

Attachment D - Heritage Impact Assessment

By RPS, dated July 2016



Newcastle Urban Transformation and Transport Program – Rezoning of Surplus Corridor Lands

Heritage Assessment Report

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Executive Summary

RPS has been contracted by Elton Consulting on behalf of Urban Growth NSW (UGNSW) to provide a pre-gateway assessment of Aboriginal and historic cultural heritage to support the proposed rezoning of surplus rail corridor lands in central Newcastle for urban purposes. The proposal involves a zoning change from its current zoning SP2 Special Purpose Infrastructure to B4 Mixed Use, SP3 Tourist and RE1 Public Recreation zones. The rezoning would be achieved through an amendment to Newcastle Local Environmental Plan 2012 (NLEP).

A search undertaken of the Aboriginal Heritage Information Management System (AHIMS) identified that no Aboriginal sites are present in the Rezoning Study Area. However, the literature review and previous archaeological work suggests that subsurface Aboriginal heritage may be present in the Rezoning Study Area.

The Rezoning Study Area is in the Newcastle City Centre Heritage Conservation Area. In reference to built heritage there are six heritage places in or abutting the area: the Newcastle Railway Station and the Newcastle Railway Station Additional Group (both on the State Heritage Register); the Civic Railway Workshop; Civic Station; the Remains of AA Co. Bridge and Fence and the former Tramway Substation (on the NLEP 2012 Schedule 5 and of local heritage significance). There are five archaeological sites, or potential archaeological sites in the Rezoning Study Area they include the Mortuary Station; Civic Railway Station; Civic Railway Workshops curtilage and railway turntable; Newcastle Railway Station; Convict Huts.

The program objective of the proposed rezoning is ‘to preserve and enhance culture and heritage’ with the aim of respecting, maintaining and enhancing the unique heritage and character of the Newcastle city centre (Newcastle Urban Transformation and Transport Program January 2016). This objective should ensure the retention, maintenance and refurbishment of heritage buildings and preserve the heritage significance of the Newcastle City Centre Heritage Conservation Area. The detailed management plan to support this objective will occur during the planning phase of the Development Application.

Section 1.0 of this document provides an introduction to the proposal. The background to the Aboriginal and historic heritage of the Rezoning Study Area is at **Section 2.0** and **Section 3.0**. The heritage assessment frameworks are at **Section 4.0** (Aboriginal) and **Section 5.0** (Historic). The visual inspection of the area is described in **Section 6.0**. The potential for impact and approvals required for Aboriginal heritage are at **Section 7.0** with the historic at **Section 8.0**. **Section 9.0** provides lists in table form each rezoning parcel and details the approvals required. **Section 10.0** addresses mitigation measures for both Aboriginal and historic heritage.

While the proposed rezoning will not physically impact on the heritage items, the works that follow the rezoning will. It is considered however that the impact will be, in most instances, positive with adaptive re-use of heritage items and in a number of instances improved view corridors.

This report has provided advice on the planning approval process required and provides recommendations for mitigation against an adverse heritage impact.

Abbreviation/ Term	Meaning
Aboriginal Object	“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” (DECCW 2010:18).
Aboriginal Place	“a place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture” (DECCW 2010:18). Aboriginal places have been gazetted by the minister.
Activity	A Study, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 EP&A Act 1979).
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
DECCW	Department of Environment, Climate Change and Water (is now the Office of Environment and Heritage – OEH)
Disturbed Land	“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable.” (DECCW 2010:18).
Due Diligence	“taking reasonable and practical steps to determine whether a person’s actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm” (DECCW 2010:18)
EP&A Act	Environmental Planning and Assessment Act 1979 (NSW)
GDA	Geodetic Datum Australia
Harm	“destroy, deface, damage an object, move an object from the land on which it is situated, cause or permit an object to be harmed.” (DECCW 2010:18)
ICOMOS	International Council for Monuments and Sites
IHO	Interim Heritage Order
LEP	Local Environmental Plan
LGA	Local Government Area
NCCHCA	Newcastle City Centre Heritage Conservation Area
NLEP	Newcastle Local Environment Plan
NPWS	National Parks and Wildlife Service
NPW Act	National Parks and Wildlife Act 1974 (NSW)
NPW Regulation	National Parks and Wildlife Regulation 2009 (NSW)
NURS	Newcastle Urban Renewal Strategy
OEH	Office of Environment and Heritage (formerly DECCW)
PAD	Potential Archaeological Deposit
Program	Newcastle Urban Transformation and Transport Program
Project Area	Project Area is the area subject to the desktop study in this report
Proposal site	Proposal site is the area subject to the desktop study in this report
REF	Review of Environmental Factors
s170 register	Section 170 of the <i>Heritage Act 1977</i> requires each State Government agency to keep records of heritage items owned or operated by it and this is commonly referred to as a s170 register
SHI	State Heritage Inventory – inventory of heritage items of local or state significance
SHR	State Heritage Register – register of heritage items of state significance
SoHI	Statement of Heritage Impact
Study Area	Study Area is the area subject to the desktop study in this report
TfNSW	Transport for NSW

I.0 Introduction

I.1 Background

RPS has been contracted by Elton Consulting on behalf of UrbanGrowth NSW to provide a pre-gateway assessment of Aboriginal and historic cultural heritage to support the proposed rezoning of surplus rail corridor lands in central Newcastle for urban purposes through an amendment to Newcastle Local Environmental Plan 2012 (NLEP).

I.2 The Proposal

This report has been prepared to support the amendment to the Newcastle Local Environmental Plan (NLEP) 2012 that applies to the surplus rail corridor land ('rail corridor land') between Worth Place and Watt Street in Newcastle city centre (**Figure 1**).

The Newcastle Urban Transformation and Transport Program ('Program') has been established to deliver on NSW Government's more than \$500m commitment to revitalise the city centre through: the truncation of the heavy rail line at Wickham and creation of the Wickham Transport Interchange; the provision of a new light rail line from Wickham to the Beach; and the delivery of a package of urban transformation initiatives.

The transformation element of the Program aims to bring people back to the city centre by strengthening connections between the city and the waterfront, creating employment opportunities, providing more public space and amenity, and delivering better transport.

The proposed rezoning of the rail corridor land forms a part of the delivery of urban transformation initiatives, comprising a package of transport, built form and public domain improvements.

The Newcastle Urban Renewal Strategy (NURS) sets out the NSW Government's long term approach and vision for the revitalisation of Newcastle city centre to the year 2036.

The NURS identifies three character precincts in Newcastle city centre (West End, Civic and East End), within which significant housing and employment opportunities, together with built form and public domain changes and improvements exist. The NURS describes these precincts as:

- East End: residential, retail, leisure and entertainment
- Civic: the government, business and cultural hub of the city
- West End: the proposed future business district including the western end of Honeysuckle (Cottage Creek)

UrbanGrowth NSW has been directed by NSW Government to deliver on NURS through the Program, in partnership with Transport for NSW (TfNSW), the Hunter Development Corporation (HDC) and the City of Newcastle Council (Council).

UrbanGrowth NSW seeks to amend the Newcastle Local Environmental Plan 2012 (NLEP) to enable the delivery of the Program and the objectives of NURS planning outcomes.

The Program is underpinned by five objectives which will drive successful urban revitalisation:

- Bring people back to the city centre;
- Connect the city to its waterfront;
- Help grow new jobs in the city centre;

- Create great places linked to new transport;
- Creating economically sustainable public domain and community assets; and
- Preserve and enhance heritage and culture.

The preservation and enhancement of heritage and culture is of particular relevance to this report. This objective is aided by the physical topography and layout of the city centre. The steep hills and gridded network permit views from the city centre to the harbour, as well as views from the harbour back to the city centre where the cathedral that crowns the hill is a recognisable landmark. The city centre contains a rich collection of historic and significant buildings which give the city a distinct character.

1.2.1 Rezoning concept plan

The proposed rezoning of the rail corridor lands is the focus of this report. Amendments to the NLEP are required to deliver part of the concept plan. The proposed amendments are on surplus rail corridor land only.

Necessary amendments to the NLEP include:

- Amend the Land Use Zoning Map to introduce new B4 Mixed Use, SP3 Tourism and RE1 Public Recreation zones
- Amend the Height of Building and Floor Space Ratio maps to facilitate development on select parcels of land
- Reclassification of part of the rail surplus rail corridor to Community by amending Part 3 of Schedule 4 of the NLEP to rezone land for public open space
- Amendment to the Land Reservation Acquisition Map to enable the proposed RE1 public open space land to be acquired by Newcastle Council.
- Amend the key maps (as referred to in Clause 7.5 of the NLEP) to include Newcastle Railway Station Heritage building.

The approach taken to the amendments is to support the NURS planning approach and to remain consistent with surrounding planning controls in terms of zones, floor space ratio (FSR) and height.

The concept plan will also form the basis for updates to the Newcastle City Centre Development Control Plan design controls to guide development and public domain works for rezoning sites.

1.2.2 Proposed Rezoning

This planning proposal seeks to rezone rail corridor land (rezoning sites) to enable the delivery of the proposed urban uses established in the concept plan. The planning proposal concept plan includes public domain, entertainment, mixed use and commercial and residential development (Table 1).

Table 1 Site for rezoning – Proposed development summary

Area	Parcel Code*	Current zone	Proposed zoning	Proposed maximum building height (m)
Civic Link	1	SP2 Infrastructure	B4 Mixed use	30
	2	SP2 Infrastructure	B4 Mixed use	30
	3	SP2 Infrastructure	B4 Mixed use	30
	4	SP2 Infrastructure	RE1 Public recreation	N/A
	5	SP2 Infrastructure	B4 Mixed use	24
	6	SP2 Infrastructure	B4 Mixed use (road)	30
Darby Plaza (Civic)	7	SP2 Infrastructure	B4 Mixed use	30
	8	SP2 Infrastructure	B4 Mixed use	24
	9	SP2 Infrastructure	B4 Mixed use (road)	N/A
Hunter St Rev. (East End)	10	SP2 Infrastructure	SP2 Infrastructure (no change)	N/A
	11	SP2 Infrastructure	B4 Mixed use	14
	12	SP2 Infrastructure	B4 Mixed use	17
	13	SP2 Infrastructure	RE1 Public recreation	N/A
	14	SP2 Infrastructure	B4 Mixed use	14
Entertainment precinct (East End)	15	SP2 Infrastructure	RE1 Public recreation	N/A
Newcastle Station (East End)	16	SP2 Infrastructure	SP3 Tourist	Part 10m and part 20m

1.3 Methodology

This pre-gateway or preliminary assessment includes:

- An identification of statutory requirements relevant to the project.
- A brief literature review of relevant documents relating to the history of the study area and its heritage values as well as strategic heritage policies.
- A heritage register search (Aboriginal and historic cultural heritage).
- Heritage advice for the Rezoning.

An extensive literature review has been carried out to inform this assessment including the following area-based and site-specific heritage-related studies and strategic heritage policy documents:

- *Newcastle Archaeological Management Strategy. Newcastle City Council (August 2015)*
- *The City of Newcastle Heritage Strategy 2013-2017 (March 2014)*
- *The City of Newcastle Heritage Policy (June 2013)*
- *Newcastle Archaeological Management Plan Review, Edward Higginbotham et al (April 2013) for the City of Newcastle*
- *Newcastle Railway Station Heritage Fabric Review & Conservation Works (2014), EJE Heritage*
- *Newcastle Urban Renewal Adaptive Reuse Case Studies of Heritage Buildings*
- *Wickham Transport Interchange Heritage Impact Statement, Urbis (July 2014)*

In the provision of heritage advice, this report will follow best practice standards and guidance where appropriate including *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013.

I.4 Authorship

This report has been prepared by Laraine Nelson and Joanne McAuley, RPS Senior Cultural Heritage Consultants and has been reviewed by Tessa Boer-Mah RPS Newcastle Cultural Heritage Manager.

I.5 Land Use

The Rezoning Study Area has previously been used as a rail corridor, road pavement, footpath and contains rail related structures and infrastructure. The rail corridor has associated disturbance in the form of rail ballast, tracks and associated infrastructure and results from the geotechnical assessment show that the subterranean disturbance ranges from 0.7m to over 1.8m in depth (RCA Australia 2015:7). Outside the rail corridor geotechnical testing has shown that road pavements have typical disturbance of 0.4m beneath the ground surface (RCA Australia 2015:7). The amount of ground surface disturbance beneath buildings is likely variable (this has not been subject to geotechnical testing). The geotechnical testing has identified the extent of fill and characteristics of the subsurface soils. The results of the geotechnical testing show that while there are high levels of disturbance in the upper layers, natural sand layers may be present from 0.7m. Depending on the historic sand dune movement, archaeological material may be present in the natural sand layers. Fill layers also have potential to contain Aboriginal and historic archaeological material.



2.0 Historic heritage

This section provides an overview of the historic occupation of Newcastle by European and later settlers. The historic context has been used to identify historic archaeological areas specific to the Rezoning Study Area and will be drawn upon for the impact assessment.

2.1 A convict settlement

The first reference to the area now known as Newcastle was in 1797 when Lieutenant John Shortland, while returning from pursuing escaped convicts, noticed the small island of Nobbys (Goold 1981:4). Drawing into the inlet behind the island, Shortland found the entrance to a large river which he named in honour of Governor Hunter (Newcastle and District Historical Society. n.d.:6). While surveying the area he noticed lumps of coal near present day Fort Scratchley and collected samples before returning to Sydney (Windross and Ralston 1978:7).

In 1801 Governor King sent a small expedition to investigate the resources of what was known as Coal River (now Hunter River). The subsequent report detailed the potential for a salt works, the presence of coal and an abundance of shell for the production of lime. On this advice a small settlement was established but it failed after only six months because of inadequate management. In 1804 Governor King again sought to establish a convict settlement at what he called King's Town (Windross and Ralston 1978:9) with a small party of 20 soldiers and a similar number of convicts. These convicts were part of the Irish Rebellion at Castle Hill with their relocation required because of their perceived danger to the settlement at Sydney (Turner 1997:7).

The new settlement at Newcastle provided an additional location for the housing of convicts and a place for the procurement of timber, coal and lime for Sydney. With the only method of transport by sea, loading facilities and safe anchorages for boats were critical to the success of the settlement.

Records indicate that by 1804 there was a stone wharf, 108 feet long and 13 feet wide being built at the end of present day Watt Street (Goold 1981:12). This wharf is likely to have serviced an early recorded coal yard in the vicinity and later the Convict Lumber Yard constructed in 1817.

In 1812 when Governor Macquarie visited the settlement it was still small with a population of about 100. By 1815 the size of the settlement had swollen with an influx of convicts following the closure of Norfolk Island (Turner 1997:8). This growth continued and by 1821 there were 1,169 people living in what was described as a camp. The convicts were employed predominantly in public works, most importantly the construction of a breakwater to Nobbys to provide better protection for shipping. The remainder of the convicts were employed in timber, lime production and coal mining (Turner 1997:9).

In his investigation of the penal settlement of Newcastle, J T Bigge (1822:282) described the settlement as a camp with 13 houses belonging to the government and 71 occupied by convicts. Bigge also described that prisoners who either could not find accommodation or who could not be trusted at large, were housed in wooden barracks that had been recently built on the order of Major Morisset (Bigge 1822:282).

2.2 Newcastle as a free town

In 1823 Governor Macquarie announced that Newcastle would no longer be a convict settlement, whereby the role would be delegated to Port Macquarie further north. Following this, the population of Newcastle declined and the large barracks that had been constructed to cater for a thousand men now only housed one hundred. Despite the change in the role of Newcastle, convicts were still assigned there until 1848. Works on the breakwater slowed and the stands of timber were no longer readily available (Turner 1987:11).

Despite the loss of Newcastle as a significant penal settlement, the 1820s saw important developments. In 1827 Henry Dangar, a surveyor, drew up a layout for a town plan with 192 leasehold allotments established (Goold 1981:26). Other improvements included the building of a brick flour mill at the present day Obelisk location above King Edward Park; the building of a parsonage; and the construction of the first Court House in Church Street (Goold 1981:22). Importantly, Newcastle developed as a free town following the demise of the penal settlement.

Central to this development was the extraction and shipping of coal. The Australian Agricultural Company (AA Company) with a monopoly on coal extraction, saw a growth in output from 5,000 tons (1831) to 30,500 tons (1840). Linked to the growth of the coal industry was the development of the port and associated activities such as tugs and lighters to facilitate movement of vessels and cargo, disposal of ballast and provisioning of ships (McManus, O'Neill and Loughran 2000:213).

As the town grew, further residential development occurred, including the AA Company as early as 1852 tasking the company surveyor, George Darby, with laying out a town settlement in the area of present day Darby; King and Hunter Streets. This was designed to meet the needs of an influx of diggers from the goldfields who saw Newcastle as an attractive location to settle (Pemberton 1986:31).

The growth in Newcastle was matched by growing regional development linked to the pastoral industry of the Hunter Valley and northern NSW. In 1854, AA Company sold land in the north eastern portion of their estate to the Hunter Valley Railway Company. The construction of the Newcastle to Maitland Railway, the second passenger line in Australia, fostered the continued development of the port of Newcastle. The rail network expanded rapidly and was matched by the growth of Newcastle with industries demonstrated by the establishment of businesses such as the Newcastle Coke and Gas Company; Castlemaine Brewery and Wood Brothers Brewery; Darks Ice and Cold Storage; and Arnott's Biscuits (Pemberton 1986:41).

From the late nineteenth century, output from the Newcastle mines decreased and production from the South Maitland coalfields increased with a resulting diminishing profitability for the Newcastle mines. Linked to this was increasing Municipal taxes on unimproved land that affected the large holdings of the Company in the Newcastle area. The Company countered by subdividing and selling large areas of residential land in Newcastle and Hamilton (Pemberton 1986:41).

2.3 Growth in the twentieth century

In 1916, the last AA Company shaft ceased production and the Company's operation in Newcastle closed. The staithes associated with the iron bridge were last used in 1920 and in 1923, the steel bridge was removed (NSW Heritage Database: AA Company's Remnant Bridge Pier). In 1922, the waterfront land held by the AA Company was resumed and with it coal mining in Newcastle by the AA Company ceased (Webber and Wylie 1968:63)

The need for new industries to drive the growth of Newcastle resulted in lobbying by the Chamber of Commerce for a diversified industry base. In 1913, the state government announced the construction of State Dockyards in Newcastle and at the same time gave permission for BHP to construct a steelworks on land at Port Waratah. The development of these industries coincided with World War I and by the end of the war other heavy industries, such as Lysaght, Commonwealth Steel and Rylands were also in the process of establishing (Newcastle City Council 2014:8).

Newcastle for the majority of the twentieth century was closely linked to heavy industry, typified by BHP. With the closure of the BHP in 1999 the opportunity arose for the city to re-focus from a heavy industrial base to a more diversified economy based on health, education and services (Newcastle City Council 2014:8).

3.0 Aboriginal heritage - environmental and archaeological evidence

The purpose of reviewing the environmental context and archaeological literature is to assist in identifying whether Aboriginal objects or places are present within the Rezoning Study Area.

3.1 Geology and soils

This summary of geology and soils aims to provide an overview of the Rezoning Study Area; however, more specific detail and information is provided in the land-use summary (**Section 1.5**). The Newcastle foreshore is underlain by sandstone, siltstone, claystone, coal and tuff associated with the Nobbys Head formation. Broadly, the Newcastle foreshore falls within the Hamilton Soil Landscape, variation A: Developed Terrain. Topsoils in this landscape are typically brownish black specked loamy sand (A₁) which is 20 to 60 centimetres thick. This is underlain by 15 to 30 centimetres of loose, pale coarse sand (A₂), followed by brown to orange sandy pan (B horizon) and may further be underlain by clay (Matthei 1995:38-40). Although this is the typical soil formation, variations may occur due to previous Aeolian or alluvial events.

3.2 Topography and hydrology

The development of Newcastle as a major port has led to the reclamation of land and reworking of the shape of the Hunter River foreshore. The foreshore and environs, from its junction with Throsby Creek to Nobbys Headland, has undergone major modifications since European settlement; the original shore line was characterised by mud flats and sand spits (Melville 2014 p. 22).

Historic records show an unnamed watercourse between Brown and Crown Streets. Archaeological evidence shows that Aboriginal occupation was highly concentrated around creeks in the locality, for example Cottage Creek. Although it is likely that Aboriginal occupation would have occurred adjacent to the Brown and Crown Street watercourse; this has not been tested archaeologically.

3.3 Flora and fauna

This section provides an indication of the types of flora and fauna resources which were likely to have been available to Aboriginal people in the past. It is based on broad scale vegetation mapping for NSW (Keith 2006).

Past Aboriginal people are likely to have encountered Hunter-Macleay Dry Sclerophyll Forests in the vicinity of Rezoning Study Area, as well as coastal vegetation. Dry sclerophyll forests have open canopies with trees up to 30 metres tall; common tree species include spotted gums, iron barks, grey gums, boxes and turpentine (Keith 2006:124-125). The understorey of this vegetation community includes shrubs, herbs, ferns and grasses, thus providing habitat for smaller mammal species. The shrubby understorey includes silver-stemmed wattle and forest oak which present as tall shrubs or small trees; smaller shrubs include coffee bush, gorse bitter pea, peach heath, large mock-olive, narrow-leaved geebung and mutton wood (Keith 2006:124-125).

This vegetation community along with the coastal vegetation would have provided habitat for a variety of animals and would have also provided potential food and raw material sources for Aboriginal people. Coastal resources are likely to have included fish and oysters, while typical animals likely to have been hunted in the vicinity include kangaroos, wallabies, sugar gliders, possums, echidnas, a variety of lizards and snakes, birds, as well as rats and mice. The bones of such animals have been recovered from excavations of Aboriginal sites suggesting that they were sources of food (Attenbrow 2010:70-76), although the hides,

bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

3.4 Aboriginal occupation in the Hunter Valley region

Archaeological evidence suggests that Aboriginal occupation of the Hunter Valley region began at least 35,000 years ago (Koettig 1987). Additional chronological evidence was recovered from the Hunter Valley's north-east mountains for which the following dates were assigned: 34,580±650 (Beta-17009), >20,000 (Beta-20056) and 13,020±360 years before present (BP) (Beta-17271) (Koettig 1987, as cited in (Koettig 1987, as cited in Attenbrow 2006). In the lower Hunter Valley, excavations at Moffats Swamp (Tomago Coastal Plain) have revealed basal dates of 15,376 calibrated BP.

The majority of Aboriginal sites in the region, however, are dated to the more recent Holocene (<11,000 years ago). This may reflect Aboriginal occupation patterns, but may also be influenced by the inaccessibility of potential coastal Pleistocene sites that may have been inundated when sea levels rose and reached present levels approximately 6,000 years ago (Mulvaney and Kamminga 1999 p.223). Other factors such as post depositional processes that may have obscured sites, or a lack of archaeological research in particular areas, could account for the lack of evidence for Pleistocene or early Holocene occupation (AMBS 2005). At Black Hill excavations revealed a stone lined hearth dated to approximately 2,000 BP calibrated.

Throughout the Hunter Valley, archaeological investigations have provided a basis for the development of predictive models of site distribution within this region. Studies completed by Koettig and Hughes (1983a) and (1983b) have demonstrated that open artefact scatters are common throughout the Hunter Valley. Large open sites were generally located in proximity to large creeks that provided a more reliable source of potable water, with smaller open sites distributed through a variety of landforms including large and small creeks, slopes and crests.

Certain typological temporal markers such as backed blades and eloueras are present within the Hunter Valley assemblages. Whilst these provide only a gross indication of time scale, based on the age of the soils and the presence of backed artefacts, the majority of sites in the Hunter Valley are considered to date to the late Holocene period.

Using colonial records, (Brayshaw 1986) conducted extensive research of the landscape and the known Aboriginal communities in the broader Hunter Valley area. Although the ethnographic literature refers to ceremonial grounds and carved trees, these represent only a small portion of the sites which would have occurred in the Hunter Valley. Camp sites would have occurred more commonly, but little is recorded regarding the locations of such sites. The literature does indicate that in the Hunter Valley, as elsewhere, Aboriginal numbers were quickly and greatly reduced by introduced European diseases.

Brayshaw's research into the ethnographic record also showed the distinction between the material culture and goods manufactured inland compared to coastal areas which were dependent on the resources available. The exchange of goods between inland and coastal inhabitants was also evident. Bark was probably the most commonly utilised raw material, associated with the construction of huts, canoes, nets, drinking vessels, baskets, shields, clubs, boomerangs and spears. Being manufactured from an organic material, very few such artefacts survive today. Scarred trees, carved trees, burial sites, ceremonial or bora grounds, cave paintings, rock engravings, axe grinding grooves, quarries and wells have all been recorded in the Hunter region. The distribution of these sites would generally have been reliant on environmental and cultural factors such as resource availability.

3.5 Archaeological Evidence for Aboriginal occupation in the Newcastle area

A summary of the land use (**Section 1.5**) context has identified that there has been substantial modification to the original landforms in the Newcastle City area. This has included infilling of the harbour in some areas, and the installation of infrastructure and buildings. The presence of archaeological evidence for Aboriginal occupation in the Newcastle area is influenced by the previous land use, although a number of recent excavations have shown that Aboriginal sites are located below historic structures, or intermixed with historic occupation (City of Newcastle 2015:27). In addition, the detection of Aboriginal archaeological evidence can depend on the sample size of areas archaeologically excavated (i.e. dimensions of trenches) and the location of archaeological excavations. The locations of archaeological investigations have been emplaced according to development proposals and, as such, have not systematically tested landforms or archaeological areas in Newcastle. The AHIMS database of Aboriginal sites is also limited by the same factors and many of the AHIMS sites have been identified as a result of archaeological excavation, the extent of some of the subsurface AHIMS sites are unknown, as often only a sample of them were excavated, as such the AHIMS results will be evaluated following the synthesis of the available archaeological and historical literature for Newcastle.

3.5.1 Archaeological and heritage literature review

There are numerous sources of information on the Aboriginal occupation of Newcastle. This section, however, focuses on those studies which are most relevant to understanding the archaeological evidence for the Aboriginal occupation of Newcastle. The studies have been summarised according to the date issued/completed.

3.5.1.1 Convict Limber Yard (Bairstow 1989)

During the excavation of the Convict Lumber Yard at Scott Street (SHR 00570) small quantities of Aboriginal artefacts were identified (Bairstow 1989). These appeared at the eastern end of the excavation and comprised chert, stone, shell and bone that were recorded at a depth of 1.5 metres, the same depth as the convict era deposit (Bairstow 1989:45-53) which is perhaps evidence of mixed deposits in that location. This site was registered as a potential archaeological deposit (PAD), AHIMS 38-4-1020. The excavation results suggest that the Aboriginal material is unlikely to extend beyond the area investigated and there did not appear to be in-situ deposits associated with the site.

