Statement of Heritage Impact (SOHI)

Site	Lot 12 DP 1174503 1 Hynes St Broken Hill NSW
Proposed Development	Torrens title subdivision (1 lot into 15) and associated earthworks and services
Heritage item(s)	a) State Heritage Register (SHR) item No. 02002, 1915 Picnic Train Attack, Heritage NSW ID 5063675 b) Broken Hill Local Environmental Plan 2013, local item I40, Cemetery
Author	Brendan Williams, Regional Plan, brendan@regionalplan.com.au,
Prepared for	Site owner
Date	7 December 2024

Table of Contents

1 Introduction *6*

1.1 Project description 6

1.2 Approach and methodology 6

1.3 Limitations 6

1.4 Authorship 6

2 The heritage item *8*

2.1 Site description 8

2.2 Site summary history 23

2.3 Physical analysis 36

3 Significance assessment *38*

4 Proposed works *46*

4.1 The proposal 46

4.2 Background 47

5 Heritage Impact Assessment *51*

5.1 Matters for consideration 51

6 Heritage Council Subdivision Policy *61*

7 Conclusion and recommendations *64*

7.1 Conclusion 64

7.2 Recommendations 64

9 Appendices *66*

9.1 Plan or proposed subdivision 66

9.2 Preliminary site in investigation report 66

9.3 DP 241856 66

9.4 NSW Government Gazette 2018 66

9.5 Australian National Heritage List 66

9.6 Preliminary consultation 66

9.7 Silverton Tramway Act 1886 66

9.8 Silverton Tramway Vesting Act 1972 66

9.9 Heritage Council Minutes 06 September 2017_1915 Picnic Train Attack and White Rocks Reserve 66

9.10 Crown Land Map Parish Picton County Yancowina 5th edition BHLEP 1996 66

9.11 DP1130411 66

9.12 DP 1174503 66

Table of Figures

Figure 1: Aerial image of site and surrounds 9
Figure 2: BHLEP 2013 Land zoning map sheet LZN_002 9
Figure 3: Google street view image depicting site vegetation 10
Figure 4: SHR 02002 curtilage investigation area 12
Figure 5: SHR 02002 curtilage per NSW State Heritage Inventory mapping 13
Figure 6: NSW Government Gazette No 67 of 29 June 2018, 4716, (n2018-2271) 14
Figure 7: Picton Sales Yard Road looking east 14
Figure 8: Picton Sales Yard Road looking east 15
Figure 9: Vegetation category of site 15
Figure 10: SHR 02002, 1915 Picnic Train Wagon replica memorial (left, original; right, current) 16
Figure 11: Aerial image of SHR 02002, subject site and surrounding development 16
Figure 12: Site survey plan and proposed plan of subdivision 17
Figure 13: BHLEP 2013 Heritage Map Sheet HER_002 18
Figure 14: Overview aerial image of site in relation to local heritage item I40, cemetery 18
Figure 15: Close-up aerial image of site in relation to local heritage item I40, cemetery 19
Figure 16: Site survey plan and proposed plan of subdivision 20
Figure 17: Location of water, sewer, electrical and telecommunication services to be extended along Hynes Street aerial image overlay 21
Figure 18: Location of sewer services to be extended along Hynes Street sewer service map overlay. 21
Figure 19: Location of water services to be extended along Hynes Street water service map overlay .. 21
Figure 20: Location of electrical services to be extended along Hynes Street electrical service map overlay 22
Figure 21: Location of telecommunication services to be extended along Hynes Street NBN service map overlay 22
Figure 22: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – street map overlay. 43

Figure 23: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – aerial image overlay 43
Figure 24: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – DPE map overlay with local heritage items 44
Figure 25: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage depicting Picnic Train Attack site and White Rocks Reserve site – DPE map overlay with local heritage items 45
Figure 26: Site survey plan and proposed plan of subdivision 46
Figure 27: BHLEP 2013 land zoning map 49
Figure 28: BHLEP 2013 minimum lot size map 49
Figure 29: SHR 02002 heritage curtilage relative to site 50
Figure 30: Picton Sales Yard Road looking east at SHR 02002 memorial wagon 54
Figure 31: Picton Sales Yard Road looking east at SHR 02002 memorial wagon 54
Figure 32: Picton Sales Yard Road looking south east at SHR 02002 memorial wagon 54
Figure 33: Picton Sales Yard Road looking south east at SHR 02002 memorial wagon 55
Figure 34: Aerial image of recent approved residential subdivision on north side of Picton Sales Yard Road adjacent SHR 02002 memorial wagon site 55
Figure 35: Aerial image development pattern at time of heritage listing of SHR 02002 1915 Picnic Train Attack site 55
Figure 36: AHIMS search result for Lot 1 DP 1174503, 1 Hynes Street Broken Hill 57
Figure 37: City of Broken Hill National Heritage listing boundary map 60

Table of Tables

Table 1: Summary of heritage items applicable to the site 10
Table 2: Site history summary 23
Table 3: Summary of pre-lodgment consultation 47
Table 4: Potential maximum development yield 50
Table 5: Assessment of the proposed development against Heritage Council subdivision policy 61

Document control

Author	Version	Date
B. Williams, Regional Plan	1.0	7 December 2024

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1 Introduction

1.1 Project description

This purpose of this statement of heritage impact (SOHI) is to assess and report the potential impacts of a proposed subdivision on the heritage significance of the 1915 Picnic Train Attack site as an item of State significance.

1.2 Approach and methodology

This SOHI has been prepared in accordance with the principles and definitions as set out in the following guidelines:

- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance,
- Guideline to preparing a Statement of Heritage Impact Guidelines 2023, NSW Department of Planning and Environment,
- Guidelines to levels of heritage significance 2008, Heritage Council of NSW, NSW Department of Planning,
- Guidelines for Nominations to the State Heritage Register 2006, NSW Heritage Office,
- Material Threshold Policy 2020, Heritage NSW, and
- Subdivision and NSW State Heritage Register Items 2019, policy and procedure, Heritage Council of NSW

1.3 Limitations

This SOHI has been prepared by author with no recognised archaeological or heritage qualifications based on a desktop assessment. Using information as obtained on the site visit as conducted and outlined in the preliminary site investigation (PSI) report prepared by Metaline Engineering Group, 30 January 2023, detailed site survey and proposed plan of subdivision prepared by G, F, Howe, dated 2 June 2023 and various reports and publications as outlined within, including the state heritage listing for item SHR 02002 1915 Picnic Train Attacks and White Rocks Reserve.

1.4 Authorship

This SOHI has been prepared by Brendan Williams of Regional Plan. While the SOHI guidelines recommend that a SOHI is prepared by an appropriately qualified and experienced heritage professional with expertise relevant to the heritage item, it is noted no such qualification is held by the author. Notwithstanding, the site's history and heritage significance has been well documented by authors with relevant qualifications. The site not undergone any significant transformation to that which existed at the time of the site's heritage listing. The proposed development is located well beyond the extent of the heritage items curtilage and has been designed with consideration to the relevant guidelines. Subsequently, it is considered the preparation of a SOHI by an appropriately qualified and experienced heritage professional with expertise to the heritage item is not a mandatory requirement nor detrimental

to the outcome of the proposed development. It is noted the author contains the following qualifications and experience:

- Bachelor of Urban and Regional Planning, University of New England, (2012),
- Graduate Certificate of Environmental Management, University of Newcastle (2015),
- Master of Business Administration, Australian National University (2022)

2 The heritage item

2.1 Site description

1 Hynes Street Broken Hill NSW ('subject site or 'site'') is in the Broken Hill Local Government Area (LGA) and is legally identified as Lot 12 DP 1174503. The site borders a public formed and sealed road, Hynes St / Picton Sales Yard Road to the north, contains an area of 6.489ha, and is rectangular / kidney shaped with dimensions of width 1,064m and depth 62m (Figure 1).

The site is located on the northwestern edge of the Broken Hill township and is the last vacant land parcel containing R1 *General Residential* land zoning under the provisions of the Broken Hill Local Environmental Plan (BHLEP) 2013 that borders the township. The eastern section of the site that is subject to the proposed development is zoned R1 *General Residential*. The remainder and majority of the site contains C4 *Environmental Living* land zoning, which encompasses the central and western portion of the lot (Figure 2).

The site is vacant, undeveloped land containing sparse vegetation cover (Figure 3). Nearby development includes primarily low-density residential development to the north, east and south. Mining activity and fuel stations 3-4km and 2km to the east, respectively. The site does not contain existing essential service connections other than public road frontage. A local cemetery adjoins the southern boundary of the immediately adjacent vacant lot to the south of the site. A local sports ground adjoins immediately to the east of the site. Vacant rural zoned land adjoins the site for the majority. Specifically bordering the C4 *Environmental Living* zoned areas of the site. The site formerly contained a railway line that was decommissioned 1970. Some footprints of where the railway used to be are evident with some ballast and mounds present. Though all rail and jewellery has been removed[1]

The site is relatively flat. Containing gradual downward slope from northeast to southwest of approximately 1% in the area subject to the proposed development. A sudden increase of elevation (approximately 1m) is present to the rear due to a possible river.

[1] Preliminary Site Investigation report, Metaline Engineering Group Pty Ltd, 30 January 2023

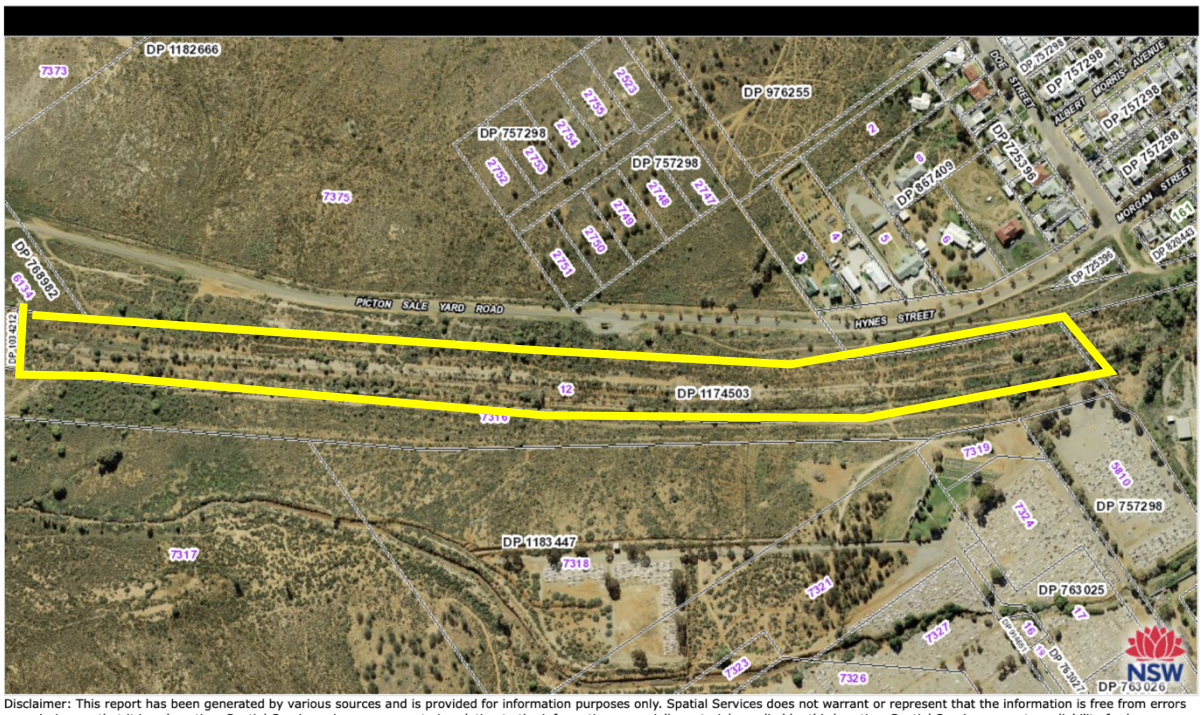

DP 1182666
DP 976255
DP 757298
DP 757298
DP 757298

Figure 3: Google street view image depicting site vegetation

2.1.1 Heritage item and listing

The following table summaries the heritage listed items applicable to the site. Empty cells indicate no listing or item is applicable.

Table 1: Summary of heritage items applicable to the site

Listing type	Items and documents	Listing number	Comment	Image reference
Local heritage conservation area				
Local heritage item	Cemetery	I40	Within site vicinity	
State agency s 170 heritage and conservation register				
State Heritage Register	1915 Picnic Train Attack	SHR 02002 Heritage NSW ID 5063675	Within site boundaries	
Commonwealth Heritage List				
National Heritage List				
World Heritage buffer zone				
World Heritage List				
Aboriginal objects or places				

2.1.1.1 Site context to identified heritage item

2.1.1.1.1 State Heritage Register SHR 02002, Heritage NSW ID 5063675, 1915 Picnic Train Attack

As depicted in Figure 4 and Figure 5 the curtilage of SHR 02002 encompasses the entire road corridor of Picton Sales Yard Road, Broken Hill NSW and extends the entire depth of the middle third of existing Lot

12 DP 117450, being the site subject to the proposed development. The curtilage was nominated as a heritage investigation area by the Heritage Council in 2017, before being gazzeted (Figure 6) in 2018[3]. Lot 12 DP 117450 is vacant land containing residential and environmental zoning as outlined section Site description of this report. The Picton Sales Yard Road is a 6m wide sealed road containing a wide road reserve of 55m around the site. The verges contain shrubland and grasses with few mature trees aligning the north and south side of the road formation (Figure 7, Figure 8 and Figure 9). The subject site is located south of Picton Sales Yard road. With the northern boundary of the subject site 38m from the nearest sealed road edge.

The heritage site SHR 02002, 1915 Picnic Train Attack Site, "is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (*sic*) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir"[4]. "The Picnic Train Attack Site memorial is in good condition. The memorial (Figure 10) is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the memorial is in good condition" [5]. The area surrounding the wagon has degraded since its installation although vehicle access is still present to access the memorial. "The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow-gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed (Roberts 1995)" [6].

Figure 11 and **Error! Reference source not found.** identify the existing development in the vicinity of SHR 02002. As identified, the area comprises existing large lot residential development to the north east on the northen side of Picton Sales Yard Road / Hynes Street, approximately 100m from the eastern most site curtilage. An undeveloped large lot residential subdivision of ten lots immediately adjoins the heritage curtilage on the northern side of Picton Sales Yard Road. The proposed development will result in the

[3] NSW Government Gazette No 67 of 29 June 2018, 4716, (n2018-2271)
[4] https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063675
[5] https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063675
[6] https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063675

creatin of an fourteen medium sized residential lots located approximately 128m from the eastern most curtilage boundary (Figure 12).

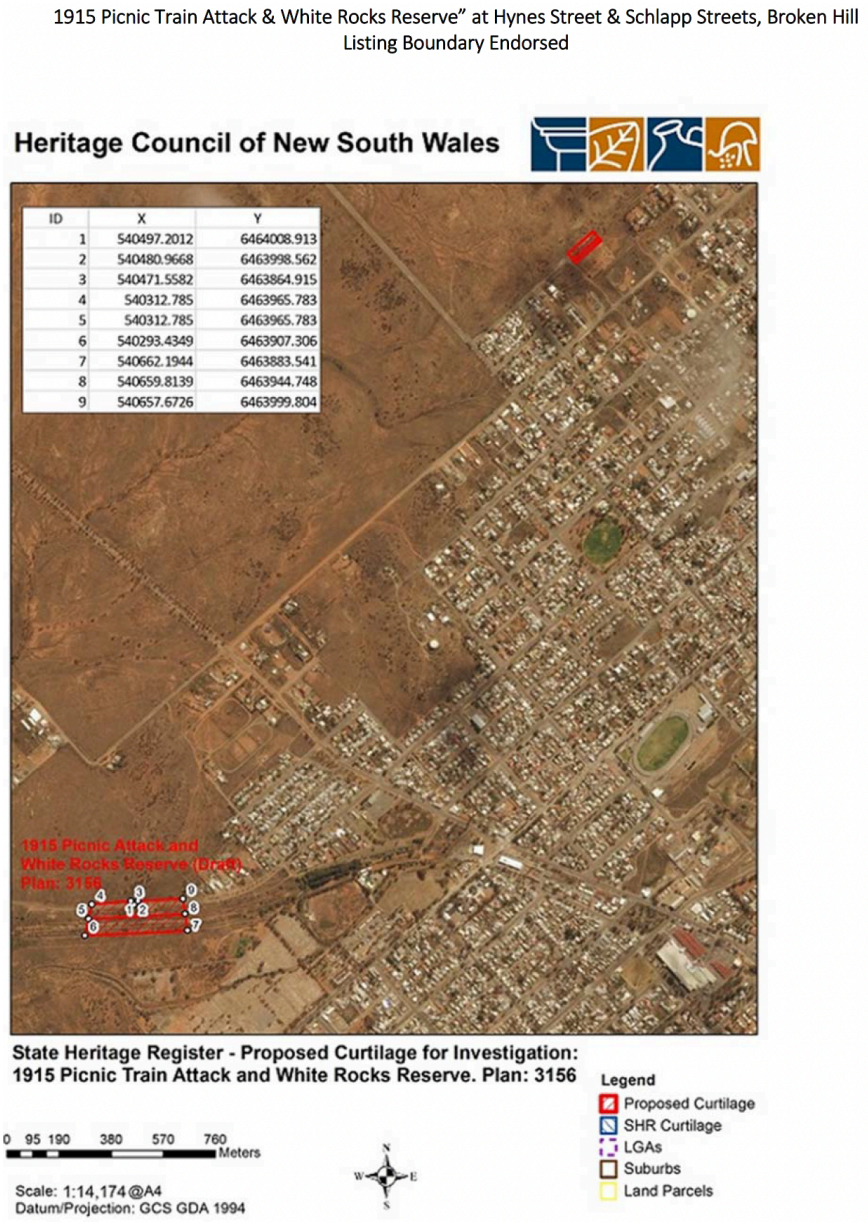


Figure 4: SHR 02002 curtilage investigation area[7]

[7] Meeting minutes – 455, 6 September 2017, Heritage Council NSW

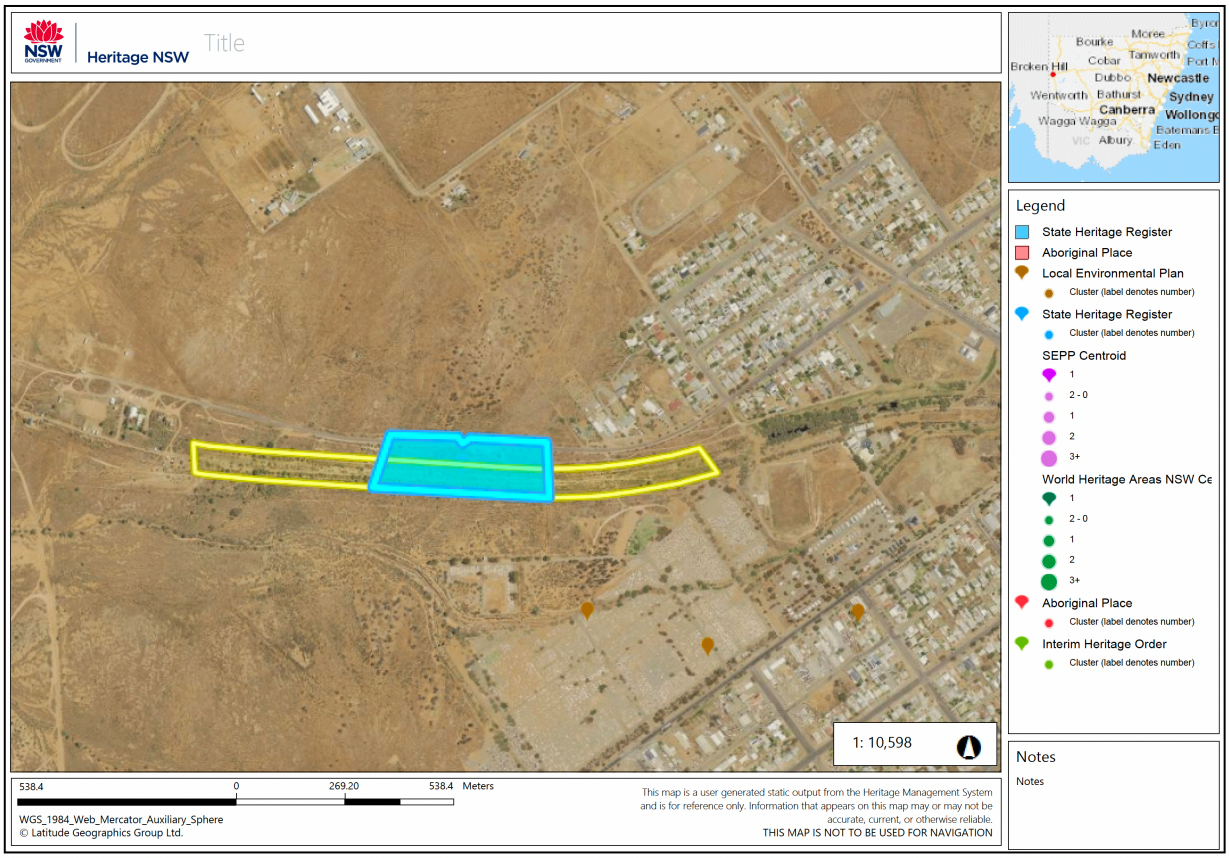


Figure 5: SHR 02002 curtilage per NSW State Heritage Inventory mapping[8]

8

https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems?_ga=2.165972984.714120821.1658117920-344545924.1656901875

Government Notices

GOVERNMENT NOTICES
Planning and Environment Notices

HERITAGE ACT 1977

DIRECTION PURSUANT TO SECTION 32(1)
TO LIST AN ITEM ON THE STATE HERITAGE REGISTER

1915 Picnic Train Attack and White Rocks Reserve
Hynes Street and Schlapp Street Broken Hill, NSW

SHR No 02002

In pursuance of section 32(1) of the *Heritage Act 1977*, I, the Minister for Heritage, having considered the recommendation of the Heritage Council of New South Wales and the other matters set out at s32(1), direct the Heritage Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 26 Day of June 2018

SCHEDULE "A"

The item known as the 1915 Picnic Train Attack and White Rocks Reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 12 DP 1174503, Lot 7375 DP 1182666, Lot 1 DP 820445, Lot 2 DP 820445 in Parish of Picton, County of Yancowinna shown on the plan catalogued HC 3156 in the office of the Heritage Council of New South Wales.

