

Appendix G10

Statement of Heritage Impact

Environmental Impact Statement

for Alterations and Additions to
St Philip's Christian College,
Cessnock

Project Number: HN000282-A



STATEMENT OF HERITAGE IMPACT ST PHILIP'S CHRISTIAN COLLEGE CESSNOCK

Final 20 / 12 / 2021

REPORT TO: ST PHILIPS CHRISTIAN EDUCATION FOUNDATION LTD
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Executive Summary

Heritage Now Pty Ltd has been engaged by St Philips Christian Education Foundation Ltd to prepare a Statement of Heritage Impact as part of the Environmental Impact Statement for a State Significant Development (SSD) at St Philip's Christian College, Cessnock.

Historical research suggests that the Project Area was used for agriculture and dairying in the past before the St Philip's Christian College was built in the early 2010s.

The site inspection was completed on 31st August 2021 by Crystal Phillips, Heritage Consultant at Heritage Now. The inspection did not identify heritage items, relics, or potential historic archaeological deposit within the Project Area, nor can any of the nearby listings in Nulkaba be seen from the Project Area. There are no proposed impacts to heritage items.

The proposal can proceed with the following recommendations:

Recommendation 1

All on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977*, including the reporting of any archaeological or historic materials, including those suspected to be archaeological or historic. This may be implemented through an onsite induction or other suitable format.

Recommendation 2

In the unlikely event that archaeological, or suspected archaeological material is uncovered during works, then works in that area are to cease and the area cordoned off. The material is to be inspected by a heritage consultant and works in that area are only to recommence once heritage clearance has been gained and/or mitigation and management measures implemented.

Acronyms, Terms and Definitions

Acronym	Definition
EP&A Act	Environmental Planning and Assessment Act
km	kilometres
LEP	Local Environmental Plan
LGA	Local Government Area
m	metres
NSW	New South Wales
OEH	Office of Environment and Heritage, NSW
SoHI	Statement of Heritage Impact
SSD	State Significant Development

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1 Introduction

Heritage Now Pty Ltd has been engaged by St Philips Christian Education Foundation Ltd to prepare a Statement of Heritage Impact as part of the Environmental Impact Statement for a State Significant Development (SSD) at St Philip's Christian College, Cessnock.

1.1 Project Area

The Project Area is located at Lomas Lane, Nulkaba (Lot 1 DP126765, Lot 1 DP744377, Lot 2 DP600895 and Lot 518 DP837571) (Figure 1). It is located 4 km north of the township of Cessnock and is within the Cessnock Local Government Area. The Project Area currently contains several school buildings and related infrastructure in Lot 1 DP126765 with some outbuildings in Lot 518 DP837571.



Figure 1 Project Area

1.2 Project Proposal

The proposal includes the development of the following additional amenities for the school:

- Two additional junior school blocks
- Two additional middle school blocks
- Two additional senior school blocks
- Library
- Admin & Welcome Centre
- Trade Training Centre
- Canteen / Cafe Hub
- Performing Arts Centre
- Two Sports Halls
- Early Learning Centre (Narnia)
- Café
- Boardwalks
- D.A.L.E Support Centre
- Aquatic Centre

1.3 Methodology

This document has been prepared in accordance with the relevant Heritage NSW guidelines, including, but not limited to:

- Assessing Heritage Significance¹
- Statements of Heritage Impact²

This Statement of Heritage Impact includes:

- An overview of the heritage significance of features concerning the project proposal
- What impact the proposed works will have on that significance
- What measures have been proposed to mitigate negative impacts
- Why more sympathetic solutions are not viable

1.4 Authorship

This report has been produced by the Heritage Now Team. The report was written Crystal Phillips (Heritage Consultant), with input from Joven Sanchez (Heritage Officer). Technical input and quality review has been provided by Tessa Boer-Mah Principal Heritage Consultant at Heritage Now.

¹ Heritage Office NSW [now, Heritage NSW], *Assessing Heritage Significance* (Sydney, NSW: Office of Environment and Heritage, 2015).

² Heritage Office NSW [now Heritage NSW], *Statements of Heritage Impact* (Sydney, NSW: Heritage Office NSW, 2002).

2 Historic Context

This section provides the foundation for understanding the history of the region, as well as the Project Area.

2.1 Development of Cessnock

The traditional custodians of the land in the Cessnock Region are the Wonnarua and Darkinjung peoples. There are many significant Aboriginal sites in the wider Cessnock region, including art sites, grinding grooves and artefact scatters. Of particular cultural significance is Mt Yengo, where the creation spirit Baiame jumped into the sky, leaving the mountain with a flattened top.³ Colonisation of the area had a devastating impact on the local Aboriginal people, dispossessing them of their traditional lands. Despite this, Aboriginal culture continues to live on in the region through their descendants as well as the many towns with Aboriginal names such as Kurri Kurri (beginning) and Wollombi (meeting of the waters).⁴

The first non-Aboriginal people to come to the Lower Hunter were surveyors, seeking a land route to the Hunter Valley from Sydney.⁵ This eventually led to the construction of the Great North Road in 1826 using convict labour. The road opened the area up for settlement, with some of the earliest settlers being timber getters who took advantage of the native hardwoods in the area.⁶