3.5.1.2 Accor Ibis Hotel Site 700 Hunter Street Newcastle (AHMS 2001a, 2001b)

This excavation was undertaken approximately 120 metres east of Cottage Creek and included the investigation of AHIMS 38-4-0544, which was registered as a PAD. The excavation of this site revealed an Aboriginal shell midden with 2,939 whole and fragmentary shells, 326 pieces of animal bone and 5,734 lithics, 4,000 of which on preliminary counts were identified to be stone artefacts (AHMS 2001:12). Local shell species, cockle and mud whelk were the dominant shell types contained in the midden material. Tuff was the dominant raw material for stone artefacts, although silcrete, chert and quartz were also present. The preliminary survey had not identified any Aboriginal objects, however the area was considered to be archaeologically sensitive due to its proximity to Cottage Creek (AHMS 2001b).

3.5.1.3 Aboriginal Heritage Study (AMBS 2005)

The Aboriginal Heritage Study for Newcastle Local Government Area (LGA) (AMBS 2005). While the study did not involve subsurface archaeological investigation, it provided archaeological sensitivity modelling and a collation of historic information including documentation of local Aboriginal people making extensive use of the resources of the Hunter River and its environs. An important source of historical information on Aboriginal people in the area was from Reverend Lancelot Threlkeld, who lived in the area of Cottage Creek,

Honeysuckle between 1825 and 1826 (Threlkeld in Gunson 1974). Threlkeld records the procuring of fish by line and net, the gathering of shellfish, the opportune use of beached whales and the hunting of kangaroo, bandicoot, lizards and snakes (AMBS 2005:38).

The landscape model of archaeological sensitivity presented in the AMBS report is useful as a general guide, although more recent excavations have contributed additional information which will be discussed later. The area of central Newcastle and the Hunter River delta are described as being highly disturbed and modified, though it was considered that, in areas where landscape modification has been minimal, there is high potential for archaeological evidence to remain (AMBS 2005:80). In a summary of archaeological sensitivity for industrial Newcastle, the southern estuary shore is described as having moderate archaeological sensitivity (AMBS:93).

3.5.1.4 [Palais Royale Site 684 Hunter Street Newcastle \(AHMS 2011\)](#)

The Aboriginal archaeological salvage of this site entailed digging a trench 16 metres long by three metres wide (48 square metres), which was excavated to one to two metres deep in 10 centimetre spits (arbitrary levels). The excavation recovered 5,534 Aboriginal objects (AHMS 2011:10). Radiocarbon dating of excavated material indicated the site was occupied from approximately 6,700 years ago and three occupation periods were identified: 6,716 to 6,502 years BP, c. 3,500 years BP and 2,480 to 1,933 years BP.

From 3,500 years BP the use of exotic stone raw materials including chert, chalcedony and silcrete were noted. An Aboriginal hearth (fireplace) was dated to 2,188 to 1,933 cal. years BP and this level (2,480-1,933 years BP) appears to have been a focus for occupation with artefacts becoming four times more numerous than previous levels. Nobbys tuff was used as a raw material for stone artefacts throughout the sequence. Backed blades were present throughout all layers of the site with a proliferation of this tool type in the upper layers. Campsite occupation including the consumption of local shell species only appears to have occurred at the site after about 1,933 years BP (AHMS 2011).

3.5.1.5 [Wickham Transport Interchange, Newcastle: Aboriginal Heritage Summary Report. \(Artefact Heritage 2014\)](#)

Artefact Heritage was engaged by Transport for NSW to prepare an Archaeological Survey Report (ASR) for the proposed Wickham Transport Interchange (Artefact Heritage 2014). The report found that the study area had potential for archaeological deposits and that further archaeological investigation would be required where sub-surface impacts had the potential to impact buried Aboriginal archaeological deposits. The study area was registered as a PAD (AHMS 38-4-1716).

Artefact Heritage also prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR). This ACHAR recommended a program of archaeological test excavation be undertaken to further investigate the archaeological potential of the study area. As a result of this, an AHIP (#C0000892) was issued on the 13 March 2015.

Salvage excavations were undertaken in two stages (Artefact Heritage 2015). Stage I was undertaken between 13 April and 30 April 2015 and identified approximately 391 artefacts. Stage II, undertaken between 11 June and 7 July 2015, was completed in an area adjacent to areas of high artefact concentration identified during Stage I. Approximately 3,912 artefacts were identified during Stage II salvages. It was concluded there was the potential for two main vertical concentrations, possibly representing two occupation layers, of artefacts to be present within the collected assemblage, and as a result the site had high significance and research value.

3.6 Aboriginal archaeology summary

The archaeological investigations undertaken have identified subsurface Aboriginal heritage. The types of sites predominately comprise stone artefacts and shellfish remains (middens).

Some excavations have identified intact subsurface Aboriginal material underneath previously disturbed areas, which demonstrates that previous land use has not, necessarily, removed Aboriginal objects. However, it should be acknowledged that the distribution of Aboriginal material is not spatially uniform and that some areas have contained only disturbed archaeological contexts and other area contained relatively intact deposit. There is a high likelihood that subsurface Aboriginal material is present in the Rezoning Area, but its distribution would need to be further investigated.

4.0 Historic heritage assessment framework and registers

The following sections provide information on Federal and State legislation which provides for the protection and management of Aboriginal and historic cultural heritage.

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

4.1 Basis of assessment of heritage significance in New South Wales: Historic Cultural Heritage

4.1.1 Heritage Act 1977 and the NSW Heritage Division

Historical archaeological relics, buildings, structures, archaeological deposits and features with State heritage significance are protected under the *Heritage Act 1977* (and subsequent amendments) and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order.

The Heritage Council of NSW, constituted under the *Heritage Act 1977*, is appointed by the Minister and supported by the Heritage Division of the Office of Environment and Heritage (OEH). The Council is responsible for heritage in NSW and reflects a cross-section of community, government and conservation expertise. The work of the Heritage Division includes:

- working with communities to help them identify their important places and objects
- providing guidance on how to look after heritage items
- supporting community heritage projects through funding and advice
- maintaining the NSW Heritage Inventory, an online list of all statutory heritage items in NSW.

The 1996 *NSW Heritage Manual*, published by the NSW Heritage Division and the then Department of Urban Affairs and Planning, provides guidelines for conducting assessments of heritage significance. The Manual includes specific criteria for addressing the significance of an item and this assessment has been completed in accordance with those guidelines.

4.1.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates environmental planning and assessment in NSW. The EP&A Act and its regulations, schedules and associated guidelines require that environmental impacts are considered in land use planning and development assessment. The EP&A Act defines “environment” as “...all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.” The environment therefore includes cultural heritage.

Heritage items and places are described in local environmental plans (LEPs) and shown on the heritage maps which accompany the LEP. All LEPs contain clauses dealing with heritage conservation. Under this Act all local governments in NSW are required to maintain a register of heritage places as Schedule 5 under their LEP.

4.1.3 The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013

The *Burra Charter* is a set of best practice principles and procedures for heritage conservation. It was developed by Australia ICOMOS (International Council for Monuments and Sites), the Australian group of the

international professional organisation for conservation. Although without statutory weight, the *Burra Charter* underpins heritage management in NSW and Australia. The policies and guidelines of the Heritage Council of NSW and the NSW Heritage Office are consistent with and guided by the *Burra Charter*.

4.1.4 Newcastle Local Environmental Plan (2012)

The NLEP provides protection for local heritage items and conservation areas. Schedule 5 of the NLEP lists local heritage items, as well as conservation areas within the Newcastle LGA. The aims of the NLEP are “to respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle” and “to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle” (S1.2a,b).

4.2 Regulatory framework - Historic

The approval process for the proposed works is under the *State Environmental Planning Policy (Infrastructure) 2007*; this legislation is intended to facilitate the delivery of infrastructure across NSW.

With regard to heritage, in NSW there is blanket protection afforded under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*. Under those Acts heritage permits are required for any works with the potential to impact on heritage, including built heritage and archaeological heritage.

In NSW historic heritage items are assessed in terms of level of significance. In the Rezoning Study Area there are historic heritage items recorded as being significant at the State level and at the local level. State listed items have been assessed and found to be significant at the State-wide level, while locally listed items are considered to be significant to the local community.

4.2.1 State listed heritage items

Approval must be gained from the NSW Heritage Council when making changes to a place listed on the State Heritage Register or a place covered by an interim heritage order (IHO). That approval is sought through lodgement of a section 57 or a section 60 application prior to commencement of works.

4.2.2 Locally listed heritage items

Under the *State Environmental Planning Policy (Infrastructure) 2007* (Part 2, Division 1, 14) the public authority conducting works with impacts on local heritage must not carry out development unless the authority or the person has:

- (a) had an assessment of the impact prepared, and
- (b) given written notice of the intention to carry out the development, with a copy of the assessment, to the council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and
- (c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.

4.2.3 Archaeological sites

Approval from the NSW Heritage Division is required when excavating any land in NSW where there is potential of disturbing an archaeological relic (of historic origin). The application type required depend on whether the site is of local or state significance.

4.2.3.1 Archaeological Sites of Local Significance

The following approvals may apply to archaeological sites of local significance:

- Section 139 Application (Exception 1B) – This exception can be applied for where the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them.
- Section 139 Application (Exception 1C) – This exception can be applied for where the site has little likelihood of relics or no archaeological research potential.
- Section 140 Application – this is required to excavate or disturb land that will or is likely to result in the discovery, movement and/or destruction of relics (that are not State Heritage).

If during ground disturbing works, substantial intact archaeological relics of State or local significance are identified, then work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Act. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

4.2.3.2 Archaeological Sites of State Significance

The following approvals may apply to archaeological sites of state significance:

Section 57 Application (Standard Exemption) – There are 17 standard exemption types, the one pertaining to the excavation of archaeological sites is detailed under Standard Exemption 4 and may be applied for if it is demonstrated that:

- (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or
- (b) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or
- (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance, indicates that the site has little or no archaeological research potential.

Section 60 Application – this is required for items on State heritage listed land where there is a likelihood that identified State heritage significant items/s will be impacted on as a result of the proposal

4.3 **Heritage Registers Review - Historic Heritage**

Items and places considered to be of heritage significance in Australia and NSW may be included on registers or schedules at the national, state, or local government level. The listing reflects the level of significance of that heritage item or place. Items and places of national significance are recorded on the National Heritage List or the Commonwealth Heritage List. Items of significance to the people of NSW are recorded on the SHR, items of local significance are recorded on the LEPs, while items under the ownership of the NSW Government are recorded on the s170 Register. These registers are not static, with sites recorded and removed as deemed necessary.

The location of the historic heritage items described in this section can be found at **Figure 2; Figure 3; and Figure 4.**

4.3.1 National and Commonwealth heritage

A search of the Australian Heritage Database was undertaken with reference to the National Heritage List and Commonwealth Heritage List. No items of national or commonwealth heritage significance were identified within or abutting the Rezoning Study Area.

The relevant historic heritage registers outlined in the previous section were searched. The Australian Heritage Database was been checked for the study area which includes places in the National Heritage List, Commonwealth Heritage List and World Heritage List. There are no sites included on these lists in the Rezoning Study Area.

4.3.2 State Heritage Register

The State Heritage Register (SHR) was searched for the Rezoning Study Area. **Table 2** outlines the state heritage places and their location in relation to the proposed rezoning areas.

There are a number of state heritage places within the townscape surrounding the sites proposed for rezoning. Heritage items in the vicinity of the Rezoning Study Area, that is, across the road or have direct line of sight have been listed in **Table 3**.

Table 2 Items of State Significance on the State Heritage Register (SHR) intersecting the Rezoning Study Area

Item	Address	Heritage Listing	Significance	Relationship to proposed rezoning sites
Civic Railway Workshops	Great Northern Railway, Newcastle	SHR No. 00956	State	Potentially within proposed rezoning Parcel 01(B4 Mixed Use); Parcel 02 (B4 Mixed Use); Parcel 03 (B4 Mixed Use); and Parcel 04 (RE1 Public Recreation) and Parcel 05 (B4 Mixed Use).
Newcastle Railway Station	Great Northern Railway, Newcastle	SHR No. 00236	State	Within Parcel 16 (SP3 Tourist)
Newcastle Railway Station Additional Group	Great Northern Railway, Newcastle	SHR No. 01212	State	Within Parcel 15 (RE1 Public Recreation) and Parcel 16 (SP3 Tourist).

Table 3 Items of State Significance on the State Heritage Register (SHR) in close proximity to the Rezoning Study Area

Item	Address	Heritage Listing	Significance	Relationship to proposed rezoning sites
Former Frederick Ash Building	359-361 Hunter Street, Newcastle	SHR No. 00642	State	Approximately 45 metres south of proposed Parcel 06 (B4 Mixed Use).
Newcastle City Hall and Civic Theatre	289 King Street, Newcastle	SHR No. 01883	State	Approximately 45 metres south of proposed Parcel 04 (RE1 Public Recreation); Parcel 05 (B4 Mixed Use) and Parcel 06 (B4 Mixed Use).
Great Northern Hotel	89 Scott Street, Newcastle	SHR No. 00507	State	Approximately 30 metres south east of proposed Parcel 16 (SP3 Tourist).
Customs House	1 Bond Street, Newcastle	SHR No. 01403	State	Approximately 20 metres east of Parcel 16 (SP3 Tourist).

4.3.3 Section 170 Register

The following **Table 4** identifies heritage places included on the Section 170 Register located within the Rezoning Study Area and an item adjacent to the Rezoning Study Area is listed in **Table 5**.

Table 4 Items on s170 Heritage Registers in the Rezoning Study Area

Item	Address	State Government Agency	Significance	Relationship to proposed rezoning sites
Civic Railway Station Group	Hunter Street, Civic	RailCorp	Local	Within Parcel 01, 02, 03 (all B4 Mixed Use), 04 (RE1 Public Recreation) and 05 (B4 Mixed Use).
Newcastle Railway Station Group	110 Scott Street, Newcastle	RailCorp	State	Within Parcel 15 (RE1 Public Recreation) and Parcel 16 (SP3 Tourist).

Table 5 Items on s170 Heritage Registers in close proximity to the Rezoning Study Area

Item	Address	State Government Agency	Significance	Relationship to proposed rezoning sites
Newcastle Port Corporation	Cnr Newcomen and Scott Streets, Newcastle	Newcastle Port Corporation	Local	Approximately 30 metres south of Parcel 15 (RE1 Public Recreation).

4.3.4 Local Heritage Register

The Rezoning also falls in part within the Newcastle City Centre Heritage Conservation Area.

The following **Table 6** lists items located in or abutting the Rezoning Study Area, **Table 7** lists items in the vicinity.

Table 6 Local Heritage Items in or abutting the Rezoning Study Area

Item	Address	Heritage Listing	Significance	Relationship to proposed rezoning sites
Remains of AA Company bridge and fence	280 Hunter Street	I415	Local	Within Parcel 07 (B4 Mixed Use); Parcel 08 (B4 Mixed Use Road) and Parcel 09 (B4 Mixed Use), Parcel 10 (SP2 Infrastructure [no change]), Parcel 11 (B4 Mixed Use).
Newcastle Railway Station	110 Scott Street	I455	Local (& State)	Within Parcel 15 (RE1 Public Recreation) and Parcel 16 (SP3 Tourist).
Civic Railway Workshops Group	5 Workshop Way, 1 Wright Lane, 6 Workshop Way and 2–4 Merewether Street	I479	Local (& State)	Potentially within proposed rezoning Parcel 03 (B4 Mixed Use); and Parcel 04 (RE1 Public Recreation) and Parcel 05 (B4 Mixed Use).
Former Tramway Sub-station	342 Hunter Street	I416	Local	Abuts eastern boundary of proposed rezoning Parcel 09 (B4 Mixed Use) and south west boundary Parcel 11 (B4 Mixed Use).

Table 7 Local Heritage Items in close proximity to the Rezoning Study Area

Local Heritage Place	Address	Heritage Listing	Significance	Relationship to proposed rezoning sites
The Civic Theatre	373 Hunter Street	I418	Local (& State)	Approximately 45 metres south of proposed Parcel 04 (RE1 Public Recreation); Parcel 05 (B4 Mixed Use) and 06 (B4 Mixed Use Road).
Former Frederick Ash Building	359-361 Hunter Street	I417	Local (& State)	South side of Hunter Street, approximately 45 metres south of proposed Parcel 06 (B4 Mixed Use. Road).
The Lucky Country Hotel	237 Hunter Street	I414	Local	South side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 11 (B4 Mixed Use).
Former ANZ Bank	227 Hunter Street	I413	Local	South side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 11 (B4 Mixed Use).
The Crown and Anchor Hotel	189 Hunter Street	I410	Local	South side of Hunter Street, approximately 40 metres south of proposed rezoning Parcel 12 (B4 Mixed Use).
Former School of Arts	182 Hunter Street	I409	Local	South side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 15 (RE1 Public Recreation).
Rundles Buildings (former R Hall & Sons buildings)	161 Scott Street	I458	Local	South side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 15 (RE1 Public Recreation).
Former Beberfaulds Warehouse	175 Scott Street	I459	Local	South side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 15 (RE1 Public Recreation).
The former Commonwealth Bank	220 Hunter Street	I412	Local	Southern side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 13 (RE1 Public Recreation) and Parcel 14 (B4 Mixed Use).
The former Johns Building	200–212 Hunter Street	I411	Local	Southern side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 14 (B4 Mixed Use).
The Air Force Club	129 Scott Street	I457	Local	Southern side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 15 (RE1 Public Recreation).
The Centennial Hotel	127 Scott Street and 114 Hunter Street	I456	Local	Southern side of Scott Street, approximately 20 metres south of proposed rezoning Parcel 15 (RE1 Public Recreation) and Parcel 16 (SP3 Tourist).
Customs House	1 Bond Street	I372	Local (& State)	Eastern side of Watt Street, approximately 20 metres east of proposed rezoning Parcel 16 (SP3 Tourist).
Great Northern Hotel	89 Scott Street	I451	Local (& State)	Southern side of Scott Street, approximately 20 metres south east of diagonally proposed rezoning Parcel 16 (SP3 Tourist).

4.3.5 Archaeological site or potential archaeological sites

There are a number of potential archaeological sites in, or abutting the rezoning area.

4.3.5.1 Mortuary Station, Worth Place

The Mortuary Station constructed in 1883 and demolished around 1933 was described as a small weatherboard building in rustic style. The Mortuary Station Signal Box was constructed around 1895 with the date of demolition unknown. (C & M.J. Doring 1991: Sheet 6).

The site is not registered, however there is potential for archaeological relics associated with the Mortuary Station to exist subsurface.

4.3.5.2 Railway turntable, Wright Lane and Civic Railway Workshops

The railway turntable site, visible on aerial imagery, is an industrial archaeological site most likely associated with the Honeysuckle railway workshops. The area including and to the north of the railway corridor has the potential to contain historical archaeological remains, including remains of State significance associated with the Civic Railway Workshops.

4.3.5.3 Civic Railway Station Group (location of Honeysuckle Railway Station 1858-1872)

The area to the north of the railway station forms part of the former Honeysuckle Point workshops and wharf precinct and are flanked by historic, former workshop buildings. The original Honeysuckle Station is also known to have been in this area. The area may contain archaeological evidence associated with the original station and workshops, although the evidence may have been partially disturbed during the construction of the current station and the realignment of the railway line in this location. The archaeological potential is considered to be moderate and may include remnant footings, pits and artefact deposits ([Civic Railway Station Citation](#)).

4.3.5.4 Newcastle Railway Station Group

The archaeological remains of the former goods yard and loading docks are cited in the NSW Heritage Inventory with reference to the potential for archaeological evidence (footings and artefact deposits) of pre 1850s buildings along the Watt Street frontage. The area immediately adjacent to the former gasworks building, now part of the bus interchange, may contain evidence of the former gas tanks. In summary, Newcastle Station is likely to have low to moderate archaeological potential.

4.3.5.5 Convict Huts Area

Higginbotham (2013) in the *Newcastle Archaeological Management Plan Review* assessed historic maps, historic archives and other information sources and examined the predicted levels of disturbance. Although a historic archaeological sensitivity map was created as part of this study, assessment of potential impacts is still required for specific development footprints.

There is one identified, though it is an unregistered archaeological site, the Convict Huts Area (Higginbotham 2013) in the Parcel 15 and Parcel 16.

Table 8 Archaeological sites or potential archaeological sites in the project area

Item	Address	Heritage Listing	Significance	Relationship to proposed rezoning sites
Mortuary Station	Worth Place	unlisted	unknown	Within Parcel 01 (B4 Mixed Use)
Railway turntable & Civic Railway Workshops	Wright Lane	State	State	Potentially within proposed rezoning Parcel 01(B4 Mixed Use); Parcel 02 (B4 Mixed Use); Parcel 03 (B4 Mixed Use); and 04 (RE1 Public Recreation) and 05 (B4 Mixed Use).
Civic Railway Station Group	Hunter Street	S170	Local	Within Parcel 03 (B4 Mixed Use) 04 (RE1 Public Recreation) and 05 (B4 Mixed Use).
Newcastle Railway Station Group	110 Scott Street	State; S170 and Newcastle LEP	State	The Group curtilage (including the Newcastle Railway Station Signal Box) is within Parcel 15 (RE1 Public Recreation). The Newcastle Railway Station Buildings are within Parcel 16 (SP3 Tourist).
Convict Huts Area	Scott Street	Unlisted	Potentially state	Parcel 15 and Parcel 16

4.3.6 Summary of register review

The above register review incorporates all built structures in, and in the vicinity of the Rezoning Study Area. Historic archaeological sites are more difficult determine. While there may be recorded relics, in most instances the presence and extent of deposits is unknown without either testing by ground penetrating radar or excavation.

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4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.



TITLE : **FIGURE 2: REZONING STUDY AREA WITH HISTORIC HERITAGE ITEMS (WEST)**

LOCATION : **NEWCASTLE**

DATUM:GDA 1994

DATE : **28/04/2016**

VERSION (PLAN BY): D A3 (Natalie.Wood)

PROJECTION: GDA 1994 MGA Zone 56

PURPOSE: **HERITAGE**

PATH: J:\JOBS\123K\123632 Heritage Newcastle Rail Corridor\10 - Drafting\Arcgis Map Documents\Report Figures\103 123632 April 2016\123632 Figure 2 Rezoning D 20160428.mxd

CLIENT: **ELTON CONSULTING**
JOB REF: **PR123632**

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Legend

Land Parcels Proposed Rezoning

State Heritatge Items

Section 170 Heritage Register

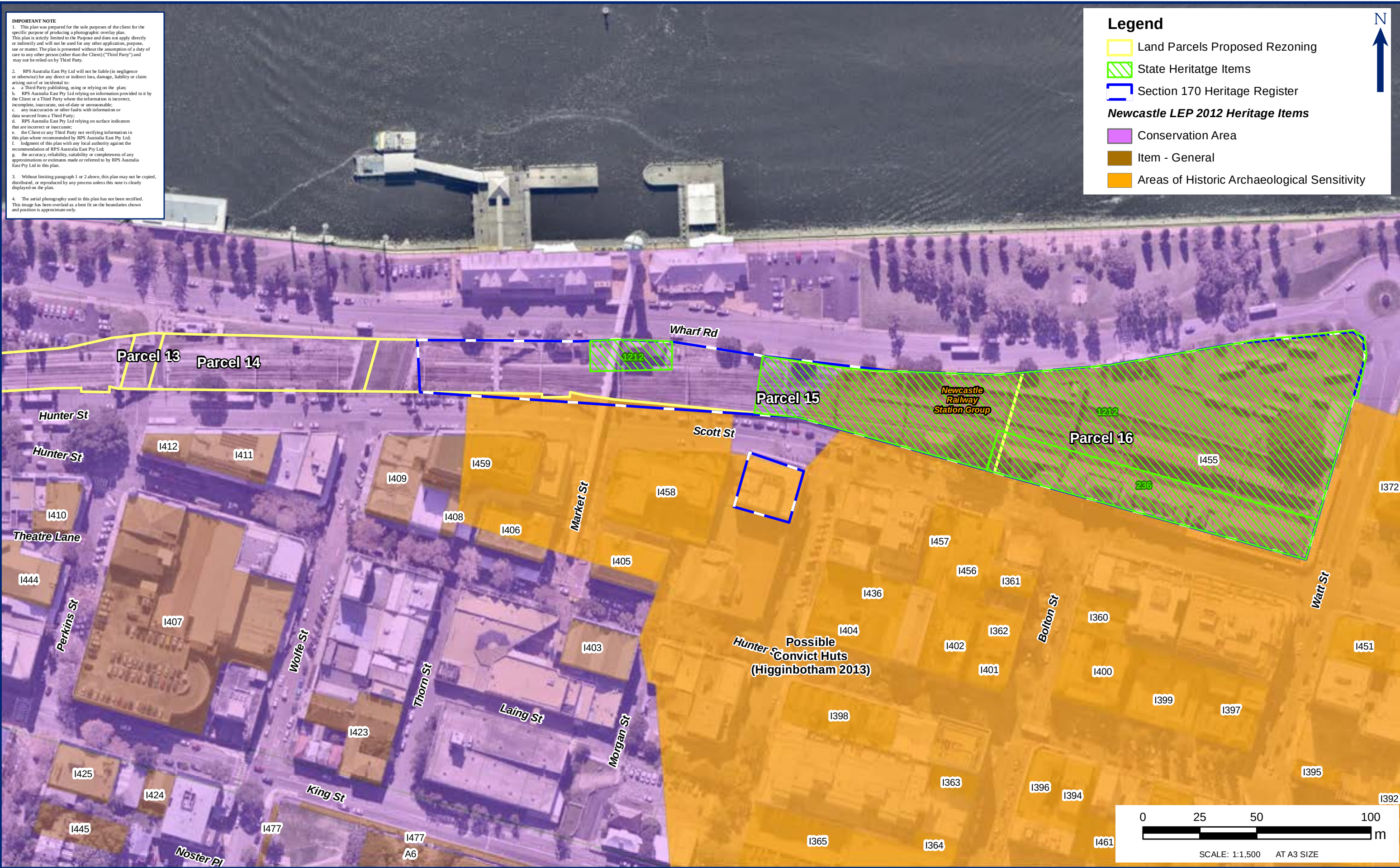
Newcastle LEP 2012 Heritage Items

Conservation Area

Item - General

Areas of Historic Archaeological Sensitivity

N



TITLE : **FIGURE 4: REZONING STUDY AREA WITH HISTORIC HERITAGE ITEMS (EAST)**

LOCATION : **NEWCASTLE**

DATUM:GDA 1994

DATE : **28/04/2016**

VERSION (PLAN BY): D A3 (Natalie.Wood)

PROJECTION: GDA 1994 MGA Zone 56

PURPOSE: **HERITAGE**

PATH: J:\JOBS\123K\123632 Heritage Newcastle Rail Corridor\10 - Drafting\Arcgis Map Documents\Report Figures\103 123632 April 2016\123632 Figure 4 Rezoning EAST D 20160428.mxd

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5.0 Aboriginal Heritage Assessment Framework and Register

5.1 Basis of assessment of Aboriginal cultural heritage significance in New South Wales

Although there are a number Acts and regulations protecting and managing cultural heritage in New South Wales the primary ones include:

- *National Parks and Wildlife Act 1974* (as amended)
- *National Parks and Wildlife Regulation 2009*
- *Environmental Planning and Assessment Act 1979*

In brief, the *National Parks and Wildlife Act 1974* (as amended) protects Aboriginal heritage (places, sites and objects) within NSW; the *National Parks and Wildlife Regulation 2009* provides a framework for undertaking activities and exercising due diligence.