[n2018-2271]

Figure 6: NSW Government Gazette No 67 of 29 June 2018, 4716, (n2018-2271)

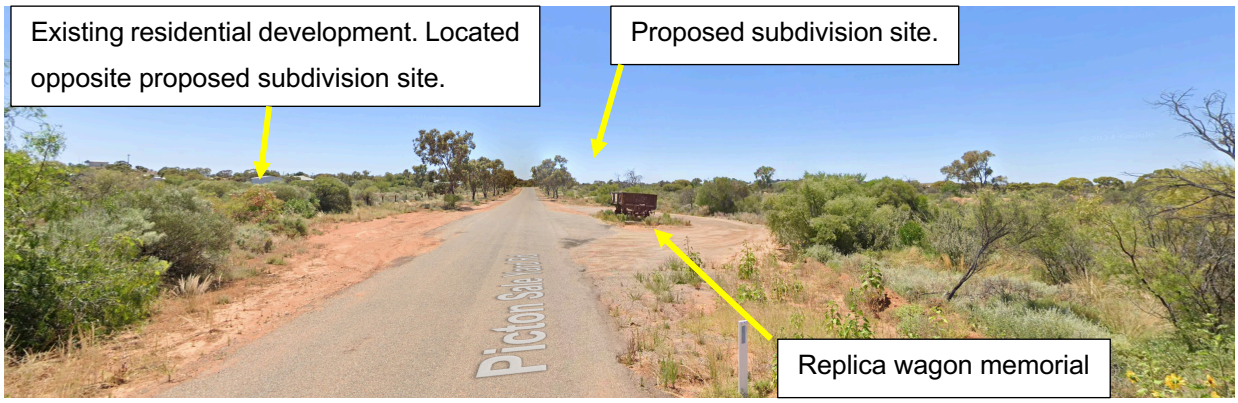


Figure 7: Picton Sales Yard Road looking east[9]

[9] Google maps

Figure 8: Picton Sales Yard Road looking east[10]

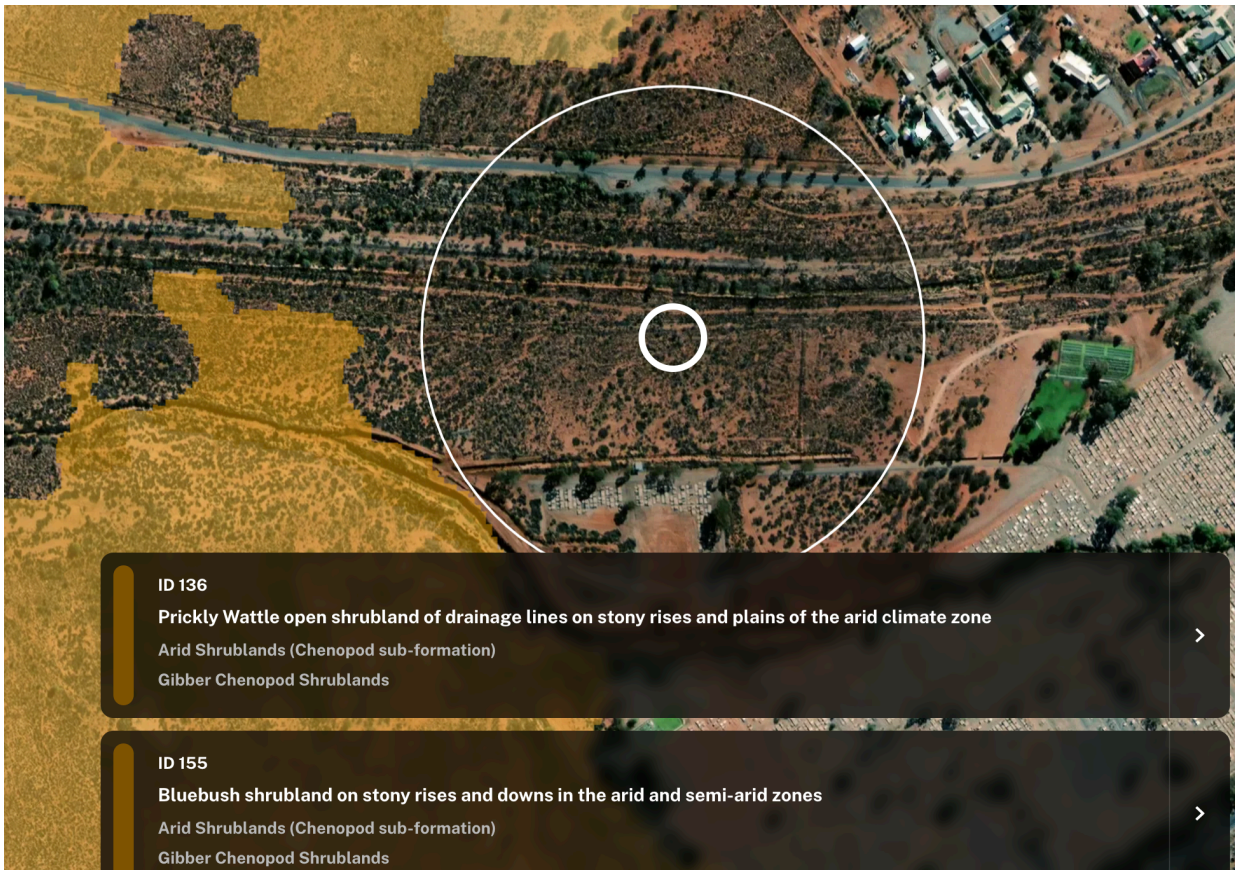


Figure 9: Vegetation category of site[11]

[10] Google maps
[11] https://treesnearme.app/explore

Figure 10: SHR 02002, 1915 Picnic Train Wagon replica memorial (left, original; right, current)

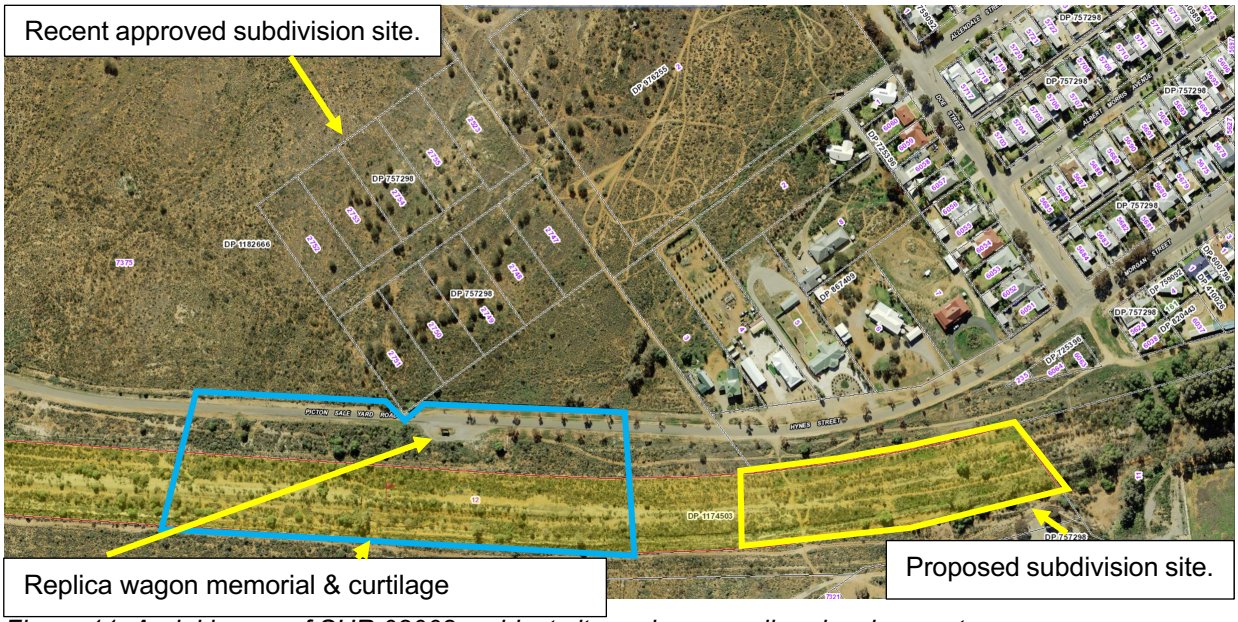


Figure 11: Aerial image of SHR 02002, subject site and surrounding development

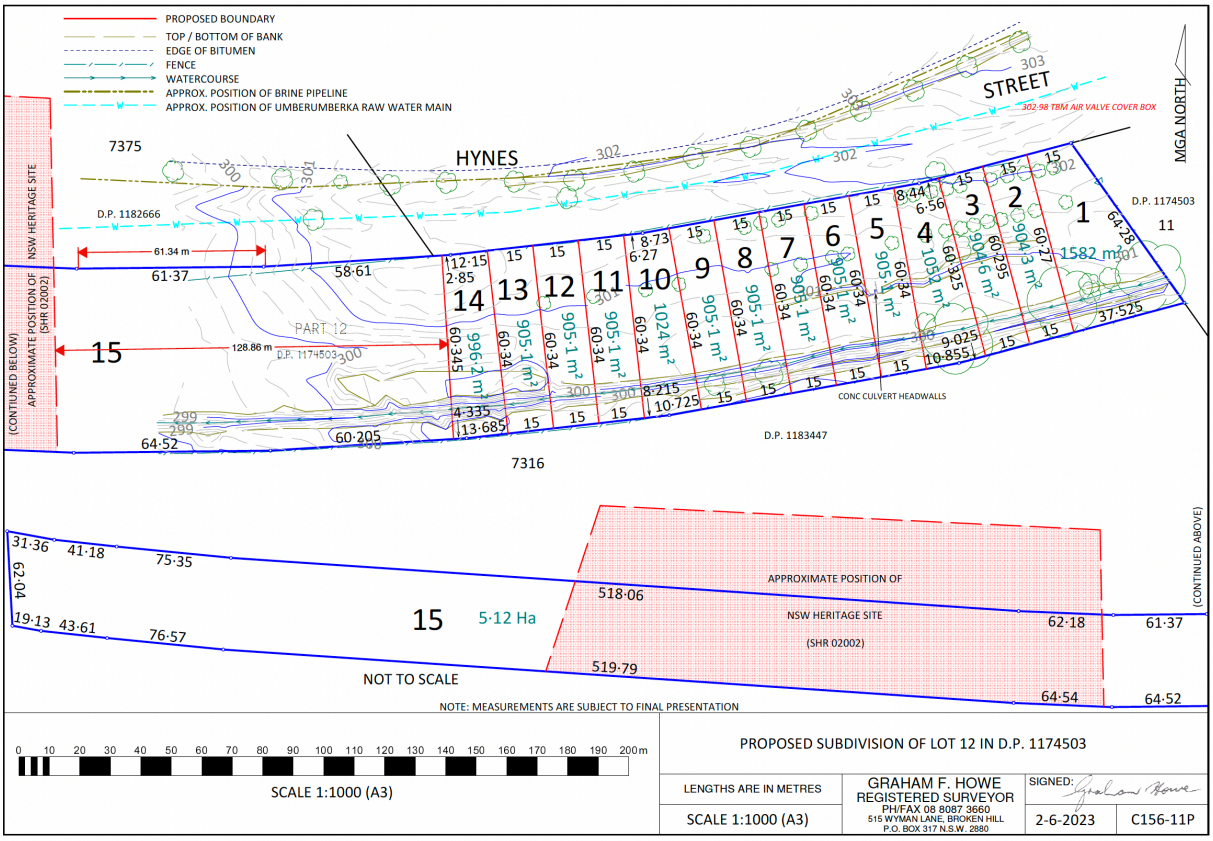


Figure 12: Site survey plan and proposed plan of subdivision[12]

2.1.1.1.2 Local heritage item, I40, Cemetery

Local heritage item I40, cemetery, is located to the south of the site. The cemetery is separated from the site by a vacant Lot 7136 DP 1183447. The cemetery is accessed via Rakow Street. The proposed development does not pose any impact to the site of the local heritage item with site access and utility services proposed on the northern boundary of 1 Hynes Street, within the Hynes Street Road corridor. The heritage item is currently adjoined by residential development in closer proximity than that resulting by the proposed development. It is not considered any impact to the heritage item will result from the proposed development. No recommendations for mitigation actions are suggested beyond what would ordinarily be applied for such development by the local consent authority.

Figure 13, Figure 14, and Figure 15 identify the location of local heritage item I40, cemetery and existing development in the vicinity of the proposed development site.

[12] GF Howe

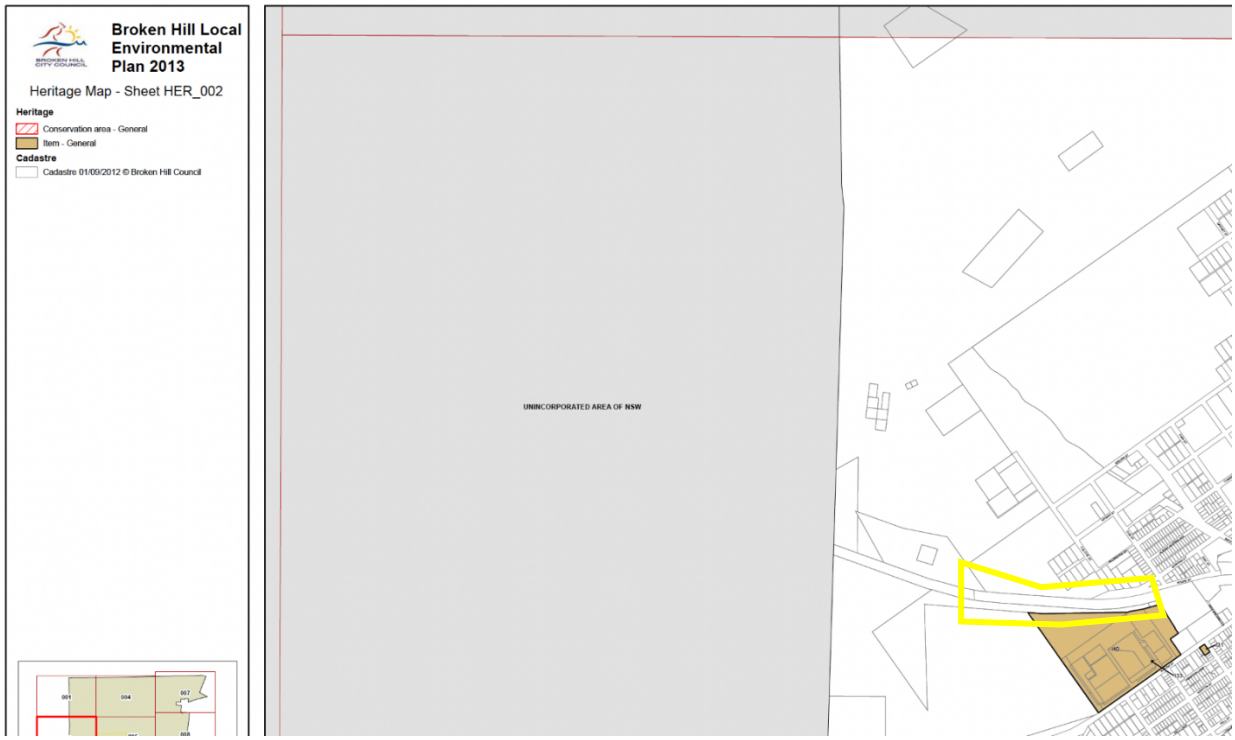


Figure 13: BHLEP 2013 Heritage Map Sheet HER_002

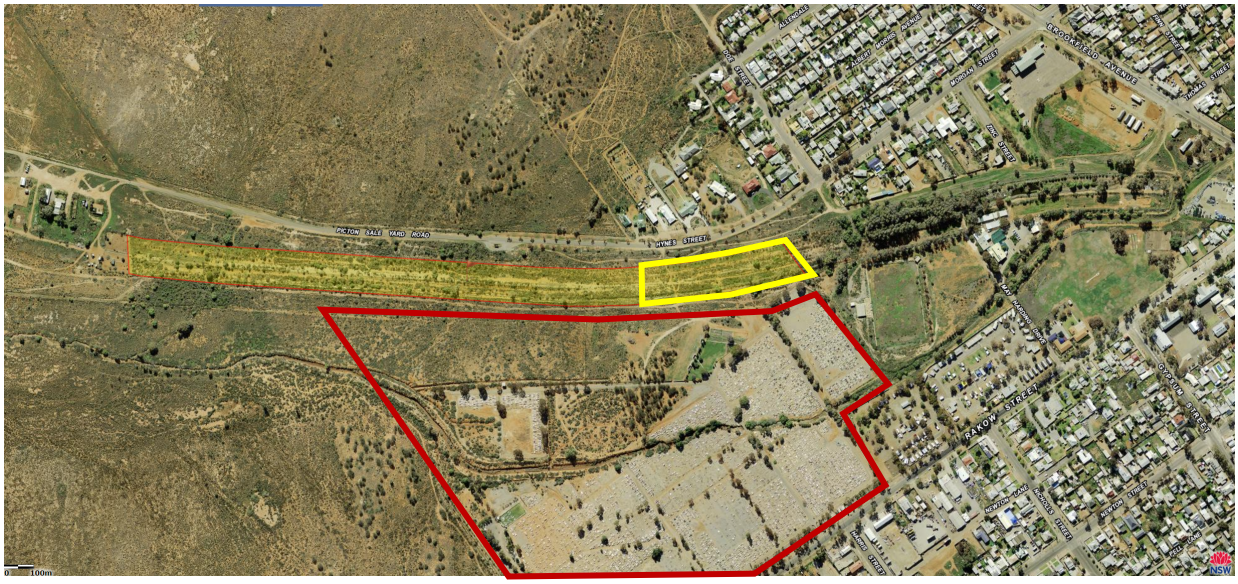


Figure 14: Overview aerial image of site in relation to local heritage item I40, cemetery[13]

[13] SixMaps NSW

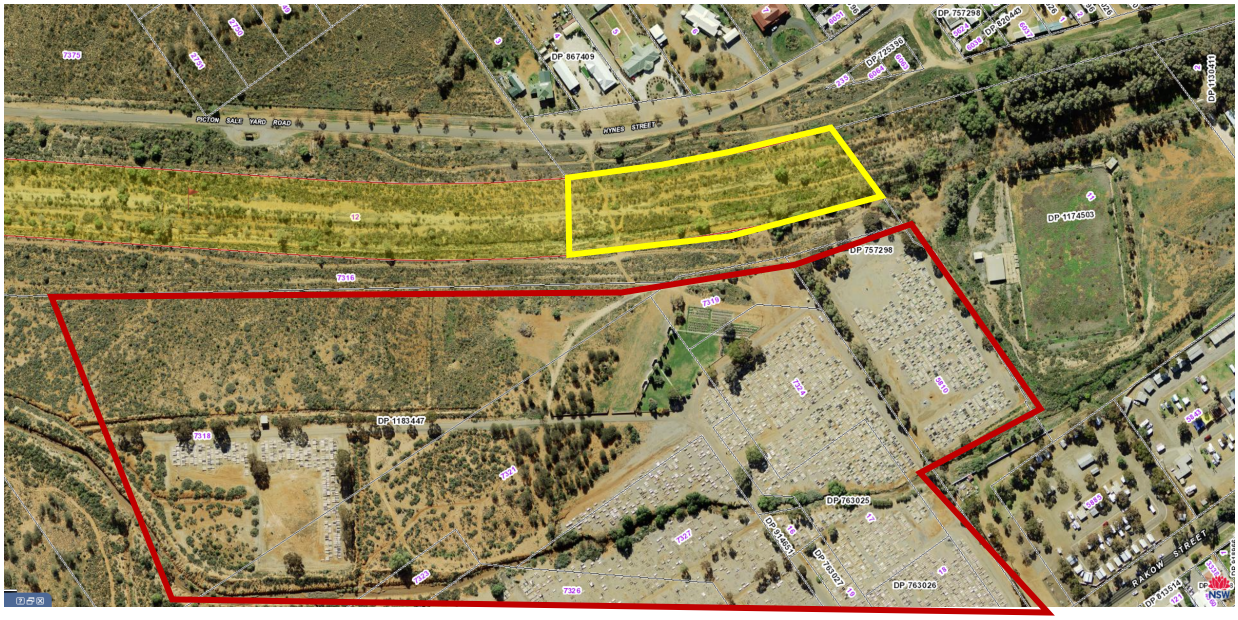


Figure 15: Close-up aerial image of site in relation to local heritage item I40, cemetery

2.1.1.1.3 Proposed works area

The extent of works within Lot 12 DP 1174503 is limited to boundaries of the lot, encompassing the eastern 210m R1 *General Residential* zoned portion of the site. The extent of works are located over 100m from the eastern most curtilage of SHR 02002 and 265m from the replica wagon memorial. Site services will be extended from the east of the site within the Hynes Street road corridor, also 265m from the replica wagon memorial.

