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Dear Sir/Madam

**Re: Lower Hunter Regional Strategy – heritage issues**

I write to provide comment on behalf of the Heritage Council of NSW on the discussion paper: 'The Lower Hunter over the next 20 years' discussion paper on public exhibition.

The Heritage Council welcomes the strategy and is keen to see that natural and cultural heritage are an integral part of it, celebrating and conserving the special values of the region.

The Heritage Council has made previous comments to the Department concerning the 2006 Lower Hunter Regional Strategy. A copy of the essence of that advice is appended to this letter. This letter complements and updates that previous advice.

A key area of interest for the Heritage Council's lies with the stated principle: 'balancing development with the protection of our environment and Aboriginal and cultural heritage'. This may be taken to imply that development will detract from conserving or ongoing adaptive reuse of natural and cultural heritage. A better principle might be 'Guiding appropriate development that is compatible with sustaining and celebrating the environment and Aboriginal and cultural heritage'. The Lower Hunter has considerable mostly un-listed industrial heritage, relating to steel manufacture, for one example. Sensitive adaptive reuse of such sites offers opportunities for jobs, growth, development, and a range of other compatible uses, along with heritage interpretation to keep their rich history alive.

A likely 'gap' in existing statutory heritage listings is rural heritage, historic farm landscapes, vineyard landscapes, cropping lands, historic rural roads etc. Another likely 'gap' in existing statutory heritage listings is 20<sup>th</sup> century heritage, particularly non-urban and non- residential architecture, landscape design and industrial heritage. The strategy should aim to and facilitate provision of additional resourcing to plug such gaps with new studies and listings. These will better inform the strategy and resultant planning instruments at all levels.

The Heritage Council supports the goal of protecting productive rural and resource lands, many of which have rich heritage values directly linked to their ongoing land uses – for grazing, cropping, viticulture, mining, forestry or recreation, for example. The Heritage Council recommends the strategy does identify, define and protect specific areas of the Lower Hunter's rural and resource landscapes, with significance for agriculture, pastoralism, viticulture, forestry, mining, recreation or other heritage values (due to land use).

The Heritage Council would take a conservative attitude towards setting and enforcing strict set back distances between conflicting land uses such as coal seam gas exploration and mining or long wall mining, and agriculture, pastoralism and viticulture.

The Heritage Council is particularly keen to see adequate resourcing provided to ensure that the results of previous (and current draft) heritage studies in this region are integrated into the new strategy, appropriate GIS mapping, heritage schedules, planning controls etc. The Department is encouraged to seek as much up-to-date information to inform the strategy.

This may require contacting each Council to get its most recent information and in particular surveys that have yet to be finalised (e.g. LEP amendments, scheduling 'new' items).

A Table (table 1) gives an indication of the number of NSW State Heritage Register (SHR) items, LEP-listed items and the status of LEPs (on the information available to the Heritage Branch, Office of Environment & Heritage) in each local government area that appears to be affected. This information may not be the most up to date with regard to Councils. The Department is encouraged to seek the most up-to-date information from each Council, for instance updated Heritage Studies, listing boundary adjustments, etc.

An example of relevant previous survey work is studies done to inform the Hunter Regional Environmental Plan. Other relevant studies and reports are below. Copies of these are in the Heritage Branch, Office of Environment & Heritage library, or with the relevant consultants.

1979 Hunter Region – Royal Australian Historical Society survey  
1981 Hunter Region Aboriginal Sites (survey) – National Parks & Wildlife Service;  
1989 Hunter Heritage Regional Environmental Plan (survey, heritage items, heritage conservation areas);  
1990 Central Coast Regional Environmental Plan;  
1990 Hunter Region – Natural Environmental Sites (study);  
1990 Hunter Valley Study – survey (for Hunter R.E.P.);  
1990 Hunter Region – Aboriginal Interpretation project;  
1992 Lower Hunter Significant Tree Register;  
1992 Hunter Estuary – Aboriginal Occupation (study);  
1992 Hunter Valley Colliery Railways Study;  
1995 Hunter Region Ship Building study;  
2000 Aboriginal Heritage Strategy for the Hunter Valley (DUAP);  
2000 book on Architects of Newcastle and the Hunter Valley (AUTHOR?)

The Heritage Council recently finalised a consultancy study '*A Comparative Heritage Study of pre-1850s Homestead Complexes in the Hunter Region*' which analysed settlement and pastoralism, identifying a number of farm complexes and landscapes that best capture this layer of its history. The study identified a limited number of 'key estates' needing statutory listing and protection. It also identified a number of recommendations under 5 themes, in each case outlining threats, recommendations, management and conservation advice.

These 5 themes were:

- 1) Identification and listing;
- 2) Management and conservation;
- 3) Education;
- 4) Planning Issues; &
- 5) Ongoing and/or new uses;

A full copy of the study's recommendations is appended to this letter.

Taking just (1 – *identification & listings*) they included:

- Lack of appropriate and comprehensive curtilage assessments (the 'landscape' that supported farm income and thus 'built' these homestead complexes;
- Lack of identification and listing of archaeological (underground) homestead sites;
- Absence of moveable heritage items or equipment being included in listings;
- absence of outbuildings, fences, paddock configurations etc included in listings (which as existing are overwhelmingly-architecturally-biased);
- the need for curtilages and view corridors to be integrated with planning policies and controls – e.g. setbacks, height and density control, planting control...;
- Need for comprehensive statutory assessment and listing processes that are transparent and available to all stakeholders, including local historical groups' and knowledge;
- Additional funding and resources to Councils to undertake heritage studies, develop heritage protection strategies and create locally-specific heritage protection and management controls;
- Good photographic archival recordings of many building complexes for future reference and research

Taking (4 – *planning issues*), they included:

- Threat of natural disaster (flood, bush fire events) and inundation of coastal localities (e.g. Tahlee Bible College/Tinalba House, Port Stephens (NSW SHR items);
- Increased development pressure and urbanisation (historic farm subdivisions);
- State planning instruments allowing coal mining, coal seam gas mining and infrastructure development with limited consideration of heritage values;
- Cumulative impact of multiple developments;
- Part 3A major project / State-Significant Project/Infrastructure/

The results of this study should be integrated into and reflected in the draft strategy.

