Built Heritage Assessment

Picton East Rezoning:

1735 Remembrance Drive and 108-118 Menangle Street, Picton, NSW

Michael Brown Planning

FINAL REPORT

May 2015

AHMS

ARCHAEOLOGICAL & HERITAGE MANAGEMENT SOLUTIONS

Picton East Rezoning

Built Heritage Assessment

May 2015

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Prepared by Archaeological & Heritage Management Solutions (AHMS) Pty Ltd on behalf of Michael Brown Planning

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1 INTRODUCTION

1.1 Assessment Aims

In November 2013, Michael Brown commissioned Archaeological and Heritage Management Solutions Pty Ltd (AHMS), to provide a built heritage assessment of land proposed for rezoning at Picton, south-west of Sydney, NSW (shown in Figure 1).

The objectives of the built heritage (European) assessment report are:

i. To provide an overview of significant existing or potential heritage items, conservation areas and cultural landscapes within the site and surrounding lands.

ii. To identify appropriate management provisions to conserve significant items, settings and to manage possible impacts on their heritage significance that may result from any development proposal.

The tasks and methodology of the Built Heritage (European) assessment report include:

1. Provide an overview of significant existing or potential European heritage within the subject site.

2. Identify assess and map European cultural heritage places within the subject site.

3. Consult the NSW State Heritage Register, the Wollondilly Local Environmental Plan (LEP), the National Trust and the NSW State Heritage Inventory (SHI) heritage databases in order to identify any existing items or conservation areas of heritage significance at the subject site affected by the proposal.

4. Develop recommendation for the management of European heritage values within the subject site to provide appropriate management recommendations for the site during any proposed development.

1.2 The Subject Site

The subject site is an irregular shaped site on the eastern side of Menangle Road, Picton (see Figure 1 and Figure 2). The subject site is located in the Parish of Picton, County of Camden. It includes 1735 Remembrance Drive (Lot 106 DP 1111043), 108-114 Menangle Street (Lot 2 DP 229679), and 116-118 Menangle Street (Lot 9 DP 233840), Picton, NSW (the subject area)

A site inspection of part of the subject site as shown unhatched in Figure 1 was undertaken by Stacey Kennedy and Michelle Lau on January 16th, 2014. The boundary of the subject land has changed during the course of this project. The hatched area shown in Figure 1 has been added since the field inspection and desktop review. It is noted that this hatched area is proposed to be rezoned as RE1 Public Reserve. Further assessment may assist in the long term planning and management of any cultural values within the reserve.

1.3 Previous Reports

The subject site has not previously been subject to a specific archaeological or heritage assessment.

1.4 Authorship

This report was written by Tony Brassil of AHMS. Matthew Kelly prepared the Historic Context report. Laura Matarese (Manager, Historic Heritage AHMS) reviewed the report and Alan Williams provided a quality assurance review of the report. The report was updated to include the revised study are boundary by Ngaire Richards in May 2015.

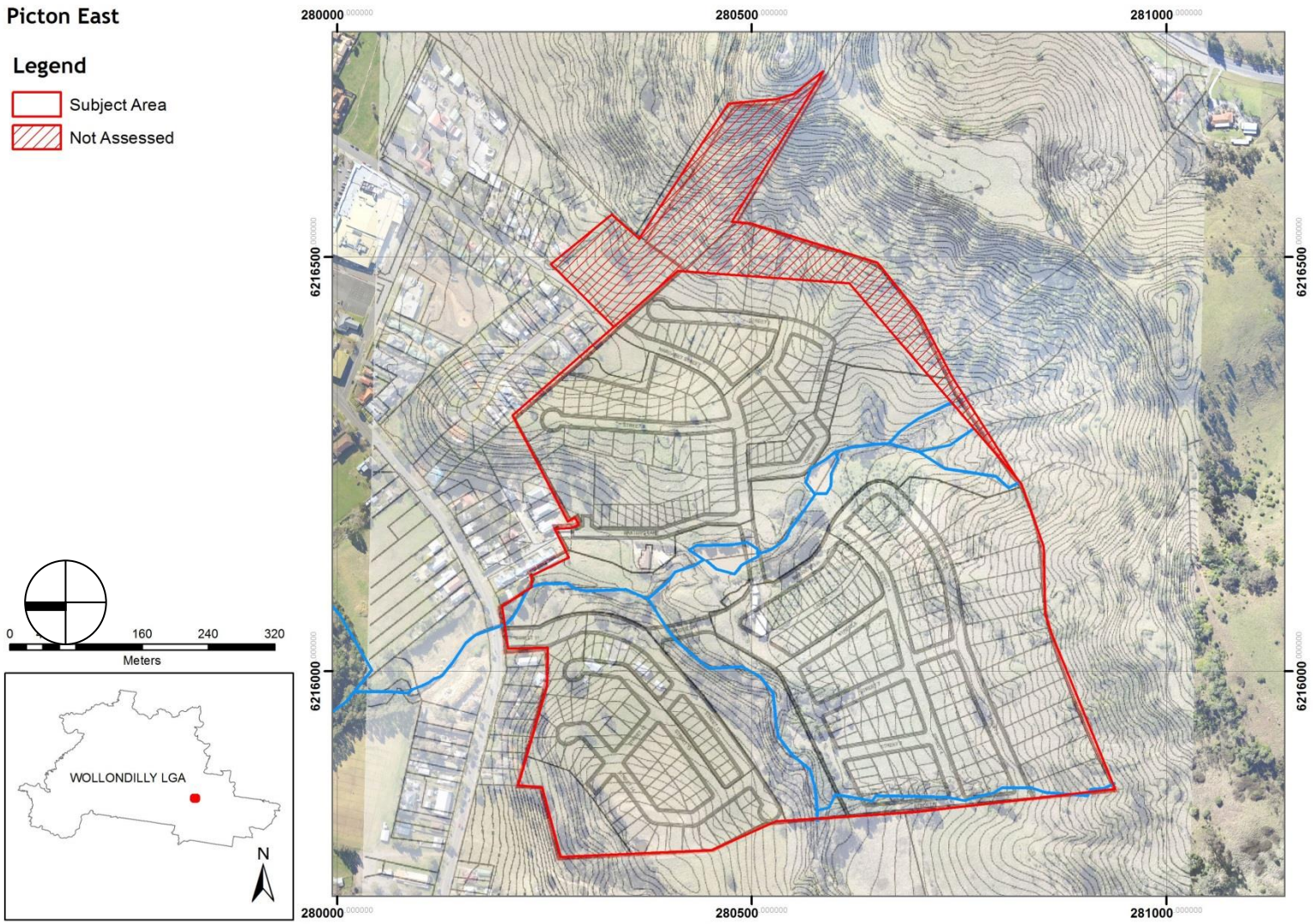

Figure 1 Plan of the of the subject site, showing the boundary of the site (source: Michael Brown Planning).

