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Dear Michael,

RE: PRELIMINARY HISTORICAL ARCHAEOLOGICAL ASSESSMENT FOR BATEMANS BAY LINK ROAD, BATEMANS BAY, NEW SOUTH WALES

Austral Archaeology Pty Ltd (Austral) has been commissioned by Cardno Pty Ltd (Cardno) on behalf of Transport for New South Wales (NSW) to provide a preliminary historical archaeological assessment (PHAA) for the proposed construction works of a road connection between the Princes Highway and the South Batemans Bay Link Road, at Batemans Bay, New South Wales (NSW) [the construction boundary].

The construction boundary lies in the Eurobodalla Shire Council Local Government Area (LGA). The location of the construction boundary is shown in FIGURE 1, FIGURE 2 and FIGURE 3.

The proponent intends to build a connection between the Princes Highway and the South Batemans Bay Link Road. The proposed works include the construction and integration of a new intersection with the Princes Highway at South Batemans Bay and approximately 1 kilometre of dual lane road to connect to the existing South Batemans Bay Link Road (Glenella Road). The earthworks associated with construction of the proposal have the potential to destroy, disturb or remove any archaeological relics that may be present within the construction boundary.

1. UNDERSTANDING OF THE PROJECT REQUIREMENTS

Austral understands that the project will be assessed under Part 5.1 of the Environmental Planning and Assessment Act 1979 and that this PHAA will be used to support a Review of Environmental Factors (REF) being prepared by Cardno on behalf of Transport for NSW. A review of the Commonwealth Heritage List (CHL), National Heritage List (NHL), Register of the National Estate (RNE), NSW State Heritage Register (SHR), State Heritage Inventory (SHI), Section 170 registers, Eurobodalla Local Environmental Plan 2012 (Eurobodalla LEP) and Eurobodalla Development Control Plan 2011 has demonstrated that there are no known heritage items in the vicinity of the construction boundary.

In order to address the requirements of heritage management as outlined in the REF brief, this PHAA provides an assessment of the potential historical archaeological resource within the construction boundary through a review of documentary sources and a field inspection. The historical research that forms the basis of this assessment includes a limited inspection of title documents, Crown plans and historical aerial images available through NSW Department of Lands. Research was also undertaken through the National Library of Australia, NSW State Library, NSW State Archives, and the Eurobodalla Shire Council Local Studies Collection. This process allowed for the initial quantification of the nature, extent and significance of any historical archaeological relics that may be present within the construction boundary and specifically whether any approvals under Section 140 of the NSW Heritage Act 1977 (Heritage Act) are required as part of the proposed development.
The report is underpinned by the philosophy of the International Council on Monuments and Sites (ICOMOS) and the Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance, 2013 (Burra Charter), the practices and guidelines of the Historical heritage team of the Department of Premier and Cabinet and the requirements of the Eurobodalla LEP and the Batemans Bay Regional Centre Development Control Plan 2011.

2. HISTORICAL CONTEXT

The following historical background is designed to contextualise a site-specific history that will aid in the understanding of the heritage values within the construction boundary. This work will provide a useful and concise summary of the history of the study area.

Pre-European Occupation

Despite an abundance of known Aboriginal sites in the area, there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the Batemans Bay region. These debates have arisen largely due to the lack of ethnographic and linguistic information recorded at the time of European contact. By the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century, groups had been broken up and forced together again by European settlement activity. The information relating to Aboriginal people of the Eurobodalla is therefore based on the available early records (Goulding Heritage Consulting 2005, p.23).

The Eurobodalla Shire, which stretches from Durras in the north to Wallaga Lake in the south and westward to the Clyde Mountain, is the traditional land of the Yuin people of Dhurga language. The traditional Yuin lands extended from the Shoalhaven River in the north to the Victorian border in the south and west to the Great Dividing Range (Biosis Pty Ltd 2017, p.12). Within the Yuin tribal division, there are 13 sub-tribal groups with three of these located in the Eurobodalla region; the Walbanja, Bringa and Djirringanj. Prior to European arrival in the area, Aboriginal people of the Eurobodalla travelled throughout the coastal zone and west into the Monaro tablelands for resource sharing of goods such as whale meat and Bogong moths, and for ceremonial purposes such as initiation (Goulding Heritage Consulting 2005, p.23).