The following images depict the proposed development works area. As demonstrated, no works are proposed within proximity to any identified and known heritage items. As such, there is not anticipated to be any direct physical impact to any of the identified and known heritage items.

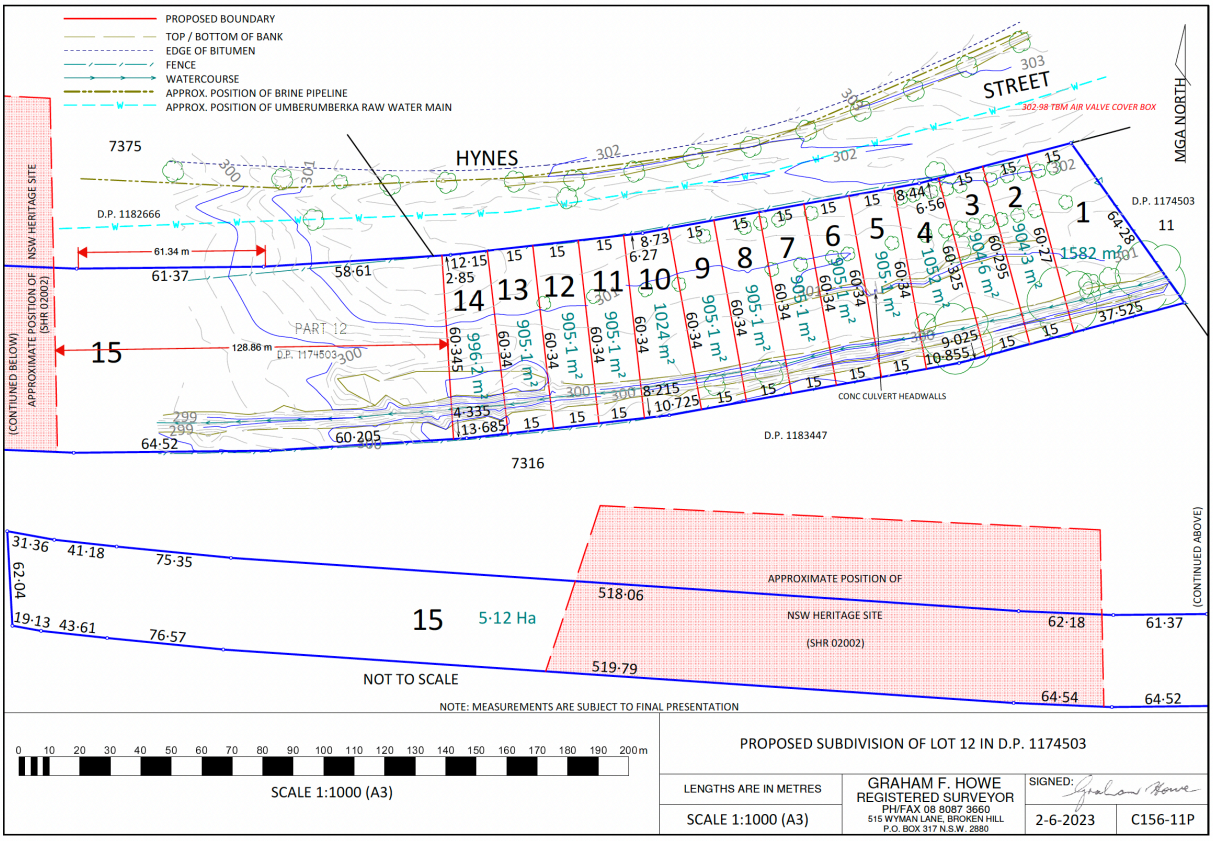


Figure 16: Site survey plan and proposed plan of subdivision[14]

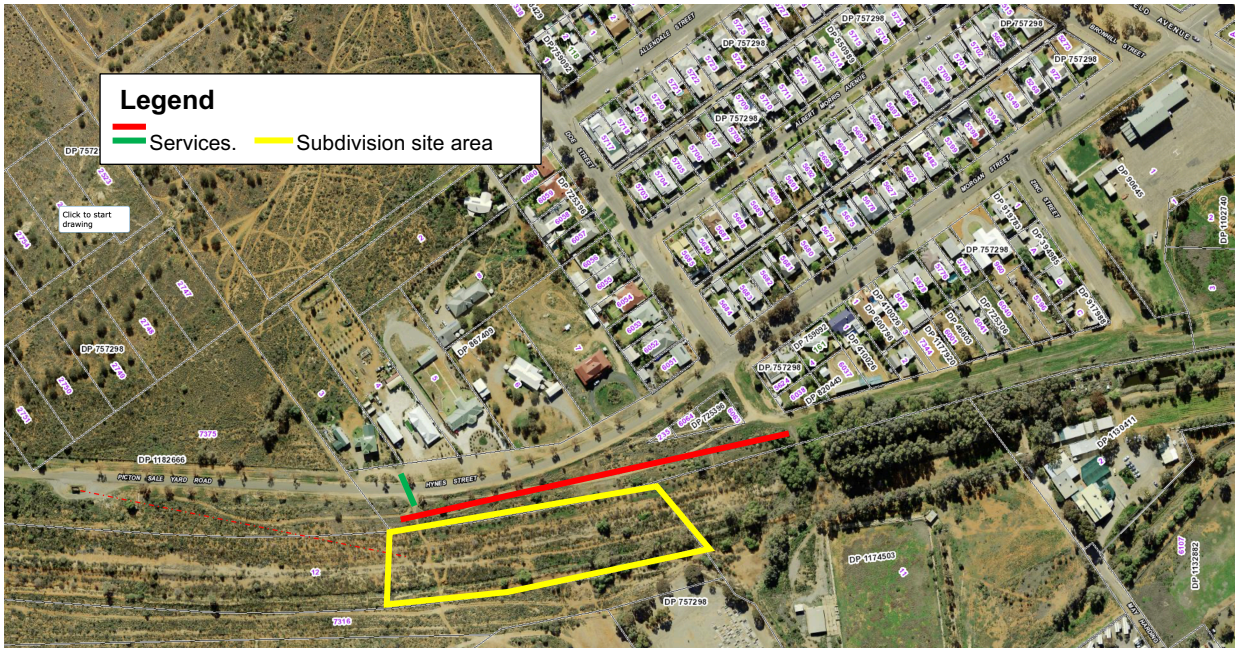


Figure 17: Location of water, sewer, electrical and telecommunication services to be extended along Hynes Street aerial image overlay

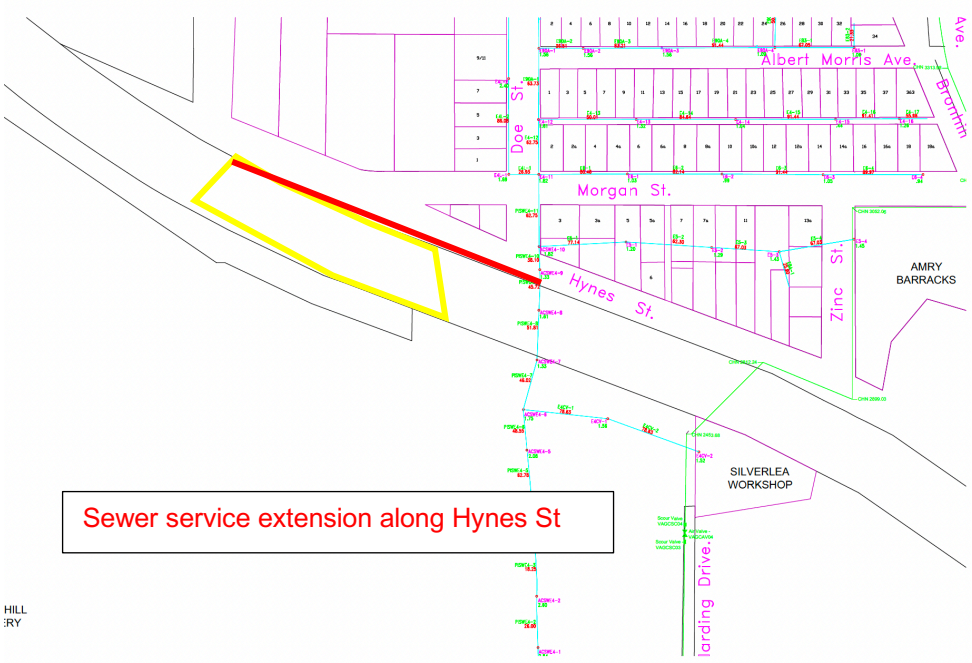


Figure 18: Location of sewer services to be extended along Hynes Street sewer service map overlay

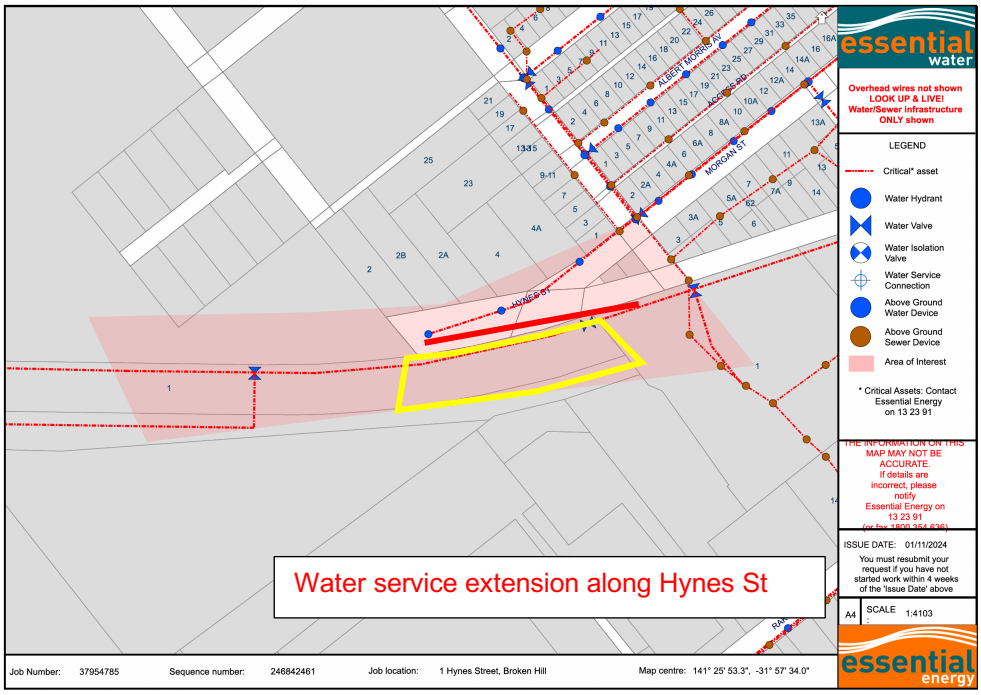


Figure 19: Location of water services to be extended along Hynes Street water service map overlay

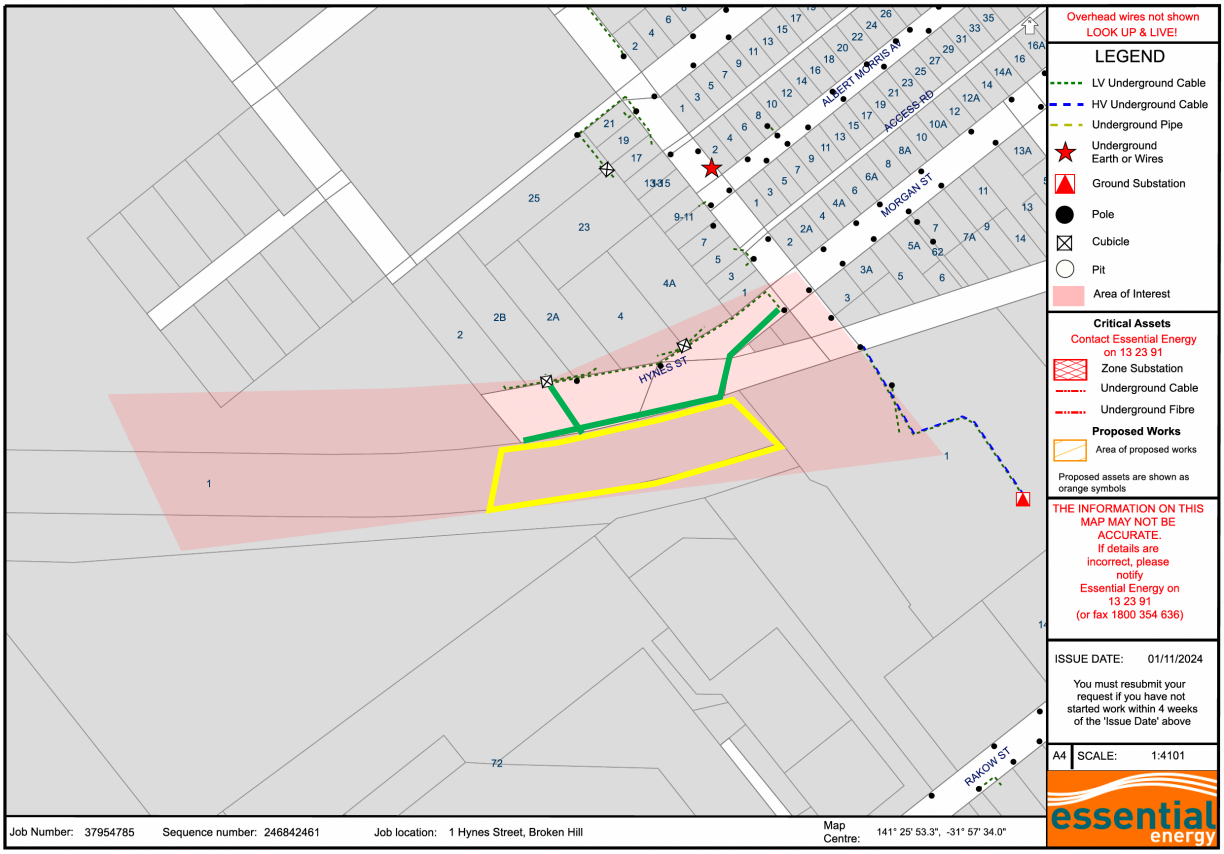


Figure 20: Location of electrical services to be extended along Hynes Street electrical service map overlay

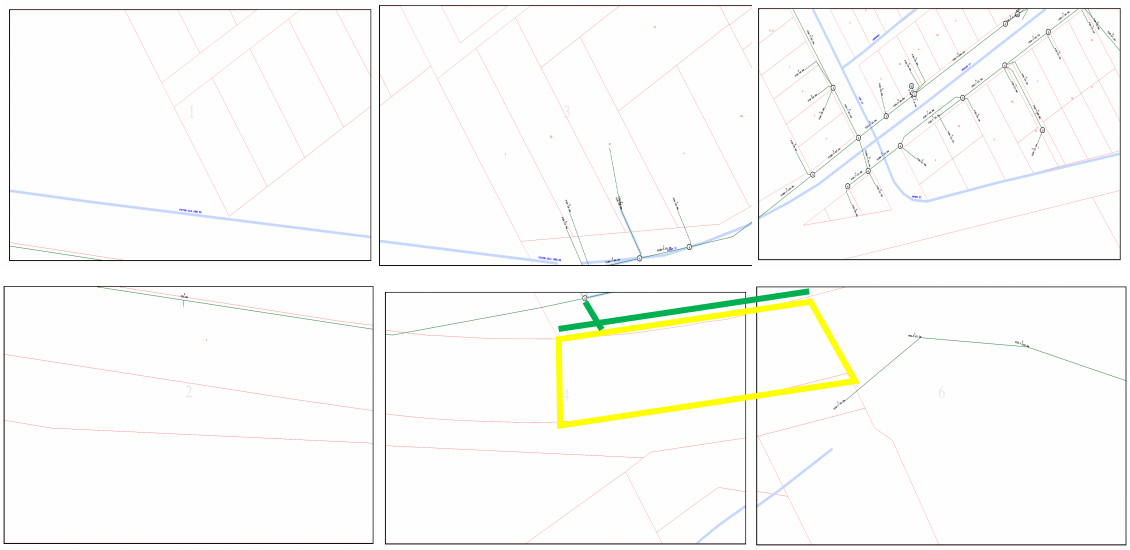


Figure 21: Location of telecommunication services to be extended along Hynes Street NBN service map overlay

2.2 Site summary history

2.2.1 Documented history

The following table summaries the key historical events of the site.

Table 2: Site history summary

Year	Event	Description
1886	Silverton Tramway Act 1886	Act to authorise the construction of the and operation or the Tramway.
1886	Silverton Tramway Act 1888	Act to clarify the alignment requirements for the Tramway.
1915	Picnic Train Attack	Picnic Train Attack, event subject to the site's NSW State Heritage listing
1971	Silverton Tramway Land Vesting Act 1971	Vesting of the land in ownership of Silverton Tramway in fee simple.
1996	Crown Land maps	Identification of the site on the Crown Land maps as applicable under the Broken Hill LEP 1996
2008	Subdivision of site	Subdivision of the site
2010	Subdivision of site	Subdivision of the site to present status
2017	NSW Heritage Council resolution to identify site of state heritage significance.	
2018	NSW Government gazette of the site on the NSW State Heritage register	

2.2.1.1 The Silverton Tramway Company

The Silverton Tramway was a 58-kilometre railway line between Cockburn on the South Australian border and Broken Hill, built for the transportation of silver ore between mines and the smelter at Port Pirie. The line itself closed in 1970, but the Silverton Tramway Company lived on, transporting Broken Hill ore using other local lines[15].

From 1888 to 1970 the Tramway was critical to the economic functioning of Broken Hill. Providing the key transport of ore to the Port Pirie smelters. It played a significant role in the politics and recreation of Broken Hill, and a crucial role at times of water shortage in Broken Hill[16][17].

[15] https://www.abc.net.au/news/2016-11-01/end-of-the-line-for-silverton-tramway-company-social-club/7981178?future=true&

[16] Lew Roberts (1995). Rails to wealth: a history of the Silverton Tramway Company Limited, Broken Hill's railway service. Melbourne: L.E. Roberts. ISBN 978-0-646-26587-2.

[17] Lew Roberts (2015), 'Rails to Wealth', Australian Railway History, Vol. 66, January 2015.