5.1.1 National Parks & Wildlife Act 1974 (as amended)

The *National Parks and Wildlife Act 1974* (as amended) (NPW Act) protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in s86 of the NPW Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1),
- “A person must not harm an Aboriginal object” s86(2)
- “A person must not harm or desecrate an Aboriginal place” s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The ‘**due diligence**’ defence (s87(2)), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Project Area; then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and Office of Environment and Heritage (OEH) notified (DECCW 2010b:13). The due diligence defence does not authorise continuing harm.

Notification of Aboriginal Objects

Under section 89A of the NPW Act Aboriginal objects (and sites) must be reported to the Director-General of OEH within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

5.1.2 National Parks and Wildlife Regulation 2009

The *National Parks and Wildlife Regulation 2009* (NPW Regulation) provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The NPW Regulation outlines the recognised due diligence codes of practice which are relevant to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) (DECCW 2010c); amongst other regulatory processes.

5.1.3 Native Title Act

The Commonwealth Government enacted the *Native Title Act (1993)* to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in *Mabo & Ors v Queensland* (No. 2) (1992) 175 CLR 1 (“Mabo”).

Although there is a presumption of native title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are a number of ways that native title is taken to have been extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes native title, as does any commercial, agricultural, pastoral or residential lease. Land that has been utilised for the construction or establishment of public works also extinguishes any native title rights and interests for as long as they are used for that purpose. Other land tenure, such as mining leases, may be subject to native title, depending on when the lease was granted.

5.1.4 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within NSW and to establish Local Aboriginal Land Councils (LALCs). The land able to be claimed by LALCs, on behalf of Aboriginal people, includes Crown Land that (s36):

- Is able to be lawfully sold, leased, reserved or dedicated;
- Is not lawfully used or occupied;
- Does not comprise lands which, in the opinion of the Crown Lands Minister, are needed or are likely to be needed for residential purposes;
- Are not needed, nor likely to be needed for an essential public purpose;
- Does not comprise land under determination by a claim for native title; and
- Is not the subject of an approved determination under Native Title.

Claims for land are by application to the Office of the Registrar, Aboriginal Land Rights Act (1983).

5.1.5 Guidelines

5.1.5.1 [Ask First: A guide to respecting Aboriginal heritage places and values](#)

Ask First (2002) was commissioned by the Australian Heritage Commission to help Australians protect different aspects of their natural and cultural heritage places, and is intended to be complementary to the Australia ICOMOS Burra Charter and the Australian Natural Heritage Charter. Ask First is a practical guide for land developers, land users and managers, cultural heritage professionals and others who may have an impact on Aboriginal heritage. The main focus of the guidelines is to emphasise that consultation and negotiation with Aboriginal stakeholders is the best means of addressing Aboriginal heritage issues. The guidelines also emphasise the need to comply with relevant Territory and Commonwealth Aboriginal cultural heritage legislation and statutory authorities.

Ask First states that in recognising the rights and interests of Aboriginal peoples in their heritage, all parties concerned with identifying, conserving and managing this heritage should acknowledge, accept and act on the principles that Aboriginal people:

- Are the primary source of information on the value of their heritage and how it is best conserved;
- Must have an active role in any Aboriginal heritage planning process;
- Must have input into primary decision-making in relation to Aboriginal heritage so that they can continue to fulfil their obligations towards this heritage; and
- Must control intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value.

5.1.6 Aboriginal Community Consultation

OEH acknowledges that Aboriginal people are the primary determinants of the significance of their heritage and that Aboriginal people should be involved in the Aboriginal cultural heritage planning process. Aboriginal people are the primary source of information regarding the value of their heritage and how this is best protected and conserved, and must be afforded control in the way cultural information (particularly sensitive information) is used. Aboriginal consultation is regarded as an integral part of the process of investigating and assessing Aboriginal cultural heritage (OEH 2011:2).

Aboriginal consultation is mandatory for the preparation of an Aboriginal Heritage Impact Permit application (clause 80C of the NP&W Regulation), for undertaking a test excavation (DECCW 2010a) and is usually required as part of the DGRs issued by the Department of Planning and Infrastructure. In cases when Aboriginal consultation is mandatory, the consultation process is stipulated in clause 80C of the NPW Regulation and is further specified in the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) (DECCW 2010c). As a general principal, OEH encourages consultation with Aboriginal people whenever there is uncertainty that a proposed activity could potentially harm Aboriginal objects or places.

5.1.7 Aboriginal Heritage Impact Permit

Under the NPW Act, a person can apply for an AHIP as a defence to a prosecution for harming Aboriginal objects or Aboriginal places. An Aboriginal Cultural Heritage Assessment Report (ACHAR) is needed to support an AHIP application. The AHIP will be a defence provided that:

- the harm was authorised by the AHIP, and
- the conditions of that AHIP were not contravened.

You should apply for an AHIP if your proposed activity will – directly or indirectly – harm an Aboriginal object or a declared Aboriginal place.

5.2 Heritage Register Review - Aboriginal

This section will present the results of the Aboriginal Heritage Information Management System (AHIMS) database search, as well as build on the relevant contextual background for the assessment.

5.2.1 Aboriginal Heritage Information Management System (AHIMS)

A search was undertaken of the Aboriginal Heritage Information Management System (AHIMS) for GDA Zone 56, Eastings 382900 to 386600 and Northings 6355700 to 6357200 (Appendix 1).

The AHIMS results show there are 17 Aboriginal sites in the Newcastle area (**Table 2**), but none of these are in the Rezoning Study Area. However, it should be acknowledged that the AHIMS results are influenced by

ground surface visibility and that the subsurface archaeological investigations have been emplaced according to development proposals and, as such, have not systematically tested landforms or archaeological areas in Newcastle.

Thus the AHIMS results need to be interpreted in conjunction with results of the archaeological context review in **Section 3.0**. The view shows that some archaeological excavations have identified intact subsurface Aboriginal material underneath previously disturbed areas, which demonstrates that previous land use has not, necessarily, removed Aboriginal objects. The distribution of subsurface Aboriginal material is not spatially uniform and that some areas have contained only disturbed archaeological contexts and other area contained relatively intact deposit. On this basis, there is a high likelihood that subsurface Aboriginal material is present in the Rezoning Study Area, but its distribution would need to be further investigated.

Table 9 Summary of AHIMS site types within the searched coordinates, none are in the Rezoning Project Area

Site type	Count	Percent
PAD	7	41.18%
PAD + Midden	2	11.76%
Surface Artefact(s)	8	47.06%
Total	17	100.00%

Source: AHIMS search generated 4 November 2015.



6.0 Visual Inspection

All historic heritage items listed in **Table 2** through to **Table 7** have been inspected on a number of occasions as part of ongoing works associated with the rezoning project. All structures were seen to be in generally good repair, with the exception of the Great Northern Hotel.

A number of buildings have been the subject of renovation and adaptive re-use (the Lucky Country Hotel; Customs House; Former Tramway Substation; Civic Railway Workshops; the Former ANZ Building; the Former Johns Buildings and the Former Frederick Ash Building). Further investigation of the buildings that are either in, or in an area that intersects with the Project Area was conducted. All items were in good condition, with many of the buildings associated with the Civic Railway Workshops having undergone extensive renovations and refurbishment to suit a range of purposes including as the home of the Newcastle Regional Museum and the headquarters of Australian Wine Selectors. Civic Railway Station, Newcastle Railway Station and the Newcastle Railway Station Additional Group are currently not operational; however they all appear to be well maintained. The Remains of AA Co. Bridge and Fence (also referred to as AA Company Remnant Bridge Pier) comprises remnants piers of a railway bridge and an early railway fence. While they are not maintained they appear to be in a condition that is consistent with their age and material type.

The majority of the buildings listed as in close proximity (**Table 3; 6; & 8**) are across the street from the proposed Project Area.

7.0 Aboriginal heritage – potential impact and approvals required

There are no registered Aboriginal sites in the Rezoning Area. However, based on previous archaeological investigations subsurface Aboriginal sites have been identified in the surrounding area and it is therefore considered that Rezoning Area is archaeologically sensitive for Aboriginal heritage.

The Aboriginal objects most likely to occur are stone artefacts and shellfish remains (described as middens). These site types reflect the local environment and the utilisation of the Aborigines of local resources.

It is recommended that prior to ground disturbance works occurring that:

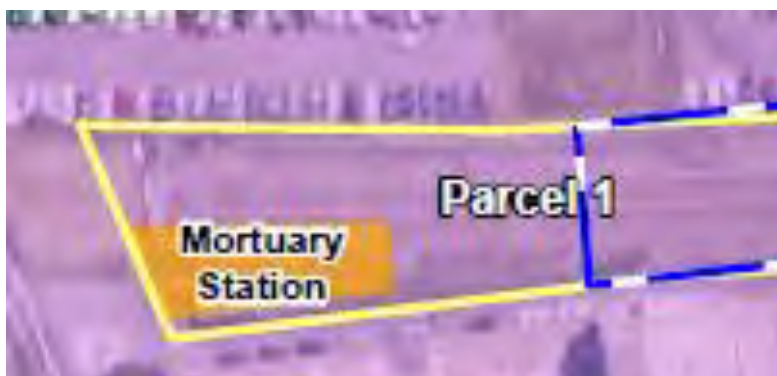
- The Aboriginal community is consulted through the ACHCR including a survey of the Rezoning Area (**Section 5.1.6**); and
- An Aboriginal Cultural Heritage Assessment Report is prepared (**5.1.7**)

8.0 Historic Heritage – potential impact and approvals required

There are six built heritage items in or abutting the area: the Newcastle Railway Station and the Newcastle Railway Station Additional Group (both on the State Heritage Register); the Civic Railway Workshop; Civic Station; the Remains of AA Co. Bridge and Fence and the former Tramway Substation (on the NLEP 2012 Schedule 5 and of local heritage significance). In addition, are archaeological precincts which are also encompassed in the Rezoning Area. All these items and precincts are addressed below.

8.1 Mortuary Station site

Listing	Unlisted	
Address	Great Northern Railway in vicinity of Worth Place	
Ownership	Sydney Trains. State Government	
Description	The Mortuary Station was constructed in 1883 to transport the deceased and mourners to the newly opened Sandgate Cemetery. Demolished around 1933 it was described as a small weatherboard building in rustic style. The Mortuary Station Signal Box was constructed around 1895 with the date of demolition unknown (History of Sandgate).	
Proposed rezoning	Within Parcel 01 (B4 Mixed Use)	
Impact	Excavation of the area during construction of buildings to a height of 30m.	
Potential Approvals NSW Heritage Act 1977	NSW Heritage Act 1977: Subsurface disturbance: Proposed works are likely to disturb subsurface relics under the: S139(4) Excavation Exception Application If relics are uncovered lodgement of S140 Application for an Excavation Permit	Background to requirement for approvals: Existence of archaeological relics is unknown; if relics are uncovered an Excavation Methodology will be required and lodged to support the S140 Application for an Excavation Permit.
		



8.2 Civic Railway Workshops

Listing	NSW Heritage Register (SHR956); Newcastle City Council LEP (Item I479)	
Address	Great Northern Railway Newcastle	
Ownership	Honeysuckle Development Corporation (state government)	
Description	Civic Railway Workshops is an outstanding industrial Victorian workshop group. The whole group is of highest significance in the State. Construction of workshops in Newcastle was brought about for two reasons: separation of the Great Northern lines from the main system from 1857 to 1889; and in recognition of the exclusive facilities and rolling stock required to handle coal traffic. The Lee Wharf site has the potential to contain historical archaeological remains, including remains of State significance. These remains may lie both within the boundary of the State Heritage Register and outside (SHI database 5044977).	
Proposed rezoning	Potentially within Parcel 01 (B4 Mixed Use); Parcel 02 (B4 Mixed Use); Parcel 03 (B4 Mixed Use); and Parcel 04 (RE1 Public Recreation) and Parcel 05 (B4 Mixed Use).	
Impact	Potential impact on archaeological site/s through excavations for works however no proposed physical impact on the built structures (workshops). Potential visual impact of buildings constructed to a height of 24m (Parcel 05), on the workshops particularly 2 - 4 Merewether Street (Newcastle Museum).	
Approvals <i>NSW Heritage Act 1977</i>	Major alterations or demolition: Application under S60 supported by a Conservation Management Plan and Heritage Impact Assessment. Minor alterations, maintenance or repair: Application for Exemption under S57(2) to carry out works. Subsurface disturbance: In addition if proposed works are likely to disturb subsurface relics under the: S57(2) Excavation <u>Exception</u> Application If relics are uncovered lodgement of S60 Application for an Excavation Permit	Background to requirement for approvals: The Civic Railway Workshops is listed on the State Heritage Register with approval required from the NSW Heritage Council for any works. Subsurface disturbance: Existence of archaeological relics is unknown; if relics are uncovered a Excavation Methodology will be required and lodged to support the S60 Application for an Excavation Permit.
		



8.3 Civic Railway Station Group

Listing	S170 State government agency (SRA623)	
Address	Hunter Street, Civic Station	
Ownership	Sydney Trains. State Government	
Description	Civic Railway Station opened in 1935, is the location of the original Honeysuckle Railway Station (1857). The current station is described as modest single storey, Inter-War Functionalist in style. The footbridge is described as the only known example constructed on brick piers (SHI Database 4801623).	
Proposed rezoning	The western platform and curtilage is in Parcel 03 (B4 Mixed Use) The Civic Railway Station building is in Parcel 04 (RE1 Public Recreation) The eastern platform and curtilage is in Parcel 05 (B4 Mixed Use)	
Impact	No impact to built structures proposed.	
Approvals <i>NSW Heritage Act 1977</i>	<i>NSW Heritage Act 1977:</i> Major alterations or demolition: Internal Approval Process for state owned Asset. Supported by Heritage Impact Assessment. Minor alterations, maintenance or repair; All changes must be lodged on the Heritage Division's Heritage Data Form <i>NSW Heritage Act 1977:</i> In addition if proposed works are likely to disturb subsurface relics under the: S139(4) Excavation <u>Exception</u> Application If relics are uncovered lodgement of S140 Application for an Excavation Permit	Background to requirement for approvals: This parcel contains the Civic Railway Station buildings including the Overhead Footbridge. Subsurface disturbance: Existence of archaeological relics is unknown, if relics are uncovered a Excavation Methodology will be required and lodged to support the S140 Application for an Excavation Permit
		



8.4 Remains of the AA Company Bridge and Fence

Listing	Newcastle City Council LEP (I145)	
Address	280 Hunter Street, Newcastle	
Ownership	Unknown	
Description	The remnant AA Company bridge pier and railway fence form a tangible link to the Australian Agricultural Company coal mining operation. The bridge remnants mark what was both a bottleneck and a vital connection for the Company the bridge was constructed to allow an easier relationship between the Company's coal transport activities and the transport needs of the growing town of Newcastle (SHI 2172035).	
Proposed rezoning	Within Parcel 07 (B4 Mixed Use); Parcel 08 (B4 Mixed Use Road) and Parcel 09 (B4 Mixed Use).	
Impact	Potential impact from the following works: Parcel 07 – Construction of buildings to a height of 30m Parcel 08 – Construction of buildings to a height of 24m Parcel 09 – Construction of a road linking Argyle Street to Hunter Street Parcel 10 – Substation (no change in rezoning), construction of substation Parcel 11 – Construction of buildings to a height of 14m	
Approvals <i>NSW Heritage Act 1977</i> & <i>NSW Environmental Planning and Assessment Act 1979</i>	<i>NSW Environmental Planning and Assessment Act 1979:</i> If the footings and fence are on Newcastle City Council land - Statement of Heritage Impact must be lodged with Council prior to any works in proximity to the heritage items. <i>NSW Heritage Act 1977:</i> If the Remains are on state owned land - Major alterations or demolition: Internal Approval Process for state owned Asset. Supported by Heritage Impact Assessment. Minor alterations, maintenance or repair; All changes must be lodged on the Heritage Division's Heritage Data Form. In addition under the <i>NSW Heritage Act 1977:</i> Removal of the existing Remains of AA Company Bridge and Fence, if approved would require a S140 Application for an Excavation Permit.	The Remains of AA Company Bridge and Fence are in evidence and are likely to include in addition, archaeological relics.
		
 Remains of AA Company Bridge and Fence		

8.5 Tramway Substation (Former)

Listing	Newcastle City Council LEP (Item I416)
Address	342 Hunter Street, Newcastle
Ownership	Unknown
Description	Historically important due to tramway. Probably constructed when tramway was electrified in 1923. , Important townscape element being one of few on north side of street in this vicinity. The interiors are of significance (SHI 2170183)
Proposed rezoning	Abuts eastern boundary of proposed rezoning Parcel 09 and 11 (B4 Mixed Use).
Impact	Tramway Substation (Former) remains. The potential impact of buildings to a height of 14m (Parcel 11) on the northern boundary.
Approvals <i>NSW Heritage Act 1977</i> & <i>NSW Environmental Planning and Assessment Act 1979</i>	<i>NSW Environmental Planning and Assessment Act 1979</i> Newcastle City Council requires a Statement of Heritage Impact be lodged with Council prior to any works. The Tramway Substation (Former) abuts Parcel 08. The construction of buildings to a height 14m on the northern boundary (Parcel 11). A Statement of Heritage Impact is required if there is development in the vicinity of a heritage item.



Tramway Substation (Former)

8.6 Newcastle Railway Station Additional Group

Listing	NSW Heritage Register (SHR01212) : S170 State government agency (SRA28)	
Address	Great Northern Railway	
Ownership	Sydney Trains. State Government	
Description	The Newcastle Signal Box built in 1936 a major technical achievement at the time, it was the only Type O signal box provided with an electro-pneumatic miniature lever power interlocking machine. One of the few signal boxes in the State to retain the original signalling frame, it was decommissioned sometime after 2012 (SHI Database 5012122).	
Proposed rezoning	Within Parcel 15 (RE1 Public Recreation)	
Impact	Proposed heritage building remains with adaptive reuse	
Approvals NSW Heritage Act 1977	Major alterations or demolition: Application under S60 supported by a Conservation Management Plan and Heritage Impact Assessment. Minor alterations, maintenance or repair: Application for Exemption under S57(2) to carry out works. Subsurface disturbance: In addition if proposed works are likely to disturb subsurface relics under the: S57(2) Excavation <u>Exception</u> Application <i>If</i> relics are uncovered lodgement of S60 Application for an Excavation Permit	Background to requirement for approvals: The Newcastle Railway Station Additional Group is listed on the State Heritage Register with approval required from the NSW Heritage Council for any works. Subsurface disturbance: Existence of archaeological relics is unknown; if relics are uncovered an Excavation Methodology will be required and lodged to support the S160 Application for an Excavation Permit. 



Newcastle Railway Station Additional Group

8.7 Newcastle Railway Station

Listing	NSW Heritage Register (SHR00236 & 1212) : S170 State government agency (SRA28); Newcastle City Council LEP (Item I455)	
Address	LOT 22 DP 1009735	
Ownership	Sydney Trains. State Government	
Description	Building phases from 1878 to 1929. The station is a fine example of Victorian Station architecture and is an important heritage feature in the Newcastle city centre (SHI Database 5044973).	
Proposed rezoning	Within Parcel 15 (RE1 Public Recreation) and Parcel 16 (SP3 Tourist)	
Impact	Heritage buildings are to remain with proposed adaptive reuse	
Approvals <i>NSW Heritage Act 1977</i>	Major alterations or demolition: Application under S60 supported by a Conservation Management Plan and Heritage Impact Assessment. Minor alterations, maintenance or repair: Application for Exemption under S57(2) to carry out works. Subsurface disturbance: In addition if proposed works are likely to disturb subsurface relics under the: S57(2) Excavation <u>Exception</u> Application If relics are uncovered lodgement of S60 Application for an Excavation Permit	Background to requirement for approvals: The Newcastle Railway Station is listed on the State Heritage Register with approval required from the NSW Heritage Council for any works. Subsurface disturbance: Existence of archaeological relics is unknown; if relics are uncovered a Excavation Methodology will be required and lodged to support the S60 Application for an Excavation Permit.
		



Newcastle Railway Station

8.8 Convict Huts and Convict Lumberyard Area

Listing	Unlisted
Address	Vicinity of Scott Street
Ownership	Various
Description	Potential archaeological site associated with the early convict occupation of Newcastle and associated with Convict Lumberyard site to the east.
Proposed rezoning	Within Parcel 15 (RE1 Public Recreation) and Parcel 16 (SP3 Tourist)
Impact	Potential for impact during excavation
Approvals NSW Heritage Act 1977	Application for Exemption under S57(2) to carry out works. Subsurface disturbance: In addition if proposed works are likely to disturb subsurface relics under the: S57(2) Excavation <u>Exception</u> Application <i>If</i> relics are uncovered lodgement of S60 Application for an Excavation Permit Background to requirement for approvals: The Newcastle Railway Station is listed on the State Heritage Register with approval required from the NSW Heritage Council for any works. Subsurface disturbance: Existence of archaeological relics is unknown; if relics are uncovered a Excavation Methodology will be required and lodged to support the S60 Application for an Excavation Permit.



8.9 Newcastle City Centre Heritage Conservation Area

Listing	Newcastle City Council LEP – Conservation Area C4	
Address	Hunter, Scott, Watt, Newcomen, King, Perkins, Brown, Crown, Wolfe and Keightley Lane	
Ownership	Various	
Description	The assemblage of commercial and civic buildings is a powerful reminder of the city's rich history and its many phase of development (SHI 2173904).	
Proposed rezoning	All Parcels	
Impact	The impact on the Newcastle City Centre Heritage Conservation Area (NCCHCA) will be significant. Following removal of the heavy rail the it is intended the rezoning will assist in the retention, maintenance and refurbishment of heritage buildings therefore enhancing the NCCHCA. The construction of buildings to heights of 14m (Parcel 11); 17m (Parcels 05 & 14); 20m (Parcel 12); and 30m (Parcels 01; 02; 03; 06; 07) will have a potential impact on the heritage value of the NCCHCA.	
Approvals <i>NSW Heritage Act 1977</i> & <i>NSW Environmental Planning and Assessment Act 1979</i>	<i>NSW Environmental Planning and Assessment Act 1979</i> Newcastle City Council requires a Statement of Heritage Impact be lodged with Council prior to any works.	Background to requirement for approvals: New Development adjacent to a heritage item requires a Statement of Heritage Impact: <i>All new development in the conservation area should be treated as 'infill', that is, it should respect the design of its neighbours and the character of the area generally. Similar principles are applied to infill development as are applied to alterations and additions, and must begin with an understanding of the design and heritage significance of the buildings to which it relates.</i> <i>Infill development should not copy or replicate its neighbouring traditional buildings. Rather, it is appropriate to interpret the features of the neighbouring buildings and design them in a way that reflects and respects them (Newcastle Heritage Conservation Areas Section 5.07.07).</i>



8.10 Heritage items in the vicinity of the proposed rezoning

Table 3, Table 5 and **Table 7** identify heritage buildings that are in the NCCHCA and in the vicinity of the area designated for the proposed rezoning.

It is considered those heritage buildings will be not be physically impacted on by works resulting from the rezoning, however there is potential impact for visual impact from the placement of new buildings. The NCCHCA

Under the *NSW Environmental Planning and Assessment Act 1979*, Newcastle City Council requires a Statement of Heritage Impact be lodged with Council prior to any works in a heritage conservation area. New development in a conservation area is considered as infill development and as described in **Section 8.9**.

9.0 Summary - Parcel approvals required

Table 10 details each Parcel that contains heritage items and provides advice on the approvals required, dependent on the future works proposed.

Table 10 Heritage Items in proposed rezoning parcels

Parcel Number and proposed rezoning	Heritage Item:	Approvals under the <i>NSW Heritage Act 1977 or the NSW Environmental Planning and Assessment Act 1979; NPW Act 1974 (as Amended)</i>
Parcel 01 (B4 Mixed Use)	- Mortuary Station (Archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.1)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP</i> for ground disturbance works
	- Civic Railway Workshops Group and railway turntable (Archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.2)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP</i> for ground disturbance works
Parcel 02 (B4 Mixed Use)	- Civic Railway Workshops Group and railway turntable (Archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.2)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP</i> for ground disturbance works
Parcel 03 (B4 Mixed Use)	- Civic Railway Workshops Group and railway turntable (Archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.3)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP</i> for ground disturbance works
	- Civic Railway Station Group (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.3)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP</i> for ground disturbance works
Parcel 04 (RE1 Public Recreation)	- Civic Railway Station Group (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.3)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP</i> for ground disturbance works

Parcel Number and proposed rezoning	Heritage Item:	Approvals under the <i>NSW Heritage Act 1977 or the NSW Environmental Planning and Assessment Act 1979; NPW Act 1974 (as Amended)</i>
	- Civic Railway Workshop Group (Built, archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.2)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>
Parcel 5 (B4 Mixed Use)	- Civic Railway Station Group (Built) - Newcastle City Centre Heritage Conservation Area - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.3)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>
	- Civic Railway Workshops Group (Built, Archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act 1977 (Section 8.2)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>
Parcel 07 (B4 Mixed Use)	- Remains of AA Company bridge and fence(Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act (Section 0)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 0 & Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>
Parcel 08 (B4 Mixed Use)	- Remains of AA Company bridge and fence(Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act (Section 0)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 0 & Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>
Parcel 09 (B4 Mixed Use)	- Tramway Substation (Former) (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.5 &Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>
	- Remains of AA Company bridge and fence (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ <i>NSW Heritage Act (Section 0)</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 0 & Section 8.9)</i> ▪ <i>NPW Act 1974 (as Amended): AHIP for ground disturbance works</i>

Parcel Number and proposed rezoning	Heritage Item:	Approvals under the <i>NSW Heritage Act 1977 or the NSW Environmental Planning and Assessment Act 1979; NPW Act 1974 (as Amended)</i>
Parcel 10 (SP2 – Infrastructure) No zoning Change	- Remains of AA Company bridge and fence (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	■ NSW Heritage Act (Section 0) ■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 0 & Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works
Parcel 11 (B4 Mixed Use)	- Tramway Substation (Former) (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.5 & Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works
	- Remains of AA Company Bridge and Fence (Built) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	■ NSW Heritage Act (Section 0) ■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 0 & Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works
Parcel 12 (B4 Mixed Use)	- Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	■ <i>NSW Heritage Act 1977 (Section 8.2)</i> ■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works
Parcel 13 (RE1 Public Recreation)	- Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	■ <i>NSW Heritage Act 1977 (Section 8.2)</i> ■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works
Parcel 14 (B4 Mixed Use)	- Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	■ <i>NSW Heritage Act 1977 (Section 8.2)</i> ■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works
Parcel 15 (RE1 Public Recreation)	- Newcastle Railway Station Additional Group (Built) - Newcastle City Centre Heritage Conservation Area - Convict Huts (Archaeological) - Potential Aboriginal site	■ NSW Heritage Act 1977 (Section 8.6 & Section 8.8) ■ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ■ NPW Act 1974 (as Amended): AHIP for ground disturbance works

Parcel Number and proposed rezoning	Heritage Item:	Approvals under the <i>NSW Heritage Act 1977 or the NSW Environmental Planning and Assessment Act 1979; NPW Act 1974 (as Amended)</i>
Parcel 16 (SP3 Tourist)	- Newcastle Railway Station (Built) - Convict Huts (Archaeological) - Newcastle City Centre Heritage Conservation Area - Potential Aboriginal site	▪ NSW Heritage Act 1977 (Section 8.7 & Section 8.8) ▪ <i>NSW Environmental Planning and Assessment Act 1979 (Section 8.9)</i> ▪ NPW Act 1974 (as Amended): AHIP for ground disturbance works

10.0 Mitigation measures

The following measures provide overall guidance to ensure minimal negative impact on heritage sites.