One of the first parcels of land in the area that was set aside for a settlement was at Pokolbin (now Nulkaba) in 1829. The Robertson Land Act of 1861 later attracted many new settlers to the Pokolbin/Cessnock area. This led to the establishment of both Anglican and Catholic Churches on the Crown Reserve. The Government laid out the township in 1884, proclaiming it the Village of Pokolbin in 1890. It served as the early administrative centre of the district with land set aside for public buildings, school, police, and cemetery. However, the settlers of the Pokolbin Hills created their own scattered private service hamlet closer to home on the McDonald Road, and the Government Village of Pokolbin was renamed Nulkaba in 1927. The Project Area falls within the suburb of Nulkaba. Over time, Cessnock became the more prominent town, as coal was discovered, and multiple collieries were established there.

A geological survey conducted by Edgeworth David in 1886 determined that there were thick coal deposits throughout the lower Hunter region. The South Maitland Coalfield formed an arc from East Greta to Kurri Kurri and Paxton. Subsequently 12,000 hectares were set aside for coal mining purposes and by 1907 ten collieries were operating on the South Maitland Coalfields.

Coal from the South Maitland Coalfields was essential in providing energy in the early 20th century to power stations, gasworks, and locomotives throughout the whole of NSW.⁷ The collieries also led to the development of private railways connecting to the Great Northern Railway and on to the port of Newcastle.

³ "Local History," Cessnock City Council, 2020, <https://www.cessnock.nsw.gov.au/Council/About-council/Local-history>.

⁴ "Local History"; Penelope Pike, Meredith Walker, and Associates, "City of Cessnock Heritage Study: Historical Context Report" (Cessnock, NSW: Report to Cessnock City Council, 1994).

⁵ Pike, Walker, and Associates, "City of Cessnock Heritage Study: Historical Context Report," 5.

⁶ "Local History."

⁷ Pike, Walker, and Associates, "City of Cessnock Heritage Study: Historical Context Report," 37.

Another important early industry in the Cessnock region was agriculture, in particular viticulture. The earliest known date of viticulture in the region is 1859, when Henry Joseph Bouffier established a vineyard on the northern side of Wollombi Road.⁸ Wine has continued to be a significant industry in the region for over 150 years.

During the first half of the 20th century particularly in the 1950s, many of the collieries of the region closed, which greatly impacted the local communities. It also led to the closure of many railway lines that served the South Maitland Collieries. Following this period there has been a boom in the wine industry in Cessnock and the lower Hunter Valley area. Cessnock is today considered a gateway to many world-renowned vineyards along Wine Country Drive.⁹

2.2 History of the Project Area

The Project Area is situated on Black Creek. Historically the west bank was in the Parish of Pokolbin and the east in Avandale. A Parish map of 1892 indicates that the owner of the Project Area on the western side of Black Creek is William McPhelley. He is still indicated as the original land holder on later maps from 1952 (Figure 2 Figure 1).¹⁰ From an advertisement of stock that McPhelley sold, it can be established that the farm had bullocks, cows, horses, and farming equipment.¹¹ Newspaper articles indicate that McPhelley was a publican and in addition to his farm at Black Creek he ran the Woolpack Inn in West Maitland.¹² With his main business in West Maitland, it is unlikely that this Black Creek was his main place of residence, but more likely land for animals and grazing.

A later article from the *Maitland Mercury* in 1939 indicates that the Project Area continued to be referred to as McPhelley's farm.¹³ Owners after McPhelley included John Doyle, Albert Vile, and D.C.J. Sparke.¹⁴ Vile is said to have settled on this land in 1911, suggesting a home was on the site from at least this time.¹⁵ The Vile's were dairy farmers in the Pokolbin area, and based local oral history the Project Area was used for this purpose for an extended period.¹⁶ An aerial image dated to 1975 shows only a few buildings within the Project Area, and all are in the south west corner near Wine Country Drive (Figure 3), it is unknown if these buildings are as early as 1911, but it is likely that they are later additions.

The St Philip's Christian College, Cessnock began as Hunter Valley Christian College in 1998 and classes were held Allandale Nurses Conference Centre before moving to the former TAFE in

⁸ Pike, Walker, and Associates, 22.

⁹ "Branxton - Greta," Hunter Valley Visitor Information, August 20, 2018, <https://huntervalleyvisitorcentre.com.au/plan-your-visit/explore/branxton-greta/>.

¹⁰ Department of Mines, *Maitland Cessnock Greta Coal Field, New South Wales* (Sydney, NSW: Department of Lands, 1952), <https://collection.sl.nsw.gov.au/record/74Vv3l4RBAJd/D00wMLG5AyMZP>.

¹¹ "Cessnock, Black Creek," *Maitland Mercury and Hunter River General Advertiser*, February 13, 1862, <http://nla.gov.au/nla.news-article18686624>.

¹² "Woolpack Inn," *Maitland Mercury and Hunter River General Advertiser*, October 8, 1853, <http://nla.gov.au/nla.news-article673732>.