Each such study brings new, un-listed heritage items to light. It is important that a Regional Strategy is based on the best current information and informed by past studies, whether or not these have led to statutory heritage listings (NSW State Heritage Register, LEP items).

I trust this advice is of assistance to the Department in progressing the strategy. If you have any enquiries regarding this matter, please contact Stuart Read at the Heritage Branch of the Office of Environment & Heritage on (02) 9873 8554.

Yours sincerely



24/06/2013

**Vincent Sicari**  
Manager Conservation Team  
Heritage Branch  
Office of Environment and Heritage  
**As Delegate of the Heritage Council of NSW**

## HUNTER STRATEGIC REGIONAL LAND USE PLAN (2013)

TABLE 1 showing number of items listed in the SHR, Items listed in the heritage schedules of LEP's and Status of LEP in Hunter Region.

NB: LEP item numbers and dates may not be based on the most up-to-date information – the relevant Council should be contacted in all cases to verify or update this information.

Local Government Area	Items listed in State Heritage Register	Items listed in LEP	Status of LEP
Cessnock	7 items	27 heritage items	C. LEP 1989
Great Lakes	4 items	67 heritage items	G.L. LEP 1999
Lake Macquarie	6 items	256 heritage items	L.M. LEP 1994
Maitland	35 items	273 heritage items	M. LEP 1993
Newcastle	38 items	812 heritage items	N. LEP 2012
Port Stephens	4 items	38 heritage items	P.S. LEP 2005



## **Lower Hunter Regional strategy – (2006) Heritage Council advice:**

NB: this advice was given when the Heritage Branch was part of the Department of Planning.

### **Introduction**

The heritage of the Lower Hunter region is diverse. It includes important rural, natural, commercial, industrial and recreational landscapes that reflect its rich resources and the important historic role the region has played in the development of the state and nation. The region is renowned internationally for its agricultural and wine produce as well as its industrial heritage and is becoming increasingly important as a tourist destination.

The Lower Hunter continues to play an important role in the provision of infrastructure and resources for the state whilst also being an increasingly important destination for tourism and lifestyle based relocations of people and businesses from Sydney and other major centres. The challenges facing the region arise from this transition and in particular the need to conserve the historic cultural landscapes of the area for the community whilst encouraging growth and economic prosperity. These issues are particularly acute in areas such as the Pokolbin wine-growing area and the coastal towns which are facing increasing pressures for lifestyle-based development and tourism that overwrite the existing landscapes.

The identification, recording and protection of cultural heritage are important for current and future generations. It contributes to community identity and well being by encouraging a sense of history and context for understandings of the unique character and value of the Lower Hunter region.

Heritage studies have been completed for many of the towns and areas within the region and a major archaeological zoning plan has been completed for Newcastle. Most but not all of the items identified in these studies have been included in planning instruments. These Heritage Studies are now more than ten years old and they need to be reviewed and renewed as part of the Regional Strategy. The schedules in the new plans should reflect the many different types of heritage now recognised as contributing to the cultural landscape and the community's sense of place.

Conserving the Region's heritage values also help to provide a unique context for the increasingly important tourism industry and future investment in the Lower Hunter.

### **Outcomes**

The importance of the historic cultural landscapes of the region and their contribution to the Lower Hunter's unique sense of place are recognised and protected throughout the planning process.

All places, precincts and landscapes of cultural heritage significance in the region are identified and protected in planning instruments

Development opportunities created by land use zonings and densities are compatible with the underlying heritage values of the place

The sympathetic conservation of heritage assets is encouraged through detailed design requirements in LEPs, DCPs and other planning documents and strategies

### **Actions**

Require comprehensive assessment and review of existing heritage studies to identify gaps in physical coverage, types of items included and the quality of listing information. Heritage reviews are to explore the richness and diversity of the heritage of the region's items, places, precincts and cultural landscapes; including Aboriginal, archaeological, built, industrial, mining, natural, rural, recreational and tourism heritage and any other aspects of the cultural landscape that may be present in the area being studied.

Require LEPs to include schedules that include all places of heritage significance and provisions to achieve the conservation of the heritage significance of items and their settings.

Recognise where the Region's cultural heritage contributes to its unique character and require LEPs to ensure that change is managed appropriately to reinforce this local distinctiveness

Each item added to a LEP schedule is to be supported by a statement of significance which will be used to inform the future management and planning decisions affecting that item.

Require the listing of new heritage items to include the identification of a curtilage for each item that will allow the heritage significance of the place and its setting to be conserved and interpreted.