Human occupation of south-east NSW dates from at least 20,000 years ago as evidenced by dated sites including the Burrill Lake rock shelter (Lampert 1971), Cologgs Cave (Flood 1980) and New Guinea 2 (Ossa et al. 1995). The Bulee Brook 2 site in the south coast hinterland ranges, excavated by Boot (1994), provides evidence that occupation of this region had occurred by at least 18,000 years ago. Pleistocene occupation sites are however few, with the majority of recorded sites dating from the mid- to late Holocene. It is therefore reasonable to assume that the Batemans Bay region was occupied and utilised by Aboriginal people from the late Pleistocene onwards (Biosis Pty Ltd 2017, p.12).

The first recorded interactions between Aboriginal and European people in the Batemans Bay region occurred in 1770 when Captain Cook sailed up the east coast of Australia in the Endeavour and observed five Aboriginal people standing on the shore in the vicinity of Batemans Bay. The next recorded contact occurred in 1797, when 17 crew members of the wrecked ship Sydney Cove walked from Ninety Mile Beach in Gippsland up the coast of New South Wales, encountering Aboriginal people near Tuross (Biosis Pty Ltd 2017, p.13).

Ethnographic sources suggest that species available to Aboriginal people in the Batemans Bay district included possums, bandicoots, kangaroos, fish and wild fowls (Townsend 1848). Aboriginal people cared for their own specific hunting areas, and lived a semi-nomadic lifestyle encouraging the regular movement of campsite locations while maintaining close connections between groups who spoke dialects of the same language (Selton 1980).

From the 1820s onwards, the settlement of the region by Europeans had an increasingly severe impact on the lives of Aboriginal people. Diseases, in particular yellow fever, syphilis and influenza, took many lives and the settlement of the riverine areas resulted in a series of incidents including a possible massacre of Aboriginal people at Coila Lake. These circumstances drove the Yuin people off their land and into Aboriginal Reservations where they were given employment with whaling, timber-getting and on farms (Organ 1993, p.16).
Early exploration and settlement of Batemans Bay

The voyage of the *Endeavour*, commanded by Captain James Cook, was the first to provide written records of this area. When Cook sailed past the bay, which he named Batemans Bay, at noon on 22 April 1770, he recorded that they saw: “an open bay in which were three of four small islands… This bay seemed to afford but little shelter from the sea winds and yet it is the only place where there appears a probability of finding anchorage upon the whole coast” (Cook, ‘21 to 23 April 1770’, *Voyages in the Southern Hemisphere*, Vol. II – III, p. 488). Cook noted that he “saw smoke in many places near the beach” but did not make contact with the Aboriginal people. Joseph Banks, also on the voyage, recorded that “In the morn we stood in with the land near enough to discern 5 people who appear through our glasses to be enormously black…. We have not observed those large fires we so frequently saw in the islands and New Zealand made by the Natives in order to clear the ground for cultivation: we thence concluded not much in favour of our future friends” (Brunton 1998:19). Cook also noted “between Mount Dromedary and the Pigeon House, we saw high mountains, which… are covered with wood... The trees which almost everywhere clothe this country, appear to be large and lofty” (Cook, ‘21 to 23 April 1770’, *Voyages in the Southern Hemisphere*, Vol. II – III, p. 488). While the origin of the name is unknown, it is likely that Cook named Batemans Bay after Nathaniel Bateman, whom he had previously sailed with.

Cook was fairly dismissive of the potential of Batemans Bay, regarding it as too open to easterly winds to be of much practical use (Umwelt 2016, p.10).

The first Europeans to pass through the Batemans Bay area by land were survivors from the shipwreck of the *Sydney Cove*, which reached the banks of the Clyde River on 16 April 1797. Nine of the shipwreck survivors died in the Batemans Bay area, while the remainder crossed the Clyde River on an Aboriginal canoe they found. Having heard the reports of Batemans Bay from the survivors of the *Sydney Cove*, George Bass sailed to the South Coast and on 14 December 1797, he entered Batemans Bay. However, Bass supported Cook’s view that Batemans Bay was too exposed to be able to function as a port (Biosis Pty Ltd 2017, p.13).

Therefore, despite the exploration of the Eurobodalla by Cook and Bass, no official interest was shown until 1821 when Lieutenant Robert Johnston, under the orders of Governor Macquarie, sailed down the coast to again explore the Bateman’s Bay area and the Clyde River.