¹³ "AN APPRECIATION," *Maitland Daily Mercury*, January 28, 1939, <http://nla.gov.au/nla.news-article126388675>.

¹⁴ "AN APPRECIATION"; "IN MEMORIAM," *Cessnock Eagle and South Maitland Recorder*, March 18, 1938, <http://nla.gov.au/nla.news-article99468211>.

¹⁵ "AN APPRECIATION."

¹⁶ Marie Rigby, *Marie Rigby Née Vile - Pokolbin Resident*. (Cessnock, NSW, 1983), *Voices of the Hunter*, <https://livinghistories.newcastle.edu.au/nodes/view/55873>.

Cessnock in 1999. In 2004, St Philip's Christian College, Newcastle later took over the management of the school and it became known as St Philip's Christian College, Cessnock. The school moved to its present location in Nulkaba in 2013 to accommodate growing numbers, which had grown to 600 students at that time.¹⁷

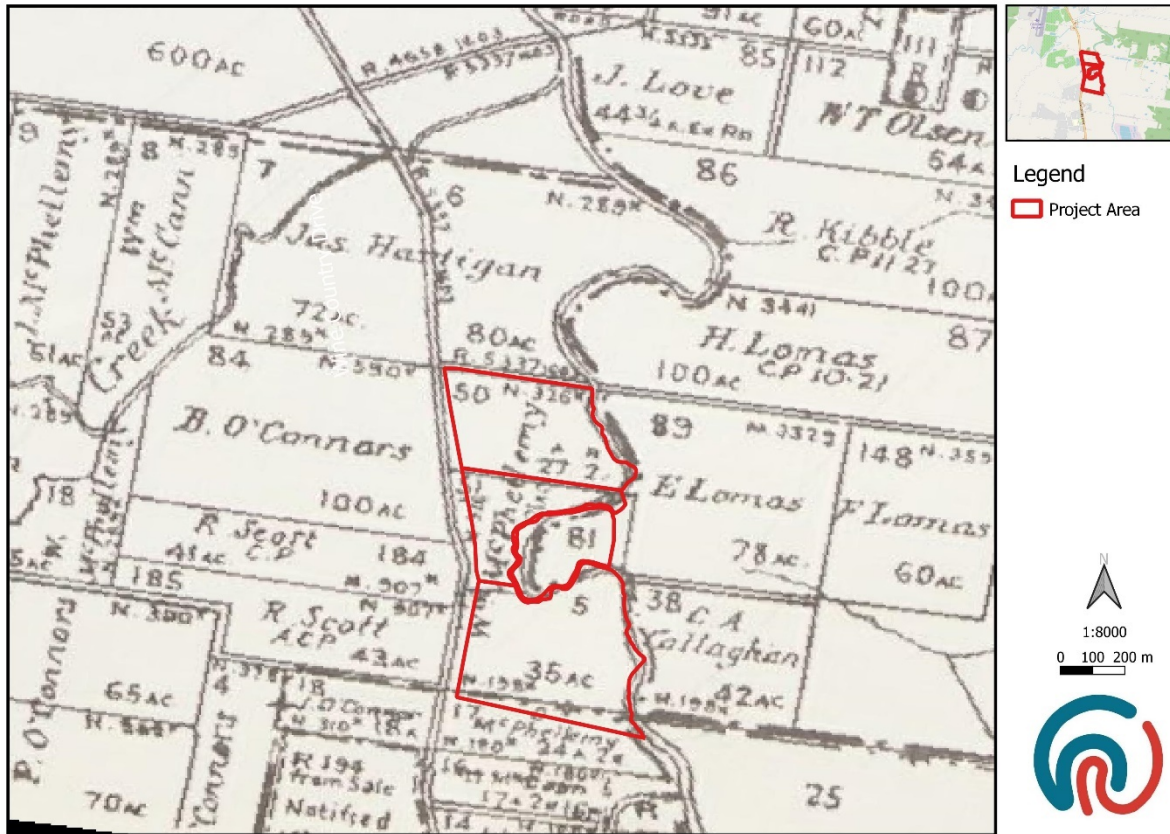


Figure 2 Historic Land Holdings – 1952 Coalfields map¹⁸

¹⁷ Helen Gregory, "New Site for St Philip's at Cessnock," Newcastle Herald, May 2, 2013, <https://www.newcastleherald.com.au/story/1474516/new-site-for-st-philips-at-cessnock/>.

¹⁸ Department of Mines, "Maitland Cessnock Greta Coal Field, New South Wales."



Figure 3 Project Area 1975

2.1 Summary

The Project Area was part of the early subdivisions of the Parish of Pokolbin. The original landowner was William McPhelley who most likely utilised the land for grazing. Early 20th century use of the land is associated with the Vile family and dairy farming. It is unlikely that there are early buildings 20th century buildings present. However, there may be archaeological potential for this period including past building foundations.

3 Legislative Context and Heritage Listing

This section provides a brief overview of the relevant legislation and heritage listings pertaining to the Project Area. The legislative overview is provided solely as contextual information for the proponent and does not constitute legal advice.