Councils are encouraged to develop local cultural plans that identify areas where opportunities exist to promote, interpret and celebrate the heritage of the area through cultural heritage tourism initiatives

The Heritage Office, Department of Planning will:

1. Continue to develop the State Heritage Register to include all places of State heritage significance in the region
2. Develop standard criteria and threshold values to aid in the identification of the level of significance of a place (local, regional, state, national or international). This will be done in conjunction with other bodies such as the Federal Department of Environment and Heritage.
3. Provide an analysis of existing heritage management to each council in the region and support councils in developing the heritage components of their LEPs and development control plans.
4. Continue to develop the State Heritage Register to be representative of the richness and diversity of the Lower Hunter's cultural heritage
5. Assist local councils to develop a consistent approach to conserving heritage assets. Accommodating growth can put pressure on the historic landscape of an area and a consistent approach is needed to balance change whilst conserving places, streetscapes, and landscapes that the community values. Well designed and appropriately sited new development can contribute to and reinforce local character and the quality of the area as a place to live, work and visit. Planning for conservation by adopting a proactive and consistent approach to the identification and management of places under a LEP will improve the clarity, certainty and consistency of the conservation planning process.

The Heritage Council has produced *Design in Context: guidelines for infill development in the historic environment* (2005) for new development in the historic landscape and *Conservation Areas* (1999) for conservation planning and development in historic precincts. The use of these will help councils to ensure that new development reinforces local character, identity and distinctiveness.

6. Develop training for local government in partnership with the RAlA during 2007 on managing infill development in the historic environment to provide high quality outcomes for new development under this strategy.
7. Develop guidance for councils on the adaptive re-use of heritage items to encourage high quality renewal of historic places. The Heritage Office will also investigate additional innovative incentives programs to leverage private investment in the conservation of the Lower Hunter Region's heritage.
8. The Heritage Office, Department of Planning will work with Tourism NSW and local councils to identify opportunities for the further development of the heritage tourism market in the region.

#### **Further detailed actions and initiatives relating to Aboriginal cultural heritage**

Councils should incorporate measures in the Comprehensive LEPs, and any supporting DCPs and planning strategies that will protect cultural heritage values and provide for on-going participation of Aboriginal communities in the decision-making process.

- 1.1 Identify areas of regional Aboriginal cultural significance to provide a context for future land use planning and decision-making

- 1.2 Develop Aboriginal Heritage Assessment protocols
- 1.3 Involve Aboriginal communities in the identification of this regionally significant Aboriginal cultural heritage and the development of an Aboriginal Heritage Assessment Protocol. Two ways together, the State Government's blueprint for engaging with Aboriginal Communities will ensure thorough consultation is the foundation for an assessment protocol
- 1.4 Develop Heritage Permits under the Department of Environment and Conservation's Aboriginal Heritage Reforms Package for local plans

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**(2011 – additional Heritage Council advice)**

**PROPOSED ACTIONS**

- Councils must ensure that Aboriginal cultural and community values are considered in planning and management of the local government area
- the Department of Planning and Infrastructure and councils will review the scope and quality of statutory lists of heritage items and ensure that all items/places of significance are included the heritage schedules of local environmental plans
- the cultural heritage values of lands that will be the focus of coal mining, coal seam gas industry and petroleum exploration will be reviewed with the aim of protecting cultural heritage including Aboriginal heritage
- robust heritage assessment will be undertaken for all coal mining, coal seam gas industry and petroleum exploration projects which may impact on listed and unlisted heritage items/places – such assessment will identify what the significance of heritage items/places located on the lands area, describe the project in detail including likely impacts and potential mitigation measures
- coal mining, coal seam gas industry and petroleum exploration projects will not be supported which will result in unacceptable impacts on heritage items/places



## HUNTER STRATEGIC REGIONAL LAND USE PLAN (2006)

TABLE 1 showing number of items listed in the SHR, Items listed in the heritage schedules of LEP's and Status of LEP in Hunter Region.

Local Government Area	Items listed in State Heritage Register	Items listed in LEP	Status of LEP
Upper Hunter	9 items		Upper Hunter Comprehensive in preparation
Scone	Nil	65 heritage items 2 heritage conservation areas 6 landscapes	Scone LEP 1986
Murrurundi	Nil	56 heritage items	Murrurundi LEP 1993
Merriwa	Nil	35 heritage items	Merriwa LEP 1992
Gloucester	1 item	62 heritage items 1 heritage conservation area	Gloucester LEP 2010
Singleton	12 items	171 heritage items	Singleton LEP 1996 Singleton Comprehensive LEP in preparation
Muswellbrook	9 items	127 heritage items 3 heritage conservation areas	Muswellbrook LEP 2009



## HUNTER ESTATES

### A Comparative Heritage Study of pre 1850s Homestead Complexes in the Hunter Region

#### Volume I



Prepared for:  
**Heritage Branch (NSW)**  
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## 6.2 Summary Statement of Significance

The Hunter Estates are an historic and cultural phenomenon that is associated with a particular approach to settlement in Australia and the management of convicts, implemented in total in the Hunter Region in the 1820s. The Hunter Estates and their homestead complexes are the surviving evidence of the foundation layer of settlement of the Hunter Region

The evidence of this significance still exists today and is demonstrated by:

- The grid pattern surveyed and overlaid on the land in the 1820s still existing today in the NSW land titles system, the minor road systems, the early fence lines and the configuration of the surviving estates.
- The large number of notable persons in Australian history who settled the region and went on to develop the estates, founded the industries, and established the Hunter Region society of the early to mid-19<sup>th</sup> century.
- The colonial bungalow homesteads in their many forms, including their subsequent growth, together with the groupings of outbuildings and associated agricultural structures and elements (fences, racecourses, sheep and cattle runs, stock routes etc.) and archaeology, established during the establishment settlement period of 1820 to 1850.
- The picturesque landscape of the region with estate lands adjacent to the watercourses throughout the alluvial plains and river valleys and their homestead complexes situated on knolls surrounded by significant plantings including 'marker trees' and remnant gardens and domestic and agricultural outbuildings set in open pastoral and grazing land.
- The continuing foundational industries of sheep and cattle grazing, grain crops, vineyards, stock breeding and horse studs, many with state wide reputations and some known internationally for their products and outputs.
- The archaeological evidence of pre- and post-Contact Aboriginal occupation in the region and the associations and documented evidence of the interactions that occurred between Aboriginal people, the settlers and the Hunter Estate.
- The historic archaeology of the original settlement pattern of the region and subsequent growth and development of the Hunter Estate including the chains of settlement patterns and varying settlement types, the era of convict labour and the later period of tenant farming.
- The depth of knowledge of the region and interest in the Hunter Estates held by the Hunter Region community as shown in the great wealth of research, books, images, heritage studies, memoirs and other documentation relating specifically to the history of the region, its people, industries, buildings and the estates.