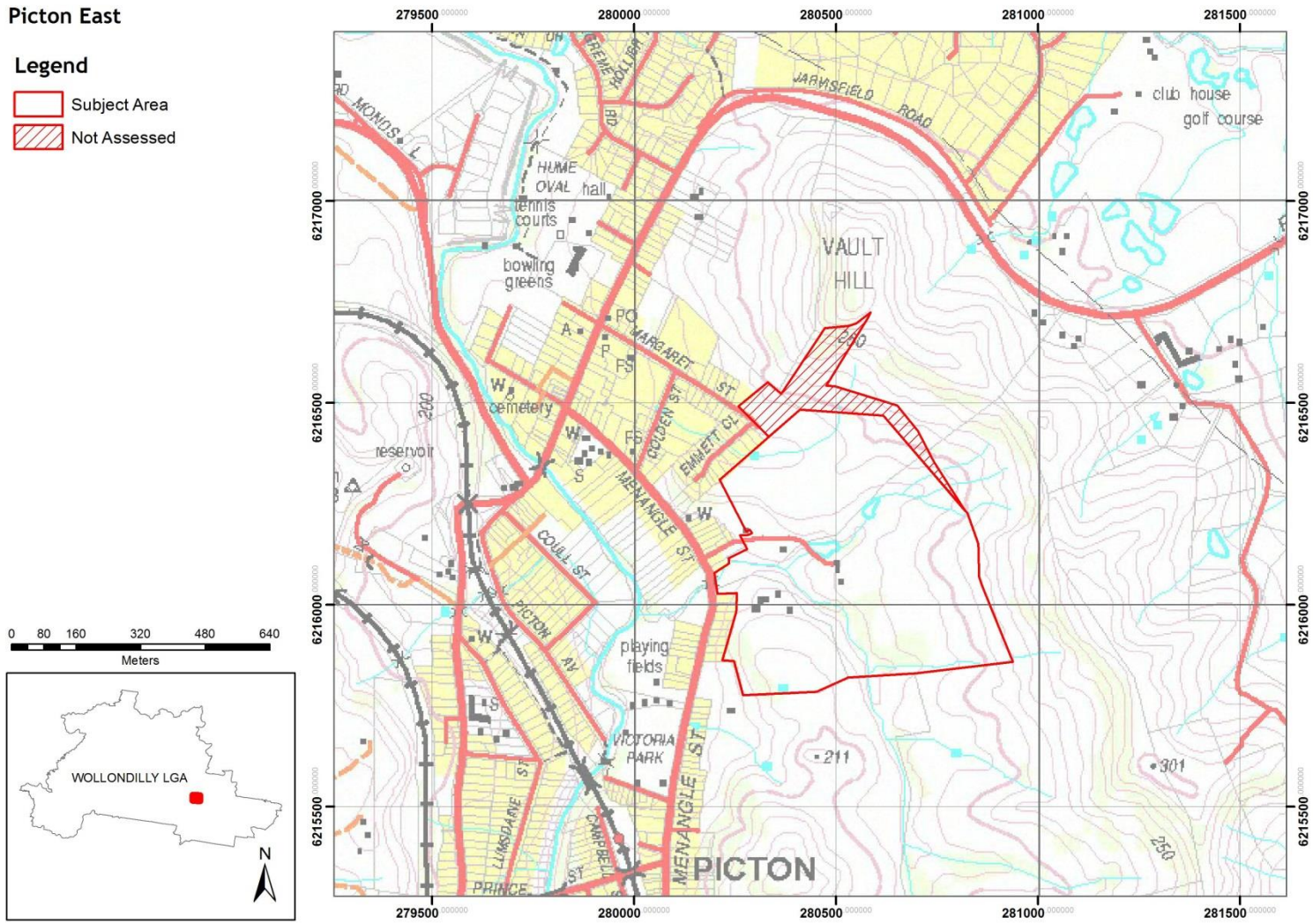

Figure 2 Map of Picton with the subject site outlined in red (source: Land and Property Information).

2 STATUTORY CONSIDERATIONS AND HERITAGE LISTINGS

Historical heritage and archaeology in New South Wales is protected by a number of pieces of Commonwealth, State and local legislation. Those of relevance are summarised below.

2.1 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a statutory framework for protecting and managing significant environmental and cultural heritage places, flora, fauna and environmental communities. The Act establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL) and provides protection for places included in the two lists. The Act also provides protection for those Australian places on the World Heritage List (WHL).

The subject site does not include any places of identified historical heritage value that are listed on the WHL, CHL or the NHL.

2.2 Heritage Act 1977 (NSW)

The NSW *Heritage Act 1977* is designed to conserve the environmental heritage of New South Wales and regulate development impacts on the state's heritage assets. Significant historical archaeological features are afforded automatic statutory protection by the relic's provisions of the Act. A 'relic' is defined as:

> *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.*
> *It is an offence to disturb or excavate land, where this may affect a relic, without the approval of the Heritage Council of NSW, or an endorsed 'Exemption' or 'Exception' applies.*

The *Heritage Act 1977* establishes the State Heritage Register (SHR), a list of places and items of State heritage significance. The Act provides statutory protection for items included on the SHR. Approval from the Heritage Council of NSW is required prior to undertaking work that results in the alteration or modification of a SHR-listed item.

No items within the subject site are listed in the NSW State Heritage Register.

In addition to the SHR, the *Heritage Act 1977* requires that State government agencies maintain registers of heritage assets within land that they own and/or manage. These listings are reproduced on a Section 170 Heritage Conservation Register.

No items within the subject site are listed on a Section 170 Register.

2.3 Wollondilly Local Environmental Plan 2011

The subject site falls within the Wollondilly Council Local Government Area (LGA). The relevant environmental planning instrument is the Wollondilly Local Environmental Plan (WLEP) 2011.

The built environment of the subject site has been previously surveyed as part of the Picton component of the Wollondilly Council Heritage Study, 1992 by JRC Planning Services Pty Ltd and in subsequent reviews. These studies identified heritage items and heritage conservation areas within the Council area and these have been included in Schedule 5 of the Wollondilly Council Local Environmental Plan 2011.

- **No item within the subject site is listed in Schedule 5 of the Wollondilly Council Local Environmental Plan 2011.**
- **The Picton Heritage Conservation Area (HCA) is adjacent to the Subject site on the western side. A very small part of the subject site falls within the HCA.**

2.4 Non-Statutory Listings

There are a number of non-statutory heritage lists which are relevant to the subject site. Some include places and items that are otherwise also included in statutory registers.

The non-statutory heritage lists that have been searched are the Register of the National Estate (RNE) and the Register of the National Trust of Australia (NSW).

The National Trust Register (NSW) has a listing for:

4801 - Picton Urban Conservation Area

Figure 3 ***Heritage Map from the Wollondilly LEP 2011 showing the sites of the listed heritage items (brown shading) and the extent of the Picton Conservation Area (red hatching) with the subject site boundary shown in green (source: Wollondilly Council).***

3 OUTLINE HISTORY

3.1 Introduction

The following outline history is primarily based on the secondary information contained in readily available histories.

3.2 Early Grants

It became Government policy quite early on, in the history of the colony, to reserve land west of the Nepean River for the use of the wild cattle, in the area known as "Cowpastures".[1] In 1803, a proclamation was issued forbidding any person to cross the Nepean without the Governor's approval. Periodically, this prohibition was renewed, with proclamations issued in 1812, 1815 and 1817. It was eventually lifted in 1823.[2]

In 1805, Governor King recommended the construction of stockyards at three locations to the south-west of Sydney - one of which was at "Stonequarry", now identified as Picton.[3] The west side of the Nepean was named Camden County in the same year.[4] Over the next decade or so, Europeans were involved in the area around Picton droving cattle and grazing them as far south as Bargo. Several road gangs are also noted as working around Stonequarry Creek in the 1820s.[5]

Governor Macquarie visited the area in 1815, staying at Stonequarry on the night of October 4. He described the area through which they passed as:

we arrived at the Stone Quarry Creek at 4 p.m. after riding 8 miles over a beautiful Country thither in the Cow Pastures,[6]

Macquarie revisited the area in October, 1820 and travelled:

from Cawdor to the Stock-Yard at Stone Quarry Creek. ---We rode over some very fine rich pasture grounds -- and crossed several gentle hills admirably well adapted for sheep. ---I also examined a most eligible situation on the North bank of this creek for a township whenever this desirable part of the country is settled.[7]

Macquarie issued the first grants in the area in 1822 and these were awarded to Jean Baptiste Lehimas de Arrieta (one of the first Spanish settlers in this country), Major Henry Antill (served in the 73rd Regiment in India with Macquarie, see Figure 5), Dr. Douglass (an Irishman formerly of the 18th Regiment in the Peninsula War and head of the Parramatta hospital from 1821), Mr G Harper (formerly of the Commissariat store) and Louis Rumker (the celebrated German astronomer).[8] The two major grants which are relevant to the subject site are that of Antill's and Rumkers.

