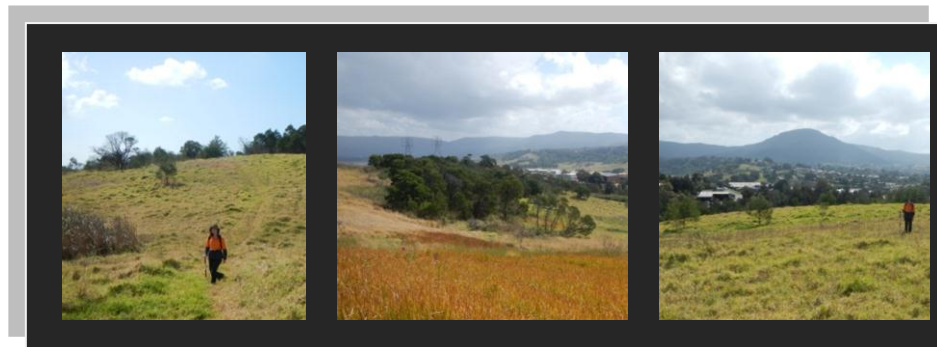


Life City Wollongong: Non-Indigenous Heritage Assessment

Report to TCG Planning

September 2012



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Executive summary

TCG Planning has been engaged by Delbest Pty Ltd to coordinate the Part 3A development application process in relation to a proposed Master Plan for a 'Hi Tech Holistic Cancer and Medical Hospital Facility' to be known as *Life City Wollongong* (the proposal). The proposed development is to be assessed as a Part 3A project under the transitional arrangements contained in Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Artefact Heritage has been engaged by TCG Planning, on behalf of Delbest Pty Ltd, to conduct a non-Indigenous heritage assessment of the Master Plan for the proposal.

The subject land was located at Berkeley in the Wollongong local government area (LGA), and was defined as Lot 4 DP 258635, Lot 2 DP 534116 and Lot 2 DP 249814. The subject land covered an area of 16.78 ha, and was bound to the west by the F5 southern freeway, and to the north, east and south by existing residential development in the suburb of Berkeley.

Heritage register searches and background historical research was undertaken for the study area. A field survey was conducted on 11 September 2012. No built heritage items were identified within the study area or in its vicinity, and non-Indigenous archaeological potential was assessed as low. There are therefore no constraints on the proposal with regards to non-Indigenous heritage.

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1.0 Introduction and background

1.1 Introduction

TCG Planning has been engaged by Delbest Pty Ltd to coordinate the Part 3A approval process in relation to a proposed Master Plan for a 'Hi Tech Holistic Cancer and Medical Hospital Facility' to be known as *Life City Wollongong* (the proposal). The proposed development is to be assessed as a Part 3A project under the transitional arrangements contained in Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Artefact Heritage has been engaged by TCG Planning, on behalf of Delbest Pty Ltd, to conduct an Aboriginal heritage assessment of the Master Plan for the proposal (see Figure 1).

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1.2 Description of the development proposal

The proposed Master Plan for the Life City Wollongong would provide a comprehensive holistic cancer and medical hospital facility with the following characteristics:

- 320 bed tertiary level cancer and medical hospital;
- medical centre;
- child care centre;
- respite centre;
- staff and patient relative accommodation;
- education and research facilities;
- selective health sciences high school;
- seniors housing;
- outdoor holistic health course for natural therapies; and,
- ancillary uses.

The facility would be developed in eight stages, with the current heritage assessment forming part of the approval process for the Concept Plan for the proposal.

Figure 1: Life City Berkeley Master Plan (provided by TCG Planning)

Figure 2: Study area location (provided by TCG Planning)



I.3 Report authorship

Josh Symons and Adele Anderson, archaeologists at Artefact Heritage, undertook this study. Josh Symons prepared this report with management input from Principal Archaeologist Dr Sandra Wallace.

I.4 Objectives of the assessment

This aim of this study is to adhere to NSW Heritage Council guidelines and to fulfill the Director General's Requirements (DGRs) in regard to non-Indigenous heritage. In relation to heritage the DGRs state that the following must be taken into account.

“Impacts of the proposal on any Aboriginal or European [non-Indigenous] heritage or archaeological items and measures to conserve these items and mitigate potential impacts including effective community consultation with the Aboriginal communities” (Requirement 13).