## 7 Outcomes

The following section identifies the range of issues that may impact on the conservation of the Hunter Estates and its associated components.

### 7.1 Understanding of the Hunter Estates

In undertaking this study, it became apparent that the Hunter Valley and the broader Hunter Region are some of the most researched and documented regions of NSW. Historians, heritage practitioners, tertiary establishments, various state and local governments as well as interested and involved community members have all contributed greatly to the knowledge of the region. The intense interest in the region is clearly indicative of the richness and diversity of the resource, as well as its significance in Australian history.

Unfortunately, this wealth of information has in many instances not been encapsulated into the existing heritage legislation and time and again, heritage studies have concluded with 'more information required'.

However, it was also noted during the course of this study that throughout the community of the Hunter Region, the location and history of the estates, the names of the early settlers and their descendants, the foundation industries and their economic centres were all known. Deep knowledge of this unique area of NSW is proudly held by the local community and clearly defines their identity as being Hunter Valley, Upper Hunter or Lower Hunter residents.

### 7.2 Stakeholders Responses

In order to identify the issues that are impacting on the conservation of the Hunter Estates and the threats to their ongoing survival, it was felt for this study that the most useful approach was to ask the stakeholders. Therefore, as part of this study written letters and emails were distributed requesting input. Specifically, stakeholders were asked the following two questions:

1. *What do you see as being the three (3) main threats to the survival of homestead complexes in your local area?*
2. *What recommendations would you like to be made on how to collectively conserve, manage and interpret homestead complexes?*

The following stakeholder groups were contacted:

- Local Councils: their strategic planners and/or heritage advisors (12 in total)
- Local Aboriginal Land Councils (12 in total)
- Historical Societies and Heritage Networks (24 in total)
- Corporate landholders (12 in total)
- Commercial Associations (4 in total)

Not all of the stakeholders contacted responded; however, of those that did there was a consistency in their responses that has guided the following discussions (refer to Appendix 5 for copies of all stakeholder responses).

## 8. Bibliography

There were five main themes that were raised in answer to both questions. These were:

1. Identification and Listing;
2. Management and Conservation;
3. Education;
4. Planning Issues; and
5. Ongoing and/or New Uses.

In brief, the stakeholders provided the following input:

### 1. Identification and Heritage Listing

#### *Threats*

- Lack of appropriate and comprehensive curtilage assessments;
- Lack of identification and listing of Archaeological homestead sites;
- Absence of movable items or equipment included within listings;
- Absence of outbuildings and fences, paddock configurations etc. included in listings and inventory sheets;
- Curtilages and view corridors not identified in conjunction with planning policy control.

#### *Recommendations*

- Comprehensive statutory assessment and listing processes that are transparent and available to all stakeholders and include the involvement of local historical and family history groups who have specialist expertise;
- Additional funding and resources to local government to undertake heritage studies, for the development of heritage protection strategies and the creation of locally specific heritage protection and management controls;
- Good photographic recordings of many of the buildings should be undertaken for future reference.

### 2. Management and Conservation

#### *Threats*

- Rural Heritage Studies tend not to include policies or guidance on Interpretation;
- Degradation over time by ad hoc private development such as additions, alterations, subdivision and demolition;
- Lack of funding and access to Heritage Advisors to aid management and conservation;
- Loss of regulatory protection resulting from the proposed (?) abolition of 'regional significance' and relisting of many sites as 'local significance' in new Local Environmental Plans;
- Unsympathetic subdivision of rural lands or owners selling land that may be on separate land titles that once formed part of the estate lands;
- Changes to outbuildings driven by Work Cover requirements, with no consideration of significant fabric;
- The prohibitive cost in maintaining buildings and structures no longer used or able to be used for modern farming practices.



### *Recommendations*

- The physical care and management of homestead sites should allow for the sympathetic use of outbuildings and other structures which maintain their integrity;
- Better financial support for owners of homesteads and their complexes, especially as many are listed of local significance, so state government grants and financial assistance are not available;
- Heritage Officers to be regularly employed on staff at local councils;
- Adequate funding to be provided to assist in identification and appropriate maintenance of heritage items and potential heritage items;
- Waiving development application fees at council where it is clear that the proposed works are appropriate and well managed;
- Preparation of conservation management plans and the maintenance of complexes in accordance with those plans.

## **3. Knowledge/Education**

### *Threats*

- Lack of understanding of the history and significance of outbuildings/structures on rural properties;
- Lack of management and resistance to the preparation and implementation of CMPs or similar and out of date or inadequate CMPS resulting in poor conservation;
- Shortage of appropriate and competent trades people to carry out specialist works for conservation and repair methods;
- Absence of a full understanding of the Hunter Region's heritage significance.