Alexander Berry, Hamilton Hume and Thomas Davison were inspired by Johnston’s reports and explored the area on the *Snapper* in 1822. Berry, who was already involved in cutting and shipping timber from the Illawarra district, described his expedition to Batemans Bay:

> …we proceeded direct to Bateman Bay, which we entered in the evening, and came to an anchor late at night under Snapper Island. Next day I proceeded up the river Clyde, in company with Lieutenant Johnston, its discoverer. The general appearance of the river agrees very well with his description. He was, however, surprised to find it quite salty, in situations where he had found, on his former visit, about a month before, excellent fresh water. (It was then very rainy weather.) At a short distance below what he calls the fast rapid, the river was fresh, and most likely will continue so about that place at all seasons. At this place, however, the navigation ceases, and we could only proceed a few miles farther in the boat at high water. Thus far the direction of the river is northerly, with an inclination to west: the fresh-water run, however, comes chiefly from the southward. Throughout, the river winds in a beautiful manner among the hills, which slope gradually to the water's edge. These hills are moderately wooded. The white gum is the most prevalent. Generally the soil is rather barren, and is covered with low ferns, prickly shrubs, and a kind of dwarf palm, called burrawang by the natives (*Zamia spiralis*). As we advance up the river, the alternate projecting points, on either side, consist of rich alluvial soil, but are of small extent (Berry 1827, p.231).

Berry recognised the challenges of settling in Batemans Bay and the surrounding region, however he expressed optimism:

> “this country is so peculiar, and has so many apparent disadvantages in the midst of many seeming advantages, it becomes our duty to improve the latter, and to obviate the former. It is therefore perhaps happy that its colonisation has been deferred until the present time, when the sum of human knowledge, both moral and physical, is so extended, that these attempts may be made upon just and rational principles” (Berry 1827, p.231).
In 1827, Surveyor Thomas Florance began a survey of the coastline between Jervis Bay and what is now Moruya, reaching Batemans Bay in June of 1828, and naming the islands at its entrance 'Tollgate' and 'Tollhouse’ (Biosis Pty Ltd 2017, p.13).

Establishment of the Town of Batemans Bay

It was not until 1841 that the subdivision of Batemans Bay began, with advertisements appearing in Sydney newspapers:

“The Great Southern Township of St Vincent, situated at the mouth of Bateman's Bay, Bateman's Bay is an eligible port of refuge for vessels bound along the coast with adverse winds, and as it offers many secure anchorages, protected in every direction, with the advantage of a closely, settled district, it must shortly become the grand outlet of the Southern interior” (The Australian, 5 January 1841, pg. 3).

By the end of January, less than a month after the advertisement was published, approximately 75% of the advertised lots were sold. It wasn’t long until local trade kicked off, as a newspaper article from the same year, in 1841, noted that Mr Mallon, the licensee of the local tavern, was launching a 60 tonne vessel to transport marble and limestone from the area (’Batemans Bay’, The Sydney Herald, 3 November 1841, pg. 2). The same article also mentioned that, although still lacking manpower, the timber industry was very profitable in the Batemans Bay area (The Sydney Herald, 3 November 1841, pg. 2).

It is noted that prior to 1841, there had been small-scale settlement at Batemans Bay, which consisted of six huts and a small shipbuilding yard. Unfortunately, however, the locations of these structures are unknown.

Soon following the subdivision of the land in 1841, vegetation was being cleared to start the construction of roads between Cooks River and Batemans Bay. However, the development of roads in the area was slow, and their development into passable routes continued into the 20th century, with the ferries and punts fording the larger creeks and rivers being replaced by bridges. In 1841, it was reported that gangs were at work clearing roads between Cooks River and Batemans Bay. Development of roads and tracks in the area continued slowly throughout the second half of the 19th century, as no coaches travelled on any of the roads of the district until the 1870s. Prior to this time, travellers in the area were obliged to ford many of the streams of the district at considerable personal risk. Finally, however, in 1871 punts were installed at Nelligen and Batemens Bay to help ford the Clyde River (Biosis Pty Ltd 2017, p.14).

The town of Batemans Bay was again surveyed in April 1859, although a number of subdivisions were made prior to this. During this same year, a post office was established in the town, and by 1874 it was noted that a great deal of development had occurred with the town including the presence of a store, sawmill, railway with iron rails, extensive raised wharf for loading timber, another sawmill on the opposite side of the river, a schoolhouse, and a public house. Fishing and oyster farming also became significant industries in Batemans Bay (Biosis Pty Ltd 2017, p.14). As well as trades and industries, other major developments in Batemans Bay during the late 19th century included the construction of public buildings and establishments. A private school was opened in 1872 by John O’Reilly, eventually becoming a public school in 1896. In 1876 the first Police Station in the town was established.