The Silverton Tramway closed on 9 January 1970 after the introduction of a standard gauge line on an alternate alignment from Broken Hill to the South Australian border by the New South Wales Government Railways (Indian-Pacific)[18]. "The company closed its narrow gauge short line business, donating assets to the community and returning its permanent way to the Crown"[19].

The following is a summary of the Silverton Tramway company history as copied directly from Wikipedia.

> *The Silverton Tramway Company was formed in 1886 by a consortium led by J. S. Reid, to build and operate the Silverton Tramway, a 58-kilometre (36 mi)-long 1067 mm (3 ft 6 in)-gauge railway running from Cockburn on the New South Wales-South Australia state border to Broken Hill; after the Government of New South Wales enacted into legislation the Silverton Tramway Act of 1886 that granted the Silverton Tramway Company the rights to build and operate a railway. It was headquartered in Melbourne, listing on the London Stock Exchange in 1897, later transferring to the Australian Stock Exchange.*
>
> *The line opened on 12 January 1888. Initially using hired South Australian Railways Y class locomotives, until it received its own locomotives. By the end of 1888, it had concluded a deal for the South Australian Railways to operate the main line services with Silverton servicing the various mines and sidings in Broken Hill. On 1 July 1893, Silverton resumed operating mainline services.[1]*
>
> *In August 1899, the New South Wales Government Railways (NSWGR) purchased the Tarrawingee Tramway. As it was isolated and to a different gauge from the rest of its operations, the NSWGR contracted Silverton to operate services until the line closed in 1931.[1]*
>
> *Following a new 1435 mm (4 ft 8+½ in) standard gauge line being opened in February 1970 by the Federal Government, the line was made redundant and the company concentrated on operating shunting and track maintenance services to the mines industry in and around Broken Hill with its remaining two diesel locomotives.[2][3][4] Under the 1886 Act, the Government of New South Wales had an option to buy out the company for 21 times the annual divisible profits of the preceding seven years. Silverton calculated it was entitled to $5.8 million, but through legislation this was removed, the company having to settle for a $2 million payment.[5]*
>
> *In 1969, the Dillingham Corporation of Honolulu bought a 33% shareholding, later increasing to 50%. In 1972, it was then taken over by T & G Mutual Life Assurance Society and delisted. It was included in the 1983 purchase of T & G Mutual by National Mutual, and in 1986 was sold in a management buyout to Graham Clements.[4]*

[18] 1915 Picnic Train Attack and White Rocks Reserve". New South Wales State Heritage Register. Department of Planning & Environment. H02002.
[19] "Silverton Tramway Company". Progress in Rail Reform: Submission to the Productivity Commission.

Having purchased a number of locomotives from FreightCorp and AN Tasrail, in 1995/96 Silverton Rail leased six locomotives to National Rail for use on Adelaide to Melbourne services as bankers to Tailem Bend.[6][7] With the introduction of an open access regime in New South Wales the business was rebranded as Silverton Rail, and in August 1999 began operating iron ore services from Cobar to Narromine as a subcontractor to National Rail and relocated the majority of its fleet to Parkes Roundhouse.[8][9] In August 1999, it also began operating trip workings in Sydney.[10] In August 2000, Silverton began operating grain services from Nyngan to Sydney.[11]

During the early 2000s a new depot was established in Newcastle at the Broadmeadow Yard rail facilities. This small crew provided train crewing and logistics for the Southland (Pelton) Coal Mine near Cessnock to Pacific National until its 2003 closure due to underground fires. Other services from the Broadmeadow Depot included the daily containerised freight service from Tolls Carrington to Port Botany and return, as well as crewing both ends of the Wee Waa to Port Botany export cotton trains. Crewing services were also provided to Interail and Pacific National Rural & Bulk, Pacific National Coal and Railcorp for AK Track Recording Cars, maintenance and emergency recovery trains.

In February 2006, Silverton Rail was sold to Western Australian-based South Spur Rail Services.[12] The locomotives and rolling stock were sold to the Allco Finance Group and leased back.[13] Silverton Rail was rebranded as Southern & Silverton Railway.[14] In March 2007, South Spur Rail Services was purchased by Coote Industrial.[15] Following Allco Finance running into financial trouble, Coote Industrial was able to buy much of the former Silverton rolling stock in January 2008 through controlled subsidiary Greentrains.[16] In June 2010 South Spur Rail Services was sold to P&O Trans Australia.[17][18]

In April 2011, Qube Logistics acquired outright control and majority ownership of P&O Trans Australia and Southern & Silverton Rail was rebranded.[19][20] Qube Logistics purchased New South Wales freight operator Independent Transport Group in June 2012.[21]

2.2.1.2 1915 Picnic Train attack

The 1915 Picnic Train Attack is the catalytic event to the site's heritage listing. Details of the event are well documented in literature. The following is account of the event copied directly form Monument Australia.

On 1st January, 1915, members of the Combined Manchester Unity Lodges of Broken Hill and their families were waiting on the Sulphide Street Railway Station to board the picnic train to take them on their annual picnic to Silverton, fourteen miles to the south west. Some of the travellers saw the familiar sight of Gool Mohamed and his ice-cream cart drive by the Station. They wondered among themselves as to why he was flying the Turkish Flag and noticed he was accompanied by his friend, Mullah Abdullah.

At about 10.00am, the long picnic train made up of open ore trucks and packed with picnickers left the Station en route to Silverton. Soon after the train left the outskirts of the town some of the travellers again spied the ice-cream cart standing empty near the railway fence, Turkish Flag fluttering in the slight breeze.

Suddenly shots rang out from behind a mound of earth where the "Turks" were crouching. 18 year-old Alma Cowie died instantly and also William Shaw, a City Council Foreman. Alf Millard, who was riding a bicycle inspecting the water pipeline from Umberumberka reservoir was also shot dead. Two men, Shaw Hendry and Paddy Low bravely rushed to a nearby residence and raised the alarm. The train, which had momentarily pulled up, moved on to the Silverton Tramway's dam so that the victims could be taken to the pumping station.

A number of policemen were soon on the scene and set out after the "Turks" who had taken off into the low hills on the western outskirts of the city. On Rocky Hill old Tom Campbell saw the villains approaching with rifles and slammed the door of his one-room cottage. They shot through the door and he was wounded in the side.

The "Turks" then made their way to a white quartz outcrop and made their last stand. They were completely overwhelmed by the militia men and police and hundreds of rounds of ammunition was poured into the enemy position. A stray Turkish bullet killed Jim Craig who was chopping wood in his nearby backyard.

At one o'clock it was found that Mullah Abdullah was dead and Gool Mahomed died later in hospital. The former was found to have enlistment papers for the Turkish Army and Gool Mohamed had been worried by a fine for killing a sheep on private property. On one hand there was a fiery young man itching to strike a blow for Turkey and on the other a simple friendless old man ready to join forces against authority.

Altogether, four persons were killed and seven wounded - the only enemy attack on Australian soil in World War One[20]*.*

The event was published in news articles, titled ‘war in Broken Hill[21] and is also refered to as ;the Battle of Broken Hill. *The ‘battle’ that took place on New Year’s Day 1915 in Broken Hill, New*

[20] https://monumentaustralia.org.au/themes/conflict/ww1/display/119020-centenary-of-the-picnic-train-attack
[21] https://trove.nla.gov.au/newspaper/article/45309452

South Wales, Australia was unexpected and the first (and possibly only) incident of the First World War involving Australian civilians[22].

2.2.1.3 Post 1915 Picnic Train Attack and NSW State Heritage Register listing

It is understood that post the Picnic Train Attack event the rail line continued in its operation. With the site subject to ongoing use and various subdivision and ownership over time. It was not until 2017 that the site was nominated by the NSW Heritage Council for listing on the NSW State Heritage Register, prior to the site being gazzetted as a State Heritage site in 2018. As noted in the relevant Heritage Council meeting minutes and Heritage Register listing, the site was subject to substantial modification prior to its heritage listing period with physical changes to the site including the removal of rail infrastructure, some of which was used to create the memorial picnic train wagon located adjacent the former rail line alignment.

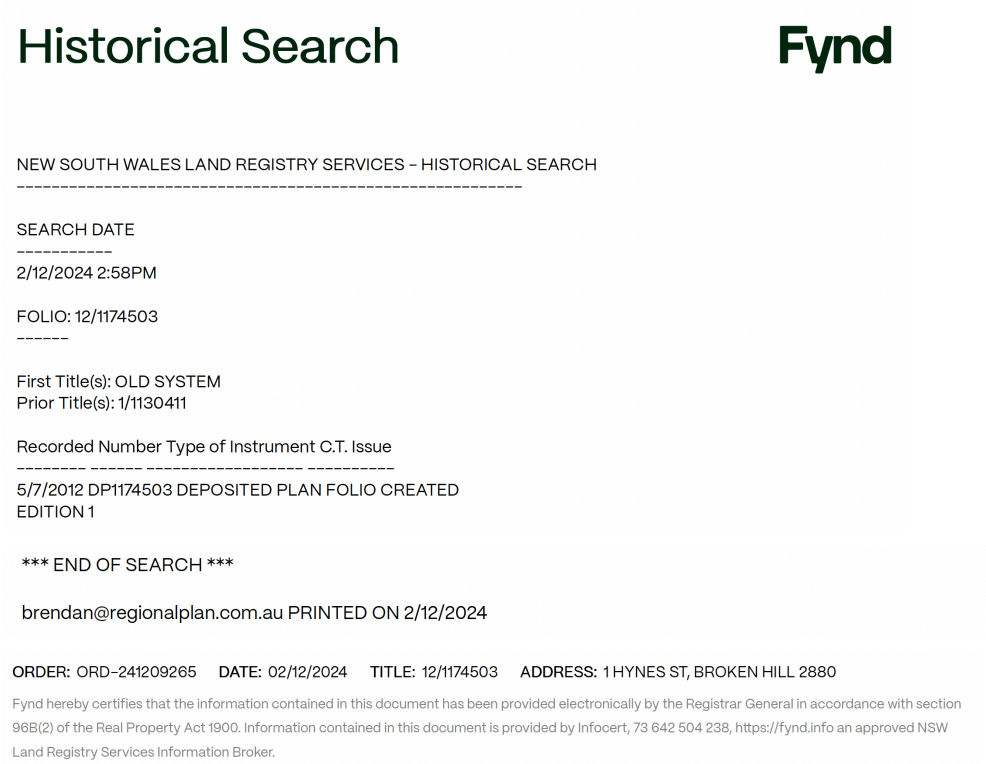
The heritage listing of the site includes two sites significant to the event. The Picnic Train Attack site SHR 02002 located at Hynes Street Broken Hill and also White Rocks Reserve, which is also listed as a local heritage item under the BHLEP 2013, located at Schlapp Street Broken Hill. The Hynes Street site is significant to the Picnic Train Attack being the site where the civilians were ambushed and murdered while the While Rocks Reserve site is significant being the site where the man hunt and deadly gun battle for the perpetrators occured.

2.2.2 Historical ownership changes

The following images contains the historical search results identifying the historical ownership changes of the site as recorded on NSW Land Registry Services approved Information Broker, Fynd. Associated subdivision and deposited plans are contained in the ensuing section.

The land appears to have been owned by the NSW State Government/agencies until 1971 where it was vested in the Silverton Tramway Company in fee simple before being subdivided and sold in 2008 and 2012 to its current state.

[22] https://www.westernfrontassociation.com/world-war-i-articles/new-year-s-day-1915-the-unknown-battle-of-broken-hill/



Historical Search Fynd

NEW SOUTH WALES LAND REGISTRY SERVICES – HISTORICAL SEARCH

SEARCH DATE
2/12/2024 2:58PM

FOLIO: 12/1174503

First Title(s): OLD SYSTEM
Prior Title(s): 1/1130411

Recorded Number Type of Instrument C.T. Issue
5/7/2012 DP1174503 DEPOSITED PLAN FOLIO CREATED
EDITION 1

*** END OF SEARCH ***

brendan@regionalplan.com.au PRINTED ON 2/12/2024

ORDER: ORD-241209265 DATE: 02/12/2024 TITLE: 12/1174503 ADDRESS: 1 HYNES ST, BROKEN HILL 2880

Fynd hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900. Information contained in this document is provided by Infocert, 73 642 504 238, https://fynd.info an approved NSW Land Registry Services Information Broker.

2.2.3 Previous physical changes and subdivision history

The following table and images summarise the history of subdivision of the site.

Year	Subdivision type	Reference
1886	Silverton Tramway Act 1886	
1971	Vesting of land to Silverton Tramway as the Silverton Tramway Land Vesting Act 1972.	DP 241856, sheets 1-4, registered 29.11.1971 & Silverton Tramway Land Vesting Act 1972.
1996	Identification of site on Crown Land Map. Parish of Picton, County of Yancowinna, land district of Willyama, Western Division NSW, Broken Hill LEP 1996, WL93A55	Crown Land map
2008	Plan of subdivision of Lot 4 DP 1034212, Lot 31 DP 579115, Lot 5902 DP 241856, Lot 5905 DP 757298, & Lot 5949 DP 44244.	DP1130411
2010 (current)	Plan of subdivision of Lot 1 DP 1130411.	DP1174503

2.2.3.1 Silverton Tramway Act 1886

The Silverton Tramway Act 1886 authorised the construction and maintenance of a Tramway from the terminus on the western boundary of the Colony of New South Wales of the South Australian Railway to Broken Hill and was gazette on the 14 October, 1886.

2.2.3.2 1971 Silverton Tramway Vesting Act 1972 Crown Land acquisition deposited plan 241856

The earliest record that can be located regarding the vesting of the land into private ownership is the deposited plans associated with the The Silverton Tramway Land Vesting Act 1972, which vested certain land including the proposed development site to the Silverton Tramway Corporation in fee simple, as outlined in the following clauses of the Act and supporting acquisition and deposited plans.

> ***4 Vesting of lands in Silverton Tramway Company Limited***
>
> *(1) Subject to subsection two of this section, the scheduled lands are hereby vested in the Company for an estate in fee simple.*
>
> *(2) The vesting effected by subsection one of this section:*
>
> *(a) does not extend to any land below a depth of fifty feet from the surface of the scheduled lands or to any minerals in the scheduled lands,*
>
> *(b) is subject to a reservation of:*
>
> *(i) all such parts and so much of the scheduled lands as may, at any time after the commencement of this Act, be required for public ways in, over and through those lands to be set out by the Governor for the time being of the State of New South Wales or some person by him authorised in that respect with full power to any persons authorised in that behalf to make and conduct any such public ways, and*
>
> *(ii) the right of full and free ingress, egress, and regress into, out of and upon the scheduled lands for the purposes of making and conducting any such public ways,*

> ***6 Issue of certificate of title***
>
> *(1) Upon application in writing by the Company and upon payment of the fee therefor prescribed under the Real Property Act 1900, the Registrar-General shall issue to the Company certificates of title under the Real Property Act 1900 for the lands vested in the Company by section four of this Act without investigating the title thereto except so far as may be necessary to give effect to this Act and shall record on the certificates of title for such of those lands as are burdened thereby the easements created by section five of this Act, and the easement for pipe-lines fifteen feet wide appropriated and resumed in the Gazette of 16 July 1948 over the parts of lot 5897 in Deposited Plan 241855 as shown within that lot on that plan and the easement for water supply pipeline twenty feet wide appropriated and resumed in the Gazette of 15 March 1963 over the part of lot 5901 in Deposited Plan 241856 as shown within that lot on that plan.*
>
> *(2) When issuing to the Company certificates of title pursuant to subsection one of this section the Registrar-General shall record thereon that the land is held subject to the provisions of subsection two of section four of this Act.*

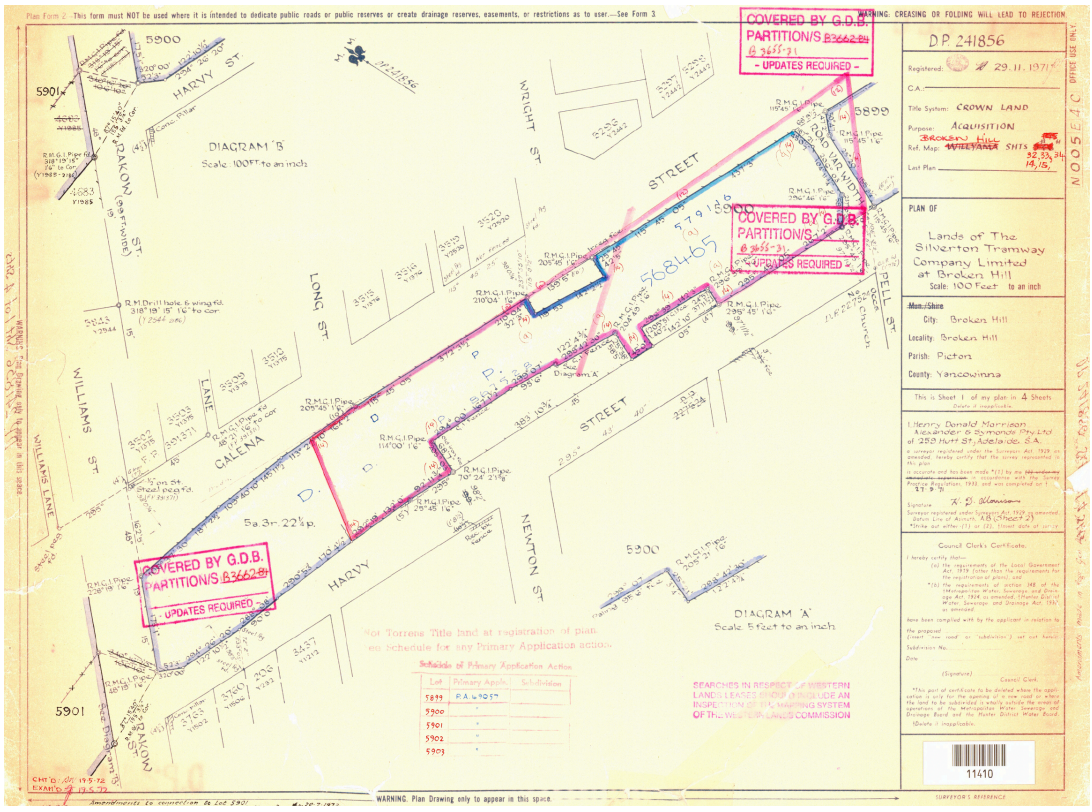
First Schedule

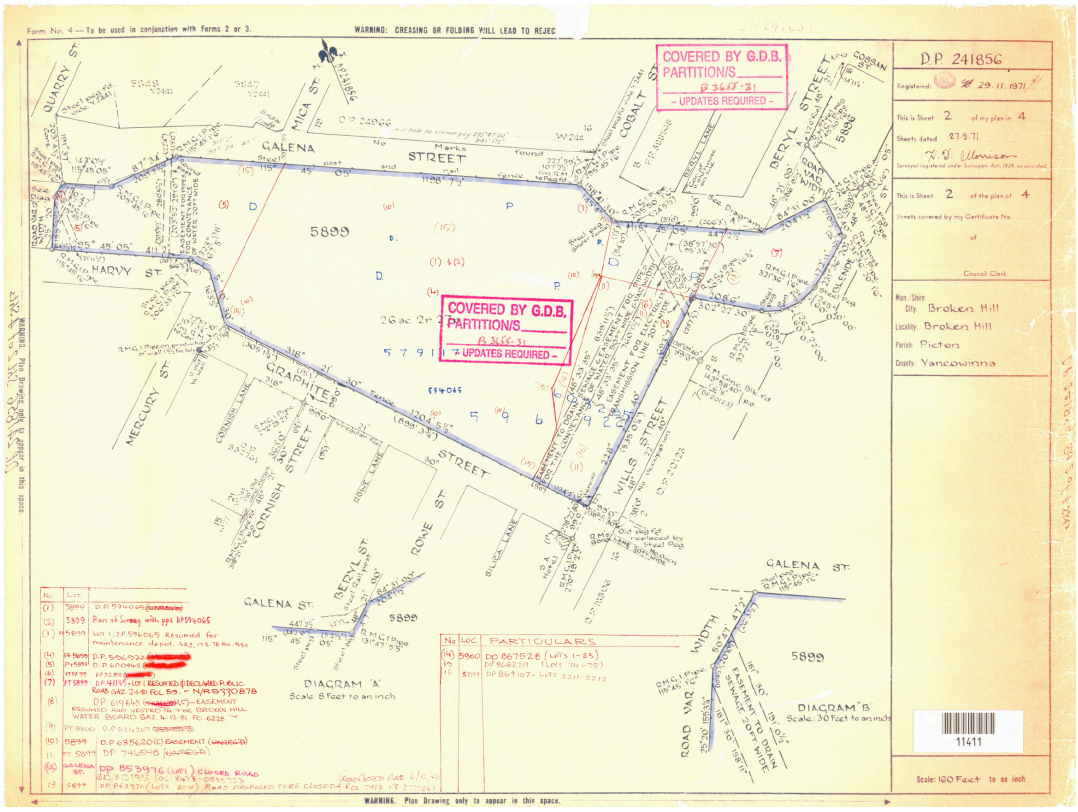
(Section 2)

