3 Assessment of impacts

A discussion, assessment and mitigation of Impacts to heritage items located within or adjacent to the study area is presented in Table 5.

Table 5 Assessment of impacts to heritage items either within or adjacent to the study area

Heritage Item	Significance	Discussion	Assessment	Mitigation measures
Mount Penang Parklands, (Item No. 1667), Pacific Highway, Somersby, NSW 2250, Lot 702, DP 1128417, Lots 10, 12 and 16, DP 1149050, Lot 1 DP 715442, Lots 601, 602, 603 and 607, DP 823147, Lot 475, DP 823714,	State significance	No know items of heritage significance are located within the study area, however the Mount Penang Parklands listed as a conservation area on the NSW state heritage register, is located adjacent to the study area on its southern border. The heritage listing for the conservation area incorporates its natural setting and the significant views and vistas surrounding the parklands as part of its significance. Developments surrounding the conservation area should incorporate a curtilage of the natural bushland that is currently extant to minimise any loss of value to the heritage item. The proposed development will be confined to the northern portion of the study area with no plans to develop the southern portion, which currently consists of natural bushland. Built infrastructure proposed should not exceed current building heights within the study area as this will help minimise any visual impacts.	No impact	The southern portion of the study area should not be developed in the future.

6.4 Statement of heritage impact

The study area has been assessed as not containing any items of heritage significance. Therefore the proposed project will not have any negative impacts upon items within the study area. The significance of the state listed Mount Penang Parklands incorporates many elements with notable aesthetic qualities associated with its site and the available views. The proposed development at 90 Gindurra Road is situated within the northern portion of the study area, with the southern portion being left undeveloped. As the development plans are confined to the northern portion of the study area any views and vistas associated with the listed heritage item will not be impacted by the proposed usage of the study area.

7 Conclusions and recommendations

7.1 Conclusions

The assessment has identified that the study area likely contains the archaeological remains of the 1920s cottage and associated buildings in the north eastern section. The significance assessment has identified that these archaeological remains do not contain any significant fabric or research potential and therefore does not require any management. The southern border of the study area is adjacent to a state listed conservation area, Mount Penang Parklands and as such required an assessment of possible impacts resulting from the proposed development. The works are confined to the northern section of the study area with no plans to use the southern section. The significance of the Mount Penang Parklands includes the visual relationship of the conservation area with its surrounds. Therefore the southern portion of the study area should remain undeveloped to minimise any visual impacts. Built infrastructure within the study area should not exceed the height of extant buildings. It should also be mentioned that cumulative impacts of any future developments within the surrounds of Mount Penang Parklands will contribute the loss of the Parklands significance and should therefore be managed appropriately.

7.2 Recommendations

These recommendations have been formulated to respond to Jackson Environment and Planning Pty Ltd on behalf of Mr and Mrs Ray and Sue Davis requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible in order to retain its cultural significance.⁵⁶

Recommendation 1 No further assessment required

It is the opinion of this assessment that no further work is required relating to the proposed development of the site. No heritage items of significance are located within the study area.

Recommendation 2 Unexpected find procedure

Should any unexpected finds be revealed during the earth works that this assessment has not addressed then an unexpected finds procedure should be implemented. Please see step following for procedure:

3. Discovery: If suspected archaeological remains are discovered activity in the vicinity of the discovery must stop to ensure minimal damage is caused; and the archaeological remains must be left in place, and protected from harm or damage.
4. Notification: Once the suspected archaeological remains have been isolated then an archaeologist should be consulted to ascertain the significance of the archaeological remains, if any and provide management measures should they be required.

Recommendation 3 Stop work provision for any potential discovery of human remains

If any suspected human remains are discovered during any activity works, all activity in the vicinity must cease immediately. The remains must be left in place and protected from harm or damage. The following

⁵⁶ Australia ICOMOS 2013

contingency plan describes the immediate actions that must be taken in instances where human remains or suspected human remains are discovered. Any such discovery at the study area must follow these steps:

3. Discovery: If suspected human remains are discovered all activity in the vicinity must stop to ensure minimal damage is caused to the remains; and the remains must be left in place, and protected from harm or damage.
4. Notification: Once suspected human skeletal remains have been found the NSW Police must be notified immediately, they will subsequently inform the Coroner's Office. Following this, and if the human remains are likely to be Aboriginal in origin, the find will be reported to the Aboriginal parties and OEH NSW. If the find is likely to be non-Aboriginal in origin and more than 100 years in age, the Heritage Council of NSW will be notified of the find under s.146 of the *Heritage Act 1977*.

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Appendices

Appendix 1 Proposed development