This success of the early town of Batemans Bay was partially attributed to Mr Francis Guy, an early business owner in the region who at the close of the 1860s owned a sawmill and shipyard at Batemans Bay. Sawmilling was the main source of income in the region during the late 19th century, and the growth of the industry was a prominent reason for the increasing population. By 1890, the town had a population of 250 people (Turner 1996, p.63). In 1892, a hotel (now the Bay View Hotel) was constructed on Orient Street, being licensed initially to Frederick William Fisher, who held the licence until 1904 (Turner 1996, p.63).

In the latter part of the 19th century, the bay also became a port for minerals such as gold and coal, mined in nearby mines such as the Bimbimbie mine. Tailings from this mine were carted the 14 miles to Batemans Bay before being sent to Pyrmont for processing (Australian Town and Country Journal, 7 May 1892, pg. 25).
In the 20th century, Batemans Bay grew as a regional centre largely due to its being the closest seaside town to the new national capital Canberra, becoming a popular holiday destination particularly for Canberra residents. As such, tourism is now the most important industry for the Batemans Bay economy. The demise of coastal shipping in the early 1950s and the South Coast’s subsequent reliance on road transport led to the construction of the Batemans Bay Bridge in 1956 (Eurobodalla Shire Council 2016, p.4).

While forestry activities continue in the State Forests surrounding Batemans Bay, the last sawmill at Batemans Bay closed in 2012. Oyster farming however, remains a significant and growing industry to this day (Eurobodalla Shire Council 2016, p.4).

**Site-specific History**

Following the settlement and establishment of the town of Batemans Bay in the early 1840s, the land comprising the construction boundary remained undeveloped. As evident in FIGURE 4, the construction boundary is located within Crown land and continues to be located within State Forest land to this day. The 1896 Crown Plan of the study area confirms that no grants were present within the construction boundary and consequently no structures were likely to be present (FIGURE 4).

The earliest development within the construction boundary was the construction of a road that stretched from Batemans Bay to Moruya in the late 1860s following the first survey of the township in 1859. This road eventually became part of the Princes Highway in the late 1920s following its formation in 1920 by the Main Roads Board. The road alignment of the Princes Highway runs in a north-south direction through the western portion of the construction boundary. The formation of the Princes Highway through Batemans Bay, which consolidated numerous parallel roads into a single route between Sydney and Victoria, saw a major increase in people travelling through the town and an opportunity for the town to expand as a major destination in the South Coast of NSW (Department of Main Roads 1951, p.77).

Soon after its inception in the 1920s, the Main Roads Board arranged with a number of the Councils for the reconstruction or realignment of portions of the highway that were in urgent need of attention. Subsequently, the Department assumed full responsibility for the care, maintenance and construction of the whole length of the highway between Sydney and the Victorian border, with the exception of a short section through Wollongong. These works took several years to complete and maintenance works were temporarily halted in 1941 due to the onset of war in the Pacific, with funds and manpower being transferred to major defence routes (Department of Main Roads 1951, p.78). Following the war, reconstruction work continued south from Batemans Bay and the section of the Princes Highway within the construction boundary was sealed with bitumen in 1950. No structures are shown on maps or aerial images of the study area dating to this period (FIGURE 5, Figure 6).

In 1964, Jack Malloy established a timber sawmill on a hill in the northern portion of the construction boundary. Malloy leased the land from the Forestry Commission of NSW during his running of the timber mill business. As evident in the 1967 historical aerial of the construction boundary (FIGURE 7), Malloy’s timber mill was located in the north-western portion of the construction boundary. Several buildings of various sizes are evident in the 1967 historical aerial that most likely functioned as sheds for the cutting and processing of the timber logs. Unfortunately, due to a lack of historical records of Malloy’s timber mill, the layout and specific activities undertaken within the buildings was unable to be determined. Malloy operated the sawmill business for four years with great success before selling it to Davis and Herbert Pty Ltd in 1968 (Sawn, ‘Timber Mill – Batemans Bay, NSW’, 2019). Davis and Herbert Pty Ltd was a timber mill business owned by Toby Davis and John Herbert, who also owned other mills throughout New South Wales.