Antill's grant of an initial 2000 acres in 1822, named 'Jarvisfield' in honour of Lachlan Macquarie's first wife, Jane Jarvis, was enhanced by a subsequent grant of 900 acres in 1826. Antill built his house on

[1] Jervis, J, 1941, "Settlement in the Picton and the Oaks District", JRAHS, 27, p. 277.
[2] Ibid.
[3] Gospert, J, 1965, Picton Past and Present, p. 6.
[4] Jervis, op cit.
[5] See Sydney Gazette and New South Wales Advertiser, September 29, December 22, 1825.
[6] Macquarie's Journal, October 4th, 1815 at http://www.lib.mq.edu.au/all/journeys .
[7] Macquarie's Journal, October 17th, 1820, ibid.
[8] Gospert, op cit and Ballyn, S, 2001, "Jean Baptiste Lehimas de Arrieta: The First Spanish Settler ?", The La Trobe Journal, 68, pp.43-50, on Antill see, Antill, J, 1946, Major Henry Colden Antill', JRAHS,32, pp 172-200, on Douglass see http://adb.anu.edu.au/biography/douglass-henry-grattan-1987, on Harper see http://adb.anu.edu.au/biography/harper-george-2157, and on Rumker see http://adb.anu.edu.au/biography/rumker-christian-carl-ludwig-2615.

the property but, after his death, a more substantial house was constructed in 1864 (see Figure 6).[9] This grant contained the area around the Stonequarry Creek crossing and became known as Lower Picton and encompassed the entirety of the subject site. Rumker's grant, of 1000 acres, lay on the south side of Stonequarry Creek and was called *Stargard*.[10] This grant encompassed the upper part of Picton and became known as Upper Picton or the Government Town, which was laid out in the 1840s.

3.3 Town Development

Henry Antill was appointed a Justice of the Peace in 1821 and the Resident Magistrate and Superintendent of Police in 1829.[11] To assist in those duties, in 1822, Major Antill erected a slab Court House and rented it back to the Government for £20 per annum.[12] A mile from the courthouse, near the Stonequarry Creek crossing and diagonally opposite the William Inn, he also built a slab lock-up which was to serve the township of Picton for the next 25 years. Antill, a former military officer, was an emancipist and a member of various committees which worked for the welfare of orphans and Aboriginals.[13]

Antill's benevolent attitude also to his tenants was commented upon by contemporaries:

It has been the custom of the Major to improve the position of his dependants by every practicable means, and to promote marriage amongst them, giving them leases of small divisions of land, as well as to those who obtained their liberty from his service, at the same time affording them every assistance to become comfortable settlers.[14]

Antill's magistracy saw him utilise his own residence as courthouse until 1829, when a slab courthouse was constructed at the base of the drive leading to Jarvisfield.[15] This courthouse was also used as the early Church and Sunday school until St Marks was constructed in the 1850s.

The first bridge across Stonequarry Creek was built in the late 1830s.[16]

Picton (formerly Stonequarry) was, by the mid-19th Century, only a small town with twenty-three houses and 120 inhabitants, with males forming nearly two-thirds of the population.[17] The lockup is reported, in 1841, as in need of replacement, as the slabbed structure has resulted in too many escapes.[18] It was no doubt the escape of the bushranger William Westwood, "Jackey Jackey", from here in that year that resulted in the call for a stronger facility. However, a report in 1845 notes that the escape of two bushrangers from the lockup was effected by removal of stone slabs "*of which the building is composed*", suggesting that it was, by then, of more substantial construction by this relatively early stage.[19] A reported escape a decade later notes that the lockup is constructed of stone with iron bar windows.[20]

In July 1841, Major Antill advertised in the Sydney papers an auction of his proposed sub-division of lands, to be called the Village of Picton. Many blocks had frontages to the main road, along which travelled the wool clips from the south.

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[9] Antill, op cit, p. 175.
[10] Gospert, op cit.
[11] Antill, op cit, p. 178.
[12] Jervis, op cit, p.285.
[13] Antill, J, "Antill, Henry Colden (1779–1852)", Australian Dictionary of Biography, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/antill-henry-colden-1710/text186.
[14] Sydney Gazette, April 26th, 1832.
[15] "Early Days of Picton", Picton Post, 28 March 1923.
[16] Australian Town and Country Journal, February 8, 1905.
[17] Wells, W.H., 1848, A Geographical Dictionary or Gazetteer of the Australian Colonies, Sydney, p.340.
[18] Sydney Herald May 8, 1841.
[19] The Australian, May 6, 1845.
[20] The Goulburn Herald and County of Argyle Advertiser, October 18, 1856.

In 1845, the government made moves to lay out its own town just south of the private town. Surveyor Galloway was employed to survey the area and make half acre blocks for purchase. These blocks were first offered for sale in 1847. They were all sold by 1855. Land was held back for grants to churches and for the school and courthouse. The government town was also called Picton. This led to confusion and a petition was made to the government to rename its village 'Redbank' but, in 1847, the government decided it was to be called Upper Picton.

The middle of the nineteenth century saw the establishment of a steam mill - Larkin's Mill - fronting Argyle Street adjacent to the east end of the Stonequarry Creek bridge. Edward Larkin started the Mill in Argyle Street with his brother Thomas and it was renowned for the quality of its flour. Sadly, the rust epidemic that almost wiped out the Australian wheat industry saw this mill close down in the 1870s. Its sale notice in January 1870 noted that it was the only steam mill in the district and consisted of:

a substantial brick and stone, 3 storey building - with machinery and plant and etc comprising 12 horse power engine, by P.N. Russell and Co. Boiler, French burr stones, dressing and smutting machines, meal elevator, sack tackle and gear....

By the 1860s, the town of Picton continued to grow, with the population reaching nearly 200 by 1864. The railway reached Upper Picton in July 1863, with the construction and increased traffic stimulating the local economy. The construction of the stone viaduct for the extension of the railway line through to Goulburn continued to inject substantial Government moneys into the local economy for at least five years after the railway connection to the town.

The Antills remained the dominant presence in the township until late in the nineteenth century, with Henry's sons retaining positions as two of the four magistrates, as well as Registrar of Births, Deaths and Marriages, Commissioner of Crown Lands and Coroner.[21]

On a number of occasions during the nineteenth century, when government money was allocated for the erection of a public building, the location of the building would be the centre of a local dispute. The Antill family would then offer land in its private town for the erection of the building at a very reasonable price and, typically, that was where the building would ultimately be erected. With time, the private town flourished and the government town languished; eventually, the issue disappeared as Picton took on its present form and character. By 1899, the old bridge crossing the Stonequarry Creek was replaced by a stone bridge costing just over £1,800 and the influx of workmen into the town for its construction supported the local economy during the 1890s depression. [22]

In the twentieth century, Picton continued to prosper as a stopping place on the railway line and a township on the Great South Road, later renamed the Hume Highway, until the town was bypassed by the highway in December 1980. Local industry gradually evaporated, leaving the township as a minor centre for the local dairy and cattle grazing industries. By the end of the century, these industries were no longer economic and Picton gradually changed into a dormitory town, served by good quality highway connections, for southern Sydney and the Illawarra region.

3.4 Subject Site Specific History

The subject site formed part of the larger extent of Major Henry Antill's 'Jarvisfield' estate. Over nearly two hundred years, the land has been used primarily for cattle grazing, mostly for dairy production, with no structures known to have been erected on the steep slopes rising above the eastern side of the Picton township.

[21] Australian Almanac, 1864, p.193.
[22] NSW Votes and Proceedings of Legislative Council, 1900, p.59.

After Henry's death in 1852, Jarvisfield was passed, to his son, John Macquarie Antill. John Macquarie Antill built a new homestead in 1864. The fortunes of the property waned in the latter half of the nineteenth century, as wheat growing was ruined by rust and sheep-raising on account of fluke, both apparently because it was too close to the coast. In 1875, from imported stock, John senior established the Ayrshire Stud which made Jarvisfield famous; it attracted considerable attention and was awarded numerous show trophies.

When John Macquarie died in 1900, Jarvisfield passed to his eldest son, Robert Henry Antill. Robert Henry Antill continued to operate Jarvisfield and was a prominent pastoralist and a noted breeder of Ayrshire cattle. He was chairman of the Picton Pastures Protection Board in 1901-28 and served as district coroner for forty-two years.

The Jarvisfield Stud, taken over by Robert in 1895, was dispersed in 1908 and the Jarvisfield property turned over to dairy production. Robert was one of the founding partners of the local Farmers and Dairymen Milk Company, which was later merged with the Dairy Farmers Co-operative Milk Co.

In 1937, Robert Henry Antill had published a summary of the operating accounts of Jarvisfield. The property comprised 534 acres, of which 40 acres was under cultivation for fodder. The farm supported 127 cattle, four horses and three pigs, producing 24,221 gallons of milk per annum. He estimated the carrying capacity of the land as requiring 5 -6 acres per beast and established that the farm operated at a small loss for the preceding year. He also noted that the South Coast region could support an animal on only 2 acres but, owing to the higher land and operating costs, there was little difference in the financial outcomes.