3.1 Legislative Context

Non-Indigenous heritage in NSW is protected under the *Heritage Act 1977* (the Heritage Act) and the *Environmental Planning & Assessment Act 1979* (the EP&A Act). The State Heritage Register is maintained under Part 3A of the Heritage Act and comprises a list of places and objects of state significance to the people of NSW. Heritage items may be valued by particular groups in the community, such as Aboriginal communities, religious groups, or people with a common ethnic background. Local heritage items are registered by local councils in accordance with the EP&A Act and listed in Local Environmental Plans (LEPs), as well as on the State Heritage Inventory.

Archaeological material is protected under the relics provision of the Heritage Act 1977, it includes any deposit, artefact, or material evidence that:

- a. *Related to the settlement of the area that comprises New South Wales, not being of Aboriginal settlement, and*
- b. *Is of State or local significance*

Items that do not meet these criteria are known as ‘moveable objects’ or ‘works’. Moveable objects are defined simply as items that are not relics; works can refer to past evidence of infrastructure that is buried and therefore archaeological in nature. Examples of works may include but are not limited to former road surfaces or infrastructure associated with rail or trams. Exposure of such items does not trigger the reporting obligations under the relics provisions of the Heritage Act (Division 9).

Section 57 and Section 60 of the Heritage Act state that exemptions or permits may be required when undertaking works or excavating within the curtilage of a State Heritage Register item and applies to places, buildings, works, relics, moveable objects, precincts, or land within the Proposal. Where works are minor in nature and will have minimal impact on the heritage significance of a place, a Section 57 exemption may be granted (exemptions were recently updated in December 2020).

If works are not exempt under Section 57, a permit under Section 60 would be required to carry out activities to an item listed on the State Heritage Register. This includes built and ground disturbance in areas that is likely to contain archaeological material.

Section 139 and 140 of the Heritage Act state that an excavation permit is required in certain circumstances, including where there is reasonable cause to suspect that a relic (not listed on an Interim Heritage Order or the State Heritage Register) may be discovered, exposed, moved or damaged, or where a relic has already been discovered or exposed. The Heritage Council may issue exceptions to this section where an archaeological assessment approved by the Heritage Council has indicated that there is little potential for relics to occur.

3.2 Heritage Listings and other Relevant Instruments and Guidelines

Items of world heritage are listed on the World Heritage List and is administered by the United Nations Educational, Scientific and Cultural Organisation. Items of national significance are listed on the National Heritage List is administered by the Australian Heritage Council under the *Australian Heritage Council Act 2003* and in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*.

The State Heritage Register contains items of state heritage significance and is administered by the NSW Heritage Council under the *NSW Heritage Act 1977*.

Items of local significance are protected under Local Environmental Plans (LEPs), in this case the Cessnock LEP.

All heritage registers/listings were searched, and results summarised in Table 1.

There are no heritage listed items in the Project Area. The closest heritage item to the Project Area is Potters Brewery, over 350 m away (Figure 4). A summary of nearby heritage items in Nulkaba is summarised in Table 2.

Table 1 Heritage Listing Search Results for the Project Area

Listing	Result
World Heritage	0
National Heritage	0
State Heritage	0
Local Heritage	0

Table 2 Heritage Listings within or near the Project Area

Listing Type	Item	Item no.	Significance	Spatial Relation to Project Area
LEP	Potters Brewery	I155	Local	380 m south of Project Area
LEP	Nulkaba Public School	I156	Local	950 m south of Project Area
LEP	St Patrick's Roman Catholic Church Group	I158	Local	1.4 km south of Project Area
LEP	Cessnock General Cemetery	I79	Local	1.5 km south of Project Area