### *Recommendations*

- Educational programs aimed at landowners to explain significance not just of the house but the outbuildings and associated structures;
- Ensuring homesteads and their properties are appropriately listed.
- Education regarding the listing process and its implications. There is still a lot of misunderstanding about the effect of having properties listed;
- A template for conservation policies could be developed which has application for all identified sites;
- Use modern technologies (internet and digital media) to promote conservation;
- Focus on education and creation of suitable skills training programs for tradespersons and apprentices for heritage building works;
- Support programs for trade skills in relevant fabric conservation could be pursued; eg. Tocal retains highly qualified and skilled tradespeople;
- Heritage Branch should develop examples on its web site of appropriate ways to conserve old buildings and structures, emphasising the need for the relevant heritage authority to be consulted by the owner before the work is undertaken.

#### 4. Planning Issues

##### *Threats*

- Threat of natural disaster flood/bushfire events and inundation of coastal localities (eg. Tahlee House);
- Increased development pressure resulting from natural population growth;
- State planning instruments allowing coal mining, coal seam gas mining and infrastructure development with limited consideration of European, Aboriginal or natural heritage;
- Principles of ecologically sustainable development, in particular the principle of inter-generational and intra-generational equity and the precautionary principle not being applied;
- The cumulative impact of multiple developments;
- Part 3A provisions- Minister for Planning and Infrastructure has broad, discretionary powers to approve developments with attached modifications and/or conditions and the Part 3A provisions are not applied as rigidly as other development provisions. This in effect gives coal and gas development a considerable level of priority over other proposed and existing land uses;
- Coal and gas projects not subject to the same level of environmental assessment as are other projects;
- Inaction by the NSW state and local governments including under-resourcing of compliance enforcement of planning and heritage consent conditions;
- Disincentive and cost of going through the approvals process with the Heritage Branch and local councils;
- Lack of legislative awareness and responsibilities by owners resulting in works being undertaken without DAs and/or not consulting Council for heritage advice;
- Ever increasing demand for urban development;
- The protection and management of expanded curtilages in a rural context is a highly sensitive issue for surrounding properties;
- Urban Expansion- pressures associated with maintaining the heritage significance and potential existence of homestead complexes.

##### *Recommendations*

- The Heritage branch in consultation with stakeholders should develop appropriate programs for owners and councils to conserve, manage and interpret homestead complexes. Ensure that programs are uniform and of a professional standard;
- The Heritage Branch should facilitate contact between owners of state and local heritage items to share ideas, stories, links to other properties and practical conservation;
- The Heritage Branch should provide access to education and information via local heritage advisors;
- Co-operation with larger stakeholders and landowners to assess and manage heritage;
- Post mining rehabilitation of the land should have the restoration of viable agricultural pursuits as an objective, thereby reconnecting historic homesteads with the use of the surrounding land;
- Facilitate the process of conservation and restoration easier for owners to achieve with less intervention from public authorities;
- Provide financial and other incentives to owners of heritage items;
- With owners' consent, make some complexes open to the public for viewing;



- Consistency in the general management guidelines for homestead complexes between Councils. Standard guidelines for Councils to utilise in preparing a DCP to include the following:
  - Minimum historic criteria to be established including a statement of significance, photographic documentation and architectural drawings
  - Minimum standards for the role of local government, state government and heritage advisors in the protection of homestead complexes
  - Database on where to obtain heritage advice, including heritage advisors and strategic planner from both the private industry and representatives from Council if the service is provided
  - Guidelines on how to list an item that is not currently listed and how to remove an item that is currently listed

## 5. Ongoing and/or New Uses

### *Threats*

- High cost of rural land precludes many residents in the Hunter Region to maintain their properties and it has become uneconomic to farm to make a living. New owners seeking life style changes may not necessarily be farming the estate lands;
- Loss of historic foundation industries. The purchasing of historic sites by mining companies effectively reduces the number of a particular industry still operating and may have significant impacts in the region;
- Exclusion of the public from historic sites now under ownership of mining companies;
- Little conservation appears to be undertaken by mining companies of the historic lands in their ownership, including homestead complexes and curtilages;
- The domination of the coal industry in certain districts of the Hunter Region is resulting in the loss of historic cultural landscapes and loss of relevance of the Hunter Estates within their landscape;
- Homesteads no longer being used for agricultural purposes as a result of their purchase by mining companies who use the land either for mining activity or as a buffer to their mining activities;
- Restoration works following open cut mining aim to restore a 'natural' environment and not an agricultural landscape with viable agricultural lands.

### *Recommendations*

- Council fact sheet should be prepared using minimum standard criteria established by this study. The fact sheet should be made available on Council websites and attached to Section 149 certificates;
- Guidelines should form part of all contract and management documents when the properties change ownership or management;
- Preparation of dilapidation surveys and useful schedules of work that can be applied in the day to day maintenance of these complexes: conservation management strategies.



## 7.3 Report Findings

As a result of the research undertaken as part of the study, the following threats and issues have been identified:

### Current Listings

#### *The Hunter Regional Environmental Plan (REP) 1989*

The *Hunter Regional Environmental Plan* introduced in 1989 identifies a range of heritage places including cemeteries, inns, collieries, industrial sites, houses and estates. The REP categorises the identified items as being of State (Category 1), Regional (Category 2) or Local significance (Category 3) with an additional category of 'requiring further investigation' (Category 4). In total, approximately 78 estates are formally listed and of these, 35 are categorised as requiring further research.

Although a number of sites are listed as being of State or Regional significance, the heritage provisions of the REP do not require the NSW Heritage Branch to be involved in the assessment of any proposed development to items under categories 1 and 2. Local Councils instead are given the responsibility in total for the heritage of the Hunter Region (Section 7 (1) and (2) of *Hunter REP* 1989).

Nor does the REP define exactly what 'Regional significance' means in the context of the Hunter, nor how Councils are to take into account this level of significance when assessing proposals for change, other than on a building by building basis. Therefore, in terms of the practical application of the REP, the notion of regional significance appears to be virtually meaningless and only provides a description of the location of the nominated heritage items.