Impacts of the proposal are addressed in Section 6.2. Mitigation and conservation measures are addressed in Section 9.0.

2.0 Legislative requirements

There are several items of State legislation that are relevant to the current study. A summary of these Acts and the implications for the proposal follow.

The Heritage Act 1977

The *NSW Heritage Act 1977* (the Heritage Act) is the primary piece of State legislation affording protection to items of environmental heritage (natural and cultural) in New South Wales (NSW). Under the Heritage Act, 'items of environmental heritage' include places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items are listed on the NSW State Heritage Register (SHR) and are given automatic protection under the Heritage Act against any activities that may damage an item or affect its heritage significance.

The Heritage Act also protects 'relics', which can include archaeological material, features and deposits. Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as follows:

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

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance."

Section 139[1] of the Heritage Act states that:

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

Permits to disturb or excavate 'relics' are issued by the NSW Heritage Council or a Delegate of the NSW Heritage Council under Section 140 (for relics not protected by an SHR listing) or Section 60 (for relics protected by an SHR listing) of the Heritage Act. Exceptions or exemptions to these permits may be applicable under certain conditions.

The Heritage Act also requires all government agencies to identify and manage heritage assets in their ownership and control. Under Section 170 of the Heritage Act, government instrumentalities must establish and keep a register which includes all items of environmental heritage listed on the SHR, environmental planning instruments or which may be subject to an interim heritage order that are owned, occupied or managed by that government body. Under Section 170A of the Heritage Act, government agencies would maintain all items entered on their registers in accordance with State Owned Heritage Management Principles approved by the Government on

advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of identified sites, items and objects and are based on relevant NSW heritage legislation and statutory guidelines.

The Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) administered by the Department of the Premier and Cabinet establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act also requires that Local Governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the Act to provide guidance on the level of environmental assessment required. The current study area falls within the boundaries of the Wollongong LEP 2009.

In 2005 the Act was amended with the introduction of section Part 3A. This section ‘switches off’ sections of the Heritage Act which require consents to disturb or impact heritage items or relics. Under Part 3A assessments proponents must adhere to the *Director Generals Requirements* and NSW Heritage Council guidelines. Part 3A has recently been abolished with transitional arrangements put in place by the State Government.

Implication of Legislation

The proposed development is to be assessed as a Part 3A project under the transitional arrangements contained in Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and therefore approvals or permits under the Heritage Act are not required. Impact to any items listed on the Wollongong LEP would be at the discretion of the Minister.

3.0 Register listings

Statutory registers provide legal protection for heritage items. In NSW, the Heritage Act and the EP&A Act give legal protection. The SHR, the s170 registers, and heritage schedules of LEPs are statutory listings. Places on the National Heritage List are protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

National Heritage List

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

There are no items within the study area listed on the National Heritage List.

The State Heritage Register

The SHR is a list of places and objects of particular importance to the people of NSW and is administered by the Heritage Branch of Office of Environment and Heritage (OEH). The register lists a diverse range of over 1,500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW.

There are no items within the study area listed on the SHR.

Section 170 Registers

An s170 register is a record of the heritage assets owned or managed by a NSW government agency. Relevant s170 registers were checked (Sydney Water, RMS, Railcorp, Department of Planning and Infrastructure).

There are no items within the study area listed on the section 170 registers.

Wollongong LEP 2009

The Wollongong LEP includes a list and maps of items / sites of heritage significance.

There are no items within the study area listed on the Wollongong LEP.

Summary

No listed heritage items have been identified within the study area.