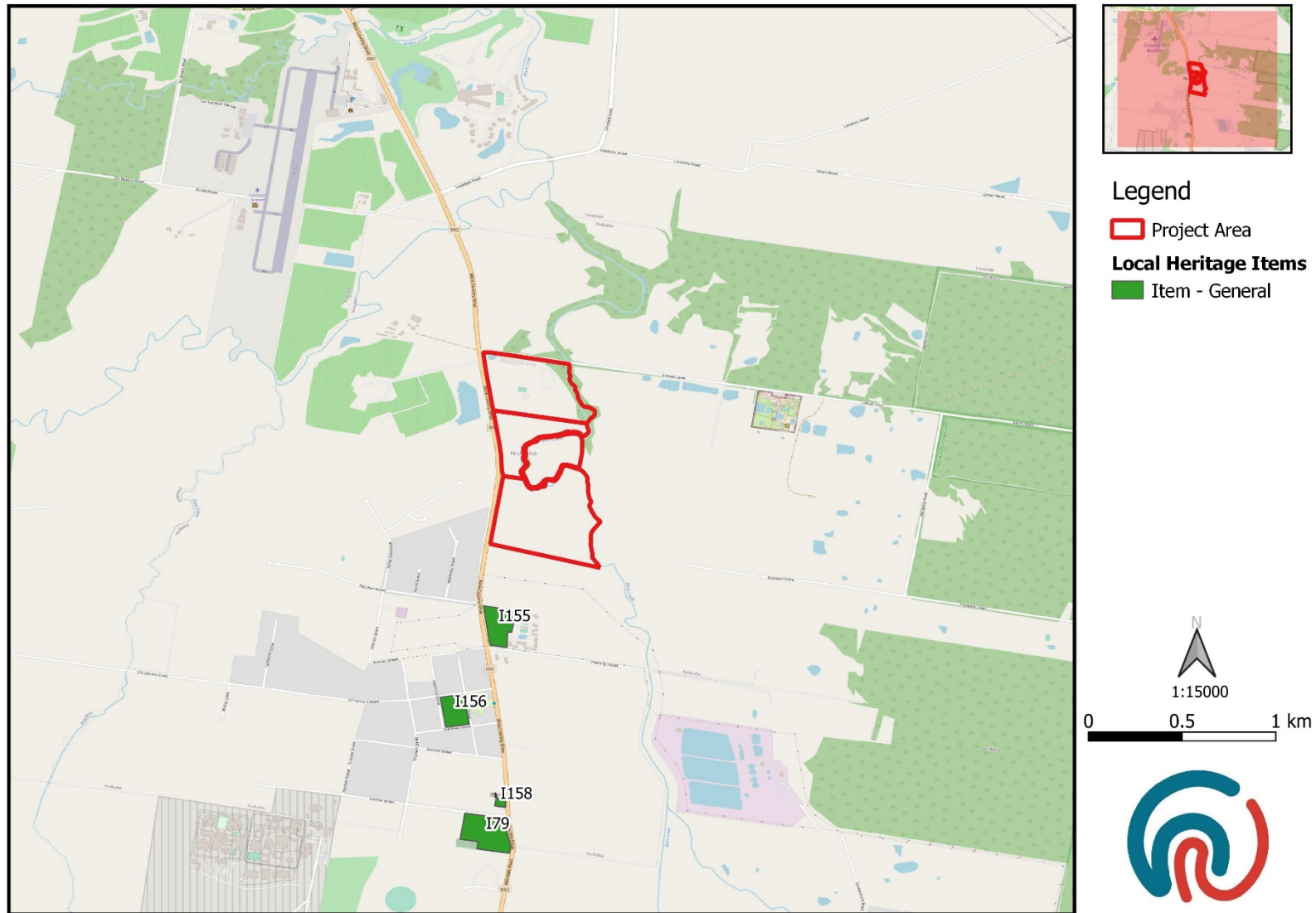


Figure 4 Heritage Listings Map

3.3 Summary

There are no heritage listed items in the Project Area and the closest heritage item is 380 m south of the Project Area.

4 Site Visit and Physical Assessment

The assessment was completed by Crystal Phillips on 31st of August 2021. The purpose of the visit was to determine if there were any items of heritage significance within the Project Area as well as if there are any significant vistas to heritage items from the Project Area.

4.1 Project Area

The present buildings within the Project Area are modern and relate to the construction of St Philip's Christian College in the 2010s (Plate 1, Plate 2, Plate 3). The main exception is the sheds in the southern portion of the Project Area, which likely relate to the previous rural use of the property (Plate 4). However, they are not of heritage significance.

There are a number of plantings along the west boundary facing Wine Country Drive. However, none of these plantings are of historic significance (Plate 5).

The existing DALE Centre south of the Junior and Senior Campus, parallel to Wine Country Drive is also modern (Plate 5). The main campus can be seen from this location, as well as the sheds in the south west corner. The proposed location of the new building is immediately south and currently undeveloped (Plate 6).

The proposed location of the Aquatic Centre is south of the DALE Centre. It is set apart from the existing and other proposed buildings (Plate 8, Plate 9). No heritage items can be seen from this location.

There are several existing sports fields in the west part of the Project Area. These areas provide views to the surrounding creek and bushland (Plate 10, Plate 11). Some houses can be seen to the south through the trees, but no heritage items can be seen from the sports fields.

Throughout the Project Area, there was no indication of archaeological structures or relics associated with historical use of the land in the 19th and 20th centuries.

4.2 Streetscape

The Project Area is in a rural setting, with surrounding bushland, particularly to the east of the Project Area (Plate 12). To the west, there are modern houses as well as views of mountain ranges (Plate 13, Plate 14).

The historical town of Nulkaba is south of the Project Area but cannot be seen from the Project Area. The closest heritage item associated with this settlement is the Potters Brewery.

4.3 Summary

The Project Area contains modern buildings related to the construction and use of the land for the St Philips Christian College. No archaeological evidence of past land use associated with the 19th and early 20th Century development of Pokolbin and use of the land for dairying was identified during the site inspection.

5 Assessment of Heritage Impact and Mitigation

This section provides an overview of significance, impact assessment and mitigation. The impact assessment has included the consideration of enhancement and detrimental impact to heritage item/s, as well as alternatives according to Heritage NSW's guideline *Statements of Heritage Impact*.