After the death of Robert Henry, who had no direct heirs and whose brothers and sisters had all pre-deceased him, Jarvisfield passed to relatives and was eventually sold off in parcels. The homestead became the clubhouse of the Antill Park Country Golf Club.

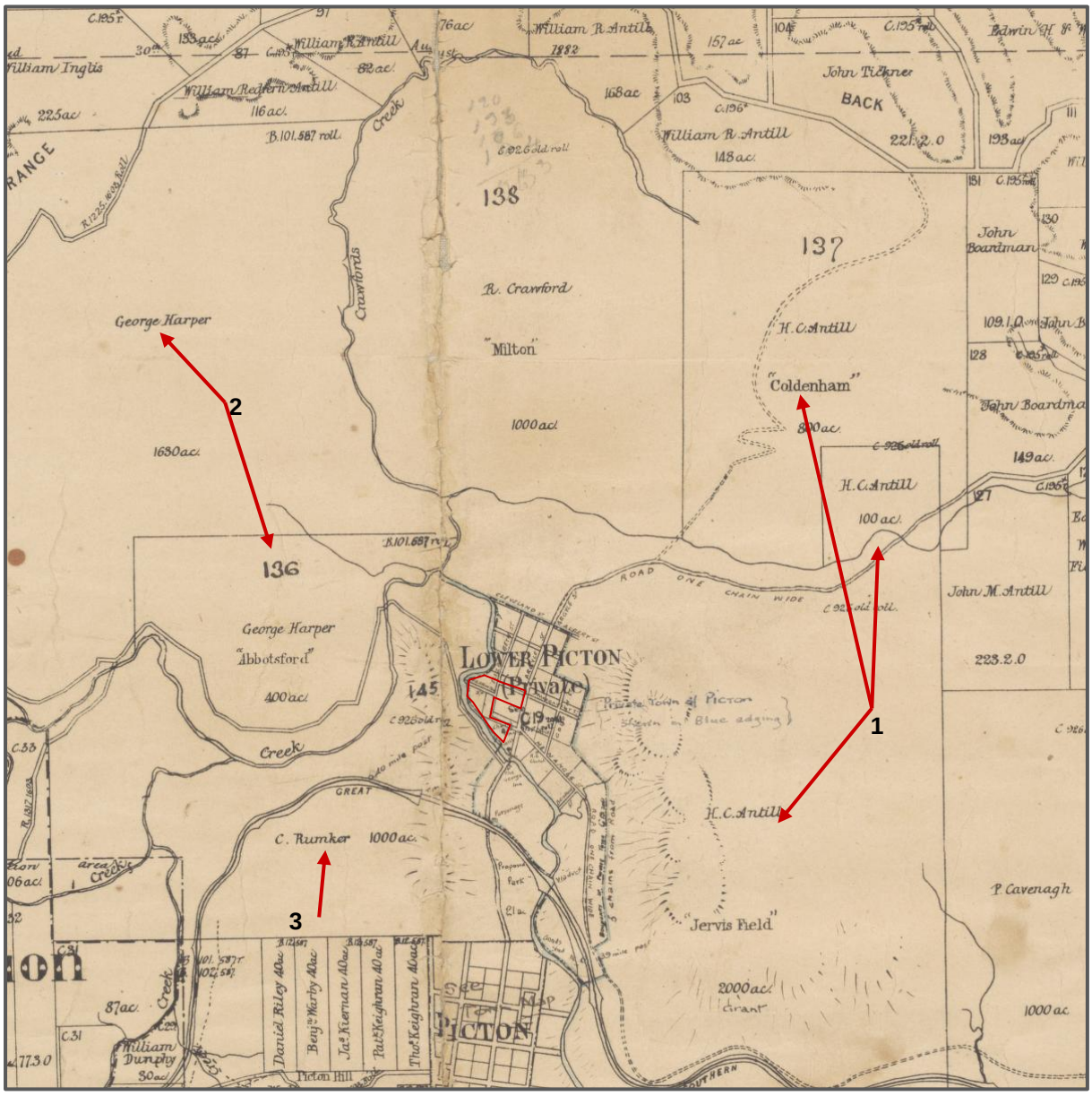

Figure 4 ***Parish map of Picton, 1886 showing the grants of Antill (1), Harper (2) and Rumker (3). The area of the site in Picton is indicated in red (source: NLA Map RM 3033).***

Figure 5 ***Major H.C. Antill; undated copy of oil painting help by the Australian Pioneer Club (source: NSWSL GPO 13432).***

Figure 6 ***Jarvisfield, c.1890 (source: NLA Pic).***

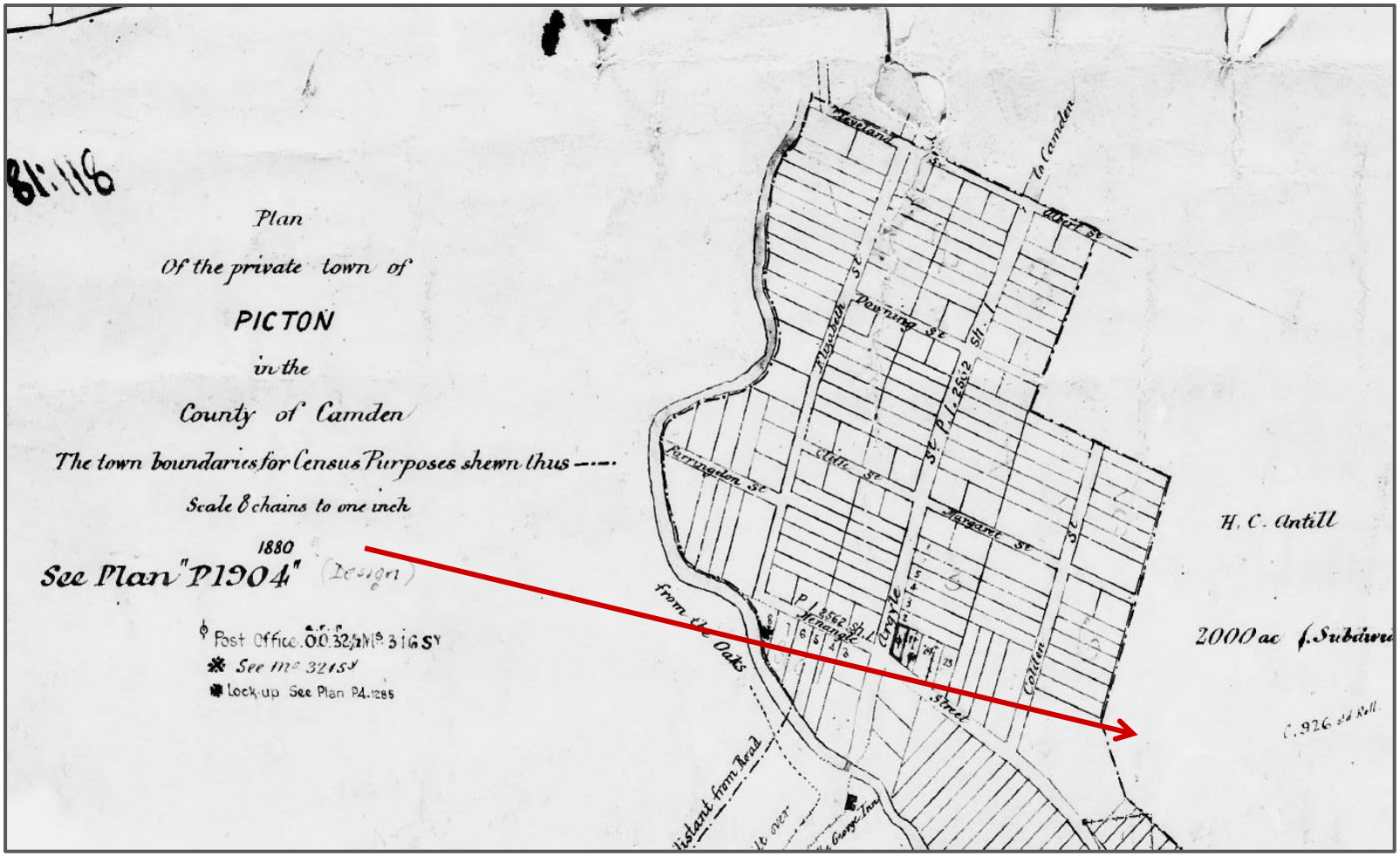

Figure 7 ***Crown Plan of Picton showing the private township and the western side of the subject site - 1860s to 1880 (source: LPI CP 19 2061).***