Davis and Herbert continued to lease the land from the Forestry Commission of NSW. As evident in the 1980 and 1993 historical aerials of the study area, the layout of the timber mill changed very little following the change of ownership to Davis and Herbert (FIGURE 8 and FIGURE 9). It can be seen through the comparisons between the 1967, 1980 and 1993 historical aerials that the timber mill did not expand in size and very few additional buildings were constructed in the 25 years following Malloy’s sale of the business to Davis and Herbert (FIGURE 7, FIGURE 8 and FIGURE 9).
Information regarding the layout of the timber mill during the 1990s was attained during a conversation with a former worker of the mill, Michael Herbert, son of John Herbert. Michael Herbert stated that the mill comprised of an office located in the north-eastern part of the site, two large sheds located in the southern portion of the site, a workshop located to the immediate north of the sheds, and a house. In terms of machinery, Herbert stated that the timber mill utilised two loaders, one of which contained a bucket that was used to load and collect all the saw dust, and another that was used to load the logs into the mill. Other machinery used during the operations of the mill included a forklift and a crane (M Herbert, personal communication, 12 December 2019).

Michael Herbert stated that the timber mill was supplied with logs from stands in the surrounding forests that were managed and certified by Forestry NSW. The timber mill won several contracts; however their main contract was with Hatch Pty Ltd, an Australia-wide construction and engineering company. The timber, once milled, was predominantly transported to Batemans Bay and Narooma, however it was also sent to Port Kembla, Wollongong, Sydney and Melbourne (M Herbert, personal communication, 12 December 2019).

In 2004, Davis and Herbert signed a 20 year log supply agreement with Forests NSW which attracted the interests of Boral Timber Pty Ltd. In the following year, Boral acquired the business from Davis and Herbert along with their sawmills at Batemans Bay, Narooma and Nowra. Boral, at the time, was one of the largest timber mill companies in the South Coast of NSW (Sawn, ‘Timber Mill – Batemans Bay, NSW’, 2019).

In 2012, Boral was faced with an ageing sawmill in desperate need of upgrades and a slowdown in the economy, and as result was forced to cease operations in Batemans Bay. According to the Batemans Bay Post (14 October 2013), during the demolition works of the buildings and timber mill on 14 October 2013, a fire was accidentally started that ignited and burnt down all of the buildings in the premises with the exception of one. Evidence is also available suggesting the fire may have occurred in 2011 (Fyfe, 2014) resulting in some ambiguity as to the exact date or number of fires which occurred at the site.

There has been no occupation within the construction boundary since the timber mill burnt down in 2013, and the land remains vacant.

3. HISTORICAL LAND USE AND SENSITIVITY MAPPING

An assessment of archaeological potential usually considers the historic sequence of occupation in comparison to the structures that are currently extant. Also considered are the impacts that recent constructions and works would have had on the earlier occupation phases. These considerations are then combined to determine the likely intactness of the archaeological resource. This, in turn, is tied in with the extent to which a site may contribute knowledge not available from other sources to current themes in historical archaeology and related disciplines.

Regarding the assessment of the construction boundary, the archaeological potential depends upon the anticipated likelihood for the survival of buried structural fabric and cultural deposits as well as an estimation of archaeological integrity. Structural fabric refers to what is generally regarded as building or civil engineering remnants. Cultural deposits refer to archaeological deposits, i.e. deposited sediments containing artefacts etc.

Having analysed the historical evidence in the previous section of this letter report, the following section presents a summary of the potential for a physical archaeological resource to be present within the construction boundary, that is, its archaeological sensitivity or potential. As a rule, archaeology sites first redeveloped in either the 19th or early 20th century can retain evidence of occupation from earlier periods. It is also very common that such evidence can be recovered even when sites have been redeveloped or disturbed by modern construction activity. Based on the detailed background history, the following general predictive statements can be made:

- There is moderate potential for archaeological remains associated with the former timber mill located in the northern portion of the construction boundary to be present. The nature of such remains is likely to be in the form of structural remnants of buildings associated with the timber mill. It is considered likely that the fire that destroyed the timber mill in 2013, as well as the demolition works and remediation of the site following the fire, has likely removed any occupation deposits and artefactual material associated with the former timber mill.
There is low to nil potential for any other archaeological remains to be present in the construction boundary due to the lack of documented historical occupation of the location.

**Degree of Historical Disturbance and Impacts**

The survival and visibility of remnants associated with the 1960s timber mill is greatly affected by the fire that burnt down much of the property in 2013, as well as the process of the demolition works and cleaning of the site following the fire. These factors need to be considered when assessing the archaeological potential of the construction boundary.