5.1 The Proposal

The proposal includes the development of the following additional amenities for the school:

- Two additional junior school blocks
- Two additional middle school blocks
- Two additional senior school blocks
- Library
- Admin & Welcome Centre
- Trade Training Centre
- Canteen / Cafe Hub
- Performing Arts Centre
- Two Sports Halls
- Café
- Boardwalks
- Early Learning Centre (Narnia)*
- D.A.L.E Support Centre*
- Aquatic Centre*

The first 12 items in this list (no asterisk) will be constructed in areas that have been previously disturbed by construction of the existing school and associated infrastructure. The new Narnia and D.A.L.E buildings are in areas that are less disturbed. Ground surface disturbance will include the footings of the new buildings, as well as the associated services. The Aquatic Centre will have a greater depth of impact, as well as needing associated services. The extent of the Proposal is shown in Figure 5, Figure 6 and Figure 7.

5.2 Statement of Heritage Impact

No items of heritage significance and no relics or evidence for archaeological deposit were observed during inspection. This is also supported by the information in the historical and archaeological background. Whilst there will be below ground disturbances, there are no indications that this will impact archaeological deposit. There are no heritage items within the Project Area and there will be no visual impacts to surrounding heritage items, as they cannot be seen from the Project Area.

5.3 Mitigation Measures

The following general mitigation strategies should be implemented for this Project:

A heritage induction is to be provided to all on-site personnel undertaking construction works so that they understand their obligations for protecting heritage under the *Heritage Act 1977*, which includes the reporting of archaeological or suspected archaeological material.

In the unlikely event archaeological, or suspected archaeological material is uncovered during works, then works in that area are to cease and the area cordoned off. The material is to be inspected by a heritage consultant and works in that area are only to recommence once heritage clearance has been gained and/or mitigation and management measures implemented.

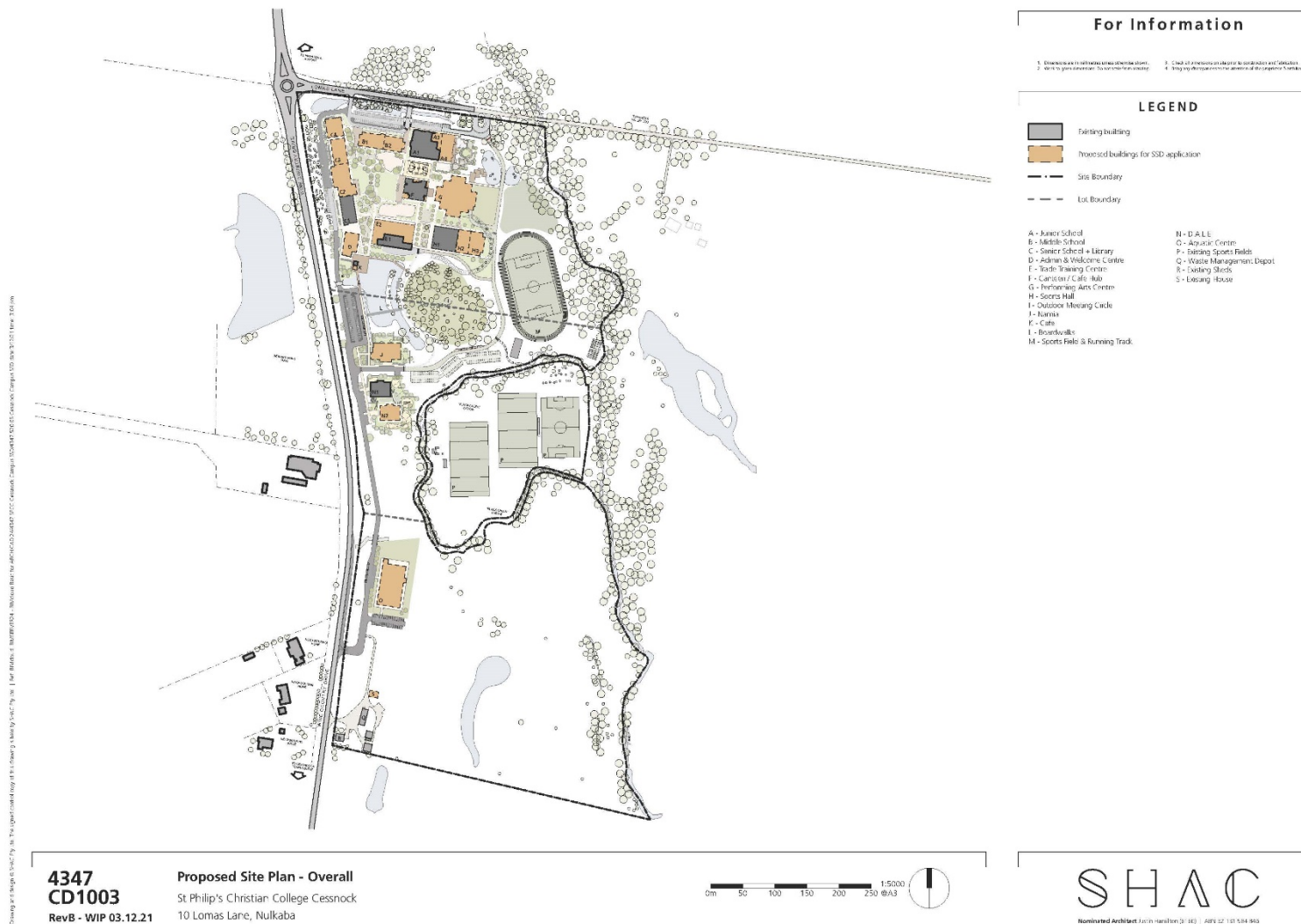


Figure 5 Project Proposal overview (supplied by client)