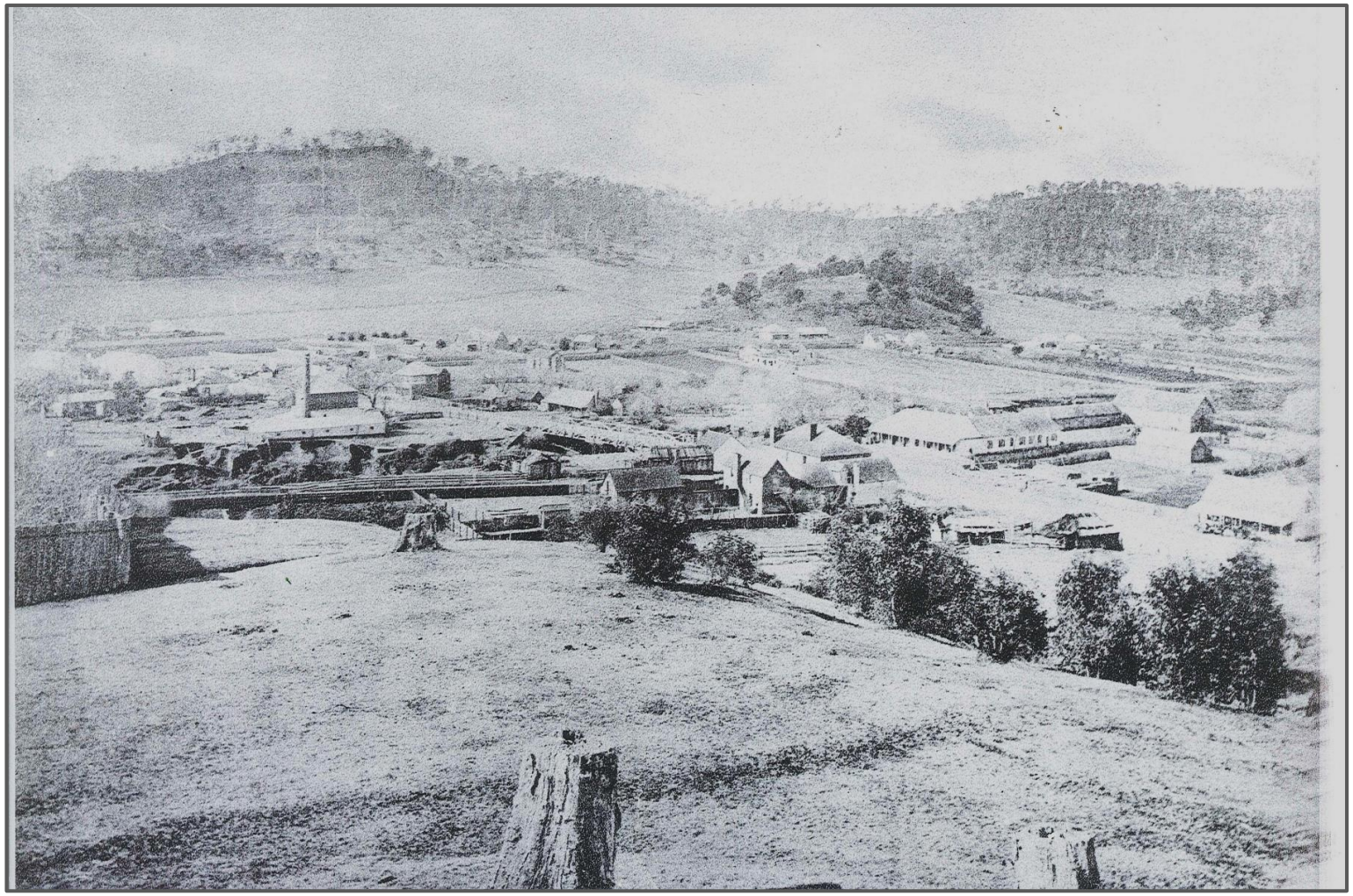

Figure 8 ***View of Picton from the west showing Stonequarry Creek in the foreground and the slopes of Jarvisfield in the rear, taken between 1862 and 1881 (source: Wally Alp Coll c/o P & D H & FH Soc).***

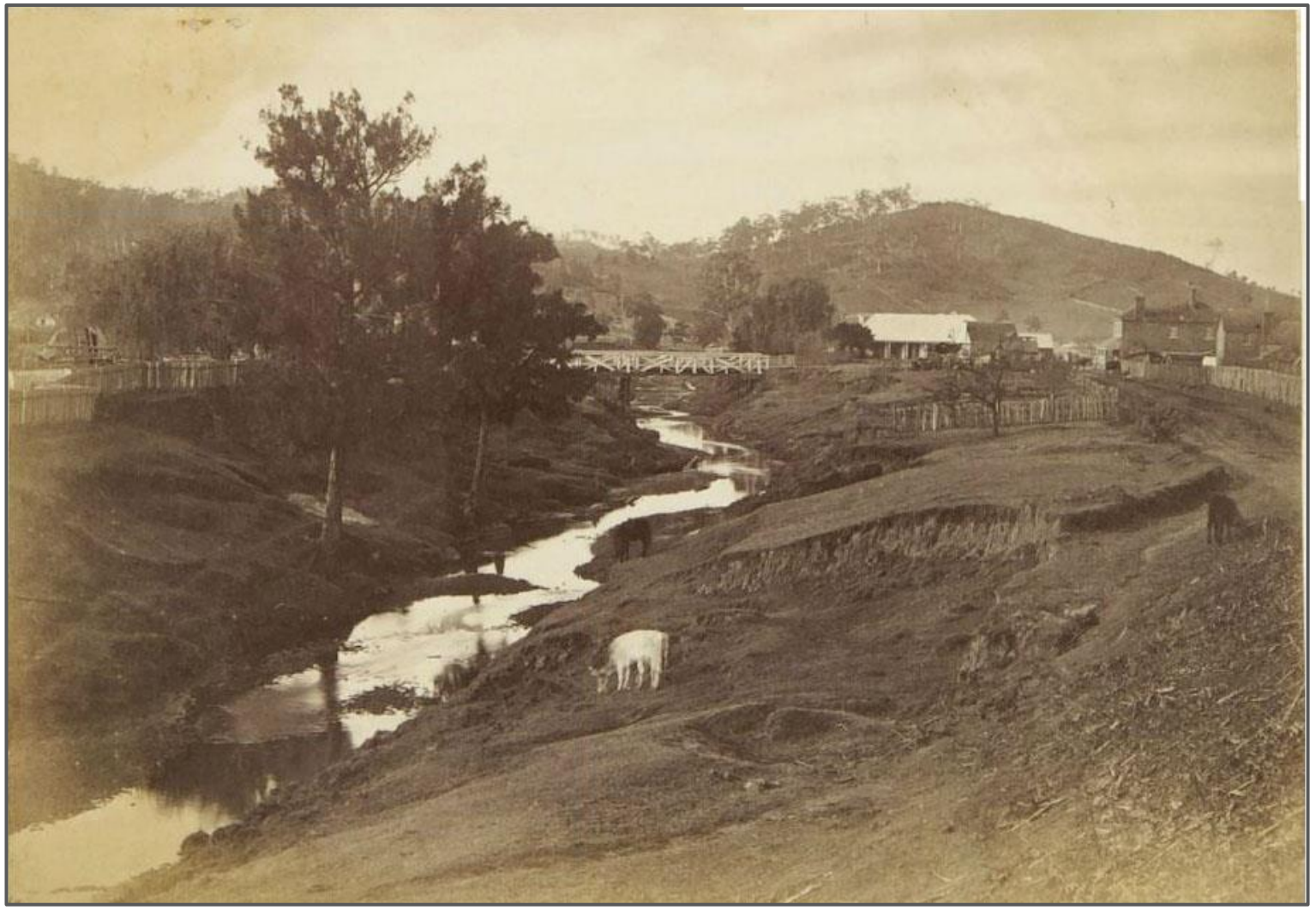

Figure 9 ***Picton with a view along Stonequarry Creek to the north, c.1875-1885. Note the wooden bridge existing prior to the 1899 stone replacement (source: Powerhouse Coll. P3153-24).***