1 ALL the following pieces of land situate at Broken Hill in the City of Broken Hill Parish of Picton County of Yancowinna:

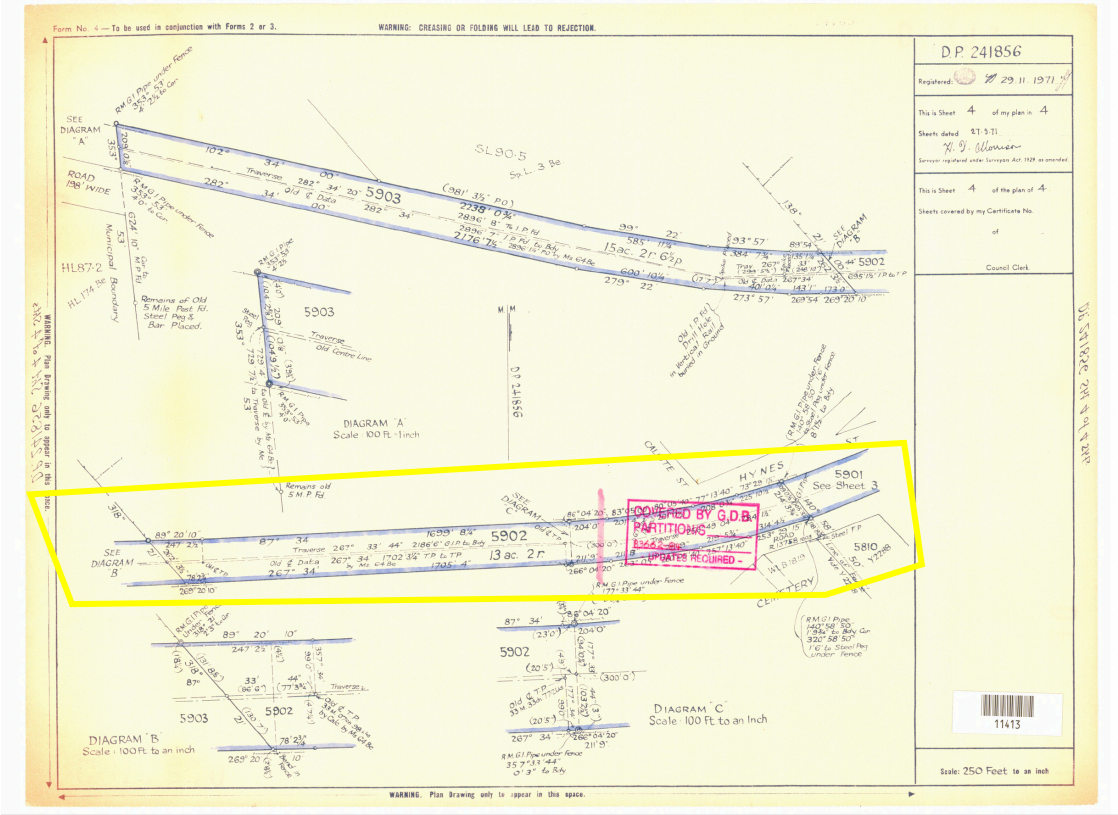
Lots 5889 to 5898, both lots inclusive, in Deposited Plan 241855 and Lots 5899 to 5903, both lots inclusive, in Deposited Plan 241856.

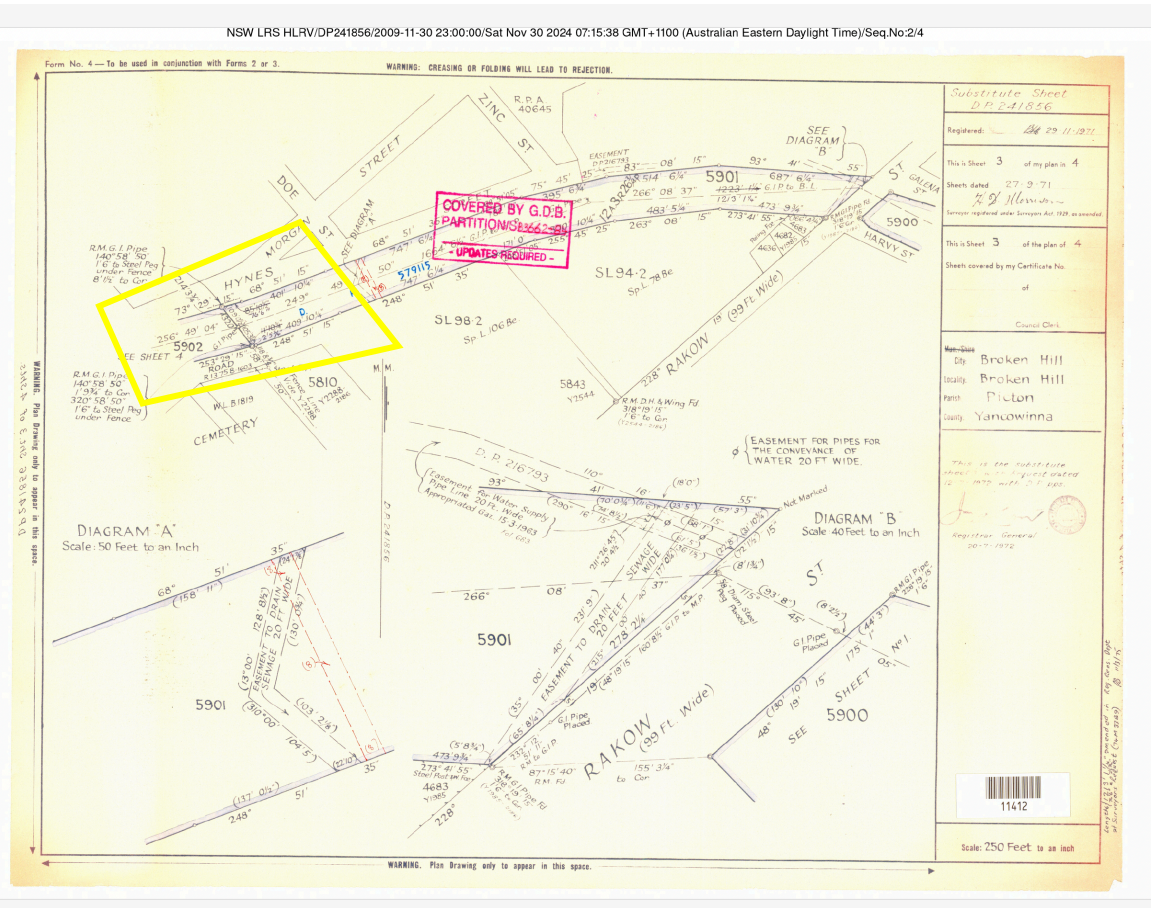
2 ALL THAT piece of land situate at Thackaringa in the Western Division Parish of Albert County of Yancowinna being lot 1 in Deposited Plan 551954.





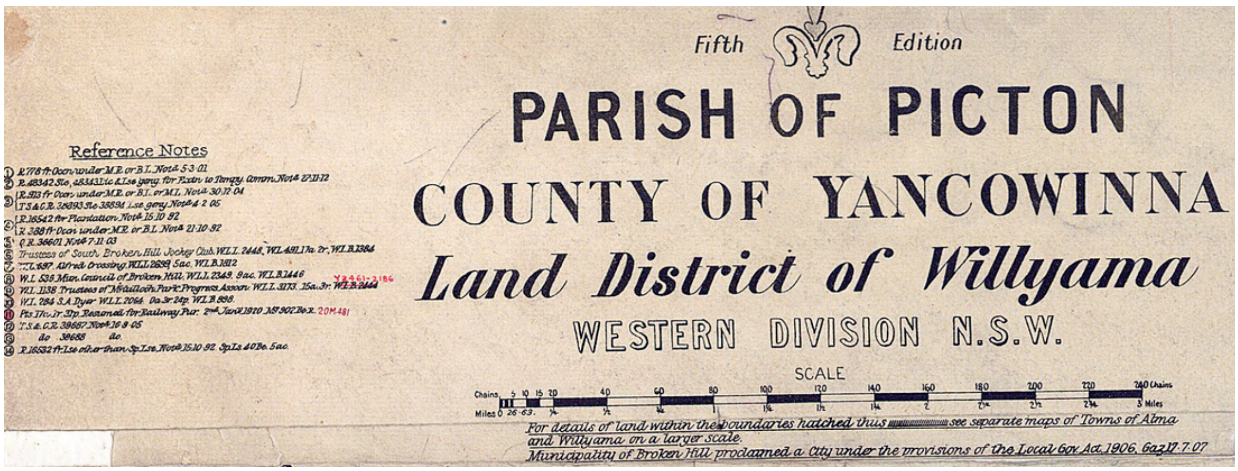
NSW LRS HLRV/DP241856/2009-11-30 23:00:00/Sat Nov 30 2024 07:14:31 GMT+1100 (Australian Eastern Daylight Time)/Seq.No:1/4

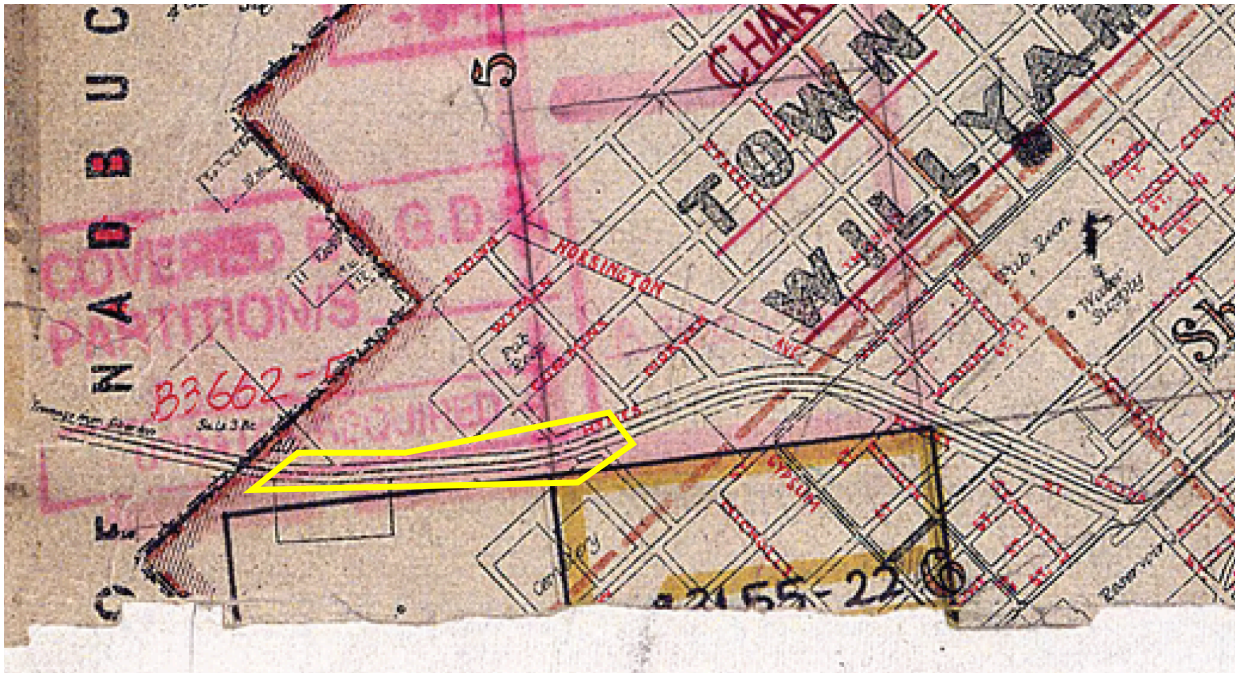


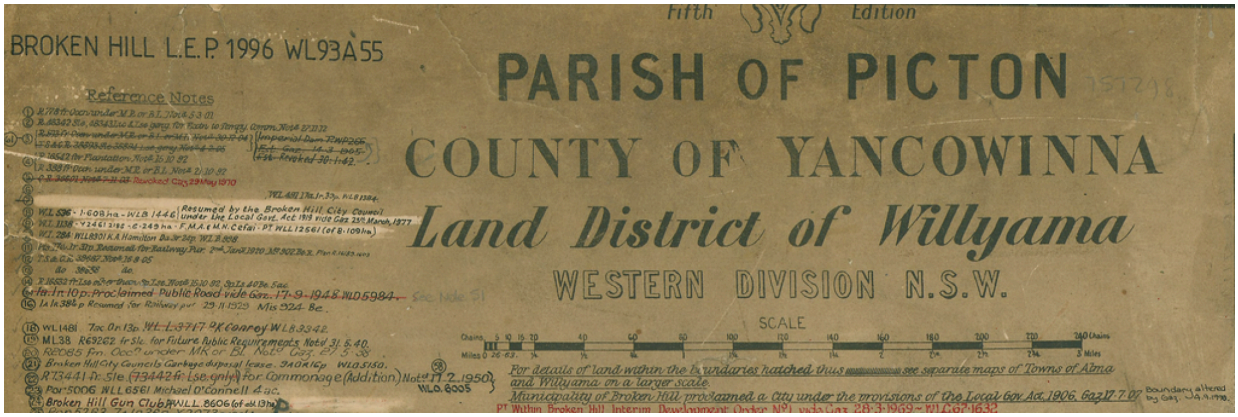


2.2.3.3 Crown Land Maps. Parish of Picton, County of Yancowinna, land district of Willyama, Western Division NSW, Broken Hill LEP 1996, WL93A55

The following maps identify the subject land location with respect to Crown Land maps for Broken Hill LEP 1996.

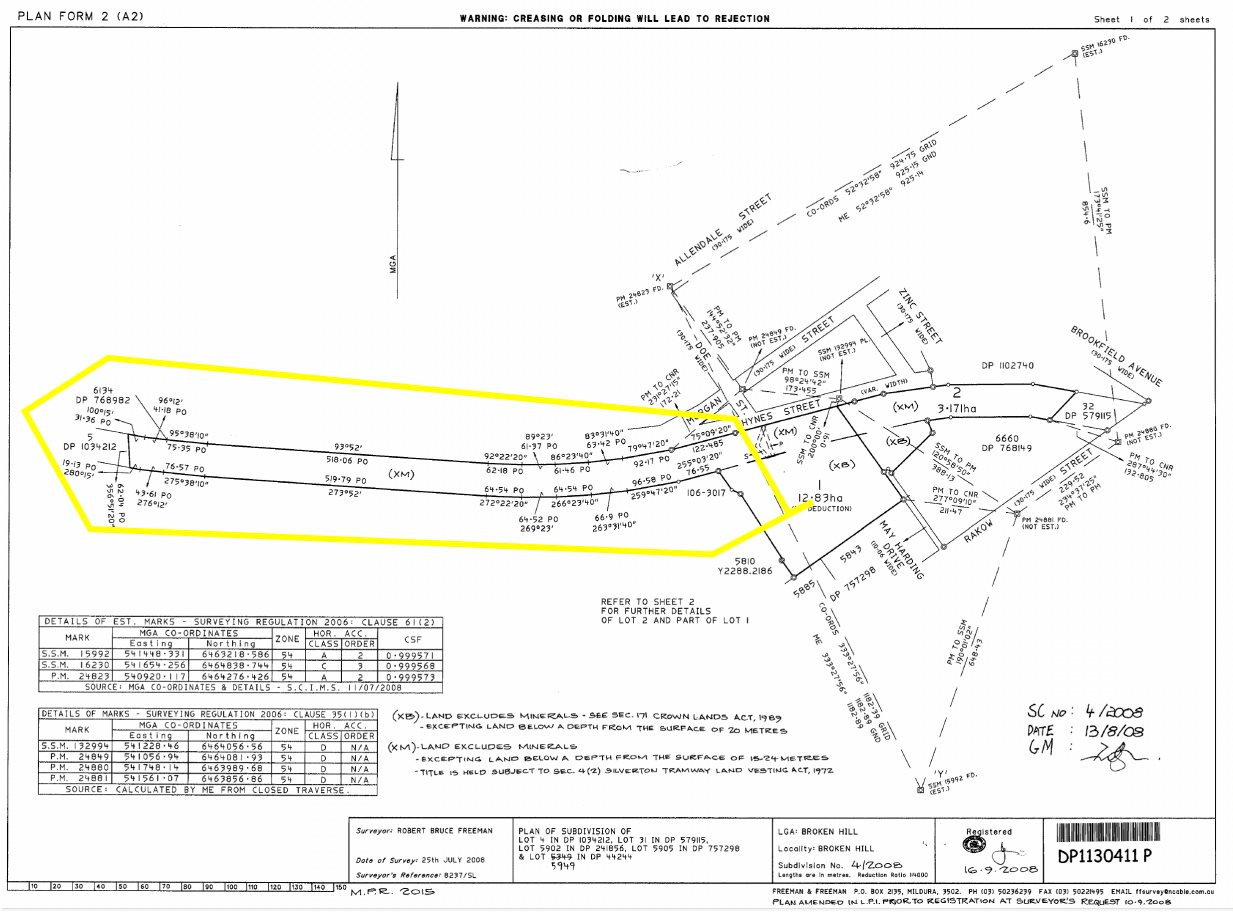



HOSKINGTON
B3662-5
2155-22



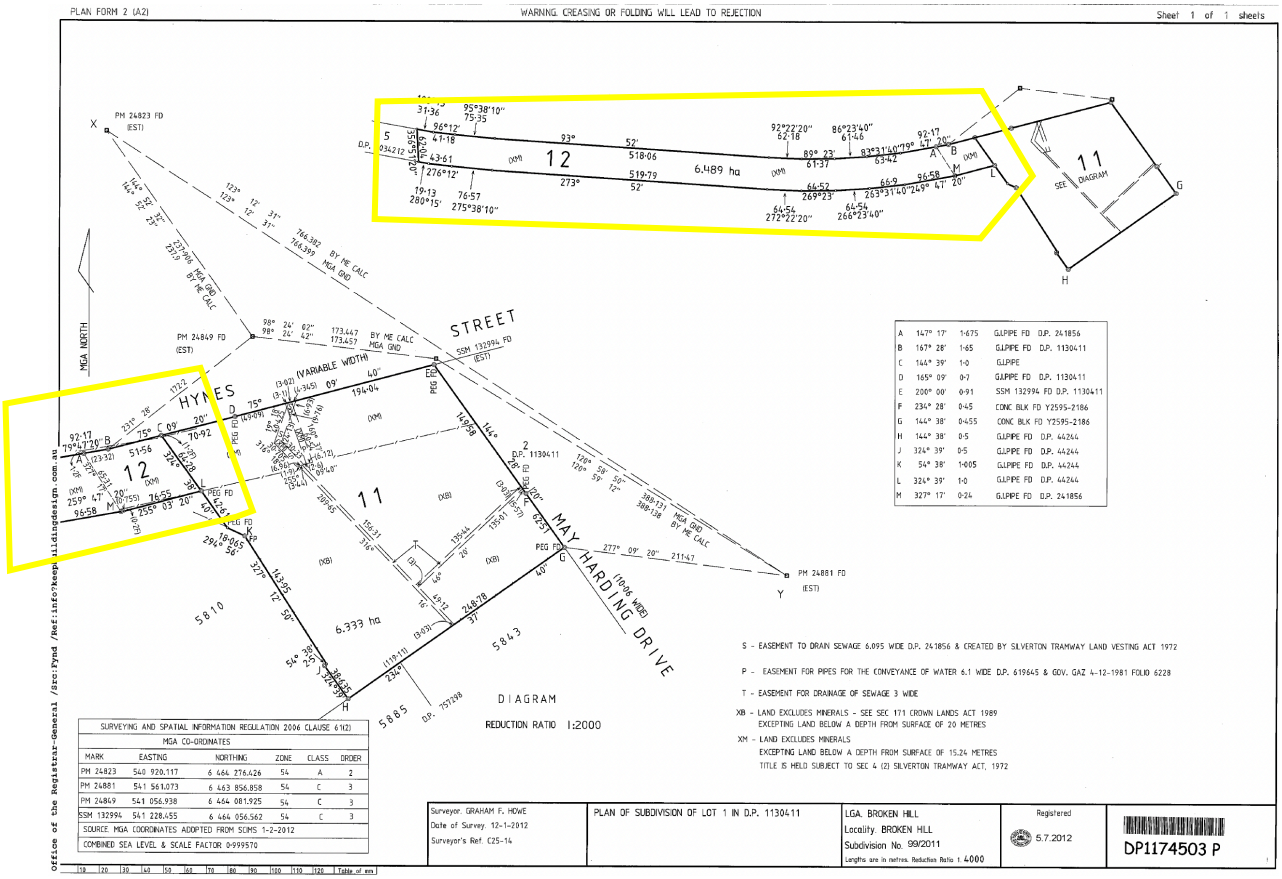
2.2.3.4 DP1130411

The following image identifies the subject land location as part of the subdivision of the site in 2008.