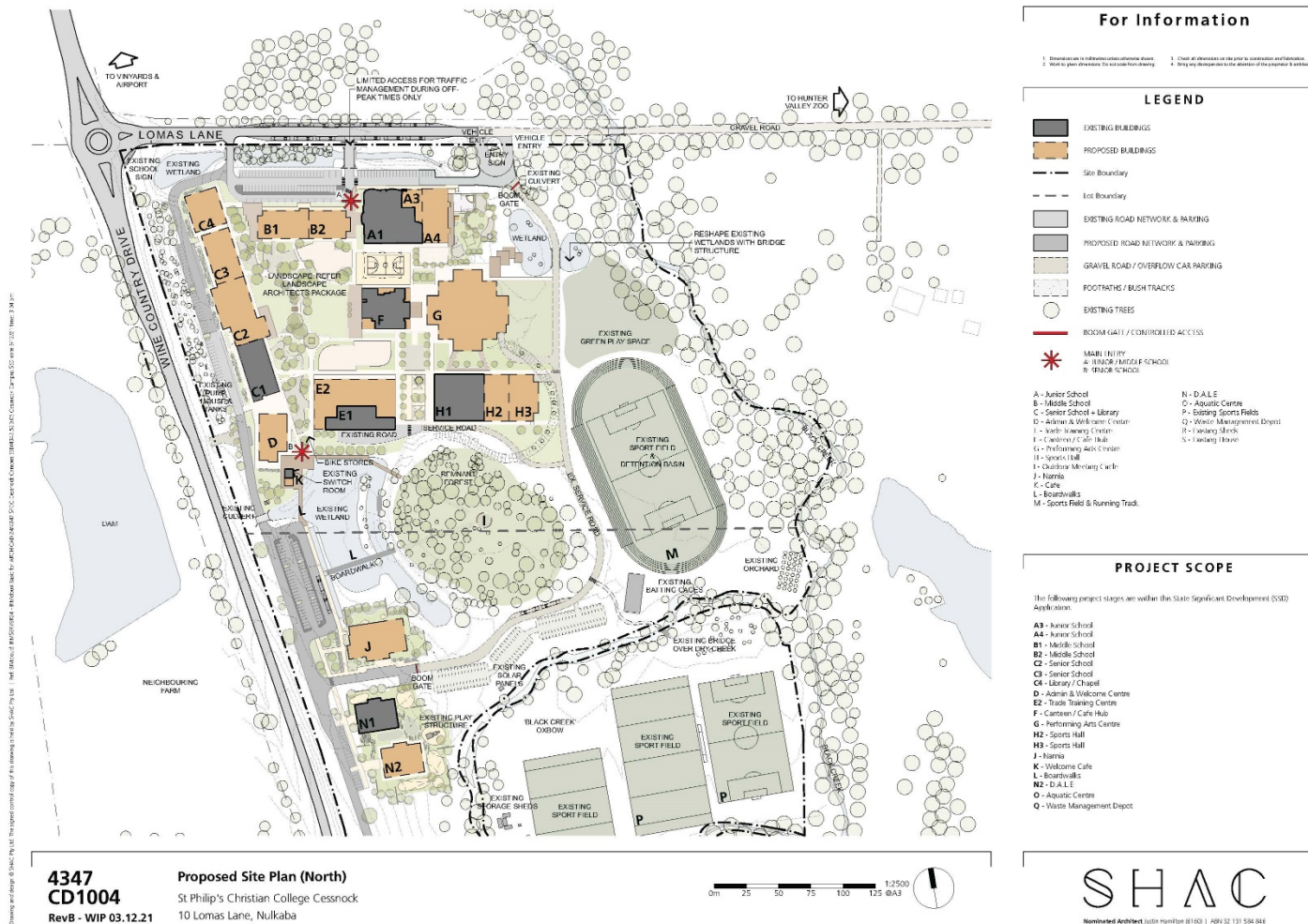


Figure 6 Project Proposal, development in north half of Project Area (supplied by client)