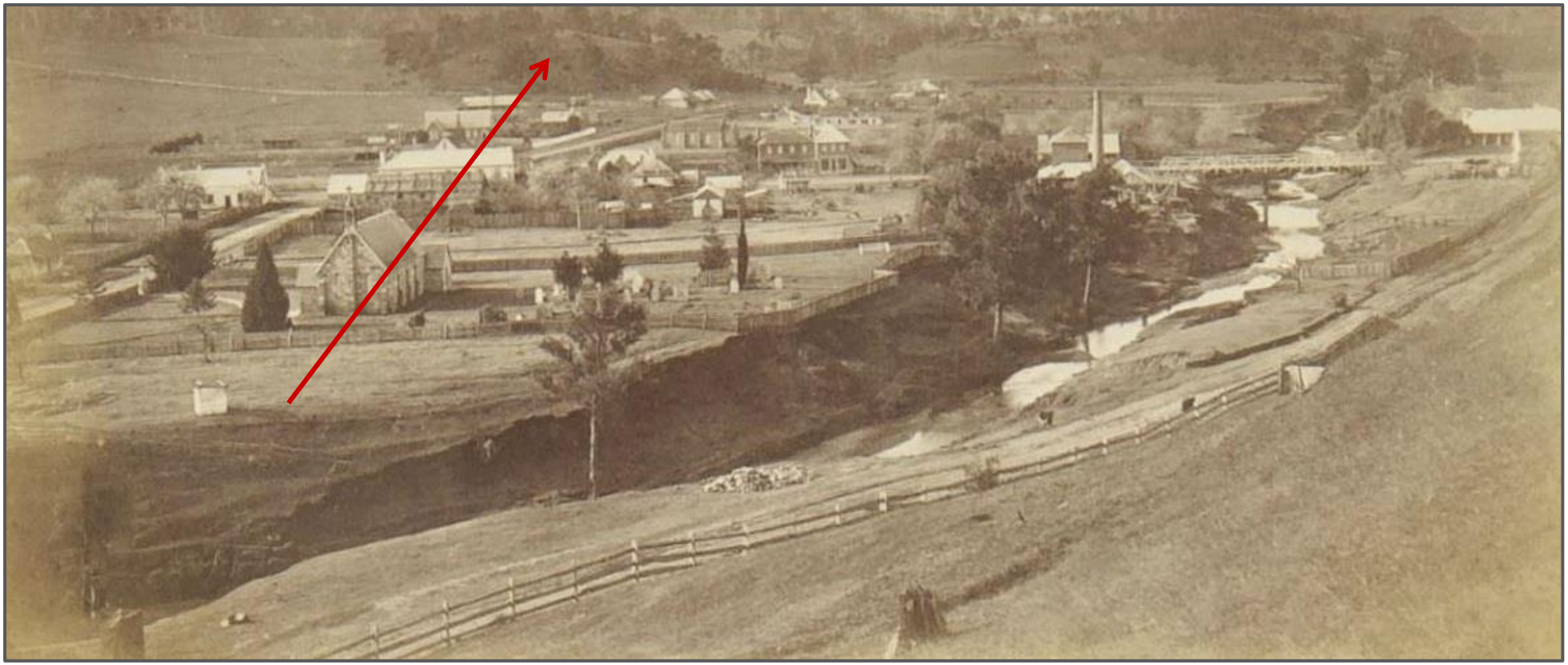

Figure 10 ***View across the Picton township towards the subject site, prior to 1885. The steep hill which is at the centre of the subject site is indicated (source: Powerhouse Coll. P3153-23).***

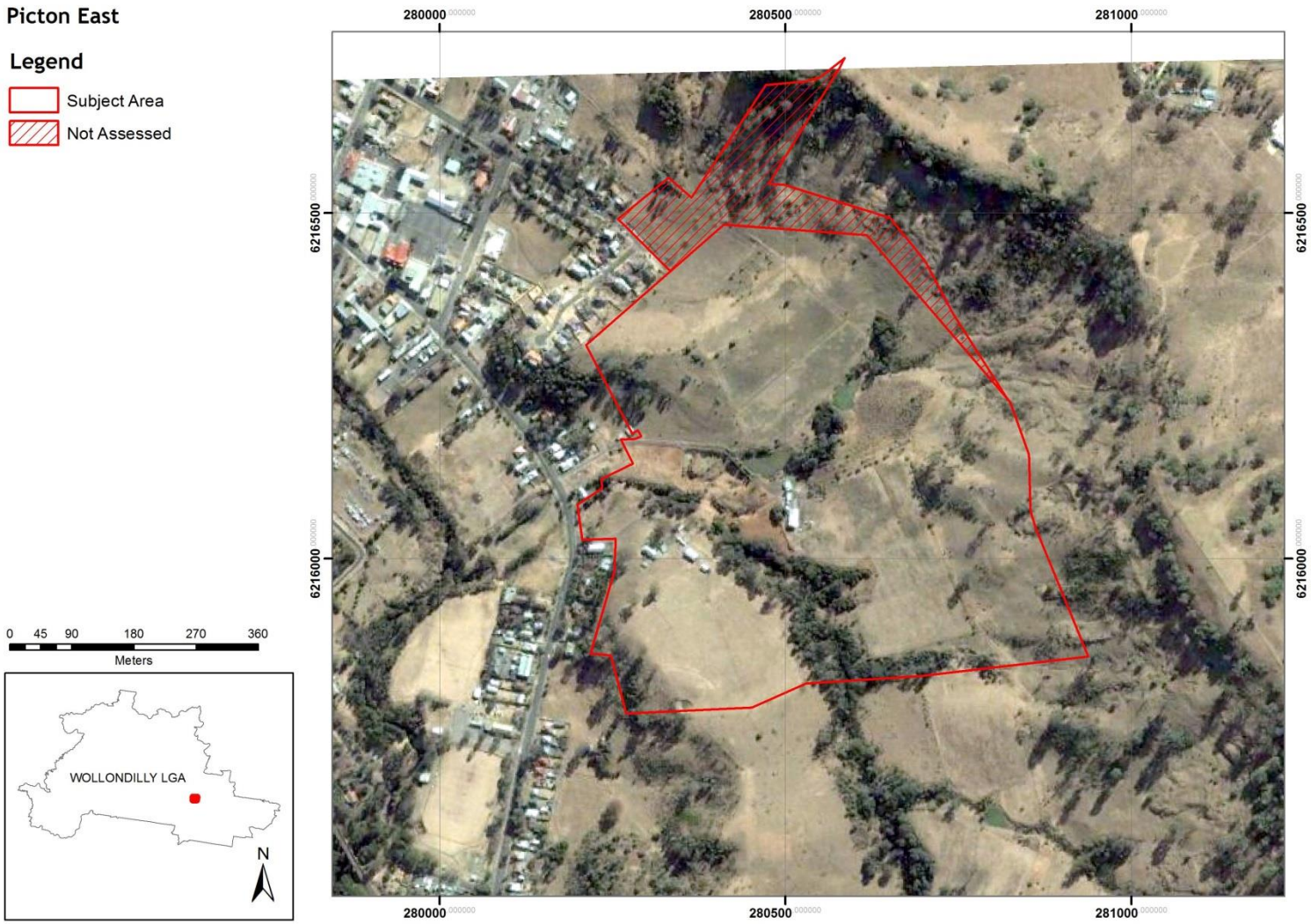

Figure 11 ***Detail of 2002 aerial photo showing the subject site (approximate boundary in red). Note that new farm buildings have been erected in the centre of the subject site but the rest remains as paddocks (source: LPI).***