#### *State Heritage Register*

The same issues discussed in relation to the Hunter REP is also a factor for listings under the NSW State Heritage Register. As with the REP, although there is a wealth of information available and a number of studies have been undertaken into the significance of the Hunter Region, the number of listed places under the *NSW Heritage Act 1977* is surprisingly few. Even those sites identified as being of state or regional significance under the Hunter REP have not been formally listed on the State Heritage Register; these include places such as Negoa and Ravensworth (listed as regional significance) and Invermein and St Aubins (listed as state significance).

#### *Local Environmental Plans*

The heritage listings contained within the Local Environmental Plans (LEPs) for the 12 local councils that cover the Hunter Region and their accompanying heritage studies and/or inventories are inconsistent in detail.

In addition, few of the Councils have undertaken rural heritage studies of their local areas, which are where the history and identification of the estates are likely to occur, although it is acknowledged that rural heritage studies are currently being undertaken by some of local councils or are slated to commence in 2013.

Redistribution of local government boundaries and expansion of what is considered to be the Hunter Region over recent decades has meant that certain areas have not been assessed under the same criteria



or considered in past heritage studies of the Hunter Region. This continues to be problem, particularly with local government areas such as Port Stephens, Lake Macquarie and Upper Taree, who do not consider themselves to part of the Hunter Region story.

### Ongoing Uses

The challenge of continuing to operate an historic agricultural or pastoral property was an issue particularly raised by the stakeholders. Changes in work safety regulations as well as the introduction of new technologies and farming techniques can have detrimental impacts on the survival of the early outbuildings, paddock configurations, fence-lines and internal roads.

Locating new prefabricated sheds and outbuildings and structures for more intensive farming methods close to historic homestead complexes can have a negative visual impact, and may reduce an understanding of the history and significance of a place.

Changes in attitudes to the presentation of homestead complexes and estate lands by owners have resulted in the introduction of large gated entries with solid walls and signage, which are an intrusive element in the broad visual catchment of the alluvial plains.

### New Uses

#### *Large Scale Industries*

Coal mining is part of the history and foundation of the Hunter Region. However, this industry tended to be located on the coast and on poorer lands, away from agricultural lands and the rich alluvial plains where the Hunter Estates are located. As such, the significant history of coal mining in the region is a separate story to that of the Hunter Estate and the agricultural and pastoral development of the region. Their intersection over recent decades has placed many of the estates under risk and is a threat consistently identified by the stakeholders who provided input into this study.

The domination of these large-scale mining industries throughout the Hunter Region means there is a very real risk of loss of diversity in the agricultural practices represented throughout the region. The introduction of new intrusive elements into the landscape (major new roads, open cut mining, temporary housing camps), all leave their mark on the historic landscape of the region, even after the mine operators are gone.

There are also a series of associated disturbances and threats that result from large-scale industries including the impacts of vibration and dust, increased traffic, redesigning of historic roads and increased noise.

One of the distinctive features of the Hunter Estate is its siting in the landscape and the resultant cultural landscape that is unique to the region. Therefore large scale, physically intrusive development, such as extractive industries, located adjacent to or within close proximity of the Hunter Estates are highly likely to have a negative visual impact on the both the place and the landscape. Slag heaps and ridge and hills that have been cut away in a dramatic fashion often form the background view to the agricultural lands.

Other large industries and corporate owners such as horse studs can also have negative impacts on the homestead complexes and the estate lands. In some cases, the corporate branding of a whole estate has resulted in the loss of individuality in the buildings and outbuildings, the historic development of a place is difficult to read, new structures and buildings are given a 'heritage' look and new roads, fence



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lines etc. are being introduced into the agricultural lands. There is no evidence at this stage that cattle, sheep or crops are of a similar level of threat to the estate lands.

Successful agricultural companies are relocating their businesses and removing the name of the homestead from its original lands. For example, the name Segenhoe (now Vinery Stud) is no longer attached to its historic lands.

### *Offset Sites and the Rehabilitation of Mining Lands*

Under current planning legislation for mining activity “offsets” are required to counterbalance the loss of biodiversity that cannot be avoided as a result of that activity. As such, agricultural and pastoral lands are often purchased, along with the mining lands as “offset” sites or buffer zones and agricultural operations tend to cease at these sites. These lands are effectively allowed or encouraged to return to their ‘natural’ state, in order to support biodiversity in the region. A recent example is the purchasing of St Antoine, north of Cassilis; Clare Park, Gum Ridge and Black Rock, east of Merriwa and the historic sheep run Llangollan (established 1829 by Thomas Arnold) by Rio Tinto for the Mount Pleasant coal mine project near Muswellbrook.<sup>139</sup>

Along with the concerns of local landowners at the loss of viable agricultural lands, it is noted that the conservation of cultural significance does not form a part of the strategies currently in place for the management of mining lands.

The *Upper Hunter Strategic Regional Land Use Plan (2012)* (SRLUP) issued by the NSW Government and currently still in draft stage maps the significant agricultural lands of the Upper Hunter Region. It does not provide an analysis of significant cultural landscapes, archaeological sites (Aboriginal or European) or the historically significant estate lands. The SRLUP does however acknowledge the existing numbers of listed sites that are located within the Upper Hunter Region and also states as a first policy response for places of cultural heritage significance that:

*Impacts to cultural heritage, particularly significant cultural heritage should be avoided as first priority. If impacts can be avoided then mitigation and management may not be required.*<sup>140</sup>

Nevertheless, by not considering the heritage status of the lands purchased as offset sites or buffer zones, there is a very real risk that historic estate lands may be lost.