10.1 Aboriginal archaeological sites

While the ACHCR process is a regulatory requirement when there is potential for impact on Aboriginal objects it is also a valuable method of ensuring that the Aboriginal community is fully involved in the decision making process.

An heritage interpretation strategy should be developed with the local Aboriginal community to ensure that the Aboriginal heritage of the area is reflected in an appropriate way.

10.2 Historic heritage

A well developed heritage interpretation plan should be developed to ensure that the portion of the Great Northern Railway between Wickham and its place in the NSW rail network remains part of the city's memory.

10.2.1 Built heritage

In general, assessing potential strategies for mitigating against adverse impact, it is considered critical that buildings in the Rezoning Study Area are adequately maintained and protected until a new role is devised and implemented.

10.2.1.1 Visual impact

There will be impact or potential impact on structures in the vicinity of Parcels where new buildings will be constructed to varying heights [14m (Parcel 11); 24m (Parcels 05 & 14); 20m (Parcel 12); and 30m (Parcels 01; 02; 03; 06; 07)]. Any new buildings should be designed in accordance with the requirements of the Newcastle City Council requirements for the NCCHCA.

10.2.1.2 Construction in the vicinity of heritage items

The Tramway Substation (Former) is in close physical proximity to potential works in Parcel 9 and Parcel 11. During works, protective barriers, designated as no-go zone, should be installed under advice from cultural heritage consultant to mitigate against impact.

10.2.1.3 Adaptive reuse of heritage items

The conservation of a heritage building is often best served by sympathetic adaptive reuse. Adaptive reuse needs to be compatible with the building, retain its historic character and conserve significant fabric. This however does not negate the introduction of new services, modifications and additions. Proposals for adaptive reuse of any buildings should be considered in conjunction with the appropriate regulatory authorities identified in **Section 8.0**.

10.2.1.4 Demolition or removal of structures

Where items are proposed for removal, the impact will be substantial. A full investigation should be made of all options other than removal to ensure that the heritage item is not removed without just cause. If removal is the only option, processes to ensure the heritage value is not lost should be instigated. Those processes should be informed by a heritage interpretation strategy, developed by a suitably qualified heritage consultant.

10.2.2 Historic archaeological sites

While it is recognised there are known or potential archaeological sites in the area of proposed rezoning (Mortuary Station; Civic Railway Station; Civic Railway Workshops curtilage and railway turntable; Newcastle Railway Station; Convict Huts), the entire area has potential for archaeological relics to be present.

The use of ground penetrating radar (GPR) is recommended in areas of high archaeological potential. The benefit is that prior identification of archaeological relics and the potential extent of sites could inform the design and construction phase and ensure impact is minimised or avoided where possible.

It is also recommended, prior to works commencing, that a S139(4) Excavation Exception Application be lodged across the entire proposed rezoning area to ensure any works can progress in a timely manner. The blanket lodgement of the S139 (4) would mitigate against timely delays if unexpected relics are encountered after works have commenced.

11.0 Conclusion

RPS has been instructed by Elton Consulting on behalf of Urban Growth NSW to provide a pre-gateway assessment of Aboriginal and historic cultural heritage to support the proposed rezoning of surplus rail corridor lands in central Newcastle for urban purposes through an amendment to Newcastle Local Environmental Plan 2012 (NLEP).

The following summary provides a brief overview of the findings:

A search undertaken of the Aboriginal Heritage Information Management System (AHIMS) identified that no Aboriginal sites are present in the Rezoning Study Area. However, the literature review and previous archaeological work suggests that subsurface Aboriginal heritage will be present in the Rezoning Study Area.

In reference to built heritage there are six heritage places in or abutting the proposed rezoning footprint: the Newcastle Railway Station and the Newcastle Railway Station Additional Group (both on the State Heritage Register and of State heritage significance); the Civic Railway Workshop; Civic Station; the Remains of AA Co. Bridge and Fence and the former Tramway Substation (NLEP 2012 Schedule 5 and of local heritage significance).

There are a number of archaeological sites and potential archaeological sites in the Rezoning Study Area including the: Mortuary Station; Civic Railway Station; Civic Railway Workshops curtilage; Newcastle Railway Station; and Convict Huts.

This document has considered the potential impact of works on potential Aboriginal sites, built heritage structures and archaeological and potential archaeological sites if the rezoning progresses as planned.

While the proposed rezoning will not physically impact on the heritage items, the works that follow the rezoning will. The construction of buildings to heights of 14m; 24m (Parcels 05 & 14); 20m (Parcel 12); and 30m (Parcels 01; 02; 03; 06; 07) will have a potential visual impact on the heritage value of the NCCHCA. It is considered however that the impact will be, in most instances, positive with adaptive re-use of heritage items and in a number of instances improved view corridors.

This report has provided advice on the planning approval process required and provides recommendations for mitigation against an adverse heritage impact.

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Appendix I

AHIMS Results

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Pr124007

Client Service ID : 197664

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-1716	Wickham Transport Interchange PAD	GDA	56	383426	6356757	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>	Artefact Heritage Services,Ms.Alyce Howard							
38-4-1223	Wickham UFCCALE OS1	GDA	56	384166	6356333	Open site	Valid	Artefact : 1	3809	
	<u>Contact</u>	<u>Recorders</u>	Streat Archaeological Services							
38-4-1222	Cottage Creek OSI	GDA	56	384250	6356324	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Streat Archaeological Services							
38-4-1642	409 Hunter Street Newcastle Fill duplicate of 409 Hunter Street Newcastle Insitu	GDA	56	385099	6356088	Open site	Valid	Artefact : -, Shell : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Benjamin Streat							
38-4-1632	TA1 Newcastle	GDA	56	386378	6356088	Open site	Destroyed	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Umwelt (Australia) Pty Limited, Miss.Nicola Roche							
38-4-0544	700 Hunter Street	AGD	56	384250	6356020	Open site	Valid	Artefact : -	3683	
	<u>Contact</u>	<u>Recorders</u>	Dominic Steele Archaeological Consulting							
38-4-0952	Bellevue Hotel PAD	AGD	56	384250	6356200	Open site	Valid	Potential Archaeological Deposit (PAD) : -		99845,99874
	<u>Contact</u> Searle	<u>Recorders</u>	Mr.Dominic Steele							
38-4-0832	Empire Hotel PAD	AGD	56	384300	6356000	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u> T Russell	<u>Recorders</u>	Jim Wheeler							
38-4-0831	Palais Royale	AGD	56	384300	6356100	Open site	Partially Destroyed	Potential Archaeological Deposit (PAD) : -, Artefact : 5534, Shell :-		102256
	<u>Contact</u> T Russell	<u>Recorders</u>	University of Newcastle, Jim Wheeler							
38-4-0772	710 Hunter Street Newcastle PAD	AGD	56	384350	6356250	Open site	Valid	Shell : -, Potential Archaeological Deposit (PAD) : -	2127,2593,3098,3502	
	<u>Contact</u>	<u>Recorders</u>	Jim Wheeler							
38-4-0851	710 Hunter St Newcastle, PAD	AGD	56	384350	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) : -	1981	
	<u>Contact</u> S Scanlon	<u>Recorders</u>	Jim Wheeler							

Report generated by AHIMS Web Service on 04/11/2015 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 382900 - 386600, Northings : 6355700 - 6357200 with a Buffer of 0 meters. Additional Info : heritage assessment. Number of Aboriginal sites and Aboriginal objects found is 18

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-0559	The Broadwalk- Newcastle 1	AGD	56	385000	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) : 0		98887
	Contact							Permits	1298,2043,2453	
38-4-0525	Catholic Education Site	AGD	56	385680	6355710	Open site	Valid	Artefact : -	Open Camp Site	100771
	Contact							Permits		
38-4-0796	200 Hunter Street PAD	AGD	56	385787	6356006	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact T Russell							Permits	2045,2049	
38-4-1084	Newcastle CBD PAD	AGD	56	385850	6355900	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact							Permits	3008	
38-4-1020	Coutts Sailors Home PAD1	AGD	56	386358	6355971	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact T Russell							Permits	2734	
38-4-1695	11-15 Watt St IF 1	AGD	56	386381	6356080	Open site	Valid	Artefact : -		
	Contact							Permits	3814	
38-4-0957	NCL 931	AGD	56	386400	6356000	Open site	Valid	Artefact : -		
	Contact T Russell							Permits		

Report generated by AHIMS Web Service on 04/11/2015 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 382900 - 386600, Northings : 6355700 - 6357200 with a Buffer of 0 meters. Additional Info : heritage assessment. Number of Aboriginal sites and Aboriginal objects found is 18

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Appendix 2

Historic Heritage Citations for Items in or Abutting the Proposed Rezoning Area



[Home](#) > [Heritage sites](#) > [Searches and directories](#) > NSW heritage search

Aa Company's Remnant Bridge Pier

Item details

Name of item: Aa Company's Remnant Bridge Pier
Other name/s: Hunter Street Bridge
Type of item: Movable / Collection
Group/Collection: Transport - Rail
Category: Railway gate/ fence/ wall,
Primary address: 280 Hunter Street, Newcastle, NSW 2300
Local govt. area: Newcastle

Boundary: The recommended curtilage is for a two metre apron wrapping around footing, with a viewing corridor maintained to Hunter Street.

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
280 Hunter Street	Newcastle	Newcastle			Primary Address

Statement of significance:

The remnant AA Company bridge pier and railway fence form a significant element of the Australian Agricultural Company Newcastle coal mining group, as they provide rare physical evidence of the Company's complex coal transport system, a vital part of the Company's operations in Newcastle. The bridge remnants mark what was both a bottleneck and a vital connection for the Company throughout its coal mining history in Newcastle, where coal trains from all areas of Newcastle converged at the River at the same time as crossing Newcastle town's main public thoroughfare. Thus the bridge remnants demonstrate both the dynamic system of coal mining and transport that dominated Newcastle in the nineteenth century, as well as commemorating an important intersection of public and private. The iron bridge, of which this pier footing is a remnant, was constructed to allow an easier relationship between the Company's coal transport activities and the transport needs of the growing town of Newcastle demonstrating an aspect of the relationship between the Company and the town and its community.

Date significance updated: 03 Apr 05

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Builder/Maker: A.A. Company

Physical description: The remnant bridge pier consists of a large rectangular section of brickwork with rounded ends, standing approximately eight rows of brick above ground level. The alignment of the pier base is skewed, reflecting the skewed alignment of the bridge.

It is abutted by a cast iron fence with a brick plinth capped with large sandstone blocks, into which are set the cast iron rods with arrowhead finials of the palisade, also constructed by the AA Company to divide Hunter Street from the adjacent railway land.

A steel security fence has recently been erected on the street side of the original fence to prevent access to the

	railway, and this makes it difficult to appreciate its historic character.
Physical condition and/or Archaeological potential:	In poor condition though appears stable.
	Date condition updated: 03 Apr 05
Further information:	Related items; 1022,1115. Conserve remnant fence in situ. Consider reconstruction of remainder.

Current use:Still standing

History

Historical notes: The bridge pier footing on Hunter Street forms an important part of the story of the Australian Agricultural Company. With the Signalman's Cottage, it illustrates the transport activities vital to the coal industry, bringing the coal to the loading facilities at Newcastle Port.

The coal reserves near the mouth of the Hunter River were first noticed in the late eighteenth century, and a penal settlement was established at 'Coal River' in the early years of the nineteenth century. Convict labour was used to exploit the estuary's coal, timber, salt and lime resources. (City Wide Heritage Study, Thematic History, pp. 1-2) The Australian Agricultural Company (hence: the Company), formed in London in 1824, entered the coal industry with the intention of exporting coal to India for use by the steamers of the East India Company. Steamships also began to appear on the coast of New South Wales from 1831, creating the first significant local commercial demand for coal. The Company secured a grant of 2,000 acres of coal bearing land near Newcastle, in 1829. At the same time it secured a form of market protection, which amounted to a near-monopoly on the supply of coal across the following decades. The arrival of the Company could be regarded as the most important event in the nineteenth century history of Newcastle, as it dominated the course of the area's history for much of the nineteenth century and had profound effects on the future development of Newcastle as a City. (City Wide Heritage Study, Thematic History, p. 4; and Campbell. 1994, p. 7)

The entry of the Company into coal mining also transformed the coal mining industry in Australia. The Company was initially given control of the small scale government mines, but almost immediately began constructing its own colliery following more up to date mining practice in Britain. This first mine, known as 'A Pit' opened in 1831, and was the first modern and privately operated colliery in Australia. A Pit was perched on a steep rise overlooking the Hunter River estuary, and its coal was delivered to the port, by an inclined plane which, though it relied on gravity for its power, has been recognised as the first railway in Australia. (City Wide Heritage Study, Thematic History, p. 4; Docherty, 1983, p. 8) The Company subsequently extended its mining activities to the coal-bearing land to the south-west of Shepherds Hill. The 2nd and 3rd collieries, known as the B and C pits, were completed in 1837 and 1842, and the D, E and G Pits were established several miles to the west, in the present Hamilton area, in the late 1840s and 1850s. (Campbell. 1994, p. 8)

The Company's monopoly on coal mining in Newcastle ended in 1847. From 1855 onwards, a number of other large companies entered the scene: the Newcastle Wallsend; the Scottish Australian; the Waratah; and the New Lambton companies. Each of these entities operated in a fairly similar way to the A. A. Company, starting their operations by acquiring title to a suitable tract of land, then founding a settlement to attract a workforce. A ring of townships on the southern edge of the harbour resulted, each with its *raison d'être* in mining or coal based industry. The new townships included Merewether (mid-1930s), Hamilton (1849), Wallsend (1859), Lambton (1860), new

Lambton (1868), and Adamstown (1870). (Docherty, 1983, p. 8)

The development of private railways, side by side with the construction of the great Northern Railway between Newcastle and East Maitland (1854-1857), facilitated the transport of coal to the port, permitting the opening of new mines at Minmi, Wallsend, Lambton, and Waratah within a decade, thereby laying the foundations of Newcastle's key role in the Australian economy. All of these lines converged in the central Newcastle area, aiming for the Port. Two important remnants of this vital transport system survive in the form of Signalman's Cottage, which was built at the junction of one of the Company's lines with the Burwood Coal Company's line to as quarters for the signalman who co-ordinated the transport activities of these lines; and the brick bridge pier footing on Hunter Street, a remnant from the bridge that lifted the converged AA Company lines over the road traffic of Hunter and King Streets as they approached the loading facilities. (City Wide Heritage Study, Thematic History, p. 5)

This remnant brick bridge pier supported the A.A. Company's iron bridge which was erected in 1863-4. The bridge replaced an earlier timber bridge constructed in 1841 to transport coal from the company's mines to its coal loading staithes on the harbour front. This bridge in turn probably replaced a light timber viaduct constructed before 1831 to transport the coal wagons travelling between A Pit, the Company's first colliery, and the River. Standing on the site of this series of bridges, the site of A Pit can be seen directly up the hill to the south, lining up approximately with the former bridge alignments. The second timber bridge was so low in height that it caused inconvenience to traffic using Hunter Street; a person mounted on a tall horse would have had to duck to pass underneath. The third bridge was a three span continuous girder structure of riveted iron, fabricated by Robert Stephenson & Co. of Newcastle-on Tyne, supported on massive brick wall type piers. The bridge was erected on a skew of approximately 54 degrees, about 20 feet away and on a slight angle to the timber structure it replaced. It was some 7 feet higher than the old timber bridge, high enough for traffic to pass beneath without obstruction. It was removed in 1923. The surviving base of one brick pier is visible between the Hunter St footpath and railway land. (Tonks, research)

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Industry-Activities associated with the manufacture, production and distribution of goods	Industrial technology-
3. Economy-Developing local, regional and national economies	Mining-Activities associated with the identification, extraction, processing and distribution of mineral ores, precious stones and other such inorganic substances.	coal mining-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	transportation-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	railways-

Assessment of significance

SHR Criteria a)

[Historical significance]

The remnant AA Company bridge pier and railway fence have historical significance to the State as part of the Australian Agricultural Newcastle coal mining group. The bridge remnants provide rare physical evidence of the Company's complex system of rail lines, connecting the collieries to the loading facilities on the Hunter River, a network

which dominated the geography of central Newcastle in the nineteenth century. The location of the Company's first colliery, A Pit, determined the location of this vital transport node, and the bridge remnants represent the history of coal transport on this site, both a bottleneck and a vital connection for the Company throughout its coal mining history in Newcastle, where coal trains from all areas of Newcastle converged at the River. The bridge remnants also commemorate this important intersection of public and private in nineteenth century Newcastle. The iron bridge, or which this pier footing is a remnant, was constructed to allow an easier relationship between the Company's coal transport activities and the transport needs of the growing town of Newcastle along its main public thoroughfare, demonstrating an aspect of the relationship between the Company and the town and its community.

SHR Criteria b)

[Associative significance]

The remnant bridge pier and fence have a strong association to the Australian Agricultural Company and its coal mining activities in Newcastle, which made a significant contribution to NSW's economy in the nineteenth century, and to the colony's ability to play an active part in the international economy through the steam shipping industry. The bridge remnants provide rare physical evidence of the Company's coal transport activities, and of the Company's interaction with the public world of Newcastle town.

SHR Criteria c)

[Aesthetic significance]

Within the limits of the research undertaken the item was not found to be significant under this criterion.

SHR Criteria d)

[Social significance]

Within the limits of the research undertaken the item was not found to be significant under this criterion.

SHR Criteria e)

[Research potential]

Within the limits of the research undertaken the item was not found to be significant under this criterion.

SHR Criteria f)

[Rarity]

Within the limits of the research undertaken the item was not found to be significant under this criterion.

SHR Criteria g)

[Representativeness]

Within the limits of the research undertaken the item was not found to be significant under this criterion.

Integrity/Intactness: The iron fence and brick pier footing are remnants of a much larger structure. Sufficient information in the form of position, original form and materials remain to present a significant historical landmark, which is articulate about the historic shape of Newcastle under the domination of the A A Company.

Assessment criteria: Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

Conservation Plan

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan		I415	15 Jun 12	64	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used

Newcastle Archaeological Management Plan	1997	1224	Suters, Lavelle, Doring, Turner	C&MJD stage 2	Yes
Review of Potential Heritage Items for NLEP	2003		Ecotecture Pty Ltd		Yes
Review of Items of Potential State Significance in the Newcastle City Area	2008	Part of AA Co coal mining group	Sue Rosen and Associates Heritage Assessment And History (HAAH)	Emma Dortins and Rosemary Kerr	Yes

References, internet links & images

Type	Author	Year	Title	Internet Links
Written		2007	City Wide Heritage Study, Thematic History	
Written			Research of E. Tonks, historian	
Written	Campbell, David	2000	Reproduced in Conservation Management Plan Suters Architects, Former AA Mine Manager's Residence	
Written	Docherty, J. C.	1983	Newcastle. The Making of an Australian City	

Note: internet links may be to web pages, documents or images.



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Data source

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Name: Local Government

Database number: 2172035

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Civic Railway Workshops

Item details

Name of item:	Civic Railway Workshops
Other name/s:	Honeysuckle; Industrial Archaeological Site; Newcastle Museum
Type of item:	Complex / Group
Group/Collection:	Transport - Rail
Category:	Railway
Location:	Lat: -32.9259277396 Long: 151.7713519130
Primary address:	Great Northern Railway, Newcastle, NSW 2300
Parish:	Newcastle
County:	Northumberland
Local govt. area:	Newcastle
Local Aboriginal Land Council:	Awabakal

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	511		DP	1030264
PART LOT	5001		DP	1049339
PART LOT	1		DP	1111305
LOT	2		DP	1111305
LOT	3		DP	1111305
LOT	4		DP	1111305
LOT	5		DP	1111305
LOT	9		DP	1128824
LOT	36		DP	1162435
			CP/SP	71834
			CP/SP	71866
PART LOT	2		DP	856783
PART LOT	12		DP	883474
PART LOT	3		DP	883474
PART LOT	4		DP	883474
PART LOT	5		DP	883474
PART LOT	7		DP	883474
PART LOT	9		DP	883474

Boundary:

The listing boundary is formed by Merewether Street to the east, the railway line to the south, Lee Wharf Road to the north and a line crossing the site approximately 50 metres to the west of the last building.

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Great Northern Railway	Newcastle	Newcastle	Newcastle	Northumberland	Primary Address
Lee Wharf Road	Newcastle	Newcastle			Alternate Address
Honeysuckle Drive	Newcastle	Newcastle			Alternate Address
Merewether Street	Newcastle	Newcastle			Alternate Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
Honeysuckle Development Corporation	State Government	22 Oct 98

Statement of significance:

Civic Railway Workshops is one of the outstanding industrial workshop sites in the State and an excellent example of a Victorian workshop group that display continuity, excellence in design and execution and add to the townscape of Newcastle as well as play an important role in the history of the railway in the area. The whole group is of highest significance in the State. Construction of

workshops in Newcastle was brought about for two reasons: separation of the Great Northern lines from the main system from 1857 to 1889; and in recognition of the exclusive facilities and rolling stock required to handle coal traffic.

The Lee Wharf site has the potential to contain historical archaeological remains, including remains of State significance. Some may lie within the boundary of the State Heritage Register Listing. Others may lay outside that boundary. (Archaeology Significance taken from Godden Mackay Logan, May 2003)

Date significance updated: 23 Jun 04

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Designer/Maker:	John Whitton
Builder/Maker:	Dart & Parkhill (Boiler House & Machine Shop)
Construction years:	1874-1886
Physical description:	Divisional Engineer's Office - constructed in 1886 is a two-storied, rendered and painted brick building at the western end of the group. It has a corrugated-iron awning around three sides and a corrugated iron double-gabled roof with rendered brick chimneys along both ridges. Architect was John Whitton. Boiler House and Machine Shop is directly to the east and adjoins the Divisional Engineer's Office. Built in 1874-75 (Architect John Whitton, Builder: Dart & Parkhill) it is the oldest building in the group. A single-storey brick building with corrugated gabled roof and arched windows set within a series of recessed bays along both facades. A small brick gabled wing has been added to its northern facade. Blacksmith's Shop and Wheel Shop - constructed between 1880 -1882, it is located on the southern side of Workshop Way. The building originally served as a locomotive blacksmith's shop (eastern end) and machine and wheel shop (western end). Brick walls and corrugated-iron roofing with a series of arched windows along the length of the northern and southern sides. Five metres in height, its double-gabled roof is connected along the centre line with a box gutter.
Physical condition and/or Archaeological potential:	The Boiler House and Machine Shop has been restored and is used by the Hunter Valley Wine Society. Blacksmith's Shop and Wheel Shop - the building has recently been restored and is currently tenanted. The site has the potential to contain evidence of the original Monier Sea Wall, the remnants of an original stone wall associated with the reclamation for Lee Wharf construction; rail sidings along Lee Wharf and spur connections to the Honeysuckle Railway Workshops/Yards. In terms of archaeological potential, the Honeysuckle Railway Workshops contain industrial remains including extensive footings of demolished brick buildings, underground pipes for air, water, gas, hydraulic oil and artefacts related to use and occupation of the area as a railway facility for over 100 years. The site has the potential to contain evidence of the original Monier Sea Wall, an innovative and supposedly rat-proof system first used at Walsh Bay, Sydney and then used here. The remnants of an original stone wall associated with reclamation for the Lee Wharf construction; rail sidings along Lee Wharf and spur connections to the Honeysuckle Railway Workshops/Yards.
Modifications and dates:	Date condition updated:29 Sep 04 Boiler House and Machine Shop - originally served as a locomotive blacksmith's shop (eastern end) and machine and wheel shop (western end). A small brick gabled wing has been added to its northern facade.
Current use:	Shopping precinct
Former use:	Railway Workshops

History

Historical notes:	The site's history has been summarised according to significant events (Umwelt, August 2003): c.1840- purchase of 38 acres at Honeysuckle Point for the erection of a Church School by the trustees on behalf of Anglican Bishop Broughton - 'The Bishop's Settlement' 1848 - the Dangar family established Newcastle's first cannery on the harbour foreshore, east of the Bishop's Settlement 1848 - 1851- Bishop's settlement subdivided into 42 lots and 40 of these were occupied by tenants. Some built houses, others commercial premises, some were operated as shipbuilding yards and industrial plants. 1853 - 1855 the Hunter River Railway Company was formed to build a line between Newcastle and Maitland. Honeysuckle Point chosen as the eastern terminus for the railway. The company was taken over by the State government due to its poor financial situation. 1856 -1895 Railway construction from Honeysuckle to Hexham. Construction of 33 buildings on Bishop's Settlement. Workshops opened at Honeysuckle, including loco shed, carriage repair shed, carriage painting shop, machine shop and blacksmith's shop. 1908 -1910 - construction of timber wharves along the reclaimed foreshore. The Monier Sea Wall was completed, an innovative structural material which previously had only been used at Walsh Bay in Sydney. 1910 - 1952 More buildings were constructed, including the Carpenter's Shop, a large foundry, commencement of building at Chullora Railway Workshops (c.1920), signalling the likely scale-back of operations at the Honeysuckle workshops. 1958 - The foundry was closed and its operations transferred to Chullora in Sydney 1970s.- Most buildings were demolished in the Per Way Workshops, leaving only the Store, the Carpenter's and Plumbers' Shops and the Divisional Engineer's Office
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Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Commerce-Activities relating to buying, selling and exchanging goods and services	Developing discrete retail and commercial areas-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Building and maintaining jetties, wharves and docks-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Public tramline system-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Engineering the public railway system-
8. Culture-Developing cultural institutions and ways of life	Religion-Activities associated with particular systems of faith and worship	Providing schools and education-

Assessment of significance

SHR Criteria c)

[Aesthetic significance]

The group of workshops is the only remaining example that demonstrates the design principles and technology applied to small railway workshop buildings in the 1870s and 1880s in Southeastern Australia.