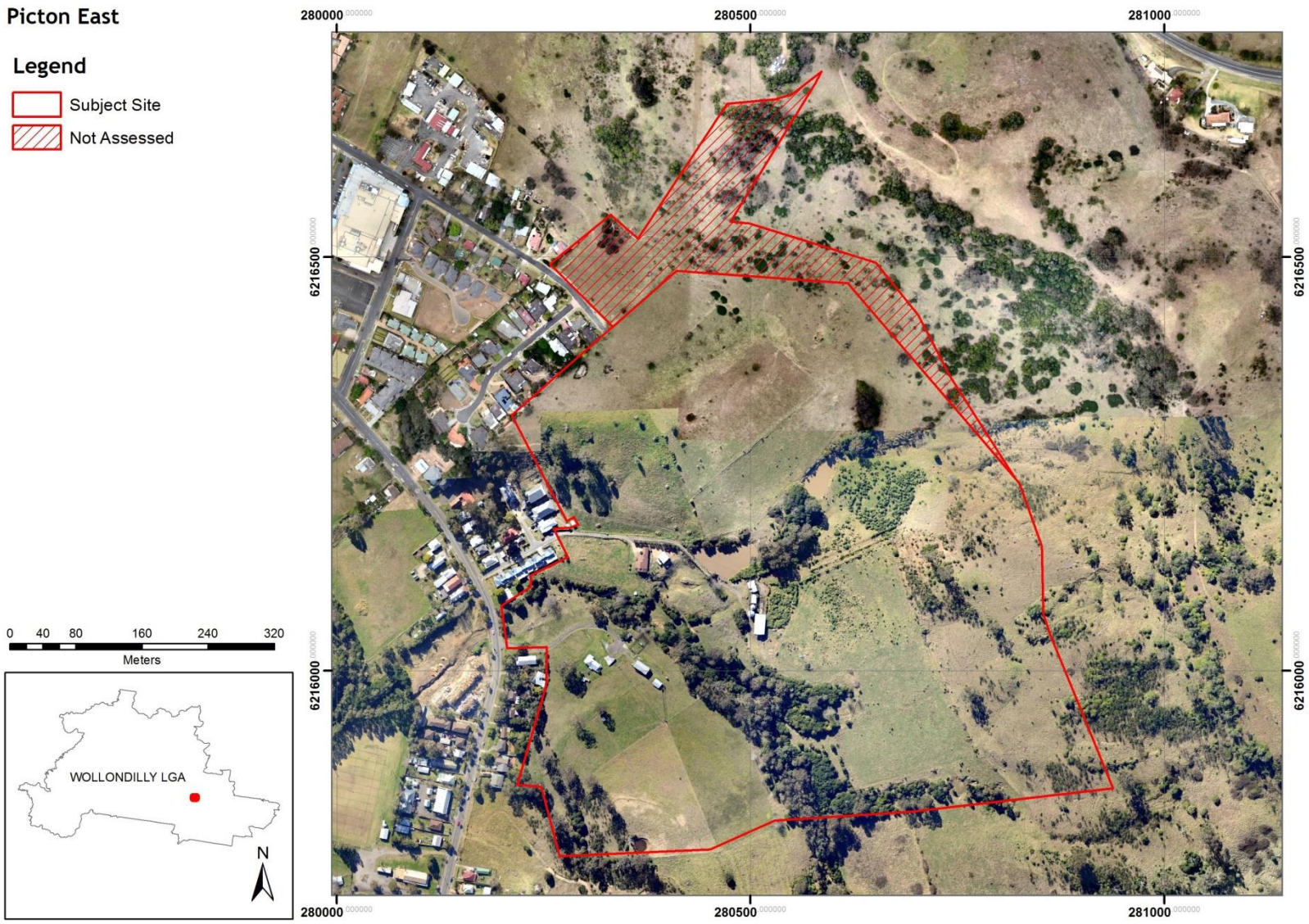

Figure 12 ***Detail aerial view of the subject site in 2013 (source: Nearmap).***

4 SITE INSPECTION

That part of the subject land that is shown as unhatched in Figure 12 was traversed by foot. During the foot survey the type and nature of any structures and landforms were noted.

Several new residential buildings and sheds stand on certain portions of land within the subject site. The land is otherwise unoccupied by buildings but is crossed by a number of livestock trails.

Figure 13 View of the subject site, showing evidence of its current use (source: AHMS 2014).

Figure 14 View southwards from the north-eastern corner of the subject site (source: AHMS 2014).

Figure 15 ***View west in the central part of the subject site showing some of the new buildings and structures (source: AHMS 2014).***

Figure 16 ***View south showing some of the fence-lines which traverse the land (source: AHMS 2014).***

Figure 17 ***View eastwards of the subject site, with new buildings in the foreground (source: AHMS 2014).***

5 BUILT HERITAGE

5.1 Introduction

The built environment of the subject site has been previously surveyed as part of the Picton component of the Wollondilly Council Heritage Study, 1992 by JRC Planning Services Pty Ltd and in subsequent reviews.

Figure 18 ***Picton Heritage Map, showing Heritage Items (yellow shading) and Picton Conservation Area (red hatching) in relation to the subject site (green outline) (source: http://www.legislation.nsw.gov.au).***

5.2 Existing Heritage Listings

There are no existing heritage items listed on heritage registers within the subject site. One item is located in the vicinity, being a culvert under Menangle Road, 60m south of the intersection with Baxters Lane. This item is recorded in the Wollondilly Local Environmental Plan 2011 as:

Suburb	Item name	Address	Property description	Significance	Item no
Picton	Remnant sandstone kerbs, gutters and culverts	53, 55 and 181 Argyle Street, 9 and 14 Campbell Street, 48–60, 55–67, 77–105, 94–98, 108–114, 113–213, 136–154, 188–192, 199 and 213–217 Menangle Street and 8–14 and 38 Picton Avenue	Lot 2, DP 229679	Local	A8

The culvert comprises sandstone walls supporting steel joists carrying Menangle Road over Reeves Creek. This item is not recorded on the Heritage Map accompanying the Local Environmental Plan 2011.

Figure 19 The Reeves Creek Culvert under Menangle Road.

5.3 Other Items

The subject site was surveyed to identify any other potential built heritage items which may not yet be recognised through heritage listing. No new potential built heritage items were identified within the subject site.

5.4 Conservation Areas

The Picton Heritage Conservation Area (HCA) has one border contiguous with the eastern boundary of the subject site, with a very small area adjacent to Menangle Street contained within the HCA boundary. Picton HCA is divided into sub-precincts and the subject site is adjacent to Precinct 4 - Menangle Street Precinct. Figure 19 shows the boundaries of the Picton Conservation Area and its sub-precincts.

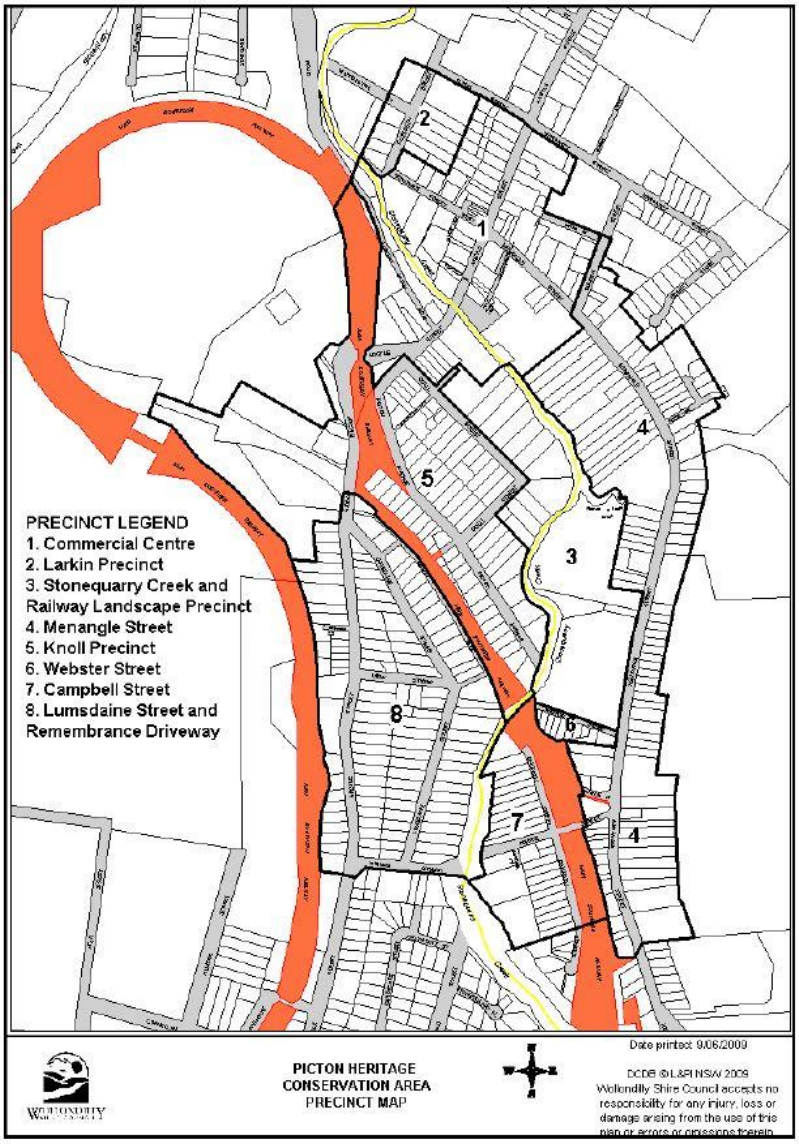

Figure 20 ***Picton Conservation Area, showing the sub-precincts addressed in the Wollondilly Development Control Plan (source: http://www.wollondilly.nsw.gov.au).***