In addition, as highlighted by the stakeholders, the purchasing of agricultural lands for use as mining lands and subsequently rehabilitated does not take into account these previous land uses and all land is rehabilitated based on natural heritage requirements, rather than being returned to viable agricultural lands, which in the case of the Hunter Region may well be historically significant.

### *Subdivision and Urban Expansion*

Visual impact of creeping suburban development into the visual catchment of the estate lands, particularly when new development breaks into the skyline above the homestead complex.

Remaking of historic and rural roads for suburban use are introducing new elements such as concrete kerb and guttering and hard engineering solutions for stormwater drainage. It is also impacting on other historic elements within the land, such as early bridges.

<sup>139</sup> *The Land*, 6<sup>th</sup> September 2012

<sup>140</sup> State of NSW through the Department of Planning and Infrastructure, 2012; Upper Hunter Strategic Regional Land Use Plan, State of NSW; p. 72



### 7.3.1 Aboriginal Archaeology

For further discussion, refer to D. Steele, 2012, *Aboriginal Archaeological Overview of the Hunter Valley* (Appendix 2).

While nineteenth century rural land use practices that involved timber felling, vegetation clearance, cultivation and grazing have had a widespread impact on the Aboriginal archaeological record of the Hunter Region, this level of historical impact has often caused the disturbance to, rather than the complete destruction of, some Aboriginal archaeological sites.

The historical development of the towns and villages and their associated infrastructure such as roads and rail networks established to service the rural economy since the 1820s has resulted in further accumulated impacts to the archaeological resource over time. Many of the Aboriginal archaeological landscapes that were first recorded at the end of the nineteenth century for example now no longer exist.

This development impact has continued significantly since the 1980s in particular with the increase in open cut coal mining that often leads to the total destruction of archaeological sites (and their landscapes) that occur on the affected land.

Given the limited evidence of early occupation, it is difficult to investigate what cultural changes in occupation may have occurred over time. Also, archaeologists have in some respects not commonly speculated about the specific pattern or chronology of occupation of the area.

The nineteenth century historical records were recorded at a time when Aboriginal life was vastly different to life prior to European settlement. The accuracy of the information is therefore sometimes questionable and/or the reliability of the sources commonly requires further consideration. Most records also commonly concern aspects of life that are not visible in the archaeological record (cultural knowledge about kinship, beliefs, rituals, landownership/territorial boundaries and perishable material culture etc.) and therefore are difficult to investigate through archaeological investigation alone.

### 7.3.2 Historical Archaeology

For further discussion, refer to Dr E. Higginbotham, 2012, *Nineteenth Century Rural Homestead Complexes in the Hunter Region: Historical Archaeological Survey* (Appendix 3).

If we are to gain a better understanding of the historical settlement pattern, sample bias should be countered. We should take action to restore the evidence to a balanced and representative state. Since the current heritage listings represent only the main residences, the archaeological resource should be addressed to provide an equal sample of the former stations and runs, the other components of the settlement hierarchy.

#### Disturbance of Archaeological Sites

The baseline archaeological assessment process has also highlighted a number of additional threats to these sites. Aerial photography has revealed the following causes, which may be summed up as changes in land use:

1. Open cut coal mining and potentially mine subsidence.
2. Subdivision of farm properties.
3. Subdivision for urban development.

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4. Industrial subdivision.
5. Sewerage treatment plants.
6. Gravel extraction and quarrying.
7. Vineyard development.
8. Dam construction and reservoirs, particularly St Clair.
9. Flood mitigation works, water supply channels.
10. Regional airport.
11. Horse stud development.
12. Industrial development.
13. Forestry.
14. Defence use, for example Singleton Military Area.

Other causes do not involve a change in land use, but relate to historical and modern agricultural practices:

1. Soil erosion.
2. Ploughing.
3. House renovation, additions and extensions.
4. Garden or other landscaping.

### Sample Bias

Sample bias is present within the surviving evidence for rural settlement, not just for the Hunter Region, but also for all the settled districts of NSW, particularly for the period up to the 1850s. Sample bias may be described as the differential rates of survival of settlement types and the buildings each possess. Over time, the cumulative effect of these processes will result in the survival of a highly biased sample, which is not representative of the historical settlement pattern.

The survival of historical buildings on homestead complexes, stations and runs depends on the continued investment of capital in maintenance and improvement. Reasons for a cessation of capital input include the redundancy of buildings as labour and technology changes or with subdivision or amalgamation of land. The personal and financial circumstances of the landowners may also result in a lack of capital to fund maintenance and improvements.

Given the variation in the level and continuity of capital invested in main residences, compared with stations or runs, sample bias in the current listings can be easily demonstrated.

All of the current heritage listings for rural properties relate to main residences. None relates to stations or runs. These two statements clearly need to be tested against the heritage listings themselves, but if found to be true, reveal the heavy weight of sample bias on the surviving archaeological resource. Sample bias against certain settlement types therefore becomes part of the explanation for the lack of correlation with the heritage listings.

Not only is there sample bias in the surviving settlement hierarchy, but it is also active within each property. It is obvious in the better survival of brick and masonry buildings over timber structures. It is an important factor in the poor survival of convict accommodation, both men's huts and convict barracks, after they became redundant in the 1840s. They were replaced by better quality cottages to ensure that the waged employees were retained, Tocal providing an excellent example of this process of change.



## Convict Labour

The pastoral expansion of the 1820s to the 1840s is a principal feature of the settlement of the Nineteen Counties of New South Wales to the Limits of Location. It was one of the main employers of convict labour. The pastoral settlement pattern had a strong influence on the development of road communications, on the location of towns and villages, as well as other services.