Assessment criteria:

Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Standard Exemptions	SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977 I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order: 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57 (2) and published in the Government Gazette on 22 February 2008; and 2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached. FRANK SARTOR Minister for Planning Sydney, 11 July 2008 To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.	Sep 5 2008

 **Standard exemptions** for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00956	02 Apr 99	27	1546
Heritage Act - s.170 NSW State agency heritage register					
Local Environmental Plan			08 Aug 03	124	
National Trust of Australia register		4475			

References, internet links & images

Type	Author	Year	Title	Internet Links
Tourism		2007	Honeysuckle Precinct	View detail 
Tourism	Attraction Homepage	2007	Honeysuckle Precinct	View detail 
Written	Insite Heritage	2007	Archaeological Investigations of Former Perway Store, Honeysuckle Precinct.	
Written	Paul Rheinberger, Umwelt	2003	Research Design: Sub-surface Investigation of the Historical Archaeology of the Worth Place/Lee Wharf Precinct, Newcastle, NSW	
Written	Paul Rheinberger, Umwelt Environmental Consultants	2003	Research Design: Sub-surface Investigation of the Historical Archaeology of the Worth Place/Lee Wharf Precinct, Newcastle NSW	
Written	Susan Duyker, Andrew Sneddon and Mark Dunn, Godden Mackay Logan	2003	Lee Wharf Newcastle Heritage Impact Statement	

Note: internet links may be to web pages, documents or images.

Data source

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Database number: 5044977
File number: S90/05371;S94/01096;H05/00083

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Civic Railway Workshops

Item details

Name of item: Civic Railway Workshops
Other name/s: Honeysuckle; Industrial Archaeological Site; Newcastle Mus
Type of item: Complex / Group
Group/Collection: Transport - Rail
Category: Railway
Location: Lat: -32.9259277396 Long: 151.7713519130
Primary address: Great Northern Railway, Newcastle, NSW 2300
Parish: Newcastle
County: Northumberland
Local govt. area: Newcastle

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	511		DP	1030264
PART LOT	5001		DP	1049339
PART LOT	1		DP	1111305
LOT	2		DP	1111305
LOT	3		DP	1111305
LOT	4		DP	1111305
LOT	5		DP	1111305
LOT	9		DP	1128824
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PART LOT	3		DP	883474
PART LOT	4		DP	883474
PART LOT	5		DP	883474
PART LOT	7		DP	883474
PART LOT	9		DP	883474

Boundary:

The listing boundary is formed by Merewether Street to the east, the south, Lee Wharf Road to the north and a line crossing the site appr to the west of the last building.

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
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Great Northern Railway	Newcastle	Newcastle	Newcastle	Northumberland	Primary Address
Lee Wharf Road	Newcastle	Newcastle			Alternate Address
Honeysuckle Drive	Newcastle	Newcastle			Alternate Address
Merewether Street	Newcastle	Newcastle			Alternate Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
Honeysuckle Development Corporation	State Government	22 Oct 98

Statement of significance:

Civic Railway Workshops is one of the outstanding industrial workshop sites in the State and an excellent example of a Victorian workshop group that display continuity, excellence in design and execution and add to the townscape of Newcastle as well as play an important role in the history of the railway in the area. The whole group is of highest significance in the State. Construction of workshops in Newcastle was brought about for two reasons: separation of the Great Northern lines from the main system from 1857 to 1889; and in recognition of the exclusive facilities and rolling stock required to handle coal traffic.

The Lee Wharf site has the potential to contain historical archaeological remains, including remains of State significance. Some may lie within the boundary of the State Heritage Register Listing. Others may lay outside that boundary. (Archaeology Significance taken from Godden Mackay Logan, May 2003)

Date significance updated: 23 Jun 04

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Designer/Maker: John Whitton

Builder/Maker: Dart & Parkhill (Boiler House & Machine Shop)

Construction years: 1874-1886

Physical description: Divisional Engineer's Office - constructed in 1886 is a two-storied, rendered and painted brick building at the western end of the group. It has a corrugated-iron awning around three sides and a corrugated iron double-gabled roof with rendered brick chimneys along both ridges. Architect was John Whitton.

Boiler House and Machine Shop is directly to the east and adjoins the Divisional Engineer's Office. Built in 1874 -75 (Architect John Whitton, Builder: Dart & Parkhill) it is the oldest building in the group. A single-storey brick building with corrugated gabled roof and arched windows set within a series of recessed bays along both facades. A small brick gabled wing has been added to its northern facade.

Blacksmith's Shop and Wheel Shop - constructed between 1880 -1882, it is located on the southern side of Workshop Way. The building originally served as a locomotive blacksmith's shop (eastern end) and machine and wheel shop (western end). Brick walls and corrugated-iron roofing with a series of arched windows along the length of the northern and southern sides. Five metres in height, its double-gabled roof is connected along the centre line with a box gutter.

Physical condition and/or Archaeological potential:	The Boiler House and Machine Shop has been restored and is used by the Hunter Valley Wine Society.
	Blacksmith's Shop and Wheel Shop - the building has recently been restored and is currently tenanted.
	The site has the potential to contain evidence of the original Monier Sea Wall, the remnants of an original stone wall associated with the reclamation for Lee Wharf construction; rail sidings along Lee Wharf and spur connections to the Honeysuckle Railway Workshops/Yards.
	In terms of archaeological potential, the Honeysuckle Railway Workshops contain industrial remains including extensive footings of demolished brick buildings, underground pipes for air, water, gas, hydraulic oil and artefacts related to use and occupation of the area as a railway facility for over 100 years.
	The site has the potential to contain evidence of the original Monier Sea Wall, an innovative and supposedly rat-proof system first used at Walsh Bay, Sydney and then used here. The remnants of an original stone wall associated with reclamation for the Lee Wharf construction; rail sidings along Lee Wharf and spur connections to the Honeysuckle Railway Workshops/Yards.
	Date condition updated: 29 Sep 04
Modifications and dates:	Boiler House and Machine Shop - originally served as a locomotive blacksmith's shop (eastern end) and machine and wheel shop (western end). A small brick gabled wing has been added to its northern facade.

Current use: Shopping precinct

Former use: Railway Workshops

History

Historical notes:	The site's history has been summarised according to significant events (Umwelt, August 2003): c.1840- purchase of 38 acres at Honeysuckle Point for the erection of a Church School by the trustees on behalf of Anglican Bishop Broughton - 'The Bishop's Settlement' 1848 - the Dangar family established Newcastle's first cannery on the harbour foreshore, east of the Bishop's Settlement 1848 - 1851- Bishop's settlement subdivided into 42 lots and 40 of these were occupied by tenants. Some built houses, others commercial premises, some were operated as shipbuilding yards and industrial plants. 1853 - 1855 the Hunter River Railway Company was formed to build a line between Newcastle and Maitland. Honeysuckle Point chosen as the eastern terminus for the railway. The company was taken over by the State government due to its poor financial situation. 1856 -1895 Railway construction from Honeysuckle to Hexham. Construction of 33 buildings on Bishop's Settlement. Workshops opened at Honeysuckle, including loco shed, carriage repair shed, carriage painting shop, machine shop and blacksmith's shop. 1908 -1910 - construction of timber wharves along the reclaimed foreshore. The Monier Sea Wall was completed, an innovative structural material which previously had only been used at Walsh Bay in Sydney. 1910 - 1952 More buildings were constructed, including the Carpenter's Shop, a large foundry, commencement of building at Chullora Railway Workshops (c.1920), signalling the likely scale-back of operations at the Honeysuckle workshops.
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1958 - The foundry was closed and its operations transferred to Chullora in Sydney

1970s.- Most buildings were demolished in the Per Way Workshops, leaving only the Store, the Carpenter's and Plumbers' Shops and the Divisional Engineer's Office

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Commerce-Activities relating to buying, selling and exchanging goods and services	Developing discrete retail and commercial areas-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Building and maintaining jetties, wharves and docks-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Public tramline system-
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Engineering the public railway system-
8. Culture-Developing cultural institutions and ways of life	Religion-Activities associated with particular systems of faith and worship	Providing schools and education-

Assessment of significance

SHR Criteria c) [Aesthetic significance] The group of workshops is the only remaining example that demonstrates the design principles and technology applied to small railway workshop buildings in the 1870s and 1880s in Southeastern Australia.

Assessment criteria: Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

Recommendations

Management Category	Description	Date Updated
Recommended Management	Produce a Conservation Management Plan (CMP)	
Recommended Management	Prepare a maintenance schedule or guidelines	

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Standard Exemptions	SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977 I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order: 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published	Sep 5 2008

in the Government Gazette on
22 February 2008; and

2. grant standard exemptions
from subsection 57(1) of the
Heritage Act 1977, described in
the Schedule attached.

FRANK SARTOR
Minister for Planning
Sydney, 11 July 2008

To view the schedule click on
the Standard Exemptions for
Works Requiring Heritage
Council Approval link below.

 [Standard exemptions](#) for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00956	02 Apr 99	27	1546
Heritage Act - s.170 NSW State agency heritage register					
Local Environmental Plan			08 Aug 03	124	
National Trust of Australia register		4475			

References, internet links & images

Type	Author	Year	Title	Internet Links
Tourism		2007	Honeysuckle Precinct	View detail 
Tourism	Attraction Homepage	2007	Honeysuckle Precinct	View detail 
Written	Insite Heritage	2007	Archaeological Investigations of Former Perway Store, Honeysuckle Precinct.	
Written	Paul Rheinberger, Umwelt	2003	Research Design: Sub-surface Investigation of the Historical Archaeology of the Worth Place/Lee Wharf Precinct, Newcastle, NSW	
Written	Paul Rheinberger, Umwelt Environmental Consultants	2003	Research Design: Sub-surface Investigation of the Historical Archaeology of the Worth Place/Lee Wharf Precinct, Newcastle NSW	
Written	Susan Duyker, Andrew Sneddon and Mark Dunn, Godden Mackay Logan	2003	Lee Wharf Newcastle Heritage Impact Statement	

Note: internet links may be to web pages, documents or images.

Data source

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number:****File number:** S90/05371;S94/01096;H05/00083[Return to previous page](#)

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Tramway Substation (Former)

Item details

Name of item: Tramway Substation (Former)
Type of item: Built
Group/Collection: Transport - Rail
Category: Tramway Station/Waiting shed
Primary address: 342 Hunter Street, Newcastle, NSW 2300
Local govt. area: Newcastle

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
342 Hunter Street	Newcastle	Newcastle			Primary Address

Statement of significance:

Historically important due to tramway. Probably constructed when tramway was electrified in 1923. , Important townscape element being one of few on north side of street in this vicinity. The interiors are of significance.

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Physical description: Two storey rendered brick building,

Current use: Credit Union

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan		I416	15 Jun 12	64	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Newcastle Heritage Study	1990	183	Unknown		Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



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Name: Local Government

Database 2170183

number:

File number: 183

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Newcastle Railway Station additional group

Item details

Name of item: Newcastle Railway Station additional group
Type of item: Built
Group/Collection: Transport - Rail
Category: Railway Platform/ Station
Location: Lat: -32.9264182486 Long: 151.7840660280
Primary address: Great Northern Railway, Newcastle, NSW 2300
Local govt. area: Newcastle

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Great Northern Railway	Newcastle	Newcastle			Primary Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
RailCorp	State Government	05 Nov 98

Statement of significance:

The listing boundary for the station is the station precinct bounded by Scott St, Watt St and Wharf Rd extending along the line to include the signal box area. The residence boundary is the land on which it stands in Scott St.

Date significance updated: 19 Feb 03

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Construction years: 1878-1892

Physical description: The complex is united structurally by platform verandahs, supported on elaborate brackets, and visually by the common motifs of semi-circular windows, four-panel doors with overhead fanlights, frieze under eaves and the stone quoins/pilasters which define the corners of the buildings. The overall decorative effect is of a restrained Renaissance classicism resulting from the flat detailing. The buildings on either side of the Booking Hall have raised skylights which make interesting variations in the roofline of the complex. The one to the west on the roadside however, was converted into a three storey hotel for a time and this addition has altered the original symmetry (Kerr/Connors 1975).

Modifications and dates: 1878 - built
 1880 - extension and completion of platform 2
 1892 - addition of canopy, new parcels office and stationmasters office
 1897 - major renovations
 1923-1929 - more development
 1940s-1950s - minor changes
 1980 - last phase of works

Current use: railway station, bus interchange

Former use: railway station

History

Historical notes:

The earliest railway structures on the site were built in the 1850s to serve the original isolated Hunter valley railway. With the connection of this system to Sydney came the need for a new terminus.

Under the supervision of John Whitton, Engineer in Chief of the NSW Government Railways, the new station was erected. The original building was constructed in 1878 and first used in December of that year. It consisted of a central two storey building with single storey pavilions at either end. The ground floor housed a ticket office, waiting room, ladies room, parcels office and a stationmaster's office with administrative offices on the first floor. The pavilions on each end of the main building housed the men's lavatories and porter's accommodation. This new station was designed with a layout typical of NSW railway stations at that time (although was unique in being two-storey) and forms the basis of the station as it exists today.

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The last major phase of development occurred between 1923 and 1929. It was intended to construct a new building to improve accommodation at the station. This plan did not eventuate, but rather the replacement of the original Scott Street verandah by the current enclosed brick structure and the extension of the single dining room to three storeys. Most of the internal partitions and staircases were constructed during this time. The first floor of the 1878 building was converted to staff bedrooms, and a scullery and change rooms were added.

Further minor changes were made during the 1940s and 1950s and the most recent major works occurred in 1980. (EJE Architecture 1996)

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy- Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Building the railway network-
4. Settlement- Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	20th Century infrastructure-
4. Settlement- Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	19th Century Infrastructure-
7. Governing- Governing	Government and Administration-Activities associated with the governance of local areas, regions, the State and the nation, and the administration of public programs - includes both principled and corrupt activities.	Building and operating public infrastructure-
7. Governing- Governing	Government and Administration-Activities associated with the governance of local areas, regions, the State and the nation,	Developing roles for government - building

and the administration of public programs - includes both principled and corrupt activities.	and administering rail networks-
--	-------------------------------------

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Standard Exemptions	SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977 I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order: 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and 2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached. FRANK SARTOR Minister for Planning Sydney, 11 July 2008 To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.	Sep 5 2008

 [Standard exemptions](#) for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		01212	02 Apr 99	27	1546
Heritage Act - s.170 NSW State agency heritage register					
Local Environmental Plan			03 Jul 92		
National Trust of Australia register			22 Jul 75		
Register of the National Estate			21 Oct 80		

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



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Newcastle Railway Station

Item details

Name of item: Newcastle Railway Station
Type of item: Built
Group/Collection: Transport - Rail
Category: Railway Platform/ Station
Location: Lat: -32.9266711583 Long: 151.7838452270
Primary address: Great Northern Railway, Newcastle, NSW 2300
Parish: Newcastle
County: Northumberland
Local govt. area: Newcastle

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	22		DP	1009735

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Great Northern Railway	Newcastle	Newcastle	Newcastle	Northumberland	Primary Address
Scott Street	Newcastle	Newcastle	Newcastle	Northumberland	Alternate Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
RailCorp	State Government	22 Aug 97
RailCorp	State Government	26 Mar 99

Statement of significance:

Historically the building reflects the phases of development of the state's second most important city over almost a century and a half, symbolises the expansion of rail into regional NSW and the completion of the major link in the opening up of the north of the state to rail travel. Aesthetically, the station is a fine example of the station type built for larger centres in NSW. Socially the buildings have a unique place in the social activity of Novocastrians over nearly a century and a half. Scientifically the site has potential to reveal information which could provide greater insight into the changing face of rail travel to the state's second major city, the changing face of its relationship with the harbour and the Honeysuckle Workshops and the importance in the development of gas lighting in Newcastle City. (EJE Architecture 1996)

Date significance updated: 30 Sep 97

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Designer/Maker: John Whitton
1878-1929

Construction years:

Physical description: Built as a symmetrical row of five brick buildings (one and two storeys). The central booking hall is topped by a lantern and features cornered pavilions. The complex is united structurally by platform verandahs, supported on elaborate brackets, and visually by the common motifs of semi-circular windows, four-panel doors with overhead fanlights, frieze under eaves and the stone quoins/pilasters which define the corners of the buildings. The overall decorative effect is of a restrained Renaissance classicism resulting from the flat detailing. The buildings on either side of the Booking Hall have raised skylights which make interesting variations in the roofline of the complex. The one to the west on the roadside however, was converted into a three storey hotel for a time and this addition has altered the original symmetry (Kerr/Conners 1975).

Physical condition and/or Archaeological potential: Physical condition is good. Archaeological potential is low.

Date condition updated: 30 Sep 97

Modifications and dates: 1878 - built
1880 - extension and completion of platform 2
1892 - addition of canopy, new parcels office and stationmasters office
1897 - major renovations
1923-1929 - more development
1940s-1950s - minor changes
1980 - last phase of works

Current use: Railway Station

Former use: Railway Station

History

Historical notes: The earliest railway structures on the site were built in the 1850s to serve the original isolated Hunter valley railway. With the connection of this system to Sydney came the need for a new terminus.

Under the supervision of John Whitton, Engineer in Chief of the NSW Government Railways, the new station was erected. The original building was constructed in 1878 and first used in December of that year. It consisted of a central two storey building with single storey pavilions at either end. The ground floor housed a ticket office, waiting room, ladies room, parcels office and a stationmaster's office with administrative offices on the first floor. The pavilions on each end of the main building housed the men's lavatories and porter's accommodation. This new station was designed with a layout typical of NSW railway stations at that time (although was unique in being two-storey) and forms the basis of the station as it exists today.

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The last major phase of development occurred between 1923 and 1929. It was intended to construct a new building to improve accommodation at the station. This plan did not eventuate, but rather the replacement of the original Scott Street verandah by the current enclosed brick structure and the extension of the single dining room to three storeys. Most of the internal partitions and staircases were constructed during this time. The first floor of the 1878

building was converted to staff bedrooms, and a scullery and change rooms were added.

Further minor changes were made during the 1940s and 1950s and the most recent major works occurred in 1980. (EJE Architecture 1996)

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Transport-Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	(none)-
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	(none)-

Assessment of significance

- SHR Criteria a)** [Historical significance] The building reflects the phases of development of the state's second most important city over almost a century and a half and symbolises the expansion of rail into regional NSW and the major link in the opening up of the north of the state to rail travel. (EJE Architecture)
- SHR Criteria c)** [Aesthetic significance] The station is a fine example of the station type built for larger centres in NSW. It is a major example of one type of Victorian Station architecture and as a townscape element of part of the original civic and commercial centre. (Kerr/Conners 1975)
- SHR Criteria d)** [Social significance] The buildings have a unique place in the social activity of Novocastrians over nearly a century and a half. (EJE Architecture)
- SHR Criteria e)** [Research potential] The site has potential to reveal information which could provide greater insight into the changing face of rail travel to the state's second major city over more than a century, the changing face of its relationship with the harbour and the Honeysuckle Workshops and the importance in the development of gas lighting in Newcastle City. (EJE Architecture)
- Assessment criteria:** Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Standard Exemptions	SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977 I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order: 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and 2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached. FRANK SARTOR Minister for Planning	Sep 5 2008

Sydney, 11 July 2008

To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.

 [Standard exemptions](#) for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00236	02 Apr 99	27	1546
Heritage Act - Permanent Conservation Order - former		00236	27 Aug 82	113	3909
Heritage Act - s.170 NSW State agency heritage register					
Local Environmental Plan			03 Jul 92		
National Trust of Australia register			22 Jul 75		
Register of the National Estate			21 Oct 80		

References, internet links & images

Type	Author	Year	Title	Internet Links
Written	EJE Architecture	1996	Newcastle Conservation and Management Plan	
Written	Kerr/Connors	1974	National Trust Classification Card - Newcastle Railway Station	

Note: internet links may be to web pages, documents or images.



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Attachment E - Flood Risk Assessment

By BMT WBM, dated August 2016

“Where will our knowledge take you?”



Newcastle Urban Transformation and Transport Program: Rezoning of Surplus Rail Corridor Lands Flood Risk Assessment

Final Report

August 2016

Newcastle Rail Corridor Rezoning - Flooding

Prepared for: UrbanGrowth NSW

Prepared by: BMT WBM Pty Ltd (Member of the BMT group of companies)

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	Title:	Newcastle Rail Corridor Rezoning - Flooding
	Project Manager:	Darren Lyons
	Author:	Darren Lyons
	Client:	UrbanGrowth NSW
	Client Contact:	Jenny Rudolph (Elton Consulting)
	Client Reference:	
Synopsis: Documentation of preliminary flood risk assessment for proposed rezoning of surplus Newcastle rail corridor lands.		

REVISION/CHECKING HISTORY

Revision Number	Date	Checked by		Issued by	
0	18/01/16	DJL		DJL	
1	06/02/16	DJL		DJL	
2	31/03/16	DJL		DJL	
3	22/04/16	DJL		DJL	
4	03/06/16	DJL		DJL	
5	01/08/16	DJL		DJL	

DISTRIBUTION

Destination	Revision					
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Elton Consulting	1e	1e	1e	1e	1e	1e
BMT WBM File	1e	1e	1e	1e	1e	1e
BMT WBM Library						

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1 Introduction

1.1 General

This report has been prepared to support the amendment to the Newcastle Local Environmental Plan (NLEP) 2012 that applies to the surplus rail corridor land ('rail corridor land') between Worth Place and Watt Street in Newcastle city centre (Figure 1-1).



Source: Hassell

Figure 1-1 Rezoning Study Area

The Newcastle Urban Transformation and Transport Program ('Program') has been established to deliver on NSW Government's more than \$500 million commitment to revitalise the city centre through: the truncation of the heavy rail line at Wickham and creation of the Wickham Transport Interchange; the provision of a new light rail line from Wickham to the Beach; and the delivery of a package of urban transformation initiatives.

The transformation element of the Program aims to bring people back to the city centre by strengthening connections between the city and the waterfront, creating employment opportunities, providing more public space and amenity, and delivering better transport.

The proposed rezoning of the rail corridor land forms a part of the delivery of urban transformation initiatives, comprising a package of transport, built form and public domain improvements.

1.2 Newcastle Urban Transformation

The Newcastle Urban Renewal Strategy (NURS) sets out the NSW Government's long term approach and vision for the revitalisation of Newcastle city centre to the year 2036.

The NURS identifies three character precincts in Newcastle city centre (West End, Civic and East End), within which significant housing and employment opportunities, together with built form and public domain changes and improvements exist. The NURS describes these precincts as:

- East End: residential, retail, leisure and entertainment
- Civic: the government, business and cultural hub of the city

Introduction

- West End: the proposed future business district including the western end of Honeysuckle (Cottage Creek)

UrbanGrowth NSW has been directed by NSW Government to deliver on NURS through the Program, in partnership with Transport for NSW (TfNSW), the Hunter Development Corporation (HDC) and the City of Newcastle Council (Council).

1.3 Proposed rezoning

UrbanGrowth NSW seeks to amend the Newcastle Local Environmental Plan 2012 (NLEP) to enable the delivery of the Program and the objectives of NURS planning outcomes.

Vision

Our vision for the Program has been informed by feedback from the community, Council, government agencies and urban renewal experts.

Our vision is an activated city centre and waterfront that attracts people, new enterprises and tourism. Overtime, we see great opportunities to build on the strengths of the city centre to encourage innovative and enterprising industries to survive. In the longer term, we see an opportunity to strengthen Newcastle's position on the regional, national and international stage, with a view to stronger ties with Asia Pacific.

Program objectives

The Program is underpinned by five objectives which will drive successful urban revitalisation:

- **Bring people back to the city centre.** Reimagining the city centre as an enhanced destination, supported by new employment, educational and housing opportunities and public domain that will attract people
- **Connect the city to its waterfront.** Unite the city centre and the harbour to improve the experience of being in and moving around the city
- **Help grow new jobs in the city centre.** Invest in initiatives that create jobs, with a focus on innovative industries, higher education initiatives to encourage a range of businesses to the city centre
- **Create great places linked to new transport.** Integrate urban transformation with new, efficient transport to activate Hunter and Scott's Streets and return them to thriving main streets
- **Creating economically sustainable public domain and community assets.** Leave a positive legacy for the people of Newcastle. Ensure that new public domain and community facilities can be maintained to a high standard into the future
- **Preserve and enhance heritage and culture.** Respect, maintain and enhance the unique heritage and character of Newcastle city centre through the revitalisation activities.

Urban transformation proposed concept plan

Rail corridor land runs through the East End and Civic city centre precincts (established by NURS).

Introduction

Based on this vision and the results of extensive stakeholder and community engagement, an overall urban transformation concept plan ('concept plan') has been prepared for rail corridor (rezoning sites), as well as surrounding areas.

The concept plan considers and integrates with the delivery of light rail. It is also coordinated with the proposed Hunter Street Mall development to create an interactive, synergised and cohesive city centre and foreshore area.

The concept plan (as shown in Figure 4) includes five key 'key moves', two that relates to the Civic precinct and three of which relate to the East End.

1. Civic link (Civic)

This area is the civic heart of Newcastle and includes some of the regions most important civic and cultural assets, including Civic Park, City Hall, Civic Theatre and Newcastle Museum. Current investment in the area includes the law courts development and the University of Newcastle NeW Space campus – both of which are under construction.

The focus of this key 'move' is to leverage best value from new investments by creating new open space and walking and cycling connections that link Newcastle's civic buildings to the waterfront and the light rail system.

- **Civic Green.** Creating a new civic focused public space linking Hunter Street to the Newcastle Museum that will provide direct visual and physical connection from Wheeler Place to the harbour, activate light rail on Hunter Street and meet the needs of the incoming legal and student populations
- **Built form improvements.** Sensibly scaled mixed use development that forms part of the Honeysuckle development.

2. Darby Plaza (Civic)

Darby Street is Newcastle's premier 'eat street', offering a mix of shops, cafes, restaurants and night life. At present Darby Street ends at the intersection with Hunter Street, and this key 'move' seeks to create a new node of activity and linkage through to the harbour that complements the delivery of light rail.