An inspection of the construction boundary was undertaken by Neil Fenley (Senior Archaeologist, Austral) on 15 October 2019 (Figure 10 - Figure 17). This included an inspection of the entirety of the construction boundary, with particular focus on the location of the former timber mill in the northern portion of the construction boundary. Large concrete pads were identified across the former timber mill site, that would have functioned as platforms for sheds and large machinery associated with the operations of the timber mill (Figure 13). Remnants of concrete and brick footings associated with buildings associated with the timber mill were also identified across the site during the inspection (Figure 15).

The presence of exposed areas in the ground surface were also noted during the site inspection, which would have indicated the location of former buildings, large machinery or working surfaces associated with the timber mill (Figure 14). However, no artefactual material was located within these exposed areas. Furthermore, it was considered unlikely during the site inspection that artefactual remains or occupation deposits associated with the former timber mill are present below the ground surface.

**Sensitivity mapping**

The results of sections 2 and 3 are depicted in an archaeological sensitivity map below (Figure 18). The figure shows the degree of predicted archaeological potential within the construction boundary based on the site development history and forms the basis for the conclusions and management recommendations outlined in Section 6. However, one key point to note is that potential is not equal to significance, and areas of even moderate or high archaeological potential may not actually contain archaeological material that is considered significant.

4. **ARCHEOLOGICAL SIGNIFICANCE**

An assessment of cultural significance seeks to establish the importance that a place has to the community. The concept of cultural significance is intrinsically tied to the fabric of the place, its history, setting and its relationship to other items in its surrounds and the response it evokes from the community.

The assessment of cultural significance with respect to archaeological sites can present difficulties because the nature and extent of the "relics" are often indeterminate and value judgements therefore need to be made on the basis of potential attributes. The element of judgement can be greatly reduced by historical or other research, such as that completed for the current study. Archaeological deposits and features provide important evidence of the history and settlement of New South Wales. These heritage items may include deposits containing material culture (artefacts) that can be analysed to yield information regarding early urban development that is unavailable from other sources. Archaeological investigations can reveal much about technology, industry, past economic and social conditions and people’s lives.

Sites that contain these elements therefore have scientific value that may be of considerable significance when analysed in association with documentary evidence. It is through this potential to reveal information about the past use of a place that archaeological sites have heritage significance.

**Basis for Assessment**

The Burra Charter of Australia ICOMOS was formulated in 1979 (revised (2013), based largely on the Venice Charter (for International Heritage) of 1966. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Charter divides significance into four categories for the purpose of assessment. They are: Aesthetic, Historical, Scientific/Technical, and Social significance.
The Heritage Council of New South Wales has established a set of seven criteria to be used in assessing cultural heritage significance in New South Wales, and specific guidelines have been produced to assist archaeologists in assessing significance for subsurface deposits. These are published in the Heritage Council's Assessing Significance for Historical Archaeological Sites and ‘Relics’ (2009). The Heritage Council's criteria incorporate those of the Burra Charter, but are expanded to include rarity, representative value, and associative value.

In order to determine the significance of a historical site, the Heritage Council have determined that the following seven criteria are to be considered (Heritage Council of New South Wales 2009, p.3):

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

These criteria were designed for use on known or built heritage items, where above ground heritage is both tangible and easily identified. As the nature of archaeology is that it is invisible until disturbed, the presence and attributes of archaeological material must be assumed based on the recorded levels of disturbance, known site history and the creation of predictive statements. Ultimately, the actual presence of archaeological material can only ever be framed in terms of the potential for it to be present.

The Heritage Division has assisted archaeologists by creating questions that are framed around the main NSW Heritage Criteria, and that can be used to assess the relative importance of any archaeological sites/material that is likely to be present. The questions to be asked of an archaeological deposit differ from the main criteria, but can be seen to be referential to them, in order to create a suitable framework for assessing archaeological sites.

Significance Assessment

The following section addresses the significance of the potential archaeological resource in accordance with the criteria adopted in the Heritage Council’s significance guidelines for archaeological deposits (Heritage Council of New South Wales 2009, pp.11–13), using selected questions from the guidelines.

Archaeological Research Potential (current NSW Heritage Criterion e)

It is anticipated that the site may yield information that relates to historical (i.e. the occupation history of the site) and archaeological (i.e. function and location of buildings and structures) contexts.