2.2.3.5 DP 1174503 (current)

The following image identifies the subject land location as part of the subdivision of the site in 2012 in its current state.



2.3 Physical analysis

The proposed works do not impact any of the site area that is within the curtilage of the heritage item. The proposed works are located approximately 130m east of the eastern most border of the curtilage boundary. As outlined in the NSW State Heritage register listing for the site, the site has been highly modified since the event for which it is historically listed.

The listing states: *the heritage site is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (sic) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir.*

The Picnic Train Attack Site memorial is in good condition. The memorial is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the memorial is in good condition.

The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed. (Roberts 1995).

3 Significance assessment

3.1.1 Statement of significance

The following statement and assessment of significance is reproduced directly from the NSW State Heritage Register listing for SHR item 02002 1915 Picnic Train Attack and White Rocks Reserve, which was last updated 15 August 2017. It should be noted the listing comprises two separate sites within the one listing. The proposed development does not impact the site of the White Rocks Reserve.

The picnic train attack sites are of state heritage significance for their historical values as the only World War 1 incident where Australian citizens were attacked on Australian soil and under a foreign flag, resulting in the death of four people and wounding of seven, as well as the death of the two 'Afghan' cameleer perpetrators. Although a minor incident in the greater history of the war, it had a significant effect on the population of Broken Hill, and right across Australia. It became national news for many months was widely reported on and commented on, with differing perspectives, many xenophobic and some liberal. The war effort initially focused on protecting Australia from attack by German naval ships and mining operations, however this attack, the only World War I attack on Australian soil, played out in the least expected location, the arid centre. This turned Australia's attention from looking out to sea for the enemy to looking within established communities across the nation. The Picnic Train attack had repercussions throughout Australia for people seen as enemy aliens and resulted in many of them being interned for the war period.

The sites state heritage significance are enhanced through association with the so-called Afghan cameleers in the arid regions of Australia, and in particular the people based at the Ghan Town on the outskirts of Broken Hill, and who worshiped at the SHR listed mosque. It is also associated with German and other migrants from countries allied with Germany, and the story of their treatment across Australia as enemy aliens during World War 1. In addition the sites' state heritage significance may be again enhanced through association with the Manchester Unity of Oddfellows, members of which were subject of the Picnic Train attack.

The Picnic Attack Sites have state heritage significance for its research potential into the chequered history of multi-culturalism in Australia as the incident and story are a powerful example of the way that a story that is told reiteratively, having its beginnings in fear and prejudice, continues to be expressed in this way.

For an item to be listed as having State heritage significance, it must meet one or more of the heritage significance criteria established under the Heritage Act. In the assessment of potential impacts arising out of the proposed development, it may be relevant to consider the heritage values of the place in terms of the individual assessment criteria.

The Criteria for listing on the State Heritage Register stipulate that an item may be considered to have State heritage significance if it meets one or more of the following criteria:

- CRITERION A – An item is important in the course, or pattern, of NSW's cultural or natural history or the cultural or natural history of the local area.
- CRITERION B – An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history or the cultural or natural history of the local area.
- CRITERION C – An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW, or the local area.
- CRITERION D – An item has strong or special association with a particular community or cultural group in NSW, or the local area, for social, cultural or spiritual reasons.
- CRITERION E – An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history, or the cultural or natural history of the local area.
- CRITERION F – An item possesses uncommon, rare or endangered aspects of cultural or natural history of NSW, or cultural or natural history of the local area.
- 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 cultural or natural places; or cultural or natural environments of the local area).

The assessment of the heritage significance of 1915 Picnic Train Attack and White Rocks Reserve as set out in the State Heritage Register (SHR) listing report for the item as reproduced below:

- SHR criterion A – Historical significance

  The picnic train attack sites are of state heritage significance for their historical values as the site of the only World War 1 incident where Australian citizens were attacked on Australian soil and under a foreign flag, resulting in the death of four people and wounding of seven, as well as the death of the two Muslim perpetrators. Although a minor incident in the greater history of the war, it had maximum effect on the population of Broken Hill, and right across Australia. It became national news for many months was widely reported on and commented on, with differing perspectives, many xenophobic and some liberal.

  Up until this incident the War Precautions Act 1914 had not affected German or other enemy aliens in Broken Hill, or many other areas. It resulted in the burning of the German Club in Broken Hill, the expulsion of enemy alien miners and mine workers, and workers at the associated smelters at Port Pirie, and the incarceration of people in the Torrens Island internment camp, some later transferred to Holsworthy in Sydney. However innocent, people deemed enemy aliens were punished as a result of the picnic train attack.

- SHR criterion B – Historical association

The 1915 Picnic Train Attack is associated with the history the so-called Afghan cameleers in the arid regions of Australia, and in particular the people based at the Ghan Town on the outskirts of Broken Hill, and who worshiped at the SHR listed mosque. It is also associated with German and other migrants from countries allied with Germany, and the story of their treatment across Australia as enemy aliens during World War 1.

The history of cameleers in Broken Hill spans from when people first settled in Broken Hill through to today. Playing a key role in the outback transportation before the railway. Some of the cameleers remained in the area marrying local women. There are families in Broken Hill today that are descendants of the original cameleers that are still very active in preserving their culture and history in Broken Hill. The Picnic Train Attack and White Rocks Reserve sites provide evidence of the way the cameleers were treated by mainstream society. Mullah Abdullah, one of the attackers, led prayers at the Broken Hill mosque and provided halal meat. He became disaffected because he was not allowed to freely practice his religion. Gool Mahomed was subject to stone throwing and verbal abuse from non-Afghan youth, and felt his former enlistment in the Turkish army should be re-visited now Turkey was a German ally.

In addition the site state heritage significance is enhanced through association with the Manchester Unity of Oddfellows, members of which were subject of the Picnic Train attack. The history of the Manchester Unity of Oddfellows can be traced back to England 1066 and was established in Australia in 1840 in Melbourne. The fraternity existed in Broken Hill and surrounding areas from 1888 through until 1973 and with the Freemasons was related to the strong union movement in this mining town.

- SHR criterion C – Aesthetic significance
  Does not meet this criteria at the state level

- SHR criterion D – Social significance
  The Picnic Train Attack and White Rocks Reserve is of local significance for the esteem in which it is held by the local community and by visitors and makes an important contribution to local history and identity. The attack on the picnic train changed the lives of many people in Broken Hill. Families lost loved ones that died on that day and people suffered from the trauma of witnessing such an event. Citizens lived in fear for some time wondering if another attack would be take place.The German citizens and their families across Australia suffered because of their ethnicity losing their jobs, being separated from their families and becoming prisoners of war, New South Wales had the most prisoner's campsThe Muslim families living in Ghan Town also faced increased abuse and suffering. The dramatic effects of the incident are still widely remembered by the contemporary local community and has been memorialised by the council and the day is still remembered and mourned by family members connected to the victims.

- SHR criterion E – Research significance
  The picnic train attack is of state heritage significance for its research potential as a powerful example of a story that is told reiteratively, having its beginnings in fear and prejudice and continues to be expressed in this way. It remains a powerful example of the way in which such reiterative stories are picked up and perpetuated by modern media over time. The Picnic Train Attack story is as relevant today as in 1915, with modern media interpretations of the picnic train attack following the same lack of clarity, empathy and social inclusiveness. In recent times it has been emotively expressed as the first jihadist terrorist attack in Australia and compared to the Lindt cafe siege, using conflation and confusion to create fear and bias towards a particular religion. It has state significance for its research potential into the chequered history of multi-culturalism in Australia.

- SHR criterion F – Rare assessment
  The event of the train attack is the only known attack by enemy aliens to occur on Australian soil during World War One. The Ottoman flag is unique tangible evidence of the attack on the picnic train

- SHR criterion G – Representative assessment
  The picnic train attack sites and the associated story are representative of the history of xenophobia and bigotry that has been a significant issue in NSW and Australia since the settlement of Australia by Europeans, and particularly during World War I and II.

- Integrity / intactness
  The original landscape is still intact and the railway line embankment and water pipeline trench still exist

The following has also been reproduced directly from the heritage listing with respect to the site physical description, condition, modification, and current and former use.

- Physical description
  The heritage site is marked by a memorial consisting of a replica freight wagon placed on the southern side of Picton Sales Yard Road, Broken Hill. The embankment of the Tramway Permanent Way lies about 50m north (sic) of the memorial. In between is the trench of the water pipeline from Umberumberka Reservoir.

- Physical Condition and/or Archaeological Potential
  The Picnic Train Attack Site memorial is in good condition. The memorial is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in

this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the memorial is in good condition.

- Modifications & Dates
  The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed. (Roberts 1995).

- Current Use
  tourism and education

- Former Use
  Silverton Tramway line

The following images identify SHR 02002 and curtilage relative the proposed development site and surrounding area.

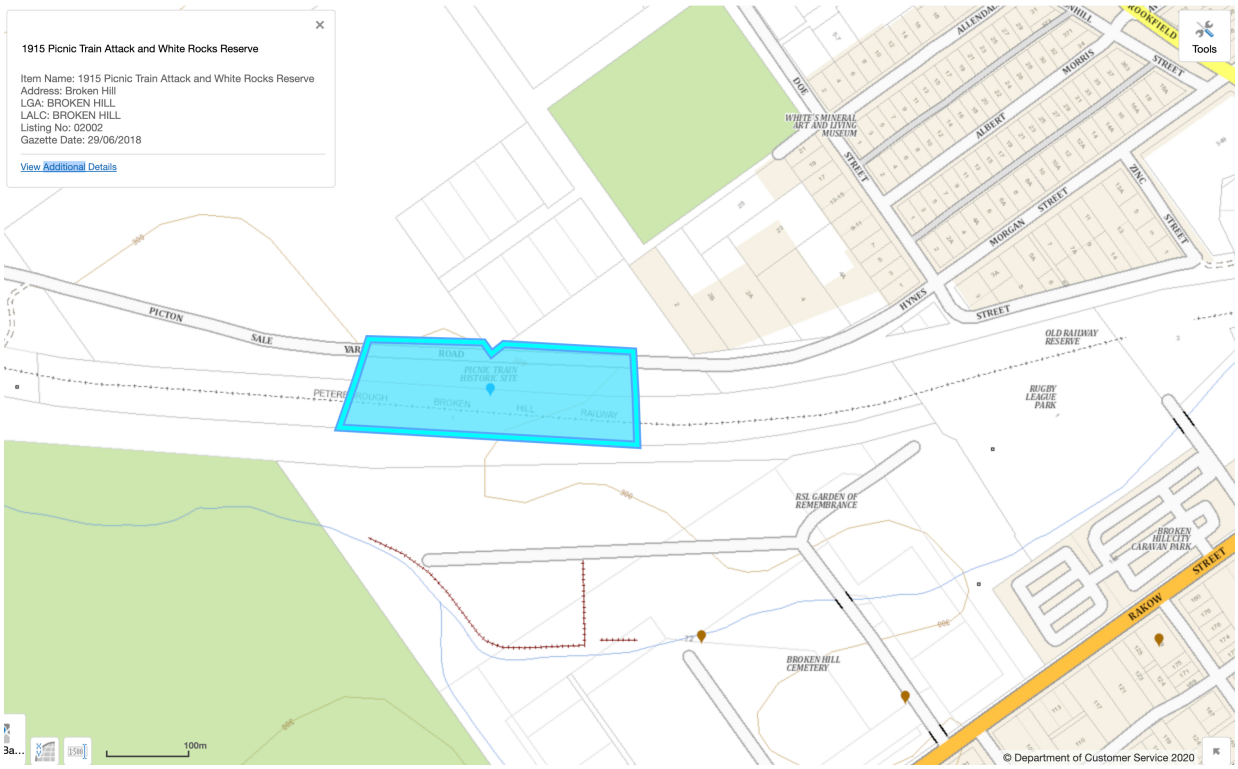


Figure 22: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – street map overlay

Figure 23: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – aerial image overlay

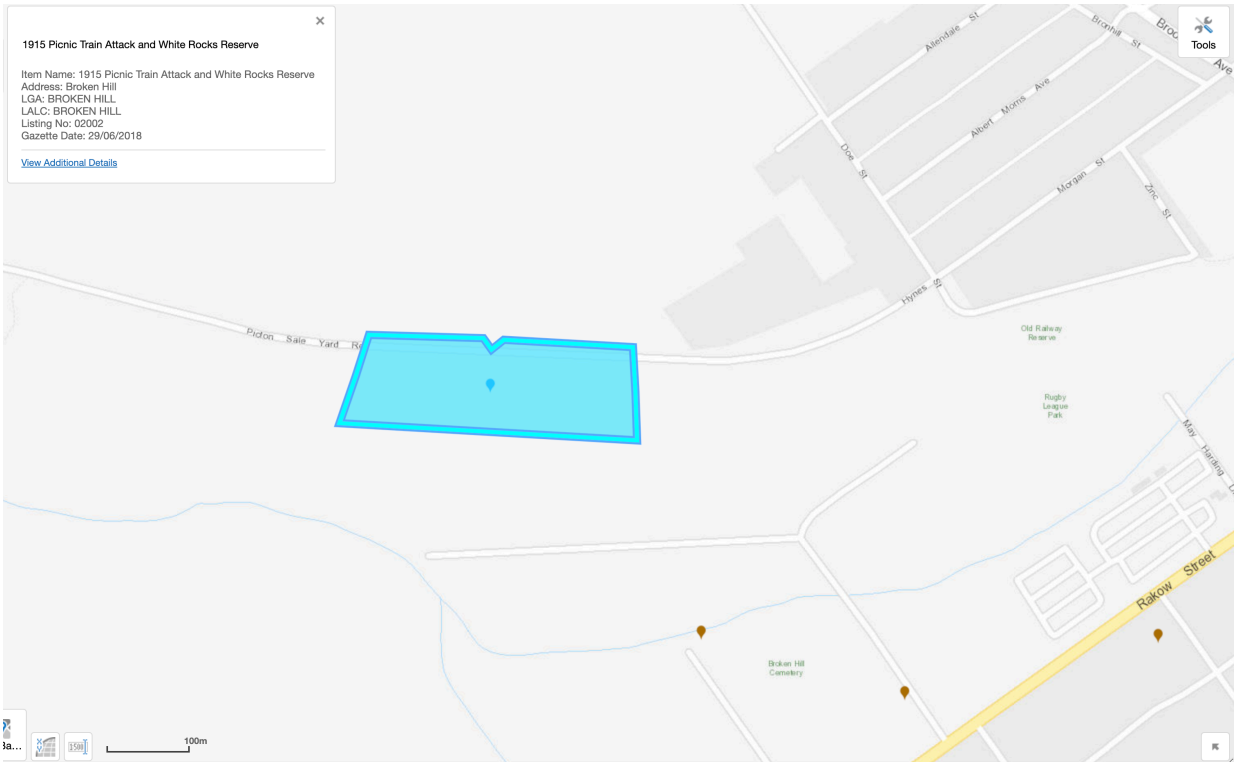


Figure 24: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage – DPE map overlay with local heritage items

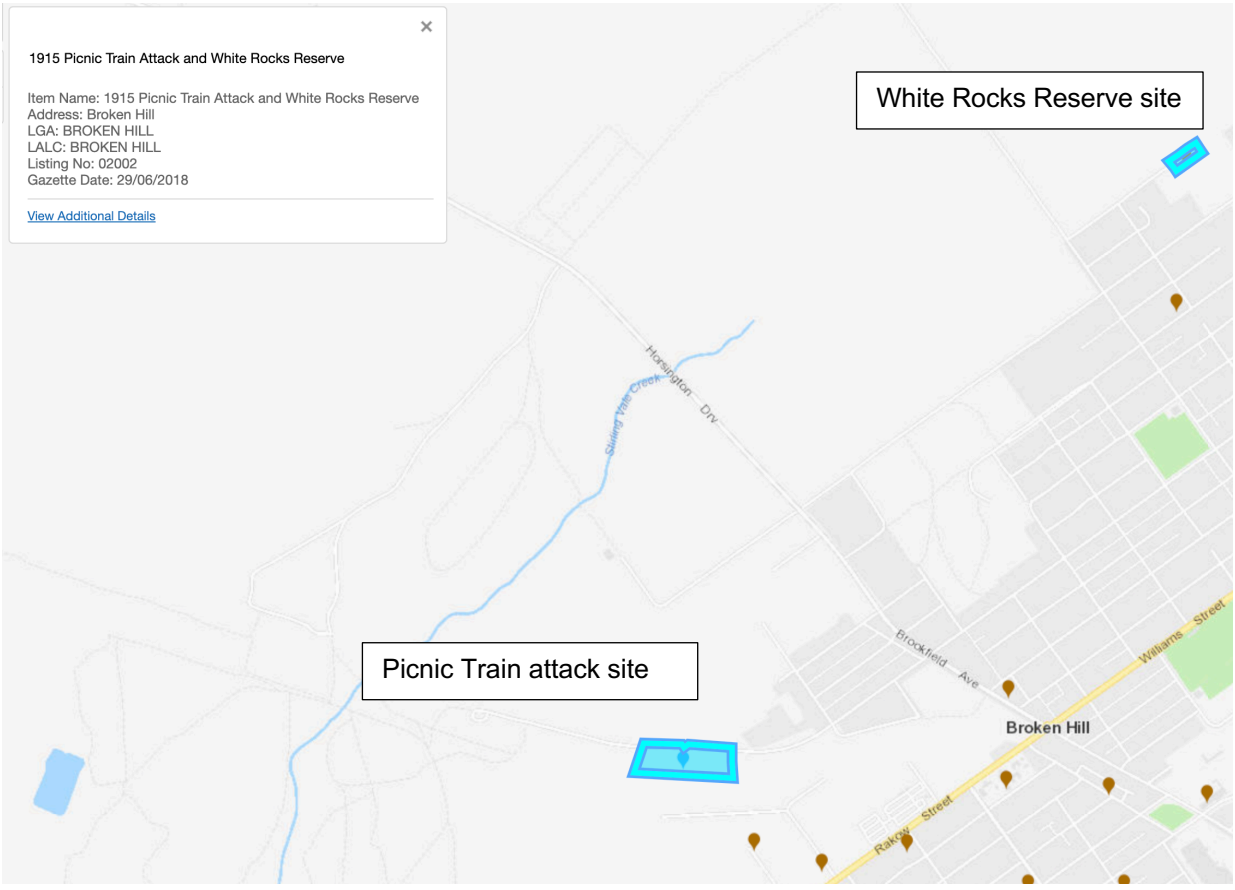


Figure 25: SHR 02002 NSW Heritage Inventory Listing – map site and curtilage depicting Picnic Train Attack site and White Rocks Reserve site – DPE map overlay with local heritage items

3.1.2 Significance of the proposed works area

The proposed works do not impact any of the site area that is within the curtilage of the heritage item. The proposed works are located approximately 130m east of the eastern most border of the curtilage boundary. The proposed works area is not considered to be of significance.

4 Proposed works

4.1 The proposal

The proposal includes the subdivision of the site from one lot into fifteen. With fourteen lots proposed to be used for future residential development and the residual, which contains the entirety of the heritage item curtilage to remain untouched by the proposal. As outlined in section 2.1.1.1.3 Proposed works area of this report, the extent of works within Lot 12 DP 1174503 is limited to boundaries of the lot, encompassing the eastern 210m R1 *General Residential* zoned portion of the site. The extent of works are located over 100m from the eastern most curtilage of SHR 02002 and 265m from the replica wagon memorial. Site services will be extended from the east of the site within the Hynes Street road corridor, also 265m from the replica wagon memorial. As depicted by the images within the same section of this report. The following image depicts the limit to the extent of works proposed. No works are proposed within 130m of the nearest heritage curtilage of SHR 02002.

For assessing the potential impacts of the proposed development. It is considered the entirety of proposed lots one to fourteen will alter from their existing undeveloped, vegetation state to containing landscaped areas and dwelling houses. The residual lot, proposed lot fifteen, will remain unaffected. No development is proposed on proposed lot fifteen.