- **Darby Plaza.** A new community focused public space including provision of new walking and cycling facilities from Hunter Street to the harbour.
- **Built form improvements.** Zoning of rail corridor land between Merewether Street and Argyle Street to allow for future mixed use development in conjunction with surrounding lands in the longer term.

3. Hunter Street Revitalisation (East End)

Hunter Street features some of Newcastle's best heritage buildings and offers a mix of shops, cafes, restaurants and other local business. Hunter Street has experienced decline in recent years, and the opportunity exists to reinstate Hunter Street as the regions premier main street and complements light rail.

- **Built form improvements.** Sensibly scaled mixed use development consistent with the adjoining land uses to create an activated street with 'two edges', celebrate heritage and create

Introduction

new linkages from Hunter Street to the waterfront, provide activation around light rail stops and improve walking and cycling facilities.

4. Entertainment Precinct (East End)

This key 'move' aims to create a place where people can come to play, relax and reconnect with the harbour in a new public space stretching from Scott Street to the waterfront incorporating a new connection from Market Street to Queens Wharf. This key 'move' assist to activate the area with a variety of activities to create an exciting place for the East End.

- **Recreational opportunities.** This precinct will incorporate the adaptive re-use of the signal box and provision of recreation opportunities for all ages and abilities. Public domain will be, designed to provide a thoughtful series of character areas and experiences as one walks the length. The area will also provide opportunities for viewing and interpretation of heritage character that respect the unique qualities of place.

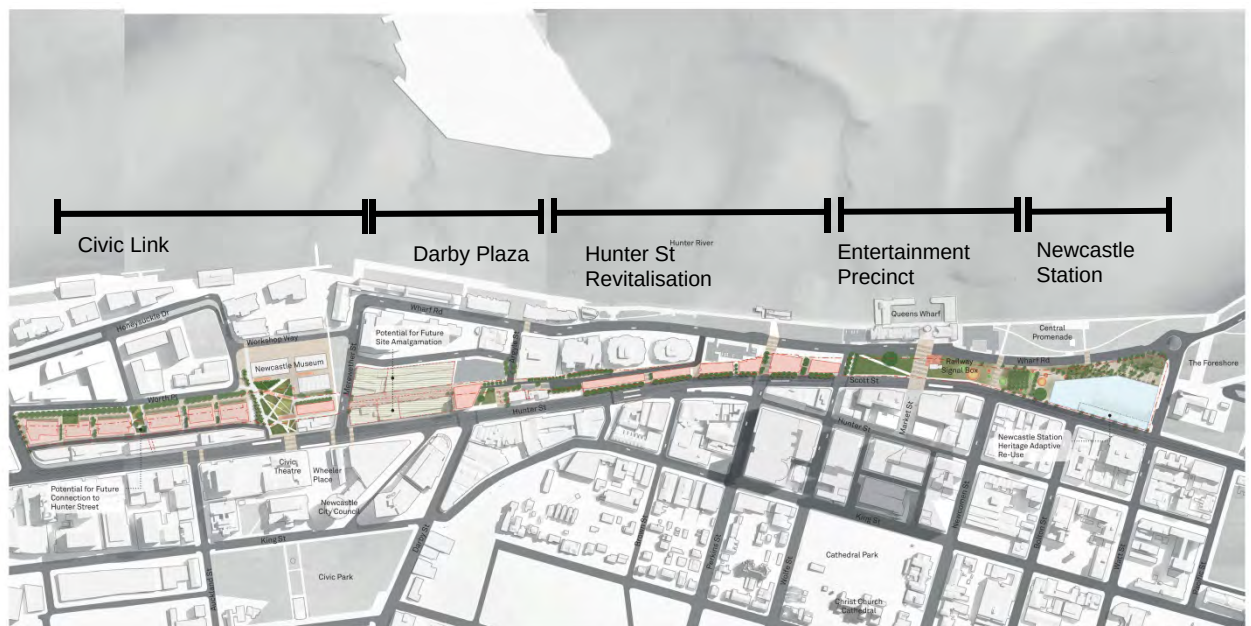
5. Newcastle Station (East End)

Newcastle Railway Station is proposed to be re-purposed into a hallmark destination and focal point for the new East End, accommodating enterprises and activities that attract visitors and stimulate the economy.

Refurbishment would fully respect and celebrate the heritage integrity of the Station, and could accommodate a range of different activities including community, retail, leisure and commercial uses.

1.4 Rezoning Concept Plan

The proposed rezoning of the rail corridor lands is the focus of this report. Figure 1-2 provides a red line to define the site rezoning area within the broader program planning outcomes.



Source: Hassell

Figure 1-2 Rezoning Concept Plan

Introduction

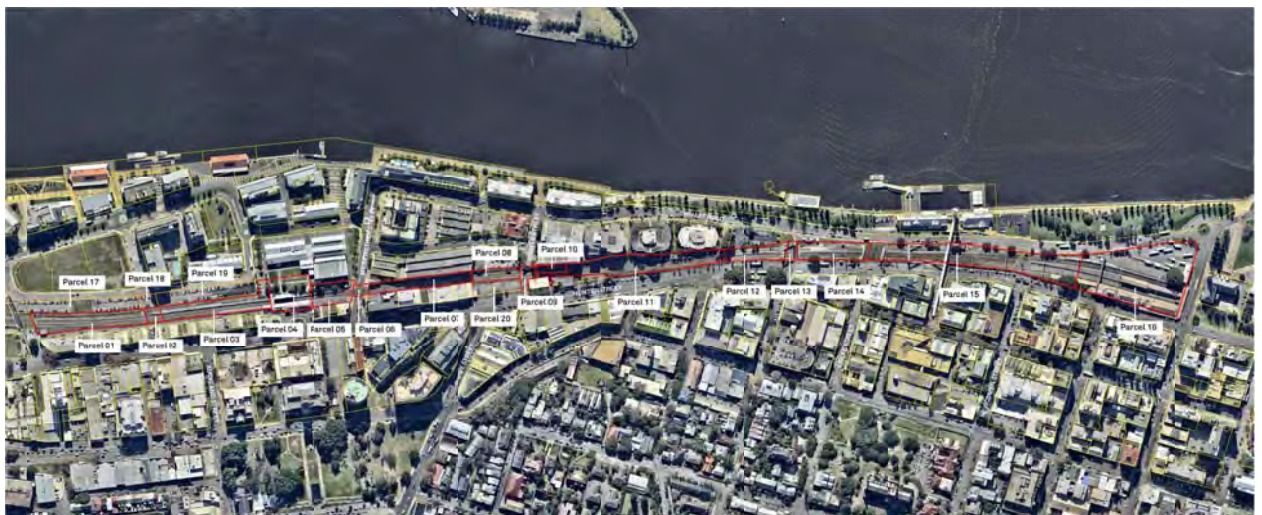
Amendments to the NLEP are required to deliver part of the concept plan. The proposed amendments are on surplus rail corridor land only. Necessary amendments to the NLEP include:

- Amend the Land Use Zoning Map to introduce new B4 Mixed Use, SP3 Tourism and RE1 Public Recreation zones
- Amend the Height of Building and Floor Space Ratio maps to facilitate development on select parcels of land
- Reclassification of part of the rail surplus rail corridor to Community by amending Part 3 of Schedule 4 of the NLEP to rezone land for public open space
- Amendment to the Land Reservation Acquisition Map to enable the proposed RE1 public open space land to be acquired by Newcastle Council.
- Amend the key maps (as referred to in Clause 7.5 of the NLEP) to include Newcastle Railway Station Heritage building.

The approach taken to the amendments is to support the NURS planning approach and to remain consistent with surrounding planning controls in terms of zones, floor space ratio (FSR) and height. The concept plan will also form the basis for updates to the Newcastle City Centre Development Control Plan design controls to guide development and public domain works for rezoning sites.

1.5 Proposed Rezoning

This planning proposal seeks to rezone rail corridor land (rezoning sites) to enable the delivery of the proposed urban uses established in the concept plan. An indication of the location of the proposed rezoning parcel is indicated in the map in Figure 1-3.



Source: Hassell

Figure 1-3 Rezoning explanatory map – Parcels

The planning proposal concept plan includes public domain, entertainment, mixed use and commercial and residential development.

Introduction

In general the proposed rezoning will provide a mix of uses with between 500-600 dwellings which will comprise a variety of styles and types, and around 5,000m² of commercial, restaurant and other entertainment uses, as described in Table 1-1.

Proposed rezoning controls respect existing controls that apply to surrounding land. This applies to maximum building height and floor space ratio standards.

Table 1-1 Sites for Rezoning – Proposed development summary

	Parcel Code*	Purpose	Site area (m ²)	Current zone	Proposed zoning	Proposed floor space ratio	Proposed maximum building height (m)
Civic Link	1	Mixed use development	3,370	SP2 Infrastructure	B4 Mixed use	3:1	30
	2	Recreation	408	SP2 Infrastructure	B4 Mixed use	3:1	30
	3	Mixed use development	3,146	SP2 Infrastructure	B4 Mixed use	3:1	30
	4	Recreation	2,464	SP2 Infrastructure	RE1 Public recreation	N/A	N/A
	5	Mixed use development	1,603	SP2 Infrastructure	B4 Mixed use	3:1	24
	6	Road	295	SP2 Infrastructure	B4 Mixed use (road)	2.5:1	30
Darby Plaza (Civic)	7	Mixed use development	2,040	SP2 Infrastructure	B4 Mixed use	2.5:1	30
	8	Mixed use development	988	SP2 Infrastructure	B4 Mixed use	4.1:1	24
	9	Recreation	467	SP2 Infrastructure	B4 Mixed use (road)	N/A	N/A
Hunter St Rev. (East End)	10	Infrastructure	386	SP2 Infrastructure	SP2 Infrastructure	N/A	N/A
	11	Mixed use development	4,542	SP2 Infrastructure	B4 Mixed use	2.5:1	14
	12	Mixed use development	1,544	SP2 Infrastructure	B4 Mixed use	2.5:1	17
	13	Recreation	303	SP2 Infrastructure	RE1 Public recreation	N/A	N/A
	14	Mixed use development	2,251	SP2 Infrastructure	B4 Mixed use	3:1	14
Entertainment precinct (East End)	15	Recreation	7,713	SP2 Infrastructure	RE1 Public recreation	N/A	N/A
New Station (East End)	16	Recreation and mixed use development	10,698	SP2 Infrastructure	SP3 Tourist	1.5:1	Part 10m and part 20m

2 Existing Flood Risk Environment

2.1 Background

2.1.1 Site Location and Flooding Mechanisms

The development area largely occupies the low-lying floodplain area of the Hunter River and Throsby Creek. The Hunter River Estuary is a large riverine estuary system at the downstream end of the extensive Hunter River catchment (size ~ 22,000km²), which flows into the Tasman Sea through the Port of Newcastle.

The ocean entrance to the Hunter River Estuary is fixed by twin rock breakwaters constructed in the late 19th century. The entrance is approximately 400 metres wide and 16 metres deep, allowing full ocean tides to penetrate into the Harbour. Prior to training of the entrance, it is understood that the Hunter River mouth and lower estuary contained dynamic sediment shoals, which would have been subject to significant and rapid change from periodic floods and coastal processes.

The majority of urban development is concentrated around Newcastle in the lower reaches of the estuary. The main urban catchments at the eastern end of the City drains to Cottage Creek, which has been extensively modified from natural conditions with large sections converted to hydraulically efficient concrete lined trapezoid shaped drains to reduce flooding.

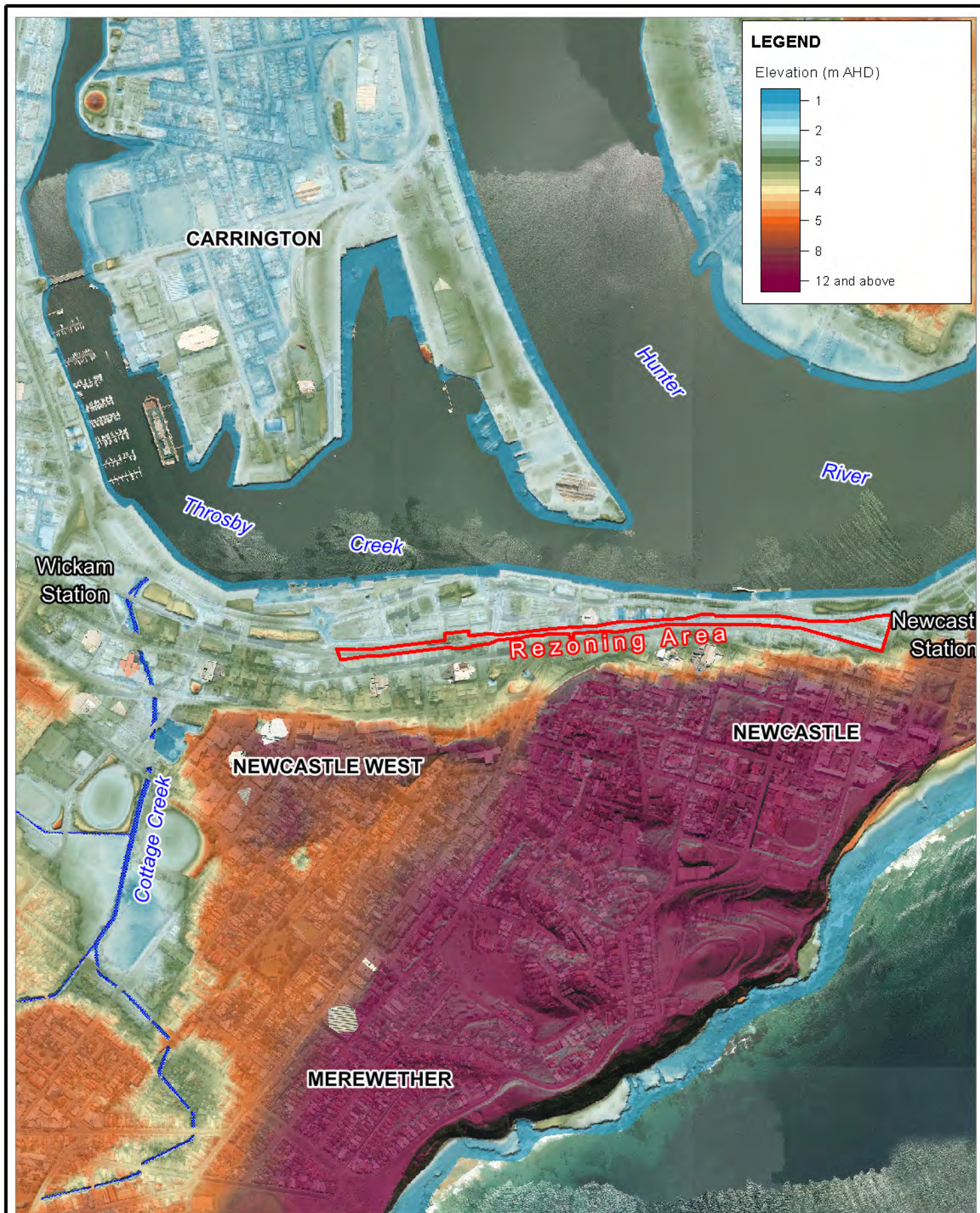
The low-lying nature of the study area is evident in Figure 2-1 showing the local topography. The topography shown is based on a Digital Elevation Model (DEM) derived from LiDAR data (NSW LPI data). The general ground levels around the rail corridor are 2-3m AHD. Some parts of the rail corridor are within cutting with existing rail line elevations down to around 1.7m AHD.

Flooding of the study area can occur from three mechanisms (and combinations thereof):

- Oceanic inundation, as a result of high ocean tides, storm surge, wave penetration;
- Local catchment flooding, as a result of intense rainfall within the local catchment of Throsby/Cottage Creek; and
- Hunter River flooding, as a result of major flooding within the broader river system.

The low-lying topography of the study area and the proximity to the major waterways of Hunter River and Throsby Creek provide for significant flood inundation risks. These risks are expected to further increase in the future considering the potential for increases in mean sea level conditions associated with climate change

Risks associated with these forms of flooding in the study area are primarily a legacy of historical floodplain development. There has been extensive development on relatively low-lying foreshore area established before the current awareness and understanding of potential flooding extent and likelihood.



Title:
Local Topography

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Existing Flood Risk Environment

2.1.2 Climate Change Considerations

Climate change is expected to have adverse impacts upon sea levels and rainfall intensities, both of which may have significant influence on flood behaviour at specific locations. The primary impacts of climate change in coastal areas are likely to result from sea level rise, which, coupled with a potential increase in the frequency and severity of storm events, may lead to increased coastal erosion, tidal inundation and flooding.

In 2009 the NSW State Government announced the NSW Sea Level Rise Policy Statement (DECCW, 2009) that adopted sea level rise planning benchmarks to ensure consistent consideration of sea level rise in coastal areas of NSW. These planning benchmarks adopted increases (above 1990 mean sea level) of 40 cm by 2050 and 90 cm by 2100. However, on 8 September 2012 the NSW Government announced its Stage One Coastal Management Reforms which no longer recommend state-wide sea level rise benchmarks for use by local councils. Instead councils have the flexibility to consider local conditions when determining future hazards of potential sea level rise.

Accordingly, it is recommended by the NSW Government that councils should consider information on historical and projected future sea level rise that is widely accepted by scientific opinion. This may include information in the NSW Chief Scientist and Engineer's Report entitled 'Assessment of the Science behind the NSW Government's Sea Level Rise Planning Benchmarks' (2012).

The NSW Chief Scientist and Engineer's Report (2012) acknowledges the evolving nature of climate science, which is expected to provide a clearer picture of the changing sea levels into the future. The report identified that:

- The science behind sea level rise benchmarks from the 2009 NSW Sea level Rise Policy Statement was adequate;
- Historically, sea levels have been rising since the early 1880's;
- There is considerable variability in the projections for future sea level rise; and
- The science behind the future sea level rise projections is continually evolving and improving.

As the majority of the analysis and modelling tasks associated with Councils Flood Study and Floodplain Risk Management Study were completed prior to the announcement of the NSW Government's Coastal Management Reforms in September 2012, the potential impacts of sea level rise have been based on sea level rise projections from the 2009 NSW Sea Level Rise Policy Statement. Nevertheless, the Chief Scientist and Engineer's Report identifies the science behind these sea level rise projections as adequate, and accordingly is expected to provide a reasonable basis for the assessment.

In 2007 the NSW Government released a guideline for practical consideration of climate change in the floodplain management process that advocates consideration of increased design rainfall intensities of up to 30%. Accordingly, this increase in design rainfall intensity will translate into increased flood inundation in the Narrabeen Lagoon catchment. Future planning and floodplain management in the catchment will need to take due consideration of this increased flood risk.

2.1.3 Previous Studies

The following collection of studies provides the most comprehensive description and assessment of the natural hydrologic and hydraulic regimes for the Hunter River, Throsby Creek, Cottage Creek and local catchments.

- Lower Hunter River Flood Study (PWD, 1994) - this study included the construction of a one-dimensional hydraulic model (MIKE11 software) and has been used as the basis for subsequent Floodplain Risk Management applications in the Lower Hunter. The developed model was further refined to incorporate a two-dimensional representation of the Hexham Swamp floodplain area (DHI, 2009). The peak design flood conditions derived from these studies form the adopted conditions for riverine flooding in the Lower Hunter Estuary, including the study area.
- Throsby Creek and Cottage Creek Flood Study (WBM, 2006) – the flood study incorporated detailed modelling of the urban catchments of Throsby Creek, Cottage Creek and the Newcastle CBD area, encompassing an area of some 42km². The principle objectives of the study were to define the flood behaviour of the catchments through the establishment of appropriate numerical models, producing information on flood flows, velocities, levels and extents for a range of flood event magnitudes. The models incorporate the extensive trunk drainage network throughout the study area. The results of the study have been adopted by Council for flood planning purposes and form the basis for the flood risk assessment and formulation of appropriate floodplain risk management options.
- Newcastle City-wide Floodplain Risk Management Study and Plan (BMT WBM, 2012) - The City-wide Flood Plan has been developed to direct and co-ordinate the future management of flood prone lands across the City of Newcastle. It also aims to educate the community about flood risks across Newcastle, so that they can make more appropriate and informed decisions regarding their individual exposure and responses to flood risks. The City-wide Flood Plan sets out a strategy of short term and long term actions and initiatives that are to be pursued by agencies and the community in order to adequately address the risks posed by flooding.

The Newcastle City-wide Floodplain Risk Management Study provides an extensive mapping compendium that provides a comprehensive description of the flood inundation risks in the study area. The mapping provided incorporates the potential flooding from a number of sources including Hunter River flooding, local flooding in the Throsby/Cottage Creek catchment and tidal inundation including major storm surge events. Mapped scenarios include a range of magnitude events as well as the influence of potential sea level rise on future flooding conditions.

2.2 Existing Inundation Scenarios

Flooding of the study area can occur from three mechanisms (and combinations thereof):

- Oceanic inundation, as a result of high ocean tides, storm surge, wave penetration;
- Local catchment flooding, as a result of intense rainfall within the local catchment of Throsby/Cottage Creek; and
- Hunter River flooding, as a result of major flooding within the broader river system.

The following sections outline the existing and future flooding scenarios in the study area under the various flooding mechanisms identified above. These conditions are used as the basis for assessment of potential flood impact in the study area corridor.

2.2.1 Ocean Flooding

Oceanic inundation as a result of elevated tide levels are derived from combinations of the following conditions:

- Barometric pressure set up of the ocean surface due to the low atmospheric pressure of the storm;
- Wind set up due to strong winds during the storm “piling” water upon the coastline;
- Astronomical tide, particularly the Higher High Water Solstice Springs (HHWSS); and
- Wave set up.

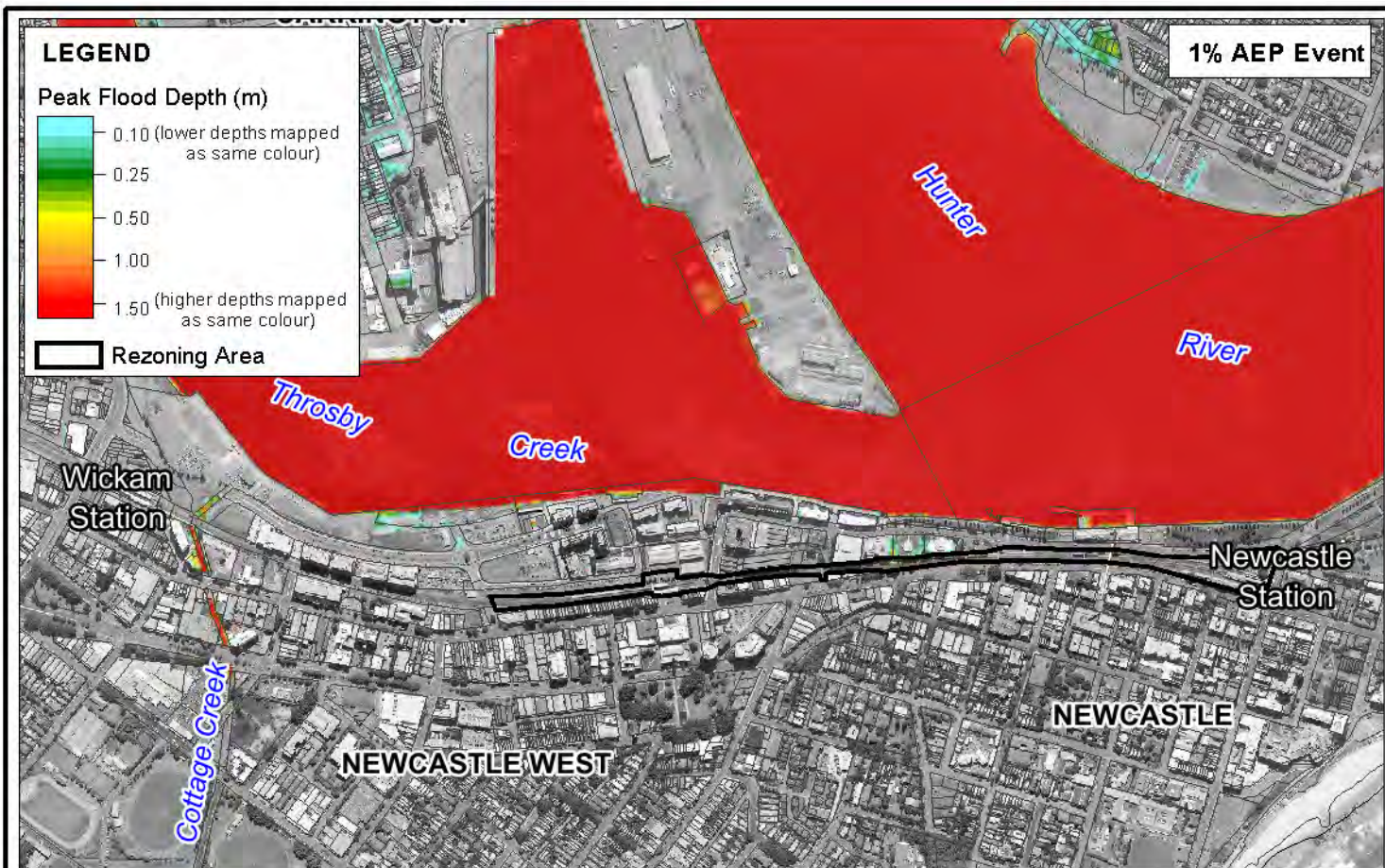
A summary of peak water levels under ocean flooding conditions for key design events is presented in Table 2-1, including the projected influence of sea level rise.

Table 2-1 Design Peak Water Levels (m AHD) - Ocean Flooding

Design Event	Existing Conditions	+0.4m SLR	+0.9m SLR
King Tide	1.0	1.4	1.9
10 % AEP	1.35	1.75	2.25
1% AEP	1.4	1.8	2.3
Extreme (PMF) Event	2.5	2.9	3.4

Given the topography of the study area (refer to Figure 2-1) there is the potential for extensive inundation under ocean flooding scenarios. The relative extents and depths of inundation for the 1% AEP and PMF design ocean events are shown in Figure 2-2. No major inundation of the low-lying foreshore area is expected under existing 1% AEP design ocean flood conditions. For the extreme event (PMF) condition, significant inundation would occur, with some peak flood depths up to the order 0.5 -1.0m.

As noted in Table 2-1, ocean flooding conditions are exacerbated with potential sea level rise. The design 1% AEP peak ocean flooding level incorporating 0.9m sea level rise is 2.3m AHD, thereby approaching the severity of inundation under existing extreme event conditions (2.5m AHD). Accordingly, the extent of ocean inundation shown at the bottom of Figure 2-2 is indicative of the typical design flood condition to be considered for the nominal 1% AEP design planning event under future catchment conditions (i.e. beyond 2100).