4.0 Historical context

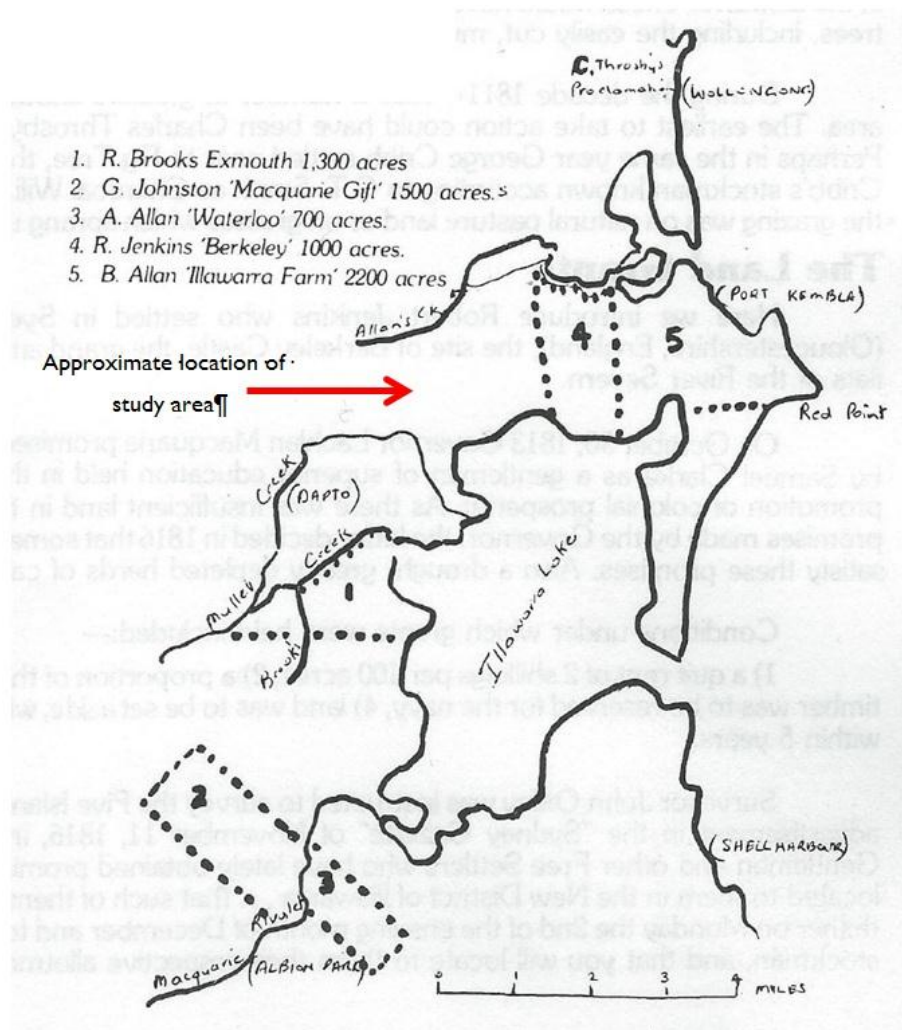
Early observations of the Illawarra region by the British included observations made during Captain Cook's voyage along the east coast of Australia in 1770, and by early explorers through the region, such as George William Evans (Organ 1993: 49). Organ (1993: 49) documents an anonymous exploration journal attributed to surveyor George William Evans, which documented an overland expedition north from Jervis Bay via Wollongong in 1812. The exploration party encountered several groups of Aboriginal people, and at one point exchanged some of their possessions with one of the groups for oysters (Organ 1993: 49).

The earliest British settlement of the Illawarra region was part of a southwards push from Sydney by pastoralists searching for grazing land. One of first people to move their cattle beyond the Nepean River in the cowpastures area of south-west Sydney was Charles Throsby. Around 1815, Throsby had moved cattle to the Wollongong area (Barwick 1978: 2), and by 1819 had established a pastoral property in the vicinity of the Wingecarribee River in the southern highlands. Throsby did not reside in the area, instead leaving stockman in charge of the cattle (Barwick-Hooke 1988: 8).

The establishment of new areas of grazing land allowed Governor Macquarie to fulfill land grant promises made to free settlers arriving in the colony (Barwick-Hooke 1988: 8). The first five land grants in the Illawarra were organised by John Oxley, the Surveyor-General of the colony, in November 1816 (Barwick 1978: 2). Oxley advertised in the Sydney Gazette on 16 November 1816 for any person who had obtained a promise of land in the Illawarra area to meet at the hut of Throsby's stockman on 2 December 1816 (Sydney Gazette 16/11/1816). The first five grants were allotted to Robert Jenkins, David Allan, George Johnston, Richard Brooks and Andrew Allan (Barwick 1978: 2).