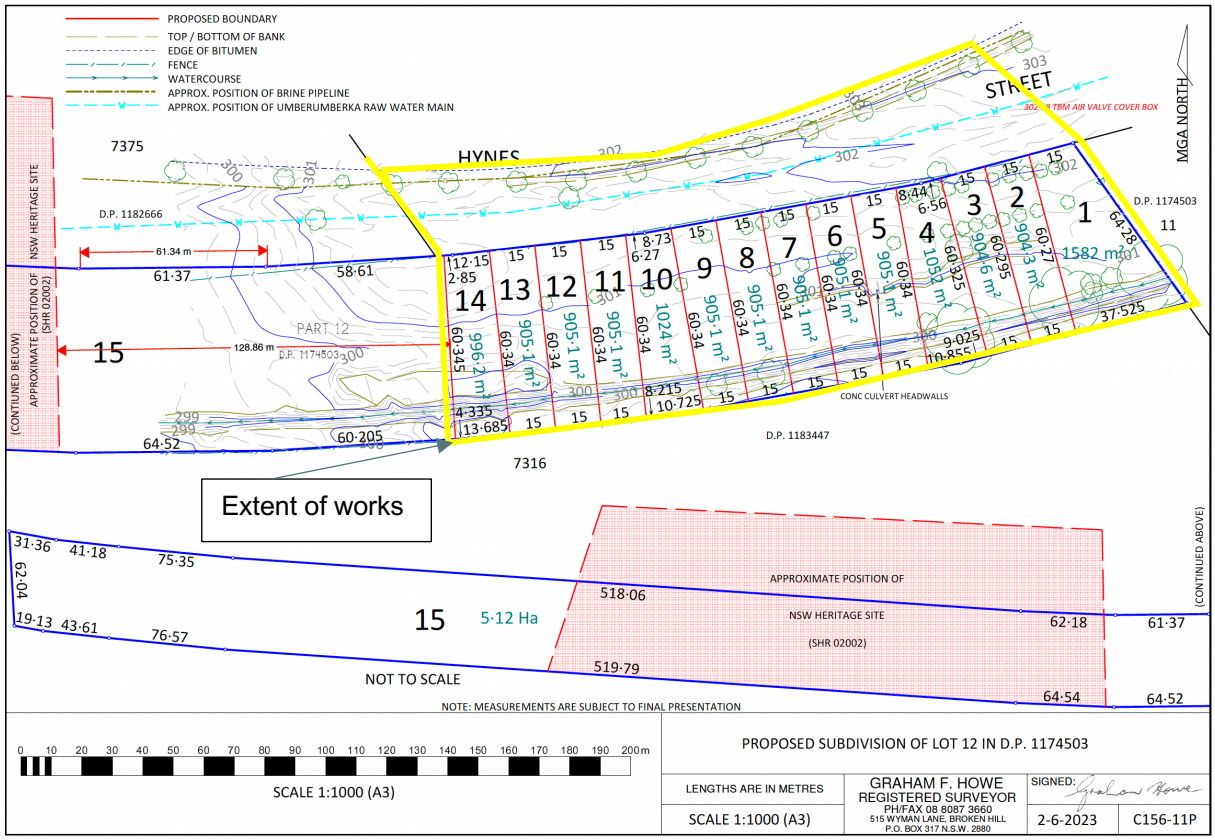


Figure 26: Site survey plan and proposed plan of subdivision

4.2 Background

4.2.1 Pre-lodgment consultation

The following table outlines the preliminary consultation undertaken with a representative of Broken Hill City Council and Heritage NSW regarding the proposed development and heritage considerations and how/where in this SOHI the matters have been addressed.

Table 3: Summary of pre-lodgment consultation

ID	Matter	Description	Response
1.	Site address/ works area	Works include Subdivision of Lot 12 DP 1174503 into 14 lots – 1 Hynes St Broken Hill.	Not applicable.
2.	Heritage item	The subject area is located within Lot 12 which includes the SHR item 02002, 1915 Picnic Train Attack and White Rocks Reserve.	Addresses throughout SOHI.
3.	Development type	The development is integrated development as it affects a lot that contains a heritage item, despite the works being located outside of the heritage curtilage of the item.	Noted.
4.	Approvals	Consent is required for the integrated development application for subdivision of Lot 12 to be provided under the Environmental Planning and Assessment Act 1979, followed by approval for the subdivision under section 60 of the Heritage Act 1977.	Approvals form part of development application and relevant requirements are considered in this SOHI and the supporting statement of environmental effects for the DA.
5.	SOHI requirement	A SOHI, prepared by a suitably qualified heritage consultant in accordance with Heritage NSW guidelines and that addresses the Heritage Council's Subdivision Policy titled Subdivision and NSW State Heritage Register items policy | NSW Environment and Heritage is required to support the development application.	Page 2 of the *Guidelines for preparing a statement of heritage impact, DPE 2023,* 'recommends that a SOHI is prepared by an appropriately qualified and experienced heritage professional with expertise relevant to the heritage item'. In this instance, the use of a qualified heritage professional is not considered necessary due to the existing documented and

			substantiated history of the site. In addition to the extremely low likelihood of impact to the heritage significance of the site.
6.	Aboriginal cultural heritage assessment report (ACHAR)	ACHAR is required where there are any works within the SHR curtilage.	Not applicable. No works are proposed within the heritage curtilage.
7.	Association values & wider consultation	Because the place is listed on the SHR for its association values, it is recommended that the proposal is supported by wider consultation with these groups to, ensure the proposal protects and enhance these association heritage values.	Assumed any notification would occur as part of the assessment of the development application, if required.

4.2.2 Works exemptions

The associated heritage listing includes several exemptions for certain works as outlined in the *schedule of standard exemptions to subsection 57(1) of the heritage act 1977 made under subsection 57(2)* of the *State of New South Wales Government Gazette Number 262–Planning and Heritage, dated Friday, 17 June 2022, [n2022-1108).*

The works associated with the proposed development do not comprise an exempt activity as outlined in the standard exemptions.

4.2.3 Considerations of alternatives

4.2.4 Subdivision of entire lot 12 DP 1174503

As outlined in the following images and tables the site contains dual land zoning and minimum lot size of R1 General Residential and C4 Environmental Living and 230m^2 and 4,000m^2, respectively. This would permit a maximum yield of approximately forty-four residential lots if the entire site were to be subdivided, allowing 30% site area for additional essential services including road and drainage corridors within the R1 zoned portion and the heritage curtilage within the C4 zoned portion. Comprising thirty-eight lots in the R1 zoned portion and six lots in the C4 zoned portion. It is noted the heritage curtilage is contained entirely within the C4 zoned portion of the site.

The proposed development seeks a much lower yield than permissible, proposing fourteen residential lots located within the R1 zoned portion of the site of between 900m^2 and 1,400m^2, with the residual lot containing the heritage curtilage untouched. The development as proposed provides lot areas that are commensurate with the residential subdivision pattern within the immediate vicinity of the site and heritage

item. It will also enable the heritage curtilage of SHR 02002 to be located entirely within the residual lot, minimising potential for impact by future residential development on proposed lots one to fourteen. Any future development on proposed lot fifteen would be subject to future assessment at the time of application.

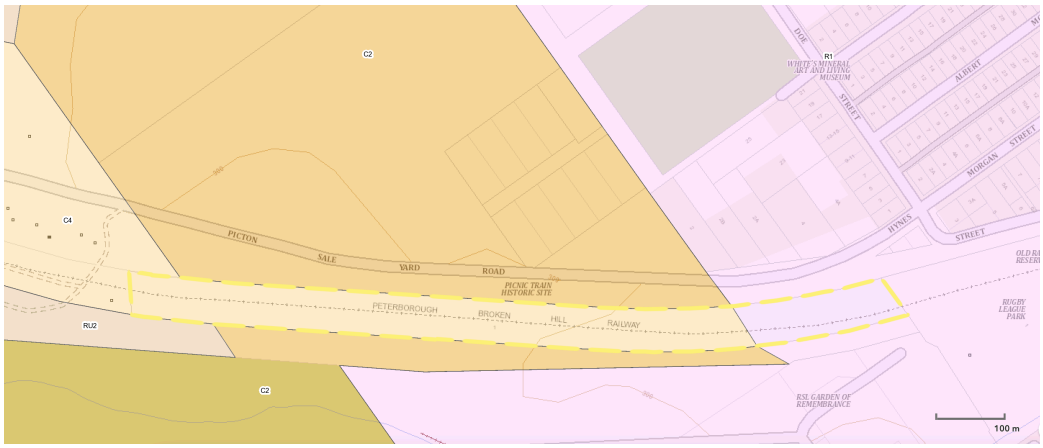


Figure 27: BHLEP 2013 land zoning map

Figure 28: BHLEP 2013 minimum lot size map

Figure 29: SHR 02002 heritage curtilage relative to site

Table 4: Potential maximum development yield

Zone	Minimum lot size (m2)	Site area m2 (approx)	Max number of lots possible	Lots proposed	Heritage curtilage	Adjusted site area for heritage curtilage	Adjusted max lots
R1 General Residential	230.00	12,810.00	55.70	14.00	0	12,810.00	58 pre services. 38 post services.
C4 Environmental Living	4,000.00	51,310.00	12.83	1.00	24,870.00	26,440.00	6.61
	TOTALS	64,120.00	68.52	15.00		39,250.00	62.31 pre. 44 post.
					Curtilage	24,870.00	
					CHECK	0.00	

5 Heritage Impact Assessment

5.1 Matters for consideration

The following images are snipped from elsewhere in this SOHI for ease of illustration purposes.

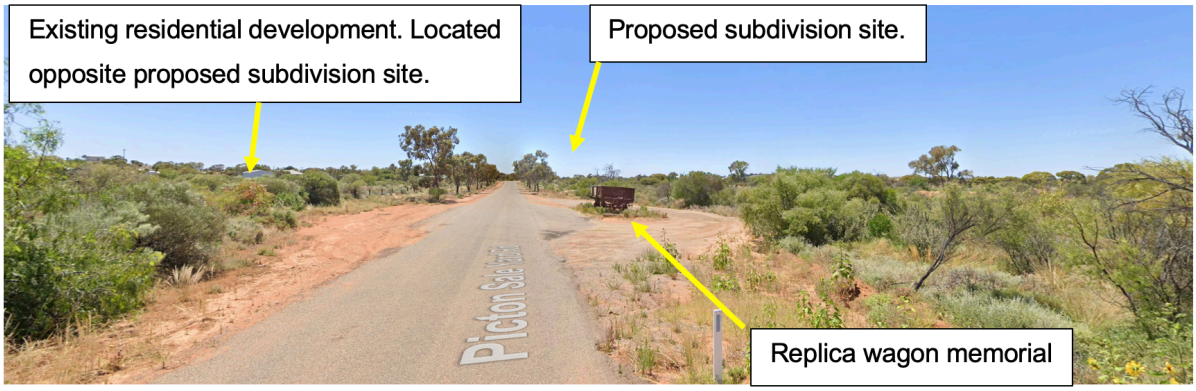


Figure 7: Picton Sales Yard Road looking east[9]

Figure 8: Picton Sales Yard Road looking east[10]

Figure 10: SHR 02002, 1915 Picnic Train Wagon replica memorial (left, original; right, current)

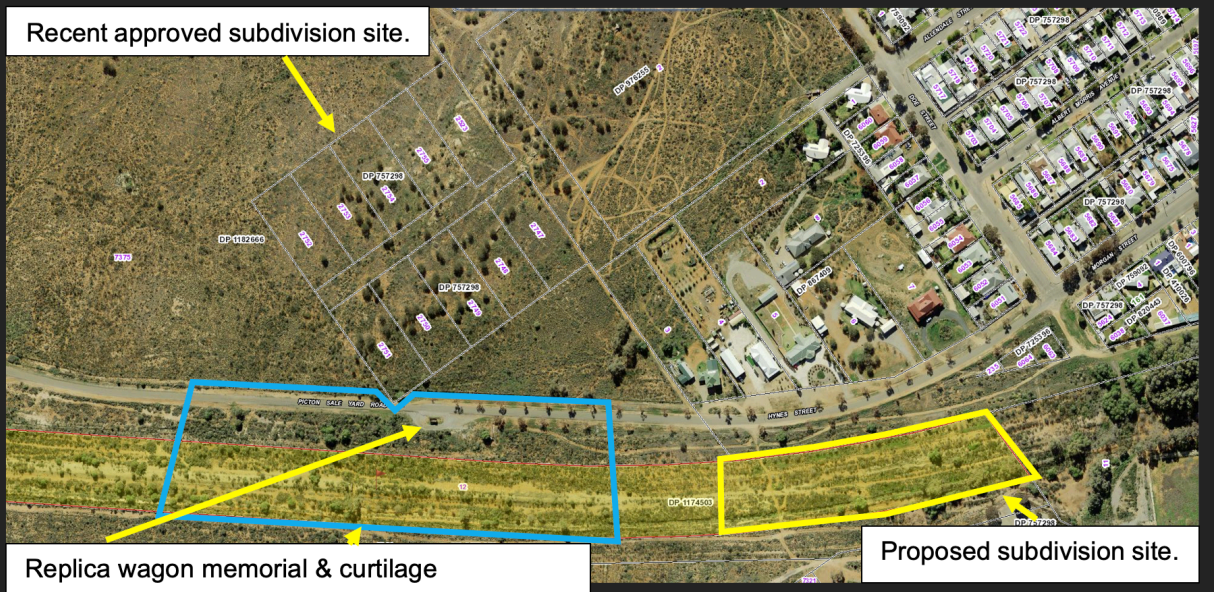


Figure 11: Aerial image of SHR 02002, subject site and surrounding development

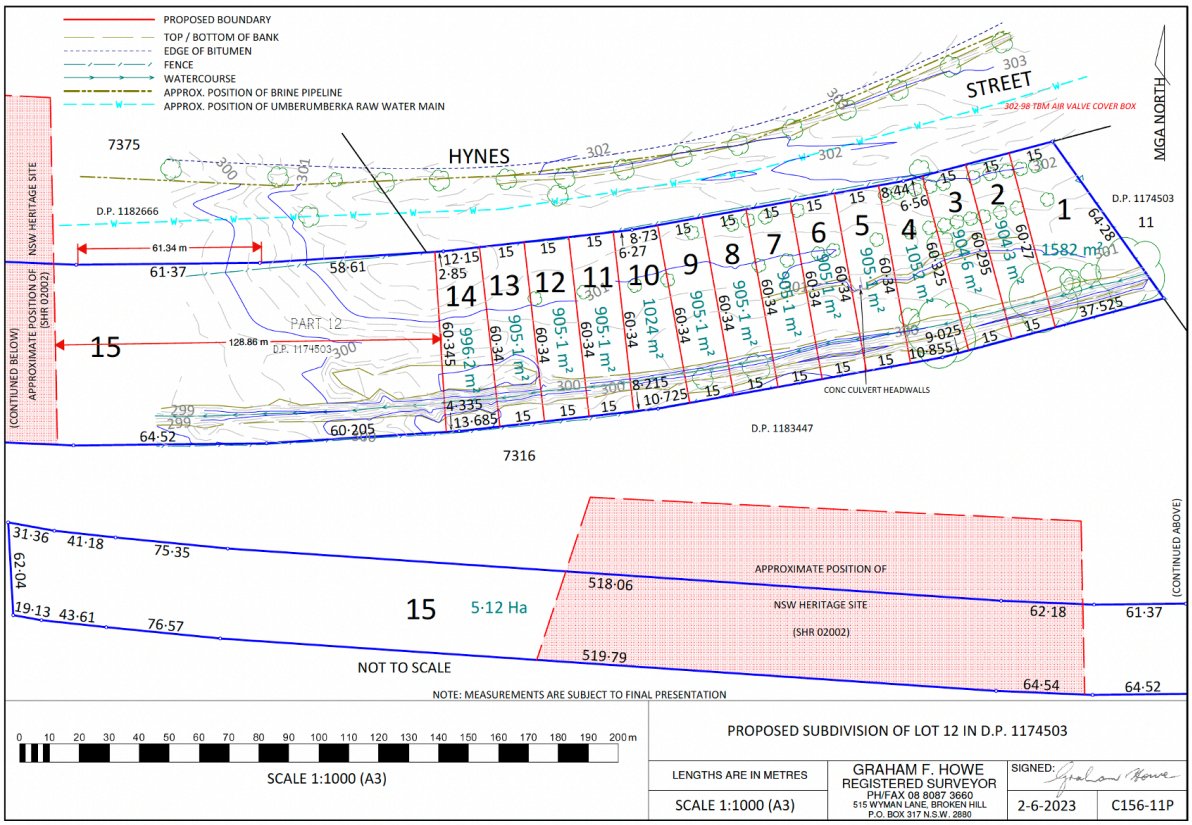


Figure 13: Site survey plan and proposed plan of subdivision[12]

5.1.1 Fabric and spatial arrangement

No detrimental impacts are likely to the fabric or spatial arrangement due to the proposed extent of works being located 130m from the nearest heritage curtilage boundary. Notwithstanding, an induction of site workers of the heritage curtilage and onsite establishment of a no-go zone via orange safety barrier mesh or construction site fencing would assist further mitigating any potential for impact.

5.1.2 Settings, views and vistas

No detrimental impact to settings, views or vistas are likely by the proposed development. The site contains gradual up hillslope of approximately 1% from the memorial site to the Broken Hill township as the location of the proposed subdivision. With land containing existing shrubland vegetation cover. There is existing residential development within the vicinity that is visible from the site on both the north and south side of Hynes Street / Picton Sales Yard Road. Existing visible residential development land located on the north side of Picton Sales Yard Road comprises residential development, site elevation and separation like that of the proposed subdivision site. While existing visible residential development land located on the southern side includes similar residential style development, the land is separated by further distance and contains much higher elevation. There is also a recent subdivision approval located immediately adjacent to the memorial site on the north side in Picton Sales Yard Road that is not yet developed. The proposed subdivision is located 265m from the memorial wagon and 130m beyond the eastern most heritage curtilage boundary. This 130m is wholly located within the C4 Environmental Living

zoned part of the site and proposed future lot 15 and no development is proposed on this lot as part of the proposed development.

It is considered there is sufficient buffer from the memorial site and heritage curtilage to avoid any impacts to settings, views and vistas. With the proposed development also in keeping with the existing residential development pattern of the locality as demonstrated by the following images.