The construction boundary is likely to contain archaeological structural material associated with the operation of a timber mill from 1964 to 2012. However, any archaeological remains related to the timber mill that may be present in the construction boundary would provide minimal, if any, value on a historical and archaeological research standpoint. Given the high quantity of data that exists of both former and existing timber mill operations in NSW and Batemans Bay from the 1960s onwards, it is considered unlikely that any archaeological remains associated with the timber mill in the northern portion of the construction boundary would provide additional information that is unknown on this particular subject.
In summary, it is considered that any archaeological material likely to be present in the construction boundary does not satisfy NSW Heritage Criterion (e) in this regard.

**Associations with individuals, events or groups of historical importance (NSW Heritage Criteria a, b and d)**

While the former timber mill site may be well known to certain individuals within Batemans Bay and the surrounding districts, it is not widely recognised, symbolic or likely to provide material expression of an event or cultural identity to the local community.

The historical research has demonstrated that the construction boundary is not associated with any individuals, events or groups of historical importance on either a local or State level.

As such, it is considered that any archaeological material likely to be present within the construction boundary does not satisfy NSW Heritage Criteria (a), (b) or (d) in this regard.

**Aesthetic or Technical Significance (NSW Heritage Criterion c)**

Any archaeological fabric present within the construction boundary is unlikely to contain any aesthetic values and, given the historical occupation of the site, it is considered unlikely that any structural remains that may be identified in the construction boundary will be aesthetically pleasing. The study area will embody the typical layout of a timber mill site dating to the mid-20th century and is likely to exhibit archaeological remains that reflect similar styles and layout to other such sites in NSW. Furthermore, any archaeological remains associated with the timber mill are unlikely to be distinctive in terms of architecture or engineering style.

As such, it is considered that any archaeological material likely to be present in the construction boundary does not satisfy NSW Heritage Criteria (c) in this regard.

**Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria a, c, f, and g)**

The construction boundary is likely to contain archaeological remains of the former timber mill that was in operation between the 1960s and 2012. The study area is likely to demonstrate a relatively long period of occupation associated with this use without a significant amount of adaptation or change. If present, the archaeological evidence of the timber mill is likely to be in the form of structural remnants of buildings associated with the mill. The intactness of the archaeological remains of the timber mill is difficult to determine and is dependent on the severity of the fire that burnt down the premises and the nature of the demolition works following the fire.

The archaeological remains present within the construction boundary are unlikely to provide any information on the operations of the timber mill that was not already known given that the business ceased in recent years and that it was in operation for a short period of time (1964-2012). Any information that is attained from the archaeological evidence is therefore unlikely to add to the data set of the daily functions and operations of timber mills in NSW from the mid-20th century onwards.

As such, it is considered that the area within the construction boundary does not satisfy NSW Heritage Criteria (a), (c), (f) and (g) in this regard.

**Statement of Significance**

The archaeological remains within the study area are likely to consist of partially intact remains of the former timber mill located in the northern portion of the construction boundary. The fire that burnt down the timber mill in 2013, as well as the subsequent demolition works, are likely to have impacted upon the archaeological remains associated with the timber mill. However, there is potential for structural remains, including footings of buildings, to be present within the former mill site. Any archaeological remains that may be present, are not considered to be of heritage significance. As they are unlikely to provide any additional information that is not already known regarding the operations of the timber mill site in Batemans Bay or functions of timber mills in NSW operating from the mid-20th century onwards.

As such, the archaeological resource within the construction boundary is not considered to meet the Heritage Significance Criteria (a), (b), (c), (d), (e), (f) and (g) at either a State or local level.
5. STATUTORY CONTEXT

The construction boundary does not include any items listed on the State Heritage Register (SHR) and is not subject to any other statutory heritage registers listings and orders. Under Section 139 of the Heritage Act, “a person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit”.

Relics are defined by the Heritage Act to be:

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.

An excavation permit is also required if a relic has been discovered in the course of excavation without a permit (Section 139(2) of the Heritage Act). Section 139 of the Heritage Act applies to all relics that are not listed on the SHR or protected by an Interim Heritage Order (IHO).