The study area did not form part of the first five land grants, which covered varying sized lots around Lake Illawarra (see Figure 3). Figure 3, drawn by Barwick-Hooke (1988: 9) shows both the approximate distribution of the five land grants and the location of the study area. Similar to Throsby, none of the first five grantees in the Illawarra lived at their properties, with stockman and managers instead managing cattle and tending to the land (Barwick 1978: 3). The closest land grant to the study area, allotted to Robert Jenkins (see Figure 3), consisted of 1,000 acres marked out by surveyor James Meehan on 7 December 1816 (Barwick 1978: 3). That grant was called 'Berkeley Estate', and gradually grew from its original 1,000 acres to 3,280 acres, and is the origin of the name Berkeley for the local area (Barwick 1978: 3).

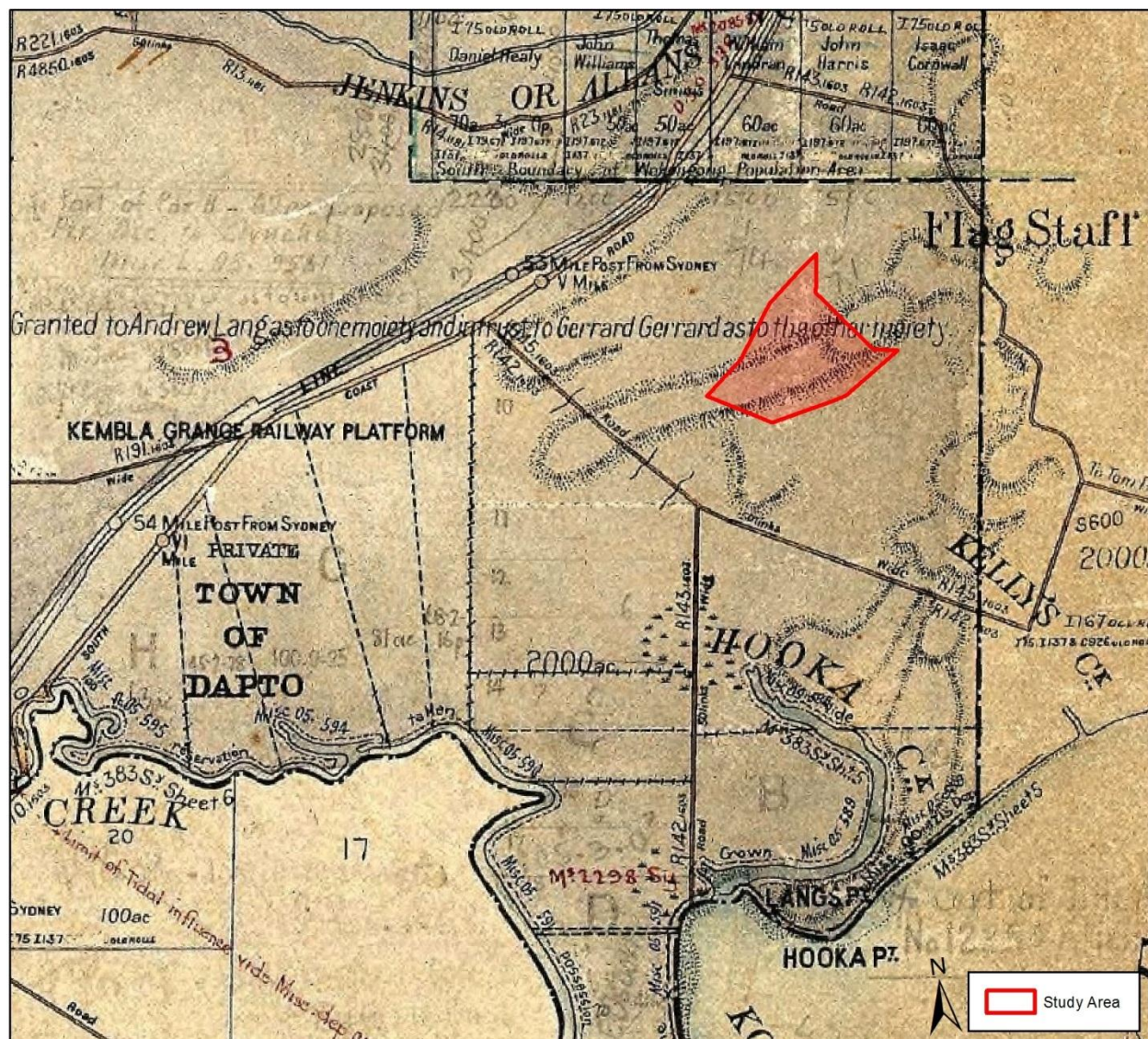
Figure 3: Location of the first five land grants in the Illawarra region from Barwick-Hooke (1988: 9)