Title:

Ocean Peak Flood Depths - 1% AEP and PMF Existing Conditions

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2.2.2 Local Catchment Flooding

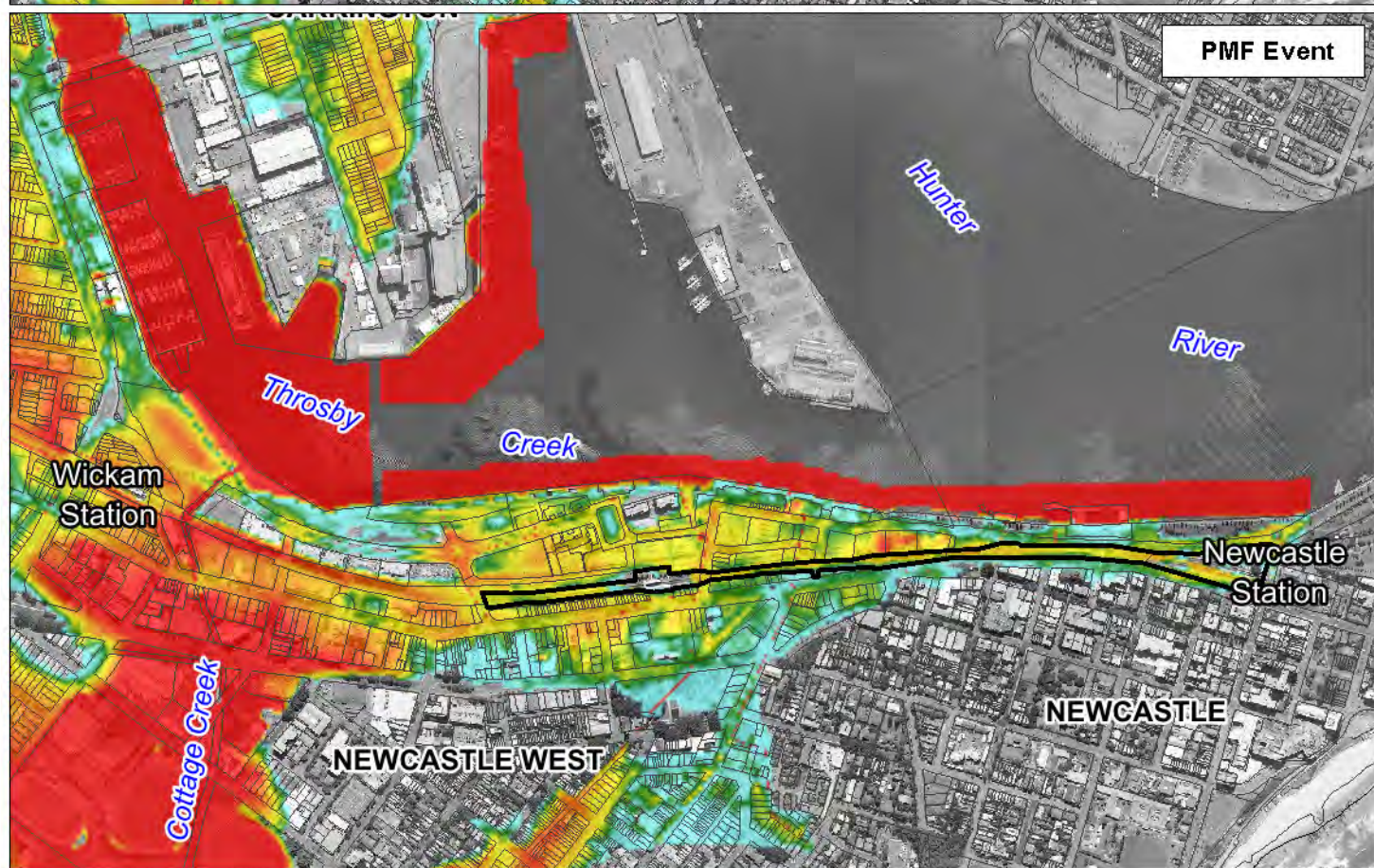
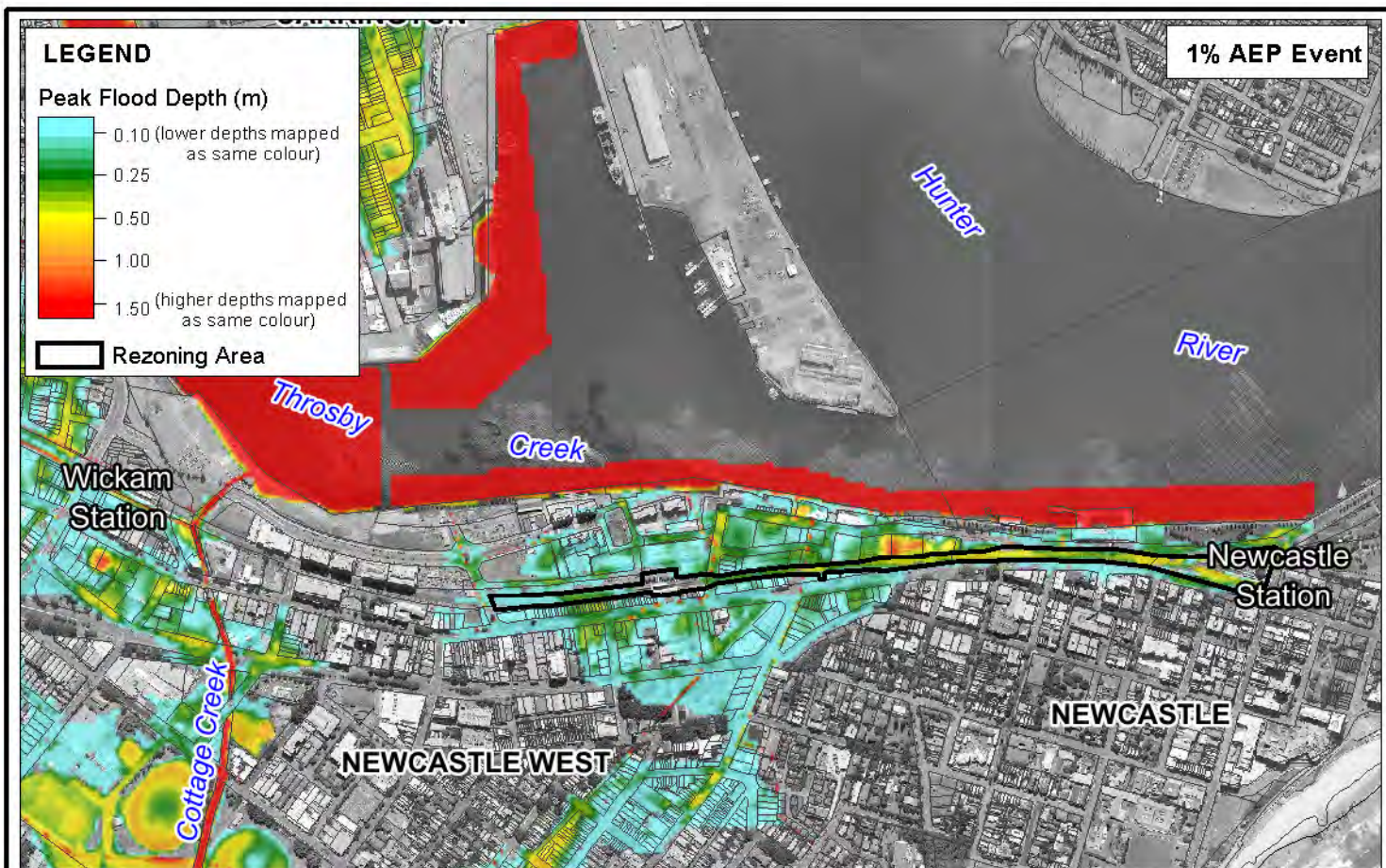
The design local catchment flooding conditions have been derived in the Throsby Creek and Cottage Creek Flood Study (WBM, 2006). Local catchment flooding is referred to as “Flash Flooding” in the Newcastle City-wide Floodplain Risk Management Study, acknowledging the relatively flashy nature of flooding in local catchments across the CBD area and distinguishing from the mainstream flooding of the Hunter River system.

The simulated design flood inundation extents and depths across the study area for the 1% AEP and PMF events under existing conditions is shown in Figure 2-3.

The inundation across the development area at the 1% AEP design flood magnitude is largely characterised by relatively shallow depth of flooding (typically less than 0.3m) with some localised areas of higher depth often corresponding to low points in the local road network. There are some localised areas of higher flood depth shown within the existing rail corridor towards Newcastle Station. These areas also correspond to low points along the rail alignment, typically where the rail alignment is lower than adjacent land (i.e. effectively in shallow cutting). The higher flood depths shown in these areas are largely a function of the coarse model configuration and localised depressions in the underlying topography.

Overland flow regimes in urban environments can be quite complex with interconnecting and varying flowpaths once the design stormwater drainage capacity is exceeded. Road networks often convey a considerable proportion of floodwaters due to the hydraulic efficiency of the road surface compared to developed areas (eg. blocked by fences and buildings), in addition to the underground pipe network draining mainly to open channels. Excluding the main Cottage Creek catchment (i.e. areas west of Worth Place outside the proposed rezoning area) the contributing local catchments are relatively small. Accordingly, there is not a significant overland flooding risk within the project area up to the 1% AEP flood magnitude. This is reflected in the definition of hydraulic category (i.e. floodway/flood storage and flood fringe area) discussed further in Section 2.3.1

At the PMF level there is greater inundation extent with higher depth of floodwaters. The flows generated in the local drainage catchments provide for extensive overtopping of the existing railway embankment. Again reference should be made to Section 2.3.1 in the definition of major floodway flow paths at the PMF level.



Title:

Local Catchment Peak Flood Depths - 1% AEP and PMF Existing Conditions

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2.2.3 Hunter River Flooding

The design Hunter River flooding conditions have been derived in the Lower Hunter River Flood Study (PWD, 1994) with some local refinement in the subsequent model upgrade report (DHI, 2009). The peak design flood level profiles (10% AEP, 1% AEP and PMF events) along the South Arm of the Hunter River between Hexham Bridge and the harbour entrance are shown in Figure 2-4. Included in the figure are key reference locations along the River and the approximate location of the study area (extent of the Carrington suburb boundary between Walsh Point and Throsby Creek).

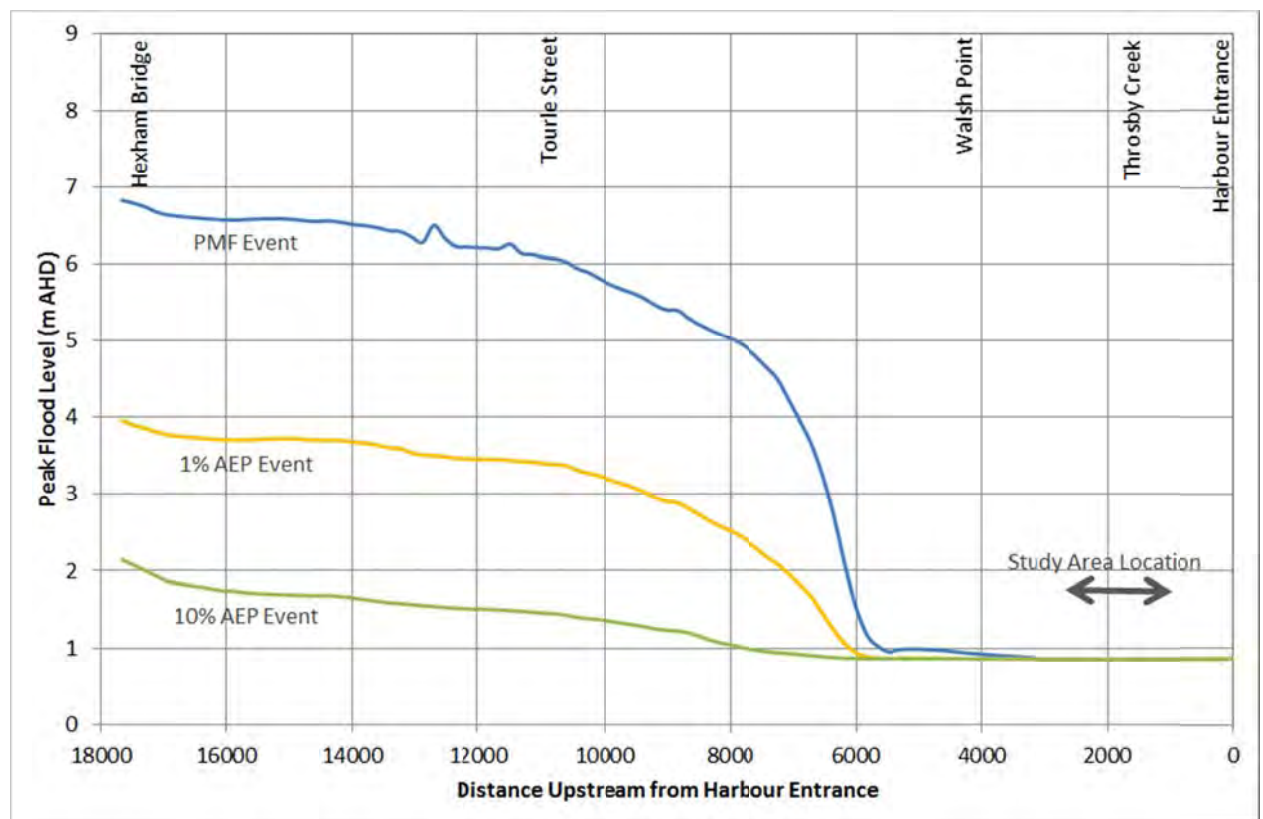


Figure 2-4 Hunter River (South Arm) Design Flood Level Profiles

The study area is largely not directly impacted by major flooding in the Hunter River. As shown in Figure 2-4, all of the events presented have a peak flood level of the order 0.8-0.9m AHD in the reach of the Hunter River adjacent to Throsby Creek. This peak flood level corresponds to the adopted boundary condition at the harbour entrance, approximating a peak spring tide level. A very flat peak flood level gradient is evident through the lower reach of the Hunter River given its large conveyance which has been significantly enlarged through channel widening and dredging works.

2.3 Flood Risk Classifications

The key planning documents with consideration of flood risks in the Newcastle City Council LGA. include:

- Newcastle City Council Flood Policy 2003
- Newcastle Development Control Plan (DCP) 2012 – Section 4.01 Flood Management

Existing Flood Risk Environment

- Newcastle City-wide Floodplain Risk Management Study and Plan 2012; and
- NSW Government Floodplain Development Manual (FDM) 2005

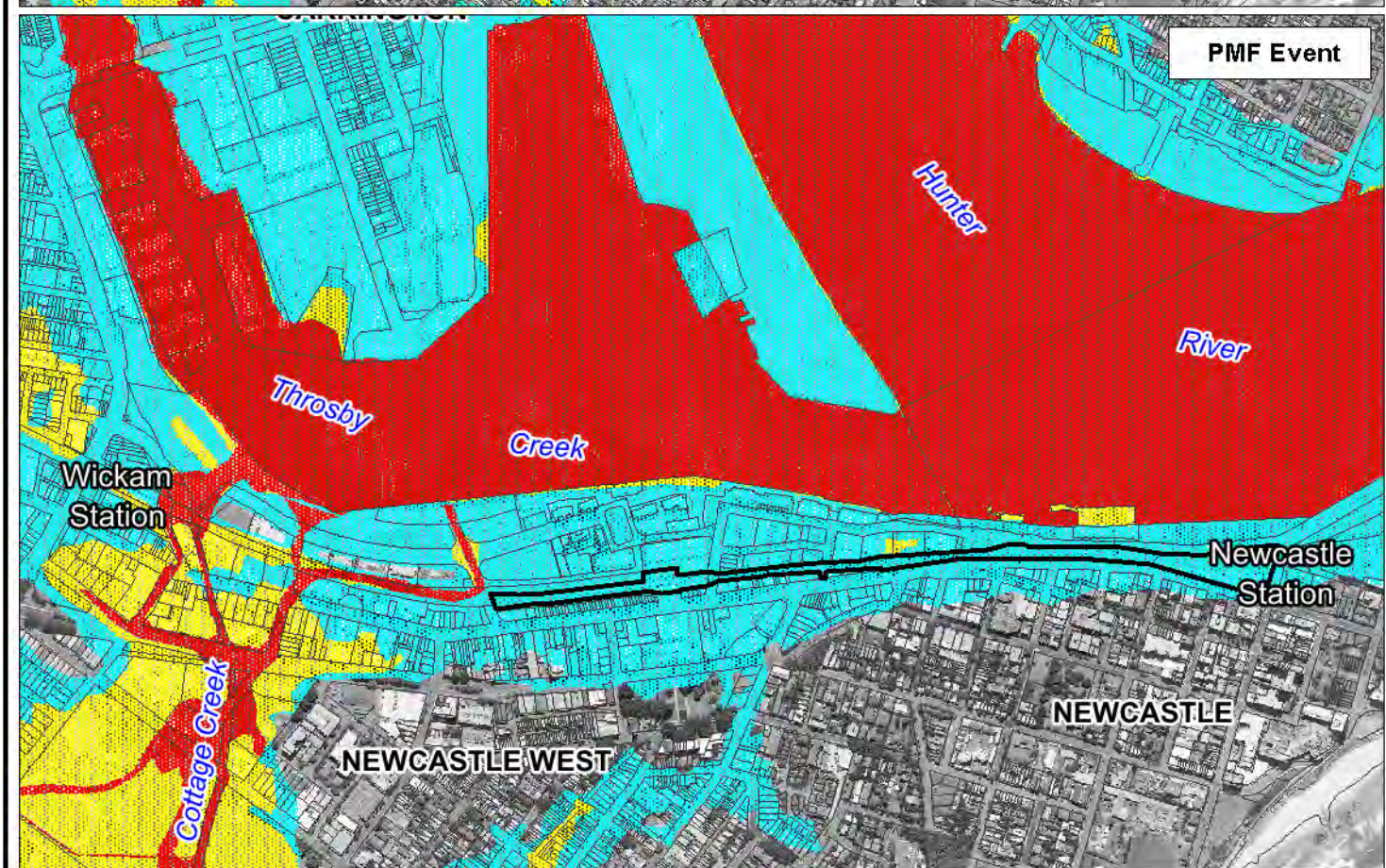
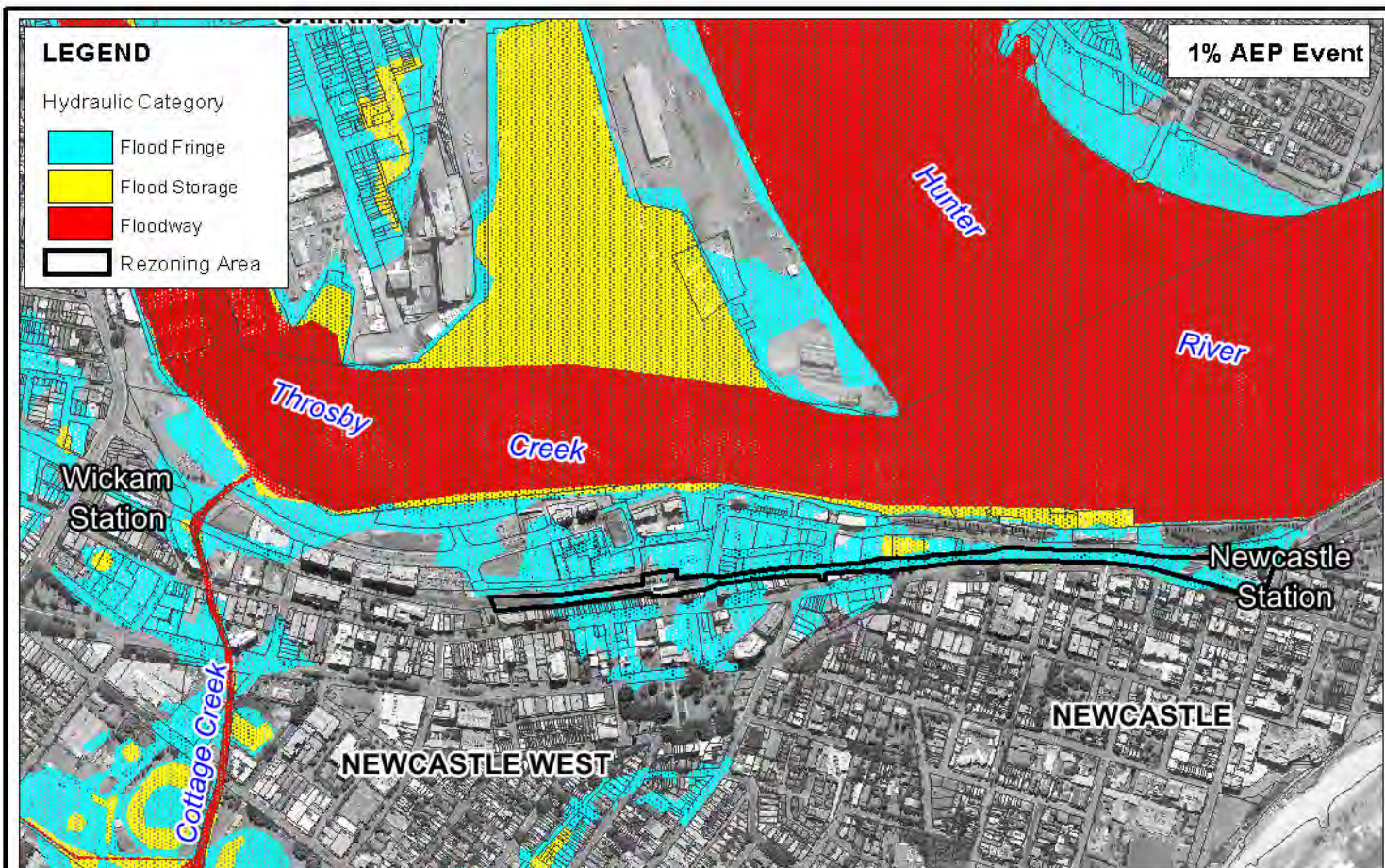
These documents provide information regarding processes to classify the severity of flooding in both quantitative and qualitative terms, and the policies and controls that are applicable to dwellings and developments on flood prone land based on these initial classifications.

2.3.1 Hydraulic Impact Categories

There are no prescriptive methods for determining what parts of the floodplain constitute floodways, flood storages and flood fringes. Descriptions of these terms within the FDM (NSW Government, 2005) are essentially qualitative in nature and emphasis is placed on the need for site specific consideration when determining appropriate methods for hydraulic category classification. The hydraulic categories as defined in the FDM, and the advised general guidelines to assist in the delineation of flooding and flood storage areas, are:

- **Floodway** - Areas that convey a significant portion of the flow. These are areas that, even if partially blocked, would cause a significant increase in flood levels or a significant redistribution of flood flows, which may adversely affect other areas.
- **Flood Storage** - Areas that are important in the temporary storage of the floodwater during the passage of the flood. If the area is substantially removed by levees or fill it will result in elevated water levels and/or elevated discharges. Flood Storage areas, if completely blocked would cause peak flood levels to increase by 0.1m and/or would cause the peak discharge to increase by more than 10%.
- **Flood Fringe** - Remaining area of flood prone land, after Floodway and Flood Storage areas have been defined. Blockage or filling of this area will not significantly affect the flood pattern or flood levels.

The adopted hydraulic impact categories in the Newcastle FRMS are shown in Figure 2-5 and identifies that majority of the site is classed as flood fringe. Flood fringe areas typically don't have major constraints with respect to development type subject to appropriate assessment of potential impacts. Further discussion on flood related development controls applicable to the proposed development site are presented in Section 3.



Title:

Hydraulic Categories - 1% AEP and PMF Existing Conditions

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2.3.2 Property Hazard Categories

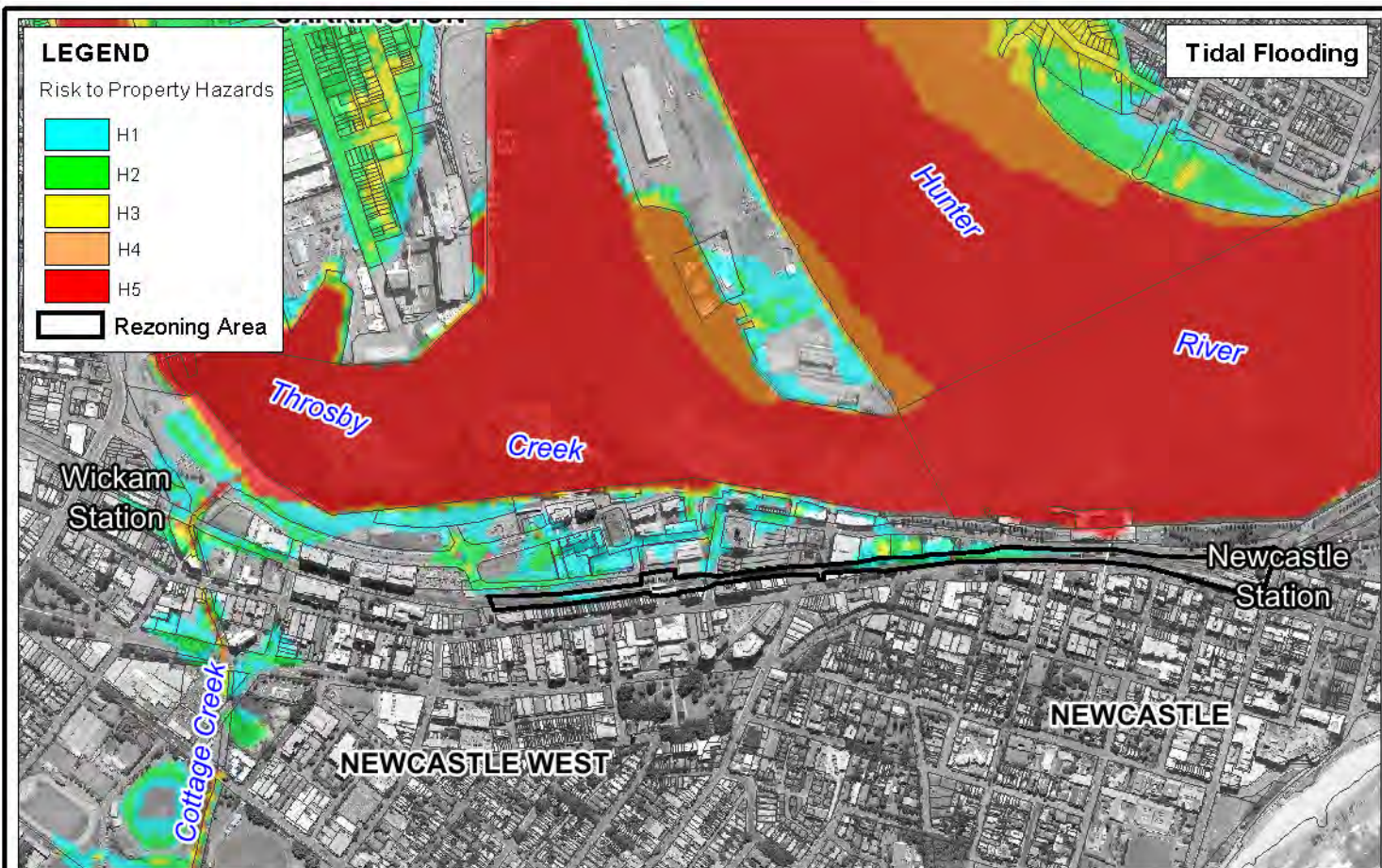
The combination of flood depths and flood velocities can be used to assess the risk to property and life based on the physical flood behaviour. Situations whereby flood depths are shallow, but velocities are high can be just as critical as situations where flood depths are large, but velocities are low. The combination of flood depths and flood velocities ($v \cdot d$) is defined as the flood hydraulic behaviour. Different values, or thresholds, for flood hydraulic behaviour helps to categorise the risk to people exposed to the flood, either directly as pedestrians, or indirectly inside a vehicle, or inside a building/structure. The hydraulic behaviour also aids in the categorisation of risk to property.