If an excavation permit is required by Section 139 of the Heritage Act, an application is made under Section 140 of the Act. To obtain an excavation permit, the Section 140 application must include an archaeological assessment and Research Design. The archaeological assessment establishes the archaeological sensitivity of the site, its significance and the likely impact of the proposed development. The Research Design outlines the method proposed to mitigate the impact of the development (such as monitoring, test excavation, sampling, or open area excavation). The Research Design also provides research questions that the archaeological resource has the potential to answer. An archaeological assessment and Research Design need to be prepared in accordance with the Heritage Council’s relevant guidelines, including Historical Archaeological Sites and the Historical Archaeology Code of Practice.

The Heritage Act also contains provisions for the unintentional disturbance of archaeological relics. Under Section 146 of the Act, the Heritage Council must be immediately notified in the event of relics being unintentionally located or disturbed. Works may be required to cease, pending consultation and further research.

6. CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations can be drawn:

1) This assessment has determined that historical archaeological relics of heritage significance are unlikely to be encountered as part of the proposed development. Further assessments and approvals under the NSW Heritage Act 1977 are not required.

2) In the event that historical archaeological relics not assessed or anticipated by this report are found during the works, all works in the immediate vicinity are to cease immediately and the TfNSW unexpected finds procedures are to be implemented.

3) While this assessment has not considered the potential for Aboriginal cultural material to be present, in the event that Aboriginal archaeological material or deposits are encountered during earthworks, all works affecting that material or deposits must cease immediately and the Transport for NSW unexpected finds procedures are to be implemented.

4) Should the proposed development be altered significantly from the proposed concept design, then a reassessment of the heritage/archaeological impact may be required.
Please do not hesitate to contact me on 0490 190 290 if you wish to discuss any aspect of this submission.

Yours sincerely,

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7. REFERENCES

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8. FIGURES
Figure 1 Location of the Study Area
South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: NSW DFSI Basemap  Drawn by: WA  Date: 05/03/2020
Figure 2 Aerial View of the Study Area

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: NSW DPIE Aerial Imagery & Basemap

Drawn by: WA  Date: 05/03/2020
Figure 3 Construction Boundary in Relation to Construction Boundary

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: NSW DFSI Aerial and DCDB  Drawn by: WA  Date: 05/03/2020
Figure 4 Study Area Overlaid on Crown Plan Dated to 1896

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: Crown Plan No. R23694-1603     Drawn by: WA   Date: 05/03/2020
Figure 5 Study Area Overliad on 1938 Parish Map of Batemans Bay

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: NSW LRS: 10351601  Drawn by: WA  Date: 05/03/2020
Figure 6 1948 Historic Aerial of the Study Area
South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: Fyfe Pty Ltd 2014
Drawn by: WA  Date: 05/03/2020
Figure 7 1967 Historic Aerial of the Study Area
South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: Fyfe Pty Ltd 2014 & NSW DFSI
Drawn by: WA Date: 05/03/2020

Legend
- Blue: Construction Boundary
- Red: Timber Mill

GDA 1994 MGA Zone 56
0 50 100 150 200 250 m
Figure 8 1980 Historic Aerial of the Study Area

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: Fyfe Pty Ltd 2014 & NSW DFSI
Drawn by: WA Date: 05/03/2020
Figure 9 1993 Historic Aerial of the Study Area

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Source: Fyfe Pty Ltd 2014 & NSW DFSI
Drawn by: WA  Date: 05/03/2020

Legend
- Construction Boundary
- Timber Mill

GDA 1994 MGA Zone 56

0 50 100 150 200 250 m
Figure 10  North-facing view of the Ridge Road in the southern portion of the construction boundary. This section of the study area contained no historical archaeological potential.

Figure 11  North-facing view of cleared area of land where telecommunication cables are located. No historical archaeological potential was identified in this vicinity.
Figure 12  North-facing view of hill-crest within cleared area of land where telecommunication cables are located above. No historical archaeological potential was identified in this vicinity.

Figure 13  West-facing view of large concrete pad located within the former timber mill site.
Figure 14  West-facing view of exposed ground surface indicating the former location of a shed or large machinery associated with the timber mill.

Figure 15  East-facing view of remnants of concrete footings for a building associated with the former timber mill located within the construction boundary.
Figure 16  North-facing view showing the extant building that remains in the former timber mill site.

Figure 17  East-facing view of the former timber mill site from the entrance to the site from the Princes Highway.
Figure 18 Archaeological Potential of the Construction Boundary

South Batemans Bay Link Road
Preliminary Historical Archaeological Assessment

Legend
Archaeological Potential
Low
Moderate

Construction Boundary

Source: NSW DFSI Aerial
Drawn by: WA Date: 05/03/2020