Figure 30: Picton Sales Yard Road looking east at SHR 02002 memorial wagon

Figure 31: Picton Sales Yard Road looking east at SHR 02002 memorial wagon

Figure 32: Picton Sales Yard Road looking south east at SHR 02002 memorial wagon

Figure 33: Picton Sales Yard Road looking south east at SHR 02002 memorial wagon

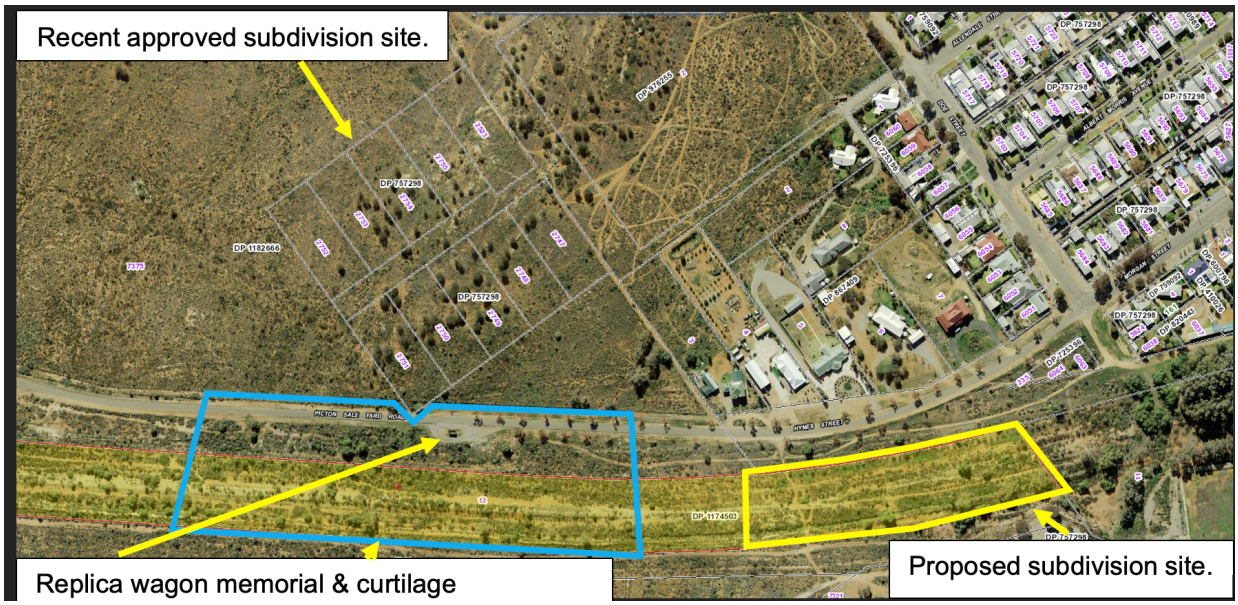


Figure 34: Aerial image of recent approved residential subdivision on north side of Picton Sales Yard Road adjacent SHR 02002 memorial wagon site

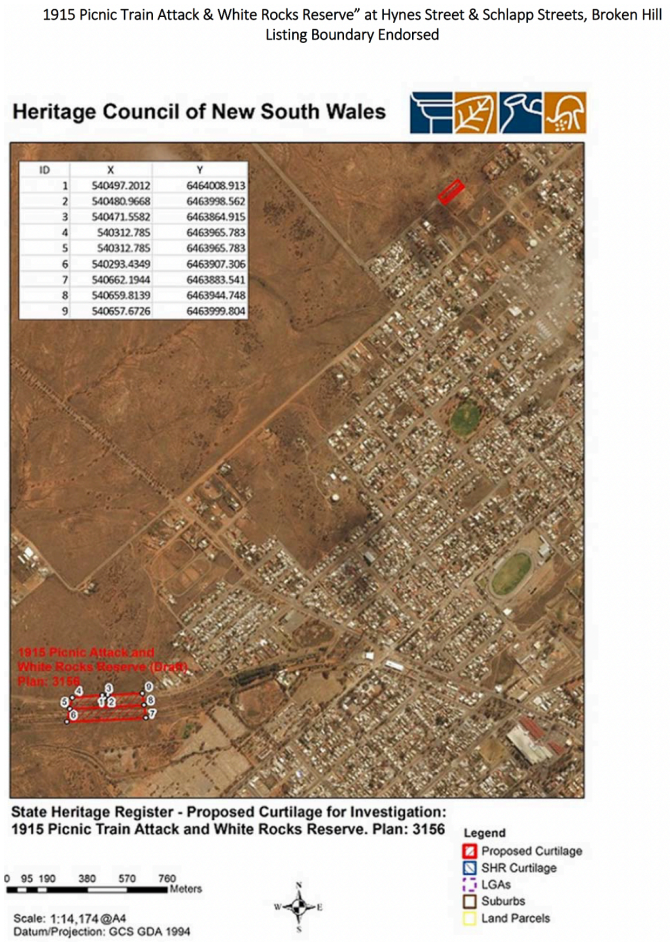


Figure 35: Aerial image development pattern at time of heritage listing of SHR 02002 1915 Picnic Train Attack site

5.1.3 Landscape

No detrimental impact to landscape is likely by the proposed development.

Future residential lots, proposed lots one to fourteen can be assumed to be landscaped with grass and tree species suitable for residential lots within the locality.

Vegetation on proposed lot fifteen will remain unchanged.

5.1.4 Use

No detrimental impact to use is likely by the proposed development. The proposed residential use is majority confined to the R1 General Residential zoned portion of the site and well outside of the heritage curtilage. The wagon memorial is still fully accessible by the public as it located within publicly owned land. It is noted the heritage curtilage encompasses privately owned land which is fenced off from public access. Notwithstanding the proposed development does not impact the heritage curtilage.

5.1.5 Demolition

Not applicable. No demolition of any heritage item or part of a heritage item Is proposed.

5.1.6 Curtilage

Not applicable. No impact to heritage curtilage is proposed.

5.1.7 Moveable heritage

Not applicable. No impact to moveable heritage is proposed.

5.1.8 Aboriginal cultural heritage

Not applicable. The site does not contain any known Aboriginal Place or Object as outlined in the following Aboriginal Heritage Management System (AHIMs) search result.

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : 1 Hynes St
Client Service ID : 918637

Regional Plan
Date: 09 August 2024

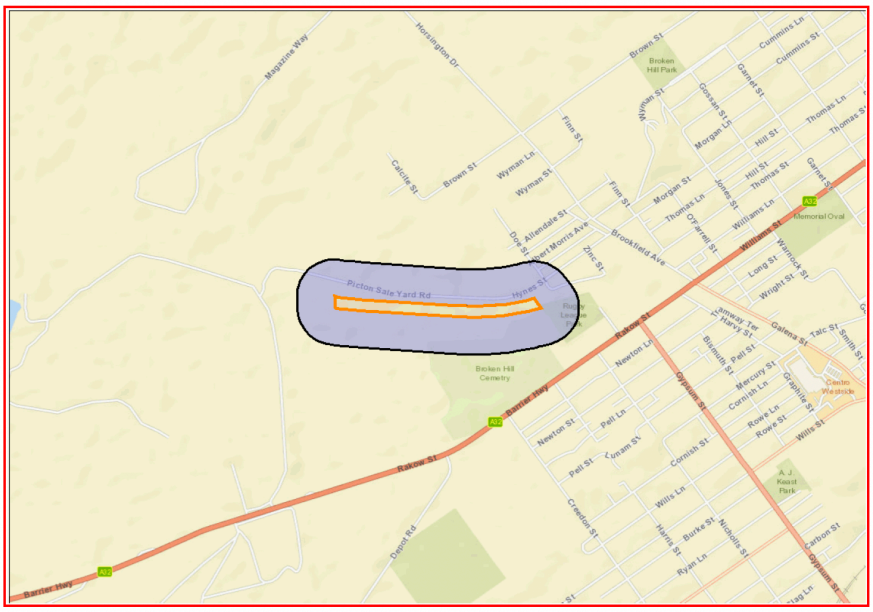
7 Pindari Parade
Port Macquarie New South Wales 2444
Attention: Brendan Williams

Email: brendan@regionalplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 12, DP:DP1174503, Section : - with a Buffer of 200 meters, conducted by Brendan Williams on 09 August 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***

Figure 36: AHIMS search result for Lot 1 DP 1174503, 1 Hynes Street Broken Hill

5.1.9 Historical archaeology

No detrimental impact to historical archaeology is likely by the proposed development. As outlined in the heritage register listing,

- Physical Condition and/or Archaeological Potential

  'The memorial is the only reminder of the event; there are no other known traces or archaeological evidence that a battle took place in this location. The railway line has long since been removed but the footprint of where the line was located is clear. A fence line across from the memorial shows one of the ways the unused railway line was salvaged. The ore wagon memorial on site displays an interpretation sign with two photos and information of the fateful day. The wooden section wagon has suffered from years of exposure to the weather, however the rest of the

memorial is in good condition'.

- Modifications & Dates

  'The area around the site has changed considerably since January 1915. The railway line is no longer in-situ although the railway line embankment is still visible. Silverton Tramway Company ceased operations in 1970 due to the standard gauge (4ft 8.5in) line being opened in 1969 connecting NSW to SA. After the closure of the Silverton Tramway Company most of the narrow gauge railway line (3ft 6in) was removed and recycled for fencing posts and rails, this includes the section of line where the attack took place. A fence now blocks access to the line embankment and the trench where the two men hid is no longer visible due to vegetation. Part of the area is now a semi-rural neighbourhood with the road on the northern side of the site now sealed. (Roberts 1995)'.

5.1.10 Natural heritage

Not applicable. The site does not contain any identified items of natural heritage significance.

5.1.11 Cumulative impacts

Cumulative impacts of the proposed development and future residential development are considered negligible. The proposed development avoids the heritage item, its curtilage and contains sufficient buffer from the heritage curtilage while also proposing development that is similar with the existing residential development pattern within the locality, pre-dating the sites heritage listing. Any future development on the residual lot, proposed lot fifteen, will be subject to the provision of a future SOHI. Any heritage requirements for future residential development on proposed lots one to fourteen may be conditioned on future development consents and/or applied to the lots via a section 88B instrument as part of the subdivision approval and associated conditions, if deemed necessary by the consent authority. However, none are suggested. Any future development on any of the lots will be subject to addressing the relevant heritage controls applicable at the time of the future application for development consent.

5.1.12 The conservation management plan

Not applicable. A Heritage conservation management plan for the site could not be located.

5.1.13 Other heritage items in the vicinity

Not applicable. The proposed development is not likely to result in adverse impacts to other heritage items in the vicinity of the site.

5.1.14 Commonwealth/National heritage significance

The City of Broken Hill was listed the National Heritage list in January 2015 as identified in the following image.

The National Heritage listing of Broken Hill exists due to the natural resources found during early settlement of Australia and the associated mining history of the town. The site is not located within the mining district of Broken Hill or subject to a mining lease. Notwithstanding there is a restriction on title regarding land and mineral ownership below 15m surface level. The proposed development is not likely to adversely impact upon any matter relevant to the Town's national heritage listing.

The summary statement of significance as copied directly from the National Heritage list maintained by the Australian Government Department of Climate Change, Energy, and the Enviuronment and Water, states:

> *The City of Broken Hill has outstanding significance to the nation for its role in creating enormous wealth, for its long, enduring and continuing mining operations, and the community's deep and shared connection with Broken Hill as the isolated city in the desert, its outback landscape, the planned design and landscaping of the town, the regeneration areas and particularly the physical reminders of its mining origins such as the Line of Lode, the barren mullock heaps, tailings, skimps and slagheap escarpment and relict structures. It exhibits historic qualities in its ongoing mining operations since 1883, the current and relict mining infrastructure and its landscape setting. It is significant for its industrial past and the adoption of vanguard industrial relations and management policies, together with its role as a pioneer in setting occupational health and safety standards.*
>
> *It demonstrates the principal characteristics of a mining town in a remote location with extensive transport infrastructure and administrative connections to three state capitals and as a rare example of a place subject to Australia's complex Federal system where differing administrative, social and economic influences are expressed in both tangible and intangible forms. It has social significance for its residents as a place of community pride, endurance, and as a remote mining community resilient to major social and economic change. Broken Hill has strong social significance for all Australians as a place where great wealth was created, as well as strong group associations with the Barrier Industrial Council. It exhibits outstanding aesthetic characteristics as a city in an arid desert setting, as the subject of interest for Australian artists, poets, film makers, TV producers and photographers.*
>
> *It has significance as a place where outstanding technical achievement has occurred in refining ore for its minerals including the froth flotation process and the computer controlled on-stream analysis of slurries. Broken Hill is also important as a place of research potential to reveal further information on mineral deposits with its range of complex minerals, It is associated with persons of great importance to Australia's history, including Albert Morris (arid land regeneration), Charles Rasp (discoverer), Herbert Hoover (mining engineer), WL Baillieu, WS Robinson and MAE Mawby (industrialists), GD Delprat (metallurgist), Percy Brookfield and Eugene O'Neill (unionists). Broken Hill's association with the Barrier Industrial Council as a group is also important.*

The Broken Hill zinc-lead-silver ore deposit is one of the world's largest ore bodies and contains an extraordinary array of minerals. It is geologically complex and has national scientific significance. The Broken Hill operation is significant for its immense size and unrecorded mineral species continue to be found. It contributes to an understanding of the formation of the Australian continent and more than 2,300 million years of the earth's history.

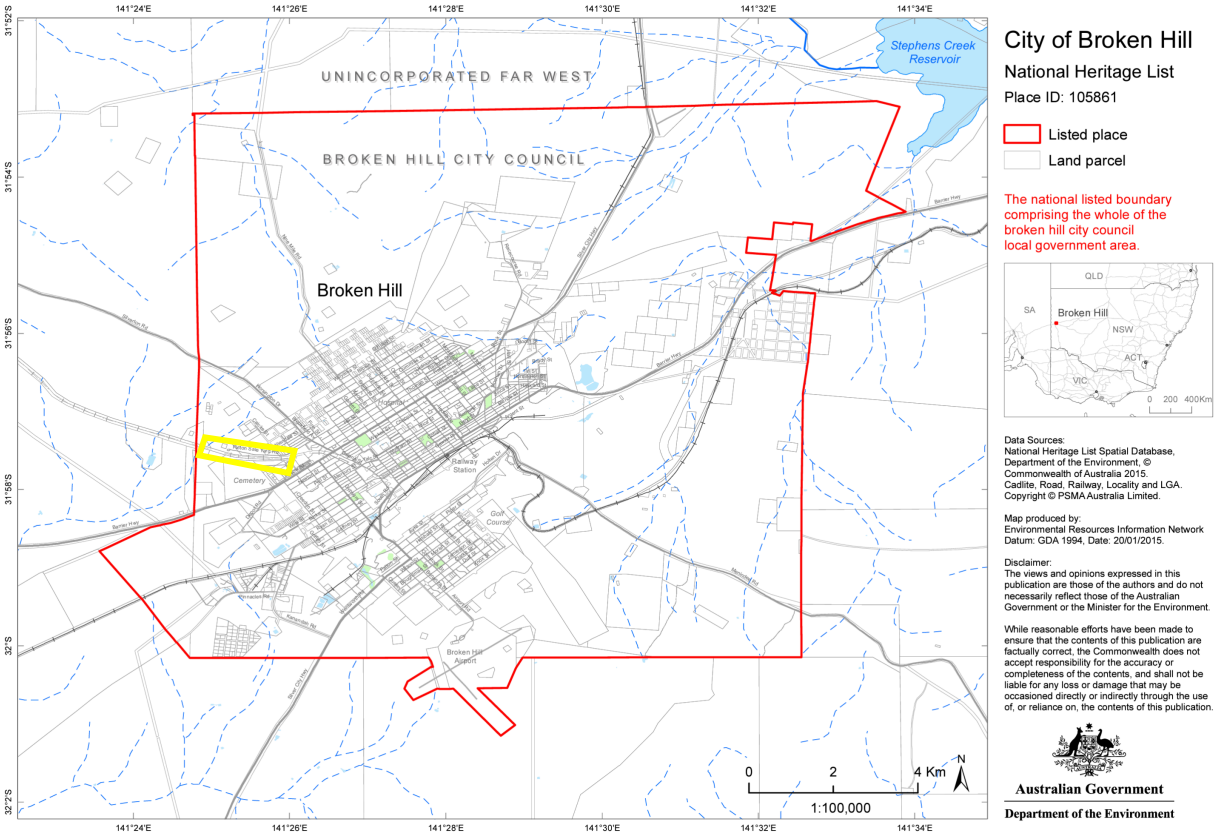


Figure 37: City of Broken Hill National Heritage listing boundary map

5.1.15 World Heritage significance

Not applicable. The site is not identified as being of World Heritage Significance.

6 Heritage Council Subdivision Policy

The following table outlines how the proposed development has considered and complies with the requirements of the Heritage Council Subdivision Policy as applicable at the time of the application.

A detailed site survey and plan of proposed subdivision has been prepared by a registered surveyor which identifies the characteristics and topography of the site including the nominated curtilage of the 1915 Picnic Train Attack site with respect to the proposed subdivision and is appended to this SOHI.

Table 5: Assessment of the proposed development against Heritage Council subdivision policy

Category	Consideration	Complies (Y/N) / Response
Heritage significance	**1** retains the significance of the item including the ability to demonstrate the historic use of the item and to continue any significant cultural practices and uses of the item	Yes. All works are well outside of the heritage curtilage and the proposed works will not impact the heritage item.
	2 maintains any relationships between key elements which are significant to the heritage item, including any historically significant boundaries, fence lines or plantings, built fabric, landscape design; natural features and archaeological remains	Yes. The proposed works will not alter the existing boundaries fence line, fabric or the like within proximity to the heritage item or within the heritage curtilage.
	3 retains any buffer areas which protect the item from visually unsympathetic development, pollution, vibration or vandalism	Yes. All existing buffer areas shall be retained.
Setting and Views	**4** retains key views that are significant to the heritage item including • from public viewing points and • from the heritage item to outside elements where there is an important visual, historical or functional link	Yes. All works are located on private property and will not impact public viewing or accessing the heritage item or memorial site as currently accessible by the public.
	5 recognises the original orientation, setbacks, traditional access points and historic subdivision pattern	Yes. The proposed development is commensurate with the surrounding residential development pattern within the vicinity of the site.

Curtilage	**6** keeps significant associated elements on one title with the heritage item	Yes. The proposed works will enable the heritage curtilage to be located wholly within a single future allotment. The allotment will be separate from the lots proposed for future residential development thereby reducing potential for impact within the heritage curtilage by future residential use of the site.
	7 retains the ability to interpret the historical use, design, layout and significant cultural practices associated with the item	Yes. The proposed development will not alter the physical characteristics of the site as they currently exist and were present at the time of the heritage listing of the site.
Conservation	**8** promotes conservation and continued use of the heritage item, for example, demonstrating that funds generated from the subdivision or future development will be applied to the conservation of the heritage item	Yes. As identified throughout this SOHI the proposed development does not impact the heritage item or heritage curtilage such that the heritage item is conserved for the future.
	9 does not limit future capacity to generate funds for ongoing conservation management	Yes. Development is limited to privately owned land located outside of the heritage curtilage. All publicly accessible areas are retained and the is not likely to be any impact to future capacity to generate funds for conservation of the heritage item.
	10 supports continued public access where applicable	Yes. All publicly accessible areas will remain accessible post development.
	11 is consistent with any existing Conservation Management Plan or Conservation Management Strategy endorsed by the Heritage Council for the item (S62(c1).	Yes While there is not any specific conservation management plan associated with the item. The proposed development has been designed with consideration to applicable guidelines and the requirements of the consent authority.

		The proposed works do not form exempt development as permitted by the exemptions outlined in various environmental planning instruments and relevant guidelines.

7 Conclusion and recommendations

7.1 Conclusion

The proposed subdivision of the property containing the 1915 Picnic Train Attack heritage curtilage intends to separate the Curtilage from the land intended for future residential development, by some 130m from the nearest heritage curtilage and 260m from the memorial picnic train wagon heritage item located within the Hynes Street/Picton Sales Yard Road corrodor.

The proposed subdivision will result in fifteen allotments. Fourteen allotments proposed for future residential development located in the R1 General Residential zoned portion of the site. And one residual allotment on the C4 Environmental Living zoned portion of the site that will contain the whole of the heritage curtilage and is not anticipated for future residential development.

The purpose of this subdivision is to enable the excise and development and / or sale of the current unused land that is zoned for residential purposes. While preserving the heritage item. The subdivision proposes no impact to the heritage item or its curtilage. Future development on any of the land subject to this application would be subject to future applications for development consent at which time further assessment of heritage impact would be undertaken subject the development proposed at that time.

The proposed subdivision and subsequent residential development are considered to have no substantive adverse impact to the heritage significance of the 1915 Picnic Train Attack site.

7.2 Recommendations

Based upon the analysis and conclusions of this SOHI, the following recommendations are suggested and should be considered:

- This report should be provided to the NSW Heritage Council as part of any development application for subdivision of the land.
- Subject to the issue of a development consent for the proposed development, and until the boundary of proposed lots fourteen and fifteen is physically implemented separating the heritage curtilage portion of the site from the future intended residential development portion of the site, a construction environmental management plan (CEMP) should be prepared for the proposed development which includes but is not limited to the following:
    - Induction which includes identifying the heritage significance of the site and location of the heritage item and curtilage,
    - Installation of a physical barrier on the site comprising orange safety barrier mesh or similar to separate the subdivision site form the residual site. Said barrier should be located no further than 20m west of the proposed western boundary of proposed lot fourteen, adjoining proposed future lot fifteen,

- The co-ordinates of the heritage curtilage as listed I the Heritage Council NSW meeting minutes 6 September 2017 should be listed in the CEMP and marked out on site and or induction forms to ensure no works occurs within the area,
- An unexpected finds protocol should be implemented for the works which outlines the procedure to be undertaken should an item of potential archaeological or other heritage be identified during the proposed works, and
- Future development on any of the sites should be subject to further heritage assessment as applicable to any future application for development consent.

9 Appendices

9.1 Plan or proposed subdivision

9.2 Preliminary site in investigation report

9.3 DP 241856

9.4 NSW Government Gazette 2018

9.5 Australian National Heritage List

9.6 Preliminary consultation

9.7 Silverton Tramway Act 1886

9.8 Silverton Tramway Vesting Act 1972

9.9 Heritage Council Minutes 06 September 2017_1915 Picnic Train Attack and White Rocks Reserve

9.10 Crown Land Map Parish Picton County Yancowina 5th edition BHLEP 1996

9.11 DP1130411

9.12 DP 1174503