The hydraulic behaviour thresholds are described in Table 2-2, which outline associated technical equations in terms of flow depth and velocity. They are not inherently tied to any particular size or likelihood of flood, but rather, they just describe the stability of a chosen object (e.g. a type of building construction) in water of a particular depth and velocity.

Table 2-2 Definition of Hydraulic Behaviour Thresholds (Newcastle City Council, 2003)

Hydraulic Behaviour Threshold	Velocity-Depth Relationship	Risk to Property
H1	$v < 0.5\text{m/s}$ and $d < 0.3\text{m}$	P1 - Parked or moving cars remain stable
H2	$v < 2\text{m/s}$, $d < 0.8\text{m}$ and $v < (3.2 - 4 \cdot d)$	P2 - Parked or moving heavy vehicles remain stable
H3	$v < 2\text{m/s}$, $d < 2\text{m}$ and $v \cdot d < 1$	P3 - Suitable for light frame construction
H4	$v < 2.5\text{m/s}$, $d < 2.5\text{m}$ and $v \cdot d < 2.5$	P4 - Suitable for heavy frame construction or structural reinforcement
H5	Remaining areas	P5 - Hydraulically unsuitable for normal building construction

The property hazard classification based on the above definition in the vicinity of the rezoning area is shown in Figure 2-6. The highest property hazard category across the majority of the site is H2. Typically this type of flood condition provides little constraint on the types of construction.



Title:

Property Hazard Categories - 1% AEP Existing Conditions

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2.3.3 Life Hazard Categories

In addition to hydraulic behaviour, risks to life are influenced by the flooding mechanism (i.e. flash, river or ocean), as well as the availability of an evacuation route. Generally, evacuation can be expected from areas that are under threat from river or ocean flooding. As such, the risks to life in areas affected by river and ocean flooding are considered to be low. Flash flooding, however, can represent a significant risk, as there is generally little time to respond or evacuate. If there is an evacuation route available, which consists of a continuously rising route to flood free land (above the PMF level), then the risks in flash flood situations are reduced.

Risks to life categorisation adopted by Council has been developed taking into account both the availability for evacuation and the hydraulic behaviour, as presented in Table 2-3.

The Risks to Life criteria are determined based on PMF conditions. These extreme flood conditions are adopted as the FDM (2005) is explicit in requiring risks to life to be considered and managed over the full range of flood events (i.e. up to the most extreme conditions, or PMF).

Table 2-3 Risk to Life Hazard Categories (adopted at the PMF level)

				Hydraulic Behaviour Threshold				
				H1	H2	H3	H4	H5
Catchment Response Time	Riverine and Ocean Flooding			L1				
	Flash	Escape Route to flood free land	available	L2		L4		L5
			not available					

Where:

- L1 Riverine flooding where there is sufficient time to remove people from the risk to their lives by means of formal community evacuation plans.
- L2 Short duration flash flooding with no warning time in circumstances where there is an obvious escape route to flood free land with enclosing waters during the PMF which are suitable for wading or heavy vehicles i.e. hydraulic threshold does not exceed H2. On site flood refuge not necessary and normal light frame residential building are appropriate.
- L3 Short duration flash flooding with no warning time and no obvious escape route to flood free land with enclosing waters during the PMF which are suitable for wading or heavy vehicles i.e. hydraulic threshold does not exceed H2. On site flood refuge not necessary and normal light frame residential buildings and appropriate.

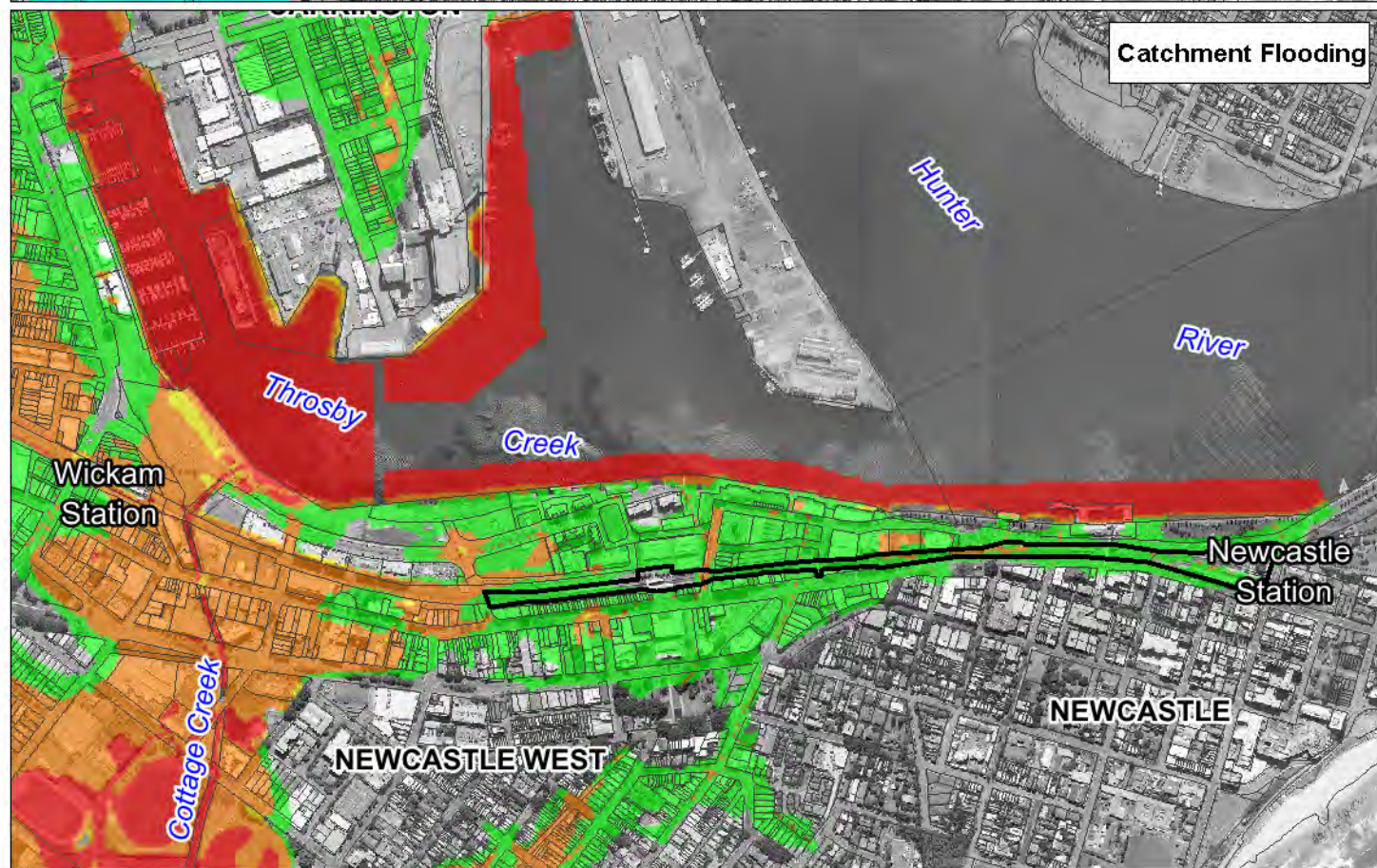
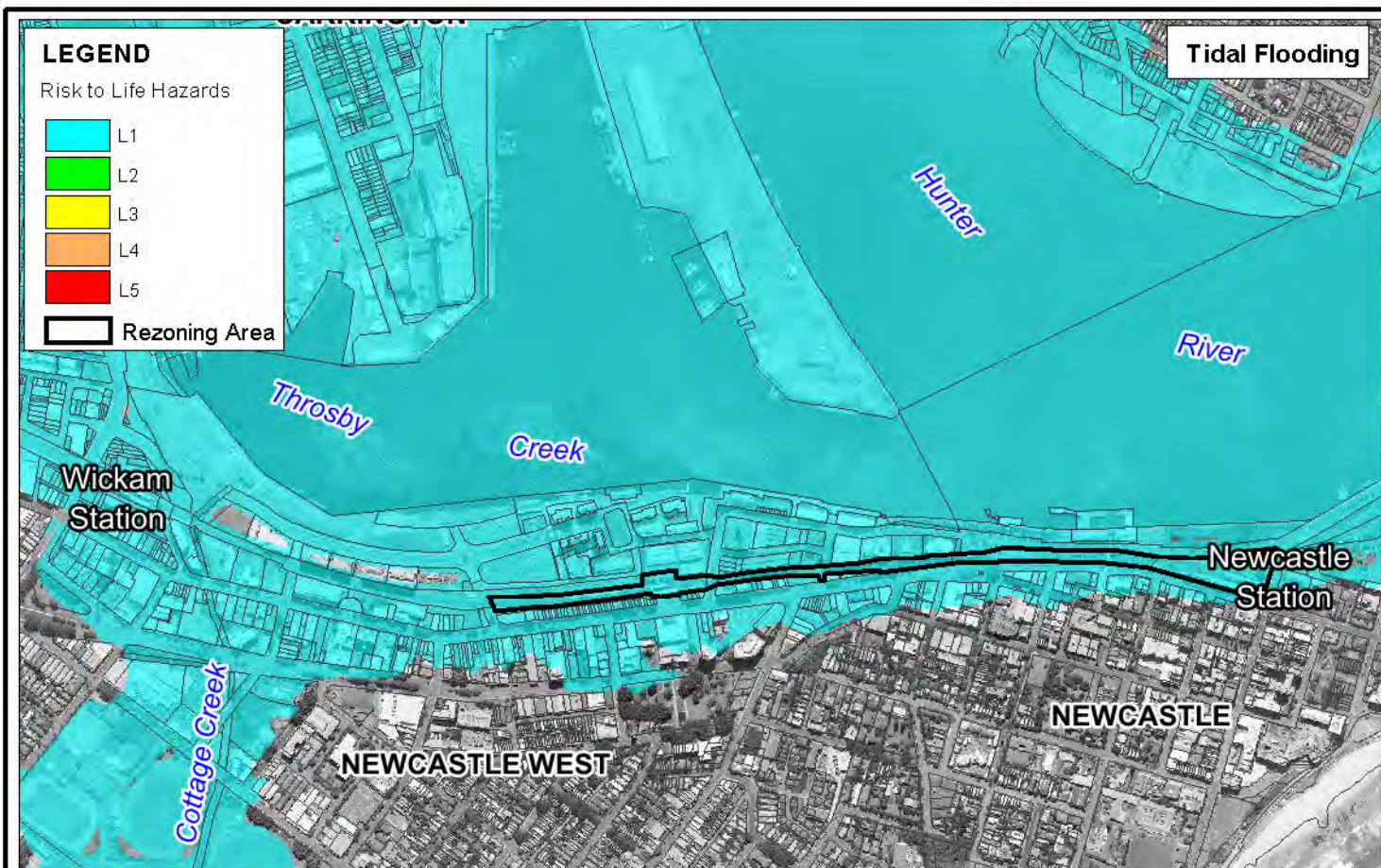
Existing Flood Risk Environment

- L4 Short duration flash flooding with no warning time and enclosing waters during the PMF not suitable for wading or heavy vehicles i.e. hydraulic threshold exceeds H_2 . On site refuge is necessary and if hydraulic threshold exceeds H_3 , heavy frame construction or suitable structural reinforcement required.
- L5 Short duration flash flooding with no warning time and enclosing waters during the PMF have too much energy for normal heavy building construction and therefore it is generally not possible to construct a flood refuge i.e. hydraulic threshold is H_5 . The risk to life is considered extreme and the site is unsuitable for habitation, either residential or short stay.

As noted in Table 2-3, the risk to life categorisation for the Hunter River and ocean flooding at the site is the lowest category L1. This is due to the significant warning times afforded to the site for flooding of this nature such that appropriate evacuation plans could be executed.

The local catchment flash flooding scenarios provide the dominant conditions in determining risk to life classification given the short warning times available. As shown on Figure 2-7, the risk to life category across the majority of the rezoning area is L2.

There are some isolated pockets of L4 classification. This L4 area is somewhat limited in extent, however, highlights the potential for rapidly enclosing floodwaters in which wading or driving through floodwaters as a means of evacuation may be difficult. Within the rezoning area, the L4 zones are limited to an existing overland flow path through Merewether Street (limited to the existing road corridor) and small areas of the existing rail corridor that are localised depressions in which the depth of inundation is driving the L4 classification (noting depressions likely to be removed by filling). The areas of existing L4 classification would not be expected to have major constraints on corridor redevelopment.



Title:

Life Hazard Categories - 1% AEP Existing Conditions

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3 Flood Planning Controls

3.1 Review of Regulatory Provisions

3.1.1 State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast. SEPP 71 aims for development in the NSW coastal zone to be appropriate and suitably located, in accordance with the principles of the Ecologically Sustainable Development (ESD). The policy provides for: the protection of and improvement to public access compatible with the natural attributes coastal foreshores; and protects and preserves Aboriginal cultural heritage, visual amenities of the coast, the beach environment and amenity, native coastal vegetation, marine environment of New South Wales, and rocky platforms.

The key elements of SEPP 71 with specific reference to flooding and water management constraints for the proposed development include consideration of:

- the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards, and
- the likely impacts of development on the water quality of coastal waterbodies.

3.1.2 The NSW Flood Prone Land Policy and Floodplain Development Manual

The NSW Flood Prone Lands Policy aims to reduce personal and public losses and impacts associated with flooding. The Policy does not attempt to preclude development from the floodplain, but rather, recognises the importance of floodplains for development purposes. The Policy promotes a merit-based approach to floodplain development, wherein all social, economic and ecological consequences are to be considered.

The merit-based approach of the Policy requires a holistic approach by Councils and other consent authorities when prescribing responses and requirements for existing and future development in accordance with the principles of the Floodplain Development Manual (2005). The Manual aims at a fundamental consistency of approach across Councils, and in particular seeks to clarify “the intent ... with respect to the determination of Flood Planning Levels and the consideration of rare floods up to the PMF (which) will reduce the potential for inconsistent interpretation by consent authorities”.

The policy is directed towards providing solutions to existing flooding problems in developed areas and ensuring that new development is compatible with the flood hazard and does not create additional flooding problems in other areas. The Policy and recommendations on how to apply the principles of the Policy are defined in the NSW Government’s Floodplain Development Manual (2005).

The NSW Floodplain Development Manual (2005) presents general principles and a process for flood risk management, to enable councils and associated committees to understand flood behaviour, impacts and risks to communities. The Manual has been prepared to assist councils prepare flood risk plans through a staged floodplain risk management process.

Flood Planning Controls

The Newcastle City-wide Floodplain Risk Management Study and Plan (City-wide Flood Plan) has been developed to direct and co-ordinate the future management of flood prone lands across the City of Newcastle. Development of the City-wide Flood Plan has been guided by the NSW Government's Floodplain Development Manual (2005).

3.1.3 Newcastle LEP (2012)

Local Environmental Plans (LEP) are prepared in accordance with Part 3 Division 4 of the *Environmental Planning and Assessment Act 1979*. The intent of the LEP is to define the legal framework for land use and development by 'zoning' all land. The LEP incorporates standard planning provisions, clauses, definitions and zones into the one document. It identifies standard zones and zone objectives and specifies permitted and prohibited uses in zones, and identifies compulsory and optional provisions.

The Newcastle LEP (2012) does not contain a standard flood clause. It is understood Council negotiated with the Department of Planning and Environment to have no flood clause in its LEP, and instead rely on the Flood Management provisions of Council's adopted Development Control Plan (2012) (refer to Section 3.1.4). These provisions have been preserved in Council's companion revised Newcastle Development Control Plan, which became effective with the LEP gazettal.

In terms of managing coastal hazards, the LEP contains 'Part 5.5. Development within the Coastal Zone', which is a compulsory clause for all LEPs that apply to land within the coastal zone. Part 5.5 sets objectives and matters for consideration by the consent authority prior to granting consent to development on land wholly or partly within the coastal zone. The objectives include implementing the principles of the NSW Coastal, in particular including the objective to "(iv) recognise and accommodate coastal processes and climate change". In this regard, Part 5.5. states that development consent must not be granted unless the consent authority is satisfied that:

"(d) the proposed development will not:

- (i) be significantly affected by coastal hazards, or
- (ii) have a significant impact on coastal hazards, or
- (iii) increase the risk of coastal hazards in relation to any other land."

3.1.4 Newcastle Development Control Plan (2012)

The Newcastle Development Control Plan 2012 (DCP) provides guidelines to Development Applications for assessment by Council. Section 4.01 of Council's DCP addresses flood management, and applies to all development on flood prone land. The DCP aims to apply elements of the Newcastle Flood Policy in relation to proposed future development and provides specific guidelines on development within flood prone land. In particular, the DCP provides guidelines on:

- Development within floodways;
- Development within flood storage areas;

Flood Planning Controls

- Measures to minimise risks to property (linked to the Flood Planning Level);
- Measures to minimise risks to life (in particular, on site refuge for flash flooding only); and
- Riparian zone management and restoration.

The definition of various flood risk categories referred to on the DCP have been determined across the Newcastle LGA within the adopted City-wide Floodplain Risk Management Study and Plan. As noted, the Plan was developed under the guiding principles for floodplain management as outlined in the Floodplain Development Manual (2005). The DCP provisions in conjunction with Council's adopted flood risk mapping (as presented in Section 3 of this report) define the overarching floodplain risk management constraints for the proposed development.

None of the sections within the DCP provide guidance for managing or minimising risks from coastal hazards, in particular, erosion and recession, and coastal inundation with wave overtopping.

Section 4.01 Flood Management details provisions for managing flooding risks to development. While specific provisions for climate change are not given within this DCP section, the definition of "flooding" recognises the contribution of coastal inundation which is defined as "caused by seawater inundation due to king tides, storm surge, barometric effects, shoreline recession, subsidence, the enhanced greenhouse effect or other causes". The DCP does not directly address coastal inundation or climate change. Instead, for coastal inundation and climate change to be managed through these DCP provisions, they would need to be incorporated when determining the flood planning level.

3.2 Development Constraints

Flooding

Section 2 and 3 outline the expected flood conditions at the site for the key flood planning events and the typical classifications used for flood planning in accordance with Council policies. Provided hereunder is a summary of the key flood related development controls appropriate to the proposed development site.

- Flood Planning Level – 2.8m AHD – the flood planning levels for proposed new buildings is expected to be derived from the peak 1% AEP Flood Level from ocean flooding incorporating 0.9m sea level rise allowance and appropriate 0.5m freeboard allowance. This would provide for the minimum occupiable floor levels for proposed developments. Other floor level controls may relate to parking entries/basements etc.
- Flood Classification – the only area classified as floodway in Council's existing mapping (refer to Figure 2-5) in the vicinity of the rezoning area is the extension of the overland flow path along Worth Place. However, there is no floodway area within the proposed rezoning boundary. The remainder of the rezoning area is largely classified as flood fringe. By definition, blockage or filling of this area will not significantly affect the flood pattern or flood levels. This would be demonstrated by appropriate detailed modelling of design development layouts to support future Development Applications.

Flood Planning Controls

- Risk to Life – the high hazard areas within the rezoning area are limited to the existing overland flow path along existing road alignments and localised depressions within the rail corridor (refer to Figure 2-7). It is envisaged that in providing greater connectivity through open space area, there will be the potential to increase the areas of high hazard. Whilst typically not constraining development, given the high flash flood risk, consideration will need to be given to evacuation and emergency response opportunity in these public space areas. It is envisaged this can be achieved through future design phases with opportunity to provide pedestrian access to suitable areas of refuge above the PMF extent and modification of ground levels to remove localised depressions.

For the full suite of development controls, reference should be made to Section 4.01 Flood Management of Councils DCP 2012.

Coastal

Given the proximity of the rezoning area to the Hunter River estuary, the proposal constitutes Development in the Coastal Zone. Provided hereunder is a summary of the key development constraints related to coastal zone management:

- Coastal Processes – the scale and nature of the proposed development is such that it would have insignificant impact on the coastal processes of the broader Hunter River estuary. The works provide for no significant changes to existing overland flow distributions or tidal dynamics of the estuary. The development site is adjacent to the estuarine reaches of Throsby Creek, with the existing shoreline being a hard engineered sea wall. Accordingly there is considered no significant coastal erosion/recession risk to be managed for the development. The site may be impacted upon by coastal flooding, which may be exacerbated by potential climate change influences such as sea level rise. However, existing flood risk policies and appropriate development controls include consideration of the coastal inundation risk.
- Protection of coastal environment – as noted, the development is not expected to have any significant changes in existing flow regimes, however, there is some potential for potential impacts on water quality in the estuary. Again, given the nature and scale of the development, appropriate control of these risks are expected to be effectively managed through development of appropriate stormwater management and erosion/sedimentation control plans for both construction and operational phases of the development. In developing these plans, more detailed consideration of potential pollutant sources will need to be considered including existing contaminated lands and acid sulphate soil areas.

The constraints identified above are expected to be effectively managed through the design phases of the redevelopment through the development of an appropriate flood risk management plan and stormwater/water quality management plan. The local detail of plans will be dependent on the proposed built form environments and accordingly concept plans would be developed through the design process in future planning stages. At this rezoning planning phase it is considered there are no major constraints on the proposed future development from a flooding/stormwater perspective.

4 Consistency with Flood Prone Land Direction

Parts of the land to which the planning proposal applies are affected by flooding. By seeking to change the land use zoning in a Flood Planning Area, and thereby increasing the potential for an increase in flood risk exposure on the land, the proposal needs to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land.

The consistency with the flood planning direction is demonstrated through the preparation of the planning proposal being in accordance with the relevant Newcastle City-wide Floodplain Risk Management Plan, developed on the principles of the NSW Governments Flood Policy and the NSW Floodplain Development Manual. The planning proposal has considered relevant flood planning controls (Section 4.01 Newcastle Development Control Plan 2012) developed as a direct result of the City-wide FRMP.

Any risks associated with higher density development will be effectively dealt with through flood planning development controls at the DA stage. No development in the rezoned areas will be permitted without consent. Accordingly, application of development control policies through the development approval process would provide for appropriate flood planning conditions such as:

- New development which occurs will be developed in such a way as to effectively avoid, minimise, or mitigate the flood risk according to the individual circumstances of each site.
- Physical impacts, brought about by increases to building footprints or the presence of walls and fences which might interfere with overland flows will be effectively dealt with by Council's flood planning controls.
- The requirement for a flood evacuation strategy or a site emergency response flood plan will ensure that no additional risk to life or property occurs in these areas as a result of increased population density.

4.1 Summary of Response to S.117 Direction 4.3 Flood Prone Land

Objectives

(1) The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

- The direction applies. City of Newcastle is responsible for flood prone land.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

- The direction applies. The Planning Proposal seeks to alter a zone that affects flood prone land.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

- Consistent. The Newcastle LEP (2012) does not contain a standard flood clause. It is understood Council negotiated to have no flood clause in its LEP, and instead rely on the Flood Management provisions of Council's adopted Development Control Plan (2012). These provisions are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The Planning Proposal will not alter flood prone land provisions within the DCP2012.

(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

- Inconsistent. The Planning Proposal intends to rezone land from SP2 Infrastructure to B4 Mixed Use. However, the area is generally classified as low risk precinct such that application of appropriate development controls is expected to provide effective flood risk management to enable change in land use without increase in overall flood risk.

(6) A planning proposal must not contain provisions that apply to the flood planning areas which:

(a) permit development in floodway areas,

- Consistent. No parts of the subject lands are located within a floodway area. Further, the planning proposal does not include provisions that permit development to be carried out without development consent. Existing development controls will effectively restrict new residential or commercial development from occurring within floodway zones which would be incompatible with the flood hazard.

(b) permit development that will result in significant flood impacts to other properties,

- Consistent. The planning proposal does not include provisions that permit development to be carried out without development consent. Existing development controls require consideration of potential adverse flood impact in the development assessment process.

(c) permit a significant increase in the development of that land,

- Inconsistent. The rezoning of parcels to B4 Mixed Use provides the opportunity for increased development from the existing rail corridor. However, the area is generally classified as low risk precinct such that application of appropriate development controls is

expected to provide effective flood risk management to enable proposed development yields to be realised without increase in overall flood risk.

(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or

- Consistent. Future redevelopment consistent with the new zoning will be required to satisfy objectives of Councils flood policy objective to reduce the risks and costs of flooding to existing areas.

(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

- Consistent. The planning proposal does not include provisions that permit development to be carried out without development consent.

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

- Consistent. The Planning Proposal will not impose flood related development controls above the residential flood planning level for residential development on land.

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

- Consistent. The flood planning levels adopted by Council are based on the City-wide Floodplain Risk Management Study and Plan (2012) which has been prepared in accordance with the Floodplain Development Manual 2005.`

Consistency

(9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

(a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or

- Applicable. The rezoning proposal has considered provisions and is consistent with Newcastle City-wide Floodplain Risk Management Plan developed under the guiding principles for floodplain management as outlined in the Floodplain Development Manual (2005).

(b) the provisions of the planning proposal that are inconsistent are of minor significance.

- Not applicable

5 References

- BMT WBM (2012) *Newcastle City-wide Floodplain Risk Management Study and Plan*
- Newcastle City Council (2003) *Newcastle Flood Policy*
- Newcastle City Council (2004) *Newcastle Stormwater Management Plan*
- NSW Government (2005) *Floodplain Development Manual*
- Newcastle City Council (2012) *Newcastle Development Control Plan – Section 4.01 Flood Management*
- WBM, 2006. *Throsby Creek and Cottage Creek Flood Study*. Prepared for City of Newcastle.

Appendix A Newcastle DCP Section 4.01 Flood Management



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