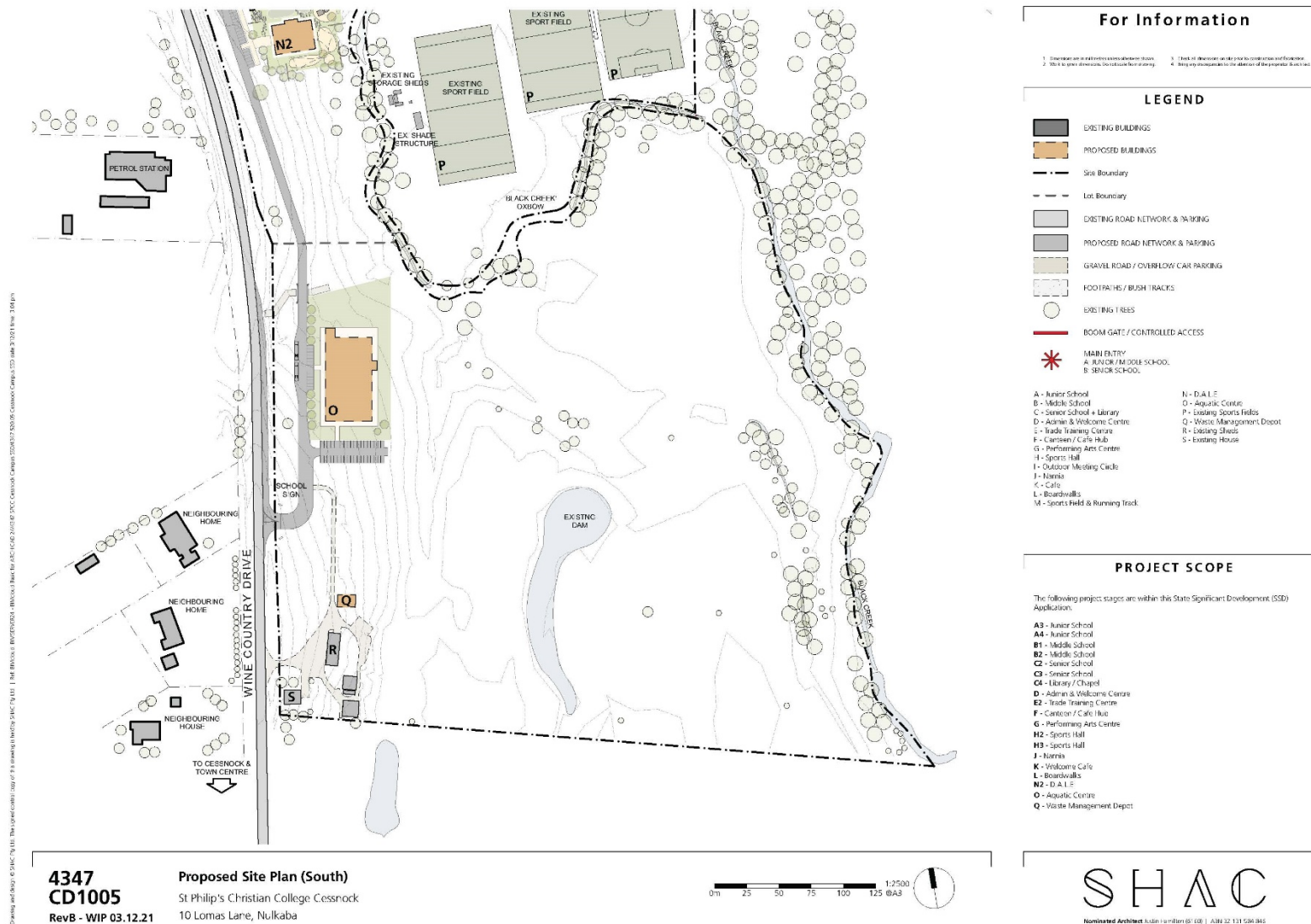


Figure 7 Project Proposal, development in south half of Project Area (supplied by client)

6 Conclusions and Recommendations

Historical research suggests that the Project Area was used for agriculture and dairying in the past. The site inspection did not identify heritage items, relics, or potential historic archaeological deposit within the Project Area.

The proposal can proceed with the following recommendations:

Recommendation 1

All on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977*, including the reporting of any archaeological or historic materials, including those suspected to be archaeological or historic. This may be implemented through an onsite induction or other suitable format.

Recommendation 2

In the unlikely event that archaeological, or suspected archaeological material is uncovered during works, then works in that area are to cease and the area cordoned off. The material is to be inspected by a heritage consultant and works in that area are only to recommence once heritage clearance has been gained and/or mitigation and management measures implemented.

7 References

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8 Plates



Plate 1 Modern Junior School building, view to east



Plate 2 Modern buildings at St Philip's, view to the north



Plate 3 Modern Senior School building, view to west



Plate 4 Shed at southern end of property, likely predating the construction of the school



Plate 5 Tree Plantings along Wine Country Drive



Plate 6 DALE Centre, view to north west, proposed location of new Narnia is to the north, (Senior Campus in background)



Plate 7 Proposed location of new DALE Centre



Plate 8 View from sheds to the north, proposed location of Aquatic Centre to the left



Plate 9 Proposed location of Aquatic Centre, view to south west



Plate 10 Sports oval, view to north east, Black Creek located along tree line



Plate 11 Sporting fields, view to south



Plate 12 View from rear of Junior School building to east



Plate 13 Modern houses along Wine Country Drive



Plate 14 View to the west, mountain range in background