In 2010 a group of eleven penal sites in Australia was inscribed on the World Heritage List. This follows on from the listing of the Convict Records of Australia on the Memory of the World Register in 2007. But this leaves an imbalance in the assessment of the convict system, since there are few listings for the pastoral workplaces of the assigned convicts.

‘Yarralumla [not its current occupants, but as a historic pastoral station] is just an example of the more general heritage problem of the vanishing landscape of the Assigned Servant. With few identifiable intact material remains, the legacy of the Assigned Servant is long overshadowed by several versions of the Penitentiary System. The historic spectacle of minding sheep, drawing water and hewing of timber lacks the glamour and hiss of cruelty. In this sense, the huts and hovels and pathways of the Assigned Servant have become part of the intangible heritage of Australia.’<sup>141</sup>

This study provides an opportunity to investigate the workplaces of the assigned servants and to restore a balance in our understanding. The convict system was far more ingrained in the settlement of New South Wales than we may now imagine, as revealed not only by the historical documentary records, but also by the homestead complexes of the Hunter Region.

## 7.4 Recommendations

### 7.4.1 For the Community

1. The database developed as a result of the desktop study undertaken for this report would benefit from the review and input by the Hunter Region community. It is recommended that the database be made publically available via the internet and in a form that invites collaboration from the wider community (for example a 'wiki site' or similar), as a form of interpretation and as a means of education.

### 7.4.2 For the NSW Heritage Branch

1. The Hunter Estates are a unique historical and cultural phenomenon in the history of the settlement of NSW. They are the tangible evidence of the initial surveying of the land and its development from the 1820s to c1850, the people who settled in the region, the convict labour, the tenant farmers, the industries, the homestead complexes and the agricultural and pastoral lands. These elements together form the foundation of the Hunter Region as we know it today.

Conservation, resource planning, transport planning and cultural resource planning should occur in the context of the Hunter Estate and its significant place in the history of NSW and in the land. As a group, the following places demonstrate the key criteria of the Hunter Estates:

Already Listed on the State Heritage Register	Known comparable Hunter Estates	Potentially comparable Hunter Estates
Wambo	Thornthwaite	Abbey Green
Tocal	Caergwrle	Bloomfield
Dunmore	Cawarra	Kaludah
Aberglasslyn	Glendon	Brindley Park
Dalwood	Negoa	Piercefield
Neotsfield	Cliffdale	Woodlands
	Stradbroke	Bolwarra (Archaeology)
	Invermein	Baerami
	Segenhoe	
	Kinross	
	Gostwyck	
	Ravensthorpe	
	Baroona (also later history)	

#### Listings

2. Rural heritage studies are excellent and are able to introduce other themes and contextualise the settlement and development of the agricultural lands within a LGA. Those Councils that have not as yet undertaken a Rural Heritage Study should be encouraged and supported to do so. Full site surveys of the estate lands should form the basis of these heritage studies and not only focus solely on the homestead.



3. Places and landscapes already researched and recommended for listing within Heritage Studies and Reviews, in particular the Hunter Regional Environmental Plan, should be reviewed and listed on the State Heritage Register (where warranted).
4. It is possible to identify the sites based on existing research material, however more coordination between the NSW Heritage Branch, the local historical societies, family history societies and the wider community would reap great benefits for identification, understanding of significance, and the subsequent conservation and management of these highly significant places.
5. Use of the existing resources: both the National Trust and RNE are useful research tools in identifying places of potential significance for statutory listing and for comparative analysis and the National Trust in particular holds important records of the location and condition of a large number of sites as recorded in the 1970s.
6. Consideration could be given to serial listings of the estate lands and/or a state heritage listed conservation area with accompanying development control plan providing basic information relating to identification, key criteria, and recommendations for management including changes.

#### *Curtilages*

7. Where multiple settlement types are located on the one landholding, it is important first that the relationships to the main homestead complex are recognised and second, that the associated properties are given appropriate representation during heritage listing. (Dr E. Higginbotham; 2012)
8. The primary curtilage should be the boundaries of the original land grant or combined landholdings. Only after detailed archaeological assessment should this curtilage be reduced to protect the homestead complexes and other archaeological sites identified on a property (Dr E Higginbotham; 2012). An expanded curtilage allows for the considered placement of new farming infrastructure and outbuildings in order to reduce visual impacts.
9. In order to provide an indication of the types of archaeological expectations that could be anticipated in different archaeological land use and landscape circumstances, a model of Aboriginal occupation for both pre and post Contact periods for the Hunter Region should be produced. This type of model is archaeologically testable, through both survey and excavation (D. Steele; 2012).

#### *Planning System*

10. It is possible to clearly identify the major threats to the Hunter Estates and homestead complexes and these can be addressed through considered land use planning policies.
11. Careful planning in terms of access and land use for mining sites should allow for the ongoing use of estate lands and the homestead complexes for agricultural operations. Incorporating the homestead complexes and their associated agricultural lands into the buffer zone lands of a mine site should be incorporated into preliminary planning and form part of the reclamation works following cessation of mining activities.
12. Conditions of consent for new mining and infrastructure operations should specifically address the conservation and management of places of local, regional and state significance, including the conservation of curtilage and historic land uses.
13. Existing procedures for compliance should be extended to include State heritage listed properties, to ensure maintenance is being undertaken.
14. Conservation activities and biodiversity offsets for mining activities should be expanded to include cultural significance.

## *8. Bibliography*

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15. Mine rehabilitation works should take into account the former historic land use and the cultural landscape of the Region and undertake strategies that will allow the return of viable agricultural and pastoral lands.

### *Interpretation*

16. Landowners are to be discouraged from relocating the historic estate names away from their original lands.