The Wollondilly Development Control Plan 2011 provides a description of the form and character of the Precinct:

The Menangle Street Precinct provides an aesthetic heritage gateway into Picton, which is due to the number of 19th and early 20th century buildings appearing at intervals along the road. Key historic buildings include the Imperial (former Terminus) Hotel (1863), Wendover House (1886), and the former Great Southern Hotel (circa 1885). The development of the railway yards and associated infrastructure in the 1890s led to the development of a small commercial area near the railway station. Key historic buildings in the Precinct include the Jarvisfield Store (1863), Stationmasters House (1877) and Railway Station (1863), former Furriers factory (1920) and the former railway turntable and inspection pit for the Great Southern Railway Line.

The well-established landscaping along the street incorporates a mix of introduced deciduous and native trees adding to the visual context and overall gateway feel of the Menangle Street approach into Picton. Unfortunately there have been unsympathetic residential flat buildings constructed along Menangle Street which detract from the overall heritage character of the precinct.

6 STATUTORY CONTEXT FOR HERITAGE MANAGEMENT

6.1 General

Heritage in NSW is managed at three levels, Commonwealth, State and Local. The Commonwealth government manages World heritage, National Heritage and Commonwealth-owned heritage, through the provisions of the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). State heritage and archaeological relics in NSW are managed through the provisions of the Heritage Act 1977. Local heritage in NSW is managed through Local Environmental Plans, administered by local Councils within their local government area.

No Commonwealth or State heritage items are located within, or in the vicinity of, the subject site. Issues relating to archaeological relics are addressed elsewhere in this report.

6.2 Wollondilly Local Environmental Plan 2011

Wollondilly Local Environmental Plan 2011 (the LEP) contains provision to manage development in relation to heritage items and heritage conservation areas within the Shire of Wollondilly. Section 5.10 of the LEP states:

Requirement for Development Consent

(2) Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Clauses 7 – 10 in this Section contain further provisions in relation to:

(7) Archaeological sites;

(8) Aboriginal places of heritage significance;

(9) Demolition of nominated State heritage items; and

(10) Conservation incentives.

6.3 Wollondilly Development Control Plan 2011

In addition to the statutory controls established in the Wollondilly LEP, additional controls and guidelines for development within Wollondilly Shire are contained within the Wollondilly Development Control Plan 2011 (DCP).

The DCP contains extensive provisions in relation to the potential development of Heritage Items and items within Heritage Conservation Areas.

The objectives of these heritage controls are described as:

(a) To establish good design principles to guide development to and around heritage items,

(b) To ensure development is sympathetic to the overall heritage values and characteristics of the area,

(c) To identify local heritage character and heritage elements of the built environment, and

(d) To ensure the retention and management of heritage values identified for each conservation area and specific precinct.

Section 2.2.6 of the DCP contains additional specific controls in relation to Heritage Items, relating to:

Advertising and Signage;
Adaptive reuse proposals for Heritage items;
Additions, Alterations and Ancillary Development;
Demolition of Heritage Items; and
Subdivision of land containing a Heritage Item.

Section 2.2.7 of the DCP contains additional specific controls in relation to Heritage Conservation Areas, relating to:

Development within Conservation Areas
Advertising Signs
Specific Policies for Specific Conservation Areas

Section 2.2.10 of the DCP contains specific policies for Picton Conservation Area, within which the subject site falls into the Menangle Street Precinct. Specific conservation objectives and controls for the Menangle Street Precinct are:

Objectives
(a) To ensure development is sympathetic to the heritage character of the Menangle Street Precinct,
(b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Menangle Street Precinct,
(C) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements.
(d) To recognise the heritage significance of Menangle Street in providing the historic gateway to the town of Picton,
(e) To ensure medium density infill development is undertaken to be sympathetic to the heritage and gateway character of the Precinct, and

(f) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone.

Controls
1. New development, including infill, must have regard to the importance of Menangle Street as the historic gateway to Picton and reflect the architectural characteristics of existing buildings.
2. New development is to maintain existing historic sandstone kerb and guttering in-situ. (Note: listed as a heritage item under Schedule 5 of the LEP)
3. Fences must be constructed of wire mesh with wooden support posts.
4. Development in this Precinct must be constructed in accordance with flood controls in this Volume.
5. Any proposed new development on allotments backing onto Stonequarry Creek must consider revegetation and weed eradication measures as part of any landscape plan.

7 CONCLUSIONS AND RECOMMENDATIONS

The boundary of the subject land has changed during the course of this project. The hatched area shown in Figure 1 has been added since the field inspection and desktop review. It is noted that this hatched area is proposed to be rezoned as RE1 Public Reserve. Further assessment may assist in the long term planning and management of any cultural values within the reserve. The following conclusions regarding the site development and archaeological potential have been based on the historical outline and site assessment set out above.

7.1 Conclusions

- The subject site was part of the first grants in the area to Henry Antill and formed part of the Jarvisfield subject site remained in the Antill family ownership until the late twentieth century;
- The subject site has been utilised for cattle grazing for the majority of the past two hundred years;
- A site inspection of the unhatched area in Figure 1 revealed no historic buildings or structures within that part of the subject site;
-
- The hatched area (See Figure 1) has been added as part of an amended boundary of the subject area and was not inspected as part of this investigation it is therefore unknown if it includes any unregistered heritage items;
- There is one heritage item located adjacent to the site, being the culvert under Menangle Road. This item is owned by Wollondilly Council;
- The subject site contains fences, gates, animal trails and other minor features associated with cattle grazing;
- A small number of modern buildings associated with small-scale rural activity, including horse and cattle agistment, have been added to the subject site in the recent few decades; and
- Proposed rezoning, subdivision and subsequent development of the subject site is unlikely to have any substantive impact upon any heritage items or heritage conservation areas.

7.2 Recommendations

The following recommendations are made based on the conclusions of the report:

- Based on the findings of this report, no further built heritage, historic archaeological assessment or historic heritage permits and/or approvals are required prior to the proposed rezoning and development;
- As the boundaries of the proposed development have been revised since the field assessment to include areas not investigated it should be noted that the additional hatched areas on Figure 1 may yet contain unidentified heritage items. However we note thatas part of this report, assessment of these additional areas should be undertaken in order to identify and appropriately manage historical archaeological remains that may exist in these areas and may be considered to be 'relics' as defined by the *Heritage Act 1977*;
- The future development of the subject site should respect the heritage values of the adjacent Culvert under Menangle Road. Any potential impacts upon the culvert arising from the

development should be minimised and may require a Heritage Impact Assessment to be prepared for Wollondilly Council.

- The future development of the subject site should respect the heritage values of the adjacent Picton Heritage Conservation Area.

- When a future development plans are known, a Heritage Impact Statement should be prepared to assess the potential impacts of the proposed development to the heritage values of the Picton Heritage Conservation Area.

- A copy of this report should be lodged with the Picton Library Local Studies section.

- Should any suspected relics be exposed or disturbed during the development, the Heritage Council needs to be formally notified, as required by Section 146 of the NSW *Heritage Act 1977*, and advice should be sought from a heritage professional regarding any further action.

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