The study area formed part of a large, 2,000 acre land grant promised to John Dunlop Wylie in 1829 (AMBS 2010: 51; Kass 2010: 25). Wylie moved cattle to the property, which he had named 'Dunlop Vale' after his uncle James Dunlop (AMBS 2010: 51). However, due to Wylie's financial troubles, the grant was not officially issued, and the land was sold to Andrew Lang and Dr Gerrard Gerrard in 1840 (AMBS 2010: 51; Kass 2010: 25). The property was held in moiety between Andrew Lang and Dr Gerrard Gerrard. Gerrard owned the western half of the property, which he named Kembla Grange (AMBS 2010: 51). A parish map dating to 1895, shown in Figure 4, shows the location of the study area in relation to the land held by Lang and Gerrard.

The study area was located in the hilly, eastern portion of Andrew Lang's half of the original Dunlop Vale property. Lang subdivided portions of the property into smaller 10-20 acres farms (Kass 2010: 25), whilst Gerrard established dairy cattle on Kembla Grange - the western portion of the property (AMBS 2010: 51). Gerrard was an important figure in the early establishment of the dairy industry in the area (AMBS 2010: 51), which eventually became the mainstay of many farmers in the region (Kass 2010: 27).

Figure 4: Location of the study area on the c.1895 Kembla Parish map



The establishment of the dairy industry in the Illawarra was closely linked with better transport networks to the markets in Sydney, especially with the completion in 1887 of the rail line from Kiama to Sydney (Kass 2010: 90-91). Kass (2010: 27) notes that the development of more efficient butter manufacturing and refrigeration techniques, combined with the establishment of the railway line, were fundamental in the establishment of dairying in the Illawarra.

Over time, many smaller dairy farms merged into larger conglomerates that were better able to deliver higher returns and build more elaborate infrastructure required by tighter government regulation of the dairy industry that came into place with the *Dairies Supervision Act* in 1901 (Kass 2010: 27). Other industries that became established in the area to cater for the needs of the dairy industry and farming activities in general included wooden cask manufacturers, tinsmiths, flour-milling, a tannery, and coach-building (Barwick-Hooke 1988: 447).



Coal mining became an important, and ongoing industry in the vicinity of the study area when the first coal mine was opened at Mt Keira in 1849. Other coal mines followed along the Illawarra Escarpment, including at Mt Kembla and Wongawilli. Infrastructure associated with the coal mines was established to take coal to harbour ports, and included tramways and the modification of Wollongong harbour to cater for the increase in shipping (Kass 2010: 30).

The combination of well-established dairy-farming and coal mining lead to the first residential subdivisions in the area, including a small residential subdivision that was developed at Brownsville (now Dapto) in the 1870's to cater for the local farming community (Kass 2010: 36). The establishment of major industries in the Illawarra, with the ensuing development of residential subdivision and major transport links to Sydney were key themes in the historical context of the study area. These themes are still evident in the contemporary Illawarra region, with coal mining and associated industries still established on the Illawarra Escarpment and throughout Wollongong, well-established residential subdivision, which includes the neighbouring lands of the study area, and dairy farming and other pastoral activities increasingly confined to the growing urban fringe.

5.0 Field survey

A survey of the study area for the purpose of identifying built heritage items and archaeological potential was conducted on 11 September 2012. The study area was found to consist largely of steep to moderately steep slopes with dense vegetation coverage. The dominant landform feature was a thin, flat, crest landform with a maximum height of 74 m AHD in the eastern half of the study area, which was bordered by steep slopes to the south and east, and steep to moderately steep slopes to the west.

The south and eastern slopes were covered with dense weed vegetation over 2 m high, which was impenetrable except for two places where a path had been cleared to access 330kV transmission line towers on the eastern boundary of the study area. The western slope of the local high point was covered by dense, long grass. Several large contour banks had been created across the western slope, and any cleared areas on the steep western slopes were subject to gully erosion.

The study area was covered in numerous rubbish dumps that included dumped building site waste, home furniture and electrical appliances, and vegetation waste. All dumped material was modern, and no built heritage items were identified. The steep and hilly nature of the study area, coupled with the very thin crest landform, meant that the study area would not have been conducive to dwellings or other built items.

5.1 Archaeological potential

No visible evidence for the occupation and use of the study area was identified other than recent rubbish dumping and contour banks. No exotic plant species were observed that would have indicated deliberate plantings for a garden.

The landform units within the study area were not conducive to occupation, with the majority of the study area comprised of steep to moderately steep slopes. Documentary evidence does not indicate that the site was ever occupied.

The study area was generally observed to be quite disturbed. Modern rubbish dumping was present in most accessible areas, and the contour banking on the western slopes had modified drainage patterns and caused changes to sedimentation and erosion. The construction of the contour banks would also have had a significant impact on the immediate area.

Based on the documentary evidence for the area and observations during the field survey, the archaeological potential of the study area was assessed as low.

Plate 1: Dumped modern rubbish



Plate 2: Narrow path cut through thick vegetation



Plate 3: View west across the study area with Mt Kemble visible right background of photo



Plate 4: View west over disturbed area in north-east corner of study area



Plate 5: View east of erosion gully associated with a contour bank



6.0 Assessment of significance

The *NSW Heritage Manual* includes guidelines to aid in assessing the heritage significance of items and sites. These guidelines are based around the NSW heritage assessment criteria, which aim to minimise ambiguity and maintain consistency in the assessment process. The criteria encompass the four values identified in the Australia ICOMOS Burra Charter: historical significance, aesthetic significance, scientific significance, and social significance. They also include consideration of rarity and representativeness values. The criteria are summarised in Table 1.

Table 1: NSW heritage assessment criteria

Criteria	Description
A – Historical Significance	An item is important in the course or pattern of the local area's cultural or natural history.
B – Associative Significance	An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.
C – Aesthetic Significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
D – Social Significance	An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
E – Research Potential	An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.
F – Rarity	An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.
G – Representative	An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's): <ul style="list-style-type: none">- cultural or natural places; or- cultural or natural environments.

The study area formed part of a large land grant that was associated with the establishment of dairy farming in the Illawarra region. However, the study area was on the periphery of events associated with the establishment of dairy farming at Kembla Grange, and was not directly associated with Dr Gerrard Gerrard of Kembla Grange. The study area therefore does not have historical or associative significance.

The study area formed one of several highpoints in the Berkeley area, with commanding views over Lake Illawarra and Dapto. The aesthetic significance of the site was reduced by rubbish dumping and extensive weed vegetation.



The study area had a low social significance as it did not form a strong or special association with any identified community or cultural group.

The study area does not provide good research potential as there were no areas of non-Indigenous archaeological potential to be investigated. The study area is not rare in the local context, and representativeness values are low.

The study area is assessed as demonstrating low heritage significance or a low archaeological research potential.

7.0 Impact assessment and mitigation measures

7.1 Impact assessment

As the study area has been assessed as having low heritage significance and a low archaeological research potential, the proposal is unlikely to impact on non-Indigenous heritage items or archaeological deposits.

7.2 Mitigation measures

No particular mitigation measures are required in regard to non-Indigenous heritage. If unexpected finds are located during works the NSW Heritage Branch should be notified under the provisions of the Heritage Act. A qualified heritage consultant should be engaged to assess the significance of the unexpected find, and to recommend whether further investigation would be required prior to works commencing.

8.0 Recommendations

The following recommendations were based on consideration of:

- Statutory requirements.
- The results of the background research, site survey and assessment.
- The likely impacts of the proposed development.

It was found that:

- No built heritage items exist within the study area.
- The non-Indigenous archaeological potential of the study area was low.

It is therefore recommended that:

- There are no constraints on the proposal with regards to non-Indigenous heritage.
- If unexpected archaeological remains are encountered, works must cease in the vicinity of the remains and the Heritage Branch and a qualified archaeologist must be contacted to assess their significance and advise whether further action is required.

9.0 References

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